

SUBSEQUENT PAROLE CONSIDERATION HEARING
STATE OF CALIFORNIA
BOARD OF PAROLE HEARINGS

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

CALIFORNIA MEN'S COLONY
SAN LUIS OBISPO, CALIFORNIA
SEPTEMBER 27, 2005
11:58 A.M.

PANEL PRESENT:

TOM SAWYER, Presiding Commissioner
DENNIS SMITH, Deputy Commissioner

OTHERS PRESENT:

BRUCE SMITH, Inmate
JARED EISENSTAT, Attorney for Inmate
PATRICK SEQUEIRA, Deputy District Attorney

CORRECTIONS TO THE DECISION HAVE BEEN MADE

-----	No	See Review of Hearing
-----	Yes	Transcript Memorandum

Ramona Cota

Peters Shorthand Reporting

INDEX

	<u>PAGE</u>
Proceedings	1
Case Factors	8
Pre-Commitment Factors	14
Post-Commitment Factors	31
Parole Plans	21
Closing Statements	56
Recess	79
Decision	80
Adjournment	89
Transcriber Certification	90

--oOo--

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DEPUTY COMMISSIONER SMITH: We are on the record.

PRESIDING COMMISSIONER SAWYER: Okay, this is a Subsequent Parole Consideration Hearing for Bruce Davis, D-A-V-I-S, CDC number B as in boy 41079. Today's date is 9/27/05 and the time is 11:58. I'm sorry, 11:58 a.m. and we are located at CMC East. The dated received was 4/21 of 1972 from Los Angeles County, the offense was first degree murder, case number 0267861, count number two, Penal Code Section 187. The term is life, minimum eligible parole date is 12/1 of 1977. Other commitment offenses were murder in the first degree, 187, LA, same case number, that's count two. This hearing is being tape-recorded and for the purpose of voice identification each of us is required to state our first and last name, spelling our last name. When it comes to your turn, Mr. Davis, after you state and spell your last name if you'd give us your CDC number as well. I'm Tom Sawyer, S-A-W-Y-E-R, Commissioner.

DEPUTY COMMISSIONER SMITH: Dennis Smith, S-M-I-T-H, I'm a Deputy Commissioner.

INMATE DAVIS: Bruce Davis, CDC number B-41079.

1

2 **ATTORNEY EISENSTAT:** Spell your last
3 name, please.

4 **INMATE DAVIS:** D-A-V-I-S.

5 **ATTORNEY EISENSTAT:** Thank you. Jared
6 Eisenstat, E-I-S-E-N-S-T-A-T, attorney for
7 Mr. Davis.

8 **DEPUTY DISTRICT ATTORNEY ROSE:** Patrick
9 Sequeira, S-E-Q-U-E-I-R-A, Deputy District
10 Attorney, County of Los Angeles.

11 **PRESIDING COMMISSIONER SAWYER:** Thank
12 you. We also have a correctional peace officer
13 in the room for security purposes. The record
14 reflects that you signed a BPT Form 1073, which
15 is a Reasonable Accommodation Notice and Request
16 in accordance to the provisions of The Americans
17 with Disabilities Act. I have this form, it
18 says you do not have disabilities, it was signed
19 on 10/14 of '04. I'll hand that to your
20 counsel.

21 **ATTORNEY EISENSTAT:** Thank you.

22 **INMATE DAVIS:** Nothing has changed.

23 **PRESIDING COMMISSIONER SAWYER:** Nothing
24 changed and that information is current and
25 correct? I see you have a -- Do you wear
26 glasses, sir?

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

1 **PRESIDING COMMISSIONER SAWYER:** You need
2 them for reading?

3 **INMATE DAVIS:** Yes.

4 **PRESIDING COMMISSIONER SAWYER:** Any other
5 disabilities that might have -- Hearing, you can
6 hear me okay? Everything is fine with that?

7 **INMATE DAVIS:** I believe so.

8 **PRESIDING COMMISSIONER SAWYER:** Okay, and
9 you seemed to walk in under your own power very
10 well.

11 **INMATE DAVIS:** Yes sir, no problem.

12 **PRESIDING COMMISSIONER SAWYER:** Very
13 good. Would you waive the --

14 **ATTORNEY EISENSTAT:** The further
15 explanation.

16 **PRESIDING COMMISSIONER SAWYER:** Reading?

17 **ATTORNEY EISENSTAT:** Yes, Commissioner, I
18 believe he has been reasonably accommodated.

19 **PRESIDING COMMISSIONER SAWYER:** Okay,
20 thank you. This hearing is being conducted
21 pursuant to Penal Code Sections 3041, 3042, and
22 the rules and regulations of the Board of Prison
23 Terms governing parole consideration hearings
24 for life inmates. The purpose of today's
25 hearing is to consider your suitability for
26 parole. In doing so we will consider the number
27 and nature of the crimes that you were committed

1 for, your prior criminal and social history and
2 your behavior and programming since your
3 commitment. We also have had the opportunity to
4 review your Central File and your prior hearing
5 transcript. You will be given the opportunity
6 to correct and clarify the record. We will
7 consider your progress since your commitment and
8 since your last hearing. Your updated
9 counselor's report and your psychological report
10 will also be considered. Any change in your
11 parole plans should be brought to our attention.
12 We will reach a decision today and inform you
13 whether or not we find you suitable for parole
14 and the reasons for our decision. If you are
15 found suitable for parole the length of your
16 confinement will be explained to you. This
17 hearing will be conducted in two phases. I will
18 discuss with you the crime that you were
19 committed for, your prior criminal and social
20 history, your parole plans and any letters of
21 support or opposition that may be in your file.
22 Deputy Commissioner Smith will discuss with you
23 your progress since your commitment, your
24 counselor's report and your psychological
25 evaluation. Once that is concluded the district
26 attorney, and your attorney will be given an
27 opportunity to ask you questions. The questions

1 from the district attorney shall be asked
2 through the Chair and your answers shall be
3 directed to the panel. Do you understand?

4 **INMATE DAVIS:** Yes sir.

5 **PRESIDING COMMISSIONER SAWYER:** Okay.

6 Before we recess for deliberations the district
7 attorney, your attorney and you will be given
8 the opportunity to make a final statement
9 regarding your parole suitability. Your
10 statement should be directed as to why you feel
11 you are suitable for parole. We will then
12 recess, clear the room and deliberate. Once we
13 have completed our deliberations we will resume
14 the hearing and announce our decision. The
15 California Code of Regulations states that
16 regardless of time served a life inmate shall be
17 found unsuitable for and denied parole if in the
18 judgment of the panel the inmate would pose an
19 unreasonable risk of danger to society if
20 released from prison. You have certain rights.
21 These rights include the right to a timely
22 notice of this hearing, the right to review your
23 Central File and the right to present relevant
24 documents. Has the inmate's rights been met,
25 counsel?

26 **ATTORNEY EISENSTAT:** Yes, all with the
27 exception of the timeliness of this hearing,

1 Commissioner. My notes indicate his last
2 hearing where he got a one year denial was April
3 of last year so this hearing is about five to
4 six months late.

5 **PRESIDING COMMISSIONER SAWYER:** Okay.
6 You also have the right to be heard by an
7 impartial panel. Is there any objection to this
8 panel?

9 **ATTORNEY EISENSTAT:** No, Commissioner.

10 **PRESIDING COMMISSIONER SAWYER:** You will
11 receive a copy of our written tentative decision
12 today. That decision is subject to review by
13 the Decision Review Unit and by the entire Board
14 meeting as a body. It will become effective
15 within 120 days, subject to review by the
16 Governor. A copy of the tentative decision and
17 a copy of the transcript will be sent to you.
18 As of May 1st, 2004, there were major changes
19 limiting your former right to appeal Board
20 decisions and actions directly to the Board.
21 The old Board regulations were repealed. The
22 current policy is entitled Administrative
23 Appeals Correspondence and Grievances Concerning
24 Board of Prison Terms Decisions and is available
25 at the prison law library. You are not required
26 to admit your offense or discuss your offense if
27 you do not wish to do so. However, this panel

1 does accept as true the findings of the court
2 and you are invited to discuss the facts and
3 circumstances of the case if you desire. The
4 Board will review and consider any prior
5 statements you have made regarding the offense
6 in determining your suitability for parole. Is
7 there any confidential material that will be
8 used in today's hearing, Commissioner Smith?

9 **DEPUTY COMMISSIONER SMITH:** There is
10 confidential information but it will not be used
11 in today's hearing.

12 **PRESIDING COMMISSIONER SAWYER:** Okay. I
13 have the hearing checklist, counsel. Give that
14 to Mr. Sequeira.

15 **DEPUTY DISTRICT ATTORNEY SEQUEIRA:** I
16 have received the documents, thank you. The
17 checklist.

18 **PRESIDING COMMISSIONER SAWYER:** The
19 checklist is now with Mr. Eisenstat.

20 **ATTORNEY EISENSTAT:** And I have
21 everything, Commissioner.

22 **DEPUTY DISTRICT ATTORNEY ROSE:** Thank
23 you. Any additional documents to be submitted?

24 **ATTORNEY EISENSTAT:** Other than the
25 supplemental letters from Attorney Denny, we'll
26 go with the letters that the Board has there.

27 **PRESIDING COMMISSIONER SAWYER:** Okay.

1 Any preliminary objections?

2 **ATTORNEY EISENSTAT:** None at this time.

3 **PRESIDING COMMISSIONER SAWYER:** And will
4 the inmate be speaking with the panel?

5 **ATTORNEY EISENSTAT:** Yes, but he will but
6 he will not be talking about the crime.

7 **PRESIDING COMMISSIONER SAWYER:** Okay,
8 would you raise your right hand, sir. Do you
9 solemnly swear to tell the truth, the whole
10 truth and nothing but the truth?

11 **INMATE DAVIS:** Yes I do.

12 **PRESIDING COMMISSIONER SAWYER:** Thank
13 you. Okay, I am going to talk about the crime.
14 I will be reading from the April 2005 calendar,
15 page one. This is a summary, it's a summary of
16 the crime.

17 "Count One. Victim Gary Hinman's
18 body was found in a decomposed
19 state in the living room of his
20 home on Topanga Road in Topanga
21 Canyon on 7/31 of 1969. He had
22 last been seen alive on 7/25/1969
23 driving a Fiat station wagon. The
24 autopsy revealed that a stab wound
25 to the chest which penetrated his
26 heart killed the victim. The
27 autopsy further revealed that he

1 had suffered other wounds,
2 including a stab wound in the area
3 of his chest, a gash at the top of
4 his head, a gash behind his right
5 ear and lacerations on the right
6 side of his face, which cut off
7 part of his ear or cheek. Inmate
8 Davis was one of the crime
9 partners involved in the murder of
10 the victim. Victim Hinman was
11 kept prisoner in his home for two
12 days, during which time he was
13 stabbed and clubbed before finally
14 being put to death. Count two.
15 Victim Donald Shea was reported
16 missing. An investigation
17 revealed that sometime between
18 August 15 and September 1, 1969
19 Inmate Davis and his crime
20 partners murdered the victim and
21 buried his body in or near the
22 Spahn Ranch. The victim worked at
23 the Spahn Ranch and (inaudible).
24 Inmate Davis and his crime
25 partners were living there.
26 Intensive investigation failed to
27 produce the body of the victim,

1 however, Steve Grogan, one of the
2 crime partners, furnished
3 information to law enforcement as
4 to the location of the victim's
5 body. The body was recovered and
6 Shea was stabbed repeatedly until
7 he died."

8 And then the prisoner's version.

9 "According to Inmate Davis he had
10 been living a life that was fueled
11 with drugs and sex. He was
12 frequently intoxicated with
13 hallucinogenic substances for much
14 of his association with Charles
15 Manson. Manson began preaching
16 about death and destruction; the
17 family began adopting a
18 survivalist lifestyle. Drugs,
19 free sex, poor hygiene, thievery
20 and begging were also promoted.
21 Davis stated that he was unable to
22 make good decisions due to unmet
23 needs. He stated he was trying
24 anything he could to meet those
25 needs and he was looking for
26 acceptance and friendship from
27 Charles Manson and others within

1 the group. Davis said he pursued
2 pleasures of the flesh as long as
3 he received those pleasures of the
4 flesh. He felt he was doing the
5 right thing. In June or July of
6 1969 Charles Manson asked Davis to
7 drive several family members to
8 the Hinman house. Davis delivered
9 Mary Brunner, Robert Beausoleil
10 and Susan Atkins."

