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COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
PLAINTIFF-RESPONDENT,)
)
VS.)
)
JOE HUNT, AKA JOSEPH HUNT,)
AKA JOSEPH HENRY GAMSKY,)
)
DEFENDANT-APPELLANT.)

SUPERIOR COURT
NO. A-090435

OCT 18 1987

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY
HONORABLE LAURENCE J. RITTENBAND, JUDGE PRESIDING
REPORTERS' TRANSCRIPT ON APPEAL

APPEARANCES:

FOR PLAINTIFF-RESPONDENT: JOHN K. VAN DE KAMP
STATE ATTORNEY GENERAL
3580 WILSHIRE BOULEVARD
ROOM 800
LOS ANGELES, CALIFORNIA 90010

FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 25 OF 101
(PAGES 3484 TO 3671, INCLUSIVE)

COPY

ROSEMARIE GOODBODY, CSR NO. 932
SALLY YERGER, CSR NO. 2008
OFFICIAL REPORTERS

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WEST C

HON. LAURENCE J. RITTENBAND, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

PLAINTIFF,)

VS.)

NO. A-090435)

JOSEPH HUNT,)

DEFENDANT.)

REPORTERS' DAILY TRANSCRIPT

THURSDAY, DECEMBER 18, 1986

VOLUME 25

(PAGES 3484 TO 3671, INCLUSIVE)

APPEARANCES:

FOR THE PEOPLE:

IRA REINER, DISTRICT ATTORNEY
BY: FREDERICK N. WAPNER, DEPUTY
1725 MAIN STREET
SANTA MONICA, CALIFORNIA 90401

FOR THE DEFENDANT:

ARTHUR H. BARENS, ESQ.
10209 SANTA MONICA BOULEVARD
LOS ANGELES, CALIFORNIA 90067

AND

RICHARD C. CHIER, ESQ.
10920 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90024

ROSEMARIE GOODBODY, CSR NO. 932
SALLY YERGER, CSR NO. 2008
OFFICIAL REPORTERS

1 SANTA MONICA, CALIFORNIA; THURSDAY, DECEMBER 18, 1986; 10:33 A.M.

2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE

3 (APPEARANCES AS NOTED ON TITLE PAGE.)

4
5 (THE FOLLOWING PROCEEDINGS WERE HELD
6 OUTSIDE THE PRESENCE AND HEARING OF
7 THE PROSPECTIVE JURORS:)

8 THE COURT: THE RECORD WILL SHOW THE DEFENDANT IS
9 PRESENT, COUNSEL ARE PRESENT.

10 DO YOU HAVE ANOTHER BILL OF PARTICULARS YOU WANT
11 TO ADD?

12 MR. BARENS: WE JUST GOT INFORMATION THAT MR. GARVIN
13 HAS BEEN EXCUSED.

14 THE COURT: YES, HE CALLED IN SICK. I DON'T WANT TO
15 CONTINUE THE CASE ANY FURTHER FOR HIM.

16 MR. BARENS: YES, WE UNDERSTAND. HOWEVER, THE DEFENSE
17 LIKED MR. GARVIN BUT IF HE ISN'T AVAILABLE, HE ISN'T.

18 THE COURT: THIS ISN'T THE FIRST TIME HE HAS DONE THIS.
19 DON'T YOU REMEMBER ON THE HOVEY QUESTIONING HE SAID HIS DOG
20 DIED AND HE WANTED TO BE EXCUSED THEN. AND HE CALLED IN
21 ANOTHER TIME AND SAID HE WAS SICK AND WE TOLD HIM HE MUST COME
22 IN. THEN HE CALLED TODAY AND SAID HE WAS SICK AGAIN. I DON'T
23 THINK HE WANTS TO SERVE ON THIS PARTICULAR CASE. I THINK AS
24 FAR AS GARVIN IS CONCERNED, GOOD RIDDANCE.

25 MR. BARENS: RIGHT, YOUR HONOR, WE WILL ACCEPT THAT.
26 THANK YOU, YOUR HONOR.

27 THE COURT: HE IS THE ONE WITH THE PONYTAIL.

28 MR. BARENS: YES, YOUR HONOR. WELL, I AM SURE THE COURT

1 DOESN'T FIND ANYTHING OBJECTIONABLE ABOUT THAT. WE GET ALL
2 KINDS OF JURORS IN HERE, YOUR HONOR.

3 THE COURT: YES, I AM JUST REMARKING ABOUT THE FACT
4 THAT -- I AM DESCRIBING HIM FOR THE RECORD.

5 MR. BARENS: HE WAS A BIT UNUSUAL.

6 THE COURT: YES, HE WAS. HE NEVER WILL SURVIVE.

7 MR. BARENS: PROBABLY HE IS SPENDING THE DAY WITH MR.
8 PEIKERT AS IT IS.

9 THE CLERK: ARE YOU READY FOR THE JURORS?

10 THE COURT: YES.
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1 (THE PROSPECTIVE JURORS ENTER THE
2 COURTROOM.)

3 THE COURT: THE DEFENDANT AND COUNSEL ARE PRESENT. THE
4 PROSPECTIVE JURORS ARE PRESENT. GOOD MORNING, LADIES AND
5 GENTLEMEN. I THINK THAT YOU ARE IN VOIR DIRE.

6 MR. BARENS: YES. THE DEFENSE WILL PASS MR. BERSINGER
7 FOR CAUSE AT THIS POINT AND THANK HIM.

8 THE COURT: ALL RIGHT. THE PEOPLE?

9 MR. WAPNER: THANK YOU, YOUR HONOR. GOOD MORNING, MR.
10 BERSINGER. THE CLARK CASE WAS THE ONE THAT INVOLVED AN ARSON,
11 A MURDER IN THE COURSE OF ARSON?

12 MR. BERSINGER: YES.

13 MR. WAPNER: ALL RIGHT. ANYTHING ABOUT THAT CASE THAT
14 YOU THINK MIGHT AFFECT YOU IN DECIDING THIS CASE?

15 MR. BERSINGER: I DON'T THINK SO, OTHER THAN THE GENERAL
16 EXPERIENCE.

17 MR. WAPNER: ANYTHING ABOUT THE PROSECUTOR IN THAT CASE,
18 THAT CAUSED YOU TO FORM ANY IMPRESSIONS ONE WAY OR ANOTHER
19 OF THE DISTRICT ATTORNEY'S OFFICE?

20 MR. BERSINGER: I WAS EXTREMELY IMPRESSED WITH HIM AND
21 I NOTICED THAT A YEAR LATER, HE WAS APPOINTED A JUDGE.

22 MR. WAPNER: DON'T GET ANY TRAFFIC TICKETS IN WEST L.A.
23 WE COULD START WITH SOME NON-CONTROVERSIAL THING LIKE RENT
24 CONTROL IN SANTA MONICA BUT IT DOESN'T HAVE MUCH TO DO WITH
25 THIS CASE, SO I WILL SKIP THAT.

26 THE MORTGAGE COMPANY THAT YOU OWNED, DID YOU START
27 THAT YOURSELF?

28 MR. BERSINGER: YES.

1 MR. WAPNER: AND WAS THAT SIMILAR TO ONE OF THE OTHER
2 JURORS WHO TOLD US THAT HER HUSBAND STARTED A COMPANY IN THE
3 DEN WITH THE TELEPHONE?

4 MR. BERSINGER: WELL, I WAS OUTSIDE THE HOUSE WHEN I
5 STARTED MINE, YES. BUT IT WAS A COMPARABLE SIZE.

6 MR. WAPNER: OKAY. WHAT WAS THE SIZE OF IT WHEN YOU
7 DECIDED TO RETIRE OR SELL IT?

8 MR. BERSINGER: YOU MEAN IN TERMS OF EMPLOYEES?

9 MR. WAPNER: EMPLOYEES OR HOWEVER YOU CAN DESCRIBE IT.

10 MR. BERSINGER: WELL, I THINK THE MOST EMPLOYEES THAT
11 I HAD WERE SEVEN, INCLUDING MYSELF. IT IS THE TYPE OF BUSINESS
12 WHERE YOU DON'T EMPLOY A GREAT MANY PEOPLE BUT YOU HAVE TO
13 HAVE REASONABLY WELL-QUALIFIED PEOPLE.

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1 MR. WAPNER: AND YOU WORKED IN THAT BUSINESS FOR HOW
2 MANY YEARS?

3 MR. BERSINGER: WELL, I HAVE BEEN IN THE MORTGAGE BUSINESS
4 FOR 30 YEARS. I HAD MY OWN COMPANY FOR NINE YEARS. SO I WAS
5 WITH THE WESTERN MORTGAGE CORPORATION FOR 15 YEARS. IT IS
6 NOW THE GEMSTAR CORPORATION.

7 MR. WAPNER: WHAT ARE YOUR RESERVATIONS ABOUT SERVING
8 ON THIS CASE FOR THE LENGTH OF TIME WE HAVE ESTIMATED? YOU
9 MENTIONED THAT YESTERDAY WHEN YOU WERE ASKED IF YOU WANTED
10 TO BE A JUROR.

11 MR. BERSINGER: I THINK MOST OF THEM HAVE TO DO WITH
12 MY OWN MEMORY POWERS. I AM NOT -- I KNOW ON THE LAST CASE
13 I WAS ON, IT WAS SOMEWHAT LENGTHY. I DON'T THINK QUITE AS
14 LONG AS THIS ONE IS EXPECTED TO BE. BUT IT WAS VERY HARD TO
15 REMEMBER EVERYTHING THAT HAD BEEN SAID A MONTH EARLIER.

16 MR. WAPNER: DID YOU TAKE NOTES IN THE OTHER CASE?

17 MR. BERSINGER: YES, WE HAD A YELLOW PAD AND TOOK SOME
18 NOTES, YES.

19 MR. WAPNER: AND THERE WAS A COURT REPORTER, I AM SURE,
20 IN THAT CASE?

21 MR. BERSINGER: YES.

22 MR. WAPNER: ALL RIGHT, FORTUNATELY, USUALLY THE REPORTERS
23 KILL YOU IF YOU SUGGEST THAT WE CAN HAVE THINGS READ BACK,
24 BUT IN THIS CASE SINCE THEY ARE DOING THE TRANSCRIPT EVERY
25 DAY, IT IS JUST A MATTER OF FINDING IT AND READING IT, SO IF
26 YOU HAVE ANY SERIOUS QUESTION ABOUT WHAT THE TESTIMONY WAS,
27 YOU CAN HAVE IT READ BACK. DO YOU HAVE ANY PROBLEM WITH THAT?

28 MR. BERSINGER: NO.

1 MR. WAPNER: IN THE TIMES WHEN YOU WERE AN EXPERT
2 WITNESS, YOU SAID THAT MAYBE TWO DIFFERENT EXPERTS WOULD HAVE
3 DIFFERENT OPINIONS ABOUT THINGS, RIGHT?

4 MR. BERSINGER: YES.

5 MR. WAPNER: AND THEN YOU USED THE PHRASE THAT THERE
6 WAS USUALLY A RANGE, WHEN MR. BARENS WAS ASKING YOU
7 HYPOTHETICALS ABOUT ESTIMATES OF PROPERTY VALUE.

8 MR. BERSINGER: YES.

9 MR. WAPNER: WHAT DID YOU MEAN WHEN YOU SAID THERE IS
10 USUALLY A RANGE?

11 MR. BERSINGER: I MEANT THAT WHEN YOU ARE EVALUATING
12 A GIVEN PIECE OF PROPERTY, USUALLY TWO REASONABLY EXPERIENCED
13 PEOPLE WILL BE WITHIN A 90 PERCENT, 110 PERCENT AREA AS FAR
14 AS THEIR ESTIMATION IS CONCERNED. IT WOULDN'T BE TREMENDOUSLY
15 DIFFERENT.

16 MR. WAPNER: IN YOUR VIEW, IF ONE PERSON ESTIMATED A
17 PIECE OF PROPERTY AT \$500,000 AND ANOTHER PERSON ESTIMATED
18 THE VALUE OF THAT SAME PIECE OF PROPERTY AS A MILLION DOLLARS,
19 WOULD YOU SAY THAT PROBABLY ONE OF THEM WAS NOT BEING
20 REASONABLE?

21 MR. BERSINGER: OR KNEW SOMETHING THE OTHER DIDN'T KNOW.

22 MR. WAPNER: OKAY. WHAT DOES YOUR DAUGHTER DO FOR THE
23 DEPARTMENT OF PERSONNEL?

24 MR. BERSINGER: SHE IS DEPUTY DIRECTOR, IS HER TITLE.
25 SHE HAS BEEN WITH THE STATE OF CALIFORNIA FOR OVER 20 YEARS.

26 MR. WAPNER: WHAT DOES A DEPUTY DIRECTOR OF THE STATE
27 DEPARTMENT OF PERSONNEL DO?

28 MR. BERSINGER: I REALLY DON'T KNOW. MANAGE, I THINK.

1 MR. WAPNER: HOW OFTEN DO YOU TALK TO HER?

2 MR. BERSINGER: EVERY WEEK OR TWO.

3 MR. WAPNER: AND YOUR SONS, DO THEY LIVE IN THE LOS
4 ANGELES AREA?

5 MR. BERSINGER: TWO OF THEM DO.

6 MR. WAPNER: HOW OFTEN DO YOU TALK TO THEM?

7 MR. BERSINGER: MY OLDER SON LIVES IN SACRAMENTO AND
8 WE SPEAK WITH HIM EVERY WEEK OR TWO. MY MIDDLE SON AND MY
9 YOUNGER SON LIVE HERE, AND MY YOUNGEST SON LIVES WITH US AND
10 MY OTHER SON, WE SEE EVERY WEEK OR SOME SUCH MATTER.

11 MR. WAPNER: AND THE THREE SONS, WHAT DO THEY DO?

12 MR. BERSINGER: WELL, MY OLDEST SON IS AN INDEPENDENT
13 CONSULTANT IN SACRAMENTO.

14 MR. WAPNER: WHAT TYPE OF CONSULTANT?

15 MR. BERSINGER: WELL, HE WAS WITH THE STATE FOR ABOUT
16 TEN YEARS AND HE WAS INVOLVED IN THE FOSTER HOME PROGRAM. HE
17 LEFT THE STATE ABOUT THREE YEARS AGO AND BECAME A CONSULTANT
18 FOR FOSTER HOME OPERATORS IN REGARD TO THEIR DEALINGS WITH
19 THE STATE. HE KIND OF PREPARES THEIR FORMS THAT THEY NEED
20 TO RECEIVE COMPENSATION FOR THE PEOPLE THEY TAKE CARE OF.

21 AND MY MIDDLE SON IS A CPA WITH HIS OFFICES IN
22 CENTURY CITY.

23 AND MY YOUNGER SON, MY YOUNGEST SON IS A CPA
24 CANDIDATE. HE HAS PASSED THE EXAM BUT HE IS FULFILLING HIS
25 TWO YEARS OF AUDIT EXPERIENCE NOW.

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1 MR. WAPNER: OKAY. IF MR. BARENS ASKED YOU THIS, I DIDN'T
2 WRITE IT DOWN. DO YOU HAVE HOBBIES AND INTERESTS?

3 MR. BERSINGER: I DON'T THINK HE DID. WE HAVE AN RV
4 AND WE ENJOY TRAVELING AROUND IN THAT. AND I GUESS I WOULD
5 BE CLASSIFIED AS A STAMP COLLECTOR. I HAVE BEEN COLLECTING
6 STAMPS FOR OVER 50 YEARS.

7 MR. WAPNER: I WOULD SAY THAT QUALIFIES.

8 MR. BERSINGER: AND WHEN I REALLY WANT TO HAVE FUN, I
9 LIKE TO GO TO LAS VEGAS. I ENJOY CASINO GAMBLING.

10 MR. WAPNER: OKAY. DOES THE INTEREST IN GAMBLING, THAT
11 TYPE OF GAMBLING MENTALITY CARRY OVER INTO ANY OF THE INVESTMENTS
12 YOU MADE OR ARE THOSE A LITTLE MORE ON THE CONSERVATIVE SIDE?

13 MR. BERSINGER: EXACTLY THE OPPOSITE.

14 MR. WAPNER: HOW OFTEN DO YOU GO TO LAS VEGAS?

15 MR. BERSINGER: EIGHT OR TEN TIMES A YEAR. IT IS NOT
16 JUST LAS VEGAS, SOMETIMES RENO AND OTHER PLACES. I LIKE THEM
17 ALL.

18 MR. WAPNER: WHEN YOU GO, ARE YOU THE TYPE OF PERSON
19 WHO GOES AND JUST SPENDS OR DO YOU SET YOURSELF A LIMIT WHEN
20 YOU GET TO THAT POINT AND YOU WALK AWAY?

21 MR. BERSINGER: I HAVE NEVER CASHED A CHECK IN NEVADA.
22 I TAKE AS MUCH AS I AM WILLING TO LOSE AND THAT IS IT.

23 MR. WAPNER: OKAY. WHAT DO YOU THINK HAPPENED TO THE
24 PERSON ON THE BOAT?

25 MR. BERSINGER: I HAVE HAD TIME TO THINK ABOUT IT. I
26 REALLY HAVE NO IDEA, WITHOUT MAKING SOME ASSUMPTIONS.

27 MR. WAPNER: WHAT ASSUMPTIONS WOULD YOU LIKE TO MAKE?

28 MR. BERSINGER: WELL, YOU COULD ASSUME THAT HE FELL

1 OVERBOARD, WAS PUSHED OVER, HE INTENTIONALLY JUMPED OVER AND
2 OF COURSE, IT WOULD BE EASY TO ASSUME THAT HE PROBABLY DROWNED.

3 MR. WAPNER: OKAY. I AM NOT AS MUCH CONCERNED ABOUT
4 HOW HE GOT INTO THE WATER AS WHAT HAPPENED TO HIM AFTER HE
5 GOT THERE.

6 ONCE -- YOU ARE ASSUMING THEN BY THE THREE THINGS
7 THAT YOU SAID, THAT HE EITHER JUMPED, WAS PUSHED OR FELL AND
8 THAT HE GOT INTO THE WATER, RIGHT?

9 MR. BERSINGER: ASSUMING THAT THE MAN WHO REMAINED ON
10 THE BOAT MADE A THOROUGH SEARCH OF THE BOAT AND DID INDEED,
11 NOT FIND HIM THERE.

12 MR. WAPNER: I GUESS I HAD A PICTURE IN MY MIND OF
13 APPROXIMATELY HOW BIG THE BOAT WAS. BUT IT DOESN'T MATTER.
14 BUT, IT WAS ASSUMED IN THE ORIGINAL HYPOTHETICAL THAT HE MADE
15 A THOROUGH SEARCH OF THE BOAT AND HE WAS NOT THERE.

16 ASSUMING THAT THERE WAS A THOROUGH SEARCH OF THE
17 BOAT AND HE WAS NOT THERE AND YOU MADE THE ASSUMPTION DID YOU
18 NOT THAT HE GOT OFF THE BOAT SOMEHOW, RIGHT?

19 MR. BERSINGER: THAT IS WHAT I UNDERSTAND WAS GIVEN TO
20 US, YES.

21 MR. WAPNER: OKAY. WHAT DO YOU THINK HAPPENED TO HIM
22 AFTER HE GOT OFF THE BOAT?

23 MR. BERSINGER: I WOULD IMAGINE THAT HE DROWNED IN THE
24 OCEAN.

25 MR. WAPNER: WHY DO YOU ASSUME THAT?

26 MR. BERSINGER: BECAUSE OF THE LOCATION OF THE BOAT,
27 THE DISTANCE FROM LAND AND IT IS A BIG OCEAN.

28 MR. WAPNER: OKAY. HAVE YOU EVER BEEN THE VICTIM OF

1 THEFT OR ANY KIND OF CON SCHEME?

2 MR. BERSINGER: OUR HOUSE WAS BURGLARIZED ABOUT 12 YEARS
3 AGO. THAT WAS THE ONLY THING.

4 MR. WAPNER: WAS ANYBODY EVER CAUGHT?

5 MR. BERSINGER: NO.

6 MR. WAPNER: AND DO YOU HAVE ANY FEELINGS ABOUT THAT,
7 HOW IT WAS HANDLED BY THE POLICE?

8 MR. BERSINGER: NOT REALLY. IT WAS REPORTED AND ASIDE
9 FROM THE INITIAL REPORTING, I HAD NO FURTHER CONTACT WITH
10 THEM.

11 MR. WAPNER: IF IT TURNS OUT THAT YOU HEAR EVIDENCE IN
12 THIS CASE AND YOU DON'T LIKE THE VICTIM, BUT YOU NEVERTHELESS
13 BELIEVE BEYOND A REASONABLE DOUBT THAT HE WAS MURDERED AND
14 THE DEFENDANT DID IT, WOULD YOU HAVE ANY DIFFICULTY IN
15 FINDING THE DEFEDANT GUILTY?

16 MR. BERSINGER: NO.

17 MR. WAPNER: THANK YOU. I PASS FOR CAUSE.

18 THE COURT: ALL RIGHT. IT IS THE DEFENSE PEREMPTORY.

19 MR. BARENS: THANK YOU, YOUR HONOR. THE DEFENSE WOULD
20 LIKE TO THANK AND EXCUSE JUROR NUMBER 9, MR. BERSINGER.

21 THE COURT: THANK YOU, MR. BERSINGER.

22 (PROSPECTIVE JUROR BERSINGER EXITS THE
23 COURTROOM.)

24 THE CLERK: DEBBIE HALLICK, H-A-L-L-I-C-K.

25 THE COURT: GOOD MORNING, MISS HALLICK. I THINK THAT
26 YOU TOLD US A LONG, LONG TIME AGO THAT YOU OR A MEMBER OF YOUR
27 FAMILY HAD BEEN THE VICTIM OF SOME KIND OF THEFT OR CRIME?

28 MS. HALLICK: YES. I HAVE HAD SEVERAL OCCURRENCES OVER

1 15 YEARS BUT NOTHING RECENTLY AND NOTHING THAT I FEEL NEGATIVE
2 ABOUT.

3 MY FORMER APARTMENT WAS BURGLARIZED AND MY PRESENT
4 CAR HAD BEEN BROKEN INTO SEVERAL TIMES AND I ALSO, YEARS
5 AGO -- THIS IS A RELATIVELY LONG TIME AGO, HAD A CAR, THE
6 SAME CAR STOLEN TWICE. BUT IT WAS SPREAD OUT FAR ENOUGH WHERE
7 I DDN'T FEEL OVERWHELMED BY IT.

8 THE COURT: WERE ANY INSTANCES INVESTIGATED BY THE
9 POLICE?

10 MS. HALLICK: ALL OF THEM.

11 THE COURT: DID THEY EVER CATCH THE CULPRIT?

12 MS. HALLICK: NO. THEY NEVER CAUGHT ANY OF THEM.

13 THE COURT: WAS ANYTHING EVER RETURNED TO YOU THAT WAS
14 STOLEN?

15 MS. HALLICK: THE FIRST CAR WAS STOLEN AND THEN WAS
16 RETURNED AND THEN STOLEN AGAIN. THEN IT WAS RETURNED AGAIN.

17 BUT YES, I GOT THAT ONE BACK. BUT EVERYTHING WAS
18 NOT RETURNED.

19 THE COURT: THOSE INSTANCES THAT HAPPENED WOULDN'T
20 AFFECT YOU IN DETERMINING THE GUILT OR INNOCENCE OF THE
21 DEFENDANT?

22 MS. HALLICK: NO.

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1 THE COURT: OR PREJUDICE YOU AGAINST THE PROSECUTION?

2 MS. HALICK: NO, NOT AT ALL.

3 THE COURT: ALL RIGHT. OTHER THAN THAT, IF I WERE TO
4 ASK YOU THE SAME GENERAL QUESTIONS WHICH WERE ASKED OF THE
5 OTHER JURORS, WITHOUT HAVING TO REPEAT THEM, WOULD YOUR
6 ANSWERS BE ANY DIFFERENT OR WOULD THEY BE SUBSTANTIALLY THE
7 SAME?

8 MS. HALICK: SUBSTANTIALLY THE SAME.

9 THE COURT: HAVE YOU EVER SERVED AS A JUROR ON A CRIMINAL
10 CASE?

11 MS. HALICK: NO.

12 THE COURT: WHAT DO YOU DO, PLEASE?

13 MS. HALICK: I AM A RESPIRATORY THERAPIST AT KAISER
14 HOSPITAL.

15 THE COURT: AND WHERE DO YOU LIVE?

16 MS. HALICK: HERMOSA BEACH.

17 THE COURT: ALL RIGHT, THANK YOU VERY MUCH, MS HALICK.

18 MR. BARENS: GOOD MORNING, MS. HALICK.

19 WHAT DO YOU THINK HAPPENED TO THE GUY ON THE BOAT?

20 MS. HALICK: I FIRST THOUGHT HE WAS OVERBOARD. IF THEY
21 SEARCH THE WATER AND THEY COULDN'T FIND HIM, I WOULD ASSUME
22 HE DROWNED.

23 MR. BARENS: MS. HALICK, HOW DO WE KNOW THE GUY IS OFF
24 THE BOAT?

25 MS. HALICK: BECAUSE HE IS NOT ON IT.

26 MR. BARENS: HOW DO WE KNOW? DON'T WE KNOW THAT BASED
27 ON A HYPOTHETICAL, BECAUSE THE SECOND PERSON SAID HE WAS OFF
28 THE BOAT?

5-2
1 MS. HALICK: WOULDN'T HE BE SAYING IT TO A THIRD PERSON
2 SO THE THIRD PERSON COULD SEE THE BOAT AND SEE HE WASN'T ON
3 IT?

4 MR. BARENS: THE FIRST NOTICE THAT WE HAVE THAT HE IS
5 NOT ON THE BOAT IS SOMEBODY SAYING HE IS NOT ON THE BOAT.

6 MS. HALICK: UH-HUH.

7 MR. BARENS: SO IN THAT HYPOTHETICAL -- YOU KNOW, I HAVE
8 DIFFERENT WAYS OF TRYING TO VISUALIZE THE BOAT AND AT TIMES,
9 I GUESS THERE WAS SOME IMPLICATION THAT THIS WAS MAYBE A
10 SMALLISH TWO-MAN BOAT. I DON'T KNOW WHAT YOU HAVE SEEN IN
11 YOUR MIND'S EYE.

12 BUT THIS FELLOW COMES ALONG AND SAYS "THIS OTHER
13 FELLOW WAS ON THE BOAT WITH ME AND I WOKE UP THE NEXT MORNING
14 AND WE EACH HAD A LIFE PRESERVER AND HE IS GONE AND HIS LIFE
15 PRESERVER IS STILL ON THE BOAT."

16 COULD YOU SEE IT THAT WAY?

17 MS. HALICK: UH-HUH.

18 MR. BARENS: WELL, BEFORE YOU START BELIEVING THAT THIS
19 FELLOW FELL IN THE WATER, WOULDN'T YOU WANT TO KNOW SOMETHING
20 ABOUT THE TRUTHFULNESS OF THE GUY THAT WAS SAYING HE WAS ON
21 THE BOAT TO BEGIN WITH, THAT HE IS NO LONGER ON THE BOAT?

22 MS. HALICK: YES.

23 MR. BARENS: WOULD YOU WANT TO KNOW SOMETHING ABOUT THE
24 MOTIVES OF THE GUY MAKING THE STATEMENT THAT HE IS NOT ON THE
25 BOAT?

26 MS. HALICK: YES.

27 MR. BARENS: YOU SEE, IN THE HYPOTHETICAL, I NEVER HEARD
28 MR. WAPNER SAY THAT ANYONE EVER SAW THIS FELLOW GET ON THE

1 BOAT AND, CERTAINLY, WE WERE TOLD THAT NO ONE EVER SAW HIM
2 GET OFF THE BOAT. NOW WHAT ARE WE GOING TO DO?

3 WE CAN THEN GO BACK AND CLEAN UP THE STORY A BIT
4 AND SAY "OH, ALL KINDS OF PEOPLE SAW HIM GET ON THE BOAT."
5 SO NOW HE IS NOT ON THE BOAT WHEN WE SEARCH IT, HE MUST HAVE
6 BEEN THERE TO BEGIN WITH.

7 NOW, IF YOU ARE A JUROR IN THIS CASE, WOULD YOU
8 BE WILLING TO LOOK AT THE EVIDENCE THAT WOULD BE ANALOGOUS
9 TO WHETHER OR NOT THE ALLEGED VICTIM EVER WAS ON THAT BOAT,
10 SO TO SPEAK, TO BEGIN WITH?

11 MS. HALICK: UH-HUH, YES.

12 MR. BARENS: YOU ARE NOT GOING TO HAVE A BOAT IN THIS
13 CASE AT ALL, NOR DO I THINK THE PROSECUTOR NOR THE DEFENSE
14 WANTS TO SUGGEST TO YOU FOLKS THAT THERE IS GOING TO BE A BOAT.

15 HOWEVER, THE BOAT IN THIS INSTANCE IS REPRESENTED
16 BY THE PARAMETERS OF THE LIFESTYLE OF THE ALLEGED VICTIM AND,
17 LET'S SAY, THAT THE OUTLINE OF THAT BOAT OR THE DECK AREA OF
18 THE BOAT IS A PERSON'S LIFE EXISTENCE. AND THEN WE HAVE TO
19 INQUIRE WHETHER HE IS STILL WITHIN THOSE PARAMETERS, RELATIVELY
20 SPEAKING, OR NOT; DO YOU UNDERSTAND THAT?

21 MS. HALICK: YES.

22 MR. BARENS: THAT IS HOW WE ARE GOING TO DETERMINE WHETHER
23 SOMEONE IS ON THE BOAT OR NOT.

24 WOULD YOU LISTEN CAREFULLY TO THE TESTIMONY OF
25 SOMEONE WHO TOLD YOU THAT HE WAS WITHIN A CERTAIN AMOUNT OF
26 LIFE PARAMETERS, OR ON THE BOAT TO BEGIN WITH, BEFORE YOU EVEN
27 STARTED TRYING TO DETERMINE WHETHER HE GOT ON THAT BOAT?

28 MS. HALICK: I WOULD LISTEN, YES.

1 MR. BARENS: WHEN YOU ARE LISTENING TO THE MOTIVES OF
2 WITNESSES, WOULD YOU BE WILLING TO LISTEN TO THE MOTIVES OF
3 THE WITNESS WHO SAYS HE IS NOT ON THE BOAT ANY MORE?

4 MS. HALICK: YES.

5 MR. BARENS: NOW, MR. WAPNER SUGGESTS TO US THAT ONE
6 WAY WE DETERMINE THAT SOMEONE IS NOT ON THE BOAT ANY MORE,
7 IS SOMEONE SAYS HE IS NOT ON THE BOAT.

8 MS. HALICK: UH-HUH.

9 MR. BARENS: HE IS NOT ON THE BOAT AND THEN TO
10 CORROBORATE THAT HE IS DEAD, WHAT DO WE DO NEXT? MR. WAPNER
11 SAYS "WELL, NOBODY HAS HEARD FROM HIM." WELL, LET'S SAY
12 SOMEBODY IN A BOAT IN THE MIDDLE OF THE NIGHT TAKES HIM
13 SOMEWHERE AND HE IS NEVER HEARD FROM, HOW DO WE KNOW? OKAY?

14 MS. HALICK: UH-HUH.

15 MR. BARENS: HOW DO WE KNOW HE IS NEVER HEARD FROM, HOW
16 DO WE KNOW THAT?

17 MS. HALICK: I ASSUME THEY INVESTIGATE AND LOOK FOR HIM
18 AND THEY ASK OTHER PEOPLE TO TRY TO FIND OUT IF HE WOULD
19 CONTACT SOMEBODY. I GUESS THEY WOULD GO THROUGH THEIR
20 CHANNELS OF WHATEVER THEY WOULD GO THROUGH.

21 MR. BARENS: THE PEOPLE WHO WOULD NORMALLY BE EXPECTED
22 TO HAVE HEARD FROM THAT PERSON WOULD SAY "WE DIDN'T HEAR FROM
23 HIM"; ISN'T THAT REASONABLE?

24 MS. HALICK: IF THAT HAPPENED.

25 MR. BARENS: CERTAIN PREDICTABLE LIFE CONTACTS THAT YOU
26 HAVE, PARENTS, YOUR EMPLOYER, BEST FRIEND, CHILDREN, IF ANY,
27 WOULDN'T THOSE BE THE PEOPLE THAT WOULD BE SAYING "WE HAVEN'T
28 HEARD FROM HIM?"

1 MS. HALICK: YES.

2 MR. BARENS: AND THAT WOULD BE FURTHER SUGGESTIVE THAT
3 SOMETHING HAD HAPPENED ONCE THAT PERSON HIT THE WATER, OTHER
4 THAN THE CONTINUANCE OF THEIR LIFE?

5 MS. HALICK: IT WOULD CAUSE YOU TO THINK ABOUT THAT A
6 LOT.

7 MR. BARENS: NOW, WOULDN'T YOU, HOWEVER, HAVE TO LOOK
8 AT ANY MOTIVES THOSE PEOPLE MIGHT HAVE --

9 MS. HALICK: YES.

10 MR. BARENS: -- IN SAYING WHETHER THEY HAD HEARD FROM
11 HIM OR NOT?

12 MS. HALICK: YES, YOU WOULD.

13 MR. BARENS: CAN YOU SEE THAT THAT IS A BIT MORE
14 COMPLICATED QUESTION THAN JUST SOMEONE SAYING "HE IS OFF THE
15 BOAT"?

16 MS. HALICK: UH-HUH, YES.

17 MR. BARENS: "WE HAVEN'T HEARD FROM HIM."

18 MS. HALICK: I UNDERSTAND.

19 MR. BARENS: THOSE PEOPLE ARE GIVING TESTIMONY, THEY
20 ARE PROVIDING US WITH EVIDENCE. THEY ARE WITNESSES JUST LIKE
21 THE DEFENDANT WOULD BE, IF HE WERE A WITNESS IN THIS CASE.

22 AND WE HAVE TO SEE WHAT THE BELIEVABILITY OF THEIR
23 EVIDENCE IS: DO THEY HAVE ANY MOTIVES OR SECRET AGENDAS THAT
24 CAUSED THEM TO TESTIFY ONE WAY OR THE OTHER, CAN YOU SEE THAT?

25 MS. HALICK: YES.

26 MR. BARENS: CAN YOU SEE THAT ALTHOUGH WE HAVE A
27 HYPOTHETICAL THAT WE HAVE BEEN GOING OVER AND OVER, BECAUSE
28 IT DOES ILLUSTRATE SOMEWHAT JURORS' RESPONSES TO THE QUESTION

1 OF CIRCUMSTANTIAL EVIDENCE, WHAT I DON'T WANT YOU OR ANY JUROR
2 TO DO IS TO FALL INTO SOME ASSUMPTION THAT ANYTHING IN THIS
3 CASE IS REALLY GOING TO LOOK LIKE THAT; DO YOU UNDESTAND THAT?

4 MS. HALICK: YES.

5A 5 MR. BARENS: IT IS NOT THAT SIMPLE A THING OR WE WOULDN'T
6 BE HERE.

7 MS. HALICK: IT IS NOT AS CLEARCUT.

8 MR. BARENS: OR WE WOULDN'T BE HERE.

9 MR. HALICK: UH-HUH.

10 MR. BARENS: WHEN YOU TALK ABOUT WHAT IS REASONABLE AND
11 NOT REASONABLE, I CAN'T MAKE AN ASSUMPTION THAT THE GUY IS
12 NOT ON THE BOAT. THAT IS ONE OF THE DECISIONS YOU HAVE TO
13 MAKE AS A JUROR. IT IS NOT AN ASSUMPTION YOU HAVE TO MAKE.
14 IT IS AN EVALUATION YOU HAVE TO MAKE BASED ON TESTIMONY YOU
15 SEE OR DON'T SEE.

16 MS. HALICK: YES.

17 MR. BARENS: WHAT IS REASONABLE ABOUT THAT? YOU HAVE
18 TO TRY TO EVALUATE -- WOULD YOU EVALUATE WHAT IS REASONABLE
19 ABOUT THAT BASED UPON WHAT YOU HEAR IN THE TESTIMONY OR BASED
20 ON ASSUMPTIONS YOU WOULD BE MAKING OUTSIDE OF THE TESTIMONY,
21 MS. HALICK?

22 MS. HALICK: WHAT YOU WOULD HEAR IN TESTIMONY.

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1 MR. BARENS: DO YOU UNDERSTAND THE DIFFERENCE IN
2 DIRECT AND CIRCUMSTANTIAL EVIDENCE, ABOUT THE DIFFERENCE BETWEEN
3 SOMEONE SEEING SOMEONE GO OFF THE BOAT AND SOMEONE -- AND THERE
4 IS TWO KINDS OF THINGS THAT COULD HAPPEN, SOMEONE SAYING I
5 SAW HIM JUMPING OFF THE BOAT AND SOMEONE SAYING THAT I DIDN'T
6 SEE HIM GO OFF THE BOAT, BUT HE IS NOT HERE ANYMORE AND THEN
7 THERE IS THE THIRD THING OF HAVING TO BELIEVE HE WAS EVER ON
8 THE BOAT. AND YOU SAY THAT THERE ARE AT LEAST THREE DIMENSIONS
9 TO THAT TYPE OF QUESTION?

10 MS. HALICK: YES.

11 MR. BARENS: CAN YOU SEE THAT THERE ARE AT LEAST TWO
12 DIMENSIONS TO THE QUESTION OF WHETHER WE HAVE HEARD FROM HIM
13 OR NOT, THE QUESTION OF WOULD A PERSON BE MOTIVATED TO CALL
14 OR VOLUNTARILY SECLUDING THEMSELVES?

15 MS. HALICK: UH-HUH.

16 MR. BARENS: THE QUESTION OF IF THEY DID CALL, WOULD
17 THE PERSON WE ARE ASKING IF THEY HEARD FROM HIM, HAVE ANY
18 MOTIVATION NOT TO TELL US THE TRUTH ABOUT THAT QUESTION.

19 MS. HALICK: YES. I SEE.

20 MR. BARENS: AND THE THIRD POSSIBILITY OF COURSE, IS
21 THAT WE ARE ASKING THE THE WRONG PERSON IF THEY HAD HEARD FROM
22 HIM. COULD YOU UNDERSTAND THAT?

23 MS. HALICK: YES.

24 MR. BARENS: MY PERCEPTION OF SOMEONE AS BEING SOMEONE'S
25 BEST FRIEND MIGHT NOT NECESSARILY BE TRUE. IF I THINK I AM
26 ASKING JOHN SMITH, HAVE YOU HEARD FROM THE MAN WHO ALLEGEDLY
27 WAS ON THE BOAT THAT NO ONE SAW GET ON OR OFF BUT WE'LL
28 ASSUME HE IS NOT THERE, IF I ASK THE WRONG GUY THAT QUESTION

5-2

1 AND I GET A TRUTHFUL NO, I STILL MAY NOT BE BETTER ADVISED
2 THAN I WAS TO BEGIN WITH. ISN'T THAT POSSIBLE?

3 MS. HALLICK: IT'S POSSIBLE.

4 MR. BARENS: HOW DO YOU FEEL ABOUT THE PRESUMPTION OF
5 INNOCENCE THAT MR. HUNT HAS AS HE SITS IN THIS COURTROOM?

6 MS. HALLICK: I TOTALLY AGREE WITH IT.

7 MR. BARENS: DO YOU FEEL COMFORTABLE WITH THAT?

8 MS. HALLICK: VERY MUCH.

9 MR. BARENS: IN THE COMPLEXITIES OF WHETHER SOMEBODY
10 IS SOME PLACE OR NOT OR EVER WAS SOME PLACE OR NOT, CAN YOU
11 UNDERSTAND THAT THE DEFENDANT MAY NOT HAVE AN EXPLANATION FOR
12 YOU?

13 MS. HALLICK: HE MAY NOT KNOW WHERE HE IS. SO HE MAY
14 NOT HAVE AN EXPLANATION, EXACTLY.

15 MR. BARENS: IT IS POSSIBLE?

16 MS. HALLICK: IT IS POSSIBLE.

17 MR. BARENS: IS IT UNDERSTANDABLE TO YOU THAT IF THE
18 DEFENDANT TESTIFIED, THE DEFENDANT DOES NOT HAVE SOME DUTY
19 BECAUSE HE TAKES THAT STAND, TO EXPLAIN TO YOU WHERE THE
20 ALLEGED VICTIM IS?

21 MS. HALLICK: I UNDERSTAND THAT.

22 MR. BARENS: DO YOU THINK THAT THE DEFENDANT HAS SOME
23 DUTY TO PROVE TO YOU OR CONSTRUCT SOMEHOW FOR YOU, WHERE THE
24 ALLEGED VICTIM IS?

25 MS. HALLICK: NO.

26 MR. BARENS: OR EVEN WHAT HAPPENED TO HIM, IF ANYTHING?

27 MS. HALLICK: NO.

28 MR. BARENS: HOW DO YOU FEEL CONVERSELY ABOUT THE ABILITY

1 OF THE DEFENDANT NOT TO TESTIFY, IF HE SO CHOOSES?

2 MS. HALLICK: IT IS HIS PREROGATIVE. IT IS HIS RIGHT.
3 HE DOESN'T HAVE TO PROVE ANYTHING.

4 THE PROSECUTION HAS TO PROVE IT.

5 MR. BARENS: YOU WOULDN'T FEEL SUSPICIOUS OF A DEFENDANT
6 WHO DIDN'T TESTIFY?

7 MS. HALLICK: NOT AT ALL.

8 MR. BARENS: NOW, YOU ARE ABOUT TO GET MARRIED, AREN'T
9 YOU?

10 MS. HALLICK: YES.

11 MR. BARENS: WHEN IS THAT GOING TO BE?

12 MS. HALLICK: WE HAVE SET IT FOR APRIL. BUT WE ARE
13 TRYING TO CHANGE IT TO FEBRUARY. BUT IT IS APRIL RIGHT NOW.

14 MR. BARENS: THINGS COULD GET A LITTLE DODGY. WELL,
15 IT IS POSSIBLE THAT WE COULD STILL BE HERE IN FEBRUARY.

16 MR. WAPNER: POSSIBLE?

17 MR. BARENS: IT IS POSSIBLE, INDEED.

18 THE COURT: IF IT KEEPS ON THIS WAY, WE'LL PROBABLY BE
19 HERE NEXT CHRISTMAS.

20 MR. BARENS: LIKE ANYTHING ELSE, AS THE JUDGE IS AWARE,
21 THESE THINGS TAKE WHATEVER TIME THEY TAKE FOR BOTH SIDES.

22 NOW, WOULD IT CAUSE YOU CONCERN IF YOU DID MAKE
23 ALL THESE CHANGES OF PLANS?

24 MS. HALLICK: NO.

25 MR. BARENS: WOULD YOU HAVE SOME CONCERN ABOUT YOUR ROLE
26 AS A JUROR?

27 MS. HALLICK: NOT AT ALL. I AM GOING TO BE LEAVING WORK
28 WHEN I GET MARRIED. SO, WE CAN TAKE A HONEYMOON ANY TIME.

1 HE IS IN HIS OWN PRACTICE. SO HE IS ABLE TO GO ANY TIME. IT
2 WOULDN'T BOTHER ME AT ALL.

3 MR. BARENS: DO YOU UNDERSTAND THAT NEITHER THE DEFENSE
4 NOR THE PROSECUTION MAKES A CASE TAKE AS LONG AS IT DOES, BUT
5 RATHER, JUST THE CIRCUMSTANCES OF THE CASE TAKE A CERTAIN
6 AMOUNT OF TIME TO UNFOLD, DEVELOP AND BE PRESENTED TO THE JURY?

7 MS. HALLICK: IT DOES NOT BOTHER ME AT ALL. TIME IS NOT
8 A FACTOR.

9 MR. BARENS: AND THAT EITHER SIDE HAS NO IDEA IN REALITY,
10 HOW LONG THINGS ARE GOING TO TAKE?

11 MS. HALLICK: IT DOESN'T BOTHER ME.
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1 MR. BARENS: WHAT DOES YOUR PROSPECTIVE HUSBAND DO?

