

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA



THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff-Respondent,  
vs.  
CHARLES WATSON,  
Defendant-Appellant.

7003

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY  
HONORABLE ADOLPH ALEXANDER, JUDGE PRESIDING

REPORTERS' TRANSCRIPTS ON APPEAL

APPEARANCES:

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For Defendant-Appellant: CHARLES WATSON,  
In Persona Propria

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VOLUME



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#1  
1 LOS ANGELES, CALIFORNIA, THURSDAY, AUGUST 5, 1971; 9:30 A.M.  
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4 THE COURT: Gentlemen.

5 MR. KAY: Good morning, Judge.

6 THE COURT: People against Watson.

7 Let the record show all jurors are present; all  
8 counsel and defendant are present.

9 I believe you completed your voir dire yesterday?

10 MR. BUGLIOSI: Yes, your Honor.

11 MR. KAY: Yes, your Honor.

12 THE COURT: Next challenge is with the defense.

13 MR. BURRICK: We will thank and excuse juror No. 10,  
14 Mrs. Oberrinder.

15 THE COURT: Thank you, Mrs. Oberrinder, you may be  
16 excused.

17 THE CLERK: Anita E. Fielder, F-i-e-l-d-e-r.

18  
19 ANITA E. FIELDER

20 BY THE COURT:

21 Q Mrs. Fielder, from where you sat did you hear all  
22 the questions put to our prospective jurors?

23 A Yes, I did.

24 Q Tell me, can you give us the two weeks we need --  
25 two months, rather, to try this case?

26 A I think it will be just too hard, duties at home;  
27 and I am afraid it would be just too much of a nervous strain.

28 THE COURT: You are not physically up to it; is that what

1 you mean?

2 A I don't feel up to it.

3 THE COURT: May this lady be excused, gentlemen?

4 MR. BUGLIOSI: Yes, your Honor.

5 MR. BUBRICK: Yes, your Honor.

6 THE COURT: Thank you; you may be excused.

7 THE CLERK: Henry Estrada, E-s-t-r-a-d-a.

8  
9 HENRY ESTRADA

10 BY THE COURT:

11 Q Mr. Estrada, I know you did not hear all the  
12 remarks I made to this jury; but do you think that since you  
13 stopped reading the newspaper you did hear all the questions  
14 put to our jurors by respective counsel?

15 A Yes, sir.

16 Q How about the question of the two weeks, can you  
17 give us the two weeks' time?

18 MR. BUBRICK: Two months, your Honor.

19 THE COURT: I had a bad night.

20 MR. BUBRICK: We catch the kudos, your Honor.

21 THE COURT: Q The two months we need to try this  
22 case?

23 A No.

24 Q Now come, Mr. Estrada; what's the trouble?

25 A It would be a hardship.

26 Q Where are you employed?

27 A I'm not, presently.

28 Q It would be a financial hardship; is that what you



mean?

A Yes.

Q You are not employed at this time?

A No.

THE COURT: May he be excused, gentlemen?

MR. BUGLIOSI: Yes.

MR. KEITH: Yes, your Honor.

THE COURT: Thank you; you may be excused, Mr. Estrada.

#2

1 THE CLERK: Mrs. Maxine A. Hall, H-a-1-1.

2  
3 MAXINE A. HALL

4 BY THE COURT:

5 Q Mrs. Hall, can you give us the two months we need  
6 to try this case?

7 A Yes, your Honor, I can.

8 Q How about the question of the death penalty, Mrs.  
9 Hall?

10 Would you automatically vote against the imposition  
11 of the death penalty regardless of what might be developed?

12 A No, I wouldn't.

13 Q Well, would you automatically vote for life  
14 imprisonment regardless of what might be developed?

15 A No, I wouldn't.

16 Q You understand that should we come to the penalty  
17 phase of this case, that the choice of life imprisonment or  
18 death rests entirely within your discretion and you have no  
19 guidelines?

20 A Yes.

21 Q And you are willing to assume that burden, are you?

22 A Yes.

23 Q Is your attitude toward the death penalty such as  
24 will prevent you from making an impartial decision as to the  
25 guilt or innocence of this defendant?

26 A No, it isn't.

27 Q Have you served as a juror before, Mrs. Hall?

28 A No, I haven't.

1 Q You heard the list of the doctors called off by  
2 Mr. Bugliosi. Any of those names sound familiar to you?

3 A No. I know none of them.

4 Q How about the list of attorneys?

5 A No.

6 Q How about the attorneys who are present here in  
7 court?

8 A No.

9 Q Mrs. Hall, you have heard no doubt with reference  
10 to the Manson case -- you probably knew about it long before  
11 you came to court.

12 A Yes.

13 Q You realize that the defendant Watson was not  
14 a defendant in that case?

15 A Yes.

16 Q This is a separate case entirely?

17 A I realize that.

18 Q And you will forget everything you ever heard or  
19 knew about the other Manson or Tate-La Bianca case and decide  
20 Mr. Watson's case based only upon the testimony you hear in  
21 this court; is that correct?

22 A Yes, I will do my best, your Honor.

23 Q Mrs. Hall, you heard us say time and time again  
24 that all of us are seeking to have a jury that will be just as  
25 fair with the people as they will be with the defendant.

26 Both are entitled to a fair trial, the people and  
27 the defendant.

28 Both are entitled to have you decide this case

1 based solely and only upon the evidence you hear in this case  
2 and the law as I shall state it to you.

3 Can you be that kind of a juror, Mrs. Hall?

4 A Yes, I can.

5 THE COURT: You may inquire.

6 Q BY MR. BURRICK: Thank you, your Honor.

7 Mrs. Hall, may I ask you please the nature of  
8 your business or occupation?

9 A I am a general clerk at the Automobile Club of  
10 Southern California.

11 Q Is there a Mr. Hall?

12 A No. We are divorced.

13 Q What was the nature of his work, please?

14 A I wouldn't know because I haven't seen him in four  
15 years.

16 Q Was he ever involved in law enforcement so far as  
17 you know?

18 A No, he wasn't.

19 Q What area of the city or county do you live in?

20 A Southwest Los Angeles.

21 Q Do you have any children, Mrs. Hall?

22 A No, I haven't.

23 Q You heard some discussion up until now, Mrs. Hall,  
24 I am sure, about drugs, LSD, methedrine, barbiturates, perhaps  
25 amphetamines, things of that nature.

26 Does the fact that there might be evidence tending  
27 to show Mr. Watson's involvement with drugs cause you any  
28 distress at this moment sufficiently so that you cannot give him

1 a fair trial?

2 A No, because I am quite aware of the problem of  
3 drugs and my opinion on it has no bearing whatsoever.

4 Q If it should come to pass by way of evidence that  
5 the drug problem and drugs specifically become very pertinent,  
6 will you give that whatever weight and consideration you  
7 will?

8 A Yes, I will.

9 Q Knowing as you do about the existence of a drug  
10 problem, Mrs. Hall, is it your frame of mind now that because  
11 Mr. Watson may have voluntarily taken drugs you would not be  
12 able to give him the benefit of any medical testimony, under  
13 the court's instructions, with respect to voluntary ingestion  
14 of drugs?

15 A No. I wouldn't have any type of prejudice against  
16 him because he voluntarily took drugs.

17 Q In other words, if you have some feeling about the  
18 drug problem, you realize we are not going to settle it here.

19 A No. I realize people are going to take drugs  
20 regardless.

21 Q Do you number among your family, or close friends  
22 or associates members of any law enforcement agency?

23 A No.

24 Q How about members of any prosecutor's staff?

25 A No.

26 Q Incidentally, Mrs. Hall, have you ever read or  
27 done any study about drugs?

28 A I have read quite a few articles about drugs, yes.

1 You can't help it. You see it on the news media all the time.

2 Q I agree. Have you read specifically about drugs  
3 such as LSD or methedrine?

4 A Yes, I have.

5 Q And the amphetamines?

6 A Yes.

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1 Q And have you formed any conclusions, without  
2 telling us what they are, with respect to the effect of those  
3 drugs on the human body?

4 A Well, I do know they do create --

5 Q Well, have you formed such an opinion?

6 A No, I haven't because -- no, I haven't.

7 Q If you have, that's all we want to know; we are  
8 not at this moment interested in what it is but we just want  
9 to know how much you finalized --

10 A No, I haven't formed any specific opinion about  
11 it.

12 Q Have you also, in your course of studies, read  
13 about what effects, if any, these drugs may have on the human  
14 mind?

15 A Well, yes, I have.

16 Q Without telling us, again --

17 THE COURT: Well, let her answer your question, Mr.  
18 Bubrick.

19 A I mean, you asked me a question and I'm trying to  
20 answer and when I do, you cut me off.

21 Well, I will give you a blank yes or no, if that's  
22 what you want at this time.

23 Q BY MR. BUBRICK: I would prefer that at the moment.

24 A All right, "No."

25 Q You have not read any articles dealing with --

26 A Well, yes, I have read some articles but no, I  
27 haven't formed any opinion.  
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1 Q That is really all I wanted to know.

2 You see, Mrs. Hall, we may have medical evidence  
3 and we wanted to make sure that if you have formed opinions  
4 that you don't substitute your opinion for that of the doctor.

5 A No, I haven't formed any opinion.

6 Q And if you happen to have read material that the  
7 doctors don't refer to, I think you would realize it would be  
8 unfair to interpret what you have read rather than what the  
9 doctors will interpret for us, as a basis for their opinion?

10 A Yes, I realize this.

11 Q Have you ever studied psychology or taken a course  
12 in psychology in school?

13 A No, I haven't.

14 Q Have you ever been the victim of any crime?

15 A I had a burglary -- a theft, really.

16 Q A house burglary, was it?

17 A Well, yes.

18 Q Were you ever called upon to file a criminal  
19 report in that case?

20 A Yes, I did.

21 Q Did you testify in that matter?

22 A No, I didn't go to court.

23 Q You never went to court in connection with it?

24 A No.

25 Q Have you ever seen a violent crime being committed?

26 A No, I haven't.

27 Q Have you ever testified as a witness in any sort  
28 of a criminal proceeding?



1 A No.

2 Q Let me talk to you a moment, if I may, please,  
3 Mrs. Hall, about the death penalty.

4 Now, you realize that in order to impose the death  
5 penalty in this case or in any other case in California, you  
6 first have to find the defendant guilty of first degree murder.

7 Now, assuming that you have done that, is your  
8 state of mind such that you feel that anybody who is convicted  
9 of first degree murder should automatically suffer the death  
10 penalty?

11 A No, I do not.

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1 Q Do you have any preference -- strike that.

2 You realize from what the judge has said when you  
3 come to this issue of determining punishment that you and you  
4 alone, do it; and you do it absent any guides or standards of  
5 any sort.

6 Do you feel that that's too much of a burden to  
7 ask you to undertake?

8 A No, it isn't.

9 Q Do you have any ideas as you sit there as a  
10 prospective juror at this moment, Mrs. Hall, about the factual  
11 conditions under which you would impose the death penalty?

12 A No, because I keep an open mind. He's presumed  
13 guilty -- I mean, he's presumed innocent until proven guilty,  
14 so I have no opinion whatsoever.

15 Q Specifically with the death penalty, now, have  
16 you ever thought about the death penalty and its application  
17 in the past?

18 A Yes, I have.

19 Q Have you ever thought to yourself that anybody who  
20 does one, two, three, four, something like that, must suffer  
21 the death penalty?

22 A No.

23 Q Have you ever thought that anybody who does one,  
24 two, three, or four, "is a person whom I would automatically  
25 give the death penalty, if I had the choice"?

26 A No, even if he did one, two through ten, I know --

27 Q You know, all I want to find out is whether you  
28 have any idea of the kind of crime that must receive the

1 death penalty, as far as you are concerned?

2 A No, I realize that but I don't think any crime  
3 automatically deserves the death penalty.

4 Q Let me ask you, conversely, do you think there are  
5 certain types of situations where you would automatically  
6 impose life?

7 A Well, as we use the term, life sentence, there  
8 are certain cases; but I have to weigh the evidence.

9 Q You don't know whether this is that kind of case  
10 or not?

11 A No, because I don't, because I don't know all the  
12 details of this case.

13 Q Knowing what you know, as a result of your last  
14 three days in this courtroom, Mrs. Hall, knowing that this is  
15 a case that involves multiple killings, there have been  
16 multiple wounds, probably have some rather gruesome pictures  
17 to evidence that, we know there have been stabbings and the  
18 use of weapons and things of that nature, knowing all of that,  
19 is your frame of mind such that you would automatically impose  
20 the death penalty in a factual situation such as that?

21 A Knowing all of that, no; my mind is not of such  
22 a frame that I would automatically impose the death penalty.

23 Q Have you, Mrs. Hall, ever been a member of an  
24 organization that seeks to retain capital punishment in Cali-  
25 fornia?

26 A No, I haven't.

27 Q Do you number among your friends, associates or  
28 relatives, people that you know are pro capital punishment?

1 A No, I do not.

2 Q Do you have any feeling, Mrs. Hall, that because  
3 of the publicity attendant to the Tate-La Bianca murders that  
4 it is your duty to return a death penalty verdict in this case?

5 A No, I do not feel it is my duty to return a death  
6 penalty verdict.

7 Q Do you have any feeling that you would be subjected  
8 to criticism by people about you, or people that you might see  
9 or people --

10 A Well, regardless of whether you do, someone is  
11 always going to say something; so, opinions for something like  
12 that, I care less.

13 Q You are not the kind of person who would find them-  
14 selves reacting to pressures from the outside?

15 A No.

16 Q Now, I think there has been some reference to a  
17 theory expounded by Mr. Manson that is called helter-skelter.

18 It is in many aspects very derogatory of blacks.  
19 Now, knowing that, do you think that evidence of that nature,  
20 knowing as you must know that Mr. Watson was a member of the  
21 Manson group, can or might it influence your thinking sufficient-  
22 ly to prevent you in a situation -- strike that -- would it  
23 affect you enough so that you would deprive Mr. Watson of a  
24 fair trial?

25 A No; being a black, I have heard derogatory remarks  
26 against me all my life, so it would have no bearing whatsoever.

27 Q May I assume, Mrs. Hall, if and when you got around  
28 to the deliberation of life and death that you wouldn't let

1 that one feature, alone, the fact that there are racial over-  
2 tones connected with this case, you wouldn't let that one  
3 feature, alone, perhaps, change your decision from life to  
4 death?

5 A How could I? I have just stated all my life I've  
6 heard derogatory remarks, so how could I let one remark --

7 Q I am just trying to make sure your candor and --

8 A I'm just trying to tell you that I have heard  
9 derogatory remarks all my life --

10 Q As the judge indicated, there has been a lot of  
11 publicity about the Tate-La Bianca affair and its effect, if  
12 any, on this matter.

13 Are you familiar with the name of Susan Atkins?

14 A Yes.

15 Q Have you read any statements attributed to her?

16 A Not precise, only what I have heard on the news --  
17 I mean, television -- I have read some of her statements in  
18 the newspaper, that's it.

19 Q Did you say you have read some of the details of  
20 her statement in the paper?

21 A Yes, there were some excerpts from her statement.

22 Q Do you remember any of those details at this  
23 moment?

24 A No, not specifically.

25 Q Do you remember any of the people that she made  
26 reference to in that statement?

27 A Yes, Charles Watson, Linda Kasabian, Leslie Van  
28 Houton, and she -- there was mention of Charles Tex Watson.

1 Q And how about the statements attributed to Linda  
2 Kasabian, do you recall them with any degree of particularity?

3 A The exact words, no, because it has been quite  
4 a while ago and there was so much on it.

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1 Q But do you remember the people that Linda  
2 Kasabian referred to?

3 A All I know that each one referred to the other.  
4 Exactly the same person or what person they referred to I  
5 don't know, but I know each one did refer to Charles Watson --  
6 Charles Manson.

7 Q May we assume, Mrs. Hall, that you are going to  
8 put out of your mind everything that you may have heard from  
9 those newspaper accounts or other media accounts and be  
10 guided solely by what you hear here?

11 A Yes, because all the time you can't believe what  
12 you read in the paper.

13 Q Now, if the testimony in the courtroom should be  
14 a little different than the testimony you recall -- strike  
15 that -- than the newspaper account you recall having read  
16 about Linda's statements or Susan Atkins' statement or anything  
17 of that nature, would you be guided solely by what you hear  
18 here in the courtroom?

19 A Yes.

20 Q If there is a problem it doesn't exist as far as  
21 you are concerned because it is the courtroom testimony that  
22 we are concerned with; is that correct?

23 A Yes.

24 Q Let me ask you just a few questions about psychiatry.  
25 Do you have any feeling at all about the place of the  
26 psychiatrists in modern day society?

27 A Yes. I feel psychiatry has a basic place in our  
28 society. It is very much needed.

4-2

- 1 Q Do you know anybody that has gone to psychiatrists?
- 2 A No, I don't.
- 3 Q Do you feel that a psychiatrist is in a position
- 4 to describe the sanity or insanity of an individual to the
- 5 courtroom?
- 6 A Yes. I feel that since he has studied in the
- 7 field, he should be able to tell us an opinion of the human
- 8 mind.
- 9 Q Have you heard psychiatrists referred to as
- 10 shrinks or head shrinkers?
- 11 A Yes, I have.
- 12 Q Do you approve of that sort of terminology with
- 13 respect to a psychiatrist?
- 14 A Well, I think everyone in a profession has a
- 15 certain slang name. No, I don't approve of it, of being called
- 16 head shrinks.
- 17 Q You don't think they shrink heads by any means?
- 18 A No, I don't think they shrink heads.
- 19 THE COURT: You have heard that some of them make better
- 20 patients.
- 21 MR. BUEBICK: Perhaps they make better patients for other
- 22 doctors. Is that what you Honor was referring to?
- 23 THE COURT: To ourselves I am referring -- not all of
- 24 them. I say some.
- 25 Q BY MR. BUEBICK: Of course we are going to be
- 26 involved here with psychiatrists of high repute and very
- 27 ethical and --
- 28 MR. BUGLIOSI: I object to that. He can't testify as to



4-3  
1 credibility.

2 THE COURT: Strike my remarks. Forget what I said.

3 MR. BUGLIOSI: Would the court instruct the jury to  
4 disregard Mr. Bubrick's last remarks?

5 THE COURT: Yes. Mr. Bubrick should not give character  
6 references.

7 Q BY MR. BUBRICK: Well, Mrs. Hall, as a result of  
8 everything I may have said or not said this morning, everything  
9 that you may have heard the last three days in the courtroom,  
10 do you know of any reason at all why you can't be a fair and  
11 impartial juror to both sides?

12 A No, I don't.

13 Q And I take it you know of no reason why you would  
14 not want to stay as a juror in this matter?

15 A No.

16 MR. BUBRICK: Thank you.

17 Q BY MR. KAY: Do you want to be a juror in this case?

18 A Yes, if I am chosen.

19 Q Do you think that you could be fair and impartial  
20 to both sides and give each side an equal fair trial?

21 A Yes, I do.

22 Q And do you think you could vote for the death  
23 penalty if the evidence warranted it?

24 A Yes, I certainly do.

25 Q And is it your feeling that psychiatrists are just  
26 like any other witness, that they can be impeached if their  
27 opinions are unreasonable?

28 A Yes. I feel that their opinion should be weighed.

4-4  
1 MR. KAY: That is all.

2 THE COURT: Hallelujah.

3 The next challenge is with the people.

4 MR. BUGLIOSI: The people thank and excuse Mr. Prado.

5 THE COURT: Thank you, Mr. Prado. You may be excused.

6 THE CLERK: Mrs. Helen D. Henderson, H-e-n-d-e-r-s-o-n.

7  
8 HELEN D. HENDERSON

9 BY THE COURT:

10 Q Is that Mrs. Henderson?

11 A Yes.

12 Q Mrs. Henderson, can you give us the two months we  
13 need to try this case?

14 A Yes, I could.

15 Q How about your attitude toward the death penalty.  
16 Is it such that you would automatically vote  
17 against the death penalty regardless of what the testimony  
18 might show in this case?

19 A Yes, I would.

20 Q In other words, you have such conscientious  
21 scruples against the death penalty that no facts are sufficient  
22 to you to impose the death penalty?

23 A Yes.

24 Q Is your attitude toward the death penalty such as  
25 will prevent you from making an impartial decision as to the  
26 guilt or innocence of this defendant?

27 A No.

28 Q You could determine the guilt or innocence but you

4-5  
1 could not impose the death penalty regardless of what the  
2 evidence might show?

3 A Right.

4 THE COURT: Do you wish to inquire further?

5 MR. BURRICK: No.

6 THE COURT: The people?

7 MR. BUGLIOSI: No, your Honor.

8 May she be removed by stipulation?

9 MR. BURRICK: So stipulated.

10 MR. BUGLIOSI: So stipulated.

11 THE COURT: All right, Mrs. Handersen, you may be  
12 excused.

13 We are down to one so we need a new panel.

14 Ladies and gentlemen of the jury, we'll have a  
15 short recess at this time until we can get a new panel.

16 Again during the recess do not form or express any  
17 opinion in this case. Do not discuss among yourselves or  
18 with anybody else the case and please keep an open mind.

19 Summon another panel.

20 THE CLERK: Yes, your Honor.

21 (Short recess taken.)  
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SR-1  
1 THE COURT: People against Watson.

2 Let the record show all jurors are present; all  
3 counsel and defendant are present.

4 Will you swear the new panel, please?

5 THE CLERK: Would all prospective jurors please stand  
6 and raise your right hands?

7 (The prospective jury panel was sworn.)

8 THE CLERK: Thank you; be seated.

9 THE COURT: Call a new juror, please.

10 THE CLERK: Michael Ford Podhoretz, P-o-d-h-o-r-e-t-z.

11 THE COURT: Would you pronounce your name for us, please?

12 MR. PODHORETZ: P-o-d-h-o-r-e-t-z, Podhoretz.

13 THE COURT: Podhoretz? Thank you.

14 I will address myself to Mr. Podhoretz, but please,  
15 members of the panel, please listen to my remarks and listen  
16 to the questions put to Mr. Podhoretz by respective counsel,  
17 because it may save a lot of time, if you are chosen to act  
18 as a juror in this case.

19 Now, this case is entitled People of the State  
20 of California against Charles Denton Watson.

21 Mr. Watson, would you stand up for a moment,  
22 please? Face the jury. Thank you.

23 He is being defended by Mr. Bubrick, who sits to  
24 his right and by Mr. Keith, who sits to his left; and the  
25 case is being prosecuted by Deputy District Attorney Bugliosi,  
26 who sits closest to the jury and by Mr. Stephen Kay, Deputy  
27 District Attorney.

28 Now, this defendant is charged with seven counts

1 of murder and one count of conspiracy to commit murder.

2 Count I alleges the murder on August 9th, 1969  
3 of Abigail Anna Folger.

4 Count II alleges the murder of Wojciech Frykowski;  
5 and Steven Earl Parent, murdered on the same day.

6 Count IV, the murder of Sharon M. Polanski -- I  
7 believe also known as Sharon Tate -- on August 9, 1969.

8 Count V charges the murder of Thomas J. Sebring,  
9 on the same day.

10 And the murder of Leno A. La Bianca on August  
11 10, 1969.

12 And the murder of Rosemary La Bianca on August  
13 10, 1969.

14 The county charges the defendant and others with  
15 conspiracy to commit murder through August 8 and August 10  
16 of 1969.

6f.

#6

1 Now, those are the charges which the Grand Jury  
2 of this county filed against this defendant.

3 Because these charges have been filed against this  
4 defendant is no indication that he is more likely to be  
5 guilty than innocent.

6 To each of these charges this defendant has  
7 pleaded not guilty and not guilty by reason of insanity.

8 In a criminal case a defendant is presumed to be  
9 innocent and the burden rests with the prosecution to prove  
10 him guilty beyond a reasonable doubt. In that connection no  
11 defendant need prove his innocence. The burden rests with the  
12 prosecution to prove him guilty beyond a reasonable doubt.

13 Now, because this is a case involving the charge  
14 of murder in which the people are seeking the death penalty,  
15 and because the defendant has entered a plea of not guilty and  
16 not guilty by reason of insanity, this trial will have three  
17 phases.

18 In the first phase -- as you see on the board here  
19 it is called here the first trial, it should be the first  
20 phase of the trial -- you determine the guilt or innocence  
21 of this defendant.

22 Now, in determining his guilt or innocence, you  
23 are not to be concerned or are you to discuss whether not he  
24 is sane or insane.

25 On this first phase you decide only his guilt or  
26 innocence. Should you find him guilty of some charge, we  
27 then go to the second phase of the trial. That is to  
28 determine whether or not this defendant was sane or insane

1 at the time of the commission of these offenses.

2 In that phase of the trial the defendant has the  
3 burden of proving insanity and that burden is by a preponderance  
4 of the evidence, not beyond a reasonable doubt.

5 Should you find the defendant sane after that  
6 phase of the hearing, you then go to the third phase of the  
7 trial, which is the penalty phase.

8 In the penalty phase you as a juror have two  
9 choices: Either the death penalty, if you had found him  
10 guilty of murder in the first degree that is -- you have a  
11 choice of either the death penalty or life imprisonment.

12 It is very important for you to understand that  
13 you and you alone assess the penalty in a case where a  
14 defendant is convicted of the crime of murder in the first  
15 degree. We have no guidelines to guide you in determining  
16 which penalty should be imposed.

17 The penalty rests entirely with your own conscience  
18 and your own discretion based upon all the evidence you hear  
19 in this case. Nobody can help you in guiding you in determining  
20 what the proper penalty is.

21 Each of you must decide that for yourselves based  
22 upon the testimony you hear in this case.

23 Now, you as jurors are the sole and exclusive  
24 judges of the facts in this case. That means you and you  
25 alone determine what the facts are.

26 You cannot take a hint from me. Indeed you cannot  
27 even look to me for guidance as to what facts you are to  
28 accept or what facts you are to reject. You see that is

1 solely within your province and I cannot and must not help  
2 you in that regard.

3 In addition to that you are the exclusive judges  
4 of the credibility of the witnesses who testify in this case.  
5 A witness is anyone in this case who testifies under oath,  
6 whether he be a layman, whether he be a professional man or  
7 whether he be a member of law enforcement.

8 As to the lay witnesses and to the members of  
9 law enforcement, such as police and sheriffs, you judge their  
10 credibility by the very same standards, and that goes for the  
11 defendant too should he take the stand.

12 Some of those standards are -- and I don't  
13 intend to give you all the standards, it would be impossible  
14 to give you all by which you judge the credibility of  
15 witnesses -- but some of them are the demeanor and appearance  
16 of the witness on the stand, the character of his testimony,  
17 the ability of the witness to observe and relate what he  
18 observes.

19 Does the witness have a motive to testify the  
20 way he did testify. Is he biased against one side or the  
21 other side. Has he made statements previously which are not  
22 consistent with his present testimony.

23 Has he made statements previously which are  
24 consistent to his present testimony. Those are some of the  
25 guides by which you determine the credibility of witnesses.

26 In this case no doubt we will have some, if not  
27 many, professional witnesses such as psychiatrists and  
28 psychologists. We have a slightly different standard of



1 measuring their credibility.

2 As to these professional men, because of their  
3 learning and their skill, they may express opinions which are  
4 relevant in this case. You may consider the basis for those  
5 opinions, the reasons given for those opinions, the background  
6 of the witness, the qualifications of the witness,

7 No doubt some of them will say that this defendant  
8 had the mental capacity to commit the crime as alleged. Others  
9 will say he did not have the mental capacity to commit the  
10 crime.

7 fls.

1 If that happens, remember, you are the sole and  
2 exclusive judges of all the evidence in this case.

3 While they may express opinions, you, as the jury,  
4 have the right to accept or reject the opinion of the expert  
5 witness and you have the final determination, regardless of  
6 what opinion they express. That is your function.

7 They can help you, they can guide you, but you  
8 can accept or reject their testimony, depending upon how you  
9 view their testimony.

10 Now, during the course of the trial, one lawyer  
11 may ask a witness a question and another lawyer will say,  
12 "Judge, I object."

13 That's just a polite way of saying to me, "Judge,  
14 if you permit that witness to answer that question, you are  
15 violating one of the rules of evidence."

16 I then am called upon either to sustain the  
17 objection or overrule the objection. If I overrule that  
18 objection, the witness answers the question. If I sustain the  
19 objection, the witness does not answer that question and when  
20 I do that, you are not to speculate as to what the answer  
21 might have been or could have been; and you are not even to  
22 speculate as to the reason for the objection.

23 You see, that's a matter of law between the Court  
24 and counsel.

25 Now, so far I have told you what your duties are.  
26 I, too, have a duty in this case. I resolve just the con-  
27 flicts of law that may arise during the course of the trial  
28 and I instruct you on the law.

1           The instructions I give you on the law, it is  
2 mandatory that you accept those instructions, regardless of  
3 what you think the law should be, regardless of whether or  
4 not you disagree with the law as I give it to you. You must  
5 accept the law as I state it to you.

6           Now, we are going to have a lot of talk about  
7 reasonable doubt. You see, a defendant must be proved guilty  
8 beyond a reasonable doubt, so you have the right to know what  
9 the law defines as a reasonable doubt, so I will read you the  
10 law regarding the presumption of innocence and reasonable  
11 doubt:

12           "A defendant in a criminal action is  
13 presumed to be innocent until the contrary is  
14 proved and in case of a reasonable doubt  
15 whether his guilt is satisfactorily shown, he  
16 is entitled to an acquittal. This presumption  
17 places upon the state the burden of proving  
18 him guilty beyond a reasonable doubt.

19           "Reasonable doubt is defined as follows:  
20 It is not a mere possible doubt, because  
21 everything relating to human affairs and  
22 depending on moral evidence is open to some  
23 possible or imaginary doubt. It is that  
24 state of the case which after the entire com-  
25 parison and consideration of all the evidence  
26 leaves the minds of the jurors in that  
27 condition that they cannot say they feel  
28 an abiding conviction to a moral certainty

1 of the truth of the charge."

2 That is the legal definition of reasonable doubt.

3 Now, in view of the fact that we have experts in  
4 this case, I think I should also review the law concerning  
5 expert testimony:

6 "A person is qualified to testify as an  
7 expert if he has special knowledge, skill,  
8 experience, training or education sufficient  
9 to qualify him as an expert on the subject  
10 to which his testimony relates. Duly qualified  
11 experts may give their opinions on questions in  
12 controversy in a trial. To assist you in  
13 deciding such questions you may consider  
14 the opinion with the reasons given for it,  
15 if any, by the expert who gives the opinion.  
16 You may also consider the qualifications and  
17 credibility of the expert. In resolving any  
18 conflict that may exist in the testimony  
19 of expert witnesses, you should weigh the  
20 opinion of one expert against that of  
21 another. In doing this, you should consider  
22 the relative qualifications and credibility  
23 of the expert witness, as well as the reasons  
24 for each opinion and the facts and other  
25 matters upon which it was based. You are  
26 not bound to accept an expert opinion as  
27 conclusive, but should give to it the weight  
28 to which you find it to be entitled. You

1 may disregard any such opinion if you find it  
2 tends to be unreasonable."

