

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.

124
No. A-267861REPORTERS' DAILY TRANSCRIPT

Wednesday, July 23, 1971

VOLUME 24APPEARANCES:

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

For Defendant Manson: IRVING A. KANAREK, Esq.

COPY

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

LOS ANGELES, CALIFORNIA, WEDNESDAY, JULY 28, 1971, 10:00 A. M.

THE COURT: People versus Manson. Off the record.

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

THE COURT: Mrs. Heller, come forward, please. Take your seat in the box.

All right. The record will show Mr. Kanarek to be present with Mr. Manson, Mr. Manzella for the People, and Mrs. Heller, a prospective juror, is in the box.

Do you wish to question her at all?

MR. KANAREK: Well, I --

VOIR DIRE EXAMINATION

BY MR. KANAREK:

Q Do you have any friends or relatives that are in any type of law enforcement work?

A No.

MR. KANAREK: Pass for cause, your Honor, with the provision --

THE COURT: I wonder if you three wouldn't continue to remain outside, while we examine Mrs. Heller, please.

VOIR DIRE EXAMINATION

BY MR. MANZELLA:

Q Mrs. Heller, were you present when I questioned other prospective jurors?

A Some of them, yes.

Q All right. Do you know anyone connected with the

1 defense of criminal cases?

2 A No.

3 Q Do you know anyone who has ever been accused of
4 any crime?

5 A No.

6 Q You've never served on a jury?

7 A Yes, I did.

8 Q Have you served on any criminal cases?

9 A No.

10 Q You heard the questions I asked the other jurors
11 with regard to the burden of proof and circumstantial evidence?

12 A Yes, you did ask. And I can, sir.

13 Q All right. You feel you can be fair and impartial
14 to the People in this case?

15 A Yes, sir.

16 Q With regard to the death penalty, if you were
17 called upon to act as a regular juror, and if Mr. Manson was
18 convicted of one or both counts of first degree murder, and
19 after hearing all of the facts in the case, you decided that
20 the death penalty was justified in this case, would you be
21 able to vote --

22 A Yes, sir.

23 Q -- for the death penalty?

24 A Yes, sir.

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

27 BY THE COURT:

28 Q Mrs. Heller, I don't know whether I asked you.

1 Have you read anything concerning this case in the newspaper
2 in the last two weeks?

3 A No, No, your Honor.

4 Q Not a thing concerning it, that you can remember,
5 that you have read in the last two weeks concerning the case
6 alone?

7 A There was an article there. I just saw the name,
8 but that was all. I didn't read the article.

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1 Q Did you see the headline?
2 A There was no headline.
3 Q There was no headline?
4 A No, sir. Merely a -- an article --
5 Q In the newspaper?
6 A Yes. The Herald-Examiner, yes.
7 Q And when was that?
8 A I think Monday.
9 Q Last Monday?
10 A Yes. I think it was, yes.
11 Q And what did it deal with?
12 A I don't know, your Honor. I --
13 Q Have you read anything at all concerning a
14 statement made by any of the --
15 A No.
16 Q -- participants in this --
17 A No.
18 Q -- in this trial?
19 A No.
20 Q In the last two weeks, have you read anything of
21 that nature?
22 A No. There wasn't anything -- at least, I don't
23 think there was.
24 Q Do you subscribe to the Herald-Examiner?
25 A Yes.
26 Q And do you read it regularly?
27 A No, no. I don't have time. And I just read a
28 few things.

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1 Q Do you read it every day, just briefly?

2 A Oh, briefly, yes, if I have time.

3 Q Did you, in the last two weeks, see anything
4 whatever that was headlined in the Herald-Examiner concerning
5 this case?

6 A No. No, your Honor. No, I don't remember. The
7 Astronauts have the front page.

8 Q I am referring to something within the last two
9 weeks, that has appeared in the Los Angeles newspapers.

10 A If it was, I didn't see it.

11 Q Have you spoken to anyone in the last week or so
12 concerning this trial?

13 A No, your Honor. No.

14 Q You haven't -- since you've been -- you've come
15 to this courtroom, have you talked to anyone about it?

16 A Well, we were instructed not to, so we didn't.

17 Q So you haven't talked to anyone about it at all?

18 A No -- except that we might be on the jury; that's
19 all.

20 Q You mean just discussed the possibility of getting
21 on jury duty?

22 A Yes, that was all.

23 Q And then having -- and then of being selected
24 in this case; is that correct?

25 A Yes.

26 Q But other than that, you haven't discussed it
27 whatsoever?

28 A No. We were instructed not to.

1 THE COURT: Any further questions?

2 MR. KANAREK: No further questions, your Honor.

3 MR. MANZELLA: No, your Honor.

4 THE COURT: All right. Bring the other three in, will
5 you, please? Thank you.

6 Both sides pass for cause?

7 Do the People pass for cause? I didn't hear your
8 statement.

9 MR. MANZELLA: Yes, your Honor.

10 THE COURT: And except as stated, you pass for cause?

11 MR. KANAREK: Yes, your Honor.

12 THE COURT: The peremptory challenge is with the People.

13 MR. MANZELLA: Yes, your Honor. The People would like
14 to thank and excuse Miss Wallace, Juror No. 2.

15 THE COURT: Miss Wallace, thank you very much.

16 MR. KANAREK: Thank you, Miss Wallace.

17 PROSPECTIVE JUROR WALLACE: You're welcome.

18 THE COURT: Room 253 forthwith, if you would, please.

19 Choose another name.

20 THE CLERK: Marjorie L. Brooks; M-a-r-j-o-r-i-e; last
21 name, B-r-o-o-k-s.

22 THE COURT: And do you have a second one? Let's have
23 another one.

24 THE CLERK: Mrs. Charlotte Bernstein; C-h-a-r-l-o-t-t-e;
25 last name, B-e-r-n-s-t-e-i-n.

26 THE COURT: What happened to Jesus Martinez?

27 MR. KANAREK: He was dismissed.

28 MR. MANZELLA: Excused for hardship, your Honor.

1 MR. KANAREK: I think the gentleman was excused for
2 hardship, your Honor.

3 THE COURT: Yes, I recall now.
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1 Where are they, Mr. Kuczera, in the hallway?

2 THE BAILIFF: She hasn't arrived yet, sir.

3 THE COURT: Are the jurors in the hallway?

4 THE BAILIFF: No, not yet. They'll be right here.

5 THE COURT: Are they on the far side of the building?

6 THE BAILIFF: Yes, your Honor, they are.

7 THE COURT: Off the record.

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

9 THE COURT: On the record.

10 The Court will take a short recess.

11 Are you Mrs. Brooks?

12 PROSPECTIVE ALTERNATE JUROR BROOKS: Yes.

13 THE COURT: Well, come forward, please, Mrs. Brooks.

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15 VOIR DIRE EXAMINATION OF

16 MARJORIE L. BROOKS

17 BY THE COURT:

18 Q Mrs. Brooks, were you present when the Court
19 explained the nature of this case to prospective jurors of your
20 group and when the Court questioned the first prospective juror
21 from your group?

22 A Yes.

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

26 A No.

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

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1 A Well, I have a month's vacation.

2 Q Want to hold that --

3 A I have five weeks vacation yet to take this year.

4 Q You're with --

5 A Pacific Telephone.

6 Q I see. The Court anticipates that there will be a
7 week between the 23rd and the 27th there, about ten days.

8 When were you planning to take that vacation?

9 A September, October and November, and then I'll have
10 a couple of holidays, because I selected the weeks with
11 holidays.

12 Q If you don't take it, would you lose it?

13 A I imagine I would.

14 Q Well, do you know?

15 It wouldn't carry over into next year or would it?

16 A No, just the compensating days would.

17 Q So, in effect, you would lose your vacation if you
18 don't get it?

19 A Yes.

20 Q Don't take it?

21 A Yes.

22 THE COURT: Gentlemen?

23 MR. MANZELLA: We would stipulate she can be excused,
24 your Honor.

25 MR. KANAREK: So stipulate, your Honor.

26 THE COURT: All right, these gentlemen have taken your
27 plight to heart and have stipulated that you may be excused.

28 PROSPECTIVE ALTERNATE JUROR BROOKS: Thank you.

1 THE COURT: It is probably not a hardship, such as we
2 generally find.

3 PROSPECTIVE ALTERNATE JUROR BROOKS: Thank you very much.

4 THE COURT: With that situation, we will let you go. The
5 Court does excuse you. Go to Room 253, would you please, and
6 perhaps you can be picked up for another courtroom this after-
7 noon.

8 Let's see, Mrs. Bernstein.

9 PROSPECTIVE ALTERNATE JUROR BERNSTEIN: Yes, sir.

10 THE COURT: Call another name.

11 THE BAILIFF: We have two more outside.

12 THE COURT: We should announce their names as they are
13 called.

14 Mrs. Holt, would you announce the name of the juror
15 you just picked from the box, prospective juror.

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1 THE CLERK: Mrs. Charlotte Bernstein.

2 THE COURT: She's in the box now.

3 THE CLERK: Harry J. Tarsky, H-a-r-r-y, T-a-r-s-k-y.

4 And Julio Cervantes, J-u-l-i-o, last name,
5 C-e-r-v-a-n-t-e-s.

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7 VOIR DIRE EXAMINATION OF
8 CHARLOTTE BERNSTEIN

9 BY THE COURT:

10 Q Mrs. Bernstein.

11 A Yes.

12 Q Were you present when the Court explained the
13 nature of this case to prospective jurors when the Court
14 first questioned the first prospective juror taken from your
15 group?

16 A Yes, your Honor.

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

20 A Uh, I'd say on the whole, no.

21 Q Pardon?

22 A I say, on the whole, no.

23 Q All right.

24 Use that microphone, if you would. You have to
25 get it right close to your face.

26 A All right.

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

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- 1 A Financially, no, but in other ways, yes.
- 2 Q Tell us about it.
- 3 A Well, my husband is retired and he's old. He's
- 4 rather lonely. And he doesn't like me to stay away that long.
- 5 Q He doesn't like you to be away during the day
- 6 that long?
- 7 A Ruh-uh.
- 8 Q How old is he?
- 9 A He was just 65.
- 10 Q Well, the Court doesn't believe that would
- 11 constitute a sufficient hardship, Mrs. Bernstein.
- 12 A Right.
- 13 Q This is a public trial. He can come down and
- 14 visit you during the recesses.
- 15 A I agree.
- 16 Q Have you -- are you employed outside the home?
- 17 A No, I am not.
- 18 Q Have you ever been?
- 19 A Oh, yes, your Honor.
- 20 Q What type of work generally?
- 21 A For the Welfare Department, foster home care, and
- 22 the last job was Harper & Rowe publishing.
- 23 Q I see. Where did you work for the Welfare?
- 24 A Oh, this was before I got married, many years
- 25 ago.
- 26 Q In Los Angeles?
- 27 A New Jersey.
- 28 Q In New Jersey?

1 A Newark, New Jersey.

2 Q And you worked for Harper & Row, where?

3 A New York City.

4 Q I see. Have you been employed since you've been
5 in California?

6 A No.

7 Q What type of work did Mr. Bernstein do?

8 A He was working for the Post Office.

9 Q Have you ever served as a juror before in a
10 criminal case?

11 A No, your Honor.

12 Q In what area do you and Mr. Bernstein reside?

13 A The Fairfax area, Wilshire area of Los Angeles.

14 Q Do you have such views concerning the death penalty,
15 Mrs. Bernstein, that you couldn't be fair and impartial in
16 determining guilt or innocence?

17 A Uh, I'd say, uh, if you put it that way, I'd have
18 to say there are times when I do disagree with my own opinions,
19 but on the whole I am against capital punishment.

20 Q Concerning the question that I put to you now
21 specifically, do you believe that because of the views that
22 you hold concerning capital punishment that you couldn't
23 be fair and impartial in determining guilt or innocence?

24 A Oh, I wouldn't say that.

25 Q Well, what would you say?

26 A This is my belief at the present time.

27 Q What would you say?

28 A Perhaps if a case warranted it, I might change

1 my mind.

2 Q I wonder if you are listening to the question.

3 The question is whether or not you could be
4 fair and impartial in determining the question of guilt or
5 innocence or whether your views concerning capital punishment
6 are such they would preclude you from being fair and
7 impartial.

8 A Oh, I could be fair and impartial, that I could be.

9 Q I'm speaking of -- you understand what phase of
10 the case I'm speaking about?

11 A Yes, your Honor.

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1 Q Tell me about it, what I mean, then.

2 Would you rephrase my question? That's if you
3 understand it.

4 A Well, as I understand it, would I be -- could I --
5 would I change my mind if the verdict was other than my
6 opinion about it would be.

7 Q No, I'm afraid you don't have it yet.

8 Did you hear the Court's explanation -- were you
9 present when the Court explained the nature of this case?

10 A Yes.

11 Q And when the Court talked about the death penalty?

12 A Yes, your Honor.

13 Q When the Court talked about the procedure that
14 would be followed in this case?

15 A Then, I didn't understand it or I don't remember
16 it.

17 Q Well, you understand that in a case wherein the
18 charge -- the crime that's charged is punishable -- if a
19 defendant is found guilty beyond a reasonable doubt -- by
20 death or life imprisonment, that the trial may be divided into
21 two phases?

22 Did you hear that explanation?

23 A Well, I hear it now.

24 Q Oh, you did not hear it before?

25 A No, your Honor.

26 Q You did come with the group of prospective jurors
27 -- you did come in when they first came into the courtroom?

28 A I did, but I evidently -- I didn't understand it

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1 or I didn't hear it.

2 Q All right, Mrs. Bernstein, the Court is not imply-
3 ing to you that it would be necessary that there be a second
4 phase, because a second phase, the so-called penalty phase is
5 entered only when a defendant is found guilty of murder of the
6 first degree.

7 If he is found guilty of something less than murder
8 in the first degree or if he is found not guilty, then, of
9 course, the jury is not called upon to decide the question of
10 life imprisonment or death. Only when there is a conviction of
11 murder of the first degree is there an entry into the so-called
12 penalty phase.

13 Do you follow that?

14 A Yes, your Honor.

15 Q All right. The legislature has provided that it
16 shall be in the jury's full discretion as to whether or not
17 life imprisonment or death shall be imposed. It is entirely
18 a matter for the jury to determine, and there are no guidelines
19 set forth by the legislature to assist you in determining that
20 question as to whether it will be life imprisonment or death
21 that you vote for.

22 Do you understand now that the case is divided into
23 two parts, and that possibly the second phase will have to be
24 engaged in by the Court and jury if there is a conviction of --
25 provided there is a conviction of murder in the first degree;
26 do you understand that?

27 A Yes.

28 Q You looked a little puzzled and I wondered whether

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1 or not you did understand what I have said,

2 A No, I'm just listening very keenly.

3 Q All right.

4 Now, the question I'm putting to you is whether you
5 have such views concerning the penalty, the death penalty,
6 that you could not be fair and impartial in determining the
7 question of guilt or innocence?

8 A I'd say no, your Honor.

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1 Q All right. Do you have views concerning the death
2 penalty now -- and this would be a question which would affect
3 your judgment in the penalty phase; and again, I'm not
4 inferring it will be necessary for you to enter that phase --
5 do you have such views concerning the penalty that you would
6 automatically refuse to impose it, regardless of the evidence?

7 A No, your Honor.

8 Q Or are your views concerning the death penalty
9 such that you would automatically impose it, that you would
10 vote for it, regardless of the evidence?

11 A No, I wouldn't.

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

14 A No, your Honor.

15 Q Now, I'm going to ask you about -- or, concerning
16 your exposure to publicity about Mr. Manson, this trial or
17 any other trial, and I'll ask the other three to leave, if
18 you would, please.

19 Just wait outside in the hallway, if you would,
20 Mrs. Heller, Mr. Werner and Mrs. Hills.

21 (Whereupon the three remaining prospective
22 alternate jurors exited the courtroom, and the
23 following proceedings were had:)

24 Q BY THE COURT: Mrs. Bernstein, have you previously
25 heard, seen or read the name Charles Manson, before you came
26 into this courtroom?

27 A Yes, your Honor.

28 Q Would you hold that microphone up, please?

1 And in what connection had you heard, seen or read
2 his name?

3 A In the first trial; that is, I read it. I wouldn't
4 say from day to day, or followed it religiously. But I read
5 it occasionally.

6 Q Was your main source of information the newspaper?

7 A Uh -- newspaper and radio or TV media.

8 Q I see. So that you did occasionally see a
9 television newscast or hear a radio report?

10 A Yes, your Honor.

11 Q You said "the first trial." Have you heard
12 anything about this -- heard, seen or read anything about this
13 trial? Or about the cases, the accusations?

14 A Very little, except the first day that it came out
15 in the newspaper.

16 Q Concerning the first trial, do you mean the
17 Tate-La Bianca case?

18 A Yes, your Honor.

19 Q The Tate-La Bianca homicide case?

20 A Yes, your Honor.

21 Q All right. Do you know the results of that case,
22 whether there was a verdict? And if so, what it was?

23 A I believe there was a verdict.

24 Q Would you tell us your remembrance of what it was?

25 A Mr. Manson was found guilty of first degree
26 murder.

27 Q And was there a sentence passed upon Mr. Manson,
28 that you can recall?

1 A That, I did not follow, frankly.

2 Q You don't know whether he was sentenced --

3 A No, no, your Honor.

4 Q -- to the death penalty or to life imprisonment?

5 A That, I do not know.

6 Q Do you know the name Susan Atkins?

7 A I heard, through the newspapers.

8 Q And what does that name mean to you?

9 A That's the girl that was the one that -- that sort
10 of divulged the whole case.

11 Q Do you know the name Mary Brunner?

12 A No, your Honor.

13 Q Have you ever heard, seen or read the name Bobby
14 Beausoleil?

15 A No, your Honor.

16 Q Have you ever heard, seen or read the name Shorty
17 Shea or Gary Hinman before?

18 A Gary Hinman, I -- that name stuck with me.

19 Q Tell us what you may have heard, seen or read
20 about Gary Hinman, that you recall now.

21 A I believe he was murdered.

22 Q Well --

23 A And --

24 Q -- do you believe that Mr. Manson was in some way
25 associated with that murder?

26 A I have no way of knowing, other than what the
27 newspapers said.

28 Q Well, that's what we are inquiring into.

1 A I believe they said that -- someone said that he
2 committed the murder.

3 Q I see.

4 A I forgot the name.

5 Q But your belief was that you read that Mr. Manson
6 was in some way involved with the Hinman murder?

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

8 PROSPECTIVE JUROR BERNSTEIN: Yes, your Honor.

9 Q BY THE COURT: Is that correct?

10 A Yes.

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1 MR. KANAREK: May we approach the bench?

2 THE COURT: Not at this moment.

3 Q How about Shea? Do you recall anything whatever
4 about the name Shea?

5 A Your Honor, I don't read cases of that sort too
6 much. I -- it doesn't interest me, so I know very little,
7 except that -- I read the headlines occasionally.

8 Q Do you know how many counts of murder there were in
9 the first case, as you described it? The Tate-La Bianca case?
10 How many victims there were alleged?

11 A I believe -- seven?

12 Q And do you know who La Bianca was?

13 A Were they neighbors of the -- of Charlene Tate, or
14 whatever her name was?

15 Q Were the La Biancas? Is that what you recall?

16 A Yes.

17 Q Were they --

18 A I don't really know.

19 Q What place did they have in the case? That's what
20 I mean.

21 A I think that they were murdered.

22 Q They were victims, then?

23 A Yes.

24 Q Do you think it's possible for you, if I were to
25 instruct you to do so, to set aside what you may have heard,
26 seen or read, from your -- to set it aside, discard it
27 temporarily, for the purpose of making a judgment in this case,
28 exclusive of such things?

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1 A From what I did hear, I suppose I have formed my
2 judgment.

3 Q And do you think it's possible for you to set
4 aside those judgments, for the purpose of making any decision
5 you might be called upon to make in this case?

6 A (Pause.) One hundred per cent, I don't think I
7 can say yes. I won't answer that "yes" one hundred per cent.

8 Q You would not say "yes" one hundred per cent?

9 A No.

10 THE COURT: All right.

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

12 THE COURT: The Court will grant the challenge.

13 Thank you, Mrs. Bernstein. The Court appreciates
14 your assessment, your honest assessment of your ability in
15 connection with what you may have heard, seen or read, and your
16 ability to set it aside.

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

18 THE COURT: And the Court will ask that you report to
19 Room 253 forthwith.

20 PROSPECTIVE JUROR BERNSTEIN: Bye-bye.

21 THE COURT: Good-bye.

22 The next name was Tarsky?

23 THE CLERK: Yes.

24 THE COURT: All right. Bring Mr. -- is it Mr. Tarsky?

25 THE CLERK: Yes.

26 THE COURT: Bring him in.

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28 VOIR DIRE EXAMINATION OF

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HARRY J. TARSKY,

BY THE COURT:

Q Mr. Tarsky, would you come forward, please?

Mr. Tarsky, were you present when the Court explained the nature of this case to the prospective jurors in your group?

A Yes, I was, your Honor.

Q And did you hear the Court's questions put to the first prospective juror taken from your group to the box?

A Yes, I did.

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

A No, they would not.

Q All right. Would it be a hardship to you, Mr. Tarsky, to serve on this case?

A No, it would not.

Q Neither financial nor personal?

A No.

Q All right. What type of work do you do?

A I'm a senior administrator with the Division of Highways, State of California.

Q And how long have you been so employed?

A Six years.

Q Is there a Mrs. Tarsky?

A Yes.

Q And what type of work does she do?

A Uh -- none.

1 Q She's a housewife?

2 A Yes.

3 Q And have you served as a juror before in a criminal
4 case?

5 A No, I have not.

6 Q In what area do you and Mrs. Tarsky reside?

7 A Echo Park.

8 Q Have you such views concerning the death penalty
9 that you could not be fair and impartial in determining the
10 question of guilt or innocence?

11 A No. I would have a reluctance to it, but not an
12 absolute inability to pass it.

13 Q You could be fair and impartial in determining
14 guilt or innocence?

15 A Yes, I could.

16 Q Now, in connection with the penalty phase itself,
17 if the jury should enter into a penalty phase, would you be of
18 such a mind that you would automatically refuse to impose the
19 death penalty, regardless of the evidence?

20 A No, I would not.

21 Q Or would you automatically vote for it upon a
22 conviction of murder in the first degree, regardless of the
23 evidence?

24 A No, I would not.

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1 Q Concerning publicity that you may have heard,
2 seen or read about Mr. Manson, would you have heard, seen or
3 read his name, before you came into this courtroom?

4 A Certainly.

5 Q And that was in connection with the Tate-La Bianca
6 case --

7 A Yes, it was.

8 Q -- and this case?

9 A I am certain I heard something on the radio
10 about this case. I don't recall reading about it.

11 Q Do you recall any of the details concerning this
12 case?

13 A I believe I do.

14 Q What have you heard, seen or read about this case?

15 A From -- if I am correct in my remembrance, that
16 Mr. Manson had wanted to plead guilty to this particular --

17 Q You heard that in the last two weeks?

18 A Yes.

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

20 THE COURT: No, you may not at this time.

21 Q Mr. Tarsky, if you were selected as a juror in
22 this case, do you think you could disregard that statement,
23 that Mr. Manson, according to the news reports, made in this
24 case?

25 A I'm not certain. I am fairly well trained to
26 consider things as presented without pre-judgment. I don't
27 know if this could be transferred into something human of
28 this sort.

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1 In business, I can disregard anything that's not
2 on the table at the time of a discussion.

3 Q But a plea of guilty of this nature is something
4 -- or, an offer to plead guilty is something that you are not
5 quite sure you could shake free of, then?

6 A I'm not sure how humanly possible this is.

7 THE COURT: All right.

8 MR. KANAREK: 1073, Subsection 2.

9 THE COURT: All right. I'll grant the challenge.

10 Thank you, Mr. Tarsky, for viewing your capabilities
11 and expressing your opinion as to them so frankly. The
12 Court will excuse you.

13 Go to Room 253 forthwith.

14 PROSPECTIVE JUROR TARSKY: Thank you, your Honor.

15 MR. KANAREK: Thank you, Mr. Tarsky.

16 THE COURT: Mr. Cervantes is next, I believe.

17 Take two more, would you, Mrs. Holt?

18 THE CLERK: John W. Meacham; M-e-a-c-h-a-m.

19 THE COURT: Meacham. And pick another.

20 THE CLERK: Yes. Clinton Simmons; C-l-i-n-t-o-n;
21 last name, S-i-m-m-o-n-s.

22
23 VOIR DIRE EXAMINATION OF

24 JULIO CERVANTES

25 BY THE COURT:

26 Q Mr. Cervantes, were you present when the Court
27 explained the nature of this case to the group of prospective
28 jurors to which you belong?

1 A Yes, sir.

2 Q And did you hear the Court's questioning of the
3 prospective juror first chosen from your group to the box?

4 A Yes, sir.

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

8 A No, sir.

9 Q Would it be a hardship to you to serve in this
10 case?

11 A No.

12 Q Neither personal nor financial?

13 A (Pause.) No.

14 Q What type of work do you do, Mr. Cervantes?

15 A I am a civil engineer designer.

16 Q I'm sorry?

17 A Civil engineer designer.

18 Q For whom do you work?

19 A Ralph M. Parsons Company.

20 Q And --

21 MR. MANZELLA: I didn't hear that.

22 THE COURT: For Ralph M. Parsons Company.

23 Q Is that correct?

24 A Yes, sir.

25 Q Is there a Mrs. Cervantes?

26 A Yes, sir.

27 Q Is she employed outside the home?

28 A No. She's a housewife.

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

3 A No.

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

6 A No.

7 Q Have you served as a juror in any criminal case
8 whatever --

9 A No.

10 Q -- at any time? In what area do you reside?

11 A Palos Verdes area.

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

15 A No.

16 Q Or do you have such views concerning it that you
17 would automatically refuse to impose it, regardless of the
18 evidence?

