

STATE OF CALIFORNIA
OFFICE OF THE GOVERNOR
THE HONORABLE EDMUND G. BROWN, JR.

In re JOSEPH HUNT

**APPLICATION FOR COMMUTATION
OF SENTENCE**

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Attorney for JOSEPH HUNT



Governor Edmund G. Brown Jr. · State Capitol · Sacramento, California 95814

APPLICATION FOR COMMUTATION OF SENTENCE

Complete this application to request a commutation of sentence from the Governor. A commutation is a reduction or elimination of a sentence. **If granted, this application will become a public record, however specific personal information will be redacted (hidden) before it is made available to the public.**

APPLICANT INFORMATION

Name: Joe Hunt Date of Birth: 10/26/59 Inmate ID: D61863

Address: CHCF, PO Box 31960, Stockton, CA 95213 Facility: California Health Care Facility

1. Conviction Summary:

List all prior convictions, including any in other states or countries. Attach additional pages if necessary.			
Offense(s):	Date of offense(s):	County of conviction(s):	Sentence(s):
PC 187, Murder	6/6/84	Los Angeles	LWOP
PC 190.2(a)(17), Spec. Circ. Robbery	"	"	"
PC 211 Robbery	"	"	Stayed

2. Briefly describe the circumstances of the crime(s) for which you are requesting a commutation (attach additional pages as necessary):

See attached.

3. Explain why you are requesting a commutation (attach additional pages as necessary):

See attached.

4. Provide a brief statement explaining why you should be granted a commutation (attach additional pages if necessary):

See attached.

5. If you have paid any money or given any gift to anyone to assist in the preparation of this application, list their name, address, and amount paid or given (required by Penal Code section 4807.2):

Charles F.A. Carbone (CA SBN 206536), Law Office of Charles Carbone, PO Box 2809, San Francisco, CA 94126; \$7,000

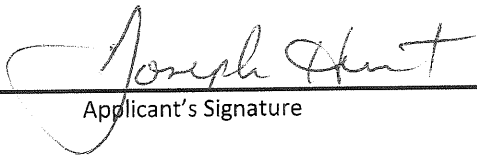
STATEMENT OF NOTICE TO DISTRICT ATTORNEY AND DECLARATION UNDER PENALTY OF PERJURY

This application may be submitted to the Board of Parole Hearings for investigation and recommendation pursuant to Penal Code section 4812. This application may also be submitted to law enforcement or other agencies for investigation or recommendation.

Penal Code sections 4804 and 4805 require that you give the District Attorney in the county of conviction written notice of your intention to apply for a commutation. You must complete the Notice of Intent to Apply for Executive Clemency (attached) and mail it to the District Attorney before submitting this application to the Governor's Office.

I, Joseph "Joe" Hunt, declare under penalty of perjury under the laws of the State of California that I
(Print Full Name)
have served the District Attorney of the County of Los Angeles with notice of my intent to apply for a
(Name of County*)
commutation.

I further declare under penalty of perjury under the laws of the State of California that the information I have provided on this application is true and correct. I understand that any omission or misstatement of facts may result in the denial of the application and the filing of perjury charges against me.


Applicant's Signature

1/29/2018
Date

*If Applicable, List Additional Counties Here (Send Notice of Intent to Apply for Executive Clemency to All Counties Listed)

NOTICE OF INTENT TO APPLY FOR EXECUTIVE CLEMENCY

This notice is required by Penal Code sections 4804 and 4805.

To the District Attorney of Los Angeles County: Please take notice that I, Joseph "Joe" Hunt,
was convicted of the crime of Murder, PC 187; Spec. Circ. Robbery, PC 190.2(a)(17); Robbery, PC 211,
committed in Los Angeles County, California, on the date of 6/6/84.

I will submit this application to the Governor of the State of California.


Applicant's Signature

1/29/18
Date

DISTRICT ATTORNEY ACKNOWLEDGEMENT

This section to be completed by the District Attorney only.

I, _____, District Attorney of the County of _____,
do hereby acknowledge receipt of notice from _____,
that he/she intends to apply to the Governor of the State of California for a commutation of sentence.

Signed _____

Date _____

District Attorney: Please Return this Notice to the Governor's Office, Attn: Legal Affairs, State Capitol, Sacramento, CA 95814.

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EXHIBITS

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10 **STATE OF CALIFORNIA**

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12 **THE HONORABLE EDMUND G. BROWN, JR.**

13 In re JOSEPH HUNT,

14 **APPLICATION FOR COMMUTATION OF**
15 **SENTENCE**

16
17 **I. INTRODUCTION**

18 Joseph Hunt is not defined by his crimes. Thirty-three years later, he is a different
19 person: a chapel assistant and law clerk, a friend, a philanthropist, a voice for tolerance and
20 nonviolence among his peers, a spiritual seeker, and a positive impact on his community.
21 Hunt urges the Governor to look past the notoriety of his crimes, committed when he was
22 24 years old, to the person he has become.

23 //

24 //

25 //

26 //

II. CRIMINAL CONVICTION AND PROCEDURAL HISTORY¹

The facts of Hunt's case are complex, and the procedural history perhaps more so. In short however, in the early 1980's, Hunt formed and led a group that came to be known as the "Billionaire Boys Club" (BBC). The group's purpose was to invest in commodities, technology, and arbitrage. Initially appearing to prosper, the BBC attracted investors, but it eventually lost the bulk of its investments in the commodities market. With high overhead, lavish personal spending, and little income, the BBC was essentially a pyramid scheme.

Of obvious relevance, Ronald Levin was the victim in Hunt's life crime. Levin persuaded Hunt and the BBC that he was a wealthy individual with money to invest. To the contrary, though, Levin was a con man who perpetrated an elaborate hoax on Hunt and the BBC. The profits Hunt earned from Levin's investment, had they been real, would have kept the BBC going, at least temporarily; but without Levin's money, the BBC was crumbling.

With his ire and distress over the hoax as motive, Hunt was convicted of murdering Levin on June 6, 1984, with the aid of James Pittman. Levin's body was never found. Hunt's longtime friend and fellow BBC member, Dean Karny testified, in exchange for immunity from prosecution, that Hunt disclosed the plot to kill Levin and confessed to Levin's murder. Hunt was convicted by jury of first degree murder with a robbery special circumstance and sentenced to life in prison without the possibility of parole (LWOP).

//

¹ The facts are drawn primarily from the California Court of Appeal and Los Angeles Superior Court denials of Hunt's habeas petition in *In re Hunt*, case nos. B110428 (Jan. 15, 1998) (Cal. Ct. App. 2d Dist.) and A040435 (July 12, 1996) (Cal. Sup. Court, L.A. County). These decisions, in addition to the Ninth Circuit Court of Appeals' recent denial of the petition in *Hunt v. Virga*, case no. 13-56207 on June 10, 2016, are attached as Exhibit A. Hunt's conviction was affirmed on direct appeal in *People v. Hunt*, case no. B029402 (November 23, 1993) (Cal. Ct. App. 2d Dist.) [unpub.].

1 The California Court of Appeal affirmed Hunt's conviction in *People v. Hunt* (Nov. 23,
2 1993) B029402 [nonpub. opn.], and later denied his habeas petition in *In re Hunt*, case no.
3 B110428 (Jan. 15, 1998). The Los Angeles Superior Court previously denied the petition in
4 case no. A040435 on July 12, 1996 following an evidentiary hearing. The United States
5 District Court for the Central District of California denied Hunt's habeas petition in *Hunt v.*
6 *Virga*, case no. 98-cv-05280 on February 1, 2013. The Ninth Circuit Court of Appeal denied
7 the petition in case no. 13-56207 on June 10, 2016.
8

9 10 **III. REHABILITATION**

11 **A. In-Custody Conduct and Programming**

12 Hunt has an exceptional record of in-custody conduct and programming. He devotes
13 himself to community service inside and outside the institution; he is a founder, facilitator
14 and member of self-help programs; a mentor, an advocate for prisoners; and a long-term
15 employee of both the prison law library and the prison chapel. Chronos and letters from
16 correctional officers and staff evidence the depth of Hunt's commitment to pro-social
17 activities, his contribution to the community, and how this work enabled his rehabilitation.
18

19 One of Hunt's enduring achievements was the development of the Men's Group at
20 CSP-Sacramento.² Hunt helped found and lead the program, hosted hundreds of group
21 meetings, and served as an elder in the Circle.³ As Chaplain William Goeke wrote of Hunt:
22 **"His is a voice of healing and compassion. The other men look to him for direction**
23 **and encouragement."**⁴
24

25 //

26
27 ² See, generally, Ex. B (Chronos, Letters & Certificates from CDCR Officers and Staff) at 1-4.

28 ³ *Id.* at 1.

⁴ *Id.* (emphasis added).

1 Both Chaplain Goeke and Chaplain Dennis Merino, who worked closely with Hunt
2 over 20 years in the Catholic Chapel at CSP-Sacramento, offer high praise of his work ethic
3 and commitment to service. Chaplain Goeke describes how the thousands of hours Hunt
4 devoted to training equipped him to become like a deacon or junior minister, leading Men's
5 Group, meditation groups, Christian programs, and generally being of service to prisoners in
6 need of spiritual counsel.⁵

8 Chaplain Merino, speaking of Hunt's service to the Catholic chapel and journey of
9 self-discovery in light of the Chaplain's own hesitation about working with prisoners,
10 declares: **"Joseph Hunt made my ministry and work in prison worthwhile."**⁶ He adds:

11 I found him to be an asset to the Catholic Program and to myself. He fulfilled
12 his duties with commitment and integrity. I had complete confidence in him.
13 I also was able to observe him interact with other prisoners on the yard. He
14 always made himself available to their needs. He has been a model prisoner
for many years. He exuded a non-threatening personality to everyone.⁷

15 Chaplain Merino also describes the transformational nature of the Inside Circle Men's
16 Group, of which Hunt was an integral part, requiring personal responsibility, maturity, and a
17 willingness to change. Chaplain Merino notes that for the 40 inmates who paroled from this
18 group, the recidivism rate is less than 1%.⁸

20 Similarly, Correctional Officer M. Saesee at Pleasant Valley State Prison (PVSP), who
21 had regular contact with Hunt as Floor Officer in Hunt's building (in addition to 15 years'
22 experience as a Correctional Officer), wrote of Hunt:

23 My overall experience, and these assignments at PVSP, have put me in a
24 position to have access to information bearing on Hunt's conduct and
25 affiliations, and has given me an opportunity to observe Hunt's daily conduct.

26 ⁵ Ex. B (Chronos, Letters & Certificates from CDCR Officers and Staff) at 1.

27 ⁶ *Id.* at 2 (emphasis added).

28 ⁷ *Id.*

⁸ *Id.* For additional evidence of the positive impact of the Men's Group, see Ex. C (Support Letters from CDCR Inmates) at 1, 4, 10.

1 In my opinion, Hunt has no inclinations to re-offend. All of his activities
2 appear directed towards positive goals. He has a reputation for helping
3 others in ways consistent with institutional policies. **I would place him**
4 **solidly in the top one present as far as suitability for reintegration with**
5 **society.** He has a calm and affable bearing, responds to orders without
hesitation, and exhibits absolutely no interest in drugs, pruno, or affiliations
that are associated with prison violence.⁹

6 Hunt's work in the law library is likewise noteworthy. His supervisor at PVSP,
7 Senior Librarian D. Brunk, wrote that Hunt went "above and beyond" as law library clerk,
8 performing the duties usually divided among three clerk positions.¹⁰ "His organization
9 skills and knowledge of pertinent legal matters was most helpful to his fellow inmates."¹¹

10 In addition to his work inside the law library, Hunt has aided numerous prisoners in
11 filing habeas petitions, lawsuits, and inmate appeals. This effort, as well as Hunt's
12 mentorship in yoga and meditation, and his genuine friendship with other prisoners, is
13 reflected in the numerous letters from inmates in support of his commutation.¹² These
14 letters are testaments to Hunt's rehabilitation.

15
16 Ronald Price, who has known Hunt for 29 years, describes the positive impact Hunt
17 had on his life:

18 Mr. Hunt prepared an appeal for me to file on the grounds of actual
19 innocence. That appeal, prepared by Mr. Hunt, is the reason I have been
20 transferred from state prison back to the county jail to await a court decision
21 on whether to grant me a new trial or possibly release me from custody.

22 In addition to preparing my court papers, Mr. Hunt also taught me how to
23 read and understand the law. He showed me how to research case law and
24 more. For the 29 years I have known Joseph Hunt he has always been the
25 kind of person willing to help others. While we were housed at New Folsom,
Mr. Hunt invited me to attend his self-help program that provided inmates
insight into their own criminal behavior and how to change such behavior.¹³

26 ⁹ Ex. B (Chronos, Letters & Certificates from CDCR Officers and Staff) at 5 (emphasis added).

27 ¹⁰ *Id.* at 6.

28 ¹¹ *Id.*; see *id.* at 7.

¹² See, generally, Ex. C (Support Letters from CDCR Inmates).

¹³ *Id.* at 1.

1 Inmate Jeffrey Percell says Hunt led positive change on individual and institutional
2 levels, both “a driving force for me to become involved in positive programming” and
3 “instrumental in reducing the incidence of violence in the population.”¹⁴ Similarly, Bradley
4 Proulx writes that Hunt “saved [him] from dying alone in a prison cell,” and that his
5 compassion – “he openly gives to anyone in need without prejudice” – had a ripple effect:
6

7 [Hunt and I] were both deeply involved in a Men’s Support Group called “The
8 Warriors.” We met every week, and the heated racial issues of the times
9 never invaded our safe space. Thanks to Joe’s articulate facilitation skills and
10 his determination to achieve peace and harmony in every part of his life, that
11 group blossomed into an unprecedented success at one of the worst prisons
12 in the state. Every one of us know something magical from our
13 accountability pledge.¹⁵

14 Alan Adams, who has known Hunt for approximately 20 years, many as cellmates,
15 also credits Hunt with saving his life (and his soul):

16 When Joe came into my life I was a spiritual wreck. Overwhelmed with guilt
17 and remorse for my own actions, I struggled for reasons to live.

18 When Joe and I became cell mates I saw right away his devotion to spiritual
19 matters. Every morning and evening and often during the day, Joe would do
20 his “pranayamas” and then meditate. As Joe got to know me and my
21 struggles, he offered assistance for my troubled soul. Considering myself an
22 atheist, I was reluctant and felt I would be a hypocrite to accept such succor.
23 However, Joe was persuasive, and I expanded my thinking to consider
24 spiritual aspects of human existence. I read some spiritual books he
25 provided and began meditating.

26 I remember Joe telling me to expect tangible results from meditation and
27 spiritual practices, because the laws governing the spirit are just as real and
28 consistent as the laws governing the physical universe. With Joe’s assurance,
I faced my darkest fears in meditation, and was not answered with the
silence I [] expected. Instead, I was lifted, and had revealed my connection to
the Divine. I was spiritually reborn. **Through Joe’s love and caring, he did
not just save my life, he saved my soul.** Joe once asked me if I had the
power to exert any control over the past. I said no. He replied that it would
be a cruel God that held you responsible for things over which you have no
control.

¹⁴ Ex. C (Support Letters from CDCR Inmates) at 2-3.

¹⁵ *Id.* at 4-6; *see id.* at 20.

1 Over the years, I have witnessed Joe similarly help many other people. He
2 cares about people and has a sense of duty to assist where God has given him
3 the ability and talent to do so. He [] assisted numerous people obtain needed
4 medical care by helping them navigate the red tape of the bureaucratic
5 process. He has steered people from the violence so common in prison, and I
6 have personally witnessed him use the political capital gained from such
7 goodwill to forestall two imminent riots between groups of prisoners.¹⁶

8 Moala Tofavaha Ngaue tells of a similar experience. After watching Hunt practice
9 yoga and meditation for some time, and seeing the apparent tranquility in his demeanor,
10 Ngaue turned to Hunt for help:

11 I figured if I was like Joe, Id' be less depressed, so eventually I asked Joe about
12 the yoga stuff and he explained . . . but what struck me profoundly is "it can
13 cultivate a better person."

14 I had been first in my class as a renown[ed] member of the Raymond Crips,
15 and founder of the Tongan Crips. Violence is how I breathed.

16 The idea of becoming a different/better person appealed to my better half, so
17 like a shy kid, I practiced in secret: I'd lie on my back and practice savasana
18 by concentrating on drawing/moving energy from toes, inch by inch, to top
19 of head, to crown of head, wow! Something that simple had begun the
20 process of kick-starting my brain which, among other things, allowed me to
21 realize that I'm better than I've shown.

22 Yoga changed my life forever.¹⁷

23 Tuan Doan likewise describes how Hunt's mentorship changed the course of his life:

24 I have known Mr. Joe for over 19 years now. During that time, he has helped
25 me tremendously, transforming me from a truculent, prideful, ignorant
26 young man to now a humble, appreciative, responsible person. I know for
27 sure that if it wasn't for Mr. Joe, I would continue down a spiral path of
28 negative behavior, but because of his encouragement and mentorship, I was
able to turn[] my life around, and have gained so much insight about myself,
and what I need to do to become a better human being. I am now enrolled in
college, and [a certified customer support specialist]. I am also a certified
member of the National Coalition of Clean Energy and Resources. I am also
on my way to becoming a fiber optic technician. I am also working on
multiple Associates of Arts degrees. I also hope to further my education and

¹⁶ Ex. C (Support Letters from CDCR Inmates) at 7-8 (emphasis added); *see also, id.* at 9-10.

¹⁷ *Id.* at 11-12.

1 earn my Bachelors degree in social and behavioral science. **I hope to**
2 **become a counselor and mentor trouble[ed] youth, just like Mr. Joe []**
3 **mentored me and turned my life around, and gave me a second chance**
4 **at life.**¹⁸

4 As does Michael Ramborger:

5 I have been the “poster boy” for recidivism, at least until recently I crossed
6 paths with Joe Hunt early in 2014, but until the summer of 2015 only knew
7 him as “voice of reason amidst a sea of chaos.” I don’t know if he saw
8 something in me, or merely picked me out of the blue, but he helped me to
9 acquire a clerk’s position in the law library where he also worked. I don’t
10 really know how to define Joe. He’s this calm, centered, individual, who helps
11 you find within yourself a desire to be more. For me, his influence
12 encouraged me to go from taking only 2 classes a semester, to taking a full
13 load. It was nothing he said directly; it was just a realization that I could do
14 more. Needless to say I graduated with honors, earning 4 degrees in 3 years.

15 Joe has developed a refined strength of character since his incarceration. I
16 see in him a quality of concern, caring – I don’t know exactly how to describe
17 it, but **he finds people who honestly have had enough of the “merry-go-**
18 **round” of prison life, and then goes out of his way to help you better**
19 **your life.** He somehow remains above the politics of prison life without
20 upsetting the “powers-that-be.” I have watched him devote time to helping
21 numerous others, free of charge, even though his time is well worth
22 compensation.¹⁹

23 Hunt has worked to uphold legal and moral standards in prison, including being
24 placed in Administrative Segregation in 1997 after being targeted by other prisoners for
25 refusing to transport drugs inside the prison, and anonymously reporting rumored assaults
26 to prison authorities so potential victims could be protected.²⁰ He has received only two
27 CDCR Rules Violations Reports (RVR) during 33 years of incarceration.²¹ Hunt has no gang
28 history, no history of violence or substance abuse, and no criminal history (aside from his
29 commitment offenses).

¹⁸ Ex. C (Support Letters from CDCR Inmates) at 13-14 (emphasis added).

¹⁹ *Id.* at 15 (emphasis added).

²⁰ See Ex. F (Support Letters from Legal Community) at 6.

²¹ The RVRs were for possession of a cell phone in 2014 and “out of bounds” in 1987.

1 **B. Spiritual Community and Philanthropy**

2 Hunt's spiritual journey began in 1987, when he read *Autobiography of a Yogi* by
3 Pramahansa Yogananda. Inspired, Hunt worked through Yogananda's Self Realization
4 Fellowship lessons and read dozens of books by and about him. Along the way, he became a
5 committed admirer, praying and meditating at least twice a day for the past 30 years. Hunt
6 was initiated into Yogananda's spiritual discipline, Kriya Yoga, in 1991.²²

7
8 Aiding him in this 30-year process of spiritual growth and development are the
9 leaders and members of the Ananda Church of Self-Realization, a worldwide spiritual
10 movement, with whom Hunt has practiced meditation and yoga since 1987.²³ They know
11 Hunt to be kind-hearted, disciplined, and inspirational.²⁴ Jyotish and Devi Novak, founders
12 and Spiritual Directors of Ananda, write that it is their privilege to visit Hunt in prison,
13 because "in the many years we have known him, we have observed in Joe the rare ability to
14 remain positive, caring and uplifted despite the tremendous challenges of his many years in
15 prison."²⁵ They affirm that Hunt "practices meditation daily, which has given him the ability
16 to be a force for peace and a model prisoner despite the tension of the prison environment.
17
18 **His release would represent no threat to society; on the contrary, he would be a**
19 **contributive force to help others.**"²⁶ Leaders of Ananda Church in Palo Alto, Asha Praver,
20
21

22 ²² See Ex. H (Personal Statement) at 1.

23 ²³ See, e.g. Ex. D (Support Letters from Ananda Community) at 1-11. Ananda's mission, like
24 that of Yogananda, is to foster individual spiritual growth and global harmony and
25 sustainability. It also provides direct services to homeless women in Virindavan, India.
26 Ananda recently received the Global Ambassador of Peace Award from the Institute of
27 International Social Development, an international non-governmental organization in
28 special consultative status with the Economic and Social Council at the United Nations. See
 www.ananda.org/news, last accessed 1/24/18.

²⁴ See Ex. D at 1-11.

²⁵ *Id.* at 1.

²⁶ *Id.* (emphasis added).

1 David Praver, Shanti Rubenstone, M.D., and Ananta and Maria McSweeney, most of whom
2 have known Hunt for 30 years, likewise praise his character and integrity, unanimously
3 expressing awe at his resilience and goodness in the face of trying conditions.²⁷

4 Ananda Village is a cooperative spiritual community associated with the Ananda
5 Church located near Grass Valley, California. The Village is also home to Hunt's sister and
6 brother-in-law, who offer Hunt a job in their non-profit organization, financial support, and
7 a home, if he is ever released from prison.²⁸

8
9 Hunt's desire to make amends for his crimes, and his commitment to the spiritual
10 mission and nonviolent ideals of the Ananda movement, led he and his family to donate
11 **\$1,000,000** towards the building of the Temple of Light at Ananda Village.²⁹

12
13 A final example of Hunt's spiritual growth is found in his first published book, *Blue*
14 *Dharma: The Story of Anaiyailla*, a spiritual adventure novel written with Alan Adams.³⁰

15 **C. Additional Community and Family Support**

16 In addition to Hunt's sister and brother-in-law, his wife of 11 years, Jamie, and his
17 spiritual community, he has the abiding support of several members of the legal community
18 with whom he worked during his second murder trial.³¹ (Acting as his own legal counsel,
19 Hunt was tried and acquitted for the murder of Hedayat Eslaminia in San Mateo County in
20 1992).³² All of these individuals are aware of the accusations and evidence against Hunt,
21
22

23 ²⁷ See Ex. D (Support Letters from Ananda Community) at 3-11.

24 ²⁸ See Ex. E (Family Support Letters) at 1-4.

25 ²⁹ Ex. H (Personal Statement) at 2; see Ex. D at 1, 5; Ex. E at 2. For this act of generosity,
26 Hunt received countless letters of thanks from Ananda Community members around the
27 world. See Ex. D at 12-30. For more information, see <https://www.ananda.org/temple>.

28 ³⁰ See Ex. G (Joseph Hunt & Alan Adams, *Blue Dharma: The Story of Anaiyailla* (2008) (Cover
and Foreword)).

³¹ See Ex. E at 1-4; see, generally, Ex. F (Support Letters from Legal Community).

³² *People v. Hunt*, case no. C15761 (Cal. Sup. Ct. San Mateo County).

1 and several of them were present at the Eslaminia murder trial and read the transcripts of
2 the Levin murder trial. Yet none have wavered in their support.

3 For example, attorney Parker Kelly, who was initially appointed to represent Hunt in
4 the Eslaminia trial, but left the case to take a position with the San Mateo District Attorney's
5 Office, where he worked until his retirement in 2001, writes that he observed Hunt to be
6 highly intelligent, with good social, organizational, and legal skills.³³ He never knew Hunt to
7 be aggressive, uncooperative, threatening or inappropriate.³⁴ Kelly opines that based on
8 Hunt's skills, the length of time he has been incarcerated, and his positive in-custody record,
9 he will not pose a threat to community safety if he is released.³⁵

10
11 Attorney William Gilg began his legal career as an assistant to Hunt during the
12 Eslaminia trial.³⁶ He describes the tremendous effort and skill Hunt displayed during the
13 trial, and the reasons why he believes Hunt was acquitted.³⁷ But beyond their legal
14 accomplishment, Gilg's letter is impactful for its description of Hunt's friendship. Hunt
15 encouraged him, gave him confidence, and urged him to apply for the State Bar.³⁸ Gilg
16 writes: "Outside of my wonderful parents . . . **Mr. Hunt has had the most positive impact**
17 **on my life of anyone I have ever met.**"³⁹

18
19
20 William DiVita, a licensed investigator who was assigned to assist Hunt during the
21 Eslaminia trial and has stayed in regular contact with Hunt ever since, writes that Hunt is a
22

23 ³³ Ex. F (Support Letters from Legal Community) at 1-2.

24 ³⁴ *Id.*

25 ³⁵ *Id.*

26 ³⁶ *Id.* at 3.

27 ³⁷ *Id.* at 3-6.

28 ³⁸ *Id.* at 6.

³⁹ *Id.* (emphasis added); *see also*, Ex. C (Support Letters from CDCR Inmates) at 18 ("There are two people who had the most positive impact on my life. The first one is my mother, the second one is Joe Hunt.").

1 compassionate, positive, peaceful, and respectful person.⁴⁰ Further:

2 I have no doubt that Joe would be an outstanding, contributing member of
3 society should he eventually be released. I cannot imagine anyone I know
4 having any fear or concern for Joe's behavior. I think Joe would certainly be
5 welcomed and respected for his talents and for the genuine person he is. **In
all my dealings with Joe he has proven to be someone I can trust and a
man of his word.**⁴¹

6 Hunt's former wife, Tammy Hunt, who also met him while preparing for the
7 Eslaminia trial, writes: "During these months, years [preparing for trial], I began to learn
8 how **Joe was at his core which was undoubtedly one of the most decent and
9 forthcoming people I would ever meet.**"⁴² She describes Hunt as caring, gentle, and
10 honorable, and believes he would pose no threat to society if released.⁴³

12 Even the judge who presided over Hunt's San Mateo trial has positive things to say.
13 Attorney Mitri Hanania, who was appointed in 2003 to assist Hunt in obtaining records
14 from the San Mateo Superior Court, describes a conversation he had with Superior Court
15 Judge Dale Hahn, who presided over the Eslaminia trial. Judge Hahn told Hanania that he
16 had never seen anyone as well prepared for trial as Hunt, and Hunt conducted himself in a
17 professional and courteous manner.⁴⁴

19 **D. Personal Statement**

20 Hunt authored a personal statement to Governor Brown to show the depth of his
21 rehabilitation.⁴⁵ Therein, he acknowledges that his actions in the early 1980s were wicked,
22 and he admits causing financial misery to approximately 100 investors because of his lies,
23

25 ⁴⁰ Ex. F (Support Letters from Legal Community) at 8-9.

26 ⁴¹ *Id.* (emphasis added).

26 ⁴² *Id.* at 10 (emphasis added).

27 ⁴³ *Id.*

27 ⁴⁴ *Id.* at 11.

28 ⁴⁵ *See* Ex. H (Personal Statement).

1 deceit, and moral corruption.⁴⁶ Acknowledging that he abused his power and the trust
2 placed in him by countless others, Hunt believes his sentence was fair.⁴⁷

3 Whether or not he is ever released from prison, Hunt has come to see his life as a
4 blessing, “an opportunity to be good, decent, and serviceful.”⁴⁸ “My path forward lies in
5 loving-kindness, in obedience to the laws and collective wisdom of society, and in conscious
6 recognition of the sovereignty of God and the Great Saints over my heart and spirit.”⁴⁹

8 **V. Legal Issues**

9 In Hunt’s habeas petitions, he sought to introduce declarations from jurors in
10 Eslaminia trial, who heard evidence that Levin had not been killed, but had fled to avoid
11 prosecution for pending theft charges, and from several witnesses who claimed to have seen
12 Levin after he was allegedly murdered by Hunt, and found that evidence credible and
13 persuasive.⁵⁰ Hunt’s purpose was to show that, had he been allowed to present the same
14 testimony in the Levin trial, the jurors in that case also would have also found it credible
15 and persuasive, and would have acquitted Hunt of Levin’s murder. Despite finding serious
16 flaws in Hunt’s Levin trial representation, the Los Angeles Superior Court deemed the
17 Eslaminia juror declarations inadmissible, as did the federal district court, and upheld
18 Hunt’s convictions.⁵¹ Nonetheless, the fact remains that Hunt’s three alleged co-
19 conspirators (James Pittman, who allegedly killed Levin on Hunt’s order, and Arben Dosti
20 conspirators (James Pittman, who allegedly killed Levin on Hunt’s order, and Arben Dosti
21 conspirators (James Pittman, who allegedly killed Levin on Hunt’s order, and Arben Dosti

23 ⁴⁶ See Ex. H (Personal Statement) at 1.

24 ⁴⁷ *Id.* at 2.

25 ⁴⁸ *Id.*

26 ⁴⁹ *Id.*

27 ⁵⁰ See, generally, Ex. I (Declarations from Jurors in *People v. Hunt*, case no. C15761 (Cal. Sup.
28 Ct. San Mateo County) & Attorney William E. Gilg).

29 ⁵¹ See *Order Denying Petitioner’s Motion to Vacate, Alter, or Amend Order Denying His Fourth*
30 *Amended Petition* at 2-3, Doc. # 282, *Hunt v. Virga*, case no. 98-cv-5280, C.D. Cal., July 8,
31 2013; Ex. A at 20-35.

1 and Reza Eslaminia, Hunt's alleged accomplices in the Eslaminia murder) had their murder
2 charges dismissed after mistrials or appellate court reversals.⁵²

3 Hunt has exhausted virtually all legal challenges to his conviction. Thus, executive
4 action under the Governor's commutation power represents one of few, if any, remaining
5 avenue to relief.
6

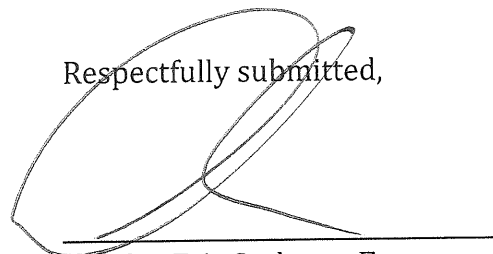
7 **V. CONCLUSION**

8 Hunt is seeking the possibility of parole, not immediate release. He deserves
9 consideration. During his 33+ years of incarceration, and despite his LWOP sentence, Hunt
10 has fully engaged in the hard work of rehabilitation, and in the process, contributed greatly
11 to his community.
12

13 In recognition of his rehabilitation and the mitigating factors in his favor, Hunt
14 respectfully asks the Governor to commute his LWOP sentence to an indeterminate life
15 term, and give him the opportunity to prove he is rehabilitated and suitable for parole.
16

17 Dated: January 25, 2018

Respectfully submitted,



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26 ⁵² See, e.g., *Eslaminia v. White*, 136 F.3d 1234 (9th Cir. 1998); Charges in Famed Death
27 Dropped, SAN FRANCISCO CHRONICAL, November 7, 2000, [http://www.sfgate.com/bayarea/
28 article/Charges-In-Famed-Death-Dropped-Victim-s-son-3237966.php](http://www.sfgate.com/bayarea/article/Charges-In-Famed-Death-Dropped-Victim-s-son-3237966.php), last accessed January
24, 2018.

EXHIBIT INDEX

<i>TAB</i>	<i>Document Title</i>
A	Order Denying Writ of Habeas Corpus, <i>In re Hunt</i> , A040435, Cal. Sup. Ct, L.A. County, July 12, 1996; Order, <i>In re Hunt</i> , B110428, Cal. Ct. App. 2d Dist., Jan. 15, 1998; Memorandum, <i>Hunt v. Virga</i> , 13-56207, 9th Cir., June 10, 2016
B	Chronos, Letters & Certificates from CDCR Officers and Staff
C	Support Letters from CDCR Inmates
D	Support Letters from Ananda Community
E	Family Support Letters
F	Support Letters from Legal Community
G	Joseph Hunt & Alan Adams, <i>Blue Dharma: The Story of Anaiyailla</i> (2008) (Cover and Foreword)
H	Personal Statement
I	Declarations of Jurors in <i>People v. Hunt</i> , C15761 (Cal. Sup. Ct. San Mateo County): Joseph Carsanaro, Ardath Helen Sorelle, Harry Joseph Morrow, David Saperstein, Barry Dean Creekmore, Sandra Maria Achiro; Declaration of Attorney William E. Gilg

EXHIBIT A

FILED
LOS ANGELES SUPERIOR COURT

JUL 12 1996

JAMES H. DEMPSEY, CLERK
H. Kim
BY H. KIM, DEPUTY

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

In Re:) Case No. A 040435
JOSEPH HUNT,)
ORDER DENYING WRIT OF
on Habeas Corpus.)
HABEAS CORPUS

For the reason set forth below, Petitioner Joseph Hunt's Petition for Writ of Habeas Corpus must be and is denied. Petitioner has failed to meet his burden. Claims of newly discovered evidence, ineffective assistance or conflict of counsel, and failure by prosecution to disclose evidence, have not cast doubt on the accuracy and reliability of the trial proceedings. Nor can the Court say that but for claimed insufficiencies the results in the trial probably would have been different.

I

PROCEDURAL BACKGROUND

On November 23, 1993, the Court of Appeal in an unpublished 188-page opinion affirmed the conviction of Petitioner

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1 Hunt for the June 6, 1984, murder of Ronald Levin. People v.
2 Hunt, B029402 (Second Appellate District, Division 5,
3 November 23, 1993). On the same day, the Court issued an order
4 to show cause based upon Hunt's petition for writ of habeas
5 corpus. This order was amended on December 23, 1993. In sum,
6 the two orders remanded the case to the Los Angeles Superior
7 Court to review twenty-three specific issues pursuant to Rule
8 260, California Rules of Court.

9 Following the filing of a Return and a Traverse, as well as
10 several prehearing motions, the Rule 260 hearing began on March
11 29, 1996. On that date, this Court ruled as to which of the
12 twenty-three issues the Court would take additional live
13 testimony on, that is, "evidence beyond that contained in the
14 Petition, Return, and Traverse. Of the twenty-three issues, the
15 Court found that seven met the standard of Rule 260c.¹

16 Those seven issues focus on two areas. The first area is
17 whether allegedly newly discovered evidence "casts a fundamental
18 doubt on the accuracy and reliability of the jury's verdict."
19 (Order to Show Cause, p. 2) This topic concerns evidence of
20 sightings of Levin and evidence concerning the finding of what
21 has come to be known as the seven page "to do" murder list. (OSC
22 Issues 1(a) and 1(b))

23 The second area deals with alleged ineffective assistance of
24 counsel. This area concerns trial counsel's alleged failure to
25

26
27 ¹That rule provides in part: "An evidentiary hearing is required if after considering the verified petition, the
28 return, any denial, and affidavits or declarations under penalty of perjury and matters of judicial notice, the
Court finds there is a reasonable likelihood that the petitioner may be entitled to relief ..."

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1 discover and/or utilize available exculpatory information for the
2 benefit of his client and whether there is a reasonable
3 probability that the result of the trial would have been
4 different had counsel acted differently (OSC Issues: 2(a), 2(c),
5 2(e), 2(f) and 2(h)).

6 The hearing in this matter lasted thirteen days. Petitioner
7 called nineteen witnesses including himself. Respondent called
8 eleven witnesses. Hundreds of pages of documents were marked and
9 received into evidence.² The transcript of the hearing,
10 excluding closing arguments, runs over 2,200 pages. Prior to the
11 commencement of the hearing, the Court read and considered the
12 approximately 15,000 page transcript of Petitioner's Santa Monica
13 trial, as well as the thousands of pages making up the Petition,
14 Return, and Traverse and exhibits attached thereto. In sum,
15 although the case is voluminous, the issues are plain and
16 Petitioner and Respondent have been afforded a full airing of the
17 facts and their arguments.

18 II

19 EVIDENCE AT THE TRIAL

20 A brief discussion of the evidence presented at his Santa
21 Monica trial in 1986 - 1987 is appropriate in order to evaluate
22 the claims Petitioner makes in the Petition and the evidence as
23

24
25
26
27 ²Petitioner had 67 exhibits with sub-markings received into evidence. Respondent had 11 exhibits with sub-
28 markings received. Numerous other exhibits were marked, reviewed by the Court, but not received into
evidence.

presented in the just completed hearing.³

The details of the plot to kill Ronald Levin were testified to by Dean Karny, who received immunity for his testimony. The Petitioner first met Dean Karny in junior high school and became reacquainted with him in 1980 when Karny was a student at UCLA. The Petitioner impressed Karny and his friends as a remarkably intelligent and well-established young man. In fact, in November 1980, Karny, his parents, and others provided Petitioner with over \$400,000 to trade commodities. At first, Petitioner was very successful at trading, however, by 1982, Petitioner had lost all the capital that he had raised.

Undaunted by this setback, Petitioner wanted to form a group of intelligent, capable, motivated people who could succeed in business, personal, and social ventures without the type of constraints usually associated with corporate structures. By early 1983, Petitioner, along with 10 others, formed the Bombay Bicycle Club ("BBC").⁴ The BBC's purpose was to invest in commodities, cyclotron technology, and arbitrage. The group was bound together by a philosophy developed by Petitioner called the "Paradox" philosophy. This philosophy called for an individual not to be bound by society's rules of law or religion. Accordingly, members were encouraged to do what was "necessary under the circumstances." In short, the survival of the

³This discussion does not pretend to be exhaustive, only illustrative. A fuller recitation of the evidence can be found in the Court of Appeal's opinion in People v. Hunt, *supra*, or, as this Court has done, by reading the 99 volumes of trial transcripts.

