

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA



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

7004

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

REPORTERS' TRANSCRIPTS ON APPEAL

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1 THE COURT: Let the record show all jurors are present,  
2 Counsel and the defendant are present.

3  
4 LILLIE HOCHMAN

5 BY THE COURT:

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

8 A It would be a hardship on my daughter because  
9 she goes to UCLA and I keep track of her children. That will  
10 start the end of September.

11 Q Until that time however you can remain with us as  
12 a juror?

13 A Yes. And I have more reasons besides.

14 The third case, phase of the trial, you know, the  
15 third trial -- I have been sitting here listening and I don't  
16 know if I could impose the death penalty.

17 Q You don't know?

18 A No.

19 Q Well, we are trying to find out whether you could.  
20 You see the law places that burden upon the jury.

21 A I know.

22 Q It is not a pleasant burden. We know that, but  
23 if you felt the facts warranted it, do you still feel you  
24 would not impose the death penalty?

25 A I really don't know. Theoretically if somebody  
26 would ask me if I were against capital punishment, I would say  
27 no. Yet, to face it individually I don't really know.

28 I have been trying to examine my conscience for

1 the last two days and I really don't know,

2 Q If you don't know we certainly don't know either,  
3 Mrs. Hochman. Will you do your duty?

4 A Definitely.



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1 Q And if I told you that you can either impose life  
2 imprisonment or the death penalty, it is up to you entirely  
3 and that is the law, would you follow that law?

4 A This is the part that I'm worried about, because  
5 I cannot -- I'm not sure, really.

6 Q In other words, you don't want to serve as a juror  
7 in this case; is that right, Mrs. Hochman?

8 A I would appreciate it if I were excused.

9 THE COURT: Well, I guess all of us would, but some of  
10 us have to do our duty. Gentlemen, may she be excused?

11 MR. BUGLIOSI: By stipulation, she may be excused.

12 MR. SUBRICK: Yes, your Honor.

13 THE CLERK: Regina A. Halpin, H-a-l-p-i-n.

14  
15 REGINA A. HALPIN,

16 BY THE COURT; Q Is that Miss or Mrs. Halpin?

17 A Mrs.

18 Q Mrs. Halpin, can you give us the two months we need  
19 to try this case?

20 A Yes.

21 Q You can?

22 A Yes, sir.

23 Q Have you served as a juror before?

24 A No, sir.

25 Q Tell me this, would you automatically vote against  
26 the imposition of the death penalty in this case, regardless  
27 of what might be developed at this trial?

28 A Yes, I would.

1 Q You have such conscientious scruples against the  
2 death penalty that you cannot see any circumstances under which  
3 you could impose the death penalty?

4 A No, sir.

5 Q Is your attitude toward the death penalty such that  
6 you would be prevented from making an impartial decision, as  
7 to the defendant's guilt or innocence?

8 A Yes, sir.

9 THE COURT: Gentlemen, do you wish to question Mrs. Halpin?

10 MR. KEITH: No, your Honor.

11 MR. BUBRICK: No, your Honor.

12 THE COURT: Now about the People, do you wish to question?

13 MR. BUGLIOSI: No, your Honor.

14 THE COURT: Just a minute, just a minute --

15 MR. BUGLIOSI: May we approach the bench a minute?

16 THE COURT: She has not been excused yet.

17 (Unreported discussion between Court and  
18 counsel.)

19 MR. BUGLIOSI: May the juror be excused by stipulation?

20 MR. KEITH: So stipulated.

21 MR. BUBRICK: So stipulated.

22 THE COURT: You may be excused.

23 THE CLERK: Carl W. Alroth, A-h-l-r-o-t-h.

24 MR. ALROTH: r-o-t-h.

25 THE CLERK: Thank you.

26 MR. ALROTH: Alroth.

CARL W. ALROTH,

BY THE COURT:

Q Mr. Alroth, can you give us the two months we need to try the case?

A I'm afraid I can't.

Q Why not?

A My employer, which is Lockheed, pays 20 days jury duty, which is normally four weeks' service.

Q And you cannot extend that, they won't extend that?

A No, I checked again this morning and I called the girl in personnel, since I had been sitting here for a day, and checked again on it and they said all their agreements they pay a maximum of 20 days.

Q Would it work a hardship on you to stay beyond that?

A It would, financially, and also for my job.

#10

1 THE COURT: Gentlemen, may he be excused?

2 MR. BULLIOSI: Yes.

3 MR. BURRICK: Yes, your Honor.

4 THE CLERK: Miss Eugenia Greene. The first name is  
5 spelled E-u-g-e-n-i-a, G-r-e-e-n-e.

6  
7 MISS EUGENIA GREENE

8 BY THE COURT:

9 Q Miss Greene, can you give us the two months we  
10 need to try this case?

11 A I am not sure at this time, Judge. I have been  
12 unable to contact my boss.

13 Q Who is your boss?

14 A I work for the child care and development services  
15 as a teacher, head-start teacher. I called and left my name  
16 and number at the answering service and I haven't heard  
17 from them today.

18 Q When do you resume your teaching?

19 A September.

20 Q September what?

21 A I think about the 2nd or 3rd, you know, around  
22 the first of September.

23 Q Would it work a hardship on you to remain with  
24 us until the conclusion of this case?

25 A I think so because I have been off all summer.

26 Q You have not been paid all summer you mean?

27 A Well, yes, part of the summer.

28 Q If you are not there, is there anybody to take

10-2

1 your place?

2 A Yes.

3 Q Somebody can take your place?

4 A Yes.

5 Q Just what is your difficulty in having a substitute  
6 take your place?

7 A Well, it would be a hardship on me because unless  
8 I can find out if I can be paid -- and this I won't know until  
9 I speak to him.

10 Q You don't know when you will be able to talk to  
11 him?

12 A Possibly today when I get home.

13 Q We intend to recess early today anyway and possibly  
14 during that time you can find out.

15 A I will try and contact him.

16 Q Let me ask you: Is your attitude toward the  
17 death penalty such that you would automatically vote against  
18 the death penalty regardless of what the evidence might show  
19 in this case?

20 A No, it is not.

21 Q You understand that you have the sole right to  
22 determine life or death should you come back with a first  
23 degree murder conviction?

24 A Yes.

25 Q You would be willing to assume that burden, would  
26 you?

27 A Yes.

28 Q Miss Greene, there is no doubt that you heard about

10-3

1 the Manson case.

2 A Yes, I did.

3 Q Now, this defendant was not a defendant in the  
4 Manson case. You understand that?

5 A I understand that.

6 Q Insofar as he is concerned, he is presumed to be  
7 innocent of these charges.

8 A Yes.

9 Q And the prosecution must prove him guilty beyond  
10 a reasonable doubt.

11 A Yes, I understand.

12 Q You can find him guilty of one or more or none of  
13 these offenses.

14 Do you understand that?

15 A Yes, I do.

16 Q Do you think you think you can forget everything  
17 you heard about the Manson case and give this defendant and  
18 the people both a fair trial?

19 A Yes.

20 Q Can you give them a fair trial based only upon  
21 the evidence you hear in this case and the law as I will give  
22 it to you?

23 A Yes.

24 Q Have you ever served as a juror?

25 A No, I have not.

26 Q You heard the names called off of the different  
27 doctors.

28 A Yes.

10-4

1 Q The policeman?

2 A Yes.

3 Q Lawyers?

4 A Yes.

5 Q Do you know any of them?

6 A No.

7 Q Outside of the employment problem, which you are

8 going to try to straighten out for us over the weekend, do

9 you know of any reason why you could not be a juror fair to

10 the people and fair to the defendant?

11 A No, I do not.

12 THE COURT: You may inquire.

13 Q BY MR. KEITH: Mrs. Greene, how long have you been

14 a teacher for head-start?

15 A About five years.

16 Q Is there a Mr. Greene?

17 A No.

18 Q I'm sorry. I have it "Mrs. Greene."

19 A Yes.

20 Q Do you number among any of your close friends or

21 relatives persons engaged in law enforcement activity?

22 A No.

23 Q Have you ever been the victim of any type of crime

24 of violence?

25 A No, I have not.

26 Q Have you studied psychiatry at all in connection

27 with your teaching activities?

28 A Not psychiatry -- psychology, just the basic

10-5

1 psychology in child psychology.

2 Q I would gather then as a result of your apparent  
3 interest in child psychology, that you wouldn't hold it against  
4 Mr. Watson if psychiatrists appear here in court and testify  
5 on his behalf concerning his mental capacity and mental  
6 condition?

7 A No, sir, I would not.

11



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1 Q Generally, do you hold psychiatrists in high  
2 reputs, generally speaking?

3 A Generally speaking.

4 Q Recognizing there are good psychiatrists and bad  
5 psychiatrists --

6 A Yes.

7 Q -- just as in any other field of endeavor?

8 A Yes.

9 Q Would you be inclined, as you sit now, to find  
10 Mr. Watson guilty of first degree murder, solely because there  
11 are seven alleged victims in this case?

12 A No, I would not.

13 Q You would want to hear all of the evidence --

14 A Yes.

15 Q -- and weigh both sides of the case, before you  
16 reach a determination?

17 A Yes, I would.

18 Q Do you think you can give us the benefit of your  
19 individual opinion?

20 A Yes, I can.

21 Q Would you tend to deny Mr. Watson the benefit of  
22 his testimony, in the event he testifies, because -- solely  
23 because -- he's a defendant charged with these crimes?

24 A No, I wouldn't.

25 Q You'd keep an open mind throughout the case, if  
26 chosen as a trial juror in this case?

27 A Yes, I would.

28 Q With respect to the publicity aspects of the matter,

1 have you formed any opinion at this time as to Mr. Watson's  
2 guilt or innocence?

3 A No, I have not.

4 Q Has your attitude towards Mr. Watson been colored  
5 in any respect by reason of knowing now, if you didn't before,  
6 about the outcome of the Manson case?

7 A No.

8 Q If the evidence shows Mr. Watson overindulged in  
9 narcotics and dangerous drugs, would that in any way influence  
10 you to return a verdict of first degree murder against him,  
11 solely because --

12 A No, it wouldn't.

13 Q -- he was a heavy drug user?

14 In other words, would you so dislike him because  
15 of his activities --

16 A No, I wouldn't.

17 Q -- in that field that you'd cast him aside and  
18 give him short shrift and not listen to his side of the case?

19 A No, I would not.

20 Q With regard to the death penalty issue, which you  
21 realize now, I'm sure, that we may never get to, but we have  
22 to talk about it now -- what is your attitude toward capital  
23 punishment, as you sit here now, or would you like time to  
24 think about, before reaching any -- I'm not talking about the  
25 facts of the case on Mr. Watson, but just hypothetically,  
26 theoretically.

27 A Well, I have thought about it quite a bit and I  
28 can't really say whether I'm really for it or against it. It

1 all depends on the case.

2 Q So if the issue were on a ballot as an abstract  
3 proposition, you don't know how you'd vote now?

4 A I think I would vote for it.

5 Q But you're not sure?

6 A I'm not sure.

7 Q You would have no hesitation, however, in return-  
8 ing a verdict of life imprisonment, if we ever get that far,  
9 if you felt that this was the proper punishment, would you?

10 A No, I wouldn't.

11 Q Even though you might think that popular sentiments  
12 were against you?

13 A No, I wouldn't.

14 Q That wouldn't affect or color your judgment in  
15 this case, would it?

16 A No.

17 Q You'd make up your own mind?

18 A Yes.

19 Q Do you believe in the theory or concept of retribu-  
20 tion, an eye for an eye and a tooth for a tooth?

21 A No, I do not.

22 Q How long have you been a teacher, overall, Miss  
23 Greene?

24 A I was a teacher just five years; before that, I  
25 was a bookkeeper.

26 Q And who were you a bookkeeper for?

27 A For Anita Frocks, Incorporated.

28 Q Do you have a master degree in education?

1 A No, I do not.

2 Q Or anything like that?

3 A No.

4 Q Did you major in psychology in school?

5 A No, I didn't.

6 Q Have you done much reading about drugs, such as  
7 LSD, hashish --

8 A No, very little.

9 Q -- methedrine?

10 A Very little.

11 Q Do you have any opinions at the present time as  
12 to how such drugs may or may not affect adversely the human  
13 mind?

14 A I have some, but --

15 Q Would you forget about such opinions that you may  
16 have on the subject of drugs and their effect on the human  
17 mind and listen to the evidence in this case and form your  
18 opinions from such evidence --

19 A Yes.

20 Q -- whatever your opinion might be after listening  
21 to the evidence?

22 A Yes.

23 Q Have you ever visited a psychiatrist, yourself?

24 A No, I have not.

25 Q Or has anybody near or dear to you ever been  
26 treated --

27 A No.

28 Q -- or examined by a psychiatrist?

1 Do you know any psychiatrists?

2 A No, I do not.

3 Q Has your reading solely been in the field of child  
4 psychology in connection with your teaching activities --

5 A No.

6 Q -- on the general subject of psychiatry?

7 A No.

8 Q Have you read about books or literature about  
9 abnormal psychology or --

10 A Yes.

11 Q Has this been recent?

12 A No.

13 Q Is this a special interest of yours in the field  
14 of psychology?

15 A No.

16 Q You are just a voracious reader, in general?

17 A Well, somewhat.

18 Q Can you think of any reason why you couldn't give  
19 Mr. Watson a fair trial?

20 A No, I cannot.

21 Q Is there anything that you want to tell us about  
22 that we haven't asked you about?

23 A No.

24 Q You have heard the name, helter-skelter used; and  
25 Mr. Dubrick has explained to some extent what that means.

26 Would that offend you in any way, in the event you  
27 might interpret some of that so-called philosophy as deroga-  
28 tory to the black people?

1 A No, I wouldn't.

2 Q I'm not suggesting that it is, but someone might  
3 interpret it that way.

4 A Yes.

5 MR. KEITH: Pass for cause.

6 MR. HUBRICK: No questions, your Honor.

7 THE COURT: People have the next challenge.

8 MR. BUGLIOSI: People thank and excuse Mrs. Johnson.

9 THE COURT: Thank you, Mrs. Johnson; you may be excused.  
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#12

1 THE CLERK: William E. Carboni, C-a-r-b-o-n-i.

2  
3 WILLIAM F. CARBONI

4 BY THE COURT:

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

7 A I can, but I think it would be a hardship. I  
8 have applied for jobs.

9 I have already sent out resumes and if I have to  
10 tell them that I won't be available for two or three months  
11 then I wouldn't be able to turn in my resignation with my  
12 present employer. It might jeopardize getting my new job.

13 Q Turn in your resignation? I don't understand what  
14 you mean.

15 A Well, on their applications, they usually ask  
16 when you will be available. I would have to apply that I  
17 couldn't be available for two or three months until this  
18 trial was over. Then I wouldn't be able to turn in my  
19 resignation with my present employer. I think that might  
20 jeopardize my getting the job.

21 Q Are you presently employed?

22 A Yes.

23 Q And you are concerned about a new job?

24 A Yes.

25 Q In what field are you?

26 A Civil engineering.

27 Q Do you have any prospects of an immediate job if  
28 it becomes available?

12-2

1 A I haven't received any replies yet. I don't know.

2 Q Not that I am an expert, but I think you had better  
3 hold onto the job you have got right now.

4 A I intend to.

5 Q Is that the only problem that is bothering you?

6 A Yes.

7 Q Do you think you could sit here for two months  
8 with us without worrying too much about that?

9 A Well, if they would offer me an immediate job  
10 and I had to turn it down, it might affect me.

11 Q You have been sending out these resumes for how  
12 long?

13 A I did it two weeks ago. I sent out just the initial  
14 batch.

15 Q Do you have any reason to believe that you are  
16 going to get a reply from what you sent out?

17 A Yes.

18 Q Mr. Carboni, I don't think that is sufficient  
19 grounds to excuse you.

20 Tell me, Mr. Carboni, is your attitude toward the  
21 death penalty such that you would automatically vote against  
22 it regardless of what the evidence might develop?

23 A No.

24 Q Is your attitude toward a capital crime such as  
25 you would automatically vote for life imprisonment regardless  
26 of what the evidence might develop?

27 A No.

28 Q In other words, you appreciate that you have that



12-3

1 choice and you alone have that choice?

2 A Yes.

3 Q And you are willing to assume that burden; is that  
4 correct?

5 A Yes.

6 Q You have heard all the names called off by Mr.  
7 Bugliosi and Mr. Kay.

8 Any doctor or lawyer or policeman's name sound  
9 familiar to you at all?

10 A No.

11 Q Other than what you have heard here, do you  
12 know anything about Mr. Watson?

13 A Other than what I have read in the paper, no.

14 Q You realize that in the Manson, so-called Manson  
15 case, Mr. Watson was not a defendant?

16 A Yes.

17 Q In this case he is presumed to be innocent and  
18 the burden rests with the prosecution to prove him guilty  
19 beyond a reasonable doubt.

20 Do you understand that?

21 A Yes.

22 Q Do you know any lawyer in this case?

23 A No.

24 Q You heard a lot of questions asked of the jurors,  
25 Other than the personal ones, if you were asked  
26 the same questions, would your answers be substantially the  
27 same?

28 A Yes.

12-4

1 Q Do you know of any reason at all why you could not  
2 be fair to the people, fair to this defendant, and decide this  
3 case only upon the evidence you hear and the law as I shall  
4 state it to you?

5 A No, I don't.

6 THE COURT: Gentlemen.

7 Q BY MR. BUEBICK: Mr. Carboni, from what you have said  
8 in response to the judge's question, I know that you are a  
9 civil engineer.

10 Are you self-employed or do you work for a firm?

11 A I work for the State of California, Division of  
12 Highways.

13 Q Is that here in the Los Angeles area?

14 A Yes.

15 Q Is there a Mrs. Carboni?

16 A Yes.

17 Q Is she employed outside of the home?

18 A She does temporary secretarial work.

19 Q Secretarial work?

20 A Right.

21 Q For what sort of a firm?

22 A She works for Stivers, temporarily, an agency which  
23 places her with other companies.

24 Q May I ask you, sir, whether you have ever been the  
25 victim of an assaultive crime?

26 A No, I haven't.

27 Q How about Mrs. Carboni?

28 A No.

12-5

1 Q Do you have among your friends people involved in  
2 law enforcement?

3 A Not close friends, no.

4 Q Do you have any that you see on a fairly regular  
5 basis?

6 A No.

7 Q Do you know any people whom you see regularly who  
8 ever were victims of any assaultive conduct?

9 A No.

10 Q Have you ever studied in the field of law or read  
11 in the field of law?

12 A No.

13 Q How about the field of psychology or psychiatry?

14 A No.

15 Q Do you know anybody yourself, Mr. Carboni, who has  
16 ever gone to a psychiatrist?

17 A Yes.

18 Q And did you know that person before the course of  
19 treatment started?

20 A Yes.

21 Q And after the treatments were over?

22 A Well, she is still -- it is not over.

23 Q Still involved?

24 A Yes.

25 Q Do you have a feeling or opinion, Mr. Carboni,  
26 about the relative merits of psychiatry in modern day society?

27 A Yes.

28 Q Do you feel there is a place for a psychiatrist in

12-6

1 modern day society?

2 A Yes.

3 Q And do you think those people are capable of  
4 interpreting human behavior?

5 A Yes.

6 Q Is there anything that you knew about your friend's  
7 relationship with psychiatry, or treatment with psychiatrists,  
8 that leads you to believe that a psychiatrist is one whose  
9 testimony you would automatically reject?

10 A No.

11 Q Let me ask you, Mr. Carbeni, if in view of every-  
12 thing you have read or heard about the Tate-La Bianca murders  
13 or the Manson trial, if you can call it that, that puts you in  
14 a frame of mind such that you think you may be unable to give  
15 Mr. Watson a fair and impartial trial?

16 A No, I don't think so.

17 Q Were you aware before arriving in court today of  
18 the outcome of the Manson trial?

19 A Yes.

20 Q You knew of course then Mr. Manson and the three  
21 females all suffered the death penalty?

22 A Yes.

23 Q Knowing that and knowing as you must by this time  
24 that Mr. Watson was one involved with Mr. Manson, would that  
25 fact prejudice you so that you couldn't give Mr. Watson a fair  
26 and impartial trial?

27 A No.

28 Q Do you have any feelings about -- I am sure you

1 do -- about the drug problem, but have you ever read or studied  
2 in the field of drugs?

3 A I have never studied it, no.

4 Q Have you read about LSD, perhaps marijuana, some  
5 of the other amphetamines?

6 A No, no more than magazines and newspaper articles.

7 Q Have you formed any opinion about what effects, if  
8 any they might have on a human being?

9 A I have some opinions.

10 Q Do you feel, Mr. Carboni, that you can set your  
11 own personal feelings and opinions aside and be guided solely  
12 by what you hear in this courtroom as to the effect on Mr.  
13 Watson?

14 A I believe I can.

15 Q If you hear any doctor or anybody else, any expert,  
16 express an opinion that happens to be contrary to those that  
17 you have formed, may we assume that you will abide by what you  
18 hear here in the courtroom?

19 A Yes.

20 Q Do you know anybody who attended any of the trial  
21 sessions on a fairly regular basis?

22 A No.

23 Q I am talking about the Manson trial.

24 Do you know anybody who was personally familiar  
25 with any of the people in that trial?

26 A No.

27 Q Are you personally familiar with anybody who was  
28 involved in the Manson trial?

A No.

13R-1

1 Q Did you ever read any of the statements attributed  
2 to Susan Atkins?

3 A No.

4 Q Did you ever read any of the statements attributed  
5 to Linda Kasabian?

6 A No.

7 Q If, during the course of this trial, something  
8 comes to mind that you cannot relate back -- or, you can relate  
9 back to something that you have read, will you forget about all  
10 outside forces?

11 A Yes.

12 Q You will be guided solely by what you hear here?

13 A Yes.

14 Q Did you, per chance, hear the statement or read  
15 the statement of President Nixon?

16 A Yes -- regarding the Manson trial?

17 Q Sir?

18 A Regarding the Manson trial?

19 Q Yes.

20 A Yes.

21 Q May I ask whether you will put that out of your  
22 mind and not let that influence your thinking at all?

23 A Yes.

24 Q Is that true, irrespective of how you felt about  
25 the merits of that statement?

26 A Yes.

27 Q Now, you have indicated in response to the judge's  
28 questions that you have no feeling about the death penalty

1 which would prevent you from imposing it, if you felt the facts  
2 justified it; is that correct?

3 A Yes.

4 Q Knowing what you know about this case, in that it  
5 is a case involving multiple killings -- at least, allegations  
6 of multiple -- that you may have a chance to find the defendant  
7 guilty of any number from one to seven, would that fact, in and  
8 of itself, prejudice you so that you would be more inclined to  
9 impose the death penalty than otherwise?

10 A I wouldn't do it automatically.

11 Q In other words, you were telling me, then, that  
12 even though you may find this defendant guilty of multiple  
13 killings, you will still listen to everything that is to be  
14 said about him and all other evidence, and take into considera-  
15 tion everything that you have heard, before you make up your  
16 mind?

17 A Yes.

18 Q If you convict him of multiple killings, will you  
19 foreclose your mind to all other material that he may have a  
20 chance to tell you about?

21 A No.

22 Q Do you feel, by virtue of all the publicity that  
23 is attendant on the past trial, that you are under some sort of  
24 compulsion to return a verdict of death in this case?

25 A No.

26 Q Have you ever been a member of any organization  
27 that sought to actively retain capital punishment?

28 A No.

1 Q Do you have any friends that you see fairly  
2 regularly who feel that way about it?

3 A No.

4 Q Let me ask you, then, Mr. Carboni -- is the \$64  
5 question: Is there anything you can tell me as a result of  
6 what you have heard presented in this court by anybody involved  
7 that leads you to believe that you can't be fair and impartial  
8 to both sides in this proceeding?

9 A No.

10 Q Now, aside from the fact that you may have prospects  
11 of a job in the offing, is there any reason that you can tell  
12 us, aside from that, that leads you to believe that you would  
13 prefer not to sit as a juror?

14 A Not aside from that.

15 Q And do you have any feeling that if a job offer  
16 came along, if you found out about it and you were sitting as  
17 a juror, that that might sort of hasten your desire to proceed  
18 with this matter?

19 A No.

20 Q You don't believe that you would be so distressed  
21 by the failure of an opportunity to respond to any job offer,  
22 assuming you got one, that you might pay something less than  
23 full attention to the proceedings here?

24 A I would still respond to the job offer, but I  
25 don't even see how I could speed things up and I wouldn't,  
26 anyhow.

27 Q You realize the defendant, if he ever got into the  
28 case where you are going to deliberate, would be entitled to



1 your individual opinion; we would like to assume that you just  
2 wouldn't reach a conclusion, so that you could go home the  
3 next day, and give it sort of a hasty treatment, because of  
4 the outside pressures?

5 A No.

6 Q You won't do that?

7 A No.

8 MR. BUBRICK: Thank you.

9 Pass for cause, your Honor.

10 BY MR. KAY:

11 Q I think what Mr. Bubrick was trying to say, Mr.  
12 Carboni, is that you wouldn't change your verdict just to get  
13 out and get that new job.

14 A No.

15 Q And do you feel that it would be a real hardship  
16 on you to stay with the Department of Highways until maybe the  
17 first of October?

18 A No, I'm happy with the job.

19 Q By any chance, do you happen to know a William  
20 Zamorra, who is a technician with the Department of Highways?

21 A Only that he was -- I believe he was the alternate  
22 on the Manson case.

23 Q He was a regular juror, but you don't know him?

24 A No, not personally; they had an article in the  
25 Division of Highway paper about him.

26 Q Yes, I saw that article.

27 Now, are you in favor of capital punishment?

28 A Yes.

1 Q In other words, if a pollster came by and asked  
2 you if you were for or against it, you would say, "I'm for  
3 it"?

4 A Yes.

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1 Q Can you conceive of, in your own mind, a situation  
2 where the proper punishment for a crime would be death?

3 A Yes.

4 Q And you have determined, I take it, in your own  
5 mind, that if the evidence warranted it that you, yourself,  
6 could impose the death penalty?

7 A Yes.

8 Q Even after seeing in this case, after seeing Mr.  
9 Watson for eight weeks, Monday through Friday, that you could  
10 come in and, if you felt the evidence warranted it, that you  
11 could tell him that he had to die for the crimes that he  
12 committed?

13 A If the evidence warranted it, yes, I could.

14 Q And I take it that you don't feel any moral or  
15 religious belief that you presently hold would prevent you  
16 from voting for the death penalty?

17 A No.

18 Q Is your wife or anyone in a close relationship,  
19 close friend or relative, against the death penalty to the  
20 extent that you think they would try and influence you to vote  
21 for a life verdict, if we got into the third phase of this trial?

22 A No.

23 Q Now, is this person that is visiting a psychiatrist,  
24 is this a close friend or a relative?

25 A She's a friend.

26 Q In other words, not a relative?

27 A No.

28 Q Do you have any objection to the fact that in this

1 courtroom the jurors are the ones that decide the questions  
2 of diminished capacity or insanity or sanity and not the  
3 psychiatrists?

4 Do you have any objection to that?

5 A No.

6 Q In other words, you won't try and pass the buck to  
7 the psychiatrists?

8 A No.

9 Q Now, do you realize in this courtroom -- and I am  
10 sure you have heard the questioning of the other jurors and  
11 his Honor's instructions that he read on legal insanity -- that  
12 this is a precise, narrow instruction and that is what we are  
13 dealing with, legal insanity.

14 Do you understand that?

15 A Yes.

16 Q And you understand a person could possibly be mental  
17 ill or mental abnormal and still not be legally insane?

18 A I understand that.

19 Q And I take it that if you felt that at the time of  
20 the seven Tate-La Bianca murders that Mr. Watson knew he was  
21 killing somebody and knew that this was wrong in the eyes  
22 of society, that you would not hesitate to bring in a verdict  
23 that he was sane at the time of the murder?

24 A No, I wouldn't.

25 Q And you understand that the first phase of the trial,  
26 the one we are talking about diminished capacity, that dimin-  
27 ished capacity, alone, is not enough.

28 It means that his capacity has to be so diminished

1 that he couldn't deliberate, premeditate, willfully commit  
2 the murders or harbor malice aforethought, which basically  
3 means an intent to kill, formulate an intent to kill.

4 You understand this?

5 A Yes.

6 Q Have you formulated any opinion as to the sanity,  
7 either past or present of Mr. Watson?

8 A No.

9 Q What about any of the other members of the Manson  
10 family?

11 A No.

12 Q Do you feel that just because Mr. Watson has  
13 entered a plea of not guilty by reason of insanity, that that's  
14 some evidence that he must have been insane at the time of the  
15 murders?

16 A No.

17 Q You understand that that's just a plea that any  
18 defendant in the world -- or, in the United States -- could  
19 enter?

20 A Yes.

21 Q Do you have any friends who are psychologists or  
22 psychiatrists?

23 A No.

24 Q Did you study psychology or psychiatry at all in  
25 college?

26 A No.

27 Q Not even as a basic course in psych?

28 A No.

1 Q I take it that if you felt that considering all  
2 the evidence in the case that the psychiatrist's opinion  
3 was unreasonable, that you would reject his opinion?

4 A Yes.

5 Q But if you felt that it was reasonable, considering  
6 all the other facts in the case, that you would consider it  
7 and give it the weight which you feel it is entitled?

8 A Yes.

9 Q Can you think of any reason other than your  
10 prospective employment why you could not or should not be a  
11 member of this jury?

12 A No.

13 Q And other than the employment, do you want to be a  
14 member of this jury?

15 A Other than the employment, yes.

16 Q Well, now, even considering the employment, the  
17 fact that you might lose out on a prospective new job, would  
18 you still want to be a juror in this case?

19 A Yes.

20 Q Do you have any sympathy for Mr. Watson because he  
21 is a defendant in this case?

22 A No.

23 Q And understanding that at the first phase of the  
24 trial that the prosecution has the burden, and only has the  
25 burden of proving the defendant guilty beyond a reasonable  
26 doubt and nothing more than that, would you hold the prosecution  
27 to any higher burden; in other words, proving the defendant  
28 guilty beyond all doubt or beyond the shadow of a doubt?

1 A No.

2 Q And do you think it is wrong to place a burden on  
3 the defendant at the second stage of this trial to prove to  
4 the jury that he is insane?

5 A No.

6 Q Now, have you or has any of your close friends or  
7 relatives ever been accused or charged for the crime by any  
8 governmental agency?

9 A No.

10 Q Such as law enforcement, or so on -- would you give  
11 any less weight to the testimony of a witness because that  
12 witness was a police officer?

13 A No, I wouldn't.

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1 Q Do you feel any bias or prejudice against police  
2 officers to any degree whatsoever?

3 A No.

4 Q Have you ever studied law?

5 A No.

6 Q Do you have any friends or relatives who are  
7 involved in the defense of criminal cases?

8 A No.

9 Q Private eyes, public defenders?

10 A No.

11 Q Is there anything that either Mr. Dubrick or I  
12 haven't asked you that you feel would be of interest to me in  
13 making a determination of whether or not to seat you as a  
14 juror in this case?

15 A I can't think of any.

16 Q Do you think you would be just as fair to the  
17 People as you could be to the defense in this case?

18 A Yes, I could.

19 MR. KAY: I thank you very much. Pass for cause, your  
20 Honor.

21 THE COURT: The defense has the next challenge.

22 MR. DUBRICK: We will thank and excuse Juror No. 2,  
23 Mrs. McMurtry.

24 THE COURT: You may be excused.

25 THE CLERK: George A. Chant, G-h-a-n-t.  
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27  
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GEORGE A. CHANT,

BY THE COURT:

Q Mr. Chant, you heard a great deal about this case by now, have you not?

A I believe so, yes.

Q Can you give us the two months we need to try this case?

A I think I can.

Q How about your attitude toward the death penalty?

A I am opposed to capital punishment. I voted against it. I'm very opposed to it.

Q Even though you were opposed to it -- a good many of us are -- but if you are instructed under the law that you have the right to, if we come to that phase of the case, to impose either the death penalty or life imprisonment, would you follow that instruction?

A I don't think I could, no, sir.

Q Do you mean that you are so opposed to the death penalty that regardless of what the evidence might show you, you would automatically vote against the death penalty?

A I would. I have listened to different ones speak on the subject and I have made up my mind thoroughly that I don't believe in capital punishment at all.

Q Now, you're telling us that is automatically you could not impose the death penalty, regardless of what the evidence was?

A No. It is not religious; it is my own belief.

THE COURT: Do you gentlemen wish to inquire any further?

1 MR. RUBRICK: No.

2 MR. BUGLIOSI: No.

3 May the juror be excused by stipulation?

4 MR. RUBRICK: So stipulated.

5 THE COURT: He may be excused.

6 THE CLERK: Vernon Johnson, J-o-h-n-s-o-n.

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8 VERNON JOHNSON,

9 BY THE COURT:

10 Q Mr. Johnson, you have heard a great deal of this  
11 case by now, have you not?

12 A Yes, sir.

13 Q No. 1, can you give us the two months we need to  
14 try this case?

15 A Yes, sir.

16 Q Now about your views toward capital punishment?  
17 Are your views such that you could not or that you would auto-  
18 matically vote against the death penalty, regardless of what  
19 the evidence may develop in this case?