19 A No.

20 Q Or would you automatically vote for the death
21 penalty without viewing or regarding the evidence?

22 A No.

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2c fls.

2c-1

1 Q Regarding publicity that you may have heard, seen
2 or read, have you ever heard, seen or read Mr. Manson's name
3 before you came into this courtroom?

4 A Slightly, on headlines. I haven't followed the
5 whole thing.

6 Q You have not followed it carefully?

7 A No.

8 Q In the newspapers, mostly has that been the source
9 of whatever information you've had? Or did you get some
10 reports from television and radio?

11 A Yes, from television and radio, and headlines,
12 mainly.

13 Q All right. Do you know -- are you talking about
14 this case? Or the Tate-La Bianca case? Or both?

15 A The Tate-La Bianca case.

16 Q All right. In the Tate-La Bianca case, did you
17 follow the -- did you -- do you remember what the result was in
18 that case?

19 A No, sir.

20 Q Was there a verdict?

21 A No, sir, I didn't follow it through.

22 Q Do you know what Mr. Manson was accused of in that
23 case?

24 A Yes, sir.

25 Q What is your remembrance of what he was accused of?

26 A I believe he was accused of first degree murder.

27 Q And do you know whether he was convicted or not?

28 A I -- I -- I really -- I cannot say for sure, because

2c-2

1 I didn't follow it through the whole thing.

2 Q And do you know the name Susan Atkins?

3 A Slightly, yes, sir.

4 Q What does that name mean to you?

5 A Uh -- I believe that was the first person that
6 make a testimony on this Mr. Manson, I think. But I haven't
7 followed the whole thing.

8 Q Do you know the name Shorty Shea?

9 A No, I don't.

10 Q Before you came into this courtroom, had you heard,
11 seen or read the name Gary Hinman?

12 A No, I don't.

13 Q Do you know the name Manson Family?

14 A Yes.

15 Q What does that name mean to you?

16 A Well, to place this in plain words, in my own
17 mind, he's -- it is a family of hippies, commonly called, in --
18 that's about the size of it, in my own mind.

19 Q A group of people whom you describe as hippies,
20 headed by Mr. Manson?

21 A Yes, sir.

22

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3 fls.

1 Q Do you know the name Spahn Ranch?

2 A I hear that name, but I am not familiar with.

3 Q If the Court were to instruct you, Mr. Cervantes,
4 that you were to set aside anything that you may have heard,
5 seen or read about Mr. Manson, about this trial or any other
6 trial, and decide this case solely on the evidence that's
7 produced here, and the Court's instructions as I shall give them
8 to you, are you capable of doing that? Are you capable of
9 setting aside anything that you may have heard, seen or read
10 in making a judgment about this case on any issue that you may
11 be called upon to decide, solely upon the evidence?

12 A I think I am capable of doing that.

13 Q The Court's not asking you to forget such matters,
14 because of course you can't forget them. But could you simply
15 discard them from your mind temporarily, put them aside for the
16 purpose of making a judgment independently upon the evidence
17 and the Court's instructions of law in this case?

18 A Yes, sir. I believe I am capable of doing that.

19 Q When you say "I believe," are you expressing --

20 A I am.

21 Q Will you do that?

22 A I will do that.

23 Q Will you be fair and impartial in deciding any
24 issue in this case?

25 A I will be fair and impartial.

26 Q You understand that if you were to consider any
27 such matters that you may have heard, seen or read from the
28 publicity media, that it would be very unfair?

1 A Yes, sir, I do.

2 Q It would be the Court's instruction to you that you
3 are not in any way to allow any such matters to enter into any
4 judgment you might be called upon to make?

5 A Yes, sir.

6 Q Will you follow that instruction?

7 A Yes, sir, I will.

8 THE COURT: Mr. Kanarek.

9

10 VOIR DIRE EXAMINATION

11 BY MR. KANAREK:

12 Q Mr. Cervantes, does your company have a policy
13 which they will pay you while you are on the jury duty?

14 A Yes, sir. I checked yesterday with my supervisor.
15 They told me they will pay me as long as the Court will need
16 me.

17 Q I see. Now, then, directing your attention, then,
18 to the publicity that you have heard concerning this case.

19 Do you know what the subject matter was in the Tate-
20 La Bianca case?

21 A I think not for the whole detail. However, all I
22 know is what I hear on the headlines and on the radio, and
23 really I didn't pay attention to the whole thing. I didn't
24 follow through.

25 Q But what you did pay attention to, how many -- you
26 recognize it was murder that was involved?

27 A Yes, sir.

28 Q How many people were allegedly murdered, do you

1 know?

2 A I believe three, I believe. I believe. I'm really
3 guessing, because I don't remember much about the case. I know
4 at the time in my mind it was a horrible crime, but it went
5 through my mind and it went out, too.

6 MR. KANAREK: I see.

7 May I approach the bench, your Honor?

8 THE COURT: Yes.

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

12 MR. KANAREK: Yes, your Honor, even though this man is
13 purportedly a civil engineer, I think he has some difficulty
14 with the language. I didn't want to embarrass him by asking
15 him questions, but I didn't think his fluency of English --
16 obviously, his grammar -- he's not fluent in English.

17 But over and above that, I challenge him under
18 1073, Subsection 2. He says the crimes were horrible, and I
19 can represent to the Court from what I have seen, his gazing
20 towards Mr. Manson, has been indicative of a hatred.

21 THE COURT: I haven't noted anything like that.

22 MR. KANAREK: I have.

23 THE COURT: I had noted that he has been looking at
24 Mr. Manson, but Mr. Manson frequently, when one of these
25 prospective jurors takes the box, simply stares at the person,
26 and I think it is likely to draw some attention, as it has from
27 time to time.

28 MR. KANAREK: Well, I view it --

1 THE COURT: I don't agree with you with respect to his
2 fluency. I think he understands English as well --

3 MR. KANAREK: He understands it, but I just wish I spoke
4 Spanish as he speaks English, and he's not fluent in English.
5 It is obvious from his grammar and his speech he's not fluent
6 in English. I challenge him on that basis, also, but what I
7 am doing, challenging him now, he says those crimes are horrible.
8 Your Honor can exhort for hours on end, and that's not going
9 to be -- he's not going to be able to put this aside, not this
10 crime, and when the Court --

11 THE COURT: The Court is not in any way going to exhort
12 him. The Court is simply going to inquire as to his state of
13 mind. There's probably not a person on the jury that wouldn't
14 say any kind of murder is horrible if you snuff out someone's
15 life with a pillow or stab him. It is still horrible.

3a fls.

3-a-1

1 MR. KANAREK: Well, that's the very reason we can't
2 have a fair jury. That's the very reason why this trial is
3 a denial of equal protection and due process under the 14th
4 Amendment. But this man has specifically said these crimes
5 are horrible, and I don't think he can ever put this out of
6 his mind.

7 MR. MANZELLA: I think he understands English. It is
8 obvious he doesn't speak it as well as most of the jurors,
9 but without asking him some questions about his ability to
10 speak English, I don't see how you can excuse him, because
11 he's made his points well.

12 In other words, grammatically he's correct in
13 terms of syntax. He speaks English well. It is articulation
14 that he is poor in. Now, I don't think that, in itself,
15 would be grounds to excuse him.

16 THE COURT: He seems very intelligent to the Court, and
17 I think he will set aside any opinions he may have formed,
18 and I find that he can -- that he can do this, and that he
19 will do this, and that he will be fair and impartial, and
20 that he can be fair and impartial. The Court denies the
21 challenge.

22 (Whereupon, the following proceedings were had
23 in open court in the presence and hearing of the
24 prospective juror:)

25 THE COURT: Bring the other jurors in.

26 Did you have any questions? I did want to give
27 you the opportunity to ask any questions concerning publicity.

28 MR. MANZELLA: I don't want any, thank you, your Honor.

3a-2

1 THE COURT: The other three prospective alternate jurors
2 are in the box. You may begin generally, Mr. Kanarek.

3
4 VOIR DIRE EXAMINATION

5 BY MR. KANAREK:

6 Q Yes, Mr. Cervantes, sir, do you have any friends
7 or relatives that are in any type of law enforcement work,
8 public or private, anywhere in the world?

9 A No.

10 MR. KANAREK: Thank you.

11
12 VOIR DIRE EXAMINATION

13 BY MR. MANZELLA:

14 Q Mr. Cervantes, do you know anyone that's ever
15 been accused of any crime?

16 A No.

17 Q Do you know anyone that is involved in the defense
18 of criminal cases as an attorney or as an investigator or
19 anything of that sort?

20 A No.

21 Q Have you ever testified in a criminal case?

22 A No.

23 Q Now, did you hear the questions I've asked the
24 other prospective jurors with regard to the burden of proof
25 on the People and with regard to circumstantial evidence?

26 A No, I didn't.

27 Q Okay.

28 You've been instructed by the Court with regard

3a-3

1 to circumstantial evidence and with regards to the elements
2 of murder.

3 One of the elements of murder is death.

4 In other words, the prosecution must prove that a
5 person, a human being has been killed.

6 Now, do you have any quarrel with the law which
7 permits that element of murder to be proved by circumstantial
8 evidence?

9 A No.

10 Q With regard to the death penalty -- strike that.
11 Do you understand your position as an alternate
12 juror? Has that been explained to you?

13 A I believe so, yes.

14 Q All right. Now, if for some reason one of the
15 regular jurors cannot complete his service, and you've called
16 upon to serve in his or her place, and if Mr. Manson is
17 convicted of first degree murder, and after hearing all the
18 facts in the case you decide the death penalty is justified,
19 can you vote for the death penalty? Would you be able to
20 vote for the death penalty for Mr. Manson?

21 A I believe so.

22 Q All right. Have you given your -- have you given
23 some thought to your attitudes towards the death penalty in
24 the past?

25 A Not really.

26 Q All right. So you're really thinking about it
27 for the first time now?

28 A Yes.

3a-4

1 Q Is it your attitude right now, your feeling right
2 now or your opinion right now that if you thought this case
3 -- or that the death penalty was justified in this case, you
4 could vote for it? You would be able to vote for it?

5 A At the moment I didn't have no opinion about the
6 death penalty or anything else at all. I mean, I don't have
7 any opinion at all about it.

8 Q All right. But would you be able to vote for it
9 if you thought the death penalty was the proper penalty in
10 this case? If you thought the death penalty was justified
11 in this case, could you vote for it?

12 A Think I -- I be able to vote for that all right.

13 Q Is there any reason -- if you did feel it was the
14 right penalty in this case, is there any reason that you
15 know of that you could not vote for it? Is there something
16 particular on your mind that you are thinking about when you
17 say --

18 A No.

19 MR. MANZELLA: Thank you, the People pass for cause.

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

22 MR. KANAREK: Thank and excuse Mr. Cervantes.

23 Thank you, Mr. Cervantes.

24 THE COURT: Mr. Cervantes, thank you very much.

25 Room 253 forthwith, the jury assembly room. Thank you,
26 Mr. Cervantes.

27 The court will take a short recess.

28 During the recess, the Court admonishes you

1 that you are not to converse amongst yourselves or anyone
2 else on any subject connected with this matter, nor are you
3 to form or express any opinion on it until it has finally been
4 submitted to you, should you be chosen.

5 (Morning recess.)
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(Proceedings had on an unrelated matter.)

THE COURT: The Court notes that Mr. Manson is present with Mr. Kanarek, Mr. Manzella for the People; and there are four prospective alternate jurors in the box.

VOIR DIRE EXAMINATION OF
JOHN W. MEACHAM

BY THE COURT:

Q Are you Mr. Meacham?

A That's correct, your Honor.

Q Mr. Meacham, were you present when the Court explained the nature of this case to your group of prospective jurors, and when the first juror, prospective juror chosen from your group, was questioned by the Court?

A Yes, I was, your Honor.

Q Would your answers be any different than the answers given by that prospective juror to the questions of a general nature?

A I believe they would, your Honor. It would need some explanation. I think your first question was if the person was ever involved in law enforcement.

Q Yes.

A I am a building official for a City Department. I don't know whether that is -- whether that counts as law enforcement or not. We do enforce City ordinances.

It's non-uniform, though.

Q Have you appeared in court to testify in cases? Or helped to prepare cases?

1 A I have helped prepare cases, and I have appeared
2 at City Attorney hearings.

3 MR. KANAREK: I didn't hear the title of that job,
4 your Honor.

5 PROSPECTIVE JUROR MEACHAM: I am the -- in general a
6 building official.

7 Q BY THE COURT: A Building Department official?

8 A Yes.

9 Q For the City of Los Angeles?

10 A Yes.

11 Q And you would prosecute -- or, assist in the
12 prosecution, rather -- of Building Code violations?

13 A That's correct.

14 Q Do you think that would prejudice you in this
15 case, so that you would be biased toward -- or, in favor of
16 the prosecution?

17 A No, I don't think that would enter my feelings
18 at all.

19 Q Would there be any hardship to you in connection
20 with service on this jury?

21 A The Superintendent of Buildings is writing a
22 letter concerning that -- I was to pick it up at noon today
23 -- that they could not fill my position for any period
24 involved that you mentioned, of several months.

25 Q I don't understand that situation. Would you
26 explain that?

27 A Well, the City would -- is going to request that
28 I be permitted to go back to fill my regular position, after

1 the end of the normal one-month's jury period, because of the
2 manpower -- the present manpower shortage at the -- in the
3 Department of Building and Safety.

4 Q Actually, you work for the Department of Building
5 and Safety?

6 A Yes, that's right, for the City of Los Angeles.

7 Q And at the conclusion of, say, five months, what
8 would be the situation, if you were to serve? So far as your
9 position is concerned?

10 A I -- I don't know what that would be, your Honor.
11 I -- my salary would be paid the full time I was on the jury.
12 But whether they could find someone to carry it -- to do the
13 work while I was gone, I'm not sure.

14 Q Well, you're civil service?

15 A Yes, that's correct.

16 Q And the rating or position that you have now is
17 one that --

18 A Well, my --

19 Q -- one that you would go back to, would you not?

20 A Yes.

21 Q In other words, at the conclusion of five months,
22 they wouldn't drop you in your rating or your position?

23 A No, no. That is -- that is correct.

24 Q So that the hardship would not be to you
25 personally, --

26 A No.

27 Q -- but it would be to the Building and Safety
28 Department, in finding somebody to fill your job?

1 A That's correct.

2 The only possible personal hardship would be --
3 I am scheduled to be at an annual conference of a professional
4 association in September, in Sacramento, where I am a member
5 of the Board of Directors of the particular association.

6 And I expect to run for office again -- which I
7 could not do, if I was not present.

8 And I -- and that could affect my professional
9 career. I have no way of knowing, in the future, of course,
10 whether it would in actuality or not.

4a fls, 10

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1 THE COURT: Gentlemen, any comment?

2 MR. KANAREK: I'll submit it, your Honor.

3 MR. MANZELLA: The People would stipulate it would
4 constitute a hardship, your Honor.

5 BY THE COURT:

6 Q You couldn't conceivably have your name on that
7 ballot even though you might be here in Los Angeles and involved
8 in this trial?

9 A No. In accordance with the bylaws of the associa-
10 tion, the candidates must be present.

11 I -- as far as delivering reports, I could get
12 someone to do that for me, delivering committee reports at this
13 conference.

14 Q When is the conference?

15 A It's the last week in September.

16 I don't see that the calendar has September showing,
17 but it is --

18 Q How many days?

19 A It's four days, starting Sunday; and it will run
20 to Thursday, I believe, the last week in September.

21 Q Well, we might be able to work out something for
22 you in that connection, rather than cause you that hardship.
23 We couldn't delay this trial for four days, but we might delay
24 it in some way, for the purpose of -- some way, for the purpose
25 of allowing you to attend and register, so that you could
26 possibly seek that office and not in any way affect your
27 career.

28 The Court realizes that what I am asking is some

1 considerable inconvenience, but the Court thinks also that you,
2 too, are probably aware of the obligations that a person
3 undertakes when he's selected for service on a jury.

4 And the Court would ask you to serve, in spite
5 of the inconveniences that you have indicated you would
6 suffer.

7 The Court very much appreciates your service.
8 Is there a Mrs. Meacham?

9 A Yes, there is.

10 Q What type of work does she do? Or does she work
11 outside the home?

12 A No, she's a housewife. We have five children.
13 That keeps her busy enough.

14 Q It would. Other than the connection that you have
15 told us about, you have told us about in connection with the
16 Building and Safety Department, do you have any friends
17 or relatives who are in law enforcement?

18 A Uh -- yes. I was active in a Boy Scout troupe
19 that was sponsored by the Los Angeles City Police Association
20 for a number of years, and of course, quite a few of the
21 fellow committeemen were police officers.

22 Q And do you see them on a personal basis, on a
23 social basis of some type now, or --

24 A Yes, off and on, your Honor. I wouldn't say any
25 are particularly close friends, but we do -- still are
26 acquainted, and do occasionally see each other.

27 Q Would that affect your judgment in any way,
28 Mr. Meacham?

4a-3

1 A No, I don't think so.

2 Q Have you served as a juror before in a criminal

3 case?

4 A No, I never have.

5 Q In what area do you reside? In what area generally?

6 A Northeast Los Angeles.

7 Q Concerning the death penalty, do you have views

8 concerning it that are such that you could not be fair and

9 impartial in determining the question of guilt or innocence?

10 A I don't think I could ever vote for a death

11 penalty, with a little explanation.

12 I spent three years in the infantry, World War II,

13 and I pretty well had my fill of bloodshed and violence, and --

14 Q Where did you serve?

15 A In the European theatre.

16 Q You were in the infantry during all that period?

17 A Yes. I was -- I rose from private to private

18 first class, in three years.

19 Q A meteoric career.

20 A Yes.

21 Q What division were you in?

22 A 94th Infantry Division.

23 Q Near Metz?

24 A Pardon?

25 Q Near Metz and --

26 A Yes. We -- we went in -- in the Normandy area,

27 and --

28 Q With the First Army, and then the Third Army?

4a-4

1 A At first, we were originally First Army, and then
2 were transferred to the Third Army about the time of the
3 Battle of the Bulge.

4 Q You stayed with the Third Army for a while, and
5 then shifted to First?

6 A And then I believe we eventually ended up with the
7 Fifteenth.

8 As a private, I didn't get involved in too many
9 of the higher decisions.

10 Q In any event, that experience is such that you
11 don't feel as though you could vote for the death penalty?

12 A I -- shortly after the War was over, after I got
13 home, I -- with great revulsion at violence in general, I --

14 Q Well, let me ask you this: Are your views such
15 concerning the death penalty that you would automatically
16 refuse to impose it, regardless of the evidence?

17 A I think -- I can visualize myself harming someone
18 in a moment of rage, but I think with cold consideration, I
19 don't think I could -- I would feel a moral obligation not to
20 vote for a death penalty.

21 Q Would you ever vote for the death penalty in any
22 case?

23 A I can't visualize such a case at the present time,
24 no, your Honor.

25 Q Are your views such that you would never consider
26 imposing the death penalty, in any case, regardless of the
27 evidence?

28 A Well, as I say, I -- I have a moral feeling that

1 the -- that man should not take another man's life.

2 That's as simply as I can put it.

3 Q Would you automatically, given the choice between
4 life imprisonment and the death penalty, refuse to impose the
5 death penalty?

6 A Yes, I would. I would be -- I would impose life
7 imprisonment without parole or something of that nature, rather
8 than the death penalty.

9 I know there's no answer to this question, your
10 Honor. Better minds than I have looked into this. I don't know
11 of anything that --

12 Q Well, let me ask you this, Mr. Meacham.

13 First, I'll ask the other jurors at this time to
14 leave the courtroom, and wait outside.

15 (Whereupon, the remaining three prospective
16 alternate jurors exited the courtroom, and the following
17 proceedings were had:)

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1 THE COURT: Let me tell you this:

2 "A sentence of life imprisonment means that the
3 prisoner may be paroled at some time during his life-
4 time or that he may spend the remainder of his natural
5 life in prison. An agency known as the Adult Authority
6 is empowered by statute to determine this and when a
7 prisoner is to be paroled, and under the statute no
8 prisoner can be paroled unless the Adult Authority
9 is of the opinion that the prisoner when released will
10 assume a proper place in society and that his release
11 is not contrary to the welfare of society. A prisoner
12 released on parole may remain on parole for the balance
13 of his life and if he violates the terms of the parole
14 he may be returned to prison to serve the life sentence."

15 Now, do you understand, now, the meaning of the
16 sentence of life imprisonment, the general scheme?

17 A Yes, I do, your Honor.

18 I don't know if California has such a sentence
19 as life imprisonment without consideration for parole.
20 Some states apparently do.

21 Q Well, if you just tell me whether or not you
22 understand, and then answer these questions --

23 A Yes, I do.

24 Q -- answer these questions very briefly, we can
25 move on.

26 The Court would tell you that the matter of
27 parole is not to be considered by any juror in determining
28 punishment, and you are not to speculate as to if, or when,

5-2

1 parole would or would not be granted to a prisoner. It is not
2 your function to decide whether a person would be suitable for
3 parole at some future date, because as far as you would be
4 concerned, the only thing you would be called upon to decide
5 is whether the man should suffer the death penalty after
6 conviction of murder of the first degree or whether he should
7 be permitted to remain alive.

8 And if upon consideration of the evidence, in your
9 discretion you believe that life imprisonment is the proper
10 sentence, you must assume that the People in the Adult
11 Authority, charged with the operation of the parole system,
12 will perform their duty in a correct and responsible manner,
13 and they would not parole the defendant simply upon a whim
14 or caprice, but only when he could be released safely into
15 society.

16 You understand all of those things now that I
17 have said?

18 A Yes, I do, your Honor.

19 Q Now, having in mind what I have explained to you
20 about the system, let's go back to the question that I asked
21 you previously.

22 Given a choice between life imprisonment and the
23 death penalty, would you automatically choose life imprison-
24 ment and refuse to impose the death penalty regardless of
25 the evidence?

26 A I guess I -- yes, your Honor, I would so refuse
27 to vote for the death penalty.

28 Q Regardless of the evidence?

1 A Yes, regardless of the guilt or innocence, shown
2 by the evidence, of the defendant.

3 Q Well, you've introduced another subject in
4 connection with it, Mr. Neacham. That is, in the penalty
5 phase, either side can introduce evidence. They're not
6 obliged to, but either side may do so, so that you can, in
7 your discretion, if you wish, view any of the evidence that's
8 presented either in the phase, the first phase of the trial
9 as I've explained it to you or the second phase; do you
10 understand that?

11 A Yes.

12 Q All right.

13 Now, let's start with those explanations in mind,
14 then, with your having them in mind, I'll ask you this:

15 Would your views be such concerning the death
16 penalty that regardless of the evidence that may be produced,
17 you would automatically refuse to impose the death penalty?

18 A Yes, to my best belief, yes.

19 Q Regardless of the evidence that might be
20 produced in either phase of the case?

21 A Yes, that's correct, sir.

22 Q You would automatically refuse to impose the
23 death penalty?

24 A Yes, as I've tried to say, I feel a moral
25 obligation to this that I --

26 Q But your reaction is what I am concerned with.

27 Would it be automatic or would you consider and
28 weigh the evidence and make a decision?

1 A I would consider and weigh the evidence, but I
2 naturally -- because that would be the function of my job
3 as a juror.

4 Q Well, if upon consideration and weighing of the
5 evidence in the penalty phase -- now, that's what I am talking
6 about -- would you consider imposing the death penalty?

7 A No, I still say I could not impose the death
8 penalty.

9 Q And your reaction would be an automatic one, then,
10 regardless of your consideration of the evidence, you would
11 vote against the death penalty?

12 A Yes, your Honor.

5a fls.

5a-1 1 Q Would you ever consider imposing the death penalty
2 in any case?

3 A No, I don't -- no, I don't think I could.

4 Q Are you hedging in any way when you say "I don't
5 think I could"?

6 A The only thing I'm hedging on, your Honor, is I can
7 see not imposing the death penalty during the -- a trial. I
8 can see possibly being put in such a position where I would have
9 to kill somebody, defend myself, at a moment's notice or some-
10 thing of this nature.

11 Q You're talking about a personal --

12 A Personal.

13 Q -- a personal situation?

14 A A personal situation, yes.

15 Q Where you would be required, let's say, by reason
16 of self-defense or defense of your family to pull a trigger?

17 A Yes.

18 Q Something of that nature?

19 A Yes.

20 Q But I'm talking about your situation as a juror now.

21 A No, I would not vote for a death penalty.

22 THE COURT: Any questions, gentlemen?

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

24 THE COURT: Mr. Kanarek.

25 MR. KANAREK: No. No, your Honor, I have no questions in
26 this issue. There's nothing before the Court.

27 MR. MANZELLA: The People would respectfully challenge
28 Mr. Meacham, your Honor, under Section 1073, Subsection 2 of

1 the Penal Code.

2 MR. KANAREK: We would oppose the challenge. I think
3 that this man's statement, originally, is his true state of
4 mind. By your Honor asking and re-asking --

5 THE COURT: I'm having trouble because of this air
6 conditioner in hearing you.

7 MR. KANAREK: I mean, the Court --

8 THE COURT: Pick up the microphone, would you?

9 MR. KANAREK: Yes, your Honor.

10 By the Court asking and re-asking certain
11 questions, you get a misconception of the juror's state of
12 mind. He stated his state of mind previously and I do oppose
13 the challenge.

14 THE COURT: Well, would you care to ask any questions
15 that might clarify his state of mind? Go ahead, you are
16 invited to.

17
18 VOIR DIRE EXAMINATION

19 BY MR. KANAREK:

20 Q Mr. Meacham, you are willing to listen to the
21 evidence, right?

22 A Yes, sir.

23 Q And you are willing to discuss the matters with
24 your jurors, right?

25 A Yes, sir.

26 Q And when the Court first started asking those
27 questions of you, the first the Court did ask, those were
28 truthful answers to the questions given, weren't they?