⁴The media later created the name "Billionaire Boys Club" from the initials "BBC". That appellation has remained to this day.

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1 individual was considered paramount. By June 1983, the BBC
2 appeared to be prospering with offices rented and capital raised.

3 Early in 1983, Levin came to Petitioner's attention. The
4 Petitioner believed Levin was wealthy and he succeeded in getting
5 Levin to place \$5 million in a commodities trading account. The
6 account was in Levin's name, yet any profits were to be split
7 equally between Levin and Petitioner. Shortly thereafter,
8 Petitioner announced to the BBC that he had lost all the
9 investors' money in the commodities market with the exception of
10 the Levin account. However, Petitioner promised to reimburse the
11 investors for their losses with his share of the profits from the
12 Levin account. At this time, the BBC's overhead expenses were
13 approximately \$70,000 per month, with the other businesses
14 providing little additional income and the Petitioner personally
15 spending large sums of money.

16 At first, Levin told Petitioner he could not pay the profits
17 owed because he had already invested the profits in a shopping
18 center. Later, Levin told Petitioner that the BBC's share of the
19 profits had increased from \$3.5 million to \$13 million because a
20 Japanese company had offered to buy the shopping center.
21 However, the money never materialized -- in fact, it had never
22 existed.

23 By October 1983, Petitioner had learned that he had been the
24 victim of an incredible hoax. Levin, posing as a representative
25 of his company, Network News, had persuaded Jack Friedman, a
26 securities broker, to set up a simulated trading account for the
27 purposes of a news story that he was working on. Moreover,
28

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1 Friedman was told to make sure that Petitioner did not know the
2 account was simulated. Petitioner, in turn, believed the account
3 was real and actively traded in it with substantial success.
4 Thereafter, however, the anticipated profits from the Levin
5 account proved to be illusory. Petitioner was not happy, he had
6 been "conned" by Levin.

7 When confronted, Levin admitted to the Defendant that there
8 was no shopping center and there were no profits, but he agreed
9 to give Petitioner \$300,000. In the meantime, the BBC's
10 financial affairs worsened, while Levin delayed making the
11 promised payment. Accordingly, Petitioner told Tom May, a BBC
12 member, that he was going to get the money from Levin, "no matter
13 what it took." In addition, Petitioner told Karny that he was
14 going to find a way of getting that money from Levin and that
15 Levin was going to die one day.

16 By May 1984, Petitioner told Karny that he had developed a
17 plan to kill Levin and get the money. Petitioner set forth this
18 plan in an elaborate seven-page outline of lists of things to do
19 which he reviewed with Karny.⁵ The plan involved James Pittman,
20 a karate instructor, who was in charge of security for the BBC
21 and served as Petitioner's bodyguard. Pittman was known to carry
22 firearms. Finally, Petitioner informed Karny that he was going
23 to execute his plan on June 6, 1984 because Levin was due to
24 leave for New York the next morning, thus making his
25 disappearance less obvious.

26 On the morning of June 7, 1984, Petitioner awakened Karny
27

28 ⁵The famed "to do" list.

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1 and told Karny he had done it, that Levin was dead. He showed
2 him a check for \$1.5 million and the contract signed by Levin.
3 Then Petitioner made copies of the check which he distributed to
4 the BBC members. In subsequent conversations with Karny,
5 petitioner described Levin's murder in greater detail.
6 Petitioner told Karny how he and Pittman had gone to Levin's
7 Beverly Hills apartment and had coerced Levin into making out the
8 check and signing the option contract, prior to shooting him in
9 the back of the head and disposing of his body.⁶ Levin's body
10 has never been found.⁷

11 Levin was discovered missing early in the morning on June 7,
12 1984 by two friends, who had planned to travel to New York with
13 him. After searching the apartment, they found Levin's airline
14 tickets, luggage, and car at the house. However, the linens from
15 his bed, television remote controller, wallet, and key were
16 missing. Perhaps most peculiar, Levin had not called his
17 answering service for messages, as was his regular practice.

18 Also, on June 7, 1984, Pittman checked into the New York
19 Plaza Hotel in Levin's name. He was arrested when he tried to
20 pay the bill with Levin's credit cards. Petitioner flew to New
21 York and hired a lawyer to get Pittman out of jail. Three days
22 later, Petitioner met with Gene Browning, the inventor of the
23 cyclotron (discussed, infra), and told him that "Levin was
24 missing and probably dead."

25
26
27 ⁶Levin had earlier convinced Petitioner that he had a large amount of money in an overseas bank account.
This, like the brokerage account, was fictitious.

28 ⁷Petitioner bragged that he and Pittman had so efficiently disposed of it that it would never be located.

1 Since the cohesiveness of the BBC was crumbling, it was
2 agreed that a special meeting of the BBC would be called and only
3 those members with a sufficient orientation in the "Paradox"
4 philosophy would be invited to attend. Prior to the meeting,
5 petitioner informed Tom May that he had killed Levin and that he
6 had committed the perfect crime. The special meeting was held on
7 June 24, 1984, with numerous members of the BBC present. At the
8 meeting, Petitioner told the group that he and Pittman had
9 "knocked off Levin." He said that Levin had signed the check
10 under "duress." Moreover, he suggested that his actions were
11 necessary to the survival of the BBC and that Levin's check would
12 still be cashed despite recent difficulties in trying to do so.
13 In addition, Petitioner assured the group that it was a perfect
14 crime and that they would not be caught. However, Petitioner
15 also threatened the group by suggesting that if any member talked
16 to the police, he would end up in East River and become "fish
17 bait."

18 Despite issuing the strong warning, days later Petitioner
19 became suspicious that BBC members were talking to the police.
20 Petitioner broke into David May's apartment and heard a message
21 from Detective Zoeller of the Beverly Hills Police Department, on
22 the answering machine. Petitioner confronted May and BBC
23 associate Jeffrey Raymond with this information and demanded that
24 they call the police and say they had lied. Furthermore,
25 Petitioner told them he would exchange the documents they had
26 given to the police for the pink slips which he held to their
27 cars.
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1 A. STATEMENT OF LAW

2 In order to succeed in his petition on grounds of newly
3 discovered evidence, the proffered evidence must be "of such
4 character as will completely undermine the entire structure of
5 the case upon which the prosecution was based." In Re Lindley,
6 29 Cal.2d 709, 723 (1947). It must be credible evidence. In Re
7 Hall, 30 Cal.3d 408, 417 (1981). It cannot only be cumulative of
8 other evidence offered at the trial. People v. Delgado, 5
9 Cal.4th 312, 328 (1993). In summary, "such evidence, if
10 credited, must undermine the entire prosecution case and point
11 unerringly to innocence . . ." People v. Gonzalez, 51 Cal.3d
12 1179, 1246 (1990).

13 Petitioner's "new" evidence does not rise to the standard
14 provided by law. The evidence either lacks credibility or does
15 not point unerringly to Petitioner's innocence.

16 B. SUMMARY OF NEW EVIDENCE

17 Four witnesses were called by Petitioner at the hearing to
18 say that they had seen Levin alive after June 1984. These
19 "sighting" witnesses were Connie Gerrard, Nadia Ghaleb, Robert
20 Robinson, and Ivan Werner. Other witnesses also testified to
21 bolster this evidence. A fifth witness, Karen Sue Marmor,
22 testified as to seeing the "to do" list at Levin's apartment well
23 prior to the June 6, 1984 murder date and as to hearing comments
24 and reactions of Levin prior to June 6, 1984 which might indicate
25 that he was going to flee.

26 1. Connie Gerrard.

27 Connie Gerrard first met Levin in the early 1980's. She had
28

1 seen him about ten times. They had visited each others' homes.
2 Levin had told her that he wanted to get into the news business.
3 Gerrard was assisting her daughter and son-in-law, who owned L.A.
4 News Services and had spoken with Levin with reference to the
5 news business. She had read in the newspapers that Levin was
6 missing and that someone had been charged with his murder.

7 In December 1987, she and her husband flew to Greece for a
8 visit. On Christmas Day 1987, they were on the Greek island of
9 Mykonos looking for a restaurant during a rainstorm. After
10 finding a restaurant, they entered and waited to be served.
11 Sometime thereafter, two men came into the restaurant and sat
12 down. Gerrard recognized one to be Levin. According to Gerrard,
13 when Levin walked past he looked at her, and his face changed and
14 he quickly left the restaurant. Connie Gerrard whispered to her
15 husband, George Gerrard, that this man was Ron Levin.¹⁰ She
16 reported this sighting to her daughter and son-in-law upon her
17 return, who had earlier told her that they thought Levin was a
18 "con" man.

19 2. Nadia Ghaleb.

20 Nadia Ghaleb met Levin in the early 1970's at a celebrity
21 clothing store in Beverly Hills. She sensed, at the time, that
22 he was a "con" man. She saw him around town on occasion. Prior
23 to 1987, she remembered last seeing him at a restaurant in 1982.

24
25 ¹⁰George Gerrard testified and substantiated his wife's story. Curiously, George Gerrard had been a pool
26 builder who built a pool years earlier for a man by the name of Bobby Roberts. Roberts was a supporter of
27 Hunt's, had posted his bail, and was the father of Hunt's girlfriend. Furthermore, Hunt had resided with
28 Roberts during his trial in Santa Monica. Additionally, Gerrard's daughter and son-in-law had previous
substantial contact with Levin. Levin was involved in some of their news gathering and had offered to invest
money in their business. These relationships, however, do not seem to be dispositive of an evaluation of
Connie Gerrard's testimony.

1 In approximately March 1987, she was driving eastbound one
2 morning on San Vicente Boulevard in West Los Angeles when she
3 looked out her car window to the right and saw Levin getting into
4 a car in a parking lot. She said to herself, "there's Ron Levin"
5 and continued on to work. She said that she did not know that
6 Levin had been supposedly murdered nor of the Billionaire Boys
7 Club trial that was ongoing in Santa Monica. She said that she
8 did not follow the news. Only when she caught a story about a
9 friend of hers, Dean Martin's son being killed, did she see a
10 story about Levin's murder and realize that she had seen him
11 earlier that day.

12 Ghaleb told others that she had seen Levin alive, including
13 a secretary for one of James Pittman's attorneys.

14 3. Robert Robinson.

15 Robert Robinson was a reporter for City News Service, who
16 has since been fired and currently works as a security guard.
17 Robinson knew Levin because Levin paid him for tips. Levin's
18 partner was Gerrard's son-in-law. Despite being a reporter on
19 the "police beat" in Los Angeles, Robinson claimed not to know
20 anything about Levin being the victim of a murder in the
21 Billionaire Boys Club trial.

22 In October 1986, Robinson said that he saw Levin in
23 Westwood. According to Robinson, Levin walked up to him one
24 afternoon while in line at a movie theater and said, "Hi, Robbie".
25 Robinson knew Levin was missing but did not know he was supposed
26 to be dead. He wanted to brush Levin off because he had heard
27 that Levin was a "con" man.
28

1 In April 1987, Robinson went to the District Attorney's
2 office to report his sighting. He later gave the story of his
3 sighting to a news competitor, the Associated Press, and was
4 fired by City News Service for this and other indiscretions.

5 4. Ivan Werner.

6 Ivan Werner worked as a funeral director at Pierce Brothers
7 Funeral Home in Westwood. In 1985 or 1986, he was working at a
8 funeral when he saw a man he later identified as Levin. This man
9 was attending the funeral for a decedent who had committed
10 suicide. The man he identified as Levin was among approximately
11 50 others who were present for the service.

12 In 1987 during Petitioner's trial, Werner saw a photograph
13 of Levin in a newspaper. From that photograph, he says he
14 recognized Levin as the man at the funeral and reported his
15 sighting to the Beverly Hills Police Department.

16 5. Karen Sue Marmor.

17 Karen Sue Marmor was Levin's neighbor. She met Levin in the
18 1970's when he came into a bank where she worked and threw a "fit"
19 over some transaction. Years later after marrying, she was
20 reintroduced to Levin by her new husband, Len Marmor.¹¹ She knew
21 Levin was "no good," but he used to visit all the time. She
22 visited his apartment as well. The two talked regularly.

23 In May 1984, Levin called her and asked her to come over.
24 He said he was planning a trip to New York. When she arrived,
25 Levin was upset and screaming that he was not going to go back to
26

27
28 ¹¹Len Marmor was a good friend of Levin's and testified at the Santa Monica trial that he had not heard from Levin since June 1984, and that it was highly unusual for Levin not to have contact with him.

1 jail. When he received a phone-call, she noticed and picked up
2 from his desk the "to do" list. Levin pulled it away from her and
3 told her not to be so nosy. He told her the paper dealt with a
4 movie script. Levin later told her that he might not come back
5 from his trip to New York.

6 Marmor never thought Levin was dead. He had discussed
7 getting rid of his old clothes, buying new clothes, shaving his
8 beard and dying his hair. As a result, she felt that Levin had
9 gone on a "permanent" vacation.

10 It was years after these events that Marmor had "flashbacks"
11 which triggered her memory of them. At the time, however she
12 said she did not think that Levin had been murdered, even though
13 Levin was an acquaintance, had been her neighbor and her husband
14 had testified in the Levin murder trial against Petitioner. Some
15 years after the trial, she said her husband told her that there
16 was some evidence that Levin was alive. This caused her to think
17 about it and come forward with her story.

18 C. DISCUSSION

19 At the outset, it is important to note that the existence of
20 witnesses Ghaleb, Robinson, and Werner was known or available to
21 Petitioner's counsel during the trial. Pittman's attorney told
22 someone representing Petitioner about Ghaleb. Petitioner's
23 counsel was told about Robinson's story and the prosecutor wrote
24 to Petitioner's counsel about the Werner sighting. In order to
25 succeed on a claim of newly discovered evidence, the proffered
26 evidence must be truly "newly discovered", that is, evidence that
27 was either unknown or could not have been discovered by diligent
28

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1 investigation. In Re Hall, supra, 30 Cal.3d at 420.

2 However, disposing of these witnesses on the grounds that
3 they do not qualify as truly newly discovered is insufficient for
4 this Court's purpose. This Court heard these witnesses -- along
5 with witnesses Gerrard and Marmor -- and has come to a conclusion
6 as to their credibility and the weight to be given their stories.

7 Robert Robinson, as a witness, was pathetic. Purporting to
8 be a professional journalist at the time, Robinson said that he
9 had run into a murder victim, in a high publicity case, in broad
10 daylight, on the crowded streets of Westwood. He feigned not
11 knowing that Levin was dead, thinking he was only missing despite
12 the fact that he was a "police beat" reporter and the high
13 publicity Billionaire Boys Club trial was ongoing. Yet, despite
14 realizing that this encounter with Levin was newsworthy, he did
15 not follow up on it because of his "journalistic ethics."¹²

16 Months later, Robinson reported his sighting to the District
17 Attorney's Office as the trial in Santa Monica was winding down.
18 He then gave the story to a rival news agency.

19 This Court attaches no significance whatever to Robinson's
20 testimony. His in-court testimony lacks all credibility and
21 therefore does nothing to assist Petitioner. For reasons that
22 are not altogether clear, he seeks to involve himself in these
23 proceedings.¹³

24

25

26 ¹²These are the same ethics that had him selling news tips to Levin and probably Gerrard's son-in-law, while working for City News Service.

27

28 ¹³Robinson's testimony was so lacking in credibility that any reasonable defense counsel would avoid calling such a witness, especially where unimpeachable sighting witnesses like those called at Petitioner's trial were available.

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1 Ivan Werner's testimony likewise does not assist Petitioner
2 -- but for a different reason. Werner said that he saw this man
3 at a funeral for a person who had died under somewhat unusual
4 circumstances in 1985. He had minimal contact with the man who
5 was one of many at this funeral. Werner had attended hundreds of
6 funerals. Yet upon seeing a newspaper photo of Levin years later
7 in 1987, Werner said that he was able to positively identify the
8 man as being at a funeral two years earlier. The testimony is
9 not credible and is further challenged by testimony offered by
10 Respondent from the manager of the funeral home who checked the
11 records of the funeral home. No records exist which match the
12 incident described by Werner.

13 Nadia Ghaleb's testimony is much like that of Werner's.
14 Ghaleb had last seen Levin in 1982. In 1987, she was driving
15 down the street when she glanced to her right. In a parking lot,
16 getting into a car, she said that, to her surprise, she saw Levin
17 for the first time in over five years. She said at the time,
18 "Oh, my God, there's Ron Levin." This reaction from seeing Levin
19 might be more credible had she been aware that at that same time,
20 Petitioner was on trial for his murder. However, she said she
21 did not know of the Levin murder case. She only became aware of
22 it when she saw a photo of Levin on the television news
23 immediately following her sighting. Ghaleb's passing glance of
24 a man getting into a car is not sufficient. She may think she
25 saw Levin. However, the circumstances of the identification do
26 not inspire great faith.

1 The last sighting witness is Connie Gerrard. This is
2 Petitioner's best witness and the evidence which this Court has
3 most carefully evaluated. At the hearing she appeared to be
4 credible, and this Court has every reason to think that she
5 believes that she saw Levin alive in 1987. Respondent was not
6 able to materially impeach her testimony.

7 However, in order for this Court to find that Petitioner has
8 met his burden through this witness, the Court would have to find
9 that this testimony, although credited, undermines the entire
10 prosecution case and points unerringly to Petitioner's innocence.
11 People v. Gonzalez, supra, 51 Cal.3d at 1246. This the Court
12 cannot find. The other evidence in the case is too compelling in
13 favor of the opposite conclusion.

14 The evidence at trial was plain. Petitioner planned the
15 Levin murder. He had motive as well as opportunity to do it. He
16 had been conned by a con man and that fraud was about to bring
17 down his own schemes and organization. He had real animosity
18 towards Levin. He told others that he would do the murder. He
19 told others afterwards that he and Pittman had committed the
20 crime. He flew to New York the day after the murder to rescue
21 Pittman who had been arrested using Levin's credit cards. He
22 attempted to hide his deeds, fabricate evidence and thereafter,
23 he threatened those who might report his crime. In sum, the
24 evidence against him was overwhelming. Even considering the
25 allegations of numerous insufficiencies of trial counsel, the
26 evidence against Petitioner overcomes Gerrard's evidence by great
27 margin. It does not undermine the entire prosecution case. It
28

1 does not point unerringly to Petitioner's innocence. It does
2 compel the conclusion of Petitioner's guilt.

3 Karen Sue Marmor's testimony, like that of Robert Robinson,
4 has no credibility at all. Despite Marmor's protestations to the
5 contrary, her testimony demonstrated that she did not like Levin.
6 Her story of seeing the "to do" list is contrived and her
7 recitations of conversations with Levin, indicating he would
8 flee, are suspicious. Marmor's explanation of vivid dreams years
9 later which caused her to remember these "new" facts is silly.

10 To believe her story, the Court would have to find that she
11 did not know that her next door neighbor was the victim of a high
12 publicity murder trial in which her own husband was a witness.
13 The Court would have to ignore her less than credible performance
14 in Court and find that this important new information came to her
15 years after the fact, following "flashbacks." This Court does not
16 believe her or any part of her story. Therefore, it is not
17 evidence which this Court can credit.

18 D. REMAINING ISSUE

19 Another issue referred to in the Court of Appeal's OSC on
20 the subject of newly discovered evidence was what has been
21 described as the "Dear Dean" letter (OSC Issue 1(c)). This Court
22 did not take any additional evidence on this issue because there
23 was no reasonable likelihood that Petitioner was entitled to
24 relief on it. The Court did consider all of the exhibits in its
25 support.

26 Based upon a review of the pleadings and the entire record,
27 it is clear that a man named Richard Mayer was murdered in a
28

1 Hollywood motel in October 1986. What is not clear is who did
2 it. Found in a shoe at the crime scene years later was the "Dear
3 Dean" letter wherein Richard Mayer purports to be writing to
4 "Dean", his homosexual lover, about "Dean's" cooperation with the
5 police and the lies he told them to get his deal. Petitioner
6 argues that "Dean" is Dean Karny and that the letter proves that
7 Karny lied at trial.

8 Putting aside the substantial doubt which this Court has
9 regarding the origins of the letter, the letter itself is not
10 "newly discovered evidence" because, quite simply, it is not
11 admissible evidence. The Court heard a great deal of discussion
12 on the first day of the hearing in this matter as to 1) how a
13 foundation could be laid for the letter's admission, and 2) what
14 exceptions to the hearing rules allow its admission. Petitioner,
15 however, simply cannot with suitable, sufficient evidence prove
16 that the "Dean" referred to in the letter was, in fact, Dean
17 Karny. More importantly, the letter itself is hearsay and
18 therefore inadmissible. See: People v. Williams, _____
19 Cal.App.4th _____, 96 D.A.R. 8023, 8026 (June 4, 1996).
20 No exception to the hearsay rules allows its admission. No
21 further discussion of this issue is, therefore, warranted. It
22 simply is not evidence which can help Petitioner.

23 E. CONCLUSION

24 Petitioner's strongest argument to succeed in his writ is
25 his argument regarding newly discovered evidence, especially the
26 sighting testimony. Unfortunately for him, it does not measure
27 up. This evidence is flawed. It does not completely undermine
28

1 the entire structure of the prosecution's case. In Re Weber, 11
2 Cal.3d 703, 724 (1974). In affirming Petitioner's convictions on
3 direct appeal, the Court of Appeal commented on the evidence
4 against Levin at trial and stated, "we conclude that the
5 prosecution presented overwhelming evidence that the defendant
6 murdered Levin" People v. Hunt, supra, slip opinion at
7 p. 3. In evaluating a collateral attack by way of a petition for
8 writ of habeas corpus, "all presumptions favor the truth,
9 accuracy, and fairness of the conviction and sentence; defendant
10 thus must undertake the burden of overturning them. Society's
11 interest in the finality of criminal proceedings so demands, and
12 due process is not thereby offended." In Re Avena, 12 Cal.4th
13 694, 710 (1996), quoting People v. Gonzalez, supra, 51 Cal.3d at
14 1260. This presumption combined with the evaluations of the
15 evidence from the evidentiary hearing, causes this Court to
16 conclude that Petitioner's new evidence fails. It is not
17 compelling.

18 IV

19 INEFFECTIVE ASSISTANCE OF COUNSEL

20 A. EVIDENTIARY HEARING ISSUES

21 As indicated, supra, this Court ruled that Petitioner had
22 made a sufficient showing to obtain an evidentiary hearing on
23 five subjects related to his ineffective assistance of counsel
24 claim. In essence, the question was whether counsel's failure to
25 discover or utilize certain information meant that he was legally
26 ineffective in his representation of Petitioner at trial. These
27 issues are: 1) the use of Karny's deposition in a civil lawsuit
28

1 (OSC Issue 2(a)), 2) testimony regarding the sale of \$200 million
2 of equipment (OSC Issue 2(c)), 3) an FBI investigation of Levin
3 (OSC Issue 2(e)), 4) testimony that Levin was planning on leaving
4 on June 6, 1984 and fleeing to Brazil (OSC Issue 2(f)), and 5)
5 evidence of the Marmor testimony, described supra, (OSC Issue
6 2(h)).

7 B. STATEMENT OF LAW

8 The seminal case on the issue of ineffective assistance of
9 counsel is Strickland v. Washington, 466 U.S. 668 (1984). While
10 California law in the area arises from People v. Pope, 23 Cal.3d
11 412 (1979), the state law tracks Strickland. People v. Lewis, 50
12 Cal.3d 262, 288 (1990). The rule is simple. On a claim of
13 ineffective assistance of counsel, this Court must decide whether
14 trial counsel's conduct so undermined the proper functioning of
15 the adversarial process that the trial cannot be relied on as
16 having produced a just result. Such a claim requires both a
17 showing of deficient performance by counsel and proof of
18 resulting prejudice. Strickland v. Washington, supra, 466 U.S.
19 at 687-688. See: Levenson, West's California Criminal Procedure,
20 §1.08 (January, 1996).

21 Strickland provides that in evaluating the performance of
22 counsel, the ultimate question is whether "counsel's
23 representation fell below an objective standard of
24 reasonableness." Strickland v. Washington, supra, 466 U.S. at
25 688. However, in making this determination, "a court must
26 indulge a strong presumption that counsel's conduct falls within
27 the wide range of reasonable professional assistance." Id. at
28

689. Courts neither second-guess nor apply twenty-twenty hindsight to counsel's decisions. Bonin v. Calderon, 59 F.3d 815, 833 (9th Cir. 1995). Rather, a defendant making such a claim must show that "counsel's performance was inadequate when measured against the standard of a reasonably competent attorney" People v. Sanchez, 12 Cal.4th 1, 40 (1995).

If a defendant makes such a showing of deficient performance, the obligation is then on that defendant to show prejudice -- that there is a "reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." People v. Sanchez, supra 12 Cal.4th at 40. If a defendant fails to show prejudice, the Court need not determine if counsel's performance was deficient. Strickland v. Washington, supra, 466 U.S. at 697. However, prejudice may arise from the cumulative impact of multiple deficiencies. People v. Jones, _____ Cal.4th _____, 96 D.A.R. 7775, 7786 (June 27, 1996). Harris v. Wood, 64 F.3d 1432, 1438 (9th Cir. 1995).¹⁴

C. DISCUSSION OF HEARING EVIDENCE

1. Karny's Deposition in Canter-Fitzgerald Lawsuit.

Petitioner attacks his trial counsel for failure to utilize Dean Karny's perjurious testimony in February 1984 as a part of a civil lawsuit filed against Petitioner, Karny and others. This lawsuit arose from the fraudulent activities of the BBC. Karny admitted he lied under oath in that deposition and trial counsel did not utilize such in his cross-examination of Karny at trial.

¹⁴For this reason, although the Court took additional evidence on only five of the twelve OSC issues related to ineffective assistance of counsel, the Court has considered all allegations and evidence in support thereof in evaluating this issue. For details of those other issues, see discussion infra.

1 However trial counsel had good reason not to do so.
2 Petitioner's deposition had been taken in that same lawsuit.
3 Petitioner had also lied under oath. More importantly,
4 Petitioner had coached Karny as to what he should say during his
5 deposition. In other words, Petitioner suborned Karny's perjury.

6 Additionally, Petitioner's directions to Karny evidenced the
7 control that Petitioner exercised over others in the BBC. It
8 showed the desperation that the BBC found itself in at the time
9 and it showed Petitioner himself to be a liar. Counsel's choice
10 in this regard was not unreasonable, especially in light of the
11 other impeachment evidence of Karny at trial. The fact that
12 other negative evidence concerning Petitioner came in at trial
13 does not change the evaluation and this Court should not second-
14 guess trial counsel. Bonin v. Calderon, supra, 59 F.3d at 833.

15 2. Testimony of Neil Adelman Regarding Purchase of Cyclotron
16 Attrition Mills.

17 The Court of Appeal in its OSC asked this Court to determine
18 if the failure to call Neil Adelman, an attorney working for
19 Petitioner, constituted ineffective assistance of counsel. Such
20 evidence, it has been argued by Petitioner, would refute the
21 prosecution's evidence at trial that Petitioner and the BBC were
22 financially desperate and therefore had a motive to kill Levin
23 and obtain his money. According to Petitioner substantial income
24 from this deal was just around the corner.

25 Adelman was alleged to be the key to negotiations between
26 Petitioner and a man by the name of William Kilpatrick over the
27 sale to Kilpatrick of \$200 million of cyclotron attrition mill
28

1 technology. When operated, these mills would reduce a whole
2 variety of materials placed in them to such a small dimension
3 that it could be efficiently used for fuel or other commercial
4 purposes. Kilpatrick was supposedly obligated to pay Petitioner
5 \$200 million for the technology that Petitioner's owned and
6 developed.¹⁵

7 The evidence at the evidentiary hearing went well beyond
8 Adelman's testimony. It extended for days into evidence of the
9 purchase of the technology from Gene Browning, its inventor; the
10 development of alleged prototypes; the negotiations between
11 Petitioner's representatives and Kilpatrick's representatives and
12 the entire financial structure of the numerous companies and
13 entities involved in this supposed deal.

14 The evidence developed in the hearing was much more than
15 that which trial counsel was aware of at the time. Petitioner
16 told counsel of this project, but counsel did not conduct a
17 thorough investigation of Petitioner's theory.¹⁶

18 Trial counsel at the hearing stated that he was aware of the
19 general nature of Petitioner's cyclotron evidence but had done
20 little follow-up. Trial counsel stated that from what he had
21 been told about Petitioner's evidence, it was "snake oil" and he
22 would not use it. Having now been fully exposed to Petitioner's
23

24 ¹⁵Actually the contract was to be made with Microgenesis, a company established by Petitioner apart from
25 the BBC. Petitioner at the hearing testified that Microgenesis was a "straight" business concern while the
26 BBC on the other hand, was all tied up in fraud.

27 ¹⁶During the trial, Petitioner told his counsel a great deal. He literally bombarded him with facts, theories,
28 potential witnesses and speculation. This comprised what Petitioner described as over two thousand pages
of "to do" lists. Petitioner made it more difficult, not less, for trial counsel to separate the wheat from the
chaff. The Court notes that Petitioner did much the same to his current attorneys during the instant hearings.

1 theory during this hearing, it is clear that trial counsel's
2 description of the evidence as "snake oil" was not far off. The
3 court believes that the entire Hunt/Kilpatrick endeavor was a
4 scam. It reeks of fraud.

5 A great deal of time could be spent describing Petitioner's
6 evidence and how trial counsel's choice was a valid one.
7 However, a few highlights would be sufficient.

8 Kilpatrick testified in this hearing. He was in federal
9 custody for fraud at the time of his testimony. During the 1983-
10 1984 period he was attempting to emerge from bankruptcy and was
11 facing federal fraud charges in Colorado. He developed a plan to
12 take his company out of bankruptcy by entering into a stock swap
13 with a Canadian company.

14 In order for that transaction to take place, Kilpatrick's
15 balance sheet needed to have some value beyond his relatively
16 meager holdings.¹⁷ Enter Petitioner and his supposed rights to
17 the cyclotron attrition mills technology.¹⁸

18 Numerous draft agreements were prepared between Petitioner
19 and Kilpatrick. Most of these agreements called for Kilpatrick
20 to pay Petitioner \$333,333.00 per month for 18 months. However,
21 Kilpatrick had virtually no money, was in bankruptcy, had
22 substantial legal problems, and needed the approval of Canadian
23 and U.S. authorities before he could enter any enforceable
24

25 ¹⁷A review of the documents submitted indicates that Kilpatrick had little cash and certainly nothing to support
26 a \$200 million payment to Petitioner. Despite testimony from Kilpatrick's attorney that Kilpatrick was a man
27 of means, the facts do not bear out that contention and any resources he has appear to come from dubious
28 sources. This same attorney had also been indicted with Kilpatrick by the federal grand jury in Colorado.

¹⁸The evidence showed that several others -- including Kilpatrick himself -- also claimed rights to the same
technology. Browning had evidently sold the rights to the machines to others as well.

1 agreement. Despite Petitioner's supposed good faith belief in
2 the viability of this deal, the facts belie it. There was no
3 enforceable contract; there was no exchange of money; there was
4 no production of any of these "wonder" mills. In other words,
5 this venture sounds much like the other fraudulent activities of
6 the BBC and Petitioner in the early 1980's. Trial counsel was
7 wise to steer clear of it.¹⁹

8 3. The FBI Investigation of Progressive Savings and Loan.

9 Petitioner argues that trial counsel should have developed
10 evidence that Levin was the subject of a FBI investigation
11 concerning defrauding Progressive Savings and Loan. As such he
12 had a motive to flee.

13 Petitioner's claim fails for two reasons. First, trial
14 counsel was legitimately concerned that Petitioner might be
15 vulnerable on the same issue, i.e., involvement with the
16 Progressive Savings and Loan fraud. Petitioner's name had come
17 up in the Progressive Savings investigation because he and Tom
18 May had provided two checks for \$100,000 each to Levin which
19 Levin deposited at Progressive Savings in a check kiting scheme.
20 As Petitioner testified at the hearing, the BBC did not have the
21 money to cover these checks. They were worthless. The money was
22 supposed to be used to purchase an interest in an option for
23 Levin's duplex in Beverly Hills along with Len Marmor. That

24
25 ¹⁹Even if one were to concede that there was some merit to Petitioner's belief in this project (something this
26 Court would not do), trial counsel's decision not to pursue this avenue was reasonable under the
27 circumstances. Were Adelman to testify that he worked for the BBC and Petitioner from approximately June -
28 September 1984 as an attorney, all he could say is that he had negotiated with Kilpatrick on the attrition mills
technology sale and he had told Petitioner about it. The deal with Kilpatrick was never consummated.
Absolutely no money changed hands. Adelman left the BBC in 1984 because he had not been paid by
Petitioner.

1 option was also the subject of some questionable legality. In
2 other words, Petitioner himself was involved in the fraud which
3 he sought to assail Levin for.

4 Second, Levin's lack of honesty and integrity was adequately
5 laid out in the trial. It was known that he was already facing
6 state criminal charges; he was out on bond; there were pending
7 civil matters; he had substantial debts and little, if any,
8 legitimate income; he had adopted a number of work identities
9 depending on his audience and many people were looking for him.
10 All of this was brought out at trial. Since the evidentiary
11 hearing established that there was not a great chance that Levin
12 would be charged in the Progressive Savings matter, that evidence
13 added little to what the jury already knew about Levin. It would
14 have been cumulative and may have endangered Petitioner further.

15 There was no error in trial counsel's decision on this
16 issue. Even if there were, there was no prejudice.

17 4. Testimony of Oliver Wendell Holmes.

18 Petitioner argues that he told trial counsel about a former
19 attorney by the name of Oliver Wendell Holmes who knew Levin and
20 might have helpful information on him. Trial counsel indicates
21 that he may have heard the name from Petitioner but did no
22 follow-up on Holmes as a witness.

23 Holmes testified at the hearing that he had been a friend of
24 Levin's and had acted as his attorney in a civil matter. Holmes
25 said that in early 1984 Levin had told Holmes that he was working
26 on a story about a bank robbery in Las Vegas where the robbers
27 had gone to Brazil. Levin wanted to know if Brazil had an
28

1 extradition treaty with the United States and what the chances
2 were of these individuals being extradited. Holmes truly
3 believed this to be a journalistic interest. Levin indicated, he
4 was working on a story with a collaborator. He never indicated
5 that he was going to flee the jurisdiction but gave every
6 indication of wanting to fight the state criminal theft charges
7 pending against him.

8 Trial counsel indicated that had he known about this
9 information at the time, he would have utilized it. Petitioner
10 argues that trial counsel should have known about it because he
11 gave counsel Holmes' name.

12 This evidence if known to trial counsel would have been
13 helpful. Perhaps trial counsel should have investigated Holmes
14 as a potential witness.²⁰ However, "a particular decision not to
15 investigate must be directly assessed for reasonableness in all
16 the circumstances, applying a heavy measure of deference to
17 counsel's judgments." Strickland v. Washington, *supra*, 466 U.S.
18 at 691; Bonin v. Calderon, *supra*, 59 F.3d at 833. Given the
19 little information made known to counsel, failure to investigate
20 was not unreasonable.

21 In any case, Petitioner fails to show necessary prejudice.
22 Singularly or collectively, this factor does not cause the Court
23 to believe that the result would be different.

24 5. Testimony of Karen Sue Marmor.

25 Petitioner alleges that trial counsel was deficient for not
26 investigating and calling Karen Sue Marmor to testify concerning
27

28 ²⁰However, see: footnote 16, *supra*.

1 the matters discussed in Part III B and C of this Opinion.

2 Petitioner's argument fails for two reasons. First, while
3 Marmor existed (she was, after all, at home while her husband
4 testified at Petitioner's trial), the facts that she now alleges
5 as true did not come to mind until years after Petitioner's Santa
6 Monica trial. Trial counsel cannot be expected to hypothesize
7 what facts a witness might remember years after the fact as a
8 result of her "flashbacks."

9 Second, for the reasons stated in Part III, this witness has
10 no credibility at all. Trial counsel will not be faulted for
11 failing to call a witness at trial who lacks all credibility.

12 D. REMAINING INEFFECTIVE ASSISTANCE OF COUNSEL ISSUES

13 Several other ineffective assistance of counsel issues were
14 set forth in the OSC, but additional evidence on them was not
15 received in the hearing. While the Court has considered each
16 issue separately and collectively, they do not rise to the level
17 sufficient to undermine this Court's faith in the results of this
18 trial.

19 1. Terms of Tom May's Movie Contract.

20 Petitioner alleges that at trial, trial counsel should have
21 impeached Tom May's testimony with his movie contract which
22 Petitioner contends required May to falsely portray his
23 involvement (OSC Issue 2(b)). Trial counsel tried unsuccessfully
24 to interview May prior to trial. May would not talk to him.
25 Trial counsel tried unsuccessfully to question May at trial about
26 the movie deal. The Court sustained the prosecution's objection.
27 The jury was however, aware that there was some type of May movie
28

1 deal.

2 Petitioner's view that the contract called upon May to be
3 untruthful at trial is speculative at best. In any case, the
4 testimony given at trial was consistent with statements earlier
5 given to the police prior to the contract being entered into by
6 May. May's testimony would therefore be reinforced with a prior
7 consistent statement. There was no prejudice.

8 2. Laboratory Tests Indicating The Lack Of Blood In The BMW.

9 Petitioner alleges that trial counsel should have introduced
10 evidence that no blood was found in the trunk of the BMW that was
11 used to transport Levin's body (OSC Issue 2(d)). Petitioner
12 believes that this was especially important evidence given the
13 evidence from the BMW that the trunk had been dented when
14 Petitioner and Pittman attempted to close it on Levin's body.

15 However, the evidence at trial was that Petitioner and
16 Pittman had wrapped Levin's body in a bedspread before taking it
17 to the car and that there was no evidence that the blood would
18 have seeped out into the trunk. There was no evidence of any
19 blood anywhere in the apartment or anywhere else in the case.
20 Furthermore, trial counsel did not believe that the prosecution
21 had proven that the BMW had been utilized in the murder.

22 Trial counsel's decision was not unreasonable. The fact
23 that negative evidence was not utilized is insufficient for the
24 purpose of proving necessary prejudice.

25 3. Evidence That Levin Discussed Dying His Hair With The
26 Barber.