11 That's spelled, Beausoleil, B-E-A-U-S-O-L-E-I-L.

12 "Delivered to the Hinman
13 residence. When he returned to
14 the Spahn Ranch after a couple of
15 days Manson received a call from
16 one of the family members at Gary
17 Hinman's house. The family member
18 said Gary wasn't cooperating.
19 Davis claimed that he didn't
20 understand what that was about.
21 During the interview Davis states,
22 what I did understand is that they
23 went there to rob Gary Hinman.
24 They thought he had money but he
25 didn't. Manson then asked Davis
26 to drive him back to Hinman's
27 residence. When Davis entered the

1 house Robert Beausoleil was
2 holding Hinman at gunpoint. Davis
3 asked for the gun, which
4 Beausoleil handed to him. Davis
5 states that he had the gun in his
6 possession but that he had not
7 pointed at Hinman as stated in the
8 1996 BPT report. While Davis was
9 standing there with the gun Manson
10 sliced Hinman's ear. Davis later
11 took one of Hinman's cars back to
12 the ranch but claims, Gary was
13 very much alive the last time I
14 saw him. Some time in August 1969
15 Manson decided that Donald Shea
16 was a police informant in the
17 Tate/LaBianca murders. Davis went
18 along with three family members of
19 the Manson family who had asked
20 Mr. Shea to drive them to get some
21 spare car parts. During the
22 interview Davis stated that he
23 knew they were going to kill Shea.
24 He said he knew he wouldn't do
25 anything physical but, I wanted to
26 look like I was going along with
27 Manson so I could maintain his

1 friendship. Shea was driving the
2 car when Charles Watson, who was
3 sitting next to Shea, told Shea to
4 pull the car over. At first Shea
5 wouldn't then Watson pulled a
6 knife on Shea. When he pulled
7 over Steve Grogan, who was sitting
8 behind Shea, hit Shea in the back
9 of the head with a pipe wrench.
10 Watson and Grogan got out of the
11 car and dragged Shea down the
12 hillside into a ravine. Davis
13 remained in the car until Charles
14 Manson drove up in another car,
15 stopped and went down the hill to
16 join Watson and Grogan. A few
17 minutes later Davis went down to
18 where they had the victim. Manson
19 handed Davis a machete and told
20 him to cut his head off. Davis
21 dropped the machete. Davis stated
22 that he couldn't do it. So Manson
23 handed him a knife, which Davis
24 used to slash the victim's
25 shoulder. Davis was sure that the
26 victim was dead by the time he cut
27 him. Davis cut the victim because

1 he didn't want to be disapproved
2 by the family. Davis stated that
3 it took him years before he was
4 really able to feel remorse for
5 his involvement in these crimes.
6 He believes that his inability to
7 feel sadness and empathy was a
8 result of the heavy drug usage at
9 the time. He now experiences
10 sadness as he knows the families
11 of the victims still suffer to the
12 actions of himself and his
13 codefendants."

14 Okay, let's talk a little about -- You didn't
15 have any juvenile history as far as arrests.

16 **INMATE DAVIS:** No sir.

17 **PRESIDING COMMISSIONER SAWYER:** And adult
18 convictions. You first came to the attention of
19 law enforcement 3/9 of 1968, possession of
20 marijuana, it was dismissed. 5/2 of '68,
21 another possession. Both these charges were
22 dismissed. You were arrested on 10/12 of '69
23 for receiving stolen property, grand theft auto,
24 contributing to the delinquency of a minor.
25 These charges were dropped. On 1/2/70, arrested
26 for receiving stolen property; no disposition on
27 that. And on 3/7/70 arrested for fraudulently

1 obtaining a firearm and giving false
2 identification to a firearms dealer. What kind
3 of gun did you buy?

4 **INMATE DAVIS:** A nine millimeter fully --
5 Radon? R-A-D-O something. I don't remember the
6 exact spelling.

7 **PRESIDING COMMISSIONER SAWYER:** Uh-huh.

8 **INMATE DAVIS:** It was like an automatic.

9 **PRESIDING COMMISSIONER SAWYER:** And what
10 was the purpose of buying that weapon?

11 **INMATE DAVIS:** Not everyone at the ranch
12 had guns but there were a lot of firearms. And
13 they were target practicing and shooting them
14 and so --

15 **PRESIDING COMMISSIONER SAWYER:** So you
16 just wanted to be cool, huh?

17 **INMATE DAVIS:** Well, it was the stupidest
18 thing I ever did. Well no, it wasn't.

19 **PRESIDING COMMISSIONER SAWYER:** Why did
20 you give false identification?

21 **INMATE DAVIS:** You know, I didn't have
22 any reason. I didn't have a good reason to.

23 **PRESIDING COMMISSIONER SAWYER:** You
24 didn't have a record.

25 **INMATE DAVIS:** I didn't. I don't know
26 what I thought I was accomplishing.

27 **PRESIDING COMMISSIONER SAWYER:** What ever

1 happened to the gun?

2 **INMATE DAVIS:** Well the gun turned up in
3 my trial.

4 **PRESIDING COMMISSIONER SAWYER:** Where was
5 it found? In your possessions or?

6 **INMATE DAVIS:** No, no. Charlie -- I
7 wasn't there when this happened but I was told.
8 Charlie gave it to somebody, just gave it to
9 somebody and it turned up, I think, in San
10 Bernardino County. Now that's the story I've
11 heard and I'm not sure.

12 **PRESIDING COMMISSIONER SAWYER:** Out in
13 the desert when they captured --

14 **INMATE DAVIS:** No, no, this was some
15 person completely, as far as I know, completely
16 unassociated with the family that had the gun.
17 And I don't know the circumstances of how the
18 gun got into the custody of law enforcement.

19 **PRESIDING COMMISSIONER SAWYER:** Was it
20 used in a crime?

21 **INMATE DAVIS:** Well, it shot a, it shot a
22 hole in Gary's house under his sink. And that's
23 the only shot that I know of that it was, ever,
24 you know, in a bad situation.

25 **PRESIDING COMMISSIONER SAWYER:** Gary
26 Hinman's house?

27 **INMATE DAVIS:** Yes sir.

1 **PRESIDING COMMISSIONER SAWYER:** So you
2 had it with you at that time?

3 **INMATE DAVIS:** Bobby had it actually,
4 Bobby Beausoleil had it. And that's why I asked
5 for it. Because when I heard that he had shot
6 the gun I said, give me that gun, because I
7 thought somebody could get hurt. I know that
8 that kind of thought must have sounded kind of
9 crazy. I mean, there they were trying to rob
10 the guy.

11 **PRESIDING COMMISSIONER SAWYER:** Yeah.

12 **INMATE DAVIS:** But I was, you know, I
13 knew that that was my gun and I didn't want it
14 shooting somebody.

15 **PRESIDING COMMISSIONER SAWYER:** Okay.
16 Under personal factors. Bruce Davis is the
17 youngest of two children and the only son born
18 to what he describes as a typical, middle-class
19 American family. His father and mother are now
20 deceased. His father was a pipe fitter and a
21 welder who died from a sudden aneurysm when
22 Davis was 25 years old. Davis' mother was a
23 housewife and homemaker until Davis was
24 approximately ten years old. At this time she
25 became an accountant and began a career working
26 as a working wife and mother. Had she
27 remarried?

1 **INMATE DAVIS:** No, not after '68, that's
2 when my dad died.

3 **PRESIDING COMMISSIONER SAWYER:** Okay,
4 okay. And she died in 1994. Your only sibling
5 is a sister who is one year your senior.
6 Describes your childhood environment as being
7 highly unpredictable and unstable due to his
8 father being an alcoholic who was verbally and
9 physically abusive towards family members.
10 Davis recalls that he received beatings from his
11 father several times a month and claims that his
12 father was verbally abusive towards him almost
13 daily. He also states that although his mother
14 was affectionate and supportive she was very
15 controlling and protective of him. In later
16 years Davis felt angry and betrayed by his
17 parents, believing that he had never been given
18 the guidance and encouragement in life that he
19 needed. Davis reported that he and his sister
20 are fairly close when they were growing up,
21 although they never discussed any family
22 problems. Davis also reported he was molested
23 at age 12 by an adult friend. Apparently this
24 man who was friendly and attentive to Davis
25 sodomized him on two occasions. Davis said he
26 never told anyone and the molestation ended when
27 Davis stopped being around this man. Davis also

1 stated when he was 13 an English teacher raped
2 him and again he never told anyone. He
3 continued to harbor feelings of embarrassment
4 and shame. He reported no particular problem in
5 school and claims that he was not a behavior
6 problem, even though he was expelled on one
7 occasion in seventh grade for stealing money.
8 He claims he earned average grades, participated
9 in some school activities and peer-related
10 activities. He mentioned that he had some
11 friends but never really fought with peers. He
12 said, however, he did feel close to -- he never
13 really did feel close to anyone. He enjoyed
14 fishing, stamp collecting and reading historical
15 books. He states that he had no goals, no
16 direction during his youth. He reports that he
17 went along with the other kids as a follower
18 because he never had any reason to behave
19 differently. Additionally he stated that in
20 being a follower it was a way to ensure that
21 people would like him. He stated that he became
22 sexually involved with a girlfriend when he was
23 17 years old and the relationship lasted for
24 approximately one year. After graduating from
25 high school Davis obtained 48 college units at
26 the University of Tennessee. At around age 19
27 he lost interest in school, began earning poor

1 grades and decided to drop out of school. From
2 that point he began wandering around Tennessee
3 to the West Coast and back again. He was
4 employed in a variety of jobs from waiter to bar
5 boy to surveyor. Once again Davis began driving
6 around the country. He became highly influenced
7 by the Vietnam conflict and identified with the
8 hippies' non-materialistic lifestyle. While
9 still looking for some sense of meaning and
10 direction in life a friend introduced him to his
11 soon-to-be mentor, Charles Manson. And in 1985
12 he was married for the first time to Beth Davis
13 and has one daughter from that marriage who is
14 now 11 years old. Is she 11?

15 **INMATE DAVIS:** Yes sir. She'll be 12 in
16 November.

17 **PRESIDING COMMISSIONER SAWYER:** Okay.
18 And remains intact and states that it's a loving
19 and happy marriage. The bright spot of your
20 life?

21 **INMATE DAVIS:** The best.

22 **PRESIDING COMMISSIONER SAWYER:** Okay. Do
23 you still hear from your sister?

24 **INMATE DAVIS:** Occasionally.

25 **PRESIDING COMMISSIONER SAWYER:** Where
26 does she live?

27 **INMATE DAVIS:** Raleigh?

1 **PRESIDING COMMISSIONER SAWYER:** North
2 Carolina?

3 **INMATE DAVIS:** Yes sir. I guess I
4 shouldn't say occasionally, I should say less
5 than occasionally. We write maybe every year or
6 so. My wife talks to her on the phone so we
7 have (indiscernible). But we --

8 **PRESIDING COMMISSIONER SAWYER:** How often
9 do you see your wife and daughter?

10 **INMATE DAVIS:** Every week.

11 **PRESIDING COMMISSIONER SAWYER:** They're
12 right down the road here, huh, Grover Beach?

13 **INMATE DAVIS:** Yes sir.

14 **PRESIDING COMMISSIONER SAWYER:** Okay.
15 Okay, as far as your future plans are concerned
16 you state that if you are granted parole you
17 will live with your wife in Grover Beach and
18 your daughter.

19 **INMATE DAVIS:** Yes.

20 **PRESIDING COMMISSIONER SAWYER:** Has she
21 got a house or apartment or what?

22 **INMATE DAVIS:** She's got a condo.

23 **PRESIDING COMMISSIONER SAWYER:** A condo.
24 And I'll be getting into your letters of
25 support. But it indicates here under employment
26 opportunities they are expected to be in your
27 letters of support. And there is an assessment

1 made by your counselor that says, Davis appears
2 to have an extensive support system with letters
3 encouraging his release, received consistently
4 year after year. I would not expect him to have
5 difficulty finding employment, even in San Luis
6 Obispo or Los Angeles County and through those
7 that supported his release in the addition to,
8 of course, his daughter. Davis has the moral
9 and practical support of his wife of 20 years
10 and their daughter. And then your letters of
11 support. In your letters I have a letter of
12 opposition from the Sheriff's Department of Los
13 Angeles County. It's dated March 2, 2004. I'm
14 just checking to see if I have any more current
15 letters from the Sheriff's Office. No.
16 "We received notification that Inmate Davis is
17 scheduled to appear before the Board of Prison
18 Terms." And this was apparently your last
19 appearance was April 8, 2004?

20 **ATTORNEY EISENSTAT:** Yes, I believe so,
21 Commissioner.

22 **INMATE DAVIS:** Yes sir.

23 **PRESIDING COMMISSIONER SAWYER:** Okay,
24 this is an old letter. I do not have anything
25 newer than that. Okay, I have a letter here
26 from Prison Fellowship dated July 6, 2005 from
27 Charles Colson, C-O-L-S-O-N. And this is from

1 Lansdowne, Virginia. He talks about here that
2 you have demonstrated and continue demonstrating
3 on a daily basis that you have immersed yourself
4 in the educational process and submitted
5 yourself to Christ. Received a master's degree
6 and a Ph.D. in theology with an emphasis on the
7 bible. Then he talks about -- Have you met
8 Mr. Colson?

9 **INMATE DAVIS:** No sir.

10 **PRESIDING COMMISSIONER SAWYER:** Just
11 corresponded and talked to him on the phone?

