

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.

No. A-267861

CHARLES MANSON,

Defendant.

REPORTERS' DAILY TRANSCRIPT

Friday, July 23, 1971

VOLUME 21

APPEARANCES:

For the People:

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

For Defendant Manson: IRVING A. KANAREK, Esq.

COPY

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

1 LOS ANGELES, CALIFORNIA, FRIDAY, JULY 23, 1971, 10:05 A. M.

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3 THE COURT: All right, in the case of People versus
4 Manson, good morning ladies and gentlemen.

5 (Murmurs of "Good morning" by the prospective
6 jury panel.)

7 THE COURT: The record will show Mr. Manson to be present
8 with his counsel, Mr. Kanarek. All the prospective jurors are
9 in the box and beyond the rail.

10 When we terminated yesterday, at about 4:00 o'clock,
11 Mr. Kanarek, you were questioning Mr. Lyon.

12 MR. KANAREK: Yes, your Honor.

13 THE COURT: About pre-trial publicity.

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

15 THE COURT: The record should show that a Mr. Manning is
16 absent, and he's prospective juror No. 5. His son was struck
17 by a car and injured this morning. Mr. Manning, apparently,
18 is at the hospital at this time with the son, and so counsel
19 has stipulated that Mr. Manning may be excused for this
20 morning.

21 Department 107 free?

22 THE BAILIFF: Yes, sir.

23 THE COURT: All right, ladies and gentlemen, the Court
24 will ask that all of you leave this department and go to 107
25 and wait there.

26 Remember the admonition that I have previously
27 given to you.

28 Mr. Lyons, you may remain.

1 Do we have a standby?

2 THE CLERK: I had one yesterday, Mrs. Lillian D. Luster.

3 THE COURT: Mrs. Luster?

4 (No response.)

5 THE COURT: Have her just outside, Mr. Kuczera.

6 THE BAILIFF: Yes.

7 THE COURT: Thank you, Mr. Williams.

8 Mr. Kanarek, you were asking:

9 "What did you hear about Gary Hinman, in connection
10 with the Tate-La Bianca case?"

11 Mr. Lyons replied that he "didn't hear too much
12 about it. The only thing I heard about it is that maybe they
13 figure they murdered him, too."

14 "And you heard that during the Tate-La Bianca case?"

15 "Yes."

16 "MR. KANAREK: May I continue in the morning, your
17 Honor?"

18 Go ahead.

2 fIs.

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VOIR DIRE EXAMINATION OF

JAMES C. LYONS

BY MR. KANAREK:

Q And when you say that during the Tate-La Bianca case, Mr. Lyons -- what do you mean by "they," when you used it in that -- when you answered it that way?

You heard the Court's sort of summarizing your answer, right near the end of the day yesterday.

A I don't understand what you mean.

Q Well, you said "they" something. Well, let me ask you. I'll ask it again. Maybe that's probably the best-- the best way.

Have you heard the name Gary Hinman in connection with the Tate-La Bianca case?

A No.

Q Well, did you hear it during the Tate-La Bianca case?

A I remember hearing something about his name.

Q I see. And what -- what did you hear had happened to Mr. Hinman?

A I heard he was murdered.

Q And who did you hear had murdered him?

A At that time, I don't think -- I don't think they said at that time.

Q Well, at some later time -- like you say "they." That's what I am getting at, Mr. Lyons. When you say "they," who are you referring to?

A Oh, you mean who said he was murdered?

1 Q Yes.

2 A Oh, I just read it in a newspaper.

3 Q I see. And who did the newspaper say had
4 murdered Mr. Hinman?

5 A Mr. Manson.

6 MR. KANAREK: May I approach the bench, your Honor?

7 THE COURT: Yes, you may.

8 (Whereupon the following proceedings were had at
9 the bench among Court and counsel, not within the
10 hearing of the prospective juror:)

11 MR. KANAREK: Your Honor, as your Honor knows, during
12 the penalty phase of the Tate-La Bianca case, the Gary Hinman
13 murder was put on by the prosecution.

14 THE COURT: Yes.

15 MR. MANZELLA: I think that's inaccurate, isn't it?

16 MR. KANAREK: No.

17 MR. MANZELLA: Did the prosecution put on the Hinman
18 case?

19 MR. KANAREK: Yes, they did.

20 THE COURT: Yes, I remember there was some considerable
21 mention of the Hinman case.

22 MR. MANZELLA: I thought that was overruled by Judge
23 Older.

24 MR. KANAREK: Not at all.

25 THE COURT: At least it was mentioned --

26 MR. KANAREK: Well, they not only put it on; they put on
27 jury instructions on first degree murder, and they ran the
28 entire gamut of jury instructions.

1 MR. MANZELLA: But no witnesses testified.
2 MR. KANAREK: They sure did. They surely did.
3 MR. MANZELLA: They did?
4 MR. KANAREK: Yes, sir.
5 MR. MANZELLA: Called by the People?
6 MR. KANAREK: Mary Brunner and --
7 MR. MANZELLA: Oh, I didn't know that.
8 MR. KANAREK: Well, I'm not representing that --
9 MR. MANZELLA: I didn't think that the prosecution
10 called those witnesses in that case.

11 MR. KANAREK: Well, then, I can only refer you to the
12 transcript. Mary Brunner testified.
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2a fls.

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1 MR. MANZELLA: But she wasn't called by the prosecution.

2 MR. KANAREK: That isn't the point.

3 MR. MANZELLA: Well, then, don't say that she was called
4 by the prosecution.

5 MR. KANAREK: I'm not saying that --

6 MR. MANZELLA: Yes, you did. You said that the Hinman case
7 was put on by the prosecution and --

8 MR. KANAREK: Yes, it was.

9 MR. MANZELLA: But if she was -- she wasn't called by the
10 prosecution.

11 MR. KANAREK: Well, that isn't the point.

12 THE COURT: Mr. Manzella, Mr. Kanarek, please.

13 Would you tell me what you have in mind?

14 MR. KANAREK: Well, I -- well, first, I would make -- I
15 would urge that Mr. Manzella read the Tate-La Bianca trial
16 transcript.

17 THE COURT: Would you get to the point, now?

18 MR. KANAREK: Yes. The point is that this man, as a result
19 of the Tate-La Bianca case, believes that Mr. Manson murdered
20 Mr. Hinman. He heard that from the publicity.

21 There couldn't be anything that's more prejudicial.

22 THE COURT: Well, now, there have been a number of jurors
23 who have heard about Gary Hinman, and have believed that
24 Mr. Manson was in some way connected with his death. A number
25 of prospective jurors have said that.

26 The whole question is whether he can set aside any
27 such opinion that he might have formed, and whether he can decide
28 the case solely on the evidence.

2a-2

1 MR. KANAREK: Well, that -- but he right now believes
2 that Mr. Manson murdered Mr. Hinman, from the publicity.

3 THE COURT: But he also has said that he can set aside any
4 belief or any opinion that he may have formed from the
5 publicity.

6 MR. KANAREK: Your Honor, I could say I could fly to
7 the moon. That doesn't mean I can do it.

8 THE COURT: Now, you and the Court have gone through
9 this time after time, and we -- we all three of us know the
10 problems in connection with the pre-trial publicity.

11 MR. KANAREK: But the man --

12 THE COURT: At this time, your challenge is denied.

13 I don't foreclose you from going ahead and making
14 further inquiry.

15 I will say this, however, that this juror does seem
16 to have a great deal of detailed knowledge, that many of the
17 other prospective jurors, whom we have questioned, do not
18 appear to have concerning the Tate-La Bianca case and the
19 Hinman and Shea matters.

20 MR. MANZELLA: Your Honor, let me -- I would like to ask
21 the Court a question.

22 THE COURT: Yes?

23 MR. MANZELLA: Do you think that he has, on balance,
24 more knowledge, more detailed knowledge than most of the
25 jurors that we have questioned so far?

26 THE COURT: Yes, the Court does believe so.

27 MR. MANZELLA: Including the jurors that are in the box
28 now?

1 THE COURT: It's my view, from what I heard him say, that
2 he followed the news accounts more closely than most of them --
3 or, at least he retains the information from them more closely,
4 and --

5 MR. MANZELLA: Well, then --

6 THE COURT: -- or better than the others.

7 MR. MANZELLA: I think that's true. Now, I got that
8 impression myself. I wouldn't have any objection to his being
9 excused.

2b fls.

2b-1

1 THE COURT: He does seem to have some considerable
2 detailed knowledge.

3 MR. MANZELLA: Yeah. I'm not making a judgment as to
4 whether or not he could or could not set it aside, but --

5 MR. KANAREK: Then I'll make the challenge under --

6 MR. MANZELLA: But he does seem to have more knowledge
7 than most. And the People wouldn't have any objection to the
8 challenge.

9 THE COURT: It seems to me that he's made quite a
10 study of the newspaper accounts of the crimes, of the Tate-
11 La Bianca case.

12 MR. MANZELLA: I agree.

13 MR. KANAREK: Then I'll make the challenge, 1073,
14 Subsection 2, your Honor.

15 THE COURT: Let me ask him a question or two.

16 MR. KANAREK: Yes.

17 THE COURT: You may stay right here.

18 MR. KANAREK: Very well.

19 (Whereupon, the following proceedings were had
20 in open court, within the hearing of the prospective
21 juror:)

22 BY THE COURT:

23 Q Mr. Lyons, the Court wants to know whether or
24 not you believe that you can, for the purpose of this case,
25 forget what you might have learned, any opinions that you
26 might have formed concerning any of these killings that
27 you've read about?

28 A Yes, I could.

2b-2

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Q Do you think you could?

A Yes, sir.

Q Did you -- what newspaper did you read?

A I read all of the newspapers. The Examiner, the L. A. Times --

Q Do you read them daily?

A Yes.

Q And during the period of the Tate-La Bianca case, you read them daily?

A Yes.

Q Your knowledge about that Tate-La Bianca case, and the Hinman and Shea matters, seems to be -- seems to me to be very detailed.

Did you study the case as you went along, quite a lot?

A Oh, yeah. I just keep up with all the news.

Q Well, is it kind of a hobby with you, to follow it?

A It's a hobby with me to read it.

Q Pardon?

A It's a hobby with me to read it.

Q Well, it seems to me that you have a good retention of some of those details.

A Yes.

Q You do retain quite a lot of what you read concerning that case, do you?

A Yes.

(Whereupon, the following proceedings were had

1 at the bench among Court and counsel, not within the
2 hearing of the prospective juror:)

3 THE COURT: Well, I think that's probably justifiable.
4 He does have a great fund of knowledge; that's true.

5 MR. MANZELLA: Yes.

6 THE COURT: I am surprised at his retention of detail.
7 The Court -- the Court will grant the challenge.

8 MR. KANAREK: Thank you, your Honor.

9 As to the next juror, could we -- whatever -- are
10 we going to pull one out of the box, the next potential --

11 THE COURT: I think we have a lady whom we called just
12 at the conclusion of yesterday.

13 MR. KANAREK: Oh, all right.

14 THE COURT: The conclusion of yesterday's session.
15 I think she's waiting at the door now.

16 MR. KANAREK: All right. Very well.

17 THE COURT: What did you have in mind?

18 MR. KANAREK: What's that, your Honor?

19 THE COURT: What did you have in mind?

20 MR. KANAREK: Well, I just -- I would like, when the
21 jurors are called, to have that done on the record, when
22 they're first pulled.

23 THE REPORTER: It's on the record.

24 MR. KANAREK: Is it on the record?

25 THE REPORTER: Yes.

26 THE COURT: Okay. That solves your problem.

27 MR. KANAREK: In other words, when they're pulled, I
28 would like to have it on the record. But if it is -- if you

1 say it is --

2 THE REPORTER: Yes, it is.

3 MR. KANAREK: Okay.

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1 (Whereupon, the following proceedings were had in
2 open court within the presence and hearing of the prospective
3 juror:)

4 THE COURT: Mr. Lyons, the Court will excuse you in this
5 case.

6 The Court thanks you for being here, but your
7 knowledge concerning this case is such, and in such fine
8 detail, as compared with the knowledge and memories of the
9 other jurors, that I am not sure with all the detail that you
10 have in your mind concerning the Tate-La Bianca case and this
11 case, that you could properly set aside and make a determination
12 based solely on the evidence.

13 Do you understand what I mean?

14 JUROR NO. 1: Yes, sir.

15 THE COURT: It is no reflection upon you. What it is,
16 is a credit to your memory, really. I am surprised that you
17 are able to remember such detail. But because of that fact,
18 the Court believes you should be excused, and does therefore,
19 excuse you.

20 JUROR NO. 1: Thank you.

21 THE COURT: Room 253, forthwith.

22 MR. KANAREK: Thank you. Thank you, sir.

23 THE CLERK: Mrs. Lillian D. Luster, L-u-s-t-e-r.

24
25 VOIR DIRE EXAMINATION OF

26 LILLIAN D. LUSTER

27 BY THE COURT:

28 Q Mrs. Luster, good morning.

1 A Good morning.

2 Q Would your answers be any different than the
3 answers that prospective juror who was first chosen from the --
4 from your group were, to the questions of a general nature?

5 A No.

6 Q You heard the Court's explanation, and then
7 heard the questions put to the juror?

8 A Yes, I did.

9 Q All right.

10 Would it be any hardship to you to serve on this
11 jury?

12 A No.

13 Q Neither personal, nor financial?

14 A No.

15 Q Are you employed outside the home?

16 A Yes.

17 Q What type of work do you do?

18 A I am the supervisor of laboratory assistants, the
19 State Department of Public Health, Southern California
20 Laboratory.

21 Q In other words, California State?

22 A Yes.

23 Q And is there a Mr. Luster?

24 A Yes.

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

26 A Baldwin Hills.

27 Q Have you served as a juror before in a criminal
28 case?

1 A No.

2 Q How long have you worked for the State?

3 A Fifteen years.

4 Q You do laboratory work of some type?

5 A Yes, chemical.

6 Q You supervise it?

7 A Yes.

8 Q Generally, what does your work involve? What are
9 you working on when you do that type of work, as you say, that
10 chemical work, chemical analysis?

11 A Yes, if you want me to give you a little example,
12 we test the swordfish that's going on. We do the weighing --
13 the cutting and weighing and bagging of the sample, each
14 sample, so that the chemist will have this in readiness to
15 work with. And we are support to the laboratory. And we --

16 Q Your laboratory the one that found the mercury in
17 the swordfish?

18 A Yes.

19 Q Is that right?

20 A Yes, uh-huh. I dumped out about 100 pounds of it
21 last week.

3a fls.

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1 Q Do you have any friends or relatives who are
2 law enforcement officers?

3 A No.

4 Q In the course of your work, do you testify or have
5 you testified in court?

6 A I don't do that. The chemists do that.

7 Q Somebody in your department does, however?

8 A Right, uh-huh.

9 Q And you are concerned in prosecutions and the
10 preparation of the case, are you not?

11 A Right, yes.

12 Q Well, to a certain extent, then, you do know
13 officers who are engaged in prosecution?

14 A Hmmm, let's put it this way, we have a small
15 laboratory. We have a food and drug laboratory, air sanitation,
16 sanitation, and -- well, I guess that's it.

17 In other words, I can't get around to know
18 everything that's going on, but I -- if I want to, I can. And
19 the fellows come in. I don't know them by name -- or the
20 officers, the law enforcement officers.

21 Q I see.

22 A But I know they do come in. I know them well
23 enough to say "hi," but I don't know their names.

24 Q Well, you don't know anybody personally --

25 A No.

26 Q -- who is engaged in the prosecution --

27 A That's right.

28 Q -- your connection would be to supervise the

1 preparation of a case in prosecution?

2 A In preparation of a sample.

3 Q Yes.

4 A Right.

5 Q Have you such views concerning the death penalty
6 that you could not be fair and impartial in determining guilt
7 or innocence in the first phase of the case, Mrs. Luster?

8 A Hmmm, no, I --

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

12 A No.

13 Q Are your views such that upon a conviction of a
14 murder of the first degree you would automatically impose the
15 death penalty?

16 A Would you --

17 Q Would you automatically, upon a conviction of
18 murder of the first degree, impose the death penalty, vote for
19 the death penalty, regardless of the evidence?

20 A Uh --

21 Q Somebody is convicted of murder of the first
22 degree, let's say.

23 A Uh-huh.

24 Q You are seated on the jury.

25 A Right.

26 Q And you are required to determine penalty.

27 A Uh-huh.

28 Q Life imprisonment or death, as you and the other

1 11 jurors shall decide.

2 A Uh-huh.

3 Q Would you automatically vote for death upon such
4 a conviction without regard to the evidence?

5 A Right, I think that I would not automatically --
6 I think I would try to figure it -- has some --

7 Q You would look at the evidence?

8 A Right.

9 Q Are you of such a state of mind that you would
10 never vote to impose the death penalty?

11 A No.

12 Q In regard to publicity, had you heard the name
13 Charles Manson before coming into this courtroom?

14 A Yes.

15 Q When, and under what circumstances, had you heard
16 it?

17 A Through the news.

18 Q Through the news in connection with that Tate-
19 La Bianca killing?

20 A Right.

21 Q Did you follow that in the press or in the news
22 during the course of that trial?

23 A Yes.

24 Q Did you do that more or less regularly or
25 haphazardly?

26 A Just reading through the paper.

27 Q Just occasionally you would see it or was it a
28 matter of practice that you would follow it?

1 A Uh, I usually read the paper through.

2 Q Every day?

3 A Yes.

4 Q What paper do you read?

5 A Times.

6 Q Do you know what the result of that case was?

7 A I really don't.

8 Q Do you know whether Mr. Manson was ever convicted
9 of anything and whether he was ever sentenced?

10 A I don't -- I thought he was convicted, but if you
11 ask me to be truthful, I couldn't tell you what the sentence
12 was or --

13 Q Do you know the name Manson Family?

14 A Yes, I've heard that name.

15 Q What does that name mean to you?

16 A Well, there are some girls that sit out here --

17 Q When you say "out here," you mean out on the
18 corner of the Hall of Justice?

19 A Out on the corner --

20 Q Of the Hall of Justice?

21 A Yes.

22 And I read once where these girls are part of the
23 Manson Family.

24 Q Have you heard the name Susan Atkins?

25 A Yes.

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3b fls.

3b-1

1 Q Do you know anything about Susan Atkins now that
2 you can remember?

3 A Uh, I don't -- I just know that all of these
4 names that you are saying are involved in, uh -- in, uh,
5 some killing of some movie star. I can't think of her name,
6 that was having a baby. And this -- the names are all --
7 that came up in the paper. All these names that you are
8 mentioning, came up.

9 Q Do you remember the name Bobby Beausoleil?

10 A Well, kinda, yes.

11 Q Do you know what you read about?

12 A I don't remember. Right now, it is all -- it
13 has been a long time since I've seen anything.

14 Q Do you remember the name Mary Brunner?

15 A No.

16 Q Do you remember the name Shorty Shea or the name
17 Gary Hinman? Have you heard it before?

18 A I had heard it before, yes.

19 Q Before you came into this courtroom?

20 A I had, yes.

21 Q Tell us what you know about either or both of
22 those names?

23 A Uh, I don't know the Hinman -- I think that I read
24 he was a musician or something. I'm not sure of that.

25 And then, also, this Shea person was -- had
26 something to do with this ranch, and something about he has --
27 hasn't been shown -- or hasn't shown up lately or something or
28 -- I don't know too much about it. I really don't.