27 Petitioner alleges that trial counsel should have introduced
28

1 evidence that Levin had at some time discussed dying his hair
2 with his barber (OSC Issue 2(g)). However, the barber did not
3 come forward with the information until years later. Trial
4 counsel was not under any obligation to track down Levin's barber
5 on the chance that Levin might have discussed changing his
6 hairstyle at some point prior to June 1984. As the evidence at
7 trial revealed, Levin never did dye his hair and speculation over
8 unknown stains in Levin's bathroom were not sufficient to place
9 counsel on notice. Furthermore, introduction of evidence that
10 Levin dyed his hair would have undercut all of the defense
11 sighting witnesses at trial. They testified as to seeing Levin
12 with his gray hair and beard. So did all of the sighting
13 witnesses in the current evidentiary hearing. This claim is
14 immaterial.

15 4. Documents In Possession Of Levin's Conservator Indicating
16 A Larger Sum Of Money To Finance A Disappearance.

17 Petitioner contends that documents in Levin's conservator's
18 possession showed that "Levin could easily have socked away a
19 nest egg to finance his flight" (OSC Issue 2(i)). Trial counsel
20 indicated that he was not aware of this alleged money.

21 A review of the pleadings filed in this matter as well as
22 the testimony from the San Mateo and Santa Monica trials indicate
23 that Levin was involved in many fraudulent activities. While
24 there is a certain amount of money unaccounted for from Levin's
25 activity, there is no indication that Levin squirreled any "nest
26 egg" away to finance his supposed flight. This evidence is
27 highly speculative at best.
28

1 In any case, even if such evidence had been presented in the
2 Santa Monica trial, this Court cannot reasonably say that the
3 result would have been different.

4 5. Levin's Lack Of Familial Ties And Abuse Of His Dog.

5 Petitioner contends that trial counsel should have
6 introduced evidence that Levin's relationship with his mother and
7 step-father were not as good as the family testified to at trial;
8 and further, that he abused his dog when the dog urinated in his
9 home (OSC Issue 2(j)).

10 Trial counsel says that he was not aware of such evidence
11 but would not have used it had he been aware. This issue is
12 meritless. Clearly, even if the evidence were known, trial
13 counsel can choose not to attack a murder victim's family at
14 trial by disparaging their deceased son. Such a tactic is
15 potentially suicidal before a jury, especially one which might be
16 asked to later determine if the defendant should live or die.
17 Furthermore, evidence from Levin's neighbors, including Marmor,
18 that Levin abused his dog is frivolous.

19 6. Evidence That Levin And Pittman Had Prior Contacts.

20 Petitioner alleges that Levin and Pittman knew each other
21 and that this would impeach Karny's testimony (OSC Issue 2(k)).
22 However, Karny testified as to what Petitioner told him, i.e.,
23 that Levin did not know Pittman and that Pittman would be taken
24 along to Levin's the night of the crime. The fact that one or
25 perhaps two witnesses believe that they had seen Levin before
26 with Pittman does not impeach Karny's testimony. He was only
27 reporting that which Petitioner had told him. It does not affect
28

1 his credibility.

2 7. Testimony That Levin's Neighbor Heard Nothing Unusual On
3 Night Of The Crime And Saw Levin's Missing Comforter In The
4 Trash.

5 Petitioner argues that the testimony of another of Levin's
6 neighbor that she heard no struggle on June 6, 1984, and that she
7 saw his bedspread in the trash was evidence that his trial
8 counsel should have sought out and utilized (OSC Issue 2(1)).
9 Petitioner's witnesses, however, have recanted their testimony or
10 were impeached. Petitioner has submitted this point in his final
11 brief and does not argue it. There is no merit to the issue.

12 E. CONCLUSION

13 In light of the facts presented to this Court in the
14 pleadings and at hearing, the Court cannot say that Petitioner's
15 trial counsel's representation so undermined the trial that it
16 cannot be relied on as having produced a just result. Was
17 counsel's representation flawless? No, far from it. Were there
18 errors and misjudgments? Yes. Would the results have been
19 different but for these errors? Absolutely not. While counsel
20 had a number of strategic failings, it is also important to note
21 that he had to contend with a strong prosecution case, a
22 difficult client,²¹ and a difficult bench officer. Under the
23

24 ²¹During the hearing, trial counsel testified that one of the factors he considered in making defense decisions
25 was a confession which Petitioner had made to him at an early point in his representation. Petitioner told him
26 that he and Pittman had, in fact, murdered Levin. Later, after coaching from counsel, Petitioner changed his
27 story, denied involvement and related at least two other explanations for the evidence against him. Petitioner
28 denies this confession ever took place and at the hearing launched into a series of personal attacks on trial
counsel's integrity. Regardless of the truth of the attacks on trial counsel's personal and professional habits,
the Court believes that Petitioner did confess to his attorney and admit his involvement in the murder.
However, the confession does not directly effect any of the issues needing to be resolved here. The Court has,
however, taken it into consideration in judging Petitioner's credibility during his testimony at the hearing.

1 circumstances of this case, his representation was legally
2 sufficient and the Petitioner's claim to the contrary is without
3 merit.

4 V.

5 TRIAL COUNSEL'S ACTUAL CONFLICT OF INTEREST

6 Petitioner alleges that trial counsel had an actual conflict
7 of interest and that the conflict adversely affected his
8 performance (OSC Issue 3). No additional evidence was taken on
9 this claim. The conflict alleged is that trial counsel was
10 seeking admission to the Hillcrest County Club and that the trial
11 judge had the power to "blackball" his admission. According to
12 Petitioner, trial counsel therefore "pulled his punches" and did
13 not aggressively defend his client at trial.

14 Two points need to be made. First, there is no evidence
15 that trial counsel had applied for membership before, during or
16 after the Santa Monica trial. The evidence from the pleadings is
17 clearly to the contrary. Additionally, the trial judge was not
18 on any membership review committees, although he was an active
19 member.

20 Second, a review of the trial transcripts does not
21 demonstrate a trial counsel who was attempting to curry favor
22 with the bench officer. It does illustrate a bench officer who
23 at times was difficult to deal with in the courtroom. The trial
24 court was often caustic, overly involved in questioning
25 witnesses, and at times extremely hostile to trial counsel's co-
26 counsel.²² In the face of such a trial judge, competent counsel

27
28 ²²At one time instructing the bailiff to physically remove co-counsel from the courtroom.

1 is wise to avoid the type of "in your face" tactics that
2 petitioner would now argue was necessary. Trial counsel was
3 courteous but firm with the trial judge. He did not roll over
4 and play dead as Petitioner would argue. In other words, he did
5 not stop advocating on his client's behalf.

6 Trial counsel made suitable objections, forcefully argued
7 his points and, at times, received the wrath of the trial judge.
8 This record does not demonstrate a trial counsel who pandered to
9 the trial judge to gain personal favor.

10 VI.

11 FAILURE OF THE PROSECUTION TO
12 DISCLOSE MATERIAL INFORMATION BEARING ON
13 THE CREDIBILITY OF PROSECUTION WITNESS

14 A. INTERCESSION WITH COMMODITY FUTURES TRADING
15 COMMISSION (CFTC) ON BEHALF OF KARNY

16 Petitioner argues that the defense was not advised that the
17 FBI would make Karny's cooperation known to the CFTC and that FBI
18 notes indicate that Karny would not testify without immunity (OSC
19 Issue 4(a)). Even if this material was not made known to the
20 defense at the time of trial,²³ it was not substantial material
21 evidence and Petitioner suffered no prejudice.

22 At the time Karny testified, the jury was told that he had
23 immunity for two murders, immunity for another assault to commit
24 murder and that the prosecution would intercede on his behalf
25 with the Securities and Exchange Commission (SEC) with reference
26 to an investigation of the BBC should it become necessary. The
27

28 ²³It may have been but a determination of that fact is not important here.

1 fact that the prosecution also agreed to make Karny's cooperation
2 known to the SEC's sister agency, the CFTC, about the same
3 investigation arising from the same securities transactions is
4 minor and not material given the other impeachment evidence
5 against Karny. The FBI notes simply restate the obvious: Karny
6 wanted immunity before testifying. He got immunity, the jury
7 knew of the immunity and there is no error.

8 B. KARNY'S INVOLVEMENT IN THE MAYER MURDER

9 Petitioner argues that the defense was not told of Karny's
10 involvement in the Mayer murder, that Karny was given immunity
11 for the murder, that Karny lied when he said he did not know
12 Mayer, that he confessed to Mayer that he perjured himself and
13 that law enforcement suppressed evidence of Karny's involvement
14 in the murder (OSC Issues 4(b)-4(f)). In pursuit of this claim,
15 this Court ordered the release to Petitioner of the Mayer "Murder
16 Book" containing all the investigative files on the Mayer murder.
17 The Court reviewed all of the documentation submitted regarding
18 what has come to be known as the "Hollywood Homicide." In the end
19 one thing is clear: there is simply no credible, reliable
20 evidence to connect Karny to this murder.

21 The Los Angeles Police Department investigated Karny and
22 cleared him. There is not any substantial evidence to even
23 connect Karny to Mayer. The evidence proffered by Petitioner to
24 tie Karny to this case is flimsy and artificial. A suspicious
25 but reasonable mind could easily conclude that Petitioner has
26 more to do with this murder than Karny. However, for our
27 purposes, it need only be noted that Petitioner claims in this
28

1 area are meritless. There is no error.

2 C. CONCLUSION

3 Suppression by the prosecution of substantial material
4 evidence bearing on the credibility of prosecution witnesses is a
5 denial of due process. People v. Morris, 46 Cal.3d 1, 29-30
6 (1988). That simply did not happen here.

7 VI.

8 FAILURE OF PROSECUTION TO DISCLOSE

9 TO PETITIONER THAT LEVIN WAS

10 UNDER INVESTIGATION BY THE FBI

11 Petitioner initially argued in his Petition for Writ of
12 Habeas Corpus that the defense at time of trial was not advised
13 that Levin himself was under investigation by the FBI for the
14 Progressive Savings and Loan matter. Subsequent facts have
15 caused Petitioner to rethink that position. At the hearing in
16 this matter Petitioner and counsel conceded that the defense was
17 made aware of the FBI investigation.²⁴

18 In light of that concession and the failure to establish any
19 prejudice, the issue is without merit.

20 VII

21 CONCLUSION

22 This has been a long and, at times, convoluted case.
23 Counsel for Petitioner has argued that the case is unique with
24 many peculiar aspects. In some ways counsel is correct. But in
25 the last analysis, the issue is simple: did Petitioner murder Ron
26 Levin and thereafter receive a fair trial for that crime?


27
28 ²⁴See discussion in Part IV C 3 of this Opinion regarding the facts of that investigation.

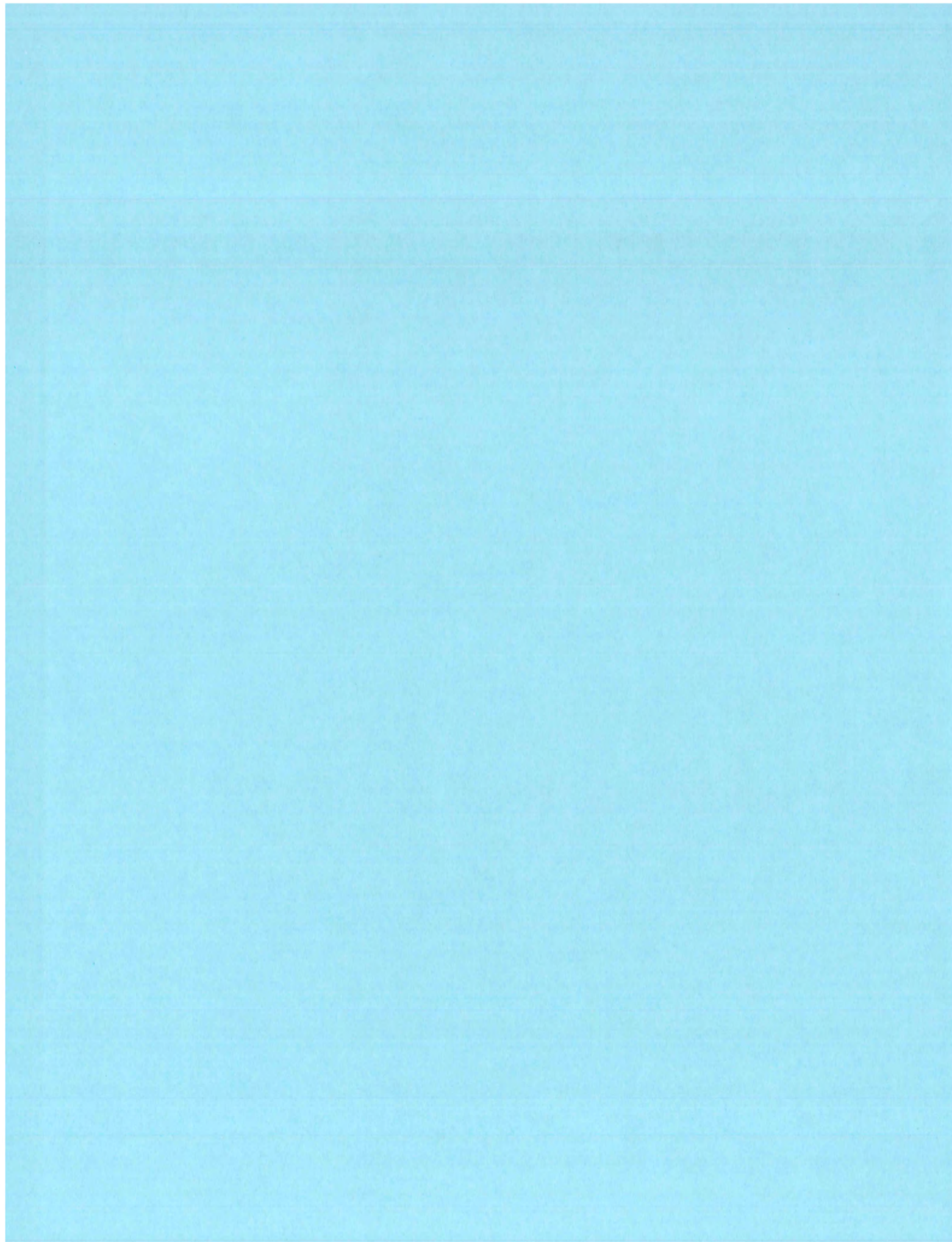
1 After any trial many facts come to light. Subsequent review
2 of trial participants' actions will often disclose much that some
3 might find deficient. Later analysis is always cleaner than
4 concurrent evaluation. But a trial cannot by its very nature be
5 perfect. It is a human endeavor in which all involved hope ends
6 in a just result. Here the trial was not perfect, but it was
7 just.

8 This Court has now looked at that trial evidence, the new
9 evidence, the new assignments of error, and the arguments of
10 counsel and reaches the conclusion that Petitioner received a
11 fair trial. He is not entitled to a new one. Further, this
12 Court concludes that Ronald Levin is dead and that Petitioner and
13 Pittman killed him. Petitioner is justly convicted of that
14 crime.

15 The Petition for a writ of habeas corpus is denied.
16

17
18
19 DATED: 12/24/16


J. STEPHEN CZULEGER
Judge of the Superior Court



IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

COURT OF APPEAL - SECOND DIST.

FILED

JAN 15 1998

JOSEPH A. LANE

Clerk

Deputy Clerk

In re

JOSEPH HUNT

on

Habeas Corpus.

B110428

(Super. Ct. No. A090435)

(J. Stephen Czuleger, Judge)

ORDER

THE COURT:

I. INTRODUCTION

In the early 1980's, petitioner formed a group which came to be known as the "Billionaire Boys Club" (BBC). The group's purpose was to invest in commodities, cyclotron technology, and arbitrage. Ronald Levin, the decedent, persuaded the group he was a wealthy individual with money to invest. In fact, Mr. Levin was a "con man" who perpetrated an elaborate hoax on petitioner and the BBC. Petitioner was convicted of murdering Mr. Levin on June 6, 1984, with the aid of James Pittman. Petitioner admitted the existence of the plot to kill Mr. Levin to fellow BBC member Dean Karny. Petitioner also phoned Mr. Karny the morning after the murder and confessed to the murder. Mr. Karny testified at petitioner's trial under a grant of immunity.

We affirmed petitioner's conviction in an unpublished opinion. (*People v. Hunt* (Nov. 23, 1993) B029402 [nonpub. opn.].) Petitioner also filed a petition for writ of habeas corpus which was heard concurrently with his appeal. We concluded petitioner had made a prima facie showing of entitlement to relief with respect to five of the many issues raised in the petition. On November 23, 1993, we issued an order to show cause in the habeas corpus proceeding directing the superior court to conduct an evidentiary hearing on the following issues. First, we issued an order to show cause concerning purported newly discovered evidence that Mr. Levin was still alive and additional impeachment evidence which casts a fundamental doubt on the accuracy and reliability of the jury's verdict. This newly discovered evidence issue was limited to: sightings of Mr. Levin; the seven-page "to do" list which was left at Mr. Levin's house prior to June 6, 1994; and evidence contained in a "Dear Dean" letter that a prosecution witness, Mr. Karny, committed perjury in another case. Second, we directed the prosecution show cause whether defense counsel's representation of petitioner fell below an objective standard of reasonable professional competence and there was a reasonable probability that the result of the trial would have been different. This purportedly was because defense counsel failed to discover or to utilize certain information. Third, we determined a hearing was justified as to whether defense counsel, Arthur Barens, had an actual conflict of interest which adversely affected his performance. This was because Mr. Barens was allegedly seeking admission to the Hillcrest Country Club and the judge who presided over the trial had the power to veto the application. Fourth, the order to show cause directed resolution of the question as to whether the prosecution failed to disclose substantial material evidence bearing on the credibility of Mr. Karny. Finally, we directed the prosecution to show cause whether it failed to disclose material evidence favorable to petitioner that Mr. Levin was under investigation by the Federal Bureau of Investigation (FBI). Los Angeles Superior Court Judge J. Stephen Czuleger conducted an evidentiary hearing (Cal. Rules of Court, rule 260) beginning on March 29, 1996. We

will refer to Judge Czuleger's rulings as those of the "trial court." Prior to the evidentiary hearing, the court resolved a number of issues on the pleadings, pursuant to the prosecutor's motion. On July 12, 1996, the trial court issued a 38-page order denying the petition for writ of habeas corpus. On March 20, 1997, petitioner filed a 472-page petition for writ of habeas corpus challenging the July 12, 1996, order. After an extensive review of the trial and habeas corpus hearing records, we deny the petition.

II. DISCUSSION

A. Claims arising from the 1996 evidentiary hearing.

1. *Faretta* motion

Petitioner contends the trial court violated his constitutional self-representation right pursuant to *Faretta v. California* (1975) 422 U.S. 806, 835, when it denied his request to represent himself at the evidentiary hearing after we issued the order to show cause. Petitioner's contention is without merit. Unlike the situation in *Faretta*, neither the structure nor the history of the Sixth Amendment has been interpreted to apply the self-representation requirement to a state court post-judgment and appeal collateral attack evidentiary hearing procedure. It may be that the Sixth Amendment self-representation right may exist in the federal collateral attack evidentiary hearing process. However, we cannot conclude that the self-representation option in a post-judgment state collateral attack evidentiary hearing process is "fundamental to the American scheme of justice" which is a test for determining the application of the Sixth Amendment to a state justice system. (*Benton v. Maryland* (1969) 395 U.S. 784, 795.) Moreover, in terms of other tests for determining whether the Fourteenth Amendment Due Process Clause requires certain procedural requirements be imposed on state courts, the self-representation option

in a post-judgment evidentiary hearing procedure cannot be characterized as “‘so rooted in the traditions and conscience of our people as to be ranked as fundamental’ [], and ‘implicit in the concept of ordered liberty,’ such that ‘neither liberty nor justice would exist if they were sacrificed’” (*Washington v. Glucksberg* (1997) __ U.S. __, __ [117 S.Ct. 2258, 2268]; e.g. *Herrera v. Collins* (1993) 506 U.S. 390, 411 [Texas limitation on post-judgment presentation of newly discovered evidence claim not violative of Due Process Clause of Fourteenth Amendment].) We note the United States Supreme Court has never held that there is a right in a state’s post-judgment habeas corpus evidentiary hearing for the petitioner to proceed in pro se. Finally, there is no state constitutional or statutory right to self-representation at a habeas corpus evidentiary hearing. (*People v. Sharp* (1972) 7 Cal.3d 448, 453.)

B. Evidence that Mr. Levin was still alive

1. “Sighting” evidence

At the hearing, the trial court heard the testimony of five witnesses who claimed to have seen Mr. Levin alive after June 6, 1984. These so-called “sighting” witnesses were Connie Gerrard, Nadia Ghaleb, Robert Robinson, Ivan Werner, and Karen Sue Marmor. The court found that Mr. Robinson and Ms. Marmor had “no credibility at all.” The court gave little weight to the testimony of Ms. Ghaleb and Mr. Werner, who had minimal contact with Mr. Levin. The alleged sightings of him were extremely brief. The court gave the greatest weight to the testimony of Ms. Gerrard, who claimed to have seen Mr. Levin alive in 1987. However, in order for petitioner to receive a new trial based on newly discovered evidence, the evidence must “undermine the entire prosecution case and point unerringly to innocence or reduced culpability.” (*People v. Gonzalez* (1990) 51 Cal.3d 1179, 1246; *In re Hall* (1981) 30 Cal.3d 408, 417.) The court ruled that the

testimony of Ms. Gerrard was not sufficient to meet this standard. After conducting independent review of the facts adduced at the hearing, we adopt the trial court's findings as our own.

Petitioner contends the court should have admitted the testimony of three additional "sighting" witnesses Louise Waller, Carmen Canchola and Jesus Lopez. Since all three witnesses testified at petitioner's trial (Ms. Canchola and Mr. Lopez at the guilt phase, and Ms. Waller at the penalty proceedings), the trial court could properly rule that this evidence was inadmissible at the habeas corpus evidentiary hearing. This is because the evidence was cumulative. (See *People v. Delgado* (1993) 5 Cal.4th 312, 328; *In re Weber* (1974) 11 Cal.3d 703, 720-722; Evid. Code, § 352.)

2. "To do list"

Petitioner wrote out his plan to kill Mr. Levin in a seven-page outline (the "to do list"). The "to do list" included such items as "tape mouth," "handcuff," "kill dog," and "have Levin sign agreements." Among the "newly discovered evidence" which petitioner claims entitles him to a new trial is a statement by Mr. Levin's former neighbor, Karen Sue Marmor. She recalled seeing the "to do" list in Mr. Levin's apartment prior to June 6, 1984. However, the trial court gave no weight to Ms. Marmor's testimony since her "vision" of the "to do list" in Mr. Levin's apartment came to her in "flashbacks" which occurred years after the murder and in fact several years after petitioner's trial (at which Ms. Marmor's husband testified). We independently adopt the trial court's findings the testimony did not meet the standard for granting habeas corpus relief based upon newly discovered evidence. (*In re Clark* (1993) 5 Cal.4th 750, 766; *In re Hall, supra*, 30 Cal.3d at p. 417.)

3. The “Dear Dean” letter

Richard Mayer was murdered in a Hollywood motel in October, 1986. Found in a shoe at the crime scene years later was a letter addressed to “Dean,” Mr. Mayer’s homosexual lover. In the letter, Mr. Mayer refers to “Dean’s” cooperation with the police. Further, the letter adverts to lies told to the authorities so that “Dean” could “get his deal.” Petitioner contends the “Dean” referred to in the letter is Mr. Karny. Further, he argues the letter proves Mr. Karny lied at trial. Petitioner contends the trial court erred when it excluded the letter as inadmissible hearsay. This contention is without merit because the letter was not “evidence” in a constitutional sense. (*In re Weber, supra*, 11 Cal.3d at pp. 720-722; *Walker v. Lockhart* (8th Cir. 1985) 763 F.2d 942, 948; c.f. *Wood v. Bartholomew* (1995) 516 U.S. 1, 10 [inadmissible polygraph results are for Due Process Clause purposes “not ‘evidence’ at all . . .”].) The trial court correctly concluded that the letter was not “new evidence” because it was not admissible evidence.

C. Ineffective assistance of counsel claims

We apply the following test for evaluating in effectiveness of counsel claims: “Defendant argues that certain actions and omissions of the lawyers representing him at trial amounted to ineffective assistance of counsel in violation of his right to counsel as guaranteed by the Sixth Amendment to the United States Constitution and article I, section 15 of the California Constitution. In order to demonstrate ineffective assistance, a defendant must first show counsel’s performance was deficient because the representation fell below an objective standard of reasonableness under prevailing professional norms. (*Strickland v. Washington* (1984) 466 U.S. 668, 687-688 [].) Second, he must show prejudice flowing from counsel’s performance or lack thereof. Prejudice is shown when there is a reasonable probability that, but for counsel’s

unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome. (*In re Avena* (1996) 12 Cal.4th 694, 721 [.]” (*People v. Williams* (1997) 16 Cal.4th 153, 214-215.) With this standard in mind, the trial court took evidence on the following issues.

1. Mr. Karny’s deposition testimony in the Cantor-Fitzgerald lawsuit

The trial court rejected petitioner’s claim that trial counsel should have utilized evidence that Mr. Karny lied under oath in a deposition taken in a previous civil lawsuit arising from the fraudulent activities of the BBC. The trial court correctly found that trial counsel had valid tactical reasons not to use the information. Petitioner himself had lied under oath in the same lawsuit. Further, petitioner had coached Mr. Karny regarding the deposition testimony in question.

2. Testimony by Neil Adelman regarding the purchase of cyclotron attrition mills

At trial, the People presented evidence that petitioner and the BBC were financially desperate. Therefore, it was argued petitioner had a motive to kill Mr. Levin. Petitioner would thus have a motive to obtain Mr. Levin’s money. Petitioner contends trial counsel should have called as a witness Mr. Adelman, an attorney, who would have testified that the BBC was about to realize substantial income from the sale of cyclotron attrition mill technology to William Kilpatrick, a Canadian investor. Trial counsel viewed this cyclotron evidence as “snake oil” and would not use it. The extensive testimony on this issue at the evidentiary hearing served only to confirm trial counsel’s mature and wise analysis. The testimony revealed that Mr. Kilpatrick was bankrupt, had virtually no money, had substantial legal problems, and needed the approval of Canadian

and United States authorities before he could enter into any enforceable agreements. As the court below aptly noted, "There was no enforceable contract; there was no exchange of money; there was no production of any of these 'wonder' mills. In other words, this venture sounds much like the other fraudulent activities of the BBC and Petitioner in the early 1980's." The evidence would not have aided petitioner's case and likely would have damaged it. We adopt the trial court's findings as our own.

3. An FBI investigation of Mr. Levin regarding Progressive Savings and Loan

Petitioner contends trial counsel should have developed evidence that Mr. Levin had an incentive to flee because he was being investigated by the FBI for defrauding Progressive Savings & Loan in a check kiting scheme. Trial counsel elected not to use this evidence because petitioner had issued the worthless checks which Mr. Levin had deposited. The trial court concluded, based on the trial record and evidence taken at the hearing, that Mr. Barens's failure to utilize this evidence was reasonable because: there was little chance that Mr. Levin would have been charged in the Progressive Savings matter; the jury had already heard evidence of Mr. Levin's lack of honesty and integrity (thus the evidence would have been cumulative); and the evidence would have harmed petitioner. We are in accord.

4. Testimony of Oliver Wendell Holmes

Petitioner gave Mr. Barens the name of Oliver Wendell Holmes, a friend of Mr. Levin. Mr. Holmes, a lawyer, had represented Mr. Levin in a civil case. Petitioner believed Mr. Holmes might have information about Mr. Levin which might have been helpful. Specifically, Mr. Levin planned to leave the country and flee to Brazil in order to avoid criminal prosecution. Petitioner contends Mr. Barens should have investigated Mr.

Holmes further. Also, petitioner argues Mr. Holmes should have been called as a witness at trial. Mr. Holmes testified at the habeas corpus evidentiary hearing. Mr. Levin indicated he was working on a story about bank robbers fleeing to Brazil. Mr. Levin asked Mr. Holmes if Brazil has an extradition treaty with the United States. Mr. Holmes viewed this as “journalistic interest.” Mr. Levin never indicated he planned to flee the jurisdiction because of pending criminal charges against him. The trial court reasonably could have ruled that although Mr. Holmes’ testimony might have helped petitioner, Mr. Barens’s failure to investigate further was not unreasonable under the standard set forth in *Strickland v. Washington* (1984) 466 U.S. 668, 687-688. We conclude Mr. Barens’s conduct was not below the standard of reasonably effective representation. Mr. Barens had little information on which to proceed, and in any event, this testimony would not have altered the outcome of petitioner’s trial.

5. Testimony of Ms. Marmor

Petitioner claimed trial counsel was deficient for not calling Ms. Marmor as a “sighting” witness. As noted above, the court believed Ms. Marmor was not a credible witness. The court correctly found that trial counsel could “not be faulted for failing to call a witness at trial who lacks all credibility.” We are fully in agreement with the trial court’s analysis.

6. Additional ineffective assistance of counsel issues

The court did not take evidence on the following ineffective assistance of counsel issues identified in the order to show cause: (a) the terms of former BBC member Tom May’s movie contract; (b) laboratory tests concerning the BMW used to transport Mr. Levin’s body; (c) evidence that Mr. Levin discussed dyeing his hair with his barber; (d)

documents in possession of Mr. Levin's conservator allegedly indicating \$1.2 million had been amassed prior to the disappearance; (e) Mr. Levin's lack of familial ties and abuse of his dog; (f) evidence of prior contact between Mr. Levin and Mr. Pittman; (g) evidence that Mr. Levin's neighbor heard nothing unusual on the night of June 6, 1994; and (h) Mr. Levin's missing comforter was found by the neighbor in a trash can.

Petitioner contends he did not receive a fair hearing on these claims and thus was denied due process because his counsel at the evidentiary hearing did not vigorously oppose the prosecutor's motion to have these issues resolved on the pleadings, which they in fact were. Petitioner's claim that he was denied due process is without merit. Petitioner's counsel at the evidentiary hearing made what amounted to an offer of proof on these issues. The trial court, utilizing the *Strickland* standard, properly determined that Mr. Barens had a valid tactical decision for not using the evidence. Further, the trial judge determined that even if the evidence had been presented, it would not have altered the outcome of petitioner's trial and may even have damaged his case. Having independently reviewed the record, we adopt the trial judge's findings as our own.

D. Counsel's actual conflict of interest

Petitioner contends he was deprived of due process because the trial court did not take evidence on the claim that Mr. Barens had an actual conflict of interest. This purportedly was because Mr. Barens was seeking admission to the Hillcrest Country Club. Petitioner alleged the late Laurence Rittenband, the judge who presided over the trial, had the power to "blackball" Mr. Barens's admission to the Hillcrest Country Club. This issue was resolved adversely to petitioner on the pleadings when the People, in a pretrial hearing, persuaded the trial court that: (1) there was no evidence counsel had even applied for membership before, during, or after the trial; (2) Judge Rittenband was not on any of the club's membership review committees; and (3) the record did not

demonstrate “a trial counsel who pandered to the trial judge to gain personal favor.” The simple fact is Mr. Barens aggressively represented petitioner.

E. Failure of the prosecution to disclose substantial material evidence bearing on the credibility of Mr. Karny.

The jury at petitioner’s trial was told that in exchange for his testimony, Mr. Karny had received immunity from two murder charges. Also, Mr. Karny had been granted immunity from another assault with the intent to commit murder charge. Finally, the prosecution intended to intercede on Mr. Karny’s behalf with the Securities and Exchange Commission (SEC) in connection with any investigation of the BBC. Petitioner contends the prosecution withheld from the defense information that FBI officials would also inform the SEC’s “sister” agency, the Commodity Futures Trading Commission (CFTC), of Mr. Karny’s cooperation. The court below correctly ruled that petitioner was not prejudiced by the prosecution’s failure to disclose this information, since the jury was already aware that Mr. Karny had been granted immunity for his testimony. We adopt the trial court’s findings. We have applied the materiality analysis set forth in *Kyles v. Whitley* (1995) 514 U.S. 419, 434-437. It is not reasonably probable the failure to disclose this evidence would have led to a more favorable result.

F. Failure of the prosecution to disclose to petitioner that Levin was under investigation by the FBI.

At the hearing below, petitioner and his counsel conceded that the defense had been made aware of the FBI investigation of Mr. Levin. The court below correctly ruled that in light of this concession, and petitioner’s failure to show any prejudice, the issue was without merit. We agree.

G. Claims arising from court's refusal to consider supplemental petition

On March 29, 1996, petitioner filed a supplemental petition for writ of habeas corpus raising additional ineffective assistance of counsel issues. The court correctly declined to hear the petition because the issues were not within the scope of the order to show cause. In the interest of judicial economy, we have reviewed the supplemental petition on the merits and conclude that petitioner has failed to meet his burden of showing that but for counsel's alleged errors, the outcome of his trial would have been different. (*Strickland v. Washington*, *supra*, 466 U.S. at pp. 693-694; *People v. Fosselman* (1983) 33 Cal.3d 572, 584.) Petitioner's contention that Mr. Barens' performance was so deficient that we should utilize some standard of review other than *Strickland* is without merit. The appropriate standard of review is that which has been set by the United States Supreme Court.

H. Additional claims


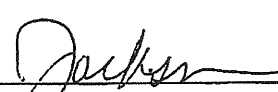
Petitioner raises additional claims concerning bias of Judge Rittenband. To the extent these claims were not raised on direct appeal, they are waived and the subject of procedural default. (*In re Harris* (1993) 5 Cal.4th 813, 826; *In re Clark*, *supra*, 5 Cal.4th at p. 765; *In re Waltreus* (1965) 62 Cal.2d 218, 225.) To the extent the failure to raise these issues was attributable to appellate counsel, we find that petitioner has no ground for a claim of ineffective assistance of his appointed attorney on appeal. (*Jones v. Barnes* (1983) 463 U.S. 745, 750; *Miller v. Keeney* (9th Cir. 1989) 882 F.2d 1428, 1434, fn. 10.)

Finally, petitioner contends there is new evidence proving his innocence which came to light only on the morning of the last day of the evidentiary hearing. That evidence was in the form of a declaration from Jonathan Milberg, a highly regarded

criminal defense attorney, who stated that in 1977 (seven years before the murder) he overheard Mr. Levin in a telephone conversation. Mr. Levin stated over the telephone that if things got “too hot” for him, he would simply disappear and “everyone would think he is dead, and that he would be ‘sitting somewhere’ laughing at everyone.” This evidence is merely cumulative of other evidence presented at trial; it did not “undermine the entire prosecution case and point unerringly to innocence or reduced culpability.” (*People v. Gonzalez, supra*, 51 Cal.3d at p. 1246; *In re Hall, supra*, 30 Cal.3d at p. 417 .) The prosecution case conclusively demonstrated petitioner killed Mr. Levin and none of the collateral notions raised in the habeas corpus petition undermined that immutable reality.

III. DISPOSITION

The petition for writ of habeas corpus is summarily denied on the merits and as noted, the court finds certain enumerated issues are also the subject of procedural default.

*		
<hr/>		
	TURNER, P.J.	JACKSON, J.*

* Assigned by the Chairperson of the Judicial Council

Table 1. Mean (SD) age, height, weight, and body mass index (BMI) of the 100 children in the study

Measure	Mean (SD)
Age (years)	10.2 (0.4)
Height (cm)	145.2 (10.1)
Weight (kg)	38.5 (10.2)
BMI (kg m ⁻²)	18.6 (3.2)

children were asked to perform a series of tasks designed to assess their ability to perform a range of physical activities. The tasks were performed in a sequence, and the order of the tasks was randomized.

The first task was a 100-m sprint. The children were asked to run as fast as they could for 100 m. The time taken to complete the sprint was recorded.

The second task was a 100-m shuttle run. The children were asked to run back and forth between two lines 100 m apart, for a total of 100 m. The time taken to complete the shuttle run was recorded.

The third task was a 100-m obstacle course. The children were asked to run a 100-m course that included a series of obstacles, including cones, hurdles, and a low jump. The time taken to complete the obstacle course was recorded.

The fourth task was a 100-m relay race. The children were asked to run a 100-m relay race, with each child running a 25-m leg. The time taken to complete the relay race was recorded.

The fifth task was a 100-m endurance run. The children were asked to run a 100-m course as fast as they could, and then to continue to run at a slower pace for a total of 100 m. The time taken to complete the endurance run was recorded.

The sixth task was a 100-m agility test. The children were asked to run a 100-m course that included a series of cones, and to perform a series of agility drills. The time taken to complete the agility test was recorded.

The seventh task was a 100-m speed test. The children were asked to run a 100-m course as fast as they could, and then to continue to run at a slower pace for a total of 100 m. The time taken to complete the speed test was recorded.

The eighth task was a 100-m endurance test. The children were asked to run a 100-m course as fast as they could, and then to continue to run at a slower pace for a total of 100 m. The time taken to complete the endurance test was recorded.

The ninth task was a 100-m speed test. The children were asked to run a 100-m course as fast as they could, and then to continue to run at a slower pace for a total of 100 m. The time taken to complete the speed test was recorded.

The tenth task was a 100-m endurance test. The children were asked to run a 100-m course as fast as they could, and then to continue to run at a slower pace for a total of 100 m. The time taken to complete the endurance test was recorded.

FILED

JUN 10 2016

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSEPH HUNT,

Petitioner - Appellant,

v.

TIM V. VIRGA, Warden,

Respondent - Appellee.

No. 13-56207

D.C. No. 2:98-cv-05280-RHW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Robert H. Whaley, District Judge, Presiding

Argued and Submitted May 5, 2016
Pasadena, California

Before: BYBEE and N.R. SMITH, Circuit Judges and STEIN,** District Judge.

1. The California Supreme Court's 2000 denial of Joseph Hunt's petition for a writ of habeas corpus did not strip the California Court of Appeal's opinion of its precedential force. The California Supreme Court simply "refuse[d] to readjudicate"

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The Honorable Sidney H. Stein, District Judge for the U.S. District Court for the Southern District of New York, sitting by designation.

