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CHARLES MILES MANSON

Attorney in Pro Per

FILED

MAR 4 1970
WILLIAM G. SHARP, County Clerk
W. G. Sharp
BY E. G. GINGRICH, DEPUTY

271

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

THE PEOPLE OF THE STATE OF CALIFORNIA,)
Plaintiff,)
VS.)
CHARLES MILES MANSON, et al.,)
Defendants.)

NO. A 25-3156
NOTICE OF MOTION
TO COMPEL REASONABLE
AND EFFECTIVE REPRESENTATION,
DEPOSITIONS AND COMMISSION FOR
MODERNIZATION OF TRIAL
PROCEDURE

TO ALL PARTIES IN THE ABOVE-ENTITLED ACTION AND TO
THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE, that on _____,
1970, at the hour of ____ M., in the Courtroom of
Department _____, the Honorable Judge _____,
Judge Presiding, or as soon thereafter as the matter can
be heard, that Defendant, CHARLES MILES MANSON will move
this Court for an Order To Compel Reasonable and Effective
Representation, Depositions, and Commission for Moderniza-
tion of Trial Procedure. Said motion will be based on this
Notice, the pleadings, records and files in this action,
the attached Memorandum of Points and Authorities and the
attached supporting Declaration of Charles Miles Manson.

DATED: _____, 1970

1 DECLARATION OF CHARLES MILES MANSON

2
3 I, CHARLES MILES MANSON, Defendant in the
4 above-entitled action, declare as follows:
5

6 I

7 That I am, as the record will show, under
8 charges for capital offenses for which the penalty may be
9 my life.

10
11 That I am presently in pro per, having requested
12 and been given leave by this Court to represent myself in
13 this matter of my defense against these charges. I have
14 done so, due to my personal experiences with various
15 counsel, whom I feel have been equivocal in placing me
16 and my defense against criminal charges as prime considera-
17 tion in their actions.

18
19 That the foregoing motion is supported by the
20 following asserted facts in this Declaration and hereafter
21 cited Points and Authorities which may not directly bear,
22 although are analogous, in my opinion, to the motions
23 contained herein.
24

25 That I have no formal legal training and have had
26 only some help in the preparation of this Motion, I pray
27 the Court to bear with me and give this matter its due
28 consideration.
29

30 That as the record will further show, I have
31 been incarcerated for a period of approximately two months
32 in the Los Angeles County Jail. In the initial period of

1 my incarceration, I was allowed two visits per week by
2 general visitors, under the approved hours, and by witnesses
3 on an approved list as submitted by me and approved by law
4 enforcement officials; access to all attorneys wishing to
5 confer with me; three telephone calls per day of an un-
6 limited nature; and was receiving mail.

7
8 That presently, I am allowed no visitors except
9 attorneys qualified under the Bar of the State of California.
10 Presently, I am allowed no phone calls, and now I am not
11 receiving any of my mail, and I am presently allowed no money
12 to purchase personal objects.

13
14 That witnesses or potential witnesses, et al.,
15 that I have requested to see, have been taken off "approved"
16 witness lists, and are prevented from seeing me by law
17 enforcement officials and also supporters both financial
18 and personal are prevented from seeing me.

19
20 That I have served periods of time in solitary
21 confinement without normal sleeping facilities, without
22 any valid reason. I am presently required to undergo
23 physical searches an excessive number of times each day
24 wherein I am forced to strip and I am given a complete
25 examination, including my rectum, which I find degrading
26 and dehumanizing. I am not allowed to pull back my hair
27 with a string or a rubber band or have other small indicia,
28 of personal comfort.