3 You see, you are the ultimate judge, and not the  
4 expert who testifies.

5 Now, the defendant has entered a pleas of not  
6 guilty by reason of insanity to each of these charges. Many  
7 of us have different concepts of what insanity is. The  
8 medical profession has its definition of insanity and even  
9 among the medical profession, you will have differences as to  
10 what insanity is.

11 We are concerned only with legal insanity. For  
12 this defendant to be found not guilty by reason of insanity,  
13 it must be legal insanity as defined in our laws, and legal  
14 insanity is defined as follows:

15 "Legal insanity means a diseased or  
16 deranged condition of the mind which makes  
17 a person incapable of knowing or understanding  
18 the nature and quality of his act or makes a  
19 person incapable of knowing or understanding  
20 that his act was wrong. If you find that the  
21 defendant was capable of knowing and under-  
22 standing the nature and quality of his act  
23 and in addition was capable of knowing and  
24 understanding that his act was wrong, you will  
25 find that he was legally sane.

26 "However, if you find that the defendant  
27 was not capable of knowing or understanding the  
28 nature and quality of his act, you will find

1 that he was legally insane; or if you find that he  
2 was incapable of knowing or understanding that  
3 his act was wrong, you will find that he was  
4 legally insane."

5 Of course, the defendant has the burden of proving  
6 that by a preponderance of the evidence, and we might tell  
7 you that by a preponderance of evidence is meant such evidence  
8 as when weighed with that opposed to it has more convincing  
9 force and the greater probability of truth.

10 Now, we cannot offer the defense of insanity  
11 during the first phase of this trial -- that is, his guilt or  
12 innocence -- but this defendant, being charged with murder,  
13 we have the definition of murder: Murder is the unlawful  
14 killing of a human being with malice aforethought. It is  
15 very, very simple.

16 We get into trouble when we define the degrees  
17 of murder. We find that murder in the first degree is a  
18 willful, deliberate and intentional killing with malice afore-  
19 thought; that makes it murder in the first degree.

20 If there is absent the deliberation or the will-  
21 fulness or the deliberateness or the ability to deliberate  
22 in a meaningful way, then one of the elements of murder in  
23 the first degree is absent; so, therefore, it is reduced now  
24 from murder in the first degree to murder in the second degree.

1           There may be instances where because there is  
2 no malice aforethought we no longer have murder in any degree  
3 but it may become voluntary manslaughter.

4           The distinction between murder, first and murder  
5 second and manslaughter is just, <sup>malice</sup> aforethought and in manslaughter,  
6 or rather, murder, first and murder second, we lack -- we  
7 do have, rather, malice aforethought and in voluntary  
8 manslaughter we lack the malice aforethought.

9           We have a definition of diminished capacity. We  
10 call that diminished capacity and remember diminished  
11 capacity short of insanity may be introduced in the guilt or  
12 innocence phase of the trial. You see that does not go to  
13 his sanity or insanity.

14           You will be instructed:

15           "If you find from the evidence that  
16 at the time the alleged crime was committed, the  
17 defendant had substantially reduced mental capacity,  
18 whether caused by mental illness, mental defect,  
19 intoxication, or any other cause, you must consider  
20 what effect, if any, this diminished capacity had  
21 on the defendant's ability to form any of the  
22 specific mental states that are essential elements  
23 of murder and voluntary manslaughter.

24           "Thus if you find that the defendant's  
25 mental capacity was diminished to the extent that  
26 you have a reasonable doubt whether he did, maturely  
27 and meaningfully, premeditate, deliberate, and  
28 reflect upon the gravity of his contemplated act,



1 or form an intent to kill, you cannot find him  
2 guilty of a willful, deliberate and premeditated  
3 murder of the first degree.

4 "Also, if you find that his mental  
5 capacity was diminished to the extent that you  
6 have a reasonable doubt whether he did harbor  
7 malice aforethought, you cannot find him guilty  
8 of murder of either the first or second degree."

9 There is another instruction I want to read to you  
10 that concerns diminished capacity.

11 We have what is known as voluntary manslaughter  
12 and I believe so far as the fact of this case are concerned  
13 we will be concerned with only one kind of voluntary man-  
14 slaughter.

15 If the facts develop otherwise, we will give you  
16 further instructions on voluntary manslaughter.

17 "Voluntary manslaughter is the intentional  
18 and unlawful killing of a human being without  
19 malice aforethought.

20 "There is no malice aforethought if the  
21 evidence shows that due to diminished capacity caused  
22 by mental illness, mental defect, or intoxication,  
23 the defendant did not have the capacity to attain  
24 the mental state constituting malice aforethought,  
25 even though the killing be intentional, voluntary,  
26 deliberate, premeditated, and unprovoked."



8A

1 In other words, ladies and gentlemen of the jury,  
2 we can have no murder either in the first or second degree  
3 unless we do find malice aforethought.

4 I believe preliminarily those are the rules of  
5 law sufficient to guide you at least at this stage of the  
6 proceedings.

7  
8 MICHAEL FORD PODHORETZ

9 BY THE COURT:

10 Q Now, let me ask you, Mr. Podhoretz, would you  
11 automatically vote against the imposition of the death penalty  
12 without regard to any evidence that might be developed at the  
13 trial of this case?

14 You see some people have such a conscientious  
15 objection to the penalty that they automatically would vote  
16 against the death penalty without regard to what the evidence  
17 might show in the case.

18 Are you of such a mind, Mr. Podhoretz?

19 A No.

20 Q Is your attitude toward the death penalty such  
21 that you would be prevented from making an impartial decision  
22 as to the defendant's guilt?

23 Now, that is not a question of penalty. Here is  
24 the question of guilt. Can you decide his guilt or innocence?

25 A No.

26 Q I don't hear you.

27 A No.

28 Q You cannot?

1 A I cannot decide.

2 Q Why?

3 A I have to hear the evidence first.

4 Q I am not asking you at this time to find this  
5 defendant guilty or not guilty. I never am going to ask you  
6 that. That is up to you.

7 Throughout this trial you are going to be told  
8 that first the people present their evidence, then the defendant  
9 presents his evidence. You see both sides can't jump up at  
10 the same time and talk at the same time. We must do this in  
11 an orderly procedure.

12 You are going to be told that you must keep your  
13 mind open until you have heard all the evidence and until you  
14 are instructed by me and you go into that jury room to decide  
15 this case. So nobody is asking you to decide the guilt or  
16 innocence of this defendant without hearing any evidence.

17 All I want to know is this: Is your attitude  
18 toward the death penalty such that you could not make an  
19 impartial decision as to this defendant's guilt or innocence?

20 A I could not. I would have to be impartial.

21 Q That is what I am asking you. Would you be  
22 impartial?

23 A Yes.

24 Q Have you served as a juror before?

25 A Yes.

26 Q In a criminal case?

27 A In a criminal case.

28 Q In this term?

1 A No, ten years ago.

2 Q Ten years ago. I take it at that time no counsel  
3 in this case was involved in that criminal case.

4 A No.

5 Q Did that involve a homicide?

6 A No.

7 Q It is estimated that this case is going to take  
8 two months to try. Can you give us those two months to try  
9 this case?

10 A Yes.

11 Q Counsel will ask you questions and in asking these  
12 questions they are not going to pry into your personal life.  
13 Of course they will ask you your occupation, but they are  
14 not asking you these questions solely for the purpose of prying  
15 into your life.

16 You see each side here is trying to get a jury that  
17 will be fair, that will be impartial, and give both the people  
18 and the defendant a fair trial and a fair trial must be  
19 based upon the evidence you hear in this case and the law as  
20 I give it to you and must not be influenced by anything you  
21 may have heard on the outside or may hear on the outside.

22 You probably have heard of the Manson case and  
23 the Tate-La Bianca murder case.

24 A Yes.

25 Q This defendant was not a defendant in that case.  
26 So whatever you heard about that case, whatever you heard  
27 about the evidence in that case you are to disregard that  
28 completely. Forget about it and decide this defendant's guilt

1 or innocence based only upon the evidence you hear in this  
2 case.

3 Can you do that, sir?

4 A Yes.

5 Q Can you be that type of a fair and impartial  
6 juror that we seek?

7 A Yes, sir.

8 THE COURT: You may inquire, gentlemen. This is Mr.  
9 Keith who is going to question you.

10 Q BY MR. KEITH: Mr. Podhoratz, I don't know if I  
11 am pronouncing your name correctly.

12 A That is correct.

13 Q But I will do the best I can.

14 Had you ever heard the name Charles Watson before  
15 you came into court this morning?

16 A Yes.

17 Q In what connection?

18 A In the newspapers.

19 Q What did the newspapers say about Mr. Watson, if  
20 you recall, just in summary?

21 A I don't remember.

22 Q Would it refresh your recollection if I suggested  
23 to you that the newspapers might have connected Mr. Watson in  
24 some fashion with a man by the name of Charles Manson?

25 A Yes.

26 9 fls.  
27  
28

9R-1

1 Q Do you know who Charles Manson is?

2 A I've heard about the case.

3 Q Did you hear about what happened in the case  
4 involving Mr. Manson?

5 A I didn't follow it.

6 Q So you don't know what happened in that case;  
7 is that right?

8 A Yes.

9 Q And have you ever seen Mr. Bugliosi before,  
10 Vincent Bugliosi, the prosecutor?

11 A No.

12 Q Never seen him on television?

13 A On television, yes.

14 Q Did you hear what he said?

15 A I don't know.

16 Q You didn't pay any attention to what he said?

17 A I didn't listen that much.

18 Q Will you pay attention here to what he says, if  
19 you are selected as a trial juror?

20 A Probably.

21 Q And will you pay attention to what we say?

22 A Yes.

23 Q And what the judge says?

24 A Yes, sir.

25 Q And do you think you understood what his Honor  
26 told you about the law --

27 A Yes.

28 Q -- of the various degrees of homicide?

1 A Yes.

2 Q And diminished capacity and insanity?

3 A Yes, I understood that.

4 Q Do you think you were able to grasp that in the  
5 short space of time you were given to do so?

6 A Yes.

7 Q May I ask you, Mr. Podhoretz, a few personal ques-  
8 tions: What is your business or occupation?

9 A I'm retired.

10 Q From what business?

11 A Restaurant business.

12 Q Did you have a restaurant in this area?

13 A No, I worked in restaurants.

14 Q And is there a Mrs. Podhoretz?

15 A No, sir.

16 Q Has there ever been?

17 A Yes.

18 Q Do you have any children?

19 A No, sir.

20 Q Do you number among your close friends or rela-  
21 tives any members involved in law enforcement work, like  
22 police officers --

23 A No, sir.

24 Q -- and the like?

25 A No.

26 Q And have you ever been involved as a victim in  
27 some kind of serious crime, like --

28 A No.

1 Q -- assault or battery or robbery?

2 A No.

3 Q Have you ever witnessed --

4 A I've never seen it.

5 Q This case might involve a lot of discussion and  
6 evidence concerning the use and over use of drugs.

7 As a matter of fact, the evidence may even show  
8 that Mr. Watson over indulged himself in such unfortunate  
9 matters. Would that so prejudice you against him, because  
10 you undoubtedly don't like people --

11 A No.

12 Q -- or don't like the thought of drug use that  
13 you couldn't give him a fair trial?

14 A No.

15 Q And remember my mentioning the name of Mr. Manson?  
16 The evidence will show, no question about it, that Mr. Watson  
17 not only knew Mr. Manson but lived with him for a while.

18 Is that going to so prejudice you --

19 A No.

20 Q -- that you won't be able to give him a fair  
21 trial?

22 A No.

23 Q And the evidence will also show that Mr. Watson  
24 lived with Manson and others in a rather hippieish life style  
25 in a commune at the Spahn Ranch in the northwest part of this  
26 county.

27 Have you ever heard of the Spahn Ranch, by the  
28 way?

1 A Yeah, in the paper.

2 Q And have you ever heard of this cult that Manson  
3 was the leader of at the Spahn Ranch?

4 A I don't know much about that.

5 Q You don't know much about that, but if the  
6 evidence showed that Mr. Watson was associated with this cult  
7 led by Manson, would this so prejudice you against Mr. Watson  
8 that you couldn't --

9 A No.

10 Q -- give him a fair trial?

11 A No.

12 Q If selected as a trial juror, would you keep an  
13 open mind --

14 A Yes, sir.

15 Q -- throughout this case?

16 You understand the prosecution, since you have  
17 sat as a juror before --

18 A Yes.

19 Q -- puts out its case first -- somebody has to go  
20 first and the prosecution has the burden of proof beyond a  
21 reasonable doubt, so Mr. Bugliosi and Mr. Kay will put on  
22 their case first.

23 After that is over, then the defense has its  
24 opportunity to put on its case.

25 You won't just stuff your ears with cotton at the  
26 end of the prosecution case, will you --

27 A No.

28 Q -- you'll keep an open mind --



1 A Yes.

2 Q -- throughout the presentation of all the evidence;  
3 and if selected as a trial juror, will you give us the benefit  
4 of your individual opinion in the event the case is submitted  
5 to you for deliberation and decision?

6 A Yes.

7 Q Do you know what I mean?

8 A Yes.

9 Q What I mean, when I use the term "individual  
10 opinion"?

11 A Yes.

12 Q In other words, you won't simply change your  
13 opinion automatically and arbitrarily because you learn that  
14 the majority of jurors have a different opinion or position  
15 than you have?

16 A No.

17 Q You will have the courage to retain that opinion --

18 A Yes.

19 Q -- unless you are convinced by logic and discus-  
20 sion with your fellow jurors that that position you first  
21 took was erroneous?

22 You wouldn't hesitate to change your mind, however,  
23 if you were persuaded that your position was erroneous, would  
24 you?

25 A I'll use my own opinion.

26 Q I am just asking you not to change your position  
27 arbitrarily.

28 A No.

1 Q Now, this Manson case had a lot of publicity,  
2 didn't it?

3 A Yeah.

4 Q And you were exposed to some of it, weren't you?

5 A Just what I saw in the papers.

6 Q Do you have any opinion about Mr. Watson's guilt  
7 or innocence now --

8 A I have the opinion --

9 Q -- because of what you heard or read about the  
10 Manson case?

11 A No.

12 Q You understand he's presumed innocent at the  
13 present time?

14 A I understand that.

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1 Q And you have no quarrel with that presumption,  
2 do you?

3 A No.

4 Q As his Honor told you, there will be expert  
5 witnesses here to tell us something about Mr. Watson's mental  
6 condition at the time of these alleged homicides.

7 The purpose of the psychiatrists' testimony will  
8 be to discuss with us whether or not, as his Honor told you,  
9 Mr. Watson had diminished capacity, as the law was defined to  
10 you by his Honor; so, inasmuch as such witnesses will appear  
11 I'd like to ask you if any members of your family have ever  
12 been treated or examined by a psychiatrist --

13 A No.

14 Q -- or any close friends --

15 A None.

16 Q -- or whether you know any psychiatrists?

17 A No.

18 Q Or whether you think psychiatrists are by and  
19 large quacks or charlatans or shouldn't be believed by you  
20 simply because they are psychiatrists?

21 Do you entertain any such beliefs?

22 A I believe that they are all right.

23 Q Well, that was going to be my next question: Do  
24 you feel that psychiatrists perform a useful function --

25 A Yes.

26 Q -- in alleviating mental illness in our society?

27 A Yes, sir.

28 Q Now, Mr. Podchoretz -- I am having a ghastly time

9A-2

1 with your name, and I apologize -- incidentally, how long have  
2 you lived in the Los Angeles area?

3 A Mr., about 40 years.

4 Q 40?

5 A Yes.

6 Q Do you know of any reason why you don't think you  
7 could sit on this jury as a fair and impartial juror?

8 You understand we are entitled to a fair trial --

9 A Yes.

10 Q -- both sides, not only entitled to it but his  
11 Honor and we will demand it of you. It is important that we  
12 have a fair and impartial jury.

13 So, do you know of any reason that you can think  
14 of, having sat in the jury box as a potential juror for a while,  
15 why you don't think it is proper for you to sit on this jury?

16 A I don't know why.

17 Q Well, do you want to sit on this jury?

18 A Yeah.

19 Q I mean, you understand --

20 A Yes.

21 Q -- there is a number of alleged murders that Mr.  
22 Watson is charged with. Is the very nature of the case such  
23 that you prefer not to sit on this jury?

24 A I don't mind sitting.

25 Q And there is the death penalty to consider. I  
26 don't know whether we will ever get to that phase of the  
27 trial or not.

28 If, for instance, if Mr. Watson is found guilty of

9A-3

1 manslaughter, we never reach the death penalty phase of this  
2 case simply because the death penalty, the matter of penalty  
3 or punishment, is only appropriate for you to consider under  
4 our laws if he is convicted of first degree murder.

5 If he is convicted of anything less than that, we  
6 will never reach the death penalty phase.

7 However, I have got to ask you something about  
8 your views on capital punishment because this is the only  
9 opportunity we all have to do so.

10 The same jury sits on all three phases, assuming  
11 for discussion all three phases actually come into effect,  
12 so let me ask you, are you opposed to capital punishment or  
13 are you for it?

14 A Not opposed; I'm not for --

15 Q Have you ever thought about it much?

16 A I didn't.

17 Q Pardon me?

18 A I didn't.

19 Q If the issue of punishment were on the ballot and  
20 you knew you were going to vote whether to abolish it or  
21 retain it, do you know how you would vote, for it, to retain  
22 it --

23 A I would go according to the evidence.

24 Q My apologies; I am talking philosophically --

25 A I am not opposed.

26 Q You'd vote to retain capital punishment if it were  
27 put on the ballot and you were required or asked to vote for  
28 it one way or the other as a citizen?

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1 A Yes.  
2 Q You'd vote for it?  
3 A For it.

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#10

1 Q Would you automatically vote the death penalty in  
2 this case if Mr. Watson were convicted of first degree murder?

3 A Well, just like I said, I would have to see the  
4 evidence. I would have to go according to the evidence and  
5 the instructions.

6 Q Can you conceive of any situation or set of facts  
7 right now where you would automatically vote for the death  
8 penalty without any thought or consideration?

9 A No, not like that, no.

10 Q Or listen to the argument of counsel?

11 A It would have to be in my opinion.

12 MR. KEITH: Pass for cause.

13 THE COURT: Mr. Bugliosi.

14 MR. BUGLIOSI: May I again address one general question  
15 to the prospective jurors?

16 THE COURT: Certainly. Go ahead.

17 MR. BUGLIOSI: Ladies and gentlemen, I am going to be  
18 talking, my face is going to be looking toward Mr. Podhoratz,  
19 but I would appreciate if each and every one of you, when I  
20 ask him a question, that you mentally ask yourself the same  
21 identical question.

22 So that if and when you are later seated in the  
23 jury box we won't have to ask every question all over again.

24 Will you all promise to do that? Every question  
25 that I ask him, you ask yourself that same question.

26 There are going to be some questions I ask him I  
27 know what his answer is going to be and it will sound like a  
28 silly question, but that question might pertain to one of you

1 folks and then when you are later on in the jury box I don't  
2 have to ask that question all over again.

3 You all understand that? Thank you.

4 Q Mr. Podhoretz, is that correct -- Mr. Podhoretz?

5 A Yes.

6 Q Podhoretz?

7 A Yes.

8 Q Is that pretty close?

9 A Yes, that is right.

10 MR. KEITH: You might call him Mr. P.

11 Q BY MR. BUGLIOSI: Mr. Keith suggested I call you  
12 Mr. P. Some of the matters I am going to go over with you,  
13 Mr. Podhoretz, have already been gone over by Judge Alexander  
14 and Mr. Keith, and Judge Alexander couldn't possibly have done  
15 a better job and the same with Mr. Keith, but because you are  
16 a lay person -- I understand that you were in the restaurant  
17 business.

18 A Yes.

19 Q You are not a lawyer; is that correct?

20 A No.

21 Q Because you are a lay person -- in fact, because  
22 all of you folks are lay people, if you were lawyers you  
23 wouldn't be seated in this courtroom right now -- because you  
24 are a lay person, with all deference to you, I think it would  
25 be presumptuous on my part to assume that you have a full  
26 understanding of everything that has been said thus far.

27 So I am going to go over some of these matters with  
28 you again. Do you understand that?



1           A     Yes.

2           Q     I want to make one point clear at the very beginning,  
3     Mr. Podhoretz. Just in the event this point is not clear in  
4     your mind -- again I am talking to all of you folks out  
5     there -- if the jury, which is eventually selected to sit on  
6     this case, returns a verdict of first degree murder against  
7     Mr. Watson, and that same jury finds that he was sane at the  
8     time of these murders, it is the intention of the prosecution,  
9     that is Mr. Kay and myself, to ask the jury during the  
10    penalty trial for the death penalty against Mr. Watson.

11                We are not going to ask you for life imprisonment.  
12    I am sure the defense attorneys will do that.

13                We are going to ask you folks for the death  
14    penalty. Do you understand that?

15           A     Yes.

16           Q     I would like to ask you some questions now, Mr.  
17    Podhoretz, about the death penalty for the purpose of  
18    ascertaining your state of mind with reference to it and if  
19    I ask a question which does not specifically pinpoint your  
20    problem, but which suggests something or touches upon a  
21    subject that you think I ought to know about, I would  
22    appreciate it if you would volunteer the information,  
23    volunteer it.

24           A     Yes.

25           Q     So that I will have an opportunity to address  
26    myself to that point.

27                I want to make one initial observation, Mr.  
28    Podhoretz, before I commence my questioning. Although it may

1 seem difficult to you now to speak out and answer these  
2 questions fully -- obviously most if not all of the people in  
3 the courtroom you have never seen before, you do not know  
4 them. You do not know them personally.

5 You might feel somewhat hesitant about speaking  
6 out but I would think it would be much more difficult, sir,  
7 later on in the jury room, two months from now, to express  
8 your views about the death penalty or other matters when your  
9 co-jurors knew that either Judge Alexander or the defense  
10 attorneys or Mr. Kay or myself asked a question which should  
11 have prompted you to speak out and you didn't do it.

12 Of course, it would be a violation of your oath  
13 not to speak out at the present time. So now is the time to  
14 answer these questions fully and completely, not later on.

15 Do you understand that?

16 A Yes.

10A

1 Q Judge Alexander went over this area but because  
2 of its importance, and again because you folks are not lawyers,  
3 you are lay people, I am going to go over it again for  
4 emphasis.

5 This area is a little complicated and this is why  
6 I had a chart prepared here. This is the same area that Judge  
7 Alexander went over again.

8 May I apologize to you, Judge Alexander, but I am  
9 going to go over it again for emphasis.

10 THE COURT: I could have saved a lot of time.

11 Q BY MR. BUGLIOSI: There could be three trials, sir,  
12 during this case: The guilt or innocence trial, the sanity  
13 trial and the penalty trial.

14 Do you understand, sir, that if during the first  
15 trial, the guilt or innocence trial, Mr. Watson is convicted  
16 of any degree of criminal homicide whatsoever, first degree  
17 murder, second degree murder, voluntary manslaughter, no matter  
18 what the conviction is, if he is convicted there will follow  
19 a second trial called the sanity trial and in that sanity  
20 trial the sole and single issue for you to decide is whether  
21 or not Mr. Watson was sane or insane at the time of these  
22 murders.

23 Do you understand that, sir?

24 A Yes.

25 Q In other words, the issue of sanity or insanity  
26 will not arise during the first trial. It will only arise if  
27 at all during the second trial.

28 Do you understand that?

1           A     Yes.

2           Q     If during the second trial you find that Mr.  
3 Watson was sane at the time of these murders -- sane, not  
4 insane, but sane --

5           A     Sane.

6           Q     -- and if furthermore during the first trial he  
7 was convicted of first degree murder, there will follow a  
8 third trial called the penalty trial and during that trial  
9 the only issue for the jury to decide is whether Mr. Watson  
10 receives life imprisonment or the death penalty.

11                Do you understand that?

12          A     Yes.

13          Q     Do you understand further, sir, that if during  
14 the second trial the jury concludes, the jury finds that Mr.  
15 Watson was insane at the time of these murders, this means  
16 that Mr. Watson will be held or deemed to be not guilty of  
17 these murders because of his insanity and because he is not  
18 guilty of these murders because of his insanity, there will  
19 not be a third trial.

20                There will not be a penalty trial.

21                Do you understand that?

22          A     Yes.

23          Q     Do you have any questions now? If you have any  
24 just speak up.

25          A     No.

26          Q     In other words, if he is found to be insane,  
27 there will not be a penalty trial. He is not guilty of the  
28 murders.

1 A Yes.

2 Q If Mr. Watson during the first trial, during the  
3 first trial is found to be not guilty of the murder or if he  
4 is found to be guilty of some degree of criminal homicide lesser  
5 than first degree murder, like second degree murder, there  
6 also will not be a penalty trial and the issue of the death  
7 penalty will never rise.

8 Do you understand that?

9 A Yes.

10 Q So it is only if he is found to be guilty of  
11 first degree murder and sane that there will be a penalty  
12 trial.

13 Do you understand that?

14 A Yes.

15 Q Do you understand further, sir, that during the  
16 first trial, the guilt or innocence trial, you as a member of  
17 the jury will not be permitted to consider or discuss the  
18 issues of sanity or the death penalty during your deliberations.

19 Do you understand that, sir?

20 A Yes.

21 Q Are you willing to do that during the first trial,  
22 not let the issues of sanity or the death penalty enter into  
23 your deliberations?

24 A Yes.

25 Q Mr. Podhoretz, neither his Honor nor defense  
26 counsel nor Mr. Kay nor I can tell you what is or is not a  
27 proper case for the imposition of the death penalty for the  
28 simple reason that there is no legal definition of what is

1 a proper case.

2 The law says, Mr. Podhoretz, that it is within  
3 the absolute discretion of the jury to decide what is and  
4 what is not a proper case.

5 There are no guidelines or rules or standards for  
6 you to follow. It is completely up to you.

7 A Yes.

8 Q Stated another way, the law as it presently exists  
9 leaves it up to each juror's individual decision whether  
10 they feel the circumstances surrounding the murder are  
11 sufficiently aggravating to warrant the imposition of the  
12 death penalty.

13 Do you understand that, sir?

14 A Yes.

15  
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11 fls.

11R-1

1 Q I want to make it abundantly clear that the law  
2 states no preference for the death penalty or life imprison-  
3 ment or for life imprisonment over the death penalty.

4 You do not belong or contribute to or support any  
5 organization which has as its objective, or one of its objec-  
6 tives, the abolition of the death penalty in the State of  
7 California?

8 A No.

9 Q And do you feel, sir, that the religious doctrines  
10 of any church that you may belong to would prevent you from  
11 voting for a verdict of death?

12 A No.

13 MR. BUGLIOSI: Again, ladies and gentlemen out there in  
14 the spectators' section, I may not ask that same question.  
15 I am going to ask you if there is any question, if you would  
16 have answered it differently from Mr. Podhoretz. I will  
17 probably only go over 15 or 20 percent of the questions I am  
18 asking him right now.

19 Q You are not opposed to the death penalty; is that  
20 correct, sir?

21 A Yes.

22 Q Would you say that you are in favor of retaining  
23 the death penalty in the State of California, or would you  
24 rather see some other form of punishment substituted for it?

25 A I'm for retaining it.

26 Q Okay.

27 Some people, Mr. Podhoretz, have no objection to  
28 the death penalty; they say they are in favor of it, they



1 have no objection, but they simply do not want to sit as a  
2 juror on a case where the death penalty is involved and vote  
3 for a verdict of death. They don't want to do it themselves,  
4 they want to let someone else do it.

5 Certainly, no one can criticize a person for  
6 having that frame of mind. It is not easy for any person to  
7 come back into this courtroom and, in effect, by his or her  
8 verdict, tell a defendant that he must die. That is not easy;  
9 that is not fun.

10 You understand that?

11 A Yes.

12 Q So no one can criticize a person for having that  
13 frame of mind; so with that thought in mind, Mr. Podhoretz,  
14 I want to ask you this question and I want you to think about  
15 it. Don't hesitate now to answer it the way you actually feel.

16 If, after hearing all of the evidence in this case,  
17 sir, and considering all of the circumstances, you personally  
18 felt that this was a proper case for the imposition of the  
19 death penalty, would you have the courage, sir, and would you  
20 be willing to come back into this courtroom with a verdict of  
21 death?

22 A Yes.

23 Q Any doubt in your mind about that?

24 A No.

25 Q You are sure about that?

26 A I am sure about it.

27 Q Is any member of your family, sir, opposed to the  
28 death penalty, as far as you know?



1           A       No, I have no family.

2           Q       During the first trial, sir, the guilt of innocence  
3 trial, as Judge Alexander has said, and as I have indicated,  
4 the issue of sanity or insanity will not be involved, not  
5 during the first trial; but the defense attorneys, I am sure,  
6 are going to offer evidence from psychiatrists that during  
7 these murders Mr. Watson was suffering from a legal term  
8 called diminished mental capacity.

9                   Will you follow all of Judge Alexander's instruc-  
10 tions on diminished mental capacity?

11          A       Yes.

12          Q       Not only will defense psychiatrists testify, Mr.  
13 Podhoretz, but prosecution psychiatrists will also testify,  
14 psychiatrists for the prosecution.

15                   Now, let me ask you this question and try to  
16 listen closely to it: Are you of such a frame of mind at the  
17 present time that if the defense psychiatrists testify that  
18 Mr. Watson was suffering from diminished mental capacity at  
19 the time of these murders and that he could not, therefore,  
20 deliberate and premeditate, and the prosecution psychiatrists,  
21 on the other hand, testify that Mr. Watson was not suffering  
22 from diminished mental capacity at the time of these murders  
23 and that he could deliberate and premeditate, are you of such  
24 a frame of mind that this disagreement between the defense  
25 and the prosecution psychiatrists, this disagreement auto-  
26 matically means that there must be a reasonable doubt as to  
27 whether Mr. Watson had the mental capacity to commit these  
28 murders?

1 Is that your frame of mind?

2 A No.

3 Q Did you understand my question?

4 A Yes, sir.

5 Q You realize that in nearly every single criminal  
6 trial that you can think about the defense witnesses and the  
7 prosecution witnesses normally disagree with each other and  
8 it is up to the jury to decide which testimony is entitled to  
9 the most merit and which testimony is the most believable.