Hunt’s claims “on the ground that [they] ha[d] been previously determined.” *Cone v. Bell*, 556 U.S. 449, 467 (2009). As such, the California Supreme Court’s denial did not serve as a procedural bar, *id.*, which—if deemed ineffective—would permit us to ignore the California Court of Appeal’s merits determinations. *See Seeboth v. Allenby*, 789 F.3d 1099, 1103 (9th Cir. 2015). The California Court of Appeal had denied on the merits each claim Hunt raises on appeal before us. We must therefore defer to that court’s denials as long as they were neither “contrary to” nor “involved an unreasonable application” of clearly established Supreme Court law. 28 U.S.C. § 2254(d)(1).

2. The California Court of Appeal’s decision to apply *Strickland v. Washington*, 466 U.S. 668 (1984), rather than *Cuyler v. Sullivan*, 446 U.S. 335 (1980), to Hunt’s claim that trial counsel had a conflict of interest was not contrary to clearly established Supreme Court law. It is not clearly established that the *Cuyler* framework applies to instances in which counsel’s purported conflict of interest was personal rather than based on improper joint representation. *See Mickens v. Taylor*, 535 U.S. 162, 174–75 (2002); *Foote v. Del Papa*, 492 F.3d 1026, 1029 (9th Cir. 2007). We also may not grant relief on the basis that the California Court of Appeal unreasonably refused to extend the *Cuyler* framework to apply to the facts of Hunt’s particular conflict claim. *See White v. Woodall*, 134 S. Ct. 1697, 1706 (2014).

3. Regarding Hunt's general ineffective assistance claims, "fairminded jurists could disagree" over whether trial counsel's so-called "sanitary" tactics rendered constitutionally ineffective assistance. *Harrington v. Richter*, 562 U.S. 86, 102 (2011). Under the Antiterrorism and Effective Death Penalty Act's (AEDPA) doubly deferential lens, *Cullen v. Pinholster*, 563 U.S. 170, 190 (2011), we cannot conclude that counsel rendered deficient performance by selecting an examination strategy he thought would ensure that the witness testified consistently with her prior statements. That tactic reasonably sought to protect Hunt's defense from allegations that his witnesses were tainted.

Even if trial counsel's questioning was insufficiently aggressive, it was reasonable for the state court to conclude that Hunt failed to show the required prejudice. Two alleged eyewitnesses testified that they saw Ronald Levin alive in Arizona. Hunt points to no hypothetical testimony that a more aggressive questioning strategy could have adduced from those witnesses.

We have also considered Hunt's contentions that the state courts unreasonably rejected Hunt's remaining *Strickland* claims regarding trial counsel's purported failures to discover, interview, or call to the stand Oliver Wendell Holmes, Karen Sue Marmor, John Duran, Robbie Robinson, Nadia Ghaleb, Ivan Werner, or Louise Waller as well as Hunt's claims that trial counsel was ineffective in failing to present

evidence of Levin's access to some \$500,000, evidence regarding whether Levin's American Express credit card was used after Levin's murder, or evidence of the anonymous Nippers Nightclub sighting. None of these claims entitle Hunt to federal habeas relief.

Fair-minded jurists could disagree over whether Hunt had demonstrated that any of trial counsel's claimed errors constituted constitutionally deficient performance or resulted in the required prejudice. *See Gallegos v. Ryan*, __ F.3d __, 2016 WL 1382194 at *10 (9th Cir. April 7, 2016). Hunt fails to point to anything Barends could have done that would have led to a more timely discovery of much of the abovementioned exculpatory evidence. Nor can he show prejudice for trial counsel's failure to present to the jury several witnesses whose accounts were incredible or "pathetic."

Indeed, in light of the "overwhelming" evidence of Hunt's guilt, and the state courts' factual findings, *see* 28 U.S.C. §§ 2254(d)(2), (e)(1), that "Ronald Levin is dead and that [Hunt] killed him," the California courts' rejection of Hunt's *Strickland*

claims simply cannot be viewed as anything less than reasonable given AEDPA's strict constraints.¹ We must defer to those reasonable decisions.

AFFIRMED.

¹ We cannot consider the juror declarations Hunt proffered. *Pinholster*, 563 U.S. at 180-81; Fed. R. Evid. 606(b). Accordingly, those declarations have no effect on our analysis of Hunt's *Strickland* claims.

EXHIBIT B

To: Captain Hill; Correctional Counselor Yamamoto;
Inmate Classification Committee (I.C.C.);
and to the Warden and Staff of CSP-Sac.
From: Chaplain William Goeke

November 5, 2005

Re: *****REQUEST TO RETAIN I/M JOSEPH HUNT (D-61863) AT C-FACILITY;
SPECIAL RECOGNITION FOR HIS MANY CONTRIBUTIONS *****

I want to make a record of why it would serve our institutional goals to retain three inmates assigned to the C-Facility Chapel. This memorandum will focus on one of them, I/M Joseph Hunt.

I/M Hunt has been a Chapel Clerk at C-Facility since March of 1998. He has outstanding clerical and English composition skills.

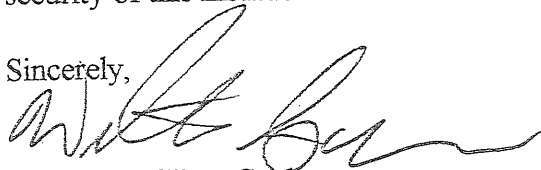
From an institutional perspective, what makes I/M Hunt worth retaining is his ability to function as a 'junior minister' -- or, if you will, as a 'deacon' to our Chapel program. Over the years he has put thousands of hours into specialized training programs. Those courses have equipped him to lead chapel programs -- including Men's Group circles, meditation groups, and Christian programs -- and to be of service to prisoners in need of spiritual counsel.

I/M Hunt was present for the founding of the Men's Group at B-Facility. When he was transferred to C-Facility, he was assigned the task of recruiting for the program. For the next five years, he was the 'lead-man' on the project, helping host hundreds of Men's Group meetings. With eight years of experience in the Men's Group, I/M Hunt is able to serve as an "elder" in the Circle. His is a voice of healing and compassion. The other men look to him for direction and encouragement. Along with I/M Rick Misener, he is one of the two inmates capable of ensuring the program's continued vitality on this yard.

I/M Hunt has distinguished himself through hard work, initiative, and loyalty to institutional goals as expressed through the Chapel programs. In a normal week, over 700 ducats are issued for the Chapel. Chapel programs have been instrumental in reducing the incidence of violence and suicide among the C-Facility population, while channeling energies toward spiritual goals and reintegration with society.

Please take our seven-year investment in I/M Hunt, his unusual skill set, and his honest effort to be of service at C-Facility, when deciding whether or not to transfer him. I would appreciate it if he was retained. In my judgment he makes an unusually positive contribution to the safety and security of this Institution.

Sincerely,



Chaplain William Goeke,
Catholic Programs, CSP-Sac.

11/10/2017

GOVERNOR JERRY BROWN
1315 10th STREET
SACRAMENTO, CA. 95814

Re: Joseph Hunt

Dear Governor Brown,

As the Catholic Chaplain at California State Prison – Sacramento I journeyed with Joseph Hunt on his path of self-discovery. I have known Joseph Hunt for over 15 years. He was my Catholic Clerk in C Facility at California State Prison – Sacramento for approximately 3 years.

I found him to be an asset to the Catholic Program and to myself. He fulfilled his duties with commitment and integrity. I had complete confidence in him. I also was able to observe him interact with other prisoners on the yard. He always made himself available to their needs. He has been a model prisoner for many years. He exuded a non-threatening personality to everyone.

I am not a Pollyanna. I was held hostage as a young man, at knife point, by a desperate youth. Due to this unbelievable traumatic experience I developed an attitude of “Lock all the Bastards Up and throw away the key; kill all of them on death row”. There was a time in my life where I would “bet my life” I would never work in a prison. Yet God has such a profound sense of humor. My work in the prison was the most challenging and rewarding experience of my life. I only tell you this so as to give you a bench mark for qualifying what I am saying.

Joseph Hunt made my ministry and work in prison worthwhile.

He participated in the Inside Circle Men’s Group meetings in C Facility. This is an ongoing journey in Self-discovery. It takes real courage, in a maximum security prison, to belong to this group. Violent men, outside the group, do not understand what goes on inside these circles. We’ve had gang members drop out of gangs when given the chance to grow and discover who they are. We’ve also had gang members drop out of the group due to outside yard pressures and threats to their life. It took real courage for Joseph to stay in the group, but he would not be denied. What happens in the group is transformational and not every man is capable of having their feet “Held to the Fire”. There are no games played. The men themselves determine what man is capable and mature enough to weather the maelstrom the group dynamic creates for each man. Men develop a keen awareness that these groups are lifesaving and will not do anything to jeopardize this gift. Over 40 men have paroled who have committed to these groups. We have a recidivism rate of less than 1 %.

I pray that you would truly consider his commutation application.

If you would like further information you may contact me at: dmerino@mccpros.com.

Sincerely,



Dennis Merino, Deacon, Catholic Chaplain (Retired)
California State Prison - Sacramento

CERTIFICATE OF SERVICE

AWARDED TO

JOSEPH HUNT

MEN'S SUPPORT GROUP TRAINING
CSP-SACRAMENTO C-FACILITY

PRESENTED BY

INSIDE CIRCLE FOUNDATION

OCTOBER 29, 30 & 31, 2004


DENNIS MERINO


ROB ALBEE

CERTIFICATE OF SERVICE

Awarded to

JOE HUNT

MEN'S SUPPORT GROUP TRAINING
CSP-SACRAMENTO C-FACILITY

Presented by

INSIDE CIRCLE FOUNDATION

MARCH 3-7, 2004


DENNIS MERINO


ROB ALBEE

NAME and NUMBER

HUNT

D-61863

BFB5-224L

This laudatory chrono is being generated in regards to inmate Hunt, D-61863. During Hunt's time at Pleasant Valley State Prison (PVSP), Facility B, I have worked as a Security Patrol Officer in the Program Office for 3 years, and as a Second Watch Building Floor Officer for almost a year in the building to which Hunt is assigned. In addition, I have worked as a Correctional Officer for about 15 years. My overall experience, and these assignments at PVSP, have put me in a position to have access to information bearing on Hunt's conduct and affiliations, and has given me an opportunity to observe Hunt's daily conduct. In my opinion, Hunt has no inclinations to re-offend. All of his activities appear directed towards positive goals. He has a reputation for helping others in ways consistent with institutional policies. I would place him solidly in the top one percent as far as suitability for reintegration with society. He has a calm and affable bearing, responds to orders without hesitation, and exhibits absolutely no interest in drugs, pruno, or affiliations that are associated with prison violence.

c

CC: C-FILE (Original)

Writer

Inmate

CCI

DATE: 10/31/17

(Laudatory Chrono)



M. Saesee, Correctional Officer
Facility B
Pleasant Valley State Prison

GENERAL CHRONO

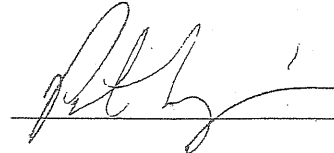
NAME & CDC #: HUNT, D61863

HOUSING: B5-224

This informational chrono is being written to acknowledge I/M HUNT for performing above and beyond during his employment as an Inmate Library Worker. I/M HUNT performed duties and responsibilities normally spread through three different clerks for a prolonged time. His organization skills and knowledge of pertinent legal matters was most helpful to his fellow inmates. I/M HUNT is to be commended for his job performance.



D. Brunk, Senior Librarian, PVSP



P. Longoria, Vice Principal, PVSP

cc: C-File

CCI

Inmate

Date: October 3, 2017

INFORMATIONAL CHRONO



WORK SUPERVISOR'S REPORT

INMATE NAME HUNT, JOE	CDC# D61863	FACILITY PVSP-Facility B
SECTION NUMBER 001	SECTION LOCATION F/B LIBRARY CLK	
POSITION # LIB.001.003	POSITION TITLE F/B LIBRARY CLERK	
ASSIGNED DATE 02/18/2015	CURRENT PAY RATE \$0.11 per hour	

Evaluation Date: 05/17/2016

Period Covered: 02/17/2016 to: 05/17/2016

Hours Assigned: 40

Hours Worked: 227

GRADE		GRADE	
1	A. DEMONSTRATED SKILL AND KNOWLEDGE	1	F. TEAMWORK AND PARTICIPATION
1	B. ATTITUDE TOWARD FELLOW INMATES AND WORKERS	1	G. LEARNING ABILITY
1	C. ATTITUDE TOWARD SUPERVISORS AND STAFF	1	H. USE OF TOOLS AND EQUIPMENT
1	D. INTEREST IN ASSIGNED WORK	1	I. QUALITY OF WORK
1	E. EFFORT DISPLAYED IN ASSIGNED WORK	1	J. QUANTITY OF WORK

Recommended for:

☒ Retain ☐ Reassignment

☐ Pay Increase

☐ Pay Decrease

New Pay Rate: \$

Effective Date:

Code of Safe Practices Reviewed

Supv. Initials DKB

Inmate Initials JD

Supervisor Comments

There is a pending Pay Increase/Decrease on another Evaluation. I do recommend a Pay Increase even though I cannot check the box.
TimeStamp: 17 May 2016 09:03:01 --- User: Daniel Brunk (BRDA067)

Inmate Comments

D. Brunk

SUPERVISOR

SIGNATURE

LENGTH OF SUPERVISION:

INMATE SIGNATURE

☐ REFUSED TO SIGN

EXHIBIT C

Ronald Price, #108926
330 Bradford Street
Redwood City, CA 94063

The Honorable Jerry Brown
Governor of California
State Capitol, Suite 1173
Sacramento, CA 95814

November 13, 2017

Re: Joseph Hunt Commutation

Dear Governor Brown,

I, Ronald Price, submit this letter in support of Joseph Hunt's application for commutation of his sentence. I am currently housed at a San Mateo County jail where I first met Joseph Hunt in 1988. We were later housed together at New Folsom State Prison and we have remained good friends for the past 29 years.

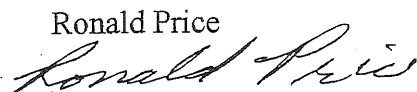
In 1991 a jury convicted me for a murder that I did not commit. Then, in the year 2010, Mr. Hunt prepared an appeal for me to file on the grounds of actual innocence. That appeal, prepared by Mr. Hunt, is the reason I have been transferred from state prison back to the county jail to await a court decision on whether to grant me a new trial or possibly release me from custody.

In addition to preparing my court papers, Mr. Hunt also taught me how to read and understand the law. He showed me how to research case law and more. For the 29 years I have known Joseph Hunt he has always been the kind of person willing to help others. While we were housed at New Folsom, Mr. Hunt invited me to attend his self help program that provided inmates insight into their own criminal behavior and how to change such behavior.

For the many years I have known and been in the presence of Mr. Hunt, I have never seen him disrespect another person, swear, or use an act of violence towards another person. The public will have no fear of Mr. Hunt if he is released from prison. I pray for him, I pray for you, the hearings board members, and the district attorney, that you will all find it suitable to grant Mr. Hunt's request for commutation.

Thank you for your time and consideration.

Sincerely,

Ronald Price


To: The Honorable Governor Jerry Brown
 Governor of California
 State Capitol, Sacramento, CA 95814

Governor,

My name is Jeffery D. Percell, I am currently serving Life Without Parole at Sierra Conservation Center, at Fonestown. I take full responsibility for my crime which took place in 1988.

I am writing this letter on behalf of Joe Hunt; D-618 who is seeking a commutation of his sentence from you. I have known Mr. Hunt for over two decades. I served with Joe as one of three primary clerks in the C-Facility Chapel at CSP-Sacramento from 2002-2010.

Mr. Hunt always distinguished himself through hard work, initiative and loyalty to institutional goals expressed through Chapel programs. He was very instrumental in reducing the incidence of violence in the population, while channeling energies toward spiritual goals and reintegration with society.

Mr. Hunt is always empathetic towards all inmates and staff regardless of their beliefs or lifestyles. He was a driving force for me to become involved in positive programming.

For these and many more I feel Mr Hunt is
suitable for parole. I would encourage you
to consider this case in a positive manner for
the State of California, as well as all the people
whom I know for can touch.

Sincerely,

Jeff Perrell H-84652

Sierra Conservation Center

5150 O'Byrnes Ferry Rd

Yamontown, Ca 95327

1/9/18

Dear Honorable Governor Brown:

My name is Brad Proulx, I am writing this letter in support of my friend, Joe Hunt, who I understand is filing an application for Commutation.

I know very little about the Commutation process, but I do know the incredible character of Mr Hunt.

In 1998 both of our wives visited us at New Folsom, Bravo Ward. As we became close friends I was often caught off guard, due largely to his kind nature and willingness to help less fortunate inmates in their struggles.

We were both deeply involved in a "Mens Support Group", called "The Warriors". We met every week, and the "Heated Racial Issues" of the time never invaded our safe space. Thanks to Joe's articulate facilitation skills and his determination to achieve peace & harmony in every part of his life, that group blossomed into an unprecedented success at one of the worst prisons in the state. Every one of us knew something magical from our Accountability plea

When I sadly left that location, Joe & I promised to remain close friends.

In 2013 when our paths crossed again, I was suffering from some mental health challenges. In less than a week I had a modicum of my old optimism restored, and the personal growth in our heartwarming one-on-one conversations were healing. Mr. Hunt has a charming disposition, I admit, but he openly goes to anyone in need, without prejudice.

Everyone who meets Joe quickly realizes he has a spiritual peace about him. After 20 wonderfully blessed years of friendship, I marvel at the integrity and integrity of his honest existence. I strive to be better because of him.

"I am currently participating in Delaney Street Program" a Solano State Prison, and I fully understand your personal commitment to Rehabilitation.

If Joe Hunt were to be considered for commutation consideration, he would not disappoint you. I would honestly give up my own parole opportunities for his.

I do not say those words lightly; I believe Joe Hunt has already saved me from dying alone in a prison cell. It is because of him I now help young men in Delancy Program that still have a chance.

So I will reiterate. I would Love for you to Look intelligently at this mans case File, and see the Man I know + Love! My Friend is unique and worthy!

Thank You for your patience

Respectfully

Brad Proulx G-43887

P O Box 4000 / A1

Vacaville CA 95696

November 29, 2017

To Whom it may concern:

I am writing this memorial in regards to Joseph Hunt, who I first met in 1998. When Joe came into my life I was a spiritual wreck. Overwhelmed with guilt and remorse for my own actions, I struggled for reasons to live.

When Joe and I became cell mates I saw right away his devotion to spiritual matters. Every morning and evening, and often during the day, Joe would do his "pranayamas" and then meditate. As Joe got to know me and my struggles, he offered assistance for my troubled soul. Considering myself an atheist, I was reluctant and felt I would be a hypocrite to accept such succor. However, Joe was persuasive, and I expanded my thinking to consider spiritual aspects of human existence. I read some spiritual books he provided and began meditating.

I remember well Joe telling me to expect tangible results from meditation and spiritual practices, because the laws governing the spirit are just as real and consistent as the laws governing the physical universe. With Joe's assurance, I faced my darkest fears in meditation, and was not answered with the silence I had expected. Instead I was lifted, and had revealed my connection to the Divine. I was spiritually reborn. Through Joe's love and caring, he did not just save my life, he saved my soul. Joe once asked me if I had the power to exert any control over the past. I said no. He replied that it would be a cruel God that held you responsible for things over which you have no control.

Over the years I have witnessed Joe similarly help many other people. He cares about people and has a sense of duty to assist where God has given him the ability and talent to do so. He has assisted numerous people obtain needed medical care by helping them navigate the red tape of the bureaucratic process. He has steered people from the violence so common in prison, and I have personally witnessed him use the political capital gained from such goodwill to forestall two imminent riots between groups of prisoners.

I want to end this memorial with the story of a fellow prisoner. This man came back from medical with the news that he had a malignant, cancerous tumor in his brain. It was growing on the optical nerve of his left eye. He was experiencing severe headaches and vision loss. It didn't take long before he was blind in his left eye and losing sight in his right. The doctors told him that given the location of the tumor, there was essentially nothing that could be done. This man expected to die within six months.

I was there when Joe gave this man hope. Joe taught him meditation and breathing exercises, and told him that by strengthening his life force in the vibration of God, he would defeat the cancer. I could see that he wanted to believe it, but was naturally skeptical. When he asked Joe if he really believed he could beat the cancer, Joe looked him in the eye and stated "Yes" with such assurance and power that even I was startled.

So, this man began practicing the breathing and meditation exercises for hours every day. His headaches lessened and his vision began improving. When he came back from medical the next time, the doctor was astonished at his blood-oxygen levels and said the cancer had stopped growing, and actually receded some. After some more weeks of faithfully practicing the breathing and meditation exercises, the cancer was in full remission and the doctor said they could now operate. It was a miracle.

I have known Joe for 19 years. His belief in the Divine and righteous spiritual action is real. He came to this path in County jail, shortly after his arrest. His journey since has been marked by joy, empathy, and goodwill. Joe is my friend, and my brother. He saved my life, and rescued my soul.



Alan E. Adams, H-86005

Twice Forgiven

The story you're about to read is about a friend of mine - a wonderful friend; a person who enjoys helping others and loves people in general. His advice and guidance has nurtured me into a decent human being. His advice: "Never to hurt anyone, or consciously do anything that you feel is wrong."

As a child, Al didn't have many friends; he was shy, quiet, and reserved, not capable of approaching other kids and asking for their friendship...which he desperately wanted.

For his lack of social skills, he made it up by pouring all his time and energy into schoolwork.

Any problem that his teacher presented was quickly solved with ease. School was easy and learning seemed to come naturally.

At the age of twelve, Al had a job. He decided to work at an early age so he could help his mom meet some of her financial burden. He was poor by other's standards, wearing used clothes that were often the wrong size, funny-looking and badly out of style; but never once did he complain or feel sorry for himself. His mom had to work long hours, and as child he spent most of his time with a babysitter or alone. He knew that his mom was doing her best to provide for him and he was thankful for her love.

Attending school as a child, he didn't notice when the other kids stared or looked at him for the way he dressed. When he got to Junior High he realized that other kids in there had nice clothes and were making him the butt of jokes for his shabby attire.

In High School he wasn't popular and still didn't have many friends. His focus was to get all A's, and hopefully be accepted to the Air Force Academy. First he needed a letter of recommendation from a congressperson, which he had lined up through the help of his boss.

Getting all A's he thought would be the easiest part. But one of his English teachers would not give him an A no matter how much effort he put into his essays. The teacher never explained what he did wrong or how he could improve his grade. Even so, he made continuous effort to perfect his essays. Without that A his hope to attend the Air Force Academy was dashed.

After High School he decided to attend a Junior College, hoping that in two years he could transfer to a university. After a year of community college, he prepared to transfer to a university. He went to the school hoping that he could get a scholarship, which would greatly have reduced his financial burden; but after looking at all the scholarships posted on the school bulletin board, he realized that he ^{wasn't} even eligible for nearly any of the scholarships. There were scholarships for sports athletes, for indigent minorities, for women, but not one fitted him...he was a poor white man, and he had nothing coming. He felt it was so unfair. He was poor, but because he had blond hair and blue eyes, the government and everyone else was out to make his and his mom's life harder. The system didn't give him a helping hand.

All his life, he had never made any decision that he later regretted; but this time he was desperate and didn't care.

He decided the only way to get into a good school was to have some money. He needed five thousand dollars to pay for his books and school fees, and the rest of the money he needed for school would come from hard work.

He picked his victims at random; he saw two people coming out of their car and he approached them, demanding money. After he got the money, Al decided that he couldn't leave any witnesses, so he fatally shot them: for a couple of hundred dollars.

That night the news had a description of the suspect and the crime he had committed. His mom with sad, teary eyes, turned to him and said, "I will always love you."

Later, when he was arrested, Al pleaded guilty, not wanting his mom to go through a long trial, and to hear the details of what he had done. He took a deal for Life Without Parole.

In prison, he spent most of his time alone, his shyness still having a strong hold on him. He came upon a book by Ayn Rand, Atlas Shrugged; for the first time he realized there was difference between right and wrong, and that he was in the wrong. The pain of that realization cut deep, and he swore to never hurt anyone again, to never knowingly be in the wrong again.

Al found a best friend in his cellie, Joe. Joe became his mentor and encouraged him to give God a try. But Al was for years firm on his belief that there was no God.

On April 19, 2001, we attended a four day training which was supposed to help us explore our inner emotions. People from all parts of the country came to help us reflect on the pain and sadness that we had been previously taught to hide.

Al wasn't sure what he was looking for, or what he had to do. He just knew that he had to give this process a chance. He stepped into the middle of the circle, surrounded by other men. The first twenty minutes or so we didn't know what to do or what Al needed; but we weren't going to quit on him.

Finally, sitting in the middle of the circle with his eyes closed, his fists started clenching into a ball. He was asked to think of the one thing that made him sad. With his eyes closed, the image of his mother came to him with the same sad, teary eyes, saying "I will always love you."

Tears flowed from his eyes, and his body shook uncontrollably. The image he had blocked out so many years ago had come back. The guilt and shame of what he had done flooded him with remorse. Two lives, twice forgiven.

The one thing he loves more than anything in the world...his mom. He felt that he had let her down and had failed as a son.

He poured out his soul to us, and his feelings came out in teary words. He never told her how sorry he was, and he was afraid that she never understood.

Finally, we asked him to let go of his shame and guilt and start accepting that there was a God, and he forgives. Fearful of looking for God because if nothing is found he would feel alone in the universe, he asked for God to reveal himself. Slowly he began to let go of his fists and felt a tingling sensation from his toes flowing all the way to the top of his head. He requested that we hold him down because he felt that his body was floating.

After that day, Al and I spoke a few times about God and our understanding of what he wants from us. Before his life-changing experience, he would adamantly refuse to believe that there was a God, and with his extreme intelligence I would never have been able to persuade him to consider that there was a God. Now his faith is much stronger than mine.

I don't know if I did an adequate job in telling you Al's story. All I can say is, Al is now an extremely loving, kind and giving human being. His purpose now in life is to help others, and he doesn't care for reward or recognition.

Today, Al is a 29-year-old inmate serving his time at New Folsom Prison. He is still shy and quiet.

Love and prayers
MIKE DOAN

Joe Hunt, a true friend, has had the most impact on my life.

We met March/88 when neighbors for one year at San Mateo County Jail. I had just got arrested, mostly for gang related crimes: two/2 murders, 7/seven attempted murders, three/3 robberies, two/2 assaults, and cop shooting; needle to say I was spiralling in depression.

Every morning, and sometimes three/3, four/4, or maybe even five/5 times daily, I'd see Joe practicing some form of "yoga" which made me giddy while wondering "what kind of weird stuff is that..." but as the weeks rolled by I saw something in Joe to envy - from head to toe he had clarity and tranquility, it was in his walk, his voice, his interactions.

I figured if I was like Joe I'd be less depressed, so eventually I asked Joe about the yoga stuff and he explained but what stuck profoundly is "it can cultivate a better person."

I had been first in my class as a renown member of the Raymond Crips, and founder of the Tongan Crips. Violence is how I breathed.

The idea of becoming a different/better person appealed my better half, so like a shy kid, I practiced in secret: I'd lie on my back and practice savasana by concentrating on drawing/moving energy from toes, inch by inch, to top of head, to crown of head, wow! Something that simple had begun the process of kick-starting my brain which, among other things, allowed me to realize that I'm better than I've shown.

Yoga changed my life forever.

I paroled ten/10 years later and altho I could have held the reins of two/2 gangs, my heart wasn't in it, I hadn't had the slightest interest. Peers/friends, and even family, was stunned by the new person I'd become.

C Altho I returned a year later with a three-strike sentence that had nothing to do with violence, the things I learned from Joe have stuck and served well - my bones are cleansed of ugliness, and when I get out this time, I will give back by counselling gang members, drug users, etc

Joe's effect on me did not end with me; I have changed many with my attitude, rationale, advice. I'm endlessly grateful that Joe saved me when introducing me to yoga and encouraging me to tap into compartments within that I hadn't known existed.

Yoga is champ! and no practitioner can/will lose!!

This is my second/2d time getting lucky to see Joe since our trial days.

As we prisoners know, prison is a small world and everywhere I go prisoners speak kindly of Joe.

I've done some bad things, but Joe told me, "Moala, we can't do anything about our pass, but we decide how to live from this day forward."

I pray this letter helps Joe because this is not his environment, he's not the kind of person who needs to be here - the state mustn't continue to cage a beautiful soul.

Sincerely, Moala Tofavaha Ngane 014046

November 24/2017

To whom it may concern,

11.23.2017

My name is Twan Doon, and I hope that you would allow me to take a moment of your time to share with you about Mr. Joe Hunt.

I have known Mr. Joe for over 19 years now. During that time he has helped me tremendously; transforming me from a truculent, prideful, ignorant young man to a humble, appreciative, responsible person. I know for sure that if it wasn't for Mr. Joe, I would continue down a spiral path of negative behavior, but ~~due~~ because of his encouragement and mentorship. I was able to turn my life around, and has gained so much insight about myself, and what I need to do to become a better human being. I am now enrolled in college, and has already am a certified C.S.S (Counselor Support, Specialist), I am also a ~~certified~~ ~~member~~ member of the N.C.E.E (National Coalition of Clean, Energy, and Resource). I am also on my way to becoming a fiber optic technician. I am also working on multiple Associate of Arts degrees. I ~~also~~ also hope to further my education and earn my Bachelor degree in Social and Behavior Science. I hope to become a counselor and mentor trouble youth, just like Mr. Joe had mentor me and turned my life around, and gave me a second chance of life.

I have learned through Mr. Joe that

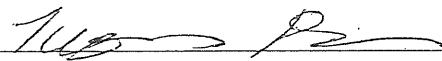
I cannot go back and change the past,
but I would start today and make a
new beginning.

He also brought me closer to Christ (and),
by signing and encouraging me to go to
church.

I can say with confidence that if Mr.
Joe was to be released, he would be an
asset to his community.

Thank you so much for your time.

Sincerely,
Tuan Poan



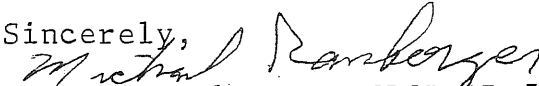
November 9, 2017

Dear Governor Jerry Brown,

My name is Michael Rambrger, and I have been the "poster boy" for recidivism, at least until recently. I crossed paths with Joe Hunt early in 2014, but until the summer of 2015 only knew him as "voice of reason amidst a sea of chaos." I don't know if he saw something in me, or merely picked me out of the blue, but he helped me to acquire a clerk's position in the law library where he also worked. I don't really know how to describe Joe. He's this calm, centered, individual, who helps you find within yourself a desire to be more. For me, his influence encouraged me to go from taking only 2 classes a semester, to taking a full load. It was nothing he said directly; it was just a realization that I could do more. Needless to say I graduated with honors, earning 4 degrees in 3 years.

Joe has developed a refined strength of character since his incarceration. I see in him a quality of concern, caring -- I don't know exactly how to describe it, but he finds people who honestly have had enough of the "merry-go-round" of prison life, and then goes out of his way to encourage them. I know him as the guy who will help you better your life. He somehow remains above the politics of prison life without upsetting the "powers-that-be." I have watched him devote time to helping numerous others, free of charge, even though his time is well worth compensation. He's an enigma, though a refreshing one.

In closing, one thing I feel privileged to say is I consider him a friend and even a mentor, I just wish I would have met him when I was younger.

Sincerely,

Michael Rambrger, CDCR AR-5050.
Pleasant Valley State Prison
P.O. Box 8500
Coalinga, CA. 93210*

* I expect to parole in January, 2018.

Angel Lazcano.
I.S.P. C2-121 #J-53667.
P.O. Box, 2199.
Blythe, CA. 92226-2199.

January 16, 2018.

The Honorable Governor Jerry Brown.
Governor of California, State Capital,
Sacramento, CA. 95814.

Honorable Governor Jerry Brown.

My name is, Angel Lazcano. And have been in prison since 1995, with a sentence of 63 years to life on four counts of second degree murder (DUI). I started my prison time at New Folsom Prison, and that's where I met Mr. Joseph Hunt, because we both were attending chapel services on a regular basis and we became good friends, because we used to participated on different things regarding the chapel services.

And as a cause of my (DUI) crime, I ended up with seriously bodily injured with burns on about 95% of my body (second and third degree burns) and some how Mr. Joseph Hunt knew that I was having problems with medical issues and he offered to helped me and he did, thanks to God which was of a real great help, because my english at that time was very limited and not only that, he also helped me with an appeal to get the right medical

treatment that the prison medic's was denying me at that time, so I do have a lot to thank for to Mr. Joseph Hunt.

And one thing that I'd noticed about Mr. Joseph Hunt was that he wasn't just helping me, but he was also helping other people as well, so he made a great impact on my life, because he taught me the great value of helping others and to be of assistance to the people in general. And that's why I do believe that he would be a good candidate for parole, because if he made a great and positive impact on my life by his example, I do imagine the great impact he could be for the youth on the streets by sharing with them his painful prison experience, now that these young people are starting to live their young criminal lifestyle, they can learn something positive from Mr. Joseph Hunt's experience and they don't have to go through the same experience as Mr. Joseph Hunt.

With all do respect, that is my humbly and sincere opinion about my good friend Mr. Joseph Hunt.

Sincerely,

A. Lazcano.

Angel Lazcano.

Vincent C. Bruce, #J84086
Kern Valley State Prison (B3-205)
P.O. Box 5102
Delano, CA 93216

The Honorable Governor Jerry Brown
Governor of California
State Capitol
Sacramento, CA 95814

January 23, 2018

Re: Application For Commutation Of Sentence By Joseph Hunt

Dear Governor Brown,

There are two people who had the most positive impact on my life. The first one is my mother, the second one is Joe Hunt.

I am a 55 year old afrikan-american prisoner serving a term of Life Without The Possibility of Parole for three counts of murder. I have been incarcerated for over thirty years. I met Joe back in 1994 at a critical juncture in my life. I had just been convicted of 3 counts of murder and was facing the death penalty when Joe entered my life bringing his spiritual and philosophical values. Values, that for the first time, I could relate to. At this point in my life, violence had become second nature to me. I had grown up gang-banging in the crime-ridden Oakwood area of Venice California, and had spent all my life from the age of fifteen up in one institution or another, except for a combined total of 12 months.

I stopped believing in the existence of God when I was 18 and saw how my good, Chritian mother suffered hardship after hardship, as she sank further and further into the clutches of mental illness, losing custody of her kids. What kind of God, I often said, would allow bad things to happen to good people, and good things to bad people? What kind of God would allow stray bullets to find their way into innocent babies, and allow his nuns to be raped in a third-world country by savage henchmen of a dictator? No kind of God was the easy answer.

As a career criminal, I was one of those people who did bad things to good people, and fired bullets the could have easily found themselves imbedded in innocent babes.. No minister, no religious person could satisfactorily explain these inequities until I began discussing these matters with Joe. Joe intorduced me to the principles of karma, shared his spiritual books with me like The Autobiography of A Yogi. Soon, like a few others in Joe's vicinty, I found myself meditating, practicing what yoga I could in my tiny cell. He continued to pass books to me ...Chicken Soup For The Prisoner's Soul...We Are All Doing Time by Bo Lozoff.

Joe never criticized me or other persons, but would calmly offer advice when asked

and get me to question my use of violence...my addiction to criminal thinking. Up to that point in my life I had at least 5 jail or prison related stabbings. And mostly all had been for some perceived form of disrespect.

One day some dude cussed me out and I was about to stab him the next day. Then comes a short note from Joe who I had not shared my intention with. He simply said, "You have a choice to make. Do you continue on responding to situations with violence or do you reclaim your humanity?" After pondering his words for half the night, I chose to reclaim my humanity. I am proud to say since meeting Joe I have not chose to come out of my cell and stab anyone again.

Joe will be a positive and productive citizen of society. And while my opinion may not be of much value. I encourage you to seriously consider commuting his sentence.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'V. C. Bruce', written over a horizontal line.

Vincent C. Bruce

The Honorable Governor Jerry Brown
State Capitol
1315 10th Street
Sacramento, CA 95814

Dear Governor Brown:

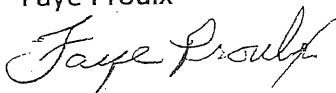
I am writing this letter on behalf of Joe Hunt-D61863, an inmate at California Health Care Facility-Stockton. I understand he is filing an application for commutation.

My name is Faye Proulx. My son is Bradley Proulx-G43887, currently at CSP Solano, participating in the Delancy Program. Brad and Joe have known each other and been friends a number of years, most recently at Pleasant Valley State Prison.

I met Joe during a visit at PVSP and learned of his many good deeds through the years. He advised and continued to encouraged Brad on numerous occasions. More than once Joe took the time to contact our family when Brad was unable to call. Joe was very helpful as he assisted Brad during Brad's appeal process. Brad told of many instances when Joe spent long and late hours reading inmate's documents, assisting them with their appeals. As I have communicated with former cellmates of Brad's, there has never been anything but positive comments regarding Joe, his demeanor, his attitude, his helpfulness and support.

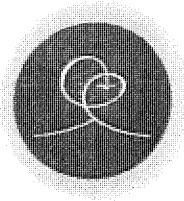
Based on what I know of Joe, he's not had any infractions during the almost 30 years he's been incarcerated. From what I hear from Brad, Joe doesn't create problems but is more inclined to look for solutions. From what I know, Joe appears to be rehabilitated. He would have excellent family support if he were to be paroled. I can't imagine Joe being a threat to a community if he were released. He could be an asset in a number of ways.

Sincerely and respectfully,
Faye Proulx



751 Vinca Ct.
Gilroy, CA 95020

EXHIBIT D



Ananda

CHURCH OF SELF-REALIZATION of Nevada County

Dec. 29, 2017

Dear Governor Brown:

We are writing to request your help in the commutation of the prison sentence of Joe Hunt. Allow us to introduce ourselves and to share something of our relationship with Joe.

For the past fifty years, we have been founding members of Ananda Church of Self-Realization, and currently serve as Spiritual Directors worldwide. In this capacity, we travel globally to share the teachings of Paramhansa Yogananda. At the present time Ananda has nine communities, 143 meditation groups, 140,000 members, and has taught an estimated 500,000 people to meditate.