12 **INMATE DAVIS:** I've written to him. My
13 wife met him in Belfast and he'd had my letter
14 then. So he started -- He started writing in
15 80-something I'm not sure when. Probably '85,
16 '86, '87, I'm not exactly sure. But we don't
17 have like a relationship.

18 **PRESIDING COMMISSIONER SAWYER:** So he's
19 just a fan of yours, huh? A supporter.

20 **INMATE DAVIS:** I'm a fan of his.

21 **PRESIDING COMMISSIONER SAWYER:** You're a
22 fan of his. And he's very supportive and talks
23 about your family and supportive of you being
24 granted a parole date. And I have a letter from
25 George V. Denny III, an attorney from Houston,
26 Texas. Was he your attorney for a number of
27 years?

1 **INMATE DAVIS:** He was my attorney in my
2 original trial.

3 **PRESIDING COMMISSIONER SAWYER:** Oh, your
4 original trial?

5 **INMATE DAVIS:** Yes sir.

6 **PRESIDING COMMISSIONER SAWYER:** He's
7 written a letter. Have you seen this letter?

8 **INMATE DAVIS:** Yeah, I saw it but it --
9 Yeah, I'm not sure. Did you --

10 **ATTORNEY EISENSTAT:** (Inaudible) earlier
11 today.

12 **INMATE DAVIS:** Okay, yeah. I saw that he
13 wrote a letter, I didn't read the letter.

14 **PRESIDING COMMISSIONER SAWYER:** Okay. "I
15 cajoled, I have groveled, I have used all my
16 persuasive powers to get (indiscernible) a
17 positive response, all to no avail." This is a
18 letter written to Dennis Kenneally, the
19 Executive Officer of the Board Prison Hearings,
20 Parole Hearings, dated August 26. "Bruce
21 remains in prison despite my best efforts and
22 those who have written on his behalf." He is
23 indicating in here that for a number of past
24 years there is no evidence that Bruce would in
25 any way constitute a danger to the community.
26 To the contrary, all evidence, including
27 psychological/psychiatric reports specifically,

1 requested and required by the Board and the
2 Department of Corrections, said he would not be
3 a danger. A model prisoner for years. He talks
4 about your Christian faith, your wife, your 11
5 year old daughter. I would be remiss if I
6 failed to note the one key element thus far
7 omitted from this letter, the fact that Bruce's
8 connection to the Manson family, a catchphrase
9 coined by the media, which phrase has become
10 synonymous with evil in the eyes of people. We
11 know little, if anything, about the crimes
12 (inaudible) to the members of the family. Bruce
13 Davis in no way was involved with the infamous
14 Tate/LaBianca killings. For varying reasons
15 it's respectfully submitted that panel members
16 of the Board presiding at this year's hearing
17 found (inaudible) what long ago should have been
18 done, grant Bruce Davis a parole date and
19 (inaudible) his release from custody on that
20 date. Our justice system would be well-served
21 if such conduct (inaudible). I have a letter
22 from Barbara A. Daggett. It talks about how you
23 should be granted a release date. She's a
24 friend through your wife.

25 **INMATE DAVIS:** Yes sir.

26 **PRESIDING COMMISSIONER SAWYER:** She
27 mentions your wife. And then a letter -- She

1 lives in Florida, Estes, Florida in the winter
2 and in summertime lives in Minnesota.

3 **INMATE DAVIS:** Maine.

4 **PRESIDING COMMISSIONER SAWYER:** Maine.

5 The spelling of her last name is D-A-G-G-E-T-T.
6 And I have a letter from Pismo Beach, New Life
7 Community Church, September 8, 2005 from Ron
8 Salsbury, S-A-L-S-B-U-R-Y. He's known you for
9 the last 12 years. He knows you are a man of
10 character and commitment, loving and supportive
11 family. He's expecting that you would be a
12 contributing member of society when released.
13 He's certainly supportive. A letter from
14 William Clark, it's dated July 6, 2005. This is
15 a letter to Margarita Perez, Chairman of the
16 Board of Prison Terms. Again, by way of
17 introduction, I'm a retired California judge
18 having served on the Superior Court in San Luis
19 Obispo County. I served in the Court of Appeal
20 Second District and the Supreme Court, which
21 included a review of Manson issues on appeal in
22 '68 and '81. My background, experience in
23 (indiscernible) extradition, clemency, parole
24 process and legislation while serving as
25 Executive Secretary and Chief of Staff to
26 Governor Ronald Reagan in '66 to '68. At the
27 request of his family and neighbors here in San

1 Luis Obispo County I have again reviewed in
2 summary form through some of Davis' files
3 presently before you. I represent no party or
4 interest in the above-captioned matter nor have
5 I met the man. This matter constitutes the only
6 time I have ever recommended parole for a
7 prisoner. However, I conclude Mr. Davis'
8 further incarceration beyond his over 30 years
9 served could constitute a miscarriage of
10 justice. If our parole provisions and processes
11 have meaning and purpose, and they do, Mr. Davis
12 should be returned to open society where he has
13 much to offer our youth, as his file clearly
14 reveals. Signed, William Clark. That's quite a
15 nice letter.

16 **INMATE DAVIS:** Yes it is.

17 **PRESIDING COMMISSIONER SAWYER:** I've got
18 a letter from Anderson, California from
19 Lieutenant David LeMoine.

20 **INMATE DAVIS:** LeMoine.

21 **PRESIDING COMMISSIONER SAWYER:** LeMoine?

22 **INMATE DAVIS:** Yes sir.

23 **PRESIDING COMMISSIONER SAWYER:** Correct
24 pronunciation. L-E capital M-O-I-N-E, retired
25 from the Alameda City Fire Department. And also
26 from his wife, signed with his wife, Tricia
27 LeMoine. This is your brother-in-law?

1 **INMATE DAVIS:** Yes ma'am -- Yes sir.

2 **PRESIDING COMMISSIONER SAWYER:** He has
3 served ample time, a model prisoner. He has
4 served enough time, it's time for you to get
5 out. And if I didn't mention it July 1, 2005.
6 I have a letter from your daughter, Taylor Jean
7 Davis, 11 years old. My father, Bruce Davis,
8 has been in prison for 34 years. The man you
9 call prisoner is the man I call dad. The man
10 you call prisoner is the man my mom calls
11 husband. The person I admire most is my dad,
12 even though he has made some bad mistakes. I
13 still love him just like none of this ever
14 happened. I hope you can see how much I love my
15 dad. Thank you very much for your time.
16 Sincerely, Taylor Jean Davis. A nice letter. A
17 letter from your wife. I'm writing -- This is
18 dated June 30, 2005. She's writing -- Talked
19 about you have been married over 20 years, have
20 an 11-year-old daughter. She talks about your
21 counseling. Refers to you here as doctor,
22 Dr. Bruce Davis. Got your teaching, parenting
23 classes. She's got testimony here that you made
24 a difference in lives in prison with your work.
25 She is here to support you in every way. She
26 says you could be part of the community. A
27 letter from Robert and Jean Wilson on June 25th.

1 And this is your sister-in-law?

2 **INMATE DAVIS:** Brother-in-law and his
3 wife.

4 **PRESIDING COMMISSIONER SAWYER:** Brother-
5 in-law, okay. They believe you have served your
6 time, certainly supportive. A letter from March
7 14, 2005 from the Reverend Ella E. Moore, M-O-O-
8 R-E, talks about you being a great benefit for
9 the community. Talks about your family, talks
10 about your wife being a loving, solid woman.
11 Okay. And this talks about how hard you have
12 worked while in custody and society and family
13 needs you on the outside. The Outbank Branch in
14 Warner Springs, California dated March 12, '05
15 from Captain Manfred H. K. Aschemeyer.

16 **INMATE DAVIS:** Aschemeyer.

17 **PRESIDING COMMISSIONER SAWYER:** A-S-C-H-
18 E-M-E-Y-E-R. He's a licensed master mariner,
19 executive director of the Marine Exchange of
20 Southern California and the Vessel Traffic
21 Center for Los Angeles and Long Beach Harbor.
22 That's quite a title.

23 **INMATE DAVIS:** Long, huh.

24 **PRESIDING COMMISSIONER SAWYER:** Yeah,
25 very long. You have to have two business cards
26 for that one. This is a favorable letter. It
27 talks about he's in support of you being given a

1 parole date. Should be the poster boy for
2 rehabilitation for the prison system. You have
3 a fantastic record for public service.
4 Recognizes you're married and have a daughter.
5 Says you have a good support group on the
6 outside. He's got a ranch that he would offer
7 lodging in San Diego County. He's outraged to
8 see his tax dollars being spent on continual
9 incarceration of rehabilitated men like Bruce
10 Davis. And he's asking for your release. A
11 letter from March 10, 2005 from Roger Keech, K-
12 E-E-C-H, PE. What's P-E?

13 **INMATE DAVIS:** Physical Engineer. He's a
14 mechanical engineer.

15 **PRESIDING COMMISSIONER SAWYER:** I see,
16 thank you. He's retired, he's known you for
17 over 20 years. Asking for us to give you a
18 date. Another letter from Mr. Clark dated last
19 year. Judge Clark, the 25th. And a letter from
20 '04 from your attorney, George Denny. And
21 March 11, 2004 from your brother-in-law with the
22 fire department. (Inaudible). From '04 --

23 **DEPUTY COMMISSIONER SMITH:** Commissioner,
24 I would think those letters would have been
25 addressed at the prior hearing.

26 **PRESIDING COMMISSIONER SAWYER:** Yes. I'm
27 just making note that they're still in here,

1 they haven't been taken out. I didn't want to
2 miss any letters.

3 **DEPUTY COMMISSIONER SMITH:** All right,
4 thank you.

5 **PRESIDING COMMISSIONER SAWYER:** Okay, a
6 nice package of letters in there. Mr. Davis, I
7 will not turn it over to Commissioner Smith.

8 **DEPUTY COMMISSIONER SMITH:** Mr. Davis,
9 according to your C file you were received by
10 the Department of Corrections on April 21, 1972.
11 You were received here at CMC East on June 11,
12 1980. You have a classification score of 28,
13 which is the lowest classification score you can
14 attain. Your last hearing was held on April 8,
15 2004. That was your 22nd subsequent hearing.
16 You received a one year denial at that time.
17 You have had three CDC 115s, the last one being
18 1/25 of '80 for disobeying orders, and five CDC
19 128(a)s, the last one being August of 1992 for
20 lying to staff. So you have been virtually
21 disciplinary-free for 13 to 14 years. You are
22 certainly to be commended for that. This panel
23 realizes how difficult it is to remain
24 disciplinary-free, not only through an
25 individual's own actions and commitment but
26 simply the setting can make it very difficult.
27 And we understand that. So when I say you are

1 to be congratulated for your disciplinary record
2 it is with all sincerity. You worked on the
3 yard crew, receiving above-average reports.
4 Then you worked as a bridging clerk with
5 exceptional work reports. What is a bridging
6 clerk?

7 **INMATE DAVIS:** It's a part of education
8 now. They're called the educational department
9 all over California, I think. They have what
10 they call the bridging program and it's for the
11 people that are getting 50 percent, the 50
12 percenters and the 85 percenters who they feel
13 somewhat obligated to make sure they have a job.
14 And they go for one hour a week.

15 **DEPUTY COMMISSIONER SMITH:** And what kind
16 of program do they go through.

17 **INMATE DAVIS:** It's an educational
18 program. They ask them to read -- What you're
19 going to do with your life, kind of thing.
20 Where have you been, where do you think you are,
21 where are you headed. It's got some good
22 material in it. Each man comes one time a week
23 and he's given a ton of homework and supposedly
24 he does some. Because they were just laying
25 around mostly on the yard. Still are, except
26 for that one hour. Or half a day, I shouldn't
27 say one hour. But I had a chance to, you know,

1 I talked to the guys and helped them with, you
2 know, their reading and they ask you questions
3 and just going over the material.

4 **DEPUTY COMMISSIONER SMITH:** Thank you. I
5 wasn't familiar with that program. You were
6 then assigned as associate services clerk and
7 runner and that was in April of 2005 and you
8 received satisfactory and above average reports.
9 Are you still in that assignment?

10 **INMATE DAVIS:** Yes sir.

11 **DEPUTY COMMISSIONER SMITH:** And what
12 duties does that assignment contain?

13 **INMATE DAVIS:** Well actually I'm kind of
14 a secretary for the MAC chairmen. There's an
15 elected chairman and other members but an
16 elected chairman on each quad, four quads. So
17 my formal boss is the secretary of the captain,
18 the captain's secretary, the facility captain's
19 secretary. But practically I work for the four
20 inmates who are MAC chairmen.

21 **DEPUTY COMMISSIONER SMITH:** Okay.

22 **INMATE DAVIS:** I help with their agenda
23 and going to their meetings and doing their
24 minutes and like that.

25 **DEPUTY COMMISSIONER SMITH:** Did you
26 request transfer from the bridging program to
27 the current assignment or is that kind of a

1 rotational situation?

