

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.

112
No. A-267861REPORTERS' DAILY TRANSCRIPT

Monday, July 12, 1971

VOLUME 12APPEARANCES:

For the People:

JOSEPH P. BUSCH, JR., District Attorney
BY: ANTHONY 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 Reporters

LOS ANGELES, CALIFORNIA, MONDAY, JULY 12, 1971

10:12 A.M.

- - - -

THE COURT: Mr. Kuczera, bring the defendant in now.

All right. The record will show Mr. Kanarek has arrived. The defendant is ready with his counsel, Mr. Kanarek.

MR. KANAREK: Yes, your Honor.

THE COURT: Mr. Latiner, we'll call your matters later this morning. About an hour, if you wish.

MR. LATINER: Yes, sir. I have already reviewed the files.

MR. KANAREK: Your Honor, if I may, I would like to apologize to the Court and counsel and the jury for being late, and I would like to approach the bench and inform the Court as to --

THE COURT: All right. Your apologies are accepted.

But we should all make an effort to be on time. We have to run this courtroom on a schedule basis. Unless you all make an effort to be on time, it can be disruptive.

MR. KANAREK: Yes, your Honor. It's -- well, it's in connection with the court that your Honor talked to, and evidently -- but I'll --

THE COURT: You may approach the bench, if you wish.

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

THE COURT: All right. The record will show that the prospective jurors are beyond the rail and in the jury box,

1 in the case of People vs. Manson.

2 Can you hear me now? The machinery outside is
3 going to give us some problems today, so in the event that
4 you can't hear any of us, raise your hand, and we'll correct
5 it.

6 The record will show that the jurors are -- the
7 prospective jurors are in the box and beyond the rail. Good
8 morning, ladies and gentlemen.

9 THE PROSPECTIVE JURORS: Good morning.

10 THE COURT: I hope you all had a pleasant weekend.

11 I think the Court was questioning Mr. Chapman when
12 we recessed, were we not, Mr. Chapman?

13 JUROR NO. 11: Yes, sir.

14
15 VOIR DIRE EXAMINATION (Continued)

16 OF MR. WAYNE CHAPMAN

17 BY THE COURT:

18 Q Mr. Chapman, I believe you had indicated that
19 your state of mind was such that you, in respect to the death
20 penalty, that you could not impose the death penalty based
21 upon circumstantial evidence, if the case were based upon
22 circumstantial evidence.

23 A That's right. And --
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AA fls.

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1 Q And the Court read you -- I can't recall, but the
2 Court may have read you or reread you the instruction that I
3 gave you in connection with what is circumstantial evidence and
4 what is direct evidence.

5 Had I done that?

6 A Yes, you did.

7 Q So your remark, however, leads the Court to
8 believe that it's possible, providing the evidence was strong
9 enough in your mind, that you would impose the death penalty,
10 in your discretion, given the kind of evidence that would
11 satisfy you?

12 A No, that's not the case. I -- my first statement
13 was: I was against the death penalty in general.

14 And that left a hole, in which somebody drove a
15 truck into, you know.

16 But you know, it was a very loose formulation. I
17 was thinking of -- I approved, years ago, you know, the
18 Nuremberg trials; but I thought about that this weekend, and I
19 said -- well --

20 Q Well, let me ask you this: In regard to the death
21 penalty, do you have such views of it now, having considered
22 your attitude, that you would automatically refuse to impose
23 it, regardless of the evidence in the case?

24 A Yes, that's the conclusion I arrived at this
25 weekend, after -- with all the other things I've thought about
26 it in the past.

27 Q And regardless of the evidence that might be
28 produced in the trial, --

1 A Yes.

2 Q -- your reaction would be to vote for life
3 imprisonment, rather than death; is that your state of mind?

4 A Well, if the evidence were to prove a man guilty.
5 But I'm not so sure --

6 Q Yes. That's assuming that -- assuming there is a
7 finding of guilt of murder of the first degree, then, of course,
8 and only then would you be called upon to make a decision as to
9 life imprisonment or death.

10 You understand that?

11 A Yes.

12 Q Now, assuming that, of course, in the first instance
13 would your views be such that you would automatically impose
14 life imprisonment, and vote against death, regardless of what
15 the evidence might be that might be produced by either side?

16 A No, I won't even say that, that I would automatically
17 impose life or death.

18 Q In other words, you would take a look at the
19 evidence, and it's possible that you could consider the death
20 penalty?

21 A No, I would not consider it. I wanted to make a
22 categorical statement.

23 Q Well, I just don't understand you, then. If you
24 say that you would not automatically impose either one, then
25 there must be an underlying feeling on your part that you would
26 consider the death penalty.

27 A Well, that's not what I had in mind at all. I'm
28 not -- you know, even life imprisonment is quite a sentence,

1 and I'm not so sure I would even want to impose that, even on
2 a proven murder case.

3 I am strictly against the death penalty. And life
4 itself is a long sentence. I'm not so sure I'd even vote that.

5 MR. KANAREK: Your Honor, I believe that the potential
6 juror is -- is now speaking of --

7 THE COURT: You need not make any statement, Mr. Kanarek.

8 MR. KANAREK: Very well.

9 Q BY THE COURT: But in any event, even though that
10 might be your feeling about life imprisonment -- and
11 incidentally, the Court will instruct you concerning --
12 instruct all the jurors concerning that type of sentence,
13 should there be a conviction of murder in the first degree --
14 nevertheless, your reaction would be to automatically refuse
15 to impose the death penalty?

16 A That's correct.

17 Q Regardless of what evidence you might hear or see?

18 A Regardless of any evidence.

19 Q Would you refuse to even consider the imposition
20 of the death penalty, regardless of the evidence?

21 A Yes, I would.

22 THE COURT: Gentlemen? Any questions?

23 MR. KANAREK: Yes, your Honor. I --

24 (Whereupon, proceedings were had at the counsel
25 table between counsel, outside the hearing of the prospective
26 jury panel, which were not reported:)

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28 /

VOIR DIRE EXAMINATION

1
2 BY MR. KANAREK:

3 Q Mr. Chapman --

4 THE COURT: Use the microphone, Mr. Kanarek.

5 MR. KANAREK: Yes, sir.

6 THE COURT: Otherwise, the jurors in the rear cannot
7 hear you.

8 Q BY MR. KANAREK: Mr. Chapman, you understand that
9 there has been quite a bit of -- of interrogation of you
10 concerning the death penalty?

11 A Yes, that's right.

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Ab-1

1 Q And in all of this, is your state of mind such
2 that you are not losing sight of the fact that -- that because
3 someone is brought to this courtroom doesn't mean that there
4 has to be any decision between life and death? A man --
5 just because he's brought here to the court -- may be
6 completely and absolutely innocent.

7 A That's what I believe, too.

8 Q That he's innocent?

9 A Right.

10 THE COURT: You understand, Mr. Chapman, that the
11 Court's not inferring that a defendant is guilty, in question-
12 ing a prospective juror about the death penalty. It's only
13 because the same jury decides the question of penalty and
14 decides the first phase in the case that the Court is
15 discussing the subject of the death penalty with prospective
16 jurors; do you understand that?

17 JUROR NO. 11: Right.

18 MR. KANAREK: Well, your Honor, in view of the
19 witness' last statement, I have no further questions, your
20 Honor. And I -- I suggest that --

21 THE COURT: You need not make any further statement
22 which is argumentative in nature.

23 MR. KANAREK: No, no. I would make a motion, then,
24 your Honor.

25 THE COURT: Well, you may make a motion.

26 MR. KANAREK: Does your Honor wish me to make a --
27 do it at the bench?

28 THE COURT: You may make a motion at the bench.

Ab-2

1 MR. KANAREK: Very well. Thank you.

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

5 MR. KANAREK: Your Honor, I -- this man has made the
6 statement that he believes that Mr. Manson is innocent. Now,
7 I think -- I don't wish to proceed with that in the presence
8 of the jury -- although what he states might well be favorable
9 to our cause.

10 And I would ask that -- that we interrogate this
11 man at this point outside the presence of the jury.

12 It may be that there's something in connection
13 with his testimony, that I think requires the Court to ferret
14 out what it is, as to actually what this man's state of mind
15 is. I mean --

16 THE COURT: The Court has no objection to your pursuing
17 that privately, if you believe that he knows something about
18 the case that you don't know.

19 MR. KANAREK: Well, but I also don't want -- I don't
20 want to lose him as a prospective juror, if in fact, it is
21 something that can be cleared up by an admonition.

22 The defense also has a right to preserve fair
23 jurors. And if there's something there that -- that can be
24 cleared up, one way or the other -- I don't know that it --
25 that an admonition will clear it up, could clear it up.

26 But it's obviously -- he has made a positive
27 statement that he knows that Mr. -- that he feels Mr. Manson
28 is innocent. And I think we have an obligation --

Ab-3

1 THE COURT: Your motion is denied.

2 MR. MANZELLA: I'm going to exercise a challenge for
3 cause, under Witherspoon, 1073, Subsection 2, because of his --
4 in my opinion, his unequivocal answers.

5 My position is that -- I understood it --

6 MR. KANAREK: I oppose the challenge, your Honor. I
7 can interrogate further. But I just want the record to
8 reveal at the bench, I don't know what he's going to say. But
9 I think it should be done outside the --

10 THE COURT: Well, you may interrogate further if you
11 wish concerning the death penalty.

12 As to the question of guilt or innocence, he hasn't
13 heard the evidence, and --

14 MR. KANAREK: But he --

15 THE COURT: Unless he knows something that's outside of
16 the evidence, as will be presented, and is capable of stating
17 to you that he has some basis for it.

18 I don't see any reason why the Court should
19 pursue it either way. It's a matter for you to investigate,
20 if you believe that this man has some knowledge that could
21 be utilizable by the defense.

22 MR. KANAREK: Well, yes. But the point is, we could
23 accomplish both by a -- we are going to excuse him anyway for
24 publicity.

25 MR. MANZELLA: Your Honor, I would agree with Mr.
26 Kanarek, if I understand what he's talking about. He wants
27 to get out of the juror possibly some evidence that he
28 might have, if that's what -- if I understand Mr. Kanarek

Ab-4

1 correctly.

2 MR. KANAREK: Yes.

3 MR. MANZELLA: And in that situation, I would agree that
4 I would rather have the juror -- the other jurors not hear it,
5 if he's --

6 THE COURT: Well, why proceed with it at all? If the
7 Court rules on your challenge for cause favorably?

8 MR. MANZELLA: Well, there's no reason.

9 MR. KANAREK: Because it may go to his state of mind.
10 This man --

11 THE COURT: The Court denies the motion, and will hear
12 any further examination you may have in connection with the
13 death penalty.

14 MR. KANAREK: All right, sir.

Ac fls.

Ac-1

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

BY MR. KANAREK:

Q Mr. Chapman, directing your attention to the
statement that you feel Mr. Manson is innocent, would you
tell us what -- what it is --

THE COURT: Excuse me, Mr. Kanarek. You may examine
in connection with the death penalty, if you wish.

MR. KANAREK: I am, your Honor.

THE COURT: Well, then, do so. And the Court will
strike your last few phrases.

MR. KANAREK: Well, your Honor --

Q Directing your attention to your state of mind,
Mr. Chapman, concerning the death penalty -- right now --
and directing your attention to your statement that you feel
that Mr. Manson is innocent --

THE COURT: Just a minute. Would you confine yourself
to the death penalty?

MR. KANAREK: I -- this may be the death penalty matter,
in this gentleman's mind. I've never spoken to this man in
my lifetime.

THE COURT: Do the People have a challenge for cause?

MR. MANZELLA: Yes, your Honor. The People respectfully
challenge Mr. Chapman for cause under Section 1073, Subdivision
2 of the Penal Code.

MR. KANAREK: Well, I oppose --

THE COURT: All right. The Court finds that Mr. Chapman

1 is of such a state of mind regarding the death penalty that
2 he would automatically refuse to consider imposing the death
3 penalty regardless of the evidence that might be produced.

4 Am I correctly stating your frame of mind?

5 JUROR NO. 11: That's correct.

6 THE COURT: Very well. The Court thanks you and
7 excuses you.

8 MR. KANAREK: Well, your Honor, may the record --

9 THE COURT: And the Court grants the excuse for cause.

10 The record is clear.

11 MR. KANAREK: That we are opposing the challenge?

12 THE COURT: Yes.

13 MR. KANAREK: And we ask for further interrogation,
14 your Honor.

15 THE COURT: Mr. Chapman, would you remain until the
16 recess? Mr. Kanarek may wish to discuss something with you.
17 Otherwise, you are excused -- you may thereafter be excused,
18 after you have discussed this matter with Mr. Kanarek, whatever
19 he may wish to discuss with you.

20 And then, you are excused to report to Room 253,
21 unless this is your last day of jury duty?

22 JUROR NO. 11: No, I just began.

23 THE COURT: All right. Thank you.

24 You may be seated beyond the rail there.

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

26 THE COURT: Call another name.

27 THE CLERK: Daniel W. Hunt; H-u-n-t.
28

VOIR DIRE EXAMINATION OF

DANIEL W. HUNT

BY THE COURT:

Q Mr. Hunt, have you been present since the Court explained the nature of this case to the prospective jurors and questioned the first prospective juror chosen from your group?

A Yes, I have, your Honor.

Q And -- that button on your microphone may not be on.

Would your answers be any different than that prospective juror responded to the general questions put to him or her?

A No, they would not.

Q All right. Would it be any hardship to you to serve as a juror in this case?

A No, it would not.

Q No financial or personal hardship involved?

A No, it would not.

Q Have you been a juror before?

A Yes, I have.

Q Have you served on a criminal case before?

A No, I haven't.

Q Are you connected with law enforcement in any way, or do you have a friend or a relative who is a law enforcement officer?

A No, I do not.

Q What type of work do you do, Mr. Hunt?

1 A I am a vehicle operational analyst, postal service,
2 City of Los Angeles.

3 Q And how long have you been employed by the Postal
4 Service?

5 A Twenty years, your Honor.

6 Q All of it in Los Angeles County?

7 A That is correct, sir.

8 Q Is there a Mrs. Hunt?

9 A Yes, there is, sir.

10 Q And is she employed outside the home?

11 A No, she is not, sir.

12 Q In what general area do you and she reside?

13 A West Los Angeles, sir.

14 Q Can you think of any reason why you couldn't be
15 fair and impartial in this case, Mr. Hunt?

16 A No, I cannot, your Honor.

17 Q In respect to the death penalty, do you have such
18 views concerning it, Mr. Hunt, that you would be unable
19 to be impartial in determining the first phase of the case,
20 the phase involving guilt or innocence?

21 A No, I do not, your Honor.

22 Q And would your views concerning the death penalty
23 be such, Mr. Hunt, that you would automatically refuse to
24 impose it, regardless of the evidence?

25 A No, sir.

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

 A No, sir.

Ad
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1 Q We wish to speak to you concerning publicity and
2 what you may know about Mr. Manson, if anything, and this case
3 or any other case.

4 And in connection with that, I suppose that we
5 should now vacate the courtroom, with the exception of
6 Mr. Hunt.

7 Mr. Chapman may remain. So, would you remember
8 my admonition? Don't talk about this case, and don't permit
9 anyone to discuss it with you. Don't form or express any
10 opinions on it until it is submitted to you, should you be
11 chosen as jurors.

12 Would you all --

13 THE BAILIFF: Department 104, sir.

14 THE COURT: Department 104 is vacant. That would be
15 better than the hallway.

16 So, would you leave very quickly and quietly?
17 And I will be calling you back in very soon, I think.

18 (Whereupon, the members of the prospective jury
19 panel exited the courtroom, and the following proceedings were
20 had:)

21 Q BY THE COURT: Mr. Hunt, have you heard the name
22 Charles Manson before you came into this courtroom?

23 A Yes, I have, your Honor.

24 Q And in what connection?

25 A Only in the newspapers and radio and television.

26 Q And was that in connection with this case, or with
27 another case, or both?

28 A Uh -- Your Honor, I really couldn't say, truth-

2
1 fully, because --

2 Q Well, let me ask you: Are you acquainted with
3 the -- or, had you heard about, rather, the trial involving
4 the Tate-La Bianca deaths?

5 A Yes, I have.

6 Q And did you follow that regularly, or more or less
7 haphazardly, in the news media?

8 A Haphazardly, your Honor.

9 Q Do you know the result of that trial?

10 A No, your Honor, I do not.

11 Q Do you know whether Mr. Manson was convicted of
12 anything?

13 A No, I do not.

14 Q Or whether he had been sentenced?

15 A No, I do not.

16 Q Do you know the name Susan Atkins?

17 A I've heard that name.

18 Q In what connection?

19 A Only through the newspaper and through the
20 television media.

21 Q And in what way do you associate that name at
22 all with Mr. Manson, if you do?

23 A Uh -- I believe Miss Atkins was part of the
24 conspirators or something of this nature pertaining to the
25 case.

26 Q Pertaining to that other case?

27 A Yes.

28 Q Have you heard the name Shorty Shea before you

1 heard me state it in this courtroom, in talking about the
2 indictment?

3 A No, I have not, your Honor.

4 Q Or the name Gary Hinman?

5 A I have heard the name Gary Hinman.

6 Q Musician Gary Hinman? And in what connection have
7 you heard that name, that you can remember?

8 A I believe that it was pertaining to the extra-
9 dition or something of this nature.

10 Q Have you heard the name Spahn Ranch?

11 A Yes, I have, your Honor.

12 Q What does that connote to you?

13 A This -- I believe this ranch was the headquarters
14 for the Manson Family.

15 Q You use the term "Manson Family." What does that
16 mean to you?

17 A Well, they're more or less of a group of people
18 who socialized together and who lived together.

19 Q Do you know the name Bobby Beausoleil?

20 A I do not.

21 Q Or Mary Brunner?

22 A I do not know Mary Brunner.

23 Q Do you know that Mr. Manson was accused of crimes
24 in connection with Sharon Tate, and somebody named La Bianca,
25 however?

26 A I do know that he was accused.

27 Q And you don't know whether he was convicted?

28 A I do not.

1 Q And he was accused of what crime, so far as you
2 know?

3 A I believe that he was accused of being the head
4 man there, as I would refer to it, who -- uh -- who
5 inaugurated the plots.

6 This is my understanding, according to the
7 newspapers.

8 Q The plots to do what?

9 A To commit murder.

10 Q The murder of Sharon Tate and the La Blancas?

11 A I can't truthfully say that, your Honor.

12 Q Are you referring to that other case?

13 A I am, sir.

14 Q Do you have any knowledge whatever that you might
15 have gleaned from any of the news media regarding the
16 allegations in this case?

17 A No, I have no knowledge.

18 Q Well, let me ask you this: Do you think that you
19 are capable, in your mind, of segregating anything that you
20 may have heard, seen or read, via the news media, or via
21 conversations that you may have had with friends or relatives,
22 concerning that Tate-La Bianca case or this case, from the
23 evidence?

24 Can you segregate all of that material that you
25 may have seen, heard or read from the evidence that's pro-
26 duced here, and decide this case solely on the evidence and
27 on the law as I shall state it to you?