On November 17, 2017, Ananda was honored at the United Nations in New York by the Institute of International Social Development, an NGO in special consultative status with the Economic and Social Council of the United Nations. We were given the "Global Ambassador of Peace Award" as "Emissaries of Paramhansa Yogananda and Spiritual Directors of Ananda Sangha Worldwide."

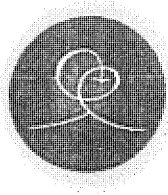
We met Joe approximately thirty years ago when he wrote Ananda requesting help in learning more about the teachings of Paramhansa Yogananda. Since that time, many of Ananda's ministers have visited him, offering training in yoga philosophy and meditation.

Personally we, too, have had the privilege of visiting him over the years in Folsom Maximum Security Prison and Pleasant Valley State Prison, and will soon be visiting him at the Stockton California Healthcare Facility, where he was recently transferred. We say "privilege," because in the many years we have known him, we have observed in Joe the rare ability to remain positive, caring, and uplifted despite the tremendous challenges of his many years in prison. From the very beginning, Joe has always maintained that he is innocent of the charges against him.

While he's been incarcerated, Joe has used his free time to acquire legal training, and has been able to write legal appeals that have resulted in the release of over a dozen inmates. He also practices meditation daily, which has given him the ability to be a force for peace and a model prisoner despite the tension of the prison environment. His release would represent no threat to society; on the contrary, he would be a contributive force to help others.

Joe remains one of the most impressive people we have met, and deserves a life of freedom at this time. Though only some of Ananda's ministers have been able to visit him, the strength of his spirit under adversity has inspired our members to embrace Joe as part of Ananda.

Having a background in financial investments before entering prison, Joe recently advised his devoted sister and brother-in-law in investing, which led to a one million dollar donation to Ananda's new temple under construction. If you decide to sign the commutation of his sentence, his sister and brother-in-law, Katherine and Michael Olivier, have already formed a corporation which will employ Joe as a financial advisor and pay him a salary.



Ananda

CHURCH OF SELF-REALIZATION of Nevada County

Governor Brown, we have followed your political career over the years, and are deeply impressed by your spirit of service to humanity and the environment, and by the fairness and truth that are reflected in your decisions. With great earnestness, we ask you to allow Joe Hunt to have a life of freedom. He has earned it and deeply deserves it.

Sincerely yours,

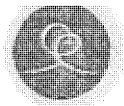
Nayaswami Jyotish (John Novak)

Nayaswami Jyotish (John Novak)

Nayaswami Devi (Phyllis Novak)

Nayaswami Devi (Phyllis Novak)

Spiritual Directors of Ananda Church of Self-Realization, Ananda Sangha Worldwide



Ananda

A place of awakening

Ananda Sangha, 2171 El Camino Real, Palo Alto, CA 94306
(650) 323-3363 • inform@anandapaloalto.org • www.AnandaPaloAlto.org

December 14, 2017

To: Governor Jerry Brown

Re: Commutation of Prison Sentence for Joseph Hunt D61863

Dear Sir:

I first met Joe Hunt in 1988. I am the director of the Ananda Church of Self-Realization of Palo Alto. On the authorized list of books that his mother could send to him in prison was *Autobiography of a Yogi* by Paramhansa Yogananda. This book, and Yogananda himself, are the inspiring force behind Ananda.

In that book, the author describes a powerful technique of meditation called *Kriya*. This is an advanced method which requires some training before initiation is offered. Joe was incarcerated at that time in the San Mateo County jail. He found Ananda and telephoned, asking if someone could teach him *Kriya*.

Soon after, I and my co-director, David Prayer, went to the jail to visit Joe. That was the beginning of a friendship that has continued to the present day.

At the beginning, we did not know — or care — whether Joe Hunt was guilty or innocent. Nor was his character, for good or ill, the issue. He was clearly in trouble and, as clergy, it was our God-given responsibility to help him in any way that we could.

Kriya meditation would not only ease the stress of prison life, it could also, in itself, gradually reform his character insofar as that was needed. *Kriya* could make a bad man into a good one, and a good man into an ideal person.

In these nearly 30 years since, I have visited Joe often — first at San Mateo jail, then at Folsom, more recently at Pleasant Valley, and, soon, at his present location in Stockton. In addition to personal visits, I have exchanged countless letters with Joe, and spent many hours talking to him on the phone.

I have introduced him to many others at Ananda, who have also been his friends and supporters all these decades.

In addition to my responsibilities for Ananda in Palo Alto, I have published three books. I travel and lecture all around the world. My website is www.ashajoy.com. My YouTube channel — *Inner Life with Asha Nayaswami* — has over 5000 subscribers, and thousands more regularly tune in. All my lectures are recorded and posted. At present there are more than 700, and, since I am actively teaching, the number increases every week.

In this very active life, I have met 1000s of people from many countries. I have rarely met a soul so dedicated to self-improvement and so loyal to his spiritual practices as Joe Hunt has been from our first meeting until this day.

From sitting through his second trial, and carefully studying *all* his legal papers since, I am convinced that he is not guilty of the crime for which he was convicted, and, furthermore, his case is the definition of *miscarriage of justice* in terms of the abuse heaped upon him by the legal system.

Nonetheless, when he was first imprisoned, he did not have a clear moral compass. Reading *Autobiography of a Yogi*, and the enormous study and practice of spiritual principles and techniques since that time, have given him an unshakeable commitment to truth and honor.

Prison life is far from easy. The opportunities to violate a high moral code are ubiquitous. I have been profoundly impressed by Joe's ability to hold to his principles — no matter what. Regular practice of meditation is difficult for those who have complete control over their environment. Joe has no control whatsoever. Conditions for meditation could not be less congenial than they are in prison — crowded, deafening noise, competing televisions, no privacy.

Yet, from the time of his first contact with Ananda, through several initiations carried out despite prison conditions, either in person or on the phone, he has *never* failed in his commitment to twice daily practice of Kriya meditation, plus additional daily practices, and serious study of countless spiritual books, which I and others from Ananda have provided for him, and discussed with him during our many visits and phone calls.

There are few people in *any* circumstance that have such an exemplary record of spiritual living. That Joe has accomplished all he has, spiritually, speaks volumes about the integrity of his character and his commitment to right living.

His situation could easily have made him angry and bitter. His response has been just the opposite, courageously making the best of the circumstances in which he finds himself, trusting to a Higher Power that all is in order for his ultimate well-being.

Ananda is a worldwide organization with perhaps 50,000 active members; a total of 1000 living full time in nine spiritual communities in the U.S.A., Europe, and India. Even though we are large and dispersed, because of the ease of global communication, Joe is known to virtually all of those members.

They have prayed for him, received with gratitude his many communications, and the fruits of his creative work. Even from prison, he has helped raised nearly a million dollars which he dedicated to the building of a temple at the main Ananda community.

Joe will find friends and supporters, and a home in any one of those communities. Given what we know of his character, tried and proven over these many years, I am *certain* he will be an upstanding, contributing member of Ananda, and, through Ananda, serve as an inspiration, and perhaps, in time, even a guiding light to countless others.

He has spent virtually all of his adult life in prison. Insofar as rehabilitation was ever necessary, he has gone farther toward remaking his life in an image of righteousness than most men could ever claim, in or out of prison.

If anyone deserves a chance at "life outside," it is Joseph Hunt. I plead with you to commute his sentence and give him that opportunity.

If personal testimony is needed, please allow me the privilege of speaking on his behalf.

Sincerely,


Asha Nayaswami

email: asha@anandapaloalto.org

cell phone: 650.933.8028

December 21, 2017

Dear Honorable Governor Brown,

I am writing to you about Joe Hunt and the very unfortunate and unfair situation he has been facing for decades. I implore you to use your lifelong commitment to truth and honor to commute his sentence.

I have been a senior minister for the past 30 years at the Ananda Church in Palo Alto. My entire life, even before entering the ministry, has been one of serving, leading and guiding people. This includes public school teaching, owning and running a number of small businesses, and being the general manager of six non-profit businesses. Working with people, their aspirations, and their challenges is what my career has been about.

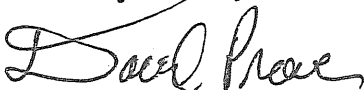
I first met Joe Hunt in 1988 at a Redwood City, California correctional facility. He called me to seek a ministerial visit and to receive some spiritual and religious sustenance. I went to visit him as part of my work to serve those who need support in some way. From that time to the present day, I have been in contact with Joe either through visits at different jails within California, phone calls, or letters. I have gotten to know Joe Hunt very well given the restrictions he has been under.

When I visited Joe for the first time, we spent a lot of time talking about God and spiritual teachings. Not only was he very interested in that topic but was well read and very knowledgeable. I was surprised at how wise he was given the circumstances he was in. It was only later in that conversation that he shared with me why he was in jail.

Two interesting qualities that I observed in this first meeting with Joe are that he had such a pure heart and he never complained. He has reasons to be bitter and lose hope over the difficulties he has faced in trying to bring the truth out in his legal case. Yet, he has remained calm amidst great misunderstanding. These two qualities---a pure heart and never complaining---through decades of imprisonment have never been lost in all my communications with Joe Hunt.

It is time to allow this innocent man to walk free so his immeasurable talents and energy can serve others in a meaningful way. As minister of our Church, he will be given employment with us if that is the direction he wishes to go.

Thank you for your consideration.



David Prayer

Minister

Ananda Church 2171 El Camino Palo Alto, California 94306

SHANTI (SALLY) RUBENSTONE, M.D.
INTERNAL MEDICINE
2570 W. EL CAMINO REAL SUITE 111
MOUNTAIN VIEW, CA 94040
P: 650.947-6716
F: 650.917.1127

TO: Governor Gerry Brown
FROM: Shanti Rubenstone, MD
RE: Joe Hunt, LWOP
Current address: California Healthcare Facility, Stockton

Dear Governor Brown,

My name is Shanti Rubenstone.
I am a Stanford trained physician and a minister, currently living and practicing in Palo Alto.
Please know that I am a well-respected professional woman, serving the Bay Area community in many ways.

I feel strongly about this case with Mr. Hunt, and I would happily ride to Sacramento to talk to anyone about it.

I can only begin to imagine how many letters like this you receive.
I hope you choose to read this one.

I am writing to you about a dear friend of mine, Joe Hunt.
He is currently an inmate at the Ca Healthcare Facility in Stockton, just recently transferred there from Pleasant Valley ... quite the misnomer!
He is serving LWOP. He has been in prison for 32 years ... all of his adult life.

Before I write about Joe I would like to introduce myself.

I am 70 years old and for most of my adult life I have had one of the largest internal medicine practices in the country. Mostly I have worked here in the Bay Area with a five-year hiatus in Baltimore. I practice medicine and I have taught at several universities over the years. I love working with people. I always have. I feel honored and privileged to do the work I do. I 'came in' with a deep intuitive understanding/knowing of what is happening for individuals. I am not psychic, not like that, just intuitive. I know when there is something amiss, and often I know what it is. I connect easily with people on all planes Physical, emotional, and spiritual. Hence my large practice. People feel seen, known, and cared for, and it is true. I do really see them, and I do really care.

I could say more, but I will save that for a follow up if there is to be one.

I will only add that I am a minister and a co-spiritual director of the Ananda Church of Self Realization, a worldwide spiritual community dedicated to helping people transform their lives and *realize* their true potential.

I have known Joe for several years now. Long ago, early on in his 32 years in prison, he asked to be taught our form of meditation called Kriya. Since then he practices hours a day and has taught meditation to many others in the prison. I have met with him personally and counseled him many times in these past several years. He has shown a level of transformation, humility, sincerity and human goodness that is far above most people I know, even outside of prison. Please remember that my whole life has been dedicated to serving people who choose to be well.

He stands out. He is exemplary. Through his own spiritual goodness, he has helped transform his cellmate and many others in prison.

At the risk of sounding like everyone who cares about someone in prison ... he is in for a crime he did not commit. No body or evidence was ever found, and in fact, there were several people ready to testify that they saw the supposedly deceased man long after the trial, but the judge would not hear their testimony.

This and many other issues/debacles are long stories, and I am the last person in this world who should try and speak legalese. BUT, you and I both know that the justice system often serves anything but justice, and is so overwhelmed as a system that there is no time for cases like this to be reviewed as they should be.

And so, an absolutely lovely, very bright, centered, calm, caring, innocent individual has spent his entire adult life behind bars. It is sad and wasteful beyond words. Yet he remains positive, hopeful, and at ease.

I would only like to add that over the years, and in many places WAY worse than where he is now, he had only one small infraction, and that was for having a cell phone. He has never, ever, even once, been in a physical altercation, which is a miracle in and of itself in these places

It speaks to someone's nature that they can live like that under the harshest of circumstances and be well liked and deeply respected by all, prisoners and prison employees alike.

Will you please consider looking into to his case?

If so I can get you any information you'd like to have.

This may sound presumptuous, but it is not. If you are willing to do this you will be glad you did.

It is always good to help good people in need ... something else we both know.

This is one great soul.

Thank you for reading and listening.

A handwritten signature in cursive script that reads "Shanti Rubenstone". The signature is written in dark ink and is positioned above the printed name.

Dr. Shanti Rubenstone, MD

Governor Jerry Brown
Sacramento, California

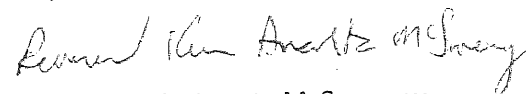
Dear Governor Brown,

I am writing regarding California inmate Joseph Hunt, a man who has served 30 years in prison in our state for a crime that was not committed. In the late 1980's, Ron Levin framed Joseph Hunt for Levin's "murder" and left the country. The State of California charged Joseph Hunt with Levin's "murder" even though there was no body, no weapon, no murder scene. Due to personal problems, Mr Hunt's attorney was experiencing, his defense was so inadequate that Joseph Hunt was convicted in Los Angeles of murdering Ron Levin and sentenced to life in prison without the possibility of parole.

As Joseph Hunt's friend and minister for 30 years, I have visited him in Folsom Prison, New Folsom Prison, Pleasant Valley Prison in Coalinga and the California Healthcare Facility in Stockton, where he is currently incarcerated. Joseph remains an even minded, positive, kind man, who has sought remedy for his unfair conviction, yet never turned to anger or even self pity. I am frankly amazed at his spiritual strength in the face of this adversity. Joseph is a member of the Ananda Sangha, the church I serve as a minister. Though our teachings encourage such detachment, Joseph Hunt's example of remaining calm and cheerful under such circumstances I find unique in my 36 years of ministerial experience.

I know you to be a highly moral individual and as Governor, you have the power and opportunity to correct this wrong. You have served as the Governor and the Attorney General, you know that our State's justice system makes mistakes, if for no other reason than the sheer volume of individuals involved. Joseph Hunt has been a model prisoner for 30 years. He has spent his time helping other inmates with legal problems, he has taught yoga classes, he has fostered interracial harmony in each prison he has been in. He has never committed a crime either in prison or before he was incarcerated. He is approaching 60 years of age and has been in prison for half his life. You have the power to free him to continue his service to the citizens of California. I fervently urge you to free Joseph Hunt.

Respectfully,



Reverend Kevin Ananta McSweeney

Ananda Church of Self Realization

530-478-7680

Ananta@Anandabell.net

Governor Jerry Brown
Sacramento, California

Dear Governor Brown,

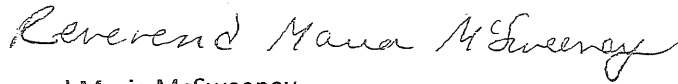
I hope you will be able to change the status of Joseph Hunt's life sentence. He has shown himself to be worthy of civilian life and an individual who can truly contribute to the life we all share.

I have known Joseph Hunt for 28 years and have visited him in prison frequently over this span of time as a friend and minister.

While in prison he has shown himself to be exceptional, using his imprisonment to better himself, develop new skills, work hard with a positive attitude, and demonstrate kindness and compassion to others. It is a joy to be around him.

I feel that if he is given his freedom he will continue to exhibit behavior which is harmonious, creative, cooperative, reliant, and sustainable. He will have no trouble with employment as he is talented, responsible, generous, and wanting to be involved and of service.

Sincerely,

A handwritten signature in cursive script that reads "Reverend Maria McSweeney". The signature is fluid and elegant, with the first name "Maria" being particularly prominent.

Reverend Maria McSweeney

Ananda Sangha

N-100, Panchsheel Park, New Delhi-110017

Mobile: +91-9890267898

Website: www.anandaindia.org

E-mail: services@anandaindia.org

Dear Governor Brown,

I am co-spiritual director of Ananda Sangha India based in Delhi, India for the past twelve years. I have been with Ananda Sangha for 40 years serving in America and am a founding member for Ananda in Europe and in India. I also traveled to Nigeria, Zimbabwe and Durban in 1991 as an Ananda teacher as well as in Australia in 1992. I came to India in 2005, speak the local language (Hindi) and have helped to start all the Ananda Centres in India — Bangalore, Chennai, Pune, Mumbai, Gurgaon, Delhi, and other smaller centres.

I have known Jairam over 20 years. When I was in charge of the Ananda Kriya Yoga Meditation department at Ananda Village I was in touch with him through mail and phone calls about his spiritual life, meditation and questions he had. I also visited him in prison during that time.

Jairam is an exceptional person. His intelligence, level of energy, focus and will are rare to find. And his desire to help others is notable. He has raised and donated a million dollars for a new temple at our Ananda Community in Nevada City, California. That's tells a lot about Jairam!

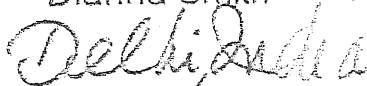
I know his family and feel confident that they will support him if he is released. They have created a corporation — Rajarsi Inc — that will hire and pay him.

I sincerely hope you will consider Jairam's case. If I can be of further assistance please let me know.

Regards,



Dianna Smith



Gita Matlock

From: Rajesh S <rajesshram@hotmail.com>
Sent: Tuesday, July 11, 2017 6:57 AM
To: Gita Matlock
Subject: Jai Guru! Great Spiritual Warriors

Dear Jairam, Michael, Katherine

I was with Joyful tears and was so inspired when I read your letter and watched the video. You are all such wonderful inspiration giving tremendous energy and joy to all.

You are the Spiritual Warrior inspiration for me personally. I'm so glad to have been drawn into this path where I felt home and have know all you great souls. Thank you for guiding and showing us how to live like a real spiritual warriors.

Your letter was such a motivation to raise my energy and direct it towards to help and serve Master and Swamiji's work.

It would be really wonderful if you can share few of your experiences if possible which can help us grow stronger emotionally and stand up to life and its challenges.

Our prayers and thoughts for you dear Jairam, Michael and Katherine.

With Joy Joy Joy,

Rajesh
Ananda Chennai

Gita Matlock

From: Sharmila Barbara Hoffman <sharmilah@comcast.net>
Sent: Thursday, July 06, 2017 10:03 AM
To: Gita Matlock
Subject: Thank you and Master's blessings on you

Dear Jairam,

Your dedication and unceasing efforts, along with Michael and Kasey, to raise this \$1,000,000.00 for the new temple of light, is such an inspiration to us all. You have shown what can be done through joyous devotion and willingness, and dedication to Master's work. Thank you so very much. You are in my prayers, for continued blessings and Master's love and comfort always.

Blessings,
Nayaswami Sharmila
Ananda Palo Alto

Gita Matlock

From: Hanuman Baughman <hanuman.baughman@gmail.com>
Sent: Monday, July 03, 2017 10:24 AM
To: Gita Matlock
Subject: Jai Ram

Dear Jai Ram,

My name is hanuman. My wife Mari and I founded Ananda House at Laurelwood Oregon. It is based on the 12 precepts Swami gave us for evening hospice.

I was so inspired by your story and wish to add our prayers to the many people supporting your release. It is amazing how God comes into our lives.

Please look at our web page anandahouse.org to get a better idea of what we are doing.

Many blessings and thanks for your undying loyalty to God and guru through Ananda. You are an inspiration to so many.

I am blessed to get to know you.

Blessings,

H

Sent from my iPad

Gita Matlock

From: vibha Agrawal <vibha.agrawal9@gmail.com>
Sent: Thursday, July 06, 2017 11:11 AM
To: Gita Matlock
Subject: Thankyou for your love and blessings

Dear Jairam,

Jai Guru! Namaste!

I am Vibha from India. I am in touch with you thru the news posted by Ananda.

This is to Thankyou for the divine gift to all who are following the temple as it comes alive. Your gift will help in realising the dreams come true ..

I think of you and pray for you. God has his ways of being with us. He is with you every moment.

You are in my prayers. I also feel with Master's Blessings we will meet and meditate together to celebrate His love and blessings 🌸🌺🌻

Love and unceasing prayers 🌿🌻🌺

Vibha

New Delhi

Gita Matlock

From: Nityananda
Sent: Thursday, July 06, 2017 10:55 AM
To: Gita Matlock
Subject: Jairam

Dear Friend Jairam,

I send our thanks and our blessings for your extraordinary inspiration and your remarkable gift. May you continue to live in God.

In Master's love,

Nayaswami Nityananda
General Manager The Expanding Light Retreat

Gita Matlock

From: Donya Sperry <donya@sacredspaceretreats.com>
Sent: Thursday, July 06, 2017 11:01 AM
To: Gita Matlock
Subject: My Brother Jairam

My Brother Jairam,

I was genuinely touched by the letter read before the congregation. Your Light and Peace Shine through the photograph; regardless of your current situation.

I too was deeply moved by autobiography of a Yogi, and the miracles which lead to my connection with my Beautiful glowing Brother Yogananda and the Ananda village in Northern California.

My prayers will be with you vigilantly, for release Now! And so it is, and so it is.

Your fellow Sister of Light, Love, and Peace,

Donya Lee Sperry

Gita Matlock

From: Maryann B <mzbishop@gmail.com>
Sent: Thursday, July 06, 2017 10:39 AM
To: Gita Matlock
Subject: Giving thanks

Dear Gita,

I would like to send thanks to Jairam.

Blessings,
Maryann Bishop

Gita Matlock

From: Lotus Guide <info@lotusguide.com>
Sent: Thursday, July 06, 2017 11:19 AM
To: Gita Matlock
Subject: Rahasya & Dhara from Lotus Guide

Hello Jairam,

My wife and I publish a magazine here in northern CA that focusses on alternative medicine and the spiritual aspect of some of the challenges we face in today's world. So obviously we have a long time association with Ananda & Expanding Light and have published many articles and advertisements with them to help their programs.

I'm sure you will be receiving lots of confirmation for you and your families generosity and all I can say about that is that I know that they are very grateful because it's not only the monetary value of the money itself, they also know the deeper spiritual value of the energy behind the money.

Hopefully your stay there at the facility will eventually end and when it does, in that moment, it will be as if it was a dream. Time is a funny thing but once you realize the unreality of it you can pass through most anything because you know that someday it will end.

Jairam, we live in a world, as you probably are fully aware of, that is upside down, we have people in jail who's only crime was reporting on a crime, I think it was Nietzsche who said "You know you are being ruled by criminals when it's a crime to report a crime." That's just one aspect of things and how we are so far off track. But what I do is to keep in mind that this is all an illusion, lila, a play of conscious minds in the fields of matter and time.

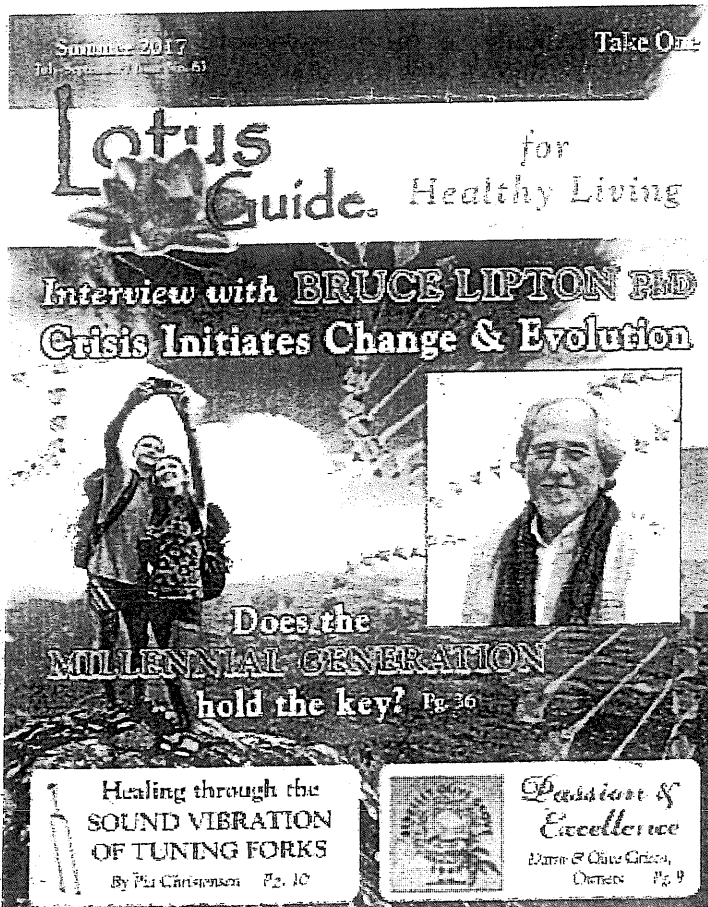
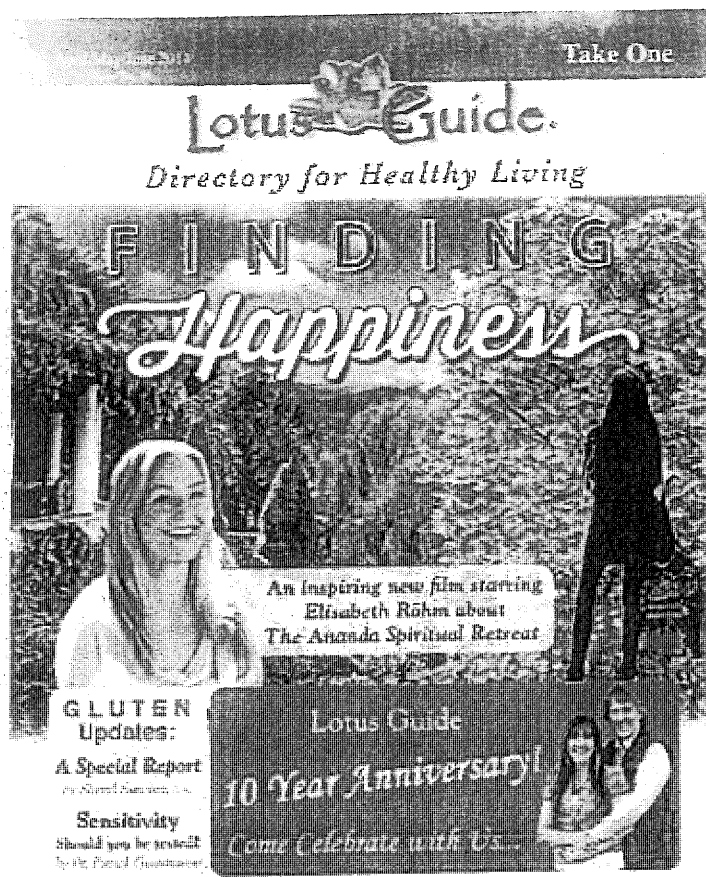
Maybe when you get out we will meet, and maybe we could do an interview. I not only have the magazine, I also do a segment on TV called "Rahasya Uncensored" and a radio show called "Spiritual Activist" (www.BBSradio.com/spiritualactivist) or just sit down a take a deep breath and have a cup of tea or coffee.

You take care of yourself, and remember, "This Too Shall Pass"

Your friend on the other side of that illusionary gate...albeit and consistent illusion

Rahasya

The first cover is one of our past covers for Ananda and the second one is the recent one.



This is one of our past covers for Ananda



Lotus Guide
P.O. Box 135
Chico, CA 95927

info@lotusguide.com
www.LotusGuide.com
530-894-8433



We send out a **Community Email** every 1st & 3rd Wednesday of every month
[CLICK HERE](#) to Join and never miss that next great event.

Gita Matlock

From: Dambara Begley <dambarab@gmail.com>
Sent: Thursday, July 06, 2017 3:37 PM
To: Gita Matlock
Subject: Jai!

Sweet Jairam,

God bless you, Great Soul, for all you are & do & have done all these years, for so many of Master's kids in need. And now... your expansive gift for the new Temple: what a blessed life! What happy discipleship! :-)

Thank you so much for your inspiring example.

Joy, joy, joy!
Dambara

Gita Matlock

From: Rajesh Kumar <rkjnu@yahoo.com>
Sent: Sunday, July 09, 2017 10:37 AM
To: Gita Matlock
Subject: Om Guru

Dear Please have faith in God Christ and Guru....
Do recite the famous composition by Swamy Kriyananda...

Lord when in darkness, Lord in confusion Always I 'll fall on Thee If I grieve and Loose my ways , Thou canst aleays
comfort me, All I live for is to love Thee my Beloved Friend Lord when in Darkness.....
Regds

Gita Matlock

From: Josephine <jmblake@paradise.net.nz>
Sent: Friday, July 07, 2017 3:48 PM
To: Gita Matlock
Subject: Message for Jairam

Love, blessings and prayers Jairam from our small but growing Ananda community in New Zealand. Your devotion, inner strength and generosity are powerfully inspirational. We pray for your freedom from behind bars though it seems you are already free.....

Peace x

Gita Matlock

From: Vijay Nagesh <vijay.iyah@gmail.com>
Sent: Friday, July 07, 2017 1:54 AM
To: Gita Matlock
Subject: what a noble gesture

Dear Jairam

The lord does test his closet devotee in number of ways....

always will remember this noble gesture and is in away very inspirational for us to follow.

--

Vijay N Iyah

Gita Matlock

From: Vimala <Vimala@auuuumm.net>
Sent: Thursday, July 06, 2017 6:33 PM
To: Gita Matlock
Subject: A note for Jairam

Namaste Jairam!

Earlier today I heard about the stunning application of your financial acumen--including the phone booth(!)--and I'm still smiling, and offering you a THANK YOU for your generosity. In fact a *HUGE* THANK YOU. Michael, Katherine, Jyotish, and Devi put together a delightful--and fun--video of the presentation of your gift, and after we all took a deep breath, we had a glorious and grateful laugh. Thank you again. I hope you see the video because it will put a smile in your heart! When I lived at Ananda in the late '70s and early '80s --we called it "The Farm," not "The Village," and only a few modest buildings were on bare, sloping hillsides. Through the years that has changed---and now, with your gift, it will become what we all held as possible: **The Temple of Light**. What your generous contribution is going to do is far beyond what most of us can imagine---A Temple, as Master said, for people of all beliefs. And once again I say, THANK YOU, Jairam!

May Master's Grace continue to fill your life,
Vimala Rodgers
aaaauuuummmmm

Gita Matlock

From: Jayadev <jayadev@ananda.it>
Sent: Thursday, July 06, 2017 9:06 PM
To: Gita Matlock
Subject: for Jairam

Dear Jairam,

May your name come true, right where you are: may God be supremely victorious in your soul, filling you with his divine power, with his joy, with his love, here and now. An easy life is not a victorious life, Master told us, and yours might be difficult, but victorious. God bless you so that your soul will shine ever more.

In divine friendship, Jayadev from Ananda Assisi

Gita Matlock

From: Judith Bellville <ingaltca@gmail.com>
Sent: Thursday, July 06, 2017 2:08 PM
To: Gita Matlock
Subject: Thank you

Many thanks for your gracious gift to build the Temple of Light. It will be a blessing and inspiration to many people from many lands that will gather there. May God bless you for your kindness & generosity!

Judith Bellville

Gita Matlock

From: Nancy Schuet <nancy94085@gmail.com>
Sent: Thursday, July 06, 2017 12:23 PM
To: Gita Matlock
Subject: Ref Jayram's gift

Dear Jayram

You are an inspiration to us all to do our best for Master. To bring our talents what ever they are to him and lay every thing at his feet.

I feel blessed to know you through Katherine and Michael. I hold both of them in the highest esteem and light.

Im very proud to have them as friends. Blessings to you and I pray that freedom is coming to you soon.

In Master's Light,

Padmini

EXHIBIT E

January 4, 2018

Governor Edmund G. Brown
c/o State Capitol, Suite 1173
Sacramento, CA 95814

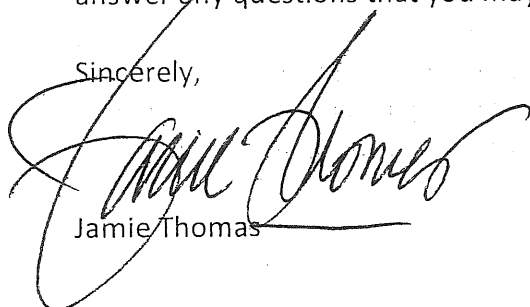
Dear Governor Brown,

My name is Jamie Thomas. I have known Joe Hunt for thirty years, first as his friend, and now having been married to him for eleven years. We have a longstanding friendship and an enduring loving relationship. I grew up in a traditional household with loving parents and my four sisters. My parents were married up until my father passed away in October of 1988. My father was with L.A.P.D. for twenty-four years. Having grown up as a police officer's daughter, it was instilled in me to always do what is right and just. He and Joe spoke often on the phone, and he liked Joe very much. My dad reminded me to be a good friend to him. After all these years, I believe I have been... specifically because he has been deserving of my friendship, love and support.

I have always believed that Joe deserves a second chance, largely because of his good and kind nature and belief in non-violence. He is respectful and has been instrumental in helping others. In all the time that I have known Joe while he has been incarcerated he has never been aggressive, nor has he mentioned breaking the law nor shown any indication that he thinks about or plans to commit any crimes. In fact, just the opposite. He has demonstrated an inclination toward helping people, such as his fellow inmates to better their circumstances by turning their lives around through spiritual and/or religious pursuits, education, healthy choices, life skills, etc. Whenever I visit Joe someone will comment on what a good man he is. This includes a few of the C.O.'s as well as other prisoners. He has a strong moral compass and good family values. Along with me, he also has a loving family of support that includes his sister Katherine, brother-in-law Michael, niece Kelly and fellow members of the Ananda Church who are devoted to him. <https://www.ananda.org>

Rather than being a threat to society, Joe would be an asset. He, to my knowledge, has never harmed, threatened or treated anyone unkindly. He is a strong, ethical person who has worked hard and persevered. Thank you for your consideration. I am happy to answer any questions that you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamie Thomas', with a large, stylized flourish extending from the bottom left.

Jamie Thomas

14618 Tyler Foote Rd, Suite 110
Nevada City, CA 95959
+1 (650) 430-3373
rajjcorp@gmail.com

Rajarsi, Inc.

DECEMBER 31, 2017

To: Governor Jerry Brown

Re: LWOP Prisoner Joe Hunt D61863, at California Healthcare Facility, Stockton

Dear Governor Brown,

I am writing to ask for you to commute the sentence of Joe Hunt.

I am his brother-in-law, and have known him for 23 years. Before retiring two years ago at age 50, I was a Director of Engineering at LinkedIn. Prior to that I held engineering executive positions at a variety of enterprises and start-ups in Silicon Valley for 25 years.

Joe is a highly spiritual person, and led my wife (his sister) Katherine and myself to Ananda Church (a worldwide organization), which has become our spiritual home. Joe does amazing work from within his confines. For example, he has helped many other prisoners to receive a fair legal shake, helped them to get needed health attention, and partnered with my wife and myself to raise \$1 million for Ananda Church. He is an inspiration to thousands of Ananda members worldwide with his story of non-violence, uplifted and positive attitude in the face of injustice, and calm intelligence and energy used for good purposes.

He is a poster child for special relief given the circumstances of his incarceration. He would be free today were it not for procedural law that prohibits any consideration of highly credible eyewitnesses who have seen the supposedly deceased man alive. His original trial was highly corrupted by a private deal between his defense attorney with a conflict of interest and the judge who later turned out to have a brain tumor. These are just two of many extremely unfair aspects of his case.

Many Ananda ministers have visited Joe, and they always report after their visits that *they* have been uplifted by *him*, not the other way around – quite a feat!

Katherine and I have formed a corporation, Rajarsi, Inc., and Joe is already on its payroll. We will happily employ him full-time upon his release.

I know that he can contribute so much more good to society outside than in, and this travesty of justice needs correcting. He has served over 30 years in prison already, and at nearly 60 years old, it is time for him to be out.

Your commuting of so many sentences recently is a courageous, beautiful move. I pray that you will consider this and other letters about him, and allow Joe to be paroled.

If I can provide anything at all to you or your staff, I would welcome the chance.

Warm regards,

A handwritten signature in black ink, appearing to read 'Michael Olivier', with a horizontal line extending from the end of the signature.

Michael Olivier

Vice President & Treasurer

Rajarsi, Inc.

www.linkedin.com/in/michaelo

14618 Tyler Foote Rd, Suite 110
Nevada City, CA 95959
+1 (650) 430-3373
rajjcorp@gmail.com

Rajarsi, Inc.

DECEMBER 31, 2017

To: Governor Jerry Brown

Re: LWOP Prisoner Joe Hunt D61863, at California Healthcare Facility, Stockton

Dear Governor Brown,

Please commute Joe Hunt's prison sentence so he may be immediately considered for parole.

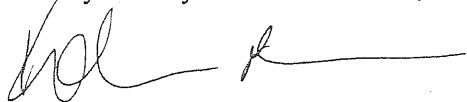
I am Joe's sister. I have supported him the whole time he has been in prison. I know his character better than anyone and I can tell you he is not a problem in the least to society. He has been on his spiritual path since his early days of incarnation. He has practiced non-violence on some of the toughest yards in the state. He has a home, a job, and a community to come to when he is released. My husband and I will support him with whatever he needs.

We moved up to Ananda village after my husband retired from LinkedIn in as an Engineering Director. We owned a house and raised our daughter in the Bay Area. Early in my career I was a sales executive. Then I was a stay-at-home mom. Now I'm the president of Rajarsi, Inc., a corporation we formed for investing our money.

Joe and I had a terrible father who was not a good role model. Joe had some wrong ideas and his behavior was not spiritually correct. Yet he is not guilty of the crime he is serving time for. After he was incarcerated, he found a Guru who he then patterned his life after. He has been meditating and giving his life to God since that time. He is a wonderful, kind person who deserves to get out of prison. I am sure you will see from his file that his character has been exemplary.