3b-2

1 Q If I were to tell you that it would be your
2 obligation -- if I were to instruct you that you were to set
3 aside everything that you might have heard, seen or read in
4 connection with the Tate-La Bianca case or this case, and
5 set aside anything that you might later on remember during
6 the course of this case, while you're sitting there in the
7 jury box or while you're deliberating, would you be able to
8 do so? Would you be able to set that aside and make a
9 judgment independently, based upon the evidence and the law
10 in this case only?

11 A I would, yes. I think my mind has been trained
12 this way. With having the supervisor capacity, you have to
13 get -- see both sides of their stories. And they do have
14 stories.

15 Q You have to ignore rumors?

16 A Right.

17 Q And you have to decide on the evidence before you?

18 A Right, sure.

19 Q Could you do that in this case?

20 A Yes, I could, sure.

21 Q Do you have any doubt about your ability?

22 A No, I have no doubt about that.

23 Q Do you understand it would be extremely unfair to
24 the defendant if you were to utilize, to use any of that
25 material that you may have heard, seen or read or talked
26 about or may remember?

27 A That's true.

28 Q And the Court would not want you to do that?

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A That's true.

Q Well, then, is it your state of mind that you can set aside any opinions that you may have formed and --

A Well, I really haven't formed any -- hadn't formed any.

Q Well, if you do as a result of anything that you might remember, or if there's some opinion, some knowledge that you may have that you can't recall at this time --

A Uh-huh.

Q -- do you think that for the purpose of deciding any issue that you might be called upon to decide as a juror in this case, that you can set it aside?

A I think I could, yes.

Q Not forget, because you can't.

A No, you can't forget it.

Q You can't forget it, but could you --

A I think I could.

Q -- lay it aside?

A I think I could be pretty fair. At least, I've been told I've been fair.

Q Can you be fair and impartial in this case?

A I think so. I'm sure I could.

THE COURT: Very well, you may examine.

MR. KANAREK: Pardon?

THE COURT: You may examine.

MR. KANAREK: Your Honor, I don't have any questions, but I would like to approach the bench.

THE COURT: Mr. Manzella, do you have any questions?

1 MR. MANZELLA: Not on publicity, no, your Honor.

2 THE COURT: All right, you may approach the bench.

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

3c fls.

3c-1

1 MR. MANZELLA: Before you start, let me interrupt you for
2 a second.

3 Did we get the stipulation about Mr. Manning, Juror
4 No. 5 on the record?

5 MR. KANAREK: Well, it is academic at this point.

6 THE COURT: Well, no, not academic. He probably should be
7 present but the Court has heard his son was struck by an
8 automobile this morning, and his son was injured, and Mr.
9 Manning has requested that he be allowed to be absent for
10 today. And both of you have agreed that that's satisfactory.

11 MR. MANZELLA: So stipulated.

12 MR. KANAREK: I say it is academic, because this lady is
13 in the courtroom without any other jurors present. In theory,
14 Mr. Manning wouldn't even be in the courtroom during any
15 questioning during this point.

16 THE COURT: You are correct.

17 MR. KANAREK: But I am still willing to agree with my
18 previous representation. I will agree that he not be here, but
19 I think it is premature.

20 THE COURT: All right, what's your --

21 Well, we have been calling the jury, the entire
22 panel back for the --

23 MR. KANAREK: Right.

24 THE COURT: -- for the peremptory challenges, and for
25 general questioning. And that's about to arise, I suppose, right
26 now.

27 MR. KANAREK: Not if your Honor honors my challenge.

28 THE COURT: Not unless I grant the challenge, which I

1 suppose you are about to make to this lady.

2 MR. KANAREK: That's right.

3 THE COURT: And when that inevitably happens sometime
4 today, is it satisfactory that Mr. Manning be absent?

5 MR. MANZELLA: Satisfactory with the People, your Honor.

6 MR. KANAREK: Well, certainly at this point it is
7 satisfactory, yes.

8 THE COURT: What do you mean "this point"?

9 MR. KANAREK: At the point when the jury comes back
10 into the room, immediately after whatever potential juror is
11 chosen for general interrogation.

12 THE COURT: So far as you're both concerned, Mr. Manning
13 may be away all day and not have to report back until Monday?

14 MR. MANZELLA: Yes, your Honor.

15 MR. KANAREK: Yes. Yes.

16 THE COURT: Go ahead, Mr. Kanarek.

17 MR. KANAREK: The point is, your Honor, this lady has
18 read the papers extensively. She has -- she has -- but she
19 makes the incredible statement she doesn't know for sure what
20 happened. Yet, she read the papers. There's no question in my
21 mind she wants to be on this jury.

22 And under Section 1073, Subsection 2, based on the
23 Court's interrogation of her, there's no -- there's no way that
24 this lady can be fair and impartial.

25 THE COURT: She seems to the Court to be a very intelligent
26 and trained lady, one who is capable of segregating what she may
27 have heard, seen or read, segregating any opinions she may have
28 formed from the evidence and making her decision based on the

1 evidence. She seems to be, in that respect, more capable than
2 many we have talked to.

3 Accordingly, the Court does find that she can set
4 aside any opinions that she may have formed and that she will
5 decide any of the issues that she's called upon to decide,
6 based solely on the evidence and the instructions, and that she
7 will be fair and impartial. And the Court denies the challenge.

8 Do you want to question her any further?

9 MR. KANAREK: Pardon?

10 THE COURT: Do you want to question her any further?

11 MR. KANAREK: Well --

12 THE COURT: Or do you want to just bring --

13 MR. KANAREK: Your Honor seems to take the position -- the
14 reason I think the questioning -- your Honor has asked
15 questions -- because if someone happens to be a person with an
16 ability to keep saying, uh, that they will set it aside, not
17 knowing what's going to happen in this courtroom, that your
18 Honor then accepts that as --

19 THE COURT: Not necessarily.

20 MR. KANAREK: -- as a state of affairs which will, in
21 fact, take place, which we certainly can't agree --

22 THE COURT: Not necessarily. The Court is looking at the
23 people, listening to them, observing them as they are sitting
24 there and responding to your questions and mine, and
25 Mr. Manzella's, and this is a matter of judgment. The Court
26 believes so far as we have gone, the jurors who are in the
27 box, the people who are in the box as prospective jurors --

28 MR. KANAREK: You see the problem --

1 THE COURT: -- will set aside anything they may have
2 heard, seen or read.

3 MR. KANAREK: Well, the problem is this, your Honor, I
4 hate to be the heavy.

5 In other words, when I interrogate these people,
6 the general impression is -- of course, Mr. Manzella asks no
7 questions because the publicity problem is not on his side of
8 the counsel table.

9 When I question them, there's just that tendency,
10 because they know that the publicity is unfavorable to
11 Mr. Manson, and, therefore, the onus of getting them off is on
12 our side of the counsel table.

3d

1 THE COURT: Well, the Court, in response to that comment,
2 may I suggest to you what I have suggested before, this is not
3 a game. That if you are seeking somebody who has heard nothing
4 whatever about the Tate-La Bianca case, that would be seeking
5 in vain and that you must acknowledge the prospective jurors
6 who are in this venire will all have heard of the Tate-La
7 Bianca case, and it should be your inquiry, as well as the
8 Court's, and Mr. Manzella, to find people to ignore what they
9 have heard, seen or read.

10 MR. KANAREK: When she says she has read the paper as
11 much as she has, your Honor -- obviously she has read the
12 Tate-La Bianca case because the Los Angeles Times --

13 THE COURT: Well, she says she has.

14 MR. KANAREK: -- carried -- well, right.

15 And so it is -- there's no question but what this
16 woman has an opinion which can never be jarred and never will
17 be removed. She has an opinion concerning Mr. Manson's guilt.

18 The point I am making is that because of this
19 publicity the onus, as we've said, is on our side of the
20 counsel table.

21 THE COURT: The Court believes not. The Court believes
22 all of us should be equally interested in determining whether
23 or not a prospective juror can set aside --

4 fls.

4-1

1 MR. KANAREK: Your Honor, maybe I didn't convey to the
2 Court what I'm -- what I'm thinking. And this is the onus,
3 as far as the -- the thinking of the jurors is concerned, is
4 that our side of the counsel table is trying to get rid of
5 them -- which, of course, we are.

6 But that's the onus.

7 THE COURT: Well --

8 MR. KANAREK: That's there by the very nature of the
9 publicity.

10 THE COURT: Well, the Court's opinion is that you should
11 not be trying to get rid of every juror who has heard of this
12 matter, because it -- it impossibly prolongs the task of
13 selecting a jury. You must know by now that, without fail,
14 every juror -- every prospective juror -- has indicated
15 some knowledge of Mr. Manson's involvement with the Tate-
16 La Bianca case.

17 MR. KANAREK: And in logic, the next point is: He
18 can't get a fair trial. And therefore, since he -- since the
19 Constitution of the United States, and the Constitution of
20 California, gives him a right to a fair trial, if he cannot
21 get a fair trial, then that is a fact of life that we must
22 live with.

23 He has already been convicted of seven counts of
24 murder, and a count of conspiracy. Therefore, there is no
25 point in going ahead with this trial, and --

26 THE COURT: Well, the Court --

27 MR. KANAREK: -- and under due process and equal
28 protection under the 14th Amendment, we are entitled to -- to

4-2

1 proceed with a fair jury, and if you can't get one -- if such
2 be the case -- then the Court has the obligation to -- to
3 make sure that this trial does not take place -- which we have
4 asked for --

5 THE COURT: Well, the --

6 MR. KANAREK: -- previously.

7 THE COURT: The Court has been burdened, I think, with
8 that attitude on your part, that anyone who has heard of the
9 case or of Mr. Manson should not be on the jury.

10 And the Court -- when I say, "heard of the case,"
11 I mean the Tate-La Bianca case or this case.

12 MR. KANAREK: We can zero in on it better if --

13 THE COURT: But I don't believe that that should be your
14 inquiry. You're complaining about being the heavy in the case,
15 but --

16 MR. KANAREK: No.

17 THE COURT: -- the burden should be simply on all of
18 us to try to find jurors who can be fair and impartial in
19 spite of what they have heard, because we know that they have
20 all heard it. They've all -- they all know something about
21 the case.

22 MR. KANAREK: Well, the zeroing in --

23 THE COURT: The challenge in this case, as to this
24 particular juror, is denied.

25 However, I won't foreclose you from asking any
26 further questions.

27 MR. KANAREK: Yes, your Honor. The only point, the
28 zeroing in I'm speaking of has to do with the fact that when

4-3

jurors know of these previous convictions of murder, this is the most horrendous --

THE COURT: I think you've covered that.

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

THE COURT: Gentlemen, any questions, either counsel?

MR. KANAREK: Yes, just a very simple question.

BY MR. KANAREK:

Q Mrs. Lester, you do know -- your state of mind is that Mr. Manson has been convicted previously; right? From the publicity?

A From the publicity, I -- as near as I can remember. I thought that something had happened.

Q That he was convicted; right?

A In one -- yes.

Q In that other case?

A Yes.

Q Convicted of what?

A Now, this, I don't know.

Q Well, what do you think happened to Sharon Tate?

A She was murdered, I read.

Q All right. Now, do you have a state of mind as to what Mr. Manson was convicted of?

A I guess it had to be murder, if --

MR. KANAREK: Thank you. We incorporate by reference our position at the bench, your Honor, reiterate.

THE COURT: Any questions?

MR. MANZELLA: Nope from the People on this subject,

4-4

1 your Honor.

2 THE COURT: Let's get the rest -- well, we'll take a
3 short recess, and then get the balance of the panel in.
4 About ten minutes, let's have the balance in.

5 MR. KANAREK: Thank you, your Honor.

6 THE COURT: Mrs. Lester, don't converse with anyone
7 nor permit anyone to converse with you during the course of
8 this recess.

9 JUROR NO. 1: Shall I leave now?

10 THE COURT: Yes, you may leave the microphone right on
11 that seat.

12 JUROR NO. 1: Thank you.

13 MR. KANAREK: Thank you, Mrs. Lester. You'll be back
14 with us, hopefully.

15 THE COURT: Off the record now -- go ahead, Mrs. Lester.
16 We are in recess.

17 (Whereupon, a discussion was had off the record:)

18 (Recess.)

4a or
5 fls.

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4a-1

1 THE COURT: The jurors are all -- the prospective
2 jurors are in the box, with the exception of Mr. Manning, and
3 beyond the rail.

4 Gentlemen, you -- the record should show Mr.
5 Manson to be present with Mr. Kanarek.

6 You may question Mrs. Lester, if you wish,
7 please.

8 MR. KANAREK: Thank you, your Honor.

9 BY MR. KANAREK:

10 Q Good morning, Mrs. Lester -- again.

11 Now, Mrs. Lester, is your state of mind -- well,
12 I'll withdraw that.

13 The fact that the result in this case, as in all
14 cases -- that is, criminal cases -- must reflect the individual
15 opinion of each juror, is there anything about that that makes
16 you think it would be unfair to ask you to sit as a juror in
17 this case?

18 A No.

19 Q You recognize that whatever the result may be,
20 whether all the jurors agree or whether nine agree, one way,
21 and three agree the other way, or whether one person agrees
22 all alone, that all of those results are equally valid? Do
23 you understand that?

24 A Yes.

25 Q And is your state of mind such that you will
26 maintain your opinion, even though -- even though it might
27 be like that famous Greek soldier at the bridge, who held
28 everybody off, even though you are standing alone, and you

4a-2

1 think it's correct? You will maintain it --

2 A Right.

3 Q -- is that right?

4 A Right.

5 MR. KANAREK: Thank you very much.

6
7 VOIR DIRE EXAMINATION

8 BY MR. MANZELLA:

9 Q Mrs. Lester, may I inquire, what does your husband
10 do?

11 A He is a custodian at Metropolitan State Hospital.

12 Q Have you served on any juries before, in criminal
13 cases?

14 A No.

15 Q Now, do you know anyone who has ever been involved
16 in the defense of criminal cases?

17 A No.

18 Q Do you know anyone who has ever been accused of
19 any crimes?

20 A No.

21 Q You heard the instructions given by the Court
22 with regard to the burden of proof on the People in a
23 criminal case, --

24 A Yes.

25 Q -- is that right?

26 A Um-hmm.

27 Q Would you require the People -- or, would you
28 hold the People to a greater burden of proof, a higher burden

4a-3

1 of proof, because this was a murder case?

2 A Uhh -- I'd like proof, concrete proof.

3 Q Right. As the Court has instructed you, the
4 burden of proof on the prosecution is proving guilt beyond
5 a reasonable doubt.

6 A Right.

7 Q That standard is the same for all types of cases.

8 A Yes.

9 Q Some people feel that they want more proof than
10 that in a murder case, because of the seriousness of the
11 charge.

12 Now, what I want to know is, really, are you one
13 of those people? Would you require more proof than that,
14 because this was a murder case?

15 A Beyond a reasonable doubt is --

16 Q It's okay with you?

17 A Fine, yes.

18 Q All right. Did you hear the questions I asked
19 with regard to circumstantial evidence? The questions I
20 asked --

21 A Yes.

22 Q -- the other jurors?

23 A Yes.

24 Q All right. Now, with regard to the proof of the
25 death of a human being, that element of murder, the death of
26 a human being, do you have any quarrel with the law which
27 permits that element of the murder to be proved by circumstan-
28 tial evidence, rather than direct evidence?

4a-4

1 A I -- uh -- I think that, back to beyond a
2 reasonable doubt, if the circumstantial evidence would show
3 this, beyond a reasonable doubt.

4 Q All right. I see. Okay.

5 In other words, then, you are saying that you
6 would not automatically refuse to find that a death had
7 occurred, just because there was no direct evidence? Not
8 automatically?

9 A No.

10 Q You would look at the evidence?

11 A Yes.

12 Q And see if you were convinced that a death had
13 occurred beyond a reasonable doubt?

14 A Yes, right.

15 Q All right. The Court has instructed you with
16 regard to aiding and abetting and conspiracy. Now, do you
17 have any quarrel with the law which permits a person to be
18 convicted of first degree murder, even though he was not
19 present at the scene of the crime, or the scene of the
20 killing?

21 A Uhh -- I suppose it could --

4b fls.

22 MR. KANAREK: Your Honor, it's an unfair -- it's
23 improper voir dire, your Honor, because there's a wealth of --
24
25
26
27
28

4bml

1 THE COURT: Excuse me. Just raise your objection. Don't
2 argue, please.

3 MR. KANAREK: Improper voir dire.

4 THE COURT: Sustained.

5 BY MR. MANZELLA:

6 Q All right. Mrs. Luster, what I am doing now is
7 getting to the same point -- or rather, an analogous point --
8 that I was getting at before. The law permits, according to
9 the Court's instructions, a person under certain legal
10 doctrines, like conspiracy and aiding and abetting -- to be
11 convicted of first degree murder, even though he's not
12 present.

13 Now, some people, again, in this situation may
14 say, "Well, even though that's so, I could never -- never,
15 under any circumstances, convict a person of first degree
16 murder, if he was not present at the scene."

17 A Um-hum.

18 Q Even though -- even though the facts come within
19 one of those legal doctrines.

20 And what I am trying to find out is whether you
21 are one of those people.

22 A I couldn't say that I would never, ever do that.

23 Q All right. Fine. Thank you.

24 Now, with regard to credibility, do you -- strike
25 that.

26 If the defendant testifies, or if he calls witnesses
27 on his behalf, would you judge their testimony by the same
28 standards of credibility that you would use to judge the

1 testimony of any witness who was called in the case?

2 A Yes.

3 Q All right. And if you, after using those standards
4 to judge the credibility of the defendant or the witnesses he
5 calls, if you did not believe their testimony in whole or in
6 part, would you be able to reject that whole or that part of
7 their testimony, that you did not believe?

8 A Yes.

9 Q All right. Thank you.

10 Now, with regard -- finally, with regard to the
11 death penalty, if Mr. Manson is convicted of one or both counts
12 of first degree murder, and after hearing all the facts in the
13 case, if you felt that the death penalty was justified, would
14 you be able to vote for the death penalty in this case?

15 A Yes, if I felt -- if I thought it was justified.

16 MR. MANZELLA: All right. Thank you. The People pass for
17 cause, your Honor.

18 THE COURT: Both sides having passed for cause, it is the
19 peremptory challenge of the defendant.

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

21 THE COURT: Yes, you may.

22 (Whereupon, the following proceedings occurred at
23 the bench among Court and counsel, not within the hearing of
24 the prospective jury panel:)

25 MR. KANAREK: Well, your Honor, in -- this is a -- I
26 guess maybe we should adjourn, because now I -- if I challenge
27 somebody who isn't there -- I'm not representing to the Court
28 that I am, that this -- that I am going to challenge this man,

1 but I think, as a matter of legal procedure, I think that
2 it's incumbent upon us to adjourn until Monday.