5a-3

1 A Yes, sir.

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

3 MR. MANZELLA: All right, I would like to ask a few
4 questions, your Honor.

6 VOIR DIRE EXAMINATION

7 BY MR. MANZELLA:

8 Q Of course, Mr. Meacham, all your answers to the
9 Court's questions were truthful, were they not?

10 A Yes.

11 Q All right.

12 Now, we're not criticizing you for your attitude
13 towards the death penalty. We're not asking you to explain
14 your attitude towards the death penalty. As Judge Choate said,
15 we're interested in your reaction to the death penalty, regard-
16 less of the reasons to that reaction.

17 Now, would you, as a juror, automatically refuse
18 to impose the death penalty regardless of the evidence which
19 may be produced at the trial?

20 A Yes, that is the answer I have attempted to give.

21 Q All right, your answer is "Yes"?

22 A Yes.

23 Q All right.

24 Would you ever consider imposing the death penalty
25 as a juror in any case?

26 A No, I would never consider it.

27 MR. MANZELLA: All right, thank you, sir. Thank you.

28 The People renew the challenge.

1 MR. KAMAREK: Oppose the challenge, your Honor.

2 THE COURT: All right, the Court finds that Mr. Meacham
3 would automatically refuse to impose the death penalty regard-
4 less of the evidence.

5 Is that expressing your state of mind, Mr. Meacham?

6 PROSPECTIVE JUROR MEACHAM: Yes, that is correct, your
7 Honor.

8 THE COURT: And, therefore, the Court does grant the
9 challenge.

10 Thank you, Mr. Meacham, the Court does excuse you,
11 and would you report to Room 253 at 1:30.

12 PROSPECTIVE JUROR MEACHAM: 253?

13 THE COURT: You are to report to the jury assembly
14 room, Room 253.

15 You have time left on jury duty?

16 PROSPECTIVE JUROR MEACHAM: Yes, sir, I do.

17 THE COURT: Very well.

18 All right, call another name.

19 THE CLERK: Clinton Simmons, C-l-i-n-t-o-n, last name
20 S-i-m-m-o-n-s.

21 THE COURT: Let's have one after that.

22 THE CLERK: The next one is Lillian Williamson,
23 W-i-l-l-i-a-m-s-o-n.

24
25 VOIR DIRE EXAMINATION OF

26 CLINTON SIMMONS

27 BY THE COURT:

28 Q Mr. Simmons,

5b-1

1 Q Were you present when the Court explained the
2 nature of this case to your group of prospective jurors and
3 when the Court questioned jurors -- questioned the first
4 prospective juror chosen from your group?

5 A Yes, sir.

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

9 A Uh, the ones of a general nature -- yes, the ones
10 -- there were some that parties -- excuse me, there are some
11 which are personally different.

12 Q Well, we'll get around to those, hopefully. If
13 not, perhaps you can tell me whether we have covered every-
14 thing that you want to make known to the Court.

15 Would it be any hardship for you to serve in this
16 case?

17 A Well, my employer told me it would be difficult.

18 Q Who is your employer?

19 A Ectron Industries.

20 Q Difficult in what way? Difficult for you or for
21 the employer?

22 A Well, for the employer in that respect, to be
23 away for six months but, of course --

24 Q You would not lose your position or your job?

25 A Not to my knowledge, no. Not at the present time,
26 I don't think so.

27 Q And they would pay you during the period of time --

28 A At the present time, yes. But I haven't talked

1 with -- what's considered the higher ups. This is only my
2 immediate boss that I spoke with. I don't know what the rule
3 would be if I were to stay for six months.

4 Q What type of work do you do?

5 A I am an electronics engineer.

6 Q And specifically what type of thing do you do?

7 A Well, it is more of a classified nature in some
8 respects. I design circuits and systems and that type of thing
9 which would need my attention under certain cases.

10 Q How soon will you have an answer from your -- from
11 the higher ups, as you put it, or the other persons whom you
12 have to consult or your boss has to consult?

13 A Well, I can call them this afternoon, and more
14 likely we'll have some --

15 Q Very well. Would you do that, please, during the
16 noon recess. You can utilize the Court's telephone, if you
17 would, and get that information.

18 Is there a Mrs. Simmons?

19 A Yes, there is.

20 Q Is she employed outside the home?

21 A No, sir.

22 Q Have you ever been connected with law enforcement
23 in any way or are you related to or a friend of any law
24 enforcement officer?

25 A When you say "law enforcement officer," you mean --

26 Q By law enforcement officer, I mean any policeman,
27 deputy sheriff, California Highway patrolman, deputy
28 prosecutor, prosecutor?

1 A No, I'm not related to any of those.

2 Q Or a friend of any such person?

3 A No, sir, not at this time.

4 Q And have you ever worked for law enforcement in any
5 way?

6 A Well, semi, as a federal -- while being in the
7 military, but not to an extent --

8 Q What, Army?

9 A Just U. S. Air Force.

10 Q What, were you a military police?

11 A No, sir, I was not a military policeman.

12 Q CID, something of that nature?

13 A No, not at all. It was something similar, what
14 you would call investigation for security, that type of thing.

15 Q I see. Have you ever assisted in courts-martial?

16 A No, sir.

17 Q Well, do you think that that connection would in
18 any way cause you to be biased or prejudiced against a defendant
19 charged with a criminal offense?

20 A No, sir.

5c fls.

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5c-4-1

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

2 A I reside in the Central Los Angeles area, yes.

3 Q Have you ever served as a juror before in any
4 criminal cases?

5 A Yes, sir.

6 Q Would you tell us the nature of the criminal
7 case and whether there was a verdict, without stating whether
8 it was guilty or not guilty?

9 A Well, the nature of the case, it was a kidnapping.
10 The individual was charged with the kidnapping, and there
11 were no -- you want to know whether it was guilty or not
12 guilty verdict?

13 Q Yes.

14 A It was no verdict at all reached and our jury was
15 a hung jury.

16 Q I see.

17 Any other case?

18 A Yes, civil cases, and that's the only criminal
19 case I was on.

20 Q You will be careful to observe the distinction
21 between the respective burden of proof between civil cases
22 and criminal cases?

23 A Yes, sir.

24 Q Will you set aside whatever you may have learned
25 in that other criminal case, and decide this case -- or the
26 civil cases as a matter of fact, and decide this case solely
27 on the basis of what you hear or see or read in connection
28 with the evidence in this case and the Court's instructions?

5c-2

1 A That is correct.

2 Q Concerning publicity, had you ever heard the name
3 Charles Manson, heard, seen or read it before you came into
4 this department and had the Court tell you about this case?

5 A Oh, yes, I've heard the name before. This was a
6 while back, but after that it just became routine. It
7 wasn't nothing that --

8 Q Was it in connection with this case or some other
9 case or both?

10 A Well, it was both. The only --

11 Q Have you ever heard or seen or read anything about
12 this case in the last two weeks?

13 A No, sir. The only thing I've seen was maybe
14 a TV blurb. That's all, in the news.

15 Q Concerning this case?

16 A No, not on the case, but he would be retried again
17 -- he would be retried again for another case.

18 Q In connection with that first case, is that what
19 you called it, the other case?

20 A That is correct.

21 Q Is that the Tate-La Bianca homicide case that you
22 are talking about?

23 A Yes, sir.

24 Q Did you follow that in the news?

25 A Uh, for the first two or three weeks. Then,
26 after that I was too busy.

27 Q Do you know what the result was in that case,
28 what the verdict was?

1 A Sir, to be frank, I know what the verdict was,
2 but I don't know anything at all about the sentencing.

3 Q You don't know what sentence was passed upon Mr.
4 Manson, if any?

5 A To be frank, sir, I wouldn't want to guess at
6 this time, but I do know --

6 fls.

6-1

1 Q What was the verdict, so far as guilt or innocence
2 is concerned?

3 A That he was guilty, found guilty.

4 Q Found guilty of what?

5 A Found guilty of murder.

6 Q Of first degree?

7 A Of first degree, yes.

8 Q Was there more than one -- more than one victim
9 alleged? As nearly as you can recall?

10 A Yes. It was the Tate and the La Bonca killings.
11 They did not -- in other words, I did not read in detail,
12 in specific -- they say it was seven; and this is what they
13 charged him with.

14 Q Seven persons?

15 A Seven persons, yes, right.

16 Q Do you know the name Susan Atkins?

17 A Yes, I've heard the name before.

18 Q Had you heard the name Gary Hinman or Shorty
19 Shea, before you came into this courtroom?

20 A Yes, sir.

21 Q In what connection?

22 A I heard it in the news. I heard it during the
23 first trial; and again, after the first trial.

24 I don't recall the exact length, but I had heard
25 it before.

26 Q And do you remember any of the details concerning
27 Mr. Hinman or Mr. Shea?

28 A Yes. I remember a few.

6-2

1 Q Would you tell us what you remember?

2 A What I remember, they couldn't find a body of one
3 of the victims;

4 And the other one, they -- they stated that Mr.
5 Manson was seen driving away in an automobile of the other
6 victim, the victim of that murder.

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

8 THE COURT: No, you may not at this time.

9 Q Considering everything that you've heard, seen
10 or read about that other case -- and this case -- do you
11 think it's possible for you to set such matters aside, if
12 the Court were to instruct you that this is what you were
13 supposed to do? Do you think it's possible for you to set
14 such matters aside for the purpose of making any judgment
15 on this case?

16 A I think it's possible. Of course, sometimes it
17 depends upon how information is put forth. It's -- sometimes,
18 you can't make a distinction between the two. They have to
19 go together. And -- but normally, I would make a fair
20 judgment and determine it just with the information that's
21 available here today.

22 In other words, during the deliberations, to not
23 refer back --

24 Q For example, one of the overt acts that's alleged
25 in this case is that Mr. Manson and Bruce Davis drove away
26 from 964 Old Topanga Road in a Fiat automobile, that belonged
27 to Gary Hinman.

28 Now, you have apparently read in the newspaper

that that occurred; is that correct?

A Yes, that's correct.

Q Do you think that it's possible for you to divorce the news article from your mind, and make no reference whatever to it, in making any decision as to whether or not that overt act alleged had been committed? Or is that too difficult?

A It would be a little difficult, after -- there was no denying of that act, where he was seen driving away in the automobile.

And if this is part of the evidence in court, then this would be taken into consideration, of course, if that's presented by the People.

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

THE COURT: The Court would grant the challenge.

Thank you. Thank you very much for being candid in your estimate of your ability -- or inability -- to segregate the news article from the evidence.

The Court appreciates your being candid at this point, in letting us know what your state of mind is.

Thank you, Mr. Simmons.

MR. KANAREK: Thank you, Mr. Simmons.

THE COURT: The Court does excuse you. And would you go back to Room 253 at 1:30?

PROSPECTIVE JUROR SIMMONS: All right, sir.

THE COURT: All right. We will declare a recess in this case until --

MR. KANAREK: Your Honor, I wonder if -- could I approach

6-4

the bench?

THE COURT: Yes.

THE REPORTER: On the record?

MR. KANAREK: No.

6a fls.

6a-1

1 THE BAILIFF: Your Honor, excuse me, just a minute. Do
2 you want the jury in?

3 THE COURT: Well, let me talk to Mr. Kanarek here. He has
4 a problem in another courtroom, I believe.

5 (Whereupon, proceedings were had at the bench
6 between the Court and Mr. Kanarek, which were not reported.)

7 THE COURT: We will be in recess until 2:00 o'clock in
8 this case. Inform the jurors all to return at 2:00 o'clock.

9 (Whereupon, a short recess was taken, during
10 which a discussion was had off the record.)

11 THE COURT: Put this on the record, please.

12 Mr. Levine, what is your first name?

13 PROSPECTIVE JUROR LEVINE: Thomas P.

14 THE COURT: Mr. Levine is in the courtroom. He is a
15 prospective juror, and he is asking to be released this
16 afternoon, because he has to have some medical examination; is
17 that correct?

18 PROSPECTIVE JUROR LEVINE: Right.

19 THE COURT: All right. Both counsel are here and they
20 have indicated that you may be excused this afternoon. And the
21 Court does therefore excuse you this afternoon.

22 Report tomorrow morning at 9:30, if you would,
23 please.

24 PROSPECTIVE JUROR LEVINE: Thank you, sir.

25 I could return after the test, if counsel so wish.

26 THE COURT: Well, we are not going to convene until
27 2:00 o'clock, so it might be a situation wherein you might be
28 rushed. So, we will excuse you for the afternoon.

1 PROSPECTIVE JUROR LEVINE: Thank you, sir.

2 Thank you, counsel.

3 And thank you, Mr. Bailiff.

4 THE BAILIFF: Yes, sir.

5 (Whereupon, at 12:02 P. M., an adjournment was
6 taken until 2:00 P. M. of the same day, July 28, 1971.)
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LOS ANGELES, CALIFORNIA, WEDNESDAY, JULY 28, 1971 2:40 P.M.

- - - -

THE COURT: Did you accomplish your work?

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

THE COURT: All right.

(Proceedings had on an unrelated matter.)

THE COURT: The case of People vs. Manson.

Who is the lady in the box?

THE CLERK: Lillian Williamson.

(Whereupon the Defendant Manson was ushered into the courtroom from the detention room, stopped at the bench, and entered into a discussion with the Court, most of which was inaudible, the remainder of which is transcribed as follows:)

THE COURT: The record will show that Mr. Manson is present with Mr. Kanarek, and the prospective jurors are in the jury box.

DEFENDANT MANSON: (Inaudible) I get so sick and tired of sitting, and being at the other end of this machine that -- that -- (inaudible) -- mother's child.

THE COURT: Well, you are here in the courtroom now, Mr. Manson. Do you want to be seated?

DEFENDANT MANSON: No, I don't even wish to be here. I would prefer my chambers (indicating).

THE COURT: Well, all right. If you'll remain quiet in the courtroom, the Court will keep you. If you can't --

DEFENDANT MANSON: It isn't a question of: Will the

1 court keep me? What court? This has been a courtroom?

2 THE COURT: The Court will keep you in the courtroom if
3 you can be quiet and not disturb proceedings. If you can't,
4 well, then, the Court would excuse you.

5 If you promise me that you will be quiet, and you
6 can accept -- that is, you can converse with your attorney,
7 of course. But if you'll promise me that you won't disturb
8 the Court --

9 DEFENDANT MANSON: The Court? Is it wood? Is it
10 numbers? Is it your books?

11 Is not the court in your hearts? Talking about
12 the court -- (inaudible) -- fools.

13 THE COURT: Well, if you can't promise me that you won't
14 disturb the proceedings, then the Court will ask that you be
15 taken out.

16 DEFENDANT MANSON: Okay. Have a good day. You live
17 within me, and I live within you. And all judge --
18 (inaudible). Good day.

19 (Whereupon, the Defendant Manson was ushered into
20 the detention room.)
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7 fig.

7-1

1 THE COURT: The record will show that Mr. Manson has
2 been removed from the courtroom.

3
4 VOIR DIRE EXAMINATION OF

5 LILLIAN WILLIAMSON

6 BY THE COURT:

7 Q Your name?

8 A It is Lillian Williamson.

9 Q Mrs. Williamson, were you present when the
10 Court questioned the first prospective juror taken from your
11 group?

12 A Yes, I was present.

13 Q Hold that microphone toward you and get it close
14 to your face.

15 A Yes, I was present.

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

18 A No, it wouldn't be any different.

19 Q And would you suffer any hardship were you asked
20 to serve on this jury?

21 A Well, my employer just pays up to 30 days. That's
22 the maximum.

23 Q Are you asking to be excused therefore?

24 A Yes, I am.

25 Q And who is your employer?

26 A The Public Administrator. It is a County agency.

27 Q A County agency?

28 A Yes.

1 Q Well, you are a County employee?

2 A County employee.

3 Q Who informed you that the County would only pay up
4 to 30 days?

5 A The personnel manager, Mr. Lang. I talked to him
6 yesterday.

7 Q To the Court's knowledge that's not accurate.
8 Any County agency or public agency will generally pay for any
9 service that you are required to perform on jury duty.

10 A Well, Mr. Lang told me it was up to 30 days. I
11 talked to him on the phone before I came here yesterday.

12 Q Are you civil service?

13 A Yes, sir, right.

14 Q I think Mr. Lang's information is incorrect.

15 A All right.

16 Q If you find out anything different in the next
17 recess, let us know. But the Court's opinion is that you would
18 be paid. I don't know why the Public Administrator's Office
19 should be any different than any other County agency in that
20 respect.

21 What type of work do you do for the Public
22 Administrator's Office?

23 A I am a secretary to one of the deputies.

24 Q How long have you been so employed?

25 A Three and a half years.

26 Q And is there a Mr. Williamson?

27 A No, I am divorced.

28 Q What type of work did your spouse do?

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A Did he do?

Q Yes.

A He was a farmer.

Q Have you served on a jury before, on a criminal jury?

A No, I've never served on jury duty.

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

A No, I am not.

Q In what general area do you reside?

A I didn't hear you, sir.

Q What general area do you reside?

A Oh, the Silverlake area.

Q In connection with the death penalty, do you have such views about it that you could not thereby be fair and impartial in determining the question of guilt or innocence?

A No, I don't have any such views.

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

A No.

Q Or would your views be such concerning the death penalty that you would automatically impose it upon a conviction of murder of the first degree?

A No, not necessarily.

Q I'm going to ask you about publicity and, therefore, will ask Mr. Werner, Mrs. Heller, and Mrs. Howes -- Mrs. Hill -- to leave the courtroom very briefly.

1 (Whereupon, the prospective alternate jurors
2 retired from the courtroom, and the following proceedings were
3 had.)

4 BY THE COURT:

5 Q Have you heard, seen or read anything about
6 Mr. Manson before you came into this courtroom?

7 A Yes, I have.

8 Q And was that in connection with this case or
9 another case or both?

10 A Well, what I read in the paper and saw on
11 television, yes.

12 Q Yes, concerning this case?

13 A No, the previous one.

14 Q The Tate-La Bianca case?

15 A Yes, that's true.

16 Q And that involved, of course, the death of
17 Sharon Tate and certain other persons including the La Biancas?

18 A Yes.

19 Q That's the case you're talking about?

20 A That's the case I'm talking about.

21 Q Now, did you learn the result of that case from
22 the media, news media?

23 A Yes.

24 Q What do you know the result to be?

25 A The result to be was the death penalty.

26 Q They found Mr. Manson guilty?

27 A Guilty.

28 Q Of murder in the first degree?

1

A Yes, that's true.

2

3

Q And he was sentenced to death, is that what you understand it to be?

4

5

A Well, I think that it hasn't been settled yet, whether he was to get the death sentence or not.

6

7

Q So as far as the sentence passed by the Court, it was death?

8

9

A Yes, as far as I know.

10

Q As nearly as you can remember?

11

A Yes.

12

Q You remember the name Susan Atkins?

13

A Yes, I do.

14

Q And what does that mean to you?

15

A Well, she was one of the people involved in these murders.

16

17

Q Have you heard the name Gary Hinman before?

18

A Have I heard the name Gary Hinman before?

19

Q Gary Hinman?

20

A Yes, I have.

21

Q And what do you know about Gary Hinman from the news?

22

23

A I heard about Gary Hinman other than the news media, because one of the deputies went out to do the investigation on a probate matter after the death.

25

26

Q Oh, I see.

27

A I heard it mentioned. I really didn't know too much about it, but I had heard it mentioned.

28

Q One of the deputies Public Administrator went out?

1 A Yes.

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

3 THE COURT: No, you may not.

4 BY THE COURT:

5 Q And in what way did you learn about the Hinman
6 matter, then? Did you learn about it from a Public
7 Administrator standpoint or property involved?

8 A That was the first time. That was the first time
9 I had ever heard about it.

10 Q Was there property involved?

11 A There was talk in the office about this case,
12 but it didn't involve Mr. Manson in any way. At that time
13 it didn't, of course.

14 Q Did the Public Administrator's Office represent
15 the --

16 A I think they are handling the probate of Gary
17 Hinman.

8fls.

8-1

1 Q I see. And what did you hear -- what did you
2 hear about it? Or what did you read about it in your office?

3 A Well, that he was murdered in his home. And
4 that's just about all I know about it.

5 Q You just learned that he -- the man was murdered
6 in his home?

7 A Yes.

8 Q And you don't know anything about anyone else
9 who might have been involved?

10 A No, nothing.

11 Q Have you read any news articles in connection
12 with it?

13 A Not very many. I can't remember any at all that --

14 Q Any at all? And if so, what do you remember about
15 any of them?

16 A I don't remember anything about it at all.

17 Q What do you know about the name Shorty Shea?

18 A Nothing whatever.

19 Q Never heard of it before you came into this
20 courtroom?

21 A Yes -- no, I never have heard of it.

22 Q In connection with the name Bobby Beausoleil,
23 has that ever come to your attention in any way?

24 A No.

25 Q Or Mary Brunner?

26 A No, never heard of these people.

27 Q If I were to instruct you that you were to set
28 aside anything that you may have heard, seen or read, either

8-2

1 in the press or via television, radio, anything that you
2 might have discussed with anyone, including the statement that
3 Mr. Hinman is dead, which you might have discussed with
4 somebody from your office, that he died in his home, or
5 any such thing as that that you may have heard or seen or
6 read, do you think you would be able to set aside such
7 matters -- not forget them -- but wipe your mind clean of
8 them, and set them aside for the purpose of making a judgment
9 on the evidence in this case?

10 A Yes, I do.

11 Q Do you think that you are capable of -- of
12 segregating the evidence in the case from any of these
13 reports that you may have heard in the news, or via your
14 office?

15 A Yes.

16 Q Will you do that?

17 A Yes, I will.

18 Q For example, take the element of death. It's
19 required that the People establish that Mr. Hinman is dead,
20 naturally, in order to prove a murder case against Mr. Manson
21 in connection with that first Count that the Court told you
22 about.

23 Mr. Manson is accused of having committed a
24 violation of Section 187, murder. And Mr. Hinman, this Gary
25 Hinman whom we are talking about, is the victim in the --
26 the alleged victim in the case.

27 A Um-hum.

28 Q The People must establish his death by criminal

8-3
1 means. Do you understand that?

2 A Yes, I do.

3 Q Now, can you set aside what you learned in your
4 office in connection with his death, for the purpose of
5 starting afresh here and relying only on the evidence to
6 establish that?

7 A Yes, I think I could.

8 Q Well, let's say that the People do not establish
9 the death of Mr. Hinman by criminal means. All the elements--
10 other elements are established in the case, let's say; but
11 in this case, let's say that in regard to this first Count,
12 that the death is not established.

13 Would you find Mr. Manson guilty?

14 A No.

15 Q You would -- would you rely solely on the evidence
16 in the case and the Court's instructions of law, in order to
17 make any judgment that you are called upon to make in this
18 case?

19 A Yes, I would.

20 Q And can you be fair and impartial in spite of
21 what you may have heard, seen or read?

22 A I think so.

23 Q When you say, "I think so," are you expressing
24 any reservation whatsoever?

25 A No, I'm not expressing reservation.

26 Q All right. Do you have any doubt about your
27 ability to judge the case only on the evidence?

28 A No, I have no doubt.

8-4

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

2 MR. KANAREK: Well, may I --

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

4 MR. KANAREK: May I ask questions first?

5 THE COURT: Yes.

6 MR. MANZELLA: Your Honor, perhaps we could save some
7 time if we did approach the bench first.

8 THE COURT: All right. Very well.

9 MR. KANAREK: Well, your Honor -- all right.

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

13 MR. KANAREK: Your Honor --

14 MR. MANZELLA: Your Honor, let me just ask him, are
15 you going to challenge her, because of her personal knowledge
16 of -- through the Public Administrator's office?

17 MR. KANAREK: Yes.

8a file.

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1 MR. MANZELLA: All right. Let me talk, because once
2 you get started, it's hard for me to get a word in.

3 Your Honor, I don't oppose the challenge. I
4 think that -- well, two things. First of all, we have
5 already excused one juror, and I forget what her connection
6 was -- oh, she was with the Coroner's office. And she --
7 her boss was Dr. Katsuyama, was the coroner who autopsied
8 Gary Hinman. Because her knowledge of the case was not based
9 on publicity, but was based on personal knowledge.

10 THE COURT: Personal contact.

11 MR. MANZELLA: Now, I don't think 1076 really applies,
12 the idea of setting aside information, where the information
13 is obtained through personal knowledge, rather than through
14 publicity.

15 Now, her knowledge of Gary Hinman's death, or
16 her opinion that he died, is not gained through publicity,
17 but gained through her work, her personal knowledge, as a
18 secretary to one of the Deputy Public Administrators. And
19 for these reasons, the criteria of 1076 really does not
20 apply.

21 I would more or less join in the challenge.

22 MR. KANAREK: Well, that was my original basis for coming
23 to the bench, when I asked if we could, and your Honor said,
24 I believe, "Not at this time," or, "Not now."

25 THE COURT: Yes.

26 MR. KANAREK: But just from a professional standpoint,
27 I would like to take exception to one point, and that is Mr.
28 Manzella's remark that once I get started talking, that he

1 can't talk. Because I think the Court can -- I would like
2 the Court to state it on the record, that -- have I ever --

3 THE COURT: As soon as I can get a word in edgewise,
4 I will.

5 MR. KANAREK: Have I ever interfered with Mr. Manzella
6 making any point to the Court, your Honor?

7 THE COURT: No. The Court has not seen that you have
8 so conducted yourself. You have been very courteous --

9 MR. KANAREK: Thank you.

10 THE COURT: -- in the course of this --

11 MR. MANZELLA: I meant that humorously, your Honor.

12 THE COURT: I am sure you did.

13 MR. MANZELLA: I want the record to reflect that I
14 didn't mean that seriously.

15 THE COURT: No. There does not appear to be any ill
16 feeling between either of you -- or, between the two of you,
17 rather.

18 I am inclined to agree with each of you, in
19 respect to this subject; and accordingly, I will grant the
20 challenge.

21 MR. KANAREK: Thank you.

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

25 THE COURT: Mrs. Williamson, the Court does excuse you
26 and asks you to report to Room 253 forthwith, if you will,
27 please.

