

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 130

HON. EDWARD A. HINZ, JR., JUDGE

--oOo--

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

LESLIE VAN HOUTEN,

Defendant.

9008

NO. A253156

REPORTERS' DAILY TRANSCRIPT

Thursday, April 7, 1977

Volume 3

Pages 1163 to 1336, incl.

APPEARANCES: (See Volume 1.)

EMANUEL J. SANZO, C.S.R. No. 1267

- and -

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1 LOS ANGELES, CALIFORNIA, THURSDAY, APRIL 7, 1977, 10:22 A.M.

2 DEPARTMENT 30, 130

HON. EDWARD A. HINE, JR., JUDGE

3 - - -

4 (Appearances as heretofore noted.)

5
6 THE COURT: Good morning, ladies and gentlemen.

7 This is People versus Van Houten.

8 Let the record the defendant is present, represented
9 by counsel, the People are represented by counsel, the
10 prospective jurors are present in the courtroom.

11 Mr. Keith, you may resume examination.
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1 MR. KEITH: Thank you, Your Honor.

2 THE COURT: I believe you were on Juror No. 11.

3 MR. KEITH: Yes, thank you.

4 Let's see, Mr. Moreno, right?

5 MR. MORENO: Yes.

6 MR. KEITH: What is your first name?

7 MR. MORENO: Ramon.

8 MR. KEITH: And you live in Monterey Park?

9 MR. MORENO: Correct.

10 MR. KEITH: And you are single; is that right?

11 MR. MORENO: Yes.

12 MR. KEITH: Have you ever been married?

13 MR. MORENO: No.

14 MR. KEITH: And you work for a firm -- I'm not sure if
15 I have the name right. Perhaps you could repeat it.

16 MR. MORENO: Pacific Telephone.

17 MR. KEITH: Oh, yeah. I see. Oh, that's stupid.

18 I had what you did for Pacific Telephone before
19 Pacific Telephone, so I was looking at that.

20 Looks like you are an electronic something.

21 MR. MORENO: Electronic technician, communications.

22 MR. KEITH: How long have you had that job?

23 MR. MORENO: Twenty-two years.

24 MR. KEITH: Have you ever been in the service?

25 MR. MORENO: Yes, four years.

26 MR. KEITH: What branch of the service?

27 MR. MORENO: Marine Corps and army.

28 MR. KEITH: Have you been in combat?

1 MR. MORENO: No.

2 MR. KEITH: Are you a member of any veterans organi-
3 zations?

4 MR. MORENO: No.

5 MR. KEITH: What was your -- generally what was your
6 duty in the marine corps and the army?

7 MR. MORENO: Communications.

8 MR. KEITH: And how far did you go in school?

9 MR. MORENO: High school, two years of junior college.

10 MR. KEITH: Did you ever take any courses in psychiatry
11 or psychology in junior college?

12 MR. MORENO: None whatsoever.

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1 MR. KEITH: Have you ever been a victim or a witness
2 to any serious crimes, such as burglary, robbery, theft,
3 assault?

4 MR. MORENO: Just out of our -- where we work, nothing
5 else. From the window we seen somebody steal a car.

6 MR. KEITH: All right.

7 Have you ever had any close friends or relatives
8 who were victims or witnesses to a serious crime?

9 MR. MORENO: Not to my knowledge.

10 MR. KEITH: All right.

11 Do you know anybody in the law enforcement field,
12 such as a police officer or district attorney, city attorney?

13 MR. MORENO: Other than my brother, that's all.

14 MR. KEITH: Let's see.

15 MR. MORENO: My brother is a policeman in Orange County.

16 MR. KEITH: Oh, yes, I have that.

17 And you don't see him very often?

18 MR. MORENO: Maybe once a year.

19 MR. KEITH: You don't talk to him about what he does
20 for the police department in Orange County?

21 MR. MORENO: No. Just how is it, and that's it.

22 MR. KEITH: He doesn't talk to you about law and order
23 and crime in the streets?

24 MR. MORENO: No.

25 MR. KEITH: On the rare occasions that you do see him,

26 MR. MORENO: No, we do not.

27 MR. KEITH: Do you know any psychiatrists?

28 MR. MORENO: None.

1 MR. KEITH: Do you know anybody that's been treated by
2 a psychiatrist?

3 MR. MORENO: Not to my knowledge.

4 MR. KEITH: You have never studied psychology or read
5 any articles about it?

6 MR. MORENO: No, I haven't.

7 MR. KEITH: Do you believe that psychiatry and
8 psychiatrists are medical doctors that delve into the human
9 mind and treat people, diagnose and treat people with mental
10 and emotional disturbances -- do you feel that such people
11 play an important role in society?

12 MR. MORENO: They play a role.

13 MR. KEITH: Do you dislike psychiatrists?

14 MR. MORENO: No, I don't know nothing about them.

15 MR. KEITH: You don't know anything about psychiatry
16 at all.

17 But if you knew somebody that, let's say, you
18 thought were mentally or emotionally ill, would you advise
19 them to see a psychiatrist, do you think?

20 MR. MORENO: Yes.

21 MR. KEITH: You don't feel, do you, that psychiatrists
22 are quacks or charlatans or don't know what they are talking
23 about?

24 MR. MORENO: It's just another profession.

25 MR. KEITH: And you feel it's an honorable profession?

26 MR. MORENO: Yes.

27 MR. KEITH: In the event psychiatrists come to this
28 court and testify in behalf of Miss Van Houtan, you wouldn't

1 be inclined then to give their testimony less consideration
2 than it might otherwise deserve?

3 MR. MORENO: No.

4 MR. KEITH: Do you feel that you could listen to their
5 testimony, in the event you are selected as a trial juror,
6 and try your best to understand it and listen intently,
7 pay attention, and to give their testimony the weight it
8 honestly deserves?

9 MR. MORENO: Yes, I would.

10 MR. KEITH: Would you listen to their opinions and the
11 reasons for their opinions, and simply not just disregard what
12 they say?

13 MR. MORENO: Yes, I will.

14 MR. KEITH: Do you know anybody that's ever been a
15 drug user or abuser?

16 MR. MORENO: None.

17 MR. KEITH: Have you ever read any articles about
18 drug abuse or any newspaper accounts or seen anything on
19 television, any documentaries, shows about them?

20 MR. MORENO: Yes, I have.
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1 MR. KEITH: Have you ever heard of a drug called LSD?

2 MR. MORENO: Yes, I have.

3 MR. KEITH: How did you hear of that?

4 MR. MORENO: Just general description of different
5 drugs and in my Red Cross training.

6 MR. KEITH: What do you mean your Red Cross training?

7 MR. MORENO: Every employee of Pacific Telephone has to
8 take Red Cross first-aid training.

9 MR. KEITH: Does that first-aid training include what
10 to do in the event somebody appears to have overdosed?

11 MR. MORENO: Yes.

12 MR. KEITH: Are you taught to recognize the symptoms
13 manifested by the consumption of different drugs?

14 MR. MORENO: Well, a little bit.

15 MR. KEITH: All right.

16 MR. MORENO: I think I could recognize it.

17 MR. KEITH: So you have heard about LSD and been taught
18 something about it through your Red Cross training at
19 Pacific Telephone?

20 MR. MORENO: Yes.

21 MR. KEITH: And would the same apply to other drugs?

22 MR. MORENO: Yes, it would.

23 MR. KEITH: Were you taught some of the adverse effects
24 these drugs have on people if used to excess?

25 MR. MORENO: Just a little bit.

26 MR. KEITH: Do you have an opinion that LSD is a
27 benevolent drug, a helpful drug, a therapeutic drug?

28 MR. MORENO: I really don't know that much about it.

1 MR. KEITH: Do you have an opinion that it can be a very
2 harmful drug?

3 MR. MORENO: I imagine they all can, all drugs.

4 MR. KEITH: No one in your family, as far as you know,
5 has ever used drugs illegally?

6 MR. MORENO: Right.

7 MR. KEITH: Now, let's suppose, Mr. Moreno, that there's
8 gory testimony in this case and that, if you are selected as
9 a trial juror, you would be shown some rather gruesome
10 pictures.

11 Do you think that fact, and that fact alone, would
12 so upset you that you would find it difficult to give
13 Miss Van Houten a fair trial?

14 MR. MORENO: No, it won't bother me.

15 MR. KEITH: All right.

16 And let's suppose, Mr. Moreno, that at one time
17 back in the '60s for a period of a year and a half or so
18 Miss Van Houten led a very, oh, bizarre life style along the lines
19 of a hippie almost.

20 Would that fact and that fact alone tend to
21 prejudice you against Miss Van-Houten?

22 MR. MORENO: It would not.

23 MR. KEITH: I'm not suggesting that her manner in which
24 she lived in the 1967, '68, '69 may not have relevance in this
25 case; I'm just asking you if because of that fact standing
26 alone you'd be upset, disturbed, and not give her case the
27 consideration that it deserves?

28 MR. MORENO: No.

1 MR. KEITH: You know of Mr. Manson, I suppose?

2 MR. MORENO: Yes, I heard of him.

3 MR. KEITH: All right. And you know, I presume, through
4 our discussions, the sort of person he was or is?

5 MR. MORENO: Just what I've heard here.

6 MR. KEITH: Had you ever heard of him before you came
7 here?

8 MR. MORENO: I heard of the Family.

9 MR. KEITH: I'm not going to go into that. I just
10 wanted to refresh my recollection.

11 At any rate, let's suppose the evidence shows that
12 Miss Van Houten was involved with Manson. I'm not suggesting
13 again that that isn't very relevant in this case. But would
14 that fact and that fact alone so disturb you that you would
15 find it difficult to give Miss Van Houten a fair trial?

16 MR. MORENO: No.

17 MR. KEITH: And would you consider her involvement, if
18 any, with Manson with all the other evidence in the case in
19 making up your mind if you are selected as a trial juror and
20 not just say, "Well, anybody that ever had anything to do with
21 him is automatically bad and is guilty --"

22 MR. MORENO: No, I wouldn't.

23 MR. KEITH: "--- by association"?

24 You wouldn't do that, would you?

25 MR. MORENO: No, sir.

26 MR. KEITH: Let's suppose further, Mr. Moreno, the
27 evidence did show that Miss Van Houten abused drugs, primarily
28 LSD.

1 Again, I'm not suggesting that such evidence is
2 not relevant.

3 But would you be so disturbed by that conduct on
4 her part that you would say she was automatically bed and
5 forget about all the other evidence in the case or actually
6 the role LSD may have played in her life?

7 MR. MORENO: No, I wouldn't.

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1 MR. KEITH: Would you be able to keep an open mind,
2 Mr. Moreno, throughout the entire case, not only the prosecution
3 case but the defense case?

4 MR. MORENO: I'd certainly try.

5 MR. KEITH: Well, you are not telling me, are you, that
6 at the close of the prosecution's case you'd decide the case
7 then and there without waiting for the defense to put on its
8 side of the case?

9 You wouldn't do that, would you?

10 MR. MORENO: I'd wait for the --

11 MR. KEITH: You would want to hear all the evidence,
12 wouldn't you?

13 MR. MORENO: -- for everything to be in.

14 MR. KEITH: All right.

15 Let's suppose the evidence, Mr. Moreno, indicated
16 that Manson advocated a belief that there was going to be a
17 race war between blacks and whites, a regular civil war, and
18 they were going to go out and kill each other. And let's
19 suppose the evidence further showed that Miss Van Houten
20 believed these things that Manson was saying.

21 Is the fact of a race war going to bother you to
22 such an extent you would find it difficult to give her a
23 fair trial and not consider the context in which that evidence
24 of the race war, which was called Helter Skelter, which at
25 least he called Helter Skelter, is placed?

26 MR. MORENO: No, it wouldn't bother me.

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1 MR. KEITH: Again, I'm not suggesting that such
2 evidence isn't relevant.

3 I'm just asking you if the very fact that
4 Miss Van Houten believed there was going to be a race war,
5 in and of itself that would turn you off against her so you
6 wouldn't consider anything else in the case and would be
7 unfair towards her.

8 MR. MORENO: No, I would not.

9 MR. KEITH: And not keep an open mind.

10 MR. MORENO: I'd keep an open mind.

11 MR. KEITH: Is there anything that His Honor has said
12 to you about the law that applies not only to this case but
13 anybody accused of a crime, that you have a quarrel with?

14 MR. MORENO: Not whatsoever.

15 MR. KEITH: You don't have any quarrel with the
16 presumption of innocence, do you?

17 MR. MORENO: No, I do not.

18 MR. KEITH: Do you have any quarrel with the rule of law
19 that states that the prosecution has the burden of proving
20 its case beyond a reasonable doubt and to a moral certainty?

21 MR. MORENO: No, sir, I do not.

22 MR. KEITH: In the event you are instructed by His Honor
23 that some people can be less responsible under the law than
24 others by reason of a diminished capacity due to mental
25 illness, mental disease, defect or any other cause --

26 In the event you are instructed along those lines --
27 and I'm being very -- I'm paraphrasing it -- would you have any
28 quarrel with such an instruction?

1 MR. MORENO: No, none whatsoever.

2 MR. KEITH: What I am getting at is, do you feel that --

3 What you are telling me, then, Mr. Moreno -- and
4 I will use an illustration.

5 If I shot you and I'm crazy, that I should be
6 entitled to be convicted of a lesser offense than if I shot
7 you and I was of sound mind.

8 Do you understand that illustration?

9 MR. MORENO: Yes, I do.

10 MR. KEITH: And do you feel a crazy man is entitled to
11 be considered as having less responsibility than the person
12 with a sound mind?

13 MR. MORENO: (No response.)

14 MR. KEITH: Is that all right with you?

15 MR. MORENO: Yes.

16 MR. KEITH: Do you quarrel with that concept?

17 MR. MORENO: No; I understand.

18 MR. KEITH: And again, I'm certainly not being at all
19 medically accurate in using that kind of a term, "crazy";
20 but it's a shorthand expression to get across what I mean.

21 MR. MORENO: No; I have no quarrel with that.

22 MR. KEITH: Do you think you'd be able to keep -- maintain
23 and keep your individual opinion in the jury room in the event
24 you are selected as a trial juror?

25 MR. MORENO: Yes, sir.

26 MR. KEITH: You have been a juror on criminal cases
27 before, I believe.

28 MR. MORENO: Yes, one criminal case.

1 MR. KEITH: So you know how the procedure -- at least
2 you remember, I presume, how the procedure goes?

3 MR. MORENO: Yes, sir, I do.

4 MR. KEITH: The prosecution goes first, and then the
5 defense goes, produces evidence, and the prosecution has an
6 opportunity to rebut defense evidence if the prosecution so
7 desires.

8 And then the defense has the opportunity to rebut
9 what they tried to rebut, and then everybody starts arguing.

10 The prosecutor argues, the defense argues and
11 the prosecutor, because he has the burden of proof, if he
12 so desires may make a final argument.

13 You recollect that experience?

14 MR. MORENO: Yes, I do.

15 MR. KEITH: And then after that is completed, then
16 His Honor instructs the jury as to the law of the case.

17 Do you remember that?

18 MR. MORENO: Yes.

19 MR. KEITH: And then you go into the jury room and
20 deliberate.

21 MR. MORENO: Correct.

22 MR. KEITH: Right.

23 And you go in there and you talk to your fellow
24 jurors about the case, and you discuss all its facets, and
25 you discuss the law that you feel is applicable to the facts.

26 Do you remember that?

27 MR. MORENO: Yes, I do.

28 MR. KEITH: All right.

1. Do you feel -- that's the time to make up your
2. mind, once deliberations commence and during deliberations.

3. You remember that, don't you?

4. MR. MORENO: Yes, I do.

5. MR. KEITH: Now, do you think you'd change your mind
6. simply because you were in the minority; that other jurors,
7. a majority of jurors had a different opinion, simply because
8. of that fact alone?

9. MR. MORENO: (No response.)

10. [Faint, illegible text]

11. [Faint, illegible text]

12. [Faint, illegible text]

13. [Faint, illegible text]

14. [Faint, illegible text]

15. [Faint, illegible text]

16. [Faint, illegible text]

17. [Faint, illegible text]

18. [Faint, illegible text]

19. [Faint, illegible text]

20. [Faint, illegible text]

21. [Faint, illegible text]

22. [Faint, illegible text]

23. [Faint, illegible text]

24. [Faint, illegible text]

25. [Faint, illegible text]

26. [Faint, illegible text]

27. [Faint, illegible text]

28. [Faint, illegible text]

1 MR. KEITH: That's what I mean about keeping an
2 individual opinion.

3 MR. MORENO: No; I'd keep my own.

4 MR. KEITH: All right.

5 That's not to say you shouldn't change your mind
6 if you are persuaded by other jurors, through logic and
7 reason and discussion, and going over the evidence, that
8 an opinion once held was wrong.

9 That doesn't mean you shouldn't change your mind
10 under those circumstances.

11 I'm just talking about an arbitrary change. You
12 wouldn't do that, would you?

13 MR. MORENO: No, sir.

14 MR. KEITH: Now, would you hesitate, Mr. Moreno, to
15 return a verdict in favor of Miss Van Houten if you had a
16 reasonable doubt -- let me put it this way:

17 Would you hesitate to return a verdict in her
18 favor if you felt in your own heart and your conscience and
19 your mind that was the correct verdict, by reason of, say,
20 some belief on your part it might be an unpopular verdict in
21 the community or some fear on your part or some belief you
22 might be embarrassed?

23 Do you understand my question?

24 MR. MORENO: Kind of.

25 I'd bring in a verdict that to me the evidence
26 showed to be correct.

27 MR. KEITH: Despite --

28 MR. MORENO: And I was certain of.

1 MR. KEITH: Okay. Despite any possible pressures from
2 other sources.

3 MR. MORENO: That won't bother me.

4 MR. KEITH: I'm not talking about fellow jurors; I'm
5 talking about pressures from outside the courtroom.

6 Not that you are going to be confronted with any
7 direct influence such as that, of course; you'd be sequestered.

8 And I am talking about a feeling that you might
9 have that you would be criticized.

10 MR. MORENO: No, I wouldn't.

11 MR. KEITH: Now, Mr. Moreno, as has been hammered home
12 time and time again while you have been here and the other
13 jurors have been here, Leslie is entitled to a fair trial
14 by jurors that have fair and open and impartial minds.

15 Do you feel that you have that state of mind
16 towards her?

17 MR. MORENO: Yes, I do.

18 MR. KEITH: And is there anything you think of now that
19 perhaps you have had a day or so to ponder the question, that
20 you would like to share with us, that you feel might bear on
21 your ability or lack of ability or capacity to give her a
22 fair trial?

23 MR. MORENO: Nothing that --

24 MR. KEITH: Because I can't stand here all day long and
25 ask you questions about yourself.

26 We don't have that kind of time, and it would
27 probably be nonproductive anyway.

28 So you have got to tell us if there is anything

1 in your background or in your experience or amongst your
2 beliefs or your thoughts that you think would affect your
3 ability to judge her fairly.

4 MR. MOSENO: None that I would be able to think of.

5 MR. KEITH: Okay; good.

6 Could you pass the microphone to Mrs. Manning.

7 Let's see; Mrs. Manning, you live in Sunland?

8 MRS. MANNING: Yes, sir.

9 MR. KEITH: And you are married; and you have two sons?

10 MRS. MANNING: Yes.

11 MR. KEITH: What are their ages?

12 MRS. MANNING: 25 and 20.

13 MR. KEITH: And what do they do, Mrs. Manning?

14 MRS. MANNING: One is married and works for his father,
15 and the other one is in school.

16 MR. KEITH: What school --

17 I presume that's the 20 year old?

18 MRS. MANNING: Yeah Pierce College.

19 MR. KEITH: Garden me?

20 MRS. MANNING: Pierce College.

21 MR. KEITH: And your husband has a tire sales and service
22 company?

23 MRS. MANNING: Yes.

24 MR. KEITH: And where is that located?

25 MRS. MANNING: Sun Valley.

26 MR. KEITH: And your 25 year old son works for him,
27 presumably.

28 MRS. MANNING: Yes.

6-1
1 MR. KEITH: And you work for a hospital in the accounting
2 department?

3 MRS. MANNING: Yes.

4 MR. KEITH: And what hospital is that?

5 MRS. MANNING: Glendale Memorial.

sp? 6 MR. KEITH: Is your son that is going to Pierce majoring
7 in any particular field?

8 MRS. MANNING: Yes.

9 MR. KEITH: What is that?

10 MRS. MANNING: Computer technology.

11 MR. KEITH: How long have you been at Glendale Memorial,
12 may I ask, approximately?

13 MRS. MANNING: Nineteen years.

14 MR. KEITH: And during that time, even though you have
15 been --

16 Have you been in the accounting field --

17 MRS. MANNING: Yes.

18 MR. KEITH: -- during that time?

19 MRS. MANNING: Yes.

20 MR. KEITH: Be that as it may, you probably have been
21 exposed on many occasions to persons who have used drugs to
22 excess?

23 MRS. MANNING: Yes.

24 MR. KEITH: And do you have an understanding of drugs
25 as a result of your hospital experience?

26 MRS. MANNING: Well, yes, I've seen some of the cases.

27 MR. KEITH: And have you seen people who have used or
28 abused LSD?

1 MRS. MANNING: Not that I know of.

2 MR. KEITH: Do you know about that drug?

3 MRS. MANNING: Yes, I do.

4 MR. KEITH: Have you read anything about it?

5 MRS. MANNING: No.

6 MR. KEITH: Have you talked to anybody about it that
7 also works in the hospital on the staff, nurses, doctors?

8 MRS. MANNING: Well, just in general.

9 MR. KEITH: Do you have an opinion that the LSD is a
10 therapeutic drug?

11 MRS. MANNING: No.

12 MR. KEITH: Do you have an opposite opinion?

13 MRS. MANNING: Yes, when abused.

14 MR. KEITH: And in the event the evidence indicates
15 Miss Van Houten abused LSD over a relatively long period of
16 time, would you consider that evidence in the light that it
17 is offered and not simply say, "Well, she's a drug abuser; I'm
18 not going to give her any consideration at all. She's a bad
19 girl," period?

20 MRS. MANNING: No.

21 MR. KEITH: Would you do that?

22 MRS. MANNING: No.

23 MR. KEITH: You wouldn't do that, would you.

24 Now, also, because of your occupation, you no
25 doubt know psychiatrists.

26 MRS. MANNING: Yes.

27 MR. KEITH: Have you studied psychiatry at all?

28 MRS. MANNING: No.

6-3
1 MR. KEITH: Have you talked to any psychiatrists on the
2 staff of the Glendale Memorial about their work?

