

## SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 106

HON. RAYMOND CHOATE, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

CHARLES MANSON,

Defendant.

123

No. A-267861

REPORTERS' DAILY TRANSCRIPT

Tuesday, July 27, 1971

VOLUME 23APPEARANCES:

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, TUESDAY, JULY 27, 1971, 9:55 A. M.

2  
3 THE COURT: Good morning, Miss Scott.

4 Mr. Kanarek?

5 MR. KANAREK: Yes, your Honor.

6 THE COURT: I wonder if you could put that -- if that's  
7 bothersome to you, could you put that over on the other side of  
8 the table?

9 MR. KANAREK: Surely, your Honor. Here?

10 THE COURT: Move down here, perhaps down here at this  
11 end. That's better.

12 MR. KANAREK: Thank you.

13 THE COURT: The record will show Mr. Manson to be  
14 present, Miss Scott in the box, Mr. Kanarek and Mr. Manzella  
15 present.

16  
17 VOIR DIRE EXAMINATION (Continued)

18 BY THE COURT:

19 Q Miss Scott, we had asked you yesterday whether you  
20 would inquire of your employer about whether or not you would  
21 be paid, should you serve on this jury.

22 Have you since been able to do that?

23 A Yes, I have.

24 Q And what have you found?

25 A No, they only pay for 30 days.

26 Q They will not pay you for beyond that period of  
27 time?

28 A No. And they wouldn't be able to hold my job.

1 They would have to fill it for that length of time.

2 Q They would not be able to hold your job?

3 A Well, they would have to bring someone in for that  
4 length of time.

5 Q I see. So it's possible that you might even lose  
6 some position that you have there?

7 A Yes.

8 THE COURT: All right. The Court would find that that is  
9 a hardship which you should not have to endure.

10 Q I suppose you use your earnings in order to support  
11 yourself?

12 A Yes, I do.

13 THE COURT: And therefore, the Court does excuse you.  
14 The Court denies the defense's motion to have the County pay  
15 your earnings--

16 MR. KANAREK: Yes. It's our motion that this lady --

17 THE COURT: -- your regular earnings, during the course of  
18 the period of time that you ordinarily would be serving.

19 So you are excused. The Court thanks you. You can  
20 report to Department -- let's see. Report to Room 253. Thank  
21 you.

22 PROSPECTIVE JUROR SCOTT: Thank you, your Honor.

23 MR. KANAREK: Thank you, Mrs. Scott.

24 Aa fls.

Aa-1

1 THE COURT: Mr. Berkovitz, I don't believe we've talked  
2 to him about publicity, that I can recall.

3 Come in, Mr. Berkovitz.

4  
5 VOIR DIRE EXAMINATION OF

6 MR. BENNIE BERKOVITZ

7 BY THE COURT:

8 Q Mr. Berkovitz, had you ever heard the name Charles  
9 Manson before you came into this room?

10 A Yes.

11 Q And in what connection?

12 A Well, the papers, reading the papers.

13 Q Did I ask you about this before?

14 A I don't think so.

15 Q I have kind of lost track.

16 A No.

17 Q We hadn't examined you --

18 A No, no. Not at all.

19 Q -- about what you know about publicity.

20 You have been waiting outside, haven't you?

21 A That's right.

22 Q All right. In what connection had you heard his  
23 name? Heard, seen or read it?

24 A Well, to begin with, I happen to be a spectator.  
25 I am -- I have been coming to court for the last ten years.

26 Q I thought I recognized you, --

27 A Yes.

28 Q -- your face.

Aa-2

1 A Yeah. I have been coming here for --

2 Q And --

3 A -- a long time. All the bailiffs know me.

4 THE COURT: Do you recognize Mr. Berkovitz, Mr.  
5 Manzella?

6 MR. MANZELLA: Yes.

7 Q BY THE COURT: And so you observed part of the  
8 proceedings in 104, involving Mr. Manson; is that correct?

9 A I -- I did, yes. In most all cases.

10 Q And you heard part of the evidence in 104,  
11 probably?

12 A Yes.

13 Q Well, now, do you think that you could really  
14 set aside what you had heard, seen or read concerning Mr.  
15 Manson, and decide this case without reference to it?

16 A Yes, I could. I wouldn't consider anything but  
17 what I heard or saw.

18 In fact, I was -- maybe I shouldn't say it. I  
19 was just -- last week, I was in -- over there at the  
20 Shea case, last week, in the New County Building.

21 Q You went over to the other department --

22 A Yes, I was there.

23 Q -- in the old -- I mean, in the new courthouse?

24 A Yes.

25 Q 111 North Hill?

26 A Yeah, on the fifth floor.

27 Q And listened in on the --

28 A Yeah, that's right.

1 Q -- the other case --  
2 A Yeah, for two days.  
3 Q -- which was going on there, Mr. Grogan's case?  
4 A Yes. I was there, I think, Thursday and  
5 Friday.  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Ab fls.

ab-1

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

2 THE COURT: No, you may not. If you have anything to say,  
3 I'll hear from you where you are.

4 MR. KANAREK: Oh. 1073, Subsection 2, your Honor.

5 MR. MANZELLA: There's no opposition to the motion, your  
6 Honor.

7 THE COURT: Mr. Berkovitz, this is no reflection on you,  
8 but the Court is going to excuse you. This is a situation  
9 where you probably know more about the evidence in this case  
10 than anybody in the courtroom.

11 PROSPECTIVE JUROR BERKOVITZ: Well --

12 THE COURT: Because I've seen you, day after day --

13 PROSPECTIVE JUROR BERKOVITZ: Yeah.

14 THE COURT: -- in the courthouse, and -- in my courtroom.

15 PROSPECTIVE JUROR BERKOVITZ: Yeah.

16 THE COURT: Occasionally, when I had a case that was of  
17 interest.

18 PROSPECTIVE JUROR BERKOVITZ: Yeah.

19 THE COURT: And I've seen you here before, so --

20 PROSPECTIVE JUROR BERKOVITZ: Yeah. I figured that --

21 THE COURT: And so it's -- with all of your knowledge  
22 concerning that previous case, in Department 104, and your  
23 knowledge concerning this -- the Count III in this case --

24 PROSPECTIVE JUROR BERKOVITZ: Yeah. I -- I watched the  
25 Hinman case, and --

26 THE COURT: Yes. In 107, when that went on, when  
27 Beausoleil was tried in there?

28 PROSPECTIVE JUROR BERKOVITZ: Yeah, that's right.

1 THE COURT: I think we'll just acknowledge the challenge  
2 and let you go, Mr. Berkovitz. However, the Court does excuse  
3 you to go to Room 253. Maybe they could pick you up in another  
4 jury today.

5 PROSPECTIVE JUROR BERKOVITZ: Okay.

6 THE COURT: And we are happy to have you on jury duty,  
7 and not just standing around and looking or sitting around and  
8 looking.

9 All right. You are excused from this case. The  
10 Court grants the challenge.

11 Pick another name, will you? Let's see. Take a  
12 name for Mr. Berkovitz -- that would be seat No. 1 -- and for  
13 Miss Scott, seat No. 3.

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

16 THE COURT: Oh, we do have a couple out there?

17 THE CLERK: That's right.

18 THE COURT: Are they in the batter's circle?

19 THE BAILIFF: Yes, sir.

20 THE COURT: All right. Bring them on in.

21 THE BAILIFF: Both of them, sir?

22 THE COURT: Yes, bring them both.

23 Teamer is one?

24 THE CLERK: Yes, and Mrs. Montano.

25 THE COURT: Teamer and Montano.

26 Come forward.

27  
28 VOIR DIRE EXAMINATION OF



1 ERNEST W. TEAMER

2 AND

3 MARY MONTANO

4 BY THE COURT:

5 Q Is it Mr. Teamer?

6 A (Prospective Juror Teamer) Yes, it is.

7 Q And Mrs. Montano?

8 A (Prospective Juror Montano) Yes, sir.

9 Q Were you both present when the Court explained the  
10 nature of this case --

11 A (Prospective Juror Montano) Yes.

12 Q -- to your group of prospective jurors and when the  
13 Court instructed in part of the law, and conversed with one of  
14 the jurors --

15 A (Prospective Juror Montano) Yes, sir.

16 Q -- and questioned her concerning various things  
17 in connection with her qualifications?

18 A (Prospective Juror Montano) Yes, your Honor.

19 A (Prospective Juror Teamer) Yes.

20 Q And would your answers be any different, for  
21 either of you? Would your answers be any different than her  
22 answers were to the questions of a general nature?

23 A (Prospective Juror Montano) No.

24 A (Prospective Juror Teamer) No.

25 Q No? All right.

26 Would there be any reason that either of you can  
27 think of at this time, as to why you could not be fair and  
28 impartial in this case?

Mr. Teamer?

A No, not really. But I don't think I could be a  
fair juror, really, you know.

ac fls.

Ac-1

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

Q You don't think you could be fair in this case?

A No.

Q Why not?

A It would impose too much of a hardship on me.

Q Well, speaking of hardship, would it constitute a hardship to either of you to serve in this case, for four or five months?

A Yes, it would.

A (Prospective juror Montano) Yes.

Q I see you both indicate that it would.

Now, first we'll hear from you, Mr. Teamer.

A Yeah. Well, I have too many problems already, financial and everything; you know, different --

Q All right. Tell me what the problem would be, specifically. Would you lose money from work? Is that it, or --

A Yeah. I'm losing money.

Q All right. Now, who's employing you?

A I work for the Post Office. Now, they pay me, but I'm still losing money.

Q How would you lose money?

A I'm getting -- I get my regular salary, but there's extra money that I make.

Q Do you moonlight some place?

A Yeah.

Q Well, that's -- I don't think anybody from the Post Office is listening. What do you do?

A Well, I was in the process of getting another

Ac-2

1 job. I was a security guard first, and so I am trying to  
2 get another one, so I could -- you know, support my family  
3 better.

4 Q Well, do you actually have a job now?

5 A No, I don't. But it's pending.

6 Q Have you applied for it? Is that it?

7 A No.

8 Q You are just thinking about it?

9 A No, I am going to apply for it.

10 Q What hours would you work?

11 A Approximately from maybe 3:00 to 9:00 or 3:00  
12 to 10:00, something like that.

13 Q As a security guard?

14 A Right.

15 Q From 3:00 in the afternoon until 10:00?

16 A Yeah, something like that. As many hours as I  
17 can work, possibly.

18 Q Whom would you work for?

19 A I'm going back to Wackenhut.

20 Q Pardon?

21 A Wackenhut.

22 Q Wackenhut?

23 A Yes.

24 Q How do you spell that?

25 A W-a-c-k-e-n-h-u-t.

26 Q Oh, it's a private detective --

27 A Yes, right.

28 Q -- agency, isn't it?

Ac-3

1 A Right.

2 THE COURT: Gentlemen?

3 MR. MANZELLA: Your Honor, the People are of the  
4 opinion it would constitute a hardship.

5 THE COURT: Mr. Kanarek, he's not working, but he  
6 does intend to work, to find extra work here, to support his  
7 family.

8 DEFENDANT MANSON: Stipulate, man.

Ad fls.

9 MR. KANAREK: Submit it, your Honor.  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Ad-1

1 Q BY THE COURT: What steps have you taken to  
2 secure this work?

3 A Well, I've contacted the personnel office again,  
4 and they said they would contact me regarding reinstatement.

5 See, I'm in a financial bind at the present time.

6 Q Well, would you -- do you think it might dis-  
7 tract you from your --

8 A Yes, it would.

9 Q -- duties as a juror, if I were to cause you to  
10 serve here?

11 A Right.

12 THE COURT: Well, the Court, in view of that, would not  
13 want you to serve, unless you could give your full attention  
14 to the evidence, and your obligations to be here each morning,  
15 and to listen carefully to the evidence.

16 In view of your obvious concern about your  
17 financial circumstances, and your steps to do something about  
18 it, the Court believes it would constitute a hardship to you  
19 for a period of four or five months, and the Court does  
20 excuse you, then.

21 PROSPECTIVE JUROR MONTANO: Now, my husband is ill,  
22 very ill.

23 Q BY THE COURT: We are going to get to you in just  
24 a minute, now.

25 A Thank you, sir.

26 Q What is your problem, then, --

27 A Well, my --

28 Q -- Mrs. Montano?

Ad-2

1 A My husband is very ill at the present time, and  
2 I don't think I could concentrate on jury duty.

3 Q What's his problem?

4 A He has got hardening of the arteries. He's a  
5 diabetic. And he's -- he needs attention.

6 Q How is it that you are able to be on jury duty  
7 now? Is there someone watching over him now?

8 A Yes.

9 Q Caring for him?

10 A Yes.

11 Q Who is that?

12 A My aunt.

13 Q Your aunt?

14 A She comes, like -- if he can't get up to walk,  
15 she comes and stays with him.

16 Q Well, is it that she will not be available for --

17 A Oh, not all the time, no.

18 Q And for a period of four or five months, it  
19 would be asking too much of her? Is that what you are saying?  
20 Or what?

21 A Yes, yes.

22 Q Do you work during the day?

23 A I work.

24 Q Where do you work?

25 A I work at the May Company Department Store.

26 Q Do you intend to go on working?

27 A If -- possibly, I have to.

28 Q Well, what would be the difference, then?

Ad-3

1 Somebody still has to take care of him.

2 A If -- if I get called to stay home, or take him  
3 to the doctor, I couldn't be doing that from jury duty;  
4 whereas from --

5 Q Oh. You mean that happens frequently?

6 A Yes.

7 Q How often has that happened in the last month?

8 A Well, whenever he gets real bad, that he can't  
9 walk.

10 Q What I want to know is: How often does he get  
11 real bad?

12 A Well, about every -- once a week, he's bad.

13 Q So what you do, if you are working at the May  
14 Company, is get some time off and go home and --

15 A Yes.

16 Q -- help in his care?

17 A Yes.

18 THE COURT: All right. Gentlemen, anything?

19 MR. MANZELLA: The People would stipulate it consti-  
20 tutes a hardship, your Honor.

21 MR. KANAREK: Stipulate, your Honor.

22 THE COURT: Mrs. Montano, the Court will excuse you.  
23 Room 253 forthwith, if you would, please.

24 PROSPECTIVE JUROR MONTANO: Thank you.

25 THE COURT: The Court finds it would be a hardship.  
26 It would take too long.

27 MR. KANAREK: Thank you, Mrs. Montano.

28 THE CLERK: Richard H. Porter, Jr.; P-o-r-t-e-r.



1 Charles H. Fosner; P-o-s-n-e-r.

2  
3 VOIR DIRE EXAMINATION OF

4 RICHARD H. PORTER, JR.

5 and

6 CHARLES H. POSNER

7 BY THE COURT:

8 Q Mr. Porter?

9 A Yes.

10 Q And Mr. Posner?

11 A Yes, sir.

12 Q Were you gentlemen both present -- or, were you  
13 each present when the Court called this case for your  
14 prospective jurors -- for the group of prospective jurors,  
15 of which you were a part?

16 A (Prospective Juror Porter) Yes.

17 A (Prospective Juror Posner) Yes, sir.

18 Q And did you hear the Court's explanation of the  
19 nature of this case, and did you hear the Court questioning  
20 the first prospective juror chosen from your group?

21 A (Prospective Juror Posner) Yes.

22 A (Prospective Juror Porter) Yes, sir.

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

26 A (Prospective Juror Porter) No, sir.

27 A (Prospective Juror Posner) No.

28 Ae fls.

Ac-1

1 Q And would it constitute any hardship to you,  
2 Mr. Porter, to serve on this jury?

3 A Yes, it would.

4 Q In what way?

5 A The length of time.

6 Q How would it affect you? In what specific way?

7 A Well, number one, my wife is pregnant, and is  
8 expecting in the next two months.

9 And secondly, my job. I don't think it would be  
10 available after that long a period of time.

11 Q Tell us about your job. I can't see that we can  
12 do anything about that pregnancy. You are going to be working,  
13 in any event, aren't you?

14 A Well, I would be available.

15 Q I can't see that that would constitute a hardship,  
16 particularly.

17 A Well, I would be available to take off at short  
18 periods. But here, I --

19 Q You mean, in the event there's an emergency of some  
20 type --

21 A Right. Whereas here, I would be obligated to  
22 attend the trial daily.

23 Q What about your job? What type of work do you  
24 do?

25 A I'm a computer programmer.

26 Q For whom?

27 A Computax Corporation.

28 Q Would they pay you during the period of --

ac-2

1 A No, they wouldn't.

2 Q Oh, I see. And you have inquired about that since  
3 I asked you yesterday to do that?

4 A Yes, I have.

5 Q How long have you worked for them?

6 A Almost two years.

7 Q And they'll pay you for only 30 days?

8 A Yes, they will.

9 THE COURT: The People?

10 MR. MANZELLA: We are of the opinion that it would  
11 constitute a hardship.

12 MR. KANAREK: What is the hardship aspect? Is that the  
13 wages, your Honor?

14 THE COURT: Wages.

15 MR. KANAREK: Then we have our motion, your Honor, --

16 THE COURT: Yes.

17 MR. KANAREK: -- that the man be paid.

18 THE COURT: The motion is denied.

19 The Court does find that it would constitute a  
20 hardship to Mr. Porter to require him to serve -- possibly  
21 both circumstances. We might have to relieve you in the  
22 middle of the trial, in the event that you should have to  
23 leave during the day.

24 MR. KANAREK: May I inquire briefly on that issue, your  
25 Honor?

26 THE COURT: What, as to the issue of the pregnancy?

27 MR. KANAREK: Yes. Because I don't -- just very briefly,  
28 your Honor.

1 THE COURT: No, you may not.

2 The Court relieves you, Mr. Porter, of any  
3 obligation to serve in the matter. And you are ordered to report  
4 to the jury assembly room, Room 253.

5 MR. KANAREK: Thank you, Mr. Porter.

6 BY THE COURT:

7 Q Mr. Posner, would it be any hardship to you?

8 A Yes, it would.

9 Q In what way?

10 A Uh -- also, strictly due to the length of service,  
11 and the work I do, which is rather unique.

12 Q Tell us about that.

13 A I am a Braille transcriber for blind high school  
14 children at Marshall High. I work for the Los Angeles School  
15 system.

16 I tried to reach my superior last night, and he's  
17 away on vacation, and is not expected back for a few weeks.

18 But at any rate, I -- I don't think that the school  
19 system would pay me for the time, plus which I think that I  
20 would probably be replaced at that school, because of the need  
21 for my work.

22 Q You'd lose the position, in effect?

23 A I beg your pardon?

24 Q Would you lose the position?

25 A I believe I would.

26 Q Yes. How long have you been doing it?

27 A Three years.

28 Q You are not a teacher?

1 A No.

2 Q Do you have any type of tenure?

3 A Well, it's hard to say. The kind of work I do is  
4 strictly transcribing from -- from English into Braille for  
5 these blind students. And I work three days a week. And  
6 during these times, they need me, because they -- they go to  
7 school, to a sighted -- with sighted children. And every once  
8 in a while, there's work that has to be done for -- in Braille  
9 for them.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

af fls.

Af-1

Q What do you do? Operate a machine of some kind?

A Yes, a Braille -- a Braille writer. It's like a typewriter, six keys, and -- for instance, if they're in the classroom, and the teacher says to all the students, "For homework, I want you to do Section A and B, page 43," the child can't see. So she comes to me, and I type in Braille that work which they will read; and, from that, do their homework.

And this kind of thing is not in any Braille book. So I have to be there to do it. And if I'm not there, they will have to get someone else -- I assume this; I wasn't able to contact him last night. He's away.

MR. KANAREK: Your Honor, may I just inquire very briefly?

THE COURT: You may.

#### VOIR DIRE EXAMINATION

BY MR. KANAREK:

Q Sir, are the children, the blind children, would they be handicapped by your being here? In any way, or are there enough -- just speaking theoretically?

A Yes, I would say so. Because they're -- there is a shortage of Braillists.

Q So the blind children would be handicapped?

A Right.

MR. KANAREK: Well, we would offer to stipulate, then, your Honor.

MR. MANZELLA: We will stipulate it would constitute

Af-2

1 a hardship, your Honor.

2 THE COURT: I think it would constitute a hardship,  
3 in view of the fact that he would not be paid, and that he  
4 might lose the position.

5 PROSPECTIVE JUROR POSNER: Well, the not being paid  
6 would not even enter into it, because -- I think serving on  
7 a jury of this kind is a responsibility, and I would -- I  
8 would look forward to it.

9 But strictly from the fact that I might lose my  
10 position and lose the work with these children.

11 THE COURT: All right. The Court does find that it  
12 is a hardship. Thank you, Mr. Posner. Thank you.

13 PROSPECTIVE JUROR POSNER: Thank you.

14 MR. KANAREK: Thank you, Mr. Posner.

15 THE COURT: Room 253.

16 PROSPECTIVE JUROR POSNER: I go back to the --

17 THE CLERK: Jury assembly room, yes.

18 THE COURT: Pick two more. And let's pick an added --  
19 do you have them already?

20 THE CLERK: Yeah. Mrs. Nina J. Wilson; N-i-n-a;  
21 last name, Wilson.

22 THE COURT: Nina Wilson. Miss?

23 THE CLERK: Miss. And Rosie P. Nash; R-o-s-i-e;  
24 last name, N-a-s-h.

25  
26 VOIR DIRE EXAMINATION OF

27 NINA J. WILSON AND

28 ROSIE P. NASH

Af-3

1 BY THE COURT:

2 Q Are you Miss Wilson?

3 A Yes, I am.

4 Q Where is Miss Nash? Coming?

5 Oh, here she is, I guess.

6 Miss Wilson and Miss Nash, were you both  
7 present when the Court explained the nature of this case to  
8 the group of prospective jurors, of which you were a part?

9 A (Prospective Juror Wilson) Yes.

10 Q And did you? Were you present, Miss Nash?

11 A Yes.

12 Q Did you hear the questions that the Court put  
13 to the prospective juror who was first taken from the group,  
14 and put in the box?

15 A (Prospective Juror Nash) Yes.

16 Q And were you?

17 A (Prospective Juror Wilson) Oh, yes.

18 Q Did you hear the questions?

19 A (Prospective Juror Nash) Yes, I did.

20 A (Prospective Juror Wilson) Oh, yes.

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

24 A (Prospective Juror Wilson) No.

25 A (Prospective Juror Nash) No.

26 Q Would it be any hardship to you to serve in this  
27 case?

28 A (Prospective Juror Nash) No.



1 A (Prospective Juror Wilson) Yes.

2 Q All right, then. Miss Wilson, would you tell us  
3 what the hardship would be?

4 A Well, my company said that they would not pay me  
5 beyond the 20 days.

6 Q What is your company?

7 A You want to know the name of the company?

8 Q Yes, ma'am.

Ag fls.

9 A United California Bank.  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ag-1

1 Q United California Bank?

2 A Yes.

3 Q Whom did you talk to?

4 A The head personnel man. That is, I didn't talk to  
5 him directly, but I -- my department supervisor talked to the  
6 personnel department.

7 Q How long have you been employed by United  
8 California Bank?

9 A Twelve years.

10 THE COURT: All right. The Court will excuse you, since  
11 you will not be paid.

12 And the Court finds that it is a hardship, and  
13 does excuse you.

14 PROSPECTIVE JUROR WILSON: Thank you very much.

15 THE COURT: Room 253, forthwith.

16 MR. KANAREK: We have the continuing motion, your Honor.

17 THE COURT: Yes.

18 BY THE COURT:

19 Q Miss Nash, it would be no hardship to you to serve  
20 on the case, then?

21 A No, it wouldn't.

22 Q What type of work do you do?

23 A I am an accounting clerk for Blue Cross Insurance  
24 Company.

25 Q And how long have you been so employed?

26 A Four and a half years.

27 Q Are you a friend or relative of any law enforce-  
28 ment officer?

ag-2

1

A No, I'm not.

2

Q Is there a Mr. Nash?

3

A Yes, it is.

4

Q What does he do?

5

A He works for the City of Los Angeles.

6

Q I'm sorry?

7

A He works for the City of Los Angeles.

8

Q Doing what?

9

A He's a mechanic.

10

Q Have you ever served as a juror before in a

11

criminal case?

12

A No, I haven't.

13

Q In what area do you and Mr. Nash live?

14

A In South Los Angeles.

15

Q Can you think of any reason why you couldn't be

16

fair and impartial in the case?

17

A No.

18

Q Have you previously heard the name Charles Manson

19

before you came into this room?

20

A Yes.

21

Q And was that in connection with this case or some

22

other case or both?

23

A No, no more than the papers, the newspapers.

24

Q In connection with what have you heard his name?

25

A Just concerning the murder trial.

26

27

28

1 fls.

1-1

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

Q Which murder trial?

A Sharon Tate.

Q All right.

Did you follow that case in the news?

A No, I did not.

Q What was your contact with the news during that period of time concerning the case?

A I didn't have any contact, no more than seeing it on TV and the newspapers. I really didn't follow the details of it.

Q Did you occasionally hear a radio broadcast concerning it?

A No, I did not.

Q So you didn't hear anything at all on the radio; you did see it on the television, occasionally, and you did read it in the newspapers occasionally, is that correct?

A Yes.

Q Did you learn the result in that case?

A No, I did not.

Q You didn't know whether Mr. Manson was convicted or acquitted?

A Oh, yes, yes. I saw it in the newspaper and on television.

Q What did you learn that to be?

A I think he was convicted.

Q And do you know whether there was a penalty? A sentence, and what the sentence was?

A Yes, I think it was life, I think.

1 Q You think the jury came back with a sentence of  
2 life imprisonment, and he was sentenced to life imprisonment?

3 A I think it was death. I didn't keep up with it  
4 that close. I think it was death. I'm sorry, I think it  
5 was death.

