

COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

DOCKET
No. 88DA 0269
Entered by
Date

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

SUPERIOR COURT
NO. A-090435

OCT 09 1987

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

APPEARANCES.

FOR PLAINTIFF-RESPONDENT: JOHN K. VAN DE KAMP
STATE ATTORNEY GENERAL
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FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 46 OF 101
(PAGES 6861 TO 7021, 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

VOLUME 46

PAGES 6861 TO 7021, INCL.

APPEARANCES:

FOR THE PLAINTIFF: IRA REINER, DISTRICT ATTORNEY
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ROSEMARIE GOODBODY, CSR NO. 932
SALLY YERGER, CSR NO. 2008
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1 SANTA MONICA, CALIFORNIA; THURSDAY, FEBRUARY 5, 1987; 10:35 A.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

5 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN.

6 ALL RIGHT, WE WILL HAVE MR. GELLER RESUME THE
7 STAND.

8 MR. WAPNER: YOUR HONOR, WITH THE COURT'S PERMISSION, MAY
9 I --

10 THE COURT: REOPEN?

11 MR. WAPNER: REOPEN. THANK YOU.

12 THE COURT: YES.
13

14 MARK A. GELLER,
15 THE WITNESS ON THE STAND AT THE TIME OF ADJOURNMENT, RESUMED
16 THE STAND AND TESTIFIED FURTHER AS FOLLOWS:

17 THE CLERK: IF YOU WOULD HAVE A SEAT THERE, PLEASE.
18 YOU HAVE PREVIOUSLY BEEN SWORN. YOU ARE STILL
19 UNDER OATH.

20 JUST HAVE A SEAT AND STATE YOUR NAME AGAIN FOR
21 THE RECORD.

22 THE WITNESS: MARK A. GELLER, G-E-L-L-E-R, M-A-R-K.
23

24 DIRECT EXAMINATION (RESUMED)

25 BY MR. WAPNER:

26 Q MR. GELLER, WERE YOU FRIENDS WITH ANY OF THE
27 YOUNG MEN WITH WHOM MR. LEVIN OCCASIONALLY SPENT TIME?

28 A I WASN'T FRIENDLY WITH THEM BUT I SAW THEM AT

1 HIS HOME MANY TIMES.

2 Q DID YOU EVER TALK TO HIM ABOUT THOSE PEOPLE?

3 A I ASKED HIM, YOU KNOW, WHY HE HAD SO MANY OF
4 THESE KIDS SORT OF HANGING AROUND AND MILKING OFF OF HIM,
5 SO TO SPEAK.

6 Q WHAT DID HE SAY?

7 A RONNIE FELT SORRY FOR THEM, YOU KNOW. A LOT
8 OF THEM CAME, HE TOLD ME A LOT OF THEM CAME FROM HOMES WHERE
9 THEY WERE POOR LITTLE RICH KIDS, YOU KNOW, WHO CAME FROM
10 BROKEN HOMES AND THE PARENTS WERE DIVORCED, OR IN SOME
11 INSTANCES, THEY WERE THROWN OUT OF THEIR HOUSES AND HE TOOK
12 THEM IN.

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1 Q WHEN YOU WERE IN TOWN AND MR. LEVIN WAS AROUND,
2 DID HE SPEND A LOT OF TIME AT YOUR HOME WITH YOUR CHILDREN?

3 A SURE. WE SPENT TIME AT EACH OTHER'S HOMES.

4 Q DID HE EVER TALK TO YOU ABOUT WANTING CHILDREN?

5 A YES, HE DID.

6 Q WHAT DID HE SAY?

7 MR. BARENS: OBJECTION. HEARSAY.

8 THE COURT: OVERRULED.

9 MR. BARENS: OBJECTION, IRRELEVANT.

10 THE COURT: WELL, WE ARE GOING INTO THE WHOLE BACK-
11 GROUND AND CHARACTER OF THE PERSON. WE MIGHT AS WELL COMPLETE
12 IT.

13 THE WITNESS: HE SAID HE WOULD LOVE TO HAVE CHILDREN.
14 HE JUST DIDN'T KNOW IF HE COULD STAY MARRIED TO ONE PERSON
15 FOR LONG ENOUGH.

16 Q BY MR. WAPNER: DID HE APPEAR TO YOU TO BE A
17 LONELY PERSON?

18 A I THINK RON WAS VERY LONELY.

19 Q WHAT DO YOU BASE THAT ON?

20 A HE NEEDED PEOPLE AROUND. HE CONSTANTLY NEEDED
21 ATTENTION. HE HAD TO HAVE PEOPLE TO TAKE TO DINNER. HE
22 HAD TO HAVE PEOPLE TO SPEND MONEY ON. HE HAD TO TAKE PEOPLE
23 IN, YOU KNOW, WHO WERE LESS FORTUNATE THAN HE WAS IN TERMS
24 OF ECONOMICS.

25 I THINK HE WAS VERY LONELY, BASED ON MY 15 YEARS
26 OF KNOWING HIM.

27 Q MR. GELLER, ARE YOU A LAWYER?

28

1 A I'M A LAWYER BUT I DON'T PRACTICE. MY BUSINESS
2 IS CORPORATE FINANCE. I AM CHAIRMAN OF THE BOARD OF A PUBLICLY
3 HELD COMPANY AND DIRECTOR OF OTHERS AND OFFICER OR DIRECTOR
4 OF OTHER PRIVATE COMPANIES.

5 Q DID YOU EVER DO ANY BUSINESS WITH MR. LEVIN?

6 A NO. WE NEVER HAD ANY BUSINESS TOGETHER.

7 Q YOU SAID THAT YESTERDAY, THAT HE WAS LIKE A
8 BROTHER TO YOU. DID YOU HAVE A BROTHER?

9 A YES, I DID.

10 Q ONE BROTHER OR MORE THAN ONE?

11 A I HAD ONE BROTHER AND ONE SISTER. MY BROTHER
12 DIED IN 1979.

13 Q AND HOW OLD WAS YOUR BROTHER, OLDER OR YOUNGER
14 THAN YOU?

15 A TWO YEARS YOUNGER.

16 Q AFTER YOUR BROTHER DIED, DID RON KIND OF FILL
17 THE ROLE OF A BROTHER IN YOUR LIFE?

18 A WELL, RONNIE WAS ALWAYS LIKE A BROTHER IN MY
19 LIFE, BOTH BEFORE MY BROTHER DIED AND AFTER. WE HAD THAT
20 TYPE OF RELATIONSHIP.

21 Q DID YOU OFTEN EAT DINNER OUT WITH MR. LEVIN
22 EITHER ALONE OR WITH YOU AND YOUR WIFE?

23 A YES, MANY TIMES.

24 Q AND DURING THOSE TIMES, DID HE ALWAYS PAY FOR
25 THE DINNER?

26 A NO. I PAID MANY TIMES FOR RON'S DINNERS.

27 Q DID HE EVER COMMENT ON THAT?

28 A YES. RON WOULD SAY THAT YOU ARE ONE OF THE

1 FEW PEOPLE WHO EVER BUY ME BIRTHDAY PRESENTS OR BUY MY DINNER.

2 EVERYBODY ELSE JUST -- I PAY FOR EVERYONE. THEY
3 ARE ALL SPONGING ON ME.

4 HE KNEW WHAT WAS HAPPENING. I THINK HE STILL
5 NEEDED THE PEOPLE.

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1 Q WHEN YOU SAY YOU KNEW WHAT WAS HAPPENING IN TERMS
2 OF PEOPLE TAKING THINGS FROM HIM --

3 A THERE WERE A LOT OF PEOPLE WHO TOOK ADVANTAGE
4 OF RON.

5 PART OF HIS GENEROSITY, OF COURSE, WAS BASED
6 ON HIS NEED TO HAVE THE ADORATION OF PEOPLE AND HAVE THE
7 ATTENTION.

8 BUT THERE WERE A LOT OF PEOPLE WHO, I FELT, TOOK
9 ADVANTAGE OF IT AND I CONSTANTLY REMINDED HIM OF IT AND SO
10 DID BLANCHE AND SO DID HIS MOTHER.

11 Q DID IT APPEAR TO YOU THAT WHEN HE WAS SAYING
12 "YOU ARE ONE OF THE FEW PEOPLE WHO TAKES ME OUT TO DINNER,"
13 THAT THAT WAS SOME SIGN OF HIS CLOSENESS WITH YOU?

14 A I DON'T KNOW WHETHER IT WAS CLOSENESS OR JUST
15 IT WAS A TRUE COMMENT.

16 I, YOU KNOW, I THINK HE FELT BAD ABOUT THE FACT
17 HE KNEW HE WAS BEING TAKEN ADVANTAGE OF. I DON'T THINK HE
18 COULD HELP HIMSELF.

19 THE COURT: YOU CAN LEAN BACK A LITTLE BIT.

20 THE WITNESS: OKAY, SORRY.

21 Q BY MR. WAPNER: DID YOU BUY HIM BIRTHDAY
22 PRESENTS ON HIS BIRTHDAY?

23 A YES.

24 Q DID HE BUY YOU PRESENTS ON YOUR BIRTHDAY?

25 A SOMETIMES.

26 Q DID HE BUY YOUR CHILDREN PRESENTS ON THEIR
27 BIRTHDAY?

28 A USUALLY.

1 Q DID HE BRING THEM PRESENTS AT CHRISTMAS TIME?

2 A YES.

3 Q WHEN YOU FIRST MET MR. LEVIN, WHAT WAS THE THING
4 THAT ATTRACTED YOU TO HIM?

5 A I THINK RON WAS ONE OF THE MOST INTELLIGENT PEOPLE
6 I HAVE EVER MET IN MY LIFE. I MEAN I HAVE A VERY HARD TIME
7 FINDING PEOPLE WHO HAVE A BREADTH OF KNOWLEDGE OF DIFFERENT
8 SUBJECTS AS RON DID.

9 HE WAS FASCINATING. HE WAS WELL READ. HE KNEW
10 ART. HE KNEW CLOTHING. HE KNEW THE DRAMATIC ARTS. HE READ
11 VORACIOUSLY. HE WAS EXTREMELY -- HE WAS AN EXTREMELY
12 INTERESTING PERSON TO BE AROUND AND/OR BE WITH. YOU COULD
13 CARRY ON AN INTELLIGENT CONVERSATION WITH HIM.

14 MR. WAPNER: YOUR HONOR, I HAVE A PHOTOGRAPH I WOULD
15 LIKE TO HAVE MARKED AS PEOPLE'S 126 FOR IDENTIFICATION.

16 THE COURT: ALL RIGHT.

17 Q BY MR. WAPNER: MR. GELLER, SHOWING YOU PEOPLE'S
18 126, WHAT IS THAT?

19 A IT IS RON'S BEDROOM IN THE APARTMENT ON PECK.

20 Q DO YOU NOTICE SEVERAL STACKS OF BOOKS IN THERE?

21 A YES.

22 Q WAS HIS BEDROOM LIKE THAT IN TERMS OF THE STACK
23 OF BOOKS AT THE TIME THAT YOU KNEW HIM?

24 A ALWAYS.

25 Q DID I SHOW YOU THAT PHOTOGRAPH EARLIER THIS
26 MORNING?

27 A YES, YOU DID.

28 Q WHEN YOU TOOK A LOOK AT THAT PHOTOGRAPH, WAS

1 THERE SOMETHING THAT IMMEDIATELY CAME TO YOUR ATTENTION?

2 A THE BEDSPREAD.

3 Q WHAT ABOUT IT?

4 A RON'S BED WAS ALWAYS PURE WHITE. EVERY SPREAD
5 THAT HE HAD HAD A WHITE COVER.

6 HE HAD VERY NICE SHEETS THAT WERE EITHER MADE
7 BY PRATASSE, SOME NAME SHEETMAKER AND IT WAS PURE WHITE.

8 AND THE COMFORTER THAT WAS ON THAT BED WAS ALSO
9 COVERED IN WHITE SHEETING.

10 Q THE COMFORTER THAT IS ON THERE, HAD YOU EVER
11 SEEN THAT BEFORE?

12 A YES.

13 Q WHERE HAD YOU SEEN IT?

14 A THAT COMFORTER -- I DON'T KNOW WHICH CLOSET IT
15 WAS IN -- BUT IF THERE WAS EVER A HOUSE GUEST, THAT WAS USED
16 IN THE SECOND ROOM FOR THEM, UNLESS -- EXCEPT OF WHEN IT WAS
17 CONVERTED AND USED INTO A BED-SITTING ROOM. THERE WAS A LOT
18 OF CAMERA EQUIPMENT, I THINK THE SOFA WAS BURIED IN IT, EXCEPT
19 WHENEVER THE SECOND BEDROOM WAS USED AS A DEN-BEDROOM, THAT
20 WAS THE SHEETING THAT WAS USED IN THE SECOND BEDROOM.

21 IT WAS NEVER USED IN RON'S ROOM.

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1 WOULD YOU CHARACTERIZE -- I WILL START NOW FOR
2 THE THIRD TIME.

3 HOW WOULD YOU CHARACTERIZE MR. LEVIN IN TERMS
4 OF WHETHER HE WAS NEAT OR NOT NEAT?

5 A I THINK, YOU KNOW, RON WAS OBSESSED WITH ORDER
6 AND CLEANLINESS. HE HAD CONSISTENT HOME CARE. EVERYTHING
7 WAS QUITE PRISTINE, EVEN THOUGH IT HAD A SORT OF CLUTTERED
8 EFFECT.

9 EVERYTHING WAS DUSTED OFF AND WIPED OFF, REGARDLESS
10 OF HOW MANY THINGS HE WOULD HAVE ON THE GLASS SHELVES.

11 BLANCHE WOULD CONSISTENTLY REMOVE THOSE THINGS
12 FROM THE SHELVES, DUST THEM OFF AND PUT THEM BACK IN THE
13 EXACT PLACES. VERY NEAT, VERY FASTIDIOUS.

14 Q WOULD YOU SAY THAT HE WAS THE MOST FASTIDIOUS
15 PERSON YOU KNEW?

16 A I WOULD SAY HE RAN A CLOSE SECOND TO ME.

17 Q YOU SAID THAT MR. LEVIN HAD LOTS OF DIFFERENT
18 INTERESTS. WHEN HE WOULD GET INTERESTED IN A SUBJECT, WOULD
19 IT BE KIND OF A PASSING INTEREST OR WOULD HE TAKE MORE OF
20 AN ACTIVE INTEREST?

21 A WELL, I THINK HE UTILIZED SOMETHING LIKE AN
22 IMMERSION TECHNIQUE, WHERE HE WOULD BECOME EXTREMELY INVOLVED
23 IN IT BUT IT WOULD NOT NECESSARILY LAST FOR A LONG TIME.
24 IT MIGHT LAST FOR A MONTH OR TWO MONTHS OR THREE MONTHS
25 BUT HE WOULD READ EVERY BOOK ON THE SUBJECT.

26 HE WOULD FIND EVERY CONSULTANT THAT HE COULD
27 FIND. HE WOULD IMMERSE HIMSELF IN WHATEVER THAT WAS, SO
28 THAT HE KNEW IT EXTREMELY WELL AND THEN HE WENT ON TO SOMETHING

1 ELSE.

2 Q WAS HE THE KIND OF PERSON WHO LIKED TO BE SEEN
3 AT VARIOUS PLACES?

4 A RON LOVED ATTENTION AND HE LOVED TO BE SEEN.
5 HE LOVED CREATING A SCENE.

6 Q CAN YOU GIVE ME AN EXAMPLE OF THAT?

7 A WELL, I MEAN HE WOULD GO OUT TO EAT AND INSTEAD
8 OF JUST HAVING A SIMPLE MEAL, HE WOULD HAVE TO ORDER SIX
9 OR SEVEN THINGS FROM THE MENU.

10 HE WOULD ACTUALLY EAT THEM ALL. HE WAS SOMETIMES
11 GREGARIOUS AND AT TIMES LOUD. HE WAS DEMANDING.

12 Q DID YOU EVER GO OUT TO EAT WITH HIM AT THE BISTRO
13 GARDEN?

14 A MANY TIMES.

15 Q AND DID YOU EVER HAVE OCCASION TO BE WITH HIM
16 WHERE HE WANTED A SPECIAL TABLE OR A SPECIAL PART OF THE
17 RESTAURANT OR SOMETHING?

18 A I THINK THERE WAS A PERIOD OF ABOUT A MONTH
19 OR TWO IN THE LATE 70'S WHERE RONNIE INSISTED THAT HE BE
20 THE ONLY ONE THAT WAS ALLOWED TO EAT LUNCH ON THE SECOND
21 FLOOR, WHERE THEY DON'T TYPICALLY SERVE LUNCH. THEY HAVE
22 AFFAIRS UP THERE.

23 THE COURT: AT THE BISTRO GARDENS?

24 THE WITNESS: YES. THIS IS THE OLDER ONE, NOT THE
25 NEW ONE. THERE ARE TWO OF THEM.

26 AND HE WOULD HAVE THEM SET UP A TABLE JUST FOR
27 HIM ON THE SECOND FLOOR BECAUSE HE SAID THAT HE DIDN'T WANT
28 TO SIT DOWNSTAIRS WITH ALL OF THE LITTLE LADIES HAVING LUNCHEONS

1 DOWNSTAIRS DURING THE WEEK.

2 BUT BY DOING THAT, OF COURSE, HE CREATED HIMSELF
3 A SCENE SO THAT EVERYONE KNEW HE WAS THE ONLY ONE SITTING
4 UP THERE EATING BY HIMSELF OR WITH HIS FRIENDS.

5 Q CAN YOU SEE IN THIS PHOTOGRAPH ON THE BOOKCASE
6 OR ETAGERE TYPE THING THAT IS ON THE SIDE WALL?

7 A YES, I CAN.

8 Q THERE ARE TWO PHOTOGRAPHS ON THE BOTTOM OF THAT
9 BOOKCASE. DO YOU KNOW WHO THOSE PEOPLE ARE?

10 A I FORGET WHO THE GIRL IN THE BOTTOM CASE IS.

11 Q YES?

12 A I FORGET WHO THE GIRL IS ON THE RIGHT. BUT THE
13 ONE ON THE LEFT IS MY WIFE.

14 Q THE ONE THAT IS THE FRIEND OF RONNIE'S, DID
15 YOU EVER SEE HIM IN HER COMPANY?

16 A ONCE OR TWICE, YES.

17 MR. WAPNER: CAN I JUST WALK THEM IN FRONT OF THE
18 JURY VERY BRIEFLY?

19 THE COURT: YES.

20 (PAUSE.)

21 Q BY MR. WAPNER: DID YOU EVER KNOW MR. LEVIN
22 FROM THE TIME YOU KNEW HIM TO DATE OR HAVING DATING RELATIONSHIPS
23 WITH WOMEN?

24 A YES.

25 Q ON HOW MANY OCCASIONS?

26 A MANY, THREE, FOUR, FIVE, SIX. HE KNEW A LOT
27 OF WOMEN.

28 Q HE HAD SIX DATES OR SIX RELATIONSHIPS?

1 A SIX DIFFERENT RELATIONSHIPS. I MEAN, RON KNEW
2 A LOT OF WOMEN.

3 Q DID YOU EVER HAVE OCCASION TO DOUBLE DATE WITH
4 HIM, YOU AND YOUR WIFE?

5 A WE WOULDN'T DOUBLE DATE. WE HAVE GONE TO DINNER
6 WITH HIM AND ANOTHER WOMAN, YES, OR WE HAVE HAD DINNER AT
7 HIS HOUSE WHERE THERE WERE OTHER WOMEN WHO WERE THERE WITH
8 HIM.

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1 Q BASED ON YOUR KNOWLEDGE OF MR. LEVIN, DID HE
2 APPEAR TO YOU TO BE AFRAID OF CREDITORS?

3 A NO.

4 Q DID HE APPEAR TO YOU TO BE AFRAID OF HIS PENDING
5 CRIMINAL CASE?

6 A NO, NOT AT ALL.

7 Q DID HE APPEAR TO YOU TO BE AFRAID OF GOING TO
8 JAIL?

9 A NO.

10 Q WE MAY HAVE COVERED THIS YESTERDAY, FORGIVE ME
11 IF WE DID. DO YOU KNOW HIS RELATIONSHIP WITH HIS MOTHER?

12 A YES.

13 Q CAN YOU EXPLAIN IT TO ME?

14 A RON WAS VERY CLOSE WITH HIS MOTHER. I MEAN HIS
15 MOTHER CALLED -- I GUESS AS CLOSE AS ANY 40-YEAR-OLD IS WITH
16 HIS MOTHER -- AND RON SPOKE TO HIS MOTHER CONSTANTLY. I MEAN
17 THERE WERE MANY TIMES WHEN I WAS AT HIS HOUSE, AT HIS HOME
18 WHEN HIS MOTHER STOPPED BY, CONCERNED FOR HIM. HE SPOKE TO
19 HER ON THE PHONE CONSTANTLY.

