

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.

108

No. A-267861

REPORTERS' DAILY TRANSCRIPT

Tuesday, July 6, 1971

VOLUME 8APPEARANCES:

For the People:

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

For Defendant Manson: IRVING A. KANAREK, Esq.

COPY

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

1 LOS ANGELES, CALIFORNIA, TUESDAY, JULY 6, 1971

10:10 A.M.

2 - - - -

3
4 THE COURT: Case of People vs. Manson.

5 Mr. Kanarek is present. Mr. Manson. And Mr.
6 Manzella.

7 Gentlemen, the Clerk has told me that one of the
8 jurors has sustained a fractured leg and is currently in the
9 hospital in a cast. And she's asking to be excused and it
10 seems reasonable. And her name is what?

11 THE CLERK: Maurice Prince.

12 THE COURT: Maurice Prince.

13 May she be excused?

14 MR. MANZELLA: Yes.

15 MR. KANAREK: Yes.

16 THE COURT: She's on the phone now. You may inform
17 her that she is excused. Thank you, gentlemen.

18 (Whereupon, there was a pause in the proceedings
19 while the Judge stepped down from the bench and went into
20 his chambers.)

21
22 VOIR DIRE EXAMINATION OF

23 ELINOR SCANLON

24 BY THE COURT:

25 Q Your name, please?

26 A Elinor Scanlon.

27 Q Mrs. Scanlon, were you present during the Court's
28 explanation of the nature of this case and did you hear the

1 questions that I put to the prospective juror?

2 A Yes, sir, I did.

3 Q Would your answers be in any way different from
4 his in regard to the questions of a general nature?

5 A No, sir.

6 Q All right. Would it be a hardship, Mrs. Scanlon,
7 for you to serve in this case?

8 A No, sir.

9 Q It would not inconvenience you greatly personally,
10 nor would it be any financial hardship, am I correct?

11 A Yes.

12 Q Have you had jury duty before?

13 A No, sir.

14 Q This is your first tour of jury duty?

15 A Yes.

16 Q And you never served on any kind of jury case?

17 A No, sir.

18 Q Are you employed?

19 A No, sir.

20 Q Is there a Mr. Scanlon?

21 A No, I am a widow.

22 Q What type of work did Mr. Scanlon do?

23 A Insurance.

24 Q Were you ever connected in any way with law
25 enforcement or do you know any person who is in law enforce-
26 ment or related to anyone who is in law enforcement?

27 A No, sir. No, sir.

28 Q What general area do you reside?

1 A The central area, Wilshire District.

2 Q In respect to the death penalty, do you have such
3 views concerning it that you could not thereby be impartial
4 in determining the question of guilt or innocence?

5 A No, sir.

6 Q Or are your views concerning the death penalty
7 such, Mrs. Scanlon, that you would automatically refuse to
8 impose it in any case?

9 A No, sir.

10 Q Or would you, conversely, automatically impose
11 the death penalty on any conviction of murder of the first
12 degree regardless of the evidence?

13 A Why, I'd have to hear all of the evidence.

14 Q You would view the evidence?

15 A Yes.

16 Q Now, let me ask you about what you may have heard,
17 seen or read concerning Mr. Manson before you were called into
18 this courtroom.

19 Had you ever heard, seen -- had you ever heard
20 or seen his name before?

21 A Oh, yes, sir, at first, a long time ago. But I
22 read so little about it and nothing about this case at all.

23 Q You've heard nothing, whatever, about this
24 so-called Shea-Hinman --

25 A Just some comment or excerpt from the -- over the
26 television or radio. I hadn't heard a thing about it.

27 Q Can you remember any of the details?

28 A No, sir. Just what I heard the other day here.

2 fls.

2-1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Q Did you follow that Tate-La Bianca case --

A No.

Q -- in the press, radio or television?

A No, sir.

Q Do you know the results of it, incidentally? Do you know what the jury found and what penalty they returned?

A I think it was guilty. I don't --

Q And do you know the penalty that the jury found?

A I think it was a first degree.

Q Yes, it was first degree. But do you remember the penalty?

A No, sir.

Q Do you know the name Susan Atkins?

A I've heard that name.

Q Do you know in what regard you've heard it?

A In regard -- well, with Mr. Manson.

Q Yes. Well, was Susan Atkins --

A An accomplice or something, yes.

Q Is that it? Is that your best recollection?

A Yes, sir.

Q Do you know the name Steven Grogan?

A No, sir.

Q Or Bruce Davis? Have you ever heard, seen or read that name?

A No, sir.

Q Before you came in here, you stated that you have heard the name Gary Hinman? Is that correct?

A Oh, yes, I've heard that.

1 All right. In what connection have you heard
2 that?

3 A On the television or radio.

4 Q And what have you heard about that?

5 A I really don't remember. I --

6 Q Shorty Shea?

7 A No.

8 Q Mary Brunner?

9 A No.

10 Q Bobby Beausoleil?

11 A No, I didn't read any of it.

12 Q What do you know about the term Manson Family?

13 A Oh, they're followers of his, I believe.

14 Q And the Spahn Ranch?

15 A Is that the one at Topanga Canyon? I don't know.

16 Q Is that your best remembrance?

17 A I think so, yes, sir.

18 Q What newspaper did you read during the course of
19 that Tate-La Bianca trial?

20 A The Examiner.

21 Q And you subscribe to that?

22 A Yes, for sometime. And then, I buy it. I'm not
23 taking it now.

24 Q Did you look at television regularly?

25 A Just when the news came on, pertaining to this.

26 Q I see. Well, when it did come on, did you look
27 at it?

28 A Yes. Yes, sir.

1 Q Now, if I were to instruct you that you were to
2 set aside whatever opinions you might have formed from what
3 you may have heard, seen or read, if I were to instruct
4 you to set aside anything that you may have heard, seen or
5 read -- not forget, but set it aside for the purpose of
6 making some judgments that you would be called upon to make
7 in this case -- could you set aside those opinions and those
8 bits of information that you may have heard, seen or read?

9 A Yes.

10 Q Do you think you are objective enough and firm
11 enough in your mind to be able to set those aside, to be
12 independent in making a judgment concerning --

13 A Yes, sir.

14 Q -- this case? Do you understand that it would be
15 extremely unfair to Mr. Manson, if I were to accept your word,
16 and you were unable to do that? Unable to set aside what you
17 may have heard, seen or read in making the judgment concerning
18 this case?

19 A I understand.

20 Q And do you honestly feel that you can temporarily
21 set aside anything that you may have heard, seen or read in
22 the press, over television or over radio, for the purpose of
23 deciding any issue in this case?

24 A Yes, sir.

25 Q In addition to your telling me that you can do
26 that, I must ask you whether you will do that? Will you do
27 that?

28 A I have to.

1 Q Why do you say that, that you have to?

2 A Well, I'm honest. I don't lie.

3 Q You believe then that you -- not only that you can,
4 but that you will do so?

5 A Yes, sir.

6 Q And do you believe that you can be fair and
7 impartial in deciding any issue that may be presented to you
8 in this case, regardless of what it may be?

9 A Yes, sir. Very difficult; very difficult.
10 Dreadful. I wouldn't like it.

11 Q But you are convinced in your own mind, aren't
12 you -- or, are you convinced in your own mind that, whatever
13 you may have heard, seen or read through any of the news
14 media, you can set aside for the purpose of making such a
15 decision?

2a fls.

16 A Yes, sir. I read so very little about any of it.
17
18
19
20
21
22
23
24
25
26
27
28

2a-1

1 Q Regardless of what you read, or heard or saw,
2 whatever it may be --

3 A Um-hmm.

4 Q -- what I am interested in knowing is whether or not
5 you are capable of setting it aside and being objective in
6 deciding any issue in this case.

7 A Yes, sir.

8 Q What is your feeling about your state of mind in
9 that regard?

10 A Well, I -- I would just have to take the evidence
11 as I saw it, and do the best I can.

12 Q Can you and will you set aside that publicity?

13 A Yes, sir.

14 THE COURT: Mr. Kanarek?

15 MR. KANAREK: Yes. Thank you.

16
17 BY MR. KANAREK:

18 Q Mrs. Scanlon, what did you mean, when you said,
19 "Very difficult, very difficult. Dreadful. I don't like it."

20 A I wouldn't like to convict anybody. But if I had
21 to, and the evidence is there, and taking an oath, I would have
22 to do it.

23 Q And you certainly -- your intent is to follow the
24 Court's order, as far as putting aside what you may have heard;
25 right?

26 A Yes, sir.

27 Q And -- well, would you tell me, your state of mind
28 is that Mr. Manson has been convicted of murder and got the

1 death penalty?

2 A Yes, sir.

3 Q Now, you would certainly intend not to use that
4 information during this trial; right?

5 A Pardon?

6 Q You would intend not to use that information --

7 A Oh, yes, yes.

8 Q But not having experienced it, is it a fair state-
9 ment that many times we intend to do something, like we might
10 intend to do a certain job of work, but it's a far cry between
11 the intent to do it and actually doing it; right?

12 A Yes, sir.

13 Q So is it a fair statement that even though you
14 would intend, certainly, you really don't know what -- what
15 will occur here, as to whether or not you could do it?

16 A I said I would have to do it.

17 Q Well, but what I am saying is: There are many
18 things that -- we've agreed that there are many things that
19 we think that we have to do, intend to do, but somehow or
20 other, we never actually do them; right? Are we of a mind on
21 that?

22 A Yes. This is far too serious to -- to take it that
23 way.

24 Q Pardon?

25 A I think this situation is far too serious to
26 take it that way, whether you can or cannot.

27 Q What do you mean by that, Mrs. Scanlon?

28 A Well, if I felt the evidence warranted it, I would
have to vote guilty.

3-1

1 Q Yes, but my question now is in connection with
2 matters that you heard before you came to the courtroom, the
3 publicity.

4 A Uh-huh.

5 Q Such as the result of the Tate-La Bianca case.

6 A Uh-huh.

7 Q My question is: Certainly we are of the mind,
8 like we say, that we intend -- we intend not to use this
9 information, right?

10 A Uh-huh.

11 Q Is that correct? You intend not to?

12 A Oh, yes, yes.

13 Q But is it a fair statement you don't know for
14 sure because you just haven't experienced --

15 A I read so little about any of it, I couldn't --
16 I didn't remember all those names excepting the main --
17 Mr. Manson.

18 Q But you know about the result?

19 A Yes, I heard that.

20 Q Have you ever heard of Sharon Tate?

21 A Yes.

22 Q What did you hear concerning Sharon Tate?

23 A Well, she was an accomplice of Mr. Manson. I
24 mean -- I mean, she was the girl who was --

25 Q She was the what?

26 A She was the girl who was murdered.

27 Q How do you know she was murdered?

28 A Oh, well, you heard it every time you turned

3-2

1 around, the television, the radio, the headlines in the
2 paper.

3 Q And so your state of mind is that Mr. Manson has
4 been convicted of a murder?

5 A Yes, sir.

6 Q And that he got the death sentence?

7 A Yes, sir.

8 Q And so my question is: Then, knowing this --

9 A Uh-huh.

10 Q -- and not having experienced certainly this, in
11 a courtroom -- you've never been on a jury before?

12 A No.

13 Q That -- is there some -- something about that that
14 is of such a nature you don't know for sure whether you could
15 put aside that information?

16 A Well, that case had nothing to do with this one.

17 Q Well, what if it should come to pass that that
18 case, information, that very information, information
19 concerning Sharon Tate, is presented to you in this case, that
20 Mr. Manson has been convicted of that murder, say that it
21 takes place in this case; what would be your state of mind
22 in that regard?

23 THE COURT: Well, you needn't answer that. You're
24 asking her to judge what weight she will assign to a piece
25 of evidence introduced in this case.

26 MR. KANAREK: No, not the weight.

27 THE COURT: Well, make your question more clear, then.

28 Q BY MR. KANAREK: Directing your attention to that

3-3

1 information we've spoken of --

2 A Uh-huh.

3 Q -- concerning Sharon Tate and Mr. Manson.

4 And, say, it comes to pass that that's presented
5 to you in this trial.

6 A Uh-huh.

7 Q And having in mind what you heard concerning the
8 publicity, we just don't know what effect that will have upon
9 you; is that right?

10 A Could be, could be.

11 Q That we don't know?

12 A No.

13 MR. KANAREK: 1073, Subsection 2, your Honor.

14 THE COURT: People?

15 MR. MANZELLA: With regard to questions, your Honor?

16 THE COURT: Yes. Do you have any questions?

17 At this time, the Court will ask her a question
18 or two.

19 BY THE COURT:

20 Q Take the last question that Mr. Kanarek put to you.
21 Do you have it in mind?

22 A Yes, sir.

23 Q Would you be able to distinguish between what
24 you have heard, seen or read outside of this courtroom and
25 what is produced as evidence in this courtroom; could you
26 do that in your mind?

27 A In this courtroom here?

28 Q Yes.

3-4

1 A What --

2 Would you restate that again, please?

3 Q Well, could you distinguish in your mind between
4 what you had heard, seen or read outside of this courtroom
5 previous to this trial, from the press, television or
6 radio, and what is produced here from the witness stand and
7 in this courtroom during the course of the trial by way of
8 evidence?

9 MR. KANAREK: If I may, your Honor, I don't think
10 that's the test. I respectfully object. It isn't the
11 distinction that's material.

12 THE COURT: What were you asking her?

13 MR. KANAREK: No, not the distinction.

14 THE COURT: Restate Mr. Kanarek's last question to her,
15 please.

16 Would you read that?

17 (Whereupon, the last question and answer
18 were read by the reporter as follows:

19 "Q And having in mind what you heard
20 concerning the publicity, we just don't know what
21 effect that will have upon you; is that right?

22 "A Could be, could be.

23 "Q That we don't know?

24 "A No.")

25 BY THE COURT:

26 Q Mr. Kanarek's question was supposing -- just
27 giving you the gist of it. I'm not sure you understood, and
28 that's what I want to find out.

1 That there are matters that are presented here,
2 as -- by way of evidence which you also heard about outside
3 through the publicity media.

4 A You mean the Tate case?

5 Q Yes, ma'am. Or this case.

6 A Well, this case is the thing that I would be
7 concerned about.

8 Q Well, let's see if you follow me.

9 Oh, I'm going to grant the challenge. The Court
10 grants the challenge.

11 MR. KANAREK: Thank you. Thank you.

12 THE COURT: And excuses you, Mrs. Scanlon. Thank you.

13 Do you have any time left?

14 JUROR NO. 11: Pardon?

15 THE COURT: Do you have any time left on jury duty?

16 JUROR NO. 11: Oh, yes.

17 THE COURT: Report to Room 253 this morning, would you,
18 please? Thank you very much for being here.

19 MR. KANAREK: Thank you very much, Mrs. Scanlon.

20 (Whereupon, there was a pause in the proceedings
21 while unrelated matters were called and heard before
22 the Court.)
23
24
25
26
27
28

4 fls.

4-1

1 THE COURT: Mr. Kanarek?

2 Mr. Manson's present. Mr. Kanarek?

3 Call another juror in place of Mrs. Scanlon.

4 THE CLERK: Mrs. Patricia Brander, B-r-a-n-d-e-r.

5 VOIR DIRE EXAMINATION

6 OF MRS. PATRICIA BRANDER

7 BY THE COURT:

8 Q Mrs. Brander, you would be prospective -- you are
9 prospective juror No. 11 at this time. I would like to ask you
10 whether or not you were present when the Court explained the
11 nature of this case to the prospective jurors, and when the
12 Court was questioning a prospective juror, Mr. Fujimoto?

13 A Yes, I was, sir.

14 Q And would your answers be any different than the
15 majority of answers that the juror gave -- or, would your
16 answers be any different than his answers to the questions of
17 a general nature that were put to him by the Court?

18 A No.

19 Q Would it be a hardship to you to serve in this
20 trial?

21 A Yes, it would.

22 Q In what way?

23 A I have a step-daughter who is confined to a wheel
24 chair. And someone needs to be with her. Right now, my
25 children can stay, but when school starts, there is no one.

26 Q In other words, once school starts, she will be
27 alone?
28

1 A Yes, sir.

2 Q How long have you had her care?

3 A Oh, 21 years.

4 Q How old is she?

5 A She's 35.

6 Q Is there no one whom you could find to take care
7 of her for the period of time that you would be on jury duty
8 here?

9 A Well, not that I know of. I have a lady who helps
10 me twice a week, but she would not be available. I would need
11 to interview -- it takes some specialized care, in how to
12 handle her.

13 Q You have children now who are taking care of her?

14 A Yes.

15 Q How old are those children?

16 A 16 and 18.

17 THE COURT: Gentlemen?

18 MR. MANZELLA: The People would stipulate it constitutes
19 a hardship, your Honor.

20 MR. KANAREK: Stipulate, your Honor.

21 THE COURT: All right. The Court finds that this would
22 be a personal hardship, which you shouldn't be required to
23 endure; and therefore, the Court will excuse you. But first,
24 I would like to ask you this, though.

25 Q Are you financially situated so that it wouldn't
26 be a measurable sacrifice for you to retain somebody, to hire
27 somebody to do this?

28 A Yes. It would merely be a problem of finding

1 someone.

2 Q You have no one in mind whom you --

3 A No. No, this -- the one woman I have has been
4 with me for many years. But she works for other people also.

5 Q I see. And would you be financially able to do
6 that, without --

7 A I would have to ask my husband.

8 Q -- without too great a burden?

9 A It would depend. Usually, it's about \$20 a day,
10 and that's some burden.

11 MR. KANAREK: I would make a motion that the County pay
12 it, your Honor. If the Court -- I make a motion that the Court
13 -- we have made this point to the Court before, and --

14 Q BY THE COURT: Had you previously done anything
15 like this, retained anyone or hired anyone for any long period
16 of time to care for her?

17 A No.

18 Q You've always had her care?

19 A Yes.

20 Q Would you be of such a mind that you might be
21 so concerned about her that you couldn't properly concentrate
22 on the evidence in this case, if she were left in some
23 stranger's hands?

24 A No, no.

25 Q Do you think you could devote your attention to
26 the case, could you?

27 A Probably, yes.

28 Q Do you wish to inquire of your husband, to see

1 -- this evening, or --

2 A Well, my husband is out of town. He will be back
3 on Friday.

4 Q And before that time, you couldn't answer as to
5 whether or not your family would be able to properly afford
6 this --

7 A Well, he would be unhappy, I can assure you of
8 that. But I couldn't tell you, honestly.

5-1

1 Q And I take it that it would be, therefore, a
2 substantial burden?

3 A Well, it is substantial, yes.

4 THE COURT: All right, I'll excuse you, then, Mrs.
5 Brander. The Court believes that you shouldn't have to
6 suffer that burden.

7 The motion to have the County pay the -- pay her
8 for the care of the stepdaughter is denied.

9 MR. KANAREK: Thank you, Mrs. Brander.

10 THE COURT: Call two names, will you, so we can have
11 one on standby.

12 THE CLERK: Mrs. Penelope Walker, P-e-n-e-l-o-p-e,
13 W-a-l-k-e-r.

14 Mrs. Arnetta M. White, A-r-n-e-t-t-a, W-h-i-t-e.

15
16 VOIR DIRE EXAMINATION OF

17 MRS. PENELOPE WALKER

18 BY THE COURT:

19 Q Mrs. Walker, you are prospective juror No. 11.

20 We would like to ask you whether you were present
21 when the Court explained the nature of this case to these
22 prospective jurors and questioned the prospective jurors?

