

COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

88DA0269

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 0 9 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 44 OF 101
(PAGES 6479 TO 6680, INCLUSIVE)

COPY

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

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.)

JOSEPH HUNT,)

DEFENDANT.)

NO. A-090435

REPORTERS' DAILY TRANSCRIPT

TUESDAY, FEBRUARY 3, 1987

VOLUME 44

PAGES 6479 TO 6680, INCL.

APPEARANCES:

FOR THE PLAINTIFF: 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

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3 P.M. 6560

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1 SANTA MONICA, CALIFORNIA; TUESDAY, FEBRUARY 3, 1987; 10:35 A.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

5 THE COURT: ALL RIGHT, GOOD MORNING, LADIES AND
6 GENTLEMEN.

7 IF YOU WOULD CALL YOUR NEXT WITNESS.

8 MR. WAPNER: YOUR HONOR, WITH THE COURT'S PERMISSION,
9 MAY I RECALL MRS. STURKEY VERY BRIEFLY?

10 THE COURT: YES.

11 MR. WAPNER: WILL YOU COME FORWARD, PLEASE?
12

13 BLANCHE STURKEY,
14 CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY
15 SWORN, RESUMED THE STAND AND TESTIFIED FURTHER AS FOLLOWS:

16 THE CLERK: YOU HAVE PREVIOUSLY BEEN SWORN SO YOU ARE
17 STILL UNDER OATH.

18 IF YOU WOULD JUST HAVE A SEAT THERE, PLEASE.

19 THE WITNESS: ALL RIGHT, THANK YOU.

20 THE CLERK: STATE YOUR NAME FOR THE RECORD.

21 THE WITNESS: MY NAME IS BLANCHE STURKEY.
22

23 FURTHER REDIRECT EXAMINATION

24 BY MR. WAPNER:

25 Q MRS. STURKEY, AFTER YOU LEFT COURT YESTERDAY,
26 DID YOU AND I HAVE A CONVERSATION WITH A PERSON BY THE NAME
27 OF ROBERT LEVIN OR WERE YOU THERE IN THE DISTRICT ATTORNEY'S
28 OFFICE WHEN MR. ROBERT LEVIN WAS THERE ALSO?

1 A OH, YES, YES, I WAS.

2 Q AND WAS THERE SOME DISCUSSION ABOUT THIS BLACK
3 BAG THAT YOU HAD MENTIONED YESTERDAY?

4 A YES. HE SAID HE HAD IT AT HIS HOUSE.

5 MR. WAPNER: YOUR HONOR, I HAVE HERE WHAT APPEARS TO
6 BE A SMALL BLACK BAG, BLACK LEATHER TOILETRY TYPE CASE; MAY
7 IT BE MARKED AS THE NEXT EXHIBIT? UNFORTUNATELY NOT
8 CHRONOLOGICALLY BECAUSE OF THE NUMERICAL SEQUENCE THAT WE
9 HAVE PREVIOUSLY HAD IT IS GOING TO HAVE TO BE 117.

10 THE COURT: ALL RIGHT. DO WE HAVE THAT MANY TO LOOK
11 FORWARD TO? ALL RIGHT, FINE.

12 MR. WAPNER: WE MAY NOT HAVE THAT MANY BUT IN ORDER --
13 WELL, IT IS NOT THAT IMPORTANT RIGHT NOW.

14 Q BY MR. WAPNER: MRS. STURKEY, SHOWING YOU THIS
15 BAG, DO YOU RECOGNIZE IT?

16 A YES, I DO.

17 Q WHAT IS IT?

18 A IT IS THE BAG THAT RON LEVIN HAD WITH HIS OTHER
19 LUGGAGE.

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1 Q THAT IS THE ONE YOU REFERRED TO YESTERDAY THAT
2 HE NEVER WENT ANYWHERE WITHOUT?

3 A YES.

4 Q AND AFTER LOOKING FOR IT AND FINDING IT ON JUNE
5 THE 7TH, DID YOU EVER SEE IT AGAIN?

6 A NO, I DIDN'T.

7 Q DID YOU LEAVE IT WHERE IT WAS?

8 A YES, I DID.

9 Q DO YOU KNOW HOW IT GOT TO BE IN COURT TODAY?

10 A ROBERT SAID THAT HE TOOK IT TO HIS HOUSE BECAUSE
11 IT WAS LEFT THERE. I DON'T KNOW FOR WHAT REASON.

12 Q BUT YOU DON'T KNOW HOW IT HAPPENED TO SHOW UP
13 IN COURT TODAY OTHER THAN WHAT YOU MIGHT HAVE BEEN TOLD?

14 A THAT'S ALL.

15 Q AND THE CONDITION OF THE BAG NOW, THE INSIDE
16 OF THE BAG NOW, IS IT THE SAME OR DIFFERENT THAN IT WAS AT
17 THAT TIME?

18 A IT IS DIFFERENT.

19 Q WHAT IS DIFFERENT ABOUT IT?

20 A THERE WERE A LOT OF OTHER THINGS, LITTLE BOTTLES,
21 SMALL BOTTLES.

22 Q WHAT KIND OF SMALL BOTTLES?

23 A LITTLE BOTTLES LIKE AFTER SHAVE LOTION AND THAT
24 TYPE OF THING, COSMETIC TYPE THINGS.

25 Q ANYTHING ELSE?

26 A NOT THAT I REMEMBER. HE KEPT LITTLE PADS OR
27 WHATEVER HE WAS JOTTING DOWN ON THE PLANE, HE KEPT IT IN THERE.
28 THAT'S ALL.

1 Q LIKE NOTE PADS? .

2 A YES.

3 Q ANYTHING TO WRITE WITH?

4 A A PEN.

5 Q I WANT TO SHOW YOU AGAIN A PICTURE THAT WE MARKED
6 YESTERDAY AS PEOPLE'S 15. DO YOU RECOGNIZE THAT PICTURE? .

7 A WHAT PICTURE?

8 Q THIS ENTIRE PICTURE?

9 A YES.

10 Q THAT IS A PICTURE OF HIS OFFICE, RIGHT?

11 A THAT'S RIGHT, UH-HUH.

12 Q AND IN THIS PICTURE OF YOUR OFFICE, DO YOU SEE
13 A PHOTOGRAPH THAT IS ON THE BOOKSHELF, ABOUT THE THIRD SHELF
14 DOWN FROM THE TOP?

15 A YES.

16 Q RIGHT HERE?

17 A YES.

18 Q AND HAD YOU SEEN -- HAD YOU SEEN THAT PICTURE
19 IN THE HOUSE WHILE YOU WERE WORKING THERE?

20 A YES.

21 Q FOR HOW MANY DAYS, WEEKS, MONTHS OR YEARS HAD
22 YOU SEEN THAT PICTURE IN HIS HOUSE?

23 A IT WAS THERE WHEN I CAME.

24 Q IN 19 --

25 A 78.

26 Q 78?

27 A YES.

28 Q IT HAD BEEN THERE ALL OF THE TIME?

1 A IT HAD BEEN IN THAT LITTLE OFFICE. HE MOVED
2 IT OUT TO THE FRONT OFFICE.

3 Q WHEN YOU SAY THE "LITTLE OFFICE" IT IS THE ONE
4 WITH THE DOOR RIGHT HERE?

5 A THAT'S RIGHT.

6 Q AND WAS THERE A CAPTION ON THAT PICTURE?

7 A YES.

8 Q WHAT WAS THE CAPTION ON THE PICTURE?

9 A IT SAID "RON ADDRESSING HIS CREDITORS."

10 THE COURT: I DIDN'T HEAR THAT.

11 THE WITNESS: IT SAID, "RON ADDRESSING HIS CREDITORS."

12 Q BY MR. WAPNER: WHAT IS IT A PICTURE OF?

13 A IT WAS A PICTURE OF THE POPE.

14 Q IT WAS STANDING ON SOME KIND OF BALCONY OR SOME-
15 THING?

16 A YES, WITH ALL OF THE PEOPLE.

17 Q THAT'S THE PHOTOGRAPH THAT IS RIGHT HERE IN THIS
18 PICTURE?

19 A YES.

20 MR. WAPNER: MAY I PASS IT IN FRONT OF THE JURY, YOUR
21 HONOR?

22 THE COURT: YES, SURE.

23 (PAUSE.)

24

25

26

27

28

1 MR. WAPNER: THANK YOU. I HAVE NOTHING FURTHER.

2 THE COURT: ALL RIGHT.

3 MR. BARENS: THANK YOU, YOUR HONOR.

4

5 FURTHER RECROSS-EXAMINATION

6 BY MR. BARENS:

7 Q MRS. STURKEY, DID MR. LEVIN HAVE MORE THAN ONE
8 BAG OF THAT NATURE OR DESCRIPTION?

9 A NOT THAT I KNOW OF.

10 Q AND YOU SAY AS YOU SEE IT TODAY, IT IS NOT THE
11 WAY IT USUALLY WAS?

12 A SOME OF THE THINGS AREN'T IN IT THAT WERE THERE
13 BEFORE.

14 Q DID YOU SEARCH THE CONTENTS OF THAT BAG WHEN YOU
15 FIRST LOCATED IT ON JUNE 7?

16 A NO, I DID NOT.

17 Q THE TYPES OF THINGS THAT WOULD NORMALLY BE IN
18 THERE, YOU INDICATED WERE NOTE PADS?

19 A THERE WERE LITTLE -- HE HAD LITTLE ROUND BOTTLES
20 THAT HE KEPT HIS AFTER SHAVING LOTION AND HIS HAND CREAM
21 AND THINGS LIKE THAT. WHEN HE WAS GOING ON A TRIP, THOSE
22 LITTLE BOTTLES WERE IN THERE.

23 I NEVER LOOKED THROUGH AND CHECKED EVERYTHING
24 IN THIS BAG AND IT WAS JUST THERE.

25 AND HE WAS ALWAYS LOOKING FOR IT, THAT IS ALL.

26 Q I WILL SUBMIT YOU WON'T FIND ANYTHING LIKE THAT
27 IN THE BAG RIGHT NOW BUT YOU CAN GO AHEAD AND LOOK AND SEE.

28 A I JUST LOOKED IN THE BAG.

1 Q DID YOU ALSO MENTION HE KEPT NOTE PADS IN THERE?

2 A SOMETIMES HE HAD LITTLE NOTES TO HIMSELF AND A
3 PEN, AN INK PEN.

4 Q YOU DON'T SEE THOSE TYPES OF THINGS IN THE BAG
5 THIS MORNING, DO YOU?

6 A NO, NO, I DO NOT.

7 Q IN THE PHOTOGRAPH THAT WAS UP THERE DEPICTING
8 THE OFFICE, I NOTICE THERE WERE A BUNCH OF BOOKS ON THE SHELVES
9 THAT ALL SEEM TO BE TYPES OF BOOKS; WHAT SORTS OF BOOKS WERE
10 THOSE?

11 A I AM NOT SURE. IT COULD HAVE BEEN HIS LAW BOOKS.
12 IT COULD HAVE BEEN -- HE HAD A HOUSEFUL OF BOOKS.

13 Q DID HE MAINTAIN SOMEWHAT OF A LIBRARY OF LAW BOOKS?

14 A HE HAD A LIBRARY OF LAW BOOKS, YES.

15 Q NOW, THE PHOTOGRAPH YOU JUST DESCRIBED, WAS NOT
16 A PICTURE OF MR. LEVIN ACTUALLY, OR WAS IT?

17 A IT WAS A PICTURE -- I DON'T KNOW. I AM NOT SURE
18 WHETHER IT WAS HIM OR NOT. IT WAS A PICTURE OF THE POPE WITH
19 THE PEOPLE THAT WERE AROUND AND IT HAD THE CAPTION UNDER IT
20 AND IT WAS A JOKE.

21 Q IT WAS A JOKE?

22 A THAT IS WHAT IT WAS.

23 Q THE JOKE WAS STATED IN THE CAPTION?

24 A THAT'S RIGHT.

25 Q WHAT WAS THE CAPTION?

26 A IT WAS "RON ADDRESSING HIS CREDITORS."

27 Q AND DID THERE APPEAR TO BE HUNDREDS, IF NOT
28 THOUSANDS OF PEOPLE?

1 A THAT'S RIGHT.

2 Q PRESENT IN THE VATICAN?

3 A THAT'S RIGHT.

4 MR. BARENS: ALL RIGHT, THANK YOU VERY MUCH.

5 THE COURT: ALL RIGHT, THANK YOU.

6 MR. WAPNER: YOUR HONOR, CAN I HAVE ONE MORE?

7

8 FURTHER REDIRECT EXAMINATION

9 BY MR. WAPNER:

10 Q YOU MADE A STATEMENT, YOU SAID THAT HE WAS ALWAYS
11 LOOKING FOR THIS BAG; WHAT DO YOU MEAN BY THAT?

12 A THE BAG WAS -- HE KEPT THINGS THAT HE WANTED IN
13 THERE, I DON'T KNOW WHAT IT WAS, BUT IT WAS "HAVE YOU SEEN
14 MY BLACK BAG?"

15 THAT WAS THE ONLY BAG HE WORRIED ME ABOUT, BECAUSE
16 IT WAS SMALL AND HE WOULD PUT IT DOWN AND HE WOULDN'T KNOW
17 WHERE HE PUT IT.

18 Q WERE THERE A COUPLE OF OCCASIONS WHERE YOU HAD
19 ARGUMENTS WITH HIM ABOUT HIM LOOKING FOR THE BAG?

20 A YES.

21 WELL, HE WOULD ASK ME, "HAVE YOU SEEN MY BLACK
22 BAG?"

23 AND SO I WOULD SAY, "I DON'T KNOW ANYTHING ABOUT
24 YOUR BLACK BAG."

25 AND THIS IS THE ONLY ONE THAT HE WAS ALWAYS --
26 HE ALWAYS SEEMED TO BE WORRIED ABOUT.

27 MR. WAPNER: THANK YOU. I HAVE NOTHING FURTHER.

28 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU MAY

1 STEP DOWN.

2 THIS WITNESS MAY BE EXCUSED AGAIN?

3 MR. WAPNER: AGAIN.

4 MR. BARENS: NO OBJECTION.

5 THE COURT: ALL RIGHT.

6 MR. WAPNER: I WOULD LIKE TO CALL DEAN FACTOR AT THIS
7 TIME.

8 THE COURT: YES.

9

10

DEAN FACTOR,

11

12 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
13 AS FOLLOWS:

14

15 THE CLERK: IF YOU WOULD RAISE YOUR RIGHT HAND, PLEASE.

16

17 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU MAY
18 NOW GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL
19 BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO
20 HELP YOU GOD.

21

22 THE WITNESS: I DO.

23

24 THE CLERK: IF YOU WOULD BE SEATED HERE, PLEASE.

25

26 STATE AND SPELL YOUR NAME FOR THE RECORD, PLEASE.

27

28 THE WITNESS: DEAN FACTOR, D-E-A-N F-A-C-T-O-R.

29

30

DIRECT EXAMINATION

31

BY MR. WAPNER:

32

33 Q MR. FACTOR, DO YOU KNOW THE PERSON DEPICTED IN
34 THE PHOTOGRAPH, PEOPLE'S 6 FOR IDENTIFICATION?

35

36

37 A YES.

38

1 Q WHO IS THAT?

2 A RON LEVIN.

3 Q HOW DO YOU KNOW RON LEVIN?

4 A I WAS FRIENDS OF HIM SINCE I WAS AROUND NINE
5 YEARS OLD.

6 Q HOW OLD ARE YOU NOW?

7 A TWENTY-TWO.

8 Q HOW DID YOU MEET HIM?

9 A THROUGH MY MOTHER.

10 Q WHAT IS YOUR MOTHER'S NAME?

11 A JANET FACTOR.

12 Q WAS SHE FRIENDS WITH HIM?

13 A YES.

14 Q AND AT SOME POINT AFTER YOU INITIALLY MET HIM,
15 DID YOU START TO DEVELOP A FRIENDSHIP WITH HIM?

16 A YES.

17 Q WHEN WAS THAT?

18 A WHEN I WAS AROUND 15 OR 16, IN 19 -- I CAN'T
19 REMEMBER THE YEAR.

20 WHEN I WAS A FRESHMAN, MY FIRST YEAR OF HIGH
21 SCHOOL.

22 Q WHERE DID YOU GO TO HIGH SCHOOL?

23 A BEVERLY HILLS HIGH SCHOOL.

24 Q WHAT KIND OF FRIENDSHIP DID YOU DEVELOP WITH
25 MR. LEVIN AT THAT TIME?

26 A WE WOULD JUST GO TO MOVIES OR GO OUT TO EAT,
27 THINGS OF THAT NATURE.

28 Q WHERE WAS MR. LEVIN LIVING AT THAT TIME?

2

1 A PECK DRIVE, 144 SOUTH PECK.

2 Q AT THE SAME PLACE HE WAS LIVING ON JUNE 6TH OF
3 1984?

4 A YES.

5 Q AND DURING THE TIME THAT YOU WERE IN HIGH SCHOOL,
6 HOW OFTEN WOULD YOU GO TO SEE HIM?

7 A OFF AND ON, SOMETIMES YOU KNOW -- JUST OFF AND
8 ON. I DON'T KNOW.

9 Q COULD YOU WALK THERE FROM BEVERLY HILLS HIGH
10 SCHOOL?

11 A YES.

12 Q DID YOU DO THAT?

13 A ON OCCASION.

14 Q DID YOU GO THERE SOMETIMES AT LUNCH?

15 A NO, AFTER SCHOOL WAS OUT.

16 Q WHEN YOU WENT OUT TO EAT, WHO PAID USUALLY?

17 A RONNIE DID.

18 Q DURING THE TIME YOU WERE IN HIGH SCHOOL, DID
19 HE EVER BUY YOU THINGS?

20 A YES.

21 Q WHAT KINDS OF THINGS DID HE BUY YOU?

22 A CLOTHES AND ONCE, SKI EQUIPMENT.

23 Q WAS THAT ON LIKE, BIRTHDAYS AND SPECIAL OCCASIONS
24 OR WOULD THAT HAPPEN AT OTHER TIMES ALSO?

25 A MOSTLY ON BIRTHDAYS AND SPECIAL OCCASIONS BUT
26 IT HAPPENED ON OTHER OCCASIONS ALSO.

27 Q WHAT KINDS OF THINGS WOULD HE BUY YOU THAT WEREN'T
28 ON SPECIAL OCCASIONS?

1 A JUST CLOTHES.

2 Q ANY PARTICULAR PLACE HE LIKED TO BUY CLOTHES?

3 A YES, MAXFIELD BLUE.

4 Q WHERE WAS THAT STORE LOCATED?

5 A ON SANTA MONICA BOULEVARD.

6 Q AND DID YOUR FRIENDSHIP CONTINUE WITH HIM IN
7 THAT NATURE UP UNTIL THE TIME YOU WENT TO COLLEGE?

8 A YES.

9 Q WHEN DID YOU START COLLEGE?

10 A SEPTEMBER OF 1983.

11 THE COURT: WHICH COLLEGE DID YOU GO TO?

12 THE WITNESS: AMERICAN UNIVERSITY IN WASHINGTON, D.C.

13 Q BY MR. WAPNER: AND IN THE SUMMER BEFORE YOU
14 WENT TO COLLEGE, DID YOU SPEND MUCH TIME WITH MR. LEVIN?

15 A YES.

16 Q WHAT KINDS OF THINGS WOULD YOU DO?

17 A THE SAME TYPE OF THINGS, JUST GO TO MOVIES OR
18 I WOULD GO TO HIS HOUSE AND EAT.

19 Q HOW OFTEN WOULD YOU SEE HIM DURING THAT SUMMER?

20 A QUITE OFTEN. YOU KNOW, SOMETIMES EVERY DAY OR
21 EVERY OTHER DAY.

22 Q DID HE EVER BUY YOU THINGS DURING THAT TIME?

23 A NO, NOT SO MUCH.

24 Q AND WHEN YOU WERE IN COLLEGE -- WELL, STRIKE
25 THAT.

26 DURING THAT SUMMER, DID HE EVER GIVE YOU MONEY?

27 A WHICH SUMMER?

28 Q BEFORE YOU WENT TO COLLEGE?

1 A HE MIGHT HAVE. I MEAN, I DON'T KNOW.

2 Q HOW ABOUT WHEN YOU WENT AWAY TO COLLEGE?

3 A YES.

4 Q WAS THAT MONEY THAT YOU ASKED FOR THAT HE JUST
5 SENT YOU?

6 A MONEY THAT I ASKED FOR.

7 Q WHY WERE YOU ASKING FOR MONEY?

8 A BECAUSE I DIDN'T HAVE ANY AND MY PARENTS HARDLY
9 GAVE ME ENOUGH.

10 Q WHEN DID YOU RETURN FROM AMERICAN UNIVERSITY
11 TO LOS ANGELES?

12 A ON MAY 17, 1984.

13 Q WHEN YOU CAME BACK TO LOS ANGELES THAT SUMMER,
14 DID YOU GET IN TOUCH WITH RON LEVIN?

15 A YES.

16 Q WHAT KINDS OF THINGS DID YOU DO WITH HIM DURING
17 THAT SUMMER?

18 A SAME THINGS.

19 Q DID YOU MAKE SOME PLANS WITH MR. LEVIN TO GO
20 SOMEWHERE?

21 A YES.

22 Q WHERE WERE YOU PLANNING TO GO?

23 A NEW YORK.

24 Q WHEN WERE THE PLANS MADE?

25 A APPROXIMATELY JUNE -- AROUND JUNE 1ST.

26 Q AND WHAT WAS THE DISCUSSION YOU HAD WITH HIM
27 ABOUT GOING TO NEW YORK?

28 A I WAS GOING TO VISIT MY GIRLFRIEND AND RONNIE

1 INDICATED THAT HE WANTED TO GO ON A VACATION. SO, WE WERE
2 PLANNING TO GO TOGETHER.

3 Q AND AFTER DISCUSSING IT ON JUNE 1ST, WHAT IF
4 ANYTHING, WAS DONE TO PUT THOSE PLANS INTO EFFECT?

5 A WE MADE THE AIRPLANE RESERVATIONS AND GOT THE
6 TICKETS.

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1 Q DO YOU KNOW WHEN THE TICKETS, THE AIRLINE TICKETS
2 WERE OBTAINED?

3 A NO, NOT SPECIFICALLY.
4 AFTER JUNE 1ST.

5 Q DID YOU SEE THEM AT ANY TIME BEFORE THE MORNING
6 OF JUNE 7?

7 A I DON'T THINK SO.

8 Q WHAT WAS YOUR PLAN TO -- AS FAR AS WHEN YOU WERE
9 GOING TO LEAVE AND HOW THAT WAS GOING TO HAPPEN?

10 A OH, I WAS SUPPOSED TO MEET RONNIE AT HIS HOUSE
11 AT AROUND AT 7:30 -- AT 7 O'CLOCK, WITH MY FRIEND, MICHAEL
12 BRODER, AND WE WERE TO LEAVE HIS APARTMENT AT 7:30 FOR THE
13 AIRPORT.

14 Q AND DID YOU KNOW AT THAT TIME HOW YOU WERE PLANNING
15 TO GET TO THE AIRPORT?

16 A YES. BLANCHE STURKEY, HIS MAID, AND HER HUSBAND
17 WERE GOING TO DRIVE US.

18 Q THE NIGHT BEFORE, DID YOU TALK TO MR. LEVIN?

19 A YES.

20 Q IN PERSON OR ON THE TELEPHONE?

21 A ON THE TELEPHONE.

22 Q WHAT TIME?

23 A 9 O'CLOCK.

24 Q WHO MADE THE TELEPHONE CALL?

25 A I CALLED HIM FROM A RESTAURANT.

26 Q WHY DID YOU CALL HIM?

27 A TO MAKE SURE EVERYTHING WAS SET FOR GOING TO
28 NEW YORK.

1 Q WHEN YOU CALLED HIM, WHAT DID HE SAY?

2 WHAT DID YOU SAY WHEN YOU CALLED HIM?

3 A I CALLED HIM AND I ASKED IF EVERYTHING WAS SET
4 FOR GOING TO NEW YORK.

5 Q AND WHAT DID HE SAY?

6 A AND THEN HE SAID, "EVERYTHING IS FINE."

7 HE HAS TO HANG UP. HE IS SLEEPING. HE WILL SEE
8 ME IN THE MORNING.

9 Q DID HE APPEAR TO WANT TO GET OFF THE PHONE?

10 A YES.

11 Q WAS IT AT ALL UNUSUAL, WAS THERE ANYTHING ABOUT
12 THAT CONVERSATION THAT WAS AT ALL UNUSUAL TO YOU?

13 A I FOUND IT UNUSUAL THAT HE WAS SLEEPING AT
14 9 O'CLOCK.

15 Q DID YOU, DURING THE TIME THAT YOU SPENT WITH
16 MR. LEVIN GOING TO DINNER AND GOING TO MOVIES, WERE YOU OFTEN
17 WITH HIM IN THE EVENING?

18 A YES.

19 Q AND WAS THERE ANY USUAL PATTERN TO THESE EVENINGS
20 IN TERMS OF WHETHER THEY WERE EARLY OR LATE?

21 A THEY TENDED TO BE LATE. LATER THAN 9 O'CLOCK.

22 Q HOW LONG DID THAT CONVERSATION WITH MR. LEVIN
23 LAST?

24 A IT WAS VERY SHORT. JUST -- I ASKED HIM WAS
25 EVERYTHING OKAY TO GO TO NEW YORK AND THEN HE REPLIED WITH
26 THAT STATEMENT AND THAT WAS IT.

27 THE COURT: HE REPLIED WHAT?

28 THE WITNESS: WITH HE SAID "I AM SLEEPING AND I HAVE

1 TO HANG UP. EVERYTHING IS FINE. I WILL SEE YOU TOMORROW."

2 Q BY MR. WAPNER: AND AFTER THAT TIME WHEN YOU SPOKE
3 TO HIM ON THE PHONE, HAVE YOU EVER SPOKEN TO HIM OR SEEN HIM
4 AGAIN?

5 A NO.

6 Q DID YOU GO TO HIS HOUSE ON JUNE 7?

7 A YES.

8 Q BY YOURSELF OR WITH SOMEONE?

9 A WITH MICHAEL BRODER.

10 Q WHO WAS MICHAEL BRODER?

11 A HE WAS A FRIEND. HE WAS A FRIEND OF MINE AND A
12 FRIEND OF RONNIE'S.

13 Q KEEP YOUR VOICE UP TO MAKE SURE THAT ALL OF THE
14 JURORS CAN HEAR YOU.

15 DID MICHAEL BRODER SPEND THE NIGHT AT YOUR HOUSE
16 THAT NIGHT?

17 A YES.

18 Q WHAT TIME DID YOU ARRIVE AT MR. LEVIN'S HOUSE?

19 A APPROXIMATELY 7 O'CLOCK.

20 Q WHEN YOU GOT TO THE HOUSE, WHAT DID YOU DO?

21 A WE WENT TO THE FRONT DOOR, RANG THE DOOR BELL
22 AND NOTICED THAT THE ALARM WAS ON AND THAT THEN WE PROCEEDED.

23 Q WAS ON OR WAS NOT?

24 A IT WAS NOT. I AM SORRY. THE GREEN LIGHT WAS
25 ON, WHICH INDICATED THE ALARM WAS NOT ON.

26 AND THEN I WALKED AROUND THE BUILDING TO LOOK
27 INTO THE WINDOWS AND I COULDN'T SEE ANYTHING.

28 Q WAS THERE ANYTHING UNUSUAL ABOUT THE FACT THE

1 ALARM WAS NOT ON?

2 A YES.

3 TYPICALLY, WHEN RONNIE LEFT THE HOUSE, HE WOULD
4 TURN THE ALARM ON. HE WOULD ALWAYS TURN THE ALARM ON.

5 Q HOW DO YOU KNOW THAT?

6 A BECAUSE EVERY TIME THAT I WAS WITH HIM, HE WOULD
7 TURN IT ON AND WHENEVER I WENT TO HIS HOUSE AND HE WASN'T
8 THERE, IT WAS ON.

9 Q AND HAD YOU EVER GONE WITH HIM, FOR EXAMPLE, TO
10 WALK AROUND THE BLOCK, TAKE THE DOG FOR A WALK AROUND THE
11 BLOCK?

12 A NO, I NEVER DID.

13 Q HAD YOU EVER BEEN WITH HIM WHEN HE LEFT, WHEN
14 YOU AND HE LEFT THE HOUSE?

15 A I HAD BEEN WITH HIM WHEN HE HAD GONE TO THE BANK,
16 YOU KNOW, FOR A FEW MINUTES AND HE WOULD TURN THE ALARM ON.

17 Q HE LEFT FOR THE BANK SOMEWHERE CLOSE TO THE HOUSE?

18 A YES.

19 Q AND WHEN YOU WALKED AROUND THE OUTSIDE OF THE
20 HOUSE, WERE YOU ABLE TO SEE IN?

21 A NO.

22 Q WHY?

23 A BECAUSE THE BLINDS WERE CLOSED.

24 Q DO YOU KNOW WHETHER THAT WAS USUAL OR UNUSUAL?

25 A IN HIS BEDROOM, THAT WAS USUAL.

26 Q AND WHAT ABOUT THE OTHER PLACES?

27 A I RECALL THAT IN HIS OFFICE, THE WINDOWS WERE
28 TYPICALLY OPEN, THE ONES FACING PECK DRIVE.

1 Q AND DID YOU LOOK IN THE WINDOWS FACING PECK
2 DRIVE?

3 A YES.

4 Q AND WERE THE BLINDS CLOSED?

5 A I DON'T RECALL.

6 Q DID YOU WAIT THERE FOR MRS. STURKEY TO ARRIVE?

7 A YES.

8 Q AFTER SHE ARRIVED, WHAT DID YOU DO?

9 A I TOLD HER THAT WHAT -- THAT THE ALARM WASN'T
10 ON. THAT RONNIE WASN'T THERE. AND THEN WE PROCEEDED TO GO
11 INTO THE APARTMENT.

12 Q WHEN YOU WENT INTO THE APARTMENT, WHAT DID YOU
13 DO?

14 A WELL, THE FIRST THING WE DID WAS WE WENT INTO
15 THE BEDROOM.

16 Q AND WHAT HAPPENED WHEN YOU GOT INTO THE BEDROOM?

17 A WHEN I NOTICED THAT THE QUILT WASN'T ON THE BED,
18 THE BED THAT IT WAS TYPICALLY ON.

19 Q SAY THAT AGAIN.

20 A I NOTICED THAT QUILT THAT WAS NORMALLY ON THE
21 BED WAS NO LONGER THERE AND THERE WAS ANOTHER QUILT ON THE
22 BED.

23

24

25

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1 Q WAS THAT THE FIRST THING THAT YOU NOTICED?

2 A YES.

3 Q WERE YOU FAMILIAR WITH THE QUILT THAT HE NORMALLY
4 KEPT ON THE BED?

5 A YES.

6 Q THE ONE THAT WAS THERE ON THE MORNING OF JUNE
7 7TH, HAD YOU EVER SEEN THAT BEFORE?

8 A YES.

9 Q WHEN?

10 A WELL, JUST THROUGHOUT THE TIME I HAVE KNOWN HIM.
11 I HAVE SEEN IT USED WHEN COMPANY SLEPT OVER. THEY WOULD USE
12 THAT. I THINK THAT WAS IT.

13 Q BUT NORMALLY, THE QUILT HE HAD ON HIS BED WAS
14 DIFFERENT THAN THE ONE THAT WAS THERE THAT DAY?

15 A YES.

16 Q WHAT ELSE DID YOU NOTICE?

17 A I NOTICED THAT THE CHANNEL CHANGER FOR THE
18 TELEVISION WAS MISSING. THE DOG HAD GONE TO THE BATHROOM
19 IN THE BEDROOM. AND THE SWEAT SUIT WAS NOT THERE.

20 Q THE SWEAT SUIT WAS NOT THERE?

21 A YES.

22 Q WHY WAS THAT UNUSUAL TO YOU?

23 A BECAUSE -- WELL, IT WASN'T UNUSUAL. BUT IT WAS
24 WHAT RONNIE WAS WEARING THE DAY BEFORE.

25 Q THE SWEAT SUIT YOU HAD SEEN HIM WEARING THE DAY
26 BEFORE?

27 A YES.

28 Q WERE YOU AT HIS HOUSE ON THE DAY BEFORE?

1 A YES.

2 Q WHAT TIME OF THE DAY?

3 A I THINK IN THE AFTERNOON.

4 Q AND WHEN YOU NOTICED -- WHEN YOU FIRST WALKED
5 IN, YOU NOTICED THE COMFORTER WAS MISSING. WHAT DID YOU DO?

6 A I THINK WE LOOKED, ME AND MICHAEL BRODER, LOOKED
7 AROUND THE APARTMENT JUST BECAUSE IT SEEMED STRANGE. THE
8 SITUATION SEEMED STRANGE.

9 Q WHAT WAS IT -- YOU HAVE TO KEEP YOUR VOICE UP
10 SO THAT THE LADY BACK HERE IN THE PINK JACKET CAN HEAR YOU.
11 OKAY?

12 A YES.

13 Q WHAT WAS THERE ABOUT IT THAT SEEMED STRANGE?

14 A WELL, THE FACT OF THE DIFFERENT QUILT. RONNIE
15 WAS NOT THERE. THE CHANNEL CHANGER WAS MISSING. THE DOG
16 HAD GONE TO THE BATHROOM. AND THE ALARM WAS NOT ON.

17 Q AND THE ALARM WAS NOT ON?

18 A YES.

19 Q WHEN YOU NOTICED THESE THINGS, DID YOU LOOK
20 AROUND FOR EXAMPLE, FOR THE CHANNEL CHANGER?

21 A YES.

22 Q DID YOU LOOK THROUGH THE ENTIRE APARTMENT FOR
23 IT?

24 A AROUND THE IMMEDIATE AREA. I LOOKED AROUND THE
25 ENTIRE APARTMENT, NOT KNOWING WHAT I WAS LOOKING FOR AND I
26 DID NOT FIND THE CHANNEL CHANGER.

27 Q IT WAS NOT THERE ANY PLACE THAT YOU COULD SEE?

28 A NO.

3

1 Q DID YOU NOTICE WHETHER HIS WALLET WAS THERE?

2 A I NO. I DIDN'T NOTICE IF IT WAS OR WAS NOT.

3 Q ARE YOU FAMILIAR WITH HOW HE NORMALLY CARRIED
4 HIS MONEY AND HIS CREDIT CARDS?

5 A YES.

6 Q HOW IS THAT?

7 A HE HAD A PAPER CLIP, MONEY CLIP, GOLD. AND HE
8 KEPT HIS CREDIT CARDS AND LIKE A CHECK OR TWO AND SOME CASH
9 AND HIS DRIVER'S LICENSE.

10 Q DID YOU LOOK FOR THAT?

11 A YES.

12 Q WAS IT THERE?

13 A I DON'T RECALL. BUT I THINK IT WAS NOT THERE.

14 Q IT WAS NOT THERE?

15 A I DON'T RECALL EXACTLY.

16 Q HOW MANY CREDIT CARDS DID HE TYPICALLY KEEP IN
17 THERE?

18 A THREE.

19 Q AND DID YOU NOTICE ANYTHING ELSE MISSING OR
20 DIFFERENT ABOUT THE HOUSE THAT YOU CAN RECALL?

21 A WELL, THERE WERE TWO SALADS IN THE KITCHEN.

22 THE COURT: TWO WHAT?

23 THE WITNESS: TWO SALADS.

24 Q BY MR. WAPNER: WHAT KINDS OF SALADS?

25 A CHOPPED SALADS.

26 Q HAD YOU SEEN THEM THERE BEFORE, THINGS LIKE THAT
27 THERE BEFORE?

28 A YES. I HAVE SEEN FOOD LEFT OUT BUT THIS WAS

1 NOT EATEN.

2 Q THE STUFF THAT WAS THERE THAT DAY, WAS NOT EATEN?

3 A YES.

4 Q HOW MUCH DID IT APPEAR, IF ANY OF IT, HAD BEEN
5 EATEN?

6 A YES. A FEW BITES WERE TAKEN OUT OF ONE OF THE
7 SALADS.

8 Q AND AFTER YOU NOTICED THESE THINGS, WHAT DID
9 YOU DO?

10 A THEN I THINK WE CALLED RONNIE'S MOTHER.

11 Q AND DID SHE COME OVER?

12 A YES.

13 Q AFTER SHE CAME OVER, WHAT DID YOU DO?

14 A THEN ME AND MICHAEL BRODER WENT TO THE BEVERLY
15 HILLS POLICE DEPARTMENT.

16 Q WHY DID YOU GO TO THE POLICE DEPARTMENT?

17 A BECAUSE FROM WHAT I HAD SEEN, IT APPEARED THAT
18 SOMETHING HAD GONE WRONG.

19 Q AND WHEN YOU SAY "FROM WHAT YOU HAD SEEN," IS
20 THAT WHAT YOU JUST TOLD US ABOUT, ALL OF THE THINGS THAT WERE
21 UNUSUAL WHEN YOU CAME?

22 A YES.

23 Q WHEN YOU WENT TO THE POLICE DEPARTMENT, DO YOU
24 REMEMBER WHO YOU TALKED TO?

25 A NO.

26 Q WAS IT A DETECTIVE? AN OFFICER AT A DESK?

27 A WELL, IT WAS A DETECTIVE. AND THEY HAD A BUNGALOW
28 SET UP FOR SOME REASON AND WE WENT IN THERE.

1 Q AND WHEN YOU WENT THERE AND TALKED TO THE
2 DETECTIVE, WHAT WERE YOU TOLD?

3 A WE WERE -- WELL, I TOLD HIM THAT I SUSPECTED
4 SOMETHING HAD HAPPENED, THAT I SUSPECTED THAT HE HAD BEEN
5 MURDERED.

6 AND HE SAID THAT UNLESS THERE WAS BLOOD ON THE
7 WALLS, THERE WAS NO REASON TO SUSPECT MURDER. THEN I LEFT.

8 Q DID THEY EVEN TAKE A REPORT AT THAT TIME?

9 A NO.

10 Q AND AFTER YOU LEFT, WHAT DID YOU DO?

11 A I WENT BACK TO HIS APARTMENT WITH MICHAEL BRODER.

12 Q WHEN YOU WENT BACK TO THE APARTMENT, WHAT DID
13 YOU DO?

14 A WE WAITED FOR AN HOUR TO SEE WHAT WOULD DEVELOP.

15 Q DID MR. LEVIN SHOW UP?

16 A NO.

17 Q AFTER THAT HOUR PASSED, WHAT DID YOU DO?

18 A THEN I TOOK -- WE WERE PLANNING TO GO TO NEW
19 YORK. THERE WERE THREE AIRPLANE TICKETS IN THE CENTER OF
20 HIS DESK IN THE OFFICE.