3 MRS. MANNING: I've seen them at work.

4 MR. KEITH: They do have a mental health department
5 there?

6 MRS. MANNING: No. We have an alcoholic unit where they
7 work.

8 MR. KEITH: And psychiatrists do staff that particular
9 department, do they not?

10 MRS. MANNING: True.

11 MR. KEITH: Do you feel they do a good job there --

12 MRS. MANNING: Yes.

13 MR. KEITH: -- with the alcoholics?

14 Do you admire psychiatrists?

15 MRS. MANNING: Yes.

16 MR. KEITH: Do you feel, then, that they provide a useful
17 and valuable function in society?

18 MRS. MANNING: Yes.

19 MR. KEITH: You certainly would advise somebody to see a
20 psychiatrist, I presume, that you felt was mentally or
21 emotionally disturbed?

22 MRS. MANNING: Yes.

23 MR. KEITH: Incidentally, has anybody in your family or
24 any close friends ever been treated by a psychiatrist?

25 MRS. MANNING: No.

26 MR. KEITH: In the event psychiatrists appear here and
27 testify in Miss Van Houten's behalf, then you certainly
28 wouldn't disregard their testimony because you disliked

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psychiatrists; it would be just the opposite, wouldn't it?

MRS. MANNING: Right.

MR. KEITH: Now, do you know anybody in law enforcement work --

Maybe I'd better --

MRS. MANNING: Our neighbor and friend for 27 years just retired from the Los Angeles Police Department.

6-5
1 MR. KEITH: How long have you known him?

2 MRS. MANNING: Twenty-seven years.

3 MR. KEITH: I'm sorry, you probably said that, and I
4 wasn't listening.

5 And do you talk to him often about his duties?

6 MRS. MANNING: Oh, different times.

7 MR. KEITH: What is his name?

8 MRS. MANNING: Willard Lehman.

9 MR. KEITH: How do you spell his last name?

10 MRS. MANNING: L-e-h-m-a-n.

11 MR. KEITH: Do you know what his function or capacity
12 was with the Los Angeles Police Department at the time of his
13 retirement?

14 MRS. MANNING: He was in a patrol car.

15 MR. KEITH: Had you talked to him about crime in the
16 street, or have you?

17 MRS. MANNING: On different occasions.

18 MR. KEITH: Did you talk to him about law and order?

19 MRS. MANNING: Yes.

20 MR. KEITH: Has he influenced you on that subject, or
21 sought to?

22 MRS. MANNING: No.

23 MR. KEITH: Do you and he agree?

24 I'm not going to ask you what you agree about; I'm
25 just going to ask you if you and he agree.

26 MRS. MANNING: Usually.

27 MR. KEITH: Do you know anything, Mrs. Manning, about the
28 followers of Reverend Moon or the Hare Krishna movement or

1 other so-called religious sects --

2 MRS. MANNING: No, just heard of them.

3 MR. KEITH: -- that deal in thought control?

4 Do you think you would find it difficult to give
5 Miss Van Houten a fair trial in the event the evidence indicated
6 she did have an involvement with Mr. Manson?

7 MRS. MANNING: Oh, yes.

8 MR. KEITH: From that fact alone?

9 MRS. MANNING: Yes.

10 MR. KEITH: I'm not suggesting, as I said to the other
11 jurors, that there isn't a significance.

12 Do you think you would tend to be unfair and
13 prejudiced towards Miss Van Houten if the evidence indicated
14 that at one period in their life in the late '60s she led a
15 very bizarre hippie-like life style?

16 MRS. MANNING: No.

17 MR. KEITH: Again, I'm not suggesting that such evidence
18 may not have considerable relevance, but would you simply close
19 your mind to any other testimony because you didn't like or
20 were upset by the way she had lived in the past?

21 MRS. MANNING: No.

22 MR. KEITH: And do you think you would be able to
23 consider, in the context in which it is offered, evidence that
24 Manson espoused and that Lealie believed in a race war involving
25 blacks and whites that they called Helter Skelter?

26 MRS. MANNING: Yes.

27 MR. KEITH: Do you feel, then, that you could consider
28 that evidence, then, for the relevance that it deserves and

1 not be so upset by that kind of a belief that you would close
2 your mind to any deeper meaning it might have?

3 MRS. MANNING: Yes.

4 MR. KEITH: Would you have any hesitation in returning
5 a verdict in favor of Miss Van Houten if you believed in your
6 heart and in your mind it was a proper verdict, even though
7 you might feel that it could be unpopular in the community?

8 MRS. MANNING: No.

9 MR. KEITH: Having worked in a hospital for so many
10 years, I'm sure bloody photographs or gruesome testimony
11 isn't going to bother you in the slightest.

12 MRS. MANNING: No.

13 MR. KEITH: Would that be a fair statement?

14 You see plenty of that, I presume?

15 MRS. MANNING: I have.

16 MR. KEITH: Now, Mrs. Manning, is there anything you
17 can think of, having had some time to ponder about it, that
18 you would like to share with us that might militate against
19 your being a fair and impartial juror and being able to keep
20 an open mind throughout the case and being able to maintain
21 your individual opinion once you retire to the jury room to
22 deliberate?

23 MRS. MANNING: No, sir.

24 MR. KEITH: I didn't ask you this: Has anybody close
25 to you ever been the victim or a witness to a serious crime?

26 MRS. MANNING: No.

27 MR. KEITH: Thank you, Mrs. Manning.

28 Pass for cause.

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THE COURT: Thank you.

Mr. Kay, you may inquire for cause.

MR. KAY: Thank you, Your Honor.

Good morning, ladies and gentlemen.

It's been so long since introductions, I'll introduce myself once again. I'm the prosecutor. My name is Stephen Kay.

EXHIBIT
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6-9
1 The gentleman, good looking fellow, that's been
2 sitting next to me all these days, is Sgt. Phil Sartuche of
3 the major crime bureau of the Los Angeles Police Department.
4 He's the chief investigating officer in this case, and he'll
5 be keeping me company throughout the course of the trial.

6 Let me apologize to you for being up here with a
7 cold today. I have two of my children in nursery school, and,
8 as any of you with kids who have been in nursery school know,
9 whenever a bug goes around nursery school they always have to
10 bring it home and share it with mommy and daddy. And that's
11 why I have a cold.

12 From time to time I might have to run over to my
13 glass of water there and take a cough drop or something.

14 Let me -- I think Mr. McKinley really did an
15 outstanding thing yesterday, and let me encourage all of you
16 to do the same. Mr. McKinley had a change of mind, and he
17 let us know about it.

18 I know a lot of the questions that I might ask
19 you or that Mr. Keith might ask you you maybe haven't given a
20 lot of thought to before, and maybe you will go home at night
21 and think, "Well, gee, I answered Mr. Kay's question this way,
22 or Mr. Keith's question this way, and I'm really not happy
23 with that answer, and I'd like to change it."

24 If you want to do that, raise your hand and let
25 us know. It is not too late, really, until we swear the final
26 12 in and the final four alternates. If you want to change
27 your mind, change an answer, by all means, let us know. Raise
28 your hand. The judge will ask you about your question.

6-10

1 Whatever you want to say, you can say.

2 Also, don't feel that you have to answer any of
3 my questions yes or no. If you want to explain an answer, by
4 all means go right ahead and do that. I don't mean to limit --
5 Some of the questions might call for a yes or no answer, but
6 if you are not comfortable with answering the question yes or
7 no, go right ahead and explain.

8 I understand that it might be hard for some of you
9 to speak out in a group situation here. We've had a lot of
10 people in the audience, and you are kind of under a microscope
11 now, and you are not used to it. However, I imagine it would
12 be a lot easier to speak out now about some particular problem
13 you have had with the case rather than in the jury room when
14 your fellow jurors knew that you were perhaps asked a question
15 during jury selection that should have prompted you to speak
16 up about a problem that you might have had with the case.

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1 And also if I ask a question that doesn't pinpoint
2 your problem but touches on it, on the problem you might have
3 or suggests a problem to you, by all means let me know.

4 And finally, let me assure you that although the
5 questions I might ask and maybe some of the ones Mr. Keith
6 might have asked might be sensitive to some of you, that
7 certainly my intention, and I'm sure Mr. Keith's intention
8 was not to embarrass anybody.

9 But we just both want to make sure that our
10 respective sides get a fair trial in this case.

11 With that in mind, Mr. Bledsoe, do you feel that
12 Miss Van Houten, as a defendant in this case, is entitled
13 to a fairer trial than the prosecution?

14 MR. BLEDSOE: Yes.

15 MR. KAY: You think she is entitled to a fairer trial
16 than the prosecution?

17 MR. BLEDSOE: A "fairer"?

18 MR. KAY: A fairer trial.

19 In other words, do you think that each side is
20 entitled to an equal fair trial, or do you think that because
21 she is the defendant she is entitled to a fairer trial?

22 MR. BLEDSOE: Oh, no.

23 MR. KAY: Now, because Miss Van Houten is the defendant
24 she is obviously a young woman charged with some serious
25 offenses here -- do you feel any sympathy for her?

26 MR. BLEDSOE: (No response.)

27 MR. KAY: I mean, do you feel sorry for her because she
28 is here as a defendant in the case?

1 MR. BLEDSOE: No.

2 MR. KAY: Do you feel any sympathy for her for any
3 reason?

4 MR. BLEDSOE: No.

5 MR. KAY: The judge will instruct you that sympathy and
6 passion -- sympathy for, or passion and prejudice against --
7 are two things you can't consider if you are selected as a
8 juror and you go into the jury room to deliberate.

9 Assuming that the evidence was the same as to both,
10 do you think you would have a harder time convicting a
11 woman of murder than you would a man?

12 MR. BLEDSOE: No.

13 MR. KAY: Do you think you'd require any more evidence
14 to convict a woman of murder than you would a man?

15 MR. BLEDSOE: No.

16 MR. KAY: Now, during the course of this trial it's
17 going to come to your attention that Miss Van Houten has been
18 in custody for the last seven years.

19 Because of that fact, do you feel that inspite of
20 any evidence that we might put on, that the prosecution might
21 put on, that you would consider not convicting her or
22 convicting her of a reduced charge because of your feeling
23 that seven years is long enough for anybody to spend in custody
24 for any murder?

25 Do you feel that way?

26 MR. BLEDSOE: Not that I would have a view of not wanting
27 to convict.

28 I think I would have to wrestle with the fact

1 that there has been a previous incarceration.

2 MR. KAY: Well, let me say that the judge will instruct
3 you that you can't consider penalty or punishment in this
4 case.

5 He's already told you it's not a death penalty
6 case.

7 If it was a death penalty case, then you would
8 consider penalty and punishment, at least at the death penalty
9 phase of the trial.

10 We no longer have the death penalty in California,
11 so the jury can't consider penalty or punishment in this case.

12 Do you think that you could put that fact out of
13 your mind? ~~OR~~ do you think that it would so weigh on your
14 mind that Miss Van Bouten has been in custody for the last
15 seven years that you figure, "Well, seven years is long
16 enough, let's just let her go now"?

17 Do you think you'd feel that way?

18 MR. BLEDSOE: No, I do not.

19 MR. KAY: Now, in every criminal case, whether it's a
20 prosecution for a traffic ticket or murder, such as in this
21 case, the prosecution has the legal burden of proof.

22 And that legal burden of proof is that we have to
23 prove a defendant's guilt beyond a reasonable doubt.

24 Now, realizing that that, and that alone, is our
25 burden of proof, would you hold us to any higher burden of
26 proof?

27 In other words, would you require of us that we
28 would have to prove Miss Van Bouten guilty to an absolute

1 certainty or beyond a shadow of a doubt, before you would
2 convict her?

3 Would you require that of us?

4 MR. BLEDSOE: No, I would not.

5 MR. KAY: Do you consider yourself to be a reasonable
6 man?

7 MR. BLEDSOE: I think so.

8 MR. KAY: Well, that's -- I think you would know.

9 And if you were selected as a juror on this case
10 and you went back into the jury room to deliberate and you
11 felt that you had a doubt as to Miss Van Houten's guilt as to
12 a particular charge or maybe the degree of her guilt, do you
13 think that you could conscientiously examine that doubt in
14 your mind and determine in your own mind whether that doubt
15 that you had was a doubt based in reason, a reasonable doubt,
16 entitling Miss Van Houten to an acquittal, or maybe it was
17 just a mere possible or imaginary doubt and may be based on
18 speculation or conjecture, which would not entitle Miss Van
19 Houten to an acquittal?

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1 Do you think you could determine that in your own
2 mind?

3 MR. BLEDSOE: Well, certainly I would attempt to, to
4 make sure that whatever doubt I had was real and there was
5 some facts or substantiation for that.

6 Otherwise I feel that I could very well rule it
7 out based upon other things.

8 MR. KAY: Do you think you see the distinction I'm
9 trying to draw here between a reasonable doubt and an imaginary
10 or speculative type doubt?

11 Do you think you understand that?

12 MR. BLEDSOE: Sure.

13 MR. KAY: At the outset of a criminal trial every
14 defendant in every criminal case is presumed innocent until
15 the contrary is proven.

16 Do you feel that that presumption of innocence
17 is an impossible burden for the prosecution to overcome?

18 MR. BLEDSOE: No.

19 MR. KAY: Have you ever studied law?

20 MR. BLEDSOE: Well, only in conjunction with courses in
21 criminology and pre-law courses.

22 None in a law school, or anything like that.

23 MR. KAY: You have taken criminology courses?

24 MR. BLEDSOE: Yes.

25 MR. KAY: And where did you take those courses?

26 MR. BLEDSOE: Cal State Los Angeles.

27 MR. KAY: How many criminology courses did you take?

28 MR. BLEDSOE: I think three; I'm not sure.

7-6
1 They were all involved in a sociology
2 curriculum.

3 MR. KAY: Can you remember the title of the courses
4 that you took?

5 MR. BLEDSOE: I think one was Introduction to
6 Criminology, and one was maybe Criminology II.

7 And I'm not sure of the other -- the exact title
8 of the other course.

9 MR. KAY: How long ago was this that you took these
10 courses?

11 MR. BLEDSOE: Well, it would have to be between 1970
12 and 1972.

13 I graduated in 1972 from Cal State Los Angeles.

14 MR. KAY: Do you still go to school? Do you take any
15 graduate courses, or anything like that?

16 MR. BLEDSOE: I graduated from Cal State Long Beach in
17 December of last year.

18 MR. KAY: What, to get a Master's degree?

19 MR. BLEDSOE: That is correct.

20 MR. KAY: And in what field was the Master's degree?

21 MR. BLEDSOE: Public policy and administration.

22 MR. KAY: Do you have any friends that are attorneys?

23 MR. BLEDSOE: Yes.

24 MR. KAY: And do any of those persons practice criminal
25 law?

26 MR. BLEDSOE: I'm not sure of the area of law that the
27 one friend I have is practicing in.

28 MR. KAY: What's his name?

1 MR. BLEDSOE: His name is Michael J. Udyak. U-d-y-a-k,
2 I think; I'm not sure.

3 MR. KAY: Do you have any friends that are private
4 investigators?

5 MR. BLEDSOE: No.

6 MR. KAY: Now, the one attorney whose name you gave me,
7 is that really your only friend that's an attorney?

8 MR. BLEDSOE: That I can recall at the present time,
9 yes.

10 MR. KAY: Have you ever testified in court before?

11 MR. BLEDSOE: No.

12 MR. KAY: Have you ever watched a case in court other
13 than when you were on jury duty?

14 MR. BLEDSOE: Yes.

15 MR. KAY: And what type of case was that, or cases?

16 MR. BLEDSOE: Well, mainly traffic.

17 Some had to do with minor offenses, petty theft.

18 Also cases involving property settlements. These
19 type.

20 MR. KAY: No cases involving felonies, or anything like
21 that?

22 MR. BLEDSOE: Not that I can recall.

23 Most of them were either traffic, misdemeanors or
24 a settlement in terms of making some restitution for a loss.

25 MR. KAY: Have you ever had what you felt was a bad
26 experience with the police?

27 Maybe a traffic ticket you think you didn't deserve,
28 or anything like that?

1 MR. BLEDSOE: Well, yes, I have had citations that I
2 felt were not deserving.

3 I wouldn't say that it was a bad experience in
4 the sense that I viewed it as, you know, a total destructive
5 thing, no.

6 MR. KAY: Now, in this case obviously from the witnesses
7 that Judge Hinz read to you yesterday there are going to be
8 a number of police officers that are going to be testifying
9 in this case.

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1 Because of the experiences you had with the
2 unjustified traffic tickets, do you think you will hold that
3 against the prosecution in this case?

4 Maybe feel like you are riding the motorcycle now,
5 and you are going to give them the ticket because they gave
6 you a ticket before.

7 Do you feel that way?

8 MR. BLEDSOE: No.

9 MR. KAY: Do you think you'd give any less weight to the
10 testimony of a witness because that witness was a police
11 officer?

12 MR. BLEDSOE: No, I do not.

13 MR. KAY: Now, in a criminal case there are two types
14 of evidence: There is direct evidence and circumstantial
15 evidence.

16 I will give you a brief example, and then I will
17 ask you a question about it.

18 Assume that I live at the bottom of a hill and
19 that I have a friend named Don that lives on the top of the
20 hill.

21 My friend Don drives a little blue Volkswagen.

22 Assume that one Saturday morning I'm out doing
23 some gardening in the front of my house and my friend Don
24 drives up in front of the house and says, "Hi, Steven," and
25 I say, "Hi, Don. Why don't you come on in and let's visit for
26 awhile."

27 So Don, who is the only one in his car, gets out
28 of his car, comes into my house with me and we visit for a

1 little while.

2 And Don then says, "Well, I have to get home now
3 because I have to mow my front lawn." And I say, "Okay,
4 I'll walk you out to your car."

5 So I walk him out to his car, and I see him get
6 in his car and drive to his house on top of the hill, which I
7 can see from my house.

8 Now, if I was trying to prove that he drove his
9 car from my house to his house, the direct evidence would be
10 that I saw him drive, I saw him get in the car and I saw him
11 drive up to his house and I saw him get out of the car.

12 That would be direct evidence.

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1 Assume that when he came over we are still visiting
2 in the house and he says, "Steve, I got to go now," and I say,
3 "Okay. I'd like to walk out with you, but I have the sprinklers
4 on in the back yard, and I have to go out and turn the
5 sprinklers off."

6 So I go out in the back yard and turn the sprinklers
7 off. And when I go out in the front to continue my gardening
8 in the front yard, Don has gone and his little blue car is up
9 at his house, but I did not see him drive it up there.

10 Well, that would be circumstantial evidence. He
11 said inside, "I'm going home now." I knew that he drove there
12 by himself, and his car is gone, and it's up at the top of
13 the hill. That would be circumstantial evidence.

14 Also, if I went back inside for a minute and the
15 phone rang and I picked up the phone and Don was on the phone
16 and he said, "Look, Steve, I just drove home from your house,
17 but I think I left my pen on your coffee table. Can you see
18 if it is there?"

19 Well, that's an admission. He admitted that he
20 just drove home from my house. That's also circumstantial
21 evidence.

22 Now, do you have any quarrel with the fact that
23 under the --

24 And let me say this, that in the law, in the eyes
25 of the law, both types of evidence are treated the same. The
26 law doesn't favor circumstantial over direct or direct over
27 circumstantial.

28 Now, with this in mind, do you have any quarrel

1 about the fact that under the law in California a defendant
2 can be convicted based on circumstantial evidence alone?

3 Do you have any -- Do you think that's unfair?

4 MR. BLEDSOE: No. You know, as long as you pointed out
5 with your illustration that that circumstantial evidence is,
6 you know, is factual, or you have some basis for making, you
7 know, statements with reference to circumstantial evidence.

8 MR. KAY: Would you refuse to convict the defendant
9 based on circumstantial evidence alone?

10 MR. BLEDSOE: I don't think so.

11 MR. KAY: Well, now, let me say that as to the LaBianca
12 murders the prosecution may not offer any eyewitness testimony
13 to the actual murders themselves.

14 Is your state of mind such that you wouldn't
15 convict any defendant of any murder unless the prosecution
16 provided eyewitness testimony to the murder?

17 MR. BLEDSOE: Oh, no.

18 MR. KAY: Now, do you feel that because of the fact that
19 Miss Van Houten is here for a retrial, and by retrial that
20 means a second trial, she's had one trial, she's here for a
21 second trial, do you feel that because she is here for a
22 retrial that she is more likely to be not guilty of the charges
23 against her?

24 MR. BLEDSOE: No, I do not.

25 MR. KAY: All right.

26 I know that during questioning on publicity some
27 of you knew the reason for it and some of you didn't but it
28 is something that you shouldn't consider one way or another.

Do you understand that?

MR. BLEDSOE: Yes, I do.

MR. KAY: Now, Mr. Bledsoe, if you were selected as a juror in this case, assume that you were, and assume that you went back into the jury room to deliberate, and assume that the vote count was 11 to 1, that 11 jurors felt that Miss Van Houten was guilty of first degree murder and you felt that she was guilty of second degree murder.

But then one or more of the jurors pointed out to you that maybe you missed a crucial piece of evidence in the case or misinterpreted a jury instruction, and after them pointing this out to you, you conscientiously felt in your mind that Miss Van Houten was guilty of first degree murder, but you knew that if you voted to convict her of first degree murder that that would make the verdict unanimous and would mean that she would, in fact, be convicted of first degree murder.

1 Under those circumstances, would you have the
2 courage to vote to convict her of first degree murder?

3 MR. BLEDSOE: Sure. If it was proven that I had been
4 in error about certain information or certain facts relative
5 to the case, then I would without question make the decision
6 to then change my opinion.

7 MR. KAY: Even though you knew that by your voting to
8 convict her of first degree murder that that would mean that
9 she would, in fact, be convicted of first degree murder because
10 it would make the jury verdict unanimous, you would have the
11 courage to do that under those circumstances?

12 MR. BLEDSOE: Yes, if I was given reason to make the
13 transition, yes.

14 MR. KAY: All right.

15 The fact that your vote was the final vote making
16 the jury verdict unanimous wouldn't affect you then?

17 MR. BLEDSOE: No.

18 MR. KAY: As long as you believed that she was guilty
19 of first degree murder?

20 MR. BLEDSOE: Yes.

21 MR. KAY: Now, in California, under the law of conspiracy,
22 and, of course, as the judge read the indictment, Count III of
23 the indictment charges Miss Van Houten and certain others with
24 conspiracy to commit murder, under that law of conspiracy,
25 each member of a conspiracy is liable for each act of every
26 other member of a conspiracy if those acts of the other members
27 are in furtherance of the object of the conspiracy or a
28 probable and natural consequence of attaining the object of

1 the conspiracy.

