

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.

No. A-267861

REPORTERS' DAILY TRANSCRIPT

Thursday, July 29, 1971

VOLUME 25APPEARANCES:

For the People:

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

For Defendant Manson: IRVING A. KANAREK, Esq.

JURY SELECTION**COPY**

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

1 LOS ANGELES, CALIFORNIA, THURSDAY, JULY 29, 1971 10:15 A.M.
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5 THE COURT: Case of People vs. Manson.

6 The record will show that the defendant is present
7 with Mr. Kanarek. Mr. Manzella for the People, and that there
8 is a group of prospective alternate jurors in the courtroom.

9 If at any time -- I do realize, ladies and gentle-
10 men, it is very noisy outside. If at any time you can't
11 hear me, raise your hand, in that back row there, please.

12 Would all of you who are prospective jurors in
13 this matter please rise, raise your right hand and face the
14 Clerk.

15 THE CLERK: You and each of you do solemnly swear that
16 you will well and truly answer such questions as may be
17 asked of you, touching upon your qualifications to act as
18 trial jurors in the cause now pending before this court, so
19 help you God?

20 (Whereupon, the prospective alternate jurors
21 answered in the affirmative.)

22 THE COURT: Please be seated.

23 Ladies and gentlemen, you are called to this
24 courtroom here as prospective jurors in the case of the
25 State of California vs. Charles Manson.

26 Mr. Manson is the gentleman in the blue shirt.
27 He is seated at my left at the counsel table, Mr. Charles
28 Manson.

And he is represented by Mr. Irving Kanarek, who

1 is standing at the counsel table there.

2 Would you turn around, Mr. Kanarek.

3 The People are represented in this case by Mr.
4 Anthony Manzella.

5 The indictment before the Court charges three
6 Counts.

7 In the first Count, a violation of Section 187
8 of the Penal Code, a felony, it is alleged, in that according
9 to the indictment, on the 27th day of July, 1969, in the
10 County of Los Angeles, Mr. Manson did willfully, unlawfully
11 and feloniously, and with malice aforethought murder Gary
12 Alan Hinman, a human being.

13 The second allegation is an allegation of the crime
14 of conspiracy to commit murder and robbery, in violation of
15 Section 182.1 of the Penal Code of the State of California,
16 in that it alleges on the 25th -- on or about the 25th through
17 the 28th day of July, 1969, at and in the County of Los
18 Angeles, State of California, Mr. Manson, a Susan Denise
19 Atkins, and Bruce McGregor Davis, willfully, unlawfully,
20 feloniously and knowingly did conspire, combine, confederate
21 and agree together with other persons whose true identity is
22 unknown to commit the crime of murder in violation of
23 Section 187 of the Penal Code, a felony; and of robbery, a
24 violation of Section 211 of the Penal Code, a robbery for
25 the purpose of carrying out the objects and purposes of the
26 aforesaid combination, agreement and conspiracy, the
27 defendants committed the following overt acts at and in the
28 County of Los Angeles; and

1 There follow three overt acts.

2 The first one alleges:

3 "That Bruce McGregor Davis, Susan Denise
4 Atkins and Robert Beausoleil did travel to the vicinity
5 of 964 Old Topanga Road, Malibu, County of Los Angeles,
6 on July 25th, 1969;

7 "The second overt act alleged is that on
8 or about July 26th, 1969, Mr. Manson, Miss Susan
9 Denise Atkins, and Mr. Bruce McGregor Davis, did
10 enter the residence at 964 Old Topanga Canyon Road,
11 Malibu;

12 "The third overt act alleged here is that
13 on July 26th, 1969, the defendants Manson and Davis,
14 did drive away from 964 Old Topanga Road in a Fiat
15 automobile owned by Gary Hinman.

16 "The third Count of this indictment
17 alleges a charge of a violation of Section 187 of
18 the Penal Code, murder, in that between the 16th
19 day of August, 1969, on the first day of September,
20 1969, at and in the County of Los Angeles, Mr. Manson,
21 Bruce McGregor Davis and Steve Grogan did willfully,
22 unlawfully, and feloniously, and with malice afore-
23 thought murder Donald Jerome "Shorty" Shea, a human
24 being."

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1 Mr. Manson has entered pleas of not guilty to each
2 one of these counts, and this is the time set for trial. We
3 are in the process of choosing alternate jurors.

4 An alternate juror's function is the same as a
5 juror's function during the course of the trial, in that he
6 sits -- he or she sits with the jury and listens to the
7 evidence, along with the jury, and must be prepared, in the
8 event that one of the jurors is excused for any reason, to fill
9 in for that juror.

10 So you have much the same obligation as a juror
11 or a judge in the case. You would judge guilt or innocence
12 and the penalty, if you are called upon to judge penalty, should
13 you be selected as a juror, in the event one of the jurors for
14 some reason or another would be unable to proceed.

15 It's anticipated that the case will take four to
16 five months to try. The Court does not anticipate that you
17 will be sequestered during that time. The Court doesn't
18 anticipate, in other words, that you will be locked up during
19 that period of time. It's not my intention to do so, unless
20 something of a very unusual nature should happen; and the
21 Court, either on its own motion or on the motion of counsel,
22 should do that.

23 You would be sequestered during deliberations.
24 That means that you'd be away from your homes overnight, and
25 you would be kept in a hotel, presumably, during that period
26 of time.

27 Would you call a name from the group?

28 First, is there any one of you who did not take

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1 that oath, and who would prefer to affirm?

2 (No response.)

3 THE COURT: I judge it, then, that you all took the
4 oath.

5 THE CLERK: Mrs. Edna E. Berry; B-e-r-r-y.

6 THE COURT: Would you all listen to the questions that
7 I'm going to put to Mrs. Berry. Listen to the Court's
8 instructions that I will give in the next few minutes.

9 I will be asking Mrs. Berry some questions of a
10 rather general nature. I may ask you whether your answers
11 would be the same to the questions of a general nature.

12 So, if you are later on seated in the box, you can
13 anticipate that that will be one of the questions. So listen
14 carefully to the questions that I ask, before I begin to ask
15 her about whether or not it will be a hardship to her to serve
16 in the case.

17
18 VOIR DIRE EXAMINATION OF
19 EDNA E. BERRY

20 BY THE COURT:

21 Q Mrs. Berry, the Court advises you that the
22 indictment that I read -- that I have told you about, an
23 indictment of three counts, two counts of murder and one count
24 of conspiracy, is not evidence in this case.

25 It's not to be regarded as evidence against
26 Mr. Manson. Do you understand that?

27 A Yes, sir.

28 Q And will you follow that instruction?

1 A Yes.

2 Q It's simply a means of bringing this case before
3 the Court and this jury, and is not to be regarded in any way
4 as evidence, or to be taken to Mr. Manson's prejudice.

5 Have you ever worked for law enforcement,
6 Mrs. Berry?

7 A No.

8 Q Have you ever been the victim, or have you had a
9 friend or a close relative who has been the victim of a crime
10 of violence?

11 A Yes.

12 Q Would you bring that microphone -- incidentally,
13 hold the microphone as I am holding this one, pointing it at
14 your face, and having it close to your lips. Would you do
15 that?

16 A Yes.

17 Q Bring it right up closer, and you will hear it
18 pick up.

19 A Yes.

20 Q Fine.

21 And what was that? Would you tell us about that
22 incident?

23 A Well, I have a cousin who was on her way home,
24 and within her immediate neighborhood, some young men
25 approached her from the rear and -- incidentally, she's hard
26 of hearing, and she didn't hear them come up.

27 And when they started pulling her -- at her bag --
28 it was a shopping bag, which she had her purse in -- she

1 thought it was her own children playing with her -- until
2 later, you know, when they were so forceful, she found that they
3 were really someone else.

4 And they --

5 Q In any event, they took her purse?

6 A They took her purse. And they hit her in the
7 forehead very hard with something of a --

8 Q How long ago did that happen?

9 A This happened about four months ago.

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1 Q Now, as a result of that, are you -- do you have
2 any prejudice -- do you harbor any bias against a person
3 who is accused of a crime of violence?

4 A I think that would.

5 Q In order to serve as a juror in this case, you
6 must be unbiased and unprejudiced against the defendant. And
7 you believe that you -- that you do harbor such a bias that
8 you couldn't sit fairly on the jury?

9 A Well, I think I would be against someone that
10 was accused of something that -- that might be prejudiced to
11 think that, well, they were that type of person.

12 Q Accused of a crime of violence?

13 A Yes.

14 Q The Court then will excuse you, and appreciates
15 your frank assessment of your state of mind.

16 PROSPECTIVE ALTERNATE JUROR BERRY: Thank you.

17 THE COURT: You are excused, then. Would you report
18 to Room 253 of the courthouse, the jury assembly room, right
19 away, please?

20 PROSPECTIVE ALTERNATE JUROR BERRY: 253?

21 THE COURT: Yes.

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

23 THE COURT: Choose another name, please.

24 THE CLERK: Steven R. Brattman; S-t-e-v-e-n;
25 last name, B-r-a-t-t-m-a-n.

26 THE COURT: B-r-a-t-t-m-a-n?

27 THE CLERK: Right.
28

VOIR DIRE EXAMINATION OF
STEVEN R. BRATTMAN

BY THE COURT:

Q Mr. Brattman, you have heard the proceedings thus far this morning?

A Yes, your Honor.

Q Have you ever worked for law enforcement?

A I have not.

Q And you would not regard the indictment that I read here as evidence in the case, would you?

A No, I would not.

Q And have you any close friends or relatives, or have you yourself been the victim of a crime --

A No.

Q -- of violence?

A (Indicating negatively.)

Q You have not?

A I have not.

Q And you have no friends or relatives who have been victims of crimes of violence?

A No, I haven't.

Q Have you ever been a witness in a criminal case of any type?

A I have not.

Q Have you ever been charged with a criminal offense, or had a close friend or relative charged with a criminal offense?

A Never.

1 Q Are you inclined to give the testimony of a
2 police officer more credence, simply because of his having
3 the status of a police officer, or to give it less credence
4 because of the person being of the status of a police officer?

5 A Equal credence with other witnesses.

6 Q Have you had any legal training of any type?

7 A None of any type.

8 Q We are going to be discussing various subjects
9 during the course of the Court telling you about this case,
10 and counsel questioning you, and the Court will now give
11 you certain instructions concerning the law, to more or less
12 clarify what we will be talking about.

13 It would be your obligation as jurors, ladies
14 and gentlemen -- and yours, Mr. Brattman -- to follow the
15 Court's instructions of law, as I shall give them to you, regard-
16 less of what you believe the law to be or what you believe
17 the law should be.

18 Do you understand that obligation? And will you
19 abide by it?

20 A Yes.

21 Q All right. All murder perpetrated by willful,
22 deliberate and premeditated killing, with malice aforethought,
23 is murder of the first degree; or murder committed by
24 torture or a killing committed in the course of a burglary
25 or a robbery is murder of the first degree.

26 The Court will later on instruct you concerning
27 homicide, if you are chosen as a juror in this case.

28 A person aids and abets the commission of a crime

1 if he knowingly and with criminal intent aids, promotes,
2 encourages or instigates by act or advice, or by act and
3 advice, the commission of such crime.

4 All persons concerned in the commission of a
5 crime, who either directly and actively commit the act
6 constituting the offense, or who knowingly and with criminal
7 intent aid and abet in its commission, or whether present or
8 not, who advise and encourage its commission, are regarded
9 by the law as principals in the crime thus committed, and
10 are equally guilty thereof.

11 The testimony of a witness, a writing, a material
12 object, or anything presented to the senses offered to prove
13 the existence or non-existence of a fact is either direct or
14 circumstantial evidence.

15 Direct evidence means evidence that directly
16 proves a fact, without any inference, and which in itself,
17 if true, conclusively establishes that fact.

18 Circumstantial evidence means evidence that
19 proves a fact from which an inference of the existence of
20 another fact may be drawn.

21 An inference is a deduction of fact that may
22 logically and reasonably be drawn from another fact or group
23 of facts established by the evidence.

24 It is not necessary that facts be proved by
25 direct evidence. They may be proved also by circumstantial
26 evidence, or by a combination of direct evidence and
27 circumstantial evidence. Both direct evidence and circum-
28 stantial evidence are acceptable as a means of proof. Neither

1 is entitled to any greater weight than the other.

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2 You are not permitted to find a defendant guilty
3 of any crime charged against him based on circumstantial
4 evidence, unless the proved circumstances are not only
5 consistent with the theory that the defendant is guilty of
6 the crime, but cannot be reconciled with any other rational
7 conclusion, and each fact which is essential to complete a
8 set of circumstances necessary to establish the defendant's
9 guilt has been proved beyond a reasonable doubt.

10 Also, if the evidence as to any particular Count
11 is susceptible of two reasonable interpretations, one of
12 which points to the defendant's guilt and the other to his
13 innocence, it's your duty to adopt that interpretation which
14 points to the defendant's innocence, and reject the other
15 which points to his guilt.

16 A conspiracy is an agreement between two or more
17 persons to commit a public offense, and with the specific
18 intent to commit such offense, followed by an overt act
19 committed in this state by one or more of the parties for
20 the purpose of accomplishing the object of the agreement.

21 Conspiracy is a crime. In order to find a
22 defendant guilty of conspiracy, in addition to proof of the
23 unlawful agreement, there must be proof of the commission of
24 at least one of the overt acts alleged in the indictment.

25 A defendant in a criminal case is presumed to be
26 innocent until the contrary is proved, and in case of a
27 reasonable doubt, whether his guilt is satisfactorily shown,
28 he is entitled to an acquittal. This presumption places upon

1 the state the burden of proving him guilty beyond a reasonable
2 doubt.

3 Reasonable doubt is defined as follows: It is not
4 a mere possible doubt, because everything relating to human
5 affairs and depending on moral evidence is open to some
6 possible or imaginary doubt. It is that state of the case
7 which, after the entire comparison and consideration of all
8 the evidence, leaves the minds of the jurors in that condition
9 that they cannot say that they feel an abiding conviction, to
10 a moral certainty, of the truth of the charge.

11 Now, you've heard those instructions, Mr. Brattman?

12 A Yes, your Honor.
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1 Q Would you follow those instructions as well as any
2 other instructions that I give you in this case?

3 A I would follow those instructions. However, in this
4 case, I think due to exposure to treatment of Mr. Manson in the
5 news media --

6 Q I'm sorry?

7 A Due to my exposure of Mr. Manson as treated in the
8 news media, I do not believe I could be impartial.

9 Q Well, I intend to ask you that out of the presence
10 of the other jurors.

11 A Oh.

12 Q I'll ask you that out of the presence of the other
13 prospective jurors, rather, and I'll ask each one of you that
14 who comes to the box.