29
30 That I ask the Court what attorney either defense
31 or prosecution counsel would you subject to the coercion
32 of incarceration, the atmosphere of jails, the lack of

1 human response and warmth, the company of only other troubled
2 persons and expect him to have a clear and untroubled mind
3 to face the tremendous legal battle before him? What defense
4 attorney or prosecution counsel or defendant would you pre-
5 vent from seeing witnesses seeking physical assistance and
6 the freedom to view and feel the people and the facts to 27
7 understand and prepare his defense? What defense attorney
8 or prosecution counsel would you limit in his power to see
9 witnesses that he wishes to see approved by anyone? What
10 defense counsel would you require to clear the witnesses he
11 wishes to see through the prosecuting counsel and/or law
12 enforcement authorities? What defense attorney or prosecu-
13 ting counsel would you say to, "We wish to limit you in
14 speaking to persons that may give you some comfort or support
15 either mentally, physically or financially?"

16
17 That you say that I am not allowed and that you do
18 not wish me to talk with literary people, book publishers,
19 music publishers, writers, movie producers and I am prevented
20 from seeing these people under the alleged theory that I
21 should not benefit from the subject matter and thus I
22 am denied the comfort of aid, support and financing in my
23 defense. Is not the prosecution financed through the
24 raising of public taxes in this State and thus their financ-
25 ing virtually unlimited but yet I am restricted.

26
27 That I ask the Court what defense attorney or
28 prosecuting counsel is there who says that he is mentally or
29 physically tired, that you would not allow to come back into
30 the Courtroom fresh another day? Yet you will not even
31 provide me with the first step into the Courtroom free and
32 clear mentally and physically, but rather after months of

1 coercion by enforcement authorities who have held me in
2 dismal, unnatural surroundings. I walk into the Courtroom
3 with a pale, stooped, apathetic expression; the one who
4 has been confined without human warmth, yet I know you
5 would not deny any attorney in this Country such rights or
6 consideration. 275

7
8 That I ask the Court will you require under the
9 consideration of fairness and equality that the Deputy
10 District Attorneys in charge of the trial be incarcerated
11 for a period of time and under the same conditions that I
12 have been subjected to prior to their entering the Courtroom.

13
14 That anticipating opposition's argument that I
15 should have known by accepting the status of "in pro per"
16 representation I would be limited in my ability to prepare
17 my case and should have chosen counsel. However, from my
18 background and experience and the right that my counsel would
19 have in the preparation, strategy of trial, cross-examination
20 and argument for which he may consult me but make his own
21 decision, and knowing the attitudes and conflicts of
22 such attorneys, I feel forced to represent myself as being
23 the only person who I am sure will represent me primarily
24 above and beyond any immediate conflicts in motivation. Thus
25 I do not have a free choice when my conscience and self-
26 preservation dictates that I must be "in pro per."

27
28 That you may allow me to sit at the counsel's table
29 without handcuffs, but I shall be none the less bound as I
30 have not been given at this time the freedom or ability to
31 prepare either qualitatively or quantitatively my defense,
32 Nor to look toward my defense with mental, physical, and

1 financial strength. I challenge the opposition to provide me
2 with answers to the questions of the quality or quantity of
3 the prosecution's preparation, including the number of ~~SA~~
4 attorneys, the number of investigators, the office facilities,
5 the equipment, the general office personnel, the number
6 of hours, and the period of time for their investigation and
7 preparation. Then we shall take a ledger and put it side by s
8 side against what I am allowed, and then let the Court decide
9 if it may be contended that there is equity, and whether I
10 have been given equal and due time and consideration in
11 the preparation of my defense, reasonably, effectively and
12 expeditiously.

13
14 That I anticipate that the opposition will contend
15 that they find it relatively harder to find witnesses and
16 evidence to convict, when it is simpler for a person to
17 commit and defend against conviction for the alleged murders.
18 Thus, they require more in the quality and quantity for
19 their preparation than the defendant. Inherent in this
20 position is the presumption that it is I, as the defendant,
21 who has committed such alleged murders. However, I am
22 innocent and I am at this point presumed innocent; am I thus
23 not in the same position of the prosecution being permitted
24 fully in preparing my defense and my investigation of the
25 facts and witnesses from my own defense point of view, with-
26 out relying upon the evidence which the prosecution deduces
27 since their frame of reference is to fit all evidence into
28 the case, to convict.