28 PROSPECTIVE JUROR WILLIAMSON: 253?

1 THE COURT: Yes, the jury assembly room. And thank
2 you.

3 MR. KANAREK: Thank you, Mrs. Williamson.

4 THE COURT: Call another name or two, Mrs. Holt.

5 THE CLERK: Raymond C. Teel; T-e-e-l.

6 THE COURT: P as in Paul?

7 THE CLERK: T like Tom.

8 THE COURT: Teel?

9 THE CLERK: Teel.

10 THE COURT: Very well.

11 THE CLERK: And Miss Trueheart Brown; T-r-u-e-h-e-a-r-t;
12 last name, B-r-o-w-n.

13
14 VOIR DIRE EXAMINATION OF

15 RAYMOND C. TEEL

16 BY THE COURT:

17 Q Mr. Teel, were you present when the Court
18 explained the nature of this case to the prospective jurors?

19 A Yes.

20 Q And when the Court questioned the first prospective
21 juror taken from the box, and --

22 A Yes.

23 Q Did you hear the questions that the Court put
24 to that prospective juror --

25 A Yes.

26 Q -- and would your answers be any different
27 than that prospective juror's answers were to the questions
28 of a general nature?

1 A No, they would not be different.

2 Q All right. Would it be a hardship for you to
3 serve in the case in any way?

4 A Uh -- no, sir.

5 Q Neither financial nor personal?

6 A I'm not too sure about the financial, whether --
7 I checked with my employer, and they have not been able to
8 determine if I would be paid or not. They said I probably
9 would, but the problem had never come up before with them,
10 and it was not in the procedure manual.

11 Q What company is it?

12 A The SCM Corporation.

13 Q You don't seem -- however, you respond negatively
14 when I asked you if there was a hardship involved.

15 Is that because you believe that you probably
16 will be paid?

17 A Yes, yes.

9 fls.

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Q What type of work do you do for SCM?

2

A Service office machines.

3

Q And how long have you been so involved?

4

A Ten years.

5

Q Is there a Mrs. Teel?

6

A No.

7

Q Are you -- have you ever been associated with law enforcement in any way or do you have friends or relatives who are law enforcement officers?

10

A No.

11

Q Have you ever been a juror before in a criminal case?

12

13

A No.

14

Q In what area do you reside?

15

A Central Los Angeles.

16

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

18

19

A No.

20

Q Or do you have such views about the death penalty that you would automatically refuse to impose it regardless of the evidence?

22

23

A No.

24

Q Would you, on the other hand, automatically impose the death penalty upon a conviction of murder in the first degree regardless of the evidence?

26

27

A No.

28

Q Regarding publicity, had you heard, seen or read

9-2

1 Mr. Manson's name before you came into this courtroom?

2 A Yes.

3 Q Was that in connection with this case or some other
4 case?

5 A This case.

6 Q And had you heard about it in connection with any
7 other case?

8 A Yes.

9 Q Now, in connection with this case, had you heard,
10 seen or read anything in the last two weeks about it?

11 A Yes.

12 Q Can you remember what you may have heard, seen or
13 read?

14 A Not exactly, no.

15 Q Do you remember anything at all? Was it a news
16 report that you read in the newspaper or heard over radio or
17 something you saw on television?

18 A Uh, television news.

19 Q And what comes to your mind, if anything, about
20 what you saw on television?

21 A Describing the charges against him.

22 Q Just simply a recount of the beginning of the
23 trial or something of that nature?

24 A Yes, yes.

25 Q And stating the accusations against him, is that
26 right?

27 A Yes.

28 Q And you don't recall having heard, seen or read

9-3
1 anything else in connection with this case?

2 A No.

3 Q All right. As to the first case, did you follow
4 that in the news?

5 A Yes.

6 Q More or less regularly or haphazardly?

7 A Yes.

8 Q In other words, you read the newspaper more or less
9 regularly during the course of that trial?

10 A Yes.

11 Q Do you know the result of the trial?

12 A Yes.

13 Q What is it, as nearly as you can remember?

14 A The death penalty for the four.

15 Q For the four defendants?

16 A Yes.

17 Q Do you know how many victims were involved?

18 A Seven.

19 Q Do you know the name Susan Atkins?

20 A Yes.

21 Q Who is she and what connection does she have with
22 Mr. Manson, if any?

23 A She was a defendant in the first sentence of
24 death.

25 Q Did you ever read her confession in the newspaper?

26 A Yes, I did, when it came out.

27 Q Is that the Los Angeles Times?

28 A Yes.

9-4

1 Q Do you know the name Spahn Ranch?
2 A Yes.
3 Q What's that mean to you?
4 What does that mean to you?
5 A Nothing except in connection with the Manson --
6 Q Well, in connection with Mr. Manson, what does it
7 mean?
8 A It is where he stayed.
9 Q Pardon?
10 A It is where he stayed.
11 Q All right.
12 Manson Family, what does that phrase mean?
13 A Manson and his girlfriends.
14 Q A group headed by Mr. Manson?
15 A Yes.
16 Q Do you know the name Bobby Beausoleil?
17 A Vaguely.
18 Q Do you recall what you may have heard, seen or
19 read about that name?
20 A No, not offhand.
21 Q Do you recall the name Mary Brunner?
22 A No.
23 Q Had you heard the name Shorty Shea before?
24 A Yes.
25 Q What did that name mean to you?
26 A I believe someone who was murdered.
27 Q As nearly as you can recall someone who was murdered?
28 A Yes.

9a fls.

9a-1

1 Q One of the victims in the first trial?

2 A No, I knew it wasn't in the first trial.

3 Q So you know from the Court having read you the
4 indictment Mr. Manson is accused of the murder of Shorty Shea?

5 A Yes.

6 Q And do you recall any of the details about the so-
7 called killing of Mr. Shea?

8 A No.

9 Q How about Hinman, Gary Hinman; do you recall any
10 details in connection with that?

11 A No.

12 Q Have you ever heard that name before, Gary Hinman?

13 A Yes.

14 Q In what connection, do you remember?

15 A In connection with this trial.

16 Q Uh, solely a recounting of the accusations or what?

17 A I believe at one time in the past I read an account
18 of it; that is, what supposedly had taken place, the murder.

19 MR. KANAREK: May we approach the bench?

20 BY THE COURT:

21 Q Do you recall anything more of it, anything of
22 that account?

23 A No.

24 Q Considering everything that you have read, how
25 close you followed this case, do you think you would be
26 capable of setting aside everything that you may have heard,
27 seen or read about this case, Mr. Manson, for making an
28 independent -- for the purpose of making an independent

1 judgment based on the evidence in this case, if you should be
2 so instructed?

3 A No,

4 Q Too tough mentally for you to accomplish that?

5 A I kept up with the first trial.

6 Q You kept up with it fairly well?

7 A Yes.

8 Q And you think that your information is such, that is
9 your knowledge of that first trial is such that you -- it
10 would be impossible for you to set aside any opinions that you
11 might have formed in connection with it?

12 A Maybe not impossible, difficult.

13 Q Simply what I am asking you is whether or not
14 you could accomplish it, whether you are capable in your own
15 mind of accomplishing it?

16 A Yes, I think so.

17 Q You don't look or act very certain in connection
18 with that.

19 A No, I don't really know if I could.

20 Q I see.

21 Mr. Kanarek.

22 MR. KANAREK: 1073, Subsection 2.

23 THE COURT: The Court will grant the challenge. The
24 Court thanks you very much, but the Court believes that you
25 did follow this closely. The Court believes in view of the
26 fact that you had followed that first case so closely that
27 probably more facts will come to your mind during the course
28 of this trial that you cannot now remember in connection with

1 other news reports concerning the allegations in this case, and
2 since you are somewhat uncertain about your ability to set such
3 matters aside for the purpose of making a judgment, the Court
4 will excuse you.

5 It is no reflection upon you because it is simply
6 an indication that when you pick up a newspaper, that you read
7 it well and retain it better than most. Thank you very much.

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

9 THE COURT: Call another name.

10 THE CLERK: June C. Bradley, B-r-a-d-l-e-y.

11
12 VOIR DIRE EXAMINATION OF

13 TRUEHEART BROWN

14 BY THE COURT:

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

19 A Yes, sir.

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

23 A Yes, it would, because I have had a chance to weigh
24 exactly what they said. I heard some of it, but it wasn't --
25 I couldn't get it all in to my mind.

26 Q I see. In what respect would your answers vary?

27 A Well, I can't even bring up what all has been said.
28 I don't know what answer -- I mean, they wouldn't vary, it is

1 just I don't necessarily agree with it because I haven't had a
2 chance to study it.

3 Q Well, let me ask you this, is there anything that
4 stands out in your mind at this time that you can tell us,
5 by reason of which your answers would be different than that
6 first juror's answers were, first prospective juror's answers
7 to the questions of a general nature that I put to her?

8 A Well, first of all, I don't believe in capital
9 punishment. I believe in --

10 Q Let me ask you this about your beliefs in that
11 regard, then.

12 A Uh-huh.

13 Q Are your views such concerning capital punishment
14 that you could not be fair and impartial in determining guilt
15 or innocence?

16 A I could be fair and impartial. I could be
17 absolutely fair.

18 Q In determining guilt or innocence?

19 A Uh, yes, I could.

20 Q All right. Now, getting to the question of
21 penalty, are your views such about the death penalty that you
22 would never vote to impose it?

23 A I would never hope to impose it.

24 Q Regardless of the evidence?

25 A Uh, regardless of the evidence.

26 Q So that if you were called upon to decide the
27 question of life imprisonment or death, your views are such that
28 you would automatically refuse to impose the death penalty

1 regardless of the evidence?

2 A I would say life imprisonment.

3 Q You would automatically say life imprisonment and
4 against death?

5 A Yes.

6 Q Regardless of the evidence that might be produced?

7 A Well, that's my belief.

8 Q In other words, you would refuse to consider
9 imposing the death penalty?

10 A Well, I would have to -- I would have to follow
11 the law. I mean, I would do whatever the law require me, but
12 the person inside of me, then, I would --

13 Q You understand from the explanation that I made
14 to those prospective jurors, that each juror must take what is
15 inside of him or her and make a decision based only on his or
16 her own discretion as to whether or not the death penalty or
17 life imprisonment should be imposed.

18 The law does not tell you that death should be
19 imposed upon a conviction of murder in the first degree.

20 A Uh-huh.

21 Q That that is left to the discretion of the jury.

22 A Well, I would --

23 Q Do you understand that?

24 A Yes, I do.

25 Q Now, understanding that, would you ever impose the
26 death penalty?

27 A No, I wouldn't.

28 Q Given the choice between death and life imprison-
29 ment, would you automatically refuse to impose the death penalty?

1 A Yes, I would.

2 Q Regardless of the evidence?

3 A Regardless of the evidence.

4 MR. MANZELLA: Your Honor, the People would respectfully
5 challenge Miss Brown under Section 1073, Subdivision 2 of the
6 Penal Code.

7 THE COURT: The Court grants the challenge.

8 Miss Brown, thank you very much. The Court does
9 excuse you.

10 PROSPECTIVE ALTERNATE JUROR BROWN: Thank you.

11 MR. KANAREK: Thank you, Miss Brown.

12 THE COURT: Room 253 forthwith.

13 THE CLERK: Friday.

14 THE COURT: Friday, fine.

15 Do you understand that, Mrs. Brown, Friday, at
16 9:00 o'clock?

17 PROSPECTIVE ALTERNATE JUROR BROWN: Friday, at 9:00
18 o'clock.

10 fls.

19 THE CLERK: We have June Bradley, B-r-a-d-l-e-y.

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VOIR DIRE EXAMINATION OF
JUNE BRADLEY

BY THE COURT:

Q Is this Mr. Bradley?

A Yes, sir.

Q Mr. Bradley, the Court wishes to inquire of you--
Pick another name, will you, Mrs. Holt.

THE CLERK: Thomas A. Ward; W-a-r-d.

Q BY THE COURT: Mr. Bradley, were you present when
the Court explained the nature of this case to the prospec-
tive jurors, and when the Court questioned the first prospec-
tive juror chosen to the box?

A Yes.

Q Would your answers be any different than the
answers of that prospective juror --

A No.

Q -- to the questions of a general nature?

A No.

Q They would not be?

A No.

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

A No, sir.

Q What type of work do you do?

A I am a fireman.

Q For what agency?

A Division of Forestry, forest fires.

Q I see. You work for the federal government, then?

10-2

1

A State.

2

Q State?

3

A Yes, state.

4

Q And is there a Mrs. Bradley?

5

A No.

6

Q Are you acquainted with or related to any law

7

enforcement officer?

8

A Not in this state.

9

Q In any state?

10

A I have a brother that's an officer.

11

Q In what state?

12

A In Indianapolis, Indiana.

13

Q And he's what, a police officer there?

14

A Yes, a police officer.

15

Q And do you see him frequently?

16

A Hmm -- once a year.

17

Q About once a year?

18

A Yes.

19

Q Do you think that would affect your judgment in

20

this case?

21

A No.

22

Q You don't think that you would be in any way

23

partial toward the prosecution, as a result of this

24

relationship --

25

A No.

26

Q -- or the reverse?

27

A (Indicating negatively.)

28

Q Answer out loud, if you would, please.

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A No.

Q In what general area do you reside?

A The Crenshaw District.

Q Have you ever sat as a juror before on a criminal case?

A No, sir.

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

A No.

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

A No, sir.

Q Or would you vote for the death penalty automatically? That is, upon a conviction of murder of the first degree, without regard to the evidence?

A No, sir.

Q About publicity, had you heard, seen or read anything in connection with Mr. Manson before you came into this courtroom?

A No. I have heard it on the news; that's about all.

Q Have you heard or seen or read anything concerning this trial in the last two weeks?

A No, sir.

Q Are you referring to anything that you've heard, seen or read about this case? Do you recall having heard,

10-4

1 seen or read anything about this case at all?

2 A No, sir.

3 Q Then your reference is to the Tate-La Bianca --

4 A Yes.

5 Q -- homicide case?

6 A Yes, sir.

7 Q Did you follow that case in the news?

8 A No, sir. I didn't follow that too close.

9 Q You simply occasionally read a newspaper article
10 or saw something on television or heard something on
11 television or heard something on the radio?

12 A Yes, sir.

13 Q Do you know the result of that case? Do you
14 know whether there was a verdict as to guilt or innocence?

15 A I think there was a verdict of guilty. I wasn't
16 there.

17 Q What is your best -- pardon?

18 A I think there was a verdict of guilty.

19 Q That's your best remembrance?

20 A Yes.

21 Q And do you remember whether there was a verdict
22 as to penalty?

23 A No, sir.

24 Q You don't recall --

25 A No, I don't.

26 Q Do you know the name Susan Atkins?

27 A I've heard it.

28 Q In what connection?

10-5

1 A In connection with the Late -- the Tate-La Bianca
2 murder.

3 Q And did you ever read a so-called confession by
4 Susan Atkins?

5 A No, sir.

6 Q Do you recall anything whatever about Susan
7 Atkins, other than she was in some way connected with the
8 Tate-La Bianca murder?

9 A That's about all.

10 Q That's about all you remember?

11 A Yes, sir.

10a flg.

10a-1

1 Q How about the name Shorty Shea? Before I read
2 it in the indictment, had you ever heard that name?

3 A No, sir.

4 Q Had you ever heard the name -- heard, seen or
5 read the name Gary Hinman?

6 A No, sir.

7 Q Bobby Beauzoleil?

8 A No, sir.

9 Q If I were to instruct you -- if the Court were to
10 instruct you that it would be your duty to set aside anything
11 that you may have heard, seen or read about Mr. Manson in
12 this case, or in that other case, the Tate-La Bianca case,
13 and to set aside anything that you may have heard in the
14 course of conversations with friends or relatives, and that
15 you were to decide this case only on the evidence that's
16 introduced in this trial and the Court's instructions of law,
17 could you do that? Are you capable of doing that?

18 A Yes, sir.

19 Q Are you capable of setting aside -- not forgetting,
20 but simply wiping your mind clean for the purpose of serving
21 as a juror in this case -- anything that you might have
22 heard, seen or read? And judging this case independently on
23 what is received as evidence?

24 A Yes, sir.

25 Q Do you have any doubt about your ability to do
26 that?

27 A No, sir.

28 Q Will you do that?

10a-2

1 A I'll try to the best of my ability.

2 Q Does that indicate, when you say, "I'll try,"
3 any hesitation on your part? Any hedging, any reservation
4 as to your ability to set aside what you may have heard,
5 seen or read?

6 A No, sir.

7 Q Do you think you have the ability to set it
8 aside?

9 A I could -- yes, I could set it aside.

10 Q And will you do so?

11 A Yes, sir.

12 Q And can you be fair and impartial in this case,
13 regardless of what you may have heard, seen or read about
14 Mr. Manson?

15 A I think I can.

16 Q Are you sure you can?

17 A I guess so.

18 Q You just guess so?

19 A Yes.

20 Q You are not quite sure?

21 A (No response.)

22 Q Is that true?

23 A Yes, sir.

24 THE COURT: All right. The Court will excuse you, then.
25 Is there a challenge?

26 MR. KANAREK: Yes. Thank you. 1073, Subsection 2.
27 Thank you, sir.

28 THE COURT: The Court does excuse you, and does thank

10a-3

1 you for appraising your inability here, so we can know what
2 is in your mind.

3 Thank you very much.

4 MR. KANAREK: Thank you, sir.

5 THE COURT: The next one? Take two more.

6 THE CLERK: Thomas A. Ward; W-a-r-d.

7 THE COURT: We didn't tell that man when to report
8 back. Do you want to tell him Friday? Can you catch him?

9 THE BAILIFF: Yes, sir.

10
11 VOIR DIRE EXAMINATION OF

12 THOMAS A. WARD

13 BY THE COURT:

14 Q Your name, sir? I'm sorry.

15 A Thomas Andrew Ward.

16 Q Ward?

17 A Yes, sir.

18 Q Mr. Ward, were you present when the Court
19 explained the nature of this case to the prospective jurors
20 in your group, or from your group, and when the Court
21 conversed with the first prospective juror chosen from your
22 group to the box?

23 A Yes.

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

27 A No, sir.

28 Q Would it be any hardship to you to serve in this

1 case?

2 A None.

3 Q What is the nature of your work?

4 A I am a telephone repairman.

5 Q With what company?

6 A Pacific Telephone.

7 Q And how long have you been so employed?

8 A Uh -- three and a half years.

9 Q Is there a Mrs. Ward?

10 A Uh -- divorced.

11 Q Did she work outside the home?

12 A My wife?

13 Q Yes.

14 A Yes, sir.

15 Q And what type of work did she do?

16 A Telephone.

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

19 A No -- yes.

20 Q In what way?

21 A I have several cousins that's on the Sheriff's
22 Department.

23 Q Deputy Sheriffs --

24 A Yes.

25 Q -- for Los Angeles County?

26 A Yes.

27 Q What do you mean, when you say "several"?

28 A A lot of 'em. My -- in my family, most of them --

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Q Three or four or --

A Yes. About three.

Q Three. And do you see them on occasion?

A Oh, no, no.

Q Do you think that because of this relationship, that you would be biased or prejudiced against a person accused of an offense?

A No.

Q Do you think that, nevertheless, you can be fair and impartial?

A Yes.

Q Will you judge a law enforcement officer's testimony on the same basis as any other person's testimony?

A Yes.

Q And you won't give it any greater credence, simply because a person is a law enforcement officer?

A No.

Q Or any lesser?

A No, nor lesser.

10b fls.

10b-1

1 Q In what area do you reside?

2 A West Los Angeles.

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

5 A None.

6 Q Concerning the death penalty, do you have such
7 views about it that you could not be fair and impartial in
8 determining guilt or innocence on the first phase of the case?

9 A No.

10 Q Or do you have such views about it that you would
11 automatically refuse to impose it, upon a -- automatically
12 refuse to impose it, regardless of the evidence in the case?

13 A No.

14 Q Or would you automatically impose it, vote for the
15 death penalty, upon a conviction of murder of the first degree,
16 without regard to the evidence?

17 A Would you repeat that, please?

18 Q Would you automatically vote for the death
19 penalty, regardless of the evidence, upon a conviction of
20 murder of the first degree? Or would you view the evidence
21 to determine whether, in your judgment, the death penalty or
22 life imprisonment were merited?

23 A I would have to view the evidence first.

24 Q All right. Had you heard, seen or read
25 Mr. Manson's name before you came into this courtroom?

26 A Yes.

27 Q And was that in connection with this case or the
28 Tate-La Bianca case or both?

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A Both.

Q Had you heard anything or seen anything or read anything in the last ten days about this case --

A Nothing -- no; not really, no.

Q You don't recall having read anything about this case?

A Not -- as a matter of fact, I don't even know which -- which one is now. All I know is that it's something involving Charles Manson.

Q Well, this is a case where there are three counts in the indictment, sir, as you heard me state when you first came into this courtroom with your group of prospective jurors.

You heard me go over that, didn't you?

A Right.

Q So that there are three counts in this case, alleged crimes, Mr. Manson has entered pleas of not guilty to each one of those.

The first one alleges a murder count; Mr. Gary Hinman is alleged to be the victim.

The second count is a count of conspiracy. The three -- the third count is a count of murder, in which the victim allegedly -- the alleged victim is a Mr. Donald Jerome "Shorty" Shea.

Do you remember the Court telling you about this?

A Oh, this, yes.

Q All right. Now, have you ever heard the name Gary Hinman before you came into this courtroom?

A Yes, sir.

1 Q In what connection?

2 A In -- in reference to this case? Or where did I
3 hear it?

4 Q Well, where did you hear it anywhere? Before you
5 came into the court and before I read the indictment to you,
6 had you ever heard the name Gary Hinman in any way?

7 A Through the newspapers; that's all.

8 Q Well, in the newspapers, what had you heard, seen
9 or read via newspapers, television or radio about Gary Hinman?

10 A Uh -- I read some article; I read something in the
11 newspapers; this is all I --

12 Q To what effect? Do you remember any details?

13 A No, not specifically at all. I can't recall right
14 now at the present time.

15 Q All right. How about Shea? Did you read anything
16 -- did you hear, see or read anything about him?

17 A He's dead.

18 Q You read that he was dead? And do you remember
19 any of the details about his death?

20 A Not specifically. I know he was supposed to
21 have been -- let's see. Who's missing? Someone's missing or
22 something -- or was missing, or was never found or something.
23 I don't know.

24 Q Do you know the name Susan Atkins?

25 A Yes.

26 Q What do you know about that name?

27 A I think it was an accomplice of Mr. Manson.

28 Q Yes. In what case?

10c fls.

1 A That was in the first case.

2 Q In the Tate-La Bianca case?

3 A Yes.

4 MR. KANAREK: Your Honor, may we approach the bench?

5 THE COURT: No, you may not, not at this time.

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1 BY THE COURT:

2 Q Anything further that you remember about Susan
3 Atkins?

4 A Not right offhand.

5 Q Do you know the name Bobby Beausoleil?

6 A No.

7 Q Do you know the name Mary Brunner?

8 A No.

9 Q If I were to instruct you, Mr. Ward, that it is
10 your obligation to -- if you are chosen as a juror in this case
11 -- to set aside anything that you may have heard, seen or read
12 about the Tate-La Bianca case or about this case, or about
13 Susan Atkins, Gary Hinman, Shorty Shea, Charles Manson; that
14 you were to set aside everything and anything that you have
15 heard about such matters, and anything else that you may
16 remember while you are in the course of your jury duty, that
17 you don't now remember while you are sitting there, are you
18 capable, mentally, of doing that? Of setting such matters
19 aside for the purpose of making an independent judgment, based
20 on the evidence in this case?

21 A Yes.

22 Q And will you do that?

23 A Yes.

24 Q You realize that it would be extremely unfair if
25 you were to allow anything that you had heard, seen or read to
26 come into your judgment in the case?

27 A Yes.

28 Q And you realize that the Court wishes to have you

1 decide the case without reference to any such matter; that you
2 are not to allow anything to come into your judgment whatever
3 that you may have heard, seen or read, or play any part in
4 your judgment; do you understand that?

5 A Yes, sir.

6 Q Can you be fair and impartial in this case, in spite
7 of these things that you've heard, seen or read, or any
8 opinions that you might have formed?

9 A Yes, I believe I could.

10 Q When you say, "I believe I could," are you hedging
11 at all? Or are you firm in your conviction that you will do
12 this?

13 A I am firm in my -- in my statement.

14 THE COURT: All right. Any questions?

15 MR. KANAREK: Yes, your Honor.

16
17 VOIR DIRE EXAMINATION

18 BY MR. KANAREK:

19 Q Mr. Ward, --

20 A Yes.

21 Q -- am I pronouncing that right?

22 A Yes.

23 Q Now, you -- as far as the Tate-La Bianca case goes,
24 you know the result of that case, as far as Mr. Manson is
25 concerned, from the publicity?

26 A That was the first case?

27 Q Yes.

28 A The result, yes. Was he convicted?

1 Q Pardon?

2 A The results of the first case, he was convicted;
3 am I right?

4 Q Of what, Mr. Ward?

5 A Of -- of murder, I think. Yes, murder.

6 Q And do you know what penalty, if any, was assessed?

7 A Death, if I'm not mistaken.

8 Q And directing your attention to -- you -- does the
9 name -- is the name Sharon Tate familiar to you?

10 A Yes.

11 Q And can you tell us what you know about Sharon
12 Tate, if anything?

13 A Well, all I know, Sharon Tate -- that she was a
14 movie star or something, somewhere up in the hills, and she was
15 slain.

