

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.

119

No. A-267861

REPORTERS' DAILY TRANSCRIPT

Wednesday, July 21, 1971

VOLUME 19

APPEARANCES:

For the People:

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

For Defendant Manson: IRVING A. KANAREK, Esq.

JURY SELECTION

COPY

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

1 LOS ANGELES, CALIFORNIA, WEDNESDAY, JULY 21, 1971, 10:04 A. M.

2
3 THE COURT: All right, the Court calls the case of
4 People versus Manson.

5 Where were we?

6 (Whereupon, the Court conferred with the Clerk up at
7 the bench.)

8 THE COURT: Were you excused yesterday?

9 A VOICE: (From the back of the courtroom) Yes.

10 THE COURT: I don't mean to imply that you are not
11 welcome. You can sure stay in the courtroom, if you would
12 like.

13 A VOICE: Pardon?

14 THE COURT: I don't mean to imply by that that you are not
15 welcome in the courtroom.

16 A VOICE: I didn't think so, no.

17 (Short recess.)

18 THE COURT: Let the record show the defendant to be
19 present with his counsel, Mr. Kanarek.

20 In the box is the prospective juror whose name
21 is --

22 JUROR NO. 1: Robert McFall.

23
24 VOIR DIRE EXAMINATION OF

25 ROBERT McFALL

26 BY THE COURT:

27 Q Mr. McFall, were you present when the Court
28 questioned the first prospective juror from your group and

1 when the Court explained the nature of this case and instructed
2 on the law regarding the case, in part?

3 A Yes.

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

7 A No.

8 Q Would it be any hardship for you to serve as a
9 juror?

10 A To me, no. I am told it would be a hardship to my
11 employer, though.

12 Q Tell us about that. Who is your employer?

13 A State of California, the Department of
14 Corporations.

15 Q What's your job with the Department of Corpora-
16 tions?

17 A I am the area specialist in Southern California
18 relative to the check sellers and cashers law.

19 Q Have you served as a juror before?

20 A No.

21 Q Have you gone to law school, had any legal
22 education?

23 A No, just in business law.

24 Q Are you related to a friend of any law enforcement
25 officer?

26 A Uh, no.

27 Q Is there a Mrs. McFall?

28 A There was. There is not now.

1 Q Was she employed outside the home?

2 A Yes.

3 Q What was the nature of her employment?

4 A Insurance.

5 Q Do you have such views concerning the death
6 penalty that you could not be fair and impartial as a result
7 of those views in determining the issue of guilt or innocence?

8 A I don't believe so.

9 Q Or do you have such views concerning the penalty --
10 when you say "I don't believe so," is there any doubt in your
11 mind with respect to that?

12 A No, there is none.

13 Q In answer to the question, then, it is a
14 definite negative that you are giving me?

15 A Yes.

16 Q Do you have such views concerning the death
17 penalty that you would, by reason of those views, auto-
18 matically refuse to impose the death penalty?

19 A No.

20 Q Or would you automatically impose the death
21 penalty upon a conviction of murder of the first degree re-
22 gardless of the evidence?

23 A No.

24 Q Regarding publicity that you may have heard, seen
25 or read, had you heard the name Charles Manson before you came
26 into this courtroom?

27 A Yes.

28 Q And was that in connection with the Tate-La

1 Bianca homicides?

2 A Yes, it was.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

2-1

1 Q Did you follow that case in the press or via
2 television or radio?

3 A I had read articles on it, yes.

4 Q Would you tell us, did you do it regularly? That
5 is, did you follow the case regularly?

6 A I would have to say no, because of the extent
7 and nature of it.

8 Q More than haphazardly? You saw an article in the
9 newspaper or saw something on television or over radio; you
10 heard something?

11 A That is correct.

12 Q Do you know what the result of the case was?

13 A If I recall correctly, it was a conviction.

14 Q A conviction of what?

15 A Well, I believe there were several counts.
16 Exactly what, I have no idea -- except I believe one was
17 first degree murder.

18 Q Was there a verdict in the penalty phase, that
19 you know of? If you can remember.

20 A I'm not sure, but I believe it was -- I believe
21 it was death.

22 Q Is that your best remembrance?

23 A Yes.

24 Q Now, do you know the name Shorty Shea, or had
25 you heard it before you came in this courtroom?

26 A No.

27 Q Do you know the name Hinman? Gary Hinman?
28 Musician Gary Hinman? And had you heard it before you came

2-2

1 into this courtroom?

2 A Yes.

3 Q In what connection? What do you know about it?

4 A As I recall -- and this is just from reading
5 articles -- apparently he was a musician who was -- his life
6 was taken by someone other than this party here, directly.

7 However, I believe that this party, the
8 defendant, is supposed to have influenced this.

9 That's my recollection.

10 Q If I were to instruct you, Mr. McFall, that you
11 were to completely ignore anything that you may have heard,
12 seen or read, via the news media, anything that you may have
13 talked about with your friends or relatives concerning Mr.
14 Manson, this case or the Tate-La Bianca case, if I were to
15 tell you that you were to set that aside for the purpose
16 of making an independent determination of guilt or innocence,
17 based solely upon -- based solely on the evidence in this
18 case, ignoring that and not forgetting it, but setting --
19 that is, ignoring the publicity stories -- do you think you
20 could do that?

21 A I believe I could.

22 Q Are you capable of segregating in your mind the
23 news articles, the television reports, anything that you may
24 have heard, seen or read concerning Mr. Manson or this case
25 or any other case? Are you capable of segregating that in
26 your mind from the evidence in the case?

27 A I believe I could.

28 Q When you say, "I believe I could," are you

2-3

1 hedging at all or are you firm in respect to that.

2 A Oh, I'm firm in respect to that. The only thing
3 I was trying to bring out is, something that is presented
4 here may go and jog a memory on something else. I'm not
5 sure.

6 Q Now, assuming that that were true -- let's say
7 that, during the course of this case, something that is
8 mentioned here does recall to your mind a news article,
9 a television program, a television news report or a radio
10 report -- could you effectively set that remembrance aside,
11 for the purpose of making an independent judgment on any
12 issue that you are called upon to decide in this case?

13 A Yes.

14 Q Are you sure about that?

15 A I feel quite sure, yes.

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

17 Q BY THE COURT: When you say "quite sure," is
18 that in any way hedging?

19 A I don't believe so, no. Let's say: I'm sure.

20 Q When you say, "Let's say: I'm sure," then, are
21 you firm in your belief about your ability to do that?

22 A Yes, sir.

23 Q And will you do it?

24 A Yes.

25 Q And can you be fair and impartial in this case,
26 regardless of what you may have heard, seen or read concerning
27 Mr. Manson, this case or the Tate-La Bianca case?

28 A Yes.

1 MR. KANAREK: May I interrogate, your Honor?

2 THE COURT: Yes. The Court believes -- the Court
3 denies the challenge. The Court believes that he can set
4 aside anything he may have heard, seen or read; that he will
5 do so; and that he will be fair and impartial.

6 But you may interrogate. Go ahead.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2a fls.

VOIR DIRE EXAMINATION

1
2 BY MR. KANAREK:

3 Q Sir, right now, your state of mind is, as you've,
4 I think, put it, that Mr. Manson -- well, rather than --
5 I'd rather hear it from you.

6 You recognize that what we are here for is
7 just to gather information as to what you may have heard
8 concerning publicity?

9 A Yes.

10 Q And you are in no way on the spot; you recognize
11 that?

12 A Yes, I do.

13 Q Now, would you tell us, what have you heard
14 concerning Mr. Manson and Mr. Hinman?

15 A To the best of my recollection, just the fact
16 that he supposedly influenced someone else to go and take
17 Mr. Hinman's life.

18 Q I see. Now -- so that presently, this is --
19 this is your state of mind? This is what you think the
20 evidence is; is that correct?

21 A This is what I recall relative to this, yes.
22 Now, whether or not it's correct, I'm not sure.

23 Q But is this what you've heard?

24 A Yes.

25 Q So that it's a fair -- is it a fair statement
26 that, presently, that being in your mind, it would take
27 evidence here to displace that from your mind?

28 A I think it would take evidence to go and confirm

1 it?

2 A I think it would take evidence to go and confirm
3 it.

4 Q Pardon?

5 A I think it would take evidence to go and confirm
6 it, or to -- I mean, it would have to be presented here, in
7 such a manner that -- that -- well, let me think the answer
8 out on this again, please.

9 Q Certainly. Certainly.

10 (Pause.)

11 A Would you repeat that one more time, please?
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q Surely.

2 You have said that it would take evidence to
3 confirm it.

4 May I ask it that way, what do you mean by that,
5 Mr. --

6 A I mean that there would have to be evidence
7 presented here by the prosecution to establish this. Let's
8 put it that way.

9 Q And when you say "confirm," what do you mean by
10 confirm?

11 A I believe that was a poor word. That's the reason
12 I asked for a rephrasing of the question.

13 Q I see.

14 Well, at the present -- well, would you tell us
15 what you know about Sharon Tate, if anything?

16 A I believe she was either a movie actress or a wife
17 of one.

18 Q She was what?

19 A She was either a movie actress or the wife of one.

20 Q And in connection with the -- what the Court has
21 called the Tate-La Bianca case, what place did she play in it
22 as far as you know, from the publicity?

23 A Well, I believe it was her home where it happened,
24 and whether or not there was a party involved -- I presume
25 there would be, if there were a number of people there.

26 Q And in that connection, what have you heard from
27 the publicity as to any place that Mr. Manson had in these
28 proceedings?

3-2

1 A Again, going to my recollection, -- this is some
2 time ago, now. I believe that he went in the company -- three
3 or four other people to the mansion.

4 Q And what occurred? What is your recollection as
5 to what Mr. Manson did from the publicity?

6 A Whether -- I don't recall whether he actually,
7 from the publicity, directly participated in the murders or
8 whether he was just on the premises.

9 When I say "directly participated," I mean the
10 actual physical acts. I really don't recall.

11 Q But your state of mind, from the publicity,
12 is that Mr. Manson has been convicted of something? You told
13 Judge Choate that?

14 A Yes.

15 Q What is your state of mind that he's been
16 convicted of?

17 A If I recall correctly, he's been convicted of
18 first degree murder.

19 Q And that is in connection with what events?

20 A The Tate-La Bianca murders.

21 Q Now, is it -- you certainly would intend to follow
22 the Court's orders; is that correct?

23 A Yes.

24 Q But never having done it before, is it a fair
25 statement that you don't know whether, in fact, you could
26 carry out that intent?

27 You might intend to play eighteen holes of golf
28 today, but you might never accomplish it. You see what I'm

3-3

1 -- the type of thing we're talking about?

2 A That could be possible, yes.

3 MR. KANAREK: Thank you.

4 Approach the bench, your Honor.

5 THE COURT: Yes, you may.

6 BY THE COURT:

7 Q Mr. McFall, is it possible that if I were to
8 instruct you that you were to ignore anything that you may have
9 heard, seen or read concerning Mr. Manson or this case, or any
10 other case, that you would not follow that instruction?

11 A I would try to follow that instruction, your Honor.

12 Q Are you stating to me that you don't know whether
13 you could? That you don't know whether or not you could set
14 aside such things?

15 A Well, at this time I believe I can, yes. That's
16 why I say I would attempt to.

17 Q So that you are uncertain at this moment about what
18 might come up in your memory and that you might -- your think-
19 ing -- that during the course of the trial there is something
20 that does trigger your memory, something does come back to your
21 mind, that you might not be able to ignore it in making any
22 decision that you are called upon to make in this case; is that
23 the state of your mind?

24 A Uh, no. What I am trying to say, at the present
25 time I believe I could, however.

26 Q Why do you use the -- go ahead -- "however"?

27 A The only point I am trying to bring out is, I
28 believe I could right now and not being subjected to this

1 before, my mind could change. However, I don't expect it to.

2 Q Well, you know your mind presumably better than
3 any of us. So at this stage you are stating to us it is
4 possible, knowing your mind, knowing the way it works, that
5 you could not ignore anything that you might remember? It
6 is possible that you would use it in determining some issue
7 in this case, that you could not, therefore, be fair and
8 impartial in determining some issues in this case because of
9 what you might remember; is that right?

10 A There always is that possibility.

11 THE COURT: All right, the Court grants the challenge.
12 You are excused. Report to Room 253, forthwith, please.

13 The Court finds that it is doubtful as to Mr.
14 McFall's ability to determine any issue in this case without
15 reference to any opinion he might have formed, any news
16 article that he might have heard, might have read or has
17 heard or seen in the course of reading about the -- reading,
18 hearing or seeing anything in connection with the Tate-
19 La Bianca case or Mr. Manson.

20 Call another juror.

21 THE CLERK: Daniel Abalos, A-b-a-l-o-s.

22 THE COURT: How many do we have left in that group?

23 THE CLERK: We should have 12.

24
25 VOIR DIRE EXAMINATION OF

26 DANIEL ABALOS

27 BY THE COURT:

28 Q Are you Mr. Abalos?

1 A That's right.

2 Q Were you present when the Court explained the
3 nature of this case to the prospective jurors in your group
4 and spoke to a prospective juror who was first seated in
5 the box?

6 A Yes, I was.

7 Q Would your answers be any different than his
8 were to the questions of a general nature?

9 A I believe so.

10 Q In what way?

11 A I think I probably would agree with the answers
12 to the general questions.

13 Q Your answers would be the same as his, then?

14 A I think so, yes.

15 Q All right.

16 Would it be any hardship to you to serve in
17 this case, Mr. Abalos?

18 A Not at the present time.

19 Q Well, in the next four or five months would it
20 be a hardship?

21 A I suspect not.

22 Q All right.

23 Have you served as a juror before in any case,
24 in any type of criminal case?

25 A Last week.

26 Q What was the nature of the case and was there a
27 verdict?

28 A Possession of marijuana, no verdict.

1 Q Is that the only one on which you sat?

2 A Yes, it is.

3 Q Are you related to or a friend of any law
4 enforcement officer?

5 A Friend.

6 Q Pardon?

7 A A friend.

8 Q Tell us about that.

9 A Well, a previous neighbor was a police officer
10 for LAPD.

11 Q Did you -- were you relatively close to him?

12 A At the time, yes.

13 Q Did you discuss cases with him?

14 A Occasionally.

15 Q Have you ever discussed the Tate-La Bianca case
16 with him?

17 A Yes, I believe so.

18 Q What type of work do you do?

19 A Mechanical designer for Data Products Corporation.

20 Q And is there a Mrs. Abalos?

21 A Yes, there is.

22 Q Is she employed outside the home?

23 A Hmm, she -- she's currently on medical leave of
24 absence, however.

25 Q What type of work does she do?

26 A She's in production assembly-type work.

27 Q In what general area do you reside?

28 A San Gabriel Valley.

1 Q Do you have such views concerning the death
2 penalty that you would not be able, as a result of those
3 views, to be impartial in determining the question of
4 guilt or innocence in this case?

5 A Generally speaking, no.

6 Q Do you have such views concerning the death
7 penalty that you would automatically refuse to impose it
8 regardless of the evidence in the case?

4 fls. 9 A No.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

4-1

1 Q Or would you automatically impose the death
2 penalty, upon a conviction of murder in the first degree,
3 regardless of the evidence?

4 A Generally speaking, no.

5 Q You say "generally speaking." I don't know
6 whether that qualifies it or not.

7 Can you say to me whether you have any thoughts--

8 A Well, I believe I have formed an opinion about
9 this case.

10 Q You mean by that that if it were some other
11 defendant, generally speaking, that you would -- you would
12 not have any such feeling?

13 A Exactly.

14 Q But in this case, you have some feelings which
15 would keep you from openly -- or, from freely expressing that
16 sentiment which you have just expressed in answer to my
17 question; is that right?

18 A That is correct.

19 Q Tell us what you mean by that, then.

20 A Well, I feel, because of the nature and outcome
21 of the previous trial, that Mr. -- that Mr. Manson was on,
22 and his comments made during this one, that it has caused me
23 to form an opinion about it.

24 Q In other words, because of Mr. Manson's conduct
25 here, and because of the -- and of what you may have heard,
26 seen or read in connection with the other trial, the Tate-
27 La Bianca trial, that you have some opinion concerning Mr.
28 Manson?

4-2

- 1 A Exactly.
- 2 Q And that opinion is what?
- 3 A (No response.)
- 4 Q It would be adverse to him, in any event; is that
- 5 correct?
- 6 A Yes, it would.
- 7 Q Could you -- would it keep you from being
- 8 impartial in this case? If I were to instruct you that you
- 9 were to set aside anything that you may have heard, seen or
- 10 read, do you think you'd be able to do it, or --
- 11 A I suspect not.
- 12 MR. KANAREK: I just have one question, your Honor.
- 13

VOIR DIRE EXAMINATION

BY MR. KANAREK:

- 16 Q The so-called comments, you heard that from
- 17 publicity; right? You weren't in the court or --
- 18 A No, I wasn't in the courtroom, no.
- 19 Q Just what you had heard on TV, radio, or --
- 20 A Yes.

21 MR. KANAREK: Thank you. 1073, Subsection 2, your

22 Honor.

BY THE COURT:

- 24 Q Well, the comment that you heard was a statement
- 25 by Mr. Manson that he wished to enter a plea of guilty to
- 26 this case, --
- 27 A That was part of it, yes.
- 28 Q -- in this case?

4-3

1 A Yes.

2 Q You don't think you could effectively set that
3 aside, or set aside any other matter that you -- all these
4 other matters that you may have heard?

5 A I can't honestly answer "Yes" to that.

6 THE COURT: All right. The Court will acknowledge
7 the challenge. And thank you, Mr. Abalos.

8 MR. KANAREK: Thank you, Mr. Abalos.

9 THE COURT: You are excused to report to Room 253,
10 the jury assembly room, in the courthouse. You need not
11 report -- is Friday still the day?

12 THE CLERK: No, I haven't heard any more information
13 from the jury assembly room. I suppose he should return
14 there now.

15 THE COURT: They might pick you up in another court-
16 room, if you're fortunate, Mr. Abalos. Thank you, Mr.
17 Abalos.

18 Room 253 forthwith.

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

20 THE CLERK: Glenn A. Marker; M-a-r-k-e-r; two n's in
21 Glenn. Glenn, G-l-e-n-n.

22 THE COURT: Who is in your seat No. 2?

23 MR. KANAREK: Mr. Burke, your Honor, I believe.

24 THE COURT: All right.

25 MR. KANAREK: Am I correct?

26 THE COURT: Yes, Burke is, by the Court's chart.

27
28 VOIR DIRE EXAMINATION OF

4-4

GLENN A. MARKER

BY THE COURT:

Q Mr. Marker, were you present when the Court explained the nature of this case to your prospective -- your group of prospective jurors, and when the Court first questioned the juror chosen from your group to go to the box?

Were you present when that was done?

A Yes, sir.

Q Would your answers be any different than his answers to the questions of a general nature? That is, to the answers that the first juror chosen from your group gave?

A No, sir.

4a fls.

4a-1

1 Q All right. Would there be any hardship to you to
2 serve on this case, four or five months?

3 A No, sir.

4 Q Neither financial nor personal?

5 A No, sir.

6 Q All right. Have you sat as a juror before in any
7 criminal case?

8 A No, sir.

9 Q This is your first experience as a juror?

10 A Yes, sir.

11 Q What type of work do you do?

12 A I am an Internal Revenue agent.

13 Q And you work in the Los Angeles area?

14 A Long Beach.

15 Q In Long Beach?

16 A Yes.

17 Q Are you -- as an Internal Revenue agent, you are a
18 type of law enforcement officer yourself, are you not?

19 A I don't -- I don't think so.

20 Q You don't construe yourself as being such?

21 A No, sir.

22 Q Your work is simply investigative, is it not?

23 A Yes, sir. I just examine --

24 Q Have you testified in court before --

25 A No.

26 Q -- for the government?

27 A No, sir.

28 Q Do you know law enforcement officers?

4a-2

1

A No, sir.

2

Q FBI agents?

3

A No, sir.

4

Q Is there a Mrs. Marker?

5

A Yes, sir.

6

Q And is she employed outside the home?

7

A She's a housewife now. She worked for the County --

8

Q In what general area do you and she reside?

9

A Bellflower.

10

Q You say that she did work for the County?

11

A She was a telephone switchboard operator in Long

12

Beach for the County.

13

Q Do you have such views concerning the death

14

penalty that you could not be fair and impartial in determining

15

the guilt or innocence?

16

A No, sir.

17

Q Or do you have such views concerning it that you

18

would automatically refuse to impose it, regardless of the

19

evidence in the case?

20

A No, sir.

21

Q Or would you automatically impose it upon a

22

conviction of murder of the first degree, regardless of the

23

evidence?

24

A No, sir.

25

Q Concerning Mr. Manson, have you ever heard his

26

name, heard, seen or read his name before you appeared in this

27

courtroom and heard about the indictment in the case?