20 I USED TO YELL AT HIM BECAUSE HE WOULD PUT HER
21 ON THE SPEAKER BOX AND I WOULD ASK HIM HOW HE COULD PUT HIS
22 MOTHER ON THE SPEAKER PHONE, SORT OF IMPERSONAL.

23 TYPICAL MOTHER-SON, I GUESS, RELATIONSHIP.

24 Q DID HE APPEAR TO BE CLOSE TO HER?

25 A YES.

26 SHE WAS VERY IMPORTANT. HE HAD PICTURES OF HER
27 IN THE HOUSE. ALWAYS TALKED ABOUT HOW ELEGANT AND BEAUTIFUL
28 SHE WAS.

2

1 I THINK RON HAD, YOU KNOW, PRETTY MUCH ADORED
2 HIS MOTHER. HE LOOKED UP TO HER. I THINK SHE WAS HIS, SOME-
3 WHAT OF, AN IDEAL WOMAN AS A MOTHER TO HIM. VERY PRETTY.
4 VERY BRIGHT. VERY ELEGANT.

5 Q DID HE KEEP A TELEVISION IN HIS BEDROOM?

6 A YES.

7 Q WHERE IN THE BEDROOM WAS IT?

8 A IT WAS DIRECTLY ACROSS FROM THE BED, THERE WAS
9 A LARGE TV AND IT WAS ON SOME SORT OF A STAND.

10 Q IS IT DEPICTED IN EITHER ONE OF THESE TWO PICTURES
11 WHICH ARE PEOPLE'S 9 AND PEOPLE'S 126?

12 A WELL, NO, I CAN'T REALLY SEE -- SEE IT IN THOSE
13 PICTURES BECAUSE IT WAS ACROSS FROM THE FOOTBOARD. BUT IF
14 YOU WERE LAYING ON THE BED WITH YOUR HEAD ON THE PILLOWS IN
15 THOSE PICTURES, YOU WOULD BE LOOKING DIRECTLY AT THE TV.

16 Q IT WOULD BE KIND OF OVER IN THIS AREA AT THE
17 BOTTOM RIGHT OF THE PHOTOGRAPH (INDICATING)?

18 A WELL, CLOSER -- I AM SORRY -- CLOSER TOWARDS
19 US BECAUSE THAT WAS A CHAIR THERE THAT HE WOULD THROW HIS
20 CLOTHES ON. THEN IT WOULD BE CLOSER ACROSS -- DIRECTLY ACROSS
21 FROM THE CENTER OF THE BED ON THE OPPOSITE WALL, SO IT WOULD
22 BE --

23 Q WOULD YOU POINT TO IT?

24 A RIGHT.

25 IT WOULD BE MORE -- LET US SAY, HERE DIRECTLY
26 ACROSS FROM THE CENTER OF THE BED OR HERE DIRECTLY ACROSS
27 FROM THE CENTER OF THE BED.

28 Q DID HE KEEP A PICTURE OF HIS MOTHER AND HIS FAMILY

1 ON TOP OF THE TELEVISION?

2 A YES.

3 THERE WERE PICTURES OF HIS MOTHER, HIS FATHER.
4 THERE WERE PICTURES OF HIS BROTHERS. THERE WERE PICTURES
5 OF RON AS A CHILD. THEY WERE ALL IN LITTLE SILVER FRAMES
6 OR NICE FRAMES. THERE WAS SORT OF A LITTLE SILVER FRAME
7 COLLECTION, I GUESS, ALSO.

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1 Q FROM THE PERIOD OF TIME THAT YOU KNEW HIM UNTIL
2 JUNE OF 1984, YOU TALKED TO HIM HOW OFTEN?

3 A VERY IRREGULAR. SOME WEEKS IT WOULD BE FOUR
4 TIMES A WEEK. SOMETIMES IT WOULD BE ONCE. SOMETIMES THERE
5 MIGHT BE EIGHT OR NINE OR MAYBE TEN DAYS, BUT NEVER WAS
6 THERE IN THE TIME I HAVE KNOWN HIM, WAS THERE A WEEK AND A
7 HALF THAT WE DIDN'T SPEAK.

8 Q WELL, SINCE JUNE -- WELL, YOU LAST SAW HIM OR
9 SPOKE TO HIM WHEN?

10 A I SPOKE TO HIM THE WEEKEND RIGHT BEFORE HE
11 DISAPPEARED.

12 Q THAT WAS AT THE BEVERLY HILLS HOTEL?

13 A RIGHT.

14 Q DID YOU TALK TO HIM ON THE PHONE AFTER THAT?

15 A I SIMPLY CALLED THE SERVICE. I COULDN'T GET
16 HOLD OF HIM.

17 Q AND SINCE YOU SAW HIM AT THE BEVERLY HILLS HOTEL,
18 HAVE YOU SEEN OR HEARD FROM HIM?

19 A NO.

20 Q NOT IN THE LAST TWO AND A HALF YEARS?

21 A NOT IN ANY WAY, INCLUDING TELEPATHY.

22 I MEAN HE IS GONE.

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

24 THE COURT: ALL RIGHT. YOU MAY CROSS-EXAMINE.

25
26 CROSS-EXAMINATION

27 BY MR. BARENS:

28 Q GOOD MORNING, SIR.

1 A GOOD MORNING.

2 Q HAVE YOU FOLLOWED THIS CASE AT ALL IN THE PRESS
3 OR ON TELEVISION?

4 A I TURNED IT ON THE OTHER NIGHT. I HAPPENED TO
5 SEE BLANCHE TESTIFYING, BUT I WAS ON FOR ABOUT 30 SECONDS
6 AND I WENT OFF TO DO OTHER THINGS.

7 Q HAVE YOU AT ALL READ ANYTHING IN ANY OF THE
8 MAGAZINE ARTICLES THAT WERE PUBLISHED ABOUT THIS?

9 A I DID HAPPEN TO READ THE ESQUIRE MAGAZINE ARTICLE
10 ON A PLANE.

11 Q ANYTHING BESIDES THAT?

12 A NO, I HAVEN'T READ ANYTHING IN THE NEWSPAPERS,
13 TO MY RECOLLECTION.

14 Q DO YOU THINK THAT LEVIN HAS BEEN A BIT UNFAIRLY
15 MALIGNED IN THE PRESS DURING THIS TRIAL?

16 A OH, NOT NECESSARILY. I MEAN EVERYONE HAS A
17 DIFFERENT POINT OF VIEW WHEN THEY KNOW A PERSON.

18 Q DID YOU SAY SOMETHING TO THAT EFFECT YESTERDAY
19 THAT FROM WHAT YOU HEARD, THAT YOU THOUGHT BAD THINGS WERE
20 BEING SAID ABOUT RONNIE IN THE COURTROOM HERE?

21 A I THINK IT IS ALL MARVELOUS THAT WE ARE SITTING
22 LAUGHING ABOUT AN ALLEGED CON MAN. I MEAN IT IS A MURDER,
23 IT IS PRETTY SERIOUS.

24 Q I AM ASKING YOU IF YOU THINK HE HAS BEEN UNFAIRLY
25 MALIGNED.

26 A I THINK THAT IS FOR THE JURY TO DETERMINE. I
27 REALLY DON'T HAVE AN OPINION.

28 Q YOU DON'T FEEL THAT WAY? SO IF YOU SAID SOMETHING

1 TO THAT EFFECT YESTERDAY, PERHAPS I MISUNDERSTOOD.

2 A I DON'T KNOW WHAT I SAID.

3 MR. WAPNER: OBJECTION. ARGUMENTATIVE.

4 THE COURT: I WILL PERMIT --

5 MR. WAPNER: IF HE IS ASKING HIM WHETHER COUNSEL
6 MISUNDERSTOOD HIM, THAT IS OBVIOUS, HOW DOES HE KNOW THAT?

7 THE COURT: I WILL SUSTAIN THE OBJECTION.

8 Q BY MR. BARENS: DID YOU PERHAPS MISSPEAK YOURSELF
9 WHEN YOU SAID YOURSELF THAT HE WAS BEING SPOKE OF UNFAIRLY
10 IN THE COURTROOM?

11 A YOU WILL HAVE TO READ BACK TO ME WHAT I SAID
12 BECAUSE I DON'T REMEMBER.

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1 Q DID YOU KNOW MR. LEVIN WAS A CONVICTED FELON?

2 A YES, I DID.

3 Q DID YOU KNOW HE HAD SERVED TIME IN JAIL FOR
4 THAT FELONY?

5 A YES, I DID. HE SPOKE TO ME IN JAIL.

6 Q WERE YOU AWARE THAT HE DIDN'T LIKE TO PAY HIS
7 DEBTS?

8 A YES, I WAS.

9 Q WERE YOU AWARE THAT HE HAD GONE BANKRUPT WITH
10 OVER 750 CREDITORS?

11 A I KNEW THAT THERE WAS IN FACT, A BANKRUPTCY.
12 I DID NOT KNOW WHETHER OR NOT IT HAD BEEN DISCHARGED.

13 Q DID YOU KNOW THAT HE HAD 750 CREDITORS?

14 A NO. I DIDN'T KNOW THE NUMBER.

15 Q DID YOU KNOW THAT HE HAD TAKEN FINANCIAL ADVANTAGE
16 OF HIS HOUSEKEEPER?

17 A I WAS AWARE THAT BLANCHE HAD LOANED HIM MONEY.

18 Q DID YOU KNOW THAT HE WOULD YELL AND INTIMIDATE
19 PEOPLE TO GET HIS WAY?

20 A YES, I DID.

21 Q DID YOU FEEL THAT HE WAS FALSELY ACCUSED BY
22 THE BEVERLY HILLS DISTRICT ATTORNEY'S OFFICE INVOLVING STEALING
23 OVER \$300,000 OF EQUIPMENT?

24 A I DON'T HAVE ANY OPINION ON THAT.

25 Q IS THIS THE SAME RON LEVIN THAT YOU CONSIDERED
26 YOUR BROTHER THAT WE ARE TALKING ABOUT?

27 A THAT'S RIGHT.

28 Q THIS IS THE SAME RON LEVIN THAT YOUR CHILDREN

1 CALLED UNCLE RONNIE?

2 A THAT'S CORRECT.

3 MR. BARENS: NO FURTHER QUESTIONS.

4 THE COURT: ALL RIGHT.

5 MR. WAPNER: I HAVE NOTHING FURTHER.

6 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU
7 MAY BE EXCUSED.

8 CALL YOUR NEXT WITNESS.

9 MR. WAPNER: THE PEOPLE CALL TERE TEREBA.

10

11

TERE TEREBA,

12

CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED

13

AS FOLLOWS:

14

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

18

THE WITNESS: TERE, T-E-R-E, TEREBA, T-E-R-E-B-A.

19

20

DIRECT EXAMINATION

21

BY MR. WAPNER:

22

Q IS IT MISS OR MRS.?

23

A MISS TEREBA.

24

Q MISS TEREBA, DO YOU KNOW THE PERSON DEPICTED
25 IN PEOPLE'S 6 FOR IDENTIFICATION?

26

A THAT'S RON LEVIN.

27

Q AND WAS HE A FRIEND OF YOURS?

28

A YES.

1 Q AND WHEN DID YOU FIRST MEET RON LEVIN?

2 A I MET HIM IN 1971 OR '72 AT A LARGE FILMEX PREMIERE
3 THAT WE ATTENDED IN A GROUP WITH ANDY WARHOL AND HAD DINNER
4 AFTERWARDS.

5 Q DID YOU GO TO THAT PREMIERE WITH MR. LEVIN OR
6 MEET HIM THERE?

7 A I WAS WITH ANDY WARHOL AND HE WAS AMONG THE
8 GROUP THAT WAS INVITED ALONG BY ANDY WARHOL.

9 Q AND WHEN YOU MET HIM THAT NIGHT, DID YOU AFTER
10 THAT BECOME FRIENDS WITH HIM?

11 A YES. HE WAS SEATED BY ME AT DINNER AND OVER
12 A PERIOD OF TIME WE BECAME FRIENDS.

13 Q DID YOU TALK TO HIM THAT NIGHT ABOUT WHAT YOU
14 DID AND WHAT HE DID?

15 A YES. I REMEMBER VIVIDLY HAVING A DISCUSSION.
16 I ASKED HIM WHAT HE DID. HE TOLD ME HE WAS A THIEF.

17 Q WHAT DID YOU SAY?

18 A I WAS SHOCKED. AND, YOU KNOW, I BACKED AWAY.
19 YOU KNOW, I PROCEEDED TO SPEAK WITH HIM WITH EXTREME TREPIDATION.

20 Q BUT DID YOU CONTINUE TO TALK TO HIM?

21 A WELL, YOU KNOW, I WAS SEATED NEXT TO HIM. AND,
22 YOU KNOW, HE CONTINUED TO TALK TO ME. AND HE WAS VERY PLEASANT
23 AND HE SEEMED VERY INTELLIGENT.

24 I JUST PROCEEDED CAUTIOUSLY TALKING WITH HIM.

25 Q HOW IS IT THAT YOU BECAME FRIENDS WITH A PERSON
26 WHO TOLD YOU RIGHT OFF THE BAT THAT HE WAS THIEF?

27 A WELL, YOU KNOW, WE HAVE HAD IMPEACHED PRESI-
28 DENTS. IVAN BROESKY, I AM SURE HIS FRIENDS STILL THINK

1 IS WONDERFUL. PRESIDENT REAGAN IS EVEN, YOU KNOW, HAVING
2 HIS PROBLEMS.

3 SO, I CONTINUED WITH GREAT CAUTION.

4 BUT RONNIE WAS A VERY INTELLIGENT MAN, VERY
5 CHARMING AND A VERY, VERY FUNNY PERSON.

6 AND I RAN INTO HIM VERY SOON AFTERWARDS WITH
7 THE SAME GROUP OF PEOPLE. AND WE WENT TO M.G.M. STUDIOS
8 WITH THAT GROUP OF PEOPLE. HE WAS VERY, VERY INTERESTING.
9 HE WAS VERY INTELLIGENT AND KNEW A LOT ABOUT A LOT OF DIFFERENT
10 THINGS AND HE --

11 MR. BARENS: YOUR HONOR, MIGHT WE GET A RESPONSE?
12 WE MOVE TO STRIKE THE ANSWER AS NONRESPONSIVE. I AM STILL
13 TRYING TO DISCERN THE ANSWER.

14 THE COURT: WELL, WAIT UNTIL WE GET A QUESTION. THEN
15 YOU WILL ANSWER THAT.

16 THE WITNESS: . OKAY.

17 MR. BARENS: COULD YOU CAUTION ABOUT THE NARRATIVE,
18 THE PREPARED NARRATIVE?

19 MR. WAPNER: WELL, LET'S NOT HAVE ANY SPEECHES FROM --

20 THE COURT: COUNSEL WILL ASK SPECIFIC QUESTIONS AND
21 GET SPECIFIC ANSWERS AND NOT HAVE A NARRATIVE.

22 MR. BARENS: THANK YOU.

23 MR. WAPNER: THANK YOU.

24 Q BY MR. WAPNER: AND AFTER YOU FIRST MET HIM
25 AT THAT PREMIERE AND BECAME FRIENDS WITH HIM, HOW OFTEN
26 WOULD YOU SPEAK TO HIM?

27 A WELL, HE WOULD USUALLY CALL ME ABOUT ONCE A
28 WEEK.

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Q AND WHEN WAS THAT PREMIERE?

A IT WAS IN 1971 OR '72. IT WAS AT MANN'S CHINESE
THEATER.

FO.

1 Q HE WOULD CALL YOU HOW OFTEN?

2 A HE WOULD CALL ME ABOUT ONCE A WEEK.

3 Q HOW LONG DID THAT CONTINUE?

4 A UNTIL HE NEVER CALLED ME AGAIN.

5 Q FROM 19 -- AND WHEN WAS IT THAT HE NEVER DID?

6 A FROM JUNE OF '84, HE NEVER CALLED ME AGAIN.

7 Q FROM 1971 OR '72 WHEN YOU MET HIM, UNTIL 1984,

8 DID HE CALL YOU AT LEAST ONCE A WEEK?

9 A I WOULD SAY YES.

10 Q IN 1984, DID YOU SEE HIM AT SOME TIME IN THE

11 LATTER PART OF MAY?

12 A YES.

13 I SAW HIM ON MEMORIAL DAY WEEKEND, TWO DAYS OUT

14 OF THE MEMORIAL DAY WEEKEND.

15 Q WHEN WAS THE FIRST DAY THAT YOU SAW HIM?

16 A I THINK IT WAS ON SATURDAY OF MEMORIAL DAY WEEKEND.

17 Q WHERE DID YOU SEE HIM AT THAT TIME?

18 A WELL, I WENT TO HIS HOUSE AND --

19 Q IS THAT THE HOUSE ON PECK DRIVE?

20 A YES.

21 WE WENT TO A MOVIE.

22 Q DID ANYTHING SEEM OUT OF THE ORDINARY TO YOU

23 ABOUT MR. LEVIN AT THAT TIME?

24 A NO.

25 Q AND WHEN WAS THE NEXT TIME YOU SAW HIM ON MEMORIAL

26 DAY WEEKEND?

27 A I SAW HIM THE NEXT DAY AND WE WENT TO DINNER

28 AT A RESTAURANT, PALETTE.

1 Q DO YOU KNOW HOW TO SPELL THAT?

2 A P-A-L-E-T-T-E.

3 I BELIEVE IT IS OUT OF BUSINESS.

4 Q IT IS OUT OF BUSINESS NOW?

5 A YES.

6 Q WHEN YOU WENT TO THE RESTAURANT, WHO WAS AT THE
7 DINNER BESIDES YOU AND MR. LEVIN?

8 A WE WERE TOGETHER, JUST THE TWO OF US.

9 Q JUST THE TWO OF YOU?

10 DID ANYTHING SEEM OUT OF THE ORDINARY WITH MR.
11 LEVIN AT THAT TIME, AT THE TIME YOU HAD DINNER WITH HIM AT
12 THAT TIME?

13 A NO.

14 Q WHAT TIME WAS THAT DINNER OVER?

15 A I DON'T REALLY RECALL.

16 Q DID YOU OFTEN SPEND TIME WITH MR. LEVIN IN THE
17 EVENINGS?

18 A YES.

19 Q WOULD YOU SAY THAT HE NORMALLY TURNED IN EARLY
20 OR SPENT TIME IN THE EVENINGS UNTIL LATE?

21 A HE TURNED IN EARLY.

22 Q WHAT TIME USUALLY?

23 I GUESS EARLY IS ALL RELATIVE.

24 A VERY EARLY. I WOULD SAY 9:00 O'CLOCK.

25 Q HE WAS HOME BY 9:00?

26 A HE LIKED TO GO TO BED EARLY.

27 Q DID YOU HAVE DINNER WITH HIM AT LOWRY'S AT ANY
28 TIME OVER THAT WEEKEND?

1 A YES, I THINK MAYBE AFTER THE MOVIE WE WENT TO
2 LOWRY'S, TOO, THE NIGHT BEFORE.

3 Q DO YOU REMEMBER WHAT TIME THE MOVIE WAS AND WHAT
4 TIME YOU WENT TO DINNER?

5 A WE WENT TO THE MOVIE IN THE AFTERNOON AND THEN
6 WE TALKED AND THEN WE WENT TO LOWRY'S.

7 Q WHEN YOU SAY YOU TALKED, WHAT KIND OF THINGS DID
8 YOU TALK TO MR. LEVIN ABOUT DURING THE COURSE OF YOUR FRIEND-
9 SHIP?

10 MR. BARENS: OBJECTION AS TO RELEVANCY, YOUR HONOR.

11 THE COURT: I AM SORRY. WOULD YOU READ ME THAT
12 QUESTION, PLEASE?

13 MR. WAPNER: MAYBE I WILL REPHRASE IT. IT MIGHT HAVE
14 BEEN A LITTLE BROAD.

15 Q DID YOU EVER HAVE DISCUSSION WITH MR. LEVIN DURING
16 THE TIME THAT YOU KNEW HIM ABOUT PERSONAL THINGS, SUCH AS
17 YOUR FEELINGS ABOUT THINGS AND HIS FEELINGS ABOUT THINGS?

18 A OFTEN.

19 MR. BARENS: OBJECTION AS TO RELEVANCY.

20 THE COURT: SHE HAS ALREADY ANSWERED.

21 MR. BARENS: I BEG YOUR PARDON?

22 THE COURT: I WILL LET THE ANSWER STAND.

23 Q BY MR. WAPNER: DID IT APPEAR TO YOU THAT MR.
24 LEVIN CONFIDED IN YOU?

25 A I FEEL HE DID.

26 Q DID YOU CONFIDE IN HIM?

27 A YES.

28 Q IF THERE WERE TIMES WHEN YOU WERE DEPRESSED OR

1 NEEDED SOMEONE TO TALK TO, DID YOU CALL HIM?

2 A I WOULD.

3 Q DID YOU FEEL HE DID THE SAME THING WITH YOU?

4 A I THINK HE DEFINITELY DID.

5 Q WHEN YOU WERE WITH HIM ON MEMORIAL DAY WEEKEND,
6 DID YOU DISCUSS ANY PLANS THAT YOU HAD FOR GOING OUT OF TOWN?

7 A YES.

8 I WAS GOING TO NEW YORK ON BUSINESS AND I WAS
9 GOING TO BE LEAVING JUNE 8TH AND HE SAID HE WAS GOING TO BE
10 GOING TO NEW YORK AT THE SAME TIME AND WE MADE PLANS TO MEET
11 IN NEW YORK.