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That my experience with the legal system has taught me that there is a vast chasm between the practice, practicality, and actual workings of the law as opposed to avowed, professed elegance of the fine words that are sometimes used as law. If you have the courage to deliberate and give consideration to my words objectively and search your heart, there is no doubt in my mind that you would agree that the law does not exist in a vacuum, in some ivory tower.

That some of the basic tenets of the law, which forms the historical foundation of the legal system are procedurally distorted so that I find false assumptions, rationalizations and illusions permeate and provide faults in its foundation.

That as an example, the law speaks of innocent until proven guilty beyond a reasonable doubt. It says to twelve lay people, and to one generally experienced judge, that the defendant is innocent until proven guilty. Our system of law says to each member of the jury, forget all the years of prejudice, feelings and knowledge that you have gathered and experienced. It says forget that the person labeled defendant implies and is associated with guilt. It says forget that in various references during the proceeding of the trial, the defendant is referred to as of lesser dignity than the other participants. The law tells you further, to forget that you are an average, ordinary human being and answer each question regarding your prejudices, emotion, predisposition and associations with much deep soul searching rather than with superficial defensive answers.

1 It would take a psychiatrist hours with each juror to plum
2 their ability to reason with the facts rather than the short
3 procedure the defense and prosecution are allowed to evaluate.
4 Experienced counsel knows in his heart that in trying to
5 ascertain the emotion and prejudice of each prospective juror
6 he is merely stumbling in the dark, and working by mere
7 feeling and intuition alone, knowing full well that each answer
8 is an answer of the surface conscious rather than plumbing
9 the true depth of the individual.

10
11 That I am further told that I will be tried in a
12 Court of reason, and a closed arena unaffected by the winds
13 of time and the world about us. But you are aware, as any
14 mature person is aware, that sympathy and prevailing public
15 opinion (before trial) prejudice the deliberations and act as
16 a magnet pulling towards a conviction from the direction of
17 public opinion. You are aware of how attorneys strive to
18 create public opinion for sympathy to effect such delibera-
19 tions.

20
21 That knowing this, I am prevented still by order
22 of the Court from engaging in the right for the sympathy
23 of public opinion to balance the extensive and pervasive
24 prejudicial publicity that has preceded and will precede
25 the trial, favorable to the prosecution. That enforcement
26 and prosecuting authorities have initially released informa-
27 tion thus using the headlines and the publicity in accordance
28 of their own personal satisfaction which created the present
29 public feelings to convict all the present defendants.

30
31 That you are also aware of each of the Judges
32 judicial function and the concept that you must act

1 in the light of cold reason as will all of the judges sitting
2 in judgment of the evidence and conduct of my trial. But
3 we are all aware of what forces are at work behind the scene, 271
4 on each Judges shoulders, both present and historical,
5 personal and public as well as political. Under the present
6 public pressure on both the judicial system, the jurists who
7 will deliberate upon my guilt and innocence and under
8 the present procedure that the law provides, it is my feeling
9 and my opinion, that my trial will be on the surface legally
10 sufficient but truly only a shade more civilized than the
11 early pagan sacrificial rites to appease the Gods, the
12 puritanical or heretical trials. To paraphrase some legal
13 authority, often justice and truth are synonomous with con-
14 viction to the Judge, jury and prosecutor under the prevalent
15 community attitude of brutal, unreasoned public anger.
16 Oppression of my human rights are no less tyrannical simply
17 because the oppression is conducted by the legal system.

18
19 That it is my further opinion that, as I anticipate,
20 at the trial in referring to me, the use of the words
21 "defendant", "hippie", "accused", together with facts of my
22 incarceration, will all imply to the jury a preconditioned
23 response of prejudice, feelings, and emotions toward me
24 of guilt.

