

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

DEPARTMENT NO. 47

HON. ADOLPH ALEXANDER, JUDGE

**THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,**

-vs-

CHARLES WATSON,

Defendant.

5003

No. A-253,136

REPORTERS' DAILY TRANSCRIPT

Wednesday, August 4, 1971

VOLUME 3

Pages 365 - 561

APPEARANCES:

See Volume 1.

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OFFICE OF THE
SHERIFF
CLERK OF THE COURT
COUNTY OF LOS ANGELES
CALIFORNIA

1 LOS ANGELES, CALIFORNIA, WEDNESDAY, AUGUST 4, 1971; 9:30 A.M.

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4 THE COURT: People against Watson.

5 Let the record show all jurors are present; all
6 counsel and the defendant present.

7 I believe we were about to talk to Mr. Siam.

8 MR. BUGLIOSI: Your Honor, before we commence questioning,
9 I had one question I forgot to ask of the whole panel
10 yesterday.

11 May I ask that now?

12 THE COURT: Yes, go ahead.

13 MR. BUGLIOSI: There was one question I neglected to ask,
14 and you have all indicated you are not opposed to the death
15 penalty; is there any member of your family, such as a spouse,
16 sister, brother, child, that to your knowledge is opposed to
17 the death penalty?

18 (Negative response.)

19 The reason I ask that is if you do have a spouse,
20 for instance, that might be opposed to the death penalty, I
21 am concerned about whether you would be hesitant about voting
22 for the death penalty because of any possible friction that
23 might be caused.

24 Anyone in your family who to your knowledge
25 is opposed to the death penalty?

26 (Negative response.)

27 Thank you very much.

28 Thank you, your Honor.

1 THE COURT: Mr. Bubrick.

2 MR. BUBRICK: Thank you, your Honor.

3
4 MUSTAFA SIAM

5 BY MR. BUBRICK:

6 Q Mr. Siam, may I ask you, sir, the nature of your
7 business or occupation?

8 A I am the import-export business.

9 Q Is that here in the city of Los Angeles?

10 A Employed in the city of Los Angeles.

11 Q And do you also live in the city of Los Angeles?

12 A I lived in the city of Los Angeles for the last
13 13 years, but I just moved to the Valley, which is the county.

14 Q Where did you come from, Mr. Siam, before you came
15 to Los Angeles?

16 A I am an American Arab, originally born in
17 Jerusalem, Palestine.

18 Q Is that where you were up until 13 years ago?

19 A That's right; I came to this country in 1956.

20 Q Is there a Mrs. Siam?

21 A Yes, sir.

22 Q And what does she do? Don't say "Nothing, only a
23 housewife."

24 A Well, presently she is in Jerusalem. She just left
25 two weeks ago.

26 Q Do you have any children, Mr. Siam?

27 A Yes, sir; three boys, 6, 14 and 16; two of them
28 is in Jerusalem -- are in Jerusalem.

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Q Are they the younger children who are there?

A The younger and the oldest; the middle is with me.

#2

1 Q Does Mrs. Siam do anything?

2 A Yes, she works.

3 Q The nature of her work, please?

4 A She is a worker, a floor lady they call her,
5 industrial department.

6 Q Mr. Siam, we have talked yesterday a little bit
7 about drugs and I would like to explore with you, if I may,
8 please, your familiarity with the general subject matter of
9 drugs and some of those other medications.

10 Have you ever read any periodicals about drugs
11 such as LSD, marijuana, methedrine, barbiturates?

12 A Yes. I read a few pamphlets that were given to
13 my kids in school to educate them regarding it, but I just
14 went through it for my own knowledge.

15 Q Sort of casually.

16 A Just what they give in the schools a year ago.

17 Q Do you remember which drugs they described or
18 talked about in the pamphlets?

19 A They mentioned something about red devils or
20 something and marijuana, something like that.

21 Q Are you familiar with the expression uppers or
22 downers or things like that?

23 A No.

24 Q We may have some discussion about drugs and its
25 effect on the human body or the mind, Mr. Siam.

26 May we assume that you will put out of your mind
27 anything you may have read or heard or any opinions or
28 conclusions you may have drawn about the effect of drugs on

1 the human body and be guided solely on what you hear during
2 the course of these proceedings?

3 A Yes. I would do that, but the knowledge which
4 I formed an opinion so far as logic, reason, I would probably
5 still keep.

6 Q Well, I can appreciate --

7 A Such as drugs, they make a person, you know, under
8 influence of the liquor or something, so he will be abnormal.
9 This I accept in my mind.

10 MR. KEITH: May I have that answer read back, please?

11 THE COURT: Yes.

12 (Record read.)

13 Q BY MR. HUBRICK: I can appreciate, Mr. Siam, that
14 as an adult we have all drawn certain conclusions and we hold
15 certain beliefs, but that is the difficulty with being a
16 juror -- I shouldn't say the difficulty.

17 That is one of the problems that a juror has to
18 face up to. He has to set aside all personal beliefs.

19 If we are going to have a discussion about drugs,
20 you will be guided solely by what you hear here in the
21 courtroom. If you hold a contrary opinion, if you feel that
22 what the doctor is saying is not true or you don't want to
23 believe him as a matter of credibility, you don't have to
24 believe him, but you cannot substitute your own feelings and
25 your own opinions about drugs for the doctor's.

26 A No, I don't say I formed an opinion. I say the
27 knowledge, I accept it as reason and logic in my opinion,
28 unless there is something to replace it. I am open minded.

1 Q That is all we want a juror who will be open and
2 receptive to discussions that are carried out here in the
3 courtroom.

4 I also want to talk to you for just a moment in
5 a general discussion, Mr. Siam, about some questions that were
6 raised by Mr. Bugliosi when he referred to the chart on the
7 board.

8 I want to make sure that we understand and that
9 there are no misunderstandings about some of the things that
10 were said.

11 You understand that it is quite possible during
12 the course of this proceeding to have three separate trials.

13 You will have a trial first on the guilt or
14 innocence phase as is referred to on the chart.

15 The second trial may be the sanity or insanity
16 phase of it; and the third trial could be the punishment part
17 where you would determine life or death as indicated by the
18 chart.

19 Let's be concerned for the moment only with the
20 first trial. This is a trial to determine this defendant's
21 guilt or innocence of the crime of murder.

22 In that trial the people have the burden of proof.
23 As the judge has told you a number of times, the defendant
24 doesn't have to offer any evidence at all. He doesn't have to
25 say a single word by way of defense or any otherwise, yet the
26 people have to satisfy you of his guilt beyond a reasonable
27 doubt and to a moral certainty.

28 The defendant may take the stand and he may

1 introduce evidence for whatever assistance or help it may be
2 to you. The only purpose of that being to give you an
3 opportunity to form a reasonable doubt as to his guilt and
4 that is what we referred to yesterday when Mr. Bugliosi talked
5 about the possibility and the great likelihood of there being
6 evidence introduced to show that this defendant suffered from
7 diminished capacity.

8 If that evidence is introduced by way of defense,
9 the people still have the burden to convince you beyond a
10 reasonable doubt that that does not apply to the defendant
11 or conversely if the defendant creates in your mind a reasonable
12 doubt, if he makes you believe with some reason that he was
13 mentally ill, then the people, of course, do not overcome that
14 beyond a reasonable doubt as they are required to. You see
15 the affirmative burden is the people's.

16 MR. BUGLIOSI: Of course, that is a misstatement, your
17 Honor.

18 THE COURT: It is a little complicated too.
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1 MR. SIAM: May I answer?

2 THE COURT: You want to say something, Mr. Siam?

3 MR. SIAM: Yes, sir.

4 I was sitting the last three days and watching
5 these backs and forths conversations with the jurors, and so
6 on; and, in fact, I formed yesterday -- I took an impression
7 that the juror who left was confused in a way because of --
8 here, the prosecutor --

9 THE COURT: Mr. Bugliosi?

10 MR. SIAM: Yes. -- tried to associate the murder with
11 Manson, and so on, and we have been told so far not to
12 associate these two things.

13 Now, I also went through these stages in my mind
14 yesterday and I found that the first stage is to prove the
15 guilt of the man, did a crime really happen, and not to
16 associate with insane or other things.

17 Now, shall we do accordingly?

18 MR. BUBRICK: Yes.

19 THE COURT: No, no; let's straighten this out, Mr. Siam.
20 Possibly some of us are confused.

21 Where a man enters a plea of not guilty to a
22 charge of murder, you cannot in that, on that plea offer
23 evidence of insanity, understand; but murder in the first
24 degree includes the intent to commit murder, deliberation,
25 you deliberate before committing the murder; you murdered
26 willfully, you premeditated and you thought about it and you
27 harbored malice aforethought.

28 Those are the elements of murder in the

2
1 first degree.

2 Now, when a man pleads not guilty, he places in
3 issue all or any of those elements, understand, and the
4 People must prove beyond a reasonable doubt his guilt.

5 In that case, though, he may say, "I had dimin-
6 ished capacity short of insanity." In other words, he may
7 show that by reason of some mental derangement or mental ill-
8 ness or intoxication, his mind was such that he could not
9 form this intent or he could not deliberate meaningfully or
10 that he did not harbor the will to commit murder.

11 In that case, it is no longer murder of the first
12 degree, but may reduce it to murder in the second degree, do
13 you understand; and then if the evidence shows, and you are
14 convinced that his mental state was such that in addition to
15 the others he could not harbor malice aforethought, then it is
16 no longer even murder in the second degree, because murder
17 first degree and murder second degree require the malice afore-
18 thought and unless malice aforethought is present, then it
19 may reduce it to manslaughter.

20 But the question of mental capacity short of
21 insanity can be raised on a not guilty plea on the first
22 trial.

23 Q Do you understand that?

24 A Yes, thank you, your Honor; now I understand it.

25 Q And on the second, we then go beyond the mental
26 illness short of insanity and there he raised the question,
27 "I was insane at the time; therefore, not legally responsible."
28

Is that now clear to you?

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1 A Yes, now it is clear, because you put the con-
2 sideration -- you mentioned, your Honor, the ideas or the
3 influence which caused that in the first stage, so I was
4 under the impression you don't do that, so --

5 THE COURT: If there is anything unclear to any juror,
6 this is the time to ask, ladies and gentlemen, and we'll be
7 glad to --

8 MR. POLLAK: This diminished mental capacity short of
9 insanity, who is to tell us where that line is defined?

10 THE COURT: That is where we have experts who come in
11 here to testify for you. That is, we will have other people
12 come in here, tell you what his conduct was, what his action
13 was; they will give you their opinions, but you will deter-
14 mine from all that you have heard, whether you feel he could
15 have that diminished capacity.

16 You make the determination, based upon all the
17 evidence and the experts and the lay witnesses who tell you of
18 his conduct and their beliefs.

19 Do you understand that, Mr. Pollak?

20 MR. POLLAK: Yes.

21 THE COURT: You make the final determination. They
22 render their opinions.

23 Is that clear to you?

24 MR. POLLAK: Yes.

25 THE COURT: Thank you.

26 MR. BUBRICK: Thank you, your Honor.
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MUSTAFA SIAM,

BY MR. BUBRICK:

Q The point I was groping to try to get across to you, Mr. Siam, there is a difference between diminished capacity and sanity and insanity, as the judge has explained and as he has just so beautifully pointed out, sanity and insanity applies only to the second trial; diminished capacity does have its place in the guilt or innocence stages.

A Yes, I understand that.

Q Now, in spite of everything you have read and heard about this case, Mr. Siam, if you are selected as a trial juror and you have a reasonable doubt as to this defendant's mental capacity, would you have the courage to come back and say, "In spite of the seven dead bodies, in spite of all the other evidence that has been introduced, I firmly believe this defendant did not have the mental capacity and therefore I cannot and will not find him guilty of first degree murder"?

A After going through the evidence, I will have an open mind, yes.

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1 Q Sure, that's what we want you to do; but we want
2 to make sure, Mr. Siam, that you could, within yourself, find
3 the courage to find the man not guilty of first degree murder
4 in spite of the fact that you have seven dead bodies; that you
5 have evidence of the stabbing, of some hitting with a gun, a
6 pistol whipping, things of that nature; and if you are still
7 not satisfied that this mental condition justifies it you can
8 come back and say, "I cannot and will not find this man guilty
9 of first degree murder."

10 A I think I can.

11 Q Let me ask you, Mr. Siam, whether you have been
12 ever the victim of any crime?

13 A No.

14 Q Have you ever witnessed any crime?

15 A No, except on television a few times -- and that
16 is not movies, by the way; that is actual acts -- I think I
17 saw one, this Viet-Nam officer kill a prisoner.

18 THE COURT: Yes, that photograph, I know what you are
19 talking about.

20 MR. SIAM: And these stuck to me as the horror of
21 killing a person.

22 Q BY MR. BUBRICK: Aside from that, Mr. Siam, have
23 you been personally present --

24 A No, never.

25 Q -- when a crime was being perpetrated in your
26 presence?

27 A No, never.

28 Q Are you friendly with any law enforcement agencies?

3A-2

1 A No, sir.

2 Q How about members of any prosecutor's staff,
3 whether it has been a city attorney, district attorney --

4 A No; lawyers, I know a lawyer, yes.

5 Q Do you know any lawyers who practice, who are
6 prosecutors?

7 A No; lawyer in private business.

8 Q Not involved in the criminal law, as such, I take
9 it?

10 A I think one of them is, yes -- none of the names
11 listed yesterday -- if you want me to mention his name, I'd
12 be happy to.

13 THE COURT: Yes.

14 MR. SIAM: Mr. George Shibley. He is an American Arab,
15 and since I am an American Arab --

16 THE COURT: He is in Long Beach?

17 MR. BUBRICK: In Long Beach.

18 MR. SIAM: He was before Sirhan and now he has changed, I
19 read in the papers.

20 Q BY MR. BUBRICK: I take it your relationship isn't
21 such that he would influence your thinking?

22 A No, just civic work and so on.

23 Q Now, there has also been some reference to the fact
24 that Mr. Watson may have lived a life style that is a lot
25 different than yours and mine and he may have been a hippie,
26 a member of a commune; he may have lived a life style where
27 there were a lot of other people his own age and maybe a little
28 older or a little younger around, but they were nomadic, they

1 had no ties, they lived, as I say, bearded, perhaps not shaved,
2 dirty, things of that nature,

3 Would that distress you to the point where you
4 couldn't give this defendant a fair trial on the issue of
5 murder?

6 A No, I have nothing against the way he wants to
7 live.

8 Q Would you require the defendant to testify, Mr.
9 Siam, before you could find him not guilty?

10 A I would like to hear his point of views, but I
11 won't insist on it, no, if it is not necessary.

12 Q You realize that the defendant does not have to
13 testify?

14 A Yeah, I realize this, too; but I don't insist,
15 as I said. It would be much better if I can hear him speak
16 his story, that's all.

17 Q Would he, however, suffer any prejudice in your
18 mind if he didn't take the stand?

19 A No, not at all.

20 Q Will you still allow the presumption of innocence
21 to carry over?

22 A Yes, sir.

23 Q In spite of the fact that he doesn't testify?

24 A If it is proven so, yes.

25 Q You realize the presumption of innocence applies
26 to the defendant until such time as the case has been finally
27 turned over to you?

28 You realize it would be most unfair to make up your

1 mind about the defendant's guilt or innocence after the people
2 have put on their evidence, without giving the defendant an
3 opportunity to convince you by way of defensive evidence?

4 A He is presumed innocent to me until he is
5 convicted.

6 Q And you won't reach that conclusion if you sit as
7 a juror until he has had a chance to present his side of the
8 story?

9 A It is not necessary, as I said. I would like to
10 hear his side of the story, but I don't insist on it.

11 Q You realize the defendant could put on defensive
12 material, defensive evidence without taking the stand, himself?

13 A Then it is not necessary.

14 Q And may we also assume, Mr. Siam, that you would
15 give this defendant the benefit of your individual opinion;
16 that is, if you were called upon to deliberate, that you
17 will deliberate based on the evidence as you remember it, you
18 take the position and you really believe that that's the
19 verdict you must return, that you will stay with that verdict?

20 A Yes, sir, I will.

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1 Q And you wouldn't change it because it would make
2 it a little easier to go home earlier, or because you are hot
3 or something like that?

4 A I would change it if the jurors were in the major-
5 ity and the convinced me of the idea that they are right.

6 If I were convinced then I would probably be open-
7 minded to change my vote.

8 Q Do you remember yesterday, Mr. Bugliosi said
9 something about the fact that we might have something like a
10 hung jury and then the possibility of a re-trial, if he didn't
11 come in with a unanimous verdict?

12 A Yes, I heard that.

13 Q May I ask you to just forget about the possibility
14 of a re-trial. Everybody would like to have you return a
15 verdict. We all want an end to the proceedings. We all want
16 some unanimity.

17 We all want everybody to agree on their verdict,
18 but do you realize you would be doing a disservice to the
19 entire judicial system if you were to say to yourself, either
20 I just believe so firmly that this defendant is either guilty
21 or innocent, that it makes no difference what your belief is,
22 but to say to yourself, you believe it so firmly yet you just
23 can't stand the idea of retrying this case again and so you
24 are going to change over with the majority, because you think
25 you just ought to do that -- you realize that would be an
26 injustice to everybody concerned.

27 A Yes. When I came to the jury, sir, I promised
28 myself to be very fair to this defendant and to do my best to

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1 the best my ability, to be fair in this case and nobody would
2 influence my thinking. I said earlier, if a juror convinces
3 me that they are right, and they are in the majority, then I
4 may consider changing my vote.

5 Q I think there was also something said yesterday --
6 I think that perhaps a statement was made by the gentleman
7 who occupied that seat before you did -- and that was the
8 statement of guilt by association.

9 You realize that that is not a proper type of
10 thinking in our judicial system.

11 A I don't see it by association. I said the impres-
12 sion I had was that he associated both parties together and
13 he established an opinion of his own, so I thought this is the
14 reason he left. Now, this is my opinion.

15 Q But he used the phrase, "guilt by association."
16 All I want to make sure is that we don't apply
17 that principle in this case. You realize this defendant has
18 the right to be tried as an individual?

19 A I do.

20 Q You will find him guilty or innocent, based upon
21 what he did?

22 A Right.

23 Q From the evidence that you hear introduced against
24 him?

25 A Yes.

26 Q And by him?

27 A Right. I will.

28 Q There was something else that was said yesterday,

3
1 I think we ought to think about for a moment and that is a
2 question suggested by Mrs. Trainor.

3 We are going to introduce, and I think there is
4 no question but that there will be psychiatric testimony and
5 it is conceivable that doctors like everybody else just don't
6 reach the same conclusion.

7 It has also been said that if you laid lawyers end
8 to end, they wouldn't reach a conclusion. I am not so sure
9 that it might not apply to doctors.

10 At any rate, it is quite possible that all the
11 doctors involved here may not have the same, may not draw the
12 same conclusion, but do you realize, Mr. Siam, that if, as a
13 result of everything you hear from those doctors, there is
14 some question in your mind about the diminished capacity, that
15 you could, as a very legitimate verdict, return one of some-
16 thing less than first degree murder?

17 A Yes.

18 Q In other words, if the doctors can't agree, and you
19 can't resolve the differences in your own mind, that could form
20 the basis of a reasonable doubt. Do you understand that?

21 A Yes, I understand that.

22 Q In other words, you don't have to disregard the
23 testimony of all doctors just because they happen to split
24 and say, "If they can't make their decision, I will make it."
25 You have a right to rely on the fact that these doctors are
26 not unanimous?

27 A Yes.

28 Q And you use that, as I say, as a basis for whatever

4
1 doubt you want to assess to the case, if you do?

2 A I will.

3 Q Let me ask you, Mr. Siam, whether in view of all
4 the testimony -- I am sorry -- all of the information you may
5 have read or heard about what we have been referring to as
6 the Tate-La Bianca killings, you can put out all of that from
7 your mind and be guided solely by what you hear here?

8 A Yes, that is true, but I would like clarification
9 for myself. What you mentioned, to my mind, I don't get any
10 -- is it what happened with movie star house?

11 Q Yes.

12 A Okay. That is what -- I don't even know the names,
13 but I recall something about the movie star.

14 Q Are you familiar with the name, Charles Manson?

15 A Yes, from the news only.

16 Q Do you have some association of that name with the
17 murders?

18 A Manson?

19 Q Yes.

20 A Yes.

21 Q That is what we have been talking about. We have
22 been referring to that as the Tate-La Bianca killings. They
23 are the names of some of the people who were killed during
24 the course of the proceeding that lasted two nights?

25 A Yes, I recall that. I don't know the names.

26 Q Did you form or express an opinion about the guilt
27 of Mr. Manson as a result of what you heard in connection
28 with him and those murders?

5
1 A Is this Manson?

2 Q I am talking about Mr. Manson.

3 A I formed whatever happened, the motive, I believe
4 that a man is product of his environment and something really
5 was the cause, whether insane or drugs or personal things,
6 I don't know, but always there is a motive for a person to
7 make a crime and I feel that society is as much responsible
8 as Manson in that case.

9 Q Now, as a result of the fact, from what you may
10 have heard since you have been in the jury room -- I am sorry,
11 in this courtroom -- that Mr. Watson was a member of that
12 same group that traveled with Mr. Manson, would you of neces-
13 sity draw the same conclusion about Mr. Watson that you drew
14 about Mr. Manson?

15 A No, I would not.

16 Q Did you hear, or do you know anything about Mr.
17 Watson's participation or alleged participation in these
18 crimes from you have read or heard or seen?

19 A Except what I read that he was in Texas and that
20 this girl -- what is her name? It was mentioned here -- the
21 state witness --

22 Q There were several mentioned.

23 A State witness and she reported him like that.
24 This I recall, yes.

25 Q Aside from the fact that he was a member of this
26 group and you may have read about his being in Texas, did you
27 form any opinion about Mr. Watson's guilt as a result of what
28 you read or heard about the family activities?

6
1 A Not at all, just a member of that family, but
2 no more, no less.

3 Q Is the name Susan Atkins familiar to you in connec-
4 tion with these proceedings, Mr. Siam?

5 A I have heard it already, but specifically, I don't
6 know exactly whether she is the one who was the state witness
7 or one of the three other girls. I really don't know.

8 Q Do you recall ever reading anything that was
9 attributed to Susan Atkins?

10 A If she is the state witness, which I had reference
11 to -- I just read that she made a deal with the prosecutor,
12 or whatever the law requires -- I don't know what you call it,
13 to be a state witness, so she won't go to jail and this is
14 what I recall.

15 Q Are you thinking about the girl who actually testi-
16 fied in that other case?

17 A Yes.
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#4A

1 Q Well, does the name Linda Kasabian mean anything
2 to you?

3 A That one that was pregnant? I don't know. There
4 was a pregnant girl.

5 Q I think the one who testified in the prior trial
6 was Linda Kasabian.

7 A She was pregnant I recall.

8 Q I think so. I was going to ask Mr. Bugliosi
9 whether he could tell us.

10 A This is what I really recall about the whole case.

11 Q Did you follow what Linda Kasabian had to say with
12 any degree of regularity?

13 A No, just the headlines and the media. I don't
14 follow the case like some people read word by word. I just
15 take it off the headlines.

16 Q Is there anything that sticks in your mind at this
17 moment that you attribute to Linda Kasabian that you think
18 you cannot erase.

19 A No, I think again, she has a motive and unless it
20 is based on facts it is very hard to make any prejudgment.

21 Q May we assume, Mr. Siam, that you are going to put
22 out of your mind everything that you heard from whatever source
23 it came from?

24 A Yes.

25 Q And then give Mr. Watson the fair and impartial
26 trial that he is entitled to and reach whatever verdict you
27 will solely on that you hear in the courtroom?

28 A This I promise, yes.

4A,2

1 Q Let me talk to you a few minutes, if I may, about
2 the general field of psychiatry, Mr. Siam.

3 Do you have any feelings about the relative
4 merits of this field?

5 A Yes, I do.

6 Q Do you think it has a place in modern society?

7 A Yes, I do.

8 Q Do you believe that a competent or qualified
9 psychiatrist is capable of interpreting human behavior?

10 A If he is capable, yes, I think.

11 Q Do you think that is a field in which the
12 psychiatrist has some expertise?

13 A Yes.

14 Q If you had a friend or relative or associate or
15 somebody that was near and dear to you, who suffered from
16 mental illness, would you be satisfied to have that person
17 seek psychiatric help?

18 A I had one and I sent him to the doctor and he has
19 recovered.

20 Q So that was, I take it, a pleasant experience that
21 you had?

22 A Yes.

23 Q In your association with the psychiatrist?

24 A Yes. A friend of mine seven years ago, he came
25 from my own country. He was not working for me at present
26 but he suffered psychiatric actions, you know, and then I
27 took him to the General Hospital, sent him to Camarillo and
28 he recovered and he is back on the job and he works for the

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1 post office.