16 Q Okay. Now --

17 A That's all I know.

18 Q And by what means?

19 A I -- it was scuttlebutt.

20 REPORTER: Pardon me? It was what?

21 PROSPECTIVE JUROR WARD: It was scuttlebutt. What I mean
22 by that is, I think it was -- it was a nasty killing or some-
23 thing. I don't know --

24 BY MR. KANAREK:

25 Q What was that word you said?

26 A Scuttlebutt.

27 Q How do you spell it?

28 A I think it's s-c-u-t-t-l-e-b-u-t-t.

1 THE COURT: Scuttlebutt. It's an old Navy or Marine
2 term.

3 PROSPECTIVE JUROR WARD: Yes. It's hearsay. That's
4 really what it is.

5 BY MR. KANAREK:

6 Q And of course, in our daily lives, we rely on
7 hearsay -- you rely on publicity -- for instance, the law of
8 congress, the laws in the State legislature, you get a lot of
9 that from publicity that you rely on, right?

10 A Right.

11 Q And so, just because it's hearsay doesn't mean
12 that you don't rely on it; is that a fair statement?

13 A Rephrase that again, please.

14 Q Just because something is hearsay, like what you
15 read in the newspapers --

16 A Yes.

17 Q -- or see on television, that doesn't mean you
18 don't rely on it, does it?

19 A I don't -- no, I don't rely on it, just because
20 it's hearsay, no.

21 Q But I mean, because something is hearsay doesn't
22 mean that you always say, "Well, that's not true, because
23 it's hearsay"; right? You many times rely on that which you
24 read in the newspapers or see on television, as being true?

25 A Right.

26 Q And so, looking into your state of mind, would you
27 say that you -- that you believe it to be true, that Mr. Manson
28 was convicted of these crimes?

1 A Yes.

2 Q And that he got the death penalty?

3 A Yes.

4 Q And so you certainly would intend to follow the
5 Court's order of not considering these matters in connection
6 with this case, --

7 A Yes.

8 Q -- is that right?

9 Well, you might intend, someday, to -- you know,
10 go to Palm Springs for the weekend, but for some reason or
11 another, you might not make it, right?

12 A Right.

13 Q And so therefore, as far as your intent, that
14 certainly -- that certainly is pretty good, and you intend not
15 to consider these matters.

16 But is it a fair statement that you don't know for
17 sure whether or not you could carry out that intent?

18 A Well, I know for sure what I can carry out, because
19 I know myself.

11 fls.

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1 Q I see. And you feel that you can?

2 A Yes.

3 Q Now, did you hear any matters concerning racial

4 overtones?

5 A No.

6 Q As far as the Tate-La Bianca case is concerned?

7 A Oh, yes, yes.

8 Q All right, would you tell us what did you hear?

9 A Yes. You mean as far as picking someone?

10 Q Yes, whatever you heard.

11 A Nothing but -- rephrase what you just asked.

12 Q Did you hear anything concerning any racial

13 overtones?

14 A Pertaining to this case?

15 Q As far as --

16 A As far as picking jurors or something like this?

17 Q Anything.

18 A The only thing I heard through scuttlebutt, that

19 certain questions would be asked. That's all I heard.

20 Q And what?

21 A And, you know, what reaction will the person be --

22 the question asked to the person, what reaction would he have.

23 That is all I heard.

24 Q What was the source of the scuttlebutt?

25 A That was here as a juror, conversation.

26 Q You heard that from whom?

27 A Jurors.

28 Q Whom?

11-2

1 A I just mean that were congregated here with
2 myself.

3 Q And they told you that there would be some
4 racial matters discussed?

5 A Yes, Yes, sir, how would you react by being
6 called a name or something like this. This is all.

7 Q So you've heard this from other jurors?

8 A Yes.

9 Q I see. And would you tell us more about that,
10 what was said in that regard?

11 A As far as what I said?

12 Q What you said or what somebody said to you.

13 A Actually, it wasn't -- I was inquiring what were
14 some of the questions asked to you -- asked to them when
15 they were sitting here. This is all.

16 Q I see.

17 A And the only thing I wanted to know was if it was
18 like a -- like was I in court or something, because this is
19 my first time experiencing something like this. So the
20 feedback that I got were they might ask you where were you
21 born, something like this. If they call you a certain name,
22 how would you react to it or what would you tell them or
23 something like this here.

24 THE COURT: This is what you heard from the jury
25 assembly room?

26 PROSPECTIVE ALTERNATE JUROR WARD: Yes.

27 THE COURT: From jurors who were excused from this case
28 and came back?

11-3

1 PROSPECTIVE ALTERNATE JUROR WARD: I -- I don't know if
2 they was excused or came back or what.

3 THE COURT: At least, they were over in the jury
4 assembly room at 111 North Hill?

5 PROSPECTIVE ALTERNATE JUROR WARD: Yes.

6 THE COURT: And they would be in this courtroom?

7 PROSPECTIVE ALTERNATE JUROR WARD: Yes.

8 THE COURT: And they had heard Mr. Kanarek's questions
9 to them regarding race, is that right?

10 PROSPECTIVE ALTERNATE JUROR WARD: Yes, yes.

11 THE COURT: And what had happened was they recounted
12 these questions that these people had been asked or they had
13 heard asked concerning race?

14 PROSPECTIVE ALTERNATE JUROR WARD: Right.

15 THE COURT: By Mr. Kanarek?

16 PROSPECTIVE ALTERNATE JUROR WARD: Yes.

17 THE COURT: I see. Go ahead, Mr. Kanarek.

18 BY MR. KANAREK:

19 Q Was my name mentioned?

20 A No, no specific name. It was asked -- my
21 question were -- I was inquiring what were some of the
22 questions that they would ask you, and this is the one
23 that I got.

24 Q I see. And it was generally discussed?

25 A Yes.

26 Q Now, --

27 Thank you very much. Thank you very much, Mr.

28 Ward,

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THE COURT: Any questions?

MR. MANZELLA: No questions on publicity, your Honor.

MR. KANAREK: Approach the bench, your Honor?

THE COURT: You may.

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

11-5

1 MR. KANAREK: Yes, your Honor, I would like to invoke
2 1073, Subsection 2, and -- in connection with the publicity,
3 and I would like to also challenge on the grounds it is
4 obvious he has been speaking to fellow jurors concerning this
5 case, and improperly so.

6 THE COURT: The Court doesn't believe that that's the
7 case. It sounds like he was simply inquiring as to what
8 kinds of questions might be expected, and the questions
9 apparently which were asked by either you or Mr. Manzella
10 regarding race, and in particular, the questions that you
11 would ask in regard to the use of the word "nigger" had
12 spread around the jury assembly room. I don't detect any
13 bias as a result of that inquiry. These people who were
14 excused were all sent back to the jury deliberation room --
15 not jury deliberation room, but jury assembly room, and I
16 suppose he received information from them as to what questions
17 were asked.

18 MR. KANAREK: They don't have to be excused, your Honor--
19 all of them were not excused.

20 THE COURT: Well, that I know of, they haven't gone
21 back to the jury assembly room unless they have been excused.

22 Now, as to your other point, the Court finds that
23 he is very firm-minded. That he will set aside any opinions
24 that he has formed, and that he can and he will set them
25 aside, and that he will be fair and impartial. The Court
26 denies the challenge.

27 MR. KANAREK: May we have a five-minute recess at this
28 time, your Honor?

11-6

1 THE COURT: Yes.

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

5 THE COURT: We'll be in recess for a few minutes.

6 Mr. Ward, don't discuss this case with anyone,
7 don't allow anyone to discuss this case with you.

8 PROSPECTIVE ALTERNATE JUROR WARD: Okay.

9 THE COURT: We're in recess.

10 (Afternoon recess.)
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1 THE COURT: All right, the record will show that Mr.
2 Kanarek, Mr. Manzella to be present. And Mr. Ward in the box.

3 Any questions, gentlemen, any further questions?

4 MR. KANAREK: No thank you, your Honor.

5 THE COURT: Any further questions?

6 MR. MANZELLA: Just general questions, your Honor.

7 THE COURT: All right, let's bring the other prospective
8 jurors in.

9 (Whereupon, there was a pause in the proceedings
10 while the other prospective alternate jurors were
11 brought into the courtroom, and the following proceed-
12 ings were had:)

13 THE COURT: You may question generally, gentlemen, if
14 you wish.

15 MR. KANAREK: Yes.

16
17 VOIR DIRE EXAMINATION

18 BY MR. KANAREK:

19 Q Mr. Ward, you understand when we ask or we
20 discuss matters of race, whether we're discussing it with
21 someone who is black or white, we're just doing that because
22 this is subject matter which may come up in the trial. And
23 it is a pity that it has to be done, but nevertheless, are
24 we in agreement if that -- that kind of information comes
25 before the Court, these are the kinds of things we have to
26 discuss?

27 You understand that you are not a defendant here
28 and you are not -- you are not on the spot or anything. This

11a-2

1 is just the way the Court gets information.

2 A Yes.

3 Q So I'm sure that you understand the spirit that
4 these questions are asked in?

5 A Yes.

6 Q Now, if, during the course of this trial,
7 anything concerning a racial matter comes up before the
8 Court for your decision involving statements from the witness
9 stand, involving matters of race, -- say the prosecution puts
10 on people who -- and they put on evidence of this type --
11 you understand that this information is to be used in
12 accordance with the laws of evidence and the other law that
13 the Court gives us to decide this case on?

14 A Yes.

15 MR. KANAREK: Thank you.

16 Thank you, your Honor.

17 THE COURT: Mr. Ward -- go ahead, Mr. Manzella.

18
19 VOIR DIRE EXAMINATION

20 BY MR. MANZELLA:

21 Q Mr. Ward, you understand that no evidence or --
22 strike that.

23 That no statement or question asked by counsel
24 is evidence in the case, do you not?

25 A No, I didn't.

26 Q Well, that's true. There is no statement made
27 by question or no question asked by counsel that constitutes
28 evidence in the case.

1 MR. KANAREK: Well, your Honor, that's not quite true.
2 The question is -- in the light of the answer, the question
3 is integrated.

4 THE COURT: Yes, the question is not evidence, and it
5 is only as it supplies meaning to the answer that it can be
6 considered.

7 You understand that?

8 PROSPECTIVE ALTERNATE JUROR WARD: Yes.

9 BY MR. MANZELLA:

10 Q So that if Mr. Kanarek's question may have
11 suggested that there will be evidence of racial matters in
12 this case, now, if there are no -- if there is no evidence
13 of racial matters in this case, would you be able to ignore
14 the suggestion of evidence in Mr. Kanarek's question?

15 MR. KANAREK: Well, your Honor, I don't want to
16 interrupt counsel. I don't see how he in good conscience and
17 good faith can make that statement.

18 MR. MANZELLA: I can explain that --

19 THE COURT: If that's an objection, Mr. Kanarek, it
20 is overruled.

21 MR. KANAREK: Well, yes.

22 Q BY MR. MANZELLA: Well, do you understand that,
23 Mr. Ward? Would you be able, if there is no evidence of
24 racial matters brought out in this case, would you be able
25 to ignore the suggestion of that in Mr. Kanarek's question?

26 A Yes.

27 MR. KANAREK: I object to that. That is assuming some
28 kind of a suggestion made, your Honor.

1 THE COURT: The Court will simply reaffirm to Mr. Ward
2 what he already apparently knows; that is, none of the
3 statements of counsel or the questions of counsel are evidence.
4 The answer is only -- the question is only to be considered
5 as it supplies meaning to the answer.

6 Understand that?

7 PROSPECTIVE ALTERNATE JUROR WARD: Yes.

8 BY MR. MANZELLA:

9 Q So that your answer is that you could ignore any
10 suggestion of evidence in a question where that evidence is
11 not actually brought out in the trial; is that right?

12 A Yes.

13 Q All right.

14 Mr. Ward, do you know anyone that's been involved
15 in the defense of criminal cases as a lawyer or an investi-
16 gator or anything of that kind?

17 A Rephrase that, please?

18 Q Do you know anyone personally who is either a
19 defense attorney, an investigator for a defense attorney or
20 an investigator for the Public Defender's office or anyone
21 that's involved in the defense of cases?

22 A Yes.

23 Q And who is that?

24 A I have a brother that's an attorney.

25 Q Does he practice criminal law?

26 A Yes.

27 Q Does he defend -- I take it that he defends
28 criminal cases?

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A Yes.

Q Where does he practice law?

A In Houston, Texas.

Q Do you talk to him a lot about criminal cases?

A No.

12 fls.

12-1

1 Q All right. When's the last time you saw him?
2 A Years ago.
3 Q Okay. Do you know anyone that's ever been accused
4 of any crime? Do you know anyone personally who has ever been
5 accused of any crime?
6 A Yes.
7 Q All right. Was that a close friend or relative of
8 yours?
9 A Yes.
10 Q What was the nature of the crime?
11 A Uh -- murder.
12 Q How long ago did it occur?
13 A This is when I was a child.
14 Q All right. Who was the relative?
15 A I had a cousin who killed someone.
16 Q Where were the charges brought? Here in Los
17 Angeles?
18 A No, it wasn't in this State.
19 Q All right. How old were you at the time?
20 A I was about ten.
21 Q Did you become -- strike that,
22 Were you acquainted with the facts of the case?
23 A No, not as far as definite evidence or something.
24 But I -- all I knew was something involving gambling, and one
25 killed the other; that's all I know.
26 Q All right. Now, you say that occurred in Texas?
27 A No, that occurred in Louisiana.
28 Q Oh. Was your brother -- your brother was charged

12-2

1 with the murder? Was he charged with murder or with a
2 homicide?

3 A It wasn't my brother.

4 Q I'm sorry. Your brother-in-law?

5 A No, my cousin.

6 Q Your cousin. He was charged with a homicide?

7 A Was he convicted or -- is this what you are
8 saying? He was convicted of murder.

9 Q All right.

10 Now, how did you feel about that? Did you feel
11 that he was treated fairly?

12 MR. KANAREK: That's immaterial, your Honor. The
13 question is whether he can be fair and impartial in this case.

14 MR. MANZELLA: All right. I will withdraw the question.

15 Q Did anything occur in that case which would --
16 which made you think that the prosecution, or that the
17 authorities, law enforcement, whatever, was not fair to your
18 cousin?

19 MR. KANAREK: I'll object to that on the same grounds,
20 that it's --

21 THE COURT: Overruled.

22 PROSPECTIVE JUROR WARD: Answer?

23 BY MR. MANZELLA:

24 Q Yes, you can answer that.

25 THE COURT: Yes, you may answer.

26 PROSPECTIVE JUROR WARD: Well, at the time I had no --
27 well, shall I say, I couldn't say; because at that particular
28 time, I didn't know the difference between -- the way the law

12-3
1 was enforced.

2 All I know is that he went to the peni- -- the
3 prison.

4 Q Yes. I take it, then, you found out mostly about
5 this case sometime later after it happened? As you grew
6 older?

7 A Well, I knew of the case --

8 Q Yeah.

9 A -- when I was a child. But as I grew older, I
10 heard things, you know, pertaining to it.

11 Q Yeah?

12 A And actually, as far as your question earlier,
13 about the way -- the defense -- I mean --

14 Q The law enforcement, and the prosecution?

15 A Yeah. The way they handled it. Like they were
16 right, because he committed the crime.

17 Q I see. So you don't think that, in this case, you
18 would be prejudiced against the prosecution, or against law
19 enforcement, because --

20 A No.

21 Q -- of your experience with that case?

22 A No.

23 Q Okay. Now, Mr. Ward, with regard to the death
24 penalty -- well, strike that.

25 Do you understand your position as an alternate
26 juror? Has that been explained to you?

27 A Not totally, no.

28 Q All right. We've already chosen the 12 regular

12-4

12a fls.

1 jurors in this case, and if for some reason one of those 12
2 jurors is unable to continue at any time during the case,
3 even during the taking of evidence, or even during delibera-
4 tions, if one or more of those jurors is unable to continue
5 with the case, then one of the alternate jurors would be
6 selected to replace one of the regular jurors.

12A-1

1 Because we don't know what will happen, the
2 alternate jurors have to sit and listen to all the evidence
3 in the case, have to listen to the arguments, and have to
4 listen to the instructions of law given by the judge at the
5 end of the case, as though you were a regular juror.

6 Now, I think I can safely say, it's unlikely
7 that the -- that one of the alternate jurors would participate
8 in deliberations and in the verdict.

9 Do you feel that, knowing that, that you would
10 still be able to devote your full time and attention to the
11 evidence in the case, the instructions and to the argument?

12 A Yes.

13 Q Now, with regard to the death penalty, Mr. Ward,
14 if you were selected as a regular juror -- in other words,
15 if you were called upon to act as a regular juror, and if
16 Mr. Manson was convicted of one or both counts of first
17 degree murder, and if after hearing all the facts in the
18 case, you believed that the death penalty was justified in
19 this case, would you be able to vote for the death penalty?

20 A Yes.

21 MR. MANZELLA: All right. Thank you. The People
22 pass for cause.

23 BY THE COURT:

24 Q Mr. Ward, you stated to us that you conversed
25 with your fellow jurors before you came to this courtroom,
26 while you were over in the jury assembly room, about what
27 questions would be asked you in this case; is that correct?

28 A Yes.

1 Q And the questions that you were told might be
2 asked, you've -- you have indicated what the general nature
3 of those questions was.

4 Did anything in the course of those conversations
5 with those other jurors, those jurors who had been prospective
6 jurors who had been excused -- I'm assuming they were? -- did
7 that cause you to have any bias or prejudice in any way against
8 anyone in this case?

9 A No.

10 Q You still have that same frame of mind, that you
11 would not be biased or prejudiced as a result of what you had
12 heard in connection with the conversation with those jurors
13 who had been excused?

14 A Yes.

15 Q Did that occur to you to be the case, that the
16 conversations were -- that you had were with people who had
17 been in this courtroom, who had been excused and had gone
18 back to the jury assembly room?

19 A Right.

20 Q Pardon?

21 A Yes.

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13 fls.

1 Q All right. Do you think that would affect your
2 judgment in any way, anything that you might have heard from
3 those excused jurors?

4 A No.

5 Q All right. Do you think that you can be fair and
6 impartial in this case now, after all you've heard?

7 A Yes, I do.

8 THE COURT: Both sides pass for cause?

9 MR. MANZELLA: Yes, your Honor.

10 THE COURT: The peremptory challenge is with the People.

11 MR. MANZELLA: The People accept the alternates, your
12 Honor.

13 THE COURT: With the defendant.

14 MR. KANAREK: Thank and excuse Mr. Ward.

15 THE COURT: Thank you, Mr. Ward. Room 253 on Friday,
16 if you would, please. You are excused for now, and report back
17 at 9:00 o'clock on Friday. Perhaps you can be picked up at that
18 time. You needn't report now because it is 4:15. Maybe you
19 can be picked up at that time for another courtroom.

20 PROSPECTIVE ALTERNATE JUROR WARD: Thank you very much.
21 253.

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

23 THE COURT: Call another name.

24 THE CLERK: Mrs. Emilie T. Warner, E-m-i-l-i-e, last name
25 W-a-r-n-e-r.

26 THE COURT: Take another one.

27 THE CLERK: Lawrence A. Meyerson, L-a-w-r-e-n-c-e,
28 M-e-y-e-r-s-o-n.

VOIR DIRE EXAMINATION OF

EMILIE WARNER

BY THE COURT:

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

A Yes.

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

A Uh, I don't believe so.

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

A Yes, I believe it would.

Q In what way?

A My employer will only pay for 30 days service.

Q Who is your employer?

A Bank of America.

Q And you have inquired from them and determined that that is the case?

A Yes, I did.

Q Are your earnings used to support yourself and your family?

A Yes, my husband and I.

THE COURT: All right, the Court will --

MR. KANAREK: May I ask a question?

THE COURT: Yes, you may.

VOIR DIRE EXAMINATION

BY MR. KANAREK:

Q What branch of the Bank of America do you work for?

A I work in the data processing center, at 11th and Figueroa.

Q I see. And do you work -- in other words, you work at night or daytime?

A During the daytime.

Q You work generally during the day?

A Yes.

MR. KANAREK: Your Honor, we make the motion that this lady be paid by the County.

THE COURT: The Court realizes that's a standing motion. The motion is denied and the Court does excuse her. The Court finds it would be a hardship to her to serve in the case and, therefore, excuses her. Thank you very much.

MR. KANAREK: Thank you, Mrs. Warner.

THE COURT: Room 253 at 9:00 o'clock on Friday, if you would, please.

PROSPECTIVE ALTERNATE JUROR WARNER: Friday?

THE COURT: The jury assembly room.

PROSPECTIVE ALTERNATE JUROR WARNER: Oh, yes.

THE COURT: Call another name.

THE CLERK: Meyerson.

THE COURT: Meyerson.

There is a letter here from somebody from the Regional Water Quality Control Board. It is a State agency

1 charged with the regulation and enforcement of regulations to
2 prevent the pollution of waters in the State. There are only
3 eleven technical personnel assigned to this Board, and
4 Mr. Meyerson is one of the engineers, according to the report,
5 and is a critical employee.

6 MR. MANZELLA: I would like to see him get back to the
7 job, your Honor.

8 THE COURT: If you mean about the water fountain in this
9 courtroom, I'll join you, if it is.

10 The Regional Quality Control Board has asked that
11 Mr. Meyerson be excused from jury service.

12
13 VOIR DIRE EXAMINATION OF
14 LAWRENCE A. MEYERSON

15 BY THE COURT:

16 Q Mr. Meyerson, were you present when the Court
17 explained the nature of this case to prospective jurors in your
18 group?

19 A Yes.

20 Q And were you present when the Court questioned the
21 first prospective juror chosen from your group to the box?

22 A Yes.

23 Q Did you hear the questions I put to that juror?

24 A Yes, I did, your Honor.

25 Q Would your answers be any different to the
26 questions I put to that prospective juror of a general nature?

27 A Uh, perhaps.

28 Q In what way would your answers be different to those

1 questions of a general nature which I asked her at first, before
2 I began to talk to her about hardship, possible hardship?

3 A Uh, no, no, not the ones before that.

13a fls.

1 Q All right.

2 Then, would it be a hardship to you personally to
3 serve in this -- this jury?

4 A I'm not sure. I, uh -- at your instructions, your
5 Honor, I asked my employer about the possibility of continuing
6 pay for a period as long as five months, and the letter was the
7 answer. And I still don't know the answer to that one.

8 Q It has been the Court's experience that State,
9 County, federal employees would be paid.

10 A I see.

11 Q Throughout the period of jury duty no matter how
12 long it might be,

13 A In that case, of course, the answer would be no,
14 it would not be a hardship.

15 Q The Court has received this letter dated July
16 27th from Raymond Hertel, the executive officer of the
17 California Regional Water Quality Control Board.

18 What type of work do you do for the Water
19 Quality Control Board?

20 You are senior engineer?

21 A Yes, I am. My section is involved in identifying
22 waste discharges and prescribing waste discharge requirements
23 and the follow-up.

24 Q I see. And how long have you been so involved?

25 A General -- in general, about ten years.

26 Q And for this particular Board, how long have you
27 been so engaged?

28 A Likewise.

1 Q You mean that Board has been in existence ten years?

2 A Oh, since 1950. It has changed its name a couple of
3 times.

4 Q Uh, it is not a new organization, then, as
5 organizations of that type would generally be classified?

6 A No, your Honor.

7 Q Is there somebody who works with you in connection
8 with that aspect of the work that you do?

9 A Uh --

10 Q Or groups of employees or people who are trained
11 to work with you in connection with your particular phase of
12 the work?

13 A Yes, sir.

14 Q You are the head man, is it, in the matters of that
15 particular aspect of the work?

16 A Pardon?

17 Q Are you the person that has control over the
18 particular aspect of the work that you mentioned?

19 A Yes, sir.

20 Q You've trained people under you to handle some
21 aspects of it while you are away?

22 A That's right.

23 Actually, it is a small section. There are about
24 two people. We are -- we haven't been able to expand our
25 staff. That is, in that part of the activity, there are about
26 two people.

27 Q Mr. Meyerson, is there a Mrs. Meyerson?

28 A Yes, your Honor.

1 Q Is she employed outside the home?

2 A No.

3 Q Has she ever been?

4 A Not for about 20 years or more.

5 Q Okay. Are you connected with law enforcement at
6 all?

7 A Yes.

8 Q In a certain way you are, aren't you?

9 A Yes.

10 Q Have you prepared cases in violation of water
11 quality control?

12 A I've prepared cease and desist orders.

13 Q Have you ever assisted in prosecutions of violators
14 of the law?

15 A Uh, no, I haven't been involved in any that have
16 gone to court. There have been very few that have gone to
17 court.

14 fls.

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1 Q Other than that, do you have any connection with
2 law enforcement, or friends or relatives who are connected
3 with law enforcement, or anything like that?

4 A No.

5 Q Have you sat as a juror before in a criminal
6 case?

7 A No, I have not.

8 Q In what area do you reside?

9 A Uh -- West Hollywood.

10 Q Do you have views concerning the death penalty
11 such, Mr. Meyerson, that you could not be fair and impartial
12 in determining the issue of guilt or innocence?

13 A No, I don't.

14 Q Or would you have views concerning the penalty
15 such that you would never vote to impose the death penalty,
16 regardless of the evidence?

17 A No.

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

21 A Is this a general question, your Honor, or
22 specifically this case?

23 Q Well, if you have an answer in particular --
24 that would particularly apply to this case, yes, you may
25 answer it.

26 A I think I might tend to be rather automatic
27 in this case.

28 MR. KANAREK: 1073, Subsection 2.

14-2

1 Q BY THE COURT: To automatically impose the death
2 penalty in this case?

3 A Yes, sir.

4 Q Regardless of what evidence might be produced?

5 A No, I mean, if -- if proven guilty.

6 Q Yes.

7 Assuming that the defendant is proven guilty of
8 murder of the first degree, your reaction would be automatic
9 in this case?

10 A Yes, sir.

11 THE COURT: I'm sorry. I didn't hear you, Mr. Kanarek.

12 MR. KANAREK: Well, does your Honor wish me to approach
13 the bench?

14 THE COURT: No, you needn't.

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

16 THE COURT: The Court grants the challenge.

17 Thank you, Mr. Meyerson. The Court would excuse
18 you, then, and you are to return on Friday at 9:00 o'clock
19 to the jury assembly room, Room 253.