12 Q INCIDENTALLY, WHAT IS YOUR BUSINESS?

13 A I AM A FASHION DESIGNER.

14 Q AND WERE YOU GOING TO GO TO NEW YORK WITH HIM?

15 A NO.

16 Q WHAT WERE THE PLANS THAT YOU MADE TO MEET HIM
17 IN NEW YORK?

18 A WE WERE GOING TO BE THERE AT THE SAME TIME AND
19 HE WAS GOING TO CALL ME AT THE HOTEL I ALWAYS STAY IN, BECAUSE
20 I AM VERY BUSY, AND HE HAD A LOOSER SCHEDULE THAN I DID.

21 Q DID YOU KNOW, DID HE TELL YOU WHAT HIS SCHEDULE
22 WAS GOING TO BE IN NEW YORK?

23 A HE HAD TOLD ME THAT HE WAS GOING, I THINK, WITH
24 TWO FRIENDS THAT I KNEW, DEAN FACTOR, WHO I KNEW FOR MANY,
25 MANY YEARS, AND MICHAEL BRODER, WHO WAS ANOTHER FRIEND.

26 AND HE TOLD ME THAT HE MAY -- HE MAY BE DOING
27 AN INTERVIEW WITH THE SINGER, THE ROCK AND ROLL SINGER, BILLY
28 IDOL.

1 Q WHAT WAS THE PLANS THAT YOU MADE TO GET TOGETHER
2 WITH HIM FOR DINNER?

3 A WELL, HE WAS TO CALL ME, YOU KNOW, IN NEW YORK
4 AT THE PARK-LANE HOTEL.

5 Q DID MR. LEVIN HAVE FRIENDS IN NEW YORK, TO YOUR
6 KNOWLEDGE?

7 A HE HAD A CLOSE FRIEND THAT WAS A MUTUAL FRIEND
8 OF MINE, PAT HACKETT.

9 Q IS THAT A MAN OR A WOMAN?

10 A A WOMAN.

11 Q HAD YOU EVER BEEN IN NEW YORK BEFORE WHEN MR.
12 LEVIN WAS THERE AND IN THE COMPANY OF PAT HACKETT?

13 A YES.

14 Q HOW MANY TIMES?

15 A I WOULD SAY MAYBE FOUR TIMES.
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1 Q WAS NEW YORK A PLACE THAT MR. LEVIN LIKE TO
2 GO?

3 A YES.

4 Q DID HE HAVE FRIENDS IN NEW YORK OTHER THAN PAT
5 HACKETT, IF YOU KNOW?

6 A WELL, I USUALLY SPENT TIME WITH RONNIE AND PAT
7 HACKETT. WHEN I AM IN NEW YORK I AM WORKING. SO, MY TIME
8 IS LIMITED.

9 Q DID HE EVER SPEND TIME WITH ANDY WARHOL IN NEW
10 YORK, IF YOU KNOW?

11 A I BELIEVE HE DID.

12 Q AND AFTER YOU SAW HIM AT PALETTE ON SUNDAY OF
13 MEMORIAL DAY WEEKEND, DID YOU EVER SEE HIM AGAIN?

14 A NEVER.

15 Q DID YOU SPEAK WITH HIM AT ALL AFTER THAT?

16 A I SPOKE WITH HIM THE NEXT WEEKEND.

17 Q WHICH WAS THE BEGINNING OF JUNE?

18 A YES.

19 Q AND WHAT DID YOU SPEAK TO HIM ABOUT?

20 A WELL, HE CALLED ME FROM THE BEVERLY HILLS HOTEL
21 AND, YOU KNOW, ASKED ME IF I WANTED TO COME OVER. AND
22 I SAID I WAS WITH ANOTHER FRIEND. AND HE SAID TO BRING
23 THEM OVER, TOO.

24 AND THEN WE SPOKE ABOUT OUR PLANS AND, YOU KNOW,
25 MEETING IN NEW YORK.

26 Q AND HAD YOU EVER SEEN HIM BEFORE AT THE BEVERLY
27 HILLS HOTEL?

28 A YES.

1 Q HE USED TO TAKE A ROOM AND THEN HANG OUT BY
2 THE POOL?

3 A YES, BY THE POOL BUT NOT REALLY NEAR THE POOL.

4 Q ALL RIGHT. DID HE LIKE TO STAY KIND OF IN THE
5 SHADE?

6 A YES. SO DID I.

7 Q WOULD IT BE FAIR TO SAY THAT MR. LEVIN DIDN'T
8 LIKE THE SUN?

9 A NO.

10 Q NO, HE DIDN'T LIKE IT?

11 A HE DIDN'T LIKE THE SUN.

12 Q AND AFTER THAT PHONE CALL WHERE HE INVITED YOU
13 TO COME OVER TO THE BEVERLY HILLS HOTEL, WHAT DID YOU DISCUSS
14 ABOUT YOUR PLANS FOR NEW YORK?

15 A WELL, EVERYTHING WAS THE SAME AS THE WEEKEND
16 BEFORE. HE WAS GOING IN AND I WAS GOING IN AND WE HAD PLANNED
17 TO MEET.

18 Q IT WAS DURING THAT PHONE CONVERSATION?

19 A YES.

20 Q SO NOTHING SEEMS TO HAVE CHANGED AT THAT POINT?

21 A NO.

22 Q AND AFTER THAT PHONE CALL, DID YOU EVER SPEAK
23 TO MR. LEVIN AGAIN?

24 A NEVER.

25 Q DID YOU HEAR FROM HIM THE NEXT WEEK?

26 A NEVER.

27 Q THE WEEK AFTER THAT?

28 A I NEVER HEARD FROM RON LEVIN AGAIN.

3

1 Q IN THE PAST TWO AND A HALF YEARS, HAVE YOU HEARD
2 FROM HIM?

3 THE COURT: SHE SAID THAT SHE NEVER HEARD FROM HIM
4 AGAIN. YOU ARE JUST REPEATING THE SAME THING.

5 Q BY MR. WAPNER: DID YOU CALL HIS SERVICE AND
6 TRY TO GET AHOLD OF HIM?

7 A I CALLED AFTER JANET FACTOR TOLD ME THAT SHE
8 THOUGHT --

9 MR. BARENS: OBJECTION. NONRESPONSIVE.

10 THE COURT: I WILL SUSTAIN THE OBJECTION.

11 THE WITNESS: YES, I DID.

12 Q BY MR. WAPNER: AT SOME POINT AFTER YOU HAD
13 THIS CONVERSATION WITH MR. LEVIN WHEN HE WAS AT THE BEVERLY
14 HILLS HOTEL, DID YOU RUN INTO A PERSON NAMED JANET FACTOR?

15 A YES.

16 Q IS SHE THE MOTHER OF DEAN FACTOR?

17 A SHE IS DEAN FACTOR'S MOTHER AND SHE WAS BEST
18 FRIENDS WITH RONNIE FOR MANY YEARS.

19 MR. BARENS: OBJECTION. MOVE TO STRIKE IT AS
20 NONRESPONSIVE.

21 THE COURT: WELL, I WILL LET IT STAND BECAUSE IT WILL
22 COME OUT BY THE NEXT QUESTION ANYWAY.

23 Q BY MR. WAPNER: DID MR. FACTOR AND MRS. LEVIN
24 HAVE A FALLING OUT AT SOME POINT?

25 A I BELIEVE THEY HAD A FALLING OUT OVER A DINING
26 ROOM TABLE.

27 Q IT WAS IN APPROXIMATELY 1979 OR SO?

28 A IT WAS I THINK MAYBE IN 1980.

1 Q FROM THAT TIME UNTIL 1984, WOULD YOU SAY
2 THAT MRS. FACTOR AND MR. LEVIN WERE NOT FRIENDS AT ALL?

3 MR. BARENS: OBJECTION, NO FOUNDATION.

4 THE COURT: I WILL SUSTAIN IT. I DON'T SEE THE
5 RELEVANCY. I WILL SUSTAIN THE OBJECTION.

6 Q BY MR. WAPNER: WHEN YOU SAID THAT MRS. FACTOR
7 AND MR. LEVIN WERE BEST FRIENDS, WAS THAT SOMETIME IN 1980
8 AND BEFORE?

9 A WELL, FROM THE TIME I MET HIM IN THE EARLY 70'S
10 UNTIL 1980, THEY HAD BEEN FRIENDS LONG BEFORE I MET HIM.
11 AND THEY WERE INSEPARABLE FRIENDS.

12 Q WHAT ABOUT FROM 1980 UNTIL 1984?

13 A AS FAR AS I KNOW, THEY WERE NO LONGER SEEING
14 EACH OTHER.

15 Q OR EVEN SPEAKING?

16 A AS FAR AS I KNOW.

17 Q WERE YOU FAMILIAR WITH MR. LEVIN'S HABIT WITH
18 REGARD TO HIS PHONE MESSAGES?

19 A WELL, HE CONSTANTLY WAS CALLING IN FOR MESSAGES.
20 AND AT ONE TIME, HE CARRIED A BEEPER SO THAT IF YOU WERE
21 IN A MOVIE, HE WOULD RUN OUT TO TRY TO GET HIS PHONE MESSAGES
22 OR IF YOU WERE IN A RESTAURANT, HE WOULD HAVE TO LEAVE THE
23 TABLE. HE WAS CONSTANTLY GETTING MESSAGES.

24 Q DID THE TELEPHONE APPEAR TO BE PRETTY IMPORTANT
25 TO HIM?

26 A WELL, HE WAS CONSTANTLY ON IT.

27 Q DID HE APPEAR TO YOU TO BE A LONELY PERSON?

28 A I THINK HE WAS VERY LONELY BECAUSE HE WAS

1 CONSTANTLY NEEDING PEOPLE AROUND HIM. HE CONSTANTLY NEEDED
2 ATTENTION.

3 THAT IS ONE OF THE THINGS THAT I FELT SORRY
4 FOR RON ABOUT BECAUSE HE ALWAYS SEEMED SO LONELY.

5 MR. BARENS: OBJECTION.

6 THE COURT: WELL, THE QUESTION OF LONELINESS CAME
7 UP BEFORE WITHOUT OBJECTION. SHE IS JUST REPEATING TESTIMONY
8 FROM BEFORE.

9 MR. BARENS: IF I MIGHT, SHE WENT BEYOND THAT SAYING
10 THAT HE WAS LONELY AND NOW INTO A NARRATIVE ABOUT HER FEELINGS
11 OF --

12 THE COURT: ALL RIGHT. I WILL STRIKE EVERYTHING AFTER
13 SHE THOUGHT HE WAS LONELY.

14 MR. BARENS: THANK YOU.

15 Q BY MR. WAPNER: WHAT IS THE BASIS FOR YOUR OPINION
16 THAT HE WAS A VULNERABLE PERSON?

17 A WELL, I KNEW HIM FOR A LONG, LONG TIME. AND
18 HE ALWAYS HAD TO HAVE MANY, MANY PEOPLE AROUND HIM.

19 WHENEVER HE WOULD CALL ME AND HE WOULD SAY,
20 "WHAT DID YOU DO THIS WEEKEND?" I WOULD TELL HIM THAT I
21 WENT SUCH-AND-SUCH A PLACE WITH SO-AND-SO AND HE SAID, "WHY
22 DIDN'T YOU CALL ME? AREN'T YOU MY FRIEND ANYMORE? DON'T
23 YOU LIKE ME?"

24 HE CONSTANTLY NEEDED ATTENTION. AND HE CONSTANTLY
25 NEEDED REASSURANCE THAT YOU REALLY LIKED HIM AND CARED ABOUT
26 HIM.

27
28

1 Q YOU HAVE BEEN IN HIS APARTMENT ON SEVERAL OCCASIONS?

2 A MANY, MANY TIMES.

3 Q INCIDENTALLY, DO YOU KNOW APPROXIMATELY HOW BIG
4 THAT APARTMENT WAS?

5 A WELL, I AM NOT AN ARCHITECT, BUT I WOULD SAY
6 AROUND 3,000 SQUARE FEET.

7 Q PRETTY LARGE, WASN'T IT?

8 A IT IS A LARGE APARTMENT.

9 Q AND DID HE HAVE LOTS OF ART OBJECTS AND THINGS
10 LIKE THAT IN THE APARTMENT?

11 A IT WAS BEAUTIFULLY DONE, YES.

12 Q DID HIS MATERIAL POSSESSIONS APPEAR TO YOU TO
13 BE IMPORTANT TO HIM?

14 A OH, EXTREMELY IMPORTANT.

15 Q CAN YOU EXPLAIN THE BASIS FOR THAT OPINION?

16 A WELL, I THINK IT WAS TWO-FOLD: HE LOVED THE
17 COMFORTS OF HIS HOUSE. HE LOVED HIS CLOTHING. HE LOVED HIS
18 JEWELRY.

19 HE APPRECIATED THEM FOR THEIR ARTISTIC VALUE
20 AND THE COMFORT THAT THEY GAVE HIM.

21 AND HE ALSO, I THINK, LIKED TO GET ATTENTION
22 FROM THEM BECAUSE THEY GAVE HIM THE FEELING, YOU KNOW, OF
23 BEING, YOU KNOW, A PERSON WHO WAS ABLE TO HAVE THESE
24 COMFORTS SO HE GOT ATTENTION, YOU KNOW, FROM HIS CARS, YOU
25 KNOW, HIS FABULOUS CLOTHES AND WATCHES WERE THINGS THAT PEOPLE
26 LOOKED AT AND, YOU KNOW, NOTICED AND BROUGHT HIM MORE
27 ATTENTION.

28 Q WERE YOU AWARE OF MR. LEVIN'S STATE OF MIND IN

1 TERMS OF OWING PEOPLE MONEY?

2 A WELL, YOU KNOW, HE OWED PEOPLE MONEY.

3 HE NEVER HID THIS FROM ME.

4 Q WERE YOU EVER WITH HIM ON RODEO DRIVE IN BEVERLY
5 HILLS WALKING DOWN THE STREET?

6 A I HAVE BEEN WITH HIM WHEN, YOU KNOW, EVERY PERSON
7 YOU SEE OR EVERY SHOP HE WOULD SEE, HE WOULD SAY "THERE ARE
8 MY CREDITORS. THERE ARE MY CREDITORS."

9 I HAVE ALSO BEEN IN FRONT WITH HIM ONCE, IN FRONT
10 OF NATE & AL'S. PAUL MORRISAY AND I WERE THERE AND A MAN
11 ACCOSTED HIM AND SAID, "RONNIE, YOU KNOW YOU OWE ME MONEY
12 AND" YOU KNOW, "IF YOU DON'T GIVE IT BACK TO ME" YOU KNOW,
13 HE THREATENED HIM VIOLENTLY.

14 AND RONNIE JUST, YOU KNOW, LIKE SHOVED HIM AWAY
15 AND TOLD US TO GET QUICKLY IN THE CAR AND RONNIE SEEMED
16 TOTALLY -- HE DIDN'T CARE AT ALL.

17 AND WE GOT IN THE CAR AND WE WERE HORRIFIED AND
18 RONNIE JUST, YOU KNOW, DROVE US AWAY AS IF NOTHING HAPPENED.

19 Q DID HE SEEM TO BE UPSET ABOUT IT?

20 A NOT AT ALL.

21 WE WERE UPSET.

22 Q DID YOU KNOW AS OF JUNE, 1984, THERE WAS A CRIMINAL
23 CASE PENDING AGAINST HIM FOR GRAND THEFT?

24 A YES, I DID.

25 Q DID YOU EVER TALK TO HIM ABOUT THAT?

26 A YES, I DID.

27 Q OFTEN?

28 A WELL, I WOULD ASK HIM ABOUT IT.

1 Q WHAT DID HE SAY?

2 A WELL, I WAS VERY WORRIED.

3 HE SAID THAT I SHOULDN'T BE WORRIED; THAT HE
4 COULDN'T WAIT FOR IT TO START AND THAT HE PLANNED TO SUE THE
5 CITY OF BEVERLY HILLS FOR FALSE ARREST FOR FORTY MILLION
6 DOLLARS.

7 Q CAN YOU DESCRIBE -- WELL, FIRST OF ALL, DID YOU
8 KNOW ANYTHING ABOUT HIS RELATIONSHIP WITH HIS MOTHER?

9 A WELL, HE OFTEN TALKED TO ME ABOUT HIS MOTHER.

10 Q WHAT DID HE SAY?

11 A HE SAID THAT HE -- THAT HIS MOTHER, TO HIM, WAS
12 THE MOST IMPORTANT PERSON IN HIS LIFE. HE ADMIRED HER
13 TREMENDOUSLY. HE HAD, YOU KNOW, GREAT RESPECT FOR HER. HE
14 THOUGHT SHE WAS THIS LOVELY, WONDERFUL PERSON AND HE -- HE
15 JUST ADORED HER.

16 Q DID HE TALK ABOUT HER OFTEN?

17 A OFTEN.

18 Q DID HE TALK ABOUT HER AT LENGTH?

19 A IT WAS -- IT WAS OFTEN.

20 Q DID HE HAVE PICTURES OF HER ON THE TOP OF HIS
21 TELEVISION IN HIS HOME?

22 A YES, HE DID.

23 Q DID HE HAVE A PICTURE OF YOU IN THE HOUSE?

24 A THE LAST TIME I WAS IN THE HOUSE, HE DID.

25 Q SHOWING YOU A PHOTOGRAPH THAT WE HAVE MARKED
26 AS PEOPLE'S 118; DO YOU RECOGNIZE WHAT THAT IS A PICTURE OF?

27 A IN THIS LARGE PHOTOGRAPH IS A PICTURE OF ME.

28 Q ALL RIGHT. THE OVERALL PHOTOGRAPH WHICH WE HAVE

1 MARKED AS 118 IS A PICTURE OF HIS LARGE OFFICE; IS THAT RIGHT?

2 A YES, IT IS.

3 Q LET ME GIVE YOU THIS POINTER HERE. WOULD YOU
4 POINT TO WHERE IN THIS PHOTOGRAPH 118 WOULD HAVE BEEN THIS
5 PICTURE OF YOU?

6 (WITNESS COMPLIES.)

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

8 THE COURT: ALL RIGHT.

9

10 CROSS-EXAMINATION

11 BY MR. BARENS:

12 Q GOOD MORNING.

13 A GOOD MORNING.

14 Q YOUR PHONE NUMBER IS 650-9608?

15 A YES -- NO, IT ISN'T.

16

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1 Q WAS IT?

2 A AT ONE TIME, YES.

3 Q AND DID YOU HAVE A PHONE NUMBER 478-3156?

4 THE COURT REPORTER: REPEAT THAT.

5 THE WITNESS: NO -- WAIT A MINUTE.

6 Q BY MR. BARENS: 3156?

7 A THAT MAY HAVE BEEN AN OFFICE NUMBER FROM A FEW
8 YEARS AGO.

9 Q I SEE.

10 A I DON'T REALLY RECALL.

11 Q YOU SAID MR. LEVIN CONFIDED IN YOU?

12 A YES, HE DID.

13 Q WHAT DID HE TELL YOU WHEN HE CONFIDED IN YOU?

14 A WELL, I KNEW HIM FOR 12 YEARS SO HE SPOKE ABOUT
15 MANY THINGS WITH ME.

16 Q LIKE?

17 A HE CONFIDED ABOUT, YOU KNOW, HIS PERSONAL FEELINGS.
18 HE CONFIDED ABOUT HIS, YOU KNOW, FEELINGS ABOUT OTHER PEOPLE.

19 HE, YOU KNOW, EVEN CONFIDED, YOU KNOW, EVERYTHING.

20 HE WOULD JUST TALK OPENLY ABOUT HIS BUSINESS
21 DEALINGS.

22 HE HAD NO FEARS OF HIDING ANYTHING FROM HIS
23 FRIENDS.

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1 Q COULD YOU GIVE ME ANY SPECIFIC EXAMPLES?

2 A HE AT ONE TIME -- HE DID THINGS THAT I CERTAINLY
3 DIDN'T WANT TO BE SHOWN. WHEN HE WAS ABOUT TO GO TO JAIL
4 IN THE LATE 70'S, HE HELD UP HIS 30-COUNT FEDERAL INDICTMENT
5 AND DISPLAYED IT TO ME AND LET ME LOOK AT IT, WHICH I DIDN'T
6 WANT TO LOOK AT. SO THAT IS QUITE A BIT OF CONFIDENCE,
7 I WOULD SAY.