2 MS. HALLICK: HE IS A PHYSICIAN.

3 MR. BARENS: ANY PARTICULAR TYPE?

4 MS. HALLICK: NEPHROLOGY AND INTERNAL MEDICINE.

5 MR. BARENS: NEPHROLOGY IS INVOLVED WITH --

6 MS. HALLICK: KIDNEYS.

7 MR. BARENS: IS THAT THE ONLY AREA OF SPECIALIZATION
8 THAT HE IS INVOLVED IN?

9 MS. HALLICK: INTERNAL MEDICINE. THOSE TWO.

10 MR. BARENS: DOES HE PRACTICE AS A SURGEON OR AN INTERNIST
11 IN THAT REGARD?

12 MS. HALLICK: HE RARELY DOES BIOPSIES, KIDNEY BIOPSIES.
13 HE DOESN'T LIKE THEM.

14 HIS PARTNER DOES THOSE, HIS ASSOCIATE. HE TRIES
15 TO SHY AWAY FROM IT.

16 MR. BARENS: IS HE IN PRIVATE PRACTICE?

17 MS. HALLICK: YES.

18 MR. BARENS: DID HE PREVIOUSLY WORK FOR ANY INSTITUTION-
19 ALIZED SETTING?

20 MS. HALLICK: NO. HE JUST FINISHED THREE YEARS AGO.
21 HE IS RELATIVELY NEW ON THE MARKET.

22 MR. BARENS: MS. HALLICK, WHERE DID HE INTERN?

23 MS. HALLICK: HE IS -- HE WENT TO MEDICAL SCHOOL IN
24 IRAQ AND ENGLAND. THEN HE CAME TO THE STATES. HE WENT AGAIN
25 IN THE EAST IN NEW YORK AND BALTIMORE. I DON'T KNOW WHAT
26 SCHOOLS.

27 THEN HE WENT ON A FELLOWSHIP AT UC IRVINE.

28 MR. BARENS: I BELIEVE THAT THIS WOULD BE YOUR FIRST

1 MARRIAGE?

2 MS. HALLICK: YES.

3 MR. BARENS: AND YOU ARE WORKING AT KAISER AS A
4 RESPIRATORY THERAPIST?

5 MS. HALLICK: YES.

6 MR. BARENS: HOW LONG HAVE YOU BEEN DOING IT?

7 MS. HALLICK: I HAVE BEEN AT KAISER FOR OVER TEN YEARS.
8 I HAVE BEEN A RESPIRATORY THERAPIST FOR SIX YEARS.
9 BEFORE THAT, I WAS IN SCHOOL SO I CHANGED WHATEVER -- I SET
10 MY SCHEDULE TO ACCOMMODATE MY SCHOOL SCHEDULE. SO I CHANGED
11 AROUND.

12 MR. BARENS: WHERE DID YOU GO TO SCHOOL?

13 MS. HALLICK: AT EL CAMINO COLLEGE AND HARBOR COLLEGE.

14 MR. BARENS: WHAT DID YOU MAJOR IN?

15 MS. HALLICK: ANATOMY, BIOLOGY, THE SCIENCES.

16 MR. BARENS: HAVE YOU HAD A LIFE-LONG INTEREST IN HEALTH
17 SCIENCES?

18 MS. HALLICK: YES. MY FAMILY IS ALL INTO MEDICINE. SO
19 I KIND OF GREW UP JUST FALLING INTO THAT, MY SISTERS AND
20 EVERYONE IS INVOLVED ONE WAY OR ANOTHER.

21 MR. BARENS: AND HOW MANY BROTHERS AND SISTERS DO YOU
22 HAVE?

23 MS. HALLICK: TWO SISTERS.

24 MR. BARENS: JUST THREE OF YOU GIRLS?

25 MS. HALLICK: YES.

26 MR. BARENS: WHAT DO YOUR SISTERS DO?

27 MS. HALLICK: MY OLDEST SISTER IS A PSYCHOTHERAPIST.
28 MY MIDDLE SISTER IS JUST WORKING PART-TIME AT KAISER IN

1 ADMITTING.

2 MR. BARENS: ARE THEY MARRIED?

3 MS. HALLICK: BOTH OF THEM ARE MARRIED.

4 MR. BARENS: AND BEAR WITH ME IF I SOUND LIKE I HAVE
5 A COLD, BECAUSE I DO. I SPENT TOO MUCH TIME IN MR. WAPNER'S
6 COLD WATER NEXT TO THAT BOAT.

7 WHAT DO THEIR HUSBANDS DO?

8 MS. HALLICK: MY ELDER SISTER'S HUSBAND WORKS FOR A
9 COMPUTER FIRM. I DON'T KNOW WHAT HE DOES WITH IT. BUT I KNOW
10 HE WORKS FOR A COMPUTER FIRM.

11 AND MY MIDDLE SISTER'S HUSBAND IS IN MANAGEMENT
12 AT KAISER, ADMINISTRATION.

13 MR. BARENS: HAVE YOU HAD ANY SPECIALIZED TRAINING OTHER
14 THAN IN YOUR RESPIRATORY THERAPY ACTIVITIES?

15 MS. HALLICK: WELL, I HAVE AN AA DEGREE. I MEAN, I HAVE
16 AN AA DEGREE AND I WENT THROUGH THE RESPIRATORY PROGRAM.
17 BESIDES THAT, I HAVE HAD DIFFERENT CLERICAL TRAINING IN
18 BUSINESS. BUT I DIDN'T PARTICULARLY CARE FOR IT. SO I DIDN'T
19 STAY WITH IT.

20 MR. BARENS: HAVE ANY OF YOUR ACTIVITIES AT KAISER OR
21 YOUR PREVIOUS EMPLOYERS IN THAT REGARD INVOLVED YOU WITH LAW
22 ENFORCEMENT IN ANY CAPACITY?

23 MS. HALLICK: NOT AT ALL.

24 MR. BARENS: ARE YOU FROM THE SOUTHERN CALIFORNIA AREA?

25 MS. HALLICK: I WAS BORN IN MICHIGAN BUT I GREW UP AND
26 STARTED SCHOOL OUT HERE. I GREW UP IN CALIFORNIA.

27 MR. BARENS: WERE BOTH OF YOUR PARENTS EMPLOYED IN THE
28 HEALTH FIELD?

1 MS. HALLICK: NO. MY FATHER WASN'T. HE WAS A CONTRACT
2 SPECIALIST FOR SAMSO.

3 MY MOTHER DIDN'T WORK AND THEN SHE WORKED PART-TIME
4 AT THE BROADWAY, JUST TO WORK.

5 MR. BARENS: I AM SORRY. I HAD THE IMPRESSION THAT YOUR
6 FAMILY WAS --

7 MS. HALLICK: NO, ASSOCIATES OF MY FAMILY. I MEAN,
8 INDIRECTLY, THEY WERE ALL --

9 MR. BARENS: THEIR PARTICULAR CIRCLE OF FRIENDS OR
10 SOCIETY WOULD HAVE BEEN IN THAT AREA?

11 MS. HALLICK: YES.

12 MR. BARENS: ARE YOU A MEMBER OF ANY ORGANIZATIONS OR
13 CLUBS?

14 MS. HALLICK: NO.

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1 MR. BARENS: DO YOU HAVE ANY HOBBIES?

2 MS. HALLICK: I LOVE GARDENING AND I LIKE TO TAKE BALLET.
3 THAT IS ALL.

4 MR. BARENS: DO YOU HAVE ANY INDEPENDENT READING?

5 MS. HALLICK: YES. I READ.

6 MR. BARENS: WHAT IS THE LAST BOOK YOU READ?

7 MS. HALLICK: I AM READING, "A TREE GROWS IN BROOKLYN"
8 RIGHT NOW.

9 MR. BARENS: HOW ABOUT BEFORE THAT? WHAT WAS THE LAST
10 THING YOU READ?

11 MS. HALLICK: WE WENT TO FRANCE IN SEPTEMBER SO I READ
12 A COUPLE OF BOOKS ON PARIS AND THE HISTORY. I READ "POSTCARDS
13 ON THE ROAD" BY ELIZABETH ASHLEY.

14 MR. BARENS: AND THE LAST MOVIE THAT YOU SAW?

15 MS. HALLICK: NOT BY CHOICE, "CROCODILE DUNDEE."

16 MR. BARENS: NOT BY CHOICE? HOW ABOUT THE LAST ONE YOU
17 SAW BY CHOICE?

18 MS. HALLICK: WE DON'T GO VERY OFTEN. BY CHOICE IT
19 PROBABLY WOULD BE "THE GODS MUST BE CRAZY."

20 MR. BARENS: AN INTERESTING MOVIE. WHAT DID WE SEE THERE?
21 WE SAW SOME -- DID WE START THAT MOVIE WITH CIRCUMSTANTIAL
22 EVIDENCE?

23 MS. HALLICK: WELL, YES. I GUESS YOU COULD SAY SO.

24 MR. BARENS: WHERE DID THE COKE BOTTLE COME FROM?

25 MS. HALLICK: IT DROPPED OUT OF AN AIRPLANE.

26 MR. BARENS: BUT YOU KNEW THAT, DIDN'T YOU?

27 MS. HALLICK: UH-HUH.

28 MR. BARENS: WHY DID YOU KNOW THAT?

1 MS. HALLICK: THEY SHOWED IT TO YOU.

2 MR. BARENS: YOU SAW THAT. YOU GOT TO SEE THE GUY
3 FLIP THE COKE BOTTLE OUT OF THE AIRPLANE. SO IT WAS DIRECT
4 EVIDENCE TO YOU, WASN'T IT?

5 MS. HALLICK: YES.

6 MR. BARENS: BUT TO THE TRIBESMEN DOWN ON THE GROUND,
7 WHAT WAS IT?

8 MS. HALLICK: IT WAS A GOD, A GIFT FROM THE GODS.

9 MR. BARENS: HE HAD TO ASSUME THAT, DIDN'T HE?

10 MS. HALLICK: UH-HUH.

11 MR. BARENS: NOBODY SAW IT FALL FROM THE SKY, DID THEY?

12 MS. HALLICK: NO.

13 MR. BARENS: THE TRIBESMEN ASSUMED THAT IT FELL FROM
14 THE SKY. NOW, WAS IT ANY LESS REASONABLE TO YOU, YOU ARE A
15 PERSON WHO HAS SEEN A COKE BOTTLE BEFORE, YOU HAVE SEEN THEM
16 ON THE GROUND LOTS OF TIMES, HAVE YOU NOT?

17 MS. HALLICK: YES.

18 MR. BARENS: COKE CANS, TOO?

19 MS. HALLICK: YES.

20 MR. BARENS: IF YOU SAW A COKE BOTTLE ON THE GROUND,
21 WOULDN'T IT BE AS REASONABLE FOR YOU TO ASSUME SOMEBODY
22 DROPPED IT, AS OPPOSED TO IT FALLING FROM THE SKY?

23 MS. HALLICK: WOULD IT BE AS REASONABLE TO THINK IT FELL
24 FROM THE SKY AS SOMEBODY DROPPED IT?

25 MR. BARENS: YES.

26 MS. HALLICK: MY FIRST THOUGHT WOULD NOT BE THAT IT FELL
27 FROM THE SKY.

28 MR. BARENS: YOU WOULDN'T THINK THAT AT ALL, WOULD YOU?

1 MS. HALLICK: NO.

2 MR. BARENS: YET, WHAT WAS REASONABLE TO THAT FELLOW,
3 BASED ON HIS BACKGROUND, HIS FIRST ASSUMPTION WAS THAT THE
4 COKE BOTTLE FELL FROM THE SKY, BASED ON HIS BACKGROUND.

5 MS. HALLICK: UH-HUH.

6 MR. BARENS: AND YOUR FIRST ASSUMPTION, GIVEN THE
7 IDENTICAL SET OF FACTS, WAS THAT SOMEBODY DROPPED IT ON THE
8 GROUND?

9 MS. HALLICK: YES.

10 MR. BARENS: DO YOU ONCE AGAIN SEE DEMONSTRATED TO YOU
11 AS A JUROR, HOW REASONABLE MINDS, BOTH TRUTHFULLY ORIENTED,
12 CAN TOTALLY DIFFER ON THE SAME FACTUAL OCCURRENCE?

13 MS. HALLICK: YES.

14 MR. BARENS: THAT IS WHY WE HAVE TO BE REALLY CAREFUL
15 WITH SUBSTANTIAL EVIDENCE. A LOT OF LIFE IS PERCEPTUAL.
16 NOBODY SAW HOW THAT COKE BOTTLE GOT ON THE GROUND, DID THEY?

17 ALL WE COULD THEN BASE OUR DECISION ON, IS WHAT
18 OUR EXPERIENCE TOLD US WAS REASONABLE.

19 MS. HALLICK: UH-HUH.

20 MR. BARENS: DID WE HAVE POSSIBILITIES ONCE AGAIN? WE
21 HAD A POSSIBILITY FROM THE AIR. WE HAD A POSSIBILITY THAT
22 SOMEBODY DROPPED IT ON THE GROUND.

23 MS. HALLICK: YES.

24 MR. BARENS: A MYRIAD OF POSSIBILITIES, ALL OF WHICH
25 WOULD BE REASONABLE. IT COULD HAVE FALLEN OFF A TRUCK DRIVING
26 BY. A GUY ON A BICYCLE COULD HAVE DROPPED IT.

27 WHAT I ASKED YOU TO DO, WAS THAT IN ORDER TO RESOLVE
28 THAT, YOU HAVE TO LISTEN TO THE EVIDENCE. ISN'T THAT TRUE?

1 MS. HALLICK: YES.

2 MR. BARENS: AND YOU HAVE TO STAY THERE WITH AN OPEN
3 MIND UNTIL ALL OF THE EVIDENCE IS HEARD.

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1 MR. BARENS: YOU HAVE TO STAY IN THERE UNTIL ALL OF THE
2 EVIDENCE IS HEARD.

3 IF THE FIRST MAN, IF THAT TRIBESMAN CAME ALONG
4 AND TESTIFIED AND SAID EVERYTHING HE KNEW, EVERYTHING HE KNEW
5 TRUTHFULLY, AND HE SAID THINGS LIKE "I HAVE NEVER SEEN A
6 COKE BOTTLE BEFORE, WE DON'T HAVE THE CAPACITY OF MAKING THIS
7 KIND OF A COKE BOTTLE. NONE OF THE TRIBES PEOPLE AROUND HERE
8 THAT WE ARE FAMILIAR WITH MAKE THIS TYPE OF A DEVICE.
9 ABSOLUTELY, TRUTHFULLY, I SAY TO YOU UNDER OATH, AFFIRM TO
10 MY GOD IT FELL FROM THE SKY, THERE COULD BE NO OTHER CHOICE."

11 COULD YOU HEAR A WITNESS SAYING THAT?

12 MS. HALICK: UH-HUH, YES.

13 MR. WAPNER: IS THAT YES?

14 MS. HALICK: YES.

15 MR. BARENS: AND HE COULD SAY TO YOU WITH CONVICTION
16 IN HIS MIND, THERE COULD BE NO OTHER WAY THIS COULD HAPPEN?

17 MS. HALICK: IF HE IS CONVINCED THAT COULD HAPPEN, YES.

18 MR. BARENS: ABSOLUTELY BEYOND A REASONABLE DOUBT HE
19 IS CONVINCED.

20 AND YOU COME ALONG AND YOU SAY "LISTEN, I HAVE
21 NEVER HEARD OF A COKE BOTTLE FALLING FROM THE SKY. THEY ARE
22 ALL OVER THE PLACE. THEY ARE TRANSPORTABLE. THEY ARE HIGHLY
23 PORTABLE. PEOPLE DISPOSE OF THEM ALL OF THE TIME. IT IS A
24 RATHER COMMON LIFE OCCURRENCE THAT PEOPLE LEAVE COKE BOTTLES
25 AROUND."

26 AND YOU COULD SAY THAT WITH ABSOLUTE CONVICTION
27 AND TRUTHFULNESS OF BELIEF, COULDN'T YOU?

28 MS. HALICK: YES.

7-2
1 MR. BARENS: NOW WHEN WE END THIS CASE, AND IF THAT IS
2 WHAT YOU HAVE HEARD AND THERE HAVE BEEN TWO REASONABLE
3 EXPLANATIONS FOR THE SAME SET OF FACTS, WHAT DO WE DO WITH
4 MR. HUNT AS FAR AS HIS GUILT AND INNOCENCE?

5 MS. HALICK: IF I AM NOT BEYOND A REASONABLE DOUBT SURE
6 THAT HE IS GUILTY, I WOULD VOTE NOT GUILTY.

7 MR. BARENS: YOU UNDERSTAND IN THIS INSTANCE THAT BEYOND
8 A REASONABLE DOUBT IS NOT A MORE LIKELY TEST?

9 MS. HALICK: YES.

10 MR. BARENS: YOU ARE NOT GOING TO SIT THERE AND VOTE
11 GUILTY BECAUSE IT LOOKS LIKE HE IS A LITTLE MORE GUILTY THAN NOT
12 OR HE IS MORE LIKELY GUILTY THAN NOT. IT IS NOT THAT TYPE
13 OF A TEST.

14 MS. HALICK: UH-HUH.

15 MR. BARENS: YOU ARE GOING TO LOOK AT ALL OF THE
16 POSSIBILITIES AND CONSIDER THOSE POSSIBILITIES?

17 MS. HALICK: YES.

18 MR. BARENS: AND THEN YOU ARE IN YOUR OWN MIND GOING
19 TO DETERMINE WHAT IS REASONABLE?

20 MS. HALICK: YES.

21 MR. BARENS: YOU SEE, EVEN THOUGH YOU ARE MORE LIKELY
22 RIGHT THAT THAT COKE BOTTLE WAS DROPPED BY SOMEBODY ON THE
23 GROUND, HAD WE TO DECIDE THAT ONE BASED ON YOUR EXPERIENCE,
24 WE WERE ALL WRONG, WEREN'T WE? BECAUSE THE TRUTH WAS IT FELL
25 OUT OF THE PLANE.

26 MS. HALICK: YES.

27 MR. BARENS: IT WOULD HAVE BEHOVED US TO LISTEN TO ALL
28 OF THE EVIDENCE ON THAT SITUATION BEFORE WE MADE A DECISION.

7-3
1 MS. HALICK: YES, IT IS DIFFICULT.

2 MR. BARENS: THANK YOU VERY MUCH. WE PASS FOR CAUSE.

3 MR. WAPNER: GOOD MORNING, MISS HALICK.

4 MS. HALICK: GOOD MORNING.

5 MR. WAPNER: BESIDES IN THE "GODS MUST BE CRAZY," HOW
6 MANY COKE BOTTLES HAVE YOU SEEN FALLING OUT OF AIRPLANES?

7 MS. HALICK: I HAVEN'T SEEN ANY.

8 MR. WAPNER: HAVE YOU DONE ANY FLYING ON COMMERCIAL
9 AIRLINES?

10 MS. HALICK: YES.

11 MR. WAPNER: THEY GIVE YOU DRINKS ON THE AIRPLANE?

12 MS. HALICK: YES.

13 MR. WAPNER: WHEN YOU ARE DONE WITH THEM, YOU DON'T
14 THROW THEM OUT OF THE PLANE, DO YOU?

15 MS. HALICK: NO.

16 MR. WAPNER: YOU DON'T EXPECT THAT WE ARE GOING TO HAVE
17 ANY MANDEKA TRIBESMEN ON THIS JURY?

18 MS. HALICK: NO.

19 MR. WAPNER: OR AS WITNESSES IN THIS CASE?

20 MS. HALICK: NO.

21 MR. WAPNER: COULD YOU DECIDE THIS CASE BASED ON YOUR
22 COMMON EXPERIENCE AND WHAT APPEARS TO BE REASONABLE TO YOU?

23 MS. HALICK: ON THE EVIDENCE AND WHAT APPEARS REASONABLE,
24 YES.

25 MR. WAPNER: OF COURSE, ON THE EVIDENCE.

26 MS. HALICK: YES, AND COMMON SENSE, YES.

27 MR. WAPNER: WE ARE NOT ASKING YOU TO PUT YOUR COMMON
28 SENSE IN THE CLOSET WHEN YOU COME INTO THE COURTROOM.

7-4

1 MS. HALICK: YES.

2 MR. WAPNER: REASONABLE DOUBT AND REASONABLE INFERENCES
3 AND CIRCUMSTANTIAL EVIDENCE, HAVING TWO REASONABLE EXPLANATIONS,
4 YOU HAVE TO USE YOUR SENSE OF REASON AND YOUR COMMON SENSE
5 IN ANALYZING THE EVIDENCE.

6 MS. HALICK: YES.

7 MR. WAPNER: CAN YOU DO THAT?

8 MS. HALICK: YES.

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1 MR. WAPNER: OKAY, YOUR PARENTS LIVE IN THE LOS ANGELES
2 AREA?

3 MS. HALICK: YES.

4 MY FATHER JUST DIED LAST MAY AND MY MOTHER IS STILL
5 LIVING IN THE PALISADES.

6 MR. WAPNER: HOW OFTEN DO YOU TALK TO YOUR MOTHER?

7 MS. HALICK: EVERY TWO OR THREE DAYS AND I SEE HER AT
8 LEAST ONCE A WEEK.

9 SHE LIVES NEAR MY SISTER SO I SEE HER ALL OF THE
10 TIME AT THE SAME TIME.

11 MR. WAPNER: YOU WILL HAVE TO KEEP YOUR VOICE UP SO THESE
12 PEOPLE CAN HEAR YOU.

13 MS. HALICK: YES.

14 MR. WAPNER: IS THAT BY YOUR CHOICE THAT YOU GO OVER
15 TO VISIT THEM OR THAT THEY COME TO VISIT YOU?

16 MS. HALICK: I GO TO VISIT THEM. MY FAMILY LIVES FIVE
17 MINUTES APART AND I AM THE ONLY ONE THAT LIVES LIKE HALF AN
18 HOUR OR AN HOUR AWAY, SO I ALWAYS GO THERE. IT IS MORE
19 CONVENIENT.

20 MR. WAPNER: IS YOUR HUSBAND FROM IRAQ OR DID HE GO THERE
21 TO GO TO MEDICAL SCHOOL?

22 MS. HALICK: HE IS FROM IRAQ BUT HE WENT TO SCHOOL IN
23 ENGLAND.

24 HIS FAMILY IS ALL OVER AND SO -- HE IS FROM IRAQ
25 BUT HE WENT, YOU KNOW, HE LIVED IN GREECE AND ENGLAND, SO HE
26 GREW UP IN DIFFERENT AREAS OF THE WORLD.

27 MR. WAPNER: DO YOU DO A LOT OF TRAVELING?

28 MS. HALICK: SINCE I HAVE MET HIM, I DO SOME BUT NOT

7A-6
1 TOO MUCH.

2 MR. WAPNER: CONSIDERING WHAT IS GOING ON IN THAT PART
3 OF THE WORLD RIGHT NOW, I AM NOT SURE THAT IT IS A GOOD IDEA
4 TO HAVE YOU SITTING NEXT TO MRS. GHAEMMAGHAMI.

5 (LAUGHTER IN COURTROOM.)

6 MR. WAPNER: HAVE YOU EVER BEEN THE VICTIM OF ANY KIND
7 OF A CON SCHEME?

8 MS. HALICK: NO.

9 MR. WAPNER: EITHER YOU HAVE GOT SOME KIND OF A TERRIFIC
10 CAR THAT ATTRACTS THIEVES LIKE A MAGNET OR YOU HAVE JUST BEEN
11 VERY UNLUCKY. HOW HAVE ALL OF THESE CAR THEFTS AFFECTED YOUR
12 VIEW OF THE POLICE DEPARTMENT?

13 MS. HALICK: IT HASN'T CHANGED MY VIEW AT ALL. TO ME,
14 IT IS AN INCONVENIENCE BUT IT IS NOTHING THAT CAN'T BE
15 REPLACED.

16 I SOUND KIND OF PASSIVE BUT IF I WAS HURT, IT WOULD
17 OBVIOUSLY BOTHER ME A LOT BUT THEY ARE THINGS THAT HAVEN'T
18 DIRECTLY HURT ME, IF THAT MAKES SENSE.

19 MR. WAPNER: DID YOU MAKE REPORTS OF EACH OF THESE TO
20 THE POLICE?

21 MS. HALICK: YES.

22 IT HASN'T HAPPENED IN THE LAST COUPLE OF YEARS
23 BUT, YES, I MADE REPORTS ON EACH TIME.

24 MR. WAPNER: DID YOU FEEL THAT THE POLICE HANDLED EACH
25 OF THOSE INCIDENTS ALL RIGHT?

26 MS. HALICK: YES.

27 MR. WAPNER: DID YOU EVER HAVE TO GO TO COURT AS A RESULT
28 OF ANY OF THOSE?

7A-7
1 MS. HALICK: AS AN ADULT, NO.

2 MR. WAPNER: AS A MINOR?

3 MS. HALICK: AS A CHILD, WHEN I WAS IN KINDERGARTEN,
4 THIS IS EARLY, I HAD TO GO TO COURT. SOMEBODY ATTEMPTED TO
5 LURE ME INTO A CAR TWICE AND I WENT HOME, AND I ENDED UP GOING
6 TO COURT FOR IT. BUT IT WASN'T TRAUMATIC. MY PARENTS REALLY,
7 IN RETROSPECT, I CAN SEE MY PARENTS REALLY PROTECTED ME BECAUSE
8 I WENT TO COURT. THEY CAME INTO THE AUDIENCE AND TALKED TO
9 ME, THE JUDGE, OR WHOMEVER, AND I REMEMBER TESTIFYING BUT I
10 REMEMBER VERY LITTLE ABOUT IT.

11 MR. WAPNER: DID YOU ACTUALLY TESTIFY ON THE WITNESS
12 STAND?

13 MS. HALICK: NO.

14 I WAS IN THE AUDIENCE, OR WHATEVER THEY CALL THAT,
15 THE AUDIENCE, AND THEY CAME DOWN TO ME AND QUESTIONED ME.

16 MR. WAPNER: OKAY. DID YOU GET A PRETTY GOOD VIEW OF
17 THE COURT SYSTEM FROM THAT?

18 MS. HALICK: NO, I DON'T EVEN REMEMBER IT VERY WELL.

19 MR. WAPNER: HAVE YOU EVER SERVED ON JURY DUTY BEFORE?

20 MS. HALICK: NO.

21 MR. WAPNER: WHAT HAPPENS IF YOU LISTEN TO THIS WHOLE
22 CASE AND YOU DECIDE THAT YOU DON'T LIKE THE VICTIM?

23 MS. HALICK: THAT IS IRRELEVANT.

24 MR. WAPNER: ALL RIGHT. IF YOU DECIDE THAT THE FACTS
25 PROVE THE DEFENDANT GUILTY BEYOND A REASONABLE DOUBT, YOU CAN
26 FIND HIM GUILTY WHETHER OR NOT YOU LIKE THE VICTIM IN THIS
27 CASE?

28 MS. HALICK: YES.

7A-8

1 MR. WAPNER: WHAT DO YOU INFER, IF ANYTHING, FROM THE
2 FACT THAT THE DEFENDANT IS A NICE LOOKING YOUNG MAN AND HE
3 IS NOT IN CUSTODY?

4 MR. BARENS: OBJECTION. I DON'T BELIEVE HE CAN COMMENT
5 IF HE WAS IN CUSTODY.

6 THE COURT: SUSTAINED.

7 MR. WAPNER: WELL, THAT WAS PRECISELY THE POINT.

8 MR. BARENS: WELL, NO. I DON'T THINK THAT SHOULD BE
9 FURTHER REFERENCED. IT IS AGAINST THE CONSTITUTION.

10 THE COURT: WOULD IT MAKE ANY DIFFERENCE IN DETERMINING
11 THE GUILT OR INNOCENCE OF THE DEFENDANT WHAT HE LOOKS LIKE?

12 MS. HALICK: NO.

13 THE COURT: ALL RIGHT.

14 MR. BARENS: THANK YOU, YOUR HONOR.

15 MR. WAPNER: DO YOU UNDERSTAND THAT A PERSON'S STATUS,
16 WHETHER THEY ARE IN CUSTODY OR WHETHER THEY ARE NOT, IS
17 BASICALLY IRRELEVANT?

18 MS. HALICK: YES.

19 MR. WAPNER: I MEAN THERE COULD BE ALL KINDS OF REASONS
20 FOR THAT.

21 MS. HALICK: YES.

22 MR. BARENS: YOUR HONOR, I REALLY OBJECT TO THAT AND
23 ASK THE COURT TO ADMONISH THE JURY TO DISREGARD THAT KIND OF
24 TESTIMONY AND THE WHOLE PANEL TO DISREGARD THAT KIND OF
25 STATEMENT.

26 MR. WAPNER: YOUR HONOR, MAY WE APPROACH THE BENCH,
27 PLEASE?

28 THE COURT: YES.

1 MR. BARENS: HE HAS THE RIGHT UNDER THE EIGHTH AMENDMENT --
2 (WHEREUPON, THE FOLLOWING PROCEEDINGS WERE
3 HELD AT THE BENCH:)

4 THE COURT: WHAT WAS THE QUESTION?

5 MR. WAPNER: THE QUESTION WAS WHETHER OR NOT SHE WOULD
6 CONSIDER -- I THINK THE QUESTION MORE SPECIFICALLY WAS, THERE
7 COULD BE ALL KINDS OF REASONS WHY A PERSON IS NOT IN CUSTODY --

8 MR. BARENS: YOUR HONOR --

9 MR. WAPNER: EXCUSE ME, MR. BARENS.

10 THE COURT: WHAT IS YOUR PURPOSE IN ASKING THAT QUESTION?

11 MR. WAPNER: THE PURPOSE IN ASKING THE QUESTION, YOUR
12 HONOR, IS THAT IT IS THE FLIP SIDE OF THE COIN THAT IS ALWAYS
13 ASKED BY THE DEFENSE WITH THE DEFENDANT IN CUSTODY, WILL YOU
14 HOLD IT AGAINST THE DEFENDANT IF YOU FIND OUT THAT HE IS IN
15 CUSTODY?

16 AND I THINK THAT I SHOULD BE ENTITLED TO ASK THE
17 JURORS WHETHER THEY WOULD DRAW ANY INFERENCE FROM THE FACT
18 THAT HE IS NOT IN CUSTODY.

19 MR. BARENS: MAY I BE HEARD?

20 THE COURT: WELL, THAT HAS BEEN ASKED ANY NUMBER OF TIMES
21 AND NOBODY HAS EVER OBJECTED TO IT THAT I RECALL. I THINK
22 IT IS A PERFECTLY PROPER QUESTION.

23 MR. BARENS: MAY I BE HEARD?

24 THE COURT: THEY MAY DRAW AN INFERENCE FROM THE FACT
25 THAT THE VIEW TAKEN OF THE DEFENDANT IS NOT SO SERIOUS THAT
26 HE CAN BE OUT EITHER ON BAIL OR NOT IN CUSTODY. IT IS
27 INNOCUOUS. I DON'T THINK YOU NEED TO ASK THE QUESTION IN THE
28 FIRST PLACE.

1 MR. BARENS: MAY I MAKE A COMMENT?

2 THE COURT: YES.

3 MR. BARENS: WOULD YOUR HONOR REMIND THE PANEL THAT THE
4 EIGHTH AMENDMENT TO THE CONSTITUTION GUARANTEES THE RIGHT TO
5 REASONABLE BAIL? IT IS AN ABSOLUTE CONSTITUTIONAL RIGHT THAT
6 ALL DEFENDANTS HAVE AND THERE IS NO IMPLICATION WHETHER IT
7 IS EXERCISED OR NOT.

8 THE COURT: INSTEAD OF GOING INTO IT ANY MORE, WHY DON'T
9 I SUSTAIN THE OBJECTION AND LET'S GO ON FROM THERE.

10 MR. BARENS: I ACCEPT THAT, YOUR HONOR.

11 THE COURT: INSTEAD OF MY EXPLAINING THAT TO THE JURY
12 THAT HE HAS THE RIGHT TO BAIL UNDER THE CONSTITUTION, WHY GO
13 INTO ALL OF THAT?

14 MR. WAPNER: I DON'T THINK YOU HAVE TO EXPLAIN THAT TO
15 THEM.

16 THE COURT: I WILL SUSTAIN THE OBJECTION.

17 MR. BARENS: THANK YOU, YOUR HONOR.

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1 (THE FOLLOWING PROCEEDINGS WERE HELD IN
2 OPEN COURT:)

3 MR. WAPNER: DO YOU HAVE IN YOUR MIND A PICTURE OF WHAT
4 A MURDERER IS SUPPOSED TO LOOK LIKE?

5 MS. HALLICK: NO.

6 MR. WAPNER: IN THE SAME WAY, IT WOULDN'T BE FAIR TO
7 JUDGE A CASE BASED ON THE VICTIM'S BACKGROUND? IT WOULD BE
8 FAIR TO JUDGE A CASE BASED ON WHAT A DEFENDANT LOOKS LIKE?

9 MS. HALLICK: NOT AT ALL.

10 MR. WAPNER: IN THE EXAMPLE OF THE PEOPLE ON THE BOAT,
11 TAKING MR. BAREN'S EXAMPLE, WHAT KIND OF THINGS WOULD YOU WANT
12 TO KNOW?

13 MS. HALLICK: OKAY. WELL, I HAD ENVISIONED A REGULAR
14 BOAT WITH A DINGHY, OKAY? SO, LIKE WHEN YOU SAID THERE WAS
15 NO DINGHY, WHEN YOU SAID THAT THE DINGHY WAS THERE -- SO, I
16 WOULD WANT TO KNOW IF THE DINGHY WAS THERE AND ALL OF THE
17 LIFE SAVERS WERE THERE AND IF HE WAS INTOXICATED, THE PERSON
18 THAT FELL OVERBOARD, IF HE FELL OVERBOARD.

19 BEFORE I COULD DEVELOP ANYTHING, I WOULD HAVE TO
20 DO AN INVESTIGATION AFTERWARDS.

21 WHILE I AM THERE ALONE, IF I AM ON THE BOAT, I
22 WOULD WANT TO KNOW -- I WOULD LOOK AROUND.

23 BUT UNTIL I LOOKED THROUGH THE WATER, YOU KNOW,
24 I WOULD WANT TO KNOW AS MUCH AS POSSIBLE.

25 MR. WAPNER: YOU WOULD WANT TO KNOW AS MUCH AS POSSIBLE
26 ABOUT A SEARCH OF THE WATER, TO SEE IF YOU COULD FIND THE
27 PERSON?

28 MS. HALLICK: YES.

3-2

1 MR. WAPNER: YOU REMEMBER THAT IN THE ORIGINAL EXAMPLE,
2 THAT WAS PART OF IT? THERE WAS A SEARCH DONE OF THE WATER
3 AND NO ONE WAS EVER FOUND?

4 MS. HALLICK: YES.

5 MR. WAPNER: AND YOU WOULD WANT TO GET AS MANY FACTS
6 ABOUT THE SITUATION AS YOU COULD BEFORE MAKING A DECISION,
7 RIGHT?

8 MS. HALLICK: YES.

9 MR. WAPNER: ALL RIGHT. DO YOU DANCE BALLET OR JUST
10 WATCH OR BOTH?

11 MS. HALLICK: I DON'T KNOW IF YOU WOULD CALL IT DANCING.
12 I TAKE CLASSES. I ENJOY IT.

13 BUT I AM NOT SERIOUSLY GOING INTO IT.

14 MR. WAPNER: OKAY. WHO ELSE DO YOU KNOW -- YOU HAVE
15 MENTIONED THAT YOUR FAMILY WAS IN THE HEALTH CARE FIELD.

16 MS. HALLICK: WELL, MY SISTERS ALL WORKED AT KAISER.
17 MY FATHER'S FRIENDS, SOME OF THEM WERE YOU KNOW, AFFILIATED.

18 WE JUST GREW UP LIKE -- I THOUGHT ABOUT GOING INTO
19 THE LAW AT ONE TIME. BUT AS SOON AS I OPENED A BOOK, IT WAS
20 LIKE A DIFFERENT LANGUAGE WHEREAS WITH MEDICAL TERMINOLOGY,
21 IT WAS LIKE A SECOND LANGUAGE.

22 THAT IS WHAT I MEANT TO SAY. I FELL INTO IT BECAUSE
23 MY SISTER IS NINE YEARS OLDER. WHEN SHE WAS GOING THROUGH
24 SCHOOL, SHE WOULD COME HOME AND TALK ABOUT IT ALL OF THE TIME.

25 AND JUST FRIENDS OF THE FAMILY, YOU KNOW, RELATIVES
26 OFF AND ON AND MOST OF MY FRIENDS WERE AFFILIATED SOME WAY
27 WITH THE HEALTH FIELD.

28 MR. WAPNER: DID YOU GROW UP IN HERMOSA BEACH?

1 MS. HALLICK: NO. MOST OF MY LIFE WAS IN SAN PEDRO.

2 MR. WAPNER: DID YOU GO TO HIGH SCHOOL IN SAN PEDRO?

3 MS. HALLICK: YES.

4 MR. WAPNER: PUBLIC SCHOOLS OR PRIVATE?

5 MS. HALLICK: PUBLIC.

6 MR. WAPNER: AND WHAT KIND OF THINGS DID YOU ENJOY DOING
7 WHEN YOU WERE IN HIGH SCHOOL?

8 MS. HALLICK: THE BASIC THINGS. CLASSES -- DO YOU MEAN
9 CLASSES?

10 MR. WAPNER: NOT SO MUCH CLASSES BUT EXTRACURRICULAR
11 ACTIVITIES. BASIC THINGS FOR ONE PERSON COULD BE PUTTING YOUR
12 HAIR IN PUNK SPIKES AND FOR ANOTHER PERSON THE BASIC THINGS
13 COULD BE CHEERLEADING SQUAD AND GOING TO FOOTBALL GAMES.

14 MS. HALLICK: WELL, MY SENIOR YEAR I ONLY HAD TWO CLASSES.
15 I HAD TAKEN EVERYTHING THE FIRST TWO YEARS. I WAS WORKING.

16 I WAS NOT REALLY INTO IT THAT MUCH. I WAS NOT
17 SOMEBODY THAT WENT TO PARTIES OR ANYTHING LIKE THAT, YOU KNOW.
18 I WAS JUST NORMAL. I DON'T KNOW --

19 MR. WAPNER: OKAY. I THINK I HAVE GOT THE IMPRESSION.
20 THANK YOU.

21 MS. HALLICK: NOTHING MUCH.

22 MR. WAPNER: PASS FOR CAUSE, YOUR HONOR.

23 THE COURT: ALL RIGHT. IT IS THE PEOPLE'S PEREMPTORY.

24 MR. WAPNER: WE WOULD THANK AND ASK THE COURT TO EXCUSE
25 MR. RAGLE, JUROR NUMBER 12.

26 THE COURT: THANK YOU, MR. RAGLE.

27 (PROSPECTIVE JUROR RAGLE EXITS THE
28 COURTROOM.)

8-4

1 THE CLERK: PATRICIA HADLOCK, H-A-D-L-O-C-K.

2 THE COURT: MRS. HADLOCK, I THINK YOU TOLD US A LONG
3 TIME AGO THAT YOU OR A MEMBER OF YOUR FAMILY HAD BEEN THE
4 VICTIM OF SOME KIND OF CRIME?

5 MS. HADLOCK: YES. OUR CURRENT HOUSE WAS BURGLARIZED
6 FOUR YEARS AGO.

7 THE COURT: WAS IT INVESTIGATED BY THE POLICE?

8 MS. HADLOCK: YES, IT WAS.

9 THE COURT: DID THEY EVER FIND THE BURGLAR?

10 MS. HADLOCK: NO, THEY DIDN'T.

11 THE COURT: THE FACT THAT IT WAS INVESTIGATED, WERE YOU
12 SATISFIED WITH THE WAY THE INVESTIGATION WENT DOWN?

13 MS. HADLOCK: YES.

14 THE COURT: THE FACT THAT YOU WERE A VICTIM OF A CRIME,
15 WOULD THAT IN ANY WAY INFLUENCE YOU AGAINST THE DEFENDANT
16 BECAUSE HE HAS BEEN ACCUSED OF A SERIOUS CRIME?

17 MS. HADLOCK: NO.

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8B

1 THE COURT: ALL RIGHT. OTHER THAN THAT, IF I WERE TO
2 ASK THE SAME GENERAL QUESTIONS WHICH WERE ASKED OF THE OTHERS,
3 WOULD YOUR ANSWERS BE ANY DIFFERENT OR WOULD THEY BE
4 SUBSTANTIALLY THE SAME?

5 MS. HADLOCK: SUBSTANTIALLY THE SAME.

6 A VOICE: WE CAN'T HEAR.

7 THE COURT: YOU CAN'T HEAR ME?

8 A VOICE: HER.

9 THE COURT: YES. HAVE YOU EVER SERVED ON A JURY?

10 MS. HADLOCK: YES I HAVE.

11 THE COURT: WHAT KIND OF A JURY WAS IT? WHAT KIND OF
12 A CASE WAS IT? WAS IT CIVIL OR CRIMINAL?

13 MS. HADLOCK: CIVIL.

14 THE COURT: CIVIL? HOW ABOUT A CRIMINAL CASE?

15 MS. HADLOCK: NO, NEVER.

16 THE COURT: ALL RIGHT. WHAT KIND OF A CIVIL CASE WAS
17 IT?

18 MS. HADLOCK: I BELIEVE IT WAS DRUNK DRIVING.

19 THE COURT: IS THAT A CIVIL CASE? THAT'S A CRIMINAL
20 CASE.

21 MS. HADLOCK: OKAY. THEN IT WAS CRIMINAL.

22 THE COURT: WHERE YOU DETERMINED WHETHER OR NOT HE WAS
23 GUILTY OR NOT GUILTY? IS THAT WHAT YOU WERE ASKED TO DO?

24 MS. HADLOCK: SORRY. I WAS THINKING OF SOMETHING ELSE.
25 IT WAS SHOPLIFTING.

26 THE COURT: OR PERSONAL INJURY?

27 MS. HADLOCK: NO. IT WAS SHOPLIFTING. I DON'T KNOW
28 WHAT I WAS THINKING OF WHEN I SAID THAT.

8B-2

1 THE COURT: WELL, IT WAS A CRIMINAL CASE THEN, WASN'T
2 IT? SHOPLIFTING?

3 MS. HADLOCK: YES.

4 THE COURT: WHERE WAS THAT CASE THAT YOU SAT ON?

5 MS. HADLOCK: OXNARD.

6 THE COURT: IN MUNICIPAL COURT?

7 MS. HADLOCK: YES. I DON'T KNOW WHAT COURT. ALL I KNOW
8 IS THAT IT WAS IN OXNARD IN COURT.

9 THE COURT: DID THE JURY REACH A VERDICT IN THAT CASE?

10 MS. HADLOCK: YES THEY DID.

11 THE COURT: ALL RIGHT. WHATEVER YOU HEARD IN THAT CASE,
12 JUST FORGET ABOUT IT. JUST BE GUIDED BY THE EVIDENCE IN THIS
13 CASE, WOULD YOU NOT?

14 MS. HADLOCK: YES.

15 THE COURT: DO YOU REMEMBER BEING INSTRUCTED BY THE COURT
16 ON THE BURDEN OF PROOF, THAT THE DEFENDANT IS PRESUMED TO BE
17 INNOCENT UNTIL THE CONTRARY IS PROVED?

18 MS. HADLOCK: YES.

19 THE COURT: ALL RIGHT. SO THAT WAS A CRIMINAL CASE THEN
20 THAT YOU HEARD, ALL RIGHT. THAT IS THE ONLY CASE YOU SAT ON?