28

A I have read excerpts, and I had seen and heard --

4a-3

1 Q Was it in connection with --

2 I'm sorry. Go ahead.

3 A I had seen and heard things on radio and on TV,
4 in connection with the prior trial.

5 Nothing in connection with this one. Other than
6 I believe that I heard something once about him striking his
7 attorney.

8 But I don't know if that was in connection with this
9 case or another one.

10 Q That's hard to believe, Mr. Marker. You mean you
11 heard that Mr. Manson actually struck his attorney?

12 A Well, no. I think it was something that they said
13 he pushed or shoved him.

14 But this is the only thing that I knew. But this
15 was on the radio. But this is the only thing, and I don't
16 know if that was in connection with this one or any other one.

17 Q Would that particular fact prejudice you against
18 him, that Mr. Manson may have struck his attorney? Or, that you
19 may have heard reports, would that prejudice you against
20 Mr. Manson?

21 A No, sir.

22 Q Or would it, on the other hand, prejudice you for
23 him?

24 A No, sir.

25 Q All right. Thank you.

26 A I don't know if it was true or not.

27 Q All right. This other case that you are talking
28 about, that's the Tate-La Bianca case; is that correct?

4a-4

1 A Yes, sir.

2 Q And in that case, did you follow the case in the
3 newspaper, over television or radio?

4 A No, sir. I did not prescribe to a paper. I did
5 not follow it.

6 THE COURT: Yesterday -- off the record.

7 (Whereupon, a discussion was had off the record.)

8 BY THE COURT:

9 Q You just followed it occasionally?

10 A Yes. Mainly, I would pick up a paper occasionally,
11 but I never would read it completely.

12 Q You know the results in the case?

13 A Yes, sir.

14 Q What were the results, as nearly as you can
15 remember?

16 A Just that they found them guilty.

17 Q Guilty of what?

18 A Murder.

19 Q And do you know whether they came back with a
20 penalty, and what the sentence was?

21 A I don't recall reading what the penalty was, or
22 hearing anything about that.

23 Q You don't know whether it was life imprisonment or
24 death, or what it might have been?

25 A No, sir.

26 Q Do you know the name Susan Atkins?

27 A I've heard it in connection with the other one;
28 that's all. And I believe you read that in the -- in the

1 charges here -- or the indictment, or whatever it was called.

2 Q Yes. Do you know the name Bobby Beausoleil?

3 A No, sir.

4 Q Mary Brunner?

5 A No, sir.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

4b fls.

4b-1

1 Q How about the name Shorty Shea? Had you heard that
2 before you appeared in this courtroom? Heard, seen or read it?

3 A I think I had heard something in connection with
4 the -- to the earlier -- a long time ago, something in connec-
5 tion with it. But I don't know what it was.

6 Q You don't recall what it was?

7 A No, sir.

8 Q Gary Hinman, had you heard that name before?

9 A Just that he was a musician of some sort; that's
10 all I remember.

11 Q Do you recall anything about that name at all, other
12 than that?

13 A No.

14 Q Now, if I were to tell you that -- that it would be
15 the Court's instruction -- if I were to instruct you that you
16 were to set aside anything that you may have heard, seen or
17 read concerning Shorty Shea, Gary Hinman, the Tate-La Bianca
18 case, anything in connection with this case, that other case,
19 the Tate-La Bianca case, Mr. Manson, anything that you may
20 remember during the course of this trial that you do not now
21 recall, are you objective enough, capable of setting aside such
22 material, for the purpose of making an independent judgment on
23 this case?

24 A Yes, sir, I believe I am.

25 Q When you say, "I believe I am," are you --

26 A Well --

27 Q -- expressing any doubts whatever?

28 A No, sir. I -- I can do it. That's what --

4b-2

1 Q You are firm in your opinion of your ability to
2 set aside such matters?

3 A Yes, sir.

4 Q And will you not forget it -- because it would be
5 too difficult to forget it -- but would you, for the purpose
6 of this case, discard any such news report, any such matter
7 that you may have heard, seen or read, for the purpose of
8 making an independent judgment on this case --

9 A Yes, sir.

10 Q -- on any issue that you might be called upon to
11 make in this case?

12 A Yes, sir.

13 Q Would you set aside any opinion that you may have
14 formed, from -- from the news media, or from conversations
15 that you may have had? And decide the case separate and apart
16 from such opinion?

17 A Yes, sir.

18 Q And would you do that?

19 A Yes, sir.

20 Q Can you be fair and impartial?

21 A Yes, sir.

22 THE COURT: Counsel?

23 MR. KANAREK: Thank you, your Honor.

24

25 VOIR DIRE EXAMINATION

26 BY MR. KANAREK:

27 Q Mr. Marker, am I pronouncing your name right?

28 A Yes, sir.

1 Q Mr. Marker, prior to talking with Judge Choate
2 about Mr. Manson, could you tell us the people in your lifetime
3 you have discussed Mr. Manson with?

4 A Well, I don't believe I discussed it with many
5 people at all. Possibly my wife; that would be the only one.
6 And maybe my mother and father.

7 But other than that, I never discussed it. Be-
8 cause at work, we work independently, and so I never discussed
5 fls. 9 it with anybody at work or anything like that.

5-1

1 Q But just -- would you just tell us what, in
2 brief, what in your lifetime you have told your father and
3 your mother and your wife and what they told you concerning
4 Mr. Manson?

5 A Hmm, well, I can't even really recall what we
6 might have said, other than -- would under -- let's see.

7 Q Pardon?

8 A With my folks, I might have been discussing
9 we didn't know or have any idea how something like that
10 could occur. That is to say, how he -- if they could, say,
11 kill a lot of people and spread -- write on the walls,
12 something like that. That is the only extent we might have
13 talked about. And, like I say, I never followed it much in the
14 paper at all. So we really didn't discuss much of it.

15 Q And what is it that you discussed concerning
16 these writings on the wall? What was that?

17 A Well, just that they seem very -- if that is
18 what and how that it happened and what occurred, and it was
19 something like what the paper said and different things
20 that it would seem unusual that anybody would do anything
21 of that nature, write in blood on walls, something like
22 that. That's about all we discussed.

23 Q I see. And so you know that this -- that blood
24 was written on the walls, is that correct?

25 A I don't know that that's what happened.

26 Q I mean, from what you read in the publicity and
27 heard?

28 A Right.

5-2

1 Q And heard in connection with the publicity?

2 A Right.

3 Q And that was in connection with what case?

4 A That would be the Tate case.

5 Q The Tate-La Bianca case.

6 So you have an opinion, is it fair to state,
7 that Mr. Manson was involved in some matter where blood was
8 written on the walls as you sit there in the juror's box
9 right now?

10 A I don't have the opinion that happened. I just
11 know that I read something about that. But I don't have the
12 opinion that he had anything to do with that, because I don't
13 know.

14 Q What -- when you say you don't know, what do you
15 mean by that, Mr. Marker?

16 A I don't know that he was actually involved in it.

17 Q You mean, because you weren't there to see it?
18 Is that the kind of thing you are telling us?

19 A Right.

20 Q Well, now, for instance, there are many things in
21 life that you take and use -- for instance, you take laws
22 that Congress pass or City Council pass. You are not there
23 when those laws are passed. None of us -- most of us aren't.
24 Yet we operate like that, on that which we learn from
25 publicity. For instance, we learned about the election
26 yesterday in this Senatorial District by publicity.

27 A Yes.

28 Q See the type of thing we are talking about here?

1 A Yes, but I don't believe much of what I read in
2 the paper, because I believe it is written to sell papers.
3 And so I don't necessarily believe what I read in the paper.

4 Q Well, may I -- let's discuss this for a minute.

5 As you sit there now, do you believe, based on
6 whatever method you may have obtained this information, do
7 you believe that blood was written on the walls in
8 connection with the Tate-La Bianca case?

9 A No, I don't really believe it, because I don't
10 think anybody would do that.

11 Q I see. So you are saying that you don't believe--
12 you believe that what you heard on TV and what you read in
13 the newspaper, you believe that that was untrue, that that
14 was just made up by a newspaper reporter or a TV analyst;
15 is that what you are telling us?

16 A Partly, yes.

17 As I say, I think -- they never quote where they
18 got their sources or say such and such person in authority
19 told us that. I personally think that some of the things
20 that they write, they put in there to make the story more
21 interesting and make people follow it, buy papers.

22 Q Now, your answer was "partly." What did you
23 mean by that?

24 A Well, I guess it is possible. And I might have
25 an opinion that it was, but I don't -- like I say, I don't
26 really believe it.

27 Q And so -- is it a fair statement that you believe
28 that that was just made up to sell newspapers by some

1 newspaper reporters; is that what you are telling us?

2 A Yes.

5a fls. 3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

5a-1

1 Q It is untrue, you think that no such a thing
2 occurred?

3 A Well, based on what I have said, yes.

4 Q I see.

5 Now, what words or language do you remember being
6 written on the walls in blood?

7 A Hum, I don't recall what the words were.

8 Q Now, if it should come out -- that was in the Tate-
9 La Bianca case, right?

10 A Yes.

11 Q Now, if it should come out -- if you -- if it
12 should come out in this case that there was writing on the
13 wall of a place where a man died, right near him where he died,
14 would you say that you would recall what was read by you, what
15 you heard concerning the Tate-La Bianca case?

16 A I don't understand what you mean by "recall." I
17 mean, I would remember having read it, but it would not be
18 correlated to this.

19 Q But it certainly -- it would trigger in your
20 memory that which you read and heard about in the Tate-La
21 Bianca case, correct?

22 A Only in regard to that one thing.

23 Q As to the writing on the wall?

24 A Yes.

25 MR. KANAREK: I wonder if I might approach the bench?

26 BY THE COURT:

27 Q Well, assuming that such matters -- any matter
28 concerning what you may have read in the Tate-La Bianca case or

5a-2

1 concerning Mr. Manson or concerning this case should be
2 recalled to your memory during the course of this trial, are
3 you of the frame of mind that you can set aside such matters,
4 along with all the other things that you are going to set
5 aside, that you told me that you can set aside?

6 A Yes, sir, I could.

7 Q And would you decide any issue that you may be
8 called upon to decide, independently of such matters?

9 A Yes, sir, just on the facts that I receive here.

10 Q Solely on the evidence received here and the
11 instructions of law as I shall give them to you?

12 A Yes, sir.

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

14 MR. KANAREK: Thank you, your Honor.

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

18 MR. KANAREK: Initially, your Honor, I believe that the
19 prospective juror is being less than candid with us, that when
20 he says he doesn't believe the writing on the wall, because in
21 the Tate-La Bianca case this was not just a passing type of
22 evidence. That is, it wasn't just done in passing. It was
23 very prominent. Very prominent. And as a matter of fact, it
24 is a very important of the People's case, because they're going
25 to try to show M.O. by virtue of the fact that -- I can
26 represent to the Court there is a picture of Gary Hinman's
27 home, right over the place where Gary Hinman was found there is
28 the word "pig" written in blood. And the word "pig" was written

1 at the Tate home. And there is a -- to ask this man not to
2 make that equation, especially when he has volunteered that
3 facet of it, it is just dreaming to expect that he would not
4 use that, what he has learned in the newspapers. It is very,
5 very important.

6 THE COURT: People.

7 MR. MANZELLA: I have no comment, your Honor.

8 THE COURT: The Court finds that this man can set aside
9 what he may have heard, seen or read and that he will set it
10 aside, and that he will set aside any opinions that he may have
11 formed and that he can make a judgment independent of those
12 opinions of what he may have heard, seen or read based upon
13 the evidence in this case.

14 MR. KANAREK: Well, I would like to interrogate further.

15 THE COURT: That he will be fair and impartial.

16 MR. KANAREK: I would like to ask a few more questions, if
17 I may.

18 THE COURT: You have had quite a time at it.

19 If you wish to.

20 Incidentally, this is the first time I have had a
21 chance to put it on the record outside the hearing of your
22 client and the juror.

23 Again, you were late this morning.

24 MR. KANAREK: But, as I informed the Court, I asked for
25 a priority.

26 THE COURT: You did ask for it?

27 You did tell the Court you had an appearance in
28 another courtroom and that it would be called at 9:00 o'clock

1 and you would be able to get here at possibly 9:30 or 10:00.

2 MR. KANAREK: I can inform the Court --

3 THE COURT: We can't run a courtroom like that,
4 Mr. Kanarek. You know that.

5 MR. KANAREK: I asked for a priority, and I immediately,
6 upon that terminating in Judge Teran's court --
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5b fls.

1 THE COURT: Get somebody to handle these matters in the
2 future if you are at all doubtful about your ability to get
3 here on time.

4 MR. KANAREK: I shall, your Honor.

5 THE COURT: You can't depend on what would happen.

6 MR. KANAREK: I certainly thought I would be here on time.

7 THE COURT: Try to get somebody else to handle it or
8 put it over.

9 MR. KANAREK: I shall. As your Honor knows, we have even --
10 like in Norwalk, we have eliminated appearances by your Honor
11 consulting with --

12 THE COURT: Yes, I realize.

13 MR. KANAREK: With the Court, judge --

14 THE COURT: Yes, the Court is glad to help you in a
15 situation like that.

16 But, nevertheless, you are also an officer of the
17 Court and you have responsibilities to this Court. Everyone
18 waiting for you, it is difficult.

19 MR. KANAREK: I do apologize to the Court, your Honor.

20 THE COURT: All right, your apology is accepted at this
21 time. See if you can shape it up.

22 If you need any help from the Court in any
23 particular situation, don't hesitate to ask.

24 MR. KANAREK: Thank you.

25 May I ask just a few questions?

26 THE COURT: Yes.

27 MR. KANAREK: Thank you.

28 (Whereupon, the following proceedings were had in

1 open court within the presence and the hearing of the
2 prospective juror:)

3 THE COURT: Go ahead, Mr. Kanarek.

4 MR. KANAREK: Yes, your Honor.

5 THE COURT: Make it brief, if you would.

6 MR. KANAREK: Yes.

7
8 VOIR DIRE EXAMINATION

9 BY MR. KANAREK:

10 Q Mr. Marker, you certainly intend and do intend
11 to follow the Court's order not to consider these matters
12 you've heard outside the presence -- that is, you've heard
13 in the publicity?

14 A Yes, sir.

15 Q But never having experienced that before in your
16 lifetime, is it a fair statement that you don't know what your
17 reaction would be in connection with matters that might come
18 up here?

19 You might intend to do a lot of things. You
20 might intend, for instance, to take a trip to Europe and not
21 actually, for one reason or other, do it. You might, as you
22 are sitting there right now, so intend with all your heart and
23 soul.

24 So is it a fair statement you don't know what
25 effect these matters may have, the matters you've seen in
26 publicity, as you sit here in the jury box?

27 A Uh, I don't know what -- I know that I could put
28 it aside, but -- because in my job every day I put aside -- if

1 I do incur any prejudice or anything and base my determinations
2 upon my -- on just facts, the laws, in the daily course of my
3 job, so that I feel that I honestly can do it in this instance,
4 also.

5 Q Well, but -- that is a little different than this
6 courtroom, right?

7 MR. MANZELLA: Objection, your Honor, argumentative.

8 THE COURT: Sustained.

9 Q BY MR. KANAREK: In fact, you don't know what
10 affect this material would have on you, is that correct?

11 MR. MANZELLA: Objection.

12 Q Is that correct?

13 MR. MANZELLA: Objection.

14 THE COURT: Sustained.

15 Q BY MR. KANAREK: Do you know what affect the
16 matters that occurred in the publicity will have upon you as
17 you view -- as you sit in the jury box?

18 THE COURT: That's vague and indefinite.

19 You may rephrase your question.

20 The question is whether or not Mr. Marker can set
21 aside what he may have heard, seen or read or what he might
22 remember and whether he will do so, and whether he'll be fair
23 and impartial. That's what we are striving to determine.

24 MR. KANAREK: Right.

25 Q BY MR. KANAREK: But is it a fair statement you
26 don't know what affect this material will have, not having
27 experienced this courtroom before?

28 A Well --

1 THE COURT: Are you asking this --

2 MR. KANAREK: Well, may I have the question --

3 THE COURT: -- is it a fair statement that you do not
4 know whether you can set aside such matters as you may
5 remember?

6 MR. KANAREK: Your Honor, with all due respects, your
7 Honor's question is a different question.

8 THE COURT: Well, your question is ambiguous.

9 MR. KANAREK: Well --

10 THE COURT: When you say you don't know what affect, your
11 question is ambiguous. We're interested in only one aspect
12 of this juror's state of mind, and that is his ability, his
13 capability of setting aside such material that he may know of
14 now or may remember for the purpose of making an independent
15 judgment.

16 Go ahead.

17 Q BY MR. KANAREK: Mr. Marker, you certainly don't
18 know what the affect will be upon you, in your ability to set
19 aside or not consider matters of publicity as you approach
20 this case, is that right?

21 MR. MANZELLA: Objection, that's argumentative, your
22 Honor.

23 MR. KANAREK: I'm asking him,

24 THE COURT: Overruled, you may answer.

25 A I believe I can set aside anything that I might
26 have recalled from information that might be brought out
27 here. I believe honestly that I can set aside anything.

28 Q BY MR. KANAREK: But you don't know for sure, do

1 you?

2 A But if you want an exact answer, then, there would
3 possibly be some way, but in my state of mind now, I think I
4 can. But to say irrevocably or whatever -- I mean, you --
5 your question is such, if I say yes, I could still be wrong,
6 I mean. But as it is, I feel I can do it. That's all I can
7 say.

8 MR. KANAREK: May we approach the bench, your Honor?

9 THE COURT: No, you may not.

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

11 THE COURT: People have any questions?

12

13

VOIR DIRE EXAMINATION

14

BY MR. MANZELLA:

15

16

17

Q Mr. Marker, are you saying that it is -- that you
are not sure whether or not you can set aside what you may have
read, heard or seen about Mr. Manson and this case?

18

19

20

21

22

23

24

25

26

27

28

6 fls.

6-1

1 Q All right. And you will do it?

2 A I will do it.

3 MR. MANZELLA: No further questions. Thank you.

4 BY THE COURT:

5 Q Would you set aside also anything that you may
6 remember about the case, anything whatever, no matter what
7 it may be? Will you --

8 A Yes, sir.

9 Q -- definitely set it aside, for the purpose of
10 making a judgment in the case?

11 A Yes, sir.

12 Q Do you think you can do that?

13 A Yes, sir.

14 THE COURT: All right. The challenge is denied.

15 The Court finds that this juror can set aside
16 any opinions that he may have formed in connection with this
17 case, can set aside any news media reports or conversations
18 that he may have had, and anything that he may remember in
19 connection with Mr. Manson, this case or the Tate-La Bianca
20 case; that he will do so, and that he will be fair and
21 impartial in making any judgment on any issue that he may be
22 called upon to make in this case.

23 All right. Bring the rest of the jurors in.
24 I think we have a full box now.

25 MR. KANAREK: Your Honor, would it be convenient at
26 this time for a very short recess?

27 THE COURT: All right. We'll take a short recess.

28 MR. KANAREK: Thank you, your Honor.

6-2

1 THE COURT: Mr. Marker, don't converse with anyone
2 during the course of this recess, nor permit anyone to
3 converse with you on any subject connected with this case.

4 JUROR NO. 1: Yes, sir.

5 THE COURT: You may bring the balance of the panel
6 in. What do we have, five of them now? Four of them? How
7 many are left?

8 THE CLERK: Ten.

9 THE COURT: Ten? All right. Bring the ten in. Ten
10 and a full box; right?

11 THE CLERK: Yes.

12 (Midmorning recess.)
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

7 fls.

8-1

1 THE COURT: Good morning, ladies and gentlemen.
2 The prospective jurors are in the courtroom. The defendant is
3 present with his counsel, and we're ready to proceed.

4 You may question generally, gentlemen.

5 MR. KANAREK: Thank you, your Honor.

6 BY MR. KANAREK:

7 Q Mr. Marker, in your work -- I'll withdraw that.

8 Do you have any friends, sir, that are in -- I
9 think you've told us you have no friends or relatives that
10 are in any type of law enforcement work?

11 A That is correct.

12 Q That is, no -- you don't know any United States
13 Attorneys or Deputy District Attorneys or --

14 A No, sir.

15 Q -- U. S. Marshals or anything like that, --

16 A No, sir.

17 Q -- is that right?

18 Do you have any friends or relatives that are
19 in any private law enforcement type work? Such as a guard
20 for Thrifty Drugstore or something like that?

21 A No, sir.

22 Q Now, is your state of mind such that you
23 recognize that this procedure that we are going through here
24 is a procedure that the Legislature has set up for speaking
25 with people who are prospective jurors?

26 A Yes, sir.

27 Q And is your state of mind such that you --
28 whatever prying that may take place, into your innermost and

8-2

1 personal thoughts, you recognize that that is what the
2 Legislature sets up; that's what we are supposed to do in
3 connection with this type of proceeding, to get -- to try
4 somehow or other, rightly or wrongly -- and maybe many times
5 erroneously -- to determine your state of mind?