8 Q ALL RIGHT. YOU DIDN'T KNOW THAT HE SHOWED THAT
9 TO EVERYONE HE TALKED TO?

10 A I ONLY SAID --

11 MR. BARENS: OBJECTION, NO FOUNDATION.

12 THE WITNESS: I ONLY SAID THAT HE SHOWED IT TO ME.
13 DO YOU --

14 MR. BARENS: I HAVE HEARD THAT, ACTUALLY, YES.

15 MR. WAPNER: NOW WHO IS TESTIFYING? CAN WE STRIKE
16 THAT?

17 MR. BARENS: JUST OUT OF COURTESY, I WAS JUST TRYING
18 TO ANSWER THE QUESTION AND --

19 THE COURT: LET'S PUT COURTESY --

20 MR. WAPNER: THE WITNESS KNOWS. DOES MR. BARENS?

21 MR. BARENS: WELL, WHATEVER, YOUR HONOR.

22 Q DID MR. LEVIN EVER GO TO PALM SPRINGS DURING
23 THE TIME YOU KNEW HIM?

24 A I DON'T RECALL.

25 Q DID YOU EVER HEAR HIM TELL YOU THAT HE HAD TO
26 GO TO PALM SPRINGS?

27 A NO.

28 Q DO YOU KNOW MR. LEVIN'S WIFE?

1 A I KNOW NO WIFE.

2 Q YOU DIDN'T KNOW HE HAD A WIFE?

3 A I KNOW NO WIFE.

4 Q DID HE EVER MENTION HIS WIFE TO YOU?

5 A I KNOW NO WIFE.

6 Q DID HE EVER MENTION HIS WIFE TO YOU?

7 A NO.

8 Q DID HE EVER MENTION HIS CHILDREN TO YOU?

9 A NO.

10 Q TO YOUR KNOWLEDGE, DID HE HAVE ANY CHILDREN?

11 A NOT TO MY KNOWLEDGE.

12 Q WERE YOU HERE WHEN MR. FOULK TESTIFIED?

13 A NO, I WAS NOT.

14 Q WERE YOU HERE YESTERDAY, HOWEVER? WEREN'T YOU?

15 A I WAS SUPPOSED TO TESTIFY YESTERDAY.

16 Q YOU WERE SITTING OUT IN THE AUDIENCE YESTERDAY?

17 A YES. I WAS SUPPOSED TO TESTIFY AT 3:00.

18 Q RIGHT. DID YOU HEAR MR. FURSTMAN TESTIFYING

19 YESTERDAY?

20 A WHO IS MR. FURSTMAN?

21 A THE FELLOW WITH THE BEARD THAT WAS MR. LEVIN'S

22 LAWYER.

23 A I SAW THE END OF THAT.

24 Q DID YOU PAY ATTENTION AT ALL?

25 A NO. I MEAN, I WAS PAYING ATTENTION BUT I HAD TWO

26 FRIENDS WITH ME AND --

27 Q YOU DIDN'T LISTEN?

28 A WELL, IT WAS VERY, VERY COMPLICATED. I WAS

A-3
1 LISTENING BUT IT WAS VERY COMPLICATED.

2 Q DID YOU HEAR FURSTMAN SAY --

3 MR. WAPNER: OBJECTION, RELEVANCE AS TO WHAT SHE HEARD
4 ANOTHER WITNESS ---

5 MR. BARENS: WELL, IF I COULD ASK THE QUESTION, I
6 WILL SHOW THE RELEVANCE AND --

7 THE COURT: WELL, ASSUMING SHE HEARD HIM, WHAT DIFFERENCE
8 DOES IT MAKE?

9 MR. BARENS: WELL, I THINK IF YOUR HONOR WILL PERMIT
10 ME TO ASK A QUESTION YOU WILL FIND OUT.

11 THE COURT: GO AHEAD.

12 MR. BARENS: THANK YOU, SIR.

13 Q DID YOU HEAR MR. FURSTMAN SAY LEVIN WAS QUITE
14 DELIGHTED THAT HIS TRIAL ON THE FELONY COUNTS IN THE BEVERLY
15 HILLS CASE HAD BEEN CONTINUED FOR SEVERAL MONTHS?

16 A WELL, I AM NOT AWARE OF THE LAW. AND, NO, I
17 DIDN'T HEAR HIM SAY THAT.

18 THE COURT: DO YOU MAKE A MOTION TO STRIKE?

19 MR. WAPNER: YES.

20 THE COURT: I WILL GRANT THE MOTION. THE JURY WILL
21 BE INSTRUCTED TO DISREGARD THE QUESTION AND ANSWER.

22 Q BY MR. BARENS: HOWEVER, MR. LEVIN TOLD YOU
23 THAT HE COULDN'T WAIT FOR HIS CASE TO GO TO TRIAL?

24 Q YES, HE DID.

25 Q I SEE. AND FROM THE INSTANT YOU RELATED WHERE
26 YOU SAW A FELLOW ACCOST HIM, SO TO SPEAK, ACCOST MR. LEVIN
27 FOR A DEBT ONE DAY IN BEVERLY HILLS, DID YOU EVER SEE ANYTHING
28 LIKE THAT HAPPEN WITH MR. LEVIN?

1 A I NEVER SAW ANYONE ELSE ACCOST HIM.

2 Q DID YOU SEE ANYONE ELSE THREATEN HIM?

3 A I HAVE HEARD PEOPLE SCREAM AT HIM, YES.

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1 Q WOULD YOU CALL IT A THREATENING MANNER?

2 A YES.

3 Q AND WAS IT A MENACING MANNER?

4 A WELL, IT WAS OVER THE PHONE, YES. I HAD HEARD
5 PEOPLE SCREAM IN A MENACING WAY BUT NOT THAT MENACING.

6 THEY WOULD JUST SAY THAT THEY WANTED THEIR MONEY
7 AND PELASE SEND IT QUICKLY.

8 MR. BARENS: THANK YOU.

9 THE COURT: ALL RIGHT. ANYTHING FURTHER?

10 MR. WAPNER: NO. WELL, I DO HAVE ONE ON REDIRECT.

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REDIRECT EXAMINATION

14

BY MR. WAPNER:

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Q WHEN HE DISPLAYED THIS 30-COUNT FEDERAL INDICT-
MENT TO YOU, IN WHAT MANNER DID HE DO THAT?

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A LIKE RONNIE ALWAYS DID THINGS WHEN HE WANTED
ATTENTION. HE DISPLAYED IT VERY FLAMBOYANTLY.

19

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AND HE SORT OF LEAFED THROUGH IT. HE DISPLAYED
IT, LITERALLY DISPLAYED IT AND THEN HE LEAFED THROUGH IT.

21

22

YOU KNOW, HE WOULD HAVE LET ME LEAF THROUGH IT,
BUT I DIDN'T REALLY WANT TO SEE IT.

23

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Q DID HE APPEAR TO BE PROUD OF IT?

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A YES.

MR. WAPNER: NOTHING FURTHER, YOUR HONOR.

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MR. BARENS: I DO HAVE A QUESTION, ACTUALLY.

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RECROSS-EXAMINATION

BY MR. BARENS:

Q DID MR. LEVIN EVER DISPLAY THE 11-COUNT OR 12-COUNT BEVERLY HILLS INDICTMENT TO YOU?

MR. WAPNER: EXCUSE ME. COMPLAINT YOU MEAN, MR. BARENS?

MR. BARENS: COMPLAINT IS FINE.

THE WITNESS: THE ONLY TIME HE DID THIS WAS IN THE LATE '70'S, NOT THE MORE RECENT TIME.

Q BY MR. BARENS: DID HE APPEAR TO BE PROUD OF THE BEVERLY HILLS COMPLAINT?

A WELL, HE DIDN'T -- HE NEVER DISPLAYED IT TO ME. SO I DON'T KNOW, YOU KNOW.

MR. BARENS: ALL RIGHT. THANK YOU.

THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU ARE EXCUSED.

MR. WAPNER: YOUR HONOR, I APOLOGIZE. I ANTICIPATED EXTENSIVE CROSS-EXAMINATION ON MR. GELLER AND THIS WITNESS. I DON'T HAVE ANYONE ELSE THIS MORNING.

COUNSEL WAS NORMALLY TAKING AN HOUR TO CROSS-EXAMINE PEOPLE. MR. GELLER WAS ABOUT FIVE MINUTES.

THE COURT: WELL, WHY DON'T YOU ANTICIPATE THAT IT MIGHT PICK UP. SO, HAVE YOUR WITNESSES ON CALL SO THAT THEY WILL BE AVAILABLE AS WITNESSES. DO YOU HAVE SOME WITNESSES THIS AFTERNOON?

MR. WAPNER: EVEN IF I WERE TO CALL THEM, I PROBABLY COULDN'T GET THEM HERE UNTIL NOON.

THE COURT: ALL RIGHT. ANTICIPATE THAT THE CROSS-EXAMINATION WON'T TAKE SO LONG AND HAVE THE WITNESSES HERE

1 SO WE WON'T HAVE TO WASTE ANY TIME.

2 MR. WAPNER: I APOLOGIZE TO THE COURT AND TO THE JURY.

3 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN OF THE
4 JURY, WE HAVE RUN OUT OF WITNESSES FOR THE MOMENT. I WILL
5 ASK YOU ALL TO COME BACK AT 1:30 THIS AFTERNOON. THE SAME
6 ADMONITION THAT I GAVE YOU ABOUT TALKING AMONG YOURSELVES
7 OR WITH THIRD PARTIES WILL STILL APPLY. HAVE A PLEASANT LUNCH.

8 (THE JURY LEAVES THE COURTROOM.)

9 THE COURT: WE HAVE A LITTLE UNFINISHED BUSINESS.
10 MR. BARENS, YOU WANTED TO APPROACH THE BENCH AT ONE TIME WITH
11 RESPECT TO THE GRANDMOTHER.

12 DO YOU WANT TO MAKE AN OFFER OF PROOF? THERE
13 WAS AN OBJECTION. I WILL PERMIT YOU TO DO SO ON THE RECORD
14 NOW.

15 MR. BARENS: YES, YOUR HONOR. I BELIEVE THAT THE
16 TESTIMONY WILL BE DEVELOPED LATER THAT WILL DEMONSTRATE THAT
17 THE MOTHER WE ARE HEREIN REFERRED TO, MR. LEVIN OFTEN CONFUSED
18 AND REFERENCED TO HIS GRANDMOTHER.

19 AND THAT THIS -- IT WOULD BE ARGUABLE IN FRONT
20 OF THE JURY, FOR THE JURY TO DECIDE ON A FACT BASIS, WHETHER
21 MR. LEVIN IS REFERRING TO HIS MOTHER OR HIS GRANDMOTHER BECAUSE
22 THESE REFERENCES IN HIS DIALOGUE OFTEN TENDED TO BECOME RATHER
23 CONFUSED.

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1 THE COURT: IF YOU HAVE ANY WITNESSES THAT YOU WANT
2 TO PUT ON, YOU MAY DO SO.

3 MR. BARENS: YOUR HONOR, WHEN I HAD THAT GENTLEMAN,
4 MR. FOULK HERE, ACTUALLY I WANTED TO ASK HIM, AS YOU MIGHT
5 RECALL, YOUR HONOR, IF MR. LEVIN HAD REFERENCED HIS GRAND-
6 MOTHER, SO AT THAT POINT I COULD ATTEMPT TO INITIALLY JUXTAPOSE
7 HIS COMMENTARY ON HIS GRANDMOTHER WITH HIS COMMENTARY ON
8 HIS MOTHER.

9 THE COURT: DO YOU HAVE ANYTHING TO SAY ABOUT THAT?

10 MR. WAPNER: NO, NOT REALLY, YOUR HONOR, I DON'T.

11 THE COURT: WELL, YOU WANT TO HAVE ANY WITNESSES RECALLED
12 FOR THE PURPOSES OF TRYING TO ESTABLISH THAT WHEN HE MADE
13 THESE REFERENCES TO ALL OF THESE PEOPLE WHO TESTIFIED THEY
14 WERE TO HIS MOTHER AND THAT HE INTENDED IT TO MEAN HIS GRAND-
15 MOTHER, IS THAT WHAT YOU WANT TO DO?

16 MR. BARENS: NO, SIR.

17 I AM SAYING THAT SOMETIMES, ASIDE FROM REFERRING
18 TO HIS MOTHER, HE WOULD MAKE REFERENCES TO HIS GRANDMOTHER.
19 I THINK THE JURY MAY EVENTUALLY HAVE TO DECIDE WHICH ONE
20 HE WAS IN LOVE WITH.

21 THE COURT: IF THAT IS AN OFFER OF PROOF, I AM GOING
22 TO REJECT IT. ALL RIGHT.

23 MR. WAPNER: MAY WE APPROACH THE BENCH JUST BRIEFLY?

24 THE COURT: YES.

25 (THE FOLLOWING PROCEEDINGS WERE HELD AT
26 THE BENCH:)

27 MR. WAPNER: YOUR HONOR, I RAN OUT OF WITNESSES SO
28 THIS IS PROBABLY AN INOPPORTUNE TIME TO ASK THIS, BUT MY

1 BROTHER'S WIFE JUST HAD A BABY.

2 THE COURT: WONDERFUL. CONGRATULATIONS.

3 MR. WAPNER: THANK YOU.

4 THE BRISS IS GOING TO BE ON MONDAY.

5 THE COURT: PARDON ME?

6 MR. WAPNER: THE BRISS WILL BE ON MONDAY.

7 THE COURT: ON MONDAY?

8 MR. WAPNER: AT 4:00 AT MY FOLKS' HOUSE AND I WAS
9 WONDERING IF THE COURT COULD CONSIDER RECESSING AT 3:30
10 ON MONDAY FOR THAT PURPOSE.

11 THE COURT: SURE, I WILL DO THAT.

12 THE COURT: WE WILL GO STRAIGHT THROUGH WITHOUT A
13 RECESS.

14 MR. WAPNER: SURE.

15 MR. BARENS: YOUR HONOR --

16 THE COURT: YOU HAVE A BRISS, TOO?

17 MR. BARENS: YOUR HONOR, I THOUGHT WE HAD BEEN ASKED
18 TO APPROACH BECAUSE MR. WAPNER WANTED TO RECONSIDER THE
19 ARCE MOTION. THANK YOU, YOUR HONOR.

20 (AT 11:35 A.M. A RECESS WAS TAKEN UNTIL
21 1:30 P.M. OF THE SAME DAY.)

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13-1 1 SANTA MONICA, CALIFORNIA, THURSDAY, FEBRUARY 5, 1987; 1:37 P.M.

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

3 (APPEARANCES AS HERETOFORE NOTED.)

4 (THE FOLLOWING PROCEEDINGS WERE HELD

5 CHAMBERS:)

6 MR. BARENS: GOOD AFTERNOON, YOUR HONOR.

7 THE COURT: GOOD AFTERNOON.

8 I DON'T NEED HIM EITHER. IF HE WANTS TO STAY,
9 HE CAN STAY.

10 I JUST GOT A TELEPHONE CALL FROM A FRIEND OF
11 MINE IN LAS VEGAS WHO WAS LISTENING TO A BROADCAST ON C.N.N.
12 AND YOU WERE BEING INTERVIEWED AFTER THE TRIAL HAD ENDED
13 YESTERDAY IN THE HALLWAY AND YOU WERE REPORTED TO HAVE TOLD
14 THE REPORTER THERE, AND IT WAS ON TELEVISION, THAT MY CONDUCT
15 WAS DEPLORABLE IN CONNECTION WITH THE MATTER -- LISTEN TO
16 ME NOW -- IN CONNECTION WITH THE MATTER INVOLVING THE TESTIMONY
17 RELATIVE TO THE PUBLIC DEFENDER AND NOT HAVING ANY MONEY,
18 AND SO ON AND SO FORTH, AND THE ADJECTIVES, HE SAID, LEFT
19 HIM WITH THE DEFINITE IMPRESSION THAT IT WAS EXTREMELY HUMILI-
20 ATING ABOUT ME, THE REMARKS THAT YOU MADE.

21 NOW I AM ORDERING YOU UNDER NO CIRCUMSTANCES
22 ARE YOU TO TALK TO THE PRESS OR BE INTERVIEWED BY ANYBODY
23 OUTSIDE IN THIS HALLWAY; DO YOU UNDERSTAND THAT?
24

25 MR. BARENS: YES.

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1 THE COURT: THAT'S AN ORDER.

2 MR. BARENS: MAY I RESPOND TO THE REMARKS?

3 THE COURT: THAT IS AN ORDER. HE MADE IT A POINT OF
4 CALLING ME FROM LAS VEGAS AND TELLING ME WHAT YOU SAID AND --

5 MR. BARENS: I WOULD LIKE TO RESPOND TO WHAT YOU SAID.

6 THE COURT: AND I WILL ASK FOR THE REPORTER WHOEVER
7 IT IS THAT TOOK IT DOWN, TO GIVE ME A TRANSCRIPT OF WHAT IT
8 WAS --

9 MR. BARENS: YES. I WOULD LIKE TO BE VERY CLEAR
10 THAT --

11 THE COURT: YOU TELL ME WHAT YOU SAY YOU SAID.

12 MR. BARENS: THEY WERE ASKING ME NOT ABOUT YOUR
13 HONOR'S INQUIRY ON THE PUBLIC DEFENDER, BUT RATHER ASKING
14 ME HOW I FELT ABOUT THE INCIDENT WITH THE BAILIFF.

15 AND MY RESPONSE WAS THAT I THOUGHT IT WAS
16 REPREHENSIBLE THAT I HAD BEEN APPROACHED BY A BAILIFF --

17 THE COURT: HE MENTIONED NOTHING ABOUT A BAILIFF.

18 MR. BARENS: WELL, THERE IS A FILM OR A VIDEO TAPE,
19 I WOULD PRESUME, AVAILABLE.

20 THE COURT: WELL, HOW DID HE KNOW ANYTHING ABOUT NOT
21 HAVING ANY MONEY AND THE PUBLIC DEFENDER AND --

22 MR. BARENS: YOUR HONOR, I SWEAR TO GOD, NO REPORTER
23 EVER ASKED ME ABOUT THE PUBLIC DEFENDER.

24 THE COURT: HOW DOES HE KNOW? HE IS IN LAS VEGAS.
25 HE DOESN'T KNOW ANYTHING ABOUT WHAT IS GOING ON HERE.

26 HE REPEATED TO ME EXACTLY WHAT I TOLD YOU. HE
27 SAID --

28 MR. CHIER: I CAN TELL YOU THE CONTEXT --

1 MR. BARENS: I AM NOT HERE TO LIE TO YOU, YOUR HONOR.

2 THE COURT: I DON'T WANT YOU TO TALK TO ANY REPORTER
3 OUTSIDE HERE. DO YOU UNDERSTAND THAT?

4 MR. BARENS: I WOULD LIKE TO STATE --

5 THE COURT: IT IS THE SAME THING THAT HAPPENED IN THE
6 DELOREAN CASE. WE ARE HAVING A REPETITION OF THAT. I DON'T
7 WANT IT.

8 MR. BARENS: I WOULD LIKE TO STATE FOR THE RECORD THAT
9 THERE WAS NO QUESTION PUT TO ME ABOUT THE PUBLIC DEFENDER.

10 THERE WAS DISCUSSION WITH ME ABOUT WHAT HAPPENED
11 AND I WAS ASKED WHAT HAPPENED AT THE BENCH AND ASKED HOW I
12 FELT ABOUT WHAT HAPPENED WITH THE INCIDENT THAT OCCURRED IN
13 THE COURTROOM.

14 THE COURT: I WANT NO FURTHER CONFERENCES OUTSIDE IN
15 THE HALLWAY WITH ANYBODY IN CONNECTION WITH THAT MATTER. ALL
16 RIGHT? THAT IS AN ORDER. BOTH OF YOU.

17 MR. BARENS: I BELIEVE IT WOULD BE BILATERAL?

18 MR. WAPNER: OF COURSE.

19 THE COURT: IT IS FOR ALL COUNSEL.

20 THERE IS ONE OTHER MATTER THAT I WANTED TO TAKE
21 UP WITH YOU. I REMEMBERED YOU SAYING IN YOUR OPENING
22 STATEMENT, THE FOLLOWING ON PAGE 6378 AT LINE 13:

23 "NOW THEY HAVE LET DEAN KARNY
24 GO FROM A MURDER HE ADMITS HE COMMITTED IN THE
25 BAY AREA. THE EVIDENCE WILL SHOW THAT DEAN
26 KARNY WOULD NEVER TELL THE TRUTH TO THE POLICE ..."