21 I TOOK THOSE WITH MICHAEL BRODER AND THEN I WENT
22 TO MY HOUSE ON OAKHURST.

23 Q YOU TOOK ALL THREE AIRLINE TICKETS?

24 A YES.

25 Q YOU WENT BACK TO YOUR HOUSE?

26 A YES.

27 Q WHAT DID YOU DO WHEN YOU GOT TO YOUR HOUSE?

28 A I JUST CHANGED MY RESERVATIONS AND THEN I WENT
29 TO THE AIRPORT AND LEFT FOR NEW YORK.

1 Q WHAT TICKETS -- WHAT TICKET DID YOU USE TO GO
2 TO NEW YORK?

3 A THE ONE THAT HAD MY NAME ON IT.

4 Q WHAT DID YOU DO WITH THE OTHER TWO TICKETS?

5 A I LEFT THEM WITH MICHAEL BRODER.

6 Q AND WHEN YOU WERE IN NEW YORK, I TAKE IT, YOU
7 DIDN'T SEE MR. LEVIN?

8 A NO, I DID NOT.

9 Q WHERE DID YOU STAY IN NEW YORK?

10 A WITH MY GIRLFRIEND.

11 Q AND WHEN YOU GOT BACK, WHAT HAPPENED WITH THE
12 OTHER TWO TICKETS?

13 A MICHAEL BRODER HAD THEM AND THEN I ASKED HIM BACK
14 FOR THEM.

15 Q AND AFTER YOU GOT THEM BACK, WHAT DID YOU DO WITH
16 THEM?

17 A THEN I USED ONE TO FLY SOMEONE TO CALIFORNIA AND
18 I -- MRS. LEVIN CALLED MY MOTHER AND ASKED FOR THE OTHER
19 TICKET AND THEN SHE SENT IT BACK TO HER, I BELIEVE.

20 MR. WAPNER: MAY I HAVE JUST A MOMENT?

21 YOUR HONOR, I HAVE HERE AN EXHIBIT THAT I WOULD
22 LIKE TO HAVE MARKED AS PEOPLE'S 7 FOR IDENTIFICATION. IT
23 APPEARS TO BE AIRLINE TICKETS, ONE OF THE PASSENGER RECEIPT
24 AND ONE IS AN ACTUAL FLIGHT COUPON.

25 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

26 THE COURT: IT WILL BE SO MARKED.

27 Q BY MR. WAPNER: MR. FACTOR, DO YOU RECOGNIZE
28 PEOPLE'S 7 FOR IDENTIFICATION?

1 A YES.

2 Q ALL RIGHT. WHAT ARE THE ITEMS THAT ARE CONTAINED
3 ON THAT EXHIBIT?

4 A THE ROUNDTRIP TICKET FROM LOS ANGELES TO NEW YORK
5 AND THE NAME ON IT IS M. GELLER.

6 THE COURT: THE NAME ON IT IS WHAT?

7 THE WITNESS: M. GELLER, G-E-L-L-E-R.

8 Q BY MR. WAPNER: IS THAT THE TOP ONE OF THOSE TWO?

9 A THAT IS BOTH OF THEM.

10 Q AND ON THE TOP ONE, IT APPEARS TO BE WHAT WAS
11 LEFT OF THE TICKET, RIGHT, WHICH WAS THE PASSENGER RECEIPT
12 FOR THE TICKET?

13 A YES, YES.

14 Q AND THE BOTTOM ONE IS ACTUALLY A TICKET THAT SAYS
15 "FLIGHT COUPON" ON IT?

16 A YES.

17 Q WHERE HAVE YOU SEEN THOSE TWO ITEMS BEFORE?

18 A I THINK THIS IS ONE OF THE TICKETS WHICH I TOOK
19 FROM THE APARTMENT THAT DAY.

20 Q WHICH ONE -- OR BOTH OF THOSE TICKETS?

21 A NO. I THINK THE BOTTOM ONE THAT SAYS "FREE" ON
22 IT.

23 Q DO YOU REMEMBER ANYTHING ABOUT HIM HAVING A FREE
24 TICKET?

25 A I REMEMBER THIS WAS WHAT HE WAS GOING TO USE TO
26 GO TO NEW YORK.

27 Q THAT IS THE ONE THAT SAYS "FREE" WAS THE ONE THAT
28 RON LEVIN WAS GOING TO USE TO GO TO NEW YORK?

1 A YES.

2 I DON'T ACTUALLY -- I DON'T REMEMBER SEEING THE
3 RECEIPT PART.

4 Q YOU JUST REMEMBER SEEING THE BOTTOM PORTION OF
5 THAT?

6 A YES, BECAUSE I REMEMBER IT HAD "FREE" ON IT.

7 Q DID MR. LEVIN EVER TALK TO YOU ABOUT THE FACT
8 THAT HE HAD A CRIMINAL CASE PENDING?

9 A YES.

10 Q HOW OFTEN DID HE DO THAT?

11 A NOT VERY OFTEN.

12 Q AND DID HE EVER EXPRESS TO YOU CONCERN ABOUT IT?

13 A HE HAD GONE TO TRIAL, I THINK, ON JUNE 6TH.

14 Q GONE TO TRIAL OR GONE TO COURT?

15 A TO COURT.

16 AND WHEN HE RETURNED, HE INDICATED THAT THE CASE
17 WAS NOT GOING WELL.

18 Q AND OTHER THAN THAT DAY, DID HE EXPRESS TO YOU
19 ANY CONCERN ABOUT IT?

20 A NOT -- NOT THAT I RECALL, NOTHING THAT REALLY
21 STUCK IN MY MIND.

22 Q DO YOU REMEMBER THE WORDS THAT HE USED ON JUNE 6?

23 A I THINK HE SAID THE CASE WASN'T GOING WELL.

24 Q ANYTHING ELSE?

25 A I DON'T REMEMBER.

26 Q OTHER THAN THAT, DO YOU REMEMBER ANYTHING
27 SPECIFICALLY THAT HE SAID ABOUT IT?

28 A NO, I DON'T.

1 Q HAD YOU BEEN WITH MR. LEVIN EARLIER IN JUNE TO
2 DO SOMETHING REGARDING HIS CAR?

3 A YES.

4 Q WHAT WAS THAT?

5 A WE WENT TO HAVE HIS CAR PHONE INSTALLED IN HIS
6 BMW.

7 Q WHAT COLOR WAS THE BMW, DO YOU KNOW?

8 A BLACK.

9 Q DO YOU KNOW WHAT THE MODEL NUMBER WAS?

10 A I THINK IT WAS A 663 CSI.

11 Q DO YOU REMEMBER WHERE YOU WENT TO HAVE THE CAR
12 PHONE INSTALLED?

13 A APPROXIMATELY. I DON'T KNOW THE NAME OF THE
14 ESTABLISHMENT OR THE STREET.

15 Q WHERE APPROXIMATELY WAS IT?

16 A IN VENICE OR ON VENICE BOULEVARD.

17 Q DO YOU REMEMBER WHEN THAT WAS IN RELATION TO
18 JUNE 6?

19 A WITHIN A WEEK BEFORE.

20 Q ARE YOU FAMILIAR WITH RON LEVIN'S RELATIONSHIP
21 WITH HIS MOTHER?

22 A YES.

23 Q DID HE LOVE HIS MOTHER?

24 A YES.

25 Q DID HE TALK ABOUT HER ALL OF THE TIME?

26 A YES.

27 Q HAD YOU EVER SEEN THE DEFENDANT IN THIS CASE,
28 JOE HUNT, AT MR. LEVIN'S RESIDENCE?

1 A YES.

2 Q ON HOW MANY OCCASIONS?

3 A APPROXIMATELY THREE.

4 Q DO YOU REMEMBER WHEN THOSE WERE?

5 A SOMETIME BEFORE JUNE 6.

6 Q DO YOU REMEMBER HOW LONG BEFORE JUNE 6TH?

7 A NO, I DON'T.

8 I MEAN WITHIN A MONTH BETWEEN THE TIME I HAD
9 GOTTEN BACK FROM SCHOOL AND JUNE 6TH, I THINK I SAW HIM ONCE
10 DURING THAT TIME.

11 Q ONCE BETWEEN MAY 18TH AND JUNE 6TH?

12 A YES, I ONLY CAN REMEMBER ONE TIME.

13 Q AND THE OTHER TIME WOULD HAVE BEEN BEFORE YOU
14 LEFT FOR SCHOOL AND SOMETIME IN 1983?

15 A MAYBE DURING MY CHRISTMAS VACATION.

16 Q DID RON LEVIN APPEAR TO YOU TO ENJOY THE COMPANY
17 OF CELEBRITIES?

18 A YES.

19 Q DID YOU ACCOMPANY HIM AT ANY TIME WHEN HE WENT
20 TO VISIT PEOPLE THAT YOU CONSIDERED CELEBRITIES?

21 A YES.

22 Q CAN YOU GIVE AN EXAMPLE.

23 A WE WOULD GO TO MOHAMMED ALI'S HOUSE.

24 THE COURT: WHO?

25 THE WITNESS: MOHAMMED ALI.

26 Q BY MR. WAPNER: THAT IS THE FORMER HEAVYWEIGHT
27 CHAMPION?

28 A YES.

1 Q HOW MANY OCCASIONS DID YOU DO THAT?

2 A FIVE.

3 Q WHEN WAS THAT?

4 A THAT WAS BEFORE I LEFT FOR SCHOOL.

5 THE COURT REPORTER: LEFT FOR SCHOOL?

6 THE WITNESS: LEFT FOR SCHOOL, YES.

7 Q BY MR. WAPNER: SO WOULD THAT BE SOMETIME IN THE --

8 A THE SUMMER OF '83, THAT YEAR.

9 Q DID YOU EVER SEE MOHAMMED ALI AT MR. LEVIN'S PLACE
10 ON PECK DRIVE?

11 A I DO NOT RECALL.

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1 Q DID MR. LEVIN HAVE AN AUTOGRAPHED PICTURE OF
2 MOHAMMED ALI IN HIS HOUSE?

3 A I THINK HE HAD ONE IN HIS SMALL SECRETARIAL OFFICE.
4 NO, HE HAD A BIG, FRAMED POSTER OF A FIGHT, I THINK AND
5 MOHAMMED HAD SIGNED IT.

6 (PAUSE.)

7 MR. WAPNER: THANK YOU, YOUR HONOR. I APOLOGIZE.

8 Q ANYBODY ELSE, ANY OTHER CELEBRITIES THAT YOU
9 WERE IN THE PRESENCE OF WHEN YOU WERE WITH RON LEVIN?

10 A NO.

11 Q ANYBODY ELSE THAT YOU KNOW THAT HE KNEW OR WERE
12 FRIENDLY WITH?

13 A YES.

14 Q WHO?

15 A I THINK AT ONE TIME HE WAS FRIENDS WITH ANDY
16 WARHOL.

17 Q AND ANYBODY ELSE THAT YOU CAN THINK OF?

18 A NOT THAT I REMEMBER RIGHT NOW. ACTUALLY, I THINK
19 HE WAS FRIENDS WITH JESSIE JACKSON.

20 Q DO YOU REMEMBER AT WHAT POINT THAT WAS?

21 A IT WAS WHILE HE WAS FRIENDS WITH MOHAMMED ALI.

22 Q DID YOU EVER SEE HIM IN THE COMPANY OF JESSIE
23 JACKSON?

24 A YES.

25 Q WAS THAT AT MOHAMMED ALI'S HOUSE?

26 A NO. IT WAS AT RONNIE'S HOUSE.

27 Q DO YOU REMEMBER WHEN IT WAS?

28 A NO.

1 Q AND DID RON LEVIN APPEAR TO ENJOY BEING AROUND
2 PEOPLE LIKE JESSIE JACKSON, MOHAMMED ALI AND OTHER
3 CELEBRITIES?

4 A YES.

5 Q DID MR. LEVIN EVER TALK IN YOUR PRESENCE ABOUT
6 BEING A CON MAN OR RIPPING PEOPLE OFF?

7 A YES.

8 Q OFTEN? ONCE OR MORE THAN ONCE?

9 A WELL, HE WOULD INDICATE THAT HE HAD GOTTEN
10 SOMETHING WITHOUT PAYING FOR IT.

11 Q HE WOULD OFTEN DO THAT?

12 A (NODS HEAD UP AND DOWN.)

13 Q IS THAT YES?

14 A YES.

15 Q IN WHAT MANNER OR TONE WOULD HE DO THAT?

16 A WELL, HE WAS BRAGGING ABOUT HIMSELF.

17 Q THAT WAS SOMETHING TO BE PROUD OF?

18 A YES.

19 Q DO YOU HAVE ANY EXAMPLES OF THINGS THAT YOU CAN
20 THINK OF THAT HE WOULD BRAG ABOUT GETTING WITHOUT PAYING FOR?

21 A YES.

22 Q WHAT?

23 A HE HAD PICASSO PLATES IN HIS APARTMENT?

24 Q PICASSO PLATES?

25 A YES, ART WORK ON A PLATE. AND HE HAD GOTTEN
26 THEM FROM THE STORE WHERE THEY WERE BEING MOUNTED BY ANOTHER
27 CUSTOMER.

28 AND THEY GAVE THEM TO HIM BY MISTAKE. AND HE

1 KEPT THEM. IT WAS JUST ONE THING THAT I REMEMBER, OFFHAND.

2 Q DO YOU REMEMBER WHEN THAT WAS?

3 A IT WAS A WHILE AGO, A LONG TIME AGO.

4 AND HE WOULD ALSO GET A CAR OR AN AUTOMOBILE.

5 HE WOULD TELL THE COMPANY THAT HE GOT IT FROM THAT HE WAS
6 FILMING A MOVIE OR SOMETHING LIKE THAT.

7 AND THEY WOULD GIVE HIM THE AUTOMOBILE FOR FREE
8 AND HE WOULDN'T USE IT IN THE MOVIE. HE WOULD JUST DRIVE
9 IT.

10 Q WERE YOU EVER WITH HIM AT THE BEVERLY HILLS HOTEL?

11 A YES.

12 Q DID YOU EVER SEE HIM AT THE POOL AT THE BEVERLY
13 HILLS HOTEL?

14 A NO.

15 Q WHEN YOU WENT WITH HIM TO THE HOTEL, WHERE DID
16 HE GO?

17 A HE WOULD HAVE BREAKFAST. THERE IS A DOWNSTAIRS
18 BREAKFAST SORT OF RESTAURANT. THAT'S WHERE WE WOULD GO.

19 Q AND WHEN YOU WOULD GO THERE, WAS RON LEVIN
20 THE KIND OF A GUY WHO WOULD JUST KIND OF BLEND INTO THE WOOD-
21 WORK OR WOULD PEOPLE NOTICE HIM?

22 A HE WOULD TEND TO BE NOTICED.

23 Q AND THE TIMES YOU WENT THERE, DID HE DO ANYTHING
24 THAT YOU CONSIDERED UNUSUAL IN TERMS OF HOW HE WOULD ORDER?

25 A HE WOULD ORDER A LARGE AMOUNT OF FOOD.

26 Q CAN YOU EXPLAIN THAT?

27 A WELL, LIKE, HE WOULD ORDER, I DON'T KNOW -- FOUR
28 GRAPEFRUITS AND JUST ALL THIS FOOD.

4

1 Q . AND DID HE EAT IT ALL?

2 A HE WOULD TAKE -- YEAH. USUALLY, HE WOULD.

3 Q WERE THERE TIMES WHEN LIKE, HE WOULD TAKE A BITE
4 OUT OF SOMETHING AND THEN JUST --

5 A NOT REALLY VERY OFTEN. IF HE DIDN'T LIKE IT.

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1 MR. WAPNER: THANK YOU. I HAVE NOTHING FURTHER.

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3 CROSS-EXAMINATION

4 BY MR. BARENS:

5 Q GOOD MORNING, SIR.

6 LET'S GO BACK TO THE TRIP TO NEW YORK. YOU SAY
7 THAT INITIALLY CAME UP AROUND THE 1ST OF JUNE?

8 A APPROXIMATELY.

9 Q WHO SUGGESTED THAT?

10 A I WAS GOING TO NEW YORK AND THEN RONNIE HAD
11 INDICATED EARLIER THAT HE WANTED TO GO ON A VACATION, WHERE
12 HE NEEDED TO GET AWAY FOR, YOU KNOW, RELAXATION, AND THEN
13 HE, I THINK -- I SAID, "WHY DON'T YOU COME ALONG WITH ME"
14 OR SOMETHING LIKE THAT.

15 HE SAID HE WOULD PAY FOR THE PLANE TICKET. SO
16 SOMEHOW IT CAME ABOUT THROUGH OUR DISCUSSION.

17 Q HE INDICATED HE WOULD PAY FOR YOUR TRIP TO NEW
18 YORK?

19 A YES.

20 Q DID YOU HAVE A DISCUSSION ABOUT WHERE EACH OF
21 YOU WOULD BE STAYING DURING THE TRIP?

22 A YES.

23 Q AND WHERE DID YOU INDICATE YOU WERE GOING TO
24 STAY?

25 A WITH MY GIRLFRIEND.

26 Q AND WHERE DID HE SAY HE WAS GOING TO STAY?

27 A IN A HOTEL WITH THE OTHER PERSON WE WERE GOING
28 WITH, MICHAEL BRODER.

1 Q AND THEREFORE, MR. LEVIN KNEW MR. BRODER AS WELL?

2 A YES.

3 Q AND DID HE TELL YOU HE WAS GOING TO PAY FOR HIS
4 TRIP AS WELL?

5 A YES.

6 Q ALL RIGHT. HAD YOU EVER GONE ON TRIPS WITH MR.
7 LEVIN BEFORE WHERE HE HAD PAID FOR YOU?

8 A YES.

9 Q ON HOW MANY OCCASIONS, SIR?

10 A JUST ONCE.

11 Q AND WHERE WAS THAT TRIP?

12 A PALM SPRINGS.

13 Q AND HE PAID FOR THE HOTEL ROOM OR SOMETHING ON
14 THAT OCCASION?

15 A YES.

16 Q DID ANY THIRD PERSON ACCOMPANY YOU ON THAT VACATION?

17 A THERE WAS A LARGE GROUP OF PEOPLE.

18 Q I AM TALKING ABOUT THAT MIGHT HAVE BEEN PAID
19 FOR --

20 A YES.

21 Q -- ON THAT TRIP.

22 WHO ELSE DID HE PAY FOR ON THAT TRIP?

23 A THERE WAS A, I THINK I CAN REMEMBER ONE OTHER
24 GUY AND ONE OTHER GIRL.

25 Q I AM SORRY?

26 A TWO OTHER PEOPLE.

27 Q AND COULD YOU JUST TELL ME WHO THEY WERE?

28 A YES, DORAN LINZ AND CARLA ZIMMERMAN. I THINK

1 I CAN RECALL SOMEONE ELSE BUT I CAN'T REMEMBER.

2 Q WERE THOSE BOYS ABOUT YOUR AGE?

3 A NO, NO.

4 THE COURT: THERE WERE GIRLS IN THERE, DIDN'T YOU SAY?

5 THE WITNESS: THERE WAS A GIRL ALSO.

6 MR. BARENS: I WAS ASKING ABOUT WHO HE PAID FOR, YOUR
7 HONOR.

8 THE WITNESS: THERE WAS --

9 THE COURT: A GIRL AND A BOY, HE SAID; ISN'T THAT WHAT
10 YOU SAID?

11 THE WITNESS: YES.

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1 Q BY MR. BARENS: HE PAID FOR A GIRL TO GO?

2 A YES.

3 Q HOW MANY PEOPLE DID HE PAY FOR ON THAT TRIP?

4 A LET ME THINK ABOUT IT SO I CAN GIVE YOU A GOOD
5 ANSWER.

6 I THINK -- ALL I REMEMBER WAS A VACATION AND
7 RONNIE HAD COME AND THERE WAS A FEW PEOPLE STAYING IN HIS
8 ROOM WITH HIM AND HE WAS PAYING FOR ALL OF THEM.

9 Q WERE MOST OF THOSE PEOPLE AROUND YOUR AGE?

10 A THEY WERE A BIT OLDER, JUST BY A FEW YEARS.

11 Q BUT THEY WERE NOT WHAT WE WOULD SAY CONTEMPORIES
12 OF RON LEVIN, WERE THEY?

13 A NO, THEY WEREN'T HIS AGE. THEY WERE YOUNGER.

14 Q RIGHT.

15 NOW AFTER THE JUNE 7 DATE, YOU HAVE SPOKEN TO
16 POLICE PEOPLE ABOUT THIS INCIDENT WHERE HE DIDN'T TURN
17 UP THAT DAY, HAVEN'T YOU?

18 A NOT AFTER JUNE 7.

19 Q YOU HAVE NEVER SPOKEN TO THE POLICE ABOUT THAT?

20 A NOT THAT I RECALL.

21 Q WELL, ISN'T IT TRUE YOU HAVE BEEN INTERVIEWED
22 TIME AND TIME AGAIN SINCE THEN UNTIL NOW, BY THE POLICE?

23 A NOT BY THE POLICE, NO.

24 Q YOU HAVE NEVER TALKED WITH THE POLICE?

25 A NO. JUST BY FRED WAPNER.

26 Q NEVER BY THE POLICE?

27 A NOT THAT I RECALL.

28 Q HOW MANY TIMES HAVE YOU TALKED TO MR. WAPNER?

1 A A FEW, I DON'T KNOW, ABOUT SIX. A FEW TIMES.

2 Q DID YOU MAKE NOTES WHEN YOU TALKED TO HIM?

3 A NO.

4 Q DID MR. WAPNER MAKE NOTES?

5 A YES.

6 Q NOW, PRIOR TO THE TIME YOU FIRST TALKED TO MR.

7 WAPNER, HAD YOU TOLD YOUR STORY TO ANYBODY BESIDES MR. WAPNER?

8 A I DO NOT RECALL.

9 THE COURT: WELL, YOU MEAN ANY LAW ENFORCEMENT OFFICER,
10 IS THAT WHAT YOU ARE TALKING ABOUT?

11 MR. BARENS: YES, SIR.

12 THE COURT: ANYBODY OTHER THAN MR. WAPNER WITH LAW
13 ENFORCEMENT THAT YOU TALKED TO?

14 THE WITNESS: NOT THAT I REMEMBER.

15 ALL I REMEMBER IS WE WENT TO THE POLICE STATION
16 AFTER HIS HOUSE AND THEN I DON'T THINK -- I DON'T REMEMBER
17 IF I WAS CONTACTED OR NOT.

18 Q BY MR. BARENS: WHEN WAS THE FIRST TIME YOU USED
19 THE WORD "UNUSUAL" TO ANYONE IN DESCRIBING THE TELEPHONE
20 CONVERSATION YOU HAD WITH RON LEVIN ON THE NIGHT OF THE 6TH?

21 A IT MIGHT HAVE BEEN WITH MICHAEL BRODER.

22 Q IT MIGHT HAVE BEEN WITH MICHAEL BRODER?

23 HOW ABOUT THE FIRST TIME YOU MENTIONED IT TO
24 ANYONE ELSE INVOLVED WITH LAW ENFORCEMENT?

25 A I THINK IT WAS FRED WAPNER.

26 Q WHEN WOULD THAT HAVE BEEN?

27 A THE FIRST TIME I TALKED TO HIM, THE FIRST TIME
28 IT CAME UP.

1 Q DID YOU EVER USE THAT EXPRESSION WHEN YOU
2 TESTIFIED PREVIOUSLY ABOUT THIS MATTER?

3 A I DON'T RECALL.

4 Q WELL, I NOTICE THAT WHEN YOU TESTIFIED ON MAY
5 20, 1985, IN THE PITTMAN CASE YOU NEVER MENTIONED --

6 MR. WAPNER: THE PAGE AND LINE, COUNSEL.

7 MR. BARENS: WELL, SINCE IT IS NOT HERE, I CAN'T SHOW
8 YOU WHERE IT IS. THE FACT OF THE MATTER IS --

9 MR. WAPNER: WELL, YOUR HONOR, IF HE IS GOING TO BE
10 IMPEACHING THE WITNESS WITH THE TRANSCRIPT, IT CAN BE READ,
11 BUT OTHERWISE, I DON'T THINK --

12 MR. BARENS: I CAN'T FIND IT.

13 THE COURT: I WILL SUSTAIN THE OBJECTION.

14 MR. WAPNER: THANK YOU.

15 THE COURT: THE FACT THAT HE OMITTED IT, MAYBE HE NEVER
16 HAS BEEN ASKED.

17 MR. BARENS: WELL, I AM ASKING HIM ACTUALLY.

18 THE COURT: WELL, DOES THAT TRANSCRIPT SHOW HE WAS
19 ASKED ABOUT A TELEPHONE CONVERSATION HE HAD?

20 MR. BARENS: QUITE THOROUGHLY, IT WAS REVIEWED WITH
21 HIM.

22 THE COURT: WHEN YOU TESTIFIED, DO YOU REMEMBER EVER
23 HAVING CHARACTERIZED THE CONDUCT OF MR. LEVIN AS BEING
24 UNUSUAL?

25 THE WITNESS: I REMEMBER WHEN I WAS ASKED ABOUT IT,
26 I JUST TOLD THE WORDS WHICH I REMEMBER HE SAID --

27 MR. BARENS: ALL RIGHT.

28 THE WITNESS: -- AND THAT THE CONVERSATION WAS BRIEF.

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THE COURT: NOBODY ASKED YOU TO CHARACTERIZE IT?

THE WITNESS: I DON'T THINK SO.

A-1

1 Q IN TESTIFYING IN COURT PRIOR TO TODAY, YOU HAVE
2 NEVER TESTIFIED THAT THE CONVERSATION WAS UNUSUAL, HAVE YOU?

3 A NO. I DON'T THINK SO.

4 Q YOU NEVER HAVE BEFORE, HAVE YOU?

5 A I WAS NEVER ASKED.

6 Q NOW IN FACT, YOU WERE INTERVIEWED BY DETECTIVE
7 LINEHAN, L-I-N-E-H-A-N --

8 THE COURT: LINEHAN.

9 MR. BARENS: ALL RIGHT.

10 Q ON OCTOBER 9, 1984, WERE YOU NOT?

11 A IF HE SAYS I WAS. I DO NOT RECALL.

12 MR. BARENS: WELL, I HAVE A REPORT FROM HIM. I SUBMIT
13 THAT I AM LOOKING AT IT, YOUR HONOR AND --

14 MR. WAPNER: WELL, AGAIN, THIS IS A SPEECH OF COUNSEL.
15 IF HE SHOWS IT TO THE WITNESS --

16 THE COURT: WILL YOU PLEASE NOT MAKE REFERENCE TO
17 ANYTHING THAT YOU HAVE GOT UNLESS IT IS IN EVIDENCE?

18 Q BY MR. BARENS: ISN'T IT TRUE --

19 A I DON'T REMEMBER IF I TALKED TO HIM OR NOT.

20 Q ISN'T IT TRUE THAT YOU TOLD HIM THAT EVERYTHING
21 APPEARED TO BE NORMAL WHEN YOU WERE DESCRIBING TO HIM THE
22 CONVERSATION YOU HAD WITH MR. LEVIN ON THAT NIGHT?

23 A WELL, I DON'T REMEMBER THE CONVERSATION. SO I
24 DON'T REMEMBER WHAT I SAID. AND IF THAT IS -- I DON'T KNOW.

25 I DON'T EVEN KNOW WHAT THE OFFICER LOOKS LIKE.

26 Q DO YOU DENY THAT YOU SAID THAT?

27 A NO, I DON'T. I DON'T REMEMBER.

28 Q WHEN YOU HAD THAT CONVERSATION WITH HIM, HOW DO

1 YOU KNOW IT WAS 9 O'CLOCK AT NIGHT?

2 A BECAUSE AFTERWARDS -- WELL, ON JUNE 7, ME AND
3 MICHAEL BRODER MADE A LIST OF THINGS, JUST A LIST OF THINGS.

4 AND ONE OF THEM WAS, I WROTE DOWN THAT I TALKED
5 TO HIM AT 9 O'CLOCK THE NIGHT BEFORE. SINCE I WROTE IT DOWN,
6 IT STUCK IN MY MEMORY.

7 Q DIDN'T YOU HAVE SOME OTHER WAY YOU TESTIFIED
8 EARLIER THAT YOU KNEW IT WAS 9 O'CLOCK AT NIGHT?

9 A NO, NOT THAT I REMEMBER. THAT IS WHAT I REMEMBER
10 THAT I SAID.

11 Q DIDN'T YOU EARLIER TESTIFY THAT YOU CALLED FROM
12 A RESTAURANT AND LOOKED AT THE CLOCK IN THE RESTAURANT?

13 A YES. THAT'S NOT HOW I REMEMBER.

14 THE WAY I REMEMBER IS THAT I WROTE IT DOWN ON
15 THE COMPUTER.

16 Q WELL, THAT NIGHT THAT YOU MADE THE CALL, WERE
17 YOU IN A RESTAURANT?

18 A YES.

19 Q DID YOU LOOK AT THE CLOCK IN THE RESTAURANT?

20 A I LOOKED AT SOMETHING, MY WATCH OR A CLOCK. BUT
21 I KNEW IT WAS 9 O'CLOCK.

22 Q WHY DID YOU HAPPEN TO LOOK TO SEE WHAT TIME IT
23 WAS WHEN YOU MADE THAT CALL?

24 A BECAUSE I DIDN'T WANT TO CALL TOO LATE AND WAKE
25 HIM UP.

26 Q AND WERE YOU CONCERNED THAT AT 9 O'CLOCK AT NIGHT
27 WHEN YOU CALLED, IT MIGHT HAVE BEEN TOO LATE? YOU MIGHT HAVE
28 WOKEN HIM UP?

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1 A NO. I CALLED BECAUSE IT WAS 9 O'CLOCK. I FIGURED
2 HE WOULD BE AWAKE.

3 THAT IS WHY I LOOKED TO SEE IF IT WAS 12:00 OR
4 1:00.

5 Q DID YOU EARLIER TESTIFY THAT YOU LOOKED TO SEE
6 WHAT TIME IT WAS BECAUSE YOU WERE CONCERNED THE RESTAURANT
7 MIGHT BE CLOSING AND IT MIGHT BE TOO LATE TO CALL?

8 MR. WAPNER: DO YOU HAVE A PAGE AND LINE?

9 MR. BARENS: I AM ASKING THE QUESTION --

10 THE COURT: IF YOU ARE REFERRING TO ANYTHING, REFER
11 TO PAGE AND LINE OF ANY TRANSCRIPT.

12 ASK HIM IF THOSE ARE THE QUESTIONS ASKED OF HIM
13 AND WHETHER HE MADE THAT ANSWER.

14 MR. BARENS: YOUR HONOR, SECTION 768 OF THE EVIDENCE
15 CODE --

16 THE COURT: DON'T GIVE ME ANY SECTION OF THE EVIDENCE
17 CODE. I AM TELLING YOU THE WAY I THINK IT SHOULD BE DONE.

18 IF HE HAS TESTIFIED PREVIOUSLY, REFER TO THE
19 DOCUMENT. REFER TO THE PAGE AND REFER TO THE LINE AND ASK
20 WHETHER OR NOT HE SO TESTIFIED.

21 THAT IS THE WAY IT IS USUALLY DONE.

22 MR. BARENS: WELL, THEN LET'S TAKE A RECESS AND I WILL
23 FIND IT.

24 THE COURT: NO.

25 MR. BARENS: WELL, HOW AM I GOING TO DO IT YOUR WAY
26 IF I CAN'T FIND IT?

27 THE COURT: WELL, I THOUGHT YOU HAD IT. YOU WERE LOOKING
28 AT IT.

A-4

1 MR. BARENS: I READ IT. BUT I CAN'T SEE THE PAGE AND
2 LINE NUMBERS. THAT IS WHY THEY HAVE 768 OF THE EVIDENCE CODE
3 AND --

4 THE COURT: WELL, HAVE YOUR ASSISTANT LOOK AT IT AND
5 SEE IF HE CAN'T FIND IT.

6 MR. BARENS: WELL, I CAN ONLY SUBMIT THAT THE EVIDENCE
7 CODE PROVISION SAYS THAT FOR A REASON --

8 THE COURT: WILL YOU PLEASE PROCEED AS I HAVE INDICATED
9 TO YOU?

10 MR. BARENS: ALL RIGHT.

11 THE WITNESS: I DON'T THINK I WAS CONCERNED ABOUT THE
12 RESTAURANT CLOSING. THAT IS NOT WHY I CALLED. I DON'T RECALL
13 SAYING THAT.

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1 Q BY MR. BARENS: YOU DON'T RECALL SAYING THAT?
2 YOU DON'T RECALL?

3 A NO.

4 Q BE THAT AS IT MAY, WHEN YOU CALLED HIM, DID HE
5 ANSWER THE PHONE?

6 A YES.

7 Q AND DID HE ANSWER IT IN HOW MANY RINGS, IF YOU
8 RECALL?

9 A I THINK I DON'T RECALL. BUT I COULD -- I WOULD
10 GUESS THAT IT WAS WITHIN ONE OR TWO RINGS.

11 Q DID HE SEEM TO RECOGNIZE YOU STRAIGHT AWAY WHEN
12 YOU ANSWERED THE PHONE?

13 A YES.

14 Q AND DID HE APPEAR TO BE SLEEPY OR SLEEPING WHEN
15 YOU CALLED?

16 A NO. I DON'T RECALL.

17 THE COURT: YOU MEAN HIS VOICE SOUNDED SLEEPY?
18 IS THAT WHAT YOU MEAN?

19 MR. BARENS: ANYTHING THAT MIGHT --

20 THE COURT: HOW DOES HE KNOW WHETHER HE APPEARED TO
21 BE SLEEPY IF HE NEVER SAW HIM?

22 THE WITNESS: WELL, HIS VOICE -- I WAS THINKING ABOUT
23 IT AFTERWARDS HOW HE SOUNDED RECENTLY, BECAUSE I KNEW I WAS
24 COMING TO TRIAL. I COULDN'T REMEMBER IF HE SOUNDED SLEEPY
25 OR AWAKE.

26 Q BY MR. BARENS: YOU DON'T RECALL?

27 A NO.

28 Q NOW, DID YOU ASK HIM IF HE WAS ASLEEP?

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1 A HE INDICATED HE WAS SLEEPING AND THAT HE HAD TO
2 HANG UP.

3 Q ALL RIGHT. NOW, WHILE YOU WERE ON THE PHONE,
4 WHAT DID YOU SAY TO HIM?

5 A I JUST ASKED HIM IF EVERYTHING WAS OKAY FOR GOING
6 TO NEW YORK.

7 Q AND HE SAID?

8 A YES, EVERYTHING WAS FINE.

9 Q DID YOU ASK HIM WHAT HE HAD DONE THAT DAY?

10 A NO.

11 Q DID YOU ASK HIM IF HE HAD DINNER?

12 A NO.

13 Q DID HE ASK YOU ANY QUESTIONS AT ALL?

14 A NO.

15 Q DID YOU SAY TO HIM, "I WILL RECONFIRM WHAT TIME
16 I AM COMING TO SEE YOU TOMORROW?" DID YOU SAY, "I WILL SEE
17 YOU AT 7 O'CLOCK IN THE MORNING"?

18 A WELL, AFTER HE INDICATED EVERYTHING WAS FINE,
19 I JUST ASSUMED THE TIME AND EVERYTHING --

20 THE COURT: KEEP YOUR VOICE UP.

21 THE WITNESS: NO. I DIDN'T. NO.

22 Q BY MR. BARENS: WERE YOU WITH ANYBODY AT THE
23 RESTAURANT THAT NIGHT?

24 A I THINK I WAS WITH MICHAEL BRODER.

25 Q THE FELLOW YOU WERE GOING WITH THE NEXT DAY?

26 A YES.

27 Q DID YOU MENTION ANYTHING ABOUT THE PHONE CALL
28 TO MR. BRODER?

1 A I TOLD HIM THAT I JUST TALKED TO RONNIE AND
2 EVERYTHING WAS OKAY FOR TOMORROW.

3 Q RIGHT?

4 A YES.

5 Q YOU DIDN'T SAY ANYTHING ELSE TO MR. BRODER AT
6 THAT TIME, DID YOU?

7 A NO.

8 Q YOU IN FACT, USED THE EXPRESSION THAT EVERYTHING
9 WAS OKAY?

10 A YEAH.

11 Q ALL RIGHT. NOW, YOU TESTIFIED EARLIER THAT HE
12 HAD DISCUSSED HIS PENDING CRIMINAL CASE WITH YOU?

13 A HE MENTIONED HIS FEELINGS ABOUT IT.

14 Q WHAT DID HE MENTION IN THAT REGARD?

15 A WELL, I GUESS THE TRIAL OR THE COURT DAY OR
16 WHATEVER -- IT WAS THE DAY BEFORE. WHEN HE RETURNED, HE
17 INDICATED THAT THINGS WERE NOT GOING WELL.

18 Q DID YOU ASK HIM, "WHAT DO YOU MEAN BY THAT?"

19 A NO. I DIDN'T ASK HIM TOO MUCH ABOUT IT. HE DIDN'T
20 WANT TO TALK ABOUT IT.

21 Q DID HE SEEM CONCERNED ABOUT IT?

22 A YES.

23 Q DID YOU ASK HIM IF THAT MIGHT HAVE ANY BEARING
24 OR AFFECT WHETHER YOU WENT TO NEW YORK OR NOT?

25 A NO.

26 Q WHEN YOU CALLED HIM TO RECONFIRM THAT YOU WERE
27 GOING THE NEXT DAY, DID YOU HAVE A REASON WHY YOU CALLED THAT
28 NIGHT? WAS IT A GENERAL INQUIRY?

1 A WELL, I WAS JUST CONFIRMING OUR PLANS, YOU KNOW.

2 Q HAD YOU WHEN YOU HAD SEEN HIM THE DAY BEFORE ON
3 THE 6TH, HAD YOU DISCUSSED AT ALL YOUR PLANS FOR GOING THE
4 NEXT DAY?

5 A YES.

6 Q HAD YOU RECONFIRMED THEM DURING THE DAY?

7 A I SUPPOSE. I MEAN, WE HAD MADE PLANS AND -- I
8 DON'T KNOW.

9 WE JUST HAD PLANS TO GO TO NEW YORK, YOU KNOW,
10 STARTING FROM THE TIME WHEN WE MADE THE RESERVATIONS.

11 AND THEN AT 9 O'CLOCK WHEN I CALLED, I JUST WANTED
12 TO MAKE SURE EVERYTHING WAS SET.

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1 Q BY MR. BARENS: WELL, EARLIER IN THE DAY ON THE
2 6TH, HAD HE SAID ANYTHING TO YOU THAT WOULD MAKE YOU HAVE
3 ANY DOUBTS ABOUT WHETHER YOU WERE GOING TO NEW YORK OR NOT?