2 For example, if a group of people get together
3 and agree to commit a murder, but pursuant to that agreement
4 only one of the people goes out and actually commits the
5 murder, under our law, all of the conspirators are equally
6 guilty of that murder.

7 Do you think that is unfair? Do you think that
8 law is unfair, saying that all -- since only one person did
9 the killing, that all these other people who were conspirators
10 are equally guilty as the one who did the killing?

11 Do you think that is unfair?

12 MR. BLEDSOE: Well, apparently you have indicated that
13 the law states that, so then this is what one would have to
14 base any decision on is that particular established law.

15 MR. KAY: Would you follow that law? If the judge
16 instructs you along the lines that I just told you, would you
17 follow that law?

18 MR. BLEDSOE: I feel that I would.

19 MR. KAY: All right.

20 Now, also under the law of aiding and abetting,
21 a person who, with criminal intent, aids or encourages another
22 in the commission of a murder is equally guilty of murder as
23 the person who actually commits the killing.

24 Would you follow that law if the judge instructed
25 you along those lines?

26 MR. BLEDSOE: I believe so, yes.

27 MR. KAY: Okay.

28 So you understand that under both the law of

1 conspiracy and the law of aiding and abetting a person can be
2 guilty of murder if they don't strike the fatal blow?

3 Do you think that is unfair?

4 MR. BLEDSOE: Well, I have a little problem with it.
5 In terms of unfair, I don't know. I have to ponder that in
6 my own mind.

7 But you have already stated that the law in
8 California is of such that a person who has that kind of
9 relationship with that kind of conspiracy relationship would
10 certainly be equally guilty. So if that was the instructions,
11 then, of course, my efforts to make a decision would be based
12 upon that particular law.

1 MR. KAY: Okay.

2 In other words, whatever feelings you had about
3 the law, whether it was fair or unfair, do you think you could
4 put that aside, and if the judge tells you that's the law,
5 and you have to -- if you are a juror, of course, you have to
6 determine what the facts are and then apply the law to the
7 facts, do you figure you could do that with a clear conscience?

8 I mean, do you think you would have any trouble
9 following the judge's instructions?

10 MR. BLEDSOE: No.

11 MR. KAY: Do you think that anybody who commits a
12 vicious premeditated murder must be mentally ill?

13 MR. BLEDSOE: Not necessarily.

14 MR. KAY: Do you think that anyone who commits that
15 type of murder must have been crazy or not have known what
16 they were doing at the time of the murder?

17 MR. BLEDSOE: Not necessarily.

18 MR. KAY: Now, do you feel that just because a defendant
19 calls a number of psychiatrists to testify in his or her
20 behalf that, therefore, the defendant must, in fact, be
21 mentally ill or have some history of mental illness or he or
22 she wouldn't call psychiatrists to testify?

23 MR. BLEDSOE: No, not necessarily.

24 MR. KAY: Now, understanding, as Mr. Keith pointed out
25 to you during his voir dire, that a mental state such as
26 diminished capacity might reduce a defendant's criminal
27 responsibility, can you conceive of a defendant, a criminal
28 defendant, calling psychiatrists to the witness stand in their

1 behalf of that defendant was not, in fact, mentally ill?

2 Can you conceive of that?

3 MR. BLEDSOE: Yes, I can.

4 MR. KAY: Do you feel that if any psychiatrist gets up
5 on the stand and testifies that Miss Van Houten was mentally
6 ill at one time or another that you would just automatically
7 accept that as fact without regard to the reasonableness or
8 the unreasonableness of that psychiatrist's opinion?

9 MR. BLEDSOE: Not automatically, no.

10 MR. KAY: Do you think you would consider whether that
11 psychiatrist's opinion was reasonable or unreasonable?

12 MR. BLEDSOE: Well, that would be considered with all
13 of the other supporting evidence and information that develops
14 in the case.

15 MR. KAY: Now, in college did you take a basic psychology
16 course?

17 MR. BLEDSOE: Yes.

18 MR. KAY: Did you take anything past the basic psychology
19 course?

20 MR. BLEDSOE: Yes.

21 MR. KAY: And what did you take?

22 MR. BLEDSOE: I had both the first and second year of
23 abnormal psychology.

24 MR. KAY: Anything else?

25 MR. BLEDSOE: I don't think so beyond the introduction.
26 So that was three courses. Introductory course -- there were
27 several others which I don't feel that -- well, they were
28 psychology courses, but they were geared more to an education.

1 Psychology of education or the psychology of a certain group.

2 MR. KAY: And I take it because of your studying of these
3 psychology courses and because of the fact that you work with
4 psychiatrists you don't feel that psychiatrists are incapable
5 of error, do you?

6 MR. BLEDSOE: I didn't understand you.

7 MR. KAY: You don't feel that psychiatrists are incapable
8 of error, do you?

9 MR. BLEDSOE: Oh, no.

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1 MR. KAY: You don't think that whatever they testify
2 to is the gospel truth.

3 MR. BLEDSOE: No.

4 MR. KAY: Now, since the state of mind of Miss Van Houten
5 at the time of the Labianca murders might very well be a
6 very critical issue in this case, and since Mr. Keith has made
7 you aware of the fact that psychiatrists are going to testify,
8 do you feel that since the psychiatrists are going to testify,
9 that you will just leave it up to them to determine what her
10 mental state was at that time?

11 Kind of wash your hands of the whole procedure,
12 and sit back and say, "Well, whatever they decide is fine
13 with me."

14 Do you think you'd feel that way?

15 MR. BLEDSOE: No. What they would say would be
16 considered with other supporting evidence.

17 MR. KAY: You understand that if you are selected as a
18 juror in this case you would have 100 percent of the
19 responsibility, along with the other jurors, in determining
20 what Miss Van Houten's state of mind was.

21 The psychiatrists may or may not help you, but
22 the responsibility would all be yours.

23 Do you understand that?

24 MR. BLEDSOE: I understand that, yes.

25 MR. KAY: Are you willing to accept that responsibility
26 if you are selected as a juror?

27 MR. BLEDSOE: Yes.

28 MR. KAY: And if you are selected --

9-2
1 You understand that if a psychiatrist testifies --
2 that just because somebody testifies doesn't mean that you
3 have to accept what they say up there.

4 If you think somebody says something that's
5 unreasonable, you don't have to accept that.

6 Do you understand that?

7 MR. BLEDSOE: I understand that.

8 MR. KAY: Now, if you are selected as a trial juror in
9 this case, do you think you can view the psychiatric
10 testimony, and consider it in the light of all the evidence
11 in the case, and only give it that weight which you feel it
12 is entitled to?

13 MR. BLEDSOE: Right.

14 I feel that I would consider any testimony along
15 these lines equally with other testimony and facts given.

16 MR. KAY: Now, assuming that Miss Van Houten calls more
17 psychiatrists than the prosecution calls.

18 Do you feel for that reason alone her position is
19 correct because she called more psychiatrists than the
20 prosecution calls?

21 "In numbers there is strength"; do you feel that
22 way?

23 MR. BLEDSOE: No.

24 MR. KAY: Now, assume that the prosecution calls several
25 psychiatrists and those psychiatrists state that Miss Van Houten
26 did have the mental capacity to commit a first degree murder.

27 And then assume that the defense calls psychiatrists
28 several psychiatrists, and they say no, in their opinion

9-3
1 Miss Van Houten didn't have the mental capacity to commit
2 a first degree murder.

3 Would you consider this disagreement between the
4 defense and prosecution's psychiatrists, without regard to
5 the other evidence in the case, to automatically mean there
6 must be a reasonable doubt as to whether or not she had the
7 mental capacity to commit a first degree murder?

8 MR. BLEDSOE: No, not to the disagreement itself.

9 MR. KAY: You understand that if the prosecution and
10 defense witnesses always agreed there wouldn't be the
11 necessity of a trial any time.

12 Do you understand that?

13 MR. BLEDSOE: Yes.

14 MR. KAY: It's nothing unusual to have prosecution and
15 defense witnesses disagree in a criminal trial.

16 Assume that we get down through the argument
17 stage and you were beginning your deliberations and you felt
18 that Miss Van Houten was guilty of first degree murder.

19 But Mr. Keith -- assume that Mr. Keith in his
20 argument argues, "No, she didn't have the capacity to commit
21 first degree murder, she really is only guilty of second
22 degree murder."

23 But you conscientiously felt that she was guilty
24 of first degree murder.

25 Would you consider finding her guilty of second
26 degree murder under those circumstances because you felt that,
27 well, Mr. Keith is a nice guy and he is not really asking
28 for the moon, he's only asking for one degree less than the

1 prosecution?

2 Would you consider doing anything like that?

3 MR. BLEDSOE: No.

4 MR. KAY: Now, you understand from the indictment that
5 Judge Hinz read to you that Miss Van Houten is charged with
6 the Labianca murders and the count of conspiracy to commit
7 murder that were alleged to have occurred in 1969.

8 You understand we are not charging that she
9 committed any murders in 1977.

10 Do you understand that?

11 MR. BLEDSOE: Yes, I do.

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1 MR. KEITH: Would you require of the prosecution that
2 we prove that Miss Van Houten is a terrible person as she
3 sits over there now before you would consider convicting her
4 of the Labianca murders, which were alleged to have been
5 committed in 1969?

6 MR. BLEDSOE: I don't think I would make that
7 requirement, no.

8 MR. KAY: Can you promise me that?

9 MR. BLEDSOE: Well, I can tell you that I don't feel
10 that I would make that requirement of the prosecution.

11 MR. KAY: Now, if the evidence showed that after seven
12 years in prison Miss Van Houten had been rehabilitated to
13 some extent, for that reason alone would you consider not
14 convicting her or convicting her of a lesser charge, because
15 of that?

16 MR. BLEDSOE: For that reason alone? No.

17 MR. KAY: You understand that while Miss Van Houten's
18 state of mind at the time of the Labianca murders may very
19 well be a critical issue for you to decide in this case, that
20 her state of mind as she sits over there now is not an issue
21 that you will have to decide?

22 You understand that?

23 MR. KEITH: I'm going to object to that question. If
24 the Court please, her state of mind right now may very well
25 be relevant.

26 THE COURT: Will counsel approach the bench with the
27 reporter.

28 (The following proceedings were held

1 at the bench.)

2 THE COURT: All right; what's the objection?

3 MR. KEITH: Well, he's asking Mr. Bladsoe -- he's telling
4 Mr. Bladsoe that her present state of mind in effect is not
5 relevant, and that --

6 He says it's not an issue in the case.

7 It very well could be, inasmuch as a psychiatrist
8 might testify, "look, look at her now."

9 I mean, this may be part of the appraisal of the
10 evaluation of a psychiatrist that I may call, or psychiatrists:
11 That her state of mind now compared to then is such that she
12 couldn't have done anything like this; therefore seven years
13 ago she was mentally ill.

14 That's the point.

15 THE COURT: I think the issue you are getting to with
16 your question is the matter of rehabilitation, isn't it?

17 MR. KAY: Yes.

18 I'm just saying it isn't an issue that they have
19 to decide.

20 Like it's not present sanity. I mean, they don't
21 have a question of present sanity.

22 I'm not saying that it's not relevant, but it's
23 not an issue that they have to decide.

24 THE COURT: What question do you propose to ask, then?

25 MR. KAY: Well, the one I asked.

26 THE COURT: All right; could you read that to me.

27 (Record read.)

28 MR. KEITH: It's coming pretty close to saying that --

1 MR. KAY: I didn't say it wasn't relevant. But I'm
2 saying it isn't an issue that they have to decide.

3 THE COURT: Well, I will permit that precise question.

4 MR. KAY: Thank you.

5 (The following proceedings were held in
6 open court in the presence of the
7 prospective jurors:)

8 MR. KAY: Again, do you still have that question in
9 your mind, or do you want me to repeat it?

10 MR. BLEDSOE: How about repeating it.

11 MR. KAY: Okay.

12 All right. You understand that while
13 Miss Van Houten's state of mind at the time of the LaBianca
14 murders might very well be a critical issue, if you are
15 selected as a juror in this case, that you would have to
16 decide, that her state of mind now as she sits over there is
17 not an issue that you will have to decide.

18 Do you understand that?

19 MR. BLEDSOE: I do understand that.

20 MR. KAY: And do you think you can keep it distinct
21 in your mind at all times that what she is charged with are
22 two counts of murder and one count of conspiracy to commit
23 murder that are alleged to have occurred in 1969?

24 MR. BLEDSOE: I do.

25 MR. KAY: Now, Mr. Keith brought up to you and the other
26 jurors the fact about the photographs.

27 You understand that if photographs, however
28 gruesome they might be, are admitted into evidence, that

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you will have to consider them along with all the other
evidence.

Would you do that?

MR. BLEDSOE: Yes.

1 MR. KAY: And you understand that they might have
2 great relevance. The relevance of course would be for you
3 to decide after you viewed them.

4 Do you understand that?

5 MR. BLEDSOE: I do.

6 MR. KAY: It might be that you would look at them and
7 decide that maybe Mr. Keith's characterization during your
8 dire yesterday, that this was just an unfortunate tragedy,
9 was not correct.

10 Maybe looking at those photographs you will
11 determine that maybe a cold murder was involved.

12 Do you understand that?

13 MR. BLEDSOE: Yes, I do.

14 MR. KAY: So will you promise me that you will consider
15 those along with all the other evidence in the case?

16 MR. BLEDSOE: I would.

17 MR. KAY: Now, is there anything that I have failed to
18 ask you that you think I should know about in helping me
19 make my decision whether or not to select you as a juror in
20 this case?

21 Is there anything that I haven't touched on or
22 Mr. Keith hasn't touched on?

23 MR. BLEDSOE: Yes.

24 MR. KAY: What's that?

25 MR. BLEDSOE: Well, yesterday, for example, I had also
26 a personal case.

27 MR. KAY: I understand.

28 MR. BLEDSOE: And I have a problem or two, which was

1 continued until next month.

2 There's been a series of continuations on the
3 matter. There have been various other influencing factors
4 with reference to that matter, and some residuals stemming
5 from it.

6 I have had to weigh in the last, oh, few days my
7 own physical and mental stamina with reference to some
8 personal matters related to the kind of demands that are
9 pressing with reference to this particular case.

10 So I wanted to express that.

11 MR. KAY: Well, do you think that the problems with that
12 case will so weigh on your mind that you couldn't really give
13 us your full attention here?

14 MR. BLEDSOE: Well, I don't know; but, you know, I wanted
15 to get that out front because at the present time the matter
16 has been continued to 5-4-77.

17 And I was, you know, somewhat keyed prior to
18 yesterday, anticipating there was going to be some type of
19 resolution or solution to that particular matter.

20 With the continuance of that particular matter,
21 I have to say I don't think so, but I don't know.

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1 MR. KAY: Would you make every effort on your part to
2 give us your full attention in spite of the case over there?

3 MR. BLEDSOE: Yes, I feel that I would.

4 MR. KAY: And I'm sure if you are selected as a juror
5 the judge would probably see that you had time to go over
6 there to make that court appearance.

7 So if that's one of the things you are worried
8 about, I'm sure you would be given the time; although, I know
9 from the nature of the matter that there are a lot of other
10 things that are probably weighing on your mind more than just
11 making the court appearance.

12 MR. BLEDSOE: Yes.

13 MR. KAY: Do you feel that you can give the prosecution
14 a fair trial in this case?

15 MR. BLEDSOE: I do.

16 MR. KAY: Okay.

17 Could you pass the microphone to Mr. Miller.

18 Thank you, Mr. Bledsoe.

19 Mr. Miller, because you see death so much in your
20 occupation, do you feel it has caused you to hold human life
21 any less dearly than you did before you had that job?

22 MR. MILLER: I don't think so.

23 MR. KAY: As far as you are concerned, is human life
24 the most precious thing there is?

25 MR. MILLER: Yes, definitely.

26 MR. KAY: And the fact that you have to work with people
27 who have died, that doesn't change that opinion?

28 MR. MILLER: No way.

1 MR. KAY: Do you feel that you can give the prosecution
2 just as fair a trial as you would Miss Van Houten in this
3 case?

4 MR. MILLER: Yes, I think so.

5 MR. KAY: Do you feel any sympathy for her for any
6 reason?

7 MR. MILLER: No.

8 MR. KAY: Do you think you would have any harder time
9 convicting a woman of murder than you would a man?

10 MR. MILLER: No.

11 MR. KAY: Would you require any more evidence to convict
12 a woman of murder?

13 MR. MILLER: No.

14 MR. KAY: Do you think women are just as capable of
15 committing murder as men are under certain circumstances?

16 MR. MILLER: Definitely. More so.

17 MR. KAY: I won't ask you what you said, because it might
18 be put on the record there.

19 Do you think psychiatrists are some sort of gods
20 that are going to come down from heaven and grace us with
21 their presence so they can tell us with precision exactly what
22 Miss Van Houten was thinking almost eight years ago at the
23 time of the LaBianca murders?

24 Do you think that?

25 MR. MILLER: No.

26 MR. KAY: Do you think psychiatrists are just as human
27 as anybody else?

28 MR. MILLER: Yes.

10-3
1 MR. KAY: Do you think that because a psychiatrist gets
2 on the witness stand and testifies, that that means that
3 whatever he says is the gospel truth?

4 MR. MILLER: No.

5 MR. KAY: Now, the fact that Miss Van Houten has been
6 in custody for the last seven years, do you think because of
7 that that you would disregard whatever evidence the prosecution
8 put on and figure, well, seven years is long enough for anybody
9 to spend in custody for any murder and therefore let's just
10 let her go?

11 MR. MILLER: No.

12 MR. KAY: Now, realizing the legal burden of proof that
13 the prosecution has in this case proving Miss Van Houten's
14 guilt beyond a reasonable doubt, do you feel that you would
15 hold us to any higher burden of proof?

16 In other words, would you require of us that we
17 prove her guilt to an absolute certainty or beyond a shadow
18 of a doubt?

19 MR. MILLER: No.

20 MR. KAY: And if you were selected as a juror in this
21 case and you went back in the jury room and you felt that you
22 had a doubt as to Miss Van Houten's guilt, or the degree of
23 her guilt, do you feel that you could conscientiously examine
24 that doubt and determine whether in your mind that your doubt
25 was a doubt based in reason, a reasonable doubt, entitling
26 her to an acquittal, or might just be a mere possible or
27 imaginary doubt based on maybe speculation or conjecture,
28 which would not entitle her to an acquittal.

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Do you think you can make that distinction in your mind?

MR. MILLER: Could you shorten that just a little bit?

MR. KAY: All right.

What I'm saying is, do you understand that a reasonable doubt can entitle Miss Van Houten to an acquittal but a doubt based on speculation or conjecture would not?

MR. MILLER: I see now.

10-5
1 MR. KAY: Do you think you could make that distinction
2 in your mind?

3 MR. MILLER: Oh, yes, definitely. Yes.

4 MR. KAY: Do you consider yourself to be a reasonable
5 person?

6 MR. MILLER: Most of the time, yes.

7 MR. KAY: That's very honest. I'm sure at times we
8 might not consider ourselves unreasonable but somebody else
9 might.

10 Do you feel that the fact that Miss Van Houten,
11 as well as any criminal defendant, at the outset of a criminal
12 trial is presumed to be innocent; that that is an impossible
13 burden for the prosecution to overcome?

14 MR. MILLER: No.

15 MR. KAY: Have you ever studied law?

16 MR. MILLER: No.

17 MR. KAY: All right.

18 Now, as Mr. Keith pointed out to you yesterday --
19 well, actually, I guess Judge Hinz actually pointed it out
20 first -- we have a possibility of having two different coroners
21 here, Dr. Noguchi, who is the chief coroner for the County of
22 Los Angeles, and Dr. Eatsuyama, who was formerly the chief
23 deputy coroner in Los Angeles but now is down in San Diego
24 with the department down there, do you feel that because of
25 your experience in performing autopsies and assisting in
26 autopsies that you will get in the jury room and say, "Well,
27 they did not do it the way I do it, therefore they are wrong"?

28 MR. MILLER: No.

10-6

1 MR. KAY: You don't think you would do that?

2 MR. MILLER: Wouldn't have any influence on me whatsoever.

3 MR. KAY: Excuse me, I didn't hear all that.

4 MR. MILLER: I don't think that would influence me one
5 way or the other.

6 MR. KAY: Okay.

7 Do you have any friends that are attorneys?

8 MR. MILLER: Not close friends.

9 I have associates, but not very close friends.

10 MR. KAY: Any of these associates, are they criminal
11 attorneys?

12 MR. MILLER: I don't know what they are.

13 MR. KAY: By criminal attorneys, I do not mean that they
14 are criminals, I mean that they represent criminals.

15 MR. MILLER: I think at one time a fairly close
16 associate of mine -- I forgot -- he's not practicing now.

17 MR. KAY: What was his name?

18 MR. MILLER: Morris Johnson.

19 MR. KAY: Excuse me?

20 MR. MILLER: Morris Johnson.

21 MR. KAY: Have you ever had what you consider to be an
22 unfortunate experience with the police; maybe an unjustified
23 ticket --

24 MR. MILLER: Sure, yes.

25 MR. KAY: -- that you think you didn't deserve?

26 MR. MILLER: Yes.

27 MR. KAY: Now, will you hold that against us in this case?

28 MR. MILLER: No. It had nothing to do with this.

10-7
1 MR. KAY: You understand that that traffic ticket --
2 I'm sorry if it's unjustified --

3 MR. MILLER: Right.

4 MR. KAY: -- but that has nothing to do with this case.

5 MR. MILLER: Right.

6 MR. KAY: Have you ever testified in court before?

7 MR. MILLER: Testified -- no.

8 MR. KAY: Not on any of the autopsies that you have
9 assisted with? There had not been any medical cases that
10 have required your testimony in court?

11 MR. MILLER: No, I did not.

12 MR. KAY: Have you ever watched a case in trial other
13 than when you were on jury duty?

14 I know you had those prior two cases you sat on
15 in jury duty, but I mean, other than while you were on jury
16 duty, have you gone to court and watched a case, either
17 criminal or civil?

18 MR. MILLER: No.

19 MR. KAY: Now, the example that I gave to Mr. Bledsoe
20 about the circumstantial versus direct evidence with the
21 little Volkswagen and my friend Don, did you understand that?

22 MR. MILLER: Yes.

23 MR. KAY: Do you have any quarrel with the fact that
24 under the law of California a defendant can be convicted based
25 on circumstantial evidence alone?

26 Do you have any quarrel with that?

27 MR. MILLER: No.

28 MR. KAY: Would you refuse to convict a defendant based

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on circumstantial evidence alone?

MR. MILLER: Alone? On circumstantial evidence alone?