20 A No.

21 Q Now, I would ask you whether you would automatic-  
22 ally vote for life imprisonment, regardless of what the evidence  
23 might develop in this case. What would your answer be?

24 A No.

25 Q I take it then you now know that it is the jury's  
26 function and only the jury's function to impose either the  
27 death penalty or life imprisonment?

28 A Yes.

1 Q You understand the law has no preference, one over  
2 the other, and regardless of whether the people ask for the  
3 death penalty and the defense asks for life imprisonment, you  
4 will make up your own mind on that; is that correct?

5 A Yes.

6 Q Have you served as a juror before?

7 A No, sir.

8 Q You have heard the names called off by the gentle-  
9 men in this case, the doctors, the lawyers, the police  
10 officers. Do you know any of them?

11 A No, sir.

12 Q And do you know any counsel in this case?

13 A No, sir.

14 Q You probably have heard about the Manson case,  
15 have you not, before you came to this court?

16 A Yes.

17 Q You know that Watson was not a defendant in that  
18 case?

19 A No.

20 Q And you know that every defendant is presumed to  
21 be innocent and the burden rests with the prosecution to prove  
22 him guilty beyond a reasonable doubt?

23 A Yes.

24 Q Can you give this defendant the benefit of that  
25 presumption?

26 A I will try.

27 Q You heard me tell the jury time and time again that  
28 they must keep an open mind. You must keep an open mind until

1 you have heard all the evidence in this case, until I have  
2 completed instructing you on the law and until you go into  
3 that courtroom to deliberate.

4 Can you do that?

5 A I think so.

6 Q And you will do so; is that correct?

7 A Yes, sir.

8 Q Do you know of any reason at all why you could  
9 not give the People just as fair a trial as you can give this  
10 defendant?

11 A No.

12 Q You see, both the People and the defendant are  
13 entitled to your individual opinion and you will give us the  
14 benefit of that individual opinion, will you not?

15 A Yes, sir.

16 Q As you sit there, you know of no reason at all  
17 why you could not be a fair and impartial juror in this case?

18 A Well, I will have to admit I think I am a little  
19 prejudiced against this defendant because of the Manson trial.

20 I have been trying to throw it out of my mind but  
21 it just keeps coming back.

22 Q In other words, you are prejudiced against this  
23 defendant at this time?

24 A I think so.

25 Q Is that prejudice such a prejudice that you can't  
26 give him a fair trial?

27 A No.

28 Q You can or cannot give him a fair trial?

1 A I think I can give him a fair trial.

2 Q Give him a fair trial and hang him, is that what  
3 you mean?

4 A Not exactly.

5 Q Not exactly. Well, from what you say, Mr. Johnson,  
6 it is questionable whether you can give this defendant a fair  
7 trial?

8 A Yes, sir.

9 Q And that is not fair to either the People or the  
10 defendant. You realize that. You prefer not to sit on this  
11 case. Is that correct?

12 A No, I don't prefer it at all.

13 Q You mean, even though you're prejudiced against this  
14 defendant, you still want to sit as a juror and try him?

15 A Well, somebody got to sit here.

16 THE COURT: Gentlemen, may he be excused?

17 MR. MUBRICK: Yes, your Honor.

18 MR. BUGLIOSI: Yes, by stipulation.

19 THE COURT: By stipulation.

20 MR. KEITH: Yes.

21 THE COURT: You are excused.

22 THE CLERK: Roger A. Haines.

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ROGER A. HAINES,

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BY THE COURT:

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Q Mr. Haines, you have been here for quite a while  
now and you know the kind of a jury we are trying to get,  
somebody who will give both sides a fair trial in this case?

1 A Yes.

2 Q You understand that?

3 A Yes.

4 Q No. 1, can you give us the two months that we  
5 need to try this case?

6 A No, sir. I talked to my employer this morning and  
7 because of being here yesterday and the time involved -- I  
8 come up for a training program next month and if I miss it,  
9 then I have to miss out on an annual increase in pay.

10 I asked him if it could be postponed and he said,  
11 "No, we postponed it once for jury duty. We can't do it  
12 again."

13 Q Who is your employer?

14 A Victor Comptometer Corporation.

15 Q What?

16 A Victor Comptometer Corporation.

17 Q That would work a hardship on you, if you did  
18 have to serve the two months that we need to try this case?

19 A Yes, it would.

20 Q This jury duty has been postponed once, was that  
21 for you?

22 A What?

23 Q Or rather this training program, was that post-  
24 poned once because of you?

25 A Yes. It was supposed to be this month but because  
26 of manpower shortages and what have you, they said, "Okay,  
27 fine, we can't postpone the jury duty forever, so you go ahead  
28 and serve this month and you will take your training next month."

1 Q Do you feel that it would work an undue hardship  
2 on you to remain here with us for two months?

3 A Yes.

4 THE COURT: May he be excused, gentlemen?

5 MR. BUBRICK: Yes.

6 MR. BUGLIOSI: No objection.

7 THE CLERK: Melvin M. Nickerson, N-i-c-k-e-r-s-o-n.

8 MR. KAY: What was the first name?

9 THE CLERK: M-e-l-v-i-n.

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MELVIN N. NICKERSON

BY THE COURT:

Q Mr. Nickerson, how about the time element, can you give us the two months we need?

A Yes, sir.

Q Now about your attitude toward the death penalty: If it ever comes to that phase of this case, is your attitude such that you would automatically vote against the imposition of the death penalty regardless of what might be developed from the evidence in this case?

A No, sir.

Q Would you automatically vote for life imprisonment under the same circumstances?

A No, sir.

Q In other words, you appreciate the fact that the penalty is up to the jury, entirely?

A That's correct, sir.

Q And you will exercise your own discretion in determining what penalty to be imposed?

A Yes, sir.

Q Have you sat as a juror before?

A No, sir.

Q Have you heard the names called off by Mr. Baglioni and Mr. Kay, the doctors and the lawyers and the policemen?

A Yes, sir, I have.

Q Did any of them sound familiar to you?

A No, sir they do not.



1 Q Now, you have heard a lot of questions being put  
2 to our prospective jurors.

3 Other than those that are purely personal, if you  
4 were asked the same questions would your answers be substantially  
5 the same?

6 A Yes, sir, it would be.

7 Q Now, you know we are trying hard here to get a  
8 jury who can be fair to the people and fair to this defend at  
9 and decide this case based only on the evidence you hear in  
10 this case and the law as I shall state it to you.

11 Can you be that type of a juror?

12 A Yes, sir.

13 Q No doubt you have heard about the Manson case, too?

14 A Yes, I have.

15 Q And you have heard me say time and time again that  
16 the defendant Watson was not a defendant in that case.

17 A Yes, sir.

18 Q Regardless of what the evidence showed in that case,  
19 in this case this defendant Watson is presumed to be innocent.

20 Do you understand that?

21 A Yes, sir.

22 Q And will you give him the benefit of that  
23 presumption?

24 A Yes, I would.

25 THE COURT: Gentlemen, will you approach the bench, please?

26 (Unreported discussion between court and counsel.)

27 THE COURT: Ladies and gentlemen of the jury, we will  
28 recess at this time until 1:45. There is a judges' meeting I

15-3

1 must attend.

2 During the recess, again, do not form or express  
3 any opinion in this case; do not discuss <sup>it</sup> amongst yourselves  
4 or with anybody else, and please keep your minds open.

5 1:45.

6 I might tell you that we will recess at 3:00  
7 o'clock, so if you want to make an appointment after 3:00,  
8 you may do so.

9 (The noon recess was taken until 1:45 p.m.  
10 of the same day.)

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1 LOS ANGELES, CALIFORNIA, FRIDAY, AUGUST 6, 1971; 1:45 P.M.

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4 THE COURT: People against Watson.

5 Let the record show all jurors are present and  
6 in their places.

7 The defendant and all counsel are present.

8 You were just about to talk to Mr. Nickerson,  
9 counsel.

10 Q BY MR. KEITH: Mr. Nickerson -- right?

11 A Yes.

12 Q Could you tell us what your occupation is, sir?

13 A I am a bus driver for the Federal Government.

14 Q I didn't know the Federal Government drove buses or  
15 operated buses.

16 A He has me to do it for him.

17 Q Does this bring you in contact with any federal  
18 Marshals or federal law enforcement people?

19 A Not on the scale -- once in a while they have a  
20 marshal to bring someone out there or they have a marshal come  
21 in and pick someone up.

22 Q Do you transport federal prisoners or something  
23 like that?

24 A No, just patients.

25 Q In what connection, when you say patients?

26 A Recreation, ballgames, fights, Scandias Restaurant,  
27 roller derby, picnicks.

28 Q Are you talking about transporting federal

16-2

1 employees?

2 A No, patients.

3 Q Patients from --

4 A Patients and members from the home to these  
5 different places that I go to.

6 Q What home, sir.

7 A From the VA home, federal Veterans Hospital.

8 THE COURT: Now, how do you join this club?

9 THE JUROR: It is quite a thing.

10 Q BY MR. KEITH: How long have you been at that  
11 delightful occupation?

12 A 21 years.

13 Q Are any of the patients that you transport what  
14 you might describe as mental patients?

15 A About four months out of the year, yes.

16 Q You transport solely people who are at the  
17 Veterans Hospital for emotional and psychiatric problems?

18 A They go out on recreation trips, yes.

19 Q Bearing in mind that psychiatry may play an  
20 important role in this particular case, would the mere fact  
21 that you transport from time to time mental patients from the  
22 Veteran Hospital in some way make it difficult for you to be  
23 a fair juror in this case, knowing what you do about illnesses  
24 of the human mind?

25 A No, I don't think so.

26 Q Do you have any close contact with any of the  
27 doctors at the Veterans Hospital?

28 A Not personally, no.

16-3

1 Q Did you ever talk to any of the psychiatrists on  
2 the staff there?

3 A No, sir, we don't talk.

4 Q Have you interested yourself in psychiatry at all?

5 A No, not particularly. I am interested in my job  
6 only.

7 Q Is there a Mrs. Nickerson?

8 A Yes.

9 Q Is she employed outside the home?

10 A Yes.

11 Q What does she do?

12 A She is an expense accountant for the Federal  
13 Aviation Agency.

14 Q And do you have children, sir?

15 A One.

16 Q Boy or girl?

17 A Boy.

18 Q How old is he?

19 A 28.

20 Q What is his occupation?

21 A Data processing at the moment.

22 Q For what company?

23 A Federal Government also.

24 Q The fact that your whole family apparently is  
25 employed by the government, that isn't going to make you side  
26 with the prosecution in this case, is it?

27 A No.

28 Q Merely because the prosecution represents the

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1 people, shall we say. We are people too. They represent us  
2 too.

3 A Right. No, that would have no bearing whatsoever.

4 Q The prosecution is a governmental agency.

5 A Yes.

6 Q Have you or anyone near and dear to you ever been  
7 the victim of a violent crime?

8 A No.

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1 Q Do you number among your close friends any members  
2 of law enforcement, including federal marshals?

3 A No.

4 Q Have you read any on the field of drug use and  
5 abuse?

6 A Not enough to give an opinion on it, just --

7 Q Just random articles --

8 A That's right.

9 Q -- and newspaper reports?

10 A Newspapers, magazines.

11 Q And things like that?

12 A That's right.

13 Q And did you know much about the Manson case before  
14 you came to court the other day?

15 A No, not too much so. I have read some of it  
16 newspapers and TV, that's all, not enough to form an opinion.

17 Q Had you known of the outcome of that case before  
18 you came to court?

19 A Yes, I did.

20 Q And as a result of having known the outcome and  
21 now knowing that Mr. Watson is charged with the same homicides  
22 that Mr. Manson was convicted of, do you have any opinion as  
23 to whether Mr. Watson is more likely to be guilty than  
24 innocent --

25 A No, I don't.

26 Q Because the offenses are the same?

27 A No, I don't.

28 Q You understand he's presumed innocent and you are

1 willing to follow that instruction and abide by that principle  
2 of law, are you not?

3 A Very much so.

4 Q Do you have any preconceived notion or opinion  
5 at all, from whatever source, about Mr. Watson's guilt or  
6 innocence?

7 A No, I don't.

8 Q Do you believe, Mr. Nickerson, psychiatry plays  
9 a significant function in our lives?

10 A Yes, I do.

11 Q And you wouldn't hesitate to send somebody to a  
12 psychiatrist, would you, or at least suggest they see a  
13 psychiatrist, if you thought they needed help?

14 A Sure; I would send them. I think they should.

15 Q In other words, you don't have anything against  
16 the art --

17 A No.

18 Q -- as it has been called, of psychiatry?

19 A No, I don't.

20 Q Have you seen or observed any of the mental patients  
21 up at VA being helped by reason of psychiatric examinations and  
22 treatment?

23 Have you made any such observations, in the first  
24 place?

25 A No, only as an individual; I don't get too familiar  
26 with it, because it is not good.

27 Q Do you talk to any, or socialize at all with any  
28 of the people you drive?



1           A     Talk to them, yes, not socialize.

2           Q     And some of the people that you have talked to  
3     in connection with your occupation are mental patients, as far  
4     as you know?

5           A     Yes.

6           Q     Do you have an opinion as a result of this exposure  
7     with mental patients what a person ought to be like to be  
8     mentally ill or mentally defective or mentally diseased or  
9     deranged?

10          A     I never gave it an opinion one way or the other.

11          Q     Do you feel you'd be able to listen to the psychia-  
12     trists' testimony and the other testimony in the case regarding  
13     mental conditions and dissociate yourself completely from any  
14     exposure you may have had with mental patients at the VA?

15          A     Oh, yes.

16          Q     With respect to the death penalty, if that issue  
17     were placed on a ballot and you were asked to vote whether  
18     to abolish capital punishment or retain it, do you have an  
19     opinion now as to how you would vote, or are you undecided?

20          A     Oh, I know how I would vote, yes.

21          Q     How would you vote?

22          A     I'd vote to keep it.

23          Q     Bearing in mind that you are not opposed to the  
24     death penalty and, in fact, favor it, do you feel that you'd  
25     be more inclined to give Mr. Watson death instead of life  
26     imprisonment at the present posture of the case, knowing  
27     nothing about the facts other than what he's charged with and  
28     the milieu in which he found himself at the time?

1 A No, I'd have to have all the facts.

2 Q You wouldn't automatically impose the death  
3 penalty?

4 A Not automatically.

5 Q Solely and because he might be convicted of first  
6 degree murder?

7 A No.

8 Q Would you have any problem of being in favor of  
9 the death penalty to find Mr. Watson guilty of something less  
10 than first degree murder or not guilty, or not guilty by  
11 reason of insanity, if it ever reached that phase of the case --

12 A It's according to what the evidence is.

13 Q -- by reason of your favoring the death penalty?  
14 You didn't let me finish.

15 In other words, would you be inclined, because  
16 you favored the death penalty, to have some hesitation about  
17 finding Mr. Watson guilty at something less than first degree  
18 murder or acquitting him or finding him insane because of  
19 your favoring the death penalty?

20 A No, I don't think so.

21 Q You think so, or are you sure so?

22 A No, I wouldn't; I'd have to wait to see what the  
23 the facts are before I would give an opinion either way.

24 Q Would you give us the benefit of your own individual  
25 opinion; would you make up your own mind and not be subservient  
26 to the wishes or desires, purported or actual of other people,  
27 or any extraneous circumstance that you may think about?

28 A No, I have made up my mind all these years, I think

1 I can still do it, about anything.

2 Q You wouldn't be influenced in any way by the  
3 publicity in this case?

4 A No.

5 Q Or in the Manson case?

6 A No.

7 Q You wouldn't be influenced in any way by what  
8 you might believe popular sentiment dictated?

9 A No, I wouldn't.

10 Q Do you believe in the concept of retribution, an  
11 eye for an eye, a tooth for a tooth, as a valid concept?

12 A No, I don't.

13 Q Is there anything you can think of that I haven't  
14 asked you that you'd like to tell us about, bearing on your  
15 fitness to sit as a fair juror?

16 A Nothing; just strictly keep an open mind and  
17 listen to the facts, that's all.

18 MR. KEITH: Pass for cause.

19 THE COURT: Prosecution?

20 BY MR. BUGLIOSI:

21 Q Mr. Nickerson, you can give both sides a fair trial,  
22 sir?

23 A Yes, sir.

24 MR. BUGLIOSI: No further questions.

25 THE COURT: Next challenge for the People.

26 MR. BUGLIOSI: People thank and excuse Mrs. Greene.

27 THE COURT: Thank you, Mrs. Greene; you may be excused.  
28

1 THE CLERK: Norma P. Oreskovich, O-r-e-s-k-o-v-i-c-h.

2 THE COURT: O-r-e-s-k--

3 THE CLERK: o-v-i-c-h.

4 THE JUROR: It is Yugoslav.

5 NORMA P. ORESKOVICH

6 BY THE COURT:

7 Q Oreskovich.

8 A That is my husband's name, yes, Yugoslav.

9 My name is Peterson.

10 Q Do you care if we call you Mrs. Oreskovich?

11 A That is fine.

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

14 A I hadn't planned on it, but I could.

15 Q Good.

16 Now about your attitude toward the death penalty?  
17 Did you want to say something?

18 A I was just going to answer what I thought you were  
19 going to say,

20 Q What did you think I was going to ask you?

21 A About the death penalty.

22 Q All right, I will ask you. Would you automatically  
23 vote against the death penalty regardless of what might be  
24 developed at the trial of this case?

25 A No, sir.

26 Q Would you automatically vote for the death penalty  
27 regardless of what might be developed at this case?

28 A No, your Honor.

18-2

1 Q You realize you have the choice, if we come to  
2 that question of life imprisonment or death, that is entirely  
3 within your discretion.

4 Do you understand that?

5 A Yes, your Honor.

6 Q The law does not favor one or the other.

7 A Correct.

8 Q And you are willing to assume that duty?

9 A Well, it would be hard, your Honor, because I am  
10 a Christian. However I would vote for the death penalty, so  
11 if I would vote for it on the ballot, I would automatically  
12 want to back up what I would vote, so I would but it would be  
13 hard.

14 Q Well, many people are opposed to the death penalty,  
15 Mrs. Oreskovich. Many people are, but if you are chosen as  
16 a juror, it will be your duty to decide which penalty to  
17 impose in this case if you find him guilty in the first degree.

18 Can you do that?

19 A Yes, your Honor.

20 Q Now, you have heard us talk about the presumption  
21 of innocence. This defendant is presumed to be innocent  
22 and the burden rests with the prosecution to prove him guilty  
23 beyond a reasonable doubt.

24 No doubt you have heard about the Manson case and  
25 the Tate-La Bianca murders.

26 A Yes.

27 Q Again this defendant was not a defendant in that  
28 case and regardless of what you heard in that case, are you

18--3

1 willing to forget that and decide the guilt or innocence on  
2 all the issues of this case based only upon the evidence you  
3 hear in the case and the law as I shall state it to you?

4 A Yes, your Honor.

5 Q In other words, as you sit there now you have no  
6 prejudice against this defendant at all; is that correct?

7 A Correct, your Honor.

8 Q You have heard us say time and time again we are  
9 trying to get a jury here who will be just as fair to the  
10 people as to this defendant and who will fairly try all the  
11 issues in this case based only on the evidence and the law.

12 Can you be that kind of a juror?

13 A I could, your Honor.

14 Q Have you sat as a juror before?

15 A I just started Monday.

16 Q Have you sat on no cases before?

17 A Correct.

18 Q You have heard the names of the doctors, the  
19 policemen and the lawyers?

20 A I know no one.

21 Q You know no one and you know no counsel?

22 A Correct, your Honor.

23 Q Is there anything you think you should tell us  
24 that might go to your qualifications as a juror?

25 A Well, perhaps the defense would be interested to  
26 know that my daughter is having a baby about the 1st of  
27 October, but it wouldn't make any difference to me.

28 Q It might make a lot of difference when you become

1 a grandmother. It makes a lot of difference.

2 A I have been once before.

3 Q Then you know?

4 A That is right.

5 Q Well, I don't think that would prevent you.

6 A It certainly shouldn't.

7 THE COURT: Thank you.

8 Mr. Subrick.

9 Q BY MR. SUBRICK: Mrs. Oreskovich, are you employed  
10 outside the home?

11 A My husband and I are self-employed. We have a  
12 film processing equipment company and he operates it, which  
13 he is doing now.

14 Q Does any of your filming work that you do have any-  
15 thing to do with drugs, or have you done anything along that  
16 line?

17 A No.

18 Q We know at least you have one daughter who is about  
19 to become a mother.

20 A Yes. I have a son that is about to become 25 years  
21 old, another son that is married and working. He was laid off  
22 at Lockheed and is working at Douglas.

23 Q What does your 25-year old son do?

24 A Right now he is surfing.

25 Q Surfing?

26 A Correct, sir. He works at a ski resort in the  
27 winter driving a truck.

28 Q I take it nobody in the family then has ever been

1 involved with any sort of law enforcement work.

2 A Correct, sir.

3 Q May I ask you please then have you ever been the  
4 victim of any sort of assaultive crime?

5 A No.

6 Q How about Mr. Oreskovich?

7 A No, sir.

8 Q Any of the children so far as you know?

9 A No, sir.

10 Q Anybody close to you that you see quite frequently?

11 A No.

12 Q Have you ever witnessed a crime being committed?

13 A No, sir.

14 Q Have you ever had occasion to be a witness for the  
15 prosecution in a criminal case?

16 A No, sir.

17 Q Have you ever studied in the field of psychology or  
18 psychiatry?

19 A College, basic psychology.

20 Q Anything other than that?

21 A No, sir.

22 Q That was probably at least last week or the week  
23 before that. Is there anything about that course, you know,  
24 that stays in your mind at the moment?

25 A No, sir.

26 Q And if something should come up during the cour<sup>se</sup>  
27 of these proceedings that is different than what you recall  
28 from your course in psychology, I assume that you will abide



1 by what you hear here.

2 A Correct, sir.

3 Q Do you number among your family any psychiatrists  
4 or psychologists?

5 A No, sir.

6 Q Do you know anybody who has ever had to go see a  
7 psychologist or a psychiatrist?

8 A My sister.

9 Q As a result of that experience have you formed any  
10 opinion about the relative merits of a psychiatrist or  
11 psychologist?

12 A She was helped, sir.

13 Q I take it then that you know nothing from any sort  
14 of personal experience or experience of anybody close to you  
15 that would lead you to believe that they do not occupy a  
16 position of some eminence in the community?

17 A Correct, sir.

18 Q Do you feel that they have a place in modern  
19 society?

20 A Yes, definitely, sir. I worked as a gray lady at  
21 the Veterans Memorial Hospital in Louisville, Kentucky and part  
22 of my Red Cross assignment was working in the psychiatric ward.

23 Q You say Louisville, Kentucky?

24 A Correct.

25 Q Was that with the Federal Health Department Service?

26 A That is right, with the Veterans Administration.  
27 It was volunteer work, working once or twice a week, when my  
28 children were young.

1 Q Did you perchance work in the narcotic rehabilitation  
2 center with the federal government?

3 A We didn't have that problem back in the early '30s  
4 or late '40s.

5 Q Knowing that the problem now exists and that Mr.  
6 Watson may have been one who had a drug use or drug use problem,  
7 are you prejudiced against him in any way at all because of  
8 that?

9 A None whatsoever.

10 Q Knowing what you must know as a result of everything  
11 you heard during the course of these proceedings and read in  
12 the papers, and saw over television, do you have any feeling  
13 at all that you wouldn't be able to forget about everything you  
14 have heard about any of the related matters and try Mr. Watson  
15 as an individual in this case?

16 A I don't remember too much, sir, because I hadn't  
17 been paying too much attention to the case, sir.

18 Q Well, did you know before you came to court today  
19 the outcome of the Manson trial or the Tate-La Bianca proceedings?

20 A I vaguely knew they were guilty. I didn't know  
21 about the rest of them.

22 Q You know now, of course.

23 A I do, correct.

24 Q That Manson and the girls did get the death penalty?

25 A Yes,

26 Q And knowing that Mr. Watson was a member of that  
27 group at that time, and for that reason alone do you feel that  
28 he should get the same sort of punishment if you find him guilty

1 of first degree murder?

2 A Each individual -- each person is an individual,  
3 sir.

4 Q And you must realize by now, of course, that this  
5 is a case that involves multiple killings.

6 Is your frame of mind such at this moment, Mrs.  
7 Oreskovich, that if you found this defendant guilty of first  
8 degree murder on more than one count, you would be inclined  
9 to impose the death penalty?

10 A No, sir, I wouldn't.

11 Q Will you take that fact into consideration with all  
12 other facts that you may hear before you make up your mind  
13 which of these punishments you find most appropriate?

14 A Yes.

1 Q Have either you or Mr. Oreskovich ever been a  
2 member of an organization that sought to retain capital  
3 punishment?

4 A No, not to my knowledge, sir.

5 Q Have you ever attended any lectures or any  
6 proceedings where that was the principal subject under  
7 discussion?

8 A No, sir.

9 Q Do you have any feeling as you sit there now,  
10 Mrs. Oreskovich, because of all the publicity and everything  
11 else that has been attendant on the original trial that there  
12 is a demand on your part that you return the death penalty?

13 A No, sir.

14 Q Do you have any ideas or have you ever formulated  
15 any ideas prior to today about the factual situation under  
16 which you would be compelled to impose the death penalty?

17 A Frankly, sir, I never gave it much thought. I  
18 never thought I'd be in this position.

19 Q That's fair enough.

20 Now, as a result of anything you may have heard  
21 mentioned during the course of these proceedings thus far,  
22 do you have any reason at all -- do you know any reason at  
23 all why you can't be fair and impartial to both sides?

24 A None whatsoever.

25 Q And I take it you would like to serve as a juror  
26 in this proceedings if selected?

27 A I would.

28 MR. BUBRICK: I pass for cause, your Honor.

1 THE COURT: Mr. Kay.

2 MR. KAY: Thank you.

3 THE COURT: Can't you leave some of those papers back  
4 there?

5 MR. KAY: I could put them on microfilm and disguise  
6 them so you wouldn't realize I was coming up here with so  
7 much.

8 Q Good afternoon, Mrs. Oreskovich.

9 A Good afternoon, sir.

10 Q Let me ask you this question: Knowing you have  
11 a son that is almost 25 and knowing that Mr. Watson is 25,  
12 do you think that if you thought the evidence warranted it  
13 that you could really bring in a death sentence against Mr.  
14 Watson?

15 A Well, I'd have to think about it, but I could; I  
16 mean, if the evidence warranted it.

17 Q You are really sure about that?

18 A I am sure of it, yes, because I would vote the  
19 death sentence, I mean, if it would be on the ballot; and I  
20 have to back up my convictions.

21 Q So the fact that you have a son that would almost  
22 be Mr. Watson's age wouldn't deter you from voting for the  
23 death sentence, if you felt it was warranted?

24 A If the evidence shows beyond a reasonable doubt.

25 Q Do you think that by the fact that your son is  
26 almost 25 and Mr. Watson is 25 that you would put the burden  
27 on the prosecution in the third phase of the trial of proving  
28 to you that Mr. Watson deserves to die?

1           A       No, the similarity of the ages would have no  
2 bearing on my decision.

3           Q       That's what I was after; thank you.

4       THE COURT: Then why didn't you ask that?

5       MR. KAY: Well, you know lawyers always like to beat  
6 around the bush, Judge.

7       THE COURT: Some.

8           Q       BY MR. KAY: Now, in the sanity phase of the  
9 trial -- let me go there for a moment, and I want to still  
10 ask you a few questions about the death penalty phase -- but,  
11 on the sanity phase do you think it is wrong for the law to  
12 put the burden on the defense to have them prove to you that  
13 Mr. Watson was insane by a preponderance of the evidence?

14                   Do you think that that's wrong, that it is  
15 unreasonable?

16          A       I frankly hadn't given that any consideration.

17          Q       Do you quarrel with the law on that point?

18          A       No, apparently there is a reason that the law is  
19 of that standing, so I would certainly uphold the law.

20          Q       So, in other words, when you are in the jury room,  
21 that you wouldn't say, "Well, I think that the burden should  
22 be on the prosecution" --

23          A       No.

24          Q       -- "in all three phases instead of the first  
25 phase"?

26          A       No, I would abide by the way the situation stands.

27          Q       In other words, you would follow the judge's  
28 instructions to a T?

1 A You bat, sir.

2 Q Good.

3 Now, you realize that in this case we are dealing  
4 with a precise, narrow definition of what constitutes legal  
5 insanity; and you heard the judge when he read the  
6 instruction, didn't you?

7 A Yes, sir.

8 Q And do you have any quarrel with that instruction?

9 A No, sir.

10 Q And do you realize that under that instruction a  
11 person could be mentally ill or mentally abnormal and still  
12 not be legally insane?

13 A Yes, sir.

14 Q Do you understand that?

15 Do you understand that the first phase, when we  
16 were talking about the element of diminished capacity, that  
17 diminished capacity, alone, is not enough; that a defendant's  
18 capacity at the time of the crime has to be so diminished, if  
19 we are talking about first degree murder, that he can't  
20 deliberate and premeditate and form the willfulness and the in-  
21 tent to kill.

22 Do you understand that?

23 A Yes, sir.

24 Q So diminished capacity, alone, is not the important  
25 thing --

26 A Yes, sir.

27 Q It is how far his capacity was diminished.

28 Now, have you formulated any opinion as to the

1       sanity, either past or present of Mr. Watson?

2           A       No, sir; I haven't heard any evidence and I  
3       haven't.

4           Q       Do you feel that just because Mr. Watson has  
5       entered a plea of not guilty by reason of insanity and because  
6       of the fact that both Mr. Bubrick and Mr. Keith spent a lot  
7       of time talking to the other jurors about diminished capacity  
8       that there must be something mentally wrong with Mr. Watson?

9           A       No, I don't believe that.

10          Q       You understand that anybody can enter a plea --

11          A       That's right.

12          Q       -- and any lawyer can get up and voir dire you  
13       on anything he wants to --

14          A       Yes, sir.

15          Q       -- as long as the judge will let him?

16                 Now, do you feel that your experience in working  
17       in Kentucky would make you feel that you would automatically  
18       accept the testimony of a psychiatrist from the witness stand?

19          A       No, sir, because in my experience I had nothing to  
20       do with psychiatrists. We were just strictly there to  
21       entertain the patients and sing songs and play bingo and such  
22       as that nature.

19A



1 Q I see. Now, do you feel that the fact that in the  
2 past that you have helped mental patients, do you feel that you  
3 would feel in this trial that you would have to help rather than  
4 determine a punishment for Mr. Watson?

5 A No, sir.

6 Q Do you have any friends who are psychologists or  
7 psychiatrists?

8 A No, sir.

9 Q I believe you said that your sister went to a  
10 psychiatrist?

11 A Correct, sir, but that was in a different city from  
12 where I was living. This was Minneapolis when she sought  
13 psychiatric help, and I was living in Louisville.

14 Q How long ago was that that she went to a psychiatrist?

15 A Over 20 years.

16 Q And you don't know if that psychiatrist had anything  
17 to do with criminal psychiatry?

18 A No, sir, I never met the psychiatrist, sir.

19 Q You understand that there might be a difference  
20 between psychiatry where you go in and lie down on the psychia-  
21 trist's couch and tell him about your problems, and the field  
22 of criminal psychiatry?

23 You understand that there might be a big difference  
24 in that?

25 A I presume so, sir.

26 Q And I take it that if you felt that a psychiatrist's  
27 testimony was unreasonable that you would reject it?

28 A Yes, sir.

2  
1 A Yes, sir.

2 Q But if, in view of all the other facts in the case,  
3 if you thought that his opinion was reasonable, that you would  
4 consider it and give it the weight to which you thought it was  
5 entitled?

6 A Yes, sir.

7 Q Now, I take it that at the end of the sanity phase  
8 that if you felt, after all the evidence was in and considering  
9 the evidence that went on at the first trial, which the judge  
10 gave you instruction at the second trial that you could con-  
11 sider everything that took place at the first trial, all the  
12 testimony, that at the end of the second trial, when you are  
13 making the determination in your verdict of whether or not Mr.  
14 Watson was sane or insane, that if you found that at the time  
15 of the murders that Mr. Watson knew he was killing human beings  
16 and knew that this was wrong in the eyes of society, that you  
17 would not hesitate to find that he was sane at the time of the  
18 murders?

19 A That was a little hard to follow.

20 Q Let me say this, that if you found at the end of  
21 the second phase of the trial, after considering all the  
22 evidence that the judge instructed you that you could consider,  
23 that if you felt that at the time of the murders, Mr. Watson  
24 knew that he was killing human beings and knew that this was  
25 wrong in the eyes of society, that you wouldn't hesitate to  
26 come back in with a verdict finding that he was sane at the time  
27 of the murders?

28 A Well, I'd probably hesitate, but if the evidence

3  
1 warranted, I could do it.

2 Q Well, you understand that under the instructions  
3 that that fact situation would mean that he was sane, under the  
4 instructions that Judge Alexander read to you?

5 A Right.

6 Q So if under the instructions you felt that he was  
7 not insane, that you would come back with a verdict that he was  
8 sane?