21 MS. HADLOCK: YES.

22 THE COURT: ALL RIGHT. WHAT DO YOU DO, PLEASE?

23 MS. HADLOCK: I AM A LIBRARIAN/CLERK/TYPIST. I DO
24 GENERAL OFFICE FOR CONTROL DATA CORPORATION.

25 WE TEACH COMPUTER PROGRAMMING AND COMPUTER
26 TECHNOLOGY AND COMPUTER OFFICE EQUIPMENT.

27 THE COURT: HOW LONG HAVE YOU BEEN EMPLOYED THERE?

28 MS. HADLOCK: THREE MONTHS.

1 THE COURT: BEFORE THAT, WHAT DID YOU DO?

2 MS. HADLOCK: I STAYED AT HOME FOR THE LAST THREE YEARS.
3 BEFORE THAT, I DID DATA PROCESSING.

4 THE COURT: AND WHAT DOES YOUR HUSBAND DO?

5 MS. HADLOCK: MY HUSBAND IS A RETIRED ENGINEER.

6 THE COURT: AND WHO HAD HE BEEN EMPLOYED BY?

7 MS. HADLOCK: HUGHES AIRCRAFT CORPORATION.

8 THE COURT: WHAT IS YOUR PREVIOUS EDUCATIONAL BACKGROUND?

9 MS. HADLOCK: HIGH SCHOOL. THEN I WENT TO SECRETARIAL
10 SCHOOL.

11 THE COURT: DO YOU HAVE ANY CHILDREN?

12 MS. HADLOCK: YES. I HAVE SIX. FIVE OF THEM ARE
13 STEPCHILDREN AND ONE OF THEM IS MY OWN.

14 THE COURT: HOW OLD IS YOUR OWN?

15 MS. HADLOCK: MY OWN IS 25.

16 THE COURT: YOU DON'T LOOK LIKE IT.

17 MS. HADLOCK: THANK YOU.

18 THE COURT: WHERE DO YOU LIVE?

19 MS. HADLOCK: I LIVE IN WOODLAND HILLS.

20 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

21 MR. CHIER: THANK YOU. GOOD MORNING, MS. HADLOCK.

22 MS. HADLOCK: GOOD MORNING.

23 MR. CHIER: YOU ARE A LIBRARIAN. IS THAT IN A LAW
24 FIRM LIBRARY?

25 MS. HADLOCK: NO. IT IS A SCHOOL. IT IS DATA CONTROL
26 INSTITUTE.

27 WE TEACH DATA PROCESSING AND COMPUTER PROGRAMMING
28 AND COMPUTER TERMINOLOGY.

1 MR. CHIER: LIKE WOODBURY UNIVERSITY OR SOMETHING LIKE
2 THAT?

3 MS. HADLOCK: YES. I BELIEVE IT WOULD BE.

4 MR. CHIER: OKAY. SO, YOU TEACH THE COURSES?

5 MS. HADLOCK: NO. I DO NOT TEACH.

6 I GIVE OUT THE BOOKS. I GIVE THEM THE TESTS.
7 I GRADE THE TESTS. I TAKE ATTENDANCE.

8 MR. CHIER: OKAY.

9 MS. HADLOCK: AND MAINLY, GENERAL OFFICE. A LOT OF
10 PAPERWORK.

11 MR. CHIER: OKAY. YOU ARE KIND OF LIKE A PROCTOR, YOU
12 SORT OF OVERSEE THE ADMINISTRATION OF THE CLASSES?

13 MS. HADLOCK: YES.

14 MR. CHIER: OKAY. NOW, WHAT DO YOU THINK ABOUT THE
15 PRESUMPTION OF INNOCENCE AS YOU HAVE HEARD IT ELABORATED UPON
16 THROUGHOUT THE JURY SELECTION PROCEDURE?

17 MS. HADLOCK: I BELIEVE THAT HE IS INNOCENT.

18 MR. CHIER: OKAY. AND CAN YOU SEE THE COCOON THAT HE
19 IS WRAPPED IN?

20 MS. HADLOCK: YES.

21 MR. CHIER: WHAT COLOR IS IT?

22 MS. HADLOCK: NEUTRAL.

23 MR. CHIER: OKAY. HAVE YOU GOT AN IDEA AFTER HEARING
24 THE TALK ABOUT THE PRESUMPTION OF INNOCENCE, ABOUT WHY WE HAVE
25 A PRESUMPTION OF INNOCENCE?

26 MS. HADLOCK: WELL, ALL I KNOW IS THAT THAT IS THE WAY
27 OUR COURT SYSTEM IS. THAT IS ALL I REALLY UNDERSTAND ABOUT
28 IT.

1 MR. CHIER: OKAY. DO YOU THINK THAT IT IS JUST A DEVICE,
2 A PROCEDURAL DEVICE WHERE THE DEFENDANT IS JUST SAID TO BE
3 PRESUMED INNOCENT?

4 MS. HADLOCK: NO. I THINK HE IS INNOCENT.

5 MR. CHIER: DO YOU THINK THAT IT IS AN IMPORTANT
6 CONSIDERATION, THAT PRESUMPTION OF INNOCENCE, IN ORDER TO
7 EVEN UP THE SCALES BETWEEN THE PROSECUTOR AND THE DEFENDANT?

8 MS. HADLOCK: YES.

9 MR. CHIER: THE DEFENDANT IS PRESUMED TO BE INNOCENT
10 AND HE IS ALSO PRESUMED NOT TO KNOW ANYTHING, SINCE THE BURDEN
11 OF PROOF IS ON THE PROSECUTION. DO YOU UNDERSTAND THAT?

12 MS. HADLOCK: YES.

13 MR. CHIER: LET ME ASK YOU THIS. FORGETTING FOR A
14 MOMENT ABOUT BOATS AND CHERRY PIES AND STUFF, LET'S ASSUME
15 THAT YOU ARE IN CHARGE OF A MISSING PERSON'S BUREAU.

16 OKAY, YOUR JOB IS TO INVESTIGATE INTO THE CAUSES
17 FOR THE DISAPPEARANCE OF PEOPLE WHO DISAPPEAR.

18 THE CAUSES COULD BE VOLITIONAL OR INTENTIONAL OR
19 THEY COULD BE CRIMINAL WHERE SOMEBODY -- SOMETHING HAPPENED
20 TO THE PERSON OF A CRIMINAL NATURE.

21 AND ALL YOU KNOW TO BE BEGIN WITH, IS THAT
22 SOMEBODY HAS DISAPPEARED. WHAT SORT OF THINGS, WHAT SORT OF
23 INQUIRIES WOULD YOU BEGIN MAKING IN AN EFFORT TO DETERMINE
24 FIRST OF ALL, WHETHER THE PERSON WAS ALIVE OR DEAD?

25 MS. HADLOCK: WELL, FIRST OF ALL, I WOULD WANT TO CONTACT
26 THE PEOPLE WHO ARE THE CLOSEST TO HIM TO FIND OUT WHEN IS THE
27 LAST TIME THEY HAD SEEN THIS PARTICULAR PERSON.

-1

1 MR. CHIER: OKAY. AND WOULD YOU WANT TO CONTACT HIS
2 FRIENDS AND HIS FAMILY IN THAT REGARD?

3 MS. HADLOCK: YES.

4 MR. CHIER: WOULD YOU WANT TO KNOW WHETHER OR NOT THE --
5 WOULD YOU FIRST WANT TO KNOW SOMETHING ABOUT THE
6 PERSON THAT DISAPPEARED, WHETHER HE WAS A PERSON THAT LED AN
7 ORDINARY KIND OF LIFE OR KIND OF AN UNUSUAL KIND OF LIFE?

8 MS. HADLOCK: I DON'T BELIEVE -- I DON'T KNOW ABOUT THAT.

9 I KNOW I WOULD HAVE TO KNOW SOMETHING. I WOULD
10 HAVE TO TALK WITH HIS FRIENDS AND HIS FAMILY TO FIND OUT ABOUT
11 HIM, BUT I DON'T NECESSARILY NEED TO KNOW HOW DIFFERENT HE
12 WAS.

13 MR. CHIER: YOU WOULD WANT TO KNOW THE LAST TIME SOMEBODY
14 HEARD FROM HIM?

15 MS. HADLOCK: YES.

16 MR. CHIER: AND THE LONGER THE AMOUNT OF TIME THAT NOBODY
17 HAD HEARD FROM HIM, THE MORE LIKELY THAT WHAT, THAT HE WAS
18 DEAD OR HAD DISAPPEARED?

19 MS. HADLOCK: WELL, I DON'T KNOW.

20 FIRST OF ALL, I WOULD WANT TO KNOW HIS MENTAL STATE,
21 TOO.

22 MR. CHIER: WOULD YOU WANT TO KNOW THINGS LIKE WHETHER
23 HE HAD ANY REASON TO LEAVE --

24 MS. HADLOCK: YES.

25 MR. CHIER: -- SINCE HE HAD DISAPPEARED?

26 MS. HADLOCK: YES.

27 MR. CHIER: IF YOU FOUND OUT, FOR EXAMPLE, THAT HE HAD
28 SOME REASON TO LEAVE, EITHER HE HAD DEBTS OR HE HAD LEGAL

1 PROBLEMS OR PEOPLE AFTER HIM, THAT WOULD INFLUENCE THE
2 WAY IN WHICH YOU CONTINUED YOUR INVESTIGATION, WOULD IT NOT?

3 MS. HADLOCK: YES.

4 MR. CHIER: NOW, WOULD IT ALSO BE IMPORTANT TO YOU TO
5 KNOW WHETHER OR NOT, IF THE PERSON HAD A REASON TO LEAVE,
6 WHETHER THE PEOPLE YOU TALKED TO WHO SAID THEY HADN'T HEARD
7 FROM HIM, HAD A REASON TO PERHAPS COVER UP FOR HIM; WOULDN'T
8 THAT BE A CONSIDERATION?

9 MS. HADLOCK: YES, IT WOULD.

10 MR. CHIER: ALL RIGHT. AND WOULD YOU ALSO, AS A PERSON
11 INVESTIGATING THE DISAPPEARANCE OF THIS PERSON AND TRYING TO
12 SOLVE IT OR COME TO A CONCLUSION ONE WAY OR THE OTHER, WOULD
13 YOU WANT TO KNOW SOMETHING ABOUT THE PEOPLE WHO CLAIMED TO
14 HAVE INFORMATION CONCERNING HIS DISAPPEARANCE?

15 MS. HADLOCK: YES.

16 MR. CHIER: WOULD YOU WANT TO KNOW WHAT THEIR MOTIVES
17 WERE, IF ANY, TO SAY THE THINGS THAT THEY SAID?

18 MS. HADLOCK: YES.

19 MR. CHIER: ESPECIALLY, IF THEY WERE THINGS, EITHER OF
20 THEM ACCUSATORY TOWARDS SOMEBODY ELSE?

21 MS. HADLOCK: DEFINITELY.

22 MR. CHIER: NOW, HAVE YOU HEARD THE EXAMPLES ABOUT
23 CIRCUMSTANTIAL EVIDENCE IN THE CASE?

24 MS. HADLOCK: YES.

25 MR. CHIER: DO YOU UNDERSTAND THE IMPORTANCE TO ALL OF
26 US AS THE NOTION WHEN YOU ARE DEALING WITH CIRCUMSTANTIAL
27 EVIDENCE AS OPPOSED TO DIRECT EVIDENCE THAT THIS IDEA THAT
28 TWO REASONABLY -- TWO EQUAL AND REASONABLE HYPOTHESES, THAT

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1 YOU HAVE TO PICK THE ONE THAT POINTS TO INNOCENCE; DO YOU
2 UNDERSTAND THE IMPORTANCE OF THAT?

3 MS. HADLOCK: YES, I DO.

4 MR. CHIER: TO ALL OF US?

5 DO YOU HAVE AN IDEA WHY THAT IS, WHY WE HAVE SUCH
6 A RULE?

7 WELL, LET ME SEE: DO YOU UNDERSTAND OR CAN YOU
8 UNDERSTAND THAT WHEN YOU ARE DEALING WITH CIRCUMSTANTIAL
9 EVIDENCE WHICH IS SUSCEPTIBLE OF AN INNOCENT INTERPRETATION
10 AND A SPINISTER INTERPRETATION, THAT SINCE THERE IS NO WAY
11 OF KNOWING WHICH IS WHICH AND WHICH IS SO AND WHICH IS NOT
12 SO, IT IS TIED INTO THE BURDEN OF PROOF IDEA SO IF YOU ARE
13 IN THAT STATE OF MIND WHERE YOU SAY "WELL, I DON'T KNOW, IT
14 COULD BE THIS AND IT COULD BE THAT," THEN THAT MEANS THE PEOPLE
15 HAVEN'T ESTABLISHED THEIR BURDEN OF PROOF; CAN YOU UNDERSTAND
16 THAT?

17 MS. HADLOCK: YES.

18 MR. CHIER: OKAY, SO NOW WHEN YOU LOOK AT THIS BURDEN
19 OF PROOF AND LOOK AT THE LAW ABOUT CIRCUMSTANTIAL EVIDENCE,
20 DOES IT MAKE SENSE TO YOU WHY WE HAVE THIS LAW OF CIRCUMSTANTIAL
21 EVIDENCE?

22 MS. HADLOCK: YES, IT DOES.

23 MR. CHIER: AND DO YOU UNDERSTAND THAT IN THIS CASE THE
24 PROSECUTION ALLEGES THAT A PERSON IS, FIRST OF ALL, DEAD; DO
25 YOU UNDERSTAND THAT?

26 MS. HADLOCK: YES.

27 MR. CHIER: THAT IS WHY IT IS A MURDER CASE, BECAUSE
28 THEY CLAIM A PERSON IS DEAD.

1 MS. HADLOCK: YES.

2 MR. CHIER: AND THE SECOND THING THAT THEY CLAIM IS
3 THAT MR. HUNT, JOE HUNT KILLED THE MISSING PERSON, THAT IS
4 WHAT IS BEING ALLEGED IN THIS CASE; DO YOU UNDERSTAND THAT?

5 MS. HADLOCK: YES.

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1 MR. CHIER: NOW, DO YOU UNDERSTAND THAT YOUR JOB AS A
2 JUROR IN THIS CASE IF YOU ARE ON THE JURY IS TO, FIRST OF ALL,
3 DETERMINE FROM ALL OF THE EVIDENCE WHETHER OR NOT THE PERSON
4 IS ALIVE OR DEAD?

5 MS. HADLOCK: YES.

6 MR. CHIER: THE ALLEGED VICTIM; DO YOU UNDERSTAND THAT?

7 MS. HADLOCK: YES.

8 MR. CHIER: OKAY, YOU UNDERSTAND THAT THE PEOPLE, THE
9 GOVERNMENT HERE IS GOING TO ATTEMPT TO PROVE TO YOU BY
10 CIRCUMSTANCES, CIRCUMSTANTIAL EVIDENCE THAT THE PERSON IS
11 DEAD, OKAY?

12 MS. HADLOCK: YES.

13 MR. CHIER: AND THE DEFENDANT, I ANTICIPATE, WILL OFFER
14 SOME EVIDENCE POINTING TO THE OTHER CONCLUSION, THAT HE IS
15 STILL AROUND; DO YOU UNDERSTAND THAT?

16 MS. HADLOCK: YES.

17 MR. CHIER: NOW, WOULD YOU PROMISE, IF SELECTED AS A
18 JUROR IN THIS CASE, THAT YOU WOULD LISTEN TO ALL OF THE
19 EVIDENCE IN THIS CASE AND FOLLOW ALL OF THE COURT'S INSTRUCTIONS
20 RESPECTING CIRCUMSTANTIAL EVIDENCE?

21 MS. HADLOCK: DEFINITELY.

22 MR. CHIER: OKAY, NOW CAN YOU TELL ME WHAT TYPES OF BOOKS
23 YOU LIKE TO READ OR MAGAZINES?

24 MS. HADLOCK: I LIKE ALL KINDS OF BOOKS. I LIKE NOVELS,
25 ROMANCE NOVELS. I LIKE HISTORY.

26 MR. CHIER: ARE YOU READING ANY AT THE PRESENT TIME?

27 MS. HADLOCK: YES. I AM READING "THE MAMMOTH HUNTERS."

28 MR. CHIER: IS THAT A HISTORICAL NOVEL?

1 MS. HADLOCK: NO -- WELL, YES AND NO. IT IS -- IT IS --
2 THERE WAS "VALLEY OF THE HORSES" AND "CLAN OF THE CAVE BEARS" --
3 "CLAN OF THE CAVE BEARS" AND THEN "VALLEY OF THE HORSES" AND
4 THEN "THE MAMMOTH HUNTERS."

5 AND IT GOES BACK INTO PRE-MAN AS WE KNOW HIM AS
6 OF TODAY AND IT JUST GOES ON ABOUT THEIR LIFE AND IT IS QUITE
7 INTERESTING.

8 MR. CHIER: HOW COME YOU SELECTED THAT BOOK, HOW DID
9 YOU HAPPEN TO?

10 MS. HADLOCK: WELL, I READ THE FIRST BOOK, "THE CLAN
11 OF THE CAVE BEARS" AND THEN I READ THE SECOND BOOK AND WHEN
12 THE THIRD BOOK CAME OUT, I HAD TO READ IT, TOO.

13 MR. CHIER: IS THIS LIKE THE THIRD OF A TRILOGY?

14 MS. HADLOCK: YES, YES. AND IT GOES ON AND ON.

15 MR. CHIER: YOU CAN SEE I DON'T GET MUCH TIME TO READ
16 IN THIS BUSINESS.

17 HOW ABOUT MOVIES, DO YOU GO TO THE MOVIES AT ALL?

18 MS. HADLOCK: YES.

19 MR. CHIER: AND WHAT TYPES OF MOVIES DO YOU LIKE TO SEE?

20 MS. HADLOCK: I LIKE LIGHT MOVIES, THINGS WHEN I COME
21 OUT THAT I FEEL GOOD, I LIKE THOSE KINDS OF MOVIES.

22 MR. CHIER: LIKE MOVIES LIKE "THE GODS MUST BE CRAZY,"
23 DID YOU SEE THAT?

24 MS. HADLOCK: NO, I DIDN'T.

25 MR. CHIER: WHAT IS THE LAST MOVIE YOU SAW?

26 MS. HADLOCK: "STAR TREK."

27 MR. CHIER: AND DO YOU SUBSCRIBE ON A REGULAR BASIS TO
28 ANY MAGAZINES OR PERIODICALS THAT COME TO YOUR HOME?

1 MS. HADLOCK: NO, I DON'T.

2 MR. CHIER: AND DO YOU HAVE ANY FAVORITE TELEVISION
3 PROGRAMS?

4 MS. HADLOCK: YES.

5 MR. CHIER: WHAT ARE YOUR FAVORITE TELEVISION PROGRAMS?

6 MS. HADLOCK: I LIKE -- WELL, THERE IS A LOT OF SHOWS
7 WHICH I REALLY LIKE. I AM TRYING TO THINK OF THE THINGS I
8 WATCH. I LIKE THE GAME SHOWS.

9 MR. CHIER: DO YOU EVER WATCH L.A. LAW?

10 MS. HADLOCK: NO, I HAVEN'T.

11 MR. CHIER: DO YOU HAVE ANY HOBBIES?

12 MS. HADLOCK: I LIKE TO READ AND MY HUSBAND AND I HAVE
13 AN RV AND WE DO TRAVEL QUITE A BIT AND WITH OUR CHILDREN BEING
14 ALL OVER, WE TRY TO GO VISIT THEM QUITE OFTEN.

15 MR. CHIER: WHAT DOES MR. HADLOCK DO?

16 MS. HADLOCK: HE IS A RETIRED ENGINEER FROM HUGHES
17 AIRCRAFT.

18 MR. CHIER: IS THAT AN AVIATION OR AERONAUTICAL
19 ENGINEER?

20 MS. HADLOCK: GEE, I -- AVIATION OR AERONAUTICAL? I
21 AM TRYING TO THINK. I KNOW HE WORKED ON MISSILES AND DIFFERENT
22 THINGS LIKE THAT.

23 MR. CHIER: HAS HE ALWAYS WORKED FOR HUGHES DURING HIS
24 WORKING CAREER?

25 MS. HADLOCK: HE TAUGHT AT UCLA ENGINEERING FOR A WHILE
26 AND HE -- BUT THAT WAS A LONG TIME AGO. AND BEFORE THAT, HE
27 WORKED FOR ADMIRALTY, THERE WAS A COMPANY CALLED -- THAT MADE
28 REFRIGERATORS, ADMIRALTY?

1 MR. CHIER: ADMIRAL?

2 MS. HADLOCK: ADMIRAL, THAT IS IT. THAT WAS A LONG TIME
3 AGO.

4 MR. CHIER: HOW ABOUT YOU, HAVE YOU HAD ANY OTHER TYPES
5 OF EMPLOYMENT IN THE PAST?

6 MS. HADLOCK: ANYTHING IN DATA PROCESSING, DOING KEY
7 PUNCHING AND WORKING WITH THE UNIT, PUTTING IN THE CARDS AND
8 THINGS LIKE THAT HAVING TO DO WITH TERMINALS.

9 MR. CHIER: TELL ME SOMETHING ABOUT YOUR CHILDREN.

10 MS. HADLOCK: ALL RIGHT, I HAVE ONE SON OF MY OWN, WHO
11 IS 25 AND HE GOES TO PIERCE COLLEGE AND HE IS TAKING A
12 TECHNOLOGY COURSE.

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1 MR. CHIER: AND DOES HE LIVE AT HOME?

2 MS. HADLOCK: YES HE DOES. HE IS STILL AT HOME. HE
3 IS GETTING ENGAGED AT CHRISTMAS, SO I AM HAPPY ABOUT THAT.

4 I HAVE FOUR DAUGHTERS AND ONE OTHER SON. THOSE
5 ARE STEPCHILDREN.

6 ONE OF THE GIRLS LIVES IN SANTA CRUZ AND THEY OWN
7 A BAGELRY.

8 MY OTHER DAUGHTER LIVES HERE IN SANTA MONICA.

9 MR. CHIER: A BAGELRY? THAT IS A BAGEL BAKERY AS OPPOSED
10 TO SOME KIND OF RV?

11 MS. HADLOCK: YES. I HAVE A DAUGHTER WHO TEACHES AT
12 SANTA MONICA HIGH SCHOOL.

13 MR. CHIER: WHAT DOES SHE TEACH?

14 MS. HADLOCK: SHE TEACHES ADVANCED COURSES IN HISTORY.

15 LINDY LIVES IN -- THEY JUST MOVED TO IDAHO. THEY
16 WERE LIVING IN MC CLANE, VIRGINIA.

17 MR. CHIER: THEY WERE WITH THE CIA?

18 MS. HADLOCK: NO. HE IS WITH THE GOVERNMENT, WITH ROAD
19 DEPARTMENT, REPAIRING THE ROADS AND THEY HAVE MOVED INTO THERE.

20 LET'S SEE -- HOLLY LIVES IN SAN FRANCISCO AND SHE
21 WORKS FOR THE GOVERNMENT, THE ENVIRONMENTAL PROTECTION AGENCY
22 PART OF IT.

23 MR. CHIER: EPA?

24 MS. HADLOCK: YES.

25 MR. CHIER: IN THE FEDERAL GOVERNMENT?

26 MS. HADLOCK: YES.

27 MR. CHIER: OKAY.

28 MS. HADLOCK: AND THEN KEN ALSO OWNS A BAGELRY UP IN

10A-2

1 EUGENE, OREGON.

2 MR. CHIER: THAT COVERS IT?

3 MS. HADLOCK: THAT COVERS IT.

4 MR. CHIER: ARE YOU A MEMBER OF ANY SOCIAL CLUBS OR
5 ORGANIZATIONS?

6 MS. HADLOCK: NO.

7 MR. CHIER: HOW ABOUT THE SON THAT LIVES AT HOME?
8 DOES HE BELONG TO ANY CLUBS OR ORGANIZATIONS OR HAS HE?

9 MS. HADLOCK: THE ONLY THING HE BELONGS TO IS, THAT HE
10 MAKES VERY GOOD GRADES AT SCHOOL AND HE IS IN THE HONOR
11 SOCIETY.

12 MR. CHIER: THE HONOR SOCIETY? IS HE IN COLLEGE?

13 MS. HADLOCK: AT PIERCE COLLEGE.

14 MR. CHIER: HOW ABOUT -- I TAKE IT THAT HE LIVED AT HOME
15 WHEN HE WAS IN HIGH SCHOOL?

16 MS. HADLOCK: YES.

17 MR. CHIER: DID HE GO TO PUBLIC SCHOOL OR PRIVATE
18 SCHOOLS?

19 MS. HADLOCK: PUBLIC SCHOOLS.

20 MR. CHIER: AND WAS HE IN ANY CLUBS OR ORGANIZATIONS
21 THEN?

22 MS. HADLOCK: JUST IN BOWLING AND SPORTS, ANY KIND OF
23 SPORTS CLUBS. BUT THAT WAS IT.

24 MR. CHIER: AND WHAT IS THE FIRST THING THAT COMES TO
25 MIND WHEN YOU HEAR THE EXPRESSION "THE BILLIONAIRE BOYS CLUB"?

26 MS. HADLOCK: IT IS JUST A NAME.

27 MR. CHIER: JUST A NAME?

28 MS. HADLOCK: YES.

10A-3

1 MR. CHIER: YOU DON'T THINK LIKE, OF A LOT OF MONEY OR
2 LIKE YOUNG BOYS?

3 MS. HADLOCK: NO.

4 MR. CHIER: OKAY. IS THERE ANYTHING OFFENSIVE ABOUT
5 THE TITLE "BILLIONAIRE BOYS CLUB"?

6 MS. HADLOCK: NO, NOT AT ALL.

7 MR. CHIER: ARE YOU OFFENDED BY THE FACT THAT THERE MIGHT
8 A GROUP OF YOUNG MEN WHO GOT TOGETHER, DEDICATED TO PURSUIT
9 OF DOLLARS?

10 MS. HADLOCK: NOT AT ALL.

11 MR. CHIER: OKAY. HOW DO YOU FEEL ABOUT THE DEFENDANT
12 IN THIS CASE AS A WITNESS? DO YOU THINK THAT HE IS -- OUGHT
13 TO BE EVALUATED THE SAME AS ANY OTHER WITNESS IN THE CASE?

14 MS. HADLOCK: SORRY. I DON'T UNDERSTAND WHAT YOU MEAN.

15 MR. CHIER: OKAY. YOU UNDERSTAND THAT A DEFENDANT IN
16 A CRIMINAL CASE, HAS A RIGHT NOT TO TESTIFY?

17 MS. HADLOCK: YES.

18 MR. CHIER: IT IS A PRIVILEGE NOT TO. IT IS CALLED A
19 PRIVILEGE AGAINST SELF-INCRIMINATION. HE HAS THAT PRIVILEGE.

20 HE ALSO HAS THE RIGHT TO TESTIFY IN A CASE, WHERE
21 HE IS A DEFENDANT. I MEAN, HE HAS BOTH.

22 MS. HADLOCK: YES.

23 MR. CHIER: IT IS UP TO HIM AND HIS LAWYER. DO YOU FEEL
24 THAT IN THE EVENT THAT HE DOES CHOOSE TO TESTIFY, THAT HE IS
25 COMPETENT AS A WITNESS?

26 MS. HADLOCK: SORRY?

27 MR. CHIER: DO YOU UNDERSTAND WHAT I AM SAYING?

28 MS. HADLOCK: NO. I DON'T. I AM SORRY.

1 MR. CHIER: DO YOU UNDERSTAND THAT HE HAS A RIGHT TO
2 TESTIFY, JUST AS THOUGH HE WERE ANOTHER WITNESS IN THE CASE?

3 THE PROSECUTION IS GOING TO PUT ON WITNESSES AND
4 THE DEFENSE IS ENTITLED TO PUT ON WITNESSES.

5 MS. HADLOCK: YES.

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1 MR. CHIER: AND ONE OF THE WITNESSES MAY BE THE DEFENDANT?

2 MS. HADLOCK: YES.

3 MR. CHIER: IN THIS CASE. NOW, DO YOU THINK THAT BECAUSE
4 HE IS THE DEFENDANT IN THE CASE, THAT HE IS LIKE, INELIGIBLE
5 FROM TESTIFYING OR THAT HE SHOULDN'T -- THAT IT SHOULD BE SEEN
6 DIFFERENTLY?

7 MS. HADLOCK: NO, NOT AT ALL.

8 MR. CHIER: DO YOU UNDERSTAND THAT THE COURT WILL GIVE
9 YOU A LIST OF CRITERIA BY WHICH TO JUDGE PEOPLE AND THE FACT
10 THAT THE DEFENDANT IS IN THE CASE, MAY BE CONSIDERED BY YOU
11 AS ONE OF THE FACTORS IN EVALUATING HIS CREDIBILITY, BUT IT
12 DOESN'T DISQUALIFY HIM AND DOESN'T MAKE HIM IMMEDIATELY
13 SUSPECT AS A PERSON WHO WOULD GET UP AND LIE? DO YOU UNDERSTAND
14 THAT?

15 MS. HADLOCK: YES.

16 MR. CHIER: DO YOU UNDERSTAND THAT EXCEPT FOR PEOPLE
17 WHO COME IN TO IDENTIFY RECORDS AND THINGS LIKE THAT, ROUTINE
18 TYPES OF WITNESSES, THAT MANY, MANY WITNESSES IN A TRIAL HAVE
19 DIFFERENT MOTIVES FOR GIVING DIFFERENT TESTIMONY? DO YOU UNDER-
20 STAND THAT?

21 MS. HADLOCK: YES.

22 MR. CHIER: HOW DO YOU FEEL ABOUT THE SUBJECT OF IMMUNITY
23 FOR WITNESSES? DO YOU UNDERSTAND THAT THERE IS GOING TO BE
24 ONE OR MORE WITNESSES TESTIFYING UNDER A GRANT OF IMMUNITY
25 IN THIS CASE? DO YOU UNDERSTAND THAT?

26 MS. HADLOCK: YES.

27 MR. CHIER: DO YOU UNDERSTAND ESSENTIALLY HOW IMMUNITY
28 WORKS?

1 MS. HADLOCK: YES.

2 MR. CHIER: THAT THE GOVERNMENT GIVES SOMETHING OF VALUE
3 IN RETURN FOR THE TESTIMONY OF A PERSON?

4 MS. HADLOCK: YES.

5 MR. CHIER: AND THIS PERSON THEN BECOMES A WITNESS. IT
6 IS KNOWN AS AN IMMUNITY. DO YOU UNDERSTAND THAT?

7 MS. HADLOCK: YES.

8 MR. CHIER: DO YOU UNDERSTAND THAT AN IMMUNIZED WITNESS
9 CAN HAVE A MOTIVE TO TESTIFY AND A MOTIVE TO GIVE THE TYPE
10 OF TESTIMONY THAT HE GIVES?

11 MS. HADLOCK: YES.

12 MR. CHIER: OKAY. AND IF THE COURT WERE TO GIVE YOU
13 AN INSTRUCTION CONCERNING THE CONSIDERATION OF MOTIVE OF AN
14 IMMUNIZED WITNESS, YOU COULD CONSIDER THAT?

15 MS. HADLOCK: YES.

16 MR. CHIER: OKAY. NOW, DID YOU HEAR YESTERDAY WHEN I
17 WAS TALKING TO MS. DEEG ABOUT THIS NOTION OF ORAL ADMISSIONS,
18 EVIDENCE OF ORAL ADMISSIONS? DO YOU REMEMBER ANYTHING ABOUT
19 THAT?

20 MS. HADLOCK: NO, I DON'T. SORRY.

21 MR. CHIER: DO YOU UNDERSTAND THAT ANY STATEMENT MADE
22 BY A PARTY TO A LAWSUIT -- AND JOE, HERE IS A PARTY TO THIS
23 LAWSUIT BECAUSE HE IS THE DEFEDANT -- THAT ANY STATEMENT MADE
24 BY A PARTY TO A LAWSUIT OUTSIDE OF THE COURTROOM AND OFF OF
25 THE WITNESS STAND, IS CALLED AN ADMISSION, GENERICALLY
26 SPEAKING? OKAY?

27 THE COURT: THAT'S NOT EXACTLY THE DEFINITION OF AN
28 ADMISSION.

1 MR. CHIER: WELL, PERHAPS YOUR HONOR WOULD LIKE TO
2 INSTRUCT THE PROSEPECTIVE JURORS.

3 THE COURT: WELL, I WILL TELL THE JURY WHAT AN ADMISSION
4 IS.

5 "A STATEMENT MADE BY A DEFENDANT OTHER
6 THAN AT HIS TRIAL MAY BE AN ADMISSION. AN ADMISSION
7 IS A STATEMENT BY A DEFENDANT WHICH BY ITSELF, IS
8 NOT SUFFICIENT TO WARRANT AN INFERENCE OF GUILT BUT
9 WHICH TENDS TO PROVE GUILT WHEN CONSIDERED WITH THE
10 REST OF THE EVIDENCE.

11 "AND YOU WILL BE THE EXCLUSIVE JUDGES
12 AS TO WHETHER AN ADMISSION WAS MADE BY THE DEFENDANT
13 AND THE STATEMENT WAS TRUE IN WHOLE OR IN PART.

14 "IF YOU FIND IT TO BE TRUE IN PART, YOU
15 MAY CONSIDER THAT PART WHICH YOU FIND TO BE TRUE.
16 EVIDENCE OF AN ORAL ADMISSION OF THE DEFENDANT
17 OUGHT TO BE VIEWED WITH CAUTION."

18 ALL RIGHT.

19 MR. CHIER: OKAY. NOW, DO YOU HAVE VAGUELY IN MIND WHAT
20 AN ADMISSION IS?

21 MS. HADLOCK: YES.

22 MR. CHIER: AN ADMISSION IN THE SENSE IN WHICH WE ARE
23 DISCUSSING IT IS A STATEMENT BY A PARTY TO THE THING AND FOR
24 THESE HYPOTHETICAL PURPOSES IT WILL BE A STATEMENT OUTSIDE
25 THE COURTROOM WHICH TENDS TO INCRIMINATE HIM IN SOME WAY.
26 OKAY?

27 NOW, YOU UNDERSTAND BASICALLY WHAT AN ADMISSION
28 IS NOW, RIGHT?

1 MS. HADLOCK: YES.

2 MR. CHIER: YOU HEARD THE COURT SAY AS IT WILL AT THE
3 CONCLUSION OF THE TRIAL, THAT EVIDENCE OF ORAL ADMISSIONS
4 OUGHT TO BE VIEWED WITH CAUTION. NOW, DO YOU UNDERSTAND WHAT
5 THAT MEANS IS THAT HE IS SAYING THAT WHEN PEOPLE GET ON THE
6 WITNESS STAND AND SAY THAT I HEARD THE DEFENDANT OR I HEARD
7 A PARTY SAY OUTSIDE OF COURT THAT JOE'S BAR OR YOU KNOW, FRANK'S
8 TACO STAND, WHATEVER, I HEARD HIM SAY SO AND SO, THAT THAT
9 TYPE OF EVIDENCE IS TO BE VIEWED WITH CAUTION BECAUSE IT IS
10 NOT -- IT IS CONSIDERED LESS RELIABLE THAN OTHER TYPES OF
11 EVIDENCE? DO YOU UNDERSTAND THAT?

12 MS. HADLOCK: YES.
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1 MR. CHIER: DO YOU UNDERSTAND THAT EVIDENCE OF AN
2 ORAL ADMISSION IS THE EASIEST KIND OF EVIDENCE TO BE FABRICATED
3 AND THE MOST DIFFICULT TO DISPROVE FOR A DEFENDANT?

4 ALL IT IS, IS JUST CONVERSATION THAT SUPPOSEDLY
5 TOOK PLACE AT SOME TIME AT SOME PLACE OUTSIDE THE COURTROOM.
6 DO YOU UNDERSTAND THAT?

7 MS. HADLOCK: YES.

8 MR. CHIER: NOW, DO YOU HAVE ANY OBJECTION OR ARE YOU
9 BOTHERED BY THE NOTION THAT THAT TYPE OF EVIDENCE OUGHT TO
10 BE VIEWED DIFFERENTLY BY THE JURY FROM OTHER TYPES OF
11 EVIDENCE?

12 MS. HADLOCK: NO.

13 MR. CHIER: SUCH AS EVIDENCE OF A BUSINESS RECORD WHICH
14 YOU KNOW HAS SOME THINGS ON IT OR A CONTRACT? DO YOU KNOW
15 WHAT I MEAN?

16 MS. HADLOCK: YES.

17 MR. CHIER: BASICALLY IT SPEAKS FOR ITSELF. IT NEEDS
18 A LITTLE INTERPRETATION BUT THERE IT IS. IT IS ACTUALLY THERE.
19 DO YOU UNDERSTAND THAT?

20 MS. HADLOCK: YES.

21 MR. CHIER: SO YOU ARE NOT BOTHERED BY IT?

22 MS. HADLOCK: NO.

23 MR. CHIER: YOU UNDERSTAND THAT THERE IS A NEED TO TELL
24 THE JURY THAT IN SOME CASES, SOME EVIDENCE IS INHERENTLY
25 LESS RELIABLE THAN OTHER TYPES OF EVIDENCE?

26 MS. HADLOCK: YES.

27 MR. CHIER: DO YOU SEE THAT?

28 MS. HADLOCK: YES.

1 MR. CHIER: OKAY. SO THAT PART YOU UNDERSTAND AND YOU
2 HAVE NO PROBLEMS WITH. OKAY?

3 MS. HADLOCK: YES.

4 MR. CHIER: ALL RIGHT. NOW, DID YOU HEAR THE EXAMPLE
5 THAT I USED WITH MS. DEEG YESTERDAY, GOING BACK TO THE SS
6 WAPNER AND THE PERSON, THE SECOND PERSON DISAPPEARING.

7 AND WHEN THE FIRST PERSON CAME BACK TO HARBOR OR
8 WHEREVER, THERE WAS AN INVESTIGATION INTO THE DISAPPEARANCE
9 OF THE OTHER PERSON, THE INVESTIGATION BEING FOR THE PURPOSE
10 OF DETERMINING FIRST OF ALL, WHETHER THIS PERSON DIED OR SPLIT;
11 AND SECOND OF ALL, TO DETERMINE WHETHER THE FIRST PERSON HAD
12 ANYTHING TO DO WITH IT OR SOME OTHER PERSON HAD ANYTHING TO
13 DO WITH IT. OKAY?

14 MS. HADLOCK: YES.

15 MR. CHIER: NOW, LET'S FORGET FOR A MOMENT THAT THE
16 WATER WERE DEEP, THE WATER WERE COLD AND THE SHARKS WERE
17 HUNGRY AND ALL OF THAT STUFF. OKAY?

18 MS. HADLOCK: OKAY.

19 MR. CHIER: LET'S JUST ASSUME TWO THINGS, THAT BEFORE
20 THE PERSON WHO DISAPPEARED DISAPPEARED, HE PURCHASED A
21 TELEVISION SET ON HIS INSTALLMENT PLAN.

22 MS. HADLOCK: OKAY.

23 MR. CHIER: A FEW DAYS BEFORE. AND HE ALSO BORROWED
24 ABOUT -- LET'S SAY \$75,000 FROM SOMEONE. OKAY?

25 MS. HADLOCK: OKAY.

26 MR. CHIER: NOW, IN ATTEMPTING TO DETERMINE THE FIRST
27 ELEMENT HERE THAT THIS PERSON -- THIS IS ALL OF THE EVIDENCE
28 THAT WE HAVE TO CONSIDER AT THIS POINT. ALL RIGHT?

29 MS. HADLOCK: YES.

11-1

1 MR. CHIER: WE ARE LOOKING AT TWO THINGS. LET'S JUST
2 THEN FOCUS ON THE PURCHASE OF THE TELEVISION ON THE INSTALLMENT
3 PLAN; WHAT INFERENCES CAN YOU MAKE RELATIVE TO THE PERSON
4 DISAPPEARING FROM THE FACT THAT THE PERSON PURCHASED A
5 TELEVISION SET ON THE INSTALLMENT PLAN A WEEK BEFORE HE
6 DISAPPEARED?

7 MS. HADLOCK: WELL, I WOULD THINK THAT HE WAS PLANNING
8 TO USE THIS TV; THAT HE WASN'T PLANNING ON DOING ANY BODILY
9 HARM TO HIMSELF.

10 MR. CHIER: OKAY, THAT IS ALL RIGHT.

11 AND THE TV SET, BY THE WAY, IS, LIKE, FOUND LEFT
12 BEHIND.

13 MS. HADLOCK: YES.

14 MR. CHIER: IT HAS NOT DISAPPEARED ALONG WITH THE PERSON.

15 ALL RIGHT, SO BASICALLY THEN, ONE COULD INFER FROM
16 THIS EVIDENCE THAT THE PERSON DID NOT INTEND TO LEAVE, CORRECT?

17 MS. HADLOCK: YES.

18 MR. CHIER: OKAY NOW --

19 THE COURT: PARDON ME. WILL YOU BE MUCH LONGER?

20 MR. CHIER: PARDON ME, YOUR HONOR?

21 THE COURT: I THINK WE HAVE WORKED THIS BOAT BUSINESS
22 TO DEATH, LET'S GET ON TO SOMETHING ELSE IN THE FUTURE.

23 HOW MUCH LONGER WILL YOU BE? IT IS NOW THE NOON
24 HOUR.

25 MR. CHIER: ABOUT TEN MINUTES OR SO, YOUR HONOR.

26 THE COURT: THEN WE HAD BETTER TAKE THE RECESS AT THIS
27 TIME.

28 LADIES AND GENTLEMEN OF THE JURY, WE WILL TAKE

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A RECESS NOW UNTIL 1:45 THIS AFTERNOON.

THE SAME ADMONITION I GAVE YOU WOULD STILL APPLY.
(AT 12:05 P.M. A RECESS WAS TAKEN UNTIL
1:45 P.M. OF THE SAME DAY.)

12-1
1 SANTA MONICA, CALIFORNIA; THURSDAY, DECEMBER 18, 1986; 1:47 P.M.

2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE

3 (APPEARANCES AS HERETOFORE NOTED.)

4
5 THE COURT: ALL RIGHT. IT WILL BE STIPULATED THE
6 DEFENDANT IS PRESENT. COUNSEL ARE PRESENT. THE PROSPECTIVE
7 JURORS ARE PRESENT.

8 YOU MAY CONCLUDE YOUR INTERROGATION.

9 MR. CHIER: MS. HADLOCK, LET ME JUST FINISH UP WITH ONE
10 EXAMPLE BEFORE WE MOVE ON. WE HAVE DONE THE TV.

11 MS. HADLOCK: YES.

12 MR. CHIER: YOU HAD CORRECTLY POINTED OUT THAT THE
13 INFERENCE ONE COULD DRAW FROM THAT, IS THAT THE PERSON WAS
14 NOT INTENDING TO LEAVE?

15 MS. HADLOCK: YES.

16 MR. CHIER: NOW, LOOK AT ON THE OTHER HAND, THE FACT
17 THAT THE PERSON BORROWED \$75,000 AT OR ABOUT THE SAME TIME
18 HE BOUGHT THE TV.

19 MS. HADLOCK: YES.

20 MR. CHIER: IN SEPARATE TRANSACTIONS?

21 MS. HADLOCK: YES.

22 MR. CHIER: ARE THERE ANY DIFFERENT INFERENCES THAT YOU
23 COULD DRAW FROM THAT, COUPLED WITH THE FACT OF THE
24 DISAPPEARANCE?

25 MS. HADLOCK: YES. I MEAN, IF HE HAD BORROWED \$75,000 AND
26 HAD NO INTENTIONS OF PAYING IT BACK, HE MIGHT WANT TO LEAVE
27 AND YOU KNOW, BUY THE TV, TOO, AT THE SAME TIME, WHICH MIGHT
28 GIVE SOMEBODY AN IDEA THAT HE WOULDN'T LEAVE.