27 AND SO ON AND SO FORTH.

28 "IF YOU LET ME OFF ON THE MURDER IN

1 SAN FRANCISCO, I WILL GO AS MANY PLACES AS
2 YOU WANT AND TELL THE STORY AND TELL IT EXACTLY."

3 THEN YOU GO ON IN CONNECTION WITH THAT PARTICULAR
4 MURDER IN SAN FRANCISCO WHICH IS THE ESLAMINIA MURDER.

5 WHAT DO YOU INTEND TO DO WITH THAT? YOU ARE
6 OPENING UP THE DOOR AND HE CAN BRING IN EVERYTHING ABOUT THAT
7 CASE AND WHO PARTICIPATED AND HOW IT WAS PARTICIPATED IN.

8 MR. BARENS: YOUR HONOR, I DON'T BELIEVE I AM OBLIGED
9 TO INDICATE OUR DEFENSE AT THIS POINT.

10 THE COURT: WELL, I WANT YOU TO KNOW THAT I WILL
11 INSTRUCT THE JURY TO STRIKE THAT PARTICULAR STATEMENT IN HERE,
12 IF YOU DON'T INTEND TO GO INTO IT.

13 OTHERWISE -- DO WHATEVER YOU WANT. THE FACT
14 OF THE MATTER IS, IF YOU DO INTEND TO ASK KARNY ABOUT IT AND
15 HE GOES INTO THE PARTICULARS, THE DISTRICT ATTORNEY HAS THE
16 RIGHT TO OPEN UP THE ENTIRE SUBJECT OF THE ESLAMINIA
17 KIDNAPPING AND MURDER.

18 I AM TELLING YOU THAT RIGHT NOW, ALL RIGHT?

19 MR. CHIER: WHAT IS YOUR HONOR'S RULING?

20 THE COURT: I DON'T HAVE TO TELL YOU ANYTHING. I AM
21 TELLING COUNSEL.

22 MR. BARENS: WELL, LET ME BE SURE I UNDERSTAND.

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1 THE COURT: IF YOU GO INTO KARNY, THE MATTER OF A
2 MURDER UP NORTH BECAUSE OF IMMUNITY, THAT WILL OPEN THE
3 DOOR TO ANYTHING THAT THE DISTRICT ATTORNEY HAS A RIGHT
4 TO SHOW WITH RESPECT TO THAT MURDER.

5 MR. BARENS: COULD I ASK THIS SO I CAN MAKE SURE HOW
6 I COULD CIRCUMSCRIBE THIS ISSUE RIGHT NOW?

7 OBVIOUSLY I AM GOING TO ASK MR. KARNY IF HE
8 HAS GOT ANY GRANT OF IMMUNITY.

9 THE COURT: IN THIS CASE?

10 MR. BARENS: YES, YOUR HONOR.

11 THE COURT: IN THIS CASE, YES.

12 MR. BARENS: NOW, YOUR HONOR, SUPPOSING I ASK HIM
13 IF HE HAD A GRANT OF IMMUNITY -- I AM JUST INQUIRING AS
14 TO YOUR HONOR'S STATE OF MIND RIGHT NOW.

15 THE COURT: IF YOU OPEN UP THE SUBJECT OF THAT NORTHERN
16 MURDER OF ESLAMINIA, HE HAS A RIGHT TO GO INTO ALL OF THE
17 DETAILS AND PARTICULARS ABOUT IT.

18 MR. BARENS: EVEN IF I ONLY INQUIRE ONLY IF HE HAS
19 A GRANT OF IMMUNITY IN THAT MATTER?

20 THE COURT: I DON'T CARE, BUT IF YOU ASK ABOUT --

21 MR. BARENS: MAY I HAVE ONE QUESTION ON THE LAW?

22 MR. CHIER: YOUR HONOR, THIS IS A LEGAL MATTER. IT
23 IS MY UNDERSTANDING I HAVE THE RIGHT TO ADDRESS LEGAL MATTERS.

24 MR. BARENS: MAY I TALK TO COUNSEL?

25 THE COURT: IT INVOLVES THE ESLAMINIA CASE AND NOT --

26 MR. BARENS: IT IS A LAW TYPE QUESTION.

27 MR. CHIER: THE ORDER WAS I COULD ADDRESS THE COURT
28 ON LEGAL MATTERS.

1 MR. BARENS: COULD I DEFER ON THE LEGAL MATTER?

2 THE COURT: YES.

3 MR. CHIER: HERE, YOUR HONOR, THE ISSUE OF IMMUNITY
4 IS AN ISSUE THAT GOES TO A WITNESS' PRIOR BIAS OR PREJUDICE
5 OR MOTIVE.

6 THE COURT: WELL, I HAVE ALREADY TOLD YOU I WILL NOT
7 RESTRICT YOU IN ASKING HIM WHETHER OR NOT HE HAS BEEN GRANTED
8 IMMUNITY FOR THIS PARTICULAR OFFENSE BUT IF YOU GO INTO
9 ANY QUESTION OF THE OTHER MURDER, THEN IT OPENS UP THE DOOR
10 FOR THE PEOPLE TO PUT ON WHAT THE CIRCUMSTANCES OF THAT
11 MURDER ARE.

12 MR. CHIER: JUST SO I UNDERSTAND.

13 THE COURT: I CAN'T MAKE IT ANY CLEARER TO YOU.

14 MR. CHIER: YES, YOU CAN, IF YOU WILL.

15 THE COURT: I MADE IT CLEAR TO YOU.

16 MR. CHIER: YOU CAN MAKE IT CLEARER.

17 THE COURT: IF YOU OPEN UP THE DOOR THAT HE COMMITTED
18 OR HAD IMMUNITY FOR THE MURDER, THE PEOPLE HAVE THE RIGHT
19 TO SHOW ALL OF THE FACTS IN CONNECTION WITH IT.
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1 MR. CHIER: COULD I ASK FOR CLARIFICATION?

2 THE COURT: GO AHEAD.

3 MR. CHIER: YOU MEAN, ASKING A QUESTION TO BE ADDRESSED
4 TO A PROSECUTION WITNESS AS TO WHETHER OR NOT HE HAS
5 IMMUNITY IN NORTHERN CALIFORNIA WHICH DOES NOT GO INTO THE
6 DETAILS OF THE EVENTS UNDERLYING THE IMMUNITY IS OPENING THE
7 DOOR?

8 THE COURT: I SAY I WANT NO REFERENCE AT ALL TO THAT
9 MATTER UP-STATE, NO REFERENCE OF ANY KIND.

10 YOU CAN GO INTO THE MATTER OF IMMUNITY IN THIS
11 PARTICULAR CASE BUT THE JURY SHOULD NOT BE TOLD ANYTHING --
12 WHICH LETS YOU OPEN THE DOOR -- ANYTHING ABOUT ANY OTHER KIND
13 OF CHARGES UP THERE.

14 MR. CHIER: IF WE DON'T WANT, IF WE DON'T MENTION THE
15 CHARGES SURROUNDING THE FACTS, YOU MEAN?

16 THE COURT: IT DOESN'T MAKE ANY DIFFERENCE WHAT YOU
17 MENTION BECAUSE THERE HAS BEEN A LOT OF PUBLICITY AND THE
18 JURORS MIGHT KNOW ABOUT IT BY THINGS THEY MIGHT HAVE READ.

19 MR. CHIER: EVEN THINGS WITH REFERENCE --

20 THE COURT: WILL YOU WRITE OUT THE QUESTION YOU EXPECT
21 TO ASK KARNY?

22 MR. BARENS: ALL RIGHT.

23 THE COURT: AND THAT IS ALL YOU ARE GOING TO ASK HIM
24 ABOUT WHETHER OR NOT HE GOT IMMUNITY FOR ANY KIND OF AN OFFENSE
25 UP NORTH, IS THAT WHAT YOU ARE GOING TO ASK HIM?

26 MR. BARENS: I WILL DO BETTER THAN THAT, YOUR HONOR.

27 I WILL WRITE OUT THE QUESTION FOR YOUR HONOR
28 PROMPTLY AND LET YOUR HONOR MAKE A -- AND SUBMIT IT TO THE

1 PEOPLE.

2 THE COURT: HOW ARE WE GOING TO UNDO THE STATEMENTS
3 THAT YOU MADE HERE ON THE RECORD? HOW ARE WE GOING TO UNDO
4 THAT? THE JURY HAS HEARD IT. THE CAT IS OUT OF THE BAG.

5 MR. BARENS: YOUR HONOR, THERE ARE SEVERAL CATS OUT
6 OF THE BAG.

7 THE COURT: I AM TALKING ABOUT THIS ONE, NOT ABOUT
8 ANY OTHERS.

9 MR. BARENS: YOUR HONOR, I HAVEN'T MADE A DECISION
10 AS TO WHETHER OR NOT, TO THE EXTENT I WILL QUESTION MR.
11 KARNY UNTIL I HAVE HAD A FURTHER CHANCE TO EVALUATE IT.

12 MR. WAPNER: WELL, I THINK THAT I AM NOT SURE WHAT
13 WE CAN DO BUT I DON'T WANT TO DO ANYTHING AT THIS TIME. I
14 DON'T THINK TODAY IS THE DAY TO ADDRESS THE JURY ABOUT IT.

15 WHEN WE GET READY, WHEN WE DECIDE WHAT WE ARE
16 GOING TO DO ABOUT MR. KARNY AND HOW THAT IS GOING TO BE
17 HANDLED, THEN I THINK APPROPRIATE SANCTIONS, IF ANY, CAN BE
18 DECIDED.

19 AGAIN, IT IS ONE OF THOSE DILEMMAS WHERE IF YOU
20 MENTION IT TO THE JURY, YOU CALL MORE ATTENTION TO IT.

21 THE COURT: THAT IS WHY I WANT TO AVOID ANY REFERENCE
22 AT ALL TO IT BECAUSE THAT WILL OPEN THE DOOR TO WHATEVER YOU
23 MIGHT WANT TO INTRODUCE.

24 MR. BARENS: YOUR HONOR, I DO RESERVE MY RIGHT, HOWEVER,
25 TO TAKE MY CHANCES IN THAT REGARD.

26 THE COURT: VERY GOOD, YOU TAKE YOUR CHANCES. IF YOU
27 TAKE YOUR CHANCES, THAT IS YOUR RIGHT.

28 I AM TELLING YOU NOW IF THE D.A. WANTS TO GO

1 INTO ALL OF THE DETAILS AND THE INVOLVEMENT, IF ANY, OF YOUR
2 CLIENT, HE HAS THE RIGHT TO DO SO.

3 MR. CHIER: ON THE THEORY OF THE DOOR IS OPEN, YOUR
4 HONOR?

5 MR. BARENS: YES.

6 THE COURT: LET'S GO, GENTLEMEN.

7 MR. BARENS: MAY I MAKE ONE MORE COMMENT FOR THE
8 RECORD?

9 THE COURT: YES.

10 MR. BARENS: I AM SURE -- AND YOUR HONOR WILL HAVE
11 A CHANCE TO LOOK AT THE VIDEO TAPE FROM YESTERDAY AFTERNOON
12 AFTER COURT AND I AM SURE YOUR HONOR, I DID NOT SAY WHAT YOUR
13 HONOR SAID I SAID. AND ALSO --

14 THE COURT: HE DIDN'T TELL ME -- HE TOLD ME --

15 MR. BARENS: WHOEVER HE TOLD.

16 THE COURT: IT HAS BEEN REPORTED TO ME, IT WAS HEARD
17 OVER C.N.N. WHO HAS C.N.N. HERE, DO YOU KNOW?

18 MR. BARENS: THESE GENTLEMEN OUTSIDE.

19 MR. CHIER: THEY ARE RIGHT OUTSIDE.

20 MR. BARENS: I COULD HAVE THE CASSETTE.

21 THE COURT: I WANT THE CASSETTE PLAYED.

22 MR. BARENS: MAY I JUST FINISH MY REMARK?

23 I DID NOT SAY WHAT YOUR HONOR HAS SAID. THE
24 QUESTION WAS NOT PUT TO ME THAT YOUR HONOR IS SAYING WAS PUT
25 TO ME.

26 HOWEVER, IN THE QUESTION THAT WAS REALLY PUT
27 TO ME, WHICH I DID RESPOND AS I INDICATED TO YOUR HONOR, I
28 AM SURE YOUR HONOR CAN REALIZE THAT I WAS ALSO A BIT UPSET

1 AT THE END OF THE SESSION.

2 THE COURT: THAT IS A DIFFERENT STORY.

3 MR. BARENS: I WAS UPSET.

4 THE COURT: NOW WHAT YOU SAID WHILE YOU WERE UPSET
5 DOESN'T PRECLUDE THESE OBSERVATIONS PEOPLE HAVE MADE, HEARING IT.

6 MR. BARENS: NO QUESTION ABOUT IT. BUT I DID NOT AT
7 ALL DISCUSS THAT PUBLIC DEFENDER BUSINESS OUT IN THE HALL.
8 IT WAS NOT EVEN A SUBJECT.

9 BUT I AM ASKING YOUR HONOR, AS A HUMAN BEING,
10 TO REALIZE -- IN FACT I WILL PUT IT ON THE RECORD -- THAT
11 AFTER THE SESSION, I EVEN COMMENTED TO THE PEOPLE THAT I WAS
12 GLAD I DIDN'T HAVE TO CROSS-EXAMINE YESTERDAY BECAUSE I WAS
13 SHAKEN BY THE INCIDENT AND DID NOT FEEL EMOTIONALLY COMPETENT
14 TO PROCEED AT THAT MOMENT.

15 THE COURT: I HOPE YOU ARE NOT UPSET NOW AND YOU CAN
16 GO AHEAD.

17 MR. BARENS: I AM PREPARED TO PROCEED.

18 I HOPE YOUR HONOR IS NOT UPSET WITH ME.

19 THE COURT: NO, NO. I AM JUST TELLING YOU NOW
20 PEOPLE OUTSIDE CALLED ME FROM LAS VEGAS TO TELL ME WHAT THEY
21 HEAR ON TELEVISION AND SAID THAT HE CHARACTERIZED IT AS SOME-
22 THING THAT PUT ME IN AN EXTREMELY UNFAVORABLE LIGHT.

23 MR. BARENS: THAT WAS NOT INTENDED.

24 THE COURT: NO, I KNOW.

25 THAT WAS THE EFFECT, NEVERTHELESS.

26

27

28

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

3 THE COURT: GOOD AFTERNOON, LADIES AND GENTLEMEN.
4 YOU MAY CALL YOUR NEXT WITNESS.

5 MR. WAPNER: WE CALL PAT TOWERS.

6
7 PATRICIA TOWERS,
8 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
9 AS FOLLOWS:

10 THE CLERK: RAISE YOUR RIGHT HAND TO BE SWORN.

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

15 THE WITNESS: I DO.

16 THE CLERK: STATE AND SPELL YOUR NAME FOR THE RECORD.

17 THE WITNESS: PATRICIA TOWERS, T-O-W-E-R-S.

18
19 DIRECT EXAMINATION

20 BY MR. WAPNER:

21 Q MISS TOWERS, WHERE ARE YOU EMPLOYED?

22 A SECURITY PACIFIC NATIONAL BANK IN BEVERLY HILLS.

23 Q WHERE IS THAT LOCATED?

24 A 469 NORTH BEVERLY DRIVE IN BEVERLY HILLS.

25 Q BEVERLY HILLS?

26 A BEVERLY HILLS.

27 Q WERE YOU WORKING THERE ON JUNE THE 1ST, 1984?

28 A YES, I WAS.

1 Q WHAT WAS YOUR JOB AT THAT TIME?

2 A VICE-PRESIDENT AND OPERATIONS OFFICER.

3 Q AND IS THAT STILL YOUR JOB TODAY?

4 A YES.

5 Q IN THAT CONNECTION, DID A PERSON NAMED RON LEVIN
6 COME INTO THE BANK ON JUNE THE 1ST TO OPEN AN ACCOUNT?

7 A YES.

8 Q ALL RIGHT. AND HOW DO YOU KNOW THAT?

9 A HE WAS INQUIRING ABOUT A FORM FOR --
10 THE COURT: PARDON ME?

11 THE WITNESS: HE WAS INQUIRING ABOUT FORMS FOR ARRANGING
12 WIRE TRANSFERS BY TELEPHONE AND SOMEONE REFERRED HIM TO
13 ME.

14 Q BY MR. WAPNER: AND WHAT HAPPENED WHEN YOU SAY --
15 ARE YOU TALKING ABOUT ONE PERSON OR MORE THAN ONE?

16 A THERE WAS A YOUNG MAN WHO CAME OVER TO THE OPERATIONS
17 SIDE OF THE BANK INQUIRING ABOUT THE FORMS.

18 AND I WAS LOOKING PHONE NUMBERS UP AND ANOTHER
19 PERSON CAME OVER AND ASKED WHAT THE PROBLEM WAS.

20 AND I TURNED AROUND AND THEN IT WAS MR. LEVIN.

21 Q HAD YOU SEEN THAT PERSON BEFORE?

22 A HE LOOKED VERY FAMILIAR TO ME, ALTHOUGH I DON'T
23 KNOW WHY.

24 Q DO YOU RECOGNIZE THE PERSON IN PEOPLE'S 6 FOR
25 IDENTIFICATION?

26 A YES. THAT'S MR. LEVIN.

27 Q THAT'S THE PERSON WHO WAS IN THE BANK ON JUNE
28 1ST?

1 A YES.

2 Q WHEN MR. LEVIN CAME OVER, WHAT HAPPENED?

3 A I INFORMED HIM THAT THERE WAS NO PROBLEM, THAT
4 I COULDN'T FIND THE FORM AND THAT WE WOULD HAVE TO BORROW
5 SOME FROM ANOTHER BANKING BRANCH.

6 HE SAID "FINE," AND LEFT THE BRANCH.

7 Q ALL RIGHT. AND MR. LEVIN ALSO WAS INQUIRING
8 ABOUT WIRE TRANSFERS?

9 A YES. HE WAS WITH A YOUNG MAN WHO HAD COME OVER
10 ORIGINALLY.

11 Q WHAT ARE WIRE TRANSFERS?

12 A ENTRIES FROM ACCOUNTS FROM ONE BANK TO ANOTHER
13 BANK.

14 Q IT IS JUST ANOTHER MEANS OF TRANSFERRING FUNDS
15 FROM ONE ACCOUNT TO ANOTHER ONE?

16 A YES.

17 Q IS IT LIKE BY WESTERN UNION OR SOMETHING LIKE
18 THAT?

19 A WELL, IT GOES THROUGH OUR BANK SYSTEM BUT IT
20 DOESN'T REQUIRE THE WRITING OF CHECKS AND IT CAN BE DONE
21 BY PHONE.

22 Q DOES THAT MEAN MONEY GETS FROM ONE ACCOUNT TO
23 ANOTHER MORE QUICKLY?

24 A YES.

25 Q SO IT COULD BE TRANSFERRED FROM ONE ACCOUNT
26 TO ANOTHER THE SAME DAY, AS OPPOSED TO HAVING TO WRITE OUT
27 A CHECK AND DEPOSIT IT WITH THE SLIP AND PUT IT IN THE MAIL?

28 A YES. AND THERE IS NO DELAY AS FAR AS UNCOLLECTED

1 FUNDS. YOU GET IMMEDIATE CREDIT ON THE MONEY.

2 Q AS FAR AS YOU KNOW, DID MR. LEVIN OPEN UP AN
3 ACCOUNT AT THE BANK THAT DAY?

4 A YES, HE DID.

5 Q AND DID YOU BRING THE SIGNATURE CARD ON THAT
6 ACCOUNT WITH YOU TODAY?

7 A YES, I DID.

8 Q AND WHO WAS THAT ACCOUNT OPENED WITH, DO YOU
9 KNOW?

10 A IT WAS OPENED BY A YOUNG MAN, OUR CUSTOMER SERVICE
11 REPRESENTATIVE, WHOSE NAME WAS MARK GEIGER.

12 THE COURT REPORTER: PLEASE SPELL THAT.

13 THE WITNESS: G-E-I-G-E-R.

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1 MR. WAPNER: YOUR HONOR, I HAVE A SECURITY BANK
2 SIGNATURE CARD; MAY IT BE MARKED AS PEOPLE'S 127 FOR
3 IDENTIFICATION?

4 THE COURT: IT WILL BE SO MARKED.

5 MR. WAPNER: I AM WRITING A LITTLE 127 IN BLUE INK ON
6 THE TOP OF IT.

7 THE COURT: YES.

8 Q BY MR. WAPNER: MRS. POWERS, SHOWING YOU 127, DO
9 YOU RECOGNIZE THAT?

10 A YES, THAT IS A SIGNATURE CARD.

11 Q IS THAT THE SIGNATURE CARD THAT WAS FILLED OUT
12 THAT DAY?

13 A YES, IT IS.

14 Q HOW DO YOU KNOW THAT?

15 A IT IS TELLER-STAMPED AND DATE-STAMPED AT THE
16 BOTTOM "JUNE 1, 1986".

17 Q ARE YOU FAMILIAR WITH HOW ACCOUNTS WERE OPENED
18 AT THE BANK IN JUNE OF 1984, THE PROCEDURE THAT WAS USED?

19 A YES.

20 Q WHAT HAPPENS WHEN A NEW ACCOUNT WAS OPENED?

21 A OKAY, WELL, WHEN A NEW BUSINESS ACCOUNT IS
22 OPENED, WE REQUIRE DOCUMENTATION TO SUPPORT THAT THE PERSON
23 OPENING THE ACCOUNT HAS THE RIGHT TO THE USE OF THE MONEY IN
24 MAKING DEPOSITS.