2 Q Have you ever read anything in the field of
3 psychiatry?

4 A I go to college and I took the behavior of man,
5 the principles of psychology.

6 Q Behavioral psychology?

7 A The behavior of man, the principles of psychology,
8 took a three months' course in that.

9 Q May I ask you again, Mr. Siam, if we have some
10 psychiatrist's testimony and the testimony happens to be in
11 conflict with what you either understand or recall about
12 behavioral psychiatry, would you be guided by what you hear
13 the experts tell you?

14 A I would listen to the experts and try to listen to
15 the logic and reason, then I would form my own opinion.

16 Q Again as I said before you have a right to accept
17 or reject it.

18 A I know that.

19 Q Their testimony.

20 A I know that.

21 Q Do you know of anybody, Mr. Siam, who has had a
22 bad experience going to a psychiatrist?

23 A No, not anybody I know.

24 Q Do you resent the idea that a psychiatrist will
25 come in and try to tell you whether somebody was sane or
26 insane?

27 A Again I, like his Honor mentioned yesterday, I
28 believe that they are experts and they are not a scientist

1 following theories -- just forming their own studies and
2 understanding of certain problems and two psychologists could
3 differ from each other, but I will follow the reason and the
4 logic.

5 Q May we assume, Mr. Siam, that you will not
6 automatically -- that is a key word "automatically" -- either
7 accept or reject psychiatric testimony that is offered, but
8 you will consider it, deliberate about it and then if it is
9 impressionable, if it meets your standards and you find it
10 acceptable, accept it?

11 A I would not do anything automatically without
12 thinking about it.

13 Q What we are trying to avoid is having somebody
14 set out with a preconceived idea or somebody whose mind is
15 already made up about certain phases of a problem we are going
16 to talk about. That does not exist with you?

17 A It does not.

18 Q Let me ask you, sir, whether you think that
19 teenagers can be dominated by people outside of their homes?

20 A In my understanding any person look forward up
21 to somebody all the time, whether it is his father, authority,
22 judge, or what you call it. He always would like to look at
23 boss and so on.

24 Q Now, again, we talked a moment ago about drugs.
25 If you find from the evidence that this defendant's use of
26 drugs was voluntary, that is, he used them without anybody
27 forcing them on him, would you nevertheless give consideration
28 and whatever weight you will to medical testimony about this

1 defendant's mental condition at the time of the murders?

2 A Yes, I will.

3 Q And you won't hold against him the fact that his
4 drug use was voluntary?

5 A Not at all.

6 Q Let me ask you just a few questions, if I may,
7 please, about the death penalty.

8 You have indicated you have no conscientious
9 scruples to the imposition of a death penalty when you feel that
10 that sort of judgment is justified; is that correct?

11 A Yes, sir.

12 Q Do you as you sit there now, however, have any
13 feeling that that is the only proper punishment for a multiple
14 murder case?

15 A No. It is not the only punishment.

16 Q You realize from what we have been saying here
17 that life or death, and it is your sole and absolute discretion,
18 are the only verdicts we can return if we get to the third
19 phase of this trial?

20 A Yes.

21 Q That you will do that without any guides, without
22 any standards from the court?

23 A I will do it according to my conscience and
24 beliefs on the facts and so on.

25 Q You have had now the benefit of two days to
26 think about this, Mr. Sien.

27 Do you have any preconceived ideas of the
28 conditions under which you would impose the death penalty?

1 A Right now I have no idea but I would consider a
2 death penalty if it was like these four legal points mentioned,
3 premeditated, plans, a person sane and acting without anybody
4 pushing him to do it. So, in other words, if I established
5 that then I wouldn't hesitate if the law required the death
6 penalty to impose it.

7 Q You realize in order to find a person guilty of
8 first degree murder, you have to find that the murder was
9 willful, deliberate, premeditated and with malice aforethought.
10 These are at least four of the requisites for first degree
11 murder.

12 A If these facts are established in my mind, I
13 wouldn't hesitate to vote for a death penalty.
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- 1 Q Would you do it automatically, if you found --
- 2 A No.
- 3 Q -- the murder was committed in that manner?
- 4 A No, after considering all the facts about the case.
- 5 Q Well, do you --
- 6 A I would then go to particularize it, if it is
- 7 proven to me that all these steps, and that the person is
- 8 capable of doing it, and he did do it intentionally, without
- 9 other reasons to consider, then I think in my opinion the
- 10 defendant is --
- 11 Q Well, you see, you have to assume for the purpose
- 12 of our discussion here now, Mr. Siam, that all of these condi-
- 13 tions have been met, because you found the defendant guilty of
- 14 first degree murder.
- 15 When you find him guilty of first degree murder,
- 16 that means you found these murders were willful, deliberate,
- 17 premeditated, with malice aforethought; you found that there
- 18 was no diminished capacity --
- 19 A No, I would consider the diminished capacity very
- 20 much.
- 21 Q Well, but you see --
- 22 THE COURT: Wait, Mr. Bubrick.
- 23 Let's get this straight:
- 24
- 25 Q If you find that this defendant was guilty of
- 26 murder in the first degree, and you found that he was sane
- 27 at the time that he committed one or more of these murders,
- 28 the choice then is up to you to give either the death penalty.

5
1 or life imprisonment.

2 I think what Mr. Bubrick wants to know is this,
3 will you automatically give him the death penalty or would
4 you exercise a choice in your own mind and determine in your
5 own mind whether he should be given live or whether you auto-
6 matically are going to give him the death penalty?

7 A No, I wouldn't give anything automatically. I
8 would consider all --

9 Q You would consider both alternatives?

10 A Yes, sir.

11 Q BY MR. BUBRICK: What I want to make sure, Mr.
12 Siam, is that you will consider both alternatives after you
13 find him guilty of first degree murder.

14 You see -- and I hope I am not belaboring the
15 point and I don't want to incur the wrath of Judge Alexander
16 -- but in order to find him guilty of first degree murder,
17 when you make that determination, you have eliminated
18 diminished capacity. You have said to yourself, "Diminished
19 capacity is not applicable, it does not apply; therefore, it
20 is first degree murder."

21 A I said, sir, diminished capacity, I considered;
22 and to my understanding, diminished capacity, that person is
23 doing things without his real planning or real mind.

24 Okay, this is what it means?

25 Q That's correct.

26 A Okay; if a person is doing this and this is proved
27 to me, then he really doesn't deserve the death penalty, he
28 deserves some other things, other penalty or other treatments.

Q But you must also understand, Mr. Siam, that if

3
1 you find diminished capacity present and you follow the
2 instructions of the Court, you are not going to be able to
3 find the defendant guilty of first degree murder.

4 A If diminished capacity is there he wouldn't be
5 found first degree murder.

6 Q That's correct.

7 A And yet I have to think about and discuss the
8 other things together, after he's proven guilty?

9 Q Yes, but you have to remember that you can't beg
10 the question in the jury room, deliberation room; if you found
11 him guilty of first degree murder and you found him to be
12 sane, the only thing you can do is impose life or death.

13 You no longer have a right to consider diminished
14 capacity, because you have eliminated that.

15 A I follow the instructions of the law according to
16 that.

17 Q You see, if you get that far, once you find him
18 guilty of first degree murder, you must have found that it is
19 willful, deliberate, premeditated, with malice aforethought
20 then.

21 Now, if you reach that stage, are you still going
22 to make a choice between life and death, or will you give him
23 one or the other automatically?

24 A I won't give anything automatically. I have to
25 base my thought and decision on the facts.

26 THE COURT: Mr. Bubrick, can you tear up some of your
27 yellow pages?

28 MR. BUBRICK: I'm just not going to fold them over, your

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Honor.

Q Do you have any preconceived ideas of the conditions under which you will impose only a life sentence?

A Again, I have no thoughts of imposing anything at the present. I have to go through the facts and make up my mind at that time.

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1 Q Now, I can take a clue: As a result of anything
2 that you heard me say or Mr. Bugliosi say or the judge say
3 or anything that has been suggested or comes to your mind as
4 a result of these last two days, do you know of any reason
5 at all, whether I have touched on it or not, that leads you
6 to believe you can't be fair and impartial to both sides?

7 A I think, really, in my opinion, like his Honor
8 mentioned yesterday, everybody is doing a job here; you are
9 doing a job, Mr. Prosecutor --

10 Q Bugliosi?

11 A I'm not good at names, but Mr. Bugliosi, is doing
12 his job; his Honor is doing his job, the jurors are doing their
13 job; and I hope with God's guidance we all do our best job.

14 MR. BUBRICK: Thank you.

15 Pass for cause, your Honor.

16 THE COURT: Mr. Kay, you wanted to -- you had some
17 questions, I take it.

18 MR. KAY: Yes, your Honor, thank you.

19 I feel like a page boy coming up after a Senate
20 filibuster.

21 Q Good morning, Mr. Siam.

22 A Good morning, sir.

23 Q Now, Mr. Siam, I would like briefly to review with
24 you the three stages that this trial might take and cover some
25 of the ground that Mr. Bubrick didn't, although there is not
26 very much that he didn't cover in this area.

27 You understand, sir, if you could look at Mr.
28 Bugliosi's chart there a minute, that the first stage is the

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1 guilt or innocent stage and that's all you determine at that
2 stage.

3 Now, if Mr. Watson is convicted of anything at that
4 stage we'll proceed to the second stage, where you determine
5 whether or not Mr. Watson was sane or insane at the time the
6 crimes were committed.

7 Now, then, if you determine that Mr. Watson was
8 sane at the time of the crimes and if in the first stage of
9 the trial if the jury convicted him either of first degree
10 murder or conspiracy to commit murder, we will proceed to
11 the third stage, where you decide the question of life or
12 death.

13 Do you understand that?

14 A Yes, sir, I do.

15 Q Now, if the judge instructed you that in the first
16 stage of the trial, the guilt or innocent stage, that you are
17 not to consider, not to even talk about in the jury room the
18 question of whether or not Mr. Watson was sane or insane at
19 the time the crimes were committed or you are not to discuss
20 in the jury room or consider the question of penalty or
21 punishment, would you follow that instruction?

22 A Yes, sir; I'd follow that instruction if his Honor
23 demands it.

24 Q Now, at the second stage of the trial, if his
25 Honor instructed you that you could consider all of the
26 evidence produced at the first stage of the trial, at the
27 guilt or innocent stage in arriving at your verdict as to
28 whether or not Mr. Watson was sane or insane at the time of the

1 murders, but that you cannot consider the question of penalty
2 or punishment, which we would get to in the third stage, would
3 you follow that instruction?

4 A Yes, sir, I would.

5 Q Now, if we get to the third stage of the trial and
6 his Honor instructed you that you could consider everything
7 that happened at stage one and stage two, that is, all the
8 evidence that had been presented at the trial up to that time,
9 would you follow that instruction?

10 A Yes, I would.

11 Q So you understand that in this trial you really
12 never can look forward, but you can look back; in other words,
13 when you get to stage two you can look to stage one; when you
14 get to stage three, you can look to stage two and stage one.

15 Do you understand that, sir?

16 A Yes, I do.

17 Q Now, just as we would like you to be candid with
18 us, again, Mr. Bugliosi and I will be candid with you, and I
19 will reiterate a point that Mr. Bugliosi made at the opening
20 of his voir dire yesterday: And that is that if we arrive at
21 the third stage of the trial, and I want thereto be no doubt in
22 your mind, both Mr. Bugliosi and I will vigorously urge upon
23 the jurors to return a verdict of death.

24 Do you understand that, sir?

25 A Yes, sir.

26 Q Now, Mr. Siam, have you thought about the death
27 penalty at all before you came into the courtroom?

28 A Regarding this case?

1 Q No, just the death penalty in general, have you
2 thought about it?

3 A Yes.

4 Q Before you came into this courtroom?

5 A All my life I hear about death penalties; I do
6 think about it.

7 Q Now, can you conceive of a situation where the
8 proper punishment for a crime would be death?

9 I'm not asking you what it is, but can you conceive
10 in your mind of a situation where the proper punishment for a
11 crime would be the death penalty?

12 A Yes.

13 Q And have you determined in your own mind whether
14 or not you could impose the death penalty?

15 A Yes, I could.

16 Q Now, you understand that some people who favor
17 capital punishment -- if a pollster came, somebody was taking
18 a poll, somebody came up to their front door and asked them
19 whether or not they were in favor of capital punishment, they
20 might say, "Yes, I am in favor of it"; however, that very same
21 person might not want to come into the courtroom because he
22 felt, "Well, I am in favor of capital punishment, but I
23 couldn't vote for it, myself. I would want somebody else to
24 do it."

25 Are you of that frame of mind?

26 A No, sir; I would -- in other words, if I believe
27 in something, I do it.

28 Q Now, let me ask you for a moment, Mr. Sian, to

1 take a look at Mr. Watson.

2 Now, project yourself about eight weeks from now,
3 to the end of September, the middle of September -- or the
4 end of September. After looking at Mr. Watson day after
5 day in this courtroom over an eight-week period, do you feel,
6 in good conscience, that you could come in in the third stage
7 of this trial, if we get there, and tell Mr. Watson in the
8 form of your verdict if you feel that the evidence warrants it,
9 that he must die for the crimes he has committed?

10 A Yes; if he is guilty and proven to be guilty, I
11 would. I wouldn't hesitate not to do it. I would do it, yes.

12 Q And if you felt he deserved the death penalty --

13 A I'd tell it to his face, yes.
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1 Q Now, you understand that each juror in a death
2 verdict personally participates in that verdict?

3 If the jury comes back with the death penalty,
4 Mr. Pappas here will poll the jury. Now, this means that he
5 will ask each juror, "Is that your verdict -- is that your
6 verdict?"

7 He will say, "Mr. Siam, is this your verdict?"
8 And so if it is your verdict, you have to say "Yes."

9 Now, would you have the courage, if that was your
10 verdict, to say, "Yes, that is my verdict"?

11 A If that was my decision I would say it, yes.

12 Q Now, there is one thing that Mr. Keith brought up
13 that I'd like to clear up. He asked a couple of the jurors
14 yesterday whether or not, because of the fact that there were
15 seven murders involved, if Mr. Watson was convicted for seven
16 murders, that they would automatically impose the death
17 penalty.

18 Do you remember some question like that that Mr.
19 Keith asked?

20 A Yes, I think so.

21 Q Let me say this, then you understand that you may
22 very well decide to impose the death penalty, because there
23 were seven murders. There is nothing that says that you can't
24 impose the death penalty for that reason and that reason,
25 alone. Do you understand that?

26 A Well, if it is one man or twenty, it is the same;
27 if he's proven to be guilty, he should get the same punishment.

28 Q So you understand that you can decide, even if

2
1 there is one murder that you could give him the death penalty,
2 if you decided that that was the proper punishment?

3 A If it is proven he's guilty and he deserved the
4 death penalty, I wouldn't hesitate to not to give it to him,
5 I wouldn't.

6 Q Now, knowing that if you found Mr. Watson guilty
7 of first degree murder in the first stages of the trial and
8 found him sane at the second stage of the trial, would you even
9 consider finding him guilty of second degree murder at the
10 first stage of the trial or find that he was insane at the time
11 of the murders at the second stage of the trial, in order to
12 avoid the responsibility of facing the issue of capital punish-
13 ment?

14 A No, I wouldn't avoid anything.

15 Q Do you feel that any moral or religious belief
16 that you now hold would prevent you from voting for the death
17 penalty?

18 A No, sir.

19 Q Have you ever expressed the opinion, the personal
20 opinion that capital punishment should be abolished; that
21 the death penalty should be abolished?

22 A Have I ever discussed it?

23 Q Have you ever expressed that --

24 A No, there was a questionnaire once and I voted
25 for it.

26 Q And do you belong to or sympathize with any
27 organizations that has as one of their major goals the
28 abolishment of the death penalty?

3
1 A No.

2 Q Now, on the subject of capital punishment -- my
3 last question on that -- is that if at any time during the
4 selection of the jury if you or any of the jurors in the box
5 have any change of mind -- in other words, you thought this
6 over, maybe you haven't thought about the death penalty too
7 much before you came into the courtroom and you answered Mr.
8 Bugliosi's questions or my questions that you feel that you
9 could impose the death penalty -- at any time that you change
10 your mind, don't hesitate to raise your hand and let us know
11 about it, either the judge or one of the attorneys, while we
12 are questioning another juror.

13 If there is any question that comes into your
14 mind, don't hesitate to raise your hand.

15 Now, I am going to move to the sanity phase, Mr.
16 Sian, and first I want to start out by discussing burden of
17 proof.

18 Now, at the first stage of the trial, as you have
19 heard before, the prosecution has the legal burden to prove
20 a defendant guilty beyond a reasonable doubt, a doubt based
21 in reason. Now, I will get on to that later when I ask you
22 a few questions on the first stage.

23 In the third stage of the trial, life imprisonment
24 or the death penalty, as you can see by the chart, there is
25 no burden. In other words, each side, after the sanity phase,
26 could rest and not put on any evidence; then they could just
27 argue to you, neither side has a burden.

28 In other words, you understand that the prosecution

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1 does not have to prove facts, A, B and C, in order to meet
2 their burden in the death penalty phase, because there is no
3 burden; and the defense doesn't have to disprove facts, A,
4 B and C, in order to have you vote for live imprisonment.

5 At the sanity stage of the trial, the burden is
6 on the defense to prove by a preponderance of the evidence
7 that the defendant was insane at the time he committed the
8 murders.

9 Do you think it is unfair to place this burden
10 on the defense?

11 A No, it is not unfair. If that burden is laid on
12 you to prove his guilt, I think it is fair to lay that burden
13 on the defense.

14 Q The burden at the sanity phase is called pre-
15 ponderance of the evidence.

16 Now, this means -- say that my right hand is the
17 defendant and my left hand is the prosecution. This is
18 defense, now; my right hand. Evidence, when weighed with
19 that opposed to it, has more convincing force and a greater
20 probability of truth, so that means that if the defense
21 exceeds this evidence, my left hand, they have met their bur-
22 den; if they come below it, they haven't met their burden,
23 or if it is 50-50 -- in other words, if at the end of the
24 sanity phase you can say, "Well, maybe Mr. Watson was sane
25 and maybe he was insane, I just can't make up my mind," it
26 is 50-50. In that case, the defense has not met their burden.

27 Now, would you have any hesitation with coming
28 back with a verdict of sane, if that was the case, if you just

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1 couldn't make up your mind?

2 A I will make up my mind, I assure you. In other
3 words, after listening to the defendants -- to the defense,
4 to the prosecution, I would make my own observation, of course.
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1 Q But if you couldn't if it was just 50-50, you
2 understand that the defense has not met their burden?

3 A There is no 50-50.

4 Q You don't believe in 50-50?

5 A Not in court. I mean, you have to put your vote
6 as a balance, either agree with this side or that side, if
7 it is 50-50, and that will remove the weight.

8 Q Now, I am sure that at some time in your life --
9 and I know I have done it, too -- you might read the morning
10 paper and you will see some article in there that some person
11 has committed some act or other and you'll say, "Well, gee,
12 a person must have been crazy to do something like that."

13 Well, you understand that in the sanity phase,
14 what we are dealing with here is a precise definition of legal
15 insanity, and will you follow that precise definition?

16 A Yes, I will, sir.

17 Q And you understand that a defendant can be
18 mentally ill or mentally abnormal and still not be legally
19 insane; do you understand that?

20 A Yes, sir.

21 Q Now, have you formulated any opinion as to the
22 sanity of Mr. Watson at the time these murders were committed?

23 A No, sir.

24 Q Have you formulated any opinion as to the sanity
25 of any of the other defendants in the Tate-La Bianca murders,
26 such as Patricia Krenwinkel, Susan Atkins, Leslie Van Houten
27 or Charles Manson?

28 A I don't know the facts in their case; I really

2

1 don't know, no.

2 Q Do you feel that just because Mr. Watson has
3 entered a plea of not guilty by reason of insanity that, there-
4 fore, there must be some substance to that plea?

5 A You should know that, I don't know; I mean, I
6 don't know the pleas and the procedure of law. If he pleaded
7 guilty, I mean, how do you explain it as a lawyer? I don't
8 know.

9 Q Let me say this --

10 A Or could you repeat your question, sir?

11 Q Let me see if I can rephrase that a little better.

12 Just because a defendant enters a certain plea --
13 you understand that everybody through the history of the
14 world that has had a trial has pled not guilty at the beginning?

15 A Some do guilty.

16 Q Okay; if they plead guilty -- I'm not talking about
17 those, but even people that have been convicted, if they had
18 a trial, they pled not guilty. If they pled guilty, they
19 wouldn't have a trial. Do you understand that?

20 A Yes, I understand that.

21 Q Now, Mr. Watson here has pled not guilty and he
22 is presumed innocent at the first stage.

23 Now, I am going to say that because at this time
24 that he has also pled not guilty by reason of insanity, do
25 you feel that, therefore, there must be some substance to this
26 plea; that, therefore, maybe Mr. Watson must have had something
27 mentally wrong with him at the time of the murders, or he
28 wouldn't have entered this plea?

3
1 Do you feel anything like that?

2 A No, I feel that entering guilty by reason of
3 insanity is a legal procedure to be adopted by the Court and
4 I am not here to say because he pleaded insane, he is insane;
5 so he got to prove that. This, I know.

6 Q That is what I am getting at.

7 A Yes.

8 Q You understand that?

9 A Yes.

10 Q Very well.

11 Now, other than the three-unit course that you
12 took in college, have you ever studied psychology or psychiatry?

13 A No, sir.

14 Q And do you have any friends that are psychologists
15 or psychiatrists?

16 A No, sir.

17 Q And other than the one employee, have you ever
18 known anybody that has visited a psychologist or psychiatrist?

19 A No, sir.
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#6

1 Q Now, you understand at the first phase Mr.
2 Bubrick was talking to you about diminished capacity.

3 When we are trying to determine in first degree
4 murder, whether it was deliberate, premeditated and willful
5 on the part of Mr. Watson, whether or not he had malice
6 aforethought, now you understand that under the law you don't
7 even consider these things unless you find that the defendant
8 has killed somebody.

9 In other words, if you say that, well, Mr. Watson
10 didn't kill anybody, then he is just not guilty.

11 You are not going to decide well he is not guilty
12 of first degree, second degree or manslaughter. If he didn't
13 kill anybody he is just not guilty.

14 Do you understand that?

15 A If he is proven he killed he is guilty. If he
16 didn't kill --

17 Q What I am getting at is that these standards in
18 first degree murder apply only to a person that you determine is
19 a killer. Do you understand that, sir?

20 In other words, if you determine that a person has
21 not killed anybody, you are not even going to decide whether
22 it is first degree murder or second degree murder.

23 A Yes, but for instance the defendant is presumed
24 innocent until proven he killed somebody. To me he is innocent
25 now and unless you prove he is guilty he killed somebody I
26 wouldn't consider he is now presumed guilty.

27 Q Let me say this, to finish up with that. You have
28 to determine whether or not the defendant committed the act of

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1 did he kill somebody.

2 A I don't know.

3 Q Okay. I'm saying that is what you have to
4 determine. Once you determine that a person has killed
5 somebody, then you decide.

6 A Yes.

7 Q You decide what is the degree of his culpability.

8 A Yes.

9 Q Is it first degree, second degree, voluntary
10 manslaughter or involuntary manslaughter. Do you understand
11 that?

12 A Yes, I do.

13 Q So you understand that you don't even consider
14 these elements of first degree murder, deliberation,
15 premeditation, whether or not it was willful, whether or not
16 the defendant had malice aforethought, which all that really
17 means is that he formulated the intent to kill -- you don't
18 consider those unless you first determine that he did kill
19 somebody.

20 A Yes, sir.

21 Q So you understand that the law at that point is
22 not talking about the normal average human being walking down
23 the street.

24 They are talking about the mental condition, the
25 mental state that a killer had,

26 Do you understand that?

27 A Yes.

28 Q So you understand that the law contemplates that a

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1 person guilty of first degree murder, when we are talking about
2 the mental state of deliberation, premeditation, willful,
3 malice aforethought, the law has already separated that person
4 from being a normal average human being because that person
5 is a killer.

6 Do you understand that?

7 THE COURT: If you understand that, you are a marvel.

8 Can't we try to uncomplicate matters rather than
9 complicate matters, Mr. Kay. Maybe you should destroy some
10 of your white pages.

11 Q BY MR. KAY: You understand, Mr. Siam, that the
12 first thing you have to determine is whether or not the
13 defendant killed somebody.

14 A I have to establish in my mind and to be proven
15 to me that he killed somebody.

16 Q All right.

17 Do you understand that?

18 A Yes, I do.

19 Q That is the first thing.

20 Now, after you determine that, then you have to
21 determine the degree of his culpability, whether it is first
22 degree, second degree, voluntary manslaughter or involuntary
23 manslaughter.