28 A I can, your Honor.

a flls.

A-e-1

1 Q And the next question I want to put to you is
2 whether you will do that?

3 A I will, your Honor.

4 Q Now, the Court realizes that you probably --
5 that you've probably never been called upon to be as
6 objective as this in a trial, where you are asked to disregard
7 matters that you may have heard, seen or read.

8 And I would like to inquire whether you have any
9 doubt in your mind as to your ability to set this material
10 aside that you've heard, seen or read, and make a decision
11 independently of such matters?

12 A I have no doubt whatsoever, your Honor.

13 Q And will you be fair and impartial?

14 A Fair and impartial.

15 THE COURT: Gentlemen? You may examine.

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

17
18 VOIR DIRE EXAMINATION

19 BY MR. KANAREK:

20 Q Now, Mr. Hunt, you have told us that you have no
21 knowledge of what went on in the previous case.

22 A I do not. I did not follow the case day by day.

23 Q Well, just -- would you tell us, then, in your --
24 now, at the beginning, may I say that I hope, certainly, that
25 we are friends? You understand you are not -- you are not
26 a defendant here, or -- you're just here sort of running to
27 become a judge, against your will, so to speak.

28 Do you understand? As a juror, you become a judge.

A-e-2

1 And we are just interrogating to find out about
2 your state of mind.

3 A I understand this.

4 Q As best we can, in -- in the somewhat limited
5 time we have, obviously, in connection with this.

6 So the questions that I ask you, I am -- I'm
7 sure that we agree that the matters, if they touch on delicate
8 subjects, that it's not going to change your judicial attitude
9 towards this case?

10 A Nothing whatsoever.

11 Q If you are judging apples, you have to talk about
12 apples; right?

13 A That is correct.

14 Q Now, if the prosecution brings in evidence here
15 concerning a racial nature, we have to judge that; right?

16 A That is correct.

17 Q Now, may I ask you, in connection with anything
18 that you've heard about Mr. Manson, did you hear anything
19 involving race?

20 A I -- truthfully, I don't remember -- or, I don't
21 recall ever hearing anything pertaining to a race issue.

22 Q Or a black-white issue of any type?

23 A No.

24 Q Now, you have told us that -- well, let me ask
25 it this way:

26 What do you know -- let me withdraw that.

27 What did you read or hear or see in connection
28 with the publicity concerning Mr. Manson up to this point?

A-e-3

1 A As far as I can remember, the news media, the
2 reporters' reports of their findings -- and this is the only
3 thing in which that I know of the -- of Mr. Manson or anyone
4 else connected with the case, is just what the reporters
5 reported in the newspaper and on the television media.

6 This, however, is not a courtroom, when you look
7 at the television or read the newspapers. It has no bearings
8 whatsoever on the case that is being tried in court.

9 Q I couldn't agree with you more, Mr. Hunt.

10 But the fact is, the reason we are questioning in
11 this regard is because, obviously, the law says that we should
12 be doing this.

13 And when I ask you what you have seen or heard
14 by way of publicity, you -- and this is no reflection on you,
15 the fact that you're out there, as all of us are, and we are
16 all subject to the mass media.

17 So what we are interested in is what -- whatever
18 it may be, that you heard, saw or read, concerning Mr. Manson.

19 That's the question.

20 A Well, I read, I believe, that Mr. Manson -- I
21 can't recall all of the other people that were involved,
22 but that Mr. Manson was the head of a gang of some description.

23 This is the only knowledge that I've ever had of
24 Mr. Manson.

25 I first stated: I did not follow the case. I
26 have no knowledge of -- of all of the accusations or any of
27 the accusations, other than Mr. Manson was the head of a gang.
28 This is all.

A-f-fls.

A-f-1

1 Q Now, from that publicity that you may have
2 read or heard or seen, can you tell us: What is this gang
3 supposedly -- what does this gang supposedly do?

4 A I couldn't say everything. I believe that the
5 first knowledge that I gained of Mr. Manson, according to the
6 news media, was the Tate-La Bianca murder.

7 Q And what is your state of mind as to what this
8 gang did in connection with that you call the Tate-La Bianca
9 murder, as far as what you read, saw or heard in the
10 publicity?

11 A I have no state of mind pertaining to what they
12 did. I have no knowledge of what they did.

13 Therefore, I could not draw a conclusion.

14 Q What does the publicity state that they did?
15 Mr. Hunt?

16 A The publicity stated that they murdered some
17 people. This is the only thing in which that I know.

18 Q And this -- and the people were murdered by --
19 let me withdraw that.

20 As far as the publicity -- and I am now referring
21 to what you saw, read and heard in the publicity -- what did
22 that publicity say the number of murders was?

23 A I disrecall.

24 Q Was it more than one?

25 A It was more than one, yes.

26 Q I see. And as you sit there on the witness stand
27 now, do you know whether the matters that are now before us
28 in this court were matters that the publicity referred to in

1 connection with what viewing, seeing and hearing you have
2 done previously?

3 A I do not believe that the matters before this
4 court has any connections with the publicity, according to
5 the newspaper and the news media, that I read or saw on
6 television.

7 Q May I ask upon what you base that, in view of
8 the fact you tell us that you have such scanty knowledge of
9 what went on in the other matter? Could you tell us how you
10 came to that conclusion?

11 A Because of the -- because of the fact this is
12 the first time, when I entered this courtroom, that I had
13 ever heard it, according to the best of my knowledge.

14 Q But you don't know the names of the victims,
15 alleged victims in the other case; is that correct?

16 A I -- I -- only through hearing, can I associate
17 certain names with certain people. Just hearing by hearing it.
18 This is only through the newspaper and the television media.

19 Q And do you know the names of the people that
20 were allegedly murdered in connection with the other case?

21 A The only persons that I have any knowledge of
22 that was murdered, to my recollection, was the Tate-La Bianca.

23 Q Yeah. But how do -- how many people does that
24 involve?

25 A There was two, I believe it was.

26 Q Do you mean one person named Tate, and one person
27 named La Bianca?

28 A That is right.

1 Q And directing your attention to the publicity
2 that you heard, did the publicity speak of more than two
3 victims, two alleged victims?

4 A Truthfully, Mr. Kanarek, as I have aforestated,
5 I did not follow the case verbatim. To me, when something
6 happens, regardless of how drastic it is, how tragic it is,
7 the only thing I catch is the scant.

8 See, in my work, I am very busy. I also have to
9 study continuously. I don't have time to read all of the
10 newspapers.

11 There's a lot of days go by, I don't even see
12 a sports page, and I'm quite a fan.

13 Q I see. May I ask the study that you are doing?

14 A That's business management.

15 Q Oh, like at school? In other words, you are
16 going to --

17 A I am taking a home credit study course from
18 LaSalle University, out of Chicago.

19 Q I see. Now, directing your attention to the
20 Manson Family, you've mentioned that name, I think.

21 A That is correct.

22 Q What is -- now, again, the publicity is what I
23 am referring to.

24 Would you tell me what -- what have you heard
25 from the publicity as to what the Manson Family constitutes?

26 A According to the knowledge in which that I have,
27 according to the publicity, in which that I have seen on the
28 news media, television, and learned from the newspapers, is

1 that the Manson Family was a bunch of young people who belonged
2 more or less to a cult; that Mr. Manson was the head of the
3 cult.

4 This is the only thing, the only knowledge in
5 which that I have of the Manson Family -- other than seeing
6 the people who believe in Mr. Manson on the news media.

7 Well, in other words, they wear and do the things
8 that they enjoy doing.

9 Q May I ask you, how -- no, I'll withdraw that.

10 The name Susan Atkins is familiar to you?

11 A I've heard it.

12 Q And what -- from the publicity, what do you -- or,
13 would you tell us what you know about Susan Atkins, and what
14 place, if any, she played in these matters?

15 A Truthfully, Mr. Kanarek, again I would have to
16 state that I do not recall -- I could not quote you verbatim
17 anything in which that I read in the newspaper or anything
18 that I saw in the news media.

19 Q Now, over this last weekend, did you see the name
20 Tate in any headlines?

21 A I did not even read the headlines this last
22 weekend.

23 Q Over the -- during this last weekend, did you
24 hear anything over television or over the radio, or did
25 you happen to hear in any way anything concerning this Tate
26 case?

27 A No, I did not.

28 THE COURT: Excuse me. I must interrupt you.

1 MR. KANAREK: Certainly.

2 THE COURT: I have a phone call.

3 MR. MANZELLA: Certainly, your Honor.

4 MR. KANAREK: Certainly, your Honor.

5 THE COURT: I have a long distance phone call from
6 another judge. I'll take it now.

7 MR. KANAREK: Certainly.

8 (Midmorning recess.)

1 fls.

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1 THE COURT: All right, the record will show that
2 Mr. Kanarek is present. Mr. Manzella is present. Mr. Hunt,
3 the prospective juror, is present in the jury box. Mr. Manson
4 is now present.

5 And I think I interrupted you, Mr. Kanarek.
6 Go ahead.

7 MR. KANAREK: Yes.

8 THE COURT: Go ahead.

9 Q BY MR. KANAREK: Well, Mr. Hunt, briefly, sir,
10 have you had the experiences in life, such that many things
11 that we operate on are matters which we receive by way of
12 publicity? For instance, laws from congress, the city
13 council, ordinances, many things that we take as matters that
14 we use every day in our life, come from these types of
15 sources; right?

16 A That is correct.

17 Q Now, have in mind that we have here in the
18 courtroom the obligation to all of us to just view the
19 evidence from the witness stand and the law that the Court
20 gives us, and forget about what we may have heard by way of
21 publicity -- uh, and in many ways we have to reorient our
22 thinking to do this. And especially in this situation where
23 you've heard matters where you've heard of Mr. Manson.

24 Is your state of mind -- is that we all can
25 depend upon, including yourself, that you will do this?

26 A That is correct.

27 Q And if during the course of this trial -- during
28 the course of this trial it should turn out that your mind is

1 triggered by what you hear here -- that is, every once in a
2 while it happens to me. I think undoubtedly it has happened
3 to you. You walk -- you experience something and all of a
4 sudden you remember things you may have heard or read years
5 ago. That's one of the ways human mind works sometimes; you
6 know what I mean?

7 A I understand what you are saying.

8 Q Now, is your state of mind such that you will put
9 aside whatever -- whatever you hear or whatever you remember
10 that you heard by way of mass publicity in the past?

11 A I will do that.

12 Q If something that occurs here triggers your mind--

13 A I still will omit it, the triggering.

14 Q You feel that your state of mind is such that you
15 can do this?

16 A I can do this.

17 Q I see.

18 Thank you very much, Mr. Hunt.

19 MR. MANZELLA: I have no questions, your Honor.

20 THE COURT: Do you wish to question Mr. Hunt now
21 generally, gentlemen?

22 MR. MANZELLA: Yes, your Honor.

23 THE COURT: Why don't we do that.

24 MR. KANARSK: I think in the interest of fair play and
25 equal protection and due process, we should question Mr. Hunt in
26 the presence of all the others.

27 THE COURT: All right, I have no objection to that.

28 MR. MANZELLA: Have we interrogated Miss Howe, gener-

ally, No. 12? I don't think we have.

THE COURT: I can't recall.

Would you have all the jurors come over here and reassemble?

THE BAILIFF: Yes.

THE COURT: Off the record.

(A discussion was had off the record.)

THE COURT: On the record. You are prospective Juror No. 11, Mr. Hunt. Miss Howe would be on your right. She would be No. 12.

(Whereupon, the prospective jury panel was brought into the courtroom.)

THE COURT: You may go ahead and question -- take the general voir dire of Miss Howe.

JUDITH J. HOWE,

BY MR. KANAREK:

Q Miss Howe, have we questioned you in the presence of all the rest of the jurors?

A Yes, you did.

MR. KANAREK: I guess we have, your Honor.

Q BY MR. KANAREK: That is, did we discuss what parts of the world you've lived in?

A Not exactly, but it was late Friday. You did question me shortly. It was not long.

THE COURT: We asked her about jury experience and the usual standard questions that we've asked the various jurors, but I'm not sure that we in any way exceeded that. You may,

1a-1
1 if you wish, take a general voir dire, if you wish.

2 MR. KANAREK: Very well, your Honor, I'll try to make
3 it brief.

4 BY MR. KANAREK:

5 Q Miss Howe --

6 THE COURT: Oh, incidentally, we've received calls from
7 doctors to the effect that Marian Pugh, one of the jurors
8 beyond the rail, one of the prospective jurors is hospitalized
9 at St. John's hospital. May she be excused, gentlemen?

10 MR. MANZELLA: So stipulated, your Honor.

11 MR. KANAREK: So stipulated, your Honor.

12 THE COURT: Very well, the Clerk then may remove her
13 name from the box.

14 There is also another lady who is ill and confined
15 to bed and she may be back tomorrow, but may she be excused
16 for today and her name eliminated from the box, Helen Daday,
17 D-a-d-a-y.

18 MR. MANZELLA: So stipulated, your Honor.

19 MR. KANAREK: So stipulated, your Honor.

20 THE COURT: Retain that slip. She may be available
21 tomorrow from what we hear. Go ahead. I'm sorry to
22 interrupt.

23 MR. KANAREK: Yes, your Honor.

24 Q BY MR. KANAREK: Miss Howe, certainly, I'm sure
25 by now that we're all in agreement that what we want here are
26 12 people who have an independent mind, each one from the
27 other, but willing to consult with the respected fellow
28 jurors.

Now, just by way of example, the California

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1 Supreme Court has seven members, and sometimes those members
2 split 4 to 3. And they're perhaps the most learned men in
3 the law in the State of California, on the California Supreme
4 Court. So people like that can differ in deciding matters,
5 so certainly those of us in the courtroom here can differ
6 legitimately.

7 My question is, is your state of mind such that
8 you recognize that the only result that counts is the result
9 wherein you come to an independent conclusion and maintain it
10 so long as you feel that it is correct?

11 A Yes, I understand that.

12 Q And would you do that, even though in this case
13 it might mean that there was no unanimous decision?

14 A I would adhere to my own thoughts and feelings.

15 Q Even though everybody else didn't agree with you?

16 A Yes.

17 Q Now, is there any reason that you can think of
18 ex -- recognizing what we are, what we are discussing at this
19 point is a judicial-type of mind -- is there any reason that you
20 could not be a fair and impartial juror?

21 A No, there is no reason.

22

23 DANIEL W. HUNT

24 BY MR. KANAREK:

25 Q Mr. Hunt, may I ask you, sir, if it should come
26 to pass that coming to this courtroom there will be people
27 of the black or Negro race, of which you are a member, and
28 that these people will -- one or more of them will be shown

1 to have been in custody for many years in the State Prison
2 system and maybe in the Federal Prison system, is there
3 any reason that you couldn't be fair and impartial in
4 evaluating their testimony?

5 A No, there is not.

6 Q Are we of a mind that there should not be any kind
7 of a lack of brotherhood because of a difference in race?

8 A None, whatsoever.

9 Q And if it should turn out that Mr. Manson was in
10 custody with these people and they considered him their
11 brother -- them -- that -- him to be a brother to these
12 people, and that they considered, also, that there was no
13 distinction between them; is there any reason that if this
14 kind of evidence comes before you that you couldn't be fair
15 and impartial in judging that kind of evidence?

16 A I will do my best to be very fair and impartial.

17 Q But, I mean, I'm alluding to that particular
18 point. Say it turns out that Mr. Manson, who is Caucasian,
19 white, and these people are shown to be very close to each
20 other, since they consider themselves to be brothers, is
21 there any reason that you couldn't, if that comes out here to
22 be relevant and material to any issue in this case -- is there
23 any reason why you couldn't use that evidence to acquit, find
24 Mr. Manson not guilty, if it should turn out to be that way?

25 THE COURT: You needn't answer that, Mr. Hunt. That's
26 a wholly unintelligible question. And it also asks the juror
27 to prejudge the evidence.
28

1b fls.

1 Q BY MR. KANAREK: In any event, Mr. Hunt, is there
2 any reason why you couldn't be fair and impartial in judging
3 this case?

4 A None, whatsoever.

5 Q Do you have any friends or relatives that are in
6 any type of law enforcement work, public or private, anywhere
7 in the world?

8 A No, I do not.

9 Q Is there any reason that you wouldn't give law
10 enforcement testimony the same critical analysis that you
11 would give any other testimony or any other evidence?

12 A There's no reason why.

13 MR. KANAREK: Thank you.

14 I believe that passes for cause, your Honor.

15 THE COURT: Very well.

16 Mr. Manzella.

17
18 DANIEL W. HUNT,

19 BY MR. MANZELLA:

20 Q Mr. Hunt, have you, or do you know anyone who has
21 ever been involved in the defense of criminal cases as a
22 lawyer, an investigator or anything of that nature?

23 A No, I do not.

24 Q Do you know anyone who has ever been accused of a
25 crime?

26 A No.

27 Q Now, you heard the Court's instructions that the
28 Court has given you up until now?

2
1 A That is correct.
2 Q You've heard the questions I asked with regard to
3 the burden of proof, is that correct?
4 A That's correct.
5 Q Would you hold the People to a higher standard
6 of proof or higher burden of proof because this is a murder
7 case?
8 A No.
9 Q You heard the questions I asked with regard to
10 circumstantial evidence?
11 A Yes, I did.
12 Q All right. Do you have any quarrel or bias
13 against circumstantial evidence which would prevent you from
14 being fair and impartial to the people in this case?
15 A No, I do not.
16 Q Mr. Hunt, with regard to the other questions I've
17 asked the other jurors with regard to aiding and abetting,
18 conspiracy, credibility and so on, did you hear the answers of
19 the other jurors?
20 A Yes, I did.
21 Q Would your answers be in any way substantially
22 different?
23 A No, they would not.
24 Q All right.
25 All right, would you pass the microphone to
26 Miss Howe, please.
27 /
28 /

JUDITH J. HOWE,

BY MR. MANZELLA:

Q All right, Miss Howe, do you, or does anyone you know, defend criminal cases or act for the defense in criminal cases, such as an investigator or anything of that nature?

A No.

Q Do you know anyone that's ever been accused of a crime?

A No, I don't.

Q Did you hear the questions that I have asked the other prospective jurors with regard to the burden of proof and circumstantial evidence?

A Yes.

Q All right. Would your answers be substantially different than the answers given by the majority of the other jurors?

A No, they would not.

Q Do you have any quarrel with the law which permits a death to be proved by circumstantial evidence?

A No, I don't.

Q If the defendant testifies or if he calls witnesses in his behalf, would you judge their testimony by the same standards of credibility that you judge the testimony of any other witness?

A Yes.

Q All right. Do you feel that if the defendant testifies or if he calls witnesses in his behalf, that you are obligated or bound to accept their testimony without judging

1 its credibility?