10 Do you understand that?

11 A Yes, sir.

12 Q Now, as Judge Alexander has told you -- I am  
13 going to even abbreviate what he mentioned to you -- to  
14 constitute legal insanity, sir, in the State of California,  
15 basically two things have to be shown; No. 1, that the defen-  
16 dant was suffering from a diseased or deranged mind; and,  
17 No. 2, because of this diseased or deranged mind he did not  
18 know what he did was wrong.

19 In other words, he didn't think it was wrong to  
20 kill a fellow human being; he thought it was perfectly all  
21 right.

22 Now, this test for insanity is called the  
23 M'Naughton test. It is an old English common law rule that  
24 has been adopted in the State of California and the majority  
25 of legal jurisdictions.

26 Do you have any quarrel with the M'Naughton rule;  
27 do you have any quarrel with it? Do you disagree with it?

28 A I don't disagree with it.

1 Do you feel that there should be a different test  
2 for legal insanity?

3 A I don't think so.

4 Q Will you promise to apply that very strict test  
5 for insanity to the facts in this case?

6 Will you promise to apply that?

7 A Yes, sir.

8 Q Follow Judge Alexander's instructions?

9 A Yes.

10 Q In this trial, Mr. Podhoretz, Mr. Watson has pled  
11 -- or, he has entered two pleas; No. 1, he has pled not guilty,  
12 not guilty to these murders, in addition thereto, he is plead-  
13 ing not guilty by reason of insanity. He has entered two  
14 pleas to the charges against him.

15 Now, do you feel, Mr. Podhoretz, that just because  
16 Mr. Watson has pled not guilty to these murders because of  
17 insanity, do you feel that this means that he must be insane,  
18 because he entered this plea?

19 A No.

20 Q Do you realize that any defendant in any case,  
21 even a burglary case, any defendant in any case can please not  
22 guilty by reason of his insanity; but his claiming that he is  
23 insane is no evidence that he is insane.

24 Do you understand that?

25 A Yes, sir.

26 Q Now, his Honor is going to instruct you that the  
27 prosecution, of course, during the first trial has the burden  
28 of proving Mr. Watson's guilt beyond a reasonable doubt.

1 However, his Honor is going to further instruct you that dur-  
2 ing the second trial, Mr. Watson -- not the prosecution, but  
3 Mr. Watson -- has the burden of proving by a preponderance of  
4 the evidence that he was insane at the time of these murders.

5 Now, do you feel -- let me ask you this: Will  
6 you follow the Court's instructions on that?

7 A Yes.

8 Q Do you feel that it is an unfair law that places  
9 the burden on Mr. Watson to prove that he was insane?

10 A No.

11 Q Do you realize, sir, that under the law, if Mr.  
12 Watson does not prove by a preponderance of the evidence that  
13 he was insane at the time of these murders, you must come back  
14 with a verdict that he was sane?

15 Do you understand that?

16 A Yes.

17 Q Mr. Podhoretz, some lay people have been heard  
18 to say that anyone who commits a vicious, premeditated murder  
19 must be insane.

20 Do you feel that way, sir?

21 A No.

22 Q And you have indicated that you have heard of these  
23 seven murders, the so-called Tate-La Bianca murders; are you  
24 of such a frame of mind that you believe that anyone who  
25 participated in these murders must have been insane?

26 A No.

27 Q You don't feel that way?

28 A No, I don't participate --

1 Q Do you feel, sir, that anyone who participated  
2 in these murders must be insane?

3 A I don't.

4 Q You don't feel that way?

5 A I didn't hear the evidence, so I don't know.

6 Q The principal issue during this trial, Mr. Podhoretz  
7 -- I'm making an assumption now, I may turn out to be incorrect  
8 -- but I believe that the main central issue during this trial  
9 will most likely be Mr. Watson's state of mind at the time of  
10 these murders, August the 9th and 10th, 1969 -- it is almost  
11 two years ago.

12 Now, do you realize, sir, that Mr. Watson's mental  
13 state at the present time; that is, as he sits in front of you  
14 right now, his mental condition, his mental state, is not an  
15 issue for you to decide, will not be an issue for you to decide.

16 Do you understand that?

17 A Yes.

18 Q The issue will be his state of mind at the time  
19 of these murders, not now.

20 A That's right.

21 Q I'm going to read off a list of psychiatrists --  
22 actually, some of them are psychologists and neurologists --  
23 and you tell me, sir, if you have ever heard of these people,  
24 or had any association with them. I am going to read them  
25 off right now.

26 A Okay.

27 Q Again, I am not just talking to you, sir; I am  
28 talking at you, but I am talking to everyone in the courtroom:

1 Dr. Grovner Bailey;  
2 Dr. Joel Fort?  
3 A No.  
4 Q Dr. John Suarez, S-u-a-r-e-z?  
5 A No.  
6 Q Dr. Ira Frank?  
7 A No.  
8 Q Dr. Richard B. Walter?  
9 A No.  
10 Q Dr. James Palmer?  
11 A No.  
12 Q Dr. Vernon Bohr, B-o-h-r?  
13 A No.  
14 Q Dr. Andre Tweed, T-w-e-e-d?  
15 A No.  
16 Q Dr. Seymour Pollock?  
17 A No.  
18 Q Dr. Marcus Crahan?  
19 A No.  
20 Q Dr. George Abe, A-b-e?  
21 A No.  
22 Q Dr. Keith Dittman?  
23 A No.  
24 Q Never heard of any of them?  
25 A Never heard of any of them.  
26 Q Now, you have not studied psychiatry or psychology?  
27 A No.  
28 Q And you don't have a psychiatrist or psychologist

1 in your family?

2 A No.

3 Q Any close friends or relatives?

4 A No, sir.

5 Q This question, I believe, was asked by Mr. Keith;  
6 I will ask it again: Have you, sir, or any member of your  
7 family or close friends or relatives undergone treatment from  
8 a psychiatrist or a psychologist?

9 A No.

10 Q How will you express your feelings about psychia-  
11 trists, sir? Do you have any view at all; how will you express  
12 your feelings?

13 A Well, I don't know much about it.

14 Q You realize that many people feel that psychia-  
15 trists are quacks and they are a little goofy, themselves; do  
16 you understand that, sir?

17 A Yes.

18 Q Some people feel that way.

19 A I don't think so.

20 Q On the other hand, some people feel that a psychia-  
21 trist can make a very valuable contribution towards the under-  
22 standing and treatment of one's mental condition.

23 A I think that.

24 Q Is that the way you feel, sir?

25 A Yes.

26 Q I think it is generally agreed, Mr. Podhoretz,  
27 and I think the defense attorneys would agree with me on this,  
28 that psychiatry certainly is not an exact science. It is more



1 in the nature of an art.

2 In other words, it is very, very common for  
3 several psychiatrists to examine the same person and come up  
4 with diametrically opposed diagnoses and judgments, whereas  
5 if it were a science, if psychiatry were a science, I think  
6 that by definition, all of the diagnoses would be the same.

7 Do you feel, sir, that psychiatry, perhaps, is  
8 more than an art and that it is a science?

9 A I think they help people some.

10 Q All right, but do you think it is more in the  
11 nature of a science or do you think it is more in the nature  
12 of an art?

13 A It is more in the nature of a science, I believe.

14 Q You think it is more in the nature of science?

15 A I think so; however, my opinion doesn't matter.

16 Q Pardon me?

17 A However, my personal opinion about psychiatrists --

18 Q When I am talking about science, I am talking  
19 about something that is testable.

20 A Yes.

21 Q In other words, if you put chemical A together  
22 with chemical B, you are always going to end up with substance  
23 C.

24 A I understand now.

25 Q That is a science, like mathematics.

26 A Yes.

27 Q You don't think psychiatry is like that?

28 A No.



1           Q     You realize that if a psychiatrist states an  
2 opinion on the witness stand, there is no way under the moon  
3 to verify whether his opinion is correct. It is just his  
4 opinion, you can't prove one way or the other that he is  
5 correct.

6                     Do you understand that?

7           A     Yes, sir, I understand that.

12f.

#12

1 Q When we are dealing with science, we can conduct  
2 experiments and we can prove one way or another whether a  
3 person is right.

4 A Yes, I understand.

5 Q With that brief discussion would you say then  
6 that psychiatry perhaps is more like an art than a science?

7 A Well, it would be more like an art, after you  
8 explained it.

9 Q You didn't listen to me over television?  
10 Mr. Pochoretz, you certainly realize that  
11 psychiatrists are capable of error. You understand that?

12 A Yes.

13 Q And I think you would agree with me, would you not,  
14 that they are just as capable of error as anybody else?

15 A Yes.

16 Q You don't believe that whatever they say is the  
17 gospel truth?

18 A Oh, no.

19 Q Since the state of mind of Mr. Watson at the time  
20 of these murders is going to be one of the main issues, I  
21 think, during this trial, do you feel that it should be up  
22 to the psychiatrists to settle this issue?

23 Do you think it should be up to them?

24 A Well, it should be brought up and see what comes  
25 out.

26 Q They are going to testify and they are going to  
27 give their opinion as to what Mr. Watson's state of mind was,  
28 but do you feel that it should be up to the psychiatrists and

12-2

1 shouldn't be up to you folks to decide what his state of  
2 mind was?

3 Do you feel that way?

4 A No.

5 Q Do you understand that you as a member of the jury,  
6 that you are the trier of the fact, including his state of  
7 mind, and no matter what a psychiatrist testifies to on that  
8 stand, he is only here to help you make up your mind.

9 Do you understand that?

10 A Yes, sir.

11 Q That his testimony is not an end in and of itself?

12 A Yes.

13 Q Do you understand that the final determination  
14 of what Mr. Watson's state of mind was at the time of these  
15 murders rests solely and exclusively with the jury, not the  
16 psychiatrists.

17 Do you understand that?

18 A Yes.

19 Q And are you willing as a member of the jury to  
20 assume that responsibility?

21 A Yes.

22 Q You realize that you have the right to accept or  
23 disregard all or a portion of the testimony of any witness  
24 including the testimony of a psychiatrist?

25 A Yes.

26 Q In other words, Mr. Podhoretz, if a psychiatrist,  
27 whether he be a prosecutor's or a defense psychiatrist,  
28 testifies to something which in view of all the evidence doesn't

12-3

1 accord with what you think is right, you are perfectly free  
2 to reject his testimony as being unreasonable.

3 A Yes.

4 Q And they are going to use a lot of big words,  
5 Mr. Podhoretz, on the witness stand, words that I am not  
6 going to understand myself.

7 In fact, I am thinking of bringing a little  
8 dictionary to court with me, but we attorneys are going to  
9 try to get these psychiatrists to break those words down to  
10 words that you and I understand.

11 A Yes.

12 Q So we can lay everything out in the open and get  
13 a good look at what we are dealing with.

14 A Yes.

15 Q Mr. Podhoretz, in a criminal trial in order to  
16 have a verdict all 12 jurors have to agree one way or the  
17 other.

18 In other words, to have a verdict all 12 jurors  
19 have to agree that Mr. Watson is guilty, or all 12 jurors have  
20 to agree that he is not guilty.

21 If all 12 jurors do not agree, for instance, if  
22 10 jurors say he is guilty and 2 say he is not guilty, or  
23 11 and 1, 8 and 4, 9 and 3, et cetera, there can be no verdict  
24 and there results what is called a hung jury.

25 Have you ever heard of a hung jury?

26 A Yes.

27 Q In case of a hung jury the case has to be tried  
28 all over again before a new jury.

1 Do you understand that?

2 A Yes.

3 Q Again I am sure these questions don't pertain  
4 to you but I am asking them of everyone in the courtroom.

5 Have you, sir, or any member of your family or  
6 any relative or close friend ever been charged with or  
7 accused in any fashion whatsoever of the crimes of murder  
8 or conspiracy to commit murder?

9 A No.

10 Q Or any felony at all?

11 A No, sir.

12 Q You, of course, have never worked for the Public  
13 Defender's office? Again I am asking each and every one of  
14 you out there.

15 A No.

16 Q You have never worked for a criminal defense  
17 attorney?

18 A Never worked for any attorney.

19 Q You do not have a close friend or relative or  
20 member of your family who is a criminal defense attorney or  
21 has been a criminal defense attorney?

22 A No.

23 Q I will read a list of lawyers, Mr. Podhoretz, and  
24 you tell me whether you have ever met any of these gentlemen  
25 or spoken to them or have been represented by them. Again I  
26 am referring to all you folks out there.

27 Irvin Kanarek. Have you ever heard of him?

28 A Oh, yes.

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1 Q Have you ever met him or spoken to him?  
2 A No.  
3 Q You just heard about him over television?  
4 A Yes.  
5 Q Paul Fitzgerald?  
6 A No.  
7 Q Days Shinn?  
8 A No.  
9 Q Ronald Hughes?  
10 A I heard of him.  
11 Q If you haven't met any of these gentlemen or  
12 spoken --

13 A I didn't meet him.  
14 Q -- or associated with them?  
15 A No. I heard about Hughes,  
16 Q Ira Rainer?  
17 A No.  
18 Q Charals Hollopeter?  
19 A No.  
20 Q Richard Walton?  
21 A No.  
22 Q Marvin Part?  
23 A No.  
24 Q Karl Ranson, R-a-n-s-o-n or Ransom, R-a-n-s-o-m.

25 What is that?

26 THE COURT: I think it is s-o-n.

27 MR. KEITH: It is s-o-m.

28 MR. BUGLIOSI: I have it s-o-m here. Karl Ransom?

1

A No.

2

Q Leon Salter?

3

A No.

4

Donald Barnett?

5

A No.

6

Q Paul Caruso?

7

A Heard of him.

8

Q You don't know the gentleman?

9

A No.

10

Q Richard Caballero?

11

A Yes, I heard of that name.

12

Q Again, you don't know the gentleman?

13

A No.

14

Q Luke McKissack?

15

A Yes. I heard that name too only a few days ago.

16

Q Robert Steinberg?

17

A No.

18

Q Gary Fleischman?

19

A No.

20

Q Ronald Goldman?

21

A No.

22

Q George Shibley?

23

A No.

24

Q Never met any of these gentlemen?

25

A No.

26

Q You heard Judge Alexander tell you that the

27

prosecution has the burden of proving the guilt of Mr. Watson,

28

beyond a reasonable doubt. Would you require any burden of

1 the prosecution over and above that, which the law requires?

2 A No.

3 Q You just would require the burden that the law  
4 requires?

5 A Yes.

6 Q Am I correct in assuming, then, sir, that in order  
7 for you to come back with a verdict of guilt, you would simply  
8 require that we prove his guilt beyond a reasonable doubt, not  
9 beyond all doubt?

10 A Yes.

11 Q Am I correct in assuming that?

12 A Yes.

13 Q You know there is a difference between beyond a  
14 reasonable doubt and beyond all doubt?

15 A Yes.

16 Q And you would only require that we prove --

17 A Reasonable.

18 Q -- beyond a reasonable doubt?

19 A Yes.

20 Q Do you understand, Mr. Podhoretz, that in every  
21 criminal trial, whether the defendant is being charged with  
22 drunk driving or arson, assault with a deadly weapon or  
23 disturbing the peace, whatever the crime is, the prosecution  
24 has the same identical burden of proof, to prove the defendant's  
25 guilt beyond a reasonable doubt?

26 A Yes.

27 Q Do you understand that we have no greater burden  
28 of proof in a murder trial than we would have, let's say, in  
a drunk driving case -- the same burden.



1 Do you understand that?

2 A Yes.

3 Q It is not greater because it is a murder case.

4 A Yes.

5 Q With respect to this presumption of innocence, at  
6 the present time as he sits here in front of you now, Mr.  
7 Watson under the law is presumed to be innocent of these  
8 murders.

9 Do you understand that?

10 A Yes.

11 Q Do you understand further that this presumption of  
12 innocence only lasts until his guilt has been proven beyond  
13 a reasonable doubt?

14 A Yes.

15 Q And that once his guilt is proven beyond a reason-  
16 able doubt, this presumption of innocence has been rebutted  
17 and it no longer exists.

18 Do you understand that?

19 A Yes.

20 Q Let me talk to you very briefly, sir, about direct  
21 evidence and circumstantial evidence.

22 The prosecution is going to offer both types of  
23 evidence during this trial. Judge Alexander will instruct  
24 you that the crimes of murder and conspiracy to murder can  
25 be proven by circumstantial evidence.

26 He will also tell you that the law shows no  
27 preference for direct evidence over circumstantial evidence  
28 as a means of proof.

1           Let me first define, or I will try to define  
2 direct evidence and circumstantial evidence, then give you an  
3 example to show you the difference between the two.

4           Direct evidence, sir, is evidence that proves a  
5 fact in issue without the necessity of drawing any inferences  
6 whatsoever.

7           Circumstantial evidence on the other hand is  
8 evidence which tends to prove a fact in issue by proving  
9 another fact.

10          Let me give you this example: Let's assume, sir,  
11 that a television repair shop has been burglarized and two  
12 TV sets have been stolen. Assume that.

13          No one saw the burglary. No one saw the burglar  
14 enter through the window and take out the two TV sets. No  
15 eyewitnesses.

16          Let's just assume that 10 minutes later in the  
17 vicinity of the TV repair shop a police officer stops a defen-  
18 dant in his car for a traffic violation and he discovers the  
19 two television sets in the back seat of the defendant's car.

20          Now, the defendant's having these two TV sets in  
21 the back of his car is circumstantial evidence that it may be  
22 -- that it may have been he who committed the burglary.

23          Do you understand that?

24          A       Yes.

25          Q       If someone had actually seen the defendant enter  
26 the TV shop and take out the TV sets, that would be direct  
27 evidence.

28          A       Yes.

1 Q Do you understand the distinction?

2 A Yes, I understand.

3 Q With that very brief legal background in mind, do  
4 you have any objection to sitting as a juror or on a case  
5 where the People rely in part on circumstantial evidence?

6 Any objection at all?

7 A No.

8 Q We are not going to offer eyewitnesses to all of  
9 these seven murders, sir -- to some of them, but not all.

10 Are you of such frame of mind that you would not  
11 convict any defendant of murder unless the prosecution offered  
12 an eyewitness to each murder?

13 Are you of that frame of mind?

14 A No.

15 Q At the end of this case, Mr. Podhoretz, before  
16 you retire to the jury room, Judge Alexander is going to  
17 instruct you on the law applicable to this case.

18 If the law given to you by Judge Alexander is  
19 different from what you thought the law was, or if it is  
20 different from what you think the law should be, will you  
21 nevertheless set aside your personal beliefs, follow your  
22 oath and follow the law given to you by Judge Alexander?

23 A Yes.

24 Q Let's assume, Mr. Podhoretz, that you are selected  
25 as a member of this jury and you are back in the jury room,  
26 let's say two months from now, and all of the jurors vote on,  
27 let's say, guilt or innocence. And you find that your view  
28 is a minority view. The other jurors have a view different

1 from yours.

2 Am I correct in assuming, sir, that you would not  
3 be, shall we say, inflexible but rather you would listen very  
4 carefully to the views expressed by your co-jurors and if you  
5 found those views to be reasonable and persuasive, you would,  
6 at least, reconsider your position?

7 Am I correct in assuming that?

8 A Yes.

9 Q Do you understand that each time the defense attor-  
10 neys ask you whether you would be willing to give their client,  
11 Mr. Watson, a fair trial, that the prosecution, that is the  
12 People of the State of California, are also entitled to a fair  
13 trial?

14 Do you understand that?

15 A Yes.

16 Q Are you willing to make that promise that you  
17 will give the People of the State of California a fair trial?

18 A Yes.

19 Q There is no doubt in your mind about that, is  
20 there?

21 A No doubt.

22 Q Can you think of any reason, not already touched  
23 on, sir, by Judge Alexander or Mr. Keith or myself, why you  
24 should not be a juror in this case?

25 A I cannot.

26 Q Or why you would rather not be a juror in this  
27 case? Any reason whatsoever?

28 A No.

1 MR. BUGLIOSI: Thank you very much, sir. People pass  
2 for cause.

3 THE COURT: The defense has the next challenge.

4 MR. BUBRICK: We thank and excuse your No. 2, Mr.  
5 Parra, please.

6 THE COURT: Thank you, Mr. Parra. You may be excused.

7 THE CLERK: Esther Copeland, C-o-p-e-l-a-n-d.

13f.

#13

ESTHER COPELAND

BY THE COURT:

Q Mrs. Copeland, before we get into some great detail, can you give us the two months that we need to try this case?

A No, I couldn't.

Q What is your particular difficulty?

A Well, I need to be in school when it opens and I also have older people that I take care of.

Q It would be too much of a hardship on you to remain two months?

A Yes, sir.

THE COURT: Gentlemen, may she be excused?

MR. BUGLIOSI: Yes, your Honor.

MR. BURRICK: Yes, your Honor.

THE COURT: Thank you, Mrs. Copeland.

THE CLERK: Mrs. Pauline Browning, B-r-o-w-n-i-n-g.

PAULINE BROWNING

BY THE COURT:

Q Mrs. Browning, will you take the seat next over? Can you give us the two months we need to try this case?

A Yes.

Q I noticed that you were sitting back there fanning yourself; do you have any physical difficulty, Mrs. Browning?

A No, just warm; maybe I dressed a little bit heavy this morning.

Q Now, how do you feel about the death penalty, Mrs.

13-2

1 A I would vote for the death penalty -- I mean on  
2 the political ballot. I understand it is coming up.

3 Q Well, we are not going to give you a political  
4 ballot yet.

5 A No, no; the question was asked a minute ago. It  
6 didn't mean about the particular case, it meant on the ballot,  
7 so I thought maybe you were meaning the same thing.

8 Q No, I was going to ask you this: Would you  
9 automatically vote against the imposition of the death penalty,  
10 regardless of what the evidence in this case might show?

11 A No, I wouldn't.

12 Q Would you automatically vote for life imprisonment  
13 regardless of what the evidence might show?

14 A No.

15 Q In other words, you would exercise a three choice  
16 depending upon your conscience and the evidence you hear in  
17 this case; is that correct?

18 A I would.

19 Q And you have no preconceived notions of any kind?

20 A No.

21 Q Is your attitude toward the death penalty such  
22 as it would prevent you from making an impartial determination  
23 of the guilt or innocence of this defendant?

24 A No.

25 Q You could determine his guilt or innocence?

26 A Yes.

27 Q Mrs. Browning, do you know any attorney in this  
28 case?

13-3

1 A No, I don't.

2 Q Did you hear the list of psychiatrists and doctors  
3 called off by Mr. Bugliosi?

4 A Yes.

5 Q Did any of them sound familiar to you?

6 A No.

7 Q How about the lawyers, did you know any of them?

8 A A few of the names did sound familiar, that I saw  
9 in the paper.

10 Q But you did not know them? You do not know them;  
11 is that correct?

12 A No.

13 Q Mrs. Browning, you have heard us say several times  
14 that all we want in this case is a juror who will be fair to  
15 the people, who will be fair to the defendant and who will  
16 decide this case based only on the evidence you hear in this  
17 case and the law as I shall state it to you?

18 A Yes.

19 Q Can you be that kind of a fair juror, fair to  
20 both sides?

21 A Yes.

22 Q Do you know of any reason at all why you would  
23 prefer not to sit in this particular case?

24 A No.

25 Q Now, no doubt you have heard of the Manson case and  
26 the Tate-La Bianca murders; is that correct?

27 A Sure, I have read about it.

28 Q Now, you know Manson was a defendant in that case.



13-4

1 A Yes,

2 Q Can you give this defendant a fair trial based  
3 only on the evidence you hear in this case, forgetting  
4 everything you heard about the Manson case or the Tate-La Bianca  
5 case?

6 A Yes.

7 Q You will do that?

8 A Yes, I will.

9 THE COURT: You may inquire, gentlemen.

10 MR. BURRICK: Thank you, your Honor.

11 Q May I ask you, please, Mrs. Browning, the nature  
12 of your business or your work?

13 A I am an assembler; I work for Anchor-Hocking Glass  
14 in Maywood.

15 Q Is there a Mr. Browning?

16 A No.

17 Q Do you have any children, Mrs. Browning?

18 A One daughter.

19 Q How old is she?

20 A 24.

21 Q Does she live at home with you?

22 A At the present, she is.

23 Q And what area of the city or county do you live  
24 in?

25 A I'd say the central area.

26 Q Central area.

27 Mrs. Browning, have you ever made any special  
28 study of drugs or the effect of drugs on a human body or mind?

13-5

1 A No, I haven't.

2 Q Without having made any sort of a study, have  
3 you ever had occasion to read on that subject matter?

4 A No more than I would read in the magazines.

5 Q Have you ever run across the drug LSD in your  
6 readings?

7 A I've read about it; I have never seen it.

8 Q Now about methedrine?

9 A If I saw it, I didn't recognize it.

10 Q Well, do you recognize the name as being the  
11 name --

12 A I have heard the name, yes.

13 Q And the general field of amphetamines, do you  
14 recall reading about those sorts of drugs?

15 A I have read about those.

16 Q Now, do you have such a feeling or frame of mind  
17 about the general subject matter of drugs that you think  
18 that any person who uses drugs is a person to whom you could  
19 not give a fair and impartial trial?

20 A No.

21 Q Now, as adults we all can't help having some  
22 feeling about drugs and the problem it has created in our  
23 community --

24 A Sure.

25 Q -- but you realize that that's not what we are  
26 going to settle here; we are not here to try to settle the  
27 drug problem.

28 A That's right.

13-6

1 Q We are going to try to settle, if we can, Mr.  
2 Watson's guilt or innocence on seven counts of murder and  
3 conspiracy to commit murder.

4 A Yes.

5 Q Now, there also may be evidence of the fact that  
6 Mr. Watson lived a kind of nomadic, hippieish type existence  
7 out in a commune; it may be a life style that you don't  
8 appreciate or you would disapprove of.

9 Now, would the fact that his life style and the  
10 manner in which he chose to live is different from that that  
11 you would approve of influence you to the degree where you  
12 think you might not be able to give him a fair and impartial  
13 trial?

14 A No, it wouldn't.

13A

13A

1 Q You have a daughter and I think there will be  
2 some evidence that there were others -- there were girls  
3 living in this commune, that they were runaways or youngsters  
4 who had left their home and gathered about Manson and Watson  
5 at the Spahn Ranch.

6 Now, knowing that we have a problem involving  
7 youngsters who are running away from home and that may be  
8 reflected during the course of these proceedings, do you  
9 think that that fact might prejudice you so that you couldn't  
10 give Mr. Watson a fair and impartial trial?

11 A No, it wouldn't; it wouldn't.

12 Q Now, I am not suggesting, Mrs. Browning, that  
13 these are matters that you should not consider, because if  
14 this evidence comes in, is presented in the course of this  
15 trial and you feel it is relevant and that it has some place  
16 in your determinations, certainly we would ask you to consider  
17 it; but standing in and of itself as an abstract matter, we  
18 want to make sure that you are not so prejudiced by that  
19 sort of information that you can't be fair and impartial.

20 Do you understand?

21 A Yes.

22 Q Let me ask you, Mrs. Browning, have you ever been  
23 the victim, personally, of any sort of a crime?

24 A No.

25 Q Have you ever seen a crime being committed?

26 A No more than a fight.

27 Q I take it in connection with that you weren't  
28 called upon to serve as a witness, perhaps --

13A-2

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A No, I wasn't.

Q -- for the prosecution?

Have you ever been a witness for the prosecution in a criminal matter?

A No.

Q Do you have any friends or associates, people you see frequently, that you know were victims of crimes of violence?

A No.

Q Do you number among your friends, associates, relatives, perhaps, members who are within a law enforcement staffs?

A No.

Q How about people who might be involved with prosecutor's staffs, such as Mr. Bugliosi representing the District Attorney's office, or perhaps a city attorney prosecutor or things of that nature?

A Would that include an attorney, just an attorney?

Q No, no.

A No, I don't.

Q Well, if you do know a lawyer, do you know lawyers who just specialize in sort of criminal defense work?

A No, the one that I knew, he specializes in all types -- I mean all types.

Q He is a general specialist then I take it?

A Yes, he takes all types of cases.

Q Have you, yourself, Mrs. Browning, studied law or read extensively in the field of law?

13A-3

1 A No.

2 Q How about in the field of psychology; have you  
3 ever studied it in school or read on it on your own?

4 A No.

5 Q Now, the judge defined the principle of reasonable  
6 doubt; he defined, he gave you that definition by way of  
7 instruction.

8 Do you have a feeling, Mrs. Browning, that it is  
9 too much to expect of a prosecutor for the prosecution to  
10 prove a person's guilt beyond a reasonable doubt and to a  
11 moral certainty?

12 A No, I don't.

13 Q You don't think that's asking or placing too much  
14 of a burden on any prosecutor's staff?

15 A No.

16 Q There also has been some discussion about the  
17 fact that every person who stands trial has a right to have  
18 a juror who will make up his own mind, and we would ask that  
19 you do that and we would want that you do that, based on what  
20 you, yourself, have heard and understood the evidence to be.

21 Now, knowing yourself as you do, Mrs. Browning,  
22 do you have any thought that you would not want to deliberate,  
23 would not want to make up your own mind, or would ask or  
24 look to somebody else to do that?

25 A No, I never look to anybody else to make up my  
26 mind for me.

27 Q Now, if you make up your mind and, as I say, this  
28 defendant and every defendant has a right to your own

13A-4

1 individual opinion, having made up your mind, Mrs. Browning,  
2 will you keep whatever opinion you form until you are  
3 convinced that you are wrong, if you are convinced?

4 A I certainly will.

5 Q And it doesn't make any difference what your  
6 original position is, because, certainly, if you were told  
7 that you are wrong and you are convinced that you are wrong,  
8 you should change because that's what we want, because we  
9 want somebody to come back and say, whatever he will, and mean  
10 what he says and mean it next week when he thinks about it,  
11 and mean it next year when he thinks about it.

12 It has to be the decision you want to make,  
13 because it is a decision you can live with; do you understand --

14 A Yes.

15 Q -- whatever it may be?

16 Now, let me talk with you for just a moment, if  
17 I may, please, Mrs. Browning, about the death penalty in  
18 general, and I talk about it now only because this is the only  
19 chance we get to talk about it; and the fact that we talk  
20 about it should not be interpreted by you as an indication  
21 that I think this is a death penalty case, because you are  
22 going to be the one who decides that; but since we can only  
23 talk about it now, let's do that, if I may.

13B



13BR-1

1           You have already heard the judge define, at least,  
2 first degree murder: A willful, deliberate, premeditated  
3 murder with malice aforethought. That is what you have to  
4 find before you determine -- and I am assuming -- I'm just  
5 bypassing the issue of sanity -- but that is what you have  
6 to find exists before you can impose a death penalty.

7           You understand that?

8           A       Yes.

9           Q       Do you have a feeling as you sit there now that  
10 anybody who is convicted of willful, deliberate, premeditated  
11 murder with malice aforethought, should automatically get the  
12 death penalty?