MR. KAY: Yes, in other words --

MR. MILLER: Well, if it were in conjunction with the other evidence that had been presented, no, I wouldn't have any qualms about that.

1 MR. KAY: Well, I'm saying if all of the evidence were
2 circumstantial evidence --

3 MR. MILLER: Yes.

4 MR. KAY: -- would you refuse to convict the defendant --
5 Say all the evidence --

6 MR. MILLER: Oh, yes, oh, yes.

7 Oh, no. I wouldn't have any qualms about that.

8 MR. KAY: In other words, as long as you believe that
9 the defendant is guilty beyond a reasonable doubt, it doesn't
10 make any difference what kind of evidence it is?

11 MR. MILLER: Right.

12 MR. KAY: It can be all direct or all circumstantial,
13 and usually it is a combination of both.

14 MR. MILLER: Yes.

15 MR. KAY: But the only requirement is that the evidence
16 convince you beyond a reasonable doubt of the guilt of the
17 defendant.

18 MR. MILLER: I understand what you are saying. Yes.

19 MR. KAY: Now, as I told Mr. Bledsoe, the prosecution
20 in this case may not put on any eyewitness to the actual
21 murder of the Labiancas.

22 Because of that, would you refuse to convict any
23 defendant of any murder unless the prosecution put on an
24 eyewitness to the actual murder?

25 MR. MILLER: No.

26 MR. KAY: And if you were in that jury room in the
27 circumstance that I talked to Mr. Bledsoe about where it was
28 11 to 1, and the 11 jurors thought that Van Houten was guilty

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1 of first degree murder, and you thought that she was guilty
2 of second degree murder, but then somebody pointed out
3 something to you which changed your mind, maybe you misinter-
4 preted an instruction or missed an important piece of evidence,
5 or misinterpreted it, and then you felt that she was guilty
6 of first degree murder, but you realized that your vote would
7 mean that she would be convicted of first degree murder because
8 a defendant has to be convicted by a unanimous vote, that
9 means all 12 jurors have to agree, under those circumstances
10 would you have the courage to vote to convict her?

11 MR. MILLER: No, it sure wouldn't take any courage.

12 MR. KAY: You understand that after a jury votes in a
13 jury room for a conviction, they come out here, and the judge
14 has the clerk read a verdict, and then the jury is polled
15 afterwards.

16 And each individual juror is asked, "Is that your
17 verdict?"

18 Would you under those circumstances have the
19 courage, knowing that your vote was that vote that made the
20 verdict unanimous, would you have the courage to say, "Yes,
21 that's my verdict"?

22 MR. MILLER: Wouldn't feel a thing.

23 MR. KAY: And the fact that Miss Van Houten is here for
24 a retrial, do you think that that means that she is more
25 likely to be not guilty of the charges?

26 MR. MILLER: No.

27 MR. KAY: Now, I talked with Mr. Bledsoe about conspiracy.

28 Do you understand that under the law of conspiracy,

1. as I said it, and also under the law of aiding and abetting,
2. a person can be guilty of murder, even though they don't
3. strike the fatal blow themselves?

4. Do you have any quarrel with that law?

5. Do you think that's fair?

6. MR. MILLER: Sure.

7. MR. KAY: Will you follow the court's instructions on
8. that?

9. MR. MILLER: Sure.

10. MR. KAY: Do you think that anybody who commits a
11. vicious premeditated murder must be mentally ill?

12. MR. MILLER: No.

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1 MR. KAY: Do you think that they must be crazy or not
2 have known what they were doing at the time they committed
3 the murder, if it's a vicious murder?

4 MR. MILLER: No.

5 MR. KAY: Do you feel that just because a defendant
6 might call a number of psychiatrists to testify in their
7 behalf, that therefore they must have in fact been mentally
8 ill at the time or they wouldn't have called the psychiatrists
9 as witnesses?

10 MR. MILLER: No.

11 MR. KAY: Can you conceive of a defendant in a criminal
12 case calling psychiatrists to testify in their behalf if they
13 weren't mentally ill?

14 MR. MILLER: Sure.

15 MR. KAY: And do you feel that any psychiatrists that
16 gets on the stand and testifies that Miss Van Houten had
17 some mental illness at one time or another in her life, that
18 you would accept that as a fact without regard to the
19 reasonableness or unreasonableness of that psychiatrist's
20 opinion?

21 MR. MILLER: No.

22 MR. KAY: In other words, you would consider whether
23 that person --

24 MR. MILLER: The evidence that they gave.

25 MR. KAY: All right.

26 If the psychiatrist came in and said that that
27 wall behind you is pink, would you believe him?

28 MR. MILLER: If I didn't -- if I saw it brown, no.

11-2

1 MR. KAY: All right. You know it is brown.

2 MR. MILLER: Right.

3 MR. KAY: Now, if Miss Van Houten's mother comes in here
4 and testifies during the defense portion of the case and you
5 feel sorry for her for what she's been through, what her
6 daughter may or may not have done, for that reason alone,
7 because you might feel sorry for her mother, are you going
8 to convict Miss Van Houten on the reduced charge or just
9 acquit her altogether?

10 MR. MILLER: No, I couldn't do that.

11 MR. KAY: Have you ever studied psychiatry or
12 psychology?

13 MR. MILLER: I had some preliminary -- a preliminary
14 course in psychology.

15 MR. KAY: Where was that?

16 MR. MILLER: At LACC.

17 MR. KAY: How long ago was that?

18 MR. MILLER: About 12 -- 10, 11 years ago.

19 MR. KAY: After you had taken that course, have you kept
20 up any interest in it?

21 MR. MILLER: No.

22 MR. KAY: Do you have any feelings about psychiatrists,
23 either pro or con?

24 MR. MILLER: (Shakes head negatively.)

25 MR. KAY: Just neutral.

26 MR. MILLER: Yes.

27 MR. KAY: Now, since, as I told Mr. Bladson, and I think
28 you can get it from Mr. Keith's voir dire, that the state of

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1 mind of Miss Van Houten at the time of the Lallanca murders
2 might be a critical issue for you to decide in this case, and
3 because of the fact that there are psychiatrists that are
4 going to testify, are you just going to sit back and let the
5 psychiatrists make your decision for you as to what her state
6 of mind was?

7 MR. MILLER: No.

8 MR. KAY: You understand if you are selected as a juror
9 in this case that you have 100 percent of the responsibility
10 for making that decision.

11 Do you understand that?

12 MR. MILLER: (Nods head affirmatively.)

13 MR. KAY: Do you understand that a defendant may have
14 some type of mental illness but that mental illness might not
15 be substantially enough to reduce the defendant's criminal
16 responsibility?

17 Do you understand that?

18 MR. MILLER: Sure.

19 MR. KAY: But it would be up to you as a juror to
20 determine if there was any mental illness; and if there was,
21 whether it was substantial enough to reduce the defendant's
22 criminal responsibility?

23 MR. MILLER: True.

24 MR. KAY: Because of the fact that the defense
25 psychiatrists and the prosecution's psychiatrists might
26 disagree as to whether Miss Van Houten had the mental capacity
27 to commit a first degree murder, would you just take that to
28 mean automatically that there must be a reasonable doubt?

1 MR. MILLER: No.

2 MR. KAY: And can you keep clear in your mind, if you
3 are selected as a juror, that what Miss Van Houten is
4 charged with are two counts of murder and one count of
5 conspiracy to commit murder that are alleged to have occurred
6 in August of 1959?

7 MR. MILLER: Sure.

8 MR. KAY: Can you keep that clear in your mind?

9 MR. MILLER: Sure.

10 MR. KAY: That she is not charged with committing any
11 murders here in 1977.

12 MR. MILLER: Yes.

13 MR. KAY: You understand that while Miss Van Houten's
14 state of mind at the time of the Labianca murders might be a
15 very important thing for you to decide, that her state of
16 mind right now is not an issue that you will have to decide?

17 MR. MILLER: Sure, right.

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1 MR. KAY: And would you require the prosecution to
2 prove that Miss Van Houten is a terrible person as she sits
3 over there today --

4 MR. MILLER: No.

5 MR. KAY: -- before you would convict her of the
6 Sabianca murders in 1969?

7 MR. MILLER: No.

8 MR. KAY: If the evidence showed that after seven years
9 in custody, that to some degree Miss Van Houten might have
10 been rehabilitated, for that reason alone would you consider
11 acquitting her or convicting her of a reduced charge?

12 MR. MILLER: Not on that reason, no.

13 MR. KAY: And if Mr. Keith got up in his argument and
14 argued to you for a conviction of second degree murder and I
15 got up and argued for a conviction of first degree murder
16 and you felt that she was guilty of first degree murder, would
17 you consider convicting her of second degree murder just
18 because --

19 MR. MILLER: No.

20 MR. KAY: -- you thought Mr. Keith was a nice guy, and
21 after all, he's just asking for a second degree?

22 MR. MILLER: No.

23 MR. KAY: In other words, if you thought she was guilty
24 of first degree, that's what you would convict her of.

25 MR. MILLER: That's what I would convict her of.

26 MR. KAY: Is there any reason you can think of
27 why you shouldn't be a member of this jury?

28 MR. MILLER: Not that I can think of right now.

1 MR. KAY: Nothing that I haven't asked you or that
2 Mr. Keith hasn't?

3 MR. MILLER: Not that I can think of right now.

4 MR. KAY: Do you think that you can give the
5 prosecution a fair trial in this case?

6 MR. MILLER: I feel that I can.

7 MR. KAY: Okay.

8 If the defense calls more psychiatrists to testify
9 in the defense than the prosecution calls, do you feel for that
10 reason alone that the defense position must be correct --

11 MR. MILLER: No.

12 MR. KAY: -- because in numbers there is strength?

13 MR. MILLER: No; they just have more.

14 MR. KAY: And if you --

15 You understand that since Miss Van Houten is
16 charged -- she is not charged alone in these murders or in the
17 conspiracy count -- that since one of the people that's also
18 charged is Charles Manson, that her association with Mr. Manson
19 might very well be relevant and something for you to
20 consider in this case?

21 Do you understand that?

22 MR. MILLER: Her association with him?

23 MR. KAY: Yes.

24 See, Mr. Keith has asked you, you know, well,
25 will you be mad at her because it was shown that she was
26 associated with Charles Manson.

27 Well, you understand that the fact that -- if it
28 is a fact -- which of course you will have to hear the

1 evidence on -- but if it is a fact that she was associated
2 with Mr. Manson, and if she was a co-conspirator with
3 Mr. Manson in certain endeavors, that might be very
4 relevant.

5 MR. MILLER: Oh, yes.

6 MR. KAY: And you might very well want to consider that.

7 Do you understand that?

8 MR. MILLER: Yes, I can.

9 MR. KAY: And you might very well not be too happy with
10 Miss Van Houten if you determine certain things from that
11 association.

12 Do you understand that?

13 MR. MILLER: Yes.

14 MR. KAY: But the facts in this case are for you to
15 determine, not for Mr. Keith --

16 MR. MILLER: No.

17 MR. KAY: -- or myself.

18 Do you understand that?

19 MR. MILLER: Yes.

20 MR. KAY: All right; thank you, Mr. Miller.

21 Could you pass the microphone down to Mrs. Hayes.

22 THE COURT: At this time, ladies and gentlemen, we are
23 going to take the noon recess.

24 Bear in mind during this recess you are not to
25 discuss this case amongst yourselves or with anyone else and
26 you are not to form any opinion concerning this matter or
27 express any opinion concerning this matter until the case is
28 finally given to you.

1 Furthermore, it would be inappropriate for you
2 to read, see or hear any news media accounts of this matter.

3 All right. All jurors are ordered to report to
4 Department 106 at 1:30.

5 The defendant and counsel are ordered to return
6 at 1:30.

7 The Court is in recess. Thank you.

8 (At 11:54 a.m. a recess was taken until
9 1:30 p.m. of the same day.)

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1 LOS ANGELES, CALIFORNIA; THURSDAY, APRIL 7, 1977; 1:50 P.M.
2 DEPARTMENT NO. 130 HON. EDWARD A. HINZ, JR., JUDGE

3 --oOo--

4 (Appearances as heretofore noted.)

5
6 THE COURT: People versus Van Houten.

7 Let the record show the defendant is present
8 and represented by counsel; the People are represented by
9 counsel; the prospective jurors are in their assigned places.

10 You may resume, Mr. Kay.

11 MR. KAY: Thank you, Your Honor.

12 I think it was your turn; is that right?

13 MRS. REYES: (Nods head affirmatively.)

14 MR. KAY: Do you feel any sympathy for Miss Van Houten
15 because she is here charged with such serious offenses?

16 MRS. REYES: Sympathy? No.

17 MR. KAY: If her mother came in here and testified in
18 the defense portion of the case and you felt sorry for her
19 mother because of all she's been put through over the years,
20 would you consider convicting Miss Van Houten of a reduced
21 charge because you feel sorry for her mother?

22 MRS. REYES: No.

23 MR. KAY: Do you think that Miss Van Houten is entitled
24 to a fairer trial than the prosecution?

25 MRS. REYES: You said "fairer"?

26 MR. KAY: "Fairer."

27 MRS. REYES: No.

28 MR. KAY: Do you think a defendant in a criminal case is

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1 some sort of an underdog that requires your sympathy; that
2 the cards are stacked against them in some manner?

3 MRS. REYES: No.

4 MR. KAY: Do you think that you'd have a hard time
5 convicting a defendant of murder because that defendant was a
6 woman?

7 MRS. REYES: No.

8 MR. KAY: Do you think you'd require any more evidence
9 to convict a woman of murder than you would a man?

10 MRS. REYES: No.

11 MR. KAY: Now, the fact that Miss Van Houten has been
12 in custody for seven years, for that reason alone would you
13 just, in spite of any evidence that the prosecution put on,
14 would you feel that, "Well, she's been in custody for seven
15 years, so let's let her go now, whether she is guilty or not"?

16 Would you --

17 MRS. REYES: No.

18 MR. KAY: -- feel that way?

19 MRS. REYES: No.

20 MR. KAY: You told Mr. Keith that you maintained an
21 interest in psychiatry. Is that right?

22 MRS. REYES: Psychology, yes.

23 MR. KAY: Psychology?

24 MRS. REYES: Yes.

25 MR. KAY: As opposed to psychiatry?

26 MRS. REYES: Yes.

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1 MR. KAY: Now, because of your interest in psychology,
2 do you feel that whenever a psychiatrist might get on the
3 stand and testify, that whatever he says is the gospel truth?

4 MRS. REYES: The gospel truth?

5 MR. KAY: Yes.

6 MRS. REYES: No.

7 MR. KAY: That it's just an absolute fact?

8 MRS. REYES: No, I don't take anything for an absolute
9 fact.

10 MR. KAY: Good.

11 MRS. REYES: I mean regardless.

12 MR. KAY: You don't think that psychiatrists are some
13 sort of deities that are just going to grace us with their
14 presence and tell us everything we always wanted to know
15 about what people think even eight years ago; you don't think
16 that, do you?

17 MRS. REYES: No, sir; I don't.

18 MR. KAY: Now, realizing, as I said earlier this morning,
19 that the prosecution has a legal burden of proving Miss Van
20 Houten guilty beyond a reasonable doubt, realizing that that
21 is our legal burden, would you hold us to a higher burden of
22 proof?

23 In other words, would you require of us that we
24 prove Miss Van Houten's guilt beyond a shadow of a doubt or to
25 an absolute certainty?

26 MRS. REYES: I would follow the beyond-a-reasonable-
27 doubt concept.

28 MR. KAY: You wouldn't hold us to any higher burden than

1 the law does, then, I take it?

2 MRS. REYES: No, no.

3 MR. KAY: And do you think that you have an idea in
4 your own mind of the distinction between a reasonable doubt
5 and one that is maybe just based on speculation or conjecture?

6 MRS. REYES: I believe I have an understanding of it.
7 I'm not sure if my understanding is completely correct.
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1 MR. KAY: Well, do you think if you got in the jury room
2 and you had some sort of a doubt about Miss Van Houten's
3 guilt or the degree of her guilt that you could conscientiously
4 examine that doubt in your own mind and determine in your
5 own mind whether that was a doubt that was based in reason,
6 that you had some good reasons for that doubt, or if it was
7 just, well, maybe speculation or maybe it was a mere possible
8 doubt or something, but not a reasonable doubt?

9 Do you think you could do that mental exercise
10 in the jury room if you are selected as a juror?

11 MRS. REYES: I believe that I could make the distinction.

12 MR. KAY: Now, you understand that Mr. Keith in his voir
13 dire said that — would you hold it against Miss Van Houten
14 because she led a hippie life style for a couple of years.

15 Do you understand that's for you to decide whether
16 she led a hippie life style or not.

17 I always understood hippies to be peace-loving
18 people. You may very well decide that that is not the type
19 of life that Miss Van Houten led.

20 But that's a determination for you to make and
21 not Mr. Keith, do you understand that?

22 MRS. REYES: Yes.

23 MR. KAY: And looking at the photographs, if there will
24 be photographs in evidence, which there probably will be, you
25 understand that those might be very relevant to look at those
26 and determine from looking at those, if you felt that
27 Miss Van Houten had anything to do with what you saw in those
28 photographs, that that might be very relevant in this case.

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Do you understand that?

MRS. REYES: Yes, sir.

MR. KAY: And I take it that just because Mr. Keith might not want you to look at them, that you would still look at them, wouldn't you, and consider them for the relevance that they have?

(No response.)

MR. KAY: I take it, since they are going to be evidence in the case, or if they are evidence, you won't disregard them and say, "I remember Mr. Keith told me on voir dire not to be influenced by them, so I'm not going to pay any attention to them, I'll just put them aside."

You wouldn't do that, would you?

MRS. REYES: No, but my understanding was we always had to see the evidence that was presented.

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1 MR. KAY: That's right.

2 MRS. REYES: I didn't think there was any choice.

3 MR. KAY: Okay.

4 MRS. REYES: I may be wrong.

5 MR. KAY: Well, it may be that --

6 I have heard of some jurors in past cases that
7 they have just -- they will disregard part of the evidence
8 and say, "I don't want to see that, I don't want to do that."

9 You wouldn't do that, would you?

10 MRS. REYES: No.

X 11 MR. KAY: Do you feel that a human life is a precious
12 and valuable thing?

13 MRS. REYES: Yes.

14 MR. KAY: Do you have any friends of you or your new
15 husband that are attorneys?

16 MRS. REYES: No, sir.

17 MR. KAY: Do you have any friends that are private
18 investigators?

19 MRS. REYES: No.

20 MR. KAY: And I know you work with investigators at the
21 APCD, but I don't mean that type of investigator.

22 I mean private investigators that investigate,
23 say, felony type offenses.

24 MRS. REYES: I did some volunteer work, I was working
25 with correctional officers, parole officers.

26 Would that be of any consideration?

27 MR. KAY: What did you do when you worked with the
28 parole officers?

1 MRS. REYES: I was a parole aide, and I worked with them
2 with a particular officer and his particular caseload.

3 MR. KAY: You worked with the parolees themselves?

4 MRS. REYES: Yes.

5 MR. KAY: And what did you do in working with the
6 parolees?

7 MRS. REYES: Various things.

8 It was through the school; it was a project done
9 through school.

10 And we did tutoring for parolees. Transportation

11 MR. KAY: Yes.

12 MR. REYES: -- counseling, very minimal, and things like
13 that.

14 MR. KAY: And how long did you do this?

15 MRS. REYES: Altogether a period of about six months.
16 Part-time, of course.

17 MR. KAY: Was that a paid or nonpaid position?

18 MRS. REYES: It was volunteer.

19 MR. KAY: Oh, volunteer.

20 MRS. REYES: Yes.

21 MR. KAY: Okay.

22 Have you ever had any unfortunate experiences with
23 police officers, like getting a ticket that you didn't think
24 you deserved, or anything along that line?

25 MRS. REYES: No. Unfortunately all the tickets I got
26 were deserved.

27 (Laughter.)

28 MR. KAY: Well, that's honest of you to admit that.

1 A lot of us can't face up to that. That's very
2 impressive.

3 Did you understand the example I gave about
4 circumstantial and direct evidence?

5 MRS. REYES: Yes.

6 MR. KAY: Would you --

7 Do you have any quarrel with the fact that under
8 the law of California a person can be convicted based on
9 circumstantial evidence standing alone?

10 MRS. REYES: No.

11 MR. KAY: Do you think that's fair?

12 MRS. REYES: No, not really, not all the time. I wouldn't
13 say so.

14 MR. KAY: Do you think that really in order for a
15 person to be convicted of a murder, that the prosecution
16 should put on an eyewitness that actually saw the murder?

17 MRS. REYES: I wouldn't say it would have to be in the
18 form of an eyewitness, but --

19 MR. KAY: Well, that's direct evidence, if you
20 understand that.

21 MRS. REYES: That's the only form of direct evidence?

22 MR. KAY: Well, seeing it, yeah.

23 Well, for example, circumstantial evidence could
24 be a fingerprint. Like if you found a defendant's fingerprint
25 at the scene of the crime, that's circumstantial evidence.

26 MRS. REYES: I see.

27 MR. KAY: If a defendant confesses to a crime, that's
28 circumstantial evidence.

1 Direct evidence is seeing it.

2 Like when my friend Don drove up to his home at
3 the top of the hill I saw him drive up there.

4 Well, that's direct evidence. I saw him get in
5 the car, start his engine and drive up to the top of the
6 hill. That's direct evidence.

7 When I went out and turned on the sprinklers I
8 didn't see him drive up there, but obviously we know he was
9 because he said he was going and he was the only one that
10 came there, and I looked up a couple of minutes later and
11 there was his car.

12 And then he called and said, "I left my pen on
13 your coffee table before I drove home."

14 So would you require the prosecution to put on
15 an eyewitness to the murder before you would consider
16 convicting Miss Van Bouten?

17 MRS. REYES: No.

18 MR. KAY: I take it you understand that murders are
19 such that often times you don't have eyewitnesses there.

20 MRS. REYES: Yes, I understand.

21 MR. KAY: Now, the fact that Miss Van Bouten is here
22 for a retrial -- retrial meaning a second time -- do you think
23 that because of that she's more likely to be not guilty of these
24 charges?

25 MRS. REYES: No.

26 MR. KAY: Do you understand that has nothing to do with
27 her guilt or innocence?

28 You can't even take that into consideration.

1 Do you understand that?

2 MRS. REYES: Yes, I understand.

3 MR. KAY: Now, if you were in the jury room and vote was
4 11 to 1 and you were the holdup, you were holding out for
5 second degree, and the other 11 jurors were voting for first
6 degree, but then somebody pointed out to you about where you
7 were wrong -- you might have missed a piece of evidence or
8 misinterpreted an instruction -- but you knew that your vote
9 would make that jury's verdict unanimous and would mean that
10 Miss Van Houten would be convicted.

