

SUBSEQUENT PAROLE CONSIDERATION HEARING
STATE OF CALIFORNIA
BOARD OF PRISON TERMS

In the matter of the Life)
Term Parole Consideration) CDC Number B-41079
Hearing of:)
)
BRUCE DAVIS)
_____)

CALIFORNIA MEN'S COLONY
SAN LUIS OBISPO, CALIFORNIA

APRIL 8, 2004

PANEL PRESENT:

KEN RISEN, Presiding Commissioner
ROLANDO MEJIA, Deputy Commissioner

OTHERS PRESENT:

BRUCE DAVIS, Inmate
GEORGE DENNY, Attorney for Inmate
KENNETH A. LOVEMAN, Deputy District Attorney
BILL SESSA, Observer
DAVID FREITAS, Observer
TONY NAJOWICZ, Observer
RYAN HUFF, Observer
JOE JOHNSTON, Observer

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____ No See Review of Hearing
_____ Yes Transcript Memorandum

Karin R. Lewis

Capitol Electronic Reporting

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DEPUTY COMMISSIONER MEJIA: Okay. We're now on record.

PRESIDING COMMISSIONER RISEN: This is a Subsequent Parole Consideration Hearing for Bruce Davis, D-A-V-I-S. CDC Number is B-41079. Today's date is April 8th, 2004. We're at CMC, East. The prisoner's legal status, he was received on April the 21st, 1972 from Los Angeles County. The offense is murder first, case number A267861. Counts number one and two are 187 of the Penal Code. The term is life. Minimum eligible parole date, 12/1 of 1977. Other commitment offenses, count number three, murder first, 187 of the Penal Code, LA County, case number same as above. Count number two was stayed. It's conspiracy to commit murder, Section 182 of the Penal Code, Los Angeles County, case number same as above. This hearing is being tape-recorded. For purposes of voice identification, we need to go around the room and identify ourselves. Please state your name, spell your last name and when we get to the prisoner, we need you to spell your last name and give us your CDC number. We'll go to my right. My name is Ken Risen, R-I-S-E-N, Commissioner.

DEPUTY COMMISSIONER MEJIA: Rolando Mejia, M-E-J-I-A, Deputy Commissioner.

1 **MR. SESSA:** Bill Sessa, S-E-S-S-A, Board of
2 Prison Terms' staff.

3 **MR. FREITAS:** David Freitas (phonetic),
4 KSBY TV.

5 **MR. NAJOWICZ:** Tony Najowicz, KSBY TV.

6 **PRESIDING COMMISSIONER RISEN:** Can you --

7 **MR. HUFF:** Ryan --

8 **PRESIDING COMMISSIONER RISEN:** Let me --
9 spell your last name.

10 **MR. NAJOWICZ:** N-A-J-O-W-I-C-Z.

11 **PRESIDING COMMISSIONER RISEN:** Thank you.

12 **MR. HUFF:** Ryan Huff, H-U-F-F, reporter,
13 San Luis Obispo Tribune.

14 **MR. JOHNSTON:** Joe Johnston,
15 J-O-H-N-S-T-O-N, photographer for the Tribune.

16 **INMATE DAVIS:** Bruce Davis, D-A-V-I-S,
17 B-41079.

18 **ATTORNEY DENNY:** George Denny, D-E-N-N-Y,
19 Attorney for Mr. Davis.

20 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Kenneth
21 A. Loveman, Deputy District Attorney for the County
22 of Los Angeles.

23 **PRESIDING COMMISSIONER RISEN:** Okay. We
24 also have one correctional peace officer in the
25 room. He will not be participating in the hearing.
26 He's here for security purposes. The prisoner
27 completed the form 1073, which is the Americans

1 with Disability Act form for the Board of Prison
2 Terms. This was completed on January the 7th,
3 2004. At that time, you indicated you did not have
4 a disability. Is that still correct?

5 **INMATE DAVIS:** Yes, it is.

6 **PRESIDING COMMISSIONER RISEN:** Okay. What
7 I need you do is to read that ADA Statement out
8 loud into the record, if you would please. Can you
9 see it?

10 **INMATE DAVIS:** ADA Statement. The
11 Americans with Disabilities Act, ADA, is a law to
12 help people with disabilities. Disabilities are
13 problems that make it harder for some people to see
14 and hear, breathe, talk, walk, think, work, take
15 care of (inaudible).

16 **PRESIDING COMMISSIONER RISEN:** You're going
17 to have to speak up for the record please.

18 **INMATE DAVIS:** Okay. Nobody can be kept
19 out of public places or activities because of a
20 disability. If you have a disability, you have the
21 right to ask for help and get ready -- to get ready
22 for your BPT hearing, get an understanding of the
23 hearing process. BPT will look at what you asked
24 to make sure that you have a disability that is
25 covered by ADA and that you have asked for the
26 right kind of help. If you do not get the kind of
27 help or you don't think you got the right kind of

1 help, you need to ask for a BPT 1074 grievance
2 form. You can also get help to fill it out.

3 **PRESIDING COMMISSIONER RISEN:** Okay. I
4 notice you're wearing glasses. Do you need glasses
5 to read?

6 **INMATE DAVIS:** Well, in this case.

7 **PRESIDING COMMISSIONER RISEN:** Okay. Are
8 they prescription?

9 **INMATE DAVIS:** Yes.

10 **PRESIDING COMMISSIONER RISEN:** Okay. Did
11 you have any problems walking here today?

12 **INMATE DAVIS:** Not a one.

13 **PRESIDING COMMISSIONER RISEN:** Can you walk
14 for a distance of more than 100 yards and up and
15 down stairs?

16 **INMATE DAVIS:** Up to now.

17 **PRESIDING COMMISSIONER RISEN:** Okay. Do
18 you have any hearing impairments?

19 **INMATE DAVIS:** No.

20 **PRESIDING COMMISSIONER RISEN:** Do you take
21 any medication?

22 **INMATE DAVIS:** Yeah, I take aspirin. Yeah,
23 I take some medication.

24 **PRESIDING COMMISSIONER RISEN:** Okay.

25 Anything that would interfere with --

26 **INMATE DAVIS:** No, no.

27 **PRESIDING COMMISSIONER RISEN:** -- your

1 participation in the hearing?

2 **INMATE DAVIS:** Not at all.

3 **PRESIDING COMMISSIONER RISEN:** Okay. Have
4 you ever been treated at the institution as CCCMS
5 or EOP?

6 **INMATE DAVIS:** No.

7 **PRESIDING COMMISSIONER RISEN:** And how far
8 did you go in school on the street?

9 **INMATE DAVIS:** A couple of years of
10 college.

11 **PRESIDING COMMISSIONER RISEN:** Okay. The
12 Panel will find that the prisoner has a disability.
13 It would be his vision, the fact that he needs
14 glasses to read. However, the accommodation would
15 be the fact that he's brought his prescription
16 glasses with him today. Would you agree, Counsel?

17 **ATTORNEY DENNY:** I'd agree, certainly.

18 **PRESIDING COMMISSIONER RISEN:** Okay. The
19 purpose of today's hearing is to again consider
20 your suitability for parole. In arriving at a
21 decision, we will consider the commitment offenses,
22 your prior criminality and social history, as well
23 as your behavior and overall programming since your
24 commitment. We have reviewed your files and prior
25 transcripts. You will have an opportunity to make
26 corrections and clarifications regarding these
27 records. We will read into record -- into the

1 record the Statement of Facts, as reflected by the
2 record. We will then go directly to your progress
3 since your last hearing, referring to the new
4 psychiatric reports, and any other information that
5 has a bearing on your parole suitability. Any
6 additional parole plans should be brought to our
7 attention. The District Attorney, the prisoner's
8 attorney, and the prisoner will be given an
9 opportunity to make statements regarding parole
10 suitability and length of confinement. After this
11 is done, we will recess, clear the room and
12 deliberate. Once we've reached our decision, we'll
13 resume the hearing and announce the decision. The
14 prisoner is afforded certain rights, the right to
15 timely notice of this hearing today, availability
16 to review the Central File, the right to present
17 relevant documents at your hearing and the right to
18 an impartial Panel. Is the prisoner's attorney
19 satisfied these rights have been met?

20 **ATTORNEY DENNY:** I am.

21 **PRESIDING COMMISSIONER RISEN:** The prisoner
22 will receive a copy of a tentative, written
23 decision today. That decision becomes effective
24 upon approval by the Decision Review Unit at the
25 Board of Prison Terms. Later, you'll receive a
26 transcript and a copy of the decision. It's
27 automatically sent to you. You have the right to

1 appeal within 90 days of receiving the transcript.
2 Today you will not be required to discuss the
3 commitment offense with the Panel and you will not
4 be required to admit the commitment offense.
5 However, the Panel accepts as true the court
6 findings. Any confidential materials being used?

7 **DEPUTY COMMISSIONER MEJIA:** Not at this
8 time.

9 **PRESIDING COMMISSIONER RISEN:** Okay. Do
10 you have any additional documents for us to review
11 today for the hearing?

12 **ATTORNEY DENNY:** No, I do not.

13 **PRESIDING COMMISSIONER RISEN:** Okay. Have
14 you had an opportunity to see these documents here,
15 the letters?

16 **ATTORNEY DENNY:** Yes. I have the letters
17 you've presented to me.

18 **PRESIDING COMMISSIONER RISEN:** Okay. I
19 have here a hearing checklist of documents. I've
20 marked it Exhibit I. I would like you, Mr. Denny,
21 and you, Mr. Loveman, to review those to insure
22 that you have the same documents that I do.

23 **ATTORNEY DENNY:** Yes, I have those.

24 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Yes,
25 thank you.

26 **PRESIDING COMMISSIONER RISEN:** Okay. Any
27 objections at this time?

1 **ATTORNEY DENNY:** No.

2 **PRESIDING COMMISSIONER RISEN:** Is the
3 prisoner going to address the Panel today?

4 **ATTORNEY DENNY:** Yes, he is.

5 **PRESIDING COMMISSIONER RISEN:** Okay. If
6 you'll raise your right hand the best you can.

7 **INMATE DAVIS:** Okay.

8 **PRESIDING COMMISSIONER RISEN:** Do you
9 solemnly swear or affirm that the testimony you
10 give at this hearing will be the truth, the whole
11 truth, and nothing but the truth?

12 **INMATE DAVIS:** Yes, I do.

13 **PRESIDING COMMISSIONER RISEN:** Okay. I'm
14 going to read the Statement of Facts from the Board
15 report of December 2002, as to count one and count
16 two and then portions of the prisoner's version.
17 Count one, the victim, Gary Hinman's body was found
18 in a decomposed state in the living room of his
19 home on Topanga Road in Topanga on July 31st, 1969.
20 He had been alive on July 25th, 1969, driving a
21 Fiat station wagon. The autopsy revealed that stab
22 wounds to -- of the chest had penetrated the heart
23 and killed the victim. The autopsy further
24 revealed that he had suffered other wounds.
25 Including a stab wound to the area of the chest, a
26 gash on the top of his head, a gash behind the
27 right ear, a laceration over the left side of his

1 face, which cut off part of his ear and cheek.
2 Davis was one of a group of crime partners involved
3 in the murder of the victim. Victim Hinman was
4 kept a prisoner in his home for two days, during
5 which time he was stabbed and clubbed before he was
6 finally put to death. Any corrections or
7 clarifications on that part?

8 **INMATE DAVIS:** No.

9 **ATTORNEY DENNY:** Let me just observe, as I
10 have previously, because sometimes letters from an
11 acting Captain of the Homicide Division will say
12 that Bruce Davis was present during the time that
13 Gary Hinman was hit and stabbed. That is not true.
14 And if the Board thinks that is true, that is not
15 true, and that should appear as --

16 **PRESIDING COMMISSIONER RISEN:** Well, here
17 it doesn't say --

18 **ATTORNEY DENNY:** -- part of the facts.

19 **PRESIDING COMMISSIONER RISEN:** It doesn't
20 say he was present here when they -- when he was
21 killed.

22 **ATTORNEY DENNY:** I understand that. I
23 understand what you've read. I just want to make
24 sure the Board is aware that some of the letters
25 that have come from various Captains of the
26 Homicide Division over the years have elaborated on
27 some of the facts, as the most recent letter, in

1 fact.

2 **PRESIDING COMMISSIONER RISEN:** Okay.

3 **INMATE DAVIS:** Well, I was there when

4 Manson cut --

5 **ATTORNEY DENNY:** When Charlie --

6 **INMATE DAVIS:** -- Hinman.

7 **ATTORNEY DENNY:** -- was there.

8 **INMATE DAVIS:** Yeah, yeah.

9 **ATTORNEY DENNY:** That's right.

10 **INMATE DAVIS:** So I was there during one of
11 those times.

12 **ATTORNEY DENNY:** Right.

13 **PRESIDING COMMISSIONER RISEN:** Okay. Now
14 we'll go to count two. Victim Donald Shea was
15 reported missing and an investigation revealed that
16 sometime between October 15 -- August 15th and
17 September 1st, 1969, Davis and his crime partners
18 murdered the victim and buried his body on or near
19 the Spahn Ranch, S-P-A-H-N. The victim worked at
20 the Spahn Ranch as a ranch hand while Davis and his
21 crime partners were living there. Intensive
22 investigation failed to produce the body of the
23 victim. However, George Grogin, one of the crime
24 partners, furnished information to law enforcement
25 as to the location of the victim's body. The body
26 was recovered and Shea was stabbed repeatedly until
27 his death.

1 **ATTORNEY DENNY:** That's Steve, Steve
2 Grogin, not George.