24 A If this is explained to me again, this procedure.
25 You know them, I don't know.

26 Q You will be instructed.

27 A Yes, I follow that.

28 Q You will follow the instructions?

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1 A Yes, sir.

2 Q So you understand that under the law that the
3 mental state required for a person who would be guilty of
4 first degree murder, those four things we talked about,
5 deliberation, premeditation, whether or not the murder was
6 willful and whether or not the defendant had the intent to
7 kill, that by the time you consider those, you have already
8 determined that the person has killed somebody. Do you under-
9 stand that?

10 A No. I mean you went through the same thing again
11 and I say again that unless somebody proven without reason,
12 you know, shadow of doubt, that this man killed someone --
13 you got to prove it to me, then I would say he is guilty.
14 If this is not proven, only the terminology you are using is
15 not enough to convince me.

16 Q Let me say this: If we don't prove that the
17 defendant has killed anybody, you are not going to say, "Well,
18 we didn't prove that he didn't kill anybody with first degree
19 murder or second degree murder," just going to say, "Look,
20 they didn't prove that he killed anybody so I don't have to
21 determine in my mind whether it is first degree, second degree
22 or manslaughter. The fellow just didn't kill anybody."

23 Do you understand that?

24 A Will you repeat that?

25 Q All right. If you determine that a defendant, Mr.
26 Watson, for example, didn't kill anybody, you are going to
27 stop right there, aren't you?

28 A If it is proven he did not kill anybody, yes, I

6-5

1 would stop there.

2 Q All right.

3 Now, if we prove that he did kill somebody, at
4 that point you are going to determine whether or not he is
5 guilty of first degree murder, second degree murder or the
6 two types of manslaughter.

7 A Yes. If I understand these types of murder, if
8 it is explained to me and I consider why he did and so on,
9 then I will be more in the position to judge than just back
10 and forward pushing.

11 Q Do you believe in your own mind that because a
12 psychiatrist is also a medical doctor, that for that reason
13 alone you would be more likely to accept his testimony?

14 A No. I just consider him an expert in the matter.

15 Q Do you have any objection to the fact that in this
16 courtroom the jurors are the ones that make the decision as
17 to whether or not Mr. Watson was sane or insane at the time
18 of the murders, or had diminished mental capacity?

19 Do you have any objection to that?

20 A No, no objections. I know that we have to decide,
21 yes.

22 Q In other words, the jurors have 100% the burden and
23 responsibility of making the decision.

24 A Yes, I do.

25 Q And you cannot delegate that to a psychiatrist
26 and let him make the decision for you. You understand that?

27 A Yes, I understand that.

28 Q And do you realize that you may reject the testimony

6-6

1 of the psychiatrist if you find that, based on all the other
2 evidence, that that testimony is unreasonable?

3 A Yes, sir. I would reason and follow logic.

4 Q But I take it that if you thought the psychiatrist's
5 opinion was reasonable, taking into consideration all the
6 other evidence, that you would consider his opinion?

7 A I would consider it if I accept it, yes.

8 Q And do you understand that in the insanity phase
9 of the trial, that your verdict in that phase is to be based
10 on all the evidence presented, not just the psychiatric
11 testimony.

12 In other words, your verdict is to be based on all
13 the evidence that took place in the first stage of the trial,
14 if you are instructed that you can consider all of that, plus
15 all the evidence in the second stage of the trial, not just the
16 psychiatric testimony.

17 A Yes.

18 Q Can you think of any reason why you could not or
19 should not sit on this jury?

20 A I don't see no reason.

21 Q How long have you know attorney George Shibley?

22 A Since 1962 or '63.

23 Q And are you aware that at one time Mr. Shibley
24 represented Mr. Manson?

25 A Maybe at the beginning, I don't know. He did?

26 Q Yes.

27 A Yes, I think he did.

28 Q You knew that fact?

1 A But I didn't discuss it with him. I think I read
2 it in the paper once.

3 Q And if you sat as a juror --

4 A For a week or so, right? Yes, I think I recall.

5 Q If you sat as a juror in this case, would you
6 refrain from talking about this case with Mr. Shibley or with
7 anybody else?

8 A I wouldn't talk to nobody according to the judge's
9 instructions.

10 Q Do you feel any sympathy for the defendant, Mr.
11 Watson, because he is a defendant in this case?

12 A No. I have no sympathy for him -- nobody.

13 MR. BUGLIOSI: You don't really mean that, do you?

14 THE JUROR: No. I mean so far as guilt is concerned.
15 Other sentiment is different.

16 THE COURT: On the guilt phase you will be instructed
17 that you are to decide this case without sympathy, passion,
18 or prejudice.

19 THE JUROR: Well, I said it without knowing the law, sir.

20 THE COURT: So you were right on the guilt phase. You
21 are to determine the guilt or innocence without sympathy,
22 passion, or prejudice.

23 Q BY MR. KAY: On the first phase of the trial, as
24 I told you briefly before, that the prosecution has the
25 legal burden of proving a defendant guilty beyond a reasonable
26 doubt.

27 Now, realizing that this and only this is the
28 prosecution's burden, would you hold the prosecution to any

1 higher burden of proof?

2 In other words, proving the defendant's guilt beyond
3 a shadow of a doubt or to an absolute certainty?

4 A If he is proven the defendant is guilty without
5 shadow of doubt and I accept that fact, I don't have to make
6 you prove anything else.

7 Q You understand that a shadow of a doubt is too
8 high, that nobody can meet a shadow of a doubt.

9 A The way I understand the shadow of doubt, that I
10 have no doubt in my mind whatsoever and I will give the
11 defendant the benefit of the doubt.

12 In other words, if there is a doubt in my mind,
13 I think the defendant is entitled to it.

14 Q You understand that the prosecution only has the
15 burden of proving the defendant guilty beyond a reasonable
16 doubt, not a shadow of a doubt.

17 A shadow of a doubt is like if we had a motion
18 picture camera and we were taking a motion picture of the
19 murders. That is the only way we could prove it to you beyond
20 a shadow of a doubt.

21 A My decision will be beyond a shadow of a doubt.

22 Q You understand that is too high?

23 A It is too high?

24 Q Yes, it is too high. A shadow of a doubt is way
25 up here. We only have the burden of proving the defendant
26 guilty beyond a reasonable doubt, not a shadow of a doubt,
27 not to an absolute certainty.

28 A Again the terminology you use is not important.

1 What I understand is if I believe fully that an act has been
2 done, that is enough for me to decide.

3 Q All right, but you understand it is a reasonable
4 doubt, not an absolute certainty?

5 A If this is the legal term, I will accept it.

6 Q Will you follow the judge's instructions?

7 A Yes, I will.

8 Q And will you pay close attention to that instruc-
9 tion?

10 A I would. I love law and I follow it to the end.
11 So I would like to understand if there is a question, I will
12 be helped, to be explained to me, I would stick to the law.

13 Q And anything which you might think in your own
14 mind which is in conflict with the judge's instructions, you
15 would follow the judge's instructions, would you not?

16 A I would if it is according to the law and I feel
17 it is within the case, you know, in other words, if he gives
18 me his personal thing, I feel it personal, I wouldn't follow it.
19 I'm sorry, to be fair, but I would just follow according to the
20 law which I would interpret I accept in my mind.

7R-1

1 Q Have you ever studied the law?

2 A No, I have just been interested in it; involved
3 in organizations and bylaws and something very minor, no.

4 Q You have never studied criminal law?

5 A No, it is just a hobby; I like to read and under-
6 stand what belongs in there, yes, sir.

7 Q Do you feel to any degree whatsoever, any bias
8 or prejudice against police officers?

9 A No, sir; I have nothing against them.

10 Q So you wouldn't give their testimony any less
11 weight in this courtroom because of the fact that they were
12 police officers?

13 A No, sir; I listen to just as the others.

14 Q And other than Mr. Shibley, do you know anyone
15 who is involved in the defense of criminal cases, either
16 private eyes or defense --

17 A No, just George Shibley and he being with me
18 since I came to the states and worked with organizations that
19 is Arabic-American organizations.

20 Q Are you pretty close friends with Mr. Shibley?

21 A Well, I consider him a friend but we don't
22 socialize daily. I meet him once a month in a meeting, that's
23 all.

24 Q And I take it that Monday was your first day of
25 jury service; is that correct?

26 A Yes, sir; that's the first time in my life.

27 MR. KAY: Thank you.

28 I have no further questions.

2
1 THE COURT: Shall we have our morning recess at this
2 time?

3 MR. BUGLIOSI: Yes, your Honor.

4 MR. KEITH: Yes.

5 THE COURT: All right, ladies and gentlemen, we will
6 have our morning recess at this time.

7 Again, do not form or express any opinion in this
8 case; do not discuss it among yourselves or with anybody else,
9 and please keep your minds open.

10 (Recess.)

8R-1

1 THE COURT: People against Watson. Let the record show
2 all jurors and all counsel are present. The defendant is
3 present. The prosecution has the first challenge.

4 MR. BUGLIOSI: The People thank and excuse, your Honor,
5 Miss Gaines.

6 THE COURT: Thank you Miss Gaines. You may be excused.

7 THE CLERK: William A. Beigle, R-e-i-g-l-e.

8
9 WILLIAM A. REIGLE,

10 BY THE COURT:

11 Q Mr. Reigle, first let me ask you: You have heard
12 us say this case will take about two months to try?

13 A Yes, your Honor.

14 Q Can you give us that two months?

15 A I am sorry.

16 Q What is your trouble?

17 A Well, I couldn't be a good juror on this case.

18 Q We're talking about two months first. Could you
19 give us the two months?

20 A No, I couldn't be off that long. I have a busi-
21 ness.

22 Q What kind of a business is it? A one-man busi-
23 ness?

24 A Two-man business. It puts the burden on the other
25 one, sir.

26 Q Would it be too much of a hardship for you to be
27 here two months?

28 A That's right.

2

1 THE COURT: May he be excused?

2 MR. NUGLIOSI: So stipulated.

3 MR. BUBRICK: So stipulated.

4 THE COURT: You may be excused.

5 THE CLERK: Mrs. Beverly A. Norman.

6
7 BEVERLY A. NORMAN,

8 BY THE COURT:

9 Q Mrs. Norman, can you give us the two months we
10 need to try this case?

11 A Yes, I can.

12 Q With reference to the death penalty, Mrs. Norman,
13 would you automatically vote against the imposition of a death
14 penalty, regardless of what the evidence might show in this
15 case?

16 A No.

17 Q Conversely, would you automatically vote for
18 life imprisonment, regardless --

19 A No.

20 Q -- of what the evidence might show?

21 A No, sir.

22 Q In other words, you realize that should this
23 defendant be found guilty of murder in the first degree,
24 should he be found sane, the choice of life imprisonment or
25 the death penalty lies exclusively within you?

26 A Yes, I know.

27 Q According to your own conscience. Do you under-
28 stand that?

1 A Yes.

2 Q There are no guidelines to guide you as to one
3 penalty or the other. The law does not prefer one penalty
4 over the other. It is up to you entirely, based upon everything
5 you hear in this case?

6 A Yes.

7 Q And you would exercise that choice, should it come
8 to that; is that correct?

9 A That is correct.

10 Q Mrs. Norman, have you served as a juror before?

11 A No.

12 Q First time?

13 A Yes.

14 Q Do you know any attorney in this case?

15 A No.

16 Q Yesterday, Mr. Bugliosi called off a list of
17 doctors. Any of those names sound familiar to you?

18 A No.

19 Q And he called off a list of lawyers. Did any of
20 those lawyers sound familiar to you?

21 A No.

22 Q I take it, Mrs. Norman, that you have read of
23 the Manson case and the Tate-La Bianca case?

24 A A little.

25 Q You understand that Mr. Watson is not a defendant
26 in that case and regardless of what the testimony was in that
27 case, Mr. Watson is to be judged by the testimony you hear in
28 this case, by the witnesses you hear in this case and the law

4
1 as I shall state it to you.

2 Do you understand that?

3 A Yes.

4 Q In other words, you are to disregard anything you
5 ever heard or saw connected with that case and to give Mr.
6 Watson a separate trial, based only upon the evidence you hear
7 in this case.

8 Do you understand that?

9 A Yes.

10 Q Mrs. Norman, you know that both the People and
11 the defendant are entitled to your individual opinion and
12 both the People and the defendant are entitled to a fair
13 trial, a trial in which the juror bases his verdict only on
14 the evidence he hears in this case and the law as I shall
15 state it to you.

16 Can you be that kind of a fair juror?

17 A Yes.

18 Q Mrs. Norman, as has been mentioned several times,
19 while this is one trial, there are three parts to this trial.

20 In the first part of the trial, you will determine
21 only the guilt or innocence of this defendant. Do you under-
22 stand that?

23 A Yes.

24 Q And you have heard us say time and time again,
25 that the defendant is presumed to be innocent and the burden
26 rests with the prosecution to prove him guilty beyond a reason-
27 able doubt, and in that connection, no defendant need prove
28 his innocence. The prosecution must prove his guilt beyond

5
1 a reasonable doubt and did you hear me read the definition of
2 reasonable doubt the other day?

3 A Yes.

4 Q Now, should you find the defendant guilty of any
5 offense, we then proceed to the insanity issue.

6 There you determine whether the defendant was sane
7 or insane. There, the defendant has the burden by a prepond-
8 erance of the evidence to show that he was insane at the time
9 of the commission of the offense.

10 Do you understand that?

11 A Yes.

12 Q Should you find he was insane and only then do we
13 go to the penalty phase of the trial.

14 In the penalty phase, you have the choice, assuming
15 you have found him guilty of murder in the first degree, you
16 then have a choice of life imprisonment or death. That is
17 entirely up to you. Now, are you willing to assume those bur-
18 dens?

19 A Yes, I am.

20 Q And you start out this trial without any prejudice
21 or bias against anybody; is that correct?

22 A Yes.

23 Q You can decide this case without sympathy, passion
24 or prejudice; is that correct?

25 A Yes.

26 Q You heard me tell the jury before that they are
27 the exclusive judges of the facts, or the credibility of the
28 witnesses?

1 A Yes.

2 Q I have nothing to do with that. That is your
3 responsibility?

4 A Yes.

5 Q While we have psychiatrists and experts here,
6 they will tell you what they think, but you will make the
7 final determination.

8 Do you understand that?

9 A Yes, I do.

10 Q You're willing to do that?

11 A Yes, I am.

12 THE COURT: All right, gentlemen, Mr. Keith.

13 BY MR. KEITH:

14 Q Mrs. Norman, do you have an occupation outside
15 the home?

16 A Yes.

17 Q May I ask what that is?

18 A I am clerk for Local 770 Retail Clerks.

19 Q That is a union, obviously?

20 A Yes, it is.

21 THE COURT: Joe DeSilva?

22 MRS. NORMAN: Yes.

23 Q BY MR. KEITH: Is there a Mr. Norman?

24 A Divorced.

25 Q Do you know his occupation, or what it was?

26 A He is a truck driver.

27 Q A truck driver?

28 A Yes.

7
1 Q Do you have children, Mrs. Norman?

2 A Three.

3 Q Are they living with you?

4 A Yes.

5 Q They are youngsters, no doubt?

6 A Yes.

7 Q Do you number among your close friends or

8 acquaintances any members of law enforcement?

9 A There is a friend of the family with the Sheriff's
10 department.

11 Q Do you see him very often?

12 A No.

13 Q You don't discuss his work with him, when you do
14 see him, I gather?

15 A No.

16 Q And have you ever been the victim of a crime of
17 violence?

18 A No. My car was stolen and my apartment broken
19 into.

20 Q But you yourself weren't assaulted or hurt in any
21 way, were you?

22 A No.

23 Q Any friends of yours or members of your family,
24 close friends of yours, ever been victims of a crime of
25 violence?

26 A No, not to my knowledge.

27 Q Have you ever witnessed that type of offense?

28 A No.

8
1 A No.

2 Q Do you have any friends, Mrs. Norman, that have
3 ever been involved with drug use or abuse?

4 A No.

5 Q I realize this is a rather delicate question, but
6 I believe it is pertinent.

7 Have any members of your family or close friends
8 ever been examined or treated by a psychiatrist?

9 A Not to my knowledge.

10 Q With respect to that subject, do you believe that
11 psychiatrists do play an important function in determining,
12 or helping people who have mental problems, or suffering from
13 mental illness?

14 A Yes, I do.

15 Q You have nothing against psychiatrists as a whole,
16 do you?

17 A No, sir.

18 Q You don't feel, I take it, that the field of
19 psychiatry in general is made up, as Mr. Bugliosi put it, of
20 quacks or charlatans?

21 A No.

22 Q And in the event, psychiatric testimony is presented
23 here, not only on the issue of diminished capacity on the
24 guilt phase, guilt or innocence phase, but on the issue of
25 insanity in the sanity phase of the trial, if we get that
26 far, you will keep an open mind and listen, consider the
27 testimony of the psychiatrists, in the event they appear?

28 A Yes, I will.

#9

1 Q Did you ever study psychiatry?

2 A No.

3 Q Or psychology?

4 A No, I haven't.

5 Q Or read much in the way of literature on that
6 subject?

7 A No.

8 Q The evidence in this case may show that Mr. Watson
9 was a heavy user of drugs.

10 This question has been asked other jurors: Would
11 you so hold it against Mr. Watson that you would not give him
12 the benefit of his defense in this case simply because and
13 solely because he was a user and abuser of drugs?

14 A No.

15 Q You understand that drug use may be very material
16 and significant in evaluating the evidence in this case, in
17 reaching a fair verdict; but what I am asking you is would you
18 simply cast Mr. Watson aside because the evidence did show --
19 or in the event the evidence did show he was a user of drugs
20 and narcotics, illegally obtained?

21 A No.

22 Q Nor would you hold it against Mr. Watson in the
23 event the evidence showed he lived a hippie life style --

24 A No, I wouldn't.

25 Q -- in a commune?

26 A No.

27 Q You'd consider such evidence for whatever weight
28 or value you believed it was entitled; is that right?

9-2

1 A Yes, I would.

2 Q And you wouldn't find it at all difficult to
3 give Mr. Watson a fair trial because of the manner in which
4 he lived during '67, '68 and '69 --

5 A No.

6 Q -- and solely because of that?

7 You know now, of course, of the outcome of the
8 so-called Manson trial. Did you know of that outcome before
9 you came to court the other day?

10 A No, I didn't.

11 Q You did not read about what happened in that case
12 or heard about it before coming to court?

13 A No.

14 Q Do you have any opinion now that Mr. Watson may
15 be more likely guilty than innocent because of what you know
16 about the Manson case?

17 A No.

18 Q You never heard or listened to any news broadcasts
19 or television broadcasts concerning that Manson case?

20 A Well, I heard very little. I don't, you know --
21 I'm a working mother and by the time I get home and start
22 fussing around with three children I don't have time for a
23 lot of things.

24 Q You paid very little attention to it, then?

25 A Yes.

26 Q With respect to capital punishment, Mrs. Norman,
27 would you automatically vote for the death penalty in this
28 case in the event the evidence showed that there was seven dead

9-3

1 bodies instead of just one?

2 A No, I would not.

3 Q Would you automatically vote for the death penalty
4 because there were multiple stab and gunshot wounds which
5 caused the deaths of seven people?

6 A No.

7 Q I am not saying that those aren't factors that
8 you might consider; but just automatically, ^{would you} without any
9 consideration, in the event there is a verdict of first degree
10 murder and conspiracy to commit murder, vote the death penalty
11 because there were seven homicides?

12 A No.

13 Q Would you automatically vote the death penalty in
14 this case in the event that issue was ever reached because the
15 pictures that you would see in the event you are selected as
16 a trial juror are undoubtedly gruesome and rather horrible?

17 A No, I would weigh -- just the best of my knowledge.

18 Q On the subject of gruesome photographs and multiple
19 wounds, seven dead bodies, would you be so shocked, do you
20 think, by hearing evidence on these subjects that you would
21 simply, without regard to any other evidence in the case,
22 bearing on Mr. Watson's mental condition, find him guilty of
23 first degree murder solely because of the shock value of the
24 pictures you might see and the blood and the multiple wounds?

25 A No.

26 Q Are you sure you'd have the courage not to be so
27 overwhelmed by that type of evidence that you'd just say,
28 "Oh, this is horrible, he is guilty of first degree murder,"

9-4

1 and not consider other aspects of the evidence?

2 A No, I would keep an open mind.

3 Q Throughout the entire presentation of the case;
4 is that correct?

5 A That's correct.

6 Q Would you have the courage of returning a verdict
7 of less than first degree murder provided, of course, you had
8 a reasonable doubt that it was first degree murder; would you
9 have the courage to return a verdict of second degree or
10 manslaughter, voluntary manslaughter, or acquit, even though
11 you might believe the popular sentiment was against you?

12 Do you understand the question?

13 A I'm sorry, would you --

14 Q All right.

15 Would you base your verdict in this case on factors
16 extraneous to the evidence presented in court --

17 A Yes.

18 Q You would base your verdict on what you heard from
19 the witness stand?

20 A Right.

21 Q You wouldn't base your verdict, would you, on
22 popular sentiment or passion or prejudice against Manson and
23 his associates, would you?

24 A No.

25 Q What I am getting at is, you wouldn't find Mr.
26 Watson guilty of first degree murder solely because you heard
27 criticism from the community or from your friends or neighbors --

28 A No.

9-5
1 Q -- if you came in with a verdict of some other
2 degree, or acquit?

3 A No.

4 Q Mr. Watson's mental condition at the time of these
5 alleged homicides may be crucial in this case.

6 Would you listen to all the evidence bearing upon
7 his mental condition and keep an open mind throughout, and
8 weigh and assess that evidence?

9 A Yes, I would.

10 Q In the event this evidence showed -- well, let
11 me put it this way: In the event some of the evidence in
12 this case might be derogatory to Negroes would that fact so
13 offend you that you'd find it difficult to give Mr. Watson a
14 fair trial?

15 A No.

9A

#9A

1 Q I touched on the subject previously -- did you
2 hear my questions or my exposition on the theme of helter
3 skelter?

4 A Yes.

5 Q And that the black people were going to eventually
6 win over the white people and then seek out Mr. Manson to
7 rescue them because the black people were unable to cope with
8 the reins of power?

9 Do you remember that?

10 A Yes.

11 Q It wouldn't bother you, would it, if --

12 A No.

13 Q -- you heard such testimony in this case?

14 A No.

15 Q On the issue of capital punishment, Mrs. Norman,
16 if that subject -- or, if that issue were placed on a ballot
17 or if a pollster, as Mr. Kay put it, came to your door and
18 asked you how you'd vote, whether you'd vote to retain capital
19 punishment or vote to abolish it, do you have an opinion as
20 of now as to how you'd vote; or are you undecided?

21 It looks as if you are undecided.

22 A If someone came to my house and asked me this,
23 what would I say? Right?

24 Q Would you have an opinion, yes.

25 If you don't have an opinion, tell me; maybe you
26 need a great deal of time to read about that subject and weigh
27 the pros and cons, the arguments for and the arguments against,
28 and then make up your mind?

9A-2

1 A Well, I would like to hear more on it, yes.

2 Q Fine.

3 So you don't know how you'd react if that question
4 were asked you?

5 A No.

6 Q Would you have the courage to return a verdict of
7 life imprisonment, in the event the case ever reached the
8 third phase, despite a possible feeling on your part that you'd
9 be criticized by your friends and neighbors?

10 A If that's what I felt, then that's the way I'd vote.

11 Q You see, although you weren't exposed to it
12 particularly, there is a great deal of notoriety as you now
13 know, attendant upon the trial of Mr. Manson and also attendant
14 upon the homicides, themselves, before any trial ever got under
15 way; and many people in this county and elsewhere have strong
16 feelings about the case.

17 You don't, because you didn't follow it and you
18 had better things to do. However, that may not be the case
19 with your fellow employees, say, or your friends or neighbors
20 or maybe even your relatives.

21 But you wouldn't let your belief in how they might
22 feel about it influence your judgment in any way, would you?

23 A No, I would not.

24 Q Do you believe in the concept of retribution, which
25 has been explained as an eye for an eye and a tooth for a tooth?

26 A No, I do not.

27 Q Is there any reason you can think of, bearing in
28 mind that you have been sitting in the courtroom since Monday,

1 why you might find it difficult, if not impossible, to give
2 Mr. Watson a fair trial?

3 A No, I feel that Mr. Watson is entitled to a fair
4 trial, like anyone else.

5 Q Do you know of any reason why you feel you should
6 not sit as a juror on this case?

7 A No, I feel that I would be very fair.
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10R-1

1 Q You will give us the benefit of your individual
2 opinion, if selected as a trial juror?

3 A Yes, I will.

4 Q By that, I mean you wouldn't change your mind,
5 once deliberations were underway in the juryroom there, simply
6 because a majority of the jurors were against the position
7 that you held?