9 A Yes, sir.

10 Q Now, can you think of any reason why you could not  
11 or should not sit on this jury?

12 A No, sir.

13 Q Now, is it your firm position that the People are  
14 entitled to just an equal, fair trial with the defense?

15 A Yes, sir.

16 Q Now, do you have any sympathy for Mr. Watson, for  
17 any reason whatsoever because he is a defendant in this case?

18 A No, sir.

19 Q And realizing that at the first phase of the trial,  
20 the guilt or innocence, that the prosecution has the legal  
21 burden of proving a defendant guilty only beyond a reasonable  
22 doubt, would you hold us to any higher burden?

23 A No, sir.

24 Q In other words, you wouldn't --

25 A No.

26 Q -- make us prove he was guilty beyond all doubt  
27 or beyond a shadow of a doubt?

28 Do you understand the distinction?

1           A       Yes.

2           Q       And you understand that the presumption of innocence

3 lasts only until the prosecution has proved that the defendant

4 is guilty beyond a reasonable doubt?

5           A       Yes, sir.

6           Q       Now, have you, or have any close friends or rela-

7 tives of yours ever been charged with a crime by a governmental

8 authority?

9           A       Outside of automobile tickets --

10          Q       No, not automobile tickets; anything like a felony --

11          A       No, sir.

12          Q       Have you ever studied law?

13          A       Well, just business law when I was in college,

14 just a year.

15          Q       But not criminal law?

16          A       No, sir.

17          Q       And other than that one basic psych course that you

18 took, did you ever study psychiatry or psychology?

19          A       No, sir, that's about the extent.

20          Q       Well, when you were working in the hospital in

21 Kentucky did you read any pamphlets --

22          A       No, sir.

23          Q       -- or books that the doctors gave you?

24          A       No, sir; I was too busy taking care of children.

25          Q       Were the mainly children that you --

26          A       No, sir, my own. This was the way I'd spend my

27 day off a week, I'd go over to the hospital and that gave me a

28 day off for my children. It was a different world.

1 Q What were the ages in the hospital, did they range  
2 all different?

3 A They were veterans of various ages that you find  
4 in a typical veterans hospital, anywhere from maybe 20 to 50.

5 Q And have you ever been a witness in a courtroom?

6 A No, sir.

7 Q And do you have any close friends or relatives that  
8 engage in the defense of criminal cases?

9 A No, sir.

10 Q Is there anything I haven't asked you that you feel  
11 would be important for me to know in making a determination of  
12 whether or not to seat you as a juror in this case?

13 A No, sir.

14 Q And it is absolutely clear in your mind that if the  
15 evidence warranted it, that you could come back and in the form  
16 of your verdict, tell Mr. Watson that he had to die for the  
17 crimes that he committed?

18 A It would be hard to do, but I could do it.

19 Q No doubt?

20 A No doubt.

21 MR. KAY: Thank you very much.

22 Pass for cause, your Honor.

23 THE COURT: Defense has the next challenge.

24 MR. BUBRICK: We will thank and excuse Juror No. 7, your  
25 Honor, Mr. Pollak.

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

27 THE CLERK: Rose L. Herndon, H-e-r-n-d-o-n.  
28

ROSE E. HERNDON,

BY THE COURT:

Q Mrs. Herndon, we have a distinguished member of our Court of Appeals by a similar name. Are you related to him?

A No. I believe he was related to my ex-husband.

Q Well, he is still a distinguished member of our Court of Appeals.

Mrs. Herndon, can you give us the two months we need to try this case?

A I believe my store would let me off.

Q You have no worries about that?

Now, how about the death penalty, do you have such conscientious scruples against the death penalty, that you would automatically vote against the imposition of the death penalty, without regard to what might be developed in the evidence?

A Well, I really don't know what to say. I have never done this before and I might be fearful.

#20

1 Q Well, that is true. That is a very understandable  
2 reaction. Most people would be fearful in a case like that  
3 and they are very careful.

4 Most people would be and I think all people are.  
5 You understood you heard us say that if the defendant is  
6 found guilty of murder in the first degree and if he is found  
7 sane, it would then be your duty to impose the penalty?

8 A Yes.

9 Q That penalty could be the death penalty or it  
10 could be life imprisonment and you are the sole and only person  
11 who can make that decision, you as a juror.

12 Do you understand that?

13 A I believe I couldn't do it.

14 Q You mean you are so conscientiously opposed to  
15 the death penalty you could not vote it under any circumstances?

16 A I doubt if I could.

17 Q Well, you doubt if you could. We have got to make  
18 it unmistakably clear one way or the other.

19 A Well, if the evidence was so like the people said  
20 it would be, with pictures and all, that I couldn't take. I  
21 would be emotionally upset.

22 Q Don't confuse it. The people didn't say anything  
23 about the pictures. Someone else talked about the pictures.

24 Do you think you would be so emotionally upset in  
25 a case of this kind that you really could not give an impartial  
26 judgment; is that what you mean, Mrs. Herndon?

27 A Yes.

28 Q I take it you prefer not to sit on this case; is

1 that right?

2 A That is correct.

3 THE COURT: Gentlemen, may we stipulate she be excused?

4 MR. BUGLIOSI: Yes, your Honor.

5 MR. BUBRICK: Yes, we will so stipulate.

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

7 THE CLERK: Mrs. Anna F. Hackett, H-a-c-k-e-t-t.

8 THE JUROR: Anna F. E. Hackett.

9  
10 ANNA F. E. HACKETT,

11 BY THE COURT:

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

14 A Yes.

15 Q How about your views toward the death penalty? Are  
16 they such that you would automatically vote against the  
17 imposition of the death penalty regardless of what might be  
18 developed in this case?

19 A No.

20 Q Would you automatically vote for life imprisonment  
21 regardless of what the evidence might be?

22 A No.

23 Q I take it from your answers you understand that  
24 the choice of the death penalty, if it comes to that, and life  
25 imprisonment rests entirely with you.

26 Do you understand that?

27 A Yes.

28 Q And there can be no guidelines. It rests in your



1 own good conscience, based on everything you hear pertaining  
2 to this defendant.

3 A Yes.

4 Q And you are willing to assume that burden, are  
5 you?

6 A Yes.

7 Q You heard a lot of questions put to our jurors  
8 here. Is there any one question other than the personal ones  
9 that you think you could give a different answer to?

10 A No.

11 Q Do you know of any reason why you couldn't be  
12 fair to the people and fair to this defendant?

13 A No.

14 Q Of course you have heard of the Manson trial?

15 A Yes, I have heard of it.

16 Q Knowing that this defendant was not in that case  
17 at all, do you think you could forget everything you ever heard  
18 about the Manson trial and give this defendant the presumption  
19 of innocence to which he is entitled and decide his guilt, his  
20 innocence, and all of the issues only upon the evidence you  
21 hear in this case and the law as I give it to you?

22 A Yes.

23 Q Is there anything at all, Mrs. Hackett, that you  
24 think you should tell us that deals with your qualifications  
25 as a juror?

26 A No.

27 THE COURT: You may inquire.

28 Q BY MR. KEITH: Mrs. Hackett, is there a Mr. Hackett?

1 A Yes.

2 Q What is his occupation?

3 A He is an assistant civil engineer for the State

4 Division of Highways.

5 Q I wonder if he would know Mr. Carboni?

6 MR. CARBONI: I wouldn't know him anyway.

7 MR. KEITH: All right. Thank you.

8 THE COURT: That would make it easier just to ask you.

9 Q BY MR. KEITH: Are you employed outside the home?

10 A Yes.

11 Q What is your occupation?

12 A I am a clerk-typist for the State Division of

13 Highways.

14 Q Do you have any children?

15 A No.

16 Q Do you know anybody engaged in law enforcement

17 work?

18 A No.

19 Q More than just casually, I would say?

20 A No.

21 Q Have either you or your husband or anybody close

22 to you ever been the victims of some kind of a serious crime?

23 A No.

24 Q Ever been a witness to a crime?

25 A No.

26 Q Ever appeared in court as a witness?

27 A No.

28 Q Regarding the publicity in this case and the Manson

1 case, as a result of that publicity have you formed some  
2 opinion about Mr. Watson's guilt or innocence?

3 A No, I haven't.

4 Q Did you follow that case in any degree? I am  
5 talking about the Manson case.

6 A No,

7 Q Did you even know the outcome of the case before  
8 you came to court today?

9 A Yes.

10 Q Or yesterday?

11 A Yes.

12 Q That is about all you knew about it?

13 A Yes.

14 Q Did you ever know who Charles Manson was or was  
15 reputed to be?

16 A No.

17 Q You have no idea now what sort of a person he was  
18 supposed to be?

19 A Just according to the newspapers, what the  
20 newspapers said.

21 Q What did the newspapers say about him, if you  
22 remember?

23 THE COURT: All?

24 Q BY MR. KEITH: Not all of them, but anything you  
25 can remember in capsulated form.

26 A Just the killings, that is all.

27 Q You never -- did you ever read about his being  
28 a cult leader up at the Spahn Ranch?

1           A       I heard about it. I didn't read about it, I  
2 heard about it.

3           Q       You didn't pay much attention to that case?

4           A       No.

5           Q       So what happened in that case isn't going to have  
6 any bearing on your judgment in this case if you are selected  
7 as a juror?

8           A       Right.

9           Q       Do you know any psychiatrists?

10          A       No, I don't.

11          Q       Do you know anybody that is close to you that has  
12 ever sought help from a psychiatrist?

13          A       No.

14          Q       Do you know anything about drugs such as LSD,  
15 speed, methedrine, amphetamines, bella donna?

16          A       No, I don't.

17          Q       You haven't done any reading on that subject?

18          A       No, I haven't.

19          Q       You have heard it asked ad nauseum of the other  
20 jurors, I suppose, whether the fact that Mr. Watson was a  
21 drug abuser and lived in a hippie style, commune, led by Mr.  
22 Manson, would influence your judgment in any way against him  
23 solely because of those facts alone?

24          A       No.

25          Q       I am not suggesting that those are facts, if they  
26 are elicited in the evidence in this case may not have some  
27 materiality. Don't misunderstand me.

28                   I am just asking you if you hold it against Mr.

1 Watson because he overindulged in a variety of drugs, if the  
2 evidence<sup>so</sup> shows?

3 A No.

4 Q Do you believe that psychiatry has an important  
5 function in our modern day society?

6 A Yes.

7 Q With respect to the death penalty, if such an  
8 issue were placed on the ballot to abolish or retain capital  
9 punishment, do you know how you would vote at this time or  
10 would you like to give it more thought?

11 A I would have to give it more thought.

12 Q You haven't given it much thought in the past, I  
13 take it?

14 A No, sir, I haven't.

15 Q And you are undecided now as to whether you would  
16 vote to retain or abolish capital punishment?

17 A Yes, I am.

18 Q You wouldn't automatically impose capital  
19 punishment on Mr. Watson, would you, for no other reason than he  
20 were convicted of first degree murder?

21 A No, I wouldn't.

22 Q You would want to know all the facts and all his  
23 background and history and all the circumstances surrounding  
24 his life and the circumstances surrounding the alleged  
25 offenses, would you not?

26 A Right.

27 Q This is not suggest that we are ever going to get  
28 to that third phase, mind you, but if we happen to you are not

1 going to automatically do anything, are you?

2 A No.

3 Q And the same goes for this phase of the trial,  
4 the guilt or innocence phase, you are going to keep an open  
5 mind and weigh all the evidence and discuss the facts fully  
6 and fairly with your fellow jurors and reach a just decision?

7 A Yes.

8 Q Do you have in mind the principles of law that  
9 have been enunciated by Judge Alexander from the bench from  
10 time to time?

11 A Yes.

12 Q Do you think you understand the concept of  
13 diminished capacity as the law has been already given to you  
14 by his Honor?

15 A Yes.

16 Q And do you understand the doctrine of diminished  
17 capacity comes to play in its first phase of the trial, the  
18 guilt or innocence phase?

19 A Yes.

20  
21  
22  
23  
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1 Q And diminished capacity means a mental condition  
2 which is short of insanity. Do you understand that?

3 A Yes.

4 Q And you are well aware that if Mr. Watson is con-  
5 victed of anything, voluntary manslaughter, there will be an  
6 insanity trial, but not a death penalty trial?

7 A Yes.

8 Q Do you believe it is possible, Mrs. Hackett, that  
9 someone can be legally insane within the definition given you  
10 by his Honor, if not today, certainly yesterday?

11 A Would you repeat that?

12 Q Well, perhaps I am confused. Do you think it is  
13 possible for somebody to be legally insane, as that concept  
14 has been enunciated by Judge Alexander, in other words, the  
15 definition of legal insanity?

16 A Yes. It is possible.

17 MR. KEITH: Pass for cause.

18 THE COURT: Mr. Bugliosi?

19 MR. BUGLIOSI: Q Mrs. Hackett, would you rather not  
20 sit as a juror on this case, or do you want to be a juror?

21 A I want to be.

22 Q You do want to be?

23 A Yes.

24 Q Can you be fair to both sides?

25 A Yes.

26 MR. BUGLIOSI: No further questions.

27 THE COURT: The People have the next challenge.

28 MR. BUGLIOSI: Thank you. We will thank and excuse

2  
1 Mr. Nickerson.

2 THE COURT: All right, sir, you may be excused.

3 THE CLERK: Ernest W. Teamer, T-e-a-m-e-r.

4  
5 ERNEST W. TEAMER,

6 BY THE COURT:

7 Q Mr. Teamer, how about the time element? Can you  
8 give us the two months we need to try this case?

9 A Yes, I can.

10 Q How about your views toward the death penalty? Do  
11 you have such conscientious objection to the death penalty that  
12 you would automatically vote against the death penalty, regard-  
13 less of what the evidence might show?

14 A No, sir.

15 Q Would you automatically vote for life imprisonment,  
16 regardless of what the evidence might show?

17 A No.

18 Q I take it by your answers you do know that if we  
19 do come to the penalty phase of this trial, you and you alone,  
20 will determine what the penalty will be?

21 A Yes, I do.

22 Q Which will be based, your own decision will be  
23 based on your own good conscience, based on everything you've  
24 heard in this case; is that correct?

25 A Yes.

26 Q Have you ever served as a juror?

27 A No.

28 Q You have heard the names of all the doctors, the



3  
1 policemen and the lawyers that may or may not have been involved  
2 in this case. Do you know any of them?

3 A No.

4 Q Do you know any of them now?

5 A No.

6 Q Mr. Teamer, you have heard us say time and time  
7 again we are trying to get a jury that is going to be fair to  
8 the People, fair to this defendant, and base their verdict and  
9 decide all the issues in this case only upon the evidence you  
10 hear in this case and the law as I shall state it to you.

11 Can you be that kind of a juror, sir?

12 A I don't think so.

13 Q You don't think you can be a fair juror?

14 A No.

15 Q Why?

16 A Simply because I have read too much material on  
17 so-called hallucigentic drugs and so-called psychidelic drugs  
18 or mind-altering drugs. Also, I have read quite a lot of  
19 material in the field of psychology. At one time, I almost  
20 thought about going into the field of psychology.

21 Q Well, did your studies or your readings prejudice  
22 you against one side or the other?

23 A Possibly, possibly.

24 Q I take it, then, you have already formed an opinion  
25 of Mr. Watson?

26 A No, I haven't formed an opinion, but I possibly  
27 could before the trial -- before, you know, before it was time  
28 to make a decision.

1 Q In other words, you feel that you could not be a  
2 proper juror in this case?

3 A Right.

4 THE COURT: Do you wish to question any further, Mr.  
5 Subrick?

6 MR. SUBRICK: No.

7 MR. BUGLIOSI: May the juror be excused by stipulation.

8 MR. KEITH: Yes.

9 THE COURT: So stipulated. Thank you. You may be  
10 excused.

11 THE CLERK: Argile D. Beard, E-a-a-r-d.

12  
13 ARGILE D. BEARD,

14 BY THE COURT:

15 Q Mr. Beard, can you give us the time we need to try  
16 this case?

17 A Yes, sir.

18 Q How about your views on the death penalty, should  
19 it come to that? Do you have such conscientious objection to  
20 the death penalty that you could not --

21 A I am not opposed to the death penalty.

22 Q You are not opposed to the death penalty?

23 A No.

24 Q I take it you understand that if it comes to the  
25 death penalty, that you and you alone will make the decision  
26 as to what penalty is to be imposed?

27 A Yes.

28 Q Life imprisonment or death?

1 A Yes.

2 Q As you sit there now, you have no preference one  
3 over the other?

4 A I do not, sir.

5 Q Mr. Beard, you heard the names of all these people.  
6 Do you know any of them?

7 A No.

8 Q Do you know any of these attorneys?

9 A No.

10 Q You have heard hundreds of questions asked of  
11 prospective jurors, Mr. Beard. If you were asked the same  
12 questions, other than the personal ones, would your answers  
13 be substantially the same?

14 A Pretty close.

15 Q In what field do you think there would be a differ-  
16 ence?

17 A Well, they was asked, some of the jurors, the way  
18 it was, I don't know exactly, but if they would almost enjoy  
19 sitting on a jury of this sort. I don't think I would get any  
20 kick out of sitting on the jury. I would sit here because I  
21 think it is my civic duty. Really, just sitting here and  
22 enjoying it, no.

23 Q We appreciate that. Nobody enjoys weighing another  
24 man's life. Nobody enjoys that.

25 A I spent last night thinking about it most of the  
26 night.

27 Q I don't think it will be an enjoyable function for  
28 anyone, even for me up here, because it is a very serious thing

6  
1 to judge, whether another man should live or die, but unless  
2 we do have people who will perform that duty, our justice will  
3 break down completely. We have got to have people who will  
4 do their duty.

5 Mr. Beard, you are ready to assume those duties,  
6 are you, sir?

7 A Yes, sir.

21R-

7

1 Q Now, you know that we are trying to get a jury  
2 here that can be just as fair to the People as to this defen-  
3 dant.

4 From all you've heard, can you be that kind of a  
5 juror, Mr. Beard?

6 A Yes, sir.

7 Q I take it you have heard of the Manson case?

8 A Yes, sir.

9 Q Do you think you can forget everything that you  
10 heard in that case and decide all the issues in this case,  
11 based only upon the evidence you hear in this case?

12 A Yes, sir.

13 Q And you know this defendant was not a defendant  
14 in that case?

15 A Yes, sir.

16 Q Here, he is presumed to be innocent. The burden  
17 rests with the prosecution to prove him guilty.

18 Will you give him the benefit of that presumption?

19 A Yes, sir.

20 Q You will keep your mind open until you hear all  
21 the evidence in this case, and until after I instructed you on  
22 the law, and you go into that jury room to make your decision;  
23 is that correct, sir?

24 A Yes, sir.

25 Q Now, it is impossible for counsel or me to ask you  
26 everything which may deal with your qualifications as a juror.

27 Is there anything you feel you should tell us?

28 A I don't know if this is pertinent or not, but I

1 spent last night, a sleepless night after sitting in this jury,  
2 and I put myself in Mr. Watson's place, and I saw the people  
3 coming up here, some of the people didn't want to serve, some  
4 people was willing to serve; and I asked myself if I could  
5 really sit here and be a true American and give this man a  
6 fair trial.

7 If I was sitting in his place, what would I want,  
8 and I answered myself about 5:00 o'clock this morning, and I  
9 think I could be that type of a juror.

10 Q In other words, if you were in the unfortunate  
11 position that Mr. Watson is in now --

12 A Right.

13 Q -- you'd be satisfied to have a juror of 12 people  
14 with your frame of mind, provided you wanted a fair trial?

15 A Yes, sir.

16 THE COURT: You may inquire.

17 BY MR. BURRICK:

18 Q Mr. Beard, I almost hate to pursue this, but can  
19 you tell me in just which area you were so troubled last night?

20 Was it the prospect of having, perhaps, to have to  
21 impose the death penalty on somebody?

22 A Yes, sir; and trying to determine whether I would  
23 be intelligent enough to understand the legal phraseology and  
24 the doctors that's going to testify to whether Mr. Watson's  
25 legall or illegally insane.

26 BY THE COURT:

27 Q Mr. Beard, let me tell you this: During the  
28 course of this trial, if something puzzles you and you don't

1 understand anything, you have a right to ask that that be  
2 explained to you.

3 Do you understand that?

4 A Yes, sir.

5 Q Just don't let it pass over your head. You have  
6 a right to have that explained to you, and I am sure counsel  
7 on both sides, when these doctors take the stand, are going to  
8 have them talk to us in language that we understand, not their  
9 own gibberish or scientific language --

10 MR. BUBRICK: I have a message, your Honor, but I think  
11 it could wait.

12 Apparently, there was some indication that it was  
13 kind of urgent, but knowing who it is from, I think it can wait  
14 that long.

15 MR. KAY: Is it your wife?

16 MR. BUBRICK: No, it was from a doctor, as a matter of  
17 fact. I don't think it is that important.

18 Q Mr. Beard, as the judge has indicated, we will do  
19 everything we absolutely can to make sure that whatever dis-  
20 cussions in normally technical fields are explained to you in  
21 language that we all can understand, because as lawyers, our  
22 knowledge of psychiatry and medicine, probably isn't much  
23 greater than yours, and if they were -- if the doctor were to  
24 sit on the witness stand and talk in all these fourteen or  
25 fifteen syllable words, you know, where you need a medical  
26 dictionary to make sense, he'd lose us just as fast as he  
27 would lose you.

28 So, I am sure if that's the nature of your problem,



10

1 we'll do everything we can to have this explained in language  
2 that is as simple and understandable as it is possible for  
3 anybody to do; and if we don't do that, I have an idea that  
4 Judge Alexander is going to demand that it be done, and I feel  
5 pretty kindly that if he insists that it be done, it is going  
6 to be done, so I am sure in that area we'll do everything that  
7 we can to make sure that that will not be a problem.

8 Now, aside from that fact, is there anything else  
9 that you were so troubled by last night that you could tell  
10 us about, Mr. Beard?

11 A No, that was all.

12 Q As you struggled with yourself last night, Mr.  
13 Beard, did you have any fear that because this was a case  
14 involving multiple killings and that you might be called upon  
15 to find a man guilty of several counts of first degree murder,  
16 which, as you recall, are murders that are willful and deliberate,  
17 premeditated, with malice aforethought, that you could not be  
18 fair and impartial, when it came to determination of the type  
19 of punishment to impose?

20 A I think I can be fair.

21  
22  
23  
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Q You don't think that, knowing that fact and knowing that that's involved in this case, would put you in a position where you are more inclined to impose the death penalty than otherwise, knowing nothing else about Mr. Watson?

A No.

Q May I ask you, sir, the nature of your work, please?

A I'm a mechanic.

Q In what sort of field, automotive mechanic?

A No, I work in a factory, repair machinery, production machinery.

Q Is there a Mrs. Beard?

A Yes.

Q Is she employed outside the home?

A Yes, she works for the post office.

Q Do you have any children, Mr. Beard?

A I have four.

Q And can you give us their ages, please?

A I have a daughter 25, son 22, and two boys 9 and 8.

Q Now, knowing that you have children who are, you know, contemporaries of Mr. Watson, knowing that Mr. Watson lived the kind of an existence where there were runaway boys and girls about the age of your children involved, and as a father and one of teen-age children, do you think the fact that Mr. Watson associated with, or had about him runaway girls and boys, would cause any prejudice in your mind, from that fact, alone?

A No, sir.

Q If that does come to pass, Mr. Beard, may we assume

1 that you'll put that in its proper prespective, give it what-  
2 ever weight and credence you think it is entitled to?

3 A I would have an open mind.

4 Q But you are not going to be so involved as a parent  
5 with the idea of other runaway children congregating at the  
6 Spahn Ranch, that you think that you would allow that fact to  
7 prejudice your mind?

8 A No, sir.

9 Q Have you ever given any thought, Mr. Beard, to the  
10 conditions under which you think a death penalty would be  
11 justified?

12 Have you ever thought about it in the past?

13 A No, sir, I haven't.

14 Q I take it you never really thought you'd be in a  
15 position like that; is that right?

16 A Never thought I would.

17 Q And as a result, you probably never thought under  
18 what conditions you would want to determine under what condi-  
19 tions a person would live or die; is that correct?

20 A That is true.

21 Q So you will listen to everything that will be  
22 aduced during the course of this trial, when you put everything  
23 to gather you will decide what you think the proper punishment  
24 should be, if and when we ever get to the third phase of this  
25 proceeding?

26 A Yes, sir.

27 Q Now, appreciating your candor, Mr. Beard, is there  
28 anything else that you think of that you might want to tell

1 us that, perhaps, would make it difficult or impossible for you  
2 to sit as a juror?

3 A Not that I know of.

4 Q I take it, then, aside from that, there is no  
5 reason, then, why you can't be fair and impartial to both sides?

6 A I can be fair and impartial, yes, sir.

7 MR. BUBRICK: Thank you.

8 Pass for cause.

9 THE COURT: Mr. Kay?

10 MR. KAY: Thank you, Judge.

11 Q Good afternoon, Mr. Beard.

12 Mr. Beard, did you spend all night thinking about  
13 the death penalty, mainly?

14 A I was awake at 4:00 o'clock this morning.

15 Q Until 4:00 o'clock this morning?

16 A Yes.

17 Q Now, after thinking about it for a full night, do  
18 you think you could vote for it?

19 A Vote for the death penalty?

20 Q Yes.

21 A Well, I know the death penalty is not a deterrent to  
22 crime, but we don't have anything else; until you come up with  
23 something else, what are you going to do, so I would have to.

24 Q So you could vote for it?

25 A Yes.

26 Q Is there any doubt about that in your mind?

27 A No.

28 Q Now, you realize that each juror has to personally

14

1 participate in a verdict of death, that you can't have a death  
2 verdict unless it is unanimous, unless all 12 jurors vote for  
3 it; and that Mr. Pappas here, will poll the jury, if they do  
4 bring in a death verdict, and he will ask; he'll say, "Mr.  
5 Beard, is this your verdict?" and if it is, will you have the  
6 courage to say, "Yes, it is my verdict"?

7 A Yes.

8 Q Now, you understand that if you vote for the death  
9 penalty, that it is going to be in your thoughts for a long  
10 time, probably the rest of your life.

11 Do you understand that?

12 A Yes.

13 Q Do you think that even knowing that, it is going  
14 to be in your thoughts and that there is going to be a lot of  
15 nervous and emotional tension about it, that you still could  
16 vote for the death penalty?

17 A Yes; I guess that's one of the penalties we have  
18 to pay.

19 Q What do you mean?

20 Well, okay, I think I understand.

21 Do you presently hold any moral or religious beliefs  
22 that would prevent you from voting for the death penalty?

23 A No.

21Bf.

21BR 15  
1 Q Do you have any close friends or relatives that  
2 are against the death penalty, that you feel might try and  
3 persuade you to vote for life, if we get to the third phase  
4 of this trial?

5 A No. I wouldn't talk to anyone about this trial.

6 Q Good.

7 Have you ever expressed a personal opinion that  
8 you think that capital punishment should be abolished?

9 A We have discussed it with people around work, but  
10 nobody has come up with anything to deter crime, so --

11 Q So you have never expressed the opinion that you  
12 are against capital punishment?

13 A Well, I am not for capital punishment, but, like  
14 I said, I don't know anything else that is better; until you  
15 come up with something different, then we may as well remain  
16 where we are.

17 Q Now, do you think that in this case, if you were  
18 in my position as a deputy district attorney, co-prosecuting  
19 this case, that you would be happy with a jury composed of 12  
20 jurors with your present frame of mind?

21 A I think so; I think you'll get a fair shake.

22 Q And do you think that you'd give us an equal fair  
23 trial with the defense?

24 A Yes, sir.

25 Q Just absolutely as equal?

26 A Absolutely as equal.

27 Q Knowing everything that you know that you thought  
28 about last night, do you think that that would still be the

16  
1 case?

2 A Yes.

3 MR. KAY: Thank you very much.

4 Pass for cause, your Honor.

5 THE COURT: Defense has the next challenge.

6 MR. BUBRICK: We will thank and excuse Juror No. 6,  
7 Mr. Carboni.

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

9 THE CLERK: Margaret Ishino, I-s-h-i-n-o.

10  
11 MARGARET ISHINO,

12 BY THE COURT:

13 Q Is it Mrs. Ishino?

14 A It is Miss, your Honor.

15 Q Miss?

16 We were all beginning to feel badly about you.

17 A Up to now, I was enjoying it.

18 Q You were with the first panel and when we were  
19 reduced to one juror we bring in another panel, and I was  
20 wondering whether you were going to be called here or not.

21 Anyway, Miss Ishino, can you give us the two months  
22 we need to try this case?

23 A Yes, sir.

24 Q Now, you have heard us discussing the death penalty,  
25 I am sure you have heard it before?

26 A Yes.

27 Q Now, tell me this, do you have such conscientious  
28 scruples against the death penalty that without regard to

1 any evidence that you might hear, you would automatically vote  
2 against it?

3 A Yes, in this case, I would.

4 Q May I say why?

5 A All right, just a minute, now.

6 By saying why, I wouldn't want you to influence any  
7 other of our jurors here.

8 Is it something other than -- is it a religious  
9 scruple or philosophical?

10 A No, sir.

11 Q Or do you know something about the case?

12 A No, sir.

22R 18  
1 Q Regardless of the reason, are you telling us now  
2 that without any equivocation, no matter what the evidence  
3 shows, you would vote against the imposition of capital punish-  
4 ment?

5 A Yes, in this case I would.

6 Q Does that mean in other cases you could impose  
7 capital punishment?

8 A Yes, sir.

9 Q But not in this case?

10 A No.

11 THE COURT: Do you wish to inquire any further?

12 MR. BUGLIOSI: No. May the witness be excused by stipu-  
13 lation?

14 THE COURT: Do you wish to inquire further, Mr. Bubrick?

15 MR. BUBRICK: No.

16 THE COURT: Mr. Keith, you look kind of puzzled. Do you  
17 want to inquire?

18 MR. KEITH: Her answer was such that it is not within  
19 the Witherspoon rule, as I understand it. I may be mistaken.

20 THE COURT: I think she has made it abundantly clear --

21 MR. KEITH: In this case but not in other cases.

22 THE COURT: -- in this case she would automatically.

23 MR. KEITH: Well, I will have to read it again. I will  
24 go along with it then. I stand corrected.

25 MR. BUGLIOSI: Is there a stipulation that she may be  
26 excused?

27 MR. BUBRICK: Yes.

28 MR. KEITH: If you will stipulate that this encompasses



19  
1 the Witherapoon --

2 THE COURT: No; not stipulate as to the law.

3 MR. KEITH: I will agree.

4 THE COURT: May she be excused by stipulation?

5 MR. DUBRICK: Yes.

6 MR. BUGLIOSI: Yes.

7 THE COURT: You may be excused.

8 THE CLERK: Mathew Batie, B-a-t-i-e.

9  
10 MATHREW BATIE,

11 BY THE COURT:

12 Q Mr. Batie, can you give us the time we need to try  
13 this case?

14 A Yes, sir.

15 Q How about your views about capital punishment,  
16 should it come to that? Do you hold such views that would  
17 automatically, that you would automatically vote against the  
18 imposition of the death penalty, regardless of what the facts  
19 might be in this case?

20 A No, sir.

21 Q I take it, then, you have heard us tell the jury  
22 time and time again that whether the jury imposes life imprison-  
23 ment or the death penalty, rests solely within the good con-  
24 science and discretion of the jury?

25 A Yes.

26 Q You could exercise that discretion?

27 A Yes, I could.

28 Q Have you served as a juror before, sir?

1 A No, sir.

2 Q Of all the names you have heard called off, the  
3 doctors, the policemen and the lawyers, do you know any of them?

4 A No, I don't.

5 Q You have heard us say we are trying to get a jury  
6 that can be just as fair with the People as you could with the  
7 defendant.

8 Could you be that kind of a juror?

9 A Yes, sir.

10 Q Regardless of what you might have heard in the  
11 Manson case, you know this defendant was not a defendant in  
12 that case?

13 A Yes, sir.

14 Q And in this case, he is presumed to be innocent.  
15 Would you give him the benefit of that presumption,  
16 sir?

17 A Yes, sir.

18 Q Rather than ask you a good many questions, you know  
19 your heart and soul better than we do.

20 Knowing yourself and knowing the kind of a case  
21 this is, do you think you could be that type of a fair juror  
22 we're trying to get in this case?

23 A Yes, sir.

24 Q And you know of no reason why would should not sit  
25 as a juror?

26 A No, sir.

27 THE COURT: You may inquire.  
28

21

1 BY MR. KEITH:

2 Q Mr. Batie, what is your business or occupation?

3 A Well, I am what is known as a special distribution  
4 clerk at the post office, Terminal Annex.

5 Q Is there a Mrs. Batie?

6 A Divorced.

7 Q Do you have any children?

8 A Two daughters.

9 Q Are they grown?

10 A Yes, sir.

11 Q Are they employed in any gainful occupation out-  
12 side the home?

13 A Yes, sir. The oldest one is married. She is 25.  
14 She lives in New York and she is working for TWA as a ground  
15 supervisor.

16 The youngest one has finished her last year at  
17 Cal State at Los Angeles. I think that she is majoring in  
18 psychology. I am not sure.