3 I really don't know quite how to proceed, because
4 he is not in the box. Now, what if -- anything can happen,

5 THE COURT: Excuse me. Let's say you wanted to challenge
6 him.

7 MR. KANAREK: Yes.

8 THE COURT: I don't see any problem.

9 MR. KANAREK: To challenge a juror who isn't present in
10 court?

11 THE COURT: Your having stipulated that he need not be
12 present during the day doesn't in any way affect it. I think
13 you would just simply indicate that you challenge Mr. Manning --

14 MR. KANAREK: Oh, no. I'm not representing to the
15 Court --

16 THE COURT: I mean, if this is what you want to do.

17 MR. KANAREK: No, I am not representing that this is what
18 I intend to do. What I am saying --

19 THE COURT: Then I can't see your problem.

20 MR. KANAREK: Then your Honor can't see the problem?

21 THE COURT: I don't think there's any difficulty in
22 connection with it.

23 Do you need some more time? Do you want to think
24 about it?

25 MR. KANAREK: About what?

26 THE COURT: I mean, about your peremptory challenge.

27 MR. KANAREK: Oh, no, no. My motion is for additional
28 peremptories. My motion is --

1 THE COURT: Oh, I hadn't understood that --

2 MR. KANAREK: -- that due process and equal protection,
3 under the Fourteenth Amendment, that the motion is that we have
4 additional peremptories.

5 The People have an absolute -- they have the
6 advantage, because of the death penalty, and because of the
7 publicity, and it's a -- it's an absolute -- well, it's
8 horrendous.

9 And I think that the Court has the power to grant
10 additional peremptories, and I do make the motion for
11 additional peremptories.

4c fls.

1 THE COURT: Counsel?

2 MR. MANZELLA: With regard to additional peremptories?

3 THE COURT: Pardon?

4 MR. MANZELLA: With regard to additional peremptories?

5 THE COURT: Yes.

6 MR. MANZELLA: It's the first time I've thought of it.

7 I would like to have some time to think about it. If --

8 THE COURT: All right.

9 MR. MANZELLA: Mr. Kanarek does raise an interesting
10 point, with regard to the --

11 THE COURT: With respect to Mr. Manning?

12 MR. MANZELLA: No, with regard to additional peremptories.
13 My problem is, I don't see how additional peremptories would
14 result in a selection of any fairer a jury, because -- in
15 other words, it would just take longer to get the same jury,
16 because the publicity is there; it's there with each juror.

17 THE COURT: Yes. I think that's a factor that -- that all
18 of us have to face, the publicity.

19 MR. MANZELLA: Yes. And I don't think additional
20 peremptories -- offhand I don't think additional peremptories
21 will bring us any closer to a fairer jury. It will just keep
22 us at the same -- you know, the same level (indicating) we are
23 now.

24 THE COURT: Well, at this level we are now, I am
25 satisfied that we have a jury, at this point, who can ignore
26 the publicity factor. And, as I've said before, I think that
27 all the discussion about it really is -- is in the defendant's
28 favor.

1 The Court at this time denies the motion for
2 additional peremptories.

3 MR. KANAREK: Well, may the motion be deemed to be
4 made for one additional peremptory? And I also make a motion
5 for two additional peremptories. I make a motion for three
6 additional peremptories. I make a motion for four additional
7 peremptories. May it be deemed to be in that series that
8 I've indicated, up to -- oh, actually, I suppose 35 or 40,
9 in that series.

10 This is -- so we don't have to burden the
11 record with -- with a long repetitive type of -- of motion.

12 THE COURT: Very well.

13 MR. KANAREK: May the record be deemed that I have --
14 that -- I would ask for -- oh, say up to 75, at least, more
15 peremptories. Because it's my belief that this trial is
16 unconstitutional, because of the publicity.

17 Mr. Manson is denied equal protection and due
18 process, by virtue of the publicity.

19 Our appellate courts indicate that we have to --
20 in certain situations, we have to do certain things. And I --
21 I mean, I -- I regret having to do it, but I think that it's
22 obligatory on me to do so at this point.

23 THE COURT: The Court denies the motion for additional
24 peremptories. And the Court denies each successive motion,
25 if this is what you mean.

26 MR. KANAREK: Well, yes, your Honor. In other words, my
27 position is that I do make a motion for a mistrial.

28 THE COURT: The Court denies that.

1 MR. KANAREK: On the ground that Mr. Manson just cannot
2 get a fair trial.

3 I think it's analogous to -- let's say a case
4 where there is no publicity, and --

5 THE COURT: The Court denies the motion for a mistrial.

6 MR. KANAREK: I was going to make the analogy where,
7 for instance, during the middle of a trial, something occurs --
8 as we all know -- something occurs in the middle of the trial
9 to prejudice the defendant's case. For instance, if -- if
10 something comes out, even about a past arrest, a mere arrest,
11 sometimes -- and many times, that creates a mistrial.

12 Well, there's no reason Mr. Manson should be
13 denied -- shouldn't be denied the right to -- that he should
14 be denied the right to a mistrial, if, in fact, the entire
15 proceedings are tainted with prejudice, as they are by
16 virtue of the fact that the publicity is known to all of
17 these potential jurors.

18 THE COURT: The Court's ruling is the same.

19 MR. KANAREK: And I do -- as an added basis, I do point
20 out and reiterate that -- that we do have a jury that has
21 many black people upon it; and there's going to be -- I
22 gather, from the prosecution -- evidence -- and from the
23 grand jury transcript and otherwise -- as to what's occurred
24 in the case involving Mr. Grogan, in Judge Call's court, that
25 they're going to introduce this racial situation between
26 Mrs. Shea and Mr. Shea, Mrs. Shea being of the black race and
27 Mr. Shea being of the white race.

28 And so this case --

4d-1

1 THE COURT: Well, you have asked extensively about
2 jurors of the black race disregarding racial bias and
3 prejudice, and the Court detects that all of these people
4 whom you've asked about that have indicated that they will
5 not allow that to enter into any judgment. And that therefore,
6 they can be fair.

7 MR. KANAREK: Since Mr. Manson is of the Caucasian
8 race, and since the Superior Court itself has indicated that
9 there is a predominance -- or, a great percentage of black
10 people in the Central District -- that is, the jury that's
11 for the Central District -- Mr. Manson would -- would get a
12 fairer trial, on a relative basis, in another District.

13 In fact, the District where one or more -- or
14 both -- at least alleged murders occurred.

15 THE COURT: And you are raising --

16 MR. KANAREK: Either in the Northwest District or the
17 Santa Monica District.

18 THE COURT: And you are raising that --

19 MR. KANAREK: The West District of the Los Angeles
20 Superior Court.

21 THE COURT: Well, if this is a motion --

22 MR. KANAREK: Yes. Well, the motion is for a mistrial.

23 THE COURT: The motion for mistrial is denied.

24 MR. KANAREK: Because we are now at the point of
25 having -- we have gone through, and there are many black
26 jurors on the jury, prospective black jurors. There are many
27 prospective jurors here who are black on this jury panel.

28 We wouldn't find that in the Northwest District,

4d-2

1 according to the Superior Court's own pronouncements. Judge
2 Loring, in fact, changing, supposedly, the method of picking
3 jurors in the Central District, because of the predominant --

4 THE COURT: The motion for mistrial is denied.

5 (Whereupon, the following proceedings were had
6 in open court, within the hearing of the prospective
7 jury panel:)

8 THE COURT: It is the defendant's peremptory challenge.

9 MR. KANAREK: Yes. Thank and excuse Mrs. Stokes.

10 Thank you, Mrs. Stokes.

11 THE COURT: Mrs. Stokes, thank you very much. Have you
12 completed your jury duty?

13 JUROR NO. 8: Yes, your Honor.

14 THE COURT: I want to thank you on behalf of myself and
15 on behalf of the other judges of the Superior Court. Anybody
16 who sacrifices their time and effort to serve as a juror, we
17 believe, is a cut or two above the average citizen, in a
18 sense of responsibility.

19 And the fact that you didn't find a way out, and
20 that you did serve as a juror in this case, and for the 30 days,
21 indicates to me that you are of that category. And we certainly
22 appreciate it.

23 JUROR NO. 8: Thank you.

24 THE COURT: Thank you very much.

25 Then you needn't go back to Room 253. We will see
26 that your slip gets back there. Thank you very much.

27 THE CLERK: David N. Treweek; T-r-e-w-e-e-k.
28

VOIR DIRE EXAMINATION OF
DAVID N. TREWEEK

BY THE COURT:

Q Mr. Treweek, --

A Yes, sir.

Q -- were you present when the Court explained the nature of this case to the prospective jurors, and when the Court examined the first prospective juror taken from your group?

A Yes, sir.

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

A I think not.

5 fls.

5-1

1 Q Would it be a hardship to you to serve in this
2 case?

3 A No, sir.

4 Q What type of work do you do, Mr. Treweek?

5 A Well, I am a retired doctor.

6 Q Medical doctor?

7 A Medical.

8 Q And in what area did you practice, Doctor?

9 A Los Angeles.

10 Q And what were you, a general practitioner or
11 specialist?

12 A Anesthesiologist.

13 Q I see.

14 And how many years did you practice anesthesia --
15 that is?

16 A Yes.

17 Q -- in the County of Los Angeles?

18 A Uh, oh, 35 years. A little longer, I guess,
19 37.

20 Q Were you in private practice or did you work for
21 some --

22 A No, I was in private practice.

23 Q Are you acquainted with or related to any law
24 enforcement officer, Doctor?

25 A No, sir.

26 Q Have you served as a juror in a criminal case
27 before?

28 A No, sir.

5-2

1 Q In what general area do you reside?

2 A In the Silver Lake area.

3 Q Are your views such concerning the death penalty
4 that you could be fair and impartial in determining the
5 question of guilt or innocence?

6 A Well, I don't believe in the death penalty. It
7 is against my -- what I have been doing all my life, trying
8 to save life.

9 Q Given that, however, given that belief, do you
10 think that your views are such that you couldn't be impartial
11 in determining guilt or innocence?

12 A No, sir.

13 Q Concerning the penalty, still, would your views
14 be such that you would automatically refuse to impose the
15 death penalty regardless of the evidence?

16 A Yes, sir.

17 Q No matter what evidence might be produced, then,
18 your reaction would be to automatically vote for life
19 imprisonment and against the death penalty?

20 A Yes. Yes.

21 Q Would you ever consider imposing the death penalty
22 in any case?

23 A No, sir.

24 MR. MANZELLA: Your Honor, the People would respectfully
25 challenge the juror for cause under Section 1073, Subdivision
26 2 of the Penal Code.

27 THE COURT: The Court grants the challenge.

28 MR. KANAREK: Wait, may I ask a question, your Honor.

5-3

1 BY THE COURT:

2 Q Doctor, is that your firm conviction, that you
3 would automatically refuse to impose the death penalty
4 regardless of the evidence in the case?

5 A Yes, sir.

6 THE COURT: Yes, you may, if you wish.

7
8 VOIR DIRE EXAMINATION

9 BY MR. KANAREK:

10 Q You would discuss these matters with your fellow
11 jurors --

12 THE COURT: Use the microphone, Mr. Kanarek. I'm sorry.

13 Q BY MR. KANAREK: You would discuss these matters
14 with your fellow jurors?

15 A Well, yes.

16 MR. KANAREK: Oppose the challenge, your Honor. I
17 think this man would make an excellent juror.

18 THE COURT: After you discussed it, would you ever vote
19 for the death penalty?

20 JUROR NO. 8: No, sir, I won't.

21 THE COURT: The Court grants the challenge. Thank you,
22 Doctor.

23 MR. KANAREK: Thank you, Doctor.

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

25 JUROR NO. 8: Yes. This is my first week.

26 THE COURT: The Court appreciates your being here. You
27 are excused for now.

28 Let's see, report back -- when is it, Mr. Dooley?

5-4

1 THE CLERK: Forthwith, to Room 253.

2 THE COURT: Yes, they might pick you up for a jury
3 today, so would you get right back to the jury assembly room,
4 Room 253 forthwith.

5 THE CLERK: Jonathan Thompson, T-h-o-m-p-s-o-n,
6 First name spelled J-o-n-a-t-h-a-n.

7
8 VOIR DIRE EXAMINATION OF
9 JONATHAN THOMPSON

10 BY THE COURT;

11 Q Mr. Thompson, were you present when the Court
12 explained the nature of this case to the prospective jurors?

13 A Yes, sir.

14 Q And did you hear the questions that I put to the
15 first prospective juror chosen from your group?

16 A Yes, sir.

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

19 A No, they would not.

20 Q Would it be any hardship to you to serve in this
21 case?

22 A No, sir.

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

25 A Uh, in Municipal Court.

26 Q How long ago?

27 A A little over two years.

28 Q Will you set aside whatever you may have heard,

5-5

1 seen or read in connection with that case, that or those
2 cases, those previous criminal cases, and decide this case
3 solely on the evidence?

4 A Yes, sir.

5 Q Produced in this case and the instructions of law
6 as I give them to you?

7 A Yes, sir.

8 Q All right. What type of work do you do, Mr.
9 Thompson?

10 A Letter carrier, U. S. Mail Service.

11 Q How long have you been so employed?

12 A Approximately 21 years.

13 Q In what general area do you now work?

14 A Uh, View Park.

15 Q Is there a Mrs. Thompson?

16 A Yes, sir.

17 Q Is she employed outside the home?

18 A Yes, sir.

5a fls.

5a-1

1 Q What does she do?
2 A School teacher.
3 Q What area?
4 A Compton Unified System.
5 Q Do you have any friends or relatives who are law
6 enforcement officers?
7 A Uh, I would say, no, sir.
8 Q You seem to hesitate in connection --
9 A I just know some.
10 Q You know some law enforcement officers?
11 A Yes, sir.
12 Q Do you think that would affect your judgment in
13 the case?
14 A No, sir.
15 Q You don't know them well, I take it? Casual
16 acquaintances?
17 A Well, since I've been carrying mail to a number
18 of people, I just happen to -- it is casual that I know them.
19 Q Do you have such views concerning the death
20 penalty that you could not be fair and impartial in determining
21 guilt or innocence?
22 A I don't have any views.
23 Q Or do you have such views concerning the death
24 penalty that you would automatically refuse to impose it
25 regardless of the evidence?
26 A No, sir, I never have.
27 Q Do you have such views concerning it that upon a
28 conviction of murder of the first degree, you would automatically

1 impose the death penalty, regardless of the evidence?

2 A Regardless of the evidence, no, sir.

3 Q You would consider the evidence to determine
4 whether you would impose life imprisonment or death, in your
5 absolute discretion?

6 A Yes, sir.

7 Q Now, I wish to ask you concerning publicity,
8 whether or not you can set aside such matters as you may
9 have heard, seen or read or talked about, whether you will
10 set them aside, whether you can be fair and impartial in
11 spite of any opinions you may have formed.

12 And I'll ask the rest of you, other than Mr.
13 Thompson, to leave the courtroom. Go to Department 107.
14 Quickly and quietly.

15 Don't converse amongst yourselves or anyone
16 else about the case.

17 (Whereupon, the prospective jury panel retired
18 from the courtroom, and the following proceedings
19 were had:)

20 THE COURT: Are you Mr. Celaya?

21 MR. CELAYA: Yes, sir.

22 THE COURT: Mr. Celaya, you are one of the prospective
23 jurors in this case, is that right?

24 MR. CELAYA: Yes, sir.

25 THE COURT: And you are informed that your son is at
26 the hospital and that he's ready to be picked up? He had some
27 surgical operation this morning?

28 MR. CELAYA: Yes, sir.

1 THE COURT: May he be excused, gentlemen?

2 MR. MANZELLA: Yes, your Honor.

3 MR. KANAREK: Yes, your Honor.

4 Will he be back with us on Monday?

5 THE COURT: You are excused until Monday morning.

6 Monday morning at 9:30, if you would, please.

7 (Whereupon, the Court conferred with the bailiff
8 up at the bench.)

9 THE COURT: Kenneth Scheider is another juror who
10 has requested excuse today via telephone. He is ill and
11 unable to be here. May he be excused?

12 MR. MANZELLA: So stipulated, your Honor.

13 MR. KANAREK: Until Monday?

14 THE COURT: Until Monday.

15 MR. KANAREK: Yes, your Honor.

16 THE COURT: All right, all the prospective jurors have
17 now left the courtroom.

18

19

VOIR DIRE EXAMINATION

20

BY THE COURT:

21

22 Q Mr. Thompson, have you heard, seen or read the
23 name Charles Manson before you came into this room and the
24 Court told you about this case?

25

26 A Not this case, but I've just heard about the other
27 case.

28

29 Q Well, you had heard the name Charles Manson
before, had you not?

30

A Yes, I have heard it.

1 Q In connection with the Tate-La Bianca case?
2 Was that it?

3 A Yes, sir.

4 Q Now, in connection with that case, what had you --
5 strike that.

6 Had you heard the result of that case?

7 A No more than he was convicted.

8 Q You know that Mr. Manson was convicted of what
9 charge?

10 A Well, the Tate-La Bianca -- uh --

11 Q Do you know what he was charged with?

12 A No, sir.

13 Q Do you know who Sharon Tate was or is?

14 A Yes, sir. See, at one time, I, uh, I used to work
15 in the Hollywood Hills one time, also.

16 Q You had?

17 A Yes, sir.

5b fls.

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5b-1

- 1 Q Did you deliver mail to her home?
- 2 A No, sir. No, sir. And I just happened to know
- 3 the names by, uh --
- 4 Q You know the name Sharon Tate?
- 5 A Yes, sir.
- 6 Q What do you know about her?
- 7 A No, sir, just her name.
- 8 Q Well, do you know that she is --
- 9 A She's an actress.
- 10 Q Do you know whether she is alive or dead at this
- 11 time, from what you have heard?
- 12 A Well, she's dead.
- 13 Q Well, do you know that Mr. Manson was accused of
- 14 having killed her or having committed a murder or what?
- 15 A No, I didn't get interested in the case because --
- 16 Q So you don't know what Mr. Manson was accused of?
- 17 A No, sir.
- 18 Q Do you know whether or not he was convicted of
- 19 anything?
- 20 A The only thing that I know, that the group was
- 21 convicted. That's all. That he was a part of the group.
- 22 Q He was one of the group?
- 23 A Yes, sir.
- 24 Q Have you ever heard the name Shorty Shea before
- 25 you came into this courtroom and the Court told you about the
- 26 indictment?
- 27 A No.
- 28 Q Or had you heard the name Gary Hinman before

5b-2

1 coming into this courtroom?

2 A No, sir.

3 Q Have you heard the name Susan Atkins?

4 A Yes, I've heard.

5 Q Tell me what you know about the name Susan Atkins?

6 A Uh, uh, she was a part of the group, that's all.

7 Q A part of what group?

8 A The group that killed Sharon -- uh, Sharon Tate.

9 Q Did you ever read the Susan Atkins confession,
10 so-called confession?

11 A No, I didn't. It was too much of it. I just --

12 Q Have you heard, seen or read anything about this
13 case in the last ten days in the press, television or radio?

14 A No, sir. No.

15 Q Do you know the name Manson Family?

16 A Well, that's the group that's on the farm.

17 Q What farm is that?

18 A I don't -- I just -- I don't recall right now. It
19 is just a farm. That's all I know of.

20 Q If I were to tell you that you were to set aside --
21 if I were to instruct you that you were to set aside -- not
22 forget, because it is too difficult to forget many things --
23 but if you were to set aside -- if I were to tell you that you
24 were to disregard anything that you may have heard, seen or
25 read in connection with that Tate-La Bianca case or this case
26 or anything that you might remember concerning Mr. Manson
27 while you're sitting here in the courtroom, during the course
28 of the trial about what you had heard, seen or read, do you think

5b-3

1 that you could set aside such matters for the purpose of
2 making an independent judgment based on the evidence in this
3 case?

