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Date _____

COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
) PLAINTIFF-RESPONDENT,)
)
) VS.) SUPERIOR COURT
) NO. A-090435
)
)
) JOE HUNT, AKA JOSEPH HUNT,)
)
) AKA JOSEPH HENRY GAMSKY,)
)
)
) DEFENDANT-APPELLANT.)
)

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
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FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 45 OF 101
(PAGES 6681 TO 6860 , 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
WEDNESDAY, FEBRUARY 4, 1987
VOLUME 45

PAGES 6681 TO 6860, INCL.

APPEARANCES:

FOR THE PLAINTIFF: IRA REINER, DISTRICT ATTORNEY
BY: FREDERICK N. WAPNER, DEPUTY
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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

ORIGINAL

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

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3 P.M. 6748

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9 FURTHER 6828 6829

10 GELLER, MARK A. 6837

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1 SANTA MONICA, CALIFORNIA; WEDNESDAY, FEBRUARY 4, 1987; 10:45 A.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

5 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN.

6 CALL YOUR NEXT WITNESS, PLEASE.

7 MR. WAPNER: LEN MARMOR.

8 GO RIGHT UP THERE AND RAISE YOUR RIGHT HAND.
9

10 LEN MARMOR,

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

13 THE CLERK: IF YOU WOULD RAISE YOUR RIGHT HAND TO BE
14 SWORN, PLEASE.

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

19 THE WITNESS: YES.

20 THE CLERK: IF YOU WOULD BE SEATED THERE AT THE WITNESS
21 STAND.

22 IF YOU WOULD STATE AND SPELL YOUR NAME FOR THE
23 RECORD, PLEASE?

24 THE WITNESS: LEN MARMOR, M-A-R-M-O-R.

25 THE COURT REPORTER: THE FIRST NAME?

26 THE WITNESS: L-E-N.
27
28

DIRECT EXAMINATION

1
2 BY MR. WAPNER:

3 Q MR. MARMOR, DO YOU KNOW THE PERSON DEPICTED IN
4 PEOPLE'S 6 FOR IDENTIFICATION?

5 A YES.

6 Q WHO IS THAT?

7 A RONNIE LEVIN.

8 Q WHEN DID YOU FIRST MEET MR. LEVIN?

9 A IN THE EARLY '70'S.

10 Q WHERE DID YOU MEET HIM?

11 A IN BEVERLY HILLS.
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1 Q WERE YOU LIVING IN BEVERLY HILLS AT THAT TIME?

2 A YES.

3 Q DID YOU DEVELOP A FRIENDSHIP WITH MR. LEVIN?

4 A YES.

5 Q AND DID THAT FRIENDSHIP CONTINUE THROUGH 1984?

6 A YES.

7 Q FROM THE TIME THAT YOU FIRST MET HIM UNTIL 1984,

8 HOW OFTEN WOULD YOU SAY THAT YOU TALKED TO HIM?

9 A FOUR OR FIVE TIMES A WEEK.

10 Q WOULD YOU CONSIDER YOURSELF A CLOSE FRIEND OF
11 HIS?

12 A YES.

13 Q IN THE EARLY '70'S WHEN YOU FIRST MET HIM, WHERE
14 WERE YOU LIVING?

15 A I WAS LIVING IN BEVERLY HILLS.

16 Q HOW FAR AWAY FROM WHERE MR. LEVIN WAS?

17 A WHEN I FIRST MET HIM, I WAS PROBABLY A COUPLE
18 OF MILES AWAY.

19 Q AND AT SOME POINT, DID YOU MOVE NEXT DOOR TO
20 WHERE HE LIVED OR IN THE SAME BUILDING?

21 A YES.

22 Q WHERE WAS THAT?

23 A 148 SOUTH PECK.

24 Q IS THAT AN APARTMENT BUILDING?

25 A YES.

26 Q AND WHERE WAS MR. LEVIN LIVING AT THAT TIME?

27 A IN THAT BUILDING.

28 Q THAT IS IN THE 148 SOUTH PECK BUILDING?

1 A YES.

2 Q AND WHAT PERIOD OF TIME WAS THAT?

3 A ABOUT 1975, I BELIEVE, END OF 1975.

4 Q HOW LONG DID THE TWO OF YOU REMAIN IN THAT SAME
5 BUILDING?

6 A NOT VERY LONG. HE MOVED NEXT DOOR.

7 Q THAT WAS TO 144 SOUTH PECK?

8 A RIGHT.

9 Q THAT'S WHERE HE WAS LIVING UNTIL JUNE 6, 1984?

10 A YES.

11 Q DURING THE TIME YOU WERE LIVING IN THE SAME
12 BUILDING, HOW OFTEN WOULD YOU SEE OR TALK TO HIM?

13 A WHEN WE WERE LIVING IN THE SAME BUILDING, WELL,
14 IT WAS PRETTY MUCH THE SAME. AS LONG AS WE WERE ON THAT SAME
15 STREET, WE SAW EACH OTHER THREE OR FOUR OR FIVE TIMES A WEEK.

16 Q AND WOULD YOU TALK ON THE PHONE WHEN YOU DIDN'T
17 SEE HIM?

18 A YES.

19 Q HOW CLOSE WOULD YOU SAY YOU WERE TO HIM IN TERMS
20 OF PERSONAL RELATIONSHIPS?

21 A EXTREMELY CLOSE.

22 Q DID YOU CONSIDER YOURSELF HIS CLOSEST FRIEND?

23 A THAT IS WHAT HE TOLD ME.

24 Q DID HE TELL YOU THAT ON ONE OCCASION OR MORE
25 THAN ONE OCCASION?

26 A HE WOULD REINFORCE THIS ALL OF THE TIME.

27

28

1 Q WHAT KIND OF THINGS WOULD HE SAY?

2 A "YOU ARE THE ONLY ONE THAT REALLY KNOWS -- REALLY
3 KNOWS ME. YOU ARE THE ONLY ONE THAT I CAN BE TRUTHFUL WITH."
4 THAT TYPE OF THING.

5 Q AND DID YOU EVER -- DID YOU SEE MR. LEVIN IN JUNE
6 OF 1984?

7 A YES.

8 Q DID YOU SEE HIM ON JUNE THE 6TH?

9 A I BELIEVE THAT WAS THE DAY, THE LAST DAY THAT
10 I SAW HIM.

11 Q AND HE WAS LIVING AT 144 SOUTH PECK AT THAT TIME?

12 A YES.

13 Q DID HE GIVE YOU SOME MONEY AT THAT TIME?

14 A HE PAID ME \$2,000 TOWARD A DEBT THAT HE OWED ME.

15 Q IN WHAT FORM DID HE PAY YOU THIS MONEY?

16 A TRAVELER'S CHECKS.

17 Q WHAT DID YOU DO WITH THAT \$2,000 IN TRAVELER'S
18 CHECKS?

19 A CASHED THEM.

20 Q HOW DID YOU CASH THEM?

21 A I GAVE THEM TO A FRIEND OF MINE.

22 Q WHAT IS THE FRIEND'S NAME?

23 A WILLIAM MORRIS.

24 Q DID YOU SIGN --

25 YOU JUST GAVE THE TRAVELER'S CHECKS TO HIM?

26 A YES.

27 I THINK I OWED HIM SOMETHING AND I PAID HIM WITH
28 THAT AND HE GAVE ME THE BALANCE IN CASH.

2
1 Q DOES MR. MORRIS HAVE AN ACCOUNT AT A SEARS
2 SAVINGS BANK, IF YOU KNOW?

3 A YES, HE DOES.

4 Q DO YOU KNOW, WERE THERE ANY OTHER PLACES WHERE
5 HE HAS BANK ACCOUNTS?

6 A WELL, I UNDERSTAND THAT HE HAS ONE AT THE UCB
7 AND I KNEW THAT HE HAD ONE AT UNION BANK ALSO.

8 Q UCB WAS UNITED CALIFORNIA BANK, WHICH LATER BECAME
9 FIRST INTERSTATE?

10 A YES.

11 Q DO YOU KNOW WHAT MR. MORRIS DID WITH THE CHECKS
12 THAT YOU GAVE TO HIM?

13 A FROM WHAT I SAW, HE CASHED THEM.

14 Q THAT IS LOOKING AT SOME COPIES OF THE CHECKS AFTER
15 THE FACT?

16 A RIGHT.

17 Q HAVE YOU DURING -- WELL, LET ME SEE IF WE CAN
18 TAKE YOU THROUGH THIS A LITTLE BIT STEP BY STEP.

19 HOW LONG AFTER YOU FIRST MET HIM DID THE TWO OF
20 YOU MOVE INTO THE SAME BUILDING TOGETHER?

21 MR. BARENS: OBJECTION TO THE WORD "TOGETHER." I THINK
22 THEY LIVED SEPARATELY, DID THEY?

23 MR. WAPNER: I WILL REPHRASE IT.

24 MR. BARENS: I THINK IT MISSTATES THE EVIDENCE.

25 Q BY MR. WAPNER: HOW LONG AFTER YOU FIRST MET
26 MR. LEVIN DID THE TWO OF YOU COME TO LIVE IN THE SAME
27 APARTMENT BUILDING?

28 A A FEW YEARS.

3
1 Q HOW LONG DID THE TWO OF YOU REMAIN LIVING IN THAT
2 SAME BUILDING TOGETHER?

3 A I DON'T REMEMBER. I DON'T THINK IT WAS VERY LONG.
4 I THINK HE MOVED NEXT DOOR RIGHT QUICK.

5 Q HOW LONG AFTER HE MOVED NEXT DOOR DID YOU STAY
6 AT 148 SOUTH PECK?

7 A THREE YEARS.

8 Q WHERE DID YOU MOVE AFTER THAT?

9 A I MOVED JUST BEHIND THE BUILDING HE HAD MOVED
10 TO, OR JUST ABOUT BEHIND IT, JUST A LITTLE BIT OFFSET ONTO
11 CAMDEN.

12 Q IF YOU WANTED TO WALK FROM MR. LEVIN'S PLACE ON
13 PECK TO YOUR PLACE ON CAMDEN, HOW WOULD YOU DO THAT?

14 A GO OUT THE BACK DOOR AND ACROSS THE ALLEY AND
15 INTO MY -- INTO MY HOME.

16 Q HOW LONG WOULD IT TAKE YOU TO WALK FROM YOUR PLACE
17 TO HIS PLACE WHEN YOU WERE LIVING THERE?

18 A IT IS PROBABLY 50 YARDS, HOWEVER LONG THAT TAKES.
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-1
1 Q HOW LONG DID YOU STAY LIVING AT THAT LOCATION
2 ON CAMDEN?

3 A ABOUT THREE YEARS, A LITTLE OVER I THINK. THREE
4 AND A HALF YEARS.

5 Q WHEN DID YOU LEAVE THAT LOCATION?

6 A I THINK 1983.

7 Q AND WHERE DID YOU MOVE TO AT THAT TIME?

8 A I MOVED UP ON MULHOLLAND DRIVE. OFF OF MULHOLLAND
9 DRIVE.

10 Q EVEN AFTER YOU MOVED UP TO THE LOCATION NEAR
11 MULHOLLAND DRIVE, DID YOU STILL TALK TO HIM FOUR TO FIVE TIMES
12 A WEEK?

13 A YES.

14 Q DID YOU OFTEN SPEAK WITH HIM IN THE MORNING?

15 A YES.

16 Q AND WOULD YOU CALL HIM OR WOULD HE CALL YOU?

17 A BOTH.

18 Q HOW REGULARLY WOULD YOU SAY YOU SPOKE TO HIM IN
19 THE MORNING? HOW WOULD YOU CHARACTERIZE THAT?

20 A AT THAT TIME, ALL OF THE WAY ACROSS --

21 Q UP THROUGH 1984?

22 A WE SPOKE FOUR OR FIVE TIMES A WEEK THROUGH OUR
23 KNOWING EACH OTHER, EITHER ON THE TELEPHONE OR IN PERSON.
24 A LOT.

25 Q HAVE YOU SPOKEN TO HIM AT ALL SINCE JUNE THE 6TH
26 OF 1984?

27 A NO.

28 Q BASED ON THE NATURE OF YOUR FRIENDSHIP WITH HIM,

1 WAS THAT UNUSUAL?

2 A THAT HE HAS NOT SPOKE (SIC) TO ME?

3 Q YES.

4 A YES. IT WOULD BE. IT IS VERY UNUSUAL. YES,
5 UNUSUAL SHOULD HE BE ALIVE.

6 Q IF HE WERE ALIVE ANYWHERE IN THE WORLD, DO YOU
7 THINK THAT --

8 MR. BARENS: OBJECTION.

9 Q BY MR. WAPNER: WOULD YOU EXPECT TO HEAR FROM
10 HIM?

11 MR. BARENS: WE OBJECT. IT IS GOING TO THE ULTIMATE
12 ISSUE, YOUR HONOR.

13 MR. WAPNER: WELL, THAT IS NOT A VALID LEGAL OBJECTION,
14 WHETHER IT GOES TO THE ULTIMATE ISSUE.

15 THE COURT: I WILL SUSTAIN THE OBJECTION. WOULD YOU
16 EXPECT TO HEAR FROM HIM IF HE WERE ALIVE BECAUSE OF YOUR
17 FRIENDSHIP?

18 THE WITNESS: YES.

19 MR. BARENS: MOTION TO STRIKE THE WORDS "IF HE WERE
20 ALIVE" AND INSTRUCT THE JURY TO DISREGARD THOSE WORDS. IT
21 GOES TO THE ULTIMATE FACT.

22 THE COURT: OVERRULED.

23 MR. BARENS: I PRESUME THE DEFENDANT WILL BE ABLE TO
24 PUT ON EVIDENCE TO THE CONTRARY?

25 THE COURT: WOULD YOU STOP ARGUING TO THE JURY? IF
26 YOU HAVE ANYTHING TO SAY, SAY IT OUTSIDE OF THE PRESENCE OF
27 THE JURY.

28 MR. BARENS: MAY WE APPROACH?

1 THE COURT: YOU MAY APPROACH.

2 MR. BARENS: THANK YOU.

3 (THE FOLLOWING PROCEEDINGS WERE HELD
4 AT THE BENCH:)

5 THE COURT: ALL RIGHT.

6 MR. BARENS: YOUR HONOR, I ANTICIPATE THAT A VARIETY
7 OF PROSECUTION WITNESSES WILL BE ASKED QUESTIONS THAT WILL
8 SOLICIT THEIR OPINION ON THE ULTIMATE FACT IN THIS CASE,
9 BEING WHETHER OR NOT MR. LEVIN IS ALIVE.

10 IF YOUR HONOR IS GOING TO PERMIT THAT FOR THE
11 PROSECUTION, I MAKE AN OFFER OF PROOF THAT THE DEFENSE HAS
12 WITNESSES AVAILABLE THAT WILL COME IN AND --

13 THE COURT: I KNOW ALL ABOUT THE WITNESSES, THE TWO
14 PEOPLE IN TUCSON.

15 MR. BARENS: NO. THAT IS NOT ALL I AM TALKING ABOUT.
16 I HAVE MANY MORE WITNESSES.

17 THE COURT: WHO WILL SAY THAT HE IS ALIVE?

18 MR. BARENS: THAT'S CORRECT, YOUR HONOR.

19 MR. WAPNER: WELL, WHAT IS THE OFFER OF PROOF, COUNSEL?

20 MR. BARENS: THE OFFER OF PROOF IS THAT YOU HAVE
21 WITNESSES THAT ARE GOING TO COME FORWARD AND EXPRESS AN
22 OPINION THAT THEY THINK RON LEVIN IS DEAD. I HAVE WITNESSES
23 THAT WILL COME IN AND EXPRESS AN OPINION THAT RON LEVIN IS
24 ALIVE.

25 I AM SAYING THAT IF YOUR HONOR IS GOING TO PERMIT
26 THAT BY THE PROSECUTION, I EXPECT THAT I WILL BE PERMITTED
27 TO DO IT FOR THE DEFENSE.

28 THE COURT: WHAT HAVE YOU TO SAY TO THAT?

1 MR. WAPNER: IF THOSE DEFENSE WITNESSES HAVE SOME BASIS
2 FOR THAT OPINION, I WOULD LOVE TO HEAR IT.

3 MR. BARENS: THEN I WOULD SUBMIT YOUR HONOR, IF THE
4 BASIS FOR THIS WITNESS IS BASED ON OPINION, BASED ON THE
5 RELATIONSHIP THAT HE HAD WITH MR. LEVIN, I SUBMIT THAT THE
6 DEFENSE WILL HAVE WITNESSES WHO HAVE HAD A RELATIONSHIP WITH
7 MR. LEVIN, THAT WILL BE EQUALLY ABLE TO GIVE AN OPINION AS
8 TO WHETHER HE IS ALIVE OR DEAD.

9 THE COURT: WELL, MAYBE WE BETTER AVOID ALL OF THAT,
10 IF THAT IS WHAT IS GOING TO HAPPEN.

11 MR. WAPNER: WELL, LET ME JUST SAY THAT --

12 THE COURT: WELL, CAN'T THE JURY REACH THAT CONCLUSION?

13 MR. BARENS: THAT IS THE CONCLUSION IN ISSUE HERE.

14 THE COURT: YES.

15 MR. WAPNER: MAY I JUST BE HEARD BRIEFLY?

16 ASKING A WITNESS IF HE WERE ALIVE, WOULD YOU
17 EXPECT TO HEAR FROM HIM, IS NOT ASKING HIM SO MUCH HIS OPINION
18 AS TO WHETHER THE PERSON IS ALIVE, YOUR HONOR, AS IT IS
19 ASKING HIM WHAT THE PERSON'S HABITS WERE AND BASED ON THOSE,
20 WOULD YOU EXPECT TO HEAR FROM THE PERSON.

21 THE COURT: WELL, THE DIFFICULTY IS THAT WE WOULD HAVE
22 60 PEOPLE IN HERE WHO HAVE KNOWN HIM AND THEIR OPINIONS WOULD
23 BE ASKED AND WHETHER OR NOT THEY THINK HE HAS RUN AWAY.

24 YES, MY OPINION IS THAT HE HAS RUN AWAY FROM HIS
25 CREDITORS. YOU CAN'T HAVE EVIDENCE OF THAT KIND, EITHER WAY.

26 I THINK THE BEST THING TO DO IS TO JUST LET THE
27 JURY REACH A CONCLUSION BY GIVING THEM ALL OF THE FACTS AND
28 LET THEM DECIDE WHETHER OR NOT HE DISAPPEARED UNDER HIS OWN --
29 VOLUNTARILY OR WHETHER HE HAS BEEN "DONE AWAY WITH."

1 MR. BARENS: YOUR HONOR, IN KEEPING WITH YOUR HONOR'S
2 OPINION JUST EXPRESSED, WOULD YOUR HONOR JUST THEREFORE PLEASE
3 TELL THE JURY TO DISREGARD THE COMMENT BY THIS WITNESS, "IF
4 HE WERE STILL ALIVE"?

5 THE COURT: WHAT I WILL DO IS I WILL ADVISE THE JURY
6 THAT THE ANSWER HAS BEEN STRICKEN.

7 MR. BARENS: WOULD YOU ASK THEM TO PLEASE DISREGARD
8 THE TESTIMONY?

9 THE COURT: YES. I WILL TELL THEM ANY TIME AN ANSWER
10 IS STRICKEN THEY ARE TO DISREGARD IT.

11 MR. BARENS: I THANK YOU, YOUR HONOR.

12 (THE FOLLOWING PROCEEDINGS WERE HELD
13 IN OPEN COURT IN THE PRESENCE AND
14 HEARING OF THE JURY:)

15 THE COURT: THE ANSWER TO THE LAST QUESTION WILL BE
16 STRICKEN.

17 ANY TIME THE JUDGE STRIKES TESTIMONY, THE JURY
18 IS INSTRUCTED TO DISREGARD ANY TESTIMONY WHICH HAS BEEN
19 STRICKEN.

20 MR. BARENS: THANK YOU, YOUR HONOR.

21 THE COURT: GO AHEAD.

22 Q BY MR. WAPNER: MR. MARMOR, WOULD YOU SAY THAT
23 IT WAS LIKE A REGULAR EXERCISE FOR YOU AND MR. LEVIN TO CALL
24 EACH OTHER IN THE MORNING?

25 A YES.

26 Q KIND OF LIKE GETTING UP AND HAVING COFFEE OR
27 DOING CALISTHENICS OR SOMETHING LIKE THAT?

28 A CLOSE.

1 Q AND THAT CONTINUED ON ON A BASIS OF FOUR TO FIVE
2 TIMES A WEEK FROM THE EARLY '70'S CONSTANTLY THROUGH 1984?

3 A YES.

4 Q THROUGH JUNE THE 6TH OF 1984, SIR?

5 A WELL, ACTUALLY THROUGH JUNE THE 7TH.

6 I CALLED HIS HOUSE ABOUT 7:00 IN THE MORNING,
7 JUNE 7.

8 Q AND WHAT HAPPENED?

9 A I BELIEVE IT WAS DAVID FACTOR ANSWERED THE PHONE,
10 AND HE WASN'T THERE.

11 Q MR. LEVIN WAS NOT THERE?

12 A NO.

13 Q SINCE THE LAST TIME YOU HAD TALKED TO MR. LEVIN,
14 WAS ABOUT --

15 THE COURT: DO YOU MEAN DAVID OR DEAN FACTOR?

16 THE WITNESS: MAYBE DEAN. I CAN'T REMEMBER NOW
17 EXACTLY WHICH ONE IT WAS.

18 Q BY MR. WAPNER: ONE OF THE FACTOR BOYS?

19 A DEAN. I BELIEVE MAYBE THAT IS CORRECT, DEAN.

20 Q BEFORE THAT, THE LAST TIME YOU HAD SPOKEN TO
21 MR. LEVIN WAS WHEN YOU WERE AT HIS HOUSE THE DAY BEFORE TO
22 GET THE TRAVELER'S CHECKS?

23 A YES.

24 Q WHEN YOU GOT THE TRAVELER'S CHECKS, DID YOU SEE
25 SOME OTHER --

26 WHAT WERE THE DENOMINATIONS OF THE TRAVELER'S
27 CHECKS THAT YOU GOT?

28 A I BELIEVE HUNDREDS.

1 Q SO THERE WOULD BE 20 --

2 A TWENTY OF THEM.

3 Q -- TWENTY THAT HE GAVE YOU?

4 A UH-HUH.

5 Q IS THAT YES?

6 A YES.

7 Q WAS THAT OUT OF A LARGER PACKAGE OF TRAVELER'S
8 CHECKS?

9 A YES. HE HAD A STACK OF THEM ON HIS DESK.

10 Q DID THEY ALL APPEAR TO BE IDENTICAL, THAT IS
11 FROM THE SAME BANK?

12 A I DIDN'T LOOK AT ANY OF THEM.

13 HE GAVE ME 20 OF THEM AND IT LOOKED LIKE HE HAD
14 80 OF THEM OR A HUNDRED OF THEM.

15 Q YOU DON'T KNOW HOW MANY?

16 A NO, I DON'T KNOW.

17 Q IS THE 80 OR A HUNDRED BASED ON WHAT YOU PERCEIVED
18 TO BE THE SIZE OF THE STACK?

19 A WELL, IT LOOKED LIKE HE HAD ABOUT A COUPLE OF
20 INCHES OF TRAVELER'S CHECKS.

21 Q YOU DIDN'T COUNT THEM?

22 A NO, I DIDN'T.

23 Q AND YOU DIDN'T LOOK AT THEM TO SEE IF THEY WERE
24 FROM THE SAME BANK?

25 A NO.

26 I JUST -- ACTUALLY, I JUST WANTED HIM TO GIVE
27 ME SOME MORE AND HE WENT CRAZY.

28 Q WHAT DID HE SAY?

1 A HE SAID HE WAS NEVER GOING TO LET ME IN THE OFFICE
2 AGAIN BECAUSE EVERY TIME I WENT THERE, I TRIED TO COLLECT
3 MONEY THAT HE OWED ME AND HE HATES TO PAY AND HE WAS SCREAMING.

4 Q DID HE SCREAM OFTEN?

5 A YES.

6 Q AND DID HE IN FACT OWE YOU MONEY?

7 A YES.
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1 Q WAS HE PAYING YOU BACK?

2 A YES.

3 Q DID YOU TAKE THAT AS A SIGN OF CLOSENESS OF YOUR
4 FRIENDSHIP?

5 A ABSOLUTELY.

6 Q WHY?

7 A I DON'T KNOW ANYBODY ELSE HE EVER PAID.

8 (LAUGHTER IN COURTROOM.)

9 Q SPEAKING OF NOBODY ELSE THAT HE EVER PAID, WHAT
10 WAS HIS, MR. LEVIN'S ATTITUDE ABOUT PEOPLE TO WHOM HE OWED
11 MONEY?

12 A HE WANTED TO INCREASE THE NUMBERS.

13 Q INCREASE THE NUMBER OF PEOPLE TO WHOM HE OWED
14 MONEY?

15 A YES.

16 Q HE WASN'T WORRIED ABOUT PEOPLE COMING AFTER HIM
17 FOR THE MONEY?

18 A NO.

19 Q IN THAT VEIN, WERE YOU FAMILIAR WITH THE PICTURE
20 THAT HE HAD IN HIS OFFICE AT HOME?

21 A ADDRESSING HIS CREDITORS?

22 Q RON LEVIN ADDRESSING HIS CREDITORS.

23 (WITNESS NODS HIS HEAD UP AND DOWN.)

24 Q COULD YOU DESCRIBE THAT PICTURE FOR US?

25 A IT WAS A SEA OF PEOPLE AND HE WAS ON A BALCONY
26 AND THAT WAS THE CAPTION "RON LEVIN ADDRESSING HIS CREDITORS."

27 Q AND IS THAT PICTURE -- IT WAS A PICTURE OF SOMEBODY
28 ELSE THAT HE HAD TAKEN AND TYPED IN THE CAPTION?

1 A RIGHT, SOMETHING OUT OF TIME MAGAZINE OR
2 SOMETHING LIKE THAT. IT WAS LIKE THE POPE ADDRESSING LIKE
3 A HUNDRED THOUSAND.

4 Q SHOWING YOU EXHIBIT WE HAVE MARKED AS PEOPLE'S 15,
5 DO YOU SEE WITHIN THAT PHOTOGRAPH THE PICTURE YOU ARE
6 REFERRING TO?

7 A YES.

8 Q WHERE IS IT?

9 A IT -- IT IS IN THE FRONT OF SOME BOOKS.

10 Q IS THAT LIKE IN A PLASTIC FRAME ON THE BOOKSHELF?

11 A IT LOOKS LIKE IT, YES.

12 Q THANK YOU.

13 DID MR. LEVIN LIKE TO HAVE NICE THINGS?

14 A YES.

15 Q TO BE SEEN IN NICE PLACES?

16 A YES.

17 Q WOULD YOU SAY THE WORD "CHIC" WOULD DESCRIBE THE
18 TYPES OF THINGS HE LIKED AND HOW HE LIKED TO BE SEEN AND
19 CHARACTERIZED?

20 A I THINK SO.

21 Q IF YOU COULD -- STRIKE THAT.

22 DID HE EVER TELL YOU THAT HE WAS A SCAM ARTIST?

23 A YES.

24 Q HOW OFTEN?

25 A WELL, IT WASN'T NECESSARILY THAT HE TOLD ME.

26 HE TOLD EVERYBODY.

27 Q WAS THAT PART OF HIS GENERAL PATTERN, HIS GENERAL
28 REPERTOIRE?

1 A PRETTY MUCH.

2 HE COULDN'T CONTAIN IT.

3 Q WHAT DO YOU MEAN?

4 A HE LIKED TO -- IT WAS ALMOST LIKE BRAGGING ABOUT
5 HIS -- THE DIRECTION THAT HE TOOK WITH ALMOST EVERYBODY.

6 Q DID HE BRAG TO YOU ABOUT IT?

7 A NO.

8 Q DID YOU SEE HIM BRAG TO OTHER PEOPLE ABOUT IT?

9 A YES.

10 Q DURING THE TIME THAT YOU KNEW HIM, HOW OFTEN DID
11 YOU SEE HIM DO THAT?

12 A MANY TIMES. MANY TIMES.
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1 Q OVER THIS ENTIRE --

2 A MANY TIMES.

3 Q -- PERIOD THAT YOU KNEW HIM FROM THE EARLY
4 '70'S UNTIL 1984?

5 A (WITNESS NODS HEAD UP AND DOWN.)

6 Q IS THAT YES?

7 A YES, ALMOST ANYBODY THAT WAS IN HIS COMPANY FOR
8 ANY LENGTH OF TIME GOT TO HEAR THAT.

9 Q WAS MR. LEVIN ON THE PHONE A LOT?

10 A YES.

11 Q HOW DO YOU KNOW THAT?

12 A WELL, I WITNESSED IT. I MEAN, THE PHONE RANG
13 ALL OF THE TIME OR HE WAS ON IT. WHEN HE WAS IN THE HOUSE,
14 HE WAS ON THE PHONE PRETTY MUCH ALL OF THE TIME.

15 Q DID HE HAVE AN ANSWERING SERVICE?

16 A YES.

17 Q HAD YOU EVER BEEN TO A RESTAURANT WITH HIM WHERE
18 HE WENT TO A RESTAURANT AND HE WOULD STOP AND THEN CALL HIS
19 ANSWERING SERVICE TO SEE IF HE GOT ANY MESSAGES?

20 A YES.

21 Q WAS IT A COMMON OCCURRENCE?

22 A HE ALWAYS CHECKED FOR MESSAGES.

23 Q DID HE OFTEN BORROW MONEY FROM YOU?

24 A YES.

25 Q WAS IT YOUR OPINION THAT HE CAME TO YOU IF HE
26 WAS IN TROUBLE IN TERMS OF NEEDING MONEY?

27 A YES.

28 Q AND WOULD YOU GIVE IT TO HIM?

1 A YES, ALMOST AT ALL TIMES I WOULD GIVE IT TO HIM.
2 I WOULD ASK HIM WHAT IT WAS FOR.

3 Q WOULD HE PAY YOU BACK OR ATTEMPT TO PAY YOU BACK?

4 A YES.

5 Q DID HE HAVE THE OUTWARD APPEARANCE OF HAVING
6 A LOT OF MONEY?

7 A YES.

8 Q TO YOUR KNOWLEDGE, DID HE?

9 A NO.

10 Q WHY? WHAT DID YOU BASE THAT ON, THAT HE DIDN'T?

11 A WELL, KNOWING HIM AS WELL AS I DID, I WAS PRETTY
12 AWARE OF HIS STATE OF FINANCES. AND HE WAS MOST OF THE TIME,
13 WITHOUT MONEY.

14 Q HAVE YOU EVER MET HIS MOTHER?

15 A YES.

16 Q DID HE SHOW THIS SIDE OF HIMSELF TO HIS MOTHER,
17 THAT SIDE WHERE HE WAS CONNING PEOPLE AND SCAMMING PEOPLE?

18 A NO.

19 Q DID HE EVER TELL YOU THAT HE WANTED INTENTIONALLY
20 TO KEEP THAT SIDE OF HIMSELF FROM HIS MOTHER?

21 A WELL, YES. OBVIOUSLY, HE DIDN'T WANT HIS MOM
22 TO KNOW --

23 Q HOW DO YOU KNOW THAT? WHAT DO YOU BASE THAT
24 ON?

25 A WELL, THE WAY HE ACTED WAS MUCH DIFFERENT AROUND
26 HIS MOTHER THAN THE WAY HE REALLY WAS.

27 Q HOW DID HE ACT AROUND HIS MOTHER?

28 A HE TRIED TO BE A DECENT SON. HE TALKED ABOUT

1 THINGS THAT NICE MOTHERS WANT TO HEAR.

2 Q SO HE DIDN'T WANT HIS MOTHER -- WOULD IT BE A
3 FAIR STATEMENT TO SAY THAT HE DIDN'T WANT HIS MOTHER TO WORRY
4 ABOUT HIM?

5 A YES.

6 Q HE WAS VERY CONCERNED ABOUT NOT HAVING HER WORRY
7 ABOUT HIM?

8 A I THINK SO.

9 Q DID YOU EVER SEE MR. LEVIN DISPLAY BANKBOOKS
10 OR CHECKS THAT HAD LARGE AMOUNTS OF MONEY ON THEM?

11 A YES.

12 Q DO YOU RECOGNIZE TWO CHECKS THAT WE HAVE MARKED
13 AS PEOPLE'S 4 FOR IDENTIFICATION?

14 A I DON'T NECESSARILY REMEMBER THESE TWO CHECKS.

15 Q DID HE EVER HAVE BANKBOOKS, PASSBOOKS THAT HAD
16 LARGE BALANCES IN THEM?

17 A YES. HE HAD ALL KINDS OF PAPERS WITH LARGE NUMBERS
18 RELATED TO HIMSELF.

19 I HAVE SEEN OTHER CHECKS. I DON'T REMEMBER THESE
20 CHECKS.

21 BUT I HAVE SEEN OTHER CHECKS, A MILLION DOLLAR
22 CHECK AND SUCH. HE HAD SOMETHING ON HIS WALL AS A MATTER
23 OF FACT, I THINK IT WAS AROUND A MILLION DOLLAR CHECK.

24 Q DO YOU HAVE ANY IDEA WHETHER OR NOT THOSE BANKBOOKS
25 AND THOSE CHECKS WERE REAL? DID YOU KNOW ONE WAY OR THE OTHER?

26 MR. BARENS: OBJECTION, NO FOUNDATION.

27 MR. WAPNER: THAT IS WHAT I AM TRYING TO GET AT, YOUR
28 HONOR.

1 THE COURT: I WILL LET HIM ANSWER.

2 THE WITNESS: IT IS MY OPINION, BASED ON SOME
3 CONVERSATIONS THAT I HAD WITH HIM AND KNOWING HIM, THAT NONE
4 OF IT WAS REAL.

5 MR. BARENS: OBJECTION. AGAIN YOUR HONOR, THERE IS
6 NO FOUNDATION FOR THE OPINION WHATSOEVER.

7 THE COURT: OVERRULED.

8 MR. BARENS: THANK YOU.

9 Q BY MR. WAPNER: WOULD YOU ELABORATE ON THAT ANSWER
10 IN TERMS OF WHAT YOU KNEW ABOUT HIM?

11 A WELL, HE NEVER HAD ANY -- THE ONLY TIME THAT
12 I REMEMBER HIM HAVING ANY SIGNIFICANT MONEY WAS ABOUT THE
13 TIME THAT SILVER WENT FROM \$5 TO \$50.

14 AND HE HAD SOME -- HE CAUGHT THAT RIDE TO SOME
15 DEGREE AND THAT'S THE ONLY TIME I REMEMBER HIM HAVING SOME
16 MONEY, IMPORTANT MONEY AT HAND.

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1 Q WHEN WAS THAT?

2 A I DON'T REMEMBER THE YEAR.

3 SILVER TOOK A BIG JUMP AND HE -- HE HAD SOME
4 MONEY INVOLVED IN SILVER.

5 Q DO YOU REMEMBER THE NUMBER OF YEARS BEFORE 1984,
6 HOW MANY THAT WOULD BE, OR THE NUMBER OF YEARS AFTER YOU MET
7 HIM?

8 A WHEN HE GOT HOLD OF THIS MONEY?

9 Q RIGHT.

10 A NO, I DON'T.

11 Q DO YOU HAVE ANY IDEA HOW MUCH MONEY YOU ARE TALKING
12 ABOUT?

13 A I CAN'T EXACTLY REMEMBER.

14 IT WAS A SIGNIFICANT NUMBER. SIX FIGURES, FOR
15 SURE, MAYBE EVEN MORE.

16 I DON'T THINK IT WAS A MILLION DOLLARS BUT SOME
17 MONEY. I CAN'T -- I CAN'T REMEMBER HOW MUCH BUT IT WAS MONEY.

18 Q AND OTHER THAN THAT, THESE PASSBOOKS OR THINGS
19 THAT YOU SAW INDICATING LARGE AMOUNTS OF MONEY, YOU DON'T
20 KNOW WHAT THEY WERE?

21 A WELL, I KNOW HE NEVER HAD ANY REAL MONEY OTHER
22 THAN THAT.

23 Q DID MR. LEVIN -- WERE YOU AWARE OF THE FACT THAT
24 HE WAS INVOLVED IN SEVERAL LAWSUITS?

25 A YES.

26 Q DID HE APPEAR TO ENJOY BEING INVOLVED IN LITIGATION?

27 A I THINK SO.

28 Q DID HE ENJOY SUING PEOPLE AS WELL AS BEING SUED?

1 A HE JUST ENJOYED -- HE KNEW -- HE KNEW AN AWFUL
2 LOT ABOUT LAW, AN AWFUL LOT ABOUT MEDICINE AND HE ENJOYED
3 DEALING IN AREAS THAT HE HAD GREAT KNOWLEDGE AND IT WAS KIND
4 OF A NICE ARENA FOR HIM. HE ENJOYED IT.