4 A NO.

5 Q HAD HE IN FACT MENTIONED TO YOU AGAIN THAT BLANCHE
6 IS GOING TO DRIVE US TO THE AIRPORT TOMORROW?

7 A I THINK HE DID, YES, THAT IS HOW I KNEW SHE WAS
8 PICKING US UP.

9 Q YOU HAD GONE AHEAD AND IN FACT PACKED YOUR
10 CLOTHES THAT DAY, HADN'T YOU?

11 A YES.

12 Q SO YOU FELT YOU WERE IN A POSITION DURING THE
13 DAY TO TOTALLY RELY AND MAKE YOUR PLANS ON THE FACT YOU WERE
14 GOING TO NEW YORK?

15 A RIGHT.

16 Q THEN WHAT WAS IT THAT MADE YOU CALL THAT NIGHT?

17 A BECAUSE I AM RESPONSIBLE AND I JUST WANTED TO
18 MAKE SURE WE WERE STILL GOING TO GO. THAT IS WHAT I DO.

19 Q WAS THERE ANYTHING IN YOUR PAST EXPERIENCE WITH
20 MR. LEVIN THAT MIGHT HAVE MADE YOU THINK THAT HE WAS GOING
21 TO CHANGE PLANS SUDDENLY THAT NIGHT?

22 A WELL, THE REASON WHY I CALLED IS JUST TO MAKE
23 SURE. I DO THAT.

24 I MEAN IF YOU ARE GOING ON A DATE WITH SOMEONE
25 OR WHOEVER, YOU CALL BEFORE TO MAKE SURE YOU ARE STILL GOING.
26 THAT IS WHY I CALLED.

27 I DON'T KNOW IF IT WAS JUST HE CANCELED ON THINGS
28 BEFORE. THAT IS JUST WHAT I DO.

1 Q I SEE.

2 NOW DURING THE DAY WHEN HE MENTIONED THAT THE
3 CASE WASN'T GOING WELL, DID YOU EVER SEE HIM TALKING TO ANYBODY
4 ELSE ABOUT THE CASE?

5 A I DON'T -- I DON'T REMEMBER. I DON'T REMEMBER
6 IF HE WAS. I DON'T REMEMBER.

7 Q WHEN HE MENTIONED TO YOU THAT THE CASE WASN'T
8 GOING WELL, WAS ANYONE ELSE PRESENT?

9 A POSSIBLY MICHAEL BRODER, BUT I DON'T EVEN
10 REMEMBER MYSELF BECAUSE I WAS WITH MICHAEL AND HIM THAT DAY.

11 Q DID THAT CONVERSATION TAKE PLACE IN HIS APARTMENT?

12 A YES.

13 Q DID HE SEEM DEPRESSED ABOUT THAT IN THE LEAST?

14 A YES, HE DID SEEM UPSET IN THAT CASE AND THAT
15 THINGS WEREN'T GOING WELL.

16 Q HE HAD NEVER BEEN UPSET ABOUT THE CASE BEFORE,
17 HAD HE?

18 A I THINK WHEN THERE WAS SOME PUBLICITY ABOUT IT,
19 HE GOT UPSET.

20 Q HE WAS UPSET BECAUSE IT WAS IN THE NEWSPAPER?

21 A YES.

22 Q WHAT DID HE SAY TO YOU ON THAT CASE?

23 A IT WAS -- I JUST KNEW THAT HE WAS UPSET. I DON'T
24 KNOW -- IT JUST -- I DON'T THINK HE LIKED HAVING HIS NAME
25 IN THE PAPER AND ALL OF THIS.

26 Q NEVER SEEMED TO BE UPSET WITH YOU, DID HE, ABOUT
27 THE FACT THAT HE HAD A LOT OF CREDITORS?

28 A NO.

1 Q HE USED TO BRAG ABOUT THAT, DIDN'T HE?

2 A YES.

3 Q AND HE BRAGGED, I THINK YOU SAID, ABOUT THE FACT
4 THAT HE -- HE WAS ABLE TO GET THINGS WITHOUT PAYING FOR THEM?

5 A YES.

6 Q WOULD IT BE A FAIR STATEMENT TO SAY THAT HE
7 BRAGGED ABOUT STEALING THINGS?

8 A YES.

9 Q DID HE BRAG TO YOU THAT HE COULD GET THINGS AWAY
10 FROM ANYBODY HE WANTED TO IF HE PUT HIS MIND TO IT?

11 A NO.

12 Q DID HE EVER BRAG TO YOU THAT HE COULD CONVINC
13 PEOPLE OF THINGS THAT WEREN'T TRUE?

14 A I DON'T RECALL.

15 I DON'T KNOW IF HE BRAGGED ABOUT HIS ABILITY
16 TO DO THINGS, BUT I KNOW AFTER THE FACT, HE WOULD BRAG ABOUT
17 IT.

18 Q WHEN HE BRAGGED ABOUT HIS ABILITY TO DO THINGS,
19 ONE OF THE ABILITIES HE DESCRIBED TO YOU WAS HIS ABILITY TO
20 MAKE PEOPLE BELIEVE HIM?

21 A NO.

22 I SAY I DON'T REMEMBER IF HE BRAGGED ABOUT HIS
23 ABILITY.

24 HE BRAGGED AFTER THE FACT AFTER HE HAD DONE
25 SOMETHING, HE SAID, "LOOK WHAT I JUST DID".

26 Q AS A RESULT OF THAT, LEVIN HAD A LOT OF THINGS
27 THAT HE NEVER PAID FOR, WERE YOU AWARE OF THAT?

28 MR. WAPNER: WELL, OBJECTION. IT ASSUMES FACTS NOT

1 IN EVIDENCE.

2 THE COURT: DID HE EVER BRAG TO YOU ABOUT WHAT WAS
3 THAT? REPEAT YOUR QUESTION.

4 Q BY MR. BARENS: HE SAID HE HAD THINGS HE NEVER
5 PAID FOR?

6 A YES.

7 Q DID HE, AT LEAST AS FAR AS YOU COULD OBSERVE,
8 DID THE THINGS HE HAD THAT HE NEVER PAID FOR, GIVE HIM AN
9 APPEARANCE OF BEING SOMEONE THAT IN FACT HE WASN'T?

10 A YES.

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1 Q AS A RESULT OF THESE GAINS HE HAD PROCURED ON
2 OCCASION, HE APPEARED A LOT WEALTHIER OR RICHER THAN HE WAS
3 IN REALITY?

4 A YES -- WELL, I DON'T KNOW HOW RICH HE WAS IN
5 REALITY BUT HE APPEARED TO BE VERY WEALTHY AND I ASSUME HE
6 WASN'T.

7 Q HE WASN'T?

8 A I KIND OF -- I AM NOT SURE. I KIND OF -- I AM
9 NOT SURE.

10 Q DID IT APPEAR TO YOU THAT THE REALITY OF LEVIN
11 AND THE APPEARANCE OF LEVIN WERE TWO DIFFERENT THINGS?

12 A THIS WAS SOMETHING THAT I THOUGHT ABOUT BUT I
13 NEVER REALLY -- I -- I -- YES.

14 Q NOW, WHEN HE SAID THE CASE WASN'T GOING WELL,
15 DID YOU SAY TO HIM ABOUT IT, HAVE YOU DISCUSSED IT WITH YOUR
16 LAWYER?

17 A NO.

18 Q OR DID YOU GIVE HIM ANY WORDS OF ENCOURAGEMENT?

19 A I DO NOT RECALL.

20 IT WAS VERY SHORT. HE JUST -- I MEAN HE WAS
21 WALKING AROUND IN HIS OFFICE AND I SAID, "WHAT IS THE MATTER?"

22 AND HE SAID, "OH, THE CASE WASN'T GOING WELL."

23 AND HE DIDN'T SEEM LIKE HE REALLY WANTED TO TALK
24 ABOUT IT SO I DIDN'T CARRY ON THE CONVERSATION ANY FURTHER.

25 Q ASIDE FROM THE PREVIOUS OCCASION WHEN HE SEEMED
26 UPSET BECAUSE IT WAS IN THE NEWSPAPER, YOU SAY --

27 BY THE WAY, DID YOU EVER SEE THE ARTICLE?

28 A YES.

1 Q DO YOU RECALL WHAT IT SAID?

2 A IT WAS SOMETHING ABOUT VIDEO EQUIPMENT AND
3 ONE MILLION DOLLARS AND THOSE WERE THE TWO MAIN POINTS I
4 REMEMBER.

5 THE COURT: KEEP YOUR VOICE UP, WILL YOU, PLEASE?

6 THE WITNESS: I AM SORRY.

7 THE COURT: YOU HAVE A TENDENCY TO DROP IT.

8 MR. WAPNER: YOUR HONOR, IT IS CLOSING THE BARN DOOR
9 AFTER THE HORSE IS OUT, BUT THERE IS AN OBJECTION AND A MOTION
10 TO STRIKE AS HEARSAY AS TO WHAT THE ARTICLE SAID.

11 THE COURT: OVERRULED. I WILL LET IT STAND.

12 Q BY MR. BARENS: DIDN'T RON LEVIN TELL YOU THAT
13 HE WASN'T GOING TO WIN HIS CASE AND THAT HE FEARED HE WAS
14 GOING BACK TO JAIL?

15 A I THINK HE INDICATED THAT THE CASE WASN'T GOING
16 WELL.

17 Q I KNOW.

18 HAVE YOU EVER SAID THOSE WORDS?

19 A THAT, I DO NOT REMEMBER.

20 Q YOU DON'T REMEMBER?

21 A NO, I DON'T.

22 I REMEMBER THE FEELING, I THINK, SINCE IT WASN'T
23 GOING WELL, HE THOUGHT HE WOULD BE GOING TO JAIL.

24 Q DID HE SAY TO YOU HE THOUGHT HE WOULD BE GOING
25 BACK TO JAIL?

26 A POSSIBLY COULD HAVE, BUT I DO NOT RECALL FOR
27 SURE.

28 Q DID YOU KNOW THAT HE HAD PREVIOUSLY BEEN IN JAIL?

1 A YES.

2 Q HAD HE DISCUSSED THAT WITH YOU?

3 A YES.

4 Q AND WHAT HAD HE TOLD YOU ABOUT HIS EXPERIENCE
5 IN JAIL?

6 A WELL, ESSENTIALLY, HE BRAGGED ABOUT IT AGAIN.

7 Q WHAT DID HE SAY?

8 A HE SAID, WELL, -- WELL, ONE OF THE THINGS, HE
9 MADE MONEY IN JAIL, HE BRAGGED ABOUT THAT AND HE BRAGGED ABOUT
10 SEEING VIOLENCE IN JAIL AND PEOPLE BEING THROWN OVER WALLS
11 AND THEN HE BRAGGED ABOUT HOMOSEXUAL THINGS.

12 Q AND HE BRAGGED ABOUT THE FACT THAT EVEN IN JAIL
13 HE COULD MAKE MONEY?

14 A YES.

15 Q AND HOW DID HE MAKE MONEY IN JAIL?

16 A FROM WHAT I REMEMBER, SOMETHING ABOUT LAUNDRY,
17 DOING LAUNDRY SERVICE.

18 Q AND HE BRAGGED ABOUT HIS ACTIVITIES AS A HOMOSEXUAL
19 IN JAIL?

20 A YEAH.

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1 Q AND IN SUMMARIZING THAT, DID HE JUST SORT OF
2 INDICATE THAT HE HAD A VARIETY OF HOMOSEXUAL CONTACTS IN JAIL?

3 A YES.

4 Q AND HE SEEMED TO BE BRAGGING ABOUT A CERTAIN
5 PROMISCUITY?

6 MR. WAPNER: OBJECTION, ASSUMES A FACT NOT IN EVIDENCE.

7 MR. BARENS: WELL, I AM TRYING TO BE AS CIVIL AS I CAN
8 ON THIS.

9 THE COURT: I THINK WE COVERED THAT SUBJECT ADEQUATELY,
10 HAVE WE NOT? HE DISCUSSED THAT HE WAS A HOMOSEXUAL AND HE
11 HAD HOMOSEXUAL EXPERIENCES.

12 WE DON'T HAVE TO GO INTO EVERY DETAIL OF IT, DO
13 WE?

14 MR. BARENS: WELL, I DIDN'T ASK FOR DETAILS --

15 THE COURT: WELL, THAT IS WHAT YOU WANT TO FIND OUT,
16 HOW MANY AFFAIRS HE HAD.

17 I WILL SUSTAIN THE OBJECTION. LET'S GET ON TO
18 SOMETHING ELSE.

19 Q BY MR. BARENS: WERE YOU AWARE OF THE FACT THAT
20 MR. LEVIN WAS A HOMOSEXUAL?

21 A I WAS AWARE BUT I WAS NOT ABSOLUTELY SURE.

22 Q DID THERE COME A TIME WHEN YOU WERE SURE?

23 A NOT REALLY. I STILL HAVE A FEELING HE WAS
24 HOMOSEXUAL.

25 BUT I MEAN, I NEVER YOU KNOW -- LIKE A HOMOSEXUAL,
26 THEY HAVE THEIR ARMS AROUND ANOTHER GUY OR WHATEVER. I NEVER
27 SAW THAT.

28 Q YOU FELT YOU KNEW HIM PRETTY WELL, DIDN'T YOU,

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1 SIR?

2 A FAIRLY WELL, YES. I DID IN CERTAIN ASPECTS.

3 Q EVEN THOUGH YOU FELT YOU KNEW HIM FAIRLY WELL,
4 THERE WAS A LOT ABOUT HIM THAT WAS STILL A MYSTERY TO YOU?

5 A RIGHT.

6 Q DID HE BRAG TO YOU THAT HE HAD MADE A LOT OF MONEY
7 WITH JOE HUNT TRADING SECURITIES?

8 A YEAH.

9 Q WHAT DID HE TELL YOU ABOUT THAT?

10 A I RECALL HE TOLD ME THAT JOE HAD ONE -- NOT ONE,
11 HAD TRADED IN A WAY THAT HE MADE FIFTEEN MILLION DOLLARS,
12 SOMETHING LIKE FIFTEEN MILLION DOLLARS.13 Q AND DID HE TELL YOU THAT THEY HAD MADE THAT MONEY
14 TOGETHER?15 A YEAH. WELL, JOE HAD MADE IT FOR HIM OR ESSENTIALLY,
16 THEY WERE COLLABORATING.

17 Q DID HE ACT LIKE IT WAS ALL FOR REAL?

18 A YEAH.

19 Q DID HE EVER TELL YOU WHAT HE WAS GOING TO DO WITH
20 THE MONEY?

21 A NO.

22 Q IT SEEMED LIKE A LOT OF MONEY TO YOU, DIDN'T IT?

23 A YEAH.

24 Q DID IT ALL SEEM LIKE HE WAS TELLING YOU A TRUE
25 STORY WHEN HE TOLD YOU THAT?

26 A YES.

27 Q DID HE EVER TELL YOU IT WAS A HOAX?

28 A NO.

1 Q DID HE EVER TELL YOU -- HE NEVER TOLD YOU, DID
2 HE, THAT THE MONEY NEVER REALLY EXISTED, DID HE?

3 A NO.

4 Q DID HE TELL YOU WHERE HE HAD THE MONEY?

5 A WELL, HE SHOWED ME STATEMENTS OR SOMETHING FROM
6 A BROKERAGE. BUT I DON'T REMEMBER WHICH BROKERAGE.

7 Q WAS IT LOCAL OR INTERNATIONAL?

8 A I THINK IT WAS IN BEVERLY HILLS OR SOMETHING.

9 Q DID HE TELL YOU THAT HE HAD THE FIFTEEN MILLION
10 DOLLARS TRANSFERRED TO HIS SWISS BANK ACCOUNT?

11 A NO.

12 Q DID HE EVER MENTION THIS SWISS BANK ACCOUNT TO
13 YOU?

14 A YES.

15 Q ON HOW MANY OCCASIONS DID HE MENTION A SWISS BANK
16 ACCOUNT?

17 A WELL, AROUND TWO OR THREE YEARS BEFORE HE HAD
18 SOME FILES IN HIS SMALL OFFICE, WHICH IS OFF THE MAIN OFFICE.
19 AND I GUESS HE WAS GOING THROUGH THEM ONE DAY
20 AND HE SAID, "HERE'S MY SWISS CHECKING ACCOUNT," AND ALL THIS
21 STUFF.

22 Q ASIDE FROM THAT, DID HE MENTION A SWISS ACCOUNT
23 TO YOU AGAIN?

24 A NOT REALLY, NO.

25 Q DID YOU EVER SEE HIM DISPLAYING CHECKS OR WRITINGS
26 FROM THE SWISS BANK ACCOUNT AGAIN?

27 A NOT TO THE BEST OF MY KNOWLEDGE, NO.

28 MR. BARENS: A MOMENT, YOUR HONOR?

A-4

1 (BRIEF PAUSE.)

2 Q BY MR. BARENS: DID HE EVER SHOW YOU ANY SWISS
3 ACCOUNT CASHIER'S CHECKS?

4 A I THINK -- I REALLY DON'T KNOW MUCH ABOUT BANKING.
5 HE SHOWED ME SOMETHING FROM THE SWISS BANK AROUND TWO OR THREE
6 YEARS BEFORE.

7 THE COURT: WILL YOU KEEP YOUR VOICE UP?

8 THE WITNESS: YES. HE SHOWED ME SOMETHING FROM THE
9 SWISS BANKING ACCOUNT ABOUT TWO OR THREE YEARS BEFORE. BUT
10 I DON'T KNOW IF IT WAS A CHECK.

11 WHAT I -- I DON'T REMEMBER REALLY REMEMBER WHAT
12 IT WAS. BUT I REMEMBER IT WAS SOMETHING ABOUT A SWISS BANK
13 ACCOUNT.

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1 Q BY MR. BARENS: DID IT INVOLVE ANY LARGE NUMBERS
2 OR AMOUNTS THAT IMPRESSED YOU?

3 A YES. I THINK IT DID, YES.

4 HE WAS TRYING TO IMPRESS ME WITH IT. THAT WAS
5 THE POINT BEHIND IT.

6 Q DID IT SEEM TO BE CLOSE TO A MILLION DOLLARS?

7 A THAT I DON'T RECALL.

8 Q YOU DON'T RECALL, BUT A SUBSTANTIAL AMOUNT OF
9 MONEY, IN ANY EVENT?

10 A YES. I THINK SO.

11 Q NOW, YOU MENTIONED THAT HE HAD THOSE ASSOCIATIONS
12 WITH MOHAMMED ALI, MR. JACKSON AND ET CETERA.

13 DID HE MENTION TO YOU THAT HE WAS TRYING TO
14 INVOLVE THEM IN SOME BUSINESS DEALS WITH HIM?

15 A NO.

16 Q NEVER MENTIONED THAT HE WAS INTERESTED IN GOING
17 INTO A BUSINESS RELATIONSHIP WITH MOHAMMED ALI?

18 A I THINK THEIR RELATIONSHIP -- RONNIE HELPED HIM
19 DECORATE HIS HOUSE OR SOMETHING LIKE THAT.

20 AND THAT HE WAS HELPING MOHAMMED GET IF I RECALL,
21 PERSIAN RUGS. THAT WAS IN A SENSE, A BUSINESS RELATIONSHIP.

22 Q WAS RON HOPING TO MAKE MONEY OFF OF PROCURING
23 THOSE RUGS?

24 A WELL, HE MIGHT HAVE BEEN HOPING TO. BUT HE DIDN'T
25 SAY HE DID. I THINK AFTERWARDS, HE DID.

26 THAT MIGHT BE WHY THEY TERMINATED THEIR
27 FRIENDSHIP.

28 Q WHY DID THEY TERMINATE THEIR FRIENDSHIP? IS THAT

1 WHAT YOU ARE SAYING?

2 A I THINK THAT HE HAD GOTTEN THE RUGS FOR MOHAMMED
3 ALI AND MAYBE CHARGED HIM MORE OR DID SOMETHING THAT RONNIE
4 GOT PAID FOR.

5 Q OKAY. NOW, DID YOU EVER DISCUSS ANYTHING ABOUT
6 SILVER BARS WITH LEVIN?

7 A YES. I THINK WHEN HE WAS -- WHEN I WAS YOUNGER,
8 HE ACTUALLY HAD SILVER AND PLATINUM BARS AROUND OFTEN.

9 Q WHERE WERE THOSE?

10 A I DON'T KNOW WHERE THEY WERE. BUT HE WOULD COME
11 OVER WITH LIKE ONE, IN HIS POCKET.

12 Q HE WAS WALKING AROUND AND TELLING YOU THIS IS
13 A BAR OF SILVER?

14 A PLATINUM, IF I REMEMBER.

15 Q DID YOU EVER SEE MORE THAN ONE BAR OF SILVER?

16 A NO. ALL I REMEMBER IS THAT I DID SEE ONE BAR.

17 Q DID HE TALK ABOUT PLATINUM BARS?

18 A YEAH.

19 Q DID YOU EVER SEE ANY PLATINUM BARS?

20 A WELL, I THINK AT THAT TIME HE WAS TALKING, HE
21 WAS INVESTING IN COMMODITIES.

22 BUT IT WAS LIKE FIVE YEARS BACK, BEFORE THAT TIME.

23 Q DID HE TALK TO YOU ABOUT HAVING A BIG VAULT WHERE
24 HE HAD A LOT OF PLATINUM OR SILVER BARS?

25 A WELL, HE INDICATED THAT ONE BAR CAME FROM THE
26 BIGGER PILE.

27 Q A BIGGER PILE THAN HE HAD?

28 A YES. I THINK SO.

3-2

1 Q DID HE MENTION THAT ON MORE THAN ONE OCCASION?

2 A WELL, AT THE TIME, THAT IS WHAT HE WAS INTO. SO
3 HE TALKED ABOUT IT A LOT.

4 Q AND HE TALKED ABOUT IT A LOT, DIDN'T HE, AT THAT
5 PARTICULAR TIME?

6 A YES.

7 Q DIDN'T HE KIND OF TELL THAT TO EVERYBODY HE TALKED
8 TO?

9 A YES.

10 Q DID YOU BELIEVE HIM WHEN HE SAID THAT?

11 A YEAH.

12 Q YOU HAD NO REASON NOT TO BELIEVE IT, DID YOU?

13 A NO. I WAS KIND OF YOUNG.
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1 Q ALL RIGHT, NOW DID LEVIN HAVE A TENDENCY TO YELL
2 AT PEOPLE?

3 A YES.

4 Q AND WHEN WOULD HE DO THAT?

5 A WHEN HE WAS TRYING TO GET SOMETHING OR IF HE WAS
6 CONFRONTED, THEN HE WOULD YELL TO INTIMIDATE THE PERSON.

7 Q HE WOULD RESORT TO INTIMIDATION TO KIND OF COVER
8 HIS OWN TRACKS?

9 A YEH.

10 AND THEN THE PERSON, YOU KNOW, WOULD GET SCARED.
11 THEY WOULD GIVE IN TO ANYTHING THAT WAS SAID.

12 Q IN OTHER WORDS, IF HE WAS CONFRONTED WITH SOME
13 OF HIS OWN WRONGDOING, THE BEST DEFENSE WAS A YELLING OFFENSE,
14 IT APPEARED?

15 A YES.

16 Q THEN PEOPLE WOULD EVIDENTLY BACK OFF.

17 MR. WAPNER: OBJECTION. CALLS FOR A CONCLUSION,
18 YOUR HONOR. THIS IS JUST SPECULATION. IT IS TOO GENERAL.

19 MR. BARENS: I AM ASKING WHAT HE OBSERVED.

20 MR. WAPNER: IF THERE IS A SPECIFIC OCCASION HE IS ASKING
21 HIM ABOUT --

22 THE COURT: I THINK BY THIS TIME WE HAVE GOT A PRETTY
23 GOOD PICTURE OF THIS MAN. DO WE HAVE TO GO INTO IT IN GREAT
24 DETAIL ANY FURTHER?

25 MR. BARENS: WELL, I THINK IT IS IMPORTANT THE JURY
26 GETS A SENSE OF WHO WE ARE DEALING WITH.

27 THE COURT: I HAVE A SENSE AND I AM SURE EVERYBODY HAS
28 A SENSE OF WHAT HE WAS. WE DON'T HAVE TO GO AT IT AD NAUSEAM.

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1 MR. BARENS: THERE ARE A LOT OF FACETS TO THIS GENTLEMAN,
2 YOUR HONOR.

3 THE COURT: YES, I UNDERSTAND THERE ARE A LOT OF FACETS.
4 I THINK WE HAVE COVERED ALL OF THEM BY THIS TIME.

5 MR. BARENS: I AM SURE WE HAVE NOT.

6 THE COURT: GO AHEAD THEN AND EXHAUST THEM.

7 Q BY MR. BARENS: IN ANY EVENT, LET'S GO BACK FROM
8 THAT TOPIC TO THE COMPUTER.

9 A WHICH TOPIC?

10 Q THE TOPIC ABOUT LEVIN INTIMIDATING PEOPLE.

11 LET'S GO BACK TO ANOTHER TOPIC.

12 YOU SAID AFTER YOU COULDN'T FIND LEVIN ON THE
13 MORNING OF THE 7TH, YOU MADE SOME ENTRIES ON A COMPUTER?

14 A CORRECT.

15 Q WHOSE COMPUTER DID YOU USE FOR THAT?

16 A IT WAS RONNIE'S.

17 Q YOU IN FACT USED A COMPUTER THAT WAS IN LEVIN'S
18 APARTMENT?

19 A RIGHT.

20 Q AND HOW LONG DID YOU UTILIZE THE COMPUTER TO WRITE
21 DOWN WHAT YOU NEEDED TO WRITE DOWN?

22 A OH, I WOULD SAY IT WAS IN BETWEEN -- I WOULD JUST
23 GUESS ABOUT A HALF HOUR.

24 Q YOU WERE AT THE COMPUTER FOR A HALF HOUR MAKING
25 ENTRIES?

26 A WELL, WE WERE THINKING ABOUT THEM WHILE WE WERE
27 MAKING THEM.

28 Q AND YOU WERE DISCUSSING THEM WITH MR. BRODER?

1 A CORRECT.

2 Q WERE YOU THE ONLY ONE WHO ACTUALLY USED THE
3 COMPUTER?

4 A NO.

5 I THINK MICHAEL WAS THE ONE THAT USED IT AT THE
6 TIME. HE MIGHT HAVE DONE THE WRITING.

7 Q WERE YOU BOTH IN A STATE OF CONCERN ABOUT
8 MR. LEVIN AND HIS WHEREABOUTS AND WELL-BEING WHEN YOU DID
9 THAT?

10 A YES, THAT IS WHY WE DID IT.

11 Q WHEN DID YOU LEAVE FOR NEW YORK?

12 A ON THE 7TH IN THE LATE AFTERNOON-EVENING.

13 Q THE SAME DAY, HOWEVER?

14 A YES.

15 Q HOWEVER, IF YOU WERE REAL CONCERNED, IF THAT IS
16 A TRUE STATEMENT, OF THE WHEREABOUTS OF YOUR FRIEND YOU,
17 NONETHELESS, JUST WENT OFF TO NEW YORK?

18 A WELL, THERE IS A REASON WHY I WENT TO NEW YORK.

19 I REALLY WASN'T SURE WHAT HAD GONE WRONG AND I
20 HAD A FEELING THAT SOMETHING -- NOT -- NOT WHAT HAD GONE
21 WRONG -- WELL, BUT JUST SOMETHING HAD GONE WRONG AND SO I
22 LEFT.

23 Q WHY DID YOU FEEL AN INCUMBENCY UPON YOU GENTLEMEN,
24 YOU AND MR. BRODER, TO MAKE ENTRIES ON THE COMPUTER AT THAT
25 POINT?

26 A BECAUSE SOMETHING SEEMED WRONG AND WE WANTED TO
27 GET EVERYTHING DOWN AS SOON AS POSSIBLE.

28 Q WHERE IS THAT COMPUTER PRINTOUT?

1 A THAT, I DON'T KNOW.

2 Q DID YOU GIVE IT TO ANYONE?

3 A I THINK, AS I INDICATED IN MY PAST STATEMENT,
4 THAT I GAVE IT TO MICHAEL BRODER BUT I REALLY DON'T REMEMBER.

5 Q YOU ARE NOT SURE?

6 YOU NEVER GAVE IT TO THE POLICE?

7 A I DON'T THINK -- I THINK I MIGHT HAVE LEFT IT
8 AT THE APARTMENT.

9 Q I AM SORRY?

10 A I MIGHT HAVE LEFT IT AT THE APARTMENT.

11 Q DO YOU EVER RECALL GIVING IT TO BLANCHE AT THE
12 APARTMENT?

13 A NO, I DON'T THINK I DID.

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1 Q DID YOU EVER TELL ANYBODY?

2 A I THINK IT WAS --

3 Q I AM SORRY, SIR?

4 A I THINK IT WAS JUST BETWEEN ME, MICHAEL AND I.

5 Q DID YOU TELL ANYBODY ABOUT THAT?

6 A I DON'T RECALL.

7 Q DID YOU TELL THE POLICE ABOUT IT?

8 A I MIGHT HAVE. I MEAN IF I TALKED TO HIM IN
9 OCTOBER, I PROBABLY WOULD HAVE MENTIONED IT BUT I DON'T
10 REMEMBER.

11 Q YOU DON'T KNOW?

12 A NO, I DON'T REMEMBER. I THINK -- I THINK I MIGHT
13 HAVE MENTIONED IT TO THE POLICE.

14 I DON'T REMEMBER IF I JUST -- I AM NOT SURE.

15 Q YOU MIGHT HAVE MENTIONED IT TO THE POLICE?

16 A MIGHT HAVE.

17 Q WHEN DID YOU TALK TO THE POLICE?

18 A WELL, AFTER YOU SAID IT, THAT I TALKED TO THEM
19 AROUND IN OCTOBER, I WAS THINKING ABOUT IT UP HERE AND I DO
20 REMEMBER HAVING A CONVERSATION WITH THEM.

21 Q YOU NOW IN FACT REMEMBER SPEAKING WITH THAT
22 OFFICER LINEHAN, DON'T YOU?

23 A I AM NOT POSITIVE BUT I HAVE A FEELING THAT I
24 DID TALK TO SOMEONE AFTERWARDS.

25 Q AND THAT PERSON, HOW DID YOU GET CONTACTED TO
26 TALK TO THAT BEVERLY HILLS POLICE OFFICER?

27 A I DON'T -- THEY MIGHT HAVE CALLED ME AT SCHOOL.
28 I REALLY DON'T REMEMBER. I DON'T KNOW WHY, I JUST DON'T

1 REMEMBER.

2 Q WHERE WERE YOU IN OCTOBER OF 1984?

3 A I WAS AT SCHOOL.

4 Q YOU WERE AT AMERICAN UNIVERSITY?

5 A YES, IN WASHINGTON, D.C.

6 Q AND DO YOU RECALL GETTING A LONG DISTANCE CALL
7 FROM A POLICEMAN?

8 A NO, I DON'T.

9 Q DO YOU KNOW HOW YOU MIGHT HAVE -- WERE YOU AT
10 HOME IN L.A. AT ALL DURING OCTOBER OF '85?

11 A NO.

12 Q DO YOU RECALL ANY OTHER CONTACTS WITH POLICE PEOPLE
13 ABOUT THIS SUBJECT MATTER, ASIDE FROM THE POSSIBLE CONTACT
14 DURING OCTOBER OF '85 -- OH, '84.

15 EXCUSE ME. I MISSPOKE MYSELF, SIR. '84?

16 A NOT THAT I RECALL.

17 Q UP TO THIS DAY?

18 A YEAH.

19 I MEAN I WAS THINKING, IS THERE A WAY THAT I COULD
20 LOOK AT THEM, WHAT I TALKED TO THEM ABOUT? DO YOU HAVE
21 SOMETHING LIKE THAT?

22 Q I HAVE A POLICE REPORT THAT THE OFFICER PREPARED
23 THAT DAY THAT I WAS MAKING REFERENCE TO.

24 THE COURT: WELL, YOU CAN SHOW IT TO HIM AND ASK HIM
25 IF IT REFRESHES HIS RECOLLECTION. YOU HAVE A RIGHT TO DO
26 THAT.

27 MR. BARENS: WITH YOUR PERMISSION, YOUR HONOR?

28 THE COURT: YES, SURE.

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MR. BARENS: WE WILL CALL THIS DEFENDANT'S 1.

THE COURT: IT IS A.

MR. WAPNER: IT WILL BE A, YOUR HONOR.

MR. BARENS: CALL IT DEFENDANT'S A.

THE COURT: IT WILL BE DEFENDANT'S A.

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1 THE WITNESS: YEAH. I THINK -- THIS IS WHAT I THOUGHT.
2 I DON'T REMEMBER TALKING TO HIM, THOUGH. I DON'T KNOW WHY.

3 Q BY MR. BARENS: AND LOOKING AT THAT DOCUMENT,
4 DOES THAT REFRESH YOUR MEMORY ABOUT WHAT YOU TOLD THE OFFICERS
5 ABOUT WHETHER YOU THOUGHT THE CONVERSATION WAS UNUSUAL OR
6 NOT THAT YOU HAD WITH LEVIN THAT NIGHT?

7 A YES, IT DOES.

8 Q WHAT DID IT TELL YOU?

9 A IT SAYS THAT EVERYTHING APPEARED TO BE NORMAL.

10 MR. BARENS: THANK YOU, SIR. A MOMENT, YOUR HONOR?

11 (PAUSE.)

12 Q BY MR. BARENS: DID MR. LEVIN EVER DISCUSS GOING
13 TO MEDICAL SCHOOL WITH YOU?

14 A I THINK HE DID.

15 Q AND --

16 A I DON'T REMEMBER THE DETAILS.

17 Q DID HE EVER INDICATE TO YOU THAT HE WANTED TO
18 GO TO MEDICAL SCHOOL IN GRENADA?

19 A YES, SOMETHING LIKE THAT. HE DID.

20 Q DO YOU KNOW WHERE GRENADA IS?

21 A YEAH.

22 Q WHERE IS IT?

23 A WELL, IT IS LIKE, SOUTH AMERICA.

24 Q NOT THE UNITED STATES, ANYWAY?

25 A NO, NOT THE UNITED STATES.

26 Q AND DID HE TELL YOU WHY HE WANTED TO GO TO MEDICAL
27 SCHOOL THEN?

28 A I THINK IT WAS -- I THINK THE REASON WAS BECAUSE

1 IT WAS EASIER TO GET A DEGREE OR SOMETHING LIKE --

2 THE COURT: EASIER TO WHAT?

3 THE WITNESS: GET A MEDICAL DEGREE. IT TOOK LESS TIME.

4 Q BY MR. BARENS: AND DID HE MENTION THIS DESIRE
5 OF HIS TO GO TO SOUTH AMERICA TO MEDICAL SCHOOL MORE THAN
6 ONCE?

7 A I THINK SO, YEAH.

8 Q DID HE EVER MASQUERADE AS A DOCTOR?

9 A YES.

10 Q ON HOW MANY OCCASIONS DID HE MASQUERADE AS A
11 DOCTOR THAT YOU WERE AWARE OF?

12 A IT WAS ONE TIME I REMEMBER PARTICULARLY.

13 Q AND WHY DON'T YOU TELL ME ABOUT THAT?

14 A OKAY. WELL, WE WERE GOING TO UCLA MEDICAL CENTER --

15 Q YEAH?

16 A AND RONNIE SOMEHOW TALKED HIS WAY INTO GETTING
17 INTO THE CADAVER ROOM. THEN HE DISSECTED A BODY.

18 Q RON DISSECTED A BODY?

19 A YES. I DIDN'T REALLY WATCH.

20 Q HANDS ON, DIDN'T HE?

21 A YEAH. THERE WERE NO OTHER DOCTORS AROUND.

22 Q NOW, HE WAS DR. LEVIN ON THAT OCCASION?

23 A RIGHT.

24 Q NOW, DID HE EVER MASQUERADE AS ANYTHING ELSE?

25 A A LAWYER.

26 Q AS A LAWYER? ON HOW MANY OCCASIONS WAS HE A
27 LAWYER?

28 A MOST OF THE TIME, HE WAS A LAWYER.

1 Q MOST OF THE TIME?

2 MOST OFTEN A LAWYER RATHER THAN A DOCTOR?

3 A YES.

4 Q ALL RIGHT. MOST OF THE TIME.

5 DO YOU MEAN THAT IN A LITERAL SENSE, MOST OF
6 THE TIME HE WAS A LAWYER?

7 A HE SAID HE WAS A LAWYER.

8 HE HAD HIS YOU KNOW, LIKE A BEEPER ON HIS SIDE
9 FOR MEDICAL OR LAW PRACTICES.

10 Q ONE BEEPER FOR BOTH PRACTICES?

11 A NO, JUST ONE BEEPER.

12 HE WOULD CALL HIMSELF DR. LEVIN ON OCCASION OR
13 "I AM A LAWYER."

14 I THINK HE HAD CARDS THAT SAID HE WAS A LAWYER.

15 Q HE HAD CARDS THAT SAID HE WAS A LAWYER?

16 A I THINK.

17 Q DID HE HAVE ANY EQUIPMENT OR TRAPPINGS THAT WOULD
18 MAKE HIM LOOK LIKE A DOCTOR?

19 A YEAH. HE HAD A SKELETON IN HIS ROOM. THEN HE
20 HAD A STETHOSCOPE AROUND HIS NECK.

21 HE HAD A LIBRARY IN HIS OFFICE. AND IN THE OTHER
22 ROOM WHICH IS OFF THE BACK PORCH, IT WAS MOSTLY MEDICAL BOOKS.

23 Q HE HAD HIS LAW LIBRARY IN ONE PLACE AND HIS MEDICAL
24 LIBRARY IN ANOTHER PLACE?

25 A YEAH.

26 Q HE HAD PROPS FOR EACH, DIDN'T HE?

27 MR. WAPNER: OBJECTION, CALLING FOR A CONCLUSION.

28 THE COURT: HOW LONG MUST WE GO ON WITH THIS, NOW?

1 I THOUGHT WE EXHAUSTED EVERY FACET OF THIS.

2 MR. BARENS: WELL, WE DIDN'T KNOW ABOUT THIS, DID WE?

3 THE COURT: NO.

4 MR. BARENS: WELL, WE HAVE TO --

5 THE COURT: BUT WE ARE NOT TRYING HIM, ARE WE?

6 MR. BARENS: WELL, LET'S SEE WHAT THE EVIDENCE SHOWS.

7 THE COURT: LET'S GO AHEAD. I AM GIVING YOU --

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1 MR. WAPNER: YOUR HONOR, THE OBJECTION IS THAT THE
2 WORD "PROPS" IS A CONCLUSION.