6 Q What was he accused of?

7 A Like I say, I didn't follow it closely, but I  
8 think it was murder.

9 Q How many counts? How many persons?

10 A I really don't know.

11 Q Had you heard the name Shorty Shea before you  
12 came into this courtroom?

13 A No.

14 Q Or have you heard, seen or read the name Gary  
15 Hinman before you came into this courtroom?

16 A Yes, from the news, television and --

17 Q Tell me what you remember about seeing and hearing  
18 the name Gary Hinman?

19 A I'm not too sure. I know he was involved in the  
20 case.

21 Q You're not too sure of what?

22 A I'm not sure how he was involved, but I remember  
23 the name.

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

25 A No, I don't.

26 Q Susan Atkins?

27 A Yes, I've heard of that one.

28 Q What's your reaction to that; what do you know

1 about that name?

2 A Well, as far as I know, it was concerning with the  
3 same trial.

4 Q Susan Atkins?

5 A Yes.

6 Q In what way?

7 A Well, your Honor, like I say, I didn't really  
8 follow it close enough, but I know it was one of the names  
9 concerning the Manson case.

10 Q Do you know the name Bobby Beausoleil?

11 A No, I do not.

12 Q Mary Brunner?

13 A No.

14 Q Now, if I were to instruct you, Mrs. Nash, that  
15 you were to set aside -- not forget, because it would be too  
16 difficult, perhaps, to forget, but set aside anything that  
17 you may have heard, seen or read in the news concerning Mr.  
18 Manson, concerning this case, any other case, that you were  
19 to set aside anything that you might remember later on while  
20 you're sitting here in the jury box or during the course of  
21 the trial concerning Mr. Manson, could you effectively segre-  
22 gate that matter which you had heard, seen or read from the  
23 evidence in this case and decide the case only on the evidence?

24 A Hum, yes.

25 Q Are you capable of doing that?

26 A Yes, I am.

27 Q And will you do it?

28 A Yes.

1 Q Do you have any doubt whatever in your mind about  
2 your ability to segregate the evidence from those news  
3 reports?

4 A Hum, no.

5 Q And will you be fair and impartial in the case?

6 A Yes.

7 Q Concerning the death penalty, do you have such  
8 views about it that you would be unable to be fair and  
9 impartial in determining the question of guilt or innocence?

10 A No.

11 Q Or would you automatically refuse to impose it  
12 regardless of the evidence?

13 A No.

14 Q Or would you automatically impose it upon a  
15 conviction of murder of the first degree, regardless of the  
16 evidence?

17 A No.

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

19 MR. KANAREK: Thank you, your Honor.

20 THE COURT: Call another name or two, will you.

21 THE CLERK: Robert Pike, P-i-k-e.

22 THE COURT: Go ahead, Mr. Kanarek.

23 MR. KANAREK: Oh, yes, your Honor.

24  
25  
26  
27  
28  
1a fls.

12-1

## VOIR DIRE EXAMINATION

1  
2 BY MR. KANAREK:

3 Q Mrs. Nash, I'm sorry, I didn't quite get your  
4 employment.

5 A I work for Blue Cross Insurance Company, and I am  
6 an accounting clerk.

7 Q And Blue Cross has told you that they would -- that  
8 they would pay you during the entire time you're here?

9 A Yes, as far as I know.

10 Q I see. And you checked with them in the immediate  
11 past, in the last few days?

12 A I called this morning.

13 Q Thank you.

14 Now, directing your attention to the Sharon --  
15 what you call the Sharon Tate matter.

16 Would you tell us how, based upon what you learned  
17 from the publicity, the people that died, died? That is,  
18 through what kind of agency was it that they died?

19 A What you mean what kind of agency?

20 Q Well, did they fall off a bridge or -- what caused  
21 them to die?

22 A Oh, as far as I know, is what I read in the  
23 newspaper and saw on television, and it was stabbing, I think.  
24 I'm not sure. Like I said, I did not follow the case tho-  
25 roughly.

26 Q Now, Mrs. Nash, our whole purpose here is just to  
27 supply evidence, information to Judge Choate in --

28 A Yes.



1a-2

1 Q -- in connection with this.

2 And that's exactly what we're here for, is to discuss  
3 what you have heard on the television and the newspapers.

4 A Yes.

5 Q And radio, or whatever.

6 A Yes.

7 Q It is no reflection or anything, whatever, on you,  
8 the fact that you read newspapers and watch television.

9 A Yes.

10 Q That's the very reason that we're talking right  
11 now.

12 Now, does the name La Bianca mean anything to you?

13 A Yes, I've heard that name.

14 Q And what does that name mean to you?

15 A I'm not too sure. All I know it is concerning what  
16 I call the Sharon Tate case, the name was brought up.

17 Q And as best you can recall, what does -- does it  
18 have any meaning to you, the name La Bianca?

19 A No, but I'm not sure. I think that's one of the  
20 ones that was murdered in the case. I'm not sure, now, because  
21 I didn't follow it.

22 Q Did you hear anything concerning any racial over-  
23 tones, black people and white people, and anything involving  
24 that?

25 A No, I haven't.

26 Q As far as that case was concerned?

27 A No, I haven't.

28 Q Now, you say you did hear the name Gary Hinman

1a-3

1 before Judge Choate mentioned the name to you in this courtroom?

2 A No, I don't recall that one.

3 Gary Hinman?

4 Q Yes.

5 A No, I don't think I said Gary Hinman.

6 Q Or did you ever hear the name Shorty Shea or Shea?

7 A No.

8 Q So as you sit there in the jury box at the present  
9 time, would you tell us what, based on the publicity, you think  
10 Mr. Manson's connection was, if any, as to the Sharon Tate  
11 matters?

12 A Mr. Manson's connection?

13 Q Yes, yes.

14 A What was his connection?

15 Q Based on what you heard in the publicity.

16 A He's the one that masterminded the murder as far  
17 as I -- in the newspapers.

18 Q I see. And you're -- based on the publicity, you've  
19 heard that he has been convicted and got what kind of a -- what  
20 was the result of the trial?

21 A I think it was death.

22 Q When you say "masterminded," what do you mean by  
23 that, "masterminded the murders"?

24 A Well, I guess he was the one that planned the  
25 murder.

26 Q Does the name Susan Atkins mean anything to you?

27 A Yes, I remember that name.

28 Q What is her -- what do you remember concerning her

1 that you heard from the publicity?

2 A Now, I understand -- I'm not too sure about that  
3 one. I don't know whether she was the one that was murdered or  
4 involved in the case with Manson or not. But I've heard the  
5 name. But I don't really know any details.

6 Q Did you read the Los Angeles Times during 1970 --  
7 the year of 1970?

8 A Yes, I did.

9 Q And did you take it at your home?

10 A Well, no. I don't think in 1970 -- I wasn't  
11 taking the paper.

12 Q That's last year.

13 A Yes.

14 Q Did you buy it --

15 A Right.

16 Q -- every day?

17 Every day?

18 A Yes, my husband buys it.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
lb fls.

1b-1

1 Q Every day, and brings it to your home?  
2 A Yes.  
3 Q And did you take the Herald-Examiner?  
4 A Yes.  
5 Q Did you take that every day and bring it home?  
6 A Not every day.  
7 Q But most of the time.  
8 A Most of the time.  
9 Q Do you watch television?  
10 A Yes.  
11 Q You watch television news?  
12 A Yes, I do.  
13 Q Would you tell us the channels you find most  
14 interesting?  
15 A I watch Channel 2, Channel 11, George Putnam,  
16 and Channel 7 sometimes.  
17 Q What's that?  
18 Channel 2?  
19 A Channel 2.  
20 Q And Channel 7?  
21 A And Channel 7.  
22 And 11.  
23 Q And during the year 1970, and up until the present  
24 time, have you heard the Manson -- the name Charles Manson  
25 discussed for one reason or another on these television news-  
26 casts?  
27 A Well, yes, they usually bring up the results of  
28 what happened -- if something happened during the day in the

1b-2

1 trial.

2 Q Whatever happened during the day in the trial,  
3 and you would listen to them each day; is that correct?

4 A Yes.

5 Q Is that correct?

6 A Yes.

7 Q Now, you would certainly intend -- you would  
8 certainly intend to follow the Court's order?

9 A Yes, I would.

10 Q And not consider the matters the Court has told  
11 us about, is that right?

12 A That's right.

13 Q But, like, you might intend -- you and I, we might  
14 intend to do various things. We might intend to play 18 holes  
15 of golf tomorrow morning and it may rain or something like  
16 that. We might not do what we intend to do.

17 You see what I am talking about?

18 A Uh-huh.

19 Q Now -- so not having actually gone through it, is  
20 it a fair statement that you just don't know what effect your  
21 having seen the publicity and heard the publicity in this case  
22 might have on you as you view this trial?

23 A That's true.

24 Q Is that true?

25 A That's true.

26 MR. KANAREK: Thank you.

27 May I approach the bench, your Honor?

28 THE COURT: No, I think not at this time.

1 BY THE COURT:

2 Q May I ask you, Mrs. Nash, do your last answers  
3 reflect any change in your attitude as expressed to me  
4 concerning your ability to set aside anything that you might  
5 have heard, seen or read about Mr. Manson?

6 A No.

7 Q Will you still do that?

8 A Yes.

9 Q Well, suppose -- suppose something is recalled to  
10 your mind.

11 Are you still of the firm opinion that you can  
12 disregard it, that is, wipe your mind clean of it and decide  
13 this case only on the evidence and on the Court's instruc-  
14 tions of law?

15 A Yes, I think I can.

16 THE COURT: Would you read Mr. Kanarek's last question  
17 and the answer, the last two questions, and the answers, to  
18 Mrs. Nash?

19 (Whereupon, the record was read by the reporter  
20 as follows:

21 "Q Now -- so not having actually gone  
22 through it, is it a fair statement that you just  
23 don't know what effect your having seen the  
24 publicity and heard the publicity in this case  
25 might have on you as you view this trial?

26 "A That's true.

27 "Q Is that true?

28 "A That's true.")

1 BY THE COURT:

2 Q Well, whatever effect it might have upon you if  
3 you do remember the publicity, would you still set it aside?

4 A State that again?

5 Q Will you still set it aside? Will you still set  
6 aside whatever you may recall?

7 A Well, yes, I can.

8 MR. KANAREK: May I ask --

9 THE COURT: Very well, go ahead.

10 BY MR. KANAREK:

11 Q Now, you have said from what you heard in the  
12 publicity Mr. Manson was the mastermind?

13 A Yes.

14 Q Of these matters.

15 Now, what if it should come out in this trial that  
16 the prosecution should claim as to these matters that are  
17 before us, the Gary Hinman matter and the Shea matter, and the  
18 conspiracy Count, which also involves statements concerning  
19 Susan Atkins, -- say the prosecution urges upon us that Mr.  
20 Manson is the mastermind.

21 You would then require some kind of evidence to  
22 displace from your mind presently what you now believe, based  
23 on the publicity that Mr. Manson is the mastermind; is that  
24 correct?

25 A No, I would base it only on what I hear starting  
26 with this trial now.

27  
28  
1-c fls.

1c-1

1 Q Right now your state of mind, based on the  
2 publicity, is that Mr. Manson was the mastermind in those  
3 events in the Sharon Tate case?

4 A That's correct. That's as far as I know from the  
5 papers.

6 Q So as you sit here through this trial, your state  
7 of mind would be, as you go from day to day, it would be that  
8 Mr. Manson was the mastermind; is that right?

9 A Well, in the past, yes, but like I say --

10 Q Pardon?

11 A Well, yes.

12 Q You would think that?

13 A Yes.

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

15 THE COURT: No, you may not.

16 BY THE COURT:

17 Q You indicated in the past "Yes," what do you mean  
18 by that?

19 A Like I said, I did see it in the paper, and that's  
20 the term they used in the paper, as far as I know. Like I  
21 said, I didn't follow the case all the way through. But I  
22 didn't read the papers every day.

23 Q Well, would you let that enter your mind, whatever  
24 it may be concerning Mr. Manson's having masterminded the  
25 Tate killings -- would you let that enter your mind whatever  
26 in determining any issue in this case?

27 A The case starting now?

28 Q Yes.



1 A Well, that's a hard question.

2 Q You don't know?

3 A Well, I guess not.

4 Q Pardon?

5 A No.

6 MR. KANAREK: Approach the bench.

7 THE COURT: You needn't approach.

8 Do you have a challenge?

9 MR. KANAREK: Yes, 1073, Subsection 2.

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

11 I have to be very certain that whatever you may  
12 have learned will not enter into your judgment in the case,  
13 I'm not satisfied from your answers that you really could  
14 eliminate it from your mind in making any decision that you  
15 might be called upon to make in the case, and, accordingly,  
16 I'm going to grant the challenge.

17 It is no reflection upon you, because you have  
18 read a great deal and heard a great deal about that other  
19 case. But the Court feels obliged to excuse you now to report  
20 to Room 253 now, and perhaps you may be picked up on another  
21 jury today. Thank you.

22 MR. KANAREK: Thank you, Mrs. Nash.

23 PROSPECTIVE ALTERNATE JUROR NASH: Thank you.

24 THE COURT: All right, call the next one from the box.

25 THE CLERK: Erma J. Wheatley, E-r-m-a, last name  
26 W-h-e-a-t-l-e-y.

27 THE COURT: Bring Mr. Pike and Mrs. Wheatley in.

28 Is it Pike?

1 PROSPECTIVE ALTERNATE JUROR PIKE: Here.

2 THE COURT: And Mrs. Wheatley?

3 PROSPECTIVE ALTERNATE JUROR WHEATLEY: Yes.

4  
5 VOIR DIRE EXAMINATION

6 BY THE COURT:

7 Q Were you present at the time that the Court  
8 explained the nature of this case to prospective jurors from  
9 your group and when the Court examined one of the prospective  
10 jurors taken -- first taken from your group?

11 A (Prospective alternate juror Wheatley) Yes.

12 A (Prospective alternate juror Pike) Yes.

13 Q And would your answers be any different than the  
14 answers of that prospective juror to the questions of a  
15 general nature put to her?

16 A (Prospective alternate juror Wheatley) Yes.

17 The only exception would be that I could not, in  
18 good conscience, impose the death penalty.

19 Q In respect to the death penalty, would your views  
20 be such that you could not be fair and impartial in determin-  
21 ing the question of guilt or innocence?

22 A (Prospective alternate juror Wheatley) No, I  
23 could be fair.

24 Q On reflection, then, you find that you could not  
25 vote for the death penalty, is that correct?

26 A (Prospective alternate juror Wheatley) Yes.

27 Q Yes?

28 A (Prospective alternate juror Wheatley) I could

1 not vote for the death penalty.

2 Q Would you have such views concerning it that you  
3 would automatically refuse to impose the death penalty  
4 regardless of the evidence?

5 A (Prospective alternate juror Wheatley) I would  
6 not impose the death penalty.

7 Q Regardless of the evidence?

8 A Regardless of the evidence.

9 Q Regardless of what might be produced by way of  
10 evidence?

11 A (Nods head.)

12 Q Yes?

13 A Yes.

14 Q If you nod, she doesn't -- this lady is unable  
15 to pick that up. You have to say something.

16 A Oh.

17 Q So that -- am I expressing your view concerning the  
18 death penalty, that you would, if given the choice between  
19 life imprisonment and death, always vote for life imprisonment  
20 and against death, regardless of the evidence?

21 A That's correct.

Id fls.

22

23

24

25

26

27

28

1-d-1

1 Q Would you ever vote to impose the death penalty  
2 in any case?

3 A No, I would not.

4 THE COURT: People?

5 MR. MANZELLA: People respectfully challenge Miss  
6 Wheatley under Section 1073, Subdivision 2 of the Penal Code.

7 MR. KANAREK: If I may?

8 THE COURT: Make it very short.

9  
10 VOIR DIRE EXAMINATION

11 BY MR. KANAREK:

12 Q Miss Wheatley, you would certainly discuss the  
13 evidence with your fellow jurors; is that a fair statement?

14 A Yes.

15 Q And you never have participated in this kind of  
16 proceeding, have you?

17 A No, I have not.

18 Q So, really, really you don't know, not having  
19 experienced it, what you might do or might not do in any  
20 given situation?

21 A That's correct.

22 Q And so, therefore, you would, perhaps, try to  
23 convince the others that they shouldn't impose death, if  
24 such an eventuality would occur, that you would ever be  
25 debating it, because it may never come to that; if Mr. Manson  
26 is found not guilty, you would never have any penalty phase?

27 THE COURT: Do you understand that question, the way it  
28 is phrased?

1 PROSPECTIVE ALTERNATE JUROR WHEATLEY: Yes, uh-huh.

2 THE COURT: Go ahead and answer it.

3 PROSPECTIVE ALTERNATE JUROR WHEATLEY: I personally do  
4 not feel that the death penalty is a deterrent to crime or is  
5 in any way a way of imposing justice.

6 However, I do think that I could deliberate on  
7 the evidence in terms of providing some sort of just restora-  
8 tion for a crime, but I would not impose the death penalty.

9 THE COURT: All right, the Court grants the challenge.  
10 Thank you very much. The Court does excuse you, and you  
11 should report to Room 253, if you would, Miss Wheatley.

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

13 THE COURT: Take another name in place of Miss Wheatley.

14 THE CLERK: Anton L. Werner, A-n-t-o-n, W-e-r-n-e-r.

15 THE COURT: Before Mr. Werner comes in, I'll ask Mr.  
16 Pike questions.

17 BY THE COURT:

18 Q Mr. Pike, what do you do in your job?

19 A I am a graphic arts illustrator.

20 Q For whom?

21 A Lockheed, Burbank.

22 Q And it would be neither a financial or personal  
23 hardship for you?

24 A Yes, it would.

25 Q It would be?

26 A Yes, sir.

27 Q In what way?

28 A Well, I checked last night and my company will only

1 pay me 20 days.

2 Q How long have you been with the company?

3 A 19 years.

4 Q And did you check with somebody?

5 A Yes.

6 Q Whom you believe to be in authority?

7 A Yes, my supervisor.

8 Q Would you be at all likely, if you were to be  
9 here for four or five months, to lose that position?

10 A Well, I -- possibly.

11 At the same time, I have a family and I live on  
12 my week's check. I have no savings, so I would not be able  
13 to back myself up through anything, and I have child support  
14 payments to make through the court.

15 THE COURT: All right. All right, the Court --

16 MR. KANAREK: Same motion, your Honor.

17 THE COURT: Same ruling.

18 The Court finds that the situation presents a  
19 hardship which you should not be required to endure. That is,  
20 you shouldn't be required to serve for four or five months  
21 and, therefore, does excuse you.

22 MR. KANAREK: Thank you, Mr. Pike.

23 THE COURT: Let's find another juror in place of Mr.  
24 Pike.

25 Bring Mr. Werner in. And call another name from  
26 the box, please.

27 THE CLERK: Clare F. Wallburg, C-l-a-r-e, last name  
28 W-a-l-l-b-u-r-g.

## VOIR DIRE EXAMINATION

BY THE COURT:

Q Mr. Werner and Miss Wallburg, were you present when the Court explained the nature of this case to your group of prospective jurors and instructed you on the law, in part, and questioned one of your prospective jurors first chosen from your group to the box?

A (Prospective alternate juror Werner) Yes.

A (Prospective alternate juror Wallburg) Yes.

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

A (Prospective alternate juror Werner) No.

A (Prospective alternate juror Wallburg) No.

Q Would it constitute any hardship for you to serve as a juror in this case for four or five months?

A (Prospective alternate juror Wallburg) Yes, it would, for me.

Q Tell us about it, Mrs. Wallburg.

A (Prospective alternate juror Wallburg) Well, we are both retired and we have several trips planned and paid for.

1e fls.

1e-1

1 Q You have what?

2 A (Prospective Alternate Juror Wallburg) Planned and paid  
3 for, and reservations in and paid for. And now, one of them,  
4 it is too late to even get a refund on the trip.

5 Q Which one is that?

6 A We're going to Honolulu in September, September 9,  
7 and it is past the time that we can get a refund on it.

8 Q And you have paid for your fare?

9 A No, we've paid for the boat trip. The boat is all  
10 paid. We'll be on a boat between the islands for ten days.  
11 That's all paid for, and it is too late to even cancel it.

12 Q What you've paid for is your fare, and your husband's  
13 fare on a ship that goes between the islands?

14 A Yes, uh-huh.

15 Q A cruise ship?

16 A The old Mariposa, and it goes between the four  
17 islands for four days.

18 Q I see. What does that amount to?

19 A \$1440.

20 THE COURT: Well, the Court believes that would be a  
21 hardship to you to lose that money, and, therefore, does excuse  
22 you. Room 253 forthwith.

23 MR. KANAREK: Thank you, Mrs. Wallburg.

24 THE COURT: Take another name in place of Mrs. Wallburg.

25 THE CLERK: Connie F. Peyrot, P-e-y-r-o-t.

26

27

VOIR DIRE EXAMINATION

28

BY THE COURT:



1e-2

1 Q Miss Peyrot, am I pronouncing you correctly?

2 A Peyrot.

3 Q Mrs. Peyrot, were you present when the Court  
4 explained the nature of this case to your group of prospective  
5 jurors and questioned one of your prospective jurors first chosen  
6 from the group?

7 A Yes.

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

10 A No.

11 Q Would it be any hardship for you to serve in this  
12 case?

13 A Yes.

14 Q What way?

15 A I am a teacher in the Catholic school system, and  
16 I have to be in school September 7th. I cannot serve beyond  
17 the 30-day period.

18 Q Do you have tenure in the school?

19 A There's no such thing in private schools.

20 Q There's no such thing in private schools?

21 A No. And we don't get paid for the days off. And  
22 they have no money for substitutes. They are in dire straits.

23 Q In addition to that, you would probably be replaced  
24 if you didn't show up?

25 A I'm afraid so.

26 THE COURT: All right, the Court finds it would  
27 constitute a hardship to you and does excuse you. Room 253,  
28 then, if you would, please, forthwith.

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

2 THE COURT: Perhaps we should stand them up en masse.

3 Call another name.

4 THE CLERK: Craig W. Vaughn, C-r-a-i-g, V-a-u-g-h-n.

5  
6 VOIR DIRE EXAMINATION

7 BY THE COURT:

8 Q Mr. Werner, would it constitute any hardship to you  
9 to serve?

10 A No, no hardship.

11 Q What type of work do you do?

12 A Department of Water and Power, transportation  
13 inspector on equipment.

14 Q Is there a Mrs. Werner?

15 A Yeah.

16 Q What type of work does she do?

17 A She doesn't work.

18 Q You mean she's a housewife?

19 A Housewife.

20 Q I'm glad she's not here, you might incur her  
21 wrath.

22 A No, I don't think so.

23 Q Making such a remark, that she does not work.  
24 She doesn't work outside the home?

25 A No.

26 Q Are you related to or a friend of any law  
27 enforcement officer?

28 A No, I am not.

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

3 A No, sir.

4 Q In what area do you and Mrs. Werner reside?

5 A Hollywood area.

6 Q Do you have such views concerning the death  
7 penalty that you couldn't be fair and impartial in determining  
8 guilt or innocence?

9 A No.

10 Q Do you have such views concerning it that you would  
11 automatically refuse to impose it regardless of the evidence?

12 A No.

13 Q Would you automatically impose it upon a conviction  
14 of murder of the first degree, regardless of the evidence?

15 A What do you mean?

16 Q Would you automatically vote for it, without view-  
17 ing the evidence?

18 A Oh, no.

19 Q Upon a conviction of murder of the first degree,  
20 I mean?

21 You would not?

22 A Uh, no.

23 Q You seem to be puzzled by that.

24 Do you have some questions?

25 A Yeah.

26 Q Ask me what --

27 A If it is a conviction of first degree murder?

28 Q Would you automatically impose the death penalty?

1 You indicated to me that you would not automatically refuse to  
2 impose the death penalty --

3 A Yeah.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

lf fls.

1           -- upon a conviction of murder of the first degree, with-  
2 out regard to the evidence.

3           Now, the Court asks you the reverse. Would you  
4 automatically impose it, regardless of the evidence?

5           A     No.

6           Q     There is still a hint of puzzlement in your voice.  
7 Do you have any views concerning it?

8           A     No.

9           Q     Would you be more inclined to impose the death  
10 penalty upon a conviction of murder in the first degree than  
11 not, let's say?

12           Or --

13           A     I don't think so.

14           Q     Or would you view the evidence?

15           A     I would view the evidence, first, to --

16           Q     To determine --

17           A     -- to determine my opinion of what it would be.

18           Q     All right.

19           Pass that microphone to Mr. Vaughn.

20  
21                               VOIR DIRE EXAMINATION

22           BY THE COURT:

23           Q     Mr. Vaughn, were you present when the Court  
24 explained the nature of this case to your group of prospective  
25 jurors when the Court questioned the first prospective juror  
26 from your group?

27           A     Yes. Yeah.

28           Q     Would your answers be any different than that

1 prospective juror's answers were to the questions of a general  
2 nature?

3 A Yes, they would.

4 Q In what way?

5 A Uh, for instance, I have in the past known law  
6 enforcement officers.

7 Q Have you ever worked for law enforcement yourself?

8 A No. In college I was one of the student police  
9 officers, but I think that hardly qualifies.

10 Q What college was that?

11 A Stanford, up near San Francisco.

12 Also, I have appeared in court cases as a witness,  
13 twice.

14 Q Oh, you have, in criminal cases?

15 A Yes.

16 Q As a result of that duty?

17 A I beg your pardon?

18 Q As a result of that duty as a police officer on  
19 the campus?

20 A No, I was merely a witness in two cases.

21 Q I see.

22 Do you think that this would affect your judgment  
23 in any way, these things you mentioned?

24 A Yes, I think it would make me more thoughtful about  
25 what I am doing. I have seen something of the legal process  
26 thus far.