19 Q Did you ever have discussion with her about  
20 psychology?

21 A No, sir.

22 Q Do you know anything about psychology?

23 A Only what I have read in the magazines.

24 Q Have you read extensively on that subject?

25 A No.

26 Q Do you know any psychiatrists?

27 A No, sir.

28 Q Has anybody near or dear to you ever visited a

21  
1 psychiatrist as a patient?

2 A No, sir.

3 Q Do you have any strong feelings about the field of  
4 psychiatry in the sense that such feelings might prejudice you  
5 against Mr. Watson, bearing in mind there will be psychiatric  
6 evidence in this case?

7 A No, sir.

8 Q And you will listen to the doctors testify and  
9 evaluate their testimony in accordance with the instruction of  
10 the Court, will you not?

11 A Yes, sir.

12 Q And you won't turn your mind from the psychiatric  
13 evidence educed in this case, will you?

14 A No, sir.

15 Q You will listen to such evidence just as carefully  
16 as you would any other evidence?

17 A Yes.

18 Q You will evaluate such evidence in accordance with  
19 the general rules and guidelines as the Court will disclose to  
20 you concerning the credibility of witnesses, plus the special  
21 rules for expert witnesses?

22 A Yes, sir.

32WR

223

1 Q Did you follow the Manson case in the newspapers  
2 or on television at all?

3 A I followed it in the newspapers when it first came  
4 out.

5 Q You mean after the homicides occurred?

6 A Yes.

7 Q You realize the homicides occurred in August '69  
8 and nobody was arrested until, I think, in the late part of  
9 1969?

10 A I do.

11 Q And you followed it right after it happened?

12 A Right after it happened, right.

13 Q You didn't follow the trial particularly, though,  
14 the Manson trial?

15 A Not too close. I think the beginning of it I did,  
16 but then later I didn't.

17 Q Did you know what happened in that trial before  
18 you came to court yesterday?

19 A Yes.

20 Q Would that affect your judgment in any way as  
21 regards giving Mr. Watson a fair trial?

22 A No, sir.

23 Q You wouldn't be influenced in any manner whatsoever,  
24 are you telling us, by reason of your knowledge of the outcome  
25 of the Manson case?

26 A No, sir.

27 Q You promise me and all of us that you can completely  
28 dissociate your mind from what happened in that case or any of

24 1 the facts you may have remembered through reading newspaper  
2 articles about that case?

3 A I'm sure that I can.

4 Q No doubt in your mind on that score, I take it?

5 A No, sir.

6 Q Would you be offended in any way, because evidence  
7 might be introduced concerning Mr. Watson's way of life in 1967,  
8 '68 and '69, which to you, you might not approve of?

9 A No, sir.

10 Q Regarding the death penalty issue, if you ever  
11 happen to reach that issue, would you automatically impose the  
12 death penalty in this case, because there were multiple homi-  
13 cides?

14 A No, sir.

15 Q And would you indicate and consider all the  
16 evidence adduced on that subject, inasmuch as you had probably  
17 already weighed and considered it, just as you would in the  
18 guilt or innocence phase?

19 A Yes.

20 Q Would you keep an open mind throughout this trial,  
21 whether it goes through one phase or three phases?

22 A I am almost sure I can.

23 Q When you say you're almost sure, do you have some  
24 reservation that you might not be able to keep an open mind  
25 and give both sides a fair trial?

26 A I can give both sides a fair trial, but I was more  
27 or less on if it gets down to the third phase.

28 Q That is the punishment phase?



1 A Yes.

2 Q Where you have the unfettered discretion to deter-  
3 mine what punishment to impose. Nobody can tell you what to  
4 do, no guidelines?

5 A Yes.

6 Q And do you feel that if that phase is ever reached,  
7 you might have some difficulty?

8 A Well, I don't believe I would have any difficulty,  
9 but just like the gentleman, the witness before down there --  
10 I mean the juror, rather -- I sort of wrestled with my own con-  
11 science.

12 Q Well, that is nothing to be ashamed of. That is  
13 what you should do, as a matter of fact.

14 But if you felt that life imprisonment was the  
15 proper punishment, you would have no hesitation of bringing in  
16 such a verdict, would you?

17 A According to the evidence, you know.

18 Q If this is what you believed should be done?

19 A Right.

20 Q You would have no hesitation about doing so,  
21 even though you might believe that, say, public opinion or  
22 popular sentiment would be adverse to such a conclusion on your  
23 part. That wouldn't influence you in any way?

24 A No.

25 Q You would give us your own opinion?

26 A Yes.

27 Q Make up your own mind?

28 A Yes.

1 Q Is that right?

2 A Yes.

3 MR. KNITH: Pass for cause.

4 THE COURT: Mr. Bugliosi.

5 BY MR. BUGLIOSI:

6 Q You say you wrestled with your conscience. Would  
7 you tell us a little bit more what you thought about it? What  
8 conclusion you came to, if any?

9 A Well, you know, I just more or less thought, you  
10 know, concerning the death penalty, you know, if it came up --  
11 you know what I mean, I probably would vote for it, but you  
12 know what I mean, you know what I am trying to say, you have a  
13 few misgivings whenever a thing like that comes up, at least  
14 I do.

15 Q If you thought ahead, let's say, two months, do  
16 you feel that you would have the courage to vote for a verdict  
17 of death?

18 A Yes, I'm sure that I would.

19 Q You are sure that you would have the courage?

20 A Yes, sir.

21 Q Have you ever expressed the view that you were  
22 opposed to the death penalty?

23 A No, I never have.

24 Q And you think you would vote to retain the death  
25 penalty in the State of California?

26 A I'm sure I would. That is the only thing we have  
27 so far to work with. Unless something else comes up better  
28 than that, I would vote for it.



1 Q You realize that the issue of Mr. Watson's mental  
2 capacity at the time of these murders is going to be deter-  
3 mined solely by the jury and not by the psychiatrists. You  
4 understand that?

5 A Yes.

6 Q Are you willing to assume that responsibility?

7 A Yes, sir.

8 Q Do you recall the test for insanity given to you  
9 by Judge Alexander?

10 A Yes, sir.

11 Q And will you apply that strict test for insanity  
12 to the facts in this case?

13 A Yes, sir, I will.

14 Q Has any member of your family, any relative or  
15 close friend or yourself ever been charged with any felony  
16 whatsoever?

17 A No, sir.

18 Q And if you were back in the jury room, sir, at the  
19 end of this case, and found your view to be a minority view,  
20 would you try to work along with your co-jurors and listen to  
21 them and if you found their views to be reasonable, would you  
22 at least reconsider your position?

23 A Yes, sir.

24 Q And perhaps change your mind?

25 A Possibly.

26 Q You wouldn't stick to your guns, just for the sake  
27 of sticking to your guns?

28 A No, I wouldn't do that.

1 Q And you recall, sir, that when you were seated in  
2 the spectator section of the courtroom, many questions were  
3 asked of other jurors that I am not asking you right now.

4 Do you recall that?

5 A Yes, sir.

6 Q There were several questions asked by Mr. Kay and  
7 myself and Judge Alexander and the defense attorneys that we  
8 are not asking you right now?

9 A Yes, sir.

10 Q When you heard these other questions, were you  
11 mentally asking yourself the same questions?

12 A Yes, sir.

13 Q Other than personal questions, if I were to ask you  
14 these other questions, would your answers be essentially the  
15 same as the other jurors?

16 A Yes, sir.

17 Q Is there any question that you would have answered  
18 differently?

19 A No, sir.

20 Q Are you positive you can give the People of the  
21 State of California a fair trial?

22 A Yes, sir.

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

24 A None whatsoever.

25 Q Can you think of any reason why you would rather  
26 not sit as a juror on this case?

27 A No, sir.

28 Q You think you should be a juror?

1 A I think so very much.

2 Q No problem about the death penalty now?

3 A No.

4 Q You resolved that last night?

5 A Resolved that last night.

6 Q About what time?

7 A I don't know the time, but around 12:00 o'clock.

8 You know, you have these misgivings.

9 Q You got a couple of hours sleep last night?

10 A I did.

11 MR. BUGLIOSI: Pass for cause, your Honor.

12 THE COURT: All right. Ladies and gentlemen of the jury,  
13 we will recess at this time until Monday morning at 9:30.

14 During the recess, please again do not form or  
15 express any opinion in this case. Do not discuss this case  
16 with anybody or let anyone talk to you about this case and  
17 please keep an open mind.

18 Have a pleasant weekend. Monday, 9:30.

19 (An adjournment was taken at 3:00 p.m. until  
20 Monday, August 9, 1971 at 9:30 a.m.)  
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#1  
1 LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 9, 1971; 9:35 A.M.  
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THE COURT: Good morning.

MR. BUEKICK: Good morning, Judge.

MR. KAY: Good morning, your Honor,

THE JURORS: Good morning.

MRS. CASALENUOVO: Your Honor --

MR. BUGLIOSI: There's a question, your Honor.

THE COURT: Yes.

MRS. CASALENUOVO: A problem has developed at my place  
of employment, United California Bank.

I called Friday after we were dismissed from here  
and my boss -- I spoke with my boss and he told me that many  
problems have arisen at work. I am on the executive platform;  
we are five secretaries, and one gave her resignation Friday  
and she is going to be leaving the end of this month. One  
is going on vacation in September and I am here, so he said  
that I ask to be excused -- but I don't want to be excused.

THE COURT: If you don't want to, I won't, you know.

MRS. CASALENUOVO: Is there any way --

THE COURT: We just learned first how to pronounce your  
name. It is Casalenusvo?

MRS. CASALENUOVO: Correct.

I was upset all weekend thinking about it.

THE COURT: Don't be upset. Tell your boss you have got  
a mean judge and he said you stay here.

MRS. CASALENUOVO: Thank you.

1 THE COURT: Gentlemen, do you have 10 each?

2 MR. KAY: Yes, your Honor.

3 MR. BUBRICK: Yes, your Honor.

4 THE COURT: Mr. Clerk?

5 THE CLERK: Yes, your Honor.

6 THE COURT: We all agree, so you must be wrong.

7 I believe we were --

8 MR. KAY: We finished with Mr. Beard.

9 THE COURT: And the people were about to exercise a  
10 challenge?

11 MR. BUGLIOSI: People thank and excuse Mr. Beard.

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

13 MR. BEARD: Thank you.

14 THE CLERK: Mrs. Hazel B. Hall, H-a-l-l.  
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#2

HAZEL B. HALL,

BY THE COURT:

Q Mrs. Hall, have you heard all the questions that have been put to our prospective jurors during the time you were here?

A Yes, I have.

Q No, I, how about the time element? Can you give us the two months we need to try this case?

A Yes.

Q How about your attitude toward the death penalty? Is your attitude such that you would automatically vote against the imposition of the death penalty regardless of what the evidence might show?

A No.

Q And you automatically would not vote for the imposition of life imprisonment; is that what you are saying?

A No.

Q I take it from what you said you would now know that you have the free and untrammelled choice of the penalty should we come to that phase of it. I think you know the law exercises no preference, nor does it give you any guidelines.

A Yes.

Q And you will assume that burden?

A Yes.

Q Mrs. Hall, do you know any counsel involved in this case?

A No, I don't.

Q How about the names called off by Mr. Bugliosi

1 and Mr. Kay? Any of them sound familiar to you?

2 A No.

3 Q I take it you have heard of the Manson case and  
4 the Tate-La Bianca murder cases?

5 A From what I read in the papers.

6 Q You realize this defendant was not a defendant  
7 in that case?

8 A Yes.

9 Q You realize that no matter what you heard in that  
10 case, you are not to prejudice this defendant by what you  
11 heard and what you read?

12 A Right.

13 Q You appreciate that he now has a presumption of  
14 innocence and the prosecution must prove him guilty beyond a  
15 reasonable doubt?

16 A Yes, your Honor.

17 Q And you appreciate that all the issues of fact are  
18 to be decided by this jury, not by the experts or anybody else?

19 A Yes.

20 Q They can give their opinions but you make the  
21 final determination.

22 Do you understand that?

23 A Yes.

24 Q Mrs. Hall, you have heard us say I don't know how  
25 many times we are trying to get a jury that will be fair to  
26 the people and fair to the defendant and give both sides a  
27 fair trial and decide this case based solely on the evidence  
28 you hear and the law as I shall state it to you.

1 Can you be that type of a juror?

2 A Yes, I can.

3 Q Do you know of anything you should tell us that  
4 might go to your qualifications as a juror?

5 A No.

6 THE COURT: Thank you. You may inquire, gentlemen.

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

8 May I request, please, Mrs. Hall, the nature of  
9 your business or occupation if you are employed outside of  
10 the home?

11 A I work as a sales lady at Bullock's.

12 Q Is there a Mr. Hall?

13 A Yes, there is.

14 Q The nature of his work, please?

15 A He is in work -- in business for himself. He is  
16 a locksmith.

17 Q Mrs. Hall, have you or anyone near or dear to you  
18 ever been the victim of any violent crime?

19 A No.

20 Q Have you ever witnessed a crime being committed?

21 A No, sir.

22 Q Do you number among your friends or relatives or  
23 associates people involved with law enforcement?

24 A No.

25 Q How about prosecutors, members of any prosecutor's  
26 staff?

27 A No.

28 Q Have you ever studied law of any type at all?



1 A No, sir.

2 Q How about psychology?

3 A No.

4 Q Let me ask you just a little bit about psychiatry,  
5 Mrs. Hall.

6 Is there anyone that you know of whom you see from  
7 time to time who ever did visit psychiatrists?

8 A No.

9 Q Do you have any feeling about whether or not they  
10 serve any useful function in modern day society?

11 A Oh, I believe they do.

12 Q And you wouldn't be prejudiced against any person  
13 because he went to see a psychiatrist?

14 A No.

15 Q There has been some talk of course about the Tate-  
16 La Bianca matters and what we have referred to as the Manson  
17 trial.

18 Have you formed or expressed any opinion, Mrs. Hall,  
19 about this defendant's guilt or innocence because of his  
20 association with Manson during the course of the other  
21 proceedings?

22 A No, I have not.

23 Q You realize of course that he was a member of  
24 Mr. Manson's family?

25 A Yes.

26 Q And of course you know, I take it, that Manson and  
27 his group were convicted of murder and got the death penalty?

28 A Yes.

3R-1

1 Q Did you know that fact before you sat here as a  
2 prospective juror, Mrs. Hall?

3 A Yes, because I read it in the paper.

4 Q Now, knowing that fact and, as I say, knowing that  
5 this defendant is accused of being involved with Mr. Manson,  
6 does he suffer any prejudice in your mind solely because of  
7 that relationship alone?

8 A No.

9 Q Now, you have also heard, by virtue of sitting  
10 here, if not otherwise, Mrs. Hall, that this is a case that  
11 involves multiple killings.

12 Does that fact, alone, lead you to believe you'd  
13 be more inclined to impose the death penalty than otherwise,  
14 assuming we get to what we have been referring to as the third  
15 phase of this trial?

16 A No.

17 Q Do you feel that as far as this defendant is con-  
18 cerned, you are as able to determine his punishment for a  
19 multiple killing as you would if he were charged with only one  
20 murder?

21 A I'm willing to listen and see what the evidence is.

22 Q Well, we appreciate and we are awfully glad that  
23 you are in the position where you will listen and abide by  
24 the evidence and the judge's instructions, but I want to make  
25 sure at this moment that if you find him guilty of seven counts  
26 of first degree murder, which you may have a chance of doing  
27 because he is charged with that number, because of that fact  
28 and that fact, alone, may not cause you to impose the death

1 penalty, irrespective of anything else you might learn about  
2 him?

3 A Well, I don't think so.

4 Q Is there some doubt in your mind?

5 A Well, truthfully, I don't know whether I would like  
6 to sit on this jury or not. I can't give you a good reason  
7 except that maybe it is the fact that he is so young. I don't  
8 know what it is.

9 If I don't have to, I would rather not.

10 Q Of course, we realize the tremendous pressure and  
11 the problem that is involved, because it is as Judge Alexander  
12 has said over and over again, a burdensome duty; but it is a  
13 duty that has to be performed by somebody.

14 A I realize that.

15 Q But I would be the last one -- and, of course, the  
16 last word, of course, is the judge on this -- do you feel in  
17 good conscience that you cannot, or should prefer not, to sit,  
18 I think that is something that you should address to the Court.

19 A I would rather not.

20 BY THE COURT:

21 Q Mrs. Hall --

22 A Yes.

23 Q -- many people would rather not sit --

24 A I know; I have heard you say it to many people.

25 Q When I spoke to you a little while ago, you seemed  
26 to be a fair-minded person who could weigh this evidence and  
27 weigh it --

28 A I am a fair-minded person and I make up my own mind

1 about things.

2 Q And, you see, while it is true we have multiple  
3 killings here, if you believe it to be a fact, of course, as  
4 a human being you would take that into consideration in asses-  
5 sing the penalty; you are entitled to consider that, too, but  
6 we just don't want you to feel that because of multiple killings,  
7 that, and that, alone, will cause you to impose the death  
8 penalty --

9 A That, I would not do.

10 Q -- without listening to the rest of it?

11 A Yes.

12 Q And knowing that, do you think now you would still  
13 prefer not to sit; or, rather, you don't want to be a juror?

14 I know if you talk to Mrs. Stanton and Mr. Jeffers,  
15 alongside of you, they, too, will say, "We don't like to sit  
16 as jurors in this case"; but it is their duty to do so.

17 Don't you feel the same?

18 A Yes.

19 Q And will you sit with us, Mrs. Hall?

20 A Yes, sir.

21 THE COURT: Thank you.

22 MR. BUBRICK: Pass for cause, your Honor.

23 BY MR. KAY:

24 Q Mrs. Hall, do you feel that because of the defen-  
25 dant's age that you would automatically vote against the death  
26 penalty in this case?

27 A No, I don't believe I would, no.

28 Q You realize that some of the victims in this case

1 were very young, too, Steven Parent was 18 and Sharan Tate was  
2 26.

3 MR. KRITH: I'm going to object to that as irrelevant  
4 and immaterial.

5 THE COURT: Yes, sustained.

6 BY MR. KAY:

7 Q Do you think that looking at Mr. Watson every day  
8 in this courtroom that you could come back and look at him, if  
9 the evidence warranted, and tell him that he would have to die  
10 for these crimes?

11 A I wouldn't want to, but if the evidence warranted  
12 it, I think I could.

13 Q And there is no doubt in your mind that you would  
14 have the courage to do that, if the evidence warranted?

15 A If the evidence warranted.

16 Q Are you in favor of the death penalty?

17 A Yes, I am.

18 Q In other words, if a pollster came by your house  
19 and asked you which way you'd vote, you'd say, "I'm in favor  
20 of retaining it in the State of California"?

21 A Yes, I am for it, because I think we have to have  
22 something like that.

23 Q And is there anything else that you'd like to say  
24 to me in helping me to make a determination whether or not to  
25 seat you as a juror in this case?

26 A No.

27 Q And is there any question you have about that  
28 chart up there --

1 A No.

2 Q -- about the three phases of the trial?

3 You think you understand that?

4 A I have been here since Tuesday.

5 MR. KAY: Thank you. Pass for cause.

6 MR. BUGLIOSI: Wait a minute, your Honor. May we have  
7 just a moment?

8 A few more questions.

9 BY MR. KAY:

10 Q Mrs. Hall, do you feel any sympathy for Mr. Watson  
11 because he is a defendant in this case, because of his age,  
12 because he is 25?

13 A No, I have -- no, I have no sympathy, other than  
14 what I have already stated.

15 I think it is a shame that such a young man is in  
16 so much trouble.

17 Q Well, do you think, because you think it is a shame  
18 that such a young man is in so much trouble, that you would  
19 tend to lean toward Mr. Watson, to be in his favor at this  
20 point as you sit there right now?

21 A Not particularly, no.

22 Q Well, if there was a fence right now and Mr.  
23 Watson was on one side and Mr. Bubrick and Mr. Keith were on  
24 that side and Mr. Bugliosi and I were on the other side, which  
25 side of the fence would you be on right now?

26 THE COURT: Objection sustained. He is presumed to be  
27 innocent, Mr. Kay.

28 MRS. HALL: I'd walk down the middle.

1 THE COURT: Don't walk down the middle yet, Mrs. Hall.  
2 He's presumed innocent at this point.

3 MRS. HALL: Pardon?

4 THE COURT: He is presumed innocent.

5 Q BY MR. KAY: Do you feel that because <sup>of</sup> Mr. Watson's  
6 age you'd hold the prosecution to any higher standard at the  
7 first stage of the trial; in other words, a higher standard  
8 than just proving the defendant guilty beyond a reasonable  
9 doubt?

10 A You mean at this point?

11 Q Right at this point: Do you feel you'd hold the  
12 People to a higher standard just because of Mr. Watson's age?

13 A No.

14 Q Now, is there any doubt at all in your mind that  
15 you can be fair, just as equally fair to the prosecution as  
16 the defendant at this stage?

17 A Yes, I can.

18 MR. KAY: Pass for cause.  
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1 THE COURT: The next challenge is with the defense.

2 MR. BURRICK: The defendant accepts the jury as  
3 constituted.

4 THE COURT: The people?

5 MR. BUGLIOSI: The people thank and excuse Mrs. Hall.

6 THE CLERK: Miss Carole J. Greene, G-r-e-e-n-e,  
7

8 CAROLE J. GREENE

9 BY THE COURT:

10 Q Miss Greene, can you give us the two months we  
11 need to try this case?

12 A Yes.

13 Q How about your views toward the death penalty?  
14 Are they such that you would automatically vote against the  
15 imposition of the death penalty without regard to what might  
16 be the evidence in this case?

17 A No.

18 Q In other words, at this point you do not favor the  
19 death penalty or life imprisonment? You realize that you are  
20 the sole and exclusive judge of that; is that correct?

21 A Yes.

22 Q And you will impose what penalty you believe in  
23 good conscience should be imposed should we come to the guilt  
24 phase of this trial?

25 A Yes.

26 Q We generally start to talk about the penalty first  
27 to determine if you have a conscientious objection toward the  
28 death penalty. When we do that, we do not intend to infer that



1 he is already guilty and we are now at the death penalty.

2 You understand that, do you not?

3 A Yes.

4 Q Just that should you arrive at that phase of the  
5 case.

6 Miss Greene, you probably have heard of the Manson  
7 case before and the Tate-La Bianca murders and you realize this  
8 defendant was not a defendant in that case.

9 A Yes.

10 Q Whatever you heard in that case you can put out  
11 of your mind in determining this defendant's guilt or innocence;  
12 is that correct?

13 A Yes.

14 Q And you can do that with all the issues you have to  
15 determine?

16 A Yes.

17 Q Do you know anybody connected with this case at  
18 all?

19 A No.

20 Q Have you served as a juror before?

21 A No.

22 Q You heard us say so many times we are trying to  
23 get a jury that will be just as fair to the people as they  
24 will be to this defendant.

25 Can you be that kind of a juror?

26 A Yes.

27 Q And you will decide this case based solely on the  
28 evidence you hear and the law as I shall state it to you, not

1 by any outside influence; is that correct?

2 A Yes.

3 THE COURT: You may inquire.

4 Q BY MR. KEITH: Is it Miss Greene?

5 A Yes.

6 Q What is your occupation?

7 A Staff clerk for Pacific Telephone Company.

8 Q How long have you had that job?

9 A Three years.

10 Q Before then were you a student, perhaps?

11 A No. I worked in Kansas City.

12 Q What did you do in Kansas City?

13 A Waitress.

14 Q What?

15 A Just a waitress.

16 Q Were you from Kansas City?

17 A Yes.

18 Q How long have you been out here?

19 A Three years.

20 Q What part of the county do you live in?

21 A In Los Angeles.

22 Q The central area?

23 A Yes.

24 Q Do you know any police officers as friends or  
25 relatives?

26 A No.

27 Q You don't know any prosecutors or city attorneys  
28 or anybody engaged in law enforcement, in the law enforcement

1 field, I gather?

2 A No.

3 Q Have you ever been a victim of a holdup or a  
4 burglary or serious crime?

5 A No.

6 Q Has anybody near or dear to you ever been so  
7 victimized?

8 A No.

9 Q Have you ever sat on a jury before?

10 A No.

11 Q Did you follow this case at all, not this case,  
12 but the so-called Manson case at all in the newspapers or  
13 over television?

14 A On TV once in a while. I didn't cover it too  
15 much.

16 Q Did you see Mr. Bugliosi talk from time to time?

17 A No.

18 Q Did you form any opinion as a result of that case  
19 about the guilt or innocence of Mr. Watson?

20 A No.

21 Q Before coming into court this week or last week,  
22 had you ever heard of Mr. Watson?

23 A Yes.

24 Q And what had you heard about him? Just in general.

25 A All I knew he was being brought from Texas here and  
26 that is all I knew.

27 Q Had you known of the outcome of the Manson case  
28 before coming to court last week?

1 A Yes.

2 Q And by reason of being aware of that result, have  
3 you formed any opinion about Mr. Watson's --

4 A No.

5 Q -- guilt or innocence?

6 A No.

7 Q Do you think you would more likely be inclined to  
8 find him guilty than innocent just because you now know, if  
9 you didn't before, that Manson and three young female defendants  
10 were found guilty of first degree murder of the same people  
11 that Mr. Watson is charged with killing?

12 A No.

13 Q You are sure of that?

14 A Yes.

15 Q You are positive, absolutely positive of that,  
16 because that is very important that there is no guilty by  
17 association here?

18 A Yes.

19 Q And you promised his Honor that you could separate  
20 the two matters from your mind and I am sure you can do that.

21 You have heard questions asked about whether or  
22 not any of the prospective jurors would hold it against Mr.  
23 Watson because of his drug use and the life style that he  
24 lived.

25 Would your answers be the same as all the other  
26 jurors?

27 A Yes.

28 Q You wouldn't be inclined not to give him a fair

1 trial in the event the evidence showed he used drugs  
2 excessively?

3 A No.

4 Q Or lived like a hippie or lived within a cult with  
5 this Manson fellow?

6 A No.

7 Q You wouldn't hold that against him as such? I  
8 am not suggesting again that these matters may not have  
9 evidentiary importance in the case and that you should consider  
10 such evidence for whatever value you believe it is entitled to.

11 Has anybody near or dear to you or any relative  
12 ever visited a psychiatrist for treatment or examination?

13 A No.

14 Q Have you ever done any reading in psychiatry?

15 A No.

16 Q Or psychology?

17 A No.

18 Q Have you ever done much reading about drug use or  
19 abuse?

20 A Well, I have some but I haven't, you know, I  
21 didn't -- I forgot what I read.

22 Q So you don't have any preconceived notion now  
23 about how drugs and narcotics may affect the human mind,  
24 assuming it does for the sake of discussion?

25 A No.

26 Q And if I asked you if you believe that psychiatrists  
27 play an important function in modern day society, would your  
28 answers be the same as all the other jurors?

1 A Yes.

2 Q You would weigh their testimony as you would any  
3 other witness with the one vital exception that his Honor  
4 will tell you about in the event you are selected as a trial  
5 juror?

6 A Yes.

7 Q Do you think you have the courage to give us the  
8 benefit of your individual opinion and you will make up your  
9 own mind in this case and not arrive at a decision just because  
10 the majority of jurors may be against it?

11 A Yes.

12 Q And do you believe that you might be inclined to  
13 return a verdict of first degree murder in this case solely  
14 because it might be your belief that popular sentiment was  
15 in favor of that kind of a verdict?

16 A No.

17 Q You realize there has been a lot of notoriety  
18 about Charles Manson and the Tate-La Bianca homicides, don't  
19 you?

20 A Yes.

21 Q And lots of people on the outside have opinions  
22 about Mr. Manson and that case. You realize that?

23 A Yes.

24 Q And some of the opinions may be very strong but  
25 you will in no way be influenced by what you feel these opinions  
26 might be?

27 A No.

28 Q Have you known anyone well who has ever been

1 involved with the use of illegally obtained drugs?

2 A No, I haven't.

3 Q On the issue of capital punishment, do you have  
4 an opinion now, Miss Greene, whether you favor capital  
5 punishment or believe it should be abolished in the state of  
6 California or are you undecided?

7 A I thought about it and I decided that I could be  
8 for it.

9 Q You could be for capital punishment as an  
10 abstract proposition?

11 A Yes.

12 Q But you haven't thoroughly made up your mind, I  
13 take it?

14 A No.

15 Q Is there anything about what you have heard  
16 concerning this case that might make you inclined to  
17 automatically vote the death penalty?

18 A No.

19 Q Regardless of the evidence produced in this case.

20 A No.

21 Q You will decide this case, will you not, from the  
22 evidence produced or adduced from the witness stand and from no  
23 other source?

24 A Yes.

25 Q Do you want to serve as a juror on this case?

26 A Yes.

27 Q Can you think of any reason down deep now? As  
28 Mr. Bugliosi has often said, now is the time to speak up

1 because it is too late once you are sworn as a juror if  
2 something comes up that might make it difficult for you to  
3 give Mr. Watson a fair trial. You can't think of anything;  
4 is that right?

5 A No.

6 Q You will give Mr. Watson the benefit of his  
7 testimony and his defense and keep an open mind throughout  
8 this case, will you not?

9 A Yes.

10 MR. KEITH: Pass for cause, your Honor.

11 THE COURT: Mr. Bugliosi.

12 Q BY MR. BUGLIOSI: Mrs. Greene, it is not fun to  
13 vote for the death penalty.

14 THE COURT: Miss Greene.

15 Q BY MR. BUGLIOSI: Miss Greene, it is not fun to  
16 vote for the death penalty. Do you understand that?

17 A Yes.

18 Q Do you think you would have the courage to vote  
19 for a verdict of death?

20 A Yes.

21 Q If you have any hesitancy now you just tell me.

22 A No, I would have the courage.

23 Q Can you come in with a verdict of death?

24 A Yes.

25 Q No doubt in your mind about it?

26 A No.

27 Q Has any member of your family or yourself or any  
28 close friend or relative ever been accused of a felony?



1 A No.

2 Q And you recall that Mr. Kay and I asked several  
3 other jurors many questions that we are not asking you right  
4 now?

5 A Yes.

6 Q Were you asking yourself the same questions?

7 A Yes.

8 Q Would your answers be any different if I were to  
9 ask you those same questions?

10 A No.

11 Q You can't think of any reason why you should not  
12 sit as a juror on this case?

13 A No.

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5R-1

1 Q Do you have an open mind at the present time?

2 A Yes.

3 Q Are you sympathetic towards Mr. Watson?

4 A No.

5 Q Do you have any feelings about his state of mind  
6 at the present time?

7 A No.

8 Q You realize that his present state of mind will not  
9 be an issue for you to decide during this trial?

10 A Yes.

11 Q Probably the main issue will be his state of mind  
12 at the time of these murders; do you understand that?

13 A Yes.

14 Q Do you want to sit as a juror on this case?

15 A Yes.

16 MR. BUGLIOSI: No further questions.

17 THE COURT: Next challenge with the defense.

18 MR. BUBBRICK: I accept the jury as it is now constituted.

19 THE COURT: Accept the jury as now constituted?

20 MR. KEITH: Yes, your Honor.

21 THE COURT: People?

22 MR. BUGLIOSI: People thank and excuse Miss or Mrs.  
23 Hackett.

24 THE COURT: Thank you, Mrs. Hackett; you may be excused.

25 THE CLERK: Nathaniel Gould, G-o-u-l-d.  
26  
27  
28

NATHANIEL GOULD,

BY THE COURT:

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

A I regret, sir, I have been told that the company pays only 20 days.

THE COURT: What company is that?

A It is Lockheed.

Q You are getting \$250,000,000 of our money; I should think they could afford to pay you more than 20 days.

A That's beyond my salary grade.

THE COURT: The \$250,000,000 is beyond your salary grade?

A I think it is a little beyond ours, too, those of us here.

When did they tell you this, Mr. Gould?

A I asked one of my friends to call up personnel. It was this week, when the matter was brought up, as the other gentleman came up -- I don't know his name, from Lockheed.

A At that point I was surprised, so I checked out during the lunch time, and it was true.

Q BY THE COURT: Would it work a hardship on you to stay beyond the 20 days?

A Very much so, sir.

Q I take it you have been unemployed for a while?

A No, sir; but I want to stay employed.

Q No, I said you have been unemployed?

A No; no, sir, I haven't.

Q And you feel it would work a hardship to stay beyond

1 the 20-day period?

2 A Yes, sir.

3 THE COURT: May he be excused?

4 MR. BUGLIOSI: Yes, your Honor.

5 THE COURT: You may be excused.

6 That means we need another panel now.

7 Ladies and gentlemen, we will have a short recess  
8 while we get another panel. During the recess, do not form  
9 or express any opinion in this case; do not discuss it among  
10 yourselves or with anybody else and please keep your minds  
11 open.

12 MR. KAY: Your Honor, may we approach the bench after  
13 the jury is excused?

14 THE COURT: Yes, come up.

15 (Unreported discussion between Court and  
16 counsel.)

17 (Recess.)

6f.

SR-1

1 THE COURT: People against Watson. Let the record show  
2 all prospective jurors are present. All counsel and the defen-  
3 dant are present. Swear the panel, please.

4 THE CLERK: Will all the prospective jurors please stand  
5 and raise your right hand.

6 You and each of you do solemnly swear that you will  
7 well and truly answer such questions as may be asked of you  
8 touched upon your qualifications to act as trial jurors in the  
9 cause now pending before this Court, so help you God?