2 **INMATE DAVIS:** No, I was offered the job
3 in the current assignment and so I just changed
4 jobs.

5 **DEPUTY COMMISSIONER SMITH:** Okay. Is
6 that a paid job?

7 **INMATE DAVIS:** Yes it is.

8 **DEPUTY COMMISSIONER SMITH:** Okay. So
9 better pay than the other?

10 **INMATE DAVIS:** Absolutely.

11 **PRESIDING COMMISSIONER SAWYER:** Okay,
12 that makes it an easier decision, doesn't it?

13 **INMATE DAVIS:** That would help.

14 **DEPUTY COMMISSIONER SMITH:** You received
15 your doctorate in philosophy and religion in
16 June of 2002 from the Bethany Bible College and
17 Seminary in Dothan, D-O-T-H-A-N, Alabama.

18 **INMATE DAVIS:** Yes sir.

19 **DEPUTY COMMISSIONER SMITH:** In looking
20 through the prior Board Report it indicated that
21 -- I just lost my spot, I apologize. There it
22 is. That from September of 2002 to April 2003
23 that you were attending and participating in a
24 dual diagnosis narcotics 12 step program. And
25 that was in October of '02. That you were an
26 active member of Yokefellows peer counseling
27 program and were the moderator of that group.

1 And that was October 2002. And that you taught
2 a 16 week course entitled Bible Basic for the
3 2002 fall semester for the institution's School
4 of the Bible and that you also acted as a
5 religious peer educator. And that's based on a
6 128(b) that's dated January of '03. And yet in
7 reviewing the current post-conviction report
8 since your last hearing, and these are dated
9 1/14/04 to the current, other than the work
10 assignment that it identifies it doesn't
11 indicate any involvement in any of these self-
12 help programs or any other programs. Did you
13 drop out of all these?

14 **INMATE DAVIS:** That's a concern I have
15 that there's no documentation there because I
16 continued in the Yokefellow program up to the
17 time I took this job. Because my work hours
18 conflicted so I couldn't go there very often.
19 I'm teaching in the School of the Bible, I'm
20 teaching a parenting class. I've been teaching
21 every semester and I'm involved in the chapel.
22 I realize that the chronos have certainly not
23 been submitted and that's a concern.

24 **DEPUTY COMMISSIONER SMITH:** Do you know
25 why that might be?

26 **INMATE DAVIS:** Well, one of the -- I'll
27 give you kind of a shot in the dark. The

1 chaplain has been, got transferred to Avenal for
2 about, I don't know, a few months just recently
3 but he's back now. So things could have gone
4 awry in his absence. That's, you know, that's
5 the only thing that I know.

6 **DEPUTY COMMISSIONER SMITH:** Even reading
7 the narrative in the current Board Report that
8 was prepared by your counselor there isn't any,
9 any narrative about the current programs. Did
10 you discuss this, this report with the
11 counselor? Let me correct that. It does
12 indicate that there's consistent involvement
13 with Narcotics Anonymous, Yokefellows, School of
14 the Bible and personal growth seminars.

15 **INMATE DAVIS:** Right.

16 **DEPUTY COMMISSIONER SMITH:** And refers to
17 the post-conviction progress reports for
18 details.

19 **INMATE DAVIS:** Right.

20 **DEPUTY COMMISSIONER SMITH:** And of course
21 there's nothing in the post-progress report.

22 **INMATE DAVIS:** Okay. There's --

23 **DEPUTY COMMISSIONER SMITH:** Did you talk
24 to you counselor about this report?

25 **INMATE DAVIS:** I thought it was -- Well
26 from what our discussion was I thought we were
27 pretty current. Because he asked me, he said,

1 are you still in Yokefellows? I was up to this
2 past April. But I'm still involved in the
3 School of the Bible and still involved in the
4 program in the chapel. Now the personal growth
5 seminars, they have ceased in the institution so
6 I'm not involved in that.

7 **DEPUTY COMMISSIONER SMITH:** So to be sure
8 that we have a clear and accurate picture. You
9 have been involved in Yokefellows up to?

10 **INMATE DAVIS:** When I started this
11 assignment it became very erratic, my
12 attendance.

13 **DEPUTY COMMISSIONER SMITH:** So
14 Yokefellows until about April of this year?

15 **INMATE DAVIS:** Yes sir.

16 **DEPUTY COMMISSIONER SMITH:** And the
17 personal growth seminars, they were
18 discontinued.

19 **INMATE DAVIS:** Yes sir.

20 **DEPUTY COMMISSIONER SMITH:** And you're
21 still active with the School of the Bible?

22 **INMATE DAVIS:** Yes I am.

23 **DEPUTY COMMISSIONER SMITH:** And you're
24 teaching in that program?

25 **INMATE DAVIS:** Yes.

26 **DEPUTY COMMISSIONER SMITH:** Okay. How
27 many hours a week would you say you're involved?

1 **INMATE DAVIS:** Two. Just on Saturday, I
2 teach on Saturday.

3 **DEPUTY COMMISSIONER SMITH:** Okay. And
4 what about Narcotics Anonymous?

5 **INMATE DAVIS:** I haven't been in over a
6 year, maybe more.

7 **DEPUTY COMMISSIONER SMITH:** Is there a
8 reason for that?

9 **INMATE DAVIS:** Well, they don't have,
10 they don't have meetings. The ones I was going
11 to were in the afternoons. I was working in the
12 yard. When I was working on the yard crew on
13 third watch then my jobs went all the way
14 through until the second watch meetings. They
15 weren't the big meetings in the big room, they
16 were smaller meetings in another quad. More
17 specific stuff. I didn't -- I used to go to the
18 big meetings during the week and the weekends.
19 I really felt like I wasn't getting anything out
20 of it. I haven't been to it for quite a while.
21 Maybe I have the misconception that they didn't
22 have any more to offer. But I was dealing with
23 the same kind of subjects in the smaller groups,
24 in the small groups. When I couldn't go anymore
25 because of my job that was the end of it. I
26 didn't re-up for it.

27 **DEPUTY COMMISSIONER SMITH:** No thought

1 that, you know, if you were to receive a parole
2 date that you continue or you would re-involve
3 yourself in NA in the community?

4 **INMATE DAVIS:** I think in the community
5 it would be a very different thing out there
6 than in here.

7 **DEPUTY COMMISSIONER SMITH:** In what?

8 **INMATE DAVIS:** Well, the people that go
9 out there, I think for the most part, maybe not
10 everyone, but everybody goes there voluntarily.
11 A great percentage of the people that go here
12 are coerced for obvious reasons and there they
13 are. And so the quality of the meeting suffers
14 for pretty obvious reasons, I suppose. So that
15 was one of the things sort of discouraging to me
16 as far as what I was getting from it.

17 **DEPUTY COMMISSIONER SMITH:** Thank you.
18 Have you attained any vocational certifications?

19 **INMATE DAVIS:** Yes I have. I'm a
20 certified structural steel welder. I was
21 licensed in the City of Los Angeles in
22 structural steel. I'm not currently up to date
23 on my license but I'm sure I could reestablish
24 it.

25 **DEPUTY COMMISSIONER SMITH:** Okay.

26 **INMATE DAVIS:** And I finished, I finished
27 drafting and was certified as employable.

1 **DEPUTY COMMISSIONER SMITH:** Okay.

2 **INMATE DAVIS:** On paper.

3 **DEPUTY COMMISSIONER SMITH:** So you have
4 those two certificates.

5 **INMATE DAVIS:** Yes sir.

6 **DEPUTY COMMISSIONER SMITH:** Do you recall
7 when you got the welding and the drafting
8 certifications?

9 **INMATE DAVIS:** Well I got the -- The
10 welding was the first, probably '84, maybe '84
11 or '85. The drafting probably '89, '90.
12 Something like that.

13 **DEPUTY COMMISSIONER SMITH:** Before I go
14 to the psychosocial evaluation are there any
15 other activities that you have been involved in
16 since your last hearing in April 2004 that I
17 haven't addressed that we should be aware of?

18 **INMATE DAVIS:** No, I don't -- No, not
19 that I -- If I have I'm sure getting a blank.
20 No, I don't think so.

21 **DEPUTY COMMISSIONER SMITH:** Well if
22 something happens to come to mind before the
23 conclusion of the hearing let us know.

24 **INMATE DAVIS:** I will. And I don't think
25 so. Mostly the chapel program and work.

26 **DEPUTY COMMISSIONER SMITH:** That's a
27 question that I typically ask. But certainly in

1 light of some of the discrepancies in the
2 reports.

3 **INMATE DAVIS:** Right.

4 **DEPUTY COMMISSIONER SMITH:** I want to
5 make sure that we have as clear and accurate
6 picture of what your activities have been as we
7 can possibly have.

8 **INMATE DAVIS:** You know, I was -- I
9 usually make sure that these are -- I can't make
10 sure but I can encourage the individuals that
11 would be making the chronos to do that. I've
12 been rather lazy in that.

13 **DEPUTY COMMISSIONER SMITH:** The
14 psychosocial evaluation is dated October 28,
15 2003 by Dr. Livingston, L-I-V-I-N-G-S-T-O-N.
16 And it would have been referenced at your prior
17 hearing so this may be certainly a repeat. But
18 again I want it referenced on this record as
19 well. I'm referring to the first page. The
20 doctor notes that the Board asked that several
21 very specific questions be addressed. One being
22 your violence potential in the free community,
23 the significance of alcohol and drugs as it
24 relates to the commitment offense, and an
25 estimate of your ability to refrain from the use
26 and abuse of drugs and alcohol. The extent to
27 which you have explored the commitment offense

1 and come to terms with the underlying causes and
2 the need for future therapy programs while
3 incarcerated. And so rather than going into the
4 more specific detail of the evaluation I'm going
5 to reference for the record the answers provided
6 by the doctor for those four questions. And
7 then certainly if you or counsel have any
8 comments or would like anything else added I
9 would be more than happy to do so. Referring to
10 the next to the last page under risk of
11 violence. And I am going to address each
12 question in the order that it is listed on the
13 front page. The doctor writes that in this
14 section the risk for future violence in the free
15 community is assessed through the utilization of
16 objective measures, which utilized both static
17 and dynamic factors. Objective measures are
18 used to avoid some of the pitfalls that can
19 occur when in such cases that there is, on the
20 one hand, public interest in a case, and on the
21 other hand, a person who has presented a long
22 period of incarceration without any disciplinary
23 actions and has been able to upgrade himself
24 academically as well as vocationally. In
25 presenting the outcome for the objective
26 assessment a tri-party model was used, that
27 being low, moderate or high level of risk for

1 future violence. Thus the data indicated across
2 (indiscernible) instruments that were used by
3 the doctor that a moderate level of risk factor
4 for future violence would exist for you in the
5 community. And although there might be some
6 impetus to try and resolve this to either a low
7 or moderate level of risk it's probably more
8 accurate to indicate that your level of risk for
9 future violence in the free community is at the
10 low to moderate level. With regard to the
11 second question, substance abuse, the doctor
12 writes that: As reported by Mr. Davis, substance
13 use was not a significant factor in either
14 commitment offense other than the use of illicit
15 drugs which brought him into a relationship with
16 Charles Manson and the Manson family. He does
17 have some prior arrests for the possession of
18 marijuana, none of which led to a conviction.
19 And in regards to his ability to refrain from
20 the use of psychoactive substances it would
21 appear, based on his testimony about past use,
22 that he would not be a likely candidate for
23 substance abuse in the future. With regard to
24 the third question it indicates that Mr. Davis
25 readily acknowledges the contrast between his
26 own family, who was very negative and critical,
27 and Charles Manson, who was very affirming and

1 reinforcing. He identifies this as the primary
2 contributor to his being involved with the group
3 and consequently with the offenses. It is not
4 clear that further exploration of the commitment
5 offense would contribute significantly to his
6 being able to parole successfully. However, as
7 noted by the doctor, that during the three hour
8 interview nothing was said by Mr. Davis
9 regarding any feelings he had concerning the two
10 victims. And the last question, the need for
11 future therapy while incarcerated the doctor
12 writes that inasmuch as Mr. Davis is not
13 presenting any medical or psychiatric disorder
14 there is no indication for the need for any
15 psychotherapy. However, any involvement he can
16 have with self-help groups as well as other
17 relevant workshops and programs would probably
18 be to his benefit and/or to help promote
19 continued personal growth. And with that, that
20 concludes my reflection of the psychosocial
21 evaluation, unless Mr. Davis or counsel have any
22 specific questions regarding the evaluation.

23 **ATTORNEY EISENSTAT:** No. We'll save some
24 comments for closing, however.

25 **DEPUTY COMMISSIONER SMITH:** All right,
26 thank you. I'll return it to Commissioner
27 Sawyer.

1 **PRESIDING COMMISSIONER SAWYER:** Thank
2 you. Can you tell me how you -- How did you get
3 your doctorate? How did you go about doing
4 that?