3 YOU CAN ASK HIM WHAT WAS THERE. BUT, "PROPS"
4 OR NOT IS A CONCLUSION.

5 MR. BARENS: I AM TRYING TO SAVE TIME.

6 THE COURT: WHY DON'T YOU ASK HIM --

7 Q BY MR. BARENS: DID YOU SEE THINGS THAT MADE
8 IT LOOK LIKE HE WAS A DOCTOR?

9 A YES.

10 Q ALL RIGHT. DEFINITE THINGS THAT YOU WOULD
11 TYPICALLY ASSOCIATE WITH THINGS THAT DOCTORS WOULD HAVE?

12 A WELL, I WAS THINKING THAT THE SKELETON WAS KIND
13 OF A FUNNY THING. HE HAD A CIGAR IN HIS MOUTH AND A HAT
14 ON HIS HEAD. IT WAS A JOKE, BASICALLY.

15 Q DID HE HAVE A STETHOSCOPE?

16 A YES. IT WAS AROUND THE NECK OF THE SKELETON.

17 Q DID HE HAVE A BLACK BAG?

18 A I DON'T REMEMBER IF HE HAD A BLACK DOCTOR BAG.
19 I DON'T REMEMBER.

20 Q YOU DON'T REMEMBER?

21 A NO.

22 Q ALL RIGHT. AND HE HAD A HOUSE FULL OF LAW BOOKS.
23 DID HE HAVE A BLACK DOCTOR BAG? HE HAD A REGULAR DOCTOR BAG?

24 A YES. IT WAS NEXT TO THE SKELETON AND THE BOOK-
25 SHELF IN THE LAW LIBRARY.

26 Q OKAY. NOW, HE HAD SOME OF HIS DOCTOR'S STUFF
27 IN THE LAW PLACE?

28 A RIGHT.

1 Q OKAY. HE HAD A FULL LAW LIBRARY, DIDN'T HE?

2 A WELL, I AM NOT SURE WHAT THE BOOKS WERE. BUT
3 I ASSUMED THAT THAT IS WHAT THEY WERE.

4 Q WELL, DID YOU SEE BOOKS THAT YOU --

5 A I MEAN, LIKE LAW BOOKS.

6 Q LAW BOOKS?

7 A YEAH.

8 Q OKAY. AND WOULD HE WALK AROUND WITH A LEGAL
9 PAD? DO YOU KNOW WHAT A LEGAL PAD LOOKS LIKE, DON'T YOU?

10 A YEAH.

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1 Q DID HE HAVE A LOT OF THOSE LEGAL PADS?

2 A YES.

3 Q AND DID YOU ACTUALLY SEE CARDS THAT SAID, YOU
4 KNOW, "RON LEVIN," OR WHATEVER IT SAID, ATTORNEY AT LAW OR
5 LAWYER?

6 MR. WAPNER: OBJECTION. CALLS FOR HEARSAY, YOUR HONOR.

7 THE COURT: OVERRULED.

8 IF HE SAW IT, HE MAY ANSWER.

9 THE WITNESS: I DON'T REMEMBER. I THOUGHT THAT --
10 IF HE USED HIS NAME WHEN HE WAS A LAWYER, I THINK HE USED
11 SOMEONE ELSE'S NAME.

12 Q BY MR. BARENS: HE USED A PSEUDONYM WHEN HE SAID
13 HE WAS A LAWYER?

14 A YES --

15 WHAT DO YOU MEAN A PSEUDONYM?

16 Q HE USED A FALSE NAME?

17 A YES, RIGHT.

18 Q WHEN HE WAS A LAWYER, HE WAS SOMEBODY ELSE
19 ALTOGETHER?

20 A RIGHT.

21 Q WHO WAS HE?

22 A THAT R. MICHAEL WETHERBEE.

23 Q YOU KNEW RON LEVIN AS R. MICHAEL WETHERBEE?

24 A NO, I DIDN'T KNOW HIM AS THAT.

25 Q YOU KNEW HIM AS RON LEVIN?

26 A YES.

27 Q PEOPLE THAT WOULD MEET HIM, SAW HIM AS A LAWYER,
28 WOULD MEET HIM AS THIS OTHER PERSON, R. MICHAEL WETHERBEE?

1 A I DON'T KNOW WHEN H E WOULD MEET WITH OTHER
2 PEOPLE HOW THEY WOULD ADDRESS HIM BECAUSE I WASN'T THERE.

3 Q OKAY. BUT YOU DID SEE THAT IN ASSOCIATION WITH
4 HIS MASQUERADE AS A LAWYER, HE HAD THIS OTHER NAME?

5 A RIGHT.

6 Q DID HE HAVE ANY IDENTIFICATION IN THIS OTHER
7 NAME?

8 A HE HAD A STAMP NAME SO HE COULD SIGN IT WITH
9 A STAMP "R. MICHAEL WETHERBEE."

10 Q DID HE HAVE A SIGNATURE STAMP IN THIS OTHER NAME?

11 A YES, THAT IS WHAT IT WAS.

12 Q DID YOU EVER SEE HIM PRODUCE DOCUMENTS AS LAWYER
13 WETHERBEE AND HE WOULD STAMP THAT NAME ON THERE?

14 A I DON'T KNOW IF I EVER SAW HIM DO IT, BUT I KNOW
15 THAT IS WHAT IT WAS USED FOR.

16 Q DID HE EVER DISCUSS THAT WITH YOU?

17 A YES -- WELL, I THINK I WAS THERE WHEN HE GOT
18 THE STAMP PAD. HE WAS HAVING MICHAEL SIGN SOMETHING SO HE
19 COULD BRING IT TO HAVE IT MADE.

20 Q I AM SORRY. I DIDN'T QUITE HEAR THAT.

21 A I WAS THERE WHEN HE ASKED MICHAEL WETHERBEE
22 TO SIGN A PAPER HE COULD USE TO MAKE THE SIGNATURES FOR THE
23 DOCUMENTS, SIGNED DOCUMENTS.

24 Q ACTUALLY, THERE REALLY WAS A WETHERBEE, THAT
25 WAS A FRIEND OF LEVIN'S?

26 A RIGHT. THAT IS WHERE HE GOT THE SIGNATURE FROM.

27 Q AND THEN HE THEN BORROWED THIS FELLOW'S NAME
28 AND IDENTIFICATION?

1 A YES.

2 I THINK HE PAID HIM FOR IT.

3 Q SO HE COULD BE THIS OTHER GUY?

4 A RIGHT.

5 Q AND WERE YOU PRESENT WHEN HE DISCUSSED THAT?

6 A I WAS PRESENT -- I REMEMBER HAVING GETTING THE
7 SIGNATURE STAMP.

8 Q NOW, YOU SAY THAT HE PAID HIM FOR THE USE OF
9 THE SIGNATURE?

10 A I THINK HE DID, I ASSUME.

11 Q WHAT MAKES YOU SAY THAT?

12 A NOTHING.

13 BUT I JUST THINK HE DID.

14 I THINK THE GUY WETHERBEE WAS SORT OF INDIGENT
15 AND A BAD LAWYER AND THE WAY HE COULD MAKE MONEY WAS SELLING
16 HIS NAME TO RONNIE, I THINK.

17 Q DID RONNIE DISCUSS THAT ARRANGEMENT WITH YOU?

18 A NO.

19 I THINK MICHAEL BRODER DISCUSSED IT WITH HIM
20 AND MICHAEL TOLD ME.

21 Q DID YOU KNOW WHETHER OR NOT THE REAL WETHERBEE
22 WAS AN ALCOHOLIC?

23 A YEAH, I KNEW HE WAS AN ALCOHOLIC.

24 Q HE WAS IN PRETTY BAD SHAPE, WASN'T HE?

25 A WELL, I THINK WHEN I FIRST MET HIM HE WASN'T
26 IN REAL BAD SHAPE. THEN HE GOT WORSE.

27 Q HE APPEARED TO BE DETERIORATED?

28 A YES.

1 Q AND THEN IT ENDED UP WITH MR. LEVIN NOW USING
2 HIS IDENTIFICATION?

3 A RIGHT.

4 Q AND WHAT ADDRESS DID LEVIN UTILIZE FOR THE
5 WETHERBEE OFFICE?

6 A IT WAS SOMETHING LIKE 9700 WILSHIRE OR -- I DON'T
7 REMEMBER THE ADDRESS BUT IT WAS AT THE FIRST INTERSTATE BANK
8 ACROSS THE STREET.

9 Q WERE YOU EVER WITH LEVIN WHEN HE WOULD INTRODUCE
10 HIMSELF TO PEOPLE AS A LAWYER?

11 A YES.

12 Q HE DID THAT A LOT?

13 A YES.

14 Q DID HE EVER MASQUERADE AS A MEMBER OF THE
15 ROTHSCHILD FAMILY?

16 A YES.

17 Q AND HOW MANY OCCASIONS WOULD HE DO THAT?

18 A WELL, I WOULD SAY FOR MAYBE A FEW YEARS STRAIGHT,
19 HE WAS RONNIE ROTHSCHILD.

20 Q THAT WAS ANOTHER PERSON HE WAS, TOO, WASN'T IT?

21 A RIGHT.

22 Q WHEN HE WOULD MEET PEOPLE, THAT IS HOW HE WOULD
23 INTRODUCE HIMSELF "I AM RON ROTHSCHILD"?

24 A RIGHT.

25 Q AND WERE YOU FAMILIAR, AT LEAST IN A GENERAL
26 SENSE, AS TO WHO THE ROTHSCHILD FAMILY IS?

27 A AT THAT TIME, NO. I JUST -- I THINK THEY WERE
28 A WEALTHY FAMILY FROM FRANCE OR SOMETHING. THAT WAS WHAT

1 I THOUGHT.

2 Q AND DID HE EVER TELL YOU WHO THE ROTHSCHILDS
3 WERE?

4 A NO.

5 Q WELL, YOU KNEW HE WASN'T REALLY RONNIE ROTHSCHILD?

6 A ACTUALLY, I WASN'T SURE.

7 Q YOU WERE FOOLED, TOO, IN THE BEGINNING, WEREN'T
8 YOU?

9 A WELL, I WAS -- I WAS VERY YOUNG AND WHEN SOMEONE
10 ELSE TELLS ME SOMETHING, I BELIEVE IT.

11 THE COURT: I THINK WE WILL TAKE THE RECESS AT THIS
12 TIME.

13 MR. BARENS: THANK YOU, YOUR HONOR.

14 THE COURT: LADIES AND GENTLEMEN, WE WILL TAKE THE
15 RECESS NOW UNTIL 1:30 THIS AFTERNOON. 1:30 THIS AFTERNOON.

16 THE SAME ADMONITION I GAVE YOU ABOUT TALKING
17 AMONG YOURSELVES OR THIRD PARTIES WILL STILL APPLY.

18 (AT 12:00 NOON A RECESS WAS TAKEN UNTIL
19 1:30 P.M. OF THE SAME DAY.)

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1 SANTA MONICA, CALIFORNIA; TUESDAY, FEBRUARY 3, 1987; 1:32 P.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 IN OPEN COURT IN THE PRESENCE AND
7 HEARING OF THE JURY:)

8 THE COURT: ALL RIGHT. YOU MAY RESUME.

9 MR. BARENS: THANK YOU, YOUR HONOR.
10

11 DEAN FACTOR,
12 THE WITNESS ON THE STAND AT THE TIME OF THE RECESS, RESUMED
13 THE STAND AND TESTIFIED FURTHER AS FOLLOWS:
14

15 CROSS-EXAMINATION (RESUMED)

16 BY MR. BARENS:

17 Q MR. FACTOR, HAD MR. LEVIN EVER DISCUSSED WITH
18 YOU A BURGLARY HE WAS INVOLVED IN?

19 A YES.

20 Q AND WHAT CAN YOU TELL ME ABOUT THAT, SIR?

21 MR. WAPNER: OBJECTION, RELEVANCE.

22 THE COURT: WILL YOU MAKE AN OFFER OF PROOF HERE, PLEASE?

23 MR. BARENS: YES.
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1 (THE FOLLOWING PROCEEDINGS WERE HELD AT
2 THE BENCH OUTSIDE THE HEARING OF THE
3 JURY:)

4 MR. BARENS: YOUR HONOR, WE ARE GOING TO TAKE THIS
5 WITNESS AND OTHER WITNESSES THROUGH, SHOWING MR. LEVIN WAS
6 IN FEAR FOR HIS LIFE, THAT THERE WERE A VARIETY OF PEOPLE
7 THAT HE BELIEVED WERE AFTER HIM AND SEEKING TO HARM HIM.

8 THE COURT: WHAT HAS THE BURGLARY GOT TO DO WITH IT?

9 MR. BARENS: THIS WILL SHOW THAT IT WENT BEYOND THE
10 BURGLARY.

11 MR. WAPNER: WELL, MAKE THE OFFER OF PROOF.

12 THE COURT: MAKE THE OFFER. WHAT ARE YOU GOING TO
13 SHOW?

14 MR. BARENS: THE OFFER OF PROOF WILL BE THAT THE PERSON
15 WHO ALLEGEDLY BURGLARIZED HIM PROBABLY WAS SOMEBODY WHO KNEW
16 HIM, WHO CAME IN THERE AND NOT ONLY ALLEGEDLY BURGLARIZED
17 HIM BUT DID SOME PHYSICAL HARM TO HIM AS WELL, CUT HIM, AND
18 DID SOME PHYSICAL HARM TO HIM.

19 I DO PROPOSE TO ALSO ASK THIS WITNESS ABOUT SOME
20 OTHER PEOPLE THAT MR. LEVIN HAD RECENT ALTERCATIONS WITH OF
21 A PHYSICAL NATURE INVOLVING A GUN AND SOME OTHER CONDUCT OF
22 SIMILAR NATURE.

23 THE COURT: YOU MEAN HE WAS RUNNING AWAY FROM THESE
24 PEOPLE, IS THAT WHAT YOU ARE TRYING TO SHOW?

25 MR. BARENS: YES, I AM, YOUR HONOR.

26 THE COURT: YES?

27 MR. WAPNER: I AM JUST THINKING.

28 AS FAR AS THIS BURGLARY, I HAVE NO OBJECTION.

1 THE OTHER THINGS, AS LONG AS WE ARE HERE, THAT
2 OFFER OF PROOF WAS A LITTLE VAGUE. HE SAID "ALTERCATIONS
3 OF A PHYSICAL NATURE" AND SOMETHING ABOUT A GUN. CAN YOU
4 MAKE AN OFFER OF PROOF, PLEASE?

5 MR. BARENS: I MAKE AN OFFER OF PROOF THAT THIS WITNESS --
6 AGAIN, I HAVE NOT INTERVIEWED THIS WITNESS -- I AM GOING TO
7 ASK IF HE WAS TOLD A STORY, WHICH I BELIEVE HE WAS, ABOUT
8 A MAN WHO ACCOSTED MR. LEVIN WITH A GUN AND THREATENED TO
9 KILL HIM AND THAT LEVIN RELATES THAT HE NOT ONLY TALKED THE
10 GUY OUT OF IT BUT TALKING HIM OUT OF IT, TOOK THE GUN AWAY
11 FROM HIM AND TURNED THIS --

12 THE COURT: AND THIS WITNESS KNOWS ABOUT IT?

13 MR. BARENS: I BELIEVE SO.

14 I DON'T KNOW UNLESS I ASK HIM, YOUR HONOR.

15 THE COURT: WELL, DO YOU HAVE ANY REASON TO BELIEVE
16 HE DOES KNOW ABOUT IT?

17 MR. BARENS: I DO HAVE REASON TO BELIEVE THAT, YOUR
18 HONOR.

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1 MR. BARENS: WELL, LET'S SEE IF HE DOES.

2 THE COURT: THEN I WILL HOLD YOU TO IT.

3 MR. BARENS: BY THE WAY YOUR HONOR, I BELIEVE THIS
4 VERY TESTIMONY WAS ASKED -- THE TESTIMONY I AM INTO NOW WAS
5 SUBMITTED DURING THE PITTMAN TRIAL WITHOUT OBJECTION.

6 THE COURT: I DON'T REMEMBER THAT.

7 MR. BARENS: I BELIEVE THE RECORD WILL REFLECT THAT.
8 DO YOU HAVE ANY RECOLLECTION, MR. WAPNER?

9 THE COURT: ASKED OF THIS WITNESS?

10 MR. BARENS: I BELIEVE SO, YOUR HONOR.

11 MR. WAPNER: WELL, I DON'T RECALL ONE WAY OR ANOTHER.
12 BUT THE FACT OF --

13 MR. BARENS: I WANT TO ASSURE YOUR HONOR THAT I AM
14 NOT MAKING IT UP. IT IS FROM THIS TRANSCRIPT.

15 MR. WAPNER: YOUR HONOR, THE QUESTION OF WHETHER AN
16 OBJECTION WAS MADE AT SOME EARLIER HEARING IS NOT RELEVANT
17 TO THIS HEARING.

18 THE COURT: WELL, IF YOU MAKE YOUR OBJECTION, THEN
19 AT THAT TIME I WILL CONSIDER IT.

20 MR. BARENS: THANK YOU.

21 (THE FOLLOWING PROCEEDINGS WERE HELD IN
22 OPEN COURT:)

23 Q BY MR. BARENS: MR. FACTOR, DID MR. LEVIN TELL
24 YOU ABOUT THE BURGLARY HE WAS INVOLVED IN?

25 A YES.

26 Q WHAT DID HE TELL YOU ABOUT THAT BURGLARY?

27 A THAT HE HAD BEEN BURGLARIZED. HE TOLD ME THAT
28 SOMEBODY -- A GIRL CAME TO HIS DOOR, RANG THE DOORBELL AND

1 HE LET HER IN BECAUSE SHE HAD TO USE THE PHONE.

2 THEN SOMEONE JUMPED OUT BEHIND HER.

3 Q SORRY?

4 A THEN SOMEONE JUMPED OUT BEHIND HER.

5 Q WHAT OCCURRED? WERE THINGS TAKEN FROM MR. LEVIN
6 ON THAT OCCASION?

7 A YES, SOMETHING. I DON'T REMEMBER WHAT. I MEAN --
8 I DON'T REMEMBER WHAT WAS TAKEN.

9 Q DID HE TELL YOU THINGS WERE TAKEN?

10 A YES.

11 Q DID HE ALSO TELL YOU THAT HE HAD BEEN PHYSICALLY
12 ACCOSTED ON THAT OCCASION?

13 A YES.

14 Q AND WHAT DID HE TELL YOU ABOUT WHAT HAD BEEN
15 DONE TO HIM PHYSICALLY?

16 A HE SAID HE WAS CUT.

17 Q WITH A KNIFE?

18 A YES.

19 Q AND WAS THAT SUPPOSEDLY PART OF THE BURGLARY
20 OR DID THE CUTTING WITH THE KNIFE HAVE TO DO WITH SOMETHING
21 ELSE?

22 A IT WAS PART OF THE BURGLARY.

23 Q DID HE TELL YOU THAT HE KNEW THESE PEOPLE?

24 A NO.

25 Q DID HE EVER TELL YOU THAT HE DIDN'T KNOW THESE
26 PEOPLE?

27 A YES.

28 Q NOW, DID HE TELL YOU WHEN THAT OCCURRED?

1 A YEAH.

2 Q WHEN WAS THAT?

3 A I DON'T REMEMBER. IT WAS ABOUT -- I THINK IN
4 THE SUMMER OF '83.

5 Q SUMMER OF '83?

6 A THAT WOULD BE MY BEST GUESS. I AM NOT SURE.

7 Q AFTER THAT, DID HE DO ANYTHING THAT HE TOLD YOU
8 WAS IN RESPONSE TO THAT BURGLARY?

9 A YES. HE PUT IN THE BURGLAR ALARM.

10 Q PUT IN THE BURGLAR SYSTEM? WAS THAT THE ONLY
11 THING YOU WERE AWARE OF?

12 A I THINK HE HAD A SAFE PUT IN.

13 Q DID HE EVER TELL YOU THAT HE WAS AFRAID THAT
14 PEOPLE WERE LOOKING FOR HIM?

15 A NO.

16 Q NEVER?

17 A NO.

18 Q DID HE SEEM TO HAVE SOME PARANOIA ABOUT HIS
19 PHYSICAL SECURITY?

20 A NO.

21 Q HE DIDN'T? WHEN YOU WERE OVER THERE VISITING
22 WITH HIM, WOULD HE PUT THE SECURITY SYSTEM ON WHILE YOU WERE
23 THERE?

24 A NO. I DON'T THINK SO. I COULDN'T BE SURE.
25 BUT I DON'T THINK SO.

26 Q ALL RIGHT. DID YOU EVER SEE HIM PUT THE SECURITY
27 SYSTEM ON WHILE HE WAS INSIDE THE HOUSE?

28 A YEAH. I THINK SO.

1 Q USUALLY AT NIGHT HE DID THAT, DIDN'T HE?

2 A WELL, I DON'T KNOW BECAUSE I WAS NOT THERE AT
3 NIGHT. I WOULD LEAVE.

4 I DON'T KNOW. I COULDN'T ANSWER THAT.

5 YES, I WAS IN THE HOUSE AT NIGHT --

6 Q YOU WERE NOT THERE IN THE EVENING?

7 A I WAS THERE IN THE EVENING.

8 Q SORRY. DID HE EVER TELL YOU A STORY ABOUT SOMEONE
9 ACCOSTING HIM WITH A GUN?

10 A YES, ONCE.

11 Q COULD YOU TELL US WHAT HE TOLD YOU ABOUT THAT
12 STORY?

13 A HE TOLD ME THAT A MAN PUT A GUN TO HIS FACE AND
14 THAT HE TALKED HIS WAY OUT OF IT.

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1 Q AND DID HE TELL YOU WHY THE MAN PUT THE GUN TO
2 HIS FACE?

3 A HE INDICATED THAT HE OWED HIM MONEY.

4 Q HE OWED THIS MAN MONEY?

5 (WITNESS NODS HIS HEAD UP AND DOWN.)

6 Q DID HE TELL YOU THIS MAN CAME TO HIM AND TOLD
7 HIM HE WAS GOING TO KILL HIM?

8 A YES.

9 Q AND DID HE TELL YOU THAT HE HAD KIND OF CONNED
10 THIS GUY OUT OF THE MONEY?

11 A YES.

12 Q AND HE TOLD YOU THAT HE NOT ONLY TALKED THE GUY
13 OUT OF KILLING HIM, DIDN'T HE ALSO TELL YOU THAT HE TOOK THE
14 GUN AWAY FROM THE GUY?

15 A NO.

16 Q HE NEVER TOLD YOU THAT?

17 A NO.

18 Q BUT HE DID TELL YOU THAT HE SOMEHOW SUCCEEDED
19 IN CONNING HIM, ONCE AGAIN, AND NOT EVEN KILLING HIM?

20 A TALKED HIMSELF OUT OF GETTING KILLED.

21 Q HE WAS REALLY PROUD OF THAT INCIDENT, WASN'T HE?

22 A YES.

23 Q DID HE ALSO TELL YOU THAT HE HAD THE ABILITY TO
24 GET PEOPLE TAKEN CARE OF OR BEATEN UP?

25 MR. WAPNER: OBJECTION. RELEVANCE.

26 THE WITNESS: NO -- WELL, NO.

27 THE COURT: WE ARE GOING ON NOW ENDLESSLY ABOUT THIS
28 MAN. WE HAVE ALREADY FINISHED ALL ABOUT HIM, HAVEN'T WE?

-2
1 MR. BARENS: YOUR HONOR, AS --

2 THE COURT: THE OFFER OF PROOF DOESN'T REMOTELY EVEN
3 SUGGEST WHAT YOU TOLD US AT THE BENCH.

4 MR. BARENS: I WOULD DIFFER, YOUR HONOR, FOR THE RECORD.

5 THE COURT: WELL, THEN YOU DIFFER.

6 MR. BARENS: MAY I ASK THAT QUESTION, YOUR HONOR?

7 THE COURT: ALL RIGHT.

8 MR. BARENS: THANK YOU, YOUR HONOR.

9 Q DID HE EVER TELL YOU HE HAD THE ABILITY TO HAVE
10 PEOPLE BEATEN UP OR TAKEN CARE OF?

11 A NO.

12 Q HE NEVER MADE ANY REFERENCE TO THAT TYPE OF THING?

13 THE COURT: WHEN HE ANSWERS THAT AND SAYS NO, THEN YOU
14 ASK HIM THE SAME QUESTION. WHY DO YOU DO THAT ALL OF THE
15 TIME? WE HEARD HIM ONCE. HE SAID NO. THEN YOU GO ON AND
16 ASK, HE NEVER TOLD YOU ANYTHING OF THAT KIND.

17 LET'S GO ON, WILL YOU, PLEASE?

18 MR. BARENS: ALL RIGHT, YOUR HONOR.

19 NOTHING FURTHER AT THIS TIME, YOUR HONOR.

20 THE COURT: ALL RIGHT.

A
21 MR. WAPNER: MR. FACTOR, I HAVE HERE --

22 OH, YOUR HONOR, I HAVE TWO PHOTOGRAPHS I WOULD
23 LIKE TO HAVE MARKED AS PEOPLE'S, I THINK IT IS NOW GOING TO
24 BE 118 AND IT PURPORTS TO BE A PHOTOGRAPH OF THE INSIDE OF
25 MR. LEVIN'S OFFICE.

26 AND ONE THAT I WOULD LIKE MARKED AS 119. THAT
27 PURPORTS TO BE THE INSIDE OF HIS DEN.

28 THE COURT: IT WILL BE SO MARKED FOR IDENTIFICATION.

1 (UNREPORTED COLLOQUY BETWEEN ALL COUNSEL.)

2
3 REDIRECT EXAMINATION

4 BY MR. WAPNER:

5 Q WHILE THEY ARE LOOKING AT THOSE PICTURES,
6 MR. FACTOR, DID MR. LEVIN HAVE A LOT OF CLOTHES?

7 A YES.

8 Q DID THOSE CLOTHES APPEAR TO YOU TO BE IMPORTANT
9 TO HIM?

10 A YES.

11 Q WERE YOU EVER THERE WHEN HE WAS ON THE TELEPHONE?

12 A YES.

13 Q DID HE TALK ON THE PHONE A LOT?

14 A YES.

15 Q WOULD YOU SAY EXCESSIVELY?

16 A YES.

17 Q WAS PICKING UP HIS MESSAGES FROM THE ANSWERING
18 SERVICE IMPORTANT TO HIM?

19 A YES.

20 Q DID YOU EVER HAVE AN EXPERIENCE OF GOING SOMEWHERE
21 WITH HIM WHERE HE WOULD BE AT A RESTAURANT OR A MOVIE OR
22 SOMETHING AND HE WOULD CALL IN FOR HIS MESSAGES?

23 A YES.

24 Q ONCE OR MORE THAN ONCE?

25 A ALL OF THE TIME.

26 Q THAT WAS A FAIRLY COMMON OCCURRENCE?

27 A YES.

28 Q THE LIST THAT YOU MADE ON THE COMPUTER, DID THAT

1 GO INTO THE COMPUTER'S MEMORY OR DID YOU JUST PRINT IT OUT?

2 A I AM NOT SURE.

3 I DIDN'T DO IT. MICHAEL DID IT. I DID NOT DO
4 IT.

5 Q SO MICHAEL BRODER WAS OPERATING THE COMPUTER AND
6 YOU WERE SITTING OR STANDING NEXT TO HIM?

7 A RIGHT.

8 Q AND TALKING ABOUT WHAT WAS GOING TO GO ON THAT
9 LIST?

10 A YES.

11 Q ARE THE THINGS ON THAT LIST THE THINGS YOU HAVE
12 TOLD US ABOUT IN TERMS OF THE BED AND THE COMFORTER AND THE
13 REMOTE CONTROL AND THOSE THINGS?

14 A YES.

15 Q WHAT TIME WAS IT DURING THE DAY ON JUNE 6TH THAT
16 YOU SPOKE WITH MR. LEVIN ABOUT HIS CASE?

17 A I WOULD SAY AROUND 2 O'CLOCK.

18 Q HAD YOU BEEN WITH HIM IN COURT THAT DAY?

19 A NO.

20 I DON'T -- I DON'T KNOW. IT MIGHT HAVE BEEN LATER.
21 I DON'T KNOW.

22 Q IT MIGHT HAVE BEEN LATER THAT YOU SPOKE TO HIM?

23 A YEAH.

24 IT WAS AFTER HE GOT OUT OF COURT SO WHATEVER TIME,
25 WHEN HE GOT HOME, I CAME OVER.

26 Q YOU SEE THIS LADY BACK HERE IN THE PINK JACKET?

27 A YES.

28 SHE HAS TO HEAR ME.

1 Q TALK TO HER.

2 A RIGHT.

3 Q YOU SAID THAT THERE WAS SOME PUBLICITY ABOUT HIS
4 CASE, WAS THAT AN ARTICLE IN THE NEWSPAPER?

5 A YES.

6 Q AND WAS THAT WHEN HE WAS FIRST ARRESTED?

7 A I AM NOT SURE.

8 IT WAS -- I JUST REMEMBER THE ARTICLE WAS ABOUT
9 VIDEO EQUIPMENT AND THINGS LIKE THAT.

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1 IT WAS THE FIRST ARTICLE THAT CAME OUT.

2 Q DID HE TELL YOU WHEN HE WAS IN JAIL, HE HAD A
3 LAUNDRY SERVICE GOING?

4 A WELL, HE SAID HE WAS MAKING MONEY OUT OF THE
5 LAUNDRY SOMEHOW.

6 Q AND DID HE SEEM PROUD OF THAT FACT?

7 A YES.

8 Q BASED ON WHAT YOU KNEW ABOUT HIM, DID IT SEEM
9 REASONABLE THAT HE COULD PROBABLY GET INTO JAIL AND MAKE
10 MONEY?

11 A YES.

12 MR. BARENS: OBJECTION, CALLING FOR A CONCLUSION FROM
13 THIS WITNESS.

14 THE COURT: HE ANSWERED -- THE ANSWER WAS ALREADY
15 GIVEN. I WILL LET IT STAND.

16 Q BY MR. WAPNER: DID HE TELL YOU WHEN HE WAS IN
17 JAIL, HE HAD A HOMOSEXUAL EXPERIENCE WITH SOMEONE THAT HE
18 FELT WAS LIKE A TRADE-OFF FOR DOING THAT? A TRADE-OFF FOR
19 THAT PERSON PROTECTING HIM?

20 A YES.

21 Q THAT HE FOUND SOMEONE HE FELT WAS CAPABLE OF
22 PROTECTING HIM?

23 A YES. ACTUALLY, I THINK THE GUY WAS GOING TO
24 BEAT HIM UP IF HE DIDN'T DO IT. THAT IS WHAT IT WAS.

25 Q HE TALKED HIM OUT OF IT?

26 A WHAT?

27 Q HE TALKED HIM OUT OF IT?

28 A NO. IF RONNIE DIDN'T DO WHATEVER, THE GUY WAS

1 GOING TO BEAT RONNIE UP. THAT IS WHAT IT WAS.

2 Q ALL RIGHT. AND THE TIME THAT YOU KNEW RON LEVIN,
3 DID YOU EVER SEE HIM WORK OUT?

4 A WELL, NO.

5 Q WAS HE ATHLETIC IN ANY SENSE OF THE WORD?

6 A NOT REALLY.

7 MR. WAPNER: YOUR HONOR, I HAVE HERE AN ITEM THAT IS
8 AN ENVELOPE THAT HAS AN ACCOUNT CHARGE NOTICE ON TOP FROM
9 WELLS FARGO BANK.

10 IT THEN HAS TWO CHECKS ON A SWISS CREDIT BANK,
11 ONE IN THE AMOUNT OF \$500,000 AND ONE IN THE AMOUNT OF
12 \$980,877.83.

13 THEN ATTACHED TO THE BACK OF THAT IS AN ENVELOPE.
14 MAY THESE ITEMS BE MARKED COLLECTIVELY AS PEOPLE'S 4 FOR
15 IDENTIFICATION?

16 THE COURT: SO MARKED.

17 Q BY MR. WAPNER: MR. FACTOR, I WANT TO SHOW YOU
18 THE TWO CHECKS THAT ARE A PART OF PEOPLE'S 4 FOR IDENTIFICATION
19 AND ASK YOU IF YOU RECOGNIZE THOSE. JUST THE CHECKS.

20 A NO.

21 Q HAVE YOU EVER SEEN THESE IN MR. LEVIN'S POSSESSION?

22 A I REMEMBER BEFORE I TOLD YOU, FROM HIS BANK,
23 I SAW SOMETHING. BUT I DON'T REMEMBER IF THIS IS WHAT IT
24 WAS OR NOT.

25 Q DID YOU EVER SEE HIM FLASHING ANY CHECKS WITH
26 LARGE AMOUNTS OF MONEY?

27 A WELL, BANK STATEMENTS.

28 Q BANK BOOKS?

1 A YES, BANK BOOKS.

2 Q LIKE PASSBOOKS?

3 A PASSBOOKS.

4 Q IT WOULD BE IN HIS HOUSE?

5 A YES, IN HIS LITTLE OFFICE.

6 Q WHEN DID HE DO THAT?

7 A LIKE IT WAS ABOUT 1980, '79.

8 Q WHAT WERE THE AMOUNTS OF MONEY IN THOSE PASSBOOKS
9 HE WAS FLASHING?

10 A I DON'T KNOW. I DON'T RECALL. I THINK HE
11 PRINTED THEM UP.

12 I MEAN, HE TYPED THEM IN WITH A TYPEWRITER. THAT
13 IS WHAT IT LOOKED LIKE, TO SHOW PEOPLE THAT HE HAD A LOT OF
14 MONEY.

15 THEN HE COULD CON THEM INTO GIVING HIM MORE OR
16 WHATEVER.

17 Q DID YOU SEE ANYTHING IN THOSE LIKE A MILLION
18 DOLLARS OR SOMETHING LIKE THAT?

19 A YES. I MEAN, LARGE AMOUNTS.

20 Q WERE A LOT OF THEM PASSBOOKS THAT HAD ONE ENTRY
21 AND NOTHING ELSE?

22 A YES, THEY WERE.

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1 Q THESE SILVER BARS, WHEN DID YOU SEE THOSE?
2 LET ME TAKE THAT BACK.

3 HOW MANY DID YOU EVER SEE OF THESE THINGS?

4 A I RECALL SEEING ONE SILVER AND THEN I REMEMBER
5 A PLATINUM BAR ALSO.

6 Q WHERE WAS THAT?

7 A HE HAD IT IN HIS POCKET. HE WAS JUST WALKING
8 AROUND WITH IT THAT DAY TO SHOW US OR SOMETHING.

9 Q IN YOUR HOUSE --

10 A YES.

11 Q OR IN HIS HOUSE?

12 A IN MY HOUSE.

13 Q HOW OLD WERE YOU AT THAT TIME?

14 A I WAS YOUNG. I WAS, I GUESS, MAYBE, YOU KNOW,
15 13, 12.

16 Q SO THAT IS SIX OR SEVEN YEARS BEFORE THE TIME
17 WHEN THE INCIDENTS RELEVANT TO THIS CASE TOOK PLACE?

18 A CORRECT.

19 Q THAT WAS THE ONLY OCCASION THAT YOU SAW THOSE?

20 A YES.

21 Q DO YOU KNOW IF THEY WERE REAL?

22 A NO.

23 Q IN THE STATEMENT THAT YOU MADE TO THE POLICE
24 WHERE IT SAID, "EVERYTHING APPEARED TO BE NORMAL," WAS THAT
25 A REFERENCE TO HOW YOU PERCEIVED IT OR TO THE STATEMENT THAT
26 MR. LEVIN MADE ON THE TELEPHONE?

27 MR. BARENS: I OBJECT AS LEADING AND SUGGESTIVE, YOUR
28 HONOR.

1 THE COURT: OVERRULED.

2 THE WITNESS: COULD YOU ASK IT AGAIN?

3 Q BY MR. WAPNER: YES.

4 WHEN YOU MADE THE STATEMENT TO THE POLICE THAT
5 "EVERYTHING APPEARED TO BE NORMAL," WAS THAT A STATEMENT ABOUT
6 YOUR PERCEPTION, HOW YOU PERCEIVED THE CONVERSATION OR WAS
7 THAT A STATEMENT TO TELL THE POLICE ABOUT WHAT HE HAD
8 CONVEYED TO YOU, WHAT MR. LEVIN HAD CONVEYED TO YOU?

9 A THAT WAS THE SECOND: WHAT HE CONVEYED TO ME.
10 HE SEEMED TO THINK EVERYTHING WAS NORMAL FOR THE TRIP.

11 Q THE STATEMENT THAT MR. LEVIN MADE ABOUT GOING
12 TO MEDICAL SCHOOL, DO YOU REMEMBER WHEN THAT WAS MADE?

13 A NO.

14 Q IN TERMS OF DAYS, WEEKS, MONTHS OR YEARS, BEFORE
15 JUNE OF 1984, CAN YOU GIVE US AN APPROXIMATION OF WHEN THAT
16 STATEMENT WAS MADE?

17 A I WOULD SAY IT WOULD BE WITHIN A YEAR TO TWO
18 YEARS.

19 Q DID YOU KNOW ANYTHING ABOUT RON LEVIN'S
20 EDUCATIONAL BACKGROUND?

21 A YES.

22 Q AND AS FAR AS YOU KNOW, HAD HE EVER GRADUATED
23 FROM ANY SCHOOL HE HAD EVER ATTENDED?

24 A NO.

25 Q AND HE NEVER EVEN GRADUATED FROM COLLEGE; IS
26 THAT RIGHT?

27 A THAT IS WHAT I BELIEVED.

28 Q DID HE EVER DISCUSS WITH YOU THE IDEA THAT HE

1 MIGHT BE ABLE TO GET ACCEPTED TO MEDICAL SCHOOL IN GRENADA
2 BASED ON HIS BACKGROUND BUT NOT TO ONE IN THE UNITED STATES?

3 A NO.

4 Q WHEN HE WAS CALLING HIMSELF ROTHSCHILD, WHEN
5 WAS THAT IN POINT OF TIME?

6 A '78, '79, '80, AROUND THAT.

7 Q AFTER THAT, HAD YOU EVER HEARD HIM REFER TO
8 HIMSELF THAT WAY?

9 A NO, NO.

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1 Q DID YOU EVER SEE MR. LEVIN HAVE A -- AFTER THE
2 BURGLARY OF HIS HOUSE, WHERE HE HAD GOTTEN CUT?