2 A No.

3 MR. MANZELLA: All right, thank you both. The People
4 pass for cause, your Honor.

5 THE COURT: All right, both sides having passed for
6 cause, it is the peremptory challenge of the defendant.

7 MR. KANAREK: Thank and excuse Mrs. Canada.

8 THE COURT: Mrs. Canada, thank you very much. And your
9 jury service --

10 JUROR NO. 4: I have two more days.

11 THE COURT: Would you report to Room 253, then. Thank
12 you for being here.

13 THE CLERK: Frank Y. Edwards, E-d-w-a-r-d-s.

14
15 VOIR DIRE EXAMINATION OF
16 FRANK Y. EDWARDS,

17 BY THE COURT:

18 Q Mr. Edwards, have you been present during all the
19 proceedings during which the Court explained the nature of
20 this case and questioned one of the prospective jurors, the
21 first prospective juror?

22 A I have.

23 Q Taken from your group?

24 A Yes.

25 Q And would your answers be any different than the
26 answers that that juror gave to the questions of a general
27 nature?

28 A No.

1 Q Have you -- strike that.

2 Would it be any hardship to you to serve as a
3 juror in this case?

4 A Financial hardship, yes.

5 Q All right. Tell us in what way?

6 A I am unemployed and I were looking for work at the
7 time.

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1 Q In other words, at this time you'll be looking
2 for work as soon as your jury duty is concluded?

3 A Right.

4 Q How much time do you have left?

5 A 16 days.

6 Q And are you single?

7 A I am.

8 Q You use -- your earnings are the sole source of
9 your support?

10 A Right.

11 Q And if you were prevented from looking for work
12 per your obligation on jury duty, I take it it would be an
13 extreme hardship to you?

14 A That is correct, your Honor.

15 MR. MANZELLA: People will stipulate that it will
16 constitute a hardship, your Honor.

17 MR. KANAREK: Yes.

18 May I ask a couple of questions, your Honor?

19 THE COURT: Yes, you may.

20
21 VOIR DIRE EXAMINATION

22 BY MR. KANAREK:

23 Q Sir, could you tell us what kind of work do you
24 do? What is the general nature of your work?

25 A Shipping and receiving clerk.

26 Q And in any particular kind of activity?

27 A Not necessarily.

28 Q I mean, like any particular -- like in office

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1 equipment or steel or --

2 A No.

3 Q Is there any particular type?

4 A Department stores or garment district.

5 MR. KANAREK: Your Honor, I make a motion that the County
6 pay. The County has shipping and receiving clerks. I make a
7 motion they pay this gentleman whatever the going rate is
8 in his profession. That's my motion. Because if he worked
9 for the County, he would be paid.

10 THE COURT: You want the County to pay whatever the
11 County pays shipping and receiving clerks?

12 MR. KANAREK: Because if he worked for the County --

13 THE COURT: What if he were unwilling to accept -- he
14 may want to look for a better job.

15 MR. KANAREK: I understand.

16 What I am saying is the County should reimburse
17 him, because if he worked for the County -- and it is just a
18 coincidence, a happenstance that he doesn't. And I ask he be
19 paid whatever the going rate is in his profession.

20 THE COURT: The Court thanks and excuses you, and the
21 Court thinks it is a hardship you should not be required to
22 endure. And it does relieve you of the obligation of serving
23 in this case. Thank you for serving as a juror at all under
24 the circumstances. The Court realizes it is a sacrifice to
25 you. Room 253 forthwith, the jury assembly room. Perhaps you
26 can be picked up in another courtroom.

27 THE CLERK: Mrs. Rochelle Daniels, D-a-n-i-e-l-s.

28 First name Rochelle, R-o-c-h-e-l-l-e.

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VOIR DIRE EXAMINATION OF
ROCHELLE DANIELS

BY THE COURT:

Q Is it Mrs. or Miss?

A Mrs.

I can't -- yeah.

Q You have it now.

Were you present when the Court explained the nature of this case and when the Court discussed it with the first prospective juror chosen from your group?

A I was.

Q Would your answers be any different than that first prospective juror's answers were to the questions of a general nature?

A Uh, no.

Q All right. Would it be any hardship, Mrs. Daniels, if you were required to serve as a juror in this case?

A Yes, it would, your Honor.

Q Tell us about that.

A Well, I am presently employed at Edutronics in the capacity --

Q Edutronics?

A Edutronics.

Q Would you spell that, please?

A E-d-u-t-r-o-n-i-c-s. I am a supervisor.

Q You are a supervisor there?

A That's correct. And the company was -- you know, it is not really their policy to excuse their workers to serve

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1 on jury duty. However, since I've been with the company for
2 two years, my supervisors excused me for one month only.

3 Q I see. And then, after that period of time you
4 would not be paid?

5 A That's correct.

6 MR. MANZELLA: People would stipulate that it will
7 constitute a hardship, your Honor.

8 MR. KANAREK: Same motion, your Honor, as regards Mr.
9 Edwards.

10 THE COURT: You want the County then to pay her whatever
11 she's receiving by way of salary or wages, no matter whatever
12 it might be, to compensate her to serve as a juror?

13 MR. KANAREK: Yes, sir.

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1 THE COURT: The Court knows of no such process to
2 accomplish that, and I do find that it is a hardship to her
3 to serve and excuse her.

4 JUROR NO. 4: Thank you very much, your Honor.

5 MR. KANAREK: Your Honor, may I ask her one question?

6 THE COURT: No, you may not.

7 MR. KANAREK: One or two questions?

8 THE COURT: The Court finds it would be a hardship to
9 her and does excuse her.

10 JUROR NO. 4: Do I take my slip?

11 THE COURT: Take your slip and report -- how much time
12 do you have left?

13 JUROR NO. 4: 16 days.

14 THE COURT: Please report to Room 253, the jury assembly
15 room.

16 MR. KANAREK: Thank you, Mrs. Daniels.

17 THE COURT: I don't see Mr. Meyers here in the Clark
18 and Junk matter.

19 (A discussion was had off the record on an
20 unrelated matter.)

21 THE CLERK: John S. Cunningham, C-u-n-n-i-n-g-h-a-m.

22
23 VOIR DIRE EXAMINATION OF

24 JOHN S. CUNNINGHAM

25 BY THE COURT:

26 Q Mr. Cunningham, were you present when the Court
27 explained the nature of this case to the prospective jurors
28 and when the Court discussed the case with the first

1 prospective juror chosen from your group?

2 A I was, your Honor.

3 Q Would your answers be any different than the
4 answers of that prospective juror to the questions of a
5 general nature put to him or her?

6 A No, they wouldn't, your Honor.

7 Q Would it be any hardship to you to serve, Mr.
8 Cunningham?

9 A No, your Honor.

10 Q That's all right, you're using it correctly. You
11 have to get fairly close there in order to make yourself
12 heard with this microphone.

13 It would neither be a financial or personal hard-
14 ship of any type, is that correct?

15 A No, your Honor.

16 Q No, it is not correct?

17 A No.

18 Q What is the -- let me rephrase it.

19 Would it be any hardship, whatever, personal or
20 financial to serve?

21 A No, it would not, your Honor.

22 Q Have you been a juror in any criminal cases?

23 A Only during this tour.

24 Q And did you serve on any criminal case?

25 A Yes, your Honor.

26 Q If so, would you tell us the nature of that case
27 and whether there was a verdict, without saying whether it was
28 guilty or not guilty?

1 A It was a case of burglary.

2 Q Just one case?

3 A One case.

4 Q Was there a verdict in the case, without saying
5 what it was?

6 A It was.

7 Q Will you set aside whatever you may have heard,
8 seen or read in connection with that case, and decide this
9 case solely on its evidence -- only on the evidence produced
10 here in court and on the instructions of law as I shall give
11 them to you?

12 A I will, your Honor.

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

15 A No, I am not, your Honor.

16 Q Have you ever worked for law enforcement?

17 A Many years ago. About 20 or 30 years ago.

18 Q What was the nature of that work?

19 A I was in the Armed Forces. CID agent.

20 Q You were at that time in the Army, Air Force?

21 A Army.

22 Q Do you think that would affect your judgment in
23 this case?

24 A No.

25 Q Do you think that, nevertheless, you could still
26 be fair and impartial?

27 A I could be.

28 Q How are you employed at the present time?

1 A The Postal Service, United States Postal Service.

2 Q In the Central Los Angeles area?

3 A No, sir.

4 Q Do you know Mr. Hunt in back of you there?

5 A No, I don't.

6 Q Or any of the other prospective jurors who are in
7 the box?

8 A No.

9 MR. KANAREK: I think Mr. Lowe --

10 THE COURT: Well, he doesn't know any of the prospective
11 jurors in the box.

12 JUROR NO. 4: No.

13 Q BY THE COURT: And is there a Mrs. Cunningham?

14 A Yes, they are.

15 Q And is she employed outside the home?

16 A No.

17 Q In what general area do you and she reside?

18 A Baldwin Hill area.

19 Q In connection with the death penalty, do you have
20 views concerning it, such that you would be unable to be
21 impartial in determining the first phase of the case, the phase
22 involving guilt or innocence?

23 A No, your Honor.

24 Q And are your views concerning the death penalty
25 such, Mr. Cunningham, that you would, as a result of those
26 views, be unable to impose the death penalty, regardless of
27 the evidence?

28 A They are, your Honor.

1 Q In other words, your views are such that you
2 would automatically refuse to impose the death penalty in
3 any case?

4 A Right, sir.

5 Q And are your views concerning the death penalty
6 such that you would refuse to either consider the death
7 penalty, regardless of the evidence that might be produced
8 in any case?

9 A They are, your Honor.

10 Q Are your views such that you would never vote
11 to impose the death penalty?

12 A Yes, sir.

13 MR. MANZELLA: Your Honor, the People would respectfully
14 challenge Mr. Cunningham under Section 1073, Subdivision 2
15 of the Penal Code.

16 MR. KANAREK: Yes, your Honor.

17 May I ask a question or two?

18 THE COURT: Yes.

19
20 VOIR DIRE EXAMINATION

21 BY THE COURT:

22 Q Mr. Cunningham, actually you've never had the
23 experience of --

24 THE COURT: Mr. -- go ahead.

25
26
27
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2 fls.

1 Q BY MR. KANAREK: You have never had the experience
2 of actually discussing these matters in the context of a
3 trial; isn't that right, Mr. Cunningham?

4 A That's right.

5 Q Was it a fair statement that -- that, in the
6 jury room, there would be no problem in discussing these
7 matters with your fellow jurors? You'd certainly discuss the
8 evidence with them? Is that a fair statement?

9 A Do you mean that I would discuss it with them?

10 Q Yes.

11 A Oh, yes, I would discuss it with them.

12 MR. KANAREK: Thank you, your Honor.

13 Oppose the challenge, your Honor.

14 THE COURT: After discussing the evidence, is there any
15 possibility, in your mind, that exists in your mind at this
16 time, that you would ever, after considering such evidence,
17 no matter what it might be, vote for the death penalty?

18 JUROR NO. 4: No, your Honor.

19 THE COURT: All right. The Court grants the challenge.
20 The Court does find that Mr. Cunningham's reaction would be to
21 automatically refuse the death penalty, regardless of the
22 evidence -- refuse to impose the death penalty, regardless of
23 the evidence.

24 Mr. Cunningham, the Court does thank you and
25 excuses you, and you are asked to report to Room 253 --
26 ordered to report to Room 253 at 1:30, if you would. You are
27 excused until then.

28 Mr. Dooley will give you a slip.

1 Draw another name. And then I'll excuse the
2 jurors. I must go through another department, ladies and
3 gentlemen, to instruct a jury there.

4 THE CLERK: Thomas M. Cassey, C-a-s-s-e-y.

5 THE COURT: Mr. Cassey, you needn't come forward now.
6 But when we resume, you will be in seat No. 4.

7 You are excused now, ladies and gentlemen, till
8 1:45. Remember the admonition. Don't converse among your-
9 selves nor with anyone else on any subject connected with the
10 matter. Don't form or express any opinion until it is
11 finally submitted to you.

12 I'll see you all at 1:45. 1:45. The jurors may
13 be in the box, including the man last called, Mr. Cassey.

14 (Whereupon, at 11:42 A. M., an adjournment
15 was taken until 1:45 P. M. on the same day.)
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1 LOS ANGELES, CALIFORNIA, MONDAY, JULY 12, 1971, 2:15 P. M.

2
3 THE COURT: Mr. Manson is present with Mr. Kanarek.
4 Mr. Manzella for the People. And I left the jury list on my
5 desk. The jury chart on my desk. I'll get it:

6 (Pause.)

7 THE COURT: Are you Mr. Cassey?

8 JUROR NO. 4: Yes, your Honor.

9 THE COURT: The record should show that Mr. Cassey is
10 present in the jury box. The other prospective jurors are not
11 in the courtroom.

12 VOIR DIRE EXAMINATION OF

13 THOMAS M. CASSEY

14
15 BY THE COURT:

16 Q Mr. Cassey, were you present when the Court
17 explained the nature of this case to the prospective jurors
18 and questioned a prospective juror first chosen from your
19 group?

20 A Yes, your Honor.

21 Q Would your answers be any different than that
22 juror responded, that prospective juror responded to the
23 questions of a general nature?

24 A No, they would not.

25 Q Would it be any hardship to you, Mr. Cassey, to
26 serve on this jury?

27 A I feel it would, your Honor.

28 Q In what way?

1 A Well, with my employment, about a month before I
2 was notified to appear for jury duty, I was just placed on a
3 training program which was agreed between me and my employer to
4 interrupt for this month's time, and then, at that time, I
5 would continue the training program when I got off. So at
6 this time arrangements had just been made for a month's time,
7 not four months, five months.

8 Q What company do you --

9 A Security Pacific National Bank.

10 Q They'll continue to pay you, but it will interrupt
11 your training; is that what you are saying?

12 A Yes, it will.

13 Q What type of training is it?

14 A Well, it is training to become a loan officer.

15 Q Is this an ongoing thing involving --

16 A There are about three times --

17 Q Go ahead.

18 A Excuse me.

19 About three times a year the requests are accepted
20 for this program.

21 Q Well, what will happen if you do serve as a juror,
22 is that your training will be delayed approximately four
23 months?

24 A Yes, uh-huh.

25 Q Four or five months, that will be the only hard-
26 ship.

27 How long have you been with the bank?

28 A Six years.

1 Q When did you make application for this training?

2 A About a year ago, I'll say.

3 Q Well, Mr. Cassey, the Court believes under the
4 circumstances, with the course being offered again in a
5 relatively short time, that it is not a sufficient hardship to
6 you and that, therefore, you can serve, although I do realize
7 that it constitutes an imposition on your time. The Court
8 very well believes it would be some inconvenience to you,
9 but we believe that you should serve as a part of your
10 obligation, and the Court would very much appreciate your
11 service.

12 Have you been a juror before?

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

14 Q Have you served on any criminal case?

15 A No, I haven't.

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

18 A No, I am not.
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Tk. 4
fls.

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Q And your work is with Security First National Bank?

A Security Pacific.

Q Security Pacific.

And Security Pacific, what branch?

A Well, the Farmers and Merchants Branch, at Third -- Fourth and Main.

Q How long have you been at that branch?

A A month and a half.

Q What are your functions there?

A I was a trainee on this program which I just described.

Q In what general area do you reside, Mr. Cassey?

A The Wilshire District.

Q Is there a Mr. Cassey?

A No, there is not.

Q In connection with the penalty phase of this case, do you have such views concerning the death penalty that you could not be fair and impartial in determining the question of guilt or innocence -- strike that.

In connection with the death penalty, do you have such views concerning it that you could not be impartial in determining the question of guilt or innocence, in the first phase of the case?

A No, I don't.

Q Or do you have such views concerning the death penalty that you would automatically refuse to impose it, regardless of the evidence in the case, in the penalty phase?

1 A No.

2 Q Or do you have such views concerning the death
3 penalty that you would never vote to impose it, regardless of
4 the evidence that might be produced?

5 A No, I wouldn't.

6 Q Do you have such views concerning the death
7 penalty that you would automatically vote for it, vote for
8 the death penalty, upon a conviction of murder of the first
9 degree, regardless of the evidence?

10 A Well --

11 Q In other words --

12 A I don't know if this would mean these are my
13 views, but as I understand the law, I don't know whether I
14 am to bring that into it, but --

15 Q Well, all I am interested in is that you think
16 about the question and respond truthfully to the question.

17 The question is whether or not, upon a conviction
18 of murder of the first degree, you would automatically impose
19 the death penalty --

20 A No, I wouldn't -- I don't believe I would.

21 Q Would you look at the evidence to determine
22 whether, in your discretion, the death penalty or life
23 imprisonment should be imposed?

24 A Yes, I would.

25 Q Now, regarding publicity that you may have heard,
26 seen or read, had you heard Mr. Manson's name before this --

27 A Yes.

28 Q -- case was called in this courtroom?

1 A Yes, I had.

2 Q And before you were present and heard the indict-
3 ment, had you heard about the indictment in this courtroom?
4 Had you heard Mr. Manson's name?

5 A I wasn't aware of the indictment on this case.
6 I was aware of the previous --

7 Q Yes.

8 A -- case.

4a fls.

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Pg. 1

1 Q And the previous case that you are talking about
2 is the case involving the Sharon Tate killings; is that
3 correct?

4 A Yes.

5 Q And the so-called Tate-La Bianca case?

6 A Yes, uh-huh.

7 Q Did you follow that case in the press or via
8 radio or television?

9 A I followed it. But I didn't make a conscious
10 effort to keep up on it. Just as I would be tuning across the
11 radio dial, say, or glancing through the paper. But nothing
12 more than that.

13 Q Do you know the result of that trial, whether
14 Mr. Manson was found guilty or not guilty?

15 A I think I do. I think he was --

16 Q What is your best remembrance?

17 A I think he was convicted.

18 Q Of what?

19 A First degree murder, I believe.

20 Q And do you know whether the verdict was life
21 imprisonment or death?

22 A No, I don't know what the sentence was.

23 Q Do you know whether there was more than one
24 murder involved? Whether there was more than one conviction
25 of murder involved?

26 A No, I don't.

27 Q Have you heard the name Sharon Tate before?

28 A When -- at the time of the murders.

1 Q Had you heard the name Susan Atkins?

2 A No, not previous to the murders.

3 Q Well, after the murders, did you hear the name
4 Susan Atkins?

5 A After?

6 Q Yes.

7 A Yes, uh-huh.

8 Q And in what connection?

9 A Well, in describing the crime, in the press media,
10 would be the only -- the only way I heard it.

11 Q In other words, you heard a confession of Susan
12 Atkins?

13 A No, huh-uh.

14 Q Do you mean various news articles describing the
15 crime and involving Susan Atkins? Is that what you mean?

16 A Yes. And they would be primarily verbal
17 descriptions. I don't think I ever read anything in the
18 printed press.

19 Q All right. You heard it over television or
20 radio, --

21 A Television or radio, yeah.

22 Q -- is that correct?

23 A Yes.

24 Q Do you know the name Shorty Shea?

25 A No.

26 Q Or do you know the name Hinman? Gary Hinman?

27 A Yes.

28 Q Before I read the name here in the courtroom, in

1 telling you about the indictments in this case, had you ever
2 heard either of those names?