5 **INMATE DAVIS:** Well, I first started
6 college in 1961 and I got a few credits at the
7 University of Tennessee, which was largely a
8 waste of time on my part. Not the credits
9 themselves but I wasn't ready for school. So as
10 the record reflects I had a pretty non-academic
11 life for a long time. And once I got back --
12 And when I got to Folsom I started taking
13 college courses whenever they were offered and
14 taking all the correspondence courses I could
15 take. After I became a Christian then I got
16 interested in theology and philosophy, et
17 cetera, et cetera, and began to take all the
18 courses that I could afford to take that were
19 offered. And I took them for the middle '70s
20 until, well, 2002 or whatever. Whatever it was
21 when I finished, finished my degree. I had a --
22 I submitted all my transcripts from several
23 different places to Bethany and the said based
24 on my transcripts and my record and some things
25 that I had written for them that they would,
26 they would grant a bachelor's degree once I
27 finished my master's. And then they started me

1 on a master's program, which was a stack of
2 books about as tall as I am and several papers
3 that I completed over a couple year period. And
4 then when I finished that I applied to be
5 accepted in the Ph.D. program and they accepted
6 me. Then it was kind of the -- almost the same
7 process as the master's. You know, a lot of
8 reading and writing and then I wrote a paper at
9 the end.

10 **PRESIDING COMMISSIONER SAWYER:** A paper
11 or a thesis?

12 **INMATE DAVIS:** A thesis.

13 **PRESIDING COMMISSIONER SAWYER:** And what
14 was your thesis on?

15 **INMATE DAVIS:** My thesis, they asked me
16 to write something that had something to do with
17 prison. I guess they really understood my
18 position. And so what I wrote was I wrote -- I
19 think the formal title was something like, a
20 spiritual survival manual or something like
21 that, for Christians in prison. And I wrote
22 about the 12 things I wish I would have known
23 first. Like I wish I would have known this
24 first, quickly. And I started out -- It's based
25 on -- The thesis, the whole outline was based on
26 Philippians 2, 11 and 12 where it says God has
27 worked certain things in you, number one, now

1 you work them out with your internment. So the
2 first part was the things that a Christian has
3 by position when he becomes a Christian. And
4 there were six parts talking about the power in
5 your life, the relationship. The different
6 things that we receive as the identification in
7 Christ and who we are. Kind of the static
8 things that are given by God. And then the
9 second part of the thesis, chapters five through
10 ten I guess, something like, starts off with,
11 now that you have this position what do you do?
12 And it starts off saying, well basically the
13 first and only -- well the first, the first and
14 most important thing you receive from God is the
15 ability to forgive others. Since you have
16 received forgiveness now the first thing you do
17 is begin to practice that. And so the first
18 chapter in the second part is on forgiveness.
19 And then the second part is, what do you do now?
20 How can you make an impact in your community?
21 And it's about, how do you explain yourself to
22 other people and how does that attract them to
23 change themselves? So what do you say about
24 yourself? And in that I go through an outline
25 about how to write your own testimony. I mean,
26 how to say what you have to say about yourself
27 in a very short way. So when you talk to a

1 person about it you don't bore him with a long
2 list of incidentals that he cares little about
3 but that you can paint him an emotional word
4 picture that will attract and hook him, get in
5 touch with his emotional history. Begin to show
6 him, hopefully by the power of God in his heart
7 as you speak, that where he has been and the
8 things in his life that contribute to his
9 present, and the things that he can do in his
10 present to assure or help assure an increased
11 state of well-being in his future. So that was
12 part of teaching another person how to think
13 about and talk about who he is, where he came
14 from and where he's going.

15 **PRESIDING COMMISSIONER SAWYER:** Did you
16 get this published at all?

17 **INMATE DAVIS:** You know, I'm still -- No,
18 I haven't yet. I was just talking to a friend
19 of mine, my editor. We're still going through,
20 going through the process. I believe it's going
21 to happen. I've had people say, we want to
22 publish this. But I don't know, maybe I should
23 just give up trying to perfect it and just give
24 it to them. It's hard to say, oh, it's
25 finished, you know what I mean? You keep
26 dabbling with it. I don't know if I'm improving
27 it or hurting it. And so we talk about that.

1 Then there's a chapter on there's thorns in the
2 rose garden. In the marketplace of ideas
3 there's all kinds of things being said. People
4 in prison because of their relative
5 hopelessness, anxiety, fear and so on and so
6 forth, are highly, they're vulnerable to any
7 information that tends to make them feel better
8 or give them hope. And so therefore they're
9 vulnerable to all kinds of stories, scams, myths
10 and whatever. And so our job is to really
11 review the sources of information and talk about
12 the reliability of the information and to try to
13 see how the reliability of the information
14 stacks up against the world that we experience.

15 **PRESIDING COMMISSIONER SAWYER:** You made
16 a comment there, you said, our job. Who were
17 you referring to?

18 **INMATE DAVIS:** Well I'm talking about --
19 I'm sorry, I shouldn't have said that. The job
20 of the person who is reading this book.

21 **PRESIDING COMMISSIONER SAWYER:** Okay.

22 **INMATE DAVIS:** I'm saying look, we're
23 together in this and we are all in this
24 exploration. And I am going to tell you some of
25 the things that I tripped over maybe you can
26 avoid. And so I go through and I talked about
27 -- The thorns in the rose garden are the things

1 from within and the things from without. And
2 there are certain things in what we call
3 traditional Christianity that are toxic to
4 everyone. In other words, the interpretations
5 and what it leads to on the social and
6 psychological level with the individual. What's
7 right, what's accepted, what we can do to make
8 it that way. What ought to be done to people
9 that disagree or how should they be treated.
10 And those kinds of things when they arise in a
11 cultural level -- I mean, we have witch hunts
12 and inquisitions and wars and all kinds of
13 things happen when the bible, as I understand
14 it, is misinterpreted and misapplied. So I'm
15 just talking to people in terms of, look, the
16 first thing we need to admit is we're ignorant
17 about most things. And in the end we'll find we
18 might have known -- hopefully we'll know a
19 little bit of true knowledge about a few things.
20 But we are going to admit our ignorance all the
21 time and work hard not to be too impressed with
22 our own final decisions and our own final
23 opinions and certainly not to require others to
24 agree.

25 **PRESIDING COMMISSIONER SAWYER:** It sounds
26 like a benefit. I'd like to hear more about it
27 but we are on somewhat of a schedule.

1 **INMATE DAVIS:** Anyway, so --

2 **PRESIDING COMMISSIONER SAWYER:** You are a
3 preacher, aren't you?

4 **INMATE DAVIS:** I'm not as -- I'm
5 enthusiastic about this.

6 **PRESIDING COMMISSIONER SAWYER:** I can
7 tell, I can tell, thank you. Mr. Sequeira, do
8 you have any questions?

9 **DEPUTY DISTRICT ATTORNEY SEQUEIRA:** I
10 have a couple of questions. The inmate
11 indicated that he was molested as a young child
12 but never told anyone. When did he reveal to
13 anyone that he had been molested?

14 **ATTORNEY EISENSTAT:** If you remember the
15 first time you discussed it.

16 **INMATE DAVIS:** You know, the first person
17 I ever told that to is my wife.

18 **PRESIDING COMMISSIONER SAWYER:** What year
19 was that?

20 **INMATE DAVIS:** Well, probably about 1985,
21 '84; '84 or '85.

22 **DEPUTY DISTRICT ATTORNEY SEQUEIRA:** Could
23 the panel ask, who were the persons that, what
24 are the names of the persons who molested him?

25 **INMATE DAVIS:** Let me go back just a
26 minute. I may have said something about that in
27 counseling before but I don't think so. I don't

1 remember. I remember when I talked to my wife
2 about it that was the time that it really got me
3 good. So that's, that's for me, that's the
4 watermark for when I really came out and said,
5 well, this is what happened. I'm sorry, you had
6 another question.

7 **DEPUTY DISTRICT ATTORNEY SEQUEIRA:** My
8 follow-up, my follow-up question was, could the
9 panel inquire of the inmate as to the names of
10 the two individuals who molested him?

11 **INMATE DAVIS:** Yes.

12 **DEPUTY DISTRICT ATTORNEY SEQUEIRA:** What
13 were their names.

14 **INMATE DAVIS:** The guy had a nickname,
15 his name was Tinker Kirkland. Kirkland was his
16 last name and I don't remember his real name.

17 **DEPUTY COMMISSIONER SMITH:** Mr. Davis,
18 you need to respond to us, not the deputy.

19 **INMATE DAVIS:** Okay. And the next one
20 was my seventh -- eighth grade. My eighth grade
21 English teacher in Harriman, Tennessee about
22 1957, David Bristow.

23 **DEPUTY DISTRICT ATTORNEY SEQUEIRA:** How
24 is the last name spelled?

25 **INMATE DAVIS:** Probably B-R-I-S-T-O maybe
26 W, maybe E, I'm not sure. I'm not sure.

27 **DEPUTY DISTRICT ATTORNEY SEQUEIRA:**

1 Additionally the question I would have is where
2 was the inmate on the evening of August 9th and
3 10th of 1969?

4 **ATTORNEY EISENSTAT:** If you remember.

5 **INMATE DAVIS:** August 9th and 10th?

6 **PRESIDING COMMISSIONER SAWYER:** Of '69.

7 **INMATE DAVIS:** Was that -- Are we talking
8 about the Tate/LaBianca?

9 **DEPUTY DISTRICT ATTORNEY SEQUEIRA:** Yes.

10 **INMATE DAVIS:** Okay. And I'll tell you,
11 this was a remarkable thing in that Susan Atkins
12 came to me and she says, we're going to go out
13 and do something really crazy tonight. And out
14 of my mouth came, well, I'm not going. And I
15 felt like Dr. Strangelove whose arm would raise
16 up and he couldn't control it. Because I had
17 never said no to those guys for anything. And I
18 said, no, I'm not going, and I had no idea what
19 it was about. I said, no, I'm not going. And
20 nobody argued. I thought I was going to get a
21 lot of flack. Nobody said -- I think she just
22 turned around, okay, boom. The next night in
23 the Tate case and the LaBianca's, the same thing
24 happened. I had these two flashes of good sense
25 almost beyond my, way beyond my normal walking
26 around, you know. My making bad decisions. As
27 soon as I said no and that was over I reverted

1 back to my stupidity and just stayed there at
2 the ranch. And then when we killed Shorty Shea
3 I was right there for it. Right there caught up
4 in it. And absolutely without excuse.

5 **DEPUTY DISTRICT ATTORNEY SEQUEIRA:** I
6 have no further questions.

7 **PRESIDING COMMISSIONER SAWYER:** Do you
8 have any questions, Mr. Eisenstat?

9 **ATTORNEY EISENSTAT:** This is a brief
10 follow-up to what you asked about, Commissioner.
11 Sir, you talked at length about your studies; I
12 won't go back into that. But how do you think
13 going through this process of five or six years
14 of getting your master's and your doctorate,
15 aside from whatever knowledge you gained, which
16 obviously is quite a bit, how do you think the
17 process itself has made you more suitable for
18 being paroled?

19 **INMATE DAVIS:** Well it's the hardest
20 thing I ever did as far as being challenged in
21 my mind. And it did let me know that I could
22 persist to the end of something. And I found
23 out that things worthwhile required a lot more
24 than I thought they would going in. And that
25 even though I thought I'd bitten of a whole more
26 than I could chew several times, that in the end
27 it came out that I was able to do this. And it

1 let me appreciate too other people that I --
2 Like Pastor Salsbury and other people that I've
3 -- And Roger Keech who is the engineer. It
4 really let me appreciate the kind of sweat they
5 had to put in with their lives to get to where
6 they were. And so I realized that even though
7 in my younger life things came -- I only did the
8 things that were easy so I never really had to
9 worry about struggling against things that were
10 difficult. I learned to weld pretty easy and so
11 I had a good job. And so I just didn't try to
12 do anything that wasn't easy so I, you know.
13 And when things got a little difficult I'd just
14 move. That was me. So in this process I
15 learned to get focused. Basically I really got
16 focused that there is something worthwhile to be
17 focused on. So once I was motivated that there
18 was something actually worth doing. And
19 probably the greatest surprise and happiness for
20 me, that I was able to participate in that to,
21 you know, a significant degree on my own. That
22 was a big step in my life. And I think it's
23 helped me to not only exercise myself within but
24 to really appreciate the work of others and what
25 they do and what it takes to get there. Does
26 that make any sense?

27 **ATTORNEY EISENSTAT:** Very much sir.

1 Thank you, sir. I have no other questions.

2 **PRESIDING COMMISSIONER SAWYER:** Okay.