23 A Yes, I was.

24 Q During that questioning, were there any answers
25 that the prospective juror gave that were -- that would be
26 substantially different than yours to the questions of a
27 general nature?

28 A No.

5-2

1 Q All right. Would it be a hardship for you to
2 serve in this case?

3 A Uh, yes, it would. I am an unmarried parent
4 with two children, young children, and in the event we were
5 sequestered, there would be no place for me to leave my
6 children. They are 10 and 11. I don't feel they are old
7 enough to stay all night by themselves or prepare themselves
8 for school adequately.

9 Q Is there a Mr. Walker?

10 A No -- well, he is remarried.

11 Q Are you employed?

12 A Yes, I am a school teacher.

13 Q For what district?

14 A El Monte.

15 Q During the day when you're teaching --

16 A They're in school.

17 Q They're in school?

18 A Yes.

19 Q Part of the day, aren't they?

20 A Yes. It isn't so much the daytime that would be a
21 problem, it would be the evening meal because I don't allow
22 them to use the stove at this point, the gas stove. And
23 being all night by themselves.

24 Q Is there anyone at all in your family who could
25 care for them during the period of time in the event you
26 were sequestered? It is quite likely that you would be
27 sequestered over a period of deliberation. The Court has no
28 way of knowing how long.

1 A Well, there isn't anybody at this point that could
2 do this. It is no problem to find a daytime person. The
3 family does not live in Whittier, where we live, and there
4 isn't anybody around there that isn't working. Everybody is
5 working or has other responsibilities or other children or
6 this type of a thing. So in asking around, this has been the
7 problem.

8 MR. MANZELLA: People will stipulate it constitutes a
9 problem, your Honor.

10 THE COURT: If you were to leave them alone, of course,
11 you'd probably be so concerned you couldn't concentrate on
12 the case.

13 JUROR NO. 11: Even leaving them alone a bit of the
14 day has been a problem because they are primarily alone and
15 I do tend -- this is their first experience of being alone
16 and I'm trying not to worry about them.

17 THE COURT: It gets more difficult as time goes by.

18 MR. KANAREK: We reiterate our previous motion concerning
19 the obligation of the County.

20 THE COURT: Motion is denied.

21 MR. KANAREK: And we contend --

22 THE COURT: And the Court finds it is a hardship. And
23 the Court excuses you, then, Mrs. Walker, and thanks you.

24 Room 253, the jury assembly room.

25 Do you have any time left?

26 JUROR NO. 11: I do.

27 I wish they'd get me a short case to be on.

28 THE COURT: I hope they do.

1 MR. KANAREK: Thank you, Mrs. Walker.

2 JUROR NO. 11: Thank you.

3 THE COURT: Call another one, and we'll ask Mrs. White--
4 Mr. White -- White is the name.

5 THE CLERK: Frances Devine, F-r-a-n-c-e-s, D-e-v-i-n-e.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6 fls.

VOIR DIRE EXAMINATION
OF ARNETTA M. WHITE

BY THE COURT:

Q Mrs. White, you would be prospective juror No. 11.

I would like to ask you whether you were present when the Court explained the nature of this case to the prospective jurors, and when the Court questioned a prospective juror, Mr. Fujimoto, I believe it was?

A Yes, I was.

Q Would your answers be any different than his answers to the Court's questions of a general nature?

A I -- actually, I don't recall what they were, really. I mean, it's been so long ago, it seems.

Q You heard the Court's explanation of the nature of the case, and you remember that?

A Yes.

Q Have you ever been the victim of a violent crime or had a close friend or relative who has been a victim of a violent crime?

A No.

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

A No.

Q Have you ever been accused of a criminal offense yourself?

A No.

Q Other than a minor traffic violation?

A No.

Q All right. Have you had any legal experience of

1 any type?

2 A No.

3 Q Do you understand that the indictment that I read
4 is not evidence? And should not be taken as evidence against
5 Mr. Manson? But is simply a means of bringing this to the
6 attention of the Court and the jury and bringing the case to
7 Court?

8 A Yes, I understand.

9 Q And do you remember hearing the Court's explanation
10 of the presumption of innocence and circumstantial evidence,
11 and the other instructions I read?

12 A Yes, I recall.

13 Q Would you follow those instructions and any
14 instruction that I may give you in the course of this case,
15 regardless of what you believe the law to be?

16 A Yes, sir.

17 Q You heard the Court explain that it's not likely
18 that you will be sequestered in this case, but that it may
19 develop that you could be sequestered; and that this case is
20 likely to last four months or longer.

21 Do you understand that?

22 A Yes.

23 Q Have you ever -- strike that.

24 Would it be a hardship for you to serve in this
25 case?

26 A Yes, it would.

27 Q Could you tell us why?

28 A Well, first of all, I do teach school; secondly,

1 I have a 22-month-old daughter that I adopted, and I would not
2 like to stay away from her. I would not like to have her stay
3 with baby sitters or what-have-you, relatives or things.

4 Q Is that where she is now, with --

5 A Yes, a relative. I couldn't afford to pay, really
6 -- I mean, besides the fact that I understand you to say I
7 would be paid, I really wouldn't want to be away from her.

8 Q You are not worried about the financial aspect of
9 it, but it's --

10 A Well, not if you say I would be paid. I -- I
11 wouldn't be, no.

12 Q What school district is it?

13 A L.A. City Schools.

14 Q It's the Court's information at this time that
15 you would be paid without any problems.

16 But aside from that, you have the question of the
17 care for your child. You understand that the Court believes
18 that it's not likely that you would be sequestered, but you
19 would be sequestered, the Court believes, during the period
20 of deliberation, should you be called upon to serve.

21 Someone is caring for your child now, who is a
22 relative; is that right?

23 A Yes.

24 Q And that would be your anticipated approach to it,
25 when you start back teaching; is that correct?

26 A Yes.

27 Q What grade do you teach?

28 A Third grade.

1 Q What school?

2 A Main Street, 53rd and Main.

3 Q The Court believes that, under the circumstances,
4 with the relative to care for the child, that it would not
5 be a sufficient hardship to excuse you, Mrs. White.

6 I'll ask you this: Do you have previous jury
7 experience?

8 A No.

9 Q Have you any friend or relative who is a law
10 enforcement officer?

11 A No.

12 Q In what area do you reside?

13 A South Los Angeles.

14 Q Is there a Mr. White?

15 A No.

16 Q In connection with the death penalty, do you
17 have such views concerning the death penalty that you could
18 not, by reason of those views, be fair in determining the
19 question of guilt or innocence?

20 A I could not, under any circumstances, say that I
21 feel someone should be sentenced to death.

6a

22

23

24

25

26

27

28

6a-1

1 Q Well, listen to the question, would you?

2 A Okay.

3 Q In connection with the first phase of the case,
4 involving the question of guilt or innocence, which you as a
5 juror would be called upon to decide, should you be chosen as
6 a juror, would you be unable to be fair and impartial in
7 determining that issue of guilt or innocence, because of views
8 that you held concerning the death penalty?

9 A I believe I would be.

10 Q You would be what?

11 A Unable to be impartial.

12 Q On the issue of guilt?

13 A Yes.

14 Q Let's get to the second phase, the penalty phase,
15 if you are involved in that. Are your feelings concerning the
16 death penalty such that you would automatically refuse to
17 impose it, regardless of what evidence might be produced?

18 A That's right.

19 Q Are you stating that you would never in any case,
20 under any circumstances, vote for the death penalty?

21 A That's right.

22 Q Would you refuse to even consider the death
23 penalty?

24 A Yes, I would.

25 Q And would your reaction be, if you were given
26 two choices -- which you would be, of course, in the penalty
27 phase, of life imprisonment or death -- to reject --

28 A Death.

6a-2

1 Q -- to reject the death penalty automatically?

2 A That's right.

3 Q Regardless of the evidence?

4 A That's right.

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

8 MR. KANAREK: I have a question, if I may.

9 BY MR. KANAREK:

10 Q Mrs. White, would you discuss the evidence with
11 your fellow jurors?

12 MR. MANZELLA: Objection, your Honor. The question's
13 ambiguous, as to what phase of the trial Mr. Kanarek's
14 talking about.

15 THE COURT: Well, you have challenged on both grounds.
16 Overruled.

17 Would you discuss the evidence, Mr. Kanarek wants
18 to know?

19 JUROR NO. 11: Do you mean in deliberations or --

20 THE COURT: In deliberations.

21 JUROR NO. 11: Yes, I would discuss it, if they -- that's
22 what I am supposed to do, yes.

23 Q BY MR. KANAREK: You'd look at the evidence and
24 discuss it, in both the guilt phase and the -- if there were
25 a penalty phase -- in the penalty phase?

26 A Yes.

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

28 THE COURT: The Court grants the challenge. The Court

6a-3

1 finds that the defendant -- strike that.

2 (Continuing) -- that the prospective juror would
3 not be objective, fair and impartial in determining guilt or
4 innocence, because of her views concerning the death penalty;
5 and that because of those views, she would automatically
6 refuse to impose the death penalty.

7 And the Court does excuse her. Thank you, Mrs.
8 White.

9 JUROR NO. 11: Thank you, sir.

10 MR. KANAREK: Thank you, Mrs. White.

11 THE COURT: Room 253, the jury assembly room.

12 I believe Mrs. Devine is next.

13 THE CLERK: Carlyn L. McDonald; C-a-r-l-y-n; last name,
14 M-c-D-o-n-a-l-d.

15 THE COURT: Are you Mrs. Devine, coming in now?

16 JUROR NO. 11: I beg your pardon?

17 THE COURT: Are you Mrs. Devine?

18 JUROR NO. 11: Yes, I am.

19
20 VOIR DIRE EXAMINATION OF

21 MRS. FRANCES DEVINE

22 BY THE COURT:

23 Q Mrs. Devine, were you present when the Court
24 explained the nature of the case, and when the Court
25 questioned the prospective juror concerning it?

26 A Yes, sir.

27 Q Would your answers be any different than the
28 general -- the answers that the prospective juror gave to the

1 questions of a general nature?

2 A No, sir.

3 Q All right. Would it be a hardship for you to
4 serve on this jury?

5 A Yes, sir.

6 Q Tell us about it.

7 A Well, five weeks ago, I had a -- an operation,
8 under here (indicating); it was a salivary gland that was
9 removed. I'm still under the physician's care.

10 A month from now, I have to go back for another
11 examination. And if it's all clear, then I am through. But
12 if there's something further that has to be done, I might
13 have to be operated on again.

6b fls.

B
6-1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Q What was it, the removal of some type of --

A A salivary gland (indicating).

Q I see. You pointed to the right side, under your chin there?

A Yes.

Q And it may be that you will have to return to surgery, then?

A It's not probable, but there is a possibility. In other words, he has not dismissed me.

THE COURT: All right. I see. Gentlemen?

MR. MANZELLA: The People will stipulate it constitutes a hardship, your Honor.

MR. KANAREK: Stipulate, your Honor. Thank you, Mrs. Devine.

JUROR NO. 11: Thank you.

THE COURT: These gentlemen have agreed that you may be excused, and the Court excuses you. Thank you.

Room 253, Mrs. Devine -- unless your jury service is over today.

JUROR NO. 11: No.

THE COURT: Thank you.

THE CLERK: Mrs. Ruth D. Edgerton; E-d-g-e-r-t-o-n.

THE COURT: McDonald? Are you Mr. McDonald?

JUROR NO. 11: Yes, sir.

VOIR DIRE EXAMINATION

OF CARLYN L. MC DONALD

BY THE COURT:

Q Mr. McDonald, were you present when the Court

1 explained the nature of this case to the prospective jurors,
2 and questioned a prospective juror concerning it?

3 A Yes, sir, I was.

4 Q Would your answers be any different than he
5 responded to the questions of a general nature?

6 A No, it wouldn't.

7 Q All right. Would this be a hardship for you to
8 serve on this jury?

9 A Yes, sir, it would. I have --

10 Q In what way?

11 A I have three small kids, eight, nine and 11,
12 and I work at night. My wife works during the day. And I
13 take care of them during the day.

14 And I wouldn't have anybody there with them.

15 Q Who is taking care of them now?

16 A My wife is on vacation, in order for me to be
17 eligible for --

18 Q During your period of jury duty, she --

19 A She's on vacation.

20 Q -- she's on vacation?

21 A Yes.

22 Q And this vacation will terminate fairly soon?

23 A Pardon, sir?

24 Q Her vacation will terminate?

25 A It will -- she have three weeks. The last week,
26 I will have to hire somebody to be in with the kids.

7-1

1 Q And would you be financially able to do that over
2 a period of months?

3 A Not for four months, sir. The only way I could
4 serve would be to have her quit her job.

5 Q And you can't?

6 A And this would be a hardship.

7 THE COURT: Then --

8 MR. MANZELLA: People will stipulate it constitutes a
9 hardship.

10 MR. KANAREK: I make the same motion that the County
11 pay for this.

12 THE COURT: The Court denies the motion. And the Court
13 finds that it would be a hardship to Mr. McDonald and he
14 should not be required to endure the hardship. The Court
15 excuses him.

16 Thank you, Mr. McDonald.

17 JUROR NO. 11: Thank you, sir.

18 THE COURT: Room 253, the jury assembly room, if you
19 please.

20 THE CLERK: William J. Haab, H-a-a-b.

21 THE COURT: Edgerton.

22
23 VOIR DIRE EXAMINATION OF

24 MRS. RUTH D. EDGERTON

25 BY THE COURT:

26 Q Mrs. Edgerton.

27 A Yes, sir.

28 Q Were you present during the Court's explanation

1 of the nature of this case and the Court's questioning of
2 prospective -- a prospective juror?

3 A Yes, sir.

4 Q Would your answers be any different than the
5 answers that he gave to the questions of a general nature?

6 A No, sir.

7 Q Pardon?

8 A No, sir.

9 Q Would it be a hardship to you to serve as a juror
10 in this case over a period of four months or longer?

11 A Yes, it would.

12 Q Would you tell us what it is?

13 A Well, I have several.

14 First, I have a son that's in the Air Force in
15 Wichita and is getting married on the 15th of August.

16 Do you want to hear more?

17 Q Yes, I would like to know more about it.

18 A More about that?

19 Q Yes.

20 A Yes. We're planning on leaving the week before.

21 I have not met my new daughter-in-law. And our married son
22 and daughter-in-law will be going with us, and we plan to
23 get back there and meet the girl and her parents and so on
24 and so forth, so we would be leaving around the 10th.

25 Q What are your other reasons?

26 A Second reason, I am a special education teacher.

27 I teach children that are educationally handicapped and
28 children that are difficult to teach, and there are not too

1 many teachers interested.

2 Q For whom do you teach?

3 A Pardon me?

4 Q For whom do you teach?

5 A Palos Verdes School District.

6 Q Do you have any more reasons?

7 A Yes.

8 Q Go ahead.

9 A Uh, medical. I do have emphysema, and the
10 atmosphere between Palos Verdes and Los Angeles is pretty
11 tough for breathing on the freeway and in the traffic and
12 so forth.

13 Q How often do you come into Los Angeles?

14 A Never, until I got on jury duty. This is just a
15 no, no.

16 Q Have you noticed -- how long have you been on jury
17 duty?

18 A I came on the 28th of June.

19 Q Have you noticed any difference?

20 A Yes, I have.

21 Q What's been the effect on you?

22 A Shortness of breath and just sort of tired.

23 Q Are you under doctor's care for that?

24 A Yes, uh-huh.

25 Q How long have you had it?

26 A Five years that I have known that I had it.

27 Before that, you know, I was young enough it
28 didn't bother me.

1 Q Do you think that the continued period of four
2 months sitting down here in Los Angeles might aggravate it
3 considerably?

4 A I feel it certainly would at my age.

5 THE COURT: Yes.

6 MR. MANZELLA: People will stipulate it constitutes a
7 hardship, your Honor.

8 MR. KANAREK: So stipulate, your Honor.

9 THE COURT: We'll excuse you, Mrs. Edgerton. Thank you
10 very much.

11 JUROR NO. 11: Thank you very much.

12 THE COURT: Let's see, you still have some time left on
13 jury duty?

14 JUROR NO. 11: Yes, I do.

15 THE COURT: Room 253, the jury assembly room.

16 JUROR NO. 11: Yes.

17 THE COURT: Thank you for serving, particularly under
18 the circumstances.

19 JUROR NO. 11: Well, I was looking forward to it as
20 an experience.

21 THE CLERK: Fred Y. Mittleman.

22
23 VOIR DIRE EXAMINATION OF

24 WILLIAM J. HAAB

25 BY THE COURT:

26 Q Is it Mr. Haab?

27 A Haab, yes, sir.
28

7a fls.

7a

1 Q Have you been present -- were you present, sir, when
2 the Court explained the nature of this case to prospective
3 jurors when the Court questioned a prospective juror concerning
4 the case?

5 A Yes, sir.

6 Q Would your answers be any different than he
7 responded to the questions of a general nature?

8 A No, sir.

9 Q Would there be any hardship entailed to you
10 should you be required to serve as a juror in this case?

11 A Well, I am unemployed at the present time and I
12 don't want to be tied up for the supposed length of the trial.

13 Q What's the nature of your employment?

14 A I am a traffic manager.

15 Q For whom?

16 A Well, see, I am unemployed.

17 Q Oh, you say you are unemployed?

18 A Yes. And I don't want to be tied up for the length
19 of the trial.

20 Q How long have you been unemployed?

21 A Since last year.

22 Q Have you been looking for employment?

23 A Yes, sir.

24 Q Who was your last employer?

25 A Well, I work for a travel agency, Los Feliz Travel
26 Service.

27 Q What you are stating is that you would like to have
28 the time free in order to search for a job?

1. A Yes, that's true.

2. Q Well, are your earnings from your employment your
3. sole source of support, generally?

4. A No, I have no other income.

5. Q Major source of support or what proportion of
6. your support is from your earnings?

7. A Well, --

8. Q Usually? I mean, not at this moment.

9. A Well, I'd say it is about 50-50, usually.

10. Q Are you receiving unemployment compensation at
11. this time?

12. A No, not at present.

13. Q How long has that been that you have not received
14. any benefits, unemployment benefits, or did you ever receive
15. it?

16. A Yes, sir, I did receive the maximum, 26 weeks.

17. Q When did that terminate?

18. A Well, it terminated several years ago. I didn't
19. work long enough to get it again.

20. Q What was the duration of your last employment?

21. A Well, I worked with Los Feliz Travel, but I worked
22. on a basis where I wasn't making enough money to qualify for
23. unemployment. In other words, I was working sort of to
24. learn the travel agency business.

25. Q Now, how long has it been since you worked as a
26. traffic manager?

27. A About five years.

28. Q Well, then, you're relatively capable of

1 sustaining yourself simply on your income other than your --
2 from your employment, I take it?