3 **PRESIDING COMMISSIONER RISEN:** Steve
4 Grogin, you're correct. Okay, now we go to the
5 prisoner's version. I'll start out, down here it
6 says, in June or July of 1969, Charles Manson asked
7 Davis to drive several members -- family members to
8 the Hinman house. Davis delivered Mary Brunner,
9 Robert Beausoleil, B-E-A-U-S-O-L-E-I-L, and Susan
10 Atkins to the Hinman residence. Then he returned
11 to the Spahn Ranch. After a couple of days, Manson
12 received a call from one of the family members at
13 Gary Hinman's house and the family member said,
14 Gary isn't cooperating. Davis claims he didn't
15 understand what that was about. During the
16 interview, Davis stated, quote, what I did
17 understand was that they were -- was that they went
18 there to rob Gary Hinman. They thought he had
19 money, but he didn't. Manson then asked Davis to
20 drive him back to the Hinman residence. When Davis
21 returned to the house, Robert Beausoleil was
22 holding Hinman at gunpoint. Davis asked for the
23 gun, which Beausoleil handed to him. Davis stated
24 that he had the gun in his possession, but did not
25 point it at Hinman, as stated in the 1996 Board of
26 Prison Terms' report. While Davis was standing
27 there with the gun, Manson sliced Hinman's ear.

1 Davis later took one of Hinman's cars back to the
2 ranch but claims, quote, Gary was very much alive
3 the last time I saw him, closed quotes. Okay, any
4 clarifications on that?

5 **INMATE DAVIS:** No.

6 **PRESIDING COMMISSIONER RISEN:** Okay. My
7 question here would be, whose gun was it that
8 Beausoleil was holding?

9 **INMATE DAVIS:** It was mine.

10 **PRESIDING COMMISSIONER RISEN:** And how did
11 you get the gun?

12 **INMATE DAVIS:** I bought it.

13 **PRESIDING COMMISSIONER RISEN:** Okay. And
14 then how did Beausoleil have the gun?

15 **INMATE DAVIS:** He asked me to use it.

16 **PRESIDING COMMISSIONER RISEN:** And how long
17 before this incident did he give that gun to you?

18 **INMATE DAVIS:** He --

19 **PRESIDING COMMISSIONER RISEN:** Or did you
20 give the gun to him?

21 **INMATE DAVIS:** At the -- probably, I -- the
22 day it happened or the day before. I'm not -- I
23 don't remember exactly, but it was --

24 **PRESIDING COMMISSIONER RISEN:** Okay. So
25 then it's still your contention you were not there
26 when he was actually killed.

27 **INMATE DAVIS:** No, Sir.

1 **PRESIDING COMMISSIONER RISEN:** When you
2 were there, did you hear any gunshots?

3 **INMATE DAVIS:** No. There had been one
4 gunshot. I don't know when, sometime before I got
5 there. Nobody was shot but it had been -- the gun
6 had been discharged in the kitchen.

7 **PRESIDING COMMISSIONER RISEN:** Do you know
8 why?

9 **INMATE DAVIS:** Well, not exactly. I guess
10 we could think up a lot of reasonings, but I don't
11 know why.

12 **PRESIDING COMMISSIONER RISEN:** Then we'll
13 go on here. This is as to count two. Sometime in
14 August of 1969, Manson decided that Donald Shea was
15 a police informant in the Tate-LaBianca murders.
16 Davis went along with three members of the Manson
17 family, who had asked Mr. Shea to drive them to get
18 some spare car parts. During the interview, Davis
19 stated he knew that they were going to kill Shea.
20 He said, I knew I wouldn't do anything physical,
21 but I wanted it to look like I was going along with
22 Manson so that I could maintain this friendship.
23 Shea and other drivers in the -- Shea was driving
24 the car when Charles Watson, who was sitting next
25 to Shea, told Shea to pull the car over. At first
26 Shea wouldn't. Then Watson pulled a knife on Shea.
27 When he pulled over, Steve Grogin was sitting

1 behind Shea and hit Shea in the back of the head
2 with a pipe wrench. Watson and Grogin got out of
3 the car and dragged Shea down the hillside into a
4 ravine. Davis remained in the car until Charles
5 Manson drove up in another car, stopped, and went
6 down the hill to join Watson and Grogin. A few
7 moments later -- or minutes later, Davis went down
8 to where they had the victim. Manson handed Davis
9 a machete and told Davis to cut the head off.
10 Davis dropped the machete. Davis stated that he
11 couldn't do it, so Manson handed him a knife, which
12 Davis used to slash the victim's shoulder. Davis
13 was sure that the victim was dead at the time he
14 cut him. Davis cut the victim because he didn't
15 want to be disapproved of by the family. And I'll
16 stop there at that point. Now, what makes you so
17 sure that he was dead at the time you slashed him
18 on the shoulder?

19 **INMATE DAVIS:** Well, I wasn't sure right
20 then, but when I thought about it, there was no
21 blood. I made a cut on his shoulder with the tip
22 of the knife blade and it didn't bleed. I remember
23 that. And so that's what gave me that idea. I'm
24 -- I wasn't sure. I couldn't -- you know, I
25 shouldn't say I was sure, like a doctor would be
26 sure.

27 **PRESIDING COMMISSIONER RISEN:** Okay. Did

1 Manson inflict any injuries on Shea while you were
2 there?

3 **INMATE DAVIS:** I think, yeah, yeah, yeah.

4 **PRESIDING COMMISSIONER RISEN:** Okay. What
5 did he do?

6 **INMATE DAVIS:** He stabbed Shorty.

7 **PRESIDING COMMISSIONER RISEN:** And where
8 did he stab him?

9 **INMATE DAVIS:** Somewhere on his body.

10 **PRESIDING COMMISSIONER RISEN:** Just once?

11 **INMATE DAVIS:** I don't remember exactly. I
12 remember he did stab him. I didn't -- I don't
13 know. He may -- I don't know how many times it
14 was. It may have been more than once.

15 **PRESIDING COMMISSIONER RISEN:** Okay. Did
16 anyone else stab, kick, or hit the body?

17 **INMATE DAVIS:** Not that I saw.

18 **ATTORNEY DENNY:** You mean --

19 **PRESIDING COMMISSIONER RISEN:** At that
20 time.

21 **ATTORNEY DENNY:** -- including Grogin?

22 **PRESIDING COMMISSIONER RISEN:** Including
23 Grogin.

24 **INMATE DAVIS:** Well, when we were in the
25 car, Steve Grogin hit Shea with a pipe wrench. He
26 was sitting behind him. And from what I could
27 tell, Watson stabbed Mr. Shea.

1 **PRESIDING COMMISSIONER RISEN:** In the car?

2 **INMATE DAVIS:** In the car. I couldn't -- I
3 was sitting in the backseat, I really couldn't see
4 it happen-happen, but I could -- you know, I could
5 tell.

6 **PRESIDING COMMISSIONER RISEN:** Okay. Then
7 Shea was unconscious when he was drug down into the
8 ravine?

9 **INMATE DAVIS:** I --

10 **PRESIDING COMMISSIONER RISEN:** Was he
11 talking, saying anything?

12 **INMATE DAVIS:** He wasn't resisting or
13 talking, that I remember at all. So, was he
14 unconscious, probably. He probably was so.

15 **PRESIDING COMMISSIONER RISEN:** Okay. Who
16 brought the machete or the sword to the crime
17 scene?

18 **INMATE DAVIS:** I suppose Manson probably
19 did.

20 **PRESIDING COMMISSIONER RISEN:** Did you have
21 any weapon?

22 **INMATE DAVIS:** No.

23 **PRESIDING COMMISSIONER RISEN:** So, Manson
24 had the knife that he gave you that you eventually
25 stabbed him in the shoulder with?

26 **INMATE DAVIS:** I didn't stab him. I just
27 cut him with the tip of the blade.

1 **PRESIDING COMMISSIONER RISEN:** Okay. And
2 how big of a --

3 **INMATE DAVIS:** I mean --

4 **PRESIDING COMMISSIONER RISEN:** -- cut would
5 it have made?

6 **INMATE DAVIS:** Oh, two inches, three inches
7 by maybe, I don't know how deep.

8 **PRESIDING COMMISSIONER RISEN:** Okay. Any
9 corrections or clarifications on this statement
10 here?

11 **INMATE DAVIS:** No.

12 **PRESIDING COMMISSIONER RISEN:** Okay.
13 Apparently, you have no juvenile record. Were you
14 raised in California or somewhere else?

15 **INMATE DAVIS:** Tennessee.

16 **PRESIDING COMMISSIONER RISEN:** Okay. It
17 says, Davis first came to the attention of law
18 enforcement as an adult on March 9th of 1968 when
19 he was arrested for possession of marijuana. The
20 case was dismissed in the interest of justice. On
21 5/2 of '68, he was once again arrested for
22 possession of marijuana. These charges were
23 dismissed, due to insufficient evidence. He was
24 arrested on 10/12 of '69, for receiving stolen
25 property, grand theft, and contributing to the
26 delinquency of a minor. On 10/27/69, these charges
27 were dropped, due to a lack of evidence. Was this

1 a car that you -- you were in charge of stealing?

2 **INMATE DAVIS:** No. That's -- that was
3 later when -- because that was the car in -- up in
4 Indio County, the Toyota Land Rover.

5 **PRESIDING COMMISSIONER RISEN:** Okay. On
6 January 21st, 1970, he was arrested for receiving
7 stolen property, for which there was no disposition
8 shown. On March 7th, 1970, he was arrested for
9 fraudulently obtaining a firearm, for giving false
10 identification to a firearm's dealer. What kind of
11 a weapon were you buying?

12 **INMATE DAVIS:** A nine-millimeter automatic.

13 **PRESIDING COMMISSIONER RISEN:** And did you
14 receive the gun then?

15 **INMATE DAVIS:** That's the one that
16 Beausoleil had.

17 **PRESIDING COMMISSIONER RISEN:** Okay. Okay,
18 personal factors, Mr. Davis is the youngest of two
19 children. You're the only son. Your mother was a
20 housewife and a homemaker until you were
21 approximately 10 years old. Then she became an
22 accountant and began a career as a working wife.
23 You have only one sibling, a sister. She is one
24 year old than you. Do you still have contact with
25 her?

26 **INMATE DAVIS:** Yes.

27 **PRESIDING COMMISSIONER RISEN:** Described

1 your childhood environment as being unpredictable
2 and unstable, due to your father being an
3 alcoholic. Yes?

4 **INMATE DAVIS:** Yes.

5 **PRESIDING COMMISSIONER RISEN:** What type of
6 work did your father do?

7 **INMATE DAVIS:** He was a welder.

8 **PRESIDING COMMISSIONER RISEN:** And your
9 father mistreated you, beat you on occasion?

10 **INMATE DAVIS:** Yeah. I think maybe beating
11 is kind of, maybe too strong of a term. He never
12 drew blood or never marked -- or gave me a bruise.
13 But it felt like a beating to me because I was
14 pretty young. But I mean, it wasn't like I was cut
15 up or --

16 **PRESIDING COMMISSIONER RISEN:** Okay.

17 **INMATE DAVIS:** -- had bodily harm.

18 **PRESIDING COMMISSIONER RISEN:** It says here
19 that you state that although your mother was
20 affectionate and supportive, she was very
21 controlling and protective of him. In later years,
22 you felt angry and betrayed by your parents,
23 believing that he was never given the guidance and
24 encouragement in life that he needed. Is that a
25 true statement?

26 **INMATE DAVIS:** That's a true statement.

27 **PRESIDING COMMISSIONER RISEN:** You were

1 expelled from school on one occasion in the seventh
2 grade for a theft.

3 **INMATE DAVIS:** Yes, that's right.

4 **PRESIDING COMMISSIONER RISEN:** He states
5 that he had been a follower because it was a way to
6 insure that people would like you.

7 **INMATE DAVIS:** Right.

8 **PRESIDING COMMISSIONER RISEN:** At age 19,
9 you lost interest in school, began to earn poor
10 grades, and decided to drop out of school. At that
11 time, you began wandering from Tennessee to the
12 West Coast and back again. He was employed in a
13 variety of jobs, a waiter, a boy -- a bar boy and a
14 surveyor. At age 21 to 24, you were gainfully
15 employed as a welder in Southern California.

16 **INMATE DAVIS:** Yes.

17 **PRESIDING COMMISSIONER RISEN:** How long did
18 you work as a welder?

19 **INMATE DAVIS:** Two or three years.

20 **PRESIDING COMMISSIONER RISEN:** You began to
21 travel again around the country and became highly
22 influenced by the Vietnam conflict and identified
23 with hippies and the non-materialist way,
24 lifestyle.

25 **INMATE DAVIS:** Yes.

26 **PRESIDING COMMISSIONER RISEN:** Were you
27 ever married prior to coming to prison?

1 **INMATE DAVIS:** No, Sir.

2 **PRESIDING COMMISSIONER RISEN:** And any
3 children prior?

4 **INMATE DAVIS:** No, Sir.

5 **PRESIDING COMMISSIONER RISEN:** Are you
6 subsequently married?

7 **INMATE DAVIS:** Yes, Sir.

8 **PRESIDING COMMISSIONER RISEN:** And what
9 year did you marry?

10 **INMATE DAVIS:** Nineteen eighty-five.

11 **PRESIDING COMMISSIONER RISEN:** And you have
12 a daughter now?

13 **INMATE DAVIS:** A daughter.

14 **PRESIDING COMMISSIONER RISEN:** And how old
15 is she?

16 **INMATE DAVIS:** Ten years old.

17 **PRESIDING COMMISSIONER RISEN:** Okay. At
18 this point, we'll go to the next phase of the
19 hearing, which would be post-conviction factors,
20 Commissioner.

21 **DEPUTY COMMISSIONER MEJIA:** Okay,
22 Mr. Davis, I'll be covering institutional
23 adjustments in this portion of this hearing since
24 your last Board appearance. I have reviewed your
25 Central File and Board reports and psychiatric
26 reports. If I miss anything, I will be giving you
27 and your attorney an opportunity to make comments

1 at the end of my presentation. Your last Board
2 appearance was on January 29th, 2003, wherein you
3 received a one-year denial. Recommendations were
4 for you to remain disciplinary free, participate in
5 self-help and therapy. Your classification score
6 is 28 and the custody level is Medium A. You're
7 currently working at the A Quad, a Recreation Aide,
8 with satisfactory to above average work reports.
9 Academic history, you graduated high school in
10 1961.

11 **INMATE DAVIS:** Sixty-one, yes, Sir.

12 **DEPUTY COMMISSIONER MEJIA:** And you also
13 obtained a vocation in vocational Drafting in 1989.

14 **INMATE DAVIS:** Yes.