12-2

1 MR. CHIER: OKAY. SO, YOU CAN SEE WHERE, IN DEALING
2 WITH CIRCUMSTANTIAL EVIDENCE AND YOU HAVE CONFLICTING
3 INFERENCES, THAT SINCE YOU DON'T HAVE DIRECT EVIDENCE, YOU
4 DON'T HAVE ANYTHING CONCLUSIVE, YOU ARE HAVING TO MAKE
5 INFERENCES.

6 ONE FACT IS PROVEN, FROM WHICH YOU ARE REQUIRED
7 TO DRAW AN INFERENCE AS TO THE EXISTENCE OR NONEXISTENCE OF
8 ANOTHER FACT. DO YOU UNDERSTAND THAT?

9 MS. HADLOCK: YES I DO.

10 MR. CHIER: SO IN THAT SITUATION, THE BENEFIT OF ANY
11 REASONABLE DOUBT ALWAYS GOES TO THE DEFENDANT. DO YOU
12 UNDERSTAND THAT?

13 MS. HADLOCK: YES I DO.

14 MR. CHIER: I DON'T MEAN TO LIKE, BEAT YOU OVER THE HEAD
15 WITH IT OR ANY OF YOU, BUT IT IS SO IMPORTANT THAT I WANT TO
16 MAKE SURE YOU UNDERSTAND.

17 MS. HADLOCK: YES.

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1 MR. CHIER: HAVE YOU EVER BEEN AT HOME IN THAT KIND OF
2 A PARENTAL POSITION WITH TWO YOUNG CHILDREN AND THEY'RE LIKE,
3 SAY, LET'S SAY BETWEEN LIKE FIVE AND EIGHT OR SOMETHING,
4 MRS. HADLOCK?

5 MS. HADLOCK: WELL, OUR GRANDCHILDREN.

6 MR. CHIER: OKAY. HOW MANY ARE THERE?

7 MS. HADLOCK: TWELVE.

8 THE COURT: DO YOU WANT TO KNOW THEIR NAMES, TOO?

9 (LAUGHTER IN COURTROOM.)

10 MS. HADLOCK: THEY ARE ACTUALLY MY STEPGRANDCHILDREN.

11 MR. CHIER: NO. I THINK THAT IS NOT REALLY ESSENTIAL,
12 JUDGE. THANK YOU.

13 THE COURT: THANK YOU.

14 MR. CHIER: I AM SURE YOU HAVE BEEN IN THE PRESENCE OF
15 TWO OF THEM TOGETHER WHEN THERE WAS A DISPUTE OF SOME KIND
16 THAT MUST HAVE ARISEN?

17 MS. HADLOCK: OH, YES.

18 MR. CHIER: AND EACH OF THEM CAME FORWARD WITH A VERSION,
19 THEIR OWN VERSION OF WHAT HAPPENED, RIGHT?

20 MS. HADLOCK: YES, DEFINITELY.

21 MR. CHIER: OKAY, AND WITHOUT ANY KIND OF PHYSICAL
22 EVIDENCE TO CORROBORATE ONE VERSION OR ANOTHER, YOU ARE STUCK
23 WITH TRYING TO EVALUATE ONE VERSION AS OPPOSED TO ANOTHER,
24 CORRECT?

25 MS. HADLOCK: YES.

26 MR. CHIER: IF THAT SAME SITUATION TOOK PLACE IN A
27 COURTROOM WITH ADULTS INSTEAD OF CHILDREN AND YOU SEE YOU FIND
28 YOURSELF IN THAT POSITION OF SAYING, "WELL, THIS SOUNDS

1 REASONABLE AND THIS SOUNDS REASONABLE, I DON'T KNOW WHAT TO
2 BELIEVE," DO YOU KNOW WHAT THE RESULT IS IN THAT SITUATION?

3 MS. HADLOCK: YES.

4 MR. CHIER: THERE IS A REASONABLE DOUBT, ISN'T THERE?

5 MS. HADLOCK: YES.

6 MR. CHIER: OKAY, AND IT IS BASED UPON, FIRST OF ALL,
7 THE INABILITY OF YOU TO KNOW WHICH ONE YOU KNOW IS THE MORE
8 PROBABLE, RIGHT?

9 MS. HADLOCK: YES.

10 MR. CHIER: AND SECOND, BECAUSE IN THAT INSTANCE THE
11 PROSECUTION HASN'T CARRIED THE BURDEN OF PROOF, RIGHT?

12 MS. HADLOCK: THAT'S RIGHT.

13 MR. CHIER: OKAY, LET ME THEN ASK IF YOU OR ANYONE CLOSE
14 TO YOU HAS EVER POSTED BAIL FOR ANOTHER PERSON IN A CRIMINAL
15 CASE?

16 MS. HADLOCK: NO.

17 MR. CHIER: SO YOU HAVE NO IDEA WHAT BAIL IS ALL ABOUT?

18 MS. HADLOCK: NO, I DON'T.

19 MR. CHIER: DO YOU HAVE ANY IDEA WHAT BAIL IS?

20 MS. HADLOCK: WELL, I KNOW WHAT BAIL IS IN A SENSE.

21 MR. CHIER: IT IS LIKE COURT APPEARANCE INSURANCE, RIGHT?

22 MS. HADLOCK: YES.

23 MR. CHIER: THE PERSON THAT PUTS UP BAIL SAYS THAT --

24 MR. WAPNER: YOUR HONOR, THERE WILL BE AN OBJECTION TO
25 THAT.

26 THE COURT: I WILL SUSTAIN THE OBJECTION.

27 MR. CHIER: OKAY. WHAT DOES THE WORD "COVER-UP" MEAN
28 TO YOU, SUGGEST TO YOU, MRS. HADLOCK?

13-3

1 MS. HADLOCK: HIDING SOMETHING.

2 MR. CHIER: WHO TYPICALLY, AS FAR AS YOU CAN THINK,
3 ENGAGES IN COVER-UPS, ANY INSTITUTION OR AGENCY?

4 MS. HADLOCK: IN WHAT WAY? I AM SORRY.

5 MR. CHIER: WHAT DO YOU USUALLY HEAR THE TERM IN
6 CONNECTION WITH IN TERMS OF A PERSON ENGAGING IN THAT TYPE
7 OF ACTIVITY, A PUBLIC AGENCY OR SOMETHING LIKE THAT? DO YOU
8 EVER HEAR THE TERM "COVER-UP" WITH RELATION --

9 MS. HADLOCK: YES.

10 MR. CHIER: -- TO INDIVIDUALS COVERING UP SOMETHING?

11 MS. HADLOCK: WELL, I THINK OF IT AS HIDING SOMETHING
12 BUT IT COULD BE ANYBODY. I DON'T KNOW WHAT PARTICULAR PERSON
13 TO --

14 MR. CHIER: ALL RIGHT. IN TERMS OF THE GOVERNMENT
15 AGENCIES COVERING UP, HAVE YOU HEARD THAT RECENTLY?

16 MS. HADLOCK: YES.

17 MR. CHIER: OKAY, LET ME ASK YOU THIS AND FINISH UP WITH
18 THIS MISSING PERSON THAT HAS DISAPPEARED FROM THE BOAT THAT
19 MR. WAPNER INVENTED FOR US. AND MR. WAPNER HAS EXTRACTED A
20 PROMISE FROM THE PROSPECTIVE JURORS HERE TO CONSIDER ALL
21 REASONABLE INFERENCES IN DETERMINING WHAT HAPPENED TO THE
22 PERSON THAT CAME OFF THIS BOAT OR THAT DISAPPEARED FROM THE
23 BOAT, RIGHT?

24 MS. HADLOCK: YES.

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14-1

1 MR. CHIER: REASONABLE INFERENCES BASED ON MR. WAPNER'S
2 HYPOTHETICAL FAVOR IN SOME CASES, THE FACT THAT THE PERSON
3 HAS DIED BY DROWNING PROBABLY OR SHARK BITE OR SOMETHING, AS
4 OPPOSED TO HAVING DISAPPEARED, ONLY TO REAPPEAR SOMEWHERE ELSE.

5 WOULD YOU CONSIDER IN SUCH A SITUATION, EVIDENCE
6 THAT ONE OR TWO PEOPLE SAW AT SOME LATER DATE, THE PERSON
7 DESCRIBED AS THE PERSON WHO DISAPPEARED, AS GIVING RISE TO
8 ONE OR TWO POSSIBLE INSTANCES, FIRST, THAT THE PERSON HAD NOT
9 DIED OR SECOND, THAT SOMEBODY LOOKING LIKE THE PERSON HAD BEEN
10 SEEN? CORRECT? DO YOU UNDERSTAND THE QUESTION?

11 MS. HADLOCK: YES.

12 MR. CHIER: ALL RIGHT. SO IN THAT CASE, WITHOUT OTHER
13 EVIDENCE, WOULD YOU HAVE A REASONABLE DOUBT AS TO WHETHER THE
14 MISSING PERSON HAD DISAPPEARED OR DIED?

15 MS. HADLOCK: YES.

16 MR. CHIER: WOULD YOU HAVE A DOUBT AS TO WHETHER HE WAS
17 DEAD?

18 MS. HADLOCK: YES.

19 MR. CHIER: OKAY. WOULD YOU CONSIDER THAT IN COMING
20 TO A CONCLUSION, I TAKE IT?

21 MS. HADLOCK: YES, I WOULD.

22 MR. CHIER: OKAY. WOULD YOU LIKE TO BE A JUROR ON THIS
23 CASE?

24 MS. HADLOCK: YES.

25 MR. CHIER: WHY WOULD YOU LIKE TO BE A JUROR ON THIS
26 CASE?

27 MS. HADLOCK: I THINK IT WOULD BE VERY INTERESTING. I
28 THINK I WOULD BE A VERY FAIR PERSON, VERY OPEN.

1 MR. CHIER: OKAY. THANK YOU. I WILL PASS FOR CAUSE,
2 YOUR HONOR.

3 THE COURT: ALL RIGHT.

4 MR. WAPNER: THANK YOU, YOUR HONOR.

5 GOOD AFTERNOON, MS. HADLOCK. IT IS HADLOCK AND
6 NOT MADLOCK, WHICH IS THE TV SHOW, AS OPPOSED TO THE BASEBALL
7 PLAYER?

8 MS. HADLOCK: YES.

9 MR. WAPNER: I DON'T REALLY WATCH MADLOCK. I HAVE CAUGHT
10 GLIMPSES OF IT HERE AND THERE. BUT IF IT IS LIKE ANY OF THE
11 OTHER SHOWS, I ASSUME THAT HE HAS NOT LOST A CASE YET. IS
12 THAT FAIR?

13 MS. HADLOCK: THAT'S RIGHT.

14 MR. WAPNER: AND THE MAN WHO PLAYED THE D.A. ON PERRY
15 MASON IS LONG SINCE DEAD. SO I ASSUME THAT THEY HAVE FOUND
16 ANOTHER GUY TO BEAT UP ON?

17 MS. HADLOCK: YES.

18 MR. WAPNER: AND IN THOSE CASES, THOSE MADLOCK EPISODES
19 WHEN IT GETS TO THE END, THEY HAVE GOT IT ALL WRAPPED UP IN
20 A NICE, NEAT LITTLE PACKAGE FOR YOU, DON'T THEY?

21 MS. HADLOCK: YES.

22 MR. WAPNER: THEY TELL YOU NOT ONLY WHO DID IT, WHY HE
23 DID IT AND WHAT THE MOTIVES WERE OF ALL OF THE PEOPLE INVOLVED?

24 MS. HADLOCK: YES.

25 MR. WAPNER: DO YOU EXPECT THAT WILL HAPPEN HERE?

26 MS. HADLOCK: NO.

27 MR. WAPNER: IF IT DOESN'T, ARE YOU GOING TO SAY WELL,
28 THEY DIDN'T PROVE THE CASE BEYOND A REASONABLE DOUBT?

1 MS. HADLOCK: NO.

2 MR. WAPNER: DO YOU REALIZE THAT THERE IS A BIG DIFFERENCE
3 BETWEEN FICTION AND REALITY?

4 MS. HADLOCK: YES.

5 MR. WAPNER: SPEAKING OF REALITY, DO YOU UNDERSTAND THE
6 NOTION THAT THE PRESUMPTION OF INNOCENCE DOESN'T MEAN THE
7 DEFENDANT IS INNOCENT?

8 MS. HADLOCK: YES.

9 MR. WAPNER: THAT ALL THE PEOPLE WHO ARE CONVICTED IN
10 COURTROOMS ALL OVER THE COUNTRY EVERY DAY, WERE PRESUMED TO
11 BE INNOCENT?

12 MS. HADLOCK: YES.

13 MR. WAPNER: ARE YOU WILLING TO ACCEPT THAT THE
14 PRESUMPTION OF INNOCENCE PLACES ON THE STATE, THE BURDEN OF
15 PROVING HIM GUILTY BEYOND A REASONABLE DOUBT?

16 MS. HADLOCK: YES.

17 MR. WAPNER: IF ORAL ADMISSIONS OF A PERSON SHOULD BE
18 VIEWED WITH CAUTION, AS THE OTHER SIDE OF THAT, SOMETHING THAT
19 IS WRITTEN DOWN WOULD CARRY MORE WEIGHT TO YOU?

20 MS. HADLOCK: I AM NOT SURE OF THAT. I REALLY DON'T
21 THINK IT SHOULD.

22 MR. WAPNER: OKAY. ARE YOU WILLING TO LISTEN TO WHAT
23 SOMEONE HAS TO SAY ABOUT SOMETHING AND THEN EVALUATE WHETHER
24 THAT PERSON IS TELLING THE TRUTH OR WHETHER THEY ARE NOT?

25 MS. HADLOCK: YES.

26 MR. WAPNER: AND IF YOU SEE SOMETHING WRITTEN DOWN THAT
27 MAY CONSTITUTE AN ADMISSION OF A PARTY, ARE YOU WILLING TO
28 LOOK AT THAT AND EVALUATE IT?

1 MS. HADLOCK: YES.

2 MR. WAPNER: WHY DON'T YOU THINK IT SHOULD BE GIVEN MORE
3 WEIGHT IF IT IS WRITTEN AS OPPOSED TO SAID?

4 MS. HADLOCK: WELL, I DON'T KNOW. IF THE JUDGE SAYS
5 TO WEIGH THEM BOTH EQUALLY OR IF I AM TOLD TO WEIGH THEM BOTH
6 EQUALLY, YES.

7 THE COURT: NOW, YOU UNDERSTAND WHEN I TOLD YOU ABOUT
8 AN ORAL ADMISSION, THAT MEANS BY WORD OF MOUTH ONLY. SOMEBODY
9 SAYS THAT HE DID IT. THAT IS TO BE VIEWED WITH CAUTION, IF
10 HE ADMITS SOME KIND OF CRIME.

11 MS. HADLOCK: YES.

12 THE COURT: OR TENDS TO ADMIT A CRIME.

13 BUT IF SOMEBODY WRITES SOMETHING DOWN, THAT DOESN'T
14 APPLY ANYMORE BECAUSE IT IS NO LONGER AN ORAL ADMISSION. DO
15 YOU UNDERSTAND THAT?

16 MS. HADLOCK: YES.

17 THE COURT: IT IS IN WRITING. SO, IT IS TO BE CONSIDERED
18 MORE WEIGHTLY, MORE STRONGLY THAN THE OTHER. DO YOU UNDERSTAND
19 THAT?

20 MS. HADLOCK: YES.

21 MR. WAPNER: THANK YOU, YOUR HONOR. YOU KNOW, WE HAVE
22 GONE ON FOR SO LONG WITH THIS EXAMPLE ON THE BOAT, AS MR. CHIER
23 WAS TALKING TO YOU, I WAS WRITING AND TRYING TO WRITE DOWN
24 NOTES ABOUT DIFFERENT THINGS.

25 EVERY TIME IT GETS REPEATED, IT GETS CHANGED A
26 LITTLE. DOESN'T IT?

27 MS. HADLOCK: YES.

28 MR. WAPNER: IF YOU HEAR THE TESTIMONY OF A WITNESS AND

1 YOU HEAR FOR EXAMPLE, THAT THAT WITNESS HAS TESTIFIED BEFORE
2 TESIFIED ABOUT THE SAME THING BEFORE AND SAID THE SAME THING
3 SLIGHTLY DIFFERENTLY, ARE YOU GOING TO NECESSARILY THINK THAT
4 THAT MEANS HE IS LYING?

5 MS. HADLOCK: NO.

6 MR. WAPNER: HAVE YOU BEEN ABLE EVER TO TALK ABOUT THE
7 SAME EVENT TO TWO DIFFERENT PEOPLE AT TWO DIFFERENT TIMES AND
8 TELL EXACTLY THE SAME STORY?

9 MS. HADLOCK: NO.

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5-1
1 MR. WAPNER: IN THE LAST EXAMPLE HE GAVE YOU ABOUT
2 BORROWING THE MONEY, DO YOU REMEMBER THAT EXAMPLE?

3 MS. HADLOCK: YES, I DO.

4 MR. WAPNER: WOULD YOU HAVE ANY MORE QUESTIONS ABOUT
5 THAT BORROWING THE MONEY BEFORE YOU WERE GOING TO DRAW ANY
6 INFERENCES FROM IT?

7 MS. HADLOCK: YES.

8 MR. WAPNER: WHAT KIND OF QUESTIONS WOULD YOU WANT TO
9 ASK?

10 MS. HADLOCK: I WOULD LIKE TO KNOW HOW LONG THE PERIOD
11 OF TIME, WHAT HE NEEDED THE MONEY FOR AND WHAT -- IF HE PUT
12 ANY COLLATERAL DOWN.

13 MR. WAPNER: OKAY. WOULD YOU WANT TO KNOW WHAT HE DID
14 WITH THE MONEY?

15 MS. HADLOCK: YES. WELL, WHAT HE IS GOING TO DO WITH
16 IT, YES.

17 MR. WAPNER: WELL, IF, FOR EXAMPLE, HE BORROWED THE
18 \$75,000 AND THAT WAS TO PURCHASE SOME HEAVY EQUIPMENT THAT
19 HE WAS GOING TO USE IN BUILDING SOMETHING AND HE PURCHASED
20 THE HEAVY EQUIPMENT WITH IT AND IT WAS SITTING AT HIS HOUSE,
21 YOU WOULD WANT TO KNOW THAT; IS THAT RIGHT?

22 MS. HADLOCK: YES.

23 MR. WAPNER: IF HE BORROWED THE \$75,000 AND PUT IT IN
24 THE BANK, YOU WOULD WANT TO KNOW THAT, RIGHT?

25 MS. HADLOCK: YES.

26 MR. WAPNER: IF HE BORROWED THE \$75,000 AND THERE WASN'T
27 ANY EVIDENCE THAT IT WAS PRESENT ANYWHERE EXCEPT MAYBE IN HIS
28 POCKET, YOU WOULD WANT TO KNOW THAT, TOO, RIGHT?

15-2
1 MS. HADLOCK: YES.

2 MR. WAPNER: AND FROM THOSE DIFFERENT THINGS, YOU CAN
3 MAYBE DRAW DIFFERENT CONCLUSIONS?

4 MS. HADLOCK: YES.

5 MR. WAPNER: IF YOU ARE CHOSEN AS A JUROR IN THIS CASE,
6 ARE YOU WILLING TO ASK ALL OF THOSE QUESTIONS?

7 MS. HADLOCK: YES.

8 MR. WAPNER: I AM NOT TALKING ABOUT THE \$75,000 BUT ABOUT
9 THE EVIDENCE AS IT COMES IN GENERALLY.

10 MS. HADLOCK: YES.

11 MR. WAPNER: IS THIS YOUR BAG WITH THE NAVY GOAT ON IT?

12 MS. HADLOCK: YES, IT IS.

13 MR. WAPNER: THAT IS THE MASCOT FOR THE NAVAL ACADEMY?

14 MS. HADLOCK: YES.

15 MR. WAPNER: DO YOU HAVE FRIENDS OR RELATIVES --

16 MS. HADLOCK: MY HUSBAND AND I TOOK OUR MOTORHOME ON
17 A SIX-MONTH TOUR OF THE UNITED STATES AND CANADA AND WE
18 HAPPENED TO GO TO THE NAVAL ACADEMY SO I BOUGHT THAT.

19 MR. WAPNER: HAVE YOU EVER BEEN THE VICTIM OF A CON
20 SCHEME OF ANY KIND?

21 MS. HADLOCK: NO.

22 MR. WAPNER: HAVE YOU EVER BEEN THE VICTIM OF ANY KIND
23 OF A THEFT?

24 MS. HADLOCK: YES. OUR HOME WAS BURGLARIZED.

25 MR. WAPNER: AND WAS ANYONE APPREHENDED AS A RESULT OF
26 THAT?

27 MS. HADLOCK: NO.

28 MR. WAPNER: DID YOU MAKE A REPORT TO THE POLICE?

1 MS. HADLOCK: YES. MY SON DID.

2 WE WERE OUT OF TOWN AT THE TIME.

3 MR. WAPNER: HOW DO YOU FEEL IT WAS HANDLED BY THE POLICE
4 DEPARTMENT OR DO YOU KNOW?

5 MS. HADLOCK: I REALLY DON'T KNOW. I AM SURE THEY DID
6 THE BEST THAT THEY COULD.

7 WE WEREN'T -- AS I SAID, WE WERE NOT IN TOWN.

8 MR. WAPNER: HAVE YOU EVER HAD TO TESTIFY IN COURT IN
9 ANY KIND OF A CASE?

10 MS. HADLOCK: NO.

11 MR. WAPNER: ARE YOUR PARENTS STILL LIVING?

12 MS. HADLOCK: MY MOTHER IS.

13 MR. WAPNER: HOW OFTEN DO YOU SEE OR TALK TO HER?

14 MS. HADLOCK: SHE LIVES IN SAINT LOUIS, MISSOURI, AND
15 I TALK TO HER ON AN AVERAGE OF ONCE A WEEK.

16 MR. WAPNER: THANK YOU VERY MUCH. I WILL PASS FOR CAUSE,
17 YOUR HONOR.

18 THE COURT: ALL RIGHT. I THINK IT IS THE DEFENDANT'S
19 PEREMPTORY.

20 MR. BARENS: THANK YOU, YOUR HONOR. THE DEFENSE WOULD
21 REQUEST THAT YOUR HONOR THANK AND EXCUSE JUROR NUMBER 2,
22 MR. MC CABE.

23 THE COURT: ALL RIGHT, THANK YOU, MR. MC CABE.

24 THE CLERK: MRS. JUDITH HARRIS, H-A-R-R-I-S.

25 THE COURT: MRS. HARRIS, I BELIEVE YOU TOLD US A LONG
26 TIME AGO THAT YOU OR SOME MEMBER OF YOUR FAMILY HAS BEEN THE
27 VICTIM OF SOME KIND OF A CRIME, A BURGLARY OR ROBBERY OR
28 SOMETHING.

5-4
1 MS. HARRIS: UH-HUH.

2 THE COURT: WHAT WAS IT?

3 MS. HARRIS: WE OWNED A RESTAURANT AT THE TIME AND IT
4 WAS BURGLARIZED AND VANDALIZED.

5 THE COURT: HOW LONG AGO WAS THAT?

6 MS. HARRIS: ABOUT SEVEN YEARS AGO.

7 THE COURT: WAS IT INVESTIGATED BY THE POLICE?

8 MS. HARRIS: VERY THOROUGHLY.

9 THE COURT: ARE YOU SATISFIED WITH THE WAY IT WAS
10 INVESTIGATED?

11 MS. HARRIS: VERY MUCH SO.

12 THE COURT: THEY DIDN'T COME UP WITH THE VANDALS, DID
13 THEY?

14 MS. HARRIS: NO.

15 THE COURT: THAT WOULDN'T PERMIT YOU IN ANY WAY, BECAUSE
16 THE DEFENDANT HAS BEEN CHARGED WITH A SERIOUS CRIME, TO HOLD
17 IT AGAINST HIM BECAUSE YOU YOURSELF HAVE BEEN THE VICTIM OF
18 A CRIME?

19 MS. HARRIS: NO.

20 THE COURT: OTHER THAN THAT, IF I WERE TO ASK YOU THE
21 SAME GENERAL QUESTIONS WHICH WERE ASKED OF THE OTHER JURORS,
22 WOULD YOUR ANSWERS BE ANY DIFFERENT OR WOULD THEY BE ABOUT
23 THE SAME?

24 MS. HARRIS: NO, THEY WOULD BE THE SAME.

25 THE COURT: YOU DON'T HAVE TO HEAR THEM AGAIN, DO YOU?

26 MS. HARRIS: I AM SORRY?

27 THE COURT: YOU DON'T HAVE TO HEAR THEM AGAIN, DO YOU?

28 MS. HARRIS: I HOPE NOT.

15-5

1 THE COURT: HAVE YOU EVER SERVED AS A JUROR ON A CRIMINAL
2 CASE BEFORE?

3 MS. HARRIS: NO, I HAVE NOT.

4 THE COURT: AND YOU OR ANY MEMBER OF YOUR FAMILY ARE
5 NOT IDENTIFIED WITH ANY LAW ENFORCEMENT WORK OF ANY KIND?

6 MS. HARRIS: NO, NOT AT ALL.

7 THE COURT: WHAT DO YOU DO, PLEASE?

8 MS. HARRIS: I OWN A BUSINESS THAT BUILDS FOOD SERVICES
9 IN OFFICE BUILDINGS. I LOCATE THE LOCATIONS, DO THE SITE
10 LOCATIONS, NEGOTIATE FOR THE LEASES AND THEN MY HUSBAND DOES
11 THE CONSTRUCTION AND THEN I OPERATE THEM.

12 THE COURT: I SEE. WHERE DO YOU LIVE?

13 MS. HARRIS: IN WOODLAND HILLS.

14 THE COURT: HOW LONG HAVE YOU LIVED THERE?

15 MS. HARRIS: ABOUT 14 YEARS.

16 THE COURT: DO YOU HAVE ANY CHILDREN?

17 MS. HARRIS: I HAVE THREE CHILDREN.

18 THE COURT: HOW OLD ARE THEY?

19 MS. HARRIS: MY SON IS 31. MY DAUGHTER IS 27. MY
20 YOUNGER DAUGHTER IS 23.

21 THE COURT: ARE ANY OF THEM MARRIED?

22 MS. HARRIS: MY SON JUST MARRIED A MONTH AGO.

23 THE COURT: CONGRATULATIONS.

24 MS. HARRIS: THANK YOU.

25 THE COURT: ALL RIGHT, YOU MAY INQUIRE.

26 MR. BARENS: THANK YOU, YOUR HONOR.

27 GOOD AFTERNOON, MRS. HARRIS.
28

16 FO

5-1
1 MR. BARENS: I WANT TO GET THE BOAT OUT OF THE WAY.

2 THE COURT: I WILL SAY THAT WE HAVE EXHAUSTED THAT
3 SUBJECT COMPLETELY. LET'S NOT GET BACK TO IT.

4 MR. BARENS: YOUR HONOR, I --

5 THE COURT: DID YOU HEAR WHAT I SAID?

6 MR. BARENS: MAY WE APPROACH, YOUR HONOR?

7 THE COURT: NO. YOU CAN'T. JUST GO AHEAD. STAY AWAY
8 FROM THAT SUBJECT.

9 MR. BARENS: THE DEFENSE TAKES EXCEPTION, YOUR HONOR.

10 THE COURT: YES. YOU HAVE EXHAUSTIVELY GONE INTO IT.
11 WE DON'T NEED ANY MORE OF IT.

12 MR. BARENS: IT IS IMPORTANT TO ME THAT YOU HAVE SOME
13 APPRECIATION OF OUR VIEWS ON DIRECT EVIDENCE AS OPPOSED TO
14 CIRCUMSTANTIAL EVIDENCE.

15 I THINK BOTH SIDES ARE INTERESTED IN THAT. AND
16 I THINK THAT IT WILL PLAY A REALLY SIGNIFICANT ROLE IN THIS
17 TRIAL.

18 IF WE HAVE A QUESTION OF A MISSING PERSON OR A
19 DISAPPEARED PERSON AND WE ARE TRYING TO DETERMINE WHETHER THAT
20 PERSON ACTUALLY DISAPPEARED AS OPPOSED TO BEING MURDERED,
21 VOLUNTARILY ABSENTED THEMSELVES, YOU HAVE HEARD EXAMPLES
22 DURING THE PROCEEDINGS SO FAR THAT WOULD SUGGEST ONE OF THE
23 WAYS WE KNOW THAT IS SOMEBODY WOULD SAY THAT THEY SAW THEM
24 AT POINT IN TIME AND THEN THEY DIDN'T SEE THEM ANY MORE.

25 MS. HARRIS: YES.

26 MR. BARENS: THAT WOULD BE THE TYPE OF EVIDENCE YOU WOULD
27 BE WILLING TO CONSIDER?

28 MS. HARRIS: YES.

1 MR. BARENS: NOW, ANOTHER PART OF THAT WOULD BE
2 APPROACHING PEOPLE THAT WERE SUPPOSEDLY CLOSE TO THAT PERSON
3 AND ASKING THEM IF THEY HAD HEARD FROM THAT PERSON. WOULD
4 THAT BE UNDERSTANDABLE TO YOU?

5 MS. HARRIS: YES.

6 MR. BARENS: CERTAINLY, IS THAT SOMETHING THAT YOU WOULD
7 DO IF YOU WERE TRYING TO FIND OUT THE WHEREABOUTS OR
8 CIRCUMSTANCES OF A PERSON THAT HAD ALLEGEDLY DISAPPEARED?

9 MS. HARRIS: IT WOULD BE VERY OBVIOUSLY THE THING TO
10 DO.

11 MR. BARENS: TALK TO THEIR PARENTS, PERHAPS?

12 MS. HARRIS: ABSOLUTELY.

13 MR. BARENS: THEIR BEST FRIENDS AS YOU UNDERSTOOD THEM
14 TO BE?

15 MS. HARRIS: ABSOLUTELY.

16 MR. BARENS: NOW, JURORS HAVE BEEN ASKED WHAT CONCLUSION
17 THEY WOULD DRAW IF THOSE TYPES OF PEOPLE ALL SAID THEY HAD
18 NOT HEARD FROM HIM.

19 NOW, YOU WOULD HAVE TO CONSIDER THEIR MOTIVES,
20 WOULDN'T YOU, THEIR RESPONSES?

21 MS. HARRIS: ABSOLUTELY.

22 MR. BARENS: THEIR MOTIVES AS FAR AS TRUTHFULNESS IN
23 SAYING WHETHER THEY HEARD FROM HIM OR NOT?

24 MS. HARRIS: I WOULD HAVE TO STUDY EACH AND EVERY
25 PERSON AND WONDER WHY THEY SAID WHAT THEY DID AND WHAT THEIR
26 REASONS FOR SAYING THEM WERE.

27 MR. BARENS: NOW, WOULD YOU HAVE TO HAVE SOME EVIDENCE
28 OR INFORMATION ABOUT THE PERSON WHO HAD ALLEGEDLY DISAPPEARED?

1 WOULD YOU HAVE TO HAVE SOME INFORMATION ABOUT HIS MOTIVES,
2 AS WELL?

3 MS. HARRIS: DEFINITELY.

4 MR. BARENS: NOW, WE HAVE BEEN TOLD BY THE PROSECUTOR
5 THAT THE SUGGESTION WAS -- AND A LOT OF THE JURORS SAID THAT
6 IF THEY DIDN'T HEAR FROM HIM -- REMEMBER THE GUY THAT FELL
7 OUT OF THE PLANE INTO THE JUNGLE AND WASN'T HEARD FROM FOR
8 SOME TIME AND THEY PRESUMED HIM TO BE DEAD BECAUSE THEY WOULD
9 HAVE HEARD FROM HIM.

10 MS. HARRIS: HE WOULD BE PRESUMED TO BE DEAD, YES.

11 MR. BARENS: BECAUSE NOBODY HEARD FROM HIM?

12 MS. HARRIS: THAT'S RIGHT.

13 MR. BARENS: THE SAME THING ABOUT ANY OF THE OTHER
14 EXAMPLES WE HEARD WHERE A PERSON HAD NOT BEEN HEARD FROM, IT
15 WAS A BIG POINT THAT WAS MADE BY THE PROSECUTOR. YOU LISTENED
16 TO THAT?

17 MS. HARRIS: YES.

18 MR. BARENS: WHAT DO WE DO IN A TRIAL WHERE YOU HAVE
19 HEARD THAT BUT THEN YOU HEAR A COUPLE OF PEOPLE COME FORWARD
20 AND SAY, WELL, WE SAW HIM? WE SAW A GUY THAT MATCHED THAT
21 DESCRIPTION COMPLETELY OF THAT GUY. WOULD YOU CONSIDER THAT
22 INFORMATION AS WELL?

23 MS. HARRIS: IT WOULD BE VERY IMPORTANT INFORMATION.

24 MR. BARENS: AND THAT WOULD BE RELEVANT AS FAR AS
25 MAKING A DETERMINATION AS TO WHETHER OR NOT BEYOND A
26 REASONABLE DOUBT THAT INDIVIDUAL WAS DEAD OR ALIVE?

27 MS. HARRIS: ABSOLUTELY. RIGHT.

28 MR. BARENS: AND YOU WOULD HAVE TO CONSIDER WHETHER OR

1 NOT THOSE PEOPLE WHO SAID THAT THEY HAD SEEN THE ALLEGED
2 DISAPPEARED OR DEAD PERSON, WHETHER THEY HAD ANY MOTIVE, AS
3 WELL?

4 MS. HARRIS: IT WOULD ALSO HAVE TO BE TAKEN INTO
5 CONSIDERATION, YES.

6 MR. BARENS: THE OTHER SIDE OF THAT OF COURSE, IS A LACK
7 OF MOTIVE. IF YOU SEE A LACK OF MOTIVE OR WHAT WE MIGHT CALL
8 NO AX TO GRIND FOR ONE SIDE OR THE OTHER, THAT WOULD IMPRESS
9 YOU, WOULDN'T IT?

10 MS. HARRIS: YES. EVERYTHING IS MITIGATING, CERTAINLY.

11 MR. BARENS: NOW, WOULD YOU BELIEVE THAT I HAVE USED
12 THE EXPRESSION BEFORE ABOUT THE CONCEPT OF REASONABLE MINDS
13 MAY DIFFER?

14 MS. HARRIS: YES.

15 MR. BARENS: THAT LOOKING AT THE SAME SET OF FACTS FOR
16 THE SAME GIVENS, REASONABLE MINDS WOULD DIFFER AS TO WHAT IS
17 DESIRABLE OR NOT?

18 MS. HARRIS: ABSOLUTELY.

19 MR. BARENS: DON'T YOU ENCOUNTER THAT IN YOUR BUSINESS
20 WITH YOUR HUSBAND, THAT YOU MIGHT SEE A PROSPECTIVE LOCATION
21 TO LEASE, TO OPEN ONE OF YOUR BUSINESSES AND YOU FOLKS, BOTH
22 EXPERIENCED IN THIS BUSINESS, BOTH HAVING DONE IT TIME AND
23 TIME AGAIN, CERTAINLY NOT AMATEURS IN THIS BUSINESS, THAT
24 YOU AND YOUR HUSBAND COULD LEGITIMATELY DISAGREE ON THE
25 DESIRABILITY OF THE SAME LOCATION?

26 MS. HARRIS: WE DO IT ALL OF THE TIME.

27 MR. BARENS: WELL, I DON'T THINK IN THIS AREA, YOU ARE
28 GOING TO TELL ME THAT YOUR HUSBAND IS AN UNREASONABLE GUY?

1 MS. HARRIS: NO. IT IS A VERY GOOD BALANCE. IT HAS
2 NOTHING TO DO WITH BEING UNREASONABLE. WE LOOK AT THINGS AND
3 BRING EACH OTHER IMPORTANT INFORMATION.

4 MR. BARENS: SO, LOOKING AT THE VERY SAME FACTS, THE
5 VERY SAME CIRCUMSTANCES, THE VERY SAME POSSIBILITIES FOR
6 SUCCESS OR FAILURE, YOU BOTH COULD LEGITIMATELY DISAGREE?

7 MS. HARRIS: ABSOLUTELY.

8 MR. BARENS: COULD YOU CONCEDE THAT YOU COULD HAVE A
9 LEGITIMATE DISAGREEMENT WHERE NEITHER SIDE IS RIGHT OR WRONG?

10 MS. HARRIS: YES. THAT HAPPENS IN LIFE CONSTANTLY.

11 MR. BARENS: WOULD YOU AGREE THAT THAT IS BASED ON THE
12 FACT THAT NEITHER SIDE HAS DEFINITIVE KNOWLEDGE ABOUT WHAT
13 THEY ARE TALKING ABOUT, THAT BOTH SIDES MAY HAVE AN OPINION?
14 BUT NEITHER SIDE CAN BE DEFINITIVE OR CONCLUSIVE?

15 MS. HARRIS: YES.

16 MR. BARENS: OKAY. IN THOSE SITUATIONS IN YOUR BUSINESS,
17 GIVEN THAT, YOU CAN EITHER GO TO ANOTHER LOCATION AND JUST
18 PASS OR YOU CAN TRY TO GET MORE INFORMATION.

19 BUT WHAT DO WE DO IN THIS TYPE OF SITUATION WHERE,
20 IF REASONABLE MINDS DISAGREE AND THERE IS NOTHING DEFINITIVE
21 EITHER WAY, WHAT HAPPENS TO JOE HUNT?

22 MS. HARRIS: IT HAS TO BE DROPPED. HE HAS TO BE SET
23 FREE.

1 MR. BARENS: BECAUSE IT IS NOT BEYOND A REASONABLE DOUBT
2 IN THAT INSTANCE, IS IT?

3 MS. HARRIS: NO, IT IS NOT. THIS IS A HUMAN LIFE.

4 MR. BARENS: NOW, WE HEARD SOME DISCUSSION PRIOR TO LUNCH
5 ABOUT ADMISSIONS. AND HIS HONOR READ TO YOU THE INSTRUCTION
6 ON ADMISSIONS AND CONCLUDED WITH THE EXPRESSION "VIEWED WITH
7 CAUTION." THAT IS, THAT AN ADMISSION OF A DEFENDANT MUST BE --

8 THE COURT: YOU MEAN AN ORAL ADMISSION, DON'T YOU?

9 MR. BARENS: YES. I WILL MAKE THAT QUITE CLEAR ON MY
10 OWN, YOUR HONOR.

11 AN ORAL ADMISSION NEEDS TO BE VIEWED WITH CAUTION,
12 AS OPPOSED TO A WRITTEN STATEMENT. I WILL DEAL WITH THE
13 WRITTEN STATEMENT WITH YOU IN A MOMENT. OKAY?

14 MS. HARRIS: ALL RIGHT.

15 MR. BARENS: WE FIRST START WITH ORAL ADMISSIONS. DO
16 YOU HAVE AN APPRECIATION AS TO WHY THE COURT INSTRUCTS YOU
17 TO VIEW AN ORAL ADMISSION WITH CAUTION? AND THEY PUT IT RIGHT
18 AT THE END. YOU KNOW, THEY REALLY POINT IT OUT TO YOU. WHY
19 DO THEY DO THAT? DO YOU HAVE A FEELING FOR THAT?

20 MS. HARRIS: I AM NOT REALLY CERTAIN THAT I MEAN, I HAVE
21 MY OWN OPINIONS AS TO WHY THEY WOULD TELL YOU. BUT LEGALLY,
22 THE LEGALESE, I DON'T KNOW.

23 MR. BARENS: WHAT WOULD BE YOUR OPINION?

24 MS. HARRIS: WELL, PEOPLE CAN SAY THINGS AT TIMES AND
25 NOT ALWAYS MEAN THEM. THEY CAN SAY THEM UNDER CERTAIN CONDITIONS
26 WHEN THEY ARE FRIGHTENED OR FEEL INTIMIDATED.

27 IT ISN'T NECESSARILY WHAT THEY REALLY WANT TO SAY.

28 MR. BARENS: OR TO IMPRESS YOU THEY MIGHT SAY SOMETHING?

1 MS. HARRIS: YES. PEOPLE CAN DO THAT.

2 MR. BARENS: ISN'T IT ALSO BECAUSE THAT COULD BE THE
3 EASIEST THING SOMEBODY COULD LIE ABOUT? IF I WERE TO SAY TO
4 YOU -- IF I WERE TO SAY THAT YOU SAID SOMETHING EARLIER, YOU
5 WOULDN'T HAVE -- WOULDN'T IT BE ONE OF THE HARDEST THINGS IN
6 THE WORLD FOR YOU TO DISPROVE? I WOULD SAY YOU SAID SOMETHING.

7 MS. HARRIS: IT IS A TERRIBLE THING AND IT HAPPENS IN
8 LIFE CONSTANTLY.

9 MR. BARENS: IT IS REALLY A HARD THING FOR US TO DISPROVE?

10 MS. HARRIS: I DON'T SEE HOW YOU CAN DO IT. ALL YOU
11 CAN DO IS DEFEND YOUR POSITION.

12 MR. BARENS: WELL, IT IS FOR ALL THE REASONS THAT YOU
13 GET THE INSTRUCTION THE JUDGE READ TO YOU.

14 NOW, ON THE OTHER HAND, THE SAME TYPE OF MODIFICATION
15 IS NOT GIVEN ON A WRITTEN DOCUMENT. NOW, BOTH SIDES CAN
16 GIVE YOU DIFFERENT REASONS AS TO WHY THAT EXISTS THAT WAY OR
17 IT DOESN'T EXIST THAT WAY.

18 LET ME ASK YOU THIS. HAVE YOU EVER WRITTEN A
19 LETTER YOU DIDN'T SEND?

20 MS. HARRIS: YES. THAT IS SOMETHING THAT I DO A LOT.
21 IT IS SOMETHING THAT I USE WHEN I HAVE ANGER TOWARD PEOPLE
22 OR WHEN I AM UPSET ABOUT SOMETHING.

23 I DO WRITE LETTERS AND PURPOSELY WRITE THEM AND
24 NOT MAIL THEM.

25 MR. BARENS: BUT YOU SEE, WHEN YOU WRITE SOMETHING DOWN,
26 ISN'T IT TRUE THAT YOU GET A SECOND LOOK AT IT AS OPPOSED TO
27 SOMETHING THAT YOU SAY ON THE SPUR OF THE MOMENT?

28 MS. HARRIS: ABSOLUTELY RIGHT.

1 MR. BARENS: YOU DON'T HAVE TO COMMIT WHAT YOU SAY IN
2 THE LETTER? YOU DON'T HAVE TO DO IT?

3 MS. HARRIS: THAT'S RIGHT.

4 MR. BARENS: AND YOU DON'T HAVE TO NECESSARILY SEND THAT
5 LETTER. I WILL BET THAT YOU WOULD FEEL TERRIBLE IF THE
6 SUPPOSED RECIPIENT OF THAT LETTER EVER FOUND ONE OF THOSE
7 LETTERS YOU DIDN'T SEND, WOULDN'T YOU?

8 MS. HARRIS: I WOULD PROBABLY DIE OF EMBARRASSMENT.

9 MR. BARENS: YOU WOULDN'T WANT TO BE JUDGED ON THAT,
10 WOULD YOU?

11 MS. HARRIS: NO, NOT AT ALL. NOT AT ALL.

12 MR. BARENS: IT IS A GOOD THING TO KEEP IN MIND. THAT
13 IS WHY THE LAW IS ALSO A LITTLE BIT DIFFERENT. YOU GET A
14 SECOND CHANCE WITH THOSE THINGS AND YOU CAN DELIBERATE A LITTLE
15 BIT.

16 MS. HARRIS: RIGHT.

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1 MR. BARENS: NOW, ALSO A WRITING CAN BE AMBIGUOUS.

2 MS. HARRIS: I AM SORRY. I DIDN'T HEAR YOU.

3 MR. BARENS: A WRITING COULD BE AMBIGUOUS, COULD YOU
4 AGREE WITH THAT, THAT SOMETIMES WORDS, THEIR CONTEXT, THE WORDS
5 THEY ARE PUTTING IN A WRITING, ONE COULD HAVE DIFFICULTY WITH
6 INTERPRETATION.