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1 Because under our law a jury's verdict has to be
2 unanimous. Not in a civil case; a civil case it doesn't have
3 to be that way.

4 But in a criminal case all 12 jurors have to
5 agree before a defendant can be convicted.

6 And of course if it is 11 to 1 and then you change
7 your mind and join with the 11, that means it is unanimous,
8 and that means she would be convicted of that crime.

9 Now, under those circumstances, if you believed
10 that she was guilty of first degree murder, would you have
11 the courage to change your vote and vote to convict her and
12 come out here and when the jury was polled say, "Yes, that's
13 my verdict"?

14 MRS. REYES: Yes.

15 MR. KAY: Did you understand the example that I gave
16 this morning about conspiracy, how a group of people conspire
17 together, agreed to commit a murder, and pursuant to that
18 agreement one of the persons went out and actually committed
19 the murder; that under our law all of the co-conspirators
20 are equally guilty, just as guilty as the person that actually
21 committed the murder?

22 MRS. REYES: Yes, I understand.

23 MR. KAY: Would you follow the court's instructions on
24 that?

25 MRS. REYES: Yes.

26 MR. KAY: Do you think that's fair?

27 MRS. REYES: Yes.

28 MR. KAY: And also under the law of aiding and abetting,

1 that's a law apart from conspiracy.

2 If a person aids --

3 A person who with criminal intent aids or
4 encourages another in the commission of a murder is just as
5 guilty as the person who actually commits the murder.

6 Would you follow the court's instructions on that?

7 MRS. REYES: Yes, I would.

8 MR. KAY: Do you think that's fair?

9 MRS. REYES: Yes.

10 MR. KAY: So you understand that under both conspiracy
11 and aiding and abetting a defendant can be found guilty of
12 murder even though that particular defendant doesn't strike
13 the fatal blow, killing the victim.

14 MRS. REYES: I understand.

15 MR. KAY: And you will follow the law on that?

16 MRS. REYES: Yes, sir.

17 MR. KAY: You say that you and your husband live in the
18 Alhambra area now, is that right?

19 MRS. REYES: Yes.

20 MR. KAY: Is that the area you grew up in?

21 MRS. REYES: I grew up in Los Angeles.

22 MR. KAY: What part of Los Angeles?

23 MRS. REYES: East Los Angeles.

24 MR. KAY: Do you think anyone who commits a vicious,
25 premeditated murder is mentally ill?

26 MRS. REYES: Not necessarily.

27 MR. KAY: Can you conceive of somebody committing a
28 vicious murder without having a severe mental illness?

1 MRS. REYES: Yes.

2 MR. KAY: Do you think that because somebody commits
3 a vicious murder, that that means that they didn't know what
4 they were doing at the time they committed the murder?

5 MRS. REYES: No.

6 MR. KAY: Now, just because the defendant might call
7 a number of psychiatrists to testify in his or her behalf,
8 do you think for that reason alone that that means that that
9 person must in fact be mentally ill or he or she wouldn't
10 call psychiatrists to testify for her?

11 MRS. REYES: No.

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1 MR. KAY: Realizing, as Mr. Keith pointed out in his
2 voir dire, that the mental state of a defendant may or may not
3 reduce the defendant's criminal responsibility, with that in
4 mind can you conceive of a defendant calling psychiatrists to
5 testify in his or her behalf if they weren't in fact mentally
6 ill?

7 MRS. REYES: Yes.

8 MR. KAY: If a psychiatrist got up on the stand and
9 testified that Miss Van Houten was mentally ill at some point
10 in her life, would you accept that as a fact without regard
11 to whether that psychiatrist's opinion was reasonable or
12 unreasonable?

13 MRS. REYES: I would certainly listen to his testimony,
14 but I would have to consider it with the other testimony also.

15 MR. KAY: If you thought his opinion was unreasonable,
16 would you reject it?

17 MRS. REYES: Yes.

18 MR. KAY: You realize you have the right to do that
19 with any expert.

20 Just because somebody gets up on the witness stand
21 and testifies doesn't mean that you have to accept everything
22 that witness says. You might accept parts of it and reject
23 other parts; you might accept all of it or you might reject
24 all of it.

25 That's for the members of the jury to decide after
26 the witness testifies.

27 You are not going to have an instruction from the
28 court saying, "Well, consider this witness' testimony as to

1 fact A, but he was not credible as to fact B, so disregard it."

2 You have to make that decision.

3 Do you think because of the fact that a psychiatrist
4 also happens to be a medical doctor that for that reason alone
5 you would tend to accept his testimony?

6 MRS. REYES: No, not for that reason alone.

7 MR. KAY: Do you think that psychiatrists are capable
8 of error?

9 MRS. REYES: Everyone is capable of error.

10 MR. KAY: Do you think that psychiatrists are any less
11 capable of error than anybody else?

12 MRS. REYES: No.

13 MR. KAY: Okay.

14 Now, because of the fact that Miss Van Houten's
15 mental state at the time of the LaBianca murders might be a
16 critical point of contention in this trial, and because
17 psychiatrists are going to testify, if you are selected as a
18 member of the jury, are you just going to sit back and wash
19 your hands of any decision-making process and say, "Well, the
20 psychiatrists are testifying, and whatever they say on the
21 issue is fine with me. I'll just accept whatever they say."

22 Will you do that?

23 MRS. REYES: No.

24 MR. KAY: Okay.

25 You realize if you are selected as a juror that
26 you and the other jurors would have 100 percent of the
27 responsibility for determining Miss Van Houten's mental state.

28 The psychiatrists don't have any of the responsibility.

1 They may or may not help you, but they don't have any of the
2 responsibility.

3 Are you willing to accept that responsibility?

4 MRS. REYES: Yes, sir.

5 MR. KAY: Now, if the prosecution and defense psychiatrists
6 disagree as to Miss Van Houten's mental state at the time of
7 the Labianca murders, are you going to take that disagreement
8 between these two groups of psychiatrists to automatically
9 mean that there is a reasonable doubt as to her mental state?

10 MRS. REYES: Could you repeat that again, please?

11 MR. KAY: All right.

12 Assume that Mr. Keith called certain psychiatrists,
13 and they said Miss Van Houten couldn't have formed the mental
14 state necessary for first degree murder. Then assume that the
15 prosecution calls some psychiatrists, and they say, "Oh, yes,
16 she could form the intent necessary to commit first degree
17 murder."

18 So you have a disagreement between the prosecution's
19 psychiatrists and the defense's psychiatrists as to whether or
20 not Miss Van Houten had the mental capacity to commit first
21 degree murder.

22 Now, are you going to automatically consider that
23 fact, that the defense and prosecution's psychiatrists
24 disagree, are you going to automatically consider that to mean
25 that there must be a reasonable doubt as to what her mental
26 state was?

27 MRS. REYES: No, I wouldn't make the distinction between
28 their testimony. I don't think so anyway.

1 MR. KAY: You understand that since you have to make
2 the decision in your mind --

3 MRS. REYES: Yes.

4 MR. KAY: -- what her mental state was.

5 MRS. REYES: That's what I'm trying to get at.

6 I couldn't base it because they have a disagreement
7 or discrepancy about it that that would be reason for a
8 reasonable doubt.

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1 MR. KAY: You understand it is not uncommon in a
2 criminal case to have the defense witnesses and the prosecution
3 witnesses disagree as to some point.

4 Do you understand that?

5 MRS. REYES: Yes, I understand that.

6 MR. KAY: Now, if the defense called more psychiatrists
7 than the prosecution called, would you take that fact alone
8 to mean that the defense position must be right because they
9 called more than the prosecution did?

10 MRS. REYES: I wouldn't see that that would make much of
11 a difference.

12 MR. KAY: Good.

13 Do you feel that the prosecution has to prove
14 that Miss Van Houten is a terrible person today before you
15 would convict her of the LaBianca murders in 1969?

16 MRS. REYES: No.

17 MR. KAY: You understand that while Miss Van Houten's
18 mental state at the time of the LaBianca murders might be a
19 critical issue in this case, that her mental state now is not
20 an issue that you will have to decide.

21 Do you understand that?

22 MRS. REYES: Yes.

23 MR. KAY: Do you think you can keep clear in your mind
24 the distinction between 1969 and 1977, that she's charged with
25 murders that occurred in 1969 and not 1977?

26 MRS. REYES: Yes.

27 MR. KAY: And if Mr. Keith got up in his final argument
28 and argued for a conviction of second degree murder, but you

1 felt that Miss Van Houten was guilty of first degree murder,
2 would you consider finding her guilty of second degree murder
3 because you think Mr. Keith is a nice guy and you don't want
4 him to go home empty handed and, after all, he's not asking
5 for a complete acquittal?

6 Would you do anything like that?

7 MRS. REYES: No.

8 MR. KAY: Is there anything that I haven't asked you
9 that you think would be important for me to know in making a
10 decision whether or not to accept you as a juror in this case?

11 MRS. REYES: I can think of nothing.

12 MR. KAY: Is there any reason that you can think of why
13 you couldn't or shouldn't sit on the jury?

14 MRS. REYES: No.

15 MR. KAY: You understand that when Mr. Keith talks about
16 LSD and how bad it is and everything like that, that that
17 doesn't mean that -- you haven't heard any evidence, you
18 don't know if there is any connection between Miss Van Houten
19 and LSD, and if there is, what sort of connection.

20 You understand that?

21 MRS. REYES: Yes.

22 MR. KAY: So whatever decision you make on LSD and any
23 connection with Miss Van Houten, will you keep an open mind
24 to that and base your decision on the evidence you hear from
25 the witness stand?

26 MRS. REYES: Yes.

27 MR. KAY: And you understand that since there is a
28 conspiracy count here charging both Mr. Manson and Miss Van

1 Houten that you might very well have to take into consideration
2 the association between Mr. Manson and Miss Van Houten?

3 Do you understand that?

4 MRS. REYES: Yes, I do.

5 MR. KAY: And if you are instructed to take that into
6 consideration by the judge, will you do that?

7 MRS. REYES: Yes, I will.

8 MR. KAY: Okay, thank you.

9 Can you give it to Mrs. Holloway?

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1 Mrs. Holloway, do you feel that the prosecution
2 is entitled to just as fair a trial as the defense is in this
3 case?

4 MRS. HOLLOWAY: As fair, yes.

5 MR. KAY: All right.

6 Do you think the defendant is entitled to a fairer
7 trial than the prosecution?

8 MRS. HOLLOWAY: No, sir.

9 MR. KAY: Do you feel any sympathy for Miss Van Houten
10 as she sits over there?

11 MRS. HOLLOWAY: No.

12 MR. KAY: Now, the fact that it will come to your
13 attention during the trial that Miss Van Houten has been in
14 custody for seven years, because of that, do you feel that
15 you will just, in spite of any evidence the prosecution might
16 put on, you will feel that, well, seven years is long enough
17 for anybody to spend in custody for any murder and, therefore,
18 let's just let her go?

19 MRS. HOLLOWAY: No, I don't.

20 MR. KAY: Understanding that the prosecution has the
21 legal burden of proving a defendant's guilt beyond a reasonable
22 doubt, would you hold us to a higher burden than the law holds
23 us to?

24 MRS. HOLLOWAY: No, I wouldn't.

25 MR. KAY: You wouldn't require us to prove her guilt
26 beyond a shadow of a doubt or to an absolute certainty, would
27 you?

28 MRS. HOLLOWAY: No.

1 MR. KAY: Do you think you have it clear in your mind,
2 as clear as possible, the distinction between a reasonable
3 doubt and maybe a doubt based on speculation and conjecture?

4 MRS. HOLLOWAY: Yes.

5 MR. KAY: And do you think if you went in the jury room
6 and you had a doubt that you could examine it conscientiously
7 in your mind and determine what kind of doubt that was,
8 whether it's a reasonable doubt entitling her to an acquittal
9 or just maybe a speculation in your mind?

10 Do you think you could do that?

11 MRS. HOLLOWAY: Yes.

12 MR. KAY: Hopefully my voice will hold out this afternoon.

13 Do you feel that you would have a harder time
14 convicting a woman of murder than you would a man?

15 MRS. HOLLOWAY: No, I don't.

16 MR. KAY: Do you think you would require any more
17 evidence to convict a woman of murder than you would a man?

18 MRS. HOLLOWAY: No.

19 MR. KAY: The fact that every defendant in a criminal
20 case is presumed innocent at the outset of the trial, do you
21 think that presumption of innocence is an impossible burden
22 for the prosecution to overcome?

23 MRS. HOLLOWAY: No.

24 MR. KAY: Have you ever studied law?

25 MRS. HOLLOWAY: No, I have not.

26 MR. KAY: Do you have any friends who are criminal
27 attorneys?

28 MRS. HOLLOWAY: No.

1 MR. KAY: Do you have any friends that are private
2 investigators?

3 MRS. HOLLOWAY: No.

4 MR. KAY: Have you ever had an unfortunate experience
5 with the police department in an unjustified arrest for a
6 traffic ticket, or something like that?

7 MRS. HOLLOWAY: No.

8 MR. KAY: Nothing that has happened in your life that
9 you would hold against the police department or the prosecution
10 in this case?

11 MRS. HOLLOWAY: No.
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16-11

1 MR. KAY: Have you ever testified in court before?

2 MRS. HOLLOWAY: No.

3 MR. KAY: Have you ever seen a case in court other than
4 when you were on jury duty?

5 MRS. HOLLOWAY: No, I have not.

6 MR. KAY: Did you understand the example I gave about
7 circumstantial and direct evidence?

8 MRS. HOLLOWAY: Yes, I did.

9 MR. KAY: And do you feel that -- Do you have any
10 quarrel with the fact that under the law of California a
11 defendant can be convicted based on circumstantial evidence
12 standing alone?

13 MRS. HOLLOWAY: No.

14 MR. KAY: Would you refuse to convict a defendant based
15 on circumstantial evidence alone?

16 MRS. HOLLOWAY: No, I wouldn't.

17 MR. KAY: And would you require the prosecution to put
18 on an eyewitness of an actual murder before you would convict
19 any defendant of a murder?

20 MRS. HOLLOWAY: No, sir.

21 MR. KAY: And the fact that Miss Van Houten is here for
22 a retrial, a second trial, do you think that that means that
23 it is more likely that she's not guilty of the charges?

24 MRS. HOLLOWAY: No, I don't.

25 MR. KAY: And if you were in the jury room in that
26 situation that I've been talking about, where it was 11 to 1
27 and you were the one hold-out and somebody changed your mind,
28 would you have the courage to vote under those circumstances

16-12
1 along with the majority for conviction, knowing that it was
2 your vote that made that verdict unanimous?

3 MRS. HOLLOWAY: Yes, I would.

4 MR. KAY: Would you have the courage to come out in
5 the courtroom, and if Mr. Keith asked to have the jury polled
6 and asked everybody, "Is that your verdict?" would you have
7 the courage to say, "Yes, that's my verdict"?

8 MRS. HOLLOWAY: Yes.

9 MR. KAY: Did you understand the example I gave of the
10 conspiracy?

11 MRS. HOLLOWAY: Yes, I did.

12 MR. KAY: And do you think it is fair that a person can
13 be convicted of a murder even though that person didn't strike
14 the fatal blow?

15 MRS. HOLLOWAY: Yes, it's the law.

16 MR. KAY: Under both conspiracy and aiding and abetting,
17 those are two different theories of the law, will you follow
18 the court's instructions on that?

19 MRS. HOLLOWAY: Yes, I will.

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1 MR. KAY: And if Miss Van Houten's mother comes into
2 court and testifies during the defense portion of the case,
3 and you feel sorry for her for what she's been through over
4 the years, would you consider not convicting Miss Van Houten
5 or convicting her of a reduced charge because you feel sorry
6 for her mother?

7 MRS. HOLLOWAY: No, sir.

8 MR. KAY: Do you feel that anybody who commits a vicious,
9 premeditated murder is mentally ill?

10 MRS. HOLLOWAY: No.

11 MR. KAY: Can you conceive of somebody committing a
12 vicious, premeditated murder without having -- without being
13 mentally ill?

14 MRS. HOLLOWAY: Yes.

15 MR. KAY: And do you feel that just because a defendant --
16 because a number of psychiatrists come in to testify in her
17 behalf, that therefore that means it's a fact that she was
18 mentally ill at sometime or she wouldn't have called a
19 psychiatrist?

20 MRS. HOLLOWAY: No, I don't.

21 MR. KAY: Can you conceive of a defendant in a criminal
22 case calling psychiatrists to testify on her behalf if she
23 wasn't in fact mentally ill?

24 MRS. HOLLOWAY: Yes.

25 MR. KAY: Do you feel that if any psychiatrist gets up
26 on the witness stand and testifies that Miss Van Houten was
27 mentally ill, that you will accept that as a fact without
28 regard to the reasonableness or unreasonableness of that

17-2

1 psychiatrist's opinion?

2 MRS. HOLLOWAY: No.

3 MR. KAY: Do you think that psychiatry is an exact
4 science, like chemistry or mathematics, where you can come
5 up with definite, provable answers?

6 MRS. HOLLOWAY: No.

7 MR. KAY: Do you understand it is an art form; it's
8 not an exact science.

9 You can't prove or disprove anything a
10 psychiatrist says.

11 Do you understand that?

12 MRS. HOLLOWAY: Yes, I do.

13 MR. KAY: Do you feel that if a psychiatrist gets up
14 and testifies, that whatever he testifies to is the gospel
15 truth?

16 MRS. HOLLOWAY: No.

17 MR. KAY: Do you think that a psychiatrist is just
18 as capable of error as anybody else?

19 MRS. HOLLOWAY: Yes.

20 MR. KAY: And realizing that ---

21 Well, because of the fact that a psychiatrist
22 also happens to be a medical doctor, would you for that
23 reason alone tend to accept what the psychiatrist had to say?

24 MRS. HOLLOWAY: No.

25 MR. KAY: And because of the fact that psychiatrists
26 are going to testify and because of the fact that
27 Miss Van Houten's state of mind at the time of the Lankianca
28 murders might be a critical issue in the case, would you just

1 sit back and wash your hands of any decision-making process,
2 and just let the psychiatrists fight it out, and whatever
3 they decide is okay with you?

4 MRS. HOLLOWAY: No, sir.

5 MR. KAY: You do realize, as I have told the other jurors,
6 that you would have 100 percent of the responsibility if you
7 sit on the jury for deciding any question of fact.

8 And of course one question of fact would be the
9 state of mind of the defendant at the time the crime was
10 committed.

11 Are you willing to accept that responsibility?

12 MRS. HOLLOWAY: Yes, I am.

13 MR. KAY: If you are selected as a juror, will you
14 consider the psychiatric testimony in view of all the
15 evidence in the case, and only give it that weight which you
16 feel it's entitled to, together with all the circumstances of
17 the case?

18 MRS. HOLLOWAY: Yes.

19 MR. KAY: You realize that you have the right to accept
20 or reject the testimony of a psychiatrist.

21 Do you understand that?

22 MRS. HOLLOWAY: Yes, I do.

23 MR. KAY: Do you understand that a defendant might have
24 some type of mental illness but that mental illness might not
25 be substantial enough to reduce the criminal responsibility
26 of the defendant?

27 Do you understand that?

28 MRS. HOLLOWAY: Yes, I do.

1 MR. KAY: That it would be up to you to determine, number
2 one, is there any mental illness; and number two, if there
3 is, is it substantial enough to reduce the defendant's
4 criminal responsibility.

5 MRS. HOLLOWAY: I realize that.

6 MR. KAY: And if the defense and prosecution's
7 psychiatrists disagree, are you going to take that disagreement
8 in and of itself to mean that there is automatically a reasonable
9 doubt about Miss Van Houten's state of mind at the time of the
10 Labianca murders?

11 MRS. HOLLOWAY: No.

12 MR. KAY: And if Mr. Keith got up in his closing argument
13 and asked the jury to convict Miss Van Houten of second
14 degree murder, not first degree murder -- the prosecution
15 would get up and ask for a first degree conviction -- and you
16 felt she was guilty of first degree murder, would you consider
17 convicting her of second degree because you'd want to give
18 Mr. Keith a little something to leave the courtroom with?

19 MRS. HOLLOWAY: No, sir.

20 MR. KAY: In other words, if you thought that she was
21 guilty of first degree you'd vote to convict her of first
22 degree; is that right?

23 MRS. HOLLOWAY: Yes, I would.

24 MR. KAY: Would you require the prosecution to prove
25 that Miss Van Houten is a terrible person as she sits over
26 there today before you would convict her of the Labianca
27 murders in 1969?

28 MRS. HOLLOWAY: No, sir.

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MR. KAY: And if the evidence —

Well, if you felt that after seven years in custody, that Miss Van Houten had been rehabilitated to some degree, for that reason alone would you consider not convicting her or convicting her of a lesser charge?

MRS. HOLLOWAY: No.

THE COURT: ALL RIGHT.

17-6

1 MR. KAY: You understand --

2 Well, do you think that you can keep clear
3 throughout the course of the trial in your mind the fact that
4 Miss Van Houten is charged with murder in 1969, not in 1977?

5 MRS. HOLLOWAY: Yes.

6 MR. KAY: You don't think you will have any problem
7 making that decision?

8 MRS. HOLLOWAY: No.

9 MR. KAY: You understand that while her state of
10 mind at the time of the Labianca murders might be a critical
11 point in this case, that her state of mind at the present time
12 is not an issue that you will have to decide.

13 Do you understand that?

14 MRS. HOLLOWAY: Yes.

15 MR. KAY: Can you think of any reason why you could not
16 or should not sit on this jury?

17 MRS. HOLLOWAY: I can think of none.

18 MR. KAY: Do you think you can give the prosecution
19 a fair trial in this case?

20 MRS. HOLLOWAY: Yes.

21 MR. KAY: Mr. Keith told you that Miss Van Houten has
22 in the past led a hippie life style.

23 Well, of course you understand it will be up to
24 you to determine what kind of life style she's led in the
25 past.

26 Do you understand that?

27 MRS. HOLLOWAY: Yes, I do.

28 MR. KAY: That just because Mr. Keith says something

17-7

1 in your dire or I say something in your dire, that's not
2 evidence.

3 The evidence comes from the witness stand.

4 And you might decide that she didn't lead a
5 hippie life style in the past.

6 Do you understand that?

7 MRS. HOLLOWAY: Yes, I do.

8 MR. KAY: And the photographs that Mr. Keith was
9 talking about.

10 Do you understand that you are supposed to view
11 all the evidence in the case, and after viewing those
12 photographs, that you may decide that they have a lot of
13 relevance in the case.