15 Now, let me ask you about hardship. I think that
16 suffices so far as the general questions that I will put to
17 you, but I will ask you about your personal background now
18 beginning with the question whether or not it would be any
19 personal hardship for you to serve in this case for a period
20 of four or five months?

21 A It would be some.

22 Q Are you asking to be excused as a result of the
23 hardship?

24 A Not as a result of the hardship.

25 Q All right. Then, it is not one which you believe
26 would necessitate mention at this point, then, is that
27 correct?

28 A That is correct.

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1 Q What type of work do you do?

2 A I am a writer.

3 Q Free-lance writer?

4 A Yes.

5 Q Are you employed by somebody?

6 A Yes, I am a free-lance writer.

7 Q You will be able -- this is rather personal, but
8 you will not have any financial hardship during the course of
9 this trial should it last four or five months?

10 A Probably not.

11 Q You realize that once you undertake the obligation
12 that you'll be bound to stay on the jury and to complete your
13 service?

14 A I realize that, yes.

15 Q All right.

16 Is there a Mrs. Brattman?

17 A No, there is not.

18 Q What type of writing do you do?

19 A Creative writing.

20 Q Have you ever been involved in law enforcement?

21 A Never.

22 Q Have you a friend or a relative who is involved in
23 law enforcement?

24 A I have a --

25 Q Or -- strike that.

26 -- is or was involved in law enforcement?

27 A I have a friend of the family who is a career
28 officer in the Army, and he was involved in military police.

1 Q You think that would influence your judgment in
2 the case, Mr. Brattman?

3 A No, I don't think so.

4 Q Have you had any experience as a juror?

5 A None.

6 Q In what area do you reside? What area of the
7 County?

8 A Western, West L. A.

9 THE COURT: In a case, ladies and gentlemen, and I'll
10 direct this to all of you again, in a case where the punishment
11 prescribed is life imprisonment or death, as is the case of
12 the crime of murder of the first degree, the Court is interested
13 in determining your attitude toward the death penalty. The
14 Court will be asking you these questions.

15 Are your views concerning the death penalty such
16 that you could not be fair and impartial in determining guilt
17 or innocence of the defendant to the charges of the indictment?

18 Are your views concerning the death penalty such
19 that you would automatically refuse to impose the death
20 penalty regardless of the evidence that might be produced?

21 Or are your views such concerning the death
22 penalty that you would automatically impose it regardless of
23 the evidence upon a conviction of murder in the first degree.

24 Now, the Court is not, in asking you about the
25 death penalty, in any way inferring or implying it will be
26 necessary for the jury to ever get to the question of penalty,
27 because you are not to consider penalty whatever in the course
28 of deliberating on the question of guilt or innocence in the

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1 first phase of the trial. You are only to get to penalty, the
2 question of whether life imprisonment or death will be imposed,
3 if the defendant is found guilty of murder in the first degree.

4 If he is acquitted, or if he is found guilty of
5 something less than murder of the first degree, then, you
6 will never enter into the penalty phase. You will never begin
7 to deliberate on the question of punishment.

8 If, however, the defendant is found guilty of
9 murder in the first degree, as I've said, then, the jury must
10 consider the question of life imprisonment or death, or will
11 enter -- they'll enter upon a penalty phase wherein they will
12 determine that question of life imprisonment or death.

13 Now, listen to me carefully in connection with
14 this, ladies and gentlemen.

15 The legislature of the State of California does not
16 impose any guidelines to guide you in determining whether you,
17 as a juror, will impose, or should impose life imprisonment or
18 death. That question is left solely to the discretion of the
19 jury.
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1 BY THE COURT:

2 Q Do you understand that, Mr. Brattman?

3 A Yes, I do, your Honor.

4 Q Have you understood my explanation thus far?

5 A Yes, your Honor.

6 Q Have you any questions concerning it thus far?

7 A No, your Honor.

8 Q All right. Do you understand and is it clear that
9 the Court is not inferring that it believes that the defendant
10 is guilty or -- and that the Court is not inferring guilt
11 whatever in asking you about the death penalty?

12 A I understand that.

13 Q The reason I am asking you about the death penalty
14 at this time, is because the same jury that determines the
15 question of guilt or innocence in the first phase will also
16 determine, if there is a conviction of murder of the first
17 degree, the penalty phase -- will determine the question of
18 life imprisonment or death in the penalty phase; do you under-
19 stand that?

20 A Yes.

21 Q And thus we're asking you about it at this stage,
22 about your attitudes on convictions concerning the death
23 penalty.

24 So I want you, ladies and gentlemen, beyond the
25 rail to be thinking about those questions that I have put to
26 you, and I'll put them now to Mr. Brattman.

27 Do you have such views concerning the death penalty
28 that you could not be fair and impartial in determining the

1 first phase of the case, the question of guilt or innocence of
2 the charges in the indictment?

3 A No.

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

7 A Not automatically.

8 Q Would you view the evidence, look at the evidence
9 to determine whether, in your sole discretion, you would impose
10 life imprisonment or death?

11 A I would.

12 Q Would you automatically impose the death penalty,
13 vote for it, upon a conviction of murder in the first degree,
14 regardless of the evidence?

15 A Not automatically.

16 Q All right. Now, I am going to ask you about what
17 you may have heard, seen or read in the news media concerning
18 Mr. Manson previous to the time that I called this case.

19 I'll be asking you whether you are capable,
20 mentally capable of setting aside anything you may have heard,
21 seen or read, whether you can do that, and whether you can
22 make a judgment on this case based solely on the evidence
23 that's produced here in court, and the Court's instructions of
24 law, disregarding any such things as you may have heard, seen
25 or read or talked about with your friends or relatives.

26 I will ask you whether you can do that, and
27 whether you will do that, and whether you will be fair and
28 impartial. And we wish to, counsel and the Court wish to

1 examine you concerning your knowledge of previous publicity.

2 So, we will ask all of you, including the three
3 prospective jurors, prospective alternates who are in the box
4 with Mr. Brattman to go outside. The bailiff will tell you
5 where to go.

6 Would someone who is right at the door as you go
7 out, the first one at the door, open both doors so you can go
8 out very quickly and quietly, and then we'll be calling you
9 back one by one concerning your knowledge of past publicity.

10 Remember, do not talk to anyone or permit anyone
11 to talk to you concerning this case. Go out of this courtroom
12 quickly and quietly.

13 Mr. Brattman, you remain, if you would, please.

14 Go ahead and call another name.

15 THE CLERK: Mrs. Frankie M. Curry, F-r-a-n-k-i-e,
16 C-u-r-r-y.

17 THE COURT: Frankie Curry. Miss Curry, would you wait
18 just outside the door, please.

19
20 VOIR DIRE EXAMINATION

21 BY THE COURT:

22 Q All right, Mr. Brattman, had you heard, seen or
23 read the name Charles Manson before you came into this court-
24 room? I believe you said you had?

25 A Yes, your Honor.

26 Q Is that in connection with this case or the Tate-
27 La Bianca case or both?

28 A Both cases.

1 Q Have you heard, seen or read anything in
2 connection with this case in the last two weeks?

3 A Yes.

4 Q Tell us what you remember of what you've heard,
5 seen or read about this case in the last two weeks.

6 A General television news reports about the selection
7 of the jury.

8 Q Yes. Anything in particular remain in your mind?

9 A No. No, just that the press seemed to dwell on
10 Mr. Manson and his person.

11 Q Do you recall a report of any statements that were
12 made by -- allegedly made by anybody in the courtroom?

13 A Not specifically.

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1 Q Do you remember anything whatever of the details
2 of such reports?

3 A No, your Honor.

4 Q Concerning the Tate-La Bianca case, had you followed
5 that in the news?

6 A I had followed it to some degree. Not intensively,
7 but I was quite aware of it.

8 Q Did you, during the course of the case, watch
9 television, hear the radio and read the news?

10 A Yes, your Honor.

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

12 A Yes.

13 Q Tell us about it.

14 A That the defendant was found guilty.

15 Q Of what?

16 A Oh, as I believe, conspiracy in the murders.

17 Q Conspiracy of what?

18 A Conspiracy in the murders.

19 Q Conspiracy and murders?

20 A In the murders I said.

21 Q Was there more than one?

22 A As I recall.

23 Q Was there a sentence that you recall, Mr. Brattman?

24 A I believe it was death.

25 Q Do you know the name Susan Atkins?

26 A Yes.

27 Q What do you know about that name?

28 A One of the defendants.

1 Q In that case?

2 A Yes.

3 Q And had you read her confession, her alleged
4 confession?

5 A I did read it, and I don't recall it very well.

6 Q Do you remember the name Shorty Shea?

7 A No, I do not.

8 Q Or Gary Hinman?

9 A Yes.

10 Q What do you know about Gary Hinman from what you
11 heard, saw or read?

12 A A musician of whose murder the defendant is
13 accused.

14 Q Do you recall any other details of that or those
15 news stories?

16 A Only that that murder, I believe, was prior to the
17 Manson -- the Tate-La Bianca murders.

18 Q Do you remember any of the details about where it
19 happened or anything of that nature?

20 A Only I think that it was more removed from the
21 city than the Tate-La Bianca murders.

22 Q Do you remember the name Bobby Beausoleil?

23 A No, I do not.

24 Q Robert Beausoleil?

25 A No.

26 Q Or Mary Brunner?

27 A No, your Honor.

28 Q Now, if I were to instruct you, Mr. Brattman, that

1 it would be your obligation as a juror in this case to set aside
2 anything that you may have heard, seen or read concerning
3 Mr. Manson, the Tate-La Bianca case or this case, if you were
4 to -- that you were to disregard such matters for the purpose
5 of making an independent judgment based upon the evidence in
6 this case, and only on the evidence in this case, do you think
7 you are capable of doing that?

8 A I do not think so, your Honor.

9 Q It would be too difficult for you to do that?

10 A I think it is too emotionally charged a case, the
11 previous case was for me that I could not come to an objective
12 decision here.

13 THE COURT: All right, the Court thanks you for your
14 assessment of your inability to set aside such matters and
15 therefore does excuse you.

16 You may report to the jury assembly room forthwith.
17 Thank you, Mr. Brattman.

18 PROSPECTIVE ALTERNATE JUROR BRATTMAN: Thank you, sir.

19 THE COURT: Go ahead.

20 THE CLERK: Mrs. Curry.

21 THE COURT: Call another one.

22 THE CLERK: Mrs. Shirley A. Butler, B-u-t-l-e-r.

23
24 VOIR DIRE EXAMINATION OF

25 FRANKIE M. CURRY

26 BY THE COURT:

27 Q Are you Mrs. Curry?

28 A Miss.

1 Q Miss Curry, you just heard the explanation of the
2 nature of this case the Court has given to your group of
3 prospective jurors?

4 A Yes.

5 Q Would your answers be any different than
6 Mr. Brattman's and Miss Berry's were to the questions of a
7 general nature?

8 A No.

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

11 A No.

12 Q What type of work do you do?

13 A I work for L. A. County, a clerk, intermediate
14 clerk.

15 Q A clerk in what department?

16 A Department of Public Social Service.

17 Q How long have you been so employed?

18 A Uh, almost two years.

19 Q Is it Miss Curry?

20 A Miss Curry.

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

23 A No.

24 Q Have you ever served on a criminal jury before?

25 A Well, I was in Municipal Court about four years
26 ago.

27 Q Other than that, you have not served on a criminal
28 jury?

1 A No.

2 Q Did you serve there on criminal cases, drunk
3 driving cases?

4 A Right.

5 Q Or anything of that nature?

6 Did you?

7 A Yes.

8 Q Would you set aside anything that you may have
9 heard, seen or read in the course of those criminal cases
10 that you've sat on and decide this case only upon the evidence
11 in this case and the Court's instructions of law?

12 A Yes.

13 Q In what area do you reside? What general area?

14 A Hollywood.

15 Q Are your views concerning the death penalty such
16 that you would not be able to be fair and impartial in
17 determining the question of guilt or innocence?

18 A No.

19 Q Or are your views such concerning the death
20 penalty that you would automatically refuse to impose it
21 regardless of the evidence?

22 A No.

23 Q Are your views concerning the death penalty such
24 that you would automatically impose it, vote for the death
25 penalty regardless of the evidence?

26 A No.

27 Q Concerning publicity, had you ever heard the name
28 Charles Manson, heard, seen or read it before you came into

1 this courtroom?

2 A Yes, I have.

3 Q In what connection?

4 A Newspaper, T. V.

5 Q Was it in connection with this case or the Tate-
6 La Bianca case or both?

7 A Uh, the one that I am most familiar with is the
8 Tate-La Bianca.

9 Q Tate-La Bianca case?

10 A Uh-huh.

11 Q In connection with this case, have you heard, seen
12 or read anything about it in the last two weeks?

13 A No.

14 Q In connection with the Tate-La Bianca case, then,
15 would you tell us what you know about the verdict in that
16 case?

17 A Uh, I think I'm not too for sure, that Mr. Manson
18 was found guilty of that.

19 Q Found guilty of what?

20 A I didn't --

21 Q Your best remembrance.

22 A I can't. I didn't keep up with it, you know.

4 fls.

23

24

25

26

27

28

4-1

1 Q Just your best remembrance of it. You are not
2 going to fail or pass a test here. We are simply inquiring
3 about what you know --

4 A Well, I --

5 Q -- about the results of that case, whether Mr.
6 Manson was --

7 A I'm not too sure.

8 Q Do you believe he was convicted?

9 A I, don't know.

10 Q You don't know?

11 A No.

12 Q Do you know whether there was a sentence at all?

13 A No.

14 Q Do you know what he was accused of?

15 A Murder.

16 Q Of whom?

17 A Uh -- Sharon Tate, I guess.

18 Q And anyone else?

19 A No.

20 Q No one else whom you know of?

21 A Well, no, I can't remember. You know, when you
22 read things and -- it's been such a long time.

23 Q All right. Did you ever read anything or hear
24 or see anything about Shorty Shea? Have you ever heard that
25 name before I read it to you?

26 A No.

27 Q Or had you heard the name Gary Hinman before?

28 A Vaguely, yes, I remember that.

4-2

1 Q What do you know about that name?

2 A Nothing. I can't recall what I know.

3 Q You can't recall it at this time?

4 A No.

5 Q All right. What do you know about the name

6 Bobby Beausoleil, if anything?

7 A No.

8 Q Mary Brunner?

9 A No.

10 Q Manson Family?

11 A Yes.

12 Q What does that mean to you?

13 A (No response.)

14 Q What does that mean to you?

15 A It was a group of people that had their own

16 belief, I guess, you know.

17 You are asking me personally what that meant;

18 right?