8 A No.

9 Q Before you changed your mind, you would want to
10 be convinced, wouldn't you, that the position you held was
11 erroneous and convinced by logic and reason, after a full and
12 thorough discussion with your fellow jurors?

13 A Right.

14 MR. KEITH: Pass for cause.

15 THE COURT: Mr. Bugliosi?

16 BY MR. BUGLIOSI:

17 Q Mrs. Norman, for some reason your face is familiar
18 to me.

19 Have you ever seen me outside this courtroom?

20 A I think I recently saw you on television but I
21 am not sure.

22 Q It was brief?

23 A It was brief, because I just glanced at it. That
24 is all.

25 Q I was told that my Nielson ratings went down, so
26 they took me off television.

27 But other than on television, you and I have never
28 met?

- 2
- 1 A I don't think so.
- 2 Q Have you worked at the Hall of Justice?
- 3 A No.
- 4 Q You are not opposed to the death penalty; is that
- 5 correct, ma'am?
- 6 A That is correct.
- 7 Q I got the impression somehow that you were a little
- 8 undecided about whether we should have the death penalty in
- 9 the State of California.
- 10 A Well, I haven't read that much about it, I mean
- 11 to really, you know, to say, "Well, I don't feel that Califor-
- 12 nia should have it or shouldn't."
- 13 Q Let me ask you this, Mrs. Norman: If, after
- 14 hearing all of the evidence in this case, and considering all
- 15 the circumstances, you felt that this was a proper case for the
- 16 imposition of the death penalty, would you have the courage
- 17 and would you be personally willing to come back into this
- 18 courtroom with a verdict of death?
- 19 A Yes.
- 20 Q Even though you are undecided about the death
- 21 penalty?
- 22 A Don't misunderstand me. If this is what I felt,
- 23 you know, if this is what I felt was right, then that is it.
- 24 Q You would have the courage?
- 25 A Yes, I would.
- 26 Q There is no doubt in your mind about it?
- 27 A No.
- 28 Q You realize that now is the time to speak out on

3
it?

1 A Yes, I do.

2 Q Mr. Keith asked you whether you believed in an eye
3 for an eye. In other words, if you believed in retribution,
4 and I believe you answered that you did not believe in retribu-
5 tion; is that correct?

6 A That is correct.

7 Q I want to make one point here, Mrs. Norman.

8 Do you realize if this trial proceeds to the penalty
9 phase, the third trial, under the law, the jury has the right
10 to use as one of their factors in determining whether they
11 should come back with death or life, they have the right to
12 take into consideration of the factor of retribution.

13 Do you understand that?

14 A Yes.

15 Q In other words, you can be back in that jury room
16 during the penalty trial and it is proper for you to say to
17 yourself, "This man here murdered seven human beings. He
18 deserves to die."

19 Do you realize that you have the right to have that
20 frame of mind back in that jury room under the law?

21 A Yes.

22 Q And that the law does not prohibit retribution as
23 one of the factors for you to consider during the penalty
24 trial?

25 A Yes.

26 Q Is that point clear in your mind?

27 A Yes.

28 Q Are you of such a frame of mind, Mrs. Norman, that

4
1 if the prosecution and the defense psychiatrists in this case
2 disagree as to whether or not Mr. Watson had required mental
3 capacity to commit these murders, are you of such a frame of
4 mind that this disagreement automatically means that there must
5 be a reasonable doubt whether he did have the required mental
6 state?

7 A I am sorry.

8 Q Did you understand my question?

9 A Yes, but the end.

10 Q If there is a disagreement between the prosecution
11 and the defense psychiatrists; in other words, the defense
12 psychiatrists say he did not have the required mental capacity
13 and the prosecution psychiatrists say he did have the required
14 mental capacity, would this disagreement by itself automatically
15 cause you to say to yourself, "Well, there must be a reason-
16 able doubt"?

17 A I would have to weigh it.

18 Q Even though there is a disagreement?

19 A Even though.

20 Q You certainly could form an opinion of your own
21 as to whether or not he had the required mental capacity?

22 A Yes.

23 Q Do you realize that the issue of whether or not
24 Mr. Watson had the required mental capacity is a legal issue,
25 not a psychiatric issue and therefore it is up to the jury,
26 and the jury alone, to settle that issue?

27 A Yes.

28 Q And you are willing to assume that responsibility

5
1 as a member of the jury?

2 A Yes.

3 Q Mrs. Norman, do you disagree with ^{the} test for legal
4 insanity in this case, that to be legally insane, you must be
5 shown that as a result of a diseased mind, the defendant did
6 not know that what he was doing was wrong.

7 Do you disagree with that test?

8 MR. KEITH: That is a misstatement of the law, your
9 Honor.

10 THE COURT: It is partial.

11 MR. BUGLIOSI: Yes, it is a partial statement and I am
12 not getting into the understanding and nature and quality of
13 the act. Other than that, I believe my statement is basically
14 correct.

15 Mrs. Norman, to constitute legal insanity in the
16 State of California, as a result of a diseased or deranged
17 mind, the defendant did not know that what he was doing was
18 wrong -- do you disagree with that test?

19 A I am sorry. I am just nervous.

20 Q Don't be nervous. Don't be nervous. There is
21 nothing to be nervous about.

22 A Okay. Would you mind one more time?

23 Q Okay. The test for insanity in this state, Mrs.
24 Norman, is that to be legally insane, it must be shown that
25 the defendant, as a result of a diseased mind, did not know
26 that what he was doing was wrong.

27 In other words, he thought that it was perfectly
28 all right to kill a fellow human being, didn't think it was

6
1 wrong.

2 If the facts show that the defendant did not know
3 that what he was doing was wrong, he did know that what he
4 was doing was wrong, would you hesitate at all about coming
5 back with a verdict that he was sane?

6 A No, I wouldn't hesitate.

7 Q You would follow that test for insanity as given
8 you by Judge Alexander?

9 A Yes.

10 Q Do you feel that it is an unfair law that places
11 the burden on a defendant to prove that he is insane?

12 He has the burden of proving that. Do you feel
13 that is an unfair law to place that burden on him?

14 A I feel that it is up to the attorneys.

15 Q Well, the defendant, Mrs. Norman, acts through
16 his attorneys. They are merely instruments of him. They
17 represent him.

18 Do you feel that it is unfair to place the burden
19 on the defendant to prove that he is insane?

20 A No.

21 Q Or do you think we, the prosecution, ought to have
22 the burden to prove that he is not insane? You don't under-
23 stand that question?

24 A It is --

25 Q I will pass. I take it you do not have a psychia-
26 trist or a psychologist in your family?

27 A No.

28

#10A

1 Q Have you or any member of your family or close
2 friend or relative, Miss Norman, ever undergone treatment from
3 a psychiatrist or a psychologist?

4 A No.

5 Q And you do not believe, of course, that the word
6 of a psychiatrist is the gospel truth? You don't believe
7 that?

8 A No.

9 Q You realize that they are just as capable of error
10 as anyone else.

11 You realize that?

12 A Yes.

13 Q Has any member of your family or relative or close
14 friend ever been charged with or accused in any fashion what-
15 soever with the crime of murder or conspiracy to commit murder?

16 A No.

17 Q Or any other felony?

18 A No.

19 Q In order for you to convict Mr. Watson of first
20 degree murder, ma'am, would you require that the prosecution
21 prove his guilt not just beyond a reasonable doubt but beyond
22 all possible doubt? Would you require that of us?

23 A Yes.

24 Q You would? I don't think you're listening now.
25 I want you to listen closely now.

26 I don't want you to be nervous. I don't want you
27 to be afraid of the judge. He is not going to do anything to
28 you. Don't be afraid of me or the defense attorneys or

10A-2

1 anyone. Just listen to what I am saying.

2 You are a very intelligent person. Listen to what
3 I am saying and I will try to use simple language.

4 THE COURT: Perhaps you should preface your remarks by
5 telling her what the law requires.

6 MR. BUGLIOSI: That is what I was going to do, your Honor.

7 Q Under the law, Miss Norman, the prosecution has
8 the burden of proving a defendant's guilt beyond a reasonable
9 doubt.

10 Now, the key word is "reasonable."

11 We do not have the burden of proving the defendant
12 guilty beyond all possible doubt, just beyond a reasonable
13 doubt.

14 Do you understand that?

15 A Yes.

16 Q You are sure you understand that?

17 A Yes.

18 Q With that in mind before you would convict Mr.
19 Watson of first degree murder, would you require the
20 prosecution that we prove his guilt beyond all doubt, to an
21 absolute certainty, or if we proved his guilt beyond a
22 reasonable doubt would that satisfy you?

23 A Yes.

24 Q You wouldn't require that we prove his guilt beyond
25 all doubt?

26 A No.

27 Q And you will promise to follow all of the
28 instructions and the law given you by Judge Alexander?

10A-3

1 A Yes.

2 Q And if during jury deliberation, ma'am, you find
3 that your view is a minority view, the majority of jurors are
4 having or entertaining a view different from yours, will you
5 listen very carefully to the views expressed by your co-jurors?

6 A Yes.

7 Q And if you find their views to be reasonable and
8 persuasive, will you at least reconsider your position?

9 A Yes.

10 Q Do you recall when you were seated in the spectators'
11 section of the courtroom yesterday and this morning that Mr.
12 Kay and I asked many other questions of the jury that I am
13 not asking you right now. Do you recall that?

14 A Yes.

15 Q I am not asking you all of the questions that he
16 and I have asked of other jurors. You realize that?

17 A Yes.

18 Q Now, when we asked those other questions, were
19 you mentally asking yourself the same question?

20 A Yes.

21 Q Was there any question that Mr. Kay or I asked
22 to which you recall saying to yourself that your answer would
23 have been different from the answer given by the majority of
24 the other jurors?

25 A No.

26 Q So other than personal questions, if we asked you
27 the same questions now, your answers would be the same as the
28 other jurors?

10A-4

1 A Yes.

2 Q Do you feel you can give the prosecution, that
3 is the people of the State of California, a fair trial?

4 A Yes, I can.

5 Q Any doubt in your mind about that at all?

6 A No.

7 Q Can you think of any reason why you would rather
8 not sit as a juror in this case or should not sit as a juror
9 in this case?

10 A No.

11 Q Other than you are a little frightened?

12 A No.

13 Q It is just stage fright. You will get over it,
14 Mrs. Norman.

15 Thank you, ma'am.

16 Pass for cause.

17 THE COURT: Challenge with the defense.

18 MR. BUBRICK: We will thank and excuse juror No. 2,
19 Mr. Tatum.

20 THE COURT: Thank you, Mr. Tatum. You may be excused.

21 THE CLERK: Henrietta Smith, S-m-i-t-h.

22 THE COURT: Q Is this Miss or Mrs?

23 A Mrs. Smith.

24 Q Mrs. Smith, I notice from where you sat you were
25 paying attention to the questions asked our prospective jurors.

26 Let me ask you this: Can you give us the two months
27 that we need to try this case?

28 A Your Honor, it would be a great imposition on me

11R-1

ODELIO J. NORCISA,

BY THE COURT:

Q Mr. Norcisa, from where you sat, did you hear the comments I made concerning this case?

A Yes, sir.

Q And were you able to hear the questions put by respective counsel to our prospective jurors?

A Yes, sir.

Q And if you were asked the same questions, other than the personal ones, would your answers be substantially the same as given by the remainder of our prospective jurors?

A Yes, sir.

Q How about the question of the death penalty -- before we come to that, can you give us the two months we need to try this case?

A Yes, sir.

Q How about the question of the death penalty; would you automatically vote for the death penalty, regardless of what the evidence might show in this case?

A No, sir.

Q Would you automatically vote for live imprisonment, regardless of what the evidence might show in this case?

A No, sir.

Q I take it, then, you understand that should we come to the third phase of this trial, the penalty phase, you have the absolute choice to impose either the death penalty or life imprisonment; is that correct?

A Yes, sir.

2
1 Q And as you sit there now, you have no choice so
2 far as this case is concerned; is that correct?

3 A Yes, sir.

4 Q That would depend upon the evidence in the case
5 and everything you hear concerning this case, then you will
6 make up your mind as to the penalty?

7 A Yes, sir.

8 Q And you have no preconceived notions as to what
9 the penalty should be; is that correct?

10 A Yes, sir.

11 Q Now, you heard me tell this jury that they are the
12 sole and exclusive judges of the facts in this case.

13 Are you ready to assume that burden?

14 A Yes, sir.

15 Q Now, you heard questions concerning psychiatrists
16 and psychologists, and I take it in a case of this kind, we
17 are going to have one say one thing and another one say another
18 thing. They will just be giving their opinions. It will then
19 be up to you to weigh their opinions, the reasons for their
20 opinion, their background, so forth; and you must then make
21 up the ultimate decision as to which expert you believe or
22 which expert you don't believe.

23 You make the final finding as to the sanity or
24 insanity or the mental capacity of this defendant; do you
25 understand that?

26 A Yes, sir.

27 Q Now, I take it you have read something of the
28 Manson case; is that correct?

3
1 A Not really, your Honor.

2 Q You have heard about it on television?

3 A What I have heard in this courtroom.

4 Q Before you came to this court, you never heard of
5 the Manson case?

6 A I have heard of it.

7 Q All right. Now, regardless of what you heard, you
8 realize Mr. Watson here is entitled to a fair trial and the
9 People are entitled to a fair trial; do you understand that?

10 A Yes, sir.

11 Q And Mr. Watson's guilt or innocence, and every
12 other issue in this case is to be determined by you, based
13 only upon the evidence that you hear in this case and the law
14 as I shall give it to you; do you understand that?

15 A Yes, sir.

16 Q You are not to be influenced by any outside
17 influences at all; do you understand that?

18 A Yes, sir.

19 Q Do you know anybody connected with this case?

20 A No, sir.

21 Q Have you heard the list of doctors read off by
22 Mr. Bugliosi yesterday?

23 A Yes, sir.

24 Q Did any of those names sound familiar to you?

25 A The doctors, no.

26 Q How about the lawyers?

27 A Yes, sir.

28 Q Which lawyers?

1 A Daye Shinn.
2 Q Daye Shinn? Do you know Mr. Shinn?
3 A If it is the same, D-a-y-e?
4 MR. BUGLIOSI: Yes.
5 MR. NORCISA: On Crenshaw Boulevard?
6 MR. BUGLIOSI: Yes.
7 MR. NORCISA: Yes, I have had some dealings with him.
8 Q BY THE COURT: You have had some dealings with him?
9 A Yes, sir.
10 Q I am not going to ask you whether they were pleasant
11 or unpleasant.
12 But I will ask you, would your dealings with him
13 influence you in this case?
14 A No, sir.
15 Q And if I tell you you are not -- did you ever
16 discuss the Manson case with Mr. Shinn?
17 A Oh, this was years ago, before the Manson case.
18 Q And if I tell you that you are not to discuss this
19 case with anybody, will you follow that instruction?
20 A Oh, yes, sir.
21 Q That includes Mr. Shinn?
22 A Yes, sir.
23 Q Now, you realize that we are trying to get here
24 a jury that will be fair and impartial, fair to the people,
25 fair to the defendant, and decide this case only upon the
26 evidence you hear in this case and the law as I shall state
27 it to you.
28 Knowing that, do you know of any reason at all why

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11a f.
1 you could not be a fair juror in this case?

2 A No, sir.

11A

1 THE COURT: Gentlemen?

2 MR. BURRICK: Thank you, your Honor,

3 Q May I ask you, Mr. Norcisa, what are of the city
4 you live in, or county?

5 A Inglewood.

6 Q And the nature of your business or occupation,
7 please.

8 A Los Angeles Post Office.

9 Q Post Office?

10 A Yes, sir.

11 Q Letter carrier, are you, or administrative --

12 A Clerk,

13 Q -- work?

14 A Administrative.

15 Q And is there a Mrs. Norcisa?

16 A No, sir.

17 Q Have you ever served as a trial juror before, Mr.
18 Norcisa?

19 A No, sir.

20 Q This is your first experience, either civil or
21 criminal jury?

22 A Yes.

23 Q How long have you lived in your present area?

24 A In that area?

25 Q Yes.

26 A About three years.

27 Q Prior to that where did you come from?

28 A Los Angeles. Well, I was not born here; I have

11A-2

1 been here since a kid.

2 Q You spent the greater part of your life in the
3 Los Angeles area; is that correct?

4 A Yes.

5 Q Now, Mr. Morcisa, have you had occasion to study
6 drugs or the effect of drugs on a human body?

7 A No, sir.

8 Q Are you familiar at all with drugs, such as LSD,
9 marijuana, methedrine, barbiturates or amphetamines?

10 A I am not familiar with them, but I have heard the
11 term.

12 Q Yes; I mean, by virtue of reading or perhaps
13 hearing discussions of the effects of these drugs on a body?

14 A Yes, sir.

15 Q And may we assume, then, that in spite of what
16 you may have heard about them or the opinions you may have
17 formed about them, you will be guided solely by what you'll
18 hear in this courtroom about their effects on the body, if
19 we should introduce such evidence?

20 A Yes, sir.

21 Q Now, you have heard us talk about the fact that
22 Mr. Watson had a life style that is probably a lot different
23 than any of ours.

24 Would that, knowing what you have heard about it
25 so far this morning, or perhaps the other days you have been
26 here, cause this defendant any prejudice in your mind?

27 A No, sir.

28 Q Now, there has also been evidence of the fact that --

11A-3

1 there may be evidence of the fact that there were some young
2 girls living in this sort of communal state with Mr. Watson
3 and others.

4 Would that affect you so that you couldn't be
5 fair and impartial to Mr. Watson?

6 A No, sir.

7 Q You realize, do you not, Mr. Norcisa, that we can't
8 control the problem of runaways and we are not going to try
9 that issue here and no matter how we feel about the fact that
10 there are youngsters leaving their families and living in this
11 sort of communal area that that is not to be considered here
12 until you find it to be relevant and material; is that correct?

13 A Yes.

14 Q And if it is not relevant and material to the
15 issue of guilt or innocence -- I am sorry -- guilt or innocence
16 on the trial phase, or the other issues as we get to them,
17 that you are not going to consider that and hold that against
18 Mr. Watson in determining whatever you will --

19 A No, sir.

20 Q -- is that correct?

21 Do you know, Mr. Norcisa, any members of any law
22 enforcement agency that you see fairly regularly?

23 A Not now, but I was married into a family; a
24 brother-in-law who is a Los Angeles policeman and an uncle,
25 Los Angeles policeman; but that's quite a few years ago.

26 Q Was that on your wife's side?

27 A Right, yes.

28 Q Your wife's brother, was it?

11A-4

- 1 A Yes.
- 2 Q And your wife's uncle, who was a police officer?
- 3 A Yes.
- 4 Q Was he also with the Los Angeles Police Department?
- 5 A Right.
- 6 Q And now you say that was some while ago, was it?
- 7 A Yes, sir.
- 8 Q Do you ever see these gentlemen any more?
- 9 A No, sir.
- 10 Q When you did see them would you discuss, perhaps
- 11 casually, the nature of their work in law enforcement?
- 12 A Oh, no, sir.
- 13 Q Well, do you think there is anything about that
- 14 relationship, whatever it might have been, that would force
- 15 you to give more weight to the testimony of a policeman only
- 16 because he is a police officer?
- 17 A Oh, no, sir.
- 18 Q You realize you may have had good or bad experiences
- 19 with policemen and that you don't hold that against them if
- 20 they testify from the stand?
- 21 A No, sir.
- 22 Q You will treat their testimony and evaluate it and
- 23 weigh it just as you would any other witness, in accordance
- 24 with the judge's instructions; is that correct?
- 25 A Yes.
- 26 Q Incidentally, do you recall whether either of those
- 27 gentlemen from the police department were ever involved with
- 28 homicide or any other details such as that?
- A No, sir, not that I know of.

12R1 1 Q Have you, Mr. Norcisa, ever been the victim of
2 any assaultive kind of crime?

3 A No, sir.

4 Q Have you ever witnessed a crime in its commission?

5 A No.

6 Q Have you ever been called upon to testify in a
7 criminal proceeding?

8 A No.

9 Q Do you have any friends, relatives, or close
10 associates who were ever the victims of any assaultive kind
11 of crime?

12 A Not to my knowledge.

13 Q The judge read the definition of reasonable doubt
14 the other day. Do you have any feeling that that is -- that
15 that is requiring the State of California and the prosecution
16 to reach too much of a burden, place too much of a burden
17 on them?

18 A I don't quite understand that.

19 Q Under the theory of reasonable doubt, the defen-
20 dant is presumed to be innocent until such time as his guilt
21 has been satisfactorily explained to you, proven to you, and
22 the burden is on the People to prove that beyond a reasonable
23 doubt and to a moral certainty.

24 Do you think that in a murder case that is asking
25 too much of the prosecution?

26 A No, sir.

27 Q You don't feel that in the case of murder, as
28 distinguished from any other kind of a crime, the prosecution

2

1 ought to produce any lesser or smaller quantity of evidence?

2 A I still don't quite understand what you mean.

3 Q Is there anything about the general subject matter
4 of a murder case that causes this defendant any prejudice in
5 your mind?

6 A Oh, no, sir.

7 Q Do you think you could sit as a juror in a murder
8 case with the same ease as you could in any other kind of a
9 case?

10 A With the same ease?

11 Q Yes. I want to make sure that there is no emotional-
12 ism that attaches to your service?

13 A No.

14 Q As a juror, because it is in a murder case?

15 A No.

16 Q There are some people that say, "Yes, I don't mind
17 sitting on a robbery case or burglary case, but I don't think
18 I can sit emotionally on a murder case."

19 A Emotions, no, but I don't treat them the same, is
20 what I am trying to say, as opposed to a traffic ticket.

21 Q You mean because of the consequences of what you
22 are doing here?

23 A Yes.

24 Q But there is nothing in your state of mind that
25 makes you believe you cannot be a fair and impartial juror to
26 both sides, even in a murder case?

27 A No, sir.

28 Q And this defendant, of course, has the right to

3
1 have you reflect on the testimony and reach whatever deter-
2 mination you will, based solely on your individual opinion.
3 Will you do that?

4 A Yes.

5 Q And may we assume that you won't change your position
6 just because it is a matter of convenience?

7 A Oh, yes.

8 Q That if you are going to change whatever position
9 you hold, you are going to do it because you have been con-
10 vinced that your original position is wrong, and you ought to
11 change it?

12 A Right.

13 Q And you won't do that for any other reason; is that
14 correct?

15 A That is correct.

16 MR. BUBRICK: This would be a good time, your Honor?

17 THE COURT: Ladies and gentlemen of the jury, we will
18 recess at this time until 1:30.

19 Again, during the recess, do not form or express
20 any opinion in this case. Do not discuss among yourselves,
21 or not let anyone else talk to you about this case and keep
22 your minds open, please. 1:30.

23 (The jury left the courtroom, and the follow-
24 ing proceedings were had outside their presence:)

25 THE COURT: All right. The jury is gone, Mr. Kay. What
26 is on your mind?

27 MR. KAY: Yes, your Honor. I have a question. I must
28 admit that I have researched the issue and I haven't found

4
1 the answer and the question is whether or not in the sanity
2 phase of the trial, since the burden of proof is a civil
3 burden, preponderance of evidence, is a unanimous verdict on
4 the part of the jury required?

5 THE COURT: Yes. That is my understanding.

6 MR. BUBLIOSI: I believe that is the law, your Honor.

7 MR. KAY: The code doesn't say and Witkin doesn't say.

8 THE COURT: Well, by experience, we know that a unanimous
9 verdict is required.

10 MR. KAY: That is good enough for me.

11 (Noon recess.)

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LOS ANGELES, CALIFORNIA, WEDNESDAY, AUGUST 4, 1971; 1:30 P.M.

^ ^ ^

THE COURT: People against Watson.

Let the record show all jurors and all counsel are present. The defendant is present. Mr. Bubrick, you may proceed.

ODELIO NORCISA (RESUMED)

BY MR. BUBRICK:

Q Thank you.

Mr. Norcisa, I want to make sure that you realize that where a crime will be described by the court in an instruction, and that the court will tell you that there are several parts to the crime, in other words, there are certain elements to the crime, that you will follow the court's instructions so far as each and every element of the crime is concerned.

A Yes.

Q Do you understand what I mean?

A Yes.

Q In other words, if the judge says that the crime of murder involves one, two, three and four, that in order to make a finding you have to find that all four parts of that crime were present, otherwise the people have failed to establish it beyond a reasonable doubt.

Does that make sense to you?

A Yes.

14-2

1 Q We have also mentioned this morning that in the
2 guilt or innocence trial, the first of the phases of these
3 proceedings, it is quite possible and there will be evidence
4 of diminished capacity.

5 Do you realize and will you, Mr. Norcisa, knowing
6 yourself as you do, find this defendant guilty of something
7 other than first degree murder if you find that this defendant
8 could not and did not, for example, premeditate.