4 A Yes, sir.

5 Q Do you have any doubt as to your ability to do
6 that?

7 A No, I don't have any doubt in my ability.

8 Q Do you think that you can clear your mind of
9 any such matters for the purpose of making a judgment in this
10 case?

11 A Yes, sir.

12 Q Or will you allow any such matters that you have
13 heard, seen or read to enter into your mind whatever in making
14 any judgment in this case?

15 A No, sir.

16 Q You may be called upon to decide various issues
17 in this case, and can you do those -- make those decisions
18 without reference in your mind to anything that you may have
19 heard, seen or read, any opinion that you may have formed?

20 A Yes, sir.

21 Q Are you certain of your ability to do that?

22 A Yes, sir.

23 Q Now, will you do that?

24 A Yes, sir.

25 Q And can you be fair and impartial in this case?

26 A Yes, sir.

27 Q Do you understand that if you were to allow
28 anything that you had heard, seen or read to enter into your

5b-4

1 judgment in this case concerning Mr. Manson, that it would be
2 unfair to him?

6 fls.

3 A That's right.
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1 Q It might very well be unfair to him. I'll put it
2 that way.

3 A Yes, sir.

4 Q Do you understand that?

5 A Yes.

6 Q And you wouldn't want that to happen, would you?

7 A That's right.

8 Q You understand that you have a firm obligation
9 to discard any such matters that you may have heard, seen
10 or read, in making any judgment that you might be called
11 upon to make in this case?

12 A Yes, sir.

13 Q And will you do that?

14 A Yes, sir.

15 THE COURT: Mr. Kanarek?

16
17 VOIR DIRE EXAMINATION

18 BY MR. KANAREK:

19 Q Mr. Thompson?

20 A Yes, sir.

21 Q Just briefly, would you tell us how, from the
22 publicity, did you -- what did you hear concerning how
23 Sharon Tate died?

24 A Uh -- I believe it was a -- cut, stabbed, some-
25 thing like this. And left there in the house.

26 Q I see. And just -- would you just briefly, would
27 you tell us, what do you think happened as far as Mr. Manson
28 was concerned in that previous trial?

6-2

1 A You know? I didn't keep up with it as close,
2 because I -- I saw the first part, and just about the last
3 part, and that was about all.

4 Q Well, you said -- you said something about that
5 the group committed murder. Do you remember saying that?

6 A Yes. That was before they brought it to trial.
7 I understand that it was in -- they picked up someone in
8 Alabama, I believe it was, and brought her back here, and
9 started that -- that told about the incident.

10 Q And to the best of your recollection, who was in
11 that group?

12 A Well, the names that were mentioned here, that --
13 some -- some man and --

14 Q By --

15 A It was -- it was two or three young ladies, and --
16 uh -- and a man in Texas, I believe it was.

17 Q Anyone else?

18 A I believe that's all.

19 Q Well, what relationship, if any, did Mr. Manson
20 have with this group?

21 A The only thing that I know, he was head of the
22 group.

23 Q I see.

24 A That's all.

25 MR. KANAREK: Thank you. May we approach the bench,
26 your Honor?

27 THE COURT: Yes, you may.

28 Do the People have any questions?

1 MR. MANZELLA: No, your Honor. Thank you.

2 (Whereupon, the following proceedings were had
3 at the bench among Court and counsel, not within the hearing
4 of the prospective juror:)

5 MR. KANAREK: Obviously, this man knows that he has --
6 that Mr. Manson was part of this group, your Honor, and --
7 this is the facts that -- or, the testimony speaks for itself.

8 I think a challenge under 1073, Subsection 2 on
9 publicity --

10 THE COURT: He seems to -- to the Court to be capable
11 of understanding his obligation here to set aside any opinion
12 that he might have formed. I think he will do that, and he
13 can do that, and he will be impartial.

14 The challenge is denied.

15 MR. KANAREK: Well, I do -- as I say, in the -- the
16 next purported peremptory is with the People?

17 THE COURT: Yes.

18 MR. KANAREK: And after that, I would ask for a
19 peremptory.

20 THE COURT: Your request for additional peremptories --

21 MR. KANAREK: Not additional. I mean, I am just asking
22 for a peremptory, after --

23 THE COURT: That request is denied.

24 (Whereupon, the following proceedings were had
25 in open court, within the hearing of the prospective juror:)

26 THE COURT: Bring the balance of the group in.

27 THE BAILIFF: Yes, sir.

28 (Pause in the proceedings.)

1 THE COURT: All the prospective jurors are present beyond
2 the rail and in the box, with the exception of Mr. Manning.

3 You may question generally, gentlemen.

4 BY MR. KANAREK:

5 Q Mr. Thompson, --

6 A Yes, sir.

7 Q -- you're sort of soft-spoken. That doesn't
8 mean that you don't let somebody know what you are thinking,
9 I would gather?

10 A (No response.)

11 Q Is that a fair statement?

12 A Was that a question?

13 Q Yes. I mean, the fact that you speak softly
14 doesn't mean you don't carry a big stick, as Theodore
15 Roosevelt used to say?

16 In other words, you -- you certainly, because you
17 speak softly, you'd let people know what your thinking is in
18 the jury room; right?

19 A Yes. Yes, I would. This is an answer from me.

20 6a fls.
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6a-1

1 Q And is there any reason that you can think of
2 why you couldn't be fair and impartial --

3 A No, there isn't.

4 Q -- in deciding this case?

5 A No reason.

6 Q Any reason whatsoever, in the wide, wide world?

7 A No, none.

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

9 THE COURT: Mr. Manzella?

10
11 VOIR DIRE EXAMINATION

12 BY MR. MANZELLA:

13 Q Mr. Thompson, do you know anyone involved in the
14 defense of criminal cases?

15 A No, I don't.

16 Q Do you know anyone that's ever been accused of
17 any crime?

18 A No, I don't.

19 Q And on this tour of duty, you've never served as
20 a juror in a criminal case; is that right?

21 A Not in Superior Court, no.

22 Q Okay. The -- did you hear the questions I asked
23 the other jurors, and the answers that the other jurors gave
24 to my questions?

25 A That's right.

26 Q All right. If I asked you the same questions,
27 would your answers be substantially the same as the answers
28 given by the other jurors?

6a-2

1 A Basically the same.

2 Q Okay. Specifically, with regard to circumstantial
3 evidence, as being used to prove the death of the human being,
4 as one element of murder, do you have any quarrel with the
5 proposition that circumstantial evidence may be used to prove
6 the death of a human being?

7 A No, I've never had that quarrel.

8 Q All right. With regard to the death penalty,
9 if Mr. Manson were convicted of first degree murder, and
10 after hearing all of the facts in the case, if you felt
11 that the death penalty was justified, would you vote for --
12 would you be able to vote for the death penalty?

13 A After looking at the evidence.

14 Q I beg your pardon?

15 A I said: looking at the evidence.

16 Q Right. That was part of my question.

17 A Then, yes.

18 Q In other words, after looking at all the evidence
19 in the case, and if Mr. Manson was convicted of first degree
20 murder, on one or both counts, and you felt that the death
21 penalty was justified, would you be able to vote for the
22 death penalty?

23 A That's right.

24 MR. MANZELLA: All right. Thank you. The People pass
25 for cause, your Honor.

26 THE COURT: The peremptory challenge is with the
27 defendant.

28 MR. MANZELLA: Is it with the People, your Honor?

6a-3

1 I believe it is.

2 THE COURT: I'm sorry. It is.

3 MR. MANZELLA: All right. Your Honor, the People would
4 like to thank and excuse Mr. Manning, who is not present.
5 He's juror No. 5.

6 THE COURT: Very well. Mr. Manning is excused.

7 THE CLERK: William Ruoff, Jr.; R-u-o-f-f.

8
9 VOIR DIRE EXAMINATION OF
10 WILLIAM RUOFF, JR.

11 BY THE COURT:

12 Q Mr. Ruoff, you would be a prospective juror No. 5,
13 in seat No. 5.

14 Mr. Ruoff, were you present when the Court
15 explained the nature of this case to the members of the
16 prospective jury panel?

17 A Yes, sir.

18 Q And did you hear the questions of the first
19 prospective juror chosen from your group?

20 A Yes, I did.

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

24 A No, they wouldn't.

7 fls.

7-1

1 Q And would it be any hardship to you to serve in
2 this case, Mr. Ruoff?

3 A Yes, sir, it would.

4 Q Tell us about it.

5 A I work for the Lockheed Aircraft Corporation, and
6 they only pay for 20 days jury service.

7 Also, I have quite an acute home situation now.
8 My parents are -- I'm taking care of them, and I have to
9 hire a practical nurse to stay with them, so it would be
10 unable for me to keep this going if I were on four or five
11 months here.

12 THE COURT: All right, gentlemen, any questions?

13 MR. KANAREK: Just a question.

14
15 VOIR DIRE EXAMINATION

16 BY MR. KANAREK:

17 Q If you were paid, though, you could keep your
18 situation with your parents going, is that correct?

19 A Well, perhaps. Only the condition of my father is
20 very serious right now. He might pass on any time.

21 MR. MANZELLA: The People would -- oh, I'm sorry.

22 Q BY MR. KANAREK: May I ask, are you asking to be
23 relieved?

24 A Yes.

25 Q Oh, you are asking to be relieved?

26 A Yes.

27 MR. KANAREK: No problem, your Honor.

28 THE COURT: The Court does excuse you. Thank you,

1 Mr. Ruoff.

2 MR. KANAREK: Thank you, sir.

3 THE CLERK: 253, courthouse.

4 Miss Hilda A. Schellenbach, S-c-h-e-l-l-e-n-b-a-c-h.

5
6 VOIR DIRE EXAMINATION OF

7 HILDA A. SCHELLENBACH

8 BY THE COURT:

9 Q Miss Schellenbach, were you present when the
10 Court --

11 A Yes, sir.

12 Q -- explained the nature of this case to the
13 prospective jurors and when the Court first conversed with the
14 first prospective juror taken from your group?

15 A Yes, sir.

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

19 A Of what?

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

23 A Yes.

24 Q In what respect would your answers vary?

25 A Uh, I know what you mean by answer, but -- you
26 question me and I'll answer you. I don't know what you mean,
27 I'm so nervous, sir.

28 Q Would it constitute any hardship for you to serve

1 on this jury?

2 A Definitely.

3 Q Would you tell us --

4 A Uh, first, and most important, would be my health.

5 Q Tell us about that.

6 A Well, as you can see, I am highly nervous. It
7 has already affected me.

8 And, secondly, I am retired and I do part time
9 work. And I would lose all the contacts with that. I have
10 to, you know, work to pay my taxes. And I would lose contact
11 for six months. I wouldn't last three days on this, I'm
12 telling you.

13 Q You are that nervous, is that right?

14 A Yes, sir.

15 Q Are you generally under a doctor's care for that?

16 A Yes, sir, for that. Yes, I am, your Honor.

17 Q You have that problem all the time?

18 A No, just -- that's why I retired, really, I mean.

19 Q You retired from what? What were you --

20 A Secretarial.

21 Q And you do what, part time work now as a secretary?

22 A Yes, yes, sir.

23 Q And you wouldn't be able to maintain that if you
24 were -- would you be able to maintain that if you were
25 chosen?

26 A Not on -- not -- not on six months, no, sir.

27 Q Five months?

28 A Five months, or whatever it is.

1 Q Would that -- would you be able to maintain that,
2 that work?

3 A No, sir. I could only work three days a week or
4 in the mornings, I mean. After that, I get tired, you know.

5 Q Well, is this nervousness such that you are
6 unable to properly concentrate, do you think?

7 A I think so. Sometimes -- I couldn't even find
8 my way up here this morning and I was late.

9 (Laughter.)

10 Q Well, that happens to many of us, I've noticed.

11 All right, the Court believes because of your
12 physical condition and your economic circumstances you should
13 be excused. The Court does find it would be a hardship to
14 you to serve and, accordingly, it does relieve you of your
15 obligation to serve.

16 JUROR NO. 5: Thank you, your Honor.

17 THE COURT: Yes, you are excused, then.

18 JUROR NO. 5: Thank you, your Honor.

19 THE COURT: Report to Room 253 at 1:30.

20 JUROR NO. 5: 1:30, Room 253. Thank you.

7a fls.

7a-1

1 THE CLERK: Charles F. Antuna, A-n-t-u-n-a.

2
3 VOIR DIRE EXAMINATION OF

4 CHARLES F. ANTUNA

5 BY THE COURT:

6 Q Mr. Antuna, were you present when the Court
7 explained the nature of this case?

8 A Yes.

9 Q When the Court spoke to that first juror chosen
10 to the box from your group?

11 A Yes.

12 Q Would your answers be any different than the
13 majority of jurors that -- strike that.

14 Would your answers be any different than the
15 answers that she gave to the questions of a general nature?

16 A No, my, uh -- the answers to the Court's
17 questions would be, I observed them, and I heard them, and
18 I adhere to the Court procedure.

19 Q And so far as the answers she gave, your answers
20 would not be any different?

21 A Well, uh --

22 Q To the general questions that I first put to her?

23 A No, absolutely not.

24 Q All right. Then, would it be any hardship to
25 you to serve as a juror in this case?

26 A No.

27 Q Neither financial, nor personal?

28 A Well, I work for the County.

7a-2

1

Q For whom do you work?

2

A The County.

3

Q What department of the County?

4

A The hospitals.

5

Q What is your job? What type of work do you do?

6

A I am a security guard.

7

Q You are security guard for the County of Los

8

Angeles?

9

A Los Angeles.

10

Q In the hospital, General Hospital area?

11

A That is correct.

12

Q How long have you been so employed?

13

A Four years.

14

Q And is there a Mrs. Antuna?

15

A No.

16

Q Are you related to or acquainted with any law

17

enforcement officers, other than security guards?

18

A No.

19

Q As a security guard, are you empowered to make

20

arrests?

21

A We assist in arrests, and that's about all.

22

Q I see. Have you testified in court previously?

23

A No.

24

Q Do you have friends or relatives at all who are

25

classified as law enforcement officers, as I have described them?

26

27

A No.

28

Q All right. Have you sat as a juror before in any

7a-3

1 criminal case?

2 A Uh, yes.

3 Q Tell us what type of case it was and what -- don't
4 tell us what the result was, but tell us whether there was a
5 verdict.

6 A Uh, there was a verdict. It was a narcotic's
7 case.

8 Q And you've only sat on one?

9 A That is correct.

10 Q Do you know any reason why you couldn't be fair
11 and impartial in this case?

12 A No.

13 Q Would your views concerning the death penalty
14 be such, Mr. Antuna, that you could not be fair and impartial
15 in determining guilt or innocence in the case?

16 A No, I don't believe in the death penalty, sir.

17 Q Well, regardless of that, would you be unable
18 to be fair and impartial in determining guilt or innocence?

19 A Oh, yes, definitely so.

20 Q In other words, knowing that you would be called
21 upon to determine life or death in the second phase, your
22 judgment would be biased in the first phase, the phase
23 involving guilt or innocence; is that what you are saying?

24 A Uh, it wouldn't be biased on guilt or innocence,
25 but the ultimate result would be where I would be biased.

26 Q Well, let me ask you the question again.

27 In the first phase of the case involving guilt or
28 innocence, would your views concerning the death penalty be

7a-4

1 such that you could not be fair and impartial?

2 A That is correct, sir. That's --

3 Q In connection with the penalty phase, now, are your
4 views such that you would be unable to ever vote for the death
5 penalty, regardless of the evidence?

6 A That is right.

7 Q In other words, you would automatically -- your
8 views are such that you would automatically refuse to impose
9 the death penalty, regardless of the evidence in the case?

10 A That is correct.

11 Q Would you ever consider the death penalty?

12 A No.

13 Q Consider imposing it in any way?

14 A No.

15 THE COURT: Either side?

16 MR. KANAREK: Yes, I have a question, if I may.

17 THE COURT: You may.

18

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7b-1

VOIR DIRE EXAMINATION

1
2 BY MR. KANAREK:

3 Q Mr. Antuna --

4 A Yes.

5 Q -- in connection with your work, you carry a gun?

6 A Uh, it is optional, sir.

7 Q But on occasion do you carry a gun?

8 A Uh, occasionally, yes.

9 Q Now, if you had to use that gun --

10 A Uh-huh.

11 Q -- you would use it in accordance with what you
12 have it for, right?

13 A That is correct, in self-defense only.

14 Q Well, let's -- you would certainly use it -- in
15 connection with your work, it would be necessary to use a gun?

16 A Yes.

17 Q And so there in a very -- in a very personal way
18 you can control perhaps whether someone lives or dies, right?

19 A That is right.

20 MR. KANAREK: I oppose the challenge, your Honor.

21 I guess -- I don't know whether the District
22 Attorney has actually made the challenge yet.

23 MR. MANZELLA: I am ready to.

24 The People respectfully challenge Mr. Antuna
25 under 1073, Subsection 2, under the Penal Code, your Honor.

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

27 THE COURT: No, you need not approach the bench.

28 BY THE COURT:

1 Q Mr. Antuna, would your reaction, if you are called
2 upon to determine whether a defendant, convicted of murder in
3 the first degree, should receive life imprisonment or death,
4 what would your reaction be in determining that issue? How
5 would you vote?

6 A Life imprisonment.

7 Q In any case?

8 A Life imprisonment.

9 Q Would you automatically refuse to impose the
10 death penalty, regardless of the evidence?

11 A That is right, yes.

12 THE COURT: All right, the Court grants the challenge.

13 Thank you, Mr. Antuna.

14 MR. KANAREK: Thank you.

15 THE COURT: You are excused, and you can report to Room
16 253 at 1:30.

17 JUROR NO. 5: Thank you.

18 THE CLERK: Miss Mary Ruth Sierra, S-i-e-r-r-a.

19
20 VOIR DIRE EXAMINATION OF

21 MARY RUTH SIERRA

22 BY THE COURT:

23 Q Miss Sierra, were you present when the Court
24 explained the nature of this case and when the Court questioned
25 the first prospective juror chosen from your group to the box?

26 A Yes.

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

1 A No.

2 Q Would it be a hardship to you to serve in this
3 case?

4 A No.

5 Q What type of work do you do?

6 A I am at home.

7 Q You are a housewife?

8 A No.

9 Q Pardon?

10 A No, I am not.

11 Q I didn't hear your answer, then.

12 A I am just at home.

13 Q And in what area do you --

14 I'm sorry, I still didn't get it.

15 A I am unemployed.

16 Q You are unemployed.

17 Well, is that a permanent status with you?

18 A At the moment, yes. So far, yes.

19 Q You won't be looking for the next four or five
20 months?

21 A No.

22 Q For employment?

23 A No, sir.

24 Q And you won't be concerned about that and ask
25 about five months from now or four months from now or in the
26 middle of this trial to be excused?

27 A No.

28 Q All right. What type of work do you do when you

1 are employed?

2 A Well, I am at home.

3 Q You are at home?

4 A I am just home.

5 Q I thought that's what you said.

6 You are living in what area?

7 A El Sereno.

8 Q El Sereno.

9 Are you related to or a friend of any law
10 enforcement officer?

11 A No, sir.

12 Q Have you ever served as a juror before on a
13 criminal case?

14 A Yes, in Municipal Court.

15 Q How long ago?

16 A It is about -- a year ago in April.

17 Q Did you serve on criminal cases, you say?

18 A Yes.

19 Q And would you set aside what you may have learned
20 in those cases and decide this case only on its evidence and
21 the law as I shall state it to you?

