



OFFICE OF THE GOVERNOR

June 25, 2010

Via Facsimile and U.S. Mail

Mr. Bruce Davis, B-41079
California Men's Colony
2172
Post Office Box 8101
San Luis Obispo, California 93409

Dear Mr. Davis:

Penal Code section 3041.2 authorizes the Governor to review parole decisions of the Board of Parole Hearings (Board) concerning persons sentenced to an indeterminate term upon conviction of murder.

After considering the same factors considered by the Board, the Governor has invoked his authority to reverse the Board's decision to grant parole in your case. The Governor's statement of the reasons for his decision is attached.

A copy of this letter and the attached statement of reasons for his decision are being provided to you via facsimile, and the signed original of this letter and the attached statement of reasons for his decision is being sent by mail. Additionally, we are transmitting a copy of this letter and the attached statement of reasons for his decision to the Chairperson of the Board.

Sincerely,

A handwritten signature in blue ink that reads "Christopher E. Krueger".

CHRISTOPHER E. KRUEGER
Chief Deputy Legal Affairs Secretary

Attachment

cc: Board of Parole Hearings (w/attachment)

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

BRUCE DAVIS, B-41079
FIRST-DEGREE MURDER

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

In July 1969, Bruce Davis participated in the murder of Gary Allen Hinman. Sometime between August 16 and September 1, 1969, Davis also participated in the murder of Donald Jerome "Shorty" Shea.

According to the Respondent's Brief, which contains a summary of the trial testimony, in the summer of 1968, Charles Manson lived with a number of individuals, including Mary Brunner and Susan Atkins, who referred to themselves collectively as "the Family." In March 1969, Davis moved to the Spahn Ranch with other members of the Family. Manson had previously expressed a desire to obtain money for supplies so that the group could go to the desert. When speaking of the need for money, the Family discussed it as a group, including what each member could do to contribute.

In July 1969, Manson made statements about going to the desert in the presence of Davis and other members of the Family. Manson asked them if they could think of anyone who had money. Ella Jo Bailey, another member of the Family, mentioned Hinman. This was not the first time that Hinman was identified as someone who had money in the presence of members of the Family, including Davis. Sometime thereafter, Bailey spoke to Manson about Hinman, and he told her that he wanted her to go to Hinman's house with Robert Beausoleil.

Manson and Davis subsequently went to Hinman's house, where Manson and Hinman got into a violent argument. Eventually, while Davis pointed a gun at the victim, Manson sliced Hinman open from his left ear down to his chin. Hinman lost a great deal of blood and appeared to lose consciousness at times. The women cleaned him up and put him in his bed.

According to the "Statement by Judge and District Attorney," Hinman had been held in his home for days, during which he was stabbed and clubbed to death. According to the probation report, on or about July 31, 1969, Hinman's body was found in a decomposed state in his home. He was last seen alive on July 25, 1969. Hinman died from stab wounds to the chest, which penetrated his heart. He also suffered a wound to the top of his head, a gash behind his right ear, and lacerations on the left side of his face. Portions of his ear and cheek had been cut off.

According to the Respondent's Brief, after dusk on July 25, 1969, Bailey saw Manson, Davis and Beausoleil standing together. Beausoleil was carrying a knife and Davis was carrying a gun.

Three days later, Bailey asked Davis to tell her what happened at Hinman's house. Davis explained that he and Manson went to Hinman's house and found Brunner, Beausoleil and Atkins already there. The trio had previously "gotten the gun back from Gary" after they "russed with him." The gun handle had been broken during the struggle when Hinman was struck over the head with it.