27 Q Would the effect be such that you would be biased  
28 or prejudiced in either direction?

1 A No.

2 Q For the prosecution or the defense?

3 A No, not at all.

4 Q Would it be any hardship to you to serve in this  
5 case?

6 A I cannot yet answer that. There are three  
7 possibilities.

8 I'm a school teacher, and I have personal phone  
9 calls into my district superintendent, into his office, and I  
10 have not reached him yet. I don't know what the policy of the  
11 district is toward an extended trial, whether I would lose my  
12 job or be paid for it or whatnot.

13 Q What district is that?

14 A Los Virgenes, the Malibu, Calabasas and Agoura,  
15 the west end of the County.

16 Q Do you have tenure there yet?

17 A No, I do not have tenure --

18 Q And in your --

19 A -- in my field.

20 Q -- how long does it take to acquire tenure?

21 A Three years.

22 And in my field, teaching jobs are pretty scarce.  
23 Social science, specifics, and that sort of thing.

24 Q If you don't show up, you want to know whether or  
25 not you'll be replaced or be paid?

26 A Yes, that's right.

27 Q During the next recess, if you would, the Court  
28 would make the phone available to you and perhaps --

1           A       Great.

2           Q       -- you can get in contact with somebody.

3           A       Also, there are two other sort of -- it would be a  
4 hardship to me, possibly, if there was excessive sequestering.

5                 One, I have a semi-invalid dog with no one to take  
6 care of him but myself. And he's important to me because we  
7 grew up together.

8                 And second, I have a very slim chance to make the  
9 Olympic team for Munich and I need to work out at least four  
10 hours a day.

11          Q       In what sport?

12          A       Long jump.

13                 And if I were locked up for a month in a hotel or  
14 something, that would, perhaps, put that in jeopardy. I can't  
15 say for sure.

16          Q       Well, we could make the corridor in the hotel  
17 available to you.

18          A       Great. That's fine with me.

19          Q       We'll work on that.

20                 Is there a Mrs. Vaughn?

21          A       No.

lg fls.

22  
23  
24  
25  
26  
27  
28



lg-1

1 Q And you indicated that you are not related to or  
2 a friend of any law enforcement officer?

3 A Not at the present time. In the past I have known  
4 several law enforcement officers.

5 Q In what? In connection with your job as a type  
6 of policeman?

7 A No, merely as their friends. They were very good  
8 friends with my grandfather and I used to spend a great deal of  
9 time with him. It was an informal type of thing.

10 Q Do you think that would affect your judgment,  
11 having been associated with police officers?

12 A Not as far as bias either way for the prosecution  
13 or defense. I think it makes me more reserved in passing  
14 judgment, more thoughtful.

15 Q Have you served as a juror before in a criminal  
16 case?

17 A No, sir.

18 Q Concerning the death penalty, do you have such  
19 views about it that you could not be fair and impartial in  
20 determining guilt or innocence?

21 A No, no problem.

22 Q Or do you have such views concerning it that you  
23 would automatically refuse to impose it, regardless of the  
24 evidence?

25 A No, but I must qualify that.

26 Q All right.

27 A I would not -- I am not categorically or absolutely  
28 opposed to the death penalty.

1g-2

1                   However, I feel very strongly that the death  
2 penalty should be reserved only for those cases where the  
3 person involved is either a -- totally beyond rehabilitation  
4 and cannot be returned to society or --

5           Q       This would be a matter for you to make judgment  
6 upon, based upon what you hear from the evidence.

7           A       Well, I am just saying that --

8           Q       Well, really, what I am eager to know from all  
9 of this, we must find out, is whether or not your reaction  
10 would be an automatic one?

11          A       No.

12          Q       In refusing to impose the death penalty, regard-  
13 less of the evidence.

14          A       No.

15          Q       Or on the other hand, whether you would automatically  
16 vote for it upon a conviction of murder of the first degree?

17          A       No.

18          THE DEFENDANT: His judgment is based upon what he  
19 learned in school.

20          THE COURT: You're going to have to be quiet.

21          THE DEFENDANT: Only thing he can be judged with.

22          THE COURT: You're going to have to be quiet or you  
23 will be placed in the tank.

24          THE DEFENDANT: I just had to get that one in there.

25          THE COURT: You're going to have to leave some of those  
26 things out, if you would like to stay in the courtroom.

27                   Let's pass the microphone back to the gentleman,  
28 Mr. Werner.

1g-3

## VOIR DIRE EXAMINATION

BY THE COURT:

Q Mr. Werner, do you have such views -- well, let me run through this with you.

You told me about your work.

What do you do for the Department of Water and Power?

A Equipment transportation inspector, different areas.

Q And you have no friends who are law enforcement officers?

A No.

Q Or relatives, is that correct?

A That's correct.

Q And you've never served on a jury before?

A That's correct.

Q Would you have such views concerning the death penalty that you could not be fair and impartial in determining guilt or innocence?

A No.

Q Would you automatically refuse to impose it, regardless of the evidence?

A No.

Q All right.

I may have asked you this before.

A Yes.

Q It comes back to me now. It is coming back to me now.

1g-4

A Yes.

Q All right.

Now, I wish to ask each of you about publicity, and I would ask you, Mr. Werner, to step out, just briefly.

MR. MANZELLA: Your Honor, could we have a recess at this time?

THE COURT: Very well, we've been going an hour and 20 minutes, something like that. It doesn't sound unreasonable. We'll take a recess.

During the recess, Mr. Vaughn, don't converse with anyone about this case except possibly your employer, and you may use this telephone now.

PROSPECTIVE ALTERNATE JUROR WERNER: Thank you.

(Morning recess.)

2 fls.

2-1

1 THE COURT: All right. Off the record, then. In the case  
2 of People versus Manson -- and the Court has been talking with  
3 Mr. Kanarek, and in the pre-trial motion attacking the  
4 composition of the -- and the means of choice or the means of  
5 choosing a civil jury --

6 MR. KANAREK: The petit jury.

7 THE COURT: The petit jury, thank you.

8 (Continuing) -- the petit jury, the Court read a  
9 transcript of the pre-trial motion in the case of People versus  
10 -- the People of the State of California versus Smith and  
11 Powell.

12 Those transcripts are still in the courtroom here,  
13 and the Court will accept them as Defendant's next in  
14 evidence, mark them as, I believe H. I believe they are H.  
15 And they will be so marked.

16 And the clerk may mark them and bundle them in  
17 such a way that they can be kept intact, in the grouping in  
18 which they now are.

19 MR. KANAREK: They'll remain in -- in Department 106  
20 here?

21 THE COURT: Well, it's the Court's intention to send them  
22 down to the exhibit room, and to tag them -- although I -- I  
23 don't know. It would probably be just as well to keep them  
24 here. Although we have, in addition to that, bundles of other  
25 material that the Court considered pre-trial, in evidence, and  
26 that has been removed from the courtroom and is now down in the  
27 clerk's office.

28 I may just put it all together in the clerk's

2-2

1 office with those other things.

2 MR. KANAREK: Whichever the Court prefers.

3 THE COURT: All right. The defendant is present.  
4 Mr. Manzella is present, and Mr. Kanarek.

5 BY THE COURT:

6 Q Mr. Vaughn, did you, during the recess, make some  
7 contact with your supervisors?

8 A Yes.

9 Q What is your situation as to your position?  
10 Will that be available to you, if you should not be present  
11 in September?

12 A No, his feeling was that, if I am held up for  
13 four or five, six months, that it will work -- it's a very  
14 small district, and it will work a hardship on the district,  
15 getting a replacement teacher for a short period of time and  
16 so on.

17 He was of the feeling that the district would now  
18 send some kind of a legal letter down to the jury department,  
19 explaining that I was a teacher, and being difficult for the  
20 kids to --

21 Q So his thought was that they'd probably just  
22 replace you, or --

23 A Yes.

24 Q -- rather than try to find somebody for a short  
25 period of time?

26 A Yes.

27 MR. KANAREK: The same motion, your Honor. And equal  
28 protection and due process under the Fourteenth Amendment, --

2-3

1 THE COURT: All right.

2 MR. KANAREK: -- and request a hearing, because this is  
3 State action.

4 THE COURT: The Court will deny that request for a  
5 hearing.

6 In other words, you are asking that the Court  
7 restrain the school district from discharging or not hiring  
8 Mr. Vaughn, in September, should he be on this jury? Is that  
9 correct?

10 MR. KANAREK: Well, what I am --

11 THE COURT: And in addition, you are requesting, of  
12 course, as usual, that the Court issue an order to show cause  
13 to the Board of Supervisors, as to why they should not pay  
14 Mr. Vaughn's salary?

15 MR. KANAREK: Well, yes. But it's our position -- it's  
16 our position that it's -- that it is State action for such --  
17 for the school district not to pay the gentleman.

18 And it's arbitrary; it's capricious; it's a  
19 denial of equal protection and due process under the  
20 Fourteenth Amendment.

21 And we request a hearing.

22 THE COURT: Well, the Court denies --

23 MR. KANAREK: And we oppose the release of the  
24 gentleman.

25 THE COURT: The Court denies the request, and the Court  
26 does find that it is a hardship to Mr. Vaughn, under the  
27 circumstances; and the Court excuses you.  
28

2a fls.

2a-1

1 Q While you are under oath, do you think that you'll  
2 ever break Boston's record for the long jump?

3 A Well, it's Beamon now. He went out two more  
4 feet.

5 Q Did Beamon go --

6 A Yes, twenty-nine, two. And I'll never get even  
7 close to that, to be honest.

8 Q You don't think you'll make Beamon's mark?  
9 It's 29 feet?

10 A Twenty-nine feet, two inches. I don't see how I  
11 can do it.

12 Twenty-six or 27 is not too tough, but the other's  
13 pretty hard.

14 Q Well, you are going to have some time to work  
15 on it. We are excusing you from this jury, and you can go to  
16 Room 253 forthwith.

17 A Okay. Thank you.

18 MR. KANAREK: Thank you, Mr. Vaughn.

19 THE CLERK: Alice Noriega; N-o-r-i-e-g-a.

20 THE COURT: -i-e-g-a, Noriega. Werner? Let's have  
21 Mr. Werner in.

22 THE BAILIFF: Yes. Do you want both jurors in, sir?

23 THE COURT: No. Just Mr. Werner.

24 Mrs. Noriega, you can wait outside, if you would.  
25 We'll take Mr. Werner first.

26 Off the record.

27 (Whereupon, a discussion ensued off the record.)

28 VOIR DIRE EXAMINATION OF



2a-2

ANTON L. WERNER

BY THE COURT:

Q Mr. Werner, I wanted to ask you whether you had ever heard, seen or read Mr. Manson's name before you came into this courtroom?

A Today?

Q No, at any time. Had you heard, seen or read --

A Oh,

Q -- the name Charles Manson before you came into this courtroom and heard the Court explain the nature of this case to you?

A Oh, no. Just as I come in here.

Q Do you want to raise that microphone?

A Just since I came in here yesterday; that's the first I heard of the case.

Q Well, had you ever heard the name Charles Manson in any other way?

A Yeah, from before.

Q From before?

A Yeah.

Q Are you referring not to this case, but to some other case?

A Some other case.

Q Then you mean the Tate-La Bianca homicide case?

A That's right.

Q In connection with that case, did you follow it in the news?

A Uh -- not too much.

2a-3

1 Q Did you read the newspapers?

2 A Well, we don't take a newspaper; just Saturday and  
3 Sunday, and watching on TV.

4 Q I see. You occasionally saw a news article in the  
5 newspaper?

6 A Yeah, occasionally.

7 Q And you watched television? And occasionally --

8 A Yeah.

9 Q -- heard the radio; is that correct?

10 A Mostly television.

11 Q Do you know what the result of the case was? Do  
12 you know whether there was a verdict? And if so, what it was?

13 A I think there was a verdict: Life.

14 Q You think they found Mr. Manson guilty in that  
15 case, the jury did, and that they -- and that he has been  
16 sentenced to life imprisonment?

17 A That's right.

18 Q Do you know the name Susan Atkins?

19 A I've heard it, yeah.

20 Q You have heard it. In what connection? What do  
21 you know about that?

22 A Over TV, and -- and it's one of the girls  
23 involved in the case at the time.

24 Q In what way?

25 A Now, you got me.

26 Q You don't remember?

27 A No.

28 Q Do you know the name Bobby Beausoleil?

2a-4

1

A Yeah, I heard the name, but I can't --

2

Q But you can't remember in what way?

3

A In what way, no.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

2b fls.

2b-1

- 1 Q Do you know the name Mary Brunner?
- 2 A Brunner? I can't place that.
- 3 Q Before you came into this courtroom, had you ever
- 4 heard the name -- heard, seen or read the name Shorty Shea?
- 5 A No.
- 6 Q Or Gary Hinman?
- 7 A Hinman. I heard that mentioned.
- 8 Q Tell us what you know about that name.
- 9 A Uh -- that he was murdered on some case. I've
- 10 forgotten. I don't know now.
- 11 Q And do you recall any of the details of the
- 12 killing, the Hinman killing?
- 13 A No.
- 14 Q You don't recall?
- 15 A Hmm-mm.
- 16 Q Do you recall the President of the United States
- 17 making some statement during the course of that trial?
- 18 A At that time, yes.
- 19 Q Do you recall what that was?
- 20 A He convicted him before he was found guilty, or
- 21 some such statement like that.
- 22 Q Did you approve of that kind of statement, or of
- 23 the views expressed?
- 24 A Well, it was all right by me. They were his
- 25 views.
- 26 Q In other words, you had formed the opinion that
- 27 Mr. Manson was guilty?
- 28 A No, I didn't form any opinion, at that time.

2b-2

1 Q At any event, if I were to ask you now whether  
2 you could follow the instructions of the Court that you were  
3 to disregard anything you may have heard, seen or read, in  
4 making any judgment that you might be called upon to make  
5 in this case, could you do that?

6 A Yes, I could.

7 Q If I were to inform you that it would be your  
8 solemn obligation to lay aside, in your mind, anything that  
9 you might have heard, seen or read, talked about in connec-  
10 tion with Mr. Manson, this case or any other case, are you  
11 capable of doing that? That is, setting aside such matters  
12 for the purpose of making an independent judgment, based upon  
13 the evidence in this case?

14 A Yes, I could. Because I -- I don't follow too  
15 much upon the case before. I got three houses I have been  
16 working on, and --

17 Q If during the course of this case, or the  
18 deliberations, you should remember other details of news  
19 stories that you had heard, seen or read, do you think that  
20 you could put them out of your mind, and make a decision  
21 based solely on the evidence?

22 A I believe so, solely on the evidence.

23 Q Will your judgment then on any issue in this case  
24 be based upon the evidence?

25 A No, it would be based on the evidence.

26 Q And will you be fair and impartial in the case?

27 A I would be fair and impartial.

28 Q Do you have any doubt in your mind about your

2b-3

1 ability to set aside what you may have heard, seen or read  
2 in connection with this case? Or any other case?

3 A No, I don't think I'd have any doubt, because I  
4 don't know too much about the first one to begin with.

5 Q All right. Now, do you have any doubt about your  
6 ability to set aside what you may remember later on, about  
7 what you've heard, seen or read in connection with this --

8 A No, sir.

9 Q -- or any other case?

10 A Yes, sir.

11 Q Pardon?

12 A Yes, sir.

13 Q Oh, you do have some doubt, or you do not?

14 A No, I don't have any doubt that I would --

15 Q That you could set it aside?

16 A That I could set it aside, yeah.

17 THE COURT: Mr. Kanarek, you may examine.

18  
19 VOIR DIRE EXAMINATION

20 BY MR. KANAREK:

21 Q Mr. Werner, you said that Mr. Nixon's -- what is --  
22 what was your reaction to Mr. Nixon's statement?

23 A Well, at the time, it was all right by me.

24 Q What do you mean by that?

25 A I figured he could make an opinion if he wanted  
26 to.

27 Q Pardon? Could you speak --

28 A It was his opinion.

2b-4

1 Q Could you speak a little closer to the microphone?  
2 A He could make his opinion.  
3 Q And as far as you were concerned, what did you  
4 think of that opinion?  
5 A I thought it was all right.  
6 Q You agreed with the opinion?  
7 A Well, I couldn't agree, because I didn't know  
8 enough about it to begin with.  
9 Q Well, but -- is it your experience in life that  
10 there are a lot of things that we learn by way of publicity,  
11 that we use in our daily life?  
12 A Yeah, but --  
13 Q For instance, the laws of Congress, and the laws  
14 that come out of Sacramento; we are not there in the  
15 Legislature when they're enacted, but we use them.  
16 A Yes, that's right.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2c fls.

2c-1

1 Q And we rely upon what we hear in the publicity;  
2 is that correct?

3 A Well, I don't think I do. I try to find out.

4 Q You try to find out?

5 A Yeah.

6 Q Well, but what I mean is, do you go to the  
7 Legislature?

8 A Well, some laws that are passed, that are in the  
9 newspaper --

10 Q That's what I mean.

11 A Yeah.

12 Q So we rely on what we read in the newspapers.

13 A But they're changing laws every day, on equipment  
14 and traffic and --

15 Q Right.

16 A So you've got to keep up with it.

17 Q Now, having in mind what you've heard in the  
18 publicity, from the publicity, can you tell us: What did you  
19 hear concerning Sharon Tate, if anything?

20 A Well, I couldn't tell you anything about it,  
21 because I never followed it enough to --

22 Q Well, do you think that Sharon Tate, for instance,  
23 is alive today? Do you think she's alive?

24 A Yeah.

25 Q Pardon?

26 A Yes, sir.

27 Q Do you think that --

28 A Oh, no. Not Sharon Tate.



2c-2

1 Q That's what I mean. What do you think happened  
2 to her?

3 A Well, she's the one who got murdered, wasn't she?

4 Q And what -- and you've -- from the publicity,  
5 what do you think Mr. Manson had to do with Sharon Tate, if  
6 anything?

7 A I didn't follow it close enough to -- I thought  
8 it was a whole group.

9 Q You thought it was what?

10 A A whole group of them. So I never followed the  
11 papers that much.

12 Q But you -- but from the publicity, you -- you  
13 heard that Mr. Manson was convicted in that other case?

14 A Yeah.

15 Q Is that correct?

16 A Yeah.

17 Q And convicted of what?

18 A Uh -- it was murder, or -- for instigating murder.

19 Q And when you say "instigating," you mean -- what  
20 do you mean by that, Mr. Warner?

21 A Well, they had a group doing the killings, and  
22 he was the instigator.

23 Q I see. Now, directing your attention -- so that's  
24 your present state of mind --

25 A Yeah.

26 Q -- as to that case?

27 Now, so that's what you already have, as far as  
28 this case is concerned, right now, in your mind, concerning

1 Mr. Manson; is that a fair statement?

2 A In that case, yes, sir.

3 Q Now, if, during this case, the prosecution should  
4 bring forth evidence, by means of which they would contend  
5 that Mr. Manson is the instigator in this -- as far as these  
6 matters are concerned, that are before us now, would you  
7 require some kind of evidence to displace from your mind the  
8 fact that you think that he is an instigator in the other  
9 case?

10 A Uh -- if -- well, as far as -- I'd have to hear  
11 the evidence, as it goes.

12 Q Pardon?

13 A I would have to hear the evidence as it goes.

14 Q Well, but --

15 A The other case wouldn't bother me, as far as that  
16 goes.

17 Q Well, what if the other case were brought forth  
18 in this courtroom? For one reason or another? Say that  
19 parts of that other case or that other case was presented  
20 here. You already have formed the opinion that Mr. Manson  
21 is the instigator in that case; is that a fair statement?

22 A Well, from what I know, yes.

23 Q Pardon?

24 A Yes.

25 Q And so you would require some -- you'd require  
26 Mr. Manson to prove to you that he was not the instigator,  
27 to change your mind; isn't that right?

28 A Well, I think I'd have to hear what goes on,

1 because I wouldn't know.

2 Q Well, but what I mean is, in order to change  
3 your mind, that Mr. Manson was not the instigator, you would  
4 have to hear some evidence to change your mind?

5 MR. MANZELLA: Objection.

6 Q BY MR. KANAREK: Is that right?

7 MR. MANZELLA: Objection, your Honor. The question has  
8 been asked and answered.

9 THE COURT: Sustained. The Court sustains the objec-  
10 tion.

11 You needn't answer.

12 MR. KANAREK: Well, may I approach the bench, your  
13 Honor?

14 THE COURT: No, you may not -- oh, do you wish to --  
15 yes. Do you wish to argue on that last question?

16 MR. KANAREK: Yes, your Honor.

17 THE COURT: On the sustaining of the objection?

18 MR. KANAREK: No. No, broader than that, your Honor.

19 THE COURT: You may approach the bench, then.

2d fls.

20

21

22

23

24

25

26

27

28

2d-1

1 (Whereupon, the following proceedings were had at  
2 the bench, outside the hearing of the prospective alternate  
3 juror:)

4 MR. KANAREK: Your Honor, I challenge this juror under  
5 Section 1073, Subsection 2. If he thinks Manson's the  
6 instigator of those other crimes, it's just --

7 THE COURT: Well --

8 MR. KANAREK: -- impossible for him to receive a fair  
9 trial.

10 THE COURT: Well, there are numerous people who are --  
11 some of whom are on the jury -- who have said as much.

12 MR. KANAREK: That's right. That's right. And this is  
13 why we've challenged them, among other reasons.

14 THE COURT: But they have said -- and the Court believes  
15 them, when they have said it -- that they will set it aside,  
16 and that they will decide the case without reference to it.

17 MR. KANAREK: Well, but your Honor --

18 THE COURT: And it's my judgment that this man can do  
19 that.

20 MR. KANAREK: Well, it's my --

21 THE COURT: I think that he can set it aside, what he may  
22 have heard, seen or read. He doesn't seem to know a great deal  
23 about what has happened.

24 MR. KANAREK: You don't have to know. All you have to  
25 know is that horrendous result, your Honor: Seven counts of  
26 murder, and -- and the fact that someone was convicted, in a  
27 widely publicized case like that.

28 You don't have to know the detail of whether a

2d-2

1 person was stabbed, hung or tortured or what. All you have to  
2 know is the result.

3 Because after all, it was a jury that brought in  
4 the result -- the purported result; and this is the essence of  
5 the unfairness. That's why Mr. Manson can't get a fair trial.

6 THE COURT: Well, the Court believes he can set aside  
7 what he may have heard, seen or read; that he will set aside  
8 that, and any opinions he may have formed, and will decide  
9 the case impartially.

10 The Court denies the challenge.

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

14 BY THE COURT:

15 Q Mr. Werner, if you were to use any such opinions  
16 that you might have formed, similar to the opinions that you've  
17 expressed to Mr. Kanarek here regarding Mr. Kanarek's --  
18 Mr. Manson's activities in that other case, if you were to use  
19 any publicity from the news, or anything that you may have  
20 heard, any conversations with other people in the course of  
21 deciding any issue that you are called upon to decide in this  
22 case, that it would be very unfair; do you understand that?

23 A (Indicating affirmatively.)

24 Q Do you want to use that microphone?

25 A Yes, sir.

26 Q And the Court will be instructing you that it's  
27 your solemn obligation to wipe your mind clean of any such  
28 opinions, any such information that you may have learned, and

2d-3

1 decide the case based solely on the evidence and the Court's  
2 instructions of law.

3 Now, do you understand that?

4 A Yes, sir.

5 Q And you are firm in your belief that you can do  
6 that?

7 A I believe I could.

8 Q And will you?

9 A I would.

10 THE COURT: Anything further, gentlemen?

11 MR. KANAREK: Yes, your Honor. I would like to --

12 BY MR. KANAREK:

13 Q Mr. Werner, you would intend not to consider these  
14 matters; is that correct?

15 A Well, I wouldn't consider the matters, only from  
16 the evidence of what I hear here in the court.

17 Q You would intend not to consider the matters  
18 you've heard in the publicity?

19 A That's right.

20 Q But not ever having done it before, really, isn't  
21 it a fair statement, you don't know whether you could or not?

22 A Well, I could try to do my best.  
23  
24  
25  
26  
27  
28

3 fls.

3-1

1 Q You would do your best?

2 A Yes.

3 Q But you don't know for sure it would be possible,  
4 not having gone through --

5 A I think it would, because I don't know too much  
6 about the other cases.

7 Q But you would do your best, but you don't know  
8 for sure that you could do it, isn't that a fair statement?

9 A Well, I believe I could do it.

10 Q You believe you could, but you just don't know  
11 100 percent for sure?

12 MR. MANZELLA: Objection, Objection, your Honor. The  
13 question has been asked and answered.

14 MR. KANAREK: I don't know. Certainly the man --

15 THE COURT: Are you expressing any doubt about your  
16 ability when you say "I believe"?

17 PROSPECTIVE ALTERNATE JUROR WERNER: No, I don't.

18 THE COURT: You're firm in your expression that you will  
19 set it aside?

20 PROSPECTIVE ALTERNATE JUROR WERNER: I will set it  
21 aside and go just on what -- in court, and go according to  
22 what the court evidence --

23 THE COURT: All right.

24 Bring in Mrs. Noriega, then.

25 And will you, Mr. Werner, leave the courtroom  
26 and just wait outside.

27 PROSPECTIVE ALTERNATE JUROR WERNER: All right.

28 THE COURT: Mrs. Noriega, come forward, please.

1 MR. KANAREK: Thank you, Mr. Werner.

2 THE COURT: Right there is all right, Mrs. Noriega.

3  
4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 Q Mrs. Noriega, were you present when the Court  
7 explained the nature of this case to your group of prospective  
8 jurors and when the Court questioned the first prospective  
9 juror taken from your group?