25
26 That I anticipate that the Deputy District Attorney
27 will use the words "defendant," "hippie", and the "accused"
28 to sell my guilt, in the same manner which modern merchandi-
29 zing and advertising sells drugs by repeating such slogans
30 as "it works wonders," to ease pain and as a cure-all for all
31 human frailties. Such merchandising is designed to obtain

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1 reactions below the reasoned surface. 236

2
3 That the legal system professes to evaluate facts
4 and evidence upon a reasoned basis. Yet we are all aware
5 that this is an illusion. Any experienced participant in
6 the legal procedures will advise that the most important
7 portion of the trial of this magnitude relates to the aura
8 of unreasoned public opinion and the sympathies of the Judge
9 and jury below the reasoned surface, as well. That the
10 judicial system speaks of the unprejudiced Courtroom, but how
11 unprejudiced is a Courtroom which forms the apex and climax
12 of the publicity and aura of emotion in a case such as this?
13 What is in the minds of any sensible juror who is merely a
14 human being faced with this public awe and emotion. Is he
15 truly courageous enough to sustain this cool reason which we
16 will require of him. The law speaks of "burden of evidence."
17 But evidence still depends upon the eye of the beholder in
18 interpretation and the prejudice, predisposition, reason
19 and emotion of the listener who is able to discount, weigh,
20 and balance, in accordance with his feelings of credibility
21 which may be based in part upon the demeanor and voice of
22 the witnesses from which a twitch of an eye, a turn of the
23 hand, a crack in a voice, he may associate with fabrication.
24 Thus he may discount or accept prosecution or defense facts
25 as evidence, in order to rationalize his feelings, emotions,
26 and prejudices to conform his determination of guilt or
27 innocence.

28
29 That you are further aware that I am to be tried
30 amongst a group of other people who have been alleged to
31 have committed subject crimes. The same twelve ordinary

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1 people sitting as jurors, after being bombarded with not ~~231~~
2 only facts and evidence, but emotionally charged phrases,
3 and prejudiced labels, will be asked to separate the evidence
4 regarding each defendant and decide their guilt and/or
5 innocence separately upon the evidence alone. I find
6 this legal procedure irrational and an impossible task, as
7 anyone experienced with the legal system will agree. There
8 will be an overwhelming tendency to carry me along to con-
9 viction with the tide, should the jurors decide to convict the
10 other defendants, even though spiritually I wish to carry the
11 same burden.

12 That these and other unrealistic procedures in
13 the legal system are thus polluted by practices that cause
14 death as real as air and water pollution, but it is my
15 intent in changing the archaic system to strengthen it. On
16 my behalf as well as those who come after me, the legal
17 system must be as responsive to change or become irrelevant
18 and become extinct as any other cumbersome dinosaur.

19
20 That in this day and age when the world has advanced
21 in knowledge, the last quarter century equal to all prior
22 centuries, not only in the technical, scientific fields,
23 but also in the fields of psychology, sociology, and the
24 commercial fields of advertising where motivation, emotion,
25 subliminal effects, the medium theories, and the budding
26 science of Extra Sensory Perception give us knowledge of
27 the borderline basis for human responses and decisions.
28 What has the law done to apply this knowledge to their own
29 procedures and to digest such advances? We have a system
30 which is based upon century old knowledge for which I am
31 sure the retort would be "tried and tested" and the best

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1 available. But is it the best there is, and why have no
2 efforts been made to try and test it under the present
3 accumulated knowledge that we have obtained, except by bits
4 and pieces on the outer fringes. Your answer may be time,
5 money, and practicality. Yet when the public cries in out-
6 rage such as has happened in the rights of the minorities,
7 the law has reversed itself and protected the rights of
8 men who would have otherwise been doomed to further years
9 of suffering.

10
11 That this analogy brings us full circle to the
12 instant matter of that of Charles Miles Manson.

13
14 That I am an outcast of your society--never having
15 been taken in, tucked away in the corner in protective
16 custody for almost a quarter century of life, out of the
17 way like a piece of dirt swept under the carpet. I stand
18 here before you forced to march to a different beat, never
19 having been accepted as a member of your society and only
20 wishing to live in a world of my own choosing. Yet I am
21 required to translate my life, my experience, and my abilities
22 to communicate into your world, your procedures, which I
23 find are nothing more basic presently than that of the roar
24 of the blood-crazed lynch mob seeking expiation for their
25 own guilt, seeking to cover up the murderous devil that is
26 within them, by sacrificing the blood of another in sweet
27 revenge. At least, if you ask for my life and force me to
28 defend myself under present society's system, let the system
29 be modernized to protect my rights which you refer to as "due
30 process" and not limit me in defending myself with the use
31 of gross and specious rationalizations of the fact that I
32 can obtain a fair and impartial trial on reasoned evidence

1 under present law and the conditions imposed upon me.