25 Q IN THIS CASE, WAS THE ACCOUNT IN MR. LEVIN'S
26 NAME?

27 A NO.

28 IT IS IN THE NAME OF GENERAL NEWS CORPORATION.

17-2

1 Q AND WAS THAT CARD THAT IS IN FRONT OF YOU FILLED
2 OUT IN THE ORDINARY COURSE OF BUSINESS?

3 A YES, IT WAS.

4 Q WAS IT FILLED OUT AT OR NEAR THE TIME THAT THE
5 ACCOUNT WAS OPENED?

6 A IT WOULD HAVE BEEN AT THE TIME THE ACCOUNT WAS
7 OPENED AND MR. GEIGER WAS A NEW ACCOUNTS REPRESENTATIVE AT
8 THE BANK.

9 Q WHO IS THE ONE CHARGED WITH THE DUTY OF FILLING
10 OUT THOSE FORMS?

11 A YES, THE CUSTOMER WOULD HAVE COMPLETED THE
12 SIGNATURE CARD.

13 Q ON ALL BUSINESS ACCOUNTS, DO YOU REQUIRE SOME
14 DOCUMENTATION?

15 A YES, WE DO.

16 Q WAS THAT DONE IN THIS CASE?

17 A NO.

18 IT IS MY UNDERSTANDING MR. LEVIN TRIED TO OPEN
19 THE ACCOUNT WITH US --

20 MR. BARENS: OBJECTION AS TO HEARSAY. MOVE TO STRIKE,
21 YOUR HONOR.

22 THE COURT: DO YOU KNOW OF YOUR OWN PERSONAL KNOWLEDGE?

23 THE WITNESS: NO.

24 IT IS WHAT I WAS TOLD.

25 Q BY MR. WAPNER: DID YOU HAVE SOME DISCUSSION WITH
26 A MR. GARUFIS THAT DAY?

27 A YES, I DID.

28 MR. BARENS: OBJECTION. IT WOULD BE HEARSAY,

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YOUR HONOR.

THE COURT: JUST WHAT HE SAID, JUST THAT HE HAD A
DISCUSSION.

MR. BARENS: OH, I SEE, YOUR HONOR.

Q BY MR. BARENS: WHO IS MR. GARUFIS?

A HE WAS A VICE PRESIDENT - MANAGER OF THE BRANCH.

17A

1 Q OTHER THAN TELLING MR. LEVIN THAT YOU WOULD GET
2 THE FORMS FOR WIRE TRANSFERS AND HE SAID THERE WAS NO PROBLEM,
3 DID YOU HAVE A DISCUSSION WITH HIM ON THAT DATE?

4 A WITH MR. LEVIN?

5 Q CORRECT.

6 A NO.

7 Q AND WAS THERE AN INITIAL DEPOSIT IN THE ACCOUNT?

8 A YES.

9 Q FOR HOW MUCH?

10 A FIVE THOUSAND DOLLARS.

11 Q DOES IT INDICATE ON THE FORM THAT YOU HAVE IN
12 FRONT OF YOU, THE FORM THAT THE DEPOSIT WAS IN?

13 A IT WAS CASH.

14 Q AT SOME POINT, IS THAT SIGNATURE CARD -- IS THERE
15 SOME WRITING ON THERE IN RED?

16 A YES, IT IS.

17 Q WHOSE IS THAT?

18 A MINE.

19 Q WHAT DOES IT SAY?

20 A "CLOSED BY BANK 6-8-84" AND I HAVE TWO CASHIER'S CHECKS

21 Q 6-8 OR 6-6?

22 A 6-8.

23 Q WHAT ARE THE CASHIER'S CHECK'S NUMBERS?

24 A NUMBER 24339127 AND NUMBER 24339128.

25 Q WAS MR. LEVIN NOTIFIED IN SOME WAY BY THE BANK
26 THAT THE ACCOUNT WAS GOING TO BE CLOSED?

27 A AT THE TIME HE OPENED THE ACCOUNT, THERE WAS
28 A STIPULATION THAT HE WOULD HAVE TO FURNISH US THE PROPER

1 DOCUMENTATION BY JUNE 4TH OR THE ACCOUNT WOULD BE CLOSED AND
2 ON JUNE 5TH, MR. GARUFIS SENT HIM A LETTER, ALONG WITH A CHECK
3 FOR \$5,000, STATING SINCE HE HADN'T COMPLIED WITH THE AGREEMENT,
4 THE ACCOUNT WAS BEING CLOSED.

5 Q THE ORIGINAL OF THAT LETTER WAS SENT TO MR.
6 LEVIN; IS THAT RIGHT?

7 A YES.

8 Q IN THE ORDINARY COURSE OF BUSINESS, WOULD THE
9 BANK MAKE A COPY OF THAT LETTER?

10 A YES.

11 Q AND IS THAT FOR THE PURPOSE OF THE BANK KEEPING
12 A RECORD OF WHAT HAPPENED WITH THE ACCOUNT?

13 A THAT'S CORRECT.

14 Q AND DID YOU BRING A COPY OF THAT LETTER WITH
15 YOU TODAY?

16 A YES, I DID.

17 MR. WAPNER: YOUR HONOR, I HAVE WHAT APPEARS TO BE
18 A COPY OF THAT LETTER DATED JUNE 5TH, 1984; MAY THAT BE MARKED
19 AS PEOPLE'S 128 FOR IDENTIFICATION?

20 THE COURT: YES.

21 THAT DATE IS JUNE WHAT?

22 MR. WAPNER: I AM SORRY?

23 THE COURT: JUNE WHAT?

24 MR. WAPNER: 5.

25 THE COURT: ALL RIGHT.

26 Q BY MR. WAPNER: MRS. TOWERS, SHOWING YOU THIS
27 LETTER DATED JUNE 5, WHAT IS IT?

28 A THE LETTER TO MR. LEVIN FROM MR. GARUFIS STATING

1 BECAUSE HE HADN'T COMPLIED WITH THE AGREEMENT, THE ACCOUNT
2 WAS BEING CLOSED.

3 Q AND DOES IT INDICATE IN THAT LETTER THAT
4 ENCLOSED WAS A CASHIER'S CHECK?

5 A YES, FOR \$5,000.

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1 MR. WAPNER: YOUR HONOR, I HAVE HERE CASHIER'S CHECK
2 BEARING THE NUMBER IN THE TOP RIGHT-HAND CORNER 24339127.
3 MAY THAT BE 129 FOR IDENTIFICATION?

4 THE COURT: SO MARKED.

5 Q BY MR. WAPNER: SHOWING YOU WHAT WE HAVE MARKED
6 AS PEOPLE'S 129, DO YOU RECOGNIZE THAT?

7 A YES. IT IS A CASHIER'S CHECK PAYABLE TO GENERAL
8 NEWS CORPORATION.

9 Q WHAT IS THE DATE ON THAT CASHIER'S CHECK?

10 A JUNE 5, 1984.

11 Q IS THAT THE CHECK THAT WAS ENCLOSED WITH THE
12 ORIGINAL OF THE LETTER THAT IS 128?

13 A YES.

14 Q WHAT IS THE AMOUNT OF THAT CHECK?

15 A \$5,000 EVEN.

16 Q WHO IS IT SIGNED BY?

17 A MYSELF.

18 Q AND THAT WAS MAILED OUT ON JUNE 5?

19 A YES. IT WOULD HAVE BEEN MAILED THE SAME DAY
20 AS THE LETTER IS DATED.

21 Q AFTER THAT LETTER WAS MAILED, DID YOU EVER SPEAK TO MR. LEVIN?

22 A YES.

23 Q WHEN DID YOU TALK TO HIM?

24 A I BELIEVE IT WAS THE MORNING OF JUNE 6TH.

25 Q AND WAS THAT IN PERSON OR ON THE TELEPHONE?

26 A ON THE TELEPHONE.

27 Q AND WHAT WAS THE CONVERSATION THAT YOU HAD WITH
28 MR. LEVIN?

A-2

1 A HE CALLED BECAUSE HE HAD MADE A --

2 MR. BARENS: YOUR HONOR, OBJECTION. NO FOUNDATION
3 THAT SHE WOULD KNOW HIS VOICE ON THE PHONE.

4 THE COURT: DID YOU RECOGNIZE THE VOICE? DID IT SOUND
5 LIKE HIM?

6 THE WITNESS: YES.

7 THE COURT: ALL RIGHT. YOU CAN TELL US.

8 Q BY MR. WAPNER: DID THE PERSON ALSO IDENTIFY
9 HIMSELF AS MR. LEVIN?

10 A YES.

11 Q DID HE MAKE SOME REFERENCE TO SOMETHING THAT
12 IS IN THAT LETTER AND THE CHECK IN THE LETTER DURING THE
13 CONVERSATION?

14 A AS I RECALL, YES, BECAUSE HE WAS UPSET. HE
15 HAD MADE A DEPOSIT AT OUR WILSHIRE BEDFORD BRANCH FOR \$10,000
16 AND WAS CONCERNED ABOUT THAT MONEY.

17 Q THE LETTER THAT WAS SENT TO HIM JUNE 5 INDICATED
18 THAT THE ACCOUNT WAS GOING TO BE CLOSED, RIGHT?

19 A YES.

20 Q DID HE TELL YOU WHEN HE HAD MADE THE DEPOSIT
21 AT THE WILSHIRE BEDFORD BRANCH?

22 A JUNE 5.

23 Q WHERE IS THE WILSHIRE BEDFORD BRANCH LOCATED?

24 A IT IS 9665 WILSHIRE BOULEVARD. IT IS THREE
25 BLOCKS FROM OUR OFFICE.

26 Q YOUR OFFICE, THE BEVERLY HILLS BRANCH, CLOSED
27 HIS ACCOUNT ON JUNE THE 5TH AND SENT HIM THE CHECK FOR \$5,000.
28 DID YOU KNOW THAT HE HAD EARLIER THAT DAY DEPOSITED ANOTHER

A-3 1 \$10,000 IN THE ACCOUNT?

2 A NO. WE WOULD HAVE NO WAY OF KNOWING.

3 Q WHEN WOULD YOU NORMALLY GET NOTIFICATION OF
4 THAT?

5 A THE FOLLOWING DAY.

6 Q AND THAT WOULD BE THE 6TH, RIGHT?

7 A THAT'S CORRECT.

8 Q AND AS OF THE TIME THAT YOU SPOKE TO MR. LEVIN
9 THAT DAY, SO FAR YOU HAD NOT BEEN NOTIFIED OF THE ADDITIONAL
10 DEPOSIT OF \$10,000?

11 A I WAS AWARE OF THE DEPOSIT ON THE MORNING OF
12 JUNE 6TH, WHEN I WAS SPEAKING TO HIM.

13 Q AND WHAT HE SAID WAS THAT HE WAS CONCERNED ABOUT
14 GETTING CREDIT FOR THAT MONEY?

15 A YES. HE WANTED HIS MONEY. HE WAS THREATENING
16 TO SUE US.

17 HE HAD WRITTEN A \$10,000 CHECK AGAINST IT AND
18 IT WAS A VERY UNPLEASANT CONVERSATION.

19 Q WAS HE BASICALLY YELLING ON THE PHONE?

20 A YELLING, USING OBSCENITIES AND I HUNG UP ON
21 HIM ONCE. AND I THINK WE HAD AT LEAST THREE CONVERSATIONS.

22 Q WERE THEY ALL ABOUT THE SAME THING?

23 A YES.

24 Q WERE THEY ALL OF THE SAME TENOR?

25 A YES. I WOULD SAY THAT THE LAST CONVERSATION
26 THAT WE HAD, HE CALMED DOWN AND WAS MORE POLITE.

27 Q DO YOU REMEMBER WHAT TIME OF THE DAY THESE CONVER-
28 SATIONS TOOK PLACE?

A=+

1 A OH, PROBABLY STARTING AT AROUND A QUARTER TO
2 10:00, 10:00, IN THERE, AND MAYBE UNTIL AROUND 11:00 OR
3 11:15.

4 Q AND AFTER THE LAST CONVERSATION, WHAT DID YOU
5 DO? LET ME ASK YOU THIS.

6 WAS THERE ANOTHER CASHIER'S CHECK ISSUED TO
7 HIM FOR THE BALANCE?

8 A YES. ACTUALLY, WHEN I SPOKE TO HIM, I LEARNED
9 FROM HIM THAT HE HAD DEPOSITED TRAVELER'S CHECKS.

10 SO, I WAS IN CONTACT WITH ANOTHER BANK TRYING
11 TO GET THE SERIAL NUMBERS SO I COULD EXPEDITE THE FUNDS
12 TO HIM. BUT UNTIL I COULD BE ASSURED WHAT THE MONEY WAS,
13 WE WOULD HOLD THE FUNDS.

14 ONCE WE ASCERTAINED THAT THEY WERE TRAVELERS
15 CHECKS THAT HAD BEEN PAID, WE SENT HIM ANOTHER CASHIER'S
16 CHECK.

17 Q IN OTHER WORDS, YOU WEREN'T GOING TO SEND HIM
18 THE \$10,000 UNTIL YOU MADE SURE THE \$10,000 HE GAVE YOU
19 WAS GOOD?

20 A THAT'S CORRECT.

21 Q WHAT OTHER BANKS DID YOU CONTACT IN ORDER TO
22 ASSURE YOURSELF THAT IT WAS GOOD?

23 A OLYMPIC BANK WHERE HE HAD PURCHASED THE TRAVELER'S
24 CHECKS AND CHASE MANHATTAN IN NEW YORK.

25 Q WERE THE TRAVELER'S CHECKS SOLD BY OLYMPIC BANK
26 BUT ACTUALLY PROVIDED BY CHASE MANHATTAN, THE TRAVELER'S
27 CHECKS?

28 A I THINK THEY WERE VISA TRAVELER'S CHECKS PAYABLE

A-5 1 THROUGH CHASE MANHATTAN IN NEW YORK.

2 Q AFTER YOU VERIFIED THAT THE FUNDS WERE IN FACT
3 GOOD, WHAT DID YOU DO?

4 A I ISSUED A CASHIER'S CHECK AND I SENT IT OUT
5 TO MR. LEVIN.

6 Q DID YOU SEND IT THAT DAY? ACTUALLY, MAYBE I
7 CAN HELP YOU OUT.

8 YOUR HONOR, I HAVE A CASHIER'S CHECK IN THE
9 AMOUNT OF \$10,022.50. THE NUMBER AT THE TOP IS 24339218.
10 MAY IT BE MARKED AS PEOPLE'S 130 FOR IDENTIFICATION?

11 THE COURT: SO MARKED.

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B F.

1 MR. WAPNER: AND TWO DEPOSIT SLIPS DATED JUNE 5TH,
2 ONE FOR \$10,000 AND ONE FOR 22.50.

3 MAY THEY BE MARKED 131 FOR THE ONE FOR \$10,000
4 AND 132 FOR THE ONE MARKED \$22.50?

5 THE COURT: SO MARKED.

6 Q BY MR. WAPNER: SHOWING YOU FIRST, TWO DEPOSIT
7 TICKETS THAT ARE MARKED PEOPLE'S 131 AND 132, DO YOU RECOGNIZE
8 THOSE?

9 A YES.

10 Q WHAT ARE THEY?

11 A THEY ARE DEPOSITS TO THE ACCOUNT OF GENERAL NEWS
12 CORPORATION, ONE FOR \$10,000 AND IT WAS MADE AT OUR WILSHIRE
13 BEDFORD OFFICE AND ANOTHER ONE FOR \$22.50 THAT WAS MADE AT
14 OUR OFFICE.

15 Q WHAT IS THE DATE OF EACH OF THOSE?

16 A JUNE 5, 1984.

17 Q AND ARE THOSE ON THE SAME ACCOUNT WE HAVE BEEN
18 SPEAKING OF THAT YOU HAD WITH THE SIGNATURE CARD IN FRONT
19 OF YOU?

20 A YES.

21 Q SHOWING YOU THE EXHIBIT THAT WE HAVE MARKED AS
22 PEOPLE'S 130 FOR IDENTIFICATION, DO YOU RECOGNIZE THAT?

23 A YES, I DO.

24 Q WHAT IS IT?

25 A IT IS THE CASHIER'S CHECK I SENT TO HIM, PAYABLE
26 TO GENERAL NEWS CORPORATION FOR \$10,022.50. IT IS DATED JUNE
27 THE 8TH, 1984.

28 Q AND WHAT DID YOU DO WITH THAT CASHIER'S CHECK

1 DATED JUNE 8, 1984?

2 A I WOULD HAVE MAILED IT OUT TO MR. LEVIN.

3 Q WHAT IS THE ADDRESS ON THE SIGNATURE CARD THAT
4 YOU WOULD HAVE MAILED IT TO?

5 A 9701 WILSHIRE BOULEVARD, 8TH FLOOR, BEVERLY HILLS,
6 90212.

7 Q AND IS THAT CHECK FOR \$10,000 DATED JUNE THE
8 8TH, ENDORSED ON THE BACK?

9 A YES, IT IS.

10 Q BY WHOM?

11 A BY DAVID OSTROVE, CONSERVATOR OF THE ESTATE OF
12 RONALD GEORGE LEVIN.

13 Q IT IS NOT ENDORSED BY MR. LEVIN?

14 A NO.

15 MR. WAPNER: YOUR HONOR, I HAVE BEFORE ME AN ENVELOPE
16 THAT SAYS ON THE FRONT -- IT HAS AN ADDRESS LABEL. SOMEONE
17 FROM THE DISTRICT ATTORNEY'S OFFICE HAS THE WORD "CHASE" ON
18 IT. MAY IT BE MARKED AS PEOPLE'S 40 FOR IDENTIFICATION?
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1 THE COURT: SO MARKED, 40.

2 MR. WAPNER: 4-0?

3 THE COURT: YES.

4 Q BY MR. WAPNER: I HAVE REMOVED FROM THAT
5 ENVELOPE A CLEAR PLASTIC ENVELOPE APPARENTLY CONTAINING
6 TRAVELER'S CHECKS.

7 MRS. TOWERS, SHOWING YOU THE TRAVELER'S CHECKS
8 THAT ARE PART OF PEOPLE'S 40 FOR IDENTIFICATION, DO YOU
9 RECOGNIZE ANYTHING ABOUT THOSE CHECKS, THE ENDORSEMENTS ON
10 THE CHECKS?

11 A YES. THEY BEAR THE ENDORSEMENT OF OUR PROCESSING
12 CENTER AND ALSO THE NUMBER OF THE WILSHIRE-BEDFORD OFFICE,
13 079.

14 Q AND DO ALL OF THOSE APPEAR TO BEAR THE SAME
15 NUMBER?

16 A YES, THEY DO.

17 Q AND ARE THOSE A PORTION OF THE CHECKS THAT WERE
18 ACTUALLY DEPOSITED INTO HIS ACCOUNT AT THE WILSHIRE-BEDFORD
19 BRANCH ON JUNE THE 5TH?

20 A YES, YES, THEY ARE.

21 Q YOU DIDN'T COUNT THOSE, BY ANY CHANCE, WHILE
22 YOU WERE DOING IT, DID YOU?

23 A NO, I DIDN'T.

24 Q ASSUMING THAT THERE ARE NOT A HUNDRED OF THEM
25 THERE, THAT WOULD NOT BE ALL OF THEM, CORRECT?

26 A THAT'S CORRECT, I DON'T THINK THERE ARE A HUNDRED.
27
28

19A 1 Q AND THE FACT THE DATE ON THE \$10,000 TRAVELER'S
2 CHECK -- EXCUSE ME -- THE \$10,022.50 CASHIER'S CHECK IS
3 JUNE THE 8TH, WHAT DOES THAT INDICATE TO YOU IN TERMS OF HOW
4 LONG IT TOOK TO VERIFY THAT IN FACT THE FUNDS WERE GOOD AND
5 THAT YOU WOULD SEND HIM THE MONEY?

6 A IT TOOK ME FROM THE SIXTH TO THE EIGHTH TO
7 DETERMINE THAT THEY WERE GOOD TRAVELER'S CHECKS, THE SAME
8 THAT HE HAD DEPOSITED AND PURCHASED FROM OLYMPIC BANK AND
9 THAT CHASE HAD NO WARNINGS OR LOSS FOR STOLEN TRAVELER'S
10 CHECKS.