20 MR. KANAREK: Thank you, Mr. Meyerson.

21 THE COURT: Let's take someone else now.

22 THE CLERK: Ronald G. Norton; N-o-r-t-o-n.

23 THE COURT: Do you want to take one more?

24 THE CLERK: And William C. Farasey; F-a-r-a-s-e-y.

25 THE COURT: Mr. Norton? Mr. Norton?

26 THE BAILIFF: Mr. Norton?

27 THE COURT: Yes.
28

14-3

VOIR DIRE EXAMINATION OF

RONALD G. NORTON

BY THE COURT:

Q Mr. Norton, were you present when the Court explained the nature of this case to the prospective jurors in your group?

A Yes, sir.

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

A Yes, sir.

Q Would your answers be any different than the answers that she gave -- or that prospective juror gave -- to the questions of a general nature?

A No.

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

A Yes, sir.

Q In what way?

A I am due to begin graduate school in September, and --

Q Hold that up to your mouth, would you, please?

A I am due to begin graduate school in September, and if I were unable to do that, it would mean a year postponement.

Q What school will you be going to?

A California State College, Dominguez Hills.

Q It would postpone your studies for a year?

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A Yes, sir. I am also self-employed.

Q Are you going full time?

A Yes, sir.

Q You take a full course, in other words?

A Right.

Q Are you enrolled yet, or pre-enrolled?

A Yes, I am enrolled.

THE COURT: Gentlemen, any questions?

MR. MANZELLA: The People are of the opinion it would constitute a hardship, your Honor.

MR. KANAREK: Yes, your Honor. So stipulate.

THE COURT: All right. The Court does excuse you, Mr. Norton. The Court finds that it would be a hardship to you to serve in this case, and does excuse you, and thanks you for serving.

You say you are unemployed?

PROSPECTIVE ALTERNATE JUROR NORTON: I am self-employed.

THE COURT: At this time, then, you are unemployed while you are working on jury duty?

PROSPECTIVE ALTERNATE JUROR NORTON: Right.

THE COURT: The Court appreciates your service, particularly, then.

PROSPECTIVE ALTERNATE JUROR NORTON: Thank you.

THE COURT: You still have time left on jury duty?

PROSPECTIVE ALTERNATE JUROR NORTON: Yes. About four weeks. I just started.

THE COURT: Almost the full term, then.

Would you report, then, on Friday -- you need

14-5

1 not report until Friday at 9:00 o'clock, to Room 253, the
2 jury assembly room.

3 PROSPECTIVE ALTERNATE JUROR NORTON: Thank you.

4 MR. KANAREK: Thank you, Mr. Norton.

5 THE COURT: The next one?

6 THE CLERK: William G. Farasey, F-a-r-a-s-e-y.

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VOIR DIRE EXAMINATION OF
WILLIAM C. FARASEY

BY THE COURT:

Q Mr. Farasey?

A Yes, your Honor.

Q Were you present in the courtroom when the Court explained the nature of this case to your group of prospective jurors, and when the Court questioned the first prospective juror from your group?

A I was, your Honor.

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

A To the questions of a general nature, other than one, they would not have been.

Q All right. What would the variance be?

A The variance would have been on the death penalty. It would -- I think it would affect my --

Q You think it might affect your judgment, --

A Yes.

Q -- the views you hold concerning the death penalty would affect your judgment --

A They could --

Q -- in connection with making a determination as to guilt or innocence?

A Uh -- not -- no, it would be on the penalty end of the phase. If I was to determine between the two, then it would. It would not --

1 Q Concerning the penalty phase, now, would your
2 views be such that, by reason of this, that you would be
3 unable to vote for the death penalty, regardless of the
4 evidence?

5 A Uh -- there's a very good chance that would be
6 true, yes.

7 Q You are not certain about it?

8 A I'm not certain, no.

9 Q So there's some -- some possibility --

10 A But I -- there is an element there, yes, sir.

11 Q Assuming that the -- assuming in the first
12 instance that you had gotten to the penalty phase -- and
13 of course, the Court, as I have told you, makes no inference
14 of belief in the defendant's guilt; I'm not implying that,
15 that the defendant is thereby guilty, because I am asking
16 about the penalty phase; you understand that?

17 A Yeah.

18 Q But assuming that you have found, as a juror,
19 the defendant guilty of murder of the first degree, and you are
20 entering the penalty phase, would your views be such concern-
21 ing it that you would automatically refuse to impose the
22 death penalty, regardless of the evidence?

23 A I think they would be.

24 Q When you say, "I think," I detect that you are not
25 quite certain.

26 A I believe -- I could possibly be dissuaded by
27 the facts in the case.

28 Q Very well.

1 A But without knowing the facts, though, your
2 Honor, right now, I would say no.

3 Q But in any event, would you listen to the
4 evidence? And if, in your sole judgment and discretion,
5 you should determine that the death penalty was merited,
6 you could vote for it?

7 A I could.

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

10 A I am a traffic manager for a foreign shipping
11 line in Los Angeles.

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

14 A Not at present, because my company's being
15 struck; but it -- when the strike was over, it would be a
16 hardship for both myself and the company, too. Because I
17 would be needed very desperately then.

18 Q Will the company pay you during the period that
19 you serve, four or five months? Have you ascertained that?

20 A Well, our head -- it would -- they might. I
21 discussed it with my employer, but my true employer is in
22 New York, and -- it has been done before, that they have
23 paid, but not past 30 days, on a case where an employee
24 was in New York. We are a very small office here, and so --
25 there is a chance that I would be paid, but I'm not sure.

26 But they brought up the fact that I would be
27 very badly needed, once this strike is over with. At that
28 time --

1 Q Is there a chance that you would be replaced, if
2 you were not present?

3 A There could be a chance of that, yes. Because --
4 because somebody would have to replace me. Whether my job
5 would be available -- I think it would be available. It would
6 be, when I returned. But we never know.

7 Q How long have you been with the company?

8 A About 14 years.

9 Q What company is it?

10 A Maersk. That's a Danish steamship line.

11 Q All right. Without our knowing that you would not
12 be paid, the Court could not make a finding that it would be
13 a hardship to you. So the Court would urge you to find that
14 out, find out about that --

15 A Oh, I would -- excuse me, your Honor. I told them
16 that I would like to, and they are supposed to let me find out
17 for today. And I should know today. I'm going to go back to
18 the office when I leave here.

19 Q All right. That's -- could you do it by phone?
20 If we were to take a short recess?

21 A Oh, yes, sure. Certainly.

22 Q All right. Let's go through some other questions
23 that I wish to ask you, in any event.

24 Is there a Mrs. Farraday?

25 A No.

26 Q Farrasey?

27 A Farrasey.

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

1 enforcement officer, Mr. Farasey?

2 A No, I'm not.

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1 Q Have you served as a juror before?

2 A Yes.

3 Q In a criminal case?

4 A Yes.

5 Q What was the nature of the case and was there a
6 verdict without saying what it was?

7 A There was a verdict and it was a man -- uh,
8 manslaughter case.

9 Q The charge was manslaughter?

10 A Yes.

11 Q Will you set aside what you may have learned in
12 that case, what you may have heard, seen or read in that case
13 and decide this case only on its evidence and the law as I
14 shall state it to you here?

15 A Yes.

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

17 A Yes.

18 Q Tell us what that --

19 A I -- this was on my last tour of jury duty which
20 was three years ago. I was on a petty theft case.

21 Q Was there a verdict in that case?

22 A Yes.

23 Q Do you think your service in those cases would
24 affect you so that you could not be fair and impartial of
25 somebody that was accused of a crime?

26 A None, whatever, it wouldn't affect me at all.

27 Q In what general area do you reside?

28 A Uh, Eagle Rock. Northeast Los Angeles.

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

4 A No, not in that way.

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

8 A Back to that again.

9 I have very -- I have strong views on it. I am
10 not pro the death penalty at all, but --

11 Q Well --

12 A But there are, once in a while, there are extenu-
13 ating circumstances where I could be --

14 Q I'm sorry, I was more or less automatically asking
15 those questions and I had forgotten what your answers were and
16 that we had covered that adequately.

17 I did remember, however, that we wished to cover
18 another aspect of the case which we hadn't asked you about yet,
19 and that's the question of publicity.

20 May we excuse -- well, we'll ask the other three
21 of you to still wait out in the hallway and not leave.

22 May we excuse the balance of the panel that's over
23 in --

24 THE BAILIFF: They're outside, your Honor.

25 THE COURT: All right, you may bring them in.

26 Shall we go for the next few minutes? It is 25
27 minutes of 5:00.

28 Let's not excuse them, then, at this time.

1 MR. MANZELLA: Your Honor, I was wondering if Mr.
2 Farasey's employer will be there after -- later in the day
3 so he can get in touch with him?

4 PROSPECTIVE ALTERNATE JUROR FARASEY: Not after 5:00.

5 MR. MANZELLA: Maybe we could take a recess so that
6 he can find out.

7 THE COURT: We'll give you time to get to your employer.
8 We want to ask you a few more questions on it before we do
9 that.

10 (Whereupon, the other prospective alternate jurors
11 retired from the courtroom, and the following proceedings were
12 had;)

13 BY THE COURT:

14 Q Had you heard, seen or read the name Charles
15 Manson before you came into this courtroom?

16 A Yes.

17 Q Now, is that in connection with the Tate-La Bianca
18 case or this case or both?

19 A Both.

20 Q Had you heard anything, seen anything, read
21 anything via the news media about this case in the last two
22 weeks?

23 A No.

24 Q Concerning the Tate-La Bianca case, do you know
25 what the result was in that case?

26 A Yes.

27 Q Will you tell us as best you remember what it was?

28 A Uh, convicted of murder in the first degree.

1 Q Was there a sentence that the Court passed?

2 A Death.

3 Q Do you know whether there was more than one
4 victim?

5 A Uh --

6 Q Pardon me?

7 A Uh, whether there was?

8 Q In the Tate-La Bianca case?

9 A Yes.

10 Q Do you remember the number of victims or --

11 A Yes.

12 Q Do you remember any of their names?

13 A Yes.

14 Do you want me to --

15 Q Go ahead and state them, if you will.

16 A Uh --

17 Q First, there was Sharon Tate. I've already
18 referred to it as the Tate-La Bianca --

19 A And both the La Blancas, of course. And, uh --
20 well, I can almost tell their professions, but I don't
21 remember their names. Like the -- was it the hairdresser?

22 Q I see, concerning --

23 A But as -- it is starting to fade. All the publicity
24 is starting to fade from my memory now.

15a fls.

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1 Q I see.

2 Concerning the name Shorty Shea or Gary Hinman,
3 have you heard those names before I read the indictment to you?

4 A Yes.

5 Q In what connection? Tell us what you remember about
6 each of those.

7 A It is vague. And it was quite a while ago. Of
8 course, it was probably when the matters first happened that
9 I read it in the newspaper, and, of course --

10 Q Tell us about what you remember in connection with
11 each one of those names?

12 A Well, Hinman was -- had something to do with the
13 recording business or something like that, the musical end of
14 it.

15 And, I suppose -- I believe they call them the
16 Manson Family, was involved somehow with him.

17 And, of course, in the Shorty Shea -- was some-
18 thing out in the desert, as I recall, and he was somehow
19 involved there with supposedly the Manson Family. That's
20 vaguely what I remember.

21 Q If I were to instruct you, if the Court were to
22 order that you were to set aside anything that you may have
23 heard, seen or read in connection with the Tate-La Bianca
24 case or this case or Mr. Manson or anything that you may have
25 talked about in connection with Mr. Manson or the Manson
26 Family, anything that you may remember while you're on jury
27 duty that you don't now recall, would you be able to follow
28 the Court's instruction and set such matters aside from the

15a-2

1 evidence and make a judgment based solely upon the evidence in
2 this case?

3 A I would, your Honor.

4 Q On any issue that you may be called upon to decide
5 in this case, could you set aside -- not forget, but simply
6 discard, for the purpose of this case, anything that you may
7 have heard, seen or read, any opinion that you may have formed
8 and make a judgment independently of such matters and such
9 opinion?

10 A I would, your Honor.

11 Q Are you firm in your belief that you can and will
12 do that?

13 A Yes.

14 Q Can you be fair and impartial, and will you be?

15 A I think I can be fair and impartial. I will
16 certainly do my best.

17 Q Are you expressing any reservation or doubt in
18 stating that "I think I can," or are you firm on it?

19 A I'm firm.

20 Q In your conviction?

21 A I am firm in my conviction.

22 Q Will you be fair and impartial?

23 A Yes, I will be fair and impartial.

24 THE COURT: We'll take a short recess here. You are not
25 to converse with anybody, or allow anybody to converse with
26 you on any subject connected with this matter, except with your
27 employer.

28 So you may have a phone available to you so that

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1 you can get right through to your office, your employer, and find
2 out what the answer will be.

16 Fla.

3 (Short Recess.)
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1 THE COURT: The record will show Mr. Farasey is present,
2 Mr. Kanarek and Mr. Manzella.

3 BY THE COURT:

4 Q Mr. Farasey, have you managed to get in touch
5 with your office?

6 A I have, your Honor.

7 Q What have you heard from them?

8 A Definitely, they could not pay me for the four
9 months.

10 Q They could not pay you for the four months?

11 A Definitely not. And I'm on full pay now, but I
12 wouldn't be after my regular tour.

13 Q There's some possibility, too, that you might lose
14 your position?

15 A No, I don't believe I'd lose my position.

16 Q It's just a matter of pay?

17 A Yes, right.

18 THE COURT: The defense motion to have the County pay
19 Mr. Farasey's salary is denied.

20 The Court finds that it is a hardship. It would
21 be a hardship to you to serve in this case; and therefore,
22 the Court does excuse you.

23 Thank you, Mr. Farasey.

24 PROSPECTIVE ALTERNATE JUROR FARASEY: Thank you.

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

26 THE COURT: Do you want to go another fifteen minutes,
27 gentlemen?

28 MR. MANZELLA: Sure.

16-2

1 THE BAILIFF: Excuse me, your Honor.

2 THE COURT: You sound pretty happy about that suggestion.

3 THE BAILIFF: Shall I put the jurors back in now?

4 THE COURT: Let's take one more, and then we'll release
5 them. Bring them all in the courtroom, would you?

6 Do you mind going?

7 MR. KANAREK: Not at all.

8 MR. MANZELLA: Do you want to go later?

9 MR. KANAREK: Yeah, it's okay with me.

10 MR. MANZELLA: It's okay with us, if you want to go
11 later, your Honor.

12 THE COURT: Hmm?

13 MR. MANZELLA: If you want to keep going later.

14 THE COURT: Well, let's try it.

15 Who is the next --

16 THE CLERK: The next one is John R. Vanderveen;
17 V-a-n-d-e-r-v-e-e-n.

18 THE COURT: Vanderveen?

19 THE CLERK: Yes.

20

21

VOIR DIRE EXAMINATION OF

22

JOHN R. VANDERVEEN

23

BY THE COURT:

24

Q Mr. Vanderveen?

25

A Yes, your Honor.

26

Q Come forward.

27

Is this all that are left?

28

THE BAILIFF: Yes, sir.

16-3

1 THE COURT: I'm not at all in any way deprecating you
2 ladies and gentlemen that are left. I am just amazed at the
3 number of jurors that we have gone through here today.

4 Q Mr. Vanderveen, were you present when the Court
5 questioned the prospective jurors -- strike that.

6 Were you present when the Court explained the nature
7 of this case, and instructed your group of prospective jurors?

8 A Yes, your Honor.

9 Q Did you overhear the questions that the Court put to
10 the first prospective juror taken from your group to the box?

11 A Yes, your Honor.

12 Q Would your answers be any different than the
13 answers of that person to the questions of a general nature put
14 to her?

15 A No, they would not.

16 Q Would it be a hardship to you, to serve in this
17 case in any way?

18 A Yes, your Honor, it would.

19 Q Would you explain this to me?

20 A In two ways. Personally, I am the sole care for my
21 aged father. And I regularly must take time off to nurse him,
22 and to take him to various doctors.

23 Q When do you do that? During the day, during the
24 day when you are generally working?

25 A Yes. I have to take time off from my work to do
26 this.

27 Q What is the other reason?

28 A And secondly, it would be a hardship to my

16-4

1 employer. I work for the City of Los Angeles, and I am the --
2 I have the unique position of acquiring the aerial mapping used
3 by the Bureau of Engineering; and as such, after --

4 Q What do you mean, acquiring it?

5 A All right. I --

6 Q You do the mapping, or you acquire it from the
7 federal government, or --

8 A No, your Honor. When mapping is needed for a
9 particular project, the design engineers consult with me,
10 upon which time I write specifications for a project, enter
11 into negotiations with private contractors, approve and decide
12 upon the selection and the price of a particular project.

13 Then, I follow it through, and -- during the course
14 of execution and completion of it, I am responsible for the
15 field checking of it, to make sure that it's adequately
16 correct.

16a fls.

16a-1

- 1 Q That the mapping is correct?
- 2 A Yes, sir. After your --
- 3 Q How long have you been so engaged?
- 4 A Seven years.
- 5 Q Is there anyone else who can do that for the City?
- 6 A Not with the facility and ease. It would take
- 7 probably eight months or more, at least, to change over --
- 8 although we do have other people who are lesser knowledgeable
- 9 in my field.
- 10 Q Your principal reason, however, is --
- 11 A But my basic reason is because of the care of my
- 12 father, frankly.
- 13 Q -- is because of your father's problem. How old
- 14 is he?
- 15 A 79.
- 16 Q Um-hmm. And he's generally under a doctor's care?
- 17 A Yes, sir.
- 18 Q And is there no one who could --
- 19 A No.
- 20 Q -- accomplish this for him?
- 21 A No, your Honor.
- 22 Q And you probably -- would you be concerned about
- 23 that during the course of jury duty?
- 24 A Yes, your Honor.
- 25 MR. KANAREK: Well, your Honor, in view of that, I would
- 26 be willing to stipulate.
- 27 MR. MANZELLA: The People would stipulate he may be
- 28 excused, your Honor.

1 THE COURT: All right. Thank you, gentlemen.

2 The Court then would excuse you, Mr. Vanderveen.
3 The Court does find that it would be a hardship to you under
4 the circumstances.

5 PROSPECTIVE ALTERNATE JUROR VANDERVEEN: Thank you.

6 THE COURT: And would excuse you.

7 PROSPECTIVE ALTERNATE JUROR VANDERVEEN: Thank you, your
8 Honor.

9 MR. KANAREK: Thank you, Mr. Vanderveen. Thank you.

10 THE COURT: Let's -- how many names do we have left
11 in that box?

12 (Whereupon a discussion off the record was had
13 at the bench between the Court and the Clerk.)

14 THE COURT: Mr. Vanderveen, would you report Friday
15 to the jury assembly room at 9:00 o'clock, please?

16 PROSPECTIVE ALTERNATE JUROR VANDERVEEN: Yes, sir.

17 THE CLERK: Six.

18 THE COURT: All right. Take another name.

19 THE CLERK: Julius W. Carruth; J-u-l-i-u-s; last name,
20 C-a-r-r-u-t-h.

21
22 VOIR DIRE EXAMINATION OF

23 JULIUS W. CARRUTH

24 BY THE COURT:

25 Q Mr. Carruth, were you present when the Court
26 explained the nature of this case to the prospective jurors
27 in your group, and questioned the first prospective juror
28 from your group chosen to the box?

1 A Yes, your Honor.

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

5 A No, it would not, your Honor.

6 Q Would it be a hardship to you to serve, Mr. Carruth?

7 A No, your Honor.

8 Q Neither financial nor in any other way?

9 A No.

10 Q All right. What type of work do you do, Mr.
11 Carruth?

12 A I am retired, sir, your Honor.

13 Q From what type of work?

14 A The coffee business.

15 Q In Los Angeles?

16 A Yes, your Honor.

17 Q And is there a Mrs. Carruth?

18 A No -- yes, there is.

19 Q You almost forgot?

20 A Well, I just recently got married.

21 Q I see. And is she employed outside the home?

22 A I beg your pardon?

23 Q Is she employed outside of the home?

24 A No, your Honor.

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

27 A No, your Honor.

28 Q Have you served on jury duty before?

1 A No, your Honor.

2 Q In what area do you reside?

3 A East Los Angeles.

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

7 A No, your Honor.

8 Q Or are your views concerning the death penalty
9 such that you would automatically refuse to impose the death
10 penalty?

11 A Refuse it? No.

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

14 A No, your Honor.

15 Q Or would you automatically impose it, vote for
16 it, regardless of the evidence?

17 A Yes, your Honor.

18 Q In other words, upon somebody's being convicted
19 of murder of the first degree, regardless of what evidence
20 was shown, would you vote -- would you automatically vote
21 for the death penalty?

22 A I'm mixed up a little bit now, your Honor. I'm
23 sorry.

24 Q The sole question is whether you would consider
25 the evidence; and then, in your determination, after viewing
26 the evidence, and in your -- in your discretion, rather,
27 would you decide whether to impose life imprisonment or death?

28 A Yes, I would.

16b fls.

16b-1

1 Q Do you have any fixed idea that upon a conviction
2 of murder in the first degree, that without regard to the
3 evidence, you would impose the death penalty?

4 A Uh -- I have no fixed idea. It's the evidence
5 presented. I would, of course -- I'm confused again.

6 Q Would you view the evidence before making a
7 decision as to whether to impose life imprisonment or death?
8 Would you take account of any evidence that might be presented?

9 A Yes, I would.

10 Q Would you automatically refuse to impose the death
11 penalty, or to impose it, without regard to the evidence?
12 Either way?

13 A No. No, your Honor.

14 Q Now, I have arrived at a point now where I do have
15 to excuse you all, and I may be able to excuse you for -- for
16 two days now, and have you come back on Monday.

17 And so, for that reason, I am having you wait, even
18 thought it is close to 5:00 o'clock.

19 We may be -- as you say judge -- close to the
20 selection of a jury.

21 I can probably excuse those of you who have been
22 selected as jurors now, until Monday, if both counsel would
23 agree.

24 Is that satisfactory?

25 MR. KANAREK: That's --

26 THE COURT: Do you want to approach the bench?

27 MR. MANELLA: May we approach the bench, your Honor?

28 THE COURT: Yes, you may.

16b-2

1 THE REPORTER: On the record?

2 MR. MANZELLA: It's not necessary.

3 MR. KANAREK: Yes. I think it should be on the record.

4 (Whereupon, the following proceedings were had
5 at the bench among Court and counsel, outside the hearing of
6 the jury and the prospective alternate jurors.)

7 MR. KANAREK: Your Honor, my position is that we are
8 entitled to additional peremptories, as your Honor knows. I --
9 I make a motion for -- as I -- I believe your Honor and I
10 have spoken of -- I make a motion for one peremptory; or, in
11 the alternative two peremptories.

12 Actually, it's probably logical we should begin the
13 other way, in this series:

14 I make a motion for 75 additional peremptories;
15 74 additional peremptories, and so forth, all the way down to
16 5, 4, 3, 2, 1 additional peremptories.

17 Actually, what I -- my position is that it's
18 impossible to get a fair jury in Los Angeles County, but that
19 we certainly need more than the peremptories that -- that
20 are afforded us by virtue of the code, as -- purportedly by
21 virtue of the code.

22 I think the Court has the power and the duty under
23 the Constitution of the United States, as well as the
24 Constitution of California, and under due process and equal
25 protection of the Fourteenth Amendment, to order additional
26 peremptories, notwithstanding what is purportedly set forth in
27 the Code.

28 And I do make the motion for these additional

16b-3

1 peremptories.

2 THE COURT: The motion is denied.

3 MR. KANAREK: And your Honor recognizes, of course, that
4 I -- that if your Honor is not going to give us more than one,
5 we would even ask for one; because it's our position that --
6 that -- well, this is the position that we have indicated
7 previously to the Court.

8 THE COURT: Yes.

9 MR. KANAREK: Both off and on the bench -- I mean, both
10 on the record and off the record.

11 THE COURT: Yes. You had indicated to me that you were
12 going to make a motion for more peremptories.

13 MR. KANAREK: I do have another motion, a -- the motion
14 is that we have a hearing, under equal protection and due
15 process, under the Fourteenth Amendment, as to what has
16 occurred in the jury room.

17 Evidently there has been a lot of conversation
18 concerning this case in the jury assembly room by the
19 prospective jurors, and it's -- it's my belief that -- that
20 these jurors who are actually in the box -- that is, the --
21 who are actually in the box do, on occasion, return to the jury
22 assembly room, before --

23 THE COURT: All right. The Court will inquire of them --

24 MR. KANAREK: -- before they --

25 THE COURT: -- as to that.

26 MR. KANAREK: -- before they come to court. They go to
27 the jury assembly room, I believe, before they come to this
28 courtroom.

17 fls.

17-1

1 THE COURT: It is the Court's belief that they do not.
2 When they're ordered to report, they report directly here
3 without going to the jury assembly room.

4 I am sure that that is the case. However, many of
5 the jurors who have come through this courtroom during the
6 course of our attempts to select a jury and alternates have
7 gone from this courtroom back to the jury assembly room, and
8 it may be that some of them have spoken to other jurors, as
9 appears to be the case in Mr. Moore's situation, a prospective
10 juror who said that he was discussing what questions had been
11 asked or would be asked the one prospective juror in this case.
12 I would inquire of the prospective alternates and also the
13 jury that has been selected.