9 Would you do that?

10 A Yes.

11 Q And do you realize that you must find in the
12 issue of diminished capacity that this defendant could and
13 did premeditate, for example, and you must find that beyond a
14 reasonable doubt and to a moral certainty.

15 Will you do that?

16 A Yes.

17 Q Will you unless you are satisfied beyond a reason-
18 able doubt and to a moral certainty that this defendant could
19 deliberate and did deliberate, that you will return something
20 other than first degree murder?

21 A Yes.

22 Q And will you find, if you will, beyond a
23 reasonable doubt -- or if you find beyond a reasonable doubt
24 that this defendant could not and did not reflect on the
25 gravity of his contemplated act, return something other than
26 first degree murder?

27 A Yes.

28 Q Will you do that, Mr. Norcisa, even though as an

1 adult you may have some feelings other than are reflected by
2 the evidence?

3 A Yes.

4 Q You realize from everything we have been saying
5 here that you must return whatever verdict your heart and
6 conscience tells you to do based solely on what you hear here
7 in the courtroom?

8 A Right.

9 Q Let me ask you just a few questions, if I may,
10 please, about the general field of psychiatry.

11 Do you know anybody near or dear or close to you
12 who has ever gone to a psychiatrist?

13 A No, sir.

14 Q Have you ever studied psychiatry or I should say
15 psychology in college or elsewhere?

16 A No.

17 Q Do you have any close associates that you know of
18 who have ever studied psychology in school?

19 A No.

20 Q Do you know of anybody through work or other
21 associations that has ever gone to a psychologist?

22 A No.

23 Q Do you have a feeling, Mr. Norcisa, that psychiatry
24 and psychology have a place in modern day society?

25 A Yes.

26 Q Do you have any sort of feeling or attitude about
27 the general field of psychology or psychiatry that makes you
28 feel you would not be open and receptive to such a discussion

1 in the courtroom?

2 A No.

3 Q How about the subject matter of drugs? Do you
4 have such a feeling about the general subject of drugs that
5 if you find that Mr. Watson took drugs voluntarily that you
6 would not listen to any psychiatric testimony about his mental
7 condition because of that voluntary act on his part?

8 A No.

9 Q Even though you may have personal feelings about
10 a person who takes drugs voluntarily and commits a crime, will
11 you nevertheless be guided by what the court says you may do
12 with respect to voluntary ingestion of drugs and the degree of
13 a crime?

14 A You lost me on that.

15 Q I didn't mean to do that.

16 If the court, for example, tells you that if a
17 person voluntarily takes drugs and it affects his mental
18 capacity you may nevertheless consider that voluntary ingestion
19 in determining the degree of the crime he is guilty of?

20 A Yes.

21 Q You see the thing I want to make sure of is that
22 you are not going to disregard instructions because they permit
23 you to consider something less than first degree murder, even
24 though Mr. Watson took drugs voluntarily.

25 A Yes.

26 Q What I want to avoid, if possible -- I am sure both
27 sides do -- is that one doesn't just blanketly say anybody
28 who takes drugs voluntarily just got to be responsible for

1 everything he does and I don't care what the law says on the
2 subject.

3 A Nothing like that.

4 Q That is what I was groping for and I want to make
5 sure that you will treat this however you choose to do it
6 knowing that you have this wide spectrum.

7 A Yes.

8 Q If you had somebody dear, near or close to you,
9 Mr. Norcisa, would you hesitate to send that person to a
10 psychiatrist if you thought they were mentally ill?

11 A No.

15

15R-1

1 Q And would you be willing to abide by the psychiat-
2 ric evaluation, if you thought it was a proper one?

3 A Certainly, sir.

4 Q Now, let me talk for a moment to you about the
5 death penalty. Do you have a feeling, Mr. Narcisa, that every
6 person who commits a first degree murder, as we have defined
7 it, must be punished by death?

8 A No, sir.

9 Q Do you have that feeling if the person commits
10 more than one first degree murder at the same time?

11 A No, sir.

12 Q May we assume, then, that you will consider all
13 factors in determining which of those two punishments you are
14 going to impose?

15 A Definitely.

16 Q Have you thought, Mr. Narcisa, about conditions
17 under which you thought a person should automatically get a
18 death penalty?

19 A No, it hasn't crossed my mind.

20 Q Have you, conversely, ever thought about condi-
21 tions under which a person should automatically get a life
22 sentence?

23 A Not really.

24 Q Now, about this matter of pre-trial publicity, we
25 appreciate that anybody who has lived in this area, must have
26 heard of the Tate-La Bianca killings.

27 Based on what you may have read or heard or seen
28 on television, Mr. Narcisa, and plus what you may know about

15R 2

1 these killings, as a result of your presence here in this
2 courtroom, do you have any attitude at all or any feeling at
3 all about Mr. Watson's guilt or innocence at this moment?

4 A None whatsoever.

5 Q Do you have any feeling that the person who travels
6 with a group should be punished the way the entire group is
7 punished?

8 A No.

9 Q Do I understand that to mean that knowing as you
10 do that Mr. Manson and the girls who were tried in the Tate-
11 La Bianca murder case received the death penalty, you will,
12 nevertheless, treat Mr. Watson as an individual?

13 A Correct.

14 Q And you will assess whatever punishment you will,
15 or make whatever findings you will, based solely upon what
16 you know the evidence to be, so far as he is concerned?

17 A Right.

18 Q And Mr. Watson at this moment suffers no prejudice
19 in your mind by virtue of the fact that he is here to stand
20 trial?

21 A No, sir.

22 Q All right, Mr. Norcisa, can you think of any
23 reason, whether I have touched on it or not, by virtue of
24 anything that you may have heard or has been suggested to you,
25 that leads you to believe you can't be fair and impartial to
26 both sides?

27 A No, sir.

28 Q I take it you have no feelings about not wanting

3
1 to serve on this particular jury with this particular charge?

2 A No, sir.

3 MR. BUBBICK: Pass for cause.

4 Thank you.

5 THE COURT: Mr. Kay?

6 BY MR. KAY:

7 Q Good afternoon, Mr. Norcisa.

8 A How do you do.

9 Q Mr. Norcisa, do you think you understand at this
10 point the three phases this trial might take?

11 A I understand the first one; that's clear in my
12 mind. The others, I don't understand yet.

13 Q All right, I won't discuss the first one with you,
14 then, in this brief review.

15 The second phase of the trial, that's where we
16 determine the question of whether or not Mr. Watson was sane
17 or insane at the time the Tate-La Bianca murders were committed.

18 Now, if Mr. Watson is convicted of anything at the
19 first trial, first degree murder, second degree murder, volun-
20 tary or involuntary manslaughter, we'll go to the second phase.

21 You understand that?

22 A Yes.

23 Q Now, and you understand that at the first phase
24 of the trial, the issue doesn't come up as to whether or not
25 Mr. Watson was sane or insane at the time the Tate-La Bianca
26 murders were committed.

27 Do you understand that?

28 A Yes; just like I say, I understand the first part

4
1 of it.

2 Q Okay. Now, in the second phase of the trial,
3 the burden is on the defense.

4 Do you understand that?

5 A Yeah.

6 Q Do you think it is unfair to place a burden on
7 the defense at the penalty phase of the trial?

8 A No, sir.

9 Q All right, and you understand that the burden
10 that they have in the sanity phase of the trial is a burden
11 of proving that Mr. Watson is insane by preponderance of the
12 evidence.

13 Now, that is different than the reasonable doubt
14 standard at the guilt phase. A preponderance of the evidence,
15 which is when the evidence that the defense presents, when
16 weighed with the evidence opposed to the defense evidence, has
17 a greater possibility of truth.

18 In other words, that you believe it more -- more
19 than 50 percent. If the defense evidence is 50 percent over
20 or under, they don't meet their burden, and you have to find
21 that Mr. Watson was sane.

22 Do you understand that?

23 A I think I do.

24 Q All right, and do you have any quarrel with that?

25 A No, sir.

26 Q Now, you understand that at the sanity phase of
27 the trial we are dealing with a precise definition of what
28 legal insanity is.

3
1 Judge Alexander has read that definition to you.
2 Did you hear him when he read the definition?

3 A Yes, I did.

4 Q And do you have any quarrel with that definition?

5 A No, sir.
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1 Q So, in other words, if you felt that at the time
2 of the Tate-La Bianca murders if Mr. Watson understood what
3 he did was wrong, you won't have any hesitation in finding
4 that he was insane at that time, would you?

5 A None whatsoever.

6 Q Now, you realize that a person may be mentally
7 ill or mentally abnormal and still not be legally insane.

8 Do you understand that?

9 A Come again on that one.

10 Q Okay.

11 A defendant may be mentally ill and mentally
12 abnormal, and still not be legally insane.

13 Do you understand that?

14 A Yes.

15 Q In other words, to be legally insane the defendant
16 has to come within that precise narrow definition of what
17 legal insanity is.

18 If he doesn't come within that definition, even
19 if you think he is an odd fellow and there must be something
20 mentally wrong with him, he is not legally insane.

21 Do you understand that?

22 A Yes, sir.

23 Q Now, have you formulated any opinion at this point
24 as to Mr. Watson's sanity at the time of the crimes?

25 A No, sir.

26 Q Now, do you feel that just because Mr. Watson has
27 entered a plea of not guilty by reason of insanity that there
28 must be some validity to that plea?

15A-2

1 In other words, that he must have had something
2 mentally wrong with him at the time of the murders or he
3 wouldn't have entered that plea?

4 Do you feel that way?

5 A No, sir; that's not for me to decide.

6 Q In other words, you understand that defendants
7 enter certain pleas --

8 A Yes.

9 Q -- in order for you to find that Mr. Watson was
10 insane at the time of the Tate-La Bianca murders, the defense
11 is going to have to prove that to you by a preponderance of
12 the evidence?

13 A Right.

14 Q And do you know any psychologists or psychiatrists?

15 A No, sir.

16 Q Do you have any quarrel with the fact that in this
17 courtroom, at both the sanity phase and the guilt or innocent
18 phase -- at the guilt or innocent phase, in determining the
19 question of diminished capacity; at the sanity phase, of
20 determining the question of whether he was sane or insane at
21 the time of the murders; that it is the jury that makes the
22 decision, 100%?

23 Do you have any quarrel with that?

24 A No, sir.

25 Q In other words, it is the jury and not the
26 psychiatrists that make that determination?

27 A Yes, sir.

28 Q Now, you realize that if you find the opinion of

15A-3

1 a psychiatrist to be unreasonable, that you can reject that
2 opinion; do you realize that, sir?

3 A Yes, sir.

4 Q And, however, if, considering all the facts of the
5 case, if you find that the psychiatrist's opinion is
6 reasonable, I take it that you would consider his opinion.

7 A Definitely.

8 Q And at the sanity phase of the trial do you realize
9 that you base your verdict in that phase, in that second phase,
10 on all the evidence that is presented, not just the psychiatric
11 testimony?

12 A Right.

13 Q In other words, in the first stage of the trial,
14 in the guilt or innocent stage, people will be testifying,
15 presumably, to what Mr. Watson's actions on the nights of the
16 murders were,

17 You would take those into consideration during
18 the sanity phase, would you not?

19 A Yes.

20 Q Have you ever read any books or articles on the
21 field of psychiatry or psychology?

22 A No, sir.

23 Q Have you had any interest in the field whatsoever,
24 up to this point?

25 A Not really.

26 Q Now, if the defense psychiatrists and the
27 prosecution psychiatrists take the witness stand and disagree
28 as to whether or not Mr. Watson had diminished capacity or

1 whether or not he was sane or insane at the time of the
2 crimes, do you think for this reason alone, the fact that they
3 disagreed, that that means that there is a reasonable doubt
4 as to whether or not he had diminished capacity, for instance,
5 just because the psychiatrists disagree?

6 Do you think that that means that there is a
7 reasonable doubt?

8 A What they disagree on? I don't quite understand.

16

16R-1

1 Q Say they take the stand in the guilt phase of the
2 trial and the defense psychiatrists say, for example, that
3 Mr. Watson had diminished capacity.

4 And the prosecution psychiatrists in rebuttal take
5 the stand and they say that Mr. Watson did not have diminished
6 capacity at the time of the murders.

7 Now, do you think just because there is a dis-
8 agreement in the psychiatric testimony that that therefore
9 necessarily means that there is a reasonable doubt and that
10 you have to find that Mr. Watson had diminished capacity?

11 A I would have to weigh it out, I would say.

12 Q You understand you can base your opinion on other
13 things besides the psychiatric testimony.

14 As a matter of fact, you are required to take
15 into consideration all the evidence, not just the psychiatric
16 testimony, do you understand that?

17 A Yes. That is what I am going to do. I would have
18 to, whatever the evidence, you know, the whole thing.

19 Q So if there is a conflict in psychiatrists, that
20 doesn't mean in your mind necessarily that there is a reason-
21 able doubt, because you have other evidence to look at; is
22 that correct?

23 A I don't blank my mind out from other things, is
24 what I am trying to say. I just can't go on that alone.

25 Q In other words, you wouldn't just look at the
26 psychiatric testimony?

27 A No, sir.

28 Q Before you came into this courtroom, Mr. Norcisa,

2
1 did you think about the death penalty?

2 A No, sir.

3 Q Can you conceive of a situation in your mind where
4 the proper penalty for a crime would be death?

5 A That is a hard question to answer. I cannot
6 conceive that in my mind really. Then, again, I can. I
7 don't know.

8 Q Well, have you ever determined in your own mind
9 whether you could impose the death penalty?

10 A No, I haven't.

11 Q You haven't decided that question?

12 A No.

13 Q Are you in favor of the death penalty?

14 A I am sort of undecided about it.

15 Q In other words, if a pollster came up and asked
16 you whether or not you were in favor of retaining the death
17 penalty in California, or whether you wanted it abolished,
18 you would say, "I am undecided"?

19 A No, I think I would vote for it.

20 Q You would vote for it?

21 A Yes. I think it has its place. For me to say
22 how I feel right now, I can't quite answer that question, but
23 I think I would vote for it, if it was on the ballot.

24 Q Now, you realize that in the death penalty phase
25 of the trial, that each juror has to personally participate.

26 In other words, there cannot be a verdict of
27 death, unless it is a unanimous verdict. In other words, all
28 12 jurors must agree.

1 Do you understand that?

2 A Yes.

3 Q And realizing that you have to personally partic-
4 ipate and that Mr. Pappas here, if the jury does come back
5 with a death verdict, he'll poll each individual juror at the
6 request of the defense and ask each juror if that is his
7 verdict and if it is his verdict, they will have to answer
8 "Yes."

9 Would you have the courage to personally participate
10 by saying, "Yes, that is my verdict," if it is your verdict?

11 A If it is my verdict, yes.

12 Q Now, if you would look at Mr. Watson for a moment.
13 Now, adjust yourself about eight weeks from now to the end
14 of September.

15 After looking at Mr. Watson day after day in this
16 courtroom over a period of eight weeks, could you come back
17 in the third stage of the trial and tell Mr. Watson in the
18 form of a verdict, if you felt the evidence warranted it, that
19 he must die for the crimes that he has committed?

20 A If the evidence warranted.

21 Q You feel that you would have the courage to do
22 that?

23 A Yes, I think so.

24 Q Now, knowing that if you convicted Mr. Watson of
25 first degree murder or conspiracy to commit murder at the
26 first stage of the trial, and then at the second stage you
27 found that he was sane, that you would have to determine the
28 issue of capital punishment, in other words, whether Mr. Watson

4
1 was to live or die, would you consider voting for second degree
2 murder at the first stage of the trial, or vote that Mr. Watson
3 was insane at the time of the murders, in order to avoid the
4 responsibility of facing the issue of whether Mr. Watson should
5 live or die in the first phase?

6 A You lost me there, Counsel.

7 Q Would you consider -- and that is the main point --
8 would you consider finding Mr. Watson guilty of a lesser
9 offense at the first stage, like second degree murder or man-
10 slaughter, or consider finding that he was insane in the second
11 phase of the trial, in order to avoid the responsibility of
12 facing the issue of capital punishment at the third stage?

13 A No.

14 Q You understand that the only way we get to the
15 third stage of the trial, is if Mr. Watson is convicted of
16 first degree murder, or conspiracy to commit murder at the
17 first phase of the trial, and that he is found sane at the time
18 of the murders in the second stage; do you understand that?

19 A Yes. I understand that.

20 Q Do you feel that you have any moral or religious
21 belief which you presently hold that would prevent you from
22 voting for the death penalty?

23 A No.

24 Q Have you ever expressed the opinion, ever in your
25 lifetime, have you expressed the opinion that you were against
26 the death penalty, that capital punishment should be abolished?

27 A No.

28 Q Do you have any close friend or relative who opposes

5
1 the death penalty, who you feel, if you were seated as a juror
2 in this case, might try and sway you to vote for life in the
3 third stage of the trial?

4 A No.

5 Q You understand that at the third stage of the
6 trial, that it is within the sole discretion of the jury as
7 to whether or not Mr. Watson should live or die.

8 The judge doesn't instruct you on what you should
9 find, in order to impose the death penalty, or what you
10 shouldn't find in order to impose life. It is up to the
11 absolute discretion of the jurors.

12 Do you understand that?

13 A Yes, I do.

14 Q Can you think of any reason why you could not,
15 or should not, sit on this jury?

16 A No.

17 Q Is it your firm position that the People who
18 Mr. Bugliesi and I represent are entitled to just as fair a
19 trial as is the defense?

20 A Yes.

21 Q Do you feel any sympathy as you sit there now for
22 Mr. Watson, because he is a defendant in this case?

23 A No, sir.

24 Q You understand at the first phase of the trial
25 that the legal burden that the prosecution has is proving
26 Mr. Watson guilty beyond a reasonable doubt; do you understand
27 that?

28 A Yes.

6
1 Q And you understand that that is the only burden
2 that the prosecution has, that we don't have the burden of
3 proving him guilty to an absolute certainty or beyond all
4 doubt.

5 Do you understand that?

6 A Yes.

7 Q And are you willing to follow the Judge's instruc-
8 tions on reasonable doubt?

9 A Yes.

10 Q And you understand that reasonable doubt and what
11 I am saying -- the distinction between that and absolute
12 certainty, the fact that we don't have to prove him guilty to
13 an absolute certainty, or beyond all doubt -- that applies
14 to, as Mr. Bubrick was talking about, to the elements of first
15 degree murder.

16 In other words, we don't have to prove to an
17 absolute certainty that he premeditated.

18 We don't have to prove to an absolute certainty
19 that he deliberated, that he had the intent to kill.

20 Do you understand that?

21 A Yes.

22 Q Have you ever studied law?

23 A No.

24 Q You said that you knew Mr. Shinn. I take it that
25 you know that Mr. Shinn represented Susan Atkins at the first
26 trial?

27 A I don't know who he represented. I don't know
28 nothing about the Manson case. I just know the man.

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Q When was the last time that you saw Mr. Shinn?

A Oh, I guess it must have been about eight years ago.

Q Eight years ago?

A Yes.

Q Do you have any friends or relatives that are involved in the defense of criminal cases, such as defense attorneys or private investigators?

A No, sir.

Q Would you give any less weight to the testimony of a witness because that witness is a police officer?

A No, sir.

Q In other words, do you feel any bias or prejudice to any degree whatsoever against police officers?

A No, sir.

Q In this case we're going to have both direct and circumstantial evidence. If his Honor instructs you that direct evidence and circumstantial evidence are entitled to exactly the same weight, that one is not favored over the other, would you follow that instruction?

A Yes, definitely.

16af.

#16A

1 Q Do you understand the distinction between direct
2 and circumstantial evidence?

3 A I think so.

4 Q All right.

5 Basically -- I will give you a real brief example
6 and then I will ask you if you will follow the court's
7 instruction.

8 Say, for instance, that you wanted to prove that
9 at some time or another in my lifetime that I held a pen in
10 my hand.

11 Now, you see I am holding a pen. That is direct
12 evidence. You see it.

13 A Yes.

14 Q Now you don't see it. However, you see this legal
15 pad, I have some writing on that.

16 Now, if you had an expert come in and say, "That
17 is Mr. Kay's writing and that is in ink and he couldn't have
18 written that with his foot holding the pen in his foot,"
19 that is circumstantial evidence that in sometime in my life
20 I have had a pen in my hand.

21 A Yes.

22 Q Do you understand that?

23 A Yes.

24 Q And you understand that both circumstantial and
25 direct evidence are entitled to the same weight in the eyes of
26 the law?

27 A Yes.

28 Q And you have no quarrel with that?

16A-2

1 A No.

2 Q Have you ever heard of Linda Kasabian?

3 A I have heard of her.

4 Q Have you formulated any opinion about Linda
5 Kasabian?

6 A No.

7 Q Other than in this courtroom have you heard the
8 term helter skelter?

9 A Yes.

10 Q You understand that in the first phase of the case,
11 the guilt or innocent phase, in proving whether or not a
12 defendant is guilty beyond a reasonable doubt, that the
13 prosecution has no burden of proving the motive for the
14 murders.

15 Do you understand that?

16 A Yes.

17 Q But if we do introduce evidence of a motive --
18 Mr. Keith has talked about helter skelter -- we don't remember
19 if Mr. Bubrick has -- but if we do, this is something that you
20 can take into consideration.

21 Do you understand that?

22 A Yes.

23 Q And if you find that there was a motive for the
24 murders this might tend to establish the guilt of the
25 defendant.

26 Do you understand that?

27 A Yes.

28 Q Is there any question that I haven't asked you

16A-3

1 that you feel would be important for me to know in making a
2 decision as to whether or not to accept you as a juror in this
3 case?

4 A Not that I know of.

5 Q You understand that at any time you have any
6 questions about what any of the counsel are saying feel free
7 to raise your hand and clarify it?

8 A Oh, yes.

9 MR. KAY: Thank you. I have no further questions.

10 THE COURT: The next challenge is with the people.

11 MR. BUGLIOSI: The people challenge, thank and excuse Mr.
12 Siam.

13 THE COURT: Thank you, Mr. Siam. You may be excused.

14 THE CLERK: Kenneth R. Morgan, M-o-r-g-a-n.

15
16
17 KENNETH R. MORGAN

18 BY THE COURT:

19 Q Mr. Morgan, let me ask you: Can you give us the
20 two months' time to try this case?

21 A Yes.

22 Q Let me ask you your views toward the death
23 penalty. Are your views such that you would automatically
24 vote against the death penalty regardless of what may be
25 developed in this case?

26 A No.

27 Q Would you automatically vote for life imprisonment
28 regardless of what might be developed in this case?

A No.

16A-4

1 Q Do you understand the people are asking the death
2 penalty and should we come to the third phase of this case --

3 A Yes.

4 Q -- you and you alone will determine what the penalty
5 is to be imposed, either death or life?

6 A Yes, sir.

7 Q Now, we have no guidelines. That will be up to you.

8 A Yes.

9 Q You heard me tell you that a defendant is presumed
10 to be innocent?

11 A Right.

12 Q And the burden rests with the prosecution to prove
13 him guilty beyond a reasonable doubt?

14 A Yes, sir.

15 Q You heard me tell you this defendant has been
16 indicted for seven counts of murder and one count of conspiracy
17 to commit murder?

18 A Yes.

19 Q The fact that the Grand Jury of this county has
20 indicted him for these charges is no indication that he is
21 more likely to be guilty than innocent.

22 A I understand.

17

#17

1 Q You see, by filing these charges and the entering
2 of a plea, that is the means we have of bringing him to trial
3 and you determining the guilt or innocence.

4 A Yes.

5 Q And the mere fact that a defendant has entered a
6 plea of not guilty and not guilty by reason of insanity, is
7 no indication that he is innocent or that he is insane.

8 You understand that?

9 A Yes, sir.

10 Q That is his plea.

11 However, he is presumed to be innocent; do you
12 understand that?

13 A Yes, sir.

14 Q Now, you are the sole and exclusive judges of the
15 facts in this case.

16 You are the sole and exclusive judges of the
17 credibility of the witnesses who testify in this case.

18 I take it you have heard of the Manson trial and
19 the Tate-La Bianca case?

20 A I have.

21 Q Now, you know this defendant Watson was not a
22 defendant in that case.

23 A Yes, sir.

24 Q So, are you willing to set aside anything and
25 everything you heard about that case and decide this
26 defendant's guilt or innocence based only upon the evidence
27 you hear in this case and the law as I shall state it to you?