22 A Yes.

8 fls.

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8-1

1 Q Do you know of any reason why you couldn't be
2 fair and impartial in this case?

3 A No.

4 Q Would your views concerning the death penalty be
5 such that you could not be fair and impartial in determining
6 the question of guilt or innocence?

7 A Will you repeat the question?

8 Q In the first phase of the case, --

9 A Um-hmm.

10 Q -- could you be fair and impartial?

11 A Yes.

12 Q In the second phase of the case, if there is one,
13 a penalty phase, would your views concerning the death penalty
14 be such that you would automatically refuse to impose it,
15 regardless of the evidence?

16 A No.

17 Q Would you automatically vote for the death penalty,
18 upon a conviction of murder of the first degree, regardless
19 of the evidence?

20 A (No response.)

21 Q Without looking at the evidence?

22 A No, I would have to look at the evidence.

23 THE COURT: All right. Concerning publicity, we'll
24 talk to you about that at 1:45. At 1:45, would you be back
25 in the seat where you are?

26 The others of you -- is Department 107 still
27 all right?

28 THE BAILIFF: Yes, sir.

8-2

1 THE COURT: The others of you may report at that time
2 to Department 107, and the Court will be convened at that
3 time -- or, we will be in recess until that time.

4 Don't converse amongst yourselves nor with
5 anyone else on any subject connected with this matter.
6 Don't form or express any opinion on the matter until it is
7 finally submitted to you, should you be chosen as jurors.

8 All right. We are in recess, now.

9 (Whereupon, at 12:03 o'clock p.m., an adjournment
10 was taken until 1:45 o'clock p.m. of the same day,
11 Friday, July 23, 1971.)
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LOS ANGELES, CALIFORNIA, FRIDAY, JULY 23, 1971

2:10 P.M.

THE COURT: All right, the record will show Miss Sierra to be in seat No. 5 of the jury box.

Mr. Kanarek to be present, and Mr. Manson to be present.

DEFENDANT MANSON: Good morning. Good afternoon.

VOIR DIRE EXAMINATION (Continued)
OF MARY RUTH SIERRA

BY THE COURT:

Q Where were we, Mrs. Sierra?

Had I asked you about the death penalty yet, Miss Sierra?

A Yes, uh-huh.

Q I wanted to ask you about publicity in connection with this case.

Had you previously heard the name Charles Manson before you came to this courtroom?

A Yes.

Q In what connection had you heard that name?

A In the newspapers.

Q In the newspapers?

A Uh-huh.

Q Concerning this trial?

A No, not this --

Q Another trial, the Tate-La Bianca trial?

1 A Yeah, uh-huh.

2 Q That's the case where Mr. Manson was accused of
3 what, as far as you know?

4 A Of -- uh -- well, he was accused of murder.

5 Q And do you know what the result of that case was?
6 Do you know whether he was found guilty or not guilty?

7 A Yes, he was found guilty.

8 Q And do you know whether the jury brought back a
9 decision in the penalty phase of the case?

10 A Yes, they did.

11 Q What was that verdict?

12 A Death.

13 Q All right. Was there a conviction of more than
14 one murder?

15 A Yes.

16 Q And do you know the name Susan Atkins?

17 A Yes.

18 Q Do you know who she is?

19 A Well, yes.

20 Q Tell me about that. What do you know about her?

21 A Well, I just know that she's one of Mr. Manson's
22 followers, friends.

23 Q I see. Do you know the name Manson Family?

24 A Yes, I've heard of that.

25 Q What do you mean by Manson Family?

26 A Well, he's --

27 Q What do you think that means?

28 A His friends.

1 Q Followers?

2 A Followers, uh-huh.

3 Q All right. Do you know the name Bobby Beausoleil?

4 A I've heard the name.

5 Q What does that mean to you, that name? Do you

6 know any --

7 A I think he was accused --

8 Q Accused of what?

9 A Of the murder of -- I don't know. I think one --

10 a musician or something like that.

11 Q Of Gary Hinman?

12 A I think so.

13 Q Had you heard the name Gary Hinman before you came

14 into this courtroom, then?

15 A In that respect.

16 Q In that respect, concerning Bobby Beausoleil?

17 A Uh-huh.

18 Q Had you read anything concerning Bobby Beausoleil's

19 case, that you can remember?

20 A At the beginning, I think.

21 Q Do you know whether Mr. Beausoleil was convicted?

22 A I know he was in jail.

23 Q You don't know whether he was convicted or not?

24 A No, I don't remember.

25

26

27

28

10 fls.

10-1

- 1 Q All right. And do you know the name Shorty Shea?
- 2 A I heard the name.
- 3 Q In what connection have you heard that name, before
- 4 I read it to you from the indictment --
- 5 A Yeah.
- 6 Q -- as being one of the alleged victims in this
- 7 case?
- 8 A Well, he was -- I think it had to do with --
- 9 I can't remember. I have got them mixed up, with Susan Atkins,
- 10 or --
- 11 Q Yes.
- 12 A I can't remember.
- 13 Q But that's your best remembrance; is that right?
- 14 A Yeah, uh-huh.
- 15 Q Now, if I were to tell you that you were to set
- 16 aside anything that you might have heard about this case, about
- 17 any of the charges in this case, or set aside -- and set aside
- 18 anything that you may have heard, seen or read concerning the
- 19 Tate-La Bianca case that we've referred to, or Mr. Manson, or
- 20 anything that you might remember, that you now can't recall, --
- 21 A Yes.
- 22 Q -- that you might remember during the course of
- 23 this trial, do you think that you could set that aside, discard
- 24 it in your memory, from your memory, temporarily, for the
- 25 purpose of deciding any issue that you might be called upon to
- 26 decide in this case?
- 27 A Yes.
- 28 Q Could you make a decision independently of any such

10-2

1 matters that you may have heard, seen or read about? And base
2 your decision solely on the evidence in the case?

3 A Oh, yes.

4 Q Would you allow -- if I were to so instruct you,
5 in other words, that you were to disregard such matters, would
6 you allow any such matters to enter into any decision that you
7 might be called upon to make as to any issue in this case?

8 A Will you please repeat that?

9 Q Would you allow any such matters to enter into your
10 mind, in making any such decision -- any decision in this
11 case?

12 A (No response.)

13 Q Do you follow me?

14 A No, I can't.

15 Q Of course, if you were to consider anything that
16 you had heard in the news, or heard over the news, --

17 A Oh, yes.

18 Q -- or over the radio or anything that you had read
19 in the newspapers or seen on television, if you were to
20 consider such matters concerning that Tate-La Bianca case,
21 it would be very unfair to Mr. Manson, wouldn't it?

22 A Oh, sure. Yes.

23 Q And it would be unfair of you to consider any other
24 matter of a derogatory nature to him, in the course of this
25 case, that you had heard, seen or read, outside of this
26 courtroom; --

27 A Yes.

28 Q -- is that right?

1 A Yes, right.

2 Q Well, what I am asking you is whether or not you
3 have the ability to put aside such matters --

4 A Oh, yes.

5 Q -- for the purpose of making a decision independently
6 of them?

7 A Yes, uh-huh.

8 Q Can you do that?

9 A Yes, sure.

10 Q And will you do that?

11 A Yes, I will.

12 Q And will you be fair and impartial in this case?

13 A I will.

14 THE COURT: You may examine, Mr. Kanarek.

15

16 VOIR DIRE EXAMINATION

17 BY MR. KANAREK:

18 Q Mrs. Sierra, am I pronouncing your name right?

19 A Sierra.

20 Q Sierra.

21 THE COURT: I believe it's Miss, is it not?

22 JUROR NO. 5: Miss.

23 Q BY MR. KANAREK: Miss. Now, that's a social
24 mistake. I said "Mrs."

25 A That's all right.

26 Q Now, you are not going to use any such thing as
27 that to decide this case, are you?

28 A No, of course not.

1 Q Well, sometimes we hear some of these things on
2 TV and radio, how lawsuits are won or lost because of such
3 trivial things.

4 But that certainly wouldn't take part in this case;
5 right?

6 A No, not at all.

7 Q Now, may I ask you, did you at any time in the
8 publicity concerning the other case, did you hear anything about
9 any racial overtones? Or read anything about --

10 A Yes, I did.

11 Q Would you tell us what you read or heard?

12 A Well, the -- that Mr. Manson was -- that the Negro
13 people were going to follow him, something like that. I don't
14 know.

15 And he would take over.

16 Q Pardon?

17 A And he would take over then. He would be the
18 leader.

19 Q Now, is your state of mind such that, if it comes
20 out in the evidence here that matters concerning race are
21 placed before you, and then must be discussed by you, with other
22 people in the jury room, is there any reason that you couldn't
23 take that kind of evidence and discuss it, and do with it what
24 you think you should, in the light of the Court's instructions?

25 A Would you please repeat that?

11 fls.

11-1

1 Q Well, there may be in evidence before you matters
2 that pertain to race, that is racial -- uh, testimony.

3 A Yes.

4 Q That will include racial overtones or maybe even
5 bad words that involve racial matters.

6 Is your state of mind such that you could take
7 that evidence and discuss it with people in the jury room,
8 in accordance with the Court's instructions, whatever they
9 may be, and decide this case independent of any kind of
10 emotional feeling that you may have as a result of this
11 type of evidence?

12 A Oh, yes.

13 Q Now, would you tell me from the publicity how do
14 you think Sharon Tate passed away?

15 A She was stabbed.

16 Q And is the name Abigail Folger familiar to you?

17 A Yes.

18 Q What happened to her?

19 A I think she was stabbed. That's all I can remember.

20 Q Is the name Gary Hinman familiar to you? Did you
21 hear it before you came into this courtroom?

22 A Yes, uh-huh.

23 Q In what sense did you hear it?

24 A That he was killed.

25 Q Did you hear that in connection with the Tate-
26 La Bianca case?

27 A Yes, I think so. Must be.

28 Q What did you hear, Miss Sierra?

11-2

1 A Oh, it is very -- I can't remember. I just
2 remember the name, you know.

3 Q You realize --

4 A It was --

5 Q Yes?

6 A -- that he was killed, you know.

7 Q And from the evidence and from what you heard,
8 did you receive an impression as to how, first -- or as to
9 who was responsible for his being killed, from the publicity?

10 A No. No, I can't remember.

11 Q You understand that in this case that is one of
12 the matters that we decide in this case, as to who, if
13 anyone, is responsible for Mr. Hinman passing away?

14 A Yes, uh-huh.

15 Q And the same thing with Mr. Shea?

16 A Yes, uh-huh.

17 Q Now, you certainly would intend to follow the
18 Court's order and not consider anything in connection with
19 these matters of publicity that you heard?

20 A That's right.

21 Q Now, like you might intend -- you might intend
22 this weekend, let's say, to go to Palm Springs. You might
23 make plans, but you might not get there, right?

24 A Right.

25 Q So, having that kind of thing in mind, do you
26 think, not having experienced it, that you could, in fact,
27 put aside these matters in deciding this case -- and "these
28 matters" -- I'm referring to matters of publicity that you

1 may have heard that supposedly related to Mr. Manson?

2 A Yes, I can.

3 Q There's no question in your mind about that?

4 A No question.

5 Q Now, as far as Mr. Shea is concerned, have you
6 read in the last week or ten days or so anything concerning
7 Mr. Shea, other than in this courtroom?

8 A No, not that, recently.

9 Q In other words, the only thing you heard is what
10 Judge Choate and maybe the lawyers have mentioned?

11 A Yes, uh-huh.

12 MR. KANAREK: Thank you very much.

13 Pass -- well, not at this time, your Honor.
14 Just pass it and turn it over to Mr. Manzella.

15 MR. MANZELLA: Thank you. I have no further questions
16 -- I mean, I have no questions on publicity, your Honor.

17 THE COURT: All right, bring the balance of the panel
18 in.

19 MR. KANAREK: Your Honor, may we approach the bench
20 while the jurors are coming in?

21 THE COURT: Yes.

22 (Whereupon, the following proceedings were had
23 at the bench among Court and counsel, outside the
24 hearing of the prospective juror:)

25 MR. KANAREK: Yes, your Honor, I would like to challenge
26 this lady under 1073, Subsection 2. She knows the fact that
27 Mr. Manson has received the death penalty, for instance.
28 I mean -- I think the --

1 THE COURT: The Court --

2 MR. KANAREK: I think we're becoming callused. Matters
3 which in other trials would just be an automatic mistrial, in
4 this case, for some reason or other, we're just trying to
5 tolerate them, just on the basis we -- for some unknown --
6 when I say "unknown," -- well, I'll withdraw that. It is not
7 unknown. I think the Court has a misplaced intent of going
8 ahead no matter what, no matter how horrendous the error is,
9 and I think -- I'm not impugning the Court.

10 THE COURT: This would not be the first case where
11 jurors knew of a crime having been committed by a defendant.
12 Nearly everyone saw the Sirhan shooting on television. There
13 was no conviction, of course, but nearly everyone of those
14 jurors had seen it or seen some reference to it.

15 Again, it is simply a question of trying to
16 find jurors who can be objective enough to disregard what
17 they have heard and seen or read, and disregard any opinions
18 they might have formed. And I believe that this lady can
19 do so, and that she will, and that she can be fair and
20 impartial. The challenge is denied.

21 MR. KANAREK: My point is, I'm not doubting the integrity
22 of the Court. What I am -- what I do doubt is the Court's
23 intent of going forward despite the horrendous -- uh, the
24 horrendous publicity. This is an a fortiori situation.

25 THE COURT: I think you have made yourself clear.

26 MR. KANAREK: The purpose is to try to convince the
27 Court, not just make the record.

28 THE COURT: The ruling is this challenge is denied.

12-1

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

4 THE COURT: All the prospective jurors are present in
5 the box and beyond the rail.

6 The defendant is present with his counsel,
7 Mr. Kanarek.

8 You may examine generally, if you wish.

9 MR. KANAREK: Yes, thank you, your Honor.

10 BY MR. KANAREK:

11 Q Miss Sierra, you have been able to hear everything
12 that's happened in the courtroom since you have been here?

13 A Yes, uh-huh.

14 Q And we -- you probably have heard the prosecutor
15 speak about circumstantial evidence?

16 A Yes.

17 Q Now, if, from the evidence that comes to you, that
18 the Court allows us to consider in this case, if there is
19 circumstantial evidence to indicate that Mr. Manson is being
20 harassed, that Mr. Manson is being oppressed because of his
21 life style, because of motivations of people in law
22 enforcement -- whatever they may be -- and the Court allows
23 you to consider that evidence, is there any reason that you
24 couldn't use that circumstantial evidence to acquit Mr. Manson?

25 MR. MANZELLA: Your Honor, the way the question is
26 phrased, the People would object on the grounds it's asking
27 the juror to prejudge the evidence.

28 THE COURT: Sustained. The objection is sustained.

12-2

1 BY MR. KANAREK:

2 Q Well, Miss Sierra, are we in agreement that
3 there is no monopoly on integrity, on credibility, just because
4 of someone's station in life?

5 A That's right.

6 Q And if the Court instructs us that the motive or
7 the purpose may be considered in connection with testimony,
8 is there any reason that you couldn't use that principal of law
9 in evaluating police officers' testimony, if you believe that
10 a police officer is testifying in a certain way, in order to
11 get -- in this case -- Mr. Manson? And I use the word quote
12 get and quote; you know what I mean?

13 A Will you repeat the question?

14 Q Yes. The Court will instruct us, I believe, that
15 the motive and purpose of a witness in testifying may be
16 considered by us in evaluating the testimony of that witness.

17 If you believe that a police officer is less than
18 neutral in connection with his testimony, that his -- the
19 purpose of his testimony is for one reason or another to get
20 Mr. Manson, irrespective of the evidence that is here -- that
21 there is just some kind of bad feeling -- would you use this
22 principal of law that allows you to -- to consider motive of
23 a witness in testifying, in deciding this case?

24 A No.

25 Q Is -- maybe my question is unclear, Is it
26 unclear?

27 A It is a little bit.

28 Q Well, what I am trying to -- maybe I'll
capsulize it. And if any question is unclear, please let me

1 know.

2 Will you evaluate the motive of police officer
3 testimony, if the Court tells you that you may do that, in
4 deciding whether a police officer is telling the truth?

5 A Yes, I would.

6 Q And are we in agreement that there is no monopoly
7 on integrity, just because of someone's station in life?
8 People that are way up in the world can tell untruths, just like
9 maybe some of us who are not way up in the world?

10 A Oh, yes.

11 MR. KANAREK: Thank you very much.

12 THE COURT: Mr. Manzella --

13 Do you pass for cause, Mr. Kanarek?

14 MR. KANAREK: With the -- yes, your Honor.

15
16 VOIR DIRE EXAMINATION OF

17 MARY RUTH SIERRA

18 BY MR. MANZELLA:

19 Q Miss Sierra, do you know anyone who's involved in
20 the defense of criminal cases?

21 A No, I don't.

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

24 A No, I don't.

25 Q You heard the Court's instructions with regard
26 to the burden of proof on the People in this case. Would you
27 hold the People to a higher standard of proof, or a greater
28 burden of proof, because this is a murder case?

1 A No.

2 Q You heard the Court's instructions with regard to
3 circumstantial evidence?

4 A Yes.

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12a fls.

12a-1

1 Q Do you have any bias or quarrel with circum-
2 stantial evidence, such that you could not be fair and
3 impartial to the People in this case?

4 A No.

5 Q Are you of such a -- you know, frame of mind,
6 such an opinion, that you would refuse, automatically refuse
7 to vote for a conviction, regardless of the evidence, in a
8 case where the People are unable to produce the body of the
9 deceased?

10 MR. KANAREK: Well, your Honor, that's an attempt to
11 pre-instruct. Improper voir dire.

12 THE COURT: Sustained.

13 You may rephrase it.

14 MR. MANZELLA: Thank you, your Honor.

15 Q Would you be able to apply the Court's instruc-
16 tions with regard to circumstantial evidence, to that
17 element of murder which -- which is the death of a human
18 being -- be able to apply the Court's instructions with
19 regard to circumstantial evidence, with that element of
20 murder?

21 A Yes.

22 Q Now, if Mr. Manson was convicted of first degree
23 murder, and after hearing all of the facts in the case you
24 decided that the death penalty was justified, would you be
25 able to vote for the death penalty?

26 A Yes.

27 MR. MANZELLA: All right. Thank you. The People pass
28 for cause, your Honor.

12a-2

1 THE COURT: The People's peremptory.

2 MR. MANZELLA: Yes, your Honor. The People accept the
3 jury as presently constituted.

4 THE COURT: All right. Ladies and gentlemen, would you
5 please rise and raise your right hands?

6 THE CLERK: You and each of you do solemnly swear that
7 you will well and truly try the cause now pending before this
8 court, and a true verdict render therein, according to the
9 evidence and the instructions of the Court, so help you God?