11 Q WHAT DID YOU TELL MR. LEVIN ON THE SIXTH AS FAR
12 AS WHETHER HE WOULD GET THE MONEY OR NOT?

13 A I TOLD HIM UNTIL WE WERE ABLE TO DETERMINE THAT
14 THE CHECKS HAD BEEN PAID, WE WOULD CONTINUE TO HOLD THE FUNDS.

15 Q DID YOU TELL HIM WHAT YOU WOULD DO AFTER YOU
16 DETERMINED THAT THE CHECKS HAD BEEN PAID?

17 A YES.

18 Q WHAT DID YOU TELL HIM YOU WOULD DO?

19 A I TOLD HIM I WOULD SEND HIM THE CHASHIER'S CHECK
20 FOR THE TOTAL.

21 Q DID YOU GIVE HIM ANY INDICATION OF APPROXIMATELY
22 HOW LONG THAT WOULD BE?

23 A I DON'T BELIEVE SO.

24 I HAD NO IDEA AT THE TIME.

25 Q AND WHEN YOU IN FACT VERIFIED THAT THE FUNDS WERE
26 GOOD, IS THAT WHEN YOU ISSUED THE CASHIER'S CHECK?

27 A YES.

28 Q WE, YOU AND I HAD A DISCUSSION OUTSIDE ABOUT

19A-2 1 WHETHER OR NOT YOU COULD LEAVE THE ORIGINAL RECORDS HERE AND
2 I HAVE NOW MARKED THEM WITHOUT RECONFIRMING -- CAN WE KEEP --
3 IS IT ALL RIGHT WITH YOU IF THE COURT KEEPS THE ORIGINAL
4 RECORDS, IF WE GIVE YOU SOME RECEIPT THAT WE HAVE THEN AND
5 YOU HAVE COPIES?

6 A YES.

7 COULD I HAVE THE COPIES THAT I GAVE YOU, THOUGH?

8 Q YES, YES. YOU MAY, YES.

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

10 THE COURT: ANY QUESTIONS?

11 MR. BARENS: MIGHT I APPROACH, YOUR HONOR? I HAVEN'T
12 ACTUALLY SEEN THOSE CASHIER'S CHECKS.

13 MR. WAPNER: CASHIER'S CHECKS OR TRAVELER'S CHECKS?

14 MR. BARENS: TRAVELER'S CHECKS.

15 THE COURT: YOU MAY LOOK AT THEM.

16 (PAUSE IN PROCEEDINGS)

17

18

CROSS-EXAMINATION

19

BY MR. BARENS:

20

Q ALL RIGHT. GOOD AFTERNOON.

21

A HELLO.

22

23

Q MRS. TOWERS, YOU SAY THE FIRST TIME YOU ENCOUNTERED
MR. LEVIN, HE WAS INQUIRING ABOUT BANK WIRE TRANSFER PAPERS?

24

A YES.

25

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27

Q AND THAT IS THE SORT OF PAPERS, AS I UNDERSTAND IT,
THAT WOULD FACILITATE WIRE TRANSFERS PERHAPS ALL OVER THE
UNITED STATES FOR THE MONEY PUT IN THE BANK ACCOUNT?

28

A THAT'S CORRECT.

19A

1 Q SO IF I WERE TO BE SOMEPLACE ELSE, IN FLORIDA OR
2 SOMETHING LIKE THAT, AND I HAD DONE THESE WIRE TRANSFER PAPERS
3 WITH YOU, THIS PAPER WORK WOULD MAKE IT POSSIBLE AND FACILITATE
4 THAT?

5 A YES.

6 Q COULD I ALSO USE THOSE WIRE PAPERS FOR INTERNATIONAL
7 WIRE TRANSFER?

8 A YES.

9 Q SO THUSLY, NO MATTER WHERE I WAS IN THE WORLD I
10 COULD ACCESS MY MONEY WITH NO REAL ADDITIONAL PAPERWORK WITH
11 YOU?

12 A THAT'S CORRECT.

13 Q ALL RIGHT. NOW THAT SEEMED TO BE THE FIRST THING
14 HE WAS INTERESTED IN BEFORE HE OPENED THE ACCOUNT?

15 A I BELIEVE HE WAS INQUIRING ABOUT THE PAPERWORK
16 AFTER THE ACCOUNT WAS OPENED.

17 Q I SEE.

18 AND THEN HE CAME OVER -- AND WAS HE TALKING TO
19 YOU ABOUT THIS?

20 A OKAY. INITIALLY, A YOUNG MAN HAD APPROACHED THE
21 OPERATIONS AREA AND WAS ASKED FOR THE PAPERWORK AND WHILE I
22 WAS LOOKING AT THE FORMS, MR. LEVIN CAME OVER AND THEY
23 APPEARED TO BE TOGETHER.

24 Q I SEE.

25 DO YOU KNOW WHO THE YOUNG MAN WAS?

26 A NO, I DON'T.

27 Q YOU NEVER GOT HIS NAME?

28 A NO.

19A
4

1 Q BUT YOU KNOW THAT HE WAS A DIFFERENT PERSON THAN
2 MR. LEVIN?

3 A YES.

4 Q WAS MR. LEVIN A SOMEWHAT DISTINCTIVE LOOKING
5 FELLOW?

6 A YES.

7 Q DIFFERENT LOOKING?

8 MR. WAPNER: OBJECTION. VAGUE. WHAT DOES DIFFERENT
9 LOOKING MEAN? DIFFERENT TO WHOM?

10 Q BY MR. BARENS: I WILL SETTLE FOR --
11 DID YOU THINK HE WAS SORT OF AN UNFORGETTABLE
12 LOOKING GUY?

13 A I DON'T KNOW.

14 HE JUST LOOKED VERY FAMILIAR TO ME. I HAVE ALSO
15 WORKED AT CENTURY CITY, THE OLYMPIC OFFICE IN BEVERLY HILLS
16 AND THE WILSHIRE AND BEDFORD OFFICE AND I FELT I HAD KNOWN
17 HIM FROM ONE OF THOSE OFFICES.

18 Q THE KIND OF A FACE YOU WOULD REMEMBER?

19 A YES.

20 Q QUITE SO.

21 NOW YOU SAY THAT AFTER THAT YOU HAD A TELE-
22 PHONE CONVERSATION WITH HIM ON WHAT DATE?

23 A IT WOULD HAVE BEEN JUNE SIXTH.

24 Q JUNE SIXTH? WHAT WAS THE FIRST THING HE SAID TO
25 YOU IN THAT CONVERSATION?

26 A OH, I BELIEVE HE WAS YELLING BECAUSE WE HAD SENT
27 HIM A CASHIER'S CHECK FOR \$5,000 AND HE HAD MADE A DEPOSIT
28 OF \$10,000 AND WANTED HIS MONEY.

19A-5.

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Q BY THE WAY, DID HE HAVE A HIGH OR LOW VOICE ON
THE PHONE?

A I REALLY COULDN'T SAY IF IT WAS HIGH OR LOW. I
THINK IT WAS JUST A MEDIUM TYPE VOICE. I DON'T RECALL.

0A-1

1 Q HE WAS ACTUALLY YELLING AT YOU BECAUSE HE DIDN'T
2 GET INSTANT CREDIT ON THE CASHIER'S CHECK?

3 A TRAVELER'S CHECKS.

4 Q SORRY. LET ME STAND CORRECTED. WE ARE TALKING
5 ABOUT TRAVELER'S CHECKS.

6 HE WAS YELLING AT YOU BECAUSE HE DIDN'T GET
7 INSTANT CREDIT ON THE TRAVELER'S CHECKS, WASN'T HE?

8 A THAT'S CORRECT.

9 Q HE INDICATED TO YOU THAT HE WAS QUITE SURPRISED
10 BY THAT, WASN'T HE? THAT HE WAS SURPRISED HE DIDN'T GET
11 INSTANT CREDIT ON THOSE CHECKS?

12 A HE MAY HAVE. BUT I ALSO POINTED OUT TO HIM
13 THAT HE DIDN'T BOTHER TO INDICATE ON THE BACK OF THE DEPOSIT
14 TICKET WHAT HE DEPOSITED. THERE IS NOTHING HERE TO INDICATE
15 WHAT WAS PUT IN THE ACCOUNT. I HAVE NO IDEA.

16 Q DID HE TELL YOU WORDS TO THE EFFECT THAT IT
17 HAD NEVER HAPPENED TO HIM BEFORE, THAT HE DIDN'T GET INSTANT
18 CREDIT ON TRAVELER'S CHECKS?

19 A I DON'T RECALL.

20 Q DID HE SEEM TO HAVE AN IMPRESSION IN HIS MIND
21 THAT HE EQUATED TRAVELER'S CHECKS TO CASH?

22 THE COURT: HOW COULD SHE KNOW WHAT HE HAD IN MIND?

23 MR. BARENS: FROM WHAT HE SAID, YOUR HONOR. FROM
24 WHAT HE SAID.

25 THE COURT: PLEASE READ THAT QUESTION.

26 (THE RECORD WAS READ BY THE REPORTER.)

27 THE COURT: REPHRASE YOUR QUESTION.

28 MR. BARENS: YES, YOUR HONOR.

A-2

1 Q DID HE INDICATE TO YOU THAT HE THOUGHT TRAVELER'S
2 CHECKS SHOULD BE HONORED LIKE CASH?

3 A YES.

4 Q NOW, WHEN YOU INDICATED TO HIM THAT YOU ARE--
5 OR YOUR INSTITUTION WASN'T HANDLING THE TRANSACTION LIKE
6 IT WAS CASH, WAS IT THEN THAT HE GOT ABUSIVE WITH YOU?

7 A I THINK HE WAS ABUSIVE BEFORE WE EVEN GOT THAT
8 FAR, SIR.

9 Q I SEE. HE WAS ABUSIVE ON THE HELLOS?

10 A NO, A LITTLE FURTHER INTO THE CONVERSATION.

11 Q AND DID THE ABUSE GO TO THE FACT THAT YOU WEREN'T
12 TREATING THOSE TRAVELER'S CHECKS LIKE CASH?

13 A PROBABLY, YES. THAT WAS PART OF IT.
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1 Q NOW, DID HE TELL YOU THAT AN EMERGENCY HAD COME
2 UP AND HE NEEDED CREDIT ON THAT IMMEDIATELY?

3 A NO. HE SAID HE HAD WRITTEN A CHECK FOR \$10,000
4 AND IF WE BOUNCED THE CHECK, HE WOULD SUE THE BANK.

5 Q YOU INDICATED EARLIER ON THAT, THAT HE USED SOME
6 VULGAR LANGUAGE WITH YOU?

7 A YES.

8 Q DID HE ATTACK YOUR GENDER AS A WOMAN IN THOSE
9 EXPRESSIONS?

10 A PROBABLY.

11 Q NOW, DID HE TELL YOU WHEN HE SAID HE WOULD SUE
12 THE BANK, WHY HE WOULD SUE THE BANK?

13 A BECAUSE WE HAD NO RIGHT TO PLACE A HOLD ON HIS
14 CHECKS.

15 Q AND HE TOLD YOU THAT HE HAD WRITTEN A CHECK TO
16 SOMEONE ELSE FOR THE \$10,000?

17 A I DON'T BELEIVE HE SAID WHO HE HAD WRITTEN IT
18 TO. HE HAD JUST WRITTEN A CHECK.

19 Q DO YOU KNOW IF THAT CHECK THAT HE WROTE TO SOME-
20 BODY ELSE EVER CAME INTO THE BANK?

21 A I DON'T BELIEVE IT EVER DID..

22 Q ALL RIGHT. HOW DO YOU KNOW THOSE ARE THE LEVIN
23 CASHIER'S CHECKS IN FRONT OF YOU?

24 A WELL, THEY MATCH THE SERIAL NUMBERS ON THE BACK.
25 THAT WOULD MATCH ON THE BACK OF THE DEPOSIT TAPE.

26 Q ALL RIGHT. DID YOU EVER SEE ANY OF THOSE THAT
27 HAD BEEN ENDORSED OR CASHED BY ANOTHER PERSON?

28 A NO.

1 Q SO, THE ONLY ONES OF THOSE THAT YOU HAVE SEEN
2 ARE THE ONES IN FRONT OF YOU?

3 A I HAVE SEEN PHOTOCOPIES OF ALL OF THESE TRAVELER'S
4 CHECKS THAT WERE DEPOSITED, NOT JUST THE ORIGINALS.

5 Q ALL RIGHT. NOW, ALL OF THOSE THAT ARE IN FRONT
6 OF YOU, ARE ALL IN ONE HUNDRED DOLLAR DENOMINATIONS, ARE THEY
7 NOT?

8 A YES.

9 Q WHEN THE DEPOSIT WAS MADE INTO YOUR BANK, THE
10 CASH, DO YOU KNOW THE DEPOSIT DENOMINATIONS THAT YOU RECEIVED?

11 A NO, I DON'T.

12 Q YOU HAVE NO RECORD OF THAT OR YOU DON'T KEEP
13 RECORDS?

14 A I WAS NOT INVOLVED IN THE OPENING OF THE ACCOUNT
15 AND OUR DEPOSIT TICKETS ARE MAINTAINED FOR SIX MONTHS.

16 Q NOW, YOU MADE IT CLEAR TO HIM FROM THE OUTSET,
17 THAT THE CLOSING OF THE ACCOUNT WOULD BE AUTOMATIC IF HE DID
18 NOT DELIVER THE PAPER WORK ON THE WIRE TRANSFERS?

19 A NO. MR. GARUFIS STIPULATED TO MR. LEVIN THAT
20 WE NEED THE PAPER WORK SUPPORTING GENERAL NEWS CORPORATION
21 AND IF IT WAS NOT FURNISHED -- ALSO MR. GARUFIS WANTED BANKING
22 REFERENCES WHERE HE HAD BANKED PREVIOUSLY. IF THAT INFORMATION
23 WAS NOT FURNISHED BY JUNE THE 4TH, THE ACCOUNT WOULD BE CLOSED.

24 Q AND WAS IT MADE CLEAR THAT THAT WAS SOMEWHAT
25 OF AN AUTOMATIC ACTION?

26 A MR. GARUFIS MADE AN EXCEPTION TO OPENING THIS
27 ACCOUNT AT THE REQUEST OF OUR REGIONAL VICE PRESIDENT BECAUSE
28 MR. LEVIN HAD CALLED AND COMPLAINED THAT WE HAD DECLINED TO

1 OPEN AN ACCOUNT PREVIOUSLY FOR HIM.

2 SO OUR REGIONAL VICE PRESIDENT CALLED AND ASKED
3 MR. GARUFIS TO PLEASE SEE IF HE COULD COMPLY WITH THE REQUEST
4 AND GET THE NECESSARY DOCUMENTATION A FEW DAYS LATER, WHICH
5 IS WHAT HAPPENED.

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1 Q WHAT I AM LOOKING FOR, MISS POWERS, IS THAT
2 WAS LEVIN ADVISED THAT IF THAT PAPERWORK DIDN'T COME IN
3 ABOUT THE BACKGROUND OF THE COMPANY AND WHATEVER RESOLUTIONS
4 AND DOCUMENTS THAT YOUR INSTITUTION REQUIRE, THAT THE CLOSING
5 OF THE ACCOUNT WOULD BE DONE IN A SUMMARY OR AUTOMATIC MANNER?

6 A THAT IS CORRECT.

7 Q AND ISN'T IT A FACT THAT THAT IS DONE SO THAT
8 THE CUSTOMER'S MONEY IS NOT TIED UP AND THE BANK ISN'T TIED
9 UP WITH IT EITHER, IN THAT EVENT?

10 A YES.

11 Q AND THEREFORE, LEVIN WOULD HAVE BEEN ADVISED,
12 IN ANY EVENT, THAT THE PAPERWORK WASN'T IN THERE AND THAT
13 MONEY WOULD COME BACK TO HIM AUTOMATICALLY AND IN DUE COURSE?

14 A YES, THE INITIAL \$5,000 WOULD BE RETURNED TO
15 HIM.

16 Q IT WOULDN'T BE TIED UP FOR ANY REASON AT THAT
17 POINT, WOULD IT?

18 A NOT THE \$5,000 CASH, NO.

19 Q NOW, WHEN HE CALLED YOU, DID HE SEEM AGITATED,
20 ASIDE FROM ABUSIVE?

21 A YES.

22 Q DID HE SEEM IN A HURRY?

23 A I -- I DON'T REALLY -- I COULDN'T ANSWER THAT.
24 I DON'T KNOW. HE WAS IN A HURRY TO GET HIS MONEY.

25 Q I BEG YOUR PARDON?

26 A HE WAS IN A HURRY, HE WAS ANXIOUS TO GET HIS
27 MONEY.

28 IF HE WERE IN A HURRY TO GO SOMEWHERE, I DON'T

1 KNOW.

2 MR. BARENS: THANK YOU VERY MUCH. NOTHING FURTHER.

3

4

REDIRECT EXAMINATION

5

BY MR. WAPNER:

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Q MRS. TOWERS, WHERE DO YOU SEE COPIES OF THE
REST OF THE TRAVELER'S CHECKS?

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A I HAD THEM ORDERED. I WAS SUBPOENAED FOR RECORDS,
I THINK, OVER A YEAR AGO AND I ORDERED PHOTOCOPIES OF THE
TRAVELER'S CHECKS.

11

12

ADDITIONALLY, BEFORE I WOULD HAVE LET THE FUNDS
GO I GET COPIES OF THEM FROM OUR PROCESSING CENTER.

13

14

15

Q COPIES, WHERE DID YOU GET COPIES FROM?

A FROM OUR PROOF PROCESSING CENTER WHICH IS LOCATED
IN VAN NUYS.

16

17

18

Q TELL ME WHAT THE PROCEDURE IS FROM THE TIME
THAT THE CHECKS ARE ACTUALLY DEPOSITED UNTIL THEY GET TO
THE PROOF PROCESSING CENTER AND THEN YOU ACTUALLY GET COPIES.

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A THE TELLER STAMPS THEM AND RECEIPTS FOR THE
DEPOSITS AND THE CHECKS ARE THEN MICROFILMED AND PUT IN
A TRANSIT BAG AND THEN THEY ARE TAKEN BY MESSENGER TO OUR
PROCESSING CENTER IN VAN NUYS.

23

24

Q WHAT HAPPENS WHEN THEY GET TO THE PROCESSING
CENTER?

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A THEY ARE PROCESSED THROUGH AND THE MAGNETIC
ENCODING ON THE BOTTOM RIGHT-HAND CORNER IS APPLIED TO THE
AND
CHECK/AT THE SAME TIME, THE CHECK IS ENDORSED AND THEN IT
IS ROUTED OUT TO THE DRAWEE BANKS FOR PAYMENT.

1-3 1 Q AFTER THEY ARE ENCODED, ARE THEY COPIED AGAIN OR
2 ARE THEY JUST MICROFILMED ONE TIME AT THE BRANCH?

3 A THEY ARE MICROFILMED AT THE BRANCH. THEY ARE
4 ALSO MICROFILMED AT THE CENTER AS THEY ARE GOING THROUGH
5 THE PROOF MACHINE.

6 MR. WAPNER: NOW, I HAVE HERE A GROUP OF CHECKS THAT
7 I WOULD LIKE TO HAVE MARKED AS PEOPLE'S 39 FOR IDENTIFICATION.

8 THE COURT: 39?

9 MR. WAPNER: YES.

10 THE COURT: YES.

11 Q BY MR. WAPNER: SHOWING YOU 39 FOR IDENTIFICATION,
12 MRS. TOWERS, DO YOU RECOGNIZE THOSE?

13 A THEY ARE THE PHOTOCOPIES I PREPARED FOR THE
14 COURT MAY 13, 1985.

15 Q AND DO THOSE INCLUDE ALL 100 OF THE \$100 TRAVELER'S
16 CHECKS THAT WERE DEPOSITED ON JUNE THE 5TH AT THE
17 WILSHIRE-BEDFORD BRANCH?

18 A I NEVER COUNTED THEM, BUT THEY SHOULD ALL BE
19 HERE, YES.

20 Q WHEN YOU SAY YOU NEVER COUNTED THEM, DID YOU
21 COUNT THEM IN 1985 AT SOME POINT BEFORE YOU SENT THEM?

22 A I DON'T BELIEVE I DID, NO.

23 Q WITHOUT COMPARING THEM PAGE-BY-PAGE NOW, THOSE
24 SHOULD BE COPIES OF ALL OF THEM, INCLUDING COPIES OF THE
25 ONES THAT ARE THE ORIGINALS THAT ARE IN FRONT OF YOU AS
26 PEOPLE'S 40?

27 A YES.

28 IN FACT, HERE -- THERE ARE A FEW OF THEM RIGHT

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1 HERE WITH THE SAME NUMBERS.