3 A Hinman, I have.

4 Q What had you heard about Hinman? Heard, seen or
5 read about Hinman?

6 A Well, I -- I heard it in the press, or read it --
7 I don't know which one -- but I believe he was murdered in
8 Topanga -- in one of the canyons up above Hollywood.

9 Q And did you read that Mr. Manson was somehow or
10 other involved?

11 A I don't recall that.

12 Q You don't recall that.

13 A No.

14 Q Have you ever heard the name Beausoleil -- seen
15 or read it?

16 A Yes.

17 Q In what connection have you heard Mr. Beausoleil's
18 name?

19 A Well, it was in connection with a -- a murder or --
20 or a group of people that were murdered or something.

21 Q You don't know what murder, but you just remember
22 hearing the name?

23 A Yes.

24 Q Or hearing -- seeing or reading the name; is that
25 correct?

26 A Yes.

27 Q Do you remember hearing or reading the name
28 Brunner, Mary Brunner?

1 A No, I can't recall.

2 Q Do you recall the President of the United States,
3 during that Tate-La Bianca trial, making some statement?

4 A Yes, I do.

5 Q Did that influence you in any way? In other
6 words, did you have a general approval of what was said, or
7 the propriety of saying it?

8 A No. The only -- well, the only thought that went
9 through my mind was questioning the -- the comment and the
10 source of the comment at the time it was made.

11 Q Now, if I were to instruct you that, as a juror,
12 you were to set aside anything you may have heard, seen or
13 read concerning that Tate-La Bianca case, or anything that you
14 might remember about that case or this case, or anything that
15 you might have talked about in connection with that case or
16 this case, that you might remember about the two cases, if I
17 were to instruct you that you were to set all of that aside --
18 not forget about it, but set it aside -- for the purpose of
19 making an independent judgment, based upon the evidence only,
20 and the law in this case, could you do that? Are you capable
21 of doing that?

22 A Yes, I think I am.

23 Q Are you capable of being objective enough to
24 decide this case solely upon the evidence developed here, and
25 exclude from your mind anything that you may have heard, seen
26 or read in --

27 A Yes.

28 Q -- the news media?

1 A Yes.
2 Q Will you do that? If you are selected as a juror?
3 A Yes, I will.
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4b-1

1 Q And can you, in spite of what you may have heard,
2 seen or read, effectively segregate those things from your
3 mind, and be fair and impartial to Mr. -- strike that.

4 Can you segregate those things from your mind
5 and be fair to Mr. Manson? That is, basing your judgment only
6 on the evidence?

7 A Well, your Honor, the only question that I would
8 have, as a juror, in connection with the evidence being
9 presented, would be that -- well, I don't know how to put it.
10 But if someone convicted of a previous crime were on trial
11 for a similar crime, I -- I don't know whether I could help
12 but bring -- let that influence my mind or my judgment, to a
13 certain extent.

14 Q You are not sure that you could forget that, for the
15 purpose of being fair and impartial?

16 A Right.

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

18 THE COURT: All right. That -- that appears to be a
19 good challenge for cause, in view of the fact that Mr. Cassey,
20 if he should remember that which he had heard, seen or read,
21 that that might influence his judgment; and therefore, the
22 Court finds that he should be excused for cause, and there-
23 fore the Court does excuse you.

24 MR. KANAREK: Thank you, Mr. Cassey.

25 JUROR NO. 4: Thank you.

26 MR. KANAREK: Thank you, Mr. Cassey.

27 THE COURT: Room 253, forthwith, if you would, sir.

28 MR. KANAREK: Thank you, sir.

4b-2

1 THE COURT: Call another name.

2 THE CLERK: Sammie C. Williams; S-a-m-m-i-e; C. Williams,
3 W-i-l-l-i-a-m-s.

4 THE COURT: Off the record.

5 (Whereupon, proceedings were had in open court
6 among Court and counsel, outside the hearing of any
7 prospective juror, which was not reported.)

8 THE COURT: All right. Go ahead. Call another one.

9 THE CLERK: Mrs. Mabel J. Gaines; G-a-i-n-e-s.

10 THE COURT: Are you Mr. Williams?

11 JUROR NO. 4: Yes.

12
13 VOIR DIRE EXAMINATION OF

14 SAMMIE C. WILLIAMS

15 BY THE COURT:

16 Q You would be prospective juror No. 4, fourth
17 from the end here, please.

18 Were you present when the Court explained the
19 nature of this case to the prospective jurors and examined a
20 prospective juror, chosen from -- first chosen from your
21 group?

22 A Yes, sir, I was.

4c fls.

4c-1

1 Q And would your answers be any different to the
2 general questions I put to that prospective juror?

3 A No, sir.

4 Q I didn't hear your answer.

5 A No, sir, it wouldn't.

6 Q Would this be any hardship to you, Mr. Williams,
7 to serve on this case?

8 A No, sir.

9 Q What has been your jury service, if any?

10 A Well, I were -- I were on a criminal case once.

11 Q You were on one criminal case?

12 A Yes, sir.

13 Q And what was the nature of that case?

14 A It was a murder trial.

15 Q A murder trial, you say?

16 A Yes.

17 Q Was there a verdict in the case? Without saying
18 whether it was guilty or not guilty.

19 A No, sir.

20 Q There was no verdict?

21 A No, sir. After all the evidence was in, he
22 pleaded guilty.

23 Q Oh, I see. Would you let anything that arose
24 in the course of that trial interfere with your independent
25 judgment in this case?

26 A No, sir, I wouldn't.

27 Q What type of work do you do, Mr. Williams?

28 A I'm a maintenance man with the Los Angeles City

4c-2

1 School District.

2 Q And is there a Mrs. Williams?

3 A Yes, sir, there is.

4 Q What type of work does she do?

5 A She's a housewife at the time being.

6 Q In what area do you and she reside?

7 A We are residing in Southwest Los Angeles.

8 Q Do you have such views concerning the death
9 penalty, Mr. Williams, that you would be unable to be
10 impartial in determining the question of guilt or innocence?

11 A No, sir, I wouldn't.

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

15 A No, sir, I wouldn't.

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

20 A No, sir.

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

23 A No, sir, it isn't.

24 Q In connection with Mr. Manson's name, had you
25 ever heard, seen or read it before? Before you came into
26 this courtroom?

27 A No, sir.

28 Q Never heard of Charles Manson before you came into

1 the courtroom?

2 A Oh, I heard something of him, yes, sir.

3 Q What had you heard?

4 A Well, no more than just what come out in the
5 newspaper concerning --

6 Q Did you hear his name? See it, read it in the
7 newspaper, or hear it over radio or television?

8 A I just heard it over television.

9 Q From watching television, specifically, you heard
10 Mr. Manson's name?

11 A Yes, I think so.

12 Q And did you -- and you also read it in the
13 newspaper?

14 A Yes.

15 Q All right. Now, in what connection had you read
16 his name.

17 A Well -- uh, -- I wouldn't -- I can't explain in
18 what connection, no more than --

19 Q Well, was he a second baseman on the Angels, or
20 was he a track star, or did you know of him in some other
21 connection?

22 A No, sir, I didn't know of him in no other connec-
23 tion, no more than -- but they mentioned him, about being some
24 kind of an incident or something like that.

25 Q Some sort of incident?

26 A Yes.

27 Q Well, do you know what the incident was?

28 DEFENDANT MANSON: "Instigator," he said.

1 Q BY THE COURT: "Instigator"? Did you say that?

2 A Well, something like that. I couldn't understand
3 it, after I read it.

4 Q Did you say the word "instigator"?

5 A Yes -- no -- well, let me say --

6 Q Pardon?

7 A Yes, sir. Not knowing the exact meanings of
8 it.

9 Q Well, tell us -- tell us what you remember of what
10 you read, that causes you to use that word?

11 A Well, I can't remember no more than just hearing
12 that there was some people that was murdered. But who they
13 was, how they was or anything, I couldn't tell you.

4d fls.

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1 Q And how was Manson connected with this, so far
2 as you read, heard or saw?

3 A Well, I can't say exactly how he was connected
4 with it.

5 Q Well, I am not asking you what you know. I'm
6 just simply asking you what you have heard, seen or read.

7 A Yeah. Well, as I understood it, at the time I
8 read it, well -- uh -- I guess he was the -- he was the
9 head of it or something. I don't know.

10 Q Head of what?

11 A Of these people getting --

12 Q And did these people have any name, that you can
13 remember?

14 A Yes, they had names, but I can't remember any of
15 'em now.

16 Q Well, I don't mean their given names, or -- but as
17 a group, did they have a name?

18 A Uh -- you mean the victim?

19 Q No, not the victims. Let's start over.

20 A Yes, sir.

21 Q Have you ever heard the name Sharon Tate?

22 A Yes, sir, I heard it.

23 Q In what connection have you heard that name?

24 A I don't know what connection it was. It was just
25 one of the group.

26 Q Who was one of the group?

27 A Uh -- I really don't know how it went, to be
28 honest with you. I am getting it mixed up myself.

1 Q Do you read the newspaper nightly?

2 A Not nightly, no.

3 Q Well, I don't mean this disrespectfully, --

4 A Yes, sir.

5 Q -- Mr. Williams, but you do read, do you?

6 A Yes, sir, I read.

7 Q And when you read Mr. Manson's name, was that in
8 connection with these murders?

9 A Something of that nature, yeah.

10 Q But -- and do you believe that -- that he was in
11 some way connected with them; is that correct?

12 A I couldn't have any belief about it, to tell you
13 the truth. That's the way I understood it.

14 Q Well, did you ever hear of a trial in which Mr.
15 Manson had been previously involved, other than this case?

16 A No, sir.

17 Q You never read of a trial in which he was accused
18 of anything?

19 A No, sir.

20 Q Have you ever heard, seen or read anything about
21 this case?

22 A No, sir.

23 Q Have you ever heard the name Susan Atkins?

24 A Yes, sir, I think I have.

25 Q Tell us about that name, what you remember about
26 it.

27 A Well, Susan Atkins? I can't -- I can't -- at the
28 moment, I can't say what I remember of her name, no more than

1 just being in the paper.

2 Now, which side they were on or how or on what, I
3 can't remember.

4 Q Have you ever heard the name Bobby Beausoleil?

5 A No.

6 Q Had you heard the name Shorty Shea before?

7 A No, sir.

8 Q Or Gary Hirman? Had you heard that name?

9 A No, sir.

10 Q Is it fair to say that you have read over a
11 period of several months, and have heard and seen over tele-
12 vision, references to Mr. Manson from time to time?

13 A (No response.)

14 Q Is it fair to say that you've seen or heard Mr.
15 Manson's name mentioned, over the past several months?

16 A I couldn't say. But I have heard it, yes, sir.

17 Q Well, let me ask you this: If I were to instruct
18 you that you are to disregard anything that you may have heard
19 -- may have seen, heard or read about Mr. Manson, or about
20 any other case or about this case, and that you are just to
21 decide this case only on the evidence produced here, and the
22 Court's instructions of law, could you do that? Could you
23 set aside anything that you may have seen, heard or read, or
24 might remember having heard, seen or read?

25 A Yes, I could.

26 Q And could you decide this case independently of
27 any such matter?

28 A Yes, your Honor.

1 Q Could you be fair and impartial in this case, in
2 spite of what you may have heard, seen or read, or any
3 opinions you may have formed?

4 A Yes, I can.

5 THE COURT: Mr. Kanarek?

6 MR. KANAREK: Thank you.

7
8 VOIR DIRE EXAMINATION

9 BY MR. KANAREK:

10 Q Mr. Williams, directing your attention to your
11 employment, may I ask you, what is the source of your income?
12 What kind of employment or business are you in?

13 A I am a maintenance man with the Los Angeles City
14 School District.

15 Q I see.

16 And your wife is not employed; is that right?

17 A No, sir.

18 Q Now, having in mind, right now, everything that
19 you have heard concerning Mr. Manson, can you give us your --
20 what you've heard, just like -- you know, when you go to the
21 movies, it doesn't mean it's necessarily so, but it's still
22 there, and you see it and hear it; right?

23 A Yes.

24 Q The same kind of thing here. Can you tell us,
25 just in brief, just in capsule form, what you have heard
26 concerning Mr. Manson?

27 A Well --

28 5 fls.

1 Q How big or how small or whatever it is?

2 A Well, it would be very little, because I can't
3 remember anything much of it now, no more than I've heard
4 that -- well, I just read his name in the paper and heard a
5 little of it on TV, and were some more people. I can't
6 remember all their names.

7 Q Did you ever hear of the name La Bianca?

8 A No, sir. I can't remember that name.

9 Q Did you -- as you sit there now, do you think that
10 what you heard pertains to this trial that's coming up now?

11 A No, sir.

12 Q What did that material that you heard pertain to?

13 A Pertained to the -- if I am not mistaken -- I can
14 be wrong, my remembrance now it was in the case of the La
15 Bianca -- whatever their name was, those people. I don't know.
16 I don't even know. I can't even call their names.

17 Q Very well.

18 And as you sit there now, do you know what the
19 result was in that other case?

20 A No, sir, I don't.

21 Q You don't know whether Mr. Manson was found guilty
22 or not guilty?

23 A No, sir.

24 Q As you sit there now, can you -- your state of
25 mind is such that you believe Mr. Manson was innocent of those
26 other charges?

27 A I couldn't say that one way or the other.

28 Q Well, if the Court tells you that in connection

2
1 with all matters that are coming before you Mr. Manson must
2 be and is deemed to be innocent in all matters coming before
3 you --

4 A Yes.

5 Q -- is your state of mind such that you can accept
6 that and will administer that principal?

7 MR. MANZELLA: Objection, your Honor.

8 THE COURT: Sustained.

9 MR. MANZELLA: It's a misstatement of the law.

10 THE COURT: If, as the Court has instructed you -- and
11 you heard the instructions, did you not, Mr. Manson is pre-
12 sumed to be innocent; you understand that?

13 JUROR NO. 4: Yes, sir.

14 THE COURT: And that places the burden on the State of
15 proving him guilty beyond a reasonable doubt.

16 JUROR NO. 4: Yes, sir.

17 THE COURT: You heard the Court explain reasonable
18 doubt?

19 JUROR NO. 4: Yes, sir.

20 THE COURT: And you're willing to follow that
21 instruction?

22 JUROR NO. 4: Yes, I am.

23 Q BY MR. KANAREK: You certainly intend and would
24 hope to set aside and not use any of the information that you
25 heard from the mass media concerning Mr. Manson; is that right,
26 Mr. Williams?

27 A Yes, sir.

28 Q Now, you would attempt to do that, but is it a

1 fair statement you never had to do that before in your life?
2 You never had to sit in the jury and try to forget something
3 that you had already heard?

4 A Uh --

5 Q Have you ever had to do that before?

6 A No, sir, I've never been on a case like that
7 before.

8 Q So you don't know for sure whether you could do
9 that or not?

10 A Yes, I could.

11 Q You do know that you could?

12 A Yes, a sane man, yes.

13 Q Pardon?

14 A Yes, being a sane man, yes, I could.

15 Q May I ask you what you mean by that?

16 A You know, my rational mind.

17 DEFENDANT MANSON: Sane, sane.

18 Q BY MR. KANAREK: Sane, s-a-n-e. I thought you
19 meant same, s-a-m- like in Mary, -e. Thank you very much.

20 A Yes.

21 MR. KANAREK: Thank you very much, Mr. Williams.

22 THE COURT: People.

23 MR. MANZELLA: No questions, your Honor.

24 THE COURT: Any questions on anything?

25 MR. MANZELLA: Just on the death penalty.

26 THE COURT: Do you wish to examine in the presence of the
27 jurors now or shall we proceed outside their presence?

28 All right, let's call them in. No need to vary it.

3x 4
1 MR. KANAREK: Well, I think --

2 Your Honor interrogated in the presence -- just
3 the prospective juror alone as to death penalty. I think
4 Mr. Manzella should interrogate alone.

5 THE COURT: Well, either of you may, if you wish.

6 MR. KANAREK: I mean, is he going to interrogate concern-
7 ing the death penalty in the presence of all the jurors?

8 THE COURT: That's his intention.

9 MR. KANAREK: I would oppose that. I think it should be
10 done right here and right now.

5a
fls.

1 THE COURT: The Court will permit you to do it right
2 now, on general voir dire.

3 MR. KANAREK: On general, oh, no. On general I wish
4 to do it in the presence of all the jurors.

5 THE COURT: On the penalty?

6 MR. KANAREK: No, I have nothing to ask on penalty.

7 THE BAILIFF: Excuse me, your Honor, do you want to
8 call all the jurors in?

9 THE COURT: Yes, they may come in.

10 MR. MANZELLA: Your Honor, should I proceed now?

11 THE COURT: Yes.

12
13 VOIR DIRE EXAMINATION

14 BY MR. MANZELLA:

15 Q Mr. Williams, do you understand the conditions
16 under which we would reach a penalty phase?

17 A Yes.

18 Q Of this trial?

19 A Yes, sir.

20 (Whereupon, some of the prospective jurors
21 started coming into the courtroom.)

22 Q BY MR. MANZELLA: You understand that before we
23 would reach a penalty phase --

24 DEFENDANT MANSON: Makes my eyes sore.

25 Q BY MR. MANZELLA: -- strike that.

26 That we will reach a penalty phase if Mr. Manson
27 is convicted of first degree murder; do you understand that?

28 A Yes.

1 Q Are you saying that if Mr. Manson was convicted of
2 first degree murder, that in the penalty phase, if in your
3 discretion, your sole and absolute discretion you felt that
4 the death penalty was warranted, that you could vote for the
5 death penalty?

6 A Yes.

7 MR. MANZELLA: All right, thank you, I have no further
8 questions, your Honor, on that point.

9 THE COURT: Off the record.

10 (A discussion was had off the record.)

11 THE COURT: On the record.

12 The record will show that the prospective jurors
13 are all in the box and, counsel, you may examine generally,
14 voir dire, if you wish, if there's anything further.

15 MR. KANAREK: Yes.

16 THE COURT: From either of you.

17
18 VOIR DIRE EXAMINATION

19 BY MR. KANAREK:

20 Q Mr. Williams, do you have any friends or relatives
21 that are in any type of law enforcement work?

22 THE COURT: The jurors in the back can't hear you. Use
23 that microphone.

24 Q BY MR. KANAREK: Do you have any friends or
25 relatives that are in any type of law enforcement work, Mr.
26 Williams, public or private, anywhere in the world?

27 A No, sir.

28 Q Now, if it should come to pass that there shall

1 come to this witness stand one or more witnesses who are of
2 the black or Negro race, the same race that you are a member
3 of, and that person should -- or persons should testify, is
4 there any reason that because of the fact that these people
5 may have been incarcerated in prison with Mr. Manson for a
6 number of years, is there any reason that you couldn't judge
7 their testimony?

8 THE COURT: You needn't answer that. That's an improper
9 question on voir dire. And it is unintelligible in the way
10 you've put it.