7 MS. HARRIS: ABSOLUTELY, YES.

8 MR. BARENS: AFTER ALL, I THINK I MENTIONED RIGHT AT
9 THE BEGINNING OF THIS THAT WE LAWYERS FOR DECADES AND DECADES
10 AND 200 YEARS WORTH HAVE BEEN ARGUING ABOUT THE MEANING OF
11 JUST TWO WORDS "DUE PROCESS," WRITTEN BY OUR FOREFATHERS AND
12 THAT WILL GO ON, LET ME ASSURE YOU, FOREVER, WE WILL ARGUE
13 ABOUT WRITTEN WORDS.

14 GETTING AWAY FROM THAT FOR A MOMENT, WE ALSO HAD
15 SOME DISCUSSION WITH THE LAST JUROR ABOUT THE CONSISTENCY OF
16 ONE'S STORY AND THE JUROR WAS ASKED IF YOU NECESSARILY WOULD
17 NOT BELIEVE A WITNESS WHO MAYBE HAD TOLD HIS STORY OVER AND
18 OVER AGAIN PERHAPS IN DIFFERENT SETTINGS, WHETHER IN COURT
19 OR AT DIFFERENT HEARINGS IN A COURT AND YOU WERE ASKED -- THE
20 JUROR WAS ASKED "WELL, WOULD YOU NECESSARILY THINK HE WAS
21 LYING BECAUSE HE HAD SAID SOME DETAILS DIFFERENTLY NOW THAN
22 HE DID EARLIER?"

23 MS. HARRIS: NO, I WOULDN'T.

24 MR. BARENS: YOU WOULDN'T THINK HE WAS NECESSARILY LYING?

25 MS. HARRIS: NO.

26 MR. BARENS: HOW ABOUT, HOWEVER, AN IMMUNIZED WITNESS
27 TELLING HIS STORY, YOU KNOW, STORY THAT HE GAVE TO THE GOVERN-
28 MENT IN EXCHANGE FOR SOMETHING, WOULDN'T YOU THINK HE WOULD

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1 BE MORE LIKELY TO BE CONSISTENT WHEN HE TOLD HIS STORY?

2 MS. HARRIS: I THINK HE WOULD PROBABLY WANT TO BE VERY
3 CAREFUL.

4 MR. BARENS: YOU THINK HE WOULD BE MORE LIKELY, SINCE
5 YOUR STORY HAD BEEN REHEARSED AND DELIBERATED AND DISCUSSED
6 AND A DEAL MADE --

7 MR. WAPNER: YOUR HONOR, I OBJECT. THERE HAS BEEN NO
8 EVIDENCE TO THAT.

9 THE COURT: I WILL SUSTAIN THE OBJECTION.

10 MR. BARENS: IF YOU HEARD EVIDENCE, WOULD YOU CONSIDER
11 EVIDENCE TO THE FACT THAT BEFORE THIS PERSON CAME INTO THE
12 ROOM TO TELL YOU HIS STORY, THAT HE HAD TOLD IT AND TOLD IT,
13 WOULD IT IMPRESS YOU IF HE COULDN'T TELL IT THE SAME WAY THIS
14 TIME AFTER GETTING IMMUNITY FOR TELLING THE STORY, WOULD THAT
15 HAVE SOME IMPACT FOR HIS TRUTHFULNESS?

16 MS. HARRIS: I DON'T KNOW IF I WOULD HANDLE THAT PERSON
17 DIFFERENTLY THAN SOMEONE WHO HAS NOT BEEN GRANTED IMMUNITY.

18 MR. HARENS: ALL RIGHT, THAT IS A FAIR ASSESSMENT FOR
19 YOU TO MAKE IN WHETHER OR NOT HIS TESTIMONY IS BELIEVABLE.

20 BUT WOULD YOU AT LEAST CONSIDER EVIDENCE, AS FAR
21 AS HIS RELIABILITY, IF IN FACT HE WASN'T CONSISTENT?

22 MS. HARRIS: YES, THAT IS RIGHT.

23 MR. BARENS: ALL I AM ASKING, IF YOU WOULD CONSIDER
24 THAT --

25 MS. HARRIS: OF COURSE, I WOULD.

26 MR. BARENS: -- IN COMING TO A CONCLUSION.

27 HOW DO YOU FEEL ABOUT THE PRESUMPTION OF INNOCENCE
28 THAT MR. HUNT HAS AS HE SITS IN THIS COURTROOM?

1 MS. HARRIS: I THINK IT IS THE MOST FAIR THING IN THE
2 WORLD.

3 MR. BARENS: DOES THE FACT THAT OVER THE HUNDREDS OF YEARS
4 WHILE WE HAVE HAD THIS PRESUMPTION OF INNOCENCE, THAT PEOPLE
5 IN CRIMINAL TRIALS HAVE BEEN CONVICTED IN THIS COUNTRY, DOES
6 THAT MAKE YOU FEEL HE IS ANY LESS INNOCENT IN YOUR MIND AS
7 HE SITS THERE TODAY?

8 MS. HARRIS: IT HAS NOTHING TO DO WITH HIM.

9 MR. BARENS: IT HAS ABSOLUTELY NOTHING TO DO WITH HIM.
10 EACH CASE STANDS ON ITS OWN?

11 MS. HARRIS: ABSOLUTELY.

12 MR. BARENS: HOW ABOUT HIM AS A WITNESS, MR. HUNT
13 COMING FORWARD, WOULD YOU NECESSARILY FEEL THAT HE WOULD BE
14 LESS LIKELY TO BE TRUTHFUL BECAUSE HE IS ON TRIAL FOR HIS
15 LIFE?

16 MS. HARRIS: NO, NOT AT ALL, NO.

17 I THINK IT WAS SAID VERY MUCH EARLIER BY SOMEONE,
18 THAT PEOPLE CAN SPEAK DIFFERENT WAYS AND THEY CAN BE FRIGHTENED
19 OR NERVOUS AND THEY CAN BE SEEN AS COMING ACROSS AS GUILTY
20 AND SOMETIMES YOU NEED TO DEPEND UPON THE ATTORNEY TO EVALUATE.

21 MR. BARENS: NOW, MANY JURORS HAVE BEEN ASKED IF THEY
22 STILL WOULD CONVICT, EVEN THOUGH THEY DIDN'T LIKE THE NATURE
23 OF THE VICTIM, THAT WOULD YOU STILL CONVICT THAT COKE DEALER
24 WHO WAS ROBBED, EVEN THOUGH WE KNOW HE IS A COKE DEALER; WOULD
25 YOU GIVE THE SAME ANSWER THE OTHER PEOPLE HAVE, THAT YOU WOULD
26 IN FACT CONVICT?

27 MS. HARRIS: YES.

28 MR. BARENS: HOW ABOUT, WOULD YOU CONVICT MY CLIENT IF

1 YOU DIDN'T LIKE HIS LIFESTYLE?

2 MS. HARRIS: THAT HAS NOTHING TO DO WITH IT.

3 MR. BARENS: WOULD YOU CONVICT HIM IF YOU HAD HEARD BAD
4 THINGS HE HAD DONE, SOME THINGS YOU WOULDN'T AGREE WITH?

5 MS. HARRIS: NO.

6 MR. BARENS: IT IS NOT A POPULARITY CONTEST AT ALL, IS
7 IT?

8 MS. HARRIS: THAT'S CORRECT.

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1 MR. BARENS: HE IS NOT ON TRIAL FOR WHETHER HE IS A GOOD
2 GUY OR A BAD GUY, IS HE?

3 MS. HARRIS: IT HAS NOTHING TO DO WITH IT.

4 MR. BARENS: HE IS NOT ON TRIAL FOR HIS LIFESTYLE.

5 MS. HARRIS: NO, NOT AT ALL.

6 MR. BARENS: HE IS ON TRIAL FOR ONE THING, WHETHER HE
7 COMMITTED A FIRST DEGREE MURDER DURING A ROBBERY.

8 MS. HARRIS: THAT'S CORRECT.

9 MR. BARENS: AND THAT IS ALL THAT HAS TO BE PROVEN OR
10 NOT PROVEN; ISN'T THAT TRUE?

11 MS. HARRIS: ABSOLUTELY.

12 MR. BARENS: DO YOU HAVE ANY HOBBIES?

13 MS. HARRIS: MANY.

14 MR. BARENS: WHAT KIND OF HOBBIES DO YOU HAVE?

15 MS. HARRIS: I LIKE TO TAKE LOTS OF CLASSES, PSYCHOLOGY
16 AND I KNIT AND DO DESIGNING ON KNITTING SWEATERS AND I LIKE
17 TO PLAY TENNIS. I LIKE TO -- I BELONG TO A LOT OF CHARITABLE
18 ORGANIZATIONS AND I AM VERY INVOLVED WITH MY CHILDREN AND I
19 LIKE TO GO SHOPPING WITH THEM AND THAT IS ABOUT IT.

20 MR. BARENS: TAKING IT FROM THE TOP, YOU ARE INTERESTED
21 IN PSYCHOLOGY?

22 MS. HARRIS: YES.

23 MR. BARENS: IS THERE ANY PARTICULAR SCHOOL OR DISCIPLINE
24 OF PSYCHOLOGY THAT YOU WOULD BE PARTICULARLY FOND OF OR THINK
25 IS PARTICULARLY STIMULATING?

26 MS. HARRIS: NO.

27 I READ THE PAPER AND I LOOK TO SEE WHICH OF THE
28 UNIVERSITIES ARE GIVING SEMINARS AND THINGS THAT WOULD APPEAL

1 TO ME. THEY ARE USUALLY TO DO WITH THE WORLD TODAY AND WHAT
2 IS HAPPENING WITH THE WORLD AND HOW THINGS ARE CHANGING IN
3 TERMS OF YESTERDAY, TODAY AND TOMORROW.

4 MR. BARENS: THE PSYCHOLOGY OF CHANGE?

5 MS. HARRIS: YES.

6 MR. BARENS: THE PSYCHOLOGY OF THE FACT THAT THINGS THAT
7 USED TO BE TRUE FOR ALL OF US AREN'T TRUE ANY LONGER?

8 MS. HARRIS: ANYTHING TO EXPAND, YES, THAT'S RIGHT.

9 MR. BARENS: DIFFERENT BELIEF SYSTEMS THAT ARE EMERGENT?

10 MS. HARRIS: YES.

11 MR. BARENS: CAN YOU REMEMBER THE TITLE OF THE LAST CLASS
12 YOU TOOK?

13 MS. HARRIS: IT WAS AT UCLA WITH DR. KINDER AND IT HAD
14 TO DO WITH MEN WHO HATE WOMEN.

15 (LAUGHTER IN THE COURTROOM.)

16 MS. HARRIS: I THOUGHT IT WAS A VERY INTRIGUING TITLE
17 AND I HAD TO KNOW WHAT HE HAD TO SAY ABOUT THAT.

18 MR. BARENS: I AM GOING TO LEAVE THAT ALONE BECAUSE I
19 DON'T HAVE ANY REAL INSIGHT INTO THE SUBJECT OR REFERENCE.

20 (LAUGHTER IN THE COURTROOM.)

21 MR. BARENS: CAN YOU TELL ME ANY OTHER CLASSES YOU HAVE
22 TAKEN RECENTLY?

23 MS. HARRIS: I HAVE TAKEN SOME WEIGHT CLASS, BEHAVIOR
24 MODIFICATION TO DO STRICTLY WITH THE BODY, WHY WE DO THE THINGS
25 WE DO.

26 MR. BARENS: DO YOU TAKE ANY CLASSES IN PHILOSOPHY?

27 MS. HARRIS: I TOOK ONE AND IT WAS VERY -- I DIDN'T REALLY
28 CARE FOR IT.

1 MR. BARENS: WAS THAT A LONG TIME AGO?

2 MS. HARRIS: YES, IT WAS ABOUT 15 YEARS AGO. I DON'T
3 REALLY REMEMBER.

4 MR. BARENS: YOU DON'T FIND IN YOUR PSYCHOLOGY CLASSES
5 ANY REAL OVERLAP WITH PHILOSOPHY?

6 MS. HARRIS: OH, I AM SURE THERE ARE, YES.

7 MR. BARENS: BUT IT IS NOT ARTICULATED FOR YOU?

8 MS. HARRIS: RIGHT.

9 MR. BARENS: YOU DON'T GET INTO ANY INVOLVEMENT WITH
10 EXISTENTIALISM?

11 MS. HARRIS: NO.

12 THAT IS REALLY VERY DEEP FOR ME. I DON'T REALLY
13 UNDERSTAND IT.

14 MR. BARENS: OKAY, SO THAT REALLY DOESN'T MEAN A LOT
15 TO YOU OR YOU WOULDN'T HAVE ANY FEELINGS ONE WAY OR THE OTHER
16 ON THAT?

17 MS. HARRIS: NO, I DON'T.

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1 MR. BARENS: IS THERE ANY PARTICULAR TYPE OF KNITTING --
2 DO YOU DO THAT FOR YOUR FAMILY MEMBERS?

3 MS. HARRIS: WELL, I USED TO KNIT -- MOST OF THE TIME,
4 OF COURSE, IT IS JUST RELAXATION FOR ME. I AM JUST SUCH AN
5 INVOLVED PERSON THAT IT IS A WAY OF RELAXING AND I KNIT THINGS
6 FOR MY DAUGHTERS AND MYSELF.

7 MR. BARENS: IN YOUR BUSINESS LIFE, YOUR RESPONSIBILITY
8 LEVEL IS IN RUNNING THE BUSINESS AFTER THEY ARE LOCATED?

9 MS. HARRIS: MANAGING.

10 MR. BARENS: ARE THESE IN OFFICE BUILDINGS?

11 MS. HARRIS: YES, THEY ARE.

12 MR. BARENS: ARE THEY IN OFFICE BUILDINGS FREQUENTLY
13 TENANTED BY LAWYERS?

14 MS. HARRIS: THEY CAN BE. IT IS NOT PREVALENT. WE HAVE
15 HAD THEM IN OFFICE BUILDINGS ALL THROUGH LOS ANGELES, WITH
16 ENGINEERS, ATTORNEYS, DOCTORS.

17 MR. BARENS: HAVE YOU HAD A LOT OF CONTACT WITH LAWYERS
18 IN YOUR BUSINESS LIFE?

19 MS. HARRIS: NO.

20 I DON'T REALLY HAVE MUCH TIME FOR CONTACT BECAUSE
21 IT IS A CAFETERIA BASICALLY, SOMEONE WILL COME IN AND TAKE
22 A TRAY AND SIT DOWN AND EAT. IT IS NOT A LINGERING TYPE OF
23 FACILITY.

24 I DID MAKE FRIENDS WITH AN ATTORNEY MANY YEARS
25 AGO, MAINLY BECAUSE HE WAS AN OLDER AND VERY SWEET MAN. WE
26 USED TO CHAT AND WE NEVER GOT INTO LEGAL MATTERS.

27 MR. BARENS: DO YOU RECALL WHAT TYPE OF LAW HE PRACTICED?

28 MS. HARRIS: I THINK PROBABLY BUSINESS LAW.

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MR. BARENS: HAVE YOU EVER BEEN INVOLVED IN ANY KIND
OF BUSINESS LITIGATION?

MS. HARRIS: YES.

18A-1

1 MR. BARENS: WERE YOU A PLAINTIFF OR A DEFENDANT?

2 MS. HARRIS: I WAS A DEFENDANT. IT WAS JUST A VERY
3 SLIGHT -- WE HAD SOLD ONE OF THE BUSINESSES. AND RIGHT AFTER
4 ESCROW CLOSED, THE PARTY DECIDED THAT HE DID NOT WANT TO PAY
5 WHAT THEY IN FACT, SAID THEY WERE GOING TO PAY.

6 AND THEN, THEY SUED US AND WITHIN TWO WEEKS, HE
7 DROPPED THE CASE.

8 MR. BARENS: SO, YOU HAVE NEVER PARTICIPATED IN A TRIAL
9 ON A CIVIL LEVEL?

10 MS. HARRIS: NO.

11 MR. BARENS: I BELIEVE YOU INDICATED THAT YOU HAVE NO
12 PRIOR JURY EXPERIENCE?

13 MS. HARRIS: THAT'S CORRECT.

14 MR. BARENS: HAVE YOU EVER WATCHED A TRIAL BEFORE?

15 MS. HARRIS: NO.

16 MR. BARENS: WHAT WAS THE LAST BOOK THAT YOU READ, IF
17 YOU RECALL?

18 MS. HARRIS: THE LAST BOOK THAT I READ -- LET ME THINK.
19 MOST OF THE TIME I READ MAGAZINE ARTICLES. I BELIEVE THE LAST
20 BOOK I READ WAS "A WOMAN OF SUBSTANCE."

21 MR. BARENS: AND IN YOUR CLASSES, ARE YOU CURRENTLY
22 TAKING AN EXTENSION CLASS?

23 MS. HARRIS: NOT THIS SEMESTER, I AM NOT.

24 MR. BARENS: HAVE YOU ENROLLED FOR AN EXTENSION CLASS
25 STARTING IN FEBRUARY?

26 MS. HARRIS: I WANTED TO TAKE A HUMANITIES CLASS IN
27 FEBRUARY.

28 MR. BARENS: AT UCLA?

18A-2
1 MS. HARRIS: YES. I HAVE NOT ENROLLED YET.

2 MR. BARENS: HAVE YOU RECEIVED THAT BOOK TWO WEEKS AGO,
3 DIDN'T YOU, THE EXTENSION BOOK?

4 MS. HARRIS: YES I DID.

5 MR. BARENS: AND HAVE YOU LOOKED AT THE HUMANITIES
6 PROSPECTUS IN THAT BIG BOOK?

7 MS. HARRIS: YES.

8 MR. BARENS: WAS THERE A PARTICULAR CLASS THAT YOU MIGHT
9 HAVE CIRCLED THAT YOU INTENDED TO TAKE IN FEBRUARY?

10 MS. HARRIS: NO. I HAD NOT MADE UP MY MIND FOR SURE
11 BECAUSE I WAS COMING TO JURY DUTY. I THOUGHT I BETTER WAIT
12 TO SEE WHAT HAPPENED.

13 MR. BARENS: THAT WOULD BE AT NIGHT, WOULDN'T IT?

14 MS. HARRIS: YES. I BELIEVE IT WAS TUESDAY NIGHT.

15 MR. BARENS: MOST OF THEM START AT 7:30 AND ARE 7:30
16 TO 9:00. WE ARE OKAY.

17 MS. HARRIS: THAT IS TRUE.

18 MR. BARENS: WAS THERE A REASON FOR SWITCHING FROM THE
19 PSYCHOLOGY TO HUMANITIES? OR, DO YOU CONSIDER PSYCHOLOGY A
20 PART OF THE HUMANITIES DISCIPLINE?

21 MS. HARRIS: NO. I HAD SOME FRIENDS OF MINE WHO TOLD
22 ME ABOUT IT. IT JUST FASCINATED ME. I THOUGHT IT REALLY
23 SOUNDED INTERESTING.

24 MR. BARENS: WHAT IS THE LAST MOVIE YOU SAW?

25 MS. HARRIS: "AGNES OF GOD."

26 MR. BARENS: A DIFFERENT KIND OF GUILT THAN WE ARE
27 DEALING WITH HER?

28 MS. HARRIS: YES.

8A-3

1 MR. BARENS: AND THIS IS NOT ANY PRESUMED TYPE OF GUILT.
2 ISN'T THIS THE OPPOSITE OF WHAT YOU HAD THERE?

3 MS. HARRIS: COMPLETELY.

4 MR. BARENS: THIS IS PRESUMED INNOCENCE, RATHER THAN
5 PRESUMED FALLEN?

6 MS. HARRIS: ABSOLUTELY.

7 MR. BARENS: ALL OF THAT HAS NOTHING TO DO WITH WHAT
8 WE ARE DOING HERE, DOES IT?

9 MS. HARRIS: OBVIOUSLY.

10 MR. BARENS: ALL RIGHT. WE ARE NOT GOING TO JUDGE BY
11 THOSE STANDARDS. DO YOU HAVE ANY FORMAL EDUCATION AFTER
12 HIGH SCHOOL?

13 MS. HARRIS: I HAD ONE YEAR OF WHAT WE CALLED SENIOR
14 MATRICULATION IN CANADA. IT WAS LIKE PIERCE COLLEGE OR
15 KIND OF A RATHER LOWER LEVEL COLLEGE, FIRST YEAR.

16 THEN I TOOK SOME RESTAURANT MANAGEMENT CLASSES
17 WHEN I WENT INTO THIS BUSINESS.

18 MR. BARENS: OKAY. YOU ADVISED THAT YOU ARE INVOLVED
19 IN SOME CHARITABLE ACTIVITIES?

20 MS. HARRIS: YES.

21 MR. BARENS: AND WHAT CHARITIES DO YOU BELONG TO?

22 MS. HARRIS: THE NATIONAL ASTHMA CENTER FOR ASTHMATIC
23 CHILDREN AND ALSO THE CITY OF HOPE.

24 MR. BARENS: AND ARE YOU INVOLVED IN ANY PARTICULAR
25 COMMITTEES ASSOCIATED WITH THE CITY OF HOPE?

26 MS. HARRIS: AS A MATTER OF FACT, I AM JUST GOING TO
27 A NEW CHAPTER THIS WEEK TO CONSIDER JOINING THIS CHAPTER.
28 SO I AM NOT INVOLVED RIGHT NOW.

18A-4
1 MR. BARENS: ANY OTHER CHARITIES OR ORGANIZATIONS THAT
2 YOU BELONG TO?

3 MS. HARRIS: WELL, NOT -- NO, NOT BELONG TO. NO. I
4 SUPPORT FINANCIALLY BUT NOT BELONG TO.

5 MR. BARENS: I APPRECIATE THAT. BUT NONE THAT YOU WOULD
6 PARTICIPATE IN WITH YOUR TIME?

7 MS. HARRIS: JUST NATIONAL ASTHMA CENTER. I AM INVOLVED
8 WITH THAT.

9 MR. BARENS: AND YOU MENTIONED THAT YOU HAD THREE
10 CHILDREN? THE OLDEST IS 31?

11 MS. HARRIS: YES.
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18B-1

1 MR. BARENS: WHAT DOES THAT CHILD DO?

2 MS. HARRIS: MARK IS A FINANCIAL ANALYST.

3 MR. BARENS: SHE WORKS FOR --

4 MS. HARRIS: MARK. HE.

5 MR. BARENS: I THOUGHT YOU SAID MARGARET. MARK WORKS
6 FOR WHOM?

7 MS. HARRIS: FOR THE MONEY STORE. THEY ARE A FINANCIAL
8 LENDING INSTITUTION.

9 MR. BARENS: I SEE. AND YOUR SECOND CHILD IS --

10 MS. HARRIS: MY SECOND CHILD IS ANDREA. SHE IS A
11 COSMETOLOGIST.

12 MR. BARENS: AND YOUR THIRD CHILD?

13 MS. HARRIS: LESLIE JUST GRADUATED. SHE IS A BROADCASTER.
14 SHE LIVES IN SANTA CRUZ AND WORKS FOR A RADIO STATION AS THE
15 OPERATING MANAGER.

16 MR. BARENS: PRIOR TO YOUR BEING IN THE BUSINESS YOU
17 ARE IN, WAS YOUR HUSBAND INVOLVED IN A PREVIOUS TYPE OF
18 EMPLOYMENT?

19 MS. HARRIS: MY HUSBAND STILL IS A TEACHER. HE IS ONLY
20 INVOLVED IN THE CONSTRUCTION END OF THE RESTAURANT BUSINESS.
21 HE DOES NOT HAVE ANYTHING TO DO WITH THE
22 OPERATIONS OR THE SITE LOCATIONS.

23 MR. BARENS: I SEE. AND WHAT DID HE DO BEFORE THAT?

24 MS. HARRIS: HE IS A TEACHER. HE HAS BEEN FOR 28 YEARS.

25 MR. BARENS: I SEE. HE TAUGHT WHAT, MA'AM?

26 MS. HARRIS: HE TEACHES WOODSHOP AND MATH.

27 MR. BARENS: AND WAS HE IN THE SERVICE WHILE YOU WERE
28 MARRIED?

18B-2
1 MS. HARRIS: HE WAS IN THE SERVICE WHEN WE WERE MARRIED,
2 YES.

3 MR. BARENS: YES?

4 MS. HARRIS: IN THE AIR FORCE.

5 MR. BARENS: DID HE HAVE A PARTICULAR FUNCTION IN THE
6 AIR FORCE?

7 MS. HARRIS: HE WAS ONLY IN THE AIR FORCE FOR EIGHT
8 MONTHS. AND THEN HE WAS DISCHARGED. I DON'T REMEMBER WHAT --
9 HE WAS A SERGEANT.

10 MR. BARENS: WOULD YOU LIKE TO BE A JUROR ON THIS CASE?

11 MS. HARRIS: YES. I THINK IT WOULD BE VERY FASCINATING.

12 MR. BARENS: YOU THINK IT WOULD BE INTERESTING?

13 MS. HARRIS: YES.

14 MR. BARENS: THANK YOU FOR YOUR TIME. PASS FOR CAUSE,
15 YOUR HONOR.

16 THE COURT: ALL RIGHT.

17 MR. WAPNER: THE JUDGE HAS SET US ADRIFT, SO TO SPEAK.
18 HAVE YOU TAKEN ANYTHING IN YOUR PSYCHOLOGY CLASSES ABOUT
19 EYEWITNESS IDENTIFICATION?

20 MS. HARRIS: NO.

21 MR. WAPNER: HAVE YOU READ ANYTHING ABOUT IT?

22 MS. HARRIS: I DON'T KNOW WHAT IT IS.

23 MR. WAPNER: OKAY. HAVE YOU -- YOUR RESTAURANTS ARE
24 ALL FAST-FOOD, RIGHT?

25 MS. HARRIS: YES THEY ARE.

26 MR. BARENS: HAVE YOU EVER HAD OCCASION TO BE IN A
27 RESTAURANT AND HAVE THE WAITER OR WAITRESS COME TO YOUR TABLE.
28 YOU TALK TO THEM.

8B-3

1 THEN, THEY SAY THEY WILL BE BACK IN A MINUTE. AND
2 THEN YOU THINK TO YOURSELF THAT YOU NEED SOMETHING. YOU LOOK
3 AROUND AND YOU CAN'T REMEMBER WHICH OF THE WAITERS OR WAITRESSES
4 IS YOURS?

5 MS. HARRIS: YES. DEFINITELY.

6 MR. WAPNER: AND HAVE YOU EVER HAD OCCASION TO SEE
7 SOMEONE ON THE STREET THAT YOU THOUGHT WAS A FRIEND OF YOURS,
8 THOUGHT THAT YOU KNEW AND YOU WERE WRONG?

9 MS. HARRIS: YES. THAT HAS HAPPENED, TOO. IT IS
10 EMBARRASSING.

11 MR. WAPNER: COMMON EXPERIENCES THAT WE ALL HAVE HAD?

12 MS. HARRIS: YES.

13 MR. WAPNER: AND DID YOU HEAR THE EXAMPLES THAT I WAS
14 USING I THINK YESTERDAY ABOUT THE TWO ROBBERIES, ONE WITH AN
15 EYEWITNESS WHO SAYS THAT THEY SAW THIS PERSON AND ONE WAS
16 CIRCUMSTANTIAL EVIDENCE?

17 MS. HARRIS: YES.

18 MR. WAPNER: IF YOU HEARD WITNESSES IN THIS CASE WHO
19 WERE GIVING EYEWITNESS TESTIMONY, I SAW SO AND SO, COULD YOU
20 EVALUATE THAT TESTIMONY WITH THE SAME REASON AND COMMON SENSE
21 THAT YOU WOULD BRING TO EVALUATING THE TESTIMONY OF ALL OTHER
22 WITNESSES?

23 MS. HARRIS: YES.

24 MR. WAPNER: AND AS I SAID TO ONE OF THE OTHER JURORS,
25 YOU ARE NOT REQUIRED TO LEAVE YOUR COMMON SENSE OUTSIDE IN
26 THE HALLWAY. DO YOU UNDERSTAND THAT?

27 MS. HARRIS: I HOPE SO.

28 MR. WAPNER: OKAY. AND WE HAVE ALL HAD COMMON

1 EXPERIENCES ABOUT SEEING PEOPLE THAT WE THOUGHT WE KNEW?

2 MS. HARRIS: YEAH.

3 MR. WAPNER: OKAY. HAVE YOU HAD ANY OCCASION TO KNOW
4 ABOUT A CHILDREN'S GAME CALLED TELEPHONE, WHERE THE KIDS SIT
5 IN A CIRCLE AND ONE STARTS TELLING THE STORY AND TELLS IT TO
6 THE SECOND ONE?

7 MS. HARRIS: WE USED TO CALL IT RUMOR.

8 MR. WAPNER: THE THEORY IS THAT EACH TELLS THE SAME STORY
9 TO THE NEXT PERSON, RIGHT?

10 MS. HARRIS: YES.

11 MR. WAPNER: BUT, THE STORY AT THE END DOESN'T COME OUT
12 LIKE THE SAME STORY THAT WAS TOLD AT THE BEGINNING, RIGHT?

13 MS. HARRIS: THAT'S RIGHT.

14 MR. WAPNER: PRESUMING THAT EVERYONE WAS TELLING THE
15 TRUTH, RIGHT?

16 MS. HARRIS: THAT'S RIGHT.

17 MR. WAPNER: ALL RIGHT. DID YOU UNDERSTAND WHAT I WAS
18 TRYING TO GET AT WITH ONE OF THE OTHER JURORS SITTING IN THE
19 BOX ABOUT PEOPLE TELLING THE SAME STORY TWO OR THREE DIFFERENT
20 TIMES AND NOT BEING ABLE TO TELL IT EXACTLY THE SAME WAY EACH
21 TIME?

22 MS. HARRIS: YES.

23 MR. WAPNER: DO YOU THINK THAT IT IS A THING THAT
24 COMMONLY HAPPENS TO PEOPLE?

25 MS. HARRIS: YES I DO.

26 MR. WAPNER: IF YOU ARE CHOSEN AS A JUROR IN THIS CASE,
27 COULD YOU KEEP THE SUBJECT OF PENALTY OUT OF YOUR DELIBERATIONS
28 ON THE GUILT PHASE?

1 MS. HARRIS: YES. I WOULD HAVE TO.

2 MR. WAPNER: THANK YOU. YOU WOULD SIT IN THIS COURTROOM
3 AND PROBABLY LOOK AT THE DEFENDANT FOUR DAYS A WEEK FOR A COUPLE
4 OF MONTHS?

5 MS. HARRIS: THAT HAS NOTHING TO DO WITH IT.

6 MR. WAPNER: COULD YOU KEEP OUT OF YOUR MIND COMPLETELY
7 WHAT MIGHT HAPPEN TO HIM IF YOU FOUND HIM GUILTY?

8 MS. HARRIS: WELL, THAT WOULDN'T BE WHAT WE WERE
9 DISCUSSING AT THE TIME. SO I WOULDN'T THINK ABOUT IT.

10 MR. WAPNER: THANK YOU. PASS FOR CAUSE.

11 THE COURT: ALL RIGHT. IT IS THE PEOPLE'S PEREMPTORY.

12 MR. WAPNER: YES. WE ASK THE COURT TO THANK AND EXCUSE
13 MS. HARRIS. THANK YOU, MA'AM.

14 THE COURT: THANK YOU, MRS. HARRIS.

15 (PROSPECTIVE JUROR HARRIS EXITED THE
16 COURTROOM.)

17 THE CLERK: MISS DIANA JONSSON, J-O-N-S-S-O-N.

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1 THE COURT: GOOD AFTERNOON, MRS. JONSSON.

2 SOMETIME AGO, YOU TOLD US, DID YOU NOT, THAT YOU
3 OR SOME MEMBER OF YOUR FAMILY HAVE BEEN THE VICTIM OF SOME
4 KIND OF A CRIME?

5 MS. JONSSON: THAT'S TRUE.

6 THE COURT: WHAT HAPPENED?

7 MS. JONSSON: WE HAVE BEEN BURGLARIZED ABOUT FOUR TO
8 FIVE TIMES.

9 THE COURT: WHEN IS THE MOST RECENT ONE?

10 MS. JONSSON: ABOUT FOUR YEARS AGO.

11 THE COURT: AND THE OLDEST?

12 MS. JONSSON: WAS ABOUT 20 YEARS AGO.

13 THE COURT: IN ANY ONE OF THOSE INSTANCES, WAS THE
14 BURGLAR EVER CAUGHT?

15 MS. JONSSON: THE FIRST BURGLAR WAS APPREHENDED BUT NONE
16 OF OUR BELONGINGS WERE EVER RECOVERED.

17 THE COURT: IN THE OTHER CASES, WERE YOU SATISFIED WITH
18 THE WAY THE INVESTIGATIONS WENT DOWN BY THE POLICE, IF THERE
19 WERE ANY?

20 MS. JONSSON: YES.

21 THE COURT: THE FACT THAT YOU HAVE BEEN A VICTIM FOUR
22 TIMES OF BURGLARIES, WOULD THAT IN ANY WAY INFLUENCE YOU IN
23 YOUR MIND IN DETERMINING THE GUILT OR INNOCENCE OF A CRIME
24 WHICH, OF COURSE, WAS NEVER COMMITTED AGAINST YOU?

25 MS. JONSSON: NO.

26 THE COURT: AND ON THOSE POLICE INVESTIGATIONS, YOU SAID
27 THAT THEY DID THE BEST THEY COULD, IS THAT IT?

28 MS. JONSSON: YES.

1 THE COURT: ALL RIGHT. HAVE YOU EVER SAT AS A JUROR
2 ON A CRIMINAL CASE BEFORE?

3 MS. JONSSON: YES. THIS IS THE FOURTH TIME I HAVE BEEN
4 CALLED.

5 THE COURT: THE FOURTH TIME?

6 MS. JONSSON: YES.

7 THE COURT: TELL US ABOUT THE OTHER TIMES.

8 MS. JONSSON: I SERVED THREE TIMES ON A JURY, THEY WERE
9 ALL CRIMINAL CASES. ONE WAS AN ASSAULT WITH A DEADLY WEAPON
10 AND ONE WAS ARMED ROBBERY.

11 A JUROR: I CAN'T HEAR.

12 MS. JONSSON: ONE WAS ASSAULT WITH A DEADLY WEAPON.
13 ONE WAS ARMED ROBBERY AND I CAN'T REMEMBER WHAT THE OTHER ONE
14 WAS. IT WAS A LONG TIME AGO.

15 THE COURT: AT ANY RATE, DID THE JURIES REACH VERDICTS
16 IN EACH ONE OF THOSE CASES?

17 MS. JONSSON: YES.

18 THE COURT: WELL, WHATEVER YOU MIGHT HAVE HEARD IN THOSE
19 CASES, YOU WILL FORGET ABOUT IT, WHATEVER INSTRUCTIONS YOU
20 GOT, YOU WILL FORGET ABOUT THAT, AND YOU WILL FORGET ABOUT
21 THAT, AND YOU WILL FORGET WHATEVER IMPRESSION OR REACTION YOU
22 GOT, YOU WILL FORGET ABOUT THAT AND JUST BE GUIDED BY THE
23 EVIDENCE IN THIS CASE, WOULD YOU NOT, AND MY INSTRUCTIONS?

24 MS. JONSSON: YES.

25 THE COURT: WHAT DO YOU DO, PLEASE, MRS. JONSSON?

26 MS. JONSSON: I AM A HOUSEWIFE.

27 THE COURT: IN THIS COURT WE CALL THEM HOMEMAKERS.

28 MS. JONSSON: OH, HOMEMAKERS.

1 THE COURT: THEY HAVE A MUCH BROADER SCOPE IN THE NATURE
2 OF THEIR DUTIES AND THE EXTENT OF THEIR OBLIGATIONS.

3 MS. JONSSON: DOMESTIC ENGINEER.

4 THE COURT: WHAT DOES MR. JONSSON DO?

5 MS. JONSSON: HE HAS HIS OWN COMPANY CALLED JONSSON
6 COMMUNICATIONS.

7 THE COURT: WHAT IS THAT?

8 MS. JONSSON: HE HAS SOME RADIO STATIONS, IT IS IN
9 NORTHERN CALIFORNIA.

10 THE COURT: AND WHAT FORMAL EDUCATION DID YOU RECEIVE?

11 MS. JONSSON: FOUR YEARS AT WELLESLEY.

12 YOU PROBABLY KNOW SOME WELLESLEY GIRLS, HAVING
13 GONE TO HARVARD.

14 THE COURT: I ALMOST MARRIED ONE, TO BE FRANK WITH YOU.

15 (LAUGHTER IN THE COURTROOM.)

16 THE COURT: THAT IS THE NEAREST I CAME.

17 OR WHAT DO THEY SAY ABOUT "YOU CAN ALWAYS LOVE
18 WELLESLEY BUT NOT WISELY."

19 (LAUGHTER IN THE COURTROOM.)

20 THE COURT: IN YOUR CASE, YOUR HUSBAND DID LOVE WISELY.

21 MS. JONSSON: I HOPE SO.

22 THE COURT: WHAT EDUCATION DID HE RECEIVE?

23 MS. JONSSON: FOUR YEARS AT MIT.

24 THE COURT: WELL, THAT IS NEAR HARVARD, TOO, ISN'T IT?

25 MS. JONSSON: RIGHT.

26 THE COURT: DO YOU HAVE ANY CHILDREN?

27 MS. JONSSON: WE HAVE FOUR CHILDREN.

28 THE COURT: AND WHAT ARE THEIR AGES?

1 MS. JONSSON: 20 -- 25 AND 27, 31 AND 33.

2 THE COURT: HOW MANY OF THEM ARE FEMALES?

3 MS. JONSSON: WE HAVE THREE SONS AND ONE DAUGHTER.

4 THE COURT: DID YOUR DAUGHTER GO TO WELLESLEY?

5 MS. JONSSON: NO. USC.

6 THE COURT: YOUR SONS GO TO MIT?

7 MS. JONSSON: NO.

8 TWO OF THEM WENT TO DAVIS AND ONE WENT TO THE
9 UNIVERSITY OF SAN DIEGO.

10 THE COURT: ALL RIGHT, THANK YOU VERY MUCH, MRS. JONSSON.

11 MS. JONSSON: YOUR HONOR, THERE IS ONE THING. I RAISED
12 MY HAND WHEN YOU ASKED ANY OF US IF WE HAD READ ANYTHING ABOUT
13 THIS CASE.

14 THE COURT: OH, YES. WELL, DIDN'T YOU TELL US THAT AT
15 THE PRETRIAL HEARING?

16 MS. JONSSON: NO, I DID NOT BECAUSE I DID NOT KNOW IT
17 WAS THE SAME CASE.

18 THE COURT: ALL RIGHT, SUPPOSE WE ASK YOU SOME QUESTIONS,
19 AS WE DID EACH ONE OF THE OTHER JURORS, WE ASKED THEM ABOUT
20 WHAT THEY READ ABOUT THE CASE AND THE REASON WE HAVE IT OUTSIDE
21 THE PRESENCE OF ALL THE OTHERS SO THAT WHAT YOU MIGHT HAVE
22 READ OR WHAT YOU MIGHT HAVE HEARD WOULD NOT INFLUENCE ANYONE
23 ELSE; DO YOU UNDERSTAND THAT?

24 MS. JONSSON: YES.

25 THE COURT: ALL RIGHT, COME TO THE BENCH.

26 (THE FOLLOWING PROCEEDINGS WERE HELD AT

27 THE BENCH:)

28 THE COURT: MRS. JONSSON, YOU TELL US WHAT YOU READ AND

1 WHERE YOU READ IT.

2 MS. JONSSON: I WAS AWARE OF THIS CASE BECAUSE A FRIEND
3 OF MINE WAS A JUROR ON ANOTHER CASE SIMILAR THAT WAS ASSOCIATED
4 WITH THIS CASE. LAST SUMMER.

5 THE COURT: I SEE. THE PITTMAN CASE?

6 MS. JONSSON: YES.

7 AND SO I HAVE READ ABOUT IT. THERE HAVE BEEN A
8 COUPLE OF ARTICLES IN THE LOS ANGELES TIMES AND I HAVE READ
9 THOSE ARTICLES.

10 AND THEN I READ THE ARTICLE JUST RIGHT AFTER I
11 WAS ON THIS PANEL THAT WAS IN THE L.A. TIMES, I THINK IT WAS
12 A WEEK AGO SUNDAY, AND I DIDN'T KNOW THAT IT WAS THE SAME CASE
13 UNTIL I CAME ACROSS YOUR NAME.

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1 THE COURT: YES.

2 AS A RESULT OF HAVING READ THAT AND HEARING ANY-
3 THING THAT YOU DID HEAR, DID YOU FORM ANY DEFINITE CONCLUSIONS
4 OF ANY KIND ABOUT THE GUILT OR INNOCENCE OF THE DEFENDANT?

5 MS. JONSSON: NO, I HAVEN'T.

6 THE COURT: DO YOU HAVE ANY OPINION AT ALL WHICH WOULD
7 INTERFERE WITH YOUR BEING A FAIR AND IMPARTIAL JUROR IN THIS
8 CASE?

9 MS. JONSSON: NO, I DON'T THINK SO.

10 ALTHOUGH I DO HAVE SOME INFORMATION, YES.

11 THE COURT: YOU HAVE INFORMATION? DO YOU THINK YOU CAN
12 DISREGARD THAT AND JUST HEAR THE INFORMATION THAT YOU GET HERE
13 THROUGH THE TESTIMONY, THROUGH THE SWORN TESTIMONY, AND TRY
14 TO AS MUCH AS YOU HUMANLY CAN --

15 MS. JONSSON: RIGHT.

16 THE COURT: -- NOT TO USE WHAT YOU HAVE READ OR BEEN
17 TOLD?

18 MS. JONSSON: YES.

19 MR. BARENS: YOUR HONOR, THE DEFENSE WOULD REQUEST THE
20 FULL VOIR DIRE.

21 THE COURT: WHAT?

22 MR. BARENS: FULL VOIR DIRE IN CONTEXT WITH THIS ABOUT
23 HER FRIEND. I FIND IT DIFFICULT TO PROCEED UNDER THESE
24 CIRCUMSTANCES, IF WE COULD PROCEED IN CHAMBERS FOR A MOMENT.

25 THE COURT: ALL RIGHT. OR YOU CAN DO IT HERE.

26 (THE FOLLOWING PROCEEDINGS WERE HELD IN
27 OPEN COURT:)

28 THE COURT: LADIES AND GENTLEMEN, THIS MIGHT TAKE ABOUT

1 15 MINUTES SO WE WILL DECLARE A RECESS FOR YOU, ALL RIGHT,
2 AND WE WILL SEE YOU BACK HERE IN ABOUT 15 MINUTES.

3 THE CLERK: DO YOU WANT TO DO IT HERE?

4 MR. BARENS: DO YOU WANT TO DO IT IN OPEN COURT, YOUR
5 HONOR?

6 THE COURT: ALL RIGHT.

7 (THE FOLLOWING PROCEEDINGS WERE HELD
8 OUTSIDE THE PRESENCE AND HEARING OF THE
9 PROSPECTIVE JURORS:)

10 (PROSPECTIVE JUROR JONSSON TAKES THE
11 WITNESS STAND.)

12 THE COURT: ALL RIGHT, GO AHEAD.

13 MR. BARENS: ALL RIGHT. THANK YOU, YOUR HONOR.

14 MRS. JONSSON, I HEARD YOU COMMENT AT THE BAR THAT
15 YOU HAD A FRIEND OF YOURS WITH WHOM YOU HAD DISCUSSED A CASE
16 THAT IS PARALLEL TO THIS ONE; IS THAT CORRECT?