3 A YES.

4 Q DID HE SHOW YOU WHERE HE WAS CUT?

5 A YES.

6 Q WHERE?

7 A IF I RECALL, IT WAS ON THE SIDE OF HIS NECK
8 (INDICATING).

9 Q AND YOU POINTED TO THE RIGHT SIDE OF YOUR NECK.
10 IS THAT WHERE IT WAS?

11 A IT WAS ON HIS NECK. I DON'T KNOW THE LEFT OR
12 THE RIGHT SIDE.

13 Q DID HE EVER HAVE ANY STITCHES OR ANYTHING?

14 A NO. I DON'T THINK HE HAD STITCHES. IT WAS A
15 SMALL CUT. IT WAS JUST (INDICATING).

16 Q DID HE TELL YOU WHEN THIS INCIDENT WITH THE PERSON
17 AND THE GUN TOOK PLACE?

18 A THE ONE I DESCRIBED EARLIER?

19 Q YES.

20 A YES.

21 Q WHEN WAS THAT?

22 A WELL, I WAS WITH HIM. I WAS NOT WITH HIM IN THE
23 ROOM. I WAS IN THE AREA.

24 Q ALL RIGHT. DID YOU GO SOMEWHERE WITH HIM?

25 A YES. WE WENT TO PICK UP HIS CAR.

26 Q WHERE WAS HIS CAR?

27 A AT A STORE CALLED -- OR A CAR SHOP CALLED BODIES
28 BY ANTHONY.

1 Q IS THAT HERE IN SANTA MONICA?

2 A NO. IN WEST HOLLYWOOD ON SANTA MONICA.

3 Q WHEN YOU WENT THERE, WHAT HAPPENED?

4 A RONNIE WENT UPSTAIRS INTO THE OFFICE. AND THEN
5 THERE WAS A LOT OF YELLING.

6 THEN A MAN WALKED ACROSS THE DOORWAY, WHICH I
7 COULD SEE INTO BECAUSE THE DOOR WAS RIGHT ON TOP OF THE
8 STAIRS, WITH A GUN IN HIS HAND.

9 Q WHAT KIND OF A GUN WAS IT?

10 A A BIG GUN. IT WAS LIKE A DOUBLE BARRELED SHOTGUN,
11 IT LOOKED LIKE.

12 Q WHAT DID THE MAN DO WITH THE GUN?

13 A WELL, I DIDN'T SEE. WHEN RON CAME OUT, WE DROVE
14 AWAY VERY QUICKLY.

15 HE SAID THAT THE GUY PUT IT TO HIS FACE AND TOLD
16 HIM, "YOU ARE GOING TO DIE," OR SOMETHING.

17 Q DID RON LEVIN TELL YOU WHAT HAPPENED AFTER THAT?

18 A RONNIE JUST SAID SOMETHING LIKE, "NO I AM NOT.
19 WHAT ARE YOU, CRAZY?"

20 THEN HE TALKED HIS WAY OUT OF IT.

21 Q WHEN WAS THAT IN POINT OF TIME?

22 A I WOULD SAY IT WAS AROUND 1981.

23 THE COURT: '81?

24 THE WITNESS: YES. IT IS A GUESS. I DON'T REMEMBER
25 FOR SURE.

26 THE COURT: ALL RIGHT.

27 Q BY MR. WAPNER: SHOWING YOU THIS PICTURE WE HAVE
28 MARKED AS PEOPLE'S 118, DO YOU RECOGNIZE WHAT IS SHOWN IN

-3
1 THAT PHOTOGRAPH?

2 A YES.

3 Q AND DID YOU RECOGNIZE WHAT IS IN 119?

4 A YES.

5 Q AND 118 WHICH I PLACED ON THE BOARD, DO YOU SEE
6 THE SKELETON THAT YOU MADE REFERENCE TO EARLIER?

7 A YES.

8 Q AND CAN YOU POINT IT OUT, PLEASE?

9 A (POINTING.)

10 Q AND ALSO IN THIS PICTURE, DO YOU SEE A PHOTOGRAPH
11 THAT APPEARS TO BE A PHOTOGRAPH OF A WOMAN IN THAT PICTURE?

12 A YES.

13 Q WHO IS THAT?

14 A TERE TEREBA.

15 Q IS THAT A FRIEND OF RON LEVIN'S?

16 A YES.

17 Q HOW LONG HAD HE HAD THAT PICTURE THERE, IF YOU
18 KNOW?

19 A I DON'T KNOW HOW LONG. BUT IT WAS NOT --

20 THE COURT: WHO IS TERE TEREBA?

21 THE WITNESS: A FRIEND OF HIS.

22 THE COURT: WAS SHE IN SHOW BUSINESS OR ANYTHING?

23 THE WITNESS: NO.

24 THE COURT: ALL RIGHT.

25 THE WITNESS: I WOULD SAY MORE THAN FOUR OR FIVE YEARS.

26 Q BY MR. WAPNER: IT HAD BEEN THERE FOUR OR FIVE
27 YEARS THAT YOU KNOW OF?

28 A (NODS HEAD UP AND DOWN.)

04
1 Q IS THAT YES?

2 A YES.

3 Q AND IN THIS PHOTOGRAPH WE HAVE MARKED AS 119,
4 WHAT IS DEPICTED IN THAT PHOTOGRAPH?

5 A THAT IS THE GUEST ROOM, WORK ROOM.

6 Q AND IN THE UPPER -- WELL, KIND OF THE MIDDLE RIGHT-
7 HAND PORTION OF THE PHOTOGRAPH, DO YOU SEE SOMETHING ON THE
8 WALL?

9 A YES.

10 Q WHAT IS THAT?

11 A IT IS A PICTURE OF MOHAMMED ALI.

12 Q AND HOW LONG HAD HE HAD THAT UP THERE?

13 A WELL, SINCE HE WAS FRIENDS WITH MOHAMMED.

14 Q AND WAS THAT AUTOGRAPHED TO HIM?

15 A YES.

16 MR. WAPNER: MAY I JUST ASK LEAVE TO BRIEFLY WALK THIS
17 IN FRONT OF THE JURY, YOUR HONOR?

18 THE COURT: YES.

19 (PAUSE.)

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1 (MR. WAPNER SHOWS EXHIBITS TO JURY.)

2 Q BY MR. WAPNER: DID YOU EVER GO WITH HIM TO GET
3 HIS MAIL AT 9701 WILSHIRE?

4 A NO.

5 Q DO YOU KNOW WHERE THE BUILDING WAS IN RELATION
6 TO WHERE HE LIVED?

7 A I'M NOT SURE.

8 THERE WAS TWO BUILDINGS HE WOULD GO TO.

9 MR. WAPNER: OKAY. THANK YOU.

10 I HAVE NOTHING FURTHER OF THIS WITNESS.

11 MR. BARENS: THANK YOU, YOUR HONOR.

12

13

RECROSS-EXAMINATION

14 BY MR. BARENS:

15 Q MR. FACTOR, IF I WERE TO SUGGEST TO YOU, WHICH
16 I AM, THAT THE TWO CHECKS YOU HAD SEEN FROM MR. LEVIN, THE
17 SWISS CASHIER'S CHECK, ONE WAS IN THE AMOUNT OF \$333,000 --

18 MR. WAPNER: OBJECTION. THERE IS NO FOUNDATION.

19 HE SAID HE HADN'T SEEN THOSE CHECKS.

20 MR. BARENS: I AM NOT TALKING ABOUT THOSE.

21 THE COURT: YOU ARE TALKING ABOUT THE OTHER CHECKS?

22 MR. BARENS: TO THE TWO HE REFERRED TO EARLIER TODAY
23 IN TESTIMONY.

24 THE COURT: ALL RIGHT.

25 Q BY MR. BARENS: WOULD IT HELP YOU REFRESH YOUR
26 RECOLLECTION ABOUT THE TWO CHECKS YOU HAD SEEN, IF I WERE
27 TO TELL YOU THAT ONE WAS IN THE SUM OF \$333,000 AND THE OTHER
28 WAS IN THE AMOUNT OF \$666,000.

1 MR. WAPNER: SAME OBJECTION. IT ASSUMES FACTS NOT IN
2 EVIDENCE.

3 MR. BARENS: I AM ASKING HIM IF THOSE WOULD BE THE TWO
4 CHECKS HE HAD SEEN, YOUR HONOR.

5 THE COURT: ALL RIGHT.

6 THE WITNESS: I DON'T KNOW.

7 Q BY MR. BARENS: YOU ARE NOT SURE?

8 A I DON'T RECALL SEEING TWO OTHER CHECKS BEFORE.

9 THE COURT: HE SAID HE DIDN'T KNOW.

10 Q BY MR. BARENS: I THOUGHT YOU HAD TOLD ME EARLIER
11 ON TODAY THAT YOU HAD SEEN LEVIN WAVING ABOUT OR FLASHING,
12 WHATEVER EXPRESSION YOU USED, SOME CASHIER'S CHECKS ON
13 SWISS BANKS.

14 A RIGHT. I THINK THOSE WERE PASSBOOKS IS WHAT I
15 WAS REFERRING TO.

16 Q THESE WERE ACTUALLY BANK CHECKBOOKS?

17 A YES, THAT IS WHAT I SAID AFTERWARDS.

18 Q I SEE.

19 CAN YOU RECALL, DID YOU TELL ME THERE WAS A
20 SUBSTANTIAL AMOUNT OF MONEY THAT THOSE PASSBOOKS REPRESENTED?

21 A YES.

22 Q ALL RIGHT. YOU MENTIONED EARLIER, DID YOU ACTUALLY
23 SEE HIM TYPING BANK STATEMENTS?

24 A NO.

25 Q WELL, HOW COULD YOU TESTIFY THEN THAT LEVIN HAD
26 PREPARED THE BANK STATEMENTS?

27 A NO.

28 I SAID IT APPEARED OR I THINK -- I AM PRETTY

1 POSITIVE ACTUALLY THAT HE DID, BECAUSE I HAVE A BANK BOOK
2 AND I KNOW JUST WHAT THEY LOOK LIKE PLUS, I THINK -- WELL,
3 MY MOTHER ALSO HAD THOUGHT THE SAME THING. AND FOR SOME
4 REASON, SHE KNEW IT TO BE TRUE.

5 Q SHE SEEMED TO THINK THAT SOME OF HIS BANKING
6 MATERIALS WERE COUNTERFEITED?

7 A RIGHT.

8 Q NOW, ARE YOU ABLE TO TELL ME WHICH OF LEVIN'S
9 BANKING MATERIALS WERE REAL AS OPPOSED TO COUNTERFEITED?

10 A NO.

11 Q YOU DON'T HAVE ANY RECOLLECTION IN THAT REGARD?

12 A NO.

13 Q HE HAD NEVER REALLY DISCUSSED THAT WITH YOU, HAD
14 HE?

15 A NO.

16 IT WAS A SHORT -- VERY SHORT, YOU KNOW, HE HAD
17 THESE BANK BOOKS. HE WAS BRAGGING ABOUT THEM FOR SOME REASON
18 AND THEN THAT WAS IT.

19 Q OKAY. DID YOU SEE BANK BOOKS AFTER HE TOLD YOU
20 HE HAD MADE \$15 MILLION IN COMMODITIES?

21 A NO.

22 Q NOW, DID HE EVER TELL YOU THAT HE HAD SOLD OFF
23 ALL OF HIS SILVER?

24 A YES.

25 Q AND WHEN WAS THAT?

26 A THAT WAS AFTER HE WAS BRINGING THE BARS AROUND,
27 YOU KNOW, IT WAS WITHIN A YEAR.

28 Q AND HE TOLD YOU THE SAME THING, DID HE NOT, ABOUT

1 HIS PLATINUM?

2 A YES.

3 Q DID HE EVER TELL YOU HOW MUCH HE HAD MADE FROM
4 THE SALE OF ALL OF THAT?

5 A YES.

6 I THINK -- I REMEMBER IT WAS SOMETHING LIKE
7 \$7 MILLION, HE SAID.

8 Q THAT HE MADE \$7 MILLION IN THE SALE OF PLATINUM
9 AND SILVER?

10 A YES.

11 Q AND WHEN WOULD THAT HAVE BEEN?

12 A WELL, WHEN DID I SAY HE BROUGHT THE BARS AROUND?

13 Q I DON'T RECALL, SIR.

14 THE COURT: YOU SAID WHEN YOU WERE ABOUT 13 YEARS OLD.

15 THE WITNESS: SO ABOUT A YEAR AFTER THAT.

16 Q BY MR. BARENS: WHEN YOU WERE ABOUT 14 OR 15?

17 A YES.

18 Q RIGHT.

19 ISN'T IT TRUE THAT WITHIN THE LAST NINE MONTHS
20 THAT YOU SAW MR. LEVIN THAT HE HAD TALKED ABOUT THE MEDICAL
21 SCHOOL AGAIN, THAT IT WAS RIGHT AROUND CHRISTMASTIME OF 1983?

22 A IT IS POSSIBLE. I COULDN'T SAY FOR SURE.
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1 Q ALL RIGHT. DID HE EVER TELL YOU WHY HE STOPPED
2 CALLING HIMSELF RON ROTHSCHILD?

3 A NO.

4 Q HE JUST STOPPED?

5 A (WITNESS NODS HEAD UP AND DOWN.)

6 MR. WAPNER: WAS THAT YES?

7 THE WITNESS: NO. IT WAS NO. HE NEVER TOLD ME WHY
8 HE STOPPED CALLING HIMSELF THAT.

9 MR. WAPNER: THEN MR. BARENS SAID "JUST STOPPED?" AND
10 THE WITNESS NODDED HIS HEAD UP AND DOWN.

11 THE WITNESS: YES. HE JUST STOPPED.

12 Q BY MR. BARENS: DID HE EVER REPRESENT HIMSELF
13 TO BE A REAL ESTATE MOGUL FROM NEW YORK BY THE NAME OF LEVIT?

14 A NOT THAT I EVER HEARD OF.

15 Q YOU DON'T RECALL THAT ONE?

16 A NO.

17 THE COURT: IS THIS REDIRECT?

18 MR. BARENS: IS IT REDIRECT?

19 THE COURT: OR RE-CROSS-EXAMINATION? I DON'T REMEMBER
20 THE D.A. ASKING ANY QUESTIONS ABOUT THAT WHICH WOULD NECESSITATE
21 SOME RE-CROSS-EXAMINATION.

22 DO YOU WANT TO REOPEN YOUR CROSS-EXAMINATION?

23 MR. BARENS: I BELIEVE I AM WITHIN --

24 THE COURT: THERE WAS NOT ANYTHING THAT HE MENTIONED
25 ABOUT MR. LEVIT ON REDIRECT.

26 MR. BARENS: WOULD YOUR HONOR DENY ME THE RIGHT
27 TO --

28 THE COURT: I TOLD YOU, YOU HAVE A RIGHT TO CROSS-EXAMINE

1 HIM AGAIN IF YOU WANT TO REOPEN CROSS-EXAMINATION.

2 MR. BARENS: I WOULD APPRECIATE IT.

3 THE COURT: I WILL PERMIT YOU TO DO THAT.

4 MR. BARENS: THANK YOU, YOUR HONOR.

5

6 CROSS-EXAMINATION (REOPENED)

7 BY MR. BARENS:

8 Q DID YOU EVER HEAR HIM DISCUSS THIS LEVIT PERSON?

9 A NO.

10 Q DID YOU EVER HEAR ANY PEOPLE THAT YOU KNEW WERE
11 FAMILIAR WITH RON LEVIN TELL YOU THAT HE ALSO HAD A PERSON
12 WHERE HE WOULD SAY HE WAS THIS FELLOW LEVIT FROM NEW YORK?

13 A NO. I NEVER HEARD OF THAT NAME.

14 Q ALL RIGHT. DO YOU KNOW OF ANY OTHER IMPERSONATIONS
15 OR POSTURES THAT HE ASSUMED?

16 A NO.

17 Q WHEN HE WAS A DOCTOR, WAS HE A DR. LEVIN OR DR.
18 SOMEONE ELSE?

19 A I THINK -- HE WAS DR. LEVIN.

20 Q WAS HE ALWAYS DR. LEVIN?

21 A THAT I DON'T KNOW. HE WAS NOT DR. ROTHSCHILD,
22 I THINK.

23 Q NO. THAT'S MR. ROTHSCHILD AS I UNDERSTAND IT.
24 HE NEVER REPRESENTED THAT HE WAS DR. SO AND SO, PERHAPS A
25 NAME YOU CAN'T RECALL RIGHT NOW?

26 A NO. I THINK IT WAS DR. LEVIN.

27 Q NOW, WHEN HE WAS A LAWYER, WAS HE EITHER -- WAS
28 HE ALWAYS MR. WETHERBEE WHEN HE WAS A LAWYER OR WAS HE

1 SOMETIMES MR. LEVIN THE LAWYER, AS WELL?

2 A BOTH.

3 Q ALL RIGHT. HE WOULD BE BOTH AS A LAWYER?

4 A YES.

5 Q WAS HE ANYBODY ELSE AS A LAWYER, LIKE A THIRD
6 LAWYER HE WOULD BE?

7 A NO.

8 Q DID YOU KNOW A FELLOW BY THE NAME OF DR. KROGER?

9 A YES.

10 Q WHO WAS DR. KROGER?

11 A HE WAS A FRIEND OF RONNIE'S.

12 Q WHAT KIND OF A RELATIONSHIP THAT YOU COULD OBSERVE
13 DID THEY HAVE?

14 A GOOD ONE.

15 Q THEY WERE VERY FRIENDLY?

16 A YES.

17 Q WAS DR. KROGER A SPECIALIST IN HYPNOTISM?

18 A YES.

19 Q AND DID LEVIN HAVE A STRONG INTEREST IN HYPNOTISM?

20 A NOT A VERY STRONG INTEREST. HE WAS INTERESTED
21 IN IT BECAUSE DR. KROGER WAS HIS FRIEND.

22 Q DID HE TELL YOU THAT HE HAD READ ALL OF DR.
23 KROGER'S MATERIALS?

24 A WELL, I THINK HE READ ONE OF HIS BOOKS.

25 Q AND DID HE SPEND TIME DISCUSSING HYPNOSIS WITH
26 DR. KROGER?

27 A I DON'T KNOW.

28 Q DID HE EVER TELL YOU THAT HE HAD LEARNED A LOT

1 ABOUT HYPNOSIS FROM DR. KROGER?

2 MR. WAPNER: OBJECTION, RELEVANCE.

3 THE COURT: I HAVE NOT THE REMOTEST IDEA THAT THIS IS
4 RELEVANT. I WILL SUSTAIN THE OBJECTION IF YOU MAKE IT.

5 THE WAPNER: I JUST DID.

6 THE COURT: SUSTAINED.
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1 Q BY MR. BARENS: DO YOU KNOW OF ANY OTHER THINGS
2 HE TALKED ABOUT WITH DR. KROGER?

3 MR. WAPNER: SAME OBJECTION, RELEVANCE. HEARSAY.

4 THE COURT: SUSTAINED.

5 Q BY MR. BARENS: DID HE SEE DR. KROGER A LOT OF
6 OCCASIONS?

7 MR. WAPNER: SAME OBJECTION.

8 THE COURT: SUSTAINED.

9 MR. BARENS: OKAY. WELL, I SUPPOSE I COULD APPROACH
10 THE BENCH AND MAKE AN OFFER.

+B 11 THE COURT: HE MUST HAVE SEEN A LOT OF PEOPLE IN HIS
12 LIFE, ON A NUMBER OF OCCASIONS. WHAT IS THE RELEVANCY TO
13 THIS CASE?

14 MR. BARENS: I WILL MAKE AN OFFER FROM HERE.

15 THE COURT: NO. GO AHEAD. GO ON TO SOMETHING ELSE
16 IF YOU HAVE GOT ANYTHING ELSE TO GO ON TO.

17 MR. BARENS: WELL, I INTERVIEWED --

18 THE COURT: WELL, I DON'T CARE IF YOU INTERVIEWED HIM
19 OR NOT.

20 LET'S NOT PUT IT ON THE RECORD, EITHER. IF YOU
21 INTEND TO CALL HIM, CALL HIM.

22 MR. BARENS: I AM INTERESTED ACTUALLY IN WHAT LEVIN
23 TOLD --

24 MR. WAPNER: CAN WE NOT HAVE AN OFFER OF PROOF FROM
25 THE COUNSEL TABLE, YOUR HONOR?

26 THE COURT: THE OBJECTION HAS BEEN SUSTAINED. GO ON.

27 Q BY MR. BARENS: ON THE MOHAMMED ALI PICTURE THAT
28 YOU SAW, DO YOU KNOW WHERE HE GOT THAT PICTURE?

1 A IF I COULD SEE THE PICTURE, I COULD TELL YOU.

2 MR. BARENS: I WOULD APPROACH IF I COULD, YOUR HONOR.

3 THE COURT: YES.

4 THE WITNESS: YES.

5 Q BY MR. BARENS: WHERE DID HE GET THAT PICTURE?

6 A I THINK NEIL ANTIN, A FRIEND OF HIS, TOOK THE
7 PICTURE.

8 Q RIGHT. ALI HAD NOT GIVEN IT TO HIM, HAD HE?

9 A NO.

10 Q WASN'T AUTOGRAPHED OR ANYTHING LIKE THAT?

11 A NO. IT WAS AUTOGRAPHED, IF I RECALL.

12 Q IT WAS AUTOGRAPHED?

13 A I THINK IT WAS EITHER THAT ONE THAT WAS AUTO-
14 GRAPHED OR HE HAD ANOTHER ONE AUTOGRAPHED. I CAN'T SEE FROM
15 THAT PICTURE.

16 MR. BARENS: TO BE CANDID WITH YOU, I CAN'T EITHER.

17 Q DO YOU RECALL THAT ONE BEING AUTOGRAPHED?

18 A NO. THIS IS ONE OF TWO THAT WAS AUTOGRAPHED.
19 I THINK THAT WAS THE ONE.

20 Q AFTER HE HAD A FALLING OUT WITH ALI, DID HE
21 TAKE THE PHOTOGRAPH DOWN?

22 A NO.

23 Q DID YOU EVER SEE ALI AND LEVIN IN AN ARGUMENT?

24 A NO.

25 Q DID HE EVER TELL YOU THAT HE HAD AN ARGUMENT
26 WITH ALI?

27 A NO.

28 Q HE JUST TOLD YOU THAT HE HAD HAD A PARTING OF

1 THE WAYS?

2 A WELL, HE DIDN'T REALLY TALK ABOUT IT.

3 Q WELL, EARLIER ON YOU TESTIFIED THAT THEY AT LEAST
4 APPARENTLY TO YOU, HAD A PARTING OF THE WAYS?

5 A RIGHT.

6 Q WHY DID YOU HAVE THAT SENSE OF THINGS?

7 A BECAUSE HE DIDN'T GO OVER TO HIS HOUSE ANYMORE
8 AND DIDN'T TALK TO HIM ANYMORE.

9 Q AND YOU UNDERSTOOD THAT A PARTING OF THE WAYS
10 WAS OVER MONEY?

11 A YES.

12 Q DID HE EVER TELL YOU THAT HE HAD RIPPED ALI OFF?

13 A NO.

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1 Q DID HE EVER TELL YOU A LIE?

2 THE COURT: ARE YOU GOING TO PROVE HE RIPPED HIM OFF?

3 MR. BARENS: I BEG YOUR PARDON?

4 THE COURT: DO YOU INTEND TO SHOW HE RIPPED HIM OFF?

5 MR. BARENS: I ASKED HIM THE QUESTION.

6 THE COURT: ARE YOU GOING TO SHOW HE RIPPED HIM OFF?

7 DON'T USE THAT EXPRESSION UNLESS YOU INTEND TO
8 SHOW THAT.

9 MR. BARENS: YOUR HONOR, THE WITNESS TESTIFIED EARLIER
10 THAT MR. LEVIN EVIDENTLY HAD MADE SOME MONEY --

11 THE COURT: I KNOW. LET'S KEEP AWAY FROM THAT.

12 I WILL SUSTAIN THE OBJECTION ON THE COURT'S OWN
13 MOTION.

14 Q BY MR. BARENS: DID MR. LEVIN EVER TELL YOU THAT
15 HE HAD MADE MONEY IN A RELATION WITH MR. ALI, THAT MR. ALI
16 WASN'T AWARE OF?

17 A NO.

18 Q DID MR. LEVIN EVER REPRESENT TO PEOPLE THAT HE
19 WAS FRIENDS WITH MAJOR PERSONALITIES THAT, TO YOUR KNOWLEDGE,
20 HE WAS NOT ASSOCIATED WITH?

21 A NO.

22 Q YOU DON'T RECALL ANYTHING LIKE THAT?

23 A NO.

24 I THINK IF HE HAD SAID HE WAS FRIENDS WITH THEM,
25 HE IN SOME WAY, HE DID KNOW THEM.

26 Q HE WOULD ACTUALLY HAVE SOME RELATIONSHIP OF SOME
27 KIND?

28 A YES.

1 Q DID YOU EVER SEE HIM IN THE COMPANY OF JERRY
2 OHRBACH?

3 A I DON'T KNOW WHO THAT IS.

4 Q YOU DON'T KNOW?

5 DO YOU KNOW WHO JERRY MAGNIN IS?

6 A THE STORE OWNER? YES.

7 Q DID YOU EVER SEE HIM IN THE COMPANY OF RON LEVIN?

8 A NO.

9 Q DO YOU KNOW A MAN NAMED ROY SILVER?

10 A NO.

11 MR. BARENS: NOTHING FURTHER, YOUR HONOR.

12
13 REDIRECT EXAMINATION (RESUMED)

14 BY MR. WAPNER:

15 Q WHEN YOU TOLD US EARLIER ABOUT SEEING SWISS BANK
16 CHECKS, WHICH CHECKS WERE THOSE?

17 A THOSE WERE THE PASSBOOKS.

18 THE COURT: HE TOLD US PASSBOOKS. HE DIDN'T TELL US
19 ANYTHING ABOUT ANY CHECKS.

20 MR. WAPNER: OKAY, I WAS REFERRING TO SOMETHING THAT
21 HAPPENED THIS MORNING.

22 Q YOU WERE ONLY TALKING ABOUT PASSBOOKS?

23 A I REMEMBER I HAD SEEN SOMETHING AND NOW AFTERWARDS,
24 I REALIZED THAT THEY WERE THE PASSBOOKS.

25 Q WHEN HE TOLD YOU ABOUT SELLING OFF HIS SILVER
26 AND MAKING \$7 MILLION, YOU DIDN'T KNOW, YOU DIDN'T HAVE ANY
27 BASIS TO KNOW WHETHER THAT WAS ANY MORE REAL THAN HIS MAKING
28 \$15 MILLION WITH JOE HUNT, DO YOU?

1 A THAT'S RIGHT.

2 Q THIS IDEA OF THE DOCTOR STUFF, BESIDES SEEING
3 HIM ONCE AT UCLA AND SEEING THE SKELETON, WITH THE STETHOSCOPE,
4 WHAT OTHER TIMES DID YOU SEE HIM SAY THAT HE WAS A DOCTOR?

5 A IF HE WANTED TO GET A TABLE AT A RESTAURANT REALLY
6 QUICKLY.

7 Q OKAY. ANY OTHER TIME?

8 A I'M TRYING TO REMEMBER.

9 LIKE IF AN AMBULANCE WOULD COME OR SOMETHING,
10 BUT I THINK HE WOULD SAY HE WAS A LAWYER THEN SO HE COULD
11 GET THE CASE.

12 Q TELL ME ABOUT THE INCIDENT AT UCLA, WHAT HAPPENED.

13 A WELL, I DON'T KNOW WHERE WE WERE GOING AND WE
14 PULLED INTO UCLA AND HE SAID, "COME ON, LET'S GO."

15 SO I FOLLOWED HIM AND THEN WE -- WE WENT UP SOME
16 ELEVATORS AND WE WALKED THROUGH A ROOM AND THERE WAS, YOU
17 KNOW, WHAT DO THEY CALL, CADAVERS, AND THEN WE WALKED INTO
18 ANOTHER ROOM AND THERE WAS THIS MAN ON THE TABLE AND THEN
19 HE -- HE LIKE PULLED THE THING OFF, YOU KNOW, AFTER TALKING
20 TO SEVERAL PEOPLE AND THEN I LEFT.

21 Q HE TALKED TO SEVERAL PEOPLE IN ORDER TO GET HIMSELF
22 INTO THAT LOCATION?

23 A YES.

24 Q HOW OLD WERE YOU AT THAT TIME?

25 A I WOULD SAY IT WAS AROUND 1979, '80 AND EARLIER.

26 Q OR EARLIER?

27 A YES.

28 Q DOES THE NAME PRESLEY REED MEAN ANYTHING TO YOU?

-4
1 A IT IS SOMETHING, I DON'T KNOW. IT HAS SOMETHING --
2 I DON'T KNOW.

3 I HAVE HEARD THAT NAME BEFORE.

4 Q YOU DON'T KNOW WHERE OR IN WHAT CONTEXT?

5 (WITNESS SHAKES HEAD FROM SIDE TO SIDE.)

6 Q IS THAT A NO ANSWER?

7 A NO.

8 MR. WAPNER: YOUR HONOR, I HAVE ANOTHER EXHIBIT THAT
9 I WOULD LIKE TO HAVE MARKED AS PEOPLE'S 120.

10 THE COURT: YES.

11 MR. WAPNER: IT IS ABOUT 11 BY 14, A BLACK AND WHITE
12 PHOTOGRAPH OF MR. LEVIN SITTING BENEATH A PICTURE OF
13 MOHAMMED ALI. THAT APPEARS TO BE THE SAME PICTURE THAT IS
14 DEPICTED IN THE PHOTOGRAPH, PEOPLE'S 119.

15 Q BY MR. WAPNER: DO YOU RECOGNIZE THAT PICTURE?

16 A YES.

17 Q WHAT IS IT?

18 A IT IS THE SAME PICTURE THAT IS ON THE OTHER ONE.

19 Q IS IT A LITTLE LARGER?

20 THIS ONE THAT YOU HAVE GOT IN FRONT OF YOU IS
21 BLACK AND WHITE AND A LITTLE LARGER THAN THE OTHER ONE; IS
22 THAT RIGHT?

23 A I DON'T KNOW.

24

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1 Q I AM TALKING ABOUT --

2 A I KNOW THE PICTURE IN THE PICTURE.

3 Q I AM NOT TALKING ABOUT THE PICTURE WITHIN THE
4 PICTURE.

5 I AM TALKING ABOUT ACTUALLY WHAT YOU HAVE IN YOUR
6 HAND.

7 A OH, OKAY, RIGHT.

8 Q THE PICTURE IN PEOPLE'S 120 IS BIGGER IN
9 SIZE THAN 119, RIGHT?

10 A RIGHT.

11 Q IS IT EASIER FOR YOU TO SEE IN PEOPLE'S 120 THAT
12 THE PHOTOGRAPH OF MOHAMMED ALI IS IN FACT AUTOGRAPHED OR
13 INSCRIBED IN SOME WAY?

14 A YES.

15 MR. WAPNER: MAY I WALK THAT IN FRONT OF THE JURY
16 BRIEFLY?

17 THE COURT: YES.

18 (MR. WAPNER SHOWS EXHIBIT TO JURY.)

19 MR. WAPNER: I HAVE NOTHING FURTHER.

20 MR. BARENS: IF I MIGHT, YOUR HONOR.

21 THE COURT: GO AHEAD.

22 MR. BARENS: THANK YOU, YOUR HONOR.

23

24 FURTHER RE-CROSS-EXAMINATION

25 BY MR. BARENS:

26 Q WHEN YOU WENT TO UCLA WITH MR. LEVIN, DID PEOPLE
27 SEEM TO BELIEVE HE WAS A DOCTOR?

28 A YES.

1 Q WHEN HE WOULD ACT TO BE A LAWYER, DID PEOPLE
2 SEEM TO BELIEVE HE WAS A LAWYER?

3 A YES.

4 MR. BARENS: NOTHING FURTHER.

5 THE COURT: ALL RIGHT, THANK YOU.

6 MAY THIS WITNESS BE AT LONG LAST EXCUSED?

7 MR. WAPNER: I HAVE NO OBJECTION.

8 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU WILL
9 BE EXCUSED.

10 CALL YOUR NEXT WITNESS.

11 MR. WAPNER: JAMES O'SULLIVAN.

12
13 JAMES O'SULLIVAN,
14 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
15 AS FOLLOWS:

16 THE CLERK: IF YOU WOULD RAISE YOUR HAND TO BE SWORN.
17 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU MAY
18 GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE
19 TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP
20 YOU GOD.

21 THE WITNESS: I DO.

22 THE CLERK: PLEASE BE SEATED UP THERE AT THE WITNESS
23 STAND.

24 WOULD YOU STATE AND SPELL YOUR NAME FOR THE RECORD.

25 THE WITNESS: JAMES O'SULLIVAN, J-A-M-E-S
26 O-APOSTROPHE-S-U-L-L-I-V-A-N.

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28

DIRECT EXAMINATION

1
2 BY MR. WAPNER:

3 Q MR. O'SULLIVAN, IN JUNE OF 1984, BY WHOM WERE
4 YOU EMPLOYED?

5 A MAYFAIR REGENT HOTEL.

6 Q WHERE IS THAT LOCATED?

7 A IN NEW YORK CITY.
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1 Q WHAT WAS YOUR CAPACITY WITH THE MAYFAIR REGENT
2 HOTEL IN JUNE OF 1984?

3 A DIRECTOR.

4 Q AND WHAT DID YOUR DUTIES ENCOMPASS?

5 A MAINLY I WAS LIAISON WITH THE PERMANENT
6 RESIDENTS.

7 Q AND DID YOU HAVE SOME OTHER FUNCTIONS ALSO DURING
8 JUNE OF 1984?

9 A IN ALL AREAS OF THE HOTEL.

10 Q WERE YOU FAMILIAR WITH HOW THE RECORDS OF THE
11 HOTEL WERE KEPT?

12 A YES.

13 Q AND WHEN A RESERVATION IS MADE FOR SOMEONE AT
14 THE HOTEL BY A TRAVEL AGENT, DO YOU KNOW HOW THAT -- WHAT
15 HAPPENED AT THE HOTEL?

16 A IT IS TAKEN ON A RESERVATIONS SLIP.

17 Q AND WHAT DOES THAT SLIP LOOK LIKE?

18 A WELL, THE LAST NAME, BUSINESS ADDRESS, HOME
19 ADDRESS, TELEPHONE, METHOD OF PAYMENT, TIME OF ARRIVAL,
20 METHOD OF TRANSPORTATION SOMETIMES --

21 Q AND AFTER IT IS PUT ONTO THE RESERVATIONS SLIP,
22 THEN WHAT HAPPENED?

23 A IT IS BOOKED INTO A COMPUTER.

24 Q AND WHAT IS ACTUALLY TAKEN FROM THE RESERVATIONS
25 SLIP AND PUT INTO THE COMPUTER?

26 A MOST OF THE INFORMATION ON THE RESERVATIONS SLIP.

27 Q ON THE DAY THAT THE -- WELL, ON ANY GIVEN DAY,
28 IS THERE A LIST PREPARED OF THE PEOPLE WHO ARE SCHEDULED TO

1 ARRIVE ON THAT DAY?

2 A YES.

3 Q HOW IS THAT DONE?

4 A A PRINTOUT IN THE COMPUTER.

5 MR. WAPNER: YOUR HONOR, I HAVE HERE A DOCUMENT
6 CONSISTING OF TWO PAGES, LABELED AT THE TOP "EXPECTED ARRIVAL
7 6/7/84, MAYFAIR REGENT."

8 MAY THAT BE MARKED AS PEOPLE'S 121?

9 THE COURT: SO MARKED.

10 Q BY MR. WAPNER: SHOWING YOU PEOPLE'S 121, DO
11 YOU RECOGNIZE THAT?

12 A YES.

13 Q WHAT IS IT?

14 A IT IS THE EXPECTED ARRIVAL FOR JUNE 7, 1984.

15 Q AND IS THAT IN ALPHABETICAL ORDER?

16 A YES.

17 Q DO YOU SEE AN ENTRY ON THERE THAT SAYS "LEVIN"?

18 A YES, I DO.

19 Q WHAT IS THE FIRST NAME?

20 A RONALD.

21 Q DOES IT INDICATE ON THERE THE NUMBER OF THE DATE
22 THAT HE WAS SUPPOSED TO ARRIVE?

23 A JUNE 7.

24 Q OF WHAT YEAR?

25 A 1984.

26 Q AND IS THERE ANYTHING INDICATED ON THERE IN TERMS
27 OF ANY UPGRADES THAT HE WAS SUPPOSED TO BE GIVEN OR
28 COMPLIMENTARY SERVICE?

1 A IT IS MARKED THAT HE WAS TO BE UPGRADED.

2 Q AND DOES THAT LIST INDICATE WHEN THE RESERVATION
3 WAS MADE?

4 A NO.

5 Q WHEN IS THAT LIST PREPARED DURING THE DAY, DO
6 YOU KNOW?

7 A ABOUT 10:00 OR 11:00 O'CLOCK IN THE MORNING.

8 Q AND IS THERE SOME LISTS PREPARED -- MAY I HAVE
9 A MOMENT, YOUR HONOR?

10 THE COURT: YES.

11 (PAUSE.)

12

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1 Q BY MR. WAPNER: THERE ARE SOME OTHER NOTATIONS
2 ON THAT LINE WHERE MR. LEVIN'S NAME APPEARS?

3 A YES, THERE ARE.

4 Q WHAT DO THEY INDICATE?

5 A CHAMPAIGN WAS TO BE PUT IN THE ROOM, FRUIT AND
6 FLOWERS AND A COT.

7 Q AND DOES THE RESERVATION INDICATE HOW MANY PERSONS
8 WERE SUPPOSED TO STAY IN THE ROOM?

9 A YES, IT DOES.

10 Q HOW MANY?

11 A THREE.

12 Q AND DOES IT GIVE THE PRICE OF THE ROOM ON THERE?

13 A YES, IT DOES.

14 Q WHAT WAS THE PRICE OF THE ROOM?

15 A TWO HUNDRED DOLLARS.

16 Q AND AT THE END OF ANY GIVEN DAY IN THE HOTEL,
17 DO YOU PREPARE A LIST OF PEOPLE ARE ACTUALLY IN THE HOTEL
18 THAT NIGHT?

19 A YES, WE DO.

20 Q ALL RIGHT. HOW IS THAT DONE?

21 A COMPUTER PRINTOUT.

22 Q WHO DOES THAT?

23 A THE NIGHT ASSISTANT MANAGER OR THE NIGHT AUDITOR.

24 Q HOW IS THAT -- HOW DOES THE COMPUTER GET THE
25 INFORMATION IN TERMS OF WHO IS THERE AND WHO IS NOT THERE?

26 A EACH PERSON ARRIVES THAT DAY AND IT IS PUNCHED
27 INTO THE COMPUTER.

28 MR. WAPNER: YOUR HONOR, I HAVE ANOTHER DOCUMENT THAT

1 APPEARS TO BE A COMPUTER PRINTOUT CONSISTING OF SEVERAL PAGES.
2 IT APPEARS TO BE SEVERAL PAGES. ACTUALLY, THEY ARE ALL
3 ATTACHED.