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That the prosecuting authorities and judicial system may speak of the time, practicality, and costs in connection with the request in my prayer to provide me due process in my trial; I challenge this Court or the prosecution to estimate and determine the costs that would be involved in bringing the legal procedures of my trial to fully provide and reflect the valid basic precepts of the law in present day standards of fair, equitable, and due process. If you refuse my requests because of excessive costs, whatever amount they might be, then I shall know what the price of one human life is. Then I can put down the price of one human being in the United States for the whole world to see.

That I anticipate you will ask the penalty for conviction, the price being my life; I ask simply that if you ask for my life, you must pay the price; that this Court adhere to the Law's precepts of fairness, by modernizing your procedures and protecting each and all human beings, to the best of your ability, without regard to cost and for later generations to come. I do not ask for perfection. I do not ask that we free ourselves totally from all emotions and feelings; I just ask that we take steps further toward reason and away from the primitive to the more civilized, by bringing the judicial procedures further in line with present day knowledge. You may say that it is impractical and you cannot spend the money. You say that these rights will develop in time but I stand here before you accused of a capital offense which you have asked for my life. How much time do I have? Can you give me back

1 my life in time?

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There is more at stake than property or money or the application of constitutional guarantees to classes or groups under changing social and economical philosophies. In future generations they may look back at the present legal systems and procedures of which I speak and laugh at its barbarism just as we derogate the ancient pagan rites of justice.

That this County and State spent hundred of thousands of dollars for the trial of Sirhan Sirhan, and it was expecting to spend hundreds of thousands of dollars to incarcerate him. Thus, the analogy comes to mind of the paraphrase, "millions to convict and incarcerate but not one penny to protect the life of man."

That these motions are supported under general legal authority, and based mainly on its avowed precepts of justice, freedom, the protection of rights of humanity, fairness, equity and due process. SOME OF THE THOUGHTS ABOVE CONTAINED, THE COURT MAY FIND REVOLUTIONARY. BUT FROM MY READING AND UNDERSTANDING OF THE LAW, I FIND IT IS A LIVING ENTITY OR SHOULD BE A LIVING ENTITY, EVER GROWING, NEVER STAGNANT AND SUBJECT TO INTERPRETATION AND THE WILL OF MEN IN PUBLIC OPINION AND SOCIETY AT LARGE. YOU MAY FIND MY REMARKS UNORTHODOX AND PERHAPS SMILE, BUT I MAKE THEM IN ALL THE SERIOUSNESS WITH THE FEELING OF A MAN CONDEMNED TO DEATH. Does this Court have the courage to bring itself to protect the rights of man under our judicial system by taking its historical precepts and modernizing the procedures to apply these precepts? Thus, it may squeeze out, under present-day

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1 knowledge, as much of the prejudices and emotions and allow
2 me the true freedom of defense. Or does this court lack the
3 courage because of the fear of the crowds displeasure and
4 the machinations of society behind the scenes that cry for
5 vengeance, which makes a mockery of the legal system when
6 it is brought into the cold light of day, and its true
7 workings are revealed against the background of all the
8 legal phrases, "justice," "equity," "fairness," "protection"
9 If not, I stand here as a human being, symbolical in hand-
10 cuffs, bound as one of the alleged victims of the crime I
11 am accused, while the court in its refusal of the protection
12 of my rights commits the act of wounding me, causing my
13 blood to flow and my life to ebb. And then I must say,
14 "et tu Brute."