15 **DEPUTY COMMISSIONER MEJIA:** You also have a
16 doctorate, you have master's degree in Theology in
17 1997.

18 **INMATE DAVIS:** Yes.

19 **DEPUTY COMMISSIONER MEJIA:** And you earned
20 your doctorate degree on Philosophy and Religion in
21 June of 2002.

22 **INMATE DAVIS:** Yes.

23 **DEPUTY COMMISSIONER MEJIA:** Any other
24 vocational -- or any other academic or vocational
25 accomplishments you have accomplished during your
26 term (inaudible).

27 **INMATE DAVIS:** I finished Drafting and I --

1 and I was certified in the Welding.

2 **DEPUTY COMMISSIONER MEJIA:** Okay. You're a
3 certified welder. And when was the last time you
4 used all of those skills, the vocational drafting
5 or your welding?

6 **INMATE DAVIS:** A long time.

7 **DEPUTY COMMISSIONER MEJIA:** A long time?

8 **INMATE DAVIS:** Well, '89 was the last time
9 I was involved in the Drafting program.

10 **DEPUTY COMMISSIONER MEJIA:** And let's see,
11 anything else with regards to vocation?

12 **INMATE DAVIS:** No.

13 **DEPUTY COMMISSIONER MEJIA:** Okay. And I'm
14 going to discuss your self-help and I'm only
15 discussing the period, you know, in the last year
16 of your hearing, so.

17 **INMATE DAVIS:** Okay.

18 **DEPUTY COMMISSIONER MEJIA:** I know, I've
19 reviewed your file, you've been involved in
20 numerous -- for a long time, you've been a Yoke
21 Fellows Peer Counselor since 1981.

22 **INMATE DAVIS:** Yes.

23 **DEPUTY COMMISSIONER MEJIA:** You're
24 currently -- you have a Personal Growth seminar
25 attendance that's documented, May 31st, 2003, and
26 September 27th, 2003. You have a Dual Diagnosis,
27 NA 12-Step meeting attendance or participation,

1 dated October 7th, 2002. And you're currently a
2 Peer Educator and teaching Bible classes.

3 **INMATE DAVIS:** Yes, Sir.

4 **DEPUTY COMMISSIONER MEJIA:** Are you still
5 doing that now?

6 **INMATE DAVIS:** Yes.

7 **DEPUTY COMMISSIONER MEJIA:** Okay. Let me
8 see what -- if I missed anything. Anything else
9 that -- let me look at this to make sure I don't
10 miss anything. You have a laudatory chrono from
11 Father Bell.

12 **INMATE DAVIS:** That's the Life Seminar.
13 That's the Lifer (inaudible).

14 **DEPUTY COMMISSIONER MEJIA:** You had -- you
15 had the Personal Growth seminars.

16 **INMATE DAVIS:** Personal Growth.

17 **DEPUTY COMMISSIONER MEJIA:** You have one
18 from the Protestant Chaplain, Mr. Elderson, for
19 teaching the Bible class. He said you've been
20 consistent with that. Are you still doing that?

21 **INMATE DAVIS:** Well, I don't know if we
22 are. We're on lockdown right now in our quad so
23 everything is --

24 **DEPUTY COMMISSIONER MEJIA:** When is the
25 last time you taught Bible classes?

26 **INMATE DAVIS:** Last semester.

27 **DEPUTY COMMISSIONER MEJIA:** Last semester.

1 **INMATE DAVIS:** So I don't know what's going
2 to happen with the rest of it.

3 **DEPUTY COMMISSIONER MEJIA:** Okay. You were
4 -- I've already said, you have been attending the
5 NA 12-Step.

6 **INMATE DAVIS:** Well, I switched to a
7 Lifers' Group with Dr. (indiscernible).

8 **DEPUTY COMMISSIONER MEJIA:** Right. How
9 about Steven Moberg?

10 **INMATE DAVIS:** Well, now that was the 12-
11 Step. I'm --

12 **DEPUTY COMMISSIONER MEJIA:** Okay.

13 **INMATE DAVIS:** I haven't been going there
14 currently. Although I went there for a few years.

15 **DEPUTY COMMISSIONER MEJIA:** You even have
16 one from the Rabbi for attending the Violence
17 Project Basic Workshop, Alternatives to Violence
18 Project.

19 **INMATE DAVIS:** Yes, Sir.

20 **DEPUTY COMMISSIONER MEJIA:** Anything else
21 I've missed that's current from the last -- the
22 time -- the last time you've seen the Board and
23 today?

24 **INMATE DAVIS:** No. I don't think so.

25 **DEPUTY COMMISSIONER MEJIA:** Okay. We're
26 going to go to your disciplinary history. Since
27 your incarceration -- initial -- since you have

1 been received by CDC, you've suffered two 115s.
2 One in 1975 and one in 1980. No 115s suffered
3 after that. You have five 128s, which is called
4 the custodial counseling chrono, from the period of
5 June 2nd 1981 through August 15, 1992. Okay.
6 Well, your gang affiliation would be noted as a
7 former member of the Manson family. And I'll now
8 go into your psychiatric which is -- which was done
9 by J. -- Dr. J. Livingston, spelled as L-I-V as in
10 Victor I-N-G-S-T as in Tom O-N, October 28th, 2003.
11 The Board had specifically asked -- requested the
12 examiner to address several questions, which are as
13 follows. The prisoner's violence potential in the
14 free community. The significance of alcohol and
15 drugs as it relates to the commitment offense. And
16 an estimate of the prisoner's ability to refrain
17 from use and abuse of same when released. The
18 extent to which the prisoner has explored the
19 commitment offense and come to terms with the
20 underlying causes and the need for further therapy
21 programs while incarcerated. So that's -- those
22 are the things I'm going to touch on with this
23 presentation. We're going to start with your
24 current mental status. It's noted here that there
25 were no indications of either a mood or thought
26 disorder. When it comes to number four that they
27 asked, the need for further therapy programs while

1 incarcerated:

2 "This examiner has addressed the issue
3 of need for further therapy programs
4 for this subject while incarcerated.
5 Inasmuch as the subject is not
6 presenting any mental or psychiatric
7 disorder, there is no indication of a
8 need for psychotherapy. However, any
9 involvement that he can have with
10 self-help groups as well as other
11 relevant workshops and programs would
12 probably be to his benefit, in order
13 to help promote continued personal
14 growth."

15 When it comes to question -- the number three --
16 area of number three, the extent to which the
17 prisoner has explored the commitment offense and
18 come to terms with the underlying causes, it says
19 here:

20 "The examiner was asked to address the
21 extent to which the prisoner has
22 explored the commitment offense and
23 come to terms with the underlying
24 causes. It appears that the subject
25 has done some exploration through his
26 own self-examination, as well as his
27 involvement in self-help groups and

1 other therapy programs that had been
2 available to him in the past. He
3 readily acknowledges the contrast
4 between his own father, who was very
5 negative and critical and Charles
6 Manson, who was very affirming and
7 reinforcing. He identifies this as a
8 primary contributor to his being
9 involved in the group and consequently
10 with the offenses. This -- it is not
11 clear that further exploration of the
12 commitment offense would contribute
13 significantly to the -- to his being
14 able to parole successfully. However,
15 it was noted by this examiner that
16 during the -- during the three hour
17 interview, nothing was said by the
18 subject in -- with regards to any
19 feelings that he had regarding the two
20 victims."

21 On the -- number two, the significance of alcohol
22 and drugs, it was also addressed here.

23 "The examiner -- the examiner was
24 asked to evaluate the significance of
25 alcohol and drugs as it relates to the
26 commitment offense and to estimate the
27 prisoner's ability to refrain from the

1 use of alcohol and drugs when
2 released. As supported by the
3 subject, the substance abuse was not a
4 significant factor, either in the
5 commitment offense, other than the use
6 of illicit drugs brought him into --
7 illicit drugs brought him into a
8 relationship with Charles Manson and
9 the Manson family. The subject does
10 have some prior arrests for possession
11 of marijuana, none of which led to
12 conviction. In regards to his ability
13 to refrain from the use of
14 psychoactive substances, if -- it
15 would appear, based on his testimony
16 about past use, that he would not be a
17 likely candidate for substance abuse
18 in the future."

19 And we're going to address the number one, the
20 violence potential for in the free community.

21 "In his session, the risk for future
22 violence by the subject in the free
23 community is assessed through the
24 utilization of objective measures,
25 which utilize both static and dynamic
26 factors. Objective measures are used
27 to avoid some of the pitfalls that

1 can occur. When in such cases as
2 this, there is, on the one hand,
3 public interest in the case. And on
4 the other hand, a subject -- a
5 subject who has presented a long
6 period of incarceration without any
7 disciplinary action against him and
8 has been able to upgrade himself
9 academically, as well as
10 vocationally. Because of these
11 factors, it would be easy to focus on
12 one area and skew the results
13 inappropriately. In presenting the
14 outcome of the objective assessment,
15 a tripartite model is used. For
16 example, low, moderate, or high risk
17 for future violence. The data
18 indicated across instruments used for
19 this subject, a moderate level of
20 risk of future violence in the free
21 community. Although there might be
22 some impetus to try and resolve this
23 to either a low or moderate level of
24 risk, it is probably more accurate to
25 indicate that this subject's level of
26 risk of future violence in a free
27 community is of the low to moderate

1 level."

2 That answered the four questions that the Board has
3 asked at the -- for the -- for the clinician to --
4 or the doctor, Dr. Livingston, to address. The
5 counselor evaluates him as having a low degree of
6 threat to public safety. Counsel, do you have any
7 additional information or remarks or statements
8 that you want to place on record, with regards to
9 my presentation?

10 **ATTORNEY DENNY:** The only thing I would
11 add, and I'm sure Mr. Davis wouldn't add himself,
12 but it impressed the heck out of me, was that he
13 got his Ph.D. summa cum laude, which I was never
14 able to do on any of my degrees.

15 **DEPUTY COMMISSIONER MEJIA:** It's on record.
16 I saw that.

17 **ATTORNEY DENNY:** Yeah. That is all I would
18 add.

19 **DEPUTY COMMISSIONER MEJIA:** Thank you.
20 Then let me turn this over to the Chair.

21 **PRESIDING COMMISSIONER RISEN:** We'll go to
22 your parole plans. Our record indicates here that
23 if released, you plan to parole to Grover Beach,
24 California and live with your wife, Beth Davis. Is
25 that correct?

26 **INMATE DAVIS:** Yes, Sir.

27 **PRESIDING COMMISSIONER RISEN:** Well, I have

1 a letter from her, dated March 11th, 2004,
2 supporting you, and indicating she's been a wife
3 for 19 years to you. She doesn't say you can live
4 with her, but we'll imply that.

5 **INMATE DAVIS:** Okay.

6 **PRESIDING COMMISSIONER RISEN:** Employment,
7 Ron -- is it Salisberg, Pastor of the New Life
8 Community Church in Pismo Beach --

9 **INMATE DAVIS:** Yes.

10 **PRESIDING COMMISSIONER RISEN:** -- has
11 spoken to the church leaders about a ministry
12 position for you, should you be released. Is that
13 what you plan to do for employment?

14 **INMATE DAVIS:** Yes, Sir.

15 **PRESIDING COMMISSIONER RISEN:** Okay. Say
16 this fell through, would you have any other skills
17 you could use on the outside for employment?

18 **INMATE DAVIS:** Well, I have welding. I
19 have drafting. I have my abilities in the
20 ministry.

21 **PRESIDING COMMISSIONER RISEN:** Okay. Have
22 you tried to contact anyone else out there to see
23 if you get a position or offered a position from
24 them at this point?

25 **INMATE DAVIS:** No, Sir.

26 **PRESIDING COMMISSIONER RISEN:** Why is that?

27 **INMATE DAVIS:** Well, people that hire

1 welders and draftsman, they're -- to my -- in my
2 experience, they haven't been very open to saying,
3 well, we don't know if you'll ever get out and we
4 don't know what kind of a position we would have,
5 when that was. And they're kind of reticent to
6 make a commitment to something that they don't know
7 very much about. Most say things like, well, if
8 you got out, we would consider a person like you,
9 so it's pretty vague. So, I've never really
10 thought it was really productive to ask a person
11 who is in the real world to make a commitment to
12 something that he knows very little about what will
13 happen in the future. So --

14 **PRESIDING COMMISSIONER RISEN:** Okay.

15 **INMATE DAVIS:** I have -- I have job offers
16 in LA, in the LA docks, from the harbormaster of
17 the -- of the Los Angeles Marine Exchange, the
18 Harbor Marine Exchange.

19 **PRESIDING COMMISSIONER RISEN:** Yeah. I
20 remember reading that last year.

21 **INMATE DAVIS:** And he said, I'll give you
22 -- I'll find a job for you to do, right. So, if
23 push comes to shove, I can -- I can go to work.

24 **PRESIDING COMMISSIONER RISEN:** Okay. Now,
25 I have a letter here from Charles W. -- is it
26 Closon, C-L --

27 **INMATE DAVIS:** Colson.

1 **PRESIDING COMMISSIONER RISEN:** Colson,
2 C-O-L-S-O-N, dated March 18th, 2004. He is the --
3 he doesn't say it but he is the Pastor, is he, at
4 the --

5 **INMATE DAVIS:** He --

6 **PRESIDING COMMISSIONER RISEN:** -- Prison
7 Fellowship Ministries?

8 **INMATE DAVIS:** He's a founder. He was --
9 he was one of Nixon's guys in Watergate.

10 **PRESIDING COMMISSIONER RISEN:** Oh, that's
11 the -- now, that -- how could I miss that name?
12 Okay.

13 **INMATE DAVIS:** Anyway, so he started this
14 ministry, the Prison Fellowship Ministry.

15 **PRESIDING COMMISSIONER RISEN:** Okay. And
16 --

17 **INMATE DAVIS:** And he's been supportive.

18 **PRESIDING COMMISSIONER RISEN:** -- you have
19 a support letter from them.

20 **INMATE DAVIS:** Yes.

21 **PRESIDING COMMISSIONER RISEN:** From him.
22 Also, there's a support letter here, dated March
23 11th, 2004, from a Lieutenant Dave W. Lemoine,
24 L-E-M-O-I-N-E.