6 A Yes, sir.

7 Q Now, is -- is there anything about the use of
8 circumstantial evidence to acquit -- our function at this
9 time is not to instruct the jury; the Court gives what the
10 law is.

11 But generally speaking, you heard -- you have
12 heard in this courtroom circumstantial evidence discussed?

13 A Yes, sir.

14 Q Is there any reason that you couldn't use
15 circumstantial evidence, as well as direct evidence, to
16 acquit Mr. Manson?

17 A No, sir.

18 MR. KANAREK: Thank you. Pass for cause, your Honor.

19 THE COURT: Mr. Manzella?

20 MR. MANZELLA: Thank you, your Honor.

21 BY MR. MANZELLA:

22 Q Mr. Marker, you are a revenue agent; is that
23 correct?

24 A Yes, sir.

25 Q All right. What are the other kinds of agents
26 that the Internal Revenue Service has? Are they called
27 Special Agents?

28 A The Fraud and Intelligence Division are called

8-3

1 Special Agents, right.

2 Q They are the agents responsible for criminal
3 investigation; is that right?

4 A Yes, sir. In the course of our operation, the
5 regular agent may examine; and if it appears that there --
6 that he suspects some fraud, then we refer it to our
7 Intelligence Division, who then does the actual investigation.

8 Q All right. But --

9 A But I do not look for any fraud, no.

10 Q All right. Did you hear the questions that I
11 asked of the other prospective jurors?

12 A Yes.

13 Q Do you recall generally the answers given by
14 the other jurors to my questions?

15 A Yes.

16 Q Would your answers, if I asked you the same
17 questions, would your answers be substantially the same?

18 A Yes.

19 Q All right. Do you know anyone involved in the
20 defense of criminal cases?

21 A No, sir.

22 Q Do you know anyone that's ever been accused of
23 any crime?

24 A No, sir.

25 Q And you've never served on a jury before in
26 a criminal case; is that correct?

27 A No, sir.

28 MR. MANZELLA: All right. Thank you. I have no

8-4

1 further questions, your Honor.

2 The People pass for cause.

3 THE COURT: The People's peremptory challenge -- or,
4 do both sides pass for cause? Mr. Kanarek?

5 MR. KANAREK: Pardon?

6 THE COURT: Both sides pass for cause?

7 MR. KANAREK: Yes, your Honor.

8 THE COURT: It's the People's peremptory challenge.

9 MR. MANZELLA: Yes, your Honor. The People would like
10 to thank and excuse Mrs. Zorn, juror No. 6.

6b fls.

6b-1

1 THE COURT: Thank you, Mrs. Zorn. The Court thanks you
2 very much.

3 Have you completed your jury service now?

4 JUROR NO. 6: It's the 22nd day, sir.

5 Now, I can go back to dumplings and apple strudel,
6 maybe, yeah.

7 THE COURT: All right. Thank you. For now, report
8 to Room 253, the jury assembly room, please.

9 Choose another name.

10 THE CLERK: Ernest F. Woodward; W-o-o-d-w-a-r-d.

11
12 VOIR DIRE EXAMINATION OF
13 ERNEST F. WOODWARD

14 BY THE COURT:

15 Q Mr. Woodward, were you present when the Court
16 explained the nature of this case to the prospective jurors
17 in your group, and first called a prospective juror from your
18 group to question him?

19 A Yes, your Honor.

20 Q Would your answers be any different than his were
21 to the questions of a general nature?

22 A Relative to knowing the people in law enforcement,
23 I do know people in law enforcement.

24 Q Other than that, would your answers be any
25 different, that you can think of, to the questions of a
26 general nature that I put to him?

27 A Not specifically, your Honor, no.

28 Q All right. Would it be any hardship to you to

6b-2

1 serve in this case, Mr. Woodward?

2 A Yes, sir, it would.

3 Q Tell us about it.

4 A I'm employed as a management consultant for
5 Lybrand, Ross Brothers & Montgomery, a CPA firm. It -- my --
6 I originally was called for jury duty as of the first of this
7 year, January 1st.

8 It's taken me six months to work my schedule to
9 where I could serve the 30 days. In being -- in the event
10 of trying to serve for another four to five months, the
11 probable result of this would be replacing -- would be they
12 would replace me in my job.

13 Q You'd probably lose your job?

14 A Yes, sir. Primarily because we have plans that
15 I have to serve. I have an obligation to them, a current
16 obligation.

17 Q And someone would have to be found to fill in;
18 and that -- he might turn out to be permanent replacement;
19 is that correct?

20 A Yes, sir.

21 THE COURT: Gentlemen?

22 MR. MANZELLA: The People would offer to stipulate that
23 Mr. Woodward can be excused for hardship, your Honor.

24 THE COURT: The Court will --

25 MR. KANAREK: Submit it, your Honor.

26 THE COURT: The Court will excuse you, then. The Court
27 finds that this is a hardship that you should not have to
28 endure.

6b-3

1 JUROR NO. 6: Thank you very much.

2 MR. KANAREK: Thank you, Mr. Woodward.

3 THE COURT: Room 253, forthwith, Mr. Woodward -- unless
4 your jury term has expired.

5 JUROR NO. 6: Yes, sir.

6 THE COURT: All right.

7 THE CLERK: James E. Wilson; W-i-l-s-o-n.

8
9 VOIR DIRE EXAMINATION OF

10 JAMES E. WILSON

11 BY THE COURT:

12 Q Mr. Wilson?

13 A Yes, sir.

14 Q Were you present when the Court explained the
15 nature of this case, and when the Court questioned the first
16 prospective juror chosen from your group to the box?

17 A Yes, your Honor.

18 Q Would your answers be any different than his
19 were to the questions of a general nature?

20 A I think everything but two things. I would like
21 to know more about --

22 Q All right. Go ahead. Ask me.

23 A Well, one thing, about the circumstantial
24 evidence. I would definitely have to know specifically
25 what circumstantial evidence really is.

26 Q Well --

27 A According to the law.

28 Q -- that's probably a legitimate comment and

1 question. Because no question should be put to you which
2 causes you to make any prejudgment on the evidence.

3 But I'll simply ask you this: In regard to that
4 instruction concerning circumstantial evidence, will you
5 listen to that, as well as to all of the other instructions,
6 and follow that instruction, along with all the other
7 instructions as I give them to you?

8 A Yes.

9 Q All right. What is your other question?

10 A I think I heard -- I suppose he's (indicating)
11 a District Attorney, sir -- but anyway, he mentioned -- like
12 a guilty verdict; and he also mentioned -- I think he
13 mentioned a death and life imprisonment.

6c fls.

6c-1

1 Q Well, somebody has definitely mentioned the death
2 penalty, in the course of this case.

3 A Yes, that's right. And that -- that's the first
4 time that I had heard life imprisonment mentioned.

5 Q Yes. Well, let me ask you this: Do you have views
6 concerning the death penalty that you believe, by reason of
7 which, you could not be impartial in this case? In determining
8 the question of guilt or innocence?

9 A I don't think so, your Honor. If the evidence
10 warranted it, I would only vote guilty. And it's left to the
11 Court, as far as I am concerned, as to whether they would
12 impose the -- death or life imprisonment or what.

13 Q You understand, from my instruction, however, and
14 my comments to you, when you first came in here, that the
15 question of whether the death penalty will be imposed or life
16 imprisonment will be imposed is a matter which is left
17 entirely to the same jury, which determines the issue of guilt
18 or innocence?

19 A I see.

20 Q Do you understand that?

21 A I do now. I understand.

22 Q All right. Let's get back to those first few
23 general questions that I asked of that first juror who was
24 called to the box from your group.

25 Would your answers be any different than his to
26 the questions of a general nature?

27 A I don't think so, no, sir.

28 Q All right. Would it be any hardship to you to

6c-2

1 serve in this case?

2 A No, sir.

3 Q Have you served as a juror before on any criminal
4 case?

5 A No, sir, your Honor.

6 Q Have you -- what type of employment do you have?

7 A Postal clerk.

8 Q In the central area?

9 A Yes, sir, at the -- at Terminal Annex.

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

12 A No, sir.

13 Q And is there a Mrs. Wilson?

14 A Yes, sir.

15 Q Is she employed outside the home?

16 A No, sir.

17 Q In regard to the death penalty, you've already
18 answered that you can be impartial in determining the first
19 phase of the case. Remember that the Court's not implying that
20 it will be necessary for you to go into a second phase, because
21 that only happens in the event the defendant should be found
22 guilty of murder of the first degree.

23 But in the second phase, should you be called upon
24 to determine that issue, would you automatically vote against
25 the death penalty, regardless of the evidence in the case?

26 A I don't think I would automatically vote against it,
27 because I feel there's a -- if something happened to someone
28 that was close to me, I would want them dead myself, you know,

1 SO --

2 Q Well, let's put it the other way.

3 Upon a conviction of murder of the first degree,
4 would you automatically vote to impose the death penalty,
5 regardless of the evidence in the case?

6 Now, we are not talking about somebody close to
7 you --

8 A Yes, sir.

9 Q -- as a victim. We are just talking about "any"
10 victim, simply as a means of putting the question to you.

11 And without assuming that there -- without the
12 Court inferring that there is any victim. Do you understand?
13 This is simply a question.

14 A Well --

15 Q Would you automatically impose the death penalty
16 upon a conviction of murder in the first degree, regardless of
17 the evidence?

18 A Not regardless. It would have to convince me,
19 your Honor, that -- that all the evidence warranted the death
20 penalty.

7 fls.

21

22

23

24

25

26

27

28

7-1

1 Q All right.

2 Well, I think we're at the point now where we
3 should ask you about publicity that you may have heard,
4 seen or read, whether you can set it aside, whether you are
5 firmly convinced that you can set it aside and whether you
6 will set it aside?

7 A Oh, yes, I could do it.

8 Q And make any judgment independently of such
9 matter.

10 So we'll ask you all to leave again, while we
11 talk to Mr. Wilson. Don't converse amongst yourselves or
12 with anyone else about the case.

13 (Whereupon, there was a pause in the proceedings
14 while the prospective jury panel retired from the
15 courtroom.)

16 BY THE COURT:

17 Q Mr. Wilson, before you came into this courtroom --

18 A Yes, sir.

19 Q -- have you heard the name Charles Manson before?

20 A Oh, yes, in the newspapers.

21 Q In the newspaper?

22 A Yes.

23 Q And had you occasionally seen a television
24 program or heard a radio report?

25 A No, sir, only once.

26 Q You only saw a --

27 A Once.

28 Q -- television program once concerning Mr. Manson?

7-2

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

A Yes, sir.

Q How long ago was that?

A During this first trial. I mean, during this first trial.

Q Now, are you talking about the Tate-La Bianca trial, the trial that involved the Sharon Tate killing?

A I suppose so. I don't know exactly which -- but anyway, it was done in this trial, where the news camera had him on the film when the deputies had him in custody. That was during this time.

Q You only saw one program?

A Only one.

Q How about radio?

A No, sir. I very seldom listen to the radio.

Q Pardon?

A I very seldom listen to the radio. Mostly TV.

Q So most of the information was from the newspaper?

A That's correct.

Q All right. Had you heard about this case before the alleged killings in this case?

A No, sir.

Q Had you heard the name Gary Hinman before I mentioned it in talking to you about the indictment?

A No, sir, I don't recall that name.

Q And had you ever heard the name Shorty Shea before, before I told you about it in the indictment?

A No, sir, I don't recall that name.

Q You don't recall that name?

7-3

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

A No, sir.

Q Had you heard the name Susan Atkins?

A Oh, yes.

Q Tell me what you know about that name?

A I don't know a thing about it.

Q You heard --

A No more than she was involved in the first trial, and I didn't read too much about that.

Q Do you know what her involvement was in that first trial?

A Well, if I am not mistaken, I think she were -- she committed some of the crimes.

Q She was a co-defendant in the trial, then?

A Yes, I guess that's what you call it.

Q Do you remember what the result of that trial was?

A No, sir, not exactly. I really don't know. I know that some went back to Texas, some went back East, and I didn't keep up with the name or nothing.

Q I mean by that, do you know whether Mr. Manson was found guilty or not guilty or do you know whether the jury ever returned with a verdict and is it -- and what it was?

A Yes, sir, I think, from the way I understand it, I think they gave him death.

Q That's your best remembrance of it?

A Yes, sir, and they brought him back for this.

Q Was there more than one murder, as far as you remember?

1 A Well, the ones I know, had read about, was the
2 movie actress and all those people out there.

3 Q Sharon Tate?

4 A I guess that was the name. And then, the man and
5 his wife.

6 Q La Blancas?

7 A Yes.

8 Q That comes to your mind?

9 A Yes, sir.

10 Q Yes?

11 A Yes, sir.

12 Q Now, knowing all you know about Mr. Manson, from
13 having read the newspapers and seeing that television news
14 program, do you think it is possible for you to set aside,
15 for the purpose of making any judgment that you might be
16 called upon to make in this case?

17 A Yes, I can set that aside.

18 Q Could you make an independent judgment of such
19 matters?

20 A Oh, yes, I make up my own mind.

21 Q Well, would you allow any such matter to enter
22 into your mind in making any judgment that you might be
23 called upon to make in this case?

24 A No, sir.
25
26
27
28

7a fls.

7a-1

1 Q Are you firm in your belief that you can segregate
2 anything that you might have heard, seen or read concerning
3 Mr. Manson?

4 A Definitely.

5 Q In this trial or any other trial, from the evidence
6 in the case?

7 A Yes, sir.

8 Q And will you make your judgment based solely on the
9 evidence and the Court's instruction of law in this case?

10 A I will, sir.

11 Q All right. Can you be fair and impartial in this
12 case in spite of what you may have heard, seen or read?

13 A Yes, sir.

14 Q And will you be?

15 A Yes, sir.

16 Q All right.

17 THE COURT: Mr. Kanarek.

18 MR. KANAREK: Yes.

19

20 VOIR DIRE EXAMINATION

21 BY MR. KANAREK:

22 Q Now, Mr. Wilson, directing your attention, then,
23 to --

24 A Will you talk into the mike, please, sir.

25 THE COURT: That is a good suggestion, Mr. Wilson.

26 MR. KANAREK: I'm sorry.

27 Q BY MR. KANAREK: Would you tell us just in capsule
28 form -- give us a synopsis of what you know concerning the

1 Sharon Tate, so-called Sharon Tate case?

2 A All I know is that they found some peoples dead.
3 That's all I know. Found some people dead. And I think that
4 one guy got away or he was up in some home asleep or some-
5 thing like that. That's the main thing.

6 Q Now, Mr. Wilson, are -- are we in agreement, do
7 you agree with me, that you are not a defendant here? You are
8 not on the spot. This is just to determine --

9 A I understand that, sir.

10 Q -- things that you know? The law says that we
11 are supposed to do this.

12 A Yes, I understand that.

13 Q That's why we are asking these questions. We
14 don't intend to probe. Our purpose is not to pry into your
15 background or anything like that.

16 Now, concerning Mr. Manson in that other case,
17 could you just tell us what you heard from the publicity,
18 whatever it may be, however large or however small, concerning
19 Mr. Manson and that other case, have you heard anything?

20 A Not too much. Only just what I have read
21 occasionally in the paper and I don't read too much about
22 nothing like that, to be frank with you. I am a sports fan.
23 I look at the sports. I am interested in the sports.

24 Q Does the term Manson Family mean anything to you?

25 A Don't mean a thing to me.

26 Q Have you ever heard it before?

27 A Yes, sir.

28 Q Now, directing your attention to the -- to the,

1 uh, previous trial or whatever you may have heard, did you hear
2 anything concerning any racial overtones, concerning black
3 people?

4 A I heard.

5 Q And --

6 A I heard, yes.

7 Q What did you hear, Mr. Wilson?

8 A I heard something -- it seemed to me like, uh,
9 the Negro and the white was going to get some kind of confronta-
10 tion and something on that line, you know.

11 The Negroes and the whites was supposed to or
12 somebody was instigating that they have some kind of confronta-
13 tion.

14 Q And what, if anything, did you hear concerning
15 Mr. Manson and that which you just told us?

16 A Well, I heard he was one of the instigators of it.
17 He had planned it or something to that effect.

18 Q Now, your being of the black or Negro race,
19 I imagine you certainly have an affection for your family and
20 yourself and -- well, having all of that in mind, do you think
21 it is unfair to ask you to sit as a juror in this case, where --

22 A If you want me to call the shots like they are,
23 guilty or not guilty, I can do that, regardless of the name
24 calling. They call us names, we call them names. It is all
25 the same.

26 Q I see. And you certainly intend to follow the
27 Court's order, is that right?

28 A That's right.

1 Q And not ever having done it, do you think you could
2 set aside and not consider these matters that you've read in
3 the publicity and seen in the publicity in deciding this case?

4 A Yes, sir. To be frank with you, I've never thought
5 of it anyway.

6 Q I see. Thank you very much. Thank you, sir.

7 MR. KANAREK: Pass for cause -- I have no further
8 questions at this time, your Honor.

7b fls.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

7b-1

1 THE COURT: Mr. Manzella, any questions?

2 MR. MANZELLA: Thank you. I don't have any questions.

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

4 MR. MANZELLA: People oppose the challenge, your Honor.

5 THE COURT: The Court denies the challenge. The
6 Court believes that Mr. Wilson can set aside what he may have
7 heard, seen or read concerning Mr. Manson, and the Tate-
8 La Bianca case or this case. That he will do so, and that he
9 will be there and impartial.

10 The Court will ask the -- that the other prospec-
11 tive jurors be brought in, then.

12 (Whereupon, there was a pause in the proceedings
13 while the prospective jurors were brought into the
14 courtroom.)

15 THE COURT: All right, the record will show the
16 defendant to be present with his counsel. All the
17 prospective jurors are present.

18 You may examine generally, gentlemen.

19 THE BAILIFF: Excuse me, your Honor, I believe you have
20 one juror missing.

21 THE COURT: Oh, yes, we are missing Mrs. Jordan.

22 (Whereupon, there was a pause in the proceedings.)

23 THE COURT: Anybody see Mrs. Jordan? Was she in the
24 group before you came over, before you walked over?

25 JUROR NO. 9: Yes, she went toward the telephone.

26 THE COURT: Perhaps somebody could go look for her.

27 THE BAILIFF: They're checking for her now, sir.

28 THE COURT: Somebody is looking for her?

7b-2

1 THE BAILIFF: Yes, sir.

2 THE COURT: Mrs. Love said she went to the telephone.

3 JUROR NO. 10: She said she was going to the telephone.

4 THE COURT: Thank you, Mr. Rico.

5 (Pause.)

6 THE COURT: All the prospective jurors are now present,
7 and we're ready to proceed.

8 You may question generally, if you wish.

9
10 VOIR DIRE EXAMINATION

11 BY MR. KANAREK:

12 Q Mr. Wilson, having in mind everything that you've
13 heard in the courtroom so far, and let's say that someone that
14 was close to you or yourself -- anyone of us can be charged
15 by the District Attorney with any number of things.

16 Say that someone like that was sitting where Mr.
17 Manson is sitting, and knowing everything that you know about
18 what has happened, what is -- what you think may happen.

19 Would you welcome being judged by someone with
20 your state of mind, as you sit there now, knowing that a juror
21 is, in fact, a judge?

22 MR. MANZELLA: Objection, your Honor, on the grounds
23 that the question is argumentative in that this case involves
24 an indictment and not an information.

25 THE COURT: Well, with that change, the Court will
26 overrule the objection.

27 Do you understand the question?

28 MR. KANAREK: I believe I said information, your Honor.

7b-3

1 THE COURT: Overrule the objection.

2 Do you understand the question?

3 JUROR NO. 6: I think I understand what he is trying to
4 say.

5 THE COURT: All right, you may answer.

6 JUROR NO. 6: Well, since I was interrupted in my
7 thinking, would you state the same thing again?

8 Q BY MR. KANAREK: Yes.

9 Basically what I am saying is, if someone that
10 was close to you or yourself were sitting where Mr. Manson
11 was sitting, and having in mind everything that we know,
12 that you have heard, can think of, would you welcome that
13 person being judged by someone with your state of mind?

14 A It wouldn't matter to me, sir, one way or the
15 other, because I feel like this, whoever it was -- if it
16 was kin to me and they did wrong, somebody had to do it.
17 I don't see no fault in my judging, if I just tell the truth
18 or what I think about after the evidence is presented.

19 I've been judged, and when I did, I had no --

20 DEFENDANT MANSON: Your Honor, this attorney don't
21 ask the questions that I ask him to ask. It is like kicking
22 a dead dog, you know.