3 A Yes, I can, but I don't want to be tied up that
4 long.

5 I mean, I don't want to miss any opportunities that
6 might come up. I mean, the trial goes four months, five months,
7 and I don't want to miss that time.

8 Q I think in view of the history of -- your recent
9 history, Mr. Haab, that this would not be an unusual hardship
10 for you unless there's something you haven't told us, there's
11 some financial problem that is unusual at this time, it is
12 different from one you've experienced over the last five years?

13 A Well, it is not comparatively different, no, but --

14 Q Have you sat as a --

15 A Except I don't -- I just don't want to be tied up
16 that long, you know, miss opportunities for jobs that might
17 not be available later.

18 Q You understand that you will be on jury duty during
19 the day. The Court does not intend to sequester you and it
20 could be that you could make appointments at other times and
21 on weekends for interviews should you desire to do that?

22 A Well, it is pretty much of a five-day week, and
23 you can't really do too much.

24 Q The Court realizes that, but the Court does not
25 find any hardship, any unusual circumstance in what you have
26 described.

27 Have you served as a juror before?

28 A Yes, sir.

1 Q Have you served on a criminal case before?

2 A Yes, sir.

3 Q What was the nature of those -- that case or those
4 cases and was there a verdict in those cases; were there
5 verdicts?

6 A Uh, yes, sir. One case was a manslaughter case
7 and an automobile accident, an automobile death.

8 Q Verdict in that case?

9 A Yes, sir.

10 Q All right. What was the other case or cases?

11 A There was a case of an elderly woman injured in a
12 building elevator downtown.

13 Q Well, that's a civil case in which there is a
14 demand for money, then?

15 A That was a civil case, yes.

16 Q Did you sit as a juror in any other criminal case?

17 A No, sir.

7b

18

19

20

21

22

23

24

25

26

27

28

7b-1

1 Q Do you believe that you can set aside what you may
2 have learned from that other case and decide this case solely
3 on its evidence and the law as I shall state it to you here?

4 A Yes, sir.

5 Q Have you ever been related to or a friend of any
6 law enforcement officer?

7 A Yes, quite a few. I come from a sort of a
8 police oriented family, I think. I've had about six relatives,
9 cousins and uncles and in-laws --

10 Q From Los Angeles?

11 A What, sir?

12 Q Los Angeles?

13 A No, in Chicago.

14 Q Do you think that that would affect your judgment
15 in the case so that you would be prejudiced against a person
16 who is accused of a crime?

17 A No, I don't think so.

18 Q Do you think that you might be inclined, because
19 of that closeness to law enforcement officers, to believe a
20 law enforcement officer over someone who is not a law enforce-
21 ment officer, simply because of their relative positions?

22 In other words, would you be more likely to
23 believe a police officer simply because of his status than
24 one who is not a police officer?

25 A Well, I was closer to this one uncle that had a
26 summer home in which I spent three summer vacations as a
27 boy, and so I was part of the family. I don't think it would,
28 but I don't know.

7b-2

1 Q What area do you reside in?

2 A In Hollywood.

3 Q In connection with the penalty, the death penalty,
4 do you have views concerning the death penalty, such that you
5 could not, because of it, be fair and impartial?

6 A No, I don't believe so.

7 Q Do you have -- would you be unable to be fair and
8 impartial, for example, in deciding the issues of guilt or
9 innocence because of the feelings that you have concerning the
10 death penalty?

11 A I don't think so, sir.

12 Q All right.

13 Would you have such views concerning the death
14 penalty that you would automatically refuse to impose it in
15 any case?

16 A No, I would not.

17 Q Or would you have such views concerning the death
18 penalty that you would automatically impose it, vote for it,
19 upon a conviction of murder of the first degree, without
20 regard to the evidence?

21 A Well, it would depend on the evidence, how
22 strongly I felt about the verdict.

23 Q You would look at the evidence to determine
24 whether or not you should, in your absolute discretion,
25 determine that there should be a death penalty?

26 A Yes, sir.

27 Q Have you heard, seen or read anything concerning
28 Mr. Manson before this trial?

1 A I couldn't very well have avoided it, I don't
2 think.

3 Q And that was in connection with the Sharon Tate
4 killing?

5 A Yes, sir.

6 Q The La Bianca killings?

7 A Yes, sir.

8 Q Did you follow that case in the newspaper, radio
9 or television?

10 A I followed it intermittently. I am not a fan
11 of the case. I didn't read every word. I read it as I read
12 the general news and glanced at it.

13 Q Do you know the name Susan Atkins?

14 A Yes, sir.

15 Q What do you know about that name?

16 A That she was one of the defendants in the previous
17 case and I think she was found guilty.

18 Q Do you know of what Mr. Manson was found guilty
19 or if he was?

20 A It is my opinion that he was, yes.

21 Q That's your best memory of it?

22 A That he was guilty, yes.

23 Q Of what?

24 A Of murder in the Tate-La Bianca cases, the Tate
25 case.

26 Q First degree murder?

27 A Yes.

28 Q Do you know what verdict the jury returned in the

1 penalty phase?

2 A I think it was life in prison.

3 Q Do you believe that you can set aside whatever
4 you may have heard, seen or read over any of the news
5 media concerning that case, and this case, and anything that
6 you might remember that you don't remember now, that you may
7 have heard, seen or read, and decide any issue in this case
8 independently of such matter?

9 A Well, as a layman, it is difficult for me to
10 understand the workings of the second case. If someone said,
11 you know, you are found guilty one, of one case, how can you
12 be guilty again? That's one case. Maybe I'm not making
13 myself clear, but as a layman, if the defendant has been
14 found guilty once, what more can happen? I mean, that's
15 it.

16 Q You mean if you were to sit as a juror in this
17 case, then, you would automatically find him guilty because
18 he has been found guilty?

19 A No, sir. No, sir, I would go by the merits of
20 this case alone.

21 Q Well, what I asked you was whether or not you
22 could set aside whatever you may have heard, seen or read
23 concerning this case, concerning the Tate-La Bianca case,
24 and decide this case independently of anything that you may
25 have heard, seen or read or any opinion that you may have
26 formed about this case or any other case.

27 A Yes, sir, I think I could decide this case
28 separately, because otherwise there would be no purpose to

1 having the case, if it was prejudged.

2 Q The question is whether or not you can be
3 objective enough to do that.

4 Can you be objective and fair enough to set
5 aside any derogatory material or anything, whether it is
6 derogatory or not, that you may have heard concerning that
7 Tate-La Bianca case and this case?

8 A Well, I think I can. I'm not positive.

9 Q That's what I'm asking, you're not sure?

10 A No, sir.

11 MR. KANAREK: 1073, Subsection 2, your Honor.

12 Q BY MR. COURT: You're not sure?

13 A No, sir.

14 Q So your state of mind at this time is that you
15 cannot tell us that you could for certain set aside those
16 matters?

17 A Well, I think I could, but as I say, I'm not
18 sure. I'm not positive.

19 THE COURT: All right, the Court --

20 MR. MANZELLA: I would like to ask this one question,
21 your Honor.

22
23 VOIR DIRE EXAMINATION

24 BY MR. MANZELLA:

25 Q Mr. Haab, do you think we are retrying the same
26 case as you heard before or was tried before?

27 MR. KANAREK: Well, your Honor, that's immaterial. I
28 object.

1 MR. MANZELLA: Your Honor, I think there's some
2 confusion or --

3 Q BY MR. MANZELLA: Do you think this is the same
4 case?

5 A No, no, I understand this is not the same case.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8 fls.

8-1
1 MR. MANZELLA: All right. We have no opposition to the
2 challenge, your Honor.

3 THE COURT: The Court grants the challenge for cause
4 against this juror.

5 And you are excused. Thank you. You may report
6 to Room 253.

7 JUROR NO. 11: All right. Thank you.

8 THE COURT: Pick another name.

9 Well, we'll take a short recess. Ten minutes.

10 Call the name first.

11 THE CLERK: William E. McElroy, Jr.; M-c capital E-l-r-o-y.

12 THE COURT: After Mittleman, then McElroy.

13 Have Mr. Mittleman in the box in ten minutes. We'll
14 take a recess.

15 (Mid-morning recess.)

16 MR. MANZELLA: Your Honor, before the Court begins with
17 the questioning of this juror, there's a person in the court-
18 room under subpoena by the People, Miss Mary Brunner.

19 Could she be ordered back for July 13th?

20 THE COURT: All right. Miss Brunner, the Court has
21 previously ordered you here for today, has it not?

22 MISS BRUNNER: Yes.

23 THE COURT: You are excused for the day, then, and
24 ordered to return on July 13th.

25
26 VOIR DIRE EXAMINATION OF

27 FRED C. MITTLEMAN

28 BY THE COURT:

Q Mr. Mittleman, is it?

1 A Yes.

2 Q Mr. Mittleman, were you present when the Court
3 explained the nature of this case and gave some instructions
4 of law and questioned the prospective juror?

5 A Yes.

6 Q Would your answers be the same as his answers to
7 the questions of a general nature?

8 A Yes.

9 Q Would there be any hardship to you, if you were
10 required to serve as a juror in this case?

11 A No.

12 Q Either financial or personal?

13 A Well, there would be hardship, but not --

14 Q Nothing you would not be willing to endure?

15 A Yes.

16 Q Have you been a juror before?

17 A No.

18 Q Served on any criminal cases?

19 A No.

20 Q Are you employed at this time?

21 A No.

22 Q When was your last employment, and what was it?

23 A I was a teacher, and I terminated at -- July.

24 Q Where did you --

25 A June, rather.

26 Q Where did you teach?

27 A Bassett High School.

28 Q And you don't anticipate going back or --

1 A No, no. I quit.

2 Q You quit?

3 A Yes.

4 Q Would there be any financial hardship to you,
5 should you be required to serve here?

6 A No. Well, none -- there would be, but not --

7 Q You would be willing to endure it, whatever it
8 might be?

9 A Yes.

10 Q Are you acquainted with or related to any law
11 enforcement officers?

12 A No.

13 Q In what general area do you reside?

14 A In Los Angeles, downtown.

15 Q Do you have such views concerning the death
16 penalty that you could not be impartial in determining guilt
17 or innocence?

18 A I -- I tend to disagree with the death penalty,
19 but I -- I could be impartial in determining --

20 Q Guilt or innocence?

21 A Yes.

22 Q In connection with the death penalty, now, assuming
23 that you were in the penalty phase, and selected as a juror,
24 and were in the course of deliberations, would you
25 automatically refuse to vote for the death penalty?

26 A No.

27 Q You would consider the evidence, then?

28 A Yes.

1 Q Would you, on the other hand, automatically vote
2 for the death penalty upon a conviction of murder of the first
3 degree, regardless of the evidence?

4 A No.

5 Q Are your views such concerning the death penalty
6 that you would never vote to impose the death penalty?

7 A No.

8 Q You do understand that it is a matter of juror's
9 discretion as to whether or not he or she will vote for the
10 death penalty or for life imprisonment?

11 A Well, I -- yes. I am learning now.

12 Q You understand -- well, did you -- you recall that
13 the Court explained the nature of this case. Did that give
14 you some background in connection with the death penalty in
15 California?

16 A Yes. Yes, I recall that.

17 Q Well, you recall, do you not, that this is a
18 matter of your absolute discretion, and that there are no
19 guidelines; there are no such proper cases set up from which
20 you determine that a person should receive the death penalty;
21 that it is solely a matter of a juror's discretion as to which
22 way he votes?

23 A Yes.

24 Q Are you telling us that you would consider the
25 evidence and determine from the evidence as to which way you
26 will vote, should you be called upon to vote in the penalty
27 phase?

28 A Yes.

1 Q Can you think of any reason why you could not be
2 fair and impartial in the case?

3 A No.

4 Q You had heard, seen or read of Mr. Manson before
5 you came into this courtroom, had you not?

6 A Yes, I had.

7 Q And would anything that you had heard, seen or
8 read in any way prejudice you against him? So that you could
9 not decide this case independently of any such matter that
10 you may have heard, seen or read before?

11 A I think that I could look at the evidence and
12 put in -- give that superior weight, to everything that I
13 might have read.

14 Q If I were to instruct you that you were to set
15 aside completely anything that you may have heard, seen or
16 read, and not allow any such matters that you may have heard,
17 seen or read or any opinion that you may have formed to enter
18 into any judgment that you might be called upon to make in this
19 case, could you do that?

20 A Well, I could try, yes. I could try, but I am --
21 you know, I have read things, and --

22 Q Yes.

23 A -- that's in my mind.

24 Q The Court realizes --

25 A Yeah.

26 Q -- that you probably heard the radio; you've
27 probably seen television -- is that true?

28 A Radio, and the press.

1 Q Radio and the press. And that there are things in
2 your mind --

3 A Yes.

4 Q -- concerning the Tate-La Bianca homicide case;
5 is that correct?

6 A Yes.

7 Q Now, what I am seeking from you is whether or not
8 you can set aside those things that you may have heard, seen or
9 read, and whether you will set them aside. And that must be
10 the state of your mind, that you can and will do that, before
11 you are acceptable as a juror.

12 You must realize that it would be unfair to the
13 defendant if you -- if you were chosen and could not accomplish
14 that; do you understand that?

15 A Yes.

16 Q All right. Or, if you were chosen and would not
17 be willing to do that.

18 A Well, I would try to set aside -- I mean, it's
19 just a little technical -- you know, it's impossible to erase,
20 but I would try to.

21 Q What I am asking you is not to forget those matters
22 -- because you and I know that you don't forget that there
23 was a Tate-La Bianca case, and that there was a conviction in
24 that case.

25 Do you remember that there was a conviction in that
26 case, incidentally?

27 A Yes.

28 Q And do you remember what the verdict was in the

1 penalty phase?

2 A No.

3 Q Do you remember -- you do remember, however, that
4 Mr. Manson was convicted?

5 A Yes.

6 Q And do you remember of what he was convicted?

7 A Yes, I think so. I didn't follow the case very
8 closely. I've -- at all.

9 Q What is your best recollection of what he was
10 convicted of?

11 A Of murder.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

9-1

1 Q Well, now, what I'm asking you is whether you are
2 capable of setting aside, not forgetting, but discarding for
3 the purposes of this trial any opinion that you may have
4 formed from radio, television, newspapers or otherwise,
5 discussions with friends or any such courses, and be fair and
6 impartial in deciding any issue in this case?

7 A Yes.

8 Q You can?

9 A Yes, I think so. Yes.

10 Q And the question is, will you do that?

11 A Yes.

12 THE COURT: Mr. Kanarek.

13 VOIR DIRE EXAMINATION

14 BY MR. KANAREK:

15 Q Have you heard of Sharon Tate, sir?

16 A I've heard her name, yes.

17 Q Do you know what place, if any, she played in that
18 other case?

19 A Uh, she was one of the victims, I believe.

20 Q Have you heard the name Abigail Folger?

21 A No.

22 Q Voityck Frykowski?

23 A No.

24 Q Or Jay Sebring?

25 A No.

26 Q Leno La Bianca?

27 A I've heard La Bian -- La Bianca.
28

9-2

1 Q What's your thinking? What's your state of mind
2 concerning the La Bianca --

3 A Well, I assume that she or he is one of the
4 victims, because I -- Tate-La Bianca case.

5 Q What is your state of mind as to what Mr. Manson
6 was convicted of in that other case?

7 A I understand that he was convicted of murder and --

8 Q And do you know what -- and anything -- any further
9 description of the murder; do you know?

10 A That it was very gory.

11 Q What I mean --

12 A The scene of the murder.

13 Q I see.

14 Do you know -- that is from a legal standpoint,
15 do you know what kind of murder it is called in the law?

16 A No.

17 Q I see.

18 And do you know what the penalty was? Do you
19 know what the ultimate decision was in that case as to Mr.
20 Manson?

21 A I'm not certain, but it seems to me that it was
22 death.

23 MR. KANAREK: 1073, Subsection 2, your Honor.

24
25 VOIR DIRE EXAMINATION

26 BY THE COURT:

27 Q Have you heard the name Gary Hinman before you
28 walked into this courtroom?

1 A No, I think I heard it in this court.

2 Q Have you heard the name Shorty Shea?

3 A Yes.

4 Q Before you came in here?

5 A I think so.

6 Q In what connection had you heard, seen or read
7 that name?

8 A (Shakes head.)

9 Q Do you know?

10 A No, I don't know.

11 Q Well, if you should remember something that at
12 this moment you don't recall about either of those names,
13 or if you should remember other facts that you heard, seen
14 or read, can you set those aside and not allow them to come
15 into your deliberations whatever or to be considered by you
16 at all in your -- in forming any -- deciding any issue,
17 rather, that you must decide?

18 A Yes.

19 THE COURT: People have any questions?

20 VOIR DIRE EXAMINATION

21 BY MR. MANZELLA:

22 Q And will you set those -- strike that.

23 And will you set whatever -- set aside whatever
24 you have heard, seen or read, other than what you hear in
25 the courtroom?

26 A Yes.

27 MR. MANZELLA: No questions, your Honor.
28

1 THE COURT: The Court denies the challenge for cause.
2 The Court believes that this juror is capable of setting
3 aside any opinions that he may have formed, setting aside
4 anything that he may have heard, seen or read and that he can
5 be impartial in deciding any issue that he might be called
6 upon to decide as a juror in this case.

7 Does that describe your state of mind?

8 JUROR NO. 11: Yes.

9 THE COURT: I believe we now have a full box again,
10 do we not, gentlemen, the way I count them?

11 MR. MANZELLA: Yes, your Honor.

12 THE COURT: All right, we'll recess at this time until
13 1:45.

14 MR. KANAREK: Think we ought to make that 2:00.

15 THE COURT: All right, 2:00 o'clock, if you wish.
16 2:00 o'clock.

17 Mr. Mittleman, don't discuss with your fellow
18 jurors what has occurred in the courtroom here, since you have
19 been alone with us and while we've been questioning you.
20 Don't discuss the case with anyone or permit anyone to
21 discuss it with you. Don't form or express any opinion on
22 it until it has finally been submitted to you, if you are
23 chosen as a juror.

24 The Court orders you to return at 2:00 o'clock.

25 Have all the prospective jurors beyond the rail
26 and in the box at 2:00 o'clock.

27 THE BAILIFF: Yes, your Honor.

28 MR. KANAREK: Your Honor, I wonder if it might be

1 permissible for Mr. Manson to make a couple of phone calls.
2 He's been in custody now for an extended period of time. I
3 think it is -- I mean, it is common practice from time to
4 time for people in custody --

5 THE COURT: What are you asking for?

6 MR. KANAREK: For two phone calls. Two phone calls.

7 THE COURT: The Court will permit that.

8 2:00 o'clock.

9 MR. KANAREK: Thank you, your Honor.

10 (Whereupon an adjournment was taken until

11 2:00 o'clock p.m. of the same day.)
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 LOS ANGELES, CALIFORNIA, TUESDAY, JULY 6, 1971 2:11 P.M.
2
3

4 - - - -

5 MR. KANAREK: May I address the Court, your Honor?

6 THE COURT: Yes.

7 MR. KANAREK: I would like to apologize to the Court
8 for being late.

9 THE COURT: What happened?

10 MR. KANAREK: I just miscalculated the traffic on
11 Figueroa Street, your Honor.

12 THE COURT: Don't do it again.

13 MR. KANAREK: Yes, your Honor.

14 THE COURT: The record will show Mr. Manson to be
15 present with Mr. Kanarek; all the prospective jurors are
16 in the box and beyond the rail.