10 THE JURORS: I do.

11 THE COURT: You may be seated.

12 DEFENDANT MANSON: So help you who?

13 THE COURT: Would you be quiet, please?

14 DEFENDANT MANSON: Where is he at?

15 THE COURT: Quiet, Mr. Manson.

16 Would you gentlemen please approach the bench?

17 DEFENDANT MANSON: He better be in this courtroom. He's
18 the only one who can hold me.

19 (Whereupon, the following proceedings were had
20 at the bench, not within the hearing of the jurors
21 and the remainder of the prospective jury panel:)

22 THE COURT: I am of the opinion, as I think both of
23 you are, that we need six alternates.

24 Are you both of that opinion, or can we get by
25 with four?

26 MR. MANZELLA: How many alternates did you pick in the
27 Tate-La Blanca?
28

1 MR. KANAREK: In Tate-La Bianca, there were six.

2 MR. MANZELLA: How many did you use before the case was
3 over?

4 MR. KANAREK: Uh --

5 MR. MANZELLA: Two?

6 MR. KANAREK: No, I think -- I think --

7 THE COURT: One or two?

8 MR. KANAREK: No. I think three.

9 THE COURT: Was it that many?

10 MR. KANAREK: I think. But I'm not -- I wouldn't want
11 to make a representation to the Court.

12 THE COURT: Yeah.

13 MR. KANAREK: But I am -- let's see. One, two --

14 THE COURT: What do you think, gentlemen? Do you think
15 four would be enough?

16 MR. KANAREK: Well, I think we have -- there's a problem
17 here. We have a mechanical problem. I think any more than
18 four would create -- because of the physical setup in the
19 court --

20 THE COURT: Would crowd the box, you mean?

21 MR. KANAREK: Yes, your Honor. Without looking over
22 there, I think your Honor will agree with me that --

23 THE COURT: Well, we checked through, and we can get --
24 the bailiff, the other day, put 16 seats in that box.

25 MR. KANAREK: Yes. 16, that would be four.

26 THE COURT: Excuse me. He put 18. He put 18.

27 MR. KANAREK: But I would assume it was rather crowded.

28 THE COURT: It was crowded, yes.

1 MR. KANAREK: And the people -- the people have --

2 THE COURT: Let's take six, and we'll see how it works.

3 I don't think it's going to be too bad.

4 MR. MANZELLA: Your Honor, I would suggest four alternates.

5 If it's -- based upon the experience of Tate-La Bianca and my

6 experience in other cases, I think four would be enough.

12b fls.

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1 THE COURT: How about you?

2 MR. KANAREK: Well, I -- I concur.

3 THE COURT: All right.

4 MR. KANAREK: I think there is an aspect of physical
5 setup there that --

6 THE COURT: All right. I'll bend to your wishes, your
7 joint wishes, and we'll take four.

8 MR. KANAREK: Shall we just excuse these people to
9 Department 107, while --

10 THE COURT: Oh, I see. You mean --

11 MR. KANAREK: Yes. Well --

12 THE COURT: Who are in the box?

13 MR. KANAREK: Yes. What we can do, then, is do that,
14 and then your Honor could begin with the -- and save time, as
15 far as the publicity aspect goes.

16 Now, I -- I think that would be fruitful.

17 THE COURT: Okay?

18 MR. KANAREK: However, may the record reflect, we are
19 still asking for our peremptories?

20 THE COURT: I understand, that you are asking for
21 additional peremptories --

22 MR. KANAREK: And we are -- I mean, I am incorporating
23 by reference my previous requests of the Court.

24 THE COURT: Yes, your requests for other peremptories
25 is denied.

26 MR. KANAREK: Yes. Now --

27 THE COURT: All right. Let's proceed, then. I'll
28 excuse these people, and we'll select four from the group

12c-2

1 that's beyond the rail.

2 MR. MANZELLA: Do these twelve have to stay in 107?

3 THE COURT: No, we can excuse them for the day, if you
4 wish.

5 MR. MANZELLA: Because they're not going to be called
6 back or anything.

7 THE COURT: Yes, let's do that. Let's just excuse them.

8 MR. MANZELLA: Do you have any objection to that? Or
9 do you want them to hear your voir dire of the alternates?
10 These 12?

11 MR. KANAREK: I think I would -- I would hesitate to
12 depart from -- I don't think my personal preference is what
13 is important. I think what the law is is more important; and
14 classically, historically, people have always been present
15 during the picking of alternates.

16 I think it's -- I think it would be -- I wouldn't
17 want to stipulate to anything different than that, your Honor.

18 THE COURT: I don't see any point in having them here,
19 do you?

20 MR. KANAREK: No -- well, except that -- your Honor,
21 speaking -- there may never be any such point. But it has
22 been my experience, and I'm sure your Honor's experience
23 and Mr. Manzella's experience, that alternates are chosen in
24 the presence of all other jurors. And I would hate to --

25 THE COURT: I would say that that is true. But I don't
26 see any reason why we couldn't, by stipulation, excuse these
27 jurors.

28 MR. KANAREK: Well --

1 THE COURT: But generally, the selection of alternates
2 just takes a few minutes after the first 12 are picked.

3 But judging by our experience, it's going to take
4 us several days now to get these four.

13 fls.

13-1

1 MR. KANAREK: I understand, your Honor, but the point is
2 in this case one of my most fundamental points is procedure.
3 We don't believe Mr. Manson can get a fair trial because of
4 procedure.

5 THE COURT: I think --

6 MR. KANAREK: If your Honor wants to make an order, of
7 course, but -- I don't feel that in good conscience I can
8 stipulate to such a departure from our normal procedures in
9 our community. And so I will -- of course, your Honor is the
10 one to make an order, whatever order your Honor wishes to make.
11 I cannot stipulate to it. And I think I must oppose it, my
12 obligation. Because it is so fundamental, as far as the
13 procedure goes. It is always done that way and I don't
14 wish to.

15 THE COURT: All right, at this moment, then, I will
16 excuse them.

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

20 THE COURT: All right, those of you who are beyond the--
21 who are in the box, rather, would you simply take seats out
22 in the jury room -- I mean, out in the courtroom beyond the
23 rail and see if we can clear 12 seats, 12 more seats there,
24 or if you can find 12 seats and we'll take four names.

25 Mr. Clerk, would you call four names, would you?
26 We're going to have four alternate jurors.

27 THE CLERK: Thomas De. DeGraw, D-e-G-r-a-w;

28 Carlos L. Bell, B-a-l-l, first name spelled

1 C-a-r-l-o-s;

2 Mrs. Enes S. Wells, W-e-l-l-s, first name spelled
3 E-n-e-s; --

4 (Whereupon, the Court conferred with the bailiff
5 up at the bench.)

6 THE CLERK: Alice M. Gillard, G-i-l-l-a-r-d.

7 Is it Miss or Mrs. Gillard?

13a fls. 8

MRS. GILLARD: Mrs. Gillard, thank you.

1 THE COURT: Was there any one of you who was not
2 present during the course of the Court's explanation of the
3 nature of this case? If so, raise your hand. If you wish to
4 answer affirmative to any of these questions, raise your hand.

5 Is there anyone who did not hear the Court's
6 questions put to the prospective juror first chosen from your
7 group?

8 (No response.)

9 Is there anyone of you whose answers would be
10 different than the answers that were given by that first
11 prospective juror to the questions of a general nature put to
12 her?

13 (No response.)

14 Q Is there anyone of you four ladies and gentlemen
15 who believe that it would be a hardship to him or her to serve
16 in this case?

17 (Whereupon, prospective alternate juror No. 1 and
18 4 raised their hands.)

19 BY THE COURT:

20 Q Mr. DeGraw.

21 A Yes, sir.

22 The Company I work for fails to pay after 30 days.
23 They cease all payment.

24 Q Which company is that?

25 A Western Electric.

26 Q And have you, since I've asked you to, have you
27 inquired about whether or not you will be paid?

28 A Yes, I did.

1 Q And the reply was that you would not be paid after
2 30 days?

3 A That is right.

4 Q Would you retain your position after four or five
5 months' service?

6 A I would retain my position with the company, but I
7 would be broke.

8 (Laughter.)

9 THE COURT: All right.

10 MR. MANZELLA: People stipulate that it constitutes a
11 hardship, your Honor.

12 MR. KANAREK: We have our motion that the County pay the
13 gentleman,

14 THE COURT: The motion that the County pay Mr. DeGraw's
15 wages during the time he's on jury duty is denied.

16 The Court believes that it would be a hardship to
17 you, Mr. DeGraw and, therefore, would excuse you.

18 PROSPECTIVE ALTERNATE JUROR NO. 1: Thank you.

19 THE COURT: You are to report -- thank you, Mr. Dooley --
20 to Room 253 of the County courthouse on the 27th, Tuesday, at
21 9:00 o'clock.

22 PROSPECTIVE ALTERNATE JUROR NO. 1: Thank you.

23 BY THE COURT:

24 Q Mrs. Gillard, you raised your hand.

25 A Yes, I am expecting a baby.

26 Q Pass that microphone down to her.

27 A I am expecting a baby in December, and I feel it
28 will be a hardship.

1 Q Let's see, July, August, September --

2 (Laughter.)

3 THE COURT: Gentlemen?

4 MR. MANZELLA: People stipulate she may be excused, your
5 Honor.

6 MR. KANAREK: So stipulate, your Honor.

7 THE COURT: All right, Mrs. Gillard, we wish you much
8 luck and do excuse you. July 27th, Tuesday, at 9:00 o'clock,
9 Room 253.

10 PROSPECTIVE ALTERNATE JUROR NO. 4: Okay.

11 THE CLERK: Burlyce Logan, L-o-g-a-n, first name is
12 spelled B-u-r-l-y-c-e.

13 Is it Miss or Mrs.?

14 PROSPECTIVE JUROR NO. 4: Mrs.

15 THE COURT: I'm sorry, the last name?

16 THE CLERK: She should be down here.

17 THE COURT: Well, it doesn't matter.

18 THE CLERK: Burlyce Logan.

19 And another?

20 THE COURT: Another.

21 THE CLERK: Rogers Smith, S-m-i-t-h, Rogers, R-o-g-e-r-s.

22 BY THE COURT:

23 Q Mr. Smith, Miss Logan, except for the answers
24 concerning hardship, would your answers be the same as the
25 prospective alternate jurors have answered me thus far?

26 A (Prospective Alternate Juror No. 1) Yes.

27 A (Prospective Alternate Juror No. 4) Yes.

28

13 b fls.

13b

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

3 A No.

4 Q Neither financial nor personal?

5 A No.

6 Q Mrs. Logan, would it be any hardship to you?

7 A Yes, it would.

8 Q All right. Would you raise that microphone to your
9 lips and tell us.

10 A I have three children, and on my job they won't
11 pay after 20 days, either.

12 Q They won't pay after 20 days, is that it?

13 A Right.

14 Q And you work for whom?

15 A The Bank of America.

16 Q How long have you worked for the bank?

17 A Four years.

18 Q What do you do for them?

19 A I work in the vault.

20 Q Have you -- of whom had you inquired? To whom
21 have you talked concerning this?

22 A The immediate supervisor.

23 Q The regional supervisor?

24 A Immediate supervisor.

25 Q Your immediate supervisor?

26 A Right. And I have just obtained a promotion.
27 And I should be getting a raise in September for it, and if
28 I am not there to prove that I could do the job, I won't obtain

1 that.

2 Q I see. The promotion won't stick?

3 A No. And then, I won't have no one to take care of
4 my kids.

5 Q You'd be back in your old position, then, with the
6 same salary?

7 A Right.

8 THE COURT: All right, the Court finds that that is a
9 hardship, and that you should not have to suffer and, therefore,
10 the Court excuses you.

11 Same motion?

12 MR. KANAREK: Yes, your Honor.

13 THE COURT: Same ruling.

14 MR. KANAREK: Very well.

15 THE COURT: Mrs. Logan, you are excused, Room 253,
16 on Tuesday, July 27, at 9:00 o'clock.

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

18 THE COURT: Pick another name.

19 THE CLERK: Mrs. Phyllis H. Smith, S-m-i-t-h, Phyllis,
20 P-h-y-l-l-i-s.

21 BY THE COURT:

22 Q Mrs. Smith, would your answers be any different
23 than the answers of these prospective alternate jurors have
24 been, except for the question of hardship?

25 A No, sir -- I mean, uh --

26 Q And would it be any hardship to you to serve?

27 A No.

28 Q Neither personal or financial?

1 A No.

2 Q Use the microphone.

3 A No, there would be no hardship.

4 Q All right. Do you -- what type of work do you do,
5 Mrs. Smith?

6 A I am retired.

7 Q From what type of --

8 A Well, I would have been a saleswoman. And my
9 husband recently is deceased. I am a retired widow.

10 Q I see. And you worked in what type of sales?

11 A Oh, I worked with W & J Sloane Furniture and
12 Drapery.

13 Q And when did you retire?

14 A Six years ago.

15 Q And did you say there was a Mr. Smith?

16 A Yes.

17 Q And he is now deceased?

18 A Yes.

19 Q What type of work did he do?

20 A He had retired for 20 years.

21 Q In what?

22 A Well, he was connected with -- he was really
23 connected with the -- oh, he worked in Chicago and moved out
24 here when he retired, and he was with the Dodge Motor Company
25 when they first organized.

26 Q Do you have any friends or relatives who are law
27 enforcement officers?

28 A No, I do not.

1 Q Have you served as a juror in a criminal case
2 before?

3 A No.

4 Q In what area do you reside?

5 A In Park LaBrea, Los Angeles.

6 Q Do you have views concerning the death penalty,
7 such that you could not be fair and impartial in determining
8 the question of guilt or innocence?

9 A Uh, would you repeat that, please?

10 Q In -- are you of such a mind that you could not
11 be fair and impartial in determining the guilt or innocence
12 in the first phase of the case because of some feeling that
13 you may have about the death penalty?

14 A I think I could be impartial.
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13 c fls.

13c-1

1 Q Would you, because of your feelings that you have
2 about the death penalty, automatically refuse to impose it
3 regardless of the evidence?

4 A No.

5 Q Or regardless of the evidence, would you vote for
6 the death penalty upon a conviction of murder of the first
7 degree?

8 A I could.

9 Q Well, the question is whether or not you would
10 be automatic and would vote for the death penalty upon a
11 conviction of murder of the first degree, regardless of the
12 evidence?

13 A No, I couldn't.

14 Q Would you view the evidence to determine whether,
15 in your sole discretion, you would vote for life imprisonment
16 or death?

17 A I certainly would review the evidence.

18 THE COURT: Pass the microphone, then, to Mrs. Wells,
19 if you would, please, Mr. Smith.

20 BY THE COURT:

21 Q Mr. Smith, before we leave you, do you have any
22 reason whatever that you can think of as to why you couldn't
23 be fair and impartial in this case?

24 A No.

25 Q Mrs. Wells, what type of work do you do?

26 A Uh, I work at the Pierce Community College.

27 Q I didn't hear that last...

28 A Pierce Community College. I work in the

13c-2

1 cafeteria at the Pierce Community College.

2 Q Pierce Community College. Where is that?

3 A Woodland Hills.

4 Q How long have you been so employed?

5 A Six years.

6 Q Is there a Mr. Wells?

7 A Yes.

8 Q Get that microphone just a little closer.

9 Are you related to or a friend of any law
10 enforcement officer?

11 A No.

12 Q What type of work does Mr. Wells do?

13 A He is a manufacturing engineer.

14 Q Have you been a juror before in a criminal case?

15 A No.

16 Q In what area do you reside?

17 A Van Nuys area.

18 Q All right.

19 Can you think of any reason why you couldn't be
20 fair and impartial in this case?

21 A No.

22 Q All right, pass the microphone on to Mr. Bell.

23 Mr. Bell?

24 A Yes.

25 Q What type of work do you do?

26 A I am a senior gardener for the City of Los
27 Angeles.

28 Q And is there a Mrs. Bell?

13c-3

1 A No.

2 Q How long have you been in that job as senior
3 gardener?

4 A Uh, four years.

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

7 A Well, I have some friends.

8 Q With what agency?

9 A Uh, Los Angeles.

10 Q Los Angeles Police Department?

11 A Yes.

12 Q Would that affect your judgment, do you think,
13 Mr. Bell?

14 A No.

15 Q You believe you could still be fair and impartial
16 in deciding any issue you might be called upon to decide in
17 this case?

18 A Yes.

19 Q Have you sat as a juror on a criminal case before?

20 A No.

21 Q Have you -- in what area do you reside?

22 A Southwest Los Angeles.

23 Q Did you say there was not a Mrs. Bell?

24 A No.

25 Q All right. Would you pass -- strike that.

26 Concerning the death penalty, do you have such
27 views concerning it that you would automatically refuse to
28 impose it, regardless of the evidence?

13c-4

1 A No.

2 Q And would you automatically impose it, regardless
3 of the evidence, upon a conviction of murder of the first
4 degree?

5 A No.

6 Q Or do you have such views concerning it that you
7 could not be impartial in determining the issue of guilt or
8 innocence?

9 A No.

10 Q I don't believe I asked you, Mrs. Wells, did I,
11 about the death penalty?

12 A No.

13 Q Mrs. Wells, do you have such views concerning
14 the death penalty that you could not be fair and impartial
15 in determining guilt or innocence?

16 A No.

17 Q Or do you have such views that you would be --
18 that you would automatically refuse to impose the death
19 penalty?

20 A No.

21 Q Or are your views such that you would automatically
22 impose the death penalty, vote for it, upon a conviction of
23 murder of the first degree?

24 A Automatically, you say?

25 Q Yes, would you automatically, without regard to
26 the evidence, impose the -- impose the death penalty,
27 regardless of the evidence?

28 A It would have to be with the evidence.

1 Q You'd have to review the evidence?

2 A Yes.

3 Q Upon a conviction of murder of the first degree,
4 to determine whether or not the penalty should be imposed,
5 is that correct?

6 A Yes.

13d fls.

13d-1

1 Q Mr. Smith, then.
2 Mr. Smith, what type of work do you do?
3 A Department of Water and Power.
4 Q What do you do for them?
5 A Construction equipment serviceman..
6 Q Hold that a little closer.
7 A Construction equipment serviceman.
8 Q Well, in what area do you reside?
9 A South Los Angeles.
10 Q Is there a Mrs. Smith?
11 A Yes.
12 Q And what does she do?
13 A She is a pastry cook for the Board of Education.
14 Q I'm sorry, I didn't hear that first --
15 A She is a pastry cook.
16 Q How long has she been employed?
17 A About seven years.
18 Q Are you a friend or relative of any law
19 enforcement officer?
20 A No.
21 Q Have you served on any criminal jury?
22 A No.
23 Q Do you know of any reason why you could not be
24 fair and impartial in the case?
25 A No.
26 Q Concerning the death penalty, do you have such
27 views about it that you could not be impartial in determining
28 the question of guilt or innocence?

1 A No.

2 Q Or would you, upon a conviction of murder in the
3 first degree, automatically impose the death penalty, regard-
4 less of the evidence?

5 A No.

6 Q Or would you automatically refuse to impose the
7 death penalty?

8 A No.

9 Q Regardless of the evidence?

10 A No.

11 Q I'm going to ask you all about your abilities to
12 set aside what you may have heard, seen or read, and whether
13 you can do that, whether you will do that, and be fair and
14 impartial in deciding the issues only on the evidence that's
15 submitted here in court, and the Court's instructions, and I
16 want to ask you that outside of the presence of the other
17 jurors. So would you all, who are beyond the rail, depart and
18 go to Department 107. Don't converse amongst yourselves or
19 anyone else in connection with this case.

20 All prospective jurors go to Department 107.
21 Don't form or express any opinion until it is finally submitted
22 to you.