28 A Yes, sir.

17-2

1 Q Have you sat as a juror before, sir?

2 A No, sir.

3 Q You heard the list of names read by Mr. Bugliosi
4 yesterday of the doctors --

5 A Yes, sir.

6 Q Did any of them sound familiar to you?

7 A None.

8 Q How about the list of lawyers?

9 A No.

10 Q How about the present attorneys that are here,
11 do you know any of them?

12 A Never have seen them before.

13 Q Now, Mr. Morgan, you heard many, many questions
14 put to our prospective jurors --

15 A Right.

16 Q -- you know that both sides are trying to get a
17 jury here that will be fair to the people and fair to the
18 defendant --

19 A Yes, sir.

20 Q -- and decide this issue based only upon the
21 evidence in this case?

22 A Yes.

23 Q Can you be such a juror?

24 A I think I can, yes. I honestly believe I can.

25 Q Do you know of any reason at all why you would
26 not want to sit as a juror in this case and why you could not
27 sit as a juror in this case?

28 A No, sir, none that I know of.

17-3

1 Q Now, as I have said, you heard many questions put
2 to our prospective jurors.

3 Other than those that are personal, if asked the
4 same questions as the other jurors were asked, would your answers
5 be substantially the same as those given by the other jurors?

6 A Yes, sir.

7 Q Now, no doubt, as counsel have said, when you
8 heard questions asked the jurors you reflected in your own
9 mind --

10 A Right.

11 Q -- and in your own mind you answered the questions?

12 A Yes, sir.

13 Q Is there any question that you would have answered
14 differently?

15 A None.

16 THE COURT: Gentlemen?

17 Mr. Keith, you may proceed.

18 Q BY MR. KEITH: Mr. Morgan, in the light of your
19 answers to his Honor, I will be brief.

20 A Okay.

21 Q But I must ask a few personal questions because,
22 of course, a blanket question such as his Honor asked can't
23 be answered by you without specific inquiry of you.

24 What is your business or occupation, sir?

25 A I am a letter carrier for the post office.

26 Q And how long have you been employed in that
27 occupation?

28 A Well, I have been with the post office six years;

17-4

1 I just changed over to letter carrier.

2 Q And what was your occupation before being a
3 letter carrier?

4 A I was a clerk with them.

5 Q Pardon me?

6 A I was a clerk with them.

7 Q With the post --

8 A Post office.

9 Q You had been with the post office for many, many
10 years?

11 A Six years.

12 Q But before that six-year period, what did you do?

13 A Managed a jewelry repair concession.

14 Q And did you do that for a number of years?

15 A About eight years.

16 Q What part of this county do you reside in,
17 generally, without giving me the street address?

18 A It is the northeast; Highland Park area.

19 Q Is there a Mrs. Morgan?

20 A Yes, sir.

21 Q And is she employed outside the home?

22 A No, she is a housewife.

23 Q Has she ever been?

24 A Yes, up till three years ago.

25 Q And what did she do?

26 A She was an audit clerk with J. C. Penny Company.

27 Q Audit clerk?

28 A Yes, sir.

17-5

1 Q Do you have children, sir?

2 A One child, a boy.

3 Q And how old is he?

4 A He will be eight this month.

5 Q That is what I thought you said, but I wasn't
6 sure.

7 Have you ever been a witness in a court of law?

8 A No, sir.

9 Q Have you ever, either you or your wife or anybody
10 near or dear to you, ever been involved in a crime of
11 violence, as a victim?

12 A No, sir.

13 Q Do you number among your close friends any members
14 of law enforcement?

15 A No, sir.

16 Q Itake it none of your relatives are in that field.

17 A I have a cousin back in Ohio, that's about all.

18 Q You don't --

19 A I don't even --

20 Q -- communicate with him?

21 A I have been here ten years and I have never written
22 to him, even.

23 Q Are you from Ohio originally?

24 A Yes.

25 Q And how long have you lived in this area?

26 A A little better than 10 years.

27 THE COURT: I take it you don't get stamps wholesale?

28 MR. MORGAN: No, I'm afraid not.

1 Q BY MR. KEITH: Do you know anybody that has ever
2 visited a psychiatrist?

3 A Yes, sir, my wife.

4 Q And was this for an extended period of time --
5 I'm sorry to make this inquiry, which is rather personal.

6 A She is there right now.

7 Q And I gather that that particular psychiatrist is
8 not one of those that --

9 A No.

10 Q -- from the list that Mr. Bugliosi read to us?

11 A No, it is with the --

12 Q You don't have to tell us, so don't worry about it.

13 A Okay.

14 Q And do you believe that your wife is being helped
15 by the --

16 A Definitely.

17 Q -- psychiatrist which she is going to?

18 A Definitely.

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1 Q I take it, it is rather obvious that you have no
2 objection to psychiatrists, nor are you prejudiced against
3 them --

4 A No, sir.

5 Q -- as such?

6 A No, sir.

7 Q We all realize that there are good psychiatrists
8 and bad psychiatrists, but you have no blanket opinion --

9 A No.

10 Q -- regarding their lack of competency, let's say?

11 A No.

12 Q As a matter of fact, if anything, I dare say your
13 opinion is to the contrary?

14 A Pretty much so; I have run into a bad one, too,
15 in her case.

16 Q Is this the result of a personal encounter --

17 A Yeah, in a sense -- he didn't do her any good,
18 let's put it that way.

19 Q Oh, I see; he's not one of those people --

20 A No.

21 Q -- on the list that Mr. Bugliosi --

22 A No, no.

23 Q And do you consider the psychiatrist that your
24 wife is now attending a personal friend of yours?

25 A Never. It is a lady and I have never met her,
26 it is just a --

27 Q Well, what I was getting at, do you discuss
28 psychiatric matters with her?

2

1 A No.

2 Q Matters involving the mind?

3 A This is a therapy group that she goes to.

4 Q It is obvious, then, that you feel that the art of

5 psychiatry, let's put it that way, plays an important function

6 in our lives?

7 A Yes.

8 Q Mr. Morgan, there has been so much discussion

9 about the problem or issue of diminished capacity or respon-

10 sibility.

11 Are you now totally confused or, as a result of

12 this plethora of words that have been bombarding us --

13 A I don't think I am --

14 Q -- or do you understand?

15 A I believe I do.

16 Q Let's say, understand the concept?

17 A Yes.

18 Q And you understand it is the concept that will be

19 an issue in the guilt or innocence phase?

20 A Yes, sir.

21 Q As opposed to the sanity phase, if the sanity

22 phase is reached?

23 A Yes.

24 Q And the concept or doctrine of diminished respon-

25 sibility is concerned with a person's mental condition,

26 regardless of what caused it, mental illness, brain damage,

27 intoxication, psychosis, drug-induced psychoses, what have

28 you, there are a million things that could cause a person to

3
1 be less responsible for his acts than a normal person, and
2 this is an issue in the guilt phase?

3 A Yes, sir.

4 Q And it bears on a person's mental condition,
5 although it doesn't go as far as insanity, right out insanity,
6 as the law defines that term.

7 A Yes, sir.

8 Q Will you listen to testimony bearing on diminished
9 responsibility and keep an open mind and consider it for
10 whatever value or whatever weight you believe it deserves?

11 A Yes, sir.

12 Q And you understand by now, I dare say, that this
13 doctrine isn't proven or disproven alone by psychiatric
14 evidence; the witnesses may give us some information on the
15 subject, the facts and circumstances surrounding the events
16 may give us some information bearing on this subject, the
17 defendant, himself, may; just the very manner in which he
18 lived and conducted himself, may be circumstantial evidence
19 of his capacity or responsibility to premeditate or harbor
20 malice afore-thought, or specific contempt.

21 I haven't confused you, have I -- Oh, hopefully,
22 I haven't?

23 A Well, yes, to a point you confused me.

24 I don't know what kind of an answer to give you
25 now; I understood you up to a point.

26 Q I wasn't really expecting an answer. I was really
27 expatiating on a subject.

28 I really hadn't asked you a question; I just said,

4
1 "Do you understand what I am talking about?"

2 A I believe I do, yes.

3 Q All right. Now, you have told his Honor -- we
4 have asked questions about the abuse and use of drugs and
5 about Mr. Watson's life style and about who Manson is and the
6 communal way of life that was conducted at Spahn Ranch and
7 elsewhere, of which Mr. Watson was a part; and I dare say,
8 you won't be prejudiced against Mr. Watson, if the evidence
9 tends to show he was involved in that kind of a life?

10 A No, I wouldn't be.

11 Q Simply because he was so involved?

12 A No, sir.

13 Q You understand that drugs may have a very signif-
14 icant role to play in this case?

15 A Yes, sir.

16 Q But you are not going to deny Mr. Watson the
17 benefit of his defense and his testimony, simply and only
18 because he was a heavy and extensive user of drugs, if the
19 evidence so shows?

20 A No, sir.

21 Q You may find, to use a colloquial expression,
22 that Mr. Watson was a dope fiend.

23 Are you just going to cast him aside because you
24 may so find and not listen to anything else?

25 A No, sir.

26 Q As a matter of fact, that may have a considerable
27 bearing on certain issues in this case, if you so find; is
28 that correct?

5
1 A Right.

2 Q We don't know yet, but it might.

3 But, if it does, you'll consider it for whatever
4 weight you deem it deserves?

5 A I will.

6 Q By the way, I am referring to his use of drugs --

7 A Yes, sir.

8 Q -- do you have any preconceived idea at the present
9 time, whether or not the use of drugs can or might have a
10 seriously adverse effect upon the workings of somebody's mind
11 -- just yes or no, you don't have to expound on the subject.

12 A I'm sorry, I don't --

13 Q Do you have an opinion or preconceived idea now,
14 as you sit there, whether or not the use of drugs might or
15 may have a seriously adverse effect upon the functioning of
16 one's mind?

17 A I would say, yes.

17bF.

#17B

1 Q Now, on the subject of publicity, have you formed
2 -- I believe you told his Honor that you have no opinion about
3 whether Mr. Watson is guilty or innocent --

4 A No.

5 Q -- as you sit there now.

6 A That's correct.

7 Q You realize what happened in that Manson case --

8 A Only from what I have heard in the courtroom.

9 Q You didn't know what the outcome of that case was
10 before you got into court this week?

11 A I did not.

12 I knew it was in progress and, as near as I can
13 figure in my own mind, I must have been out of town when the
14 decision was made.

15 Q Well, you are telling us that you didn't take any
16 interest in that case through the news media --

17 A No, sir.

18 Q -- and never read anything about it?

19 A Other than the basic headlines on an article, that's
20 about the extent of it.

21 Q Did you ever see the headline where President
22 Nixon said that Manson was guilty?

23 A I don't -- no, I didn't.

24 Q BY THE COURT: He is no longer your boss, is he?

25 A Pardon? No, we fired him.

26 Q And you don't feel bound by anything he said?

27 A No.

28 Q BY MR. KEITH: Knowing as you now know what

17b-2

1 happened to Manson and the young female defendants, and knowing
2 as you now know that Mr. Watson is charged with those same
3 offenses, is that going to in any way prejudice you against
4 Mr. Watson?

5 A No, sir.

6 Q This is a separate trial, a new ballgame; is that
7 right?

8 A Yes, sir.

9 Q And you are going to decide this case, if you are
10 selected as a juror in accordance with the evidence, both
11 physical and oral, adduced from the witness stand.

12 A Yes.

13 Q And from no other factors?

14 A No, sir.

15 Q You promise you will do that, all of us?

16 A Yes, sir.

17 Q In other words, you are not going to decide this
18 case according to any purported beliefs you think the
19 community may have about Mr. Watson or any of the people with
20 whom he was associated?

21 A No, sir.

22 Q You are not going to be scared to bring back a
23 verdict in accordance with your conscience and your heart and
24 your mind just because you think your friends and neighbors may
25 criticize you for doing so?

26 A No, sir.

27 Q You never even talked to anybody about the Manson
28 case, I dare say?

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A No.

Q Or about the Tate-La Bianca homicides?

A That is true.

Q And if you saw any television broadcasts on the subject, it was just in passing, you didn't pay any attention to any of that?

A I don't believe I saw any. I don't watch the news shows.

Q Now we are down to the subject of capital punishment.

Have you ever given much thought to capital punishment before, perhaps, you were seated here in this courtroom --

A Yes, sir.

Q -- Monday?

A Yes.

Q You have given thought to it?

A I have.

Q Have you discussed the subject as well as given thought to it?

A A little, I would say, not much of a discussion.

Q Have you read any articles concerning arguments for or against capital punishment?

A Not really, so to speak; maybe on a small item or something like that.

Q Have you given thought to the subject of capital punishment relative to a particular individual who may have been in the unfortunate position Mr. Watson finds himself in --

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A No, sir.

Q -- or just in general?

A No, sir.

Q And as a result of your thought or thinking on the subject, have you reached a conclusion as to whether you are, in general, for or against --

A Yes, sir.

Q -- the death penalty?

And what is that opinion?

A I am in favor of it.

Q However, despite being in favor of it, do you think in this case if you felt it was a proper case for life imprisonment, if the matter ever gets that far, and that is a long way off, that is the third phase, you know --

A Yes, sir.

Q -- that you'd return a verdict of life imprisonment without hesitation?

A Yes, if I felt the evidence warranted that, I would vote that way.

18

#18

1 Q Let's assume that you were a juror and you had
2 found Mr. Watson guilty of first degree murder and also found
3 him sane and we reached the third phase of the trial.

4 Just because you found him guilty of first degree
5 murder and for no other reason would you be more inclined to
6 impose the death penalty than life imprisonment?

7 A No, sir.

8 Q In other words, you would want to know all about
9 Mr. Watson and you would want to know all about the facts
10 and circumstances surrounding his life and the people with
11 whom he associated and you would want to know about his mental
12 state and condition, and you would want to know about all the
13 facts and circumstances surrounding these alleged offenses
14 before you would make up your mind?

15 A I would say yes.

16 Q And you feel that you could make up your mind
17 without the exertion of any extraneous or outside pressures
18 such as community prejudice against the Manson family and so
19 forth?

20 A I could.

21 Q Mr. Bugliosi told you that the concept of the
22 retribution is something that you may consider in the third
23 phase, if we ever reach it, because nobody can tell you what
24 you can consider and what you cannot.

25 You can consider most anything in the world,
26 although hopefully -- and I am sure you will -- you will
27 consider these things that you feel to have an important
28 and relevant bearing on the question, but that aside, do you

1 believe that retribution is an appropriate concept for you
2 to consider or do you believe in it, period?

3 A No, sir.

4 Q One last question.

5 Now you have had a chance to cogitate for a while
6 and search your soul, do you know of any reason why you don't
7 think you ought to sit on this case bearing in mind you have
8 got to be fair to both sides and you have got to listen to
9 the evidence and keep an open mind and give us your individual
10 opinion.

11 You have heard all that.

12 A Yes. I see no reason why I couldn't.

13 MR. KEITH: I will pass for cause.

14 THE COURT: Mr. Bugliosi.

15 Q BY MR. BUGLIOSI: Mr. Morgan, you are not opposed
16 to the death penalty; is that correct?

17 A That is correct.

18 Q And you are in favor of retaining the death
19 penalty in the state of California?

20 A I am.

21 Q And you are aware probably of the fact that
22 although some people are not opposed to the death penalty they
23 don't want to participate in a verdict of death.

24 Do you understand that?

25 A Yes.

26 Q They want to let someone else do it.

27 A Yes, sir.

28 Q Certainly no one can criticize them for that. It

1 is not fun to vote for a verdict of death, I mean there is
2 no particular pleasure in it.

3 Do you understand that?

4 A Yes.

5 Q Are you of that frame of mind, sir, that you would
6 rather not vote for a verdict of death?

7 A No, sir.

8 Q You would have the courage, you would be willing
9 to sign your name to a verdict of death; is that correct?

10 A Yes, that is correct.

11 Q The critical issue during this trial, Mr. Morgan,
12 will probably be Mr. Watson's state of mind at the time of
13 these murders.

14 Now, do you realize that the final determination
15 of whether he had the required mental capacity to commit these
16 murders, the final determination rests with you, the jury, not
17 with the psychiatrists?

18 A Yes.

19 Q Do you understand that?

20 A Yes, sir.

21 Q It is not going to be up to the psychiatrists to
22 render a decision on that. It is up to you folks.

23 A Yes, sir.

24 Q You cannot pass the buck to the psychiatrists or
25 anyone else. Do you understand that?

26 A Yes, sir.

27 Q You are willing to assume that responsibility?

28 A I am.

1 Q We lawyers have been talking for the last couple
2 of days about state of mind and mental derangement, diseased
3 mind, mental illness, et cetera.

4 Let me ask you this question to see if we have
5 made any yardage or any headway: Let's assume, Mr. Morgan,
6 that you are back in the jury room and you conclude that Mr.
7 Watson was mentally ill, that he was mentally sick at the time
8 he committed these murders. Let's just assume that.

9 Are you of the frame of mind that because he was
10 mentally ill he cannot be convicted of first degree murder?

11 Are you of that frame of mind?

12 A I am trying to digest that.

13 Q Assume that you come to the conclusion that Mr.
14 Watson was sick mentally, mentally ill, at the time he
15 committed the murders.

16 Do you believe then that you would have to come
17 back with a verdict lesser than first degree murder?

18 A Not necessarily. I was just going to say it would
19 depend on the events leading up to that.

20 Q Well, the crucial period now with respect to his
21 state of mind is not a month before the murders or a month
22 after or now, but it is at the time of the murders.

23 The point I am trying to get at, Mr. Morgan, that
24 it is only if -- assuming that you do find that he is mentally
25 ill, assuming that, and we are not stipulating to that for one
26 moment, let's assume that, it is only if his mental illness
27 was of such a degree that it prevented him from deliberating
28 and premeditating that you could not find him guilty of first

1 degree murder.

2 Do you understand that?

3 A Yes.

4 Q Mental illness alone is not enough.

5 Do you understand that?

6 A Yes.

7 Q It has to be so severe, the mental illness, so
8 that he was unable to form the intent to deliberate and
9 premeditate.

10 Do you understand that?

11 A Yes.

12 MR. KEITH: I don't think it has to be so severe.

13 THE COURT: I don't agree with that. The objection
14 will be sustained.

15 MR. BUGLIOSI: Doesn't it have to be of such a degree
16 that it prevents him from deliberating and premeditating,
17 your Honor? I thought that was the rule.

18 THE COURT: You changed that now. It would be either
19 one.

20 It would be so that he could not form the intent
21 or he could not deliberate in a meaningful manner or he could
22 not form the opinion to commit the act, or he could not
23 premeditate in any meaningful way or possibly could not have
24 had malice aforethought.

25 MR. BUGLIOSI: Yes, your Honor. I was trying to
26 distinguish between first and second degree, of course, as
27 opposed to going all the way down to the voluntary issue, your
28 Honor.

1 Q You understand that, sir, that it is only if his
2 mental illness prevented him from having the required mental
3 capacity that you would have to come back with a verdict
4 lesser than first degree murder?

5 A Yes, sir.

6 Q And that a mere finding of mental illness is not
7 enough.

8 Do you understand that?

9 A Yes.

10 Q To constitute legal insanity, Mr. Morgan, in the
11 state of California it has to be shown -- and this is just in
12 a nutshell -- that No. 1 Mr. Watson was suffering from a
13 diseased mind; and, No. 2, as a result of that diseased mind,
14 he did not know that what he was doing was wrong.

15 Now, will you promise to apply that as to the
16 facts in this case?

17 A Yes, sir.

18 Q And do you understand that Mr. Watson has the
19 burden of proving that he was insane at the time of these
20 murders?

21 A Yes, sir.

22 Q And you, of course, do not believe that the word
23 of a psychiatrist is always correct.

24 You don't believe that?

25 A No, sir.

26 Q You realize that they can be just as wrong as
27 anyone else?

28 A Yes.

1 Q Do you understand that?

2 A Yes.

3 Q Has any member of your family or relative or close
4 friend ever been accused of murder or conspiracy to commit
5 murder?

6 A No.

7 Q Or any other felony?

8 A No, sir.

9 Q You will promise to follow the instructions and
10 the law given to you by Judge Alexander?

11 A I will.

12 Q If you are back in that jury room at the end of
13 the case and you find that your view is a minority view, will
14 you listen very carefully to the views expressed by your co-
15 jurors?

16 A Yes, sir.

17 Q And if you find their views to be reasonable, you
18 will at least reconsider your position?

19 A I will.

20 Q Do you feel you can give the prosecution, that is
21 the people of the state of California, a fair trial?

22 A Yes.

23 Q Do you have any doubt in your mind about that?

24 A None.

25 Q Can you think of any reason you would rather not
26 sit as a juror in this case or should not sit as a juror in
27 this case?

28 A No, sir.

MR. BUGLIOSI; Thank you, Mr. Morgan.

Pass for cause.

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1 THE COURT: The next challenge is with the defense.

2 MR. BUBRICK: Thank you. We will excuse your No. 3,
3 Mr. Darco.

4 THE COURT: Thank you, Mr. Darco. You may be excused.

5 THE CLERK: Francisco Jeffers, J-e-f-f-e-r-s.

6
7 FRANCISCO JEFFERS,

8 BY THE COURT:

9 Q Mr. Jeffers, first, can you give us the two
10 months we need to try this case?

11 A Yes, sir.

12 Q Now, let me ask you this: Would you automatically
13 vote against the imposition of the death penalty, regardless
14 of what might be developed in this trial?

15 A No, sir.

16 Q Would you automatically vote for live imprison-
17 ment, without regard to what might be developed in this trial?

18 A No, I would not.

19 Q Are your views or attitudes toward the death
20 penalty such that you would be prevented from making any
21 impartial decision as to this defendant's guilt?

22 A No.

23 Q Now, you heard me tell the jurors that this defen-
24 dant is presumed to be innocent, and the burden rests with
25 the prosecution to prove him guilty beyond a reasonable doubt?

26 Do you feel you can follow that?

27 A Yes, I do.

28 Q Did you hear the names of the witnesses

2
1 called of by Mr. Bugliosi, the doctors?

2 A Yes.

3 Q How about the lawyers. Do you know any of them?

4 A I know none of them.

5 Q Do you know anybody connected with this case now?

6 A No, sir.

7 Q Mr. Jeffers, no doubt, you've heard about the
8 Manson case and the Tate-La Bianca case?

9 A Yes.

10 Q You realize this defendant was not a defendant
11 in that case?

12 A Yes.

13 Q And regardless of what you heard of that case,
14 can you set that all aside and try this case only upon the
15 evidence you hear in this case?

16 A That is right.

17 Q You have heard all the questions put to our
18 prospective jurors by respective counsel?

19 A Yes.

20 Q And I take it you would answer them, you have
21 answered them in your own mind as the other jurors?

22 A Yes.

23 Q Is there any question asked of other jurors that
24 you would answer substantially different?

25 A No.

26 Q I think you now know that both the People and
27 the defendant are entitled to a fair trial?

28 A Yes.

3
1 Q And both the prosecution attorneys and the defense
2 attorneys are seeking jurors in this case who will be fair
3 to the People and fair to this defendant and decide this case
4 solely upon the facts in this case?

5 A Yes.

6 Q Can you be that kind of a juror?

7 A Yes.

8 Q Have you sat as a juror before?

9 A Yes.

10 Q In a criminal case?

11 A No, civil cases.

12 Q Was that this term of duty?

13 A No. This was some years ago in Northern California.

14 Q I take it that you know nothing concerning Mr.
15 Watson, other than what you heard in this courtroom?

16 A Nothing at all.

17 THE COURT: Mr. Bubrick?

18 BY MR. BUBRICK:

19 Q Thank you. Mr. Jeffers, may I ask you, sir, the
20 nature of your business, or occupation?

21 A I work for the Department of the Army.

22 Q Department of the Army?

23 A Yes.

24 Q Does that have anything to do with the military
25 police force?

26 A No, not as such.

27 Q Do you do any sort of the investigational work
28 for the Army?

4
1 A No. I am the audiovisual services officer at
2 Ft. MacArthur.

3 Q Have you ever done any work akin to military
4 police work or investigation work of that sort for the Army?

5 A No.

6 Q Have you done anything like that outside of the
7 Army?

8 A No, sir.

9 Q Have you ever studied any law?

10 A No, sir, I haven't.

11 Q Is there a Mrs. Jeffers?

12 A Yes.

13 Q And is she employed outside of the house?

14 A Yes.

15 Q What is the nature of her work?

16 A She works for the Housing and Urban Development.

17 Q Here in the County of Los Angeles?

18 A In the City of Los Angeles, yes.

19 Q What are of the city or the county do you live
20 in?

21 A Southwest.

22 Q You said you were up north on a jury. Does that
23 mean that you are recently in Southern California?

24 A I've been here now six years.

25 Q At your same occupation?

26 A Yes.

27 Q Mr. Keith is curious as to your rank, Mr. Jeffers.

28 A I am a civilian employee. I didn't say I was an

5
1 Army officer. I said I was audiovisual services officer. That
2 is the job title.

3 MR. KEITH: It meant the same to me. I thought he was
4 a general.

5 Q BY MR. BUBRICK: Mr. Jeffers, may I ask you, sir,
6 whether you have ever been the victim of any sort of violent
7 crime?