19 Q Well --

20 A From what I read?

21 Q From what you've heard, seen or read, what do you

22 think it means to you?

23 A That it was a group of people who had -- you know,

24 set out their own beliefs, you know, as far as society was

25 concerned.

26 Q And did Mr. Manson have some connection with the

27 group?

28 A Yes. He's the -- the starter of the group.

4-3

1

Q Do you know the name Mary Brunner?

2

A No.

3

Q If I were to tell you that you were to set aside-- that the Court would instruct you that you were to set aside anything you may have heard, seen or read in the press, over television or over the radio, anything that you might remember about Mr. Manson, that you cannot now recall, or anything that you recall about these cases that we have been talking about -- this case and the Tate-La Bianca case -- that you had heard, seen or read, or talked about with friends or relatives, do you think you could set aside such matters, and make a judgment, any judgment that you were called upon to make in this case, based only on the evidence and the Court's instructions of law?

15

A Yes.

16

Q You believe that you can do that?

17

A Yes.

18

Q Even though you've never done it before, never been called upon to make that kind of judgment -- that is, to set aside a whole body of facts that you may know -- and make a judgment independent of such matter? Do you believe you can do it?

23

A Right.

24

Q Are you sure?

25

A Positive.

26

Q And will you do it?

27

A Yes.

28

Q And will you be fair and impartial?

4-4

1 A Yes.

2 THE COURT: All right. Mr. Kanarek? I'll give you this
3 microphone.

4 THE BAILIFF: I have another one here.

5 MR. KANAREK: That's all right.

6
7 VOIR DIRE EXAMINATION

8 BY MR. KANAREK:

9 Q Can you hear me?

10 A Yes, I can.

11 Q Is it c-u-r-r-i-e?

12 A Y.

13 Q C-u-r-r-y?

14 A Right.

15 Q Like shredded curry?

16 A Yes.

17 Q People give you a hard time about that sometimes?

18 A No.

19 Q Anyway, may I ask you, do you have any recollec-
20 tion, Miss Curry, of ever having spoken before with your
21 fellow workers or anyone else concerning this -- concerning
22 Mr. Manson?

23 A Yes, I have.

24 Q Would you just tell us in brief -- you realize
25 that you are not a defendant here; we are just getting
26 information, to give Judge Choate --

27 A Yes, right.

28 Q -- so Judge Choate can make a decision.

4-5

1 A Yes, I realize that. But you know, it's kind of
2 hard, because it's been so long ago. As a case -- any type
3 of case -- first comes up, you -- you know, you look at it,
4 and you say a few words about it, you know.

5 But I can't recall. I can't tell you exactly
6 what was said.

4a fls.

4a-1

1 Q Well, you understand -- I hope that we are still
2 friends, whether you remember or you don't remember.

3 A Yes, I do.

4 Q As large an amount as you remember or as small
5 an amount, all Judge Choate wants to know is what you do
6 remember, --

7 A Right.

8 Q -- if anything, whatever.

9 Now, you say you did speak with your fellow
10 workers --

11 A Right.

12 Q -- and others -- of any relatives or friends --
13 concerning this?

14 A Right.

15 Q Could you tell us just anything that comes to
16 your mind, that you remember having spoken about, or having
17 heard concerning Mr. Manson?

18 A Uh -- this is going to be kind of hard. When
19 Sharon Tate was first killed, however, we generally discussed
20 that, and about the cross on the door -- well, first of all,
21 before they found Mr. Manson, or accused him of this, well,
22 we was wondering, you know, who the people were.

23 And then when Mr. Manson -- they got -- they
24 caught Mr. Manson, we just -- you know, we -- we just talked
25 about it, like you would literally talk about anything.

26 Q All right. Now, then, during all of 1970, did
27 you watch television?

28 A Yes.

4a-2

1

Q Did you watch television news?

2

A Right.

3

4

Q Do you have a particular channel that you watch more than any other channel?

5

A Uh -- Channel 7, in the evening, 4:00 o'clock.

6

Q Eyewitness News, they call it?

7

A Yes.

8

Q And --

9

A And -- oh, I'm sorry.

10

Q No, that's all right.

11

A 11:00 o'clock news.

12

Q George Putnam?

13

A No. Well, it's between George Putnam and

14

Channel 2.

15

Q I see. And do you read newspapers?

16

A Yes and no. I really don't have time.

17

Q More than Ann Landers and the comics?

18

A No. If I read, it will have to be a striking

19

headline.

20

Q I see. I see. Now, then, you have read

21

striking headlines concerning Mr. Manson and the Tate-La

22

Bianca case, during 1970?

23

A Yes, somewhat. Let me make one statement here.

24

I don't really have time to keep up with daily news. I work

25

two jobs.

26

Q Oh, you do?

27

A Yes.

28

Q May I ask what your other job is?

4a-3

1 A It's with L.A. County also, in the same
2 department.

3 Q Oh, I see. In other words, you work evenings
4 also?

5 A Right.

6 Q And during the day?

7 A Right.

8 Q I see. And you do this on a regular basis?

9 A Well, yes. I work -- like -- I have to put in
10 24 hours -- 20 to 24 hours extra a week. So I might work --
11 oh, different hours in the evening. Most of the time, from
12 3:30 -- 3:45 until 11:00 at night, on Monday, Tuesday and
13 Wednesday.

14 Q I see.

15 A And I still have my regular job, which is from
16 7:30 in the morning until 3:45. So it --

17 Q You are a hard worker.

18 A Yeah. I mean, it's kind of -- when you're working
19 like that, you really can't, you know, just keep up with
20 any one particular thing, you know.

21 Q And Los Angeles County will pay you for both
22 jobs, while you are on this trial?

23 A No, just one.

24 Q I see. And are -- is this a financial hardship
25 for you, having to be here, and not making -- and not getting
26 paid for that second job?

27 A No. Because I still have my Saturdays -- or
28 whatever; I can work on any day, or at any time I want, as

4a-4

1 long as I am not interfering with my regular eight-hour job.

2 Q I see.

3 A Um-hmm.

4 Q Now, you certainly would intend not to discuss
5 these matters that you have seen or heard concerning Mr.
6 Manson with anyone; is that a fair statement?

4b fls.

7 A Right.

8

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4b-1

1 Q Would you intend to follow the Court's order and
2 not consider these matters?

3 A Right.

4 Q Not having done that now, you don't know for sure
5 that you could not consider these matters, not having
6 experienced it, and not having been in the courtroom and heard
7 evidence which might cause a flashback in your memory of
8 things that you heard in the past?

9 A I could.

10 Q Is that possible, that you might not be able to?

11 A I could do that.

12 Q I see. And then -- may I ask you, did you hear
13 anything concerning any racial matters?

14 A Uh -- yes. This was discussed among a group of
15 us, whereas it was stated that -- or, someone was saying that
16 Mr. Manson was trying to get a revolution between the black
17 people and the white.

18 Q I see.

19 A Um-hmm.

20 Q And you being of the black race, black or Negro
21 race, your state of mind is such that you would not use this
22 in any way to decide this case; is that correct? What you
23 have heard or read in the publicity?

24 A That's correct. I don't believe everything in
25 the news media.

26 Q But you -- but you do recognize that -- you do
27 use the publicity from time to time, as a source of informa-
28 tion that you do rely on?

4b-2

1 A From time to time, yes, sir.

2 Q Now, directing your attention to this -- to these
3 racial matters, your state of mind is such that you -- you
4 feel that you will not use these, what you've heard, in any
5 way in connection with this case?

6 A Right.

7 Q Now, what if it should come up in this trial --
8 racial matters should come up during the course of this trial?

9 A I don't get upset over racial matters. I have a
10 personal reason for that.

11 Q And if black people should come to this courtroom
12 and testify on behalf of Mr. Manson, people who have been in
13 prison, you could give these people as fair an assessment,
14 as far as evidence is concerned, as you would give any
15 witness; is that a fair statement?

16 A Right.

17 Q Now, do you have any friends or relatives that
18 are in any type of law enforcement work, public or private,
19 anywhere in the world?

20 A Yes.

21 Q Do you?

22 What law enforcement people do you know?

23 A I have a friend, a personal friend, who is a --
24 on the Chicago Police Department.

25 Q That is, a friend who -- does this person live
26 in Chicago?

27 A Yes.

28 Q But it's a good friend of yours?

4b-3

1 A Yes.

2 Q Other than that person, do you have any other
3 friends or relatives in any type of law enforcement work,
4 public or private, like security guards for the May Company,
5 anything like that?

6 A No. No more than the people that -- the security
7 guards who are on my job. The guards -- we just, you know,
8 "Hello," and "How are you?"

9 MR. KANAREK: I see. Thank you very much.

10 PROSPECTIVE ALTERNATE JUROR CURRY: You're welcome.

11 THE COURT: Mr. Manzella?

12 MR. MANZELLA: I just wanted to ask one question, your
13 Honor, with regard to what Miss Curry said about her second
14 job.

15

16 VOIR DIRE EXAMINATION

17 BY MR. MANZELLA:

18 Q You are willing to give up the second job to serve
19 -- or, the salary you get from the second job -- to serve on
20 the jury; is that correct?

21 A Right. It's no -- it's not that I have to.

22 MR. MANZELLA: All right. Fine. Thank you. I have
23 no further questions, your Honor.

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

25 THE COURT: You may.

26 (Whereupon, the following proceedings were had at
27 the bench among Court and counsel, not within hearing of the
28 prospective alternate juror:)

4b-4

1 MR. KANAREK: Your Honor, I would say, obviously, this
2 juror wants to be on this jury. She's giving up -- she's
3 giving up quite lucrative extra work; she's only flesh and
4 blood, and she can't possibly be in this courtroom all day,
5 and -- and do this.

6 So -- and -- well, not to belabor it, but it's my
7 belief --

8 MR. MANZELLA: Well, your Honor --

9 MR. KANAREK: -- it's my belief that she will -- she's
10 -- she wants to be on this jury. That's one aspect of it.
11
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28

4c fls.

4c-1

1 I -- she is not neutral. I don't think she's
2 being completely candid with us concerning what she has --
3 what she knows. Whether her candor is voluntary -- her lack
4 of candor is voluntary or involuntary, I don't know. But I
5 do, under 1073, Subsection 2, challenge her.

6 MR. MANZELLA: I do not oppose the challenge, your Honor.

7 THE COURT: I am somewhat puzzled by her conduct and
8 her -- some of her responses, and the manner in which she
9 responded to -- I'm not sure that she is being candid.

10 I will grant the challenge.

11 MR. KANAREK: Thank you.

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

15 THE COURT: The Court will excuse you, Miss Curry, to
16 report to Room 253. Thank you very much for coming here and
17 responding to our questions.

18 PROSPECTIVE ALTERNATE JUROR CURRY: Yes, sir.

19 MR. KANAREK: Thank you, Miss Curry.

20 THE CLERK: Shirley A. Butler; B-u-t-l-e-r.

21 MR. KANAREK: Your Honor, would it be possible to take
22 a recess at this time?

23 THE COURT: We just started.

24 MR. KANAREK: Very well.

25 THE COURT: Do you need to?

26 MR. KANAREK: Pardon?

27 THE COURT: Very well. We'll take a recess.

28 MR. KANAREK: Thank you.

4c-2

1 THE COURT: We are in recess for -- Miss Butler, can you
2 come forward? Be seated in that chair, if you would, please.

3 We will be talking to you in about ten minutes.
4 You needn't stay in that chair. We will be in recess. You
5 are ordered not to talk to anyone or let anyone talk to you
6 about this case, during the recess.

7 PROSPECTIVE ALTERNATE JUROR BUTLER: Stay in this room?

8 THE COURT: You don't need to.

9 PROSPECTIVE ALTERNATE JUROR BUTLER: I can go back
10 outside?

11 THE COURT: Yes. In ten minutes, be back in the chair,
12 would you?

13 PROSPECTIVE ALTERNATE JUROR BUTLER: Yes.

14 (Midmorning recess.)

15 (Proceedings had on an unrelated matter.)

16 THE COURT: The case of People vs. Manson. Let's
17 proceed.

18 The record will show Mr. Manson to be present,
19 and Miss Butler in the box.

20 Miss Butler --

21 THE BAILIFF: Excuse me, your Honor. Mr. Kanarek is
22 not present.

23 MR. LATINER: I'll see if he's outside.

24 THE COURT: Thank you.

25 (Pause in the proceedings.)

26 THE COURT: The defendant is present with his counsel,
27 Mr. Kanarek. Mr. Manzella for the People, and Miss Butler
28 is in the box.

4c-3

VOIR DIRE EXAMINATION OF

SHIRLEY A. BUTLER

BY THE COURT:

Q Miss Butler, were you present when the Court explained the nature of this case to your group of prospective jurors, and when the Court questioned Mr. Brattman and Mrs. Berry?

A Was I present?

Q Were you present?

A Oh, yes.

Q Would your answers be any different than the answers of those prospective jurors to the questions I put to them of a general nature?

A No.

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

A No.

Q What type of work do you do?

A I work for the L. A. Sheriff's Department.

Q The Los Angeles County Sheriff?

A Yes.

Q Doing what?

A I'm a typist.

Q During the time that you -- how long have you worked for the Sheriff?

A A year.

Q What type of typing do you do?

A Well --

4c-4

1 Q Do you type arrest reports or --

2 A Mainly booking.

3 Q Booking slips, that type of thing?

4 A Yes.

5 Q Do you think that you could be fair and impartial
6 in a criminal case, where you are working for the Sheriff's
7 Department?

8 A Yes.

9 Q Do you think that if you were to sit on a jury
10 involving Mr. Manson, and were to find him not guilty, that
11 you might be embarrassed in going back to work amongst
12 deputy sheriffs -- deputies sheriff? And people working for
13 the Sheriff's Department?

14 A No.

15 Q Is it Mrs. Butler or Miss?

16 A Mrs.

4d fls.

4d-5

1 Q What does Mr. Butler -- is there a Mr. Butler?

2 A No.

3 Q You probably know many people who are involved in
4 law enforcement, deputies, do you not?

5 A Yes.

6 Q If a police officer were to testify, or a deputy
7 sheriff were to testify, would you give more credence to his
8 testimony, simply because of his status as a police officer?
9 Or as a deputy sheriff?

10 A No.

11 Q Would you give any lesser credence to that person,
12 simply because of his status?

13 A No.

14 Q Have you served on a criminal jury before?

15 A No.

16 Q In what general area do you reside?

17 A Southwest Los Angeles.

18 Q Do you know of any reason why you couldn't be
19 fair and impartial in the case?

20 A No particular reason, no.

21 Q Have you such ideas concerning the death penalty
22 that -- such opinions concerning it that you would be unable
23 to be fair and impartial in determining the question of guilt
24 or innocence?