According to the Respondent's Brief, Shea worked at the Spahn Ranch. In the latter part of August 1969, Manson, Davis and other members of the Family had conversations regarding Shea. Davis was present during one such conversation when Manson mentioned that Shea was a former policeman who was working to get the Family kicked off of the ranch and was "bad-mouthing it." Ruby Pearl, who looked after the ranch, said that she last saw Shea "a couple of weeks" after August 16, 1969. That day, she arrived at the ranch sometime between 9:00 or 10:00 a.m. and stayed until 10:00 or 11:00 p.m. Shea approached her and told her that he did not want to stay at the ranch because, "It gives me the creeps to stay here." Shea walked away in the direction of a boardwalk. Pearl then saw the "Manson boys," including Davis, driving toward the ranch. Davis, Manson, Steve "Clem" Grogan and Charles "Tex" Watson exited the vehicle and rushed toward the boardwalk. The men fanned out near the area where Shea was headed.

According to the probation report, Davis and his crime partners murdered Shea and buried his body somewhere in or near the Spahn Ranch. The victim had apparently been beheaded with a machete. According to the Respondent's Brief, the Family went to a ranch in Death Valley after Shea's murder. Davis was present during a conversation in which Manson stated, "We told Shorty that we wanted to show him something and we took him for a ride in the dune buggy." Manson went on to admit that they hit Shea in the head with a pipe and stabbed him repeatedly. As Manson narrated the circumstances of the murder, Davis nodded his head and smiled.

Davis was arrested on December 2, 1970. A grand jury indicted him on two counts of murder and conspiracy to commit murder and robbery. Following a jury trial, he was convicted of each charge. Davis was sentenced to an indeterminate term of life in prison for each count of first-degree murder, and the court ordered the sentences to run concurrently. The court imposed, but stayed the term prescribed by law for conspiracy to commit murder and robbery. The judgment was affirmed on appeal.

Davis was 26 years old when he committed the life offenses. He does not have a juvenile criminal record. However, according to the 2009 mental-health evaluation, Davis was suspended once for stealing money from a teacher's desk. He was also reportedly suspended once in high school for being disruptive. Additionally, Davis' sister, Judy Ward, told his 2003 mental-health evaluator that Davis constantly got into trouble as a youth. He was accused of setting fire to some neighbors' barns when he was younger than 10. She also revealed that he was kicked out of school at times and was frequently involved in fights with other kids. Davis was suspected of killing his neighbors' ducks when he was seven or eight years old. Ward said that Davis left home at various times. He often appeared "glassy-eyed" and, after he returned home from a trip to Europe, Davis "just sat in the house and it was like he was mentally disturbed."

As an adult, Davis was convicted of the federal crime of presenting false identification to a firearms dealer. Accordingly, he was sentenced to a term that was ordered to run concurrently with the life offenses. Davis was detained, but not convicted, for contributing to the delinquency of a minor, unlawfully taking a vehicle and twice for receiving stolen property and possessing marijuana. According to the 2009 mental-health evaluation, Davis was involved in credit card fraud while he lived with the Manson Family.

In addition to the record cited above, Davis told his 2009 mental-health evaluator that he began using drugs around age 23. He used marijuana, cocaine, LSD, mescaline, hashish, psilocybin and peyote. Davis described his use of mescaline and LSD as “by the handfuls” during his association with the Manson Family.

During his incarceration, Davis was disciplined for possessing a sharpened spoon in 1975 and for disobeying orders in 1980. He was also counseled five times for other misconduct, most recently in 1992, for lying to staff. Additionally, according to the November 1980 Diagnostic Unit Evaluation, after his incarceration in Folsom State Prison, “[Davis] then became attracted to the American Nazi Party and spent a considerable period of time bowing to their will because he considered them to be his friends.”