4 IT SAYS AT THE TOP "AUTOMATIC ROOM POSTING
5 SUMMARY."

6 MAY THAT BE MARKED AS PEOPLE'S 122?

7 THE COURT: SO MARKED.

8 Q BY MR. WAPNER: MR. O'SULLIVAN, DO YOU RECOGNIZE
9 PEOPLE'S 122?

10 A YES, I DO.

11 Q WHAT IS THAT?

12 A IT IS AN AUTOMATIC ROOM POSTING SUMMARY.

13 MR. BARENS: ROOM WHAT?

14 THE WITNESS: ROOM POSTING SUMMARY.

15 Q BY MR. WAPNER: DOES THAT BEAR SOMEONE'S INITIALS
16 IN INK WRITING ON THE TOP RIGHT-HAND CORNER?

17 A YES.

18 Q WHOSE INITIALS ARE THOSE?

19 A HARRY LEE.

20 Q WHO WAS HE AT THE TIME?

21 A NIGHT ASSISTANT MANAGER.

22 Q DOES IT BEAR A TIME WRITTEN ON THERE IN INK?

23 A 10:30 P.M.

24 Q AND IS THAT SUMMARY LISTING EVERYONE WHO IS IN
25 THE HOTEL AT THAT TIME?

26 A CORRECT.

27 Q INCIDENTALLY, THE FIRST LIST THAT YOU HAVE IN
28 FRONT OF YOU TALKS ABOUT PEOPLE WHO ARE GOING TO ARRIVE.

1 DOES IT SAY ON THAT LIST WHAT TIME THE PERSON
2 IS SCHEDULED TO ARRIVE?

3 A NO.

4 Q IT DOES HAVE A COLUMN FOR ESTIMATED TIME OF ARRIVAL?

5 A IT HAS A COLUMN BUT NEXT TO MR. LEVIN'S NAME
6 THERE IS NO TIME.

7 Q ALL RIGHT. AND ON THE ARRIVAL LIST, DOES IT
8 HAVE A ROOM NUMBER THAT HE WAS SCHEDULED TO BE IN?

9 A YES, IT DOES.

10 Q WHAT ROOM NUMBER WAS HE TO BE IN?

11 A 1417.

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1 Q AND ON THE LIST THAT YOU HAVE THAT SAYS THE PEOPLE
2 WHO WERE THERE AT 10:30 IN THE EVENING, IS THAT IN ORDER BY
3 ROOM NUMBER?

4 A BY ROOM NUMBER.

5 Q WAS THERE ANYONE IN 1417?

6 A NO.

7 Q HAVE YOU PERSONALLY REVIEWED THAT LIST TO DETERMINE
8 IF MR. LEVIN'S NAME IS ON IT?

9 A YES, I HAVE.

10 Q IS IT ON THAT LIST?

11 A NO.

12 Q BASED ON THAT, WAS HE IN THE HOTEL THAT NIGHT?

13 A NO.

14 Q DO YOU REMEMBER BEING AT THE MAYFAIR REGENT HOTEL
15 AND SPEAKING WITH SOME DETECTIVES FROM THE BEVERLY HILLS
16 POLICE DEPARTMENT?

17 A YES, I DO.

18 Q AND WERE THEY INQUIRING ABOUT WHETHER OR NOT
19 MR. LEVIN HAD BEEN THERE?

20 A YES.

21 Q AT THAT TIME, DID YOU LOCATE THE ACTUAL RESERVATION
22 CARD?

23 A YES, I DID.

24 Q AND WHAT IS YOUR RECOLLECTION --
25 DID YOU LOOK AT THE CARD AT THAT TIME?

26 A YES, I DID.

27 Q AND WAS THERE NOTATION ON THERE AS TO WHETHER
28 MR. LEVIN ARRIVED?

29 A YES.

1 Q WHAT WAS THAT NOTATION?

2 MR. BARENS: OBJECTION. BEST EVIDENCE RULE. THE BEST
3 EVIDENCE IS THE CARD ITSELF, YOUR HONOR.

4 THE COURT: OVERRULED.

5 MR. BARENS: THANK YOU, YOUR HONOR.

6 Q BY MR. WAPNER: WHAT DID IT SAY ON THE CARD?

7 A DNA.

8 Q WHAT DOES THAT MEAN?

9 A DID NOT ARRIVE.

10 THE COURT: PARDON ME. DO YOU KNOW WHERE THAT CARD IS
11 NOW?

12 MR. WAPNER: THANK YOU, YOUR HONOR. I WAS JUST GETTING
13 TO THAT.

14 THE COURT: GO AHEAD.

15 Q BY MR. WAPNER: DO YOU KNOW WHAT HAPPENED TO THAT
16 CARD?

17 A TO THE BEST OF MY KNOWLEDGE, THE BEVERLY HILLS
18 DETECTIVES REMOVED IT.

19 Q DO YOU RECALL LEAVING IT FOR THEM?

20 A YES.

21 Q IF IT TURNS OUT THEY DON'T HAVE IT, DO YOU KNOW
22 WHERE IT IS NOW?

23 A NO.

24 THE COURT: BUT YOU DEFINITELY DO RECALL THAT THAT DAY
25 HE DID NOT ARRIVE, IS THAT IT?

26 THE WITNESS: ABSOLUTELY.

27 MR. BARENS: I WILL, FOR THE RECORD, MAKE A HEARSAY
28 OBJECTION TO THAT, YOUR HONOR.

1 THE COURT: OVERRULED.

2 MR. BARENS: THANK YOU, YOUR HONOR.

3 Q BY MR. WAPNER: YOU HAD NEVER PERSONALLY MET
4 MR. LEVIN, HAD YOU?

5 A NO.

6 MR. WAPNER: THANK YOU. I HAVE NOTHING FURTHER.

7 THE COURT: ANY QUESTIONS?

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CROSS-EXAMINATION

10 BY MR. BARENS:

11 Q MR. O'SULLIVAN, HAD MR. LEVIN STAYED AT YOUR HOTEL
12 BEFORE?

13 A NO.

14 Q NEVER TO YOUR KNOWLEDGE?

15 A NOT TO MY KNOWLEDGE.

16 Q DID YOU EVER CHECK THE RECORDS ON THAT?

17 A YES.

18 Q AND WHY DID YOU CHECK THE RECORDS ON THAT?

19 A FOR MY OWN CURIOSITY.

20 Q AND YOU LOOKED BACK?

21 AND DO YOU RETAIN YOUR RECORDS FOR A COUPLE OF
22 YEARS OR SOMETHING?

23 A IN THE COMPUTER.

24 Q AND YOU FOUND NOTHING ON THAT?

25 A NOTHING.

26 Q AND WHEN YOU MAKE A RESERVATION AT YOUR HOTEL,
27 IS IT TYPICALLY THAT YOU REQUIRE A DEPOSIT?

28 A NO.

1 Q YOU DON'T USUALLY?

2 A NO.

3 Q YOU DIDN'T HAVE A DEPOSIT ON THIS RESERVATION,
4 DID YOU?

5 A NO.

6 Q AND HOW WAS A RESERVATION MADE, WAS IT MADE THROUGH
7 AN AGENCY, A TRAVEL AGENCY OR DIRECTLY BY THE CUSTOMER?

8 A IT WAS MADE THROUGH A COMPANY CALLED HRI, LEADING
9 HOTELS OF THE WORLD.

10 THE COURT: SAY THAT AGAIN.

11 THE WITNESS: HRI, HOTEL REPRESENTATIVES INTERNATIONAL.

12 Q BY MR. BARENS: AND WHO ARE THEY?

13 A IT IS A DELUXETRAVEL AGENCY.

14 Q DO THEY HAVE AN OFFICE IN BEVERLY HILLS?

15 A I AM NOT SURE.

16 Q DO YOUR RECORDS SHOW YOU WHO MADE THE RESERVATION
17 SPECIFICALLY?

18 THE COURT: YOU MEAN HRI?

19 MR. BARENS: I AM ASKING IF HIS RECORDS INDICATE A
20 PERSON, A LIVE BEING.

21 THE COURT: YOU MEAN FROM HRI?

22 MR. BARENS: FROM ANYWHERE, YOUR HONOR.

23 THE WITNESS: LINDA GWINN OF HRI.

24 Q BY MR. BARENS: LINDA GWINN, DID YOU EVER SPEAK
25 TO HER?

26 A YES.

27 Q ABOUT THIS SUBJECT?

28 A YES.

1 Q AND WHEN DID YOU SPEAK TO HER?

2 A APPROXIMATELY MAY OF '85.

3 Q MAY OF '85?

4 WHY DID YOU CALL HER THEN?

5 A I HAD BEEN CONTACTED BY THE DISTRICT ATTORNEY'S
6 OFFICE FOR INFORMATION, I THINK, ON HIS RESERVATION AND I
7 DISCOVERED IT WAS MADE THROUGH HRI.

8 Q AND THEN YOU CALLED HRI TO FIND OUT WHO WAS THE
9 PERSON INVOLVED?

10 A I KNEW LINDA GWINN.

11 Q FROM OTHER BUSINESS DEALINGS?

12 A YES.

13 Q AND DID YOU DISCUSS WITH HER THE CIRCUMSTANCES
14 OF HER PLACING THAT RESERVATION?

15 A YES.

16 MR. BARENS: WILL YOUR HONOR PERMIT A HEARSAY
17 INQUIRY IN THAT REGARD?

18 THE COURT: IF THE D.A. HAS NO OBJECTION, I DON'T HAVE.

19 MR. WAPNER: WELL, I WOULD JUST LIKE TO ASK FOR AN OFFER
20 OF PROOF.

21 THE COURT: GO RIGHT AHEAD. MAKE AN OFFER OF PROOF.

22 (THE FOLLOWING PROCEEDINGS WERE HELD

23 AT THE BENCH:)

24 THE COURT: I DON'T SEE THE POINT OF ALL THIS BUT IF
25 YOU HAVE A POINT, I WOULD LIKE TO HAVE YOU MAKE IT.

26 MR. BARENS: COULD MR. CHIER ARGUE THE POINT.

27 THE COURT: YOU CAN MAKE IT.

28 MR. BARENS: THIS IS A POINT OF LAW.

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1 THE COURT: IT IS A POINT OF LAW?

2 MR. BARENS: THERE IS A POINT OF LAW ON THE EXCEPTION
3 TO THE HEARSAY RULE.

4 THE COURT: FIRST, MAKE YOUR OFFER OF PROOF, WILL YOU?

5 MR. BARENS: THE QUESTION I AM TRYING TO GET TO IS WHO
6 MADE THE RESERVATION. I WANT TO ASK THIS MAN --

7 THE COURT: HE SAID HRI DID.

8 MR. BARENS: I WANT TO ASK HIM IF THIS WOMAN TOLD HIM
9 THAT MR. LEVIN PERSONALLY MADE THE RESERVATION OR DID SOME
10 OTHER PERSON MAKE THE RESERVATION. I THINK THAT IS RELEVANT.

11 MR. WAPNER: I HAVE NO PROBLEM WITH THAT.

12 MR. BARENS: THAT IS ALL I AM ASKING.

13 THE COURT: ASK HIM HOW THE RESERVATION CAME TO BE MADE,
14 IS THAT WHAT YOU WANT TO ASK HIM?

15 MR. BARENS: YES.

16 THE COURT: GO AHEAD.

17 MR. BARENS: FOR THE RECORD, IT MAY BE DEEMED A COMPOUND,
18 HEARSAY OBJECTION.

19 THE COURT: TELL ME WHAT IS THE RELEVANCE OF ALL THIS?

20 MR. BARENS: WOULD YOU LIKE ME TO ACTUALLY SAY WHAT
21 I WOULD LIKE TO ARGUE ON THIS?

22 THE COURT: YES.

23 MR. BARENS: LET'S ASSUME THAT THE WITNESS TELLS ME
24 HE NEVER TALKED TO THIS WOMAN, THAT HE NEVER MADE THIS
25 RESERVATION.

26 THE COURT: WASN'T THERE TESTIMONY THAT THE RESERVATION
27 HAD BEEN MADE FOR THIS HOTEL AND THEY WERE GOING TO THAT
28 HOTEL?

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1 MR. WAPNER: THIS IS THE TESTIMONY. THIS IS GOING TO
2 BE THE WITNESS WHO TESTIFIES ABOUT THAT.

3 MR. BARENS: I AM CURIOUS, YOUR HONOR, AS TO WHETHER
4 OR NOT MR. LEVIN HONESTLY INTENDED TO GO THERE.

5 THE COURT: I THINK WE ARE WASTING A LOT OF TIME.

6 BUT GO AHEAD.
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1 (THE FOLLOWING PROCEEDINGS WERE HELD IN
2 OPEN COURT:)

3 Q BY MR. BARENS: WELL, DID THIS LADY TELL YOU
4 THE CIRCUMSTANCES WHICH WERE INVOLVED IN THE MAKING OF THAT
5 RESERVATION?

6 A TO A DEGREE.

7 Q WOULD YOU TELL ME WHAT SHE SAID TO YOU AND WHAT
8 YOU SAID TO HER DURING THAT CONVERSATION?

9 A ROUGHLY, SHE HAD SOME PAST DEALINGS WITH MR.
10 LEVIN AND AT ANOTHER TIME, HE DID NOT HONOR A RESERVATION.

11 Q THAT HE MADE A RESERVATION AND DIDN'T SHOW UP?

12 A YES, SIR.

13 Q AND NOT ONLY DIDN'T SHOW UP, BUT DIDN'T CALL
14 TO CANCEL?

15 A CORRECT.

16 Q INDEED --

17 THE COURT: DID SHE TELL YOU HE MADE THE RESERVATION
18 FOR THAT PARTICULAR DAY?

19 THE WITNESS: THAT I DON'T REMEMBER.

20 THE COURT: BUT SHE WAS THE ONE THAT MADE THE
21 RESERVATION FOR HIM?

22 THE WITNESS: CORRECT.

23 Q BY MR. BARENS: NOW, DID SHE TELL YOU WHETHER
24 HE MADE A RESERVATION AND FAILED TO SHOW UP ON MORE THAN ONE
25 OCCASION?

26 A I ONLY GOT THAT IN THE FILE SHE SENT ME.

27 Q AND HOW MANY INSTANCES DID YOU SEE WHERE HE HAD
28 MADE RESERVATIONS AND DIDN'T SHOW UP?

1 A IN THE FILE, TWO.

2 Q AND WHEN WERE THESE? WHAT WERE THE DAYS OF THOSE
3 NO - SHOWS, SIR?

4 A THE ONLY ONE DATE I KNOW IS JUNE 7, 1984.

5 Q JUNE 7? HOW ABOUT THE EARLY DATE YOU ARE REFERRING
6 TO WHEN HE DIDN'T SHOW UP?

7 A IT WAS NOT LISTED ON THE FILE.

8 Q YOU COULDN'T FIND THAT?

9 A IT WAS NOT LISTED IN THE FILE SHE SENT ME.

10 Q I SEE. DID SHE TELL YOU WHEN THOSE OCCURRED?

11 A NO.

12 Q AND SHE SAID IT HAPPENED ON TWO DIFFERENT
13 OCCASIONS?

14 A IN HER FILE.

15 Q ALL RIGHT. THE RECORDS YOU HAVE DON'T SEEM TO
16 SHOW A DEPARTURE DATE, DO THEY?

17 A YES, THEY DID.

18 Q WHAT WAS THE ANTICIPATED DEPARTURE DATE?

19 A SIX NIGHTS.

20 Q SIX NIGHTS? AND DOES IT SHOW THAT ALL THREE
21 PEOPLE WERE TO STAY SIX NIGHTS?

22 A IT JUST LISTS THREE PEOPLE TO ARRIVE.

23 Q AND DOES IT SAY THAT THREE PEOPLE WERE GOING
24 TO STAY IN THE ROOM?

25 A THERE IS A REQUEST FOR A COT.

26 Q RIGHT. BUT I DON'T UNDERSTAND THE RESERVATION.
27 PERHAPS YOU COULD HELP ME, WHETHER THE RESERVATION INDICATES
28 THAT ASIDE FROM THREE PEOPLE ARRIVING, ARE THREE PEOPLE

1 SUPPOSED TO STAY IN THE ROOM?

2 A CORRECT.

3 Q IS THE ROOM RATE BASED ON A THREE-PERSON
4 OCCUPANCY?

5 A NOT FOR MR. LEVIN.

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1 Q WHY NOT?

2 A HE WAS UPGRADED.

3 Q IN OTHER WORDS, TWO PEOPLE WERE GOING TO STAY
4 IN ONE ROOM AND LEVIN BY HIMSELF, WOULD MOVE TO ANOTHER ROOM?

5 A I WOULD IMAGINE HE WAS UPGRADED TO A ONE BEDROOM
6 SUITE. THE COT WAS GOING TO BE PUT IN THE LIVING ROOM.

7 Q CAN YOU TELL ME WHEN THE CALL WOULD BE MADE TO
8 THE MAYFAIR THAT WOULD TRIGGER THE ENTRY OF THE NAME AND THIS
9 INFORMATION YOU HAVE TALKED ABOUT ON THE LIST OF EXPECTED
10 ARRIVALS?

11 A WHEN IT WAS MADE?

12 Q YES, SIR.

13 A FROM THE FILE SHE SENT ME, I WOULD HAVE TO SAY
14 JUNE 4TH.

15 Q JUNE 4TH?

16 A (WITNESS NODS HEAD UP AND DOWN.)

17 Q WHY WOULD YOU HAVE TO SAY THAT, SIR?

18 A IT IS LISTED ON THE HRI RESERVATIONS SLIP.

19 Q THAT THEY RECEIVED A CALL FROM THE PERSON MAKING
20 THE RESERVATIONS JUNE 4TH?

21 A JUNE 4TH.

22 Q BUT THAT DIDN'T INDICATE WHO THE PERSON WAS THAT
23 CALLED, IN FACT, DID IT?

24 A NO.

25 Q THAT CARD THAT YOU REFERRED TO THAT HAD THAT
26 DNA REFERENCE ON IT, THAT DID NOT ARRIVE REFERENCE, WOULD
27 THAT BE THE ONLY WAY YOU COULD TELL WHETHER HE ARRIVED OR
28 NOT?

1 A NO.

2 Q HOW ELSE COULD YOU TELL?

3 A IF THERE IS NO BILL DRAWN UP FOR HIM THAT NIGHT.

4 Q YOU CHECKED ON THAT?

5 A YES.

6 Q WHERE DID YOU CHECK ON THAT?

7 A HOTEL RECORDS.

8 Q DID YOU CHECK YOUR RECORDS ON THAT OCCASION FOR
9 A FELLOW NAMED WETHERBEE?

10 A NO.

11 Q YOU DIDN'T SEE IF YOU HAD ANYBODY LISTED BY THAT
12 NAME, DID YOU?

13 A THERE IS NO WETHERBEE LISTED FOR JUNE 7TH.

14 Q ALL RIGHT. DID YOU CHECK YOUR RECORDS TO SEE
15 IF YOU HAD ANY RESERVATIONS IN MR. LEVIN'S NAME FOR AFTER
16 JUNE 7?

17 A NO.

18 MR. BARENS: THANK YOU.

19 MR. WAPNER: YOUR HONOR, I HAVE ANOTHER DOCUMENT. AS
20 LONG AS WE HAVE GONE INTO THIS, MAY I HAVE IT MARKED PEOPLE'S
21 123?

22 THE COURT: YES.

23 MR. BARENS: ARE WE NOW REOPENING DIRECT?

24 THE COURT: YES. MAYBE WE ARE REOPENING DIRECT.

25 I HAVE NO IDEA.

26 MR. WAPNER: WELL, I THINK THIS WILL BE REDIRECT ONLY
27 BECAUSE COUNSEL WAS INQUIRING OF MR. O'SULLIVAN ABOUT THINGS
28 HE HEARD FROM MRS. GUINN.

1 THE COURT: THEN IT WILL BE PROPER REDIRECT.

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REDIRECT EXAMINATION

4 BY MR. WAPNER:

5 Q MR. O'SULLIVAN, DO YOU RECOGNIZE THE DOCUMENT
6 IN FRONT OF YOU, PEOPLE'S 123?

7 A YES.

8 Q WHAT IS IT?

9 A HRI RESERVATIONS SLIP.

10 Q AND WHAT YOU HAVE IN FRONT OF YOU IS A XEROX?

11 A YES.

12 MR. BARENS: I HAVE NOT SEEN THAT.

13 MR. WAPNER: WAIT A MINUTE. I SHOWED IT TO COUNSEL
14 WHEN WE WERE EXAMINING THE OTHER WITNESS.

15 MR. BARENS: I DON'T RECALL SEEING IT AT ALL.

16 MR. WAPNER: I DON'T OBJECT TO HIM SEEING IT. BUT
17 I PURPOSELY GAVE IT TO HIM EARLIER.

18 MR. BARENS: IT IS POSSIBLE THAT I MAY HAVE MISSED
19 IT.

20 THE COURT: SHOW IT TO HIM AGAIN.

21 MR. BARENS: THANK YOU. THESE THINGS LOOK LIKE, YOU
22 KNOW --

23 (PAUSE.)

24 MR. WAPNER: WHILE COUNSEL IS EXAMINING THAT, LET ME
25 JUST ASK A COUPLE OF QUESTIONS.

26 MR. BARENS: I AM THROUGH, ACTUALLY.

27 Q BY MR. WAPNER: THIS DOCUMENT APPEARS TO BE A
28 XEROX, IS THAT CORRECT?

1 A CORRECT.

2 Q AND WHAT IS ACTUALLY, THIS DOCUMENT WE HAVE MARKED
3 AS PEOPLE'S 123?

4 A IT IS AN HRI RESERVATIONS SLIP.

5 Q DID THE HOTEL IN THE NORMAL COURSE OF BUSINESS,
6 GET A COPY OF THAT?

7 A YES.

8 Q ALL RIGHT. AND THE ONE THAT YOU GET, WOULD THAT
9 BE A XEROX OR SOME KIND OF CARBON?

10 A IT WOULD BE A DUPLICATE CARBON.

11 Q THE ONE THAT YOU ARE FAMILIAR WITH SEEING AT
12 THE HOTEL, WHAT COLOR WOULD IT BE?

13 A BLUE.

14 Q WHAT DOES THE HOTEL NORMALLY DO WITH THOSE?

15 A IT WOULD BE FILED AWAY WITH THAT DAY'S BUSINESS.

16 Q AND THAT IS SOMEWHERE IN THE BOWELS OF THE MAYFAIR
17 REGENT?

18 A YES, SIR.

19 Q THE COPIES IN FRONT OF YOU, YOU GOT FROM MRS.
20 GUINN WHEN YOU TALKED TO HER IN MAY OF 1985?

21 A CORRECT.

22 (MR. CHIER REENTERS THE COURTROOM.)
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1 Q AND DOES THAT DOCUMENT HAVE A DATE ON THE TOP
2 WHERE IT SAYS "BOOKING DATE"?

3 A YES, IT DOES.

4 Q WHAT IS THE INDICATION OF THE BOOKING DATE?

5 A JUNE 5 OF 1984.

6 Q AND DOES IT INDICATE ON THERE THE PERSON FOR WHOM
7 THE RESERVATION WAS TO BE MADE?

8 A YES.

9 Q WHO WAS THAT?

10 A RONALD LEVIN.

11 Q DOES IT HAVE SOME INDICATION, OTHER INDICATION
12 UNDERNEATH THAT OF WHAT HIS TITLE IS AND THE COMPANY?

13 A YES.

14 Q WHAT IS IT?

15 A STAFF PRODUCER, NETWORK NEWS INC., 9701 WILSHIRE
16 BOULEVARD, BEVERLY HILLS, CALIFORNIA.

17 Q WOULD THE REASON FOR THE UPGRADES BE BECAUSE HE
18 WAS APPARENTLY A STAFF PRODUCER FOR THIS NETWORK NEWS?

19 A YES.

20 Q GIVE ME THE ADDRESS OF THE HOTEL, PLEASE.

21 A 610 PARK AVENUE.

22 Q AND THAT IS ALSO INDICATED ON THIS FORM, RIGHT?

23 A CORRECT.

24 Q DOES IT SAY ON THIS SLIP THE ARRIVAL DATE?

25 A YES.

26 Q WHAT IS THAT?

27 A JUNE 7, 1984.

28 Q AND THE DEPARTURE DATE?

-2
1 A JUNE 13, 1984.

2 Q AND IS THERE SOME NOTATION UNDER WHERE IT SAYS
3 "REMARKS AND CONDITIONS" ON THE VERY BOTTOM?

4 A I DON'T SEE A SECTION MARKED REMARKS.

5 Q DO YOU SEE SOMETHING ON THERE THAT SAYS "NOTES"
6 AND THEN "SPECIAL REMARKS AND CONDITIONS" DOWN UNDER TOWARDS
7 THE BOTTOM?

8 A I SEE IT NOW.

9 Q AND IS THERE SOMETHING TYPED IN THERE?

10 A YES.

11 IT IS CONFIRMED BY PHONE, JUNE 4, 1984, BY
12 MR. MARIOTTI, TO LINDA GWINN.

13 Q WHO IS MR. MARIOTTI?

14 A HE WAS THE GENERAL MANAGER OF THE MAYFAIR REGENT
15 HOTEL.

16 Q WOULD THAT INDICATE TO YOU THAT THERE WAS -- THAT
17 ALTHOUGH THERE WAS A BOOKING DATE OF JUNE 6, THERE MUST HAVE
18 BEEN SOME CONVERSATION BETWEEN MR. MARIOTTI AND MRS. GWINN
19 ON JUNE 4TH?

20 A YES.

21 MR. WAPNER: I HAVE NOTHING FURTHER.

22 THE COURT: ALL RIGHT.

23 MR. BARENS: NOTHING FURTHER, YOUR HONOR.

24 THE COURT: THANK YOU VERY MUCH, MR. O'SULLIVAN, YOU
25 MAY BE EXCUSED UNLESS THERE IS AN INDICATION TO THE CONTRARY.

26 MR. O'SULLIVAN MAY BE EXCUSED?

27 MR. WAPNER: I HAVE NO OBJECTION.

28 MR. BARENS: NO OBJECTION.

1 THE COURT: CALL YOUR NEXT WITNESS, PLEASE.

2 MR. WAPNER: SCOTT FURSTMAN.

3 MR. BARENS: MAY WE APPROACH THE BENCH, YOUR HONOR?

4 (THE FOLLOWING PROCEEDINGS WERE HELD

5 AT THE BENCH:)

6 THE COURT: YES?

7 MR. BARENS: YOUR HONOR, MR. FURSTMAN IS ONE OF THE
8 WITNESSES MR. CHIER HAD PREPARED ON.

9 THE COURT: I WILL NOT HAVE HIM CROSS-EXAMINE.

10 MR. BARENS: I DIDN'T ASK YOU.

11 THE COURT: LET HIM PREPARE YOU.

12 MR. BARENS: I JUST ASKED YOUR ACCOMMODATION. I ASKED
13 IF IT WOULD NOT AFFECT HIM FURTHER DOWNSTREAM IN THE
14 PROCEEDINGS, I NEED FURTHER TIME TO PREPARE WITH MR. CHIER
15 ON THIS.

16 THE COURT: YOU KNEW DAYS AGO THAT HE WASN'T GOING TO
17 CROSS-EXAMINE ANYBODY.

18 MR. BARENS: I UNDERSTOOD THAT FURSTMAN WOULD BE PART
19 OF THESE PROCEEDINGS.

20 NO, I AM ASKING FOR --

21 THE COURT: I WILL TAKE A RECESS AFTER HIS DIRECT
22 EXAMINATION AND YOU CAN TALK TO HIM ABOUT IT. HE HAS BEEN
23 WHISPERING QUESTIONS TO YOU ALL THROUGHOUT THE TRIAL ANYWAY.
24 WHAT DIFFERENCE DOES IT MAKE?

25 MR. BARENS: MR. CHIER IS NOT GOING TO BE HERE THE REST
26 OF THE DAY. HE IS GOING TO BE IN FEDERAL COURT, ACTUALLY
27 IN A FEW MINUTES HE IS LEAVING FOR FEDERAL COURT.

28 I WAS WONDERING IS IT -- A COUPLE OF THINGS

1 WE CAN DO QUICKLY AND EASILY TO SOLVE THIS DILEMMA.

2 MR. WAPNER, WOULD YOU HAVE ANY OTHER WITNESSES
3 THIS AFTERNOON?

4 MR. WAPNER: I HAVE ONE OTHER WITNESS BUT I DON'T --
5 WELL, I HAVE ONE OTHER WITNESS.

6 MR. BARENS: DO YOU FEEL IT WOULD CORRUPT YOUR
7 PRESENTATION?

8 I REALIZE YOU HAVEN~~G~~ OBLIGATION TO
9 ANYBODY IN THAT REGARD BUT WOULD IT CORRUPT YOUR PRESENTATION
10 TO REVERSE ORDER WITH THESE WITNESSES?

11 MR. WAPNER: WELL, IT DOESN'T DO THAT MUCH DAMAGE TO
12 THE PRESENTATION.

13 I WILL SAY THAT SINCE MR. FURSTMAN IS A PRACTICING
14 LAWYER AND HE HAS SPENT TIME HERE TODAY, IT IS GOING TO BE
15 SOMEWHAT OF AN INCONVENIENCE TO HIM. IF YOU WILL GIVE ME
16 A MINUTE, I WILL CONFER WITH HIM.

17 MR. BARENS: LET ME ASK YOU THIS --

18 THE COURT: YOU ARE AWARE, ARE YOU NOT, OF WHAT --
19 OF WHAT SCOTT FURSTMAN'S TESTIMONY WILL CONSIST OF? HE HAS
20 TESTIFIED BEFORE AND IT WAS IN CONNECTION WITH PITTMAN, SO
21 YOU HAVE THE TRANSCRIPT OF HIS TESTIMONY AND YOU MUST HAVE
22 GONE OVER IT.

23 MR. BARENS: MR. CHIER ACTUALLY INTERVIEWED HIM. HE
24 INTERVIEWED HIM DIRECTLY, YOUR HONOR.

25 IF I MIGHT HAVE A MOMENT.

26 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

27 MR. BARENS: WHO IS YOUR NEXT WITNESS?

28 MR. WAPNER: JAMES FOULK.

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1 MR. BARENS: HE IS WITH THE HOTEL BUSINESS OR SOMETHING?

2 MR. WAPNER: NO, HE IS A FRIEND OF MR. LEVIN'S.

3 (FURTHER UNREPORTED COLLOQUY BETWEEN

4 COUNSEL.)

5 MR. WAPNER: MAY I HAVE A MOMENT WITH MR. FURSTMAN?

6 THE COURT: ALL RIGHT.

7 (PAUSE IN PROCEEDINGS.)

8 MR. WAPNER: HE SAYS THAT ALTHOUGH IT IS AN INCONVENIENCE,
9 HE CAN BE HERE TOMORROW BUT IN THE AFTERNOON, BUT IN THE
10 AFTERNOON, NOT IN THE MORNING.

11 THE COURT: WILL THAT PUT YOU OUT IN ANY WAY?

12 MR. WAPNER: WELL, SOMEWHAT BUT WE ARE GOING TO HAVE
13 OTHER WITNESSES OUT OF ORDER ALSO SO IT IS OKAY.

14 MR. BARENS: WHILE WE ARE HERE ON THIS, COULD I MAKE
15 A SUGGESTION OR REQUEST, YOUR HONOR, IT IS SOMETHING I HAVE
16 DONE PREVIOUSLY.

17 THE COURT: DO YOU WANT TO PUT ON THE DIRECT
18 EXAMINATION AND GO AS FAR AS YOU CAN AND THEN --

19 MR. BARENS: I WOULD LIKE TO DO IT ALL IN A PACKAGE,
20 YOUR HONOR, IF WE COULD.

21 YOUR HONOR, I WOULD LIKE TO OFFER SOMETHING THAT
22 I HAVE DONE IN THE PAST AND WE WOULD BE WILLING TO DO DURING
23 THIS TRIAL. IF THE PEOPLE COULD TELL US THE WITNESSES THEY
24 ARE CALLING THE NEXT DAY, WE CAN BETTER PREPARE FOR THOSE
25 WITNESSES AND MAKE SURE, FOR INSTANCE, WE HAVE THE
26 TRANSCRIPTS HERE FROM THE PITTMAN THING THAT WE WILL BE
27 NEEDING TO REFER TO AND FROM THE PRELIMINARY TRANSCRIPTS.
28 I WOULD MAKE AN OFFER THAT THE DEFENSE WOULD BE WILLING TO

1 ADVISE THE PROSECUTION AS TO WITNESSES WE ARE CALLING 24 HOURS
2 IN ADVANCE SO THAT EACH SIDE COULD BE PREPARED TO BRING THE
3 APPROPRIATE MATERIALS.

4 IT IS JUST TOO MUCH TO SCHLEPP ALL AT ONE TIME.

5 MR. WAPNER: MAKE IT 72 HOURS AND YOU HAVE GOT A DEAL --
6 NO, THAT IS FINE.

7 I TOLD COUNSEL EARLY ON THAT I WOULD BE HAPPY
8 TO DO THAT. THEY JUST NEVER ASKED AND I HAVE JUST BEEN TOO
9 BUSY.

10 MR. BARENS: OKAY. IT IS JUST --

11 THE COURT: CAN'T WE GET FURSTMAN ON ON DIRECT
12 EXAMINATION AND FINISH HIM UP?

13 MR. BARENS: MY PROBLEM IS I WOULD PREFER TO HAVE
14 MR. CHIER TO BE HERE FOR HIS DIRECT EXAMINATION, SINCE I WON'T
15 HAVE A TRANSCRIPT BY TONIGHT TO GO OVER WITH HIM.

16 THE COURT: WHY DON'T YOU CALL HIM NOW?

17 MR. BARENS: DO YOU WANT TO RECESS NOW SO HE CAN PREPARE
18 HIS WITNESS, SINCE IT IS ABOUT THAT TIME THAT WE USUALLY DO
19 ANYHOW?

20 MR. WAPNER: IF WE COULD TAKE A RECESS NOW, I WILL TELL
21 YOU THE WITNESSES I HAVE, I DON'T THINK THE WITNESS WILL FILL
22 UP THE BALANCE OF THE DAY IN ANY EVENT.

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1 THE COURT: HOW LONG DO YOU THINK IT WILL TAKE?

2 MR. WAPNER: THIS NEXT WITNESS? HALF AN HOUR, MAYBE.

3 MR. BARENS: WELL, WHAT I HAVE WOULD BE A BIT OF TIME.
4 I UNDERSTAND THIS TO BE A WITNESS --

5 THE COURT: THIS IS YOUR LAST WITNESS OTHER THAN MR.
6 FURSTMAN?

7 MR. WAPNER: RIGHT. THAT HALF AN HOUR, I WAS INCLUDING
8 CROSS-EXAMINATION.

9 THE COURT: WELL, MR. FURSTMAN, HE REPRESENTED RON
10 LEVIN IN CONNECTION WITH THAT CASE. YOU READ ALL OF THAT
11 TESTIMONY THAT HE GAVE. YOU KNOW EXACTLY WHAT HE IS GOING TO
12 TESTIFY TO. WHY DO YOU NEED THIS? WHAT DO YOU NEED --

13 MR. BARENS: MR. CHIER SPENT A LOT OF TIME WORKING
14 WITH MR. FURSTMAN.

15 I REPRESENT AS AN OFFICER OF THE COURT THAT I
16 DID NOT PREPARE AT ALL FOR MR. FURSTMAN'S TESTIMONY TODAY.

17 THE COURT: TODAY, YOU MEAN?

18 MR. BARENS: NO. I DID NOT, YOUR HONOR.

19 THE COURT: I SEE. YOU DIDN'T?

20 MR. BARENS: NOT WITHIN THE LAST TWO MONTHS, TO BE
21 FRANK WITH YOUR HONOR. AND I WOULD NOT SAY THAT IF --

22 THE COURT: WELL, WHAT DO YOU THINK YOU WANT TO DO?

23 MR. WAPNER: LET'S TAKE A BREAK. I WILL PUT ON THE
24 OTHER WITNESS. WE WILL HAVE MR. FURSTMAN COME BACK.

25 THE COURT: ALL RIGHT.

26 (THE FOLLOWING PROCEEDINGS WERE HELD IN
27 OPEN COURT:)

28 THE COURT: LADIES AND GENTLEMEN, I THINK IT IS JUST

1 ABOUT TIME FOR US TO TAKE AN AFTERNOON BREAK. SO, WE'LL TAKE
2 A RECESS NOW FOR 15 MINUTES.

3 REMEMBER THE ADMONITION THAT I GAVE YOU THROUGHOUT
4 THE TRIAL STILL APPLIES.

5 (RECESS.)

6 (MR. CHIER EXITS THE COURTROOM.)
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1 MR. WAPNER: WE CALL JAMES FOULK.

2 THE COURT: COME FORWARD, PLEASE.

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4 JAMES FOULK,

5 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
6 AS FOLLOWS:

7 THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY
8 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL
9 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
10 SO HELP YOU GOD.

11 THE WITNESS: I DO.

12 THE CLERK: BE SEATED THERE AT THE WITNESS STAND.
13 STATE AND SPELL YOUR NAME FOR THE RECORD.

14 THE WITNESS: JAMES FOULK, F-O-U-L-K.

15 DIRECT EXAMINATION

16 BY MR. WAPNER:

17 Q MR. FOULK, DO YOU KNOW THE PERSON DEPICTED IN
18 PEOPLE'S 6 FOR IDENTIFICATION?

19 A YES, I DO.

20 Q WHO IS THAT PERSON?

21 A RON LEVIN.

22 Q AND DID YOU SEE RON LEVIN ON JUNE THE 6TH OF
23 1984?

24 A YES, I DID.

25 Q HOW DID HE LOOK? HOW DID HIS FACE APPEAR IN
26 TERMS OF HAIR AND BEARD AND EVERYTHING, COMPARED TO HOW IT
27 APPEARS IN THIS PHOTOGRAPH?

28 A THE SAME, BASICALLY.

1 Q WHEN DID YOU FIRST MEET RON LEVIN?

2 A LET'S SEE. IT WAS RIGHT BEFORE CHRISTMAS, 1983.
3 AND I MET HIM AT A RESTAURANT CALLED SPAGO'S, WITH ANOTHER
4 LADY HE WAS WITH.

5 THE COURT: ANOTHER LADY?

6 THE WITNESS: WITH ANOTHER LADY.

7 THE COURT: WHO WAS THE OTHER LADY?

8 THE WITNESS: HER NAME? SHE WAS A REPORTER. ACTUALLY,
9 I MET HER BEFORE I MET HIM.

10 I WAS TALKING TO HER WITH MY FRIEND AND --

11 THE COURT: YOU SAID "ANOTHER LADY."

12 WAS THERE ANOTHER LADY THERE?

13 THE WITNESS: JUST ONE LADY.

14 THE COURT: YOU SAID IT WAS ANOTHER LADY. THERE WAS
15 JUST ONE LADY THERE, RIGHT?

16 THE WITNESS: ONE LADY. EXCUSE ME.

17 MR. BARENS: THANK YOU, YOUR HONOR.

18 MR. WAPNER: ALL RIGHT. THAT IS THE RITTENBAND SCHOOL
19 OF ENGLISH WHICH IS IN RECESS TEMPORARILY.

20 THE WITNESS: YES.

21 Q BY MR. WAPNER: ALL RIGHT. WHEN YOU WERE AT
22 SPAGO'S, DID YOU MEET HIM AT THE BAR?

23 A YES.

24 (NOISE FROM THE AUDIENCE.)