14 Now, let's resolve the problem that I thought we
15 came to the bench to discuss, and that is whether we can
16 excuse the jurors --

17 MR. MANZELLA: Your Honor.

18 THE COURT: Yes.

19 MR. MANZELLA: Did you want to hear from me?

20 THE COURT: I want to know whether we can excuse them
21 until Monday.

22 MR. MANZELLA: I am ready to accept the alternates,
23 if this last gentleman called to the box passes the publicity
24 test. If he does, I'm going to accept the alternates. So --

25 THE COURT: That would mean --

26 MR. MANZELLA: We would get the alternates tonight.

27 THE COURT: Yes.

28 MR. MANZELLA: But I was going to ask the Court if the

1 Court would consider having the jurors return on Tuesday
2 instead of on Monday. As I say --

3 THE COURT: You need an extra day?

4 MR. MANZELLA: Right.

5 THE COURT: That would possibly allow me to try --

6 MR. MANZELLA: Beg pardon?

7 THE COURT: -- allow me to try another case in the time
8 we had waiting.

9 MR. MANZELLA: And I wondered if the Court would
10 consider having the dental work done, if the Court wanted
11 that done now or wanted to wait?

12 THE COURT: Well, I will inquire of the dentist as to
13 whether or not he will be available.

14 Have you talked with him?

15 MR. KANAREK: No, I haven't talked with the dentist,
16 your Honor.

17 THE COURT: Whether he would be available to start that
18 work for Mr. Manson?

19 MR. MANZELLA: He told me that he would be and that the
20 emergency work would take a week. The rehabilitative work
21 would take much longer than that. And he would want to wait
22 until after the trial is over to do that. That will take
23 longer than two weeks to do. But the emergency work he could
24 do now. He could finish it in approximately a week. But I
25 would ask, in any event, if you would, ask the jurors to
26 return on Tuesday rather than on Monday.

27 THE COURT: Do you have any objection to an extra day?

28 MR. KANAREK: Well, uh --

1 THE COURT: I mean, come back on Tuesday? It gives you
2 three free days.

3 MR. KANAREK: Well, will that accommodate the Court to
4 do --

5 THE COURT: It won't accommodate anything that I
6 particularly have to do except that I --

7 MR. KANAREK: Very well.

8 THE COURT: If you have no objections, I'll grant his
9 request.

10 MR. KANAREK: Very well, your Honor, I will be glad
11 to.

12 THE COURT: All right, let's see what transpires here.

13 MR. KANAREK: But this is not -- this is without
14 prejudice to all of our previous positions concerning the
15 right to a speedy trial. I mean, one -- the few days --
16 if your Honor would so state on the record that this particu-
17 lar hiatus in the --

18 THE COURT: Yes, the Court takes this as not a waiver of
19 any particular position you have taken in respect to a motion
20 for a speedy trial or request for a speedy trial.

21 (Whereupon, the following proceedings were had
22 in open court within the presence and hearing of the
23 prospective alternate jurors:)

24 THE COURT: I'll ask you all to briefly leave and wait
25 in the corridor. I'll be calling you back in a few minutes.

26 (Whereupon, the prospective alternate jurors
27 retired from the courtroom, with the exception of
28 Mr. Carruth, and the following proceedings were had:)

17a-1

VOIR DIRE EXAMINATION

BY THE COURT;

Q Mr. Carruth?

A Yes, your Honor.

Q Had you previously heard, seen or read the name Charles Manson before you came into this courtroom and the Court told you the nature of this case?

A Yes, I had.

Q Was that in connection with the Tate-La Bianca case or this case or both?

A In this regard, in the Tate-La Bianca case I recall, the readings. On this appearance -- this is a new addition to the prior Tate-La Bianca case. This I didn't expect to be on at all when I came in here.

Q Have you heard, seen or read anything about this case at all?

A No, your Honor.

Q While you were waiting in the jury assembly room, did anyone converse with you about this case?

A No, your Honor.

Q Did you follow that Tate-La Bianca case in the news during the course of the trial?

A No, not in particular, at all.

Q You just haphazardly and occasionally saw something or heard something?

A Yes, your Honor.

Q Now, did you -- do you know the results of that

case?

17a-2

1 A It seems as though it was the death degree
2 sentence. I think the party was sentenced to death.

3 Q Mr. Manson was sentenced to death?

4 A Yes, I believe that's the way I interpreted it.

5 Q Was there more than one victim alleged in the case?

6 A Yes, I believe it was.

7 Q Do you know how many there were alleged to be?

8 A Well, I believe three, at the least.

9 Q Do you know the name Susan Atkins?

10 A I've heard of it, yes, your Honor.

11 Q What do you know about that name?

12 A Nothing, other than they were -- she was one of the
13 group of three girls, I believe, involved in other incidents
14 pertaining to -- building up.

15 Q Do you know the name Bobby Beausoleil?

16 A No, I do not.

17 Q Have you ever heard the name Gary Hinman before I
18 read the name from the indictment?

19 A No, your Honor.

20 Q Never heard it, seen it anywhere?

21 A I don't recall it.

22 Q Have you ever heard of the name Shorty Shea?

23 A I've read that some place in the paper, I believe.

24 Q Can you remember what you read about it?

25 A No, I could not.

26 Q Do you know the name Manson Family?

27 A That name is familiar, yes.

28 Q What does that name mean to you?

17a-3

1 A Well, a group of people who formed a family and
2 their way of life.

3 Q Mr. Manson is the leader?

4 A I believe he was.

5 Q Is that your belief?

6 A Yes, your Honor.

7 Q Do you know the name Mary Brunner?

8 A No. No, your Honor.

9 Q Ever heard that?

10 A I don't believe I have.

11 Q If I were to instruct you that you were to set
12 aside anything that you may have heard, seen or read about that
13 Tate-La Bianca case or this case, or anything that you might
14 remember that you cannot recall at this time, for the purpose
15 of deciding this case solely on the evidence that's presented
16 to you, could you do that? Are you capable of setting such
17 matter aside in your mind?

18 A I believe I would, your Honor, yes.

19 Q Now, are you mentally and emotionally capable of
20 segregating those news items that you may have picked up over
21 the months, anything that you may have heard about Mr. Manson
22 in conversations with friends and relatives? Are you capable
23 of segregating that from the evidence that's produced here and
24 deciding the case solely on the evidence?

25 A Well, I'm a layman. I presume the evidence
26 presented here is what I would decide on.

27 Q Will you do that?

28 A Yes, I will.

1 Q Have you any doubt about your ability to set aside
2 such matters?

3 A Uh, no. No, your Honor.

4 Q The Court is not asking you to forget them.

5 A No.

6 Q Because those are matters which are in your mind
7 and would not be forgotten easily, but I'm simply asking you
8 whether or not you can discard them, and I would be instructing
9 you that you should discard them for the purpose of deciding
10 any issue on this case, aside from any opinions that you might
11 have formed about the case and anything that you may have heard,
12 seen or read about; could you do that?

13 A Yes, your Honor.

14 Q And will you do that?

15 A I will, sir, your Honor.

16 17b fls.

17b-1

1 Q Can you be fair and impartial in the case?

2 A I believe I can, yes.

3 Q You can be fair and impartial in the case?

4 A Yes, your Honor.

5 THE COURT: Mr. Kanarek.

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

7
8 VOIR DIRE EXAMINATION

9 BY MR. KANAREK:

10 Q Mr. Carruth, am I pronouncing your name right,
11 sir?

12 A Yes.

13 Q Mr. Carruth, may I ask what part of Los Angeles
14 you live in, sir?

15 A In the East Los Angeles area.

16 Q Near what big intersection?

17 A Well, it is Olympic and Garfield, Atlantic,
18 between the Montebello line and L. A. County.

19 Q Olympic and Garfield?

20 A Olympic and Garfield or Atlantic. You have the --
21 almost on the Montebello line, practically.

22 Q May I ask what company it was that you worked
23 for?

24 A There were three, Farmer Brothers, Folger Coffee
25 Company, and the Continental Coffee recently.

26 Q Now, does the name Abigail Folger mean anything
27 to you?

28 A It registers, yes.

17b-2

1 Q What do you know of Abigail Folger?

2 A She was a relative of one of the Folger people
3 I worked for, and I've never met her.

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

5 THE COURT: You say you worked for one of the Folger
6 people?

7 PROSPECTIVE ALTERNATE JUROR GARRUTH: For the Folger
8 Coffee Company.

9 THE COURT: When did you do that?

10 PROSPECTIVE ALTERNATE JUROR GARRUTH: Oh, about eight
11 years ago. Or five years ago, probably. Since then, I've
12 been with the Continental Company who bought them out.

13 THE COURT: Would you know -- you didn't mention Abigail
14 Folger except as a person you never met.

15 Do you know her to be one of the victims in the
16 Tate-La Bianca case?

17 PROSPECTIVE ALTERNATE JUROR GARRUTH: Yes, your Honor.

18 THE COURT: Why haven't you mentioned her name before
19 when I asked you about her?

20 PROSPECTIVE ALTERNATE JUROR GARRUTH: I don't believe
21 her name was spoken to me at the time by you.

22 THE COURT: I hadn't asked you for the names?

23 PROSPECTIVE ALTERNATE JUROR GARRUTH: Oh, I beg your
24 pardon --

25 THE COURT: Had I? I had forgotten.

26 PROSPECTIVE ALTERNATE JUROR GARRUTH: Well --

27 THE COURT: I can't recall whether I asked you for
28 names of persons who were victims.

1 PROSPECTIVE ALTERNATE JUROR CARRUTH: You are right,
2 your Honor, yes.

3 THE COURT: In any event, did her death in the case
4 have any more significance to you than the death of any other
5 person who was a victim in the case?

6 PROSPECTIVE ALTERNATE JUROR CARRUTH: No, your Honor.

7 THE COURT: Does it now have any more significance to
8 you than the death of, let's say, Sharon Tate?

9 PROSPECTIVE ALTERNATE JUROR CARRUTH: No, your Honor.

10 THE COURT: Had you ever known anything about this young
11 lady personally?

12 PROSPECTIVE ALTERNATE JUROR CARRUTH: Never. Never, your
13 Honor.

14 THE COURT: Had you ever heard her name before you read
15 it in the newspaper in connection with the --

16 PROSPECTIVE ALTERNATE JUROR CARRUTH: That's all, your
17 Honor, yes. I read in that connection she was a Folger coffee
18 heiress, not having met her in any way.

19 THE COURT: All right, do you wish to approach the bench
20 or do you wish to ask him some more questions?

21 MR. KANAREK: I'll ask --

22 THE COURT: Go ahead and ask any questions you wish,
23 and then if you wish, you may approach the bench.

24 BY MR. KANAREK:

25 Q Now, Mr. Carruth, you did business with the Folger
26 people?

27 A I was an employee with them.

28 Q Yes.

1 You were an employee of the Folger Coffee Company?

2 A Yes.

3 Q And you -- in that connection, you had business
4 dealings involving Folger in San Francisco and Los Angeles?
5 That is the --

6 A No. Oh --

7 Q Go ahead.

8 A No, I did not. I worked in Los Angeles, the
9 southern division. Their home was up in San Francisco.

10 Q Right. But what I mean is the headquarters. You
11 certainly had business dealings with the San Francisco office,
12 right?

13 A Yes, contacts and reports.

14 Q And the name -- the people that you dealt with
15 in the Folger Company -- there were some people named Folger?

16 A There was Peter and J. A., yes.

17 Q Folger, right?

18 A Yes.

19 Q And your belief, your state of mind is that this
20 girl that passed away, Abigail Folger, is related to these
21 people that you have had personal dealings with?

22 MR. MANZELLA: I'll object to the question, your Honor.
23 It is argumentative. The phrase "personal dealings" has
24 not been answered, had not been used by the juror.

25 THE COURT: Overruled. He may explain it.

26 You may explain it, Mr. Carnuth.

27 A Well, I may straighten that out. As a fact,
28 I met Peter and J. A. Folger on picnics down here. They had

1 an annual picnic down here and they came down and played ball.
2 I had no other knowledge of their relationship, family or
3 otherwise.

18 fls.

18-1

1 Q BY MR. KANAREK: Well, you -- I mean, you
2 certainly understand -- and I am sure we are in agreement --
3 that you are not on the defensive here, Mr. Carruth. We are
4 just merely here asking questions, so that Judge Choate can
5 make decisions, and -- and I'm sure you, hopefully -- at
6 least, I have every hope that you understand that.

7 Now, then, so you've met personally the flesh
8 and blood relatives of Abigail Folger; they're business --
9 and you met them in a picnic; you've met them in a social
10 sense, as well as a business sense; --

11 A Yes, that's right.

12 Q -- is that correct? And is it your belief that --
13 and so --

14 Well, may we approach the bench, your Honor?

15 THE COURT: No, you needn't approach the bench.

16 You may --

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

18 MR. MANZELLA: The People oppose the challenge, your
19 Honor.

20 THE COURT: The Court grants the challenge. I think
21 that because of this friendship with the relatives of
22 Abigail Folger, one of the victims in the Tate-La Bianca
23 case, in which Mr. Manson has been convicted, that it might
24 be asking too much of the juror to -- not to be biased and
25 prejudiced in the case.

26 MR. MANZELLA: I would like to ask just a few questions,
27 if I may, your Honor.

28 THE COURT: Well, I don't think it's -- I think it would

1 be --

2 MR. MANZELLA: I would like to find out, your Honor,
3 if he actually does have a friendship with the Folger people.
4 I did not get that impression.

5 THE COURT: I gathered, from what this prospective
6 juror said, that it was probably more of a -- a friendly
7 business relationship than anything else; was it not?

8 PROSPECTIVE JUROR CARRUTH: That's right. That's
9 right.

10
11 VOIR DIRE EXAMINATION

12 BY MR. MANZELLA:

13 Q It was not -- you were not real buddies with
14 those Folgers?

15 A Oh, no.

16 Q But it was a business relationship?

17 A Right. I was a salesman, and they were the
18 owners. And they had picnics, and we played ball together.
19 Didn't play pool or anything else together; no
20 social --

21 THE COURT: You didn't play pool, but you did play
22 ball with them?

23 PROSPECTIVE JUROR CARRUTH: That's right.

24 THE COURT: I see. Well, I think, even though I
25 would like this to be the end of the matter, and have the
26 jury selected, nevertheless the Court believes that the
27 challenge should be granted.

28 It's -- I do believe it -- it may be asking a juror

1 to -- too much, to find the bias; and nevertheless, there's
2 a possibility in the Court's mind that it might exist.

3 Thank you, Mr. Carruth. The Court will excuse
4 you. Room 253 on Friday.

5 PROSPECTIVE ALTERNATE JUROR CARRUTH: Thank you, your
6 Honor.

7 MR. KANAREK: Thank you, Mr. Carruth.

8 THE COURT: We'll try one more, and then we'll go home.

9 The jury assembly room on Friday, then, Mr.
10 Carruth, at 9:00 o'clock. You are excused until then. Thank
11 you.

12 THE CLERK: Mrs. Betty J. Wendt; B-e-t-t-y; last name,
13 W-e-n-d-t.

14
15 VOIR DIRE EXAMINATION OF

16 MRS. BETTY J. WENDT

17 BY THE COURT:

18 Q Mrs. Wendt?

19 A Yes, sir.

20 Q Were you present when the Court explained the
21 nature of this case to the prospective jurors in your group,
22 and when the Court first discussed this matter with the
23 first prospective juror taken from your group?

24 A Yes.

25 Q And would your answers be any different than
26 hers were to the questions of a general nature?

27 A No.

28 Q Would it be a hardship to you to serve as a juror

1 in this case?

2 A No, it wouldn't.

3 Q Neither financial nor personal?

4 A No.

5 Q All right. Would you tell us what type work
6 you do?

7 A I work for the Los Angeles Board of Education,
8 in the office of the -- of an elementary school.

18a fls.

18a-1

1 Q And in what district, generally?

2 A Southwest L. A.

3 Q And is there a Mr. Wendt?

4 A Yes, there is.

5 Q And what type of work does he do?

6 A He's in the insurance business.

7 Q And where do you and he reside?

8 A In Gardena.

9 Q Have you had jury experience before?

10 A No, I haven't.

11 Q Are you acquainted with or related to any law

12 enforcement officer?

13 A No.

14 Q Do you have views concerning the death penalty

15 such that you would automatically refuse to impose it, regard-

16 less of the evidence?

17 A No.

18 Q Or would you automatically impose it, regardless

19 of the evidence, upon a conviction of murder of the first

20 degree?

21 A No, I wouldn't.

22 Q Do you have views concerning it that would keep

23 you from being impartial, fair and impartial in determining

24 guilt or innocence?

25 A No.

26 Q Regarding Mr. Charles Manson, had you ever heard,

27 seen or read his name before you came into this courtroom,

28 and the Court told you about the indictment in this case?

18a-2

1 A Yes, I had.

2 Q Have you read anything about this case?

3 A Well --

4 Q Heard, seen or read anything about this case?

5 A Well, some. What I've seen on the news, mostly,

6 on TV.

7 Q Have you heard, seen or read anything about it in

8 the last two weeks?

9 A I don't think so.

10 Q Then how about the Tate-La Bianca case? Have you

11 ever heard of that?

12 A Oh, yes.

13 Q And did you follow that case in the news during

14 the course of the trial?

15 A I would say mostly whatever was on the news, on

16 TV. I -- I usually watch that.

17 Q Was that the principal source of your information,

18 television, --

19 A Yes.

20 Q -- during the course of that trial?

21 A Yes, I would say so.

22 Q And did you learn the result of that trial?

23 A Yes.

24 Q What was the result, so far as you can remember?

25 A Well, that he was found guilty.

26 Q He was found -- Mr. Manson was found guilty?

27 A Yes, that's right.

28 Q Do you remember whether there has been a sentence

18a-3

1 passed? And if so, what it was?

2 A I believe he got the death sentence.

3 Q And do you know the name Susan Atkins?

4 A Yes, I've heard of it.

5 Q What does that name mean to you?

6 A Uh -- that she was one of the girls with --
7 involved in -- in with his group.

8 Q And do you know the name Manson Family?

9 A Yes, I've heard of it.

10 Q And what does that mean to you?

11 A Well, mostly I -- I have taken it as a group
12 of young people, who live in a commune-type of situation.

13 Q Do you know the name Bobby Beausoleil? Have you
14 ever heard that name? Heard, seen or read it?

15 A It sounds like -- rather familiar; but I really
16 don't know who it is.

17 Q Are you familiar with the name Mary Brunner? Have
18 you ever heard, seen or read that?

19 A I don't think so.

20 Q Have you heard the name Gary Hinman? Or Shorty
21 Shea? And if so, what do you know about those names?

22 A Only that -- that I've read -- or, that -- I think
23 Gary Hinman is a musician of some kind, or was. And Shorty
24 Shea was just someone who -- around the -- the place where they
25 were.

26 That's about all I read.

27 Q And had you heard or read or seen that either one
28 of these persons is dead? Had you heard that, before you came

1 into the courtroom?

2 A Oh, yes, I think so.

3 Q Now, if I were to instruct you -- if the Court's
4 instructions were that you were to set aside anything that you
5 may have heard, seen or read in connection with the publicity,
6 over the television or radio or in the newspapers; that you
7 were to set aside anything that you might remember that you do
8 not now remember about such news reports, --

9 A Um-hum.

10 Q -- and anything that you may have heard by way of
11 conversation with other persons, do you think that you'd
12 be capable of setting aside such matters, for the purpose of
13 making an independent judgment, based only on the evidence in
14 this case, and the Court's instructions of law?

15 A I could try. I would, um-hum. I think I could.

16 Q When you say, "I think I could," are you expressing
17 any doubt about your ability to set aside these things?

18 A Well, sometimes it's awfully hard just to say you
19 are going to, and -- and things could creep into your mind,
20 I am sure.

18b fls.

18b-1

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

2 Q BY THE COURT: I see. And you feel that this is
3 your state of mind, that you are -- that you are possibly
4 incapable of setting aside those things that you may have
5 heard, seen or read? And that you might allow them to
6 creep into your judgment, in making a decision in this case?

7 Is that what you are saying to me?

8 A I -- I really don't think I have a terribly
9 strong opinion on this.

10 Q Do you mean in connection with this case?

11 A Yes. Or with the whole thing. Charles Manson,
12 in any regard.

13 Q What do you mean by that? Perhaps you can
14 elaborate on that. I'm not sure I understand.

15 A Well, I don't think that I'd let -- really -- I
16 mean, I read about it, but what has gone on really hasn't
17 impressed me one way or the other.

18 Q Well, you have learned, for example, that Mr.
19 Gary Hinman and Mr. Shorty Shea are dead; you learned that?

20 A Oh, yes, uh-huh.

21 Q From the press?

22 A Yes.

23 Q Then you believe that to be true, those --

24 A Well, that they're dead, yes, I do.

25 Q Now, what I'm asking you is whether, for
26 example, you could set aside your opinions, the beliefs
27 that you have, that you -- that you've learned from the
28 news media, and make judgments independently of that.

18b-2

1 A I think I could. I think I could.

2 Q For example, the People, in order to prove a case
3 of murder, must establish a death by criminal means.

4 A Um-hum.

5 Q And if you were to accept the newspaper account
6 as evidence, that would clearly be wrong, wouldn't it?

7 A Yes, that's right.

8 Q Say, in the case of Hinman or Mr. Shea, --

9 A Uh-huh.

10 Q -- if you were to accept the newspaper account
11 or anything that you may have heard, seen or read in the
12 news media about the death of either of these persons,
13 rather than looking at the evidence, would that be correct?

14 A No, it wouldn't.

15 Q Well, what we are asking about, really, is your
16 state of -- your judgment of your capability, in setting
17 aside those things that you may have learned; do you under-
18 stand?

19 A Yes, I do. I think I could set them aside.

20 Q Are you expressing any reservation about your
21 ability, when you say, "I think I can"?

22 A I don't know.

23 THE COURT: All right. Do you have a challenge?

24 MR. KANAREK: Yes, your Honor.

25 THE COURT: What is the challenge?

26 MR. KANAREK: 1073, Subsection 2.

27 THE COURT: All right. The Court grants the challenge.

28 The Court needs to know that you can and will set

1 aside what you may have heard, seen or read, and if you --
2 if I have any doubt about it, then you are properly
3 challenged, and the Court does grant the challenge.

4 Thank you very much.

5 Report to Room 253 on Friday, would you, please?

6 Now, let's --

7 MR. MANZELLA: Can we continue, your Honor?

8 THE COURT: Do you want to continue?

9 MR. MANZELLA: I would like to.

10 MR. KANAREK: Sure.

11 THE COURT: How are your fingers?

12 THE REPORTER: (Indicating.)

13 THE BAILIFF: Excuse me, your Honor. May I put the
14 regular jurors that have been selected already into another
15 courtroom, sir?

16 THE COURT: Yes. As a matter of fact, I think we could
17 probably excuse them now in any event, could we not?

18 MR. MANZELLA: Fine. That's agreeable with me.

19 MR. KANAREK: Well, provided that whatever motions I
20 make, may be deemed to be prior to their excusal. I -- I
21 contemplate --

22 THE COURT: I'm not sure I follow you.

23 MR. KANAREK: We are asking the Court, in connection
24 with motions --

25 THE COURT: The motions you made at the bench --

26 MR. KANAREK: Yeah.

27 THE COURT: In connection with whether or not they had
28 heard anything in the jury assembly room?

1 MR. KANAREK: Right. And also the --

2 THE COURT: Bring all the jurors in.

3 MR. KANAREK: And the request for the peremptories.

4 THE COURT: The request for what?

5 MR. KANAREK: For the peremptories.

6 THE COURT: Yes. I am simply excusing them, to return
7 on Tuesday, in accordance with what we had discussed here at
8 the bench.

9 MR. KANAREK: Right. But as long as my motions may be
10 deemed to be made prior to their being excused. The motions may
11 be deemed to have been made --

12 THE COURT: Well, I don't understand it, but I don't
13 see any difficulty in deeming that that's true.

14 MR. KANAREK: Thank you.

15 THE COURT: Will you all come forward next to the rail
16 there? You may be seated.

17 All right.

18 All the prospective jurors and all jurors are
19 present in the courtroom now. I'm going to ask all of you
20 now -- and would you raise your hand, if your response is
21 affirmative, whether any of you, during the time that you
22 have been prospective jurors in this case, have heard anything
23 whatever in the jury assembly room about this case?

24 (No response.)

25 THE COURT: Is there anyone of you who has heard any
26 conversation or held any conversation or overheard any,
27 any talk about this case whatever?

28 (No response.)

1 THE COURT: Now, before you were prospective jurors,
2 before you came to this courtroom, is there anyone of you
3 who has heard, seen or read any -- strike that.

4 (Continuing) -- who has heard anything, any
5 conversation, in the jury room about this case? Except that
6 it was taking place in Department 106? And you were headed
7 for Department 106 as a prospective juror? Something of that
8 nature?

9 (No response.)

19 fls.

19-1

1 THE COURT: I see no affirmative responses to either
2 question.

3 All right, then, may it be stipulated, then, that
4 these jurors who have been chosen can be excused today and
5 tomorrow and Monday?

6 MR. MANZELLA: So stipulated, your Honor.

7 MR. KANAREK: So stipulated.

8 But wouldn't your Honor wish the alternates to
9 remain?

10 THE COURT: The alternates are to remain.

11 MR. KANAREK: And those who have not --

12 THE COURT: Only the jurors who have been chosen have been
13 sworn are the jurors I'm speaking of now. And that's Garcia,
14 Hunt, Rico, Love, Thompson, Jenkins, Wilson, Sierra, Williams,
15 Nieves, -- who is Juror No. 2, Keen or Mayer?

16 JUROR MAYER: Mayer.

17 THE COURT: Mayer?

18 JUROR MAYER: Yes.

19 THE COURT: And Luster.

20 (Whereupon, the Court conferred with the bailiff
21 at the bench:)

22 THE COURT: The Court will tell you that you can, if you
23 wish, return to your employment for that period of three days
24 that you will be absent from this case. That would be the
25 29th, 30th and the 2nd of August, since you will not have to
26 return here until Tuesday. You may want to go back and mend
27 some fences or do whatever you feel as though you should do
28 in connection with your employment.

19-2

1 The Court, of course, would urge you to do what
2 you feel that you want to do in connection with that.

3 I'll also tell you that for a period of from the
4 23rd of August through the 3rd of September, that is until the
5 6th of September -- wait, is that a holiday, the 6th?