5 Q AND DID HE TALK TO YOU ABOUT A CRIMINAL CASE
6 THAT HE HAD PENDING AGAINST HIM CURRENTLY IN 1984?

7 A AGAINST HIM?

8 Q YES.

9 A SOME.

10 Q DID HE EVER SAY THAT --
11 WELL, WHAT WAS HIS ATTITUDE ABOUT IT AS HE
12 EXPRESSED IT TO YOU?

13 A HE FELT LIKE HE WAS GOING TO WIN THAT CASE AND
14 HE WAS GOING TO SUE EVERYBODY INVOLVED.

15 Q WHO?

16 A THE POLICE, WHOEVER WAS -- TOUCHED HIM THROUGH
17 THAT, HE WAS GOING TO SUE.

18 Q DID HE EVER AT ANY TIME EXPRESS TO YOU ANY FEAR
19 OF THAT CASE?

20 A NO.

21 Q AT NO TIME DURING THESE ALMOST DAILY TELEPHONE
22 CONVERSATIONS, DID HE EXPRESS TO YOU ANY FEAR ABOUT THAT CASE?

23 A NO.

24 Q WERE YOU OVER AT MR. LEVIN'S HOUSE FAIRLY OFTEN
25 IN 1983 AND 1984?

26 A FAIRLY OFTEN.

27 Q DID YOU EVER MEET THE DEFENDANT IN THIS CASE?

28 A YES.

1 Q HOW MANY TIMES?

2 A AT HIS HOUSE?

3 Q AT MR. LEVIN'S HOUSE.

4 A THREE OR FOUR TIMES.

5 Q OTHER THAN SEEING MR. HUNT AT MR. LEVIN'S HOUSE,
6 HOW MANY OTHER TIMES DID YOU SEE HIM?

7 A I BELIEVE TWO OTHER TIMES.

8 Q WAS ONE OF THOSE TIMES AFTER JUNE 6TH OF 1984?

9 A YES.

10 Q WERE THEY BOTH AFTER JUNE 6 OR ONE BEFORE AND
11 ONE AFTER?

12 A I DON'T KNOW.
13 I THINK BOTH OF THEM AFTER, BUT I AM NOT SURE.

14 Q AND ONE OF THOSE OTHER TIMES WHEN YOU SAW MR.
15 HUNT OUTSIDE OF MR. LEVIN'S HOUSE, WAS MR. HUNT WITH ANYBODY
16 ELSE?

17 A YES.

18 Q WHO WAS HE WITH?

19 A A BLACK FELLOW THAT WAS ON TRIAL -- WHO I FOUND
20 OUT WAS MR. PITTMAN -- I DIDN'T KNOW HIM.

21 Q AND THE TIME THAT YOU SAW MR. HUNT WHEN HE WAS
22 NOT IN THE COMPANY OF MR. PITTMAN, WAS THAT AT A SHIP'S
23 RESTAURANT IN WESTWOOD VILLAGE?

24 A YES.

25 Q WHEN WAS THAT?

26 A THAT WAS THE LAST NIGHT THAT IT WAS OPEN.

27 Q DO YOU KNOW WHEN THAT WAS IN RELATION TO JUNE
28 OF 1984 THAT THAT WOULD HAVE BEEN?

1 A NO.

2 Q DO YOU HAVE ANY IDEA IN TERMS OF WEEKS, DAYS
3 OR MONTHS OR --

4 A I REALLY DON'T, BUT YOU SHOULD BE ABLE TO GET
5 THAT IF YOU NEED IT.

6 Q WE COULD CALL SHIP'S BUT I DON'T THINK IT IS
7 THERE ANYMORE.

8 IN ANY EVENT, WHEN YOU SAW MR. HUNT OUTSIDE OF
9 SHIP'S, DID YOU DISCUSS MR. LEVIN?

10 A I THINK WE HAD A BRIEF DISCUSSION ABOUT, ABOUT
11 HIS BEING MISSING.

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1 Q AND DO YOU REMEMBER WHAT MR. HUNT SAID ABOUT THAT
2 AT THAT TIME?

3 A NO. I DON'T REMEMBER ANY SPECIFIC WORDS.
4 I REMEMBER A BASIC ATTITUDE OF SURPRISE.

5 Q DID MR. HUNT SEEMED SURPRISED MR. LEVIN WAS
6 MISSING?

7 A UH-HUH, YES.

8 Q DO YOU KNOW IF MR. HUNT KNEW OF YOUR RELATIONSHIP
9 WITH MR. LEVIN?

10 A I DON'T KNOW EXACTLY WHAT HE KNEW. HE SAW ME
11 AT THE HOUSE.

12 I MEAN, THAT IS WHERE I MET HIM WAS AT LEVIN'S
13 HOUSE. I AM SURE HE HAD AN UNDERSTANDING THAT I WAS HIS
14 FRIEND.

15 Q WOULD YOU DESCRIBE -- HOW WOULD YOU DESCRIBE
16 MR. LEVIN'S PERSONALITY IN TERMS OF WHETHER HE WAS NORMALLY
17 ACTIVE, SLOW OR FAST IN TERMS OF HOW HE DEALT WITH PEOPLE
18 AND TALKED AND ACTED?

19 A FAST, VERY RAPID.

20 Q KIND OF HYPERACTIVE?

21 A YES.

22 Q TALKED VERY FAST ALL OF THE TIME?

23 A EVERYTHING FAST.

24 Q MOVING ALL OF THE TIME?

25 A ALL OF THE TIME.

26 MR. WAPNER: THANK YOU. NOTHING FURTHER.

27 THE COURT: ALL RIGHT. CROSS-EXAMINATION?
28

CROSS-EXAMINATION

1
2 BY MR. BARENS:

3 Q GOOD MORNING, MR. MARMOR.

4 A GOOD MORNING.

5 Q MR. MARMOR, DID YOU CONSIDER LEVIN YOUR BEST
6 FRIEND?

7 A NO.

8 Q NOW, DID YOU FEEL HE CONFIDED IN YOU?

9 A YES.

10 Q AND YOU MENTIONED THAT HE TOLD YOU THE TRUTH AND
11 YOU MIGHT HAVE BEEN THE ONLY ONE, YOU SAID?

12 A EXCUSE ME?

13 Q YOU SAID YOU MIGHT HAVE BEEN THE ONLY ONE THAT
14 HE EVER TOLD THE TRUTH TO?

15 A RIGHT.

16 Q CAN YOU THINK OF ANYTHING HE EVER TOLD YOU THE
17 TRUTH ABOUT?

18 MR. WAPNER: OBJECTION, VAGUE.

19 THE COURT: SUSTAINED.

20 MR. BARENS: ALL RIGHT.

21 Q WHEN YOU LAST SAW HIM, HOW MUCH MONEY DID HE OWE
22 YOU?

23 A HE OWED ME TWELVE AND A HALF THOUSAND -- ABOUT
24 FOURTEEN AND A HALF THOUSAND.

25 Q AT ONE TIME HE HAD OWED YOU A LOT MORE THAN THAT,
26 DIDN'T HE?

27 A RIGHT.

28 Q HOW MUCH DID HE OWE YOU INITIALLY ON THAT DATE?

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1 A HE OWED ME \$25,000 ON THAT DEBT.

2 Q NOW, PRIOR TO THE 6TH, I THINK WHEN YOU RECEIVED
3 SOME PAYMENT, WHEN WAS THE LAST TIME YOU RECEIVED ANY PAYMENT
4 ON THAT DEBT BEFORE THAT?

5 A ON THAT PARTICULAR DEBT?

6 Q YES, SIR.

7 A I AM NOT SURE.

8 Q A LONG TIME BEFORE JUNE 6TH?

9 A SOME TIME. A FEW MONTHS, MAYBE.

10 Q COULD YOU GIVE ME YOUR BEST ESTIMATE AS YOU SIT
11 HERE ON HOW LONG IT HAD BEEN SINCE YOU LAST GOT PAYMENT?

12 A HE HAD A RECORD OF HIS PAYMENTS TO ME. IF I COULD
13 HAVE GOT INTO THE APARTMENT, I WOULD HAVE HAD ALL OF THAT.

14 I REALLY DON'T KNOW. HE KEPT A RECORD OF
15 EVERYTHING. AND HE HAD A RECORD OF HOW HE PAID ME.

16 AND IN HIS CHECKBOOK, IN HIS LEDGER, THERE WOULD
17 BE CHECKS THAT WENT TO ME. HOWEVER, SOME OF THOSE CHECKS
18 WERE ON OTHER MONEYS, NOT REDUCING THAT PARTICULAR DEBT.

19 Q YOU MEAN ON PAYMENT ON ACCOUNT OF A VARIETY OF
20 OTHER LOANS OR WHAT NOT, YOU MIGHT HAVE HAD WITH HIM?

21 A RIGHT.

22 Q NOW AS A MATTER OF FACT, IT HAD BEEN OVER SIX
23 MONTHS SINCE YOU HAD RECEIVED ANY PAYMENT ON THE \$25,000
24 DEBT, HADN'T IT?

25 A I AM NOT SURE.

26 Q RIGHT. THE LAST TIME YOU RECEIVED PAYMENT FROM
27 HIM ON THAT DEBT, WHAT FORM DID THE PAYMENT COME IN?

28 A I CAN'T REMEMBER SPECIFICALLY. BUT I DO REMEMBER

1 THAT HE ALWAYS GAVE ME A CHECK.

2 Q GAVE YOU A PERSONAL CHECK?

3 A A CHECK. I DON'T KNOW WHAT KIND OF CHECK, WHETHER
4 IT WOULD BE PERSONAL OR BUSINESS.

5 Q HE GAVE YOU CHECKS ON THESE VARIOUS BUSINESS
6 CORPORATE ENTITIES THAT MIGHT HAVE HAD MAYBE HALF A DOZEN
7 DIFFERENT NAMES OF CORPORATE ENTITIES?

8 A POSSIBLY.

9 Q AND ON THIS OCCASION, HE PAID WITH TRAVELER'S
10 CHECKS?

11 A YES.

12 Q AND YOU SAY THERE WAS A STACK OF A COUPLE OF
13 INCHES OF TRAVELER'S CHECKS?

14 A IT LOOKED LIKE IT.

15 Q DID YOU MAKE ANY ATTEMPT TO PICK UP THE TRAVELER'S
16 CHECKS?

17 A NO.

18 Q YOU SIMPLY ASKED HIM FOR MORE OF THEM AND HE
19 DECLINED?

20 A I ASKED HIM TO PAY ME. HE WAS LEAVING. HE SAID
21 WELL, HE HAD THESE TRAVELER'S CHECKS.

22 HE WAS, YOU KNOW -- HE WAS JUST ACTUALLY BRAGGING
23 ABOUT HAVING THIS MONEY. I SAID, "PAY ME SOMETHING ON WHAT
24 YOU OWE ME."

25 AND HE WENT NUTS.

26 I MEAN, HE HATED TO PAY. AND I SAID, "WELL, YOU
27 HAVE GOT PLENTY OF MONEY. REDUCE THAT NUMBER."

28 AND SO HE GAVE ME 2,000. I AM NOT SURE THAT I

5
1 DIDN'T HAVE A CHECK, A PERSONAL CHECK OF HIS FOR \$2,000 THAT
2 WAS NO GOOD.

3 I MIGHT HAVE TRADED THAT CHECK FOR THOSE
4 TRAVELER'S CHECKS. THAT MIGHT BE WHERE THE \$2,000 CAME FROM.

5 BUT I REMEMBER I HAD A \$2,000 CHECK THAT WAS NOT
6 ANY GOOD. HE ASKED ME TO HOLD IT.

7 AND HE WANTED IT BACK. I TOLD HIM -- POSSIBLY
8 THE WAY IT HAPPENED, I TOLD HIM TO GIVE ME \$2,000 FOR IT.

9 Q DID HE TELL YOU WHERE THE STACK OF TRAVELER'S
10 CHECKS CAME FROM, WHERE HE GOT THE MONEY TO GET THOSE
11 TRAVELER'S CHECKS?

12 A NO HE DIDN'T. IF HE DID, I DON'T REMEMBER.

13 Q ALL RIGHT. SIR, WHEN YOU FIRST GOT TO HIS HOUSE
14 THAT DAY, DID YOU GO THERE BECAUSE HE TOLD YOU, COME ON OVER
15 LEN AND I AM GOING TO PAY YOU SOME OF THE MONEY I OWE YOU?

16 A NO. HE NEVER -- THAT WAS NOT THE CASE.

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1 Q HE WOULDN'T TALK LIKE THAT?

2 A NO -- HE MIGHT TALK LIKE THAT BUT HE DIDN'T --
3 IT WAS RARE IF HE DID.

4 Q OKAY. WHEN YOU GOT THERE, ISN'T IT A FACT THAT
5 THE SUBJECT OF REPAYMENT OF MONEY CAME UP BECAUSE, BY CHANCE,
6 YOU SAW THE TRAVELER'S CHECKS THERE?

7 A THAT IS ABSOLUTELY WHY.

8 Q RIGHT?

9 A I DIDN'T SEE THEM.

10 HE SHOWED THEM TO ME.

11 Q OKAY.

12 A HE WAS BRAGGING ON THE FACT THAT HE HAD THIS STACK
13 OF MONEY.

14 Q AND ALL OF A SUDDEN, YOU SAID TO HIM, "WELL, IF
15 YOU HAVE GOT ALL OF THAT MONEY, HOW ABOUT ME?"

16 A YEAH, IT LOOKED LIKE A GOOD TIME TO COLLECT SOME
17 MONEY.

18 Q QUITE SO.

19 WHEN HE WAS BRAGGING ABOUT "I'VE GOT A LOT OF
20 TRAVELER'S CHECK MONEY HERE," DID HE SEEM TO HAVE OVERLOOKED
21 THE FACT THAT YOU MIGHT ASK HIM FOR SOME OF THEM?

22 A I GUESS THAT IS WHAT IT WAS.

23 Q RIGHT.

24 HE WOULDN'T WANT YOU TO THINK HE HAD A LOT OF
25 MONEY, WOULD HE, BECAUSE YOU WOULD START ASKING HIM FOR THE
26 MONEY HE OWED YOU?

27 MR. WAPNER: OBJECTION. CALLS FOR A CONCLUSION.

28 THE WITNESS: WELL --

1 MR. BARENS: WELL, WE CALLED FOR ALL KINDS OF CONCLUSIONS

2 THE COURT: IS THAT A QUESTION?

3 MR. BARENS: WE CALLED FOR ALL KINDS OF CONCLUSIONS.

4 THE COURT: IS THAT A QUESTION?

5 MR. BARENS: YES, IT IS, YOUR HONOR.

6 THE COURT: RAISE YOUR VOICE AT THE END, WILL YOU?

7 MR. BARENS: THAT WAS THE QUESTION, ACTUALLY.

8 MR. WAPNER: THIS IS AN OBJECTION THAT IT CALLS FOR
9 A CONCLUSION ON THE PART OF THE WITNESS BECAUSE HE IS ASKING
10 THE WITNESS A, B, C, D --

11 THE COURT: REPHRASE YOUR QUESTION.

12 MR. BARENS: IT CALLS FOR HIS OPINION.

13 THE COURT: REPHRASE YOUR QUESTION.

14 Q BY MR. BARENS: IN YOUR OPINION, SIR, IF YOU
15 THOUGHT MR. LEVIN HAD A LOT OF MONEY AND HE WAS AWARE OF THAT,
16 ISN'T IT YOUR OPINION HE WOULDN'T WANT YOU TO THINK HE HAD
17 A LOT OF MONEY?

18 MR. WAPNER: OBJECTION. IT IS ARGUMENTATIVE.

19 MR. BARENS: WAIT A MINUTE. I HAVEN'T EVEN FINISHED
20 WITH THE QUESTION YET.

21 THE COURT: FINISH IT, WILL YOU, PLEASE?

22 Q BY MR. BARENS: ALL RIGHT, ISN'T IT YOUR OPINION
23 THAT IF HE THOUGHT YOU KNEW HE HAD A LOT OF MONEY HE WOULD
24 BE CONCERNED THAT YOU WOULD ASK HIM FOR THAT MONEY THAT HE
25 OWED TO YOU?

26 MR. WAPNER: YOUR HONOR, SAME OBJECTION AS ARGUMENTATIVE.
27 HE IS TAKING THE FACTS, MAKING AN ARGUMENT AND THEN ASKING
28 THE WITNESS TO AGREE WITH IT. THE JURORS ARE THE ONES THAT

1 CAN MAKE THAT CONCLUSION.

2 THE COURT: IN YOUR PAST EXPERIENCE WITH HIM, IF HE
3 APPEARED TO HAVE SOME MONEY, WOULD YOU ALWAYS ASK HIM FOR
4 SOME MONEY?

5 THE WITNESS: I WOULD ASK HIM FOR MONEY FROM TIME TO
6 TIME WHETHER HE HAD MONEY OR NOT.

7 Q BY MR. BARENS: WOULD YOU THINK THAT HE WANTED
8 YOU TO THINK HE DIDN'T HAVE MONEY?

9 A NO.

10 HE WOULD LIKE TO HAVE HAD MONEY.

11 Q I UNDERSTAND THAT.

12 A AND HE WOULD LIKE EVERYBODY TO THINK THAT HE HAD
13 MONEY.

14 IN FACT, HE DIDN'T HAVE MONEY MOST OF THE TIME
15 AND I WAS AWARE OF HIS FINANCES.

16 I WOULD LOAN HIM MONEY FOR DIFFERENT REASONS;
17 WHATEVER HE PRESENTED TO ME, IF I THOUGHT THAT IT WAS SOUND
18 ENOUGH THAT THE MONEY DIDN'T GET JUST FLUSHED.

19 Q THIS GUY WAS KIND OF AN EXPERT CON MAN, WASN'T
20 HE?

21 A I DIDN'T LOOK AT HIM AS THAT.

22 I THOUGHT HE WAS ACTUALLY A POOR ONE.

23 Q YOU DID?

24 A YES.

25 Q AND IF YOU THOUGHT HE WAS AN EXPERT CON MAN, YOU
26 WOULDN'T HAVE LOANED HIM MONEY, WOULD YOU?

27 THE COURT: HE SAID HE THOUGHT HE WAS A POOR CON MAN.

28 Q BY MR. BARENS: I KNOW.

1 BUT I SAID, IF YOU THOUGHT HE WAS AN EXPERT CON
2 MAN, WOULD YOU HAVE LOANED HIM MONEY?

3 A I DON'T KNOW IF THAT WOULD HAVE MADE ANY
4 DIFFERENCE BUT --

5 Q WELL --

6 THE COURT: WAIT JUST A MINUTE. BUT WHAT?

7 THE WITNESS: I DIDN'T LOAN HIM MONEY RELATED TO HIS
8 CON ABILITY.

9 Q BY MR. BARENS: I AM NOT SUGGESTING THAT,
10 MR. MARMOR.

11 WHAT I AM LOOKING FOR, IF YOU THOUGHT HE WAS A
12 REAL GOOD CON MAN, DID IT OCCUR TO YOU THAT IF YOU LOANED
13 HIM MONEY HE WOULDN'T PAY YOU BACK?

14 A NO, IT NEVER OCCURRED TO ME THAT HE WOULDN'T PAY
15 ME BACK.

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1 Q SO YOUR BELIEF WAS THAT THE WAY HE ACTED TOWARDS
2 YOU AND TELLING YOU YOU WERE HIS BEST FRIEND, ET CETERA, THAT
3 HE WOULD PAY YOU BACK?

4 A YES, I BELIEVED THAT HE WOULD PAY ME BACK.

5 Q BUT HE DIDN'T PAY YOU BACK?

6 A HE DIDN'T PAY ME BACK THAT TWELVE AND A HALF
7 THOUSAND. THAT WAS IN THE SWIM.

8 Q ALL RIGHT. BY THE WAY, WHAT DO YOU DO FOR A
9 LIVING, MR. MARMOR?

10 A I AM IN THE REAL ESTATE BUSINESS.

11 Q WERE YOU INVOLVED WITH MR. LEVIN IN THE REAL
12 ESTATE BUSINESS?

13 A I WAS -- I GOT MYSELF INVOLVED WITH LEVIN IN
14 REAL ESTATE, IN A REAL ESTATE SITUATION AND I AM STILL
15 TANGLED UP WITH IT.

16 Q DID MR. LEVIN EVER INTRODUCE HIMSELF AS -- BY
17 THE NAME OF MR. LEVITT?

18 A TO ME?

19 Q TO ANYONE THAT YOU KNOW OF?

20 A I DON'T REMEMBER THE NAME LEVITT.

21 Q AS IN LEVITT TOWN?

22 A I DON'T REMEMBER THAT NAME.

23 VERY POSSIBLY. I --

24 I DIDN'T PAY ATTENTION TO A LOT OF HIS STORY
25 THAT HE TOLD.

26 Q ALL RIGHT. WERE YOU INVOLVED WITH HIM IN A CERTAIN
27 TRANSACTION INVOLVING PROGRESSIVE SAVINGS AND LOAN?

28 A I WANS'T INVOLVED IN THAT.

1 I AM INVOLVED IN IT NOW.

2 Q ALL RIGHT, SIR, DID YOU WRITE MR. LEVIN A CHECK
3 FOR \$50,000?

4 A YES.

5 Q AND DID HE DEPOSIT THAT CHECK AT PROGRESSIVE
6 SAVINGS AND LOAN?

7 A YES.

8 Q WAS THE CHECK GOOD WHEN YOU WROTE IT?

9 A YES.

10 Q AND DID MR. LEVIN USE THAT CHECK TO TRICK
11 PROGRESSIVE SAVINGS AND LOAN OUT OF \$157,000?

12 MR. WAPNER: OBJECTION. THAT IS ASKING FOR A
13 CONCLUSION.

14 THE COURT: SUSTAINED.

15 MR. BARENS: I AM ASKING IF HE KNEW.

16 THE COURT: YOU ARE USING THE WORD "TRICK".

17 ASK HIM WHAT THE FACTS ARE AND HE WILL TELL YOU
18 IF HE KNOWS.

19 MR. BARENS: THANK YOU, YOUR HONOR.

20 Q SIR, TO YOUR KNOWLEDGE, DID MR. LEVIN OBTAIN
21 \$157,000 FROM PROGRESSIVE SAVINGS AND LOAN?

22 MR. WAPNER: CALLS FOR HEARSAY.

23 THE COURT: IF HE KNOWS.

24 MR. WAPNER: THE OBJECTION IS: HOW DOES HE KNOW?

25 MR. BARENS: YOUR HONOR, IF WE ARE GOING TO START ON
26 HEARSAY NOW, IT IS A BIT LATE.

27 THE COURT: WELL, IF HE KNOWS.

28 DO YOU KNOW ANYTHING AT ALL ABOUT \$157,000?

1 THE WITNESS: I KNOW SOMETHING ABOUT ONE-FIVE -- I
2 THINK IT IS ONE FIFTY-THREE AND CHANGE.

3 THE COURT: TELL US ABOUT THAT.

4 THE WITNESS: I WAS GOING TO WIND UP -- LEVIN HAD AN
5 OPTION ON THE BUILDING HE LIVED IN AND HE WAS -- HE NEEDED
6 MONEY TO PAY TO A FIRM, I THINK IT WAS GIBSON, DUNN & CRUTCHER.

7 Q BY MR. BARENS: A LAW FIRM, SIR?

8 A YES.

9 FOR LEGALS TO ACQUIRE THIS -- TO -- TO EXERCISE
10 THIS OPTION AND WIND UP WITH THIS BUILDING AND HE MADE A DEAL
11 WITH ME IF I PUT UP THE MONEY FOR THE LEGALS, THAT I WOULD
12 WIND UP WITH HALF OF THIS BUILDING AND I BELIEVE THE OPTION
13 PRICE WAS THREE-FIFTY.

14 Q YES, AND WHAT HAPPENED?

15 A I WROTE HIM A CHECK AND THE DAY I WROTE HIM THE
16 CHECK, I MET JOE HUNT AND TWO OTHER FELLOWS, THE MAY BROTHERS,
17 AT HIS HOUSE, IT WAS IN THE MORNING, AND I WROTE A CHECK AND
18 I LEFT.

19 THAT NIGHT --

20 AND THAT WAS THE DEAL WE HAD MADE AND DISCUSSED
21 IT AT LENGTH, I MEAN FOR SOME TIME.

22 AND THAT NIGHT -- I WAS GOING TO WIND UP WITH
23 50 PERCENT OF THE BUILDING.

24 AND THAT NIGHT, HE CALLED ME AND TOLD ME THAT
25 I COULD ONLY WIND UP WITH 25 PERCENT OF THE BUILDING. I SAID,
26 "I AM NOT INTERESTED."

27 AND HE SAID, "WELL, IT HAS GOT TO BE THAT WAY."

28 HE SAID, "WE WILL WORK SOMETHING OUT LATER."

1 SO I SAID, "I AM NOT INTERESTED. I CAN'T USE
2 25 PERCENT OF IT. I WANT ONE OF THOSE UNITS. THERE IS ONLY
3 TWO UNITS."

4 SO I SAID, "I AM GOING TO STOP THE CHECK."
5 AND HE RANTED AND RAVED AND CARRIED ON, WHATEVER
6 HE DID.

7 ANYHOW, I STOPPED THE CHECK AND THAT WAS THE
8 END AS FAR AS I WAS CONCERNED.

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1 DOWNSTREAM, THEY HAD GIVEN HIM CREDIT ON WHATEVER --

2 MR. WAPNER: OBJECTION. THIS IS THE OBJECTIONABLE
3 PART. HE IS TALKING NOW ABOUT THIS AND IT IS HEARSAY AS TO
4 WHAT THE BANK DID.

5 THE COURT: ALL THIS IS VERY INTERESTING BUT WE ARE
6 NOT INVOLVED IN A LAWSUIT INVOLVING THIS PARTICULAR BUILDING.
7 I THOUGHT --

8 MR. BARENS: YOUR HONOR, THIS IS GOING INTO THE NATURE
9 OF HOW MUCH MONEY MR. --

10 THE COURT: YES. WE HAVE ALREADY HEARD SO MUCH ABOUT
11 THE NATURE OF THE MAN. DON'T YOU THINK YOU OUGHT TO DROP
12 IT FOR A CHANGE?

13 MR. WAPNER: AGAIN, IF WE ARE GOING TO HAVE SPEAKING
14 OBJECTIONS OR ARGUMENTS --

15 THE COURT: I WILL SUSTAIN THE OBJECTION.

16 Q BY MR. BARENS: DO YOU SIR, KNOW HOW MUCH CASH
17 MR. LEVIN GOT FROM PROGRESSIVE SAVINGS AND LOAN?

18 A I PERSONALLY, DIDN'T WITNESS HIM GETTING ANY
19 CASH. I KNOW THAT FROM -- I UNDERSTAND THEY GAVE HIM CREDIT
20 ON SOME CHECKS THAT HE DEPOSITED, MINE BEING ONE OF THEM.

21 AND IT IS MY UNDERSTANDING AND I AM BEING SUED
22 NOW RELATING TO \$153,000, I BELIEVE IS THE NUMBER.

23 MR. BARENS: THANK YOU, SIR.

24 MR. WAPNER: SAME OBJECTION. HEARSAY ON A LAWSUIT
25 THAT HE HAS PENDING. HE DOESN'T KNOW AND THERE IS --

26 MR. BARENS: HE DOES KNOW.

27 MR. WAPNER: EXCUSE ME. THERE IS A MOTION TO STRIKE
28 THE ANSWER.

1 THE COURT: LET'S NOT HAVE ANY FURTHER QUESTIONS IN
2 CONNECTION WITH THIS PARTICULAR LOAN. LET'S GET ON TO SOME-
3 THING ELSE, IF YOU WILL.

4 MR. BARENS: ONE MOMENT, YOUR HONOR?

5 THE COURT: YES.

6 (PAUSE.)

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

8 THE COURT: ALL RIGHT.

9 MR. BARENS: THANK YOU, YOUR HONOR.

10 (THE FOLLOWING PROCEEDINGS WERE HELD
11 AT THE BENCH OUTSIDE THE HEARING OF THE
12 JURY:)

13 MR. BARENS: YOUR HONOR, THE PEOPLE IN THE QUESTIONS
14 HAVE TRIED TO GET THIS WITNESS TO SAY SUCCESSFULLY THAT MR. LEVIN
15 HAD NO MONEY OR NO REAL MONEY. I AM NOW TRYING TO DEMONSTRATE
16 TO THE JURY THAT HE HAD AT LEAST \$153,000 IN CASH, WITHIN
17 A YEAR OF THE TIME HE ALLEGEDLY DISAPPEARED.

18 THE COURT: HE SAID HE HAD \$153,000? IS THAT WHAT
19 YOU WANT HIM TO TESTIFY TO?

20 MR. BARENS: WELL, I AM SURE HE WILL SAY THAT IF YOU
21 LET ME ASK HIM THE QUESTION.

22 MR. WAPNER: THE OBJECTION IS TO THE METHOD THIS
23 INFORMATION IS COMING OUT. HE IS ASKING THIS WITNESS FOR
24 HEARSAY INFORMATION BECAUSE FROM HIS OWN PERSONAL KNOWLEDGE,
25 WHAT THIS WITNESS KNOWS, IS THAT HE WROTE MR. LEVIN A CHECK
26 FOR \$50,000. THE NEXT DAY, HE STOPPED PAYMENT ON IT.

27 SOMETIME LATER, THIS WITNESS WAS SERVED BY
28 PROGRESSIVE SAVINGS AND THE SUIT CLAIMS THAT LEVIN GOT THE

1 MONEY AND THEY ARE CLAIMING SOMEHOW, THIS WITNESS WAS INVOLVED
2 IN THE WHOLE SCHEME.

3 THE COURT: SOME SCHEME WHERE HE MADE IT APPEAR AS
4 IF HE HAD THE MONEY AND THEN THE SCHEME WAS TO STOP PAYMENT
5 ON IT, IS THAT THE IDEA?

6 MR. WAPNER: RIGHT. BUT THE POINT IS, THAT THE BASIS
7 OF THIS WITNESS' KNOWLEDGE IS THE LAWSUIT AND THE THINGS HE
8 WAS TOLD AFTERWARDS.

9 HE NEVER SAW LEVIN WITH THE MONEY. AND IT IS
10 BASED ON WHAT HE WAS TOLD AND WHAT HE HEARD FROM HEARSAY
11 GROUNDS.

12 IF MR. BARENS WANTS TO PROVE THIS --

13 THE COURT: THEN LET HIM PROVE IT UP PROPERLY.
14 YES. ARE YOU GOING TO PROVE THE FACT THAT MR. LEVIN GOT
15 \$153,000 AND HE HAD THIS MONEY AT THE TIME HE DISAPPEARED?
16 IS THAT WHAT YOU ARE SAYING?

17 MR. BARENS: I DON'T KNOW WHAT HE HAD AT THE TIME HE
18 DISAPPEARED.

19 THE COURT: WELL THEN, GET IT IN THE REGULAR WAY. IF
20 YOU THINK THAT PROGRESSIVE SAVINGS OR WHOEVER GAVE HIM THE
21 MONEY --

22 MR. BARENS: YOUR HONOR, I AM ONLY SEEKING TO ASK THIS
23 GENTLEMAN ONE QUESTION.

24 THE COURT: WHAT IS THAT?

25 MR. BARENS: THE QUESTION THAT I WOULD LIKE TO ASK
26 HIM IS HOW MUCH HE IS BEING SUED FOR FROM PROGRESSIVE SAVINGS
27 AND LOAN.

28 MR. WAPNER: HEARSAY. NOT RELEVANT.

1 THE COURT: I DON'T THINK IT IS RELEVANT. I WILL SUSTAIN
2 THE OBJECTION.

3 LET'S GET AWAY FROM THE SUBJECT. WE HAVE HAD
4 ENOUGH OF IT.

5 (THE FOLLOWING PROCEEDINGS WERE HELD
6 IN OPEN COURT IN THE PRESENCE AND
7 HEARING OF THE JURY:)

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1 Q BY MR. BARENS: DID MR. LEVIN TELL YOU THE TRUTH
2 ABOUT THE MONEY INVOLVING PROGRESSIVE SAVINGS AND LOAN?

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

4 THE COURT: WHAT WAS THAT?

5 MR. BARENS: I AM ASKING HIM IF HE TOLD HIM THE TRUTH.
6 REMEMBER NOW, HE TESTIFIED --

7 THE COURT: YES. I UNDERSTAND. WHAT IS THE QUESTION?
8 I DIDN'T HEAR IT.

9 MR. WAPNER: OBJECTION AND --

10 MR. BARENS: I AM ASKING IF HE TOLD HIM THE TRUTH ABOUT
11 WHAT HE DID WITH THE MONEY THAT HE GOT.

12 THE COURT: OBJECTION SUSTAINED.

13 MR. WAPNER: THANK YOU. IT IS CALLING FOR A CONCLUSION.
14 THANK YOU.

15 MR. BARENS: COULD I ASK THE WITNESS IF HE BELIEVES
16 HE WAS TOLD THE TRUTH?

17 THE COURT: WELL, NO. ASK ANOTHER QUESTION. THAT
18 SUBJECT IS CONCLUDED, SETTLED.

19 LET'S NOT ASK ANY FURTHER QUESTIONS ON THAT
20 SUBJECT.

21 MR. BARENS: I CANNOT INQUIRE? I SEE.

22 THE COURT: WE ARE NOT TRYING THAT LAWSUIT IN THIS
23 CASE.

24 Q BY MR. BARENS: EARLIER ON, YOU WERE ASKED ABOUT
25 MR. LEVIN'S RELATIONSHIP WITH HIS MOTHER. HOW MANY TIMES
26 DID YOU SEE HIS MOTHER?

27 A MANY TIMES.

28 Q A LOT. WOULD IT BE A FAIR STATEMENT THAT MR.

1 MR. LEVIN RECEIVED HIS MOTHER?

2 MR. WAPNER: OBJECTION. AGAIN, CALLING FOR A CONCLUSION.

3 THE COURT: SUSTAINED.

4 Q BY MR. BARENS: DID MR. LEVIN TELL HIS MOTHER
5 THE TRUTH ABOUT HIS ACTIVITIES?

6 MR. WAPNER: SAME OBJECTION.

7 THE COURT: SUSTAINED.

8 Q BY MR. BARENS: DID YOU EVER SEE MR. LEVIN LIE
9 TO HIS MOTHER IN YOUR PRESENCE?

10 THE COURT: DID YOU EVER HEAR HIM LIE OR SEE HIM LIE?

11 MR. BARENS: THANK YOU, YOUR HONOR.

12 THE COURT: YES.

13 Q BY MR. BARENS: DID YOU EVER HEAR HIM LIE,
14 ALTHOUGH IF HE SHOWED HER ANY PICTURES -- NO. DID YOU EVER
15 SEE HIM LIE OR HEAR HIM LIE?

16 A I DON'T REMEMBER WHAT STORY HE TOLD HIS MOTHER
17 OVER WHAT PERIOD OF MANY YEARS. HE SHELTERED HIS MOTHER,
18 BASICALLY, IS THE BEST WAY I CAN DESCRIBE THAT.

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1 Q HE GAVE HIS MOTHER AN IMPRESSION THAT HE WAS A
2 CERTAIN TYPE OF A PERSON, WHEN YOU KNEW HIM TO BE A DIFFERENT
3 TYPE OF PERSON?

4 A I THINK THAT IS FAIR.

5 Q IS THAT A FAIR STATEMENT?

6 A YES.

7 Q ALL RIGHT. WHY DID YOU HAPPEN TO CALL HIM ON
8 THE MORNING OF JUNE 7, '84?

9 A I MIGHT HAVE -- I MIGHT HAVE BEEN GOING TO ASK
10 HIM TO LEAVE SOME MONEY FOR ME, IT IS POSSIBLE.

11 I DON'T REMEMBER WHY. IT PROBABLY WAS TO SAY
12 GOOD-BYE.

13 Q YOU CALLED HIM TO SAY GOOD-BYE?

14 A PROBABLY.

15 Q DID HE ASK YOU OR INVITE YOU TO GO TO NEW YORK?

16 A IT IS POSSIBLE.

17 Q IT IS POSSIBLE?

18 A I HAD GONE TO NEW YORK WITH HIM AT ANOTHER TIME.

19 Q AS YOU THINK BACK, DIDN'T HE ASK YOU, "LEN, DO
20 YOU WANT TO GO TO NEW YORK WHEN I GO"?

21 A POSSIBLE. I REALLY CAN'T TELL YOU FOR SURE.

22 Q YOU ARE NOT SURE?

23 A I AM NOT SURE.

24 Q WAS THERE A REASON WHY YOU COULDN'T HAVE GONE
25 TO NEW YORK ON THAT OCCASION?

26 A I DON'T REMEMBER THAT EITHER.

27 Q YOU DON'T KNOW?

28 A I DON'T KNOW.

1 BUT I WASN'T INTERESTED IN TRAVELING WITH HIM.

2 Q ALL RIGHT, SIR. NOW, YOU SAY YOU KNEW LEVIN TO
3 BE A CON ARTIST?

4 A I KNEW LEVIN TO BE A CON?

5 I DON'T REMEMBER SAYING THAT.

6 Q YOU DIDN'T SAY THAT EARLIER?

7 A I DON'T THINK SO.

8 THE COURT: YOU ASKED HIM ABOUT BEING A CON ARTIST AND
9 HE SAID THAT IF HE IS, HE IS A POOR ONE. THAT WAS THE
10 ANSWER.

11 MR. BARENS: I AM TALKING ABOUT WHAT HE TOLD MR. WAPNER
12 ACTUALLY, JUDGE.

13 I THOUGHT HE INDICATED TO MR. WAPNER THAT HE
14 THOUGHT --

15 MR. WAPNER: EXCUSE ME. IS THAT A REFERENCE TO HIS
16 DIRECT TESTIMONY?

17 MR. BARENS: YES, IT IS, ACTUALLY.

18 THE COURT: ALL RIGHT, DID YOU TELL MR. WAPNER THAT
19 HE WAS A CON ARTIST?

20 THE WITNESS: I DON'T KNOW THAT I DID.

21 I THINK THAT I MIGHT HAVE SAID THAT THAT IS THE
22 WAY HE PRESENTED HIMSELF, THAT HE WAS A SCAM ARTIST OR
23 SOMETHING LIKE THAT. THAT IS HIS STATEMENT.

24 Q BY MR. BARENS: WHEN YOU SAY HE REPRESENTED HIMSELF
25 AS A SCAM ARTIST AND LIKED TO TELL PEOPLE, YOU KNOW, THAT
26 THAT IS WHO HE WAS, BY THAT, THAT IS A PERSON WHO MAKES PEOPLE
27 BELIEVE THINGS ARE TRUE THAT AREN'T REALLY TRUE?

28 MR. WAPNER: OBJECTION. ARGUMENTATIVE.

1 THE COURT: SUSTAINED.

2 MR. BARENS: I AM ASKING HIM FOR AN OPINION.

3 THE COURT: WHEN I MAKE A RULING, WHY DO YOU ARGUE WITH
4 ME AFTERWARDS? IT IS IN THE RECORD. YOU HAVE A RECORD OF
5 IT.