10 A Yes.

11 Q Would your answers be any different than the  
12 answers of that prospective juror to the questions of a  
13 general nature?

14 A No.

15 Q Would it be any hardship to you to serve on this  
16 case?

17 A No.

18 Q You pondered a long time over that.  
19 It wouldn't be any personal --

20 A Personal, yes.

21 Q An inconvenience of some kind?

22 A Yes.

23 Q All of us are put to some considerable inconveni-  
24 ence when we serve in a trial this long, unfortunately.

25 The Court will ask you, of course, to serve in  
26 a situation where it is simply a matter of inconvenience.

27 What is that that you are talking about?

28 A My work is that of a community liaison-person



1 with the Department of Mental Health, so I am active --

2 Q State?

3 A County.

4 Q County?

5 A Yes,

6 -- so I'm active in a lot of community activities,  
7 groups that meet at night. Besides what happens during the  
8 day.

9 I think that if I were to participate with a  
10 group here, it would curtail my involvement with my community.

11 Q Well, the Court agrees with you that that amounts  
12 to no more than an inconvenience, and I will ask you to serve.  
13 And I realize, however, that it is a sacrifice which you, as  
14 a citizen, are making in order to serve on jury duty.

15 You work for the Department of Mental Health of  
16 the County?

17 A Right.

18 Q How long have you been so employed?

19 A Two years.

20 Q And what's your status there? What do you do?

21 A I'm the coordinator of community services.

22 Q In what area?

23 A East Los Angeles.

24 Q Is there more than one such coordinator?

25 A No, I'm the only one.

26 Q You're the only one?

27 A Yes.

28 Q Is there a Mr. Noriega?

1 A Yes.

2 Q What does he do?

3 A He works for the Health Department.

4 Q And what's his job? Is he generally connected at  
5 all --

6 A No, his job is with the Sanitation Department.

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

9 A No.

10 Q Have you served as a juror before in any --

11 A No.

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

13 A East Los Angeles.

14 Q Do you have such views concerning the death  
15 penalty that you couldn't be fair and impartial in determin-  
16 ing guilt or innocence?

17 A Yes.

18 Q In other words, you couldn't be impartial in the  
19 first phase of the case, knowing that later on you might be  
20 called upon to determine the question of life imprisonment or  
21 death?

22 A I feel I couldn't.

23 Q Regarding your views toward the death penalty,  
24 are they such that you would automatically refuse to impose  
25 it regardless of the evidence?

26 A I am very much against it, yes.

27 Q Well, realizing that you are against it, is  
28 your answer that you would automatically refuse to impose it

1 regardless of the evidence or would you consider the evidence  
2 and make a determination as to whether, under the circum-  
3 stances, viewing the evidence, in your judgment, and in your  
4 judgment alone, you should impose life imprisonment or death?

5 A To me, the death sentence serves no purpose,  
6 so I am very much against it. I would not want to partici-  
7 pate in considering that.

3a fls.

3a-1

1 Q Well, you're not answering my question.

2 A I wouldn't --

3 Q And I don't know how to ask you --

4 A I wouldn't be impartial, then, I would be biased.

5 Q That's not what I am asking. I am asking you

6 whether you would ever vote to impose the death penalty?

7 A No, I would not.

8 Q Would you automatically refuse to impose it, then,

9 regardless of the evidence that's presented?

10 A I think so.

11 Q When you say "I think so," are you hedging at all?

12 A No, I am not.

13 Q Are you expressing any doubt about your stand,

14 about your position when you say "I think so"?

15 A No, no doubt, whatever.

16 Q Is it possible that in some case the evidence would

17 be such that you might conceivably impose the death penalty?

18 A No.

19 Q Then, given the choice between life imprisonment

20 and death, as a jury is in a case which is punishable in that

21 way, life imprisonment or death, your vote would automatically

22 be for life imprisonment and against death?

23 A Yes.

24 Q In every case?

25 A Yes.

26 Q Regardless of the evidence?

27 A Yes.

28 Q Pardon?

3a-2

1 A Yes.

2 Q Would you refuse to even consider the death  
3 penalty?

4 A Yes.

5 Q Regardless of the evidence?

6 A Right.

7 Q Your reaction would be automatic in voting against  
8 it?

9 A Yes.

10 Q In spite of what the evidence may show?

11 A Yes.

12 MR. MANZELLA: People would respectfully challenge  
13 Mrs. Noriega for cause under Section 1073, Subdivision 2 of  
14 the Penal Code.

15 THE COURT: Mr. Kanarek?

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

17 THE COURT: All right, Mrs. Noriega, the Court will  
18 grant the challenge and excuse you. Room 253, forthwith.

19 MR. KANAREK: Thank you, Mrs. Noriega.

20 THE COURT: Take another juror.

21 THE CLERK: Mrs. Alma Nelson, A-l-m-a, Nelson,  
22 N-e-l-s-o-n.

23 THE COURT: Come forward, Mrs. Nelson.

24 THE BAILIFF: Have a seat right there.

25

26 VOIR DIRE EXAMINATION OF

27 ALMA NELSON

28 BY THE COURT:

3a-3

1 Q Mrs. Nelson, were you present when the Court  
2 explained the nature of this case and conversed with one of the  
3 prospective jurors that was chosen, first chosen from your group?

4 A Uh, would you tell me again, -- the question,  
5 please?

6 MR. MANZELLA: Your Honor, excuse me, before we begin with  
7 this juror, I would like to interrupt you for a moment. A  
8 witness that has been ordered back has just appeared in the  
9 courtroom, and I would like to ask, may she be ordered back --

10 THE COURT: Is that --

11 MR. MANZELLA: Mary Brunner, your Honor. Could she be  
12 ordered back for Tuesday, August 10th?

13 THE COURT: All right, Miss Brunner, the Court will  
14 excuse you this morning, then, and you are ordered to return  
15 August 10 without further notice or subpoena. You may go or  
16 stay as you wish.

17 BY THE COURT:

18 Q Miss -- I'm sorry, -- Nelson -- it is Mrs. Nelson?

19 A Yes.

20 Q Would your answers be any different than the  
21 answers of the prospective juror first chosen from your group  
22 were to the questions of a general nature?

23 A Uh, there's one. You asked if I had -- if I knew  
24 anything about the case. I did.

25 Q In what way?

26 A Well, I read the papers and I --

27 Q Well, aside from publicity, that is aside from the  
28 newspapers, television or radio?

3a-4

1 A I didn't know any actual evidence.  
2 Q You don't know of any persons who were witnesses?  
3 A No.  
4 Q You were not a witness yourself?  
5 A No.  
6 Q To any portion of the case?  
7 A No, no.  
8 Q Or anything affecting the case, then, is that  
9 correct?  
10 A No.  
11 Q And you don't know Mr. Manson or anyone connected  
12 with him?  
13 A No.  
14 Q All right.  
15 So, other than that, your answers will be the same?  
16 A Right.  
17 Q All right.  
18 And you were present during all of the Court's  
19 explanation of the nature of the case and so forth?  
20 A Yes.  
21 Q All right.  
22 Would it be a hardship to you to serve in the case?  
23 A Would it be a hardship -- if what?  
24  
25  
26  
27  
28

3b fls.

3b-1

1 Q Do you hear well or am I just not enunciating  
2 correctly?

3 A I don't hear part of it.

4 Q Would it be a hardship to you to serve in this  
5 case?

6 A Well, in a way. If it lasted five or six months,  
7 it would.

8 Q Well, we anticipate it will last four or five  
9 months.

10 A I think it would.

11 Q In what way?

12 A Well, I wouldn't be able to do anything I want  
13 to do.

14 Q Well, what do you want to do?

15 A Well -- well, would I be off? I'm under doctor's  
16 care.

17 Q Well, what's the problem?

18 A Well, I have an enlarged heart and I have high  
19 blood pressure.

20 Q Has it, in the last --

21 A It is now.

22 Q -- in the last six months caused you any great  
23 difficulty?

24 A I had a general checkup last September, and they  
25 gave an enlarged heart. And I was supposed to have a yearly  
26 checkup.

27 Q All right. Let me ask you this, in the last six  
28 months has it caused you any -- has this difficulty, an



1 enlarged heart --

2 A The high blood pressure went to low blood  
3 pressure and back to high.

4 Q Let's see if I can get the question in.

5 Has it caused you any loss of time from work?

6 A I'm retired.

7 Q You are retired.

8 You are a housewife, then?

9 A No, I'm single.

10 Q Was it Miss Nelson?

11 A Mrs.

12 Q Mrs.

13 There was a Mr. Nelson, then?

14 A No. No, he's deceased.

15 Q All right.

16 Do you -- well, you do your own housework, don't  
17 you, or do you?

18 A I do my own work.

19 Q All right.

20 Well, has this heart ailment ever kept you from  
21 doing that in the last six months?

22 A Well, I have to be very careful of what I do.

23 Q Well, it doesn't sound to me, Mrs. Nelson,  
24 as though this is a sufficiently serious ailment to cause the  
25 Court to excuse you from the case.

26 A Hmm, well, it could be diet, because --

27 Q It could be diet?

28 A Yes, because I had a bleeding ulcer in '67, and

1 they put me on a very strict diet. Well, it wasn't a  
2 balanced diet, and it could be why. And I'm very anxious  
3 to know what this next checkup would be.

4 Q We are, too, Mrs. Nelson, and perhaps you can  
5 inform us at a later time.

6 But right at this moment it doesn't appear to be  
7 the kind of a thing that would constitute such a hardship  
8 that you could be excused.

9 The Court believes ordinarily you would be here  
10 each day and you would listen to the evidence and you would  
11 have time to get to a doctor, if needed to, and to continue  
12 your regular diet.

13 A Then, I could have an appointment and meet it?

14 Q Yes.

15 A I had an appointment yesterday and I called it  
16 off.

17 Q Of course, after you leave this courtroom, you'd  
18 be -- you'd have a doctor available to you or if you would  
19 be sequestered --

20 A I am supposed to have an appointment --

21 Q Excuse me just a minute.

22 Are you listening?

23 A Yes.

24 Q Should you be sequestered, we would make the  
25 doctor available to you in some way or another or make you  
26 available to the doctor. So the Court tells you you should  
27 not be worrying.

28 A I am supposed to make an appointment and have the

1 appointment ahead of time and let him know 24 hours  
2 before.

3 Q Well, the Court anticipates there will be a  
4 period of time from the 23rd of August or a few days there-  
5 after during which you could probably make an appointment,  
6 so I would go ahead and make an appointment, if you are chosen  
7 here, for after the 23rd of August.

8 A How about the one I had yesterday? I cancelled  
9 that.

10 Q Well, that's too bad. I'm sorry to hear about  
11 that.

12 Let's go on with this questioning.

13 You are retired from some type of work, is that  
14 right?

15 A Yes.

3c fls.

3c-1

1 Q What type of work did you do?

2 A Office work. I did comptometry, all kinds of  
3 figure work and statistical work.

4 Q And there was a Mr.?

5 A Mr., yes, there was.

6 Q What time?

7 Divorced or deceased?

8 A Deceased.

9 Q What type of work did he do?

10 A He was a linotype operator.

11 Q And have you served as a juror before?

12 A No.

13 Q And are you acquainted with or related to any  
14 law enforcement officer?

15 A No.

16 Q What general area do you reside?

17 A Beg pardon?

18 Q In what general area do you reside?

19 A Well, downtown L. A. I am at 1901 West 3rd Street.

20 Q All right.

21 Do you have such views concerning the death  
22 penalty that you would automatically refuse to impose it  
23 regardless of the evidence?

24 A No.

25 Q Or do you have such views concerning the death  
26 penalty that you would automatically impose it upon a  
27 conviction of murder in the first degree, regardless of the  
28 evidence?

3c-2

1 A No.

2 Q Or are your views such concerning the death  
3 penalty that you would be unable to be a fair and impartial  
4 juror in determining the question of guilt or innocence?

5 A I don't quite get that question. I didn't --

6 Q All right, let me restate it to you.

7 Would you have such views concerning the death  
8 penalty that you could not, because of those views, be fair  
9 and impartial in determining the question of guilt or  
10 innocence?

11 A (Shakes head.)

12 Q Now, you've heard, seen or read the name Charles  
13 Manson before you came into this courtroom, is that right?  
14 Is that right?

15 A Yes.

16 Q Was that in connection with this case or another  
17 case or both?

18 A Nothing with this case.

19 Q It was this case?

20 A No, nothing with this case.

21 Q It was --

22 A It was the past --

23 Q It was concerning the so-called Tate-La Bianca  
24 homicides?

25 A (No response.)

26 Q "No"? I didn't hear your answer.

27 A I don't know that.

28 Q Well, in what way have you heard Mr. Manson's name?

3c-3

1 A In the paper, mostly.

2 Q About what?

3 A Well, when he lived out in the area away from here.

4 Q What area are you talking about?

5 A Well, kind of --

6 Q Spahn Ranch?

7 A It would be northwest of here.

8 Q Spahn Ranch?

9 A Yeah.

10 Q Well, what did you hear about him when he was

11 living out there?

12 A Well, it was his family.

13 Q Pardon?

14 A About his family.

15 Q Manson Family?

16 A Uh-huh.

17 Q What do you know about the Manson Family?

18 A I don't know anything, just what I heard.

19 Q Well, what do you mean by the phrase "Manson

20 Family"?

21 A That's the way the term was --

22 Q Yes, ma'am, but what does it mean to you?

23 A Well, that's not the way I live.

24 Q Well, ma'am, regardless of that, I would like to

25 know what it means to you. What does it mean?

26 Is it a group of acrobats or baseball players or

27 a professional football team; what is it?

28 Do you understand my question?

3c-4

1           A       Yeah, I don't -- I understand.

2                   I don't exactly know how to answer that. I don't  
3 approve of that way of living.

4           Q       Well, you don't know why or how Mr. Manson  
5 happened to be in the news, other than he lived out on the  
6 Spahn Ranch with a family?

7           A       I -- well, I -- I don't know anything personally  
8 or any evidence.

9           Q       The Court is not asking you what you know  
10 personally, what you may have observed. I'm simply wondering  
11 what you may have heard, seen or read in the news.

12                   And by "news," I mean newspaper, television or  
13 radio or anything --

14           A       Newspaper and shows on TV about his girls, about  
15 his family, about the fellows that were there.

4 fls.

16

17

18

19

20

21

22

23

24

25

26

27

28

4-1

1 Q I see. And this is all you know about him?

2 A Yeah.

3 Q You never heard anything more about him, favorable  
4 or unfavorable; is that right?

5 A Unfavorable.

6 Q Well, what else have you heard about him? That's  
7 unfavorable to you.

8 A Well, what I heard, he must have had drugs, to  
9 carry on the way he did.

10 Q Well, carry on in what way?

11 A Huh! Well, I --

12 Q Well, let's be frank about it, Mrs. Nelson.

13 Don't hold back anything. Anything that you may remember --

14 MR. MANZELLA: Your Honor, may I interrupt?

15 Q BY THE COURT: -- of what you have heard, seen  
16 or read.

17 MR. MANZELLA: Maybe we could get right to the  
18 question of whether or not she could set aside what she's  
19 heard, seen or read.

20 THE COURT: Yes. That's right.

21 PROSPECTIVE JUROR NELSON: Well, I heard --

22 THE COURT: Thank you for the suggestion.

23 PROSPECTIVE JUROR NELSON: -- about all the illegitimate  
24 babies. I don't approve of that.

25 Q BY THE COURT: Well, if I can --

26 A I don't approve of illegitimate babies, if this  
27 is what you want.

28 Q -- can get my question in, maybe we can get on



4-2

1 with it.

2 Mrs. Nelson, do you think it's possible that if  
3 you were chosen to sit as a juror in this case, that you  
4 could forget -- or set aside; not forget, but set aside --  
5 anything you may have heard, seen or read about Mr. Manson?  
6 And decide the case solely on the evidence in this case?

7 A I could, if you produce evidence that wasn't so.

8 Q In other words, you would require Mr. Manson,  
9 during the course of this trial, to produce evidence that  
10 all those bad things that you heard about him were not true?

11 A That's right.

12 Q In order for you to set them aside?

13 A Yes.

14 Q Now, if I were to instruct you that you were not  
15 to allow anything that you may have heard, seen or read  
16 concerning Mr. Manson to enter into your judgment on any  
17 issue that you might be called upon to decide in this case --

18 A I would. I could -- I could thrash out --

19 Q You think you could scratch it out and put it  
20 aside?

21 A Yes.

22 Q And that you could make a decision without  
23 reference to what -- all these bad things you've heard about  
24 Mr. Manson?

25 A Put it in the background.

26 Q You could put it in the background?

27 A Yes.

28 Q And could you be fair and impartial in the case,

1 regardless of what you may have heard about him?

2 A Yes, I could.

3 Q You wouldn't require -- or would you require him,  
4 however, to show you that some of these things that you  
5 heard about him were not true?

6 A I would like to hear something about them being  
7 not true.

8 THE COURT: Mr. Kanarek? Any questions?

9 MR. KANAREK: Well --

10 DEFENDANT MANSON: What's not true?

11 MR. KANAREK: Yes. May I approach the bench?

12 THE COURT: You needn't approach the bench.

13 DEFENDANT MANSON: I thought everything was true.  
14

15 VOIR DIRE EXAMINATION

16 BY MR. KANAREK:

17 Q Mrs. Nelson, what kind of work did your husband  
18 do?

19 A He's a linotype operator -- a printer.

20 Q I see. And what kind of companies did you work  
21 for, when you were working?

22 A You mean here?

23 Q Yes.

24 A I worked for Pacific Employers and for the --  
25 Home Insurance.

26 Q Mostly in the insurance --

27 A Just the two insurance companies, is what I  
28 worked here.

Q Right.

Now --

THE COURT: Mr. Kanarek, didn't you have a challenge?

Or --

MR. KANAREK: Yes, your Honor.

THE COURT: I didn't hear it, if you had made one.

4a fls.

4a-1

1 MR. KANAREK: Oh. I asked to approach the bench, and your  
2 Honor said --

3 THE COURT: No. Well, you needn't do that.

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

5 THE COURT: All right. The Court finds that this lady  
6 would probably not be able to set aside what she had heard,  
7 seen or read in connection with the case, and therefore does  
8 excuse her.

9 Thank you, Mrs. Nelson. There are some people who  
10 have heard, seen or read articles, and publicity concerning  
11 Mr. Manson, and we are excusing them by reason of their  
12 inability to set aside -- set those things aside. The Court  
13 is doubtful about your ability in that connection, and does  
14 excuse you.

15 PROSPECTIVE JUROR NELSON: Thank you.

16 THE COURT: Thank you. Room 253.

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

18 THE COURT: All right. Bring the prospective jurors  
19 in, would you please, from the hallway? And we'll instruct  
20 them to report --

21 THE BAILIFF: Yes, sir.

22 THE COURT: -- back to Room 253 -- no, Department 101.

23 THE BAILIFF: 100, sir.

24 THE COURT: Off the record.

25 (Whereupon, a discussion ensued off the record.)

26 THE COURT: You may all stand. You don't have to, but  
27 you may. You can be seated there.

28 It's taking them a long time to all get in.

4a-2

1 THE BAILIFF: Yes, sir.

2 THE COURT: Is there any way we can get them in here in a  
3 reasonable time?

4 THE BAILIFF: Yes, sir.

5 THE COURT: Good morning, ladies and gentlemen.

6 THE JURORS AND PROSPECTIVE JURORS: Good morning, your  
7 Honor.

8 THE COURT: May I suggest that, when you are called over  
9 from Department 100, or wherever you may be, from the hallway  
10 or wherever it may be, that you don't stroll on a Sunday stroll,  
11 at a snail's pace? That you make it your business to move with  
12 some alacrity, and business-like direction?

13 I don't want you to rush pell-mell down the hall-  
14 way and break the furniture, or in any way damage County  
15 property or yourselves. But could you move with a little more  
16 alacrity in getting over here? So that we don't have to wait  
17 so long?

18 The reason I called you in here was because I  
19 wanted to direct you, that you are -- back to Department 100  
20 at 2:00 o'clock. Instead of waiting in the hallway, would you  
21 just go back to Department 100? And it's your obligation to  
22 remain in Department 100, so that when we want somebody, that  
23 we can have him or her over here in a reasonably quick time,  
24 without looking for him or her around the hallway.

25 However, if -- if you have to be excused from  
26 Department 100 momentarily, well, just let the person --  
27 there's a bailiff over there, is there not, Mr. Kuczera?

28 THE BAILIFF: I don't believe there is. The clerk will

1 be there, sir.

2 THE COURT: Let the clerk or somebody know that you are  
3 asking to be excused for a minute or two, so that if your name  
4 is called, we won't have you turning up missing -- or, we won't  
5 believe that you are missing.

6 Remember the admonition that I've given you  
7 heretofore, that you are not to converse about this case with  
8 anyone, nor are you to permit anyone to converse with you in  
9 connection with it, nor are you to form or express any  
10 opinion on it until it is finally submitted to you.

11 We are still in the process of choosing alternate  
12 jurors, and we'll go on with that this afternoon. And hope-  
13 fully, we'll have some results this afternoon.

14 So now, you are excused, to report back to  
15 Room 2 -- to Department 100, on this floor, at 2:00 o'clock.

16 Thank you.

17 (Whereupon, at 12:03 P. M., an adjournment was  
18 taken until 2:00 P. M. of the same day, July 27, 1971.)  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 LOS ANGELES, CALIFORNIA, TUESDAY, JULY 27, 1971

2:15 PM

2  
3  
4 - - -

5 THE COURT: The record will show that Mr. Manson is  
6 present with Mr. Kanarek. That we have a prospective juror  
7 in the box, prospective alternate juror.

8 Your name is --

9 PROSPECTIVE ALTERNATE JUROR MELENDEZ: Mary Melendez.

10 THE COURT: I'm sorry?

11 PROSPECTIVE ALTERNATE JUROR MELENDEZ: Mary Melendez.

12 VOIR DIRE EXAMINATION OF

13 MARY MELENDEZ

14 BY THE COURT:

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

19 A Yes, sir.

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

23 A Well, the only difference is that my brother-in-  
24 law is a security policeman at the Naval Yards in Long  
25 Beach.

26 Q And he works for a private firm?

27 A No, he works for the government.

28 Q For the --

1 A Part of their security police force there.

2 Q I see. And is he able -- do you know, is he  
3 an officer that is able to make arrests?

4 A I think so. He has a badge and a gun. I don't  
5 know.

6 Q I see.

7 And he's on the Naval Shipyard -- in that area?

8 A Yes, he's the night patrol there.

9 Q I see.

10 Would that affect your judgment, Mrs. Melendez?

11 A No.

12 Q Do you think that would cause you to have a bias  
13 or a prejudice in the case in any way?

14 A No, because I really don't know what he does,  
15 other than patrols there.

16 Q What type -- are you employed outside of the  
17 home?

18 A Yes, sir.

19 Q What type of work?

20 A I have a management position with Pacific  
21 Telephone Company.

22 Q Would it be a hardship to you to serve?

23 A Yes. I called my boss last night and they  
24 couldn't release me for four or five months.

25 Q They could not what?

26 A For four or five months.

27 Q They would pay you, would they not?

28 A They would pay me, but they couldn't spare me



1 for that length of time.

2 Q It would actually be a hardship to them and not  
3 to you, is that right?

4 A Yes, sir.

5 Q It would be an inconvenience to you, but not a  
6 hardship to you, but it would be a hardship to them to have  
7 you be absent during that period of time?

8 A Yes, sir.

9 Q Are you asking to be released?

10 A I would prefer to be released, yes, sir.

11 Q Because of that factor?

12 A Not only that, but I just had major surgery  
13 three months ago and I don't really think I would want to  
14 be under all of that pressure.

15 Q You mean under the pressure of coming here every  
16 day and sitting and listening to the evidence?

17 A Yes, sir.

18 MR. KANAREK: Stipulate, your Honor.

19 PROSPECTIVE ALTERNATE JUROR MELENDEZ: I don't under-  
20 stand.

21 MR. KANAREK: No.

22 PROSPECTIVE ALTERNATE JUROR MELENDEZ: Oh.

23 BY THE COURT:

24 Q Do you think it would cause you a great deal of  
25 difficulty if you were to come here?

26 A Well, I am very nervous right now, and it is  
27 upsetting me right now.

28 Q Why is that?

1           A     I think just because there's been so much  
2 publicity about the case and it makes me nervous about it.

3           Q     You mean the nature of the case?

4           A     Yes, sir.

5           Q     Do you think that would cause you considerable  
6 discomfort?

7           A     Yes, sir.

8                 It wouldn't affect my judgment, I don't believe,  
9 but I am very nervous about the whole thing.

10          Q     Well, this is going to go on for four or five  
11 months. You would be an alternate juror. You would have  
12 to listen, and you may possibly be in a spot where you'd  
13 have to fill in for one of the jurors for one reason or  
14 another.

15                 But the Court believes that if you felt it would  
16 not interfere with your duties as a juror, that possibly you  
17 should serve. I realize it would be an inconvenience for  
18 you to be here every day, but you'd have to be at your job  
19 every day, would you not?

20          A     Yes, sir. I've only been back to work a little  
21 over a month.

6 fls.

2 6-1

1 Q And is that physically any more difficult than  
2 what you have observed of jury duty?

3 A Well, I've never had any contact with a jury,  
4 other than just what I saw yesterday.

5 Q Yes.

6 A So I really can't tell just what --

7 Q What do you do in the course of your job?

8 A I instruct young ladies how to be service  
9 representatives.

10 Q And you are moving back and forth all the time,  
11 and --

12 A I am sitting down most of the time.. It is a  
13 teacher type of job.

14 Q I see. Well, it would be somewhat similar. You  
15 wouldn't -- you wouldn't be exerting yourself physically on  
16 this job as a juror; you understand that?