10 (Affirmative response.)

11 THE COURT: Be seated. Pick a juror, please.

12 THE CLERK: Yes, your Honor.

13 Mack D. Adcock, A-d-c-o-c-k.

14  
15 MACK D. ADCOCK,

16 BY THE COURT:

17 Q Mr. Adcock, I notice you have been with us for  
18 some time?

19 A Yes.

20 Q While I will address myself to you, you have heard  
21 this before, and I will ask the remainder of the panel to please  
22 pay careful attention, because you probably will be asked ques-  
23 tions pertaining to what I say and we will save a lot of time,  
24 if you will just pay attention to what I have to say.

25 This case is entitled People of the State of Cali-  
26 fornia against Charles C. Watson.

27 Mr. Watson, would you stand up a moment, please,  
28 and face the jury.

1 (The defendant complied with the request of the  
2 Court.)

3 THE COURT: Thank you. You may be seated. The defendant  
4 is being defended by Mr. Bubrick and Mr. Keith who sits next  
5 to him.

6 Now, this case is being prosecuted here by Deputy  
7 District Attorneys Bugliosi and Kay.

8 This defendant is charged with seven counts of  
9 murder and one count of conspiracy to commit murder.

10 It is alleged that on August 9th, 1969, he will-  
11 fully and intentionally murdered Abigail Anne Folger, Wojciech  
12 Frykowski, Steven Earl Parent, Sharon Marie Polanski-- I  
13 believe also known as Sharon Tate, Thomas J. Sebring; and on  
14 August 10th it is alleged he murdered Leon A. and Rosemary  
15 La Bianca; and Count VIII alleges that between August 8th and  
16 August 10th of 1969, he and others conspired to commit the  
17 crime of murder.

7R-1

1 In short, ladies and gentlemen, this is part of  
2 what has got to be known as the Manson murder cases.

3 Now, because the defendant has been indicted for  
4 these charges is no indication that he is more likely to be  
5 guilty than innocent.

6 In fact, this defendant has entered two pleas to  
7 all of these charges: One, not guilty; and the second, not  
8 guilty by reason of insanity.

9 In all criminal cases, and in this one, too, this  
10 defendant is presumed to be innocent and the burden rests with  
11 the prosecution to prove him guilty beyond a reasonable doubt.

12 Now, in that connection, no defendant need prove  
13 his innocence. To the contrary, the prosecution must prove his  
14 guilt, and prove it beyond a reasonable doubt.

15 Now, in this type of a case and where a defendant  
16 has entered a plea, not guilty by reason of insanity, we have  
17 three phases to the trial.

18 You see a chart up here, and it is entitled "First  
19 Trial." In that trial, you determine the guilt or innocence  
20 of this defendant; and in that trial or that phase of the trial  
21 his guilt must be established beyond a reasonable doubt.

22 Of course, you may find him guilty of one count,  
23 two counts, three counts, seven or eight counts, or any number  
24 in between; and there the burden rests with the People to prove  
25 him guilty beyond a reasonable doubt.

26 In the second phase, should you find him guilty,  
27 we then proceed to the phase which determines whether or not  
28 this defendant was sane or insane at the time of the commission

1 of these offenses. In that phase, this defendant has the  
2 burden or proof and his proof is by a preponderance of the  
3 evidence; he must prove he was insane at the time by a pre-  
4 ponderance of the evidence, and not beyond a reasonable doubt.

5 In the third phase, you and you, alone, should you  
6 find him guilty of murder in the first degree on any count in  
7 the first phase, you and you, alone, as the jury, determines  
8 what penalty shall be imposed, either the death penalty or life  
9 imprisonment.

10 Now, our law has no preference for one form of  
11 punishment over the other and, furthermore, our law gives you  
12 no guidelines as to which penalty should be imposed, or in  
13 what cases one penalty should be imposed and in what cases the  
14 other penalty should be imposed. The law leaves it entirely  
15 to the discretion and the good conscience of each juror.

16 Now, as one juror has so very aptly put it, in the  
17 first phase of the trial, the People have the burden; in the  
18 second phase of the trial the defendant has the burden; and in  
19 the third phase of the trial, you, the juror, has the burden.  
20 I think that was well and aptly put.

21 Now, we will be speaking -- first, I told you the  
22 People must prove the guilt of this defendant in the first phase  
23 of the trial beyond a reasonable doubt, so I think before we  
24 go much further, I should read to you what the law defines as  
25 a reasonable doubt:

26 "A defendant in a criminal action is presumed  
27 to be innocent until the contrary is proved, and in  
28 case of a reasonable doubt whether his guilt is



1 satisfactorily shown, he is entitled to an  
2 acquittal. This presumption places upon the  
3 state the burden of proving him guilt beyond  
4 a reasonable doubt. Reasonable doubt is defined  
5 as follows, it is not a mere possible doubt,  
6 because everything relating to human affairs and  
7 depending on moral evidence is open to some  
8 possible or imaginary doubt. It is that stage of the  
9 case which after the entire comparison and  
10 consideration of all the evidence leaves the  
11 minds of the jurors in that condition that they  
12 cannot say they feel an abiding conviction to  
13 a moral certainty of the truth of the charge."

14 That is our definition of reasonable doubt. You  
15 notice it does not require that the guilt of any defendant be  
16 proved beyond every possible or imaginary doubt, because, you  
17 know, all things relating to human affairs is open to some  
18 possible or imaginary doubt. It requires the People to prove  
19 his guilt beyond a reasonable doubt and to a moral certainty.

20 Now, the defendant, as I said, has entered a plea  
21 of not guilty by reason of insanity. No doubt you have heard  
22 people discussing sanity, doctors and medical men have their  
23 definition of insanity, but the law has only one definition on  
24 insanity, based upon the old M'Naughton rule, and our law of  
25 insanity or definition of insanity is as follows:

26 "Legal insanity" -- and you notice we speak  
27 of "legal insanity," not "medical insanity" --  
28 "Legal insanity," as the words are used in

1 these instructions, means a diseased or deranged  
2 condition of the mind which makes a person  
3 incapable of knowing or understanding the nature  
4 and quality of an act, or makes a person incapable  
5 of knowing or understanding that his act was wrong."

6 You notice the first part speaks of under-  
7 standing the nature and quality of a fact; the  
8 second part says that he has no knowing or under-  
9 standing that the act which he committed was  
10 wrong.

11 And then we go on to say: "If you find that  
12 the defendant was capable of knowing and under-  
13 standing the nature and quality of his act, and  
14 in addition, was capable of knowing and understand-  
15 ing that his act was wrong, you will find that he  
16 was legally sane.

17 "However, if you find that the defendant was  
18 not capable of knowing or understanding the nature  
19 and quality of his act, you will find that he was  
20 legally insane; or if you find that he was incapable  
21 of knowing or understanding that his act was wrong,  
22 you will find that he was legally insane."

23 As I said, the defendant has the burden of proving  
24 that by a preponderance of the evidence.

25 Now, in addition to his plea of not guilty, the  
26 defendant has probably and, in all probability, will offer a  
27 defense of diminished capacity. Now, diminished capacity is  
28 not to be confused with insanity.

#3  
1           You see, on the charge of murder, the definition  
2 of murder is just the unlawful killing of a human being with  
3 malice aforethought. You connect murder with intentional  
4 killing of a human being and the important point is with  
5 malice aforethought.

6           Now, murder in the first degree so far as we are  
7 concerned in this case is the willful, deliberate, and  
8 intentional killing with malice aforethought.

9           That would constitute murder in the first degree  
10 so far as we are concerned.

11           Murder is divided into two different degrees:  
12 First degree and second degree.

13           Second degree would be a killing of a human being,  
14 but may lack the intent or may lack the premeditation or may  
15 lack the willfulness.

16           If either one or all of those elements are missing,  
17 then it is reduced from murder first degree to murder second  
18 degree, but you will notice that there again we must have the  
19 malice aforethought. Malice aforethought is present both in  
20 first degree murder and murder second degree.

21           If we do not have malice aforethought but we have  
22 the other ingredients, then murder is eliminated and we then  
23 are reduced to, so far as this case is concerned, to voluntary  
24 manslaughter.

25           In the first phase of guilt or innocence you are  
26 not to be concerned with his legal sanity or insanity, but  
27 you are to be concerned in addition to whether or not he  
28 committed the acts, whether at the time he committed the acts

8-2

1 he was suffering from diminished capacity. That is one of  
2 the elements in the first phase of this trial.

3 We will define diminished capacity.

4 "If you find from the evidence that  
5 at the time the alleged crime was committed --" now,  
6 you notice we say at the time the alleged crime was committed,  
7 not the present time -- "the defendant had substantially  
8 reduced mental capacity, whether caused by mental  
9 illness, mental defect, intoxication, or any other  
10 cause --" and I believe there will be evidence here of  
11 use and the abuse of drugs -- "you must consider what  
12 effect, if any, this diminished capacity had on  
13 the defendant's ability to form any of the specific  
14 mental states that are essential elements of  
15 murder and voluntary manslaughter.

16 "Thus if you find that the defendant's  
17 mental capacity was diminished to the extent that  
18 you have a reasonable doubt whether he did maturely  
19 and meaningfully premeditate, deliberate, and  
20 reflect upon the gravity of his contemplated act,  
21 or form an intent to kill, you cannot find him  
22 guilty of a willful, deliberate, and premeditated  
23 murder of the first degree.

24 "Also if you find that his mental  
25 capacity was diminished to the extent that you have  
26 a reasonable doubt whether he did harbor malice  
27 aforethought, you cannot find him guilty of  
28 murder of either the first or second degree."

8-3

1 Which comes back to what I told you before, if  
2 you find that he did not or could not harbor malice aforethought,  
3 then you eliminate first degree murder or murder second  
4 degree and you now come down to voluntary manslaughter.

5 So far as this case is concerned, and should  
6 the evidence prove otherwise I will give you further  
7 instructions, but I believe we will be confined in this case  
8 to this definition of voluntary manslaughter:

9 "Voluntary manslaughter is the  
10 intentional and unlawful killing of a human being  
11 without malice aforethought. There is no  
12 malice aforethought if the evidence shows that  
13 due to diminished capacity caused by mental  
14 illness, mental defect, or intoxication --" and  
15 that of course includes drugs -- "the defendant  
16 did not have the capacity to attain the mental  
17 state constituting malice aforethought, even  
18 though the killing be intentional, voluntary,  
19 deliberate, premeditated and unprovoked."

20 That is our definition of voluntary manslaughter  
21 when we find the defendant was suffering from some form or  
22 other of diminished capacity sufficient to show a lack of any  
23 of those elements necessary.

24 Now, ladies and gentlemen of the jury, in every case  
25 that involves mental capacity or diminished capacity or  
26 insanity, both sides will depend upon expert opinions, but  
27 you are the sole and exclusive judges of the facts in this  
28 case. That means you and you alone determine what the facts

8-4

1 are.

2 Both sides can use experts in this case who will  
3 express to you their opinion whether or not this defendant  
4 did have diminished capacity in the first phase and should  
5 you find him guilty of the first phase, they will express  
6 their opinion as to whether or not this defendant was insane  
7 at the time he committed the acts, but as I told you they give  
8 their opinion, but ultimately the facts and the final judgment  
9 rests with you as jurors whether you do or do not accept their  
10 opinions as to the mental state of this defendant at the time  
11 of the commission of the acts.

12 So in addition to being the exclusive judges  
13 of the facts of this case, you are the exclusive judges of  
14 the credibility of witnesses in this case and a witness means  
15 any person, whether he be a defendant witness, peace officer  
16 or anything else, if he swears to tell the truth in this case  
17 and testifies in this case, he is a witness and the credibility  
18 of every witness is judged by the same standards.

19 I cannot give you all the standards by which we  
20 judge the credibility of witnesses, but some of those standards  
21 are his demeanor on the stand, his capacity to perceive and  
22 relate what he perceived, his ability to perceive.

23 And then you ask: Is the witness biased? Does  
24 he have a motive to testify in this case? Does he have an  
25 interest in the outcome of this case? Has he made statements  
26 previously that are inconsistent with the testimony that he  
27 now gives on the stand? Has he made statements previously  
28 that are consistent with the testimony he gives on the stand?

8-5

1 Now, those are some of the standards by which we  
2 judge the credibility of all witnesses.

3 No doubt police officers will testify in this case,  
4 whether they be members of the Sheriff's office or the police  
5 department, whatever, it makes no difference, simply because  
6 a man is a police officer does not entitle him to more  
7 credibility than a lay witness and because he is a police  
8 officer for that reason, and that reason alone, you do not  
9 give less consideration to his testimony.

10 You will judge and weigh his credibility by the  
11 same standards you do any other witness.

12 Now, when we come to experts, we have something  
13 in addition and I will read that to you:

14 "A person is qualified to testify as  
15 an expert if he has a special knowledge, skill,  
16 experience, training or education sufficient to  
17 qualify him as an expert on the subject to which  
18 his testimony relates.

19 "Duly qualified experts may give their  
20 opinions on questions in controversy at a trial.  
21 To assist you in deciding such questions, you may  
22 consider the opinion, with the reason given for it,  
23 if any, by the expert who gives the opinion.

24 "You may also consider the qualifications  
25 and credibility of the expert.

26 "In resolving any conflict that may  
27 exist in the testimony of expert witnesses, you should  
28 weigh the opinion of one expert against that of



1 another. In doing this you should consider the  
2 relevant qualifications and credibility of the  
3 expert witnesses as well as the reasons for each  
4 opinion and facts and other matters upon which  
5 it was based.

6 "You are not bound to accept an  
7 expert opinion as conclusive, but should give  
8 to it the weight to which you find it to be  
9 entitled. You may disregard any such opinion if  
10 you find it to be unreasonable."

11 9 fls.  
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9R-1  
1           You see, that goes back to my previous statement,  
2           that you and you, alone, are the sole and exclusive judges of  
3           the facts in this case.

4           You determine what the facts are; you determine  
5           the credibility of the witnesses and you make the ultimate  
6           decision on every issue involved in this case.

7           So you ask, "Well, if we are going to do all that,  
8           what are you up there for?"

9           Well, I am up here to decide questions of law that  
10          may arise during the trial, and give you your final instructions  
11          on the law. Now, you may not like the law as it exists today;  
12          you may find a quarrel with the law, but as the law exists  
13          today, you must accept my definition of the law and not sub-  
14          stitute what you think should be the law, or what you feel  
15          might be the better law. It is your duty, and you must accept  
16          the law from me.

17          Now, during the trial of this case, one lawyer may  
18          ask a question and the other lawyer may say, "Judge, I object  
19          to that question."

20          That's just a polite way of saying to me, "Judge,  
21          if you allow that witness to answer that question, you are  
22          violating one of the rules of evidence." I, then, am called  
23          upon to either sustain the objection to the question or over-  
24          rule the objection.

25          If I overrule the objection, the witness is permitted  
26          to answer the question.

27          If I sustain the objection, the witness is not  
28          permitted to answer the question. In that case, ladies and

1 gentlemen, you are not to conjecture or speculate as to what  
2 the answer might have been or could have been or even the  
3 reason why the lawyer objected. You see, that's a matter of  
4 law between counsel and the Court and you are not concerned  
5 with that. You have enough to do to determine the facts, the  
6 credibility of the witness and, if it comes to it, the penalty  
7 to be imposed.

8 Now, counsel have estimated that it is going to  
9 take about two months to try this case, and we may as well be  
10 frank with you now, this is the case involving Manson and the  
11 Tate-La Bianca murders.

12 This defendant Watson was not a defendant in that  
13 case; consequently, no matter what you may have heard or read  
14 about that case, you are not to consider that any evidence  
15 whatsoever against this defendant. He comes here in this court  
16 presumed to be innocent, and that presumption remains with him  
17 until you hear all the evidence, until you hear my instructions  
18 in the law, and until you go to that jury room to decide all  
19 the issues in this case.

20 Now, I have no intention to sequester the jury --  
21 that means, lock the jury up every night during the taking of  
22 the testimony -- unless, as I said before, something that  
23 should not have happened does happen, and I feel in the interest  
24 of justice, as a result of what has happened, we should lock  
25 the jury up; but, as I say, I have no intention of doing so at  
26 the present time.

27 Now, ladies and gentlemen, both the People and the  
28 defendant are entitled to the individual opinion of each juror  
on every issue of fact that is presented in this case.

1           You see, both the People and the defendant are  
2 entitled to a fair trial, a fair trial that is based only upon  
3 the evidence in this case and the law as I shall state it to  
4 you; and we have been working hard now for over a week to get  
5 that kind of a jury, a jury that can be just as fair to the  
6 People as to this defendant.

7           Now, counsel on both sides will ask you questions  
8 to determine your qualifications as a juror. They do not  
9 intend to pry into your personal lives, that is not their  
10 object; but each side is endeavoring to get what they believe  
11 to be a fair jury and a well balanced jury, and this is the  
12 only purpose they are asking you questions; so, please, ladies  
13 and gentlemen of the jury, do not resent the questions they  
14 ask you. Remember, both sides are seeking justice, that's all  
15 we ask, justice at the hands of a fair and impartial jury.

16           Mr. Bubrick --

17           MR. BUBRICK: Thank you, your Honor.

18           THE COURT: -- you may inquire. Lest you have forgotten,  
19 Mr. Adcock was the last man seated.

20           MR. BUBRICK: Yes, your Honor.

21           Q       Mr. Adcock, may I ask you, sir, the nature of your  
22 business or occupation?

23           A       I'm an engineer, electronics.

24           BY THE COURT:

25           Q       Before we go into that, Mr. Adcock, can you give  
26 us the two months we need?

27           A       Yes.

28           Q       Now, you know that should we come to the question

1 of penalty -- and the only reason we ask you this first is to  
2 determine or save a lot of time -- tell me this, would you  
3 automatically vote against the death penalty, regardless, and  
4 without regard to any evidence that might be developed at this  
5 trial?

6 A Yes, I would.

7 Q In other words, you are conscientiously opposed to  
8 the death penalty?

9 A I am.

10 Q And regardless of what the evidence might show,  
11 you cannot conceive of any case in which you would impose the  
12 death penalty?

13 A That is correct.

14 Q Is that a philosophical judgment of yours or is that  
15 a religious scruple; what is that, Mr. Adcock?

16 A Conviction based upon moral grounds, is the way I  
17 would describe it.

18 Q Can we say that it is unmistakably clear now by  
19 what you tell us that under no circumstances would you ever  
20 impose capital punishment?

21 A That is correct.

22 THE COURT: Do you wish to inquire any further, gentlemen?

23 MR. BUGLIOSI: No, your Honor.

24 MR. BUBRICK: No, your Honor.

25 MR. BUGLIOSI: May the witness be excused by stipulation?

26 MR. BUBRICK: So stipulated.

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

28 THE CLERK: Mrs. Beverly J. Davis, D-a-v-i-s.

9A

BEVERLY J. DAVIS

BY THE COURT:

Q Take seat No. 7, please.

Mrs. Davis, can you give us the two months we need to try this case?

A Yes.

Q Now, how about your views toward the death penalty, are they such that you would automatically vote against the imposition of the death penalty without regard to any evidence that might be developed at the trial of this case?

A Yes, I would.

Q Is that a philosophical objection to the death penalty or is it a religious objection; which is it?

A No, it is not religion, it is just my personal belief.

Q It is your personal belief?

Can we say that it is unmistakably clear that under no circumstances would you impose the death penalty?

A That's clear.

Q It is unmistakably clear that that is your attitude?

A Right.

THE COURT: Do you wish to question any further?

MR. BUGLIOSI: No, your Honor.

May the witness -- the juror, be excused by stipulation?

MR. BUBRICK: So stipulated.

THE COURT: Thank you, Mrs. Davis; you may be excused.

9A-2

1 THE CLERK: Mrs. Velma Kruikshank, K-r-u-i-k-s-h-a-n-k.

2 MRS. KRUIKSHANK: That is Kruikshank.

3 THE CLERK: K-r-u-i-k --

4  
5 VELMA KRUIKSHANK

6 BY THE COURT:

7 Q Is that the correct spelling, ma'am?

8 A Yes.

9 Q And you pronounce it, please?

10 A Kruikshank.

11 Q Kruikshank? Thank you.

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

14 A I think so.

15 Q Now, how about your views toward the death penalty,  
16 are they such that you would automatically vote against the  
17 imposition of the death penalty without regard to any evidence  
18 that might be developed in this case?

19 A No.

20 Q Are your views such that you would automatically  
21 vote for life imprisonment without regard to any evidence that  
22 might be developed in this case?

23 A Would you explain that, please?

24 Q Well, you see, we want to know whether you have any  
25 fixed ideas.

26 I've explained to you that only you can fix the  
27 penalty in this case, whether it is life or death; and that  
28 depends upon all the evidence you hear in this case and

9A-3

1 everything else you might hear about this defendant.

2 After you have heard all that and if you have found  
3 him guilty of murder in the first degree and you have found  
4 him sane, then you and you alone, as the juror, fixes that  
5 penalty, one or the other.

6 There are no guidelines; the court has no preference,  
7 the law has no preference, it rests with your own good  
8 conscience.

9 Do you understand that?

10 A Yes.

11 Q Now, having heard me say that, do you have a  
12 preference of one over the other at this time?

13 A No.

14 Q You would listen to everything that is to be said;  
15 is that correct?

16 A I would try.

17 Q And when that is all done you then will form your  
18 own opinion; is that right?

19 A I will.

20 Q Now, Mrs. Kruikshank, you heard us say we are  
21 trying to get a jury here and a juror who will exercise her  
22 own individual opinion and who will be fair to the people and  
23 fair to the defendant.

24 Do you know of any reason you could not be such a  
25 juror?

26 A No.

27 THE COURT: If you will, move one seat over, please,  
28 Mrs. Kruikshank, next to Mrs. Trainor. Thank you.

9A-4

1 You may inquire.

2 MR. BURRICK: Thank you.

3 Q Mrs. Kruikshank, are you employed outside of the  
4 home?

5 A Yes.

6 Q And the nature of your work, please?

7 A I am a clerk for Western Union.

8 Q And is there a Mr. Kruikshank?

9 A Yes, there is.

10 Q May I ask, please, the nature of his work?

11 A He is an electronics technician for Western Union,  
12 also.

13 Q BY THE COURT: What was the agency, please?

14 A He's an electronics technician for Western Union.

15 THE COURT: Thank you.

16 Q BY MR. BURRICK: Western Union?

17 A Yes.

18 Q Mrs. Kruikshank, have you ever read in the field  
19 that deals with drugs?

20 A Yes.

21 Q Have you read anything about the drug LSD, perhaps  
22 marijuana --

23 A Yes, I have tried to get some knowledge on the  
24 subject.

25 Q How about the field that deals with amphetamines?

26 A Yes.

27 Q Have you formed any opinion about whether or not  
28 these drugs are able or capable of making any changes in human



1 behavior, without telling us what your opinion is?

2 A I think they are.

3 Q You have formed some sort of an opinion about those  
4 drugs?

5 A I can't say that I have, because I'm constantly  
6 trying to understand it.

7 Q Would it be safe to say that you have continued  
8 to read for self-education in this field, then?

9 A Yes, if nothing more than but for the purpose of  
10 my children -- knowledge, you know.

10 fls.

10R-1

1 Q Let me ask you then, do you have any children?

2 A Yes.

3 Q As long as you suggested that?

4 A Yes.

5 Q How old are they?

6 A They are 12, 10, and 8.

7 Q You realize, Mrs. Krulikshank, that even though you  
8 have a legitimate interest in drugs -- and as parents, I  
9 suppose we all have a feeling in that area -- that we are not  
10 going to resolve the drug issue in this case?

11 A I know.

12 Q All we are going to try to do is find out whether  
13 Mr. Watson is guilty of several counts of murder.

14 Do you understand that?

15 A Yes.

16 Q I am not suggesting that drugs may not be important  
17 or significant. All I want to find out and make sure that you  
18 are not going to prejudice Mr. Watson just because you hear or  
19 you may hear that he was a drug user or drug abuser?

20 A I understand.

21 Q There may also be evidence, Mrs. Krulikshank, that  
22 Mr. Watson lives the sort of a hippie-type life, that he lived  
23 in a commune, that there were other people of his own age there  
24 and the life style, the way in which they lived and some of  
25 the other things connected with the way that he chose to live,  
26 may not be things or ways of living that you approve of.

27 Now, irrespective of that, would that fact alone  
28 tend to create any prejudice in your mind against Mr. Watson?

1           A       No, it would not.

2           Q       Again, let me suggest that I am not trying to  
3 imply that you shouldn't be cognizant or that you cannot put  
4 that in its proper prespective, because if you think there is  
5 something about the way that he lived that helps you determine  
6 whether or not he is guilty of these crimes, you certainly may  
7 take that into consideration, but absent of that we want to  
8 make sure that just because he lived in the manner which you  
9 don't approve of, that you are not going to find him guilty or  
10 be inclined to find him guilty because of that alone.

11                   Do you understand?

12           A       Yes, I do.

13           Q       May I ask you, Mrs. Kruikshank, have you ever been  
14 the victim of any crime of violence?

15           A       Yes. I don't know what you mean by "of violence,"  
16 burglary?

17           Q       House burglary.

18           A       Yes.

19           Q       Something was taken from the house or the car,  
20 perhaps?

21           A       Yes.

22           Q       Did you file a police report in connection with  
23 that?

24           A       Yes, I did.

25           Q       I hope you got yours back.

26           A       No, I didn't.

27           Q       I take it along with the filing of the police  
28 report, you probably had occasion to come in contact with some

1 police officers?

2 A Yes.

3 Q Aside from that one experience, Mrs. Kruikshank,  
4 are there any others that you can think of that might cause  
5 this defendant any prejudice in your mind because he, too, was  
6 accused of a crime of violence?

7 A You mean my encounter?

8 Q Yes.

9 A No. I mean, I have encountered -- what do you  
10 mean? Just contact with them?

11 Q Yes.

12 A No, I can't form a prejudice against them because  
13 I need them. They protect me.

14 Q Let me ask you, do you think the fact that you  
15 met the police officers in connection with the filing of your  
16 report would tend to force you to give more weight to the testi-  
17 mony of a policeman solely because he is a policeman, than  
18 anything else?

19 A No. I think he is an individual like anyone else.

20 Q If police officers testify in these proceedings, I  
21 assume you will evaluate their testimony by the same guides  
22 and standards that the judge tells you are to be applied to  
23 all witnesses?

24 A Yes, to the best of my conscience.

25 Q Do you number among your friends or acquaintances,  
26 members of any law enforcement office?

27 A Yes.

28 Q Who are they?

1 A His name?

2 Q No, are they members of the Los Angeles Police  
3 Department?

4 A Yes, the sheriff's department, and we have several  
5 people that work for the company that are members of the  
6 sheriff's reserve.

7 Q Are they people that you see very frequently?

8 A Some of them I do in my work contact.

9 THE COURT: Sheriff's reserve.

10 Q BY MR. BUGLIOSI: Sheriff's reserve?

11 A Yes.

12 Q Are there any who are members of the regular Los  
13 Angeles Police Department or regular sheriff's detail?

14 A Not in direct contact, no.

15 Q So far as you know, those people are not actively  
16 involved in crime suppression or anything of that nature?

17 A No. Are you talking about my friends?

18 Q Yes, your friends, who are members of the sheriff's  
19 reserve.

20 A Well, we have a friend that is a member of the  
21 sheriff's department but it is strictly social.

22 Q Do you see him quite frequently?

23 A No, not really.

24 Q When you see him, do you discuss the nature of his  
25 work?

26 A I prefer not to.

27 Q Does he discuss it with you?

28 A No. That is sort of a bond of our friendship.

1 Q You don't get involved --

2 A No.

3 Q -- with the professionalism of the work; is that  
4 correct?

5 A No.

6 Q Do you happen to know what detail he is with?

7 A I don't know. He might be a bailiff now. I am  
8 not sure. Mine is mostly with his wife.

9 Q Okay. Do you know, or are you acquainted with  
10 anybody who is near and dear to you, who was ever the victim  
11 of any crime?

12 A No, not directly, no.

13 Q Have you ever witnessed any crime being committed  
14 that you can recall, Mrs. Kruikshank?

15 A I've been held up, if that is witnessing.

16 Q You mean you have been the person a victim of a  
17 robbery?

18 A Yes.

19 Q When did that occur?

20 A Oh, I guess it has been over five years ago.

21 Q Is that here in the Los Angeles area?

22 A Yes. As I stated, I worked for Western Union and  
23 our office was constantly held up over there.

24 Q And was this robbery that you are mentioning now  
25 in connection with the robbery of a Western Union office?

26 A Yes.

27 Q Where you were an employee?

28 A Yes.

1 Q That certainly is a crime of violence, I would  
2 say, Mrs. Kruikshank.

3 May I ask you whether your experience in connec-  
4 tion with that is such that you don't think you could be fair  
5 and impartial to Mr. Watson, because he too is accused of a  
6 crime of violence?

7 A I don't think so, because I was held up more than  
8 once.

9 Q You have experienced this a number of times?

10 A Yes -- well, I mean, you know --

11 Q Have you ever been forced to testify, or have you  
12 ever -- whether you have been forced to or not -- have you  
13 ever testified in court in connection with any of the robberies?

14 A No.

15 Q Have any of those people ever been apprehended, so  
16 far as you know?

17 A Not to my knowledge.

18 Q Can you tell us when the most recent of these  
19 experiences occurred?

20 A I can't recall. It has been at least five to  
21 seven years, I would think.

22 Q At least five or seven years ago?

23 A Yes.

24 Q Have you, Mrs. Kruikshank, ever studied in the  
25 field of law?

26 A No.

27 Q Have you ever read anything in the field of  
28 psychology or psychiatry?

1 A Yes.

2 Q Which one?

3 A I had a psychology course in college.

4 Q In college?

5 A Yes.

6 Q Have you done any studying in that field on your  
7 own, since you have left school?

8 A Yes. I mean, I read books constantly because I  
9 have to search in order to know my children.

10 Q There has been some statement made that there  
11 probably will be psychiatric testimony during the course of  
12 this trial.

13 May we assume, Mrs. Kruikshank, that you will put  
14 aside everything that you may have learned or read in connec-  
15 tion with your studies of psychiatry or psychology, and be  
16 guided solely by what you hear during the course of the proceed-  
17 ings?

18 A Yes, I would.

19 Q And if something comes to pass in the course of  
20 the trial, wherein the psychiatrists or psychologist is testi-  
21 fying, that you think is in conflict with any opinion that you  
22 already hold, you will be guided by what you hear here in the  
23 courtroom?

24 A I will.

25 Q Do you know, Mrs. Kruikshank, anybody who has ever  
26 gone to a psychiatrist or a psychologist?

27 A No.

28 Q Do you have a feeling about whether or not psycholo-  
gists or psychiatrists play a vital part in our everyday



1 society?

2 A Medically, yes. I mean, they do.

3 Q You have a feeling that if they are otherwise  
4 qualified that they do some good in our community or in our  
5 society?

6 A I think a psychologist does.

7 Q Do you know anybody who has ever gone to a psychia-  
8 trist so that you think it has made that person worse?

9 A I don't know about that.

10 Q Do you believe that psychiatrists are able to  
11 interpret human behavior?

12 A I believe if he has a medical problem.

13 Q If he has what?

14 A If he has a medical problem.

15 Q If the patient had a medical problem?

16 A Yes.

17 Q Let me ask you just a little bit about the death  
18 penalty, if I may, Mrs. Kruikshank.

19 You realize that by talking about it now, I am  
20 not implying that this is a death penalty case?

21 A Yes.

22 Q But under the law, it is the only time we can talk  
23 about it, during this voir dire examination.

24 I know you must realize from what Judge Alexander  
25 has told us that if we get to the third phase, if we get to the  
26 point where you, as a member, prospective member of the jury,  
27 or as a member of a jury panel, are called upon to decide the  
28 punishment for Mr. Watson, you will already have found him

1 guilty of at least one or more counts of first degree murder.

2 Do you understand that it is a willful, premeditated,  
3 deliberate murder with malice aforethought.

4 You may be able to find him guilty of as many as  
5 seven such type murders.

6 Can you tell me now, Mrs. Kruikshank, whether you  
7 feel the death penalty is the only proper punishment for one  
8 who has been found guilty of seven counts of first degree  
9 murder?

10 A I believe it would be.

11 Q Is that the way you feel about a person whom you  
12 might convict of seven counts of first degree murder?

13 A Yes.

14 Q You realize from what the judge has said, that  
15 we want a juror who will consider all facts in connection with  
16 this case, no matter which side presents them, in determining  
17 which of these two types of punishment you are going to impose.

18 Do you understand that the jury, and the jury alone,  
19 without any assistance from the Court, will decide whether  
20 it be life or death, if you get into the third phase, and let  
21 me ask you just once again: If you find the defendant guilty  
22 of seven counts of first degree murder, Mrs. Kruikshank, can  
23 you honestly tell us whether or not you would be forced to  
24 impose the death penalty, whether you would automatically do  
25 that?