11 Q BY MR. KANAREK: Well, I know.

12 Did you understand the question, Mr. Williams?

13 MR. MANZELLA: Objection, your Honor, the Court has
14 already ruled on the question.

15 THE COURT: Yes, the Court has ruled. Rephrase your
16 question.

17 Q BY MR. KANAREK: Are we in agreement, Mr. Williams,
18 that we can be brothers, irrespective of race?

19 A Yes, sir.

20 Q And are we in agreement that regardless of the
21 status of a person who takes a witness stand, even if it
22 should be someone who has been in prison for a -- some number
23 of years, are we in agreement that you will listen to the
24 evidence of such people and give it the weight that you think
25 that it is entitled to and not -- and not say because the man
26 has been in prison or something like that, that we won't
27 listen to him?

28 MR. MANZELLA: Objection, your Honor.

1 No, I'll withdraw the objection, your Honor.

2 THE COURT: I'll allow the question.

3 Do you understand the question, Mr. Williams?

4 JUROR NO. 4: Yes, sir, I do.

5 THE COURT: Would you answer it, then?

6 Would you give such testimony the weight to which
7 you find it to be entitled?

8 JUROR NO. 4: Yes, sir, I would.

9 Q BY MR. KANAREK: Now, if a police officer
10 testifies, you're not going to accept what he says just because
11 he's a police officer; is that a fair statement, Mr. Williams?

12 A Yes, it is.

13 MR. KANAREK: Thank you.

14 THE COURT: Mr. Manzella, go ahead.

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VOIR DIRE EXAMINATION

BY MR. MANZELLA:

Q Mr. Williams, did you hear the questions which I've asked of the other jurors?

A Yes.

Q Did you hear the instructions of law given by the judge, Judge Choate?

A Yes, I did.

Q Do you have any bias against circumstantial evidence, such that you could not be fair and impartial to the People in this case?

A No, sir.

Q Do you know anyone or have you ever been involved in the defense of criminal cases?

A No, sir.

Q Do you know anyone who has ever been accused of a crime?

A No, sir.

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

A Yes, sir, I did.

Q Do you have any quarrel or prejudice against those legal doctrines?

A No, sir.

MR. MANZELLA: Thank you, I have no further questions.

People pass for cause, your Honor.

THE COURT: The defendant pass for cause?

MR. KANAREK: I would like to approach the bench, if I

1 may, your Honor.

2 THE COURT: All right, you may.

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

6 MR. KANAREK: Your Honor, on the record I would like to
7 challenge for cause, because of the publicity, under 1073,
8 Sub section 2, Miss Howe, Mr. Hunt and Mr. Sammy Williams.

9 THE COURT: The Court finds in each case that these
10 jurors can set aside any opinions they might have formed, any-
11 thing they have heard, seen or read concerning this case or the
12 other case, and that they can decide the case on the evidence
13 and the Court's instructions. I think they can act
14 independently of anything they may have heard, seen or read
15 and that they may be fair and impartial and that the challenge
16 is denied.

17 MR. KANAREK: Now, I have another point, which is a
18 delicate point. That is, over the weekend there appeared in
19 headlines, and I have the headline here and, also, on the TV
20 and radio about one ^{Ronnie} Howard being supposedly shot at.

21 THE COURT: That was the witness -- I haven't seen the
22 article. I know the name ^{Ronnie} Howard as being a witness in
23 the Tate-La Bianca case?

24 MR. KANAREK: Yes. I have the Herald Express headline
25 of the newspaper with me in my briefcase and it is a very --
26 I don't want to propagate publicity, but it did occur. Now,
27 it poses --

28 THE COURT: When did it appear?

1 MR. KANAREK: Herald Express, Saturday throughout the
2 day in big, black two-inch headlines. I think it covered
3 two big headlines.

4 THE COURT: Where do you have it, here?

5 MR. KANAREK: I intend to introduce it in evidence.

6 THE COURT: You may do so.

7 MR. KANAREK: It is not just an academic pursuit. I
8 wanted to know -- I believe -- I'm sure some of these jurors
9 have seen it and I want to bring it to the Court's attention
10 so we can have some kind of hearing and determine --

11 THE COURT: What do you propose, just to ask in general
12 or individually?

13 MR. KANAREK: I don't know, your Honor. That's why I
14 am bringing it to the Court's attention.

15 THE COURT: Let's ask them individually whether any of
16 them have heard, seen or read anything over the last three
17 days as to this, as to Mr. Manson.

18 MR. KANAREK: We'd have to do that as to all the jurors.

19 THE COURT: I think we can find out as a group, find out
20 if any one of them raises his hand and if he or she has read
21 anything, then we'll question them individually.

22 MR. KANAREK: Yes, your Honor.

23 THE COURT: The challenges that you made are denied.

24 MR. KANAREK: I do have that paper which I would like to
25 introduce.

26 THE COURT: All right, you may put it in.

27 (Whereupon, the following proceedings were had
28 in open court within the presence and hearing of the pro-
29 spective jurors:)

1 THE COURT: Ladies and gentlemen, the Court will
2 direct as to all of you in the box, and I'll ask the jurors,
3 the prospective jurors beyond the rail to also take note of
4 it. If you are called later, to give me your answer to it.

5 In the last three days have any of you heard,
6 seen or read anything whatever concerning Mr. Manson or the
7 Tate-La Bianca case in the press?

8 If any of you have heard, seen or read anything
9 whatever concerning Mr. Manson, if you read his name or
10 if you've read anything in relation to his name or anything
11 concerning the Tate-La Bianca case of whatever nature, would
12 you raise your hand? In the last three days.

13 I see no hands.

14 I see Mr. Lowe's hand.

15 JUROR NO. 2: Something concerning the --

16 THE COURT: Don't say what it is.

17 Mr. Lowe has raised his hand.

18 And I see three hands, four hands out beyond the
19 rail.

20 In the event you should be called, those of you
21 who are beyond the rail, would you, at the proper time,
22 indicate that you have raised your hand, that you are one of
23 those that raised his hand.

24 I'll -- we'll ask about that, then, Mr. Lowe,
25 and we'll ask you about that -- I think the best way to do
26 it is to ask the other jurors to leave and ask Mr. Lowe to
27 converse with us privately.

28 So would you all just wait out in the hallway.

1 I shouldn't be very long. If it looks as though it is going to
2 take a long time, we'll get you back to 104 where it is cooler.

3 Remember not to converse amongst yourselves, nor
4 amongst -- nor with anyone concerning this matter.

5 (Whereupon, the prospective jurors left the
6 courtroom.)
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1 THE COURT: Mr. Lowe --

2 The record will show that the prospective jurors
3 have left, the other prospective jurors have left.

4
5 VOIR DIRE EXAMINATION

6 BY THE COURT:

7 Q Mr. Lowe, will you tell us what you heard, seen
8 or read?

9 A Well, your Honor, I read where as a witness was
10 harassed or fired upon by persons unknown. The witness in
11 the Tate-La Bianca case.

12 Q A witness in the Tate-La Bianca case.

13 That witness was Ronnie Howard, if you remember?

14 A No, it was the lady -- I can't remember her name.
15 I think it was the one. I'm not sure.

16 Q Now, was the inference made in the news article,
17 as nearly as you can recall, that Mr. Manson or somebody who
18 was Mr. Manson's associate or follower might have been
19 responsible for it?

20 A Uh, no, I don't believe the paper indicated that.
21 As far as I can remember, it didn't.

22 Q Did you form any opinion as to whether Mr. Manson
23 might have been responsible for that shooting?

24 A No. The only opinion that I arrived at was that
25 maybe there was someone that more or less sympathized with Mr.
26 Manson.

27 Q Someone that sympathized with Mr. Manson.

28 Did you take any inference that would be against

5c-2

1 Mr. Manson?

2 A Oh, no, no.

3 Q Do you think that your answer that -- to my
4 previous questions concerning your ability to set aside what
5 you may have heard, seen or read, is in any way altered by
6 your having read that news article?

7 You've indicated to me that you can set aside
8 anything you have heard, seen or read and decide this case
9 independently of such matter and be fair and impartial in
10 your decision in spite of anything that you may have picked
11 up and absorbed from the news media; is that correct?

12 A Yes, I think this is correct.

13 Q And has the reading of that news article in any
14 way changed your attitude?

15 A None.

16 Q And you can ignore what you may have heard, seen
17 or read in connection with it and decide the case independently
18 of such matter, is that correct?

19 A Yes, I believe I can.

20 Q Are you hedging at all when you say, "I believe"?
21 Or do you mean that that is firmly your conviction?

22 A Yes, this is what I believe, this is my firm
23 convictions.

24 THE COURT: All right, any questions of him?

25 MR. KANAREK: No, -- just a brief question.

26 BY MR. KANAREK:

27 Q Mr. Lowe, may I ask where was it that you saw
28 this? Did you see this on a -- you saw it in a newspaper?

5c-3

1 A Yes, it was the newspaper.

2 Q Big headlines?

3 A No, it wasn't big headlines. It is -- or -- I
4 think it was the second page.

5 Q You saw it and you read it in the newspaper?

6 A Yes.

7 Q May I ask what newspaper?

8 A Er, I think it was the Times.

9 Q I see.

10 A No, just a second. I retract that. It is the
11 Examiner, because I only take the Examiner.

12 Q The Herald-Examiner?

13 A Right.

14 Q I see.

15 And you certainly intend not to use that for any
16 purpose, right?

17 A True.

18 Q In connection with this case?

19 A That is true.

20 Q And Ronnie Howard, does that name, "Ronnie Howard,"
21 does that sound like the name that you saw?

22 A Ronnie Howard -- names escape me.

23 Q I see.

24 A I'm not sure.

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

26 THE COURT: All right, now, let me ask you this.

27 If you are chosen as a juror, Mr. Lowe, you are
28 seated in the box as a juror, do you think in the future you

5c-4

1 can avoid reading anything that might in any way impinge
2 upon this case or deal with this case or any other case in
3 which Mr. Manson might be involved? Do you think that you
4 can consciously -- will you consciously avoid reading anything
5 of that nature?

6 JUROR NO. 2: Yes, I would say consciously, but, at
7 times, when it really gets interesting, and I guess nature
8 takes over.

6 fls.

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Pg. 1

1 Q Well, even though you might be interested,
2 you understand that something might arise which might cause
3 you --

4 A Yes.

5 Q -- to alter an opinion that you might have? Some-
6 thing might occur which might make it more difficult for you
7 to be independent in your judgment; do you understand?

8 A Yes, your Honor.

9 Q And the Court -- you understand that that would be
10 unfair, don't you?

11 A True.

12 Q So that I will ask you whether or not you believe
13 that, in the future, you can avoid the perusal, the reading
14 of such matters?

15 A Yes.

16 Q All right. And if you should happen to turn the
17 radio on or somebody has the radio on, would you avoid listen-
18 ing to or avoid viewing television also, concerning this case,
19 or any other case involving Mr. Manson?

20 A Yes, I would say I could do that.

21 THE COURT: All right. Fine. Let's bring the jurors
22 back in.

23 MR. MANZELLA: Well, your Honor, --

24 MR. KANAREK: Your Honor, may we take --

25 MR. MANZELLA: -- the court reporter indicates that
26 Juror No. 11 said that he had read something about the case.
27 In other words, he answered "Yes" in answer to your Honor's
28 question before.

1 THE COURT: Oh, I see. Mr. Hunt?

2 MR. MANZELLA: Mr. Hunt.

3 THE COURT: Get Mr. Hunt in, and we'll all let you --
4 ask for Mr. Hunt to come in.

5 MR. KANAREK: Your Honor, as a matter of -- may we take
6 the recess at this time, your Honor?

7 THE COURT: Well --

8 MR. KANAREK: I think --

9 THE COURT: Let's just ask Mr. Hunt here, and then we will
10 take the recess.

11 MR. KANAREK: Well -- very well.

12 THE COURT: Mr. Lowe, would you mind joining the other
13 prospective jurors out there?

14
15 DANIEL W. HUNT,

16 BY THE COURT:

17 Q Mr. Hunt, I believe that somebody understood you
18 to say you had indicated that you had read something over the
19 weekend in connection with this case, something that appeared
20 in the press.

21 Did you respond affirmatively?

22 A I did, your Honor, that -- that I had not read a
23 newspaper during the whole weekend. I was too busily
24 engaged, actually, in listening to KABC, I believe it was.

25 Q So that you didn't see or hear anything?

26 A No.

27 Q All right. I thought that was your response, but
28 someone else interpreted your reaction differently.

3
1 Do you wish to take a recess now?

2 MR. KANAREK: Yes, please, your Honor.

3 THE COURT: All right. We'll recess for ten minutes.
4 Don't converse with anyone, Mr. Hunt, about this, nor permit
5 anyone to converse with you.

6 JUROR NO. 11: All right.

7 THE COURT: Tell the jurors, if you will, Mr. Kuccera,
8 that they may come in the courtroom. It will probably be more
9 comfortable for them, --

10 MR. KANAREK: Thank you, Mr. Hunt.

11 THE COURT: -- if they were to come in.

12 We are in recess for ten minutes.

13 (Mid-afternoon recess.)

14 THE COURT: The defendant is present with his counsel.
15 All prospective jurors are in the box.

16 The peremptory challenge is with the People.

17 MR. MANZELLA: Yes, your Honor. The People would
18 respectively thank and excuse Mrs. Lola Loudd, Juror No. 5.

19 THE COURT: Mrs. Loudd, thank you very much.

20 Has your time expired?

21 JUROR NO. 5: I have a couple of days.

22 THE COURT: Pardon?

23 JUROR NO. 5: A couple of days.

24 THE COURT: Go to Room 253. But you may not have to go
25 now, if -- Mr. Dooley will call. It looks a little late for
26 you to go over there now. I don't think they'd pick you up
27 for a jury.

28 MR. KANAREK: Thank you, Mrs. Loudd.

1 THE COURT: You might just wait a few minutes. It might
2 save you a trip.

3 JUROR NO. 5: I have to go over there anyhow --

4 THE COURT: You have to go over there anyhow. Report
5 there, then.

6 Call another name.

7 THE CLERK: Mrs. Mabel J. Gaines; G-a-i-n-e-s.

8
9 VOIR DIRE EXAMINATION OF

10 MABEL J. GAINES

11 BY THE COURT:

12 Q Mrs. Gaines, were you present when the Court
13 explained the nature of this case to the prospective jurors,
14 and when the Court talked to the prospective juror -- the
15 first prospective juror taken from your group?

16 A Yes, sir, I was.
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Q And would your answers be any different than that prospective juror responded to the questions of a general nature?

A No, sir, they would not.

Q Would it be any hardship to you, Mrs. Gaines, to serve on this case?

A Yes, sir. Two.

Q Tell us about it.

A One is my job. I'm presently employed for the County of Los Angeles, Department of Social Services; but now, we have a freeze on; we are not hiring anybody -- even if someone retires or should leave the department.

I am up for a promotion within the department. I'm studying and waiting to be called for a County Clerk II and Welfare Computation Clerk II.

Q Have you taken examinations, or --

A No.

Q When would they be?

A I filed for a County Welfare Computation Clerk II on June 25th; and it usually takes from three to four weeks before you are called.

Q And what you are afraid of is that, if you are selected here, that you will lose that opportunity for advancement?

A Yes.

Upon your suggestion, I called my employer -- I believe it was Wednesday -- and she said that it would be impossible to hold it; we can't bring people from the outside.

6a-2

1 When someone within the department passes the examination, she
2 could not hold it for me.

3 Q So that it would be what, another year before
4 you'd be eligible again?

5 A Six months, at least, before we could take
6 another promotional exam.

7 Q Gentlemen?

8 MR. MANZELLA: The People would stipulate it would
9 constitute a hardship, your Honor.

10 MR. KANAREK: Submit it, your Honor.

11 THE COURT: Very well.

12 BY THE COURT:

13 Q What is your other reason?

14 A Sir, it's of a more personal nature, in relation
15 to my physical condition. And with your permission, I would
16 rather not discuss it in the presence of the other jurors.

17 Q Well, can you discuss it generally? Is it
18 something which --

19 A Well, I can go into part of it. I do have a
20 slipped disk. This causes me difficulty on sitting or standing
21 or walking uphill for any length of time. I cannot sit in
22 one position.

7 fls.

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1 Q Have you seen a doctor about that?

2 A Oh, yes, I'm under the doctor now.

3 Q And this causes you some difficulty from time to
4 time?

5 A Yes, sir, it does.

6 Q Do you think that sitting over a period of four or
7 five months as a juror would aggravate that?

8 A Yes, it does, even for four or five hours.

9 THE COURT: All right, the Court does find it would be
10 a hardship to you based on that last ground, and the Court
11 also believes that it would be a sacrifice to you which
12 you shouldn't have to make in connection with your prospects
13 for advancement.

14 JUROR NO. 5: Yes, sir.

15 THE COURT: So the Court will excuse you.

16 JUROR NO. 5: Thank you.

17 MR. KANAREK: Thank you, Mrs. Gaines.

18 THE COURT: Report to Room 253. And if you will wait,
19 Mr. Dooley will find out for you when. You might be saved a
20 walk over there now.

21 JUROR NO. 5: Thank you very much.

22 THE CLERK: Mrs. Mary Lon Russell, middle name L-o-n,
23 R-u-s-s-e-l-l.

24
25 VOIR DIRE EXAMINATION OF

26 MARY LON RUSSELL

27 BY THE COURT:

28 Q Mrs. Russell, were you present when the Court

1 explained the nature of this case and talked to a prospective
2 juror, the first one chosen from your group?

3 A Yes, I was.

4 Q Would your answers be any different than the
5 answers that the prospective juror gave to the questions I
6 asked of a general nature?

7 A No.

8 Q Would it be any hardship to you to serve on this
9 jury?

10 A No.

11 Q Are you -- have you been a juror before?

12 A No.

13 Q In any type of case?

14 A No.

15 Q Do you have any friends or relatives who are law
16 enforcement officers?

17 A No, sir.

18 Q What type of work do you do?

19 A I'm a distribution clerk at the post office. I
20 work --

21 Q How long have you been so involved?

22 A Seven years.

23 Q And is there a Mr. Russell?

24 A No.

25 Q Is it Miss Russell?

26 A Mrs.

27 Q Mrs.

28 I'm sorry, I didn't hear that correctly.

1 In what general area do you reside?

2 A Southwest Los Angeles.

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

5 A No.

6 Q Do you have views concerning the death penalty,
7 such that they would keep you from being fair and impartial
8 in determining the question of guilt or innocence on the first
9 phase of the trial?

10 A No.

11 Q Or are your views concerning the death penalty
12 such that you would automatically refuse to impose the death
13 penalty regardless of the evidence?

14 A No.

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

17 A No.

18 Q But do you believe that you would be able to follow
19 the Court's instructions as I give them to you, as best you
20 can; will you listen to them?

21 A Yes.

22 Q And attempt to follow them?

23 A Yes.

24 Q Can you think of any reason at all why you
25 should not or could not sit on this jury as a fair and
26 impartial juror?