17 A I understand.

18 Q You're simply afraid of the mental strain?

19 A I'm just afraid of the pressure, yes, I guess.  
20 And the fact, too, that my boss doesn't want me away for four  
21 months, considering I have been off for three months already.

22 Q You wouldn't be -- would you be in any position  
23 where you might lose the job? Lose a position as a result of  
24 your being away?

25 A Well, my boss said last night that they would have  
26 to replace me if I was off for four or five months; because  
27 it's -- they can't, you know, hold up classes that long.

28 Q When you came back, would you fill in the same job?

6-2

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

A I don't know.

THE COURT: All right. I -- since you are asking, the Court believes it would constitute a hardship for you to be here, in a situation where you might not know whether you'd be coming back to the same position; where you might possibly lose some position in the firm, in the event you are not available.

PROSPECTIVE JUROR MELENDEZ: I might, yes. I really don't know, but I might.

THE COURT: All right. The Court will release you, then. The Court finds that it would constitute a hardship.

PROSPECTIVE JUROR MELENDEZ: Thank you.

THE CLERK: Mrs. Karol K. Helms; K-a-r-o-l; last name H-e-l-m-s.

VOIR DIRE EXAMINATION OF

KAROL K. HELMS

BY THE COURT:

Q Mrs. Helms, were you present when the Court explained the nature of this case to the prospective jurors in your group, and when the Court questioned one of the first prospective jurors chosen from your group?

A Yes, I was.

6a fls.

1 Q Would your answers be any different than the  
2 answers that that prospective juror gave to the questions of  
3 a general nature?

4 A No.

5 Q Would it be a hardship to you to serve in this  
6 case?

7 A Right now, I cannot give an answer, because my  
8 company has not formed a policy yet.

9 I inquired of them whether --

10 Q Well, what --

11 A You know, whether it would be -- whether I would  
12 lose my job or lose pay if I were out for four or five months,  
13 and they can't make up their minds, because they're torn  
14 between their desire to do their civic duty, and also their  
15 desire to maintain their company.

16 Q What company is it?

17 A United Factors.

18 Q And how long have you worked for them?

19 A Since last October.

20 Q Perhaps you could ascertain that in the next --  
21 during the next recess, find out whether or not they have in  
22 any way made any --

23 When did you last speak to them?

24 A I spoke to my office manager at noon.

25 Q Oh, today?

26 A Yes. He asked me to call back at noon, because I  
27 spoke to him last night. And he spoke to one of the higher  
28 ups, and he couldn't even give an answer.

1 Q What do you do with United Factors?

2 A I am a collector for -- in their women's wear  
3 department.

4 Q In the course of that duty, what do you actually  
5 do? Do you deal with -- with the collection of bills that are  
6 due and owing --

7 A Right.

8 Q -- to the factoring company?

9 A Yes, that's right. We take over the accounts  
10 receivable for merchandisers, which are for the retail  
11 customers, and I collect from the retail customers also; you  
12 know, keep their statements straightened out and do such work  
13 as is connected with that.

14 Q How big is the company? How big a firm?

15 A Well, the parent company, United Merchants and  
16 Manufacturers, is on the New York Stock Exchange, so it's quite  
17 a large company.

18 This is just one of the divisions of United  
19 Merchants and Manufacturers.

20 Q Oh, I see. Let me ask you this. Are you -- is it  
21 Mrs. Helms?

22 A Yes. I am divorced.

23 Q What type of work did your spouse do? What type of  
24 work --

25 A He maintained a riding stable.

26 Q And are you acquainted with or related to any law  
27 enforcement officers?

28 A No.

1 Q Have you ever studied law yourself?

2 A No.

3 Q Have you been a juror in any type of case?

4 A No.

5 Q In what area do you reside, generally?

6 A Sherman Oaks.

7 Q Concerning the death penalty, do you have such  
8 views about it that you could not be fair and impartial in  
9 determining guilt or innocence?

10 A No, I don't.

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

14 A No, I don't.

15 Q Or would you automatically impose it, vote for it,  
16

17 A No, I would not automatically do so.

18 Q You would look at the evidence in either case?

19 A I certainly would, yes.

20 Q Concerning the publicity that may have preceded  
21 this trial, and of which you may have heard, had you heard, seen  
22 or read the name Charles Manson before?

23 A Certainly.

24 Q And was that in connection with this case or the  
25 Tate-La Bianca case or both?

26 A Both.

27 Q And have you heard, seen or read anything in the  
28 last ten days concerning this case?

1 A No.

2 Q Concerning the Tate-La Bianca case, do you know the  
3 results of that trial?

4 A Yes.

5 Q Would you state then, as nearly as you remember?

6 A I believe that the jury found him guilty. I -- yes,  
7 I know that they found him guilty.

8 Q And was there a sentence?

9 A I believe it was the death sentence.

10 Q And was Mr. Manson found guilty of more than one  
11 murder?

12 A I believe there were several, but I don't know how  
13 many.

14 Q Do you know the name Susan Atkins?

15 A I've heard that name, yes.

16 Q In what connection?

17 A In connection with the Tate-La Bianca murders.

18 Q And do you know the name Bobby Beausoleil?

19 A Yes.

20 Q Do you know the name Mary Brunner?

21 A Yes.

22 Q What do you know about those last two names?

23 A Nothing, except they just sound familiar. I'm sure  
24 I heard them, but I don't know anything specific.

25 Q You don't remember any details?

26 A No.

27 Q Before you came into this courtroom and heard the  
28 Court read the indictment to you -- or tell you about the



1 indictment -- had you ever heard the name Shorty Shea or Gary  
2 Hinman?

3 A Yes,

6b fls.

6b-1

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

Q What do you know about those --

A Nothing.

Q -- two names? Nothing?

A Nothing, other than I just heard it on the radio, that this trial was commencing, and it was more of their murders; that's all.

Q You had not heard any details, at least at this time, that you recall?

A No.

Q Now, if I were to instruct you that you were to set aside anything that you may have heard, seen or read, or anything that you may remember during the course of this trial about what you've heard, seen or read, about Mr. Manson, the Tate-La Bianca case or this case, do you think you are mentally and emotionally capable of setting aside such matters and making a judgment in this case based solely on the evidence, and the Court's instructions?

A Well, I've thought about that last night, and I've thought about it today. And, yes, I think I can.

Q Can you be objective and impartial, enough to set aside such matters -- not forget them, because we know that it might be difficult to forget such matters -- but could you erase them from your mind for the purpose of making an independent judgment, based on the evidence and the Court's instructions?

A Yes, I think I could.

Q And would you do that?

A Yes, I would.

6b-2

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

2 A I would try my very hardest.

3 Q When you say, "I will try," and when you say,  
4 "I think I could," are you expressing any reservations --

5 A No, because I know I'm not perfect.

6 Q -- about your ability to --

7 A No.

8 Q Knowing you are not perfect, are you conceding  
9 that you might allow some of this publicity to creep into any  
10 judgment that you might make?

11 A No, I don't think I would let any publicity  
12 influence me, because I --

13 Q You could be --

14 A I know sometimes how erroneous publicity can be.

15 THE COURT: All right. Mr. Kanarek?

16

17 VOIR DIRE EXAMINATION

18 BY MR. KANAREK:

19 Q Mrs. Helms, do you have any friends or relatives  
20 that are --

21 THE COURT: Does that need adjustment, Mr. Kuczera, or--

22 THE BAILIFF: No, sir. Just a moment.

23 MR. KANAREK: I can do it without, your Honor.

24 Q You don't have any trouble hearing it, do you?

25 A No.

26 THE COURT: Try it once again.

27 MR. KANAREK: It's resonance, I believe, your Honor,  
28 between the instruments.

6b-3

1 THE COURT: Don't resonate so much.

2 Q BY MR. KANAREK: Just --

3 THE COURT: Go ahead.

4 Q BY MR. KANAREK: Mrs. Helms, do you have any  
5 friends or relatives that are in any type of law enforcement  
6 work, public or private?

7 A No.

8 Q Anywhere in the world?

9 A No.

10 Q And would you tell us, you've heard the name  
11 Sharon Tate?

12 A Yes.

13 Q And what do you -- what is your state of mind,  
14 from the publicity, as to what happened to Sharon Tate?

15 A Well, she and several other people were murdered,  
16 and -- and Mr. Manson has been convicted of that murder, and  
17 -- that's just about it.

18 Q And you can set all of that aside?

19 A I am aware of it in my mind, but I -- I can set  
20 it aside, because this has nothing to do -- this particular  
21 trial has nothing to do with that one.

22 Q What if this trial does have something to do with  
23 it? What if those matters are brought forth before us here?

24 A Then I would make my own judgment, and my own  
25 decisions.

26 Q And on what -- well, let me ask you: Do you know  
27 how Sharon Tate died?

28 A No, not really.

6b-4

1 Q Well, you read the publicity on it and heard  
2 the publicity, didn't you?

3 A I don't know exactly how she died. I really  
4 didn't read that much or go into that much detail.

5 Q Well, just tell us as much as you do know.

6 A I think -- I think she was killed with a knife.

7 Q And have you heard the name Jay Sebring?

8 A Yes.

9 Q And how was he killed?

10 A I don't know about him. I don't --

11 Q Or Abigail Folger?

12 A The names, yes. But I don't know.

7 fls.

7-1

1 Q What do you know about that name?

2 A She's related to Folger Coffee Company.

3 Q But what about in connection with any matters  
4 as far as we're concerned with?

5 A Well, she was also one of the victims in the Tate-  
6 La Bianca murders.

7 Q Would you tell us from what you've heard, read and  
8 seen, what do you believe Mr. Manson's place was in those  
9 proceedings?

10 A I couldn't even begin to venture an opinion,  
11 because I read very little, if nothing, about the case itself.

12 Q I see.

13 A So I know none of the details, really.

14 Q Well, just from what you do -- what you have  
15 heard, would you tell us what your impression is from the  
16 publicity?

17 A I can only assume, because another jury found him  
18 guilty, he was. I don't know what else to say to you, be-  
19 cause I really didn't keep up with it that well.

20 Q Well, you see, you're not on the defensive here.  
21 Do you recognize that?

22 A Yes. I'm trying to give you an answer as best I  
23 can, and I really can't give you an answer to that question  
24 because I really don't have an impression. I don't know.

25 Q No, but I mean there are many things that you  
26 learn by -- that we learn without actually observing them.

27 For instance --

28 A That's true.

1 Q -- the laws of congress, the city council, the  
2 ordinances, what's going on in Washington D. C., and what's  
3 going on in Guatemala.

4 A By osmosis.

5 Q Pardon?

6 A By osmosis.

7 Q But also from the publicity, television, newspapers  
8 and radio, and all of that, right?

9 A I would say probably the headlines -- not headlines,  
10 but what I have heard on the radio is most of what -- where I  
11 gathered or where I heard information. And not the newspaper,  
12 because we don't take a newspaper, so I really didn't read  
13 anything about it. So just the short -- the short things they  
14 had on the radio. Uh --

15 Q This is no reflection on you.

16 A No, I'm searching for -- for an answer for you.  
17 And I really don't have one, because I know really -- you know,  
18 the details just don't come up into my mind.

19 Q Well, now, you believe that Mr. Manson has been  
20 convicted of these murders, right?

21 A That I heard, yes.

22 Q And you believe a jury gave him the death sentence?

23 A That I heard, yes.

24 Q So, based upon that, do you believe him to be guilty?

25 A I don't know, I wasn't there. I didn't -- I never  
26 heard any of the evidence. I will assume so.

27 Q You weren't there when John Kennedy was shot?

28 A That's right.

1 Q Well, you have certain beliefs as to who killed  
2 him, right?

3 A Not really.

4 Q Pardon?

5 A Not really.

6 Q You have no beliefs?

7 A I know who they say killed him.

8 Q Well, I mean, as you -- as you sit there now,  
9 do you have a belief as to who killed him?

10 A Not really.

11 I don't think that was ever answered as far as the  
12 Kennedy case was concerned.

13 MR. KANAREK: Thank you. Thank you, Mrs. Helms.

14 THE COURT: Any questions?

15 MR. MANZELLA: No, thank you.

16 MR. KANAREK: I would like to approach the bench, your  
17 Honor.

18 THE COURT: You may.

19 (Whereupon, the following proceedings were had at  
20 the bench among Court and counsel, outside the hearing of the  
21 prospective alternate juror:)

22 MR. KANAREK: Well, under 1073, Subsection 2, your Honor,  
23 I would like to challenge this juror. Obviously she knows  
24 that Mr. Manson has been convicted of these murders.

25 THE COURT: The Court denies the challenge. The Court  
26 finds that she will set aside any opinion she might have  
27 formed, set aside any information she may have gathered in the  
28 news media, and that she will be fair and impartial.



1           The Court finds that she can and will ignore  
2 such opinions and such information and will be fair and  
3 impartial.

4           MR. MANZELLA: Your Honor, have we resolved the issue of  
5 hardship with this juror? I forget.

6           THE COURT: No, we have not, in that her employer has not  
7 responded as to whether or not she would be paid. But --

8x  
7a fls.

7a-1

1 MR. MANZELLA: Do you want to take a recess now and  
2 let her call?

3 THE COURT: Without any more -- of course, she just  
4 called at noon.

5 MR. MANZELLA: Oh.

6 THE COURT: Just two hours ago. I don't see any  
7 point in doing it.

8 MR. KANAREK: Well, the point is, your Honor, that she  
9 -- well, very well.

10 THE COURT: That she what?

11 MR. KANAREK: Pardon?

12 I have no further comment, your Honor.

13 MR. MANZELLA: We're ready for general questioning now,  
14 and I don't know that she's going to have a hardship or not,  
15 the way things stand.

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

19 BY THE COURT:

20 Q We're concerned about whether or not it would  
21 constitute a hardship to you, Mrs. Helms, and we're  
22 wondering whether you're asking to be relieved of the --  
23 of jury duty here as a result of that possibility or whether  
24 you're willing to serve and take a chance?

25 A I would be very willing to serve if it didn't  
26 mean my losing my job. And I told my company that.

27 Q Is there any way that that could be ascertained  
28 in the next few hours?

7a-2

1 A I can give them a call.

2 Q All right. Well, we'll see what we can do  
3 to assist you in that respect.

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

7 THE COURT: Let's try to ascertain that during the  
8 break. Let's go ahead with the general questioning.

9 MR. MANZELLA: Okay.

10 (Whereupon, the following proceedings were  
11 had in open court within the presence and hearing  
12 of the prospective alternate juror:)

13 THE COURT: Let's bring Mr. Zamora, Mr. Werner and  
14 Mr. Edwards in. Zamora, Werner and Edwards should be  
15 brought in.

16 BY THE COURT:

17 Q Now, as to your company, is there anyone in  
18 particular who would give us -- be able to give the Court  
19 the answer?

20 A My office manager mentioned a Mr. Harwood who  
21 is, I believe, the head of personnel. My direct boss is  
22 Mr. David Landy.

23 Q What's the number at --

24 A It is 626-1515.

25 Q And the name of the company then is?

26 A United Factors.

27 (Whereupon, the Court conferred with the  
28 bailiff up at the bench.)

7a-3

(Whereupon, there was a pause in the proceedings while the other prospective alternate jurors were brought into the courtroom, and the following proceedings were had:)

THE COURT: All right, the record will show that Mr. Zamora, Mr. Werner, Mr. Edwards and Mrs. Helms are in the box, and you gentlemen may examine generally.

VOIR DIRE EXAMINATION (General)

MR. KANAREK: Is there anyone in the box that's a -- has any friends or relatives that are in any type of law enforcement work, public or private, anywhere in the world?

(No response.)

MR. KANAREK: Pass for cause, your Honor, or no more questioning at this stage of the proceedings, your Honor.

THE COURT: Very well. You pass for cause except as heretofore stated, is that correct?

MR. KANAREK: Yes, your Honor.

THE COURT: Mr. Manzella.

VOIR DIRE EXAMINATION

BY MR. MANZELLA:

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

A Not now, no, other than what I stated the other day.

MR. MANZELLA: Can you hear that?

(Whereupon, the answer was read by the reporter

as follows:

"A Not now, no, other than what I stated the other day.")

PROSPECTIVE ALTERNATE JUROR EDWARDS: That's right.

Q BY MR. MANZELLA: Do you know anyone that's ever been accused of any crime?

A No.

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

A No.

Q Now, Mr. Edwards, the burden is on the prosecution to prove guilt beyond a reasonable doubt. That's the same standard in all criminal cases, the same burden of proof on the prosecution.

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

A No.

7b Els.

7b-1

1 Q Now, the Court has instructed you with regard to  
2 the elements of murder, and with regard to circumstantial  
3 evidence.

4 Now, do you have any quarrel with the law which  
5 permits murder to be proved -- strike that -- which permits  
6 a person to be convicted of first degree where the death is  
7 proved by circumstantial evidence?

8 A No.

9 Q Now, if the defendant testifies in this case or if  
10 he calls witnesses on his behalf, would you judge their  
11 testimony, the credibility of their testimony, by the same  
12 standards you would use to judge the credibility of any witness  
13 who testified in the case?

14 A I don't quite --

15 Q Let me rephrase that.

16 I'm not asking you now to judge credibility. What  
17 I am asking you now is -- the Court will instruct you with  
18 regard to some standards which you may use or -- in determining  
19 or judging the witness's credibility.

20 What I am asking you is would you use those  
21 standards in examining the testimony of the defendant, if he  
22 testifies, or of witnesses he may call in his behalf?

23 A If the Court had instructed?

24 Q Yes.

25 A Yes.

26 Q Now, Mr. Edwards, you probably already know this,  
27 but an alternate juror is a juror who must be present at every  
28 session of the Court, the way the regular jurors must be

1 present. And that alternate juror must listen to the evidence  
2 presented and so on, and listen to the Court's instructions at  
3 the end of the case and listen to argument, unless, however,  
4 one of the regular jurors is not able to continue if -- at any  
5 time, the alternate jurors would never participate in  
6 deliberations or in the verdict; you understand that?

7 A I understand, yes.

8 Q All right.

9 Now, do you feel that under that situation, in  
10 other words, the situation in which you might consider it  
11 unlikely in which you might be called upon to serve as a  
12 regular juror or at any time during the trial, do you still  
13 think that you would still be able to give your attention and  
14 your consideration to the evidence as is presented, to the  
15 instructions of law as given by the Court?

16 A Definitely.

17 Q All right.

18 Would you pass the microphone to Mr. Zamora,  
19 please, Mr. Edwards. Thank you.

20  
21 VOIR DIRE EXAMINATION OF

22 ANDRES S. ZAMORA

23 BY MR. MANZELLA:

24 Q All right, Mr. Zamora, do you know anyone involved  
25 in the defense of criminal cases?

26 A No, sir.

27 Q Do you know anyone that's ever been accused of any  
28 crime?

1 A No, sir.

2 Q You've never served on a jury before?

3 A In Municipal.

4 Q All right. Did you hear the questions I've  
5 asked of Mr. Edwards with regard to burden of proof and  
6 circumstantial evidence?

7 A Yes.

8 Q Do you have any quarrel with the law which  
9 permits the death of a human being to be proved by circumstantial  
10 evidence?

11 A No, sir.

12 Q Mr. Zamora, if you were to -- strike that.

13 You understood the question I asked Mr. Edwards  
14 with regard to the situation in which an alternate juror finds  
15 himself, did you?

16 A Yes.

17 Q Would that cause you any problems or would you  
18 be able to concentrate on the evidence?

19 A Yes, I would.

20 Q Nevertheless?

21 A Yes.

22 Q All right.

23 Now, if you were to sit at some time during the  
24 trial -- if it were to become necessary for you to sit as a  
25 regular juror and participate in deliberations, if Mr. Manson  
26 was convicted of one or both counts of first degree murder, and  
27 after hearing all the facts in the case you believed that the  
28 death penalty was justified, would you be able to vote for the



1 death penalty for Mr. Manson?

2 A Yes, if it was justified, yes.

3 Q All right. , ,

4 Would you pass the microphone to Mr. Werner,  
5 please.

6  
7 VOIR DIRE EXAMINATION OF  
8 ANTON L. WERNER

9 BY MR. MANZELLA:

10 Q Mr. Werner, do you know anyone involved in the  
11 defense of criminal cases?

12 A No.

13 Q Do you know anyone that's been accused of any  
14 crime?

15 A No.

16 Q And you've never served on a jury before?

17 A No, sir.

18 Q Did you hear the questions I've asked of  
19 Mr. Edwards and Mr. Zamora with regard to the burden of  
20 proof and circumstantial evidence?

21 A Yes.

22 Q All right. Do you have any quarrel with the law  
23 which permits, in a murder case, the death of the person  
24 alleged to have been killed -- do you have any quarrel with the  
25 law which permits that death be proved by circumstantial  
26 evidence?

27 A Yes.

28 Q You have no quarrel with that law?

1 A No quarrel.

2 Q All right, thank you.

3 Would you pass the microphone to Mrs. Helms, please.

4

5 VOIR DIRE EXAMINATION OF

6 KAROL K. HELMS

7 BY MR. MANZELLA:

8 Q All right, Mrs. Helms, you've heard the questions  
9 I've asked the other three jurors?

10 A (Nods head slightly.)

11 Q Would your answers be substantially the same or  
12 did you have any disagreement with any of the answers they  
13 gave?

14 A Substantially, they would be the same.

15 Q All right, thank you.

16 The People will pass for cause.

17 THE COURT: The first peremptory challenge is with the  
18 People.

19 MR. MANZELLA: May I have a moment, your Honor?

20 THE COURT: Yes, you may.

21 MR. MANZELLA: Well, your Honor, the People will thank  
22 and excuse Mrs. Helms.

23 THE COURT: Thank you, Mrs. Helms.

24 MR. KANAREK: Thank you, Mrs. Helms.

25 THE CLERK: Mrs. Helms.

26 Lorenzo Holguin, L-o-r-e-n-z-o, last name  
27 H-o-l-g-u-i-n.

28 THE COURT: Pick another name, Joyce, and have them stand

1 by.

2  
3 VOIR DIRE EXAMINATION OF  
4 LORENZO HOLGUIN

5 BY THE COURT:

6 Q Mr. Holguin, were you present when the Court  
7 explained the nature of this case and conversed with your  
8 group of prospective jurors and questioned the prospective  
9 juror taken from the -- taken from your group?

10 A Yes, sir.  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

8-1

1 Q Would your answers be any different than the --  
2 than that first prospective juror responded to the questions of  
3 a general nature?

4 A I beg your pardon? I don't --

5 Q Would your answers be any different than the  
6 answers of that first prospective juror who was taken to the  
7 box, the jury box here? To the questions of a general nature?

8 A It's just a matter of -- I don't understand  
9 the words very well, sir. And -- I'm a Mexican; I'm  
10 Mexican-American.

11 Q Yes.

12 A And it is hard for me to understand words. I  
13 can hear well, but I can't understand them.

14 Q Do you understand what I have said to you now?

15 A Well, I -- no, not quite.

16 Q You don't understand?

17 A Not quite, sir.

18 Q Do you wish to be excused from this jury because  
19 of that?

20 A On account of that, yes. Because I -- otherwise,  
21 I am willing to.

22 THE COURT: Gentlemen?

23 MR. KANAREK: That's agreeable, your Honor.

24 MR. MANZELLA: The People will stipulate he may be  
25 excused.

26 THE COURT: All right. We will stipulate -- it has  
27 been stipulated that you can be excused, and the Court will  
28 excuse you.

8-2

1 Thank you, Mr. Holguin.

2 PROSPECTIVE JUROR HOLGUIN: Thank you, sir.

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

4 THE COURT: Room 253 forthwith, Mr. Holguin.

5 When you are in a trial, if you are in a trial,  
6 and you really don't understand what's being said, you should  
7 tell the Judge, so that you can -- he can make it clear to  
8 you. Do you understand?

9 PROSPECTIVE JUROR HOLGUIN: Yes, sir.

10 THE COURT: There will be other trials, if you remain  
11 on jury duty. But you should make it known, when you are in  
12 the course of selection, being selected, that you don't  
13 understand; that you are having problems.

14 PROSPECTIVE JUROR HOLGUIN: I did tell them that at  
15 first.

16 THE COURT: Oh, did you?

17 PROSPECTIVE JUROR HOLGUIN: Yes.

18 THE COURT: Well, do you wish to be excused from the  
19 panel?

20 PROSPECTIVE JUROR HOLGUIN: Yes, sir.

21 THE COURT: Pardon?

22 PROSPECTIVE JUROR HOLGUIN: I -- I would like to --

23 THE COURT: Well, go on over to the jury assembly room,  
24 and we'll ask them to talk to you.

25 PROSPECTIVE JUROR HOLGUIN: Thank you.

26 (Whereupon a discussion was had off the record  
27 at the bench between the Court and the Clerk.)

28 THE CLERK: Oteal Hills; O-t-e-a-l; last name, H-i-l-l-s.

8-3

1 THE COURT: Call another one, too, while you are at it.

2 THE CLERK: Ruth F. Kimble; K-i-m-b-l-e.

3  
4 VOIR DIRE EXAMINATION OF

5 MRS. OTEAL HILLS

6 BY THE COURT:

7 Q Mrs. Hills, come forward, would you, please?

8 Mrs. Hills, were you present when the Court  
9 explained the nature of this case to your group of prospec-  
10 tive jurors, and when the Court questioned the first prospec-  
11 tive juror taken from your group?