13          A       If it is proven and that is the penalty for such  
14 crime.

15          Q       Well, you understand there are two types of penal-  
16 ities you may impose, a life imprisonment -- you may impose  
17 the death penalty and you have an absolute, unfettered discretion  
18 to impose that, to impose that penalty, as I say, after you  
19 find the defendant sane and find him guilty of first degree  
20 murder.

21          A       Yes.

22          Q       The judge has already told you, as I said a moment  
23 ago, that a first degree murder is defined as being a willful,  
24 deliberate, premeditated murder with malice aforethought.

25                 Now, that's what you have to find exists in order  
26 to impose any penalty, assuming, again, as I say, that we are  
27 not involved with the issue of sanity at the moment.

28                 But, now, having decided that those four factors



1 do exist, would you automatically impose the death penalty?

2 A No.

3 Q You realize from what has been said, you have a  
4 right to make the determination and that's all we want, we want  
5 people who will think about the facts and then make a calcu-  
6 lated judgment, a determined judgment based on what they hear,  
7 about what they think the proper punishment will be.

8 The word I used, and the catch word we use -- and  
9 it is not a catch word -- but the word we want, we are trying  
10 to make sure that you avoid applying is "automatic." We don't  
11 want people that do anything automatically, by rote. We want  
12 them to do it by thinking, that the thing they are going to do  
13 is the thing we want done; so I take it you will not auto-  
14 matically impose the death penalty, if you find the defendant  
15 guilty of first degree murder?

16 A Of course not.

14f.

14R-1

1 Q Would you automatically impose a life sentence,  
2 if you found the defendant guilty of first degree murder?

3 A No.

4 Q You realize from what the judge said a moment ago  
5 that the law has no specific preference.

6 These are the two alternatives that are available  
7 to you and you apply them under whatever factual situation you  
8 will.

9 You determine what the facts are and you determine  
10 the punishment for that set of facts.

11 Now, knowing that there are no guidelines and no  
12 standards that you have to make a determination in and of  
13 yourself, and of your own, do you feel that you can do that  
14 and that you will do that?

15 A I will.

16 Q More importantly, do you want to do that?

17 A Yes.

18 Q Have you ever thought about -- well, most people I  
19 guess have not ever thought about being in the position you're  
20 in now, where you're going to, at least potentially you are  
21 in a position where you're going to determine a person's life  
22 or death.

23 Being that people normally don't contemplate those  
24 things, let me ask you this: Have you ever thought in the  
25 most general of terms about the subject matter of capital  
26 punishment?

27 A Yes, I have.

28 Q Have you ever thought or formulated in your own

1 mind the kind of conditions that you think would force you to  
2 automatically impose a death penalty, if you ever contemplated  
3 sitting as a juror?

4 A No, I haven't.

5 Q In other words, you have never said to yourself,  
6 "I think anybody who commits this kind of a murder or this kind  
7 of a murder or that kind of a murder would automatically die  
8 if I ever had the opportunity to impose the death penalty"?

9 A No, I don't think I have ever felt that way.

10 Q Do you have any thought based on what you've heard  
11 so far, Mrs. Browning, knowing that this is a case where you  
12 may have an opportunity -- and I kind of use that word reluc-  
13 tantly -- but there will be presented to you facts from which  
14 you may determine that this defendant is guilty of either one,  
15 two, three, four, five, six, or seven counts of first degree  
16 murder.

17 There may be evidence that these people died as  
18 a result of multiple wounds, stab wounds, gunshot wounds or  
19 gun beating wounds and there may be evidence by some rather  
20 gruesome pictures.

21 Knowing, as I say, that there are seven dead  
22 people involved in these proceedings now, do you have such a  
23 frame of mind at this moment that you think anybody who is  
24 guilty of seven counts of willful, deliberate, premeditated  
25 murder with malice aforethought, must die?

26 A I couldn't give a definite thought at this time.

27 Q Those factors don't force you to believe that it  
28 would be an automatic thing with you?

1 A No, not automatic.

2 Q Irrespective of how these seven unfortunates may  
3 have met their death, Mrs. Browning, do you have a feeling  
4 that anybody you find guilty of multiple killings should get  
5 the death penalty?

6 A Found guilty?

7 Q Yes.

8 A And not proven insane?

9 Q Yes. You see, if the person is insane, then we  
10 don't have the other problem.

11 A The answer is yes.

12 Q Pardon?

13 A Found guilty and proven sane, yes.

14 Q In other words, if you find that a person has  
15 committed more than one willful, premeditated, deliberate  
16 murder with malice aforethought, and that individual is sane,  
17 you think you would automatically impose the death penalty?

18 A I would say yes.

19 Q And when you say "I would say yes" are you telling  
20 us that is really the way you feel?

21 A That is the way I feel.

22 Q Let me ask just one further question in that  
23 area, if I may.

24 Are you telling me indirectly then that the  
25 defendant would have the burden of trying to convince you that  
26 if you did find him guilty of multiple first degree counts of  
27 murders, as we have just talked about, that he would have to  
28 convince you that you should give him a life sentence rather

1 than a death penalty?

2 A As I said before -- I want to be sure I'm saying  
3 the same thing I said before -- if a person was found guilty  
4 of premeditated murder on several counts, found guilty and  
5 sane, I would vote the death penalty.

6 Q You would do that automatically?

7 A That is what I say, my mind would be made up.

8 Q And is that your frame of mind at this moment?

9 A He would have to be proven this.

10 Q Yes. We would stipulate that you have to find --  
11 that you have found him guilty of first degree murder and  
12 that he is sane.

13 A I have to tell you how I feel about it.

14 Q That is what we want. We appreciate your candor  
15 and your honesty.

16 Challenge for cause, your Honor.

17 MR. BUGLIOSI: No objection, your Honor.

18 THE COURT: The challenge will be allowed. You may be  
19 excused, Mrs. Browning.

20 Thank you, Mrs. Browning.

21 THE CLERK: Ralph H. Horton, H-o-r-t-o-n.

22  
23 RALPH H. HORTON,

24 BY THE COURT:

25 Q Mr. Horton, can you give us the two months we need  
26 to try this case?

27 A How much time?

28 Q Two months,

1           A       Well, I hadn't planned on it. I already had  
2 arrangements made to go places.

3           Q       When do you plan on going?

4           A       One time was the last week of August and the last  
5 week of September, two different times.

6           Q       Would it work a hardship on you to change your  
7 plans?

8           A       Well, I suppose they could be changed but it would  
9 inconvenience some other people.

10          Q       Would it be too much of a hardship to do that?

11          A       Well, it wouldn't, no. I don't --

12          Q       We don't want you to do anything you don't want to  
13 do, Mr. Horton.

14          A       It has been planned for quite a while.

15          Q       You would rather not serve, is that right?

16          A       Yes.

17          THE COURT: May he be excused?

18          MR. DUBRICK: Yes.

19          MR. BUGLIOSI: Yes, your Honor.

20          THE COURT: Thank you. You may be excused.

21  
22  
23  
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28  
14af.

1 THE CLERK: Jettie M. McMurtry, M-c-M-u-r-t-r-y.

2 The first name is J-e-t-t-i-e.

3  
4 JETTIE M. McMURTRY

5 BY THE COURT:

6 Q Is that Mrs. McMurtry?

7 A Yes, it is.

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

10 A I think so. I am employed but I think I could.

11 Q All right. How about the question of the death  
12 penalty. You heard us discuss this death penalty.

13 A Yes.

14 Q Are you of the mind that would automatically vote  
15 against the death penalty regardless of what the evidence might  
16 show?

17 A No.

18 Q Is your attitude toward the death penalty such  
19 as it would prevent you from taking an impartial determination  
20 of the defendant's guilt or innocence?

21 A No, sir.

22 Q In other words, you now know that if we come to  
23 that phase of the case, you know the people are demanding the  
24 death penalty, you know that you have a choice of imposing  
25 either the death penalty or life imprisonment. Do you know  
26 that?

27 A Yes.

28 Q And you know that there are no guides to tell you

1 when to impose the death penalty or when not to impose the  
2 death penalty?

3 A Yes.

4 Q You are willing to assume that burden?

5 A I am.

6 Q Mrs. McMurtry, you have heard us say time and time  
7 again both the people and the defendant are entitled to a  
8 fair trial.

9 They are entitled to a trial based only upon the  
10 evidence you hear in the case and the law as I shall give it  
11 to you.

12 Can you give both the people and the defendant  
13 such a fair trial?

14 A Yes.

15 Q You heard that the defendant was charged with  
16 seven counts of murder. If you should find him guilty of  
17 those seven counts of murder in the first degree, would  
18 you then automatically impose one punishment over the other  
19 punishment? I am talking about automatically?

20 A No.

21 Q Or would you give it some thought? You would  
22 weigh both punishments?

23 A That is right.

24 Q Do you know of any reason at all why you could  
25 not serve as a juror in this case?

26 A Except for my employment I don't.

27 Q You told us that you could take care of that.

28 A I think I can.



14A-3

1 Q When will you know for sure?

2 A As soon as we have a break.

3 Q All right. At 12:00 o'clock you will find out  
4 for us, will you, Mrs. McMurtry?

5 A Yes.

6 Q You have heard the list of the doctors that Mr.  
7 Bugliosi called off?

8 A Yes.

9 Q Did you know any of them?

10 A No, only knew through newspaper, radio and TV.

11 Q You didn't know them personally?

12 A No.

13 Q Now about the lawyers?

14 Did you know any of them personally?

15 A No.

16 THE COURT: All right. We have not had a morning recess.  
17 Suppose we break at this time until 1:30.

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

20 Once again do not form or express any opinion in  
21 this case. Do not discuss it among yourselves or with anyone  
22 else and keep your minds open. 1:30.

23 (The noon recess was taken until 1:30 p.m. of  
24 the same day.)  
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#15

LOS ANGELES, CALIFORNIA, THURSDAY, AUGUST 5, 1971; 1:30 P.M.

- - -

THE COURT: People against Watson.

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

JETTIE M. McMURTRY (RESUMED)

BY THE COURT:

Q Mrs. McMurtry, what did you find out?

A I would like to be excused.

Q Is that because of your employment?

A Yes, sir.

Q It would work a hardship on you to stay; is that it?

A Yes. I have only been back at work two weeks after being off a month on vacation.

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

MR. KEITH: Do you want the reporter?

MR. BUGLIOSI: No.

(A discussion was had at the bench between court and counsel off the record.)

Q BY THE COURT: Mrs. McMurtry, by whom are you employed?

A I am a FAX operator at the Beverly Hills Post Office.

Q At the Beverly Hills Post Office?

A That's right.

1 Q I have never heard of the Federal Government or  
2 the Post Office complain before about a juror.

3 A My supervisor told me unless I was ordered they  
4 would prefer I do not serve more than 20 days, because, as  
5 I said, I have only gone back to work two weeks after being  
6 off a month on vacation.

7 Q When did you start serving your jury duty here?

8 A This Monday was my first day; this is the first  
9 week.

10 Q I'm afraid that is not legal cause, Mrs. McMurtry.

11 A It is fine with me, because I would like to serve,  
12 if I am accepted.

13 Q All right.

14 If your supervisor says anything to you, let us  
15 know.

16 A All right; because I'm sure he will.

17 Q It is the first time I have heard of any post  
18 office supervisor or anyone else complaining about an employee  
19 serving on a jury.

20 A Well, as I said, I am a FBX operator. I don't  
21 throw mail, I have nothing to do with it.

#16

1 Q Government agencies -- well, I won't say anything  
2 more about that.

3 Mr. Bubrick, you may inquire.

4 Q BY MR. KEITH: Mrs. McMurry, is there a Mr.  
5 McMurry?

6 A No, I am single. I have been divorced six years  
7 from a former Los Angeles policeman.

8 Q You anticipated, obviously, my question. We might  
9 as well get to it.

10 A That is right.

11 Q And discuss that problem. Do you feel by reason  
12 of your previous marriage to a member of the Los Angeles  
13 Police Department that you in some way would be prejudiced  
14 against the prosecution?

15 A I do not.

16 Q Or against Mr. Watson?

17 A No, sir.

18 Q When you were together with Mr. McMurry,  
19 presumably, or Officer McMurry, did you discuss his cases or  
20 his functions or his duty or his work?

21 A His duty, yes.

22 Q And what detail or department of the police  
23 department was he assigned, if you remember?

24 A For many years he was a plainclothes detective and  
25 the last three years he was a sergeant out of the 77th and  
26 Metropolitan.

27 Q This has to be put in sort of a gingerly fashion --  
28 under the circumstances, do you believe that because you were

1 once married to a member of the Los Angeles Police Department  
2 that you might be possibly inclined to favor the prosecution  
3 over the defense in this case regardless of the nature of the  
4 evidence produced?

5 A No, I do not.

6 Q I am not asking you if you would be inclined to  
7 give more credence to a police officer simply because he  
8 wears a uniform, because there will be a number of witnesses  
9 here who are detectives and police officers. I am not asking  
10 that.

11 I am simply asking you whether or not you might be  
12 inclined to favor the prosecution over the defense?

13 A No.

14 Q Bearing in mind that you usually associate  
15 prosecutors with police officers?

16 A No.

17 Q You feel that you can honestly say that there is  
18 no chance that Mr. Watson would in any way be prejudiced because  
19 of your previous marriage?

20 A I don't know how he would feel. I wouldn't.

21 THE COURT: He means for this case.

22 Q BY MR. KEITH: Would you be?

23 A No.

24 Q We are here to determine Mr. Watson's --

25 A No.

26 Q -- state of mind, but not on this particular subject.  
27 Do you have any children, Mrs. McMurtry?

28 A Yes, a boy and a girl.

1           A     The boy is 14 and the girl will be 11 in  
2     September.

3           Q     In what part of the county generally do you  
4     reside?

5           A     I live in Los Angeles County, West Los Angeles.

6           Q     East or west?

7           A     West.

8           Q     Other than your former husband, do you have any  
9     close acquaintances or relatives or friends who are members  
10    of the law enforcement?

11          A     No.

12          Q     I take it one time you perhaps knew some of your  
13    former husband's friends who were also members of the police  
14    department.

15          A     Whom I haven't seen in probably five or six years.

16          Q     So you have dissipated we might say all ties you  
17    might have had with the Los Angeles Police Department?

18          A     That is true.

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5200 1 Q Did your husband at any time have occasion to be  
2 involved in any violence as a police officer; in other words,  
3 any gun battles or shootouts?

4 A Yes.

5 Q Have you, yourself, ever been the victim or --

6 A No.

7 Q -- a witness to a crime of violence?

8 A No, sir.

9 Q Do you believe your former husband's hazardous  
10 occupation, and perhaps some of the things that he was faced  
11 with, make it difficult for you to be fair to Mr. Watson in  
12 this case, bearing in mind that he is charged with seven counts  
13 of homicide?

14 A No, I do not.

15 Q Broaching upon the publicity aspect of the Manson  
16 case, did you read and listen and hear about that case during  
17 its progress?

18 A I have.

19 Q Are you aware now of the outcome of the so-called  
20 Manson case?

21 A Since this morning I have been made, yes.

22 Q Before you came into court this morning did you  
23 know what happened in the Manson case?

24 A Not really. I haven't really followed it that  
25 close.

26 Q While that trial was in progress, I gather that  
27 you did not pay any particular attention to its progress on  
28 television or in the newspapers, or over the radio?

1           A       To a certain extent. I knew that Mr. Watson was  
2 back in California. In fact, I recognized him this morning  
3 from pictures on the television that I have seen, but other  
4 than that, no.

5           Q       You knew before you came into court this morning,  
6 then, that a Mr. Charles Watson was a member of the so-called  
7 Manson family?

8           A       Yes, I did.

9           Q       And were you aware before this morning that Mr.  
10 Manson and three young female defendants had been convicted of  
11 first degree murder and sentenced to death?

12          A       I read that, yes.

13          Q       And you are aware now, if you weren't before, that  
14 Mr. Watson is charged with those same homicides?

15          A       Yes, since it was reviewed.

16          Q       Are you sure, as a result of this awareness of  
17 yours, that you would not hold it against Mr. Watson, that you  
18 don't have an opinion that he's more likely to be guilty than  
19 innocent because of the publicity attendant upon the Manson  
20 case and your knowing its outcome?

21          A       I certainly do not.

22          Q       Do you believe -- well, you told the judge, you  
23 promised his Honor, in effect, that you considered this as  
24 a separate trial and that your judgment wouldn't be in any  
25 way infected or affected, anyway you want to put it, by what  
26 occurred in that other trial?

27          A       This is a separate case.

28          Q       And you would promise me that if you were selected



1 as a trial juror, you would put whatever happened in this  
2 other case, or whatever you know happened in that other case,  
3 completely out of your mind and not let it influence you in  
4 any respect?

5 A Certainly.

6 Q Do you know who Mr. Manson was or is, as a result  
7 of the notoriety of that other case?

8 A Yes.

9 Q Who was he?

10 A Well, it has been mentioned, I think, he lived  
11 on the Spahn Ranch with several people, men and women.

12 Q Had you ever heard or read that he was a leader of  
13 a commune or cult, as it is sometimes put?

14 A Yes.

15 Q And if evidence is introduced in this case that  
16 Mr. Watson was also a member of Manson's family, would you so  
17 hold that against Mr. Watson that you'd deny him a fair trial?

18 A No.

19 Q Evidence, I am sure, will be introduced in this  
20 case that Mr. Watson was a heavy user, overindulged, if you  
21 will, in the use of dangerous drugs and narcotics.

22 You probably have a rather dim view of anybody  
23 who so occupies his time; but, nonetheless, would you be so  
24 prejudiced against Mr. Watson if the evidence showed that he  
25 was a drug abuser, that you'd deny him a fair trial --

26 A No, I would not.

27 Q -- solely because of that reason, alone?

28 Bear in mind, Mrs. McMurtry, that the use and

1 abuse of dangerous drugs and narcotics may be very material  
2 in this case, or evidence of Mr. Watson's use of drugs and  
3 may well, in your mind, be material and relevant and significant  
4 and bear importantly on your determination of this cause in  
5 the event you are selected as a trial juror.

6 What I am asking you is, will you just simply  
7 cast Mr. Watson aside and not give him the benefit of his  
8 defense solely -- and solely -- because he excessively used  
9 dangerous drugs and narcotics, if the evidence so shows?

10 A No.

11 Q Or would you hold it against Mr. Watson solely  
12 because he lived a hippie style life in a commune, whose  
13 social values, perhaps, you wouldn't approve of?

14 A No.

15 Q Now, again, such evidence may have a bearing in  
16 your determination of this cause; it may be relevant. That is  
17 up to you to decide, but I am asking you not to deny Mr.  
18 Watson the benefit of his defense because of his life style,  
19 which you may well and probably would disapprove of.

20 You won't do that, will you?

21 A No, sir.

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18R-1

1 Q Have you read any literature or studied the  
2 subject of the use of drugs?

3 A I have not studied it. I've read about it.

4 Q Do you know anything about LSD?

5 A Very little, except what I've read in magazines.

6 Q Do you know anything about amphetamines?

7 A No.

8 Q Methedrine -- which is an amphetamine, incidentally?

9 A No.

10 Q Have you read anything about mescaline or hashish  
11 or marijuana?

12 A They are familiar terms, but that is all.

13 Q FDT or MFD? There are all kinds of drugs that  
14 are going to come up in this case. You have read about some  
15 of those drugs?

16 A Some of them are familiar, yes.

17 Q Have you formed any opinion about the effect of  
18 the use of such drugs on one's behavior or upon one's mind or  
19 mental capacity?

20 A Yes.

21 Q You have formed an opinion?

22 A Yes.

23 Q Without going in to what your opinion is, will you  
24 be able to set whatever your opinion is aside and listen to  
25 the evidence in this case concerning the subject of the effect  
26 of drugs on one's mind and one's behavior and decide this case  
27 based on the evidence you hear from the witness stand, rather  
28 than what you have read or heard concerning drugs?

1 A I believe so.

2 Q You think you will be able to do that?

3 A Yes.

4 Q There is no question in your mind that you will be  
5 able to do that?

6 A No, sir.

7 Q Is that right?

8 A Yes.

9 Q Do you know any psychiatrists, Mrs. McMurtry?

10 A Yes, I do.

11 Q Do you know these psychiatrists on a social or  
12 professional basis, or what?

13 A Professional.

14 Q Has any member of your family ever had occasion to  
15 visit with or be treated by, or be examined by a psychiatrist?

16 A Yes,

17 Q And would that be yourself, by any chance? I  
18 don't mean to pry, but it might be --

19 A Yes, sir.

20 Q And are you presently being treated by a psychia-  
21 trist?

22 A No, sir.

23 Q You obviously have in the past?

24 A Yes.

25 Q Do you feel you were helped in any way?

26 A Very much.

27 Q What I am gettting at is I gather by your response  
28 to that question is that you feel that psychiatrists do play

1 an important function in assessing human behavior and helping  
2 people who feel they need help in many areas, where mental  
3 illness or emotional problems are involved?

4 A I do.

5 THE COURT: Did you recognize any of the names called  
6 off by Mr. Eugliosi this morning?

7 MRS. McMURTRY: No, sir.

8 Q BY MR. KEITH: Have you studied psychiatry inform-  
9 ally at all or in school?

10 A Yes, I have.

11 Q And do you have an interest in psychiatry apart  
12 from the fact that you yourself have been treated by a psychia-  
13 trist?

14 A No, sir.

15 Q Or helped by a psychiatrist. Has your reading in  
16 the field of psychiatry been recent, or are you referring to  
17 high school days?

18 A Both.

19 Q Have you read books on the subject?

20 A Yes.

21 Q Recently?

22 A Within the last five years.

23 Q Do you have at the present any preconceived opinion  
24 at this time as to what value or weight to place on psychiatric  
25 evidence in the event such evidence is introduced in this case  
26 bearing on Mr. Watson's mental condition?

27 Do you have an idea of how you ought to value it  
28 right now?

1           A     No, sir, not at this time.

2           Q     With respect to the issue of legal insanity, which  
3 has previously been discussed since you have been in the court-  
4 room, do you believe it is possible -- that is all I am asking  
5 you, just if it is possible -- for someone to be legally  
6 insane under the definition given you by his Honor this morn-  
7 ing?

8           A     Yes, sir.

9           Q     Do you also believe it is possible that someone  
10 might have diminished capacity or suffer from diminished  
11 capacity of the mind to the point where they could not pre-  
12 meditate the killing of another human being?

13          A     I do.

14          Q     The evidence presented to you, if you are selected  
15 as a juror, will demonstrate not only that there are seven  
16 dead bodies, but also that the homicides were done in a rather  
17 unusual manner with multiple stab wounds, multiple gunshot  
18 wounds -- you will see photographs which will shock you, which  
19 would shock anybody.

20                You will see lots of blood in those photographs.  
21 You will see in one photograph at least a knife sticking out  
22 of somebody's throat.

23                Do you think you would be so shocked if you saw  
24 those photographs that you would just throw up your hands and  
25 say, "This is the worst thing I have ever seen in my life.  
26 He is guilty of first degree murder." And just not consider  
27 any of the other evidence in the case?

28          A     No, sir.

1 Q I am not kidding you when I talk about this.  
2 Anybody is going to be initially very upset at seeing some of  
3 these pictures which are going to be introduced into evidence.

4 No way we can avoid that. They are of evidentiary  
5 value.

6 You won't deny Mr. Watson the benefit of his  
7 defense because of the shock value or the blood you are going  
8 to see in these pictures?

9 A No, sir.

10 Q In color, too. And I would ask the same question  
11 if we ever arrive at a third phase of this trial, life or  
12 death: Would you simply automatically impose the death penalty  
13 against Mr. Watson because of the gruesomeness of what you're  
14 going to see and hear?

15 A Certainly not.

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#19

1 Q While we are on that subject, I gather that you  
2 are not opposed to the death penalty --

3 A No.

4 Q -- as a philosophical proposition?

5 Have you ever given capital punishment much  
6 consideration during your lifetime --

7 A No.

8 Q -- before you came into court today?

9 Have you had a chance to think about capital  
10 punishment since you have been in here and since you have  
11 heard that Mr. Bugliosi says he is going to demand the death  
12 penalty -- he's not going to demand it of you; you are the  
13 ones that are going to make up your minds, not Mr. Bugliosi --

14 MR. BUGLIOSI: For the record, I don't think I said  
15 "demand."

16 MR. KEITH: That's the way I heard it.

17 The record will speak for itself.

18 MR. BUGLIOSI: "Ask the jury."

19 Q BY MR. KEITH: At any rate, he is going to seek it.  
20 Have you had, getting back to that -- we were  
21 sidetracked -- getting back to my original question, have you  
22 had a chance to think about capital punishment since you have  
23 been in the court this morning?

24 A Yes, I have.

25 Q And have you changed your mind any about how you  
26 feel about it?

27 A No, sir.

28 Q If Mr. Watson were convicted of seven first degree



19-2

1 murders, would you automatically impose the death penalty  
2 without thought to any other questions --

3 A No.

4 Q -- or evidence --

5 A No.

6 Q -- or considerations that might arise?

7 A No.

8 Q Would you automatically impose the death penalty  
9 because of all the blood you are going to see --

10 A Certainly not.

11 Q -- and hear about?

12 Would you automatically impose it because of all  
13 the multiple stab wounds and gunshot wounds you are going to  
14 see and hear about?

15 A No.

16 Q Would you automatically impose it because of some  
17 of the people who met their deaths were well known?

18 A No.

19 Q Would you automatically impose it because you might  
20 believe, mistakenly or otherwise, but you might believe that  
21 popular public sentiment would favor the death penalty on this  
22 case --

23 A No.

24 Q- -- bearing in mind there has been a lot of  
25 notoriety about it?

26 In other words, your judgment wouldn't be  
27 influenced any in any way by the notoriety that has preceded  
28 this case?

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A No, sir.

Q Or by the outcome of the Manson trial?

A No.

Q Have you ever seen Mr. Bugliosi on television or heard him speak?

A Yes, I have.

Q Both or -- that is a compound question; that's objectionable.

Have you ever heard him speak to any groups --

A No.

Q -- about the Manson --

A On TV.

Q -- about the Manson case on TV?

A I think it was, yes.

Q Do you remember anything he said?

A Not really.

MR. KEITH: You better give up.

Q Would you be influenced in your deliberations in this case simply because Mr. Bugliosi prosecuted Mr. Manson and has been on television a number of times, apparently, and spoken a number of times about that case?

A No, sir.

Q You wouldn't be overawed by his presence and Mr. Kay's presence, here, would you, to the detriment of Mr. Watson and Mr. Bubrick and myself?

A No, I'm afraid not.

Q What you are telling us is and what you promise you will do, Mrs. McMurry, is, as Mr. Bubrick put it very

19-4

1 succinctly, make up your own mind once the case is submitted  
2 to you for decision.

3 You won't let anybody else or any extraneous  
4 factor make it up for you?

5 A No.

6 Q Is that right?

7 A That's right.

8 Q You'll promise you'll do that; you'll give us the  
9 benefit of your individual opinion, is another way to put it?

10 A Yes, sir.

11 Q Do you believe that you understood Judge Alexander's  
12 and Mr. Bugliosi's expatiation on the law that may be of  
13 considerable significance in this case: First degree murder,  
14 second degree murder, manslaughter, diminished capacity,  
15 legal insanity?

16 Do you believe at this time you have some grasp  
17 of what they have been talking about?

18 A Yes.

19 Q Do you understand that diminished capacity as  
20 opposed to legal insanity, will be an issue in the guilt or  
21 innocence phase of the trial?

22 A Yes.

23 Q And diminished capacity means diminished  
24 responsibility; you aren't as responsible for your acts or  
25 conduct as you might be if you were of a normal, sound mind.

26 You will consider such evidence, won't you, if  
27 introduced?

28 A Yes, I will.

19-5

1 MR. KEITH: Pass for cause.

2 BY MR. KAY: Q Good afternoon, Mrs. McMurtry.

3 A Hello there.

4 Q Let me ask you this, have you ever seen Mr. Keith  
5 on television when he represented Leslie Van Houten in the  
6 first trial?

7 A No, I'm afraid not.

8 MR. KAY: I wanted to give you credit, Max.

9 Q Mrs. McMurtry, let me read a list of police  
10 officers who will testify in this case and I will ask you if  
11 you know any of them;

12 Officer Robert E. Burbridge, do you know him?

13 A No.

14 Q Officer Weisenhunt?

15 A No.

16 Q Officer Jerry De Rosa?

17 A No.

18 Q M. Joseph granado?

19 A No.

20 Q William Rodriguez?

21 A No.

22 Q Edward Lee Cline?

23 A No.

24 Q Danny Galindo?

25 A No.

26 Q Gary L. Broda?

27 A No.

28 Q Jerrome A. Boen?

19-6

1 A No.  
2 Q Frank E. Escalante?  
3 A No.  
4 Q Jack E. Swan?  
5 A No.  
6 Q Harold J. Dolan?  
7 A No.  
8 Q Lieutenant Frank Pachett?  
9 A No.  
10 Q Detective Sergeant Robert Calkins?  
11 A No.  
12 Q Detective Sgt. Philip Sartucha?  
13 A No.  
14 Q Detective Sgt. Chick Gutierrez?  
15 A No.  
16 Q Dudley Varney?  
17 A No.  
18 Q William J. Lee?  
19 A No.  
20 Q Detective Sgt. Michael J. McGann?  
21 A No.  
22 Q I think that does it.

23 Let me first ask you some questions about the  
24 second phase of the trial.

25 You did state on Mr. Keith's questioning that you  
26 had been to a psychiatrist.

27 Over how long a period of time did you visit the  
28 psychiatrist?

1           A     About two months.

2           Q     Do you know if this psychiatrist engages at all  
3 in criminal law?

4           A     No, he does not.

5           Q     Now, were your dealings such with the psychiatrist  
6 that you would accept wholeheartedly the testimony of any  
7 psychiatrist that got up on that witness stand?

8           THE COURT: Just a moment; you are asking her to  
9 prejudge something here.

10           She may accept or she may not, I don't know.

11           MR. KAY: I'm asking her, because of her prior relation-  
12 ship --

13           THE COURT: You didn't ask that question.

14           Q     BY MR. KAY: Because of your relation with this  
15 psychiatrist, your prior relationship, would you automatically  
16 accept the testimony of any psychiatrist that got on that  
17 witness stand?

18           A     No.

19           Q     In other words, you realize that psychiatrists,  
20 just like other witnesses, are infallible, and they can be  
21 impeached?

22           A     That's true.  
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OR-1

1 Q So if the psychiatrist's testimony was not  
2 reasonable in view of all the evidence, I take it that you  
3 would reject his testimony?