17 The last peremptory challenge was with the
18 People. And, Mr. Kanarek, you have an opportunity now to
19 take the jury on voir dire.

20 MR. KANAREK: Okay. Thank you, your Honor.

21 THE COURT: Let's see. I think this is the case.

22 MR. MANZELLA: Yes, your Honor.

23 THE COURT: You may question Mr. Peterson, if you wish,
24 and -- let's see.

25 MR. MANZELLA: Mr. Mittleman, your Honor.

26 THE COURT: Mr. Mittleman, yes.

27 VOIR DIRE EXAMINATION OF

28 MR. ROYCE D. PETERSON, JR.

1 BY MR. KANAREK:

2 Q Mr. Peterson, --

3 A Yes.

4 Q -- sir, do you have any friends or relatives that
5 are in any private law enforcement type of work?

6 A No, sir, I do not.

7 Q Okay. Then I gather you -- but you do have some
8 people that you know in law enforcement?

9 A Yes. As I mentioned before, Sherman Wallace,
10 Los Angeles Police Department.

11 Q And directing your attention then to this
12 relationship, is this relationship such that you would consider
13 this gentleman a friend of yours?

14 A Yes, sir.

15 Q And is there -- and having this affection for him,
16 would you say that that would affect your state of mind in any
17 way in connection with this case?

18 A No, sir, it could not.

19 Q Now, if it should turn out that -- as we think
20 that it shall -- that the alleged facts -- for instance, in
21 the Hinman case -- occurred before the Tate-La Bianca case,
22 and let's say that this matter gets before you by way of
23 evidence, and let's say that you believe that there is a
24 motive on the part of the prosecution to harass Mr. Manson,
25 to do things just -- just to -- just to create artificial
26 legal problems, as it were, in connection with Mr. Manson,
27 would you, if the Court tells you that this type of evidence
28 may be used by you, would you take that kind of evidence into

1 consideration?

2 MR. MANZELLA: Objection, your Honor. The question is
3 improper. It's ambiguous, and it calls for matter which is
4 not properly the subject of challenge for cause.

5 THE COURT: Sustained.

6 Q BY MR. KANAREK: Mr. Peterson, is your state of
7 mind such that you recognize that police officers are flesh
8 and blood people?

9 A Definitely.

10 Q And the prosecutors are flesh and blood people,
11 as are all of us?

12 A Oh, yes.

13 Q And that lawsuits -- that litigation can be
14 instituted, just without any merit, but just for the purpose
15 of harassing a defendant?

16 MR. MANZELLA: Objection, your Honor, on the same
17 grounds.

18 THE COURT: Sustained.

19 Q BY MR. KANAREK: One of the -- if the Court
20 should instruct you that one of the bases for analyzing the
21 credibility of a witness is his motive, desire, that kind of
22 thing, do you have that in mind?

23 A (Indicating affirmatively.)

24 Q Now, if it should turn out that presented to you
25 in this courtroom is a motive for law enforcement to just
26 go after Mr. Manson, just because he's Mr. Manson, would you--
27 is there any reason that you couldn't consider that, along
28 with other factors, in assessing the credibility of a police

1 officer?

2 MR. MANZELLA: Your Honor, I would have to object.
3 Again, the form of the question --

4 THE COURT: Sustained.

5 MR. MANZELLA: -- asks the juror to prejudge any
6 evidence that might come in.

7 THE COURT: Sustained.

10a fls.

10a-1

1 Q BY MR. KANAREK: Is there any reason -- is there
2 any reason that you could not, Mr. Peterson, determine, if the
3 evidence so indicated to you, that law enforcement had an
4 evil motive in connection with the prosecution of Mr. Manson
5 in connection with this case?

6 THE COURT: The Court will raise its own objection. You
7 are asking the juror to prejudge the --

8 MR. KANAREK: I'm not, your Honor. I am only --
9 your Honor, it's a -- I am only asking for a factor, but I am
10 not offering any evidence.

11 THE COURT: Well, the Court will raise its own objec-
12 tion to it as improper voir dire.

13 Q BY MR. KANAREK: Now, if it should come to pass,
14 Mr. Peterson, that police officer credibility -- honesty,
15 trustworthiness, integrity -- is before you, do you feel that
16 if you feel -- that if you think that a police officer is
17 fabricating, offering artificial evidence or whatever, in
18 order to get Mr. Manson, do you feel that there is any
19 reason, because of your affection for the particular gentleman,
20 Mr. Wallace, that you couldn't reject such testimony, if the
21 Court so instructed you that you might?

22 A Any such testimony that the Court would suggest
23 that I disregard, I would.

24 And no relationship or friendship of mine, be
25 whatsoever or otherwise, would have any bearing on my feelings,
26 or otherwise, as far as produced evidence in this case is
27 concerned.

28 Q Well, maybe we -- maybe we should look at what we

1 are speaking about here. I am sure Judge Choate will not
2 tell you to reject any particular police officer testimony.
3 But the Court will instruct you, in the general sense, that
4 if there is motive, if there is reason for bias, if there is
5 something about testimony that smells -- to use the vernacular
6 -- that you may reject the whole of such testimony.

7 The Court isn't going to tell you to reject or
8 not reject. The Court is going to give you the principle of
9 law that you may reject, if you so desire, if you think that
10 it's -- that it fits what's going on in this courtroom, or
11 what went on in this courtroom. So if the --

12 A I believe what you mean, but then, if any statement
13 is made, particularly in this case by a police officer, that
14 does not fall into the realm of evidence, that would be
15 possibly persecution, yes, I believe -- I am positive in my
16 own mind, if I can ascertain that it is persecution, rather
17 than factual evidence, I would be able to disregard it.

18 Q And would you, if the Court tells you that you
19 may reject the whole of the testimony of anyone who resorts
20 to such tactics, would you, even though that person was a
21 police officer, would you reject such testimony, if you felt
22 that it -- that it should be rejected?

23 A I -- I have no -- no predilection or propensity,
24 where the police officer himself is concerned, any evidence
25 that would come in, into being, that in my -- in my mind was
26 no longer a phase of evidence, put on for want of persecution,
27 I would disregard it, unless otherwise instructed by the Court.

11-1

1 Q I see.

2 Now, directing your attention, also, Mr. Peterson,
3 to the possibility that in this trial there may be brought
4 before you racial evidence that has certain racial overtones
5 to it.

6 Is your state of mind such that you could set aside
7 any emotion that might be engendered by such testimony or such
8 evidence and decide this case -- recognizing that it is
9 Mr. Manson who is on trial here and not any particular concept,
10 any particular racial attitude or things of that nature?

11 A Uh, yes, sir, I could. I am infrequently faced
12 by racial overtone.

13 Q You are --

14 A Infrequently faced by racial overtone. From a
15 personal nature, I do not let it get to me.

16 Q May I ask what you mean by that?

17 A I'm trying to be as objective as I can to the
18 point of racial overtone. I do not consider myself a racial
19 person, having any predilection or bias as far as race is
20 concerned that one would consider to be abnormal and I do not
21 yield to it.

22 Q Now, if Mr. Manson were sitting -- I'm sorry, if
23 you were sitting, Mr. Peterson, where Mr. Manson were sitting,
24 would you welcome being judged by one with your state of
25 mind?

26 A Yes, sir.

27 Q Having in mind, now, one of the aspects that we
28 have to decide is the matter of intent, because, I mean, I

1 think we're in agreement without any criminal intent nothing
2 that is done as far as what's going to be portrayed to you
3 here, without any criminal intent -- there's no -- there's
4 just no crime.

5 A That's right.

6 Q Now, having in mind Mr. Manson's station in life,
7 the fact that he has been in custody some over 20 years, some
8 23 years, the fact that Mr. Manson has lived in a dungeon for
9 many years of his life, and having in mind that you are going
10 to have to judge his intent, what is going on in his mind,
11 what went on in his mind in connection with the events that
12 are going to be portrayed here; do you think that you would
13 have some problem, since you never had to live in a dungeon
14 for some 23 years, you never had to live the life that
15 Mr. Manson lived?

16 DEFENDANT MANSON: There's nothing wrong with my life.

17 Q BY MR. KANAREK: Do you think that you can judge
18 his intent, his specific intent, the goings on, his thinking?

19 DEFENDANT MANSON: Irving.

20 A Based on what is presented in court in the form of
21 evidence, yes.

22 Q BY MR. KANAREK: Pardon?

23 A Based on what is presented in court in the form
24 of evidence, yes.

25 DEFENDANT MANSON: I thought it was a pretty good one.
26 Exciting.

27 (Laughter.)

28 I'm alive.

1 Q BY MR. KANAREK: Now, Mr. Mittleman, am I
2 pronouncing your name right? Correct, sir?

3 A Yes.

4 Q Having in mind the questions that I have asked
5 Mr. Peterson, having those questions in mind, is there any
6 reason that you feel that it would not be fair to ask you to
7 sit as a juror in this case?

8 A No.

9 Q Would you say that -- is your frame of reference or
10 your thinking such that the opportunity to acquit someone, the
11 opportunity to find someone not guilty, is an opportunity that
12 you would rather have than an opportunity to find someone
13 guilty?

14 MR. MANZELLA: Your Honor, I'm going to object to that
15 question on the grounds it is not a proper one for challenge
16 for cause.

17 THE COURT: Sustained. You may rephrase it.

18
19
20
21
22
23
24
25
26
27
28
lla

11a-1

1 Q BY MR. KANAREK: We have in our body of law the
2 principle of the presumption of innocence. Every defendant
3 is presumed to be innocent. We inherited this from our
4 forefathers. And everything else being equal, we make this
5 presumption -- this assumption of innocence, which means that
6 our law favors, in that sense of the word, every
7 defendant coming before you is presumed innocent -- favors
8 this result.

9 Now, is there any reason in this case, Mr.
10 Mittleman, that you could not be fair and impartial in
11 judging Mr. Manson?

12 A I think that I could be fair and impartial.

13 Q Now, may I ask you this: I guess we are in
14 agreement that this is an adversary process that we have here
15 in the courtroom. It is -- the title of this case, in fact,
16 is the People of the State of California, all 15 million of
17 them, so to speak, versus Mr. Manson. That's the title,
18 literally. It is an adversary process.

19 Having in mind that it is an adversary process,
20 is there anything about that that's of such a nature that you
21 feel that it is unfair to ask you to sit as a juror in this
22 case?

23 A No, there isn't.

24 Q Are we in agreement that in analyzing the situation
25 here that we must -- we must determine the intent of Mr. Manson
26 in connection with all the law that the Court gives us; are
27 we communicating on that?

28 A I don't understand "intent."

11a-2

1 Q Well, I'm not going to instruct. It is the
2 Court's function to instruct. But I think we probably can
3 agree that in general, in order for there to be any kind of
4 an assessment of criminal conduct, we have to analyze not
5 only what he's done, but what is going on in the mind of the
6 person who does it when he does the act. There's generally
7 two ingredients, the intent with which the act is done and
8 the act itself.

9 All right, are we communicating on that?

10 A Yeah -- uh, uh --

11 Q First --

12 A I understand you. I don't know the legal process.
13 I don't know how important intent is. That's where I am
14 confused.

15 Q All right. Now, if we can agree -- for instance,
16 assume that intent is very important.

17 For instance, I think you and I would both agree
18 that a sleepwalker literally sleepwalking, taking a gun and
19 shooting, that there would be no intent if this were, in fact,
20 true, that the person were sleepwalking even though someone
21 were killed.

22 MR. MANZELLA: Your Honor, I'd have to object to that
23 on the grounds it is asking the juror to prejudge the evidence.

24 MR. KANAREK: It is just an example, your Honor.

25 THE COURT: There's no question before the jury, but --
26 I'll overrule the objection. Go ahead. Let's hear your
27 question.

28 Q BY MR. KANAREK: Now, I think we would agree,

11a-3

1 all of us in the courtroom, that in that case there just
2 wouldn't be any crime because the person didn't have any
3 intent to do the act. It was an act done while asleep. You
4 see, -- I am just giving an example. There are many examples
5 that we could give.

6 Does that sort of zero in on it? Does that give
7 an example of what I mean by "intent"?

8 A Yes, it does.

9 Q If it doesn't, speak up. It may be unclear.

10 A But I get confused even though, uh, a sleepwalker
11 does something he is still -- is he still responsible for
12 what he's done? Of course he has a different intent than
13 someone who does it with forethought.

14 THE COURT: Excuse me.

15 A And that's where I am confused.

16 THE COURT: Well, this is the problem with the question
17 that you have raised and the procedure that has demonstrated
18 itself here, indicates some of the problems that arise when
19 counsel, by their questioning, go into a sphere which is more
20 properly the sphere of the Court itself.

21 The Court will instruct you, ladies and gentlemen,
22 concerning the law and concerning the state of mind that's
23 involved or required to be proved beyond a reasonable doubt
24 before the crimes can be said by the jury to have been
25 committed.

26 Could you all hear me?

27 (Murmurs of "No.")

28 THE COURT: The Court will instruct you concerning the

1 state of mind that's necessary for the People to establish
2 its case and the jury must find that that state of mind
3 exists beyond a reasonable doubt before it can be said that
4 a defendant is guilty of the crime charged.

5 JUROR NO. 10: Well, I feel I could follow the Court's
6 instructions on that.

7 Q BY MR. KANAREK: Yes.

8 And the problem that we're trying to zero in on
9 here, is that you and I, we've lived a certain life outside of
10 custody. Our motivations and our thinking is different.

11 For instance, we've lived in this country.
12 Perhaps someone, someone who's lived in Bulgaria or Turkey,
13 their background and their motivations may be different.

14 For instance, people behind the Iron Curtain that
15 have lived under Communism all their life, their thinking is
16 different in many ways than yours and mine; are we in
17 agreement on that?

18 A Yes.

19 Q So my question is, taking into account that kind
20 of situation, is your state of mind such that in analyzing
21 what occurs in this courtroom, will you -- will you take
22 into consideration, that comes before you in the evidence,
23 about Mr. Manson's background? Many years in custody,
24 for instance?

25 THE COURT: Well, you needn't answer that question.
26 The Court will raise its own objection to that. That's an
27 unintelligible question and possibly asks you to prejudge
28 the evidence.

12-1

1 Q BY MR. KANAREK: Now, Mr. Mittleman, do the words
2 "subjective" and "objective", those two words, they have a
3 distinct, separate meaning; --

4 A Yes.

5 Q -- is that correct?

6 A Yes, sir.

7 Q And when we say "subjective," Mr. Mittleman, what
8 do -- may I ask you, what do you mean by "subjective"?

9 A I think of things that you feel, or you know or you
10 feel to be -- you have feelings about; and you can't really
11 pinpoint or prove.

12 Q And if the Court tells you that, in connection with
13 intent, the subjective state of a person is very important in
14 determining intent, is there any reason that, in this court-
15 room, we can't make use of that principle?

16 A No.

17 Q As far as --

18 A Not that I see.

19 Q As far as you are concerned?

20 A No.

21 MR. KANAREK: Thank you.

22 Thank you, your Honor.

23 THE COURT: Pass for cause?

24 MR. KANAREK: Yes, your Honor.

25 THE COURT: Mr. Manzella?

26

27

28

VOIR DIRE EXAMINATION

1
2 BY MR. MANZELLA:

3 Q Mr. Mittleman, I have just two questions to ask
4 you. You heard the questions I've asked the other jurors; is
5 that correct?

6 A Yes, sir.

7 Q Understanding what the purpose is on the part of
8 the prosecution in this case, would you hold the prosecution
9 to any greater burden of proof because this is a murder case?

10 A No. I would -- I would expect good proof, though.
11 I would have to be convinced beyond a reasonable doubt.

12 Q Good. But you would not hold the prosecution to a
13 higher standard of proof than the law requires, because this
14 is a murder case; am I correct in that?

15 A Yes.

16 Q You heard the Court's instructions with regard to
17 circumstantial evidence?

18 A Yes.

19 Q Do you have any quarrel with the use of circum-
20 stantial evidence, which would prevent you from being fair
21 and impartial to the prosecution in this case?

22 A No.

23 Q Do you feel, then, that if you were convinced
24 beyond a reasonable doubt of the guilt of Mr. Manson, of the
25 charge of first-degree murder, that you could vote for
26 conviction, even though the case was based upon circumstantial
27 evidence?

28 A If I -- yes, if I was convinced beyond a

1 reasonable doubt.

2 Q Right. All right. Let me ask you this again, with
3 regard to circumstantial evidence, on a particular point.

4 If you believed, from all of the evidence, that
5 you believed beyond a reasonable doubt that Mr. Manson was
6 guilty of first-degree murder, could you vote for conviction,
7 even though the prosecution had not produced the body of a
8 deceased? If you believed --

9 MR. KANAREK: Well, your Honor --

10 MR. MANZELLA: -- that he was guilty of -- beyond a
11 reasonable doubt?

12 MR. KANAREK: Your Honor, that's prejudging the evidence,
13 your Honor.

14 THE COURT: Sustained.

15 Q BY MR. MANZELLA: Mr. Mittleman, if the Court
16 instructs you that the prosecution is not required to produce
17 the body of the deceased, would you be able to follow that
18 instruction in deciding this case?

19 MR. KANAREK: That's pre- -- that's pre-instruction,
20 your Honor.

21 THE COURT: Well, it's rather unintelligible. The
22 Court sustains the objection.

23 Q BY MR. MANZELLA: Mr. Mittleman, does it offend
24 your sense of justice or fair play, that a person can be
25 convicted of first-degree murder, even though the body of the
26 deceased has not been found?

27 A No.

28 Q Do you have any quarrel with that law?

1 A No.

2 DEFENDANT MANSON: I don't understand all those big
3 words, "justice" and "fair play."

4 THE COURT: You are going to have to leave the courtroom,
5 Mr. Manson, unless you'll be quiet.

6 Q BY MR. MANZELLA: Mr. Mittleman, did you hear the
7 Court's instructions --

8 DEFENDANT MANSON: That's what it means, huh?

9 Q BY MR. MANZELLA: Did you hear the Court's
10 instructions, with regard to aiding and abetting and conspiracy?

11 DEFENDANT MANSON: I needed to know the meaning of that
12 word. This (indicating) is justice and fair play. Now, I
13 know what it means.

14 I wish you had a father, to set (the rest of the
15 defendant's statements were unintelligible, as he was being
16 ushered into the detention room.)

17 THE COURT: Go ahead, Mr. Manzella. I'm sorry. I
18 didn't hear the question.

19

20

21

22

23

24

25

26

27

28

12a-1

1 MR. MANZELLA: I'll withdraw it and rephrase it.

2 Q Did you hear the Court's instructions with regard
3 to aiding and abetting and conspiracy?

4 A Yes.

5 MR. KANAREK: Your Honor, before we proceed, would your
6 Honor instruct the jury that they are not to use Mr. Manson's
7 leaving the courtroom for any purpose?