25 MR. WAPNER: WOULD YOU PERMIT THIS IN YOUR CLASSROOM
26 OR YOUR COURTROOM?

27 THE COURT: IT SOUNDS LIKE A BOWLING ALLEY. PLEASE
28 SET UP IN THE OTHER ALLEY, WILL YOU?

1 GO AHEAD.

2 MR. WAPNER: OKAY.

3 Q IN DECEMBER OF 1983, YOU WENT TO SPAGO'S AND
4 YOU FIRST MET A WOMAN AT THE BAR, RIGHT?

5 A YES.

6 Q HOW DID IT COME ABOUT THAT YOU THEN MET RON
7 LEVIN?

8 A RON CAME THERE TO MEET HER. HE CAME UP TO THE
9 BAR WHERE SHE WAS TALKING TO US.

10 AND HE WAS INTRODUCED TO US BY HER, US BEING
11 MY FRIEND BILL.

12 AND WE STARTED TALKING, ALL OF US TOGETHER. AND
13 THEN WE SAT DOWN AND HAD SOMETHING TO EAT.

14 THEN HE INVITED US TO JOIN THEM TO EAT. AND
15 THAT WAS BASICALLY IT.

16 Q WAS THIS WOMAN MR. LEVIN'S DATE, APPARENTLY?

17 MR. BARENS: OBJECTION, CALLING FOR A CONCLUSION THAT
18 MIGHT BE --

19 THE COURT: APPARENTLY IS WHAT HE SAID. HE SAID --
20 WAS IT APPARENT THAT SHE WAS A DATE?

21 MR. WAPNER: MAYBE I CAN REPHRASE IT.

22 THE COURT: THAT'S ALL RIGHT. IT IS A GOOD QUESTION.

23 Q BY MR. WAPNER: DID IT APPEAR TO YOU THAT THIS
24 WOMAN WAS MR. LEVIN'S DATE?

25 A YES.

26 Q ALL RIGHT. AS OPPOSED TO HIM JUST SHOWING UP
27 AND PICKING HER UP AT THE BAR?

28 A NO. DEFINITELY HE WAS NOT PICKING HER UP AT

1 THE BAR.

2 Q OKAY. AND WHEN YOU MET MR. LEVIN THAT EVENING
3 AND THEN YOU LEFT THERE, HOW WAS IT LEFT WITH HIM IN TERMS
4 OF WHETHER THERE WAS A FRIENDSHIP, WHETHER YOU WERE GOING
5 TO TALK TO HIM AGAIN? WHAT HAPPENED?

6 A HE HAD ACTUALLY GIVEN ME A CARD. THE CARD --
7 IT WAS NETWORK NEWS CARD.

8 HE TOLD ME THAT HE OWNED NETWORK NEWS AND HE
9 EXPLAINED WHAT IT WAS ALL ABOUT THAT EVENING AT THE DINNER
10 TABLE.

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1 Q WHAT DID HE TELL YOU IT WAS ALL ABOUT?

2 A HE SAID THAT THE MIDNIGHT FILMING THAT YOU SEE
3 OF ACCIDENTS AND SO FORTH, THE NEWS AT MIDNIGHT, THAT IS THE
4 STUFF THAT HIS COMPANY GOES OUT TO GET.

5 AND I HAD EXPRESSED TO HIM THAT I WAS LOOKING
6 FOR WORK, PART TIME WORK. AND HE HAD GIVEN ME HIS CARD AND
7 SAID TO CALL HIM UP.

8 Q AND DID YOU CALL HIM UP?

9 A YES, I DID.

10 Q HOW LONG AFTER THAT FIRST MEETING AT SPAGO'S?

11 A LET'S SEE. I WOULD SAY THREE OR FOUR DAYS
12 AFTERWARDS, ON THE FOLLOWING MONDAY.

13 Q AFTER YOU CALLED HIM, DID YOU ARRANGE TO MEET
14 HIM?

15 A YES.

16 Q WHERE DID YOU MEET HIM?

17 A I MET HIM AT HIS HOME. I DON'T REMEMBER THE --

18 Q PECK DRIVE?

19 A PECK DRIVE. THAT SOUNDS EXACTLY LIKE IT.

20 Q OKAY. AND WHEN YOU MET HIM AT HIS HOME, WHAT
21 DID YOU TALK TO HIM ABOUT?

22 A I TALKED TO HIM ABOUT ME. AND HE TOLD ME A LITTLE
23 BIT ABOUT WHAT HE WAS DOING.

24 Q WHAT HE WAS DOING IN TERMS OF NETWORK NEWS?

25 A YES.

26 Q WHAT DID HE TELL YOU?

27 A HE SAID THEY WERE EXPANDING INTO TAKING FOR
28 INSTANCE, IF THERE WAS SOME WILD KIND OF BANK ROBBERY, OR

1 SOMETHING OF THAT SORT, HE WOULD LIKE TO GET THAT AND GET
2 THE RIGHTS TO IT TO MAKE IT INTO A FILM.

3 SO IN OTHER WORDS, HE WAS TRYING TO BECOME A
4 PRODUCER, IS THE WAY HE PUT IT TO ME.

5 Q DID HE TELL YOU WHAT HE WANTED YOU TO DO FOR
6 THE COMPANY?

7 A NOT SPECIFICALLY.

8 Q AND HE DISCUSSED WITH YOU WHAT HE WAS DOING,
9 WHAT DID HE TELL YOU?

10 A HE ASKED ME IF I WANTED TO WORK FOR HIM.

11 Q WHAT DID YOU SAY?

12 A I SAID SURE.

13 Q DID HE TELL YOU WHAT KIND OF WORK HE HAD IN MIND?

14 A WELL, HE KNEW THAT I LIKED TO WRITE. THAT WAS
15 MY WHOLE PURPOSE, WRITING SCREEN PLAYS AND SO FORTH.

16 HE HAD IN MIND ME, YOU KNOW, WORKING ON THE
17 REPORTING STUFF, LIKE THAT. HE SAID THERE WOULD BE DIFFERENT
18 THINGS I WOULD BE DOING. HE WOULDN'T TELL ME SPECIFICALLY.

19 BUT BASICALLY, YOU KNOW, HE DIDN'T TELL ME ANYTHING
20 SPECIFIC. HE JUST SAID IT WOULD BE ODD DIFFERENT THINGS,
21 WHATEVER.

22 I JUST AGREED. I AGREED WITH HIM, SAYING YOU
23 KNOW, WHATEVER HE HAD FOR ME TO DO I WOULD DO IT, SORT OF
24 IN THE WAY LIKE I HAD TO START FROM THE BOTTOM AND WORK MY
25 WAY THROUGH WHATEVER WAS GOING ON.

26 Q DID HE SAY HOW MUCH HE WAS GOING TO PAY YOU?

27 A FOUR HUNDRED DOLLARS A WEEK.

28 Q AND WHEN YOU LEFT THERE, DID YOU HAVE A STARTING

1 DATE FOR COMING TO WORK?

2 A HE JUST TOLD ME WHEN I COULD COME IN AND START.

3 I TOLD HIM I WANTED TO WAIT AND START THE NEXT MONDAY.

4 BASICALLY, I MEAN FROM THE REAL STARTING POINT THE NEXT MONDAY.

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1 Q WHEN YOU STARTED, WHICH WAS THAT NEXT MONDAY,
2 WAS THAT STILL IN DECEMBER OR WERE YOU NOW INTO JANUARY?

3 A NO. IN JANUARY.

4 Q AND WHEN YOU CAME TO WORK ON MONDAY, WHAT DID
5 YOU DO?

6 A LET'S SEE, HE LET ME IN HIS DOOR AND IMMEDIATELY,
7 HE WENT INTO HIS OFFICE AND WAS ON THE PHONE.

8 Q HOW LONG WAS HE ON THE PHONE?

9 A OH, GOD, I WOULD SAY OFF AND ON FOR ABOUT
10 45 MINUTES.

11 Q IN YOUR EXPERIENCE WITH MR. LEVIN FROM JANUARY
12 THROUGH JUNE OF 1984, WOULD YOU SAY HE WAS ON THE PHONE QUITE
13 A BIT?

14 A A LOT, "A LOT A BIT." ALL OF THE TIME.

15 Q WHEN YOU CAME IN AND HE WAS ON THE PHONE, ONCE
16 HE GOT OFF THE PHONE, DID HE TELL YOU WHAT HE WANTED YOU TO
17 DO?

18 A SOMETIMES YES AND SOMETIMES NO.

19 SOMETIMES HE WOULD -- HE WOULD SAY "HOLD ON A
20 SEC" AND I WOULD END UP SITTING THERE READING A MAGAZINE.

21 SOMETIMES HE WOULD SAY "TAKE THIS OR GO DO THAT,"
22 YOU KNOW, DIFFERENT THINGS HE WOULD JUST HAVE ME DO.

23 Q LIKE ERRANDS AND THINGS?

24 A YEH, BASICALLY ERRANDS.

25 Q DID YOU EVER DO ANY WRITING FOR HIM DURING THE
26 TIME YOU WERE EMPLOYED THERE?

27 A NOT WRITING THAT I WOULD SAY HE SPECIFICALLY SAID
28 "WRITE THIS OR WRITE THAT."

1 Q DID YOU DO ANY WORK FOR HIM OTHER THAN RUNNING
2 ERRANDS?

3 A ONE TIME WE WENT TO LAS VEGAS, I CAME IN THE
4 MORNING, WE WENT TO LAS VEGAS WHERE SOMEBODY HAD SWINDLED
5 A BUNCH OF MONEY OUT OF A BANK WITH HIS GIRLFRIEND AND THEY
6 TOOK OFF FOR BRAZIL OR SOMETHING, AND HE WANTED TO GO OVER
7 THERE AND GET THE FACTS, SO I WENT WITH HIM.

8 WE FLEW OVER TO LAS VEGAS AND WE RAN THROUGH THE
9 LIBRARY, DIFFERENT THINGS TRYING TO GET INFORMATION.

10 Q DID YOU FLY TO LAS VEGAS?

11 A YES.

12 Q AND OTHER THAN THAT, MOST OF YOUR JOB CONSISTED
13 OF DOING ERRANDS, RIGHT?

14 A YES, BASICALLY.

15 Q DID YOU EVER SPEND TIME WITH MR. LEVIN IN THE
16 EVENINGS?

17 A SOMETIMES, YES.

18 Q ABOUT HOW OFTEN WOULD YOU DO THAT?

19 A AH, WELL, I WOULD SAY TWO, THREE TIMES A WEEK.

20 Q WOULD THAT BE TWO OR THREE TIMES A WEEK FROM
21 JANUARY THROUGH --

22 A YES.

23 Q -- THE BEGINNING OF JUNE?

24 A YES.

25 Q WHAT TYPES OF THINGS WOULD YOU DO WITH MR. LEVIN
26 IN THE EVENINGS?

27 A WELL, HE WOULD CALL ME AND SAY, THERE WOULD BE
28 LIKE SOME PARTY GOING ON AT SOME RESTAURANT OR SOME NEW

1 OPENING AND ASKED ME IF I WANTED TO GO TO THAT AND I WOULD
2 MEET HIM THERE. I WOULD COME WITH FRIENDS SOMETIMES. FASHION
3 SHOWS SOMETIMES. THINGS LIKE THAT.

4 Q WHEN YOU SAY NEW OPENINGS, AN OPENING OF A
5 RESTAURANT OR OPENING OF LIKE AN ART GALLERY OR WHAT?

6 A RESTAURANTS. IT COULD HAVE BEEN AN ART GALLERY,
7 TOO, AT ONE POINT.

8 Q DID HE EVER RENT A CAR FOR YOU?

9 A RENT A CAR FOR ME?

10 Q YES.

11 A NO. LEASED A CAR.

12 Q HE LEASEDA CAR?

13 DID HE PAY FOR THE LEASE OR DID YOU?

14 A NO.

15 I PAID FOR IT.

16 Q WHAT KIND OF A CAR WAS IT?

17 A IT WAS A WHITE RABBIT CONVERTIBLE, '84.

18 Q DID YOU SEE MR. LEVIN ON JUNE 6 OF 1984?

19 A YES, I DID.

20 Q WHAT TIME OF THE DAY?

21 A BETWEEN 6:00 AND 7:00.

22 Q MORNING OR EVENING?

23 A EVENING.

24 Q WHERE DID YOU SEE HIM?

25 A AT HIS HOME.

26 Q HOW WAS HE DRESSED?

27 A HE WAS DRESSED IN WHAT HE USUALLY WORE ACTUALLY,
28 THAT IS WHEN HE WAS AT HOME, LIKE A GRAY WARM-UP SUIT.

L
1 Q LIKE A JOGGING SUIT?

2 A YES.

3 Q HOW LONG DID YOU SPEND WITH HIM AT HIS HOME?

4 A THAT EVENING?

5 Q YES.

6 A I WOULD SAY ABOUT 20 MINUTES.

7 Q DO YOU REMEMBER WHAT YOU TALKED ABOUT?

8 A HE WAS TELLING ME THAT HE WAS TAKING OFF TO
9 NEW YORK THE NEXT MORNING WITH HIS KIDS, THREE OF HIS KIDS
10 AND HE ASKED ME IF I WANTED TO GO AND I SAID NO, I DON'T
11 HAVE ANY REASON TO GO.

12 AND HE SAID IF I CAME, I WOULD BE WORKING FOR
13 HIM, IF THAT WAS THE REASON I DIDN'T WANT TO GO.

14 AND I SAID NO, I JUST HAVE NO REASON EVEN TO GO
15 FOR WORK.

16 THERE WAS OTHER THINGS I COULD BE DOING HERE.

17 HE SAID IF I CHANGED MY MIND, THEY WOULD BE LEAVING
18 AT 8:00 IN THE MORNING AND I THINK HE SAID THERE WAS A CAR
19 COMING TO PICK HIM UP.

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1 Q DID HE IMPLY BY YOUR WORKING FOR HIM IN NEW YORK
2 THAT HE WOULD PAY FOR YOUR TRIP?

3 A YES.

4 Q DID HE SEEM --

5 WHAT DID HIS MOOD SEEM LIKE WHEN YOU SAW HIM AT
6 THAT TIME IN THE EVENING?

7 A AH, WELL HE WAS HYPER. HE WAS ALWAYS HYPER, THOUGH.
8 HE WAS VERY --

9 Q CAN YOU EXPLAIN WHAT YOU MEAN BY HYPER?

10 A HE TALKED REAL FAST, YOU KNOW, SO HE WOULD --
11 JUST LIKE ON THE PHONE, WHEN HE WAS ON THE PHONE
12 HE IS PACING AROUND ALWAYS.

13 SO WHEN I CAME OVER THAT EVENING TO THE DOOR,
14 HE OPENS THE DOOR, TAKES OFF, GOES INTO HIS OFFICE. HE IS
15 ALWAYS -- HE IS ALWAYS AHEAD OF HIMSELF, YOU KNOW.

16 THE COURT: WOULD EBULLIENT BE A GOOD WORD FOR IT?

17 THE WITNESS: EXCUSE ME?

18 THE COURT: EBULLIENT?

19 THE WITNESS: YES.

20 MR. WAPNER: I THOUGHT ENGLISH CLASS WAS OUT.

21 Q DID HE HAVE THAT MANNER ALL OF THE TIME YOU KNEW
22 HIM?

23 A YES.

24 Q STARTING AT SPAGO'S AND ENDING THAT NIGHT?

25 A YES.

26 Q WOULD YOU SAY THAT HIS MOOD THAT NIGHT WAS
27 BASICALLY ANY DIFFERENT THAN ANY OTHER TIME THAT YOU HAD SEEN
28 HIM DURING --

A-2

1 A NO, NO.

2 Q -- THAT SIX-MONTH PERIOD?

3 A NO.

4 HE WAS RON LEVIN.

5 Q AND SO YOU LEFT ABOUT WHAT TIME?

6 A I WOULD SAY NO LATER THAN 7 O'CLOCK.

7 Q DID YOU HAVE SOME EXPECTATION OF COMING TO WORK

8 WHEN HE CAME BACK FROM NEW YORK?

9 A YES.

10 Q DID HE TELL YOU HOW LONG HE WAS GOING TO BE GONE?

11 A HE TOLD ME NO LONGER THAN A WEEK.

12 Q AND DID YOU --

13 A ACTUALLY, A WEEK BEING FIVE DAYS.

14 Q A WORKING WEEK?

15 A A WORKING WEEK, YES.

16 Q DID YOU TRY AND CALL HIM AFTER THAT?

17 A YES, I DID.

18 Q DID HE EVER RETURN YOUR PHONE CALL?

19 A NO, HE DID NOT.

20 Q IN YOUR EXPERIENCE, BEFORE JUNE 6, IF YOU HAD

21 CALLED HIM AND LEFT A MESSAGE ON HIS SERVICE, DID HE RETURN

22 IT?

23 A YES.

24 Q HAD YOU EVER BEEN OUT WITH HIM ANYPLACE WHERE

25 HE WOULD CALL INTO THE SERVICE TO TRY AND GET HIS MESSAGES?

26 A YES, HE DID THAT. YES, HE WOULD DO THAT.

27 Q HAVE YOU SEEN RON LEVIN SINCE YOU LEFT HIS

28 APARTMENT ABOUT 7 O'CLOCK ON JUNE 6TH?

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1 A NO, I HAVE NOT.

2 Q HAVE YOU HEARD FROM HIM SINCE THEN?

3 A NO, I HAVE NOT.

4 Q DID YOU EVER TALK TO RON LEVIN ABOUT HIS
5 RELATIONSHIP WITH HIS MOTHER?

6 A YES.

7 Q AND WAS THAT USUALLY IN THE CONTEXT OF YOUR ALSO
8 DISCUSSING YOUR MOTHER?

9 A YES, IT WAS.

10 Q AND WHAT DID RON LEVIN SAY ABOUT HIS MOTHER?

11 A HE LOVED HIS MOM VERY MUCH, JUST LIKE I LOVE MY
12 MOM VERY MUCH.

13 Q DO YOU REMEMBER ANYTHING SPECIFICALLY THAT HE
14 SAID OR DID THAT WOULD INDICATE THAT HE LOVED HIS MOTHER VERY
15 MUCH?

16 A WELL, HE -- HE WAS ALWAYS TALKING TO HIS MOM.
17 HE WAS ALWAYS ON THE PHONE. HE TALKED TO HIS MOM EVERY DAY
18 AND THAT IS USUALLY AFTER HE WOULD GET OFF THE PHONE, IF HE
19 WAS TALKING TO HIS MOM WHEN I WAS THERE, HE WOULD TELL ME
20 HE WAS TALKING TO HIS MOTHER AND THEN WE WOULD GET INTO
21 TALKING ABOUT, YOU KNOW, MOTHERS.

22 Q DID HE EVER DESCRIBE HIS MOTHER TO YOU?

23 A NOT PHYSICALLY.

24 Q DID HE EVER DESCRIBE HER IN TERMS OF HIS FEELINGS
25 FOR HER?

26 A YES.

27 Q WHAT DID HE SAY?

28 A HE JUST SAID THAT THERE WAS ONE PERSON -- NOW,

A-4

1 THIS ISN'T ON THE WORD BUT I WOULD SAY, YOU KNOW, HE WOULD
2 SAY IF THERE WAS ONE PERSON THAT MEANT ANYTHING TO HIM REALLY
3 IN HIS LIFE THAT OBVIOUSLY HAD A LOT OF POWER TO, YOU KNOW,
4 TO HIS HEART, IT WAS HIS MOM.

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1 Q DURING THE TIME THAT YOU WERE THERE, DID YOU EVER
2 SEE THE DEFENDANT IN THIS CASE, JOE HUNT?

3 A JUST ONCE.

4 Q DO YOU REMEMBER WHEN THAT WAS IN RELATION TO
5 JUNE 6?

6 A I COULDN'T BE SPECIFIC ON A DATE.

7 Q HOW ABOUT APPROXIMATELY IN TERMS OF TIME?

8 A I WOULD SAY MARCH OR APRIL. I WOULD SAY SOMEWHERE
9 AROUND MARCH OR APRIL, I WOULD HAVE TO SAY.

10 Q IT SOUNDS LIKE THAT IS A GUESS. IS THAT --

11 A YES, DEFINITELY A GUESS.

12 MR. BARENS: MOVE TO STRIKE THE RESPONSE THEN,
13 YOUR HONOR.

14 THE COURT: BY "GUESS" DO YOU MEAN YOUR BEST
15 ESTIMATE?

16 THE WITNESS: YES.

17 THE COURT: MOTION DENIED.

18 MR. BARENS: THANK YOU, YOUR HONOR.

19 Q BY MR. WAPNER: IN YOUR EXPERIENCE WITH MR. LEVIN,
20 WOULD IT BE UNUSUAL IF HE WENT A DAY WITHOUT TALKING TO HIS
21 MOTHER?

22 A I DON'T THINK --

23 MR. BARENS: OBJECTION, NO FOUNDATION TO SHOW --

24 THE COURT: WELL, IN ALL OF THE TIME YOU WERE THERE
25 WITH HIM, DID HE TALK TO HIS MOTHER?

26 THE WITNESS: YES.

27 MR. BARENS: THANK YOU, YOUR HONOR.

28 Q BY MR. WAPNER: IN THE EXPERIENCE THAT YOU HAD

1 WITH HIM, WOULD IT BE UNUSUAL FOR HIM TO GO A MONTH WITHOUT
2 TALKING TO HIS MOTHER?

3 A HE NEVER -- FROM MY PERSONAL OPINION, HE WOULD
4 NEVER MISS A DAY. EVEN IF HE WAS GONE, I WOULD IMAGINE HE
5 WOULD BE CALLING HER.

6 Q HOW ABOUT A YEAR?

7 MR. BARENS: MOVE TO STRIKE THAT STATEMENT FOLLOWED
8 BY "I WOULD IMAGINE," AS A PURE GUESS ON THE WITNESS'S PART.

9 THE COURT: ALL RIGHT. I WILL STRIKE IT.

10 MR. BARENS: THANK YOU, YOUR HONOR.

11 Q BY MR. WAPNER: IN THE EXPERIENCE THAT YOU HAVE
12 WITH HIM, WOULD HE GO A YEAR WITHOUT TALKING TO HIS MOTHER?

13 A NO.

14 Q HOW ABOUT TWO YEARS?

15 A NO.

16 Q HOW ABOUT TWO AND A HALF YEARS?

17 A NEVER, NO.

18 Q DID YOU CALL HIM OR TRY TO GET IN TOUCH WITH
19 HIM AFTER THE TIME WHEN HE WAS SUPPOSED TO RETURN FROM
20 NEW YORK?

21 A YES.

22 Q HE NEVER RETURNED YOUR PHONE CALL?

23 A NEVER.

24 Q DID YOU EVER GO BACK OVER THERE TO TRY TO GO TO
25 WORK?

26 A I THINK A COUPLE OF TIMES I WENT BACK AND RANG
27 THE DOORBELL, YES.

28 Q HE NEVER ANSWERED?

-3
1 A NO.

2 Q DID YOU AT SOME POINT, TALK TO HIS MOTHER?

3 A YES.

4 Q AND DID SHE EXPLAIN TO YOU THE EVENTS THAT HAD
5 TAKEN PLACE ON THE MORNING OF JUNE 7?

6 MR. BARENS: OBJECTION, YOUR HONOR. WE ARE INTO
7 COMPOUND HEARSAY, NOW.

8 THE COURT: WELL, HE ALREADY ANSWERED IT YES. GO ON.

9 Q BY MR. WAPNER: DID IT APPEAR TO YOU THAT MR. LEVIN
10 WAS A LONELY PERSON?

11 A YES, VERY LONELY.

12 THE COURT: WHAT?

13 THE WITNESS: HE WAS VERY LONELY.

14 Q BY MR. WAPNER: DID HE IN YOUR EXPERIENCE LIKE
15 TO HAVE LOTS OF PEOPLE AROUND HIM?

16 A HE ALWAYS LIKED TO HAVE PEOPLE AROUND.

17 Q WAS IT YOUR EXPERIENCE THAT WHEN HE WAS IN THE
18 HOUSE, THERE WOULD BE PEOPLE COMING IN AND OUT A LOT?

19 A YES.

20 Q DURING THE TIME YOU WORKED FOR HIM, HOW MANY HOURS
21 A DAY WOULD YOU WORK?

22 A I WOULD SAY USUALLY I GAVE HIM A CALL AROUND
23 9 O'CLOCK UNLESS I WAS TOLD TO COME OVER AT A CERTAIN TIME.

24 AND OFF AND ON THROUGHOUT THE WHOLE DAY, PROBABLY
25 UP UNTIL ABOUT 6:00 UNLESS I HAD SOMETHING I HAD TO DO.

26 HE WOULD LET ME GO OFF AND DO WHAT I HAD TO DO.
27 BUT I WOULD HAVE TO CALL HIM BACK.

28 Q DID HE PAY YOU \$400 A WEEK?

1 A YES.

2 Q CASH OR CHECK?

3 A CASH.

4 Q DID MR. LEVIN TELL YOU BEFORE HE LEFT FOR NEW
5 YORK THAT HE WAS GOING TO CHECK ALL HIS MESSAGES, HIS PHONE
6 MESSAGES?

7 A HE TOLD ME IF I LEFT MESSAGES FOR HIM, HE WOULD
8 PICK THEM UP.

9 Q DID HE HAVE A DOG?

10 A YES.

11 Q DID IT APPEAR TO YOU THAT HE LIKED OR DIDN'T LIKE
12 THE DOG?

13 A I WOULD SAY HE LOVED HIS DOG.

14 Q SPENT A LOT OF TIME WITH HIS DOG?

15 A YES. THE DOG WAS THERE ALL OF THE TIME.

16 MR. WAPNER: THANK YOU. NOTHING FURTHER.

17 THE COURT: ALL RIGHT. ANY QUESTIONS?

18 MR. BARENS: YES.

19

20 CROSS-EXAMINATION

21 BY MR. BARENS:

22 Q MR. FOULK, WHEN DID YOU FIRST TALK TO THE POLICE?

23 A EXCUSE ME?

24 Q WHEN DID YOU FIRST TALK TO THE POLICE?

25 A LET'S SEE. THE FIRST TIME I TRIED TO GET A HOLD
26 OF THEM WAS AFTER I HAD TALKED TO RON'S MOM, AFTER SHE ACTUALLY
27 CALLED ME. AND I WAS TOLD THAT THEY WOULD GET BACK TO ME.

28 Q AND WHY DID YOU WANT TO TALK TO THE POLICE?

1 A BECAUSE I WAS THE ONE THAT SAW HIM ON JUNE THE
2 6TH. THAT WAS THE LAST TIME I SAW HIM. THE WAY HIS MOTHER
3 TOLD ME, HE LEFT AND HE NEVER CAME BACK.

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1 Q AND SO YOU WANTED TO TELL THE POLICE ABOUT WHAT
2 YOU OBSERVED OF HIM ON JUNE 6TH?

3 A NO.

4 Q WHAT DID YOU WANT TO TELL THEM?

5 A I WANTED TO TELL THEM THAT I SAW HIM ON JUNE
6 6TH, THE NIGHT BEFORE, HE HAD TOLD ME HE WAS LEAVING.

7 Q ALL RIGHT. AND HOW MANY TIMES HAVE YOU TALKED
8 TO THE POLICE?

9 A COULD YOU BE MORE SPECIFIC ON THAT?

10 Q I AM ASKING YOU ACTUALLY IF YOU COULD BE SPECIFIC.

11 A I HAVE TALKED TO THE POLICE, AAH, FOUR TIMES?

12 Q AND DID YOU ALWAYS TELL -- DID THEY SEEM TO BE
13 MAKING WRITTEN NOTES ABOUT WHAT YOU WERE TELLING THEM?

14 A YES.

15 Q AND ON ALL FOUR TIMES, DID YOU TELL THEM THE
16 SAME THING?

17 A I WOULD -- I WOULD SUSPECT SO, YES, SIR.

18 Q DID YOU ADD ANYTHING TO YOUR STATEMENT TO THEM
19 AFTER THE FIRST TIME YOU SPOKE TO THEM?

20 A I WOULD HAVE TO LOOK AT THEM TO SEE.

21 Q YOU DON'T RECALL?

22 A I DON'T RECALL.

23 Q WHEN YOU MET LEVIN IN DECEMBER OF '83, WHAT SORT
24 OF WORK WERE YOU LOOKING FOR?

25 A JUST WORK TO PAY BILLS BASICALLY.

26 Q WERE YOU WORKING AT THE TIME?

27 A YES.

28 Q WHAT WERE YOU DOING?

1 A I WAS MODELING. I AM ALSO AN ACTOR.

2 Q AND WHAT SORT OF MODELING WERE YOU DOING?

3 A WELL, WHAT DO YOU MEAN, WHAT SORT OF MODELING
4 WAS I DOING?

5 Q WERE YOU A FASHION MODEL, LIKE A CLOTHES MODEL?

6 A FASHION, CATALOGS, STUFF LIKE THAT.

7 Q DID YOU TELL THAT TO MR. LEVIN?

8 A YES. HE KNEW I DID THAT.

9 Q DID YOU TELL MR. LEVIN YOU WERE ALSO AN ACTOR?

10 A SURE.

11 Q AND DID HE EVER ASK YOU IF YOU WANTED TO BE IN
12 MOVIES?

13 A NO.

14 Q HE JUST TALKED TO YOU ABOUT HIM BECOMING A PRODUCER,
15 WAS IT?

16 A WELL, THE WAY I HAD IT, YES.

17 Q DID YOU THINK HE WAS IN ANY OTHER BUSINESS BESIDES
18 THIS NETWORK NEWS BUSINESS?

19 A I WAS -- SEEMED TO BELIEVE THAT HE HAD A BUNCH
20 OF DIFFERENT BUSINESSES GOING. THAT WAS THE WAY HE MADE IT
21 SOUND TO ME.

22 Q WHAT DID HE TELL YOU ABOUT THAT?

23 A NOTHING SPECIFIC REALLY.

24 Q DID HE EVER TELL YOU HE WAS A LAWYER?

25 A YES.

26 Q WHAT DID HE TELL YOU ABOUT BEING A LAWYER, SIR?

27 A JUST WHAT YOU SAID, HE TOLD ME HE WAS A LAWYER.

28 Q DID YOU EVER SEE HIS LAWYER'S BUSINESS CARD?

1 A NO, I DID NOT.

2 Q DID HE EVER TELL YOU HE WAS A DOCTOR?

3 A YES.

4 Q AND WHAT SORT OF A DOCTOR DID HE TELL YOU HE
5 WAS?

6 A HE DIDN'T SAY.

7 Q AND DID YOU EVER SEE ANYTHING THAT MADE YOU BELIEVE
8 HE WAS A DOCTOR?

9 A YES.

10 Q WHAT DID YOU SEE THAT MADE YOU BELIEVE HE WAS
11 A DOCTOR?

12 A I WOULD SAY THAT THE SKELETON HE HAD HANGING
13 THERE IN HIS OFFICE.

14 Q IT LOOKED LIKE TO YOU SOMETHING A DOCTOR WOULD
15 HAVE?

16 A SURE.

17 Q DID HE HAVE ANYTHING ELSE THAT LOOKED LIKE TO
18 YOU HE MIGHT HAVE BEEN A DOCTOR?

19 A HE -- I WOULD SAY THERE WASN'T A BUNCH OF THINGS
20 THAT MADE ME THINK, FROM LOOKING AT THEM, IT WOULD MAKE ME
21 THINK HE WAS A DOCTOR.

22 JUST BY SOME OF THE THINGS HE SAID.

23 Q LIKE WHAT WOULD HE SAY?

24 A HE TALKED ABOUT -- HE SAID HOW HE WAS A DOCTOR
25 AND HE GOT THROUGH SCHOOL THAT WAY AND THAT HIS MOTHER ALWAYS
26 WANTED TO SUPPORT DOCTORS, IF I KNEW ANYBODY THAT WAS A STUDENT
27 WANTING TO BE, YOU KNOW, LIKE IN MEDICAL SCHOOL, THAT SHE
28 WOULD HELP SUPPORT THEM.

1 Q PAY FOR THEM TO GO TO MEDICAL SCHOOL?

2 A YES.

3 Q DID HE TELL YOU HIS MOTHER HAD PUT HIM THROUGH
4 MEDICAL SCHOOL?

5 A NO, HE DID NOT.

6 Q WHERE DID HE TELL YOU HE WENT TO MEDICAL SCHOOL?

7 A I WANT TO SAY UCLA.

8 Q UCLA MEDICAL SCHOOL?

9 DID HE SAY WHAT SORT OF MEDICAL SPECIALTY HE
10 PRACTICED?

11 MR. WAPNER: OBJECTION. RELEVANCE.

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1 THE COURT: SUSTAINED.

2 Q BY MR. BARENS: DID HE EVER TELL YOU HE WAS A
3 SPECIALIST?

4 MR. WAPNER: SAME OBJECTION.

5 THE COURT: SUSTAINED.

6 Q BY MR. BARENS: DID HE EVER TELL YOU HE WAS A
7 PSYCHIATRIST?

8 MR. WAPNER: SAME OBJECTION.

9 THE COURT: I AM GOING TO SUSTAIN ANY QUESTION ALONG
10 THOSE LINES.

11 I AM DIRECTING YOU NOT TO ASK ANY MORE. WE HAVE
12 GONE THROUGH ALL OF THAT. WE KNOW HE REPRESENTED HIMSELF
13 AS BEING A DOCTOR AND A LAWYER. WE DON'T HAVE TO GO OVER
14 IT TIME AND TIME AGAIN.

15 MR. BARENS: I BELIEVE, YOUR HONOR, WE MAY COME TO
16 SOME VARIATION ON THIS.

17 THE COURT: WHETHER THERE ARE VARIATIONS OR NOT, IT
18 IS NOT IMPORTANT.

19 I SUSTAINED THE OBJECTION. LET'S GET ON TO SOME-
20 THING ELSE, IF YOU WILL, PLEASE.

21 Q BY MR. BARENS: WHAT ELSE DID HE TELL YOU ABOUT
22 HIS MOTHER, BESIDES SHE WOULD PUT SOMEONE THROUGH MEDICAL
23 SCHOOL IF THEY WERE INTERESTED?

24 A HE JUST -- HE WOULD TALK ABOUT, YOU KNOW, HOW
25 MUCH HE LOVED HIS MOM, HOW MUCH HIS MOM MEANT TO HIM.

26 Q DID HE TELL YOU HE HAD A WEALTHY FAMILY?

27 A EXCUSE ME?

28 Q DID HE TELL YOU HE HAD A WEALTHY FAMILY?

1 A YES.

2 Q AND DID HE TELL YOU WHERE ALL OF THE MONEY CAME
3 FROM?

4 A WELL, NOT SPECIFICALLY, NO.

5 Q DID HE TELL YOU WHAT SORT OF BUSINESS HIS FAMILY
6 WAS IN?

7 A NO.

8 Q DID HE TELL YOU WHERE THEY LIVED?

9 A NOT SPECIFICALLY.

10 Q DID HE TELL YOU THEY LIVED IN BEVERLY HILLS?

11 A YES.

12 Q AND DID HE TELL YOU THEY LIVED IN A BIG HOUSE?

13 A HE DIDN'T MENTION THE HOUSE.

14 Q DID HE TELL YOU THAT HIS PARENTS HELPED HIM
15 FINANCIALLY?

16 A EXCUSE ME? I DIDN'T HEAR THE QUESTION.

17 Q DID HE TELL YOU HIS PARENTS HELPED HIM
18 FINANCIALLY?

19 A NO.

20 Q DID HE EVER MENTION HIS FATHER TO YOU?

21 A I THINK HE TOLD ME HE HAD A STEPFATHER, IF I
22 AM NOT MISTAKEN.

23 Q HOW DID HE FEEL ABOUT HIS STEPFATHER?

24 A HE DIDN'T TALK MUCH ABOUT HIS STEPFATHER.

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1 Q ONE WAY OR ANOTHER?

2 A HE DIDN'T TALK MUCH ABOUT HIS STEPFATHER.

3 Q WHEN HE DID, WHAT DID HE SAY?

4 A EXCUSE ME?

5 Q WHAT DID HE TALK ABOUT HIS STEPFATHER? WHAT DID
6 HE SAY?

7 A I CAN'T RECALL ANYTHING.

8 Q DID YOU EVER HEAR LEVIN USE ANY NAME OTHER THAN
9 LEVIN IN IDENTIFYING HIMSELF?

10 A YES.

11 Q AND WHAT WAS THE OTHER NAME?

12 A ROTHSCHILD.

13 Q AND THIS WAS DURING 1984, HE WAS STILL USING THE
14 NAME ROTHSCHILD, WAS HE?

15 A HE WASN'T USING THE NAME. HE JUST TOLD ME THAT
16 HE WAS A ROTHSCHILD. BUT HE GOES BY THE LEVIN.

17 Q IN OTHER WORDS, HE TOLD YOU THAT LEVIN WAS A PHONY
18 NAME, THAT HIS REAL NAME WAS ROTHSCHILD?

19 A NO. HE SAID -- THE WAY I UNDERSTOOD IT WAS THAT
20 HE WAS A ROTHSCHILD AND HIS STEPFATHER WAS LEVIN. AND HE
21 WENT BY HIS STEPFATHER'S NAME.

22 Q STEPFATHER'S NAME?

23 A YES.

24 Q AND THUSLY, HE TOLD YOU HIS MOTHER WAS A
25 ROTHSCHILD?

26 A I COULDN'T SAY THAT HE SAID THAT SPECIFICALLY.

27 Q WHAT WAS THE SENSE YOU HAD FROM WHAT HE TOLD YOU?

28 A THINKING ABOUT IT NOW, I WOULD SAY YES. I NEVER

4-2
1 GAVE IT MUCH THOUGHT.