14 Do you understand?

15 MRS. HOLLOWAY: Yes, I understand.

16 MR. KAY: And would you look at all the evidence in the
17 case that's presented to you?

18 MRS. HOLLOWAY: Surely.

19 MR. KAY: And you understand that whatever your feeling
20 about LSD is -- and I don't remember if Mr. Keith specifically
21 asked you about that, but he asked a lot of jurors --

22 Do you understand that whatever you are to know
23 about LSD in regards to this case will come from the evidence
24 from the witness stand?

25 And people may have read articles about it before,
26 which may or may not be correct; but there will probably be
27 expert testimony from both sides on LSD and the effects that
28 it has and doesn't have on people.

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1 And can you keep an open mind on that subject,
2 and base any decision you have on LSD from the evidence you
3 hear from the witness stand?

4 MRS. HOLLONAY: Yes, I can.

5 MR. KAY: Okay; thank you.

6 Can you pass the microphones to Mrs. Adams.

7 Mrs. Adams, because of the fact that you have two
8 daughters, are you going to feel sorry for Leslie Van Houten
9 in this case?

10 MRS. ADAMS: No.

11 MR. KAY: If her mother comes into court and testifies
12 during the defense portion of the case and you feel sorry
13 for all that she's had to go through during the past years,
14 are you going to consider convicting Miss Van Houten of a
15 lesser charge or letting her go because you feel sorry for
16 her mother?

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17 MRS. ADAMS: No.

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1 MR. KAY: Do you see any resemblance at all between
2 Leslie Van Houten and your daughters?

3 MRS. ADAMS: No.

4 MR. KAY: Do you feel any sympathy at all for
5 Miss Van Houten as she sits over there now?

6 MRS. ADAMS: No.

7 MR. KAY: Do you think she's entitled to any fairer
8 trial than the prosecution in this case?

9 MRS. ADAMS: No.

10 MR. KAY: Do you think the defendant in a criminal
11 case is some sort of an underdog with all the cards stacked
12 against them and deserving of sympathy?

13 MRS. ADAMS: No.

14 MR. KAY: Because of the fact that Miss Van Houten has
15 been in custody for the last seven years, would you -- do
16 you feel about that, "Well, seven years is long enough for
17 anybody to spend in custody for any murder, and whether she
18 is guilty or not let's turn her out the door"?

19 MRS. ADAMS: No.

20 MR. KAY: Because she has spent seven years in custody,
21 would you consider convicting her of a lesser charge or
22 acquitting her?

23 MRS. ADAMS: No.

24 MR. KAY: For that reason,

25 Realizing that the prosecution has the legal
26 burden of proving Miss Van Houten's guilt beyond a reasonable
27 doubt, would you hold us to a higher burden of proof?

28 MRS. ADAMS: No.

1 MR. KAY: You wouldn't require us to prove her guilt
2 beyond a shadow of a doubt or to an absolute certainty?

3 MRS. ADAMS: No.

4 MR. KAY: Do you consider yourself to be a reasonable
5 person?

6 MRS. ADAMS: I hope so.

7 MR. KAY: I hope so, too.

8 (Laughter.)

9 MR. KAY: Do you think you have clear in your mind the
10 difference between a reasonable doubt and a doubt based on
11 speculation or conjecture?

12 MRS. ADAMS: I'm sorry; repeat that.

13 MR. KAY: Do you think you have clear in your mind the
14 difference between a reasonable doubt -- that is, a doubt
15 based on reason, a doubt that you have some good reasons for --
16 versus a doubt that's may be based on speculation and
17 conjecture?

18 I mean, anything is possible. It could be snowing
19 outside; it's possible.

20 MRS. ADAMS: Yes.

21 MR. KAY: It's not likely, but it is possible. Anything
22 is possible.

23 What do you have the difference, the distinction
24 in your mind between those two?

25 MRS. ADAMS: Yes.

26 MR. KAY: And if you got in the jury room and you felt
27 that you had some sort of a doubt when you went into the
28 jury room, do you think you could really conscientiously

1 examine that doubt and determine whether in your mind it was
2 a reasonable doubt or just a doubt based on speculation and
3 conjecture?

4 Do you think you could do that?

5 MRS. ADAMS: Yes.

6 MR. KAY: Do you have any friends that are attorneys?

7 MRS. ADAMS: No, I don't.

8 MR. KAY: Do you know any private investigators?

9 MRS. ADAMS: No.

10 MR. KAY: Have you ever studied law?

11 MRS. ADAMS: No.

12 MR. KAY: Have you ever testified in court?

13 MRS. ADAMS: No, sir.

14 MR. KAY: Have you ever watched a trial other than when
15 you were on jury duty?

16 MRS. ADAMS: No.

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1 MR. KAY: Have you or any members of your family had
2 what I term an unfortunate experience with the police, maybe
3 it was felt it was an unjustified traffic ticket or an arrest
4 of some sort?

5 MRS. ADAMS: No.

6 MR. KAY: Nothing has happened in your past that you
7 would hold anything against the police department in this case,
8 or the prosecution?

9 MRS. ADAMS: No.

10 MR. KAY: And did you understand the little fact
11 situation that I gave on circumstantial and direct evidence?

12 MRS. ADAMS: Yes, I did.

13 MR. KAY: Would you refuse to convict a defendant based
14 on circumstantial evidence alone?

15 MRS. ADAMS: No.

16 MR. KAY: Would you refuse to convict a defendant if the
17 prosecution didn't put on an eyewitness to the actual murders?

18 MRS. ADAMS: No.

19 MR. KAY: And the fact that Miss Van Houten is here for
20 a retrial, do you think that means that it is more likely that
21 she's not guilty of the charges?

22 MRS. ADAMS: No.

23 MR. KAY: And if you were in the jury room in that 11-to-1
24 situation that I've been talking to the other jurors about,
25 do you think you would have the courage to vote your conviction
26 that she was guilty of first degree murder, even though you
27 knew your vote would make the verdict unanimous?

28 MRS. ADAMS: Yes.

13-2

1 MR. KAY: And under the law of conspiracy and aiding
2 and abetting, which I've explained, that a person can be
3 guilty of murder of first degree murder even if they themselves
4 don't strike the fatal blow, do you think that's fair?

5 MRS. ADAMS: Yes.

6 MR. KAY: Would you follow the court's instructions on
7 that?

8 MRS. ADAMS: Yes.

9 MR. KAY: Do you feel that anybody who commits a vicious
10 premeditated murder is mentally ill?

11 MRS. ADAMS: No.

12 MR. KAY: Do you think that anybody that commits that
13 type of murder must not have known what they were doing when
14 they committed the murder?

15 MRS. ADAMS: No.

16 MR. KAY: Can you conceive of a person committing a
17 vicious murder without being mentally ill?

18 MRS. ADAMS: Yes.

19 MR. KAY: Do you think that just because a defendant
20 calls a number of psychiatrists to testify in her behalf that
21 therefore that means that it is a fact that she is either
22 mentally ill now or had some mental illness in the past or she
23 would not have called a psychiatrist?

24 MRS. ADAMS: No.

25 MR. KAY: Can you conceive of a defendant calling
26 psychiatrists in a criminal case if that defendant wasn't,
27 in fact, mentally ill?

28 MRS. ADAMS: Yes.

18-3

1 MR. KAY: And if a psychiatrist got up on the witness
2 stand and told you that Miss Van Houten was mentally ill at
3 the time of the LaBianca murders, would you accept that -- his
4 opinion as a fact without regards to the reasonableness or
5 unreasonableness of his opinion?

6 MRS. ADAMS: No.

7 MR. KAY: Do you feel that psychiatrists are just as
8 capable of error as any of us?

9 MRS. ADAMS: Yes.

10 MR. KAY: Do you feel that psychiatry is an exact
11 science like chemistry or mathematics, where you can come up
12 with definite provable answers?

13 MRS. ADAMS: No.

14 MR. KAY: And because a psychiatrist is also a medical
15 doctor, for that reason alone would you tend to accept the
16 psychiatrist's opinion as being true?

17 MRS. ADAMS: No.

18 MR. KAY: The reason I say that is because some people
19 figure that doctors can do no wrong. And they will just --
20 they might watch soap operas on television, or something like
21 that, and they just think, "Oh, doctors are gods, and whatever
22 they do just has to be correct."

23 You do not think that, do you?

24 MRS. ADAMS: No, I don't.

25 MR. KAY: Now, because psychiatrists are going to testify
26 in this case, are you going to let them decide for you what
27 Miss Van Houten's mental state was at the time of the LaBianca
28 murders, or are you just going to wash your hands of the whole

1 situation and sit back and let them decide for you?

2 MRS. ADAMS: No.

3 MR. KAY: And if the defense in this case calls more
4 psychiatrists than the prosecution, for that reason alone are
5 you going to feel that the defense position must be right
6 because they called more psychiatrists?

7 MRS. ADAMS: No.
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1 MR. KAY: Are you willing, if you sit on this case as
2 a juror, are you willing to accept 100 percent of the
3 responsibility for determining Miss Van Houten's mental state
4 at the time of the Labianca murders?

5 MRS. ADAMS: Yes.

6 MR. KAY: And do you feel because the defense and
7 prosecution psychiatrists might disagree as to whether
8 Miss Van Houten can form the mental state necessary to commit
9 first degree murder that that automatically means that there
10 is a reasonable doubt whether she could have that mental state?

11 MRS. ADAMS: No.

12 MR. KAY: Do you understand that a defendant can have
13 some type of mental illness but it might not be substantially
14 enough to reduce that defendant's criminal responsibility in a
15 particular case?

16 Do you understand that?

17 MRS. ADAMS: Yes, I do.

18 MR. KAY: But it would be up to you to determine if
19 there was any mental illness and, if there was, whether it
20 was substantial enough to reduce criminal responsibility,

21 Are you willing to accept that responsibility?

22 MRS. ADAMS: Yes.

23 MR. KAY: And do you think you can keep clear in your
24 mind the fact that Miss Van Houten is charged with two counts
25 of murder and one count of conspiracy to commit murder that
26 occurred in 1969 and not 1977?

27 MRS. ADAMS: Yes.

28 MR. KAY: Do you think you can keep those two dates clear

1 in your mind?

2 MRS. ADAMS: Yes, I can.

3 MR. KAY: And would you require the prosecution to
4 prove that Miss Van Houten is a terrible person as she sits
5 there today before you would consider convicting her of the
6 LaBianca murders in 1969?

7 MRS. ADAMS: No.

8 MR. KAY: Do you understand that while a critical issue
9 in the case might very well be whether or not -- well, what
10 Miss Van Houten's mental state was at the time of the LaBianca
11 murders, but her mental state at the present time is not an
12 issue that you will have to decide.

13 Do you understand that?

14 MRS. ADAMS: Yes, I do.

15 MR. KAY: And do you think you can keep that distinction
16 clear?

17 MRS. ADAMS: Yes.

18 MR. KAY: And if Mr. Keith got up in his final argument
19 and argued for a second degree murder conviction, but you
20 believed that Miss Van Houten was guilty of first degree,
21 would you consider convicting her of second degree because
22 you like Mr. Keith, you thought he did a nice job, and yet
23 you didn't want him to go home empty handed?

24 MRS. ADAMS: No, I would not.

25 MR. KAY: And if you felt that after seven years in
26 custody that Miss Van Houten had been rehabilitated to some
27 extent, for that reason alone would you consider not convicting
28 her or convicting her of a reduced charge?

18-7

1 MRS. ADAMS: No.

2 MR. KAY: And you understand that her association with
3 Mr. Manson might very well play an important part in this
4 case, and would you consider that association?

5 MRS. ADAMS: Yes.

6 MR. KAY: And the photographs in this case, the ones
7 that Mr. Keith has described as gruesome, those also might
8 be quite relevant in this case.

9 I take it you wouldn't, just because Mr. Keith
10 might not want you to look at them, if they were in evidence
11 in the case, and you were back in the jury room, you would
12 view all the evidence, wouldn't you?

13 MRS. ADAMS: Yes, I would.

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18-8

1 MR. KAY: They might give you some indication whether
2 this was, as Mr. Keith described it, an unfortunate tragedy
3 or a cold-blooded murder.

4 Do you understand that?

5 MRS. ADAMS: Yes, I do.

6 MR. KAY: And Mr. Keith described in his voir dire
7 Miss Van Houten living in a hippie life style for several
8 years.

9 OF course, you understand it would be up to you
10 to determine what type of life style she lived and what
11 relevance that had to her guilt or innocence in this case?

12 MRS. ADAMS: Yes, I do.

13 MR. KAY: Just because he says that she led a hippie-type
14 life style when he was questioning the jury doesn't mean that
15 it is a fact that she led a hippie life style.

16 Do you understand that?

17 MRS. ADAMS: Yes, I do.

18 MR. KAY: Okay. Thank you.

19 Could you pass the microphone to Mr. Heishman.

20 I'm sure glad we don't have to do this tomorrow.
21 I know I won't have any voice tomorrow.

22 Mr. Heishman, do you feel in your mind that the
23 prosecution is entitled to just as fair a trial as the
24 defendant in this case?

25 MR. HEISHMAN: Equally so, yes.

26 MR. KAY: Do you feel any sympathy for Miss Van Houten as
27 she sits over there now?

28 MR. HEISHMAN: No.

1 MR. KAY: If her mother came into court and testified,
2 and you felt sorry for her mother for what she's been through
3 during the past years, for that reason would you consider
4 convicting Miss Van Houten of a lesser charge or letting
5 her go?

6 MR. HEISHMAN: No, I would not.

7 MR. KAY: And the fact that Miss Van Houten has been
8 in custody for seven years, because of that and in spite of
9 any evidence that the prosecution might put on, would you
10 consider not convicting her or convicting her of a reduced
11 charge due to a feeling of seven years is long enough for
12 anybody to spend in prison?

13 MR. HEISHMAN: No, sir; I wouldn't.

14 MR. KAY: Do you understand that you are going to be
15 instructed in this case by the judge that you can't consider
16 penalty or punishment in this case?

17 Do you think you can follow that instruction?

18 MR. HEISHMAN: I believe so.

19 MR. KAY: Do you feel that you would have a harder time
20 convicting a woman of murder than you would a man?

21 MR. HEISHMAN: No, sir.

22 MR. KAY: Would you require any more evidence to convict
23 a woman of murder than you would a man?

24 MR. HEISHMAN: No, sir.

25 MR. KAY: Now, because of the fact that you were a
26 flight line medic in Korea and saw a lot of badly wounded
27 people, do you hold life any less dearly because of that?

28 MR. HEISHMAN: No, I do not.

1 MR. KAY: Do you think that a human life is the most
2 precious thing we have?

3 MR. HEISHMAN: That's true.

4 MR. KAY: And realizing that the prosecution has a
5 legal burden of proving Miss Van Houten's guilt beyond a
6 reasonable doubt, would you hold us to a higher burden of
7 proof?

8 MR. HEISHMAN: No, sir.

9 MR. KAY: Do you think you have clear in your mind the
10 distinction between a reasonable doubt and a possible or
11 imaginary doubt?

12 MR. HEISHMAN: I believe so; yes, sir.

13 MR. KAY: Do you think if you had a doubt when you were
14 in the jury room that you could kind of decide that in your
15 own mind whether your doubt was a reasonable doubt or just
16 maybe a doubt based on speculation?

17 MR. HEISHMAN: I believe I could; yes, sir.

18 MR. KAY: Do you feel that the presumption of innocence
19 is an impossible burden for the prosecution to overcome?

20 MR. HEISHMAN: Would you rephrase that?

21 MR. KAY: Well, at the outset of every criminal trial,
22 whether it's for a traffic ticket or murder, such as in this
23 case, the defendant is presumed to be innocent until the
24 contrary is proven.

25 Now, do you feel that that presumption of innocence
26 is an impossible burden for the prosecution to overcome?

27 MR. HEISHMAN: No, sir.

1 MR. KAY: Have you ever studied law?

2 MR. HEISHMAN: No.

3 MR. KAY: Do you have any friends that are attorneys?

4 MR. HEISHMAN: No.

5 MR. KAY: Any friends that are private investigators?

6 MR. HEISHMAN: No, sir.

7 MR. KAY: Have you ever testified in court before?

8 MR. HEISHMAN: No.

9 MR. KAY: Have you ever watched a case other than
10 when you were on jury duty?

11 MR. HEISHMAN: I was not on jury duty.

12 MR. KAY: This is your first time?

13 MR. HEISHMAN: Yes, sir.

14 MR. KAY: Have you ever had any unfortunate experiences
15 with the police department, an unjustified arrest for
16 something or other?

17 Have you ever had anything like that?

18 MR. HEISHMAN: No, they were justified.

19 MR. KAY: Another honest man. There you go.

20 So there is nothing in your past that you feel
21 you would hold against the police or the prosecution in this
22 case.

23 MR. HEISHMAN: No, sir.

24 MR. KAY: Do you think you understood the example I
25 gave of circumstantial versus direct evidence?

26 MR. HEISHMAN: Yes, sir.

27 MR. KAY: And would you refuse to convict the
28 defendant based on circumstantial evidence alone?

1 MR. HEISHMAN: No, I would not.

2 MR. KAY: Would you require the prosecution to call an
3 eyewitness to a murder before you would convict any defendant
4 of any murder?

5 MR. HEISHMAN: No.

6 MR. KAY: And because Miss Van Houten is here for a
7 second trial, do you feel she is more likely to be not guilty
8 of the charges against her?

9 MR. HEISHMAN: No, I do not.

10 MR. KAY: And if you were in that jury room and it was
11 11 to 1 and you were the one holdout and you changed your
12 mind, would you have the courage of your convictions to make
13 that verdict unanimous and come out here and tell us all that
14 that is your verdict?

15 MR. HEISHMAN: That's right, yes, sir.

16 MR. KAY: Even though you realize that your verdict was
17 the vote that made that verdict unanimous?

18 MR. HEISHMAN: Yes, sir.

19 MR. KAY: Did you understand the example I gave of
20 conspiracy?

21 MR. HEISHMAN: Yes, sir.

22 MR. KAY: Do you think it's fair that a defendant can
23 be convicted of murder under the law of conspiracy and aiding
24 and abetting even though that person didn't strike the fatal
25 blow?

26 MR. HEISHMAN: I do.

27 MR. KAY: Do you think that anyone who commits a vicious,
28 premeditated murder is mentally ill?

1 MR. HEISEMAN: No.

2 MR. KAY: Can you conceive of somebody committing that
3 type of murder without being mentally ill?

4 MR. HEISEMAN: Yes.

5 MR. KAY: Do you think that because a person commits
6 a vicious murder, that therefore they must not have known
7 what they were doing at the time they committed that murder?

8 MR. HEISEMAN: I do not.

9 MR. KAY: Do you feel that if any psychiatrists got
10 up on the witness stand and testified that Miss Van Houten
11 was mentally ill at the time of the Lillian murders, that
12 you would accept that as a fact without regard to the
13 or unreasonableness of that psychiatrist's opinion?

14 MR. HEISEMAN: I would not.

15 MR. KAY: Do you feel that just because a defendant
16 calls a number of psychiatrists to testify in her behalf,
17 that that means that it must be a fact that she was mentally
18 ill or she wouldn't be calling a psychiatrist?

19 MR. HEISEMAN: No.

20 MR. KAY: Can you conceive of a defendant in a criminal
21 case calling psychiatrists to testify in her behalf if she
22 wasn't in fact mentally ill?

23 MR. HEISEMAN: Yes.

24 MR. KAY: I take it you don't think that psychiatrists
25 are some sort of deities that are going to grace us with their
26 presence?

27 MR. HEISEMAN: No, I do not.

28 MR. KAY: Do you think because a psychiatrist is also

1 a medical doctor, for that reason alone you would tend to
2 accept what the psychiatrist had to say?

3 MR. HEISHMAN: No.

4 MR. KAY: You don't think doctors are some special
5 deity either, do you?

6 MR. HEISHMAN: No, I do not.

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19-5

1 MR. KAY: Do you think psychiatry is an exact science,
2 like chemistry or mathematics, where you can come up with
3 definite, provable answers?

4 MR. HEISHMAN: No.

5 MR. KAY: Do you think that psychiatrists are just as
6 capable of making errors as any of the rest of us?

7 MR. HEISHMAN: No, they -- no; they can make just as
8 many as we can.

9 MR. KAY: Now, because psychiatrists are going to
10 testify in this case and because, as I think it's clear from
11 Mr. Keith's voir dire and my voir dire, that Miss Van Houten's
12 state of mind at the time of the Labianca murders might be
13 a critical issue in the case, are you just going to sit back
14 and figure, "Well, that's their ball game, whatever they
15 decide about her state of mind, I'll just accept that"?

16 MR. HEISHMAN: No.

17 MR. KAY: Do you feel that way?

18 MR. HEISHMAN: No.

19 MR. KAY: Are you willing to accept 100 percent of the
20 responsibility for determining Miss Van Houten's mental state
21 at the time of the Labianca murders, if you are selected as
22 a juror?

23 MR. HEISHMAN: Yes.

24 MR. KAY: And you realize that if you feel a psychiatrist's
25 opinion is unreasonable you can disregard that opinion.

26 MR. HEISHMAN: Yes.

27 MR. KAY: And the fact that the prosecution and the
28 defendant psychiatrists might disagree as to Miss Van Houten's

19-8

1 state of mind at the time of the LAMANCE murders, will you
2 take that disagreement to mean automatically that there must
3 be a reasonable doubt as to whether or not she could commit
4 a first degree murder?

5 MR. HEISHMAN: No.

6 MR. KAY: Do you understand that a defendant might have
7 some type of mental illness but that mental illness might
8 not be substantial enough to reduce the defendant's
9 criminal responsibility?

10 MR. HEISHMAN: Yes, I do.

11 MR. KAY: That it would be up to you, if you are
12 selected as a juror, to determine whether there was any mental
13 illness and if the mental illness was substantial enough to
14 reduce the criminal responsibility of the defendant?

15 MR. HEISHMAN: Yes.

16 MR. KAY: If Mr. Keith got up in his final argument
17 and argued for a second degree murder but you felt that
18 Miss Van Houten was guilty of a first degree murder, would you
19 consider convicting Miss Van Houten of second degree just
20 because you like Mr. Keith and you thought he did a nice job
21 and you didn't want him to go away unhappy from the courtroom?

22 MR. HEISHMAN: No, I would not.

23 MR. KAY: And would you require the prosecution to prove
24 that Miss Van Houten is a terrible person as she sits over
25 there today before you could convict her of the LAMANCE
26 murders?

27 MR. HEISHMAN: No.

28 MR. KAY: Do you think you can keep clear in your mind

1 the distinction between the fact that she is charged with the
2 Lashance murders in 1969, not with murders that occurred in
3 1977?