4 A That is true.

5 Q And you understand that at the sanity phase of  
6 the trial, and on any mental issue that we have in this trial,  
7 that your verdict is to be based on all the evidence, not  
8 just the psychiatric evidence?

9 A Yes.

10 Q You understand that what we are dealing with at  
11 the second phase is a precise legal definition of what con-  
12 stitutes legal insanity.

13 Do you understand that?

14 A Yes.

15 Q And you understand that a person could be mentally  
16 ill and mentally abnormal and still not be legally insane?

17 A True.

18 Q Now, you said in response to one of Mr. Keith's  
19 questions that you felt that it would be possible for a  
20 person to be not guilty by reason of insanity under the  
21 judge's instructions; is that true?

22 A Yes.

23 Q Also, do you think it is possible that a person  
24 might try and act insane to try and avoid the responsibility  
25 for his crimes?

26 MR. BURRICK: Objected to, your Honor, as asking her  
27 to prejudge evidence.

28 THE COURT: Sustained.

1 Q BY MR. KAY: Now, I am sure that from time to  
2 time that you have looked in the morning newspaper and you  
3 have read some article where you say that, "Gee, a person  
4 must have been crazy to do something like that."

5 Well, you understand that. I have done that my-  
6 self, but you understand that might be very different, our  
7 thoughts about what was in that article, from the definition  
8 of legal insanity?

9 A That is true.

10 Q Do you have any objection at all to the fact that  
11 in this courtroom it is the jury that makes the decisions as to  
12 any mental issue and not the psychiatrist?

13 A No, sir.

14 Q In other words, you would try and pass the buck  
15 to the psychiatrist?

16 A No.

17 Q You would make your own decisions?

18 A That is true.

19 Q And I take it that under the judge's instructions  
20 on legal insanity, that if you felt that at the time of the  
21 murders that Mr. Watson knew what he was doing and knew that  
22 what he was doing was wrong, that you wouldn't hesitate to  
23 find him legally sane?

24 A That is true.

25 Q You mentioned previously to Mr. Keith that you  
26 had done some reading in the field of psychiatry.

27 In what areas had you done that reading?

28 A I have had two courses toward becoming a registered



1 nurse.

2 Q What type of courses? Abnormal psychology?

3 A Subjects you are required to take, in order to pass  
4 the State Board in Missouri and here in California.

5 Q Has any of your reading dealt with the field of  
6 criminal insanity?

7 A No, sir.

8 Q Has it even touched upon the area of criminal  
9 insanity?

10 A It may have slightly.

11 Q And would you be able to disregard anything that  
12 you had read and base your opinion in this case solely on the  
13 evidence that you heard from the witness stand?

14 A Yes, because it has been some time.

15 Q Would you think just because, say, for example,  
16 the defense psychiatrist got up on the witness stand and said  
17 one thing, said that maybe Mr. Watson had diminished capacity  
18 in the first phase, and said that he was insane at the second  
19 phase.

20 And the prosecution psychiatrist got up and said  
21 that Mr. Watson didn't have diminished capacity in the first  
22 phase of the trial and that he was sane at the time of the  
23 murders.

24 Would you think that just because these two groups  
25 of psychiatrists have said different things, that that there-  
26 fore automatically means that there is a reasonable doubt in  
27 your mind?

28 A No.

1 Q Do you have any objection to the fact that the  
2 burden is on the defense in the second phase of the trial?

3 In other words, they must prove to the jury that  
4 Mr. Watson was insane at the time of the murders. Do you  
5 think that is unfair?

6 A No.

7 Q And you realize that if at the end of the second  
8 phase, if you can't make up your own mind, if you say, "Well,  
9 maybe he was sane, maybe he is insane. It is 50-50. I just  
10 can't make up my mind." Therefore, you wouldn't hesitate at  
11 all to bring back a verdict that Mr. Watson was sane at the  
12 time of the murders, would you?

13 A No.

14 Q I am going to ask you a few questions about the  
15 death penalty.

16 I take it that you have thought somewhat about the  
17 death penalty?

18 A Yes.

19 Q Before you came into this courtroom?

20 A No, sir.

21 Q If a pollster came up to your door and asked you  
22 whether you would vote to retain capital punishment in Cali-  
23 fornia or vote to abolish it, how would you vote?

24 A I would retain it.

25 Q Can you conceive of a situation in your own mind  
26 where the proper punishment for a crime would be the imposi-  
27 tion of the death penalty?

28 A No, not really.

1 Q Have you determined in your own mind whether or  
2 not you could impose the death penalty?

3 A I think so.

4 Q You realize that in a death verdict that each  
5 juror personally participates in that verdict.

6 If the jury comes in with a death verdict, Mr.  
7 Pappas -- and this is Mr. Pappas right here to my right --  
8 that Mr. Pappas at the request of the defense will poll the  
9 jury. He will ask each juror, "Is this your verdict?"

10 Now, if this was your verdict, the death verdict,  
11 would you have the courage to personally participate and tell  
12 Mr. Pappas that that was your verdict?

13 A Certainly.

14 Q Now, if you would, would you look at Mr. Watson  
15 for a minute.

16 Now, would you automatically vote for live imprison-  
17 ment because of the fact that Mr. Watson is 25 years old?

18 A No.

19 Q Do you feel that after seeing Mr. Watson day after  
20 day in this courtroom over an eight-week period that you could  
21 come back and tell Mr. Watson in the form of your verdict, if  
22 you thought that the evidence warranted it, that he must die  
23 for the crimes that he has committed?

24 A Yes.

25 Q And knowing that if at the first phase of the trial,  
26 if you found Mr. Watson guilty of first degree murder, and at  
27 the second phase of the trial you found that he was sane at  
28 the time of the murders, that you would then have to make the

1 the determination of whether or not to impose the death  
2 penalty on Mr. Watson, would you consider finding him guilty  
3 of second degree murder at the first phase, or find that he  
4 was insane at the time of the penalty phase, in order to  
5 avoid the responsibility of deciding the question of whether  
6 or not to sentence Mr. Watson to life or death?

7 A No.

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

10 A Nothing except my employment.

11 Q You heard the question that Mr. Bugliosi asked  
12 before, did you not?

13 A Yes.

14 Q Is there anything that Mr. Bugliosi's questions  
15 brought to your mind that you would like to respond to?

16 A No, not really, not really.

17 Q Is it your position that the People of the State  
18 of California, who Mr. Bugliosi and I represent in this case,  
19 are entitled to exactly just as equal a fair trial as the  
20 defense?

21 A Certainly.

22 Q Do you feel any sympathy for Mr. Watson due to  
23 the fact that he is a defendant in this case?

24 A No.

25 Q At the first phase of the trial, the prosecution  
26 has the burden, the legal burden of proving a defendant guilty  
27 beyond a reasonable doubt.

28 Realize this and only this is the prosecution's

1 burden. Would you hold the prosecution to a higher burden,  
2 in other words, proving the defendant guilty beyond all doubt?

3 A No.

4 Q You understand that reasonable doubt, and what  
5 you have just said applies not only to the whole crime itself,  
6 whether or not he is guilty of murder or guilty of manslaughter,  
7 but it also applies to the elements like willfulness, whether  
8 or not he deliberated, premeditated and harbored malice afore-  
9 thought.

10 In other words, you wouldn't make the prosecution  
11 prove any one of these elements beyond all doubt?

12 A No.

13 Q And you understand that the presumption of  
14 innocence lasts only until the prosecution has proven the defen-  
15 dant guilty beyond a reasonable doubt?

16 A Yes.

17 Q Would you give any less weight to the testimony  
18 of a police officer because of the past relationship with  
19 your ex-husband?

20 A Certainly not.

21 Q Is your ex-husband still on the L.A.P.D. or is  
22 he retired?

23 A He is retired.

24 Q Do you have any friends or relatives who are  
25 involved in the defense of criminal cases?

26 A No, sir.

27 Q And did you hear Mr. Bugliosi's explanation of  
28 direct and circumstantial evidence?

1 A Yes, I did.

2 Q And do you have any quarrel with the fact that in  
3 the eyes of the law, and the judge will instruct you on this  
4 at the end of the case, that both are entitled to equal weight?

5 A That is true.

6 Q Have you heard of Linda Kasabian?

7 A Yes.

8 Q And you know she testified for the prosecution at  
9 the first trial?

10 A Yes.

11 Q Have you formulated any opinion about Linda  
12 Kasabian, other than just knowing that she testified at the  
13 first trial?

14 A No.

15 Q Have you heard of helter-skelter?

16 A No.

17 Q Can you think of any question that I haven't asked  
18 you that you feel I should ask you, in order to make a determina-  
19 tion of whether or not to seat you on this jury?

20 A No.

21 MR. KAY: Thank you, your Honor. Thank you very much.

22 THE COURT: All right.

23 Q Is your office right across the street from the  
24 Beverly Hills Police Department?

25 A Yes. The police department is in the City Hall.

26 Q Do you know any of the folks over there?

27 A Pardon?

28 Q Do you know any of the folks over at City Hall?

1           A     No, I don't.

2           Q     I have some good friends there. That is all.

3                 Mrs. McMurtry, you're not really afraid you're  
4 going to be fired if you stay on this jury, are you?

5           A     No, I don't think I will be fired but I think it  
6 might cause a hardship, but I would like to serve. I never  
7 have had the opportunity before.

8           THE COURT: Thank you, Mrs. McMurtry. We would like to  
9 have you, at least I would, anyway. All right.

10                The next challenge is with the People.  
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1 MR. BUGLIOSI: People thank and excuse Mrs. Hall.

2 THE COURT: Thank you, Mrs. Hall.

3 You may be excused.

4 THE CLERK: Mrs. Mona E. Hall, H-a-l-l.

5 MR. BUGLIOSI: That will fix us. Some days you can't  
6 make a dime.

7

8 MONA E. HALL

9 BY THE COURT:

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

12 A Not if it involved evening hours.

13 Q Evening hours?

14 A Yes.

15 Q Well, we don't try to work evenings. You see, we  
16 don't get time and a half.

17 A Because of the nature of the case, I <sup>did</sup> not know  
18 if you might have to stay over. I have a six-year old --

19 Q You mean by that, keep you during the course of  
20 the trial at night?

21 A At night or anything; I couldn't do that.

22 Q No, ma'am, I do not intend to what we call  
23 sequester the jury unless something happens that should not  
24 have happened; but at the present time I have no intention of  
25 locking the jury up every night. The only time it may arise  
26 is during deliberations, then it may.

27 A The reason I ask is because I have a six-year old  
28 I have to pick up at 5:30 from school and I have no one else



21-2

1 to depend on to do that.

2 Q Well, if it is a question of one or two nights  
3 during deliberations, could you arrange to have someone do  
4 that?

5 A If it was only one or two nights, I could.

6 Q How about the question of the death penalty, Mrs.  
7 Hall: Do you have any conscientious scruples against the  
8 death penalty?

9 A No.

10 Q Would you automatically vote against the imposition  
11 of capital punishment or the death penalty regardless of what  
12 might develop in this trial?

13 A No.

14 Q Conversely, would you automatically give life  
15 imprisonment regardless of what might develop during this  
16 trial?

17 A No.

18 Q Is your attitude toward the death penalty such  
19 that it would prevent you from making an impartial judgment  
20 of the guilt or innocence of this defendant?

21 A I think it would.

22 Q It would affect your judgment?

23 A Yes.

24 Q In what way?

25 A I think due to my past experiences I would not be  
26 a good juror in this case.

27 Q Can you tell us something about that?

28 A I have worked in psychiatric clinics. I have worked

21-3

1 as a probation officer. I have been in court a lot; I have  
2 been involved in a very similar case with a lot of notoriety  
3 in which I think I was prejudiced.

4 Q And you feel you are prejudiced at this time, one  
5 way or the other?

6 A I think the seriousness of this case would make  
7 me -- it would be extremely difficult for me to make a  
8 decision in this case.

9 Q You would prefer not to serve as a juror; is that  
10 what you mean --

11 A Yes.

12 Q -- based on your previous experience?

13 A Yes.

14 MR. BUGLIOSI: May it be stipulated the witness may  
15 be excused?

16 MR. BURRICK: So stipulated.

17 THE COURT: All right, you may be excused, Mrs. Hall.

18 THE CLERK: Rosemary Casalenuovo, C-a-s-a-l-e-n-u-o-v-o.

19 MR. BUGLIOSI: Try that again, John.

20 THE CLERK: I won't say it again, I will spell it:  
21 C-a-s-a-l-e-n-u-o-v-o.

22 MRS. CASALENUOVO: Right. Don't ask me to pronounce it.

23  
24 ROSEMARY CASALENUOVO

25 BY THE COURT:

26 Q C-a-s-a-l-e-n- --

27 A -- n-u-o-v-o.

28 THE COURT: Mrs. Casalenuovo -- is that close?

21-4

1 A Fairly close.

2 Q Mrs. Casalenuovo, can you give us the two months  
3 we need to try this case?

4 A Yes, I can.

5 Q Now, how about the question of the death penalty?  
6 Is your attitude such that you would automatically  
7 vote against the imposition of the death penalty regardless  
8 of what the evidence might show?

9 A No, I would not.

10 Q Would you automatically vote for life imprisonment  
11 regardless of what the evidence might show?

12 A No, I would not.

13 Q And is your attitude towards the death penalty  
14 such that you would be prevented from making an impartial  
15 decision as to the guilt or innocence of this defendant?

16 A Could you repeat the question, please?

17 Q Is your attitude towards the death penalty such  
18 that it would prevent you from making an impartial decision  
19 as to the guilt or innocence of this defendant?

20 A No, it is not.

21 Q In other words, you could weigh the testimony and  
22 judge it accordingly; is that correct?

23 A Yes; yes, sir.

24 Q Have you served as a juror before?

25 A Well, I just started my jury duty Monday and I  
26 was on a criminal case, but it was called a mistrial.

27 Q Did it involve homicide?

28 A No.

21-5

1 Q Was any attorney here involved in that case?

2 A No, sir.

3 Q Now, you heard the names of doctors called; did  
4 any of them sound familiar to you?

5 A No, not one.

6 Q How about the lawyers?

7 A Not one.

8 Q Now, we have got a lot of policemen's names  
9 involved here,

10 Did any of them sound familiar to you at all?

11 A No, sir.

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20R-1

1 Q Now, you know we are trying to get a jury here  
2 that can be fair to the People and fair to this defendant and  
3 decide this case based only on the evidence you hear in this  
4 case and the law as I shall state it to you.

5 You understand that, do you not?

6 A Yes, I do.

7 Q Now, no doubt you have heard about the Manson case  
8 the the Tate-La Bianca murders; is that correct?

9 A Yes.

10 Q You realize this defendant was not a defendant in  
11 that case?

12 A Yes, I realize that.

13 Q Now, can you forget everything you read or heard  
14 about that case and decide the guilt or innocence of this  
15 defendant, based only upon the evidence you hear in this case,  
16 alone?

17 A Yes, sir.

18 Q Do you know any reason at all why you should not  
19 sit here as a juror in this case?

20 A No, I do not.

21 THE COURT: You may inquire.

22 BY MR. HUBRICK:

23 Q Miss Casalemuovo -- am I getting close?

24 A Right.

25 Q May I ask the nature of your business or occupation,  
26 please?

27 A I'm a secretary employed at United California Bank  
28 in Beverly Hills.

1 Q I take it you are Miss; is that correct?

2 You are not married; is that correct?

3 A I am married.

4 Q I'm sorry -- no, I am not sorry.

5 What does Mr. Casalemuovo do, please?

6 A He is a painting contractor.

7 Q And the area of the city or county that you live  
8 in?

9 A In Los Angeles.

10 Q Central Los Angeles?

11 A Well, the entire area --

12 Q Do you have any children?

13 A No, I do not.

14 Q Now, something was said a moment ago about the  
15 fact that there might be some psychiatric testimony from some  
16 psychiatrists testifying and that these doctors may disagree;  
17 and it was suggested that perhaps just because they disagree  
18 that shouldn't give rise to the reasonable doubt or any doubt  
19 in any juror's mind because in the last analysis it is the  
20 juror who decides what the weight and effect of the doctor's  
21 testimony is.

22 But, may I ask you this, please: Do you think  
23 that there is -- or, do you feel that just because the doc-  
24 tors have different points of view that you may not accept  
25 their inability to agree as some evidence of the fact that  
26 there is a reasonable doubt?

27 MR. BUGLIOSI: I object on the grounds it has to be  
28 ambiguous.

1 MR. BUBRICK: Well, if she doesn't know, I will try to  
2 restate it.

3 Q Do you follow my question at all?

4 THE COURT: I don't think she does.

5 Q BY MR. BUBRICK: If two doctors testify and they  
6 are undecided any way at all, some claiming that Mr. Watson  
7 is insane, some claiming that he is sane, for example --

8 A Yes.

9 Q Let's get out of that issue, because there is no  
10 question about that, because if they disagree we have just a  
11 burden in there and that is a very poor example.

12 Let's consider that testimony in the area of  
13 diminished capacity, that you have doctors disagreeing on  
14 whether or not Mr. Watson's capacity or responsibility is  
15 diminished.

16 Do you realize that just because they can't agree  
17 that that's not binding on you?

18 A I realize that.

19 Q All I was trying to ask is whether if they don't  
20 agree and you think that their testimony impresses you in such  
21 a manner that it gives rise to a doubt in your mind, that you  
22 may do that?

23 A Yes.

24 Q Or am I confusing you again?

25 A I understand it.

26 Q Let me ask you, if I may, please, whether or not  
27 you have ever been the victim of any crime?

28 A No, I never have.

1 Q Have you ever seen a crime being committed?

2 A No, I never have.

3 Q Do you know anybody that is close to you, a person  
4 with whom you are acquainted, that has ever been the victim  
5 of any crime?

6 A No, sir.

7 Q Have you ever testified as a witness in any sort  
8 of a criminal proceeding?

9 A No, sir.

10 Q Have you ever studied psychology?

11 A No, sir.

12 Q Have you ever studied law or read in the field  
13 of law?

14 A No, sir.

15 Q How about general reading on the field of drugs?

16 A No, sir.

17 Q Had you ever heard of drugs such as LSD or  
18 methedrine, amphetamines, so on?

19 A Yes, I have heard of them.

20 Q Have you ever seen any articles covering their  
21 usage?

22 A No, other than television specials.

23 Q Have you watched any TV specials on drugs or drug  
24 usage that you remember?

25 A One on LSD, I remember watching.

26 Q Now, if there is testimony in this trial about  
27 LSD, which does not coincide with what you've heard or remember  
28 in the past, will you be guided solely by what you hear here?



1 A By what I hear here, yes.

2 Q As evidence?

3 A As evidence; correct.

4 Q And if there is something that sticks in your mind  
5 or something that particularly impresses as a result of some  
6 TV show that you saw, you are just going to forget about that  
7 completely; correct?

8 A Yes, sir.

9 Q Now, there has been some statement made about the  
10 fact that there will be evidence of diminished capacity and  
11 the judge has defined diminished capacity for you.

12 You realize that the People have the burden of  
13 proving beyond a reasonable doubt and to a moral certainty  
14 that this defendant, Mr. Watson, could not premeditate, not  
15 only that he couldn't, but that he didn't premeditate.

16 Do you understand that?

17 A Yes.

18 Q They have the burden of proving that he not only  
19 could deliberate but that he did deliberate.

20 You understand that?

21 A Yes.

22 Q And they have the burden not only of proving that  
23 he couldn't reflect on the gravity of his contemplated act,  
24 but he did reflect on the gravity of his contemplated act.

25 You understand?

26 A Yes.

27 Q And do you also understand, then, that if the  
28 People fail to prove beyond a reasonable doubt and to a moral

1 certainty each and every one of the elements that are involved  
2 in diminished capacity, that you must find for the defendant?

3 A Yes, sir.

4 Q Now, may we assume that you will do that, even  
5 though you may be shocked by some of the other evidence you  
6 will hear in this case?

7 A Yes, sir.

8 Q There has been some information and -- it is a  
9 fact that there will be evidence of seven dead bodies, seven  
10 dead people in this case.

11 Do you think, knowing that, that you can still and  
12 will give whatever weight you think the evidence of diminished  
13 capacity is entitled to?

14 A Yes, sir.

15 Q Now, as I say, if you find from what we have talked  
16 about this morning that this defendant is guilty of any num-  
17 ber ranging from one to seven of first degree murders, which  
18 means willful, deliberate, premeditated, with malice afore-  
19 thought -- if you find that to be true, do you feel that the  
20 death penalty is the only proper punishment for that set of  
21 facts?

22 A No, sir, I don't.

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#22

1 Q Do you feel the death penalty is the only proper  
2 punishment for a person convicted of seven counts of first  
3 degree murder, where the murders are committed by multiple  
4 stabbings or beatings or things of that nature?

5 A No.

6 Q And is your frame of mind such that you think you  
7 might be influenced emotionally by pictures or discussions  
8 of rather gruesome details in connection with murders?

9 A No.

10 Q Do you have any feeling that because of the  
11 publicity that has been attendant on the Tate-La Biana murder  
12 case that you are compelled to return a first degree murder  
13 verdict in this matter?

14 A No.

15 Q Knowing as you do now that Mr. Watson was a  
16 member of the Manson group, and knowing as you do now the  
17 outcome of that trial and the penalties assessed, do you have  
18 a feeling that you must treat Watson the same as the other  
19 members?

20 A No, sir.

21 Q Do you believe in the theory of retribution, that  
22 is an eye for an eye and a tooth for a tooth?

23 A No.

24 Q Does this defendant, knowing as you do that you  
25 may find him guilty of seven counts of first degree murder,  
26 have the burden of proving to you that he should get life  
27 imprisonment rather than the death?

28 A Do what? I have the burden, you say?

22-2

1 Q No. Would you make him bear the burden of  
2 convincing you that he should get the life imprisonment rather  
3 than death if you find him guilty of seven counts of first  
4 degree murder?

5 A It would all depend on the evidence brought forth.

6 Q You realize that in order to impose life or death  
7 as a sentence you must find him guilty of first degree murder?

8 A Yes.

9 Q I don't know whether you heard that very succinct  
10 explanation that was given yesterday, but in the first trial  
11 the people had the burden.

12 In the second phase of the proceeding, the  
13 defendant has the burden.

14 In the third phase there is no burden. Neither  
15 side carries a burden because there are no guides, no  
16 controls, no nothing that can be told to you in an effort to  
17 help decide which of the two punishments you are going to  
18 impose.

19 Now, knowing that you have absolute discretion in  
20 this area, but knowing as you must that you have already  
21 convicted this defendant of any number from one to seven first  
22 degree murder counts, are you going to make him bear the  
23 burden of convincing you he should get life rather than the  
24 death sentence?

25 A Yes, I would.

26 Q Do you think he is going to have to convince you  
27 that you should give him life rather than death after you have  
28 convicted him of anywhere from one to seven counts of murder?

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A Yes.

Q And you feel very firm about that, do you?

A Yes, I do.

Q And it is unalterable?

A Yes, it is.

MR. BUBRICK: I would impose a challenge under 1073.2.

THE COURT: Well, I will disallow it.

Q BY THE COURT: Mrs. Casalenuovo, I doubt whether you understood the questions on the penalty phase.

You and you alone have a choice of penalty: Life imprisonment or death.

Neither side has the burden of convincing you what you should do. It is up to you entirely.

When Mr. Bubrick asked you if you were going to compel the defendant to convince you he should get life, that is not the law, you see. Neither he has the burden of proving he should get life, and the people don't have the burden of proving he should get the death penalty.

One is asking the death penalty; one is asking life, I assume, but the choice is up to you.

Now, if you were asked the question now would you compel the defendant to prove to you that he should get life imprisonment rather than death, what would you now say?

A No.

Q BY MR. BUBRICK: Do you know now, without knowing anything else about Mr. Watson other than the fact that you have convicted him of perhaps seven counts of first degree murder, whether you are more inclined to impose the death

22-4

1 penalty than life?

2 A Could you repeat that again?

3 Q Without knowing anything else about Mr. Watson,  
4 other than the fact as it must exist that you found him  
5 guilty of anywhere from one to seven counts of first degree  
6 murder, is there a greater inclination on your part right now  
7 to impose the death penalty than life?

8 A No.

9 Q Was there something about my question that misled  
10 you originally when you said that you might ask him to bear  
11 the burden of convincing you he should get life rather than  
12 death?

13 A Other than nervousness.

14 Q Well, I can appreciate your being nervous. It  
15 is an experience that I have never had, of sitting where you  
16 are.

17 Have you ever been a member of a group that was  
18 very pro capital punishment in California?

19 A No, I haven't.

20 Q Do you know anybody that you are friendly with  
21 who has ever been of a group that sought to retain capital  
22 punishment in California?

23 A No.

24 Q If you were in my position, if you could just  
25 imagine that, if you were trying to seek out a juror who was  
26 fair and impartial and openminded about evidence, would you  
27 want a jury composed of 12 people in your present frame of  
28 mind?

22-5

1 A Yes.

2 Q Let me ask you just a few more questions about  
3 psychiatric testimony, for example.

4 Do you know any psychiatrists?

5 A No, I don't.

6 Q Do you know anybody who has ever gone to one?

7 A No.

8 Q Do you feel as a general proposition that  
9 psychiatrists have a place in our present community?

10 A Yes.

11 Q Do you think they perform some worthwhile function,  
12 that is a competent psychiatrist?

13 A I believe so.

14 Q Do you know anybody who has ever gone to a  
15 psychiatrist?

16 A No, I don't.

17 Q I think I have asked you: You told us you have not  
18 read any books?

19 A No.

20 Q On the field of psychiatry or psychology?

21 A No.

22 Q Let me ask you whether there is anything about  
23 anything you may have read in connection with the Tate-La Bianca  
24 murders that leads you to believe that you would hold that  
25 against Mr. Watson at this time?

26 A No, I would not.

27 Q Before you came into court today, did you know the  
28 outcome of the Tate-La Bianca case or what is more commonly

22-6  
1 referred to as the Manson case?

2 A Yes. I knew the outcome.

3 Q You knew that Manson and the females involved  
4 with him were all found guilty and then given the death  
5 penalty?

6 A Yes.

7 Q Knowing as you may at this moment that Mr. Watson  
8 was also a member of Mr. Manson's group, do you feel that  
9 just because that type of punishment was imposed on the  
10 others, that he too should automatically receive the death  
11 penalty?

12 A No.

13 Q Do you have a feeling that one can be a member of  
14 a group and yet not receive the same type of punishment for  
15 that participation?

16 A Yes.

17 Q Is there anything you know of at the moment,  
18 whether I have touched on it or it has been suggested by  
19 anything I have said, that leads you to believe that you  
20 cannot be a fair and impartial juror to both sides?

21 A No.

22 MR. BURRICK: That is all. Pass for cause other than  
23 as heretofore noted.

24 Q BY MR. BUGLIOSI: Mrs. Casalenuovo, that name  
25 is almost as difficult to pronounce as mine.

26 Everyone has trouble with my name also.

27 Am I pronouncing it right, C-a--s-a-l-a-n-u-o-v-o?

28 A Yes.



1 Q You say you were a juror in a case this was, a  
2 criminal trial?

3 A Yes.

4 Q Was it a misdemeanor or a felony case?

5 A A misdemeanor.

6 Q What type of crime?

7 A Robbery.

8 Q You say there was a mistrial?

9 A Yes.

10 Q Was it a hung jury?

11 A I didn't hear. I heard it was a mistrial.

12 Q Did you end up going back to the jury room and  
13 deliberating on guilt or innocence?

14 A No.

15 Q The case was cut short before you ever went to  
16 the jury room?

17 A Exactly.

18 THE COURT: You say that was a misdemeanor?

19 MR. BUGLIOSI: No; it was a robbery.

20 THE COURT: I think she said it was a misdemeanor.

21 MR. KEITH: She said it was a misdemeanor.

22 THE COURT: Did I hear you say it was a misdemeanor?

23 A I don't remember. It was a mistrial, that is all.

24 Q BY MR. BUGLIOSI: It was a robbery case you say?

25 A Robbery.

26 Q And the case was cut short before you went back into  
27 the jury room?

28 A Yes.

1 Q Mrs. Casalenuovo, after hearing all the evidence  
2 and considering all the circumstances in this case, if you  
3 felt that this was a proper case for the death penalty, do  
4 you think now, looking ahead two months, do you think you  
5 would have the courage to come back into this courtroom with  
6 a verdict of death?

7 Now, if you have any hesitancy now is the time to  
8 speak up, not later on.

9 A Yes, I could.

10 Q You are pretty confident about that?

11 A Yes.

12 Q And you realize that the issue of Mr. Watson's  
13 mental capacity at the time of these murders, ma'am, has to  
14 be resolved solely by the jury, not by the psychiatrists?

15 A Yes.

16 Q And you are willing to assume that responsibility  
17 as a member of the jury?

18 A Yes.

19 Q Do you recall the test for insanity as stated to  
20 you by Judge Alexander?

21 A Yes.

22 Q Will you promise to apply this strict test to the  
23 facts in this case?

24 A Yes.

25 Q And if you find that at the time of these murders  
26 Mr. Watson knew what he was doing, and he knew that what he  
27 was doing was wrong, in other words he knew that it was wrong  
28 to kill these people, you won't have any hesitancy coming back

1 with a verdict that he was sane?

2 A No, sir.

3 Q I take it that no member of your family or  
4 any relative or close friend has ever charged with a crime such  
5 as Mr. Watson is being charged with?

6 A None.

7 Q How about any other felonies?

8 A No, none.

9 Q Mr. Dubrick said that the prosecution has the  
10 burden of proving Mr. Watson's guilt beyond a reasonable doubt  
11 and to a moral certainty.

12 The certainty is a rather unfortunate word.

13 His Honor will tell you, Mrs. Casalenuovo, that  
14 moral certainty is not synonymous with absolute certainty.

15 The prosecution does not have the burden of  
16 proving Mr. Watson's guilt to an absolute certainty because  
17 such degree of proof is rarely if ever possible.

18 His Honor will tell you that moral certainty is  
19 merely that degree of proof which produces conviction in an  
20 unprejudiced mind. That is all it is. It is not absolute  
21 certainty.

22 Do you understand that?

23 A I understand.

24 Q Back in the jury room during your deliberations,  
25 ma'am, if you find that your view is a minority view, will you  
26 promise to listen very carefully to the views expressed by  
27 your co-jurors and if you find these views to be reasonable  
28 and persuasive, will you promise to reconsider your position?

1 A Yes.

2 Q I believe Mr. Bubrick asked you if you believed in  
3 retribution and you said that you did not; is that correct?

4 A Right.

5 Q Do you understand that during the penalty trial,  
6 when you are back in that jury room it is perfectly permissible  
7 for you to consider retribution as one of the factors in  
8 reaching your decision whether Mr. Watson should receive the  
9 death penalty.