It is easy to be a good person when you have it easy, but to help and do good at every turn in the places he has been and with what he has had to endure is the true testament to his character.

Thank you for your consideration,



Katherine Olivier
President

EXHIBIT F

November 24, 2017

Honorable Edmund G. Brown, Jr.
Governor, State of California

**Re application per California Penal Code sections 4800 *et seq.* for
commutation of sentence of Joseph Hunt, California state prison inmate,
Pleasant Valley State Prison, CDC no. D61863.**

Sir:

1. The records available to you show that Mr. Hunt was convicted of murder in Los Angeles County in 1987, the alleged crime having been committed in 1984 when Mr. Hunt was 24 years of age. He was sentenced to life in prison without parole. Thereafter, Mr. Hunt was charged in San Mateo County with a second homicide; he represented himself in a jury trial and achieved first a mistrial and then a dismissal of the charges.

2. I represented Mr. Hunt in San Mateo County, first as attorney of record, then later as first of two advisory counsel. I was appointed to represent him because of the nature of the charges and because of my considerable experience representing persons charged with serious crimes, including at least 15 charged with murder or capital murder. When, however, Mr. Hunt's pretrial proceedings were stayed for an undetermined period I was obliged to leave his case in order to begin work for the San Mateo County District Attorney in charge of civil and criminal prosecutions directed to violations of California's environmental laws. I did that until I retired ten and one-half years later, in 2001.

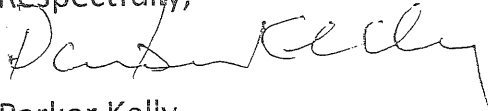
3. In the more than two years that I spent with Mr. Hunt, in court and in the jail, I never saw or knew of him to engage in aggressive, uncooperative, threatening, or otherwise inappropriate behavior.

4. Also during that time I observed Mr. Hunt to be of high intellect with considerable social, organizational, and legal skills sufficient that if released he is most likely to find meaningful employment and remain self-supporting.

5. I am informed that Mr. Hunt has a good, perhaps perfect or nearly so, record of behavior while housed in Folsom Prison and in Pleasant Valley State Prison, and that, importantly, he has never been a member of or associated with any organized or informal gang or similar organization in or out of prison.

6. To the extent that length of prison time already served is a factor in the commutation process, Mr. Hunt's time served represents a substantial punishment for the crime of which he was convicted. To the extent that risk of dangerousness governs the decision to be made, I offer my experience with Mr. Hunt and his behavioral record in prison as evidence that if released he will not threaten the safety of members of any community in which he may reside.

Respectfully,

A handwritten signature in cursive script, appearing to read "Parker Kelly", written in dark ink.

Parker Kelly
295 Fairway Drive,
Whitefish, MT 59937

406 862 4148
parkerkelly88@gmail.com

WILLIAM E. GILG
Attorney at Law
305 San Bruno Avenue West
San Bruno, CA 94066
(650) 871-8647
(650) 873-3168 (fax)

December 18, 2017

GOVERNOR JERRY BROWN

Re: Commutation Request of Joseph Hunt, CDC# D61863

Dear Governor Brown:

I am writing to you in support of the commutation package of Joseph Hunt, a California prison inmate, CDC # D61863.

I first met Mr. Hunt in October of 1989 at the San Mateo County Jail in Redwood City, California. I had been working for Mr. Hunt for a few months prior to that as his research assistant, mostly obtaining copies for him of case law, law review articles, legal articles, etc. These duties were in support of his defense of the criminal charges against him at that time in the case of People v. Hunt, San Mateo County Superior Court (the "Eslaminia" matter). Mr. Hunt was representing himself and his defense was funded by the public defender program of San Mateo County, called the "Private Defender Program". Mr. Hunt was impressed with my work in that I had been able to find and make copies of the case law he requested and nearly all of the law review articles and other legal articles he requested. That is, if one law library didn't have an article, I called and visited other law libraries in the Bay Area until I found the article in question.

I was not a licensed attorney at that time, but had graduated from law school in 1985 and had passed the California bar exam in 1986. Unfortunately, I was involved in a landlord/tenant dispute and was charged with a misdemeanor of making annoying phone calls. I eventually pled guilty to that charge. The State Bar then got involved and I withdrew my application to be licensed as an attorney. I then began to do law clerk work for various attorneys. One such attorney was doing some contract work for Mr. Hunt and asked if I would be willing to work for Mr. Hunt in obtaining copies of the legal research Mr. Hunt requested. I agreed.

In my work for Mr. Hunt obtaining legal research material, I knew little of the factual background of his pending criminal case. I knew it involved murder and kidnapping charges but knew little else. I was also aware that Mr. Hunt had previously been convicted in 1987 of the murder of Ron Levin in Los Angeles. I had seen newspaper coverage of that conviction. I had also read newspaper reports that characterized Mr. Hunt in a bad light. Thus I was a bit apprehensive and did not know

what to expect when I drove to my first meeting with Mr. Hunt at the San Mateo County Jail that October evening in 1989.

I found Mr. Hunt to be nothing of the sort that he was portrayed to be by the news media. He immediately thanked me for visiting him and expressed his appreciation for my work. We then chatted informally about my background, legal education, my status with the State Bar, etc. Mr. Hunt then, to my astonishment, asked me to be his trial assistant. I explained that, at that time, I had virtually no legal experience, especially nothing that would qualify me to assist in a major criminal case. Mr. Hunt acknowledged that but told me that because I had gone over and beyond my duties in making sure I got copies of the legal research he requested, going to libraries all over the Bay Area to find a library that had that particular article, he trusted me. That was what he was looking for, someone he could trust to assist him in this serious criminal matter. I of course was flattered and immediately agreed.

During the next three years and two months I had the pleasure of working for Mr. Hunt. I considered it a gift. My hourly rate was only about \$20.00 or something like that, paid by San Mateo County's private defender program. I became intimately involved in all aspects of his defense, summarizing trial testimony of the witnesses in the prior Levin matter, researching legal issues, doing other case investigation, etc. I would meet with Mr. Hunt at least once a week to go over the prior week's assigned projects and the results of same. I became close to Mr. Hunt and began to consider him a friend, not just a client. As explained above, Mr. Hunt was representing himself in this serious murder/kidnapping case, along with a prior murder conviction in the Levin matter. When I first began to work as his trial assistant, I considered these to be insurmountable obstacles to overcome. As I told Mr. Hunt later, I was incredibly impressed by his resolve and his energy, but at that time I felt that it was a foregone conclusion that he would be convicted of this crime. At that time, San Mateo County had about a 95% conviction rate in criminal cases. I think the conviction rate in that county is still the same.

Eventually, and it didn't take that long, I began to believe in Mr. Hunt, believe in his innocence, both of the pending murder/kidnapping charges in the Eslaminia case and the Levin conviction. This belief was not wishful thinking. It was based on the work I was doing in both cases, the pending Eslmainia case and the Levin conviction. In Levin it became apparent that Ron Levin was a notorious con-man with the expertise, the wherewithal, the motive, and the finances to disappear and avoid what was a certain lengthy prison sentence for fraud, tax invasion, etc. This prison sentence would have been at least 12 years. Even though Mr. Hunt was convicted of Levin's murder, no body was ever found, no blood was ever found. There was absolutely no physical evidence that Levin had been murdered. In fact there were a total of eight witnesses who reported that they had seen Ron Levin alive after June 6, 1984, when he was supposedly killed by Mr. Hunt. Six of these witnesses had known Levin before his disappearance. Six of these 'Levin-sighting' witnesses testified during Mr. Hunt's 1992 trial in San Mateo County. One of these witnesses, actually spoke to and carried on a conversation with Levin while waiting in line to see a movie.

Through Mr. Hunt's utilization of numerous subpoenas we obtained voluminous business records which led to the contact of witnesses, which led to witness interviews, etc. These two cases were rich in factual detail and this detail proved fascinating to me. We developed comprehensive information on hundreds of potential witnesses and developed a computer database containing said information on each such witness. During this 1992 trial, 107 witnesses testified on Mr. Hunt's behalf. We also developed a computer database for each item of documentary evidence.

Eventually, Mr. Hunt was able to prove, through state-of-the art expert witness testimony, that the main prosecution witness in the Eslmania matter, Dean Karny, had to be lying in his Levin trial testimony. That is Mr. Karny testified that Hedayat Eslaminia had been kidnapped in Belmont, California in July of 1984, placed in a locked steamer trunk, and transported to Los Angeles in the back of a U-Haul van. During my more than three years of work for Mr. Hunt, I was a part of this scientific evidence. In fact I took part in the experiment of my being placed in a steamer trunk in the back of a U-Haul van, which was driven around for a brief period of time. This scientific testimony was presented during Mr. Hunt's 1992 jury trial in the Eslamina matter via a large computer screen, which calculated the amount of oxygen that would be available to a human being locked in such a steamer trunk being driven from Belmont to Los Angeles, a distance of over 400 miles, on a hot July day in 1984. Weather and climatic data were obtained and presented as evidence. The conclusion was that no human being could have survived for 90 minutes under those conditions. Dean Karny had testified during the Levin trial that the victim, Hedeyat Eslamina, had stayed alive in that trunk all the way to Los Angeles.

Thus when Mr. Hunt's jury trial concluded in December of 1992, after six months, having began on April 13, 1992, the jury could not make a decision. They deliberated for nearly a month. Eventually, they informed the court that they were deadlocked, eight for acquittal and four for a conviction. Mr. Hunt's performance during this trial was stupendous. He was not a lawyer. He had no formal legal training. His entire legal training came from the legal articles I had copied for him. This trial lasted six months, involved over a 100 witnesses for the defense alone, and involved thousands of pages of investigatory material that had to be distilled into manageable trial notebooks. His command of this enormous amount of legal material was outstanding. His cross-examinations and direct examinations were text book perfect. In fact after the jury informed the court that they were deadlocked, Mr. Hunt obtained declarations from, I believe, six of the eight jurors that voted for acquittal, so that he could use same in his pending appeal and habeas corpus proceedings in the Levin Matter. These declarations averred that these jurors believed the scientific evidence that made it impossible for the victim, Hedeyat Eslaminia, to travel from Belmont to Los Angeles in a steamer trunk in the back of a U-Haul van and arrive in Los Angeles alive. That is what Dean Karny had testified to. In contrast, these jurors found that Mr. Hunt's testimony that Mr. Eslaminia was not kidnapped, that he had wanted to leave his Belmont home secretly by being placed in a steamer trunk, and that he was let out of the trunk after the U-Haul van had left the area and rode in the cab to Los Angeles, was true and scientifically sound.

After Mr. Hunt's trial ended in December of 1992. His Levin appeal and habeas corpus proceedings continued. I also continued to do work for Mr. Hunt on these projects without pay. I continued to visit him regularly over the years. During the Eslamina matter, we became close friends. I met his family during this time, both his father and mother and brother and sister. I became close friends with his father, Ryan Hunt, and remained so until his passing in 2005. Of course I remain close friends with Mr. Hunt himself. Mr. Hunt has also remained close to his family, including his mother who passed away in 2004. He currently corresponds and is visited regularly by his sister, Kasey, and her husband and children. In short, his family does not think of him as a convict, they think of him as an innocent man, they think of him as family.

Mr. Hunt has had a major impact on my life. When I first met him in October of 1989, I was disillusioned with my legal career. I had worked very hard going to law school at night while working during the day for four years, only to have my dreams shattered by a stupid mistake which led to my misdemeanor conviction and my withdrawing my State Bar application. Mr. Hunt gave me encouragement. He praised my work, and gave me confidence in my legal abilities. Eventually, he encouraged me to re-apply to the State Bar. He helped me gather supporting declarations from other lawyers to submit to the State Bar. Mr. Hunt also submitted his own declaration. Eventually, on February 6, 1991, I received my license to practice law. It was probably the finest day of my life. Of all the people I have met in my life, Joseph Hunt has had the most positive impact on my legal carrier. He has also had the most impact on my spiritual life. Outside of my wonderful parents in bringing me into this world and giving me a good upbringing, Mr. Hunt has had the most positive impact on my life of anyone I have ever met. There is no one that could count as a close second. I don't make such statements lightly.

Mr. Hunt has also helped other people. On more than one occasion, Mr. Hunt has contacted me with information about a certain inmate getting in trouble with the powers-that-be behind the prison walls, that is with prison gangs, etc. He has instructed me to contact the particular prison where he was housed at those times, and anonymously give this information to the prison staff so this particular inmate could be protected. Otherwise, that inmate would likely have been killed.

In summary, I recommend as highly as possible Mr. Hunt in this effort to have his sentence commuted. I firmly believe Mr. Hunt is an innocent man. His appeals and his habeas petitions have not been successful as yet. The law is not perfect, we all know that. Consider all the convictions that have been set aside based on the recent developments of DNA evidence. In Mr. Hunt's case, there is no DNA issue. However, if a court ever took a close look at the evidence against Mr. Hunt, without any deference towards his conviction, it would point unerringly towards Mr. Hunt's innocence. He has been imprisoned since his 1987 Levin conviction. He has spent the last 30 years in prison. He has been a model prisoner. He has helped countless inmates prepare habeas corpus petitions challenging their convictions. He has even been successful in setting, at least several, inmates free based upon the habeas petitions that he has prepared. He deserves to have his sentence commuted.

If the Governor or his aides want to contact me they are certainly welcomed to do so. I will assist Mr. Hunt in any way I can.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W. E. Gilg', written over a horizontal line.

WILLIAM E. GILG,
Attorney at Law

DiVITA INVESTIGATIONS

CRIMINAL AND CIVIL INVESTIGATIONS

620 JEFFERSON AVENUE
REDWOOD CITY, CALIFORNIA 94063
650-365-5892

November 14, 2017

The Honorable Jerry Brown
Governor of California
State Capitol, Suite 1173
Sacramento, CA 95814

Re: Joseph Hunt, D61863

Dear Governor Brown,

I am writing to you in support of the application for commutation submitted by Joseph Hunt.

I first met Mr. Hunt in the early 1990's when I had the good fortune to be assigned as one of his defense investigators when he was preparing to represent himself in trial in San Mateo County. Mr. Hunt, who I knew as "Joe", was in custody during this time and we had frequent contact visits inside the jail while preparing for the trial. It was apparent that Joe was well liked by both the inmates and the sheriff's deputies. He treated them all with respect and they responded in the same way.

After Joe obtained a dismissal of his case in San Mateo County, I continued to stay in contact with him when he was in New Folsom State Prison. We had developed a friendship by this time and he referred my services to inmates he was assisting in their appeals. Joe had a lot of compassion for these inmates and he was genuinely concerned about their welfare.

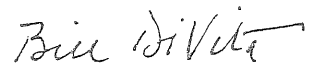
I have continued to stay in contact with Joe on a regular basis and have grown to appreciate his friendship. I am amazed at Joe's constant positive and cheerful demeanor no matter what his circumstances are. Much of this I attribute to his regular practice of prayer and meditation which is at the core of his life. Joe maintains a sense of peace I rarely see in most individuals.

I have no doubt that Joe would be an outstanding, contributing member of society should he eventually be released. I cannot imagine anyone I know having any fear or concern for Joe's behavior. I think Joe would certainly be welcomed and respected for his talents and for the genuine person he is. In all my dealings with Joe he has proven to be someone I can trust and a man of his word.

My hope and prayer is that you will approve the commutation application of Joseph Hunt that he has earned and deserves.

Thank you very much for considering my input.

Sincerely,

A handwritten signature in cursive script that reads "Bill DiVita". The signature is written in dark ink and is positioned below the word "Sincerely,".

Bill DiVita

The Honorable Jerry Brown
Governor of California
State Capital, Suite 1173
Sacramento, CA 95814

12/29/2017

Re: Joseph Hunt, D61863

Dear Governor Brown,

I am writing in support of the application for commutation submitted by Joseph Hunt.

I first met Joseph Hunt when I became his paralegal in preparing for his trial in Redwood City in the late 1980's.

I worked closely with Joe on a daily basis and was instrumental in keeping his files, exhibit copies, and other trial prep documents in order for him to be ready to defend himself at trial. During these months, years, I began to learn how Joe was at his core which was undoubtedly one of the most decent and forthcoming people I would ever meet.

He would not be a threat to society in my opinion of any degree or magnitude whatsoever.

During his time incarcerated I also grew to become Joe's friend and eventually his wife for several years.

I know Joe as a caring, gentle, and honorable human being.
It is my clear and unprovoked viewpoint that Joe should have a commuted sentence and be released into society as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tammy Hunt', with a stylized flourish at the end.

Tammy Hunt

tammyagnt@gmail.com

Law Office of Mitri Hanania
620 Jefferson Avenue, Redwood City, CA 94063

Telephone (650) 366-6789
mchesquire@gmail.com

Fax (650) 817-7044
www.mchesquire.com

December 15, 2017

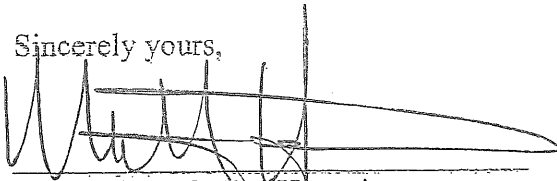
Governor Edmund G. Brown
c/o State Capitol
Suite 1173
Sacramento, CA 95814

Re: **Mr. Joseph Hunt**

Dear Governor Brown:

In March of 2003, I was appointed by the San Mateo County Private Defender Program to assist Mr. Hunt in the removal of his trial exhibits from a storage locker located here in Redwood City. On September 3, 2003, I met with Honorable Dale A. Hahn, Judge of the Superior Court in San Mateo County, who is now retired. Judge Hahn, who presided over Mr. Hunt's trial, made several comments that I recall which were very praising of Mr. Hunt. Judge Hahn mentioned that out of all his years of presiding over trials, he never saw an individual as meticulous and well prepared for trial like Mr. Hunt. Moreover, Judge Hahn also mentioned that Mr. Hunt conducted himself during the trial in a professional and courteous manner. Judge Hahn never mentioned Mr. Hunt being disruptive or disrespectful.

Sincerely yours,

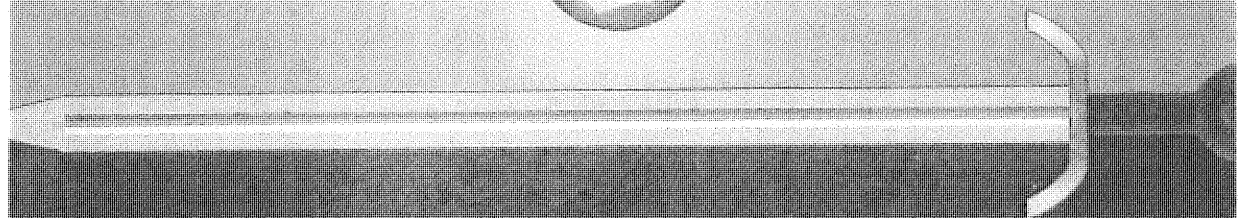
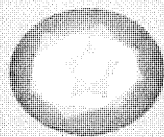
A handwritten signature in black ink, appearing to read 'Mitri Hanania', written over a horizontal line.

Law Office of Mitri Hanania
Mitri Hanania, Attorney-at-Law
CA State Bar License No. 190518

EXHIBIT G

*Joseph Hunt * Alan Adams*

BLUE DHARMA



THE STORY
OF ANAIYAILLA

*As told by
two convicted of murder*

BLUE DHARMA

THE STORY OF ANAIYAILLA

*Joseph Hunt * Alan Adams*

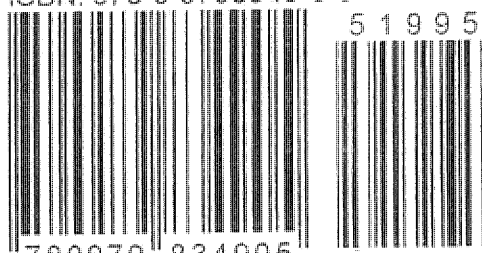
You hold in your hands book one of the four-part Inner World Series. This epic recounts a struggle between good and evil as it took place in a distant part of the universe, on a planet not unlike our own. Enmeshed in the struggle are souls of surpassing brilliance and souls almost wholly eclipsed by depravity. Demons, Elves, and other creatures most people deem mythical abound. Wars open with the pages and are spread before the reader. Yet, the Inner World Series is ultimately about human societies and human hearts, how they fall, how they rise, the price of their redemption, and the manner of their salvation.

Joe Hunt was the leader of the fabled Billionaire Boys Club and Alan is his cell mate.

SPIRITUAL FICTION

\$19.95

ISBN: 978-0-9798349-0-5



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Blue Dharma
Press

FOREWORD BY JOSEPH HUNT

The collaboration with Alan Adams on this series has proven to be one of the more rewarding experiences of my life. Starting with Alan's seed-thought seven years ago, it has grown far beyond our first expectations. Now, with the story-boarding complete for the books that will complete the "Inner World Series," the two of us are hard at work to take our readers with us to the amazing conclusion in Book Four.

I would like to express my deep appreciation to my wife, Jamie; Swami Kriyananda; Jyotish and Devi Novak; David and Asha Praver; and Ananta and Maria McSweeney—all of the Ananda Church. So, too, my heart is filled with gratitude for K.O., T.A.H., B.R., L.R., William Gilg, and William DiVita. Thank you so much for your help and inspiration. Thanks also to Gianna Rocha, the proprietor of Bright Eyes (www.brighteyes.org); who worked with the manuscript, was responsible for the design and the layout of the book, and was an important resource in the logistics of getting this work published. Stavra Ketchmark was our copy editor. Many thanks to her for her contribution.

Martin Williams, a fellow lifer, wrote the song Starmaker (see, post, pp. 95 & 382) and generously allowed us to incorporate it into the book.

For those who think the life of a high-security prisoner is limited to riots, shankings, trips to the hole, swigging pruno, ogling pinups, and plotting escape ... this book will serve as our rebuttal.

Finally, a word about the title. *Blue* is the color of prisoners, but it is also the color of this planet and the astral world. *Dharma*, from the Sanskrit root *dhri*, "to uphold or support," in simple terms, means religion or righteousness. In a deeper sense, it refers to the eternal laws that uphold the divine order of the universe and of man, its microcosm. It is written that Man should perform virtuous *dharmas* so that he can free himself from the laws of cause and effect and thereby realize his true nature as spirit. The concept is explored in the Bhagavad Gita and in the book in your hands. I especially recommend the delusion-shattering translation of the Gita by Paramahansa Yogananda, the great yogi-saint from India, and author of the greatest book I ever read: The Autobiography of a Yogi.

—Joseph Hunt, bluedharma.com

EXHIBIT H

January 2018

Dear Governor Brown,

About 20 years ago, while watching a movie, I found myself incensed at the conduct of the male lead. He was a contemptible character: dishonest, manipulative and reckless. I wanted to see him exposed and punished. Then I had a sledgehammer thought: I was that guy! My conduct in the early 1980's was just as wicked.

I sat there on my bunk for several moments, stunned.

You see, I was dealt a decent hand in life. Reasonably bright, with the benefit of a fine education, tall, athletic, and born in America.... Yet what had I done with those gifts? Turned them into financial misery for about 100 investors and presided over a group whose derangement became perhaps the most famous cautionary tale about young men gone wrong in the 1980's. Surveying my life between the years 21 and 24, I am filled with shame.

The turn for me came in the Los Angeles County Jail in mid-1987, when I read the Autobiography of a Yogi, by Paramahansa Yogananda. Inspired by Yogananda, I worked through the Self Realization Fellowship lessons he authored and read dozens of books by and about him. Along the way, I became a committed admirer of the Saint, praying and meditating at least twice a day through the ensuing 30 years.

In 1991, I was initiated into the spiritual discipline that Yogananda was tasked to bring to the West, i.e., "Kriya Yoga."

During the first few years of my study and meditation on the Saint's writing, all ambition to lead others left me. I grasped that I should not lead because there were others in the world who were much more qualified - men and women of such profound benevolence and wisdom. I concluded that the best service I could offer was to acknowledge the calamity that was my life in the early 1980's and encourage my fellow prisoners to study the lives of the Saints. That is what I have done for about 25 years now.

Of course, informed by the examples of Christ and Yogananda, I recognize that words alone are insufficient, and have endeavored to work in service to anyone that sought my help. This has

manifested in writing dozens of habeas petitions to aid those who cannot afford a lawyer; in drafting grievances and petitions for prisoners with unaddressed illnesses and injuries; and in being a voice for tolerance and nonviolence among my peers. I have worked as a chapel assistant and in the library as a law clerk. For about 10 years, I was a facilitator of the Men's Group at CSP-Sacramento sponsored by the Mankind Project and the Inside Circle Foundation (<http://insidecircle.org/>).

On another front, I found it insufficient merely to recognize and lament my crimes. There arose in me a will to make amends by contributing to charity. With the aid of family and friends, these efforts culminated in a gift of \$1,000,000 to the Ananda Church of Self-Realization (<https://www.ananda.org/>) in 2017, to be used for construction of a "Temple of Light," dedicated to peace and religious tolerance. (In 2017, in a ceremony at the Tillman Chapel at the United Nations Church Center in New York City, Ananda received the Global Ambassador Peace Award from the Institute of International Social Development (IISD), an international non-governmental organization in special consultative status with the Economic and Social Council at the United Nations. See <https://www.ananda.org/news/2017/award-iisd-at-un/>.)

I never expected to have an opportunity to parole. Though I did not kill Ronald Levin, I do not believe society was wrong to put me in prison. It had every right to do so. I abused my freedom, power, and prerogatives. I misled scores of people, costing them their savings, in some cases, their life savings, dooming them to privation and want. I betrayed their trust. I spun fables and told lies.

Life, I now believe, is a blessing, an opportunity to be good, decent, and of service. My path forward lies in loving-kindness, in obedience to the laws and collective wisdom of society, and in conscious recognition of the sovereignty of God and the Great Saints over my heart and spirit.


That I might be considered for parole fills me with awe at the kindness of others.

If I am to receive a commutation, I will take it as an act of grace from a Man and his Staff who are my betters.

If I am ultimately freed from prison, I will withdraw to the spiritual community of my Church in Grass Valley. I have no

interest in publicity and pledge to decline all media overtures (as I have done for the last 25 years). The idea of exploiting my crimes for financial gain fills me with revulsion. The only lesson to be learned from them is one of atonement by adherence to moral law.

Sincerely,



Joseph Hunt

EXHIBIT I

DECLARATION OF JOSEPH CARSANARO

I, JOSEPH CARSANARO, declare as follows:

1. I served as a juror on the case, People v. Hunt. C15761, for nearly eight months. I served from April 13, 1992, which was the day of opening statements, until a jury deadlock was announced and hence a mistrial was declared on December 9, 1992.

2. I listened to over 50 witnesses give testimony concerning the disappearance (and subsequent sightings) of Ron Levin. I took notes of their testimony throughout the 7 month trial. These are my thoughts and opinions concerning what I heard.

3. Dean Karny. Mr. Karny testified that in 1984 he would lie to further his own goals. During Mr. Hunt's cross-examination, Mr. Karny was forced to admit that he perjured himself on his State Bar application to cover up the parts of his past that may have prevented him from becoming a lawyer. I felt that if Mr. Karny lied on this application, even after receiving immunity, he was very capable of lying and/or perjuring himself on the witness stand.

Mr. Karny's testimony suggested that Mr. Hunt was a brilliant and calculating thinker, but his explanation of the "7 page to do" list did not fit

1 this characterization. For example, Mr. Karny testified that Mr. Hunt paid
2 such great attention to detail that one item listed within the "7 pages"
3 was to "take punched holes", to make it appear that certain documents
4 were prepared elsewhere. His and other testimony suggested that these
5 "7 pages" were left scattered on Ron Levin's floor. This inconsistent be-
6 havior does not make sense and calls Mr. Karny's credibility into question.
7

8
9
10 4. Tom May. Mr. May's credibility was shredded during Mr. Hunt's cross-
11 examination. Mr. Hunt uncovered the fact that Mr. May lied regarding his
12 bankruptcy filing and in fact had a one half million dollar trust fund when
13 he declared bankruptcy. Mr. May testified that he had not received his in-
14 vestment back from Mr. Hunt, although bank checks with his endorsement
15 suggested otherwise. Mr. May testified that his investment money was
16 spent by Mr. Hunt on lavish furnishings and a gold "BBC" sign. Documents
17 introduced as evidence and further cross-examination revealed the con-
18 trary. For example, Mr. May confirmed that BBC members assembled their
19 own furniture and that Mr. May himself had purchased the gold "BBC" sign
20 for only a few hundred dollars.
21

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24
25 5. Jerry Eisenberg. I found former BBC member Jerry Eisenberg's testi-
26 mony to lack any appreciable credibility. I totally discounted all of his
27
28

1 testimony. An example of his bad faith while testifying is where he de-
2
3 nial that he was a party to a conversation that was tape recorded and in-
4
5 troduced into evidence. This evidence showed he was part of a conversa-
6
7 tion concerning a stolen car operation. Mr. Eisenberg's credibility was
8
9 seriously damaged.

10 6. Karen Marmor. Ms. Marmor testified that she believed she saw the "7
11
12 page to do" list on Ron Levin's desk before his disappearance. This testi-
13
14 mony contradicts Mr. Karny's testimony which indicated that the list was
15
16 shown to Levin the night of his alleged murder, that is, June 6, 1984. Ms.
17
18 Marmor lived next door to Levin and her husband was one of Levin's closes
19
20 friends. Ms. Marmor was a very credible witness.

21 7. Len Marmor. Mr. Marmor's testimony illustrated the superficial rela-
22
23 tionship that Ron Levin had with his mother. Mr. Marmor knew Levin for
24
25 years and his characterization of Levin and his relationship with his
26
27 mother was more credible than the people's witnesses, Dean Factor and
28
Michael Broder.

29 8. Justine Jagoda. Ms. Jagoda lived in the apartment directly above Le-
30
31 vin's and consistently heard him ranting and raving, slamming doors, and
32
33 hitting his small dog. Ms. Jagoda testified that on the night of June 6,
34

1 1984, she was home alone and in bed reading with the windows open and
2 no other noises around her. Ms. Jagoda testified that she heard no gunshot,
3 no trunk slamming, or any other sounds of scuffling coming from Levin's
4 apartment. This testimony is in conflict with Mr. Karny's and tends to
5 corroborate the defense's version of what happened at Ron Levin's on June
6 6, 1984.
7

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10 9. Erin A'Hearn. Ms. A'Hearn conducted tests on the BMW trunk that Mr.
11 Hunt and Mr. Pittman allegedly put Levin's bleeding body in. Her tests re-
12 sults indicated that there was no evidence of blood in the trunk. Mr. Karny
13 indicated that the body was placed into the BMW trunk causing a dent. The
14 absence of blood and other bodily fluids or tissues would circumstantially
15 suggest that no such crime occurred.
16
17

18 10. John Duron. Mr. Duron was a very important witness. He was Levin's
19 hairdresser for years. Mr. Duron testified that he and Mr. Levin discussed
20 the procedure for dyeing one's hair brown just before Mr. Levin's disap-
21 pearance. Mr. Duron indicated that this was very strange because Mr. Levin
22 was very proud of his silver hair. The police found a brown stain in Mr.
23 Levin's bathtub. This stain was tested for and found not to be blood.
24 Based on Mr. Duron's testimony and Detective Zoeller's testimony about
25
26
27
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1 the stain in the bathtub, there is good reason to believe that the stain was
2 hair dye used by Levin to conceal his silver hair.

3
4 11. Scott Furstman and Oliver Wendell Holmes. Through these key wit-
5 nesses we can see that Levin had a motive to leave the Los Angeles area.
6 Mr. Furstman indicated that Levin released his father's house from his bai
7 bond collateral just before his disappearance. Mr. Holmes testified that
8 Levin asked him questions about the United States' extradition treaty with
9 Brazil. This testimony supports the defense's claim that Levin was plan-
10 ning to leave the country.

11
12
13
14 12. Connie and Jerry Gerrard. Mrs. Gerrard testified that she saw Levin
15 on the Greek island of Mykanos on Christmas day in 1987. Mrs. Gerrard
16 knew Mr. Levin and testified that she was certain she saw Mr. Levin in a
17 restaurant on that island. Mr. Gerrard testified that his wife communicat
18 ed to him in Greek at the time she saw Mr. Levin in the Mykanos restaurant
19 Mr. Gerrard's testimony supported and enhanced his wife's testimony.

20
21
22 13. Carmen Canchola. Ms. Canchola testified that she saw Levin at a ga
23 station in Arizona in 1986. Ms. Canchola testified that she picked Levin
24 out of a photo lineup. Ms. Canchola was a very credible witness.

25
26
27 14. Jesus Lopez. Mr. Lopez was Ms. Canchola's boyfriend at the time she
28

1 saw Levin at the Arizona gas station in 1987. Mr. Lopez also identified
2 Levin from a photo lineup.
3

4 15. Nadia Ghaleb. Ms. Ghaleb was a hostess at Mr. Chou's, a Los Angeles
5 restaurant, in the early 1980's. Ms. Ghaleb testified that she frequently
6 saw Levin have lunch or dinner at Mr. Chou's and was familiar with his
7 look and character. Ms. Ghaleb testified that she saw Levin getting into a
8 Mercedes from her car while she was driving to work in early 1987. I be-
9 lieve that it is very possible to identify someone that you know in the
10 matter of seconds as Ms. Ghaleb indicated.
11

12 16. Robert Robinson. Mr. Robertson testified that he was a former new
13 reporter and lost his job as a result of coming forward with his Westwood
14 sighting of Levin after June 6, 1984. Mr. Robinson indicated that Levin
15 came to him and engaged him in conversation. Mr. Robinson was a critica
16 defense witness because he was very credible. I believe that Mr. Robinso
17 believes he saw and talked with Levin after the date Mr. Hunt supposedly
18 killed him. I had no reasonable basis to discount Mr. Robinson's testimony.
19

20 17. Lynne Roberts. Ms. Roberts was a credible and honest witness. She
21 testified about a telephone call that she received from her daughter,
22 Brooke, and Mr. Hunt on the evening of June 6, 1984. This is in conflict
23

1 with Mr. Karny's allegations regarding Mr. Hunt's actions on that evening.

2
3 18. Carol Levin. Mrs. Levin is out of touch with reality relative to her
4 relationship with her son, Ron Levin. The two postcards from Ron that she
5 brought into court did not support a strong relationship between them.
6
7 Hospital documents and psychiatric reports that were brought out by Mr.
8 Hunt during cross-examination better illustrated their true relationship.
9
10 One hospital report indicated that Mrs. Levin had not talked to her son at
11 all during his 4 month stay at a hospital in Washington state. Court testi-
12 mony tends to suggest Mrs. Levin and her son had a superficial relation-
13 ship.
14

15 19. Defense Witnesses Regarding Mr. Ron Levin. Taken as a whole, de-
16 fense witness testimony in People v. Hunt, C15761, raised more than a
17 reasonable doubt as to the people's assertion that Mr. Hunt killed Ron Le-
18 vin. The evidence regarding Mr. Levin in People v. Hunt, C15761, suggests
19 that Mr. Levin had compelling motives to leave the Los Angeles area, had
20 no meaningful ties to the community, and took steps to prepare for his de-
21 parture. Furthermore, several credible witnesses, that were addressed
22 above, testified that they saw Levin after June 6, 1984.
23
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26

27 I declare under penalty of perjury under the laws of the State of Cali-
28

Exh. 208

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fornia that the foregoing is true and correct of my own personal knowl-
edge, and that as to those matters stated upon information and belief, I
believe them to be true.

Executed at Menlo Park, California, on January 26, 1993.

Joseph Carsanaro
JOSEPH CARSANARO

DECLARATION OF ARDATH HELEN SORELLE

I, ARDATH HELEN SORELLE, declare as follows:

1. I was born on September 13, 1933. I work at the Department of Defense, Defense Logistics Agency. I have worked there for 11 years.

2. I served as a juror on the case, People v. Hunt, C15761, for nearly eight months. I served from April 13, 1992, which was the day of opening statements, until a jury deadlock was announced and hence a mistrial was declared on December 9, 1992.

3. I listened to over 50 witnesses give testimony concerning the disappearance (and subsequent sightings) of Ron Levin. I took notes of their testimony throughout the 7 month trial. These are my thoughts and opinions concerning what I heard.

4. Regarding the testimony of people's witnesses Dean Karny, Evan Dicker, Tom May, Jerry Eisenberg, and Jeff Raymond, I believe that they all willfully lied under oath on the witness stand to protect themselves. I also believe that they schemed and plotted with each other to avoid incriminating one another. I found them to be pitiful and on the whole, despicable, untrustworthy liars. They all had very selective memories when it came to their involvement. Their testimony fell apart on cross-

1 examination. Tom May's poor character was made clear by the cross-
2 examination of him on financial matters. Jerry Eisenberg, pathetically,
3 refused to acknowledge his involvement in a conversation which the de-
4 fense had on tape. Evan Dicker could only recall a few things he or any of
5 the other BBCers said or did but, was amazingly lucid about Hunt's actions
6 and statements.
7

8
9
10 Tom May was cross-examined about some lists Mr. Hunt had discovered
11 in the Gardena warehouse trash can that described a plot to steal the Mi-
12 crogenesis attrition mills. This lent support to the defense contention
13 that there were factions in the BBC. Tom May said the plan found in the
14 trash was a joke. I thought it was interesting that the prosecution
15 seemed comfortable with their witnesses' explanation of a list describing
16 a theft-related plot as "a joke", but would not credit at all Mr. Hunt's ex-
17 planation of the "to do" list as being something other than what it ap-
18 peared to be on first reading. The testimony about the May/Gardena ware-
19 house theft lists, revealed the double-standard the prosecution was using
20 to evaluate testimony. I felt that this testimony helped to show the rea-
21 sonableness of Mr. Hunt's explanation of the seven pages.
22

23
24
25
26
27 5. Carol Levin. I found Mrs. Levin to be very self-centered. She will al-
28

1 ways believe the portrait she had painted of her son, Ron Levin, and their
2 relationship. I felt the trial opened a lot of old wounds, or it should have
3 if she wasn't in self-denial. In today's world, she would have been
4 charged with child abuse. In a way I think Ron despised Carol. It was
5 proven that Ron had gone off before without her knowing it (e.g. in 1979
6 when he went to prison for mail fraud). I think that he wouldn't contact
7 her after fleeing to avoid further prosecution so as to make good his es-
8 cape. To him, I feel, being free of her was chucking off a big burden. The
9 Camarillo/boarding school cross-examination and evidence was very im-
10 portant. It gave another side to the "poor distraught mom" that the prose-
11 cution tried to portray. Carol came off as a very deluded person.