23 THE COURT: Mr. Manson, you have to be quiet.

24 DEFENDANT MANSON: Irving, I asked you not to do that,
25 man. Just lighten up.

26 THE COURT: Mr. Kanarek is your attorney.

27 DEFENDANT MANSON: He's your attorney.

28 7c fls.

7c-1

1 THE COURT: You can speak to him.

2 THE DEFENDANT: He's your attorney. You are on trial.

3 THE COURT: You will have to be quiet or you will be
4 removed from the courtroom.

5 Will you be quiet?

6 Will you be quiet during the remainder of the
7 session?

8 If you can not promise me that you will be quiet,
9 then, the Court is going to ask that you be removed.

10 THE DEFENDANT: I wish you would quit asking these
11 questions. Let the People, if they want to do -- all you
12 are doing is throwing up a face to the other side. It is not
13 two-sided. It is one-sided. One-sided.

14 (Whereupon, Defendant Manson was removed from the
15 courtroom and placed in the holding tank.)

16 THE COURT: All right, go ahead, Mr. Kanarek.

17 BY MR. KANAREK:

18 Q Well, Mr. Wilson, is there any reason why you
19 couldn't be fair and impartial, having in mind everything that
20 has happened in the courtroom, everything?

21 A I intend to be fair, sir. I would say so if I
22 wouldn't intend to be fair. I would be frank. I would say no.

23 MR. KANAREK: Thank you very much, Mr. Franklin. We have
24 to ask these questions.

25 A That's perfectly all right.

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

27 THE COURT: Thank you.

28 VOIR DIRE EXAMINATION

1 BY MR. MANZELLA:

2 Q All right, Mr. Wilson, do you know anyone involved
3 in the defense of criminal cases?

4 A No, sir.

5 Q You know anyone that's ever been accused of any
6 crime?

7 A No, sir.

8 Q You've never served on a jury before, is that
9 right?

10 A That's right.

11 Q Other than the questions I asked with respect
12 to circumstantial evidence, did you hear the questions that I
13 asked the other jurors?

14 A I did, sir.

15 Q Would your answers be substantially the same as
16 the answers given by the other jurors?

17 A I think so.

18 Q Right.

19 Nothing came to your mind while you were listening
20 to them answer my questions which would be different, is that
21 right?

22 A No, sir. Only the two things that I questioned
23 about when I first sat down.

24 Q All right. Now, my questions with regard to
25 circumstantial evidence are directed to that element of the
26 crime of murder about which the Court instructed you, that is
27 the death of a human being.

28 Would you automatically, regardless of the evidence,

1 refuse to vote for a conviction, where the death of a human
2 being was proved by circumstantial evidence, rather than direct
3 evidence?

4 MR. KANAREK: Object, your Honor, improper voir dire,
5 pre-instruction.

6 THE COURT: Sustained.

7 MR. MANZELLA: Your Honor, I would like to approach the
8 bench to argue that question.

9 THE COURT: Well, you may rephrase it.

10 MR. MANZELLA: All right.

11 BY MR. MANZELLA:

12 Q Mr. Wilson, what I am asking, is the same question
13 the Court asked you with regard to the death penalty. In
14 other words, I'm not asking you whether you will vote for
15 conviction or for acquittal. All I'm asking you is, as you
16 sit there now, do you have such a state of mind that you could
17 not be fair to the prosecution?

18 In other words, if you are sitting there, and
19 you say you would refuse to vote for the death penalty,
20 automatically, regardless of the evidence, then, you would be
21 unfair to the prosecution because you have already made up
22 your mind.

23 If you would automatically vote for death, and
24 against life imprisonment, you've already made up your mind.
25 You would be unfair to the defendant.

26 Now, I'm asking you the same question with regard
27 to the proof of the death by circumstantial evidence.

28 In other words, I'm asking you, as you sit there

1 now, would you automatically, regardless of the evidence, refuse
2 to vote for a conviction where the death of a human being
3 is proved circumstantially?

4 A I see.

5 MR. KANAREK: I must object to that, your Honor. That is
6 improper voir dire.

8 fls.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

8-1

1 MR. MANZELLA: I would like to argue the point, your
2 Honor, if I may.

3 THE COURT: Well, overruled.

4 MR. MANZELLA: I think it's the simplest way to put
5 the question, your Honor.

6 THE COURT: Overruled.

7 JUROR NO. 6: I think I stated a while back, I thought
8 about it. I think I said that if the evidence warranted it,
9 and that was the penalty, I would vote guilty; and that was
10 left to the Court, as to what to do with the man.

11 Q BY MR. MANZELLA: Well, my question confused you.
12 I am not asking you about the death penalty now.

13 A Okay.

14 Q What I am asking you about is: Would you
15 automatically refuse to vote for conviction, where the death
16 of a human being -- in other words, one of the elements in
17 murder --

18 THE COURT: In any case.

19 JUROR NO. 6: No.

20 Q BY MR. MANZELLA: (Continuing.) -- if proved by
21 circumstantial evidence?

22 A No, I wouldn't do that. As I said, if I saw the
23 evidence, and it warranted whatever punishment, and then if
24 I felt in my mind that the man was guilty, that is the way
25 that I would vote.

26 MR. MANZELLA: All right. Thank you, Mr. Wilson.

27 The People pass for cause, your Honor.

28 THE COURT: The ~~peremptory~~ challenge is with the

8-2

1 defendant.

2 MR. KANAREK: Thank and excuse Mr. Burke.

3 Thank you, Mr. Burke.

4 THE COURT: Mr. Burke, thank you very much. Room
5 253, forthwith -- well, let's see. You can report there at
6 1:30, Mr. Burke.

7 JUROR NO. 2: Thank you.

8 THE COURT: You needn't report there now.

9 Go ahead and draw another name.

10 THE CLERK: Mrs. Thelma N. Meek; M-e-e-k.

11
12 VOIR DIRE EXAMINATION OF

13 MRS. THELMA N. MEEK

14 BY THE COURT:

15 Q Mrs. Meek, were you present when the Court
16 explained the nature of this case to the prospective jurors,
17 and when the Court questioned the first prospective juror
18 chosen from your group to the box?

19 A Yes, I was.

20 Q Would your answers be any different than his
21 questions were to the -- strike that.

22 Would your answers be any different than his
23 answers were to the questions of a general nature put to
24 him?

25 A No.

26 Q Would it be any hardship to you, Mrs. Meek, to
27 serve in this case?

28 A Not to me personally; but to my office, where I

8-3

1 work.

2 Q Tell me about that.

3 A I work in a small office, where there are four of
4 us. And they are hoping that I will get back shortly after
5 my month is over.

6 Q What kind of work do you do?

7 A I work for Recreation and Parks.

8 Q Oh, I see.

9 A It's general office work.

10 Q For the City?

11 A Yes, sir. They have scheduled vacations shortly
12 after my jury term normally would be over.

13 Q I think we'll ask them to forego your presence,
14 and -- reluctantly; that is -- as you must know, in a
15 prolonged case, nearly everyone has some aspects of personal
16 inconvenience which occur.

17 And those who are absent from their jobs, I am sure
18 regret that other people have to fill in for them from time
19 to time.

20 Have you been a juror in a criminal case before?

21 A No.

22 Q What do you do for Recreation and Parks?

23 A General office work. However, one of the parties
24 that is to go on vacation takes care of time-keeping; and I'm
25 the only other person that knows how to handle the new time-
26 keeping system. And I -- it will be my responsibility.

27 Q How long --

28 A This person also is scheduled for jury duty very

1 shortly.

2 Q It would be well for Recreation and Parks to
3 teach someone else that skill.

4 How long have you been so employed?

5 A Almost eight years.

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

8 A No, sir.

9 Q In what general area do you reside, Mrs. Meek?

10 A In Northeast Los Angeles.

11 Q Is there a Mr. Meek?

12 A Yes.

8a fls.12

8a-1

1 Q And is he employed outside the home?

2 A No, he's retired.

3 Q And what does he do? Or, what did he do before he
4 retired?

5 A He was a bus driver.

6 Q Do you have such views concerning the death
7 penalty that you would be unable to be impartial in determining
8 the question of guilt or innocence?

9 A Yes.

10 Q In other words, in the first phase of the case, you
11 would be unable to be impartial, because of your views; is
12 that correct?

13 A Yes.

14 Q Would you explain that to us?

15 A Yes. I believe in the death penalty.

16 Q And because you believe in the death penalty,
17 you would be inclined to vote for guilty, in the case where a
18 person is charged with the crime of murder?

19 A Yes.

20 THE COURT: Any questions?

21 MR. KANAREK: I have none.

22 MR. MANZELLA: No opposition to a challenge for cause,
23 your Honor.

24 MR. KANAREK: Yes. 1073, Subsection 2, your Honor.

25 THE COURT: The Court grants the challenge for cause.

26 You are excused. Thank you, Mrs. Meek.

27 Call another name.

28 THE CLERK: Victor Rembielinski.

1 Do I pronounce your name correctly, sir?

2 JUROR NO. 2: Yes, sir.

3 THE CLERK: R-e-m-b-i-e-l-i-n-s-k-i.

4
5 VOIR DIRE EXAMINATION OF
6 VICTOR REMBIELINSKI

7 BY THE COURT:

8 Q Mr. Rembielinski, were you present when the
9 Court explained the nature of this case, and when the Court
10 questioned the prospective juror first chosen from your group?

11 A Yes, I was.

12 Q Would your answers be any different than his were
13 to the questions of a general nature?

14 A No, they wouldn't.

15 Q All right. Would it be a hardship to you to serve
16 in this case?

17 A No.

18 Q Neither financial nor personal?

19 A No, I think I could get by.

20 Q All right. Have you served as a juror in a
21 criminal case before?

22 A No, never.

23 Q Are you employed?

24 A Well, I have a loose association with the B'Nai
25 Brith. Specifically, in -- in Anti-defamation League.

26 Q You work for the Anti-defamation League of B'Nai
27 Brith?

28 A Well, not financially. But there is a loose under-

1 standing, like.

2 Q I see. What do you do for them?

3 A Well, it's public relations.

4 Q Public relations work?

5 A With churches and political meetings and such.

6 Q I see.

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

9 A Well, the same, as a lot of law enforcement
10 officers know me, on account of my personal relations.

11 But they talk sort of double talk. But I don't
12 quite understand.

13 Q Why is that, Mr. Rembielinski? Is that because of
14 your arrest record, or do you just happen to know them, or
15 what?

16 A Well, I have been picked up for crossing the street
17 against a light.

18 Q Well, do you establish friendships with such
19 officers? Or have you -- is that what you are saying to us?

20 A Well, they're using public relations work in
21 their double talk; see?

22 Q What I mean is, I was just simply joking with you,
23 and it's a bad joke. Excuse me.

24 How do you know these officers?

25 A Well, say like I hang around here, eventually you
26 get to know them by sight.

27 Q What do you mean, "Hang around here"? You mean the
28 courtroom?

1 A Yeah.

2 Q Do you do that often, hang around the courtroom?

3 A Well, I mean, like on jury duty now.

4 Q Well, I'm not referring to casual acquaintances
5 whom you see in uniform, and whom you say "hello" to. I am
6 referring to friends or relatives.

7 Do you have any friends or relatives in law
8 enforcement?

9 A No, I don't.

10 Q Then we have got that resolved.

11 A I hope so. All right.

12 Q Now, is there a Mrs. Rembielinski?

13 A No. They keep me in tenuous circumstances, so I
14 wasn't able to marry.

15 Q All right.

16 A Sort of gang action.

17 Q Mr. Rembielinski --

18 A They laugh.

19 Q Mr. Rembielinski, do you have such views concern-
20 ing the death penalty that you would be unable to be fair and
21 impartial in determining guilt or innocence?

22 A Well, I have been thinking about it. For instance,
23 I entered the Army, and I really never resolved that; you know?
24 So I was sworn in.

25 8b fls.
26
27
28

8b-1

1 Q You entered the Army, and you never resolved that.
2 Well, right at this moment, you are asked to
3 resolve it.

4 Do you have such views concerning the death
5 penalty that, at this moment, you believe that you could not
6 be fair and impartial?

7 A Do you mean making a decision that would be fair?

8 Q Well, could you make a decision that would be fair
9 and impartial on the issue of guilt or innocence in the first
10 phase of the case?

11 A Well, I got involved with some kind of a shyster,
12 and I made some wrong decisions, and I -- I feel -- I don't
13 feel right about it.

14 Q You are making some wrong decisions now in not
15 responding to my question.

16 Would you --

17 A Well, there's a psychological involvement there.

18 Q Pardon? I am having trouble following you,
19 Mr. Rembielinski.

20 A Well, public relations are not definite, you know.

21 Q Would you listen carefully to the question? If
22 you don't understand the question, ask me. Ask me what I
23 mean by it, and ask me to straighten it out.

24 Do you at this moment have such views concerning
25 the death penalty that you could not, by reason of those
26 views, be fair and impartial in determining guilt or
27 innocence in the case?

28 A Well, I -- I always look behind what's being said,

8b-2

1 behind what --

2 Q Don't look behind you. Just answer the question,
3 will you?

4 A I have been supplied with so much talk that --
5 no, I don't think I could, because I don't --

6 Q You don't think you could what?

7 A Make any decision about anybody, because of the
8 nature of my background, and the way people have talked to me,
9 and sort of triggered me.

10 Q Do you mean by that that --

11 A I mean that they have educated me in a way --

12 Q -- that you could or could not be fair and impartial
13 in determining guilt or innocence? As a result of the --

14 A No, I don't think I could, because I don't believe
15 in many things that people say.

16 Q Do you have such views concerning the death penalty
17 that you would automatically refuse to impose it in any case,
18 regardless of the evidence?

19 A Well, I saw a movie, "Once Upon a Time in the West,"
20 and --

21 Q Keep that microphone up.

22 A -- and with Henry Fonda, and he says, "There goes
23 Frank again. Plant the evidence."

24 Q Did you hear the question?

25 A Yeah, yeah, I did.

26 Q Do you understand it?

27 A I understand it, but -- huh! -- no, I don't
28 think I could render any decision on that, the way I -- I

8b-3

1 think, psychologically. I've had too many dealings with all
2 kinds of people, in public relations.

3 Q Do you have such views concerning the death penalty
4 that you would never vote to impose it?

5 A Well, they -- they talk about God, and I don't
6 want to be God.

7 THE COURT: All right. We'll take a recess until
8 1:45.

9 Ladies and gentlemen, don't converse amongst
10 yourselves, nor with anyone else. Don't form or express any
11 opinion on the matter until it is finally submitted to you,
12 should you be chosen as jurors.

13 Mr. Rembielinski, remain behind here, will you,
14 please?

15 (Whereupon, the members of the prospective jury
16 panel exited the courtroom, and the following proceed-
17 ings were had:)

18 THE COURT: Gentlemen, do either of you have any
19 stipulation?

20 Mr. Kanarek?

21 MR. KANAREK: No, your Honor.

22 THE COURT: You offer no stipulation?

23 MR. KANAREK: No.

24 THE COURT: The People?

25 MR. MANZELLA: The People -- it would be useless to
26 offer a stipulation at this point, in view of Mr. Kanarek's
27 statement.

28 THE COURT: Yes.

8b-4

1 MR. MANZELLA: However, the People would -- are of the
2 opinion that the general cause of excuse lies under Section
3 1072, Subdivision 3.

4 MR. KANAREK: Oppose the challenge, your Honor.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8c fls.

8c-1

1 MR. MANZELLA: That was -- that's not the section I
2 have been using. This is Section 1072, Subdivision 3.

3 JUROR NO. 2: (Unintelligible comment.)

4 BY THE COURT:

5 Q What did you say?

6 A I said: The prosecuting attorney is using double
7 talk, too. The Presbyterians use the same language.

8 He's smiling now.

9 I have had 15 years of this, you know.

10 MR. MANZELLA: Of what, Mr. Rembielinski?

11 MR. KANAREK: Just a minute, your Honor. I'll object
12 to any inter se conversation.

13 Q BY THE COURT: What did you say, Mr. Rembielinski?

14 A I say -- I mean, this gang business, I have been
15 subjected to it for -- for 15 years, at least.

16 Q The what business? Would you hold the microphone
17 up? We are having trouble understanding you. And stop
18 mumbling; will you, please?

19 A (No response.)

20 Q What did you say? What was the last remark you
21 made?

22 A Well, I think the Judge heard it. I don't want
23 to repeat it.

24 Q I did not hear it.

25 THE COURT: Did you catch it, Mr. Williams?

26 THE REPORTER: Yes.

27 DEFENDANT MANSON: (From the detention room.) He
28 said: This gang business, he's tired of it.

1 (Whereupon the record was read by the reporter
2 as follows:

3 "A I say -- I mean, this gang business, I
4 have been subjected to it for -- for 15 years, at
5 least.")

6 THE COURT: You are making your challenge under 1072,
7 Subsection 3, "Unsoundness of mind, or such defect in the
8 faculties of the mind or organs of the body as renders --"

9 JUROR NO. 2: When you challenge gangsters, that
10 always happens.

11 THE COURT: -- "him incapable --" pardon me, Mr.
12 Rembielinski?

13 JUROR NO. 2: I say: I've been challenging gangsters,
14 and they -- they come back with a thing like that.

15 THE COURT: (Continuing.) -- "as renders him incapable
16 of performing the duties of a juror."

17 MR. MANZELLA: That's right, your Honor.

18 MR. KANAREK: I will object to that, your Honor, on
19 the grounds that -- first of all, there's no one here that --
20 that is -- that is an expert in being able to judge soundness
21 or unsoundness of mind.

22 And I will object. And there's no foundation
23 in the record or otherwise for such a challenge as to this
24 juror.

25 There's absolutely no foundation for it, just
26 because a juror does not give stereotyped responses, does
27 not --

28 THE COURT: Have you heard any response?

1 MR. KANAREK: Pardon?

2 THE COURT: Have you heard any material response from
3 this man to any question? Of any substance?

4 MR. KANAREK: Well -- uh --

5 THE COURT: All right. Let's try once more, Mr.
6 Rembielinski.

7 Q Put the microphone up, --

8 A Yeah.

9 Q -- will you, please?

10 Do you have such views concerning --

11 Sit down, Mr. Kanarek.

12 Do you have such views concerning the death
13 penalty that you could not be fair and impartial in determining
14 guilt or innocence?

15 A Well, I'll say: Yes. I do have views. I wouldn't
16 want to make any --

17 Q You wouldn't want to make any decision on it;
18 right?

19 A That's right, yes.

8d fls.

8d-1

1 Q All right. In other words, in the first phase of
2 the trial, you would -- you would be prejudiced, because if you
3 found that the defendant were guilty, you would have to go on
4 and make a decision in the second phase regarding guilt or
5 innocence -- regarding the death penalty or life imprisonment;
6 is that correct?

7 MR. KANAREK: Leading and suggestive, your Honor.

8 THE COURT: It is leading and suggestive. Do you have
9 any other way, Mr. Kanarek, to approach this type of person in
10 a question?

11 MR. KANAREK: Well, your Honor, I think -- uh --

12 THE COURT: Do you wish to ask the question?

13 MR. KANAREK: No, your Honor. I'm saying -- what I am
14 saying, I am just objecting.

15 THE COURT: Well, the Court overrules your objection.
16 And you may be seated.

17 MR. KANAREK: Yes, your Honor.

18 JUROR NO. 2: I say -- I feel it is leading and
19 suggestive.

20 Q BY THE COURT: Pardon me?

21 A I feel the judge's talk is leading and suggestive.
22 I think that -- that the judge is biased.

23 THE COURT: All right. We'll recess until 1:45.

24 We are in recess.

25 (Whereupon, an adjournment was taken at 12:08

26 P. M. until 1:45 P. M. of the same day, Wednesday, July 21, 1971.)

27

28

1 LOS ANGELES, CALIFORNIA, WEDNESDAY, JULY 21, 1971, 2:20 P. M.

2
3 THE COURT: Mr. Manson -- the record will show that
4 Mr. Manson is present and Mr. Kanarek is present with him.

5 Do you wish to remain in the courtroom this
6 afternoon?

7 THE DEFENDANT: I don't have any wishes.

8 THE COURT: Speak up so everybody can hear you.

9 THE DEFENDANT: I don't have any wishes. If I could,
10 I'd wish myself out of here.

11 THE COURT: If you will be quiet, I will allow you to
12 remain in the courtroom.

13 Can you do that?

14 (Whereupon, the defendant's remark was inaudible
15 to the reporter.)