25 **INMATE DAVIS:** Right.

26 **PRESIDING COMMISSIONER RISEN:** Retired,
27 Alameda Fire Department.

1 **INMATE DAVIS:** Yes, Sir.

2 **PRESIDING COMMISSIONER RISEN:** He's a --
3 your brother-in-law.

4 **INMATE DAVIS:** My brother-in-law, yes, Sir.

5 **PRESIDING COMMISSIONER RISEN:** Okay. He's
6 sent a letter in support. Then we'll go to the
7 file here and look at some other letters of
8 support. It looks like there's a total of about 14
9 in here for you. There's one from a Daniel H.
10 Ritter, dated January 9th, 2004. How do you know
11 Mr. Ritter?

12 **INMATE DAVIS:** He had a stepson who was
13 incarcerated and of course, (indiscernible) read
14 the papers.

15 **PRESIDING COMMISSIONER RISEN:** Okay. Flora
16 M. Hibberd, H-I-B-B-E-R-D.

17 **INMATE DAVIS:** My aunt in Mobile.

18 **PRESIDING COMMISSIONER RISEN:** Okay. It's
19 dated January 8th, 2004, a letter of support. Then
20 the New Life Community Church, Ron Salisbury,
21 Senior Pastor. It says:

22 "I have spoken to our senior
23 leadership and we are unanimous in our
24 confidence in his character, our
25 respect for his abilities and in our
26 desire to look at the possibility of a
27 ministry position for him here at the

1 New Life Community Church."

2 Russell Chandler, how do you know Mr. Chandler?

3 **INMATE DAVIS:** He did an article on me. He
4 was the religious editor of the LA Times and he did
5 an article for Moody Magazine and I -- he was a
6 visitor I had for awhile.

7 **PRESIDING COMMISSIONER RISEN:** Okay. It's
8 dated January 14th, 2003, a letter of support.
9 Then another --

10 **ATTORNEY DENNY:** Two thousand three or
11 four?

12 **PRESIDING COMMISSIONER RISEN:** In 2003.

13 **ATTORNEY DENNY:** All right.

14 **PRESIDING COMMISSIONER RISEN:** Here's
15 another one, January 13th, 2003, from -- is it Elva
16 Moore?

17 **INMATE DAVIS:** Ella Moore.

18 **PRESIDING COMMISSIONER RISEN:** Ella Moore
19 and it's a letter of support.

20 **INMATE DAVIS:** Yes.

21 **PRESIDING COMMISSIONER RISEN:** It's
22 M-O-O-R-E.

23 **INMATE DAVIS:** Yes, Sir.

24 **PRESIDING COMMISSIONER RISEN:** Barbara
25 Daggett, a letter of support. We're getting back
26 here now. There's a December 2002, Roger Keach, in
27 San Luis Obispo.

1 **INMATE DAVIS:** Yeah. A Cal Poly professor,
2 retired. He was a volunteer out here for --

3 **PRESIDING COMMISSIONER RISEN:** Okay.

4 **INMATE DAVIS:** -- 20 years of so.

5 **PRESIDING COMMISSIONER RISEN:** Here's one,
6 January 8th, 2003, Judith Davis Ward.

7 **INMATE DAVIS:** My sister.

8 **PRESIDING COMMISSIONER RISEN:** A letter of
9 support. Here's one from William P. Clark, he's a
10 retired California judge, a letter dated January
11 9th, 2003. It says:

12 "This occasion constitutes the only
13 time I have ever recommended parole
14 for a prisoner. However, I conclude
15 Mr. Davis' further incarceration
16 beyond his over 30 years served could
17 constitute a miscarriage of justice."

18 Robert and Jean Wilson.

19 **INMATE DAVIS:** My brother-in-law and his
20 wife. My wife's brother.

21 **PRESIDING COMMISSIONER RISEN:** Okay. This
22 is January 13th, 2003, and it is a letter of
23 support. Another one from Colson -- yeah, Colson.
24 Another one from the brother-in-law that's a fire
25 fighter, or was retired and another one from your
26 wife. And we have one from your Counsel,
27 Mr. Denny, also.

1 **ATTORNEY DENNY:** I hope that's the most
2 recent one.

3 **PRESIDING COMMISSIONER RISEN:** The most
4 recent one is here.

5 **ATTORNEY DENNY:** Yeah.

6 **PRESIDING COMMISSIONER RISEN:** That's dated
7 March 15th, 2004. Okay, how do you plan to remain
8 substance abuse free once you're out on the street?

9 **INMATE DAVIS:** Well, I have no desire or a
10 need. I suppose the short answer is just say no.
11 I haven't -- since 1974, I haven't had any desire
12 or taken any drugs. And they're always available
13 in prison, so I've had plenty of chances.

14 **PRESIDING COMMISSIONER RISEN:** Okay. Do
15 you plan to participate in any programs out there
16 that might be proactive for you?

17 **INMATE DAVIS:** Yes. In -- at New Life,
18 they have a 12-Step Program.

19 **PRESIDING COMMISSIONER RISEN:** Okay. Do
20 you participate in the 12-Step program right now?

21 **INMATE DAVIS:** Not right now. I have been,
22 up to about a few months ago, but it was
23 interfering with my work schedule. So, I went to
24 another group that's a self-help group.

25 **PRESIDING COMMISSIONER RISEN:** Okay. Do
26 you know the 12-Steps?

27 **INMATE DAVIS:** Yes, I do.

1 **PRESIDING COMMISSIONER RISEN:** Have you
2 used them before?

3 **INMATE DAVIS:** Yes.

4 **PRESIDING COMMISSIONER RISEN:** Which ones
5 have you used, or one?

6 **INMATE DAVIS:** Well, I've used the made a
7 -- made a fearless moral inventory, confessed my
8 sins to God and other people. Have been willing
9 for God to change my defects. Asked God to change
10 my defects. Made amends where I could --

11 **PRESIDING COMMISSIONER RISEN:** Okay.

12 **INMATE DAVIS:** -- etcetera.

13 **PRESIDING COMMISSIONER RISEN:** Anything
14 else we should know about your parole plans that we
15 haven't discussed?

16 **INMATE DAVIS:** I don't know. I -- it
17 sounds like we've covered every -- I really -- I
18 don't know. I don't think so.

19 **PRESIDING COMMISSIONER RISEN:** Well, we've
20 got where you're going to live.

21 **INMATE DAVIS:** I've got where I'm going to
22 live, what I'm going to do.

23 **PRESIDING COMMISSIONER RISEN:** Work and
24 possible alternative work.

25 **INMATE DAVIS:** Yeah.

26 **PRESIDING COMMISSIONER RISEN:** So, we've
27 covered it.

1 **INMATE DAVIS:** I think we've --

2 **PRESIDING COMMISSIONER RISEN:** Okay. As
3 part of the hearing process, we send out 3042
4 notices. These are notices that go to the
5 government agencies that were involved in your
6 case, like the District Attorney, the police
7 departments, the --

8 **INMATE DAVIS:** Right.

9 **PRESIDING COMMISSIONER RISEN:** -- defense
10 counsel and that. We received two responses. One
11 was from the Los Angeles County Sheriff's
12 Department, a letter dated March 2nd, 2004, by
13 -- it looks like Joseph Harsthorne,
14 H-A-R-S-T-H-O-R-N-E, acting Captain, Homicide
15 Bureau. They are opposed to your parole. Also,
16 we've received a response from the LA District
17 Attorney's Office. Their response is in the way of
18 appearing here today. In a few moments, they'll be
19 able to ask you questions through the Chair and
20 then later comment on your suitability for parole.

21 **INMATE DAVIS:** Okay.

22 **PRESIDING COMMISSIONER RISEN:** So at this
23 point, we'll go on to questions. No other
24 responses were received. Do you want to turn the
25 tape?

26 [Thereupon, the tape
27 was turned over.]

1 **DEPUTY COMMISSIONER MEJIA:** Okay. We're on
2 side B of this hearing.

3 **PRESIDING COMMISSIONER RISEN:** Commissioner
4 Mejia, any questions?

5 **DEPUTY COMMISSIONER MEJIA:** Yeah, I've got
6 a few questions I need to ask. The Commissioner
7 has asked you about your attendance with NA and AA
8 and --

9 **INMATE DAVIS:** Yes, Sir.

10 **DEPUTY COMMISSIONER MEJIA:** -- you said
11 there was a job conflict about that. And what is
12 the conflict?

13 **INMATE DAVIS:** Well, I was -- well, I --
14 the -- when my job hours changed, my assignment, my
15 state institutional assignment changed, it
16 conflicted with the --

17 **DEPUTY COMMISSIONER MEJIA:** Meetings?

18 **INMATE DAVIS:** With the meetings.

19 **DEPUTY COMMISSIONER MEJIA:** And what are
20 your days off?

21 **INMATE DAVIS:** Weekends.

22 **DEPUTY COMMISSIONER MEJIA:** Weekends.

23 **INMATE DAVIS:** Yes.

24 **DEPUTY COMMISSIONER MEJIA:** And when is the
25 meeting?

26 **INMATE DAVIS:** During the week.

27 **DEPUTY COMMISSIONER MEJIA:** During the

1 week, what day?

2 **INMATE DAVIS:** I think they're probably on
3 Tuesday. But the meeting I go to now is on Monday
4 morning. It's not during -- it doesn't conflict
5 with my work hours.

6 **DEPUTY COMMISSIONER MEJIA:** What kind of
7 meeting is this?

8 **INMATE DAVIS:** It's a Lifers' Group, a Peer
9 Counseling group with Dr. Tolchin.

10 **DEPUTY COMMISSIONER MEJIA:** Okay. Did I
11 mention that later -- earlier?

12 **INMATE DAVIS:** Yeah.

13 **DEPUTY COMMISSIONER MEJIA:** So you're
14 attending the Lifer Process Group.

15 **INMATE DAVIS:** Yes.

16 **DEPUTY COMMISSIONER MEJIA:** Dr. Tolchin.
17 What have you learned from that?

18 **INMATE DAVIS:** Well, we're learning about
19 -- talking about our case, what we're doing, how
20 we're dealing with our lives. How we're handling
21 the frustration of being here, of sort of -- just
22 how to handle it. How we're handling our lives.

23 **DEPUTY COMMISSIONER MEJIA:** Okay. Okay, I
24 have a -- I have a question on the -- you accounts
25 of the criminal -- the commitment offense.

26 **INMATE DAVIS:** All right.

27 **DEPUTY COMMISSIONER MEJIA:** I was reading

1 here that on the -- the counselor has said that
2 there are some changes, are there, on the -- on the
3 12, 2002 report, that he -- that the counselor
4 prepared. It's Counselor Kimmell. On the -- your
5 version of the -- what transpired during the
6 killing of Hinman. This version said, Davis states
7 that he had the gun in his possession but did not
8 have it pointed at Hinman, as stated in the 1996
9 report. Then, and so I went through the 1996
10 report, and it's indicated in the 1996 Board report
11 that Davis asked for the gun with -- which, I
12 couldn't even pronounce, Beausoleil --

13 **INMATE DAVIS:** Yes.

14 **DEPUTY COMMISSIONER MEJIA:** -- handed to
15 him. Davis pointed the gun at Gary Hinman while
16 Manson sliced Hinman's ears. Which is the right
17 account?

18 **INMATE DAVIS:** I had the gun in my hand. I
19 remember there was a big thing. Somebody said, did
20 you point the gun and I said, I might have. But I
21 don't remember. I don't -- I certainly -- it
22 wouldn't have been in my thinking to point a gun.
23 Now, I -- you know, I don't remember it. I
24 certainly would have no problem with having
25 remembered it. I didn't shoot the man, so
26 obviously -- so I had no reason to point the gun at
27 him.

1 **DEPUTY COMMISSIONER MEJIA:** So which one?
2 Did you point the gun at him --

3 **INMATE DAVIS:** No, I did not.

4 **DEPUTY COMMISSIONER MEJIA:** -- or you did
5 not point the gun? Okay, I was -- I read through
6 the report, the psychiatric reports -- or report.
7 And you -- there was some mention there that you
8 did not mention anything about the victims.

9 **INMATE DAVIS:** That's right.

10 **DEPUTY COMMISSIONER MEJIA:** How do you feel
11 about the victims?

12 **INMATE DAVIS:** Well, not the two -- you
13 know, when I was talking to the examiner, he had a
14 list of questions. And it was like a kind of a
15 task thing. Like, what about this and what about
16 this, so I answered the questions he asked.

17 **DEPUTY COMMISSIONER MEJIA:** Okay, that's no
18 problem.

19 **INMATE DAVIS:** And --

20 **DEPUTY COMMISSIONER MEJIA:** Now, I'm
21 asking, how do you feel about --

22 **INMATE DAVIS:** Okay.

23 **DEPUTY COMMISSIONER MEJIA:** -- the victims?

24 **INMATE DAVIS:** Okay. I am -- I am very
25 sorry. I am -- I am without excuse. I have no
26 defense for what I did. I feel terrible about what
27 I did. I had -- I -- I'm overwhelmed by the fact

1 that they -- that I stood by and let them lose
2 their lives and didn't try to help. I betrayed
3 their -- I betrayed Gary's friendship that I -- I
4 knew Gary. So I feel -- I feel -- I'm sorry. I'm
5 -- and I've -- well, I've really -- I don't know
6 what to say beyond that but I'm really -- I feel
7 bad about it. I mean, they didn't deserve anything
8 they got. I'm the one that was absolutely at fault
9 in that. I realize I took -- I took people away
10 from their families. I ended their life. I -- I'm
11 just --

12 **DEPUTY COMMISSIONER MEJIA:** Okay. When
13 this happened, how old were you?

14 **INMATE DAVIS:** Twenty-six, 27.

15 **DEPUTY COMMISSIONER MEJIA:** Okay. How old
16 are you now?

17 **INMATE DAVIS:** Sixty-two.

18 **DEPUTY COMMISSIONER MEJIA:** So you're 62
19 and you were 27 then. What makes you a different
20 person now?

21 **INMATE DAVIS:** Well, 30-some years, on the
22 material side, having had a shift in my point of
23 view. Having grown up and learned about what I was
24 doing. Having learned -- having a -- now, a value
25 system that reflects on the things I did. And that
26 shows me the sinful error, the stupidity, the self-
27 centeredness, that I was completely involved in.