26 A In all good conscience, I would.

27 Q In all good conscience, you would?

28 A Yes.

1 Q You would automatically impose it, if you found  
2 him guilty of that number of counts of murder?

3 A Yes.

4 MR. BUBRICK: Your Honor, at this time I would impose  
5 a challenge under 1073 Subdivision 2.

6 THE COURT: Well, I wonder whether Mrs. Kruikshank fully  
7 understood it.

8 Mrs. Kruikshank, you know that whether or not to  
9 impose the death penalty depends upon all the facts in this  
10 case, his background, what he did here, everything.

11 Would you close your mind to all the other evidence  
12 and just consider the fact that you have found him guilty of  
13 seven counts of murder in the first degree and for that reason  
14 alone impose the death penalty?

15 A I wouldn't close my mind to that, your Honor. I  
16 mean I honestly feel that after all the testimony was in, and  
17 with the evidence of the qualified people and everything, I  
18 would judge it and if in my conscience, in my mind, that I  
19 felt he was actually guilty on all these counts, I would,  
20 because I feel that nothing else can be done, no further studies  
21 or anything could be done.

22 THE COURT: I will allow the challenge. Thank you, Mrs.  
23 Kruikshank, you will be excused.

11f.

#11

1 THE CLERK: Joel D. Greenberg, G-r-e-e-n-b-e-r-g.

2  
3 JOEL D. GREENBERG

4 BY THE COURT:

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

7 A No.

8 Q Why?

9 A Because I am a teacher and if I am not available  
10 at the start of school in September, it may be a year before I  
11 could get organized for work -- employment again.

12 THE COURT: We wouldn't want that to happen.

13 Gentlemen, may he be excused?

14 MR. BUGLIOSI: Yes, your Honor.

15 MR. KAY: Yes, your Honor.

16 MR. BURRICK: So stipulated.

17 THE CLERK: Echo Goto, G-o-t-o.

18 MRS. GOTO: That's "Echo."

19 THE CLERK: E-c--h-o, first name; last name is G-o-t-o.

20  
21 ECHO GOTO

22 BY THE COURT:

23 Q Is that Miss or Mrs. Goto?

24 A Miss.

25 Q Miss Goto, did you hear the comments I made as you  
26 sat back there?

27 A Yes.

28 Q Can you give us the two months we need to try this  
case?

11-2

1 A Yes.

2 Q You have some hesitancy there. I know two months  
3 is a long time to give of one's life, but we have to have a  
4 jury trial and we have to find people who will devote their  
5 time in the interest of justice.

6 Can you do that for us?

7 A Yes.

8 Q Now, how about the question of the death penalty,  
9 Miss Goto, do you feel that you would automatically vote against  
10 the death penalty regardless of what facts might be developed  
11 in this case?

12 A Could you repeat that?

13 Q Do you have any conscientious objections to the  
14 death penalty?

15 A No.

16 Q Then you would not vote automatically against the  
17 death penalty?

18 A No.

19 Q You heard me explain that you and you alone, should  
20 we come to that phase of the trial, impose what the penalty  
21 shall be, whether it shall be life or death.

22 Do you understand that?

23 A Yes.

24 Q And that depends on everything you might hear in  
25 this case, not upon any one isolated fact, but on everything.

26 A Yes.

27 Q It depends upon your own good judgment and your own  
28 good conscience.

11-3

1 A Yes.

2 Q Now, Mr. Bubrick has been asking here, supposing  
3 you find him guilty of seven murders, murders in the first  
4 degree, would that fact, alone, cause you to give him the  
5 death penalty or will you consider everything you hear in this  
6 case?

7 A I will consider everything.

8 Q Now, you know we are trying to get a jury of 12  
9 people, a fair minded jury, impartial jury, who will give the  
10 people and the defendant a fair trial based only upon the  
11 evidence.

12 Can you be that kind of a juror, Miss Goto?

13 A I will try.

14 THE COURT: That's all we can expect.

15 Thank you. You may inquire.

16 Q BY MR. KEITH: Mrs. Goto, I'm going to ask you a  
17 few -- it is Miss Goto? I'm sorry.

18 Do you have a business or occupation?

19 A Yes.

20 Q May I ask what that is?

21 A I am a florist.

22 Q And do you operate your own shop some place?

23 A Yes, I am self-employed.

24 Q And where is your florist shop located, generally?

25 A 7833 South Central Avenue.

26 Q How long have you had your shop there?

27 A At that one location, 22 years.

28 Q Have you lived in the Los Angeles County area most

11-4

1 of your life?

2 A Yes.

3 Q All your life you have lived here?

4 A Los Angeles County, yes.

5 Q Were you born in this county?

6 A I was just born in Orange County, but most of my  
7 life was lived in Los Angeles County.

8 Q Were you able to hear what his Honor, Judge  
9 Alexander told you and everyone else about some of the  
10 principles of law --

11 A Yes.

12 Q -- that the respective jury panel may have to  
13 encounter and wrestle with in this case?

14 A Yes.

15 Q Do you think you, as a result of Judge Alexander's  
16 exposition, have acquired some grasp of what he is talking about?

17 A Yes.

18 Q Do you understand there may, but not necessarily,  
19 be three phases to this case; and the same jury would sit on  
20 all three phases in the event they all came to pass?

21 Did you understand that?

22 A Yes.

23 Q And you understood that the first part of this  
24 trial is considered -- normally called the guilt or innocence  
25 phase, where you determine whether Mr. Watson is guilty of  
26 anything or not.

27 Did you understand that?

28 A Yes.

11-5

1 Q And did you also understand that you may be very  
2 vitally concerned in that first phase of the case with Mr.  
3 Watson's mental condition at the time of the alleged Tate-  
4 La Bianca homicides, in the first phase?

5 A Yes, I'm aware of it.

6 Q Do you remember what his Honor was talking about  
7 diminished capacity?

8 A (Nodding affirmatively.)

9 Q You have to answer; I'm sorry, you have to answer  
10 out loud.

11 A Yes.

12 Q Do you think you understood something about what  
13 he was telling you?

14 A Yes.

15 Q That a person's mental state or state of mind or  
16 frame of mind or mental capacity may in this case have much  
17 to do with whether or not Mr. Watson is guilty of anything.

18 A Yes.

19 Q Because not only in murder but in any crime there  
20 has to be a joint operation of act and intent; and you may have  
21 the act but if you don't have the intent -- I won't go into an  
22 exposition of the law -- but, nonetheless, intent is always  
23 important, mental state.

24 A Yes.

25 Q You were with his Honor when he told you about  
26 diminished capacity; is that right?

27 A Yes.

28 Q This is a mental state of mind which is short of



11-6

1 insanity, do you understand that; you don't consider sanity  
2 or insanity in the first phase, only in the second phase, and  
3 then only if you convict Mr. Watson of something.

4 A Yes.

5 Q Diminished capacity is a doctrine or a concept  
6 that falls something short of legal insanity.

7 Are you with me?

8 A Yes.

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Q All right.

If you aren't, say so. Don't just answer "yes," because you think that's the answer I want. That isn't necessarily so at all.

We want to find out your state of mind.

A Yes, I will ask you to repeat the question if I am in doubt.

Q Thank you.

A If I may,

Q I appreciate that. Of course, you may.

Now, have you ever, in your florist shop, say, been held up or --

A No.

Q -- have you ever been the victim or anybody close to you been the victim of an assault or a battery or a robbery or burglary?

A No.

Q Have you ever witnessed any crime --

A No.

Q -- serious crime, that is?

A No.

Q And do you live near your florist shop?

A Yes, right next to it.

Q Have you ever been a juror before?

A No.

Q Have you ever done any reading, Miss Goto, in the field of psychology or psychiatry?

A No.

11A-2

1 Q And in the event psychiatrists testify here, would  
2 you give them the benefit of their testimony and weigh and  
3 consider it and give it the weight to which you think it is  
4 entitled?

5 A Yes.

6 Q Do you have anything against psychiatrists or  
7 psychologists?

8 A No.

9 Q You heard some of the questions -- or, I'm sure  
10 you heard all of the questions that Mr. Rubrick asked the  
11 juror that preceded you about whether or not she'd be offended  
12 or distressed or prejudiced against Mr. Watson because of the  
13 life style that he undertook in 1967, '68 and '69, that he was  
14 a hippie, that he used lots of drugs, that he lived in a  
15 commune and he lived with this fellow Manson for some time, and  
16 that the commune, itself, didn't have any particularly high  
17 standard of moral values or social goals.

18 Would these facts, in the event the evidence so showed  
19 this to be the case, so prejudice you against Mr. Watson that  
20 you couldn't give him a fair trial?

21 A No.

22 Q You wouldn't be offended or distressed if there  
23 were evidence that Mr. Watson had been a hippie, let's say?

24 A No.

25 Q Now, I'm not suggesting, Miss Goto, that such  
26 evidence about drugs and about the communal living and about  
27 Manson may not be significant, relevant, important in your final  
28 determination of this cause. I am just asking you if you would

11A-3

1 put Mr. Watson down just because he lived in that manner?

2 A No.

3 Q Did you read anything about the so-called Manson  
4 case during its progress?

5 A I do not have very much time to read.

6 Q Did you know anything about that case at all before  
7 you came into court this morning?

8 Did you ever hear of Charles Manson before?

9 A Yes.

10 Q And before you came into court did you have any  
11 idea of who he was?

12 A Roughly; but I don't know the details of it. I  
13 haven't followed it that closely.

14 Q Who was he, as far as you know?

15 A He was a man.

16 Q That's about all you know about him?

17 A (Nodding affirmatively.)

18 Q I take it, then, that you haven't formed any  
19 opinion about whether or not Mr. Watson is more likely to be  
20 guilty than innocent because he was at one time in Manson's  
21 commune, since you never heard of Manson before other than  
22 that he was a man; is that a fair statement?

23 A That's right.

24 Q So you were coming into court today with a fresh,  
25 open mind about this case?

26 A Yes.

27 Q And, incidentally, if selected as a trial juror  
28 will you keep an open mind throughout the testimony --

1 A Oh, yes,

2 Q -- or the evidence in this case?

3 You won't stuff your ears with cotton just as soon  
4 as the prosecution finishes its case, will you --

5 A No.

6 Q -- and not give Mr. Watson the benefit of his  
7 testimony and his witnesses and his evidence?

8 You won't do that, will you?

9 A No.

10 Q You are sure of that?

11 A Yes.

12 Q Have you ever seen Mr. Bugliesi before you came to  
13 court today?

14 A No. Who is the gentleman?

15 Q He is the gentleman seated at the end of the  
16 counsel table, with the vest on.

17 A I'm sorry. Was I supposed to recognize him?

18 Q Well, I'd say so. I'd put it that way. He's been  
19 on television on occasion.

20 Do you ever watch television?

21 A My television has been broken since December and  
22 I cannot have it fixed.

23 Q I'm sorry. Maybe you don't worry about that, but --

24 Did you ever read about the case in the newspaper,  
25 this Manson case?

26 A Not in detail.

27 Q Do you know what happened in that case, what the  
28 outcome of it was?

1 A No, I really don't know the outcome of that, sir,

2 Q Well, having very little, if any, knowledge about  
3 the Tate-La Bianca homicide and the Manson case, perhaps some  
4 of my questions weren't very understandable to you.

5 What I am interested in finding out or was, is this,  
6 and I am in effect speaking to everybody: There was, although  
7 you didn't realize it, a great deal of notoriety and a great  
8 deal of publicity worldwide, in fact, concerning this so-called  
9 Manson case, and we are interested in seeking jurors that, if  
10 they have formed any opinion about Mr. Watson as a result of  
11 their exposure to the publicity and notoriety of that case,  
12 whether or not they can erase that opinion from their minds and  
13 give Mr. Manson a fair trial without -- Mr. Watson, thank you --  
14 without being prejudiced against him because of all of this  
15 notoriety?

16 If you have an opinion as a result of that other  
17 case and think it is going to take evidence or testimony to  
18 erase it from your mind, then it is going to be difficult for  
19 any prospective juror to be fair to Mr. Watson.

20 You see what I am getting at?

21 A Yes.

12R-1

1 Q You're in the fortunate position of not having  
2 had any opinion in the past, so there is nothing for you to  
3 erase or disassociate from your mind.

4 THE COURT: Is this a question, Mr. Keith?

5 Q BY MR. KEITH: Is that not a fair statement?

6 A That's right.

7 Q Now, with respect to the capital punishment, Miss  
8 Goto, the district attorney, the deputy district attorney,  
9 Mr. Bugliosi and Mr. Kay, will tell you they are seeking the  
10 death penalty in this case, in the event Mr. Watson is convicted  
11 of first degree murder.

12 In the event they tell you, would you be so over-  
13 awed by the position of the district attorneys towards Mr.  
14 Watson in this case, that you would be more inclined to believe  
15 now that he is more likely to be guilty than innocent?

16 A I would have to listen to everyone.

17 Q You understand now that Mr. Watson is presumed  
18 innocent, do you not?

19 A He hasn't been proven anything. He is innocent.

20 Q That is right. Thank you. And you won't be more  
21 inclined to believe that Mr. Watson is more likely guilty than  
22 innocent of anything because Mr. Bugliosi may tell you that his  
23 office is seeking the death penalty in this case; is that  
24 correct?

25 A Well, Mr. Bugliosi is only one man's opinion.

26 Q Do you have any opinions on capital punishment at  
27 this time?

28 In other words, Miss Goto, if you were asked to

1 vote whether to abolish or retain capital punishment, do you  
2 have an opinion now as to how you would vote?

3 A I would vote for capital punishment.

4 Q Now, I asked you if you had an opinion on an  
5 abstract philosophical basis. Do you understand what I mean?

6 A What do you mean by philosophical?

7 Q Just hypothetically, do you have an opinion, not  
8 with respect to any particular facts.

9 I am interested in what your views are on capital  
10 punishment in general.

11 A I believe in capital punishment.

12 Q Now, having such a belief, would you be more  
13 inclined, in the event Mr. Watson is convicted of first degree  
14 murder, to vote that death penalty without regard to the facts  
15 surrounding the case, without regard to Mr. Watson's back-  
16 ground and history, and without regard to any other circum-  
17 stances that may come before you as evidence?

18 A I must listen to all the evidence.

19 Q Would you automatically vote for the death penalty  
20 because you believe in capital punishment?

21 A No.

22 Q Do you feel you would have the courage to vote  
23 for life imprisonment, if you felt that was the proper punish-  
24 ment in this case, and we ever got that far in the trial  
25 despite your belief in capital punishment?

26 A I will have to listen to the evidence.

27 Q Let's suppose that you believe that this was an  
28 appropriate case for the imposition of life imprisonment,



1 rather than death based on all the facts and circumstances.  
2 Would you have the courage to bring in such a penalty of life  
3 rather than death, even though you --

4 A Yes.

5 Q -- were in favor of capital punishment --

6 A Yes.

7 Q -- in general?

8 A Yes.

9 Q Is there anything you can think of, Miss Goto,  
10 why you would find it difficult to give Mr. Watson a fair trial  
11 in this case?

12 A No.

13 Q Nothing that has come to mind while you have been  
14 seated as a prospective juror in the jury box?

15 A No.

16 Q Nothing that has come to mind while you have been  
17 seated in the spectator part of the courtroom?

18 A No.

19 Q Do you believe that you would automatically vote  
20 for the death penalty in the event Mr. Watson was convicted  
21 of first degree murder without consideration of any other facts  
22 that may be elicited?

23 A No.

24 Q Do you believe that you would automatically vote  
25 for the death penalty in this case, in the event Mr. Watson  
26 was convicted of seven counts of murder, in other words, there  
27 were seven dead bodies, just automatically without considera-  
28 tion of any other fact or circumstance?

1 A I must consider other factors.

2 MR. KEITH: I will pass for cause.

3 THE COURT: Mr. Bugliosi. This is Mr. Bugliosi, Miss  
4 Goto.

5 MISS GOTO: How do you do.

6 Q BY MR. BUGLIOSI: Good morning, Miss Goto.

7 A Good morning.

8 Q When Mr. Keith was asking you whether you had seen  
9 me on television, he wasn't suggesting that I was some type of  
10 a television actor.

11 You understand that, don't you, ma'am?

12 A Yes.

13 Q I was the prosecutor during the last trial and as  
14 a result of that, I was on television a couple of times. That  
15 is what Mr. Keith was talking about.

16 A I see.

17 Q That is until my ratings went down around December,  
18 the same time as your television set went on the blink.

19 I would like to again, your Honor, address my  
20 attention to the jurors located in the spectator section.

21 Ladies and gentlemen, those of you who are now  
22 seated out there in the spectator section, when I ask ques-  
23 tions of Miss Goto, I would appreciate it if you would mentally  
24 ask yourself the same questions, the same questions I am asking  
25 her. You will ask those same questions to yourselves so that  
26 later on when you are seated in the jury box, I will not have  
27 to ask every question all over again.

28 Will you all promise to do that?

1 (Affirmative response.)

2 If and when you are later seated in the jury box,  
3 Mr. Kay, my partner, or I will ask you whether you heard the  
4 questions that I asked Miss Goto, and if we ask you if we  
5 ask you the same questions would your answers be essentially  
6 the same, to be able to answer that question, you will have to  
7 listen to all the questions we ask Miss Goto.

8 Will you all promise to do that?

9 (Affirmative response.)

10 Q Miss Goto, you understand, ma'am, that if the jury  
11 which is selected to sit on this case comes back with a verdict,  
12 with first degree murder against Mr. Watson, and the jury finds  
13 that he was sane at the time of these murders, that the prosecu-  
14 tion is going to ask for the death penalty. You understand that?

15 A Yes.

16 Q I am sure that the defense attorneys will ask for  
17 life imprisonment. We will ask for death, Mr. Kay and myself.  
18 You understand that.

19 Do you understand that, ma'am?

20 A Yes.

21 Q I would like to ask you some questions now, ma'am,  
22 about the death penalty for the purpose of ascertaining your  
23 state of mind with respect to it and if the questions that I  
24 ask do not specifically pinpoint your problem, but suggests  
25 something that you think I ought to know about, please volun-  
26 teer this information, so that I can address myself to that  
27 particular area.

28 Okay, ma'am?

1 A Yes.

2 Q His Honor went over this very, very, very well,  
3 but because of its importance and because you, of course, are  
4 not a lawyer, ma'am, nor any of you out there, I don't believe  
5 are lawyers, I am going to go over it again for emphasis just  
6 to clarify any point or problems that may still remain in  
7 your mind.

8 Since this area is a little complicated, I have  
9 had a chart prepared there. Do you see that, to your left  
10 front, Miss Goto?

11 A Yes.

12 Q Now, in the first trial, ma'am, if the jury  
13 convicts Mr. Watson of any degree of criminal homicide whatso-  
14 ever, first degree murder, second degree murder, voluntary  
15 manslaughter, there will follow a second trial called the  
16 sanity trial and during that second trial, the only issue for  
17 you as a member of the jury to decide will be whether Mr.  
18 Watson was sane or insane at the time of these murders.

19 Do you understand that, ma'am?

20 A Yes.

21 Q If you have any questions about this as I go along,  
22 don't hesitate to ask. All right?

23 A Yes.

24 Q Now, during the first trial, ma'am, the guilt or  
25 innocence trial, the issue of sanity or insanity will not  
26 arise.

27 Do you understand that?

28 A Yes.

1 Q That will not be an issue for the jury to decide  
2 during the first trial?

3 A Yes.

4 Q That will only arise during the second trial.

5 Do you understand that?

6 A Yes.

7 Q Do you understand further that if during the second  
8 trial you find as a member of the jury, and the other jurors  
9 concur, that Mr. Watson was legally sane, not insane, but that  
10 he was legally sane at the time of these murders, there will  
11 follow a third trial called the penalty trial, in which the  
12 sole issue for you to decide will be whether Mr. Watson receives  
13 life imprisonment or the death penalty.

14 Do you understand that?

15 A Yes.

16 Q Do you understand further that if in the second  
17 trial, that is the sanity trial, you find that Mr. Watson was  
18 legally insane, you find during the second trial that he was  
19 insane -- this means, Miss Goto, that he will be found to be  
20 not guilty of these murders because of his insanity, and  
21 because he is not guilty of these murders because of his  
22 insanity, there will not be a third trial. There will not be  
23 a penalty trial.

24 Do you understand that?

25 A Yes.

26 Q Do you understand further that if, during the  
27 first trial, he is found to be not guilty of these murders, or  
28 if he is found to be guilty of some degree of criminal

1 homicide, lesser than first degree murder, such as second  
2 degree murder, there also will not be a penalty trial?

3 In other words, if he is found to be guilty, let's  
4 say of second degree murder, there will not be a penalty trial;  
5 there will only be a penalty trial, a third trial, if Mr.  
6 Watson is convicted of first degree murder and he is found to  
7 be sane at the time of these murders.

8 Do you understand that?

9 A Yes.

10 Q Is there any question in your mind about it?

11 A Only first degree and insanity.

12 Q The first degree and insanity. Only if he is  
13 convicted of first degree murder during the first trial, and  
14 if he is found to be sane during the second trial, that there  
15 will be a third trial, the penalty trial?

16 A Yes, I understand.

17 Q Miss Goto, neither his Honor nor defense counsel,  
18 nor Mr. Kay nor I can tell you what is or is not a proper case  
19 for the imposition of the death penalty for the simple reason  
20 that there is no legal definition of what is or is not a  
21 proper case.

22 The law says that it is within the absolute dis-  
23 cretion of the jury to decide what is and what is not a proper  
24 case for the death penalty.

25 There are simply no guidelines or standards for  
26 you to follow.

27 Do you understand that?

28 A Yes.

1           Q       Stated another way, the law as it presently exists  
2 leaves it up to each juror's individual decision whether they  
3 feel the circumstances surrounding the murders are sufficiently  
4 aggravating to warrant the imposition of the death penalty.

5                   Do you understand that?

6           A       Yes.

7           Q       And as Judge Alexander pointed out, the law states  
8 no preference for the death penalty over life imprisonment or  
9 for life imprisonment over the death penalty.

10                   It is completely up to you. Do you understand that?

11          A       Yes.

12          Q       I take it you do not belong to any organization  
13 which has as its object, or one of its objects, the abolition  
14 or suspension of the death penalty in the State of California?

15          A       No.

16          Q       You do not belong to any organization that is try-  
17 ing to get rid of the death penalty in the State of California?

18          A       No.

19          Q       And I take it you do not belong to any church which  
20 has religious doctrines which would prohibit you from voting  
21 for a verdict of death. Am I correct?

22          A       That is right.

23          Q       And you're not opposed to the death penalty, is  
24 that correct?

25          A       No.

26          Q       Would you rather see the death penalty kept in the  
27 State of California or would you like to see some other form  
28 of punishment substituted for it?



1 THE COURT: Can you suggest a substitution?

2 MR. BUGLIOSI: Your Honor, there are substitutions. I  
3 myself are not in favor of them, but other people have  
4 suggested substitutions.

5 MISS GOTO: At this time, I have no suggestions to give  
6 you.

7 Q BY MR. BUGLIOSI: I am not the pollster knocking on  
8 your door, Miss Goto, but you are in favor of keeping the death  
9 penalty then? You are in favor of keeping the death penalty  
10 in the state of California?

11 A Unless another better idea comes up.

12 Q And you haven't found that idea yet?

13 A No.

14 Q Okay. Now, as I said before, Miss Goto -- and I  
15 think Judge Alexander also said it -- many people are not  
16 opposed to the death penalty, they have no objection to the  
17 death penalty at all, but they personally do not want to sit  
18 as a juror on a case where the death penalty is involved, sign  
19 their name on a verdict of death.

20 They want to let somebody else do it. They don't  
21 want to do it themselves. Certainly no one can criticize them  
22 for that.

23 It is not easy for any person to go back in that  
24 jury room -- it is not fun -- and then come back into this  
25 courtroom and look Mr. Watson in the eye and say, "Mr. Watson,  
26 you must die for the murders you have committed."

27 That is not easy. It is not fun.

28 With that thought in mind, Miss Goto, let me ask



1 you this question -- again, when I am asking you this question,  
2 I am asking each and every one of you out there the same  
3 identical question -- if, after hearing all of the evidence in  
4 this case, Mrs. Goto, and considering all of the circumstances,  
5 you felt that this was a proper case for the imposition of the  
6 death penalty, would you personally have the courage, and would  
7 you be willing to vote for a verdict of death?

8 A Yes.

9 Q To your knowledge, is any member of your family  
10 opposed to the death penalty, any relative or close friend or  
11 member of your family?

12 A I am not aware of it.

#13

1 Q As Judge Alexander, Mr. Keith and Mr. Bubrick have  
2 both stated, during the first trial there is not going to be  
3 any issue of sanity or insanity, but the defense will offer  
4 evidence that at the time of these murders Mr. Watson was  
5 suffering from diminished mental capacity.

6 Will you follow all of Judge Alexander's instructions  
7 on diminished capacity?

8 Will you follow all of Judge Alexander's instructions  
9 to you on the law of diminished capacity?

10 A Yes.

11 Q Psychiatrists are going to testify in this case,  
12 ma'am, for the prosecution and for the defense.

13 Are you of such a frame of mind that if the  
14 defense psychiatrists testify that Mr. Watson was suffering  
15 from diminished mental capacity at the time of the murders and  
16 that he could not deliberate or premeditate these murders and  
17 the prosecution psychiatrists, on the other hand, testify that  
18 he was not suffering from diminished <sup>mental</sup> capacity and he could  
19 deliberate and premeditate these murders, do you believe that  
20 this disagreement between the defense and the prosecution  
21 psychiatrists automatically means that there is a reasonable  
22 doubt as to whether he did have the mental capacity to commit  
23 these murders?

24 Would that disagreement cause you to feel that there  
25 must be a reasonable doubt?

26 Do you understand my question?

27 A Not quite.

28 Q Well, if there is a disagreement between the

13-2

1 defense psychiatrists and the prosecution psychiatrists as  
2 to whether he had the capacity to commit these murders, the  
3 mental capacity, would this disagreement cause you to auto-  
4 matically feel, "Well, since they are in disagreement there  
5 must be a reasonable doubt as to whether he had the mental  
6 capacity"?

7 A Of course, there'd be a reasonable --

8 Q You would feel that way?

9 A There would be a reasonable doubt.

10 Q BY THE COURT: Miss Goto --

11 A Perhaps I don't understand it.

12 Q -- I explained to you before that you are the  
13 exclusive judges of the facts in this case.

14 I explained to you that some psychiatrists will say  
15 he does have diminished capacity, some will say he does not;  
16 and I read to you the law, how you weigh experts' opinion; and  
17 after you are through weighing their opinions you make up  
18 your mind which ones you believe, and just because one says  
19 "yes" and the other says "no," you are not going to take a  
20 position at all, you'll take a position no matter what they  
21 say; is that right?

22 A That is right.

23 Q And you will weigh their opinion?

24 A Yes.

25 Q And then you will make up your own mind?

26 A Yes.

27 Q BY MR. BUGLIOSI: In other words, Miss Goto, the  
28 fact that the psychiatrists are in disagreement doesn't mean

1 there has to be some confusion in your mind; you may have a  
2 view one way or the other, irrespective of what they testify?

3 A Yes, I understand.

4 Q You understand, Miss Goto, in almost every single  
5 criminal trial that you can think of the defense psychiatrist  
6 and the prosecution psychiatrist or the defense witnesses and  
7 the prosecution witnesses disagree. If they were all in  
8 agreement on everything there probably wouldn't even be a trial.

9 You understand that?

10 A Yes.

11 Q And the fact that there is a disagreement between  
12 the defense and the prosecution witnesses does not mean that  
13 you have to feel that there should be confusion in your mind.

14 You may have a clear view one way or the other,  
15 irrespective of what they say; you understand that?

16 A Yes, yes.

17 Q It is up to you to decide which witnesses' testimony  
18 is the most persuasive, the most believable --

19 A Yes.

20 Q -- which one has the most merit; do you understand  
21 that?

22 A Yes.

23 Q I think the law of insanity basically requires  
24 two things, Mrs. Goto -- or, Miss Goto: There are other  
25 sophistications, but I think the two things that you are going  
26 to be dealing with during the trial, during the second trial,  
27 will be, No. 1, whether Mr. Watson had a diseased or a deranged  
28 mind at the time of these murders and, No. 2, if because of this

13-4

1 diseased or deranged mind he did not know what he was doing  
2 was wrong this is called, as Judge Alexander has said, the  
3 M'Naughton test for insanity.

4 It is an old English common law that has been  
5 adopted in the state of California as a test for insanity.

6 Now, do you feel that there should be a different  
7 test to determine legal insanity than the rule that I have  
8 just enunciated to you?

9 A I wouldn't know.

13A

13A

1 Q Do you have any quarrel with this rule that I have  
2 just given you, that to constitute legal insanity a person  
3 has to have a diseased or deranged mind and as a result of  
4 the diseased or deranged mind he does not know what he was  
5 doing was wrong?

6 Do you have any quarrel with that test for insanity;  
7 do you disagree with it?

8 A I'll have to listen to --

9 Q Just hearing it now, ma'am, is there anything  
10 about that rule which you do not like?

11 A I don't know the rule.

12 Q All right, fine.

13 Assuming that what I have told you now is the  
14 rule, is there anything about it that just does not sound  
15 right to you, that makes you feel, "Well, I don't agree with  
16 that, there should be some other type of a rule"?

17 A What is the rule?

18 Q All right, I will try to state it again: To  
19 constitute legal insanity -- do you understand me thus far?

20 A Yes.

21 Q To constitute legal insanity in the state of  
22 California it has to be shown that at the time of the crime  
23 -- in this case, murder -- the defendant, No. 1, was suffering  
24 from a diseased or deranged mind and, No. 2, as a result of  
25 this diseased or deranged mind he did not know that killing  
26 a fellow human being was wrong.

27 If these two things are present or if either one  
28 of these two things are present, the person is legally insane.

13A-2

1 Do you understand that?

2 A Yes.

3 Q Now, for instance, if the evidence during this  
4 trial convinces you that, No. 1, at the time of these murders  
5 Mr. Watson was not or did not have a diseased or deranged mind  
6 or even if he did if you believe that he knew that what he  
7 was doing was wrong, he is not legally insane.

8 Do you understand that?

9 A Yes.

10 Q Will you promise to apply that strict test for  
11 insanity to the facts in this case?

12 A Yes.

13 Q In this trial, Miss Gato, the defendant has plead  
14 not guilty by reason of insanity. He has actually entered two  
15 pleas; No. 1, he has plead not guilty and, No. 2, he is pleading  
16 not guilty by reason of insanity.

17 Do you feel that just because Mr. Watson has plead  
18 not guilty by reason of insanity that this means he is insane;  
19 that because he plead that, this means he really is insane?

20 A No.

21 Q Do you understand that any defendant at any time  
22 even if he is charged with burglary or arson, whatever the  
23 crime is, and a defendant in any trial can plead not guilty by  
24 reason of insanity.

25 Do you understand that?

26 A Yes.

27 Q He has the right to do that.

28 A Yes.

13A-3

1 Q You understand, further, that his pleading not  
2 guilty by reason of insanity, the fact that he claims he  
3 is insane is no evidence that he is, in fact, insane.

4 Do you understand that?

5 A Yes.

6 Q Now, during the first trial, as Judge Alexander has  
7 told you, the prosecution has the burden of proving Mr. Watson's  
8 guilt.

9 During the second trial Mr. Watson has the burden  
10 of proving by a preponderance of the evidence that he was  
11 insane at the time of these murders.

12 Do you understand that?

13 A Yes.

14 Q In other words, the prosecution does not have the  
15 burden of proving that Mr. Watson was sane; he has the burden  
16 of proving that he was insane.

17 Do you understand that?

18 A Yes.

19 Q Do you feel that this is an unfair law that places  
20 the burden on Mr. Watson to prove that he was insane?

21 Do you feel that that's unfair, that perhaps we  
22 should have the burden of proving that he was sane?

23 Do you feel it is unfair to place the burden on  
24 him to prove that he was insane?

25 A That is the law.

26 Q That is the law, ma'am, but I am asking you if  
27 you feel that that is unfair.

28 A No.



13A-4

1 Q Now, do you realize that under the law if Mr.  
2 Watson does not meet his burden; in other words, during the  
3 second trial, if he does not prove to you by a preponderance  
4 of the evidence that he was insane, you, as a member of the  
5 jury, must come back with a verdict that he was sane,

6 Do you understand that?

7 A Yes.

8 Q Some lay people, Miss Goto, have been heard to say  
9 that anyone who commits a vicious, premeditated murder must be  
10 insane.

11 I take it you do not feel that way?

12 A No.

13 Q And these murders, these so-called seven Tate-  
14 La Bianca murders, you are not of such a frame of mind that  
15 anybody who participated in these murders must be insane?

16 You don't feel that way?

17 A No.

14 fls.

14R-1

1 Q The primary issue during the trial will most  
2 likely be Mr. Watson's mental state at the time of these mur-  
3 ders, August the 9th and 10th, 1969.

4 Do you realize that his mental state at the present  
5 time as he sits right here in front of you now, will not be  
6 an issue for the jury to decide. Do you understand that?