25 A I think not.

26 Q You're not sure?

27 A Whether I would agree with it or disagree with it?

28 Q No. Listen to the question, if you would.

1 Do you have such views about the death penalty
2 that you could not --

3 A Oh, no.

4 Q -- because of the views -- let me finish the
5 question, please, --

6 A Sorry.

7 Q -- to see that you understand it.

8 Do you have such views concerning the death
9 penalty that you could not, by reason of those views, be
10 fair and impartial in determining guilt or innocence?

11 A I feel like I could be fair.

12 Q All right. Assuming that you were to enter into
13 the second phase of the case, the penalty phase, would your
14 views concerning the death penalty be such that you would
15 automatically refuse to impose it, regardless of the evidence?

16 A No.

17 Q Or would you automatically impose it, upon a
18 conviction of murder of the first degree, regardless of the
19 evidence?

20 A No.

21 Q Have you heard, seen or read the name Charles
22 Manson before you came into this courtroom?

23 A Yes.

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

26 A Uh -- both, I guess.

27 Q Both?

28 A Um-hmm.

1 Q Have you, in the course of your work in the
2 Sheriff's Office, ever typed any booking slips for people
3 who are in any way connected with Mr. Manson?

4 A Not to my knowledge.

5 Q Have you ever worked whatever on any records of
6 Mr. Manson's?

7 A No.

8 Q In the Tate-La Bianca trial, did you follow that
9 case in the news?

10 A Uh -- well, I read about it, but with no
11 particular interest. You know, one way or the other.

12 Q I see. You had no particular interest in the
13 case during the time that it was on trial?

14 A Well, naturally, you look at the newspapers and
15 see it; or on TV, you'll --

16 Q Which was --

17 A -- you'll listen; but that -- you know.

18 Q Which was the principal source of your information
19 about that case? Was it radio, television, newspapers, or
20 conversations with other people during the time that it was--

21 A Television.

22 Q -- being tried?

23 All right.

24 Did you learn the result of the case?

25 A Well -- uh --

26 Q That is, whether there was a verdict? And if
27 so, what it was?

28 A I can't recall right now. Well, I guess that I

1 did, but I can't recall right now what -- what exactly
2 transpired in the end, because -- well, like -- you know, it
3 has been a continuous thing, you know, that his name came
4 up -- or comes up.

5 So I don't know, really.

6 Q You don't know what the result was, or whether Mr.
7 Manson was convicted or acquitted or --

8 A Oh, I think --

9 Q -- in that particular case, the Tate --

10 A Yeah, I know what happened there.

11 Q What is your best remembrance of whether he was
12 convicted or acquitted?

13 A Oh, convicted.

14 Q And did you hear anything about a sentence?

15 A I can't remember what.

16 Q You don't know whether he was sentenced or --

17 A Yeah, I know that he was, but I can't remember,
18 you know, what it was.

19 Q You don't know whether it was life imprisonment or
20 death?

21 A No, I can't remember right now.

22 Q Do you know the name Shorty Shea, the person who
23 was named in this indictment as the alleged victim --

24 A I heard that name before --

25 Q -- in Count III?

26 A I heard the name before.

27 Q How had you heard the name? In what connection?
28 Through the news media, or in general conversations?

- 1 A I don't know.
- 2 Q Do you remember conversing with other people?
- 3 A Perhaps in this courtroom today.
- 4 Q What did you hear in the courtroom today?
- 5 A That -- well, this is why we are here.
- 6 Q Oh, you mean when I told you about the indictment, --
- 7 A Yeah.
- 8 Q -- that's when you first heard his name?
- 9 A That I can remember.
- 10 Q Had you ever heard the name Gary Hinman before the
- 11 Court told you about the indictment in the case?
- 12 A Yes, I think so.
- 13 Q In what connection?
- 14 A With Charles Manson.
- 15 Q What had you heard about Mr. Hinman?
- 16 A Well, like I said, I don't have a particular
- 17 interest in the case --
- 18 Q Is your answer that you can't remember, or --
- 19 A Well, I really don't, so I can't say yes or no
- 20 to the question. Because I really can't remember.
- 21 Q Well, that's all we are seeking from you, is
- 22 your remembrance at this time of these things that we are
- 23 asking you about.
- 24 All right. Do you know the name Mary Brunner?
- 25 A I've heard the name, but I don't know anything --
- 26 you know --
- 27 Q Bobby Beausoleil?
- 28 A No.

1 Q Did you ever, during the course of the Tate-
2 La Bianca trial, hear anything of a racial nature, concerning
3 the evidence? Having to do with blacks and whites?

4 A Yes.

5 Q What did you hear in that respect?

6 A Uh -- that -- that these -- that the crimes that
7 were committed was supposed to have been done by some groups
8 of the black race, perhaps, you know.

5 fls.

5-1

1 Q Now, let me ask you, do you believe that having
2 this knowledge in mind that you have gathered from the radio
3 and television and press, and from conversations with other
4 people, that you could effectively set such matters aside if
5 I were to instruct you that you were to do so?

6 A Yes.

7 Q And decide the -- wait until I finish the question.
8 Decide the case on the evidence and the Court's
9 instruction of law?

10 A Yes.

11 Q Could you form your opinions and render your
12 judgment in this case on any issues that you might be called
13 upon to decide only upon the evidence, setting aside any such
14 matter that you may have heard, seen or read?

15 A Yes.

16 Q Pardon?

17 A Yes.

18 Q Do you have any doubt about your ability to do
19 that?

20 A No.

21 THE COURT: Mr. Kanarek.

22
23 VOIR DIRE EXAMINATION

24 BY MR. KANAREK:

25 Q Can you hear me?

26 THE COURT: Why don't you use that microphone. I have
27 problems hearing you because of the proximity of this conditioner
28 here.

1 MR. KANAREK: Certainly, your Honor.

2 BY MR. KANAREK:

3 Q Am I pronouncing your name right, Miss Bracket?

4 A Butler.

5 Q Butler, I'm sorry.

6 Now, Miss Butler, where have you worked in the
7 Sheriff's Office?

8 A Where?

9 Q Yes.

10 A Well, the inmate reception.

11 Q What's known as IRC?

12 A Yes.

13 Q And so at inmate reception County Jail covers the
14 paper work for everyone that goes into the County Jail system?

15 A Yes.

16 Q Irrespective of where they may be booked, at some
17 time or other it comes through IRC?

18 A Right.

19 Q Is that correct?

20 A That's correct.

21 Q So you have handled paper work, you would tell us,
22 based upon your expertise in the Sheriff's Office, of all
23 people that are booked into the jail, that is, would certainly
24 come within your purview?

25 A Yes.

26 Q Now, do you have -- You do have many friends that
27 are Sheriff's officers, is that correct?

28 A I have associates. I wouldn't say they were, you

1 know, friends. I know people there.

2 Q Have you discussed -- is it a fair statement -- in
3 your presence Mr. Manson and matters pertaining him have been
4 discussed by you with your fellow workers?

5 A Well, I would say yes, I've discussed or maybe
6 it might have been mentioned, but into detail or, you know,
7 any longer per se discussion about him, no.

8 Q Now, is the name Bobby Beausoleil familiar to
9 you?

10 A Like I said, I don't know.

11 Q You mean --

12 A Not right now. It could be, but I couldn't say.

13 Q Now, -- and in your work you do handle -- you
14 handle information concerning inmates?

15 A Yes.

16 Q Is that right?

17 A Yes.

18 THE COURT: Does the defendant have a challenge?

19 MR. KANAREK: Yes, your Honor.

20 1073, Subsection 2.

21 MR. MANZELLA: No opposition, your Honor.

22 THE COURT: The Court will grant it. The Court thanks
23 you and you are excused to go to Room 253, the jury assembly
24 room, if you would, please.

25 It is now 12:00 o'clock. We will reassemble
26 at 1:45.

27 (Whereupon, there was an off-the-record discussion.)

28 THE COURT: All right, we'll recess now. 1:45.

5-4

6 fls.

1 MR. KANAREK: Could it be 2:00? Would that be imposing?

2 THE COURT: All right, 2:00 o'clock.

3 (Whereupon, the noon recess was taken.)
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5-a

1 LOS ANGELES, CALIFORNIA, THURSDAY, JULY 29, 1971, 2:15 P. M.

2

3 THE COURT: The record will show Mr. Manson to be present
4 with Mr. Kanarek. Mr. Manzella is present.

5 I think you excused Mrs. Butler, did you not?

6 Call another name.

7 THE CLERK: Benetta, B-e-n-e-t-t-a, last name G-h-e-r-a-
8 -d-i.

9

10 VOIR DIRE EXAMINATION OF

11 BENETTA GHERARDI

12 BY THE COURT:

13 Q Is your name Benetta Gherardi?

14 A Gherardi.

15 Q Mrs. Gherardi, would you tell me, were you present
16 when the Court explained the nature of this case to your group
17 of prospective jurors?

18 A Yes.

19 Q Did you hear the questions that I put to the first
20 jurors taken, the first two jurors taken from your group to
21 the box?

22 A Yes.

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

25 A Uh, probably.

26 Q In what way would yours be different?

27 A Well, uh --

28 Q Bring that microphone right up close to your face

1 as I am doing here.

2 A Well, I don't remember everything that I said
3 exactly, but I'm sure something would be different.

4 Q Well, do you remember, as the questions were going
5 along, noting anything that was different?

6 A Well, okay, the main thing that would be different,
7 the main thing is my husband is incarcerated. So, therefore,
8 I wouldn't be able to be -- I wouldn't want to be on the jury.

9 Q You don't think you could be fair and impartial in
10 the case?

11 A No.

12 Q What is your husband incarcerated for?

13 A Smuggling.

14 Q He's currently where, in the County Jail?

15 A Soledad.

16 Q Soledad?

17 A Uh-huh. He's been there for about three years.

18 Q You think under the circumstances you could not
19 be fair and impartial?

20 A No.

21 Q Am I stating that correctly, that you -- that
22 you could or could not -- strike that.

23 Am I stating that correctly that you could not
24 be fair and impartial?

25 A I could not be fair and impartial. I couldn't send
26 anyone to jail. That would be the main thing.

27 Q I see. It would be difficult for you, then, in
28 deciding the question of guilt or innocence, to be impartial

1 in doing that?

2 A Right.

3 Q Regardless of what evidence might be shown?

4 A Regardless.

5 THE COURT: All right, you are excused. Thank you.

6 Room 253.

7 PROSPECTIVE ALTERNATE JUROR GHERARDI: Thank you.

8 THE DEFENDANT: Could we sentence him to jail?

9 PROSPECTIVE ALTERNATE JUROR GHERARDI: Well --

10 MR. KANAREK: Thank you, Mrs. Gherardi.

11 THE DEFENDANT: We could give you life or Death Valley.

12 THE COURT: Once more, Mr. Manson. Any statement of that
13 nature, any statement at all from you except from your coun-
14 sel --

15 THE DEFENDANT: Sir, he's your counsel.

16 THE COURT: All right.

17 THE DEFENDANT: My counsel is outside with the shotgun.
18 As soon as I want to leave, I'm going to call him and tell
19 him to come and get me.

20 THE COURT: All right.

21 (Whereupon, the defendant made inaudible
22 statements to the Court as he was being removed to the holding
23 tank, and the following proceedings were had:)

24 THE COURT: The record will show that Mr. Manson has
25 been taken from the courtroom by the bailiff.

26 Call another name.

27 THE CLERK: Miss P. Maryse, last name Ford, M-a-r-y-s-e,
28 last name Ford, F-o-r-d.

VOIR DIRE EXAMINATION OF

P. MARYSE FORD

BY THE COURT:

Q Your name is Ford?

A Yes, sir, Maryse Ford.

6 fls.

6-1

1 Q Were you present when the Court explained the
2 nature of this case to the prospective jurors from your
3 group, and when the Court talked to the first two who were
4 taken from your group and questioned?

5 A Yes, your Honor.

6 Q Would your questions be -- would your answers be
7 any different than the answers that they responded to the
8 questions of a general nature?

9 A Only in -- in the regard of a hardship.

10 Q Tell me about that.

11 A Well, I work for Trans-World Airlines, Incorporated.

12 Q Yes?

13 A And I don't know that they will stand me being
14 five months away from the job. I do have an assignment,
15 from which I am sure I would be replaced; and it is a job
16 I like. That would be the only --

17 Q How long have you worked for them?

18 A 16 years, sir.

19 Q But you think that an absence of that length of
20 time, for four or five months, would result in your replace-
21 ment?

22 A On the assignment I am on at the present time,
23 yes, sir.

24 Q Have you ascertained whether or not they will
25 pay you?

26 A Yes, I feel certain they would.

27 Q They will pay you?

28 A Yes.

6-2

1 Q The question is just a loss of the present
2 position --

3 A Yes.

4 Q -- that you have?

5 A Which would mean my going back into a shift bid,
6 and I might have to take hours I didn't care for, or a job
7 that I don't really want.

8 But that would be the only thing that would work
9 a hardship.

10 MR. KANAREK: Stipulate, your Honor.

11 MR. MANZELLA: The People will stipulate she may be
12 excused, your Honor.

13 THE COURT: Both of these counsel have stipulated that
14 you may be excused; so therefore, you are excused.

15 PROSPECTIVE JUROR FORD: Thank you.

16 MR. KANAREK: Thank you, ma'am.

17 THE COURT: Room 253, please, the jury assembly room,
18 at 1:00.

19 THE CLERK: Fred O. Gaebler; G-a-e-b-l-e-r.

20 THE COURT: G-a-e-b-l-e-r?

21 THE CLERK: Yes.

22
23 VOIR DIRE EXAMINATION OF

24 FRED O. GAEBLER

25 BY THE COURT:

26 Q Mr. Gaebler?

27 A Yes, sir.

28 MR. KANAREK: Fred G-a-e-b-l-e-r?

6-3

1 THE COURT: G-a-e-b-l-e-r.

2 Q BY THE COURT: Mr. Gaebler, were you present
3 when the Court explained the nature of this case to your
4 group of prospective jurors, and when the Court questioned
5 the jurors, the prospective jurors from your group?

6 A Yes, I was.

7 Q Would your answers be any different than the
8 answers of those first two who were chosen, who were
9 questioned?

10 A I don't recall -- uh --

11 Q Well, to the questions of a general nature?

12 A -- as to my qualifications of being a juror, or
13 on this particular case?

14 Q Do you remember the questions that I put to the --

15 A I do not.

16 Q -- to Mr. Brattman? Did you hear them?

17 A Yes, I did.

18 Q All right. Let's go over them.

19 Would you follow the Court's instructions as
20 the Court gives them to you, regardless of what you believe
21 the law to be, or what you believe the law is?