I considered various positive factors in reviewing whether Davis is suitable for parole at this time. He entered prison a high school graduate and had taken some courses from the University of Tennessee. During his incarceration, he earned a Master of Arts degree in Religion and a Doctor of Philosophy in Religion from Bethany Bible College and Seminary, graduating summa cum laude. Davis completed vocational training in drafting and welding. He held institutional positions as a clerk, building orderly, porter, runner in the culinary department, sack lunch crew member and teacher’s aide. In addition, he availed himself of an array of self-help and therapy programs, including Alcoholics Anonymous (AA), Narcotics Anonymous (NA), Alternatives to Violence, Anger Control Therapy, Big Four Fellowship of AA, California Men’s Colony School of Bible, Carkhuff Communications class, Gestalt and Guided Imagery, individual therapy, Interfaith AA/NA 12-Step Program, Jewish Literacy Program, Lifer Decision Making and Introspective Analysis, Peer Training Program, Personal Growth Seminars, Process Oriented Psychotherapy Group, Rational Behavior Therapy, Reality and Decision Making, Substance Abuse Group, Stress Management and Relaxation Training, Transactional Analysis, and Yokefellows Program. Davis has taken a number of religious and Bible study courses. He also taught Bible study courses and a parenting class. Moreover, he received some positive evaluations from mental-health and correctional professionals over the years.

Davis established and maintained seemingly supportive relationships with family and friends throughout his incarceration. He made plans upon release to reside with his wife, Beth Davis, in San Luis Obispo County, the county to which the Board of Parole Hearings (Board) approved his parole. He has an offer of employment from a landscaping company.

Despite the positive factors I considered, the first-degree murders for which Davis was convicted were especially heinous because both victims were abused, tortured and mutilated. As the

Respondent's Brief notes, in addition to the wounds to his head, ear and cheek, Hinman endured multiple wounds to his chest, which were caused by a "rather thick-bladed knife-type weapon." The laceration to his face resulted in the loss of a portion of his ear. After this brutal killing, Hinman was left for dead. When his body was found, it was in a relatively advanced stage of decomposition. There was evidence of extensive infestation by insect larva. After Davis participated in this murderous act, he was undeterred. He continued his criminality by participating in a vicious attack on Shea, during which Shea was outnumbered and thus, particularly vulnerable. The crime partners beat him, stabbed him and beheaded him before burying his body. According to the Certificate of Death, Shea died from "multiple stab and chop wounds." Ultimately, I agree with the "Statement by Judge and District Attorney" that "[a]ll of the evidence establishes that these murders, their motive and execution, and Bruce Davis' participation therein, are among the most vicious of homicides."

Indeed, some murders are so atrocious that the gravity of the murder, by itself, evidences current dangerousness. I believe this is such a case. Nonetheless, there is additional information in the record that also indicates current dangerousness. I am concerned that, although Davis says he accepts responsibility and despite his participation in therapy and other programs in prison, he has still failed to obtain insight into his actions in the life offenses, because Davis has consistently claimed that he played a minor role in the commission of these murders. He initially stated to the probation officer, "I didn't kill them. I am not sure Shea is dead." According to the 1972 Case Summary, Davis said, "Even if I had agreed to testify against [Manson], there was nothing I could tell them, because I wasn't there when those things happened - and I don't think [Manson] was either." When his 1973 mental-health evaluator asked him about his role in the murders, Davis stated that he "did not do them." Instead, he claimed that he was "caught up in a public reaction against anyone who was an associate of Manson."

Davis continued to maintain his innocence until 1977, when his mental-health evaluator noted that Davis "assumed guilt and partial responsibility in connection with the crimes. That is, he described knowledge and limited participation in the crimes, but denied instigation or primary action." During his 1980 Diagnostic Unit Evaluation, Davis "acknowledge[d] being involved in both the murder of Shorty Shea and of Gary Hinman but also manage[d] to present himself as being a minor participant." Davis explained that he drove "people" to Hinman's house and "it took four days before Hinman was killed." However, he "denie[d] participating in any murderous behavior." Regarding Shea's murder, Davis acknowledged, "I was right there when it happened." A knife was passed between the crime partners, but Davis "denie[d] stabbing the body, indicating instead he used a cutting motion, cutting the body in the right arm/shoulder area. He stresse[d] the cut he made did not bleed."