23 MR. KANAREK: Would it be imposing to ask for a recess
24 at this time?

25 THE COURT: No, if you wish a recess, we can take a
26 recess at this time. We'll take a short recess, then we'll
27 start with Mr. Smith, and with the other three of you,
28 Mr. Bell, Mrs. Wells, and Mrs. Smith, remain out in the

1 corridor.

2 MR. MANZELLA: Your Honor, is there any reason why we
3 couldn't excuse the jurors?

4 THE COURT: No, there's no reason why we could not excuse
5 the 12 who have been selected.

6 Let's wait, however, and see how this goes. We'll
7 take a short recess now.

8 Come back in ten minutes. During the recess, the
9 admonishment I have given to the other jurors, you are not to
10 converse amongst yourselves, or anyone else, on any subject
11 connected with this matter.

12 (Short recess.)

13

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14 fls.

14-1

1 THE COURT: Mr. Manson's present with Mr. Kanarek, and
2 Mr. Manzella for the People; and Mr. Smith, a prospective
3 alternate juror in the box.

4 BY THE COURT:

5 Q Mr. Smith, we wish to inquire about -- thank you;
6 take that microphone, if you will, please.

7 We wish to inquire about your knowledge of news
8 reports concerning Mr. Manson.

9 Had you heard of his -- heard, seen or read of
10 his name before you came into this courtroom?

11 A Yes, sir, I have.

12 Q And was that in connection with this case, or
13 some other case, or both?

14 A Well, I suppose it was all the cases. It's been
15 quite some time ago when this thing first happened.

16 Q Have you read anything within the last ten days
17 about this case, on what has happened in court in connection
18 with this case?

19 A No, I haven't.

20 Q Are you referring mainly, then, to the so-called
21 Tate-La Bianca case?

22 A Right.

23 Q And do you know what the result of that case was?

24 A No, I don't.

25 Q Do you know what Mr. Manson was accused of?

26 A No.

27 Q Do you know whether he was convicted of anything?

28 A No, I don't.

14-2

1 Q Did you follow the case at all in the newspapers,
2 or via television or radio?

3 A No.

4 Q Do you know the name Susan Atkins?

5 A Well, I've heard it. I don't know it.

6 Q You don't know who she is?

7 A No.

8 Q Do you --

9 A She was a part of -- of this case, I know. I
10 realize that.

11 Q Yes. And in what way?

12 A Well, I wouldn't know that.

13 Q You don't know that?

14 A No.

15 Q I mean, was she a witness for the People? Was
16 she a -- a defendant? Or do you know?

17 A No.

18 Q You don't know.

19 A I thought she was one of his group. That's the
20 only --

21 Q One of his group?

22 A Yes.

23 Q You mean one of Mr. Manson's --

24 A Manson's group.

25 Q Yes.

26 And do you know the term "Manson Family"?

27 A Right.

28 Q And is that what you mean --

14-3

1 A Yes, one of his family.

2 Q I see. Do you know the name Spahn Ranch?

3 A Yes, I remember that, too.

4 Q You have heard that phrase, before, --

5 A Yes.

6 Q -- that name before?

7 A Yes.

8 Q What does that mean to you?

9 A I think I read something about that's where he was

10 located or something. That's where he was --

11 Q That's where who was located?

12 A The defendant was located.

13 Q Manson?

14 A Where his family was located, Mr. Manson and his

15 family.

16 Q I see. Do you know the name Bobby Beausoleil?

17 A No.

18 Q Mary Brunner?

19 A No.

20 Q Before you came to this courtroom, had you heard

21 the name Gary Hinman, or Shorty Shea?

22 A No, I hadn't.

23 Q Can you tell me, just in very few words, what

24 you've heard about Mr. Manson?

25 A Well, the only thing is, when it first happened,

26 see, it --

27 Q When what first happened?

28 A The Tate murder.

14-4

1

Q Yes?

2

A And I think he -- I read when he was arrested.

3

Q Yes.

4

A But since then, I haven't been following it at all.

6

Q You haven't followed it since?

7

A No.

8

Q Well, you did learn that Sharon Tate was murdered? Or did you not?

10

A Yes, sir.

11

Q And were there any other persons who were killed, that you know of?

13

A I wouldn't know their names, but there was some more. No.

15

Q But there were some more, you say?

16

A Yes.

17

Q Well, do you know what the case was about, that we are talking about, the Tate-La Bianca case? Do you know what the Court's proceedings were all about?

20

A No.

21

Q Had you ever heard anything with racial overtones, of an anti-Negro type of --

23

A No.

24

Q -- type thing concerning Mr. Manson --

25

A No.

26

Q -- with respect to the Tate-La Bianca case?

27

A No.

28

14a fls.

14a-1

1 Q Have you ever, in any way, heard whether Mr. Manson
2 was sentenced in that other case?

3 A No.

4 Q Have you -- strike that. If I should tell you
5 that, if you should remember anything, that you were to set it
6 aside, anything that you may have read, seen or heard
7 concerning Mr. Manson, that other case or this case, if I were
8 to instruct you that you were to set that aside, set aside
9 anything that you may have heard, seen or read concerning this
10 or any other case, could you do that, for the purpose of making
11 a judgment on this case, based solely on the evidence and on the
12 instructions of law as I give them to you?

13 A Yes, sir.

14 Q Are you sure about your ability?

15 A Yes, sir.

16 Q You've never sat in a situation before -- in a
17 courtroom where you had to do that before, have you?

18 A No, I haven't.

19 Q But whatever it may be, are you capable, do you
20 believe, of disregarding it, and judging the case only on the
21 evidence?

22 A Sure.

23 Q And will you do that?

24 A Sure.

25 Q And any opinions that you may have formed in
26 connection with the case, or Mr. Manson, will you set those
27 aside?

28 A Sure.

14a-2

1 Q Can you wipe your mind clean of any such material,
2 of any such reports, conversations you might have had with your
3 friends or relatives, in order to judge this case independently
4 of such matters?

5 A Yes.

6 Q And will you do that?

7 A Sure.

8 Q And will you be impartial, fair and impartial in
9 deciding this case?

10 A Yes.

11 BY MR. KANAREK:

12 Q Mr. Smith, is your state of mind from the
13 publicity that Sharon Tate has passed away?

14 A How's that?

15 Q Do you believe, from what you read in the publicity
16 or heard in the publicity, that Sharon Tate had died?

17 A Yes.

18 Q And how do you believe she died?

19 A How do I believe she died?

20 Q Yeah, from the publicity.

21 There are many things in this life that -- for
22 instance, laws of congress, city council, the ordinances,
23 many of these things we don't actually observe ourselves, and
24 we operate on what we hear about in the publicity; right?

25 A Right.

26 Q So my question, of course, is: Based upon what
27 you've read or heard or seen by way of publicity, how do you
28 believe that Sharon Tate died?

14a-3

1 A Well, she was killed.

2 Q And who do you believe killed her, from what you
3 heard in the publicity?

4 A Well, from what I heard, it was Manson who killed
5 her.

6 Q Mr. Manson killed her?

7 A Yes.

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

9 THE COURT: Not at this moment.

10 You may continue, though.

11 Q BY MR. KANAREK: Would you tell us how you believe--
12 that is, what caused her physical death?

13 A What caused her death?

14 Q Yeah. I'm not speaking now of a human being, but
15 what device? What kind of death was it that she suffered?

16 A Well, from the statement in the paper, it was a
17 horrible death.

18 Q And what was the means used, according to what you
19 read in the publicity, concerning -- that caused her to die?

20 A Well, she was murdered.

21 Q Yes. But I mean by -- how? How? What was it?
22 Was it --

23 A Uh -- I think she was either cut or shot, or
24 either one; I don't know.

25 Q And where did this --

26 A It's been some time.

27 Q Pardon, sir?

28 A It's been some time, so --

14a-4

1 Q By the way, this is no reflection on you, whether
2 you can remember or not. We are just getting information here
3 so Judge Choate can make a decision. That's our sole purpose
4 here.

5 A Yeah.

6 Q And you are not on the spot or anything like that.
7 Now, where was it, based on the publicity, that
8 you think that Sharon Tate died?

9 A At her home.

10 Q And does the name Abigail Folger, does that mean
11 anything to you?

12 A Don't mean anything.

13 Q The name Voityck Frykowski?

14 A No.

15 Q Steven Parent?

16 A No.

17 Q Jay Sebring?

18 A No.

19 Q Leno La Bianca?

20 A Well, the papers stated the La Bianca case, so I
21 guess -- guess that should give me some kind of a hint.

22 But as far as knowing, I don't know.
23
24
25
26
27
28

14b fls.

14b-1

1 Q Well, based upon -- that's a hint that you got
2 from the publicity; right?

3 A That's right.

4 Q Well, just based upon that hint, what do you
5 think happened to Mr. La Bianca?

6 A Well, he was murdered, too, I guess.

7 Q And who do you think caused his murder?

8 A Well, one of the Manson Family. I don't know
9 which one, though.

10 Q And Mrs. -- and Rosemary La Bianca? Does that
11 name sound familiar to you?

12 A No.

13 Q Now, directing your attention, then, to the --
14 the name Shorty Shea, have you heard that name before you
15 came to this courtroom?

16 A Well, seem to, but if it is, it's very scant.
17 I -- I didn't pay much of an attention to it, if I did.

18 Q The name Gary Hinman, did you hear that name
19 before you came to this courtroom?

20 A No.

21 Q Now, the name Susan Atkins, does that name mean
22 anything to you?

23 A Yes, I know there was something about her, too.

24 Q What? Can you just tell us, in capsule, brief
25 form, what you remember concerning Susan Atkins?

26 A Well, she was connected with the same case,
27 the La Baranca case or whatever it is.

28 Q And in what way, Mr. Smith?

14b-2

1 A Well, she was one of the Manson Family.

2 Q And what do you believe, from the publicity, was
3 the relationship between Mr. Manson and Susan Atkins?

4 A Well, just one of the Family, I suppose.

5 Q Now, you certainly would intend -- you certainly
6 would intend not to consider this information, as far as this
7 case was concerned, the information you've learned; right?

8 A Right.

9 Q But like -- you might intend to go to Sea World
10 down in San Diego this weekend, but you might not just make
11 it for one reason or another.

12 A Yeah.

13 Q So, with that kind of thing in mind, do you know,
14 not having experienced it, whether you could carry out your
15 intent of not considering what you have told us was a horrible
16 murder?

17 A Well, uh -- (Pause.) Would you ask that again?

18 Q Certainly. You have told us that you have read
19 about this -- what you have termed a horrible murder. And
20 can you tell us, not ever having experienced it, whether you
21 could for sure carry out this intent of not considering it--

22 A Yes.

23 Q -- during the course of this trial?

24 A Yes, I could.

25 Q You know that you could, not having ever experi-
26 enced it?

27 A Yes, sir.

28 Q Now, do you watch television daily?

14b-3q

1 A Very seldom. See, I work nights, so when I get
2 home, it's bed-time.

3 Q And do you read the newspapers?

4 A Every once in a while.

5 Q Now, the information that you have received
6 previously, was it primarily from newspapers? Is that how
7 you obtained it?

8 A Yes.

9 Q Now, could you tell us, do you remember, from
10 the publicity, whether there were any racial overtones, any
11 racial matters, black -- where black people were discussed,
12 in connection with this previous -- this other case?

13 A No.

14 Q You don't remember whether there was or wasn't?

15 A No, I don't. I don't remember any.

16 Q Is there a chance that that might have occurred,
17 and you've forgotten it, or --

18 A No, I don't think so.

19 Q -- you -- your -- you don't remember whether it --
20 that it occurred at all.

21 A No, I don't remember.

22 Q Well, what's your state of mind towards someone
23 that you feel has been convicted of murder?

24 A Well, how do I feel about it?

25 Q Yes, a person like that.

26 A Well, he -- if he has been convicted, I think he
27 should pay -- pay for what he's done. I believe that, if
28 there's been a conviction, I think it should stand.

15 fls.

15-1

1 Q I see.

2 Thank you.

3 May I approach the bench, your Honor?

4 THE COURT: Yes, you may.

5 (Whereupon, the following proceedings were had
6 at the bench among Court and counsel, outside the
7 hearing of the prospective alternate juror:)

8 MR. KANAREK: Well, your Honor, I think that this man's
9 attitude towards -- without belaboring it, I make a motion
10 under Section 1073, Subsection 2. It would be an exercise
11 of futility that man sit on the jury, no matter how much he
12 verbalizes.

13 THE COURT: Well, I'm not really impressed with Mr.
14 Smith's intelligence and his capability of setting aside what
15 he may have heard.

16 MR. MANZELLA: Is it because of his last statements?

17 THE COURT: -- to set aside what he had heard, seen or
18 read.

19 Well, mostly because of my observations of him
20 in the box, and his lack of -- apparent lack of mental
21 agility, I suppose you could call it or --

22 MR. MANZELLA: There is no opposition to the motion.

23 THE COURT: Just looking at him generally, I haven't
24 any confidence that he can do what he says he can do. I'll
25 grant the challenge.

26 MR. KANAREK: Thank you, your Honor.

27 (Whereupon, the following proceedings were had
28 in open court within the presence and hearing of the

15-2

prospective alternate juror:)

THE COURT: Mr. Smith, thank you for being present.
The Court thanks you for being present and does excuse you
at this time.

The Court requests that you go to Room 253, the
jury assembly room, on Tuesday.

Let's take Mr. Bell or Mrs. Bell, which is it?

THE CLERK: Carlos Bell.

THE COURT: Carlos Bell. Ask him to come in.

All right, come forward, then, Mr. Bell.

VOIR DIRE EXAMINATION

BY THE COURT:

Q Mr. Bell, the purpose of asking you to be in here
outside of the presence of your fellow prospective alternate
jurors, is to ask you about whether or not you had ever heard,
seen or read the name Manson before?

Had you heard, seen or read the name Charles Manson
before I read the indictment to you?

A I have read, you know, in the newspaper.

Q And in what connection?

A Well, just, you know, just the regular newspaper.

Q Have you read about this case, as well as some
other case?

A No, not about this case.

Q You haven't read anything whatever about this case?

A No.

Q In the last ten days, for example, have you read

15-3

1 anything about what went on in the courtroom?

2 A No.

3 Q All right. Then, you're referring to the Tate-
4 La Bianca homicide?

5 A Right.

6 Q Did you follow that in the news?

7 A Oh, partly.

8 Q Would you be able to tell us what was the result
9 of that case?

10 A No, I didn't -- I didn't follow it.

11 Q Do you know whether Mr. Manson was convicted of
12 anything, what he was charged of, whether he was convicted
13 of anything, whether there's been any sentence?

14 A No, I couldn't tell you.

15 Q All right.

16 Do you know the name Susan Atkins?

17 A Yes.

18 Q Would you tell us whom she is, who she is?

19 A Well, she was one of the people convicted -- or
20 was in this particular case.

21 Q She was convicted in that case?

22 A Right.

23 Q Are you talking about this case or that other
24 case?

25 A The other case.

26 Q All right.

27 And that other case concerned what, generally?
28 Was it a case of drunk driving or --

15-4

1

A Well, the --

2

Q What was it?

3

A The murder of the Tates and everybody that was

15a fls. 4

involved in the house.

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15a-1

1 Q And so that there -- the defendants in that case
2 were accused of several murders, is that correct?

3 A Right, correct.

4 Q And Sharon Tate was one of them?

5 A Right.

6 Q But you don't know what the results were of that
7 prosecution?

8 A No, I didn't keep up -- I just read the first,
9 beginning of it, you know, when the first --

10 Q After that you lost interest?

11 A Right.

12 Q Do you know the name of any of the other defendants?
13 You've named Susan Atkins or you've identified
14 her, rather.

15 A Well, I'd know them if I hear them, but offhand --

16 Q All right.

17 Do you know the name Gary Hinman, who is alleged
18 to be a victim in Count I in this case? Can you -- and do you
19 know the name Shorty Shea, who is alleged to be a victim in
20 Count III? Had you heard either of those names before you came
21 into this courtroom?

22 A Yes.

23 Q Tell me what you heard in respect to each name;
24 what you heard, seen or read?

25 A Well, the second one.

26 Q That is Shea?

27 A Yeah.

28 Q Yes.

15a-2

1 A They said that he had been killed and can't find
2 his body.

3 Q All right. You heard, saw or read that in the
4 newspapers?

5 A Right.

6 Q All right. How about Hinman?

7 A Hinman was -- he was one of the victims in the
8 Tate murder.

9 Q You think he was one of those who was killed in
10 the --

11 A Right.

12 Q The case before.

13 You understand that that case -- do you know
14 whether or not that case has already been tried?

15 A No, I don't.

16 Q You understand that this is a completely new
17 case, however, and has nothing, whatever, to do with that case?

18 A Right.

19 Q Do you know the name Bobby Beausoleil?

20 A No.

21 Q Do you know the name Mary Brunner?

22 A Uh, no.

23 Q You don't? Don't remember it?

24 A Don't remember it.

25 Q All right. If I were to tell you that you are to
26 set aside -- and the Court so instructs you, that you are to
27 set aside anything that you might have learned about that case
28 through the news media or by conversations with relatives or

15a-3

1 friends, that you were to completely set such matters aside,
2 set aside any opinions that you might have -- for example,
3 you did express an opinion which you've arrived at through
4 reading in the press, that Shorty Shea was missing out on some
5 ranch.

6 If I were to instruct you that you were to set
7 that opinion aside and that you were to set each and every-
8 thing aside that you may have learned previously, before you
9 came into this trial, from the news media or conversations,
10 could you do that? Could you segregate that material from
11 the evidence that might be produced in this case and decide the
12 case only on the evidence?

13 A Yes, I could.

14 Q Have you any doubt about your ability to do that?

15 A No.

16 Q Could you determine any issue that you might be
17 called upon to determine in this case, independently of any
18 such matter that you might have heard, seen or read or any
19 opinion that you might have formed?

20 A Yes, I believe I could.

21 Q Would you decide -- now, when you say "I believe
22 I could," are you hedging at all?

23 A Well, no.

24 Q Are you firm in stating that that is what you will
25 do, and what you can do and what you will do?

26 A Yes.

15b fls.

15b-1

1 Q Well, then, will you do what I have asked you,
2 whether or not you can do -- and that is, set aside anything
3 that you might have heard, seen or read, anything that you
4 may have discussed with friends concerning Mr. Manson, this
5 case or any other case?

6 A Yeah, I could do that.

7 Q And will you decide the case only on the evidence
8 and only on the law as I shall state it to you?

9 A Yes.

10 Q Will you be fair and impartial in the case?

11 A Yes.

12 Q You understand that if you were to consider
13 anything that was derogatory to Mr. Manson, that it would be
14 extremely unfair, and it would be against the Court's
15 instructions?

16 A Right.

17 MR. KANAREK: Thank you, your Honor.

18
19 VOIR DIRE EXAMINATION

20 BY MR. KANAREK:

21 Q Mr. Bell.

22 A Yes.

23 Q First, I don't quite remember, and it is my fault,
24 I apologize, for whom do you work?

25 A City of Los Angeles, Recreation Parks.

26 Q I see. And are you the gentleman that is the
27 gardener?

28 A Yeah.

15b-2

1 Q Senior gardener?

2 A Right.

3 Q Yes, thank you.

4 Now, as -- would you tell us how do you -- how
5 do you think at the present time Mr. Shea passed away?

6 You told us you believe that he is dead, right?

7 A Well, I couldn't say.

8 Q Pardon?

9 A I couldn't say.

10 Q Well, based upon the publicity that you have heard
11 and read?

12 A That he's missing and they can't find him.

13 Q Well, I may be incorrect, but I believe you stated
14 in answer to one of the Judge's questions "They say he's
15 been killed."