6 MR. BARENS: THANK YOU, YOUR HONOR.

7 THE COURT: LET'S GET ON, PLEASE.

8 Q BY MR. BARENS: WHAT DO YOU MEAN BY SCAM ARTIST,
9 SIR?

10 A THAT IS WHAT HE SAID.

11 THAT ISN'T MY WORDS.

12 Q WHAT DO YOU THINK HE MEANT BY A SCAM ARTIST, SIR?

13 A THAT HE WOULD TAKE ADVANTAGE OF PEOPLE, SITUATIONS,
14 FOR HIS OWN GAIN.

15 Q DID YOU EVER SEE HIM ENGAGE IN ANY ACTIVITIES
16 OF THAT NATURE?

17 A WHENEVER -- IN MY OPINION, ALMOST TO A MAN, WHEN
18 HE WAS TALKING TO SOMEBODY, HE WAS TRYING TO TAKE ADVANTAGE
19 OF SOMEBODY.

20 Q DID YOU EVER SEE HIM TRY TO MAKE PEOPLE BELIEVE
21 THINGS THAT WEREN'T TRUE?

22 A SPECIFICALLY, I DON'T KNOW WHAT HE WAS TALKING
23 ABOUT, WHETHER IT WOULD BE TRUE OR NOT.

24 HE WAS ALWAYS TALKING ABOUT DEALS, BUSINESS-TYPE
25 DEALS AND TO ME, NONE OF THEM WERE WORTH A QUARTER.

26 YES, AS A MATTER OF FACT, I DID SEE HIM TALK TO
27 PEOPLE ABOUT THINGS THAT WEREN'T TRUE.

28 Q AND HE TRIED TO CREATE THE ILLUSION THAT THEY

1 WERE TRUE?

2 MR. WAPNER: OBJECTION. CALLS FOR A CONCLUSION, YOUR
3 HONOR.

4 MR. BARENS: I AM ASKING HIM TO HIS KNOWLEDGE.

5 THE COURT: SUSTAINED.

6 Q BY MR. BARENS: ALL RIGHT. THANK YOU, SIR.

7 WERE YOU AWARE THAT MR. LEVIN SPENT \$7,000 A MONTH
8 ON CLOTHES?

9 MR. WAPNER: OBJECTION. THAT AGAIN ASSUMES FACTS NOT
10 IN EVIDENCE.

11 THE COURT: SUSTAINED.
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1 Q BY MR. BARENS: WERE YOU AWARE OF HOW MUCH
2 MR. LEVIN SPENT A MONTH ON CLOTHES?

3 A NOT BY MONTH.

4 BUT I WAS AWARE OF HIS SPENDING. I WAS
5 REASONABLY AWARE OF HIS SPENDING HABITS.

6 Q DID YOU HAVE ANY KNOWLEDGE THAT WOULD ENABLE YOU
7 TO TELL ME ABOUT HOW MUCH A MONTH YOU THOUGHT HE SPENT?

8 A I NEVER THOUGHT ABOUT IT ON A MONTHLY BASIS.

9 Q DID IT SEEM LIKE A LOT OF MONEY?

10 A IT SEEMED LIKE IT WAS ALL HE HAD.

11 Q HE SPENT EVERYTHING HE SEEMED TO HAVE?

12 A EVERYTHING HE GOT AND COULD BORROW.

13 Q DID HE SEEM TO HAVE A SOPHISTICATED KNOWLEDGE
14 OF THE LAW?

15 A YES.

16 Q DID HE SEEM TO BE CONSERVANT IN LEGAL MATTERS?

17 A YES.

18 Q DID HE SEEM CONVERSANT IN BANKING MATTERS?

19 A I DON'T THINK HE WAS ANY BANKING EXPERT.

20 Q WAS FEAR AN EMOTION THAT WOULD APPEAR OUT OF
21 CHARACTER FOR HIM?

22 A FEAR?

23 Q YES.

24 A I NEVER -- I NEVER SAW HIM SHOW FEAR.

25 Q IN PRESENTING HIMSELF IN THE MANNER HE NORMALLY
26 WOULD PRESENT HIMSELF TO PEOPLE AND ASSOCIATES, WOULDN'T THAT
27 BE ONE OF THE LAST THINGS HE WOULD EVER SHOW?

28 A FEAR?

1 Q YES.

2 A HE WAS AN ABRASIVE FELLOW.

3 Q RIGHT.

4 AND DIDN'T HE ALWAYS GIVE THE IMPRESSION HE WAS
5 AFRAID OF NOTHING?

6 A I DON'T KNOW IF THAT IS ACTUALLY THE WAY IT WAS
7 BUT IF -- BUT IF IT WOULD SCARE HIM OR NOT, HE WOULD ACT A
8 PARTICULAR WAY. HE WAS CONSISTENT WITH HIS -- WITH HIS
9 MANNER OF BEHAVIOR.

10 Q PART OF HIS -- I WANT TO SAY SCHKIK, BUT PART
11 OF HIS, YOU KNOW WHAT I MEAN, PART OF HIS LOOK OR IMAGERY
12 THAT HE WAS DOING WAS TO MAKE IT LOOK LIKE HE WAS TOTALLY
13 CONFIDENT ALL OF THE TIME?

14 A THAT IS THE WAY HE REALLY FELT.

15 Q RIGHT.

16 AND HE WOULD COMMUNICATE THAT FEELING TO PEOPLE?

17 A ABSOLUTELY. HE WOULD INSIST UPON THEM UNDERSTANDING
18 IT.

19 Q AND HE WOULD WANT YOU TO BELIEVE THAT HE WAS
20 CONFIDENT, WOULD HE NOT?

21 A YEAH, HE WOULD GO TO ANY LENGTH TO --

22 Q MAKE YOU BELIEVE THAT?

23 A -- TO SELL THAT.

24 Q TO SELL THAT.

25 A RIGHT.

26 Q DID HE TALK TO YOU ABOUT HIS EXPERIENCES IN JAIL?

27 A YES.

28 Q WHAT DID HE TELL YOU IN THAT REGARD?

1 A BASICALLY, HE GOT ALONG OKAY.

2 Q DID HE TELL YOU HE HAD A PLEASANT TIME IN JAIL?

3 A NOT NECESSARILY PLEASANT BUT HE GOT ALONG OKAY.

4 Q DID HE TELL YOU ABOUT ANY UNPLEASANT EXPERIENCES
5 HE HAD IN JAIL?

6 A NO.

7 Q HE NEVER TOLD YOU THAT HE WAS FORCED TO ENGAGE
8 IN SEXUAL RELATIONSHIPS IN JAIL?

9 A NO.

10 Q NEVER MENTIONED THAT TO YOU?

11 A THAT HE WAS FORCED?

12 Q YES.

13 A NO.

14 Q DID HE EVER TELL YOU THAT HE HAD BEEN BEATEN UP
15 IN JAIL?

16 A NO.

17 Q DID HE EVER TELL YOU THAT HE HAD TO SEEK
18 PROTECTION WHILE HE WAS IN JAIL?

19 A HE DIDN'T TELL IT TO ME THAT WAY.

20 HE TOLD ME THAT HE -- THAT HE HAD SOMEBODY, SOME
21 STRONG GUY IN THERE THAT WAS -- EVERYTHING WAS FINE. HE HAD
22 A GUY THAT TOOK CARE OF THINGS FOR HIM.

23 Q DID HE TELL YOU HOW HE PAID FOR THE PROTECTION,
24 SIR?

25 A I THINK IN VARIOUS WAYS. I THINK HE RELATED TO
26 ME IN VARIOUS WAYS.

27 Q WHAT DID HE TELL YOU, SIR?

28 A MAYBE CIGARETTES AND SEX, THINGS OF THAT NATURE.

1 Q NOW, IT IS TRUE, IS IT NOT, THAT YOU SAW MR. HUNT
2 AT SHIP'S RESTAURANT AFTER THE LAST TIME YOU SAW MR. LEVIN?

3 A I THINK THAT WAS THE CHRONOLOGICAL ORDER.
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12A-1
1 Q AND IN THAT DISCUSSION, YOU TALKED ABOUT
2 MR. LEVIN?

3 A I THINK WE TOUCHED ON LEVIN.

4 Q AND YOU TALKED ABOUT HIS DISAPPEARANCE?

5 A I DON'T REMEMBER EXACTLY WHAT WE TALKED ABOUT.
6 BUT LOGICALLY, WE HAD SOME CONVERSATION ABOUT LEVIN BEING
7 GONE.

8 Q AND AFTER THAT, YOU SPOKE TO DETECTIVE LES
9 ZOELLER ABOUT THAT CONVERSATION YOU HAD WITH MR. HUNT?

10 A PROBABLY.

11 Q DID YOU, SIR?

12 A I DON'T REMEMBER EXACTLY WHAT THE ORDER IS, WHETHER
13 I SPOKE BEFORE, AFTER, WHEN.

14 Q ALL RIGHT. DO YOU RECALL SPEAKING TO LES ZOELLER
15 ON OCTOBER 9, 1984 AT 5:00 IN THE AFTERNOON CONCERNING THAT
16 CONVERSATION YOU HAD WITH MR. HUNT?

17 A I REMEMBER SPEAKING WITH ZOELLER AND I DON'T
18 REMEMBER WHAT DAY OR TIME IT WAS.

19 Q DO YOU RECALL THAT YOU TOLD MR. ZOELLER THAT JOE
20 HUNT WAS GENUINELY CONCERNED THAT MR. LEVIN WAS MISSING?

21 A I PROBABLY SAID THAT.

22 Q DO YOU BELIEVE YOU SAID THAT?

23 A YES. I BELIEVE THAT.

24 Q DO YOU REMEMBER INDICATING THAT MR. HUNT SEEMED
25 SURPRISED THAT HE HAD NOT BEEN ABLE TO FIND MR. LEVIN?

26 A I DON'T RECALL THAT. BUT THERE IS A RECORD OF
27 IT. I AM SURE THAT WHATEVER IS ON RECORD IS ACCURATE.

28 Q WELL, I AM ASKING YOU TO GIVE ME YOUR BEST

120-2
1 RECOLLECTION AS TO WHAT YOUR IMPRESSION WAS.

2 THE COURT: WELL, IF YOU HAVE GOT ANY RECORD OF IT,
3 SHOW HIM SO AS TO REFRESH HIS RECOLLECTION ON THE CONVERSATION.

4 ISN'T THAT THE BEST WAY OF DOING IT?

5 MR. BARENS: NOT UNTIL HIS RECOLLECTION IS EXHAUSTED,
6 YOUR HONOR.

7 THE COURT: NO, NO. SHOW IT TO HIM. ASK HIM WHETHER
8 OR NOT IT REFRESHES HIS RECOLLECTION.

9 HE ALREADY TESTIFIED THAT HE CAN'T REMEMBER ALL
10 OF THE DETAILS.

11 MR. BARENS: WELL, I AM GOING TO GO OUTSIDE OF THAT,
12 NOW.

13 THE COURT: PARDON ME?

14 MR. BARENS: OUTSIDE OF THAT CONVERSATION.

15 THE COURT: OUTSIDE OF THAT CONVERSATION?

16 MR. BARENS: I WANT TO LOOK AT HIS IMPRESSIONS --

17 THE COURT: NO, YOU DON'T. YOU FIRST ASK HIM THAT.

18 ASK HIM WHETHER IT REFRESHES HIS RECOLLECTION.
19 SHOW IT TO HIM.

20 MR. BARENS: I WON'T ASK HIM ABOUT THAT CONVERSATION.

21 THE COURT: ALL RIGHT, THEN. ASK HIM SOMETHING ELSE,
22 THEN. GO AHEAD.

23 YOU ARE PERMITTED TO DO THAT.

24 MR. BARENS: PARDON ME?

25 THE COURT: YOU ARE PERMITTED TO DO THAT.

26 MR. BARENS: THANK YOU, YOUR HONOR.

27 Q WHEN YOU SAW MR. HUNT ON THAT OCCASION, WAS
28 MR. HUNT BY HIMSELF?

12A-3

1 A NO.

2 Q DO YOU KNOW WITH WHOM HE WAS AT THE RESTAURANT?

3 A I REMEMBER THAT HE WAS WITH A GIRL. I BELIEVE

4 HE WAS WITH A BLONDE GIRL.

5 Q YOUNGISH GIRL?

6 A YES.

7 Q DID YOU EVER KNOW HER NAME?

8 A I PROBABLY MET HER. BUT I DON'T REMEMBER NOW.

9 Q WAS HER NAME BROOKE, SIR? DOES THAT REFRESH YOUR

10 RECOLLECTION?

11 A I DON'T REMEMBER. I AM SURE I WAS INTRODUCED

12 TO HER.

13 Q NOW, MR. MARMOR, DID MR. HUNT SEEM SURPRISED

14 THAT HE COULDN'T FIND MR. LEVIN?

15 A YOU KNOW, IF I TELL YOU YES, IT WOULDN'T REALLY

16 BE A PURE ANSWER BECAUSE I DON'T REMEMBER MUCH ABOUT IT.

17 IT WAS A SHORT CONVERSATION. I WOULD HAVE TO

18 SAY YES. BUT I DON'T REMEMBER THE SUBSTANCE OF OUR

19 CONVERSATION AT THAT TIME.

20 Q ALL RIGHT. BUT, YOU DO RECALL THAT SUBSEQUENTLY,

21 YOU SPOKE TO MR. ZOELLER ABOUT THAT?

22 A I SPOKE TO MR. ZOELLER AT SOME POINT AND I GUESS

23 IT WAS AFTER THAT.

24 Q ALL RIGHT. NOW, BY THE WAY, WAS MR. ZOELLER

25 MAKING NOTES WHEN YOU HAD THAT CONVERSATION WITH HIM?

26 A I DON'T REMEMBER.

27 Q ALL RIGHT. IS IT A FACT THAT YOU SAW MR. HUNT

28 A SECOND TIME AFTER THAT?

A-4

1 A I THINK THAT IT WAS AFTER THAT, THAT I SAW HIM
2 ON THE STREET IN HIS JEEP.

3 Q DRIVING ON SANTA MONICA BOULEVARD, WAS IT?

4 A RIGHT.

5 Q YOU WERE IN A WHITE CADILLAC, WERE YOU?

6 A I HAD A WHITE CADILLAC. MAYBE I WAS IN IT.

7 Q DID YOU PULL OVER AND HAVE SOME CONVERSATION?

8 A YES. I ASKED HIM TO PULL OVER AND HE DID.

9 Q WHAT DID YOU TALK TO HIM ABOUT ON THAT OCCASION,
10 SIR?

11 A AGAIN, MY MEMORY IS NOT REAL GOOD.

12 BUT THE REASON I PULLED HIM OVER, TO THE BEST
13 OF MY RECOLLECTION, WAS ABOUT THIS PROGRESSIVE SAVINGS LAWSUIT.

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1 Q I THINK WE HAD BEST --

2 THE COURT: WELL, THEN. LET'S NOT TALK ABOUT IT ANY
3 MORE.

4 THE WITNESS: WELL, THAT WAS THE REASON I PULLED HIM
5 OVER.

6 MR. BARENS: WELL, IF YOUR HONOR WILL PERMIT HIM TO
7 DISCUSS IT, IT --

8 THE COURT: DID YOU EVER HAVE A CONVERSATION WITH HIM
9 ABOUT IT?

10 THE WITNESS: YES.

11 THE COURT: TELL US WHAT THE CONVERSATION WAS.

12 THE WITNESS: I WANTED TO -- BEING AS THAT LAWSUIT WAS
13 NOW -- I WAS HAVING TO DEAL WITH IT, I WANTED TO GET
14 TOGETHER WITH HIM AND FIND OUT WHAT IT WAS ALL ABOUT, WHAT
15 TO DO ABOUT IT.

16 THE COURT: WAS HE INVOLVED IN ANY WAY?

17 THE WITNESS: HE WAS ALSO SUED IN THE SAME CASE, HE
18 AND THE MAY BROTHERS AND MYSELF.

19 THIS WAS LEVIN'S PROBLEM THAT GRADUATED DOWN TO
20 US BECAUSE LEVIN IS NO LONGER AROUND. AND I STILL WANT TO
21 TALK TO HIM ABOUT IT. I HAVE NOT TALKED TO HIM YET.

22 THE COURT: WHAT WAS THE CONVERSATION THAT YOU HAD WHEN
23 THE AUTOMOBILES STOPPED?

24 THE WITNESS: ABOUT GETTING TOGETHER AND DISCUSSING
25 THAT LAWSUIT.

26 THE COURT: HE WAS INVOLVED IN IT, TOO?

27 THE WITNESS: IT IS MY UNDERSTANDING THAT LEVIN TOOK
28 CHECKS FROM HIM AND THE MAY BROTHERS FROM THE MAY COMPANY

1 TOWARD THIS BUILDING AND I GUESS THAT IS THE WAY I GOT
2 REDUCED TO 25 PERCENT, SOMETHING LIKE THAT.

3 MR. BARENS: I DON'T KNOW.

4 Q IN ANY EVENT, DURING THAT DISCUSSION, WAS SOME
5 MENTION MADE ABOUT MR. LEVIN'S DISAPPEARANCE?

6 A I DON'T REMEMBER.

7 Q WAS THERE SOME DISCUSSION ABOUT THE POLICE HAVING
8 AN INTEREST IN MR. HUNT, INVOLVING MR. LEVIN'S DISAPPEARANCE?

9 A IT IS VERY POSSIBLE.

10 Q WAS THERE DISCUSSION ABOUT THE FACT THAT
11 MR. HUNT --

12 MR. WAPNER: OBJECTION, YOUR HONOR. THIS CALLS FOR
13 HEARSAY STATEMENTS OF THE DEFENDANT.

14 MR. BARENS: IT IS NOT OFFERED FOR THE TRUTH.

15 MR. WAPNER: MAY I HAVE AN OFFER OF PROOF AT THE BENCH?

16 THE COURT: ASK HIM ABOUT THE CONVERSATION AND HAVE
17 HIM GIVE YOU THE BEST RECOLLECTION THAT HE HAS OF IT.

18 MR. BARENS: WELL, THAT IS WHAT I AM DOING.

19 MR. WAPNER: OBJECTION, HEARSAY. I WOULD LIKE TO
20 APPROACH THE BENCH FOR AN OFFER OF PROOF.

21 THE COURT: ALL RIGHT.

22 MR. WAPNER: THANK YOU.

23 (THE FOLLOWING PROCEEDINGS WERE HELD

24 AT THE BENCH:)

25 THE COURT: WHAT IS THE OFFER OF PROOF? HE IS
26 OBJECTING TO THE TESTIMONY.

27 MR. BARENS: WELL, HE IS USING A HEARSAY OBJECTION.

28 AND --

1 THE COURT: I DON'T KNOW --

2 MR. BARENS: AND THERE IS STILL ONLY --

3 THE COURT: HE WANTS TO KNOW WHAT THE MATERIALITY IS
4 AND THE RELEVANCY.

5 MR. WAPNER: AS I UNDERSTAND IT, HE IS BEING ASKED TO
6 TESTIFY THAT MR. HUNT SAID DA DA DA DA AND UNTIL I KNOW WHAT
7 IT IS, I DON'T KNOW WHETHER IT IS HEARSAY.

8 THE COURT: YOU MEAN SELF-SERVING STATEMENTS?

9 MR. WAPNER: YES.

10 THE COURT: WHAT IS IT YOU WANT TO SHOW? WHAT IS YOUR
11 OFFER OF PROOF AS TO WHAT YOU WANT HIM TO TESTIFY TO?

12 MR. BARENS: MY CONCERN, YOUR HONOR -- LET ME BACK UP
13 JUST A MOMENT, HERE.

14 WE HAVE NOT SHOWN ANY CONCERN AT ALL ABOUT THE
15 HEARSAY RULE UP TO THIS POINT, YOUR HONOR. THERE HAS NOT
16 BEEN ONE HEARSAY OBJECTION GRANTED IN THIS TRIAL AND WE SIT
17 HERE -- STAND HERE AT THIS MOMENT AND --

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1 THE COURT: I WANT AN OFFER OF PROOF FROM YOU AS TO
2 WHAT YOU EXPECT THIS WITNESS TO TESTIFY TO.

3 MR. BARENS: THE OFFER OF PROOF WILL BE THAT MR. HUNT
4 TOLD HIM HE WAS GOING TO SUE THE CITY OF BEVERLY HILLS BECAUSE
5 HIS FRIENDS WERE BEING CONTACTED, TOLD THAT HE WAS BEING --
6 THAT HE WAS GUILTY OF HAVING MURDERED SOMEONE, AND THAT HE
7 KNEW THAT MR. -- THAT MR. MARMOR KNEW THAT WASN'T TRUE AND
8 HE ASKED HIM IF HE WOULD DISCUSS WITH THE POLICE HIS VIEWS
9 ON WHETHER OR NOT HUNT WAS GUILTY OF THAT MURDER.

10 MR. WAPNER: THAT IS TANTAMOUNT TO A STATEMENT BY THE
11 DEFENDANT THAT "I DIDN'T DO IT." AND IT IS A HEARSAY STATEMENT.

12 THE COURT: I WILL SUSTAIN THE OBJECTION.

13 MR. BARENS: YOUR HONOR, IT GOES TO THE DEFENDANT'S
14 STATE OF MIND.

15 THE COURT: YOU WANT AN OPINION FROM HIM, FROM HUNT
16 THAT HE ISN'T GUILTY OF THIS MURDER?

17 MR. BARENS: NOT AT ALL.

18 I JUST WANT TO ASK WHAT WORDS WERE SAID TO HIM.

19 THE COURT: I WILL SUSTAIN THE OBJECTION.

20 MR. BARENS: YOUR HONOR, IF I MIGHT, FOR A POINT OF
21 CLARIFICATION PROSPECTIVELY NOW, I WOULD UNDERSTAND THEN IF
22 A WITNESS IS GOING TO TALK ABOUT WHAT SOMEBODY TOLD HIM, BEING
23 THE DEFENDANT OR LEVIN, WE ARE NOT GOING TO PERMIT THAT?

24 THE COURT: I AM NOT GOING TO MAKE A BLANKET RULING.
25 I WILL RULE ON EVERY QUESTION AS IT COMES.

26 MR. BARENS: MAY I HAVE A BETTER UNDERSTANDING OF WHY,
27 YOUR REASONS?

28 THE COURT: NO. I AM GIVING YOU MY RULING. I DON'T

1 HAVE TO GIVE YOU ANY EXPLANATION.

2 MR. BARENS: THANK YOU, YOUR HONOR.

3 THE COURT: FIRST OF ALL, ONE OF THE REASONS IS IT
4 WOULD BE A SELF-SERVING DECLARATION OF THE DEFENDANT.

5 MR. BARENS: THANK YOU, YOUR HONOR.

6 (THE FOLLOWING PROCEEDINGS WERE HELD
7 IN OPEN COURT IN THE PRESENCE AND
8 HEARING OF THE JURY:)

9 MR. BARENS: WELL, THANK YOU VERY MUCH, MR. MARMOR.

10 THE COURT: ALL RIGHT, MR. WAPNER, ANY REDIRECT?

11 MR. WAPNER: YES. THANK YOU.

12
13 REDIRECT EXAMINATION

14 BY MR. WAPNER:

15 Q MR. MARMOR, CAN YOU TELL ME, DO YOU KNOW THE
16 BASIS OF YOUR FRIENDSHIP WITH MR. LEVIN AND BY THAT, WHAT
17 IT WAS THAT INITIALLY ATTRACTED YOU TO HIM AND MADE YOU
18 REMAIN FRIENDS WITH HIM OVER ALL OF THESE YEARS?

19 A I THOUGHT HE WAS A VERY BRIGHT FELLOW. THAT
20 HE WAS -- THAT HE WAS VERY QUICK AND I ENJOYED HIS PERSONALITY.
21 HE WAS ENTERTAINING TO ME.

22 Q INTERESTING TO TALK TO?

23 A YES.

24 Q AND WHEN YOU WOULD TALK TO HIM FROM THE EARLY
25 '70'S TO 1984, FOUR TO FIVE TIMES A WEEK, DID YOU FEEL LIKE
26 HE COULD LET HIS GUARD DOWN WITH YOU, SO TO SPEAK?

27 A YES, I FEEL LIKE HE WAS VERY HONEST WITH ME.

28 Q AND DID HE EVER IN THAT TIME EXPRESS TO YOU ANY

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1 FEAR OF ANYTHING?

2 A I DON'T THINK SO.

3 Q YOU SAID THAT HE KEPT A RECORD OF THE MONEY THAT
4 HE OWED YOU?

5 A YES.

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1 Q WAS HE FAIRLY METICULOUS ABOUT KEEPING RECORDS?

2 MR. BARENS: OBJECTION. NO FOUNDATION.

3 THE COURT: IF HE KNOWS.

4 THE WITNESS: HE WAS THE BEST SECRETARY I EVER SAW.

5 Q BY MR. WAPNER: WHAT DO YOU MEAN BY THAT?

6 A HE WAS -- EVERYTHING WAS JUST ABSOLUTELY PERFECT,
7 FILES --

8 Q IN TERMS OF, FIRST OF ALL, THE TYPE OF FILE
9 FOLDERS, WOULD HE ALWAYS HAVE THE NICEST THINGS?

10 A EVERYTHING WAS THE BEST.

11 Q AND IN TERMS OF THE WAY THAT HE KEPT THE FILES,
12 DID HE HAVE LITTLE STICKERS, LABELS ON THEM?

13 A HE HAD EVERYTHING AND ANYTHING THAT YOU COULD
14 POSSIBLY DO TO MAKE IT THE BEST. IT WAS, I MEAN HE WAS
15 PERFECT.

16 Q DID HE HAVE TYPED LABELS ON FILES NORMALLY?

17 A WHATEVER YOU COULD HAVE, HE HAD.

18 MR. BARENS: IS THAT RESPONSIVE, YOUR HONOR?

19 ACTUALLY, THERE WILL BE AN OBJECTION AS NON-
20 RESPONSIVE.

21 THE COURT: I THINK THAT IS SUFFICIENT.

22 Q BY MR. WAPNER: HOW LONG BEFORE 1984 HAD YOU
23 LOANED HIM THE \$25,000?

24 A THAT MONEY, I LOANED TO HIM IN 1975 --

25 ACTUALLY, IT WASN'T EXACTLY A LOAN. IT WAS TO
26 BUY -- GET INVOLVED IN A BUSINESS VENTURE.

27 Q BUT IN ANY EVENT, BECAUSE OF THE FACT THAT THE
28 MONEY WAS LOANED TO HIM IN 1975 AND HE STILL OWED YOU BETTER

1 THAN HALF OF IT BY JUNE OF 1984, IS IT FAIR TO TAKE IT FROM
2 THAT, THAT YOU WEREN'T OVERWHELMINGLY CONCERNED ABOUT GETTING
3 THE MONEY BACK RIGHT AWAY?

4 A THAT IS -- WELL, I WOULD HAVE LIKED TO HAVE GOT
5 THE MONEY BACK BUT WE HAD A PROBLEM ABOUT THAT PARTICULAR
6 MONEY AND HE MADE A STAND ABOUT, HE WAS GOING TO DRAG HIS
7 FEET PAYING IT.

8 HE USED A REASON THAT HE WORKED SO HARD AT THIS
9 BUSINESS, THAT IT JUST -- IT WASN'T A PRIORITY WITH HIM SO
10 THAT --

11 THE COURT: YOU MEAN, DID HE EXPRESS SOME DOUBT AS
12 TO WHETHER HE REALLY OWED YOU THE MONEY, IS THAT IT?

13 THE WITNESS: NO.

14 HE OWED ME THE MONEY BUT HE -- HE HAD -- HE HAD
15 A HARD TIME GETTING THE MONEY BACK TO ME ON THAT PARTICULAR
16 MONEY.

17 OTHER MONEYS, HE PAID PRETTY MUCH AS AGREED.
18 BUT THAT \$25,000, IT TOOK AN AWFUL LONG TIME AND HE SCREAMED
19 AND CLAWED AND KICKED THE WHOLE WAY ABOUT PAYING IT.

20 Q WHAT TIME WAS IT ON JUNE 6 THAT YOU LAST SAW
21 HIM?

22 A IN THE MORNING, PROBABLY 9:30, 10:00 O'CLOCK.
23 MAYBE 10:30.

24 Q DID HE EVER TELL YOU THAT HE WAS RUNNING A BUSINESS
25 WHILE HE WAS IN JAIL?

26 MR. BARENS: OBJECTION. HEARSAY.

27 THE COURT: OVERRULED.

28 THE WITNESS: I DON'T REMEMBER IT.

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

2 MR. BARENS: THANK YOU, YOUR HONOR.

3

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RE CROSS-EXAMINATION

5 BY MR. BARENS:

6 Q DID YOU CONSIDER LEVIN A SURVIVOR?

7 MR. WAPNER: OBJECTION. CALLS FOR A CONCLUSION.

8 THE COURT: SUSTAINED.

9 Q BY MR. BARENS: DID YOU HAVE THE OPINION THAT
10 LEVIN WAS A RESOURCEFUL FELLOW?

11 A ABOUT AVERAGE.

12 Q DID YOU HAVE AN OPINION HE LIVED BY HIS WITS?

13 A PRETTY MUCH SO.

14 Q YOU THOUGHT HE WAS HONEST WITH YOU, DID YOU NOT?

15 A YES, I DID.

16 Q COULD YOU TELL WHETHER THE OTHER PEOPLE HE
17 DID BUSINESS DEALS WITH THOUGHT HE WAS HONEST?

18 MR. WAPNER: OBJECTION. CALLS FOR A CONCLUSION.

19 THE COURT: SUSTAINED.

20 I THINK HE HAS ALREADY TESTIFIED TO THE ACTIONS
21 WITH RESPECT TO OTHER PEOPLE.

22 Q BY MR. BARENS: DID ANY OTHER PEOPLE EVER EXPRESS
23 THEIR OPINION TO YOU ABOUT WHETHER THEY THOUGHT LEVIN WAS
24 HONEST OR NOT?

25 MR. WAPNER: OBJECTION. CALLS FOR A CONCLUSION ON
26 THE PART OF THIS WITNESS. HE IS ASKING FOR SOMEBODY ELSE'S
27 OPINION.

28 THE COURT: SUSTAINED.

1 MR. BARENS: THANK YOU.

2 THE COURT: ALL RIGHT. MAY THIS WITNESS BE EXCUSED?

3 MR. WAPNER: I HAVE NO OBJECTION.

4 THE COURT: THANK YOU VERY MUCH. YOU ARE EXCUSED.

5 I THINK THAT WE HAVE JUST REACHED THE NOON
6 HOUR, LADIES AND GENTLEMEN. WE'LL TAKE THE RECESS NOW UNTIL
7 1:30 THIS AFTERNOON.

8 THE SAME ADMONITION I GAVE YOU BEFORE AT EACH
9 RECESS AND ADJOURNMENT, STILL APPLIES.

10 YOU ARE NOT TO TALK AMONG YOURSELVES OR ANY THIRD
11 PARTIES ABOUT THIS CASE.

12 THANK YOU.

13 (AT 11:58 A.M. A RECESS WAS TAKEN UNTIL
14 1:30 P.M. OF THE SAME DAY.)

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1 SANTA MONICA, CALIFORNIA; WEDNESDAY, FEBRUARY 4, 1987; 1:40 P.M.
2 DEPARTMENT WEST C HON. LAURENCE C. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

5 THE COURT: ALL RIGHT, CALL YOUR NEXT WITNESS.

6 MR. WAPNER: THANK YOU.

7 SCOTT FURSTMAN.
8

9 SCOTT FURSTMAN,
10 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
11 AS FOLLOWS:

12 THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY
13 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL
14 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
15 SO HELP YOU GOD.

16 THE WITNESS: I DO.

17 THE CLERK: IF YOU WOULD BE SEATED THERE AT THE WITNESS
18 STAND AND STATE AND SPELL YOUR NAME FOR THE RECORD, PLEASE.

19 THE WITNESS: SCOTT FURSTMAN, F-U-R-S-T-M-A-N.

20 THE CLERK: THE FIRST NAME WITH TWO T'S?

21 THE WITNESS: TWO T'S.
22

23 DIRECT EXAMINATION

24 BY MR. WAPNER:

25 Q MR. FURSTMAN, WHAT IS YOUR OCCUPATION?

26 A I AM AN ATTORNEY.

27 Q HOW LONG HAVE YOU BEEN AN ATTORNEY?

28 A SINCE 1977. TEN YEARS.

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Q ARE YOU ADMITTED TO PRACTICE LAW IN CALIFORNIA?

A YES, I AM.

Q HAVE YOU BEEN ADMITTED TO PRACTICE LAW IN CALIFORNIA SINCE 1977?

A YES.

1 Q AND DURING THE PERIOD OF 1983/1984, DID YOU HAVE
2 A SPECIALTY?

3 A CRIMINAL LAW.

4 Q HOW LONG HAD YOU BEEN PRACTICING CRIMINAL LAW
5 AT THE BEGINNING OF 1984?

6 A SINCE I BEGAN PRACTICING IN 1977. I STARTED
7 PRACTICING IN CRIMINAL LAW IN 1977.

8 Q DID YOU START ON YOUR OWN OR WITH A FIRM?

9 A I STARTED WITH A FIRM.

10 Q WHAT WAS THE NAME OF THE FIRM?

11 A THE FIRM AT THE TIME I STARTED WAS WEITZMAN &
12 FIDLER.

13 Q WEITZMAN & FIDLER?

14 A YES.

15 Q AND IN 1984, WHAT WAS IT?

16 A IN 1984, THE NAME OF THE FIRM AT THAT POINT WAS
17 WEITZMAN & RE.

18 Q AND WHO IS THE WEITZMAN THAT HAS HIS NAME ON
19 THAT FIRM?

20 A HOWARD WEITZMAN.

21 Q AND IN 1984, WAS YOUR FIRM RETAINED BY A MAN
22 NAMED RONALD LEVIN?

23 A YES.

24 Q IS THAT THE PERSON DEPICTED IN THIS PHOTOGRAPH,
25 PEOPLE'S 6?

26 A YES.

27 Q DO YOU KNOW HOW MUCH THE FIRM CHARGED HIM FOR
28 THE RETAINER?

1 A I DON'T RECALL THE EXACT AMOUNT OF THE RETAINER
2 FEE AT THIS POINT. I DON'T RECALL.

3 Q AND WHAT WAS YOUR -- DO YOU REMEMBER WHETHER
4 IT WAS YOUR PRACTICE TO ACTUALLY TAKE THE CASE BEFORE YOU
5 WERE PAID OR DID YOU INSIST ON BEING PAID BEFORE YOU WOULD
6 TAKE THE CASE?

7 A WE WOULD ALWAYS INSIST ON GETTING PAID BEFORE
8 WE TOOK THE CASE. THAT WAS NOT ALWAYS THE CASE.

9 Q DO YOU REMEMBER WHAT HAPPENED IN THIS PARTICULAR
10 INSTANCE?

11 A I DON'T HAVE ANY PERSONAL KNOWLEDGE OF WHAT
12 TRANSPIRED. THAT WAS WORKED OUT BETWEEN MY EX-PARTNER, MR.
13 WEITZMAN AND RON LEVIN DIRECTLY, I BELIEVE.

14 Q AND WAS THE RETAINER OF THE FIRM OR OF A PARTICULAR
15 LAWYER IN THE FIRM OR DO YOU KNOW?

16 A WELL, WE ALWAYS ASSUMED THAT THE FIRM WOULD BE
17 RETAINED. IT WOULD FREQUENTLY BE ONE ATTORNEY THAT HAD
18 PRIMARY CASE RESPONSIBILITY. AND CERTAINLY, FREQUENTLY, ONE
19 ATTORNEY THE INDIVIDUAL WAS INITIALLY REFERRED TO.

20 THE REFERRAL WAS GENERALLY ON AN ATTORNEY-BY-
21 ATTORNEY BASIS.

22 Q AT THE TIME THAT THE FIRM WAS RETAINED, WHAT
23 STAGE WERE THE PROCEEDINGS AGAINST MR. LEVIN AT?

24 A MR. LEVIN HAD BEEN ARRESTED AND I BELIEVE, WAS
25 OUT ON BAIL AT THAT TIME. I AM NOT SURE WHETHER A COMPLAINT
26 HAD ACTUALLY BEEN FILED AT THAT JUNCTURE OR NOT.

27 BUT, WE WERE RETAINED PRIOR TO THE ARRAIGNMENT,
28 WOULD BE MY UNDERSTANDING.

1 Q CAN YOU EXPLAIN TO THE JURY WHAT AN ARRAIGNMENT
2 IS?

3 A THE ARRAIGNMENT OCCURS BOTH IN MUNICIPAL, AND
4 IF ONE IS HELD TO ANSWER, IN SUPERIOR COURT.

5 THE ARRAIGNMENT IS THE TIME AND PLACE -- GENERALLY,
6 IN MUNICIPAL COURT THE FIRST APPEARANCE OF THE DEFENDANT,
7 AT WHICH TIME THE DEFENDANT IS FORMALLY ADVISED OF THE CHARGES
8 AGAINST HIM AND ASKED HOW THE DEFENDANT PLEADS, GUILTY OR
9 NOT GUILTY.

10 FREQUENTLY, THE ARRAIGNMENT AND PLEA CAN BE
11 CONTINUED. BUT THE ARRAIGNMENT IS THE TIME OF FORMAL
12 ADVISEMENT OF CHARGES.

13 Q IS THAT AT THE VERY BEGINNING STAGES OF AN
14 ARRAIGNMENT IN MUNICIPAL COURT?

15 A YES.

16 Q AND WHAT HAPPENS IN A CASE, CAN YOU EXPLAIN THE
17 PROCEDURES THAT HAPPEN IN A CASE AFTER THE ARRAIGNMENT,
18 ASSUMING THAT THE CASE IS A FELONY, WHAT HAPPENS?

19 A ASSUMING THE CASE IS A FELONY AND ASSUMING A
20 NOT GUILTY PLEA IS ENTERED AT THE TIME OF THE ARRAIGNMENT,
21 A PRELIMINARY HEARING DATE IS SET.