Davis' 1982 mental-health evaluator drew conclusions similar to those of Davis' previous evaluators. The evaluator wrote, "The inmate once again related the story of his crimes, presenting himself as a minor character, guiltless, except in the eyes of the law and forgiven by God. In regard to his crimes, his regret seems insincere and, the way he tells the story, one can only wonder why there is any guilt at all." Two years later, Davis' mental-health evaluator echoe[d] these comments when he observed that "Davis denied any premeditation in it. He also

has previously and lately, reiterated his statements that he was only marginally involved in the actual execution of the crimes he was charged with." In 1985, Davis told his mental-health evaluator that "he was there but did not do the actual killings." The evaluator noted "some rationalization and minimization evident." During his 1988 Psychological Testing Report, Davis indicated that after he dropped his crime partners off at Hinman's house, he returned to the Spahn Ranch. After a couple of days, Manson received a call to inform him that "Gary wasn't cooperating." Davis claimed he did not understand what was meant. Manson then asked Davis to drive him back to the Hinman residence. While Manson sliced Hinman's ear, Davis held Hinman at gunpoint. Davis later left in one of Hinman's cars, but claimed that "Gary was very much alive the last time I saw him." With regard to Shea's murder, Davis maintained that Manson decided that Shea was an informer in the Sharon Tate/Rosemary LaBianca murders that occurred after Hinman's murder. Davis went with his crime partners to ask Shea to drive them to get some spare car parts. One crime partner hit Shea with a pipe wrench while another partner stabbed him. Later, when Manson handed Davis a knife, Davis slashed the victim's shoulder. Davis speculated that it was "highly likely" that the victim may have been dead by the time he cut him.

In 1997, Davis told his mental-health evaluator that he was at the Hinman residence for a few minutes when Manson cut Hinman with a knife. However, the evaluator wrote, "he makes no mention to me of holding a gun on him while this was happening." During the evaluation, Davis admitted that he cut Shea, but did so because, "I didn't want to appear I was going against what they were doing." Davis dubiously asserted, "I was very naïve about what was going on." In discussing the Hinman murder with his 1999 mental-health evaluation, Davis said, "I doubt if I pointed the gun at him but he might have taken it as a threat." He indicated that he felt coerced into "making at least a token cut on [Shea's] shoulder although he thought at that time he was already dead." In response, the evaluator opined, "Mr. Davis has basic insight into the causative factors of the commitment offense which would include not thinking through any consequences and just proceeding through life in a step-by-step manner primarily concerned with drugs, sex, in a sense acceptance and approval by the Manson family." In 2003, Davis told his mental-health evaluator that he left the Hinman residence before Hinman was killed. With regard to Shea's murder, Davis said, "We were standing on the boardwalk and Charlie said we're going to kill Shorty and I couldn't say no." However, he also stated that the victim did not bleed after Davis cut him on the arm.

Davis testified before the 2003 Board, "[W]hen I got down the hill after they had stabbed [Shea], they gave me a machete and there was -- Now that's when I hit the limit and said no. And I had no rationale for why I did. I did realize that I did have a limit, but I didn't know I had one, I never thought about it." Despite his claim that he had a "limit," he nonetheless cut the victim's arm. Davis told the 2004 Board, "I didn't stab [Shea]. I just cut him with the tip of the blade."

Davis continued to minimize his role in these brutal murders when he told his 2006 mental-health evaluator that, although he was in the vicinity when Hinman was killed, he did not participate in the murder. He also stated, "Sometime later, maybe a month, the murder of Shorty Shea happened. We drove down the hill. They hit him and stabbed him. He finally went down.

Charlie [Manson] wanted me to cut his head off with a machete, but I wouldn't do it. I did cut his arm with the tip of a knife to say, 'OK, I did something.'" His comments led the evaluator to write, "Mr. Davis has explored some of the issues underlying the commitment offense and taken measures to address them." More recently, Davis told the 2009 mental-health evaluator that he returned to Hinman's house with Manson and saw that Hinman "had been cut." He characterized the situation as "crazy" and claimed that he did not know whether what occurred was planned or not. Davis claimed that, if he had known what was to occur, he would not have participated. Regarding Shea's murder, he continued to maintain, "I just went along." During his 2010 parole consideration hearing, although Davis initially exercised his right not to discuss the factual circumstances of the crimes, he nonetheless said, "I bragged about it all. Yeah, we cut Shorty's head off. Yeah, I wanted to be impressive. I wanted to seem like somebody. But, you know, every time it came, when push came to shove, I always said no."