27 A No.

28 THE COURT: At this point, gentlemen, any questions?

1 Any questions on voir dire of Mrs. -- Miss Russell? It is
2 Miss.

3 MR. KANAREK: Well, not --

4
5 VOIR DIRE EXAMINATION

6 BY MR. KANAREK:

7 Q Do you have any friends or relatives that are in
8 any type of law enforcement work, Miss Russell?

9 A No, I don't.

10 Q Public or private?

11 A No.

12 MR. KANAREK: I have not --

13 THE COURT: I think we are at the point now where we
14 must again excuse the other jurors and ask Miss Russell about
15 what she may have heard, seen or read in the press. So would
16 you all retire to Department 104, very quickly.

17 And I presume I'll be seeing you again very
18 shortly.

19 Remember the admonition, don't talk about this
20 case amongst yourselves or with anyone else.

21 (Whereupon, the prospective jurors left the
22 courtroom.)

23
24 VOIR DIRE EXAMINATION

25 BY THE COURT:

26 Q Miss Russell.

27 A Yes.

28 Q The Court would like to inquire whether you had

1 ever heard, seen or read the name Charles Manson before you
2 came into this courtroom?

3 A I've heard of it, but I haven't read anything
4 about it.

5 Q Well, do you know where you heard of it?

6 A Well, just hearing people in general talk.

7 Q About what, in what connection did you hear it?

8 A Well, this is the thing about it, no details,
9 you know. I was catching the bus back and forth, and
10 through different conversations they would be reading the
11 paper.

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1 Q Well, have you ever seen any news release over
2 television in which Mr. Manson's name was mentioned?

3 A No, I haven't.

4 I only have one TV, and that belongs to my
5 children.

6 Q Have you ever heard on the radio, discussing a
7 news item involving Mr. Manson in the last year?

8 A No, I haven't.

9 Q Well, do you know in what connection you hear Mr.
10 Manson?

11 A Well, like you're riding on the bus back and forth
12 to work and individuals reading the paper, someone sitting
13 beside you and asked you have you heard of it, you know.

14 Q I see.

15 A This sort of thing.

16 Q What are we talking about? In what connection have
17 you heard Mr. Manson's name?

18 A Well, like if they were reading the paper and they
19 were reading about them, they would ask me had I followed up
20 on this case.

21 Q On this particular case in which you've --

22 A No, something prior that his name was brought up
23 in.

24 Q Do you know what case it was?

25 A I don't have any idea.

26 Q Have you ever heard of Sharon Tate?

27 A I've heard the name.

28 Q In what connection; do you know that?

1 A Same as goes along with him.
2 Q Well, do you know --
3 A I don't read the paper, nor do I --
4 Q Do you know who she is?
5 A No, I don't.
6 Q Have you ever heard the name Spahn Ranch?
7 A No.
8 Q Have you ever heard the name Susan Atkins?
9 A No.
10 Q Have you ever heard the name La Bianca?
11 A No.
12 Q Do you know what that other case was that Mr.
13 Manson was involved with?
14 A No, I really don't.
15 Q Had you ever heard the name Bobby Beausoleil?
16 A Who?
17 Q Heard, seen or read the name Bobby Beausoleil?
18 A No.
19 Q Mary Brunner?
20 A No.
21 Q Before you came into this court, had you ever
22 heard the name Gary Hinman?
23 A No.
24 Q Shorty Shea?
25 A No.
26 Q Do you know whether Mr. Manson has ever been
27 convicted of any crime, whatever?
28 A Not to my knowledge.

1 Q And there's no reason whatever from what you may
2 have heard, seen or read as to why you could not be fair and
3 impartial to Mr. Manson, is that correct?

4 A No, there's no reason I couldn't be fair and
5 impartial.

6 Q All right. If you should later on remember
7 something that you may have heard, seen or read, or if you
8 do have some opinions now that you have been unable to express,
9 but you should later think of them, would you be able to set
10 aside any such matter involving this case or any other case?

11 A Yes.

12 Q And decide this case independently of anything
13 that you may have heard, seen or read or may remember?

14 A Yes.

15 Q Can you set aside those things in your mind,
16 segregate them from the evidence in this case and decide this
17 case only upon the evidence and the law as I shall state it
18 to you?

19 A Yes.

20 Q Do you think you are capable of doing that?

21 A Yes.

22 Q And will you do that?

23 A Yes.

24 Q Do you have any doubt in your mind whatever about
25 your ability to be objective and impartial in setting aside
26 anything that you may remember of what you heard, seen or
27 read from the news media?

28 A No.

1 Q All right.

2 THE COURT: You may examine.

3
4 VOIR DIRE EXAMINATION

5 BY MR. KANAREK:

6 Q All right, Miss Russell, is it a fair statement
7 that you would certainly intend to set aside everything that
8 you have heard concerning Mr. Manson, right?

9 A Yes.

10 Q You would certainly intend to do that, right?

11 A Yes.

12 MR. KANAREK: Thank you. Thank you.

13 THE COURT: Mr. Manzella.

14 MR. MANZELLA: No questions.

15 THE COURT: All right, bring the jurors back in.

16 (Whereupon, the prospective jurors were brought
17 back into the courtroom.)

18 THE COURT: All right, all the jurors are present.

19 You gentlemen may -- all the prospective jurors
20 are present in the box and beyond the rail.

21 You gentlemen may voir dire, if you wish.

22 You may question, if you wish.

23 MR. KANAREK: Oh, yes, thank you.

24
25 VOIR DIRE EXAMINATION

26 BY MR. KANAREK:

27 Q Miss Russell.

28 A Yes.

1 Q You've heard everything that's gone on in this
2 courtroom since you've been in here?

3 A Yes, I have.
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1 Q Is there any reason that you can think of why
2 you couldn't be an impartial juror?

3 A No, there isn't.

4 Q Or if any one of us were sitting where Mr. Manson
5 were sitting, including someone who you would say would be
6 near and dear to you, would you welcome that juror to be
7 judged by someone with your state of mind?

8 A Yes.

9 Q Thank you.

10 MR. KANAREK: Pass for cause, your Honor.

11 THE COURT: Use the microphone, if you would, Mr. Manzella.

12
13 VOIR DIRE EXAMINATION

14 BY MR. MANZELLA:

15 Q Miss Russell, have you or anyone you know ever been
16 involved in the defense of criminal cases?

17 A Not that I know of.

18 Q Do you know anyone that's been accused of any
19 crime?

20 A No.

21 Q Do you understand from the Court's instructions
22 the burden of proof that's on the prosecution in this case?

23 A Yes.

24 Q Would you hold the prosecution to any greater burden
25 of proof because this is a murder case?

26 A No.

27 Q Did you hear the questions that I have asked the
28 other prospective jurors with regard to circumstantial

1 evidence?

2 A Yes.

3 Q All right. Do you have any bias or quarrel with
4 circumstantial evidence, such that you could not be fair and
5 impartial to the People in this case?

6 A No.

7 Q Does it in any way offend your sense of justice
8 that a person can be convicted of first degree murder under
9 the law, based on circumstantial evidence?

10 A No.

11 Q Did you hear the other questions which I've asked
12 the prospective jurors?

13 A Yes.

14 Q Did you hear the answers of the other jurors to
15 those questions?

16 A Yes.

17 Q All right. If I asked you the same questions,
18 would your answers be substantially the same as the majority
19 of the jurors answered my questions?

20 A Yes.

21 Q All right, thank you.

22 MR. MANZELLA: People will pass for cause, your Honor.

23 THE COURT: Both sides pass for cause, gentlemen?

24 MR. MANZELLA: Yes, your Honor.

25 MR. KANAREK: Yes, your Honor.

26 THE COURT: The peremptory lies with the defendant.

27 MR. KANAREK: Thank and excuse Miss Howe. Thank you,
28 Miss Howe.

1 THE COURT: Thank you, Miss Howe, Room 253 on
2 Wednesday. Wednesday, July 14th, at 9:00 o'clock.

3 MR. KANAREK: Thank you.

4 JUROR NO. 12: You're welcome.

5 THE CLERK: Mrs. Ollie F. Hooks. First name O-l-l-i-e,
6 last name is spelled H-o-o-k-s.

7
8 VOIR DIRE EXAMINATION OF

9 OLLIE F. HOOKS,

10 BY THE COURT:

11 Q Mrs. Hooks, would it be any hardship for you to
12 serve on this jury?

13 A No, it would not.

14 Q Have you heard the Court's explanation of the
15 nature of this case to the prospective jurors and heard the
16 questions that the Court put to the first prospective juror
17 taken from your group?

18 A Yes.

19 Q First person questioned from your group, that is?

20 A Yes.

21 Q Yes?

22 A Yes.

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

25 A No.

26 Q Have you served as a juror before?

27 A No, I haven't.

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

1 enforcement officer?

2 A No.

3 Q Are you an employee outside of the home?

4 A Yes.

5 Q And what's the nature of your employment?

6 A I am a clerk with Pacific Telephone.

7 Q How long have you been so employed?

8 A Six years.

9 Q Is there a Mr. Brooks?

10 A Hooks, H-o-o-k-s.

11 Q Thanks.

12 A Yes, there is.

13 Q Is there a Mr. Hooks?

14 A Yes.

15 Q And is he -- where is he employed?

16 A Soule Steele.

17 Q In what general area do you and he reside?

18 A Southwest Los Angeles.

19 Q Have you ever been involved in law enforcement
20 in any way or has Mr. Hooks?

21 A No.

22 Q Do you have views concerning the death penalty,
23 such that you could not thereby be impartial in determining
24 the question of guilt or innocence?

25 A Yes, I am.

26 Q Are your views concerning the death penalty such
27 that you could not impose it regardless of the evidence?

28 A Yes.

1 Q Would you automatically, regardless of the
2 evidence, refuse to impose the death penalty in any case?

3 A Yes, I would.

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

6 A Yes.

7 Q Are your views such that you would automatically
8 vote against the death penalty and for life imprisonment
9 regardless of what might be produced by way of evidence?

10 A Yes.

11 THE COURT: Any questions?

12 MR. KANAREK: Yes, your Honor.

13
14 VOIR DIRE EXAMINATION

15 BY MR. KANAREK:

16 Q Mrs. Hooks, may I ask you, is it a fair statement
17 that -- that at the time that you were in the jury room, that
18 you would discuss the evidence with your fellow jurors?

19 A Yes, I would.

20 Q And the unlikely -- if this should get to the
21 penalty phase, is it a fair statement that during the penalty
22 phase you would discuss the evidence with your fellow jurors?

23 A Yes.

24 MR. KANAREK: Thank you, your Honor. Thank you.

25 THE COURT: People.

26 MR. MANZELLA: People would respectfully challenge
27 Mrs. Hooks for cause under Section 1073, subdivision 2 of the
28 Penal Code.

1 THE COURT: Would you read back Mrs. Hooks' last answer
2 to Mr. Kanarek's question? In fact, the last two questions
3 and answers?

4 (Whereupon, the record was read by the reporter
5 as follows:

6 "QUESTION: Mrs. Hooks, may I ask you, is it a
7 fair statement that -- that at the time that you were in the
8 jury room, that you would discuss the evidence with your
9 fellow jurors?

10 "ANSWER: Yes, I would.

11 "QUESTION: And the unlikely -- if this should
12 get to the penalty phase, is it a fair statement that during
13 the penalty phase you would discuss the evidence with your
14 fellow jurors?

15 "ANSWER: Yes.")

16 THE COURT: In discussing this evidence, is there any
17 possibility now, as you see your state of mind, Mrs. Hooks,
18 that you would be able to vote for the death penalty after
19 considering and discussing that evidence?

20 JUROR NO. 12: No.

21 THE COURT: Regardless of what that evidence may show?

22 JUROR NO. 12: Yes, sir.

23 THE COURT: All right, the Court grants the challenge
24 for cross, and does excuse you, Mrs. Hooks. You need not
25 report until Wednesday.

26 Do you still have time left on jury duty?

27 JUROR NO. 12: Yes.

28 THE COURT: Wednesday, July 14th, at 9:00 o'clock, Room

1 253. Thank you for being here.

2 MR. KANAREK: Thank you, Mrs. Hooks.

3 JUROR NO. 12: You're welcome.

4 THE CLERK: Benny D. Garcia. First name B-e-n-n-y,
5 last name spelled G-a-r-c-i-a.

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VOIR DIRE EXAMINATION OF

BENNY D. GARCIA

BY THE COURT:

Q Mr. Garcia, were you present when the Court called this case, first called the case, --

A Yes.

Q -- and explained -- when your group was present, and explained the nature of this case to your group of prospective jurors, and conversed with the first prospective juror of your group?

A Yes, sir.

Q And you overheard all of that, did you not?

A Yes.

Q Would your answers be any different than the first prospective juror replied to the Court's questions of a general nature?

A No, sir.

Q Would this be any hardship to you, Mr. Garcia, to serve on this case?

A No, sir.

Q Neither financial nor personal hardship of any kind?

A No.

Q All right. Have you been a juror in any criminal case before?

A Yes.

Q Tell us the types of criminal cases, and whether there was a verdict, without saying what it was.

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A It involved narcotics, and it -- and there was a verdict.

Q There was a verdict?

A Yes, sir.

Q Only one case? Only one criminal case?

A Yes.

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

A No, sir.

Q Have you ever been involved in law enforcement in any way yourself?

A No, sir.

Q What type of work do you do?

A U. S. Postal Clerk.

Q And is there a Mrs. Garcia?

A Yes, sir.

Q What does she do?

A Housewife.

Q All right.

In what general area do you reside?

A Northeast Los Angeles.

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

A No, sir.

Q Do you have any views concerning the death penalty, such that you would be unable, because of those views, to be impartial in determining the question of guilt or innocence?

A No, sir.

8-3

1 Q Or do you have views concerning the death
2 penalty such that you would automatically refuse to
3 impose the death penalty, regardless of the evidence?

4 A No, sir.

5 Q Do you have views such that you would never
6 be able to impose the death penalty?

7 A No, sir.

8 Q Or do you have such views concerning the death
9 penalty that you would automatically impose the death
10 penalty, upon a conviction of murder of the first degree?

11 A No, sir.

12 THE COURT: All right. We must ask you some questions
13 outside of the hearing of the other jurors, and so we'll
14 ask you ladies and gentlemen to move out, if you would,
15 please.

16 Look at the way that one jurors moves out, so
17 quickly.

18 (Laughter.)

19 BY THE COURT:

20 Q Mr. Garcia, were you one of those jurors who
21 raised his hand, when I asked whether the jurors had heard
22 anything in the last three days?

23 A No, sir, I didn't.

24 Q Heard, seen or read anything? You haven't?

25 A No, I haven't.

26 Q All right. Had you heard of Mr. Manson before you
27 came into this courtroom, and the Court told you about this
28 case?

8-4

1 A Uh -- only in -- oh, you might say, conversations,
2 or in the news, when you can't help but hear it.

3 Q Yes. Over the television or radio or press? Or
4 all of those?

5 A Radio, mostly.

6 Q Radio, mostly?

7 A Yes.

8 Q And in what connection do you know Mr. Manson?
9 What was the nature of the news reports that you heard?

10 A Well, the -- it --

11 Q It dealt with what? Or they dealt with what?

12 A The first time I heard about it was when --
13 the first original killings, I suppose you might call it.

14 Q The Sharon Tate killings?

15 A Yes.

16 Q And did you follow that Tate-La Bianca trial in
17 the press?

18 A No, sir. I -- it really didn't interest me.

19 Q Did you follow it on television or radio?

20 A No. I don't have much time for --

21 Q You did know that Mr. Manson was accused of
22 something; is that right?

23 A Yes.

24 Q Do you know what he was accused of?

25 A Of murder, I believe.

26 Q And do you know whether he was convicted?

27 A I honestly don't know.

28 Q You don't know whether the jury came back with a

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1 conviction, and you don't know, if they did, whether they
2 came back with a penalty? Is that correct?

3 A I -- I don't know. I didn't follow it that close.

4 Q All right. Do you know the name Sharon Tate?

5 A Only originally, when I first heard about it.
6 They were supposed to have been the ones that
7 died.

8 Q When you say "the ones," do you mean that you --

9 A Yes.

10 Q -- to your best remembrance, there's more than
11 one killing?

12 A Yes, I believe they did say something about more
13 than one.

8a fls.

8a

Pg. 1

1 Q And do you know who those persons were? Can you
2 remember any of the names?

3 A Sharon Tate; that's all I can remember.

4 Q Does the name La Bianca mean anything to you?

5 A No, sir.

6 Q Does the name Bobby Beausoleil mean anything to
7 you? Bobby Beausoleil?

8 A No, sir. I don't think I've ever heard it.

9 Q How about Brunner? Mary Brunner? Have you ever
10 heard that name?

11 A No.

12 Q Or have you heard the name Shorty Shea before?

13 A No, sir.

14 Q Or have you heard the name Hinman? The name
15 Gary Hinman before?

16 A No.

17 Q And do you know the phrase Manson Family?

18 A Yes, I've heard that.

19 Q What does that mean to you?

20 A I don't know. It -- it really doesn't mean any-
21 thing to me. It's -- it just -- it's just related to the
22 case, I suppose.

23 Q Well, --

24 A Maybe --

25 Q -- in what way, that you know?

26 A I believe they -- they're supposed to be
27 followers of his, aren't they?

28 Q Well, that's your best remembrance?

2
1 A Yes, that's about it.

2 Q And do you know the name Spahn Ranch?

3 A No, sir, I don't.

4 Q Well, if I should instruct you -- if the Court
5 should instruct you that you are to set aside anything that
6 you may have previously heard, seen or read about this case,
7 or Mr. Manson -- or about any other case -- and anything that
8 you may subsequently remember about this case or Mr. Manson,
9 or any other case, and decide this case independently of such
10 matter, could you do that?

11 A Yes, I believe I could.

12 Q Do you believe that you are objective enough to
13 segregate that information that you may have picked up, may
14 have heard, seen or read, from the news media?

15 Are you able to segregate that from the evidence
16 in your mind?

17 A Yes, I believe I could.

18 Q And would you decide this case only on the
19 evidence that's produced here in court, and the Court's
20 instructions of law?

21 A Yes.

22 Q And would you set aside any opinions that you
23 may have formed, even subconsciously now, as you sit -- as you
24 sit there, you may have opinions which may come to your mind
25 at a later time.

26 Would you be able to set those aside, and be
27 independent of them? Could you do that?

28 A Yes, I believe I could.

3
1 Q And could you decide this case only on the
2 evidence and the instructions of law as I shall give them to
3 you, and be fair and impartial in your judgment of the
4 evidence?

5 A Yes, sir.

6 THE COURT: All right. Gentlemen?

7 MR. KANAREK: Yes. Thank you, your Honor.
8

9 VOIR DIRE EXAMINATION

10 BY MR. KANAREK:

11 Q Mr. Garcia, sir, may I ask you what part of Los
12 Angeles do you live in?

13 A Northeast. That's Lincoln Heights district.

14 Q And --

15 A About two miles from here.

16 Q I see. Like around --

17 A North Broadway.

18 Q -- North Broadway? Near Lincoln High School?

19 A Yes.

20 Q And is that -- may I ask you, when you said -- and
21 I think you did; I tried to write it down -- as you said,
22 "The first original killings." What did you mean by that?