17 MS. JONSSON: THAT IS TRUE.

18 MR. BARENS: WHEN DID THOSE DISCUSSIONS OCCUR?

19 MS. JONSSON: THIS SUMMER WHEN SHE WAS VISITING US AT
20 TAHOE.

21 MR. BARENS: WAS SHE IN FACT A JUROR ON THAT CASE WHILE
22 SHE WAS DISCUSSING THOSE MATTERS WITH YOU?

23 MS. JONSSON: NO.

24 MR. BARENS: SHE HAD JUST COMPLETED HER JURY DUTY?

25 MS. JONSSON: THAT IS TRUE.

26 MR. BARENS: THIS IS SOMETIME AFTER JUNE OF THIS YEAR?

27 MS. JONSSON: YES, SIR.

28 MR. BARENS: DID YOU KNOW SHE WAS A JUROR ON THAT CASE

1 WHILE IT WAS TAKING PLACE?

2 MS. JONSSON: NO.

3 I KNEW THAT SHE WAS A JUROR BUT I WASN'T PAYING
4 ANY ATTENTION --

5 NO, I HADN'T REALLY TALKED TO HER ABOUT THAT AT
6 ALL.

7 MR. BARENS: DURING THAT TIME FRAME, YOU HAD NOT SPOKEN
8 TO HER?

9 MS. JONSSON: NO.

10 MR. BARENS: SO AFTER THAT, THE FIRST TIME YOU SAW HER
11 WAS IT IN TAHOE?

12 MS. JONSSON: YOU KNOW, I TAKE THAT BACK.

13 NORMALLY, SHE DOES VISIT US AT TAHOE AND SHE DID
14 NOT THIS LAST SUMMER BUT I SAW HER BEFORE I WENT TO TAHOE.

15 MR. BARENS: YOU SAW HER IN LOS ANGELES?

16 MS. JONSSON: YES.

17 MR. BARENS: WHEN WAS THAT YOU SAW HER?

18 MS. JONSSON: OH, IT MUST HAVE BEEN LATE JUNE, JULY.

19 MR. BARENS: SO IT WAS PRETTY CLOSE TO THE TIME SHE HAD
20 COMPLETED HER JURY DUTY?

21 MS. JONSSON: IT WAS VERY CLOSE.

22 MR. BARENS: HOW DID THAT HAPPEN TO COME UP IN CONVER-
23 SATION?

24 MS. JONSSON: WE WERE CATCHING UP ON WHAT EACH OF US
25 HAVE BEEN DOING.

26 MR. BARENS: "WHAT DID YOU DO THIS SUMMER" KIND OF THING?

27 MS. JONSSON: SHE SAID SHE HAD SPENT IT ON JURY DUTY.

28 MR. BARENS: WHAT DID SHE TELL YOU?

1 MS. JONSSON: SHE SAID IT WAS A REALLY UNUSUAL CASE.
2 "UNBELIEVABLE" WERE THE WORDS THAT SHE USED AND SHE PROCEEDED
3 TO TELL ME A LITTLE BIT ABOUT THE CASE.

4 MR. BARENS: TELL ME WHAT SHE TOLD YOU, MA'AM.

5 MS. JONSSON: SHE SAID IT WAS A YOUNG MAN FROM HARVARD
6 WHO HAD FRIENDS FROM HARVARD AND THEY HAD HAD SOME KIND OF
7 A -- HAD FORMED SOME KIND OF A GROUP, HAD INVESTED SOME MONEY
8 WITH A PERSON AND THE PERSON HAD NOT INVESTED THE MONEY. THEY
9 THOUGHT THAT HE HAD MADE A LOT OF MONEY AND THEN THEY FOUND
10 THE PERSON HAD NOT INVESTED THE MONEY AT ALL AND THEN THE
11 PERSON HAD DISAPPEARED.

12 MR. BARENS: WHAT ELSE DID SHE TELL YOU?

13 MS. JONSSON: WELL, THE CASE THAT SHE WAS ON WAS A MURDER
14 CASE, TOO, FOR THE BODYGUARD OF THE DEFENDANT, I GUESS.

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20A-1
1 MR. BARENS: WHAT KIND OF CASE?

2 MS. JONSSON: THE CASE SHE WAS ON CONCERNED THE BODYGUARD.
3 I THOUGHT SHE USED THE WORD "BODYGUARD" OF MR. HUNT.

4 MR. BARENS: I DON'T KNOW WHAT SHE TOLD YOU, MS. JONSSON.

5 MS. JONSSON: THAT'S WHAT SHE TOLD ME. THAT IS ALL I
6 KNOW ABOUT IT.

7 THE COURT: WILL YOU GO ON, PLEASE.

8 MR. BARENS: YES, YOUR HONOR. MS. JONSSON, WHAT DID
9 SHE TELL YOU AFTER THAT? SHE TOLD YOU THAT THE ALLEGED
10 BODYGUARD -- OR SHE PROBABLY DIDN'T USE THE WORD "ALLEGED"
11 BODYGUARD WAS ON TRIAL?

12 MS. JONSSON: YES.

13 MR. BARENS: WHAT ELSE DID SHE TELL YOU ABOUT HIM?

14 MS. JONSSON: WELL, SPECIFICALLY I DON'T REMEMBER
15 ANYTHING ELSE SHE TOLD ME.

16 SHE HAD FORMED AN OPINION ON WHETHER SHE THOUGHT
17 HE WAS GUILTY OR NOT.

18 MR. BARENS: AND WHAT DID SHE TELL YOU?

19 MS. JONSSON: SHE THOUGHT HE WAS GUILTY.

20 MR. BARENS: SHE ALSO TOLD YOU SHE WAS UPSET ABOUT A
21 HUNG JURY, DIDN'T SHE?

22 MS. JONSSON: UH-HUH.

23 MR. WAPNER: IS THAT YES?

24 MS. JONSSON: YES.

25 MR. BARENS: SHE TOLD YOU THAT SHE THOUGHT JUSTICE HAD
26 NOT BEEN DONE?

27 MS. JONSSON: SHE FELT IT WAS A WASTE OF THE COURT'S
28 TIME TO HAVE SPENT ALL OF THAT TIME AND HAVE A HUNG JURY.

20A-2
1 MR. BARENS: AND A WASTE OF THE TAXPAYER'S MONEY?

2 MS. JONSSON: I BELIEVE THOSE WORDS WERE USED.

3 MR. BARENS: WHILE YOU WERE DISCUSSING WITH HER AND SHE
4 TOLD YOU THAT STORY, YOU AGREED WITH HER, DIDN'T YOU?

5 THE COURT: WHAT DO YOU MEAN?

6 MR. BARENS: I AM ASKING HER IF SHE AGREED.

7 THE COURT: HOW COULD SHE? SHE WAS NOT HERE HERSELF.

8 MR. BARENS: I ASK THAT THE WITNESS PLEASE RESPOND TO
9 THE QUESTION.

10 THE COURT: SHE DOESN'T HAVE TO RESPOND TO IT. REPHRASE
11 YOUR QUESTION.

12 MR. BARENS: I THINK IF I MIGHT BE HEARD --

13 THE COURT: NO. REPHRASE THE QUESTION.

14 MR. BARENS: AFTER SHE TOLD YOU THE STORY AS SHE
15 PERCEIVED IT AND SHE SAID TO YOU YOU KNOW, I HAVE BEEN
16 THROUGH THIS LENGTHY TRIAL AND THE GUY WAS PUT ON TRIAL FOR
17 HAVING COMMITTED A MURDER AND I BELIEVED HE HAD COMMITTED A
18 MURDER AND A LOT OF THE OTHER JURORS DID.

19 BUT A COUPLE OF THOSE PEOPLE HELD OUT AND SO HE
20 ENDED UP AFTER SPENDING ALL OF THIS TIME AND ALL OF THAT MONEY
21 IN A HUNG JURY.

22 AND NOTHING GOT ACCOMPLISHED. I JUST FEEL TERRIBLE
23 THAT ALL OF THAT TIME AND MONEY WAS WASTED.

24 DID YOU EXPRESS ANY SYMPATHY AND CONFIRM WITH HER
25 THAT YOU FELT LIKE SHE DID ABOUT THE FEELINGS SHE HAD AT THAT
26 PARTICULAR TIME?

27 MS. JONSSON: I PROBABLY DID, THAT A LOT OF TIME AND
28 MONEY AND ENERGY HAD BEEN SPENT AND IT WAS TOO BAD THAT A

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1 CONSENSUS HAD NOT TAKEN PLACE.

2 MR. BARENS: DID YOU FEEL, BASED ON THE FACTS SHE GAVE
3 YOU AND THE STORY SHE GAVE YOU, THAT IT WAS TOO BAD THE
4 DEFENDANT WAS NOT CONVICTED?

5 MS. JONSSON: NO BECAUSE I WOULDN'T HAVE KNOWN THAT.

6 MR. BARENS: DID IT SOUND TO YOU LIKE IT WAS MORE LIKELY
7 TO YOU AND MORE BELIEVABLE TO YOU THAT THE DEFENDANT WAS GUILTY?

8 MS. JONSSON: I CAN'T ANSWER THAT EITHER BECAUSE I WAS
9 JUST HEARING WHAT SHE SAID. WHILE SHE IS A FRIEND OF MINE,
10 I DON'T AGREE WITH EVERYTHING SHE DOES OR SAYS.

11 MR. BARENS: ISN'T IT TRUE THAT SHE TOLD YOU THAT TEN
12 OF THE TWELVE JURORS HAD VOTED FOR CONVICTION?

13 MS. JONSSON: ACTUALLY, I THOUGHT SHE SAID ELEVEN.

14 MR. BARENS: ELEVEN OF TWELVE HAD VOTED FOR CONVICTION?
15 I STAND CORRECTED.

16 SO, SHE TOLD YOU THAT HERE, ELEVEN OUT OF TWELVE
17 PEOPLE THOUGHT THAT THE GUY WAS GUILTY. NOW, DID SHE TELL
18 YOU THAT?

19 MS. JONSSON: YES.

20 MR. BARENS: DID SHE TELL YOU THAT IT WAS REALLY A
21 TRIAL OF SOMEBODY THAT WAS NOT IN THE COURTROOM?

22 MS. JONSSON: NO.

23 MR. BARENS: DID SHE TELL YOU ANYTHING ELSE ABOUT --
24 THE COURT: SOMEBODY WHO WAS NOT IN THE COURTROOM?

25 MR. BARENS: THAT'S CORRECT, A TRIAL IN ABSENTIA, YOUR
26 HONOR?

27 THE COURT: I DON'T KNOW WHAT YOU MEAN BY THAT. THE
28 DEFENDANT WAS IN THE COURTROOM.

20A-4
1 MR. BARENS: I UNDERSTAND THAT, YOUR HONOR. BUT I ALSO--
2 THE COURT: NOBODY WAS BEING TRIED IN ABSENTIA.

3 MR. BARENS: I BELIEVE THAT I HEARD A COMMENT OFTEN
4 YOUR HONOR, THAT A LOT OF PEOPLE CAME AWAY WITH AN IMPRESSION --

5 MR. WARNER: MAY I INTERPOSE AN OBJECTION. I HATE TO
6 INTERRUPT.

7 BUT I THINK THAT THE PURPOSE OF THIS EXAMINATION
8 SHOULD BE TO OBTAIN INFORMATION FROM THIS JUROR, NOT TO GIVE
9 IT TO HER.

10 THE COURT: I AGREE WITH THAT. YOU GO AHEAD.

11 MR. BARENS: DID SHE MENTION ANYBODY WHO WAS AT FAULT
12 IN THE MURDER, ASIDE FROM THE BODYGUARD?

13 MS. JONSSON: NO.

14 MR. BARENS: JUST THAT THE BODYGUARD HAD KILLED SOMEONE?

15 MS. JONSSON: I CAN'T REMEMBER HER EXACT WORDING OR --

16 MR. BARENS: I JUST WANT YOUR IMPRESSION, AS BEST YOU
17 RECALL.

18 MS. JONSSON: MY IMPRESSION IS YES ON THAT.

19 MR. BARENS: NOW, YOU UNDERSTAND THAT I AM NOT JUDGING
20 YOUR ANSWERS NOR AM I TRYING TO PROGRAM YOU IN ANY ANSWERS.

21 BUT, THE DEFENSE IS ENTITLED TO AS NEUTRAL A JUROR
22 AS POSSIBLE.

23 MS. JONSSON: ABSOLUTELY. THAT IS WHY I CAME FORWARD
24 WITH THE INFORMATION.

25 MR. BARENS: I APPRECIATE THE CANDOR AND COURAGEOUSNESS
26 YOU SHOWED IN DOING THAT BECAUSE I AM LOOKING FOR A TRIAL JUROR
27 IN THIS CASE THAT IS UNTAINTED BY ANYTHING ELSE IN THE PAST
28 OR THE FUTURE OR WHATEVER.

20A-5

1 MS. JONSSON: I UNDERSTAND.

2 MR. BARENS: DID YOUR FRIEND TELL YOU ANYTHING IN
3 PARTICULAR THAT WAS DESCRIPTIVE ABOUT THE PERSON WHO WAS THE
4 ONE WHO DID NOT VOTE FOR GUILT?

5 MS. JONSSON: NO.

6 MR. BARENS: DID NOT IDENTIFY THAT PERSON FOR YOU IN
7 ANY MANNER?

8 MS. JONSSON: I AM SORRY. I TAKE THAT BACK. SHE HAD SAID
9 IT HAD BEEN A BLACK PERSON.

10 MR. BARENS: THAT IS WHAT SHE TOLD YOU? DID SHE TELL
11 YOU WHAT COLOR THE DEFENDANT WAS?

12 MS. JONSSON: SHE SAID THE DEFENDANT WAS BLACK.

13 MR. BARENS: DID SHE SUGGEST TO YOU THAT THE ONLY REASON
14 THAT THE DEFENDANT WAS NOT CONVICTED IS BECAUSE IT WAS A BLACK
15 JUROR AND THAT THE DEFENDANT WAS BLACK, TOO?

16 MS. JONSSON: YES. SHE SUGGESTED THAT.

17 MR. BARENS: THAT'S TRUE, ISN'T IT?

18 MS. JONSSON: WELL, I DON'T KNOW.

19 MR. BARENS: BUT, ISN'T THAT -- I AM ASKING YOU ONLY
20 IF IT IS TRUE THAT SHE TOLD YOU THAT.

21 MS. JONSSON: YES.

22 MR. BARENS: BUT FOR THAT CIRCUMSTANCE, THAT MAN WOULD
23 HAVE BEEN CONVICTED?

24 MS. JONSSON: THAT IS WHAT SHE SAID.

25 MR. BARENS: DID SHE TELL YOU THAT SHE THOUGHT IT WAS
26 UNFAIR?

27 MS. JONSSON: SHE SAID THAT SHE FELT THAT PERSON SHOULD
28 NOT BE A JUROR.

20A-6

1 MR. BARENS: WHY?

2 MS. JONSSON: THAT JUSTICE SHOULD NOT BE BASED ON THE
3 COLOR OF SOMEONE'S SKIN.

4 MR. BARENS: HOW DID YOU FEEL AFTER SHE TOLD YOU THAT?
5 WHAT WAS YOUR RESPONSE TO THAT?

6 MS. JONSSON: MY RESPONSE WAS THAT IF SHE WAS CORRECT
7 THAT THAT WAS THE REASON, I AGREED WITH HER THAT JUSTICE
8 SHOULD NOT HAVE ANYTHING TO DO WITH THE COLOR OF ONE'S SKIN
9 OR BACKGROUND OR ANYTHING ELSE.

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1 MR. BARENS: AFTER HAVING THAT CONVERSATION, DID YOU
2 BELIEVE A MURDER HAD TAKEN PLACE THAT WAS BEING TRIED?

3 MS. JONSSON: I CAN'T ANSWER YES OR NO TO THAT BECAUSE
4 I WAS NOT THERE HEARING THE FACTS. SHE CAME TO HER CONCLUSION
5 FROM SITTING ON THE JURY AND I DON'T KNOW IF I WOULD COME TO
6 THAT SAME CONCLUSION OR NOT.

7 MR. BARENS: COULD I INQUIRE? I WILL ASK YOUR HONOR
8 FIRST, MAY THE DEFENSE BE ENTITLED TO KNOW THE NAME OF THE
9 PERSON WE ARE REFERRING TO, YOUR HONOR?

10 MR. WAPNER: NO OBJECTION.

11 THE COURT: ALL RIGHT. TELL US. YOU MAY TELL US.

12 MS. JONSSON: IS THERE ANY LEGAL PROBLEM THAT SHE WOULD
13 BE GETTING INTO?

14 MS. BARENS: NOT AT ALL. SHE HAD AN ABSOLUTE RIGHT TO
15 TALK TO YOU OR ANYBODY ABOUT HER IMPRESSIONS ABOUT THE TRIAL
16 SHE WAS IN.

17 THE ONLY THING THAT WE CAN'T ASK A JUROR IN THIS
18 PROCESS IS HOW THEY VOTED.

19 THE COURT: WHAT WOULD BE THE POINT OF FINDING OUT THE
20 NAME? WOULD THAT IN ANY WAY, CHANGE ANYTHING?

21 MR. BARENS: I WOULD HAVE TO TELL YOUR HONOR THAT IN
22 CONFIDENCE.

23 THE COURT: ALL RIGHT. WELL, LET'S RESERVE THAT. GO
24 ON, IN THE MEANTIME.

25 MR. BARENS: I WOULD BE HAPPY TO DO SO, YOUR HONOR.
26 BUT, I WOULD NOT WANT TO AFFECT THE JURY BY THAT COMMENT.
27 IT IS NOTHING PEJORATIVE, FOR EXAMPLE.

28 MS. JONSSON: I WOULD HESITATE WITH ANYONE AROUND, TO

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1 MENTION HER NAME. I WOULD NOT MIND PRIVATELY, IF IT IS
2 DEMANDED OF ME.

3 BUT, I WOULD JUST HESITATE TO INTRUDE ON HER
4 PRIVACY.

5 THE COURT: YOU HAVE NO OBJECTION IF COUNSEL KNOW ABOUT
6 IT?

7 MS. JONSSON: THAT'S CORRECT.

8 THE COURT: ALL RIGHT. WHAT I WILL HAVE YOU DO, IS WRITE
9 IT DOWN ON A PIECE OF PAPER. WOULD THAT BE ALL RIGHT?

10 MS. JONSSON: FINE.

11 MR. BARENS: I WILL PRESENT THIS TO MR. WAPNER,
12 YOUR HONOR.

13 THE COURT: YES. YOU CAN ALSO SHOW IT TO MR. CHIER.

14 MR. BARENS: THANK YOU, YOUR HONOR. THANK YOU, MA'AM.
15 DID YOU ONLY HAVE THE ONE DISCUSSION WITH YOUR FRIEND ABOUT
16 THAT?

17 MS. JONSSON: NO. WHEN SHE HEARD THAT I WAS ON JURY
18 DUTY, SHE ASKED WAS IT THE SAME CASE. I SAID NO BECAUSE I
19 DID NOT THINK IT WAS.

20 MR. BARENS: AND SO SHE JUST REFERRED BACK TO IT?

21 MS. JONSSON: I CAN'T REMEMBER HOW SHE REFERRED TO IT,
22 NOTHING ONE WAY OR THE OTHER.

23 MR. BARENS: SO, YOU HAD JUST THAT ONE CONVERSATION WITH
24 HER THAT DAY WHEN SHE DESCRIBED WHAT HAPPENED TO HER THAT
25 SUMMER?

26 MS. JONSSON: YES.

27 MR. BARENS: BY THE WAY, DID YOU EVER TALK TO ANYBODY
28 ELSE THAT WAS A JUROR IN ANY WAY ASSOCIATED WITH THAT CASE?

20B-3
1 MS. JONSSON: YOU KNOW, I AM SORRY. I DID BECAUSE I
2 DID NOT KNOW THAT THIS CASE WAS THE SAME CASE.

3 I JUST MENTIONED THAT THERE WAS A CASE LAST SUMMER
4 THAT WAS A HUNG JURY.

5 THE COURT: YOU MEAN, YOU MENTIONED IT TO SOMEBODY IN
6 THIS CURRENT GROUP?

7 MS. JONSSON: YES. I DON'T REMEMBER WHO IT WAS. IT
8 WAS JUST WHEN WE WERE ALL SITTING AROUND MAKING CONVERSATION
9 BEFORE WE EVER GOT --

10 THE COURT: DO YOU WANT TO KNOW ABOUT THE JURORS IN THE
11 OTHER CASE? IS THAT WHAT YOU ARE ASKING?

12 MR. BARENS: YES. LET ME ASK YOU THIS. WHAT DID YOU
13 SAY TO THE JUROR THAT WAS A PROSPECTIVE JUROR IN THIS CASE
14 ABOUT THE HUNG JURY CASE?

15 MS. JONSSON: I SIMPLY SAID THAT LAST SUMMER, THERE WAS
16 A HUNG JURY. IT WAS ELEVEN TO ONE.

17 MR. BARENS: DID YOU SAY THAT IT HAD SOMETHING TO DO
18 WITH THIS CASE?

19 MS. JONSSON: NO BECAUSE I DIDN'T KNOW THEN THAT IT DID.

20 MR. BARENS: I SEE. IT WAS JUST --

21 MS. JONSSON: I WAS MAKING IDLE CONVERSATION.

22 MR. BARENS: ALL RIGHT. I CERTAINLY UNDERSTAND.

23 MS. JONSSON: SMALL TALK. I THINK MAYBE I HAVE LEARNED
24 NOT TO MAKE SMALL TALK.

25 MR. BARENS: MISS JONSSON, BEFORE I GET TO THE ARTICLES
26 THAT YOU READ, I WILL ASK YOU IF IN ALL TRUTHFULNESS AND
27 CANDOR, FROM YOUR HEART OF HEARTS, AFTER HAVING THIS
28 DISCUSSION WITH YOUR FRIEND LAST SUMMER AND KNOWING WHAT YOU

1 KNOW AND HAVING THE IMPRESSIONS AS A HUMAN THAT YOU HAVE, IF
2 YOU WERE SITTING AT THE END OF THIS COUNSEL TABLE INSTEAD OF
3 JOE HUNT, WOULD YOU WANT TO BE TRIED BY 12 PEOPLE WHO HAVE
4 HAD THE EXPERIENCE YOU HAVE HAD PREVIOUSLY AND DISCUSSED THIS
5 CASE WITH YOUR FRIEND? DO YOU THINK YOU WOULD BE GETTING A
6 FAIR TRIAL?

7 MS. JONSSON: I THOUGHT ABOUT THAT A LOT WHEN IT BECAME
8 EVIDENT THAT IT WAS THE SAME CASE. AND I HAVE TRIED VERY HARD
9 TO SEARCH MYSELF AND I THINK THAT I COULD RENDER A FAIR
10 VERDICT. I MEAN, I DO NOT THINK THAT THIS WOULD INFLUENCE
11 ME.

12 MR. BARENS: DO YOU REALLY THINK IT IS POSSIBLE --
13 I APPRECIATE THE HONESTY OF YOUR STATEMENT. I AM SURE YOU
14 APPRECIATE HOW TERRIBLY SERIOUS THIS IS TO ME AS AN ATTORNEY,
15 WHETHER IT IS FOR THE PEOPLE OR FOR THE DEFENDANT OR ANY OTHER
16 DEFENDANT, HOW TERRIBLY SERIOUS IT IS TO ME THAT I GET A
17 JUROR AS UNTAINTED EITHER WAY AS I CAN.

18 IT WOULDN'T BE PROPER TO HAVE A JUROR WHO HAD HAD
19 A CONVERSATION WITH SOMEONE THAT SAID THAT GEE, JOE HUNT IS
20 THE BEST GUY I EVER MET IN MY LIFE. THERE IS NO WAY HE COULD
21 HAVE EVER DONE ANYTHING WRONG. THAT WOULDN'T BE A PROPER
22 JUROR, WOULD IT?

23 MS. JONSSON: I UNDERSTAND THAT.

24 MR. BARENS: WHAT I AM ASKING YOU IS, IF YOU CAN TELL
25 ME WITHOUT HESITATION THAT EVEN THOUGH YOU HAD HEARD THAT SOME
26 GUY SHOULD HAVE BEEN CONVICTED BUT FOR THE FACT THAT THERE
27 WAS A BLACK JUDGING A BLACK AND THAT IS ESSENTIALLY WHAT YOU
28 HEARD, THAT YOU COULD COME IN HERE AND GIVE JOE HUNT THE

1 ABSOLUTE PRESUMPTION OF INNOCENCE AND LACK OF BIAS AND LACK
2 OF TAINT THAT THE CONSTITUTION SAYS THAT HE IS SUPPOSED TO
3 RECEIVE IN THIS ROOM?

4 MS. JONSSON: AS I SAID, I THOUGHT ABOUT IT A LOT AND
5 I COULD.

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1 MR. BARENS: NOW YOU ALSO ADVISED HIS HONOR THAT YOU
2 HAD READ SOME ARTICLES CONCERNING THIS CASE AFTER YOU WERE
3 VOIR DIRE ON THE DEATH PENALTY QUESTION.

4 MS. JONSSON: THAT'S CORRECT.

5 MR. BARENS: PRIOR TO THE TIME YOU WERE VOIR DIRE ON
6 THE DEATH PENALTY, WHAT HAD YOU READ?

7 THE COURT: HADN'T WE ASKED THOSE QUESTIONS BEFORE?

8 MS. JONSSON: YES.

9 MR. BARENS: I WOULD LIKE TO REFRESH MY RECOLLECTION
10 ON IT, YOUR HONOR. IT WILL JUST TAKE A MOMENT.

11 THE COURT: ALL RIGHT, IF IT IS ONLY A MOMENT, GO AHEAD.

12 MS. JONSSON: IT SEEMS TO ME THAT SHORTLY AFTER MY
13 FRIEND CAME OFF HER CASE, THERE WAS SOMETHING IN THE PAPER
14 ABOUT IT. I DON'T REMEMBER EXACTLY WHAT, BUT IT SEEMS TO ME
15 I READ SOMETHING ABOUT IT.

16 THEN THERE WAS A LENGTHY ARTICLE IN THE LOS ANGELES
17 TIMES MAGAZINE SECTION SEVERAL MONTHS AGO AND I READ THAT.

18 MR. BARENS: YOU READ THAT BEFORE YOU WERE VOIR DIRE --

19 MS. JONSSON: YES.

20 MR. BARENS: -- ON THE DEATH PENALTY?

21 MS. JONSSON: YES.

22 MR. BARENS: MRS. JONSSON, MY NOTES INDICATE THAT YOU
23 TESTIFIED YOU HAD SEEN NOTHING AND READ NOTHING ABOUT THE
24 PUBLICITY ON THIS CASE, IS WHAT YOU TESTIFIED WHEN MR. CHIER
25 ASKED YOU ABOUT THAT AND WHEN HIS HONOR ASKED YOU ABOUT THAT
26 IN THE HOVEY VOIR DIRE.

27 MS. JONSSON: THAT IS CORRECT.

28 MR. BARENS: HAS SOMETHING HAPPENED THAT CHANGED YOUR

1 RECOLLECTION?

2 MS. JONSSON: NO.

3 WHEN THE CASE WAS DESCRIBED AND WHEN WE WERE ALL
4 BROUGHT IN, IT WAS DESCRIBED AS A POSSIBLE MURDER COMMITTED
5 DURING A ROBBERY AND MY RECOLLECTION OF WHAT MY FRIEND HAD
6 TOLD ME, AS WELL AS WHAT I READ, I DID NOT REALIZE THERE WAS
7 A ROBBERY SO I DID NOT THINK IT WAS THE SAME CASE. SO WHEN
8 ASKED ABOUT THAT, I SAID "NO, I DID NOT KNOW ANYTHING ABOUT
9 THE CASE," I DID NOT THINK IT WAS THE SAME.

10 I DID NOT KNOW IT WAS THE SAME UNTIL I READ THE
11 ARTICLE IN THE PAPER A WEEK AGO SUNDAY AND GOT TO -- I GOT
12 TO THE JUDGE'S NAME AND THEN I REALIZED THAT IT WAS THE SAME
13 CASE.

14 MR. BARENS: EVEN THOUGH, WHEN WE HAD THE CASE PRIOR
15 TO THE HOVEY VOIR DIRE, THE ARTICLE REFERRED TO BILLIONAIRE
16 BOYS CLUB, JOE HUNT, AND THAT DIDN'T RING ANY BELL TO YOU?

17 MS. JONSSON: BILLIONAIRE BOYS CLUB WAS NOT MENTIONED
18 UNTIL AFTER I HAD BEEN IN HERE FOR SOME TIME AGO.

19 MR. BARENS: WHAT ABOUT THE ARTICLE YOU READ, IT MENTIONED
20 THAT, THE ARTICLE YOU READ IN THE L.A. TIMES, DIDN'T IT HAVE
21 THE HEADLINE WITH THE WORDS "BILLIONAIRE BOYS CLUB" IN IT?

22 MS. JONSSON: IT MIGHT HAVE. I DON'T REMEMBER.

23 MR. BARENS: BUT YOU WENT AHEAD AND READ THE ARTICLE
24 ANYHOW?

25 MS. JONSSON: YOU MEAN AFTER I WAS --

26 NO.

27 IT WAS SOMETHING ABOUT WHAT WAS GOING ON IN THE
28 CASE IN THE NORTH.

1 MR. BARENS: IN THE L.A. TIMES ARTICLES, MA'AM, WHICH
2 WAS SUNDAY BEFORE LAST, DIDN'T THE HEADLINES START OUT WITH
3 "NEW REVELATION IN BILLIONAIRE BOYS CLUB TRIAL" -- "NEW
4 ALLEGATIONS" -- EXCUSE ME -- "NEW ALLEGATIONS IN BILLIONAIRE
5 BOYS CLUB," ISN'T THAT TRUE, ISN'T THAT WHAT THE HEADLINES
6 SAID?

7 MS. JONSSON: IF IT DID, I STILL WAS NOT AWARE IT WAS
8 THE SAME CASE, SIR, OR I WOULD NOT HAVE DONE IT.

9 MR. BARENS: OKAY, NOW HOW MUCH OF THE ARTICLE HAD YOU
10 READ BY THE TIME YOU SAW JUDGE RITTENBAND'S NAME?

11 MS. JONSSON: ALL OF IT UNTIL JUDGE RITTENBAND'S NAME.

12 MR. BARENS: JUDGE RITTENBAND'S NAME CAME AT THE END
13 OF THE ARTICLE?

14 MS. JONSSON: AND THEN I SAID "OH, OH."

15 THAT IS TRUE, HIS NAME CAME --

16 MR. BARENS: SO YOU READ THE ENTIRE ARTICLE?

17 MS. JONSSON: UH-HUH.

18 MR. BARENS: AFTER HAVING READ THAT ARTICLE AND TALKED
19 TO YOUR FRIEND AND READ THE STUFF YOU DID BEFORE THE HOVEY
20 VOIR DIRE, IS IT YOUR STATEMENT THAT YOU WOULD WANT A PERSON
21 HAVING HAD THE EXPOSURE YOU HAVE HAD ON A JURY, THROUGH ALL
22 OF THIS PUBLICITY, THAT YOU WOULD HONESTLY FEEL IF YOU WERE
23 HERE ON TRIAL FOR YOUR VERY LIFE THAT YOU WOULD THINK THAT
24 THAT IS THE TYPE OF JUROR THAT WOULD BE APPROPRIATE TO TRY
25 YOU?

26 MS. JONSSON: AS I TOLD YOU, I HAVE SEARCHED MY MIND
27 AND SEARCHED MY SOUL AND I BELIEVE THAT I WILL BE ABLE TO TAKE
28 THE FACTS AS THEY ARE PRESENTED TO ME.

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1 IT WAS NOT TRIED IN THE PAPER. THE STORY WAS
2 THERE BUT IT WAS -- IT DID NOT SEEM TO ME THAT IT WAS TRYING
3 MR. HUNT.

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1 MR. BARENS: HOW ABOUT THE STUFF YOU HAD READ BEFORE
2 IN THE L.A. TIMES?

3 MS. JONSSON: WELL, THAT, I DON'T BELIEVE THAT --

4 MR. BARENS: IT DIDN'T CAST AN IMPRESSION OR ASPERSION
5 AS TO WHO WAS GUILTY OR WHO WAS INNOCENT?

6 MS. JONSSON: NO.

7 IT WAS MORE JUST NEWSPAPERS MAKING A LURID STORY.

8 MR. BARENS: THANK YOU, MS. JONSSON.

9 MR. WAPNER: TELL ME WHAT YOU REMEMBER FROM THE L.A.
10 TIMES ARTICLE, THE MOST RECENT ONE.

11 MS. JONSSON: THE ONE A WEEK AGO SUNDAY?

12 MR. WAPNER: YES.

13 MS. JONSSON: I REMEMBER IT WAS TALKING ABOUT THE CASE
14 IN REDWOOD CITY. IT WAS TALKING ABOUT -- I SHOULD HAVE BEEN
15 TIPPED WHEN I READ MR. BARENS NAME BUT I DIDN'T -- AND THAT
16 THERE WAS A SUGGESTED POSSIBILITY THAT NEW FACTS WERE
17 UNCOVERED OR ALLEGATIONS, PERHAPS, THAT FACTS WERE BEING PUT
18 INTO THE CASE THAT WERE NOT TRUE.

19 MR. WAPNER: DO YOU REMEMBER ANYTHING ABOUT THE SPECIFIC
20 THINGS THAT THEY TALKED ABOUT?

21 MS. JONSSON: IN THIS LAST ARTICLE?

22 MS. WAPNER: RIGHT.

23 MS. JONSSON: THEY TALKED ABOUT MR. BARENS MAKING A
24 JOCLAR COMMENT THAT HE WISHED THAT HE HAD -- WISHED THAT HE
25 COULD PLANT SOMEONE SOMEWHERE THAT HAD SEEN HIM AND THAT IS
26 ALL I REMEMBER.

27 MR. WAPNER: DO YOU REMEMBER ANY REFERENCES IN THE
28 ARTICLE TO ANOTHER HOMICIDE SOMEWHERE ELSE?

1 MS. JONSSON: YES. THE ONE -- THE CASE THAT IS BEING
2 TRIED IN THE NORTH, THE PARENT OF ONE OF THE -- THE FATHER
3 OF ONE OF THE BOYS SUPPOSEDLY WAS MURDERED.

4 I READ VERY WELL.

5 MR. BARENS: INDEED YOU DO, MA'AM.

6 MR. WAPNER: THANK YOU. I HAVE NOTHING FURTHER.

7 MR. BARENS: COULD WE EXCUSE THE JUROR FOR A MOMENT?

8 THE COURT: YES, ALL RIGHT.

9 YOU MIGHT JOIN ALL OF THE OTHER JURORS. THANK
10 YOU VERY MUCH.

11 (THE FOLLOWING PROCEEDINGS WERE HELD
12 WITHOUT THE PRESENCE AND HEARING OF
13 MS. JONSSON:)

14 MR. BARENS: YOUR HONOR, I HAVE TWO THINGS: I BELIEVE
15 WE HAVE A STIPULATION WITH THE PEOPLE THAT THIS JUROR MAY
16 BE EXCUSED.

17 AND SECONDARILY, I WOULD LIKE YOUR HONOR, IN LIGHT
18 OF THAT, TO ORDER THIS JUROR NOT TO SPEAK TO OTHER JURORS THAT
19 MAY BE PROSPECTIVE ON THIS CASE, PAST OR PRESENT.

20 THE COURT: I DON'T UNDERSTAND. SHE CATEGORICALLY
21 STATED, AND I BELIEVE HER IMPLICITLY, SHE CATEGORICALLY
22 STATED SHE WOULDN'T PERMIT OR ALLOW ANYTHING SHE HAS READ ABOUT
23 THE CASE TO INFLUENCE HER IN THE SLIGHTEST AND I BELIEVE HER.
24 SHE IS A VERY CONSCIENTIOUS, TRUTHFUL WOMAN.

25 BUT IF BOTH OF YOU STIPULATE, I WILL HONOR YOUR
26 STIPULATION AND I WILL EXCUSE HER AND I WILL DO EXACTLY WHAT
27 YOU WANT ME TO DO.

28 I WILL TELL HER THAT SHE HAS BEEN EXCUSED AS A

1 JUROR IN THIS CASE BECAUSE POSSIBLY THE RESIDUE THAT SHE READ
2 MIGHT INFLUENCE HER AS A JUROR.

3 MR. BARENS: THANK YOU, YOUR HONOR.

4 THE COURT: AT THE SAME TIME, I WILL TELL HER NOT TO
5 TALK TO ANYBODY ELSE ABOUT THE CASE.

6 MR. BARENS: THE DEFENSE THANKS YOUR HONOR FOR THAT
7 AGREEMENT.

8 I WOULD BE REMISS IF I DIDN'T SAY THAT THIS
9 PROSPECTIVE JUROR'S TESTIMONY STRAINED HER CREDULITY, YOUR
10 HONOR, AND MY ABILITY TO BELIEVE HER.

11 THE COURT: WHEN SHE SAYS TO ME SHE HONESTLY FELT AND
12 SEARCHED HER HEART AND SHE SAID SHE WOULD NOT PERMIT ANYTHING
13 SHE HAS READ OR HEARD INFLUENCE HER, I BELIEVE HER.

14 MR. BARENS: THANK YOU, YOUR HONOR.

15 THE COURT: DESPITE THE CONCLUSION THAT YOU MIGHT REACH
16 ABOUT HER.

17 WOULD YOU ASK MRS. JONSSON TO COME IN AND I WILL
18 EXCUSE HER OUTSIDE THE PRESENCE OF THE OTHER JURORS.

19 THEN I WILL GIVE YOU A FEW MINUTES TO RECUPERATE.

20 MR. BARENS: I WOULD APPRECIATE THAT.

21 MR. WAPNER: COULD WE HAVE ABOUT TEN MINUTES AFTER THAT?

22 BUT THAT ISN'T WHAT I REALLY WANTED TO ASK, WHICH
23 WAS I UNDERSTOOD MR. BARENS LAST COMMENT AS A REQUEST TO ORDER
24 MRS. JONSSON NOT TO TALK TO HER FRIEND WHO HAD BEEN A JUROR
25 ON THE PITTMAN CASE.

26 MR. BARENS: NO, NO.

27 NOT TO SPEAK TO THE OTHER JURORS ON OUR PANEL.

28 THE COURT: THESE JURORS.

1 MR. WAPNER: HE SAID PAST OR PRESENT AND I DIDN'T KNOW
2 WHAT HE MEANT.

3 MR. BARENS: NO, NO. I MEANT THE PROSPECTIVE JURORS
4 THAT HAVE BEEN CALLED IN THIS CASE THAT COULD STILL BE
5 CIRCULATING IN THIS BUILDING.

1 MR. BARENS: PEOPLE HAVE BEEN EXCUSED FROM THIS TRIAL
2 EITHER BECAUSE THEY COULDN'T STAY SO LONG OR WHATEVER IT MAY
3 BE --

4 THE COURT: I WILL TELL THEM THAT UNTIL THE CASE HAS
5 BEEN CONCLUDED, NOT TO TALK TO ANYBODY.

6 MR. BARENS: I APPRECIATE THAT, YOUR HONOR.

7 THE COURT: ALL RIGHT.

8 (PROSPECTIVE JUROR JONSSON REENTERS THE
9 COURTROOM.)

10 THE COURT: MRS. JONSSON, I BELIEVED YOU COMPLETELY WHEN
11 YOU SAID THAT YOU COULD TRY TO BE AN IMPARTIAL JUROR IN THIS
12 CASE. BUT IN VIEW OF THE FACT THAT THERE MIGHT BE A
13 POSSIBILITY EVEN, THAT THE CLAIM MIGHT BE MADE LATER BY SOME-
14 BODY THAT YOU WEREN'T, THAT COUNSEL HAVE AGREED THAT THEY WANT
15 TO EXCUSE YOU. SO I WILL EXCUSE YOU FROM THIS PARTICULAR CASE.

16 YOU ARE COMPETENT AND QUALIFIED TO SIT IN ANY OTHER
17 KIND OF CASES. THAT IS, IN ANY CASE EXCEPT THIS ONE. PLEASE
18 DON'T TALK TO ANYBODY ABOUT WHAT TRANSPIRED HERE OR WHAT YOU
19 HEARD AND WHAT YOU TOLD US.

20 MS. JONSSON: AGREED. THANK YOU, JUDGE.

21 THE COURT: ALL RIGHT. RECESS.

22 (RECESS.)

23 THE COURT: IT WILL BE STIPULATED THE DEFENDANT IS
24 PRESENT AND COUNSEL ARE PRESENT AND THE JURORS ARE PRESENT.

25 THE CLERK: JULIUS M. KRAUSS, K-R-A-U-S-S.

26 THE COURT: TELL US WHY EVERYBODY IS LAUGHING?

27 MR. KRAUSS: I HAVE BEEN VERY FRIENDLY WITH EVERYBODY,
28 SIR.

22A-2

1 THE COURT: I THINK MR. KRAUSS, YOU TOLD US THAT YOU
2 OR A MEMBER OF YOUR FAMILY WERE CONVICTED OF SOME KIND OF
3 CRIME?

4 MR. KRAUSS: I HAD A CAR STOLEN ABOUT 12 YEARS AGO. IT
5 WAS RECOVERED TWO WEEKS LATER. IT WAS NOTHING SPECTACULAR.

6 THE COURT: DOES THAT IN ANY WAY AFFECT YOU IN
7 DETERMINING THE GUILT OR INNOCENCE OF THE DEFENDANT?

8 MR. KRAUSS: NO, SIR.

9 THE COURT: THERE IS NO POSSIBLE RELATIONSHIP?

10 MR. KRAUSS: NO, SIR.

11 THE COURT: WELL, WE WILL HAVE TO GO ON TO THESE
12 QUESTIONS. NOW, WERE I TO ASK YOU THE SAME GENERAL QUESTIONS
13 WHICH WERE ASKED OF THE OTHER JURORS, WOULD YOUR ANSWERS BE
14 ANY DIFFERENT OR SUBSTANTIALLY THE SAME?

15 MR. KRAUSS: SUBSTANTIALLY THE SAME.

16 THE COURT: ALL RIGHT. HAVE YOU EVER SERVED AS A JUROR
17 IN A CRIMINAL CASE?

18 MR. KRAUSS: NO, SIR.

19 THE COURT: AND HAVE YOU EVER BEEN THE VICTIM -- YOU
20 ALREADY TOLD US. WHAT DO YOU DO, PLEASE?

21 MR. KRAUSS: I AM AN AIR POLLUTION INSPECTOR WITH THE
22 AQMD, THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT. IT
23 IS A REGULATORY AGENCY.

24 I ISSUE CRIMINAL VIOLATIONS.

25 THE COURT: AND HOW LONG HAVE YOU BEEN AT THAT JOB?

26 MR. KRAUSS: EIGHT YEARS, SIR.

27 THE COURT: WELL, YOU ARE ALMOST IN THE NATURE OF A LAW
28 ENFORCEMENT OFFICER OF SOME KIND OR IN A RELATED FIELD?

1 MR. KRAUSS: I HAVE THAT AUTHORITY AS FAR AS CRIMINAL
2 VIOLATIONS ARE CONCERNED.

3 THE COURT: AND AS SUCH, WOULD THAT MAKE YOU MORE
4 SYMPATHETIC TOWARDS THE PROSECUTION IN THIS CASE OR LAW
5 ENFORCEMENT THAN YOU OTHERWISE WOULD BE?

6 MR. KRAUSS: NO, NOT AT ALL.

7 MR. BARENS: I DIDN'T HEAR.

8 MR. KRAUSS: NOT AT ALL.

9 MR. BARENS: THANK YOU, SIR.

10 THE COURT: AND WHAT FORMAL EDUCATION DO YOU HAVE?

11 MR. KRAUSS: A BA DEGREE FROM ANTIOCH UNIVERSITY.

12 THE COURT: ANTIOCH IS IN PENNSYLVANIA?

13 MR. KRAUSS: NO, SIR. IT IS OHIO. WE HAVE AN EXTENSION
14 HERE. I WENT TO VENICE.

15 THE COURT: I SEE. IT IS ANTIOCH, THOUGH?

16 MR. KRAUSS: YES. IT IS ANTIOCH. IT IS CALLED ANTIOCH
17 WEST.

18 THE COURT: AND ANTIOCH EAST IS IN PENNSYLVANIA OR OHIO?

19 MR. KRAUSS: OHIO, YELLOW SPRINGS.

20 THE COURT: AND IS THERE A MRS. KRAUSS?

21 MR. KRAUSS: NO, SIR.

22 THE COURT: YOU MEAN YOU ARE NOT MARRIED?

23 MR. KRAUSS: NO, SIR.

24 THE COURT: AND WHERE DO YOU LIVE?

25 MR. KRAUSS: I LIVE IN MAR VISTA.

26 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU MAY
27 INQUIRE.