1 My misplaced trust, loyalty in other people that
2 didn't deserve it. With my own -- and my own
3 addiction to being accepted. My own wanting to
4 just be okay with other people, to the point that I
5 would let things like these two murders just
6 happen. And I can see that now. I -- when I think
7 about it, I'm overwhelmed. I mean, you know, I --
8 it's a sad -- and I realize this, you know. Yes,
9 it's sad for me. But I can't imagine how sad it is
10 for the families that lost -- that lost these
11 people. I can only imagine what they feel like.
12 But I know that I've -- that I am materially and
13 substantially different. When the -- when the --
14 when the Lord came into my life, I got a very
15 different point of view about what is real, what is
16 right, what is wrong. And I began to see that I
17 hadn't done anything -- I had done very little
18 right, at that point. But for, and that was about
19 1974 when this started to happen and it's --
20 there's been --

21 **DEPUTY COMMISSIONER MEJIA:** Thank you.

22 **INMATE DAVIS:** -- quite a change.

23 **DEPUTY COMMISSIONER MEJIA:** I've got no
24 other questions.

25 **PRESIDING COMMISSIONER RISEN:** I just have
26 one. When you first came to the institution, for a
27 number of years, you didn't cooperate at all. When

1 was it that you saw the light and started to
2 change? What year was that?

3 **INMATE DAVIS:** Oh, around -- I started --
4 well, it was kind of a process. It started around
5 1974.

6 **PRESIDING COMMISSIONER RISEN:** Do you think
7 it started that soon?

8 **INMATE DAVIS:** Well, that -- I'll tell you
9 what happened. In 1974, I'm waiting for a drug
10 deal, to get some drugs on the -- on the -- on the
11 tier in Folsom. I have a thought that comes
12 through my head, completely from somewhere else
13 that says, you'll never get high again. I couldn't
14 believe I was having that thought. My friend
15 showed up with the drugs and out of my mouth came,
16 hey, you can have mine. I did -- I felt like
17 Dr. Strangelove, who couldn't control himself. But
18 from that point on, I was free from the -- free
19 from drugs. The next thing I knew, I was -- I was
20 reading a book about the Bible, of all things. And
21 I -- it began to talk to me about the mathematical
22 probabilities of Jesus being the Messiah or if it
23 was just by chance. And it started to just speak
24 to me about where my head was at. And so finally,
25 I just said, well God, I don't know if you're there
26 and I don't even know if I like you if you are
27 there. But if there's something you've got to say

1 to me, I'm ready for whatever.

2 **PRESIDING COMMISSIONER RISEN:** You're
3 saying this was in '74?

4 **INMATE DAVIS:** In 1974.

5 **PRESIDING COMMISSIONER RISEN:** Okay,
6 another question. Donald Shea's body was missing
7 for a long time.

8 **INMATE DAVIS:** Yes, it was.

9 **PRESIDING COMMISSIONER RISEN:** Did you ever
10 tell the police where it was?

11 **INMATE DAVIS:** No, I did not.

12 **PRESIDING COMMISSIONER RISEN:** And why is
13 that?

14 **INMATE DAVIS:** Well, I don't know. I
15 should have.

16 **PRESIDING COMMISSIONER RISEN:** Okay.

17 **INMATE DAVIS:** I was -- I doubted -- one of
18 -- well, I -- this is not an excuse, right, but
19 here's where my head was at. I was -- we were in
20 court. We were going -- we were -- we were on
21 appeal, so I had really just decided to say nothing
22 about my case. Now, that was a poor judgment. And
23 then, there was also the fact, I could have said,
24 yes, I was there when Shorty got killed. And they
25 would've said, where is Shorty's body and I would
26 have had to say, I don't know. Because I didn't
27 know. I didn't have anything to do with burying

1 Shorty's body. Steve Grogin knew about that and he
2 told about it later. But I couldn't have given
3 them material help, even if I'd have been willing
4 to.

5 **PRESIDING COMMISSIONER RISEN:** Okay. Now,
6 did you have jury trials?

7 **INMATE DAVIS:** Yes, I did.

8 **PRESIDING COMMISSIONER RISEN:** And were
9 they separate or together on these two cases?

10 **INMATE DAVIS:** They were separate.

11 **PRESIDING COMMISSIONER RISEN:** Okay. Did
12 you ever testify?

13 **INMATE DAVIS:** No, I didn't.

14 **PRESIDING COMMISSIONER RISEN:** Why was
15 that?

16 **INMATE DAVIS:** I was -- I made a -- well,
17 we made the decision not to do it. I don't think
18 -- and in hindsight, it was -- it was -- it was
19 very poor judgment but I made it and here we are.

20 **ATTORNEY DENNY:** No. I've got to say, I
21 made it. I was his attorney at the time.

22 **PRESIDING COMMISSIONER RISEN:** Okay. One
23 other question. Have you ever given up any
24 information about any of the other members of the
25 Manson family?

26 **INMATE DAVIS:** Yeah. Yes, I have.

27 **PRESIDING COMMISSIONER RISEN:** And when did

1 -- how -- when did you first do that?

2 **INMATE DAVIS:** I don't remember exactly. I
3 know I was in Folsom. I had -- well, no, I don't
4 know, when was the first time? I know that after
5 '75, '76, along in there, I became a lot more open
6 and free, in my own mind, to say whatever was true
7 about all of my associations. I'd dis -- I'd
8 disassociated myself with Manson and the family
9 about that time. And I began to realize that, you
10 know, my loyalty, my connection to them was
11 absolutely misplaced and wrong. And I realized
12 that I deserved to be in prison and that they did
13 too. And from that point on, I began to talk about
14 it to anybody that asked.

15 **PRESIDING COMMISSIONER RISEN:** Okay.

16 **INMATE DAVIS:** Probably the first -- the
17 most important thing I said, that I can remember in
18 particular, was in one of the -- one of the -- one
19 of the hearings. I hadn't said anything about
20 Charles Watson stabbing Shorty. And on a family
21 visit, my aunt wrote a letter to me and she said, I
22 want you to read this in the scripture. And so I
23 read the scripture. It says, if you're asked to
24 tell something that you know about and you don't do
25 it, you will bear the punishment for what we're
26 talking about, right. And that really hit me,
27 about not saying that Watson had done this. And I

1 knew. I said, well, I -- so, I just came out and
2 volunteered the information. It wasn't really a
3 big point. It hadn't been a big point beforehand.
4 I mean, are you sure he didn't or anything like
5 that. But I've -- I've made myself open to the
6 DA's Office and to everybody. I've said, if you
7 have any questions about anything regarding all of
8 that, come see me. I'm absolutely willing to talk.
9 And I believe I -- as George knows. And I had long
10 set-to with Jeff Jonas, who was an LA DA.

11 **PRESIDING COMMISSIONER RISEN:** Okay.
12 District Attorney, any questions through the Chair?

13 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Through
14 the Chair, I actually have several. With respect
15 to -- just so I understand, approximately what year
16 was it that he had this revelation and talked about
17 Mr. Watson?

18 **PRESIDING COMMISSIONER RISEN:** Do you
19 recall what year you had the revelation? And you
20 can answer to me.

21 **INMATE DAVIS:** No. Sometime in the '80s, I
22 guess.

23 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** As late
24 as 1980, about six or seven years after his big
25 conversion to Christianity, and about 11 years
26 after the crime, did he still refuse to tell a
27 psychiatrist anything about the crimes that

1 involved the other people, because he didn't want
2 to affect their rights on appeal?

3 **PRESIDING COMMISSIONER RISEN:** Do you
4 understand the question?

5 **INMATE DAVIS:** Yeah, I remember. I was in
6 -- I was in Cat X and I was -- they asked me about
7 other people and I said I had nothing to say about
8 it.

9 **PRESIDING COMMISSIONER RISEN:** Did you say
10 anything about appeal?

11 **INMATE DAVIS:** I probably did. That's
12 probably -- I wouldn't say I didn't. I don't --
13 yeah, that's -- it could have been part of the
14 rationale.

15 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** And one
16 of the last things he said to you was -- and I just
17 want to make sure I have this right, that in
18 hindsight, he believes it was a mistake not to
19 testify. Is that correct?

20 **INMATE DAVIS:** Absolutely.

21 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Is he
22 suggesting to the Board that his current hindsight
23 means that he should have gotten up and committed
24 perjury, because he would have had a better chance
25 of winning?

26 **PRESIDING COMMISSIONER RISEN:** Is that a
27 question?

1 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Yes.
2 That is my question.

3 **PRESIDING COMMISSIONER RISEN:** Okay. Do
4 you have an answer to the question?

5 **INMATE DAVIS:** Well, is this a trick
6 question or what? I mean, what are you going to
7 ask me? Do I want to tell you that, well, yeah, I
8 would have got up and wanted to commit perjury. If
9 I would have got on the stand, I would have just --
10 I would have had to have come to a point where I
11 was going to tell the truth. I was not willing to
12 tell the truth at that time.

13 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** I would
14 like to ask some questions to clarify a little bit
15 about the gun. Exactly where was it, in terms of
16 where they were, when he gave Mr. Beausoleil the
17 gun before the beginning of the Hinman incident?

18 **INMATE DAVIS:** At Spahn Ranch.

19 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Where at
20 the Spahn Ranch, I mean. Could he get specific?

21 **INMATE DAVIS:** I don't remember.

22 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Let me
23 ask it this way. Was he -- people getting ready to
24 go and he was standing with Mr. Manson and was he
25 told to give his gun over to Mr. Beausoleil by
26 Mr. Manson?

27 **INMATE DAVIS:** You know, I don't remember

1 exactly how, all the details like that. I do
2 remember I gave -- if Bobby -- if Bobby asked me
3 for the gun or whatever. I don't know. I don't
4 think -- I don't think Charlie had anything to do
5 with it. I'm not sure. I'm not saying he didn't.
6 But I remember that I -- that I do remember being
7 okay with Bobby taking the nine-millimeter.

8 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Well --

9 **INMATE DAVIS:** And I --

10 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Prior
11 to that night, when he drove the girls and
12 Mr. Beausoleil over to Mr. Hinman's, had there been
13 family dinners and discussions about how they were
14 going to get money and how perhaps, Mr. Hinman had
15 some, in which he was present?

16 **INMATE DAVIS:** That's right.

17 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** And did
18 he himself drive other people, at a certain point
19 in time, to Hinman's to acquire money?

20 **INMATE DAVIS:** No.

21 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** He did
22 not drive them there originally? I just want to
23 make --

24 **INMATE DAVIS:** Yeah. I did drive them
25 there originally.

26 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Okay.
27 My next questions is, was Mr. Manson with him at

1 the time?

2 **INMATE DAVIS:** I don't think so.

3 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Okay.

4 After he returned to where Mr. Manson was, how much
5 time went by before he returned to the Hinman
6 location?

7 **INMATE DAVIS:** A couple of days.

8 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Okay.

9 So my next question, was it his understanding that
10 the people that he had driven there had been trying
11 to persuade Mr. Hinman for approximately two days
12 before he got there with Mr. Manson?

13 **INMATE DAVIS:** Yes.

14 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** My next
15 question is what Mr. Hinman looked like, what his
16 physical condition was when he arrived with
17 Mr. Manson the next time?

18 **INMATE DAVIS:** I think Gary had a -- did he
19 have a -- I think -- I think he had a cut on his
20 head. I'm pretty sure he did because there was a
21 bandage. There was a bandage on his head.

22 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** And, if
23 I may, I would ask the Board to inquire of
24 Mr. Davis if it is, in fact, in his knowledge that
25 Mr. Hinman had been beaten and cut for a period of
26 two days before he arrived there with Mr. Manson?

27 **INMATE DAVIS:** I didn't know about the

1 beating part. I mean, I knew that he had a bandage
2 on his head. That's -- and I -- I'm sure that it
3 would have been reasonable to assume that something
4 bad had been happening. I'm just not sure exactly,
5 blow for blow. I didn't get an accounting of it.
6 But I could tell that Gary wasn't in good shape.

7 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Did he
8 assume that he had been beaten for two days?

9 **INMATE DAVIS:** No. I didn't assume that
10 he'd been beaten for two days.

11 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Mr. --
12 when Mr. Manson and Mr. Davis went back, he was
13 holding the gun while Mr. Manson took a sword and
14 substantially removed the ear from Mr. Hinman.

15 **INMATE DAVIS:** He didn't remove the ear
16 from Mr. Hinman.

17 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Well,
18 I'd like him to describe exactly what he saw with
19 respect to the sword cut. And how Mr. Manson,
20 while he had the gun, what he did with the sword to
21 Mr. Hinman.

22 **INMATE DAVIS:** He hit Mr. Hinman at -- in
23 the lower part of his ear and it may have cut off
24 his earlobe. I didn't -- but there was blood.

25 **DEPUTY DISTRICT ATTORNEY LOVEMAN:**
26 (Inaudible.)

27 **INMATE DAVIS:** There was some blood. There

1 was -- there was blood, so it was a serious thing.

2 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** And
3 again, I'm going to his knowledge of the killing,
4 so I just -- how much blood was there at this time
5 on the individual who was being kept there and
6 being beaten over two days?

7 **INMATE DAVIS:** The only blood that was
8 significant that I could see was when Charlie cut
9 Gary.

10 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** How much
11 blood was there then?

12 **INMATE DAVIS:** It's hard to say. It was --
13 it was visible. I mean, it was very visible. It
14 wasn't -- it wasn't like a gallon just came out.
15 But it was -- it was visible.

16 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** When
17 they left that location, I'd ask the Board to
18 inquire if, in fact, he took one of Mr. Hinman's
19 cars?

20 **PRESIDING COMMISSIONER RISEN:** Did you
21 hear?

22 **INMATE DAVIS:** Say again?

23 **PRESIDING COMMISSIONER RISEN:** He said, did
24 you -- when you left, did you take --

25 **INMATE DAVIS:** Yeah, well --

26 **PRESIDING COMMISSIONER RISEN:** -- one of
27 Hinman's cars?

