

DOCKET  
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Case No. \_\_\_\_\_  
Date \_\_\_\_\_

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. )

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SUPERIOR COURT  
NO. A-090435

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 37 OF 101  
(PAGES 5595 TO 5599, INCLUSIVE)

COPY

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





1 SANTA MONICA, CALIFORNIA; WEDNESDAY, JANUARY 21, 1987; 10:40 A.M.  
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE  
3 (APPEARANCES AS HERETOFORE NOTED.)  
4

5 THE COURT: STIPULATED THE DEFENDANT IS PRESENT,  
6 COUNSEL ARE PRESENT AND THE JURORS ARE PRESENT AND SEATED  
7 IN THE JURY BOX.

8 LADIES AND GENTLEMEN OF THE JURY, IT MIGHT  
9 BE A DISAPPOINTMENT TO YOU BUT MATTERS HAVE ARISEN WHICH  
10 REQUIRE SOME CONSIDERABLE HEARINGS OUTSIDE OF THE PRESENCE  
11 OF THE JURY WHICH WILL TAKE AT LEAST TEN DAYS, SO I HAVE NO  
12 ALTERNATIVE, BELIEVE ME -- WE ARE JUST AS ANXIOUS TO PROCEED  
13 WITH THIS TRIAL AS YOU ARE -- SO I WILL ASK YOU TO RETURN  
14 A WEEK FROM TODAY, A WEEK FROM MONDAY, RATHER, THAT WILL BE  
15 FEBRUARY 2ND, AND HOPEFULLY, WE WILL START THE TRIAL OF THE  
16 CASE. I WILL DO EVERYTHING THAT I CAN TO SEE THAT IT STARTS  
17 ON THAT DAY.

18 I AM TERRIBLY SORRY.

19 IN THE MEANTIME, I DID ADMONISH ALL OF YOU  
20 AT ONE TIME NOT TO READ ANYTHING AT ALL ABOUT THE CASE OR  
21 HEAR OR LOOK AT IT ON TELEVISION OR OTHERWISE. I AM SURE  
22 YOU WILL HEED THAT ADMONITION.

23 AND I HOPE YOU ENJOY YOUR HOLIDAY. SEE YOU  
24 HERE ON FEBRUARY 2ND.

25 JUROR SHELBY: WHAT TIME?

26 THE COURT: 10:30. YOU REPORT TO THE JURY ASSEMBLY  
27 ROOM AND WHEN WE ARE READY FOR YOU IN HERE, WE WILL ASK YOU  
28 TO COME IN.

1 (WHEREUPON, THE FOLLOWING PROCEEDINGS  
2 WERE HELD OUTSIDE THE PRESENCE AND  
3 HEARING OF THE JURY:)

4 THE COURT: THE RECORD WILL INDICATE THAT THE JURORS  
5 HAVE LEFT THE COURTROOM.

6 AND I MEAN WHAT I SAID TO THE JURY: THAT WE  
7 ARE GOING TO PROCEED WITH THIS CASE A WEEK FROM NEXT MONDAY  
8 AND THE MATTER OF ANY EVIDENTIARY HEARINGS CAN BE HELD --  
9 WE WILL HAVE A HEARING -- WE CAN HAVE THE TRIAL IN THE  
10 MORNING AND WE CAN SET ASIDE SOME TIME IN THE AFTERNOON FOR  
11 THESE EVIDENTIARY HEARINGS.

12 I AM ADMONISHING YOU NOW WE ARE GOING TO GO  
13 TO TRIAL ON THIS CASE A WEEK FROM MONDAY.

14 MR. WAPNER: PERHAPS WE CAN SET NEXT MONDAY TO APPEAR  
15 HERE AT 10:30 FOR JUST A STATUS CHECK TO SEE WHERE WE ARE?

16 THE COURT: THAT IS A GOOD IDEA.

17 MR. WAPNER: ALSO, I HAVE RECEIVED FROM THE ATTORNEY  
18 GENERAL'S OFFICE A PACKAGE BY FEDERAL EXPRESS. I HAVE NOT  
19 OPENED IT. I REQUESTED A COPY OF THE SEARCH WARRANT RETURN  
20 TO BE SENT TO ME BY FEDERAL EXPRESS AND I EXPECT THAT THAT IS  
21 WHAT IS IN THIS ENVELOPE.

22 WHAT I WOULD LIKE TO DO --

23 THE COURT: IF IT IS, WHY DON'T YOU OPEN IT UP AND  
24 SHOW IT TO COUNSEL?

25 MR. WAPNER: WHAT I PREFER TO DO, YOUR HONOR, IS TO  
26 DELIVER IT TO THE CLERK IN SEALED CONDITION. I WOULD LIKE  
27 THE RECORD TO REFLECT THAT IT IS SEALED, THAT I HAVEN'T  
28 LOOKED AT IT.

1                   BEFORE I GIVE IT TO COUNSEL, I THINK PERHAPS --  
2                   THE COURT:   MAYBE I HAD BETTER LOOK AT IT.

3                   MR. WAPNER:   I THINK PERHAPS THE COURT SHOULD LOOK  
4                   AT IT.

5                   I AM NOT SUGGESTING IT EVEN HAS TO MAKE A RULING  
6                   OR DETERMINATION ON IT NOW.   PERHAPS THE COURT COULD LOOK  
7                   AT IT AND THEN ON MONDAY WE CAN SEE WHERE WE ARE.