15
16 1. That I respectfully request that I have the
17 opportunity of unlimited visits with anyone I should deem
18 necessary for my defense, both specifically and generally,
19 relevant or irrelevant, on a fishing expedition, or for
20 a specific purpose, and for the purpose of mental and physi-
21 cal support, financially, spiritually, without the require-
22 ments of having anyone approve such person, consistent with
23 only the minimal necessary security requirements.

24
25 2. That I respectfully request that I be placed
26 in a normal or near normal environment so that my mind may
27 be free from the coercion and physical forces which impinge
28 upon my clear thoughts and my ability to review myself,
29 the facts, evidence, and the law for preparation of my
30 defense in order that the preparation of my defense will
31 not be destroyed by inherent degrading emotional, moral

32 ////

1 and physical factors.

2

3 3. That I respectfully request that I be free to
4 travel to any place I should deem fit in preparing my defense
5 consistent only with the minimum necessary security pre-
6 cautions.

7

8 4. That I respectfully request as an alternative
9 to the two preceding requests, that I be set free with a
10 minimum amount of bail and/or with the furnishings of guards
11 to insure my appearance in court. Thus insuring in this
12 manner the ability to prepare my defense reasonably and
13 effectively.

14

15 5. That I respectfully request that this court
16 provide arrangements for me to take depositions of proposed
17 witnesses, both prosecution and defense, to preserve the
18 evidence which I deem necessary for preparation of my
19 defense for trial.

20

21 6. That I respectfully request that a commission
22 be appointed to correlate the wealth of knowledge in all of
23 our scientific and social fields so that a study may
24 be made of the procedures involved in the judicial system
25 of jury trial so that the precepts of fair, equitable,
26 unprejudiced trial may be modernized to provide for due
27 process in the protection of my rights. The commission to
28 be composed of, among other persons, recognized psychologists,
29 psychiatrists, sociologists, jurists, legal professors,
30 advertising and marketing experts.

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7. I respectfully request that during all the proceedings, including the trial, that I be referred to as Charlie, and not by labels such as "hippie," "accused," and "defendant," intended to derogate, inflame, or 237 prejudice the jurors.

8. If I am refused any or all of the above, I hereby request and demand that the charges against me be immediately dismissed as a true denial of due process as having been unalterably and irrevocably prevented in the necessary, reasonable, and effective preparation of my defense, as the passage of time will blur the evidence that the witnesses will recall in these matters.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 26th day of February,
1970, at Los Angeles, California.



CHARLES MILES MANSON
Defendant, in Pro Per

POINTS AND AUTHORITIES

1 Any order or action of the Court which, without evident
2 necessity, imposes physical burdens, pains and restraints upon
3 a prisoner during the progress of his trial, inevitably tends
4 to confuse and embarrass his mental faculties, and thereby
5 materially to abridge and prejudicially affect his constitu-
6 tional rights of defense; and especially would such physical
7 bonds and restraints in like manner materially impair and
8 prejudicially affect his statutory privilege of becoming a
9 competent witness and testifying in his own behalf.

People v. Harrington (1871) 42C. 165 285

8 Absent some governmental requirement that information be
9 kept confidential for the purposes of effective law enforcement,
10 the state has no interest in denying the accused access to all
11 evidence that can throw light on issues in the case, and in
12 particular it has no interest in conflicting on the testimony
13 of witnesses who have not been as rigorously cross-examined
14 and has thoroughly impeached as the evidence permits.

People v. Riser (1956) 47 C.2d 566

14 The judge's function as presiding officer is preeminently
15 to act impartially. It includes the duty to see that each party
16 (always of course within the law) has equal opportunity to
17 advance his claims and to protect his interests.

Cooper v. Superior Court (1961) 55 c.2 291
359 P.2d 274

18 In almost every criminal trial in which two or more persons
19 are jointly charged with the commission of an offense some fact,
20 or facts, are developed against one of the defendants which
21 cannot be regarded as evidence against the other. In the
22 prosecution of criminal conspiracies, or that class of cases
23 which require more than one to execute the crime, it quite
24 frequently happens that damaging testimony admissible against
25 one defendant, but not admissible against the others, is re-
26 ceived in the case, but limited in its application to the one
27 to which it is referable. Such evidence may carry with it an
28 unfavorable effect equal in its harm to a confession.