8 THE COURT: Well, ladies and gentlemen, you have heard
9 Mr. Manson engage in some outbursts here from time to time,
10 making exclamations, interrupting the Court. And you have
11 heard the Court admonish him to be quiet, or he would have to
12 leave.

13 You are not, in any way, to allow his conduct to
14 enter into your judgment on any decision that you might have
15 to make during the course of this trial. The Court informs you
16 that you are not in any way to cause his conduct to prejudice
17 you against the defendant.

18 Go ahead, Mr. Manzella.

19 Q BY MR. MANZELLA: Mr. Mittleman, if you are
20 instructed that, under the doctrines of aiding and abetting
21 to conspiracy, a person can be convicted or can be guilty of
22 first-degree murder, would you be able to follow that
23 instruction?

24 I'm sorry. Let me withdraw that. I left out the
25 point that I wanted to make.

26 If you are instructed that, under the doctrine of
27 aiding and abetting and conspiracy, a person can be guilty of
28 first-degree murder, even though he's not present at the time

1 and place of the killing, would you be able to follow that
2 instruction?

3 MR. KANAREK: Your Honor, that's unfair to the juror. I
4 don't think -- the juror hasn't been instructed, and he doesn't
5 have the foundation as to what aiding and abetting --

6 MR. MANZELLA: He stated he heard the Court's instructions
7 in that regard, with regard to conspiracy and aiding and
8 abetting.

9 I am asking him --

10 THE COURT: I'll sustain the objection, not on the
11 grounds offered. But I'll sustain the objection.

12 Just simply ask Mr. Mittleman whether he will
13 follow the instructions that he heard in connection with
14 aiding and abetting and conspiracy --

15 JUROR NO. 11: Yes.

16 THE COURT: -- as well as the other instructions.

17 JUROR NO. 11: Yes. I would have to have them repeated
18 again, though, I must say.

19 Q BY MR. MANZELLA: All right. Mr. Mittleman, if
20 the defendant testifies or calls witnesses on his behalf,
21 would you judge their credibility by the same standards you
22 use to judge the credibility of any witness?

23 A Yes.

24 Q Do you feel that because a defendant testifies,
25 that you are bound or obligated to accept his testimony, with-
26 out judging it by those standards?

27 A No.

28 Q Mr. Mittleman, is there anything about -- in any

1 of the legal doctrines on which the Court has instructed you
2 up to now, is there anything in any of those doctrines that
3 you have such a quarrel with that you could not be fair and
4 impartial to the prosecution in this case?

5 A No. I might say that I -- I am confused about
6 this aiding and abetting.

7 MR. MANZELLA: Your Honor, would the Court consider
8 instructing the juror on that point?

9 THE COURT: (Reading) "A person aids and abets the
10 commission of a crime if he knowingly and with criminal intent
11 aids, promotes, encourages or instigates by act or advice, or
12 by act and advice the commission of such crime.

13 "All persons concerned in the commission of a
14 crime who either directly and actively commit the crime
15 constituting the offense, or who knowingly and with criminal
16 intent aid and abet in its commission, or, whether present or
17 not, who advise and encourage its commission, are regarded by
18 the law as principals in the crime thus committed, and are
19 equally guilty thereof."

20 Do you understand that, then, Mr. Mittleman?

21 JUROR NO. 11: Yes.

22 Q BY MR. MANZELLA: And would you be able to follow
23 that instruction, Mr. Mittleman?

24 A Well, does it -- is that to say that -- that if
25 someone who -- the man who pulls the trigger, and someone is
26 equally guilty -- gets equal punishment as the man who
27 suggests that it would be a good idea?
28

12b-1

1 THE COURT: Well, Mr. Mittleman --

2 JUROR NO. 11: That's where I get confused.

3 THE COURT: -- as to the matter of punishment, that
4 is a matter which the jury is not to consider in determining
5 the question of guilt or innocence; do you understand that?

6 JUROR NO. 11: Yes.

7 THE COURT: Because punishment -- if the defendant is
8 convicted of murder of the first degree -- is left to the
9 discretion of the jury, at a later time and at a later
10 hearing.

11 Do you understand that?

12 JUROR NO. 11: Yes.

13 THE COURT: And punishment is left to the jury to
14 determine in a second phase, which is called the penalty
15 phase; and in which the jury, upon a conviction of a murder
16 of the first degree, will determine whether the defendant
17 will suffer life imprisonment or death.

18 Do you understand?

19 JUROR NO. 11: Yes.

20 THE COURT: But the issue of punishment is not in any
21 way to interfere with your judgment on the issue as to guilt
22 or innocence; do you follow me?

23 JUROR NO. 11: Uh -- I think so, yes.

24 THE COURT: This is in response to your question as to
25 whether or not the punishment would be the same for a man
26 who simply -- who does not actively participate in a crime,
27 but who simply suggests it.

28 Was that the basis of your question?

1 JUROR NO. 11: Yes. Yes.

2 THE COURT: All right. Now, that is a matter which you --
3 that is, punishment is a matter which you should not consider
4 when considering the question of guilt or innocence. Do you
5 follow me?

6 JUROR NO. 11: Yes.

7 THE COURT: All right. Now, as to degrees of culpability,
8 the Court cannot say, but it may be one of those things which,
9 in the discretion of the jury, the jury might very well
10 consider in the course of the determining what should be the
11 punishment of a certain individual.

12 Now, the Court's instruction in respect to aiding
13 and abetting has just been read to you, and you are to follow
14 that instruction in determining guilt or innocence; do you
15 follow me?

16 JUROR NO. 11: Does the same jury decide --

17 THE COURT: The same jury will sit on the penalty phase
18 as sits on the first phase of the trial.

19 JUROR NO. 11: And at that point, do they decide the
20 degree of culpability?

21 THE COURT: The jury decides the degree of culpability--
22 the degree of the crime, rather; not the degree of culpability,
23 but the degree of the crime; the jury decides that in the
24 first phase.

25 Now, having that in mind, do you believe that you
26 would be able to follow the Court's instructions, as I've
27 given them to you, concerning principals in a crime and aiding
28 and abetting?

1 JUROR NO. 11: Yes.

2 Q BY MR. MANZELLA: Mr. Mittleman, with regard to
3 your state of mind towards the death penalty, recognizing that
4 it's an individual decision, and that the determination as to
5 whether or not a particular defendant shall receive the death
6 penalty is within your sole and absolute discretion, do you
7 feel that if you do decide that this case warranted the
8 imposition of the death penalty, you could personally vote
9 for the death penalty?

10 A Yes.

11 MR. MANZELLA: Thank you.

12 Would you pass the microphone to Mr. Peterson,
13 please?

14
15 VOIR DIRE EXAMINATION OF
16 ROYCE D. PETERSON, JR.

17 BY MR. MANZELLA:

18 Q Mr. Peterson, on the subject of circumstantial
19 evidence, you've heard everything that's gone before on that
20 subject, the instructions of the Court and the question I've
21 asked the other jurors?

22 A Yes, I have.

23 Q You understand the principles which the Court
24 instructed the jurors on?

25 A Yes, sir.

26 Q Would you have any quarrel with any of those
27 principles?

28 A No.

1 Q Do you have any bias or prejudice against
2 circumstantial evidence which would prevent you from being
3 fair and impartial to the prosecution?

4 A No, sir, not so long as it eradicates any
5 reasonable doubt.

6 Q You heard the Court's instruction and my questions
7 with regard to aiding and abetting and conspiracy?

8 A Yes, I have.

9 Q Did you understand those instructions?

10 A Yes, I do.

12c fls.

12c-1

1 Q Do you have any fundamental quarrel with those
2 instructions, such that you could not be fair and impartial
3 to the prosecution?

4 A No.

5 MR. MANZELLA: All right. Thank you. I have no further
6 questions, your Honor.

7 THE COURT: Pass for cause?

8 MR. MANZELLA: Pass for cause.

9 THE COURT: The peremptory is with the defendant.

10 MR. KANAREK: Thank and excuse Mrs. Wallace.

11 Thank you, Mrs. Wallace.

12 THE COURT: Mrs. Wallace, thank you very much.

13 Have you finished your jury duty?

14 JUROR NO. 3: No, sir.

15 THE COURT: You would go to Room 253 -- when, Mrs. Holt?

16 THE CLERK: Today.

17 THE COURT: Today? All right. Go today, then, to
18 Room 253.

19 (Whereupon, a discussion off the record ensued
20 at the bench between the Court and the clerk.)

21 THE COURT: We had previously called Mr. McElroy, who
22 would be the next juror in order.

23 VOIR DIRE EXAMINATION

24 OF WILLIAM E. MC ELROY, JR.

25 BY THE COURT:

26 Q Mr. McElroy, were you present when the Court
27 advised the jury -- the prospective jurors -- of the nature of
28

1 this case, and instructed the jurors on the law in respect to
2 the case, in part? And questioned a prospective juror?

3 A I was.

4 Q Would your answers to the questions of a general
5 nature, which I put to that juror, be any different?

6 A So far as I recall the questions, yes, your
7 Honor.

8 Q They would not be any different?

9 A That is correct, they would not.

10 Q As to the general questions, your answers would be
11 the same?

12 A Insofar as I recall the questions, yes, your Honor.

13 Q Would this be a hardship to you, were you asked
14 to serve in this case?

15 A Yes, sir, your Honor.

16 Q In what way?

17 A My work involves acquisition, surveys, feasibility
18 studies, appraisals, negotiations with property owners on a
19 continuing basis.

20 Q For whom do you work?

21 A For the Los Angeles Unified School District,
22 Real Estate Branch.

23 Some of these pieces are subjects of court --
24 eminent domain processes, of which I may become the prime
25 expert witness.

26 And it is therefore necessary that I be available
27 at the time the trials come to court.

28 Q Do you know when the next -- the Court is

1 reading a letter from the Los Angeles City Unified School
2 District, gentlemen, indicating in substance what Mr. McElroy
3 has said, to the effect that he is negotiating for purchase of
4 several parcels of land, in the process of being purchased at
5 this time; that condemnation proceedings have been filed,

6 Q Are any of these matters set for trial?

7 A Yes, your Honor.

13-1

1 Q What's the earliest date that anyone of them is
2 set for trial?

3 A The matter of the central city occupational
4 center, which is a downtown acquisition, I believe, is early
5 in September.

6 Q Is that matter near settlement or has there been
7 any discussion concerning settlement?

8 A It is not.

9 Q Is there any possibility?

10 Well, I'll strike that. I'll strike all of those
11 questions.

12 Do you know whether it is going to trial at this
13 moment?

14 A The County Counsel feels it will go all the way.

15 Q When you testify in these matters, you're on the
16 stand sometimes two or three days, are you not?

17 A I have been on the stand as long as two weeks,
18 your Honor.

19 THE COURT: Gentlemen, what do you wish to do in
20 connection with it?

21 MR. MANZELLA: The People will stipulate that he may be
22 excused, your Honor.

23 MR. KANAREK: So stipulated, your Honor.

24 THE COURT: All right, both of these gentlemen have
25 indicated that in view of your possible involvement in
26 another court that you should be excused and the Court will
27 grant your request to be excused. You are excused.

28 JUROR NO. 3: Thank you, your Honor.

13-2

1 THE COURT: Thank you, Mr. McElroy.

2 JUROR NO. 3: Thank you.

3 MR. KANAREK: Thank you, Mr. McElroy..

4 THE COURT: Thank you. Room 253 forthwith.

5 MR. KANAREK: Your Honor, I wonder if we might approach
6 the bench for just a moment?

7 THE COURT: Yes, you may.

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

11 MR. KANAREK: I didn't want to broach this when it
12 occurred because I think it is a very delicate subject, but
13 under Griffin vs. California, and with what that case stands
14 for in the broad sense, certainly, at least, I would object
15 to the prosecution bringing up about whether Mr. Manson will
16 testify and if the defendant testifies and all of that. I
17 think that is improper voir dire.

18 Now, I didn't want to -- but I don't think that
19 question, in view of Griffin, can -- and without belaboring
20 it, I think that's improper voir dire and I would ask your
21 Honor to order the prosecution not to mention anything
22 concerning Mr. Manson testifying or not testifying.

23 THE COURT: Well, the Court, as Mr. Manzella was
24 framing the question, thought about it, about the possibilities
25 of the law in respect to Griffin being raised.

26 But the question was such that the Court believes
27 that there would be no such problem. He was simply asking
28 whether a defendant and his witnesses would be judged on the

13-3

1 same standards, just as the Court, and I suppose both counsel,
2 have asked whether policemen would be judged on the same
3 standards as any other witnesses, assessing their testimony.
4 I don't see any problem there, Mr. Kanarek.

5 MR. KANAREK: Well, that's my request.

6 THE COURT: Of course, I think counsel -- I'm not sure
7 of your request at this time.

8 Are you asking me to admonish or say --

9 MR. KANAREK: No, no.

10 THE COURT: -- something in respect to it?

11 MR. KANAREK: No, I'm asking Mr. Manzella not to bring
12 in anything concerning the defendant's testimony.

13 THE COURT: I think he knows well enough that the Court
14 does not wish to have anything raised that would in any way
15 cause the Court to have to admonish him or to strike his
16 question or to instruct the jury in respect to it, the law
17 regarding Griffin.

18 MR. KANAREK: Well, I, of course --

19 THE COURT: I think that's a sufficient caution --

20 MR. KANAREK: Of course, I'm not asking your Honor to
21 admonish, because I don't want to pinpoint it in the jury's
22 mind, but I am asking for a mistrial in that regard because
23 of his bringing up about Mr. Manson's -- testify --

24 THE COURT: The motion for mistrial is denied.

25 MR. KANAREK: I do have another request, your Honor.

26 That is in connection with the hardship and the
27 death penalty and publicity, that your Honor do that outside
28 the presence of the jury. With this last juror your Honor

13-4

13a fls.

1 did it in the presence of all the other jurors, and I
2 thought we agreed that hardship would be one of those things
3 that's -- that your Honor ask separately. And since they
4 have to be -- since they have to be examined separately
5 concerning publicity, I would ask -- and it is unique to
6 each juror. We don't want jurors to get a clue as to how to
7 get off this jury. I think that -- it is my request that be
8 conducted outside the presence of the rest of the panel.

13a-1

1 THE COURT: We've done it about half one way and half the
2 other as I remember it of this panel. I didn't think there was
3 any particular objection to that. I don't see any problem in
4 connection with it.

5 MR. KANAREK: It is just suggesting ways of getting off --

6 THE COURT: It certainly well might. Certainly if it
7 bothers you, I have no objection to --

8 MR. KANAREK: And it is no more time-consuming, because --

9 THE COURT: -- I will question them about publicity --

10 MR. KANAREK: So this next juror that's going to be
11 called, I request it be done outside the presence of all the
12 other jurors.

13 THE COURT: All right, now, off the record.

14 (Whereupon, proceedings were had at the bench
15 among Court and counsel, outside the hearing of the prospective
16 jurors, which was not reported:)

17 (Whereupon, the following proceedings were had in
18 open court within the presence and hearing of the prospective
19 jurors:)

20 THE COURT: Call another juror, please.

21 THE CLERK: Mrs. Juanita N. Styer, J-u-a-n-i-t-a,
22 S-t-y-e-r.

23
24 VOIR DIRE EXAMINATION
25 OF MRS. JUANITA N. STYER
26 BY THE COURT:

27 Q Mrs. Styer, you have been present ever since the
28 Court explained the nature of this case?

1 A Yes, I have.

2 Q And you overheard the Court's questioning of
3 Mr. Fujimoto, that first juror called from your panel and you
4 heard his questions and answers, did you not?

5 A Yes.

6 Q Would your answers be any different than he
7 responded to the questions of a general nature?

8 A No, not that I remember.

9 Q All right. Hold that microphone just a little
10 closer, sort of point it at you, if you would.

11 Would there be any hardship involved to you should
12 you be chosen as a juror here?

13 A Yes, there would.

14 Q All right. Tell us about it.

15 A I am a school teacher in the Los Angeles City
16 Schools, Public Schools System, and it would be a hardship on
17 me. I am a daily and long-term substitute, and I'm on call
18 every day.

19 Q In other words, you're not a regular --

20 A I'm not a regular --

21 Q -- a regular teacher, but you're substituting? But
22 your substituting takes full time, does it?

23 A Yes, it does.

24 Q And if you are not available as a substitute,
25 then, you don't work; is that correct?

26 A No, I don't get paid.

27 Q And you don't have tenure, as such?

28 A No.

1 Q Are your wages your sole support?

2 A No.

3 Q So your sole support is --

4 A No.

5 Q Well, what portion of your support are they?

6 A I do need to work. I have children to help in
7 college and that's why I am working, mainly.

8 Q Well, it would be some financial burden to you?

9 A Yes, it would.

10 Q Pardon?

11 A Yes, it would.

12 THE COURT: All right, gentlemen?

13 MR. MANZELLA: People will stipulate it constitutes a
14 hardship, your Honor.

15 MR. KANAREK: Your Honor, we do make a motion that the
16 County pay this lady for the wages. If she were a County
17 employee, she would be paid.

18 THE COURT: You don't know what her earnings are.

19 MR. KANAREK: Whatever they may be.

20 THE COURT: Whatever they may be.

21 She may be a \$100-a-day teacher.

22 MR. KANAREK: The point is, if she were a County
23 employee, she would get paid even if it were a \$100 a day.

24 THE COURT: Whatever it may be, you're making a motion
25 the County pay her wages while she is on jury duty?

26 MR. KANAREK: And/or taxes or whatever --

27 THE COURT: The Court finds there would be a hardship
28 and does excuse you, Mrs. Styer. For whatever the motion is,

1 it is denied.

2 MR. KANAREK: Thank you, your Honor.

3 THE COURT: You are excused to go to Room 253 on
4 Thursday, at 9:00 o'clock. You need not go tomorrow. Go
5 Thursday at 9:00 o'clock.

6 MR. KANAREK: Thank you, thank you.

7 THE COURT: Unless this is your last day?

8 JUROR NO. 3: No, it isn't.

9 THE COURT: Very well.

10 THE CLERK: Miss Virginia L. Davidson, D-a-v-i-d-s-o-n,
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

13b

13-b-1

VOIR DIRE EXAMINATION OF
VIRGINIA L. DAVIDSON

BY THE COURT:

Q Miss Davidson, you've been present during all of the proceedings since the Court explained the nature of this case and asked questions of a prospective juror?

A Yes, sir.

Q And you've heard the Court's instructions from time to time in this matter?

A Yes, sir.

Q All right.

Would your answers be any different than the juror responded to the questions of a general nature?

A Oh, they would be the same except for one question.

Q That's what?

A Being the victim of a violent crime.

I was a cashier at a theater when I was about 19 and I was held up at gunpoint.

Q Do you think that that would prejudice you against a person that was accused of a crime?

A Yes, it would.

I tell you, I was so frightened. I was never so frightened in my life.

And there was another incident where a man threatened to force his attentions on me and I had a rather heavy bag and I smashed him in the face with it and ran into a cafe with some other men and called the police.