4 MR. HEISHMAN: I believe I could, yes.

5 MR. KAY: And you realize that while her state of mind
6 at the time of the Lashance murders might be a critical issue
7 in this case, that her present state of mind is not an issue
8 that you will have to decide.

9 Do you understand that?

10 MR. HEISHMAN: Yes, I understand that.

11 MR. KAY: And the fact that the defense might call more
12 psychiatrists than the prosecution, for that reason alone
13 would you feel that their point of view must be correct
14 because they called more?

15 MR. HEISHMAN: No.

16 MR. KAY: Is there anything that I failed to ask you
17 that you think would be important for me to know in
18 determining whether or not to select you as a juror?

19 MR. HEISHMAN: No, I think you're pretty thorough.

20 MR. KAY: Do you think you can be a fair and impartial
21 juror in this case?

22 MR. HEISHMAN: I believe I could, yes, sir.

23 MR. KAY: Do you think you can give the prosecution
24 a fair trial?

25 MR. HEISHMAN: Yes.

26 MR. KAY: Thank you.

27 Could you pass it back to Mr. Williams.

28 THE COURT: Let's take a recess.

19-a

1 Unless I hear overwhelming disagreement, I think
2 we will take a recess at this time.

3 Ladies and gentlemen, bear in mind during this
4 recess you are not to discuss this case amongst yourselves or
5 with anyone else, you are not to form any opinion concerning
6 this matter or express any opinion concerning this matter
7 until the case is finally given to you.

8 In addition, you must not allow yourselves to
9 read, see or hear any accounts of this matter in the news
10 media.

11 The Court will be in recess until ten minutes
12 past the hour.

13 All jurors, the defendant and counsel are ordered
14 to return at that time.

15 The Court is in recess.

16 Thank you.

17 (Recess.)
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THE COURT: People versus Van Houten.

Let the record show the defendant is present and represented by counsel; the People are represented by counsel; all prospective jurors are in the jury box.

ALL right, Mr. Kay, you may resume.

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1 MR. KAY: Thank you, Your Honor.

2 MR. WILLIAMS, do you feel that the defendant in
3 a criminal case is some sort of an underdog for you to
4 sympathize with?

5 MR. WILLIAMS: No.

6 MR. KAY: You don't feel that they have all the cards
7 stacked against them, or anything?

8 MR. WILLIAMS: No.

9 MR. KAY: Do you feel that Miss Van Houten is entitled
10 to a fairer trial in this case than the prosecution?

11 MR. WILLIAMS: Yes.

12 MR. KAY: You think she is entitled to a fairer trial?

13 MR. WILLIAMS: A fairer trial?

14 MR. KAY: Yes.

15 MR. WILLIAMS: No fairer than anyone else.

16 MR. KAY: All right.

17 In other words, you feel that both of us are
18 entitled to an equal fair trial.

19 MR. WILLIAMS: Correct.

20 MR. KAY: Now, the fact that Miss Van Houten has been
21 in custody for the last seven years, do you feel that inspite
22 of any evidence that the prosecution might put on, that you
23 would consider not convicting her or convicting her of a
24 reduced charge because of your feeling that, "well, seven
25 years is long enough for anybody to spend in prison for any
26 murder"?

27 MR. WILLIAMS: No.

28 MR. KAY: And realizing that the prosecution has

1 the legal burden of proving a defendant's guilt beyond a
2 reasonable doubt, would you hold us to any higher burden of
3 proof?

4 MR. WILLIAMS: No.

5 MR. KAY: You think that's a fair burden of proof?

6 MR. WILLIAMS: It's fair.

7 MR. KAY: Do you feel that you'd have a harder time
8 convicting a woman of murder than you would a man?

9 MR. WILLIAMS: No.

10 MR. KAY: Do you think psychiatrists are incapable of
11 error?

12 MR. WILLIAMS: No. As long as they are human beings,
13 everyone is capable of errors.

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EMERSON

22-1
1 MR. KAY: Do you think that psychiatrists are just as
2 capable of making mistakes as anybody else?

3 MR. WILLIAMS: Yes.

4 MR. KAY: Do you think because a psychiatrist is also
5 a medical doctor that for that reason you would tend to
6 accept whatever he said as being true?

7 MR. WILLIAMS: No.

8 MR. KAY: Do you feel that you have clear in your mind
9 the distinction between a reasonable doubt and just a mere
10 possible and imaginary doubt?

11 MR. WILLIAMS: Yes.

12 MR. KAY: Do you feel that if you went into the jury
13 room to deliberate in this case that you could conscientiously
14 try and make that distinction if you had any doubt in your
15 mind?

16 MR. WILLIAMS: Yes.

17 MR. KAY: Have you ever had, in your lifetime, any
18 what I have termed unfortunate incidents with the police where
19 you thought you were unjustly given a ticket or arrested for
20 something?

21 MR. WILLIAMS: No.

22 MR. KAY: Nothing has happened in your lifetime that
23 you would hold against us here?

24 MR. WILLIAMS: No.

25 MR. KAY: Would you give any less weight to the testimony
26 of a witness because that witness was a police officer?

27 MR. WILLIAMS: No.

28 MR. KAY: Have you ever testified in court?

22-2

1 MR. WILLIAMS: No.

2 MR. KAY: Have you ever watched a case in court other
3 than while you were on jury duty?

4 MR. WILLIAMS: No.

5 MR. KAY: Did you understand the example I gave of
6 direct and circumstantial evidence?

7 MR. WILLIAMS: Yes.

8 MR. KAY: And would you refuse to convict a defendant
9 based on circumstantial evidence alone?

10 MR. WILLIAMS: No.

11 MR. KAY: Would you require the prosecution to put on
12 an eyewitness to a murder before you'd convict a defendant
13 of murder?

14 MR. WILLIAMS: No.

15 MR. KAY: And because Miss Van Houten is here for a
16 retrial, do you think that she's more likely to be not guilty
17 of the charges against her?

18 MR. WILLIAMS: No.

19 MR. KAY: You understand that her being here for a
20 retrial had nothing to do with the question of her guilt or
21 innocence.

22 Do you understand that?

23 MR. WILLIAMS: Correct, I understand.

24 MR. KAY: If you were in the jury room, and the vote was
25 11 to 1, and you were that one juror, and your vote would make
26 the verdict unanimous, would you have the courage to make that
27 verdict unanimous if you felt that was the proper verdict?

28 MR. WILLIAMS: Correct.

22-3

1 MR. KAY: Would you have the courage to come out here
2 in the courtroom, and when you were polled, when you were
3 asked by the court clerk, "Is that your verdict?" would you
4 say that, "Yes, that's my verdict"?

5 MR. WILLIAMS: Yes.

6 MR. KAY: And if Miss Van Houten's mother came into the
7 courtroom and testified and you felt sorry for her, for what
8 she's been through over the years, would you, because of that,
9 consider not convicting Miss Van Houten or convicting her of
10 a reduced charge?

11 MR. WILLIAMS: No.
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1 MR. KAY: Did you understand the example I gave about
2 conspiracy and aiding and abetting?

3 MR. WILLIAMS: Yes.

4 MR. KAY: Do you think it's fair that under the law in
5 California a person can be convicted of murder even though
6 they might not have struck the fatal blow?

7 MR. WILLIAMS: Yes.

8 MR. KAY: Do you understand just because I say that in
9 voir dire does not mean that the evidence isn't going to show
10 that a particular defendant might have struck the fatal blow.

11 I'm just putting that out to you as an example.
12 You have to determine what the facts are in the case if you
13 are selected as a juror.

14 Do you understand that?

15 MR. WILLIAMS: Yes.

16 MR. KAY: Do you think that anybody who commits a
17 vicious, premeditated murder must be mentally ill?

18 MR. WILLIAMS: No.

19 MR. KAY: Do you think that -- Can you conceive of
20 somebody committing a vicious murder without being mentally
21 ill?

22 MR. WILLIAMS: Yes.

23 MR. KAY: Can you conceive of a defendant calling
24 psychiatrists to testify in his or her behalf if they weren't,
25 in fact, mentally ill?

26 MR. WILLIAMS: Yes.

27 MR. KAY: Do you think that just because a defendant
28 calls a number of psychiatrists to testify for her that that

1 means that she, in fact, is mentally ill or was mentally
2 ill at some time or she wouldn't call the psychiatrists?

3 MR. WILLIAMS: No.

4 MR. KAY: And if a psychiatrist testifies on the witness
5 stand that Miss Van Houten was mentally ill at the time of
6 the Labianca murders, are you going to take that to be a fact
7 without regard to the reasonableness or unreasonableness of
8 that psychiatrist's opinion?

9 MR. WILLIAMS: No.

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1 MR. KAY: Do you think that psychiatry is an exact
2 science, like chemistry or mathematics or physics, where you
3 can come up with definite, provable answers?

4 MR. WILLIAMS: No. It has its place in society.

5 But the way you phrased the question, it's a
6 broad statement.

7 MR. KAY: Well, you understand that a psychiatrist
8 can testify to something on the stand, that's his opinion.

9 But there is no way to prove or disprove what
10 he says.

11 I mean, that's just his opinion of whatever he
12 gives his opinion on.

13 Do you understand that?

14 MR. WILLIAMS: Yes.

15 MR. KAY: It's not like you can have the formula
16 hydrogen hydroxide and you will get water, H_2O , in chemistry.
17 If you have that formula you will get water.

18 But just because somebody says their opinion is
19 A, B, and C, how are you going to prove it? That's their
20 opinion.

21 Do you understand that?

22 MR. WILLIAMS: Yes.

23 MR. KAY: Do you think because a psychiatrist is
24 also a medical doctor, that for that reason alone you would
25 tend to accept his opinion as being a fact?

26 MR. WILLIAMS: No.

27 MR. KAY: Do you think psychiatrists are doctors or
28 some sort of deity that never makes mistakes?

23-2

1 MR. WILLIAMS: No.

2 MR. KAY: Now, because psychiatrists are going to
3 testify in this case and because the state of mind of
4 Miss Van Bonten at the time of the LaBlance murders might
5 well be a critical issue in the case, are you just going to
6 sit back and let them make a decision for you as to what her
7 state of mind was?

8 MR. WILLIAMS: No.

9 MR. KAY: Are you willing to accept 100 percent of the
10 responsibility to make that determination?

11 MR. WILLIAMS: Yes.

12 MR. KAY: And if the prosecution and defense
13 psychiatrists disagree as to whether or not Miss Van Bonten
14 had the mental capacity to commit a first degree murder, are
15 you going to take that disagreement alone to automatically
16 mean that there must be a reasonable doubt?

17 MR. WILLIAMS: No.

18 MR. KAY: You realize that a defendant could possibly
19 have some mental illness but the mental illness might not be
20 substantial enough to reduce that defendant's criminal
21 responsibility.

22 Do you understand that?

23 MR. WILLIAMS: Yes.

24 MR. KAY: But it would be up to you to determine if
25 there is any mental illness, and if there is, was it
26 substantial enough to reduce criminal responsibility.

27 MR. WILLIAMS: Yes, I understand that.

28 MR. KAY: And are you willing to accept that

1 responsibility?

2 MR. WILLIAMS: Yes.

3 MR. KAY: Do you think you can keep clear in your
4 mind the distinction between the fact that Miss Van Houten
5 is charged with murders in 1969 and not in 1977?

6 MR. WILLIAMS: Yes.

7 MR. KAY: Would you require us to prove that
8 Miss Van Houten is a terrible person as she sits over there
9 today before you would consider convicting her of the
10 Labianca murders in 1969?

11 MR. WILLIAMS: No.

12 MR. KAY: And if Mr. Keith got up in his final argument
13 and asked you not to convict her of first degree murder but
14 to convict her of second degree murder, but you felt she
15 was guilty of first degree murder, would you consider
16 convicting her of second degree murder because you like
17 Mr. Keith and you thought he did a nice job?

18 Any reason like that?

19 MR. WILLIAMS: No.

20 MR. KAY: In other words, if you think she is guilty
21 of first degree murder, that's what you are going to convict
22 her of.

23 MR. WILLIAMS: I would convict her of that.

24 MR. KAY: Can you think of anything I haven't asked you
25 that you think I should know about you in determining whether
26 or not to select you as a juror in this case?

27 MR. WILLIAMS: Nothing to my knowledge.

28 MR. KAY: Do you think that you can be a fair juror

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For the prosecution?

MR. WILLIAMS: Yes.

MR. KAY: And you understand that the photographs that Mr. Keith was talking about might have a good deal of relevance in the case.

And I take it you wouldn't refuse to look at them maybe because Mr. Keith wouldn't want you to look at them.

MR. WILLIAMS: No.

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1 MR. KAY: You would look at all the evidence?

2 MR. WILLIAMS: I would look at all the evidence.

3 MR. KAY: And whatever opinion you have about LSD,
4 would you disregard that opinion and base your opinion on
5 LSD from the testimony you hear in the courtroom?

6 MR. WILLIAMS: Yes.

7 MR. KAY: Thank you, Mr. Williams.

8 Could you pass the microphone to Mr. Waters.

9 Mr. Waters, if Miss Van Houten's mother came and
10 testified during the defense portion of the case and you
11 felt sorry for her for what she had been through over the
12 years, would you consider not convicting Miss Van Houten or
13 convicting her of a reduced charge?

14 MR. WATERS: No.

15 MR. KAY: Do you feel any sympathy for Miss Van Houten
16 as she sits over there now?

17 MR. WATERS: No.

18 MR. KAY: Do you feel that the prosecution is entitled
19 to just as fair a trial as the defense is in this case?

20 MR. WATERS: Yes.

21 MR. KAY: The fact that Miss Van Houten has been in
22 custody for seven years, does that make any difference to you?

23 MR. WATERS: No, it don't.

24 MR. KAY: Do you understand that --

25 Well, since the prosecution has the legal burden
26 of proving her guilt beyond a reasonable doubt, would you hold
27 us to a higher burden of proof?

28 MR. WATERS: No.

1 MR. KAY: You wouldn't require us to prove her guilt
2 to an absolute certainty or beyond a shadow of a doubt.

3 MR. WATERS: No.

4 MR. KAY: Do you think psychiatrists are incapable of
5 error?

6 MR. WATERS: No.

7 MR. KAY: You don't think there is some sort of God or
8 deity that is going to come down and tell us all what we want
9 to know about what a person thought eight years ago.

10 MR. WATERS: No.

11 MR. KAY: Do you think psychiatry is an exact science?

12 MR. WATERS: No, I don't.

13 MR. KAY: You realize, as Mr. Keith said in his voir
14 dire, that it's just an art form.

15 It's not an exact science, it's not even a
16 science.

17 Do you understand that?

18 MR. WATERS: Yes, I do.

19 MR. KAY: And if you are selected as a juror in the
20 case, are you willing to take 100 percent of the responsibility
21 to determine Miss Van Houten's mental state at the time of
22 the Labianca murders?

23 MR. WATERS: Yes.

24 MR. KAY: You are not just going to sit back and let
25 the psychiatrists make up your mind for you, are you?

26 MR. WATERS: No.

27 MR. KAY: And you understand that if a psychiatrist's
28 opinion -- if you feel it's unreasonable, that you can

1 reject that opinion.

2 MR. WATERS: Yes, I understand that.

3 MR. KAY: And if you find that a psychiatrist's opinion
4 is unreasonable, will you reject it?

5 MR. WATERS: Yes, I will.

6 MR. KAY: Have you ever had any incidents in your
7 background, like an unjustified traffic ticket, or something
8 like that, that you feel you would hold against the police?

9 MR. WATERS: No, I wouldn't hold it against the police.

10 MR. KAY: I take it you have had an unjustified traffic
11 ticket?

12 MR. WATERS: Yes.

13 MR. KAY: You understand that that's -- I'm sorry for
14 that, but that has nothing to do with this case.

15 MR. WATERS: Yes, I understand.

16 MR. KAY: Do you think that anybody who commits a
17 vicious, premeditated murder must be mentally ill?

18 MR. WATERS: No, I don't.

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1 MR. KAY: Can you conceive of somebody committing a
2 vicious murder without being mentally ill?

3 MR. WATERS: Yes.

4 MR. KAY: Can you conceive of a defendant calling
5 psychiatrists to testify on her behalf if she wasn't, in fact,
6 mentally ill?

7 MR. WATERS: Yes.

8 MR. KAY: You understand anybody can call any witnesses
9 they want?

10 MR. WATERS: Yes.

11 MR. KAY: If I was on trial for a traffic ticket, I
12 could call you as a witness.

13 MR. WATERS: That's right.

14 MR. KAY: But it doesn't mean that you are going to
15 help anybody make a decision on whether I was guilty or not
16 guilty of the traffic ticket.

17 Do you understand that?

18 MR. WATERS: Yes.

19 MR. KAY: Now, do you think that you can keep clear in
20 your mind the distinction between the fact that Miss Van Houten
21 is charged with murders that are alleged to have occurred in
22 1969, the LaBianca murders, and she is not charged with murders
23 in 1977?

24 MR. WATERS: Yes.

25 MR. KAY: And while her state of mind at the time of
26 the LaBianca murders might well be a critical issue in the
27 case, that her state of mind at the present time is not an
28 issue you will have to decide.

1 Do you understand that?

2 MR. WATERS: Yes, I do.

3 MR. KAY: And do you think you can really keep that
4 clear in your own mind throughout the course of the trial?

5 MR. WATERS: Yes, I can.

6 MR. KAY: And the fact that the prosecution and
7 defense psychiatrists might disagree as to whether or not
8 Miss Van Houten had the mental capacity to commit a first
9 degree murder at the time of the LaBianca murders, would you
10 take that to automatically mean that there must be a reasonable
11 doubt as to whether or not she could have the mental capacity
12 to commit a first degree murder?

13 MR. WATERS: No.

14 MR. KAY: And if Mr. Keith got up in his closing argument
15 and argued for a second degree murder, but you felt she was
16 guilty of a first degree murder, would you consider for any
17 reason finding her guilty of second degree murder?

18 MR. WATERS: No.

19 MR. KAY: And if the evidence showed that during the
20 time that she was in custody for the last seven years that to
21 some extent she may or may not have been rehabilitated, for
22 that reason alone would you consider not convicting her or
23 convicting her of a reduced charge?

24 MR. WATERS: No.

25 MR. KAY: Is there anything that I haven't asked you
26 that you feel that I should know about you in making a
27 determination of whether you could be a fair juror in this
28 case?

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1 MR. WATERS: No.

2 MR. KAY: Do you think you can give the prosecution a
3 fair trial?

4 MR. WATERS: Yes, I can.

5 MR. KAY: Okay. Could you pass the microphone to
6 Mr. Swan.

7 Mr. Swan, when Mr. Keith asked you some questions
8 about LSD, do you think you could put out of your head
9 anything that you read or learned in the past about LSD and
10 base your decision on what qualities that drug does and does
11 not have from the evidence that comes from the witness stand?

12 MR. SWAN: Yes, I can.

13 MR. KAY: Do you think you can give the prosecution a
14 fair trial in this case?

15 MR. SWAN: Yes.

16 MR. KAY: Do you feel any sympathy for Miss Van Houten
17 as she's sitting over there now?

18 MR. SWAN: No, I do not.

19 MR. KAY: I remember that you said that you had five
20 children, but I forget, are any of them daughters?

21 MR. SWAN: Yes, I have one daughter.

22 MR. KAY: And how old is she?

23 MR. SWAN: Thirty.

24 MR. KAY: Now, because you have a daughter, and
25 Miss Van Houten's mother may testify in the defense portion
26 of this case, and you might feel sorry for her for what she's
27 been through over the years, for that reason alone are you
28 going to consider not convicting Miss Van Houten or convicting

ber of a reduced charge?

MR. SWAN: No.

MR. RAY: Do you think you have clear in your mind the distinction between a reasonable doubt and a doubt based on speculation or conjecture?

MR. SWAN: No, I don't.

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1 MR. KAY: Well, do you think if you went in the jury
2 room and you felt that you had a doubt as to Miss Van Houten's
3 guilt on a particular charge, or maybe the degree of her
4 guilt, do you think that you could really sit down and within
5 your own mind and maybe with the help of the other jurors
6 determine whether your doubt was a reasonable doubt, that you
7 had some good reasons for it, is there some evidence that you
8 could point to, or was it just a speculation or conjecture,
9 maybe this, maybe that, maybe something else that you hadn't
10 heard from the witness stand,

11 Do you think that you could try and make that
12 distinction in the jury room if you were selected as a juror?

13 MR. SWAN: Yes.

14 MR. KAY: Do you think psychiatrists are incapable of
15 error?

16 MR. SWAN: Oh, definitely.

17 MR. KAY: Definitely you think they are incapable or
18 definitely you think they are capable?

19 MR. SWAN: They are capable.

20 MR. KAY: Do you think they are any different than the
21 rest of us?

22 MR. SWAN: No, they are not.

23 MR. KAY: Do you think doctors and psychiatrists are
24 in some special category that means that whatever they would
25 testify to in the courtroom must be the absolute truth?

26 MR. SWAN: No.

27 MR. KAY: Do you think psychiatry is a science like
28 chemistry or mathematics or physics where you can come up with

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1 definite provable answers?

2 MR. SWAN: No.

3 MR. KAY: If a psychiatrist testified to something that
4 you felt was unreasonable, would you reject his opinion?

5 MR. SWAN: Yes.

6 MR. KAY: Did you understand the example I gave of
7 circumstantial and direct evidence?

8 MR. SWAN: Yes, I do.

9 MR. KAY: All right. And would you refuse to convict
10 a defendant based on circumstantial evidence alone?

11 MR. SWAN: No.

12 MR. KAY: Would you require the prosecution to put on
13 an eyewitness to a murder before you would convict a defendant
14 of that murder?

15 MR. SWAN: No.

16 MR. KAY: Do you think it is fair that under the law of
17 California a person can be convicted of first degree murder
18 even if they didn't do the actual killing?

19 MR. SWAN: Yes.

20 MR. KAY: Can you follow the court's instructions in
21 that regard?

22 MR. SWAN: Yes.

23 MR. KAY: And if psychiatrists testify as to Miss Van
24 Houten's mental state, are you going to just sit back and let
25 them make up your mind for you, or are you going to make up
26 your own mind?

27 MR. SWAN: No, I'm going to make up my own mind.

28 MR. KAY: And if psychiatrists testify, which they will,

1 will you consider their opinion in light of all the other
2 evidence in the case?

3 MR. SWAN: No.

4 MR. KAY: In other words, you won't just forget about
5 all the other evidence in the case and just base your decision
6 on what their opinions are, would you?