10 Do you understand that?

11 A Yes.

12 Q In other words, you might say to yourself back in  
13 that jury room that Mr. Watson murdered seven people, therefore  
14 he deserves to die.

15 There is no law that prevents you from thinking  
16 that way.

17 Do you understand that?

18 A Yes.

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22aR-1

1 Q Mr. Eubrick spoke about the previous trial.

2 In the previous trial, ma'am, there were four  
3 defendants: Mr. Manson, Leslie Van Houton, Susan Atkins and  
4 Patricia Krenwinkel, one man and three women.

5 They were charged with the same murders that Mr.  
6 Watson is presently being charged with and the jury in that  
7 case return verdicts of first degree murder against each  
8 defendant and the jury came back with verdicts of death against  
9 all four defendants.

10 Now, do you realize that the result in that other  
11 case is no evidence against Mr. Watson during this trial?

12 A Yes, I do.

13 Q He is entitled to a fresh start and a new trial  
14 and a fair trial?

15 A That is correct.

16 Q You will give him a fair trial?

17 A Yes.

18 Q And the results of this other case will not  
19 influence you?

20 A No, not at all.

21 Q Do you recall, ma'am, that when you were seated  
22 in the spectator section in the courtroom, I asked Mr.  
23 Podhoratz and I believe Mr. Kay asked Mrs. McMurtry several  
24 questions which I am not asking you now?

25 A Yes.

26 Q Do you recall that?

27 A Yes.

28 Q There were many other questions that I asked and

1 he asked that I am not asking you now.

2 Were you mentally asking yourself those same ques-  
3 tions?

4 A Yes, I was.

5 Q When we asked those questions, was there any ques-  
6 tion that you recall saying to yourself that if you were there  
7 in the jury box, you would have answered it differently, from  
8 Mr. Podhoretz<sup>1</sup> and Mrs. McMurtry?

9 A No.

10 Q If we were to ask you the same questions, your  
11 answer would be essentially the same?

12 A There is one thing. I stated before that my  
13 husband is a painting contractor and he knew -- I never met  
14 them myself, but he knew the La Blancas. He had to give them  
15 a bid once, an estimate.

16 Q How long ago was that?

17 A Oh, about 10 years ago. I never met them myself  
18 but he had. He had contact with them once.

19 Q Other than that very brief contact, he did know  
20 Mr. and Mrs. La Bianca?

21 A No.

22 Q They didn't socialize. They weren't friends or  
23 anything like that?

24 A No.

25 Q Because your husband had this very brief contact  
26 with Mr. and Mrs. La Bianca, this would not prevent you from  
27 giving Mr. Watson a fair trial?

28 A No, it would not.

1 Q You are sure that you can give the People of the  
2 State of California a fair trial, ma'am?

3 A Yes.

4 Q No doubt in your mind about that?

5 A There is no doubt.

6 Q Do you think of any reason why you would rather  
7 not sit as a juror in this case?

8 A No, I don't.

9 MR. BUGLIOSI: Pass for cause.

10 THE COURT: Ladies and gentlemen of the jury, we will  
11 have our afternoon recess at this time.

12 Once more, do not form or express any opinion of  
13 this case. Do not discuss it among yourselves and please  
14 keep your minds open.

15 (Recess.)

23f.

23R-1  
1 THE COURT: People against Watson.

2 Let the record show all jurors are present;  
3 counsel and defendant present.

4 You were through with your voir dire, Mr. Bugliosi;  
5 is that correct?

6 MR. BUGLIOSI: Yes, your Honor; thank you.

7 THE COURT: Next challenge with defendant.

8 MR. BUBRICK: We will thank and excuse Juror No. 6,  
9 Mr. Schachter.

10 THE COURT: Thank you, Mr. Schachter; you may be  
11 excused.

12 THE CLERK: Donald Kinnaird, K-i-n-n-a-i-r-d.

13  
14 DONALD KINNAIRD,

15 BY THE COURT:

16 Q Mr. Kinnaird, how about the time element; can  
17 you give us about two months of your time to try this case?

18 A No, sir; I don't think I can.

19 Q Why?

20 A I'm concerned that after two months' absence,  
21 my employer might miss me permanently thereafter.

22 I did engage in an arrangement to spend a month  
23 on jury duty and I think beyond that, I would be creating  
24 hardships for myself.

25 Q Who is your employer?

26 A Glendale Federal Savings.

27 Q That is the second new one now. I have never  
28 heard of a savings institution, any bank, that objected to



1 their employees being on juries.

2 A Perhaps it might abridge proceedings, sir, by  
3 saying I have philosophical objections to serving as a juror,  
4 too.

5 Q Is that a result of your employment?

6 A No, sir.

7 Q What are your philosophical objections?

8 A Over the question of capital punishment.

9 Q What do you mean by that, sir?

10 A I could not vote for a death penalty.

11 Q Would you automatically vote against the position  
12 of the death penalty, regardless of what the facts showed in  
13 the case?

14 A I wouldn't want to be put in that position, sir.

15 Q Well, nobody wants to be put in that position. It  
16 isn't a pleasant position to be put in, Mr. Kinnaird, but  
17 somebody has to do it. If everyone felt that way, we could  
18 never have a jury trial. I am sure the other 11 people on the  
19 jury wouldn't like to do it, but it is part of their duty.

20 Is your attitude toward the death penalty such that  
21 you'd be prevented from making an impartial judgment of guilt  
22 or innocence of the defendant?

23 A I think so, yes, sir.

24 24f.

Q You think so?

A Yes, sir.

THE COURT: Is it stipulated he may be excused, gentlemen?

MR. BUGLIOSI: So stipulated.

MR. BUBRICK: So stipulated.

THE COURT: He may be excused.

THE CLERK: Mrs. Delores A. Carter, C-a-r-t-e-r.

DELORES A. CARTER

BY THE COURT:

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

A Yes.

Q I didn't hear you, ma'am.

A Yes, as long as I am not confined away from home. I have children.

Q Well, I think I have told the jury that I do not intend to lock them up at night at all. They are going to go home every night.

However, during the time that you are deliberating, you may be locked up just during that time, you understand?

A Yes.

Q During the trial of the case I have no intention of locking you up.

Now, let me ask you, Mrs. Carter, would you automatically vote against the imposition of the death penalty regardless of what evidence might be developed at this trial?

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A No.

Q I will ask you if you would automatically vote for life imprisonment regardless of what the evidence might show in this trial?

A No.

Q In other words, you understand that while the people are asking the death penalty, whether or not this defendant receives the death penalty depends upon you and you alone.

Do you understand that?

A Yes.

Q And there are no guidelines at all?

A Yes.

Q Have you served as a juror before, ma'am?

A Yes.

Q On this term?

A Yes.

Q In a criminal or civil case?

A Criminal, same one as Mrs. --

Q Casalenuovo?

A Yes.

Q Same as here?

A Yes.

Q I take it you did not have a chance to arrive at a verdict either, did you?

A No.

Q It was not a homicide case. We know that. Is that right?

1 A No, it was armed robbery.

2 Q Armed robbery.

3 And no counsel involved in this case was involved  
4 in that case?

5 A No.

6 Q I mean as counsel?

7 A No.

8 Q Mrs. Carter, you know that we are trying to get a  
9 jury here that can be fair to the people and fair to the  
10 defendant, a jury that will decide this case based only on  
11 the evidence in this case and the law as I shall state it to  
12 you.

13 Knowing that do you think you could be that type  
14 of juror?

15 A Yes.

16 Q No doubt you heard about the Manson case.

17 A I have.

18 Q This defendant was not a defendant in that case,  
19 you understand that, and he sits here presumed to be innocent  
20 and the people must prove his guilt beyond a reasonable doubt.

21 Do you understand that?

22 A Yes.

23 Q Will you forget everything you heard about that  
24 case and try this defendant solely on the evidence you hear in  
25 this case and the law as I shall state it to you?

26 A Yes.

27 Q Do you know of any reason at all why you could  
28 not sit with us here and be the type of juror we are seeking

1 in this case?

2 A No.

3 THE COURT: You may inquire, counsel.

4 Q BY MR. KEITH: Mrs. Carter, do you have an opinion  
5 right now about Mr. Watson's guilt or innocence as a result  
6 of the publicity that was given the Manson case and the so-called  
7 Tate-La Bianca homicides?

8 A No.

9 Q A few personal questions if I may.

10 Is there a Mr. Carter?

11 A Yes, there is.

12 Q What is his business or occupation?

13 A He is a motor coach operator for RTD.

14 Q And are you employed outside the home?

15 A No, not at present.

16 Q And have you been in the recent past?

17 A I have.

18 Q And what was your occupation?

19 A Cashier-clerk for Recreation and Parks.

20 Q Is that the county or city?

21 A L. A. City.

22 Q Do either you or your husband number among your  
23 close friends or relatives any members of law enforcement?

24 A No.

25R1

1 Q Did anything occur during that robbery case that  
2 ended in a mistrial that might make it difficult for you to  
3 sit as a juror in this trial, fair to either side, for that  
4 matter?

5 A Well, there was nothing --

6 Q Was any evidence taken at all before --

7 A No, there was no evidence.

8 Q Have you or Mr. Carter ever been the victims of  
9 a serious crime?

10 A No, we have not.

11 Q Have you ever been a witness to a crime of  
12 violence?

13 A No.

14 Q Have you ever appeared in court as a witness?

15 A No.

16 Q Has any member of your family, Mrs. Carter, ever  
17 been treated or examined by a psychiatrist or a psychologist?

18 A No.

19 Q Have you done any reading in the field of psychiatry  
20 or psychology?

21 A No.

22 Q Are you acquainted with any psychiatrists or  
23 psychologists?

24 A No, I am not.

25 Q Do you have -- let me put it this way: Do you  
26 have a low opinion of psychiatrists in general?

27 A No.

28 Q You do believe, I take it, that they play an

1 important and sometimes vital role in the functions of our  
2 society?

3 A I do.

4 Q Do you believe that psychiatrists are equipped --  
5 or, qualified psychiatrists, that is, are equipped to help  
6 people who believe they are mentally or emotionally disturbed?

7 A I do.

8 Q Pardon me?

9 A I do.

10 Q And you won't close your mind to psychiatric  
11 evidence that may be elicited in this case bearing on the  
12 mental condition of Mr. Watson, will you?

13 A No, I won't.

14 Q There may be evidence elicited in this case that  
15 Mr. Watson overindulged in the use of dangerous drugs and  
16 narcotics.

17 Would you so hold that against him that you would  
18 find it difficult to treat him fairly?

19 A No.

20 Q Such evidence may be material on the issues in  
21 this case, don't misunderstand me.

22 What I want to find out is, if you would be so  
23 incensed or so adverse to Mr. Watson's interest in the event  
24 the evidence showed that he used drugs, that he lived like  
25 a hippie, that he knew Mr. Manson, that he lived in a commune  
26 on the Spahn Ranch and elsewhere, that you couldn't treat him  
27 fairly, that you couldn't consider his side of the case?

28 A No.

1 Q With respect to the publicity regarding the other  
2 case, did you hear much about it before you came to court this  
3 morning?

4 A When it first occurred, I followed it for a while  
5 and after a while, I didn't pay too much attention.

6 Q Did you follow the so-called Manson trial at all  
7 in the newspapers or over television or radio?

8 A Some.

9 Q Did you know the outcome of that case before you  
10 came to court this morning?

11 A No.

12 Q You did not?

13 A No.

14 Q Knowing the outcome of that case now, is your  
15 present frame of mind such that you'd be more inclined to find  
16 Mr. Watson guilty of something than not guilty, as you sit  
17 here right now?

18 A No.

19 Q You promise us all that you'll be able to erase  
20 the knowledge that you now have of the outcome of that case  
21 from your mind in determining the guilt or innocence of Mr.  
22 Watson?

23 A Yes.

24 Q That will have no bearing on your deliberations  
25 in this case, will it?

26 A No, it won't.

27 Q Even though the victims in the Tate-La Bianca  
28 case, or homicides, are the same in that case as they are in



1 this case, you will still be able to disassociate that other  
2 case from your mind in dealing with this case; is that correct?

3 A That's right.

4 Q Do you know of any reason why you might find it  
5 difficult to keep an open mind during the presentation of Mr.  
6 Watson's defense?

7 A No, I don't.

8 Q Can you think of any reason, just as you sit here  
9 now, in the event the case, this trial, ever reached the third  
10 phase, life imprisonment or death; that, as you sit here now,  
11 you'd be more inclined to vote for the death penalty than life  
12 imprisonment?

13 A No.

14 Q You haven't prejudged this case in any way; is that  
15 correct?

16 A No, I haven't.

17 Q You have no preconceived notions of any kind or  
18 nature concerning Mr. Watson; is that correct?

19 A No, I haven't.

20 Q Would you be inclined to find Mr. Watson guilty of  
21 first degree murder, solely because you saw and heard evidence  
22 of multiple stabbings and multiple gunshot wounds and saw  
23 photographs showing quantities of blood and that were gruesome  
24 and that were rather shocking?

25 A Would you repeat that?

26 Q Yes.

27 Would you be inclined to find Mr. Watson guilty of  
28 first degree murder, solely because of the number of alleged

1 victims involved and the manner in which they met their deaths?

2 A No.

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1 Q In other words, would you be so shocked upon hearing  
2 such evidence that you would simply disregard any further  
3 evidence in behalf of Mr. Watson or any evidence at all  
4 offered in his behalf?

5 A No, I wouldn't.

6 Q You have been told that in all probability, or  
7 without any doubt -- make no bones about it -- that  
8 psychiatrists will testify on behalf of both sides on the  
9 issue of Mr. Watson's mental condition at the time of these  
10 homicides.

11 As you know expert witnesses are entitled to  
12 give their opinion on subjects on which they qualify as being  
13 experts in such as psychiatry or what have you and they will  
14 tell you the reasons for their opinions.

15 Will you listen with an open mind to the reasons  
16 for the opinions of the expert witnesses and give those  
17 opinions such weight as you believe they are entitled?

18 A I will

19 Q There may be other evidence bearing on Mr. Watson's  
20 mental condition. It doesn't have to be restricted to  
21 psychiatrists, mind you.

22 Certainly many of the facts and circumstances  
23 surrounding the homicides themselves and Mr. Watson's  
24 background and his history may have a bearing on his mental  
25 condition.

26 Will you take those circumstances into considera-  
27 tion also as well as medical evidence?

28 A I will.

26-2

1 Q Would you be inclined to simply automatically  
2 reject the psychiatrists' testimony?

3 A No.

4 Q You have had no experience or encounters or have  
5 not read anything derogatory about psychiatrists in general  
6 which would make it difficult for you to freely and fairly  
7 consider the opinions of experts in this case?

8 A No, I haven't.

9 Q With respect to the death penalty, have you given,  
10 before coming to court today, any serious consideration of  
11 the subject of capital punishment?

12 A No, I haven't.

13 Q Have you ever discussed the pros and cons of  
14 capital punishment with your husband or friends or relatives?

15 A No, I haven't.

16 Q Have you ever read any articles concerning capital  
17 punishment?

18 A No.

19 Q Whether it should be abolished or retained?

20 A No.

21 Q If that issue were placed on a ballot whether to  
22 abolish or retain capital punishment, do you know how you  
23 would vote now or would you want more time to find out about  
24 the subject of capital punishment and weigh and consider,  
25 yourself, the pros and cons?

26 A I would like to think about it.

27 Q In other words, if you were asked how you would  
28 vote, you would have to say you were undecided.

1 Is that a fair statement?

2 A Yes.

3 Q Have you ever done any reading on the subject of  
4 dangerous drugs and narcotics or seen any television programs  
5 directed to that subject?

6 A I have seen some TV programs and some articles  
7 in magazines.

8 Q Do you have an opinion as to whether or not the  
9 use of such drugs as LSD, speed, marijuana, hashish, mescaline,  
10 amphetamines, can affect the workings of the human mind?

11 A Well, I haven't read that much about them to give  
12 an opinion.

13 Q You don't have an opinion as to whether the mind  
14 can be adversely affected by the use of such drugs?

15 A Well, yes, it can be.

16 Q Pardon?

17 A It can be.

18 Q Can you think of any question I should have asked  
19 you now that you feel that you would like to answer, that would  
20 have some bearing on your qualifications to serve as a juror  
21 in this case?

22 A No.

23 Q Do you wish to serve as a juror if you are selected?

24 A Yes.

25 Q Would you have the courage to return a verdict of  
26 less than first degree murder in this case if you were not  
27 convinced beyond a reasonable doubt that it was a first degree  
28 murder case?

1 A Would you repeat that?

2 Q Yes.

3 Would you have the courage to return a verdict  
4 of something less than first degree murder in this case,  
5 assuming you had reasonable doubt that this was a first  
6 degree murder case?

7 A Yes.

8 Q What I am saying is there has been a lot of  
9 notoriety, as you know, about Manson and the Tate-La Bianca  
10 homicides and you may believe honestly that public sentiment  
11 may be against the return of any other verdict.

12 Would you tend to be swayed by what you thought  
13 popular sentiment was so that you could not give us your  
14 individual opinion and not make up your own mind or be influenced  
15 by extraneous factors such as publicity, popular sentiment,  
16 supposed popular sentiment, and the like?

17 A No.

18 Q And the same would apply if we ever get to the  
19 issue of life imprisonment and death. You would give me the  
20 same answer.

21 You wouldn't be swayed by what you thought popular  
22 opinion might be?

23 A No, I wouldn't.

24 Q You promise us, don't you?

25 A I beg your pardon.

26 Q You would give us your promise that you would not  
27 be so swayed?

28 A Yes.

1 Q That you would decide this case solely by the  
2 evidence presented from the witness stand and solely in  
3 accordance with the determination of your own heart and mind  
4 and conscience?

5 A I do.

6 MR. KEITH: Pass for cause.

7 Q BY MR. KAY: Mrs. Carter, could you vote to impose  
8 the death penalty?

9 A I didn't understand.

10 Q Could you vote to impose the death penalty?

11 A Could I vote?

12 Q Could you vote for the death penalty if you felt  
13 that was the proper verdict in this case?

14 A Yes.

1 Q Is there any doubt in your mind about that?

2 A No.

3 Q In other words, you could face Mr. Watson at the  
4 end of the third stage of the trial and tell him that, if  
5 you felt that the evidence warranted it, that he had to die  
6 for the murders that he committed?

7 A Yes.

8 Q No doubt in your mind?

9 A No.

10 Q Now, do you feel that you could give the prosecu-  
11 tion, the People in this case, whom Mr. Bugliosi and I  
12 represent, just as fair a trial as the defense?

13 A I do.

14 Q And do you feel that it is unfair to place the  
15 burden on the defense in the second phase of the trial?

16 A No, I don't.

17 Q In other words, at the end of that stage, if you  
18 felt that Mr. Watson knew what he was doing, that he was  
19 killing people at the time these people were killed and that  
20 he knew that that was wrong in the eyes of society, that you  
21 would have no trouble in coming back with a verdict that he  
22 was sane?

23 A No, I wouldn't.

24 Q Do you have any sympathy at all for Mr. Watson at  
25 this point because of the fact that he is a defendant in this  
26 case?

27 A No.

28 Q Can you think of any reason why you could not or



1 should not sit on this case as a juror?

2 A No, I can't.

3 Q Do you want to be a juror in this case?

4 A Yes.

5 Q Do you feel that for any reason that you would give  
6 the testimony of a police officer less weight than other  
7 witnesses, because of the fact that he is a police officer?

8 A No, I wouldn't.

9 Q Do you feel any bias, passion or prejudice at all  
10 against police officers?

11 A No, I don't.

12 MR. KAY: I have no further questions.

13 Pass for cause.

14 THE COURT: Next challenge with the People.

15 MR. BUGLIOSI: People thank and excuse Mrs. Carter.

16 THE COURT: Thank you, Mrs. Carter; you may be excused.

17 THE CLERK: Joseph E. Trenbick, T-r-e-n-b-i-c-k.

18  
19 JOSEPH E. TRENBICK,

20 BY THE COURT:

21 Q Mr. Trenbick, can you give us the two months we  
22 need to try this case?

23 A I don't think so, sir. My employer arranged,  
24 postponed so I would be gone for the month of August, so I  
25 could be back in September.

26 Q What is your occupation?

27 A California Federal Savings & Loan Association.

28 Q What did you say he arranged?

1           A       He arranged postponements so I could be gone at  
2 a certain time. We have seasonal business and we get busy  
3 at certain times.

4           Q       Your firm is what?

5           A       Federal Savings & Loan Association.

6                   Besides that, sir, I couldn't be impartial. I  
7 have formed a decision already.

8                   I have a habit of -- I have been reading news-  
9 papers every day from front page to back and, believe it or  
10 not, I remember what the prosecuting attorney said at the  
11 Manson trial.

12          Q       And based upon what he said, you feel you would  
13 be prejudiced in this case?

14          A       Not what he said, but I read all the previous  
15 testimony.

16          Q       You read the testimony?

17          A       In the newspaper, yes.

18          Q       You have already made up your mind as to the guilt  
19 or innocence of this defendant?

20          A       Yes, sir.

21          Q       And you feel it is going to take testimony to  
22 change your mind?

23          A       No, it won't change my mind.

24          Q       It won't change your mind?

25          A       No.

26          THE COURT: Stipulate he may be excused?

27          MR. BUGLIOSI: So stipulated.

28          MR. MURRICK: Yes.

1 THE COURT: You may be excused, sir.

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

3  
4 SHIRLEY A. BUTLER,

5 BY THE COURT:

6 Q Mrs. Butler, can you give us the two months we  
7 need to try this case?

8 A Well, sir, I'm supposed to go on vacation at the  
9 end of the month. Other than that, I would imagine so.

10 Q Who is your employer?

11 A I work for Los Angeles County Sheriff's Department.

12 Q The Sheriff's department?

13 A Yes.

14 Q What part; as what?

15 What do you do there?

16 A I'm a typist.

17 Q A typist; in what particular division of the  
18 Sheriff's department -- in what particular division?

19 A I work at the L. A. County Jail.

20 Q I'm sure they can arrange for vacation time for  
21 you. If there is any question about it, you let us know.

22 Tell me this, do you have any conscientious  
23 objections toward the death penalty?

24 A Well, I don't oppose it; neither do I really agree  
25 with it, you know.

26 Q Are your feelings such that you would automatically  
27 vote against the imposition of the death penalty, without  
28 regard to any evidence that might be developed at the trial?

1 A No.

2 Q In other words, you could impose the death penalty,  
3 depending upon the evidence; is that what you mean?

4 A Yes, I could.

5 Q Is your attitude towards the death penalty such  
6 that it would prevent you from making an impartial decision  
7 as to the guilt or innocence of this defendant?

8 A No.

9 Q Could you make that decision?

10 A Yes.

11 Q Now, Mrs. Butler, you understand that this defen-  
12 dant is presumed to be innocent?

13 A Yes.

14 Q The burden rests with the prosecution to prove him  
15 guilty beyond a reasonable doubt; you understand that?

16 A Yes.

17 Q As you sit there now, do you know of any reason  
18 why you could not be a fair juror, fair and impartial to  
19 both the People and the defendant?

20 A No, sir.

21

22

23

24

25

26

27

28

28f.

1 Q Being a typist in the jail, do you work for any  
2 particular inspector in the jail or sergeant? Who do you work  
3 for?

4 A I work in the inmate reception. When the prisoners  
5 are brought in, we book them.

6 Q After that do you have anything to do with their  
7 progress in jail or medical records or anything like that?

8 A No.

9 Q You have nothing to do with that?

10 A No.

11 THE COURT: Gentlemen, you may inquire.

12 Q BY MR. BUBRICK: Mrs. Butler, while at the county  
13 jail, have you heard discussions about the Tate-La Bianca  
14 murder case discussed by the officers there?

15 A No, not really.

16 Q How about the Manson trial itself?

17 A Well, among the employees, you know?

18 Q Yes.

19 A Not to any detail. You know like people say,  
20 "Did you read the paper today? Do you know what happened in  
21 the trial?" Something like that.

22 Q I appreciate that you are a civilian employee in  
23 the Sheriff's Department, but there are uniformed personnel  
24 who work there also as members of the Sheriff's Department  
25 doing work in the same area that you work in?

26 A Yes.

27 Q I take it you are supervised by somebody who is  
28 a member of the Sheriff's department.

1 A Yes.

2 Q Is there more than one person uniformed who works  
3 in the area that you work in?

4 A Yes.

5 THE COURT: Excuse me. Are there any deputy sheriffs  
6 you expect to testify in this case?

7 MR. BUGLIOSI: No, I don't believe so, your Honor.

8 THE COURT: Excuse me, Mr. Subrick.

9 Q BY MR. SUBRICK: I take it because of the nature  
10 of your work, obviously, you know a lot of members of the  
11 Sheriff's Department.

12 A Yes.

13 Q And because you know these people, do you think  
14 you might have a tendency to give law enforcement officers  
15 more weight or more credence to their testimony than you  
16 would to anybody else?

17 A No, sir.

18 Q Have you ever thought much about the death penalty,  
19 Mrs. Butler?

20 A More in the last week.

21 Q You mean since the prospect of sitting on this  
22 particular jury?

23 A Yes.

24 Q The entire jury panel?

25 A Yes.

26 Q Up until then had you given much thought to it?

27 A Not a lot of thought, no, not too much.

28 Q You either knew or now know at least what happened

1 to Manson and the girls who were involved in that particular  
2 trial, do you not?

3 A Yes.

4 Q You knew they were convicted and all given the  
5 death penalty?

6 A Yes.

7 Q I am sure you must know by now, Mrs. Butler, that  
8 the defendant Watson was also a member of that same group.

9 A Yes.

10 Q Knowing that do you feel that because of that  
11 relationship and that relationship alone you would be more  
12 inclined to impose the death penalty on Mr. Watson than  
13 otherwise and assuming we get to the third phase of these  
14 proceedings?

15 A No, sir.

16 Q You feel you could treat him as an individual?

17 A Yes.

18 Q Knowing as you must know by now that in order to  
19 get to the third phase of these proceedings, you must find Mr.  
20 Watson guilty of at least one or more counts of first degree  
21 murder which involved deliberation, premeditation, malice  
22 aforethought and willfulness, knowing that do you have a  
23 feeling that you would be more inclined to impose the  
24 death penalty than life after finding him guilty of that kind  
25 of a crime or crimes?

26 A Would I be more inclined?

27 Q Yes.

28 A No, sir.

1 Q Do you feel that the death penalty is the only  
2 proper punishment for anybody who has been convicted of  
3 multiple counts of first degree murder?

4 A No, sir.

5 Q You can treat that the same you think as you  
6 could a person who was convicted of one count of murder?

7 A Yes.

8 Q Do you know anybody who practices psychiatry  
9 or psychology, Mrs. Butler?

10 A Not personally.

11 Q Do you know anybody who has ever gone to a  
12 psychiatrist or a psychologist?

13 A Yes.

14 Q As a result of that do you feel that that person  
15 has suffered by going to the psychiatrist or psychologist?

16 A No, sir.

17 Q Do you think there is a place in modern day  
18 society for psychologists and psychiatrists?

19 A Yes.

20 Q Do you think that those people, if they are competent,  
21 are capable of interpreting human behavior?

22 A Oh, I imagine to a degree, yes.

23 Q You realize from what has been said here that you  
24 as a member of the jury, if you are selected, will decide what  
25 weight if any you will give to psychiatric testimony.

26 Would you resent doctors, for example, telling  
27 you that a person was either sane or insane, knowing that  
28 the determination is yours in the last analysis?



1 A No.

2 Q Would you be willing to accept their testimony  
3 for whatever it is worth?

4 A Yes.

5 Q And treat it that way?

6 A Yes.

7 Q Is there anything at all that you know about the  
8 publicity that has been attendant to this trial that leads  
9 you to believe you cannot be fair and impartial to Mr. Watson?

10 A No.

11 Q Did you ever hear of the name Susan Atkins?

12 A Yes.

13 Q Did you ever read anything that is attributed to  
14 her?

15 A None other than what was in the papers.

16 Q And are you so impressed by what you read in the  
17 paper that you think it might cause this defendant some  
18 prejudice in your mind?

19 A No, sir.

20 Q Do you have any recollection of the people that  
21 she named in those articles which you might have read in the  
22 paper?

23 A Not at this time. Maybe if you would refresh my  
24 memory about something.

25 Q How about the name of Linda Kasabian. Does that  
26 ring a bell with you?

27 A Yes.

28 Q Did you read <sup>any</sup> of Miss Kasabian's statements in the

1 press?

2 A About the same like, you know, it wasn't any particular  
3 interest, you know, placed on one individual. You know, it  
4 was just a collective thing more or less.

5 Q But does that name stand out in your mind from all  
6 others in the case?

7 A No.

8 Q I take it whatever reading you did on this case  
9 just happened to involve reading that occurred when you  
10 picked up the paper; is that correct?

11 A Yes.

12 Q May I assume that you weren't just making a  
13 concentrated effort everyday of the week to read everything  
14 that was in the paper about this trial?

15 A No, I did not.

29R-1

1 Q Now, is there any reason you can think of, Mrs.  
2 Butler, whether I have touched on it or it has been suggested  
3 by anything that you have heard in this courtroom, that leads  
4 you to believe you can't be fair and impartial to both sides?

5 A No.

6 Q And do you want to serve as a juror in this trial,  
7 if you are selected?

8 A Not particularly.

9 BY THE COURT:

10 Q Mrs. Butler, let's be frank with each other:  
11 Being so closely associated with law enforcement and working  
12 every day with the deputy sheriffs, don't you really feel  
13 you'd be inclined to favor prosecution more than you would  
14 the defense?

15 A No, sir.

16 Q You don't honestly feel that way?

17 A No, sir.

18 Q You don't feel you might be embarrassed by any-  
19 thing they might say to you?

20 A No.

21 THE COURT: All right, I just wanted to make sure of  
22 that, Mrs. Butler.

23 MR. BUBRICK: I'll pass for cause, your Honor.

24 THE COURT: Gentleman?

25 BY MR. BUGLIOSI:

26 Q Mrs. Butler, you'd rather not sit as a juror on  
27 this case?

28 A I'd rather not.

1 Q You'd be happy if you were excused?

2 A Yes, sir.

3 MR. BUGLIOSI: No further questions.

4 THE COURT: Next challenge with the defense.

5 MR. BUBRICK: We will thank and excuse Juror No. 12,  
6 Mr. Podhoretz.

7 THE COURT: Thank you, Mr. Podhoretz, you may be  
8 excused.

9 THE CLERK: Ernest D. Chandonet, C-h-a-n-d-o-n-e-t.

10  
11 ERNEST D. CHANDONET,  
12 BY THE COURT:

13 Q Mr. Chandonet, can you give us the two months we  
14 need to try this case?

15 A Yes.

16 Q Tell me this, considering your views towards the  
17 death penalty, are your views such that you would automatic-  
18 ally vote against the imposition of the death penalty without  
19 regard to any evidence that might be developed at the trial  
20 of this case?