16 THE COURT: Can you do that?

17 THE DEFENDANT: I don't know from one minute to the next
18 what I am going to do.

19 THE COURT: And you can't promise me that you will be
20 quiet?

21 THE DEFENDANT: Huh-uh.

22 THE COURT: All right, remove him.

23 (Whereupon, the Defendant Manson was removed from
24 the courtroom and placed in the holding tank, and the following
25 proceedings were had:)

26
27 VOIR DIRE EXAMINATION OF

28 VICTOR REMBIELINSKI

1 BY THE COURT:

2 Q All right, Mr. Rembielinski is in the jury box as
3 a prospective juror.

4 Let's go back to where we were when we left off.

5 Mr. Rembielinski, have you ever heard, seen or read
6 of Charles Manson before you came into this courtroom?

7 A Uh, yes, I've read newspapers.

8 Q Have you seen any television program that
9 referred to him or have you heard any radio broadcast?

10 A At home I don't have a television set, so I am
11 behind the times, really.

12 I'm not too prosperous. They don't keep me too
13 prosperous.

14 Q Do you have a radio?

15 A Yes, I have a radio.

16 They see that I am not prosperous, in fact.

17 Q You have heard radio broadcasts?

18 A Yes, I have.

19 Q Now, concerning Mr. Manson?

20 A Yeah.

21 Q All right.

22 In what connection have you heard about or read
23 about Mr. Manson?

24 A (Pause.)

25 THE COURT: Is that a very difficult question?

26 A It is, yes.

27 Q In what way is it difficult?

28 Have you heard the name Charles Manson before,

1 read it?

2 A Yeah. Well, it -- I sort of associated it with
3 war.

4 Q With war?

5 A Yes. And people don't like to talk about war and
6 things like that.

7 Q Would you explain that to me? How do you
8 associate Charles Manson's name with war?

9 A Sort of a cold war.

10 Q Pardon?

11 A Well, I mean, people are -- well, I don't want
12 to say.

13 Q Well, in what way have you heard the name before,
14 regardless of whether you --

15 A What I have in mind is the world belongs to the
16 militants, and the militants are militant and they're the ones
17 that gain the benefits of the world.

18

19

20

21

22

23

24

25

26

27

28

10 fls.

10-1

1 Q Well, that's a -- a somewhat sage observation,
2 Mr. Rembielinski. But in what way have you heard of Mr.
3 Manson?

4 A Well, I've seen headlines. But right now, I
5 couldn't quote a headline.

6 Q About what, generally?

7 A (No response.)

8 Q Well, so far as you know, is he a sports figure
9 or is he a -- is he in the news some other way?

10 A That, I'd rather not go into. I don't wish to
11 discuss it.

12 You're annoyed with me, Judge.

13 Q Well, Mr. Rembielinski, in spite of your reluc-
14 tance to discuss the subject, you must answer the Court's
15 questions, when the Court puts a question to you of that
16 nature.

17 Now, what have you heard, seen or read about
18 Charles Manson, before you came into this courtroom?

19 A (Pause.) I'm trying to think.

20 Well, it -- this appears to be a part of a net --
21 and I've pulled at the networks. I -- the militants. I --

22 Q Do you believe Charles Manson to be a militant of
23 some type?

24 A No, I'm not referring to him. I think that --

25 Q Well, let's -- can we confine ourselves to the--

26 A (Unintelligible.) -- the militants.

27 Q Could we confine ourselves to answering the
28 question, then? If you are not talking about --

10-2

1 A I think the Judge is trying to confine me to --
2 to a certain track.

3 Q Yes, I am. I'll admit to that. I am trying to
4 confine you to answering the question.

5 A Well, that's what the network's been doing right
6 along.

7 Q Somebody has --

8 A They're coaching me; they're directing me.

9 Q You mean there's a network of people who are --

10 A That's right.

11 Q -- surveilling your activities?

12 A Yes. I am saying they are, yes.

13 Q And they're watching all the time?

14 A Well, that's -- you know, that's a dangerous
15 question, because they can put another answer to that.

16 Q Well, who is this network who are watching you all
17 the time, Mr. Rembielinski?

18 A Well, it's a part of the Kosher network, to be
19 blunt about it.

10a fls.

20

21

22

23

24

25

26

27

28

10-3

1 Q How do they observe you?

2 A Well, they all know me, being in this court.
3 You know, they make remarks and double talk.

4 Q I see.

5 A The talk is so general that apparently it looks
6 innocent.

7 Q Can we get back to the question? Have you ever
8 heard of Charles Manson before, before you walked into this
9 courtroom, and I told you about the indictment?

10 A Judge, I have been thinking, and I'll plead
11 the Fifth Amendment, because -- I -- I might incriminate
12 people involved.

13 THE COURT: Where's the Penal Code? Who took my
14 copy?

15 THE REPORTER: I'm sorry. I did.

16 THE CLERK: I'll get it.

17 THE COURT: Mr. Kanarek, perhaps you could put a
18 question to him that -- if you wish to?

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

20 THE COURT: Mr. Manzella, any questions?

21 MR. MANZELLA: No, your Honor.

22 Q BY THE COURT: What type of work did you say that
23 you did, Mr. Rembielinski?

24 A Well, there's a -- there's a loose relationship,
25 an association with B'Nai Brith and the Anti-Defamation
26 League.

27 Q Are you paid by them?

28 A No. I thought that question would come up.

1 They see to it that no money's involved.

2 That's one of the techniques they use.

3 Q I see. Well, who supports you?

4 A Well, I have a feeling the Judge knows all about
5 me. He has been -- you probably have a brief on me, so you
6 have those questions.

7 Q Do you think that the Superior Court has been
8 checking up on you, too?

9 A I think so, yes. I -- wherever I go, they know
10 about me. There's some kind of a write-up.

11 I don't know, really, what they hint, what kind of
12 a setup it is.

13 Q I see. Thank you.

14 A Some of these techniques are shown at the movies,
15 so --

16 Q What's that, Mr. Rembielinski?

17 A Some of the methods they use, these people, are
18 shown -- they show in the movies.

19 Q Would you answer this, Mr. Rembielinski? In
20 what connection, if at all, have you ever heard of Mr.
21 Manson?

22 A The Fifth Amendment. I'd rather not talk.

23 Q You'd rather not answer that?

24 A I think the Judge is -- wants to lead me on
25 to say things.

26 Q That's true. I am trying to lead you to an
27 intelligible answer, Mr. Rembielinski.

28 A Well, no. I don't want to.

1 Q You understand it's your obligation, as a juror,
2 to respond to the questions that the Court and counsel put
3 to you, and respond intelligently, if you can? Do you
4 understand that obligation?

5 A Well, you say it's an obligation. I -- I -- I
6 might incriminate, say, the --

7 Q You're afraid that --

8 A -- the gangland, say.

9 Q I'm sorry. I didn't hear your answer.

10 A Well, the gangland, wherever you go.

11 Q Do you mean the gang that's surveilling your
12 activities might be listening?

13 A See, the more -- the Judge is leading me to say
14 things.

15 Q Well, I am simply trying to find out what you
16 mean.

17 The Court believes that this man has such a
18 defect in the faculties of his mind that --

19 JUROR NO. 2: I'm sorry. That's an opinion.

20 THE COURT: That's true. It's a layman's opinion.

21 But the Court does not believe that you are at
22 all qualified for jury duty.

23 JUROR NO. 2: That's right. I have been coached so
24 much that -- I admit that. That's the reason I flunked out,
25 because I have been coached so much by these people, for
26 such a long time.

27 Q BY THE COURT: What people have been coaching you,
28 Mr. Rembielinski?

1 A It's a part of a Jewish system, to be blunt about
2 it.
3

11 fls.

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

11-1

1 Q And what -- would you explain to me further?

2 A Well, like the Masonics use secret symbols, that
3 they keep using symbols and double talk, supposed to mean
4 something. They keep repeating and repeating.

5 Q I see.

6 A They can trigger people that way.

7 Q I see. And what affect does that have on you?

8 A Well, just like baiting. They used to use the
9 expression "Jew baiting," but then Jews turn around and bait
10 people, too. And I'm part Jewish.

11 THE COURT: All right, the Court finds --

12 MR. KANAREK: Well, your Honor, before your Honor rules,
13 I would like to make a motion that the Court -- I do object
14 to your Honor discharging --

15 THE COURT: Would you use the microphone?

16 MR. KANAREK: Yes, your Honor.

17 THE COURT: You are objecting to the Court discharging
18 Mr. Rembielinski?

19 MR. KANAREK: Yes, absent of further foundation. Your
20 Honor has stated he is a layman.

21 THE COURT: That's true.

22 MR. KANAREK: We're all laymen here in terms of the
23 workings of the human mind, and without a further foundation,
24 I do object to the Court discharging a juror without a further
25 foundation being laid by some expertise, so the Court would
26 have some expert opinion --

27 THE COURT: Well, the Court is not going to delay the
28 proceedings to appoint a psychiatrist to examine this man.

1 The Court believes that the record is clear that Mr. Rembielinski
2 is incapable of performing his duties of a juror, even the
3 first duty of a juror, to respond to the questions put on
4 voir dire.

5 The Court believes that there is some defects in
6 the faculties of this man's mind.

7 JUROR NO. 2: And now, Judge, I just disobeyed. I just
8 don't go along with you. That's what it is, mainly.

9 THE COURT: Pardon me, Mr. Rembielinski?

10 JUROR NO. 2: I don't go along with -- what you are try-
11 ing to coach me to do.

12 THE COURT: You understand, the Court is simply trying
13 to get you to answer such questions as I may put to you, and
14 as counsel may put to you.

15 JUROR NO. 2: I think the judge is using the court.

16 THE COURT: And, therefore, in view of that, the Court
17 not only excuses him from this courtroom, and this jury, the
18 Court tells him that he is excused at this time from any
19 service on any jury.

20 So Mr. --

21 JUROR NO. 2: I think that's unfair, but I'm triggered
22 that way. And I don't -- I've been associated with these
23 people so long that they've done things to me, psychologically.

24 THE COURT: Which people? You mean the gang?

25 JUROR NO. 2: Well, your -- you -- you're -- you are
26 using terms that you could use against me, I believe.

27 THE COURT: Explain it to me, Mr. Rembielinski.

28 JUROR NO. 2: I think the judge is highly aware of what

1 I am talking about.

2 THE COURT: No, I am not. I would like you to make it
3 clear to me.

4 JUROR NO. 2: I've already told you what I think.

5 THE COURT: Well, who are you referring to when you say
6 "they"?

7 JUROR NO. 2: It is already in the records. I mentioned
8 it.

9 THE COURT: All right, the Court excuses Mr. Rembielinski,
10 and you need not return to the jury assembly room,
11 Mr. Rembielinski. You are excused. You needn't report back
12 for jury duty.

13 I don't know how you got on jury duty.

14 JUROR NO. 2: Well, I told my woman attorney that
15 they're --

16 THE COURT: All right, that's all.

17 Call another name.

18 THE CLERK: Mrs. Patricia L. Pettaway, P-e-t-t-a-w-a-y.

19

20

VOIR DIRE EXAMINATION OF

21

PATRICIA L. PETTAWAY

22

BY THE COURT:

23

24

Q Let's see, your name, I'm sorry, I didn't catch
it?

25

A Patricia Pettaway.

26

Q Say it again?

27

A Patricia Pettaway.

28

Q Pettaway?

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

A Pettaway.

THE CLERK: P-e-t-t-a-w-a-y.

11a fls.

RECEIVED
JAN 11 1964
FBI - NEW YORK
FBI - NEW YORK

11a-1

1 BY THE COURT:

2 Q Have you been present during all the proceedings
3 thus far, since the Court explained the nature of this case?

4 A Yes, sir.

5 Q To the prospective jurors?

6 A Yes, sir.

7 Q Would your answers be any different than the
8 answers of the first prospective juror that was chosen from
9 your group were?

10 A No, sir.

11 Q That is, to the questions of a general nature,
12 would your answers be any different?

13 A No.

14 Q Would it be a hardship to you to serve on this
15 jury?

16 A Uh, no, sir.

17 Q What type of work do you do?

18 A I work for the Department of Public Social
19 Services.

20 Q Doing what?

21 A Welfare computation clerk.

22 Q Have you ever served as a juror before in any
23 criminal case?

24 A No.

25 Q Is it Miss Pettaway?

26 A Mrs.

27 Q Is there a Mr. Pettaway?

28 A Yes.

11a-2

- 1 Q What type of work does he do?
- 2 A Body and fender work.
- 3 Q What general area do you reside in?
- 4 A Southwest Los Angeles.
- 5 Q Do you have any friends or relatives who are
- 6 police officers?
- 7 A No.
- 8 Q Do you have such views concerning the death
- 9 penalty that you would not be able to be fair and impartial
- 10 in determining the question of guilt or innocence?
- 11 A My views would not have anything to do with
- 12 my decision on guilt or innocence.
- 13 Q Do you have such views concerning the death penalty
- 14 that you would not be able to be -- would not be able to
- 15 impose it? That you would automatically refuse to impose it
- 16 in any case, regardless of the evidence?
- 17 A Yes, sir.
- 18 Q Are your views such concerning the death penalty
- 19 that you would never vote to impose it in any case?
- 20 A Yes, sir.
- 21 Q So that if you were called upon to determine the
- 22 question of life imprisonment or death, your judgment would
- 23 always be for life imprisonment, regardless of the evidence;
- 24 is that correct?
- 25 A Yes, sir.
- 26 Q Rather than death?
- 27 A Yes.
- 28 Q Would you ever even consider imposing the death

11a-3

1 penalty?

2 A I would consider it, but I doubt very seriously
3 if my mind would change or my views.

4 Q Your views at this time are definite and certain
5 that you would automatically refuse to impose the death
6 penalty?

7 A Yes, sir.

8 Q Well, what do you mean that you would consider
9 it?

10 In considering it, that is considering the
11 evidence, would you give some thought as to whether or not
12 you might impose the death penalty?

13 A I wouldn't refuse to discuss it with the fellow
14 jurors, but I doubt very seriously if my mind would be
15 changed, because I've been talked to about it before. People
16 try to change my mind about the way I felt about it, but I
17 stick to it, because it is just the way I believe.

18 Q So that your belief at this time is firmly against
19 the death penalty and your reaction would be an automatic one
20 to vote against it?

21 A Yes, sir.

22 MR. MANZELLA: People would respectfully challenge Mrs.
23 Pettaway for cause, your Honor, under Section 1073, Subdivision
24 2 of the Penal Code.

25 MR. KANAREK: May I ask some questions, your Honor?

26 THE COURT: Yes.

27
28 VOIR DIRE EXAMINATION

1 BY MR. KANAREK:

2 Q Mrs. Pettaway, you say that you have discussed
3 it with people, and what was that? What was the gist of
4 what you said?

5 A Well, what I meant by discussing it?

6 Q Yes.

7 A Well, in -- just in ordinary conversation it may
8 come up and I would say that I do not believe in the death
9 penalty or I could not be the one to impose the death penalty
10 on anyone and they may state their arguments about it.
11 Not to necessarily change their mind, but just for the sake
12 of argument. That's what I said, what I mean by I had
13 discussed it with other people.

14 Q And have you told them that you would listen to
15 the evidence in any particular case and come to a resolution
16 based upon the evidence?

17 A Yes, but I still wouldn't impose the death
18 penalty.

19 Q Well, but, you actually haven't lived through it,
20 really, have you?

21 That is, you have never had occasion to do this
22 in real life?

23 A No.

24 Q Other than just talking about, right?

25 A No.

26 Q So that really you don't know for sure whether
27 -- well, really, you don't know what you would do in any
28 particular case until you hear the evidence, isn't that a

1 fair statement?

2 A I guess it is a fair statement, but I just
3 don't think that I should be the one to take anybody -- or
4 to say that it is anybody else -- or to take anybody else's
5 life away from them.

6 Q Right.

7 Oppose the challenge, your Honor.

8
9 VOIR DIRE EXAMINATION

10 BY MR. MANZELLA:

11 Q Mrs. Pettaway, after discussing the evidence with
12 your fellow jurors, would you still automatically refuse to
13 impose the death penalty?

14 A Yes, sir.

15 THE COURT: The Court grants the challenge. The
16 Court finds that she would automatically refuse to impose
17 the death penalty, regardless of the evidence and, therefore,
18 does excuse her.

19 Thank you, Mrs. Pettaway.

20 MR. KANAREK: Thank you, Mrs. Pettaway.

21 THE COURT: Room 253 on Friday.

22 THE CLERK: Today, so far, your Honor.

23 THE COURT: I don't think there is any use in sending
24 her back over there today. It is 15 minutes to 3:00. I
25 can't see any use of having her return there.

26 Return on Friday, at 9:00 o'clock, to Room 253.

27 THE CLERK: Frank Schiada, S-c-h-i-a-d-a.
28

VOIR DIRE EXAMINATION OF
FRANK SCHIADA

BY THE COURT:

Q Mr. Schiada, were you present when the Court explained the nature of this case to prospective jurors and questioned the prospective juror chosen from your group to go to the box?

A Yes, your Honor.

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

A I don't know about the questions of a general nature, but to the question of the death penalty, I differ from him.

Q In regard to the death penalty, would your views be such concerning it that you would be unable to be impartial in determining the first phase of the case?

A On the first phase of the case, that's the guilt or acquittal, correct? I don't think I would be -- I would be partial.

Q You don't think you would be partial in viewing that?

A I -- I would be -- no, I think I would be impartial to it.

Q Very well...

Now, in the next phase, the penalty phase, should you be called upon to choose between life imprisonment and death; are your views concerning the death penalty such that you would automatically refuse to impose the death

1 penalty regardless of the evidence?

2 A No.

3 Q In other words, would you automatically vote for
4 life imprisonment and against the death penalty?

5 A No.

6 Q Regardless of the evidence?

7 A No.

8 Q Or are your views such concerning the death
9 penalty that upon a conviction of murder of the first degree
10 you would automatically vote to impose the death penalty?

11 A I would automatically vote to impose the death
12 penalty.

12 fls.

12-1

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

2 THE COURT: In other words, without regard to the evidence,
3 upon a conviction of murder in the first degree, you would --
4 your reaction would be to vote against life imprisonment and
5 for death?

6 JUROR NO. 2: That is correct.

7 THE COURT: All right.

8 MR. KANAREK: May I ask a question or two, your Honor?

9 THE COURT: You may if you wish.

10
11 VOIR DIRE EXAMINATION

12 BY MR. KANAREK:

13 Q Sir, upon -- upon what do you base that opinion of
14 yours?

15 A Oh, from prior publicity.

16 Q In other words, your statement is predicated upon
17 what you have heard and seen on television, what you've read in
18 the newspapers, and what you've heard on radio?

19 A Yes.

20 Q And what you've read -- and what you've heard
21 discussed among the population in general?

22 A Yes.

23 Q So this is why, in this case, you are saying what
24 you are saying about the automatic imposition of the death
25 penalty?

26 A Yes.

27 MR. KANAREK: Thank you.

28 BY THE COURT:

12-2

1 Q Would your view concerning a conviction of murder
2 first only pertain to this case? Or would it be --

3 A Well, let's say on another case, if there was a --
4 on a penalty phase, I would be inclined still to vote for the
5 death penalty, but --

6 Q On any other case --

7 A Yes.

8 Q -- where there was a murder of the first degree, a
9 conviction, --

10 A Yes. A similar case, different defendant.

11 MR. KANAREK: But --

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

13 MR. KANAREK: But may I just ask one question?

14 BY MR. KANAREK:

15 Q But in any other case, it wouldn't be automatic;
16 is that what you are telling us?

17 A Right.

18 MR. KANAREK: 1073, Subsection 2.

19 BY THE COURT:

20 Q You mean by that, in any other case, you would
21 listen to the evidence? But in this case, you would not in any
22 way listen to the evidence or view the evidence, before making
23 any determination? Or what do you mean?

24 A I think you have said what I mean. I am pretty sure.
25 In other words, on another case, I think I would be a little bit
26 more open-minded about it, you know.

27 Q But you've arrived at some opinions concerning
28 Charles Manson --

12-3

1 A Yes.

2 Q -- as a result of the publicity, and therefore you
3 have this feeling; is that correct?

4 A Yes, I do.

5 THE COURT: All right. The Court does excuse you.
6 Thank you.

7 JUROR NO. 2: Thank you.

8 MR. KANAREK: Thank you, Mr. Schiada.

9 THE COURT: Thank you. Report to Room 253, the jury
10 assembly room, at 9:00 o'clock on Friday.

11 MR. KANAREK: Thank you, sir.

12 THE CLERK: Mrs. Bertha C. Merrick; M-e-r-r-i-c-k.
13

14 VOIR DIRE EXAMINATION OF
15 BERTHA C. MERRICK

16 BY THE COURT:

17 Q Mrs. Merrick, come forward.

18 Mrs. Merrick, were you present when the Court
19 explained the nature of this case?

20 A Yes, I was.

21 Q And did you hear the Court's questions to the first
22 prospective jurors chosen from your group?

23 A Yes.

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

26 A No.

27 Q Would it be a hardship to you to serve in this
28 case?

12-4

1 A It would.

2 Q Tell me about it.

3 A Well, I have ulcers and high blood pressure and
4 I'm on a special diet -- no sodium, no fat, no starch, no
5 vegetables; I can't eat those things.