28 MR. CHIER: HAVE YOU ALWAYS BEEN SINGLE, MR. KRAUSS?

1 MR. KRAUSS: NO, SIR. I WAS MARRIED ONCE.

2 MR. CHIER: AND WAS YOUR WIFE EMPLOYED, SIR?

3 MR. KRAUSS: YES.

4 MR. CHIER: WHAT TYPE OF WORK DID SHE DO?

5 MR. KRAUSS: A DENTAL ASSISTANT. SHE WORKED FOR A DENTIST.

6 MR. CHIER: DID YOU HAVE CHILDREN, SIR?

7 MR. KRAUSS: NO, SIR.

8 MR. CHIER: YOU ARE AN AIR POLLUTION INSPECTOR?

9 MR. KRAUSS: YES, SIR.

10 MR. CHIER: HOW LONG HAVE YOU DONE THAT?

11 MR. KRAUSS: EIGHT YEARS.

12 MR. CHIER: AND PRIOR TO THAT, WHAT DID YOU DO, SIR?

13 MR. KRAUSS: I MANAGED A DISTRIBUTING COMPANY, FOOD

14 DISTRIBUTING.

15 MR. CHIER: FOOD DISTRIBUTING?

16 MR. KRAUSS: YES, SIR.

17 MR. CHIER: FOR WHAT PERIOD OF TIME?

18 MR. KRAUSS: THREE YEARS.

19 MR. CHIER: AND WHAT OTHER TYPES OF EMPLOYMENT HAVE YOU

20 HAD, SIR?

21 MR. KRAUSS: MY FATHER DEVELOPED LYMPHATIC LEUKEMIA.

22 I WENT TO WORK FOR HIM. HE MANUFACTURED ETHNIC FOOD, KOSHER

23 FOOD.

24 MR. CHIER: KOSHER?

25 MR. KRAUSS: I DID IT FOR A NUMBER OF YEARS WHILE HE

26 WAS INCAPABLE OF WORKING FULL TIME.

27 MR. CHIER: AS A RESULT OF TAKING THE IMPURITIES OUT
28 OF FOOD, THAT GOT YOU INTO TAKING THE IMPURITIES OUT OF THE

1 AIR?

2 MR. KRAUSS: POSSIBLY.

3 MR. CHIER: WHAT DO YOU DO FOR THE AQ --

4 MR. KRAUSS: AQMD. IT IS A REGULATORY AGENCY.

5 MR. CHIER: AQMD?

6 MR. KRAUSS: THE AIR QUALITY MANAGEMENT DISTRICT.

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1 MR. CHIER: OKAY. THIS IS A REGULATORY AGENCY?

2 MR. KRAUSS: YES, SIR.

3 MR. CHIER: AND ARE YOU CONSIDERED WITHIN THE MEANING
4 OF THE PENAL CODE AS A PEACE OFFICER IN THE STATE OF
5 CALIFORNIA?

6 MR. KRAUSS: NO, SIR.

7 MR. CHIER: DO YOU CARRY A WEAPON?

8 MR. KRAUSS: NO, SIR.

9 MR. CHIER: IN YOUR JOB, DO YOU CARRY A BADGE?

10 MR. KRAUSS: NO, SIR. A CARD.

11 MR. CHIER: ARE YOU AUTHORIZED TO MAKE ARRESTS?

12 MR. KRAUSS: NO, SIR.

13 MR. CHIER: ARE YOU AUTHORIZED TO ISSUE CITATIONS?

14 MR. KRAUSS: YES, SIR.

15 MR. CHIER: AND DOES A LARGE PART OF YOUR WORK CONSIST
16 OF THE ISSUANCE OF CITATIONS?

17 MR. KRAUSS: IF YOU CONSIDER TWO A MONTH A LOT, IT IS
18 A LOT.

19 MR. CHIER: ALL RIGHT. COULD YOU TELL US WHAT YOUR JOB
20 TYPICALLY INVOLVES IN A DAY OR TWO?

21 MR. KRAUSS: BASICALLY, I HAVE TWO FUNCTIONS. I CALL
22 IN FROM THE STREET TO SEE THAT THEIR EQUIPMENT OPERATES IN
23 COMPLIANCE WITH THE RULES AND REGULATIONS FOR THE PERMIT
24 CONDITIONS AND I ANSWER COMPLAINTS FROM THE PUBLIC.

25 MR. CHIER: SO YOU CALL ON ESTABLISHMENTS THAT ARE
26 IN BUSINESS WHICH HAVE A TENDENCY TO GENERATE AIR POLLUTION
27 TO SEE IF THEY ARE PROPERLY MAINTAINED?

28 MR. KRAUSS: CORRECT.

1 MR. CHIER: SUCH AS DRYCLEANERS?

2 MR. KRAUSS: CORRECT.

3 MR. CHIER: ANY KIND OF BUSINESSES THAT HAVE TO HEAT
4 THINGS UNDER HIGH TEMPERATURES?

5 MR. KRAUSS: CORRECT.

6 MR. CHIER: AND YOU INSPECT THE MACHINES, THE SCRUBBERS
7 AS THEY ARE CALLED OR WHATEVER?

8 MR. KRAUSS: SCRUBBERS, AFTER BURNERS, BACKHOUSES,
9 CONDENSERS.

10 MR. CHIER: CHEMICALS?

11 MR. KRAUSS: ELECTROPRECIPITATORS.

12 MR. CHIER: OKAY. AND DO YOU EVER HAVE TO TESTIFY IN
13 COURT FOLLOWING THE ISSUANCE OF A CITATION TO SOMEBODY?

14 MR. KRAUSS: YES, SIR.

15 MR. CHIER: VIOLATORS?

16 MR. KRAUSS: YES, SIR.

17 MR. CHIER: TELL ME, MR. KRAUSS, AS YOU ARE A TYPE OF
18 LAW ENFORCEMENT PERSON, ARE YOU NOT ENFORCING THE --

19 MR. KRAUSS: THE RULES AND REGULATIONS, YES.

20 MR. CHIER: THE AIR POLLUTION LAW. WHEN YOU ISSUE A
21 CITATION TO SOMEBODY, THE PERSON IN YOUR MIND, IS GUILTY OF
22 HAVING COMMITTED A PUBLIC OFFENSE, CORRECT?

23 MR. KRAUSS: NO, SIR. I HAVE TO ACQUIRE EVIDENCE THAT
24 HE IS NOT MEETING THE RULES AND REQUIREMENTS, UNLESS IT IS
25 AN OBVIOUS ONE.

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1 MR. CHIER: WHEN A PERSON IS CITED, ACTUALLY CITED OR
2 WRITTEN UP BY YOU --

3 MR. KRAUSS: YES, SIR.

4 MR. CHIER: -- THAT IS A COMPLAINT, IS IT NOT?

5 MR. KRAUSS: WELL, THERE ARE PROCEDURES TO FOLLOW TO
6 GET PEOPLE TO COMPLY. WE USE THE VIOLATION TO SORT OF INFLUENCE
7 THEIR EXPEDITION OF COMPLYING WITH THE RULES AND REGULATIONS.

8 MR. CHIER: SO THE FIRST THING YOU GIVE THEM IS A NOTICE
9 OF WARNING?

10 MR. KRAUSS: NOTICE TO COMPLY USUALLY.

11 MR. CHIER: THEN IF THEY DON'T COMPLY, THERE IS FURTHER
12 ACTION?

13 MR. KRAUSS: YES, SIR.

14 MR. CHIER: OF AN ENFORCEMENT NATURE?

15 MR. KRAUSS: YES, SIR.

16 MR. CHIER: IN A COURT OF LAW?

17 MR. KRAUSS: YES, SIR.

18 MR. CHIER: IF THERE IS NO ACTION BETWEEN THE ISSUANCE
19 OF THE ORDER TO CONFORM AND THE COMMENCEMENT OF JUDICIAL
20 PROCEEDINGS, THEN THERE IS THE EVIDENCE WHICH IS PRESENTED
21 AT THE PROCEEDING WHICH IS THE SAME AS THE CONDITION WHICH
22 EXISTED WHEN YOU ISSUED THE ORDER TO CONFORM, CORRECT? THE
23 STATUS IS THE SAME?

24 THAT WAS A BAD QUESTION. LET ME REPEAT IT.

25 IF THE PERSON DOESN'T DO ANYTHING WHEN YOU ISSUE
26 THEM THE ORDER TO CONFORM --

27 MR. KRAUSS: I WILL GIVE THEM ANOTHER ONE NEXT WEEK.

28 MR. CHIER: ANOTHER ONE?

1 MR. KRAUSS: ANOTHER ONE UNTIL HE CONFORMS.

2 MR. CHIER: HOW MANY BITES DO THEY GET OUT OF THIS
3 APPLE?

4 MR. KRAUSS: WE ARE INSTRUCTED TO CHECK EVERY WEEK.
5 MOST OF THEM ARE PROCEDURAL. A LOT OF THEM DO

6 NOT TAKE OUR AGENCY SERIOUSLY AND THEY MAY BE OPERATING WITHOUT
7 PERMITS.

8 MR. CHIER: LET ME TELL YOU WHAT I AM DRIVING AT HERE
9 SO MAYBE WE CAN DISCUSS THIS.

10 MY QUESTION HAS TO DO WITH WHETHER OR NOT YOU
11 ENGAGE IN A DIFFERENT TYPE OF PRESUMPTIVE THINKING HERE THAN
12 PEOPLE IN OTHER TYPES OF OCCUPATIONS, WHEREBY THESE PEOPLE
13 BY THE TIME THEY GET TO COURT, IF THERE IS A COURT PROCEEDING,
14 ARE IN YOUR MIND PRESUMED TO BE GUILTY AS OPPOSED TO, LET'S
15 SAY --

16 MR. KRAUSS: I SEE WHAT YOU ARE ASKING, OKAY.

17 MR. CHIER: ISN'T THAT TRUE?

18 MR. KRAUSS: PARDON ME?

19 MR. CHIER: ISN'T THAT TRUE FROM YOUR LIMITED VIEW?

20 MR. KRAUSS: PERSONALLY, NO.

21 MR. CHIER: YOU HAVE NO FEELING ONE WAY OR THE OTHER
22 ABOUT THE GUILT OR INNOCENCE OF THESE PEOPLE?

23 MR. KRAUSS: THAT'S RIGHT.

24 MR. CHIER: AND YOU ARE JUST THERE AS A KIND OF A
25 DISINTERESTED WITNESS?

26 MR. KRAUSS: WELL, I CAN'T TAKE IT PERSONALLY. I DON'T
27 REACT PERSONALLY.

28 I GATHER EVIDENCE OR -- FOR INSTANCE, IF I CAN,

1 USE A HYPOTHESIS --

2 MR. CHIER: PLEASE, PLEASE.

3 MR. KRAUSS: THERE ARE INCREMENTS OF PROGRESS TO ACHIEVE
4 TO COMPLY. FOR INSTANCE, VOLATILE ORGANIC COMPOUNDS IN, LET'S
5 SAY, THE PAINT YOU ARE USING.

6 MR. CHIER: YOU SAY VOLATILE?

7 MR. KRAUSS: VOLATILE.

8 MR. CHIER: VOLATILE, OKAY.

9 MR. KRAUSS: YES.

10 MR. CHIER: RIGHT.

11 MR. KRAUSS: AND THIS IS ESTABLISHED ON A -- IN OTHER
12 WORDS, IF YOU WERE TO REDUCE YOUR VOLATILE COMPOUNDS, YOU
13 WOULD BE NOTIFIED A YEAR IN ADVANCE AND YOU WOULD HAVE
14 INCREMENTS OF PROGRESS SOMETIMES OR ELSE YOU WOULD HAVE A YEAR
15 TO COMPLY.

16 I COME INTO A SITUATION LIKE THAT AND I ASK THEM --
17 I TAKE A SAMPLE OF THE MATERIAL AND THEN I SEND IT TO A LAB.

18 THEY HAVE HAD A YEAR TO COMPLY AND IF THEY DON'T
19 COMPLY, I WOULD USUALLY -- WELL, I WOULD ALWAYS OBTAIN THEIR
20 RECORDS AND THEN PUTTING THEM TOGETHER, WHICH MAY TAKE FOUR
21 WEEKS, I WOULD THEN ISSUE THEM A VIOLATION IF THEY ARE IN
22 VIOLATION, AND THEN THEY COULD APPEAR IN FRONT OF A HEARING
23 BOARD TO ACQUIRE MORE TIME.

24 THEN, THE PROCEDURE WOULD STOP FROM MY ASPECT OF
25 IT AND IT WOULD STAY WITH THE HEARING BOARD FROM THEN ON.

26 MR. CHIER: DO YOU EVER HAVE TO TESTIFY AS A WITNESS
27 IN A PROCEEDING WHICH IS --

28 MR. KRAUSS: YES, SIR.

1 MR. CHIER: -- DESIGNED TO OBTAIN A CONVICTION AGAINST
2 THESE PEOPLE --

3 MR. KRAUSS: OH, DEFINITELY.

4 MR. CHIER: -- WHO ARE NOT COMPLYING?

5 MR. KRAUSS: DEFINITELY.

6 MR. CHIER: BY THAT POINT, YOU ARE AN ADVOCATE RATHER
7 THAN SOME DISINTERESTED PERSON, ARE YOU NOT?

8 MR. KRAUSS: YES. ONCE I ISSUE A VIOLATION, I AM AN
9 ADVOCATE.

10 MR. CHIER: YOU UNDERSTAND IN THIS CASE THE DISTRICT
11 ATTORNEY HAS FILED AN INFORMATION, IT IS CALLED, IT IS A
12 TECHNICAL NAME, WHICH CHARGES JOE HUNT HERE WITH HAVING
13 COMMITTED A VIOLATION, SIGNIFICANTLY MORE SERIOUS THAN, YOU
14 KNOW, AIR POLLUTION.

15 MR. KRAUSS: YES, SIR.

16 MR. CHIER: AND AT THIS JUNCTURE --

17 THE COURT: YOU THINK IT IS MORE SERIOUS, IS IT?

18 MR. KRAUSS: IN FACT, I HAVE SOME RESERVATIONS ABOUT
19 EVEN WANTING TO BE A JUROR BECAUSE OF HOW SERIOUS IT IS.
20 THAT IS MY OWN, YOU MIGHT SAY, CONSCIENCE THAT IS INVOLVED.

21 THE COURT: YOU MEAN THAT YOU FEEL YOU DON'T WANT TO
22 BE A JUROR ON THIS CASE, IS THAT WHAT YOU ARE TELLING US?

23 MR. KRAUSS: I REALLY HAVE GIVEN SOME SECOND THOUGHT.
24 IT IS NOT SOMETHING --

25 THE COURT: WE ASKED YOU THAT THOROUGHLY BEFORE, HADN'T
26 WE, AND YOUR ANSWERS WERE THAT YOU FEEL YOU WOULD BE AN
27 IMPARTIAL JUROR.

28 MR. KRAUSS: YES, SIR.

1 THE COURT: YOU STILL FEEL THAT?

2 MR. KRAUSS: I WOULD STILL BE IMPARTIAL BUT IT WOULD
3 BE QUITE STRENUOUS.

4 THE COURT: YES, ALL RIGHT.
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1 MR. CHIER: WELL, WE ALL AS CITIZENS, MR. KRAUSS, WE
2 ALL HAVE TO DO HARD THINGS ALL OF THE TIME.

3 MR. KRAUSS: I REALIZE THAT.

4 MR. CHIER: PAYING TAXES IS ABOUT THE HARDEST THING I
5 CAN THINK OF AND WE ALL HAVE TO DO THAT, EVEN THOUGH IT IS
6 NOT PLEASANT FOR ANY OF US.

7 DO YOU THINK THAT YOU WOULD APPROACH THE TASK THAT
8 CONFRONTS A JUROR AT ALL BIASED OR AS A PARTISAN BECAUSE OF
9 THE TYPE OF WORK YOU DO AND THE WAY YOU INTERFACE WITH THE
10 COURT SYSTEM?

11 MR. KRAUSS: NOT AT ALL.

12 MR. CHIER: NOT AT ALL? OKAY.

13 COULD YOU TURN YOUR HAT AROUND IN THIS COURTHOUSE,
14 IN THIS COURTROOM SO THAT THE DEFENDANT WOULD BE IN YOUR EYES
15 PRESUMED INNOCENT OF ANY WRONGDOING UNLESS THE CONTRARY WERE
16 PROVED BEYOND A REASONABLE DOUBT?

17 MR. KRAUSS: ABSOLUTELY.

18 MR. CHIER: HOW DO YOU FEEL ABOUT THIS METAPHOR OF THE
19 COCOON THAT MR. HUNT IS WRAPPED IN?

20 MR. KRAUSS: I HAVE NO PROBLEMS WITH THAT.

21 MR. CHIER: BEYOND HAVING NO PROBLEMS WITH IT, DO YOU
22 ACCEPT THAT AS --

23 MR. KRAUSS: ABSOLUTELY.

24 MR. CHIER: -- AS AN IMPORTANT PART OF OUR CRIMINAL
25 JUSTICE SYSTEM?

26 MR. KRAUSS: PLUS THE FIFTH AMENDMENT.

27 MR. CHIER: DO YOU SEE THAT AS A PROTECTION NOT JUST
28 FOR THAT PERSON IN THAT SEAT BUT AS A PROTECTION FOR ALL

23A-2

1 CITIZENS IN THIS COUNTRY?

2 MR. KRAUSS: YOU WOULDN'T HAVE HAD AN INQUISITION IF
3 YOU HAD THOSE TWO RULES.

4 MR. CHIER: DO YOU UNDERSTAND THAT IT GREW OUT OF
5 GOVERNMENTAL ABUSES AND THAT WE HAVE A BILL OF RIGHTS WHICH
6 GUARANTEES THESE THINGS? THEY ARE NOT SOMETHING TO EVEN UP
7 THE PROCEDURE BETWEEN THE DEFENDANT AND A PROSECUTOR IN A
8 CRIMINAL CASE. THESE ARE INALIENABLE RIGHTS THAT WE HAVE;
9 DO YOU UNDERSTAND THAT?

10 MR. KRAUSS: VERY MUCH SO.

11 MR. CHIER: AND HOW DO YOU FEEL ABOUT THE FIFTH
12 AMENDMENT IN THE ABSTRACT, THAT IS A PRIVILEGE AGAINST SELF-
13 INCRIMINATION?

14 MR. KRAUSS: I JUST TOLD YOU, YOU PROBABLY WOULDN'T HAVE
15 HAD THE SALEM WITCH HUNTS OR THE INQUISITION IF YOU HAD THOSE
16 TWO RULES.

17 MR. CHIER: HOW DO YOU FEEL ABOUT THE INSTRUCTION
18 CONCERNING EVIDENCE OF ORAL ADMISSIONS BEING VIEWED WITH
19 CAUTION? DO YOU UNDERSTAND THE NECESSITY FOR VIEWING ORAL
20 ADMISSIONS OF THE DEFENDANT DIFFERENTLY FROM OTHER TYPES OF
21 EVIDENCE; DO YOU UNDERSTAND THAT?

22 MR. KRAUSS: I UNDERSTAND.

23 MR. CHIER: DO YOU UNDERSTAND IT IS THE EASIEST OF ALL
24 TYPES OF EVIDENCE TO FABRICATE AND THE MOST DIFFICULT TO
25 REPUDIATE?

26 MR. KRAUSS: I UNDERSTAND.

27 MR. CHIER: DO YOU HAVE ANY PROBLEM WITH THE NOTION OF
28 CIRCUMSTANTIAL EVIDENCE?

23A-3

1 MR. KRAUSS: NO, SIR.

2 MR. CHIER: DO YOU UNDERSTAND THAT THE UNDERLYING NATURE
3 OF THE CIRCUMSTANTIAL EVIDENCE RULE IS PREDICATED UPON AN
4 ESSENTIAL OR INHERENT FAILURE OF THE PROSECUTION TO MEET ITS
5 BURDEN OF PROOF, SO THAT IF YOU FIND YOURSELF IN EVALUATING
6 EVIDENCE IN THAT STATE OF MIND WHERE YOU DON'T KNOW WHAT TO
7 MAKE OF IT, THERE ARE TWO INFERENCES THAT YOU CAN REACH --

8 THE COURT: IS THAT IN THE FORM OF A QUESTION?

9 MR. CHIER: YES.

10 THE COURT: YOU ARE JUST GIVING HIM THE ANSWER. YOU
11 WEREN'T ASKING HIM WHETHER OR NOT IT IS TRUE. WHY DON'T YOU
12 ASK A QUESTION?

13 MR. CHIER: ALL RIGHT. DO YOU AGREE WITH ALL OF THAT,
14 MR. KRAUSS?

15 MR. KRAUSS: I ALWAYS AGREE WITH THE JUDGE.

16 MR. CHIER: OKAY, SO DO I.

17 DID YOU EVER WRITE A LETTER TO SOMEONE WHEN YOU
18 ARE ANGRY AND YOU DIDN'T MAIL IT?

19 MR. KRAUSS: NO, SIR.

20 MR. CHIER: DO YOU ALWAYS MAIL THEM OR DO YOU NEVER
21 WRITE THEM?

22 MR. KRAUSS: I NEVER GET ANGRY.

23 MR. CHIER: YOU NEVER GET ANGRY?

24 MR. KRAUSS: I AM NOT AGGRESSIVE.

25 MR. CHIER: YOU UNDERSTAND THAT EVERY CRIME CONSISTS
26 OF A NUMBER OF ELEMENTS AND LIKE BUILDING A BRICK WALL, EACH
27 BRICK IS A SEPARATE ELEMENT.

28 MR. KRAUSS: UH-HUH.

1 MR. CHIER: AND THAT THE DEFENDANT CANNOT AND MUST NOT
2 BE CONVICTED BY A JURY UNLESS EVERY SINGLE BRICK IS IN PLACE.
3 IF THERE IS A SINGLE BRICK OUT OF PLACE A DEFENDANT MUST BE
4 ACQUITTED; DOES THAT BOTHER YOU?

5 MR. KRAUSS: NO, NOT AT ALL.

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24A-1

1 MR. CHIER: DO YOU THINK IT IS RIGHT?

2 MR. KRAUSS: YES.

3 MR. CHIER: DO YOU THINK IT IS FAIR?

4 MR. KRAUSS: YES.

5 MR. CHIER: DO YOU THINK IT GIVES THE DEFENDANT ANY KIND
6 OF ADVANTAGE OVER THE PROSECUTION?

7 MR. KRAUSS: I DON'T THINK SO.

8 MR. CHIER: OKAY. DO YOU SEE THAT REQUIREMENT THAT EVERY
9 BRICK HAS TO BE IN PLACE IN THAT WALL? IT IS MERELY ANOTHER
10 WAY OF EXPRESSING THAT THE PEOPLE, THE GOVERNMENT, HAVE THE
11 BURDEN OF PROOF IN ALL CRIMINAL CASES?

12 MR. KRAUSS: YES.

13 MR. CHIER: IF THE ELEMENTS OF THE ROBBERY ARE THE TAKING
14 OF PROPERTY FROM ANOTHER PERSON, ELEMENT ONE AND ELEMENT TWO,
15 BY FORCE, FEAR OR INTIMIDATION, DO YOU REALIZE THAT WE ARE
16 TALKING ABOUT TWO SEPARATE BRICKS? THEY MUST BE PUT INTO PLACE
17 IN THAT WALL BEFORE THE JURY CAN CONCLUDE BEYOND A REASONABLE
18 DOUBT THAT A ROBBERY TAKES PLACE?

19 MR. KRAUSS: WOULD YOU DEFINE IT IN REFERENCE TO WHAT
20 YOU MEAN BY TWO ASPECTS OF IT?

21 MR. CHIER: EVERY CRIME CONSISTS OF TWO ELEMENTS.

22 MR. KRAUSS: RIGHT.

23 MR. CHIER: BURGLARY FOR EXAMPLE, IS AT COMMON LAW, THE
24 NOCTURNAL ENTRY OF A DWELLING HOUSE TO COMMIT A FELONY INSIDE.
25 SO --

26 MR. WAPNER: I THINK IT WAS A THEFT CITED IN COMMON LAW.

27 THE COURT: A FELONY. IT MIGHT BE A RAPE. ANY FELONY.

28 MR. CHIER: WELL, AT LEAST FROM THE GOOD DR. PERKINS.

1 IN ANY EVENT, YOU SEE THERE ARE ELEMENTS
2 MR. KRAUSS, AND IT HAS TO BE NOCTURNAL, A NIGHTTIME EVENT,
3 DEPENDING UPON WHAT THE DEFINITION OF NIGHTTIME IS.

4 OBVIOUSLY AT THE NORTH POLE, IT IS DIFFERENT FROM
5 OTHER PLACES. BUT NORMAL PLACES, THERE ARE THOSE ELEMENTS.
6 IT HAS TO BE NOCTURNAL AND A BREAKING. THE DOOR CAN BE
7 OPENED.

8 SO, EACH OF THOSE ELEMENTS HAVE BEEN PROVED BY
9 THE PROSECUTION. EACH OF THE ELEMENTS IS A BRICK IN THE WALL.

10 AND WHAT YOUR JOB AS A JUROR IS TO DO, IS TO GO
11 IN THERE AND SEE IF THAT WALL IS UP THERE OR NOT.

12 AND WHEN YOU PUT ALL OF THE BRICKS IN THEIR
13 PLACES, IF THERE ARE ANY HOLES, IT MEANS THAT THE PEOPLE HAVE
14 NOT ESTABLISHED THE GUILT OF THE DEFENDANT BY THEIR BURDEN,
15 WHICH IS BEYOND A REASONABLE DOUBT. DO YOU UNDERSTAND THAT?

16 MR. KRAUSS: DEFINITELY.

17 MR. CHIER: OKAY. IF FOR EXAMPLE, THE ELEMENTS OF A
18 ROBBERY WERE THE TAKING OF THE PROPERTY FROM ANOTHER BY FORCE,
19 FEAR OR INTIMIDATION, THOSE ARE ALL SEPARATE ELEMENTS WHICH
20 MUST BE PROVED. DO YOU UNDERSTAND THAT?

21 MR. KRAUSS: YES.

22 MR. CHIER: SO DO YOU UNDERSTAND THAT YOU WOULD HAVE
23 TO SEE FIRST, WAS THERE A TAKING? YOU WOULD LOOK AT ALL OF
24 THE EVIDENCE AS TO WHETHER THERE HAD BEEN A TAKING OR NOT.

25 WAS THERE PROPERTY? WAS THE THING TAKEN? DID
26 IT HAVE VALUE? WAS IT PROPERTY?

27 I MEAN, IN ALL OF THE CONSIDERATIONS THAT UNDERLIE
28 THAT PROBLEM AND SO ON DOWN THE LINE.

1 SO, LET'S ASSUME THAT YOU FOUND THAT THERE WAS
2 A TAKING, HOWEVER IT HAPPENED. LET'S ASSUME THAT THERE WAS
3 PROPERTY, HOWEVER IT HAPPENED.

4 LET'S ASSUME THAT THERE WAS SOME QUESTION ABOUT
5 WHETHER THERE WAS FORCE OR FEAR OR INTIMIDATION. OKAY?

6 SO, ALL YOU KNEW IS THAT SOMEBODY WAS IN POSSESSION
7 OF THE PROPERTY OF ANOTHER PERSON. YOU WEREN'T EXACTLY SURE
8 HOW THEY GOT IT.

9 MR. KRAUSS: YES.

10 MR. CHIER: DO YOU UNDERSTAND THAT IN THAT SITUATION,
11 EVEN THOUGH THREE OF THE FOUR ELEMENTS MIGHT HAVE BEEN
12 ESTABLISHED, EVEN THOUGH THREE OF THE FOUR BRICKS MIGHT BE
13 IN PLACE IN THAT WALL --

14 THE COURT: HAS HE LOST YOU YET? DO YOU REMEMBER ALL
15 OF IT?

16 MR. KRAUSS: I KNOW WHERE HE IS GOING, SIR.

17 THE COURT: I WAS LOST IN THE MIDDLE OF IT.

18 MR. CHIER: DO YOU UNDERSTAND THAT?

19 MR. KRAUSS: YOU ARE REFERRING TO WHAT, WHERE, WHEN,
20 HOW AND WHO?

21 MR. CHIER: BASICALLY, YES. ALL RIGHT.

22 MR. KRAUSS: I WRITE MY REPORTS THAT WAY, SIR.

23 MR. CHIER: I PASS FOR CAUSE, YOUR HONOR.

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1 THE COURT: ALL RIGHT.

2 MR. WAPNER: GOOD AFTERNOON, MR. KRAUSS. ARE THE CASES
3 THAT YOU HANDLE THAT GO TO THE COURT, HANDLED BY THE DISTRICT
4 ATTORNEY OR THE CITY ATTORNEY?

5 MR. KRAUSS: THE CITY ATTORNEY EXCEPT WHEN THERE ISN'T
6 A CITY ATTORNEY. THEN THE DISTRICT ATTORNEY. ALTHOUGH WE
7 DO HAVE OUR OWN COUNSEL. MOST OF THEM I WOULD SAY GO CIVIL
8 UNLESS THEY ARE PUBLIC VIOLATIONS AND SO FORTH. THEN THEY
9 GO INTO CRIMINAL. A LOT OF THEM ARE BEING SETTLED CIVIL NOW.

10 MR. WAPNER: HOW MANY OCCASIONS HAVE YOU HAD TO ACTUALLY
11 TESTIFY ON THE WITNESS STAND?

12 MR. KRAUSS: FOUR TIMES.

13 MR. WAPNER: IN WHAT PERIOD OF TIME?

14 MR. KRAUSS: THE LAST FOUR YEARS OR FIVE YEARS.

15 MR. WAPNER: ALL RIGHT. HAVE YOU HAD ANY EXPERIENCES
16 WITH THE DISTRICT ATTORNEY'S OFFICE THAT WERE UNPLEASANT?

17 MR. KRAUSS: NO, SIR.

18 MR. WAPNER: HOW ABOUT THE CITY ATTORNEY'S OFFICE?

19 MR. KRAUSS: NO, SIR.

20 MR. WAPNER: AND I DIDN'T FOLLOW ALL OF THIS ABOUT ALL
21 THE DIFFERENT TYPES OF EQUIPMENT THAT YOU EXAMINED. BUT HAVE
22 YOU EVER HEARD OF ANYTHING CALLED AN ATTRITION MILL?

23 MR. KRAUSS: AN ATTRITION MILL? COULD YOU ELABORATE?

24 MR. WAPNER: WELL, I DON'T KNOW IF I CAN ELABORATE OR
25 NOT BECAUSE I DON'T KNOW THAT MUCH ABOUT IT. BUT IT IS A
26 MACHINE THAT GRINDS PARTICLES, IN ESSENCE.

27 MR. KRAUSS: WELL, THERE IS A ROLLER MILL. THERE IS
28 IN YOUR BATCH PLANTS, THEY COULD HAVE SIZE REDUCTION FOR GRAVEL.

1 MR. WAPNER: HAVE YOU EVER HAD TO EXAMINE ANY OF THOSE
2 MACHINES IN THE COURSE OF YOUR WORK?

3 MR. KRAUSS: YES, SIR.

4 MR. WAPNER: AND --

5 MR. KRAUSS: NOT THE MACHINES, BUT THE OPERATION OF IT.
6 I AM IN A TECHNICAL SENSE. I AM NOT AN ENGINEER. I WORK IN
7 A TECHNICAL CAPACITY.

8 MR. WAPNER: HAVE YOU HAD ANY DEALINGS IN YOUR EXPERIENCE

9 MR. KRAUSS: WE DO HAVE AN ENGINEERING DEPARTMENT. THEY
10 DO ALL THE PERMITS AND WRITE DOWN THE CONDITIONS.

11 I AM AN INSPECTOR. I DO ENFORCEMENT. THAT IS
12 WHETHER THEY HAVE COMPLIED WITH THE CONDITIONS THAT WERE PUT
13 DOWN.

14 MR. WAPNER: OKAY.

15 MR. KRAUSS: WHICH MAY BE VOLUME AND QUANTITY AND SO
16 FORTH.

17 MR. WAPNER: THANK YOU VERY MUCH. I PASS FOR CAUSE.

18 THE COURT: ALL RIGHT.

19 MR. CHIER: COULD WE HAVE A MOMENT, PLEASE?

20 THE COURT: YES.

21 (BRIEF PAUSE.)

22 MR. CHIER: THE DEFENSE NEEDS TWO MINUTES AT THIS
23 JUNCTURE. COULD WE STEP OUTSIDE FOR A MOMENT?

24 THE COURT: YOU CAN WHISPER WHERE YOU ARE.

25 MR. BARENS: ALL RIGHT.

26 (PAUSE.)

27 MR. BARENS: THE DEFENSE WILL ASK THE COURT TO THANK
28 AND EXCUSE JUROR NUMBER 2, MR. KRAUSS.

1 THE COURT: THANK YOU, MR. KRAUSS.

2 (PROSPECTIVE JUROR MR. KRAUSS EXITS THE
3 COURTROOM.)

4 THE CLERK: MRS. RUTH BLEVINS, B-L-E-V-I-N-S.

5 THE COURT: MRS. BLEVINS, I THINK YOU TOLD US SOMETIME
6 AGO THAT YOU OR A MEMBER OF YOUR FAMILY OR CLOSE PERSONAL
7 FRIENDS HAVE BEEN THE VICTIM OF SOME KIND OF CRIME?

8 MS. BLEVINS: YES. THE WORST OF WHICH WAS THAT I WAS
9 HELD UP AT GUNPOINT, ROBBED AT GUNPOINT.

10 THE COURT: HOW LONG AGO WAS IT?

11 MS. BLEVINS: ABOUT 14 YEARS.

12 THE COURT: AND WAS ANYONE EVER CAUGHT?

13 MS. BLEVINS: NOT TO MY KNOWLEDGE.

14 THE COURT: DID YOU MAKE A COMPLAINT TO THE POLICE, OF
15 COURSE?

16 MS. BLEVINS: YES.

17 THE COURT: THEY MADE AN INVESTIGATION, DIDN'T THEY?

18 MS. BLEVINS: FOR A LITTLE WHILE.

19 THE COURT: WELL, WERE YOU SATISFIED WITH THE WAY THE
20 INVESTIGATION WENT DOWN?

21 MS. BLEVINS: I HAD NO WAY TO JUDGE. ALL I KNOW --

22 THE COURT: IS THAT THEY DIDN'T CATCH HIM?

23 MS. BLEVINS: THEY DIDN'T CATCH HIM.

24 THE COURT: WHAT OTHER SAD EXPERIENCES DO YOU HAVE?

25 MS. BLEVINS: WE HAVE BEEN BURGLARIZED IN OUR HOME ONCE.

26 AND I UNDERSTAND THAT THE PERSON WHO DID IT WAS APPREHENDED.

27 WE DID NOT GET OUR PROPERTY BACK, HOWEVER.

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1 THE COURT: YOU DON'T KNOW WHETHER HE WAS PROSECUTED
2 OR NOT, DO YOU?

3 MS. BLEVINS: NO. IT WAS A JUVENILE.

4 THE COURT: OH, I SEE.

5 ALL RIGHT, HOW LONG AGO WAS THAT?

6 MS. BLEVINS: THAT HAS BEEN WITHIN THE LAST TEN YEARS
7 PERHAPS. I DON'T KNOW THE EXACT DATE.

8 THE COURT: I THINK YOU ALSO TOLD US, DIDN'T YOU, THAT
9 SOME MEMBER OF YOUR FAMILY OR CLOSE PERSONAL FRIEND OR SOMEBODY
10 HAD BEEN ARRESTED OR CHARGED WITH A SERIOUS OFFENSE?

11 MS. BLEVINS: RIGHT.

12 THE COURT: AND WHO IS THAT?

13 MS. BLEVINS: MY HUSBAND.

14 THE COURT: DO YOU WANT TO TELL US PUBLICLY?

15 MS. BLEVINS: WELL, HE IS DECEASED AND IT IS PERHAPS
16 NOT KINDLY, BUT I WILL STILL TELL YOU WHAT HAPPENED BECAUSE
17 I WAS UNHAPPY WITH IT AND I THINK YOU NEED TO KNOW THAT.

18 THE COURT: YES.

19 MS. BLEVINS: HE WAS ARRESTED IN OUR HOME FOR HIT AND
20 RUN AND I HAD MY OWN FEELINGS THAT IT WAS AN UNFAIR
21 ARREST AND I NEVER FELT GOOD ABOUT THAT.

22 THE COURT: WHY DID YOU THINK THAT?

23 MS. BLEVINS: WELL, I WASN'T SURE THEY COULD COME INTO
24 YOUR HOME WITHOUT A WARRANT AND NO WITNESSES AND MAKE AN
25 ARREST.

26 THE COURT: I SEE.

27 WELL, HOW ABOUT THE HIT AND RUN PART OF IT?

28 MS. BLEVINS: THAT PART OF IT, THERE WAS NO QUESTION

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1 ABOUT IT. HE DEALT WITH IT AND HE HAD HIT A CAR.

2 THE COURT: A CAR? THERE WAS NO INJURY INVOLVED?

3 MS. BLEVINS: NO INJURY.

4 PROPERTY DAMAGE ONLY.

5 THE COURT: YES, I SEE.

6 AND OF COURSE, YOUR CONCLUSION IS YOU FELT HE WAS
7 UNJUSTLY ARRESTED BECAUSE THEY HAD NO WARRANT TO COME INTO
8 THE HOME?

9 MS. BLEVINS: YES.

10 THE COURT: WOULD THAT IN ANY WAY AFFECT YOU IN YOUR
11 ATTITUDE TOWARDS POLICE OFFICERS WHO MIGHT TESTIFY IN THIS
12 CASE?

13 MS. BLEVINS: WELL, NOT NECESSARILY.

14 THE COURT: THEY WEREN'T THE ONES THAT DID IT, WERE THEY?

15 MS. BLEVINS: NO.

16 OF COURSE, I DON'T HOLD THAT KIND OF A GRUDGE.

17 THE COURT: AT ANY RATE, IN THIS PARTICULAR CASE YOUR
18 STATE OF MIND IS SUCH THAT YOU HOLD NO PREJUDICE AGAINST THE
19 PROSECUTION IN THIS CASE, DO YOU?

20 MS. BLEVINS: NO.

21 THE COURT: YOU HOLD NO PREJUDICE IN YOUR MIND AGAINST
22 THE DEFENSE IN THIS CASE BECAUSE YOU YOURSELF WERE THE VICTIM
23 OF OTHER OFFENSES; IS THAT RIGHT?

24 MS. BLEVINS: RIGHT.

25 THE COURT: NOW, OTHER THAN THAT, IF I WERE TO ASK YOU
26 THE SAME GENERAL QUESTIONS, WOULD YOUR ANSWERS BE SUBSTANTIALLY
27 THE SAME?

28 MS. BLEVINS: WELL, I HAVE TO CONFESS THAT I AM HAVING

1 A LITTLE TROUBLE REMEMBERING WHAT ALL OF THE QUESTIONS WERE
2 BUT --

3 THE COURT: THAT IS WHY WE KEEP REPEATING THEM AGAIN.

4 AT ANY RATE, DO YOU HAVE ANY LASTING IMPRESSION
5 OF ANY KIND ON A QUESTION THAT YOU THINK YOU MIGHT HAVE
6 ANSWERED DIFFERENTLY?

7 (PAUSE.)

8 MR. BLEVINS: WELL, I DON'T WANT TO GET COMPLICATED --
9 I DON'T WANT TO COMPLICATE WHAT YOU ARE ASKING ME BUT WHEN
10 YOU WERE ASKING, TALKING WITH MR. KRAUSS AND WHEN THE
11 PROSECUTION HAS ASKED QUESTIONS -- NO -- I THINK IT WAS THE
12 DEFENSE HAS ASKED QUESTIONS ABOUT THE ASSUMPTION OF INNOCENCE.

13 THE COURT: PRESUMPTION.

14 MS. BLEVINS: I CONCUR WITH THAT RIGHT.

15 THE COURT: THE PRESUMPTION.

16 MS. BLEVINS: PRESUMPTION. EXCUSE ME. PRESUMPTION OF
17 INNOCENCE, I CONCUR WITH THAT RIGHT AND I THINK IT IS A VERY
18 IMPORTANT RIGHT.

19 HOWEVER, I CAN SEE WHERE THERE ARE SOME PEOPLE
20 WHO COME INTO THE COURTROOM THAT WILL -- AND I AM ONE OF THESE
21 PEOPLE THAT FEEL WE WOULD NOT BE HERE UNLESS THERE WAS
22 SOMETHING, SOME SEMBLANCE OF SUGGESTION THAT SOMETHING HASN'T
23 BEEN DONE RIGHT.

24 THE COURT: THAT IS THE FALLACIOUS ASSUMPTION THAT WHERE
25 THERE IS SMOKE THERE IS FIRE, IS THAT WHAT YOU ARE THINKING?

26 MS. BLEVINS: YES, SIR.

27 THE COURT: SOMETIMES THERE IS SMOKE AND THERE IS NO
28 FIRE.

1 MS. BLEVINS: YOU ARE RIGHT. IT IS A DUST CLOUD.

2 THE COURT: AT THIS PARTICULAR STAGE, YOUR MIND IS FREE
3 OF ANY KIND OF A PREJUDICE OR PRESUMPTION OR PREDISPOSITION;
4 ISN'T THAT RIGHT?

5 MS. BLEVINS: I CAN LISTEN TO THE EVIDENCE.

6 THE COURT: AND BE GUIDED BY THE EVIDENCE AND MY
7 INSTRUCTIONS, WOULD YOU NOT?

8 MS. BLEVINS: YES.

9 THE COURT: ALL RIGHT, WHAT DO YOU DO, MRS. BLEVINS?

10 MS. BLEVINS: I AM RETIRED FROM THE UNIFIED SCHOOL
11 DISTRICT OF LOS ANGELES.

12 THE COURT: WHAT DID YOU TEACH?

13 MS. BLEVINS: I ORIGINALLY TAUGHT HOME ECONOMICS. I
14 WAS LATER A DEAN.

15 THE COURT: IN WHAT SCHOOL WAS THAT?

16 MS. BLEVINS: I FINISHED AT GARDENA HIGH SCHOOL.

17 THE COURT: AND MR. BLEVINS?

18 MS. BLEVINS: MR. BLEVINS WAS AN ELEMENTARY SCHOOL
19 TEACHER IN TORRANCE.

20 THE COURT: AND YOU HOLD WHAT KIND OF A DEGREE?

21 MS. BLEVINS: I HOLD A BACHELOR'S DEGREE AND A MASTER'S
22 DEGREE.

23 THE COURT: DID YOU EVER SERVE AS A JUROR ON A CRIMINAL
24 CASE BEFORE?

25 MS. BLEVINS: NO, I HAVEN'T.

26 THE COURT: AND OTHER THAN WHAT YOU TOLD US, YOU HAVEN'T
27 BEEN THE VICTIM OF ANY OTHER KIND OF A CRIME, HAVE YOU?

28 MS. BLEVINS: I DON'T KNOW. I MAY BE IN THE MIDST OF

1 A CRIME THAT I AM NOT AWARE OF. THERE IS SOME LITIGATION GOING
2 ON WITH SOME INVESTMENTS THAT MAY PROVE TO BE SO. BUT AT THIS
3 POINT, I COULDN'T SAY WHETHER I AM A VICTIM OR NOT.