21 A Yes; I am against the death penalty.

22 Q You are unalterably opposed to the death penalty --

23 A Yes.

24 Q -- regardless of what this evidence might show?

25 Is your attitude toward the death penalty such  
26 that you would be prevented from making an impartial decision  
27 as to the defendant's guilt or innocence?

28 A Yes, I believe so.

Q Is there any question in your mind at all?

A No.

THE COURT: Do you gentlemen wish to question him any further?

MR. BURRICK: No, your Honor.

MR. KEITH: No, your Honor.

MR. BUGLIOSI: May it be stipulated that he be excused?

MR. BURRICK: So stipulated.

THE COURT: You may be excused, sir.

THE CLERK: Mrs. Ermadene Guiles, G-u-i-l-e-s.

ERMADENE GUILLES,

BY THE COURT:

Q Will you pronounce your name for us, please, ma'am?

A Ermadene Guiles.

Q Is that Miss or Mrs.?

A Mrs.; I am divorced.

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

A Your Honor, it is the rules of my employer that they will only pay one month, and I am my own support and unless that rule could be waived, it would be financially impossible for me to.

Q Who do you work for?

A I work for State Mutual Savings & Loan.

Q Has that always been the rule with this State Mutual Savings & Loan?

A I do not know; I have only been employed there

1 since June -- or, first of July, I am sorry; but this is what  
2 has been told to me.

3 Q You are a Johnny-come-lately with that outfit?

4 A Beg your pardon?

5 Q You are a newcomer with that outfit?

6 A Yes, but I don't think that has any bearing on the  
7 rules.

8 Q And they will not pay you for any time beyond  
9 the month?

10 A Now, that is what has been told to me. Now,  
11 whether this could be waived or not, I have no idea, because  
12 I have not inquired.

13 Q Is that the only thing that would keep you from  
14 being a juror in this case?

15 A Yes, sir.

16 Q All right.

17 Supposing we recess at this time and you call your  
18 employer and tell your employer we are in dire need of jurors  
19 and that we need you, Mrs. Gules.

20 A Well, I might as well add right now I have members  
21 of my family on the Los Angeles police force. They are  
22 cousins -- a cousin, not direct, if this would have any bear-  
23 ing.

24 Q It might. With what division are they?

25 A I beg your pardon?

26 Q With what division?

27 A I do not even know. He works at the -- I believe  
28 it is the Venice station, and that is all I know; and then

1 another one is a retired police officer and I don't know  
2 whatever division he was in at that time.

3 Q From what you say, I take it you don't see them  
4 often?

5 A No, sir.

6 THE COURT: All right, we will recess at this time until  
7 9:30 tomorrow morning, ladies and gentlemen.

8 During the recess, do not form or express any  
9 opinion in this case; do not discuss it among yourselves and  
10 let no one else talk to you about the case, and please keep  
11 your minds open.

12 And you will take that up with your employer,  
13 will you, Mrs. Guiles?

14 MRS. GUILLES: Yes, sir.

15 (An adjournment was taken at 3:55 p.m. until  
16 Friday, August 6, 1971 at 9:30 a.m.)  
17  
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28

#1  
1 LOS ANGELES, CALIFORNIA, FRIDAY, AUGUST 6, 1971; 9:30 A.M.

2  
3  
4 THE COURT: Good morning.

5 MR. KAY: Good morning, Judge.

6 THE COURT: People against Watson.

7 Let the record show all jurors are present;  
8 defendant and all counsel are present.

9  
10 ERMADENE GUILLES

11 BY THE COURT:

12 Q Mrs. Guiles, how did we fare last night?

13 A Well, I talked to them as of 9:00 o'clock this  
14 morning and there was no one there that could make a  
15 decision; and the information that was given me, that as of  
16 this point they would have to go by the existing laws of the  
17 company.

18 Part of this, I think, is due to the fact that I  
19 am still on a probation period of employment.

20 Q I can understand if you are on a probation period.

21 A Yes, sir; I will be until the 1st of September.  
22 They said that it would have to be specially reviewed and  
23 there was no one of that authority there.

24 THE COURT: So with that company it would probably take  
25 about six months to review it, too.

26 Under those circumstances, I guess it is better  
27 you not serve.

28 Gentlemen, may she be excused?



1 MR. BUBRICK: Yes, your Honor.

2 MR. BUGLIOSI: So stipulated.

3 THE COURT: You may be excused.

4 THE CLERK: Napoleon Wilson, W-i-l-s-o-n.

5  
6 NAPOLEON WILSON

7 BY THE COURT:

8 Q Mr. Wilson, can you give us the two months we need  
9 to try this case?

10 A Yes, but it may cause a little hardship.

11 Q Well, it is going to cause a little hardship for  
12 all of us.

13 A Well, due to -- I am retired; my wife isn't well  
14 and my income isn't too much at retirement pay.

15 Q Are you telling me that even though it is a little  
16 hardship you would serve?

17 A Yes, I'd serve.

18 Q Good.

19 All right.

20 Now, how about your attitude toward the death  
21 penalty, Mr. Wilson?

22 A Well, due to my religion, my faith, I do not  
23 approve of death.

24 Q Well, none of us approve of it. We don't like it,  
25 we don't approve of it, but sometimes we have the duty to  
26 impose it and sometimes we have the duty to sentence people to  
27 death.

28 A Well, that's my faith.

1           Q     You see, it is not a pleasant thing to do, Mr.  
2     Wilson; nobody wants to do it, we'd rather not do it, but  
3     if we all felt that way we might just as well abandon the law.

4                 So, even though you don't approve of it, do you  
5     still think you could serve as a fair juror in this case?

6           A     No; as I say, my faith and my religion don't --  
7     I can't condone the death penalty.

#2

1 Q Let me ask you this: Would you automatically  
2 vote against the death penalty?

3 A Yes.

4 Q Regardless?

5 A Yes, I would.

6 Q Regardless of the evidence that might be developed  
7 in this case?

8 A Yes, I would.

9 Q Nothing could change your mind?

10 A No, sir.

11 THE COURT: Gentlemen, do you wish to question the  
12 prospective juror?

13 MR. BUBRICK: No.

14 MR. KEITH: No.

15 MR. BUGLIOSI: May he be excused by stipulation?

16 MR. BUBRICK: Yes.

17 THE COURT: You may be excused.

18 MR. BUGLIOSI: So stipulated.

19 THE CLERK: Daniel R. Williams, W-i-l-l-i-a-m-s.

20  
21 DANIEL R. WILLIAMS

22 BY THE COURT:

23 Q Mr. Williams, can you spare the two months we  
24 need to try the case?

25 A Yes.

26 Q How about your attitude toward the death penalty?  
27 Is it such that you would automatically vote against the  
28 imposition of the death penalty regardless of what might be

1 developed at the trial?

2 A Yes.

3 Q Nothing could change your mind about that?

4 A No.

5 Q Is that a religious conviction or just a principle  
6 of your own philosophy? What is it?

7 A Both.

8 Q Both. In other words, you are so conscientiously  
9 opposed to the death penalty that you automatically would  
10 vote against it regardless of what might be developed in  
11 this trial?

12 A Yes.

13 THE COURT: Gentlemen, do you wish to question any further?

14 MR. BUBBICK: No.

15 MR. KEITH: No.

16 MR. BUGLIOSI: May he be excused by stipulation?

17 MR. KEITH: So stipulated.

18 MR. BUGLIOSI: So stipulated.

19 THE COURT: You may be excused.

20 THE CLERK: Jodie Henderson, H-e-n-d-e-r-s-o-n.

21  
22 MR. JODIE HENDERSON

23 BY THE COURT:

24 Q Mr. Henderson, can you give us the two months we  
25 need to try this case?

26 A Yes.

27 Q How about your attitude toward the death penalty?  
28 Would you automatically vote against the imposition of the

1 death penalty regardless of what might be developed at the  
2 trial of the case?

3 A No.

4 Q You realize that if we come to that phase of the  
5 case you will have the absolute choice of what penalty to  
6 impose -- either life imprisonment or the death penalty.  
7 That is without any guidelines.

8 Do you understand that?

9 A Yes.

10 Q You are willing to assume that burden, sir?

11 A Yes.

12 Q Have you served as a juror before?

13 A No, I haven't.

14 Q You heard the list of the doctors called off by  
15 Mr. Bugliosi, did you not?

16 A Yes.

17 Q Did you know any of them?

18 A No, I didn't.

19 Q And you heard the list of the lawyers whose names have  
20 been called off. Did you know any of them?

21 A No.

22 Q How about the police officers that Mr. Ray called  
23 off yesterday?

24 A No.

25 Q Mr. Henderson, you have heard us say time and time  
26 again what we are trying to achieve here is a jury that will  
27 decide this case based solely on the evidence you hear in  
28 this case and the law as I shall state it to you.

1                   Is there any question in your mind that you  
2 could be that kind of a fair juror?

3           A       Yes.

4           Q       Is there a question, or can you be such a juror?

5           A       I can be.

6           Q       That is being fair to the people who are entitled  
7 to just as fair a trial as the defendant. You can do that,  
8 sir?

9           A       Yes.

10          Q       You heard many questions put to our prospective  
11 jurors. I take it that you heard those questions and in your  
12 mind you answered those questions too, did you not?

13          A       Yes.

14          Q       If you were asked the same questions put to our  
15 prospective jurors, would your answers be substantially the  
16 same?

17          A       Yes.

18          Q       Do you know any counsel involved in this case?

19          A       No, I don't.

20          Q       No doubt you heard about the Manson case too before  
21 you came to this court.

22          A       Yes.

23          Q       You heard about the Tate-La Bianca murder case?

24          A       Yes.

25          Q       You realize that this defendant was not a defendant  
26 in that case?

27          A       Yes.

28          Q       Regardless of what you may have heard or read or  
seen, you are to forget that completely so far as this

1 defendant is concerned.

2 Can you do that?

3 A Yes.

4 Q You can divest yourself from anything in your mind  
5 concerning that case insofar as this defendant is concerned?

6 A Yes.

3R-1

1 Q And you will try this defendant only upon the  
2 evidence you hear in this case?

3 A Yes.

4 Q Now, Mr. Henderson, is there anything you want to  
5 tell me that may touch upon your qualifications as a juror?

6 A No, sir.

7 THE COURT: You may inquire, gentlemen.

8 MR. DUBRICK: Thank you, your Honor.

9 Q Mr. Henderson, may I ask you, please, the nature  
10 of your business or occupation.

11 A Electrical craft helper for the Department of Water  
12 and Power.

13 Q And is there a Mrs. Henderson?

14 A Yes.

15 Q Is she employed outside of the home?

16 A Yes.

17 Q What is the nature of her work, please?

18 A Clerk-typist for the Probation Department.

19 Q Los Angeles Probation Department?

20 A Yes.

21 Q Do you know if she is involved with adults or  
22 juveniles?

23 A No, I do not.

24 Q Are you, Mr. Henderson, personally acquainted with  
25 any members of any law enforcement agency?

26 A I have a friend I very seldom see, for the Sheriff's  
27 department in Inglewood.

28 Q Los Angeles County Sheriffs?



1 A Yes.

2 Q But you say you see him rather infrequently, do  
3 you?

4 A Yes.

5 Q When you do see him, do you have occasion to talk  
6 about his work?

7 A No.

8 Q Do you know if he is involved in patrol work as  
9 opposed to administrative work?

10 A No, I think he deals with juveniles, only.

11 Q Do you know any people who are involved as prosecu-  
12 tors on some prosecutor's staff, as a city attorney, district  
13 attorney or attorney general?

14 A No.

15 Q Have you personally, Mr. Henderson, ever been the  
16 victim of any assaultive crime?

17 A No.

18 Q Has Mrs. Henderson?

19 A No.

20 Q Or anybody that is near or dear or close to you?

21 A No.

22 Q Have you ever witnessed any crime being committed?

23 A No.

24 Q Have you ever testified for the prosecution in any  
25 criminal case?

26 A No.

27 Q Have you ever studied law on any level at all,  
28 reading books of your own or attending a course, or anything of

1 that nature?

2 A No.

3 Q How about the field of psychology; have you ever  
4 read or studied anything in that area?

5 A I read books a little bit on it, not too much.

6 Q Nothing about that that stands out in your mind,  
7 I take it?

8 A No.

9 Q Let me just ask you a few questions, Mr. Henderson,  
10 about the field of psychiatry.

11 Do you know any psychiatrists or psychologists whom  
12 you see frequently?

13 A No, I do not.

14 Q Do you know anybody who has ever gone to a psychia-  
15 trist or psychologist?

16 A No.

17 Q Do you have any personal feelings or opinions about  
18 the relativeness of psychiatry and psychiatrists?

19 A No.

20 Q Do you think there is a place for these people in  
21 present day society?

22 A Yes, I think so.

23 Q There is nothing that you know about either psychia-  
24 trists or the general field which leads you to believe that  
25 they are of no value of all or that they are charlatans or  
26 things of that nature?

27 A No.

28 Q If you had a friend or relative or an associate

1 that was near and dear to you and you thought they were  
2 mentally ill, would you hesitate to suggest they see a  
3 psychiatrist?

4 A No, I wouldn't.

5 Q Do you think that those people could be helped  
6 if they went to somebody who was otherwise qualified?

7 A Yes, I think so.

8 Q There has been some discussion about diminished  
9 capacity, the fact that it is possible -- a defense in the  
10 first trial, the first proceedings.

11 Knowing what you know now as a result of being in  
12 this courtroom, at least for a day, Mr. Henderson, is there  
13 any doubt in your mind but that if you were satisfied the  
14 defendant were diminished, you would have the guts, if I may  
15 use that expression, or the courage to come back and say, in  
16 spite of the fact that there are seven dead bodies involved  
17 here, he is guilty of second degree murder, if that's the way  
18 you really felt?

19 A I think so.

20 Q Do you have any feelings, knowing yourself as you  
21 do, that the fact that there are seven dead bodies involved  
22 in this case and this defendant is charged with the commission  
23 of those crimes, that you would automatically want to impose  
24 the death penalty?

25 A Not automatically, I'd have to think it over.

26 Q I think you must realize from what you have heard  
27 here now, Mr. Henderson, that in order to get to the third  
28 stage of this proceedings, assuming that this defendant is

1 sane -- and we will just skip that for the moment for the  
2 purpose of our discussions now -- that you must find this defen-  
3 dant guilty of willful, deliberate, premeditated murder with  
4 malice aforethought; and if you find that to be true -- you  
5 may have a chance to do that on any one of the seven counts.

6 Now, knowing that that's the requisite, that's  
7 the condition you have to find exists, is your frame of mind  
8 now that you would be more inclined to impose the death penalty  
9 than life?

10 A Yes, I think so.

11 Q You think, without knowing anything else about the  
12 defendant other than the fact that you have now convicted him  
13 of seven counts of first degree murder, you would be more  
14 inclined to impose the death penalty than life imprisonment?

15 A No.

16 Q Sir?

17 A No.

18 Q You would not be inclined to do that?

19 A No.

20 Q In other words, even though you may convict him of  
21 seven counts, you are still going to listen to everything that  
22 we have to tell you about him or anything else that may be  
23 introduced before you decide which of the two punishments you  
24 are going to impose; is that correct?

25 A Yes.

26 Q There has been some mention made, Mr. Henderson,  
27 of the fact that part of the evidence that will be introduced  
28 may refer to a theory of Mr. Manson's called helter-skelter,

1 and I think in either its broadest aspects or in some of its  
2 most refined aspects, it is pretty derogatory and defamatory  
3 of blacks as a whole.

4 If that information was presented to you and you  
5 were called upon to make a determination in the third phase  
6 of life imprisonment or the death penalty, do you think that  
7 that information, in and of itself, if you interpreted it as  
8 being derogatory of blacks, would cause you to impose the death  
9 penalty?

10 A No.

11 Q May I assume that even though there might be  
12 racial overtones interjected in the proceeding, that is just  
13 one of the many facets you will take into consideration in  
14 determining whatever punishment you will impose when this case  
15 is finally concluded and given to you?

16 A No.

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1 Q You will not do that or you will do that?

2 A I will not.

3 Q Maybe I didn't make myself clear.

4 I am suggesting, Mr. Henderson, that there is  
5 going to be a lot of material presented to you and that you  
6 will have a lot of material to think about in determining which  
7 of the two punishments you are going to impose.

8 One of the things I am suggesting that you may  
9 want to think about and take into consideration is information  
10 which, as I say, you may interpret as being derogatory of  
11 blacks.

12 If that information comes in, will you treat that  
13 as you will all others and give it whatever weight and credence  
14 you will in determining the punishment?

15 A Yes.

16 Q In other words, if you hear that, I hope you are  
17 not the kind of an individual who is saying to himself, "My  
18 God, I just don't countenance that and because of that, I am  
19 going to impose the harshest punishment"?

20 A No, I wouldn't.

21 Q You won't do that?

22 A No.

23 Q Have you ever been a member of any organization,  
24 Mr. Henderson, that sought to retain capital punishment in  
25 the State of California?

26 A No.

27 Q Do you number among your friends or associates,  
28 people who are very actively pro death penalty in California?

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A No.

Q Have you ever attended any lectures or discussions of capital punishment in California?

A No.

Q If some pollster were taking a ballot right now and asked you to vote on retention or the abolition of capital punishment, do you have any idea at this moment how you might be inclined to vote, or would you want some more time to think about it?

A I think I would vote yes on it.

Q You would vote to retain capital punishment?

A Yes.

Q Knowing what you know about this case, Mr. Henderson, by virtue of what you have read and what you may have heard in the courtroom, do you have any feeling at this moment that this is the kind of a case where you would want to impose the death penalty?

A I think I would have to hear both sides of the evidence first.

Q Do you have any preconceived ideas or any standards established in your own mind that would have to be met before you would impose the death penalty?

A Yes.

Q You have made such a determination in your own mind?

A No, no, I haven't.

Q In other words, what I am striving for, I want to make sure, Mr. Henderson, that you, because of your experience



1 having determined in advance that anybody who does this, this,  
2 and this would automatically get the death penalty, so far as  
3 you are concerned -- do you understand what I am driving at?

4 A Yes.

5 Q You have made no such determination in your own  
6 mind; is that correct?

7 A No.

8 Q So you don't know anything about the case, and you  
9 don't know what sort of punishment you would impose at this  
10 moment?

11 A No.

12 Q Mr. Henderson, can you think of any reason at all,  
13 whether I have suggested it by anything I might have asked or  
14 anything that might have been said by any counsel in the court-  
15 room in your presence, or anything said by the judge, that  
16 leads you to believe that you cannot be fair and impartial to  
17 both sides in this proceeding?

18 A No, there is not.

19 Q May I ask you, sir, as you search your heart and  
20 conscience, do you want to sit on this jury as a fair and  
21 impartial juror?

22 A Yes, I do.

23 MR. BUBRICK: Thank you. Pass for cause.

24 THE COURT: Mr. Kay.

25 Q BY MR. KAY: Good morning, Mr. Henderson.

26 A Good Morning.

27 Q Mr. Henderson, some of the questions that I am  
28 going to ask you about the death penalty, and I have asked



1 other jurors, have some shock value.

2 Now, I don't ask these questions because I enjoy  
3 doing it, but I want to be as fair to you as possible.

4 As much as possible, I want to transport you to  
5 the situation about eight weeks from now, if you are going to  
6 be in the third phase.

7 Do you understand that, sir?

8 A Yes.

9 Q Have you thought very much about the death penalty  
10 before you came in this courtroom?

11 A None at all.

12 Q And I take it that since you've come in this court-  
13 room, you have thought about it quite a bit?

14 A Yes.

15 Q Can you conceive of a situation in your own mind  
16 where the proper punishment for a crime would be death?

17 A Yes.

18 Q And have you determined in your own mind whether  
19 or not you personally could impose the death penalty?

20 A Yes.

21 Q And I take it that you have determined that you  
22 can?

23 A I think so.

24 Q Is there any doubt in your mind?

25 A No, I don't think so.

26 Q You realize, as I have told most of the other  
27 jurors, when I voir dired them that each juror in the third  
28 phase of this trial must personally participate in a death

1 verdict?

2 In other words, if it is 11 to 1 there is no  
3 verdict. It has to be unanimous and to be unanimous, each  
4 juror must vote for the death verdict.

5 Do you understand that?

6 A Yes.

7 Q And if that is your verdict, are you willing to  
8 personally participate and sign your name to a death verdict?

9 A Yes.

10 Q And if Mr. Pappas, after you come in with this  
11 death verdict, asks you, "Is this your verdict?" Will you  
12 have the courage to tell him that it is?

13 A Yes.

14 Q And you feel that you can do that, even after  
15 seeing Mr. Watson in this courtroom day after day for eight  
16 weeks, that if you felt that the evidence warranted it, that  
17 you could come into this courtroom and tell Mr. Watson in the  
18 form of your verdict that he has to die for the crimes he has  
19 committed?

20 A Yes, I could.

21 Q And knowing that if you convicted Mr. Watson of  
22 first degree murder or conspiracy to commit murder at the first  
23 stage of this trial, and found that he was sane at the second  
24 stage of this trial, that you would have to face the issue of  
25 voting for the death penalty, would you even consider finding  
26 him guilty of second degree murder at the first stage, or find  
27 that he was insane at the time of the murders, in order to  
28 avoid the responsibility of facing the issue of capital

1 punishment?

2 Would you even consider that?

3 A Yes, I would.

4 Q You would consider it?

5 A Yes.

6 Q Now, I don't think you understood my question.

7 I am saying basically, would you consider, as it  
8 is sometimes called copping out, finding him guilty of a lesser  
9 crime, in order to avoid the responsibility of facing the issue  
10 of imposing a death penalty?

11 You wouldn't do that, would you?

12 A No, no, I wouldn't.

13 Q Getting on to the sanity phase of the trial --  
14 first, one question about the guilt phase and diminished  
15 capacity -- you understand that in that phase, diminished  
16 capacity alone is not enough to reduce a crime from first  
17 degree murder, that the diminished capacity means that his  
18 mind has to be so diminished that he cannot premeditate,  
19 deliberate, harbor malice.

20 Do you understand that?

21 A Yes.

22 Q That diminished capacity alone is not enough. It  
23 has to be so that it reduces his ability to premeditate,  
24 deliberate.

25 Do you understand that?

26 A Yes.

27 Q In the sanity phase, you understand we are dealing  
28 with a precise, narrow legal definition of what constitutes

1 legal insanity.

2 Q Do you understand that?

3 A Yes.

4 Q And that you might read in the newspaper or see  
5 somebody do something and say, "Hey, this person must be crazy  
6 to do something like this," but you understand that doesn't  
7 necessarily mean that he is legally insane.

8 Do you understand that?

9 A Yes.

10 Q And I take it that if you felt, after hearing all  
11 the evidence at the end of the sanity phase, that Mr. Watson  
12 knew at the time he was killing people that he was killing  
13 people and that it was wrong in the eyes of society, that you  
14 wouldn't hesitate coming in and finding that he was sane at  
15 the time of the murder, would you?

16 A No.

17 Q And you understand that a person can be mentally  
18 abnormal and mentally ill and not necessarily be legally insane.

19 Do you understand that?

20 A Yes.

21 Q And do you understand that what you are determining  
22 now is not Mr. Watson's present state of mind but his state of  
23 mind at the actual time of the murders, August 9th and August  
24 10th, 1969, almost two years ago.

25 Do you understand that?

26 A Yes.

27 Q You understand that a lot can have happened in two  
28 years. You understand that?

A Yes.

Q 5f.

#5  
1 Q Have you formulated any opinion as to the sanity  
2 of Mr. Watson?

3 A No.

4 Q Have you formulated any opinion as to the sanity  
5 of Charles Manson, Leslie Van Houten, Susan Atkins or  
6 Patricia Krenwinkel?

7 A No.

8 Q Do you feel that just because Mr. Watson entered  
9 a plea of not guilty by reason of insanity that, therefore,  
10 there must be some validity to that plea?

11 Do you feel that way at all or do you treat it  
12 as just a plea that any defendant could have entered?

13 A I treat it as just a plea.

14 Q And I take it that you haven't studied psychiatry  
15 or psychology, other than just reading that one book that you  
16 told Mr. Bubrick about; is that right?

17 A That's right.

18 Q And you don't know any psychologists or psychiatrists?

19 A No.

20 Q Now, would you automatically at the first stage  
21 of the trial find that there was a reasonable doubt if the  
22 defense psychiatrist and the prosecution psychiatrists  
23 disagreed?

24 Would you automatically find that there was a  
25 reasonable doubt of these two groups of --

26 THE COURT: Objection sustained.

27 MR. KAY: Well, I believe that Mr. Bubrick and Mr. Keith  
28 have asked that question.

5-2

1 THE COURT: Well, we are going to stop it.

2 MR. KAY: All right.

3 Q You understand that a psychiatrist can be  
4 impeached just like any other witness?

5 A Yes.

6 Q All right; and just because a psychiatrist is a  
7 medical doctor, would you accept his opinion on that, by that  
8 factor, alone, or would you test it to see whether or not his  
9 opinion is reasonable even though he is a doctor?

10 A I'd like to test it to see whether it was  
11 reasonable.

12 Q And then you understand that if you find that a  
13 psychiatrist's opinion is unreasonable, considering all the  
14 facts of the case, that you can reject that opinion?

15 A Yes.

16 Q And I take it that if you do find it is unreasonable  
17 that you will reject it?

18 A Yes.

19 Q But if, considering all the other facts of the case,  
20 if you find that his opinion is reasonable, I take it that you  
21 would consider his opinion and give it the weight to which it  
22 is entitled?

23 A Yes.

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

26 A No, I do not.

27 Q And I take it as you answered Mr. Bubrick's  
28 question, that you would like to sit on this jury if you are

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1. Testimony

A. Yes.

Q

and to the point that the people of the State of California, who Mr. English and I represent in this case, are entitled to exactly and just as equal a fair trial as I am entitled to.

A. Yes.

Q

do you feel any sympathy for Mr. Watson because he is a defendant in this case?

A. No.

Q

now, in the first place, at the trial the prosecution is not burdened with proving the defendant guilty beyond a reasonable doubt.

Now, wouldn't that still mean only this is our

standard, would you hold us to any higher standard, in other

words, proving the defendant guilty beyond all doubt?

A. No, I wouldn't.

Q

In other words, you wouldn't force the prosecution to maintain any higher burden or meet any higher burden than

this is required, would you?

A. Yes.

Q

and you understand that the presumption of innocence lasts only until the prosecution has proved the

defendant guilty beyond a reasonable doubt?

A. Yes.

Q

Now, you or any close friends or relatives of yours ever been charged with a crime by a law enforcement

agency?

5-4

1 A No.

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

4 A No.

5 Q Do you feel any bias or prejudice against police  
6 officers to any degree whatsoever?

7 A No.

8 Q Have you ever studied law?

9 A No.

10 Q Do you have any friend or relatives who are  
11 involved in the defense of criminal cases?

12 A No.

13 Q Have you ever been a witness in a courtroom?

14 A No.

15 Q And did you hear Mr. Bugliosi's and my explanation  
16 about direct versus circumstantial evidence?

17 A When was this?

18 Q Well, I believe that Mr. Bugliosi, when he  
19 inquired of, I believe his name was, Mr. Podhoretz, when  
20 you first came in, gave an explanation of direct and  
21 circumstantial evidence --

22 A Yes.

23 Q -- about the burglary with the television sets  
24 in his car.

25 A Yes.

26 Q Do you remember that?

27 A Yes, I remember.

28 Q And if Judge Alexander instructed you that direct



5-5

1 and circumstantial evidence are entitled to equal weight in  
2 the eyes of the law, would you follow that instruction?

3 A Yes.

4 Q In other words, you wouldn't give circumstantial  
5 evidence any less weight than direct evidence, or vice versa?

6 A No.

7 Q Have you ever heard the name Linda Kasabian?

8 A Yes.

9 Q And was that in connection with her testifying in  
10 the first trial?

11 A I think I heard it on TV or read it in the  
12 papers somewhere.

13 Q In other words, you don't remember?

14 A No.

15 Q Do you think it is unfair at the second phase of  
16 the trial, on the sanity phase, for the burden to be on the  
17 defense; in other words, that they must prove to you that Mr.  
18 Watson was insane by a preponderance of the evidence?

19 Do you think that that's unfair?

20 A Yes.

21 Q You do think that that's unfair to place the  
22 burden on the defense?

23 A No, I don't think so.

24 Q Now, is there anything I haven't asked you that  
25 you feel would be important for me to know in making a  
26 determination whether or not to accept you as a juror in this  
27 case?

28 A No, I do not.

MR. KAY: Thank you very much.

Pass for cause.

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1 Q BY THE COURT: Mr. Henderson, the law in this case  
2 you will accept from me, not from either counsel or any counsel  
3 in this case.

4 Now, if any instructions that I have read to you  
5 are in any way confusing at this time or you want me to reread  
6 any instructions, you let me know and I'll be glad to do so;  
7 and that goes for any juror.

8 You see, matters of law are up to the court, not  
9 counsel. You determine only the facts in this case; the law  
10 you must accept from me.

11 And will you do so?

12 A Yes.

13 THE COURT: People have the next challenge.

14 MR. BUGLIOSI: People thank and excuse Mrs. Butler.

15 THE COURT: Thank you, Mrs. Butler; you may be excused.

16 MR. BERRICK: Maybe we missed our --

17 MR. KAY: I think it was the defense.

18 THE COURT: Not according to mine. Come on up and we'll  
19 see.

20 (A discussion was had at the bench between court and  
21 counsel which was not reported.)

22 THE COURT: All right, gentlemen, have we now agreed?

23 MR. BUGLIOSI: Yes, your Honor.

24 MR. BERRICK: Yes, your Honor.

25 MR. BUGLIOSI: The court, per usual, was right.

26 THE COURT: Not "as usual"; this time.

27 THE CLERK: Richard M. Beranek, B-e-r-a-n-e-k.

28 MR. BERANEK: That is correct.

5A-2

1 THE COURT: And is that pronounced correctly, sir?

2 MR. BERANEK: It is called Beranek; Beranek is the  
3 Bohemian derivative way of putting it.

4 THE COURT: Which do you prefer?

5 MR. BERANEK: As long as I get called for lunch, dinner --

6 THE COURT: That's reasonable enough.

7

8 RICHARD N. BERANEK

9 BY THE COURT:

10 Q All right, now, Mr. Beranek, can you give us the  
11 two months we need to try this case?

12 A I would be able to, sir.

13 Q How about your attitude toward the death penalty,  
14 is it such that you would automatically vote against the  
15 imposition of the death penalty regardless of what the facts  
16 might develop?