22 A Yes.

23 Q Have you ever been the victim of a crime of
24 violence, or had a friend or relative who was a victim of
25 a crime of violence?

26 A No.

27 Q Have you ever been a witness in a criminal case?

28 A No.

6-4

1 Q Have you ever been charged with a criminal
2 offense, or had a close friend or relative who was so
3 charged?

4 A No.

5 Q Did you hear the Court's instruction concerning
6 the presumption of innocence, the instruction concerning
7 circumstantial evidence?

8 A Yes.

9 Q Did you hear the Court's instructions concerning
10 the death penalty?

11 A Yes.

12 Q You heard all of the Court's explanation of the
13 nature of the case; is that correct?

14 A Yes.

15 Q Would you be inclined to give greater credence to
16 the testimony of a police officer witness, simply because of
17 his status? Or lesser credence to the testimony of a police
18 officer, because of his status?

19 A Well, I would give credence to a police officer.
20 That's his job, to get that evidence.

21 Q Well, would you give more credence to him, simply
22 because of his status as an officer?

23 A Well, that's his job. That's what we hire him
24 for.

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

26 MR. MANZELLA: Your Honor, I don't think the juror
27 understands. The way the question's worded, I think --
28

6a fls.

6a-1

1 Q BY THE COURT: Suppose, Mr. Gaebler, there are
2 two people, one a police officer, and one a non-police
3 officer, and they testify concerning a certain issue,
4 testify on opposing sides.

5 Would you give more credence to the testimony of
6 a police officer, simply because of his status? That's what
7 I am saying.

8 If that is the case, then, and you have answered,
9 let me know. I just wanted to make sure you understood.

10 A Well, I think I understand the question. And I
11 still say: That it's his job to obtain the necessary evidence.
12 Therefore, I would give him credence, more so than I would
13 the other party, who might be biased in favor of the defendant.

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

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

16 THE COURT: Thank you, Mr. Gaebler. You are excused.
17 Room 253, the jury assembly room, please.

18 MR. KANAREK: Thank you, sir.

19 THE CLERK: Edward Martinez; M-a-r-t-i-n-e-z.

20 THE COURT: Off the record.

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

22 THE COURT: All right. Back on the record.

23
24 VOIR DIRE EXAMINATION OF
25 EDWARD MARTINEZ

26 BY THE COURT:

27 Q Mr. Martinez, were you present when the Court
28 explained the nature of this case, and conversed with the

1 jurors first taken from your group?

2 A Yes, I was.

3 Q Would your answers be any different than the
4 answers that those persons gave, that first and second
5 person gave to the questions that the Court put to them of
6 a general nature?

7 A I don't think they would be, sir.

8 Q All right. Would it be any hardship to you to
9 serve in this case?

10 A Uh -- perhaps a burden on my family, maybe.

11 Q Do you want to explain that?

12 A Yes. About six months ago, my wife was ill, and
13 it was diagnosed as an epileptic. And since then, she has
14 not had another seizure, but no one can -- can assure me that
15 she won't have any more. So --

16 Q In other words, she has epilepsy?

17 A It was diagnosed as epilepsy.

18 Q And she has been taking medications, --

19 A Yes, she has.

20 Q -- is that it? Well, do you work during the day?

21 A Yes.

22 Q What type of work do you do?

23 A I am an order filler for Zellerbach Paper Company.

24 Q And Zellerbach will pay you during the course of
25 the four or five months?

26 A I'm not sure of that. I know they did say they
27 would pay me for the normal tour of duty as a juror. But I
28 don't know for sure.

1 Q You are not sure whether they would pay you for
2 the four or five months?

3 A I don't know. I couldn't answer you honestly.

4 Q Do you have -- strike that.

5 Well, you work during the day, and your wife is
6 alone during the day, is she not?

7 A That's true.

8 Q Well, how would this be any different than your
9 work hours?

10 A Well, I work pretty close to home. That's about
11 the only reason I can see. I mean, other than that, I guess
12 there would not be any reason.

13 Q Where is your home? In what area?

14 A In East Los Angeles, sir.

15 Q You are about what, 20 minutes from here, on the
16 freeway?

17 A On the freeway, it's longer. I would think on
18 the surface streets, it would be about 20 minutes.

19 Q About 20 minutes. What type of work do you do
20 for Zellerbach?

21 A I am an order filler in the resale department.

22 Q And is your spouse employed at all?

23 A No, she isn't. She's a housewife.

24 Q Are you related to or a friend of any police
25 officer, law enforcement officer, as I've explained law
26 enforcement officer to be?

27 A Uh -- yes. I did go to school with several
28 officers that -- I mean, several friends of mine that are

1 officers now. Two are LAPD; one's a sheriff for the City of
2 Commerce; the other one's a patrolman for the Monterey Park
3 Police.

4 Q Do you think that that -- or, those relationships
5 would affect your judgment in the case, Mr. Martinez?

6 A No, I wouldn't think any relationships with any-
7 body would.

8 Q You wouldn't be biased or prejudiced against a
9 person who is accused of a crime, as a result of your working
10 with these policemen?

11 A I don't work with them. I just knew them in
12 school.

6b fls.

6b-1

1 Q You know them as a result of their having been
2 in the area, working in these programs? They work in the
3 programs; is that it?

4 A I don't really understand you exactly.

5 I would be biased in any way toward the defendant
6 in this case.

7 Q Yes. These policemen -- I perhaps misunderstood
8 you, as to what your relationship was to them and with them.

9 A Just friends.

10 Q Just friends. And they were engaged in what
11 activities? How did you meet them?

12 A In school. I went to school with them, and went in
13 the service, got out of the Army, and --

14 Q And they were engaged in teaching?

15 A No.

16 Q Oh, I see.

17 A Friends of mine.

18 Q They are friends of yours who have since graduated
19 from high school, and are now in the police force?

20 A Right, right.

21 Q I see. How many such friends do you have?

22 A I would say about four, that I can honestly
23 account for.

24 Q Are they close friends who you see all the time,
25 or --

26 A No, I don't necessarily see them all the time.
27 Now and then, we'll happen to be at a gathering, and they'll
28 show up there, or --

6b-2

1 Q I, see. Would that affect your judgment in any way?

2 A No, it would not.

3 Q All right. You have told us the area in which you

4 reside. Have you been a juror before?

5 A No, sir. This is my first tour of duty. This is

6 my fourth day, and I have yet to serve on a jury.

7 Q Would you have views concerning the death penalty

8 such that you could not be fair and impartial in determining

9 guilt or innocence?

10 A Well, I don't especially condone the death penalty

11 myself, so --

12 Q Would your views be such that you couldn't be fair

13 and impartial in determining guilt or innocence, though? That

14 is what we are asking.

15 A No, I think I could be fair and affable.

16 Q Now, concerning the death penalty itself, would you

17 refuse to impose it, regardless of the evidence?

18 A No, I wouldn't.

19 Q Would you automatically choose life imprisonment,

20 if you were given the choice of life imprisonment and death?

21 Would you automatically choose life imprisonment, voting against

22 the death penalty, regardless of the evidence?

23 A Automatically, no, sir.

24 Q Or would you automatically impose the death

25 penalty, upon a conviction of murder of the first degree,

26 regardless of the evidence?

27 A No, I don't think I would, either. I -- I would

28 have to determine on the evidence.

6b-3

1 Q Would you ever vote to impose the death penalty?

2 A Would I what, sir?

3 Q Would you ever vote to impose the death penalty?

4 A Uh -- I don't think I would. I don't really
5 know. I've never been faced with anything like that.

6 Q It's conceivable that you might, then?

7 A I honestly couldn't say yes or no.

8 Q At this point, your feelings are that you are
9 against the death penalty, but you could possibly vote for
10 the death penalty? You would consider the evidence?

7 fls.

11 A Considering the evidence, yes, sir.

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1 Q After considering the evidence is it possible,
2 knowing what you know about your opinions concerning the death
3 penalty, that you might impose it?

4 A That's possible, sir.

5 Q Have you heard, read or seen anything about the
6 defendant Charles Manson before you came into this courtroom?

7 A I never particularly read anything about it. What
8 I do know about it is just from the radio or television.

9 Q What are you talking about when you say "about
10 it"?

11 A I mean the person, himself.

12 Q You've read something on television, you say --
13 or you're reading something in the newspaper or --

14 A No, I didn't read anything about it. I never
15 picked up a paper and read anything about it.

16 Q You've only seen something on television?

17 A Television or on the radio.

18 Q I see.

19 Well, what have you heard or seen?

20 A Just procedures in this trial and stuff like that.

21 Q This trial?

22 A No, his other trial.

23 Q What trial? Is that the Tate-La Bianca trial?

24 A Yes.

25 Q What do you know about that trial?

26 A Not very much.

27 Q What was Mr. Manson charged with; do you know that?

28 A I don't know the actual charge, but what I gathered,

1 it was a conspiracy.

2 Q Do you know whether he was convicted of anything?

3 A To be honest, no.

4 Q Do you know whether he's ever been sentenced?

5 A No, I don't know what his sentence was.

6 Q Do you know the name Susan Atkins?

7 A I've heard it.

8 Q What does that name mean to you?

9 A It was just one of the girls that was with him,
10 that's all I know.

11 Q What does the name Bobby Beausoleil mean to you,
12 if anything?

13 A Just some other person. It doesn't mean anything
14 at all.

15 Q Do you know the name Shorty Shea? Had you ever
16 heard it before the Court mentioned it?

17 A No, just in the news, that's all. I didn't pay
18 that much attention to it.

19 Q That's what we want to know.

20 What did you hear through the news media?

21 A Not very much. I just heard the name. That's
22 all I am familiar with.

23 Q What do you know about the name Gary Hinman?

24 A I think he was a victim or something, I'm not
25 sure.

26 Q Had you ever heard his name before you came into
27 this courtroom?

28 A Just like I said before --

1 Q Just the name?

2 A -- I just recognized the name, that's about all.

3 Q Do you think you'd be able to set aside what you
4 have heard, seen or read about Mr. Manson in order to make
5 a decision in this case independently of such matters?

6 A I think I could.

7 Q Do you think you could decide this case aside from
8 anything that you might have read about it or seen on television
9 or heard over the radio?

10 A Well --

11 Q Or anything that you might have talked about with
12 your friends or relatives in connection with the case?

13 A Like I said, I didn't know very much about it,
14 so I don't think it would be very hard for me.

15 Q It would be or --

16 A Wouldn't be very hard for me to exclude anything.

17 Q Are you certain about your ability, capability
18 to set aside what you have heard, seen or read or talked about,
19 or setting aside anything that you may have read that you
20 don't now remember about Mr. Manson?

21 A I would think I could.

22 Q Are you at all doubtful of your ability to do
23 that?

24 A No.

25 Q Will you do that?

26 A Yes, I will.

27 Q And can you be fair and impartial in the case?

28 A Yes.

1 THE COURT: Mr. Kanarek.

2
3 VOIR DIRE EXAMINATION

4 BY MR. KANAREK:

5 Q Mr. Martinez, what part of L. A. County do you
6 live in?

7 A In East Los Angeles.

8 Q And near what big intersection?

9 A Pardon?

10 Q Near what big intersection?

11 A I would say Whittier and Atlantic.

12 Q Have you ever been the victim or anyone close to
13 you been the victim of a crime?

14 A Well, that -- I believe it was about 12 years ago
15 I was stopped by two gentlemen and was, you know, asked if I
16 had any money. And I told them no. And they took my billfold.

17 Q And how old are you now?

18 A I am 24.

19 Q That was when you were about 12 years old, they
20 took your billfold?

21 A Yes.

22 Q What happened in that regard after that?

23 A Well, the policeman was coming by and I asked for
24 his attention. And he came by and I grabbed one of them, and
25 the policeman apprehended him, and later caught the other guy
26 with the billfold.

27 Q And they were prosecuted?

28 A yes, they were.

1

Q And they were sent to prison?

2

A No, they were a little younger than that.

3

Q They were sent to the Youth Authority?

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A Yes, they were sent to the Youth Authority.

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7a fls.

1 Q And did you testify against them?

2 A I didn't testify against them. I just made a
3 positive identification against them.

4 Q And they went to Juvenile Court and were sent
5 to the California Youth Authority?

6 A Well, I don't know --

7 Q Was there a petition sent?

8 A Not that I know of.

9 Q But there was proceedings in the Juvenile Court?

10 A Well, see, I just made the identification and
11 from there, they took it on.

12 Q And you never had to appear over here on East Lake?

13 A No, I never went to court.

14 Q But you made the reports to the Police Department
15 and the Sheriffs and so forth?

16 A Yes, before they apprehended them.

17 Q So is it a fair statement you feel a debt of
18 gratitude to the police officers for what they did in that
19 case?

20 A Well, no -- I guess, in a sense, I do, but I guess
21 it is their job.

22 Q Yes, recognizing that, but -- but the question --
23 right now, you shouldn't feel that you should be on the
24 defensive, Mr. Martinez. We're just getting information for
25 Judge Choate.

26 A Uh-huh, I understand.

27 Q Hopefully, we're all friends. We're just here
28 doing this because the Legislature says we're here to get

1 information rather than go out to your home or office. We're
2 just doing it here in court, so any information we have --
3 you don't feel like you are on the defensive, do you?

4 A No, I just thought I was answering the questions--
5 I didn't feel on the defensive.

6 Q Pardon?

7 A I don't praise them.

8 Q Pardon?

9 A I don't praise them for getting my billfold back.

10 Q It is a fair statement you felt a sense of
11 gratitude about that?

12 A I guess at the time I did.

13 Q Well, don't -- do you presently feel a sense of
14 gratitude about what they did?

15 A Yeah, I guess I would.

16 Q And you feel that you have that feeling towards
17 law enforcement, right?

18 A Is that a gratitude --

19 Q Yes.

20 A Not particularly. I mean, uh, they have a job
21 to do, is the way I see it.

22 Q Well, you're smiling.

23 A Well, uh, that's the only way I feel I can answer
24 your question, is I don't particularly have a sense of
25 gratitude toward them.