12 A Yes.

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

15 A No.

16 Q Would it be a hardship to you to serve in this  
17 case?

18 A Slightly.

19 Q In what way?

20 A My mother's 81 years old, just had a leg  
21 amputated. They took the stitches out yesterday, and I am  
22 the only one to take her to the doctor. So --

23 Q Do you think you could find somebody else during  
24 the course of this trial?

25 A Oh, over a period of six or seven months? I  
26 don't know.

27 Q It would be difficult?

28 A I hate to --

8-4

1 Q Are you asking to be excused?

2 A No, I'm not asking. I am just explaining.  
3 That's my only difficulty.

4 Q Well, of course, everyone of you who serves in  
5 this jury -- or on this jury -- is going to suffer some  
6 hardship or inconvenience. And I think that serving on a  
7 jury requires, sometimes, the enduring of a little hardship  
8 or inconvenience, simply to perform your duty as a citizen  
9 and as a juror.

10 But we are not asking you to serve, if you believe  
11 that it will be a hardship which will be of a rather definite  
12 and clear nature.

13 A Oh, I think I could take it.

14 Q You think that you'll be able to get some means  
15 or other to get her to a doctor, to have her examined from  
16 time to time?

17 A Yes.

18 Q All right. Fine. Then, the Court appreciates  
19 that.

20 (Proceedings had on an unrelated matter.)  
21  
22  
23  
24  
25  
26  
27  
28

8a fls.

8a-1

1 Q BY THE COURT: Well, let me ask you this. What  
2 type of work do you do, Mrs. Hills?

3 A I am a housewife.

4 Q And is there a Mr. Hills?

5 A Yes.

6 Q What type of work does he do?

7 A He's a gardener.

8 Q In what area?

9 A West Los Angeles.

10 Q And for whom does he work?

11 A Several clients.

12 Q I see. And are you related to or a friend of any  
13 law enforcement officer?

14 A No.

15 Q Have you been a juror before, in any type of  
16 case?

17 A Yes.

18 Q In a criminal case?

19 A Yes.

20 Q Would you tell us what the nature of those --  
21 that case or those cases was or were? And whether there were  
22 verdicts in each case, without saying whether it's guilty or  
23 not guilty?

24 A Yes. One was armed robbery. Guilty. And --

25 Q You don't need to state the -- what the verdict  
26 was. Without saying what the verdict was, just say whether  
27 you had a verdict.

28 A Oh, yes. Yes, we had a verdict.



8a-2

1 Q All right. An armed robbery. And then what else?

2 A And a civil case, a suit. A little girl was suing  
3 for injuries.

4 Q I see. And did you arrive at a verdict?

5 A Settled out of court without the jury.

6 Q I see. How about -- any other criminal cases?  
7 See, that last one was not a criminal case, but a civil case.

8 A Oh.

9 Q That was a claim for money. In that case, you  
10 will recall, there was -- well, you probably never got to  
11 the instructions, did you?

12 A No.

13 Q You were never instructed?

14 A No.

15 Q Well, you may have heard that the plaintiff has  
16 the burden of proving the case beyond a -- strike that.

17 The plaintiff has the burden of proving the case  
18 by a preponderance of the evidence. In this case, and you  
19 heard me tell the juror before, the plaintiff has the -- the  
20 plaintiff, the People in this case -- have the burden of  
21 proving the defendant guilty beyond a reasonable doubt.

22 Do you understand the difference?

23 A Yes.

24 Q All right.

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

8a-3

1 A No.

2 Q Or are your views concerning the death penalty  
3 such that you would automatically refuse to impose it,  
4 regardless of the evidence?

5 A No.

6 Q Or would your views be such that you would  
7 automatically vote for the death penalty, upon a conviction of  
8 murder of the first degree, regardless of the evidence?

9 A No.

10 Q Now, I'm going to ask you about publicity, so I'm  
11 going to ask the three gentlemen who are in the box with you  
12 to leave the room, while I do that, and wait out in the  
13 corridor. And we'll take a recess of about five minutes.

14 Well, I don't see the people from Department 103  
15 who wanted me to handle that other case here.

16 When they come in, we'll take a short recess.

17 But right now, I'll ask you some questions about  
18 whether or not you heard Mr. Manson's name before.

19 Did you, in connection with this case or any other  
20 case? Before you -- before I read this indictment to you?

21 A Yes.

22 Q And did you -- did you see the name in the press  
23 or on television or hear it over the radio?

24 A In the press.

25 Q And was it in connection with this case or the  
26 Tate-La Bianca case or both?

27 A Both.

28 Q Have you read anything about this case in the last

8a-4

1 two weeks?

2 A Hmm -- not too much.

3 Q Well, have you heard anything?

4 A No, I haven't heard anything.

5 Q You haven't heard anything about what's been  
6 going on in the courtroom?

7 A No, I haven't.

8 Q All right.

9 In connection with the Tate-La Bianca case, did  
10 you read newspapers regularly?

11 A Not too regular.

12 Q Or watch television or hear the radio regularly?

13 A I saw it on television mostly.

14 Q Did you learn what the result was in that case?

15 A Yes.

16 Q What was it, to your best memory?

17 A The verdict?

18 Q Yes, the verdict. Was the verdict guilty or not  
19 guilty?

20 A Guilty.

21 Q And was there a verdict, as nearly as you recall,  
22 in the penalty phase?

23 A Yes.

24 Q And what was that?

25 A Death.

26 Q All right. Have you heard the name Susan Atkins?

27 A Yes.

28 Q And do you know what that name is in relation to

1 Mr. Manson? What relation it has to Mr. Manson?

2 A Friend.

3 Q A Friend of Mr. Manson's.

4 Do you know anything more about the name Susan  
5 Atkins?

6 A No.

7 Q Do you know the name Bobby Beausoleil?

8 A I don't remember that one.

8b fls.

8b-1

1 Q Do you know the name Mary Brunner?

2 A That one, I don't recall.

3 Q Before I read those names to you, did you know  
4 the names of Gary Hinman or Shorty Shea?

5 A I saw that in the paper, yes.

6 Q And what do you know about those names?

7 A That's all; just what the -- his occupation.

8 That's the only thing I remember.

9 Q Whose?

10 A Gary Hinman's.

11 Q And you remember that it was a musician?

12 A Yes.

13 Q Do you know from what you read in the papers  
14 whether he's dead or alive, or who he might be, or anything  
15 at all that you can remember?

16 A Dead; that's all I can --

17 Q You remember that he has been killed, so far as  
18 the newspaper is concerned?

19 A Yes.

20 Q And how about Mr. Shea? Have you -- did you hear  
21 or see or read anything in connection with him, that you can  
22 remember now?

23 A I read that his body had not been found; that's  
24 all.

25 Q Somebody had searched for it and hadn't found it?

26 A Hmmm -- I read a little in the paper, but I'm  
27 not sure just exactly. But I think it was to the effect that  
28 the body had not been found, and that was all.

1           Q     You assumed from the newspaper article that he  
2 was dead?

3           A     Yes, I assumed so.

4           Q     All right. Now, if I were to instruct you --  
5 if the Court were to instruct you, Mrs. Hills, that you were  
6 to set aside -- not forget, but to wipe clean from your  
7 memory -- to wipe clean from your memory anything that you  
8 may have heard, seen or read from the newspapers, television,  
9 radio, anything that you may have discussed with your  
10 friends, and decide the case separate and apart from anything  
11 you've heard, seen or read, if you can set aside anything  
12 that you may remember later on in the case, and if you can  
13 set aside any opinions that you might have formed, such as the  
14 opinion that you've just expressed, to the effect that Shorty  
15 Shea is dead, or Gary Hinman is dead, from what you read in  
16 the newspapers, that you were to decide the case independently  
17 of such matters, basing your judgment -- and base your  
18 judgment on any issues you might be called upon to determine  
19 solely upon the evidence that's received here in this case,  
20 and the Court's instructions of law, are you capable of  
21 doing that?

22          A     Yes. ,

23          Q     Are you capable of setting aside anything that  
24 you may have heard, seen or read or talked about --

25          A     Yes.

26          Q     -- and any opinion that you might have formed?

27          A     Yes.

28          Q     Will you start out this case, if you are selected

1 as a juror in the case, or as an alternate juror, with your  
2 mind clean of any such -- any such material that you may  
3 have heard, seen or read?

4 A Yes.

5 Q And can you be fair and impartial?

6 A Yes, sir.

7 THE COURT: All right. We'll let counsel ask you  
8 about that, if they wish, in a few minutes. And we'll take  
9 a recess in this matter for about ten minutes.

10 (Proceedings had on an unrelated matter.)

11 (Mid-afternoon recess.)

12 THE COURT: On the record, Mr. Kanarek is present with  
13 Mr. Manson. Mrs. Hills is present in the box.

14 Mr. Kanarek, you may question Mrs. Hills, if you  
15 like.

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

17  
18 VOIR DIRE EXAMINATION

19 BY MR. KANAREK:

20 Q Now, am I pronouncing your name -- is it Hillis  
21 or Hills?

22 A Hills.

23 Q H-i-l-l-e-s?

24 A No, H-i-l-l-s.

25 Q H-i-l-l-s. I'm sorry.

26 Now, you have told us that, from what you heard  
27 in the publicity, something to the effect that Mr. Shea's  
28 body has not been found?

1 A Yes.

2 Q Now, based upon that, and what else you may have  
3 heard or seen in the publicity, do you have -- do you  
4 believe -- is your state of mind such that you believe that  
5 Mr. Shea is dead? That he's passed away?

6 A I have formed no opinion. I don't know. I'm  
7 just telling you what I read, but I am not making any  
8 opinion. I do not know.

9 Q You do not know whether he's dead or not?

10 A That's right.

11 Q But do you have an opinion, based on the  
12 publicity?

13 A Not personally, no.

14 Q Well -- uh -- but as you go through this trial,  
15 you will believe, as you -- because of what you've heard,  
16 that Mr. Shea is dead; isn't that correct? Do you believe  
17 that right now?

18 A No.

19 Q Pardon?

20 A No.

21 Q Is your state of mind such that you believe that  
22 Mr. Shea is not dead? Is that correct?

23 A To my state of mind, I don't know where Mr. Shea  
24 is. I don't know whether he's living or dead. But I have  
25 formed no opinion of my own, personally.

26 Q I see. Now, may I ask, in what area in West L. A.  
27 do you -- does your husband work?

28 A He works in Culver City, in -- in that area.



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

Q Well --

A Around -- around Culver City and that area.

Q In West L. A.?

A Yeah, the west part of L. A., in that -- around  
Culver City; and in --

9 fls.

9-1

1 Q Bel Air and Beverly Hills?

2 A No, no, not that far. Around Culver City and  
3 coming back this way.

4 Q I see.

5 A I don't have the address and number, but I know it  
6 is Culver City around Los Angeles, Sheridan, and that area.

7 Q I see.

8 Now, from what you heard in the publicity, would  
9 you tell us how publicity indicated to you Sharon Tate died?

10 A You mean the exact -- the method?

11 Q Yes, from what you heard in the publicity.

12 A I think it is by stabbing.

13 Q Does the name Abigail Folger sound familiar to  
14 you?

15 A Yes, I read that long ago.

16 Q And what is -- would you tell us what you know  
17 about Abigail Folger?

18 A Just that she was killed in -- with Sharon Tate.  
19 That's all.

20 Q And Voityck Frykowski?

21 A I suppose. That name is not familiar to me now,  
22 because I read that long ago.

23 Q Jay Sebring?

24 A Yes, I remember that name.

25 Q And what is your state of mind, from the  
26 publicity?

27 A They were all in the same house, to my knowledge.

28 Q Would you tell us what do you think, based on the

9-2

1 publicity, Mr. Manson's place was in these events?

2 A What do I think?

3 Q Yes, based on the publicity?

4 A I have a difficult problem there, because to me  
5 I'm a person that rarely ever -- I read a thing and forget it.  
6 And I didn't make any personal opinion on it.

7 But according to the reading of it, he's the boss.  
8 That's the reading of it.

9 Now, my personal opinion, I didn't make any,  
10 because I don't know.

11 Q Mrs. Hills, -- by the way, what we're doing here is  
12 merely -- and you certainly are not on the defensive.

13 A Uh-huh.

14 Q And please don't feel on the defensive, because our  
15 whole purpose here is to get information so Judge Choate can  
16 make decisions. It is no reflection upon you or me, the fact  
17 that we may have read the publicity or seen it. So you're  
18 not -- you're not -- you're not on trial here.

19 A No.

20 Q So you -- I'm sure you understand. You take these  
21 questions in the -- I'm sure -- in the spirit --

22 A That's right.

23 Q Now, then, as you go through this trial, your  
24 state of mind is that Mr. Manson is the boss, as you put it;  
25 is that correct? Based on what you learned in the publicity.

26 A My state of mind in this trial will be what I am  
27 told from the witnesses' box and not what I have been reading  
28 before in the years past.

9-3

1 Q Yes, but we're now only talking about what you  
2 heard in the publicity, nothing else.

3 As you go through this trial. then, that  
4 publicity, certainly, would be in your mind, right?

5 A Yes, I'll remember what I read, but I have not made  
6 any decision on who was right and who was wrong and who was  
7 guilty or not.

8 Q But that memory is still in your mind and  
9 it will be with you as you go through this trial?

10 A Yes, but not to affect my decision or what I hear  
11 from the witness stand now.

12 Q You would certainly hope it would not affect  
13 your --

14 A I would certainly hope so. To the best of my  
15 knowledge and ability, it would not affect --

16 Q But certainly you have never gone through this  
17 procedure, right? Of trying to not consider matters, as  
18 Judge Choate indicated we should do? You've never had that  
19 experience?

20 A No, I've never had any opportunity to do that.

21 Q Pardon?

22 A No, I haven't did that.

23 Q So you don't know for sure whether or not you could  
24 do what the Court has indicated?

25 A No, to the best of my ability, that's all.

26 Q You don't know for sure what the result would be?

27 A No, I don't know for sure.

28 MR. KANAREK: Your Honor.

9a fls.

1 THE COURT: I didn't hear the last answer.

2 MR. KANAREK: Would your Honor have the reporter read it  
3 back, please.

4 THE COURT: Yes, read it.

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

7 "ANSWER: No, I do not know for sure.")

8 BY THE COURT:

9 Q You mean you don't know for sure you will  
10 eliminate from your mind, and make any judgment in this case,  
11 anything that you may have heard, seen or read?

12 A Yes, I can do that.

13 Q Pardon?

14 A Yes.

15 Q Well, that's a bad question.

16 A Yes.

17 Q In response to Mr. Kanarek's question you said you  
18 don't know for sure.

19 Are you stating that you are not certain whether  
20 you are capable of eliminating such matters from your mind  
21 for the purpose of making a decision in this case?

22 A Oh, yes. Yes, I see. I understand his question  
23 now. I am able to do that.

24 Q You are sure about your ability to do that?

25 A Yes.

26 Q And will you do it?

27 A Yes, I will.

28 Q And will you be fair and impartial?

1 A Yes.

2 THE COURT: Do you wish to approach the bench?

3 MR. KANAREK: Yes, your Honor.

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

7 MR. KANAREK: Yes, your Honor, I do challenge under  
8 1073, Subsection 2. We cannot allow the juror to be judge  
9 and jury as to her capability.

10 Now, just because she says yes to a particular  
11 question, is certainly not the criterion. The criterion is,  
12 rather, her uncertainty that she's indicated. She says --  
13 obviously -- it is obvious, your Honor --

14 THE COURT: The Court --

15 MR. KANAREK: -- this woman wants to be on this jury.

16 THE COURT: The Court doesn't believe she's indicated  
17 any great uncertainty, and the Court believes she has the  
18 ability to set aside anything she may have heard, seen or  
19 read, any opinion she may have formed, and she will do so, and  
20 she will be fair and impartial.

21 MR. KANAREK: She says that Mr. Manson is the boss, and  
22 they have a conspiracy count in this case. It is clear, your  
23 Honor, this woman -- I refer your Honor to cases like  
24 Stein versus New York, cases where jurors are -- where  
25 appellate courts have held where jurors cannot make -- do this  
26 type of mental gymnastics.

27 THE COURT: Nearly every juror whom we have seated in the  
28 box, and I think some of the alternates, proposed alternates

1 here, has said that Mr. Manson directed or managed or  
2 controlled in some way the perpetrators of the Tate-La Bianca  
3 killings.

4 This lady is no different in that respect.  
5 She's phrased it somewhat differently, but I do think she  
6 does have those abilities that she says she has.

7 She seems to be a reasonably intelligent  
8 person and I think she is capable of following the Court's  
9 instructions.

10 And, again, I repeat, it is the Court's  
11 view the emphasis that's placed on this is of assistance to  
12 the defendant rather than in any way hampering him or  
13 prejudicing him in the Court's questioning, counsel's  
14 questioning. It is my belief that we have a fair jury in that  
15 respect.

16 MR. KANAREK: Well, I --

17 THE COURT: This lady, I think, is one of those who is  
18 not subject to challenge. The Court denies the challenge.

19 MR. KANAREK: Well, your Honor, if I may, just briefly,  
20 in the motion -- in the papers opposing the motion for  
21 severance of the two counts, the People made much of helter  
22 skelter, and they're going to use the same theory that  
23 Mr. Manson is the dominant -- as this lady puts it, the  
24 boss, as other people put it, as instigator, and as other  
25 people have put it and used different words. The fact that  
26 the People are using this theory in connecting these two  
27 counts up in this case -- they've talked about going to use  
28 helter skelter and all of that. Clearly this woman cannot

1 sit as a fair and impartial juror, believing Mr. Manson is the  
2 boss.

3 THE COURT: The Court believes otherwise. The Court  
4 thinks she is very capable of doing so. The Court denies  
5 the challenge.

9b fls.



9b-1

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

THE COURT: Bring the other prospective alternate jurors in, would you, please. Mr. Zamora, Mr. Werner, Mr. Edwards.

(Whereupon, there was a pause in the proceedings while the other alternate prospective jurors were brought into the courtroom, and the following proceedings were had:)

THE COURT: All right, the record will show that those four gentlemen are present, and you may continue your general questioning, if you wish, gentlemen.

MR. KANAREK: Thank you, your Honor.

#### VOIR DIRE EXAMINATION

BY MR. KANAREK:

Q Mrs. Hills, do you have any friends that are in any type of law enforcement work, public or private?

A No.

Q Including security guards, that kind of thing?

A No.

Q Is your state of mind such that you recognize that what has been termed circumstantial evidence can be used to acquit a person as well as convict? That circumstantial evidence is not used just by the prosecution, it may be used on behalf of a defendant?

Are you -- is your state of mind such that you recognize this and is there any reason you feel you couldn't

9b-2

1 use this, this fundamental principle?

2 A No.

3 Q Have you -- are you of a mind, such that you would  
4 maintain your opinion in the jury room even though it might  
5 mean no unanimous result?

6 A Yes.

7 Q Is that question clear to you?

8 A I think it is.

9 Q Well, you see, we have 12 people in the jury.

10 If you should be one of those 12, there are three  
11 possible results:

12 One is all for the prosecution viewpoint;

13 The other's all for the defense viewpoint; and,

14 The third possibility is that the people do not  
15 agree.

16 And if the Court instructs us, as I believe the  
17 Court will, that the result must reflect the individual  
18 opinion of each juror, that means that if you do not  
19 believe what the rest of the jury, even standing alone, even  
20 if you are all alone, is your state of mind such that you  
21 would maintain your position as long as you felt it was  
22 correct and would not allow your position to be eroded away  
23 just for the sake of getting a unanimous verdict?

24 A Yes.

25 Q Thank you.

26 Thank you, your Honor.

27 THE COURT: Mr. Manzella.

28 MR. MANZELLA: Thanks.

9b-3

## VOIR DIRE EXAMINATION

BY MR. MANZELLA:

Q Mrs. Hills, were you present in the courtroom when I questioned the other three alternate jurors?

A No.

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

A No.

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

A Not personally.

Q You've served on one criminal jury before, an armed robbery, is that correct?

A Yes.

Q Okay.

All right, Mrs. Hills, you understand the position of an alternate juror?

A Yes.

Q Has it been explained to you?

A Yes.

Q All right. You understand that the only time you would get -- the only circumstance under which you would get to serve as a regular juror and deliberate or participate in a verdict is if one of the jurors was already chosen -- if one of the 12 jurors already chosen is unable to continue.

Do you understand that?

A Yes.

Q Now, realizing that, do you still feel you could

9b-4

1 give your full time and attention to the evidence and  
2 instructions of law given to you by the Court?

3 A Yes.

4 Q Now, if you were to be called upon to sit as a  
5 regular juror and deliberate or participate in the verdicts,  
6 if Mr. Manson was convicted of first degree murder, and after  
7 you've heard all the facts in the case you believed that for  
8 one or both Counts of first degree murder the death penalty  
9 was justified, would you be able to vote for the death  
10 penalty for Mr. Manson?

11 A Yes.

12 MR. MANZELLA: All right, thank you, Mrs. Hills.

13 The People pass for cause, your Honor.

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

16 MR. KANAREK: Thank and excuse Mr. Edwards. Thank you,  
17 Mr. Edwards.

18 THE COURT: Mr. Edwards, thank you very much.

19 Would you report to Room 253.

20 THE CLERK: Thursday.

21 THE COURT: We're going to give you a day off. Thursday,  
22 Room 253.

23 PROSPECTIVE ALTERNATE JUROR EDWARDS: 253 Thursday,  
24 thank you.

25 At 9:00 o'clock?

26 THE COURT: 9:00 o'clock, thank you.

27 MR. KANAREK: Thank you, sir.

28 PROSPECTIVE ALTERNATE JUROR EDWARDS: Okay.

9b-5

1 THE COURT: Call another name.

2 THE CLERK: Ruth F. Kimble, K-i-m-b-l-e.

3 THE COURT: Call another name, too.

4 THE CLERK: Thomas J. McGrail, M-c-G-r-a-i-l.

5 THE COURT: McGrail?

6 THE CLERK: Yes, M-c-G-r-a-i-l.

7  
8 VOIR DIRE EXAMINATION OF

9 RUTH F. KIMBLE

10 BY THE COURT:

11 Q Mrs. Kimble, were you present when the Court  
12 explained the nature of this case to your group of prospective  
13 jurors when the Court requested a juror first chosen from your  
14 group -- a prospective juror first chosen from your group?

15 A Yes, I was.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

10 fls.

10-1

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

3 A Uh -- not to any extent, no.

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

6 A Yes, it would.

7 Q And would you explain that to us?

8 A I would be paid for only 30 days. The  
9 department I am in in the office is a small department. I  
10 am the only secretary there. There are only three of us  
11 in the department.

12 Q And what department is that?

13 A The Bank of America, Economics Department.

14 Q Have you previously conversed with your employer?

15 A Yes, I have.

16 Q And they will pay you during the course of this  
17 time?

18 A Only 30 days.

19 Q Only 30 days?

20 A Only 30 days.

21 Q Well, will you -- are you likely to lose your  
22 position if you are not there, for a period of four or five  
23 months?

24 A Well, they -- they would have a hard time  
25 replacing me, because it's --

26 Q So you are not likely to lose your position?

27 A It's a rather specialized work, and they would  
28 have a very difficult time, having anyone else in that

1 position.

2 Q I see. So that's not your concern. Your concern  
3 is your salary; is that right?

4 A Yes.

5 Q You utilize that to support yourself?

6 A Yes, partially. My husband is retired.

7 Q You assist in support of yourself and your  
8 husband?

9 A Yes, I do.

10 Q When did you ascertain that they would not pay  
11 you?

12 A I called yesterday, and I found out that they  
13 pay only for 30 days.

14 THE COURT: All right. The Court finds that it would be  
15 a hardship for you to go without pay for the four or five  
16 months, and therefore the Court will excuse you.

17 PROSPECTIVE JUROR KIMBLE: Thank you.

18 THE COURT: Mr. McGrail.

19 MR. KANAREK: Would your Honor make a ruling in connec-  
20 tion with our motion that she be paid by the County?

21 THE COURT: By the Court's ruling excusing her, the  
22 Court is denying your motion.

23 What is the other name, the next name?

24 THE CLERK: Robert L. Martin; M-a-r-t-i-n.

25  
26 VOIR DIRE EXAMINATION OF

27 MR. THOMAS J. MC GRAIL

28 BY THE COURT:

1 Q Mr. McGrail, come forward.

2 Have Mr. Martin outside, then, if you would,  
3 please, to speed it up.

4 THE BAILIFF: Yes, sir.

5 Q BY THE COURT: All right. Mr. McGrail, you  
6 heard the Court explain the nature of this case, and talk to  
7 the first prospective juror taken from your group?

8 A Yes, your Honor.

9 Q -- Would your answers be any different than hers  
10 were to the questions of a general nature?

11 A No, sir.

12 Q Would it be any hardship to you, were you called  
13 to serve on this case?

14 A I talked it over with my employer, and they  
15 couldn't spare me for five months.

16 Q Who is your employer?

17 A Southern Pacific Company.

18 Q Southern Pacific Company. What do they do?

19 A They're in the transportation business.

20 Q Freight hauling?

21 A Freight, primarily.

22 Q Would they pay you for the four or five months?

23 A They would pay me, but the question is --

24 Q It's just that they would miss you?

25 A Just that they would miss me. And I hope they  
26 wouldn't.

27 Q Yes. It's a nice feeling, I suppose, when being  
28 absent, to be missed by an employer these days.



1           Would they -- would your job be available to you  
2 when you came back?

3           A     I would think so.

4           Q     How long have you worked for them?

5           A     I've worked for them since 1949.

6           Q     It would appear to me that, in view of that  
7 circumstance, that it probably would not constitute a  
8 sufficient hardship for you to be excused.

9                     So therefore, on what you have stated, it would  
10 not be of a sufficient excuse in the Court's mind to relieve  
11 you of the obligation to serve.

12                    Anyone who undertakes jury duty does have  
13 considerable inconvenience, and sometimes hardship. And the  
14 Court believes that that's part of what you must undergo in  
15 order to perform your jury duty, and the duty that calls upon  
16 you as a citizen.