13b-2

1 Q How long ago did that happen?

2 A That was about -- golly, that was about, oh,
3 10, 12 years ago. Something like that.

4 Q Do you think that -- that those incidences would
5 be such that you could not sit fairly in a criminal case
6 when a person were charged with a crime of violence?

7 A I don't think so, because I'm so terrified. As
8 far as I know, they never did catch either one of them.

9 Q Have you sat on a criminal case since you've been
10 a juror?

11 A No, I haven't.

12 Q Have you sat on any type of case?

13 A No.

14 Q What type of work do you do now?

15 A Well, I am a teacher. I am a reading specialist
16 in reading at the Mountain View School District.

17 Q Where is Mountain View?

18 A That's in El Monte, in the east and southern part
19 of El Monte.

20 Q So that as far as you are concerned, a defendant
21 who is accused of a crime of violence, starts out with your
22 bias or prejudice against him, is that correct?

23 A Yes, sir.

24 THE COURT: Mr. Kanarek.

25 MR. KANAREK: Yes, thank you very much for your
26 candor, Miss Davidson. 1073, Subsection 2.

27 THE COURT: All right, the Court will grant the
28 challenge for cause and the Court does excuse you.

13b-3

1 JUROR NO. 3: All right.

2 MR. KANAREK: Thank you very much.

3 THE COURT: Report to Room 253 on Thursday unless your
4 time is expired.

5 JUROR NO. 3: No, it isn't.

6 I was wondering about tomorrow. Is the Court
7 closed tomorrow?

8 THE COURT: No, we'll have other jurors, I assume, and
9 you need not report.

10 JUROR NO. 3: Okay, thank you very much.

11 THE CLERK: Maynard G. Brandsma, M-a-y-n-a-r-d, last
12 name, B-r-a-n-d-s-m-a.

13
14 VOIR DIRE EXAMINATION OF
15 MAYNARD G. BRANDSMA

16 BY THE COURT:

17 Q Mr. Brandsma, is that it?

18 A Brandsma, yes.

19 Q Have you been present during all the proceedings
20 since the Court explained the nature of this case and
21 instructed the jurors in regard to the law or some of the law?

22 A Yes, I have.

23 Q And did you overhear the questioning of the
24 prospective juror, Mr. Fujimoto?

25 A Yes, I did.

26 Q Would your answers be any different than he
27 responded to the questions of a general nature?

28 A I don't believe so.

13b-4

1 Q Would it be any hardship, Mr. Brandsma, if you were
2 to serve in this case?

3 A Yes, it would.

4 Q Tell us about it.

5 A I am a graduate student at USC, and that would --
6 well, I am returning full time in September and I would lose
7 a research assistantship if I had to spend an extended period
8 of time here.

9 Q A research assistantship might go to someone else
10 if you were not available?

11 A Yes. It is for the National Science Foundation,
12 and they apparently like to keep things going. And there are
13 plenty of students.

14 Q That doesn't seem unreasonable that they should.
15 Do you think there would be others who might
16 fill in your spot very easily?

17 A Yes, and I know of one.

18 Q What do they make, a cash grant to you?

19 A Well, it is to the professor.

20 Q To the professor who then hires the student?

21 A To the professor who then hires the student.

22 Q And you would lose that financial assistantship?

23 A Right.

24 THE COURT: Gentlemen.

25 MR. MANZELLA: People will stipulate it constitutes
26 hardship, your Honor.

27 MR. KANAREK: So stipulate.

28 Thank you very much.

1 THE COURT: All right, Mr. Brandsma, the Court finds it
2 will be a hardship and these people have stipulated that you
3 may be excused. Thank you, Room 253 on Thursday.

4 THE CLERK: Mrs. Dorinne H. Graves, D-o-r-i-n-n-e,
5 last name G-r-a-v-e-s.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

14 fls.

14-1

VOIR DIRE EXAMINATION
OF DORINNE H. GRAVES

BY THE COURT:

Q Mrs. Graves, have you been present during all the proceedings since the Court explained the nature of this case, and questioned the prospective juror?

A Yes, sir.

Q Would your answers be any different than he responded to the questions of a general nature?

A As far as I remember.

Q And would it be any hardship to you, should you be required to serve in this case?

A I called my school district, and they said I would be paid. It would be inconvenient, --

Q It would be inconvenient for you to serve, but it wouldn't be a financial problem; is that right?

A Yes.

Q What school district is that?

A Beverly Hills Unified.

Q Are you a teacher there?

A Yes, first grade.

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

A Not a law enforcement officer. An attorney.

Q An attorney?

A Yes.

Q What is the relationship or the --

A My father.

1 Q I see. Your father is a defense counsel or a --
2 generally speaking, or is he with the District Attorney's
3 office, or --

4 A No, he's a general counsel.

5 Q General counsel. In private practice?

6 A Yes.

7 Q In what area? Does he practice in Los Angeles
8 County?

9 A Yes.

10 Q Does he work on the defense of criminal cases?

11 A No, not criminal cases -- not to my knowledge.

12 Q To your knowledge, he does not handle the defense
13 of criminal cases --

14 A No.

15 Q -- whatever? Nor has he ever been, to your know-
16 lege, a prosecuting officer, a Deputy District Attorney, or
17 a Deputy Attorney General?

18 A No, no.

19 Q Is that the only relationship you can think of --

20 A Yes.

21 Q -- in which you have any connection with law
22 enforcement officers?

23 A Both my uncles are also attorneys, but they're --

24 Q They are attorneys also; is that right?

25 A Yes.

26 Q Is either of them named Graves? And does either
27 of them handle --

28 A No.

1 Q -- criminal defense?

2 A No.

3 Q Or do they, on the other hand, handle -- or,
4 represent the People --

5 A Well, one of them does; but they're both up in
6 Oregon. And I'm not that close --

7 Q I see. They're not practicing in the State of
8 California?

9 A No.

10 Q Well, do you think that this relationship or
11 these relationships would in any way affect your judgment in
12 the case?

13 A I don't think so.

14 Q Can you think of any reason why you couldn't be
15 fair and impartial in the case?

16 A Uh -- not speaking generally. When I was listening
17 to some of the questions, possibly.

18 Q Well, perhaps we'll get to that later on.

19 In what general area do you reside?

20 A North La Brea -- Fairfax and Third.

21 Q Have you ever been a juror before?

22 A No.

23 Q In a criminal case?

24 A No.

25 Q Do you have such views concerning the death
26 penalty that you could not thereby be impartial in determining
27 the question of guilt or innocence in the first phase of the
28 case?

1 A Definitely not.

2 Q Or do you have such views concerning the death
3 penalty that you would automatically refuse to impose it in
4 any case?

5 A Definitely not.

6 Q Do you have such views concerning the death
7 penalty that you would automatically impose it, without
8 regard to the evidence?

9 A No, I would regard the evidence.

10 Q Or do you have such views concerning the death
11 penalty that you would never vote to impose it?

12 A I would not do that.

13 Q All right. We'll ask you about some other
14 matters involving publicity.

15 But at this moment, do you have any reason at all
16 that you want to tell us about as to why you could not -- if
17 there is any such reason -- why you could not be fair and
18 impartial as a juror in this matter?

19 A Not at this time.

20 THE COURT: I see no practical way, ladies and
21 gentlemen, except to exclude you all at this moment, and to
22 discuss the matter of pre-trial publicity with --

23 Q Is it Miss Graves or --

24 A Mrs.

25 Q I'm sorry?

26 A Mrs.

27 Q Mrs. Is there a Mr. Graves?

28 A Yes.

1 Q What does he do now?

2 A Uh -- I don't know what you'd call it. He works
3 for a company in Brentwood that makes buoys for tankers.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

14a

14a-1

1 MR. KANAREK: I didn't hear that, your Honor.

2 JUROR NO. 3: He makes buoys for giant tankers to dock
3 to.

4 MR. KANAREK: Thank you.

5 THE COURT: I see. As I was going to say, I see no
6 practical way to do this, except to excuse everyone but
7 Mrs. Graves. And so, would you all retire to -- very quickly
8 and quietly -- to your assembly area? And then we will go
9 right on with the questioning of Mrs. Graves.

10 Do not discuss this case amongst yourselves nor
11 with anyone else, nor permit anyone to discuss it with you;
12 do not form or express any opinion on the matter until it is
13 finally submitted to you.

14 (The following proceedings were had in open
15 court, outside the presence and hearing of the
16 prospective jury panel:)

17 BY THE COURT:

18 Q Mrs. Graves, the Court wants to ask you whether
19 or not you have previously heard of Charles Manson, before you
20 came into this courtroom?

21 A Yes, sir.

22 Q And was that in connection with the so-called
23 Tate-La Bianca --

24 A Yes, sir.

25 Q -- trial? And the Tate and La Bianca killings?

26 A Yes.

27 Q Did you follow that case in which Mr. Manson
28 was involved, through the news media?

14a-2

1 A Yes.

2 Q The press, radio, television?

3 A Um-hmm.

4 Q Did you regularly read the newspaper concerning
5 it?

6 A Yes.

7 Q And how about television and radio? Did you --

8 A Well --

9 Q -- also from time to time view television and hear
10 the radio in connection with the trial?

11 A Uh -- not before the trial. My husband and I
12 were in the East. And so we heard about it that summer
13 through --

14 Q So it was mostly --

15 A -- newspapers.

16 Q -- during the trial that you followed the case;
17 is that right?

18 A Yes.

19 Q Did you hear the result of the case?

20 A Yes.

21 Q What do you know the result of the case to be?

22 A That Mr. Manson and some others were convicted
23 of murder.

24 Q And do you know whether the jury found a penalty,
25 and if so, what it is?

26 A No, I don't.

27 Q If I were to ask you to identify these names,
28 could you? Susan Atkins?

14a-3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A Yes.

Q Would you tell us what that name means to you?

A She was involved in the murders, and was much more involved than Mr. Manson was.

Q Bruce --

A And was also convicted.

Q Pardon? Was also convicted?

A Yes.

Q Bruce Davis?

A No, I'm not familiar with that name.

Q Before you came into this courtroom, had you heard the name Gary Hinman?

A Yes.

Q In what connection?

A With the Tate-La Bianca case. His name was brought up.

Q In what way; do you recall?

A Uh -- I remember Terry Melcher had something to do with him as a musician, as I recall.

Q And what else do you recall concerning Gary Hinman, that you may have heard, seen or read?

A Gosh, I think it was just of a general nature. I know that he was a musician. Uh -- he lived in Malibu, and he was found very brutally murdered.

Q In connection with the name Shorty Shea, what do you recall if anything concerning that?

A That he was a ranch hand at the desert where they lived; and that he disappeared.

14a-4

1 Q Do you know the name "Manson Family"?

2 A Yes.

3 Q And what does that mean to you?

4 A Uh -- it was a group -- a living group that
5 stayed together. They moved around. They ended up in the
6 desert, where they were caught.

7 It was a large group of men and women.

8 Q Mr. Manson was the head of the group; is that the
9 way you conceived of it?

10 A Yes.

11 Q Did you hear that, during the trial, the
12 President of the United States made some comment in connection
13 with Mr. Manson or the trial?

14 A I recall the publicity.

15 Q Did you form any opinion in connection with
16 whether the President was correct in his assessment of the
17 case?

18 A I felt he was out of line to have said anything
19 at that point.

20 Q Now, having in mind everything that you've heard,
21 seen and read about the Tate-La Bianca killings, the results
22 of that case, and anything that you may have heard, seen or
23 read in connection with this case, or anything that you might
24 remember about what you've heard, seen or read about this or
25 the Tate-La Bianca case, if I were to instruct you that you
26 are not to allow such matters to enter into your judgment
27 on any issue involved in this case, are you capable of setting
28 such matters aside?

A I don't think so.

14b fls.

14b-1

1 MR. KANAREK: 1073, Subsection 2, your Honor.

2 Q BY THE COURT: Are you stating to me that you
3 could not simply set aside whatever you may have heard, seen or
4 read, and be impartial and independent in viewing the evidence
5 in this case?

6 A I don't think I could, because I don't understand
7 why there's a prosecution in this case, when he's already been
8 convicted of murder, on many other counts.

9 Q Well, aside from that -- well, you mean by that
10 that your view, as a juror, would be that, since he has
11 already been convicted, that you shouldn't bother with
12 considering the issue of guilt or innocence in this case; he
13 should either be found not guilty or guilty in this case
14 without consideration of the evidence?

15 A No. I think that this case is sort of irrelevant,
16 after that one. But he was already convicted.

17 Q Well, then, how does this -- how would that
18 feeling on your part affect your judgment in this case?

19 A I don't think I could be very impartial.

20 Q Do you mean your inclination would be to simply
21 find him guilty -- or to lean toward that direction -- in view
22 of the fact that he's already been found guilty once?

23 A It would lean that way. I wouldn't do it
24 intentionally, but I think it might lean that way.

25 Q So that you couldn't be independent of everything
26 that you've learned?

27 A I think so.

28 Q Am I expressing your view, or -- I don't mean to --

1 A I think so. It's a very hard view to express.

2 THE COURT: All right. The Court thanks you, and does
3 grant the challenge for cause. You are excused.

4 MR. KANAREK: Thank you. I want to thank Mrs. Graves,
5 and say the Beverly Hills Unified School District is lucky to
6 have someone with her -- with her -- with her incisive abilities,
7 your Honor, as to the merits of this prosecution, as to
8 whether we should go ahead with it.

9 THE COURT: Well --

10 MR. KANAREK: Thank you very much, Mrs. Graves.

11 JUROR NO. 3: Do I get my yellow slip?

12 THE COURT: Room 253 on Thursday, Mrs. Graves.

13 MR. KANAREK: Thank you.

14 THE COURT: Bring the other jurors back in.

15 THE BAILIFF: Sir?

16 THE COURT: And pick another name; would you?

17 Bring the other jurors right back in, if you
18 would. Tell them to hurry, and maybe we can --

19 MR. MANZELLA: Your Honor, would it be easier to
20 take the next juror alone individually?

21 THE COURT: All right. Let's do that. Let's do that.

22 MR. KANAREK: Yeah.

23 THE COURT: We'd just be marching them out again.

24 MR. KANAREK: Right, right.

25 THE COURT: Assuming we get one here.

26 Go ahead.

27 THE CLERK: Mrs. Mildred L. Wellington; W-e-l-l-i-n-g-
28 t-o-n.

1 THE COURT: Wellington.

2 MR. KANAREK: As in Duke of.

3 THE COURT: Let's take a short recess. Ten minutes.

4 MR. KANAREK: Your Honor -- off the record?

5 THE COURT: Yes, off the record.

6 (Whereupon, proceedings were had in open court
7 among the Court and counsel, outside the hearing of any
8 prospective juror, which was not reported.)

9 (Mid-afternoon recess.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

15-1

VOIR DIRE EXAMINATION OF
MRS. MILDRED L. WELLINGTON

BY THE COURT:

Q All right, Mrs. Wellington, were you present when the Court explained the nature of this case and instructed the prospective jurors as to some of the law involved in the case and questioned a prospective juror?

A Yes, sir.

Q Would your answers be any different than he responded to the questions of a general nature?

A No, sir.

Q Would any hardship be caused to you if you were asked to serve on this jury?

A Uh, as a matter of fact, I think it would be.

Q In what way?

A I'll try to explain it to you like this, your Honor: On the day that you suggested we call our place of employment --

Q Yes.

A I did so, and at that time I was told that it was difficult to say as to whether or not --

Q You would be paid?

A My employment would be retained at the completion of the duty.

Q I see. For whom did you work for?

A I work for Diamond Tool Associates.

Q And there's some doubt about whether or not you'd be able to go back to work if you were here for a period of

15-2

1 four months?

2 A Uh, from the way he explained it to me, that was
3 the understanding that I got, in other words.

4 Because he said -- he gave me his reasons, if you
5 would like to hear them.

6 Q You needn't tell me, if that is what you were told
7 and that's what you believe at this time.

8 A Well, he said it was difficult.

9 Q Would you be concerned about that, so that it
10 might divert your attention from the trial?

11 A Well, I would be concerned about it, but I don't
12 think it would divert my attention as per se.

13 Q Do you have any precedent on which to make a
14 judgment? Has there been anything of a similar nature happen
15 in the firm during the time that you have been employed that
16 you know of?

17 A Not to my knowledge.

18 Q How long have you been employed with the company?

19 A Going on five years.

20 Q What do you do for them?

21 A Right now, I'm working in production, in charge
22 of diamonds. That is, weighing, screening and issuing for
23 orders. That is my main responsibility, No. 1. No. 2, we
24 have materials that we call cores and I am also in charge
25 of those, as far as stocking and issuing for orders.

26 Q Do you think that if you were -- do you think if
27 you were caused to serve on this jury that you might
28 conceivably lose the position with the company?

15-3

1 A Well, that --

2 Q Even if they should rehire you, you might lose
3 some seniority or some position, some rank?

4 A That I don't know about, because of the fact the
5 way he explained it to me, if business came to the point as
6 to where they would have to hire someone to replace me, he
7 didn't think it would be fair to the one that was hired --

8 Q Well, will you be paid during the time that you
9 are on jury duty?

10 A That I would have to find out.

11 Q You didn't find that out during the course of
12 talking to him?

13 A No, sir.

14 Q Well, let's go on to another subject and perhaps
15 you'd better find that out.

16 Unless you gentlemen are prepared to stipulate at
17 this time, in view of what has been said, it does leave it
18 rather uncertain, however, as to whether or not she would be
19 in any way in danger of losing her job or a position with this
20 company if she were on the jury.

21 MR. MANZELLA: The People will stipulate it constitutes
22 a hardship, your Honor.

23 MR. KANAREK: I would, if I may, your Honor, ask your
24 Honor to proceed -- or may I ask a question or two?

25 THE COURT: Yes, go ahead.
26
27
28

VOIR DIRE EXAMINATION

1
2 BY MR. KANAREK:

3 Q Mrs. Wellington, your state of mind presently is
4 that you don't know whether you're going to be paid or not;
5 that's a fair statement?

6 A That is correct.

7 Q May I just ask, what is the size of the company?

8 A It is a small company.

9 Q But you have been there for five years?

10 A Going on five years. I've been there four, but
11 not five.

12 THE COURT: Aside from the problem of pay, it is a question
13 of whether or not she would retain the job if she were here
14 for four months. That would be important to her, I assume.

15 Q BY MR. KANAREK: But I'm sure that the people
16 there -- you have affection for them and vice versa, and you
17 certainly do not know that you would be terminated, do you?

18 A At this time, I do not.

19 MR. KANAREK: Thank you, Mrs. Wellington.

20 THE COURT: Have you been a juror before --

21 Do either of you gentlemen have anything to add
22 at this time?

15a fls.

15a-1

1 MR. KANAREK: Not at this time.

2 MR. MANZELLA: No.

3 BY THE COURT:

4 Q Have you been a juror before?

5 A No, sir.

6 Q You've told us where you are employed.

7 Are you acquainted with or related to any law
8 enforcement officer?

9 A No, sir.

10 Q In what area do you reside?

11 A Vermont-Manchester area.

12 Q Do you have such views concerning the death
13 penalty that you could not be fair and impartial in determining
14 the issue of guilt or innocence?