3 Mr. Sequeira, would you like to close?

4 **DEPUTY DISTRICT ATTORNEY SEQUEIRA:** Thank
5 you. The Los Angeles County District Attorney's
6 Office remains adamantly opposed to the granting
7 of a parole date for inmate Bruce Davis for the
8 following reasons: Mr. Davis, first of all,
9 began his criminal history with a pattern of
10 unstable social interactions. By his own
11 admission he had some difficulty as a child. He
12 began wandering about, dropped out of college,
13 had some tumultuous relationships with his
14 parents, and then adopted a lifestyle where he
15 joined a cult group. In a sense at that time a
16 domestic terrorist organization. He became one
17 of Charles Manson's right hand family members.
18 Such as to the point where Manson trusted him to
19 drive him and other family members to the scene
20 of the first murder of which this inmate is
21 convicted. But I think the association with
22 Charles Manson and his cult following was
23 something that was willingly embraced by this
24 inmate. And despite the inmate's descriptions
25 of being molested as a child and having been
26 beaten at the hands of an abusive father I also
27 point out that he went to college. He was a

1 student. He was certainly functioning on his
2 own as an adult. And yet he made choice. He
3 made a choice to drop out of school, he made a
4 choice to adopt sort of the anti-war, Vietnam
5 War philosophy. Which in and of itself wasn't
6 bad except that that gravitated towards the
7 extremist element, which of course Charles
8 Manson and his family and his adoption of this
9 concept of Helter Skelter. Which was basically
10 to commit some murder in order to start a race
11 war in which thousands of people would be
12 killed. This inmate was an integral part of
13 that culture, part of that family and supported
14 it. By sheer luck and circumstance he was not
15 involved in the Tate/LaBianca murders but it
16 should also be pointed out that Charles Manson
17 carefully selected who was going to follow him
18 on the night of the Tate/LaBianca murders. And
19 I find nothing in the record to indicate that
20 Manson tried to select Bruce Davis to attend
21 those particular murders. But the family was
22 involved in recruiting members and attempting to
23 have those members turn over all their valuable
24 possessions to the family once they joined and
25 Charles Hinman who fit that description. The
26 family felt that he was coming into an
27 inheritance, he would have approximately \$20,000

1 or \$30,000, and so they wanted him to join the
2 family. At a minimum, turn over all those
3 possessions to the family. And I might point
4 out at that time the family lifestyle consisted
5 of, as Mr. Davis has mentioned, drugs, free sex,
6 poor hygiene, thievery and begging. So there
7 was an aspect of an escalating pattern of
8 criminal conduct that was occurring within the
9 family. This wasn't just petty thefts and
10 taking food from trash cans and things of that
11 nature. This family was moving towards much
12 more serious crimes, which is evidenced by the
13 Gary Hinman murder. Bruce Davis drove Manson,
14 Bobby Beausoleil, Susan Atkins and Mary Brunner
15 to Mr. Hinman's residence, dropped them off.
16 They attacked -- Bobby Beausoleil attacked and
17 pistol-whipped Mr. Hinman, demanded valuables.
18 Mr. Hinman said he didn't have anything. Bruce
19 Davis and Manson were then called back to the
20 residence. When they came back to the residence
21 Charles Manson came in and sliced off
22 Mr. Hinman's ear. Bruce Davis was present and
23 he was armed with a gun. I find it somewhat
24 incredulous that he said he took the gun away
25 from Bobby Beausoleil because somebody might get
26 hurt. I find that just an example of some type
27 of minimization that he somehow was the good guy

1 in all this, when in fact he wasn't. Because if
2 you look at his activities after the murders,
3 when he drives off with one of Hinman's cars and
4 brings it back to the ranch, he completes the
5 robbery, the residential robbery and murder.
6 Which is what this crime was, it was a robbery
7 and murder. And in addition it was a torture
8 and kidnapping over a period of a few days. And
9 Mr. Davis knew exactly what was going on. I
10 noted in his version he says he didn't know what
11 was going on other than they were going to take
12 money. But when the get calls for Manson and
13 Bruce Davis to come back to the residence and
14 they burst into the residence when they came
15 back, that Hinman wasn't cooperating, Bruce
16 Davis knew exactly what was going to happen to
17 Mr. Hinman if he didn't turn over the loot.
18 Hinman was brutally killed and tortured. And
19 this inmate, although he did not slice Mr.
20 Hinman's ear, certainly participated as an aider
21 and abetter, and of course, was one of the
22 people who helped carry away the property of Mr.
23 Hinman by driving the car away. It is true that
24 Mr. Davis was probably not in the room when Mr.
25 Hinman was killed. Because what happened as
26 they were leaving, Mr. Hinman was still lying
27 and gurgling when the girls went back in, Susan

1 Atkins and Mary Brunner, and they put pillows
2 over Mr. Hinman's face to suffocate him and
3 finally finish him off. Although it is somewhat
4 deceiving to say, he was very much alive the
5 last time I saw him. He was dying and he was
6 being tortured at the time, the last time
7 Mr. Davis saw Gary Hinman. That crime in and of
8 itself did not deter Mr. Hinman (sic) from
9 future criminal activity because, and this is
10 where I make the connection to his support of
11 this whole concept of Helter Skelter and the
12 Tate/LaBianca murders.

13 **DEPUTY COMMISSIONER SMITH:** Excuse me,
14 Mr. Sequeira, I need to turn the tapes over.

15 **DEPUTY DISTRICT ATTORNEY SEQUEIRA:** Yes,
16 certainly.

17 (The tape was turned over.)

18 **DEPUTY COMMISSIONER SMITH:** Thank you.

19 **DEPUTY DISTRICT ATTORNEY SEQUEIRA:**
20 Mr. Davis supported the Tate/LaBianca murders by
21 participating in the killing of Donald Shea, who
22 was believed at the time to have been a police
23 informant and somebody who was likely to snitch
24 or basically tell the police that the Manson
25 family was involved in the Tate/LaBianca
26 murders. So because Mr. Shea was believed to be
27 a police informant he was driven out to a

1 location. He was brutally stabbed, struck in
2 the head with a pipe wrench. Stabbed multiple
3 times by different assailants, including
4 Mr. Davis, and finally decapitated by Steve
5 Grogan. I find it interesting that Mr. Davis
6 claims that he unwillingly went along with it.
7 That he only stabbed the victim after the victim
8 was dead and the reason he knew the victim was
9 dead was because the victim wasn't bleeding.
10 Well that's completely ludicrous because unless
11 the victim had been lying there for a
12 significant period of time and the blood had
13 completely drained out of his body, the stab
14 wounds certainly would have caused death.
15 That's just a medical fact. So the fact that he
16 says that he thought the victim was dead at the
17 time that he stabbed him was a minimization of
18 this crime and an attempt to somehow put himself
19 in a minor role, when in fact he was in a major
20 role in this crime. Now, additionally this
21 still did not deter the inmate. Because as the
22 panel questioned the inmate regarding his arrest
23 for possession of a weapon, that occurred after
24 both the Hinman and the Shea killings. And I
25 find it interesting that Mr. Davis today said,
26 well he didn't know why he gave false
27 identification. But he knew darn well why he

1 gave false identification at the time. Because
2 he was worried about being a suspect in the Shea
3 murder and the Hinman murder. Because that gun
4 had been used and had been shot at the Hinman
5 house. And I find it somewhat deceiving that he
6 attempts to tell the panel, well I don't know
7 why I gave false identification. Because he was
8 worried about being implicated in those murders
9 because at that time he had not been arrested or
10 charged in either of those two crimes. The
11 pattern of minimization of his crime and the
12 lack of remorse is also reflected in the last
13 psychological report when Dr. Livingston said
14 that it was noted that there was nothing said by
15 the subject with regards to any feelings that he
16 had regarding the two victims. And I think
17 that's a valuable portion of the evaluation of
18 this inmate is how much remorse does he have.
19 He has chosen not to speak regarding the crime,
20 which of course he is not obligated to. But the
21 fact that he doesn't speak about the crime
22 leaves a void. It leaves a void in this hearing
23 in terms of how this panel can truly gauge how
24 much remorse and how much understanding and
25 insight he has into the commission of these
26 crimes. All we are left with is his version.
27 And as I pointed out, his version appears to be

1 a minimization of his involvement and shows a
2 lack of understanding and true insight into the
3 causative factors that made him commit this
4 crime. This inmate, there is something in this
5 inmate, as is evident in many of the other
6 family members, there is something in this
7 inmate that caused them to join this cult and to
8 participate in these murders. And there is a
9 similarity. Leslie Van Houghton gave the same
10 statement about, well, when I stabbed one of the
11 victims in the Tate/LaBianca she was already
12 dead. It's the same excuse. How difficult is
13 it to come to grips with the fact that you
14 stabbed someone with the intent to kill them,
15 which is what he is denying. Both of these
16 crimes in and of themselves if they were
17 committed today, of course, would make him
18 eligible for the death penalty or life in prison
19 without the possibility of parole. And actually
20 individually each of these crimes would have
21 made, on today's date, this inmate, Bruce Davis,
22 eligible for a minimum sentence of life in
23 prison without possibility of parole. The first
24 one was a robbery/murder. Actually kind of a
25 kidnapping/imprisonment/murder. The second one
26 is the killing of a potential witness, which is
27 a special circumstance, which would also make

1 him eligible for a minimum sentence of life in
2 prison without the possibility of parole or the
3 death penalty. So I think in weighing all of
4 the factors of suitability with respect to this
5 inmate, the commitment factors alone, the
6 escalating pattern of violence, the non-
7 supportive psychological evaluation all far
8 greatly outweigh any factors of suitability.
9 Therefore this inmate should be denied parole
10 and I would ask for at least a two year denial,
11 thank you.

12 **PRESIDING COMMISSIONER SAWYER:** Thank
13 you. Would you like to close?

14 **ATTORNEY EISENSTAT:** Yes, thank you,
15 Commissioner. Obviously I'm in complete
16 disagreement. And it's interesting when you
17 become an attorney you take an oath to defend
18 your client or represent your client. But when
19 you become a district attorney you take another
20 oath, and I believe Mr. Sequeira will correct me
21 if I'm wrong, that one of the things you are
22 doing because you are working for the people,
23 you take an oath to uphold the law as well. To
24 prosecute and faithfully uphold the law, or
25 words to that effect. And in listening to his
26 remarks, and not his personally but on behalf of
27 his office, it strikes me as that what the

1 People's position throughout this process of
2 many, many years, of decades has been, is not to
3 uphold the law but to argue in a way that's
4 popular, might appeal to your instincts, to your
5 emotions, but not the law. Because the main
6 point that Mr. Sequeira closed on was if this
7 happened today this would be a death penalty
8 case or it would be an LWOP, a life without
9 parole case. And I think ultimately what the
10 People are arguing is that, you know what, we
11 don't like the law. We don't like the fact that
12 my client has the opportunity to be paroled. So
13 what we're asking the Board to do is subvert the
14 law with a wink and a little nod. We all know
15 this is a bad case. We all know that terrible
16 things have happened. We don't think he
17 deserves to get out but the law says otherwise.
18 And that is what I am going to be in part
19 arguing about is that it is your duty, as you
20 gentlemen have also taken an oath, to uphold the
21 law. Now that may not be politically popular,
22 and I certainly have no doubt that if my client
23 did not have this connection with this
24 completely horrific set of circumstances, you
25 wouldn't have a special DA just for this case,
26 as opposed to all the other LA cases that you're
27 going to have later on. We wouldn't have -- The

1 notoriety that surrounds this case puts it in a
2 situation that is different but that does not
3 change the law. If the District Attorney's
4 Office doesn't like the law they certainly have
5 the wherewithal to try to change it, they
6 certainly have the wherewithal then to try and
7 induce whatever they could at that time to have
8 it changed. But they are stuck with the law.
9 And as opposed to subverting the law and saying,
10 this is why, what they're really saying is that
11 this should be an LWOP case or it should be a
12 death penalty case. But that's not what the law
13 says and that is not what your function is.
14 Your function is to apply the law fairly without
15 prejudice. And essentially what the People's
16 position is throughout, is let's appeal to the
17 baser instincts. But when you do that, when you
18 subvert the law, not only is my client not
19 protected but we lose those protections as well.
20 So I think it is very important to understand,
21 as you started in the very beginning of the
22 hearing, Commissioner, that you should not be
23 paroled unless you are not an unreasonable risk.
24 And virtually none of the argument that was put
25 forth by the People has to deal with an
26 unreasonable risk. I note that he did talk a
27 little bit about the last psych report but I

1 don't think it's any coincidence, as I was
2 looking through these, that I believe as far
3 back as 1991, and I was reviewing the psych
4 reports, they talked about my client's not being
5 a risk. One report says he is no risk, one said
6 he's below average. One says, 1994, undoubtedly
7 below average, 1991, below average. And it
8 seems to me that if the people were trying to
9 follow the law that just as a matter of fairness
10 they would bring up those matters as well. And
11 none of that, of course, was brought up. And
12 even though the Board Reports no longer allow
13 for an assessment of dangerousness I note that
14 the last three reports all indicate below
15 average. None of that is mentioned. Again,
16 essentially what the people are trying to do is
17 to re-litigate this case so they can say, this
18 is a horrible thing, it's really notorious. We
19 can't let this notorious man go free, even
20 though he has done absolutely everything that
21 this Board and the previous Board and the Board
22 before that and the Board before that has
23 requested. Every time they said, this is what
24 we want you to do. We want you to remain
25 disciplinary-free. Commissioner Smith went into
26 great detail about not only his minimal history,
27 but I believe the last serious violation was