12
13 6. Dean Karny. The state's star witness got total immunity and had to
14 come up with a story. A story that was so full of lies and scenario's that
15 it just did not make sense. For instance Mr. Karny contended that:

16
17 A. "Levin's body was taken to Soledad Canyon in a BMW";

18
19 Fact: No evidence was found in the BMW by forensic
20 experts. Sheriff's criminalist Erin A'Hearn said that
21 no blood stains were found on the trunk carpet of the BMW;

22
23 B. "Jim Pittman was sent to New York to masquerade as Levin";
24
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1 **Fact:** Mr. Pittman, a burly black man, did not keep a low
2
3 profile, that is, he rented limousines to visit friends and
4
5 relatives and made himself rather well known at the hotel;

6 C. "He had nothing to do with the "to do" list";

7 **Fact:** Mr. Karny and other members of the BBC contributed
8
9 in making the "to do" list. The list was seen by Karen
10 Marmor the day before Levin disappeared at Levin's, and
11 when she asked him about it, Levin said it was a movie
12 script. I believe this gave him the idea to place the blame
13 of his planned disappearance on Mr. Hunt by making it
14 look like a murder;

15
16
17 D. "Levin had never met Jim Pittman, which allowed Mr.
18 Pittman to pose as a Chicago mobster";

19
20 **Fact:** Mr. Pittman was seen at and around Levin's
21 apartment before Levin disappeared. He was seen with
22 Levin outside the apartment by John Riley and inside the
23 apartment by Len Marmor; and

24
25 E. **Fact:** Ron Levin was preparing to flee.

26
27 1) Karen Marmor testified that Levin purchased clothes
28

1 prior to his disappearance that were not his usual style;

2
3 2) Levin had purchased traveler's checks, approximately
4 two inches worth, according to Len Marmor, the day
5 before his disappearance;
6

7 3) Levin requested the return of the extra apartment key
8 he had given out six months before to Oliver Wendell
9 Holmes. The key had been given to Holmes by Levin so that
10 Holmes could work on Levin's pending criminal case. The
11 criminal case was not over and Holmes hadn't finished
12 his work. So I asked myself why would Levin want the
13 key back on that of all days. Apparently something was
14 about to take place and I believe that was that Ron Levin
15 was planning to "take a hike", as the expression goes.
16
17 Mr. Holmes also testified that Ron Levin was asking
18 about extradition treaties. I had to ask myself again, "Why?"
19
20 Levin was born and raised in the U.S. What reason could
21 he have to investigate the Brazilian extradition treaty
22 other than that he was planning to leave. Holmes was a
23 pretty reputable witness;
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1 4) John Rollingson of Panasonic, John Reeves of American
2 Express, Brent Kley of Merrill Lynch, Jerry Verplancke of
3 Progressive, Dan Wilson of Fidelity, Jon Martin, an insurance
4 investigator, and other witnesses showed me that Levin had
5 piled up huge debts and had a variety of reasons to flee.
6

7 Jon Martin was another witness that showed Levin's
8 personality and the scams he was involved in. There were
9 so many problems Ron would have had to face in Los Angeles
10 if he didn't flee;
11

12 5) Dr. Avery testified that Levin was raped in jail. This
13 showed just how concerned Ron was about going back;
14

15 6) The money Levin left behind, about \$20,000.00, was not
16 substantial to him. Criminals sometimes think differently
17 about money than people who work for it do. Some think
18 nothing of being broke. Ron Levin took in close to one
19 million dollars in the 18 months before he fled. This
20 sort of money was not so much as to be material to him,
21 in my view;
22

23 7) I believe that the "to do" list was Levin's big
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1 opportunity to flee. It gave him a tool to throw the
2 police off his trail. I think he made his decision to
3 actually go ahead and take off, as opposed to just thinking
4 and investigating flight as a possible solution to his
5 problems, only after he got the list from Mr. Hunt. Levin
6 told Karen Marmor that someone had just threatened him,
7 that would have had to have been Mr. Hunt;
8

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10
11 8) Levin was facing up to 8 years in jail for fraud and
12 grand theft. Levin told Karen Marmor on the day before
13 he vanished that, "He would never go back to jail, that
14 maybe he would not come back from New York the
15 authorities would have no reason to come after him"; and
16

17
18 9) His hair dresser, John Duron, testified that Levin
19 wanted information on how to dye his hair right before
20 he disappeared. Detective Zoeller testified that there
21 was a stain on the bathtub. It all fit.
22
23

24 7. John Duron. Mr. Duron really swayed me. He was a very believable
25 witness and very informative. He described how vain Levin was about his
26 hair. Ron even brought up shaving off his beard. All of that was very sus-
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28

1 picious. He was a very important witness. I believe Mr. Duron's testimony
2
3 gave the defense a believable explanation for the missing comforter. Le-
4 vin was fastidious. Once stained he would never let the comforter remain
5 in the house.
6

7 8. I believe that Ron Levin is still alive, owing to the above and the tes-
8 timony of the credible witnesses below:
9

10 Nadia Ghaleb. She knew Levin with and without a beard over a 10 year
11 period in a professional status and recognized him when she saw him mo-
12 mentarily, while stalled in traffic in 1987.
13

14 Robert Robinson. Levin walked up to him and talked to him while wait-
15 ing in line at a theater in October of 1986. Mr. Robinson did not go to the
16 police at first, because he believed that the witnesses, whom he later
17 read about, would come forward and the case would be dismissed. Mr.
18 Robinson did not want to "be part of the story." When he did finally go to
19 the police in the spring of 1987, it cost him his job. Neither the police,
20 the prosecution, nor the defense pursued this witness during the first
21 trial, I believe. I felt Ron Levin was outrageous and brazen enough to ap-
22 proach Mr. Robinson as Mr. Robinson so described.
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27 It was very helpful to the defense that there were five sightings wit-
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1 nesses. The testimony of Carmen Canchola and Jesus Lopez was torn down
2 a little on small details related to the scene at the gas station by the
3 prosecutor, and also they had no pre-existing acquaintance with Levin.
4 The other three sightings witnesses were not impeached in the same way
5 at all. There were a lot of positive aspects to Ms. Canchola and Mr. Lopez's
6 identification, so I accepted it. However, the other three sightings wit-
7 nesses strengthened the legitimacy of their sighting in a sense. It is dif-
8 ficult to say how I would have felt if they were the sole sighting witness-
9 es.
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14 Justine Jagoda. Although she lived above Ron Levin and heard him yell-
15 ing and abusing his dog many times, she did not hear a thing on the night
16 Levin was supposedly fighting for his life, being shot, and being carried
17 out of his apartment. Dean Karny said that even the allegedly silenced
18 weapon sounded like a loud clap when used. When Mr. Hunt demonstrated
19 such a clap, Ms. Jagoda said she would have heard such a loud noise up-
20 stairs. She didn't hear any ruckus and she didn't hear the trunk being
21 slammed either. Karny said the BMW trunk had been bent that night. Her
22 testimony was inconsistent with the prosecution's case.
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27 Lynne Roberts. She spoke with Mr. Hunt and her daughter, Brooke, at
28

1 10:30 PM on June 6, 1984. The time was confirmed as she was watching
2
3 the news at the time and it was about half over, it being an hour news
4 broadcast beginning at 10:00 PM. She at first thought that Mr. Hunt was
5 guilty because the police had arrested him. Later she then remembered
6 the phone call from Brooke and Mr. Hunt, and decided that Mr. Hunt couldn't
7 have done it and came forward. I found her testimony to be truthful, she
8
9 had no reason to lie, and only reversed her opinion after remembering the
10 chain of events concerning that fateful evening. Her testimony was cor-
11 roborated in an important respect by the defense exhibit made from her
12 jury duty summons postcard. This corroborated her reason for coming
13 back from her Alaskan trip before June 6, 1984.
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16

17 The testimony of the manager of the La Scala Boutique corroborated Mr.
18 Hunt's and Lynne Roberts' testimony in an important way. The La Scala
19 Boutique closed at 8:30 PM. Levin had both made and received calls after
20 9:00 PM on June 6, 1984 (Dean Factor and Michael Broder). There were
21 food tins from the La Scala at Levin's home on the morning of June 7th.
22
23 Both Mr. Hunt and Mr. Karny said Mr. Hunt had shared take-out food from
24 the La Scala with Levin that night of June 6th. In order for Levin to be
25 free to make those calls and for there to be the La Scala cartons at his
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27
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1 house, Mr. Hunt would have had to have come and left before 9:00 PM. This
2 is exactly what he said he did, but in contradiction to Karny's version.

3
4 Carmen Canchola and Jesus Lopez. They testified to seeing Levin at a
5 gas station in Arizona sometime in September of 1986 at about 9:15 PM.
6
7 Ms. Canchola did not know whom she had seen until she saw a picture of
8 Levin in an article in Esquire magazine concerning Mr. Hunt's first trial in
9 Los Angeles. Mr. Lopez did not want to get involved, but complied at Ms.
10 Canchola's urging. The police questioned them for 10 hours, but they stuck
11 to their story. I believe that they saw Ron Levin.

12
13
14 Connie and Jerry Gerrard. I found their testimony very believable. Mrs.
15 Gerrard's description of Ron Levin and his subsequent actions upon being
16 recognized in the restaurant on the Greek island of Mykanos, was beyond
17 reproach.

18
19
20 The most important Levin case-related witnesses were Karen Marmor,
21 John Duron, Connie Gerrard, Nadia Ghaleb, Robert Robinson, Oliver Wendel
22 Holmes, Justine Jagoda, and Jack Friedman, in my opinion. If I was asked
23 to rank the sightings witnesses in order of importance I would do as fol-
24 lows: Robert Robinson, Connie Gerrard, Nadia Ghaleb, Carmen Canchola, and
25 Jesus Lopez.
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1 9. Besides the danger of Ron Levin going to jail on the grand theft
2 charges, there were also all the companies, American Express for one,
3 that were lining up to prosecute, and also the many individuals who were
4 defrauded by Levin. I truly believe Levin had very good reasons and the
5 cunning to carry out his deliverance from all of his problems through
6 flight to avoid prosecution.
7

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10 10. Joe Hunt's testimony seemed factual. I felt Mr. Hunt was just re-
11 lating occurrences, not making up a story as Karny did. The chronology of
12 events was very clear in Hunt's testimony about Levin. The structure of
13 the "to do" list was consistent with Hunt's explanation of it being notes
14 taken at a group meeting where others were giving him input. The nota-
15 tion on one of the lists, "Jeff list", showed that BBC member Jeff Ray-
16 mond was involved with the lists. I felt Mr. Hunt was a person telling the
17 truth. Karny constantly said, "I don't know" and "I don't remember". I do
18 not recall Mr. Hunt using those type of statements except very infrequent-
19 ly. I believe that Mr. Hunt didn't hold back even on points that were very
20 embarrassing to him, that is, the investors.
21

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24 11. Karny's testimony about attempting to provide Hunt an alibi on June
25 6, 1984 did not ring true. None of the people who went to the movie were
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1 in on the supposed plan to provide an alibi for Hunt, and none of them
2
3 needed an alibi themselves. After the movie Karny claimed to have gone
4 back to their apartment and went to sleep without waiting up for Mr. Hunt,
5
6 or even making an attempt to check to see if he was back at that time. I
7 felt this testimony was quite improbable.

8
9 12. Mr. Hunt was never impeached with any hard evidence. He offered a
10 more plausible alternative explanation for each of the prosecution's con-
11 tentions. As for the "to do" list, I kept thinking of Karen Marmor's testi-
12 mony where Levin told her, "The authorities won't have any reason to
13 come looking for me", or words to that effect.

14
15 13. Karny got tripped up on cross-examination about the so-called "park
16 bench" conversation in June of 1984. In one transcript he said Jim Pitt-
17 man did not realize until that time that he, Karny, was in on the Levin
18 plan. In another version he testified to the opposite.

19
20 14. Mr. Hunt's testimony about the reasons for the June 24th meeting
21 made sense. I believe he was trying to hold the group together, and to
22 squelch the factions that had developed through an intimidating boast un-
23 til he could get one of the Microgenesis deals to close.

24
25 I declare under penalty of perjury under the laws of the State of Cali-
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1 fornica that the foregoing is true and correct of my own personal knowl-
2
3 edge, and that as to those matters stated upon information and belief, I
4 believe them to be true.

5 Executed at South San Francisco, California, on January 13 1993.
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9 ARDATH HELEN SORELLE
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DECLARATION OF HARRY JOSEPH MORROW

I, HARRY JOSEPH MORROW, declare as follows:

1. I was born on October 16, 1937. I have lived in Pacifica, California for 22 years. I have a BA in Industrial Education and a Masters in Special Education. I work in San Mateo County as a teacher of algebra, printing technology, and desktop publishing.

2. I was foreman for the jury in the case, People v. Hunt, C15761, San Mateo County Superior Court. My personal vote in the trial was not guilty. The overall vote of our jury was 8 to 4 for acquittal.

3. I have been asked to comment on the evidence introduced during the trial related to the disappearance of Ronald Levin on or around June 6, 1984.

4. In assessing what happened to Mr. Levin I spent a lot of time thinking about the testimony of Karen Marmor and the 5 other people who testified that they saw Ron Levin after June 6, 1984. To me these were the most significant witnesses on the Levin case.

5. I believe that these people believed what they testified to. They were each credible. The only question for me was, "Did they truly see what they thought they saw?" In the end, after 26 days of deliberations, I

1 could find no compelling reason to be sure that they did not. I am left not
2 knowing whether Ron Levin is alive or dead. I found reasons in their testi-
3 mony (and in the evidence in general) to be left in a condition of uncer-
4 tainty, or substantial doubt, as to what happened to Ron Levin.
5

6
7 6. I was not comfortable with a lot of the BBC witnesses. (Tom May,
8 Jerry Eisenberg, Jeff Raymond, and Evan Dicker.) I felt that, generally,
9 they were involved in many more things that went on than they would ad-
10 mit to. This hurt their credibility. I felt more comfortable, to some ex-
11 tent, with the Levin-sightings witnesses and Karen Marmor, because none
12 of them were in the BBC, they were outsiders.
13

14
15 7. I recall that it was shown that Dean Karny lied on his State Bar ap-
16 plication after he had gotten immunity for his testimony. This was some-
17 thing that was discussed in deliberations, and we all agreed it worked
18 against Karny's credibility that he would willfully perjure himself after
19 he had left the BBC and made his deal.
20

21
22 8. To me Connie Gerrard was the most believable sighting witness. It
23 was unfortunate that she did not speak to Levin but I understand her to
24 have been irritated with Levin at that time regarding his dealing with her
25 daughter. I am not 100% sure she saw Ron Levin, as opposed to seeing
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1 someone who looked very much like him. I was somewhat troubled by the
2 fact that she didn't come forward right away, but she sounded so convinc-
3 ing. Mrs. Gerrard did have a reason to know Levin through her dealings
4 with her daughter. Jerry Gerrard corroborated his wife's description of
5 the scene but was not a crucial factor because of his limited prior contact
6 with Ron Levin.
7

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9
10 9. Probably the most important factor related to the sightings witness-
11 es was the fact that there were 5 of them. It would have been easier to
12 write off such evidence as resulting from mistaken identity if there was
13 only one sighting. For example, Robbie Robinson claimed to have seen and
14 spoken to Ron Levin in October of 1986 in Westwood. Some of my fellow
15 juror's felt that Ron Levin was bizarre enough to do something so brazen.
16 I had a little trouble with that however. Yet, I did believe Robinson's ex-
17 planation for why he did not come forward immediately, namely that jour-
18 nalistic ethics made him concerned about getting involved in a news story.
19 Mr. Robinson, if he would have been the sole sighting witness, would have
20 had less impact. In the end, I felt he added to the reasonable doubt that I
21 had.
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27 10. My jury talked a lot about Karen Marmor. I felt she was a very cred-
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1 ible witness on the stand. During deliberations we discussed how she ap-
2
3 peared to be exactly the sort of person who would be sufficiently nose-
4 y to be looking at papers on Ron Levin's desk. This made her more credible.

5 Karen Marmor was a big factor in the deliberations and in my thinking.
6

7 11. Some jurors pointed out that Mr. Hunt was already a convicted killer
8 due to the Levin situation. If the jury had been judging Joseph Hunt with-
9 out the Levin situation it would have been less difficult for us to have
10 reached a unanimous verdict of acquittal.
11

12 12. In so far as Mr. Hunt's testimony regarding the Levin case was con-
13 cerned, the prosecution never really shook that testimony. We ended up
14 discussing the other Levin related witnesses (like Karen Marmor and the
15 sightings witnesses) in an attempt to figure out what actually happened.
16 Joe Hunt's explanation of the 7 pages, although not overly compelling, was
17 within reason and was corroborated in an important way by the testimony
18 of Karen Marmor.
19

20 I declare under penalty of perjury under the laws of the State of Cali-
21 fornia that the foregoing is true and correct of my own personal knowl-
22 edge, and that as to those matters stated upon information and belief, I
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1 believe them to be true.
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3 Executed at PACIFICA, California, on December 30, 1992.
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6 HARRY JOSEPH MORROW
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DECLARATION OF DAVID SAPERSTEIN

I, DAVID SAPERSTEIN, declare as follows:

1. I was born on June 30, 1946. I have a Ph.D. in physical chemistry from New York University. I work for International Business Machines (IBM). My title is manager of disk process development. I lead a group of 12 professionals. Our responsibility is to develop advanced disks for future disk drives that IBM will use in their computer products.

2. I served as a juror on the case, People v. Hunt, C15761, for nearly eight months. I served from April 13, 1992, which was the day of opening statements, until a jury deadlock was announced and hence a mistrial was declared on December 9, 1992.

3. I listened to over 50 witnesses give testimony concerning the disappearance (and subsequent sightings) of Ron Levin. I took notes of their testimony throughout the 7 month trial. These are a summary of my thoughts and opinions concerning what I heard.

4. Karen Marmor. I believed Ms. Marmor. I did not think that she came to court to lie for Mr. Hunt or that she had some reason to fabricate her testimony for Mr. Hunt's behalf. Obviously, it was a little peculiar that it took her seven years to recognize the significance of what she saw. I had

1 some doubt about her testimony because of that. I understood that her
2 testimony was somewhat inconsistent with the people's theory and spe-
3 cifically inconsistent with the details of Dean Karny's testimony. If one
4 simplified that theory and Karny's testimony, one could still see the "to
5 do" list as a step leading up to a homicide. However, the overall affect of
6 Ms. Marmor's testimony on me was to reduce the impact of the people's
7 case. Her testimony added to the reasonable doubt that I came to believe.
8 Standing alone, her testimony would not have been enough to raise a rea-
9 sonable doubt about the truth of the people's allegation that Mr. Hunt
10 killed and robbed Ron Levin but, seen in conjunction with the 5 sightings
11 witnesses (Connie Gerrard, Robert Robinson, Nadia Ghaleb, Carmen Cancho-
12 la, and Jesus Lopez), her testimony had the affect of deepening my belief
13 that the people had not met their burden of proof on the Levin allegations.

14 5. Sightings Witnesses. The five people that testified to having seen
15 Levin made the largest impact on me of any of the Levin allegations relat-
16 ed witnesses. Of these witnesses, Connie Gerrard was the most impor-
17 tant, followed by Robert Robinson, Nadia Ghaleb, Carmen Canchola, and Je-
18 sus Lopez.

19 Carmen Canchola and Jesus Lopez were the least persuasive of these

1 witnesses because they were not acquainted with Ron Levin before the in-
2 cident at the gas station.

3
4 The fact that Robert Robinson both saw and spoke to Ron Levin in-
5 creased the value of his sighting in my mind. The fact that he had this
6 "voice print" as well as visual recognition to go with it, increased my
7 confidence in the accuracy of his identification.
8

9
10 Nadia Ghaleb claimed to have seen Ron Levin only briefly, for just a sec-
11 ond or two. I figure in her line of business she has had to learn to recog-
12 nize people quickly. People have differing capacities to do this. We dis-
13 cussed this during deliberations. When I drive I have nearly tunnel vision,
14 I see only what is on the road directly before me. My wife, on the other
15 hand, has excellent peripheral vision. She will notice things on the side of
16 the road (e.g. a deer grazing on a hill). Some people can pick-up on periph-
17 eral things and be right on. Others can not. I truly believe that. For Nadia
18 Ghaleb I was convinced that she could see and recognize Ron Levin under
19 the conditions she described. I found Ms. Ghaleb to be credible and I took
20 her sighting seriously.
21

22 Robert Robinson was not as high on my persuasiveness rating list of the
23 sightings witnesses as he could have been. I had a lingering uneasiness
24

1 that he may have been courting publicity or that he could have incorrectly,
2 and inadvertently, merged place and time. However, of all the witnesses
3 only he had a "voice print" of Levin to go with the visual identification, as
4 a result of actually speaking to Ron Levin. This was a very positive thing
5 for the defense. One of the jurors made a point during deliberations over
6 and over again. He said: "It only takes one sighting witness to raise a rea-
7 sonable doubt." I thought this was very astute. We spent a fair amount of
8 time on the sightings witnesses. In the final analysis their testimony
9 carried a lot of weight in my mind.

14 Connie and George Gerrard. I believed them. There is a small amount of
15 hesitation in my mind about whether they actually saw what they felt
16 they saw, that is, Ron Levin, since they didn't speak to him. It is possible
17 that the person they observed in the restaurant in Greece was not Ron Le-
18 vin but merely someone who became worried for some reason and so left
19 the restaurant suddenly. I think the unanswered question about the Ger-
20 rard's was not their sincerity but why they didn't come forward immedi-
21 ately. However, that concern was not so strong as to justify discounting
22 their testimony. These two witnesses had a big impact on me.

27 I think that it is not too surprising that there have been no recent sight-
28

1 ings of Levin. I gathered he was gay, he could have died of AIDS, and of
2
3 course, there is always death due to natural causes. TV coverage is likely
4 to bring out bona fide sightings witnesses. One sees that sort of phenom-
5 ena occurring with certain crime-related TV shows where people come
6 forward to reveal the location of suspects who have evaded the law for as
7 long as 10 to 20 years. Therefore it did not surprise me that most of the
8 sightings were during a period of intense media coverage.
9
10

11 6. Dean Karny. During direct examination, Dean Karny told a very horri-
12 fying story which indicted Mr. Hunt. However the cross-examination of Mr.
13 Karny began to nullify this indictment in my mind. In particular, that Mr.
14 Karny lied under oath in his application to the State Bar_x was a point that
15 really hit me during deliberations. We all discussed how this really hurt
16 his credibility with us. Here was the star prosecution witness within a
17 few months of his immunity deal, lying to the State Bar by leaving out his
18 involvement in two murder cases and the BBC. This became a very impor-
19 tant point in the jury room. Also significant, but somewhat less impor-
20 tant in its impeachment value, was that he had lied under oath during his
21 Cantor Fitzgerald deposition. We talked about that too and agreed it nega-
22 tively impacted his credibility. What really struck me and some of the
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1 other jurors about his testimony concerning the Cantor Fitzgerald deposi-
2 tion, was that it showed, along with other evidence, that he was part of
3 the financial misconduct at the BBC. The prosecution said he was com-
4 pletely out of this and that was Karny's testimony as well.
5

6
7 7. Tom May. When I think of Tom May, I first see him with his head hung
8 below the microphone during cross-examination on the witness stand. The
9 cross-examination of Mr. May was very effective. I felt Mr. May was tell-
10 ing the truth about some things like the June 24th meeting. The problem
11 becomes, if you lose confidence in the strength of a witness' commitment
12 to tell the truth then you have a hard time knowing what is true and what
13 is false in their testimony, and you begin to run the risk of sending an in-
14 nocent man to jail. If you do not know when they are telling the truth,
15 when they are exaggerating, and when they are lying out of spite or out of
16 self-protection, then it becomes risky to rely on anything that witness
17 says. There was so much in Tom May's testimony I felt was false that I
18 had trouble deciding what I could trust. I believed that his testimony con-
19 cerning his financial dealings (the bankruptcy declaration, his real estate
20 loan application, the ITC deal, the Cantor-Fitzgerald checks) to be false.
21 All of that was enough to show that he couldn't be trusted on financial
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1 matters. This had the effect of forcing me to look deeper into Mr. May's
2 possible motives for other statements that he made.
3

4 The testimony and evidence on the ITC movie deal caused me to reflect
5 that the publicity motive that the prosecution suggested might have been
6 present for certain sightings witnesses, could also be said to apply to
7 certain BBC witnesses.
8
9

10 8. Jerry Eisenberg. This was a witness who I felt was "willfully false".

11 The defense microcassette tape recording of Mr. Eisenberg and others dis-
12 cussing stolen automobiles was a very good piece of evidence. It was the
13 tape and Mr. Eisenberg's reaction to it that allowed us to throw out the
14 rest of his testimony using the "willfully false" jury instruction. Without
15 that tape it would have been just Mr. Hunt's word against Mr. Eisenberg's.
16

17 The tape supported Mr. Hunt's testimony and argument that there were
18 factions in the BBC. It helped explain why some BBC witnesses appeared
19 to be hostile to Mr. Hunt and some didn't. It gave us a feeling in the jury
20 room for how BBC members could be deceptive. I was also uneasy about
21 the fact that Eisenberg helped Gene Browning to set up a company while
22 the BBC was collapsing. It served to show that Mr. Eisenberg was sleazy.
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27 9. Evan Dicker. I liked Mr. Dicker. During deliberations however, as we
28

1 discussed him we reached a consensus that he had been less than candid
2 with us. Others recalled how he only recalled what Joe Hunt supposedly
3 said, never what he, or anyone else named as present, said. It was devel-
4 oped that he drank heavily during this period. When asked about whether
5 he brandished a gun at Tom and David May's, an incident described by two
6 other prosecution witnesses, he said he didn't recall doing so. This hurt
7 his credibility with me. Some jurors felt his testimony should be totally
8 disregarded. I was left not knowing what to do with his testimony, and as
9 a result what he had to say doesn't figure substantially, (except for reaf-
10 firmation of the June 24th admission by Mr. Hunt), in my thoughts on the
11 Levin allegations.
12

13 10. BBC Witnesses Overall. Mr. Hunt's cross-examination of these wit-
14 nesses was crucial. Without the cross-examination they would have ap-
15 peared to be victims of Joe Hunt. With the cross-examination, and with
16 the other points Mr. Hunt brought up, they came off as deeply involved and
17 people whose credibility was substantially called into question.
18

19 11. Justine Jagoda. I believed her. She was not making things up, in my
20 view. Nor do I feel that she was trying to get publicity. I felt perfectly
21 comfortable with her testimony. It was a factor which added to the doubt
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1 that I had about what happened to Levin. It provided support for the sight-
2 ings witnesses. She lived upstairs from Ron Levin and heard nothing on
3 the night of June 6, 1984. The testimony of the sheriff's criminalist that
4 there were no blood stains in the trunk, was important and helped to fur-
5 ther the impression that nothing violent happened on the night of June 6,
6 1984 at Ron Levin's.

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10 12. John Duron. He was Ron Levin's hairdresser. His testimony was
11 very important. I believed him. I linked Detective Zoeller's testimony
12 about the brown stain in the bath tub with Mr. Duron's testimony about Le-
13 vin's sudden interest in dyeing his hair. I saw it as an explanation within
14 reason for the missing comforter. Hair dye is very messy. While people
15 are letting it set, it can leak down below the protective cap that is worn.
16 I have seen this kind of leakage on occasion when my wife has dyed her
17 hair. Given such leakage, if Ron Levin dyed his hair on June 6, 1984, the
18 dye could have gotten on the comforter. Obviously given Levin's fastidi-
19 ousness, he would not want to leave a stained comforter on the bed.

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24 13. Lynne Roberts. I found Ms. Roberts to be credible and a good wit-
25 ness. It was not totally clear to me that she exonerated Mr. Hunt. Never-
26 theless, her recall of June 6, 1984 is important. I believe, given the dis-
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DS 1 tance, times, and the testimony about no blood stains in the BMW trunk,
2 that it is not obvious how Mr. Hunt could have driven to Soledad Canyon and
3 back and still talk to her at 10:30 PM.
4

5
6 14. Detective King. He may be a good police officer but he made a very
7 shabby witness for the prosecution. He kind of blew it. I found it unbe-
8 lievable that he never took notes on his meeting with Mr. Hunt, then his
9 chief suspect. Based on his demeanor and his testimony, Detective King
10 was pretty much discredited.
11

12
13 15. Ted Woods. He was Mr. Hunt's high school debate coach. He was a
14 rebuttal witness for the people. Overall, his testimony had the impact of
15 supporting Mr. Hunt. Initially, I believed Mr. Woods when he said that Mr.
16 Hunt had a serious personality flaw even in high school, but Robert Mack-
17 ey, the defense witness who testified after him, nullified this testimony
18 by confirming what Mr. Hunt had testified to earlier.
19

20
21 16. Carol Levin. I don't believe that she knew her son. I base this feel-
22 ing on her cross-examination. While she testified on direct that Ron loved
23 her, I did not believe it after listening to her cross-examination. Ron Le-
24 vin didn't reciprocate her visits or phone calls often. Given the history of
25 their early relationship (Camarillo State Hospital, the boarding schools,
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1 etc.), it isn't hard to believe that when and if the time came to flee, Ron
2 Levin could totally break off the relationship. Based on what I heard, I
3 could and did, discount her testimony that Ron Levin must be dead because
4 he hadn't written in 8 years. Without the defense evidence about Camaril-
5 lo and the boarding schools, Carol could say, "He loved me and of course he
6 would contact me if he was alive", and make it stick.
7

8
9 In light of the cross-examination, thinking about those postcards that
10 Carol Levin got saying "Love Ronnie" just made me want to squirm. Carol
11 Levin sold her son out when she sent him to live in boarding schools, etc.
12 Whatever he did in the relationship later, like the postcards, I felt was
13 calculated and not as a result of some deep affection for his mother.
14

15
16 17. The Option on 144 S. Peck. Martin Levin testified that Ron Levin
17 gave him this option on the duplex Ron lived in as a partial payment on the
18 sums Ron had borrowed from Martin and Carol Levin. Other evidence
19 showed that Ron Levin had later sold the same option to three other peo-
20 ple. This evidence, taken as a whole, was part of my understanding that
21 Ron would take advantage of anybody and everybody. Later when Len Mar-
22 mor testified that he was Ron's closest friend and that Ron would never
23 "screw him", I thought "Oh yes he would!"
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18. Joe Hunt's Testimony. Mr. Hunt's explanations of most of the events were within reason and his testimony was quite lucid and detailed. His testimony provided a backdrop that allowed me to appreciate the significance of other defense witnesses. However, his testimony by itself would not have been enough to raise a reasonable doubt about the Levin allegations in my mind. The sightings witnesses were the key witnesses in that regard. His explanation of Jim Pittman's trip to New York provided a framework in which to see the possible innocent intention of the trip. In retrospect it did not seem reasonable that Mr. Hunt would send Mr. Pittman, a burly black man, to impersonate Levin. Also, the BBC members did use each others credit cards.

It was important that Mr. Hunt testified. The "to do" list needed an explanation. While his explanation had its weaknesses, they were not ^{necessarily damning} ~~fatal~~ and Karen Marmor gave his version a big boost.

19. The most important witnesses on the Levin allegations were Connie Gerrard, Nadia Ghaleb, Robert Robinson, John Duron, Karen Marmor, Lynne Roberts, and Oliver Wendell Holmes. These were the witnesses that helped change my mind. As I stated in jury selection, I had seen the NBC miniseries and believed that Mr. Hunt was guilty. Despite this statement I

1 was not excused from service. I started with a strong disposition to be-
2 lieve the prosecution witnesses. I developed a more objective viewpoint
3 as I heard more of the defense case. I was left not knowing what happened
4 to Ron Levin for sure. I was not totally comfortable believing either the
5 defense or the prosecution's version. We spent over two weeks in deliber-
6 ations discussing the BBC and Levin-related witnesses. In my view the
7 prosecution definitely did not prove beyond a reasonable doubt that Mr.
8 Hunt killed Ron Levin.

9 I declare that the foregoing is true and correct of my own personal
10 knowledge, and that as to those matters stated upon information and be-
11 lief, I believe them to be true.

12 Executed at Portola Valley, California, on January 22, 1993.

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David Saperstein
DAVID SAPERSTEIN

DECLARATION OF BARRY DEAN CREEKMORE

I, BARRY DEAN CREEKMORE, declare as follows:

1. I was born on August 5, 1964. I work as a mechanic for United Airlines.

2. I served as a juror on the case, People v. Hunt. C15761, for nearly eight months. I served from April 13, 1992, which was the day of opening statements, until a jury deadlock was announced and hence a mistrial was declared on December 9, 1992.

3. In the course of that trial the prosecution called witnesses in an attempt to prove that Joe Hunt killed and robbed Ron Levin.

4. Dean Karny. Mr. Karny's explanation of "D:ld" on the 7 pages was probably a lie. Karny said it meant "dildo." That seemed ridiculous in context. Mr. Hunt's explanation was that it meant "Dean: Levin debtor". Now that meant sense. People do make abbreviations like that on their computers for file names. Besides, making Levin a debtor was something that one of the 7 pages dealt with.

I was very interested to find out that Karny lied under penalty of perjury on his State Bar applications. It made me think less of him, because he had already made a deal with the government.

1 I did not believe that Karny had no knowledge or involvement in defraud-
2 ing investors either. It seemed to me everyone in the BBC was involved.
3 When he denied that knowledge or involvement, it was an outright lie.
4

5 5. Evan Dicker. I thought Mr. Dicker was a snake. The way he held him-
6 self during cross-examination suggested to me that he was lying. I
7 thought his failures of recollection were a ploy. Especially in the sense
8 that he had perfect recall of everything Mr. Hunt supposedly did and said,
9 but couldn't recall a thing about what he and Karny did and said. I wrote
10 him off.
11

12 6. Tom May. He seemed eccentric. His eyes were very shifty. He was
13 always looking at Mr. Vance and Mr. Piccinotti for help ^{IT SEEMED PC} when Mr. Hunt was
14 pressuring him in cross-examination. I viewed his testimony with a lot of
15 suspicion since he lied to the government in his bankruptcy petition, and
16 lied a lot in relation to his other financial affairs. I felt that in light of
17 this he would readily lie about Mr. Hunt's actions.
18

19 7. Jerry Eisenberg. Mr. Eisenberg testified that he redrafted and revised
20 the Microgenesis option agreement found at Ron Levin's apartment. How-
21 ever, Lore Leis, Mr. Hunt's secretary, contradicted him. She said that she
22 prepared the final agreement from a draft that was entirely in Mr. Hunt's
23

1 handwriting. Mr. Eisenberg hedged all of his answers. You could see the
2
3 gears turning every time Mr. Hunt asked a question. I decided he was cal-
4
5 culating his every statement and that he was not willing to give us his un-
6
7 filtered recollection. Mr. Eisenberg gave totally unbelievable responses to
8
9 Mr. Hunt's questions about the tape where he, Steve Taglianetti, and Jim
10
11 Pittman talked about stealing cars. Mr. Eisenberg denied that the tape was
12
13 of a conversation that he participated in. I didn't believe him.

14 8. Carol Levin. I felt Ron Levin's relationship with his parents was a
15
16 facade. He was using them. He was getting money from them while living
17
18 the high-life in Beverly Hills. He drove a Rolls Royce at the same time he
19
20 told them he couldn't pay his rent. He used them.

21 He probably regretted leaving them behind, but I believe Carol Levin
22
23 doesn't understand how he really felt ^{bc} The little gifts and two-line post
24
25 cards she brought didn't show a strong bond. I believe that Ron Levin held
26
27 a psychological grudge towards his mom. She had left him repeatedly. I
28
29 don't think he felt that she would really miss him. What goes around
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31 comes around. It is no surprise to me that he treated her in the end, the
32
33 same way that she treated him.

34 Carol claimed to have such a good relationship with her son, yet she had

1 no idea he was convicted of mail-fraud until Ron was already in jail. She
2 didn't even attend his preliminary hearing in Beverly Hills on the 12 grand
3 theft charges! She didn't seem to know her son at all.
4

5
6 9. Martin Levin. I felt that it was extremely odd that Martin and Carol
7 waited so long to report Ron's disappearance. It made me uncomfortable
8 about his testimony. I also found the long period between Martin's discov-
9 ery of the 7 pages in late June, and the point that he gave them to the po-
10 lice in mid-August, to be very suspicious. He may have been helping Ron
11 make good his escape, but of course he may not have been. However, Mar-
12 tin's testimony undermined my confidence in the value of the 7 pages and
13 the described circumstances in the house.
14
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16

17 Mr. Hunt made a good point about the fact that Martin's testimony to the
18 effect that he found the 7 pages strewn all over the floor in the little of-
19 fice didn't make sense within the Prosecution's story-line. If Mr. Hunt
20 left them, he would have heard them fall. It seemed staged, almost as if
21

22 Ron threw them on the floor to call attention to them, IF THEY WERE S1
23 ON THE FLOOR AT ALL (BC)

24 The fact that Ron's fingerprints were found on the Microgenesis file
25 proved that he had put that file together -- not Mr. Hunt. I believed he
26 kept the file so that he could have leverage on Mr. Hunt, Microgenesis, and
27
28

1 the BBC.

2
3 10. Justine Jagoda. Ms. Jagoda was pretty eccentric but I found her to
4 be believable. No one would put on an act like that! She proved that Ron
5 Levin consistently abused his dog. Also, her testimony made me feel that
6 it was far less likely that anything criminal happened at Ron Levin's that
7 night. She heard nothing that night, neither shots nor slamming trunks. I
8 think she would have heard something if there was something to hear, be-
9 cause she was in bed reading, *ACCORDING TO HER TESTIMONY.*^{BC}
10
11

12
13 11. Karen Marmor. I found Ms. Marmor's testimony that she saw the "to
14 do" list on Ron Levin's desk to be very important. I accepted her testimo-
15 ny. She knew Ron Levin and was his neighbor. She turned Ron Levin down
16 when she first met him. (Levin wanted to open some new accounts at the
17 bank she worked at.) I thought that showed good judgment.
18

19
20 She was very cooperative with both Mr. Hunt and Mr. Vance. I saw her as
21 being fair and neutral. I felt that she just testified to the facts without
22 bias. She also said that Levin beat his dog and that the dog went to the
23 bathroom on the carpet.
24

25 Dean Karny told us a story where the 7 pages could only have been left a
26 Ron Levin's the night of June 6, 1984 or the morning of June 7, 1984. Kar-
27
28

1 en Marmor saw the 7 pages during broad day light in Levin's presence.