7 MR. SWAN: I'd make my own decision.

8 MR. KAY: All right.

9 You would like to hear all the evidence in the
10 case, wouldn't you?

11 MR. SWAN: Yes.

12 MR. KAY: And do you think you can keep clear in your
13 mind the distinction between 1969 and 1977; that Miss Van
14 Houten is charged with murders in 1969 and not 1977?

15 MR. SWAN: Yes.

16 MR. KAY: Do you think you will have any problem at
17 all making that distinction?

18 MR. SWAN: No.

19 MR. KAY: You understand that while her state of mind
20 at the time of the Labianca murders might very well be a
21 critical issue in this case, that her present state of mind
22 is not an issue you will have to decide.

23 Do you understand that?

24 MR. SWAN: Yes, I do.

25 MR. KAY: And if Mr. Keith got up and argued for a
26 second degree murder conviction during his closing arguments,
27 and you believed that Miss Van Houten was guilty of first
28 degree murder, would you consider convicting her of second

1 degree?

2 MR. SWAN: No.

3 MR. KAY: Is there anything I haven't asked you that you
4 think I should know about you in determining whether or not
5 you would be a fair juror in this case?

6 MR. SWAN: No, not as I know of.
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MR. KAY: Is there any reason why you couldn't or shouldn't sit as a juror in this case?

MR. SWAN: No.

MR. KAY: All right. Could you pass the microphone down to Mrs. Titus.

Thank you, Mr. Swan.

Did you tell your husband last night what you said in court?

MRS. TITUS: Nope.

MR. KAY: I didn't notice any black eye today so --

MRS. TITUS: No.

MR. KAY: I was kind of wondering last night. I didn't think you would tell him.

MRS. TITUS: No.

MR. KAY: Do you think psychiatrists are incapable of error?

MRS. TITUS: Yes, they are.

MR. KAY: Do you think they are incapable of error?

MRS. TITUS: Oh, incapable?

MR. KAY: Yes.

MRS. TITUS: No.

MR. KAY: Do you think they are just as capable of error as any of the rest of us?

MRS. TITUS: Yes, they are.

MR. KAY: Do you think because a psychiatrist is also a medical doctor that for that reason alone you would tend to accept his testimony as true?

MRS. TITUS: Not necessarily.

1 MR. KAY: Do you think if any psychiatrists got up on
2 the witness stand and testified that Miss Van Houten was
3 mentally ill at the time of the LaBianca murders, that you
4 would accept that as a fact without regard to whether that
5 psychiatrist's opinion was reasonable or unreasonable?

6 MRS. TITUS: No.

7 MR. KAY: And the fact that Miss Van Houten has been in
8 custody for the last seven years, does that make any difference
9 to you?

10 MRS. TITUS: No, not really.

11 MR. KAY: Did you understand the example I gave about
12 circumstantial evidence?

13 MRS. TITUS: Yes.

14 MR. KAY: And would you refuse to convict a defendant
15 based on circumstantial evidence alone?

16 MRS. TITUS: No.

17 MR. KAY: Would you require the prosecution to put on
18 an eyewitness to a murder before you would convict a defendant
19 of a murder?

20 MRS. TITUS: No.

21 MR. KAY: And what about if you were in that jury room
22 and you were the hold-out on the 11-to-1 count, and you
23 changed your mind; would you have the courage to vote with
24 the majority for a conviction?

25 MRS. TITUS: Yes, I would.

26 MR. KAY: Even though you knew that your vote would
27 mean that Miss Van Houten would, in fact, be convicted of
28 first degree murder, you would still have the courage to do

1 that --

2 MRS. TITUS: Yes.

3 MR. KAY: -- and come out into the courtroom here and
4 tell us all that that is your verdict?

5 MRS. TITUS: Yes.

6 MR. KAY: And if Miss Van Houten's mother came in and
7 testified during the defense portion of the case, and you
8 felt sorry for what she had been put through over the years,
9 would you for that reason consider convicting Miss Van Houten
10 of a reduced charge or not convicting her at all?

11 MRS. TITUS: No.

12 MR. KAY: You don't have any children, right?

13 MRS. TITUS: Right.

14 MR. KAY: Do you have any quarrel with the fact that
15 under the law of conspiracy and aiding and abetting a person
16 can be convicted of first degree murder even if they don't
17 strike the fatal blow killing the victim?

18 MRS. TITUS: No quarrel.

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1 MR. KAY: You will follow the instructions in that
2 regard?

3 MRS. TITUS: Yes, I will.

4 MR. KAY: Do you think that anybody who commits a
5 vicious, premeditated murder must be mentally ill?

6 MRS. TITUS: No, not really.

7 MR. KAY: Do you think that somebody that commits a
8 murder like that must not have known what they were doing at
9 the time they committed the murder?

10 MRS. TITUS: No.

11 MR. KAY: Can you conceive of somebody committing a
12 vicious murder without having any mental illness?

13 MRS. TITUS: Yes.

14 MR. KAY: And because psychiatrists are testifying in
15 this case, are you just going to sit back and let them make
16 up your mind for you?

17 MRS. TITUS: No.

18 MR. KAY: I take it you will make up your mind.

19 MRS. TITUS: Always. (Laughter.)

20 MR. KAY: I bet. (Laughter.)

21 Now, can you conceive of a defendant calling
22 psychiatrists to testify in her behalf, realizing what Mr.
23 Keith pointed out to you on voir dire, that the mental state
24 of a defendant may or may not reduce a criminal responsibility
25 of that defendant --

26 Can you conceive of a defendant calling
27 psychiatrists if they weren't in fact mentally ill?

28 MRS. TITUS: Yes.

1 MR. KAY: You just don't think that just because
2 somebody calls a psychiatrist, that they must in fact have
3 some mental illness.

4 MRS. TITUS: Not necessarily.

5 MR. KAY: And if you are selected as a juror in this
6 case, are you willing to take one hundred percent of the
7 responsibility for determining what Miss Van Houten's mental
8 state was at the time of the LaBianca murders?

9 MRS. TITUS: Yes.

10 MR. KAY: Do you feel that psychiatry is an exact
11 science, where you can come up with definite, provable answers?

12 MRS. TITUS: No.

13 MR. KAY: The fact that the prosecution and defense
14 psychiatrists might disagree as to Miss Van Houten's mental
15 state at the time of the LaBianca murders, do you think that
16 that automatically means there must be a reasonable doubt as
17 to whether or not she could have the mental capacity to commit
18 first degree murder?

19 MRS. TITUS: No.

20 MR. KAY: Do you think you can keep clear in your mind
21 the distinction between the fact that Miss Van Houten is
22 charged with murders in 1969 and not 1977?

23 MRS. TITUS: Yes.

24 MR. KAY: Would you require the prosecution to prove
25 that Miss Van Houten is a terrible person today before you
26 would consider convicting her of the LaBianca murders in
27 1969?

28 MRS. TITUS: No.

1 MR. KAY: And if Mr. Keith got up in his closing
2 argument and asked you to convict Miss Van Houten of second
3 degree murder, and you felt that she was really guilty of
4 first degree murder, for any reason, because you might like
5 Mr. Keith, or for whatever reason, would you consider
6 convicting her of second degree murder?

7 MRS. TITUS: No.

8 MR. KAY: Is there anything that I haven't asked you
9 about that you think I should know about you in determining
10 whether or not to select you as a juror in this case?

11 MRS. TITUS: No, I don't see anything.

12 MR. KAY: Do you think you can give the prosecution
13 a fair trial?

14 MRS. TITUS: Yes, I could.

15 MR. KAY: All right.

16 Could you pass the microphone down to Mr. Moreno.

17 Mr. Moreno, do you think you can give the
18 prosecution a fair trial in this case?

19 MR. MORENO: Yes.

20 MR. KAY: Would you hold us to a higher burden of proof
21 than the law requires?

22 MR. MORENO: No.

23 MR. KAY: You wouldn't require us to prove Miss Van
24 Houten's guilt to beyond a shadow of a doubt or to an
25 absolute certainty, would you?

26 MR. MORENO: No.

27 MR. KAY: Did you understand the example I gave of
28 direct and circumstantial evidence?

1 MR. MORENO: Yes.

2 MR. KAY: And understanding that, would you refuse to
3 convict the defendant based on circumstantial evidence alone?

4 MR. MORENO: No.

5 MR. KAY: Would you require the prosecution to put on
6 eyewitness testimony of the murder before you could convict
7 the defendant of the murder?

8 MR. MORENO: No.

9 MR. KAY: Have you ever had in your past what I have
10 termed an unfortunate experience with the police, maybe an
11 unjustified arrest for a traffic ticket, or something like
12 that?

13 MR. MORENO: No.

14 MR. KAY: Nothing in your past that you would hold
15 against the police or prosecution here?

16 MR. MORENO: No.

17 MR. KAY: Because of the fact that this is a retrial,
18 do you feel that Miss Van Houten is more likely to be
19 not guilty of the charges?

20 MR. MORENO: No.
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1 MR. KAY: Do you understand the fact that it is a
2 retrial has nothing to do with her guilt or innocence?

3 Do you understand?

4 MR. MORENO: Correct.

5 MR. KAY: Do you have any close friends that are
6 attorneys?

7 MR. MORENO: No.

8 MR. KAY: Private investigators?

9 MR. MORENO: No.

10 MR. KAY: Have you ever testified in court before?

11 MR. MORENO: No.

12 MR. KAY: Have you ever watched a case in court other
13 than when you were on jury duty?

14 MR. MORENO: No.

15 MR. KAY: The fact that Miss Van Houten has been in
16 custody for seven years, does that make any difference to you?

17 MR. MORENO: No.

18 MR. KAY: You wouldn't consider acquitting her or
19 convicting her of a reduced charge because of that fact, I
20 take it?

21 MR. MORENO: No.

22 MR. KAY: And do you think you have clear in your mind
23 the distinction between a reasonable doubt and a doubt based
24 on speculation and conjecture?

25 MR. MORENO: Yes, I do.

26 MR. KAY: Do you think if you had a doubt in the jury
27 room that you could really conscientiously try and determine
28 what kind of doubt that was that you had in your mind?

1 MR. MORENO: Yes.

2 MR. KAY: Did you understand the examples I gave of
3 conspiracy?

4 MR. MORENO: Yes, I did.

5 MR. KAY: And do you think it's fair that in California
6 a person can be convicted of first degree murder even if
7 they didn't strike the fatal blow themselves?

8 MR. MORENO: Yes.

9 MR. KAY: Do you think a person can commit a vicious,
10 premeditated murder without being mentally ill?

11 MR. MORENO: Yes.

12 MR. KAY: Do you think because a person commits a
13 vicious murder, that therefore they must not have known
14 what they were doing at the time?

15 MR. MORENO: Could I hear that one again?

16 MR. KAY: Yes.

17 Because somebody commits a vicious murder, do
18 you think that means that they just absolutely didn't know
19 what they were doing at the time?

20 MR. MORENO: No.

21 MR. KAY: If they had known what they were doing, they
22 wouldn't have done that?

23 MR. MORENO: No.

24 MR. KAY: Now, if a psychiatrist gets on the stand and
25 testifies that Miss Van Houten was mentally ill at the time
26 of the LaBianca murders, would you accept that as a fact
27 without regard to the reasonableness or unreasonableness of
28 that psychiatrist's opinion?

1 MR. MORENO: No.

2 MR. KAY: Can you conceive of a defendant in a criminal
3 case calling psychiatrists to testify in her behalf if she
4 wasn't in fact mentally ill?

5 MR. MORENO: Yes.

6 MR. KAY: Do you think psychiatrists and doctors are
7 some sort of special people that are incapable of error?

8 MR. MORENO: No; they can make errors.

9 MR. KAY: Do you think they can make errors just as
10 much as any of the rest of us?

11 MR. MORENO: Yes.

12 MR. KAY: Do you think psychiatry is an exact science,
13 where you can come up with definite, provable answers?

14 MR. MORENO: No.

15 MR. KAY: And since psychiatrists are going to testify
16 in this case, are you going to let them make up your mind for
17 you, or are you going to make up your own mind?

18 MR. MORENO: Make up my own mind.

19 MR. KAY: All right.

20 You realize that if you are selected as a juror,
21 that you have one hundred percent of the responsibility for
22 determining the facts in the case, and that includes Miss
23 Van Houten's state of mind at the time of the LaBianca
24 murders.

25 MR. MORENO: Yes.

26 MR. KAY: With that in mind, are you willing to accept
27 that responsibility?

28 MR. MORENO: Yes.

1 MR. KAY: And the fact that the defense and
2 prosecution psychiatrists might disagree, will you take
3 that disagreement to automatically mean that there must be
4 a reasonable doubt as to whether or not Miss Van Houten had
5 the mental capacity to commit a first degree murder?

6 MR. MORENO: No.

7 MR. KAY: Do you understand if you are selected as a
8 juror, it's your job not only to determine if there was any
9 mental illness but if there was, was that substantial enough
10 to reduce the defendant's criminal responsibility?

11 MR. MORENO: Yes.

12 MR. KAY: And do you think you can keep clear in your
13 mind the distinction between 1969 and 1977?

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1 MR. MORENO: Yes.

2 MR. KAY: You realize that Miss Van Houten is not being
3 accused of committing any murders this year but she is
4 being accused of committing murders in 1969.

5 MR. MORENO: Correct.

6 MR. KAY: Do you realize that Miss Van Houten's mental
7 state at the present time is not an issue that you have to
8 decide in this case?

9 MR. MORENO: Yes.

10 MR. KAY: Will you require the prosecution to prove
11 that Miss Van Houten is a terrible person as she sits there
12 today before you would consider convicting her of the
13 LaBianca murders in 1969?

14 MR. MORENO: No.

15 MR. KAY: And if the defense calls more psychiatrists
16 than the prosecution does, for that reason alone will you
17 consider that the defense's viewpoint must be correct because
18 they called more?

19 MR. MORENO: No.

20 MR. KAY: Is there anything I have failed to ask you
21 that you think I should know about in determining whether or
22 not to select you as a juror in this case?

23 MR. MORENO: Nothing.

24 MR. KAY: And I notice that you told Mr. Keith that
25 you saw your brother about once a year.

26 Is that right?

27 MR. MORENO: That's about right.

28 MR. KAY: Do you see him that infrequently because he

is a police officer, or for other reasons?

MR. MORENO: Other reasons.

MR. KAY: Okay.

Do you hold it against him that he is a police officer?

MR. MORENO: No.

MR. KAY: And you went to junior college for two years but you didn't any psychiatry courses; is that right?

MR. MORENO: Right. It was a trade college.

MR. KAY: A trade college.

Which college?

MR. MORENO: It was LA --

MR. KAY: Trade Tech?

MR. MORENO: Trade Tech.

MR. KAY: Okay; thank you.

Could you pass the microphone to Mrs. Manning.

Mrs. Manning, because you work in a hospital and you have met psychiatrists before, do you think that they are some sort of deities that are incapable of error?

MRS. MANNING: No.

MR. KAY: Do you think they are just as capable of error as anybody else?

MRS. MANNING: Yes.

MR. KAY: Because of the fact that a psychiatrist is also a medical doctor, for that reason alone would you tend to accept his testimony as being true?

MRS. MANNING: No.

MR. KAY: Have you ever had a discussion with any of

1 the psychiatrists you know about this case?

2 MRS. MANNING: No, sir.

3 MR. KAY: About the Tate-LaBianca murders.

4 MRS. MANNING: No.

5 MR. KAY: Or the Manson Family, or anything like that?

6 MRS. MANNING: No.

7 MR. KAY: Do you know any psychiatrists on a social
8 basis?

9 MRS. MANNING: No.

10 MR. KAY: Did you understand the example I gave of
11 conspiracy?

12 MRS. MANNING: Yes.

13 MR. KAY: Do you think it's fair that under the law of
14 California, a person can be convicted of first degree murder
15 even if they don't strike the fatal blow?

16 MRS. MANNING: Yes.

17 MR. KAY: Will you follow the judge's instructions on
18 that?

19 MRS. MANNING: Yes.

20 MR. KAY: Did you understand the example I gave of
21 circumstantial versus direct evidence?

22 MRS. MANNING: Yes.

23 MR. KAY: And would you refuse to convict a defendant
24 based on circumstantial evidence alone?

25 MRS. MANNING: No.
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1 MR. KAY: Would you require the prosecution to put on
2 eyewitness testimony to a murder before you would convict
3 any defendant of any murder?

4 MRS. MANNING: No.

5 MR. KAY: Do you feel any sympathy for Miss Van Houten
6 as she sits over there?

7 MRS. MANNING: No.

8 MR. KAY: And if Miss Van Houten's mother comes to
9 court and testifies during the defense portion of the case,
10 and you feel sorry for her for what she's been through over
11 the years, would you consider convicting Miss Van Houten
12 of a lesser charge or acquitting her because you feel sorry
13 for her mother?

14 MRS. MANNING: No.

15 MR. KAY: And if you felt sorry for her mother, would
16 you, for that reason, accept everything that her mother
17 testified to as being true?

18 MRS. MANNING: No.

19 MR. KAY: The fact that Miss Van Houten has been in
20 custody for seven years, does that make any difference to
21 you?

22 MRS. MANNING: No.

23 MR. KAY: Would you consider convicting her of a
24 reduced charge because of that?

25 MRS. MANNING: No.

26 MR. KAY: Do you think you have it clear in your
27 mind, the distinction between a reasonable doubt and a doubt
28 based on speculation or conjecture?

1 MRS. MANNING: Yes.

2 MR. KAY: And if you had a doubt in the jury room, would
3 you conscientiously try and determine which category that
4 fell into?

5 MRS. MANNING: Yes.

6 MR. KAY: Have you ever testified in court before?

7 MRS. MANNING: No, sir.

8 MR. KAY: And if psychiatrists come and testify in this
9 courtroom, which you know by now that they obviously are,
10 would you just let them make up your mind for you?

11 MRS. MANNING: No.

12 MR. KAY: You would make up your own mind.

13 Are you willing to accept one hundred percent
14 the responsibility to determine Miss Van Houten's mental state
15 at the time of the Labianca murders?

16 MRS. MANNING: Yes.

17 MR. KAY: And you realize if a psychiatrist testifies
18 to something that you feel is unreasonable that you don't
19 have to accept their opinion?

20 MRS. MANNING: No.

21 MR. KAY: And if you sat on this case as a juror, would
22 you promise me that you would consider the psychiatric
23 opinions that consider it in light of all of the evidence
24 in the case; you just would not say, "Well, forget all about
25 the evidence. I'm just going to listen to what the
26 psychiatrists have to say and make up my mind based on their
27 testimony alone."

28 You wouldn't do that, would you?

1 MRS. MANNING: No.

2 MR. KAY: Do you think that psychiatry is an exact
3 science that you can come up with definite provable answers
4 like physics or chemistry?

5 MRS. MANNING: No.

6 MR. KAY: Do you think that anybody who commits a
7 vicious, premeditated murder must have been mentally ill at
8 the time they committed that murder?

9 MRS. MANNING: Not necessarily.

10 MR. KAY: Can you conceive of somebody committing a
11 vicious murder, I mean really vicious murder, without being
12 mentally ill at the time they committed it?

13 MRS. MANNING: Yes.

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1 MRS. MANNING: Right.

2 MR. KAY: You understand that her state of mind at the
3 present time is not an issue you will have to decide.

4 Do you understand that?

5 MRS. MANNING: Yes.

6 MR. KAY: Would you require us to prove that Miss Van
7 Houten is a terrible person now before you convict her of
8 the LaBianca murders in 1969?

9 MRS. MANNING: No.

10 MR. KAY: And if the evidence showed that after seven
11 years in custody that Miss Van Houten had been rehabilitated
12 to some degree or another, for that reason alone would you
13 consider convicting her of a reduced charge or not convicting
14 her at all?

15 MRS. MANNING: No.

16 MR. KAY: And if Mr. Keith got up and argued in his
17 final argument for a second degree murder conviction, and
18 you thought she was guilty of first degree, would you
19 consider convicting her of second degree because you thought
20 that Mr. Keith was a nice guy and you didn't want him to go
21 home empty handed?

22 MRS. MANNING: No.

23 MR. KAY: Is there anything that I failed to ask you
24 that you think I should know about you in making a
25 determination whether you could be a fair juror in this case?

26 MRS. MANNING: No, sir.

27 MR. KAY: Do you think you can give the prosecution
28 a fair trial?

1 MR. KAY: Do you think that because somebody commits
2 a vicious murder, that that means that they must not have
3 known what they were doing at the time they committed that
4 murder?

5 MRS. MANNING: No.

6 MR. KAY: Can you conceive of a defendant in a criminal
7 case calling psychiatrists to testify on her behalf if she
8 wasn't in fact mentally ill?

9 MRS. MANNING: Yes.

10 MR. KAY: And if a psychiatrist got up on the witness
11 stand and testified that Miss Van Houten was mentally ill at
12 the time of the LaBianca murders, would you accept that to be
13 a fact without regard to reasonableness or unreasonableness
14 of the psychiatrist's opinion?

15 MRS. MANNING: No.

16 MR. KAY: And the fact that the prosecution and the
17 defense psychiatrists might disagree about what Miss Van
18 Houten's mental state was at the time of the LaBianca murders,
19 would you take that disagreement to automatically mean that
20 there must be a reasonable doubt as to whether or not she had
21 the capacity to commit a first degree murder?

22 MRS. MANNING: No.

23 MR. KAY: Do you think you can keep clear in your mind
24 the distinction between 1969 and 1977 during the course of
25 this trial?

26 MRS. MANNING: Yes.

27 MR. KAY: Do you understand that Miss Van Houten is
28 not being accused of any murders in 1977?

1 MRS. MANNING: Yes.

2 MR. KAY: Thank you. I have no further questions.

3 Pass for cause.

4 THE COURT: Thank you.

5 All right, ladies and gentlemen, the next step
6 will be the exercise of peremptory challenges which will
7 commence on Monday.

8 At this time in this case we are going to recess
9 until Monday morning. Monday morning you should report at
10 9:45 a.m. in Department 106.

11 Bear in mind during this recess that you are not
12 to discuss this case amongst yourselves or with anyone else;
13 you are not to form any opinion concerning this matter or
14 express any opinion concerning this matter until the case is
15 given to you.

16 Furthermore, it would be inappropriate for you at
17 any time to read, consider, hear or listen to any news media
18 accounts of this matter until after you have been discharged
19 from the case.

20 Have a pleasant Friday and weekend. We'll see
21 you Monday morning.

22 Defendant and counsel are ordered to return at
23 that time.

24 (At 3:55 p.m., an adjournment was taken to
25 Monday, April 11, 1977, at 9:45 a.m.)
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1. THE SALE

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3. THE CONTENT

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