26 Q I see.

27 A They have a job to do, and I respect them for
28 that.

1 Q Now, these friends of yours that are law
2 enforcement officers, would you name -- what are their
3 names?

4 A One is Detective Jim Kline. He is a detective
5 with the LAPD.

6 Q Go ahead.

7 A He's the one.

8 Q You're laughing again.

9 A Well, I mean --

10 Q Would you name the others?

11 Is he out in what we call the glasshouse?

12 A I don't particularly know where exactly he's
13 located.

14 Q Do you know what kind of detail he works?

15 A No, not -- he was on robbery, I believe, but I
16 don't know what cases.

17 Q Do you know how to spell his name?

18 A I think it is (spelling) K-l-i-n-e.

19 Q James Kline?

20 A Right.

21 Q Would you name the other police officers that you
22 know?

23 A Well, the other one is a Larry Salazar. He's
24 with LAPD.

25 Q Lawrence -- is that his true name, Lawrence?

26 A Well, I would think so. I know him as Larry.

27 Q And you went to school with him?

28 A Uh-huh.

1 Q And where does he work?
2 A He's with the LAPD.
3 Q Out of what station?
4 A Here in downtown.
5 Q On Los Angeles Street?
6 A Yes, sir.
7 Q Do you know what kind of detail he's on?
8 A He's a patrolman.
9 Q And would you name the others that you know?
10 A The other one is a Carlos -- uh, I can't think of
11 his last name again. I met him through another friend of
12 mine. He also went to school. I can't think of his last
13 name, though, but he's working with the Monterey Park Police.
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7b fls.

7b-1

1 Q He's a police officer for Monterey Park.

2 A Right.

3 Q What kind of detail is he on?

4 A He's a patrolman.

5 Q Drives a car?

6 A Right.

7 Q Anyone else?

8 A This other guy was -- uh -- a Jim Morrison. He's

9 with the City of Commerce.

10 Q James Morrison is his true name?

11 A Right.

12 Q Do you know what detail he's on?

13 A He's off on the squad car.

14 Q Drives a -- he drives a sheriff's car?

15 A Right.

16 Q Out of the City of Commerce?

17 A Uh-huh.

18 Q All right, anyone else?

19 A No, I believe -- I remember about four of them.

20 That's about it.

21 Q These people are all friends of yours, is that it?

22 A People, they're friends.

23 Q They are acquaintances you went to school with?

24 A I guess.

25 Q And you've been to functions, social events, from

26 time to time?

27 A Yes.

28 Q Now, could -- directing your attention to police

1 officer testimony, would you -- what is your state of mind --
2 how do you feel towards police officer testimony?

3 A Well, I would listen to it and -- just like I would
4 anybody else's testimony. And I don't think I'd be -- how can
5 you say -- for his testimony more than anybody else's.

6 Q Now, you called Mr. Manson "it" --

7 A I didn't mean Mr. Manson as "it," I meant his
8 trial.

9 Q Oh, well, you're laughing again.

10 What do you mean?

11 A Well, it is a way to curb my nervousness.

12 Q I see.

13 Now, when you speak of the trial, you mean this
14 trial?

15 A No, I meant this other trial that he had.

16 Q Well, before you entered this courtroom, had you
17 ever heard the name Gary Hinman?

18 A I did. Just vaguely I remember it, but that's
19 about it.

20 Q In what respect had you heard the name Gary Hinman?

21 A Just the name. I just remember the name connected
22 with the Tate-La Bianca case.

23 Q With the Tate-La Bianca case you heard the name
24 Gary Hinman?

25 A I heard it in there, yes.

26 Q During that case of Gary Hinman, you heard about it
27 on television?

28 A Television or the radio, I don't particularly

1 remember which. I imagine it was on both.

2 Q And can you tell us, however large or however
3 small it might be, -- all we're interested in is what you know,
4 and it is no reflection upon you or anyone that you read the
5 newspaper or watch television.

6 So would you tell us, and Judge Choate, what you
7 heard on television about Gary Hinman?

8 A Well, it wasn't anything. It is just his name,
9 is all I remember.

10 Q I see. And then, the name Shorty Shea, what have
11 you heard concerning him on television or on radio?

12 A Well, I think about all I can remember is that he
13 was missing and they were searching for him or later found
14 somewhere, I don't know.

15 Q And when you say "they," who do you mean, Mr. --

16 A I would say the authorities.

17 Q The -- by the authorities, you mean what?

18 A Police officers.

19 Q And what did you hear concerning him as to anything
20 about him?

21 A Just that he was being -- well, they were
22 conducting a search for him. That's about all.

23 Q And they conducted a search for him where?

24 A I don't particularly know. I didn't follow that
25 case at all. I didn't read about it.

26 Q And how was this search conducted? What did they
27 do in conducting the search?

28 A I wouldn't know their procedure. I wouldn't know.

1 Q No, just from the publicity, what did the publicity
2 say they were doing?

3 A I didn't read anything on it, sir.

4 Q Or what did you hear?

5 A Really, nothing.

6 Q Well, as you sit there in the juror's box, do you
7 know -- do you know the name Sharon Tate?

8 A I've heard it as -- just like I said, with the
9 trial.

8 fls.

8-1

1 Q And what -- what did you hear concerning Sharon
2 Tate from the publicity?

3 A That she was found murdered, I guess in her home,
4 along with some other friends or something like that. That's
5 about all.

6 Q And from the publicity, what did you hear Mr.
7 Manson's connection was, if anything, as far as those events
8 go? Sharon Tate and the people you say that were found
9 murdered in her home, along with her?

10 A Just that he had been there, and -- I don't know
11 if he actually committed the crimes, but -- all I know is
12 that he -- from what the news media said, he had been there;
13 and that he was brought to court on the charges, I believe.

14 Q And during the year 1970, you were in Los
15 Angeles that whole time?

16 A Yes, I was.

17 Q And during the year of 1970, you've spoken with
18 the police officers that you are telling us about?

19 A Yes, I have.

20 Q And during the time that you spoke with these
21 police officers, you discussed law enforcement from time to
22 time?

23 A No, I don't particularly talk about law enforcement
24 with them.

25 Q Well, you talk about their work to some extent?

26 A No. They don't tell me anything about what they
27 do. I don't ask them, so -- I mean, police work would be --
28 everybody knows just about what police work would be, so --

8-2

1 you see it in the streets.

2 Q Well, what do you mean by that?

3 A I mean, in other words, I don't -- I don't
4 particularly care to talk about my job to them, so they feel
5 the same way toward me. You know, policemen on the street --
6 I mean, we all know what they have to go through.

7 So I don't particularly care to listen to it.

8 Q You all -- what is it that you feel that they have
9 to go through?

10 A Well, just the -- just the every day life they
11 live. You know, they're always out there in danger. I mean,
12 that's -- that's up to the individual himself. I just don't
13 feel interested in what they do.

14 Q You -- in other words, they're in danger, and
15 these people are your friends, and you are not interested
16 in -- in what they do or what -- what kind of life they
17 lead, or --

18 A It makes it better for me not to know where they're
19 at or why they're at. I mean, you know, sometimes -- I just
20 don't like to hear about those things.

21 Q Why? Will you tell us why is it better for you
22 not to know where they're at?

23 A Well, I -- maybe I can explain it.

24 I served some time in Vietnam, and I don't
25 particularly care for any violence, anyway, or -- or -- how
26 can I say? -- jeopardizing your life.

27 Ever since I have been back, I've felt that way.
28 So I don't particularly care to talk about anything like that,

8-3

1 or listen to it.

2 Q And you feel strongly about violence; right?

3 A Well, I don't like to be involved in it, is what
4 I'm trying to say, sir.

5 Q And you have -- you have leaned over backwards
6 not to talk to these friends of yours that are police officers
7 concerning violence, because you abhor and would rather not
8 have that subject matter discussed in your presence; is that
9 right?

10 A To an extent, yes, sir.

11 Q Well, what do you mean by "to an extent"?

12 A Well, I mean -- I don't want to sound like I am
13 -- how can I say it?

14 Well, I guess it would be that way. I just don't
15 particularly care to listen to anything like that.

16 Q Or have anything to do with it; is that your --

17 A Yes, physically, yes. I wouldn't care to --

18 Q You wouldn't care to discuss it or have anything
19 to do with it at all?

20 A What I mean is, more or less involved in it,
21 in an actually physically violent thing, or any kind of --
22 I just don't care for that any more.

23 Q Now, when you say you don't want to be involved,
24 what do you mean by that?

25 A What I am trying to say is that I myself don't
26 like to get into any violent things.

27 I don't know if it was my experience overseas or
28 what, but I just don't condone any kind of violence, if I have

8-4

1 any part of it or near anything like that.

2 Q And you mean you don't like to observe it or talk
3 about it?

4 A I don't like to get involved in it, is what I'm
5 trying to say.

6 And if they talk about it, it might -- I guess I
7 don't like to talk about it, really.

8a fls.

8a-1

1 Q And you'd rather not have anything to do with that
2 kind of subject matter?

3 A That's true.

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

5 THE COURT: No, you may not.

6 Any further questions?

7 MR. KANAREK: Yes.

8 Q Well, now, then, directing your attention to this
9 case, you may in this case see violence in the form of
10 pictures; you may see violence in the form of police officer
11 testimony -- that is, hear descriptions -- and you may hear
12 the descriptions of witnesses concerning violence.

13 Now, you would rather not have anything to do
14 with that kind of subject matter; is that correct?

15 A I would say so, yes.

16 Q And that's -- and so, in connection with this case,
17 you would rather not have any -- any connection with that
18 material, --

19 A That's true.

20 Q -- is that right?

21 May we approach the bench, your Honor?

22 BY THE COURT:

23 Q Well, sir, would this keep you from listening to
24 the evidence, talking about the evidence, even though it might
25 concern matters that would be distasteful to you?

26 A Well, like I said, I've always avoided it. I
27 don't really know, you know, to be honest with you, if it
28 would, since I've never done that.

8a-2

1 Q Do you think that you might be unwilling to
2 listen to some of the testimony?

3 A No, I guess -- I would listen to it. But I
4 don't know exactly how I would react to it, to be honest with
5 you.

6 MR. MANZELLA: Your Honor, the People would have no
7 opposition to the challenge for cause, based on what Mr.
8 Martinez has said, if Mr. Kanarek is making the challenge.

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

10 THE COURT: All right.

11 Are you challenging, then?

12 MR. KANAREK: Yes, your Honor.

13 THE COURT: All right.

14 The Court --

15 MR. KANAREK: Under 1073, Subsection 2.

16 THE COURT: -- grants the challenge for cause.

17 MR. KANAREK: Thank you, Mr. Martinez. Thank you very
18 much, sir.

19 THE COURT: Mr. Martinez, you may report to Room 253,
20 the jury assembly room, please.

21 PROSPECTIVE ALTERNATE JUROR MARTINEZ: All right.

22 THE COURT: Thank you, sir.

23 PROSPECTIVE ALTERNATE JUROR MARTINEZ: Thank you.

24 THE CLERK: Margaret M. Donohue; D-o-n-o-h-u-e.

25 THE COURT: Come forward, Mrs. Donohue.

26
27 VOIR DIRE EXAMINATION OF

28 MARGARET M. DONOHUE

8a-3

1 BY THE COURT:

2 Q Mrs. Donohue, were you present when the Court
3 explained the nature of this case to your group of prospective
4 jurors, and when the Court --

5 A Yes.

6 Q -- first questioned the first prospective juror
7 chosen from your group?

8 A Yes, I was, your Honor.

9 Q Would your answers be any different than the
10 answers of that prospective juror and the next one -- the next
11 one thereafter -- to the questions of a general nature?

12 A They would be the same.

13 Q Very well. Would it be any hardship to you to
14 serve on this jury, Mrs. Donohue?

15 A No, sir, it wouldn't.

16 Q Neither financial nor personal?

17 A No, your Honor.

18 Q All right. Do you work outside the home?

19 A No, I don't.

20 Q There is a Mr. Donohue?

21 A Yes, there is.

22 Q What does he do?

23 A He's retired.

24 Q From what type of work?

25 A He -- from the -- ice cream work.

26 Q Sales of ice cream or --

27 A No.

28 Q Manufacture?

8a-4

1 A Manufacture.
2 Q In what general area do you reside?
3 A In the Highland Park area.
4 Q Are you related to or a friend of any law
5 enforcement officer?

6 A No, I'm not, your Honor.

7 Q Have you served on jury duty before?

8 A Yes, I have.

9 Q Have you served on a criminal case before?

10 A No.

11 Q Never before?

12 A No, your Honor.

13 Q Would you have such views concerning the death
14 penalty, Mrs. Donohue, that you could not be fair and
15 impartial in determining guilt or innocence?

16 A Well, I think I would have reservations. I don't
17 think I'd -- I don't think I'd like to -- on the guilt or
18 innocence of somebody, I could; but if it meant -- if it
19 meant giving them the death penalty or -- I would be skeptical
20 about that. I don't think I could do that.

21 Q You mean, knowing that you might at a later time--

22 A Yes.

23 Q -- in the case be called upon to determine the
24 question of life imprisonment or death, that you could not
25 in the first phase, in determining guilt or innocence, be
26 fair and impartial?

27 A That's right, your Honor.
28

8b fls.

8b-1

1 Q Would your views concerning the death penalty be
2 such that you would automatically refuse to impose it, regard-
3 less of the evidence?

4 A No, I don't think so, your Honor.

5 Q Or would you automatically impose the death
6 penalty upon a conviction of murder in the first degree?

7 A Well, I don't think I'd mind the death penalty --
8 the imprisonment part, but the death penalty would be something
9 else. I wouldn't -- I don't think I'd care to do that.

10 Q Well, did you miss -- I wonder if you misunderstood
11 what I first said.

12 A Maybe I did.

13 Q Would you ever impose the death penalty in any
14 case?

15 A I don't think I would, your Honor.

16 Q You sound uncertain. Let me ask you more about it.

17 Are your views about the death penalty such that,
18 given the choice between life imprisonment on the one hand and
19 the death penalty on the other, that you would always choose
20 the death penalty, regardless of the evidence?

21 A I don't think I'd choose the death penalty. No,
22 I would prefer to have it life imprisonment, to the death
23 penalty.

24 Q I wonder if you would listen very carefully to my
25 question, and -- and if you don't understand it, ask me.

26 Would you automatically refuse to impose the death
27 penalty, vote against the death penalty -- in other words, would
28 you automatically vote against the death penalty -- regardless

8b-2

1 of the evidence that might be produced?

2 A I would, your Honor.

3 Q Would you refuse to even consider the death penalty
4 in any case?

5 A I think I -- yes, I would, yes.

6 Q Regardless of the evidence?

7 A I just wouldn't want to do it; that's all.

8 Q Is that -- does that mean that you would automati-
9 cally vote against it, regardless of the evidence? Or would
10 you consider the evidence, and then after considering the
11 evidence, make a determination as to whether or not you, in
12 your sole discretion, should impose the death penalty?

13 A Well, I'd go according to the evidence. Yes, I
14 would, your Honor, if I was --

15 Q In other words, if you felt the evidence --

16 A Yes.

17 Q -- justified it, you would vote -- you would vote
18 for the death penalty?

19 A Yes, I would, yes.

20 Q Well, that's what we are attempting to find out,
21 Mrs. Donohue, your attitude toward the death penalty, in this
22 series of questions, as you can tell.