7 A Yes.

8 Q Any question about that, about what I have just  
9 said?

10 A No.

11 Q I am going to read to you a list of psychiatrists,  
12 psychologists and neurologists and ask you if you have ever  
13 had any personal contact with any of these people or if you  
14 know them:

15 Dr. Grovner Bailey?

16 A No.

17 Q Dr. Joel Fort, F-o-r-t?

18 A No.

19 Q Dr. John Suarez?

20 A No.

21 Q Dr. Ira Frank?

22 A No.

23 Q Dr. Richard Walter?

24 A No.

25 Q Dr. James Palmer?

26 A No.

27 Q Dr. Vernon Bohr, B-o-h-r?

28 A No.

1 Q Dr. Andre Tweed, T-w-e-e-d?

2 A No.

3 Q Dr. Seymour Pollock?

4 A No.

5 Q Dr. Marcus Crane?

6 A No.

7 Q Dr. George Abe, A-b-e?

8 A No.

9 Q Dr. Keith Dittman?

10 A No.

11 Q You have not studied psychiatry or psychology  
12 yourself, mm'am?

13 A No.

14 Q You do not have a psychiatrist or a psychologist  
15 in your family?

16 A No.

17 Q Or a close friend or relative who is a psychiatrist  
18 or psychologist, or do you?

19 A I did have.

20 Q You did have a friend?

21 A Yes.

22 Q He is not your friend anymore?

23 A We lost him, he deceased in January.

24 Q Was this a close friend of yours, mm'am?

25 A Yes.

26 Q A psychiatrist?

27 A Yes.

28 Q Could I have his name?

1 A James M. Jones, Jr., Dr.

2 Q And you socialized with Mr. Jones?

3 A I was his secretary and manager for the Florence  
4 Firestone Chamber of Commerce. He was my president.

5 Q You were not his secretary in his psychiatric  
6 office?

7 A No.

8 Q How long did you know Mr. Jones?

9 A Six years.

10 Q And did you discuss the field of psychiatry with  
11 Mr. Jones?

12 A No.

13 Q Have you ever, or any member of your family or a  
14 close friend, ever undergone treatment from a psychiatrist or  
15 a psychologist, ma'am?

16 A No.

17 Q Again, when I am asking this question, I am asking  
18 each and every person who is presently seated in the spectator  
19 section in the courtroom: What feelings do you have about  
20 psychiatrists or psychologists one way or the other? How do  
21 you feel about them?

22 A People that are not strong-minded -- weak-minded  
23 people, perhaps.

24 Q You feel that they are kind of weak-minded?

25 A Yes.

26 Q Psychiatrists are?

27 A No, the patients, rather.

28 Q Well, a very prominent judge once said that he

1 never met a psychiatrist who didn't need help himself.

2 MR. BUGLIOSI: I think that is an improper remark.

3 THE COURT: Sustained.

4 Q BY MR. BUGLIOSI: Many, many, people, Miss Goto,  
5 feel that psychiatrists can be a real help and can make a  
6 valuable contribution towards understanding and treating one's  
7 mental condition.

8 Other people, of course, feel that they are quacks  
9 and problems themselves.

10 A I don't feel they are quacks, no.

11 Q I believe it is generally agreed, Miss Goto, that  
12 psychiatry is not an exact science like chemistry or engineer-  
13 ing or mathematics. It is more in the nature of an art.

14 In other words, it is very, very common for two  
15 or more psychiatrists to examine the same patient and come up  
16 with completely diametrically opposed diagnoses.

17 You are aware of that?

18 A Yes.

19 Q Whereas, I think if it were an exact science by  
20 definition, each of the diagnoses would be identical.

21 You understand that?

22 A Yes.

23 Q Do you feel that psychiatry perhaps is more than  
24 an art and that it is in the nature of an exact science? Do  
25 you feel that way? Do you feel that psychiatry perhaps is an  
26 exact science?

27 A No, I cannot say that.

28 Q You believe that psychiatrists are just as capable

1 of error as anyone else; is that correct?

2 A What was that?

3 Q Do you believe that psychiatrists are incapable of  
4 error?

5 A Incapable of error?

6 Q Incapable of error. Do you believe that their word  
7 is the gospel truth, in other words?

8 A No, I don't believe that.

9 Q You believe that they are just as fallible and  
10 capable of error as anyone else; is that correct?

11 A Absolutely.

12 Q Do you realize, ma'am, that the final determina-  
13 tion of what Mr. Watson's state of mind was at the time of these  
14 murders rests solely and exclusively with the jury and not with  
15 the psychiatrists?

16 Do you understand that?

17 A Yes.

18 Q And are you willing to assume that responsibility?

19 A Yes.

20 Q As a member of the jury?

21 A Yes.

22 Q You understand that if a psychiatrist, whether he  
23 be a prosecution or a defense psychiatrist, testifies to some-  
24 thing which you feel is unreasonable and does not accord with  
25 what you think is right, you are perfectly free to reject his  
26 testimony.

27 Do you understand that?

28 A Yes.

1           Q       In other words, you can reject all or a portion of  
2 the testimony of any witness, including the testimony of a  
3 psychiatrist?

4           A       Yes.

5           Q       You understand that?

6           A       Yes.

7           Q       You will promise to consider the psychiatric testi-  
8 mony in this case in the light of all the evidence and only  
9 give it that weight which under the circumstances you feel it  
10 is entitled to; is that correct?

11          A       Yes.

12          Q       Have you, or any member of your family or any  
13 relative or close friend, ever been charged with, or accused  
14 in any fashion whatsoever, with the commission of any felony?

15          A       I do not know what a felony is.

16          THE COURT: A serious crime.

17          MR. BUGLIOSI: Q   A serious crime?

18          A       No.

19          Q       Again, that question is directed toward each and  
20 every one of you folks who are seated out in the spectator  
21 section. I am not going to ask that question all over again.  
22 I might, but chances are that I won't.

23          THE COURT: Do you have much more to go?

24          MR. BUGLIOSI: Just a couple of pages, your Honor.

25          MRS. GOTO: Couple of pages?

26          MR. BUGLIOSI: At least seven or eight. Perhaps we  
27 should recess.

28          THE COURT: Yes. I know how you feel, Miss Goto.

1 MISS GOTO: I feel like a criminal.

2 THE COURT: Sometimes you wonder who the defendant is.

3 MISS GOTO: Yes.

4 THE COURT: We will recess at this time until 1:30.

5 Ladies and gentlemen of the jury, do not form or  
6 express an opinion in this case. Do not discuss it among  
7 yourselves or with anyone else. Please keep an open mind.

8 1:30.

9 (Recess.)

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#15

1 LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 9, 1971; 1:40 P.M.

2 - - -

3  
4 THE COURT: People against Watson.

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

7 You may proceed, Mr. Bugliesi.

8 MR. BUGLIOSI: Good afternoon, ladies and gentlemen.

9 Miss Goto, just continuing on, not too many more  
10 questions, have you ever worked for a criminal defense  
11 attorney?

12 A No, sir.

13 Q I would have wagered, myself, that you would have  
14 said no, you haven't; but there might be someone out there who  
15 has, so that's why I am asking you that question.

16 Do you understand?

17 A Yes.

18 Q Do you have a close friend or relative or any  
19 member of your family who presently is or has been a criminal  
20 defense attorney?

21 A No.

22 Q Have you ever met or spoken to or been represented  
23 by or associated in any fashion whatever with the following  
24 lawyers: Irving Kernerik?

25 A No.

26 Q Paul Fitzgerald?

27 A No.

28 Q Dave Shiun?

15-2

1 A No.  
2 Q Donald Hughes?  
3 A No.  
4 Q Ira Riner?  
5 A No.  
6 Q Charles Hellopster  
7 A No.  
8 Q Richard Walton?  
9 A No.  
10 Q Marvin Pott?  
11 A No.  
12 Q Carl Ransom?  
13 A No.  
14 Q Leon Selter?  
15 A No.  
16 Q Donald Barnett?  
17 A No.  
18 Q Paul Caruso?  
19 A No.  
20 Q Richard Caballero?  
21 A No.  
22 Q Luke McKissick?  
23 A No.  
24 Q Robert Steinberg?  
25 A No.  
26 Q Gary Fleischman?  
27 A No.  
28 Q Ronald Goldman?

15-3

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A No.

Q George Shibley?

A No.

#16

1 Q Mrs. Goto, you heard the court and defense counsel  
2 say that the prosecution has the burden of proving the guilt  
3 of Mr. Watson beyond a reasonable doubt.

4 Did you hear Judge Alexander and Mr. Keith say  
5 that, that we have the burden of proving Mr. Watson's guilt  
6 beyond a reasonable doubt?

7 A In the third trial?

8 Q During the first trial.

9 A During the first trial?

10 Q During the first trial the prosecution has the  
11 burden of proving Mr. Watson's guilt beyond a reasonable  
12 doubt.

13 Are you aware of that?

14 A I am now.

15 Q During the second trial he has the burden of  
16 proving that he was insane.

17 During the third trial neither the prosecution  
18 nor the defense have any burden whatsoever. It is entirely  
19 up to you folks.

20 A Yes.

21 Q What the penalty shall be.

22 Now, would you require any burden on the prosecution  
23 over and above that which the law requires?

24 You didn't understand that question, did you?

25 A No, I don't.

26 Q Let me say this: Assuming that the only burden we  
27 have is to prove Mr. Watson's guilt beyond a reasonable doubt,  
28 would you require that we prove his guilt beyond all possible

16-2

1 doubt or just beyond a reasonable doubt.

2 Do you understand that?

3 A I wouldn't understand reasonable.

4 Q Well, I guess a reasonable doubt, ma'am, is a  
5 sound, sensible, logical doubt based upon the evidence. It  
6 is not some possible far-out imaginary doubt.

7 It is a sound sensible doubt.

8 Now, in order for you to come back with a verdict  
9 of guilty, the prosecution has the burden of removing from your  
10 mind all reasonable doubt of his guilt.

11 We do not have the burden of removing from your  
12 mind all possible conceivable doubt. We only have to remove  
13 reasonable doubt from your mind.

14 Do you understand that?

15 A Yes.

16 Q I take it you would only require that we remove  
17 reasonable doubt from your mind about his guilt. You would not  
18 require that we prove his guilt beyond all possible doubt; is  
19 that correct?

20 A Reasonable.

21 Q Not beyond all doubt?

22 A No.

23 Q You understand, Miss Goto, that in every criminal  
24 trial, whether the defendant is charged with murder as is the  
25 situation here or drunk driving, burglary, assault and battery,  
26 arson, whatever the crime is, the prosecution has the same  
27 identical burden of proof, to prove a defendant's guilt beyond  
28 a reasonable doubt.

16-3

1 Do you understand that?

2 A Yes.

3 Q Do you understand that our burden of proof is  
4 no greater in a murder case than it would be, let's say, in  
5 a drunk driving case?

6 Do you understand that it is the same burden?

7 A Yes.

8 Q Do you recognize that although a defendant at the  
9 start of a criminal trial is presumed to be innocent, this  
10 presumption of innocence only lasts until his guilt is proven  
11 beyond a reasonable doubt.

12 Do you understand that?

13 A Yes.

14 Q And that once his guilt is proven beyond a  
15 reasonable doubt, this presumption has been rebutted and it  
16 no longer exists.

17 Do you understand that?

18 A Yes.

19 Q Let me briefly discuss circumstantial evidence with  
20 you.

21 His Honor will instruct you that crimes of murder  
22 and conspiracy to commit murder can be proven by circumstantial  
23 evidence.

24 He will also tell you that the law shows no  
25 preference for direct evidence over circumstantial evidence.

26 Before asking you whether you are opposed to sitting  
27 as a juror on a case where circumstantial evidence is involved,  
28 let me say to you the distinction between direct evidence and

16-4

1 circumstantial evidence.

2 Direct evidence is evidence that proves a fact in  
3 issue without the necessity of drawing any inferences whatse-  
4 ver.

5 Circumstantial evidence on the other hand is  
6 evidence which tends to prove a fact in issue by proving some  
7 other fact.

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17R-1

Q Let me give an example to illustrate the distinction between those two types of evidence: Let's say that a television repair shop has been burglarized in the middle of the night and two TV sets have been stolen, but nobody observes the burglary, no one sees the burglar enter the television repair shop and take the two television sets; but 10 minutes later the defendant is driving his car and the police officer stops him for a traffic violation and he finds two TV sets in the back of the defendant's car.

Now, this would be circumstantial evidence that it may have been the defendant who committed the burglaries.

Do you understand that?

A Yes.

Q Now, if someone had actually seen the defendant enter the repair shop and take the TV sets out of the shop, this would be direct evidence.

Do you understand that?

A Yes.

Q Now, with that very brief legal background in mind, do you have any objection whatsoever to sitting on a case where the People rely in part on circumstantial evidence?

A I do not object.

Q The prosecution, Miss Goto, never has the burden of proving the motive for the commission of any crime. We do not have to prove why, for instance, Mr. Watson committed these murders. We only have to prove that he did, in fact, commit the murders, not the reason why.

Do you understand that?



1 A Yes.

2 Q Do you understand, further, however, that although  
3 we do not have the burden of proving the reason why Mr. Watson  
4 committed these murders, we have the right -- the prosecution  
5 has the right to put on evidence of motive and you can consider  
6 this evidence of motive as circumstantial evidence of his  
7 guilt.

8 Do you understand that?

9 A Yes.

10 Q At the end of this case, but before you retire to  
11 the jury room, Judge Alexander is going to instruct you on the  
12 law applicable to the case.

13 Now, if the law given to you by Judge Alexander is  
14 different from what you thought the law was or different from  
15 what you think the law should be, will you, nevertheless, set  
16 aside your personal beliefs, follow your oath and follow the  
17 law as given to you by Judge Alexander?

18 A Yes.

19 Q Let's assume, Miss Goto, that you are back in the  
20 jury room at the end of this case and you are deliberating  
21 with your co-jurors and you find that your view is a minority  
22 view, most of the other jurors have a view different from  
23 yours; I take it that you will not be, shall we say, inflexible;  
24 but, rather, you will listen very carefully to the views  
25 expressed by your co-jurors --

26 A Yes.

27 Q -- and if you found these views to be reasonable  
28 and persuasive, you would at least reconsider your position;

1 is that correct?

2 A I could reconsider, yes.

3 Q You would listen to your co-jurors --

4 A Yes.

5 Q -- and you might reconsider your position; you  
6 might even change your mind, is that correct, if you felt that  
7 their views were persuasive?

8 A I'm kind of stubborn.

9 Q You are kind of stubborn?

10 You wouldn't stick to your guns just for the sake  
11 of sticking to your guns; would you; you wouldn't say, "Don't  
12 confuse me with the facts, I have already made up my mind"?

13 You certainly wouldn't say that; you wouldn't go  
14 back there and say, "This is my position, I don't want to  
15 listen to the rest of you; I have already made up my mind and  
16 I won't listen to what you have to say"?

17 A No, I must listen to them.

18 Q You are going to try to work together with the  
19 others?

20 A And they must listen to me, too.

21 Q But you are going to try to work together as a  
22 team, a cohesive unit; is that right?

23 A Yes.

24 Q You are going to try to arrive at a verdict; is  
25 that correct?

26 A Yes.

27 Q You understand that to arrive at a verdict in a  
28 criminal trial, all trial jurors have to agree --

1 A Yes.

2 Q -- that it is guilty or not guilty?

3 A Yes.

4 Q And if you don't agree, it is a hung jury and the  
5 case has to be tried all over again; do you understand that?

6 A Yes.

7 Q Do you understand that each time defense counsel  
8 asks you whether you can give Mr. Watson a fair trial, that the  
9 People of the State of California, the prosecution, is also  
10 entitled to a fair trial?

11 The prosecution is also entitled to a fair trial --

12 A Yes.

13 Q -- not only Mr. Watson, but the people of the  
14 State of California, the prosecution, the plaintiff in this  
15 case, is also entitled to a fair trial.

16 A I didn't know that.

17 Q All right. That's why I am mentioning it now.

18 The judge did mention it to you, it is in the  
19 trial transcript, but you didn't follow --

20 A There were so many things he said, I couldn't  
21 grasp it.

22 Q Is it starting to hit home now, ma'am?

23 A Yes.

24 THE COURT: You mean I talked so much?

25 Q BY MR. BUGLIOSI: That's why I'm repeating some of  
26 the things Judge Alexander said. You are not a lawyer, ma'am,  
27 and I don't expect you to understand it the first time; some-  
28 times it takes two or three times.

1           The People of the State of California are the plaintiffs  
2 in this case --

3           A       Yes.

4           Q       -- we are bringing the action against Mr. Watson.

5           A       Yes.

6           Q       His the defendant. The prosecution, the plaintiff,  
7 the People of the State of California, they are all the same.

8                   Do you understand that?

9           A       Yes.

10          Q       We are en titled to the same fair trial that he is  
11 entitled to.

12                   Do you understand that?

13          A       Yes, now I do.

14          Q       Will you promise to give the People of the State  
15 of California a fair trial?

16          A       Yes.

17          Q       Is there any doubt in your mind that you can give  
18 the prosecution a fair trial?

19          A       No doubt.

20          Q       Can you think of any reason why you'd rather not  
21 sit as a juror on this case?

22          A       No.

23          Q       Can you think of any reason why you should not sit  
24 as a juror on this case, anything at all that has not been  
25 touched upon by Judge Alexander or Mr. Keith or myself, any-  
26 thing at all?

27          A       No.

28          MR. BUGLIOSI: Thank you, ma'am.

1 Pass for cause.

2 THE COURT: Next challenge with the defense.

3 MR. BUBRICK: Thank and excuse Miss Goto, your Honor,  
4 No. 7.

5 THE COURT: Thank you, Miss Goto; you may be excused.

6 THE CLERK: Henry S. Abajian, A-b-a-j-i-a-n.

7  
8 HENRY S. ABAJIAN,

9 BY THE COURT:

10 Q Your name is pronounced Abajian?

11 A Abajian.

12 Q Mr. Abajian, can you give us the two weeks to  
13 need to try this case?

14 A Two weeks or two months?

15 Q Two months.

16 A No, I can't.

17 Q Why not?

18 A Well, I work for North American Rockwell Space  
19 Division; beginning with September we'll probably start a new  
20 program and I should be there when it starts.

21 Q What is your position with Rockwell?

22 A I'm a leadman right now.

23 Q Would it work such a hardship on you that if you  
24 stayed for the two months that we need to try the case --

25 A Not on me; probably my wife.

26 Q Well, you will be going home every day?

27 A Yes, but I have got one car and I drive from  
28 Downey.

1 Q I take it you prefer not to sit on this case; is  
2 that right?

3 A Yes, sir.

4 THE COURT: Gentlemen, any questions?

5 MR. BUBRICK: No, your Honor.

6 MR. KEITH: No, your Honor.

7 MR. BUGLIOSI: May the juror be excused by stipulation?

8 MR. KEITH: Yes.

9 THE COURT: You may be excused.

10 MR. BUGLIOSI: So stipulated.

11 THE CLERK: Leroy A. Lofstedt, L-o-f-s-t-e-d-t.

12  
13 LEROY A. LOFSTEDT,

14 BY THE COURT:

15 Q Mr. Lofstedt, can you give us the two months we  
16 need to try this case?

17 A Yes.

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18f.

#18

1 Q BY THE COURT: Mr. Lofstedt, how about your  
2 attitude toward the death penalty?

3 Do you have such conscientious scruples against  
4 the death penalty that you would automatically vote against  
5 the imposition of the death penalty without regard to anything  
6 that might be developed at the trial?

7 A No.

8 Q I beg your pardon?

9 A No.

10 Q I take it from what you say then you can impose  
11 either the death penalty or life imprisonment?

12 A Yes.

13 Q Depending on what the facts show?

14 A Depending on what the facts show.

15 Q And you understand that should we come to that  
16 phase of the trial, that that burden is yours and yours alone?

17 A Yes.

18 Q Have you served as a juror before?

19 A No.

20 Q Have you heard the names called off by Mr. Bugliosi?

21 A Yes.

22 Q Did you know any of those doctors?

23 A None.

24 Q Do you know any of the attorneys involved in this  
25 case?

26 A No.

27 Q How about the names of the lawyers he called off?

28 A None.

16-2

1 Q Mr. Lofstedt, to be brief, we are trying to get a  
2 jury here who will be fair to the people and fair to this  
3 defendant, who will decide all the issues in this case based  
4 only upon the evidence you hear in the case and the law as I  
5 shall state it to you.

6 Can you be that type of a juror?

7 A Yes.

8 Q You heard my remarks, you have heard the questions  
9 of Mr. Keith, you have heard the questions of Mr. Bugliosi  
10 put to all our jurors here.

11 If you were asked the same questions, would your  
12 answers be substantially the same?

13 A Right.

14 THE COURT: You may inquire.

15 Q BY MR. BURRICK: Mr. Lofstedt, have you ever thought  
16 about the situation under which you might want to impose the  
17 death penalty on somebody?

18 A No.

19 Q For some serious crime?

20 A No.

21 Q Have you ever thought about the prospects of your  
22 serving as a juror in a capital case?

23 A No.

24 Q May I ask you, sir, what the nature of your business  
25 or work is?

26 A TV engineer.

27 Q Are you privately employed or with some firm?

28 A Matromedia.



16-3

1 Q Is there a Mrs. Lofstedt?

2 A No.

3 Q Have you ever been involved in any sort of law

4 enforcement?

5 A No.

6 Q Have you ever studied law of any type at all?

7 A No.

8 Q Now about psychiatry or psychology?

9 A No, just general information.

10 Q Have you ever read subjects involving drugs?

11 A Not deeply.

12 Q You are familiar with drugs such as LSD?

13 A Yes.

14 Q Marijuana?

15 A Yes.

16 Q And the amphetamines and things of that nature as

17 a result of your readings?

18 A Right.

19 Q Have you formed any opinion about their effect, if

20 any, on the human body?

21 A Just general.

22 Q If there were some conflicting evidence offered

23 by way of testimony from psychiatrists here, will you be able

24 to put your own opinions aside and be guided by what you hear

25 in the courtroom?

26 A I would try.

27 Q When you say you would try, do you have any question

28 about what you would be able to do? You see as an adult you are

16-4

1 entitled to have certain facts that you believe in, but as a  
2 juror everything you do must be based on what you hear in  
3 this courtroom.

4 In other words, we are never going to know why you  
5 felt the way you did or what you heard that made you arrive at  
6 your decision. If you tell us you can be controlled solely  
7 by what you hear in the courtroom then, of course, that is what  
8 we would want.

9 Do I make myself clear? Am I confusing you?

10 A A little bit. In other words I should have my  
11 own opinion; right?

12 Q You have a right to have your own opinion but you  
13 can't do that as a juror, you know.

14 A Right.

15 Q If you have read in the field of drugs and you  
16 formed certain opinions or you have reached certain conclusions,  
17 you have to be able to put all of that aside.

18 A Right.

19 Q And reach whatever conclusions you will as a result  
20 of evidence that you hear here in the courtroom.

21 A Yes.

22 Q You see because otherwise we are all at a  
23 disadvantage because we really don't know why you formed whatever  
24 conclusion you did.

25 A Right.

26 Q There has been a definition of a reasonable doubt  
27 given and there has been some discussion about reasonable doubt.

28 Do you have any feeling, Mr. Lofstedt, that asking

16-5

1 the prosecution to prove a defendant guilty beyond a reasonable  
2 doubt and to a moral certainty is putting too much of a burden  
3 on him or on it?

4 A Well, I would reasonable doubt for myself.

5 Q That is all we are talking about. That is all  
6 any lawsuit is concerned with.

7 A Right.

8 Q Is reasonable doubt.

9 A Right.

10 Q Now, the people have that burden. The prosecutor  
11 has the burden of proving somebody's guilt beyond a reasonable  
12 doubt and to a moral certainty and all I want to know is  
13 whether you have any complaint about that facet of the law.

14 A No.

15 Q You don't think that is asking too much of the  
16 prosecution? Have I lost you somewhere?

17 A Yes, right.

18 THE COURT: Q It is a pretty simple question.

19 A I know. I am just not getting the logic.

20 Q The logic is this: The law says the prosecution  
21 must prove this defendant guilty beyond a reasonable doubt.

22 A That is right.

23 Q Now, that is the law.

24 A Yes.

25 Q Whether you like it or not that is the law. Would  
26 you accept that?

27 A Yes.

28 Q Would you require a greater degree of proof than

16-6

1 that?

2 A No.

3 Q Would you require a lesser degree of proof than  
4 that?

5 A No.

6 THE COURT: That is the whole question that was put to  
7 you. Go ahead.

8 Q BY MR. BURRICK: Thank you.

9 May I get back, Mr. Lofstedt, to your work with  
10 Matronadia.

11 Is that one of the commercial channels on  
12 television?

13 A Channel 11.

14 Q What do you do with 11?

15 A TV engineer, which consists of video tape  
16 engineering, so forth, recording.

17 Q You put together the tapes where they are shown  
18 on television?

19 A Right.

20 Q Did you do that in 1969 and '70?

21 A Yes.

22 Q '70 and '71?

23 A Yes.

24 Q Did you have a chance while you were doing that  
25 to see tapes on the Manson trial?

26 A Not many, no. That was handled by a special  
27 department.

28 Q You didn't have a chance to see the TV reporting

16-7

1 of your cameramen?

2 A Yes, I have always scanned,

3 Q Did you scan their work in connection with the  
4 trial coverage?

5 A Yes.

6 Q As a result of what you saw did you form or express  
7 any opinion about that case?

8 A No.

9 Q As a result of what you saw, did you form or  
10 express any opinion about Mr. Watson's guilt or innocence?

11 A No.

12 Q Was your knowledge of the Hansen trial or the  
13 Tate-La Bianca murders gathered almost exclusively from the  
14 TV shots that you saw?

15 A No.

16 Q Did you read about it in the papers?

17 A Again I just scanned the papers.

18 Q Did you ever have occasion to see a book or read  
19 any book in connection with it?

20 A No.

21 Q Did you hear or did you ever hear of the name of  
22 Susan Atkins in connection with what you read?

23 A Right.

24 Q Do you remember what it is that you heard about  
25 Susan Atkins?

26 A No.

27 Q How about Linda Kasabian. Is that name familiar  
28 to you?

16-8

1 A It is.

2 Q In what context?

3 A Just one of the girls there. That is all I know.

4 Q One of the girls out at the ranch?

5 A Yes.

6 Q Did you see or hear perchance a statement

7 attributed to President Nixon in connection with that trial?

8 A No.

9 Q You neither saw it nor heard about it; is that

10 correct?

11 A That is correct.

12 Q I take it you knew the outcome of that particular

13 trial, did you not?

14 A Yes.

15 Q And you knew that before you got here today?

16 A Yes.

17 Q Knowing then as you must that Manson and the

18 young ladies involved with him were all given the death penalty --

19 A Yes.

20 Q -- and knowing that you must that Mr. Watson was

21 also related, was involved with Mr. Manson --

22 A Right.

23 Q -- does that fact in and of itself prejudice you so

24 that you cannot give Mr. Watson a fair trial?

25 A No.

26 Q Knowing as you must, as a result of what you heard

27 heretofore, know that there were seven dead bodies involved

28 in the other trial, does that fact in and of itself lead you

1 to believe that you cannot be fair and impartial to Mr.  
2 Watson?

3 A No.

4 Q Do you have a feeling as you sit there now, Mr.  
5 Lofstedt, if we get to the third phase of this trial that  
6 because there are seven dead bodies, would you automatically  
7 impose the death penalty on Mr. Watson?

8 A No.

9 Q You realize we get to the third phase only --- and  
10 I say only -- after you find Mr. Watson guilty of at least one  
11 count of murder.

12 Now, knowing that you may have a chance to find  
13 him guilty of seven counts of murder, are you more inclined  
14 to impose the death penalty for that fact alone than any other?

15 A No.

16 Q Have you ever been a member of any organization,  
17 Mr. Lofstedt, that sought to retain capital punishment?

18 A No.

19 Q In California?

20 A No.

21 Q Do you have any friends or associates whom you see  
22 quite regularly that were very pro capital punishment in the  
23 state?

24 A No.

25 Q If somebody were taking a ballot or a poll right  
26 now and asked you what you would vote to either retain,  
27 abolish, or whether you were undecided on the issue of capital  
28 punishment, do you know how you might vote at this moment?

- 1 A I am very indifferent.
- 2 Q You mean indifferent or undecided?
- 3 A Meaning I would not make a decision on it.
- 4 Q You would want to hear more --
- 5 A Yes.
- 6 Q -- about the issue before you could decide?
- 7 A That is right.
- 8 Q Do you have any feeling that because of the
- 9 publicity attendant to the other trial, that the public demands
- 10 the death penalty in this case?
- 11 A No, I don't think so, not in this case.
- 12 Q Do you have any fear that if you sat as a juror
- 13 and you did not return a death penalty, knowing that such a
- 14 penalty was returned so far as the other participants were
- 15 concerned, that you might be subjected to pressures of one
- 16 sort or another?
- 17 A No.
- 18 Q Have you or anybody close to you ever gone to a
- 19 psychiatrist?
- 20 A No.
- 21 Q Do you know or do you have any opinion as to
- 22 whether or not they form a function in our everyday society?
- 23 A I feel they do.
- 24 Q So that you wouldn't hold it against anybody who
- 25 went to see a psychiatrist on that fact alone?
- 26 A No.
- 27 Q If you had somebody that you knew was mentally
- 28 ill or thought was mentally ill, would you be reluctant to send



them to the psychiatrist?

A I definitely would.

Q You would?

A Yes.

Q There will be some discussion, I am sure, about

the fact that Mr. Watson used drugs on a voluntary basis,

that he took them voluntarily.

Now, knowing that he voluntarily took drugs and

became involved, is your frame of mind such that you do not

feel you would be able to listen to any medical testimony with

respect to his state of mind because of that voluntary drug

ingestion?

A No.

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9R-1

1 Q In spite of everything that you might have heard  
2 about this case, Mr. Lofstedt, would you have the courage to  
3 return a verdict of second degree, if you thought that that's  
4 what should be returned?

5 A If I thought that, yes.

6 Q You don't feel compelled at the moment, in view of  
7 anything you know about this case, that leads you to believe  
8 the death penalty is the only proper punishment in this par-  
9 ticular case?

10 A No.

11 Q Now, is there anything that has been suggested by  
12 anything I have asked or anything you may have heard in the  
13 courtroom while you have been here, that leads you to believe  
14 you can't be fair and impartial to both sides?

15 A No.

16 MR. DUBRICK: Pass for cause. Thank you, Mr. Lofstedt.

17 THE COURT: Mr. Kay.

18 MR. KAY: Thank you, your Honor.

19 Q Good afternoon, Mr. Lofstedt.

20 There were just a couple of questions that weren't  
21 asked you, or if they were, I missed them.

22 Are you married?

23 A No.

24 Q And have you ever been?

25 A No.

26 Q As a video tape engineer, what exactly do you do?

27 A It is not exactly the one thing; it's many things,  
28 many operations.

1 Q For example.

2 A Like projection, take care of the color shows and  
3 so forth.

4 Q Do you do this for the news shows at all?

5 A No, no, it is a separate department.

6 Q What type of shows do you work on, generally?

7 A A regular operation all day.

8 Q Now, you said in response to a question asked by  
9 Mr. Babrick, that if a pollster came and asked you whether or  
10 not you were in favor of the death penalty, that you wouldn't  
11 make a decision, that you were undecided; is that about what  
12 you told him?

13 A That's correct, at the moment.

14 Q Now, do you feel that in this courtroom you could  
15 make a decision?

16 A Now?

17 Q On the death penalty, if we got into the third  
18 stage of the trial; do you feel that you could make a decision  
19 on it?

20 A If I thought that was it at the time.

21 Q Now, is there any doubt in your mind whether or  
22 not you, yourself, could impose the death penalty on Mr. Watson  
23 if you thought the evidence warranted it, in the third stage of  
24 the trial; is there any doubt in your mind whether or not you  
25 could impose the death penalty?

26 A No, no.

27 Q In other words, you think you could?

28 A Right. I have never thought of this before, that's

1 why.

2 Q You understand, as Mr. Bugliosi said in asking  
3 the general questions of the prospective panel as a whole, that  
4 now is the time to speak up, if you have any doubt in your  
5 mind.

6 A Right.

7 Q You know, we are not trying to embarrass you --

8 A No.

9 Q -- and there is nothing wrong in saying it, but  
10 we do want to find out now, rather than one minute to midnight.

11 Now, after seeing Mr. Watson every day in this  
12 courtroom and if you would, just look at Mr. Watson for a  
13 minute -- now, after seeing him in this courtroom day after  
14 day for approximately eight weeks, project yourself to about  
15 the last few weeks in September.

16 Do you feel that if you thought that the evidence  
17 warranted it in the third phase of the trial that you could  
18 come back and tell Mr. Watson in the form of your verdict that  
19 he had to die for the Tate-La Bianca murders?

20 Do you feel that you would have the courage to do  
21 that, after seeing him in the courtroom every day?

22 A If the evidence indicated such?

23 Q That's right.

24 A Right.

25 Q Now, you realize that in the third phase of the  
26 trial that if there is a death verdict, that each juror person-  
27 ally participates in that verdict?

28 In other words, Mr. Pappas -- that's Mr. Pappas,

1 busily working over here -- will poll the jury, if the jury  
2 comes back with the death penalty. He will ask each individual  
3 juror, "Is this your verdict?"