17           A     I understand.

18           Q     What type of work do you do for the Southern  
19 Pacific Company?

20           A     I am Assistant to the Traffic Manager in the  
21 Sales end of the work.

22           Q     And is there a Mrs. McGrail?

23           A     Yes, sir.  
24  
25  
26  
27  
28

10a fls.

10a-1

1 Q Is she employed outside the home?

2 A She's a housewife.

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

5 A No, sir.

6 Q Have you served as a juror before in a criminal  
7 case?

8 A No, sir.

9 Q In what general area do you and Mrs. McGrail live?

10 A We live at Park LaBrea, which is 3rd and Fairfax,  
11 or 3rd and --

12 Q Do you have such views concerning the death  
13 penalty, Mr. McGrail, that you would be unable to be fair  
14 and impartial in determining guilt or innocence?

15 A No.

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

19 A No, sir.

20 Q Or would you automatically impose it, upon a  
21 conviction of murder of the first degree, regardless of the  
22 evidence?

23 A No, sir.

24 Q Concerning publicity, had you heard, seen or  
25 read Mr. Manson's name before you came into this courtroom?

26 A Yes, sir, I have, sir.

27 Q All right. I will ask you about that now. And  
28 I will ask the other three who are in the box, then, to

10a-2

1 leave, then, while I am asking Mr. McGrail about it.

2 Would you just wait outside the door, if you  
3 would, please?

4 (Whereupon, the other three prospective alternate  
5 jurors exited the courtroom, and the following proceedings were  
6 had:)

7 Q And was that in connection with the Tate-La Bianca  
8 case --

9 A Yes, sir.

10 Q -- that you heard, saw or read something?

11 A Yes.

12 Q And this case?

13 A Partially this case. But not --

14 Q Have you heard anything -- heard, seen or read  
15 anything in the last two weeks concerning this case?

16 A No, sir.

17 Q Concerning the Tate-La Bianca case, did you follow  
18 that in the news?

19 A I followed it in the news.

20 Q And do you know the results of that case?

21 A Yes, sir.

22 Q Your best memory is what, in connection with that?  
23 What the result was?

24 A That the defendant was found guilty.

25 Q Of what?

26 A Of murder, first degree murder.

27 Q And was there a sentence passed upon the defendant?

28 A Yes. I believe the defendant received the death

10a-3

1 penalty.

2 Q Do you know the name Susan Atkins?

3 A Yes.

4 Q Did you ever read Susan Atkins' so-called  
5 confession in the Times?

6 A Just a cursory looking at it. Not studying it in  
7 any detail.

8 Q You know how many victims there were in that case,  
9 that Tate-La Bianca case?

10 A I believe there were seven -- five or seven.

11 Q And do you know how these people were killed?

12 A Yes.

13 Q According to the news reports?

14 A According to the news reports.

15 Q What were the --

16 A Oh, I think something like -- a few of them were  
17 shot to death; some were stabbed.

18 Q Do you know the name Shorty Shea, or Gary Hinman?

19 A Yes, I've heard of that.

20 Q In what way?

21 A In -- in the newspaper reports.

22 Q Well, take the name Hinman. What have you heard,  
23 seen or read about him?

24 A I think -- he was a musician who -- who was  
25 allegedly murdered. And I think someone has already been  
26 convicted of the crime.

27 Q Do you know the name -- and as to Shea?

28 A Shea, they have not found his body. But they

10a-4

1 believe he was decapitated.

2 Q This was in the news?

3 A That was in the news.

4 Q In connection with Hinman, you don't recall the  
5 name of the person who was accused of his murder?

6 A I think it was a male.

7 Q And you don't recall his name?

8 A No, I don't.

9 Q Do you recall the name Bobby Beausoleil?

10 A No, I couldn't --

11 Q Mary Brunner?

12 A I believe she was one of the principals in the  
13 case.

14 Q In that case?

15 A Or she was -- in and out. And she was in one time,  
16 and then out again. I don't really --

17 Q If I were to instruct you -- if the Court were to  
18 instruct you that you were to set aside any opinions that  
19 you might have formed concerning the Gary Hinman matter, the  
20 Shea matter, the Tate-La Bianca case or Mr. Manson, anything  
21 that you may have heard, seen or read in the news or anything  
22 that you might have conversed about, do you think you could  
23 do that, for the purpose of making a judgment on any issue  
24 that you might be called upon to decide, independently of such  
25 matters?

26 A No, your Honor, I don't think so. I think the  
27 style as portrayed in the newspapers -- whether all of it's  
28 true or not -- was repugnant to what I feel is --

10b-1

1 Q And would it be too difficult for you to set  
2 aside such matters, for the purpose of making a judgment in  
3 this case?

4 A Yes, sir.

5 THE COURT: All right. The Court appreciates your  
6 frankness, Mr. McGrail, in assessing your -- in this case,  
7 your inability to set aside such matters. And therefore,  
8 the Court does relieve you of your obligation to serve in  
9 this case. Thank you.

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

11 PROSPECTIVE JUROR McGRAIL: Thank you, your Honor.

12 THE COURT: You needn't report now. It's a quarter to  
13 4:00. So you needn't report to that assembly room until  
14 Thursday, at 9:00 o'clock. You are excused until then.

15 PROSPECTIVE JUROR McGRAIL: Now I can go switch cars.  
16 We are on strike, you know, at the railroad.

17 THE COURT: That's true. You are on strike at this  
18 time, aren't you?

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

20 THE COURT: Mr. Martin? Will you bring Mr. Martin in  
21 now?

22 THE BAILIFF: Yes, sir.

23 THE COURT: Call another name, too, will you, please?  
24 Call another one to take that --

25 THE CLERK: Jean Wallace; J-e-a-n; last name,  
26 W-a-l-l-a-c-e.

27  
28 VOIR DIRE EXAMINATION OF

ROBERT L. MARTIN

BY THE COURT:

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

A Yes.

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

A No.

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

A No, it wouldn't.

Q Neither financial nor personal?

A No.

Q What type of work do you do?

A I work for the County of Los Angeles, mechanical department.

Q Mechanical department?

A Right.

Q When you have some spare time, I would like to talk to you about a few things I want done in this courtroom, that I've been talking to the mechanical department about.

A Well, if I can.

Q I'm really joking with you, because I do talk with them each day, via the telephone.

Is there a Mrs. Martin?

A Yes, it is.

1 Q And what type of work does she do?

2 A She's a seamstress.

3 Q And have you -- are you related to or a friend of  
4 any law enforcement officer?

5 A No.

6 Q Have you served on a jury before?

7 A No.

11<sup>3</sup> fls.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



11-1

1 Q And what area do you and Mrs. Martin live?

2 A L. A.

3 Q What area of Los Angeles?

4 A Uh, around Washington and LaBrea.

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

8 A No.

9 Q And do you have such views concerning that that  
10 you would automatically impose it regardless of the evidence?

11 A No.

12 Q Upon a conviction of murder of the first degree?

13 A No.

14 Q Do you have such views concerning it that you could  
15 not be fair and impartial in determining guilt or innocence?

16 A No.

17 Q Concerning Mr. Charles Manson, have you heard, seen  
18 or read his name before?

19 A Yes, I have.

20 Q Before I called it in this case?

21 A Well, the newspaper, TV.

22 Q Newspaper, television and radio, is that correct?

23 A Right.

24 Q And that was in connection with this case or the  
25 Tate-La Bianca case or both?

26 A The Tate-La Bianca.

27 Q And --

28 A Well, correction, I think I read something in the

11-2

1 news about this one here, but that wouldn't affect --

2 Q This one here?

3 In the last two weeks have you heard, seen or read  
4 anything about this case?

5 A I don't think so, that I can recall.

6 Q Nothing that you can recall?

7 A No.

8 Q In connection with the Tate-La Bianca case, do you  
9 know what the result was in that case, what verdict that came  
10 back from that case or if there was a verdict?

11 A Uh, I don't know for sure. All I remember is  
12 that he was sentenced to some time in jail. I don't --  
13 couldn't figure it out.

14 Q Do you know whether Mr. Manson was convicted of  
15 anything?

16 A Yes, he was convicted, as far as I can understand.

17 Q Of what?

18 A Of the Tate-La Bianca murders.

19 Q He's convicted of murder.

20 And was there a sentence in the case? And, if so,  
21 what was it?

22 A To be true, I don't remember.

23 Q You don't know what the sentence was?

24 A No, I don't remember.

25 Q Or if there was a sentence?

26 A Well, I really don't remember.

27 Q Do you know the name Susan Atkins?

28 A No, it -- I've heard it, yes.

1 Q You've heard it in what connection, do you know?

2 A The Tate-La Bianca murder.

3 Q How was she associated with or connected with that  
4 case?

5 A Uh, just a part of the accused, is all I know.

6 Q She was one of the accused in the case?

7 A Right, as far as I understand.

8 Q Have you ever heard the name Bobby Beausoleil?

9 A I don't remember it.

10 Q Mary Brunner?

11 A I don't remember that one either.

12 Q Before I used the name in talking to you about  
13 the indictment, had you heard the name Shorty Shea?

14 A No, I don't remember.

15 Q Or had you heard the name Gary Hinman?

16 A No.

17 Q If I were to tell you -- if I were to instruct  
18 you -- the Court were to instruct you that you were to set  
19 aside anything that you may have heard, seen or read, anything  
20 that you may have discussed with your friends or fellow  
21 workers or relatives concerning the Tate-La Bianca case and  
22 Mr. Manson or this case, that you were to set aside anything  
23 that you may remember during the course of this case about  
24 what you had heard, seen or read, do you think you are  
25 mentally capable of doing that?

26 A I can't really say that I would.

27 Q You can't say that you could set it aside, that  
28 is not forget it, but set it aside for the purpose of making

1 an independent judgment in basing your judgment --

2 A Oh, I think I could do that.

3 Q -- on the evidence?

4 A Oh, I think I could do that.

5 Q In other words, I'm not asking you to forget it.  
6 I'm asking you for the purpose -- wiping your mind clean for  
7 the purpose of making a judgment in this case.

8 A I think I could.

9 Q When you say "I think I could," are you expressing  
10 any doubt about your ability in setting it aside in making  
11 a judgment in this case?

12 A Well, I couldn't be exact.

13 Q You couldn't be sure you could forget it?

14 A No, I couldn't be sure.

15 Q Or rather, setting it aside for the purpose of  
16 making a judgment?

17 A I think I could do that.

18 Q I'm not sure I understand.

19 When you said "I couldn't be sure," you mean by  
20 that that you could not be sure that you could set it aside  
21 and completely ignore it for the purpose of making a decision  
22 in this case?

23 A Yes, that's what I am saying. I couldn't be sure  
24 I could set it aside.

25 Q You could be?

26 A Could not be sure.

27 Q Could not be sure,

28 A That I could set it aside.

1 THE COURT: All right, the Court appreciates your  
2 frankness in assessing your inability in this case to set  
3 aside what you have heard, seen or read, and the Court does  
4 excuse you, then. Thank you very much.

5 Go to Room 253 on Thursday, if you would, please.  
6 On Thursday, if you would, please, at 9:00 o'clock.

7 Is the next one Wallace?

8 THE CLERK: Yes.

9 THE COURT: Wallace.

10 Call another one.

11 THE CLERK: Jesus --

12 THE COURT: Jesus.

13 THE CLERK: -- E. Martinez, M-a-r-t-i-n-e-z.

14  
15 VOIR DIRE EXAMINATION OF

16 JEAN WALLACE

17 BY THE COURT:

18 Q Are you Mrs. Wallace?

19 A Miss Wallace.

20 Q Miss Wallace, thank you.

21 Were you present when the Court explained the  
22 nature of this case to the prospective jurors in your group  
23 and questioned one of the prospective jurors first chosen to  
24 the box from your group?

25 A Yes.

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

28 A No.

1 Q Would it be a hardship to you to serve in the case?  
2 A No, sir.  
3 Q Neither personal, nor financial?  
4 A No, sir.  
5 Q What type of work do you do?  
6 A I am a telephone operator.  
7 Q For whom?  
8 A Pacific Tel.  
9 Q And have you ever been married?  
10 A No.  
11 Q Are you related to or a friend of any law enforcement  
12 officer?  
13 A No, sir.  
14 Q Have you served as a juror before?  
15 A No, sir.  
16 Q In what general area do you reside?  
17 A The Miracle Mile.  
18 Q Do you have such views concerning the death  
19 penalty that you couldn't be fair and impartial in determining  
20 the question of guilt or innocence?  
21 A No, sir.  
22 Q Or would you have such views concerning it,  
23 Miss Wallace, that you would automatically refuse to impose it?  
24 A No.  
25 Q Regardless of the evidence?  
26 A No, sir.  
27 Q Or would you automatically impose it, regardless of  
28 the evidence, upon a conviction of murder of the first degree?

1 A No, unless the evidence --

2 Q Pardon me?

3 A Unless the evidence was there.

4 Q You would look at the evidence in either case, is  
5 that correct?

6 A Yes, uh-huh.

7 Q All right. Had you heard the name Charles  
8 Manson before you came into this courtroom?

9 A Yes, sir.

10 Q And that was in connection with this case, the  
11 Tate-La Bianca homicide case or both?

12 A The first one.

13 Q Pardon?

14 A The first one.

15 Q The Tate-La Bianca homicide case?

16 A Uh-huh.

17 Q Have you heard, seen or read anything in  
18 connection with this case in the last two weeks?

19 A No. I didn't know about this case until Monday.  
20 It was spoken about in the assembly room. And I thought this  
21 was something that was settled before.

22 Q Very good.

23 And then, was anything said in the assembly room,  
24 other than this case was in Department 106?

25 A They talked about the incident.

26 Q The -- which incident, the --

27 A Well, the girl sitting next to me mentioned it.  
28 There is a witness that has a bullet in him. He refuses to

1 have it taken out.

2 Q I'm sorry, what --

3 A Or something like that.

4 Q What was that?

5 A He has a bullet in him and refuses to have it  
6 taken out, something of that order.

7 Is there such a thing on this case? I mean,  
8 this is what I heard.

9 Q That's what you heard, in any event?

10 A Yeah, uh-huh.

11 Q All right.

12 Now, let's go back to the Tate-La Bianca case.

13 A Uh-huh.

14 Q Did you follow that in the press or in the  
15 newspaper, radio, television?

16 A Just what I would hear and glance on the news  
17 headlines.

18 Q I see.

19 A But --

20 Q Did you hear the result in that case?

21 Do you know whether the verdict was -- whether  
22 there was a jury verdict?

23 A I really didn't pay any attention to it.  
24  
25  
26  
27  
28

11b fls.



11b-1

1 Q You don't know whether Mr. Manson was convicted  
2 of murder or not, then?

3 A Well, I think in my mind I know he -- I think he  
4 was.

5 Q You remember that he was?

6 A I think so. I mean --

7 Q And do you remember whether there was a sentence  
8 passed?

9 A I think it was death, wasn't it? I mean, I  
10 think. I'm not sure. I mean --

11 Q That's your best remembrance?

12 A Yes, because I can't --

13 Q Was there more than one victim?

14 A Just -- I can't understand that.

15 Q Was there more than one victim in that case,  
16 that you recall?

17 A Well, I know the victims in that case -- I mean,  
18 I am familiar with them.

19 Q You mean you know them personally?

20 A No, I mean I know of them, the case.

21 Q You remember some of the names?

22 A Yeah.

23 Q Tate is one of them?

24 A Uh-huh.

25 Q Do you remember any of the others?

26 A I couldn't name them to you, unless you would  
27 mention them to me, and then I would recognize them.

28 Q I see. Now, if I were to -- strike that.

11b-2

1 Do you know the name Gary Hinman?

2 A Yes.

3 Q What do you know about that name?

4 A Nothing, except that it is brought up now.

5 Q Well, before I mentioned it in court here?

6 A Uh-huh.

7 Q Had you heard it, seen it or read it any place

8 that you can remember?

9 A Well, I remember hearing the name mentioned during

10 the trial that was up then.

11 Q I see.

12 Now, can you remember it now?

13 A That's the only time that I had heard of it.

14 Q Now, what trial?

15 A Well, when Manson was up the first time.

16 Q In other words, the Tate-La Bianca case that

17 we're talking about?

18 A Uh-huh.

19 And then, I had read in -- a small article, an

20 item in the paper about it. And then, I just forgot about

21 it.

22 Q What small article had you read?

23 A That he was supposed to have been killed by Mr.

24 Manson. I think that's what the article said.

25 Q Just stating the charges?

26 A Yeah, uh-huh.

27 Q That were coming up in court, is that correct?

28 A Uh-huh.

11b-3

1 Well, no, that he did -- or something like that.  
2 It was a very small article.

3 Q Something about the accusations?

4 A And that's -- since then, the name has stayed  
5 with me. And I've only recognized it when it was mentioned  
6 Monday, a week ago Monday.

7 Q How about the name Shea, Shorty Shea?

8 A Now, that I don't know. I can't remember anything  
9 about that name at all.

10 Q All right.

11 Now, if I were to instruct you, if the Court  
12 were to instruct you that you were to set aside --

13 A Uh-huh.

14 Q -- anything you may have heard, seen or read --

15 A Uh-huh.

16 Q -- about the Hinman case, the Shea case --

17 A Uh-huh.

18 Q -- about the Tate-La Bianca case, about Mr.  
19 Manson, anything you may have talked about --

20 A Uh-huh.

21 Q -- with your friends, or heard, seen or read in  
22 the publicity, if I were to set aside that -- if I were to  
23 instruct you that you are to set that aside --

24 A Uh-huh.

25 Q -- and not in any way allow it to enter your  
26 mind in making any judgment that you might be called upon to  
27 make on any issue in this case, are you capable of doing  
28 that?

11b-4

1 A I believe so.

2 Q Are you hedging with me at all in saying "I  
3 believe so," or are you firm in your judgment that you can  
4 do so?

5 A I can do so.

6 Q Will you do so?

7 A I will.

8 Q And will you set it aside, then, erase it from  
9 your mind for the purpose of this case?

10 A Uh-huh, that's right.

11 Q You couldn't forget such matters, because they're  
12 in your memory and you can't be asked to forget them.

13 A Uh-huh.

14 Q But could you simply erase them from your mind  
15 for the purpose of acting as a juror in this case and in  
16 determining this questions -- these questions which would be  
17 presented to you solely from the evidence that's being  
18 produced here, going to be produced in court and the Court's  
19 instructions of law?

20 A That's right, sir.

12 fls.

12-1

1 Q You will do that?

2 A Yes.

3 Q And will you be fair and impartial?

4 A Yes, sir.

5 THE COURT: All right.

6 Mr. Kanarek?

7  
8 VOIR DIRE EXAMINATION

9 BY MR. KANAREK:

10 Q Miss Wallace, from the -- from what you've seen  
11 or heard in the publicity, what did the publicity tell you  
12 concerning who was responsible for killing Gary Hinman?

13 A That, I couldn't answer.

14 Q Well, you say you read a little article,

15 A That was so long ago, sir.

16 Q Now, directing your attention, then, to the Tate  
17 matters, --

18 A Um-hmm.

19 Q -- from the publicity, would you tell us what  
20 you learned as to how Sharon Tate died?

21 A I don't know how she died.

22 Q But your state of mind --

23 A I don't know the details of that at all.

24 Q But -- well, directing your attention to the name  
25 Abigail Folger, have you ever heard that name?

26 A Just when it was mentioned in the head -- in the  
27 papers, when it occurred.

28 Q And Jay Sebring?

12-2

1 A That name doesn't even sound familiar to me.

2 Q La Blanca?

3 A Yes.

4 Q What do you -- what did you read or hear concern-  
5 ing --

6 A Just that they were one of the victims.

7 Q I see.

8 And would you tell us, in connection with that,  
9 with what you heard and saw, what is -- what did you hear  
10 from the publicity and see from the publicity, as to Mr.  
11 Manson's position in these matters?

12 A Nothing at all, sir.

13 Q Well --

14 A I couldn't say anything on that at all.

15 Q Well, did you hear about the trial, the Tate trial?

16 A Very, very little.

17 Q Do you know what the result of the Tate trial was?

18 A Not really. I just assumed -- I think, -- I just  
19 think that he was sentenced.

20 Q To what?

21 A I think it's death. I'm not sure.

22 Q And you -- and so your belief is he was sentenced  
23 to death in connection with the -- with Sharon Tate dying?

24 A Well, I don't know. It was that particular case  
25 that was brought up. I don't know the -- I couldn't quote  
26 the details, the outcome of it.

27 I just know that he was sentenced.

28 Q But is it your belief, as you sit there now, that

12-3

1 this was in connection with what was called the Tate-La Bianca  
2 case?

3 A Yes.

4 Q And so --

5 A No, the Tate case -- well, the Tate and La  
6 Bianca case together. I thought that you were separating them.

7 Q Now, during 1970, were you in the Los Angeles area?

8 A Yes.

9 Q And you realize that you are not on the defensive  
10 here now?

11 A No, I understand.

12 Q We are just asking you questions, getting informa-  
13 tion for Judge Choate --

14 A Yes.

15 Q -- on which he can make any decisions he has to  
16 make.

17 Now, have you ever been on jury duty before?

18 A No, sir.

19 Q Now, you would certainly intend not to consider the  
20 matters that you've heard concerning Mr. Manson, in deciding  
21 this case; is that correct?

22 A Say that again, please?

23 Q You would intend certainly not to discuss (sic)  
24 the matters that you heard concerning Mr. Manson?

25 A That's right.

26 Q But are we in agreement that, many times, well,  
27 you have had the intention to do something, like you might  
28 intend to play 18 holes of golf tomorrow, and might not get

12-4

1 around to doing it.

2 A Um-hum.

3 Q That kind of thing. So, not having experienced  
4 it, we don't know whether it would be possible for you not  
5 to consider some of these matters that you've spoken of?  
6 For instance, these convictions for death that you've spoken  
7 of.

8 A The convictions for death? I don't know that I  
9 mentioned that word. Did I?

10 Q Well, is it your -- your belief is that Mr. Manson  
11 was sentenced to death?

12 A I think that's what the outcome of it was. I  
13 don't know.

12a fls.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



12a-1

1 Q So during the course of this trial, you would --  
2 you would have these -- these thoughts in your mind; right?

3 A I would dismiss those thoughts.

4 Q Pardon?

5 A I would dismiss those thoughts.

6 Q You would certainly try to. But right now, you're  
7 thinking about it; right?

8 A Because you are talking to me, um-hum.

9 Q Well, but during the entire process of this trial,  
10 you'll know that this is a murder case; right?

11 A Um-hum.

12 Q And so you don't know -- not having experienced  
13 it, we really don't know whether you could, in fact, not  
14 consider these matters?

15 A Um-hum.

16 Q Is that true?

17 A Well, if I am asked by the Court not to consider  
18 that, to keep an open mind, I will do what I have been asked.

19 Q Well, that's right. That's what we are talking  
20 about. Sometimes, some of the things we are asked are not  
21 possible to do.

22 I remember my mother used to ask me to do things  
23 that were sort of impossible, sometimes, that kind of thing.

24 So, really, we -- you don't know whether you  
25 could in fact not consider these matters, not having -- not  
26 having --

27 A Well, I would not consider them.

28 Q Pardon?

1 A I would not consider them.

2 Q But during the time --

3 A Not if I were sitting here.

4 Q But during the course of this trial, you certainly--  
5 things might occur here that might bring them back to your  
6 memory.

7 A Well, I think that would be quite normal, wouldn't  
8 it? And it would be for you to dismiss it.

9 Q Pardon?

10 A It would be quite normal, but for you to dismiss  
11 it.

12 Q When you say "quite normal," what do you mean?

13 A For those thoughts to come in.

14 Q It would be normal for them to reappear?

15 A Well, I would think so.

16 MR. KANAREK: All right. May we approach the bench,  
17 your Honor?

18 BY THE COURT:

19 Q You added something there. You said something to  
20 the effect of: "And to dismiss it."

21 A Well, to dismiss it from my mind.

22 Q And you think you could do that?

23 A I can.

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

25 (Whereupon, the following proceedings were had  
26 at the bench among Court and counsel, outside the hearing of  
27 the prospective alternate juror:)

28 MR. KANAREK: Well, your Honor, 1073 Subsection 2.

1 THE COURT: The challenge is denied. The Court finds  
2 that she could set aside any opinions she might have formed,  
3 and that she will do so, and that she will be fair and impartial.

4 (Whereupon, the following proceedings were had  
5 in open court, within the hearing of the prospective alternate  
6 jurors:)

7 THE COURT: Call the balance of the prospective  
8 alternates in.

9 Gentlemen, may we dismiss the jury that's  
10 assembled over in Department 100?

11 MR. MANZELLA: Yes, your Honor.

12 MR. KANAREK: Yes, your Honor.

13 THE BAILIFF: Do you want just the alternates now?

14 THE COURT: Well, let's dismiss the jury, and take two  
15 or three more names. It's after 4:00 now, and presumably we  
16 can -- let's see. We have an extra person here.

17 Jesus Martinez? Is he in the group?

18 Who are all the people we have here?

19 We simply want at this time Mrs. Hills, Miss  
20 Wallace, Mr. Werner, Mr. Zamora -- I don't know who the  
21 other people are.