1 **INMATE DAVIS:** -- that's what I said. I
2 drove -- I drove one of the cars back to the ranch.

3 **DEPUTY DISTRICT ATTORNEY LOVEMAN:**
4 Actually, I'd like to go back a little. The gun
5 that he indicated he purchased, did he purchase
6 that with a false driver's license and false
7 identification?

8 **INMATE DAVIS:** Yes, I did.

9 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Did he
10 plan on returning Mr. Hinman's car to an alive
11 Mr. Hinman in the future?

12 **INMATE DAVIS:** No. I didn't -- I didn't
13 plan on it -- I didn't plan on Gary being dead or
14 alive or -- but I didn't plan on returning it.

15 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** About
16 how much time was there in between the Hinman
17 incident that he drove the car back and the
18 incident with Shorty Shea?

19 **INMATE DAVIS:** Months, two months, I don't
20 know.

21 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** During
22 that time, did he become aware of the family's
23 involvement in the Tate-LaBianca murders?

24 **INMATE DAVIS:** Yes.

25 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** He was
26 totally aware of Helter Skelter as well. Is that
27 correct?

1 **INMATE DAVIS:** Yeah. I'd -- I knew about
2 that.

3 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** So, at
4 the time after the Hinman situation, and he had
5 become aware of the family's involvement in killing
6 seven other victims, he then went with Mr. Manson
7 and Mr. Watson and Mr. Grogin on the Shea
8 excursion, if that's correct?

9 **INMATE DAVIS:** Yeah.

10 **PRESIDING COMMISSIONER RISEN:** Yes, it is.

11 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** In the
12 meantime, had there been discussions about Mr. Shea
13 ousting the family or giving information to police
14 about the family with respect to either LaBianca or
15 other crimes in order to get them ejected from the
16 Spahn Ranch?

17 **INMATE DAVIS:** I don't know that -- I don't
18 know the content of what Mr. Shea was talking
19 about. But I know that the conclusion on -- at
20 least on Manson's part, was that he was an
21 informer.

22 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Was the
23 prisoner there on several occasions when Mr. Manson
24 preached death and destruction?

25 **INMATE DAVIS:** Yeah. Yes. I heard it.

26 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** I'd like
27 to go back a little and ask the Board to inquire in

1 a few other areas. Did Mr. Manson entice him to
2 join the family, to be in charge of the girls?

3 **INMATE DAVIS:** No.

4 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Did he,
5 Mr. Davis, ever make that statement to any of the
6 counselors or psychiatrists that he liked the idea
7 that Charlie was asking him to help him with the
8 girls, it appealed to his ego?

9 **INMATE DAVIS:** Well, in that case, but it
10 wasn't being in charge.

11 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Just so
12 I have this right, I believe Mr. Davis indicated he
13 was 26. And I'm curious, was that substantially
14 older than the -- five or six years older than
15 Ms. Krenwinkel or Leslie Van Houten or Susan Atkins
16 at the time?

17 **INMATE DAVIS:** I was older than them.

18 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** And did
19 Mr. Manson wear kind of an embroidered vest?

20 **INMATE DAVIS:** Yes.

21 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** And is
22 it true you're the only other male who was given
23 permission to wear that vest, to control the family
24 when Mr. Manson wasn't there?

25 **INMATE DAVIS:** I never wore that vest.

26 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Let me
27 just -- let me (inaudible).

1 **INMATE DAVIS:** I may have -- I may put it
2 on one time. I don't -- but I never wore it, like
3 wore it, you know what I mean? It wasn't part of
4 my regalia.

5 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** I'm
6 sorry --

7 **INMATE DAVIS:** But I may have tried it on.
8 I don't even -- I don't even remember ever just
9 wearing it for any more than -- and if somebody
10 said, well, I saw you try it on, I wouldn't argue
11 with them. But I didn't wear it.

12 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Would
13 the Board inquire if Mr. Davis is now referring to
14 that somebody as being another family member or
15 Ms. Hoyt, who wrote a letter to the -- a previous
16 letter to the Board that's in the Central File,
17 describing him as the second lieutenant and the
18 only other man to wear the vest. If that's what
19 he's referring to?

20 **INMATE DAVIS:** I don't know what you're
21 referring to.

22 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Okay.
23 I'd ask --

24 **PRESIDING COMMISSIONER RISEN:** What's her
25 name?

26 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** I
27 believe it was -- there was two letters. One from

1 Ms. Hoyt and one from Ms. Bailey. I'm sorry,
2 there's two who testified. Let me get the exact
3 letter, if I may have one moment. That's not it.
4 Where are my letters? Okay, it's in this package
5 here. I don't have it readily available. I will
6 when I sum up though. Did he know Ms. Hoyt?

7 **PRESIDING COMMISSIONER RISEN:** Did you know
8 Ms. Hoyt?

9 **INMATE DAVIS:** Yes, Sir.

10 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** And was
11 she a family member?

12 **INMATE DAVIS:** Yes.

13 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** And what
14 about Ms. Bailey?

15 **INMATE DAVIS:** She was a family member.

16 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** I don't
17 have any other questions that I'd like to ask at
18 this time.

19 **PRESIDING COMMISSIONER RISEN:** Okay.
20 Mr. Denny, any questions of your client?

21 **ATTORNEY DENNY:** No questions.

22 **PRESIDING COMMISSIONER RISEN:** Okay. At
23 this point, we can go to closing statements.

24 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Thank
25 you.

26 **PRESIDING COMMISSIONER RISEN:** District
27 Attorney, are you ready?

1 **DEPUTY DISTRICT ATTORNEY LOVEMAN:** Yes. I
2 would like to indicate to the Board, I made
3 reference to Ms. Hoyt. Ms. Hoyt is not by way of
4 letter. It's by way of description of her
5 testimony, page 36 of the Appellate Decision, where
6 she -- that's where her testimony is. The letter,
7 I believe, is from Ms. Bailey. Although I haven't
8 located it yet, I'd like to go on to another
9 subject. The first thing I'd like to submit for
10 the Board's consideration is some old matters and
11 it's actually with my other letters. The old
12 matters in the Central File, which include letters
13 the from the Deputy District Attorney who tried
14 this case. One in particular, from Mr. Stephen
15 Kay, it's an old one. In that letter, he points
16 out that Mr. Davis was not just a driver, not just
17 somebody who happened to be too close to the crime.
18 But in fact, employed a higher position in the
19 Manson family criminal organization than Tex
20 Watson. He was like the second lieutenant at the
21 time. That's in the letter, based on the
22 testimony, based on the evidence at the time.
23 There's also some older letters and one in
24 particular, I believe it's from Ms. Bailey, being
25 quoted by an author, where she describes how things
26 are being downplayed. That this is a man who in
27 many respects was in charge. And if you review the

1 crime, what I think is important to remember is
2 that when Mr. Manson ordered the Tate murders, he
3 wasn't there. He sent out Mr. Watson and other
4 people to commit it. He sends his second
5 lieutenant to drive them, who returns. They stay
6 out of it until he doesn't think they do a good
7 enough job. This is not about two murders that
8 he's been convicted of and first-degree murders.
9 This is not just about two first-degree murders.
10 This is about a major serial set of murders of nine
11 people by a family that did so, but they call
12 themselves a family for an ongoing criminal
13 enterprise. Now, this enterprise involves robbery,
14 theft, killing and they have a bizarre racial
15 motive. And another bizarre motive, control.
16 Wanted, and it was preached, and Mr. Davis has
17 admitted today, he was part of the death and
18 destruction and Helter Skelter that was preached.
19 Hinman, they wanted money. After Hinman, seven
20 other people are murdered in two different
21 incidents for Helter Skelter. It is within a month
22 after that, that Mr. Davis goes and is convicted of
23 his second-degree murder -- I'm sorry, his second
24 first-degree murder. And he feels sorry for the
25 victims. I wonder which -- is he talking just
26 about Mr. Shea and is he talking just about
27 Mr. Hinman, he's very sorry for them. And yet, he

1 was an avid leader in a criminal enterprise that
2 did nine that he subscribed to as late as the
3 Shorty Shea killing. In fact, he wanted to make
4 Manson happy, so he defiled -- if Mr. Shea wasn't
5 dead, he defiled Mr. Shea's body to make Manson
6 happy. He cut him afterwards. This is not just
7 about two murders. And the reason I'm bringing it
8 up, because it was so long ago, is because contrary
9 to the letter that was received by the Board and in
10 the file, by an attorney who proclaimed his
11 client's innocence and then represented him on
12 appeal and then wrote the Board this letter. The
13 seriousness of certain crimes, alone, without any
14 change to the facts is, in fact, enough by itself
15 to deny parole. If it falls within the guidelines
16 of a case that just came out last month, from this
17 very same family and the very same set of
18 circumstances, Leslie Van Houten. I believe that
19 case came out on March 3rd. But just because it
20 looks bad is not enough. That case sets out when a
21 crime itself can be denial of parole and looking at
22 the gravity of it. What do you look at? You look
23 at whether or not there are various facts, heinous
24 facts beyond what was necessary to make this a
25 first-degree murder. Was there multiple victims?
26 Just the two that he was convicted of by a jury
27 trial and is guilty of and participated personally

1 in both. Even if you believe he was not there when
2 Mr. Hinman's heart stopped, he personally
3 participated in both. There are at least those two
4 victims, but he was a part of this criminal
5 enterprise that had seven more. And in each of
6 these, not only are there multiple victims, that's
7 one of it, there is defilement of bodies. There is
8 torture by the way of torture murder. And one of
9 the things that is also important is there was a
10 conspiracy and an ongoing conspiracy to commit
11 murder. There's a few other things I want to point
12 out to the Board and some of them were mentioned in
13 the Van Houten case recently that was upheld.
14 Based on these facts, which is contrary to the law
15 given to you by the attorney, who proclaimed
16 Mr. Davis' innocence so many years ago, this trial
17 began as a death penalty case. The timing for
18 Mr. Manson and his family was a quirk of fate, when
19 the California Supreme Court ruled that our then
20 statute was not constitutional. It wasn't many
21 years, it was '77, I believe, when it was re-
22 instituted. I think it would be guesswork to say
23 that he should have been executed a long time ago
24 and would have been, but for that quirk. But we
25 don't know what a jury would have done, although I
26 think we can guess. But I'll tell you what's not
27 guesswork. With those two murders and these facts,

1 today, under our standards of society and our law
2 as it's present today and this was mentioned in the
3 Leslie Van Houten case. With these additional
4 factors beyond first-degree murder, he would be
5 sentenced to two counts of life without parole,
6 with no chance at parole. And that's what he would
7 get for the convictions, under these facts today.
8 He bought the nine-millimeter gun. He used the
9 false name, which I believe you have somewhere in
10 the files, as Jack McMillan. By the way, it's also
11 in the reporter's transcript of the trial. He
12 drove Beausoleil and the family girls to Hinman's
13 home before the murder. That's in the transcript
14 of the trial. In the transcript of the trial, he
15 held the nine-millimeter peace -- the nine-
16 millimeter pistol on Hinman while Manson slashed
17 Hinman's face and ear with a sword. That's the
18 reporter's transcript, 3116, and despite what he
19 says, well, I might have, but let's see, I don't
20 really remember. Oh, I guess I didn't. That is
21 what happened and it's in the record. He pointed
22 the gun so Manson could use the sword on Hinman and
23 bring forth the blood that he remembers. Yeah,
24 that was some of it, two days after Hinman had
25 already been beating -- beaten. Mr. Davis worked
26 on and drove the Manson family dune buggies all of
27 this time. He was part of the enterprise. And I

1 want to point out that Mr. Hinman died a slow death
2 from the knife, sword wounds, over a period of two
3 to three days. He was tortured to get him to sign
4 over property that they thought he had. Then, of
5 course, Mr. Davis took his car. Shorty Shea was
6 murdered about a month later to prevent his ousting
7 the family from the ranch and to prevent his
8 revealing their participation in the LaBianca and
9 Tate killings. He went along on this. After all
10 of the gruesome news reports, he was a member of
11 this murdering family and one of the chief
12 lieutenants. He has downplayed his participation
13 to this day. Only four men, no girls, only four
14 men participated in the Shea killing, Manson,
15 Grogin, Watson, and Davis. He bragged about the
16 killing of Shea. And Davis was one of them. By
17 the way, the bragging, he bragged about it to
18 family girls and to Bill Vance. You can find that
19 in the reporter's transcript of the trial, 5531
20 through 5533 and 5857 to 5858. He bragged about
21 killing Shorty Shea, but he downplays it here. He
22 took Shea's two footlockers afterwards, or at least
23 handled them. Mr. Davis did not admit his guilt in
24 this until after 1977, which is about eight years
25 after the trial and it's three or four years after
26 his great conversion and finding himself. Four or
27 five years later, he still is protecting family

1 members in the psychiatric report. And how does he
2 protect them? He doesn't want to affect their
3 rights on appeal. Eleven years after the murder
4 was the psych evaluation. It was done by S. E.
5 Butler. It's dated 11/10, 1980. I think, when you
6 look at Mr. Davis' crimes, the extent of it, the
7 cruelty, excessive cruelty, that was involved in
8 this overall criminal enterprise, this is, in fact,
9 one of those cases, the facts don't need to change.
10 How much worse could they ever get? In the
11 reports, Mr. Davis has done a number of positive
12 things. And I personally commend him for how he
13 has behaved in prison and to the extent that his
14 finding of this God isn't different than his
15 finding of Charlie Manson as God. Charlie Manson,
16 who he wanted to join in Helter Skelter to create a
17 war between blacks and whites, so Charlie could
18 take over. To the extent that that's real, and I'd
19 like to assume that most of it is and I will do so,
20 I commend him. I think he can lead a positive life
21 for himself wherever he is, especially where he
22 belongs, behind bars and have personal growth. But
23 that does not mean that a man who could be part of
24 such an outrageous, heinous, serial, multiple set
25 of killings, should ever be released and certainly
26 not at this time. In looking at the reports, his
27 change, his demeanor, his age, has had an influence

1 on many people. Especially psychologists and
2 psychiatrists who write reports for him, who for
3 years have been impressed with this façade. S,
4 this Board asks for a new psychiatric report and
5 asks for it to be done on an objective level. And
6 you've got a psychiatric report that describes how
7 they do this tripartite report now to be objective,
8 so it's not skewed by the fact that they want to do
9 somebody a favor. And it comes out that he is not
10 a low degree of risk to the public. He is a
11 moderate degree of danger to the public. Now, the
12 psychiatrist says, but maybe there's an impetus. I
13 assume because the psychiatrist likes him and he's
14 read the other reports, to ignore that and say,
15 it's only low to moderate. But the objective
16 evaluation says that this man is a moderate degree
17 of risk. This man, who was part of such a criminal
18 enterprise, who has been found guilty of two. But
19 just from his words, it's clear that he was part of
20 this enterprise, in all types of crime, involved
21 nine, is a moderate degree of risk today, as we sit
22 here. That is unacceptable to the public. He is
23 unacceptable for parole. Thank you.