1 over 23 years ago if my memory serves. So
2 that's done. The Board wanted him to upgrade.
3 Well, my client has a variety of vocations.
4 Commissioner Sawyer, you went into great length
5 asking him about what it took to get the
6 position he did in terms of his doctorate and
7 what was involved in that. It wasn't some fly-
8 by-night operation. He's prepared a thesis,
9 he's written it, it may ultimately be published.
10 But again, those are all the things that for
11 whatever reason the People decided not to talk
12 about. Clearly the facts of this case will
13 never change. The facts of his upbringing will
14 never change. The question becomes, based upon
15 what he has done, what you as the State have
16 asked of him, what he's done while in custody
17 has that made him a person who is now a
18 reasonable, or not an unreasonable risk to be
19 allowed in the community. Because the law does
20 not require, as it does in a criminal trial,
21 beyond a reasonable doubt. It doesn't say that
22 he has to be no risk. It says he has to -- As
23 long as he is not an unreasonable risk. And I
24 don't think I heard anything in the People's
25 closing that talks about why he is an
26 unreasonable risk other than the fact that 30-
27 some odd years ago, I think I was eight years

1 old when these things happened, that he did
2 terrible acts. Which clearly he did. He's
3 never denied that. I also would note that in
4 both the psych reports and in the Board Reports,
5 not just this one, they do talk at length at
6 various times, and I would invite the Board to
7 look through those as part of its deliberations.
8 He does talk about his remorse. He does talk
9 about how badly he feels. He talked today about
10 those poor decisions that he made then. And
11 again, there is no excuse. And one of the
12 things I think it was Commissioner Smith was
13 talking about was NA and AA. My client was
14 talking about, well, it's been helpful. And I
15 wish it was more helpful because he understood
16 that some of the people here are here because
17 the Board has said, you must do this. Well he's
18 doing it not because the Board is saying he must
19 do it, he's doing it to become a better person.
20 And that's one of the reasons he feels that when
21 he does go to those hearings -- not hearings --
22 those meetings in the outside world that they
23 will actually even have greater impact. Again
24 he could have just kind of toed the party line.
25 Oh, it was wonderful, it was perfect, oh yeah, I
26 learned a lot. Instead he again showed the
27 reflection in talking about how not that it

1 wasn't bad but how it could be better. So I do
2 think that -- And that does go, I think, hand in
3 glove with being remorseful in terms of having
4 the ability to reflect. Now, if we were doing
5 this hearing at his minimum eligibility date I
6 think he probably would have given a different
7 answer. Then it probably didn't mean that much.
8 But that minimum eligibility date occurred 20,
9 almost 30 years ago, 28 years ago if my math is
10 right. And I would submit that that was the
11 portion in which, perhaps, the People's argument
12 about how bad the crime was may have been
13 relevant then because the MEPD date has to deal
14 with the punishment aspect. And if what the
15 people are arguing about is he hasn't been
16 punished enough, then again the law says
17 otherwise. And again that comes back to what
18 your job is, part of your job is, is to follow
19 the law. Because once he is past the minimum
20 eligibility date he is eligible at that point.
21 And that's where the Board has to take into
22 account the other factors, is he suitable? We
23 know he has tremendous family support. We know
24 he has tremendous job potential. We know that
25 he has tremendous social support. We know that
26 he has a stick-to-it-iveness and ability to
27 follow things through that he did not have when

1 he came here. And one of the things that struck
2 me, not only the letter, of course, from Judge
3 Clark, which was a complete anomaly in terms of
4 his recommendation. As he mentioned, it's the
5 first time he's ever done that. But one of the
6 other things that again struck me was this
7 division of resources. Where are we going to
8 spend our resources as a society? The People,
9 the District Attorney's Office felt it was a
10 worthwhile use of their resources to send a
11 special person up here, as opposed to perhaps
12 working on other cases. We all know that there
13 is a tremendous cost in keeping my client
14 incarcerated and I know we spoke about this
15 briefly yesterday in another case. But it seems
16 to me that one of the issues as to, that goes
17 into the mix is not only is he an unreasonable
18 risk but is he safe to be returned to society?
19 Because are we going to spend the money that it
20 costs to incarcerate Mr. Davis on him or are we
21 going to put it someplace where it really is
22 needed in terms of making this a better and
23 safer society. Because every time you keep a
24 person like Mr. Davis in that's another program
25 for people who need more rehabilitative
26 services, or psychiatric services or supervision
27 is not going to happen. And I would submit that

1 keeping people like Mr. Davis in has the exact
2 opposite intended effect. It does not make
3 society safer. It, in fact, weakens society
4 because we are spending money on something that
5 is not necessary. It's like barring the door
6 when the horse has left the barn. It's a
7 useless act that may look good, it may have good
8 political window dressing, but it has no real
9 purpose. It doesn't make -- I will not sleep
10 safer and better at night knowing that Mr. Davis
11 is here and I don't think anyone else will. I
12 don't think it will have any effect whatsoever
13 in that regard. So I would ask the Board to go
14 over not just this most recent report, which I
15 believe is not powerfully written, but go over
16 the history, the totality. Because as I say,
17 from my reading of the reports going back for
18 approximately 15 years, all the psychiatrists
19 say he is not a risk. All of them talk about
20 that. Going back, again, to the last century
21 the Board Reports say he is not a risk. I think
22 we are at a point where the Board needs to
23 determine what we are going to do with people,
24 not just Mr. Davis but people like Mr. Davis,
25 who have done everything you have asked them to
26 do. There is not only a legal contract but
27 there is a social contract here. You have

1 requested of him certain things. You said, we
2 want you to do these things. He has done those
3 things. I believe that the Board in good faith
4 has to follow-up on its end of the bargain, if
5 you will. That once we request these things,
6 discipline-free, good trades, higher education,
7 good programming, helping others, and you have
8 done a sufficient amount of time. And I would
9 submit he has done well more than a sufficient
10 amount of time because that elapsed in 1977. I
11 think the Board has to follow through on its
12 and. And for those reasons I would request that
13 the Board grant a date and submit.

14 **DEPUTY COMMISSIONER SMITH:** Thank you.

15 **PRESIDING COMMISSIONER SAWYER:** Thank
16 you. Mr. Davis, this is your opportunity to
17 tell us, from you, why you feel you are suitable
18 for parole at this time.

19 **INMATE DAVIS:** Well, I believe from kind
20 of a rough start to sort of a most abstract
21 reason is that from all I can tell from what I
22 have seen, by what was told to me when I was
23 sentenced and when I first came to the Parole
24 Board, that there were going to be certain
25 requirements of time and my energy directed in a
26 way that they recommend and they said, you do
27 these things. And the spirit of the rules under

1 which I was then in 1977 said, you're going to
2 do X amount of years for the murders absolutely.
3 And then if you do the rehabilitation things in
4 an acceptable way then you are going to get
5 consideration for not doing a whole lot more
6 than that. But if on the other hand, if you
7 don't cooperate with the CDC and do the right
8 thing and keep aggravating your time you could
9 do forever. So I began to put that together in
10 my head over a period of time and saw that, you
11 know, it really is in my best interest to do the
12 right thing. And I had a lot of motivation for
13 doing the right thing by that part of the '70s.
14 And I started doing it as well as I could. And
15 I've worked to meet all the requirements and to
16 go beyond that. I wanted to do it for -- It
17 started out, well I'll do it because they want
18 me to, okay. And it was and I was pretty, I was
19 kind of feeling like a big victim, right. Oh,
20 these people, blah, blah, blah, blah. Well, I
21 got over that. I began to see that, you know,
22 this is a whole lot better than -- They are
23 recommending to me the things that are really
24 going to help me. And just because it's hard is
25 no reason for me to resist it. And that had
26 been my pattern. But once I got into it and
27 started to see that the things that were being

1 recommended to me actually were helping me I
2 began to wake up to that and said, okay, I'm
3 beginning to see it. Now you don't have to give
4 me a lot of motivation. For many years now I
5 haven't needed a lot of external motivation to
6 do the things that I was told that were required
7 of me in the beginning. So I've done what I
8 could. I prepared myself with the grace of God
9 to be the best I can be with what I have. I
10 wish that if there's something else I need to do
11 that I could take control of and take
12 responsibility for I'm open to hear it. So, you
13 know, I don't know. I don't know what else I
14 could do. I've done everything that I, that I
15 could think would be worthwhile. And mostly I
16 just want to do the right things. And I found
17 out that that's good. You know, I've changed a
18 lot. I mean, when I look back at the person
19 that did the crimes I did. Oh, it was me,
20 absolutely. And I did it and I knew what I was
21 doing and I wasn't duped or victimized by other
22 people. I was self-centered and stupid and
23 indifferent to the life of Gary Hinman and
24 Donald Shea. But I've seen past that. I've
25 seen me grow to a person that is horrified by
26 what I did. And I don't know. When I think,
27 well, what else could I do? I don't know. I

1 can't see anything other than just keep on doing
2 what I'm doing. Do I deserve to be paroled? I
3 don't suppose so, in the sense of deserve. I
4 can't -- I can't -- I don't know what is
5 required. If somebody were to have said, we
6 want you to do just this much time and do just
7 these things then maybe we could get down to
8 where I could say, okay, I did that much time
9 and I did just those things, like that in a very
10 specific way. Then I could say, okay, I've
11 gotten there so now I can say (inaudible).
12 You're very specific. I've only satisfied in a
13 very general way so it's hard to quantify
14 (inaudible). I'm sure I don't deserve mercy. I
15 hope to have some but I don't deserve it. I
16 believe I would be a productive part of society
17 and I look forward to it. I know I'm needed by
18 my daughter and my wife. And in my own way I
19 want to be out there. I've missed over half my
20 life because of my own acts. (Inaudible). The
21 district attorney did make a -- I'm sure he
22 didn't do this on purpose but Gary Hinman was
23 not decapitated. There may or may not -- I'm
24 sure that's an (inaudible). I had a special
25 circumstance when I (inaudible). Later on it
26 was found -- When his body was (inaudible)
27 decapitated, et cetera. And so the special

1 circumstances were taken off. That was about
2 1976. And the gun I bought with the phony ID I
3 bought way before any of this happened and I
4 still have no excuse for that. But I'm just
5 saying, just to get the calendar right here.
6 The fact is I didn't stab Gary. I cut him with
7 the tip of the knife and that was it. On his
8 shoulder through his clothes. And I did say --
9 And I didn't think he was -- I thought he was
10 dead because he wasn't bleeding. And I admit at
11 that point it was saying, well, that's
12 minimization, yeah, I was not accepting
13 responsibility for it. However, the truth is
14 the truth. I didn't stab him like a thrust of
15 the knife. I cut him on the shoulder to -- I
16 mean, they were standing there, I had to do
17 something and I did that. And I was weak and I
18 wish I hadn't done it, but I did. And I don't
19 mean for that to say, well, because you did that
20 you weren't involved. I was involved. I could
21 have -- I didn't -- I didn't physically resist
22 when they said, let's go. You know, there was
23 probably several things I could have done and I
24 didn't do it. So I sure am guilty for what I
25 did, absolutely. So does all that add up that I
26 should get a parole? Well yes, from my point of
27 view, yes. I look forward to it. My wife was

1 telling me, she said, I hate it when you go. I
2 get all built up and think and then I'm
3 disappointed. Well, I can identify. But I know
4 that I'm the one that got myself into this. If
5 I ever get out it would be the grace of God.
6 I'm sort of at, I'm on the mercy of the court so
7 to speak and I realize that. I believe I'll do
8 well with whatever happens. I have a great
9 future without regard to what anybody else does.
10 I just hope I can spend it out there with my
11 family and get a chance to maybe do something
12 material to show that I have remorse and that I,
13 that I have rethought it all and to get a chance
14 to give it back. You know, I didn't realize for
15 a long time what a bad deal the Tate/LaBianca
16 and the Manson thing had caused until my wife
17 said, you know, you ought to read Helter
18 Skelter. And this was in '85. And I had always
19 gone through the, well, I just didn't want to
20 look at it. And I would always say, I was
21 around those guys, I know what happened, blah,
22 blah, blah. And so I didn't really have to deal
23 with it the way everybody else did. So I read
24 this book and it was, oh man. I was reading it
25 and it was right on. I mean, I was going, oh
26 man. And there was something about it that
27 really brought it home to, this is bigger than

1 you thought. This was bigger than you have ever
2 been willing to look at. About a year ago an
3 officer sitting on our floor, I was going out
4 the door and he said, hey Davis, come here a
5 minute. He said, were you involved with Charlie
6 Manson there? And said, yeah. He said, I was
7 only six years old. And he started telling me
8 about the fear that it caused, he was living in
9 LA, and just all kinds of stuff. And it really,
10 you know. So my picture is becoming more and
11 more complete of the destruction and the loss
12 and all the kinds of things that I was involved
13 in doing. And all that to say, I really, I
14 really pray for a chance to rectify that so to
15 whatever degree that my life allows from this
16 day forward. And I appreciate your attention.