People v. Perry (1925) 195 C. 623

26 Cases sometimes occur, and this would appear to be one of
27 them, in which the very enormity of the offense itself arouses
28 the honest indignation of the community to such a degree as to
29 make it apparent that a dispassionate investigation of the case
30 cannot be had.

People v. Yoakum, 53 C.571

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When local feeling is so intense that the presentation of defendants' case is impeded, members of the jury are familiar with the facts in advance of the trial and are aware of the intense antagonism of the community toward defendants, and the regular trial judge has forcefully presented his opinions as to the merits of the case and attacked the good faith of defense counsel, a change of venue should be ordered. However conscientious the members of the jury may have been, it cannot reasonably be concluded that they could so divorce themselves from their past experiences and present surroundings that a fair and impartial trial could be had.

People v. McKay (1951) 37 C.2d 792

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Where one's life is at stake -- and accounting for the frailties of human nature -- we can only say that under the light of the circumstances here the finding of impartiality does not meet constitutional standards.

Irvin v. Dowd (1961) 366 U.S. 717, 81 S.Ct. 1639

The intentional suppression of material evidence by the state would, of course, be a denial of a fair trial and due process. . . . Such a denial would likewise exist where the prosecution was allowed to control the course of proceedings in a manner which would prevent the accused from presenting material evidence.

People v. Kiihoa (1960) 53 C.2d 748

The basic right involved is not limited simply to meetings between the client and his counsel. If necessary, third persons may accompany counsel during the consultations with his client.

Cornell v. Superior Court (1959) 52 C.2d 99

One of the striking instances of the frailty of human nature is the fact that a prejudiced person usually believes himself fair-minded and impartial.

People v. Riggins (1910) 159 C. 113

NOTE: References to authorities paraphrased are chapter 1 of California Criminal Law Practice, CEB and discussion of proper preparation for trial, Chapter 10, specifically pages 429-442.

1 "Most significant to the issues involved herein, the right en-
2 compasses more than the mere appointment; it includes the oppor-
3 tunity for counsel to prepare and conduct the case in a reasonably
4 efficacious manner. Powell v. Alabama, 287 U.S. 45, 71, 53 S.Ct.
5 55, 77 L.Ed. 158; In re Ochse, 38 Cal.2d 230, 231, 238 P.2d 561.

6 ". . . . Overnight, counsel was required to assimilate
7 the facts of the case, analyse them, research the applicable law
8 and plan a defense. . . . It would be grossly unjust to penalize
9 the petitioner for a failure of his counsel to safeguard his rights
10 when such failure was brought about by the conduct of the state.
11 People v. Sarazzawski, 27 Cal.2d 7, 17, 161 P.2d 934; People v.
12 Boyden, 116 Cal.App.2d 278, 285, 253 P.2d 773. 230

13 "The foregoing amply demonstrates that in a case such as
14 the one now engaging our attention, forcing petitioner to trial in
15 less than the minimum time provided by statute to prepare a
16 defense, despite requests for a continuance, resulted in a denial
17 of due process of law. Such defect can be reached by the writ of
18 habeas corpus. In re McCoy, 32 Cal.2d 73, 76, 194 P.2d 531."

19 IN RE NEWBERN, 3 Cal.Rptr. 364

20 "A fundamental part of the constitutional right of an
21 accused to be represented by counsel is that his attorney must
22 be afforded reasonable opportunity to prepare for trial. Powell
23 v. State of Alabama, 287 U.S. 45, 71, 53 S.Ct. 55, 77 L.Ed. 158;
24 People v. Sarazzawski, 27 Cal.2d 7, 17, 161 P.2d 934. To make
25 that right effective, counsel is obviously entitled to the aid of
26 such expert assistance as he may need in determining the sanity
27 of his client and in preparing the defense.

28 EX PARTE OCHSE, 238 P.2d 561; 38 Cal.2d 230, 561