22 THERE ARE CERTAIN STATUTORY TIMES WITHIN WHICH
23 IT CAN BE SET OR MUST BE SET, UNLESS IT IS WAIVED BY THE
24 CLIENT OR THE DEFENDANT.

25 FOLLOWING -- I AM SORRY --

26 Q WHAT ARE THOSE STATUTORY TIMES?

27 A WELL, IN ANY EVENT, YOU ARE ENTITLED TO A
28 PRELIMINARY HEARING WITHIN 60 DAYS OF THE DATE OF YOUR

1 ARRAIGNMENT.

2 IF YOU ARE -- WELL, LET ME BACK UP --

3 YOU ARE ENTITLED TO A PRELIMINARY HEARING WITHIN
4 TEN DAYS OF THE DATE OF YOUR ARRAIGNMENT AND, CERTAINLY, NO
5 FURTHER THAN SIXTY DAYS FROM THE DATE OF YOUR ARRAIGNMENT,
6 EVEN IF YOU ARE OUT OF CUSTODY, THOUGH YOU CAN WAIVE AND GIVE
7 UP THAT RIGHT AND ASK THAT YOUR PRELIMINARY HEARING BE SET
8 AT A TIME LATER THAN THE TEN DAYS OR EVEN BEYOND THE SIXTY
9 DAYS.

10 Q WHAT IS A PRELIMINARY HEARING?

11 A A PRELIMINARY HEARING IS THE PROCEDURE IN
12 MUNICIPAL COURT WHERE THE JUDGE, THE MUNICIPAL COURT JUDGE
13 SITTING AS A MAGISTRATE -- IT IS A TIME WHEN THE PROSECUTION,
14 FOR LACK OF A BETTER WORD, HAS THE BURDEN OF DEMONSTRATING
15 TO THE MAGISTRATE BASICALLY TWO THINGS: ONE, THAT A CRIME
16 OCCURRED.

17 AND TWO, THAT THE INDIVIDUAL CHARGED WAS INVOLVED
18 IN THE COMMISSION OF THAT CRIME.

19 Q AT THE PRELIMINARY HEARING, IS THE PROSECUTION
20 REQUIRED TO PROVE THE CRIME BEYOND A REASONABLE DOUBT?

21 A NO.

22 Q WHAT IS THE STANDARD OF PROOF AT A PRELIMINARY
23 HEARING?

24 A THE STANDARD SOMETIMES VARIES. BUT IT IS BASICALLY
25 A REASONABLE SUSPICION, PROBABLE CAUSE.

26 SOME MAGISTRATES HOLD IT TO A REASONABLE SUSPICION.
27 SOME SAY IT SHOULD BE A STRONG SUSPICION, BUT SOMEWHERE BETWEEN
28 A REASONABLE AND A STRONG SUSPICION.

1 Q WHAT HAPPENS, ASSUMING THAT THE PROSECUTION MEETS
2 ITS BURDEN AT THE PRELIMINARY HEARING, WHAT IS THE NEXT STAGE
3 OF THE PROCEEDING?

4 A THE CLIENT IS THEN WHAT IS CALLED HELD TO ANSWER
5 OR BOUND OVER TO SUPERIOR COURT AND THE NEXT PROCEEDING WOULD
6 BE -- WOULD BE AN ARRAIGNMENT IN THE SUPERIOR COURT WHERE
7 A FORMAL DOCUMENT PRIOR TO THE TIME OF ARRAIGNMENT IN SUPERIOR
8 COURT IS FILED.

9 IN SUPERIOR COURT, IT IS CALLED AN INFORMATION,
10 WHICH IS THE CHARGING DOCUMENT.

11 THE INDIVIDUAL IS THEN ARRAIGNED OR FORMALLY
12 ADVISED AGAIN IN SUPERIOR COURT OF THE CHARGES AGAINST HIM
13 AND ASKED WHETHER A PLEA OF GUILTY OR NOT GUILTY IS ENTERED.

14 Q AND THE CHARGES AT THE SUPERIOR COURT MAY OR
15 MAY NOT BE THE SAME, DEPENDING UPON WHAT HAPPENS AT THE
16 PRELIMINARY HEARING; IS THAT RIGHT?

17 A THAT IS CORRECT.

18 Q BECAUSE, IS IT POSSIBLE, FOR EXAMPLE, THAT AT
19 A PRELIMINARY HEARING THAT CERTAIN CHARGES MIGHT BE PROVED
20 OR SUSTAINED AND OTHERS MIGHT NOT?

21 A YES.

22 Q SO THAT THERE IS NO WAY TO KNOW UNTIL AFTER THE
23 PRELIMINARY HEARING WHETHER THE CHARGES IN THE SUPERIOR COURT
24 ARE GOING TO REMAIN THE SAME OR NOT, CORRECT?

25 A YOU CAN -- ON A CASE-BY-CASE BASIS, YOU COULD
26 USUALLY ANTICIPATE WHAT IS GOING TO TRANSPIRE, CERTAIN COUNTS
27 COULD BE DISMISSED AT THE PRELIMINARY HEARING, THAT DOESN'T
28 BAR THE PROSECUTION, AS A GENERAL RULE, FROM REFILEING THEM

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IN SUPERIOR COURT.

ADDITIONAL COUNTS COULD BE ADDED IF THEY AMEND
OR CONFORM TO PROOF PRODUCED AT THE PRELIMINARY HEARING.

8-1

1 Q AND ARE THE STATUTORY TIME LIMITS AFTER SOMEONE
2 IS ARRAIGNED IN THE SUPERIOR COURT -- WHAT HAPPENS THEN?

3 A THE MATTER IS SET FOR ANY PRETRIAL MOTIONS, ANY
4 PRETRIAL CONFERENCES, A TRIAL DATE, SOMETIMES A TRIAL DATE.
5 GENERALLY A TRIAL DATE IS SET AT THE TIME OF THE ARRAIGNMENT.
6 SOME JUDGES DON'T SET A TRIAL DATE UNTIL THE PRETRIAL DATE.

7 BUT GENERALLY SPEAKING, A TRIAL DATE IS SET AT
8 THE TIME OF THE ARRAIGNMENT, AS WELL.

9 Q IS THERE A STATUTORY RIGHT TO A SPEEDY TRIAL IN
10 CALIFORNIA OR WAS THERE ONE IN EFFECT IN 1984?

11 A YES.

12 Q WHAT WAS THAT?

13 A THE SECTION I BELIEVE WAS 1050. THE TIME?

14 Q YES.

15 A THE TIME IS 60 DAYS, 60 DAYS FROM THE DATE OF
16 THE ARRAIGNMENT.

17 THE COURT: DATE OF THE ARRAIGNMENT IN THE SUPERIOR COURT?

18 THE WITNESS: DATE OF THE ARRAIGNMENT IN THE SUPERIOR
19 COURT, YES.

20 Q BY MR. WAPNER: CAN THAT BE WAIVED BY THE CLIENT
21 IF HE WANTS TO?

22 A YES.

23 Q NOW, DID YOUR FIRM REPRESENT MR. LEVIN AT AN
24 ARRAIGNMENT ON SOME CHARGES HE HAD PENDING AGAINST HIM IN
25 THE BEVERLY HILLS MUNICIPAL COURT?

26 A YES.

27 Q DO YOU REMEMBER WHAT THOSE CHARGES WERE?

28 A AT THE TIME OF THE INITIAL ARRAIGNMENT IN THE

1 MUNICIPAL COURT IN BEVERLY HILLS, THERE WERE FOUR CHARGES
2 AS I RECALL, FOUR CHARGES ALLEGING VIOLATIONS OF PENAL CODE
3 SECTION 487, GRAND THEFT.

4 Q AND AT THAT TIME, DID MR. LEVIN ENTER A PLEA TO
5 THOSE CHARGES?

6 A YES HE DID. THERE WERE ALSO ENHANCEMENTS TO THOSE
7 FOUR COUNTS, I RECALL.

8 Q WHAT DO YOU MEAN BY "ENHANCEMENTS"?

9 A WELL, UNDER THE PENAL CODE, IT PROVIDES THAT WHERE
10 THERE IS AN EXTENSIVE TAKING, IN OTHER WORDS, MONETARY LOSS
11 IN EXCESS OF \$10,000 IS ONE. ONE IS \$25,000.

12 ON THE \$10,000 ENHANCEMENT WHICH WAS ALLEGED IN
13 MR. LEVIN'S CASE, IT WOULD REQUIRE UPON CONVICTION, AN
14 ADDITIONAL ONE YEAR ENHANCEMENT CONSECUTIVE TO WHATEVER
15 SENTENCE THE COURT WOULD IMPOSE ON THE ACTUAL TERM.

16 Q DO YOU REMEMBER WHEN THE ARRAIGNMENT WAS IN THE
17 MUNICIPAL COURT?

18 A THE ARRAIGNMENT MY RECOLLECTION IS, IT WAS
19 JANUARY 24.

20 Q OF 1984?

21 A YES.

22 Q AND DID MR. LEVIN ENTER A PLEA OF NOT GUILTY AT
23 THAT TIME?

24 A IT WAS MY UNDERSTANDING, YES.

25 Q AND WAS THERE A DATE SET FOR A PRELIMINARY
26 HEARING?

27 A AT THAT TIME I LEARNED THAT THE PRELIMINARY HEARING
28 WAS SET FOR I BELIEVE MARCH 22ND, 1984.

1 Q DID YOU REPRESENT MR. LEVIN AT THE ARRAIGNMENT?

2 A I DID NOT APPEAR WITH MR. LEVIN AT THE INITIAL
3 ARRAIGNMENT.

4 Q DID YOU APPEAR WITH HIM ON MARCH 22ND?

5 A YES.

6 Q AND WHAT HAPPENED ON MARCH 22ND?

7 A ON MARCH 22ND, THE PRELIMINARY HEARING WAS
8 CONTINUED BY STIPULATION BETWEEN THE PROSECUTION AND THE
9 DEFENSE.

10 Q AND WHEN WAS IT CONTINUED TO?

11 A I BELIEVE IT WAS CONTINUED TO MAY 29, 1984.

12 Q AND WHAT HAPPENED ON MAY 29?

13 A ON MAY 29, THERE HAD BEEN MOTIONS I RECALL THAT
14 HAD BEEN PREVIOUSLY FILED, CALENDARED FOR A HEARING ON MAY 29,
15 THE DATE ALSO SET FOR THE PRELIMINARY HEARING.

16 THE MOTIONS WERE CONTINUED TO I BELIEVE, JUNE 5,
17 1984. THE PRELIMINARY HEARING WAS CONTINUED TO I BELIEVE,
18 SEPTEMBER 11, 1984.

19 MR. WAPNER: YOUR HONOR, I HAVE BEFORE ME A CERTIFIED
20 COPY OF THE DOCKET FROM THE BEVERLY HILLS MUNICIPAL COURT.
21 MAY THAT BE MARKED AS PEOPLE'S 124 FOR IDENTIFICATION?

22 THE COURT: SO MARKED. HAVE YOU SHOWN IT TO COUNSEL?

23 MR. WAPNER: YES.

24 MR. BARENS: QUITE SO.

25 Q BY MR. WAPNER: MR. FURSTMAN, DO YOU RECOGNIZE
26 THAT DOCUMENT?

27 A YES I DO.

28 Q WHAT IS IT?

4
1 A IT APPEARS TO BE THE DOCKET SHEET FROM THE
2 PROCEEDINGS HELD IN THE MUNICIPAL COURT OF BEVERLY HILLS
3 JUDICIAL DISTRICT IN RON LEVIN'S CASE.

4 Q AND ON MAY THE 29TH, ON THAT DATE WHEN THE
5 PRELIMINARY HEARING WAS CONTINUED UNTIL SEPTEMBER, WAS
6 MR. LEVIN PRESENT?

7 A YES HE WAS.

8 Q AND WAS HE PRESENT AGAIN ON JUNE THE 5TH?

9 A YES.

10 Q WHAT HAPPENED ON JUNE 5TH?

11 A ON JUNE 5TH, I BELIEVE THERE WAS PENDING A
12 DISCOVERY MOTION. I BELIEVE IT WAS RESOLVED AT THAT TIME
13 OR ON MAY 29 IT MAY HAVE BEEN RESOLVED.

14 Q THERE WAS ALSO A MOTION TO BE HEARD ON JUNE 5?

15 A CORRECT, A MOTION TO BE HEARD WITH REFERENCE TO
16 THE RETURN OF SOME PROPERTY OR THE RELEASE OF SOME PROPERTY
17 THAT HAD BEEN SEIZED PURSUANT TO A SEARCH WARRANT EXECUTED
18 AT RON LEVIN'S APARTMENT OR HIS HOME. AND THERE WAS ALSO
19 ON JUNE 5, A BAIL MOTION TO BE MADE.
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1 Q TELL US WHAT A DISCOVERY MOTION IS.

2 A IT'S -- IT IS A FORMAL REQUEST THAT IS PREPARED
3 AND FILED WITH THE COURT REQUESTING CERTAIN, BASICALLY, ANY
4 AND ALL INFORMATION IN THE POSSESSION OF THE PROSECUTION OR
5 LAW ENFORCEMENT OR WHICH CAN BE OBTAINED WITH REASONABLE OR
6 DUE DILIGENCE THAT WOULD ASSIST IN THE PREPARATION OF THE
7 CASE BY THE DEFENSE OR EXONERATE, POINT TOWARDS INNOCENCE
8 OF THE DEFENDANT. ANYTHING TO ASSIST IN THE PREPARATION OF
9 THE CASE.

10 Q IT IS BASICALLY AN EFFORT BY THE DEFENSE TO TRY
11 AND GET AS MUCH INFORMATION FROM THE PROSECUTION AS POSSIBLE
12 ABOUT THE CASE?

13 A THAT IS CORRECT. POLICE REPORTS. ANY RESULTS
14 OF SCIENTIFIC INVESTIGATIONS THAT WERE DONE. THINGS OF THAT
15 NATURE.

16 Q INCIDENTALLY, WAS MR. LEVIN STILL FACING ONLY
17 FOUR CHARGES WHEN HE CAME TO COURT ON MAY 29TH?

18 A NO, NOT AT THAT TIME.

19 Q HAD THE COMPLAINT BEEN AMENDED?

20 A YES.

21 Q WHEN WAS THAT DONE?

22 A MY RECOLLECTION WAS THAT THE COMPLAINT WAS AMENDED,
23 I BELIEVE, AT THE TIME OF THE APPEARANCE ON MARCH 22.

24 IN FACT, IF I CAN REFER TO THE DOCKET I CAN JUST
25 CONFIRM THAT.

26 Q PLEASE.

27 A ON MARCH 22, 1984, THERE WAS AN AMENDED COMPLAINT.

28 I AM NOT SURE WHETHER IT HAD BEEN FILED ON EXACTLY

1 THAT DATE, MARCH 22ND, BUT MR. LEVIN WAS ARRAIGNED ON THE
2 AMENDED COMPLAINT WHICH ADDED ADDITIONAL COUNTS, I BELIEVE
3 EIGHT ADDITIONAL COUNTS.

4 Q THAT WAS ON MARCH 22ND?

5 A ON MARCH 22ND, YES.

6 Q AND WHEN YOU SAY HE WAS ARRAIGNED AGAIN ON THE
7 ADDITIONAL COUNTS, MEANING THAT HE IS BEING TOLD AT THAT TIME
8 WHAT THE ADDITIONAL COUNTS ARE AND ASKED TO PLEAD GUILTY OR
9 NOT GUILTY TO THE ADDITIONAL COUNTS?

10 A YES.

11 Q AND DID HE ENTER A NOT GUILTY PLEA TO THOSE
12 COUNTS?

13 A YES.

14 Q AND DID THE COMPLAINT STAND IN THAT FORM WHEN
15 HE APPEARED IN COURT ON MAY 29 AND AGAIN ON JUNE 5TH?

16 A YES.

17 MR. WAPNER: YOUR HONOR, I HAVE WHAT APPEARS TO BE
18 A CERTIFIED COPY OF A COMPLAINT FROM THE BEVERLY HILLS
19 MUNICIPAL COURT; MAY THAT BE MARKED AS PEOPLE'S 125 FOR
20 IDENTIFICATION?

21 THE COURT: IT WILL BE SO MARKED.

22 MR. BARENS: MAY I SEE IT?

23 (WHEREUPON, A DOCUMENT WAS HANDED TO

24 MR. BARENS BY MR. WAPNER:)

25 Q BY MR. WAPNER: AND DID MR. LEVIN APPEAR IN COURT
26 ON JUNE THE 5TH?

27 A YES, HE DID.

28 Q WHAT HAPPENED WITH THE DISCOVERY MOTION?

1 A I -- THE DISCOVERY MOTION MAY HAVE BEEN -- MAY
2 HAVE BEEN RESOLVED INFORMALLY PRIOR, EITHER ON MAY 29TH OR
3 ON JUNE 5TH.

4 BASICALLY, MY RECOLLECTION IS I WENT THROUGH
5 EACH REQUESTED ITEM OF DISCOVERY WITH THE DEPUTY DISTRICT
6 ATTORNEY AND WE BASICALLY AGREED UPON THOSE ITEMS THAT THE
7 DEFENSE WAS ENTITLED TO AND THOSE THAT WERE IN EXISTENCE AND
8 SHOULD BE PRODUCED.

9 AND I BELIEVE IT WAS IN THE NORMAL COURSE --
10 I DON'T KNOW WHETHER THERE WAS ACTUALLY AN ORDER SIGNED BY
11 THE COURT GRANTING THAT DISCOVERY OR WHETHER WE HELD THAT
12 IN ABEYANCE TO SEE IF THERE WAS ANY PROBLEM WITH COMPLIANCE
13 BY THE PROSECUTION. MY RECOLLECTION IS ANY DISPUTE AS TO
14 DISCOVERY WAS RESOLVED AT THAT TIME AND THEN IT WOULD BE
15 PRODUCED AT A LATER DATE.

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1 Q SO YOU MADE THE AGREEMENT AT THAT TIME THAT YOU
2 WILL GET THE INFORMATION SOMETIME IN THE FUTURE?

3 A YES.

4 Q AND THE MOTION FOR RETURN OF PROPERTY THAT WAS
5 HEARD ON JUNE 5TH, WHAT TYPE OF PROPERTY WAS IT THAT HE WAS
6 SEEKING TO GET BACK?

7 A WELL, THERE WERE, AS I RECALL, THERE WERE FOUR
8 DIFFERENT MOTIONS FOR RETURN OF PROPERTY THAT WERE BROUGHT
9 IN THIS CASE THROUGHOUT THE PENDENCY OF THE PROCEEDINGS.

10 ON JUNE 5TH, THE ONLY MOTION THAT WAS PENDING
11 WITH REFERENCE TO RETURN OF PROPERTY WAS TO RELEASE CERTAIN
12 PROPERTY THAT WAS IN THE POSSESSION OF THE BEVERLY HILLS
13 POLICE DEPARTMENT THAT, AGAIN, HAD BEEN SEIZED PURSUANT TO
14 THE EXECUTION OF A SEARCH WARRANT FROM RON'S -- RON LEVIN'S
15 HOME. AND THIS WAS SPECIFICALLY DEALING WITH PHOTOGRAPHIC
16 EQUIPMENT FROM GARDEN PHOTO.

17 Q WHAT WAS THE AGREEMENT IN TERMS OF HAVING THAT
18 RELEASED FROM POLICE CUSTODY --

19 A WELL --

20 Q OR WAS IT WORKED OUT THAT DAY?

21 A IT WAS -- IT WAS -- THE PARAMETERS WERE WORKED
22 OUT THAT DAY.

23 I SUBSEQUENTLY PREPARED AN ORDER WHICH WAS
24 SUBMITTED AND SIGNED BY THE COURT.

25 Q LET ME ASK YOU, HOW WAS THE AGREEMENT REACHED;
26 DID YOU SIT DOWN WITH MR. LEVIN AND SOME OTHER PEOPLE TO WORK
27 OUT THIS AGREEMENT?

28 A YES.

1 Q WHERE WAS THAT?

2 A PARTIALLY IN THE COURTROOM AND PARTIALLY IN THE
3 WITNESS INTERVIEW ROOM OR ANTEROOM IN THE FOYER OF DIVISION
4 1 OF THE BEVERLY HILLS MUNICIPAL COURT.

5 Q WHO WAS PRESENT THERE?

6 A SOME OF THE TIME, JUST MR. LEVIN AND MYSELF AND
7 OTHER TIMES, THERE WAS MYSELF, MR. LEVIN, DETECTIVE PAUL
8 EDHOLM, WHO WAS THE INVESTIGATOR ON THE CASE, AND THEN BOB
9 GARDEN OF GARDEN PHOTO.

10 Q WAS THAT THE PERSON WHO WAS SUPPOSED TO GET THE
11 PROPERTY BACK?

12 A THAT WAS THE PERSON THAT WANTED THE PROPERTY
13 BACK, YES.

14 Q WHO ELSE WAS THERE?

15 A AT THAT TIME ON JUNE 5TH, THERE WAS AN ATTORNEY
16 PRESENT FOR BOB GARDEN ALSO. I DON'T RECALL HIS NAME. HE
17 WAS A CIVIL ATTORNEY WHO HAD A LAWSUIT PENDING AGAINST RON
18 LEVIN AS A RESULT OF MR. LEVIN'S ACQUISITION OF THIS PHOTO-
19 GRAPHIC EQUIPMENT.

20 Q WHAT WAS THE AGREEMENT THAT WAS REACHED?

21 A THE AGREEMENT THAT WAS REACHED, YOU MEAN SIMPLY
22 THE MECHANICS OF HOW IT WAS TO BE RELEASED OR WHAT THE GIVE
23 AND TAKE WAS AS FAR AS --

24 Q WELL, FIRST GIVE ME THE BOTTOM LINE AS TO WHAT
25 HAPPENED THEN I WANT YOU TO TELL ME HOW IT WAS THAT IT CAME
26 ABOUT.

27 A ALL RIGHT. IT WAS AGREED THAT MR. LEVIN AND
28 MYSELF WOULD NOT OBJECT TO AND AGREE TO THE RELEASE OF MOST

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ALL, IF NOT ALL OF THE EQUIPMENT THAT WAS LISTED IN THE RETURN
OF THE SEARCH WARRANT OF THE BEVERLY HILLS POLICE DEPARTMENT
PROPERTY REPORT THAT WAS OBTAINED BY BOB GARDEN PHOTO. THAT
INCLUDED CAMERAS, STROBES, METERS. FAIRLY SOPHISTICATED
EQUIPMENT.

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1 Q LET ME STOP YOU RIGHT THERE FOR ONE SECOND.
2 THIS EQUIPMENT THAT HAD BEEN TAKEN BY THE POLICE FROM
3 MR. LEVIN'S HOUSE AND MR. GARDEN WAS CLAIMING WAS IN FACT
4 HIS EQUIPMENT --

5 A YES.

6 Q ALL RIGHT. AND CONTINUE TO TELL US WHAT THE
7 AGREEMENT WAS.

8 A ALL RIGHT. THE AGREEMENT WAS THAT THE PROPERTY
9 WOULD BE RELEASED TO BOB GARDEN UPON THE PREPARATION OF AN
10 ORDER THAT I WAS TO PREPARE AND SUBMIT TO THE COURT FOR
11 SIGNATURE.

12 THE PROPERTY HOWEVER, WAS TO BE HELD BY BOB
13 GARDEN FOR 14 DAYS, TWO WEEKS FROM THE DATE THAT THE ORDER
14 WAS ACTUALLY SIGNED BY THE COURT.

15 IT WAS NOT TO BE RELEASED BY MR. GARDEN OR
16 OTHERWISE DISPOSED OF FOR 14 DAYS, TO ALLOW FOR TWO THINGS.

17 ONE, THERE WAS A LAWSUIT PENDING AGAINST
18 MR. LEVIN BY BOB GARDEN. RON LEVIN WAS CONCERNED THAT IF
19 ANY OF THIS PROPERTY WAS RELEASED TO BOB GARDEN, BOB GARDEN
20 COULD STILL PROCEED WITH HIS LAWSUIT.

21 RON WAS ALSO VERY CONCERNED THAT MR. GARDEN MAY
22 NOT PROPERLY LITIGATE HIS DAMAGES. IN OTHER WORDS, THE
23 EQUIPMENT THAT RON OBTAINED WAS NEW EQUIPMENT, NEW
24 PHOTOGRAPHIC EQUIPMENT.

25 IT WAS VALUED AT A SUBSTANTIAL VALUE. AT THE
26 TIME MR. GARDEN WAS TO GET THE PROPERTY BACK, IT WOULD BE
27 USED EQUIPMENT.

28 ON ANY JUDGMENT THAT MR. GARDEN MAY OBTAIN AGAINST

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1 RON, HE WOULD BE ENTITLED TO THE FULL, FAIR MARKET VALUE OF
2 NEW EQUIPMENT.

3 RON WAS CONCERNED THAT MR. GARDEN WOULD GET
4 BACK THE EQUIPMENT, SELL IT AS USED EQUIPMENT AND PERHAPS
5 ONLY BE ABLE TO SELL IT FOR 50 PERCENT OF ITS NEW OR RETAIL
6 VALUE.

7 Q BASED ON THAT CONCERN, WHAT HAPPENED?

8 A WELL, WHAT HE DID, WAS WE STRUCTURED AN AGREEMENT
9 THAT IT WOULD BE HELD FOR 14 DAYS SO, MR. LEVIN AT HIS EXPENSE,
10 COULD HAVE AN APPRAISER OF HIS CHOICE, TWO APPRAISERS GO AND
11 LOOK AT THE EQUIPMENT AND SET WHAT AT THAT PARTICULAR TIME,
12 WOULD BE A FAIR MARKET VALUE OF THE EQUIPMENT AND ALSO THE
13 CONDITION IT WAS.

14 AND IT WAS AGREED BETWEEN MYSELF AND BOB GARDEN'S
15 COUNSEL THAT WE WOULD LOCK IN ON SOME VALUE AT THAT TIME OF
16 THE PROPERTY.

17 Q AFTER THE APPRAISAL, YOU MEAN?

18 A AFTER THE APPRAISAL. SO IN OTHER WORDS, EVEN
19 IF MR. GARDEN SUBSEQUENTLY LIQUIDATED OR SOLD THE PROPERTY
20 FOR \$25,000 AND THE APPRAISAL WAS SUCH THAT THE FAIR MARKET
21 VALUE WAS REALLY \$35,000 THERE WOULDN'T BE ANY JUDGMENT OR
22 DEFICIENCY JUDGMENT FOR THE DIFFERENCE BETWEEN \$25,000 AND
23 \$50,000. IT WOULD BE JUST WHAT THE APPRAISAL WAS.

24 Q THAT WAS THE AGREEMENT?

25 A THAT WAS THE AGREEMENT. AND ALSO BECAUSE WE WERE
26 RELEASING THE PROPERTY AND PHOTOGRAPHS, DETAILED PHOTOGRAPHS
27 OF EACH ITEM OF THE PROPERTY WAS GOING TO BE USED IN LIEU
28 OF THE PRODUCTION AT THE PRELIMINARY HEARING OR A TRIAL, OF

1 THE ACTUAL ITEM ITSELF.

2 Q OKAY. BUT, TELL ME NOW ABOUT HOW THIS WAS HAMMERED
3 OUT AND WHAT HAPPENED WHILE YOU WERE COMING TO THIS ARRANGEMENT?

4 A WELL, RON LEVIN'S ATTITUDE WAS BASICALLY NOT TO
5 RELEASE ANY OF THE PROPERTY. HE DIDN'T WANT TO AGREE THAT
6 ANY OF IT WOULD GO BACK.

7 THE BARGAINING POINT OR THE GIVE AND TAKE WAS
8 THAT DETECTIVE EDHOLM MADE CLEAR AND THE PROSECUTION MADE
9 CLEAR THAT THEY WOULD BE AMENABLE TO WORK WITH US WITH
10 REFERENCE TO A BAIL REDUCTION, A REDUCTION IN RON'S BAIL.

11 IT WAS AS I SAID, MADE CLEAR THAT THAT WOULD BE
12 PEGGED-- THEIR AMOUNT OF COOPERATION OR LACK OF OPPOSITION
13 TO A REDUCTION IN RON'S BAIL, WOULD BE PEGGED OR TIED TO A
14 GREAT EXTENT, TO RON'S AGREEMENT TO COOPERATE AND RELEASE
15 THE PROPERTY BACK TO BOB GARDEN SO HE COULD CUT HIS LOSSES
16 AS SOON AS POSSIBLE.

17 Q AND DID THINGS GET A LITTLE HEATED DURING THAT
18 DISCUSSION?

19 A AT ONE TIME, YES.

20 Q WHAT HAPPENED AT THAT POINT?

21 A WELL, RON WAS AGAIN, VERY CONCERNED ABOUT THE
22 VALUE OF THE PROPERTY AND THAT BOB GARDEN NOT -- THAT HE
23 EXERCISE HIS BEST EFFORTS AND SELL IT FOR THE MAXIMUM DOLLAR
24 VALUE AND RON WOULD TAKE THE ATTITUDE, THE HECK WITH YOU.
25 I WON'T GIVE ANYTHING BACK TO YOU.

26 YOU KNOW, IT CAN JUST SIT HERE AND WAIT IN THE
27 BEVERLY HILLS POLICE DEPARTMENT PROPERTY ROOM FOR THE NEXT
28 YEAR UNTIL THE CASE IS OVER.

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1 Q WHAT HAPPENED THEN? DID SOMETHING HAPPEN BETWEEN
2 RON LEVIN AND MR. GARDEN AT THAT PARTICULAR TIME?

3 A THERE WAS AN EXCHANGE OF WORDS.

4 Q IT GOT A LITTLE HEATED?

5 A A LITTLE BIT. AND IT DIDN'T APPEAR THAT IT WAS
6 GOING TO BREAK INTO A PHYSICAL CONFRONTATION. BUT BOB
7 GARDEN EXPRESSED HIS OPINION OF RON LEVIN AND RON EXPRESSED
8 HIS OPINION OF BOB GARDEN.

9 Q OKAY. AND WAS THE BAIL IN FACT, REDUCED?

10 A YES IT WAS.

11 Q IT HAD BEEN WHAT?

12 A IT HAD BEEN \$75,000.

13 Q WHAT WAS IT REDUCED TO?

14 A IT WAS REDUCED TO \$10,000.
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1 Q DID THE DATE OF THE PRELIMINARY HEARING REMAIN
2 SET IN SEPTEMBER?

3 A NO.

4 ON JUNE 5TH, THE DATE, THE SEPTEMBER 11 DATE WAS
5 CHANGED TO OCTOBER 9TH.

6 THERE HAD APPARENTLY BEEN IN THE INTERIM BETWEEN
7 MAY 29 AND JUNE 5TH, EVERYBODY HAD TAKEN A LOOK AT THEIR
8 CALENDARS AND THERE WAS SOME CONFLICT ON SEPTEMBER 11, SO
9 ON JUNE 5TH IT WAS CONTINUED TO OCTOBER 9, I BELIEVE.

10 Q WHEN YOU SAY EVERYONE HAD TAKEN A LOOK AT THEIR
11 CALENDARS, WHAT DO YOU MEAN BY THAT?

12 A WELL, COUNSEL INVOLVED IN THE CASE -- AND I DON'T
13 RECALL WHAT THE EXACT PROBLEM WAS BUT THERE WAS SOMEBODY
14 INVOLVED IN THE CASE THAT HAD A CALENDAR CONFLICT, SO WE TOOK
15 ADVANTAGE OF BEING IN COURT ON JUNE 5TH AND WENT AHEAD AND
16 JUST ADVANCED THE PRELIMINARY HEARING DATE AND CONTINUED IT
17 FROM SEPTEMBER 11 TO OCTOBER 9.

18 Q HOW LONG WAS THIS PRELIMINARY HEARING ESTIMATED
19 TO TAKE?

20 A I -- I BELIEVE THE ESTIMATE WAS PROBABLY -- IT
21 WAS PROBABLY AT LEAST A THREE-DAY ESTIMATE, I WOULD THINK.

22 Q AT LEAST THREE DAYS?

23 A I BELIEVE THAT THAT WOULD HAVE BEEN A FAIR ESTIMATE,
24 AT LEAST THREE DAYS.

25 THE COURT: THAT WAS IN MUNICIPAL COURT ON THE PRELIM-
26 INARY?

27 THE WITNESS: ON THE PRELIMINARY HEARING, CORRECT.

28 Q AND IS IT COMMON IN PRELIMINARY HEARINGS OF THAT

1 LENGTH THAT ATTORNEYS SOMETIMES HAVE CALENDAR CONFLICTS AND
2 CAN'T GET THREE DAYS IN A ROW TO DO THE PRELIMINARY HEARING?

3 A SURE, YES.

4 Q AND ON OCTOBER 9, HAD IT ACTUALLY GONE FORWARD,
5 IS THERE ANY GUARANTEE THAT THE CASE WAS ACTUALLY GOING TO
6 GO FORWARD ON THAT DAY?

7 A NO, THERE WAS NO GUARANTEE THAT IT WAS, NO.

8 IN RETROSPECT, I WOULD PROBABLY CORRECT MY
9 PREVIOUS ANSWER.

10 I THINK THAT A THREE-DAY TIME ESTIMATE WOULD
11 PROBABLY BE -- WOULD NOT NECESSARILY BE CORRECT, AND THINKING
12 ABOUT ALL OF THE ITEMS OF EVIDENCE AND THE SEARCH WARRANT
13 AND THE MULTIPLE VICTIMS, THAT PROBABLY THIS COULD EASILY
14 TURN INTO A WEEK TO A TEN-DAY PRELIMINARY HEARING, IN THINKING
15 BACK, BECAUSE IT WOULD BE MOTIONS -- THERE WOULD BE MOTIONS,
16 SEARCH WARRANT AND, AS I SAY, A SUBSTANTIAL AMOUNT OF PROPERTY
17 AND A LOT OF ISSUES TO LITIGATE.

18 Q LET'S JUST ASSUME THAT THE PRELIMINARY HEARING
19 HAD GONE FORWARD ON OCTOBER THE 9TH AND IT HAD TAKEN A WEEK;
20 WHAT HAPPENS?

21 LET'S ASSUME FURTHER THAT MR. LEVIN HAD BEEN
22 BOUND OVER OR HELD TO ANSWER AT THE END OF THAT WEEK; IS THERE
23 SOME TIME, SOME STATUTORY TIME WITHIN HE HAS TO BE ARRAIGNED?

24 A WELL, GENERALLY IT IS -- IT WOULD -- HE WOULD
25 BE, I WOULD SUSPECT, ARRAIGNED WITHIN THREE, APPROXIMATELY
26 THREE WEEKS FROM THE DATE, FROM THE DATE THAT HE IS HELD TO
27 ANSWER.

28 Q AND AFTER HE IS ARRAIGNED, THE LAW SAYS THAT

1 THE PEOPLE HAVE 60 DAYS WITHIN WHICH TO BRING HIM TO TRIAL
2 UNLESS HE AGREES TO EXTEND THAT TIME, RIGHT?

3 A YES.

4 Q AND DO YOU KNOW WHEN CASES ARE NORMALLY --
5 ASSUMING THAT THERE WAS NO TIME WAIVER -- WHEN THE CASE MIGHT
6 NORMALLY HAVE BEEN SET?

7 A ASSUMING NO TIME WAIVER?

8 Q RIGHT.

9 A I WOULD IMAGINE THAT THE TRIAL WOULD BE SET
10 PROBABLY, I THINK, I WOULD GUESS WITHIN 40 TO 45 DAYS.

11 THE COURT: DOES THAT MEAN IT GOES TO TRIAL AT THE
12 END OF THAT PERIOD?

13 THE WITNESS: NO, NOT NECESSARILY.

14 IT WOULD BE SET WELL PRIOR TO THE 60TH DAY BECAUSE
15 THERE IS A 10-DAY TRAILING PERIOD THAT THE COURT AND THE
16 PROSECUTION HAVE TO ACTUALLY BEGIN THE CASE ONCE ALL PARTIES
17 ANNOUNCE READY, SO IF YOU GET IT ON THE 58TH OR 60TH DAY AND
18 THE PEOPLE HAVE TO TRAIL, IT WOULD EXTEND BEYOND THE 60 DAYS.

19 Q ASSUMING THAT IT HAD STARTED, THE PRELIMINARY
20 HEARING HAD STARTED ON OCTOBER 9TH AND HAD TAKEN A WORKING
21 WEEK TO COMPLETE AND WOULD HAVE FINISHED ON, LET'S ASSUME
22 IT WAS THE 14TH, ASSUMING THERE WAS NO WEEKEND IN THERE, ALL
23 RIGHT, WOULD IT BE THREE WEEKS -- OR IS IT THREE WEEKS OR
24 USUALLY 15 DAYS BETWEEN THE DATE OF BEING HELD TO ANSWER AND
25 THE DATE OF THE ARRAIGNMENT?

26 A WELL, IT DEPENDS ON, YOU KNOW, WHERE IT FALLS
27 ON THE WEEKEND. I WOULD SAY ANYWHERE BETWEEN -- BETWEEN 14
28 TO 21 DAYS.

1 THE COURTS HAVE THE DATES SET AND THEY GENERALLY
2 WILL SET IT WITHIN, YOU KNOW, APPROXIMATELY 15 DAYS TO 3
3 WEEKS.

4 Q SO IF HE WOULD HAVE BEEN HELD TO ANSWER ON THE 14TH
5 OF OCTOBER, AND ASSUMING IT TOOK FIVE DAYS, AND ASSUMING HE
6 WAS HELD TO ANSWER, IT WOULD BE ANOTHER THREE WEEKS FROM THAT
7 DATE BEFORE HE WAS AGAIN ADVISED OF THE CHARGES IN THE SUPERIOR
8 COURT; IS THAT RIGHT?