15 A No, sir.

16 Q Do you have such views concerning the death penalty
17 that you would automatically, because of those views, refuse
18 to impose the death penalty?

19 A No, sir.

20 Q Do you have such views concerning the death
21 penalty that you would never vote to impose the death penalty
22 regardless of the evidence?

23 A No, sir.

24 Q Or, on the other hand, would you, upon a conviction
25 of murder of the first degree, automatically impose the death
26 penalty without regard to the evidence?

27 A No, sir.

28 Q Concerning publicity that's preceded this case in

1 respect to Mr. Manson, you had heard his name before, had you
2 not?

3 A Yes, I had.

4 Q All right. Was that in connection with the
5 Sharon Tate killings and La Bianca killings?

6 A Yes, sir, it was.

7 Q Did you follow that case involving Mr. Manson in
8 the newspapers or radio or television?

9 A As a matter of fact, I did not.

10 Q What did you hear about -- strike that.

11 Did you hear about the case or see, hear or read
12 anything about the case?

13 A Well, I heard about it. I --

14 Q Did you see anything on television in connection
15 with it?

16 A I saw a little -- a very little of it. Not all of
17 it.

18 Q Did you read a newspaper regularly during 1970?

19 A I read a newspaper regularly, regularly, but not
20 about that.

21 Q Well, did you purposely avoid it or what?

22 A Uh, at first I -- when I first heard about it,
23 I read just a little of it. And then, it got to the place
24 where there was so much, to where it just didn't interest me.

25 Q It didn't interest you any longer?

26 A No, sir.

27 Q Did you ever read anything with a racial overtone
28 in connection with the case?

1 A Uh, not that I recall.
2 Q Did you ever hear the name Atkins?
3 A Yes, sir.
4 Q What do you know about that name?
5 A Nothing other than just I heard it. I heard --
6 Q Do you know --
7 A I see.
8 -- on the news.
9 Q I see.
10 Do you know the name Beausoleil?
11 A No, sir.
12 Q Bobby Beausoleil?
13 A (Shakes head.)
14 Q Mary Brunner?
15 A No, sir.
16 Q Before you came in here, had you heard the name
17 Gary Hinman?
18 A Yes, I heard that name.
19 Q In what connection?
20 A Uh, I don't remember exactly what the connection
21 was, but I did hear that name mentioned.
22 Q Have you heard the name Shorty Shea?
23 A I heard that one mentioned.
24 Q In what connection had you heard that?
25 In what way?
26 A Uh, that -- I don't know exactly. I'm not too --
27 Q You don't know who Shorty Shea is?
28 A No, sir.

1 Q Or do you know who Gary Hinman is?

2 A No, sir. I just heard the name.

3 Q Now, if I should instruct you that you are not to
4 allow any matters that you might have discussed with anyone in
5 connection with Mr. Manson or that other case or this case or
6 any matters that you might have heard, seen or read concerning
7 the Tate-La Bianca case or this case or Mr. Manson to enter
8 into your judgment on any issue involved in this case, do you
9 think that you are capable of setting aside such matters and
10 forgetting them -- not forgetting them, but setting them aside
11 for the purpose of making any judgment that you might be
12 called upon to make in this case?

13 A Yes, sir.

14 Q Are you capable of setting aside those matters
15 about which you might have formed an opinion and disregarding
16 them solely for the purpose of this trial so that you could be
17 fair and impartial in making any judgment on any issue in this
18 case?

19 A Yes, sir, I do.

20 Q Have you any doubt, whatever, in your mind about
21 your ability to set aside what you have heard, seen or read
22 in the publicity media?

23 A I have no doubt in my mind.

24 Q All right.

25 And the next question is: Will you set it aside?
26 Will you set aside such matters and be impartial in making
27 any decision you are called upon to make?

28 A Yes, sir.

1 THE COURT: Mr. Kanarek.

2 MR. KANAREK: Thank you, your Honor.

3
4 VOIR DIRE EXAMINATION

5 BY MR. KANAREK:

6 Q Mrs. Wellington, what do you know -- I'll withdraw
7 that.

8 From what you have heard or seen from the publicity
9 surrounding Mr. Manson, do you have an impression or a state
10 of mind as to what the result was to Mr. Manson in that other
11 trial?

12 A What the result was?

13 Q Yes.

14 A No, sir.

15 Q And you don't know what the jury did in that
16 other case?

17 A No, sir, I do not.

18 Q What is your thinking as you sit there now,
19 before you came to this courtroom? What was your thinking
20 concerning Mr. Manson?

21 A Uh, I might say this, I didn't have any thoughts
22 one way or the other.

23 Q Now, if it should come to pass, as it might well,
24 that some -- that into this courtroom will come people of the
25 black or Negro race who have been in prison with Mr. Manson
26 for some extended period of time and these people will come
27 here and testify on behalf of Mr. Manson, is there any reason
28 that you couldn't listen to that testimony and apply the rules,

1 the law that the Court gives you concerning such testimony?

2 A I see of no -- I can think of no reason that I
3 couldn't make that decision.

4 Q And the fact Mr. Manson has many friends who he
5 was in custody with, who are of the black or Negro race, that
6 would in no way -- there's nothing about that, that fact of
7 those friendships that would -- that would cause you to be
8 unfair or in any way impede your ability to judge this case
9 wisely and squarely and correctly?

10 A No, sir.

16-1

1 MR. KANAREK: Thank you very much, Mrs. Wellington.

2 THE COURT: Mr. Manzella?

3 MR. MANZELLA: No questions, your Honor.

4 THE COURT: All right. The next peremptory challenge
5 is with the People.

6 MR. MANZELLA: Your Honor, the People --

7 THE COURT: Well, do you wish to -- excuse me. Do
8 you wish to cross -- to examine any further, rather?

9 MR. MANZELLA: Yes.

10 THE COURT: On any subject?

11 MR. MANZELLA: Yes. Should we do it right now?

12 THE COURT: Yes. If you have any voir dire, you may
13 do it now.

14 MR. MANZELLA: All right. Thank you. Mr. Kanarek?

15 MR. KANAREK: Yes.

16 THE COURT: Any general voir dire?

17 MR. KANAREK: Yes. Thank you.

18
19 FURTHER VOIR DIRE EXAMINATION

20 BY MR. KANAREK:

21 Q Mrs. Wellington, do you have any friends that are
22 in private law enforcement work?

23 A In private law enforcement?

24 Q Well, I mean like the plant guards or -- I think
25 you have told the Court you don't have -- you have no friends,
26 relatives or acquaintances that are police officers; is that
27 right?

28 A I don't remember telling them that, but --

16-2

1 Q Oh, I'm sorry. I thought the Court asked you
2 that. But I'll ask you that, if I may, then. I'm sorry.

3 THE COURT: I may have missed that. I'm not sure. Go
4 ahead.

5 MR. KANAREK: I thought the Court had; but anyway --

6 Q Do you have any friends, relatives, acquaintances
7 that are -- oh, policemen, District Attorneys, City Attorneys,
8 United States Marshal, anything of a police type of work?

9 A The only -- I don't know whether this would be
10 considered a police type of work, but I do have a niece that's
11 a stenographer in Internal Affairs.

12 Q Of the Los Angeles --

13 A In Los Angeles.

14 Q -- Police Department?

15 A Yes, sir.

16 Q That is, she is not a police officer?

17 A No.

18 Q But she is a -- she does clerical or stenographic
19 work there?

20 A That is correct.

21 Q And on occasion -- and she's a blood relative; is
22 that right?

23 A My niece, um-hmm.

24 Q Now, in that connection, may I ask you: Is there
25 anything about that relationship that's of such a nature that
26 it would be unfair to ask you to sit as a juror here, where
27 there may be law enforcement officers testifying?

28 A Would you ask that again, please? I'm sorry.

16-3

1 Q Is it unfair -- do you feel -- may I put it this
2 way?

3 Do you feel that having this affection for your
4 niece, that that affection is of such a nature that it would
5 be unfair to ask you to sit here in the courtroom and judge
6 the testimony of law enforcement officers?

7 A No, sir.

8 Q If you felt that the law enforcement officer was
9 not being truthful, and this testimony was very important
10 in this case, would you reject that testimony, if the Court
11 gave you instructions making it possible for you to do that,
12 under certain circumstances?

13 Would you reject it, notwithstanding the fact that
14 you have a friend -- a relative -- who works for the Los
15 Angeles Police Department?

16 A I would -- I would follow the instructions that the
17 Court would give me in that case.

18 Q And --

19 A Or any other, for that matter.

20 Q Now, having in mind private law enforcement,
21 what I'm now speaking of, is like guard for the May Company
22 or something like that. Do you have any -- where the pay does
23 not come from a -- from the public treasury, so to speak.

24 Do you know anyone in that type of work?

25 A No, sir.

26 Q Now, having in mind that -- are we in agreement,
27 certainly, that regardless of the experiences you may have
28 had in life, that black people have not always been treated

16-4

1 as -- the way they should have been in our society? Are we
2 in agreement on that?

3 A Uh -- I don't quite understand you, your question
4 there.

5 THE COURT: The Court doesn't either.

6 Q BY MR. KANAREK: Well, having in mind -- let's
7 say in this case, it should come to a pass that there's
8 brought before you matters pertaining to race, racial matters,
9 whatever way it may come in through the evidence.

10 And being of the black race, and having experienced
11 whatever we may have experienced by being black, is there
12 anything about that type of evidence that you -- you feel is
13 of such a nature you couldn't sit and judge a case involving
14 racial matters?

15 A No, sir.

16a fls.

16a-1

1 Q And is your state of mind such that -- that -- are
2 we in agreement that you recognize that you are there as one of
3 12 judges? Do you understand that?

4 A Yes, sir.

5 Q And are we in agreement that, as one of 12 judges,
6 whatever the result is in this case, as to you it must be a
7 personal result, even if it means in fact that there is no
8 unanimous verdict?

9 In other words, will you maintain your position as
10 long as you consider it to be correct, even though it may
11 mean that everybody in the jury doesn't agree with each other?

12 A Yes, I would.

13 Q And if the Court instructs you, as I am sure the
14 Court will, that the result must reflect the individual opinion
15 of each juror, and if three see it one way and nine see it the
16 other way, so be it; that's our law.

17 And is there anything about that that is of such
18 a nature that you feel it's unfair to ask you to sit where
19 this is in fact the law?

20 A No, sir.

21 Q And there's no reason why -- can you think of any
22 reason, Mrs. Wellington, why all of us in this courtroom can-
23 not -- including, Mrs. Wellington, in the broad sense the
24 administration of justice being something that we all have
25 a stake in, -- is there any reason that you couldn't be a
26 fair and impartial juror in this case?

27 A I can think of no reason at all, whereas I couldn't
28 be fair.

1 Q And are we in agreement that, by giving Mr. Manson
2 a fair trial and finding him not guilty, if the evidence in
3 this case and the law the Court gives us indicate that a not-
4 guilty verdict is in -- is what should take place? Is there
5 any reason that you couldn't render such a verdict, under those
6 circumstances?

7 A No, sir.

8 MR. KANAREK: Thank you very much.

9
10 VOIR DIRE EXAMINATION

11 BY MR. MANZELLA:

12 Q Mrs. Wellington, I just have a few questions to
13 ask of you. Have you or anyone you know ever been involved in
14 the defense of criminal cases?

15 A No, sir.

16 Q Have you, or anyone you know, ever been accused of
17 any crime?

18 A No, sir.

19 Q Now, did you hear the questions that I asked with
20 regard to circumstantial evidence?

21 A Yes, I did.

22 Q Do you have any quarrel with -- any bias or quarrel
23 with circumstantial evidence, so that you could not be fair
24 and impartial to the prosecution in this case?

25 A None whatsoever.

26 Q Do you feel that if you believed the evidence
27 proved guilt beyond a reasonable doubt, that you could vote
28 for a first-degree murder conviction, even though the case was

1 based upon circumstantial evidence?

2 A I could, yes.

3 Q All right. Now, I take it that you understand the
4 distinction between circumstantial evidence and direct
5 evidence; is that correct?

6 A Yes.

7 Q All right. Do you have any quarrel with the law
8 which permits the fact that there -- that there has been a
9 death to be proved by circumstantial evidence?

10 Do you have any quarrel with that law?

11 A No, sir.

12 Q And did you hear the Court's instructions with
13 regard to aiding and abetting and conspiracy?

14 A Yes, I did.

15 Q Did you understand those instructions?

16 A Yes, sir.

17 Q Do you have any quarrel with those instructions,
18 or with that law?

19 A No, sir, I don't.

20 Q All right. If you believed beyond a reasonable
21 doubt that a person was guilty of first-degree murder, based
22 upon those legal doctrines, and aiding and abetting and
23 conspiracy, could you vote for conviction of first-degree
24 murder?

25 A If the facts so warranted, yes, I could.

26 Q All right. Mrs. Wellington, the Court has
27 instructed you with regard to the -- strike that.

28 The Court has read you the law with regard to the

1 burden of proof on the prosecution. Would you hold the
2 prosecution to a greater standard -- or, a more strict
3 standard of proof, because this is a murder case?

4 A No, sir.

5 Q All right. Then, Mrs. Wellington, if the defendant
6 testifies, or if the defendant calls witnesses to testify in
7 his behalf, would you judge their testimony by the same stan-
8 dards of credibility that you would judge the testimony of
9 any witness?

10 A Yes, I would.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

16b-1

1 Q All right. Do you feel that if you, after hearing
2 all of the evidence in this case, felt that this was a case in
3 which the death penalty was justified, do you feel that you
4 could vote for the death penalty?

5 MR. KANAREK: Your Honor, that's improper voir dire.

6 THE COURT: Would you read the question, please?

7 (Whereupon the record was read by the reporter
8 as follows:

9 "Q All right. Do you feel that, if you, after hearing
10 all of the evidence in this case, felt that this
11 was a case in which the death penalty was justified,
12 do you feel that you could vote for the death penalty?"

13 THE COURT: Overruled. You may answer it.

14 JUROR NO. 3: Yes.

15 MR. MANZELLA: Thank you, Mrs. Wellington. Then I have
16 no further questions of this prospective juror.

17 THE COURT: Pass for cause, each of you?

18 MR. MANZELLA: Pass for cause.

19 THE COURT: Each of you pass for cause?

20 MR. MANZELLA: Yes, your Honor.

21 THE COURT: Mr. Kanarek?

22 MR. MANZELLA: Yes, your Honor.

23 THE COURT: All right. The next peremptory is with the
24 People.

25 MR. MANZELLA: Yes, your Honor. The People would like
26 to excuse Mr. Waggoner, Juror No. 5.

27 THE COURT: Bring the panel in.

28 THE BAILIFF: The entire panel, sir?

16b-2

1 THE COURT: Yes. Bring them in, Mr. Kuczera.

2 THE BAILIFF: Yes, sir.

3 THE COURT: Call another name for Mr. Waggoner.

4 THE CLERK: Miss Lola Loudd; L-o-l-a; last name,
5 L-o-u-d-d.

6 THE COURT: Off the record.

7 (Whereupon, proceedings were had in open court
8 among the Court and counsel, outside the hearing of
9 the prospective jury panel, except for Mrs. Wellington,
10 which was not reported.)

11 THE COURT: Bob, are there chairs out in the hallway?

12 THE BAILIFF: Not here, sir.

13 THE COURT: We needn't vacate the courtroom. Let's
14 go on to 4:30. We will take advantage of the time.

15 And tell Mr. Waggoner that -- strike that.

16 MR. KANAREK: I think he should be excused in --

17 THE COURT: Would you approach the bench, gentlemen?

18 THE BAILIFF: Bring all the jurors inside, sir?

19 THE COURT: No, hold them just a minute.

20 MR. KANAREK: With the reporter, your Honor?

21 THE COURT: No, that's all right.

22 (Whereupon, proceedings were had at the bench
23 among Court and counsel, outside the hearing of any
24 member of the prospective jury panel, which was not
25 reported.)

26 THE COURT: All right. Bring the jurors in, then, would
27 you, please?

28 THE BAILIFF: Yes, sir.

17 fls.

17-1

1 THE COURT: We now have a full box again, and those
2 jurors are present, and the other prospective jurors are
3 beyond the rail.

4 It is the People's peremptory challenge.

5 MR. MANZELLA: Yes, the People would respectfully
6 like to thank and excuse Mr. Waggoner, Juror No. 5.

7 THE COURT: Mr. Waggoner, the Court thanks you very much.
8 You are excused.

9 Let's see, have you completed your term?

10 JUROR NO. 5: No.

11 THE COURT: Then, you are excused until Thursday at
12 9:00 o'clock.

13 JUROR NO. 5: Thank you.

14 THE COURT: Thank you, Mr. Waggoner.

15 MR. KANAREK: Thank you, Mr. Waggoner.

16 THE COURT: Miss Loudd, L-o-u-d-d.

17
18 VOIR DIRE EXAMINATION OF
19 LOLA LOUDD

20 BY THE COURT:

21 Q Is it Miss or Mrs.?

22 A Miss.

23 Q Miss Loudd, have you been present during the
24 proceedings since the Court explained the nature of this case?

25 A Yes, I have.

26 Q Would your answers be any different than the
27 prospective juror whom I questioned and his answers of a
28 general nature?

1 A No, they would not.

2 Q Would there be any hardship to you were you asked
3 to serve in this case?

4 A No.

5 Q I mean by that, any personal or financial hardship?

6 A No.

7 Q Have you been a juror before?

8 A No, I haven't.

9 Q This is your first time on any kind of a case?

10 A Yes.

11 Q Are you employed?

12 A Yes.

13 Q What's the nature of that employment?

14 A Typist-clerk, L. A. County, DPSS.

15 Q What does that mean?

16 A Department of Public Social Services.

17 Q In what general area do you work?

18 A Classification index, OTI unit, out-of-town
19 inquiries.

20 Q And from -- geographically from Los Angeles?

21 A Welfare complex, Adams and Grand.

22 Q All right.

23 In what area do you reside?

24 A Southwest Los Angeles.

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

27 A No.

28 Q In connection with the death penalty, do you have

1 such views concerning it that you could not thereby be
2 impartial in determining guilt or innocence?

3 A No.

4 Q Or do you have such views concerning the death
5 penalty that you would automatically refuse to impose it?

6 A No.

7 Q Do you have such views concerning the death
8 penalty that you could not impose it in any case regardless
9 of the evidence?

10 A No.

11 Q Or are your views concerning the death penalty
12 such that you would refuse to even consider it in any case
13 regardless of the evidence?

14 A No.

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

18 A No.

19 Q Can you think of any reason whatever as to why
20 you couldn't be fair and impartial in the case?

21 A No.

22 THE COURT: All right, I see no other practical way
23 to work it at this time, since we've chosen to exclude you
24 others while I'm asking about matters of publicity, so would
25 you all very quickly file out in the corridor. You may wait
26 in the corridor, if you will. We're going to recess at
27 4:30 and we'll question Miss Loudd out of your hearing.

28 (Whereupon, the prospective jurors retired

1 from the courtroom.)