17 A Well, this is something new to me, Judge, but I  
18 would say from listening that the evidence on both sides, the  
19 prosecutor and the defense, and with your instructions of the  
20 law, I think that I could go along with it, yes, sir.

21 Q And in other words, you heard me tell the jurors  
22 several times that should we come to the penalty phase the  
23 jury has the option of imposing either life imprisonment or  
24 death penalty.

25 A I understand that, sir.

26 Q And the law has no preference for one over the  
27 other.

28 A Right, it is up to the jury,

1           Q     It is up to the jury and you have no guidelines one  
2 way or the other; it is up to your own conscience --

3           A     Yes, sir.

4           Q     -- and your own heart and how you feel about the  
5 defendant and all the evidence that you might hear.

6                 Now, we don't want anybody who will impose one  
7 sentence over the other sentence automatically.

8           A     Would you repeat that, please?

9           Q     We don't want jurors who now feel they will  
10 automatically impose one sentence over the other sentence  
11 regardless of what the evidence might show.

12                 In other words, we ant you to deliberate and think  
13 about the two penalties and then you exercise your own free  
14 choice.

15           A     Yes, I get it.

16           Q     You can do that, Mr. Beranek?

17           A     Yes, I could.

18           Q     Now, you understand -- and we might as well clear  
19 that up now, in view of the fact that many questions have been  
20 asked concerning it -- I have told all the jurors that simply  
21 because all these charges have been filed against this  
22 defendant is no indication that he is more likely to be guilty  
23 than innocent.

24                 You understand that?

25           A     Yes.

26           Q     He is presumed to be innocent and the people must  
27 prove him guilty beyond a reasonable doubt.

28           A     Yes, sir.

1 Q Now, to all of these charges the defendant has  
2 entered two pleas: The plea of not guilty, and not guilty  
3 by reason of insanity,

4 The fact that he has entered these pleas does not  
5 mean that he is more likely to be insane than not.

6 Do you understand that?

7 A I do.

8 Q It is just his plea to these charges.

9 In the first phase of the case, guilt or innocence,  
10 the people must prove Mr. Watson guilty beyond a reasonable  
11 doubt of one or more or all of the charges. That is their  
12 burden; and in the second phase, on the question of whether  
13 or not he is sane or insane, the defendant has that burden  
14 of proving himself insane, and that is by a preponderance  
15 of the evidence.

16 A Yes, sir.

6R-1

1 Q And as you sit there now, you don't feel he is  
2 insane or sane? It is just his plea to these charges; is that  
3 correct?

4 A I believe that thoroughly, yes.

5 Q And you are giving him the benefit of the presump-  
6 tion of innocence at this time?

7 A Until the evidence has been in.

8 Q You have heard me caution the jurors and they are  
9 not to form or express any opinion in this case and they are  
10 to keep their minds open?

11 A I can do that.

12 Q And to keep their minds open until after you have  
13 heard all the evidence, until after you have been instructed,  
14 until you go into that jury room?

15 A Yes.

16 Q You can do that?

17 A I can do that.

18 Q Have you served as a juror before?

19 A Never have.

20 Q Do you know anybody connected with this case at  
21 all?

22 A No, I do not.

23 Q You know there has been a lot of notoriety,  
24 publicity, or whatever you want to call it, about the Manson  
25 case and the Tate-La Bianca murder case. This defendant Watson  
26 was not a defendant in that case.

27 He is to be tried here and his guilt or innocence  
28 or sanity or diminished capacity, all of those issues are to

1 be determined by you here in this courtroom, based only upon  
2 the evidence you hear in this court and nothing else?

3 A Nothing to do with the Manson case.

4 Q Exactly. Can you do that?

5 A In all truthfulness, I can.

6 Q Now, you have heard a lot of questions put to our  
7 prospective jurors and I take it as you sat there, you answered  
8 those questions in your own mind, too; is that correct?

9 A Yes, I did.

10 Q If you were asked the same questions that all our  
11 prospective jurors were asked, would your answers be substan-  
12 tially the same as those given by our jurors, except, of course,  
13 the personal ones?

14 A Mine would be my own way of answering, unless like  
15 I understand the law, as you would put it to me.

16 Q The law you would take from me. What I mean is  
17 this: The jurors have been questioned about their attitude  
18 toward the death penalty and many other things.

19 Would you have answered any of those questions  
20 differently or substantially the same?

21 A Well, the ones I don't feel that the death penalty  
22 is the choice of the jurors, I think again, I'd say that if  
23 in my own true conscience I felt he was guilty enough to have  
24 the death penalty, I would do it without any question in that  
25 respect.

26 Q You mean you could impose the death penalty if the  
27 facts warranted?

28 A Right.



1 Q And you could impose life imprisonment if you felt  
2 the facts warranted that?

3 A Certainly.

4 Q As you sit there now, you have no choice one over  
5 the other?

6 A Open mind.

7 Q And no matter how many counts you convicted him of  
8 of murder in the first degree, you still would weigh the two  
9 penalties, would you not?

10 A I would, sir.

11 Q You would do nothing automatically; is that correct?

12 A Nothing automatically as you put it.

13 THE COURT: You may inquire, gentlemen.

14 BY MR. KEITH:

15 Q I will be brief, Mr. Beranek.

16 A Thank you.

17 Q Is your attitude toward the death penalty now such  
18 that if that issue were placed on the ballot, retention or  
19 abolition of capital punishment, that you would vote in favor  
20 of capital punishment?

21 A Now, I don't know if I understand you correctly.  
22 Do you mean either way?

23 Q No, I am talking in abstract, philosophical sense  
24 now. I am not talking about the facts in this case because  
25 you don't know what the facts are, and obviously, I can't  
26 address myself to the facts in this case. You couldn't con-  
27 sider that until the close of the evidence.

28 Q I am talking about if the retention of capital

1 punishment were on the ballot, do you know how you would vote  
2 now? Retention or abolition?

3 THE COURT: Q He is talking about a Harris poll or  
4 one of the other polls, if that were taken, and you were asked  
5 "Are you in favor of retaining or abolishing capital punish-  
6 ment?" Do you know how you would vote?

7 MR. KEITH: Q You don't understand that question. We  
8 will go to another question. We will ask a few personal ques-  
9 tions, if I may.

10 What is your occupation?

11 A Well, the last one was hotel desk clerk and I must  
12 say now that I was taken to Metropolitan State Hospital because  
13 I was getting too ill and they put me under observation. That  
14 was in '70. I have been out --

15 Q When was this?

16 A In '70, sir.

17 Q Do you think you are well enough physically and  
18 mentally to stand the strain of two months of your full-devoted  
19 attention to this case, if selected as a trial juror?

20 A With all my heart, I would want this to be the  
21 road to recovery, because I am recovered so far as the hospital  
22 is concerned, but I do see a state psychiatrist and social  
23 worker.

24 Q Do you know Dr. Abe at Metropolitan?

25 A Only by name. That is the head of Metropolitan.

26 Q I believe he is the chief of staff out there.

27 THE COURT: I think he is.

28 Q BY MR. KEITH: If I'm not mistaken.

1 A But I have never had any conversation with him.

2 Q Would it bother you in any way if Dr. Abe appeared  
3 and testified in this case?

4 A I have no guilt feelings in that respect, no.

5 Q Well, do you know Dr. Abe by reputation?

6 A Just that he was head of the hospital, when I was  
7 there.

8 Q How long were you there, again?

9 A Well, this last time two months and I hate to go  
10 back further, but I have been in Camarillo six years and then  
11 I was in and out as a volunteer.

12 Q BY THE COURT: It is going to be quite a strain on  
13 all our jurors and you to listen to this testimony.

14 It will be a strain physically and emotionally  
15 and we want to do nothing that might impair your health.

16 A Well, that is why I am trying to be -- I am not  
17 naturally proud of how this all happened, but I have --

18 Q It is nothing to be ashamed of either.

19 A I don't feel that way, or I wouldn't speak up like  
20 that.

21 Q No. I am glad you did.

22 By the same token, we would want to do nothing  
23 that might in any way impair your health, physically or mental-  
24 ly, and this will be a strain on all the jurors. You might  
25 as well know that.

26 Would you prefer not to suffer that strain, Mr.  
27 Beranek?

28 A No, after speaking to me like this, I guess it

1 would be fair to the People and to the law to say --

2 Q It might not be fair to your other jurors, too.

3 A Well, yes.

4 Q Don't you think you would rather be excused?

5 A But I would want you to know that I had full inten-  
6 tions of trying. Yet, I believe that you are right, because  
7 it has happened on and off so many times.

8 Q I wouldn't want to have it on my conscience that  
9 I permitted anything to impair your health, Mr. Beranek.

10 A Anything you say, Judge, I will agree to.

11 THE COURT: Gentlemen?

12 MR. BUGLIOSI: May he be excused by stipulation.

13 MR. BUBRICK: Yes.

14 MR. KEITH: So stipulated.

15 MR. BUGLIOSI: So stipulated.

16 THE COURT: Thank you. We appreciate your willingness  
17 to serve, but I think in the interest of your own health, you  
18 should be excused.

19 THE CLERK: Harriet Johnson, J-o-h-n-s-o-n.

20  
21 HARRIET JOHNSON,

22 BY THE COURT:

23 Q Is that Miss or Mrs. Johnson?

24 A Mrs.

25 Q Mrs. Johnson, can you give us the two months we  
26 need to try this case?

27 A Yes.

28 Q Good. What about your attitude toward the death

1 penalty? Is it such that you would automatically vote against  
2 the death penalty, regardless of what facts might be developed  
3 in this case?

4 A No.

5 Q Would you automatically vote for life imprison-  
6 ment, regardless of what facts might be developed in this  
7 case?

8 A No.

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1 Q In other words, you fully realize that should we  
2 come to that phase of the case, that choice is yours and yours  
3 alone in the exercise of your good conscience?

4 A I understand that.

5 Q You are willing to exercise that judgment; right?

6 A Yes.

7 Q Now, you heard Mr. Bugliesi call off the names  
8 of many doctors. Mr. Kay called off the names of many  
9 policemen and in addition to the doctors -- what was the  
10 other list you called?

11 MR. KAY: Lawyers.

12 Q BY THE COURT: Lawyers -- did any of those names  
13 sound familiar to you?

14 A They did not.

15 Q Mrs. Johnson, you sat here all day yesterday and  
16 this morning and you heard a good many questions put to our  
17 prospective jurors.

18 Did any question at all create in your mind a  
19 little feeling that this is not the kind of a case you would  
20 want to sit on?

21 A I wouldn't particularly want to sit on it.

22 Q Nobody else would.

23 A I know, but this --

24 Q You are willing to do that?

25 A I am willing to do so.

26 Q You heard the questions put to our prospective  
27 jurors.

28 Would you answer any of them differently, other

6A-2

1       then the personal ones?

2           A       No.

3           Q       You heard us say time and time again, Mrs.  
4       Johnson, that we are trying to get a jury here who will be  
5       fair to the people and fair to the defendant and decide every  
6       issue in this case based only upon the evidence you hear in  
7       the case and the law as I shall state it to you.

8                   Can you be that kind of a juror?

9           A       Yes, I can.

10          Q       We have heard a lot about the Manson and Tate-La  
11       Bianca murder cases. You know this defendant was not a  
12       defendant in that case?

13          A       Yes.

14          Q       And you know matter what you heard or read about  
15       that case so far as this case is concerned, you will not  
16       hold that against this defendant; is that right?

17          A       Yes.

18          Q       So far as you sit there now you will give him  
19       the benefit, the defendant, of the presumption of innocence;  
20       is that correct?

21          A       Yes.

22          Q       And you will listen to all the testimony in this  
23       case and then decide in accordance with the testimony and the  
24       law?

25          A       Yes.

26       THE COURT: Gentlemen, you may inquire.

27          Q       BY MR. KEITH: Mrs. Johnson, do you have an  
28       occupation outside of the home?

6A-3

- 1 A Yes, I have.
- 2 Q What is that?
- 3 A Examiner, voucher examiner for the Air Force.
- 4 Q Is there a Mr. Johnson?
- 5 A Yes.
- 6 Q What is his business or occupation?
- 7 A He is an accountant with the Air Force.
- 8 Q Is he a civilian employee of the Air Force?
- 9 A Yes.
- 10 Q And do you have children, Mrs. Johnson?
- 11 A Yes.
- 12 Q How many do you have and their ages?
- 13 A Well, we have five altogether, 17 to 5.
- 14 Q Fine. Thank you.
- 15 Have you or anyone near or dear to you ever been
- 16 a victim of a crime of violence?
- 17 A No.
- 18 Q Or have you witnessed such an event?
- 19 A No.
- 20 Q Have you ever testified as a witness in court?
- 21 A No, I haven't.
- 22 Q I don't recall whether you had previous jury
- 23 experience or not.
- 24 A No.
- 25 Q Has any member of your family ever visited a
- 26 psychiatrist?
- 27 A No.
- 28 Q Have you yourself undertaken any studies in the



6A-4

1 field of psychiatry or psychology?

2 A Only at high school.

3 Q A couple of years ago?

4 A Yes.

5 Q Do you have any strong feelings one way or the  
6 other about psychiatrists in general?

7 A No.

8 Q You feel they can and sometimes do play a vital  
9 role in the well-being of our society?

10 A Yes, I do.

11 Q In the community?

12 A Yes.

13 Q You have nothing against them in general, do you?

14 A No.

15 Q There will be evidence in this case concerning  
16 Mr. Watson's life style in 1967 and '68 and '69. You probably  
17 have heard or hope you were able to hear some of the questions  
18 I asked other prospective jurors about how they would react  
19 to such evidence. Do you recall those questions?

20 A Yes.

21 Q And how would you react, in other words, would you  
22 hold it against him to the point where you would tend to  
23 deny him a fair trial?

24 A No, I wouldn't.

25 Q You would consider such evidence and place it in  
26 such a perspective as you feel that is appropriate?

27 A Yes.

28 Q On the question of the notoriety attendant upon

6A-5  
1 the Tate-La Bianca homicide and the Manson trial, were you  
2 exposed very much to any of that publicity, or did you pay  
3 much attention to the case?

4 A Well, I didn't pay too much attention. I am very  
5 busy and I don't bother with the TV very much.

6 Q You didn't really follow the case either?

7 A No.

8 Q Either in the newspapers or the television or  
9 radio; is that a fair statement?

10 A Yes.

11 Q Did you ever see Mr. Bugliosi on television?

12 A No, I haven't.

13 Q That is a shame. But there is nothing about the  
14 notoriety in that other case that is going to give you any  
15 problems in this case, I trust, Mrs. Johnson?

16 A No.

17 Q You promised the judge that you will regard this  
18 case and consider the evidence in this case in and of itself  
19 and not worry at all about that other case and will you  
20 promise me you will do the same thing?

21 A Yes.

22 Q At this time you are not in any way inclined, are  
23 you, to think that Mr. Watson is more likely guilty than  
24 innocent because Manson and the three female defendants were  
25 convicted in the other trial?

26 A No.

27 Q This case stands on its own feet, doesn't it?

28 A Yes.

1 Q And you will give us the benefit of your individual  
2 opinion, won't you?

3 A Yes.

4 Q You will make up your own mind, in other words,  
5 about this case?

6 A I will.

7 Q You won't let anybody else do it for you?

8 A No.

9 Q With respect to capital punishment, Mrs. Johnson,  
10 as a philosophical proposition, are you in favor of it or  
11 are you against it or haven't you made up your mind yet?

12 A I have been trying to decide. I haven't quite made  
13 up my mind since I have been listening.  
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1 Q You'd like to hear some arguments for and against  
2 the retention of capital punishment, I take it --

3 A Yes.

4 Q -- before you would make up your mind?  
5 Can you conceive of any -- well, strike that  
6 question.

7 You wouldn't automatically impose the death  
8 penalty in this case, would you, in the event you found Mr.  
9 Watson guilty of seven first degree murders?

10 A Not automatically?

11 A You'd want to hear everything that there was to  
12 hear about his background and history and mental condition  
13 and whatever facts that were pertinent to your consideration  
14 of that subject.

15 Is that a fair statement?

16 A Yes.

17 Q Is there any question that you'd like me to ask  
18 you that you'd like to answer?

19 I'm trying to cut this short because -- and this  
20 is one good way of doing it.

21 Maybe you can think of something you'd like to  
22 tell me or something I should put in the form of a question to  
23 you ask you?

24 A No, I can't think of any.

25 MR. KEITH: I will pass for cause.

26 THE COURT: Prosecution?

27 Q BY MR. BUGLIOSI: Mrs. Johnson, would you rather  
28 see the death penalty kept in the state of California or would

1 you rather see it abolished?

2 A I haven't made up my mind. I haven't thought too  
3 much about it.

4 Q You don't have any feelings one way or the other  
5 at the present time?

6 A Well, if I probably sat and thought about it long  
7 enough I would probably like to see it abolished.

8 Q You think you would like to see it abolished?

9 A Yes.

10 Q You would like to see some other form of punishment  
11 substituted for it?

12 A Yes.

13 Q With that frame of mind, do you think at the end  
14 of this case do you think you'd have the courage to come back  
15 into this courtroom and by your verdict, tell Mr. Watson, in  
16 effect, that he must die?

17 Do you think you'd have the courage to do that?

18 A I would have the courage because it is a thing  
19 I would have to do.

20 Q You wouldn't have to do that, now. You don't  
21 have to do that.

22 Judge Alexander is not going to give you any  
23 guidelines or standards or anything; it is completely up to  
24 you. If you wanted to come back with a verdict of life  
25 imprisonment, you don't have to come back with the death  
26 penalty, it is up to you.

27 Since it is up to you and you do have the  
28 discretion to come back with life or death and since you,

1 basically, apparently are opposed to the death penalty, would  
2 you have the courage to come back here and tell him that he  
3 must die?

4 If you have any hesitancy, now is the time to  
5 speak up.

6 A I don't believe I would.

7 Q You don't believe you would?

8 A No.

9 THE COURT: Q You don't think you would what?

10 A Come back and tell him that he'd have to die.

11 Q You mean in so many words?

12 A In so many words.

13 Q You see, today, as the law is, the jury determines  
14 the penalty, life or death.

15 While you may like to see that law changed, would  
16 you follow the law as it exists today?

17 A Yes, I would.

18 Q And today you must decide, if it comes to that,  
19 whether a defendant lives or dies.

20 Do you understand that?

21 A Yes.

22 Q That is your choice, you, alone.

23 Can you exercise that choice, Mrs. Johnson?

24 A Yes, I can.

25 Q BY MR. BUGLIOSI: Let me ask you this question,  
26 Mrs. Johnson: Apparently you are opposed to the death penalty  
27 -- not strongly, but you tend to be opposed to it.

28 Is your opposition to the death penalty of such

1 a nature that you might be hesitant to return a verdict of  
2 first degree murder against Mr. Watson because you would  
3 realize that if you did so you would then be forced, as it  
4 were, to then consider the issue of the death penalty?

5 A No.

6 Q Did you understand my question?

7 A I think so.

8 Q You realize that if Mr. Watson is found not  
9 guilty of these murders or if he is convicted, let's say,  
10 of second degree murder during the first trial, there never  
11 will be a penalty trial; the issue of the penalty will never  
12 arise.

13 A Yes.

14 Q Is there a chance that because you are opposed  
15 to the death penalty you might be hesitant about returning a  
16 verdict of first degree murder because you would realize that  
17 if you did that you would then be forced to determine the  
18 issue of the death penalty?

19 Any possibility of that happening --

20 A No.

21 Q -- trying to escape the responsibility of it?

22 A No.

23 MR. BUGLIOSI: No further questions, your Honor.

24 THE COURT: Next challenge with the defense.

25 MR. BURRICK: Your Honor, the defendant will thank and  
26 excuse juror No. 12, Mr. Henderson.

27 THE COURT: Thank you, Mr. Henderson; you may be excused.

28 THE CLERK: Mrs. Lenonda Robinson, R-o-b-i-n-s-o-n;

1 first name, L-e-n-d-a.

2  
3 LENOnda ROBINSON

4 BY THE COURT:

5 Q Is it Miss or Mrs. Robinson?

6 A Mrs.

7 Q Mrs. Robinson, can you give us the two months we  
8 need to try this case?

9 A Yes, I can.

10 Q Now about the death penalty, should it come to  
11 that, should we come to that phase in this trial, would you  
12 automatically vote against the imposition of the death penalty  
13 regardless of what the evidence might show?

14 A No, I wouldn't.

15 Q And would you automatically vote for life  
16 imprisonment regardless of what the evidence might show?

17 A No.

18 Q By now you know that the choice is yours and yours,  
19 alone; is that correct?

20 A Yes.

21 Q And there are no guidelines, I can't tell you if  
22 he's 6 feet 5 tall, or 4 feet 2 he must get the death penalty  
23 or anything else.

24 All factors must be weighed by you and you make  
25 that choice --

26 A Yes.

27 Q -- do you understand that?

28 And you are willing to do that?



1 A Yes.

2 Q Do you feel that your attitude toward the death  
3 penalty is such that it would prevent you from making an  
4 impartial decision as to the guilt or innocence of this  
5 defendant?

6 A No.

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- 1 Q You could decide that impartially?
- 2 A Yes, I could.
- 3 Q Now, Mrs. Robinson, have you sat as a juror before?
- 4 A No.
- 5 Q You have heard a long list of names of doctors,
- 6 lawyers and policemen; did you know any of them?
- 7 A No.
- 8 Q And do you know any of the lawyers present in court
- 9 today?
- 10 A No.
- 11 Q You appreciate that what we are trying to do is
- 12 get a jury that will be fair to the People, fair to the defen-
- 13 dant and decide all issues based only on the evidence you
- 14 hear in this case and the law as I shall state it to you?
- 15 A Yes.
- 16 Q Will you do that?
- 17 A Yes, I will.
- 18 Q No doubt, you have heard of the Manson case and
- 19 the Tate-La Bianca murder cases?
- 20 A Yes.
- 21 Q Am I correct in that?
- 22 A Yes.
- 23 Q You may have read about it and seen part of it on
- 24 television, and what not.
- 25 You know this defendant was not a defendant in
- 26 that case?
- 27 A Yes.
- 28 Q Here he is presumed to be innocent, in this case,

1 and the burden rests with the prosecution to prove him guilty  
2 beyond a reasonable doubt?

3 A Yes.

4 Q You will give him the benefit of that presumption,  
5 will you not?

6 A Yes, I will.

7 Q And you'll forget all you heard about the Manson  
8 case and the other case and try him only on the evidence you  
9 hear in this case; is that correct?

10 A That is correct.

11 Q Do you know any reason at all why you could not  
12 serve here as a juror, fair to the People and fair to this  
13 defendant?

14 A I don't know of any reason, except, well, I'd  
15 like somebody else --

16 THE COURT: Mr. Bubrick?

17 MRS. ROBINSON: Before you ask any questions, I have had  
18 an act of violence committed against me at one time and I have  
19 seen a psychiatrist.

20 Q BY THE COURT: How long ago was that?

21 A The act of violence?

22 Q Yes.

23 A Well, about six years, maybe seven years ago.

24 Q As a result of that, do you think you might be  
25 influenced one way or the other in this case?

26 A No.

27 Q Do you think you might have some prejudice against  
28 psychiatrists, for or against them?

1 A No, I just take them like they are.

2 Q You heard me instruct the jury how they will weigh  
3 the testimony of expert witnesses; did you hear that?

4 A Yes.

5 Q And you'll follow that law, would you not?

6 A Yes, I would.

7 THE COURT: Mr. Bubrick, go ahead.

8 MR. BUBRICK: Thank you.

9 Q Mrs. Robinson, as a result of this crime of violence  
10 that was committed against you, were you hospitalized?

11 A No.

12 Q But you did have some psychiatric treatment in  
13 connection with that?

14 A Not in connection with that.

15 Q Apart from that, you did?

16 A Yes.

17 Q How long did you see the doctor, or the psychiatrist?

18 A Five visits.

19 Q And as a result of those five visits, did you  
20 feel that you had benefitted by that?

21 A Yes, I made up my own mind as to what I wanted to  
22 do.

23 Q At least, there was nothing about that personal  
24 experience that has led you to form some opinion about the  
25 validity of a psychiatrist or the value of any psychiatrist?

26 A No.

27 Q And may we assume that because of that personal  
28 relationship, that if you hear psychiatric testimony you are

1 not going to relate that to your own personal experience?

2 A No.

3 Q And you will treat the testimony of a psychiatrist  
4 in accordance with the instructions given to you by the judge?

5 A Yes, I would.

6 Q And may we assume, also that you are not going to  
7 do any subjective thinking -- you know, take portions of what  
8 you may hear in this trial or by way of psychiatric testimony  
9 and relate it to your own personal experiences?

10 A That's right.

11 Q May I ask you, Mrs. Robinson, if you do any work  
12 outside the home?

13 A Yes, I do.

14 Q And the nature of that, please?

15 A A core press operator.

16 Q Pardon?

17 A A core press operator.

18 Q And is there a Mr. Robinson?

19 A I am divorced.

20 Q Do you have any children?

21 A I have two.

22 Q How old are they, please?

23 A Ten and twelve.

24 Q Are they with you?

25 A Yes.

26 Q Do you, Mrs. Robinson, number among any of your  
27 friends or relatives, people who are involved with law enforce-  
28 ment?

1 A No.

2 Q How about people who are involved with prosecuting  
3 matters?

4 A No.

5 Q Let me ask you, Mrs. Robinson, whether you knew  
6 before you came into this courtroom today of the outcome of  
7 the Manson trial or the Tate-La Bianca murders, call them what  
8 you will?

9 A Yes, I did.

10 Q You knew that Mr. Manson and the girls were found <sup>guilty</sup>  
11 and got the death penalty; is that correct?

12 A Yes.

13 Q And I am sure that you must know by this time, at  
14 least, that Mr. Watson was at one time a member of this group  
15 that traveled with Mr. Manson.

16 Were you aware of that before you came to court  
17 today?

18 A Yes.

19 Q Now, knowing what happened to Mr. Manson and the  
20 girls, the rest of that group, do you have any feeling as you  
21 sit there now, knowing that Mr. Watson was also a part of that  
22 group, that he must suffer the same punishment?

23 A No.

24 Q Did you ever read any material in connection with  
25 the Tate-La Bianca murders?

26 A Very little.

27

28

7b1.

BBR-1

1 Q Have you ever read any books on the matter?

2 A No.

3 Q And I take it your work prevented you from listen-  
4 ing to TV or reading newspapers regularly?

5 A No, it is just that I don't read the front pages  
6 too often.

7 Q Did you ever hear of Susan Atkins in connection  
8 what that Tate-La Bianca murder?

9 A I heard her name.

10 Q Did you ever read anything that they claim she  
11 said about the case?

12 A I didn't read that testimony.

13 Q Are you familiar with the name Linda Kasabian?

14 A I just remember hearing about it, you know, like  
15 sometimes on the news or something, they say, "Linda  
16 Kasabian," or "Susan Atkins," or something, but as far as  
17 really getting down to really reading what they did or how it  
18 was done, I didn't do that.

19 Q Or what other people may have done, by virtue of  
20 their statements, you haven't read that, either?

21 A No, I didn't read their statements and things.

22 Q Well, if during the course of this trial, anything  
23 comes to mind or anything that is presented here is in conflict  
24 with anything you may have read elsewhere, may we assume that  
25 you'll forget about everything else you have heard?

26 A Yes.

27 Q You know that any decision you may make, you must  
28 make based on what you hear here in the courtroom?

1 A Yes, I know that.

2 Q May I ask you just a few questions about the death  
3 penalty, Mrs. Robinson: You must know by now, certainly, that  
4 this case involves multiple killings, that is, the killing of  
5 more than one human being -- seven, as a matter of fact.

6 Now, knowing that and knowing your own frame of  
7 mind, Mrs. Robinson, do you have the feeling that if you con-  
8 vict a person of seven counts of first degree murder, you would  
9 automatically impose the death penalty?

10 A Yes.

11 Q Are you firm? Do you realize what question I have  
12 just asked you?

13 A I know what you just said.

14 Q And you feel your frame of mind is such that if  
15 you found somebody guilty of that --

16 A Yes, if I found him guilty, yes, I would.

17 Q That's without question?

18 A Without question.

19 Q And would it be possible that you can think whether  
20 or not this defendant would be able to convince you otherwise?

21 A No, if the testimony and the evidence showed that  
22 beyond a reasonable doubt in my mind that he's guilty --

23 Q Yes?

24 A -- because, I mean, I wouldn't want no hang ups  
25 behind, saying with a doubt that he is or he isn't.

26 Q Now, we have to assume, Mrs. Robinson, if we ever  
27 get to the third stage of this proceeding, you must have  
28 convicted the defendant of first degree murder -- the only



1 thing, you will have a chance of convicting him of one to  
2 seven counts, but you may find him guilty of all seven first  
3 degree counts of murder.

4 Now, having done that, are you telling us now that  
5 as you search your heart and your conscience that you would  
6 automatically impose the death penalty on such a person?

7 A Yes.

8 MR. BURRICK: Your Honor, I would like to challenge  
9 under 1073.2.

10 MR. BUGLIOSI: No objection, your Honor.

11 Maybe we can excuse her by stipulation?

12 MR. BURRICK: It is the same thing.

13 THE COURT: All right.

14 Thank you; you may be excused; Mrs. Robinson.

15 MR. BUGLIOSI: Excused by stipulation?

16 THE COURT: I will allow the challenge, unless you have  
17 an objection.

18 MR. BUGLIOSI: No, I have no objection.

8f.

THE CLERK: Pete F. Gonzales, G-o-n-z-a-l-e-s.

MR. KAY: Was Pete the first name?

THE CLERK: Yes.

PETE F. GONZALES

BY THE COURT:

Q Mr. Gonzales, can you give us the two months we need to try this case?

A I don't think so, sir.

Q What is your occupation?

A Machinist.

Q Employed by whom?

A Lockheed. I have been on layoff for four months and just went back to work this week when they called me.

Q It would work a hardship on you you mean?

A Yes, as much as I would like to serve in the case.

Q After four months layoff I can appreciate that.

Will you stipulate the juror may be excused, gentlemen?

MR. BULLIOSI: So stipulated.

MR. BURRICK: So stipulated.

THE COURT: I think we will have our morning recess.

First put a juror in the box.

THE CLERK: Mrs. Lillie Hochman, H-o-c-h-m-a-n.

THE COURT: Ladies and gentlemen of the jury we will have our morning recess at this time.

Once more during the recess do not form or express any opinion in this case.

8-2

1                   Do not discuss among yourselves or with anyone  
2 else the case and again keep an open mind,

3                   Thank you,

4                   (Recess.)  
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