9 A APPROXIMATELY TWO TO THREE WEEKS.

10 Q SO WE ARE NOW TALKING ABOUT THE END OF OCTOBER
11 BEFORE THE CASE WOULD BEGIN IN SUPERIOR COURT; IS THAT RIGHT?

12 A YES.

13 Q AND ASSUMING AGAIN THAT THERE WAS NO TIME WAIVER,
14 THE CASE WOULD BE SET WITHIN, YOU SAID, 40 TO 45 DAYS --

15 A I WOULD GUESS --

16 Q PERHAPS --

17 A -- WITHIN 40 TO 45 DAYS, AT THE LEAST, IT WOULD
18 BE SET. ASSUMING NO TIME WAIVER.

19 MR. BARENS: THE DEFENSE WOULD HAVE AN OBJECTION AT
20 THIS POINT. I WOULD LIKE THE RECORD TO REFLECT OUR OBJECTION
21 IS THIS IS ALL RANK SPECULATION ABOUT WHEN A TRIAL WOULD
22 BEGIN.

23 THE COURT: YES.

24 MR. BARENS: THE RECORD SHOULD SHOW THE WITNESS
25 CONSTANTLY SAYS HE IS GUESSING. I MEAN NONE OF US KNOW WHEN
26 THESE THINGS START. THIS IS ALL TOTAL SPECULATION.

27 THE COURT: ALL RIGHT.

28 Q BY MR. WAPNER: WELL, THE STATUTORY TIME LIMITS

1 FOR TRIAL IN SUPERIOR COURT ARE IT HAS TO BE HELD WITHIN 60
2 DAYS UNLESS THE DEFENDANT WHO IS CHARGED WITH THE CRIME AGREES
3 IT CAN GO OVER; IS THAT RIGHT?

4 A THAT'S CORRECT.
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1 Q WHAT IS YOUR EXPERIENCE IN MATTERS OF THIS
2 COMPLEXITY INVOLVING TEN COUNTS OF GRAND THEFT AND A COUNT
3 OF RECEIVING STOLEN PROPERTY? WELL, MAYBE I AM GETTING AHEAD
4 OF MYSELF.

5 WHAT WAS HE CHARGED WITH? CAN YOU TELL US WHAT
6 HE WAS CHARGED WITH IN THE COMPLAINT?

7 A MY RECOLLECTION IS THAT HE WAS CHARGED WITH --
8 THERE WAS ONE COUNT STARTING FROM THE BACK -- THERE WAS ONE
9 COUNT OF I BELIEVE, A VIOLATION OF PENAL CODE SECTION 476,
10 WHICH IS N.S.F. CHECKS, NONSUFFICIENT FUNDS. I BELIEVE THE
11 REMAINING COUNTS WERE GRAND THEFT COUNTS AND THERE WERE I
12 BELIEVE, FOUR ENHANCEMENTS.

13 MR. WAPNER: MAY I HAVE A MOMENT?

14 THE COURT: YES.

15 (PAUSE.)

16 Q BY MR. WAPNER: NOW, LET'S JUST ASSUME FOR THE
17 SAKE OF THIS DISCUSSION, THAT ALL OF THOSE CHARGES SURVIVED
18 THE MUNICIPAL COURT. THAT IS, THAT MR. LEVIN WAS BOUND OVER
19 TO THE SUPERIOR COURT ON ALL OF THOSE CHARGES AND THEREFORE,
20 HE WOULD BE FACING TRIAL ON 11 COUNTS OF GRAND THEFT, ONE
21 COUNT OF ISSUING A NONSUFFICIENT FUNDS CHECK AND ATTACHED
22 TO FOUR OF THOSE COUNTS WERE ENHANCEMENTS OF THEFT OVER SO
23 MUCH MONEY.

24 WHAT IS YOUR EXPERIENCE AS TO WHETHER THOSE TYPES
25 OF CASES GENERALLY GO TO TRIAL WITHIN THE 60 DAYS?

26 A AGAIN, IT ALL DEPENDS. ONE OF THE THINGS THAT
27 IS GOING TO BE DETERMINATIVE TO A CERTAIN DEGREE, IS WHETHER
28 OR NOT THE PERSON IS OUT OF CUSTODY OR AT LIBERTY.

1 Q WAS MR. LEVIN OUT OF CUSTODY?

2 A WELL, AS OF THE DATE THE MATTER WAS SET, YES.
3 HE WAS.

4 Q ALL RIGHT. AND THE BAIL IN FACT, HAD BEEN
5 REDUCED ON JUNE THE 5TH, CORRECT?

6 A YES.

7 Q IS IT YOUR EXPERIENCE GENERALLY SPEAKING, ABSENT
8 THE COMMISSION OF SOME OTHER CRIME OR ARREST ON SOME OTHER
9 CRIME, THAT PERSONS WHO ARE OUT OF CUSTODY AT THE PRELIMINARY
10 HEARING REMAIN OUT OF CUSTODY?

11 A GENERALLY, YES.

12 Q AND WHAT EFFECT DOES THE FACT THAT A PERSON IS
13 OUT OF CUSTODY HAVE ON WHETHER THE TRIAL IS GOING TO PROCEED
14 RAPIDLY OR WHETHER IT IS GOING TO BE DELAYED?

15 A AGAIN, DEPENDS UPON A CASE BY CASE BASIS. SOME
16 PEOPLE WHO ARE IN CUSTODY WISH TO PROCEED MORE RAPIDLY,
17 PARTICULARLY IF THEY THINK THAT THERE IS A STRONG CASE, A
18 VERY STRONG CASE OR THERE IS A POSSIBILITY OF AN ACQUITTAL,
19 THEY WOULD CERTAINLY LIKE TO ACHIEVE THAT RESULT AS RAPIDLY
20 AS POSSIBLE, TO OBTAIN THEIR LIBERTY.

21 Q AND A PERSON CONVERSELY, WHO IS OUT OF CUSTODY,
22 MIGHT WANT TO POSTPONE THINGS LONGER?

23 A AGAIN, ON A CASE-BY-CASE BASIS, THERE ARE MANY
24 REASONS WHY A PERSON OUT OF CUSTODY WOULD WANT TO POSTPONE,
25 CERTAINLY.

26 Q OKAY. LET'S ASSUME THAT MR. LEVIN'S CASE HAD
27 PROCEEDED WITHIN THE STATUTORY TIME. IT WOULD HAVE GONE TO
28 TRIAL WITHIN 60 DAYS OF THE DATE OF ARRAIGNMENT IN THE

1 SUPERIOR COURT, IS THAT RIGHT?

2 A YES.

3 Q DO YOU HAVE ANY ESTIMATE, ASSUMING THAT ALL OF
4 THOSE COUNTS AT THE PRELIMINARY HEARING HAD SURVIVED THE
5 PRELIMINARY HEARING, DO YOU HAVE ANY ESTIMATE OF HOW LONG
6 IT MIGHT TAKE TO TRY A CASE LIKE THAT?

7 A I WOULD AGAIN, WITH THOSE MOTIONS THAT WOULD BE
8 RENEWED AND THE AMOUNT OF WITNESSES AND KNOWING THE
9 LITIGIOUS NATURE OF THE CLIENT IN THIS CASE, I WOULD CERTAINLY
10 SAY THAT FOUR TO SIX WEEKS WOULD BE A REASONABLE ESTIMATE.

11 Q AND AFTER THAT FOUR TO SIX WEEKS, ASSUMING THAT
12 MR. LEVIN HAD BEEN CONVICTED OF ANY OF THESE CHARGES, IS THERE
13 A STATUTORY TIME WITHIN WHICH HE IS REQUIRED TO BE SENTENCED?

14 A 28 DAYS. IT IS 28 DAYS FROM THE DATE OF
15 JUDGMENT, EITHER BY COURT OR BY JURY.

16 Q SO AGAIN, IS THAT SOMETHING THAT CAN BE GIVEN
17 UP BY THE CLIENT?

18 A YES. AND THAT PREVIOUS TRIAL ESTIMATE AGAIN,
19 MAY BE CONSERVATIVE.

20 Q SO YOU ARE SAYING AT FOUR TO SIX WEEKS?

21 A I WOULD GUESS.

22 Q WHAT DID YOU MEAN BY THE "LITIGIOUS NATURE" OF
23 MR. LEVIN?

24 A HE WAS A VERY LITIGIOUS PERSON FROM WHAT I COULD
25 GATHER, FROM MY WORKING WITH HIM ON THIS CASE.

26 HE TOOK AN INTEREST IN IT. HE HAD OTHER LAWSUITS
27 PENDING, BOTH AGAINST HIM AND THAT AS I UNDERSTOOD, THAT HE
28 WAS ACTING AS A PLAINTIFF IN, AS WELL.

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1 AND HE TOOK AN ACTIVE ROLE IN ALL OF THE MATTERS
2 THAT HE HAD PENDING.

3 Q IF MR. LEVIN HAD BEEN HELD TO ANSWER APPROXIMATELY
4 THE 14TH OF OCTOBER, HE WOULD HAVE THEN BEEN ARRAIGNED IN
5 THE SUPERIOR COURT APPROXIMATELY THE BEGINNING OR THE FIRST
6 WEEK IN NOVEMBER OF '84?

7 A THE END OF OCTOBER, THE BEGINNING OF NOVEMBER,
8 YES.

9 Q SO THAT WOULD MEAN THAT HE WOULD BE REQUIRED TO
10 GO TO TRIAL, ASSUMING THAT THE STATUTORY TIME HELD, THAT WOULD
11 BE 60 DAYS, RIGHT?

12 A YES.

13 Q THE TRIAL WOULD BE REQUIRED TO BE STARTED
14 SOMETIME AROUND THE BEGINNING OF JANUARY, 1985?

15 A APPROXIMATELY, BASED ON YOUR SCENARIO, YES.

16 Q IF THE TRIAL STARTED AT THE BEGINNING -- ASSUMING
17 IT STARTED WITHIN THE STATUTORY TIME, THEN THE TRIAL WOULD
18 TAKE AT LEAST FOUR TO SIX WEEKS, IS THAT RIGHT?

19 A I WOULD GUESS.

20 Q SO THAT PUTS US AT LEAST INTO THE MIDDLE OF
21 FEBRUARY, PERHAPS THE BEGINNING OF MARCH?

22 A YES.

23 Q AND ASSUMING THAT HE HAD BEEN CONVICTED, HE WOULD
24 HAVE TO BE SENTENCED WITHIN 28 DAYS UNLESS HE GAVE UP THAT
25 RIGHT, IS THAT RIGHT?

26 A YES.

27 Q AND SO WE ARE NOW PROBABLY AT THE BEGINNING OF
28 APRIL, ASSUMING EVERYTHING PROCEEDED WITHIN THE STATUTORY

5
1 TIME, IS THAT RIGHT?

2 A YES.

3 Q APRIL OF 1985?

4 A YES.

5 Q AFTER YOU HAD THIS MEETING ON JUNE 5 TO SET UP
6 THE ARRAIGNMENT TO GET THE APPRAISAL, DID YOU SET UP A MEETING
7 WITH MR. LEVIN TO DISCUSS THAT?

8 A YES.

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1 Q WHEN WAS THAT MEETING SET UP FOR?

2 A THE FOLLOWING DAY, JUNE 6.

3 Q AT WHAT TIME?

4 A I BELIEVE IT WAS APPROXIMATELY 3:30, 3:30 OR 4:00
5 IN THE AFTERNOON.

6 Q WAS THAT TO BE AT YOUR OFFICE?

7 A YES, IT WAS.

8 Q WHAT WAS THE PURPOSE OF THE MEETING?

9 A PRIMARILY, TO GO OVER THE ITEMS OF PROPERTY THAT
10 WERE BEING RELEASED; TO DISCUSS ADDITIONAL ITEMS OF PROPERTY
11 THAT WERE STILL BEING HELD BY THE BEVERLY HILLS POLICE
12 DEPARTMENT, ITEMS OF RON'S PERSONAL PROPERTY THAT HE WAS
13 INTERESTED IN GETTING BACK AS WELL.

14 AND GETTING RON'S OPINION AS TO THE VALUE OF THIS
15 PROPERTY AND MAKING ARRANGEMENTS TO SET UP A TIME TO, NUMBER
16 ONE, HAVE AN APPRAISER GO OVER THE PROPERTY.

17 AND NUMBER TWO, TO GO OUT AND LOOK AT THE
18 PROPERTY AND COMPARE -- RON WAS VERY INTERESTED IN COMPARING
19 EACH AND EVERY ITEM OF PROPERTY WITH EACH PHOTOGRAPH OF THAT
20 SPECIFIC ITEM. HE WANTED TO COMPARE EACH ONE TO MAKE SURE
21 IT WAS AN ACCURATE DEPICTION OF THE ITEM.

22 Q THESE WERE THE PHOTOGRAPHS THAT THE PROSECUTION
23 AGREED THEY WOULD USE IN LIEU OF THE ITEMS, BECAUSE THEY WERE
24 GOING TO GIVE THEM BACK TO MR. GARDEN?

25 A YES.

26 Q SO MR. LEVIN WANTED TO BE CERTAIN THAT AT HIS
27 TRIAL HE WOULDN'T BE CHEATED, FOR LACK OF A BETTER WORD, BY
28 A PHOTOGRAPH THAT DIDN'T ACCURATELY REPRESENT THE ITEM THAT

1 HAD BEEN RETURNED?

2 A WELL, I KNOW THAT HE WAS VERY ANXIOUS, HE WANTED
3 TO SEE AND COMPARE EACH AND EVERY ONE TO MAKE SURE THAT WHAT
4 WAS DEPICTED IN THE PHOTOGRAPH WAS AN ACCURATE REPLICATION
5 OR DEPICTION OF THAT ITEM OF PROPERTY.

6 Q WAS HE INTERESTED IN HAVING THIS APPRAISAL DONE?

7 A OH, YES.

8 Q DID HE MAKE THE MEETING AT YOUR OFFICE -- I AM
9 SORRY --

10 DID HE ARRIVE AT THE MEETING?

11 A NO.

12 Q DID HE CALL YOU?

13 A YES, HE DID.

14 Q WHAT DID HE SAY?

15 A HE CALLED LATER IN THE AFTERNOON, I BELIEVE AT
16 A TIME -- A TIME BEYOND THAT SET FOR THE APPOINTMENT,
17 APPROXIMATELY 4:30 OR 5:00, AND INDICATED THAT HE WAS NOT
18 ABLE TO MAKE THE APPOINTMENT AND THAT HE WAS SCHEDULED TO
19 LEAVE TOWN THE NEXT DAY, AND I BELIEVE THAT WOULD BE
20 A THURSDAY, AND WAS DUE TO RETURN THE FOLLOWING TUESDAY AND
21 THAT HE WOULD CONTACT ME THEN AND WE WOULD SET UP A TIME.

22 Q WHEN THE NEXT TUESDAY CAME, DID HE CALL YOU?

23 A NO.

24 Q HAVE YOU EVER HEARD FROM HIM SINCE YOU SPOKE WITH
25 HIM ON THE PHONE ON THE AFTERNOON OF JUNE 6TH?

26 A NO.

27 Q DID YOU AT SOME POINT TALK TO HIS MOTHER AND
28 STEPFATHER?

1 A YES.

2 Q AND DID YOU ACCOMPANY HIS STEPFATHER, MARTIN LEVIN,
3 TO THE BEVERLY HILLS POLICE STATION?

4 A YES, I DID.

5 Q AND WAS THAT ON JUNE 21ST, I BELIEVE, OF 1984?

6 A I DON'T -- I DON'T REMEMBER THE DATE. I DON'T
7 REMEMBER THE EXACT DATE.

8 I KNOW IT WAS MY RECOLLECTION OF IT, IT WOULD
9 HAVE BEEN AT LEAST TWO TO THREE, IF NOT FOUR WEEKS, AFTER
10 JUNE 5TH OR JUNE 6TH.

11 Q WHAT WAS THE PURPOSE OF GOING WITH MR. LEVIN TO
12 THE POLICE STATION?

13 A I ACCOMPANIED MR. LEVIN. HE WANTED AT THAT TIME
14 TO MAKE A MISSING PERSON REPORT.

15 Q AND WAS THE REPORT MADE?

16 A YES.

17 Q DID YOU APPEAR OR SOMEONE FROM YOUR FIRM APPEAR
18 AT THE BEVERLY HILLS MUNICIPAL COURT THE NEXT TIME THE CASE
19 WAS SET?

20 A YES.

21 Q THAT WAS OCTOBER 9?

22 A THAT'S CORRECT.

23 Q DID MR. LEVIN APPEAR ON THAT DATE?

24 A NO.

25 Q WHAT HAPPENED ON THAT DATE?

26 A I APPEARED ON OCTOBER 9 AND THE PRELIMINARY HEARING
27 WAS CONTINUED, I BELIEVE, TO JANUARY 7?

28 IF I CAN REVIEW THE DOCKET I CAN VERIFY THAT.

1 TO JANUARY 7, THE PRELIMINARY HEARING WAS
2 CONTINUED TO.

3 Q DID SOMETHING HAPPEN BEFORE THE JANUARY 7 DATE?

4 A I AM SORRY. I DON'T -- DID SOMETHING HAPPEN WITH
5 REFERENCE TO THE CASE?

6 Q RIGHT.

7 A BEFORE JANUARY 7?

8 Q YES.

9 A YES.

10 Q WHAT WAS THAT?

11 A THE CASE WAS ADVANCED.

12 Q WHAT DOES THAT MEAN?

13 A IN OTHER WORDS, THE CASE WAS HEARD ON A DATE PRIOR
14 TO THE DATE SET THAN JANUARY 7 AND IT WAS ADVANCED ON A MOTION
15 OF THE PROSECUTION AND, AGAIN, ON A PROSECUTION MOTION THE
16 CASE WAS DISMISSED.

17 AND THEN -- I AM SORRY -- I BELIEVE AT THAT TIME
18 OR POSSIBLY BEFORE, THERE WAS ALSO ANOTHER MOTION THAT I MADE
19 TO EXONERATE THE \$10,000 CASH BAIL THAT HAD BEEN DEPOSITED
20 WITH THE COURT.

21 Q DO YOU KNOW WHO PUT THAT MONEY UP?

22 THE COURT: WHAT DOES THAT MEAN?

23 THE WITNESS: TO EXONERATE, THE COURT WILL BASICALLY
24 RELEASE -- RELEASE THE MONEY, RETURN IT TO THE DEPOSITOR.

25 Q BY MR. WAPNER: DID MR. LEVIN APPEAR TO YOU TO
26 BE INTERESTED IN HIS CASE?

27 A YES.

28 Q DID YOU ASK HIM TO DO ANYTHING TO ASSIST YOU IN

1 THE PREPARATION OF HIS CASE?

2 A I -- I DON'T -- I DON'T RECALL ANY SPECIFIC
3 DISCUSSIONS WITH RON AS FAR AS ASSISTING IN HIS CASE,
4 SPECIFIC INSTRUCTIONS AS TO WHAT HE WAS TO DO.

5 Q DID YOU ASK HIM TO PUT TOGETHER THE POLICE
6 REPORTS AND THINGS LIKE THAT?

7 A I THINK HE MAY HAVE DONE THAT ON HIS OWN.
8 THERE WERE -- THERE WERE NOTEBOOKS, TRIAL NOTEBOOKS
9 THAT WERE PREPARED.

10 Q DID YOU MEET HIM AT HIS HOUSE AT ONE POINT TO
11 SEE THOSE?

12 A YES.

13 Q WHAT DO YOU MEAN WHEN YOU SAY THERE WERE TRIAL NOTE-
14 BOOKS THAT WERE PREPARED?

15 A THEY WERE LARGE THREE-RING BINDERS THAT WERE
16 ARRANGED BY COUNTS: COUNTS I THROUGH XII AND EACH ONE WOULD
17 HAVE A TAB AND IT WOULD HAVE THE COUNT, IT WOULD HAVE THE
18 VICTIM, IT WOULD HAVE THE POLICE REPORTS PERTAINING TO JUST
19 THAT COUNT AND VICTIM, COLATED, AND THEN IT WOULD HAVE A
20 WORKUP BY, I BELIEVE, THERE WAS A BRIEF WORKUP BY RON LEVIN
21 AS TO AN EXPLANATION.

22 Q AND WOULD YOU SAY THAT IT WAS A FAIRLY THOROUGH
23 JOB?

24 A YES.

25 Q SOMETHING THAT A LAWYER MIGHT DO?

26 A YES, OR HAVE SOMEONE IN HIS OFFICE PREPARE.
27
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1 Q HAD YOU GOTTEN TO THE POINT YET, AS OF THE 5TH
2 OF JUNE OF 1984, OF DISCUSSING WITH MR. LEVIN THE POSSIBILITY
3 OF ANY PLEA BARGAINING?

4 A I DON'T RECALL. I DON'T RECALL ANY. WELL, NO.
5 I DON'T RECALL ANY SPECIFIC DISCUSSIONS ABOUT THAT.

6 I THINK THERE MAY HAVE BEEN, IN THINKING THROUGH
7 AGAIN -- THERE MAY HAVE BEEN SOME DISCUSSION AS TO WHETHER
8 OR NOT THERE WAS SOME POSSIBILITY OF A MISDEMEANOR TYPE OF
9 A DISPOSITION OF THE CASE, SOMETHING ALONG THOSE LINES.

10 I DON'T REALLY RECALL ANY SPECIFIC DISCUSSIONS
11 ABOUT PLEA BARGAIN OR NEGOTIATED DISPOSITIONS OF CASES.

12 Q WAS THAT SOMETHING IN A CASE OF THIS NATURE,
13 THAT USUALLY WOULD HAPPEN SOMEWHERE DOWN THE LINE?

14 A I WOULD THINK SO. AGAIN, A CASE OF THIS NATURE,
15 IT ALL DEPENDS UPON THE INDIVIDUAL. IT ALL DEPENDS UPON THE
16 FACTS OF THE CASE.

17 A CASE LIKE THIS, THAT TYPE OF DISCUSSION MAY
18 HAVE BEEN A LITTLE PREMATURE.

19 WHEN YOU SAY MR. LEVIN WAS LITIGIOUS, WAS HE
20 INTERESTED IN -- DID HE APPEAR TO YOU TO BE INTERESTED IN
21 PURSUING THE CASE OR JUST FORGETTING ABOUT IT?

22 A WELL, HE WAS INTERESTED. HE WASN'T INTERESTED
23 IN FORGETTING ABOUT THE CASE. THAT WAS NOT MY IMPRESSION.

24 HE WAS INTERESTED IN WHAT WAS BEING DONE TO
25 PURSUE THE CASE.

26 HE WAS ALSO -- SEEMED TO SPEND QUITE A BIT OF
27 TIME IN GETTING -- LARGE GAPS OF TIME BETWEEN DIFFERENT
28 APPEARANCES ON HIS CASE. I MEAN, THAT SEEMED TO BE OF A BIG

1 INTEREST TO RON LEVIN.

2 Q POSTPONING THE CASE?

3 A POSTPONING THE CASE. I KNOW THAT HE WAS DELIGHTED
4 WHEN THE CASE WAS CONTINUED FROM I BELIEVE, THAT MAY DATE
5 UNTIL SEPTEMBER AND THEN ULTIMATELY TO OCTOBER.

6 HE WAS DELIGHTED AT THAT FOUR OR FIVE-MONTH
7 CONTINUANCE IN ONE FELL SWOOP.

8 Q DID HE EVER EXPRESS TO YOU ANY FEAR OF GOING
9 TO JAIL?

10 A I DON'T RECALL ANY SPECIFIC DISCUSSIONS WITH
11 RON AS FAR AS YOU KNOW, A FEAR OF GOING TO JAIL.

12 I DON'T RECALL ANY DISCUSSIONS WITH HIM ONE WAY
13 OR THE OTHER. I DON'T CARE ABOUT GOING TO JAIL OR I DON'T
14 EVER WANT TO GO TO JAIL, IT WAS SOMETHING THAT RON AND I
15 DIDN'T DISCUSS OR -- PERHAPS WE DID. I DON'T HAVE ANY RECOLLEC-
16 TION OF IT.

17 Q THE ONLY OTHER THING I HAVE IS, DID MR. LEVIN
18 CALL THE OFFICE FREQUENTLY INQUIRING ABOUT THE CASE, YOUR OFFICE?

19 A AT DIFFERENT TIMES WHEN THERE WAS A PROCEEDING
20 COMING UP OR HE HAD AN IDEA, HE WOULD CALL THE OFFICE, YES.

21 Q ASSUMING FOR THE SAKE OF ARGUMENT, MR. LEVIN
22 HAD GONE TO TRIAL OR HAD ENTERED A PLEA AND HE HAD BEEN
23 CONVICTED OF ALL OF THE CHARGES THAT ARE IN THE COMPLAINT,
24 CAN YOU TELL ME WHAT THE MAXIMUM POSSIBLE SENTENCE HE COULD
25 HAVE BEEN FACING WOULD BE?

26 A THE MAXIMUM POSSIBLE SENTENCE WOULD BE EIGHT
27 YEARS, I BELIEVE.

28 Q HOW DO YOU ARRIVE AT THAT FIGURE?

1 A OF THE COUNTS THAT MR. LEVIN WAS CHARGED WITH,
2 EACH ONE OF THE COUNTS I BELIEVE, CARRIED WITH IT A MAXIMUM
3 RANGE OF SENTENCES OF 16 MONTHS, 2 OR 3 YEARS IN THE STATE
4 PRISON. AGAIN, THAT WAS ASSUMING NO GRANT OF PROBATION. THIS
5 WOULD BE A CASE WHERE I BELIEVE, WOULD YOU KNOW, THERE COULD
6 STILL BE APPLICATION FOR PROBATION MADE WHICH WOULD REQUIRE
7 ANYTHING FROM NO TIME, TO THE MAXIMUM OF SOME COUNTY TIME.

8 BUT ASSUMING THE MAXIMUM RANGE, EACH ONE
9 PUNISHABLE AS A FELONY AT THAT TIME, IT WAS 16 MONTHS, 2 YEARS
10 OR 3 YEARS. SIXTEEN MONTHS, TWO OR THREE YEARS.

11 THE COURT: THAT IS IN THE STATE PRISON?

12 THE WITNESS: IN THE STATE PRISON. THEN THERE WOULD
13 BE -- SO THE MAXIMUM WOULD BE ON ANY COUNT, WOULD BE THREE
14 YEARS PLUS ON THE COUNTS THAT THERE WAS THE EXCESSIVE TAKING
15 ENHANCEMENT, THAT WOULD CARRY AN ADDITIONAL, ASSUMING IT WAS
16 SUSTAINED AND FOUND TRUE, THAT WOULD CARRY WITH IT AN ADDITIONAL
17 ONE YEAR ON THE \$10,000 EXCESSIVE TAKING, CONSECUTIVE.

18 SO THE MAXIMUM ON COUNTS THAT HAD THE ENHANCEMENTS
19 WOULD BE FOUR YEARS.

20 EVEN THOUGH THERE WERE MULTIPLE COUNTS, PURSUANT
21 TO VARIOUS PROVISIONS OF THE PENAL CODE AND THE CALIFORNIA
22 RULES OF COURT, IF YOU WERE TO AGGREGATE EACH AND EVERY ONE
23 OF THE SENTENCES, IT WOULD EXCEED -- SORRY, EACH AND EVERY
24 ONE OF THE MAXIMUM EXPOSURES ON EACH COUNT, IT WOULD EXCEED
25 EIGHT YEARS.

26 BUT UNDER THE PENAL CODE, I BELIEVE IT IS 1170
27 AND 1168, YOU CANNOT IMPOSE TWICE THE MAXIMUM BASE TERM.

28 SO IN OTHER WORDS, THE MAXIMUM ON EACH COUNT

1 WOULD BE FOUR YEARS OR THOSE WOULD BE ENHANCEMENTS. REGARDLESS
2 OF HOW YOU AGGREGATE IT YOU CAME UP WITH 36 YEARS, YOU COULD
3 NOT SENTENCE AN INDIVIDUAL MORE THAN TO THE AGGREGATE OF
4 HIS BASE TERM. SO IT COULD NOT BE GREATER THAN EIGHT YEARS.

5 Q AND WERE YOU FAMILIAR -- THAT WAS THE MAXIMUM
6 POSSIBLE SENTENCE, RIGHT?

7 A I BELIEVE THAT IS HOW I COMPUTED IT, YES.

8 Q AND WHAT WOULD BE THE MINIMUM POSSIBLE SENTENCE
9 IN TERMS OF TIME IN CUSTODY?

10 A THE MINIMUM POSSIBLE?

11 Q RIGHT.

12 A THE MINIMUM POSSIBLE COULD HAVE BEEN A GRANT
13 OF PROBATION WITH NO TIME IN CUSTODY.

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1 Q AND THERE IS NO WAY, UNTIL YOU GET TO SENTENCING,
2 TO KNOW WHAT THE SENTENCE WOULD HAVE BEEN, CORRECT?

3 A AGAIN, AS A GENERAL RULE, SOMETIMES THERE ARE
4 NEGOTIATED DISPOSITIONS ON, YOU KNOW, WHAT THE AGREED UPON
5 SENTENCE IS GOING TO BE. OTHERS, YOU CAN ANTICIPATE WHAT
6 THE SENTENCE MAY BE.

7 BUT THE SENTENCE OCCURS WHEN JUDGMENT IS
8 PRONOUNCED.

9 Q ALL RIGHT. AND ARE YOU FAMILIAR WITH THE
10 PROVISIONS IN EFFECT AT THAT TIME IN THE DEPARTMENT OF
11 CORRECTIONS WITH REGARD TO HOW MUCH TIME A PERSON ACTUALLY
12 SERVES IF THEY ARE SENTENCED TO A CERTAIN NUMBER OF YEARS?

13 A YES.

14 Q WHAT ARE THOSE?

15 A ONCE YOU ARE SENTENCED AND ONCE YOU ARE IN THE
16 DEPARTMENT OF CORRECTIONS WITH A STATE PRISON SENTENCE, YOU
17 WOULD BE EXPECTED TO SERVE -- YOU WOULD GET A DAY FOR A DAY.
18 IN OTHER WORDS, THE MAXIMUM THAT ONE WOULD EXPECT TO SERVE
19 ON AN EIGHT-YEAR SENTENCE, THE MAXIMUM WOULD BE FOUR YEARS.

20 THAT IS NOT TO INDICATE THAT THE PERSON COULDN'T
21 OR MIGHT NOT BE RELEASED EARLIER ON PAROLE OR ON A WORK
22 RELEASE PROGRAM, YOU KNOW, THERE ARE VARIOUS ALTERNATIVES
23 THAT CAN EVEN BRING THAT FOUR YEARS DOWN.

24 BUT ASSUMING A MAXIMUM PERIOD OF TIME FOR
25 CONFINEMENT AND IF YOU DIDN'T LOSE YOUR DAY-FOR-DAY OR GOOD-
26 TIME WORK CREDITS, YOU WOULD ANTICIPATE THAT ON EIGHT YEARS
27 IT WOULD BE FOUR YEARS AND IT COULD BE, AS I SAY, SUBSTANTIALLY
28 LESS.

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

2
3 CROSS-EXAMINATION

4 BY MR. BARENS:

5 Q GOOD AFTERNOON, MR. FURSTMAN.

6 A GOOD AFTERNOON.

7 Q MR. FURSTMAN, WHAT WAS THE NATURE OF THE BAIL
8 THAT WAS REPRESENTING \$75,000 MR. LEVIN WAS RELEASED ON?

9 A IT WAS CORPORATE SURETY AND APPARENTLY, AGAIN
10 REFERRING TO THE DOCKET SHEET, WHERE IT SAYS "NALT," I WOULD
11 ASSUME IT IS PROBABLY NATIONAL SURETY OR NATIONAL GENERAL
12 SURETY WAS THE CORPORATE SURETY BOND.

13 Q AND A CORPORATE SURETY BOND, COULD YOU EXPLAIN
14 TO THE JURY, IF YOU WOULD, WHAT A CORPORATE SURETY BOND MEANS?

15 A WHAT IT MEANS IS WHEN THE BAIL IS SET -- IN THIS
16 CASE, THE BAIL WAS SET AT \$75,000. THERE ARE DIFFERENT WAYS
17 OF POSTING THAT BAIL: PROPERTY, CASH DEPOSIT OR CORPORATE
18 SURETY, AS WAS USED IN THIS INSTANCE.

19 WHAT THAT MEANS IS THAT THE INDIVIDUAL OR MR.
20 LEVIN'S APPEARANCE WAS GUARANTEED BASICALLY BY THIS BOND,
21 WHICH IS LIKE AN INSURANCE POLICY AND IN THE EVENT HE FAILED
22 TO APPEAR, THE CORPORATE SURETY WITHIN 180 DAYS, IF THE
23 FORFEITURE ISN'T SET ASIDE, COULD EXECUTE ON WHATEVER THEY
24 WERE HOLDING AS COLLATERAL. GENERALLY, IT IS A DEED TO
25 PROPERTY.

26 THE MECHANICS ARE AN INDIVIDUAL CONTACTS A
27 BONDSMAN, WHO IS LIKE AN UNDERWRITER FOR A BONDING COMPANY
28 LIKE NATIONAL GENERAL. THEY CONTACT THE BAIL BONDSMAN. ON

1 A \$75,000 BOND, THE PERSON POSTING THE BOND WOULD DEPOSIT
2 WITH THE BAIL BONDSMAN \$7500 AS A PREMIUM, 10 PERCENT IS THE
3 STANDARD. THAT NEVER COMES BACK WHETHER THE BOND IS
4 EXONERATED THE NEXT DAY OR A YEAR.

5 THEY ARE GENERALLY RENEWABLE EVERY YEAR ON AN
6 ANNUAL BASIS.

7 SO IT WOULD REQUIRE A DEPOSIT, USUALLY A CASH
8 DEPOSIT OR CASHIER'S CHECK OR CASH, \$7500.

9 AND THEN THE BONDING COMPANY WOULD REQUIRE THAT
10 THE \$75,000 BOND BE SECURED. GENERALLY SPEAKING, THEY LOOK
11 TO REAL PROPERTY AND EQUITY IN REAL PROPERTY IN EXCESS OF
12 \$75,000, WELL IN EXCESS OF \$75,000.

13 Q NOW, MR. FURSTMAN, WERE YOU AWARE THAT LEVIN'S
14 PARENTS' PROPERTY REPRESENTED COLLATERAL FOR THE BOND?

15 A THAT IS WHAT I -- THAT IS WHAT I UNDERSTOOD,
16 YES.

17 Q DID YOU UNDERSTAND THAT IT WAS THEIR FAMILY
18 RESIDENCE THAT BACKED THE BOND?

19 A YES.

20 Q AND IT WAS THE UNDERSTANDING THEN THAT IF MR.
21 LEVIN DIDN'T APPEAR THAT THEY WOULD LOSE THE PROPERTY?

22 A YES.

23 Q ALL RIGHT. NOW WHEN WE GET TO ANOTHER FORM OF
24 BOND -- LATER ON, THERE WAS ANOTHER FORM OF BOND, YOU SAY?

25 A YES.

26 Q ALL RIGHT, SO THAT WE CAN UNDERSTAND THROUGH
27 MY QUESTIONING OF YOU WHAT IT IS. COULD YOU EXPLAIN TO ME
28 WHAT THE OTHER TYPE OF BAIL IS? IN OTHER WORDS, EVENTUALLY

1 \$10,000 WAS PUT UP IN BOND MONEY INSTEAD OF THE CORPORATE
2 SURETY.

3 A THAT'S CORRECT.

4 Q COULD YOU EXPLAIN TO THE JURY WHAT THE \$10,000
5 TYPE OF BAIL IS?

6 A IT WAS -- IT WAS A CASH BAIL DEPOSIT.

7 BY CASH BAIL, THAT DOESN'T NECESSARILY MEAN THAT
8 YOU ARE PUTTING DOWN \$10,000 IN CASH. IT CAN BE A CASHIER'S
9 CHECK, DEPOSIT WITH THE COURT. SOMETIMES IT EVEN HAS BEEN
10 ARRANGED WHERE A CD OR PASSBOOK IN THE NAME OF THE COUNTY
11 CLERK OR THE LOCAL COURT IS EVEN DEPOSITED AND HELD.

12 IT WAS MY UNDERSTANDING IN THIS CASE THAT --
13 I BELIEVE IT WAS -- I WAS LED TO BELIEVE A CASHIER'S CHECK
14 OR A CHECK IN THE AMOUNT OF \$10,000 REPRESENTING THE CASH
15 BAIL WAS DEPOSITED DIRECTLY WITH THE COURT.

16 IN OTHER WORDS, NO BONDSMAN WAS INVOLVED. MEANING
17 THAT THERE WAS NO TEN PERCENT SURCHARGE. ALSO MEANING AT
18 THE CONCLUSION OF THE PROCEEDINGS WHEN THE BAIL IS EXONERATED,
19 THE \$10,000, WHATEVER AMOUNT THAT IS DEPOSITED IN CASH, COMES
20 BACK IN ITS ENTIRETY TO THE DEPOSITOR.

21 Q BY THE WAY, DO YOU KNOW THE NAME THAT THE \$10,000
22 WAS POSTED IN IN THIS INSTANCE?

23 A REFERRING TO THE DOCKET, THE DOCKET -- I DON'T
24 HAVE IT --

25 MY RECOLLECTION WAS THAT IT WAS POSTED BY --
26 I BELIEVE IT WAS IN MARTIN LEVIN'S NAME, BECAUSE I KNOW WE
27 WERE -- THERE WAS A CONCERN ABOUT NOT FORFEITING THAT AND
28 MAKING SURE THAT IT WENT BACK TO MR. LEVIN.

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THE COURT: HIS STEPFATHER?

THE WITNESS: YES, YES.

1 Q BY MR. BARENS: ALL RIGHT. NOW, YOU HAD MENTIONED
2 EARLIER IN YOUR DESCRIPTION OF WHAT THE CORPORATE SURETY
3 BOND IS ALL ABOUT, THAT ONCE THAT PREMIUM IS PAID, YOU NEVER
4 GET ANY PART OF THAT BACK?