17 **DEPUTY COMMISSIONER SMITH:** Thank you,
18 Mr. Davis.

19 **PRESIDING COMMISSIONER SAWYER:** Thank
20 you.

21 **ATTORNEY EISENSTAT:** Thank you,
22 Commissioners.

23 **PRESIDING COMMISSIONER SAWYER:** We are
24 going to recess for deliberations and the time
25 is 1:49.

26 **R E C E S S**

27 **--oOo--**

1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 DEPUTY COMMISSIONER SMITH: We are back
4 on the record. Everyone previously identified
5 is back in the hearing room.

6 PRESIDING COMMISSIONER SAWYER: Okay, the
7 time is 2:23. The panel has received all of the
8 information from the public and relied on the
9 following circumstances in concluding the
10 prisoner is not suitable for parole and would
11 pose an unreasonable risk of danger to society
12 or a threat to public safety if released from
13 prison. The offense, the commitment offense,
14 the victims in this case, both Mr. Gary Hinman
15 and Donald Shea were beaten, certainly abused
16 and mutilated during the commission of these two
17 different offenses. The motive for this
18 particular crime was money, property. It was
19 certainly robbery in the Hinman case, a kidnap
20 in the Hinman case, torture in the Hinman case
21 as well as torture in the Shea case. The crimes
22 were done in an especially cruel and callous
23 manner by the defendant's people. Mr. Davis
24 does not have an extensive rap sheet. His pre-
25 convictions dealt with minor crimes, primarily
26 marijuana, receiving stolen property. He was
27 BRUCE DAVIS B-41079 DECISION PAGE 1 09/27/05

1 arrested for receiving stolen property, grand
2 theft auto, contributing to the delinquency of a
3 minor. Those were all dropped. He was arrested
4 for another case for receiving stolen property,
5 no disposition in some of these. And then
6 arrested for fraudulently obtaining a firearm by
7 giving false information to a firearms dealer,
8 for which he had a warrant up until 1998 that
9 has been rescinded. But most of his unstable
10 and tumultuous relationship was in the cult
11 itself, in the Manson family cult, leading up to
12 these particular crimes. Leading up to and
13 during and after these particular crimes. A
14 life geared towards sex, drugs, poor hygiene,
15 thievery and begging was the promoted lifestyle.
16 And that certainly -- He was just out of
17 control. It's probably more of a haze than
18 facts, specific facts to remember during that
19 period of your life, Mr. Davis, because of the
20 abuse that you were doing to yourself. Your
21 institutional behavior, sir, has been
22 outstanding. There is just no question about
23 it. Currently working as a bridging clerk. You
24 have been a rec aide. You're teaching bible and
25 parenting classes, personal growth seminars.
26 Yokefellows, you're involvement in Yokefellows
27 **BRUCE DAVIS B-41079 DECISION PAGE 2 09/27/05**

1 has been noted many times. You have received
2 since you've been down a welder, you have
3 received certification in welding in the past as
4 well as a drafting certificate and feel that the
5 drafting and welding are employable skills.
6 Without a doubt, clearly, receiving your
7 doctorate in 2002 was something I know I'll
8 probably use in subsequent hearings. When
9 somebody says to me they can't get their
10 education while they are in custody I'm going to
11 hold you up sir to say, not by name, but I will
12 hold you up and say, I know a guy who's got his
13 master's. And I know what can be done and you
14 have proved it. And I enjoyed, I enjoyed
15 speaking with you and listening to you today. I
16 think you had some interesting things to say
17 about the institution. Your three 115s, many
18 years ago, the last one in 1980. The five 128s
19 in 1992, you have distanced yourself from those
20 sufficiently to where there's no question about
21 that you have got a good handle on your behavior
22 and it's hard to do. As my partner said, you
23 clearly are and that's very hard to do. You
24 should be commended in that area. The
25 psychological done by Joe Livingston on 10/28 of
26 '03. I'm just going to give you the last half
27 **BRUCE DAVIS B-41079 DECISION PAGE 3 09/27/05**

1 of the sentence in the last part. It's probably
2 more accurate to include that this is under risk
3 of violence. It's probably more accurate to
4 include that this subject's level of risk for
5 future violence in the free community is low to
6 moderate level. There's always this question
7 about, what is, is? What is low to moderate
8 when a psychologist says that? We're not quite
9 sure at this point. If we're going to say
10 something we're going to say it's probably a
11 good psych, a good psych report. You're low to
12 moderate according to the psychologist. In the
13 area of parole plans. You desperately want to
14 -- and it tears my heart out, sir. You
15 desperately want to live with your wife and
16 daughter. And I can hear that in your voice and
17 I see that in your face and I certainly can
18 understand that. They're currently living in a
19 condominium in Grover Beach in San Luis Obispo
20 County. And there was an indication in the file
21 that said as far as your future plans it said,
22 employment, letters of support for and
23 employment opportunities expected to be in the
24 Central File or this file. There wasn't any for
25 the employment areas but I did go back in a
26 couple of your -- I did go back in the last

1 couple of years and extracted the Marine
2 Exchange in Los Angeles to work there. I have a
3 Campbell-Taylor Insurance Company to work there.
4 And I saw somewhere and I couldn't find it,
5 that's what was taking me so long, I couldn't
6 find it and I'm going to ask you. You had an
7 offer for an associate pastor job at a church
8 here?

9 **INMATE DAVIS:** Last year Pastor Salsbury,
10 he wrote a letter. He had some health problems
11 and he didn't get into a long letter here.

12 **PRESIDING COMMISSIONER SAWYER:** As far as
13 you know does that offer still stand?

14 **INMATE DAVIS:** Well I couldn't speak for
15 him but I wouldn't say -- I don't know.

16 **PRESIDING COMMISSIONER SAWYER:** Okay.

17 **INMATE DAVIS:** I just don't know.

18 **PRESIDING COMMISSIONER SAWYER:** A strong
19 I don't know.

20 **INMATE DAVIS:** Things can happen.

21 **PRESIDING COMMISSIONER SAWYER:** Okay, all
22 right. Things weren't prepared adequately
23 enough this time. I had to go search for your
24 job. That needs to -- For your next hearing in
25 a year you're going to need to kind of firm up
26 the, firm up the plans. And quite frankly given

27 **BRUCE DAVIS B-41079 DECISION PAGE 5 09/27/05**

1 this, you're eligible for social security. Not
2 a lot of money. You and I are. And so that's
3 one source.

4 **INMATE DAVIS:** Yeah.

5 **PRESIDING COMMISSIONER SAWYER:** And you
6 can make note of that too if somebody doesn't
7 figure that out. And the other is, because
8 we're in our sixties now, you know, we're facing
9 retirement in the face and that's another
10 option. So then I'd need to know a little bit
11 more about your wife's ability to support you.
12 So that's an area that --

13 **INMATE DAVIS:** For next year.

14 **PRESIDING COMMISSIONER SAWYER:** Yes, yes
15 sir.

16 **INMATE DAVIS:** Will do.

17 **PRESIDING COMMISSIONER SAWYER:** The Los
18 Angeles District Attorney's Office, represented
19 by Mr. Sequeira, was in opposition. I again
20 want to commend you, sir, for your doctorate,
21 your master's degree, all the other education
22 leading up to that. The Yokefellows, teaching
23 bible and parenting classes. Doing service
24 internally. God's got some plans for you and
25 he's using you from the looks of it.

26 **INMATE DAVIS:** Sure.

27 **BRUCE DAVIS B-41079 DECISION PAGE 6 09/27/05**

1 **PRESIDING COMMISSIONER SAWYER:** Your job
2 as a bridging clerk and rec aide and your other
3 skills. Again to be commended on your
4 disciplinary. However this crime, this crime
5 sir, was horrific. As you mentioned, and I
6 found it interesting when you read Helter
7 Skelter. You mentioned that how terrified Los
8 Angeles was. How much impact the Manson cult
9 had on Los Angeles from these horrific murders.
10 It affected a lot of lives. I was a cop for two
11 years when that went down. I was in the
12 neighborhood. I worked the freeways, I worked
13 I-5 in the Los Feliz area. I grew up in the San
14 Fernando Valley by Chatsworth so I related very
15 well to all of this going on. And I worked with
16 Mr. Grogan's brother.

17 **INMATE DAVIS:** He's a CHP right?

18 **PRESIDING COMMISSIONER SAWYER:** That's
19 right. I was on the CHP. And so we're going to
20 deny one year, sir. Tune it up, good luck to
21 you. The standard recommendations: Stay
22 discipline-free, you know how to do that.

23 **DEPUTY COMMISSIONER SMITH:** We were also
24 going to ask for a brand new psychosocial
25 evaluation since the last one was in 2003.

26 **ATTORNEY EISENSTAT:** Yes, we would

27 **BRUCE DAVIS B-41079 DECISION PAGE 7 09/27/05**

1 request that Commissioner as well, thank you.

2 **INMATE DAVIS:** Another psych report?

3 **ATTORNEY EISENSTAT:** Yes.

4 **PRESIDING COMMISSIONER SAWYER:** Yes, sir.

5 **DEPUTY COMMISSIONER SMITH:** Which I
6 wouldn't anticipate you would have any trouble
7 with. I would be very surprised if there was
8 one that was negative. But having one more
9 current is in your best interest. And I would
10 also like to say, to trail on Commissioner
11 Sawyer, you have been married for 20 years and
12 maintaining a marriage relationship for 20 years
13 is kind of like establishing a disciplinary-free
14 history. It's not easy and you are to be
15 commended for that. But even with that being
16 said, the two of you have never had the
17 opportunity and the joy of being able to live
18 together. Which I'm certainly not doubting your
19 success, but that creates a whole other set of
20 situations for you, as are aware.

21 **INMATE DAVIS:** Yes.

22 **DEPUTY COMMISSIONER SMITH:** And should a
23 worse situation occur and you find yourself
24 living alone, your history tells us that up
25 until '72 you didn't do well making decisions
26 living alone. That's part of the reason why the

27 **BRUCE DAVIS B-41079 DECISION PAGE 8 09/27/05**

1 Commissioner said, we need something a little
2 bit more firm about what you are going to be
3 doing in the community. Where you are going to
4 be working. We know where you are going to be
5 living, and we trust that will be the case. But
6 where are you going to be working? Because the
7 last thing we would want to see would be you to
8 be on your own without employment, just based on
9 your history. And that's a question that not
10 only we ask of ourselves, but if you're granted
11 a date, and although it's been certainly a very,
12 very long time that you have been incarcerated,
13 I do believe you are getting close to a date.
14 Those kinds of questions, we grant a date or
15 another panel grants a date, those are the kinds
16 of questions that are going to be asked by legal
17 staff and the Governor's Office. And if we
18 haven't adequately asked those questions and
19 provided those answers they're simply going to
20 rescind your date. Once you get a date we'd
21 like to have it hold.

22 **INMATE DAVIS:** Absolutely.

23 **DEPUTY COMMISSIONER SMITH:** Okay. So I
24 wish you well.

25 **INMATE DAVIS:** I appreciate your
26 recommendations.

27 **BRUCE DAVIS B-41079 DECISION PAGE 9 09/27/05**

1 **DEPUTY COMMISSIONER SMITH:** Okay. Good
2 luck to you, sir.

3 **PRESIDING COMMISSIONER SAWYER:** Good luck
4 to you, sir.

5 **DEPUTY COMMISSIONER SMITH:** Counsel,
6 thank you.

7 **INMATE DAVIS:** Thank you both.

8 **ATTORNEY EISENSTAT:** Thank you.

9 **DEPUTY COMMISSIONER SMITH:** Mr. Sequeira,
10 thank you.

11 **DEPUTY DISTRICT ATTORNEY SEQUEIRA:**
12 (Overlapping).

13 --oOo--

14
15
16
17
18
19
20
21
22

23 **PAROLE DENIED ONE YEAR**
24 **THIS DECISION WILL BE FINAL ON: Jan. 25, 2006**
25 **YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT**
26 **DATE, THE DECISION IS MODIFIED.**
27 **BRUCE DAVIS B-41079 DECISION PAGE 10 09/27/05**

CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, RAMONA COTA, a duly designated transcriber, PETERS SHORTHAND REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 - 89, and which recording was duly recorded at CALIFORNIA MEN'S COLONY, SAN LUIS OBISPO, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING OF BRUCE DAVIS, CDC NO. B-41079, ON SEPTEMBER 27, 2005, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape to the best of my ability.

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

Dated October 17, 2005, at Sacramento County, California.



Ramona Cota
Transcriber
CAPITOL ELECTRONIC REPORTING