2
3 They both couldn't have been telling the truth. I believed Karen Marmor. It
4 was an easy choice: a former officer at a bank vs. an immunized and self-
5 admitted perjurer (e.g. the State Bar application).
6

7 12. Dr. Herbert Avery. Dr. Avery gave us important information too. He
8 told us that Ron Levin had been forced to have sex in jail. Also, that Ron
9 Levin feared going back to jail, which was corroborated by other witness-
10 es (Karen Marmor and Oliver Wendell Holmes)
11

12 13. Jeffrey Melczer and Jerry Verplancke. Mr. Melczer was Ron Levin's
13 civil attorney. Mr. Verplancke was from the Progressive Savings and Loan
14 offices. Both said that Ron Levin knew that the FBI was investigating him
15 This was a key point. Even more reason why Levin would flee. However, I
16 add to this that Levin rescheduled his bail on June 5, 1984, making con-
17 cessions to get this accomplished. To me all of these things are a major
18 red flag that says: "I fled. I am alive and I got away with it." THEN AGAIN
19 I COULD BE WRONG, BUT IT MADE ME WONDER. (BC)
20

21 14. John Duron. Mr. Duron knew about Ron Levin wanting to dye his hair.
22 Levin came to his shop twice a month for years. Mr. Duron knew how vain
23 Levin was about his looks. Levin always made sure his hair was perfect.
24 Mr. Duron was surprised, and so was I, that Levin would want to dye his
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1 hair. I couldn't understand why Levin would want to do it at home, it just
2 wasn't his style. It made me think: "What is this guy planning?"

3
4 I felt that the hair-dye testimony better explained why the comforter
5 and remote control were missing than the People's theory. Detective
6 Zoeller had seen a brown stain in the bathtub. This should have been test-
7 ed more thoroughly. Given that Levin called Mr. Duron right before he dis-
8 appeared it stands to reason that this was hair dye. Len Marmor said Ron
9 Levin's place was spotless. The evidence supported that the stain was
10 fresh. I felt Levin got the hair dye, which Mr. Duron said took 45 minutes
11 to set and was very messy, on his bedspread and then threw it out.

12
13 It made no sense that Mr. Hunt or Jim Pittman would shoot Ron Levin on
14 his bed and gamble that Levin's blood wouldn't soak through the bed or
15 that the bullet wouldn't go into the mattress. On top of this the Sheriff's
16 criminalist, Ms. A'Heren, analyzed the trunk carpet and found no blood.
17 This helped tip the balance even farther to the defense. Sure Mr. Hunt
18 could have had plastic in the trunk but why would Mr. Hunt think to put
19 plastic in the trunk but not under Levin before shooting him on the bed.
20 The main point is, there was no blood anywhere. Ms. A'Hearn was an im-
21 portant witness.
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1 15. Nadia Ghaleb. Ms. Ghaleb spotted Ron Levin on the street while driv-
2 ing slowly down the street. I have recognized people in similar circum-
3 stances. I am not 100% sure that she saw Ron Levin. However, she was
4 sincere. On balance she helped the Defense.
5

6
7 16. Robbie Robinson. Mr. Robinson was also credible. He knew that if he
8 came forward he would lose his job but he came forward anyway. I be-
9 lieve he actually saw Levin because he spoke to him. This was the most
10 believable of the sightings witnesses to me.
11

12 17. Carmen Canchola and Jesus Lopez. I felt Ms. Canchola and Mr. Lopez
13 were very believable. Mr. Lopez didn't want to come forward. Ms. Cancho-
14 la knew a lot of facts that were not in the Esquire article (e.g., the hair,
15 the scar, etc.). The scar was a very important and telling aspect of the
16 identification.
17

18
19 18. Connie and Jerry Gerrard. I thought the Gerrards were a little flaky.
20 However, I thought that she believed she saw Ron Levin. What took away a
21 little from her credibility was her description of the restaurant. It dif-
22 fered a bit from her husband's.
23

24 Over all I felt the sightings witnesses were a very powerful set of wit-
25 nesses for the Defense. The fact that there were several of them made me
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28

1 take them seriously.
2

3 19. Oliver Wendell Holmes. Mr. Holmes was a key witness. Ron Levin
4 had researched the legal risks of becoming a fugitive. This is glaring evi-
5 dence of Levin's intentions.
6

7 20. All the evidence that was brought out points to Ron Levin being
8 alive. There certainly was reasonable doubt. I would even go a step fur-
9 ther. I do not even believe the Prosecution proved their case on Levin by a
10 preponderance of the evidence.
11

12 21. If I had to pick the 6 most important witnesses that support this, I
13 would pick: Oliver Wendell Holmes, Karen Marmor, Nadia Ghaleb, Scott
14 Furstman, Robbie Robinson, and John Duron. The thorough impeachment of
15 all the BBC witnesses, including Dean Karny, cleared the way for me to be
16 persuaded by the Defense witnesses. Levin said he never wanted to go to
17 prison.
18

19 22. Overall, I felt that Ron Levin had been preparing to flee for a long
20 time. I thought that he consciously manipulated Mr. Hunt and the BBCers
21 to make money. Later, Mr. Hunt had him under a lot of pressure to sign a
22 check. This angered Levin. I believe in this context, he saw the "to do"
23 list that Mr. Hunt tried to intimidate him with as both an opportunity to
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1 misdirect the authorities, and a way to get back at Mr. Hunt for threaten-
2 ing him. After Mr. Hunt left it at Levin's, I believe Levin decided to use
3 the "to do" list for these two purposes.
4

5 Ron Levin used a lot of people who never even realized they were being
6 used. He was involved in all different types of frauds. His use of the "to
7 do" list was just more manipulation.
8

9 What I liked about the Defense case most was that it was made up of all
10 independent witnesses. The Prosecution relied heavily on the BBC wit-
11 nesses. They were highly biased. They came off as the "liar's club", just
12 as Mr. Hunt said.
13

14 I declare under penalty of perjury under the laws of the State of Cali-
15 fornia that the foregoing is true and correct of my own personal knowl-
16 edge, and that as to those matters stated upon information and belief, I
17 believe them to be true.
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21 Executed at San Bruno, California on January 20, 1993.
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24 BARRY DEAN CREEKMORE
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DECLARATION OF SANDRA MARIA ACHIRO

I, SANDRA MARIA ACHIRO, declare as follows:

1. I was born on May 7, 1965. I work as a dental assistant.

2. I served as a juror on the case, People v. Hunt, C15761, for nearly eight months. I served from April 13, 1992, which was the day of opening statements, until a jury deadlock was announced and hence a mistrial was declared on December 9, 1992.

3. I listened to over 50 witnesses give testimony concerning the disappearance (and subsequent sightings) of Ron Levin. I took notes of their testimony throughout the 7 month trial. These are my thoughts and opinions concerning what I heard.

4. A total of 8 of the 12 jurors ended our 26 day deliberation period making clear that they felt that the prosecution had not proved beyond a reasonable doubt that Joe Hunt had killed and robbed Ron Levin, or that he had committed the charged crimes against Hedayat Eslaminia. Beverly Paustenbach, Diane Farrar, and Barry Creekmore were vocal about believing that Ron Levin had fled to avoid prosecution. They also indicated by vote that they felt that the prosecution had not met its burden of proof on the Levin evidence under the jury instructions. (SA)

1
2 5. Early in the deliberations, we reviewed the testimony of all the pros-
3 ecution BBC witnesses, (Dean Karny, Tom May, Evan Dicker, Jerry Eisen-
4 berg, and Jeff Raymond). The testimony of each in turn was set aside by a
5 unanimous vote at that time as being unreliable. We spent hours discuss-
6 ing each of these witnesses' testimony during deliberations. Despite con-
7 ccurring in this vote, 3 jurors, (Harriet Kumetat, Curtis Hackworth, and
8 Trilby Collins), later indicated that they felt that certain things these
9 witnesses said were true and that they were no longer prepared to disre-
10 gard their testimony completely. All the way to the end of the trial, we
11 all agreed that the prosecution's BBC witnesses had each lied during parts
12 of their testimony.

13
14 6. A point that there was a near unanimous agreement on was that Carol
15 Levin's belief that Ron wouldn't leave her without further contact was
16 wholly unfounded. We discussed how we were ^hsocked by the revelations
17 during cross-examination of how, despite her earlier claim to a perfect
18 relationship with her son, she had institutionalized Ron at an early age
19 and how he had lived most of the rest of his childhood and adolescence at
20 boarding schools. The cross-examination on these points and on many oth-
21 ers, (e.g. how Ron took advantage of his parents financially and only super-
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1 ficially reciprocated his mother's interest in him), was very effective.
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3 7. I recall Diane Farrar, who works at the NASA Ames Research Center
4 as a public information specialist, saying at one point in the deliberations:
5

6 "If there is one thing I am sure of, it is that Ron Levin is alive."

7 I declare under penalty of perjury under the laws of the State of Cali-
8 fornia that the foregoing is true and correct of my own personal knowl-
9 edge, and that as to those matters stated upon information and belief, I
10 believe them to be true.
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12 Executed at M. H. Bae, California, on January 15, 1993.
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16 SANDRA MARIA ACHIRO
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DECLARATION OF SANDRA MARIA ACHIRO

I, SANDRA MARIA ACHIRO, declare as follows:

1. I was born on May 7, 1965. I work as a dental assistant.

2. I served as a juror on the case, People v. Hunt, C15761, for nearly eight months. I served from April 13, 1992, which was the day of opening statements, until a jury deadlock was announced and hence a mistrial was declared on December 9, 1992.

3. I listened to over 50 witnesses give testimony concerning the disappearance (and subsequent sightings) of Ron Levin. I took notes of their testimony throughout the 7 month trial. These are my thoughts and opinions concerning what I heard.

4. I thought that prosecution witnesses Tom May, Evan Dicker, Jeff Raymond, Jerry Eisenberg, and Dean Karny were lying throughout their testimony. In each case their credibility suffered, particularly during cross-examination.

5. Dean Karny. The proof that Karny had lied on his State Bar applications, both before and after he did his immunity deal, seriously damaged his credibility in my eyes. It showed that he was willing to down play his involvement in the BBC if he felt it was in his interest to do so. I thought

1 it extremely telling that he lied on his application even though the Cali-
2
3 fornia Department of Justice was involved in assisting him to become a
4
5 licensed attorney.

6 In cross-examination of Karny, Mr. Hunt asked him about a conversation
7
8 on a park bench that allegedly took place after Mr. Hunt returned from New
9
10 York in June of 1984. I did not believe that this conversation took place a
11
12 all due to an obvious contradiction that Mr. Hunt revealed by his question-
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14 ing of Mr. Karny. At one point I recall Mr. Karny's testimony as being that
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16 Jim Pittman had told him, prior to Mr. Hunt's return from London, all about
17
18 the events in New York. Mr. Karny said that Pittman described how he had
19
20 tried to impersonate Ron Levin. The problem with this testimony was that
21
22 Mr. Karny had testified at some other trial, that Jim Pittman did not real-
23
24 ize that Dean Karny knew about the alleged Levin murder plan until this
25
26 meeting on the park bench after Mr. Hunt had returned from London. This
27
28 was after the point that Karny had said that Pittman had supposedly told
him everything. This contradiction as it played out on the stand was rather
glaring. I decided that Karny had made up the entire "park bench" episode.
It effected how I viewed Mr. Karny's credibility as a whole.

6. Tom May. I did not find Mr. May to be credible. One point that sub-

1 substantially affected my view of him was the deal he made with ITC Produc-
2 tions concerning the BBC miniseries and his testimony about that deal. Mr.
3 May made a fool of himself on the stand on this topic. On cross-
4 examination I learned that the deal he and his brother made with this pro-
5 duction company guaranteed them that they would be portrayed as "he-
6 roes" and "innocent victims of Joe Hunt", as long as "facts to the contrary
7 did not come out at trial". Of course, we learned that Jeff Raymond and
8 Evan Dicker did deals with ITC Productions also. It became clear, and Mr.
9 Hunt later argued this in his summation, that if all these guys stuck to-
10 gether and corroborated with each other, they could really appear as he-
11 roes. But if they said anything embarrassing about themselves or each
12 other, they would be embarrassed on nationwide television. I felt this
13 gave them a powerful incentive to testify in such a way about each other
14 to make themselves appear in the best light.

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21 7. The Levin Sighting Witnesses. I did not find the testimony of Carmen
22 Canchola and Jesus Lopez to be very persuasive by itself. However, con-
23 sidered along with the testimony of Mr. Oliver Holmes and Len Marmor that
24 Ron Levin had a faint scar on his forehead, I began to believe that they ac-
25 tually had seen Ron Levin. While the person Ms. Canchola described
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1 matched Levin to a "T", she had never personally met Ron Levin before.
2
3 This weighed against her testimony. It was the addition of this one fact,
4 that Levin had a scar on his forehead which, against his normally fair
5 complexion, was almost invisible, that gave her identification the power
6 in my mind to raise a reasonable doubt. In the harsh September Arizona
7 sun, Levin's skin, except for the scar, would tan, thus making the scar
8 more visible. Nothing about a scar was mentioned in the Esquire magazine
9 article. At that point her testimony could no longer be dismissed as a
10 mis-identification.
11
12

13
14 However, the testimony of Connie and Jerry Gerrard just about bowled
15 me over. They seemed to be very sensible and decent people. Ms. Gerrard
16 had been in Ron Levin's company on a number of occasions and she posi-
17 tively identified him. Particularly persuasive to me was her description
18 of how Mr. Ron Levin inexplicably and suddenly pulled up stakes and left
19 the cafe after he made eye contact with her, especially since she reported
20 over hearing Levin and his friend, only moments before, discussing their
21 good fortune in finding a restaurant open on Christmas day. She was not
22 impeached in my view at all. She was much more credible than any BBC
23 witness, and unlike that crowd, she had no reason to lie.
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1 Mr. Hunt also called Robert Robinson and Nadia Ghaleb. They had also
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3 seen Ron Levin in the 1986 to 1987 time frame. Though credible witness-
4 es they were, the 'clincher' witnesses about Ron Levin being alive were
5
6 Connie and Jerry Gerrard.

7 8. Levin To Flee. I have no doubt in my mind that Ron Levin fled to avoid
8
9 prosecution for his many criminal acts. Not only did we learn of his insu-
10 rance frauds, the 12 grand theft charges, and his check frauds in the de-
11 fense case, but he also owed over one million dollars when he skipped
12
13 town. Mr. Jon F. Martin, an insurance investigator, had threatened Ron Le-
14 vin with jail for insurance fraud. We learned through Jeffrey Melczer, Le-
15 vin's civil attorney, and Jerry Verplancke, who worked at Progressive
16
17 Savings and Loan, that Levin was aware that the FBI was investigating the
18 Progressive check scam case that netted Levin \$150,000.00 in late 1983.
19
20 This was just six months before Levin fled. We also learned from Daniel
21 Wilson, an investigator who worked for Fidelity, I believe, that Fidelity
22
23 was seeking to prosecute Levin for the \$75,000.00 he had scammed from
24
25 them in May or June of 1984.

26 I believe that Levin was terrified about going back to jail. Dr. Avery
27
28 told us that Levin described being raped in jail back in 1979 on, when he

1 was doing time on the mail fraud case. When Carol Levin was on the wit-
2 ness stand, Mr. Hunt showed her a letter in her handwriting that said Ron
3 Levin had a terrible fear of being locked up dating back from when she had
4 committed him to the Camarillo State Mental Hospital. Mr. Oliver Holmes
5 testified that Levin had described to him how he had been researching the
6 extradition treaty between Brazil and the United States. This had a big
7 impact on me. Mr. Holmes even said that Levin had called the State De-
8 partment to find out when the treaty went into effect, apparently being
9 told that it did not do so for about one year. This was proof to me that Mr.
10 Levin had been considering fleeing for sometime. I believe that he ulti-
11 mately did so.
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17 9. The Seven Pages.

18 Possibly the most important witness on the issue of what happened to
19 Ron Levin was Karen Sue Marmor. She was great! First of all, I trusted
20 her. She used to be an officer at a bank, she was married to a former
21 prosecution witness, she did not know Mr. Hunt at all, and she was very
22 straight forward. When she said that she saw the "to do" list on Levin's
23 desk, I was stunned. It all started to make sense to me. I believe Levin,
24 after he got a hold of the "to do" list, decided to use it as cover to make
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1 good his escape. He seemed to be thinking out-loud in Ms. Marmor's pres-
2
3 ence about doing just that. She testified that he said he was never going
4 to go back to jail and that he might leave for New York and not come back.
5 He also told Ms. Marmor that he had just been threatened . This corrobo-
6 rated Mr. Hunt's defense in several crucial ways. As Mr. Hunt often said,
7 the lists were only used as "props in a plan to intimidate Ron Levin". The
8
9 biggest point about Ms. Marmor's testimony to me is that her testimony
10 and the prosecution's theory were totally at odds. Either you believed one
11 or the other. Since Mr. Karny was the only witness that testified about
12 the origin of the seven pages and how it was to be used and/or was used,
13 it really came down to a question of whom did I believe, Karen Marmor or
14 Dean Karny. On this level, there really was no contest. Mr. Karny had a lot
15 of reasons to lie and, I felt, had in fact lied to us about a lot of things. Ms.
16 Marmor did not have an immunity deal and was never impeached. Once I
17 decided I believed Ms. Marmor, I knew Joe Hunt was innocent. Since Ron
18 Levin had the "to do" list in his control and possession during broad day
19 light and at a time when Joe Hunt was nowhere in sight, there was no way
20 that this list could be the 'recipe for murder' that Karny claimed it was.
21 In my mind, Ms. Marmor was a one person justification for an acquittal,
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1 though I admit that many other witnesses supported her testimony by
2 pointing to flight to avoid prosecution as an explanation for Mr. Levin's
3 disappearance.
4

5 10. John Riley. One of the more dramatic impeachments of Mr. Karny's
6 story of what allegedly happened on June 6, 1984, came about through the
7 testimony of Mr. John Riley. Mr. Riley was a former newspaper reporter
8 and magazine correspondent, he presently is a freelance writer. He was
9 very well-spoken. He testified that he had seen Ron Levin and Jim Pittman
10 talking at some length in front of Levin's house in 1984. He accurately
11 described Mr. Pittman's build, height, and weight. He also picked Pittman
12 out of a photo line-up. There was really no question in my mind that he
13 saw Jim Pittman with Ron Levin. However, according to Karny, Pittman
14 and Levin never met before June 6, 1984. Karny had this whole story about
15 what happened between Levin, Pittman, and Mr. Hunt on the night of June 6,
16 1984, built around the fact that Levin supposedly didn't even know Pitt-
17 man. Karny said that Mr. Hunt confirmed this to him during the "walk
18 around the neighborhood" conversation that Karny said took place after Mr.
19 Hunt allegedly killed Levin. Karny described how on this occasion Mr. Hunt
20 had supposedly described a "scenario" that he used to attempt to convince
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1 Levin to hand over his money under duress, but still leave Levin a basis to
2 hope that he would survive the night if he cooperated. Pittman was sup-
3 posed to have been introduced as a paid enforcer for the Chicago mob to
4 whom Mr. Hunt was to have said he was deeply indebted. Karny testified
5 that the idea was that Levin had never seen Pittman before and would not
6 realize that Pittman was a BBC member. (Mr. Len Marmor also had seen
7 Pittman at Levin's house in 1984.) As a result, Karny explained, the plan
8 was to hoodwink Levin into believing that both he and Mr. Hunt were being
9 pressured by this group whose representative was the physically imposing
10 Pittman. Of course the lie to this was all proven by the evidence that Le-
11 vin knew Pittman. How else could he have met Levin except through Mr.
12 Hunt? I felt Mr. Hunt's argument was persuasive that Karny, unaware of
13 their acquaintance with each other, had mistakenly woven into his scenar-
14 io for that night this highly revealing flaw. Karny's whole plot for that
15 night didn't make any sense with this in mind. Karny said that the "Chica-
16 go enforcer scenario" was what was meant "Explain situation" on the "to
17 do" list. In light of all of this, I didn't think so at all.

25 11. John Duron.

26 Mr. Hunt presented powerful evidence in support of his case through the
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1 testimony of John Duron. Mr. Duron was Levin's barber for years. Levin
2 visited him every 2 weeks through out their business relationship. Mr. Du-
3 ron was startled when, on the occasion of Levin's last visit to his hair sa-
4 lon, Levin inquired about dyeing his hair and beard brown. Mr. Duron stated
5 that this was surprising because the rather vain Levin and he had long
6 agreed that Levin's gray hair was his most striking feature. Mr. Duron
7 testified that he tried to talk Levin out of it. When Levin insisted, Mr. Du-
8 ron offered to do it for him. Levin refused the offer but called back a
9 week or or a week and a half later. Duron tried to talk him out of it again
10 but Levin would not be put off. Mr. Duron gave Levin instructions. Since
11 this was a week and a half after Levin's last visit and since Levin sched-
12 uled visits regularly every 2 weeks for years, this had to have occurred
13 right before Levin's flight. Detective Zoeller testified that he found an
14 unexplained brown stain in Levin's bathtub which he had tested to deter-
15 mine if it was blood, with negative results. Mr. Duron told us that hair dye
16 can stain porcelain. As a result of all of this, I became convinced that Le-
17 vin had altered his appearance to make good his escape. Obviously, he let
18 it grow out later, probably as he became more secure over the years.

19 It also provided me with a reasonable explanation for the missing com-
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1 forter. Mr. Duron told us about how these dyes must be left in one's hair
2 for at least 45 minutes "to set". During that time one is free to get out of
3 the shower, walk around, and relax. He described how many hair-color
4 novices ruin their clothes and get it all over everything because of how
5 difficult it is to handle during this period. Of course I knew that already.
6 It was easy to see how, lying down to watch television on his bed, Levin,
7 even if he thought he was being careful, could have stained his bedding.
8 Naturally he couldn't leave that tell-tale clue behind. Given all the other
9 evidence, Detective Zoeller's discovery of the stain, and Mr. Duron's testi-
10 mony, I believe that is what happened. Levin got the hair dye on his com-
11 forter and hastily scooped it up, along with the television remote control
12 device, and threw them out. Corroborating this was Blanche Stürkey, Le-
13 vin's maid, who testified that only Levin and she knew where the spare
14 comforter was.

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21 12. Justine Jagoda. Ms. Jagoda was very firm about her recollections of
22 the night of June 6, 1984. She had heard nothing that night. She testified
23 that on other occasions she had heard Levin beat his dog, a slap followed
24 by a yelp. Apparently, her bedroom was right over Levin's old bedroom.
25 She recalled the night because she was questioned by someone the next
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1 day as to whether she heard anything unusual. She testified that she was
2 up late reading a book. The television set was not on and the windows
3 were open. Karny had said that he had heard the silenced gun shot and that
4 it was very loud, as loud as a very loud clap of the hand. Ms. Jagoda felt
5 that she would have heard that easily. She said she heard nothing unusual
6 at all, not even a trunk being slammed or the dog yelping. This was more
7 evidence which was inconsistent with the People's theory. I thought her
8 testimony was important because it was ear-witness evidence, not hear-
9 say from biased witnesses.
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14 13. I am aware that the Prosecution witnesses testified that Ron Levin
15 left some money behind, but it was a small amount in relation to the near-
16 ly one million dollars in illicit income he apparently had during his last 18
17 months or so in Beverly Hills. (\$150,000.00 from Progressive; \$50,000.00
18 from American Express; \$75,000.00 from Fidelity USA; \$250,000.00 worth
19 of camera equipment never returned; \$500,000.00 worth of insurance
20 fraud per Jon Martin; \$15,000.00 from Len Marmor; \$30,000.00 from Joe
21 Hunt and the BBC; \$100,000.00 from Merrill Lynch; \$20,000.00 to
22 \$30,000.00 from Levin's parents; \$20,000.00 from his maid; etc.; etc.)
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27 14. Also, Ron Levin did do some things inconsistent with a fixed-
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1 advance-planned-flight-to-avoid-prosecution scheme. His plans to fly to
2 New York, the address labels Martin Levin spoke of, and paying for his in-
3 surance in advance (I think) as well. However, the evidence reflected that
4 Levin ultimately decided to flee, not that he knew all along that he was
5 going to do so. Karen Marmor described Levin saying: "I'm not going to
6 jail", and "Maybe I won't come back from New York", during her very last
7 conversation with Levin. Oliver Wendell Holmes was summoned by Levin
8 on June 6, 1984 to return a key Levin had given him to Levin's house. That
9 key, Mr. Holmes said, provided him access to Levin's home so that he could
10 work in preparation for Levin's eventual trial on the 12 grand theft charg-
11 es. Why did Levin decide on June 6, 1984 that it was no longer necessary
12 to do that work? Scott Furstman said Levin did a surprising about-face on
13 his criminal case, agreeing to return property to the victims in exchange
14 for bail concessions on June 5, 1984. Why? So that his dad wouldn't be
15 left holding the bag, I thought. There was no other explanation. Ron Levin
16 had a year of premium left on his bail bond at that point! The list goes on
17 and on

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26 15. In the end I felt that the set of circumstances that put the "to do"
27 list in Levin's hands, and the likelihood of more criminal charges on top of
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1 the 12 felony counts he already faced, brought Levin to the decision to
2 flee. Of course, 5 people have seen him since then, so the fact that he did
3 flee is not really open to debate any longer.
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5 16. I believe an innocent man is behind bars. In my own heart and based
6 on the proof that I have heard and seen, I believe that Ron Levin was alive
7 at least until Christmas of 1987, when he was seen by Connie and Jerry
8 Gerrard on the island of Mykanos in the Mediterranean. Setting aside Mr.
9 Hunt's notorious reputation, all the testimony coming from neutral and
10 non-partisan witnesses (those with no personal stake in the case), points
11 with one accord to the fact that Ron Levin fled prosecution for a variety
12 of crimes that he had committed. The BBC witnesses were a thoroughly
13 disreputable and unreliable lot. Their statements were in conflict with
14 an impressive number of facts attested to by more reliable witnesses.
15 Carol and Martin Levin are only guessing. Basically, they believe what
16 they need to believe. There is not a shred of physical evidence to prove
17 violence occurred at Ron Levin's home other than the implications of a
18 missing comforter and remote control.
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20 However, Korny got the Beverly Hills Police reports about the circum-
21 stances at Levin's home before he made the statement. I also found more
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1 believable, given Karny's general dishonesty, the hair dye scenario.

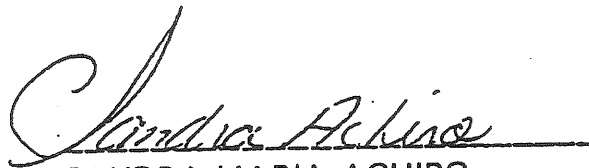
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3 17. In the end I felt that the June 24, 1984 "confession", attributed to
4 Mr. Hunt, had to be interpreted in light of the fact that: (1) Levin was
5 planning to flee; (2) Karen Marmor saw the 7 pages at Levin's home before
6 the night of June 6, 1984; and (3) People have seen Ron Levin alive since
7 June 6, 1984.
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10 In my view, it is silly, given all the evidence, to say I'm not going to be-
11 lieve Karen Marmor and 5 sightings witnesses because Mr. Hunt said he
12 killed Ron Levin. All those guys, and Levin too, pulled a lot of hoaxes, they
13 said a lot more than they meant rather frequently. There is the old saying:
14 "Just saying it doesn't make it so." I looked at the BBC and saw believa-
15 ble motives for Mr. Hunt to make that statement, given the white collar
16 crime and car stealing atmosphere of the BBC. However, the key point is
17 that the un-biased witnesses and the eye-witnesses are a much more di-
18 rect route to the truth than a "hearsay" case. One can spin theories about
19 what people like Levin and the BBC members knew versus what they said
20 endlessly. One can argue the whys and wherefores either way. In the end
21 the overall trend of the evidence coming from untainted sources was all in
22 one direction: towards Mr. Hunt's innocence. I believe Mr. Hunt is innocent
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1 and that Ron Levin was alive through, at least, late 1987.

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3 I declare under penalty of perjury under the laws of the State of Cali-
4 fornia that the foregoing is true and correct of my own personal knowl-
5 edge, and that as to those matters stated upon information and belief, I
6 believe them to be true.
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8 Executed at Millbrae, California, on December 23, 1992.
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12 SANDRA MARIA ACHIRO
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DECLARATION OF WILLIAM E. GILG

I, WILLIAM E. GILG, declare as follows:

1. I am an attorney at law licensed to appear before all the courts of the State of California.

2. I have been assisting Joe Hunt in Case # C15761, People v. Hunt, since February of 1989.

3. This case concerned what happened to Hedayat Eslaminia on July 30th and July 31st of 1984. The jury voted 8 to 4 in favor of acquitting Mr. Hunt after a 26 day deliberation period.

4. The people sought under Evidence Code section 1101, and were granted, the right to present evidence related to the disappearance of Ronald George Levin in their case-in-chief. The judge ruled that this evidence would be admissible for the jury's use for a limited purpose in their deliberations on the issues of intent, motive, and identity in the Eslaminia case. They were instructed that the evidence was not to be considered at all if the prosecution did not establish by a preponderance of the evidence that Mr. Hunt in fact robbed and then killed Ron Levin. True copies of the two jury instructions related to this evidence are attached hereto as Exhibits #1 and #2 to this declaration.

5. The People called 21 witnesses in their case-in-chief and 3 witnesses in rebuttal to testify concerning the Levin allegation. They were as follows:

1. Dean Karny
2. Tom May
3. Jerry Eisenberg

- 1 4. Evan Dicker
- 2 5. Jeff Raymond
- 3 6. Jack Friedman
- 4 7. Chuck LeBeau
- 5 8. Dean Factor
- 6 9. Michael Broder
- 7 10. Carol Levin
- 8 11. Martin Levin
- 9 12. Richard Liebowitz
- 10 13. Joe Vega
- 11 14. Robert Jordan
- 12 15. Blanche Sturkey (testimony from Joe Hunt's L.A. trial was
- 13 read by stipulation)
- 14 16. Les Zoeller
- 15 17. Scott Furstman (testimony from Joe Hunt's L.A. trial was rea
- 16 by stipulation)
- 17 18. James Foulk (testimony from Joe Hunt's L.A. trial was read
- 18 by stipulation)
- 19 19. Lori Leis
- 20 20. Anil Varma
- 21 21. Dr. Choi (testimony from Joe Hunt's L.A. trial was read by
- 22 stipulation)
- 23 22. Detective King (rebuttal)
- 24 23. Detective Convey (rebuttal)
- 25 24. Ted Woods (rebuttal)
- 26 6. In addition there were stipulations entered into by the defense and
- 27 the prosecution concerning the following:
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- A. That Jim Pittman's handwriting appeared on the records, which were People's Exhibits 68A through 68G in Case A090435, in several places. These exhibits were the records of the Plaza Hotel and related to Jim Pittman's visit to New York on June 7th to June 11th of 1984.
- B. That the phone records of the Plaza Hotel admitted in Joe Hunt's L.A. trial were the records of that hotel and reflected calls from its guest rooms during the period of Mr. Pittman's stay there.
- C. That the "7 pages" or the series of lists (i.e. "at Ron Levin's to do") found at Ron Levin's were all in Joe Hunt's handwriting.
- D. That the lists were checked for the fingerprints of Tom May, Evan Dicker, Martin Levin, Ron Levin, Jeff Raymond, Joe Hunt, Dean Karny, and Robert Levin, with only Dean Karny and Joe Hunt's prints finding a match on the pages. It was further stipulated that Ron Levin's prints, and not Joe Hunt's, were found on a green file folder in which a group of documents related to Microgenesis were found at Ron Levin's house. This file was People's Exhibit 94 in Case A090435.

7. The defense called 40 witnesses in its case-in-chief and 4 witnesses in rebuttal with something to say pertinent to the Levin case. They were:

1. Neil Adelman
2. Henry Cheung
3. Frank Hargrove

- 1 4. Bernard Krause
- 2 5. Connie Gerrard
- 3 6. Jerry Gerrard
- 4 7. Robert Robinson
- 5 8. Robert Tur
- 6 9. Nadia Ghaleb
- 7 10. Carmen Canchola
- 8 11. Jesus Lopez
- 9 12. Lynne Roberts
- 10 13. Robert Pacillio (testimony from Joe Hunt's L.A. trial was read
- 11 by stipulation)
- 12 14. Patricia Towers (testimony from Joe Hunt's L.A. trial was
- 13 read by stipulation)
- 14 15. Joe Hunt
- 15 16. Daniel Wilson
- 16 17. Daniel J. Holland
- 17 18. Jerry Verplancke
- 18 19. John Rollingson
- 19 20. Paul Edholm
- 20 21. Brent Kley
- 21 22. Robert Garden
- 22 23. Jonathon Hayes
- 23 24. Sandra Kammenir
- 24 25. Dr. Herbert Avery
- 25 26. Dr. Presley Reed
- 26 27. Karen Marmor
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Exh. 201
4

292-432

- 1 28. Len Marmor
- 2 29. John Reeves
- 3 30. Erin A'Heren
- 4 31. Jeffrey Melczer
- 5 32. John Riley
- 6 33. John Duron
- 7 34. Justine Jagoda
- 8 35. Fedrico Cano
- 9 36. Oliver Wendell Holmes
- 10 37. Jon F. Martin
- 11 38. Josephine Casson
- 12 39. Frank Vassallo
- 13 40. Dr. John Thornton
- 14 41. Robert Mackey (rebuttal)
- 15 42. Dan Dobrin (rebuttal)
- 16 43. Antonio Samaniego (rebuttal)
- 17 44. Bill DiVita (rebuttal)

19 8. Between the defense and the prosecution, 31 witnesses who testified
 20 in Joe Hunt's L.A. trial on the Levin allegation (Case A090435) testified in
 21 this trial. In addition, the substance of three prosecution witnesses in
 22 the L.A. trial (Mr. Clason, Mr. Kuhn, and Mr. Wagenbrenner), was covered by
 23 stipulations concerning the identity of certain fingerprints on the "to do"
 24 lists and Ron Levin's Microgenesis file. 36 witnesses were called by the
 25 defense who did not testify in Joe Hunt's L.A. trial on the Levin allega-
 26 tions. A list of the witnesses falling into the above-described categories

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Exh. 201

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: 222-433

1 is attached to this declaration as Exhibit #3.

2 I declare under penalty of perjury under the laws of the State of Cali-
3 fornia that the foregoing is true and correct, except as to those matters
4 stated upon information and belief, and as to them, I believe them to be
5 true.

6 Executed at Redwood City, California on December 24, 1992.

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9 WILLIAM E. GILG,
10 Attorney at Law
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Exh. 201

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202-434

Three
 (Two Pages) CALJIC 2.50 (Page One)
 EVIDENCE OF OTHER CRIMES

Requested by People		Given as Requested		Refused	
Requested by Defendant		Given as Modified	✓	Withdrawn	
		Given on Court's Motion			
					Judge

2.50/1

Evidence has been introduced for the purpose of showing that the defendant committed [a crime] ~~{crimes}~~ other than that for which [he] ~~{she}~~ is on trial.

Such evidence, if believed, was not received and may not be considered by you to prove that defendant is a person of bad character or that [he] ~~{she}~~ has a disposition to commit crimes.

Such evidence was received and may be considered by you only for the limited purpose of determining if it tends to show:

[The existence of the intent which is a necessary element of the crime charged;]

Ex 7-201
 286-435

EXHIBIT #1
 843

[The identity of the person who committed the crime,
if any, of which the defendant is accused;]

[A motive for the commission of the crime charged;]

[The defendant had knowledge of the nature of things
found in [his] [her] possession;]

[The defendant had knowledge or possessed the means
that might have been useful or necessary for the
commission of the crime charged;]

[The defendant did not reasonably and in good faith
believe that the person with whom [he] [she] engaged or
attempted to engage in a sexual act consented to such
conduct;]

[The crime charged is a part of a larger continuing
plan, scheme or conspiracy;]

[The existence of a conspiracy].

For the limited purpose for which you may consider
such evidence, you must weigh it in the same manner as
you do all other evidence in the case.

-8 -
Exh. 201
282-436

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You are not permitted to consider such evidence for
any other purpose.

Requested Forcible 2.50d.

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Exh 201
282-437

#1

Print Date 12/88

People v. Joseph Hunt, No. C-15761

CALJIC 2.50.1

**EVIDENCE OF OTHER CRIMES BY THE DEFENDANT PROVED BY A
PREPONDERANCE OF THE EVIDENCE**

2.50.1

Within the meaning of the preceding instruction, such other crime or crimes purportedly committed by the defendant must be proved by a preponderance of the evidence. If, however, you find that the evidence of the Levin allegations is necessary for you to establish the identity of the defendant as being responsible for the death of Hedayat Eslaminia, or to establish the required intent on the part of the defendant as to any of the charged crimes, or to establish the motive of the defendant concerning the allegations relating to Hedayat Eslaminia, then the Levin allegations must be proved beyond a reasonable doubt. You must not consider such evidence for any purpose unless you are satisfied that the defendant committed such other crime or crimes.

The prosecution has the burden of proving these facts by a preponderance of the evidence unless the facts are necessary for you to establish the identity of the defendant as being responsible for the death of Hedayat Eslaminia, or to establish the required intent on the part of the defendant as to any of the charged crimes, or to establish the motive of the defendant

-10 -
Exh. 201
2 EL-438

EXHIBIT #2
846

Case: 13-56207, 12/19/2014, ID: 9356502, DktEntry: 16-5, Page 58 of 298
concerning the allegations relating to Hedayat Eslaminia, in which circumstance the prosecution has the burden of proving the Levin allegations beyond a reasonable doubt.

-11-
Exh. 201
292-439

#2