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1 THE COURT: I SEE. YOU MEAN SOME FRAUD OF SOME KIND?

2 MS. BLEVINS: PERHAPS, IF THAT IS THE PROPER TERM.

3 I AM NOT SURE WHAT THE TERM WOULD BE CALLED BUT IT IS THE STATE
4 AGAINST AN INVESTMENT COMPANY THAT I AM WITH.

5 THE COURT: IT PROBABLY WOULD BE FRAUD, IF ANYTHING AT
6 ALL.

7 ALL RIGHT, THANK YOU.

8 MR. BARENS: GOOD AFTERNOON, MRS. BLEVINS.

9 MS. BLEVINS: HELLO.

10 MR. BARENS: MRS. BLEVINS, YOU KNOW, IT MAKES ME
11 CONCERNED THAT I HEAR YOU THINK WE WOULDN'T BE HERE UNLESS
12 THERE WAS SOMETHING GOING ON. OBVIOUSLY, NO ONE PRESUMES
13 ANYONE IS SO FOOLISH TO THINK THAT WE ARE HERE FOR NO REASON
14 OBVIOUSLY AND THE D.A. HAS TOLD YOU, THE PROSECUTOR FOR THE
15 GOVERNMENT HAS TOLD YOU THAT THEY BELIEVE THEY HAVE GOT SOME
16 KIND OF CIRCUMSTANTIAL EVIDENCE AGAINST JOE HUNT.

17 THAT ISN'T REALLY WHAT WE ARE HERE ABOUT. WHAT
18 WE ARE HERE ABOUT IS WHETHER OR NOT THAT CIRCUMSTANTIAL
19 EVIDENCE IS ANY GOOD OR NOT, WHETHER IT IS TRUE OR NOT.

20 AND DO YOU UNDERSTAND THAT WHAT WE ARE REALLY HERE
21 ABOUT IS WHETHER THAT CIRCUMSTANTIAL EVIDENCE, HOWEVER,
22 SUCH AS IT IS OR IT ISN'T, MEETS THE REQUISITE BURDEN OF PROOF
23 BEYOND A REASONABLE DOUBT; DO YOU UNDERSTAND THE DIFFERENCE?

24 MS. BLEVINS: YES, I DO.

25 MR. BARENS: OKAY, I AM NOT TRYING TO GET TRICKY WITH
26 YOU.

27 I AM TRYING TO STAY AS FUNDAMENTAL AS I CAN,
28 BECAUSE WE ARE RIGHT NOW AT THE REAL FUNDAMENTAL PART OF THE

5A-2

1 QUESTION AND MY CONCERN.

2 WHEN YOU SAY THAT YOU HAVE SOME PROBLEM, DON'T
3 YOU SEE THAT COCOON AROUND MR. HUNT?

4 MS. BLEVINS: NOT REALLY. I REALLY DON'T.

5 I GIVE HIM THAT INALIENABLE RIGHT THAT HE HAS.

6 MR. BARENS: DO YOU THINK THERE IS SOMETHING SUSPECT
7 IN THE INSTANCE WHERE YOU COME INTO A COURTROOM AND YOU HAVE
8 A GUY SITTING THERE AND THE JUDGE SAYS THAT HE IS ACCUSED OF
9 A SERIOUS CRIME CALLED MURDER DURING A ROBBERY, DOES THAT
10 COCOON GET A LITTLE TARNISHED FOR YOU TRUTHFULLY?

11 MS. BLEVINS: PROBABLY.

12 MR. BARENS: PROBABLY?

13 MS. BLEVINS: PROBABLY.

14 MR. BARENS: WHEN YOU SAY PROBABLY, HELP ME. WHAT ARE
15 YOU THINKING, MRS. BLEVINS? TELL ME THE STATE OF MIND THAT
16 YOU ARE EXPERIENCING.

17 MS. BLEVINS: I TOLD YOU WHAT I THOUGHT WHEN I ANSWERED
18 THE JUDGE THAT.

19 IT SEEMS ONLY FAIR TO FEEL THAT THERE IS SOMETHING --
20 SOMETHING HAS HAPPENED SOMEWHERE THAT SOMEHOW WHATEVER
21 INFORMATION IS NOW AVAILABLE, CLOSE TO OR ABOUT JOE HUNT--
22 BUT I DON'T CALL HIM GUILTY BY ANY MEANS.

23 MR. BARENS: DO YOU THINK WE ARE GETTING CLOSE?

24 MS. BLEVINS: NO, I DON'T THINK SO.

25 MR. BARENS: DO YOU THINK ALL OF THAT INFORMATION COULD
26 BE POSSIBLY WRONG OR FALSE?

27 MS. BLEVINS: OF COURSE.

28 MR. BARENS: IT COULD BE CONTRIVED?

1 MS. BLEVINS: OF COURSE, OF COURSE.

2 MR. BARENS: ISN'T THAT WHAT A TRIAL IS ALL ABOUT, TO
3 FIND OUT WHETHER WHAT THE GOVERNMENT HAS PUT TOGETHER TURNS
4 OUT TO BE TRUE OR FALSE?

5 MS. BLEVINS: IS THAT A QUESTION?

6 MR. BARENS: YES, MA'AM.

7 MS. BLEVINS: YES.

8 MR. BARENS: WHETHER OR NOT WHAT THEY ARE SAYING IS
9 TRUE BEYOND A REASONABLE DOUBT?

10 MS. BLEVINS: YES.

11 MR. BARENS: NOW, YOU UNDERSTAND THAT AN ACCUSATION,
12 WHEN I ACCUSE YOU OF SOMETHING IS NOT EVIDENCE IN ANY WAY.

13 MS. BLEVINS: YES.

14 MR. BARENS: YOU TRULY BELIEVE THAT?

15 MS. BLEVINS: I HOPE SO, YES.

16 MR. BARENS: WHEN YOU SAY IT IS FAIR TO BELIEVE THAT
17 SOMETHING MUST BE GOING ON THAT PUTS MR. HUNT CLOSE TO SOME-
18 THING, WHAT DO YOU MEAN BY "IT IS FAIR"?

19 MS. BLEVINS: DID I USE THE TERM "FAIR"?

20 MR. BARENS: I THOUGHT YOU DID, MRS. BLEVINS.

21 MS. BLEVINS: IF I DID, THAT IS NOT A GOOD USE OF A WORD.

22 IT SHOULD HAVE BEEN MORE POSSIBLE OR REASONABLE
23 OR SOMETHING. I PERHAPS --

24 MR. BARENS: FAIR AND UNFAIR?

25 MS. BLEVINS: THAT IS NOT A GOOD USE OF THE WORD.

26 MR. BARENS: WELL, THAT IS KIND OF WHAT WE DO HERE, WE
27 ARE TRYING TO DO THE FAIR THING.

28 NOW LET ME ASK YOU, TRUTHFULLY, IF YOU WERE ON

1 TRIAL FOR YOUR LIFE, MRS. BLEVINS, AND WE HAD 12 PEOPLE ON
2 THIS JURY THAT HAD THE SAME STATE OF MIND ABOUT YOU, SITTING
3 THERE AS A DEFENDANT, WHERE MR. HUNT IS SITTING, WOULD YOU
4 WANT TO BE TRIED BY THOSE 12 PEOPLE IF YOUR LIFE WERE ON THE
5 LINE?

6 MS. BLEVINS: ABSOLUTELY.

7 MR. BARENS: YOU WOULD?

8 WHY DO YOU SAY THAT?

9 MS. BLEVINS: BECAUSE I THINK I CAN HANDLE FACTS. I
10 THINK I COULD HANDLE BIAS AND PREJUDICE AND TRY TO INSERT MY
11 OWN REASONING INTO IT.

12 MR. BARENS: DO YOU THINK THOSE PEOPLE ON THE JURY WOULD
13 GIVE YOU THE BENEFIT OF A REASONABLE DOUBT IF IT CAME TO A
14 CONCLUSION AT THE END OF THE TRIAL THAT THERE WAS A REASONABLE
15 DOUBT ONE WAY OR THE OTHER?

16 MS. BLEVINS: WHAT DO YOU MEAN BY THAT, SIR? THAT YOU
17 WOULD GIVE ME THE BENEFIT OF A DOUBT?

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1 MR. BARENS: WELL, RIGHT NOW I WILL PUT IT OVER INTO
2 THE DEFENSE CHAIR. I HAVE TWO --

3 MS. BLEVINS: I SEE WHAT YOU ARE SAYING. IF I WERE THE
4 PERSON BEING ACCUSED?

5 MR. BARENS: ABSOLUTELY. DO YOU THINK IF IT CAME DOWN
6 TO THOSE TWELVE PEOPLE WITH YOUR STATE OF MIND MAKING A
7 DECISION AND THE ISSUE WAS, WAS THERE A REASONABLE DOUBT, DO
8 YOU THINK THOSE TWELVE PEOPLE WOULD GIVE YOU THE BENEFIT OF
9 A REASONABLE DOUBT?

10 MS. BLEVINS: IN MY STATE OF MIND?

11 MR. BARENS: YES, MA'AM.

12 MS. BLEVINS: WITH THE INSTRUCTIONS FROM THE COURT, I
13 THINK SO.

14 MR. BARENS: OKAY. I NEED YOU TO BE POSITIVE OF THAT.
15 A MAYBE OR I THINK SO, WE ARE DEALING WITH A LIFE AND DEATH
16 ISSUE AND IT ISN'T GOOD ENOUGH FOR ME.

17 I REALIZE THAT IN THE REST OF YOUR LIFE, IT IS
18 GOOD ENOUGH. I REALIZE THAT IT IS GOOD ENOUGH IN JUST ABOUT
19 95 PERCENT OF WHATEVER WE ARE GOING TO DO IN THIS WORLD.

20 BUT WE ARE IN THIS SITUATION NOW. WE ARE IN THAT
21 LIFE/DEATH SITUATION. WE ARE IN THAT GUILT/INNOCENCE SITUATION
22 IN THE MOST SERIOUS OF ALL CRIMES THAT I CAN CONCEIVE OF.

23 I AM ASKING YOU IF IN YOUR HEART, YOU BELIEVE THAT
24 YOU WOULD GIVE THE BENEFIT OF A REASONABLE DOUBT TO SOMEONE
25 ACCUSED OF MURDER, IF YOU HAD A CLOSE QUESTION?

26 MS. BLEVINS: YES.

27 MR. BARENS: YOU SAY THAT WITH CONVICTION.

28 MS. BLEVINS: YES.

6A-2

1 MR. BARENS: I APPRECIATE THAT.

2 MS. BLEVINS, HOW DO YOU FEEL ABOUT THE CONCEPT
3 THAT THE DEFENDANT NEED NOT TESTIFY IN HIS OWN BEHALF?

4 MS. BLEVINS: I ACCEPT THAT AS A RIGHT.

5 MR. BARENS: DO YOU THINK THAT IT IS A WORTHWHILE RIGHT
6 OR DO YOU THINK IT IS SOME CONSTRUCTION OF DEFENSE LAWYERS?

7 MS. BLEVINS: WELL, NOW YOU GAVE ME TWO QUESTIONS. ONE
8 IS A YES AND ONE IS A NO.

9 THE FIRST IS YES. I THINK IT IS A GOOD RULE.

10 MR. BARENS: AND YOU DON'T THINK IT IS JUST SOMETHING
11 THAT THE DEFENSE LAWYERS PUT OUT THERE TO --

12 MS. BLEVINS: NO.

13 MR. BARENS: -- TO GET BAD RESULTS WITH?

14 MS. BLEVINS: NO.

15 MR. BARENS: CONVERSELY, WOULD YOU BE WILLING TO LISTEN
16 TO A DEFENDANT TESTIFY AND GIVE HIM THE BENEFIT OF A REASONABLE
17 DOUBT DURING HIS TESTIMONY?

18 MS. BLEVINS: YES.

19 MR. BARENS: AND YOU WOULD NOT NECESSARILY THINK THAT
20 BECAUSE HE IS HERE AND THERE MIGHT BE A LITTLE SMOKE NEAR HIM
21 SOMEWHERE, HE IS NOT LIKELY TO TELL THE TRUTH? HOW DO YOU
22 FEEL, MS. BLEVINS?

23 MS. BLEVINS: WELL, I HAVE TO THINK WHICH IS THE RIGHT
24 QUESTION TO SAY AND --

25 MR. BARENS: NO, NO, THERE IS NO --

26 MS. BLEVINS: I WOULD ACCEPT HIS TESTIMONY AND EVALUATE
27 HIS TESTIMONY. YES.

28 MR. BARENS: OKAY. MS. BLEVINS, I WANT YOU TO UNDERSTAND

1 THAT THERE IS ABSOLUTELY NO RIGHT ANSWER.

2 MS. BLEVINS: I DIDN'T MEAN THAT. I AM TRYING TO FOLLOW
3 YOUR THOUGHT. AND SOMETIMES WHEN YOU INSERT SOMETHING, THEN
4 YOU --

5 MR. BARENS: I APOLOGIZE. I DID THAT. I WILL TRY TO
6 KEEP MY QUESTIONS SINGULAR.

7 MS. BLEVINS, DO YOU THINK THAT YOU HAVE FOLLOWED
8 EVERYTHING ABOUT CIRCUMSTANTIAL EVIDENCE AND DIRECT EVIDENCE
9 THAT HAS BEEN DISCUSSED IN COURT SO FAR?

10 MS. BLEVINS: YES. I HAVE FOLLOWED IT.

11 MR. BARENS: DO YOU HAVE ANY QUESTIONS IN YOUR MIND ABOUT
12 THE DIFFERENCE OR THE IMPLICATIONS OF THE DIFFERENCE?

13 MS. BLEVINS: NO QUESTIONS ABOUT THE IMPLICATIONS OR
14 THE DIFFERENCE.

15 ONLY IF WE HAD EXAMPLES AT ANY GIVEN POINT IN TIME,
16 WOULD I HAVE TO DISCUSS AND THINK THROUGH WHETHER OR NOT ONE
17 WAS CIRCUMSTANTIAL OR ONE WAS DIRECT. DOES THAT ANSWER YOUR
18 QUESTION?

19 MR. BARENS: I BELIEVE SO. YOU KNOW, WE HAVE HAD
20 DISCUSSIONS ABOUT THE FACT THAT IF SOMEONE IS MISSING, WHAT
21 DO WE DO IN MAKING THE DECISION WHETHER THAT PERSON WAS
22 MURDERED OR VOLUNTARILY ABSENTED HIMSELF OR SOME OTHER THING
23 WE DON'T KNOW.

24 DO YOU BELIEVE THAT ONE OF THE INDICIA OF THAT
25 WOULD BE WHETHER OR NOT THAT PERSON HAD CONTACTED THE PEOPLE
26 CLOSE TO HIM?

27 MS. BLEVINS: YOU USED A WORD THAT I DON'T UNDERSTAND.

28 MR. BARENS: ONE OF THE CRITERIA OR ONE OF THE ELEMENTS

1 WE REFER TO IN RESOLVING THAT QUESTION.

2 MS. BLEVINS: THAT WOULD BE WHETHER HE HAD CONTACTED
3 THE PEOPLE HE WAS CLOSE TO?

4 MR. BARENS: YES, MA'AM.

5 MS. BLEVINS: YES. I THINK THAT WOULD BE IMPORTANT.

6 MR. BARENS: WOULD THAT BE A FACTOR THAT WOULD HAVE A
7 LOT OF WEIGHT WITH YOU IN DETERMINING WHETHER OR NOT HE WAS
8 DEAD OR ALIVE?

9 MS. BLEVINS: WELL, WHEN YOU SAY "A LOT OF WEIGHT," IT
10 WOULD HAVE SOME SIGNIFICANCE. BUT I DON'T KNOW WHETHER I WOULD
11 CALL IT A LOT OF WEIGHT.

12 THERE ARE OTHER FACTORS THAT COULD BE CONSIDERED
13 I WOULD THINK.

14 MR. BARENS: WHAT OTHER FACTORS COME READILY TO YOUR
15 MIND, MA'AM?

16 MS. BLEVINS: HIS LIFESTYLE, HIS NORMAL COMMUNICATIONS
17 WITH PEOPLE.

18 MR. BARENS: SO, YOU WOULD WANT TO KNOW SOME EVIDENCE
19 AND HEAR SOME TESTIMONY ABOUT THE NATURE OF THE ALLEGED
20 VICTIM, WOULDN'T YOU?

21 MS. BLEVINS: RIGHT AND THE CIRCUMSTANCES IN WHICH HE
22 LEFT OR DISAPPEARED.

23 MR. BARENS: AND IF YOU HAD PEOPLE COME FORWARD THAT
24 SAID THAT THEY HAD SEEN HIM AFTER HE ALLEGEDLY EITHER
25 DISAPPEARED OR WAS DEAD, IS THIS A FACTOR THAT YOU COULD
26 CONSIDER IN DETERMINING WHETHER OR NOT HE WAS REALLY DEAD?

27 MS. BLEVINS: YES.

28 MR. BARENS: IT WOULD BE SOMETHING TO CONSIDER?

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MS. BLEVINS: IT WOULD BE SOMETHING TO CONSIDER, YES.

MR. BARENS: ALONG WITH EVERYTHING ELSE?

MS. BLEVINS: YES.

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1 MR. BARENS: NOW, YOU UNDERSTAND IN THIS PROCESS, IT
2 IS THE RESOLUTION OF THOSE CONSIDERATIONS THAT TAKES YOU TO
3 WHETHER OR NOT YOU HAVE MADE A CONCLUSION BEYOND A REASONABLE
4 DOUBT. IS THAT CORRECT?

5 MS. BLEVINS: YES.

6 MR. BARENS: NOW, YOU ARE RETIRED NOW?

7 MS. BLEVINS: YES.

8 MR. BARENS: AND WERE YOU A DEAN OF A SCHOOL? THAT WAS
9 YOUR LAST EMPLOYMENT?

10 MS. BLEVINS: YES.

11 MR. BARENS: AND THAT WAS AT WHICH SCHOOL?

12 MS. BLEVINS: GARDENA HIGH, THE UNIFIED SCHOOL DISTRICT.

13 MR. BARENS: HOW LONG DID YOU ACT IN THAT CAPACITY?

14 MS. BLEVINS: THAT PARTICULAR POSITION, PROBABLY BETWEEN
15 SEVEN AND NINE YEARS.

16 MR. BARENS: AND WHAT WERE YOUR FUNCTIONS AS THE DEAN
17 OF THIS HIGH SCHOOL?

18 MS. BLEVINS: I WAS NOT AS YOU MAY BE THINKING. IT WAS
19 NOT AN ADMINISTRATIVE POSITION. I WAS WHAT I CALL IN A SUB-
20 ADMINISTRATIVE POSITION.

21 MOST OF MY TIME THAT I WAS IN HIGH SCHOOL, I WAS
22 THE ASSISTANT TO THE VICE PRINCIPAL.

23 I DEALT WITH STUDENTS COMING INTO SCHOOL. I DEALT
24 WITH STUDENTS WHO WERE HAVING PROBLEMS IN SCHOOL, CLASSROOM
25 PROBLEMS AND CAMPUS PROBLEMS.

26 MR. BARENS: YOU DEALT WITH STUDENT DISCIPLINARY PROBLEMS?

27 MS. BLEVINS: DISCIPLINARY, MAINLY.

28 MR. BARENS: AND WHEN YOU WOULD DEAL WITH THOSE

1 DISCIPLINE SITUATIONS, WOULD IT BE YOUR JOB OR FUNCTION TO
2 IMPOSE DISCIPLINE FROM TIME TO TIME?

3 MS. BLEVINS: IT WOULD BE MY JOB TO RESOLVE THE
4 CONFLICTS, WHETHER IT WAS WITH THE TEACHER OR WITH ANOTHER
5 STUDENT. AND THAT MAY WELL HAVE BEEN SEEN AS DISCIPLINE TO
6 THE STUDENTS.

7 MR. BARENS: WELL, WOULD YOU AT TIMES, HAVE TO TAKE
8 ACTION THAT WOULD RESULT IN A PENALTY TO A STUDENT?

9 MS. BLEVINS: MY ATTITUDE WAS THAT WHATEVER I ASKED THAT
10 STUDENT TO DO OR NOT TO DO MAY WELL HAVE BEEN A PENALTY IN
11 HIS EYES OR HER EYES.

12 BUT, IT WAS THE CAUSE OF WHAT THEY HAD DONE. I
13 MEAN, IT WAS THE EFFECT OF WHAT THEY HAD DONE, EXCUSE ME.

14 MR. BARENS: IN OTHER WORDS, THE STUDENT HAD BROUGHT
15 IT UPON THEMSELVES AND THEREFORE IT WAS NOT A PENALTY?

16 MS. BLEVINS: WELL, IT WOULD BE TO THEM IN SOME CASES.

17 YOU ARE TALKING ABOUT SUSPENSION AND EXPULSION
18 AND DISMISSAL FROM CLASSES AND SO FORTH. YES, I DIDN'T DO
19 THE EXPULSION BECAUSE THAT IS A MAJOR DECISION THAT IS DONE
20 WITH A GROUP OF PEOPLE. I DID DO THE SUSPENSIONS AND I DID
21 DO CLASSROOM DROPPINGS, TO DROP THEM OUT OF THE CLASSES AND
22 SEND THEM HOME.

23 MR. BARENS: I SEE. APPROPRIATELY SO.

24 AND A LOT OF THE TIME, THAT SORT OF THING IS JUST
25 NECESSARY IN A SCHOOL SETTING. WHAT I AM JUST CURIOUS ABOUT
26 IS WHEN YOU HAD TO MAKE THAT TYPE OF DECISION TO IMPOSE A
27 PENALTY WHICH I AM GOING TO CALL A PENALTY -- AND THAT IS ONLY
28 BECAUSE IT IS THE EASIEST TERM AND I AM NOT MAKING A JUDGMENT

26B-3
1 ON THE ACTIVITY AT ALL IN THAT REFERENCE, MA'AM --

2 MS. BLEVINS: ALL RIGHT.

3 MR. BARENS: IN MAKING A DECISION TO IMPOSE THE PENALTY,
4 HOW WOULD YOU GET INFORMATION? WOULD YOU FIRST BE TOLD A
5 STORY BY A TEACHER?

6 MS. BLEVINS: WHOMEVER WAS INVOLVED WITH THE STUDENT
7 ACTIONS, RIGHT. IT MIGHT BE A CAMPUS AIDE. IT MIGHT BE A
8 TEACHER IN THE CLASSROOM.

9 IT MIGHT BE ANOTHER STUDENT. IT MIGHT EVEN BE
10 A COMMUNITY PERSON. BUT MOST OF THE TIME, IT WAS CAMPUS
11 PEOPLE.

12 MR. BARENS: MOST OF THE TIME IT WOULD BE FIRST A NOTICE
13 THAT YOU WOULD HAVE OF SOMETHING IN THAT SETTING GENERATED
14 BY A TEACHER?

15 MS. BLEVINS: MANY TIMES.

16 MR. BARENS: THE TEACHER WOULD TELL YOU THAT SET OF FACTS?

17 MS. BLEVINS: UH-HUH.

18 MR. BARENS: NOW, WHAT WOULD BE THE NEXT THING THAT YOU
19 WOULD DO UPON RECEIPT OF THAT SET OF FACTS?

20 MS. BLEVINS: TALK TO THE STUDENT.

21 MR. BARENS: WOULD YOU TALK TO THE STUDENT PRIVATELY
22 OR IN THE PRESENCE OF THE COMPLAINING TEACHER?

23 MS. BLEVINS: NEVER. IT WAS PRIVATELY.

24 MR. BARENS: ALWAYS PRIVATELY?

25 MS. BLEVINS: MOST ALWAYS.

26 MR. BARENS: WOULD YOU THEN -- HOW WOULD YOU CONDUCT
27 THAT INTERVIEW WITH THE STUDENT AT THAT POINT?

28 MS. BLEVINS: VERY OFTEN IT WOULD BE THAT I WOULD ASK

1 THE STUDENT TO TELL ME WHAT HAPPENED.

2 MR. BARENS: FAIR ENOUGH.

3 MS. BLEVINS: TELL ME WHAT WAS GOING ON. WHY DID YOU,
4 IF YOU DID ANYTHING AT ALL, WHY DID YOU DO IT? WHAT PROMPTED
5 YOU TO DO IT?

6 MR. BARENS: WOULD THERE EVER BE OCCASIONS WHEN THE
7 STUDENT WOULD SAY TO YOU, MS. BLEVINS, I DIDN'T DO ANYTHING.
8 I AM INNOCENT?

9 MS. BLEVINS: YES.

10 MR. BARENS: THAT HAPPENED A LOT, DIDN'T IT?

11 MS. BLEVINS: YES.

12 MR. BARENS: WELL, DID YOU EVER COME TO A CONCLUSION
13 THAT THE STUDENT WAS INNOCENT?

14 MS. BLEVINS: WELL, I EXPECT SO. SURE.

15 MR. BARENS: YOU DID?

16 MS. BLEVINS: YES.

17 MR. BARENS: YOU REALLY DID?

18 MS. BLEVINS: YES.

19 MR. BARENS: WHAT WOULD YOU DO THEN? WHAT WOULD YOU
20 SAY TO THE TEACHER AT THAT POINT?

21 MS. BLEVINS: WELL, IT DEPENDED UPON THE TEACHER.

22 MR. BARENS: OKAY.

23 MS. BLEVINS: I DIDN'T ACTUALLY GO BACK AND SAY TO THE
24 TEACHER THAT THE KID SAID THAT HE DIDN'T DO IT AND I BELIEVE
25 HE DIDN'T DO IT, YOU KNOW. AND THEREFORE, THIS IS WHAT WE
26 ARE GOING TO DO.

27 I WOULD GO BACK TO THE TEACHER AND SAY THAT THE
28 STUDENT WAS RETURNING TO THE CLASS AND I DON'T THINK YOU ARE

1 GOING TO HAVE ANY FURTHER CONCERN WITH HIM. HE WILL CONDUCT
2 HIMSELF IN A MANNER THAT IS STAISFACTORY TO YOU TOO.

3 MR. BARENS: SOUNDS FAIR. DO YOU REALIZE WHAT WE ARE
4 TALKING ABOUT?

5 MS. BLEVINS: I KNOW WHAT YOU ARE SAYING TO ME.

6 MR. BARENS: WHAT I AM SAYING --

7 MS. BLEVINS: WHETHER I TOOK THE STUDENT'S WORD, WAS
8 AN ADVOCATE? THAT IS WHAT I AM HEARING YOU SAY.

9 MR. BARENS: NOT AT ALL. I AM ACTUALLY INQUIRING INTO
10 WHAT WE ARE TALKING ABOUT, WHICH IS YOUR DECISION-MAKING
11 CAPABILITY IN THE GUILT/INNOCENCE TYPE DECISIONS.

12 I AM INQUIRING INTO THE TYPE OF PROCESS THAT WAS
13 OPERATIVE IN YOUR MIND AND HOW YOU MADE THAT DECISION
14 ULTIMATELY.

15 YOU HAVE TOLD ME IF I UNDERSTAND YOU, THAT FIRST
16 YOU WOULD LISTEN TO THE TEACHER AND THEN YOU WOULD LISTEN TO
17 THE STUDENT WHO IS THEN IN THE ROLE OF DEFENDANT, LET'S SAY.

18 MS. BLEVINS: RIGHT.

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1 MR. BARENS: NOW, WOULD YOU THEN JUST MAKE YOUR
2 DECISION AFTER HAVING TALKED TO THOSE TWO PEOPLE?

3 MS. BLEVINS: GRANTED THAT THERE ARE MORE, DIFFERENT
4 KINDS OF FACTS IN A SCHOOL SITUATION, DIFFERENT DEGREES OF
5 MISCONDUCT. IF IT WERE A VERY SERIOUS CRIME, LIKE A THEFT
6 OR AN ASSAULT OR A PERSONAL ASSAULT OF SOME KIND, EVEN ON THE
7 TEACHER VERBALLY AND THAT SORT OF THING AND I HAD TWO VARIOUS
8 SUGGESTIONS, TWO DIVERSE STORIES, YET IT WOULD NOT BE ENOUGH
9 FOR ME, I WOULD TALK TO SOMEONE ELSE IN THE CLASSROOM AND HAVE
10 THEM TELL ME A LITTLE BIT ABOUT WHAT WAS HAPPENING IN THE
11 CLASSROOM AND WHAT WENT DOWN.

12 MR. BARENS: SO YOU SOUGHT ADDITIONAL EVIDENCE BEFORE
13 YOU COULD MAKE A DECISION?

14 MS. BLEVINS: ABSOLUTELY, YES. DEPENDING UPON THE DEGREE.
15 MINOR THINGS, I WOULD OFTEN SAY TO THE STUDENT THAT THEY SHOULD
16 JUST COOL IT AND GO BACK TO THE CLASS, YOU KNOW. WE ARE NOT
17 GOING TO -- YOU KNOW, THE TIME ELEMENT IS AN IMPORTANT FACTOR
18 IN SOME CASES.

19 MR. BARENS: IN MAKING THAT DECISION, DO YOU THINK IN
20 YOUR OWN MIND AS YOU SIT HERE TODAY, THAT YOU WERE MAKING THAT
21 DECISION BEYOND A REASONABLE DOUBT OR DO YOU THINK THAT TYPE
22 OF DECISION THAT YOU WOULD BE MAKING IN THIS COURTROOM IS
23 SUBSTANTIALLY DIFFERENT FROM WHAT YOU WERE DOING IN YOUR ROLE
24 AT THE SCHOOL?

25 MS. BLEVINS: WELL, I THINK THIS IS MUCH MORE SERIOUS,
26 MUCH MORE COMPLEX, REALLY.

27 MR. BARENS: SUCH THAT YOU WOULD TAKE A HARDER LOOK
28 BEFORE MAKING A DECISION?

1 MS. BLEVINS: RIGHT.

2 MR. BARENS: YOU WOULD NEED A LOT MORE EVIDENCE BEFORE

3 YOU WOULD MAKE A DECISION?

4 MS. BLEVINS: RIGHT.

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1 MR. BARENS: NOW SINCE YOU HAVE BEEN RETIRED, WHAT DO
2 YOU DO WITH YOUR TIME?

3 MS. BLEVINS: I AM VERY ACTIVE IN MY CHURCH.

4 I BOWL REGULARLY EXCEPT WHEN I HAVE BEEN ON JURY
5 DUTY, AND I TAKE SHORT TRIPS. I PLAY CARDS AND I SPEND TIME
6 WITH MY FRIENDS.

7 MR. BARENS: ARE YOU ON ANY PARTICULAR COMMITTEES IN
8 YOUR CHURCH ACTIVITIES?

9 MS. BLEVINS: YES.

10 I AM ON THE FINANCE COMMITTEE. I AM ON PASTOR-
11 PARISH COMMITTEE WHICH DEALS WITH THE HIRING AND FIRING OF
12 THE STAFF AND RELATIONSHIPS BETWEEN THE CHURCH AND THE PASTOR.

13 I AM ON WHAT IS KNOWN AS A NURTURING COMMITTEE,
14 I AM THE CHAIRMAN OF THAT COMMITTEE.

15 MR. BARENS: DO YOU BELONG TO ANY SOCIAL OR CHARITABLE
16 ORGANIZATIONS?

17 MS. BLEVINS: I BELONG TO THE RETIRED TEACHER'S
18 ASSOCIATION BUT I AM NOT ACTIVE. I PAY MY DUES AND THAT IS
19 IT.

20 MR. BARENS: HAVE YOU EVER HAD ANY EMPLOYMENT THAT
21 INVOLVED YOU ON ANY BASIS WITH LAW ENFORCEMENT?

22 MS. BLEVINS: NO. ONLY THE EMPLOYMENT THAT I HAD IN
23 THE SCHOOL DISTRICT. WE DID DEAL WITH THE POLICE OFFICERS
24 AND SHERIFFS WHEN THEY CAME TO THE SCHOOL.

25 MR. BARENS: AND WERE YOU EVER INVOLVED IN SITUATIONS
26 WHERE YOU HAD TO PROVIDE INFORMATION TO THE POLICE OFFICERS?

27 MS. BLEVINS: I CAN'T RECALL IT BUT I AM SURE THAT I
28 DID BECAUSE WE WERE THE FRONT LINE IN THE SCHOOL TO PROVIDE

27-2
1 INFORMATION.

2 MR. BARENS: DID THAT HAVE ANY INFLUENCE THAT MIGHT
3 REMAIN WITH YOU TODAY WHERE YOU MIGHT GIVE GREATER CREDIBILITY
4 OR WEIGHT TO THE TESTIMONY OF A POLICE OFFICER THAN YOU WOULD
5 TO THE TESTIMONY OF A PRIVATE CITIZEN?

6 MS. BLEVINS: NO.

7 I AM WELL AWARE THAT THEY ARE ALL HUMAN BEINGS.

8 MR. BARENS: QUITE SO.

9 DID YOU HIRE A DEFENSE LAWYER OR DID YOUR HUSBAND
10 WHEN HE WAS ACCUSED OF THE HIT AND RUN?

11 MS. BLEVINS: I DON'T RECALL THAT HE HAD LEGAL COUNSEL,
12 BECAUSE HE PLEADED GUILTY.

13 MR. BARENS: STRAIGHT, WITHOUT BENEFIT OF COUNSEL?

14 MS. BLEVINS: I THINK SO, BECAUSE -- I THINK IN THAT
15 CASE, HE HAD GONE TO COURT --

16 HE WENT TO COURT ON SOME OTHER ISSUES WITH COUNSEL,
17 BUT NOT THAT ONE.

18 MR. BARENS: I AM SORRY, MRS. BLEVINS, BUT YOUR HUSBAND
19 WENT TO COURT ON SOME OTHER DIFFERENT CASE?

20 MS. BLEVINS: ON A DIFFERENT SITUATION, BECAUSE HE HAD
21 LOST HIS DRIVER'S LICENSE AND THEN HE HAD COUNSEL.

22 MR. BARENS: WAS HE IN COURT ON A CRIMINAL, OR IN THAT
23 INSTANCE, MIGHT IT BE --

24 MS. BLEVINS: NO.

25 MR. BARENS: -- QUASI-CRIMINAL BASIS?

26 MS. BLEVINS: NO, NO. THERE WAS NO ACCIDENT INVOLVED
27 AT ALL.

28 MR. BARENS: BUT HE HAD HIRED A LAWYER FOR PURPOSES OF

27-3
1 RESTORING HIS DRIVING PRIVILEGE, IS THAT IT?

2 MS. BLEVINS: RIGHT.

3 MR. BARENS: WAS THE LAWYER SUCCESSFUL?

4 MS. BLEVINS: NO.

5 MR. BARENS: AND HOW DID YOU FEEL ABOUT THAT LAWYER?

6 MS. BLEVINS: OH, I HELD NO QUALMS WITH HIM. I HELD
7 NO RESENTMENT WITH HIM.

8 MY HUSBAND WAS A SICK MAN. HE WAS AN ALCOHOLIC
9 AND THAT IS A TOUGH CASE TO REPRESENT.

10 MR. BARENS: INDEED, AND I DON'T ENVY YOU IN THAT
11 SITUATION AT ALL.

12 MS. BLEVINS: THAT'S RIGHT. SO IT WAS UNFORTUNATE BUT
13 IT WAS --

14 I HOLD NO RESENTMENT TO THE LAWYER.

15 MR. BARENS: I APPRECIATE YOUR CANDOR IN THAT REGARD,
16 MRS. BLEVINS.

17 MRS. BLEVINS, DO YOU HAVE CHILDREN?

18 MS. BLEVINS: I HAVE ONE DAUGHTER.

19 MR. BARENS: AND HOW OLD IS YOUR DAUGHTER?

20 MS. BLEVINS: 23.

21 MR. BARENS: WHAT DOES SHE DO?

22 MS. BLEVINS: SHE IS A MEDICAL ASSISTANT.

23 MR. BARENS: AND DOES SHE WORK IN A HOSPITAL?

24 MS. BLEVINS: NO.

25 SHE WORKS FOR AN ORTHOPEDIC SURGEON IN A MEDICAL
26 CLINIC.

27 MR. BARENS: HAVE YOU PREVIOUSLY HAD JURY DUTY?

28 MS. BLEVINS: NO.

27-4
1 MR. BARENS: THIS WILL BE YOUR FIRST EXPERIENCE WITH
2 THIS?

3 HOW DO YOU FEEL ABOUT PROSPECTIVELY BEING A JUROR,
4 IS IT SOMETHING YOU WOULD LIKE TO DO?

5 MS. BLEVINS: I THOUGHT SO.

6 I AM NOT ANTICIPATING THIS PARTICULAR TYPE CASE
7 BECAUSE IT IS A LITTLE MORE THAN WHAT I ANTICIPATED MY FIRST
8 TRY AT JURY DUTY.

9 MR. BARENS: I QUITE WELL UNDERSTAND.

10 WHEN YOU SAY THAT YOU THOUGHT SO, THERE IS SOMEWHAT
11 OF A PAST TENSE TO THAT.

12 MS. BLEVINS: WHEN I WAS CALLED, I WAS SOMEWHAT EXCITED
13 ABOUT HAVING THE EXPERIENCE. I HAD NEVER BEEN ON JURY DUTY
14 AND I FEEL IT IS SOMETHING THAT AS A CITIZEN, IT IS NOT ONLY
15 A DUTY BUT IT IS PART OF THE WHOLE PROCESS OF BEING A CITIZEN.
16 IT IS INTERESTING.

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27A-1

1 MR. BARENS: HOW DO YOU FEEL ABOUT IT AS YOU SIT THERE
2 NOW, IS WHAT IS RELEVANT TO ME.

3 MS. BLEVINS: I DON'T ANTICIPATE THE LENGTH OF TIME THAT
4 IT IS. I AM NOT PLEASED ABOUT THAT.

5 I WOULD RATHER NOT BE ON IT, IF YOU WANT AN HONEST,
6 CANDID ANSWER.

7 MR. BARENS: I APPRECIATE THAT.

8 IF YOU ARE SELECTED AS A JUROR, WOULD THAT CAUSE
9 YOU ANY RESENTMENT TOWARDS EITHER MYSELF OR MR. WAPNER?

10 MS. BLEVINS: NO.

11 MR. BARENS: DO YOU UNDERSTAND THAT THAT HAS NOTHING
12 TO --

13 MS. BLEVINS: I UNDERSTAND YOU HAVE NO CONTROL OVER THAT.

14 MR. BARENS: NOT A LOT.

15 MS. BLEVINS: NOT A LOT.

16 MR. BARENS: BUT THAT WOULD NOT CAUSE YOU ANY GREAT
17 FEELINGS ONE WAY OR THE OTHER TOWARD COUNSEL?

18 MS. BLEVINS: NO.

19 MR. BARENS: WHAT WAS THE LAST BOOK YOU READ?

20 MS. BLEVINS: I AM IN THE MIDST OF THE FIFTH IN A SERIES
21 OF THE WAGON WEST SERIES, WHICH IS CALLED "TEXAS."

22 MR. BARENS: RIGHT.

23 AND THE LAST MOVIE YOU SAW?

24 MS. BLEVINS: I FINALLY DECIDED IT WAS "MURPHY'S
25 ROMANCE."

26 MR. BARENS: YOU MENTIONED YOU LIKE TO TRAVEL. DO YOU
27 HAVE ANY OTHER INTERESTS WE HAVEN'T COMMENTED ON?

28 MS. BLEVINS: ONLY THAT PRIVATELY THAT WHEN I WANT TO

1 RELAX, I DO NEEDLEWORK AND CRAFTS. I HAVE A LOT OF INTEREST
2 IN CRAFTS.

3 MR. BARENS: HAVE YOU EVER TAKEN ANY CLASSES IN
4 PHILOSOPHY?

5 MS. BLEVINS: NO.

6 MR. BARENS: DO YOU RECEIVE ANY SPECIALIZED TRAINING
7 TO EQUIP YOU FOR YOUR ADVANCEMENT IN THE SCHOOL DISTRICT?

8 MS. BLEVINS: WELL, I DID. I RECEIVED MY MASTER'S
9 DEGREE IN SCHOOL ADMINISTRATION AND THAT, OF COURSE, GAVE ME
10 SCHOOL LAW, SCHOOL FINANCE, AND I DON'T RECALL THAT THERE WAS
11 ANYTHING THAT RELATED TO -- I HAD SOME PSYCHOLOGY BUT I THINK
12 THAT WAS IN MY UNDERGRADUATE WORK.

13 I HAD NOTHING IN THE WAY OF QUOTE "PHILOSOPHY;" IF
14 THAT IS WHAT YOU ARE ASKING.

15 MR. BARENS: THANK YOU, MRS. BLEVINS, FOR YOUR TIME.

16 THANK YOU, YOUR HONOR. PASS FOR CAUSE.

17 THE COURT: ALL RIGHT. YOU HAVE GOT ABOUT FIVE MINUTES
18 TO GO. YOU WON'T FINISH BY THAT TIME.

19 MR. WAPNER: I DON'T THINK SO.

20 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN, AS YOU KNOW,
21 FRIDAYS WE DON'T HOLD ANY SESSIONS OF THE COURT CASES WHICH
22 ARE IN PROGRESS AS SERIOUS AS THIS. WE DO, HOWEVER, HAVE OTHER
23 CALENDAR MATTERS AND, THEREFORE, WE WON'T HAVE ANY SESSION
24 TOMORROW SO I WILL ASK YOU ALL TO RETURN ON MONDAY MORNING.

25 DO WE HAVE A BIG CALENDAR?

26 THE CLERK: 10:30.

27 THE COURT: 10:30. YOU GO BACK TO THE JURY ASSEMBLY
28 ROOM, COME INTO THE JURY ASSEMBLY ROOM ON MONDAY MORNING AT

27A-3
1 10:30, I WOULD APPRECIATE THAT VERY MUCH.

2 HAVE A PLEASANT WEEKEND AND GOOD NIGHT.

3 AND MRS. FARKAS, YOU CAN STAY FOR A MOMENT.

4 (THE FOLLOWING PROCEEDINGS WERE HELD

5 WITHOUT THE PRESENCE AND HEARING OF THE

6 JURY:)

7 MR. BARENS: LET ME SPEAK TO THE PEOPLE FOR A MOMENT.

8 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

9 THE COURT: WILL YOU APPROACH THE BENCH A MOMENT, PLEASE?

10 MR. WAPNER: YES.

11 THE COURT: WE DON'T NEED THE REPORTER.

12 (UNREPORTED COLLOQUY HELD AT THE BENCH.)

13 THE COURT: MRS. FARKAS, WE HAVE ALL READ YOUR NOTE,
14 AND ALTHOUGH IT IS A VERY WORTHWHILE ACTIVITY THAT YOU WANT
15 TO DO ON MONDAY, IT IS NOT A LEGAL REASON, NOT A LEGAL EXCUSE
16 FOR YOU BEING EXCUSED.

17 MS. FARKAS: IT ISN'T?

18 THE COURT: IT IS NOT.

19 MS. FARKAS: SO WHAT CAN I DO?

20 THE COURT: WE ARE ALL VERY DEEPLY REGRETFUL BUT WE CAN'T
21 LEGALLY EXCUSE YOU.

22 MS. FARKAS: ALL RIGHT.

23 THE COURT: PLUS THE FACT THAT WE THINK YOU WILL MAKE
24 A GOOD JUROR IF ACCEPTED.

25 MS. FARKAS: I DON'T THINK YOU WILL ACCEPT ME.
26
27
28

28-1
1 THE COURT: WELL, THAT IS ALL RIGHT. WE HAVE HEARD WHAT
2 YOU SAID.

3 MS. FARKAS: OKAY.

4 THE COURT: THANK YOU VERY MUCH, MRS. FARKAS. GOOD NIGHT.

5 MR. BARENS: GOOD NIGHT. HAVE A NICE WEEKEND, YOUR HONOR.

6 (AT 4:35 P.M. AN ADJOURNMENT WAS TAKEN
7 UNTIL MONDAY, DECEMBER 22, 1986, AT
8 10:30 A.M.)
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