4 Now, if that was your verdict, death, would you  
5 have the courage to tell Mr. Pappas and Mr. Watson, "Yes, that's  
6 my verdict"?

7 A Yes.

8 Q There is no doubt in your mind about that?

9 A That's right.

10 Q Have you ever expressed a personal opinion that  
11 capital punishment should be abolished in the State of Califor-  
12 nia?

13 A None.

14 Q Do you feel that any moral or religious belief you  
15 presently hold would prevent you from voting for capital  
16 punishment?

17 A No.

18 Q And have you ever belonged to or do you belong to  
19 now any organization which favors the abolition of capital  
20 punishment?

21 A No.

22 Q Now, knowing that if you convicted Mr. Watson in  
23 the first phase of the trial of first degree murder or con-  
24 spiracy to commit murder and that in the second phase of the  
25 trial you found that he was sane at the commission of the  
26 murders, that you would be faced with making the decision in  
27 the third phase of whether or not to sentence Mr. Watson to  
28 life or death, would you consider finding him guilty of second

1 degree murder at the first phase of the trial or find that he  
2 was insane at the time that the murders were committed, in order  
3 to avoid the responsibility --

4 A No.

5 Q -- of imposing the death penalty?

6 Before you came into this courtroom did you ever  
7 give the idea of capital punishment any thought at all?

8 A No.

9 Q Now, if at some time while you were sitting up  
10 there as a prospective juror, if you feel -- you have thought  
11 it over more in your mind and you feel that you have changed  
12 your mind and you can't, you think that in good conscience you  
13 couldn't impose the death penalty in the third stage, don't  
14 hesitate to raise your hand, even if we are questioning another  
15 juror, just raise your hand and say, "I have changed my mind"?

16 A Right.

17 Q Do you have any objection -- I am getting on to  
18 the second phase of the trial now, the sanity or insanity --  
19 do you have any objection to the fact that in this courtroom  
20 it is the jurors that make the decision as to whether or not  
21 Mr. Watson was sane or insane at the time of the Tate-La Bianca  
22 murders, and not the psychiatrists?

23 Do you have any objection to that?

24 In other words, you are not going to pass the buck  
25 to the psychiatrists?

26 A Oh, no.

19A

1 Q And you wouldn't say, "I can't make up my mind,  
2 you make it up for me"; you won't do that, will you?

3 A No.

4 Q Now, do you feel it is wrong to place the burden  
5 on Mr. Watson, at the second phase of the trial, to prove that  
6 he was insane at the time of the murders?

7 Do you think that's unfair to place the burden  
8 on Mr. Watson?

9 A No.

10 Q You understand that in the second phase of the  
11 trial the burden is on the defense; they have to prove Mr.  
12 Watson guilty by a preponderance of the evidence -- excuse  
13 me, insane; Mr. Dubrick corrected me -- have to prove that  
14 he is insane by a preponderance of the evidence.

15 This basically means that if at the sanity phase  
16 of the trial you feel, No. 1, Mr. Watson was sane, they  
17 haven't met their burden; No. 2, if you can't make up your  
18 mind, it is 50-50, maybe he was insane, maybe he was sane,  
19 they still have not met their burden, so in either one of  
20 these two cases you have to come back with a verdict of  
21 sane.

22 Do you understand that?

23 A Right.

24 Q Now, have you formulated any opinion as to the  
25 sanity of Mr. Watson, either past or present?

26 A No.

27 Q And you understand that in this courtroom you  
28 won't be deciding the issue of Mr. Watson's present state of

1 mind --

2 A Right.

3 Q -- it is his state of mind at the time of the  
4 murders?

5 A Right.

6 Q Which is two years ago today, actually, on one  
7 of them, the Tate murders.

8 Do you have any friends that are psychologists  
9 or psychiatrists?

10 A No.

11 Q Have you ever studied psychology or psychiatry?

12 A No.

13 Q Even in school?

14 A No.

15 Q Do you feel that just because Mr. Watson has  
16 entered a plea of not guilty by reason of insanity and because  
17 his attorneys and their voir dire are talking about the area  
18 of diminished capacity, do you feel that just because these  
19 two things are happening that <sup>that's</sup> some evidence that Mr. Watson  
20 must have something mentally wrong with him?

21 A No.

22 Q You understand that any defendant can enter any  
23 plea he wants to?

24 A That's right.

25 Q And any attorney can voir dire on any subject he  
26 wants to, as long as the judge will let him do it.

27 You understand that?

28 A Yes.



1 Q Now, did you hear the judge's instructions on  
2 legal insanity?

3 A Right.

4 Q So I take it that if at the end of the sanity phase  
5 of the trial if you felt that during the Tate-La Bianca  
6 murders that this defendant knew he was killing human beings  
7 and knew that this was wrong in the eyes of society, that  
8 you wouldn't hesitate in finding that he was sane at the time  
9 of the murders?

10 MR. KEITH: I am going to object to that question because  
11 I think he was misstating the law, knew that he was killing  
12 human beings --

13 THE COURT: Read the question to me, please.

14 (Record read by the reporter.)

15 THE COURT: Sustained.

16 MR. KAY: May we approach the bench a moment, your Honor?

17 THE COURT: The question is whether Mr. Watson knew what  
18 he was doing.

19 MR. KAY: Well, all right,

20 Q If you found at the end of the sanity phase of  
21 the trial that Mr. Watson at the time of the Tate-La Bianca  
22 murders -- and we are assuming he is already been convicted at  
23 the first stage of the trial, because if he is not convicted  
24 of anything at the first stage we don't get to the second stage  
25 -- if at the time of the Tate-La Bianca murders Mr. Watson  
26 knew that he was committing the act of murder, killing human  
27 beings, and knew that this was wrong, that you would not  
28 hesitate in finding that he was sane?

1 A Right.

2 Q Now, you understand that at the sanity phase of  
3 the trial that this jury's verdict is to be based on all  
4 the evidence, not just the psychiatric evidence?

5 A Right.

6 Q And at that stage his Honor will probably instruct  
7 you that you can consider all the evidence that took place  
8 in the first stage of the trial as well as all the evidence  
9 at the second stage of the trial.

10 A Right.

11 Q Can you think of any possible reason why you  
12 could not or should not sit on this jury?

13 A No.

14 Q Do you want to sit on the jury?

15 A I never thought of it.

16 Q Well, as you sit there now --

17 A I was asked to come down here.

18 Q Well, as you sit there right now would you want  
19 to spend two months in this courtroom sitting on this jury?

20 A I could.

21 Q Now, do you have any sympathy for Mr. Watson  
22 because he is a defendant in this case?

23 A I am neutral.

24 Q Is it your firm position that the people of the  
25 state of California, who Mr. Bugliosi and I represent, are  
26 entitled to just as equal and fair a trial as Mr. Watson?

27 A Absolutely.

28 Q At the first stage of the trial you understand

1 that the prosecution has the burden, the legal burden of  
2 proving Mr. Watson guilty beyond a reasonable doubt?

3 A Right.

4 Q Now, realizing that this and only this is the  
5 prosecution's burden, would you hold the prosecution to any  
6 higher burden; in other words, proving the defendant guilty  
7 beyond all doubt?

8 A Now --

9 Q Would you hold the prosecution at the guilt  
10 phase of the trial to any higher burden than the law requires?

11 A No.

12 Q You understand that the legal burden is only  
13 proving the defendant guilty beyond a reasonable doubt?

14 A Right.

15 Q Nothing more.

16 A Right.

17 Q Have you or any of your close friends or relatives  
18 ever been charged with a felony?

19 A No.

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

22 A No.

23 Q Do you feel any bias or prejudice to any degree  
24 whatsoever against police officers?

25 A No.

26 Q Do you have any friends or relatives who are  
27 involved in the defense of criminal cases?

28 A No.

1 Q Now, did you hear all the questions that Mr.  
2 Bugliosi asked --

3 A Yes,

4 Q -- of the other jurors?

5 Is there anything that he asked that you would  
6 like to respond to?

7 A No.

8 Q Is there anything that I have asked so far that  
9 has touched upon any subject that you would like to tell me  
10 about?

11 A No.

12 Q Is there anything at all that you can think of  
13 that I should know in making a decision as to whether or not  
14 to seat you as a juror in this case?

15 A No, you know everything now.

16 MR. KAY: Thank you.

17 Pass for cause.

18 THE COURT: In view of a question that was asked by  
19 Mr. Lofstedt, I think I should explain to this jury that no  
20 attorney has a right to question the jury on any subject he  
21 feels like questioning him if I permit it. You see, under  
22 the law a lawyer should direct questions to the jury only to  
23 bring out the qualifications of that juror to determine if the  
24 juror is qualified to sit as a juror, and no court should  
25 allow questions ad infinitum, if they do not go to the  
26 qualifications of that juror.

27 I am explaining this to you in view of some action  
28 the court is contemplating at this time it may take at a future

1 time.

2 So, please understand that a juror should be asked  
3 questions only that go to his qualifications as a juror.

4 The next challenge is with the people.

5 MR. BUGLIOSI: People thank and excuse Mrs. Norman.

6 THE COURT: Thank you, Mrs. Norman; you may be excused.

7 THE CLERK: Joseph Solomon, S-o-l-o-m-o-n.

8  
9 JOSEPH SOLOMON

10 BY THE COURT:

11 Q Mr. Solomon, it would be easier to go up the  
12 other way.

13 Mr. Solomon, can you give us the two months we  
14 need to try this case?

15 A I don't think so, sir.

16 Q Can you tell me why?

17 A Well, I am a public school teacher and I need to --  
18 I'm starting in a new school and I need to be there at the  
19 beginning of the school term.

20 Q You are a teacher at this time?

21 A Yes, I am.

22 THE COURT: Gentlemen, any questions?

23 MR. BUGLIOSI: May the juror be excused by stipulation,  
24 your Honor?

25 MR. KEITH: Yes.

26 THE COURT: You may be excused, sir.

27 THE CLERK: David L. Bass, B-a-s-s.  
28

DAVID L. BASS

BY THE COURT:

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

A I don't think so.

Q Why?

A My wife and I are in the process of possibly adopting a child and may be required to go out of the state for a hearing.

Q How soon do you expect that to happen?

A Within a month.

Q How long would you be gone?

A I really couldn't say. This is the first time in my experience and it is not positive at this point yet.

20R-1

1 Q Let me ask you this -- let's be frank with each  
2 other. I notice you are Orthodox.

3 If it would require that you deliberate on a  
4 Friday night or a Saturday, would your religion prevent you  
5 from doing so?

6 A I wouldn't be able to sign any documents or any-  
7 thing, but I would be able to discuss it.

8 Q It is not certain yet that you would have to leave  
9 within the month?

10 A Not absolutely certain.

11 Q I beg your pardon?

12 A Not absolutely certain, no, sir.

13 Q Is this Georgia where you are going?

14 A Excuse me?

15 Q Do you expect to go to Georgia?

16 A No, Pennsylvania.

17 Q I know how important the adoption is to you but  
18 by the same token, it is very important that we get a jury to  
19 try this case, and just on the chance that you may have to go --

20 A Well, it is more than just speculation. I mean,  
21 there is something that we are working on.

22 It is very hard to arrange adoptions at the present  
23 time since the abortion laws have been liberalized and there  
24 are not very many available.

25 This is an actual child that probably is available.  
26 There is a court hearing coming up the end of August to find  
27 out the final availability.

28 Q Of course, it is not up to me to suggest but have

1 you tried Max Vista?

2 A Yes.

3 THE COURT: Gentlemen, do you wish to excuse him?

4 MR. BUGLIOSI: Yes, your Honor. May the juror be  
5 excused by stipulation?

6 MR. BUBRICK: He may be excused.

7 THE COURT: You may be excused.

8 THE CLERK: Israel V. Gold, G-o-l-d.

9  
10 ISRAEL V. GOLD,

11 BY THE COURT:

12 Q Can you give us the two months we need for this  
13 trial?

14 A With the exception of three days of the Jewish  
15 holidays.

16 Q I am with you. Don't worry about that. Other  
17 than that, you have no other concern; is that correct?

18 A No, sir.

19 Q How about your views towards the death penalty,  
20 Mr. Gold? Are they such that you would automatically vote  
21 against the death penalty regardless of what might be developed  
22 in this trial?

23 A Absolutely not because I believe if there were,  
24 if I know of another way of preventing crime, perhaps I could  
25 think of it, but I thought of many other ways and I am just  
26 expressing opinion, all the others that are not given, don't  
27 get the worst, that is capital punishment, in 10 or 15 years  
28 they are out and doing it again. That is my opinion.



1 For this reason, I am not against capital punish-  
2 ment.

3 Q You are not to consider that. You realize that,  
4 do you not? Maybe you didn't realize that.

5 A I only express my opinion and it is my honest  
6 opinion. I am not against capital punishment at this time.

7 Q Well, in this case, would you be more inclined to  
8 vote for the death penalty, than for life imprisonment, knowing  
9 what you do about this case?

10 A No, I vote only according to the evidence.

11 Q And you realize that it is up to you, if we ever  
12 get to that stage, it is up to you and you alone to determine  
13 what the penalty might be?

14 A I discussed this before I came with my son and  
15 that is he feels different but I feel this way and I am express-  
16 ing now.

17 Q Let me ask you this: If I told you and directed  
18 you that from now on you are not to discuss this case with  
19 your son or anybody else --

20 A Oh, I definitely wouldn't any more. I did it before  
21 I knew I was coming here.

22 Q All right. Now, Mr. Gold, have you served as a  
23 juror before?

24 A Never.

25 Q You have heard of the Manson case, though, had  
26 you not?

27 A Oh, just I read somewhere about it. When it comes  
28 to murder cases, I am not interested. It hurts me when one

1 kills another. I am hurt.

2 Q Are you hurt to the extent that you are prejudiced  
3 against this defendant?

4 A No, I am not. Just because people say he killed  
5 somebody doesn't mean anything.

6 Q Right now you realize that he is presumed to be  
7 innocent?

8 A Absolutely.

9 Q Now, can you be as fair to the People as you can  
10 to this defendant?

11 A You must be fair to the People, if not, we would  
12 be full of criminals.

13 THE COURT: All right, Mr. Keith or Mr. Bubrick.

14 BY MR. KEITH:

15 Q Thank you, your Honor.

16 Mr. Gold, if you were chosen as a trial juror in  
17 this case, and you convicted Mr. Watson of seven counts of  
18 murder, first degree murder -- you understand that is what he  
19 is charged with, don't you?

20 A Yes.

21 Q If you convicted him of those seven counts of  
22 murder, wouldn't you automatically give him the death sentence?

23 A I would not convict him. The evidence would show  
24 and everybody would have to agree to it.

25 Q Now, let's assume that you had convicted him --  
26 mind you, let's just assume that for the sake of our talk  
27 here -- of seven counts of first degree murder; and let's also  
28 assume that you had found Mr. Watson sane in the sanity trial --

1 you know, that is the second phase that everybody has been  
2 talking about here?

3 A Yes.

4 Q And we reached the penalty phase, after having  
5 already convicted him of seven counts of first degree murder,  
6 and after having found him sane.

7 You are with me so far?

8 A I am with you with one exception.

9 Q Let me finish the question.

10 Wouldn't you automatically give him the death  
11 penalty?

12 A I would not -- let me say just one thing. I don't  
13 believe a sane person would go and kill anybody. I can never  
14 make up my mind that a person if sane would go and kill.

15 THE COURT: Now, the Court will exercise its own discretion  
16 and excuse the juror. Any objection?

17 MR. BUGLIOSI: No objection.

18 MR. KEITH: No.

19 THE COURT: Thank you, Mr. Gold.

20 THE CLERK: Edmond R. Prugh, P-r-u-g-h.

21 BY THE COURT:

22 Q Did we pronounce your last name correctly, sir?

23 A I'm sure you did.

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

26 A No, I don't believe I can, your Honor.

27 Q Why?

28 A I am a high school teacher and I have to be back

1 at school when it resumes in September.

2 THE COURT: Gentlemen, any objection to his being  
3 excused?

4 MR. BUGLIOSI: No objection.

5 MR. BUBRICK: No objection.

6 THE COURT: By stipulation, you may be excused.

7 THE CLERK: Michael J. Gorel, G-o-r-e-l.

8  
9 MICHAEL J. GOREL,

10 BY THE COURT:

11 Q Is that how your name is pronounced?

12 A Gorel.

13 Q Mr. Gorel, can you give us the two months we need  
14 to try this case?

15 A No, I can't.

16 Q Why?

17 A It would be a financial loss to me. It has been.

18 Q What do you do for a living?

19 A I am a truck loader.

20 Q A truck loader?

21 A Yes.

22 Q Well, I guess it is a financial loss to everybody  
23 who serves as a juror. They don't really get paid as much as  
24 they would on the regular jobs.

25 Would it be such a hardship to you that you couldn't  
26 serve that time. I didn't hear you. I asked you whether it  
27 would be such a hardship now that you would not be able to  
28 serve that time?

1

A Yes.

2

Q By whom are you employed?

3

A Safeway Stores.

4

Q Safeway Stores?

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A Yes.

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Q Safeway doesn't pay you while you are on the jury?

7

A Just 20 days.

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21R-1

1 THE COURT: Gentlemen, may he be excused?

2 MR. BUBRICK: Yes, your Honor.

3 MR. BUGLIOSI: Yes, your Honor.

4 THE COURT: You may be excused.

5 THE CLERK: Bette J. Beasley, B-e-a-s-l-e-y; first name,  
6 B-e-t-t-e.

7  
8 BETTE J. BEASLEY,

9 BY THE COURT:

10 Q Is that Miss or Mrs. Beasley?

11 A Miss.

12 Q Miss Beasley, can you give us the two months we  
13 need to try this case?

14 A Well, it would work a hardship.

15 Q Why?

16 A I work for a big department store as an assistant  
17 buyer and we are opening up three stores and I have to help  
18 stock the stores, merchandise in the stores.

19 Q We all have our businesses that we'd like to be  
20 there, but we still have a duty in this court.

21 Can't you subordinate that to your duty here as  
22 a juror?

23 A Well, it would be a hardship on my buyer, because  
24 we do it together and she might have to go to New York at the  
25 end of this month.

26 THE COURT: May she be excused, gentlemen?

27 MR. BUGLIOSI: No objection, your Honor.

28 MR. BUBRICK: No objection, your Honor.

1 THE CLERK: Mrs. Philomena Balough, B-a-l-o-u-g-h;  
2 first name, P-h-i-l-o-m-e-n-a.

3  
4 PHILOMENA BALOUGH,

5 BY THE COURT:

6 Q Is that Miss or Mrs. Balough?

7 A Mrs. Balough.

8 Q Balough, thank you.

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

11 A I don't know. I work for the Department of Social  
12 Services.

13 Q Oh, they will give you the time.

14 A Will they give me 60 days?

15 Q Yes, ma'am.

16 A As far as I know, it is 30.

17 Q Well, as far as the Department of Social Services  
18 is concerned, I know of no one that they have prevented from  
19 serving on a jury for any length of time that is necessary.

20 A That will be fine, then.

21 Q How about your views towards the death penalty,  
22 should we come to that phase of the case, would you automatically  
23 vote against the imposition of the death penalty, regardless  
24 of what might be developed in this case?

25 A No, I think all the evidence should be considered.

26 Q In other words, you have no conscientious scruples  
27 against the death penalty?

28 A No.

1 Q And by the same token, you won't automatically give  
2 life imprisonment, is that correct --

3 A Yes.

4 Q -- should it come to that?

5 You and you alone, will decide what the penalty  
6 should be; is that correct?

7 A Yes.

8 Q The People and the defendant are entitled to your  
9 individual opinion.

10 Have you served as a juror before?

11 A Once in Inglewood.

12 Q I beg your pardon?

13 A Once.

14 Q In Inglewood?

15 A I served 30 days in Inglewood.

16 Q How long ago was that?

17 A Approximately four years, I think.

18 Q Was any lawyer here involved in any case in which  
19 you sat in Inglewood?

20 A No.

21 Q Was that a homicide case?

22 A No. There were only a couple of cases, burglary.

23 Q Burglary.

24 Now, will you forget the law in that case and apply  
25 the law as I give it to you?

26 A Yes, sir.

27 Q Now, you have heard us say many times we are  
28 trying to get a jury that can be fair to the People, fair to



1 the defendant, and decide this case based only on the evidence  
2 and the law as I shall state it to you.

3 Can you be that kind of a juror?

4 A I shall try.

5 Q Do you know of any reason at all why you might  
6 not be able to be a fair juror in this case?

7 A I don't believe so.

8 THE COURT: You may inquire, gentlemen.

9 BY MR. KEITH:

10 Q Is it Mrs. Balough; is that how you prefer to  
11 pronounce it?

12 A That's fine.

13 Q And what is your particular capacity with the  
14 Department of Social Services?

15 A I work as a control clerk with facilities planning.

16 Q Control clerk with what? I didn't understand.

17 A Facilities planning section over at 2860 West  
18 Santa Barbara.

19 Q Do you have any exposure, direct exposure with  
20 people who seek help through the Department of Social Services?

21 A No, sir.

22 Q Is this primarily the welfare department?

23 A It is part of it, yes; our agents plan the moves  
24 for the different facilities, when a unit becomes crowded and  
25 we must look for other facilities, they plan all the moves.

26 BY THE COURT:

27 Q You take care of all the physical properties --

28 A That's it.

1 Q You have nothing to do with the recipients at  
2 all?

3 A Nothing.

4 BY MR. KEITH:

5 Q What do you mean when you say physical facilities?

6 A Well, we have 104 facilities and we have a crew  
7 that plans moves.

8 Q By facilities, you were just talking about offices  
9 for the Department of Social Services; is that right?

10 A Yes.

11 Q It is not a facility where people live?

12 A No, sir.

13 Q Is there a Mr. Balough?

14 A No, hasn't been for a long time.

15 Q Is he deceased?

16 A No, I am divorced.

17 Claf.

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#21A

1 Q What was his occupation?  
2 A He was an inspector -- this is many years ago.  
3 Q Inspector for whom?  
4 A He had so many jobs, I haven't begun to --  
5 Q For a governmental agency?  
6 A No, no, private industry.  
7 Q All right.  
8 Do you have any children?  
9 A No, I don't.  
10 Q Do you know any police officers or people engaged  
11 in law enforcement work?  
12 A No, I don't.  
13 Q Have you ever been the victim of a crime of  
14 violence or --  
15 A No, I haven't.  
16 Q -- like assault and battery or robbery?  
17 A No, sir.  
18 Q Have you ever been a witness in court before in  
19 any kind of a case?  
20 A No.  
21 Q Have you done much reading on psychiatry or  
22 psychology?  
23 A No, just what I read in Reader's Digest or a few  
24 other magazines, but I don't study it.  
25 Q Have you read any articles in Readers Digest or  
26 other magazines about the use of various kinds of drugs?  
27 A I have.  
28 Q And how they may affect the human mind?

21A-2

1 A I have.

2 Q And has your reading, would you say, been  
3 extensive on the subject of illegal drugs and narcotics?

4 A Not too extensive, no.

5 Q Has most of your reading been in the Readers Digest  
6 on that particular field?

7 A Or other publications.

8 Q Do you believe as a result of your reading in  
9 that field, the drug field, that the abuse of drugs may affect,  
10 adversely affect, the mind of the user?

11 A I believe that.

12 Q And the body, too, for that matter?

13 A Yes.

14 Q Do you know anybody, anybody close to you that has  
15 ever visited a psychiatrist for treatment or examination?

16 A No, sir.

17 Q Do you have anything against the psychiatric  
18 profession?

19 A No, I don't.

20 Q And you wouldn't be in any way, of course,  
21 prejudiced against Mr. Watson if psychiatrists appeared and  
22 testified on his behalf about his mental condition, would you?

23 A No.

24 Q And you'd follow the instructions of the court on  
25 how to weigh the evidence of an expert witness, which a  
26 psychiatrist would be if he qualified as a competent psychiatrist?

27 A I would.

28 Q Would you hold it against Mr. Watson if the evidence

1 disclosed he led a hippie type life to such a degree that  
2 you couldn't give him a fair trial?

3 A I don't believe so.

4 Q Would you have any difficulty in not giving him  
5 a fair trial -- I put that wrong -- would you have some  
6 difficulty in giving him a fair trial if the evidence  
7 disclosed he was a hippie and sometime ago lived with Mr.  
8 Manson and his family in the commune where everybody lived  
9 rather freely, let's say?

10 A Well, I would try to weigh all the evidence, but  
11 I do disagree with the hippie life.

12 Q Well, perhaps we all do here in this courtroom,  
13 but would you so hold it against him that you'd be more  
14 inclined to find him guilty than innocent just because he  
15 was a hippie?

16 A No, I would try to understand the situation, I  
17 think.

18 Q Have you ever heard of a chap by the name of  
19 Charles Manson?

20 A Oh, yes.

21 Q And did you follow that case in the newspapers  
22 or on television?

23 A No.

24 Q Pardon me?

25 A I don't follow them, I had read them when they  
26 first came out in the news.

27 Q And what --

28 A And I have read them a few times, a few articles.

1 Q You were you have heard about Mr. Manson?

2 A And the family, yeah; the first few times it  
3 appeared in the newspaper.

4 Q Did you follow his trial at all in the newspapers?

5 A No; no, I don't.

6 Q Did you know what happened in that trial before  
7 coming to court today?

8 A Well, I know that two or three of the girls have  
9 been convicted, I think -- I think.

10 Q Yes, that's true.

11 A I just don't follow it.

12 Q Then you don't have any opinion at the present  
13 time --

14 A No.

15 Q -- about that Mr. Watson is more likely to be  
16 guilty than innocent because he was associated with Manson  
17 and his family at one time?

18 A No.

19 Q And now, knowing the outcome of that case do you  
20 have any opinion about Mr. Watson's guilt or innocence as  
21 a result of knowing that outcome --

22 A No.

23 Q -- of the other case?

24 A No, I don't think so.

25 Q You realize, as the judge has told you, that is  
26 a separate case?

27 A I understand.

28 Q Do you feel you can give us an open mind throughout

1 the presentation of the evidence in this case, if selected as  
2 a juror?

3 A I will try; I believe in fair play.

4 Q You believe you would be inclined to put cotton  
5 in your ears at the end of the prosecution case because they  
6 go first, of necessity?

7 A I don't believe so.

8 Q And not give Mr. Watson the benefit of evidence  
9 produced in his case or produced in his testimony?

10 A You have to take all the evidence.

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22R-1

1 Q Do you entertain a belief that it is possible for  
2 someone to be legally insane and not responsible for their  
3 actions in accordance with the definition of legal insanity  
4 as given you by his Honor and has been touched upon by Mr.  
5 Bugliosi and Mr. Kay?

6 A I think it is possible.

7 Q Would you listen to both sides in the event we  
8 ever reach the insanity issue of this case?

9 A I will.

10 Q Just as you could listen to both sides of the guilt  
11 or innocence question?

12 A Yes.

13 Q Is it your opinion, Mr. Balough, that psychiatrists  
14 can and do play an important function in our modern day society,  
15 insofar as helping people become cured of mental illness, or  
16 to find out what is the matter with them, so far as their mind  
17 is concerned?

18 A I believe so.

19 Q Although you haven't had any exposure to psychiatry,  
20 you don't harbor any illwill towards psychiatrists in general,  
21 do you?

22 A No.

23 Q On the question of capital punishment, have you  
24 ever given that subject much thought, Mrs. Balough?

25 A I don't think it should be abolished.

26 Q In other words, if an issue were on a ballot and  
27 you were asked to vote, you would vote to retain capital  
28 punishment in the State of California?



1 A I believe I would.

2 Q Have you ever discussed capital punishment with  
3 others?

4 A Yes, but not to a large degree and I have read  
5 some articles on it.

6 Q Have you read some articles discussing the pros  
7 and cons of capital punishment?

8 A Yes.

9 Q And you formed an opinion as a result of that, that  
10 you would favor capital punishment as a general proposition?

11 A I believe I would.

12 Q Bearing your opinion in mind, would you be inclined  
13 to automatically vote the death penalty in this case as to  
14 Mr. Watson, in the event he were convicted by you and the  
15 balance of the jury on first degree murder, seven counts of  
16 first degree murder?

17 A It would have to be proven, wouldn't it?

18 We must consider both sides, all the evidence.

19 Q Listen to my question, please. Yes. On the first  
20 phase of this trial, his guilt of the charges against him  
21 would have to be proven beyond a reasonable doubt and to a moral  
22 certainty. I am sure you understand that after all this dis-  
23 cussion, is that correct?

24 A Yes.

25 Q But once we get into the penalty phase, if we ever  
26 get there, nothing has to be proven, neither side really has  
27 to offer any evidence, if they don't want to, just submit the  
28 matter with or without argument.

1           This isn't to say that both sides aren't entitled to  
2 produce additional evidence on the third phase of the case,  
3 but for all I know, you will have heard everything that would  
4 be to hear and there wouldn't be any further evidence. It is  
5 up to you, your discretion, your untraveled discretion as  
6 the phrase goes. Nobody has to prove anything to you.

7           My question to you is: In your present state  
8 of mind, let's assume Mr. Watson were convicted of first  
9 degree murder, seven counts of it, and he were found sane,  
10 wouldn't you be inclined to automatically invoke the death  
11 penalty, simply having in mind your present state of mind  
12 regarding that subject?

13           Are you with me?

14           A       Yes, I am.

15           Q       He has been convicted of first degree murder. We  
16 are assuming that.

17           He has been found sane, after the second phase of  
18 the trial by the same jury. You don't change juries.

19           THE COURT: Let the lady answer the question, please,  
20 Mr. Keith.

21           Mrs. Balough, the question is: Would the fact  
22 that he was convicted of seven counts of murder in the first  
23 degree preclude you from thinking about anything else than  
24 automatically giving the death penalty for that reason alone?

25           A       I don't know what to say. I probably would be  
26 inclined toward capital punishment. I don't know what to say.

27           Q       If I told you you must consider all the evidence  
28 and then weigh what kind of penalty you must impose, either

1 life or death, would you follow that instruction?

2 A Yes. That is what I thought I was implying, when  
3 I thought I was answering his questions, that all evidence  
4 must be considered.

5 Q Then you would not automatically impose the death  
6 penalty, if he was convicted of seven counts of murder?

7 A Not if everything is taken into consideration.

8 Q Well, everything must be taken into consideration.  
9 You realize that?

10 A Will you please repeat the question.

11 Q Mrs. Balough, under the law you and you alone  
12 must determine what the penalty is to be inflicted, either life  
13 or death.

14 There are no guidelines. It rests with your own  
15 good conscience. You must consider all the evidence in the  
16 case that you heard and anything else that maybe presented on  
17 the penalty phase.

18 If, after you have convicted him of seven counts  
19 of murder in the first degree, would you then and there say,  
20 "He has got to get the death penalty," or would you weigh  
21 both penalties and consider everything?

22 A I would probably take everything into considera-  
23 tion.

24 Q Not probably. The law says you must take every-  
25 thing into consideration.

26 Is there any doubt in your mind?

27 A No. I think I would take everything into considera-  
28 tion.

1 Q You think. You are not sure, are you?  
2 Gentlemen, if there is no object, I will excuse  
3 the juror.

4 MR. KEITH: No objection, your Honor.

5 MR. BUGLIOSI: Well -- no objection, your Honor.

6 THE CLERK: Mrs. Lillian Simon, S-i-m-o-n.

7  
8 LILLIAN SIMON,

9 BY THE COURT:

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

12 A Yes.

13 Q How about your views towards the death penalty,  
14 should we come to that phase? Would you automatically vote  
15 against the imposition of the death penalty, regardless of  
16 what might be developed in this case?

17 A Automatically, no.

18 Q In other words, you have no conscientious scruples  
19 against the death penalty, and you would weigh both penalties?

20 A Yes.

21 Q You would consider all the facts in this case, be-  
22 fore you imposed the sentence; is that correct?

23 A That is true.

24 Q And if he is convicted of seven counts of murder  
25 in the first degree, would you then automatically give him the  
26 death penalty, or would you still consider all the evidence?

27 A I would still consider all the facts.

28 Q Have you sat as a juror before, Mrs. Simon?

1 A Not in California; in New York City.

2 Q BY THE COURT: In New York City did you sit in any case  
3 involving a charge of murder?

4 A No.

5 Q How long have you been in California?

6 A Seven years, seven and a half years.

7 Q I take it you have heard of the Manson case and  
8 the Tate-La Bianca murder cases?

9 A Yes.

10 Q You realize this defendant was not a defendant in  
11 that case?

12 A Yes.

13 Q You realize that right now this defendant is  
14 presumed to be innocent?

15 A Yes.

16 Q Can you forget everything you heard about that case  
17 and decide this case, based only upon the evidence you hear  
18 in this case and the law as I shall state it to you?

19 A Yes.

20 Q Can you give both sides, the People and the defen-  
21 dant, a fair trial?

22 A Yes.

23 Q Is there anything that you know that we don't know  
24 that might be a question as to whether or not you should sit  
25 here as a juror?

26 A No.

27 THE COURT: We will have our afternoon recess at this  
28 time, ladies and gentlemen.

1           Once more, do not form or express any opinion in  
2 the case. Do not discuss it among yourselves or with anybody  
3 else, and please keep your minds open.

4           (Recess.)

23f.