8 A No, I haven't.

9 Q Have you ever been the victim of any sort of a
10 crime?

11 A No.

12 Q How about Mrs. Jeffers?

13 A No.

14 Q Anybody near or dear or close to you?

15 A Not that I know of.

16 Q Do you number among your friends or close associates
17 members of any law enforcement staff?

18 A No.

19 Q How about prosecutors of any branch of government?

20 A No.

21 Q Have you ever witnessed any crime being committed?

22 A No.

23 Q Did you ever testify in a criminal matter?

24 A No.

25 Q You have heard some talk so far about the peculiar
26 life style of Mr. Watson and his associates.

27 Because of that, do you think you might be forced
28 to deny him a fair trial?

6
1 A No.

2 Q Do you think you could put that in proper perspec-
3 tive and treat it however you will when you get around to it,
4 if you do?

5 A Yes.

6 Q I assume that is also true of the fact that there
7 are some girls who are runaways and things of that sort
8 involved in this manner of living that he was?

9 A That would have no bearing.

10 Q You realize, the only thing we are going to try
11 is the guilt or innocence of the crime of murder?

12 A Yes.

13 Q Would you require, Mr. Jeffers, that this defen-
14 dant take the stand and tell you his version of the offense,
15 before you could find him not guilty, if you were otherwise
16 not satisfied with his guilt?

17 A No.

18 Q I take it, then, that he doesn't have to do any-
19 thing by way of defense?

20 A True.

21 Q May I ask you, sir, whether as audiovisual
22 officer have any training films on drugs or drug use or abuse?

23 A Yes, we do.

24 Q Have you seen them from time to time?

25 A Some briefly. I haven't had a chance to look at
26 all of them.

27 Q If there is anything at all about the nature of
28 those training films that particularly impressed you, do you

7
1 think you could put that out of your mind and be guided solely
2 by what you hear here?

3 A It would have no bearing whatsoever.

4 Q May I assume also, Mr. Jeffers, that if there are
5 narratives in connection with your training films that you
6 have seen, or there are discussions about drugs, and if the
7 discussions you have heard in the films don't coincide with
8 what you hear here in the courtroom, that you will make what-
9 ever determination you will based on what you hear here in the
10 courtroom?

11 A Yes, I will.

12 Q In other words, what I am asking you is if it is
13 possible for you to put out of your mind any thoughts that
14 you may have gathered as a result of seeing training films or
15 hearing the narrations in those films, even though, as I say --

16 A I wouldn't associate them with the case.

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#19

1 Q Now, Mr. Kay has asked one of the other jurors
2 whether he thought after eight weeks he could come back,
3 or whenever the time arrives, if we arrive at the third phase
4 of this trial, and look at Mr. Watson in the face and say,
5 "I find you guilty of murder and I assess punishment at death."

6 Now, do you feel that if you sit as a trial juror
7 and we get into the third phase of this proceedings that you
8 could look Mr. Bugliosi and the people of California, whom he
9 represents, and say, "I think you failed to satisfy me of the
10 death penalty and I am going to assess life"?

11 A Based on evidence, it could go either way.

12 Q Yes, certainly; your determination would be based
13 only on what you hear here, and that will be based on evidence?

14 A Yes.

15 Q In other words, you don't feel that you are going
16 to be criticized only if you fail to return the death penalty?

17 A I would not care whether I was criticized or not.

18 Q I'm glad to hear you say that because, may I assume,
19 then, that you feel that whatever determination you will make
20 here you will make free of any outside influence?

21 A I intend to do the best that I can and give the
22 defendant the same consideration I would expect if the matter
23 were reversed.

24 Q That means, I take it, you have no fear of anybody
25 being so near or close to you who might find out you are on
26 the jury that they would make any effort to attempt to influence
27 you?

28 A None at all.

19A2

- 1 Q And you wouldn't permit that if you sat as a juror?
- 2 A No, I wouldn't.
- 3 Q Now, do you also realize, Mr. Jeffers, that just
- 4 because the people say, "The evidence I am introducing now is
- 5 on the issue of motive," or they lead you to believe that they
- 6 are introducing evidence on the issue of that motive, that
- 7 you can reject that, that you don't have to assume there is any
- 8 motive at all?
- 9 A No.
- 10 Q And you are not bound by any label that the people
- 11 want to put on anything they introduce by way of evidence?
- 12 A Not necessarily.
- 13 Q By the same token, you are not bound by any label
- 14 the defense wants to put on the nature of its evidence; you
- 15 understand that?
- 16 A Yes.
- 17 Q You will find the evidence to be present or absent
- 18 as your mind tells you it is?
- 19 A Yes.
- 20 Q You realize, also, I take it, Mr. Jeffers, if
- 21 psychiatrists testify and they can't reach a conclusion, you
- 22 could use that inability of these experts as a basis for having
- 23 reasonable doubt, yourself, if you wanted to?
- 24 A I suppose so.
- 25 Q All I am trying to tell you is that there is no
- 26 need that you substitute your thinking for that of the
- 27 psychiatrists if you are otherwise impressed with the nature
- 28 of psychiatric testimony.

1 A Yes.

2 Q And if you have -- if after you have heard
3 everything and you are undecided on the issue, you may assume
4 that these gentlemen can't agree, "I'm not going to substitute
5 my thinking for them; there is an area of reasonable doubt"?

6 A Yes.

7 Q Now, there has also been some mention of the
8 word insanity and the legal definition.

9 Do you recall the judge reading the definition as
10 being one that involves both diseased or impaired --

11 A Well, I am --

12 Q I am sorry, diseased or deranged.

13 A Yes, I heard that much.

14 Q However, that person may be deranged, it is one
15 or the other, nobody has to prove that the disease is as a
16 result of a mental illness or his derangement is as a result
17 of mental illness, because I would imagine there are other ways
18 that one could become deranged?

19 A Yes.

20 Q And it is either diseased or deranged; you under-
21 stand that?

22 A Yes.

23 Q Now, let me ask you just a very few comments about
24 the pretrial publicity.

25 I would find it very difficult to believe that
26 anybody who has been in Los Angeles in 1967, '8 or '9, didn't
27 hear of the Tate-La Bianca murders.

28 A Yes.

1 Q I would imagine that during that same period you
2 also heard about one Charles Manson.

3 A Yes.

4 Q And I suppose you know he was the leader or he
5 was with the group that lived at Spahn Ranch --

6 A Yes.

7 Q -- and I take it that from what you have heard,
8 at least thus far, you know that this defendant, Mr. Watson,
9 was a member of that group?

10 A From what I have heard, yes.

11 Q May we assume, Mr. Jeffers, that you are going
12 to set aside any opinions you may have formed about the guilt
13 of Mr. Manson and not attribute them to Mr. Watson.

14 A No, and there is no reason to.

15 Q I take it you also know, then, at least by virtue
16 of your presence here in the courtroom, that Mr. Manson and
17 the female members of that trial, all got the death penalty?

18 A Yes, I know that.

19 Q Now, do you feel, Mr. Jeffers, that just because
20 Mr. Watson was a member of that group that he, too, must
21 suffer the death penalty?

22 A Well, I couldn't assume anything should happen
23 to him based on what happened there because no one has ever
24 told me if he was in town at the time.

25 Q In other words, you are not going to assume that
26 there must be guilt by association?

27 A Not necessarily.
28

1 Q May I also assume, then, that just because a number
2 of people are members of the same organization, they should not
3 all be treated the same.

4 A Go over that again.

5 Q Well, we know that Manson and the girls suffered
6 the death penalty --

7 A Yes.

8 Q -- and that Watson, as I say, was a member of that
9 organization, that little group.

10 A Yes.

11 Q Now, all I am asking is whether you think it is
12 possible for somebody to have been a member of that group
13 and not suffer the same punishment?

14 A Possible. If he's guilty -- not guilty of a crime,
15 he should not be punished simply because of association.

16 Q If he is guilty, if you find he is guilty of a
17 crime, are you going to assess the same punishment only because
18 the other group got the death penalty?

19 A No, the penalty would be assessed based on the
20 evidence.

21 Q Based on everything that you hear about the defen-
22 dant; correct?

23 A Correct.

24 Q His background, the degree of his involvement and
25 a myriad other things you may want to know about him, before
26 you decide on the punishment?

27 A True.

28

19AR-1

1 Q I asked some of the other jurors, and let me ask
2 you, whether you ever heard of Susan Atkins?

3 A I have heard the names, but until I came in court
4 Monday, I didn't know the defendants from the victims.

5 Q Well, is there anything at all about the name
6 Susan Atkins that stands out in your mind?

7 A Not at all.

8 Q Do you ever remember reading anything that is
9 attributed to her?

10 A I never read the papers about it; all I ever
11 looked at was the captions under the pictures and to see what
12 antics were displayed during the day, and that's all.

13 Q You mean in connection with those defendants in
14 that particular trial?

15 A Yes.

16 Q Well, knowing that there were antics, as you
17 referred to them, and knowing that this defendant was a
18 member of a group of that same group, I assume you are not
19 going to, as you know, treat him the same as you think the
20 other people should have been treated for their antics?

21 A Well, I never did form an opinion on that. I
22 merely looked to see what happened.

23 Q How about the name of Linda Kasabian; does that
24 have any particular significance to you?

25 A No, only except that it was involved in the case.

26 Q And do you remember anything that might have been
27 said or written about Linda Kasabian and her participation in
28 the former trial?

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A No.

Q Now, if, during the course of these proceedings, and you are selected as a juror, Mr. Jeffers, they happen to rerun old film strips on TV or publish old accounts of what was said or done in a prior murder, may be assume that you are going to do your very, very best not to let that affect you?

A It would not affect me.

Q I know the judge has already indicated that you are not to read or listen or do anything in connection with that sort of evidence, or that sort of publication or dissemination of news media --

A True.

Q -- but sometimes you can't help walking into a room and hearing some commentator on a TV program, before you can get away, make a statement, and once it is made, we realize it is rather difficult to unring that bell.

A This would have no effect.

Q But as far as possible, you are not going to permit that to affect your thinking at all?

A No.

Q Let me get on to, if I may, for a few moments, the matter of the death penalty, Mr. Jeffers.

You have indicated, of course, that you have no conscientious scruples about the imposition of the death penalty, if you feel it is just and proper under certain fact situations?

A Yes.

Q Now, as a result of that, have you given any

3
1 serious thought to the matter of the death penalty?

2 A Not at all.

3 Q You never thought about conditions under which
4 you think it must or should be imposed?

5 A No. This would have to be based on evidence
6 presented at any particular case.

7 Q Well, what I am talking about is whether in the
8 abstract you have ever been involved in a discussion where
9 you said, "I think anybody who does one, two, three, four,
10 should get the death penalty"?

11 A No, because I may do "One, two, three, four,"
12 myself, and I wouldn't want to commit myself.

13 Q We hope that never happens.

14 A I do, too.

15 Q May we assume, that, conversely, you have never
16 thought that if a crime is committed and it has one, two,
17 three, four, that that defendant must automatically get life?

18 A No, there is no automatic, as far as I am concerned.

19 Q All right. But we are concerned now with jurors
20 who are prepared to deliberate on facts and decide what they
21 are going to do with those facts, rather than people who want
22 to act by rote, because they have certain preconceived ideas
23 and are going to be rather inflexible about those things,
24 and that's what we are trying to avoid.

25 A No, I believe in deliberation.

19bf.
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28

19B

1 Q Have you ever been a member of any organization,
2 Mr. Jeffers, that sought to retain capital punishment in
3 California?

4 A No.

5 Q Have you ever been a participant of any organization
6 that had pro capital punishment as one of its tenets?

7 A No.

8 Q Do you belong to any religious organizations that
9 have a belief in --

10 A As far as I know, no.

11 Q So that, at least on the issue of religious
12 morality, you don't have any feelings one way or the other;
13 is that correct?

14 A No, I don't.

15 Q As you sit and think about this now, and having
16 had the benefit of these last couple of days, Mr. Jeffers,
17 do you have any feeling that you would be compelled to impose
18 the death penalty in a case involving multiple killings?

19 A No, I don't feel I would be compelled, no.

20 Q You realize that in this case you may be in a
21 position to find this defendant guilty of as many as seven
22 counts of first degree murder?

23 A Yes.

24 Q And now knowing that do you still feel that you
25 are in a position and that you will deliberate and determine
26 what the proper punishment should be for this defendant?

27 A This, I would do.

28 Q Now, we made reference to that chart.

19b-2

1 Is there anything about that chart that you don't
2 have well in mind, Mr. Jeffers?

3 A No, I don't suppose.

4 As I understand it, the prosecutor has to prove,
5 No. 1; you have to prove No. 2, and I will deliberate on No. 3.

6 THE COURT: That is about as clear --

7 Q BY MR. BURRICK: You can't say it any better. We
8 each have our particular area, you are absolutely right.

9 The prosecutor has all of 1, we have 2 and you
10 have 3.

11 A Yes.

12 Q And about all I can tell you about 2 is that the
13 amount of evidence between 2 and 1 is different: 1 is that the
14 prosecutor has to convince you of that beyond a reasonable
15 doubt.

16 We have the burden in the second phase, if we get
17 there, of convincing you by a preponderance, something more than
18 half, if that's persuasive.

19 A Yes.

20 Q Now, let me ask you just a question or two about
21 psychiatry, Mr. Jeffers.

22 Do you know any psychiatrists or psychologists?

23 A Not professionally, no.

24 Q Do you know anybody who has ever gone to see one?

25 A My wife has gone at one time.

26 Q And as a result of that experience do you think
27 your wife was helped?

28 A I suppose; she hasn't had to return.

19b-3

1 Q Do you have any misgivings about the therapist,
2 himself, as a result of your wife's experience?

3 A No, I feel that it is probably necessary and people
4 do benefit from it.

5 Q You feel, then, that the psychiatrist or psychologist
6 does have a place in our modern society?

7 A Yes, I do.

8 Q Have you developed that relationship beyond a
9 professional one, say, to a social relationship, perhaps?

10 A No, this was more than 10 years ago in northern
11 California.

12 Q And I take it, then, that you don't know psychologists
13 or psychiatrists on a social basis with whom you talk from time
14 to time?

15 A No.

16 Q Now, having had the benefit of almost three days
17 of exposure in this courtroom, Mr. Jeffers, can you think of
18 any reason at all, whether I have touched on it or whether it
19 has been suggested by anything that you have heard from anybody
20 here now that leads you to believe that you can't be fair and
21 impartial to both sides?

22 A I see no reason.

23 MR. BURRICK: Thank you, your Honor.

24 Pass for cause.

25 THE COURT: At this time we will have our afternoon
26 recess, ladies and gentlemen; and, once again, do not form or
27 express any opinion in this case, do not discuss it amongst
28 yourselves or with anybody else; and, again, keep an open mind.

(Recess.)

29

20K-1

1 THE COURT: People against Watson.

2 Let the record show, all jurors are present. The
3 defendant and all counsel are present. You may proceed.

4 Q BY MR. KAY: Mr. Jeffers, I wasn't exactly sure
5 if I got all this information down.

6 How long have you been with the Department of the
7 Army?

8 A The Department of the Army, since '55.

9 Q And where else have you been stationed besides
10 Ft. MacArthur?

11 A When I came to Ft. MacArthur, I came from the
12 Presidio, San Francisco.

13 Q And were you up there since 1955?

14 A Yes.

15 Q Until you came down here?

16 A Yes.

17 Q What was your job at the Presidio?

18 A Same thing.

19 Q Mr. Jeffers, do you believe in the death penalty?
20 Do you believe it has its place in our society?

21 A It has its place.

22 Q And are you in favor of retaining capital punish-
23 ment in California?

24 A This is debatable. I don't know. I have never
25 been asked the question before, and I would have to see pro
26 and con.

27 Q In other words, you haven't formulated an
28 opinion in your own mind?

2
1 A Not entirely.

2 Q Have you determined in your own mind whether or
3 not you could impose capital punishment?

4 A I could.

5 Q Can you conceive of a situation in your mind
6 where the proper punishment for a crime would be death?

7 A I cannot conceive in my mind, but I could be shown
8 through presentation of evidence where it would be so.

9 Q You have heard me talk with a couple of other
10 jurors about the fact that in the first stage of the trial,
11 in what we call the death penalty phase of the trial, that
12 jurors must personally participate in a verdict of death.

13 Do you understand that?

14 A Yes.

15 Q Do you understand that when they come out, if their
16 verdict is death, that Mr. Pappas here -- that is his name in
17 case the sign was turned around, that Mr. Pappas will poll
18 each of the jurors.

19 In other words, he will ask them, "Mr. Jeffers,
20 is this your verdict?"

21 Now, if it was your verdict, if you did vote for
22 the death penalty, would you have the courage to tell Mr.
23 Pappas, "Yes, that is my verdict"?

24 A That is my right to do so.

25 Q You have seen Mr. Watson in this courtroom for
26 three days, have you not?

27 A Yes.

28 Q If you saw him the way you have seen him for three

3
1 days, day after day, for approximately eight weeks, do you
2 feel that you would have the courage to come back and sit in
3 the seat that you are in now and tell him in the form of your
4 verdict, if you felt that the evidence warranted it, that he
5 must die for the crimes he has committed?

6 A Yes.

7 Q Do you feel that any moral or religious belief
8 that you now hold would prevent you from voting for the death
9 penalty?

10 A No.

11 Q Have you ever expressed a personal opinion that
12 you feel that capital punishment should be abolished?

13 A No.

14 Q And do you have any close friends or relatives
15 who oppose the death penalty who you feel might try and
16 influence you to vote for life imprisonment?

17 A Not that I know of, and I am not easily, I am not
18 that easily influenced.

19 Q Very good. You understand, I am sure, after all
20 this discussion that we have had here, since you have heard
21 a lot of these questions over and over again, that in the
22 third phase of the trial that the determination between life
23 and death is up to the sole discretion of the jurors?

24 A Yes.

25 Q And in the first phase, the burden, the legal
26 burden, is on the prosecution beyond a reasonable doubt; in
27 the second phase, the burden is on the defendant to prove by
28 a preponderance of the evidence that the defendant was insane

4
1 at the time that the murders were committed; and in the third
2 phase, the burden is on the jury?

3 A Yes.

4 Q Do you feel that it is wrong to have the burden
5 on the defense, to prove by a preponderance of the evidence,
6 that Mr. Watson was insane at the time the murders were
7 committed?

8 Do you feel that is wrong, to place the burden
9 on the defense?

10 A I have not formed an opinion as to whether it is
11 right or wrong. It is the law, is it not?

12 Q All right. And will you follow the law?

13 A Yes.

14 Q And you won't quarrel with the law in the jury
15 room?

16 A No.

21f.

#21

1 Q Now, you understand that what we are dealing with
2 in the sanity phase is a precise, narrow definition of what
3 constitutes legal insanity.

4 Do you understand that?

5 A Yes.

6 Q And did you hear the judge, Judge Alexander, when
7 he read that instruction?

8 A Yes.

9 Q Will you follow that instruction?

10 A I will follow that instruction and if I have doubt
11 I will ask if it can be read again.

12 Q It will be read again if Mr. Watson is convicted
13 in the first phase, it will be read in the sanity phase.

14 Now, you understand that in the sanity phase that
15 a person can be mentally ill or mentally abnormal and still
16 not be legally insane?

17 A Yes.

18 Q Have you formulated any opinion as to Mr. Watson's
19 sanity, either at the time of the murders or presently?

20 A Not at all.

21 Q And you understand that in this courtroom we are
22 not discussing Mr. Watson's present sanity.

23 What you decide in the second phase of the trial
24 is whether or not he was sane or insane at the specific time
25 of the seven Tate-La Bianca murders; do you understand that?

26 A Yes.

27 Q Now, do you feel that just because has entered a
28 plea of not guilty by reason of insanity, that there must be

21-2

1 some validity to this plea?

2 A No, my opinion is that some plea must be entered.

3 Q Have you ever studied psychology or psychiatry?

4 A No, I haven't.

5 Q Is your opinion of psychiatry that it is an ever
6 changing field?

7 A I suppose it is changing and I suppose each case
8 is unique in itself because you are dealing with separate
9 individuals each time.

10 Q And you realize that psychiatry is not an exact
11 science?

12 A Possibly not, no.

13 Q In other words, if a psychiatrist says something
14 you realize that that can't be either proven or disproven.

15 In other words, it is his opinion?

16 A It is his opinion, yes.

17 Q Like something in science, you could make an
18 experiment and if it was true the experiment would come out
19 the same way everytime; but in psychiatry a person can give
20 an opinion and there is no way to either prove or disprove that
21 opinion.

22 You understand that?

23 A Yes.

24 Q Now, in the first phase of the trial, when we are
25 talking about diminished capacity -- and I think you know by
26 now that we are concerned with Mr. Watson's mental state in
27 the first phase, on the ground of diminished capacity; in the
28 second phase, sanity or insanity.

21-3

1 Now, in the first stage you understand that mental
2 illness, alone, is not enough to formulate diminished
3 capacity?

4 In other words, this mental illness or mental
5 defect has to affect Mr. Watson so that he could not have
6 deliberated or premeditated or formulated the intent to kill
7 or that the murder was willful on his part, these four elements.

8 You understand that mental illness, by itself,
9 is not enough?

10 A Yes.

11 Q Do you have any objection to the fact that in this
12 courtroom that it is up to the jury to decide the issue of
13 diminished capacity and sanity, and not up to the psychiatrists?

14 A Yes, I would think it would be left to the jury.

15 Q And you wouldn't pass the buck to the psychiatrists
16 and say, "Well, this fellow is a medical doctor and he says
17 thus and so, it must be so"?

18 A In the process, I may even question his sanity.

19 Q Amen.

20 Now, do you understand that in the sanity phase
21 of the trial that your verdict is to be based on all the
22 evidence and not just the psychiatric evidence?

23 A True.

24 Q And I take it that if you felt that if a psychiatrist's
25 opinion was unreasonable, considering all the facts of the case,
26 that you would reject his opinion?

27 A If I felt it unreasonable, I would.

28 Q But, on the other hand, if considering all the

21-4

1 facts of the case you felt it was reasonable, you would
2 consider it?

3 A Yes, I would.

4 Q In the sanity phase, if you felt that the defendant
5 knew what he was doing at the time of the Tate-La Bianca
6 murders and knew that what he was doing was wrong under the
7 judge's instructions of legal insanity, I take it that you
8 would come back and find that the defendant was sane?

9 A I would think so.

10 Q Well, is there any doubt in your mind?

11 A No, there would be no doubt, no.

12 Q Can you think of any reason why you could not or
13 should not sit on this jury?

14 A None at all.

15 Q Is it your position, your firm position, that the
16 people of this state, who Mr. Bugliosi and I represent, are
17 entitled to just as fair a trial as is Mr. Watson?

18 A Equally so.

19 Q And do you feel sympathy for Mr. Watson because he
20 is the defendant in this case?

21 A I have no sympathy for anyone.

22 Q Now, in the first phase, the legal burden on the
23 prosecution is to prove the defendant guilty beyond a reasonable
24 doubt.

25 Understanding that this is the burden and you have
26 heard the judge's instruction, would you hold the prosecution to
27 any higher burden?

28 A No.

21-5

1 Q In other words, you wouldn't make us prove Mr.
2 Watson guilty beyond a shadow of a doubt, to an absolute
3 certainty?

4 A Only what is prescribed by law.

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#21A

1 Q Well, do you feel that the presumption of
2 innocence which cloaks Mr. Watson now, do you feel that that's
3 an impossible presumption for the prosecution to overcome?

4 A I wouldn't know. This I will determine when I
5 see the evidence.

6 Q Well, you don't think that as a general concept
7 that that's an impossible presumption for the prosecution
8 to overcome, do you?

9 A I don't know if I can answer that in the manner
10 that you put it.

11 Q Well --

12 A Maybe I am not just understanding.

13 Q Well, let me say this: Do you realize that the
14 presumption of innocence lasts only until the prosecution
15 proves the defendant guilty beyond a reasonable doubt?

16 A Right.

17 Q So once we prove a defendant is guilty beyond a
18 reasonable doubt, that presumption falls.

19 A Yes.

20 Q Now, have you or any close friends or relatives
21 of yours ever been charged with a crime by a governmental
22 authority -- that means, law enforcement?

23 A Not that I know of.

24 Q Have you ever studied law?

25 A No.

26 Q Do you have any friends or relatives who are
27 involved in the defense of criminal cases?

28 A No.

21A-2

1 Q And did you understand my previous explanation of
2 direct versus circumstantial evidence?

3 A Yes.

4 Q Do you feel that you'd have any trouble giving both
5 of those the same weight?

6 A No.

7 Q You understand that you will be instructed that
8 both are entitled to the same weight?

9 A Yes.

10 Q Have you heard of the term "helter skelter"
11 before?

12 A I have heard it used here and probably on
13 television.

14 Q Now, have you formulated any opinion about helter
15 skelter?

16 A None whatsoever. I never listed to the whole rhyme,
17 or whatever it was.

18 Q All right.

19 Now, you understand that in a criminal case the
20 prosecution does not have to prove the motive of the defendant
21 for committing the murder?