6 And I have to drink bottled water.

7 Q Yes?

8 A So when I eat anything else, it makes me sick,
9 you know, and that's not on my diet.

10 I even take my food to my work, and I work with
11 foods.

12 Q I see.

13 A So I take my special water, too. So it would, in
14 that respect --

15 Q Are you under a doctor's care now?

16 A Constantly. Every two months, two or three
17 months, I go.

18

19

20

21

22

23

24

25

26

27

28

12a fls.

12a-1

1 Q And you think this -- that a case of four or
2 five months might possibly cause you to break down, so that
3 you wouldn't --

4 A Yes.

5 Q -- be able to attend to your jury duties?

6 A I do. Because I have to stay on a strict diet.
7 And he made a strict diet, and I have to stay on it.

8 Q What is your problem?

9 A It's an ulcer, and I have high blood pressure.
10 And he thinks it might develop into heart, so that's why --

11 Q Do you work regularly?

12 A I work regularly. But as I said --

13 Q Have you ever lost any time from work in the last --

14 A No, but I stick to my diet, which I can't do
15 here.

16 Q Why couldn't you do it here?

17 A At lunchtime, you know. Because I ate something
18 Thursday, out, and I was sick Friday. I couldn't make it.

19 Q If -- in other words, if you could observe the
20 diet that you are on, then you wouldn't be concerned; is
21 that right?

22 A Yes. But it's almost impossible.

23 Q Whom do you work for?

24 A The Board of Education.

25 Q Why is it impossible?

26 A Because you can't hardly find the foods that you
27 need at the stores. You know, the low sodium foods. It's
28 very hard. I have to go to so many stores to find the things

12a-2

1 that I need.

2 Q Well, that's true even when you are working, isn't
3 it?

4 A Yes. But see, I get it. And I make it, and I
5 take it. Well, I could -- or, I could make it there, because
6 I'm in foods, for lunch.

7 THE COURT: Any questions, gentlemen?

8 MR. MANZELLA: No, your Honor. The People would be
9 willing to stipulate it would constitute a hardship.

10 MR. KANAREK: So stipulate, your Honor.

11 JUROR NO. 2: Thank you.

12 MR. KANAREK: Thank you, Mrs. Merrick.

13 THE COURT: The gentlemen have agreed that it would be
14 a hardship. The Court believes that probably it would,
15 in view of your circumstances.

16 JUROR NO. 2: Yes, sir.

17 THE COURT: And the Court does find that it is a
18 hardship.

19 JUROR NO. 2: Yes.

20 THE COURT: And that it would be a hardship, and does
21 excuse you. Thank you, Mrs. Merrick.

22 MR. KANAREK: Thank you, Mrs. Merrick.

23 THE CLERK: Miss Florence E. Morgan; M-o-r-g-a-n.

24 MR. KANAREK: Was that E or C, Mr. Dooley?

25 Mr. Dooley, was that E or C? The middle initial?

26 THE CLERK: The middle initial is E like in Edward.

27 MR. KANAREK: Thank you.

28 THE BAILIFF: Miss Morgan is here, sir.

VOIR DIRE EXAMINATION OF
MISS FLORENCE E. MORGAN

BY THE COURT:

Q Miss Morgan, were you present when the Court explained the nature of this case to the prospective jurors, and when the Court conversed with that first juror chosen from your group to the box?

A Do you press something?

Q Don't worry about the button. It's taped up.

A Yes.

Q All right. Would your answers be any different than that juror's answers were to the questions of a general nature, first put -- yes; that's the question.

A No.

Q Would you suffer any hardship, should you be caused to serve in this case?

A Yes, I would.

Q What would be the nature of that hardship?

A Well, I wouldn't get paid.

Q Pardon?

A I wouldn't get paid.

Q For whom do you work?

A I work for --

Q Would you use that microphone?

A Yes. (Continuing) -- Studio Girl Cosmetics.

Q And they pay you for 20 days, do they?

A Yes.

Q Then after that, you would be on your own; is that

1 correct?

2 A Yeah. Well -- as a matter of fact, I was called
3 in April, this time, and the boss tried to get me off, because
4 I -- I served in late 1968.

5 But they postponed it instead till now.

6 Q But the company would not be able to pay you?

7 A No, they wouldn't pay.

8 Q For anything beyond the 30 days?

9 A They wouldn't, no.

10 Q How long have you worked for that company?

11 A Well, it's 26 years next month.

12 Q And they would still not pay you?

13 A No.

12b fls.

12-
12b-1

1 Q Have you conversed with anyone since I asked you
2 to?

3 A No, I didn't, because I -- but I'm sure they
4 wouldn't. I mean, I'm practically definitely sure they wouldn't
5 do it, because they -- it's a -- very much of a hardship right
6 now, as far as the work goes.

7 Q What do you do for the company?

8 A I'm a mail clerk.

9 Q A mail clerk?

10 A Yes, um-hum. Letters and packages and things like
11 that.

12 Q Well, I'll ask you, during the course of this next
13 recess, to converse with someone from your company, find out
14 whether or not they will pay you.

15 Have you been a juror before in a criminal case?

16 A No, I haven't.

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

19 A Yes, I am.

20 Q Tell us about that.

21 A Well, my son's a deputy sheriff.

22 Q Of the County of Los Angeles?

23 A That's right.

24 Q And what's his duty? What is his duty?

25 A Well, as I understand, he -- I mean, he's a -- he
26 has a variety of duties.

27 He's been out in the field.

28 Q Where is he stationed?

12b-2

1 A Right now, he's a detective, I think, plain
2 clothes.

3 Q In what area?

4 A Well, the County, L. A. County.

5 I don't really know what area, because I don't
6 ask him.

7 Q All right. You don't ask him about his job?

8 A Do you know why?

9 Q No.

10 A Because -- because --

11 Q Hold that microphone in front of your face, please.

12 A Because I happen to love him very much, and I
13 worry about him, so I don't ask him any --

14 Q So consequently, you don't ask him about what his
15 obligations and duties are?

16 A That's right. Because I'd worry some more.

17 Q Is there any reason why you couldn't be fair and
18 impartial in this case?

19 A I don't think so.

20 Q With the relationship that you have, would that
21 cause you to be in any way biased against the defendant?

22 A I wouldn't think so, because -- well, I've always
23 been on the side of law. I was brought up that way.

24 Q Well, what I mean is, would it be a bias that would
25 be in favor of the prosecution?

26 A Well, I don't think so. I am just a fair-minded
27 person; that's --

28 Q Do you think you can view the evidence in this case

12b-3

1 fairly and impartially, judge it fairly and impartially, in
2 spite of that connection with law enforcement?

3 A Yes, sir.

4 MR. KANAREK: May we approach the bench, your Honor?

5 THE COURT: No, you may not.

6 Q Is there a Mr. Morgan?

7 A Not right now.

8 Q Is he deceased?

9 A Divorced.

10 Q I see. Do you have views concerning the death
11 penalty, such that you could not be fair and impartial in
12 determining the question of guilt or innocence?

13 A I don't actually know how to answer that.

14 Q Well, let me ask it again. Are your views such
15 concerning the death penalty that you could not be fair and
16 impartial in determining the question of guilt or innocence,
17 presented to you in the first phase of the case?

18 A Well, I would be fair.

19 Q You would be. In spite of whatever views you may
20 have -- you may hold --

21 A That's right.

22 Q -- concerning the death penalty?

23 A That's right.

24 Q All right. Now, concerning the death penalty,
25 are your views such, about the death penalty, that you would
26 automatically refuse to impose it in any case, regardless of
27 the evidence?

28 A Yes, they are.

1 Q You would be unable, then, by reason of your views,
2 to vote for the death penalty in any case?

3 A Yes.

4 Q Would you ever consider imposing the death penalty?

5 A No.

6 Q If -- if the death penalty or life imprisonment --
7 the alternative of the death penalty or life imprisonment were
8 presented to you in any case, would you automatically refuse
9 to impose it, regardless of the evidence?

10 A Do you mean to -- the death penalty?

11 Q Yes.

12 A Yes.

13 Q Would you automatically refuse to impose the
14 death penalty in any case, --

15 A Yes.

16 Q -- regardless of the evidence?

17 A Yes.

18 Q Would you ever vote to impose the death penalty
19 in any case?

20 A No.

21 THE COURT: Any questions?

22 MR. MANZELLA: The People would respectfully challenge
23 Miss Morgan for cause, your Honor, under Section 1073,
24 Subsection 2 of the Penal Code.

25 THE COURT: Any questions?

26 MR. KANAREK: I have no questions, your Honor.
27
28

12c:fls.

12c-1

1 THE COURT: All right. The Court grants the challenge.
2 The Court finds that Miss Morgan would -- Mrs. Morgan would
3 automatically refuse to impose the death penalty, regardless
4 of the evidence in the case.

5 Thank you. You are excused, to report to Room
6 253 --

7 JUROR NO. 2: Thank you.

8 THE COURT: -- at 9:00 o'clock.

9 THE CLERK: Linda J. Schertzer; S-c-h-e-r-t-z-e-r.

10 JUROR NO. 2: 9:00 o'clock.

11 THE COURT: 9:00 o'clock Friday. 9:00 o'clock Friday.

12
13 VOIR DIRE EXAMINATION OF
14 LINDA J. SCHERTZER

15 BY THE COURT:

16 Q Mrs. Schertzer, is it Mrs.?

17 A Yes, it is.

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

22 A Yes.

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

25 A No.

26 Q Would it be a hardship to you, Mrs. Schertzer,
27 to serve on this case?

28 A Yes.

12c-2

1 Q In what way?

2 A I am unemployed. I am a student.

3 Q Do you intend to remain a student, or --

4 A Yes. I am a full-time student at San Fernando
5 Valley State College.

6 I didn't intend to be unemployed. I thought I was
7 exempt from jury duty. I believe it's a clerical error that
8 I am here.

9 Q Being unemployed, you mean?

10 A Yes. That's an error also.

11 Q At what stage of your education are you?

12 A I'm a senior. I'm working on a secondary --

13 Q And you have been enrolled through June?

14 A Yes, I have been going for a year, and enrolled
15 for this coming semester.

16 Q You have already paid tuition fees and --

17 A No, tuition hasn't been paid.

18 Q It hasn't been paid, but you are enrolled?

19 A I've pre-registered.

20 Q Pre-registered. And you intend to carry a full
21 day course?

22 A Yes. I wouldn't mind foregoing my education for
23 jury duty, but it's just a matter of finances. It would be
24 a burden to me. I'm my own -- my full source of income.

25 Q What do you mean by that?

26 A I'm divorced, and I have no other income.

27 Q You mean by that that you want to get out and
28 seek a job?

1 A Yes. I had intended to go to work the week I
2 came in for jury duty. I had a job lined up.

3 Q How long have you been on jury duty now?

4 A Two weeks.

5 Q And you are eager to get out and find work; is
6 that correct?

7 A Well, I felt that it was my duty to go ahead and
8 finish jury duty at this time, and I'll look for the work when
9 I -- well, I have a job promised to me, when I'm through
10 with jury duty.

11 Q But you could not withstand four or five months
12 of that; is that what you are saying?

13 A I'd have to get a job in the evenings or on the
14 weekends, to support myself.

15 Q And in addition to that, you'd have to give up
16 your -- at least one semester?

17 A That's true. That, I wouldn't mind as much.

18 Q You wouldn't mind that. You are not asking to be
19 excused for that reason?

20 A No.

21 Q You are asking to be excused for financial
22 reasons? Namely, that you need to get out and find work?

23 A Yes. That's the only reason.

24 THE COURT: Gentlemen, any questions?

25 MR. MANZELLA: The People --

26 MR. KANAREK: Yes.

27 MR. MANZELLA: -- would offer to stipulate that it
28 constitutes a hardship, your Honor.

1 MR. KANAREK: May I ask her a question?

2 THE COURT: Yes, you may.

3
4 VOIR DIRE EXAMINATION

5 BY MR. KANAREK:

6 Q Mrs. Schertzer, what company is it that you
7 are intending to go to work for?

8 A I'll explain. I was an airline employee for nine
9 years, before I quit my job in September. And I now work for
10 a company called Traveling Agents, which is a temporary
11 work, similar to Kelly Girls. I will be working at Traveling
12 Agents for one month.

13 Q And the name of the company is?

14 A Traveling Agents.

15 Q Traveling Agents. And where are their offices?

16 A It's in Playa del Rey.

17
18
19
20
21
22
23
24
25
26
27
28
12d fls.

12d-1

1 Q Now, have you -- do you actually have the
2 employment, like -- you say you are going to go to work -- do
3 you actually have that employment in mind?

4 A Uh -- I have been promised a job, yes.

5 Q And that employment starts when?

6 A August 15th.

7 Q I see. Now, is there any way that you could
8 accomplish what you'd be required to do for that company in
9 the evening, and do jury work during the day?

10 Because, as I understand it, when you go to school
11 during the day, you would be doing evening work to sustain
12 yourself; am I correct?

13 A Uh -- well, in regards to the job with the
14 travel agency, no travel agency is open in the evenings. And
15 they want somebody that's there to answer the phone and to make
16 reservations with the airlines.

17 It's strictly air work, air travel work.

18 Q I see.

19 A And I don't have a job lined up for when school
20 starts. I was hoping that the school could place me through
21 their employment services.

22 Q I see. But you are already a student there?

23 A Yes. I have been going there for one year.

24 Q And so you say that you would allow this jury
25 service to supplant or replace your going to school for the
26 period of time that this case was on trial; right?

27 A Yes. The only problem is, I couldn't live on the
28 money that the jury duty would pay me.

12d-2

1 Q But since you intended to work nights anyway, is
2 it possible you could obtain employment through that same
3 placement service, for the evenings, and be on jury service
4 during the day? Because you would be in school during the
5 day, so --

6 A Possibly. I would be willing to check into it.

7 Q Would you check into it?

8 A Certainly.

9 MR. KANAREK: Then we would -- we would ask to proceed,
10 your Honor, along the rest of the voir dire.

11 MR. MANZELLA: May I ask one question, your Honor?

12 THE COURT: Yes, you may.

13

14

VOIR DIRE EXAMINATION

15

BY MR. MANZELLA:

16

17 Q Mrs. Schertzer, there's a possibility that the
18 jury may be sequestered. If the jury is sequestered, that
means you couldn't work nights and on weekends.

19

Would that cause you any financial hardship?

20

A Yes, it would.

21

22 MR. KANAREK: Well, but -- your Honor, may we approach
the bench on that?

23

THE COURT: No.

24

25 MR. KANAREK: Well, I would -- I think that that's
26 conjectural. It has been conjectural as to all the other
jurors, at this point.

27

THE COURT: That's true.

28

BY THE COURT:

12d-3

1 Q But that possibility does exist; you understand
2 that? As the Court --

3 A Yes.

4 Q -- explained it?

5 A Yes, I do.

6 Q That that possibility does exist.

7 And if that did come about, that could be --

8 A It's also possible that I couldn't find employment,
9 because I have been trying for three months, and jobs are not
10 that available at this time, and so --

11 Q It's possible that you might not be able to find
12 employment which would allow you to go back to school?

13 A Yes. I -- this is always my biggest fear. I am
14 down to my last ten dollars right now.

15 You know, this is neither here nor there, but
16 that's how things are in my finances.

17 Q Are you asking to be excused from the balance of
18 the jury duty as well? You have about two weeks left?

19 A I feel that I could finish it, with no problem.

20 MR. KANAREK: May I inquire, your Honor?

21 THE COURT: You may.

22 BY MR. KANAREK:

23 Q Mrs. Schertzer, what --

24 THE COURT: Excuse me, just a minute. Have we ordered a
25 new jury panel?

26 THE BAILIFF: Yes, sir.

27 THE COURT: They're on their way here?

28 THE BAILIFF: Yes, sir.

1 THE COURT: Fine.

2 BY MR. KANAREK:

3 Q What, Mrs. Schertzer, roughly, is the scale of
4 wages that you earn?

5 A Before I quit the airlines or now?

6 Q Well, let's say your most recent employment. The
7 employment that you --

8 A Minimum wage, now.

9 Q But you're thinking -- what you're thinking would
10 sustain you if you were in school. If you were in school,
11 what --

12 A Well, to be quite frank, I had to take a job as a
13 cocktail waitress, working eight hours a day, in the evenings,
14 for a period of about three months, in order to catch up and
15 get ahead.

16 Q Well, what does that amount to, dollars per week?

17 A About a hundred dollars per week, clear.

18 MR. KANAREK: Thank you. Thank you.

19 I would make a motion --

20 THE COURT: I know. You are making a motion that she be
21 paid the wages she would be receiving as a cocktail waitress
22 while she's on jury duty?

23 MR. KANAREK: Well, not --

24 THE COURT: The motion is denied.

25 MR. KANAREK: That's not my entire motion, your Honor.

26 THE COURT: Mrs. Schertzer, the Court --

27 What is your motion?

28 MR. KANAREK: My motion is that we look at this lady's

1 wage pattern, and that we duplicate her wage pattern out of
2 County funds, the same way as if she were working for the County.

3 THE COURT: Your motion is --

4 MR. KANAREK: If she were working for the County -- this
5 wage is not exorbitant, your Honor.

6 THE COURT: Your motion is denied.

7 Mrs. Schertzer, it's very speculative as to whether
8 or not you will be able to find work, and I know that you are
9 concerned about it, are you not?

10 JUROR NO. 2: Very much so.

11 THE COURT: And the Court doesn't wish to be burdensome
12 in this connection, with requiring you to serve as a juror;
13 and the Court realizes that it's speculative as to whether or
14 not the school would provide you with work if you were serving
15 as a juror.

16 JUROR NO. 2: Yes.

17 THE COURT: Isn't that correct?

18 JUROR NO. 2: This is true.

19

20

21

22

23

24

25

26

27

28

121
13 fls.

13-1

1 THE COURT: That service of finding jobs for students
2 applies only to students who are enrolled generally, does it
3 not?

4 JUROR NO. 2: Yes.

5 THE COURT: Accordingly, I do find it would be a hard-
6 ship to serve during this period of time that would be
7 required in this case. Thank you.

8 MR. KANAREK: May that be noted over opposition?

9 THE COURT: It may be noted over strenuous opposition.

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

11 (Afternoon recess.)

12 THE COURT: The record will show that prospective
13 jurors are beyond the rail and in the box.

14 Does there remain just one name in the box,
15 in the box that you have there from which you select names?

16 THE CLERK: Yes, your Honor.

17 THE COURT: Would those of you who are prospective
18 jurors, who have just entered the courtroom, please stand,
19 raise your right hand, and face the Clerk.

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

25 (Whereupon, the prospective jurors indicated in
26 the affirmative.)

27 THE CLERK: Thank you. Be seated.

28 THE COURT: Is there anyone of you who did not take that

13-2

1 oath just now and who would affirm?

2 I see no response.

3 Ladies and gentlemen, you were called here in the
4 case of the People of the State of California vs. Charles
5 Manson.

6 If at any time you cannot hear me while I am
7 conversing with you here, let me know.

8 Mr. Manson is before the Court --

9 Bring him out.

10 (Whereupon, the defendant Manson was brought
11 into the courtroom from the lockup, and the following
12 proceedings were had;)

13 THE COURT: The record may show that Mr. Manson is
14 present in the courtroom at this time.

15 And -- thank you, Mr. Bailiff. That's far
16 enough.

17 Is there -- strike that.

18 He may now be taken back.

19 (Whereupon, the defendant Manson was returned
20 to the lockup, and the following proceedings were
21 had;)

22 THE COURT: Call a name from the box, will you, please?
23 Take a name from the box.

24 THE CLERK: Florine T. Patrick, P-a-t-r-i-c-k.

25 Will you come forward, please.

26 The first name, F-l-o-r-i-n-e.

27 THE COURT: Is it Miss. or Mrs.?

28 JUROR NO. 2: Mrs.

13-3

1 THE COURT: Mrs. Patrick, would you seat yourself in
2 seat No. 2.

3 Mr. Manson was the gentleman whom the Court had
4 the bailiff escort into the courtroom just a moment ago.

5 He's represented by Mr. Irving Kanarek. Mr.
6 Kanarek is the gentleman who is standing at this time.

7 The People are represented by Mr. Anthony Manzella,
8 Deputy District Attorney.

9 Would you ladies and gentlemen listen to me for
10 the next few minutes in connection with the questions I'm
11 going to ask Mrs. Patrick. Many of them are more or less
12 general questions. Some of them are specific. But up until
13 the time that I ask her about whether or not it would
14 constitute any hardship for her, I may be asking you whether
15 or not your answers would be the same to those general
16 questions that I put to her. And I'll be referring to those
17 questions.

18 When you are chosen to come to the box, that will
19 be the question I ask you. So listen to the questions and
20 her answers, if you would, please.