23 A Well, what I meant was, the first time I ever
24 heard of Mr. Manson was -- was when -- when I heard on the
25 radio that -- that some people had been killed up in West
26 L. A., I guess it was. I don't remember exactly.

27 And there was quite a bit of talk about it on the
28 radio and TV. You couldn't help but hear something about it.

4
1 But like I said, I didn't really follow it.

2 Q And are we in agreement that -- you recognize that
3 what we are talking about here doesn't reflect upon you at all,
4 the fact that you are an alert citizen and read and listen to
5 what's going on around you.

6 No one is -- no one is saying that there is --
7 there's anything wrong with that; do you understand?

8 A Yes, I understand.

9 Q All that we are doing, we are trying to find out,
10 for the purposes of the law, what actually you've heard by way
11 of publicity.

12 A Yes. I understand.

13 Q However big or however small it may be.

14 Now, directing your attention then to what you have
15 heard about Mr. Manson, in connection with these matters,
16 would you tell us about when was it that you first heard of
17 the -- the media, the publicity, saying that Mr. Manson did
18 this or did that?

19 A Uh -- it was quite a while ago; and -- when I
20 first heard of it. I didn't hear that Mr. Manson had done
21 anything at the time.

22 It wasn't until later that Mr. Manson's name was
23 connected with it, that -- that I learned of the Manson name.

24 Q Now, directing your attention to the year 1970,
25 were you in Los Angeles during that year?

26 A Yes.

27 Q And during that year, did you hear anything
28 concerning Mr. Manson, let's say -- oh, during the first eight

8b file.

5
1 or nine months of 1970, last year?

2 A I might have. But nothing specific. Because like
3 I say, I haven't followed this case at all. It's -- it
4 didn't interest me.

5 Q Well, did you hear anything concerning President
6 Nixon and Mr. Manson?

7 A No, sir.

8 Q Now, then, directing your attention to Mr. Manson
9 and the previous proceedings in this other case, what do you
10 think, based upon what you've seen and heard, Mr. Manson's
11 place was in those proceedings?

12 A You want to know my opinion?

13 Q No.

14 A Or what did I hear?

15 Q No, just what you heard, yes. Just what you
16 heard.

17 A Well, specifically, I can't really say. But all I
18 know is, he was connected with it, in -- in -- as a matter of
19 fact, accused of it.

20 But I didn't hear or really know of any result,
21 or form any opinions.

22 Q And when you say accused of it, what do you mean
23 by "it"?

24 A These killings that took place up here in West
25 L. A.

26 Q I see. And --

27 THE COURT: Is that your opinion, Mr. Garcia?

28 JUROR NO. 12: Which, sir?

6
1 THE COURT: I mean, do you have that opinion? That --
2 you've indicated to Mr. Kanarek that you had some opinion.

3 JUROR NO. 12: No, no. I mean, I can just read some-
4 thing, and then forget it. Because as I say, it didn't
5 interest me.

6 Q BY MR. KANAREK: May I ask, what was -- do you
7 remember, just a few minutes ago, you said, "Are you asking
8 for my opinion, or what I heard?"

9 And I asked you what you heard.

10 Now, I am asking you: What is your opinion?

11 A Of Mr. Manson, or the case?

12 Q Well, what did you think, in your mind, when you
13 asked me about -- the word "opinion"? What were you --

14 A You asked me about what I had heard, read or
15 seen.

16 Q Yes.

17 A And if I have -- and if I have formed an opinion
18 because of what I've read or heard.

19 Q Yes. May I ask -- I'll ask that: Period.

20 A No, I don't. I haven't formed any opinion what-
21 soever. Because, as I said, I haven't followed it. And --
22 it just didn't interest me, and I didn't care.

23 Q I see. And when you say you haven't formed any
24 opinion of it, what do you mean by "it"?

25 A Of what I had heard and read concerning Mr. Manson.

26 Q I see. And certainly, you intend not to consider
27 any of the matters that you may have heard, seen or read
28 concerning Mr. Manson, during the pendency of this trial; is

1 that right?

2 A That's right.

3 MR. MANSON: Thank you, sir. Thank you, Mr. Garcia.

4 THE COURT: Mr. Manzella?

5
6 VOIR DIRE EXAMINATION

7 BY MR. MANZELLA:

8 Q Mr. Garcia, did you say that you were married?

9 A Yes.

10 Q Is your wife employed?

11 A No, she isn't.

12 MR. MANZELLA: I have no other questions, your Honor.

13 THE COURT: All right. Bring the other jurors back.

14 Is there a challenge to Mr. Garcia?

15 MR. KANAREK: Pardon?

16 THE COURT: Any challenge to Mr. Garcia? At this time?

17 MR. KANAREK: Well, I would like to approach the bench,
18 if I --

19 THE COURT: You may.

20 MR. KANAREK: Thank you, your Honor.

21 THE COURT: Bring the other jurors in.

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(Whereupon, the following proceedings were had at the bench among the Court and counsel, not within the hearing of the prospective jury panel:)

MR. KANAREK: Yes, your Honor. I -- I would like to -- well, first of all, I would like to ask -- and I do ask for -- a mistrial, in connection with the Ronnie Howard matter.

I have the paper here. I don't want to display it in front of all the jurors, potential jurors; but I have it. I don't know if the Court had the opportunity to see it over the weekend.

THE COURT: No, I didn't see it.

MR. KANAREK: I have it. It's a very -- it's right on the front page of the Herald-Examiner.

THE COURT: Well, without having seen it, though, I would think it would be no grounds for a mistrial. And --

MR. KANAREK: Well, your Honor --

THE COURT: -- in view of the one juror who so far has been questioned.

MR. KANAREK: Well, it isn't -- what I am saying is, this is --

THE COURT: There are about four -- excuse me -- four who raised their hands, three beyond the rail, and one in the box, Mr. Lowe. And he was questioned.

Do you have it here?

MR. KANAREK: Oh, yes, I have it.

THE COURT: Well, you may introduce it into evidence.

MR. KANAREK: Yes. I would rather not do it while the jurors -- I would like to give it to the Court, if I may, in

8c-2

1 chambers, or --

2 THE COURT: All right. You may introduce it during the
3 recess, or at the conclusion of --

4 MR. KANAREK: But my position is that it's indicative
5 of the ongoing publicity in connection with Mr. Manson.
6 And I -- and my position is: I do ask for a mistrial in that
7 regard.

8 THE COURT: All right.

9 MR. KANAREK: The headlines and --

10 THE COURT: The motion is denied. However, I will look
11 at the news article, and if there is any change in my view
12 after having looked at it this evening -- or, this afternoon, --

13 MR. KANAREK: Well, may I --

14 THE COURT: -- I will indicate to you.

15 MR. KANAREK: May it be marked as an exhibit, your
16 Honor?

17 THE COURT: Yes. It may be marked the next -- as the
18 Defendant's next in order, whatever that may be.

19 MR. KANAREK: Thank you.

20 THE COURT: It's been so long, I can't recall what number.

21 MR. KANAREK: And I would represent to the Court that,
22 throughout the day, this is the latest news section -- or
23 edition of the Herald-Examiner. And the Herald-Examiner has --
24 like the latest -- there are several editions. And it was in
25 headlines throughout the day on different editions.

26 I can represent that to the Court.

27 THE COURT: All right. Do you have any motion with
28 respect to Mr. Garcia?

XXXXXXXXXX

8c-2

1 MR. KANAREK: Yes, I do. I do make a challenge under
2 1073, Subsection 2, in that the man intends to, but I maintain
3 that, in the context of the publicity against Mr. Manson, that
4 none of these jurors, no matter how well intentioned, can
5 possibly put aside these matters that they have learned by
6 way of mass media.

7 THE COURT: The Court believes that Mr. Garcia can put
8 aside what he may have heard, seen or read concerning Mr.
9 Manson, the prior case, or this case, minimal though it may be;
10 and that he will put it aside and will put aside any opinions
11 he may have formed, and be impartial and fair in the matter.

12 MR. KANAREK: Yes. Our challenge, of course, goes to
13 each and every juror --

14 THE COURT: The Court denies the motion, not only as
15 to Mr. Garcia, but -- or the challenge, but as to each
16 prospective juror. I will deny the challenge.

17 (Whereupon, the following proceedings were had in
18 open court, within the presence of the prospective jury panel:)

19 THE COURT: All right. The record will show that all
20 prospective jurors are present.

21 Did either counsel wish to direct any questions
22 to Mr. Garcia?

23 MR. KANAREK: Yes, your Honor, if I may.

24 THE COURT: You may.

8d fls.

8d-1

VOIR DIRE EXAMINATION

BY MR. KANAREK:

Q Mr. Garcia, you've heard -- you've heard that the -- I think -- I think Mr. Manzella spoke intensively in this court concerning circumstantial evidence?

A Yes, sir.

Q If the Court should instruct you, as I believe he will, that -- and instruct all of us -- that a person may be acquitted, found not guilty, based upon circumstantial evidence, is there any reason that you couldn't administer that principle of law?

A No.

Q Can you think of any reason why you couldn't be a fair and impartial juror?

A No, sir.

MR. KANAREK: Thank you. Pass for cause, your Honor.

THE COURT: Mr. Manzella?

VOIR DIRE EXAMINATION

BY MR. MANZELLA:

Q Mr. Garcia, have you ever been involved in the defense of criminal cases, or do you know anyone who has ever been involved in the defense of criminal cases, as a lawyer or an investigator or anything of that kind?

A No.

Q All right. Do you know anyone who has ever been accused of a crime?

A No, sir.

8d-2

1 Q The Court is -- has given you certain instructions.
2 Did you hear and understand those instructions?

3 A Yes.

4 Q Do you have any quarrel with any of those
5 instructions?

6 A No.

7 Q Do you have any quarrel with the fact that the
8 law permits a man to be convicted of first degree murder,
9 where the death has been proved circumstantially?

10 A No.

11 Q If the defendant testifies, or if he calls
12 witnesses to testify on his behalf, would you judge their
13 testimony by the same standards of credibility that you'd
14 judge the testimony of any other witness?

15 A Yes.

16 Q And if you did not believe the testimony of the
17 defendant or his witnesses, would you reject that part of
18 their testimony, which you did not believe?

19 A Yes.

20 Q All right.

21 Mr. Garcia, you understand that if the defendant is
22 convicted of first degree murder, then the same jury who has
23 determined his guilt would then determine his punishment?

24 A Yes.

25 Q Now, do you understand that, in order for the
26 jury to impose the death penalty, the verdict must be
27 unanimous? That is, each of the jurors, the 12 jurors, must
28 vote for the death penalty? Do you understand that?

8d-3

1 A Yes.

2 Q Do you feel, in your own mind, that if after hearing
3 all the evidence in this case you decided that, in your sole
4 and your absolute discretion, that this was a proper -- that
5 this was a case that justified the imposition of the death
6 penalty, could you vote for the death penalty?

7 A I believe so.

8 Q Right. And I take it you don't know any of the
9 other jurors here, who are employed by the Postal Service?

10 A No, I don't.

11 MR. MANZELLA: All right. Thank you very much.

12 I have no further questions, your Honor.

13 THE COURT: Pass for cause?

14 MR. MANZELLA: Your Honor, the People pass for cause.

15 THE COURT: Both sides having passed for cause, it is
16 the peremptory challenge of the People.

17 MR. MANZELLA: Yes, your Honor. The People would like
18 to thank and excuse juror No. 3, Mrs. Kathleen Thompson.

19 THE COURT: Thank you, Mrs. Thompson.

20 You need not report until Wednesday, July 14th,
21 at 9:00 o'clock. Thank you for being here.

22 MR. KANAREK: Thank you, Mrs. Thompson.

23 THE CLERK: Mrs. Illah, I-l-l-a-h, U. Kell; K-e-l-l.

24
25 VOIR DIRE EXAMINATION OF

26 MRS. ILLAH KELL

27 BY THE COURT:

28 Q Mrs. Kell, were you present when the Court

8d-4

1 explained the nature of this case, and when the Court
2 questioned the first of the prospective jurors who were
3 chosen from your group?

4 A Yes.

5 Q Would your answers be any different than that
6 first prospective juror responded to the questions of a
7 general nature?

8 A No.

9 Q All right. Would it be any hardship for you to
10 serve as a juror in this case?

11 A No.

12 Q Neither personal nor financial?

13 A No.

14 Q And have you been a juror before in a criminal
15 case?

16 A No. Oh, I have, on Municipal.

17 Q In Municipal Court?

18 A Yes.

8e fls.

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Q How long ago?

A Oh, about four years ago.

Q Well, in that case, or in that session of jury duty, you've sat as a juror in criminal cases?

A Yes.

Q Very well. Will you set aside what you may have heard there and consider this case only on the evidence and the law that's presented to you?

A Yes.

Q The evidence that's presented here, and the law as I shall give it to you will be the things upon which you are to rely. And you will not rely in any way upon anything you may have learned from previous jury duty, will you?

A No, sir.

Q Pardon? You will not?

A I will not, no.

Q All right. Do you work outside the home?

A No.

Q And what does Mr. Kell do? Is there a Mr. Kell?

A Yes.

Q What type of work does he do?

A He works at Lockheed Aircraft, Burbank.

Q And in what area do you and he reside?

A Central.

Q Do you have children?

A Married.

Q Pardon?

A Married children.

8e-2

1 Q Oh, yes. Have you ever worked outside the home?

2 A Just a very few months; not very long.

3 Q In what part of Los Angeles do you and your
4 husband reside?

5 A About a mile and a half from here.

6 Q Oh, in the Central District?

7 A Yes, the Central District.

8 Q Do you have such views concerning the death
9 penalty that you would be unable to be fair and impartial in
10 determining guilt or innocence, in the first phase of the
11 trial?

12 A No.

13 Q Or do you have such views concerning the death
14 penalty that you could not impose the death penalty in any
15 case, regardless of the evidence?

16 A No.

17 Q Or would you automatically refuse to impose the
18 death penalty, in any case, regardless of the evidence?

19 A No.

20 Q Would your views concerning the death penalty be
21 such that you would automatically vote against it and for
22 life imprisonment, regardless of the evidence that might be
23 presented?

24 A (No response.)

25 Q Would you automatically vote against the death
26 penalty and for life imprisonment, regardless of the evidence?

27 A No.

28 Q Or on the other hand, would you automatically

8e-3

1 impose the death penalty, upon a conviction of murder of the
2 first degree, without regard to the evidence?

3 A No.

4 THE COURT: Gentlemen, any questions thus far?

5 Any questions thus far?

6 MR. KANAREK: Would you -- well, no. Not in view of --
7 no. Thank you, your Honor.

8 THE COURT: All right.

9 MR. KANAREK: Thank you.

10 THE COURT: All right. We will ask you to leave, then,
11 and we'll talk to Mrs. Kell alone.

12 Don't converse amongst yourselves, nor with
13 anybody else, on any subject connected with this matter.

14 You may wait right out in the hall. I think it
15 will just be a --

16 A PROSPECTIVE JUROR: Do you want us to jog?

17 THE COURT: Well, anything that helps to make it a
18 little faster.

19 (Laughter.)

20 BY THE COURT:

21 Q Mrs. Kell, would your -- strike that.

22 Would you have heard or did you hear, see or
23 read anything concerning Mr. Manson, before you came into
24 this courtroom and the Court told you about this case?

25 A No.

26 Q You never had heard the name Charles Manson
27 before?

28 A Yes, yes. On radio, TV.

9 Fls.

1 Q Keep that microphone up to your face, please.

2 A On radio and TV, naturally.

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1 Q I see.

2 And it was in connection with what?

3 A The Tate-La Bianca murder.

4 Q And in that case did you follow it through the
5 press, radio or through television?

6 A No.

7 Q Just occasionally?

8 A Occasionally heard something.

9 Q Some news report in connection with it?

10 A That's right.

11 Q Do you know what the result was in that case?

12 A Well, it is hearsay.

13 Q Do you know --

14 A Hearsay. I didn't read it or hear it.

15 Q Well, whatever you may have heard, seen or read
16 regarding the result, do you remember what you believe it to
17 be or what you --

18 A Well, I heard it was the death penalty.

19 Q You heard it was the death penalty?

20 A That's all I heard.

21 Q In other words, you heard there was a conviction
22 of murder in the first degree?

23 A Yes.

24 Q And there was a finding of a penalty of death
25 by the jury?

26 A Yes.

27 Q Do you know whether there was more than one
28 murder?

1 A What do you mean, that was convicted in this
2 case?

3 Q From the best of your knowledge, from what you
4 remember of what you heard, or read, was there a conviction of
5 more than one murder?

6 A Well, it was a group of people that was supposed
7 to have been murdered.

8 Q How many, do you remember?

9 A No.

10 Q Do you remember any of the names?

11 A Just Tate and La Bianca. I didn't --

12 Q Any others that you can recall now?

13 A No.

14 Q And your best remembrance is the jury came back
15 with a penalty, and the penalty was death; is that right?

16 A That's what I heard.

17 Q Now, had you heard the name Susan Atkins?

18 A Right, yes, I've heard that.

19 Q In what connection?

20 A Oh, just on television.

21 Q And you recall any of the facts involving your
22 hearing of that name?

23 A Not definite facts, no, because I didn't follow it.

24 Q Had you heard the name Shorty Shea before coming
25 into this courtroom?

26 A No.

27 Q Or had you heard the name Hinman, Gary Hinman,
28 before coming into this courtroom?

1 A I might have heard once or twice, but I didn't
2 connect it too much.

3 Q Do you remember any of the facts concerning any of
4 the -- or any of the reports concerning Mr. Hinman?

5 A No.

6 Q All right.

7 Now, do you think it is possible for you to be
8 able to -- strike that.

9 Are you able to set aside whatever you may have
10 heard, seen or read concerning this case in the news media,
11 that is press or radio or television or in your conversations
12 with other persons, and decide this case independently in such
13 matters?

14 A Yes.

15 Q Do you think that you can firmly put such matters
16 out of your mind and decide the case only on the evidence and
17 the Court's instructions of law as I give them to you?

18 A Yes.

19 Q You probably never have done this before, so it
20 would be a unique experience for you, would it not?

21 A Yes, it would.

22 Q But you're firmly convinced that you can and will
23 put such matters out of your mind; is that correct?

24 A Definitely.

25 Q Do you think that you are capable, mentally,
26 of segregating the evidence that will be produced in this
27 case from anything that you may have heard, seen or read?

28 A Yes.

1 Q If someone in the jury room should mention some-
2 thing that was not produced in the evidence, but was some-
3 thing from a newspaper article or something from the radio or
4 television broadcast and you don't recognize it as being some-
5 thing that was deduced from the evidence, would you remind him
6 or her as well as all the jurors that that matter is not to
7 be considered?

8 A Would you --

9 THE COURT: Would you read that back to her?

10 (Whereupon, the record was read by the reporter
11 as follows:

12 "QUESTION: If someone in the jury room should mention
13 something that was not produced in the evidence, but was some-
14 thing from a newspaper article or something from the radio or
15 television broadcast and you don't recognize it as being some-
16 thing that was deduced from the evidence, would you remind him
17 or her as well as all the jurors that that matter is not to
18 be considered?"