5 A NEVER.

6 Q IS THAT CORRECT?

7 A THAT'S CORRECT.

8 Q ALL RIGHT. WHETHER THAT PREMIUM STANDS FOR A
9 YEAR OR SIX MONTHS, IF THE BAIL IS EXONERATED OR TO MAKE SURE
10 EVERYBODY UNDERSTANDS IT -- IF THE BAIL WERE CANCELED AT THE
11 END OF SIX MONTHS, IN OTHER WORDS, THERE WERE A BAIL
12 REDUCTION AND YOU ONLY PUT UP \$10,000, LET'S SAY CASH, INSTEAD
13 OF THE PROPERTY, YOU DON'T GET PART OF THAT \$7500 BACK, DO
14 YOU?

15 A NEVER. IF THE CASE WAS NEVER FILED, THE DAY AFTER
16 YOU ARE ARRESTED, YOU DON'T GET THAT BACK.

17 Q THERE IS NO PARTIAL REFUND FOR INSTANCE, LIKE
18 IN AN AUTOMOBILE INSURANCE POLICY, YOU COULD GET THAT PART
19 OF AN UNEARNED PREMIUM LET'S SAY? IT COULDN'T HAPPEN ON A
20 CORPORATE SECURITY BOND, CRIMINAL BOND?

21 A NO. IT IS NOT PRORATED. THE ONLY EXCEPTION I
22 HAVE EVER HEARD OF, AGAIN, IT IS NOT PRORATING, WOULD BE WELL,
23 RIGHT AFTER THE BOND IS POSTED AT THE LOCAL JAIL AND THE
24 INDIVIDUAL IS STILL BEING PROCESSED OUT AND THERE IS SOME
25 PROBLEM AND THEY -- THEN, DEPENDING UPON --

26 THE COURT: IF THE SURETY COMPANY WANTS TO BACK OUT
27 OF IT? IS THAT RIGHT?

28 THE WITNESS: IF THE SURETY COMPANY DOES.

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1 THE COURT: THEN THEY MAKE SOME SORT OF A DEAL AND THE
2 PERSON POSTING THE BAIL HAS THE RIGHT TO GET SOME OF THE MONEY
3 BACK?

4 THE WITNESS: THAT'S RIGHT OR IF THEY DETERMINE WHILE
5 THE PERSON IS BEING PROCESSED OUT, THE CASE HAS BEEN REJECTED
6 FOR SOME REASON. A LOT OF BONDSMEN WILL REFUND THE PREMIUM.
7 BUT SHORT OF THAT, IT DOESN'T COME BACK.

8 Q BY MR. BARENS: YOU DIDN'T HAVE ANYTHING LIKE
9 THAT GOING ON WITH THE LEVIN CASE?

10 A NOTHING.

11 Q NOW, DID THERE COME A TIME WHEN LEVIN APPROACHED
12 YOU ABOUT A BAIL REDUCTION?

13 A YES.

14 Q AND WHEN WAS THAT, SIR, AS BEST YOU CAN RECOLLECT?

15 A AS BEST I CAN RECOLLECT, IT WOULD HAVE BEEN
16 SOMETIME PRIOR TO MAY 29, PROBABLY -- I WOULD GUESS IT WAS
17 PROBABLY VERY SHORTLY AFTER MAY 29.

18 Q WAS IT IN YOUR OPINION, SUDDEN THAT HE APPROACHED
19 YOU ABOUT THE BAIL REDUCTION?

20 THE COURT: SUDDEN?

21 MR. BARENS: THAT IS THE WORD I USED, ACTUALLY.

22 THE COURT: WHAT DOES THAT MEAN?

23 MR. BARENS: SUDDEN, CAME OUT OF NOWHERE. SUDDEN.

24 MR. WAPNER: OBJECTION. CALLING FOR A CONCLUSION.

25 THE COURT: SUSTAINED. WAS THERE A TIME WHEN HE CAME
26 TO YOU AND ASKED FOR A BAIL REDUCTION?

27 THE WITNESS: YES.

28 THE COURT: WHEN WAS THAT?

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1 Q BY MR. BARENS: WHEN WAS THAT?

2 A MY BEST RECOLLECTION IS IT WOULD HAVE BEEN
3 SHORTLY BEFORE THE MAY 29, 1984 APPEARANCE.

4 Q AND IS IT A FACT THAT HE BEGAN PRESSING YOU A
5 LOT ABOUT THE BAIL MOTION?

6 A YES.

7 Q AND DID HE APPEAR ANXIOUS AND CONCERNED ABOUT
8 THE BAIL MOTION?

9 A YES.

10 Q AND DID HE GET A BIT FRENETIC WITH YOU ABOUT THE
11 BAIL MOTION?

12 A YES.

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1 Q AND WAS HE AGITATED ABOUT THE BAIL MOTION?

2 A AGITATED? ANGRY OR EXCITED?

3 Q IN THE SENSE THAT HE WAS CALLING YOU A LOT ON
4 THE PHONE ABOUT THE BAIL MOTION?

5 A HE WAS CALLING FREQUENTLY PRIOR TO THE MAY 29
6 APPEARANCE AND YES, THE BAIL WAS -- HE WAS CONTINUALLY ASKING
7 ABOUT THE BAIL MOTION AND IF THE BAIL WOULD BE REDUCED.

8 Q AND HE SEEMED TO BE VIGOROUSLY INTERESTED IN THAT
9 BAIL MOTION?

10 A YES.

11 Q AND AT THAT POINT WHEN HE BROUGHT THAT UP TO YOU,
12 HE STILL HAD SIX MONTHS UNEARNED PREMIUM ON THAT BAIL, DIDN'T
13 HE? I MEAN, EARNED PREMIUM. SORRY.

14 A YES. THE ANNUAL PREMIUM WOULD BE DUE DECEMBER.
15 I BELIEVE THE BOND WAS POSTED DECEMBER 20.

16 Q RIGHT?

17 A 1983.

18 Q AND YOUR CLIENT UNDERSTOOD THAT HE COULDN'T GET
19 ANY OF HIS PREMIUM MONEY BACK ON THAT BOND IF THE BAIL WERE
20 REDUCED, DIDN'T HE?

21 A YES.

22 Q AND NO ONE TOLD YOU THAT THE LEVINS WERE TRYING
23 TO SELL THEIR HOUSE AT THAT POINT IN TIME, DID THEY?

24 A NO. NOBODY INDICATED THAT TO ME.

25 Q AS A MATTER OF FACT, HE NEVER GAVE YOU ANY REASON
26 WHY HE, OUT OF NOWHERE, WANTED THAT BAIL REDUCED, DID HE?

27 MR. WAPNER: OBJECTION TO THE CHARACTERIZATION "OUT
28 OF NOWHERE."

5
1 THE COURT: SUSTAINED.

2 Q BY MR. BARENS: DID HE EVER GIVE YOU A REASON
3 FOR THIS ONSET OF DISCUSSION ABOUT BAIL REDUCTION?

4 A NOT THAT I CAN RECALL, NO.

5 Q NOW, WHEN YOU WENT INTO COURT FOR THE BAIL
6 REDUCTION, THAT WAS WITHIN A COUPLE OF WEEKS OF HIM INITIALLY
7 STARTING THIS REQUEST WITH YOU?

8 A IT WOULD HAVE BEEN -- IF IT WAS EVEN TWO WEEKS,
9 IT WAS FAIRLY --

10 Q LESS THAN TWO WEEKS?

11 A FAIRLY. I WOULD SAY SO. ALTERNATIVELY, I AM
12 SURE IF IT WAS FAR OFF BETWEEN APPEARANCES, I WOULD HAVE BEEN
13 REQUESTED TO ADVANCE THE MATTER OR MAKE A BAIL MOTION AT THAT
14 TIME.

15 SO IT WAS AGAIN, MY RECOLLECTION THAT IT WAS
16 SHORTLY BEFORE THE MAY 29 APPEARANCE.

17 Q RIGHT. NOW, WHEN YOU WENT INTO COURT -- STRIKE
18 THAT.

19 WHEN THE MATTER OF THE BAIL REDUCTION CAME UP
20 WITH LEVIN AND CONSIDERING HIS ATTITUDE OR Demeanor ABOUT
21 THE BAIL REDUCTION, DID YOU THINK IT WAS PECULIAR?

22 A WELL, I DIDN'T SEE ANY LEGAL BASIS FOR THE BAIL
23 REDUCTION AT THAT PARTICULAR POINT IN TIME, ONCE THE SURETY
24 BOND WAS UP.

25 THEY HAD PREVIOUSLY -- BY "THEY" THE PROSECUTION
26 I THINK HAD INITIALLY RECOMMENDED A BAIL THAT WAS, YOU KNOW,
27 SUBSTANTIALLY HIGHER.

28 Q WAS THERE ANYTHING TO BE OBTAINED FROM IT, FROM

3-1
1 THE BAIL REDUCTION?

2 A GAINED BY RON LEVIN?

3 Q GAINED BY ANYONE? WHAT COULD BE GAINED BY THIS
4 BAIL REDUCTION MOTION?

5 A WELL, BASED UPON THE NEGOTIATIONS AND THE GIVE
6 AND TAKE, BOB GARDEN AGAIN -- STRIKE THAT.

7 BOB GARDEN STOOD TO GAIN A SUBSTANTIAL AMOUNT
8 OF PROPERTY BACK.

9 Q HOW ABOUT THE LEVINS WHO HAD POSTED THE COLLATERAL?

10 A OTHER THAN GETTING THE PROPERTY CONVEYED BACK
11 TO THEM OR THAT LIEN RECONVEYED BACK TO THEM, THAT WOULD BE
12 IT.

13 Q ALL RIGHT. THEY COULD GET THE TITLE TO THIS
14 PROPERTY CLEARED. WAS THAT THE UNDERSTANDING?

15 A YES.

16 Q AND THE ENCUMBRANCE WOULD BE REMOVED FROM THE
17 PROPERTY?

18 A YES.

19 Q AND THEREFORE, IF MR. LEVIN WERE NOT TO SHOW UP
20 FOR HIS TRIAL IN THIS MATTER, THEY WOULDN'T LOSE THE
21 PROPERTY IF THE LIEN WAS REMOVED FROM THE BAIL COMPANY? IS
22 THAT TRUE?

23 A THAT'S CORRECT.

24 Q ALL RIGHT. NOW, YOU SUCCEEDED IN DOING THAT,
25 DID YOU NOT, SIR?

26 A IN THE BAIL REDUCTION?

27 Q YES.

28 A YES.

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1 MR. BARENS: AND MIGHT I APPROACH? I WOULD LIKE TO
2 TAKE THE DOCKET SHEET, YOUR HONOR.

3 THE COURT: SURE.

4 MR. BARENS: THANK YOU.
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1 Q BY MR. BARENS: ALL RIGHT. IS IT YOUR RECOLLECTION
2 THAT ON JUNE 5TH THAT THE BAIL WAS ORDERED EXONERATED WHEN
3 THE \$10,000 WAS POSTED?

4 A THE BAIL WOULD BE YES, ON JUNE 5TH, THE BAIL WAS
5 REDUCED TO \$10,000.

6 THE \$75,000 BOND WAS EXONERATED UPON THE POSTING
7 OF A NEW BOND. AGAIN, IT COULD BE EITHER A CORPORATE SURETY,
8 IT COULD BE PROPERTY BOND OR IT COULD BE THE THIRD, THE CASH
9 BAIL.

10 Q AND ON JUNE 8, WAS THE CASH BAIL IN THE AMOUNT
11 OF \$10,000 DEPOSITED AND THE BAIL ORDERED EXONERATED?

12 A YES, THAT IS WHAT THE DOCKET REFLECTS.

13 Q THIS WAS ACTUALLY JUNE 8TH THAT THE BOND WAS
14 EXONERATED ON THE REAL PROPERTY OF LEVIN'S?

15 A THAT IS -- THAT IS MY UNDERSTANDING.

16 I DIDN'T POST THAT BOND.

17 THE DOCKET SHEET REFLECTS THAT THAT WAS DONE ON
18 JUNE 8TH.

19 Q AND THE DOCKET SHEET FURTHER REFLECTS THAT IT
20 WAS ON JUNE 8TH, SIR, THAT THE NEW BAIL WAS POSTED?

21 A YES.

22 Q JUNE 8TH?

23 A YES, JUNE 8TH.

24 MR. BARENS: OH, I LEFT MY NOTES UP THERE. THANK YOU.
25 EXCUSE ME.

26 Q HAD MR. LEVIN, DURING THE DISCUSSIONS PRECEDING
27 THE JUNE 5TH APPEARANCE, BEEN TELLING YOU TO GET THE BAIL
28 AS LOW AS YOU POSSIBLY COULD?

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1 A YES.

2 IN FACT, THERE WAS -- THERE WAS DISCUSSION ABOUT
3 AN O.R., A RELEASE ON HIS OWN RECOGNIZANCE.

4 Q QUITE SO.

5 COULD YOU EXPLAIN TO THE JURY WHAT MR. LEVIN WAS
6 ASKING YOU TO DO IN TERMS OF AN O.R. RELEASE AND WHAT AN O.R.
7 RELEASE MEANS.

8 A WELL, I WILL EXPLAIN WHAT THE O.R. RELEASE IS
9 FIRST AND THEN WHAT HE WAS ASKING ME TO DO, PERHAPS IN THE
10 REVERSE ORDER.

11 Q THANK YOU, MR. FURSTMAN.

12 A THE O.R. RELEASE IS A PROMISE TO APPEAR. THERE
13 IS NO DEPOSIT WITH THE COURT. THERE IS NO BOND. NO CASH
14 BAIL. THE INDIVIDUAL, GENERALLY SPEAKING, WILL SIGN A
15 PROMISE TO APPEAR AND AGREES TO MAKE ALL FURTHER -- ALL FURTHER
16 APPEARANCES THROUGHOUT THE PROCEEDINGS.

17 IN THE EVENT THAT THE INDIVIDUAL FAILS TO APPEAR,
18 THERE IS NO PROPERTY, NO CASH FOR THE COURT TO HAVE
19 RECOURSE TO. IT IS SIMPLY A PROMISE TO APPEAR, SIMILAR TO
20 WHEN AN INDIVIDUAL IS STOPPED FOR A TRAFFIC VIOLATION AND
21 SIGNS A CITATION PROMISING TO APPEAR ON SUCH AND SUCH A DATE.
22 IF THEY FAIL TO APPEAR, A BENCH WARRANT IS ISSUED FOR THEIR
23 ARREST BUT THERE IS NO RECOURSE AS TO ANY PROPERTY.

24 Q NOW, ISN'T IT THE TRUTH THAT RON LEVIN, WHEN HE
25 COMMENCED DISCUSSING THIS NEED FOR A BAIL REDUCTION FROM THE
26 START, SAID TO YOU "GET MY BAIL REDUCED TO AN OWN RECOGNIZANCE
27 RELEASE SO I DON'T HAVE TO PUT UP ANY MONEY AT ALL"?

28 A I -- I KNOW RON ASKED TO DISCUSS A RELEASE ON

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1 HIS OWN RECOGNIZANCE AND THAT WAS DISCUSSED.

2 Q AND THAT WAS HIS ULTIMATE OBJECTIVE, WAS IT NOT,
3 IN AN OPTIMUM SENSE?

4 A I WOULD THINK IN AN OPTIMUM SENSE, CERTAINLY.

5 Q ALL RIGHT. NOW DID YOU GET RESISTENCE ON THAT
6 TYPE OF A RELEASE FROM DETECTIVE PAUL EDHOLM OF THE BEVERLY
7 HILLS POLICE DEPARTMENT?

8 A NO, NOT INITIALLY, I DID NOT.

9 Q DID DETECTIVE EDHOLM EVENTUALLY DISAGREE WITH
10 AN O.R. RELEASE?

11 A MY RECOLLECTION OF WHAT TRANSPIRED -- AND AGAIN,
12 IT WAS ALL TIED INTO THE AMOUNT OF COOPERATION WITH BOB
13 GARDEN AND HIS ATTORNEY -- PAUL EDHOLM HAD INDICATED, I BELIEVE
14 INITIALLY, THAT HE WOULD CONSIDER AND MAY NOT OBJECT TO A
15 RELEASE ON HIS OWN RECOGNIZANCE.

16 I BELIEVE THAT THE ULTIMATE DECISION THAT HE WOULD
17 NOT BE RELEASED ON HIS OWN RECOGNIZANCE WAS NOT MADE BY
18 DETECTIVE EDHOLM BUT BY -- PERHAPS WITH DISCUSSION WITH
19 EDHOLM -- BUT WITH THE PROSECUTOR AT THE TIME, WHICH I THINK
20 IT WAS CAROLE CHIZEVER.

21 Q IN ANY EVENT, THE PROSECUTION WOULD NOT GO ALONG
22 WITH THAT?

23 A IT WAS -- IT WAS NOT ONE OF THOSE SITUATIONS THAT
24 WAS VIGOROUSLY ARGUED.

25 IT WAS BASICALLY A NEGOTIATED BAIL REDUCTION AND
26 THE PROSECUTION INDICATED THAT THEY WOULD FEEL COMFORTABLE
27 WITH A BAIL REMAINING AND SAID THEY WOULD GO TO \$10,000.

28 Q ALL RIGHT.

1 A AT WHICH POINT, FINE.

2 Q IN ANY EVENT, BY JUNE 8TH, THAT IS ALL HISTORY,
3 THE NEW BAIL IS POSTED IN CASH, BY JUNE 8TH THE PROPERTY IS
4 RECONVEYED?

5 A I DON'T KNOW WHEN THE PROPERTY WAS RECONVEYED.
6 BUT AS OF --

7 THAT WOULD BE SOMETHING THAT WOULD BE DONE BY
8 THE BONDSMAN BUT AS OF JUNE 8TH, THE DOCKET SHEET REFLECTS
9 THE NEW \$10,000 CASH BAIL BEING DEPOSITED WITH THE CLERK OF
10 THE COURT. THE \$75,000 CORPORATE SURETY BOND BEING EXONERATED
11 AT THAT POINT.

12 Q OR CANCELED?

13 A AND CANCELED.

14 THEN AT THAT POINT, IT IS GENERALLY UP TO THE
15 DEPOSITOR OF THE BAIL OR THE PERSON WHO MADE THE ARRANGEMENTS
16 WITH THE BONDING COMPANY OR THE BAIL BONDSMAN TO TAKE A COPY
17 OF THE DOCKET SHEET OR SOME PROOF TO SHOW THAT THE BAIL HAS
18 BEEN EXONERATED. THEN THE BONDING COMPANY AND THE BONDSMAN
19 RECONVEYS THE PROPERTY.

20 Q NOW, HAD WE MOVED DOWNSTREAM IN THE TRIAL OF THIS
21 CASE, YOU HAD A PRELIMINARY HEARING OF ABOUT A WEEK TO TEN
22 DAYS, YOU SAY?

23 A I WOULD THINK THAT WOULD BE A REASONABLE ESTIMATE.

24 Q AND HOW MUCH DO YOU THINK YOUR FIRM WOULD HAVE
25 CHARGED FOR THAT?

26 A FOR THE PRELIMINARY HEARING OR A TRIAL?

27 Q JUST -- I WILL GET TO THE TRIAL MOMENTARILY.
28 HOW MUCH WOULD YOU HAVE CHARGED FOR THE

1 PRELIMINARY HEARING? YOU HAVE GOT TO PREPARE. YOU HAVE GOT
2 SEVEN TO TEN DAYS. YOU HAVE GOT DISCOVERY AND ALL OF THE
3 MOTIONS AND --

4 A I WOULD HAVE ANTICIPATED THAT IT CERTAINLY WOULD
5 HAVE BEEN PROBABLY ANYWHERE FROM FIFTEEN TO TWENTY-FIVE
6 THOUSAND DOLLARS.

7 Q AFTER THAT, ASSUMING YOU ARE BOUND OVER TO STAND
8 TRIAL IN SUPERIOR COURT AND THEN YOU HAVE GOT MORE MOTIONS,
9 YOU HAVE GOT ANOTHER ARRAIGNMENT, YOU HAVE GOT WITNESS
10 INTERVIEWS, YOU HAVE GOT INVESTIGATION, YOU HAVE GOT PLEADINGS,
11 ALL OF THE THINGS ONE NEEDS TO DO TO PROPERLY PREPARE AND
12 TURN EVERY STONE FOR A VIGOROUS TRIAL --

13 MR. WAPNER: OBJECTION. COMPOUND. I DON'T KNOW WHAT
14 THIS IS. IS THIS A SPEECH? IT IS NOT EVEN A QUESTION. BUT
15 IF IT IS A QUESTION, IT IS GOING TO BE COMPOUND.

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1 Q BY MR. BARENS: IT OCCURS TO ME THERE MIGHT HAVE
2 BEEN A LOT OF THINGS TO DO TO GET READY FOR TRIAL, MR.
3 FURSTMAN, IS THAT CORRECT?

4 A IN THIS CASE?

5 Q YES.

6 A YES. THERE WOULD BE.

7 Q ALL RIGHT. AND THEN AHEAD OF YOU, YOU WOULD
8 HAVE A TRIAL OF THE APPROXIMATE LENGTH AND ANTICIPATED
9 DURATION, SIR?

10 A I WOULD THINK THAT AGAIN, BASED UPON MOTIONS
11 AND YOU KNOW, THE VARIOUS WITNESSES, AND THERE WOULD CERTAINLY
12 BE A DEFENSE, DEFENSE WITNESSES CALLED, I WOULD THINK THAT
13 A FOUR TO SIX WEEK TRIAL ESTIMATE WOULD NOT BE UNUSUAL.

14 AGAIN, IT DEPENDS UPON HOW MUCH ACTUAL TIME PER
15 DAY YOU WOULD GET.

16 Q KNOWING YOUR FIRM WAS NOT REPUTED FOR ITS LOW
17 FEES, HOW MUCH DO YOU THINK THAT TRIAL WOULD HAVE COST?

18 THE COURT: WELL, YOU DON'T HAVE TO ANSWER THAT
19 QUESTION IF YOU DON'T WANT TO. BECAUSE IT PRESUPPOSES YOU
20 CHARGE EXCESSIVE FEES.

21 MR. BARENS: I DID NOT PROPOSE THAT HE CHARGED EXCESSIVE
22 FEES. HE SAID --

23 THE COURT: BASED ON THE FEES THAT YOU CHARGE.

24 Q BY MR. BARENS: ACTUALLY, MR. WEITZMAN SETS THE
25 FEES, DOESN'T HE, SIR?

26 A WELL, AT THAT POINT IN TIME IN THE FIRM, THE
27 FEE NEGOTIATED WITH MR. LEVIN WAS SET BY MR. WEITZMAN. FEES
28 WERE SET AT THAT TIME BY MYSELF, BY MR. RE, BY MR. WEITZMAN.

1 SUBSEQUENTLY ON, YOU KNOW, AFTER THE FIRM
2 CHANGED YOU KNOW, ITS COMPOSITION CHANGED AGAIN, IT WAS THE
3 SAME SITUATION.

4 IT WAS MR. WEITZMAN -- FEES WERE SET BY MR.
5 WEITZMAN AND SET BY MYSELF.

6 IN THIS CASE, THIS WOULD HAVE BEEN A FEE THAT
7 WOULD HAVE INITIALLY BEEN DISCUSSED WITH MR. WEITZMAN AND
8 MR. LEVIN.

9 AND THERE IS NO DOUBT IN MY MIND THAT THE FEE
10 AS TO AN APPROPRIATE FEE FOR TRIAL WOULD HAVE BEEN SET BY
11 MR. WEITZMAN. I AM SURE -- HOW LONG DO YOU THINK IT IS GOING
12 TO TAKE? WHAT DO YOU THINK IS A REASONABLE FEE? BUT I AM
13 SURE THAT THE DECISION WOULD HAVE BEEN DEFERRED.

14 Q AND WHAT DO YOU FIGURE THE COST OF THE PREPARATION
15 FOR TRIAL WOULD HAVE BEEN?

16 A THE COST OF IN OTHER WORDS, INVESTIGATOR FEES
17 OR THE COST FOR ATTORNEY'S FEES?

18 Q THE WHOLE BUSINESS, COSTS, HARD COSTS AND
19 ATTORNEY'S FEES AND TRIAL TIME, THE PACKAGE OF COSTS THAT
20 YOU MIGHT THINK OF IN THE CONSTELLATION OF EXPENSES AND
21 ATTORNEY'S FEES THAT WOULD RESULT IN A TOTAL COST TO THE CLIENT,
22 SIR?

23 A I WOULD IMAGINE THAT CERTAINLY YOU KNOW, IT COULD
24 HAVE APPROACHED \$50,000.

25 Q ALL RIGHT. NOW, THAT WOULD BE \$50,000? THAT
26 SOUNDS LIKE IT WOULD BE THE MINIMUM FEE?

27 A NO. I AM NOT NECESSARILY SAYING THAT, YOU KNOW.
28 AGAIN, IT IS TOUGH TO SAY WITHOUT SEEING WHAT

1 WOULD HAVE TRANSPIRED AT THE PRELIMINARY HEARING AND WHAT
2 WAS INVOLVED AND AGAIN, HOW MUCH DUPLICATION OF EFFORT THERE
3 WOULD HAVE BEEN.

4 THERE WOULD HAVE BEEN A SUBSTANTIAL AMOUNT OF
5 OUT-OF-OFFICE TIME, YOU KNOW, SPENT TRYING THE CASE. AS FAR
6 AS ADDITIONAL INVESTIGATION AND ADDITIONAL WORKUP, THAT VERY
7 WELL MAYBE WOULD NOT HAVE HAD TO BE REPLICATED OR DUPLICATED
8 BY VIRTUE OF PREPARATION DONE FOR THE PRELIMINARY HEARING.

9 Q SO, WE WOULD HAVE AM I CORRECT, SIR, \$50,000
10 FOR THE TRIAL AND \$25,000 FOR THE PRELIMINARY HEARING, WOULD
11 THAT BE APPROXIMATELY WHAT YOU WOULD BE LOOKING AT?

12 A IT COULD BE IN THAT RANGE. IT COULD BE
13 SUBSTANTIALLY LOWER.

14 Q ALL RIGHT. AT LEAST THOSE ARE THE ONLY NUMBERS
15 I CAN REFERENCE FROM WHAT YOU HAVE TOLD ME SO FAR, MR. FURSTMAN.
16 DOES THAT SEEM ABOUT ACCURATE FROM THOSE TWO FIGURES?

17 MR. WAPNER: OBJECTION, ASKED AND ANSWERED. THIS IS
18 NOW THE THIRD TIME HE WANTS HIM TO SAY THE SAME THING.

19 THE COURT: WELL, WE WILL TAKE A RECESS. I WILL THINK
20 ABOUT IT. ALL RIGHT?

21 MR. WAPNER: THANK YOU.

22 THE COURT: DO YOU WANT TO RECESS AT THIS TIME?

23 MR. BARENS: QUITE SO.

24 THE COURT: HOW MUCH LONGER DO YOU THINK YOU WILL BE?

25 MR. BARENS: I WILL BE A WHILE.

26 THE COURT: A WHILE? LADIES AND GENTLEMEN, WE'LL TAKE
27 A 15-MINUTE RECESS AT THIS TIME. THE SAME ADMONITION APPLIES
28 THAT I GAVE TO YOU BEFORE ABOUT NOT TALKING TO THIRD PARTIES.
29 (RECESS.)

THE COURT: ALL RIGHT, YOU MAY CONTINUE.

MR. BARENS: THANK YOU, YOUR HONOR.

Q MR. FURSTMAN, I BELIEVE YOU TESTIFIED THAT AT LEAST PRIOR TO THIS BAIL MATTER, LEVIN HAD ALWAYS VIGOROUSLY TAKEN A POSITION THAT HE WAS UNWILLING TO RETURN THE PROPERTY TO MR. GARDEN?

A PRIOR TO THE BAIL MOTION, HE WAS NOT WILLING TO STIPULATE TO THE RELEASE OR RETURN OF BOB GARDEN'S PROPERTY.

Q NOW, DID HE CHANGE COMPLETELY HIS POINT OF VIEW ON THAT IN LIGHT OF HIS DESIRE TO HAVE THE BAIL REDUCED?

A WELL, IT CHANGED IN THE SENSE THAT THAT WAS THE TRADE-OFF. I MEAN HIS COOPERATION OR AGREEING THAT THE PROPERTY GO BACK TO BOB GARDEN WAS BASICALLY PEGGED TO OUR ABILITY TO HAVE AN UNOPPOSED BAIL REDUCTION.

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1 Q NOW, ISN'T IT A FACT THAT RON LEVIN AGREED TO
2 RETURN GARDEN'S PROPERTY, IN ORDER TO GET HIS BAIL REDUCED?

3 MR. WAPNER: OBJECTION, CALLING FOR SPECULATION. HE
4 CAN ASK HIM AS TO HIS OPINION. HOW DOES HE KNOW WHAT THE
5 REASON IS?

6 THE COURT: I DIDN'T HEAR YOU. WHAT DID YOU SAY?

7 MR. WAPNER: THE QUESTION WAS, ISN'T IT TRUE THAT THE
8 ONLY REASON AND ET CETERA, ET CETERA, ASKING FOR THIS
9 WITNESS TO TRY TO SPECULATE ABOUT WHAT IS IN SOMEONE'S MIND.
10 IF HE IS ASKING FOR HIS OPINION, THAT IS SOMETHING ELSE AGAIN.

11 THE COURT: ALL RIGHT. CAST IT THAT WAY.

12 DID YOUR OPINION THAT THE ONLY REASON WHY HE
13 SOUGHT REDUCTION OF BAIL, HE AGREED TO THE RETURN OF THE
14 PROPERTY, IF HE GOT REDUCTION IN THE BAIL?

15 THE WITNESS: THAT WOULD BE MY OPINION, YES.

16 THE COURT: ALL RIGHT.

17 Q BY MR. BARENS: ALL RIGHT. THAT EVIDENTLY WAS
18 WHAT CAUSED THIS CHANGE OF HEART OR CHANGE OF POSITION BY
19 MR. LEVIN REGARDING MR. GARDEN'S PROPERTY?

20 A RON LEVIN EXPRESSED TO ME, HIS AGREEMENT TO
21 RELEASE THE PROPERTY TO BOB GARDEN IN EXCHANGE FOR A
22 REDUCTION IN HIS BAIL.

23 Q AND THEY WERE COUPLED OR LINKED?

24 A YES.

25 Q ALL RIGHT. IN OTHER WORDS, BUT FOR ONE, YOU DON'T
26 GET THE OTHER?

27 A WELL, A BAIL MOTION STILL COULD HAVE BEEN BROUGHT.
28 THIS WAS BASICALLY AS I HAVE SAID BEFORE, A NEGOTIATED BAIL

1 REDUCTION WHERE IT WAS UNOPPOSED. THE AMOUNT WAS AGREED UPON.

2 THAT IS NOT TO SAY THAT IF THE PROPERTY HAD NOT
3 BEEN RELEASED OR HE WOULDN'T AGREE, THAT THE BAIL MOTION COULD
4 STILL NOT HAVE BEEN MADE. BUT IT WOULD HAVE BEEN MADE AT
5 THAT TIME OVER OPPOSITION.

6 Q ALL RIGHT. NOW, YOU HAVE HANDLED OTHER THEFT
7 OF PROPERTY CASES IN BEVERLY HILLS, HAVE YOU NOT?

8 A YES.

9 Q WHAT WE MIGHT GENERALLY REFER TO AS WHITE COLLAR
10 TYPE CRIMES?

11 A YES.

12 Q NOW, BASED ON YOUR EXPERIENCE, HAVE YOU EVER HAD
13 A CASE INVOLVING THIS MUCH PROPERTY TAKEN THAT THE D.A.'S
14 OFFICE WOULD CONSENT TO BEING MADE A MISDEMEANOR?

15 A NOT WITH THIS MONETARY LOSS, ALLEGED MONETARY
16 LOSS.

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1 Q IN FACT, WITH ALLEGED MONETARY LOSSES SUBSTANTIALLY
2 LESS THAN THE AMOUNT INVOLVED IN THIS CASE, THEY DON'T MAKE
3 IT A MISDEMEANOR, DO THEY?

4 MR. WAPNER: OBJECTION. IT CALLS FOR A CONCLUSION.

5 MR. BARENS: I AM ASKING HIS OPINION AS A PRACTICING
6 LAWYER IN THAT COURT, YOUR HONOR.

7 THE COURT: HAS IT EVER HAPPENED WHEN THERE HAS BEEN
8 THAT LARGE OF A LOSS THAT ULTIMATELY A CASE HAS BEEN REDUCED
9 TO A MISDEMEANOR?

10 THE WITNESS: CASES THAT I HAVE HANDLED?

11 THE COURT: THAT YOU KNOW ABOUT.

12 THE WITNESS: AGAIN, WITH A LARGE LOSS, AND IN THIS
13 CASE IT WAS, I THINK APPROXIMATELY \$325,000, I AM NOT AWARE
14 OF ANYTHING WITH THAT TYPE OF MONETARY LOSS WHERE THERE HAS
15 BEEN A MISDEMEANOR REDUCTION.

16 THE COURT: THE REASON HE ASKED YOU THAT IS BECAUSE
17 YOU MENTIONED SOMETHING ABOUT GETTING IT REDUCED TO A
18 MISDEMEANOR.

19 THE WITNESS: AS FAR AS THE ULTIMATE SENTENCING RANGE
20 AND WHAT WAS AVAILABLE FROM THE ABSOLUTE LOW END TO THE
21 ABSOLUTE MAXIMUM.

22 THE COURT: ALL RIGHT. NOT THAT IT WAS LIKELY THAT
23 IT WOULD BE REDUCED TO A MISDEMEANOR IN THIS CASE IF HE WAS
24 CONVICTED; IS THAT IT?

25 THE WITNESS: THAT'S CORRECT.

26 AND THERE ARE EVEN CERTAIN RESTRICTIONS ON THE
27 COURT'S ABILITY, I BELIEVE, TO REDUCE THE SENTENCE IN THIS
28 CASE WHERE THERE ARE ENHANCEMENTS IN THIS TYPE OF A CASE.

1 MR. BARENS: AS A MATTER OF FACT, MR. FURSTMAN, HAD
2 MR. LEVIN BEEN CONVICTED ON THESE CHARGES, ISN'T THAT
3 SECTION 1203.045 THAT REQUIRES THAT HE NOT GET PROBATION BUT
4 ACTUALLY SERVE THE TIME IN CUSTODY?

5 A THAT PROVISION WOULD -- IS A PROHIBITION AGAINST
6 THE COURT IMPOSING PROBATION IN THAT TYPE OF A CASE.

7 AGAIN, THERE IS CERTAIN CIRCUMSTANCES UNDER WHICH
8 A COURT COULD STRIKE THOSE ALLEGATIONS.

9 BUT ASSUMING THOSE ALLEGATIONS WERE NOT STRICKEN
10 AND WERE FOUND TO BE TRUE, IT WOULD BE A PROHIBITION ON A
11 GRANT OF PROBATION BY THE COURT.

12 Q PROBATION NOT BEING AVAILABLE, EXCEPT IN VERY
13 UNUSUAL CIRCUMSTANCES; ISN'T THAT WHAT THE CODE SECTION I
14 JUST REFERENCED, USES THE WORD "UNUSUAL"?

15 A UNUSUAL OR IN THE INTERESTS OF JUSTICE OR WHERE
16 THE INTERESTS OF JUSTICE ARE SERVED, I THINK. YOU KNOW --

17 Q OTHERWISE, IF LEVIN IS CONVICTED, WE ARE NOT
18 EVEN GOING TO TALK ABOUT PROBATION, THE JUDGE IS PROHIBITED
19 FROM GIVING HIM PROBATION?

20 A WELL, I AM SURE, GIVEN VIGOROUS REPRESENTATION,
21 IT WOULD CERTAINLY BE DISCUSSED BUT THERE WOULD BE -- AGAIN,
22 THERE WOULD BE THE PROHIBITION, ASSUMING THAT IT WAS PROVED
23 AND FOUND TO BE TRUE.

24 Q ALL RIGHT. NOW WE HAD BEFORE THE RECESS DISCUSSED
25 THE MATTER OF COST FOR THE PRELIMINARY HEARING AND COST FOR
26 THE TRIAL AND PREPARATION FOR TRIAL.

27 HAD ANYONE IN YOUR OFFICE EVER TOLD YOU THAT
28 MR. LEVIN HAD PAID THE FEES AND COSTS ANTICIPATED FOR HIS

1 PRELIMINARY HEARING?

2 A I DON'T RECALL. I DON'T RECALL BEING TOLD THAT
3 OR --

4 Q ALL RIGHT.

5 A I DON'T RECALL THAT.

6 Q BY THE WAY, IT WAS AFTER YOU HAD GOTTEN THE BAIL
7 REDUCED FOR MR. LEVIN ON THE 5TH THAT HE CANCELED HIS APPOINT-
8 MENT WITH YOU ON THE 6TH?

9 A YES.

10 WELL, HE DIDN'T CANCEL THE APPOINTMENT, TECHNICALLY.
11 HE CALLED AFTER THE TIME THE APPOINTMENT HAD
12 BEEN SET AND SAID HE WAS NOT ABLE TO MAKE THE APPOINTMENT.

13 Q INDEED, THUS AFTER THE BAIL HAD BEEN REDUCED,
14 HE NEVER CAME TO YOUR OFFICE AGAIN AFTER THAT, DID HE?

15 A NO.

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1 Q HE DIDN'T MAKE ANY NEW ARRANGEMENTS WITH YOU AFTER
2 THAT, DID HE?