2 BY THE COURT:

3 Q Mrs. Loudd, before your coming into the courtroom
4 and hearing of this case, had you ever heard the name Charles
5 Manson?

6 A Do I still need this?

7 MR. MANZELLA: Yes.

8 THE COURT: Use the microphone.

9 A Yes, I've heard the name.

10 Q BY THE COURT: And is that in connection with the
11 Tate-La Bianca case, the Tate-La Bianca killings?

12 A I suppose so.

13 Q Can you think of --

14 A I don't know.

15 Q Can you think of how or where you first heard his
16 name?

17 A Uh, I think over the television or paper, I really
18 don't know. I remember hearing it and my husband does listen
19 to the news, and his mother does buy the paper and we are
20 visiting them quite often, so I don't know exactly where,
21 but I have heard it.

22 Q Well, can you think of what you heard about him?
23 What did you hear about Mr. Manson, hear, see or read about
24 him?

25 A Uh, that he was charged with some crime.

26 Q Do you know what the crime was?

27 A And I am -- uh -- I guess murder or something.
28 I don't know. Well, it was about this ranch.

17a
ksh-1

1 Q The Sharon Tate --

2 A Yes, it was in connection with some Sharon Tate
3 and I think she's an actress. And she was found dead or they
4 had some party or something. I didn't read it myself, so I'm
5 kind of confused.

6 Q You had said something about a ranch when I
7 interrupted you?

8 A Yes, because I remember something on the news about
9 this ranch where some guy worked or that I believe -- I don't
10 know. It was in connection with either -- I think Manson may
11 have lived there or something. I don't know. Or else he
12 went through there or he visited there.

13 Q That's your best recollection of what you know
14 about Mr. Manson and that's about it?

15 A That's about it.

16 Q Well, had you ever heard the name Susan Atkins?

17 A I've heard her name.

18 Q In what connection?

19 A Let's see, I think she's a member of his family.

20 Q What do you mean "Family"?

21 A I don't know.

22 Q Have you heard?

23 A I don't know. I've heard of Charles Manson and
24 his Family.

25 Q What does that mean to you?

26 A Nothing.

27 Q Well, does that mean to you that these are
28 blood relatives of Mr. Manson?

1 A I don't know. This is the term I've heard,
2 "Mr. Manson and his Family," boom, zero.

3 Q What's your best guess as to what that means as
4 far as you know from publicity you might have heard, seen or
5 read or talked about?

6 A Well, I figured -- I really don't know. I think it
7 is a group of them that live together and they formed this
8 Family, I guess, or they have this allegiance to one another,
9 I don't know. I think it is something like this. They have a
10 bond between them.

11 Q Do you know the name Spahn Ranch?

12 A Who?

13 Q Spahn Ranch.

14 A Ranch?

15 Q Ranch.

16 A Well, it could be the name of the ranch I heard
17 on television.

18 Q Before you walked into this courtroom and heard the
19 Court mention this case, had you heard the name Gary Hinman?

20 A No, I don't think so.

21 Q Or Shorty Shea?

22 A No.

23 Q And you can't remember what the result was of that
24 trial, the Tate-La Bianca trial? Mr. Manson's first trial?

25 A I don't know, but I guess it was on the front
26 page, which should have been -- I don't know. (Laughing.)

27 Q If I were to instruct you that you were to set
28 aside -- not forget, but set aside --

1 A (Laughing.)

2 Q Are you listening to me?

3 A Yeah.

4 Q If I were to tell you that you were to set aside --
5 not forget, but set aside whatever opinion you might have
6 formed about what you have heard, seen or read concerning
7 Mr. Manson or the Tate-La Bianca case or this case and decide
8 all issues that were submitted to you in this case independently
9 of such matters, could you do that?

10 A Yes.

11 Q Are you capable of doing that?

12 A Yes, because I have no recollection. That
13 wouldn't be hard at all.

14 Q Well, let's suppose that you do recollect some-
15 thing. That you do remember something during the course of
16 your deliberations. You remember something that you have seen
17 in the headline or something that you have read or that you
18 have talked about with one of your friends.

19 Is it -- are you capable in your mind of setting
20 that matter aside?

21 A Yes.

22 Q And deciding any issue solely from the evidence
23 that's received here in this case and the Court's instructions
24 of law?

25 A Yes.

26 Q Can you do that?

27 A Oh, yes.

28 Q Now, the next question is will you do that?

1 A Yes, I will.

2 Q Can you be fair and impartial in spite of whatever
3 opinions you might have formed or what you might have heard,
4 seen or read about Mr. Manson?

5 A Yes.

6 THE COURT: All right, Mr. Kanarek.

7 MR. KANAREK: Thank you.

8

9 VOIR DIRE EXAMINATION

10 BY MR. KANAREK: .

11 Q Is it Mrs. Loudd?

12 A Yes, it is.

13 Q Mrs. Loudd, having -- well, I'll withdraw that.

14 What is your state of mind as to what occurred as
15 far as Mr. Manson is concerned in that previous trial?

16 A Like I have no opinion, no recollection.

17 Q You don't know what the result was in that trial?

18 A No, I don't know.

19 THE COURT: Excuse me, may we excuse the other jurors?

20 It is twenty minutes after 4:00.

21 MR. MANZELLA: Yes.

22 THE COURT: I think we can excuse them.

23 MR. KANAREK: Yes.

24 THE COURT: Bring them all in and I think we can excuse
25 them.

26 Go ahead.

27 (Whereupon, the prospective jury panel started
28 filing into the courtroom.)

1 Q BY MR. KANAREK: Now, what is your state of mind
2 concerning Mr. Manson? Do you have any thoughts or --

3 A No. None for, none against.

4 THE COURT: Keep that close to your mouth.

5 JUROR NO. 5: None for, and none against.

6 THE COURT: You needn't be seated, Mr. Gardner.

7 (Whereupon, there was a pause in the proceedings
8 while all the prospective jurors were brought into the court-
9 room.)

10 THE COURT: You are admonished, ladies and gentlemen,
11 that you are not to converse amongst yourselves, or with any-
12 one else on any subject connected with this matter, nor are you
13 to form or express any opinion on the matter until it has
14 finally been submitted to you, should you be chosen as a juror.

15 I'm going to excuse you until 9:30 tomorrow.
16 Come back tomorrow at 9:30. I'll see you then.

17 With the exception of you, Mrs. Loudd.

18 (Laughter.)

19 (Whereupon, all the prospective jury panel retired
20 from the courtroom with the exception of Prospective Juror
21 Loudd.)

22 THE COURT: Go ahead, Mr. Kanarek.

23 MR. KANAREK: Yes, sir.

24 BY MR. KANAREK:

25 Q Mrs. Loudd, directing your attention to the
26 previous trial matters that you have heard of.

27 Did any of those matters contain anything
28 concerning any racial overtone, racial overtones, black

1 people and white people or any kind of --

2 A. Hmmm, not that I can remember.

3 You mean personally or read in the papers?

4 I don't read papers.

5 Q Yes, directing your attention to what you may have
6 discussed with your husband or anyone.

7 A. No.

8 Q Now, having in mind what you have heard concerning
9 Mr. Manson, could you -- would you tell us -- just take a little
10 or as long a time as you need -- what have you heard concerning
11 Mr. Manson?

12 A. That's it. I already stated it. That's it.

13 Because on my job I don't discuss it, you know.
14 It is not a topic for discussion at work. I don't -- I haven't
15 discussed him at home, so that's it.

16 Q Now, let's say that it should come to pass in this
17 courtroom that -- that racial matters should be presented to
18 you by way of the evidence, people testifying, and let's say
19 that these racial matters involve such words, for instance --
20 and we're here on serious business.

21 A. Yes.

22 Q I have to use it. I hate to use it. The word,
23 for instance, "Nigger."

24 A. Right.

25 Q Let's say that word comes up in the evidence.

26 A. Right, uh-huh.

27 Q Now, is there any reason that -- I mean, since
28 you are of the black or Negro race --

1 A Yes.

2 Q -- is there any reason that you couldn't take
3 evidence that is unsavory like that --

4 A No, there isn't.

5 Q -- distasteful and use it in exonerating Mr.
6 Manson, let's say, if it comes out in such a way that you
7 are convinced that Mr. Manson, whatever the evidence may be,
8 that he is innocent? Is there any reason that you couldn't
9 find Mr. Manson innocent, despite the fact that this kind of
10 evidence might be brought to your attention?

11 A No.

12 THE COURT: That's a wholly unintelligible question as
13 far as the Court is concerned. The Court strikes it and you
14 needn't answer it.

15 Q BY MR. KANAREK: Well, having in mind -- having
16 in mind --

17 THE COURT: However, the Court will ask, if such words
18 should be broached, do you still think you could be fair
19 and impartial in making any decision in the case?

20 JUROR NO. 5: Yes, I'm not that small.

21

22

23

24

25

26

27

28

18-1

1 Q BY MR. KANAREK: Now, having in mind, for instance,
2 another subject -- let's say, for instance, that some black
3 people, with whom Mr. Manson has been in jail -- in prison --
4 for many years should come to this courtroom, both of them
5 have been together; they've been friends, and they're here
6 testifying on behalf of Mr. Manson --

7 A Um-hmm.

8 Q -- is there any reason that you couldn't use that
9 kind of testimony, and that kind of evidence --

10 A No.

11 Q -- where you yourself are of the black or Negro
12 race?

13 THE COURT: You needn't answer that. That's also
14 unintelligible, to ask you to prejudge the case.

15 Q BY MR. KANAREK: Can you think of any reason why
16 you couldn't be fair and impartial, Mrs. Loudd, --

17 A No.

18 Q -- in connection with the trial that we are
19 embarking on here?

20 A No.

21 Q You -- do you have any friends that are in any type
22 of law enforcement work?

23 A No.

24 Q Public or private? Like for instance -- including
25 plant guards or anything of that type?

26 A None.

27 Q Now, I gather you have never been on the jury
28 before; --

18-2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A No.

Q -- is that right?

A Right.

Q Uh -- as far as this case is concerned, it is -- from what you have told us, it is -- and Mr. Manson has been brought to your attention --

A Well --

Q -- in the publicity; is that right?

A Well, he was in the headlines. Now, "brought to my attention"? Not really.

Q Well, whatever headlines you read --

A No. It was like a passing thing; you know, it just happened to be there. And on the television, that particular night, I guess, and I just happened to be looking at it.

Q I see.

A In other words, like I don't turn on the news as a habit.

Q I see.

A I just happened to be there, and they just happened to -- just one of those things.

Q Does your husband happen to -- does your husband listen to the news as a habit?

A I think he tries to. But by that time, I'm gone.

Q Is the name Abigail Folger -- does that mean anything to you?

A No.

Q Or La Bianca? Does that name mean anything to you?

18-3

1 A I think -- his Honor just asked me about the
2 Tate-La Bianca trial. Is that the same La Bianca?

3 Q Yes. Does that name La Bianca mean anything to
4 you? Have you ever heard that name before, before you came
5 into this courtroom?

6 A No.

7 Q Now, did you hear anything by President Nixon
8 pertaining to that Tate-La Bianca case?

9 A No.

10 Q Never did? Never heard what President Nixon said?

11 A No.

12 Q You didn't hear anything about that?

13 A No.

14 Q Does the name Bobby Beausoleil mean anything to
15 you?

16 A None.

17 Q Now, what -- directing your attention to your
18 state of mind, what does the term Manson Family mean to you?

19 A A group of people, in connection with Mr. Manson,
20 that have some bond for each other -- for one another. But
21 that -- what that bond is, I don't know.

22 But they call themselves the Manson Family, I take
23 it. This is what I thought they meant in the news media, when
24 they said the Manson Family. So I take it they have some kind
25 of bond among one another.

26 Q And the fact that Mr. Manson has many friends who
27 are of the black or Negro race, that would not influence you
28 one way or the other in deciding this case?

1 A No.

2 MR. KANAREK: Thank you.

3 THE COURT: Mr. Manzella?

4 MR. MANZELLA: I have no questions on publicity or
5 hardship, your Honor.

6 THE COURT: Do you gentlemen wish to question generally
7 now? Any further questions generally, Mr. Kanarek?

8 MR. KANAREK: Yes, your Honor.

9 THE COURT: All right. Go ahead.

10

11 FURTHER VOIR DIRE EXAMINATION

12 BY MR. KANAREK:

13 Q Now, what if it should come to pass, that, by
14 sitting here in the courtroom and hearing certain things,
15 you do -- you do remember something that has occurred in the
16 past, that you saw in the publicity?

17 That's sort of hard to do, I know, to visualize
18 that, because it hasn't happened.

19 But is your state of mind such that you would put
20 aside --

21 A Well --

22 Q -- what you had -- if it triggers off a memory --
23 you know how that happens, once in a while?

24 A Yes. I could put it aside, because -- like I --
25 I've never been on a jury, and I do realize the importance of
26 listening only to the testimony on the stand.

18a fls.

27

28

18a-1

1 Q Um-hmm.

2 A And -- like I -- you know, I just barely knew
3 about it. And I am still open-minded. And I could follow
4 what the Judge told us to do, if I'm on the jury; I could
5 follow his instructions. And I would not be biased. And --
6 you know, I'll follow the rules.

7 I don't know if I said that plain enough.

8 Q Oh, yes. Right. That's what we want to hear,
9 that the -- what you've indicated.

10 There's no reason in the world that you couldn't
11 be fair and impartial?

12 A No.

13 Q Now, you are not very big. But is your state of
14 mind such that you recognize that your vote is just as important
15 as everyone else's?

16 A Yes, I do.

17 Q And is your state of mind such that the fact that
18 somebody is white doesn't mean that you can't stand up to
19 them and maintain your position, as long as you figure that
20 it's correct; right?

21 A Right.

22 Q And if you figure your position is correct, you
23 will maintain it; --

24 A Right.

25 Q -- is that a fair statement?

26 A Yes, it is.

27 Q And is it a fair statement -- are we in agreement
28 that this situation here involves 12 separate judges, so to

1 speak?

2 A Yes.

3 Q That is, you are -- there's no necessity to bring
4 in a unanimous verdict, just for the sake of being unanimous.
5 If it's eight to four or nine to three, and you are one of
6 the three or four, so be it, as long as you feel that your
7 position is correct, right?

8 A Right.

9 Q And you are not going to allow anybody to coerce
10 you into changing, just because somebody else happens to be of
11 a different race, for instance?

12 A No.

13 MR. KANAREK: Thank you.

14
15 VOIR DIRE EXAMINATION

16 BY MR. MANZELLA:

17 Q Mrs. Loudd, what does your husband do?

18 A He's an electronic technician for NCR Electronic
19 Division -- National Cash Register -- computers.

20 Q Have you or anyone you know ever been involved in
21 the defense of criminal cases?

22 A No.

23 Q Lawyers, investigators, anything of that nature?

24 A No.

25 Q Have you or anyone you know ever been accused of
26 a crime?

27 A No.

28 Q You understand the burden that is on the

1 prosecution in a criminal case?

2 A Yes.

3 Q Would you hold the prosecution to any greater
4 standard of proof or any greater burden, because this is a
5 murder case?

6 A No.

7 Q Did you hear the Court's instructions with regard
8 to circumstantial evidence?

9 A Yes, I did.

10 Q Did you hear the questions I've asked the other
11 jurors with regard to circumstantial evidence?

12 A Yes, I did.

13 Q Did you understand the distinction between the two
14 -- between direct evidence and circumstantial evidence?

15 A Yes, I did.

16 Q Do you have any quarrel or bias with circum-
17 stantial evidence, which would cause you to be fair and
18 impartial to the prosecution?

19 A No bias.

20 Q Would you require in a murder case any particular
21 type of evidence to be produced, before you could vote for a
22 conviction?

23 A No.

24 Q You understand that the prosecution is not --
25 strike that.

26 Do you understand that a person can be guilty of
27 first-degree murder, even though the body of the deceased is
28 never found? Do you understand that?

1 A Yes.

2 Q All right. Do you have any quarrel with that?

3 A No.

4 Q All right. Does it strike you as somehow unfair
5 or unjust that a person can be convicted of first-degree
6 murder on circumstantial evidence?

7 A Uh -- no. Because I would expect, if they were
8 convicted, then the circumstantial evidence must have been
9 kind of convincing.

10 18B

18b-1

1 Q Did you hear the Court's instructions with regard
2 to aiding and abetting --

3 A Yes, sir.

4 Q -- and conspiracy? Do you have any quarrel or
5 bias against that law?

6 A No bias.

7 Q All right. If a defendant testifies or calls
8 witnesses to testify in his behalf, would you judge their
9 testimony by the same standards of credibility that you would
10 judge the credibility of any witness?

11 A Yes, I would.

12 Q Mrs. Loudd, you understand that the -- the same
13 jury which determines the guilt or innocence of a defendant
14 will determine the defendant's punishment, if that jury
15 convicts the defendant of first degree murder; do you under-
16 stand that?

17 A Yes.

18 Q All right. Do you understand that, as Mr. Kanarek
19 has said -- or rather, that the same principles apply to the
20 penalty phase, as put out by Mr. Kanarek, as apply to the
21 guilty phase? That is, that there can be no verdict of death
22 unless each of the 12 jurors, individually and personally,
23 decides that this case is -- that this case is -- strike that.

24 (Continuing) -- that the death penalty is
25 warranted; do you understand that?

26 A Yes.

27 Q Do you feel that if you were to decide -- assuming
28 the defendant was convicted of first degree murder -- if you

1 were to decide that, based on all the evidence you've heard and
2 seen, that the death penalty was warranted in this case, do
3 you feel that you would be able to vote for the death penalty?

4 A Yes, I would.

5 MR. MANZELLA: All right. Thank you. The People pass for
6 cause, your Honor.

7 THE COURT: Both sides pass for cause?

8 MR. MANZELLA: Yes, your Honor.

9 THE COURT: Mr. Kanarek?

10 MR. KANAREK: Your Honor?

11 THE COURT: Pass for cause?

12 MR. KANAREK: Oh, yes, your Honor. Pass for cause.

13 THE COURT: All right. The next peremptory challenge is
14 with the defendant.

15 MR. KANAREK: Does your Honor want me to exercise that
16 tonight?

17 THE COURT: No, you can exercise it in the morning, if
18 you wish.

19 How about 9:30 tomorrow morning? Can you make it?

20 MR. KANAREK: (No audible response.)

21 THE COURT: Miss Loudd, we will excuse you until
22 tomorrow morning at 9:30. You are due then. Don't converse
23 amongst your fellow jurors; don't permit anyone to converse
24 with you on any subject connected with this matter. And do
25 not form or express any opinion on the matter until it is
26 finally submitted to you, should you be chosen as a juror.

27 Good night.

28 All right. Let's try to assemble tomorrow morning

1 at 9:30, and try to get a start a little earlier than we did
2 today.

3 9:30 tomorrow morning.

4 MR. MANZELLA: Good night, Judge.

5 THE COURT: Good night, Tony. Good night, Irving.

6 MR. KANAREK: Good night.

7 (Whereupon, at 4:36 o'clock p.m. an adjournment
8 was taken until 9:30 o'clock a.m. of the following
9 day, Wednesday, July 7, 1971.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28