6 THE BAILIFF: The 6th is.

7 THE COURT: The 7th would be the first day.

8 From the 23rd of August to the 7th of September the
9 Court will be dark, so that you -- if any of you are planning
10 on vacations, you might plan to take that time. The 23rd of
11 August through the 7th of September.

12 MR. MANZELLA: Your Honor, that means the first day back
13 would be September 8th --

14 THE COURT: Strike that. Through September 6th. The
15 first day back would be September 7th. Thank you for making
16 that clear, Mr. Manzella.

17 There may be another period of time in which we
18 may have to take a week's hiatus in this case or a week's
19 recess in this case, but I'm going to try to establish that
20 tomorrow. There is a necessity, a medical necessity that's
21 involved which I won't -- the details which I won't go into,
22 on the part of one of the persons who is involved in the case,
23 and we may be able to have that medical aspect taken care of
24 during that period that I am talking about, between August
25 23 and September 6th. If we can't, well, we may have to take
26 another week.

27 (Whereupon, Juror Luster raised her hand.)

28 THE COURT: Mrs. --

1 JUROR LUSTER: Luster.

2 THE COURT: Did you have a question?

3 JUROR LUSTER: Yes, uh --

4 THE COURT: Mrs. Luster.

5 JUROR LUSTER: Are jurors, chosen jurors paid for the
6 time -- are the chosen 12 paid for the time of the recess?

7 THE COURT: I don't know, but I'll find out.

8 Do you know?

9 (Whereupon, the Court conferred with the clerk at
10 the bench.)

11 THE COURT: The clerk tells me that it's for time
12 served.

13 JUROR LUSTER: Time served.

14 And I think that does match with my remembrance
15 of it, too.

16 THE COURT: Remember that during this recess -- I'll see
17 you all on Tuesday morning at 9:30. 9:30, August 3rd.

18

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28

19a fls.

19a-1

1 During this recess you are admonished that you
2 are not to converse amongst yourselves, nor with anyone else,
3 nor permit anyone to converse with you on any subject
4 connected with this matter. You are not to form or express
5 any opinion on the matter until it has finally been submitted
6 to you.

7 You are to avoid reading, hearing, seeing, talking
8 about matters concerning Mr. Manson, this case, or any other
9 case in which his name is mentioned or has been mentioned,
10 and you are to avoid any publicity in the press, television
11 or radio concerning this case.

12 You are not to subject yourself to it in any way.
13 And if you can't avoid it, you are to disregard it completely.

14 All right, thank you very much for being so
15 patient and waiting out there all these days, and I'll see
16 you on Tuesday, then.

17 MR. KANAREK: Your Honor, when the jurors come in on
18 Tuesday, may they go to the -- may they make use of the jury
19 room, your Honor?

20 THE COURT: Come into the courtroom at 9:30 on Tuesday
21 morning. From there on, we'll determine where you may go.

22 MR. MANZELLA: All right, would you make it clear that
23 only the 12 jurors --

24 THE COURT: Only the 12 jurors that have been sworn
25 are excused to go, and you are to come back here on Tuesday.
26 All the others who are prospective alternate jurors are
27 to remain here. We are going to call another name from the
28 box.

1 THE CLERK: Ruth R. Shigekane.

2 THE COURT: S-h-i- --

3 THE CLERK: -- -i-g-a-k-a-n-a.

4
5 VOIR DIRE EXAMINATION OF

6 RUTH R. SHIGEKANE

7 BY THE COURT:

8 Q Is it Shigekane?

9 A Shigekane.

10 Q Is it Miss or Mrs.?

11 A It is Mrs.

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

16 A Yes, I was.

17 Q First one taken?

18 A Yes, sir.

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

22 A No, your Honor.

23 Q Would it be a hardship to you to serve in this
24 case?

25 A Yes, your Honor.

26 Q Tell us about that.

27 A For two reasons.

28 Q Tell us your first one.

1 A The No. 1, it would be a hardship for my family.
2 I have two minor children, 7 and 10.

3 The second part would be I am part of a middle
4 management group for Security Pacific National Bank and I am
5 a specialist. This would be a -- as far as a promotion,
6 I have a promotion coming up in December and being on this
7 case for four or five months would definitely hinder or
8 jeopardize my promotion.

9 Q It would jeopardize your promotion?

10 A Yes.

11 Q So far as the children are concerned, who is
12 taking care of them now?

13 A I have a baby sitter during the day only.

14 Q During the day?

15 A Yes.

16 Q And then, you would be concerned in the event
17 the jury would be sequestered?

18 A Yes. Yes, your Honor.

19 Q As to the promotion, if you are present in
20 September, it is likely that you will be promoted?

21 A No, this would happen in December.

22 Q In December?

23 A Yes, because of the economic problem here in Los
24 Angeles we are in a stringent timing guide. And my next
25 promotion -- according to the timing guide, it would possibly
26 be in December.

27 Q So that you would have to be present on the
28 1st of December or thereabouts?

1 A Well, I'd have to be on the job, training on the
2 job.

3 Q Oh, before that time?

4 A Oh, yes.

5 Q I see.

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

7 MR. MANZELLA: No, your Honor.

8 MR. KANAREK: Same motion.

9 THE COURT: The Court would find that as a result of
10 your problems with your employment and the probability that
11 you would not have this promotion if you do serve in the
12 case, it is a hardship to you and, therefore, would excuse you.

13 PROSPECTIVE ALTERNATE JUROR SHIGEKANE: Thank you.

14 THE COURT: Report to the jury assembly room on Friday,
15 at 9:00 o'clock, would you please?

16 PROSPECTIVE ALTERNATE JUROR SHIGEKANE: Okay.
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19b fls.

19-b-1

1 MR. KANAREK: In connection with the motion that the juror
2 get paid.

3 THE COURT: That motion, of course, is denied by --
4 denied by the Court.

5 THE CLERK: Maxine M. Detrick, D-e-t-r-i-c-k.

6 PROSPECTIVE ALTERNATE JUROR DETRICK: Yes, it is Detrick.
7 Pronounced Detrick, D-e-t-r-i-c-k.

8 THE COURT: I'm sorry, Detrick?

9 PROSPECTIVE ALTERNATE JUROR DETRICK: No, Detrick, D-e-t-
10 -r-i-c-k.

11 THE COURT: D-e-t-r-i-c-k.

12
13 VOIR DIRE EXAMINATION OF

14 MAXINE M. DETRICK

15 BY THE COURT:

16 Q Is it Miss or Mrs. Detrick?

17 A Miss.

18 Q Have you been present during all the proceedings
19 thus far since the -- strike that.

20 Were you present at the time the Court explained
21 the nature of this case to your group of prospective jurors
22 and when the Court questioned that first prospective juror from
23 your group?

24 A Yes, your Honor.

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

27 A Yes.

28 Q Tell us what would be the difference?

19b-2

- 1 A Would it be different? Would mine?
- 2 Q Yes, would your answers be any different than hers?
- 3 A No. I beg your pardon. No, they would be the
- 4 same, your Honor.
- 5 Q Would it be any hardship for you to serve, then,
- 6 Miss Detrick?
- 7 A No.
- 8 Q Neither financial nor personal?
- 9 A No, because I'm only working part-time now.
- 10 Q What type of work do you do?
- 11 A I am a cateress for Martha Randall's Kitchens, and
- 12 now I'm only working on Saturdays and Sundays.
- 13 Q So this wouldn't interfere with your work?
- 14 A No.
- 15 Q Have you served as a juror before?
- 16 A No.
- 17 Q Are you a friend or a relative of any law
- 18 enforcement officer?
- 19 A No, sir.
- 20 Q Or ever had any connection with law enforcement?
- 21 A Well, yes.
- 22 Q In what way?
- 23 A I've been arrested once.
- 24 Q What were you arrested for?
- 25 A For grand theft auto.
- 26 Q Were you prosecuted?
- 27 A No, I was found innocent.
- 28 Q In other words, there was a trial and you were --

19b-3

1 A No, there wasn't even a trial. This was ten years
2 ago when I had rented a car, using my passport, my driver's
3 license, you know, to secure the car for a week. And I gave a
4 ride to Hermosa Beach to a very slight acquaintance. And I've
5 never seen him or the car since. So -- so I called Ventura
6 County Police and -- after I had waited 20 hours, which I
7 thought was certainly enough time, and reported it to them
8 and asked them if I was going to be in any trouble.

9 Q As a result of that --

10 A I was arrested.

11 Q As a result of that, you were arrested?

12 A I was arrested.

13 Q Do you harbor any prejudice against either side as
14 a result of that -- as a result of that unfortunate experience?

15 A No. I think it taught me a very good lesson, and
16 I didn't particularly appreciate spending ten days in the
17 jail in Ventura.

18 Q Well, we won't ask you the lessons that you learned.

19 A Well, certainly that I would never give a ride
20 to anyone again.

21 Q That's one of them, at least.

22 A Yes.

23 Q But do you harbor any prejudice against either
24 side of the case, the prosecution or the defendant, as a
25 result of what you experienced in that case?

26 A No, because I had asked for two continuances, and
27 then somehow or other the FBI came into the case and --

28 Q Well --

1 A -- and presumably --

2 Q Well, do you harbor any --

3 A Well, presumably I had no resentment. I did
4 ask the judge for an expungement of my record and he said it
5 took quite a while and sometimes it's never possible, so I
6 hadn't heard anything since.

7 But, no, I harbor no resentment. I just say,
8 I learned a darn good lesson.

9 Q I see.

10 Now, in connection with the death penalty, do you
11 have views concerning it, such that you couldn't be fair and
12 impartial in determining guilt or innocence?

13 A No, your Honor.

14 Q Or do you have such views about the penalty that
15 you would automatically refuse to impose it regardless of the
16 evidence?

17 A No, your Honor.

18 Q Regardless of the evidence, would you automatically
19 impose it?

20 A No, your Honor, not without consideration,
21 certainly.

22 Q Concerning any publicity that you may have heard,
23 seen or read, had you heard the name Charles Manson, heard,
24 seen or read the name Charles Manson?

25 A Oh, yes, your Honor.

26 MR. KANAREK: Your Honor, there are some potential
27 jurors in the room.

28 THE COURT: Yes, thank you.

1 BY THE COURT:

2 Q That was --

3 THE COURT: Let's see, how many are there remaining who
4 have not been questioned yet?

5 (Whereupon, there was a show of hands.)

6 THE COURT: Two.

7 Would you two gentlemen leave the room, please?

8 MR. KANAREK: And the other --

20 fls.

20-1

1 THE COURT: And Mr. Werner, would you also -- and Mrs.
2 Heller -- leave? And I see Mrs. Hills there, too.

3 Q Was that in connection with the Tate-La Bianca
4 case that you heard, saw or read anything in connection with
5 Mr. Manson, --

6 A Of course.

7 Q -- or was it about this case, or both?

8 A No, about this case. But naturally, about the
9 other case, too.

10 Q Yes. Did you follow that in the news media?

11 A Not constantly, because I -- naturally, you
12 know --

13 Q You just saw it occasionally?

14 A I saw it. And I saw the headlines, and -- and
15 I thought it was a -- a dreadful, dreadful thing; but I
16 didn't run to get a newspaper or turn on the TV to see what
17 was going on.

18 Q All right.

19 Did you learn the result in that case? Whether
20 there was a verdict? And what the verdict was?

21 A Yes, from the headlines, of course.

22 Q Tell us about that, what you remember of it.

23 A Well, I think what I remember of it is --

24 Q What the verdict was.

25 A Yes, what the verdict was. That -- it's
26 a dreadful thing, all the way around, for victims and for --

27 Q Well, can you just --

28 A But I didn't dwell on it.

20-2

1 Q Could we just get right to the point here? What
2 do you remember about the verdict? Was it guilty or not
3 guilty?

4 A It was guilty.

5 Q And was there a penalty; do you remember?

6 A Yes, I believe all four were condemned.

7 Q To life imprisonment or death?

8 A No, I believe to death.

9 Q All right. Do you remember the name Gary Hinman?
10 Had you ever heard that name before?

11 A Only by reading once or twice about him, that he
12 was a musician who somehow had been associated with -- with
13 them, and --

14 Q With whom?

15 A With Mr. Manson and -- and I don't remember how
16 many of the other -- of the other -- of the girls that were
17 involved in the case, or which one, actually.

18 Q And do you know the name Susan Atkins?

19 A Yes, of course.

20 Q What do you know about that name?

21 A That she was one of the girls found guilty in
22 connection with the Tate-La Bianca case.

23 Q Do you know the names of any of the other
24 defendants?

25 A Patricia Krenwinkel. Leslie Van Houten.
26 I'm sorry to say I don't know the other girl's
27 name.
28

Q All right.

20-3

1 A I mean, if it was mentioned, I would know it.
2 But I can't recall it now.

3 Q Do you know the name Shorty Shea?

4 A Shorty Shea? No, I don't.

5 Q Before I read it in the indictment, had you ever
6 heard it?

7 A No, I don't know that name at all.

8 Q All right. Do you recall hearing, reading or
9 seeing the name Bobby Beausoleil?

10 A I have to think a minute. I don't remember
11 whether he was one of the ones that was extradited from
12 some place, or had some connection with the case; but not
13 really to know anything about him, in connection with the
14 case.

15 Q If I were to instruct you --

16 If the Court were to instruct you that you were
17 to set aside anything that you may have heard, seen or
18 read in connection with Mr. Manson and the Tate-La Bianca
19 case, and this case, or any other case that you may -- or
20 any other matter that you may remember now, that you can't
21 remember at this moment; that you set anything that you
22 may have learned by way of conversation with friends or
23 relatives aside, do you think that you could set it aside --
24 not forget it, but set it aside, discard it -- for the
25 purpose of making any judgment that you might be called upon
26 to make in this case?

27 A I -- I believe so, your Honor. Because I --
28 I have no living relatives. I live alone. I have no

1 children -- no living children. And in my line of work,
2 we -- well, we just don't have time to discuss things like
3 this, so -- yes, I believe I would.

4 I mean, I haven't -- my mind hasn't dwelt on
5 it, and -- and I just haven't sat around chatting with
6 anyone about it, you know, like it was just a -- a small
7 every-day thing.

8 Q What we are seeking, Miss Detrick, is your state
9 of mind as to your ability, your capability of clearing your
10 mind of any such matter that you may have heard, seen or
11 read, or discussed with anyone about the case -- that is,
12 the Tate-La Bianca case or this case, or Mr. Manson -- your
13 ability, your capability of setting such matter aside for
14 the purpose of making an independent judgment, based only
15 on the evidence in this case and the Court's instructions of
16 law here.

17 Are you capable of doing that?

18 A To the best of my ability, I believe so, your
19 Honor.
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20a fls.

20a-1

1 Q We are interested in your ability. What is your
2 appraisal of your ability to do that. Would you allow such
3 matters as you may have read to enter into your judgment in
4 making any decision in this case?

5 That's what the Court's asking you.

6 A Not in this case, your Honor, no.

7 Q Do you think that you can decide any question that
8 you might be called upon to decide in this case, without any
9 reference to any news article that you may have heard, seen or
10 read?

11 A You are speaking specifically of this on-coming
12 case? Yes, because I haven't read that much about it.

13 Q Well, you know, for example, that -- something
14 about Gary Hinman, do you not?

15 A Yes. As I say, that he was a musician and --

16 Q Yes. And you state that he was a musician, and
17 you've read some articles that would lead you to believe that
18 he's dead.

19 A Yes.

20 Q All right.

21 Now, would you be able, for example, to wipe your
22 mind clean, free of that, for the purpose of making a decision
23 in this case, aside from what you have heard, seen or read
24 about it?

25 Or would it just be too difficult for you to forget
26 that you had read something about Gary Hinman being dead?

27 A No, I think I could put it aside, your Honor,
28 Because -- well, I just feel as though, in all honesty, I could.

20a-2

1 It's very difficult for someone in my position, naturally,
2 because I -- I -- they say the man is dead, so obviously, he's
3 dead.

4 Now, how he came about his death, I have no
5 opinion.

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

7 THE COURT: No, you needn't approach the bench.

8 MR. KANAREK: Oh, yes. 1073, Subsection 2, your Honor.

9 MR. MANZELLA: No opposition.

10 THE COURT: The Court grants the challenge.

11 The Court is not at all critical of you, in
12 excusing you, Miss Detrick. It's just that the Court has to --
13 and counsel have to find people whom we believe are completely
14 confident in their capabilities of setting aside what they may
15 have heard, seen or read.

16 And the Court must find people whom it believes can
17 set aside and will set aside such matters as they may have
18 heard, seen or read.

19 And accordingly, I'm going to grant the challenge.
20 Thank you very much, Miss Detrick, --

21 PROSPECTIVE ALTERNATE DETRICK: Thank you, your Honor.

22 THE COURT: -- for being here. Thank you for being so
23 patient and waiting all these hours out there in that corridor
24 and in various courtrooms.

25 PROSPECTIVE ALTERNATE JUROR DETRICK: Yes.

26 THE COURT: Room 253, the jury assembly room, at 9:00
27 o'clock on Friday, please.

28 PROSPECTIVE ALTERNATE JUROR DETRICK: On Friday?

1 THE COURT: Yes. Thank you.

2 PROSPECTIVE ALTERNATE JUROR DETRICK: Thank you.

3 THE COURT: Let's recess.

4 MR. KANAREK: Thank you, Miss Detrick.

5 MR. MANZELLA: We only have two jurors left, your Honor.

6 THE COURT: That means, in order to -- you all look
7 eager. I can't understand it.

8 MR. MANZELLA: Well, we've only got two left. It may
9 happen tonight. We never can tell.

10 THE COURT: All right. Let's take one of those; but
11 thereafter, we'll have to mix that with the others, in order
12 to have them chosen by lot.

13 THE CLERK: David --

14 THE COURT: According to some theories, anyhow.

15 THE CLERK: David Wasserman; W-a-s-s-e-r-m-a-n.

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17

18 VOIR DIRE EXAMINATION OF

19

20 DAVID WASSERMAN

21

22 BY THE COURT:

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24 Q All right. Mr. Wasserman, --

25

26 A Wasserman.

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28 THE BAILIFF: If you'd just have a seat, please?

29

30 BY THE COURT:

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32 Q Let's see, Mr. Wasserman, were you present when
33 the Court explained the nature of this case to the prospective
34 jurors from your group, and when the Court questioned the
35 first prospective juror taken from your group to the box?

36

37

38 A Yes.

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

4 A No, sir.

20b fls.

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

3 A Well, not extreme, except that -- see, I'm over
4 70, and it would be pretty hard to come driving downtown
5 every day, or coming down; but I guess I'll have to take it.

6 Q Where do you live?

7 A West L. A.; West Los Angeles.

8 Q And do you think -- have you done this before?
9 To drive into Los Angeles for some period of time?

10 A Well, no. I've only been downtown about ten times
11 in the last 17 years. I don't like --

12 Q How old are you?

13 A 70 -- past 70.

14 Q How far past 70? Nine years?

15 A No, no. Just one.

16 Q Just one?

17 A A little bit.

18 Q You're 71?

19 A 70½, really.

20 Q 70½. All right.

21 Have you been in good health?

22 A Well, on and off. I -- I have gastritis; and
23 occasionally, I have to take Di-Gel and different kind of
24 pills, if I ever get off of a strick diet.

25 Q Have you been incapacitated for any long periods
26 of time for reasons of health?

27 A No. Right at this moment, I feel all right.

28 Q You feel as though you could drive here for four

1 or five months? Right at this moment, you do?

2 A At this moment, yes.

3 Q All right. We hope that you can, and that you'd
4 be able to, if you were required to drive that course for
5 many years.

6 But are you retired from --

7 A Yes, I retired -- oh, I'd say fifteen years ago.

8 Q From what?

9 A From the government.

10 Q Doing what?

11 A Accounting.

12 Q And for whom?

13 A The post office department.

14 Q And is there a Mrs. Wasserman?

15 A Yes, there is.

16 Q Has she ever been employed outside of the home?

17 A No.

18 Q All right. Have you ever been involved in law
19 enforcement in any way, or do you have friends or relatives
20 who are connected with law enforcement?

21 A Well, except a niece that's married to a policeman.

22 Q Would that affect your judgment in the case?

23 A No. No, it would not.

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

26 A Yes, three years ago.

27 Q What types of criminal cases?

28 A In the Municipal Court. It was a -- a narcotics

1 case, and a -- a manslaughter case.

2 Q Would you allow anything that you may have heard,
3 seen or read in those cases to enter into your judgment in
4 this case?

5 A No.

6 Q Would you decide this case only on the evidence
7 that's presented here and the law as I shall state it to you?

8 A Yes.

9 Q Setting aside anything that you may have learned
10 in those cases?

11 A I think so.

12 Q And will you do that?

13 A Yes.

14 Q All right.

15 Now, in connection with the death penalty,
16 do you have such views concerning it that you could not be
17 fair and impartial, in determining guilt or innocence?

18 A No, sir.

19 Q Or do you have views about the death penalty
20 such that you would automatically refuse to impose it,
21 regardless of the evidence?

22 A No, sir, nothing automatically.

23 Q Or would you automatically vote for it, regardless
24 of the evidence?

25 A I wouldn't do anything automatically.

26 Q Concerning publicity, had you heard, seen or read
27 the name Charles Manson before you entered this courtroom,
28 and the Court told you about the indictment?

1 A Yes.

2 Q Was that in connection with this case or the Tate-
3 La Bianca case or both?

4 A Well, a little of each.

5 Q Now, have you heard, seen or read anything about
6 this case in the last two weeks?

7 A No, sir.

8 Q Have you heard the result in the Tate-La Bianca
9 case? Heard, seen or read it?

10 A Yes, I heard the result, yes, sir. I have --

11 Q What were the -- what was the verdict in that
12 case? And would you tell us what you remember about it?

13 A Well, guilty of first degree murder and the death
14 penalty was imposed.

15 Q And was there more than one victim in the case,
16 that you remember?

17 A It was quite a few. Sharon Tate, and the Biancas
18 and several of the other people; I don't know their names
19 exactly.
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21-1

1 Q You know the name Shorty Shea?

2 A I've read about it in the paper.

3 Q What have you read about Shorty Shea?

4 A The last time I read about him, they claimed
5 that he was missing. And that's about all. That he was
6 at the Spahn Ranch or out somewhere.

7 Not too much. I don't read too much about that
8 stuff.

9 Q All right. What about Gary Hinman? Have you
10 heard, seen or read anything about Mr. Hinman?

11 A No, I haven't.

12 Q Do you know the name Susan Atkins?

13 A I've heard the name, yeah. She was with the --
14 on the other case.

15 Q One of the co-defendants in the other case?

16 A Yes.

17 Q If I were to instruct you, Mr. Wasserman, that
18 you were to set aside anything that you may have heard, seen
19 or read about that other case, about Mr. Manson, about this
20 case, that you were to not forget it, but set it aside,
21 discard it for the purpose of making an independent
22 judgment in this case, based solely upon the evidence of
23 this case, on any issue that you may be called upon to
24 decide in this case, could you do that?

25 A It would be possible. It would be hard to do,
26 your Honor. I think it would be possible.

27 MR. KANAREK: Approach the bench, your Honor.

28 BY THE COURT:

21-2

1 Q The Court concedes it would be possible, but
2 what I am asking you now, Mr. Wasserman, is your judgment of
3 your capability of doing that.

4 Are you capable mentally of doing that, setting
5 aside anything that you may have heard, seen or read from
6 the publicity?

7 A Well, sir, it has never come up. I wouldn't know
8 if I was capable of doing it.

9 Q At this moment you don't know?

10 A At this moment I don't know.

11 Q You might allow something that you have heard,
12 seen or read --

13 A Perhaps during the trial that I could change my
14 mind. After all, I would listen to all the --

15 Q We have to know now, Mr. Wasserman. We can't wait
16 until we get in the middle of the trial, and then have you
17 suddenly decide that you know that you can't forget what you
18 may have heard, seen or read; do you understand?

19 A I understand, but I can't.

20 Q You can't answer that now?

21 A I couldn't answer it, because I wouldn't be sure.

22 THE COURT: All right.

23 PROSPECTIVE ALTERNATE JUROR WASSERMAN: I might be --

24 THE COURT: All right, the Court will excuse you, then,
25 and thank you.

26 Report to Room 253, the jury assembly room on
27 Friday.

28 PROSPECTIVE ALTERNATE JUROR WASSERMAN: All right, thank

21-3

1 you.

2 MR. KANAREK: Thank you.

3 THE COURT: The Court finds Mr. Wasserman would probably
4 be incapable of setting aside what he may have heard, seen or
5 read, any opinion that he may have formed, and that he could
6 not be fair and impartial and, therefore, does excuse him.

7 Yes, bring those others in.

8 9:30 tomorrow, gentlemen?

9 MR. MANZELLA: Fine, your Honor.

10 THE COURT: Have a new panel in, will you. As soon as
11 we can --

12 (Whereupon, the prospective alternate jurors were
13 brought into the courtroom, and the following proceed-
14 ings were had:)

15 THE COURT: The Court would advise you to come back at
16 9:30 tomorrow morning, and the Court -- did you all hear the
17 admonition that I gave the other jurors?

18 Is there anyone who didn't?

19 (No response.)

20 THE COURT: All right, I see no affirmative response
21 to that last question and, therefore, I assume that you heard
22 it. I won't go over it again. I'll simply tell you to come
23 back tomorrow morning at 9:30. Good night.

24 PROSPECTIVE ALTERNATE JUROR EWING: My name is Scott
25 Ewing. I am the last one, I presume?

26 THE COURT: Right. I'll see you tomorrow.

27 PROSPECTIVE ALTERNATE JUROR EWING: Right.

28 THE COURT: All right. We're in recess until 9:30

21-4

1 tomorrow morning.

2 (Whereupon at 6:00 o'clock p.m. an adjournment
3 was taken until the following day, Thursday, July 29,
4 1971, at 9:30 o'clock a.m.)
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