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

24 THE COURT: Oh, Jesus Martinez and Ann Heller.

25 PROSPECTIVE JUROR HELLER: Yes.

26 THE COURT: Who is the other gentleman in the straw  
27 hat?

28 PROSPECTIVE JUROR LEVINE: My name is Levine.

1 THE COURT: Pardon?

2 PROSPECTIVE JUROR LEVINE: My name is Levine; L-e-v-i-n-e,  
3 your Honor.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

12b-1

1 THE COURT: Well, were you --

2 PROSPECTIVE JUROR LEVINE: I was sent to this court.

3 THE COURT: Are you waiting over in 100 as one of the  
4 prospective jurors?

5 PROSPECTIVE JUROR LEVINE: That was my understanding.

6 THE COURT: I'm sorry, Mr. Levine. There's some  
7 mistake. Your name wasn't drawn from the box.

8 Would you please go back over there and wait,  
9 then?

10 PROSPECTIVE JUROR LEVINE: To Room 100?

11 THE COURT: Yes, Department 100, if you would, please.

12 You might bring all the prospective jurors over,  
13 if you would, Mr. Kuczera.

14 THE BAILIFF: Yes, sir.

15 THE COURT: Do we still have some -- an extra person  
16 here? Now, who is it?

17 (Whereupon, a discussion off the record ensued  
18 at the bench between the Court and the Clerk.)

19 THE COURT: It's the lady who is next to Mr. Werner.  
20 What is your name, madam?

21 PROSPECTIVE JUROR HELLER: My name?

22 THE COURT: Yes, your name.

23 PROSPECTIVE JUROR HELLER: Heller.

24 THE COURT: Heller, yes. You are one of those whose  
25 name has been drawn from the box, from the little box in  
26 the Clerk's possession here. But you have not yet been  
27 questioned.

28 We'll ask you to wait outside. Thank you.

12b-2

1 Now, Jesus Martinez is another one. Is he outside?  
2 His name was drawn.

3 I don't know how Mr. Levine got over here when  
4 Mr. Jesus Martinez was called. But we'll find out about  
5 that later.

6 All right, gentlemen, you may question generally,  
7 if you would, please.

8  
9 VOIR DIRE EXAMINATION

10 BY MR. KANAREK:

11 Q Miss Wallace, --

12 A Yes.

13 Q -- is there any reason that you feel that you  
14 couldn't be fair and impartial in deciding this case?

15 A No.

16 Q Were you able to hear all of the -- all of the  
17 questions that were asked since you have been here in the  
18 courtroom?

19 A Yes, sir.

20 Q And do you have a friend or relatives that are  
21 in any type of law enforcement work, --

22 A No, sir.

23 Q -- public or private, --

24 A No, sir.

25 Q -- anywhere in the world?

26 A No.

27 MR. KANAREK: Thank you very much.

28 PROSPECTIVE JUROR WALLACE: You're welcome.

12b-3

1 THE COURT: Mr. Manzella?

2  
3 VOIR DIRE EXAMINATION

4 BY MR. MANZELLA:

5 Q Miss Wallace, you weren't in the courtroom  
6 while I questioned the other jurors, were you?

7 A You mean the prospective jurors?

8 Q Right?

9 A No.

10 Q Do you know anyone who is involved in the defense  
11 of criminal cases?

12 A No, sir.

13 Q Do you know anyone that's ever been charged with  
14 any crime?

15 A No, sir.

16 Q Have you ever served on a jury before?

17 A No, sir.

18 Q The Court's instructions, which you have already  
19 heard, tell you that the burden of proof on the People in  
20 this case is to prove guilt beyond a reasonable doubt.

21 A That's right.

22 Q That standard's the same in all criminal cases.  
23 Would you hold the People to a greater burden of proof  
24 because this is a murder case?

25 A I don't quite understand that.

26 Q The burden of proof, of proving guilt beyond a  
27 reasonable doubt, is the same in all criminal cases, whether  
28 it be a burglary, theft of an automobile, robbery or murder.

12b-4

1           What I am asking you is: Would you hold the  
2 People to a greater burden of proof, because this is a murder  
3 case? And not a burglary case or a robbery case?

4           A     Well, I don't quite understand that, whether --  
5 you would have to have the evidence, the proof.

6           Q     You'd have to be convinced beyond a reasonable  
7 doubt, in any case?

8           A     That's right.

9           Q     Okay. If the Court instructed you that that  
10 standard does not require the People to exclude all possi-  
11 bility of doubt and produce absolute certainty, would you be  
12 able to follow that instruction?

13          A     I believe so.

14          MR. MANZELLA: Okay.

15               (Pause.)

16          THE COURT: Anything further of Miss Wallace, Mr.  
17 Manzella?

18          MR. MANZELLA: Yes, your Honor.

19          THE COURT: Go ahead.

20          Q     BY MR. MANZELLA: If I understand you correctly,  
21 then, you would not hold the People to a greater burden of  
22 proof because this was a murder case; is that right?

23          A     No, sir.

12c fls.



12c-1

1 Q That is right?

2 A That I wouldn't hold it any higher than the  
3 People's.

4 Q All right. Fine. Thank you.

5 Now, Miss Wallace, you have been instructed with  
6 regard to circumstantial evidence and with regard to the  
7 elements of murder. Do you have any quarrel with the law  
8 which permits a person to be convicted of first degree murder,  
9 where the death is proved by circumstantial evidence?

10 A No, sir.

11 Q Miss Wallace, if -- strike that.

12 Do you understand the situation in which you find  
13 yourself as an alternate juror? Do you understand that?

14 A Yes.

15 Q Has it been explained to you?

16 A (No response.)

17 Q All right. I'll explain to you that it's unlikely  
18 that you would be called upon to serve as a regular juror.

19 A Um-hum.

20 Q Because you would only serve as a regular juror  
21 in the case -- if one of the other jurors is unable to  
22 continue; do you understand that?

23 A Yes, sir.

24 Q But nevertheless, you must be in the courtroom to  
25 hear all of the evidence, just as a regular juror does, and  
26 listen to the arguments and listen to the instructions of law  
27 given to you by the Court.

28 A That's right.

1           Q       However, if all of the regular jurors are able to  
2 continue, right through the case, and deliberate, then you --  
3 you may never be called upon to serve as a juror, a regular  
4 juror in the case.

5                   Do you still feel, with that in mind, that you would  
6 be able to give your full time and attention to the evidence,  
7 the arguments and the instructions of law?

8           A       Yes, sir.

9           Q       All right. Now, if you were called upon to serve  
10 as a regular juror, and if Mr. Manson was convicted of one or  
11 both counts of first degree murder, and after hearing all of  
12 the facts in the case, you decide that the death penalty was  
13 warranted, was justified, would you be able to vote for the  
14 death penalty for Mr. Manson?

15          A       Yes, sir.

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

18          THE COURT: The next peremptory challenge is with the  
19 People.

20          MR. MANZELLA: The People accept the alternates, your  
21 Honor.

22

23

24

25

26

27

28

13 fls.

13-1

1 THE COURT: With the defendant.

2 MR. KANAREK: Thank and excuse Mr. Zamora. Thank you,  
3 Mr. Zamora.

4 THE COURT: Mr. Zamora, thank you very much, Room 253  
5 on Thursday, please.

6 Call another -- let's see, we already have called  
7 one, is that right? Jesus Martinez.

8 Is he here?

9 PROSPECTIVE ALTERNATE JUROR MARTINEZ: Yes. Yes, I am.

10 THE COURT: Come forward, Mr. Martinez.

11 And, thank you. You may be seated there, any-  
12 where you can find a seat. Thank you.

13 And call another name in addition to Mr. Martinez,  
14 please.

15 THE CLERK: Mrs. Anne M. Heller, A-n-n-e, H-e-l-l-e-r.

16 THE COURT: Very well, with the exception of Mr.  
17 Martinez, Mrs. Heller, Mr. Werner, Miss Wallace and Mrs.  
18 Hills, the Court will excuse all of you now.

19 Remember the admonition that I must give you,  
20 and that is that you are not to converse amongst yourselves  
21 or anyone else or permit anyone to converse with you on any  
22 subject connected with this matter, nor are you to form or  
23 express any opinion on the matter until it has finally been  
24 submitted to you.

25 Remember, too, it is your obligation not to  
26 view or hear any publicity in respect to this case.

27 9:30?

28 MR. KANAREK: Could that be a quarter to 10:00, your

1 Honor?

2 THE COURT: All right, 9:45.

3 MR. KANAREK: Yes.

4 THE COURT: All right, would you be here about 9:40 and  
5 assemble over in the hallway. If there is a courtroom, I'll  
6 try to find it for you, because I do know that hallway is  
7 not the best place to stay during the day. We'll try to find  
8 a courtroom each day during the time that you are waiting  
9 while we're choosing the alternate jurors.

10 All right, ladies and gentlemen, you are excused,  
11 then, until 9:30 tomorrow morning.

12 Good night. Thank you for hurrying over from  
13 Department 100 when I called for you. That was a new record.

14 (Whereupon, the jury and the balance of the  
15 prospective jury panel retired from the courtroom,  
16 and the following proceedings were had:)

17  
18 VOIR DIRE EXAMINATION OF

19 JESUS E. MARTINEZ

20 BY THE COURT:

21 Q Mr. Martinez, were you present when the Court  
22 was questioning the first prospective juror taken from your  
23 group?

24 A Yes.

25 Q And you heard the entire proceedings when --  
26 during the Court's explanation of the nature of the case and  
27 so forth?

28 A Yes.

1 Q Would your answers be any different than hers  
2 were, that prospective juror's answers were to the questions  
3 of a general nature?

4 A No.

5 THE COURT: Mrs. Heller, would you simply wait outside,  
6 then.

7 PROSPECTIVE ALTERNATE JUROR HELLER: Yes.

8 (Whereupon, prospective alternate juror Heller  
9 retired from the courtroom, and the following proceed-  
10 ings were had:)

11 BY THE COURT:

12 Q Your answers would not be any different?

13 A No.

14 Q All right.

15 Would it be a hardship to you to serve in this  
16 case?

17 A Yes.

18 Q In what way?

19 A Financial.

20 Q Tell us about it.

21 A As I understand it, my employer will only pay  
22 for the first two weeks of jury duty, and after that, it is  
23 no compensation.

24 Q Who is your employer?

25 A Burke Concreting Accessories, Incorporated.

26 Q Burt?

27 A Burke.

28 Q Burke, B-u-r-k-e?

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

A Yes.

Q Concrete Accessories?

A Yes.

Q And where are they located?

A 1625 West Washington Boulevard, Montebello.

Q And you checked with them today, did you?

A Yesterday evening.

Q I see.

Q Your salary you utilize to support yourself?

A Yes.

Q Anyone else?

A No.

13a fls.

13a-1

1 THE COURT: All right, the Court will excuse you, then,  
2 and, Mr. Martinez, the Court thanks you and excuses you until  
3 Thursday, Room 253, when you shall report at that time. You are  
4 relieved from any obligation to serve in this case. The Court  
5 finds it is a hardship, would be a hardship for you to serve  
6 for four or five months here.

7 PROSPECTIVE ALTERNATE JUROR MARTINEZ: Thank you.

8 THE COURT: The Court denies the defendant's standing  
9 motion.

10 All right, Mrs. Heller, want to bring her in?

11 Mrs. Heller, come forward.

12  
13 VOIR DIRE EXAMINATION OF

14 ANN M. HELLER

15 BY THE COURT:

16 Q Were you present when the Court explained the  
17 nature of this case to the group of prospective jurors to which  
18 you belong and did you hear the Court's questioning of the  
19 prospective juror first chosen from your group?

20 A Yes, I did.

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

23 A Which juror?

24 Q The first prospective juror taken from your group  
25 and put in the box. I put some questions to that prospective  
26 juror and asked you to listen.

27 And did you hear all the questioning and the Court's  
28 explanation of the nature of the case?

13a-2

1 A Yes, I did.

2 Q And the Court's instructions?

3 A Yes, I did.

4 Q All right. Now, would your questions -- would your

5 answers be any different than the answers that that prospective

6 juror, that one first chosen to the box that you can remember?

7 A That I can remember, I would say they would be the

8 same.

9 Q They would be the same?

10 A Yes.

11 Q All right. Would it be any hardship for you to

12 serve as a juror in this case?

13 A No, it wouldn't.

14 Q Would -- what type of work do you do, Mrs. Heller?

15 A I am retired.

16 Q From what type of work?

17 A I worked for Thrifty Drug. Thrifty Drug.

18 Q I see. In what capacity?

19 A I worked in the coffee shop.

20 Q All right. Is there a Mr. Heller?

21 A No.

22 Q Have you been a juror before in any criminal case?

23 A No.

24 Q In what area do you reside?

25 A Silverlake.

26 Q Is there a Mr. Heller?

27 A No.

28 Q Has there ever been?



13a-3

1 A Yes.

2 Q What type of work did he do?

3 A Contractor.

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

6 A No.

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

10 A (Shakes head.)

11 Q Pardon?

12 A I believe in the death penalty.

13 Q Would you vote for the death penalty, regardless  
14 of the evidence, upon a conviction of murder in the first  
15 degree?

16 A Yes.

17 Q In other words, you would not examine the evidence?

18 A Yes, I would examine it. Yes, indeed I would.

19 Q Then, would you -- after examining the evidence,  
20 would you automatically vote for the death penalty?

21 A No.

22 Q Well, would you vote against it automatically?  
23 Would you do such a thing automatically, vote for it or  
24 against it without regard to the evidence?

25 A I would have to have -- I'd have to have evidence.

26 Q You'd have to look at the evidence?

27 A Yes.

28 Q All right.

Concerning the publicity that you may have heard, seen or read in this case, I am now going to ask you about it.

I'll ask the three other -- the three of you to step outside just briefly, if you would.

MR. MANZELLA: Your Honor, is there any reason why they couldn't be excused, the other three?

THE COURT: Well, we may -- we may be able to progress in this very quickly and, if so, it is ten minutes, we can utilize it.

Mrs. Heller, would you just take a seat.

ALTERNATE PROSPECTIVE JUROR HELLER: Yes, sir.

(Whereupon, the three other prospective alternate jurors exited the courtroom, the following proceedings were had:)

VOIR DIRE EXAMINATION

BY THE COURT:

Q Mrs. Heller, had you heard, seen or read anything concerning Mr. Manson before you came into this courtroom?

A Months ago, yes.

Q Pardon?

A Months ago, yes.

Q A month ago, you say, or months ago?

A      Oh, well, months ago.

Q Was that in connection with this case?

A No.

Q Or the Tate-La Bianca case?

A      Yeah.

Q The Tate-La Bianca case?

A (Nods head.)

13b fls.

13b-1

1 Q Did you follow that case in the news?  
2 A No, not --  
3 Q You occasionally heard --  
4 A Yes.  
5 Q -- heard, saw or read something in connection with  
6 it?  
7 A Yes.  
8 Q On television?  
9 A Yes.  
10 Q Radio?  
11 A Yes,  
12 Q And occasionally a news article, is that correct?  
13 A Oh, I didn't read about it.  
14 Q Not too much, but television and radio -- you  
15 occasionally saw it?  
16 A Yes.  
17 Q All right.  
18 Would you know the result -- or do you know the  
19 result of that case, what verdict the jury came back with?  
20 A Uh, yeah, I think I do.  
21 Q Tell us.  
22 A Uh, guilty.  
23 Q And did they come back with a sentence? Was  
24 there a sentence passed on Mr. Manson?  
25 A Yes.  
26 Q What was that, as nearly as you can recall?  
27 A Uh, first degree murder, I believe.  
28 Q Yes.

13b-2

1 A Uh --

2 Q And did they find death or life imprisonment?

3 A Uh --

4 Q Don't you know?

5 A I don't remember.

6 Q Well, if you don't remember, just say so.

7 A I don't remember, I'm sorry.

8 Q It is no --

9 A I don't remember.

10 Q It is really no detriment to you if you don't  
11 remember. We simply want to find out what you do remember,  
12 understand?

13 A Yes. Yes.

14 Q All right.

15 Do you know the name Susan Atkins?

16 A Yes, I read it in the paper.

17 Q What does that name mean to you?

18 A She's connected in the case.

19 Q In what way?

20 A Uh, she was one of the parties.

21 Q Pardon?

22 A She was one of the parties that was implicated  
23 in it.

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

25 A Hmm, I don't remember.

26 Q Had you ever heard the name Gary Hinman before  
27 the Court called -- before the Court called this  
28 case and explained the nature of the indictment to you?

13b-3

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

A Ham, yes, I believe I read about it.

Q What does that mean to you, that name?

A Uh, that he was, uh, a victim.

Q All right. Do you know any details at all about it? Do you remember any details?

A No.

Q How about the name Shorty Shea?

A Yes.

Q Can you remember anything about that name?

A Yes.

Q That you heard, seen or read?

A Yes, his wife was suing or something or other.

Q All right. And that's all you can remember?

A He's dead, yes.

Q Pardon?

A He's dead.

Q You have heard he is dead?

A Yes.

Well, uh-huh.

Q What have you heard about his death, if anything?

A Well, he was murdered.

Q Do you know any more details?

A No, I am afraid I don't.

Q Now, if I were to ask you about this -- I want your assessment of your abilities in this connection.

A Yes, sir.

Q If I were to instruct you that you were to set

1 aside anything that you may have heard, seen or read, any  
2 opinion that you may have formed -- for example, the opinion  
3 that you might have formed from the press that Mr. Shea is  
4 dead or the opinion that you might have formed that Mr. Hinman  
5 is dead -- if you have formed such an opinion, or any other  
6 opinion that you might have formed or any news article that  
7 you may have heard, seen or read, if I were to instruct you  
8 that you were to set those aside and make a decision based  
9 solely upon the evidence in this case, and the Court's  
10 instructions of law, do you think that you would be capable  
11 of doing that?

14 fls.

12 A Yes, I would.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

14-1

1 Q Those things that you've heard, seen or read are  
2 not so strong in your mind that you could not set them aside,  
3 for the purpose of --

4 A No.

5 Q -- making a judgment in this case?

6 A No. Only what I'd hear here; no.

7 Q Would you decide the case only upon the evidence  
8 that's produced here --

9 A Yes.

10 Q -- and the Court's instructions of law?

11 A Yes, I would.

12 Q And can you be fair and impartial?

13 A Yes.

14 Q And will you be?

15 A Yes, definitely.

16 THE COURT: All right. Gentlemen, any questions?

17 Bring the other prospective jurors in, will you,  
18 please?

19 MR. KANAREK: Well, your Honor --

20 THE COURT: Any questions with respect to the publicity?

21 MR. KANAREK: Yes, your Honor.

22 THE COURT: All right. May they be excused now?

23 MR. MANZELLA: Agreeable with the People, your Honor.

24 THE COURT: All right. Mrs. Hills, Mr. Werner, and Miss  
25 Wallace, the Court will excuse you now.

26 The Court instructs you to return tomorrow morning  
27 at 9:40 -- 9:40, yes. Remember the admonition that you --  
28 did you all hear the admonitions that I gave the other group?



1 PROSPECTIVE JUROR HILLS: Yes.

2 THE COURT: All right. Fine.

3 MR. KANAREK: Thank you.

4 THE COURT: Remember the admonition, and I'll see you  
5 at 9:40 tomorrow morning.

6  
7 VOIR DIRE EXAMINATION

8 BY MR. KANAREK:

9 Q Mrs. Hills, you said something --

10 A Mrs. Heller.

11 Q Pardon me. Mrs. Heller.

12 (Continuing) -- in connection with the death  
13 penalty; you say you believe in the death penalty.

14 A Yes.

15 Q Pardon?

16 A Yes.

17 Q And you believe that when someone is -- after  
18 someone's been convicted of murder, that they should go to  
19 the gas chamber?

20 A No. It depends on the evidence. Not necessarily.

21 Q What do you mean, it depends on the evidence?

22 A Well, from what I hear in the court, what I judge.

23 Q Well, are you -- now, you have heard already, you  
24 say, of the results of the Tate-La Bianca case?

25 A Yes.

26 Q Pardon?

27 A Yes.

28 Q And how many murders do you remember from the

1 publicity were involved there?

2 A I honestly couldn't give you that.

3 Q Well, just give us an estimate, if you would,  
4 please.

5 A Five?

6 Q I see. And then, directing your attention to  
7 Sharon Tate, for instance, do you remember from the publicity  
8 how the publicity said that she died?

9 A Yes.

10 Q How was that?

11 A She was stabbed.

12 Q And from the publicity, would you tell us what  
13 place if any Mr. Manson had in those matters?

14 A He was there.

15 Q Pardon?

16 A He was there.

17 Q And what -- when you say "he was there," --

18 A Yes.

19 Q -- what was his relationship, if any, to these  
20 matters?

21 A He was accused of it.

22 Q And you -- your state of mind is that a jury came  
23 in with a result as to that accusation; is that right?

24 A Yes.

25 Q And the result is conviction; is that right?

26 A Yes.

27 Q And then the jury found for the death sentence;  
28 is that right?

1 A Yes.

2 Q Now, having in mind -- and you've heard of Shorty  
3 Shea, before you came in this courtroom?

4 A Yes.

5 Q What did you hear concerning Mr. Shea?

6 A That he's dead. And I believe his wife was  
7 suing some -- I vaguely recall she was suing some -- somebody  
8 for something.

9 Q So you are presently -- based on the publicity,  
10 you believe that he -- that he's dead?

11 A Yes. They said he's dead. Yeah.

12 Q I mean, based on the publicity, you believe that?

13 A Well -- uh -- yes. That's what they said.

14 Q I see. And so, as you go through this trial,  
15 that -- your belief that Mr. Shea is dead, that -- that  
16 would have to be removed from your mind?

14a fls.

17 A That would -- I would have to just hear it here.

18

19

20

21

22

23

24

25

26

27

28

14a-1

1 Q What do you mean, you'd have to hear it here?

2 A I would have to hear the evidence here.

3 Q But right now, you believe he's dead?

4 A Well, that's what they said. That's what the paper  
5 said.

6 Q I see. And you believe it?

7 A Well, -- I guess so, yes.

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

9 THE COURT: Yes, you may.

10 BY THE COURT:

11 Q Is it clear in your mind, Mrs. Heller what your  
12 obligation is in connection with any opinions or any beliefs  
13 that you may have formed?

14 A Yes, it is.

15 Q What do you believe that obligation is, if you  
16 were a juror in this case?

17 A Well, I would have to be fair and just.

18 Q In connection with the publicity that you may have  
19 heard --

20 A Well --

21 Q -- and the beliefs that you may have formed --

22 A No. That wouldn't be connected up.

23 Q What do you mean by that?

24 A Well, I would just disregard it and listen just  
25 to what was presented here.

26 Q Could you do that?

27 A Well, yes, I could. Certainly.

28 Q And will you do that?

14a-2

1 A Certainly.

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

5 MR. KANAREK: That's preposterous, your Honor.

6 THE COURT: Pardon?

7 MR. KANAREK: It's preposterous. It's impossible. This  
8 woman now believes that Shorty Shea is dead. She has said  
9 so.

10 THE COURT: The Court --

11 MR. KANAREK: And for her to -- the burden is clearly  
12 upon the defense now to jar that out of her mind; to remove it  
13 from her mind. And that's -- and that's -- and she has that  
14 belief.

15 And if this were not -- weren't even a publicity  
16 case, we -- we have a right to proceed to trial with the  
17 presumption of innocence. And we also have the right that  
18 the People prove everything beyond a reasonable doubt.

19 And that clearly wouldn't be necessary, as far as  
20 the death of Shorty Shea is concerned, in this case.

21 THE COURT: The People?

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

23 THE COURT: The Court finds that she is capable of  
24 setting aside any beliefs, any opinions that she may have  
25 arrived at, and that she will do so, and that she will be fair  
26 and impartial.

27 The challenge is denied.

28 (Whereupon, proceedings were had at the bench among

14a-3

1 Court and counsel, outside the hearing of the prospective  
2 alternate juror, which were not reported.)

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

6 THE COURT: What is the name of the prospective juror  
7 who has asked to be excused?

8 THE BAILIFF: Mrs. McCormick.

9 THE COURT: Mrs. McCormick?

10 THE BAILIFF: Yes, sir. Mrs. McCormick.

11 THE COURT: All right. Mrs. McCormick, you are in the  
12 courtroom here, and the Court has conversed with counsel,  
13 Mr. Kanarek and Mr. Manzella, and they have agreed that you may  
14 be excused.

15 MR. KANAREK: May we have the first name, your Honor,  
16 for the record?

17 THE COURT: What is your first name?

18 PROSPECTIVE JUROR MC CORMICK: Pardon?

19 THE COURT: What is your first name?

20 PROSPECTIVE JUROR MC CORMICK: Augusta M.

21 THE COURT: And are you asking to be excused from all  
22 jury duty?

23 PROSPECTIVE JUROR MC CORMICK: Yes. Because I'm  
24 unemployed, and catching a cold, and I'm almost losing my  
25 voice.

26 THE COURT: You are almost losing your voice? And you  
27 are asking to be excused from all jury duty?

28 PROSPECTIVE JUROR MC CORMICK: Yes, I am.

14a-4

1 THE COURT: All right. The Court will excuse you from  
2 returning to the jury assembly room.

3 PROSPECTIVE JUROR MC CORMICK: Thank you.

4 MR. KANAREK: Augusta M. McCormick?

5 PROSPECTIVE JUROR MC CORMICK: Augusta M.

6 MR. KANAREK: Thank you.

7 THE COURT: All right. As to Mrs. Heller, then, Mrs.  
8 Heller, we'll call you back tomorrow morning at 9:40. You  
9 heard the admonition that I gave all the other jurors, did you  
10 not?

11 PROSPECTIVE JUROR HELLER: Yes, your Honor.

12 THE COURT: And you are required to adhere to the Court's  
13 instructions in respect to that. And the Court advises you  
14 to come back tomorrow morning at 9:40.

15 You are excused until then. Room -- well, over in  
16 the hallway there, please.

17 All right. We are in recess at this time.

18 (Whereupon, at 4:33 P. M., an adjournment was  
19 taken until 9:45 A. M. on the following morning, Wednesday,  
20 July 28, 1971.)  
21  
22  
23  
24  
25  
26  
27  
28