2 Q WELL, AS YOU THINK ABOUT IT, IF HE WAS USING HIS
3 STEPFATHER'S NAME --

4 MR. WAPNER: OBJECTION, ARGUMENTATIVE.

5 THE COURT: SUSTAINED. LET'S GET ON TO SOMETHING ELSE,
6 IF YOU WILL, PLEASE.

7 WE HAVE GONE THROUGH THIS ROTHSCHILD THING QUITE
8 EXTENSIVELY.

9 MR. BARENS: I DON'T THINK THAT I --

10 THE COURT: IT IS JUST REPETITIOUS.

11 MR. BARENS: I DON'T THINK THAT I --

12 THE COURT: I DON'T CARE WHAT IT IS. STOP IT, NOW.
13 LET'S GET ON TO SOMETHING IMPORTANT.

14 MR. BARENS: WHAT I AM SEEKING TO ESTABLISH, IS --

15 MR. WAPNER: CAN WE NOT HAVE A SPEAKING --

16 THE COURT: WILL YOU PLEASE GET ON TO SOMETHING ELSE?

17 MR. BARENS: THE TRUTH ABOUT HIS MOTHER IS --

18 THE COURT: THE TRUTH ABOUT HIS MOTHER IS THAT HE DIDN'T
19 LOVE HER? IS THAT WHAT YOU ARE TRYING TO ESTABLISH?

20 MR. BARENS: I DON'T KNOW IF HE EVER TOLD THE TRUTH
21 TO --

22 THE COURT: YOU HAVE ESTABLISHED A LOT OF THINGS SO
23 FAR. BUT I DON'T THINK THEY HAVE VERY MUCH BEARING ON THE
24 MURDER. LET'S GO ON.

25 MR. BARENS: ALL RIGHT, YOUR HONOR.

26 Q SIR, DID YOU EVER MEET HIS MOTHER?

27 A NO.

28 Q ALL OF THE TIME YOU ARE AT LEVIN'S HOUSE, YOU NEVER

1 SAW HER COME OVER, DID YOU?

2 A NO. THERE WERE A FEW TIMES THAT HE SAID HIS
3 MOTHER WAS JUST THERE WHEN I GOT THERE. HE HAD SAID THAT
4 SHE JUST LEFT.

5 Q ALTHOUGH YOU HEARD THAT, YOU NEVER SAW THAT, DID
6 YOU?

7 A THERE WAS ONLY ONCE WHEN I PULLED UP AND THERE
8 WAS A ROLLS ROYCE -- I DON'T KNOW WHAT COLOR IT WAS. I WANT
9 TO SAY SILVER, THAT AS I PULLED UP, THAT WAS LEAVING.

10 AND HE JUST SAID THAT IT WAS HIS MOM. HIS MOM
11 HAD JUST STOPPED BY TO VISIT HIM. BUT THAT'S THE ONLY TIME.

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1 Q HE TOLD YOU THAT IT WAS HIS MOTHER LEAVING IN
2 A ROLLS ROYCE?

3 A YES.

4 Q DO YOU KNOW IF MR. LEVIN WAS FACING CRIMINAL
5 CHARGES?

6 A NO. I WAS TOLD FROM HIM THAT HE HAD BEEN -- I
7 THINK HE SAID HE SPENT THREE MONTHS IN JAIL OR PRISON.

8 Q AND DO YOU KNOW WHY HE HAPPENED TO BE DISCUSSING
9 HIS TIME IN JAIL?

10 A EXCUSE ME?

11 Q DO YOU KNOW WHY HE WAS DISCUSSING HIS TIME IN
12 JAIL WITH YOU?

13 A I CAN'T REMEMBER HOW THE CONVERSATION CAME UP.

14 Q WHAT DID HE TELL YOU ABOUT HIS TIME IN JAIL?

15 A HE JUST SAID HE NEVER WANTS TO -- NEVER WANTS
16 TO GO THROUGH THAT KIND OF THING AGAIN. AND I -- LET'S SEE.

17 I THINK HE DESCRIBED -- HE DESCRIBED BASICALLY
18 WHAT IT WAS LIKE THERE.

19 Q WHAT DID HE TELL YOU ABOUT WHAT IT WAS LIKE?

20 A HE JUST SAID THAT THE PEOPLE WEREN'T THE NICEST
21 PEOPLE IN THE WORLD.

22 Q HE TOLD YOU THAT HE HATED IT THERE, DIDN'T HE?

23 A I CAN'T TELL YOU IF HE SAID THAT SPECIFICALLY.
24 BUT I WOULD SAY HE DIDN'T ENJOY IT.

25 Q HE TOLD YOU THAT HE NEVER WANTED TO GO BACK,
26 DIDN'T HE?

27 A I WOULD SAY THAT HE DOESN'T WANT TO GO BACK,
28 WOULDN'T WANT TO GO TO JAIL, NO.

-5
1 Q DID HE EVER TELL YOU THERE WOULD BE ANY TRAVEL
2 INVOLVED IN YOUR JOB?

3 A HE SAID YEAH. HE SAID SOMETIMES THERE WOULD BE.
4 AND IT WOULDN'T -- IT WOULD ONLY BE SHORT PERIODS OF TIME,
5 LIKE FOR INSTANCE, THE LAS VEGAS THING. IT ALL TOOK PLACE
6 WITHIN A DAY.

7 Q TALK TO ME ABOUT THAT IF YOU WOULD, SIR.
8 THAT WAS ABOUT A MAN WHO DISAPPEARED IN BRAZIL, WASN'T IT?

9 A WELL, I THINK THAT IS WHERE HE THOUGHT THE MAN
10 WENT WITH HIS GIRLFRIEND WHO WORKED IN THE BANK OR SOMETHING.

11 Q HE SHOWED A LOT OF INTEREST IN THAT STORY?

12 A YES.

13 Q WASN'T THAT THE ONLY STORY THAT YOU CAN REMEMBER
14 WHERE LEVIN EVER PICKED UP AND RAN OUT OF TOWN REAL FAST,
15 TO SEE WHAT IT WAS ALL ABOUT?

16 A THERE WAS ONE -- THERE WAS ONE OTHER. I DON'T
17 THINK THAT HE EVER -- THERE WAS SOMETHING, SOME OTHER THING
18 THAT WENT ON THAT HE WAS INTERESTED IN. BUT HE NEVER LEFT
19 TO GO.

20 Q NEVER LEFT TOWN TO GO CHECK IT OUT, DID HE?

21 A NO.

22 Q THIS TIME HE DID?

23 A THE TIME THAT I WENT, HE DID, YES.

24 Q OKAY. AND THAT WAS ABOUT A MAN THAT STOLE SOME
25 MONEY AND RAN AWAY TO BRAZIL, TO HIDE WHERE HE REALLY WAS?

26 A I THINK IT WAS HIS GIRLFRIEND. IT COULD BE HIS
27 WIFE, THAT WAS WORKING IN THE BANK. I THINK SHE TOOK THE
28 MONEY OUT OF THE BANK SOMEHOW.

1 Q AND WHAT DID YOU GUYS DO TO CHECK THAT STORY OUT?

2 A LET'S SEE. I DON'T KNOW WHAT THE PLACES WERE
3 EXACTLY. WE WERE RUNNING BACK AND FORTH, CHECKING -- HE WAS
4 TRYING TO GET INTO CERTAIN -- FIND OUT CERTAIN INFORMATION
5 ABOUT WHERE THE PEOPLE LIVED IN TOWN AND STUFF LIKE THAT.

6 Q AND DID HE SEEM TO FOLLOW WITH ANY INTEREST THE
7 INVESTIGATION THAT WAS DONE TO FIND THIS GUY?

8 A HE SEEMED -- NO, HE SEEMED MORE CONCERNED ABOUT
9 FINDING OUT WHERE THE PEOPLE LIVED IN TOWN.

10 Q OKAY. HOW LONG DID YOU SPEND IN LAS VEGAS ON
11 THAT OCCASION?

12 A THE DAY. I THINK WE WERE BACK BY I WOULD SAY,
13 BY THE RUSH HOUR, 5:00 OR 6:00.

14 Q IS THAT THE SAME DAY YOU WENT OUT?

15 A YES.

16 Q DID LEVIN TALK TO ANY POLICE PERSONNEL INVOLVED
17 IN THE INVESTIGATION OF THAT CASE?

18 A NOT THAT I KNOW OF.

19 Q DID HE TALK TO PEOPLE AT THE BANK?

20 A NOT THAT I KNOW OF.

21 Q NOW, YOU DIDN'T DO ANY FILMING ON THAT, SIR, DID
22 YOU?

23 A NO I DID NOT.

24 Q YOU DIDN'T DO ANY WRITING ON THAT TRIP, DID YOU?

25 A WRITING AS WHAT?
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5-1

1 Q ABOUT ANYTHING?

2 A I WROTE DOWN THINGS, YES.

3 Q WHAT DID YOU WRITE THINGS DOWN ABOUT?

4 A LIKE ADDRESSES, LOOKING FOR ADDRESSES, RUNNING
5 THROUGH NAMES, TRYING TO FIND THEIR NAMES OR SOME FALSE NAME
6 THEY THINK THE MAN WOULD HAVE BEEN UNDER.

7 Q UH-HUH. DID YOU FIND HE USED A FALSE NAME?

8 A I DON'T THINK SO, NO.

9 Q AND DID LEVIN EVER PRODUCE A STORY OUT OF THAT?

10 A I COULDN'T TELL YOU.

11 Q NONE THAT YOU EVER SAW, DID HE?

12 A NOT THAT I HAVE SEEN, NO.

13 Q AND YOU NEVER SAW LEVIN DO ANYTHING THAT PUT
14 THAT STORY ON THE NEWS, DID YOU?

15 A NO.

16 Q SO IT IS JUST KIND OF AFTER YOU GUYS WENT UP
17 THERE AND LEARNED AS MUCH AS YOU COULD ABOUT THIS, IT KIND
18 OF JUST DIED THERE?

19 A HE TALKED ABOUT IT AFTERWARDS BUT IT WAS MORE --
20 MORE THE INTEREST OF MAKING -- THIS WOULD MAKE A GREAT MOVIE,
21 KIND OF THING.

22 Q INTERESTING PLOT?

23 A YES.

24 Q NOW, AS BEST THAT YOU CAN RECALL, WHEN WAS THE
25 TRIP TO LAS VEGAS, SIR?

26 A LET'S SEE, I WANT TO SAY -- I WANT TO SAY THE
27 END OF FEBRUARY.

28 Q COULD IT HAVE BEEN THE END OF MARCH?

1 A IT COULD HAVE BEEN, YES.

2 Q THANK YOU, SIR.

3 DO YOU KNOW OF RON LEVIN'S CREDITORS?

4 A NO.

5 Q YOU DIDN'T KNOW ANYTHING ABOUT HIS REAL FINANCIAL
6 SITUATION, DID YOU?

7 A NO, I DID NOT.

8 Q MR. LEVIN NEVER SEEMED TO CONFIDE ALL OF HIS
9 AFFAIRS IN YOU, DID HE?

10 A NO, HE DID NOT.

11 Q AND HE DIDN'T TELL YOU ABOUT HIS BANK ACCOUNTS?

12 A NO.

13 Q DID HE EVER SHOW YOU ANY SWISS CASHIER'S CHECKS?

14 A NO, HE DID NOT.

15 Q DID HE EVER TELL YOU HE HAD A SWISS BANK ACCOUNT?

16 A HE MIGHT HAVE MENTIONED IT.

17 NOT THAT I COULD SAY FOR SURE.

18 Q DID HE EVER TELL YOU ABOUT ANY MONEY HE MADE
19 TRADING COMMODITIES OR SECURITIES?

20 A I COULDN'T SAY SPECIFICALLY BECAUSE HE TOLD ME
21 HE WOULD -- HE WOULD SAY A BUNCH OF DIFFERENT THINGS THAT
22 HE WAS MAKING MONEY AT.

23 Q WHAT WOULD HE TELL YOU HE WAS MAKING MONEY AT?

24 A LET'S SEE, HE TOLD ME ABOUT WHEN HE WAS YOUNGER,
25 TERM PAPERS AND STUFF LIKE THAT. HE HAD A TERM PAPER COMPANY
26 FOR COLLEGES.

27 LET'S SEE, WHAT ELSE?

28 NETWORK NEWS.

1 THERE WAS ANOTHER THING. THERE WAS SOME INVESTING
2 ON SOME INVESTMENTS KIND OF THING HE WAS DOING BUT HE WASN'T
3 SPECIFIC ON THAT.

4 Q DID HE EVER TELL YOU HE WAS INVESTING IN HIGH
5 TECHNOLOGY PRODUCTS?

6 A NO.

7 Q WHEN YOU SAY THERE WAS SOME INVESTMENT, YOU WERE
8 REFERRING TO JUST A MOMENT AGO THAT HE WAS INVESTING IN, WHAT
9 SORT OF INVESTMENT WAS IT?

10 A I COULDN'T TELL YOU. HE WASN'T SPECIFIC ON THAT.
11 THIS WOULD JUST BE WHAT I WOULD HEAR BEING AROUND
12 THERE WHILE HE WAS ON THE PHONE.

13 Q WHEN HE TOLD YOU HE WAS GOING INTO AN INVESTMENT,
14 WHEN WAS THAT?

15 A I COULDN'T TELL YOU FOR SURE. I COULDN'T --

16 Q WAS IT IN MAY?

17 A I COULDN'T -- I COULDN'T SAY.

18 Q IT MIGHT HAVE BEEN?

19 A ANYTHING MIGHT HAVE BEEN.

20 MR. WAPNER: OBJECTION. CALLS FOR SPECULATION.

21 MR. BARENS: IT ASKS FOR HIS BEST ESTIMATE, YOUR HONOR.

22 MR. WAPNER: IT CALLS FOR SPECULATION. HE SAID HE
23 COULDN'T SAY.

24 THE COURT: THE OBJECTION IS IT IS SPECULATIVE. I
25 WILL SUSTAIN THE OBJECTION.

26 MR. WAPNER: THANK YOU, YOUR HONOR.

27 Q BY MR. BARENS: DID HE MENTION MORE THAN ONE
28 INVESTMENT TO YOU THAT HE WAS GOING INTO?

1 A NO, NOT ANYTHING SPECIFIC, REALLY.

2 Q JUST THAT ONE ITEM YOU MENTIONED HE SAID SOMETHING
3 ABOUT MAKING AN INVESTMENT?

4 A YES.

5 Q NOW, YOU MENTIONED THAT HE SAID HE WAS GOING
6 INTO NEW YORK AND THEN YOU USED THE EXPRESSION "WITH THREE
7 OF HIS KIDS"?

8 A YES.

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1 Q DID HE HAVE CHILDREN?

2 A WELL, AT THE TIME I WAS -- I WAS TOLD HE HAD

3 FIVE KIDS AND HE WAS DIVORCED.

4 Q I SEE.

5 AND WHERE DID HIS CHILDREN LIVE?

6 A I WAS NEVER TOLD EXACTLY WHERE THEY LIVED.

7 Q DID THEY LIVE WITH HIS MOTHER, BY ANY CHANCE?

8 A I COULDN'T SAY.

9 Q DID HE TELL YOU THAT HIS MOTHER TOOK CARE OF

10 HIS CHILDREN?

11 A HIS MOTHER?

12 Q YES.

13 A NO, HE DIDN'T TELL ME THAT.

14 Q WHO DID HE TELL YOU TOOK CARE OF HIS CHILDREN?

15 A HIS WIFE.

16 Q HIS WIFE?

17 A YES.

18 Q WHAT DID HE TELL YOU ABOUT HIS WIFE?

19 A HE DIDN'T GET ALONG TOO MUCH WITH HIS WIFE.

20 Q DID YOU EVER SEE HIS WIFE?

21 A DID I EVER SEE HIS WIFE?

22 Q DID YOU EVER SEE HIS WIFE?

23 A IS THAT THE QUESTION?

24 NO, I DID NOT.

25 Q DID YOU EVER SEE ANY PICTURES OF HIS WIFE?

26 A NO, I DID NOT.

27 Q DID HE EVER TELL YOU THAT HE HAD CONVERSATIONS

28 WITH HIS WIFE?

5A

1 A YES.

2 Q AND WHAT DID HE TELL YOU ABOUT HIS CONVERSATIONS
3 WITH HIS WIFE, SIR?

4 A HE -- FROM WHAT I COULD GATHER, THEY WOULD FIGHT
5 OVER THE PHONE.

6 Q DID YOU HEAR HIM FIGHTING WITH HIS WIFE ON THE
7 PHONE?

8 A NO, I DID NOT.

9 Q BOY, I GUESS NOT.

10 WELL, ALL RIGHT, HE TOLD YOU THAT THEY HAD FIGHTS
11 ON THE PHONE -- SORRY ABOUT THAT, MR. FOULK.

12 HE TOLD YOU THEY HAD FIGHTS ON THE PHONE?

13 A EXCUSE ME?

14 Q DID HE TELL YOU THEY HAD FIGHTS ON THE PHONE?

15 A I WOULD SAY YES, HE WOULD SAY THEY WERE ON THE
16 PHONE AND HE JUST GOT OFF THE PHONE WITH HIS WIFE.

17 Q DID HE SEEM UPSET?

18 A WELL, HE SEEMED --

19 AS FAR AS UPSET, YEAH, I WOULD SAY A LITTLE UPSET.

20 Q AFTER HE GOT OFF THE PHONE WITH HER, DID HE SEEM
21 LIKE HE HAD BEEN IN A FIGHT, WAS HE MIFFED?

22 A NO, I WOULDN'T SAY THAT.

23 Q JUST UPSET?

24 A I WOULD SAY UPSET IN A RON LEVIN KIND OF WAY.

25 Q WHAT DO YOU MEAN BY THAT?

26 A JUST HE -- WHEN HE WOULD BE UPSET, IT WASN'T
27 THIS, LIKE, YOU KNOW, ERRRRR, THAT KINDOF THING, YOU KNOW.
28 IT WASN'T LIKE REAL DEEP ANGER. IT WAS MORE LIKE SURFACE,

1 KIND OF SURFACE ANGER, YOU KNOW. JUST LIKE SHRUGGING IT OFF.

2 Q DID HE EVER TELL YOU ABOUT ANY OF THE ISSUES
3 HE AND HIS WIFE FOUGHT ABOUT?

4 MR. WAPNER: OBJECTION. RELEVANCE.

5 THE COURT: SUSTAINED.

6 I WAS WONDERING WHEN YOU WERE GOING TO OBJECT.

7 LET'S GET ON TO SOMETHING ELSE, WILL YOU?

8 I DON'T KNOW WHAT THIS HAS TO DO WITH THIS TRIAL.

9 LET'S GET ON, PLEASE.

10 MR. BARENS: SHOULD I ANSWER THAT?

11 THE COURT: NO, YOU DON'T HAVE TO.

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A-1

1 Q DID HE EVER TALK TO YOU ABOUT HIS GRANDMOTHER?

2 A EXCUSE ME?

3 Q DID HE EVER TALK TO YOU --

4 THE COURT: IS THERE AN OBJECTION TO THAT?

5 MR. WAPNER: YES.

6 THE COURT: I WILL SUSTAIN THE OBJECTION.

7 MR. BARENS: MAY I MAKE AN OFFER OF PROOF?

8 THE COURT: NO.

9 MR. BARENS: MAY I APPROACH, YOUR HONOR?

10 THE COURT: NO.

11 MR. BARENS: YOUR HONOR --

12 THE COURT: I SAID NO. LET'S GET ON, PLEASE.

13 MR. BARENS: I THINK THAT YOUR HONOR SHOULD HEAR THE
14 OFFER OF PROOF.

15 THE COURT: NO. I WON'T HEAR IT.

16 Q BY MR. BARENS: DID HE TELL YOU WHAT HE WAS GOING
17 TO DO IN NEW YORK WITH THREE OF HIS KIDS? DID HE TELL YOU
18 WHAT HE WAS GOING TO DO IN NEW YORK?

19 A HE WAS JUST GOING THERE WITH HIS KIDS TO HAVE
20 A GOOD TIME FOR FIVE DAYS.

21 Q SORT OF A VACATION?

22 A YES.

23 Q AND HE TOLD YOU THEY WERE LEAVING AT 8 A.M.?

24 A YES.

25 Q THUS, IF YOU WERE GOING TO HAVE MET HIM, YOU WERE
26 SUPPOSED TO BE AT THE HOUSE AT 8 A.M.?

27 A WHAT HE SUGGESTED, IS THAT IF I CHANGED MY MIND,
28 IF I WANTED TO GO, THAT WAS THE TIME THEY WERE LEAVING.

A-2

1 Q ALL RIGHT. NOW, YOU WERE WITH HIM I BELIEVE YOU
2 SAID, UNTIL ABOUT 7 P.M. ON THE 6TH OF JUNE?

3 A YES.

4 Q DID YOU SEE ANY OF HIS THINGS WERE PACKED FOR
5 THE TRIP?

6 A THERE WERE THINGS OUT ON THE BED.

7 Q WHAT WAS OUT ON THE BED, SIR?

8 A WELL, I COULDN'T BE SPECIFIC ON THE CERTAIN ITEMS.
9 I WOULD SAY THERE WERE THINGS THAT OBVIOUSLY HAD COME FROM
10 THE CLEANERS OR WERE WRAPPED.

11 Q THERE WERE THINGS THAT CAME FROM THE CLEANERS
12 THAT WERE WRAPPED?

13 A I WOULD SAY THERE WAS -- THERE WEREN'T A LOT OF
14 THINGS ON THE BED.

15 BUT THERE WERE THE THINGS ON HANGERS LAYING OUT.

16 Q DID YOU SEE ANYTHING ELSE THAT WAS OUT THAT
17 SUGGESTED TO YOU THAT HE WAS GOING ON A TRIP?

18 A THERE WAS -- I THINK THERE WAS LIKE, SOME SORT
19 OF A GARMET BAG.

20 Q RIGHT.

21 A AND ALSO SOME SHOES.

22 Q RIGHT.

23 A BUT IT WAS MORE LIKE THE BEGINNINGS OF -- I AM
24 TRYING TO FIGURE OUT --

25 Q LIKE IF YOU WERE PUTTING THINGS OUT ON THE BED
26 THAT YOU WERE LATER GOING TO PUT INTO SUITCASES OF SOME KIND?
27 WAS THAT THE WAY THINGS APPEARED?

28 A LIKE TRYING TO MIX AND MATCH SOMETHING.

5A-3
1 Q LIKE YOU WERE PUTTING YOUR WARDROBE TOGETHER IF
2 YOU WERE GOING TO GO AWAY FOR A FEW DAYS?

3 A YES.

4 Q THAT IS WHAT YOU SAW?

5 A YES.

6 Q MR. FOULK, I AM SHOWING YOU PEOPLE'S 9 FOR
7 IDENTIFICATION. IS THAT THE BEDROOM THAT YOU ARE REFERRING
8 TO THAT YOU SAW THESE THINGS HAPPENING IN?

9 A YES IT IS.

10 Q AND OTHER THAN -- COULD YOU SHOW ME JUST FOR A
11 MOMENT, WHERE YOU SAW THESE THINGS ON THE BED?

12 A ON -- LET'S SEE. I GUESS IT WOULD BE TO YOUR
13 RIGHT-HAND SIDE.

14 MR. WAPNER: YOUR HONOR, COULD IT BE DONE SOMEHOW SO
15 THE JURORS COULD SEE?

16 MR. BARENS: OKAY. I WILL JUST PUT IT UP HERE,
17 MR. WAPNER.

18 Q AND COULD YOU JUST SHOW THE JURY WHERE THE THINGS
19 WERE ON THE BED?

20 A THEY WERE ON THE RIGHT-HAND SIDE OF THE BED
21 LAYING THIS WAY (INDICATING).

22 Q WHERE WERE THE SHOES YOU DESCRIBED?

23 A I WOULD SAY THERE WERE SOME THINGS RIGHT DOWN
24 HERE ON THE FOOT OF THE BED.

25 Q OKAY. NOW, IN LOOKING AT THAT PHOTOGRAPH,
26 MR. FOULKS, ASSUMING THE SHOES WERE HERE AND ASSUMING THAT
27 THE CLOTHES WERE HERE, WHAT ELSE IS DIFFERENT IN THAT
28 PHOTOGRAPH FROM THE WAY IT WAS WHEN YOU WERE THERE THAT DAY?

1 A I DON'T REMEMBER THE BED BEING ALL MESSED UP.
2 I REMEMBER IT BEING MADE.

3 Q UH-HUH. ANYTHING ELSE?

4 A ALL THIS BACK HERE, I DON'T RECALL THIS (INDICATING).

5 Q OKAY. YOU MEAN IT SEEMS LIKE THERE IS SOME CLOTHES
6 THERE AND WHAT NOT?

7 A YEAH.

8 Q OR YOU KNOW --

9 A SORT OF LIKE PILED ON TOP.

10 Q APPEARS TO BE SOME CLOTHES, I SUPPOSE? ALL RIGHT.
11 IS THAT IT?

12 A LET'S SEE. I DON'T -- I DON'T RECALL ALL THIS
13 LIKE THAT, ALL OF IT BEING THERE.

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1 MR. BARENS: IT SEEMS TO BE -- I CAN'T FRANKLY, MAKE
2 IT OUT. IT LOOKS LIKE SOME -- ON THE FLOOR, NEXT TO THE
3 DOORWAY AT THE FAR RIGHT OF THE PICTURE, IT COULD BE --

4 THE WITNESS: IT IS ON THE CHAIR.

5 MR. BARENS: IT COULD BE SHEETS, MR. WAPNER?

6 MR. WAPNER: MR. BARENS, I AM NOT THE WITNESS.

7 MR. BARENS: I DON'T KNOW. I THOUGHT WE COULD ALL
8 GET -- IT LOOKS TO ME LIKE SHEETS.

9 THE WITNESS: OR A SHIRT.

10 MR. BARENS: IT COULD BE A SHIRT OR A SHEET OR A WHITE
11 CLOTH ITEM.

12 Q WOULD YOU CALL IT THAT?

13 MR. WAPNER: YOUR HONOR, RATHER THAN HAVING THE
14 SPECULATION, IF HE COULD JUST POINT TO IT, MAYBE HE COULD
15 POINT IT OUT TO THE JURORS AND THEY CAN DECIDE FOR THEMSELVES.

16 MR. BARENS: WELL, I WILL APPROACH.

17 Q THAT IS THE WAY THE ROOM LOOKED OTHER THAN FOR
18 THAT?

19 A THAT I CAN RECALL, YES.

20 Q OKAY. SO YOU ARE TELLING ME THAT IF I WERE TO
21 PUT THE CLOTHES DOWN HERE AND I WAS TO PUT THE SHOES DOWN
22 HERE AND I WAS TO TAKE AWAY THESE THINGS --

23 A ONE PAIR OF SHOES.

24 Q ALL RIGHT. ONE PAIR OF SHOES DOWN THERE. AND
25 I WAS TO TAKE AWAY THOSE WHAT APPEAR TO BE CLOTHES HERE AND
26 I WAS TO TAKE AWAY THE WHITE WHAT LOOKS LIKE A WHITE CLOTH
27 ITEM HERE, THAT THE ROOM WOULD LOOK EXACTLY AS IT DID THE
28 LAST TIME THAT YOU WERE IN IT?

1 A YES. I WOULD SAY SO.

2 THE COURT: EXACTLY?

3 THE WITNESS: I CAN'T SAY EXACTLY MYSELF.

4 THE COURT: HE ASKED YOU EXACTLY.

5 THE WITNESS: NO. I WOULD SAY NOT EXACTLY BECAUSE I
6 COULDN'T TELL YOU FOR SURE.

7 Q BY MR. BARENS: TELL ME WHAT ELSE IS DIFFERENT
8 IN THIS PICTURE?

9 A WHAT I HAVE ALREADY TOLD YOU IS ALL I CAN REMEMBER
10 AT THE TIME.

11 MR. BARENS: OKAY. I WILL WALK IT BY THE JURY. IF
12 ANY OF YOU WOULD LIKE TO --

13 MR. WAPNER: YOUR HONOR, COULD THERE NOT BE ANY DIRECT
14 COMMUNICATION BETWEEN COUNSEL AND THE JURORS?

15 THE COURT: WALK IT UP AND DOWN IF YOU WOULD.

16 MR. BARENS: IF THEY HAVE ANY QUESTIONS, THEY COULD
17 ASK THE JUDGE TO POINT IT OUT AND --

18 THE COURT: JUST SHOW IT TO THE JURORS. SHE HAS NOT
19 SEEN IT, OVER THERE.

20 MR. BARENS: SORRY.

21 THE COURT: DON'T EDITORIALIZE.

22 A JUROR: YOUR FINGER IS ON THE THING, THERE.

23 MR. BARENS: SORRY. MY FINGER IS ON IT. WE HAVE THE --

24 MR. WAPNER: COULD WE NOT HAVE ANY CONVERSATION? I
25 DON'T KNOW WHAT IS GOING ON HERE.

26 MR. BARENS: I DIDN'T SAY ANYTHING, ACTUALLY.

27 Q MR. FOULK, LET ME ASK YOU A FEW MORE QUESTIONS
28 ABOUT THIS PICTURE. WHAT IS THE SINGLE BIGGEST THING YOU

1 SEE IN THAT PICTURE?

2 A THE BED.

3 Q THE BED IS THE BIGGEST THING THAT YOU SEE IN THE
4 PICTURE?

5 NOW, OTHER THAN --

6 A ACTUALLY, THE RUG ON THE BACK.

7 THE COURT: THE WHAT ON THE BACK?

8 THE WITNESS: THERE WAS A WALL RUG ON THE BACK THAT
9 ACTUALLY LOOKS LARGER THAN THE BED, I WOULD HAVE TO SAY, THE
10 RUG ON THE BACK IS ACTUALLY LARGER.

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1 Q NOW, YOU TELL ME WHAT LOOKS DIFFERENT IN THIS
2 PICTURE ABOUT THE BED IS IT IS NOT MADE?

3 A YES.

4 Q OTHERWISE, IT LOOKS THE SAME?

5 MR. WAPNER: THE SAME AS WHAT?

6 MR. BARENS: THE SAME AS THE LAST TIME HE SAW IT, WAS
7 THE QUESTION, MR. WAPNER.

8 THE WITNESS: OTHERWISE WHAT LOOKS THE SAME, THE ROOM?

9 Q BY MR. BARENS: THE BED LOOKS THE SAME?

10 A NO, THE BED DOESN'T LOOK THE SAME THAN THE LAST
11 TIME I SAW IT.

12 Q IT LOOKS DIFFERENT BECAUSE IT LOOKS LIKE --
13 BECAUSE IT IS NOT MADE?

14 A IT WAS MADE THE LAST TIME I SAW IT.

15 Q THANK YOU, SIR.

16 ANYTHING DIFFERENT ABOUT IT?

17 A IT WAS MADE THE LAST TIME I SAW IT.

18 Q OTHER THAN THE FACT IT WAS MADE THEN AND IT IS
19 NOT MADE IN THIS PICTURE, IS THERE ANYTHING DIFFERENT?

20 A ACTUALLY, WHAT STRUCK ME A LITTLE DIFFERENT WAS
21 THE COMFORTER ON THE BED.

22 Q WHAT ABOUT THAT, SIR?

23 MR. BARENS: LIFE IS DIFFICULT, JUDGE.

24 THE COURT: I KNOW IT IS.

25 (LAUGHTER IN COURTROOM.)

26 THE COURT: YOU SHOULDN'T HAVE ASKED THAT QUESTION.
27 YOU WERE AHEAD.

28 MR. BARENS: LET ME SEE WHAT THE ANSWER IS.

1 NO,NO,WE WOULDN'T HAVE ASKED HIM THIS.

2 THE WITNESS: IT LOOKS -- I DON'T REMEMBER IT BEING
3 GREEN. IT LOOKS GREEN HERE.

4 Q BY MR. BARENS: DOES IT?

5 THE COURT: DO YOU MEAN THE COVER?

6 THE WITNESS: THE COVER.

7 THE COURT: THE COMFORTER?

8 THE WITNESS: THE COMFORTER.

9 Q BY MR. BARENS: ARE YOU SURE ABOUT THAT?

10 THE COURT: WHAT IS YOUR BEST RECOLLECTION?

11 THE WITNESS: I COULDN'T --

12 Q BY MR. BARENS: YOU CAN'T BE SURE?

13 A I COULDN'T SAY FOR SURE.

14 MR. BARENS: THANK YOU. I AM NOT FINISHED. I WANT
15 TO GET MY NOTES, YOUR HONOR?

16 THE COURT: SURELY.

17 MR. WAPNER: DON'T STOP NOW.

18 MR. BARENS: OH, THANK YOU, MR. WAPNER. I WILL
19 CONTINUE THEN.

20 Q ONE MORE QUESTION, MR. FOULK. HOW MANY PILLOWS
21 DO YOU SEE ON THE BED?

22 A IT LOOKS LIKE FIVE?

23 Q FIVE.

24 THANK YOU, MR. FOULK, ON THAT ISSUE.

25 WELL, DO YOU KNOW WHETHER LEVIN SEEMED TO TRAVEL
26 WITH THIS BLACK BAG HERE IN MY HAND?

27 MR. WAPNER: INDICATING, YOUR HONOR, PEOPLE'S 117?

28 THE COURT: YES.

1 THE WITNESS: HE -- HE CARRIED SOMETHING SIMILAR TO IT.

2 Q BY MR. BARENS: DO YOU KNOW IF IT WAS THIS,
3 INDEED -- IF I COULD APPROACH AND SHOW IT TO HIM MORE DIRECTLY --
4 OR CAN YOU SEE IT FROM HERE?

5 A YES, I CAN.

6 Q IS THIS WHAT HE TRAVELED WITH?

7 A I COULDN'T SAY IF THAT WAS THE EXACT THING HE
8 TRAVELED WITH.

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1 THE COURT: HE SAID IT WAS SIMILAR TO WHAT HE TRAVELED
2 WITH; IS THAT RIGHT?

3 THE WITNESS: SIMILAR TO WHAT HE TRAVELED WITH, YES.

4 Q BY MR. BARENS: DID HE HAVE MORE THAN ONE BAG
5 THAT APPEARED LIKE THIS?

6 A I COULDN'T TELL YOU.

7 Q YOU ARE NOT SURE?

8 A I AM NOT SURE.

9 Q DID YOU HAPPEN TO SEE THAT ON THE BED WITH THE
10 THINGS HE WAS PACKING TO GO AWAY WITH?

11 A I AM NOT SURE.

12 Q BY THE WAY, YOU SAID THAT THE DOG WAS ALWAYS
13 THERE WHEN HE WAS THERE?

14 A YES.

15 Q THE DOG LIVED THERE, DIDN'T HE?

16 A YES.

17 Q JUST A MOMENT, YOUR HONOR.

18 DID MR. LEVIN APPEAR TO HAVE A HALLIBURTON
19 SUITCASE?

20 A I DON'T KNOW WHAT THAT IS.

21 Q ALL RIGHT. WHEN YOU WENT TO LAS VAGES WITH HIM,
22 DID HE TAKE THIS BLACK BAG?

23 A HE TOOK SOMETHING SIMILAR. I COULDN'T TELL YOU
24 IF THAT WAS THE EXACT BLACK BAG.

25 Q DID YOU EVER HAVE OCCASION TO SEE WHAT HE SEEMED
26 TO KEEP IN THE BLACK BAG?

27 A HE HAD, AT THAT PARTICULAR TIME THERE WERE --
28 I DON'T KNOW IF HE HAD THAT -- HE HAD PRESS PASS, STUFF

1 LIKE THAT.

2 Q ALL RIGHT. ISN'T IT A FACT THAT MR. LEVIN HAD
3 SORT OF A BLACK MAN'S PURSE?

4 A I COULDN'T BE SPECIFIC. I CAN'T TELL YOU FOR
5 SURE IF IT WAS BLACK OR -- IF IT WAS A BLACK MAN'S PURSE OR
6 NOT.

7 Q DID HE HAVE A PURSE, DIFFERENTIATING FROM THIS,
8 DID HE HAVE A PURSE THAT WAS SMALLER THAN THAT, A BLACK THING
9 THAT HE MIGHT KEEP HIS WALLET AND HIS KEYS IN?

10 A I DON'T KNOW IF IT WAS SMALLER THAN THAT OR LARGER.

11 Q BUT HE HAD AN ITEM THAT HE WOULD UTILIZE FOR
12 THAT PURPOSE?

13 A YES.

14 Q WAS THERE A PARTICULAR REASON WHY YOU WERE PAID
15 IN CASH?

16 A NO PARTICULAR REASON. HE JUST PREFERRED TO PAY
17 ME IN CASH.

18 Q IT WAS HIS IDEA?

19 A YES.

20 Q AND DID YOU EVER ASK HIM ABOUT WITHHOLDING TAXES
21 AND THINGS LIKE THAT ON MONEY YOU WERE MAKING?

22 MR. WAPNER: OBJECTION. RELEVANCE.

23 THE COURT: SUSTAINED.

24 Q BY MR. BARENS: WHAT DAY OF THE WEEK WERE YOU
25 PAID?

26 A EXCUSE ME?

27 Q WHAT DAY OF THE WEEK WERE YOU PAID?

28 A IT VARIED. IT WASN'T ON A SPECIFIC DAY.

1 MR. BARENS: THANK YOU, SIR.

2 THE COURT: ALL RIGHT. ANYTHING FURTHER?

3 MR. WAPNER: I HAVE JUST A COUPLE OF OTHER QUESTIONS.

4
5 REDIRECT EXAMINATION

6 BY MR. WAPNER:

7 Q DID HE OFTEN TALK ABOUT MAKING THINGS INTO
8 TREATMENTS FOR MOVIES?

9 A YES.

10 Q NOT JUST THE LAS VEGAS STORY BUT OTHER INTERESTING
11 STORIES?

12 A OH, YES. HE WOULD EVEN HAVE WRITERS OVER SOMETIMES
13 DISCUSSING PROJECTS HE WAS GOING TO DO.

14 Q SO THERE WERE A VARIETY OF THINGS THAT HE WAS
15 CONSIDERING FOR TREATMENT FOR MOVIES?

16 A OH, YEAH, SURE.

17 MR. WAPNER: THANK YOU. I HAVE NOTHING FURTHER.

18 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU CAN
19 STEP DOWN. YOU ARE EXCUSED.

20 THE WITNESS: THANK YOU.

21 THE COURT: WE HAVE NO FURTHER WITNESSES TODAY?

22 MR. WAPNER: THAT IS CORRECT, YOUR HONOR.

23 THE COURT: ALL RIGHT. THE WITNESS WE HAD HAS BEEN
24 EXCUSED UNTIL TOMORROW?

25 MR. WAPNER: YES.

26 THE COURT: I THINK WE HAVE RUN OUT OF WITNESSES, LADIES
27 AND GENTLEMEN. WE WILL TAKE A RECESS NOW -- AN ADJOURNMENT
28 NOW UNTIL 10:30, 10:30 TOMORROW MORNING.

1 THE CLERK: WOULD YOU PLEASE SIT DOWN UNTIL THE COURT
2 IS FINISHED?

3 THE COURT: UNTIL TOMORROW MORNING AT 10:30. IF YOU
4 GO TO THE JURY ASSEMBLY ROOM, WE WOULD APPRECIATE IT.

5 AND THE ADMONITION I GAVE YOU ABOUT NOT TALKING
6 AMONG YOURSELVES OR THIRD PARTIES WOULD STILL APPLY.

7 HAVE A PLEASANT NIGHT.

8 (AT 4:05 P.M. AN ADJOURNMENT WAS TAKEN
9 UNTIL WEDNESDAY, FEBRUARY 4, 1987, AT
10 10:30 A.M.)

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