19 A Well, I see that the only matters that's to be
20 considered is what's in the courtroom here.

21 Q And you would not permit yourself to raise anything,
22 nor permit any other juror to raise anything which was out-
23 side of the evidence, would you?

24 A No.

25 Q And do you think that you can be fair and
26 impartial in this case in deciding any issue in this case
27 regardless of what opinions you may previously have formed
28 or regardless of what you previously may have heard, seen or

1 read?

2 A Yes.

3 Q All right.

4 Mr. Kanarek, any questions?

5 MR. KANAREK: Yes, your Honor, thank you.

7 VOIR DIRE EXAMINATION

8 BY MR. KANAREK:

9 Q Mrs. Kell, -- am I pronouncing that right?

10 A Yes. Say, in your deliberations in the jury room
11 something comes up and you don't know whether you heard it
12 in the publicity or you heard it here in court; what would you
13 do then?

14 A I would inquire first.

15 Q Who would you inquire from?

16 A Well, from other jurors or I would look into my
17 notebook. I most usually use a notebook.

18 Q All right. But do you take shorthand?

19 A No.

20 Q But it is a fair statement -- certainly you would
21 intend to put aside everything that you have heard by way of
22 publicity; isn't that a fair statement, Mrs. Kell?

23 A Yes.

24 Q But you've heard, over a period of maybe a couple
25 of years now almost, matters concerning the Sharon Tate case
26 and Mr. Manson, right?

27 A Oh, now and then. But I didn't delve into it,
28 because I wasn't that interested at the time.

1 Q Right. But what I mean is, as far as the time
2 span goes, it is certainly just roughly a couple of years?

3 A Yes.

4 Q During this period of time you've come to know
5 what occurred in the Tate-La Bianca case as far as Mr. Manson
6 is concerned by way of publicity in the mass media, right?

7 A No, just through hearsay.

8 Q Well, but -- the fair statement there are many
9 things that all of us operate our lives upon? For instance,
10 the laws that congress pass and the laws that the city
11 council pass; those are hearsay. You certainly don't go to the
12 city council chamber, right?

13 A No.

14 Q So many things that we operate on as the truth are
15 by way of hearsay?

16 A That's right.

17 Q So here we have matters that are happening in
18 connection with this publicity concerning Mr. Manson, and you
19 don't know whether Manson had any part in those matters or
20 not except what you heard in the publicity, right?

21 A That's right.

22 Q And from the publicity you've told us that you
23 heard that he got the death sentence, right?

24 A Yes.

25 Q And that death sentence occurred as a part of a
26 trial, is that right?

27 A Yes, it had to.

28 Q Do you know what he was on trial for in that case,

1 what he was charged with?

2 A He was charged with the murder of the Tate and
3 La Bianca group.

4 Q Right.

5 And so you intend certainly to do what the Court
6 says and put all of this material aside, right, in deciding --

7 A Yes.

8 Q But is it a fair statement that you don't know,
9 not having experienced it, whether for sure this can be done,
10 whether it is humanly possible?

11 A What would be humanly possible?

12 Q I'm saying, certainly you intend -- you've
13 indicated what you intend to do.

14 A Yes.

15 Q But not having experienced this, you don't know
16 whether it would be humanly possible for you to forget, put
17 aside the matters we have spoken about here concerning
18 Mr. Manson?

19 MR. MANZELLA: Objection, your Honor, the question has
20 been asked and answered.

21 MR. KANAREK: It hasn't. She has asked me --

22 THE COURT: It is a little ambiguous. She's not asked
23 to forget what she has heard, seen or read in the press, but
24 she's asked to set it aside. And she has said she's positive
25 she can, but the Court will allow you to inquire. Go ahead.

26 Q BY MR. KANAREK: Certainly you've indicated
27 that's what you intend to do, but not having ever experienced
28 it, not ever having actually gone through that practice, it is

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1 a fair statement you don't know whether it is humanly possible
2 to put aside the matters which you've heard concerning
3 Mr. Manson?
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1 THE COURT: You may answer that yes or no. Yes, it is
2 a fair statement; no, it is not, in your case.

3 Do you understand the question?

4 JUROR NO. 3: No, I don't. That's it.

5 THE COURT: Well, listen to it carefully.

6 Q BY MR. KANAREK: Mrs. Kell, you know, you and I
7 might decide we want to climb Mount Baldy Monday morning.

8 THE COURT: I think we've gone over her intention.

9 MR. KANAREK: Right. Right.

10 THE COURT: We know what her intention is. Just rephrase
11 your question.

12 Q BY MR. KANAREK: You and I might wish to climb
13 Mount Baldy Monday morning, and we might start out to do it,
14 and we may not be able to do it. It may be physically
15 impossible for us to do it; is that right?

16 A That's right.

17 Q You intend to put aside the matters, but is it
18 a fair statement not having experienced it, we don't know
19 whether it is possible or not; is that right?

20 A That's right.

21 MR. KANAREK: 1073, Subsection 2.

22 VOIR DIRE EXAMINATION

23 BY THE COURT:

24 Q Mr. Kanarek put you in this position. He asked
25 you whether it is a fair statement he doesn't know whether we
26 can set aside what we may have heard, seen or read.

27 A Well, I think I can set aside it.
28

9b-2

1 Q All right. Then, his statement, as it refers to
2 you, and you alone, is not a fair statement, is it?

3 A To set aside, you mean? Yes.

4 Well, I know I can set it aside.

5 Q All right. And will you do that?

6 A Definitely.

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

8 A Yes.

9 Q Can you be fair to Mr. Manson in spite of all
10 of this that you may have heard, seen or read?

11 A Yes.

12 THE COURT: All right, the challenge is denied.

13 The Court finds that she can set aside what she
14 may have heard, seen or read, and set aside any opinion that
15 she may have formed and that she can be fair and impartial.

16 Bring the jurors in now, please.

17 (Whereupon, the prospective jury panel was
18 brought into the courtroom.)

19 THE COURT: We'll release them for the night after the
20 next challenge.

21 Come on in, Mr. Lowe, take your place. We have
22 one more challenge.

23 Off the record.

24 (A discussion was had off the record.)

25 THE COURT: On the record.

26 All right, the record will show all the prospec-
27 tive jurors are present and in the box beyond the rail.

28 Do you gentlemen have any questions of Mrs. Kell?

9b-3

1 Any questions of Mrs. Kell?

2 Any questions of Mrs. Kell?

3
4 VOIR DIRE EXAMINATION

5 BY MR. KANAREK:

6 Q I don't believe we asked this, yet, of Mrs. Kell.
7 Maybe we have.

8 THE COURT: Use the microphone, if you would, please.

9 MR. KANAREK: Yes, certainly.

10 Q BY MR. KANAREK: Mrs. Kell, may I ask, do you
11 have any friends or relatives that are in any type of law
12 enforcement work, public or private?

13 A No.

14 Q Anywhere in the world?

15 A No.

16 MR. KANAREK: Thank you, Mrs. Kell.
17

18 VOIR DIRE EXAMINATION

19 BY MR. MANZELLA:

20 Q Mrs. Kell, do you know anyone involved in the
21 defense of criminal cases?

22 A No.

23 Q Do you know anyone who has ever been accused of
24 a crime?

25 A No.

26 Q Did you hear the questions I asked with regard
27 to the burden of proof?

28 A Yes.

9b-4

1 Q Would your answers be the same as the majority of
2 the other jurors?

3 A Yes.

4 Q Do you have any quarrel or bias against circum-
5 stantial evidence, such that you could not be fair and
6 impartial to the prosecution in this case?

7 A No.

8 Q Do you have any quarrel with the law that permits
9 a person to be convicted of first degree murder where the
10 death is proved by circumstantial evidence?

11 A No.

12 Q You heard the instructions given by the Court
13 with regard to aiding and abetting and conspiracy?

14 A Yes.

15 Q All right. Do you have any quarrel with those
16 laws?

17 A No.

18 Q Do you have any quarrel with the law that permits
19 a person to be convicted of first degree murder, even though
20 he was not present at the scene of the killing?

21 A No.

22 Q And having heard my questions with regard to
23 credibility, would your answers be the same as those given
24 by the other jurors?

25 A Yes.

26 Q All right, with regard to the imposition of the
27 death penalty, Mrs. Kell, you understand having heard the
28 questions asked of the other jurors and the Court's instruc-
tions, that the decision is one that's personal to the juror

9b-5

1 and individual to each juror; is that correct?

2 A Yes.

3 Q All right. If after hearing the evidence in this
4 case and if the defendant was convicted of first degree
5 murder, either one or both Counts, do you feel that having
6 heard the evidence, if you decided the death penalty was
7 justified in this case, do you feel that you personally and
8 individually could vote for the death penalty?

9 A Yes.

10 MR. MANZELLA: All right, thank you.

11 People pass for cause, your Honor.

12 THE COURT: All right, the peremptory challenge is with
13 the defendant.

14 MR. KANAREK: Thank and excuse Mrs. Kell. Thank you,
15 Mrs. Kell.

16 THE COURT: Excuse Mrs. Kell.

17 Mrs. Kell, report to Room 253 on Wednesday,
18 at 9:00 o'clock, will you, please.

19 You are excused until then.

20 THE CLERK: Raymond H. Norman, N-o-r-m-a-n.

21
22 VOIR DIRE EXAMINATION OF

23 RAYMOND H. NORMAN

24 BY THE COURT:

25 Q Mr. Norman, were you present when the Court
26 explained the nature of this case to the prospective jurors
27 and when the Court examined a prospective juror, the first one
28 chosen from your group to sit in the box concerning the case?

9b-6

1 A I was.

2 Q Would your answers be any different than that
3 prospective juror responded to the Court's questions of a
4 general nature?

5 A No, they would not.

6 Q And would it be a hardship to you to serve on
7 this case?

8 A Yes, I suppose it would.

9 Q Tell me about it?

10 A Well, I work for Rocketdyne, a division of
11 North American-Rockwell. And they only allow us to serve on
12 a jury for five weeks. After which time they don't pay you
13 any more.

14 Now, as you know, aerospace -- most aerospace
15 divisions, of which I am a member of, are laying off a lot
16 of people. And I was just talking to another juror about the
17 fact that I noticed that I was the only aerospace worker here.
18 There's not many of us left. And for that reason I think it
19 would be a hardship for me.

20 Q Think you might not have a job left when you
21 come back?

22 A I don't think so.

23 Q Would you be so concerned about it that it
24 might divert your attention throughout the trial?

25 A I think it would be.

26 THE COURT: Gentlemen?

27 MR. KANAREK: May I ask a question?

28 THE COURT: Yes, you may.

10 fls.

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VOIR DIRE EXAMINATION

BY MR. KANAREK:

Q Mr. Norman, have you inquired of your supervision, as to -- assuming that the County would pay you during this period of time, so that there wasn't a problem of pay, have you -- have you found out whether they would in fact cause you a problem, as far as having the employment when this trial was over?

Have you checked into that, by any chance?

A No.

MR. KANAREK: May he be allowed to check into that, over the --

THE COURT: No, he may not be.

There's no such mechanism, Mr. Norman, for the County to pay you the wage that you are receiving from Rocketdyne at the present time.

MR. KANAREK: Well, your Honor, it's my position --

THE COURT: Do you have any other questions?

MR. KANAREK: I don't have -- well, I have a motion, your Honor. The same motion, that the County be -- if he worked for the County, he would be getting paid.

I think it's a -- to our view, this is an irrational distinction.

THE COURT: Do you know what he's earning at Rocketdyne? But whatever it may be, you want the County to pay it?

MR. KANAREK: That's right. Because if he were -- if he were in the supervision for the County -- let's say that he were chief administrator officer of the County -- he would

2
1 get his salary.

2 THE COURT: The motion is denied. And -- the People?
3 Any comment?

4 MR. MANZELLA: No, your Honor. Based on what
5 Mr. Norman has said, your Honor, the People would stipulate
6 it would constitute a hardship.

7 THE COURT: All right. The Court will excuse you,
8 Mr. Norman.

9 The Court understands the pressure that's on
10 employees of the space industry these days; and likewise,
11 the Court believes that it would be a hardship to you to --
12 financially, to sit on this jury.

13 And in addition, I can understand that you might
14 well -- your attention might be diverted during the course of
15 this trial by the prospect of losing a job.

16 Thank you for serving as a juror.

17 JUROR NO. 3: Okay.

18 MR. KANAREK: Thank you, Mr. Norman.

19 THE COURT: Do you have any time left?

20 JUROR NO. 3: Yes.

21 THE COURT: If so, report on Wednesday, Room 253.

22 JUROR NO. 3: Okay.

23 THE CLERK: I'll take care of your ticket.

24 MR. KANAREK: Thank you, sir.

25 THE CLERK: Mrs. Billie J. Lee; L-e-e. Billie is
26 spelled B-i-l-l-i-e.

27 VOIR DIRE EXAMINATION OF

28 MRS. BILLIE J. LEE

1 BY THE COURT:

2 Q Mrs. Lee, you have been present during all the
3 proceedings thus far, and have heard the questioning of that
4 first prospective juror from your group, have you not?

5 A I have.

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

9 A My answers would be the same.

10 Q All right. Do you -- would it be any hardship to
11 you, Mrs. Lee, to serve on this jury?

12 A No.

13 Q Neither financial nor personal?

14 A Well, not really financial. My husband supports
15 me.

16 Q If you can hold that up a little closer?

17 A My husband will support me. I mean, he does. But
18 I am working because I wish to --

19 Q You have to get it still closer.

20 A I work because I really wish to work. And --

21 Q So you are willing to fore -- even though you are
22 working, you are willing to forego any financial loss that you
23 may have, or you are willing to sustain any financial loss --

24 A Yes.

25 Q -- that may be incurred by reason of your serving?
26 The Court thanks you.

27 Have you served as a juror before?

28 A Yes, I have.

1 Q And on what types of cases?

2 A Uh -- civil, I think they were. They weren't
3 criminal.

4 Q All civil? They weren't criminal cases?

5 A No.

6 Q You understand -- I may have explained it in
7 your presence before -- that there is a difference between the
8 burden of proof in a civil case. The plaintiff in a civil
9 case must prevail if he or she is to prevail, based on a
10 simple preponderance of the evidence;

11 Whereas in this case, as you have heard, there's
12 a presumption of innocence, which must be overcome by proof
13 beyond a reasonable doubt and to a moral certainty.

14 Do you understand that?

15 A I do.

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100 fls.

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1 Q And your spouse works for the Post Office?

2 A No, sir. He works at the Naval Shipyards. He's
3 an electronics mechanic.

4 Q In Long Beach?

5 A Right.

6 Q And how long has he been employed down there?

7 A I think it's about six years.

8 Q In what general area do you and he reside?

9 A Southwest Los Angeles.

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

12 A I am not.

13 Q Can you think of any reason why you should not or
14 could not sit on this jury, as a fair and impartial juror?

15 A I cannot think of any reason at all.

16 Q I'll ask you about your attitude toward the death
17 penalty in this case. Do you have such views concerning it --
18 that is, the death penalty -- that you couldn't be fair and
19 impartial in determining the question of guilt or innocence?

20 A No.

21 Q Or do you have such views concerning the death
22 penalty that you would automatically refuse to impose it in
23 any case, regardless of the evidence?

24 A No.

25 Q All right. Or would you refuse -- strike that.
26 Or would you impose the death penalty, regardless of the
27 evidence, upon a conviction of murder of the first degree?

28 A No.

10-2

1 Q That is, automatically? Would you automatically
2 impose the death penalty, upon a conviction of murder of the
3 first degree, without regard to the evidence?

4 Would you automatically impose the death penalty?

5 A I would not.

6 Q You will look at the evidence to determine
7 whether, in your sole discretion, the death penalty or life
8 imprisonment should be imposed?

9 A I would.

10 Q Now, we wish to ask you: Were you one of those
11 persons who raised his or her hand --

12 A Yes.

13 Q -- when I asked about publicity --

14 A I was.

15 Q -- that may have been read over the weekend?

16 A Yes.

17 Q We'll ask you about that tomorrow morning, and
18 about publicity in general tomorrow morning.

19 I will excuse all of you tonight.

20 How about 9:30?

21 MR. KANAREK: Well, your Honor, in connection with that
22 matter, the Judge did trail that until 10:00 o'clock.

23 THE COURT: He did trail it?

24 MR. KANAREK: He trailed it. I wonder, your Honor, if
25 I may have till 10:00 o'clock.

26 THE COURT: Well, the Court doesn't want to start as
27 late as it would have to --

28 MR. KANAREK: Oh, I will be there --

10-3

1 THE COURT: -- to allow you to get there.

2 MR. KANAREK: I will be there at 9:00, your Honor.

3 If -- if --

4 THE COURT: And you could be here by 10:00?

5 MR. KANAREK: I will -- I will --

6 THE COURT: It should be about time -- I realize that
7 you are in private practice, and that you have had some
8 obligations, and have incurred some obligations on your
9 calendar.

10 But it should be about time so that you are
11 clearing them up, so that we could start this case at 9:30.

12 MR. KANAREK: Well, the Court did indicate to your
13 Honor that this could be taken care of without my --

14 THE COURT: Yes. I realize that, in this case, you
15 are not totally at fault -- if at all -- in connection with
16 it. But see, what -- what all of us, jurors, counsel and
17 everyone should make an effort to sort of prepare the way,
18 in the event that you are chosen, so that you can be here on
19 time.

20 All right. 10:00 o'clock, then.

21 MR. KANAREK: Thank you, your Honor.

22 THE COURT: Be here tomorrow at about ten minutes to
23 10:00, would you, please. And the bailiff will check you
24 in. And we'll -- maybe we can start promptly at 10:00
25 o'clock.

26 Remember the admonition that I must give you.
27 The Court admonishes you that you are not to converse amongst
28 yourselves nor with anyone else, nor are you to permit anyone

1 to converse with you on any subject connected with this
2 matter, nor are you to form or express any opinion on the
3 matter until it is finally submitted to you.

4 Be here tomorrow morning at 9:50. 9:50. Ten
5 minutes to 10:00.

6 Good night, ladies and gentlemen.

7 THE PROSPECTIVE JURORS: Good night.

8 (The following proceedings were had as the
9 members of the prospective jury panel were exiting
10 the courtroom:)

11 THE COURT: Mr. Manzella and Mr. Kanarek, there is a
12 Lola Daday, D-a-d-a-y, who has phoned in and indicated that
13 she us under a doctor's care, and cannot be here -- cannot
14 perform jury duty for the next 30 days.

15 May she be excused?

16 MR. MANZELLA: The People would stipulate she may be
17 so excused, your Honor.

18 MR. KANAREK: So stipulated, your Honor.

19 THE COURT: All right. Send her name back, then, to
20 the jury assembly room, and tell them that she has been
21 excused here.

22 (Whereupon, at 4:38 o'clock p.m. an adjournment
23 was taken in this matter until 10:00 o'clock a.m.
24 of the following day, Tuesday, July 13, 1971.)
25
26
27
28

10a Fls.