Based on the record before me, I do not accept Davis' limited acceptance of responsibility. The fact that Davis has consistently minimized his actions in the life crimes by claiming that he had a limited role in these murders negates his responsibility for the killings because it demonstrates his failure to recognize that his actions directly contributed to the commission of the crimes. His statements reducing his responsibility for the crimes over the years indicate that he has still not gained sufficient insight into or accepted full responsibility for the murders. According to the Respondent's Brief, Alan Springer was at the Spahn Ranch on August 11 or 12, 1969, when Davis showed him a newspaper clipping about Beausoleil's trial, at which Danny DeCarlo testified. Springer said he did not like the idea of DeCarlo testifying. Davis agreed and replied, "Yes, we'll have to do something about that." Davis threatened that they had a way of taking care of "snitchers" and that they had already taken care of one. He stated, "We cut his arms, legs and head off and buried him on the ranch." When asked if he was referring to Shea, Davis answered, "Yeah."

Additionally, the sentencing court found that, "[i]n the Hinman murder the Court believes that the defendant knowingly aided and abetted in the killing. The Court believes that Mr. Davis did so knowing what the purpose and intent of the Manson Family was and that he willingly engaged in their activities." With regard to the Shea murder, the sentencing court stated that "the Court believes that was a situation, again, wherein Mr. Davis was acting as part of the Manson Family, and the Court believes that that murder was done in a particularly vicious and horrible way, with Mr. Davis actively participating in it." The 1996 Life Prisoner evaluator correctly noted that "[Davis] was older than most of the other participants in the offenses. He had more education and yet, still willingly followed the instructions of Charles Manson and committed these acts."

As recently as 2008, in denying Davis parole, the 2008 Board concluded, "[T]he indication from the Panel is that you minimize your conduct by blaming your father, assigning your role at the crime as . . . minor, the minimization of your [CDC]-115 [serious violation of prison rules] and that you continue to represent yourself as a follower, 'such as [I] didn't kill anyone and I was emotionally hooked on the family atmosphere.' [We] [a]lso noted that you continue to maintain a minor role, such as a delivery man in spite of the fact that you did provide the weapon that was used to hold Mr. Hinman while he was assaulted by Manson." The Board added, "With respect

to the issue of credibility, the Panel feels that you're not credible about the crime, specifically the inconsistent versions as to your involvement and that you lack the insight into the causative factors of your conduct as evidenced by continued minimization and that you continue to make inconsistent statements, specifically as to the exact nature and extent of the wounds that are reported on Mr. Shea."

Even the 2010 Board expressed its concerns with Davis' minimization of his role in these crimes. The Presiding Commissioner recognized that Davis authored a document about his role in the crimes. Nonetheless, the Presiding Commissioner concluded, "But I was hopeful that this document would clear up further some discrepancies that have dogged you over the years to be blunt. And that I still have some concerns about [your role] that this did not address." As the Board noted, "[F]rom everything I've read . . . this is more than [Davis] just being there. . . ." I agree with the Presiding Commissioner's comment to Davis that "this ain't [sic] washing out here. It's just . . . you're making progress. You're pushing it. But there's not -- You haven't fully stopped minimizing exactly what you did in these murders." Indeed, his lack of insight renders the life offenses still relevant to my determination that Davis continues to pose a current, unreasonable risk to public safety because Davis cannot ensure that he will not commit similar crimes in the future if he does not completely understand and accept full responsibility for his offenses.