3 A NO.

4 Q HE DIDN'T PAY YOU ANY MONEY AFTER THAT, DID HE?

5 A NO.

6 Q NOW, HAD --

7 THE COURT: THIS BAIL WAS REDUCED ON THE 8TH OR YOU
8 EXPECTED HIM TO PAY SOME FEES AFTER THAT DATE?

9 MR. BARENS: YOUR HONOR, I BEG TO DIFFER. HIS BAIL
10 WAS REDUCED ON THE 5TH AND --

11 THE COURT: AFTER THE 8TH --

12 MR. BARENS: THE MOTION WAS GRANTED ON THE 5TH.

13 THE COURT: WASN'T THERE AN ORDER WHICH READ THAT ON
14 THE 8TH, THEY WOULD RELEASE THE PROPERTY?

15 MR. BARENS: YOUR HONOR, BY --

16 THE COURT: IS THAT TRUE? I JUST WANT TO GET THE RECORD
17 STRAIGHT. I MIGHT BE MISTAKEN.

18 DID YOU SAY THAT THE RELEASE OF THE REAL PROPERTY
19 THAT WAS PUT UP BY THE MOTHER AND STEPFATHER WAS RELEASED
20 ON THE 8TH?

21 THE WITNESS: THE ORIGINAL \$75,000 CORPORATE SECURITY
22 WAS EXONERATED, RELEASED ON THE 8TH UPON THE POSTING OF THE
23 \$10,000 CASH BAIL.

24 THE COURT: THAT'S RIGHT.

25 Q BY MR. BARENS: NOW, SO WE HAVE NO MISUNDERSTANDING,
26 WHEN WAS THE MOTION GRANTED TO REDUCE THE BAIL, MR. FURSTMAN?

27 THE COURT: THE 5TH, I THOUGHT.

28 MR. BARENS: THE 5TH. QUITE SO. I WANTED TO MAKE SURE

1 WE WERE STRAIGHT ON THAT.

2 Q AFTER IT WAS REDUCED ON THE 5TH, HE NEVER CAME
3 TO YOUR OFFICE AGAIN AFTER THAT, DID HE?

4 A NO.

5 Q AND IT WAS AFTER THE BAIL WAS REDUCED AND THE
6 MOTION GRANTED TO INSURE THE BAIL WAS REDUCED ON THE 5TH THAT
7 HE DID NOT SHOW UP AT YOUR OFFICE ON THE 6TH, IS THAT CORRECT,
8 SIR?

9 A WELL, YES. THE MOTION WAS ON THE 5TH. AND HE
10 DID NOT MAKE HIS APPOINTMENT ON THE 6TH.

11 Q THANK YOU. NOW, WERE YOU AWARE MR. LEVIN HAD
12 A PRIOR FELONY CONVICTION?

13 MR. WAPNER: OBJECTION, RELEVANCE.

14 THE COURT: OVERRULED.

15 MR. BARENS: I THINK IT IS RELEVANT. THANK YOU, YOUR
16 HONOR.

17 Q WERE YOU AWARE THAT HE HAD A PRIOR FELONY
18 CONVICTION?

19 A YES. I DON'T RECALL THE EXACT CHARGE. IT WAS
20 MY UNDERSTANDING IT WAS AS A RESULT OF A FEDERAL INDICTMENT.

21 Q DOES MAIL FRAUD REFRESH YOUR RECOLLECTION?

22 A I BELIEVE THAT MAY HAVE BEEN, YES.

23 Q MR. FURSTMAN, WERE YOU AWARE MR. LEVIN HAD SERVED
24 TIME ON THAT CONVICTION?

25 A YES.

26 Q WOULD IT BE A FAIR STATEMENT OR A TRUE STATEMENT
27 THAT HAD MR. LEVIN CHOSEN TO TESTIFY AT A TRIAL INVOLVING
28 THE MATTER FOR WHICH YOU WERE REPRESENTING HIM, THAT HE COULD

1 HAVE BEEN QUESTIONED ABOUT HIS PRIOR FELONY CONVICTION?

2 A YES, SUBJECT TO CERTAIN MOTIONS TO EXCLUDE ANY
3 REFERENCE TO HIS PRIOR CONVICTION. BUT YES, THAT DEFINITELY
4 WOULD HAVE BEEN AN ISSUE TO BE DEALT WITH.

5 Q AND IF MR. LEVIN WERE CONVICTED IN THAT TRIAL,
6 ISN'T IT A FACT THAT THAT PRIOR FELONY CONVICTION COULD HAVE
7 BEEN CONSIDERED FOR PURPOSES OF PROBATION AND/OR SENTENCING?

8 A YES.

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1 Q AND WOULDN'T THAT FELONY CONVICTION HAVE BEEN
2 IN YOUR ANTICIPATION, USED TO IMPEACH HIS CREDIBILITY AS A
3 WITNESS?

4 A I AM SURE THAT BEING A CONVICTION OF MORAL
5 TURPITUDE, CERTAINLY. AGAIN, ASSUMING THAT A MOTION TO
6 EXCLUDE --

7 Q WAS UNSUCCESSFUL?

8 A WAS UNSUCCESSFUL, YES.

9 Q ISN'T THERE A SPECIAL JURY INSTRUCTION THAT IS
10 GIVEN TO THE JURY ABOUT A CONVICTED FELON?

11 MR. WAPNER: OBJECTION, RELEVANCE.

12 THE COURT: SUSTAINED. I THINK THAT YOU HAVE
13 SUFFICIENTLY COVERED THE POINT. YOU MADE YOUR POINT.

14 MR. BARENS: THANK YOU, YOUR HONOR.

15 Q NOW, YOU SAY THAT AT A POINT IN TIME, YOU
16 ACCOMPANIED THE LEVIN FAMILY TO THE BEVERLY HILLS POLICE
17 DEPARTMENT ABOUT A MISSING PERSON'S REPORT?

18 A MARTIN LEVIN.

19 Q MARTIN LEVIN. AND AT A POINT IN TIME, WHEN DID
20 THAT OCCUR?

21 A I DON'T -- I DON'T HAVE A SPECIFIC DATE IN MIND.
22 AGAIN, MY RECOLLECTION IS THAT IT WAS -- I AM THINKING
23 APPROXIMATELY THREE WEEKS AFTER THE DATE THAT I LAST SAW
24 RON LEVIN.

25 Q IT WAS HOW MUCH LONGER AFTER THAT, SIR?

26 A MY RECOLLECTION IS THAT IT WAS APPROXIMATELY TWO
27 AND A HALF OR THREE WEEKS OR PERHAPS EVEN A LITTLE BIT LONGER
28 AFTER THE LAST TIME THAT I HAD SEEN RON LEVIN, WHICH WAS

1 JUNE 5.

2 Q MIGHT IT HAVE BEEN THREE OR FOUR WEEKS, SIR?

3 A YES.

4 Q NOW, DID YOU FIND IT PECULIAR IN YOUR OPINION,
5 THAT IT HAD TAKEN THAT LONG TO GO TO THE BEVERLY HILLS
6 POLICE DEPARTMENT ABOUT A MISSING PERSON'S REPORT?

7 A FIND IT PECULIAR?

8 Q IN YOUR OPINION ONLY.

9 A IN MY OPINION?

10 MR. WAPNER: OBJECTION, RELEVANCE. WHAT IS THE RELEVANCE
11 OF HIS OPINION TO WHETHER IT IS PECULIAR OR NOT?

12 MR. BARENS: THIS MAN IS A LAWYER AND --

13 THE COURT: I SUSTAIN THE OBJECTION.

14 MR. BARENS: A MOMENT, YOUR HONOR.

15 (PAUSE.)

16 Q BY MR. BARENS: YOU HAD SOME DISCUSSIONS WITH
17 THE LEVIN FAMILY BEFORE FILING THIS MISSING PERSON'S REPORT,
18 DID YOU NOT?

19 A YES.

20 Q WHO WERE THOSE DISCUSSIONS AMONG?

21 A PRIMARILY WITH MARTIN LEVIN AND I SPOKE ON THE
22 PHONE TO -- ON A NUMBER OF OCCASIONS, WITH MRS. LEVIN, RON
23 LEVIN'S MOTHER.

24 Q AND DID HIS FAMILY EXPRESS ANY RESERVATIONS THEY
25 HAD ABOUT WHETHER OR NOT THEY SHOULD GO AND FILE A POLICE
26 REPORT?

27 MR. WAPNER: OBJECTION, CALLING FOR HEARSAY.

28 THE COURT: SUSTAINED. SHE WILL BE HERE TO TESTIFY,

1 WON'T SHE? YOU INDICATED THAT THE MOTHER WOULD BE HERE?

2 MR. WAPNER: AND THE FATHER, YOUR HONOR.

3 THE COURT: YOU CAN ASK THEM. SO THEN IT WON'T BE
4 HEARSAY. SUSTAINED.

5 Q BY MR. BARENS: FROM THE FIRST TIME YOU TALKED
6 TO THE LEVINS ABOUT WHETHER OR NOT A MISSING PERSON'S REPORT
7 SHOULD BE MADE, HOW LONG WAS IT BEFORE THEY PROCEEDED TO MAKE
8 THE MISSING PERSON'S REPORT?

9 A AGAIN, WELL -- MY BEST RECOLLECTION IS THAT THEY
10 FIRST EXPRESSED AN INTEREST IN FILING A MISSING PERSON'S
11 REPORT, AS OPPOSED TO JUST CONCERN OVER RON, IT PROBABLY WOULD
12 HAVE BEEN WITHIN A MATTER OF DAYS AFTER PROBABLY JUNE 12.
13 I BELIEVE THAT WOULD HAVE BEEN -- I BELIEVE IT WOULD HAVE
14 BEEN THE DATE THAT RON WAS SCHEDULED TO, AS FAR AS I KNEW,
15 TO RETURN TO LOS ANGELES.

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1 Q AND IT TOOK A COUPLE OF WEEKS AFTER THAT BEFORE
2 THEY IN FACT WENT AHEAD AND MADE THE POLICE REPORT, TO YOUR
3 KNOWLEDGE?

4 A AGAIN, I -- I DON'T KNOW THAT. I DON'T RECALL
5 THE EXACT DATE.

6 MY BEST RECOLLECTION IS THAT FROM THAT TIME,
7 THAT WAS PROBABLY APPROXIMATELY TWO WEEKS.

8 Q FROM THE TIME THEY FIRST DISCUSSED WITH YOU MAKING
9 A MISSING PERSON'S REPORT TO THE POLICE UNTIL ONE WAS ACTUALLY
10 MADE, ANOTHER COUPLE OF WEEKS WENT BY?

11 A I BELIVE SO, APPROXIMATELY.

12 Q WELL, LET ME ASK YOU THIS, MR. FURSTMAN: WERE
13 YOU PRESENT WHEN MR. LEVIN'S CASE WAS ULTIMATELY DISMISSED
14 IN BEVERLY HILLS?

15 A I DON'T BELIEVE I WAS.

16 Q DO YOU KNOW WHY THE CASE WAS DISMISSED? AS A
17 PERSONAL MATTER, DO YOU KNOW WHY IN FACT?

18 A I BELIEVE I HAD BEEN INFORMED BY THE DISTRICT
19 ATTORNEY'S OFFICE WHY THE CASE -- WHY THE CASE -- WHY THEY
20 WERE MOVING TO DISMISS THE CASE, YES.

21 Q WHY WAS THAT?

22 A BECAUSE THEY DID NOT FEEL THAT MR. LEVIN WAS
23 GOING TO BE APPEARING IN THE FUTURE.

24 Q THEY DIDN'T FEEL HE WAS GOING TO COME TO COURT
25 AT THAT POINT?

26 A WELL, YES, I WOULD SAY THAT WOULD BE ONE WAY
27 OF PUTTING IT, YES.

28 Q ALL RIGHT. AND AFTER THAT, THE \$10,000 THAT

1 WAS POSTED WAS LATER EXONERATED BACK TO WHOEVER POSTED IT?

2 A YES.

3 I -- I RECALL MAKING A MOTION OR REQUESTING THAT
4 THE BAIL BE EXONERATED SO IT COULD BE RETURNED TO MR. LEVIN.

5 Q AND IT WENT BACK TO MR. MARTIN LEVIN?

6 A I -- I DON'T HAVE ANY SPECIFIC KNOWLEDGE OR FIRST-
7 HAND KNOWLEDGE OF WHETHER IT DID OR DID NOT.

8 IT WAS MY UNDERSTANDING THAT I BELIEVE IT HAD
9 BEEN POSTED, I UNDERSTOOD IT HAD BEEN POSTED BY MARTIN LEVIN
10 OR ONE OF THE LEVIN FAMILY MEMBERS AND I WANTED TO ASSURE
11 THAT THE BAIL WAS NOT FORFEITED AND THAT THEY WOULD RECEIVE
12 THE MONEY BACK.

13 Q WAS IT YOUR SENSE OR YOUR UNDERSTANDING OF THAT
14 MATTER THAT THE MONEY WAS IN FACT RETURNED TO MR. MARTIN LEVIN?

15 A AT WHAT POINT IN TIME?

16 Q WHENEVER THE CASE TERMINATED?

17 A I WOULD ASSUME THAT THAT WOULD BE DONE.

18 I SUBSEQUENTLY LEARNED THAT AT THE TIME -- AT
19 THE TIME THAT THE CASE WAS ACTUALLY TERMINATED, I DON'T
20 BELIEVE THAT THE CASH BAIL WAS RETURNED AT THAT TIME OR WAS
21 PICKED UP.

22 Q WHAT DO YOU MEAN BY THAT, MR. FURSTMAN?

23 A I BELIEVE THAT THE CASH BAIL MAY HAVE STILL BEEN
24 RETAINED OR STILL BE IN THE POSSESSION OR CONSTRUCTIVE
25 POSSESSION OF THE CLERK AT THE BEVERLY HILLS COURT.

26 Q DO YOU KNOW WHAT DISPOSITION WAS ULTIMATELY MADE
27 CONCERNING THAT \$10,000?

28 A ULTIMATELY, AS FAR AS WHO PICKED IT UP, WHERE

1 IT WENT?

2 Q WHO ENDED UP WITH IT?

3 A NO, I DON'T, I DON'T.

4 Q HAVE YOU EVER BEEN CONTACTED BY THE LEVIN
5 FAMILY SEEKING OR TELLING YOU THAT THEY DIDN'T GET THE
6 \$10,000 BACK?

7 A NO.

8 MR. BARENS: THANK YOU, SIR.

9 THE COURT: ANY REDIRECT?

10 MR. WAPNER: YES. THANK YOU.

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REDIRECT EXAMINATION

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2 BY MR. WAPNER:

3 Q MR. FURSTMAN, DO YOU SEE ANY ALLEGATIONS ON THIS
4 COMPLAINT IN ANY OF THE 12 COUNTS THAT WOULD INDICATE THAT
5 PROBATION COULD NOT BE GRANTED?

6 A NO.

7 Q THERE ARE CERTAIN OF THOSE CHARGES THAT CONTAIN
8 ALLEGATIONS UNDER SECTION 12022 OF THE PENAL CODE WHICH WOULD
9 REQUIRE ADDITIONAL PUNISHMENT; IS THAT RIGHT?

10 A THE 12022.6A, THAT IS CORRECT.

11 Q IT DOESN'T SAY ANYTHING ON THERE ABOUT 1203.045
12 OR ANY OTHER SECTION , DOES IT?

13 A NO, IT DOESN'T.

14 THE COURT: YOU MEAN BY THAT, PROBATION COULD HAVE
15 BEEN GRANTED LEGALLY IF HE HAD BEEN CONVICTED OF ALL OF THOSE
16 OFFENSES?

17 THE WITNESS: LEGALLY, I BELIEVE IT COULD HAVE BEEN.

18 MY UNDERSTANDING OF THAT ADDITIONAL, FOR LACK
19 OF A BETTER WORD, ALLEGATION, THAT WOULD PROHIBIT THE GRANT
20 OF PROBATION. MY UNDERSTANDING IS, THAT JUST AS THE
21 EXCESSIVE TAKING ALLEGATION UNDER 12022.6A, THEY WOULD HAVE
22 TO BE PLEADED OR PLED AND PROVED.

23 THE COURT: WELL, AS IT STOOD, HE STILL COULD GET
24 PROBATION, COULDN'T HE?

25 THE WITNESS: BASED UPON WHAT IS REFLECTED IN THIS
26 COMPLAINT THAT YOU HAVE HANDED ME, I THINK THAT WOULD BE MY
27 UNDERSTANDING.

28 AND I KNOW OF OTHER CASES WHERE I HAVE HANDLED

1 WHERE THERE IS A SPECIFIC ALLEGATION THAT, AGAIN, MUST BE --
2 MY UNDERSTANDING IS THAT MUST BE PLED AND PROVED.

3 Q BY MR. WAPNER: IT IS NOT PLED IN THAT DOCUMENT
4 THAT YOU HAVE?

5 A NO.

6 Q THE DISCUSSION ABOUT THE LOSS OF THE FAMILY HOME-
7 STEAD, ASSUMING THAT SOMEONE HAD PUT UP A BAIL BOND WITH A
8 HOUSE AS SECURITY AND THE PERSON WHO WAS BEING CHARGED WITH
9 THE CRIME AND WHO WAS ON BAIL DID NOT SHOW UP AND THAT THE
10 BAIL BONDSMAN WANTED THEIR MONEY, IS THERE SOME WAY THAT THE
11 PERSON WHO PUTUP THE BAIL CAN PROTECT THEIR HOUSE, SO TO
12 SPEAK?

13 A BASICALLY, THEY COULD, FOR LACK OF A BETTER WORD,
14 THEY COULD BUY BACK THE PROPERTY OR THAT INTEREST IN THE
15 PROPERTY.

16 Q IN OTHER WORDS, THE BAIL BONDSMAN IS INTERESTED
17 IN GETTING HIS \$75,000 BACK?

18 A THAT'S CORRECT.

19 Q CORRECT?

20 A YES.

21 Q AND IF THE PERSON WHO PUT UP THE PROPERTY GIVES
22 THE BAIL BONDSMAN THE \$75,000, THEN THE BAIL BONDSMAN GIVES
23 THAT PERSON THE PROPERTY BACK?

24 A YES.

25 Q ON JUNE THE 5TH, YOU DID NOT APPEAR IN COURT
26 SPECIFICALLY FOR THE BAIL MOTION; IS THAT RIGHT?

27 A I AM SORRY?

28 Q ON THIS JUNE 5TH DATE --

1 A YES.

2 Q -- THAT WAS SET, THAT WAS NOT SPECIFICALLY JUST
3 FOR THE BAIL MOTION? THERE WERE OTHER MOTIONS TO BE HEARD
4 THAT DAY?

5 A YES.

6 THERE WAS A MOTION FOR THE RETURN OF PROPERTY.

7 Q AND THE APPOINTMENT THAT MR. LEVIN MADE WITH
8 YOU FOR THE NEXT DAY WAS MADE AFTER THE AGREEMENT TO REDUCE
9 THE BAIL AND AFTER THE AGREEMENT TO RETURN THE PROPERTY,
10 CORRECT?

11 A YES.

12 Q INCIDENTALLY, WHEN YOU SAY MR. LEVIN WAS BEING
13 ASKED TO AGREE THAT THIS PROPERTY BE RETURNED, HE DIDN'T
14 ACTUALLY HAVE THE PROPERTY AT THAT POINT, DID HE?

15 A NO.

16 Q THE POLICE DEPARTMENT HAD THE PROPERTY?

17 A THAT'S CORRECT.

18 I BELIEVE MR. LEVIN STILL HAD -- STILL HAD SOME
19 OF THE PROPERTY, A SUBSTANTIAL AMOUNT OF FILM.

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1 Q THE AGREEMENT THAT YOU WERE NEGOTIATING WITH
2 MR. GARDEN, DID THAT HAVE PRIMARILY TO DO WITH THE PROPERTY
3 THAT THE POLICE DEPARTMENT HAD?

4 A YES. AND THERE WAS ADDITIONAL DISCUSSION BETWEEN
5 BOB GARDEN AND HIS COUNSEL AND MYSELF AND MR. LEVIN. BOB
6 GARDEN WAS CONCERNED ABOUT A SUBSTANTIAL AMOUNT OF FILM THAT
7 WAS I BELIEVE, -- MIGHT STILL BE IN MR. LEVIN'S ICE BOX,
8 REFRIGERATOR, 35 MILLIMETER FILM.

9 MR. WAPNER: THANK YOU. NOTHING FURTHER.

10 MR. BARENS: YOUR HONOR, COULD WE HAVE THE COMPLAINT
11 MARKED AS DEFENDANT'S NEXT IN ORDER OR THE INDICTMENT?

12 THE COURT: SURELY.

13 MR. WAPNER: IT IS MARKED AS PEOPLE'S 125.

14 MR. BARENS: I DIDN'T HEAR IT WHEN IT WAS REFERENCED
15 EARLIER. IF IT IS --

16 THE COURT: 125.

17 MR. BARENS: NOTHING FURTHER OF THIS WITNESS.

18 THE COURT: MR. FURSTMAN, THERE HAS BEEN TESTIMONY HERE
19 THAT MR. LEVIN WAS A SCAM ARTIST AND THAT HE OWNED MONEY,
20 OWED A LOT OF LOT OF MONEY TO A LOT OF LOT OF PEOPLE. SUPPOSE
21 HE HAD NOT PAID YOU THE \$25,000 FOR THE PRELIM AND THE
22 \$50,000 FOR THE TRIAL, WOULD YOU HAVE REPRESENTED HIM WITHOUT
23 ANY FEES?

24 THE WITNESS: NO.

25 THE COURT: THEN, WHAT WOULD BE HIS OPTION? WAS THERE
26 ANYBODY ELSE THAT COULD REPRESENT HIM WITHOUT ANY FEES?

27 THE WITNESS: PERHAPS MR. LEVIN COULD HAVE FOUND
28 SOMEBODY WHO WOULD REPRESENT HIM. WE WOULD NOT HAVE DONE IT.

1 THE COURT: DID YOU EVER HEAR OF THE PUBLIC DEFENDER?

2 THE WITNESS: CERTAINLY.

3 THE COURT: THE PUBLIC DEFENDER REPRESENTS PEOPLE,
4 INDIGENT PEOPLE THAT CAN'T AFFORD A LAWYER, IS THAT RIGHT?

5 THE WITNESS: THAT'S RIGHT.

6 THE COURT: THEY HAVE SOME EXCELLENT AND COMPETENT
7 LAWYERS IN THE PUBLIC DEFENDER'S OFFICE, HAVE THEY NOT?

8 THE WITNESS: ABSOLUTELY.

9 THE COURT: THEY COULD HAVE REPRESENTED HIM MAYBE JUST
10 AS ADEQUATELY AS YOU COULD?

11 THE WITNESS: I AM SURE THEY COULD HAVE DONE AN
12 EXCELLENT JOB.

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

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FURTHER REDIRECT EXAMINATION

16

BY MR. WAPNER:

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Q IN ADDITION, IF YOU MADE AN AGREEMENT WITH
MR. LEVIN THAT HE WAS GOING TO PAY YOU A CERTAIN AMOUNT OF
MONEY AND YOU GOT INTO THE MIDDLE OF A PRELIMINARY HEARING
OR TRIAL AND HE DIDN'T PAY YOU THE REST OF THE FEES, COULD
YOU APPLY TO THE COURT AND SAY THAT YOU WANTED TO BE
APPOINTED ON THE CASE?

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I AM NOT SAYING THAT THEY WOULD DO IT, BUT COULD
YOU ASK THE COURT TO PAY THE BALANCE OF YOUR FEES?

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A WELL, IT HAS BEEN DONE BEFORE. THAT IS USUALLY
IN VERY PROTRACTED CASES AND WHERE YOU ARE IN THE MIDST OF
LITIGATION AND THE DEFENDANT HAS SIMPLY RUN OUT OF FUNDS.

AND THEY HAVE MADE AN INQUIRY AND FOUND THAT

1 THEY HAVE NO TANGIBLE ASSETS OR OTHER SOURCE OF INCOME TO
2 PAY THE ATTORNEY.

3 THAT HAPPENS USUALLY WHERE THERE IS YOU KNOW,
4 A MAJOR CONCERN BECAUSE OF THE CONTINUITY OF COUNSEL AND YOU
5 ARE IN THE MIDDLE OF A VERY, VERY LENGTHY TRIAL.

6 THE COURT: THE COURT WILL ORDER YOU TO STAY IN THE
7 CASE AND PAY YOU FOR IT OUT OF THE COUNTY FUNDS?

8 THE WITNESS: THE COURT HAS ORDERED ME TO STAY IN CASES
9 BEFORE AND I HAVE NOT BEEN REIMBURSED FOR IT. THAT HAS
10 HAPPENED, AS WELL.

11 THE COURT: IN OTHER WORDS, YOU COULD JUST AS WELL HAVE
12 REPRESENTED HIM EVEN WITHOUT GETTING ANY MORE MONEY DIRECTLY
13 FROM HIM? YOU COULD HAVE GOTTEN IT FROM OTHER SOURCES, NAMELY
14 THE COUNTY, BY MAKING APPLICATION TO THE COURT?

15 THE WITNESS: YES. BUT, FROM MY EXPERIENCE, ON A
16 SUBSTANTIALLY REDUCED RATE, AS WELL.

17 THE COURT: DO YOU HAVE ANY QUESTIONS ABOUT THAT?

18 MR. BARENS: YES I DO.

19 THE COURT: ABOUT COUNSEL BEING PAID FROM THE COUNTY
20 IN THE MIDDLE OF A TRIAL?

21 MR. BARENS: WELL, I WOULD LIKE TO ASK MY QUESTION THAT
22 I HAVE TO ASK, YOUR HONOR.

23 THE COURT: WELL, OKAY.

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CROSS-EXAMINATION

26

BY MR. BARENS:

27

Q TO YOUR KNOWLEDGE, DO YOU BELIEVE MR. LEVIN

28

COULD HAVE QUALIFIED FOR THE PUBLIC DEFENDER?

1 MR. WAPNER: OBJECTION, LACK OF FOUNDATION.

2 MR. BARENS: NO, THE JUDGE ASKED HIM --

3 THE COURT: DO YOU KNOW ABOUT HIS FINANCIAL CONDITION?

4 COULD HE HAVE QUALIFIED FOR THE PUBLIC DEFENDER?

5 THE WITNESS: WELL, IF I COULD EXPLAIN --

6 THE COURT: YES, SURELY.

7 THE WITNESS: I WOULD HAVE TO QUALIFY MY ANSWER. BASED
8 ON WHAT I HAD SEEN OF RON LEVIN'S APARTMENT AND I WAS NOT
9 REALLY AWARE OF HIS FINANCIAL CONDITION -- BASED UPON WHAT
10 I HAD SEEN, I WOULD DOUBT THAT A PERSON WHO APPEARED TO HAVE
11 THAT LIFESTYLE, COULD QUALIFY FOR THE SERVICES OF THE PUBLIC
12 DEFENDER.

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1 THERE HAVE CERTAINLY BEEN SITUATIONS WHERE
2 INDIVIDUALS DESPITE CERTAIN TANGIBLE ASSETS AND LIFESTYLE,
3 HAVE BEEN ABLE TO CONVINCED THE PUBLIC DEFENDER'S OFFICE OR
4 THE COURT THAT THEY ARE IN NEED OF THEIR SERVICES.

5 THE COURT: YOU MEAN, HE WOULD BE REQUIRED TO SELL ALL
6 OF HIS CLOTHING BEFORE HE WOULD QUALIFY?

7 THE WITNESS: NO, ABSOLUTELY NOT.

8 THE COURT: WHAT WOULD HE BE REQUIRED TO SELL, BEFORE
9 HE WOULD QUALIFY?

10 THE WITNESS: WELL, I DON'T KNOW THAT THE COURT WOULD
11 ACTUALLY -- I RARELY HAVE SEEN THE SITUATION WHERE THE COURT
12 FORCED ANYBODY TO SELL ANY OF THEIR PROPERTY TO QUALIFY.

13 THE COURT: SUPPOSE HE HAD SAID THAT EVERYTHING THAT
14 HE HAD WAS BOUGHT OR BORROWED FROM BORROWED MONEY. THAT IS,
15 WHICH HE OWED TO EVERYBODY?

16 THE WITNESS: WELL THEN, HE CERTAINLY HAD NOTHING TO
17 SELL.

18 THE COURT: ALL RIGHT.

19 THE WITNESS: AND THAT IS BASED UPON -- AT THE TIME
20 I REPRESENTED MR. LEVIN, I HAVE NO IDEA WHAT WAS IN HIS
21 ACCOUNTS.

22 THE COURT: THE ONLY REASON I ASK YOU THIS, IT HAS BEEN
23 ESTABLISHED IN THIS CASE, THAT THE MAN OWED EVERYBODY AND
24 HE WAS A CON MAN. HE HAD NO MONEY OF HIS OWN AND --

25 MR. BARENS: OBJECTION, YOUR HONOR. WE HAVE NOT
26 ESTABLISHED --

27 THE COURT: THAT HE HAD NO MONEY OF HIS OWN. HE OWED
28 A LOT OF MONEY TO OTHER PEOPLE. THAT IS SO FAR, WHAT HAS

1 HAPPENED.

2 MR. BARENS: YOUR HONOR IS TESTIFYING.

3 THE COURT: WOULD YOU BE QUIET A MINUTE.

4 MR. BARENS: SORRY. I WILL NOT BE SILENT WHEN YOU
5 MISSTATE THE EVIDENCE AND --

6 THE COURT: YOU WILL BE SILENT. IT IS IN THE RECORD.
7 WILL YOU BE QUIET?

8 GIVE ME AN OPPORTUNITY TO ASK THE QUESTION.

9 MR. BARENS: SIR, RESPECTFULLY, I DISAGREE WITH YOU.
10 YOU ARE TESTIFYING TO THE JURY AND --

11 THE COURT: ASSUME THAT -- ASK THE GENTLEMAN TO SIT
12 DOWN, WILL YOU?

13 THE BAILIFF: SIT DOWN.

14 THE COURT: ASSUMING THAT TESTIMONY WOULD SHOW IF IT
15 HAS NOT ALREADY SHOWN THAT HE HAD NO MONEY OF HIS OWN, HE
16 OWED EVERYBODY SUBSTANTIAL SUMS OF MONEY AND HE HAD NO
17 ASSETS OF ANY APPRECIABLE AMOUNT AND HE COULDN'T AFFORD TO
18 PAY YOU THE \$75,000, DO YOU THINK HE WOULD QUALIFY AS AN
19 INDIGENT PERSON?

20 THE WITNESS: YES.

21 THE COURT: ALL RIGHT. NOW YOU CAN ASK YOUR QUESTIONS.

22 MR. BARENS: SIR, I HAVE AN OBJECTION FOR THE RECORD.

23 THE COURT: THE OBJECTION HAS BEEN NOTED TO MY QUESTIONS
24 ASKED OF THIS WITNESS.

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

26 THE COURT: NO.

27 MR. BARENS: THE DEFENSE WOULD HAVE A MOTION AT THIS
28 TIME, IF WE MIGHT APPROACH.

1 THE COURT: A MOTION? YES.

2 (THE FOLLOWING PROCEEDINGS WERE HELD
3 AT THE BENCH:)

4 THE COURT: LET ME FIRST INDICATE MY REASON FOR HAVING
5 ASKED THOSE QUESTIONS. YOU HAD TRIED TO IMPLY TO THE JURY
6 BY THE QUESTIONS YOU ASKED HIM, ABOUT THE FEES THAT HE WAS
7 GOING TO GET, \$25,000, \$50,000, THE IMPLICATION THAT THE MAN
8 HAD NO MONEY AND HE WOULD BE RUNNING AWAY. HE HAD NO MONEY
9 TO PAY AND THEREFORE HE WOULD BE RUNNING AWAY. THAT IS THE
10 REASON I ASKED THEM.

11 NOW, GO AHEAD AND MAKE YOUR OBJECTION.

12 MR. BARENS: THANK YOU. YOUR HONOR, PRELIMINARILY,
13 I WOULD LIKE TO SAY THAT THERE HAS BEEN SUBSTANTIAL EVIDENCE
14 ADDUCED THAT MR. LEVIN HAD MONEY OR THE ACCESS TO MONEY.

15 THE COURT: WHAT EVIDENCE IS THAT?

16 MR. BARENS: THERE WAS TESTIMONY THAT SUGGESTED THAT
17 HE HAD GOTTEN ONE HUNDRED FIFTY-SOME ODD DOLLARS FROM
18 PROGRESSIVE SAVINGS AND LOAN, RESULTING IN LITIGATION.

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1 THE COURT: THERE ISN'T ANY SUCH INDICATION THAT HE
2 IS THE ONE THAT GOT IT? THERE IS NO SUCH EVIDENCE.

3 MR. BARENS: YOUR HONOR MIGHT RECALL THE TESTIMONY
4 EARLIER TODAY FROM THE WITNESS WAS THAT MR. LEVIN HAD GOTTEN --
5 HAD PUT SOME CHECKS TO PROGRESSIVE SAVINGS AND LOAN AND HAD
6 GOTTEN SOME MONEY FROM PROGRESSIVE SAVINGS AND LOAN, WHICH
7 RESULTED IN A LAWSUIT THAT INVOLVED THE WITNESS, MR. MARMOR,
8 EARLIER TODAY.

9 SECONDARILY, WE HAD TESTIMONY, YOUR HONOR, THAT
10 HE HAD A STACK TWO INCHES THICK OF AMERICAN EXPRESS -- I AM
11 NOT SURE THEY WERE AMERICAN EXPRESS -- BUT TRAVELER'S CHECKS,
12 IN ANY EVENT, ON HIS TABLE, THAT THE WITNESS INDICATED WERE
13 AT LEAST TWO INCHES OR MORE THICK.

14 THERE WAS TESTIMONY EARLIER ON MR. LEVIN TELLING
15 A VARIETY OF PEOPLE THAT HE HAD MADE MILLIONS OF DOLLARS.
16 THERE HAS BEEN TESTIMONY THROUGH THIS TRIAL THAT MR. LEVIN
17 HAD A --

18 THE COURT: WELL, IF HE HAD ALL OF THOSE MONEYS, WHAT
19 WAS THE PURPOSE OF YOUR ASKING HIM ABOUT THESE BIG FEES THAT
20 HAD BEEN CHARGED AND INDICATING TO THE JURY HE DIDN'T HAVE
21 ANY MONEY TO PAY IT?

22 MR. BARENS: MIGHT I RESPOND?

23 THE COURT: AND THAT IS THE REASON HE WOULD RUN AWAY.

24 MR. BARENS: MIGHT I RESPOND, YOUR HONOR?

25 I HAD SAID IN MY OPENING STATEMENT, IF YOUR HONOR
26 WILL RECALL, THAT MR. LEVIN HAD NO INTENTION IN PAYING
27 EXPENSIVE ATTORNEY FEES AND MY SUGGESTION TO THE JURY WAS
28 HE DID NOT WANT TO PAY ANY ATTORNEY'S EXPENSIVE FEES. HE

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1 DIDN'T WANT TO PAY ANYBODY, THE WITNESSES HAVE SHOWN, LET
2 ALONE ATTORNEYS. AND ONE OF THE CONSIDERATIONS, THE EVIDENCE
3 WILL SHOW, HE DIDN'T WANT TO PAY THAT MONEY TO THE LAWYERS.

4 THE COURT: ALL RIGHT, YOU HAVE MADE YOUR RECORD.
5 OKAY.

6 MR. BARENS: YOUR HONOR -- YOUR HONOR -- I WOULD
7 RESPECTFULLY, YOUR HONOR, FOR THE RECORD, MOVE FOR A MISTRIAL
8 AT THIS POINT AND I WOULD LIKE TO STATE MY REASONS.

9 THE COURT: NO, YOU DON'T HAVE TO.

10 MR. BARENS: YOU WON'T LET ME STATE MY REASONS?

11 THE COURT: YOU HAVE ALREADY STATED THAT IN THE CONTEXT
12 OF WHAT YOU HAVE JUST SAID.

13 MR. BARENS: I HAVE ANOTHER REASON.

14 THE COURT: WHAT IS YOUR REASON?

15 MR. BARENS: I BELIEVE THIS, AS COUNSEL, AND THIS IS
16 THE FIRST TIME I HAVE EVER HAD THE EXPERIENCE IN 18 YEARS
17 OF APPEARING BEFORE THIS AND OTHER COURTS, THE RECORD SHOULD
18 REFLECT THAT A BAILIFF APPROACHED ME AND I WAS HUMILIATED
19 IN FRONT OF THE JURY BY HAVING THE BAILIFF APPROACH ME TO
20 HAVE ME SEATED.

21 THE COURT: BECAUSE I DIRECTED YOU NOT TO SAY ANYTHING
22 AND YOU INSISTED ON TALKING.

23 MR. BARENS: YOUR HONOR, I SIMPLY STOOD THERE AND SAID
24 I HAD AN EXCEPTION. I TRIED TO ACT WITH RESPECT TO THE COURT,
25 YOUR HONOR.

26 THE COURT: LET'S HAVE NOTHING FURTHER. I HAVE HEARD
27 ALL OF IT NOW. THAT IS ENOUGH. LET'S GET ON WITH THE TRIAL.

28 MR. BARENS: THANK YOU, YOUR HONOR.

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(THE FOLLOWING PROCEEDINGS WERE HELD IN
OPEN COURT IN THE HEARING AND PRESENCE
OF THE JURY:)

THE COURT: ANYTHING FURTHER? THIS WITNESS MAY BE
EXCUSED?

MR. WAPNER: I HAVE NOTHING FURTHER OF THIS WITNESS.

THE COURT: ALL RIGHT, THANK YOU VERY MUCH, MR. FURSTMAN.

THE WITNESS: CERTAINLY.

THE COURT: YOU ARE EXCUSED.

1 MARK A. GELLER,
2 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
3 AS FOLLOWS:

4 THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY
5 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL
6 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
7 SO HELP YOU GOD.

8 THE WITNESS: I DO.

9 THE CLERK: IF YOU WOULD BE SEATED THERE AT THE
10 WITNESS STAND.

11 STATE YOUR NAME FOR THE RECORD.

12 THE WITNESS: MARK A. GELLER, G-E-L-L-E-R.

13 THE CLERK: AND YOUR FIRST NAME IS SPELLED?

14 THE WITNESS: MARK, M-A-R-K.

15

16

DIRECT EXAMINATION

17

BY MR. WAPNER:

18

Q MR. GELLER, DO YOU KNOW THE PERSON DEPICTED IN
19 PEOPLE'S 6 FOR IDENTIFICATION?