21
22 VOIR DIRE EXAMINATION OF
23 FLORINE T. PATRICK

24 BY THE COURT:

25 Q Mrs. Patrick, do you know any of the persons who
26 have been introduced?

27 A No, I do not.

28 Q Now, that microphone -- I'll say this for Mrs.

1 Patrick's benefit and the rest of you, must be held pointing
2 at you and about an inch, no more, from your mouth, in
3 order to have it pick up properly. So hold it very close to
4 your mouth as you see this one is to mine.

5 You do not know any of the persons that have
6 been introduced?

7 A No, sir.

14. fls.

14-1

1 Q Have you ever been represented by either of the
2 attorneys, or any firm that they have been associated or
3 partnered with?

4 A No, sir.

5 THE COURT: This case, it's anticipated, ladies and
6 gentlemen, will take four or five months to try. It's the
7 Court's intention not to sequester you, not to place you in a
8 hotel room each evening, but to allow you to separate during
9 the course of this case, except during -- perhaps during
10 deliberations.

11 The case is a criminal case. There's an
12 indictment before this Court, which charges, in the first
13 count, a violation of Section 187 of the Penal Code, in that
14 it alleges that on or about the 27th day of July, 1969, in the
15 County of Los Angeles, State of California, that the defendant
16 Charles Manson did willfully, unlawfully and feloniously and
17 with malice aforethought murder Gary Alan Hinman, a human
18 being. Count II of the indictment alleges a crime of
19 conspiracy to commit murder, and robbery, in violation of
20 Section 182.1 of the Penal Code, a felony, in that on or about
21 from the 25th through the 28th day of July, 1969, at or in the
22 County of Los Angeles, State of California, Mr. Manson --
23 Charles Manson, that is -- Susan Denise Atkins and Bruce
24 McGregor Davis did willfully, unlawfully and feloniously and
25 knowingly conspire, combine, confederate and agree together
26 with other persons, whose true identity is not known, to commit
27 the crime of murder, in violation of Section 187 of the Penal
28 Code, a felony; and the crime of robbery, in violation of

1 Section 211 of the Penal Code, a felony;

2 And that for the purpose of carrying out the
3 objects of the conspiracy, the defendants, said defendants
4 committed the following overt acts, at and in the County of
5 Los Angeles.

6 And three overt acts are alleged. The first one
7 alleges that on July 25th, those defendants -- strike that.

8 That on July 25th, Bruce McGregor Davis, Susan
9 Denise Atkins and Robert Beausoleil did travel to the vicinity
10 of 964 Old Topanga Road, Malibu, in the County of Los Angeles.

11 The second overt act that's alleged is that on or
12 about July 26th, the defendants Charles Manson, Susan Denise
13 Atkins and Bruce McGregor Davis did enter the residence at
14 964 Old Topanga Canyon Road, Malibu, in the County of Los
15 Angeles.

16 And overt act No. 3 which is alleged in Count II,
17 the conspiracy count, charges that on that date, July 26th,
18 Charles Manson and Bruce McGregor Davis drove away from 964
19 Old Topanga Road in a Fiat automobile owned by Gary Hinman.

20 Count II is an allegation in the indictment of
21 murder, in violation of Section 187, in that it's alleged
22 that on or about -- that from the 16th day of August, to the
23 first day of September, 1969, on or about those dates, in the
24 County of Los Angeles, the defendant Charles Manson did
25 willfully, unlawfully and feloniously and with malice of
26 forethought murder Donald Jerome "Shorty" Shea, a human being.

27 To those counts, to those accusations in this
28 indictment, Mr. Manson has entered pleas of not guilty, and

1 this is the time set for trial of the case.

2 Q Mrs. Patrick, do you know anything whatever about
3 this case? Do you know anything personally about this case?

4 A No, sir.

5 THE COURT: The Court wishes to inform all of you that
6 the indictment is not evidence; it should not be taken as
7 evidence by you. It's simply a means of bringing the charges
8 that it alleges before the Court and jury; that it's not
9 to be taken as evidence, because a defendant in a criminal
10 case is presumed to be innocent until the contrary is proved.

11 In case of a reasonable doubt whether his guilt
12 is satisfactorily shown, he is entitled to an acquittal. This
13 presumption places upon the State the burden of proving him
14 guilty beyond a reasonable doubt.

15 Reasonable doubt is defined as follows:

16 It is not a mere possible doubt, because every-
17 thing relating to human affairs and depending on moral evidence
18 is open to some possible or imaginary doubt.

19 It is that state of the case which, after the
20 entire comparison and consideration of all of the evidence
21 leaves the minds of the jurors in that condition that they
22 cannot say that they feel an abiding conviction, to a moral
23 certainty, of the truth of the charge.

14 a fls.

24

25

26

27

28

14a-1

We will be talking about murder of the first degree, in connection with this -- these questions. And the Court will tell you that all murder perpetrated by a willful, deliberate or premeditated killing, with malice aforethought, is murder of the first degree.

Or, a murder committed by torture, or a killing committed by -- strike that; or a killing committed in the course of a burglary or a robbery is murder of the first degree.

Conspiracy is an agreement between two or more persons to commit a public offense; and with the specific intent to commit such an offense, followed by an overt act committed in this state, by one or more of the parties, for the purpose of accomplishing the object of the agreement.

Conspiracy is a crime. In order to find a defendant guilty of conspiracy, in addition to proof of the unlawful agreement, there must be proof of the commission of at least one of the overt acts alleged in the indictment.

A person aids and abets the commission of a crime, if he knowingly and with criminal intent aids, promotes, encourages or instigates by act or advice, or by act and advice, the commission of such a crime.

All persons concerned in the commission of a crime who either directly and actively commit the act constituting the offense, or who knowingly and with criminal intent aid and abet in its commission, or whether present or not, who advise and encourage its commission, are regarded by the law as principals in the crime thus committed, and

14a-2

1 are equally guilty thereof.

2 Q Mrs. Patrick, will you follow those instructions
3 of the Court, and any and all of the instructions of the
4 Court that I give you, regardless of what you may believe
5 should be the law, or believe to be the law?

6 A Yes, sir.

7 THE COURT: The testimony of a witness, a writing, a
8 material object or anything presented to the senses offered
9 to prove the existence or non-existence of a fact is either
10 direct or circumstantial evidence.

11 Direct evidence means evidence that directly
12 proves a fact without an inference, and which, in itself,
13 if true, conclusively establishes that fact.

14 Circumstantial evidence means evidence that
15 proves a fact from which an inference of the existence of
16 another fact may be drawn.

17 An inference is a deduction of fact that may
18 logically and reasonably be drawn from another fact or group
19 of facts established by the evidence.

20 It's not necessary that facts be proved by
21 direct evidence. They may be proved also by circumstantial
22 evidence, or by a combination of direct evidence and
23 circumstantial evidence.

24 Both direct evidence and circumstantial evidence
25 are acceptable as a means of proof. Neither is entitled
26 to any greater weight than the other.

27 You are not permitted to find a defendant guilty
28 of the crime charged against him -- any crime charged against

14a-3

1 him -- based on circumstantial evidence, unless the proved
2 circumstances are not only consistent with the theory that
3 the defendant is guilty of the crime, but cannot be
4 reconciled with any other rational conclusion; and each fact
5 which is essential to complete a set of circumstances
6 necessary to establish a defendant's guilt has been proved
7 beyond a reasonable doubt.

8 Also, if the evidence is susceptible of two
9 reasonable interpretations, one of which points to the
10 defendant's guilt and the other to his innocence, it's your
11 duty to adopt that interpretation which points to the
12 defendant's innocence and reject the other which points to
13 his guilt.

14 Where a conspirator commits an act which is --
15 strike that.

16 Q Now, will you also follow those last few
17 instructions I've read to you, Mrs. Patrick, regardless of
18 what you believe the law is or should be?

19 A Yes, sir.

15 fls.

15-1

1 Q Have you ever been the victim of a violent crime?

2 A No.

3 Q Or had a close friend or relative who has been the

4 victim of a violent crime?

5 A No.

6 Q Have you ever been a witness in a criminal case of

7 any type?

8 A No.

9 Q Have you ever had any legal experience or legal

10 training of any type?

11 A No.

12 Q Have you or any close friend of yours ever been

13 charged with a criminal offense?

14 A No.

15 Q Are you acquainted with or related to any -- any

16 persons who are engaged in the defense of criminal actions?

17 A Hum, not -- I don't think so.

18 Q Are you acquainted with or related to any lawyer

19 who is engaged or an investigator who is engaged in the defense

20 of criminal actions?

21 A Possibly, but I'm not -- I don't know specifically.

22 Q Would you explain that?

23 A I have friends who are lawyers, but I don't know

24 exactly what they do.

25 Q You're not sure what that lawyer does?

26 A No.

27 Q What types of cases he's involved in? Is that --

28 A No.

1 Q Is that true?

2 A Right.

3 Q Or are you acquainted with or related to anyone who
4 was involved in law enforcement?

5 By "law enforcement" I mean any deputy prosecutor,
6 any deputy attorney general, any deputy district attorney,
7 California Highway Patrol, policeman, deputy sheriff?

8 A Yes, sir, acquaintances.

9 Q Would you explain that to us?

10 What is an acquaintanceship?

11 A Friends of sheriffs.

12 Q You have some friends who are deputy sheriffs?

13 A Yes.

14 Q For Los Angeles County?

15 A Yes, sir.

16 Q Would that affect your judgment in this case at
17 all?

18 A No.

19 Q Would you be more inclined as a result of that
20 relationship or that acquaintanceship to give credence to the
21 testimony of a police officer over a non-police officer,
22 simply because of the status of the person?

23 A Not at all, no.

24 Q Would you be less inclined to give credence to the
25 testimony of a police officer, simply because of the status
26 of the respective people?

27 A No.

28 Q All right.

1 Would it constitute any hardship to serve in this
2 case?

3 Now, incidentally, I will ask all of you to check
4 with your employers during any recess, during the next recess,
5 to check with your employers to determine whether or not your
6 employer will continue to pay you, should you be on this jury
7 for a period of four or five months. Do that. Find somebody in
8 authority and have that information available when the Court
9 asks you about it.

10 A I think it would create a hardship.

11 Q You think it would be a hardship in what way?

12 A Yes, sir.

13 Q Is it a personal hardship or financial or what?

14 A Yes, sir, my employment.

15 Q Tell us about it. Tell me about it.

16 A I don't believe I could be away from my job for
17 that length of time.

18 Q Would you lose your job if you were away from it
19 for that long?

20 A I'm not sure about that.

21 Q Well, where do you work?

22 A I work for the federal government.

23 Q You work for the federal government?

24 A Yes.

25 Q And doing what?

26 A Industrial specialists.

27 Q Would you get that microphone closer to your face?

28 Answer again.

1 A Industrial specialists.

2 Q In what area do you work?

3 A In the Long Beach area, the aircraft factory.

4 Q How long have you been employed by the federal

5 government?

6 A Twenty years.

7 Q Twenty years?

8 A Yes.

9 Q And you're afraid you'll lose your job if you are

10 called to serve as a juror in this case?

11 A I don't know, sir. I'd have to find out.

12 Q Well, the Court believes that you probably would

13 not, and the Court believes that you would be paid during the

14 course of jury duty.

15 Do you -- is there a Mr. Patrick?

16 A Yes, sir.

17 Q And how -- is he employed?

18 A Yes, sir.

19 Q What is his employment?

20 A He works for Los Angeles County.

21 Q And doing what?

22 A Uh, investigator for the Public Defender's Office.

23

24

25

26

27

28

15 a fls.

15a-1

1 Q He's an investigator for the Public Defender?

2 A Yes.

3 Q And how long has he been so involved?

4 A Two years.

5 THE COURT: Now, the Court wishes to inform all of
6 you that any case wherein the law provides that the offense
7 is punishable by the death penalty, or life imprisonment,
8 the Court is required to ascertain if any prospective juror
9 entertains such conscientious opinions which would preclude
10 his finding the defendant guilty, if the evidence should
11 justify such a finding;

12 Or if he would, under no circumstances, vote for
13 the death penalty;

14 Or if, upon a conviction of murder of the first
15 degree, the juror would automatically vote for the death
16 penalty, regardless of the evidence.

17 At the outset of this trial, of course, the
18 Court has no way of knowing whether or not you will ever
19 be called upon, should you be a juror in this case, to decide
20 the question of life imprisonment or death, because that
21 question, as to whether or not -- as to a penalty, will be
22 determined only -- will be entered into and determined only
23 if the juror should find in the first phase of the case
24 the defendant is guilty of murder of the first degree.

25 If the defendant is found guilty of murder of
26 the first degree, an offense punishable by law by life
27 imprisonment or death, then, there shall follow further
28 proceedings which are referred to as the penalty phase.

15a-2

1 And in those proceedings the issue of penalty is
2 presented to the Court, and the juror shall decide the
3 question of -- that jury which decided the first phase,
4 of guilt or innocence, shall decide the question of death
5 or life imprisonment.

6 Now, the question of penalty or punishment is
7 not to be discussed by the jury in determining the first
8 phase of the case, because that is a matter, which, under our
9 law, must be considered and determined in a separate
10 proceeding, the second phase of the case, the penalty phase.
11 And it should not, in any way, punishment or penalty should
12 not, in any way, enter into your judgment in determining
13 guilt or innocence.

14 But in the second phase, the penalty phase, if
15 you should be required to enter into it, then the Court
16 would tell you that the law imposes neither death, nor life
17 imprisonment, but presents the two alternatives to the
18 absolute discretion of the jury. The Legislature has
19 formulated no rules to control the exercise of the jury's
20 discretion in that penalty phase, nor will the Court advise
21 you as to what your findings should be in that penalty phase.

22 You are the persons, the jury, the jurors are
23 the persons who have the absolute discretion to impose either
24 life imprisonment or death, as those jurors determine.

25 So the Court will be asking, Mrs. Patrick, it
26 will be asking you, if you are in the box, the following
27 questions concerning the death penalty.

28 Q Are your opinions concerning the death penalty

15a-3

1 such that you would automatically refuse to impose it
2 without regard to any evidence that might be developed?

3 Or are your opinions such that, concerning the
4 death penalty, that if the defendant were convicted of murder
5 in the first degree, you would vote to impose the death
6 penalty without regard to any evidence that might be developed
7 during the trial of the case?

8 Or are your views such concerning the death
9 penalty as to prevent you from being impartial in making a
10 decision as to the defendant's guilt or innocence?

11 Or are your views such that you would never vote
12 to impose the death penalty?

13 You may be thinking about those questions which
14 the Court would be putting to you, should you be chosen.

15 BY THE COURT:

16 Q Mrs. Patrick, what would be your answers to those
17 questions that I put to you, and I'll put them to you
18 separately?

19 First, do you understand what I have told you in
20 connection with the death penalty and the penalty -- and the
21 first -- the first phase of the case, and the possible second
22 phase of the case?

23 A Yes.

24 Q And do you understand that the Court is in no
25 way inferring to you that it will be necessary for you to
26 ever enter into a penalty phase, because you will only enter
27 into a penalty phase if the jury finds that the defendant is
28 guilty of murder of the first degree in the first phase?

15a-4

1 A Yes.

2 Q And you realize that by talking to you about the
3 death penalty, I'm not thereby inferring to you that it will
4 be necessary for you to enter into that second phase. I'm
5 not making any implication of guilt on the first phase?

6 A Yes.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 113
JAN 13 1968
FBI - MEMPHIS

15a-5

1 Q All right, are your opinions concerning the death
2 penalty such that you would automatically refuse to impose it
3 without regard to any evidence that might be developed?

4 A No.

5 Q Or are your views concerning the death penalty
6 such that if a defendant were convicted of murder in the
7 first degree, you would vote to impose the death penalty
8 without regard to any evidence that might be developed
9 during the trial, the trial of the case?

10 A No.

11 Q Or are your views such that the -- concerning it,
12 that they would prevent you from being impartial in determin-
13 ing the issue of guilt or innocence?

14 A No.

15 Q Now, there's another aspect of the case that I
16 wish to question you about, and that is the aspect of pre-
17 trial publicity, any publicity that you may have heard
18 concerning Mr. Manson, concerning this case, or any other case
19 in which Mr. Manson may have been involved.

20 And in order to do that, I'm going to question
21 you separately, out of the hearing of the other jurors.

22 I want to know whether or not you can set aside
23 any news reports, any discussions, anything that you might
24 remember during the course of the trial of this case, or
25 during the course of deliberations in this case, concerning
26 any such news reports, whether you can set those things
27 aside, and independently decide this case on the evidence
28 that will be produced here in court, and the Court's

15a-6

1 instructions of law.

2 And I want to know whether or not you will do
3 that, whether you will set aside such matters as have
4 appeared in the news media, and be fair and impartial in
5 spite of what you may have heard, seen or read.

6 In order to inquire about that, I'm going to
7 ask that all of the jurors leave the room.

8 During the time that you are in recess or outside
9 of the room, it is the Court's instruction that you not
10 converse amongst yourselves, nor with anyone else, nor
11 permit anyone to converse with you on any subject connected
12 with this case, nor are you to form or express any opinion
13 on the matter until it has finally been submitted to you.

14 You are not, during the course of the time that
15 you are a juror in this case, or a prospective juror, to
16 read, hear or see anything in connection with Mr. Manson
17 or this case or any other case in which he may have been
18 involved.

19 It is your solemn obligation as jurors not to
20 read, hear or see anything.

21 If you should inadvertently have something
22 thrust upon you that you cannot avoid, you are to turn your
23 back on it or close your ears to it, and you are not to
24 expose yourself to any publicity whatever concerning this
25 case, or Mr. Manson, or any other case Mr. Manson may have
26 been involved in.

27 Now, when you leave, would you leave as rapidly
28 and as quietly as possible and would the first juror out act

1 as a doorman and hold those doors open.

2 You may leave now, with the exception of Mrs.
3 Patrick.

4 Would you go to Department 103. That department
5 is open, so that you need not sit out in the hallway. You
6 may sit in Department 103.

7 (Whereupon, the prospective jury panel retired
8 from the courtroom, and the following proceedings were
9 had:)

16 fls.

16-1

1 BY THE COURT:

2 Q Mrs. Patrick, before you appeared in this courtroom
3 today, had you ever heard, seen or read the name Manson before,
4 Charles Manson?

5 A Yes, sir.

6 Q In what connection?

7 A In the news.

8 Q Concerning what?

9 A A case he was involved with, on the last --

10 Q Is that the Tate-La Bianca case, --

11 A Yes, sir.

12 Q -- or this case, or both?

13 A Possibly -- both.

14 Q Possibly both?

15 A Yes.

16 Q All right. In connection with the Tate-La Bianca
17 case, do you know what type of case that was?

18 A Yes, sir.

19 Q Tell me.

20 A It was a -- a number of people were killed, and he
21 was --

22 Q He was accused of killing them?

23 A Well, in connection with the killing. I don't
24 know all the details.

25 Q Do you know what the results of that case were?

26 A No, sir, I don't.

27 Q You don't know whether he was found guilty or
28 whether he was acquitted?

16-2

1 A I don't think he was acquitted. I'm not sure what
2 him --

3 Q Do you know whether there was a penalty phase, or --
4 do you know whether --

5 A I'm not sure, sir. I didn't follow it closely.

6 Q You don't know whether sentence has been passed
7 upon him?

8 A I really don't, sir.

9 Q Do you know the name Susan Atkins?

10 A Yes. That is a person involved in the same case.

11 Q In what way?

12 A I'm not sure. I think he -- I think she was a
13 follower of Mr. Manson, or was called a follower of Mr. Manson.
14 I'm not sure, sir.

15 Q Do you know the name Bobby Beausoleil?

16 A I've heard that name.

17 Q In what connection?

18 A It involves the same case. But I'm not sure,
19 specifically, of the connection.

20 Q That same case, or this case?

21 A I'm not sure which one. But it's all one -- I
22 recall that, in connection with the Manson-Tate-La Bianca,
23 the whole.

24 Q Do you know the name Gary Hinman?

25 A Yes. He was --

26 Q Tell me what you know about Gary Hinman from the
27 press, radio or television.

28 A I believe he was a musician who was killed, and --

1 well, I'm not sure what the circumstances were.

2 Q Do you know the name Shorty Shea? Jerome "Shorty"
3 Shea?

4 A I believe he was a person found on the farm, on --
5 I'm not sure who he is. I don't follow these things closely,
6 sir. So I cannot give you the details of all of these
7 happenings.

8 Q If I were to instruct you, Mrs. Patrick, that you
9 were to set aside anything you may have heard, seen or read,
10 anything that you may have discussed with friends in connection
11 with Mr. Manson, this case or any other case, could you
12 effectively do that, so that you could make any judgment that
13 you might be called upon to make in this case, independent
14 of such matters? Independently of such matters?

15 A I could. Because I don't -- I have -- I don't
16 follow the cases that closely, so I don't have any --

17 Q Well, let's say that you might remember something;
18 that, in the course of deliberations or during the course of
19 this trial, you remember more details of what you may have
20 heard, seen or read concerning Shorty Shea or concerning
21 Mr. Hinman.