24 **PRESIDING COMMISSIONER RISEN:** Okay.
25 Mr. Denny, would you like to give your closing
26 remarks?

27 **ATTORNEY DENNY:** Oh, I would indeed.

1 **PRESIDING COMMISSIONER RISEN:** Before you
2 start, how far are we from the end of the tape?

3 **DEPUTY COMMISSIONER MEJIA:** We've got
4 another, maybe five minutes, and then we can go on
5 to --

6 **PRESIDING COMMISSIONER RISEN:** Do you want
7 us to change them now or --

8 **DEPUTY COMMISSIONER MEJIA:** Yeah.

9 **ATTORNEY DENNY:** Well, why don't you just
10 go ahead and change them now?

11 **DEPUTY COMMISSIONER MEJIA:** Yeah, I'm going
12 to change them.

13 **PRESIDING COMMISSIONER RISEN:** We'll go
14 ahead and change them.

15 **ATTORNEY DENNY:** I'll be more than five
16 minutes.

17 [Thereupon, the tape
18 was changed.]

19 **DEPUTY COMMISSIONER MEJIA:** -- tapes for
20 Mr. Davis' hearing and its closing for the defense.

21 **ATTORNEY DENNY:** This is the first time
22 Mr. Loveman, Deputy District Attorney, has been
23 here on the Bruce Davis hearing. Mr. Jonas was
24 the Deputy DA for many years. And then when
25 there was a change of policy in the DA's Office,
26 Mr. Manzella, who had been trial counsel with Steve
27 Kay, came up and has been the representative of the

1 DA's Office for about the last -- oh, four or five
2 years, I think. During the earlier part of this
3 hearing, you gave Mr. Loveman the opportunity
4 through you, to ask Mr. Davis a number of
5 questions, which he did. And I'd like the
6 opportunity, through you, to ask Mr. Loveman, where
7 was it ever charged or proven that Bruce Davis was
8 part of a continuing criminal enterprise? There
9 was no such charge. There was no such evidence.
10 Mr. Davis was not convicted of anything like that.
11 And this has been something which was brought up by
12 Mr. Manzella a couple of years ago. And which was
13 glommed onto, if you will, by the Board at that
14 time, using the interesting term, continuing
15 criminal enterprise, attempting to have this Board
16 consider Bruce Davis somehow guilty of nine
17 murders. Not two, but nine, which is what
18 Mr. Loveman would have you consider, which is not
19 only untrue, but it is unfair and it is
20 disingenuous. There is no question and Mr. Davis
21 has been very clear to this Board and to Boards in
22 the past that he was involved in the taking of two
23 human lives, for which he has, over a number of
24 years, expressed his regret. And continues and
25 will continue, throughout the end of his life, to
26 express his regret. He did not come forward with
27 evidence after he was convicted and imprisoned

1 because I, as his appointed attorney, told him not
2 to. Because I had his case on appeal for a number
3 of years. And I did never argue to the jury that
4 Bruce Davis was innocent. For Mr. Loveman to tell
5 you that the attorney for Mr. Davis argued that he
6 was innocent is just not true. He was not there at
7 trial. He doesn't know. I do, because I was
8 appointed to represent him. The trial took
9 something like two and a half months. I
10 purposefully did not put Mr. Davis on the witness
11 stand. I never asked Mr. Davis whether he had or
12 had not committed either of the offenses. But as a
13 careful, and I think, reasonably decent trial
14 attorney, I advised him not to testify, so he did
15 not. He was one of the few members of the Manson
16 group who followed his attorney's advice to the
17 letter. We may have second thoughts about it now.
18 He may have second thoughts about it now. Your
19 asking him about it now is interesting, because he
20 has never in the past said I wish I had testified.
21 He may wish he had testified at this stage, but he
22 followed my advice. He also followed my advice not
23 to say anything about the case, either his own or
24 anyone else's, while his case was on appeal, while
25 he was initially in prison. So, these statements
26 that are made over the years by various deputy DA's
27 representing the DA's Office, about your taking a

1 dim view of his silence under the circumstances,
2 should be directed at me, because he was following
3 his attorney's advice. That said, I want to go to
4 a couple of instances of Mr. Manzella, who I
5 thought would be here representing the DA's Office
6 this year. And it is interesting. I have, I think
7 -- according to Beth Davis, Bruce's wife, this is
8 the 15th year I have been here representing Bruce,
9 before one Board panel or another. And each time I
10 go through the C-File, which, as you can see, is
11 now five volumes thick. And if you gentlemen have
12 gone through even one or two of those, my hat is
13 off to you. I went through two of them this time,
14 again. And always you find something new, that you
15 had either overlooked or forgotten. The new thing
16 that I found this year was from Mr. Manzella's
17 report to the judge, following the guilty finding
18 of Bruce. In his report to the judge, he makes
19 this statement:

20 "The murders committed by this
21 defendant were not situational. That
22 is, they were committed as the result
23 of a peculiar or unique combination of
24 circumstances, with which the
25 defendant is unlikely to be confronted
26 in the future. Rather, the murders
27 were conceived as part of a deliberate

1 plan to satisfy the killers', that's
2 "S" apostrophe, desire for money and
3 revenge. The relationship between the
4 defendant and his victim is one which
5 might clearly develop in the future
6 between Davis and other members of the
7 community, dash, if Davis is too soon
8 released from custody."

9 Well again, nothing could be quite as much farther
10 from the truth than that. The two murders that
11 Bruce Davis was involved in were clearly brought
12 about by his involvement with Charlie Manson.
13 They clearly were a unique combination of
14 circumstances and Bruce Davis is not likely to be
15 confronted with the same circumstances in the
16 future. One supposedly had money, that Charles
17 Manson wanted to get. He had supposedly -- that
18 is Hinman, had supposedly inherited something like
19 20 thousand dollars from his family. And the other
20 was the killing of Shorty, who supposedly was an
21 informant, who was trying to get the Manson family
22 off the Spahn Ranch. When are those circumstances
23 likely to recur with a 61-year-old -- or are you 62
24 now?

25 **INMATE DAVIS:** Almost.

26 **ATTORNEY DENNY:** Huh?

27 **INMATE DAVIS:** Almost 62.

1 **ATTORNEY DENNY:** Oh, almost 62-year-old
2 man, married, with a 10-year-old daughter, who has
3 no relationship, other than the fact that he's in
4 prison and therefore has a relationship with
5 criminals, but no relationship with criminals. As
6 Mr. Davis has pointed out in his testimony, when
7 you asked him about his involvement with drugs, he
8 said, as you well know, you can get drugs in these
9 prisons. It's available. He was getting drugs
10 before 1974 in prison. And when he had his
11 revelation, he said no more and has not needed or
12 wanted anymore since then and is not likely to in
13 the future. So, I really wanted to take issue
14 personally with Tony, who happens to be -- Tony
15 Manzella, who happens to be a friend of mine. I've
16 known him since we tried this case together, over
17 30 years ago. And I wanted to make it very clear
18 too, that this concept of this continuing criminal
19 enterprise, which some of your predecessors, as I
20 say, have glommed onto, is totally inappropriate,
21 totally unfair, never charged, never proven. There
22 is no proof of it. To say that -- and Bruce Davis
23 has said that he heard Charlie talk about Helter
24 Skelter. He heard Charlie talk about a race war.
25 To say that that makes him liable for the deaths of
26 -- and the very sad and grotesque deaths of the
27 LaBiancas and those killed with Sharon Tate, is

1 reaching way, way, way too far, to try to paint
2 this man an evil sort of man. If you look very
3 seriously at each of the circumstances of the
4 crimes, you come up with two different versions.
5 And I would quote from last year's decision, which
6 was stated by Commissioner Moore as follows:

7 "These conclusions were drawn from the
8 Statement of Facts, wherein the
9 prisoner was heavily involved, played
10 a significant role in the demise of
11 these two victims. As well as he was
12 involved with a group of some nine
13 individuals, who had an ongoing
14 criminal enterprise."

15 This was in support of his holding and that of his
16 two fellow Commissioners that --

17 **PRESIDING COMMISSIONER RISEN:** Which I was
18 one of them.

19 **ATTORNEY DENNY:** And you were one, who said
20 that he was a danger to the community. Two years
21 before, let me quote Commissioner Angele, who says
22 as follows, when asked by the Chairman if he had
23 some comments, he said:

24 "Yes, I would. I did vote for
25 suitability, I think for a number of
26 reasons. First of all, I have a hard
27 time trying to figure out how much

1 time is enough and how much time is
2 not enough. And you've been doing
3 nearly 30 years since the commitment
4 of the crime. Your involvement in two
5 different homicides, one was almost
6 nil and the other was very minimal.
7 And your programming has been
8 outstanding. Your psych reports have
9 been outstanding. I just feel at this
10 point that you're suitable. I guess
11 all I can do is wish you luck and
12 don't let the one year get you down."

13 Now, which is it, gentlemen? His involvement was
14 minimal and that's why I quote Commissioner Angele,
15 because yes, I am his attorney, his defense
16 counsel. And I don't want to be, or seem to be,
17 downplaying his culpability. He has acknowledged
18 to you, as he has over the years, acknowledged to
19 others who have sat in your positions, his
20 culpability. My God, he was involved in the
21 horrendous deaths of two human beings, to whom he
22 had an obligation to try to prevent. And he
23 realizes that he did nothing to prevent what
24 happened. One, he didn't know even that Gary
25 Hinman was killed. The other, he certainly did
26 know that Shorty Shea was killed because he was
27 present. Although he was sitting in the car when

1 all of this stabbing was going on, ultimately got
2 out of the car, came down, Manson gave him the
3 machete. Interestingly enough, as far as I can
4 tell, for the first time refused a request of
5 Manson. That is, to cut off Shorty's head.
6 Instead, when Manson gave him the knife, which was
7 a bayonet type of knife, he did make a scratch-like
8 cut along his shoulder, which did not bleed. Now,
9 we've spent a great deal of time talking about the
10 facts in the case and his involvement in the case,
11 the horrendous circumstances of the murder. And
12 I'm interested to hear Mr. Loveman talk to you
13 about the latest Van Houten decision, which I was
14 unaware of until I spoke with a lawyer, who had
15 made some presentations to you in some other cases
16 this morning. Which says that the underlying crime
17 is indeed enough to hold a person unsuitable for
18 parole. Now, this is a Court of Appeals case from
19 the State Court of Appeal, I believe, Second
20 Appellate District, if I'm not mistaken, which it
21 would have to be, coming out of Los Angeles.
22 Totally, totally in contrast with that of the cases
23 that have come down from the Federal Courts of
24 Appeal. The Quillion [sic] case, or Carl D.
25 McQuillion, Q-U-I-L-L-I-O-N, versus Duncan. And
26 the Griggs case, which is Jeffrey (indiscernible)
27 J. Biggs. Did I say Griggs? It's Biggs,

1 B-I-G-G-S, versus Terhune, T-E-R-H-U-N-E. Both of
2 which came down from the United States Court of
3 Appeals for the Ninth Circuit. Both of which
4 applied cases decided by the United States Supreme
5 Court, saying that clearly, although the issue may
6 not have been specifically decided by California
7 Courts of Appeal or Supreme Court, the basic
8 premise was law and controlling law in California.
9 To the effect, that we have a parole system which
10 requires, uses the word, shall grant parole. It is
11 not permissive, it is mandatory. The Board shall
12 grant parole, except for certain, very specific
13 circumstances, which would militate against it.
14 Because presumably, they would establish that the
15 person up for parole consideration was a danger to
16 the community. Now, both the McQuillion and the
17 Biggs case say very specifically, no question about
18 it, that the underlying crime may, for a limited
19 number of appearances before the Parole Board,
20 constitute sufficient material on which to base a
21 denial, because of the heinousness of the offense,
22 etcetera, etcetera, etcetera. But, after a
23 considerable period of time, after a number of such
24 appearances, it is a violation of the due process
25 right under the constitution, the liberty interest
26 under the due process clause. It is a violation to
27 continue to deny parole to a person who is eligible

1 and subject to the parole statutes of California.
2 Which are exactly the same as the statutes of
3 Nebraska and Iowa, which I believe, the United
4 States Supreme Court came down and said, there is a
5 constitutional expectation of parole under the due
6 process clause. Because, not when he comes before
7 the Board, but when he is imprisoned, a prisoner
8 has an expectation of parole and thereby, has a
9 liberty interest in parole. And to continue to
10 deny him that liberty interest, time after time
11 after time on the basis that the crime he committed
12 was so bad, is a violation of that due process
13 liberty interest. Now, I have made this very clear
14 in my letter to the Board. And these are two cases
15 that have come out in the last year. And it may
16 have been my wife, it may have been someone else I
17 was talking to, discussing it, who said, well,
18 they're not going to be interested anyway. They're
19 not going to be interested in the law. And I said,
20 one, I doubt that because these cases are directed
21 right at the Board members themselves. They are
22 the people to whom the Courts of Appeal are
23 expressing themselves. And in this case, there is
24 one Board member here who has a law degree, who is
25 very conversant with the law, and with what legal
26 cases on appeal mean, and should mean in our
27 nation. Which is supposed to be a nation of laws