20

A YES, I DO.

21

Q WHO WAS THAT PERSON?

22

A IT IS RONALD LEVIN.

23

Q DID HE LOOK APPROXIMATELY THE WAY HE APPEARS
24 IN THIS PICTURE WHEN YOU KNEW HIM IN JUNE OF 1984?

25

A YES, HE DID.

26

Q HE HAD A BEARD AT THAT TIME?

27

A I BELIEVE SO, YES.

28

Q WHEN DID YOU MEET RON LEVIN?

1 A IN 1973.

2 Q WHAT WERE YOU DOING AT THAT TIME?

3 A I HAD JUST TAKEN THE BAR EXAM AND I WAS LOOKING
4 FOR EMPLOYMENT AS A CLERK IN LAW FIRMS.

5 Q WHAT WAS MR. LEVIN DOING IN THAT CONNECTION THAT
6 CAUSED YOU TO MEET HIM?

7 A MR. LEVIN HAD A COMPANY CALLED NATIONAL LAW
8 INSTITUTE, WHICH PROVIDED LEGAL RESEARCH TO LAWYERS AND FROM
9 TIME TO TIME HAD OCCASION TO HIRE BOTH LAWYERS AND LAW CLERKS
10 TO DO RESEARCH.

11 Q DID YOU GO INTO THAT BUSINESS SEEKING EMPLOYMENT?

12 A IT WAS AN INTERIM SITUATION. I WAS WAITING FOR
13 THE BAR.

14 I WAS STILL LOOKING FOR A FULL TIME EMPLOYMENT
15 AS A LAW CLERK AND THEN, OF COURSE, IF I PASSED, AS A LAWYER.

16 Q DID YOU GO TO THAT OFFICE TO TALK TO MR.
17 LEVIN ABOUT --

18 A YES.

19 Q -- DOING LEGAL RESEARCH?

20 A YES, I DID. YES, I DID.

21 Q DID YOU WORK FOR MR. LEVIN AT THAT TIME?

22 A FOR A VERY SHORT TIME. I DID A VERY SMALL
23 RESEARCH PROJECT FOR HIM.

24 Q THEN WHAT DID YOU DO?

25 A I BECAME FRIENDLY WITH HIM.

26 I HAD ALSO MET MY WIFE, OR MY WIFE-TO-BE, AT
27 THAT LAW OFFICE THE SAME DAY I MET RON.

28 Q WHAT WAS SHE DOING AT THE OFFICE?

1 A SHE WAS A RECEPTIONIST, LEGAL SECRETARY.

2 Q WHEN IN 1973 WAS THAT, DO YOU REMEMBER?

3 A '73 -- ACTUALLY, IT MAY HAVE BEEN EARLY '84,
4 I THINK I GRADUATED.

5 Q '84 OR '74?

6 A EXCUSE ME.

7 '74.

8 I GRADUATED IN DECEMBER OF '73 AND TOOK THE BAR,
9 THE FEBRUARY BAR, SO IT WAS AROUND FEBRUARY, MARCH OF '74.

10 Q WE WON'T TELL YOUR WIFE THAT YOU DIDN'T REMEMBER
11 EXACTLY WHEN IT WAS THAT YOU MET HER.

12 AND DID YOU BECOME FRIENDS WITH MR. LEVIN ALMOST
13 IMMEDIATELY AFTER THAT?

14 A YES, I DID.

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1 Q WHAT WAS THE NATURE OF YOUR FRIENDSHIP WITH HIM?

2 A WELL, INITIALLY, IT WAS SOCIAL AND THEN, OF
3 COURSE, THROUGH THE YEARS IT BECAME MORE OF A BROTHERLY SORT
4 OF RELATIONSHIP.

5 WE WERE VERY CLOSE, AND ALSO WITH MY WIFE AND
6 WE HAVE SEVERAL CHILDREN, HE WAS UNCLE RONNIE. WE SOCIALIZED
7 QUITE A GREAT DEAL.

8 WE ALWAYS TALKED TO EACH OTHER. WE LIVED NEARBY
9 IN BEVERLY HILLS FOR MOST OF THAT PERIOD.

10 Q WHERE DID YOU LIVE?

11 A WE LIVED ON OAKHURST, WHICH IS, I GUESS, THREE-
12 QUARTERS OF A MILE MAYBE.

13 Q FROM WHERE HE LIVED ON PECK DRIVE?

14 A CORRECT.

15 Q WHEN DID YOU GET MARRIED TO YOUR WIFE?

16 A IN 1974, LATE 1974 -- EXCUSE ME -- 1975.

17 (LAUGHTER IN COURTROOM.)

18 Q OH, NOW YOU ARE REALLY IN TROUBLE.

19 A I AM IN TROUBLE. IT IS A GOOD THING SHE ISN'T
20 HERE TODAY.

21 MAY OF 1975.

22 Q ALL RIGHT. AND WHERE DID THAT CEREMONY TAKE
23 PLACE?

24 A IN LOS ANGELES.

25 Q WHO WAS THERE?

26 A RON, WHO WAS THE BEST MAN, AND A FEMALE FRIEND
27 OF MY WIFE'S.

28 Q SO THERE WERE JUST FOUR PEOPLE, IT WAS YOU, YOUR

1 WIFE, A FRIEND OF YOUR WIFE'S?

2 A YES, THAT'S CORRECT.

3 Q AND RON LEVIN?

4 A YES.

5 Q AND HE WAS THE BEST MAN?

6 A YES.

7 Q AND WHEN YOU SAY THAT YOUR FRIENDSHIP GREW TO
8 BE A BROTHERLY TYPE OF FRIENDSHIP, CAN YOU EXPLAIN THAT,
9 PLEASE?

10 A YOU KNOW, WE SAW EACH OTHER CONSTANTLY. WE
11 SHOPPED TOGETHER. WE TRAVELED TOGETHER.

12 AGAIN, AS I SAID, RON WAS SORT OF AN UNCLE TO
13 MY CHILDREN. HE WAS PRESENT DURING THE BIRTH OF MY TWO
14 YOUNGEST.

15 Q WHEN YOU SAY HE WAS PRESENT DURING THE BIRTH
16 OF YOUR TWO YOUNGEST CHILDREN, WHEN THE FIRST CHILD WAS BORN
17 WAS HE ACTUALLY AT THE HOSPITAL?

18 A RIGHT, YES, HE WAS.

19 Q AND THE SAME THING WHEN THE SECOND CHILD WAS
20 BORN?

21 A YES.

22 HE SPENT A GREAT DEAL OF TIME AT OUR HOUSE. WE
23 SPENT A GREAT DEAL OF TIME AT HIS HOUSE. WE ATE TOGETHER.
24 WE SHOPPED TOGETHER.

25 THERE WERE MANY TIMES WHEN WE WOULD SIMPLY HAVE
26 DINNER TOGETHER. I TRAVELED QUITE A BIT IN MY BUSINESS AND
27 HE WOULD HAVE DINNER WITH MY WIFE AND CHILDREN WHEN I WAS
28 GONE. THERE WERE TIMES WHEN I WOULD SOCIALIZE ALONE WITH

1 HIM TOGETHER.

2 THERE WAS RARELY A PERIOD WHERE WE DIDN'T SEE
3 EACH OTHER OR TALK TO EACH OTHER REGULARLY, WITH THE
4 EXCEPTION OF A PERIOD FROM 1978 TO MID 1980 WHEN I -- WHEN
5 MY WIFE AND I RELOCATED BACK EAST.

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1 Q WHEN YOU WENT BACK EAST, HOW LONG WERE YOU THERE?

2 A ABOUT TWO AND A HALF YEARS.

3 Q DURING THE TIME THAT YOU WERE BACK EAST, DID YOU
4 SPEAK WITH MR. LEVIN ON THE TELEPHONE?

5 A YES.

6 Q ABOUT HOW OFTEN?

7 A I WOULD SAY AT LEAST ONCE OR TWICE A WEEK,
8 ALTHOUGH WHEN HE WAS INCARCERATED -- HE WAS INCARCERATED
9 DURING THAT PERIOD. SO WHEN HE WAS INCARCERATED, WE TALKED
10 A LITTLE LESS FREQUENTLY.

11 Q YOU MEAN THAT YOU ARE TELLING ME YOU TALKED TO
12 HIM WHEN HE WAS IN JAIL?

13 A HE WOULD CALL ME COLLECT OR GET ACCESS TO A PHONE
14 SOMEHOW.

15 Q SO EVEN DURING THE TIME THAT HE WAS IN CUSTODY,
16 HE CALLED YOU?

17 A YES.

18 Q AND HOW OFTEN DID YOU SPEAK TO HIM WHEN HE WAS
19 IN CUSTODY?

20 A I WOULD SAY ABOUT ONCE EVERY OTHER WEEK OR EVERY
21 TEN DAYS OR SO. IT WAS FOR A BRIEF PERIOD, I THINK. HE WAS
22 ONLY INCARCERATED ABOUT SIX MONTHS OR MAYBE A LITTLE BIT LESS.

23 Q DOES THREE MONTHS SOUND LIKE IT IS RIGHT?

24 A IT WAS NOT THAT LONG, AS I RECALL.

25 Q YOU MENTIONED YOU WENT SHOPPING WITH HIM. DID
26 YOU AND MR. LEVIN WEAR THE SAME SIZE CLOTHES?

27 A YES.

28 Q DID YOU EVER EXCHANGE CLOTHES WITH HIM?

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1 A MANY TIMES WE BORROWED EACH OTHER'S THINGS.
2 WHEN HE WAS AT MY HOUSE AND HE NEEDED A JACKET, HE WOULD TAKE
3 MY JACKET AND BRING IT BACK A WEEK LATER OR IF MY TUX WAS
4 IN THE CLEANERS AND I NEEDED A TUX, I WOULD GO OVER AND
5 BORROW RONNIE'S.

6 Q HOW TALL ARE YOU?

7 A SIX ONE.

8 Q HOW TALL WAS HE?

9 A SIX ONE.

10 Q IN JUNE OF 1984, APPROXIMATELY HOW MUCH DID
11 MR. LEVIN WEIGH?

12 A ABOUT THE SAME AS I AM, 165 TO 170, SOMEWHERE
13 IN THERE. WE WERE VIRTUALLY THE IDENTICAL SIZE. THE ONLY
14 DIFFERENCE IS THAT RON HAD SMALLER FEET. I COULDN'T GET INTO
15 HIS SHOES.

16 Q SPEAKING OF WHICH, DID HE HAVE QUITE A FEW PAIRS
17 OF SHOES AT HIS HOUSE?

18 A MANY SHOES.

19 Q DID HE ENJOY SPENDING TIME WITH YOUR CHILDREN?

20 A YES. RON WAS VERY AFFECTIONATE. RON HAD A LOT
21 OF GOOD SIDES. IT IS A SHAME THAT WE ARE ONLY HEARING ABOUT
22 THE BAD SIDE OF RON LEVIN.

23 MR. BARENS: I MOVE TO STRIKE THAT AS NONRESPONSIVE,
24 YOUR HONOR.

25 THE COURT: ALL RIGHT. WE'LL STRIKE IT AS NONRESPONSIVE.

26 Q BY MR. WAPNER: DID HE ENJOY SPENDING TIME WITH
27 THE CHILDREN?

28 A YES.

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1 Q DID YOU MENTION SOMETHING ABOUT UNCLE RONNIE?
2 WHAT WAS THAT ABOUT?

3 A WELL, RON WAS YOU KNOW -- AGAIN, HE WAS ALWAYS
4 OVER. MY CHILDREN KNEW HIM FROM THEIR BIRTHS. THEY SIMPLY
5 KNEW HIM AS UNCLE RONNIE.

6 Q IS THAT HOW THEY REFERRED TO HIM?

7 A UNCLE RONNIE.

8 Q HOW OLD WERE YOUR CHILDREN IN 1984?

9 A MY MIDDLE SON WOULD HAVE BEEN ABOUT ABOUT SEVEN
10 AND THE BABY HAD JUST BEEN BORN A FEW MONTHS BEFORE JUNE OF
11 '84.

12 Q DID YOU HAVE ANOTHER SON BY A PREVIOUS MARRIAGE?

13 A YES.

14 Q HOW OLD IS HE?

15 A HE ALSO LIVES WITH US. HE IS CURRENTLY 16. SO
16 HE WOULD HAVE BEEN 13 AT THAT TIME.

17 Q AND WHAT KINDS OF THINGS WOULD YOU AND YOUR WIFE
18 DO WITH HIM BESIDES GOING SHOPPING? DID YOU GO TO RESTAURANTS,
19 FOR EXAMPLE?

20 A YES.

21 Q WHAT TYPES OF RESTAURANTS DID HE LIKE?

22 A RON LIKED THE BETTER RESTAURANTS, MR. CHOU,
23 SPAGO AND PLACES LIKE THAT.

24 AND RON FREQUENTED THE BETTER RESTAURANTS IN TOWN
25 AND THE BETTER CLOTHING ESTABLISHMENTS.

26 I MEAN, HE WAS A PERSON OF ALLEGED MEANS AND HE
27 ENJOYED IT.

28 Q DID HE ENJOY SPENDING TIME WITH CELEBRITY-TYPE

1 PEOPLE?

2 A YES. HE HAD QUITE A FEW FRIENDS YOU COULD
3 CATEGORIZE AS CELEBRITIES.

4 Q DID YOU EVER SPEND TIME WITH HIM IN THE COMPANY
5 OF MOHAMMED ALI?

6 A YES.

7 Q ANYONE ELSE YOU CAN RECALL?

8 A BIANCA JAGGER, PAUL MORRISEY, ANDY WARHOL. HE
9 KNEW QUITE A FEW PEOPLE.

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1 Q DID IT APPEAR HE LIKED TO BE AROUND THESE KINDS
2 OF PEOPLE?

3 A YES. WELL I THINK YOU KNOW, RON LIKED THE
4 ATTENTION THAT IT GOT HIM FROM OTHERS WHO WERE NOT SO
5 TO SPEAK, IN THE INNER CIRCLE OF BEING KNOWLEDGEABLE OR IN
6 THE COMPANY OF STAR QUALITY PEOPLE.

7 Q CAN YOU THINK OF OTHER THINGS THAT HE WOULD DO
8 TO TRY TO GET ATTENTION?

9 A WELL, I THINK A LOT OF THE ALLEGED SCAMS WERE
10 HIS METHOD OF -- YOU KNOW, HE WAS SORT OF AN ERRANT CHILD.
11 I MEAN, HE NEEDED ALL THIS ATTENTION.

12 I AM NOT REALLY QUITE SURE WHETHER YOU --

13 MR. BARENS: OBJECTION TO THAT IF YOU WOULD, YOUR HONOR.
14 I DON'T KNOW IF THE WITNESS HAS BEEN QUALIFIED TO GIVE AN
15 OPINION BASED ON A CONCLUSION THAT I BELIEVE ONLY A
16 PSYCHOLOGIST OR PSYCHIATRIST COULD DRAW. WHEN WE START
17 GIVING OPINIONS ABOUT PSYCHOLOGICAL MOTIVATIONS AND --

18 THE COURT: IS THAT AN OBJECTION?

19 MR. BARENS: YES IT IS.

20 THE COURT: OBJECTION OVERRULED.

21 MR. BARENS: THANK YOU, YOUR HONOR.

22 THE WITNESS: SORRY. I FORGOT THE QUESTION.

23 THE COURT: YOU WERE IN THE MIDDLE OF YOUR ANSWER AT
24 THAT PARTICULAR TIME. WOULD YOU READ BACK THE ANSWER AS FAR
25 AS YOU GOT, PLEASE? THANK YOU.

26 (THE RECORD WAS READ BY THE REPORTER.)

27 THE WITNESS: THAT HE IN FACT, GOT SOMETHING BY --
28 SOMETHING WAS ILL-GOTTEN GAINS THAT IN FACT, HE DIDN'T PAY

1 FOR IT. RON DID HAVE INCOME FROM VARIOUS BUSINESS.

2 AND I THINK IF YOU CALCULATED AT LEAST TO MY
3 KNOWLEDGE FROM THE YEARS THAT I KNEW HIM, IF YOU CALCULATED
4 THE AMOUNT OF MONEY THAT HE SPENT ON A MONTHLY BASIS, HE HAD
5 INCOME THAT CLOSELY APPROACHED IT.

6 Q DID HE LIKE TO GO TO PLACES SUCH AS THE BEVERLY
7 HILLS HOTEL?

8 A YES.

9 Q DID YOU EVER SEE HIM AT THE POOL AT THE BEVERLY
10 HILLS HOTEL?

11 A MANY TIMES. WE WOULD SPEND A SATURDAY OR A
12 SUNDAY AT THE POOL. HE WOULD HAVE A CABANA. MOST OF THE
13 TIME HE DID. HE WOULD HAVE RENTED A ROOM IN ORDER TO GET
14 A CABANA.

15 YOU CAN'T GET JUST A CABANA FOR THE DAY.

16 HE WOULD ALSO TAKE A ROOM FOR THE EVENING IF HE
17 WANTED A CABANA.

18 Q DIDN'T HE LIVE LIKE VERY CLOSE TO THE BEVERLY
19 HILLS HOTEL?

20 A ABOUT TWO MILES, YES.

21 HE ALSO STAYED AT THE BEVERLY WILSHIRE HOTEL.
22 I HAVE KNOWN HIM TO HAVE A ROOM AT THE BEVERLY WILSHIRE HOTEL
23 AND THE CENTURY PLAZA AND OTHER HOTELS.

24 HE ENJOYED HOTELS.

25 Q WHEN WAS THE LAST TIME YOU SAW HIM?

26 A I SAW HIM THE WEEKEND BEFORE HE DISAPPEARED AT
27 THE BEVERLY HILLS HOTEL. HE WAS THERE WITH MY WIFE AND
28 CHILDREN.

1 Q WAS HE AT THE POOL?

2 A YES. HE HAD AN UPPER LEVEL CABANA ON THE EAST
3 SIDE OF THE POOL.

4 Q IN ALL OF THE TIMES YOU WENT TO THE BEVERLY HILLS
5 HOTEL AND YOU SAW HIM AT THE POOL, DID YOU EVER SEE HIM SWIM?

6 A NEVER.

7 Q DID HE EVER HAVE SWIMMING TRUNKS ON?

8 A RON CONSISTENTLY WOULD WEAR EITHER A PAIR OF SHORTS
9 WITH LONG SOCKS AND SHOES. HE WOULD RARELY TAKE HIS SHIRT
10 OFF.

11 GENERALLY, HE HAD ON SOME SORT OF ROBE OR SHIRT
12 COVERING. HE DID NOT LIKE THE SUN.

13 Q IN THAT SAME VEIN, DID HE LIKE TO EXERCISE A LOT
14 OR WORK OUT?

15 A NO. RON'S IDEA OF EXERCISE WOULD BE TO HAVE YOU
16 KNOW, 12 FRIENDS OVER FOR A BIG MEAL.

17 Q 12 FRIENDS OVER FOR A BIG MEAL?

18 A YEAH.

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1 Q TELL ME ABOUT HIS RELATIONSHIP WITH HIS MOTHER.

2 A HE WAS VERY CLOSE WITH HIS MOTHER.

3 I, YOU KNOW, SAW HIS MOTHER AT HIS HOME MANY
4 TIMES. I HAVE SEEN HER. I HAVE BEEN IN HIS HOME WHERE HE
5 HAD TALKED TO HER ON THE PHONE MANY, MANY TIMES AND MRS. LEVIN,
6 OF COURSE, KNEW ME BY SIGHT.

7 Q AFTER YOU SAW HIM AT THE BEVERLY HILLS HOTEL
8 ON THE WEEKEND -- THAT WAS THE WEEKEND BEFORE JUNE 6TH?

9 A YES.

10 Q DID YOU TALK TO HIM AFTER THAT?

11 A I -- I HAD TO GO OFF ON A BUSINESS TRIP, I THINK
12 I WENT TO SAN DIEGO RIGHT AFTER THAT WEEKEND AND WHEN I
13 RETURNED, I STARTED CALLING HIM AND I KEPT GETTING THE SERVICE.

14 THEY KNEW MY VOICE BECAUSE I HAD THE SAME SERVICE
15 AT THE TIME AND I ASKED THEM IF RON WAS CALLING IN AND THEY
16 SAID THEY HADN'T HEARD FROM HIM.

17 Q WAS THAT UNUSUAL?

18 A IT WAS VERY UNUSUAL, YES.

19 Q WERE YOU FAMILIAR WITH HIS PRACTICE OF CALLING
20 IN FOR HIS MESSAGES?

21 A YES, YES.

22 Q DID THAT SEEM TO BE IMPORTANT TO HIM?

23 A RON LIVED BY THE PHONE AND HIS PHONE CONTACTS,
24 ESSENTIALLY.

25 Q WHAT DO YOU MEAN BY THAT?

26 A WELL, ALL OF HIS BUSINESS WAS ESSENTIALLY DONE
27 OVER THE PHONE.

28 I MEAN RON DOESN'T HAVE A WAREHOUSE OR A FACTORY

1 WHERE THEY BUILT WIDGETS. I MEAN HIS WAS A SERVICE BUSINESS.
2 MOST OF HIS BUSINESS WERE SERVICE BUSINESSES. HE SOLD LEGAL
3 RESEARCH OR HE SOLD GOLD CHAINS BY MAIL OR HE WAS INVOLVED
4 WITH STOCKS OR SOMETHING. AND IT WAS ALL TELEPHONE WORK.

5 IT WASN'T FACTORY WORK.

6 Q HAD YOU EVER BEEN SOMEWHERE WITH HIM WHEN HE
7 WOULD CALL IN FOR HIS MESSAGES?

8 A OH, MANY TIMES HE WOULD CALL IN FROM MY HOUSE
9 OR FROM DINNER OR FROM THE HOTEL OR, YOU KNOW, FROM AN
10 AIRPORT.

11 Q WOULD IT BE UNUSUAL FOR HIM TO GO EVEN A FEW
12 HOURS WITHOUT CHECKING HIS MESSAGES?

13 A WELL, NOT -- CERTAINLY NOT MORE THAN THREE.

14 Q NOT MORE THAN THREE HOURS?

15 A PROBABLY LESS.

16 BUT I HAVENEVER SEEN HIM GO MORE THAN THREE HOURS.

17 I HAVE SAT AND HAD A CONVERSATION WITH HIM FOR
18 SEVERAL HOURS WHERE HE HASN'T RUN TO THE PHONE, BUT HE WAS
19 A REGULAR CHECK-IN WITH THE SERVICE.

20 Q WOULD IT BE UNUSUAL FOR HIM TO GO TWO AND A HALF
21 YEARS WITHOUT CHECKING FOR HIS MESSAGES?

22 A VERY.

23 Q DID YOU KNOW THAT HE WAS PLANNING TO GO TO NEW
24 YORK?

25 A YES, I DID.

26 HE ASKED ME IF MY WIFE AND I WOULD LIKE TO MEET
27 HIM THERE, BECAUSE I TRAVELED BACK TO NEW YORK ONCE A MONTH.

28 Q AND WHEN DID HE ASK YOU THAT?

1 A ABOUT A WEEK BEFORE WE SAW HIM AT THE HOTEL.

2 Q WHAT DID YOU SAY?

3 A I SAID THAT I WOULDN'T BE ABLE TO MAKE IT THAT
4 WEEK BECAUSE I HAD OTHER BUSINESS PLANS IN THE SOUTH.

5 Q WHAT DID HE SAY?

6 A HE SAID "FINE," YOU KNOW, "WE WILL GET TOGETHER
7 BEFORE I GO. SEE YOU LATER."

8 I MEAN --

9 Q DID YOU PURCHASE ANY AIRLINE TICKETS FOR HIM?

10 A NO -- AT THAT TIME?

11 Q FOR THAT PARTICULAR TRIP?

12 A NO, NO.

13 Q THERE WERE SOME TICKETS FOUND AT HIS HOUSE WITH
14 YOUR NAME ON THEM. DO YOU KNOW HOW THAT CAME TO PASS?

15 A I AM NOT REALLY SURE. I CAN ONLY SPECULATE.

16 Q IF I SHOW YOU THE TICKETS THAT WE HAVE MARKED
17 AS PEOPLE'S 7, DO YOU RECOGNIZE THOSE?

18 A NO, I DON'T.

19 Q YOU DIDN'T PURCHASE THOSE TICKETS?

20 A NO, I DIDN'T.

21 THESE SAY "FREE" ON THEM, BY THE WAY, "NON-
22 REFUNDABLE."

23 Q YOU DON'T KNOW HOW HE GOT HOLD OF THOSE?

24 MR. BARENS: I BEG YOUR PARDON. THERE WAS NO QUESTION
25 EVIDENTLY PENDING.

26 THE WITNESS: SORRY.

27 THE COURT: ALL RIGHT. I WILL STRIKE IT. THERE WAS
28 NO QUESTION PENDING.

1 DO YOU WANT TO ASK HIM A QUESTION?

2 Q BY MR. WAPNER: IS THERE SOME NOTATION ON THERE
3 ABOUT THE PRICE THAT WAS PAID FOR THOSE TICKETS?

4 A IT INDICATES IN THE FORM OF PAYMENT BOX AT THE
5 LOWER RIGHT-HAND CORNER, "FREE. NON-REFUNDABLE".

6 Q DID YOU KNOW HE HAD A CASE PENDING AGAINST HIM
7 IN THE BEVERLY HILLS MUNICIPAL COURT, A CRIMINAL CASE?

8 A THAT, I WAS VERY AWARE OF THAT.

9 Q DID HE TALK ABOUT IT OFTEN?

10 A WELL, WE TALKED ABOUT IT.

11 I HAD VISITED HIM IN JAIL WHEN HE WAS ARRESTED
12 FOR IT.

13 Q DID HE SEEM TO BE -- WHAT WAS HIS ATTITUDE ABOUT
14 THE CASE?

15 A HE WAS MAD THAT IT WAS EVEN FILED CRIMINALLY.

16 Q WHY?

17 A BECAUSE HE FELT THAT IT WAS A CIVIL MATTER AND
18 THAT IT NEVER SHOULD HAVE BEEN FILED CRIMINALLY AND THAT ONE
19 OF THE INDIVIDUALS WHOSE EQUIPMENT ALLEGEDLY WAS FRAUDULENTLY
20 OBTAINED BY RON HAD INSTIGATED THE CASE AND SOMEHOW CONVINCED
21 SOMEONE IN THE POLICE DEPARTMENT TO FILE CRIMINAL CHARGES
22 IN FURTHERANCE OF HIS -- WHAT RON WOULD CATEGORIZE AS A
23 CIVIL CLAIM AS OPPOSED TO A CRIMINAL MATTER.

24 Q DID HE EXPRESS TO YOU SOME CONCERN -- ANY CONCERN
25 ABOUT WHAT WAS GOING TO HAPPEN TO HIM AS A RESULT OF THE CASE?

26 A NO.

27 Q DID HE APPEAR TO BE AFRAID OF THE CASE?

28 A NO, NOT AT ALL.

7-5

1 Q AS FAR AS HIS ATTITUDE ABOUT WHAT WAS GOING TO
2 HAPPEN WITH THE CASE, WHAT WAS THAT?

3 A THAT HE WAS GOING TO GET ALL OF HIS PROPERTY
4 BACK AND HE WAS GOING TO SUE EVERYBODY INVOLVED AND THE WHOLE
5 THING WAS A JOKE.

6 Q DID HE BRAG ABOUT TAKING MONEY FROM PEOPLE OR
7 THINGS FROM PEOPLE AND NOT PAYING FOR THEM?

8 A YES.

9 Q WAS THAT A FAIRLY COMMON OCCURRENCE?

10 A YES.

11 I DIDN'T ALWAYS BELIEVE HIM, THOUGH.

12 Q DID YOU KNOW AT ONE POINT THAT HE HAD TAKEN A
13 VACATION TO AUSTRALIA IN, LIKE, LATE '83?

14 A I DON'T RECALL THAT TRIP.

15 Q DURING THE COURSE OF YOUR FRIENDSHIP WITH HIM,
16 HAD HE EVER CALLED YOU WHEN HE WENT OUT OF TOWN?

17 A OH, YES, MANY TIMES.

18 HE CALLED ME FROM EUROPE, NEW YORK, FLORIDA AND
19 THE CARRIBBEAN.

20 Q AND SO IT WAS COMMON THAT WHEN HE WOULD GO OUT
21 OF TOWN THAT HE WOULD CALL YOU?

22 A OH, YES.

23 NOT UNUSUAL.

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1 Q DID HE APPEAR TO ENJOY LITIGATION?

2 A I THINK RON WAS RELATIVELY LITIGIOUS. I DON'T
3 KNOW WHETHER HE ENJOYED IT.

4 I THINK HE LIKED THE ACTION, WHETHER IT WAS
5 LITIGATION OR OTHER FORMS OF CONSTERNATION.

6 Q WHAT DO YOU MEAN BY THAT? CAN YOU EXPLAIN IT?

7 A RON WAS NEVER TROUBLED BY PEOPLE CALLING UP FOR
8 BILLS OR MONEY. HE WAS NOT INTIMIDATED BY ANYBODY. I THINK
9 HE LIKED THE ATTENTION.

10 Q THE ATTENTION OF PEOPLE CALLING HIM UP AND ASKING
11 FOR MONEY?

12 A RIGHT, BEING ABLE TO SAY THAT HE HAD LOTS OF
13 CREDITORS AND I USED TO CALL HIM THE POT AND PAN THIEF.

14 HE WAS NOT A SORT OF AN AGGRESSIVE THIEF WHERE
15 HE GOT INTO FORCE OR THERE WERE OTHER PEOPLE INVOLVED. HE
16 HAD A WAY, A VERY GOOD KNOWLEDGE OF THE LAW.

17 HE PLAYED ON OTHER PEOPLE'S GREED. HE WAS VERY
18 GOOD AT GETTING GOODS AND SERVICES FROM PEOPLE WHO WERE
19 OVERZEALOUS IN THEIR SALES ACTIVITIES AND IT WAS SORT OF
20 HAVING THE ONE-UPMANSHIP OF RECEIVING THOSE GOODS AND
21 SERVICES.

22 Q GIVE ME AN EXAMPLE OF ENJOYING PLAYING ON
23 SOMEBODY'S GREED?

24 A WELL FOR INSTANCE, I THINK THERE WAS A TIME WHEN
25 I WAS AT HIS HOME ONE DAY AND MRS. LEVIN'S HOUSEBOY, JOSEPH
26 WAS THERE.

27 AND RON WENT WITH JOSEPH AND WENT TO AN ART
28 GALLERY. HE WOULD GO TO THE ART GALLERY AND HE WOULD BUY

A-2
1 THREE PICTURES WHICH WERE RELATIVELY EXPENSIVE.

2 AND THEN IN THE SALESMAN'S QUEST FOR SELLING HIM
3 ADDITIONAL PICTURES, THEY WOULD CALL RON AND SAY WELL, DO
4 YOU REMEMBER THAT ONE THAT YOU SAW ON THE LEFT OF THE OTHERS
5 AND HE WOULD SAY YES. I REMEMBER THAT.

6 WELL, THEN HE WOULD SAY SEND IT OVER TO ME BY
7 MEMO, ON A BILL. AND ONCE HE HAD IT, OF COURSE IT WAS HIS.
8 AND THERE WAS NO PAYMENT FORTHCOMING.

9 Q DID HE APPEAR TO YOU TO ENJOY THAT?

10 A YES HE DID. I THINK HE ENJOYED IT. YES, HE
11 ENJOYED IT.

12 Q DID YOU SEE A PHOTOGRAPH THAT HE HAD IN HIS HOUSE
13 THAT HAD SOMETHING TO DO WITH HIM AND HIS CREDITORS?

14 A YES. IT WAS GIVEN TO HIM BY AN ACQUAINTANCE OF
15 HIS.

16 Q WHO GAVE IT TO HIM?

17 A I BELIEVE IT WAS BRENT MERRIT.
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1 Q WHO GAVE HIM THE PHOTOGRAPH?

2 A YES.

3 Q AND DID HE GIVE HIM THE PHOTOGRAPH WITH THE CAPTION
4 ON IT?

5 A YES, I THINK SO.

6 Q AND DID RON --

7 A I THINK THAT WAS THE JOKE.

8 Q DID RON DISPLAY THE PHOTOGRAPH PRETTY PROMINENTLY?

9 A YES.

10 Q DID HE APPEAR TO BE PROUD OF IT?

11 A WE ALL SORT OF CHUCKLED OVER IT. I MEAN --

12 Q IS THAT PHOTOGRAPH DEPICTED IN PEOPLE'S 15 FOR
13 IDENTIFICATION?

14 A YES. IT IS ON THE THIRD SHELF IN THE BOOKSHELF.
15 I THINK THAT THESE WERE WEST CODES OR SOME LEGAL BOOKS THAT
16 HE HAD.

17 BUT IT IS TO THE RIGHT OF THE THIRD SHELF DOWN.
18 I THINK IT WAS ACTUALLY A PICTURE OF JUAN PERON OR SOMETHING
19 LIKE THAT IN THE SQUARE IN ARGENTINA OR SOMETHING TO THAT
20 EFFECT.

21 AND SOMEONE CUT IT OUT AND I THINK AGAIN, IT WAS
22 BRENT AND PUT THE CAPTION ON IT AND RON PUT IT IN A PLASTIC
23 CASE.

24 Q HE FRAMED IT?

25 A I BELIEVE SO.

26 Q WAS IT THERE EVER SINCE YOU HAVE KNOWN HIM?

27 A NOT EVER SINCE I HAVE KNOWN HIM. BUT THE LAST
28 SEVERAL YEARS, IT HAS BEEN THERE. IT HAS NOT BEEN THERE SINCE

1 THE MIDDLE SEVENTIES. BUT I HAS BEEN THERE AT LEAST SINCE
2 THE EARLY EIGHTIES.

3 Q DID HE EVER EXPRESS TO YOU ANY FEAR OF HIS
4 CREDITORS?

5 A NO, NEVER. I MEAN, I HAVE BEEN IN HIS HOUSE MANY
6 TIMES WHEN HE PUT CREDITORS ON THE SPEAKER BOX AND HE JUST
7 SORT OF CHUCKLED. AND HE HAS BEEN THREATENED. HE HAD BEEN
8 THREATENED IN MY PRESENCE BY SEVERAL PEOPLE.

9 Q HOW MANY WOULD YOU SAY?

10 A AT LEAST THREE OR FOUR TIMES. YOU KNOW, DURING
11 MY RELATIONSHIP WITH HIM, I HAVE HEARD PEOPLE CALL HIM AND
12 YOU KNOW, TELL HIM THEY WANTED THEIR GOODS BACK OR THEY WILL
13 SUE OR SEND SOMEONE OVER OR SOMETHING.

14 BUT YOU KNOW, IT WAS ALWAYS A LITTLE DIFFERENT.

15 Q DID THAT APPEAR TO SCARE HIM?

16 A NO, NOT AT ALL. RON'S HOUSE WAS RELATIVELY
17 IMPREGNABLE AND --

18 MR. BARENS: YOUR HONOR, OBJECTION. I DIDN'T HEAR THE
19 QUESTION PENDING UNLESS --

20 THE COURT: WAIT UNTIL THERE IS A QUESTION IF YOU WILL,
21 PLEASE. WE WILL STRIKE THE LAST PART OF THAT ANSWER.

22 Q BY MR. WAPNER: YOU STARTED TO TALK ABOUT HIS
23 HOUSE. WERE YOU AWARE OF SECURITY DEVICES THAT HE HAD ON
24 THIS HOUSE?

25 A YES.

26 Q HE HAD AN ALARM SYSTEM ON THE HOUSE?

27 A YES.

28 Q AND HE HAD FAIRLY HEAVY IRON --

1 A THERE WERE GATES ON ALL THE WINDOWS, DECORATIVE
2 GATING THAT HAD TO BE OPENED WITH A KEY.

3 Q WHEN YOU SAW HIM LAST AT THE BEVERLY HILLS HOTEL,
4 DID HE APPEAR TO BE -- HOW WAS HIS STATE OF MIND IN RELATION
5 TO ANY OTHER TIME THAT YOU HAVE KNOWN HIM? WAS IT ANY
6 DIFFERENT OR THE SAME?

7 A NO. IT WAS THE SAME. I MEAN, HE WAS QUITE JOVIAL.
8 WE HAD A NICE LUNCH.

9 HE WAS PLAYING WITH HIS NEW COMPUTER THAT HE HAD
10 IN HIS TYPICAL INDUSTRIOUS MODE.

11 HE WAS ALWAYS BUSY WRITING OR DOING SOMETHING.
12 HE PLAYED WITH THE KIDS. HE DIDN'T GO NEAR THE WATER. HE
13 WAS NORMAL, TYPICAL.

14 I AM GOING ON A TRIP, YOU KNOW, JUST THE NORMAL
15 RON.

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1 MR. WAPNER: I HAVE NOTHING FURTHER, YOUR HONOR.

2 THE COURT: ALL RIGHT. DO YOU WANT -- WOULD YOU RATHER
3 TAKE AN ADJOURNMENT AT THIS TIME?

4 MR. BARENS: IF YOU WOULD.

5 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE WILL
6 TAKE AN ADJOURNMENT AT THIS TIME UNTIL TOMORROW MORNING AT
7 10:00 O'CLOCK --

8 THE CLERK: 10:30.

9 THE COURT: 10:30 TOMORROW MORNING. IF YOU WILL PLEASE
10 REPORT TO THE JURY ASSEMBLY ROOM AND WHEN WE ARE READY FOR
11 YOU HERE, WE WILL ASK YOU TO COME IN.

12 AND GOOD NIGHT.

13 THE SAME ADMONITION I GAVE YOU WOULD STILL APPLY
14 ABOUT TALKING AMONG YOURSELVES AND THIRD PERSONS, AND SO FORTH.

15 THANK YOU AND GOOD NIGHT.

16 (AT 4:30 P.M. AN ADJOURNMENT WAS TAKEN
17 UNTIL THURSDAY, FEBRUARY 5, 1987 AT
18 10:30 A.M.)

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