22 Do you think that you are capable, in your mind,
23 of segregating those items, those news items, from the evidence
24 in the case?

25 A Yes, sir.

26 Q And would you do that?

27 A Yes, sir.

28 Q Would you decide the case solely on the evidence in

1 the case, and the Court's instructions of law, and set aside any
2 opinions that you may have formed concerning Mr. Manson, this
3 case or any other case?

4 A Yes, sir.

5 Q And could you be fair and impartial to Mr. Manson?

6 A Yes, sir.

7 Q Do you have any doubt at all about your ability to
8 set aside anything that you may have heard, seen or read or
9 any opinions you may have formed?

10 A No, sir.

11 Q You are sure you can do that?

16a fls.

12 A Yes, sir.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

16a-1

1 THE COURT: Mr. Kanarek?

2
3 VOIR DIRE EXAMINATION

4 BY MR. KANAREK:

5 Q Yes. Mrs. Patrick, in what area do you live,
6 of Los Angeles?

7 A The area of Olympic and La Brea.

8 Q I see. And may I ask, what are the names of the
9 lawyers that you know?

10 A Oh, I don't think I can give their names as
11 quickly as this. They're not people I am totally associated
12 with.

13 Q Oh, just anyone that comes to your mind, that
14 you might know.

15 A Hmm -- Martin Weeks.

16 Q Oh. W-e-e-k-s?

17 A Yes, I think that's his name. I'm not sure
18 that's the way he spells his name, though.

19 Q I see.

20 A And I -- I can't think of the names right now.
21 And the people -- I know people in other cities.

22 Q I see.

23 A Attorneys in other cities, mainly.

24 Q I see. And are these lawyers in private practice
25 in law?

26 A Yes. In other cities, they are.

27 Q I see. Well, directing your attention to --
28 would you tell us, in brief, what you know of this Tate-La Bianca

16a-2

1 case? Just briefly, what -- whatever you know. However
2 large or small it may be, from the publicity.

3 A Generally, I know a number of people were killed.
4 I don't know the details. I cannot give you specifics on
5 who did what, or who was charged.

6 I know a number of people who were -- but I
7 don't know the number of people that were involved in the
8 killing.

9 Q And directing your attention to the -- to Mr.
10 Manson, what -- from the publicity, what do you feel is the
11 relationship of Mr. Manson to these events?

12 A I don't know. I just know what they -- what the
13 papers indicated, that -- that he was in some way involved.
14 But I don't know how, how much he's involved.

15 Q Yes, right.

16 A If he actually -- actually killed anyone or not,
17 I really don't know.

18 Q This proceeding here is merely to get the
19 information that you've received from the publicity, the
20 news media.

21 A Yes, sir.

22 Q And that's all. You are not on the spot or --

23 A Oh, no, no. I'm telling you. I don't know
24 exactly what his connection is.

25 Q I see.

26 And from the publicity, did you read anything
27 that stated what -- rightly or wrongly -- what Mr. Manson's
28 connection was with these incidents?

1 A Well, with the incidents, I don't know how he
2 was specifically involved.

3 As I recall, he -- he was not on the scene of
4 some of these -- as some of these things happened. He's
5 referred to as the leader, I believe, of the Manson Family.

6 All right. He's -- maybe he's the father of
7 the Family; I don't know. He's -- they're referred to as
8 the Family on the news. And Mr. Manson is in some way
9 their leader.

10 I don't know how.

11 Q And as far as the results go in that other case,--

12 A Which case, sir?

13 Q The Tate-La Bianca case, that the Court has
14 referred to.

15 A Yes.

16 Q (Continuing.) -- just from the publicity, what
17 is your impression of what the result was, as far as Mr.
18 Manson is concerned?

19 A I don't know, sir. I can't tell you specifically
20 what the results were, because I did not follow the case.

21 I don't believe he was acquitted, but I'm not
22 sure.

23 Q I see. And do you know -- do you believe that
24 there was some kind of a penalty assessed, whether you know
25 for sure or not?

26 A I don't know. I don't know if there was a
27 penalty.

28 Q Now, did you hear anything concerning any racial

1 overtones, concerning that other case?

2 A Yes, I believe there was some mention of it.

3 Q Just whatever you heard. However large or
4 small, that's all, so that the judge may have this
5 information? That's all. That's the only reason we are
6 asking for it.

7 A I don't specifically remember what it was, but
8 there was some mention of -- of a racial connection. I
9 don't --

10 Q And --

11 A -- know whether it was a --

16b fls!

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

16b-1

1 Q Pardon?

2 A It seems that there was a term used. I'm not sure
3 what it was.

4 Q I see. And then, directing your attention to the
5 name Shea, just tell us what -- whatever you may know, from the
6 publicity concerning Mr. Shea. What did the publicity state?

7 A I don't remember who Shea was.

8 Q And concerning Mr. Hinman, what did the publicity
9 reveal?

10 A He was -- I believe he was a musician; is that
11 correct? And I believe he was killed. I don't know anything
12 else about him.

13 Q Now, you certainly would intend to follow the
14 Court's order in this case; right? Not considering these
15 matters?

16 A Yes.

17 Q Now, having this in mind, are we in agreement that
18 sometimes we intend to do things, and we can't do them? For
19 instance, we might intend tomorrow to fly to New York, but for
20 one reason or another, we just don't. We might intend to go,
21 but we don't go for one reason or another.

22 By the same token, is it a fair statement that
23 you don't know whether or not you could not consider these
24 factors that you've spoken of, in connection with this case,
25 not having experienced it?

26 A I say I could do as I promised the judge I'd do.

27 Q We are certainly in agreement; you certainly
28 would try. No question about that; right?

16b-2

1 A (No response.)

2 Q You'd certainly try not to consider these matters
3 of publicity.

4 A Well, obviously, I don't have the events clear
5 in my mind, what really happened, because I didn't follow the
6 case, so it wouldn't be difficult for me to base whatever my
7 decision was on what I heard now.

8 Because I don't -- I don't really know all of the
9 other aspects of the other cases, because I did not follow
10 them.

11 Q I see. And so -- now, directing your attention --
12 may I ask, what area does your husband work?

13 A Well, all of Los Angeles County. I don't know
14 which -- the central area. Los Angeles County.

15 Q I see. I see. And has your husband, in his work,
16 discussed any of these cases with you?

17 A No, no, not at all.

18 Q And for all you know, your husband may have
19 worked on these cases, on some aspect of them; is that a fair
20 statement?

21 A I don't think so. I know, because he has discussed
22 cases with me, so I don't believe he's worked on any of them.

23 I think he would have mentioned it, if he had
24 worked on any of them.

25 Q You think that he would have -- in other words,
26 from time to time you have discussed your husband's cases, the
27 work that he does as an investigator; is that right?

28 A Generally. He might mention something he's doing,

16b-3

1 yes.

2 Q Does he work in this building? Out of this
3 building? Is his office in this building?

4 A I don't know where this building is. Sir, where
5 am I?

6 Q Temple and Broadway, The Hall of Justice.

7 A I really don't know. I don't think he does, but
8 I don't know.

9 Q I see. You don't know where he goes to work every
10 morning?

11 A I know some offices he goes to, and it's not
12 this office.

13 But it's possible that he comes in here for some
14 reason or another. I don't know.

15 Q I see. What area does he generally consider his
16 headquarters?

17 A The -- there's an East Los Angeles area office, and
18 the Inglewood office.

19 Q That he generally goes to?

20 A Yes.

21 Q I see. And --

22 Well, thank you very much. Thank you very much,
23 Mrs. Patrick.

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

25 THE COURT: All right. Call the other jurors back in,
26 then, please.

27 THE BAILIFF: Yes, sir.

28 THE COURT: Gentlemen, as I see it, the peremptory is

1 with the People.

2 MR. MANZELLA: Yes, your Honor.

17 fls.

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

17-1

1 (Whereupon, the prospective jury panel was
2 brought back into the courtroom, and the following
3 proceedings were had:)

4 THE COURT: The prospective jurors are all in the box,
5 and beyond the rail.

6 Gentlemen, you may question Mrs. Patrick
7 generally, if you wish to.

8
9 VOIR DIRE EXAMINATION

10 BY MR. KANAREK:

11 Q Mrs. Patrick -- I don't -- referring to circum-
12 stantial evidence, is there any reason that you couldn't
13 use circumstantial evidence to acquit a person, if the Court
14 tells you that this is a proper use of circumstantial
15 evidence?

16 We hear a lot about circumstantial evidence to
17 convict people. We don't hear too much about acquitting
18 them.

19 But if, in fact, the Court does instruct us
20 that circumstantial evidence can be used to exonerate people --

21 A Yes.

22 Q -- is there any reason in the world why you
23 couldn't administer that principle of law and find Mr. Manson
24 not guilty?

25 A I don't think so.

26 Q Is there any reason why you couldn't be fair
27 and impartial in deciding this case?

28 A I don't think so.

1 MR. KANAREK: Thank you very much.

2 Pass for cause, your Honor.

3 THE COURT: Mr. Manzella.

4
5 VOIR DIRE EXAMINATION

6 BY MR. MANZELLA:

7 Q Mrs. Patrick, have you discussed your husband's
8 work with him as an investigator for the Public Defender's
9 office?

10 A Hmm, not in details. Generally.

11 Q Now, has he discussed with you the -- his
12 philosophy and the things he considers in acting as an
13 investigator for the defense in criminal cases?

14 A No.

15 Q Is there anything that you've heard or seen or
16 anything else with regard to your husband's work which would
17 cause you to be biased or prejudiced against the prosecution
18 or the People or the District Attorney's office in this case?

19 A Excuse me, would you repeat the question?

20 Q Is there anything in connection with your
21 husband's work or what you've discussed of his work with
22 your husband that would cause you to be biased or
23 prejudiced against the District Attorney's office or the
24 prosecution in this case?

25 A No.

26 Q All right.

27 Mrs. Patrick, do you know anyone who has ever
28 been accused of any crime?

1 A No.

2 Q Have you ever served on a jury before in a
3 criminal case?

4 A I don't think so. I'm not -- I have to think
5 about it.

6 Q At least, not on this tour of duty, is that
7 correct?

8 A No, no.

9 Q All right.

10 Now, the Court has instructed you with regard
11 to the burden of proof upon the prosecution in criminal
12 cases.

13 Would you -- that is, proving guilt beyond a
14 reasonable doubt.

15 Would you hold the prosecution to any greater
16 burden of proof because this is a murder case or would you
17 follow the Court's instructions in that regard?

18 A I would follow the Court's instructions.

19 Q All right.

20 The Court has instructed you with regard to
21 circumstantial evidence.

22 Now, do you have any quarrel with the law which
23 permits a man to be convicted of first degree murder, even
24 though the death is proved circumstantially?

25 A I don't understand.

26 MR. KANAREK: That's improper voir dire.

27 A I don't understand the question. You're getting
28 far too technical for me.

1 Q BY MR. MANZELLA: I'll withdraw that.

2 A I'm not a lawyer.

3 Q Under the law a person, as you've been
4 instructed by the Court -- and I want to determine whether
5 you have any quarrel with this law, whether you could follow
6 it -- a person may be convicted of a first degree murder,
7 even though the body of an alleged deceased is not recovered
8 or not found.

9 Now, of course, you would have to be convinced
10 beyond a reasonable doubt that a death did occur.

11 If the body is not recovered, the only way you
12 could be convinced beyond a reasonable doubt is through
13 circumstantial evidence.

14 Now, my question to you is, do you have any
15 quarrel with that law?

16 MR. KANAREK: Well, your Honor, that's not even a
17 true statement.

17a fls. 17

17a-1

1 THE COURT: Please, Mr. Kanarek, you are not to argue
2 before the jury. If you wish to argue, you better approach the
3 bench. Just state your objection, each of you gentlemen, just
4 state your objection and don't argue it. And the Court will
5 rule on it.

6 MR. KANAREK: It is improper voir dire.

7 THE COURT: The Court will sustain the objection. You may
8 rephrase your question.

9 MR. MANZELLA: Thank you, your Honor.

10 BY MR. MANZELLA:

11 Q Mrs. Patrick, would you automatically refuse to
12 vote for a conviction of murder, regardless of the evidence in
13 the case, where the death is proved circumstantially?

14 In other words, where there is no direct evidence
15 of the death? Would you automatically refuse to vote for
16 conviction?

17 A I'm afraid I can't answer that, because I'm --

18 Q You don't understand it, is that right?

19 A You're getting me a little involved with what I
20 have to think about.

21 Q I'm sorry, I didn't hear you?

22 A I say, you're getting me involved with what I have
23 to think about. I need more information on what I am deciding.

24 Q Uh, let me see if I can put it another way.

25 As the Court -- the Court has instructed you with
26 regards to circumstantial evidence.

27 Now, the Court has also instructed you with regard
28 to the elements of murder.

17a-2

1 One of the elements of murder, as the Court has
2 instructed you, is the death of a human being. There can be no
3 murder unless the jury is convinced beyond a reasonable doubt
4 that the person alleged to be deceased in the indictment is
5 actually dead. So the death of the human being is one element
6 of the crime of murder.

7 Now, my question to you is, would you automatically
8 vote for acquittal, regardless of the evidence in the case,
9 where the body of the alleged deceased has never been found?

10 A I would have to base my decision on whatever evidence
11 was presented. I -- I'm --

12 Q Your answer is, then, "no" to that answer? You
13 would not automatically, then, vote for an acquittal regardless
14 of the evidence?

15 A I'd have to have the evidence on your question.

16 Q Mrs. Patrick, maybe I can make it a little
17 clearer. I apologize to you. It is my fault.

18 A No, I am --

19 Q I know my questions are not as clear as they could
20 be. Some people may feel in a situation where no body is
21 recovered, they don't care what the evidence in the case is.
22 They could never vote for a conviction.

23 Now, my question to you is, do you feel that way
24 or, instead, would you listen to the evidence and consider
25 the evidence to determine whether you were convinced beyond a
26 reasonable doubt that the death had, indeed, occurred?

27 A My decision would have to be based on whatever
28 evidence was presented.

1 Q Okay, fine.

2 So your reaction would not be automatic, is that
3 right?

4 A I guess not.

5 Q All right.

6 A It would be based on the evidence --

7 Q All right.

8 A -- presented.

9 Q Thank you, then.

10 A Does that answer your question?

11 Q Yes, it does.

12 Thank you, Mrs. Patrick.

13 Now, you've heard the Court's instructions with
14 regard to conspiracy and aiding and abetting.

15 Do you have any quarrel with those legal doctrines?

16 A No.

17 Q Does it in any way offend your sense of justice or
18 fair play that a person can be convicted of first degree
19 murder, even though he was not present at the scene of the
20 alleged killing?

21 A I would like to reserve that answer. I would still
22 like to have the evidence.

23 Q All right.

24 A Of -- I --

25 Q You understand I'm not asking you for a decision
26 now?

27 A Yes, I know.

28 Q I'm asking you --

1 A I know. It would depend.

2 Q You would be able to follow that?

3 A It would depend on the circumstances. I don't
4 know. I'm not that familiar with cases to know what evidence
5 might be presented that --

6 Q All right.

7 A -- that, you know, might point to anything. I
8 don't know. I don't know about criminal cases, you see.

9 Q All right, I understand that, Mrs. Patrick.

10 Mrs. Patrick, I would like to ask you a few
11 questions, finally, with regard to your state of mind with
12 regard to the death penalty.

13 A Yes, sir.

14 Q Now, you understand as to the Court's instructions,
15 that a verdict imposing the death penalty cannot be returned
16 unless each of the twelve jurors personally and individually
17 vote for the death penalty.

18 In that sense, then, each juror determines
19 whether or not a death penalty verdict will be returned.

20 Now, have you decided in your own mind that if
21 Mr. Manson was convicted of one or both counts of first degree
22 murder, and after you've heard all the facts in the case,
23 if you felt that the death penalty was justified in this case,
24 would you be able to vote for the death penalty?

25 A Yes.

26

27

28

* 18 fls.

18-1

1 MR. MANZELLA: Thank you, your Honor. The People pass
2 for cause.

3 THE COURT: Does the defendant pass for cause?

4 MR. KANAREK: Yes, your Honor.

5 THE COURT: Both sides having passed for cause, it's
6 the peremptory challenge of the People.

7 MR. MANZELLA: Yes, your Honor. The People will
8 accept the jury as presently constituted.

9 THE COURT: The peremptory challenge is with the
10 defendant.

11 MR. KANAREK: Thank and excuse Mr. Marker.

12 Thank you, Mr. Marker.

13 THE COURT: Mr. Marker, thank you very much.

14 Friday?

15 THE CLERK: Yes.

16 THE COURT: Yes.

17 Mr. Marker, you need not report back to the jury
18 assembly room until Friday, at 9:00 o'clock.

19 JUROR NO. 1: Yes, sir.

20 THE COURT: Choose another name from the box; will you,
21 please?

22 THE CLERK: Ernest L. Gevara; G-e-v-a-r-a.

23 THE COURT: Come forward and be seated, Mr. Gevara.

24 PROSPECTIVE JUROR GEVARA: Where?

25 THE COURT: In the first seat.

26
27 VOIR DIRE EXAMINATION OF
28 ERNEST L. GEVARA

18-2

1 BY THE COURT:

2 Q Mr. Gevara, did you understand the Court's
3 explanation of the nature of this case, and did you hear it
4 all?

5 A Yes, I did.

6 Q Would your answers be any different than the
7 answers of Mrs. Patrick to the questions that I put to her
8 of a general nature?

9 A No.

10 Q Would it be any hardship to you to serve in this
11 case?

12 A Uh -- not to me directly. But my wife is
13 expecting, in the middle of next month, and she has -- she
14 has a thyroid problem, which she's under a doctor's care for
15 now.

16 And it's -- you know, they're -- they're babying
17 her through this pregnancy, you know. But it's sort of
18 rough. I'm not sure how bad it is, really. But she's sort
19 of -- you know, she worries a lot. Put it that way.

20 Q Do you think that that -- her condition might
21 distract you from concentrating fully as you should?

22 A Well, it would have to have some bearing on it.
23 I mean, I --

24 Q It might possibly --

25 A I would have to --

26 Q It might possibly distract you from thinking
27 about the case, instead of -- instead of thinking about the
28 case, you might be thinking about your wife's condition?

1 A Well, in a sense -- well, in a sense, you know,
2 I -- she's -- I have to be thinking about it, you know.

3 Q So that it might possibly interfere with your
4 full concentration in your case?

5 A It could. It could, yeah.

6 THE COURT: All right. Gentlemen? Any comment?

7 MR. MANZELLA: No, I have no questions, your Honor.

8 THE COURT: Any questions?

9 MR. KANAREK: I have just a --
10

11 VOIR DIRE EXAMINATION

12 BY MR. KANAREK:

13 Q Mr. Gevara, are you asking to be excused?

14 A Yes, I am.

15 MR. KANAREK: If that's the case, I would certainly --

16 MR. MANZELLA: The People would so stipulate.

17 MR. KANAREK: -- be willing to stipulate.

18 MR. MANZELLA: The People would stipulate he can be
19 excused.

20 THE COURT: The People stipulate likewise?

21 MR. MANZELLA: Yes.

22 THE COURT: All right. Mr. Gevara, the Court does
23 excuse you, then.

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

25 JUROR NO. 1: Thank you.

26 THE COURT: Thank you, Mr. Gevara. Report to Room 253
27 at 9:00 o'clock on Friday.

28 JUROR NO. 1: Friday?

1 THE COURT: Yes. Take one more name.

2 THE CLERK: Myrtle L. Chester; C-h-e-s-t-e-r.

3 THE COURT: Mrs. Chester, you needn't take a seat.

4 We will talk to you tomorrow morning.

5 Is it Mrs. Chester or Miss?

6 PROSPECTIVE JUROR CHESTER: Mrs.

7 THE COURT: Mrs. Chester.

8 All right. Mrs. Chester, and the rest of you
9 ladies and gentlemen beyond the rail and in the box, you are
10 ordered to return tomorrow morning at 9:30.

11 You may seat yourselves in Department 107.
12 Department 107. The judge is away this week, and so we'll
13 use Department 107 instead of the hallway.

14 Remember the admonition, that during this and any
15 subsequent recess, you are obliged not to converse amongst
16 yourselves nor with anyone else on any subject connected with
17 this matter, nor form nor express any opinion on the matter
18 until it is finally submitted to you, should you be chosen as
19 a juror.

20 Remember the admonition I have given you in
21 respect to publicity, any news concerning Mr. Manson, this
22 case or any other case.

23 Good night. I'll see you all tomorrow morning.

24 JUROR NO. 10: What time, sir?

25 THE COURT: 9:30.

26 (Whereupon, at 4:41 o'clock p.m., an adjournment
27 was taken until 9:30 o'clock a.m. of the following
28 day, Thursday, July 22, 1971.)