1 and not of men. As one goes through this process
2 year after year, you realize that we may be a
3 nation of laws, but it is men who make those laws,
4 for many different reasons. It is men who
5 administer those laws. It is men who review and
6 pass on the constitutionality of those laws and
7 those men are subject to all of the motives that
8 move each one of us. And I look at each of you and
9 I see two men who are clearly intelligent enough to
10 be on this Board, have backgrounds in law and law
11 enforcement and corrections. And I think to
12 myself, yes, this is a public interest case and
13 therefore, there is some pressure on these
14 gentlemen. As there may be some pressure on the
15 Governor, if it ever gets up to the Governor
16 through these gentlemen. But, just as the judge
17 said to the jurors, about three or four times, at
18 the conclusion of this case when they were
19 deliberating, there are no people any more capable
20 than you, with any more information than you, who
21 can reach a proper decision in this case. Each of
22 you has the background, so that any decision you
23 would make granting a parole date to Bruce Davis,
24 despite the Manson name attached to him and despite
25 what some citizens might feel, reflecting the
26 statements made by the DA here, there is no
27 question that you are law and order oriented. That

1 your major concern is with the health and welfare
2 of the community. So that nobody is going to be
3 able to second-guess you on the grounds that you're
4 bleeding hearts, in making such a decision. But
5 you have the opportunity to make the right
6 decision. This man has been in custody, thinking
7 about the crimes he was involved in, for something
8 over 33 years. Every day he thinks about it. He
9 doesn't need to stay in prison to think about it.
10 He doesn't need to stay in prison to minister to
11 the young inmates who come in, to describe to them
12 the stupidity and the evil of the ways that have
13 brought them here. And to try to help them, as he
14 did Dan Ritter's son, who was in, having committed
15 a crime and helped him ultimately, to get paroled.
16 But he has, at this point, not just a duty and an
17 obligation, but a privilege to give of himself, not
18 only to his own 10-year-old daughter, but to the
19 community. And to the church where his wife goes
20 and whose minister has offered him a position in
21 the ministry there. They have a number of
22 ministries within that church. It isn't just the
23 minister himself, but they have a number of various
24 types of ministries, to which Bruce would be most
25 welcome. He is, and would be, an asset to the
26 community to have on the outside. You could make
27 that possible. I know you probably have heard this

1 more times than you want to. Someone mentioned to
2 me, it costs anywhere from 40 to 50 thousand
3 dollars a year to keep someone in prison these
4 days. When I started this process, some 15 years
5 ago, I think the figure was something like 25
6 thousand dollars a year. I don't know how this
7 jumped up quite so high. But there's no question
8 that the State of California is cash-strapped. And
9 it seems almost obscene to keep a person, who could
10 be a contributing member of society, indeed, even a
11 taxpayer, in a prison, costing the taxpayers money
12 when he should be released. I just cannot more
13 strongly urge each one of you to do exactly that.
14 To look at the law, consider the law, consider what
15 Bruce Davis has done with his life. I think it may
16 have been a couple of years ago, it may have been
17 this year, I don't know. In my letter to the Board
18 where I said, have you ever, either of you, if you
19 have sat hearing these cases, heard of anyone who
20 has done anything more with his life while in
21 prison than Bruce Davis? I don't think so. I used
22 to use the phrase, and I think it's not an
23 inappropriate phrase, he should be the poster boy
24 for what the Board of Prison Terms, in connection
25 with the Department of Corrections, is able to do,
26 to be able to rehabilitate people charged with
27 crimes, serious crimes. He should be the poster

1 boy. Your predecessors, down the line, have
2 given him one direction after another, one
3 suggestion after another, as to what to do to make
4 himself more open, more ready for parole. And he
5 has done every one of those things and done them
6 with verve, with vigor, and without any hard
7 feelings. As year after year, he has gotten
8 another one year for the next hearing, one year
9 for the next hearing. I've gone through 15 of
10 those, or 14 of those, and I have not been able
11 to accept it with such equanimity as Bruce, who
12 has taught me a lot. He has taught me a lot. He
13 has taught me about his own faith in God and his
14 faith in the goodness of men. And his faith in
15 the ability, ultimately, of gentlemen in your
16 position, to do the right thing, which I think
17 would be to give him a parole date and return
18 him to the community, so that he can become a
19 contributing member of this community. Thank
20 you for your patience.

21 **PRESIDING COMMISSIONER RISEN:** Okay.
22 Mr. Davis, it's now your opportunity to tell the
23 Board why you're suitable for parole or you can
24 rely on the statement of your attorney.

25 **INMATE DAVIS:** Well, Mr. Chairman, I
26 appreciate your patience in all of this. Thank
27 you, George. And I do appreciate what the DA

1 has to say. He makes a good point. And I'm not
2 -- I'm not having a big argument about some of the
3 facts of -- that the things I was involved in.
4 I'm absolutely guilty, without excuse, for the
5 taking of two lives. I have no -- I have no
6 defense. I have had a quantum leap in my
7 understanding and knowledge of the value of life.
8 And I've come to the place where I believe I can
9 exert the energy of my life into raising the
10 value and meaning of life of people around me
11 through the gospel. And, you know, I've -- I
12 listen to one side and the other and this and
13 that. I feel kind of like a ping pong ball, just
14 kind of back and forth, and sort of like the
15 object of everything that's going on. And I sit
16 here and think, well, what should I say? And maybe
17 I -- and the one time, well, you should say this,
18 no, I shouldn't say this. And you know, so, I
19 think you know -- well, you can know in your heart
20 what's happening. And I just depend on that. And
21 I've -- I'm absolutely sorry for everything that
22 I've done. And I've -- I have hope of life beyond
23 this place, with my wife and daughter, with the
24 community. And I appreciate your consideration.
25 Thank you very much.

26 **PRESIDING COMMISSIONER RISEN:** Okay. It's
27 six minutes after three. We'll recess for

1 deliberations and clear the room.

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R E C E S S

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1 CALIFORNIA BOARD OF PRISON TERMS

2 D E C I S I O N

3 DEPUTY COMMISSIONER MEJIA: Okay. We're
4 back on record for our decision.

5 PRESIDING COMMISSIONER RISEN: Okay.
6 Everyone who was previously in the room has
7 returned.

8 ATTORNEY DENNY: Almost everyone.

9 PRESIDING COMMISSIONER RISEN: Yeah. The
10 time is four o'clock. The Panel reviewed all
11 information received from the public and relied on
12 the following circumstances in concluding that the
13 prisoner is not suitable for parole and would pose
14 an unreasonable risk of danger to society or a
15 threat to public safety if released from prison.
16 First we have the commitment offense. The offense
17 was carried out in an especially violent and brutal
18 manner. Multiple victims were killed in separate
19 incidents. The victims were abused and defiled
20 during the offense. The offense was carried out in
21 a manner which demonstrates a callous disregard for
22 human life and suffering. Also, the murder of the
23 victim did not deter the prisoner from later
24 committing other criminal offenses, which would be
25 a second murder. The first murder was that of Gary
26 Hinman. His body was found decomposed in the

27 BRUCE DAVIS B-41079 DECISION PAGE 1 4/08/04

1 living room of his home in Topanga, in July of
2 1969. In June or July of '69, Charles Manson asked
3 the prisoner, Davis, to drive several family
4 members to the Hinman house. Davis delivered Mary
5 Brunner, Robert Beausoleil and Susan Atkins to the
6 Hinman residence. Then he went back to the Spahn
7 Ranch. About two weeks later, Manson received a
8 call from someone at the Hinman residence, saying
9 that Hinman was not cooperating.

10 **ATTORNEY DENNY:** That would have been two
11 days, I think.

12 **PRESIDING COMMISSIONER RISEN:** You're right,
13 two days. Two days. Manson then asked Davis to
14 drive him back to the Hinman residence. When Davis
15 returned, he entered the house. Robert Beausoleil
16 was holding a -- holding Hinman at gunpoint. Davis
17 asked for the gun and Beausoleil handed it to him.
18 Davis stated that he had the gun in his hand but
19 did not point it at Hinman. Davis left and took
20 one of Hinman's car -- cars and did not intend to
21 return it and he did not come back. Now, the
22 motive for the death of Hinman was that the Manson
23 family thought that Hinman had inherited some money
24 and that they wanted him to sign over that money to
25 them. The next murder was that of Mr. Shea, Donald
26 Shea, and this was about two months later. It was
27 **BRUCE DAVIS B-41079 DECISION PAGE 2 4/08/04**

1 in August or September. He was reported --

2 **ATTORNEY DENNY:** I think, July or August --

3 **PRESIDING COMMISSIONER RISEN:** -- missing.

4 **ATTORNEY DENNY:** -- actually. The end of
5 July or early August.

6 **PRESIDING COMMISSIONER RISEN:** It says,
7 victim Donald Shea was reported missing and an
8 investigation revealed that somewhere between
9 August 15th and September 1st of '69, Davis and his
10 crime partners had murdered the victim and buried
11 his body on or near the Spahn Ranch. Manson
12 decided that Donald Shea was a police informant and
13 that he was telling the police that the Manson
14 family had committed the Tate and LaBianca murders.
15 So Davis, along with three members of the Manson
16 family, asked Shea to drive them to get some car
17 parts. Davis indicated to us that he knew that
18 they were going to kill Shea. As Shea was driving
19 a car and Watson was seating -- sitting in the seat
20 next to him, Shea told -- or Watson told Shea to
21 stop the car. When Shea wouldn't do it, he pulled
22 a knife on Shea. Today at the hearing, he said
23 that at some point, Watson stabbed Shea. And then
24 Steve Grogin, who was sitting behind Shea, hit him
25 in the back of the head with a pipe wrench. Then
26 Watson and Grogin drug Shea down the hillside, into

27 **BRUCE DAVIS B-41079 DECISION PAGE 3 4/08/04 a**

1 ravine. The prisoner remained in the car with
2 Charles -- until Charles Manson drove up in another
3 car. Manson went down the hill to join Watson and
4 Grogin. A few moments later, Davis went down to
5 where the victim was. Manson handed Davis a
6 machete and told Davis to cut off Shea's head.
7 Davis said he could not do it. He dropped the
8 machete. Manson handed him a knife, at which time
9 Davis slashed the victim on the shoulder. He
10 believes the victim was already dead at that time
11 because when he slashed him, he did not see any
12 blood. Davis said he cut the victim because he did
13 not want to be disapproved of by the Manson family.
14 The prisoner has an escalating pattern of criminal
15 conduct. His prior criminal history is somewhat
16 minor. He has two arrests for possession of
17 marijuana, receiving stolen property, grand theft
18 auto, and contributing to the delinquency of a
19 minor. His unstable social history consists of a
20 father who was an alcoholic who would verbally
21 abuse him. His father would beat him several times
22 a month. He was expelled from school for theft.
23 At 19, he lost interest in school and became highly
24 influenced by the Vietnam conflict. He traveled
25 around the country and began to identify with
26 heppies -- or hippies. He joined the Manson
27 **BRUCE DAVIS B-41079 DECISION PAGE 4 4/08/04**

1 family, where he used drugs, marijuana and
2 hallucinogenics. His psychological report of
3 10/28/03, authored by Joe D. Livingston, a Ph.D.
4 and Staff Psychiatrist, is not supportive of
5 release. He states on page five:

6 "It was noted by this examiner that
7 during our three hour interview,
8 nothing was said by the subject in
9 regards to any feelings that he had
10 regarding the two victims."

11 On page six, under Risk for Violence:

12 "In presenting the outcome of the
13 objective assessment, a tripartite
14 model is used, low, moderate or high
15 level of risk for future violence.
16 The data indicated across instruments
17 used for this subject, a moderate
18 level of risk of future violence in
19 the free community."

20 And he hedges a little. He says:

21 "Although there might be some impetus
22 to try and resolve this to either low
23 or moderate level of risk, it is
24 probably more accurate to indicate
25 that this "S" level of risk for future
26 violence in the free community is at

27 **BRUCE DAVIS B-41079 DECISION PAGE 5 4/08/04**

1 the low to moderate level."

2 We found his parole plans to be significant -- or
3 sufficient. The Panel notes that in response to
4 the 3042 notices, the District Attorney's Office of
5 Los Angeles appeared at the hearing today and
6 participated. They were opposed to paroled. We
7 also received a letter from the Los Angeles County
8 Sheriff's Department opposing parole. The Panel
9 makes the following findings: The prisoner should
10 be commended for receiving no 115s since 1980, for
11 receiving a doctorate degree in -- for receiving
12 his doctorate degree of Philosophy in Religion, for
13 receiving a Master of Arts in Theology, for
14 completing vocational Drafting. Since 1981, he's
15 been a Yoke Fellow Peer Counselor. He's also
16 attended Personal Growth seminars, teaches Bible
17 class and attended the Lifer Process Group by
18 Dr. Tolchin, T-O-L-C-H-I-N. Again, this is one-
19 year denial. The Panel recommends that the
20 prisoner remain disciplinary free and continue to
21 participate in self-help. That concludes the
22 reading of the decision. The time is 4:10. Any
23 comments?

24 **DEPUTY COMMISSIONER MEJIA:** Mr. Davis, I
25 appreciate the good institutional adjustment and
26 keep up the progress and good work being here.

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1 And, you know, good luck to you.

2 **PRESIDING COMMISSIONER RISEN:** Okay. Do you
3 have his signed copy? Okay, that will conclude the
4 hearing. The time is about 4:10.

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25 **PAROLE DENIED ONE YEAR**

26 **FINAL DATE OF DECISION** August 6, 2004

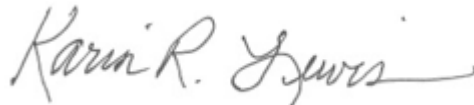
27 **BRUCE DAVIS B-41079 DECISION PAGE 7 4/8/04**

**CERTIFICATE AND
DECLARATION OF TRANSCRIBER**

I, KARIN R. LEWIS, a duly designated transcriber, CAPITOL ELECTRONIC REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total two in number and cover a total of pages numbered 1 through 94, and which recording was duly recorded at CALIFORNIA MEN'S COLONY, at SAN LUIS OBISPO, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of BRUCE DAVIS, CDC No. B-41079, on APRIL 8th, 2004, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the hearing.

Dated April 24th, 2004, at Sacramento County, California.



Karin R. Lewis
Transcriber
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