The 2009 mental-health evaluation raises an additional concern. The evaluator diagnosed Davis with a Personality Disorder, noting that "he presents with both narcissistic and antisocial features in that he presented with a pattern of grandiosity and need for admiration as well as a pattern of deceitfulness, impulsivity and irresponsibility." In consideration of the fact that many of these same traits contributed to Davis' decision to participate in multiple murders, I believe that their continued validity remains predictive of his current dangerousness. In combination with Davis' lack of insight into his role in the life offenses, this diagnosis demonstrates that Davis' release would pose an unreasonable threat to the community.

In light of Davis' claim that he was just "went along" with Shea's murder, I am further troubled that Davis still exhibits conformist tendencies. As I previously noted, Davis associated with the American Nazi Party after his incarceration. More recently, he told his 2009 mental-health evaluator, "I have to learn to live with my wife . . . we are very different . . . I don't know what it is like to be fiscally responsible and responsible for raising a family . . . I have to adjust to them, not them to me . . . I'll have to be Mr. Beth and just say 'yes ma'am.'" This statement that he will simply follow his wife's commands is especially troubling in light of Davis' admission in his 2009 mental-health evaluation that he had a "pattern of choosing the easy route and following along with others." My belief is supported by the fact that he has not taken any courses specifically designed to address self-esteem or assertiveness training. Davis' failure to address this problem throughout his incarceration, combined with his willingness to continue to follow someone else's commands, indicates to me that he has not yet developed sufficient tools to succeed on parole. Without such tools, he may be at an increased level of recidivism.

I also question Davis' commitment to his sobriety. He told his 2009 mental-health evaluator that he used marijuana, cocaine, LSD, mescaline, hashish, psilocybin and peyote. During the time he associated with Manson and his crime partners, he used mescaline and LSD "by the handfuls." Despite this history, his substance abuse treatment in prison has been sporadic. Based on the record before me, he participated in NA from 1987 to 1988 and from 1994 to 1997. Davis was involved in a 12-Step Dual Diagnosis program in 2002 and the Interfaith AA/NA 12-Step Program in 2006 and 2007. To his credit, he participated in the Big Four Fellowship of AA from 2007 to the present. However, his limited efforts to address his drug abuse history while in prison are troubling considering his extensive substance abuse history. I note that he provided the name of a sponsor to the 2010 Board to demonstrate his plan to maintain his sobriety, which indicates his acknowledgement of the importance of seeking treatment after his release. However, his failure to consistently participate in substance abuse treatment during his incarceration contradicts his stated intention to seek such treatment in the community. My concern is heightened by the fact that Davis told his 2009 mental-health evaluator that he became involved with Manson, in part, because, "at that point in my life all I wanted was sex, drugs and rock and roll." Indeed, his limited involvement in substance abuse treatment programs in prison reveals that he is not adequately committed to addressing this factor that contributed to his criminal conduct. His drug abuse history, combined with the fact that he has failed to exhibit a sincere commitment to seeking treatment, also demonstrates that Davis continues to pose a risk of danger if released to the community at this time.

The gravity of the crimes supports my decision, but I am particularly concerned that Davis has not gained sufficient insight into the life offenses and continues to minimize his role in these atrocious crimes. I am also troubled by his current diagnosis and by the evidence that he is still susceptible to following the commands of others. Davis' inadequate participation in substance abuse treatment programs is also alarming. This evidence indicates that Davis still poses a risk of recidivism and violence and that his release from prison at this time would pose an unreasonable risk to public safety. The Los Angeles County District Attorney's Office and the Los Angeles County Sheriff's Department agree, registering their opposition to Davis' parole.

At age 67 now, after being incarcerated for more than 39 years, Davis made some creditable gains in prison. But given the current record before me, and after carefully considering the very same factors the Board must consider, I believe his release would pose an unreasonable risk of danger to society at this time. Accordingly, I REVERSE the Board's 2010 decision to grant parole to Davis.

Decision Date: 6/22/10


ARNOLD SCHWARZENEGGER
Governor, State of California