8                   IT IS POSSIBLE, EVEN AFTER COUNSEL FILES THEIR  
9                   MOTION IN SAN MATEO COUNTY, THEY WILL OBTAIN A COPY OF THIS.

10                  MR. BARENS:   WE ARE NOT GOING TO BE PROVIDED A COPY  
11                  AT THIS JUNCTURE?

12                  (PAUSE IN PROCEEDINGS.)

13                  MR. BARENS:   YOUR HONOR?

14                  THE COURT:   WHAT?

15                  MR. BARENS:   I THINK IT IS INAPPROPRIATE THAT COUNSEL  
16                  IS NOT BEING GIVEN A COPY OF THE RETURN ON THE WARRANT.

17                  THE COURT:   LET ME TAKE A LOOK AT IT, THEN I WILL SEE  
18                  THAT COPIES ARE MADE, IF IT IS APPROPRIATE, AND THAT YOU  
19                  HAVE ONE.

20                  MR. BARENS:   ALL RIGHT, YOUR HONOR.

21                  (FURTHER PAUSE IN PROCEEDINGS.)

22                  MR. WAPNER:   SO WE ARE SET FOR A STATUS CONFERENCE  
23                  THEN MONDAY AT 10:30?

24                  THE COURT:   YES.

25                  DO YOU WANT TO SEE -- IF IT IS AGREEABLE TO YOU,  
26                  DO YOU WANT ME TO SHOW IT TO COUNSEL AFTER I HAVE READ IT  
27                  OR MAKE A COPY AND HAVE THEM GET IT?

28                  MR. WAPNER:   IF THE COURT DECIDES THAT IS APPROPRIATE,

1 THAT IS FINE.

2 THE COURT: I THINK THAT WOULD BE APPROPRIATE. IN  
3 ANY CASE, IT WILL BE MADE AVAILABLE TO THEM UP THERE ANYWAY.

4 MR. WAPNER: THAT IS FINE.

5 MR. BARENS: YOUR HONOR, I WOULD JUST LIKE TO SAY  
6 FOR THE RECORD THAT DEFENSE COUNSELS' INTEREST IN THIS IS  
7 ABSOLUTELY PARAMOUNT IN THE SENSE THAT IT INVOLVES --

8 THE COURT: I UNDERSTAND.

9 MR. BARENS: -- THE DOCUMENTS WHICH ARE --

10 THE COURT: I UNDERSTAND THAT.

11 THIS WILL BE MADE AVAILABLE TO YOU, IN ANY  
12 EVENT, A RETURN HAS TO BE MADE AS A MATTER OF PUBLIC RECORD.

13 ISN'T IT A MATTER OF PUBLIC RECORD?

14 MR. WAPNER: I BELIEVE IT IS A PUBLIC RECORD. I  
15 BELIEVE IT HAS BEEN FILED.

16 THE COURT: LET ME READ IT AND I WILL HAVE COPIES  
17 MADE OF IT AND SEE THAT YOU GET THAT.

18 MR. BARENS: COULD WE HAVE THAT TOMORROW?

19 THE COURT: SURE. I WILL READ IT THIS MORNING.

20 MR. BARENS: YOUR HONOR, IF YOUR CLERK WOULD COOPERATE,  
21 I WOULD HAVE SOMEONE FROM MY OFFICE SEE THE CLERK TOMORROW  
22 TO PICK THAT UP.

23 MR. WAPNER: MAYBE THIS AFTERNOON.

24 THE COURT: MAKE COPIES OF THIS.

25 THE CLERK: IF YOU ORDER IT.

26 THE COURT: I WILL ORDER IT.

27 I WILL READ IT AND I WILL SEE YOU GET A COPY.

28 MR. BARENS: THANK YOU, YOUR HONOR.

1 THE COURT: IF YOU COME HERE TOMORROW MORNING AT  
2 10:00 O'CLOCK, YOU WILL HAVE IT.

3 MR. BARENS: THANK YOU, YOUR HONOR.

4 THE COURT: WE WILL SEE YOU NEXT MONDAY.

5 MR. WAPNER: THANK YOU.

6 THE COURT: NOW I MEAN IT SERIOUSLY, I WANT YOU TO  
7 EXPEDITE THIS AS MUCH AS POSSIBLE AND SEE THAT YOU GET THIS  
8 THING UPSTATE TAKEN CARE OF.

9 (AT 10:43 A.M., AN ADJOURNMENT WAS TAKEN  
10 UNTIL MONDAY, JANUARY 26, 1987.)

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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT WEST C

HON. LAURENCE J. RITTENBAND, JUDGE

4  
5 THE PEOPLE OF THE STATE OF CALIFORNIA, )

6 PLAINTIFF, )

CASE NO. A090435

7 VS. )

REPORTER'S  
CERTIFICATE

8 JOSEPH HUNT, )

9 DEFENDANT. )

10  
11 STATE OF CALIFORNIA )

) SS

12 COUNTY OF LOS ANGELES )

13 I, ROSEMARIE GOODBODY, OFFICIAL REPORTER OF THE  
14 SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY  
15 OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES,  
16 5595 THROUGH 5599, COMPRISE A FULL, TRUE, AND CORRECT  
17 TRANSCRIPT OF THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED  
18 CAUSE ON WEDNESDAY, JANUARY 21, 1987.

19 DATED THIS 25<sup>th</sup> DAY OF JANUARY, 1987.

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21  
22 *Rosemarie Goodbody*  
23 ROSEMARIE GOODBODY, CSR #932  
24 OFFICIAL REPORTER  
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