16 Do you remember telling Judge Choate that?

17 A Well, I am just saying what I heard on the news.

18 Q Right.

19 And it is no reflection upon you.

20 By the way, what we are doing here, is merely
21 gathering information so that Judge Choate can make decisions.

22 A Right.

23 Q We are in agreement on that?

24 A Right, uh-huh.

25 Q You're not going to get mad at anybody for
26 asking some questions?

27 A No, no.

28 Q You recognize that that's what the Legislature

15b-3

1 says we're supposed to do in this kind of situation.

2 Now, so, then, when you say "they say he's been
3 killed and can't find his body," the "they" that you are
4 speaking of there, who are you referring to, Mr. Bell?

5 A To the newspapers and news -- news media.

6 Q And has it been your experience in life that we
7 rely on many things that we read in the newspaper, such as,
8 for instance, the laws that Congress passes, the laws the
9 Legislature passes, even perhaps --

10 A Yeah.

11 Q -- information that the City puts out in connec-
12 tion with your work?

13 A Right.

14 Q Is that correct?

15 A Right.

16 Q So as you sit there now, do you believe that Mr.
17 Shea has died?

18 A Well, I do believe the newspapers.

19 Q You do believe?

20 A Yeah.

21 MR. KANAREK: May I approach the bench, your Honor?

22 THE COURT: Not at this time. Finish with your
23 questions?

24 MR. KANAREK: No, not --

25 BY MR. KANAREK:

26 Q So, having this belief in your mind, as we
27 approach this case, it would require some kind of evidence to
28 displace this from your mind; is that a fair statement?

1 A Yes.

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

3 BY THE COURT:

4 Q Let me ask you this, Mr. Bell.

5 Considering what Mr. Kanarek has just asked you,
6 and your reply now, would you expect that the defendant would
7 have to come forward and establish that Mr. Shea was, in
8 fact, alive in order for you to vote in favor of the
9 defendant, on the issue of whether Mr. Shea is dead or alive?

10 A Yes.

11 Well, I say this, seeing that they say he's
12 missing, they can't find him, so --

13 THE COURT: Mr. Kanarek, did you have a challenge?

14 MR. KANAREK: I was consulting with -- yes, your Honor.
15 1073, Subsection 2.

16 THE COURT: All right, I'll grant the challenge.
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15c fls.

15c-1

1 MR. KANAREK: Thank you, your Honor.

2 Thank you, Mr. Bell.

3 THE COURT: The Court thanks you and does excuse you.
4 Room 253, forthwith, if you would, please.

5 THE CLERK: Tuesday.

6 THE COURT: It is Tuesday. Not forthwith, We'll give you
7 a day's grace.

8 MR. BELL: Do I need the slip?

9 THE CLERK: I'll take it over.

10 THE COURT: Thank you, Mr. Bell, for being here.

11 The next one is Wells?

12 THE CLERK: Mrs. Wells.

13

14

VOIR DIRE EXAMINATION

15

BY THE COURT:

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Q Mrs. Wells, the reason you're being asked to be
in here, outside the presence of your fellow prospective
jurors, is because the Court is asking you whether you have
ever heard the name Charles Manson and in what respect you may
have heard it?

21

22

A Uh, yes, in all the publicity, newspapers,
magazines.

23

24

25

Q Did you follow that? Have you heard anything about
this case; heard, seen or read anything about this case?

26

27

28

A Yes.

Q Have you heard, seen or read anything in the last
ten days about this case?

A I don't think so.

15c-2

1 Q What have you heard, seen or read about this case
2 before you came into the courtroom, the so-called or alleged
3 killings of Mr. Gary Hinman and Mr. Shea?

4 Do you remember anything specifically?

5 A Oh, just probably the gruesome parts.

6 Q I'm sorry, I didn't understand.

7 A Probably just the gruesome parts.

8 Q Have you heard anything about Mr. Hinman's name,
9 for example, before you came in here?

10 A Just prior to -- no, not just recently.

11 Q Well, anything at all? Have you heard the name
12 Gary Hinman at all, and if so, what do you know about him?

13 A Uh, not recently.

14 Q Well, whether recent or not, have you heard any-
15 thing about Mr. Gary Hinman?

16 A I don't recollect.

17 Q How about Shea, Shorty Shea? Have you heard any-
18 thing, whether recent or not, about Mr. Shea?

19 A I don't remember.

20 Q Were you reading mostly then about that other case,
21 the Tate-La Bianca case?

22 A Mostly.

23 Q And that involved the Tate-La Bianca homicides?

24 A Yes.

25 Q Did you follow that case as you've stayed in the
26 newspapers?

27 A Yes.

28 Q Magazines, television and radio?

15c-3

1 A Yes.

2 Q Did you know -- do you know the results now of that

3 case, whether anyone was found guilty and whether there was a

4 verdict returned on penalty?

5 A Well, he's already been convicted on that.

6 Q Who was convicted?

7 A Manson.

8 Q And who else, if you know?

9 A Well, I don't remember the name. Uh -- I just

10 don't remember the name.

11 Q All right. Do you know the name Susan Atkins?

12 A Yes.

13 Q Who is Susan Atkins, as far as you know?

14 A She's one of the girls that's involved in this

15 case.

16 Q In what way? In this case or in the Tate-La

17 Bianca case or both?

18 A In both.

19 Q Before you came into this courtroom, had you heard

20 the name Susan Atkins?

21 A Yes.

22 Q In what connection?

23 A Being a party.

24 Q To what?

25 A To the crime.

26 Q To what crime?

27 A To both.

28 Q All right. In the Tate-La Bianca case and in this

1 case?

2 A Yes.

3 Q All right. Had you read a news account of this
4 trial or in what way had you heard about Susan Atkins in
5 connection with this case?

6 A I can't remember all of that, your Honor.

7 Q What had you heard about Susan Atkins in connec-
8 tion with this case?

9 A That she's a party to it.

10 Q You mean that she's a defendant or that she
11 engaged in the killing of either one of these alleged victims
12 in this case or what?

13 A I believe she's involved in the killing in the
14 case.

15 Q In this case?

16 A Yes.

17 Q Now, how had you ascertained that? Where did you
18 learn that?

19 A I don't remember.

16 fls.

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Q Do you know the name Bobby Beausoleil?

A I -- I've heard it.

Q Do you know the name Mary Brunner?

A No, I don't remember that.

Q If I were to tell you that the Court is going to instruct you -- should instruct you that you are to set aside anything you may have heard, seen or read in connection with this case, or any other case that Mr. Manson might have been involved in, that you are to set aside that you may have spoken of, or heard about, in connection with this or any other case involving Mr. Manson, do you think you could set such matters aside in your mind, for the purpose of making any decision that you might be called upon to make in this case?

A Uh -- I don't know.

Q You are not sure whether --

A It's a --

Q You are not sure whether you can do that?

A Well, your Honor, I feel that -- I have a personal experience that I am involved in right now, that might affect my judgment on this case.

Q What's that?

A It's a very personal nature.

Q Has somebody committed a crime of violence against you or somebody close to you?

A No, it's a -- it involves a party of my family.

Q Someone who is close to you, in your family?

A Yes.

1 Q And is that person accused of a crime, or --

2 A No, it's involvement with people of this type.

3 Q Involved with people of what type? Of Mr.
4 Manson's type? Is that what you are saying?

5 A Well, let's say undesirable.

6 MR. KANAREK: Well, your Honor --

7 Q BY THE COURT: Somebody whom you consider
8 undesirable; somebody whom you -- you believe that that
9 person should not -- your relative should not be associating
10 with; is that right?

11 A Yes.

12 Q And because of that, do you feel that you might
13 have a prejudice against Mr. Manson?

14 A That's right.

15 Q And you could not overcome that?

16 A I don't know. I could try, but I can't guarantee
17 it.

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

19 THE COURT: All right. The Court thanks you for
20 being frank in your expression of your state of mind. And
21 the Court does excuse you. Thank you very much.

22 MR. KANAREK: Thank you, Mrs. Wells.

23 THE COURT: Room 253 forthwith -- Room 253 on Tuesday.
24 You needn't report until Tuesday at 9:00 o'clock.

25 MR. KANAREK: Thank you, Mrs. Wells.

26 THE COURT: All right. Let's try the last prospective
27 juror left in the box, Mrs. Smith.

28 BY THE COURT:

1 Q Mrs. Smith, we wish to inquire of you whether you
2 have heard, seen or read the name Charles Manson before you
3 came into this courtroom?

4 A Yes, sir.

5 Q Is that in connection with the Tate-La Bianca
6 case or with this case or both?

7 A The Tate-La Bianca case.

8 Q Did you follow that case in the news?

9 A Yes.

10 Q And could you tell us whether you remember, at
11 this time, whether there was a conviction in the case?
12 What the result of the case was?

13 A I believe there was a conviction.

14 Q And Mr. Manson was accused of what crime, so far
15 as you know?

16 A Let me see. Huh! I don't know what to say.

17 Q Well, was it drunk driving or --

18 A Oh, no.

19 Q What do you believe it to be?

20 A Well, he was, to my recollection -- he instigated
21 and -- and led in promoting murders.

22 Q So he was accused of murder and conspiracy --

23 A Right.

24 Q -- to commit murder; is that right?

25 A Um-hmm.

26 Q And do you know whether the jury came back with
27 a sentence, and what it was? Or what verdict?

28 A He was pronounced -- he was -- it was guilty.

1 Q Guilty?

2 A Um-hmm.

3 Q And -- I mean, did they come back with a sentence
4 in respect to life imprisonment or death? And if so, do
5 you know which it was?

6 A Life imprisonment, um-hmm.

7 Q All right. That's your best remembrance in
8 connection with it?

9 A Yes.

10 Q Do you know the name Susan Atkins?

11 A Yes.

12 Q What does that name mean to you?

13 A Well, she was one of the participants at both
14 the Tate -- I can't pronounce the other --

15 Q The La Bianca --

16 A The Tate-La Bianca episode, --

17 Q -- homicides?

18 A -- and also the first -- the -- I don't know
19 what you want to call it -- massacre.

16a fls.

16a-1

1 Q Have you heard -- do you know the names of any
2 other defendants in that case?

3 A Oh, dear. Well, I've read them all, and I should
4 know them. But I sort of -- I've sort of dismissed that from
5 my mind. I never expected to land here.

6 Q Have you read anything in the last ten days
7 about this case?

8 A No, I haven't.

9 Q Do you know the name Bobby Beausoleil?

10 A No -- yes.

11 Q Have you seen or read it?

12 A I've read it.

13 Q What do you know about Bobby Beausoleil?

14 A Well, I think he was connected with the Manson
15 Family, originally, or -- or was he the young man that was
16 shot in the car? I don't --

17 Q That's your best remembrance?

18 A Yes.

19 Q All we are asking for is your best remembrance.

20 A Yeah.

21 Q Right or wrong, whatever it may be.

22 A Yes, I really have -- it hasn't dwelt in my mind.

23 I mean --

24 Q Well, don't be concerned about it. Just respond
25 to the questions, telling us what you can remember.

26 A All right.

27 Q Do you know the name Shorty Shea, or Gary Hinman?

28 A I've heard those names, um-hmm.

1 Q What do you know about them?

2 A Well, they all were in this same mess.

3 Q They -- members of the Manson Family; is that
4 what you mean? Or they were defendants, or --

5 A No, I -- I think they were -- I just don't really
6 know what their part was in it.

7 Q Have you ever heard the names before I read them
8 in the indictment?

9 A Yes, um-hmm.

10 Q In what way? As nearly as you can remember.

11 A Well, I -- they were part of the Manson Family,
12 but that's all I can --

13 Q That's all you can recall?

14 A Um-hmm.

15 Q If I were to tell you that you were to set aside
16 anything that you may remember, in the future, about anything
17 you've heard, seen or read; that you are to set aside anything
18 you now recall about what you may have heard, seen or read
19 concerning this case, the Tate-La Bianca case, Mr. Manson,
20 could you segregate that in your mind from the evidence in
21 this case, and make a decision based solely on the evidence?

22 A Yes, I think I could.

23 Q When you say, "I think I could," are you
24 expressing any uncertainty? That is, about your state of
25 mind?

26 A Well, I guess I am uncertain.

27 Q You are uncertain --

28 A Um-hmm.

1 Q -- about whether or not you could forget about
2 what you may have heard, seen or read?

3 A I'm afraid I couldn't forget some of it.

4 Q I'm really expressing it wrongly to you.
5 "Forget" is a word that's asking too much of you. You could
6 not forget it.

7 A No, I don't think I could ever forget.

8 Q But for the purpose of determining any issue that
9 you might be called upon to determine in this case, could you
10 set it aside?

11 A Well, thinking of this as a separate case, yes.

12 Q Yes.

13 Do you think that you could set aside anything that
14 you may have heard, seen or read, and decide the case without
15 reference to it, --

16 A Yes, I think I could.

17 Q -- or do you know so much about it, and are you
18 so imbued with it that you could never set it aside and be
19 impartial? That's the question we are asking you.

20 A Well --

21 Q We are asking you to examine your mind, to find
22 out whether or not you believe that you could do that.

23 A Well, I -- I don't know. I -- I mean, I -- I
24 have read the facts. I was horror stricken by everything that
25 happened. And I never thought I would ever become involved
26 in this way.

27 I -- I'm not a malicious woman, and I -- I want
28 to do my duty, but --

1 Q So we are asking you to search your mind, your
2 soul, to determine whether or not you believe that you can be
3 independent --

4 A Well, I think I --

5 Q -- in judging --

6 A Well, pardon me. I think in this case, I -- I
7 have no -- I think I could be fair in this case, because I --
8 I would have to have the facts presented before me to make up
9 my mind.

10 Because I don't know enough about it.

11 Q First, I am asking you about your capability. I
12 am inquiring about your capability, or your ability to set
13 aside anything you may have heard, seen or read.

14 And what we are asking for, in order to help us
15 judge that, is your opinion of your capabilities.

16 Can you honestly set aside anything that you may
17 have heard, seen or read, anything you may have -- you may
18 remember about the Tate-La Bianca case, this case, and decide
19 this case solely on the evidence that's produced here and the
20 Court's instructions of law?

16b fls.

21 A Well, I think I can be fair about that, yes.
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16b-1

1 Q Now, then, to get back to it, then, you keep saying,
2 "I think I can." Does that express --

3 A Oh. Well, I --

4 Q -- any -- does that express any doubt in your mind,
5 about your ability to do so?

6 A I think I could -- well, "I think," I think I am
7 a fair person.

8 Q Can you do what you said you think you can do?
9 Can you set this matter aside, --

10 A Yes, I can.

11 Q -- these things that you have heard, seen or read?

12 A Yes, I can.

13 Q And will you do that?

14 A What?

15 Q Will you do that?

16 A Yes.

17 Q If you are called upon to serve as a juror here?

18 A Yes, I would. I will.

19 Q Will you decide the case solely on the evidence
20 that's produced here, and the Court's instructions of law,
21 independently of any such matter that you may have heard, seen
22 or read, or heard about in your conversations with other people?

23 A Yes.

24 Q Any opinions that you may have formed about the
25 defendant, or anything that he's alleged to have been involved
26 with, can you set aside those opinions, for the purpose of
27 deciding any issue in this case?

28 A No, I -- I don't think I could.

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1 I have my opinions, and I don't think that I could.

2 MR. KANAREK: May I -- 1073, Subsection 2, your Honor.

3 THE COURT: All right. Thank you for examining your mind
4 here, and giving us your answers.

5 The Court grants the challenge, and the Court does
6 excuse you.

7 Do you have time left on jury duty?

8 PROSPECTIVE JUROR SMITH: Yes.

9 THE COURT: All right. Mrs. Smith, report Tuesday, will
10 you, at Room 253?

11 PROSPECTIVE JUROR SMITH: 253?

12 THE COURT: You are excused from here. Thank you.

13 MR. KANAREK: Thank you, Mrs. Smith.

14 PROSPECTIVE JUROR SMITH: You're welcome.

15 THE COURT: Well, that eliminates the first four
16 prospective jurors.

17 Let's get the balance of the group back in, and
18 we'll excuse them for the weekend.

19 How many do we have left, Hal?

20 THE CLERK: Thirteen.

21 THE COURT: Thirteen.

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

23 THE COURT: You may all stand there. You needn't be
24 seated. If you'll all stand there, that will be fine.

25 Everybody in, if you would.

26 All right. Remember, ladies and gentlemen, that
27 you are not to read -- you are to avoid reading, hearing, see-
28 ing, talking about matters concerning Mr. Manson, in this case

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1 or any other case.

2 The Court specifically orders you that it's your
3 solemn obligation to avoid any news article, in connection with
4 Mr. Manson, this case or any other case.

5 And you would be disobeying an order of the Court
6 if you were to do that.

7 Now, the Court also admonishes you that you are not
8 to converse amongst yourselves or with anyone else, nor are you
9 to permit anyone to converse with you on any subject connected
10 with this matter, during all the time that you are jurors on
11 this case.

12 You are not to form or express any opinion on the
13 matter until it is finally submitted to you.

14 I'll ask you to come back at 9:30. 9:30 in the
15 morning on Monday.

16 I think before we do that, however, I will select --
17 I will ask the clerk to select four more names of prospective
18 alternate jurors.

19 Pick four names from the box, will you?

20 THE CLERK: Michelle A. Bracken; B-r-a-c-k-e-n; first
21 name spelled M-i-c-h-e-l-l-e.

22 PROSPECTIVE JUROR BRACKEN: Yes, I'm here.

23 THE CLERK: Is it Miss or Mrs.?

24 PROSPECTIVE JUROR BRACKEN: Mrs.

25 THE CLERK: Mrs. Bracken.

26 Mrs. Billie M. Ashcraft; A-s-h-c-r-a-f-t.

27 PROSPECTIVE JUROR ASHCRAFT: (Indicating.)

28 THE CLERK: Billie is spelled B-i-l-l-i-e.

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1 THE COURT: Mrs. Ashcraft?
2 PROSPECTIVE JUROR ASHCRAFT: Here.
3 THE COURT: Is it Miss or Mrs.?
4 PROSPECTIVE JUROR ASHCRAFT: Mrs.
5 THE CLERK: Miss Florrie J. Cole; C-o-l-e; first name is
6 spelled F-l-o-r-r-i-e.
7 THE COURT: Miss Cole?
8 PROSPECTIVE JUROR COLE: Yes.
9 THE COURT: C-o-l-e?
10 PROSPECTIVE JUROR COLE: Yes, Miss.
11 THE CLERK: Mrs. Lillie J. Wilson; W-i-l-s-o-n; first
12 name is spelled L-i-l-l-i-e.
13 THE COURT: All right. Those four will be the
14 prospective jurors whom we will seat in the jury box.
15 The rest of you, I'll expect to see you about
16 9:30 -- or, at 9:30 on Monday morning.
17 Have a pleasant weekend. Good night.
18 THE PROSPECTIVE JURORS: Good night, sir.
19 THE COURT: All right. We are in recess, then, until
20 9:30 Monday.
21 (Whereupon, at 4:05 P. M., an adjournment was
22 taken until 9:30 A. M. on Monday, July 26, 1971.)
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