23 A Um-hum.

24 Q So that, to explain your state of mind, you would
25 vote for the death penalty, if you felt it was justified, after
26 viewing the evidence?

27 A Yes, I would.

28 Q Even though you may not personally like to impose

8b-3

1 the death penalty, you could impose it -- if, in your
2 discretion, you felt it was justified?

3 A Yes, I could.

4 Q Have you heard, seen or read the name Charles
5 Manson, before you came into this courtroom?

6 A Yes, I have, your Honor.

7 Q And was that in connection with the Tate-La Bianca
8 case?

9 A Yes, it was, your Honor.

10 Q And have you heard, seen or read anything about
11 this case, in the last two weeks?

12 A No, I haven't.

13 Q Do you know the name Shorty Shea?

14 A Yes, I've heard it, yes.

15 Q In what connection? What does that mean to you?

16 A I've heard -- read it in the papers, and seen it
17 on T.V.

18 Q What have you read about the name in the paper?

19 A Well, I've read it in connection with the Manson
20 case.

21 Q Yes. What have you heard, seen or read about it?

22 A Well, I have just read that the man had been --
23 had died or been killed, and -- and we don't know who did it,
24 or --

25 Q That Mr. Shea had died or had been killed?

26 A Yes.

27 Q And no one knows who did it?

28 A I guess that's what I think.

8b-4

1 Q That's about all you've read?

2 A That's about all I've read,

3 Q What about Gary Hinman? What have you heard about
4 that name, before you came into this courtroom, and the Court
5 told you about the indictment?

6 A Well, I have heard it on the T. V., but as regards
7 knowing anything about it, I don't; because I don't pay too
8 much attention to the news, because that's the time I --

9 Q What have you heard? That's what we are asking.

10 A I just heard the name; that's about it.

11 Q Do you know the name Susan Atkins?

12 A Yes.

13 Q Do you know the name Bobby Beausoleil?

14 A No.

15 Q What does the name Susan Atkins mean to you?

16 A Well, I -- when they -- when the case started
17 first, I read about her in the papers, and --

18 Q Yes. What did you -- go ahead.

19 A She was a woman that was in prison, and -- and I
20 think she was a person that had told the story to the papers in
21 the beginning.

8c fls.

22

23

24

25

26

27

28

8c-1

1 Q Did you read that -- those news articles about
2 her confession?

3 A Yes, I did. But this is a long time ago.

4 Q Well, let me ask you this, Mrs. Donohue. Do
5 you think that you are capable of setting aside what you
6 have heard, seen or read about Mr. Manson, and making a
7 decision in this case independent of such matters?

8 A I don't think I would, your Honor.

9 Q You don't think you would?

10 A I don't think I could.

11 Q You couldn't take this matter that you've heard,
12 seen or read and put it aside --

13 A I don't think I could.

14 THE COURT: All right.

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

16 THE COURT: The Court will grant the challenge. The
17 Court grants the challenge, and does excuse you for cause,
18 then, in that you are -- you have expressed to us that you
19 would be unable to set these matters aside, these opinions
20 that you may have formed from the press.

21 So therefore, the Court will excuse you. Thank
22 you, Mrs. Donohue.

23 PROSPECTIVE ALTERNATE JUROR DONOHUE: Thank you, your
24 Honor.

25 MR. KANAREK: Thank you, Mrs. Donohue.

26 THE COURT: Go to Room 253, the jury assembly room,
27 would you, please?

28 Mrs. Donohue, would you take your slip with you?

8c-2
1 And will you bring somebody in?

2 THE BAILIFF: Who's next?

3 THE CLERK: Mrs. Wanda Banks; B-a-n-k-s.

4 THE COURT: Banks.

5 THE BAILIFF: Yes, sir.
6

7 VOIR DIRE EXAMINATION OF

8 MRS. WANDA BANKS

9 BY THE COURT:

10 Q Mrs. Banks, were you present when the Court
11 explained the nature of this case, and first conversed with
12 jurors taken from your group?

13 A Yes, I was present.

14 Q And would your answers be any different than
15 the answers of those prospective jurors were to the questions
16 of a general nature I put to them?

17 A They would be no different.

18 Q No different?

19 A No.

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

22 A No, sir.

23 Q There would not be? Neither financial nor
24 personal?

25 A No.

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

27 A I work for the City of L.A., Department of
28 Water and Power.

8c-3

1 Q And for how long have you been so employed?
2 And what do you do?

3 A I'm in data processing, data systems clerk.

4 Q And is there a Mr. Banks?

5 A I am a divorcee.

6 Q All right. What type of work did Mr. Banks do,
7 if any?

8 A Uh -- now, he's in Saigon, working on contract
9 with the Army.

10 Q For what -- what type of work does it entail?

11 A I believe he's with the civilian personnel.

12 Q I see. Anything to do with law enforcement?

13 A None whatsoever.

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

16 A None.

17 Q Have you sat as a juror in a criminal case before?

18 A Never.

19 Q In what general area do you reside?

20 A In the South Los Angeles area.

21 Q And how long did you say you worked for the
22 Department of Water and Power?

23 A I have just been there with that department six
24 months. Prior, I worked at City Hall.

25 Q I see. And what did you do in City Hall?

26 A In data processing also.

27 Q The same type of work?

28 A Yes.

8c-4

1 Q Mrs. Banks, concerning your views on the death
2 penalty, would your views about it be such that you would be
3 unable to be fair and impartial in determining the question
4 of guilt or innocence in the first phase of the case?

5 A I don't believe they would be.

6 Q Or would your views concerning the death penalty
7 be such that you would automatically refuse to impose it,
8 refuse to vote for the death penalty, regardless of the
9 evidence?

10 A I would have to hear the evidence.

11 Q Upon hearing the evidence, if you, in your sole
12 determination and in your sole discretion, should determine
13 that the death penalty was the proper penalty, would you be
14 able to vote for the death penalty?

15 A I believe I would be able to.

16 Q On the other hand, if upon viewing the evidence,
17 in your sole discretion you felt life imprisonment were
18 proper, would you vote for that?

19 A Yes, I would.

20 Q Would you automatically vote the death penalty
21 upon a conviction of murder of the first degree, without
22 regard to the evidence?

23 A I would not.

24 Q Have you heard, seen or read the name Charles
25 Manson before you came into this courtroom?

26 A Yes, I have.

8d fls.

8d-1

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

3 A Just with the first.

4 Q Just for the first case?

5 A Yes.

6 Q Have you heard, seen or read anything about this
7 case in the last two weeks?

8 A No.

9 Q All right. In the Tate-La Bianca case, did you
10 follow that in the news?

11 A No, I did not.

12 Q You simply from time to time saw something in the
13 newspaper, over television, or heard something over the radio?

14 A Yes.

15 Q Did you occasionally talk with friends about it?

16 A No.

17 Q Never any conversation with friends or relatives --

18 A No.

19 Q -- about the case?

20 A (Indicating negatively.)

21 Q Do you know what the result of that case was?
22 What verdicts were brought back?

23 A No, I do not.

24 Q You don't know whether Mr. Manson was convicted or
25 whether he was acquitted?

26 A No, I do not.

27 Q And you don't know whether that jury came back with
28 the death penalty or with life imprisonment or what they came

8d-2

1 back with?

2 A No, I don't.

3 Q All right. Have you ever heard the name Susan
4 Atkins?

5 A Yes.

6 Q In what connection?

7 A Well, the first -- that was the first media that
8 was released, when the -- when the first -- I guess after the
9 first arrests occurred.

10 Other than that -- and the first news release of
11 the case.

12 Other than that, none.

13 Q You read about it in the newspaper, or saw it on
14 television, or what?

15 A Yes.

16 Q Did you see the name Bobby Beausoleil in your
17 reading or hear it anywhere?

18 A I don't recall that name at all.

19 Q How about the name Shorty Shea?

20 A No.

21 Q You have not ever heard, seen or read that name?

22 A I don't recall.

23 Q All right. And before you came into this court-
24 room, had you ever heard, seen or read the name Gary Hinman?

25 A No.

26 Q If I were to tell you that it's your firm obliga-
27 tion to set aside anything that you may have heard, seen or
28 read about Mr. Manson, the Tate-La Bianca case or this case,

8d-3

1 anything that you may remember that you have no remembrance
2 of at this moment, but may recall later about Mr. Manson, this
3 case or any other case, are you capable of doing that?

4 Are you capable of segregating that material from
5 the evidence in this case, and deciding the case solely on the
6 evidence?

7 A Yes.

8 Q And will you do that?

9 A Yes, I would.

10 Q You seem to have no doubt about your ability to
11 set aside such matters, what you may have heard, seen or
12 read. Is there any doubt in your mind about your ability to
13 segregate this -- this material from the evidence?

14 A No, there isn't.

15 Q Do you think that if you were to act as a juror,
16 you could more or less wipe your mind clean of whatever you
17 may have heard about Mr. Manson, and decide the case only on
18 what you hear, see and read in this courtroom?

8e fls.

19 A Yes, I believe so.
20
21
22
23
24
25
26
27
28

8e-1

1 Q And on the Court's instructions of law?

2 A Right.

3 Q When you say, "Yes, I believe so," are you hedging
4 at all with me? Are you hesitant about your ability?

5 A No, I'm not.

6 Q You are firm about your ability to do that?

7 A Yes, I am.

8 Q And would you do that?

9 A Yes, I would.

10 Q And will you be fair and impartial?

11 A Very much so.

12 THE COURT: Mr. Kanarek?

13

14

VOIR DIRE EXAMINATION

15

BY MR. KANAREK:

16

Q Mrs. Banks?

17

A Yes.

18

Q Now, directing your attention, you being of the --
19 you are of the black or Negro race, is that a fair statement?

20

A Yes.

21

Q Now, the fact that I go into that subject matter,
22 is that of such a nature that you would feel that you couldn't
23 be fair and impartial as a juror?

24

A No.

25

Q You recognize, that, as a lawyer, we sometimes have
26 some of these subjects, delicate subjects, that we have to bring
27 up in the courtroom? And the only way I can discuss them is by
28 talking about them.

8e-2

1 A This is true.

2 Q Everything is not as inert as -- for instance,
3 the chairs that you see around you, sometimes we deal with
4 flesh and blood, emotional things, and we are here merely to
5 get information for Judge Choate to make decisions.

6 A Very much so.

7 Q Now, did you hear anything concerning any racial
8 matters in connection with the Tate-La Bianca case or Mr. Manson?

9 A Hearing?, No. Only what I read in the first news
10 media; that's all.

11 Q And would you tell us what was that?

12 A I believe it was something to the effect that --
13 in blood or something, had written the word "Pig," or something,
14 which was supposed to have been in some regard to starting a
15 racial issue, thinking that it was the non-whites who had
16 committed this crime.

17 Other than that, that was all.

18 Q Well, now, directing your attention to your state
19 of mind, and recognizing that this type of -- without going into
20 it in detail at this point -- that this type of information may
21 be brought before you in this courtroom, either by way of
22 photographs, testimony, physical objects or whatever, now,
23 having that in mind, do you think that it would be fair to ask
24 you to sit as a juror, for this type of information and this
25 type of prosecution may make argument to you involving the type
26 of reasoning that you have just given to us, as what you had
27 read in the news media?

28 A Well, I feel that the news media is to sell papers;

8e-3

1 and they -- they will write anything, and it's up to you to
2 use your discrepancy, as to whether you believe it or not.

3 Q Right. I couldn't agree with you more. Right.

4 However, the news media -- we do rely on the news
5 media -- for instance, the law of congress, or what happens
6 in the city council, many things -- what the President says --
7 various things we -- that take place where we use the news
8 media as our source of information, even though we are not
9 personally there when events occur.

9 fls.

10 A Um-hum, yes.
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1 Q Having that in mind, see, what we are now trying
2 to determine, is just the information that you may know,
3 and what we're trying to do is get this information to Judge
4 Choate, where the Judge makes the decision.

5 Now, this -- let us say that this same informa-
6 tion, just for the sake of argument, the same information
7 of a racial nature that you have indicated is presented here
8 in court, let's say that there is presented to you a picture
9 where the word "Pig" is in the picture, as indicated, and you
10 have told us what you have read in the news media, is your
11 state of mind such that you could decide this case just on
12 the evidence that's brought here in court and that you would
13 not make reference or use the reasoning that you tell us the
14 media used in connection with the word "Pig" -- what is your
15 reaction to that?

16 A I would only --

17 MR. MANZELLA: Objection.

18 Excuse me, Mrs. Banks. I want to object to the
19 question on the grounds it is asking Miss Banks to prejudge
20 the evidence. What she would do if a specific question were
21 asked.

22 THE COURT: Yes, the Court sustains the objection.

23 You may rephrase it.

24 Q BY MR. KANAREK: Taking your example that you read
25 in the news media, let us say, for instance, just by way of
26 illustration that that appears before you, that type of
27 material appears before you in court here, where the word
28 "Pig," as you've written -- as you've read about it in the

9-2

1 news media, and you had to make a judgment concerning that
2 evidence here in court, would you make reference to that which
3 you had heard about in the news media?

4 A No, I would not.

5 Q You think, would it be physically or mentally
6 possible for anyone of us, whatever our race may be, as far
7 as you are concerned, not to consider the matters that you had
8 already heard or read about?

9 THE COURT: Well, direct your question to her state of
10 mind or her beliefs or opinions rather than anyone of us.

11 MR. KANAREK: Yes.

12 Q BY MR. KANAREK: What your real -- the Court is
13 absolutely correct.

14 What we want is your reaction.

15 A My reaction would be to the evidence that was
16 presented here, and not what I had formerly read in the
17 news media.

18 Q You would certainly try to do that, wouldn't you?

19 A Definitely so.

20 Q Not ever having done it or not having lived through
21 it in the courtroom, do you know whether or not you could,
22 in fact, not consider the example of, for instance, the word
23 "pig" as you indicated to us?

24 A Definitely so.

25 Q Now, may I ask you, do you have any friends or
26 relatives that are in any type of law enforcement work,
27 including private law enforcement work?

28 A None.

9-3

Q And, let us say, there are brought to this courtroom black people who are in prison, people who have been in custody for many years, and they testify in this courtroom on behalf of Mr. Manson.

Is your state of mind such that you could accept that testimony and give it the same impartial analysis that you might give to some of us who are not so unfortunate?

A Yes, I would.

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

THE COURT: Yes, you may.

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

MR. KANAREK: I challenge this juror under 1073, Subsection 2. I don't think it would be possible for her not to -- not to consider what she had heard in the press and media.