22 A Yes.

23 Q Do you understand that?

24 A Yes.

25 Q But if we do introduce evidence on the motive,
26 you can consider that in determining whether or not the defendant
27 is guilty or innocent of the murders?

28 A Yes.

1 Q And I must make an addendum to what Mr. Keith says
2 about halter skelter.

3 Mr. Keith made the statement that the blacks were
4 going to take over. Mr. Manson was a little more specific;
5 That he felt that the black Moslems would be the ones that
6 would win.

7 Do you think that this would influence in any way?

8 A This would not influence me at all.

9 Q Can you think of any question that I haven't
10 asked you that you feel that you would like to tell me about and
11 for me to make my determination whether or not to seat you as
12 a juror in this case?

13 A Not at all.

14 MR. KAY: Thank you.

15 I have no further questions; pass for cause.

16 Thank you, Mr. Jeffers.

17 THE COURT: Next challenge is with the people.

18 MR. BUGLIOSI: People thank and excuse Mr. Norcisa.

19 THE COURT: Thank you, Mr. Norcisa; you may be excused,

20 THE CLERK: John A. Jauregui, J-a-u-r-e-g-u-i.

21 THE COURT: Jauregui?

22 THE CLERK: J-a-u-r-e-g-u-i.

23
24 JOHN A. JAUREGUI

25 BY THE COURT:

26 Q Would you pronounce your name for us, please?

27 A Jauregui.

28 Q Jauregui?

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A Jauregui; the J is pronounced as "H."

22R-1

1 Q Can you give us the two months we need to try this
2 case?

3 A Your Honor, I would like to be on this case, but
4 I would find it would be a hardship for me to be here two
5 months, a financial hardship.

6 Q How come?

7 A I am only compensated one month or 20 days where
8 I work, and if I stay two months, I would not be compensated
9 for any time whatsoever, except, of course, what the court
10 paid me, \$5 per day.

11 Q You would find that would be too much of a hard-
12 ship for you?

13 A I would at this time, yes.

14 THE COURT: May he be excused, Gentlemen?

15 MR. RUBRICK: So stipulated.

16 MR. BUGLIOSI: So stipulated.

17 THE COURT: You may be excused.

18 THE CLERK: Dennis M. Johnson, J-o-h-n-s-o-n.

19
20 DENNIS JOHNSON,

21 BY THE COURT:

22 Q Mr. Johnson, can you give us the two months we
23 need?

24 A My job will cover it. I work for UCLA. They
25 will cover me for any amount of time needed for the trial.

26 Q Very good.

27 A But I might say something right now, if I can,
28 before we go any further.

1 For the three or four days I have been here
2 listening to the questions being presented to the prospective
3 jurors, I'm afraid that I might have some preconceptions deal-
4 ing with the death penalty that I would rather not be involved
5 right now at this particular time.

6 Q By that, you mean you have conscientious scruples
7 against the death penalty?

8 A Yes. To be specific, I would never want to be
9 in the position where I would have to determine whether a man
10 lives or dies, other than self-defense.

11 Q Well, of course, I suppose none of us want to be
12 in that position, but sometimes our duty compels us to be in
13 that position, Mr. Johnson.

14 A Yes, I understand that, but I wouldn't want to be
15 on this jury, because of the death penalty.

16 Q In other words, regardless of what the facts might
17 be developed in this case, you automatically would vote against
18 the death penalty. Is that what you're saying?

19 A I'm afraid so.

20 Q Well, now, don't be afraid. If that is it, you
21 tell us.

22 A Yes, I would.

23 THE COURT: Do you want to question any further?

24 MR. BUBRICK: Your Honor, if there is a stipulation --

25 THE COURT: May there be a stipulation that he be excused?

26 MR. BUBRICK: May I just ask Mr. Johnson: If you were
27 called upon to sit on the jury and if the victim were somebody
28 near or dear, or close to you, do you think you would be unable

3
1 to return a death penalty in that sort of a situation, if you
2 thought the facts justified it?

3 MR. BUGLIOSI: I will object to that, upon the grounds
4 that those are not the facts in this case.

5 THE COURT: No. I think it is an unreasonable question.

6 MR. BUBRICK: It doesn't have to contain the facts in
7 this case.

8 THE COURT: I think it is an unreasonable question to
9 ask. I will let you pursue that further, but let's take his
10 own personal family out of it.

11 Q BY MR. BUBRICK: If you had some very close friend
12 who was a victim of a homicide and you were called upon to
13 sit, and you felt the facts justified the death penalty, are
14 you saying you could not impose the death penalty under those
15 circumstances?

16 A About the only way I might see myself being involved,
17 say, for instance, as a juror in a case like that, if I saw the
18 action committed personally and I knew that from seeing visually
19 this act being perpetuated, I might have a tendency to become
20 involved, but in this case, I didn't see any act of violence.

21 Q Do I understand, then, Mr. Johnson, that you could
22 impose the death penalty under some circumstances?

23 A Possibly -- well, self-defense. If I was to react
24 in self-defense.

25 Q We are not talking as to any situation that does
26 not take place in a courtroom. I only asked you whether or not
27 you could determine whether or not the death penalty could be
28 imposed on somebody who was standing trial in a case where you

4
1 are sitting as a juror?

2 A Well, as I mentioned, if I visually saw the --

3 THE COURT: Forget what you visually saw. You did not
4 see this. You are a juror.

5 MR. JOHNSON: No, I couldn't.

6 Q BY MR. BUBRICK: Are you telling us now that you
7 categorically will not impose the death penalty, because of
8 some conscientious scruples you have?

9 A That is right.

10 MR. BUBRICK: I will stipulate he may be excused, your
11 Honor.

12 THE COURT: Thank you.

13 MR. BUGLIOSI: So stipulated.

14 THE CLERK: Mittie Mims, M-i-m-s.

15
16 MITTIE MIMS,

17 BY THE COURT:

18 Q Is that Miss or Mrs.?

19 A Mrs. Mims.

20 Q Mrs. Mims, can you give us the two months we need
21 to try this case?

22 A Yes, I can.

23 Q How about the death penalty. Would you automatic-
24 ally vote against the imposition of the death penalty, without
25 regard to any evidence that might be developed at the trial in
26 this case?

27 A No, I would not.

28 Q Is your attitude toward the death penalty such that

5
1 you will be prevented from making a fair and impartial decision
2 as to the defendant's guilt?

3 A No, sir.

4 Q Do you feel you automatically would impose life
5 imprisonment, without regard to what the evidence would develop?

6 A No, I would not.

7 Q In other words, if it came to the penalty, you would
8 have to decide whether to give this defendant life or death,
9 and you would make up your own mind and you would exercise the
10 proper choice in accord with your own conscience; is that
11 correct?

12 A Yes.

13 Q You realize that we have no guide by which we
14 determine who should suffer the penalty of death and who should
15 suffer life imprisonment. You realize that, do you?

16 A Yes.

17 Q And you are willing to undertake that burden, are
18 you, Mrs. Mims?

19 A Well, I'll speak for myself. My job is to help
20 people, and I know this has not been introduced, but being a
21 Christian and a woman that goes forth to help people to find
22 their way in life, I don't personally feel that I should become
23 involved in saying whether a person should be sentenced to life
24 imprisonment or death penalty, because Jesus said, "I came that
25 you might have life, that you might have it more abundantly."

26 Being an Evangelist and traveling to and fro to
27 help people to find their way in life, I actually would not like
28 to be a part of saying who should live or who should die.

6
1 Q None of us do, I would think, Mrs. Mims, none of
2 us like that. Sometimes we have the duty to do so.

3 Could you set aside your religious convictions and
4 perform your duties as a juror?

5 A At this time, I don't feel that I could. I would
6 have to pray, or to see what the spirit of the Lord has to
7 say unto me.

8 I believe in complying with the laws of the land,
9 but I believe in living according to the word of God.

10 THE COURT: Do you wish to question any further?

11 MR. BUEBRICK: No, your Honor.

12 MR. BUGLIOSI: No. Might it be stipulated that this
13 juror be excused.

14 THE COURT: You have only got two months to try this
15 case.

16 MR. BUEBRICK: I will join in the stipulation.

17 MR. BUGLIOSI: So stipulated.

18 THE COURT: Thank you. You may be excused.

19 THE CLERK: Louis Kalik, K-a-l-i-k.

20
21 LOUIS KALIK,

22 BY THE COURT:

23 Q Mr. Kalik, can you give us the two months that
24 we need to try this case?

25 A No, I'm sorry, your Honor. I don't really think
26 I can.

27 Q Why?

28 A Well, there's really three reasons. I think the

7
1 most important reason is my son is getting bar mitzvahed next
2 month and we are having a lot of relatives in from the east.

3 No. 2, I am on an oral board that I have to attend
4 probably sometime this month.

5 No. 3, possibly my work might take me away from it.

6 Q What kind of work do you do?

7 A I am an engineer for the Department of Water and
8 Power.

9 Q This is the first time I've heard about the
10 Department of Water and Power objecting to jury duty.

11 A I am not saying that. There is a possibility it
12 might be so, your Honor.

13 I have ordered some equipment that might need my
14 need my attention periodically the next month, or whenever it
15 comes in. Possibly, I might do this before or after court,
16 but I don't really know.

17 Q Well, we certainly don't know, do we. In other
18 words, you would rather not sit on this jury, is that it?

19 A Well, it is going to impose a hardship on me, your
20 Honor.

21 THE COURT: May he be excused, Gentlemen?

22 MR. BUGLIOSI: So stipulated.

23 MR. BUBRICK: So stipulated.

24 THE COURT: You may be excused.

25 THE CLERK: Carlos Parra, P-a-r-r-a-a.

26
27 CARLOS PARRA,

28 BY THE COURT:

Q Mr. Parra, as you were sitting there, I was

8

1 wondering whether you were related to the late Chief Parker?

2 A No. My name is P-a-r-r-a.

3 Q I realize that now, but there is quite a resemblance,
4 I think, between you and the former chief.

5 A No, sir.

6 Q Mr. Parra, can you give us the two months we need
7 to try this case?

8 A Yes, I will.

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#22A

1 Q Tell me this: Would you automatically vote
2 against the imposition of the death penalty regardless of what
3 the evidence might show in this case?

4 A No, I wouldn't.

5 Q Are your views or attitude toward the death penalty
6 such that you would be prevented from making an impartial
7 decision as to the guilt or innocence of this defendant?

8 A No.

9 Q And are your views such that you automatically
10 would vote for life imprisonment rather than the death
11 penalty should it come to that stage of the trial?

12 A No.

13 Q In other words, realizing that whether or not a
14 person suffers the death penalty or is given life imprisonment
15 depends on you and you alone, you are willing to assume that
16 burden should it come to that?

17 A Yes.

18 Q Have you sat as a juror before?

19 A Yes.

20 Q This term?

21 A No, not on this term. That was in 1964.

22 Q Was that a capital case?

23 A No.

24 Q Were any of the same attorneys involved in that
25 case?

26 A No.

27 Q Did you hear the names of the doctors called off
28 by Mr. Bugliosi?

22A-2

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A Yes, I did.

Q Did you recognize any of them?

A No.

Q How about the lawyers whose names he called off.

Did you recognize any of them?

A No.

Q I am not going to ask you a lot of questions.

Have you heard all the questions put to our prospective jurors by respective counsel?

A Yes, I did.

Q As the questions were asked the jurors did you answer them in your own mind?

A Yes, I answered them in my own mind.

Q Other than those questions that are purely personal, if you were asked the same questions that these jurors have been asked, would your answers be substantially the same?

A Yes.

Q Now, you know that we are trying to get a jury here that will be fair to the people and fair to this defendant and will decide this case based only upon the evidence you hear in this case and the law as I shall state it to you.

Can you be such a juror?

A Yes, I can.

Q You probably have heard of the Manson case before and the Tate-La Bianca murder case before, have you not?

A Yes, I did.

Q You realize Mr. Watson was not a defendant in those

22A-3

1 cases or that case?

2 A Yes.

3 Q And you realize you are to judge his guilt or
4 innocence only by the evidence you hear in this case?

5 A Yes.

6 Q And you'll forget everything you heard in that case
7 and just decide his guilt or innocence only upon the evidence
8 you hear in this court?

9 A Yes.

10 Q Is there anything in your mind, Mr. Parra, that
11 would prevent you from giving both the people and the defendant
12 a fair trial?

13 A No, sir.

14 Q Can you think of any such reason?

15 A No.

16 THE COURT: Mr. Keith.

17 Q BY MR. KEITH: Mr. Parra, I will try to be brief
18 because I know you have been sitting in this courtroom a long
19 time and have been imposed upon, although not directly, but
20 indirectly with a barrage of questions, many repetitive.

21 A few personal questions. May I ask your business
22 or occupation?

23 A I am retired.

23

#23

1 Q And what was your business or occupation before
2 you retired?

3 A I was a machinist.

4 Q I am sorry?

5 A Machinist.

6 THE COURT: "Machinist."

7 Q BY MR. KEITH: Did you have your own shop or did
8 you work for somebody else?

9 A No, I used to work for Sterling Electric Motors.

10 Q How long have you been retired, approximately?

11 A About 7 months.

12 Q And is there a Mrs. Parra?

13 A Yes, there is.

14 Q Did she have or does she have an occupation
15 outside of the home?

16 A No.

17 Q Do you have children, sir?

18 A Yes, I have one at home -- I mean, I have two.

19 Q Are they both grown?

20 A Yes.

21 Q Did you say one is living at home?

22 A No, one is living -- they are both living outside
23 the home; one is married and the other is still single.

24 Q And what are their occupations?

25 A One of them works here.

26 Q Are they both sons or son and daughter or --

27 A No, both are daughters.

28 Q I wasn't even close.

23-2

1 A One works here in the probate department, Room 258;
2 and the other one is a housewife.

3 Q The girl that works in the Probate Department,
4 is she the one that is married or the one that is --

5 A No, the one that is the housewife.

6 Q Does she work there as a clerk or stenographer or
7 probate examiner?

8 A No, a clerk, just a clerk.

9 Q Do you ever talk to her about matters that come
10 before the probate department?

11 A Not at all.

12 Q Do you number among your close friends anybody --
13 or relatives -- anybody in law enforcement?

14 A No.

15 Q And have you or anybody close to you ever been the
16 victim of a crime?

17 A No.

18 Q A serious crime, that is.

19 A No.

20 Q And during your previous jury service did you sit
21 in any criminal matters?

22 I couldn't hear you when you were talking on that
23 subject.

24 A Well, I served on, if I remember right, two civil
25 cases; one mental case and another one was a Coroner's inquest.

26 Q Did you hear about this case -- this Manson case,
27 not this particular one -- but the Manson case, before --

28 A Yes.

23-3

- 1 Q -- coming to the courtroom Monday?
- 2 A Oh, yes, I did, a year ago or so when it happened.
- 3 Q Were you interested in that particular case?
- 4 A Not too much; just read the headlines and listened
- 5 to the news, but I didn't went in too deep.
- 6 Q Did you talk to Mrs. Parra at length about it or
- 7 did she talk to you?
- 8 A No, just that it happened, it was too bad it
- 9 happened; but we didn't went into detail discussing the case.
- 10 Q Do you have an opinion about Mr. Watson's guilt
- 11 or innocence because of what knowledge you may have obtained
- 12 regarding the Tate-La Bianca homicides and Manson?
- 13 A No, I do not.
- 14 Q And you have heard of Manson before coming to court,
- 15 then?
- 16 A Yes, I did.
- 17 Q And did you form an opinion before coming to court as
- 18 to who he might have been or what he did?
- 19 A Well, just form an opinion according to what I saw
- 20 in the papers, you know, mostly headlines and just a little bit,
- 21 I didn't went too deep and read.
- 22 Q What was that opinion?
- 23 A Huh?
- 24 Q What was your opinion about him?
- 25 A Well, it was too bad it happened, see.
- 26 Q What? I'm sorry, my ears --
- 27 A It was too bad that it had to happen that way.
- 28 Q That is your opinion of Mr. Manson?

23-4

1 A Well, yes.

2 Q Would you find it difficult to give Mr. Watson a
3 fair trial because he knew Mr. Manson or if the evidence so
4 shows and actually lived in a commune with Mr. Manson and
5 other young people?

6 A No, I don't.

7 Q Would you hold it against Mr. Watson solely
8 because he may have used or abused drugs and narcotics
9 voluntarily?

10 A No.

11 Q Would you find it difficult to give him a fair
12 trial if the evidence showed that Mr. Watson, during a period
13 of some two or three years, lived like a hippie or actually
14 was a hippie?

15 A No, I wouldn't.

16 Q You don't have, then, at this time any opinion one
17 way or the other regarding Mr. Watson's guilt or innocence?

18 A No, I do not.

19 Q You understand that merely because he has been
20 indicted for these crimes and appearing before you for trial
21 is no evidence of his guilt and that you are not to consider
22 it as such?

23 A Yes, I understand.

24 Q Will you follow that law?

25 A Yes.

26 Q Did you ever see any television programs where this
27 case -- not this case, but the Manson case -- was discussed?

28 A Well, maybe I did once.

23-5

1 Q Your memory --

2 A Or twice.

3 Q -- you weren't a regular viewer --

4 A No, we do not.

5 Q -- of what went on in the Manson case?

6 A No, we do not look at the television. My wife
7 don't like it, so I have to stay away from the television,
8 too.

9 Q Now, has any member of your family ever been
10 treated by a psychiatrist or been examined by a psychiatrist
11 or psychologist?

12 A No.

13 Q Have you ever done any reading in that field?

14 A No.

15 Q Do you know any psychiatrists or psychologists?

16 A No.

17 Q And nobody you know of has ever visited one on a
18 professional basis?

19 A No.

20 Q Do you have any belief or feeling that -- we can't
21 call it a science, but an art of psychiatry -- is not valid,
22 just has no place in our society, that psychiatrists in
23 general are charlatans or quacks or incompetent to delve
24 into the workings of the human mind and help people?

25 Do you have any such feelings or beliefs?

26 A Well, there might be a few that are charlatans.

27 Q Well, granted, but I am talking about generally.

28 A No, I don't believe that they are all charlatans;

23-6

1 they can help people.

2 Q In the event psychiatric evidence is offered in
3 the case, considering Mr. Watson's mental condition and state
4 of mind, would you listen to that evidence with an open mind?

5 A Yes, I would.

6 Q Would you consider it?

7 A Yes.

8 Q And would you consider the opinions of the
9 psychiatrists in accordance with the rules of law that will be
10 given to you by his Honor in the event you are selected as a
11 trial juror?

12 A Yes, I would.

13 Q And would you consider the reasons for their
14 opinions?

15 A Yes, I have to consider both sides.

24

1 You will also see some weapons and you will hear
2 about lots of blood and multiple stabbings and some screams
3 and yelling.

4 Are you going to simply because of some of the
5 gruesome nature of the testimony that you may hear decide
6 to find Mr. Watson guilty of first degree murder only because
7 the homicides themselves were bloody and gruesome?

8 A No.

9 Q Are you the sort of person that just is going to
10 say, "Well, gee, this is terrible. This is horrible. He
11 gets first degree murder," and forget about all the other
12 evidence in the case?

13 A No, I don't believe in that kind of person.

14 Q Concerning the issue of capital punishment, which
15 might arise, in the event we arrive at the third phase of this
16 case -- incidentally, it has been gone over and over again.

17 Is there anything you don't understand that you
18 would like to ask me about regarding the three phases of this
19 case in the event there are three phases?

20 It is possible there might be. Is there anything
21 you don't understand now about the diminished responsibility
22 or diminished capacity?

23 A No. I think I understand now. I heard it over
24 and over again.

25 Q I know we have been over it again.

26 A I got an idea.

27 Q Because it is not the easiest series of concepts
28 and doctrines and we want you to understand it before we

1 start.

2 A Yes, I do.

3 Q But you feel now you have a grasp of this subject?

4 A Yes.

5 Q With respect to the death penalty, if the issue
6 of capital punishment were placed on a ballot and you were
7 asked to vote, do you have an opinion now as to how you
8 would vote? For or against the abolition of capital
9 punishment?

10 A No, I do not have it right now.

11 Q You are undecided is what you are telling us?

12 A Undecided, right.

13 Q And you would want to find out more about the
14 argument for and against capital punishment before you make
15 up your mind?

16 A That is right.

17 Q Would you be inclined in the event this case
18 reached the third phase, that is the penalty phase, to vote
19 for the death penalty as to Mr. Watson solely because you had
20 previously convicted him of first degree murder and for no
21 other reason?

22 A Not exactly.

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24AR-1

1 Q You would want to know all you could about him,
2 all that was relevant about him and about the facts surround-
3 ing this case before you would make up your mind what you
4 would want to do?

5 A That is right.

6 Q Would you have the courage to return a verdict of
7 life imprisonment, if you felt that was the proper verdict to
8 return, even though you might believe that popular sentiment
9 or prejudice would be against that view of life imprisonment?

10 A Yes.

11 Q You won't be influenced in you deliberations then
12 by any extraneous outside factors such as popular sentiment,
13 passion, prejudice against Manson and his family and so forth?

14 A No, I won't.

15 Q Do you know what I mean when I use the term
16 retribution?

17 A Yes, I do.

18 Q An eye for an eye, a tooth for a tooth?

19 A Yes.

20 Q Do you believe in retribution as a method of
21 punishment?

22 A No, I do not.

23 Q You wouldn't automatically return a verdict of
24 death in this case, would you, simply because there were
25 seven dead bodies and knives and guns used?

26 These may be factors for you to consider. I'm
27 not suggesting they aren't. Certainly the district attorney
28 would argue these points, but just automatically, without

2

1 any other consideration, would you impose death because of the
2 number of homicides and because of the method in which the
3 homicides were perpetuated?

4 A No. I wouldn't return a verdict automatic.

5 Q Is there anything you can think of that you believe
6 we ought to know, about your state of mind in connection with
7 sitting as a juror in this case, anything we haven't asked
8 you?

9 We can't ask you everything in the world. We have
10 taken long enough. You are going to have to tell us if you
11 have a frame of mind that would not justify your sitting here
12 as a fair and impartial juror.

13 A No. I don't know of anything. If that had been
14 the case, I would have said that before. You asked me ques-
15 tions.

16 Q I know, but sometimes as you sit there and are
17 questioned, something pops up in your mind that hasn't popped
18 in your mind before.

19 A No.

20 Q And we want to make absolutely sure, as sure as
21 humanly possible?

22 A No, I don't know of anything.

23 Q That you could be the sort of juror both parties
24 are looking for and his Honor is looking for in this case?

25 A I try my best to listen to both sides and then I
26 make my own decision.

27 MR. KEITH: Thank you, Mr. Parra. I pass for cause.

28 MR. BUGLIOSI: Just a few questions, your Honor, unless

3

1 the Court wants to recess.

2 THE COURT: No.

3 Q BY MR. BUGLIOSI: Just a couple of questions,
4 Mr. Parra.

5 You said that you were a juror on a mental case.
6 What type of case was that?

7 A This was some member of the family.

8 THE COURT: Civil insanity?

9 MR. PARRA: Insanity.

10 Q BY MR. BUGLIOSI: Civil insanity?

11 A Yes.

12 Q Not involving any crime at all?

13 A No, no, no.

14 Q Was this over at Department 95?

15 A No.

16 Q A general hospital?

17 A I think that was in the Hall of Records. They
18 sent us to the Hall of Records.

19 Q Several years ago?

20 A That was in 1964.

21 Q Mr. Parra, you are undecided about the death
22 penalty?

23 A To vote against or in favor?

24 Q But would you have the courage to put your signa-
25 ture down on a verdict of death?

26 A Yes, I do.

27 Q You would have the courage to come back into this
28 courtroom with a verdict of death?

4

1 A Yes.

2 Q In doubt in your mind about that?

3 A No. There is no doubt in my mind.

4 Q And you will follow all of the instructions given
5 to you by Judge Alexander?

6 A Yes, I will.

7 Q Do you have any questions at all that you would
8 like to ask us?

9 A No.

10 Q Anything that is unclear in your mind?

11 A No.

12 Q And you are sure you can give both sides a fair
13 trial?

14 A Yes.

15 Q Do you want to sit as a juror in this case?

16 A Yes.

17 Q You do want to sit as a juror?

18 A Yes, I do.

19 MR. BUGLIOSI: No further questions.

20 THE COURT: Recess at this time until tomorrow morning
21 at 9:30.22 Again, ladies and gentlemen, do not form or
23 express any opinion in this case. Do not discuss it with
24 anybody and please keep an open mind.

25 9:30 tomorrow morning.

26 (At 4:00 p.m. an adjournment was taken until
27 Thursday, August 5, 1971, at 9:30 a.m.)
28