THE COURT: The Court believes her to be fully capable of setting aside any opinions that you may have formed, any information that she may remember now or remembers in the future about what she has heard, seen or read. I believe that she can -- the Court finds that she can do this, and that she will do this, and that she will be fair and impartial. And the challenge is denied.

9a fls

9-4 9a-1

1 MR. KANAREK: Well, your Honor, I would ask for an
2 extra peremptory.

3 THE COURT: Your request is denied.

4 MR. KANAREK: I would like to incorporate by reference --
5 may it be deemed incorporated by reference my previous request
6 for extra peremptories that I delineated?

7 THE COURT: Yes, you may incorporate it without
8 repeating it, and the Court denies it.

9 MR. KANAREK: Then, also, I request for the hearing as
10 to what occurred in the jury room, where the jurors spoke
11 inter se. We ask -- where they have spoken to each other,
12 where we heard --

13 THE COURT: Well, the Court has asked the entire panel --
14 not this panel, however. I'll ask these people whether there
15 has been any conversation.

16 The Court did not ask the panel again the question
17 specifically, but as to any further hearing other than that,
18 the Court would deny it at this time.

19 MR. KANAREK: Well, your Honor, I do allege, your
20 Honor, the request is based on equal protection and due
21 process under the 14th Amendment.

22 THE COURT: The request is denied.

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

26 THE COURT: Bring the prospective alternate jurors in.

27 THE BAILIFF: The whole panel or --

28 THE COURT: Just the other alternate prospective jurors

9a-2

1 at this time, Heller, Werner and Hills.

2 Do you gentlemen wish to question Mrs. Banks
3 generally?

4 MR. MANZELLA: Yes, your Honor.

5 THE COURT: Do you wish to do it now or wait until the
6 others are present?

7 MR. MANZELLA: I wish to do it now. It is up to Mr.
8 Kanarek.

9 THE COURT: All right, Mr. Kanarek, if you wish, you
10 may do it now or you can wait until the other alternates
11 are present.

12 MR. KANAREK: Well -- yes, does your Honor wish us to
13 proceed on the general --

14 THE COURT: Yes, you may, if you wish, or you can wait
15 until they are present. As you choose.

16 MR. KANAREK: Well, I will proceed, then.

17 THE COURT: All right, go ahead, then.

18 MR. KANAREK: If I may.

19
20 VOIR DIRE EXAMINATION

21 BY MR. KANAREK:

22 Q Mrs. Banks, can you think -- you've heard
23 everything that's happened here so far in this case?

24 A What do you mean when you say "everything that's
25 happened"?

26 Q In court.

27 A Oh, yes, yes.

28 Q Now, you recognize that as a juror, as a juror,

1 the -- whatever the result is must reflect the individual
2 opinion of each juror. That when you're a juror, you're
3 a judge?

4 A Yes.

5 Q And since we have 12 jurors as to each of the
6 Counts, there would be 12, 12 separate decisions.

7 The Court will instruct us that the result must
8 reflect the individual opinion of each juror.

9 So, therefore, there would be 36 separate
10 decisions, since there are three Counts. Three times 12.

11 Now, is your state of mind such, and is your
12 personality development such that you would maintain your
13 opinion even though it might not mean a unanimous result
14 on any of the counts?

15 A Yes.

16 Q In other words, assessing yourself, looking
17 introspectively into the depths of your mind, would you
18 maintain your position as long as you felt it was correct,
19 independent of any pressure that might be put upon you to
20 go along or do something that others might do?

21 A Yes, it would be.

22 (Whereupon, the other prospective alternate
23 jurors were brought into the courtroom, and the
24 following proceedings were had:)

25 MR. KANAREK: I think there's one juror --

26 THE COURT: Mrs. Heller is -- has left the jury
27 assembly room there to go to the rest-room and is on her
28 way here.

1 MR. KANAREK: Oh, does your Honor wish me to --

2 THE COURT: You may go ahead, if you wish. Go ahead.

3 MR. KANAREK: Okay.

4 Q BY MR. KANAREK: Well, can you think of any
5 reason, Mrs. Banks, that you couldn't be a fair and impartial
6 juror in this case and decide the issues that are placed
7 before us here in this very serious series of Counts that are
8 -- that have been placed against Mr. Manson?

9 A No, I do not.

10 MR. KANAREK: Thank you very much.

9b fls.

9b-1

1 THE COURT: People first. You may proceed or wait for
2 Mrs. Heller.

3 MR. MANZELLA: I'll go ahead, your Honor, thank you.
4

5 VOIR DIRE EXAMINATION

6 BY MR. MANZELLA:

7 Q Mrs. Banks, do you know anyone that's ever been
8 accused of any crime?

9 A No, I don't.

10 Q Do you know anyone that's been involved in the
11 defense of criminal cases as a lawyer or investigator or any-
12 thing of that nature?

13 A No, I don't.

14 Q Have you ever served on a jury in a criminal case
15 before?

16 A Never served on a jury before.

17 Q Mrs. Banks, as to one count of murder, alleged
18 in this indictment, if the prosecution has not been able to
19 produce a body, now, would that prevent you -- would that
20 fact prevent you from being fair and impartial to the People in
21 this case?

22 MR. KANAREK: Improper voir dire, your Honor.

23 THE COURT: All right, sustained.

24 You may rephrase it.

25 BY MR. MANZELLA:

26 Q The Court has instructed you with regards to
27 circumstantial evidence, and with regards to the elements of
28 murder and, of course, one of the elements of murder is proof

9b-2

1 of a dead body -- I'm sorry, proof of the death of a human
2 being --

3 Now, that death can be proved either circumstantially,
4 by circumstantial evidence or it can be proved by direct
5 evidence.

6 Now, of course, direct evidence would be eye-
7 witness testimony to the fact of the dead body or photographs
8 of the dead body.

9 Now, the prosecution in this case is attempting
10 to prove murder, but will be unable to produce the photograph
11 of the alleged deceased, Shorty Shea.

12 So, we will be introducing circumstantial evidence
13 of the death.

14 Now, my question is, would that prevent you from
15 being fair and impartial to the People in this case?

16 A No, it wouldn't.

17 Q All right.

18 With regard to the death penalty, Mrs. Banks,
19 do you feel that if, in your judgment, the death penalty was
20 justified in this case, assuming Mr. Manson was convicted of
21 one or both counts of first degree murder, would you be able
22 to vote for the death penalty?

23 A Yes, I would be.

24 MR. MANZELLA: Thank you.

25 The People pass for cause, your Honor.

26 THE COURT: Both sides having passed for cause,
27 accordingly, the peremptory challenge is with the People.

28 MR. MANZELLA: Yes, your Honor. The People accept the

9b-3

1 alternates.

2 THE COURT: Would you ladies and gentlemen, then, please
3 rise.

4 Please raise your right hand.

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

9 (Whereupon, the alternate jurors answered in the
10 affirmative.)

11 THE CLERK: Please be seated.

12 THE COURT: Ladies and gentlemen, the Court will excuse
13 you now till Tuesday morning at 9:30.

14 Remember the admonition that you have heretofore
15 heard me give to other jurors in the case, and that is to the
16 effect that you are not to converse amongst yourselves, nor
17 with anyone else on any subject connected with this matter, nor
18 are you to form or express any opinion on the matter until it
19 has finally been submitted to you.

20 That admonition will pertain throughout this trial,
21 during any recess.

22 The Court also advises you that you are not to hear,
23 see or read anything in connection with Mr. Manson, this case
24 or any other case in which Mr. Manson's name is mentioned in
25 the press, over television or radio.

26 You are not to converse with anyone, any of your
27 friends or relatives about it. If something is suddenly
28 thrust upon you, a headline, a phrase, a news report, well,

1 then, turn away from it, shut your eyes and your ears to it.

2 If you want to know what has happened in this case,
3 have some friends make some clippings and then you may read them
4 later. But you are not to, yourself, in any way expose yourself
5 to any publicity concerning Mr. Manson during the course of
6 this trial.

7 Do you all understand that?

8 (Whereupon, the alternate jurors answered in the
9 affirmative.)

10 THE COURT: Will you all follow that instruction?

11 (Whereupon, the alternate jurors answered in the
12 affirmative.)

9c

9c-1

1 THE COURT: All right, I'll see you on Tuesday morning,
2 then. Tuesday morning at 9:30. You are excused until then.

3 MR. KANAREK: Just a --

4 THE COURT: You are ordered to return at that time.

5 Let's get the balance of the panel in.

6 MR. KANAREK: Well, your Honor, before --

7 THE COURT: You gentlemen are both excused.

8 MR. KANAREK: Yeah, but I have a point, your Honor,
9 after the jury leaves the room.

10 MR. MANZELLA: Why don't you make the point now.

11 MR. KANAREK: Before the jurors enter, may I make the
12 point -- may the jurors be held back while I make the point?

13 THE COURT: Yes.

14 MR. KANAREK: I would like to have the transcripts --
15 I was made the representation before -- made the representa-
16 tion before Judge Call, and they've been in trial, and I
17 haven't had them.

18 THE COURT: Whose representation was that?

19 MR. KANAREK: The District Attorney, your Honor, was
20 going to see if it was cheaper --

21 THE COURT: You indicated to me you would like to have
22 a copy of the transcripts of the trial of People vs. Grogan?

23 MR. KANAREK: Yes.

24 THE COURT: Which involves the alleged death of Mr.
25 Shorty Shea.

26 MR. KANAREK: Yes.

27 THE COURT: And the Court told you that if Judge Call
28 would make his copy available, that the Court would see that

9c-2

1 you and Mr. Denny could have copies of it some time before
2 the People began to present evidence in connection with
3 Mr. -- the alleged death of Mr. Shea.

4 MR. KANAREK: Yes, your Honor.

5 THE COURT: And I don't know that Mr. Denny has checked
6 on that yet.

7 MR. KANAREK: Well, I think this was a matter your Honor
8 was going to -- your Honor asked Mr. Manzella to check because
9 it was cheaper --

10 THE COURT: Yes, the Court will see that -- sometime
11 or other -- if Judge Call will part with his copies or his
12 copy of the record in that case, that you do have some copy
13 of it.

14 MR. KANAREK: I would like it as soon as possible
15 before Tuesday, because I gather --

16 THE COURT: You understand it will cost you six cents
17 a page?

18 MR. KANAREK: Well, no, as I understood it --

19 THE COURT: Well, Mr. Manson is not --

20 MR. KANAREK: -- we were going to be furnished it,
21 I thought, because under due process and equal protection,
22 on the basis the prosecution has a copy they have it by
23 virtue of -- by virtue of Mr. Manzella being in close
24 association with Mr. Katz, and we certainly should -- we're
25 entitled to that equal protection and due process. If they
26 have a copy, I think the Court should order that they duplicate
27 it in whatever equipment they have and be given a copy.

28 MR. MANZELLA: May I be excused? I don't think it is

1 necessary that I be present for this motion.

2 THE COURT: Yes, you don't have to stay, and the Court
3 will release the other prospective jurors to come back on
4 Tuesday, and the Court will find out from Judge Call whether
5 it will be available. And the Court will find out whether
6 you will pay for it or Mr. Manson will pay for it.

7 MR. KANAREK: We also have a request that your Honor
8 order a clothing exchange. We have a pair of trousers for
9 Mr. Manson which we would like for him to have, and I wonder
10 if it requires the Court's order to do that?

10 fls.

10-1

1 THE COURT: Would you, Mr. Kuczera, would you convey to
2 the Sheriff that the Court would like to -- that the Court does
3 order that Mr. Manson receive any clothing that's delivered
4 to him?

5 MR. KANAREK: And --

6 THE BAILIFF: Yes, your Honor.

7 MR. KANAREK: And your Honor --

8 THE COURT: A clothing exchange.

9 And what else, Mr. Kanarek?

10 MR. KANAREK: And we also have a request that
11 Mr. Manson -- that we have a meeting with Mr. Manson and
12 Mr. Grogan, and that -- I gather that would take the -- I
13 think Judge Call, hopefully, would agree to that. But at
14 least your Honor could order that Mr. Manson, as far as your
15 Honor is concerned, that Mr. Manson and Mr. Grogan could meet.

16 THE COURT: When do you want the meeting?

17 MR. KANAREK: Well, at the convenience of the Sheriff.
18 I would request it, if your Honor says we may have the meeting,
19 at the convenience of the Sheriff.

20 THE COURT: When do you want it? Next week, or after
21 we reconvene, or --

22 MR. KANAREK: Well, within the immediate -- let's say
23 within the next several days.

24 THE COURT: We will ask --

25 MR. KANAREK: Or, within the next week. Let's put it
26 that way. So that we can then do it at the convenience of all
27 parties concerned.

28 THE COURT: Why don't you renew your request on Tuesday.

1 Now, do you have time to wait here while the Court
2 inquires of the jail dentist --

3 MR. KANAREK: Well, may I contact the Court in a little
4 while? May I be excused, and then I'll call the Court before
5 the day's over? Or come back?

6 THE COURT: Well, suppose you come back? I'll see you
7 about it tomorrow sometime. Does that sound satisfactory with
8 you?

9 MR. KANAREK: Or if I may call the Court after a while,
10 perhaps --

11 THE COURT: Very well.

12 MR. KANAREK: Thank you, your Honor.

13 THE COURT: Then the Court will see you on Tuesday
14 morning at 9:30.

15 MR. KANAREK: Yes.

16 THE COURT: You are excused until then.

17 MR. KANAREK: Thank you, your Honor.

18 THE COURT: Bring the balance of the panel in now.

19 THE BAILIFF: Yes, sir. They're right outside, sir.
20 Monday is the day I understand they're requested to come back.

21 THE COURT: All right. Fine. Thank you.

22 Your name was not picked after all of that.

23 PROSPECTIVE ALTERNATE JUROR EWING: Four days, and
24 nothing!

25 THE COURT: Four days? Was it four days all together?

26 PROSPECTIVE ALTERNATE JUROR EWING: Yes, all together, four
27 days.

28 THE COURT: You needn't sit down. I'm going to release

1 you right away.

2 Ladies and gentlemen, the Court thanks you for
3 having been present in this courtroom, and for having so
4 patiently waited in one courtroom or another, or the hallway.

5 The alternate jurors and the jury have been chosen
6 in this case; so therefore, there's no longer any need for your
7 services.

8 You are ordered to report to Room 253, the jury
9 assembly room, at 9:00 o'clock on Monday morning.

10 You are excused until then. Thank you, and good
11 night.

12 A PROSPECTIVE ALTERNATE JUROR: Monday?

13 THE COURT: Monday.

14 (Whereupon, at 3:50 P. M., an adjournment was
15 taken until Tuesday, August 3rd, 1971, at 9:30 A. M.)
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