2 Q AND THE COPIES THAT YOU HAVE IN FRONT OF YOU
3 THAT ARE PEOPLE'S 39, WHERE DID YOU OBTAIN THOSE FROM?

4 A FROM OUR PROOF PROCESSING CENTER IN VAN NUYS.

5 Q AND THOSE ARE COPIES THAT ARE MADE IN THE ORDINARY
6 COURSE OF BUSINESS?

7 A THAT'S CORRECT.

8 Q WHERE IS THE WILSHIRE -- THIS IS GOING TO BE,
9 SOUND A LITTLE BIT SILLY -- BUT WHERE IS THE WILSHIRE-BEDFORD
10 BRANCH LOCATED?

11 A THE ADDRESS OR --

12 Q YES.

13 A IT IS 9665 WILSHIRE BOULEVARD. IT IS ON THE
14 CORNER OF BEDFORD AND PECK.

15 PECK IS A STREET BUT WHEN IT CROSSES WILSHIRE
16 ON THE NORTH SIDE IT IS AN ALLEY.

17 Q SO IF YOU ARE ON PECK DRIVE SOUTH OF WILSHIRE
18 AND YOU ARE WALKING NORTH --

19 A UH-HUH.

20 Q -- WHEN YOU GET TO WILSHIRE -- EXCUSE ME --
21 PECK CONTINUES BUT IT ONLY BECOMES AN ALLEY AT THAT POINT?

22 A THAT'S CORRECT.

23 Q WHERE IS BEDFORD THEN IN RELATION TO THAT?

24 A IT WOULD BE TO THE WEST OF PECK.

25 Q HOW FAR?

26 A WELL, IT IS THE NEXT STREET. IT IS MAYBE NOT
27 EVEN HALF A BLOCK.

28 Q IF YOU WERE WALKING NORTH ON PECK DRIVE AND

1 YOU GOT TO WILSHIRE, WHERE WOULD THE WILSHIRE-BEDFORD BRANCH
2 BE IF YOU WERE STANDING THERE?

3 A IT WOULD BE JUST UP SOME STEPS TO YOUR LEFT.

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

5 THE COURT: ALL RIGHT. ANYTHING FURTHER, MR. BARENS?

6 MR. BARENS: COULD I HAVE A MOMENT, YOUR HONOR?

7 THE COURT: YES.

8 MR. WAPNER: MAY I HAVE A MOMENT WHILE HE IS DOING
9 THAT?

10 THE COURT: YES.

11 MR. BARENS: I WOULD LIKE TO JUST SEE THOSE XEROXES
12 FOR A MOMENT, IF I MIGHT, YOUR HONOR.

13 THE COURT: SURELY.

14 (PAUSE IN PROCEEDINGS.)

15 MR. BARENS: I WOULD LIKE TO STEP TO COUNSEL TABLE
16 WITH THE CASHIER'S CHECKS AS WELL, YOUR HONOR.

17 THE COURT: PARDON ME?

18 MR. BARENS: I WOULD LIKE TO STEP TO COUNSEL TABLE
19 WITH THE TRAVELER'S CHECKS AS WELL, YOUR HONOR.

20 THE COURT: CERTAINLY.

21 MR. BARENS: THANK YOU, YOUR HONOR.

22 THESE ARE THE TRAVELER'S CHECKS?

23 THE COURT: ARE YOU GOING TO MAKE A COMPARISON WITH
24 ALL OF THEM?

25 MR. BARENS: NO. I AM GOING TO DO SOMETHING ELSE,
26 ACTUALLY.

27 THE COURT: GO AHEAD.

28 MR. BARENS: I HAVEN'T SEEN ANY OF THIS BEFORE, YOUR

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HONOR.

THE COURT: I DON'T THINK WE OUGHT TO TAKE ALL OF THAT TIME. WE CAN DO IT AT THE RECESS, ALL RIGHT?

MR. BARENS: I NEED A MOMENT WHILE THE WITNESS IS HERE, YOUR HONOR.

(PAUSE IN PROCEEDINGS.)

FC..

1 MR. BARENS: YES. I WILL HAVE THE QUESTION, YOUR HONOR.

2 THE COURT: GO AHEAD.

3 MR. BARENS: MAY I APPROACH, YOUR HONOR?

4 THE COURT: SURE.

5 MR. BARENS: INCIDENTALLY, FOR THE RECORD, I AM
6 RETURNING ALL OF THE MONEY.

7

8 RECROSS-EXAMINATION

9 BY MR. BARENS:

10 Q I DRAW YOUR ATTENTION TO THE CASHIER'S CHECK
11 IN THE SUM OF \$5,000. MISS TOWERS, DOES THAT INDICATE THAT
12 IT WAS CASHED AND YOU WERE PAID ON JUNE 6?

13 A WELL, IT WAS PROCESSED THROUGH OLYMPIC NATIONAL
14 BANK ON JUNE 6. IT HAS TWO STAMPS ON THE FRONT OF IT FROM
15 OUR BANK. I THINK THE ONE ON THE 6TH IS A MISTAKE. IT WAS
16 ACTUALLY PAID BY US ON THE 7TH OF JUNE.

17 Q ON THE 7TH OF JUNE IT WAS CASHED, WAS IT NOT?

18 A NO. IT WAS PAID AT OUR BANK. IT TAKES A DAY
19 OR TWO FOR US --

20 THE COURT: PAID BY THE BANK, YOU MEAN?

21 THE WITNESS: ARRIVED.

22 THE COURT: CASHED BEFORE, IS THAT IT?

23 THE WITNESS: YES. DEPOSITED AT OLYMPIC NATIONAL BANK
24 ON JUNE 6TH. THAT IS THEIR ENDORSEMENT ON THE BACK.

25 Q BY MR. BARENS: THAT MONEY WAS NOT IN THE BANK
26 ANYMORE ANYWHERE? IT WAS ACTUALLY CASHED BY SOMEONE?

27 MR. WAPNER: OBJECTION, ASSUMES FACTS NOT IN EVIDENCE.

28 MR. BARENS: I AM ASKING HER WHAT THE DOCUMENTS TELL

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1 HER.

2 THE WITNESS: IT SAYS THAT IT IS CREDITED TO THE ACCOUNT,
3 THE THEN NAMED PAYEE AND THE ABSENCE OF ENDORSEMENT WAS
4 GUARANTEED BY THE OLYMPIC NATIONAL BANK.

5 IT APPEARS IT WAS DEPOSITED IN THE ACCOUNT OF
6 GENERAL NEWS CORPORATION JUNE 6TH.

7 MR. BARENS: THANK YOU VERY MUCH. NOTHING FURTHER.

8 THE COURT: ANYTHING FURTHER?

9 MR. WAPNER: YES.

10

11 FURTHER REDIRECT EXAMINATION

12 BY MR. WAPNER:

13 Q CAN YOU EXPLAIN ABOUT THE TWO STAMPS?

14 A YES. WE GET OUR CHECKS AND VERIFY THE
15 ENDORSEMENT AND THEY GO THROUGH THE MICROFILM MACHINE AND
16 THEY ARE STAMPED PAID AT THE SAME TIME.

17 AND IF THE CLERK DOING IT DOESN'T CHANGE THE
18 DATE, IT IS GOING TO HAVE THE WRONG DATE ON IT. SO, THIS
19 WOULD HAVE THE PREVIOUS DAY'S DATE.

20 THERE IS NO WAY THAT WE COULD HAVE HAD THE CHECK
21 THE SAME DAY OLYMPIC NATIONAL BANK ACCEPTED IT FOR DEPOSIT.

22 Q AND IN A NORMAL COURSE OF BUSINESS, IT WOULD
23 ONLY BE STAMPED PAID ONE TIME, CORRECT?

24 A THAT'S CORRECT.

25 Q ALL RIGHT. AND IT PAID OUT \$5,000 ON THAT CHECK,
26 RIGHT?

27 A RIGHT.

28 Q OKAY. SO, BASED ON LOOKING AT THAT, IT APPEARS

1 WHAT HAPPENED IS THAT IT WENT THROUGH AND THE DATE WAS WRONG
2 AND SOMEONE THEN HAD TO CHANGE THE DATE AND PUT IT BACK THROUGH
3 AGAIN?

4 A RIGHT. THEY COULD HAVE X'D OUT THE WRONG BOX,
5 BUT THEY DIDN'T.

6 Q THEY COULD HAVE X'D OUT THE WRONG BOX?

7 A THEY COULD HAVE JUST DRAWN A LINE.

8 Q THE ONE THAT IS A MISTAKE?

9 A RIGHT.

10 Q ALL RIGHT. SO THE JURORS ARE CLEAR, YOU ARE
11 TALKING ABOUT THESE TWO REDDISH STAMPS ON THE FRONT?

12 A YES.

13 Q AND WAS ACTUALLY PAID, JUNE 7? JUNE 7 ON THE
14 RIGHT-HAND SIDE?

15 A THAT'S CORRECT.

16 MR. WAPNER: MAY I WALK THAT IN FRONT OF THE JURY
17 BRIEFLY?

18 THE COURT: YES.

19 (PAUSE.)

20 MR. WAPNER: NOTHING FURTHER.

21 THE COURT: THANK YOU. YOU MAY STEP DOWN. MAY THIS
22 WITNESS BE EXCUSED?

23 MR. WAPNER: I HAVE NO OBJECTION. CAN I HAVE ONE
24 MOMENT TO DISCUSS WITH HER THE PROBLEM OF TAKING ORIGINAL
25 RECORDS?

26 THE COURT: YES.

27 MR. BARENS: I WILL HOLD IT, YOUR HONOR.

28 THE COURT: DO YOU WANT TO HAVE AN OPPORTUNITY TO CARRY

1 IT, THAT IS?

2 MR. BARENS: NO.

3 MR. WAPNER: IT WAS ANOTHER ONE OF THOSE JOKES HE DIDN'T
4 IDENTIFY.

5 MR. BARENS: I WAS TRYING TO BE ACCOMMODATING HOLDING
6 THE MONEY, JUDGE.

7 THE COURT: DON'T WITHHOLD ANY JOKES FROM ME, I LIKE
8 TO LAUGH.

9 MR. BARENS: I WILL IDENTIFY THEM, JUDGE. SOME OF
10 THEM ARE REMOTE.

11 (PAUSE.)

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

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

20 THE WITNESS: I DO.

21 THE CLERK: PLEASE BE SEATED. STATE AND SPELL YOUR
22 NAME FOR THE RECORD.

23 THE WITNESS: J-E-R-I-A-N-N-E, N-E-U-M-A-N-N.

24

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DIRECT EXAMINATION

26 BY MR. WAPNER:

27 Q MRS. NEUMANN, WHERE ARE YOU EMPLOYED?

28 A OLYMPIC NATIONAL BANK.

1 Q WHAT DO YOU DO FOR THEM?

2 A VICE PRESIDENT AND OPERATIONS MANAGER.

3 Q WERE YOU EMPLOYED THERE AS A VICE PRESIDENT AND
4 OPERATIONS MANAGER IN 1984?

5 A NO, I WAS NOT.

6 Q WERE YOU AT THE BANK IN 1984?

7 A NO, I WAS NOT.

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1 Q WHEN DID YOU BEGIN YOUR EMPLOYMENT WITH THE
2 BANK?

3 A JANUARY 2, 1985.

4 Q ARE YOU FAMILIAR WITH HOW THE RECORDS WERE KEPT
5 THERE IN 1984?

6 A YES, I AM.

7 MR. BARENS: YOUR HONOR, WE WOULD LIKE TO GET SOME
8 FOUNDATION FOR THAT FACT.

9 THE COURT: FOR WHAT?

10 MR. BARENS: SOME FOUNDATION FOR THE FACT OF HER KNOWING
11 HOW THEY WERE KEPT SIX MONTHS BEFORE SHE WAS EMPLOYED. I
12 PRESUME WE WILL GET THAT.

13 THE COURT: YES.

14 Q BY MR. WAPNER: HOW IS IT THAT YOU KNOW HOW
15 THE RECORDS WERE KEPT?

16 A I HAVE BEEN IN BANKING FOR TEN YEARS. ALL BANKS
17 KEEP THEIR RECORDS THE SAME. IT IS STANDARD BANKING PROCEDURES
18 TO PHOTOCOPY, MICROFILM, FILL OUT THE SIGNATURE CARD, ALL
19 BASICALLY THE SAME WAY.

20 MR. BARENS: YOUR HONOR, I BEG TO DIFFER.

21 COULD WE APPROACH ON THIS, YOUR HONOR?

22 THE COURT: I WILL GIVE YOU AN OPPORTUNITY TO EXAMINE
23 HER A LITTLE LATER.

24 MR. BARENS: IT IS NOT EVEN THAT, YOUR HONOR. BUT
25 THERE ARE CERTAIN RULES THAT WOULD REQUIRE --

26 THE COURT: THEN YOU CAN ASK HER ON CROSS-EXAMINATION
27 ABOUT IT.

28 MR. BARENS: NO. SHE HAS TESTIFIED SHE HAS NO PERSONAL

1 KNOWLEDGE, JUDGE. THERE IS LITTLE EVIDENTIARY RULES ON
2 THAT.

3 THE COURT: ALL RIGHT. WILL YOU QUALIFY HER, IF YOU
4 WILL, PLEASE.

5 MR. WAPNER: HOW LONG HAVE YOU BEEN WORKING IN BANKING?

6 A TEN YEARS.

7 Q STARTING WHEN?

8 A IN 1976.

9 Q ARE YOU FAMILIAR WITH THE PROCEDURES THAT ARE
10 USED GENERALLY FOR THE FILLING OUT OF SIGNATURE CARDS, KEEPING
11 STATEMENTS AND THAT KIND OF THING?

12 A YES, I AM.

13 I HAVE PERFORMED ALL OPERATING FUNCTIONS IN
14 A BANK.

15 Q WHEN YOU GOT TO OLYMPIC NATIONAL BANK IN 1985,
16 WHAT WAS YOUR TITLE AT THAT TIME?

17 A OPERATIONS MANAGER.

18 Q AND YOU HAVE BEEN DOING THAT EVER SINCE?

19 A YES, I HAVE.

20 MR. WAPNER: YOUR HONOR, I HAVE THREE OLYMPIC BANK
21 SIGNATURE CARDS; MAY THEY BE MARKED PEOPLE'S 41, A CARD
22 ON THE ACCOUNT OF GENERAL NEWS CORPORATION?

23 PEOPLE'S 42, GENERAL PRODUCERS CORPORATION?

24 AND 43, JOURNAL OF INVESTIGATIVE REPORTING?

25 THE COURT: ALL SIGNATURE CARDS?

26 MR. WAPNER: YES.

27 MR. BARENS: YOUR HONOR, MIGHT I HAVE THE WITNESS
28 ON VOIR DIRE SUBJECT -- ON THE ISSUE OF QUALIFICATION?

1 THE COURT: SHE HASN'T TESTIFIED TO ANYTHING YET.
2 LET'S WAIT.

3 MR. BARENS: BY THE TIME I ASK FOR VOIR DIRE AGAIN,
4 SHE WILL HAVE TESTIFIED ACTUALLY.

5 THE COURT: ARE THESE CARDS KEPT IN THE ORDINARY COURSE
6 OF BUSINESS AT THE BANK?

7 THE WITNESS: YES, THEY ARE.

8 THE COURT: AND THAT IS WHERE YOU GOT THEM FROM?

9 THE WITNESS: YES, IT IS.

10 THE COURT: THAT IS SUFFICIENT. GO AHEAD.

11 MR. BARENS: JUST FOR THE RECORD'S SAKE, YOUR HONOR,
12 WE WOULD OBJECT BECAUSE THE WITNESS PATENTLY HAS NO PERSONAL
13 KNOWLEDGE CONCERNING THE PREPARATION, MAINTENANCE, DISTRIBUTION
14 OF ANY OF THE DOCUMENTS SHE WILL BE TESTIFYING ABOUT, WHICH
15 WE BELIEVE IS REQUIRED BY LAW.

16 THE COURT: BY LAW, SOMEBODY CAN TESTIFY IF THEY HAVE
17 POSSESSION OF DOCUMENTS, THAT THEY ARE KEPT IN THE ORDINARY
18 COURSE OF BUSINESS. YOU DON'T HAVE TO HAVE THE PERSON WHO
19 ACTUALLY MADE THE ENTRIES TESTIFY TO IT. IF THEY ARE KEPT
20 IN THE ORDINARY COURSE OF BUSINESS, ANYBODY WHO IS FAMILIAR
21 WITH THE RECORDS CAN TESTIFY TO IT. THAT IS MY RULING.

22 LET'S NOT SAY ANYTHING FURTHER ABOUT IT.

23 MR. BARENS: THANK YOU, YOUR HONOR.

24 THE COURT: ALL RIGHT, YOU HAVE GOT YOUR OBJECTION.

25 MR. BARENS: THANK YOU, YOUR HONOR.

26 THE COURT: GO AHEAD.

27 Q BY MR. WAPNER: SHOWING YOU THESE THREE CARDS,
28 WHAT ARE THEY? AND THAT IS PEOPLE'S 41, 42 AND 43.

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1 A THEY ARE THREE CORPORATE SIGNATURE CARDS.

2 Q FOR OLYMPIC NATIONAL BANK?

3 A FOR OLYMPIC NATIONAL BANK.

4 Q WHERE IS OLYMPIC NATIONAL BANK LOCATED?

5 A 11355 WEST OLYMPIC BOULEVARD IN WEST L.A.

6 Q AND WHAT IS THE NEAREST MAJOR CROSS STREET THERE?

7 A SAWTELLE.

8 THE COURT: WHAT DID YOU SAY?

9 THE WITNESS: SAWTELLE.

10 Q BY MR. WAPNER: AND WHAT ARE THE ACCOUNTS REPRESENTED BY THOSE CARDS?

12 A GENERAL NEWS CORPORATION, GENERAL PRODUCERS' CORPORATION, JOURNAL OF INVESTIGATIVE REPORTING, A DIVISION OF GENERAL NEWS CORPORATION.

13 Q AND DOES IT INDICATE -- ARE THOSE CARDS MADE IN THE ORDINARY COURSE OF BUSINESS?

14 A YES, THEY ARE.

15 Q AND WHO PREPARED THOSE CARDS?

16 A THE NEW ACCOUNTS PERSONNEL, ALONG WITH THE CUSTOMER.

17 Q WHAT DOES THE NEW ACCOUNTS PERSON DO?

18 A THE NEW ACCOUNTS PERSON TYPES IN THE ACCOUNT NAME, THE ACCOUNT NUMBER, THE PERTINENT INFORMATION AND THE CUSTOMER FILLS OUT THE SIGNATURE.

19 WE ALSO HAVE A NEW ACCOUNTS FORM THAT THEY FILL OUT WHERE THE INFORMATION IS TAKEN FROM.

20 Q AND THE NAME OF THE CUSTOMER IS TYPED IN BY THE NEW ACCOUNTS REPRESENTATIVE?

21 A YES.

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1 Q WHO IS THE NAME OF THE CUSTOMER ON ALL THREE
2 OF THOSE ACCOUNTS?

3 A RONALD LEVIN, R. LEVIN, R. LEVIN.

4 Q IS THERE AN ADDRESS FOR THE CUSTOMER ON THOSE
5 ACCOUNTS?

6 A YES, THERE IS.

7 Q WHAT IS IT?

8 A 9701 WILSHIRE BOULEVARD, EIGHTH FLOOR, BEVERLY
9 HILLS.

10 WE ALSO HAVE A MAILING ADDRESS, WHICH WAS DIFFERENT
11 THAN THE STREET ADDRESS.

12 Q WHAT WAS THE MAILING ADDRESS?

13 A POST OFFICE BOX 10505, BEVERLY HILLS, CALIFORNIA,
14 90213.

15 Q P.O. BOX 10505?

16 A YES.

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1 Q AND WHEN WERE THOSE ACCOUNTS OPENED?

2 A GENERAL NEWS WAS OPENED ON 3-13-84.

3 GENERAL PRODUCERS WAS OPENED ON 12-21-83.

4 THE COURT: WHAT WAS THE SECOND ONE?

5 THE WITNESS: GENERAL PRODUCERS.

6 THE COURT: YES. WHAT DATE?

7 THE WITNESS: 12-21-83.

8 THE COURT: YES.

9 THE WITNESS: AND JOURNAL OF INVESTIGATIVE REPORTING
10 WAS OPENED ON 2-9-84.

11 Q BY MR. WAPNER: ON WHAT DATE?

12 A 2-9-84.

13 THE COURT: THAT IS FEBRUARY 9?

14 A YES.

15 MR. WAPNER: YOUR HONOR, I HAVE THREE OTHER SETS OF
16 DOCUMENTS THAT I WOULD LIKE TO HAVE MARKED -- WELL, PERHAPS
17 THE FIRST THING, WITH THE PERMISSION OF THE COURT, CAN I PASS
18 THOSE SIGNATURE CARDS AMONG THE JURORS, YOUR HONOR?

19 THE COURT: YES.

20 MR. WAPNER: HOLD ON ONE SECOND. PERHAPS -- I WAS JUST
21 AWARE OF SOME MARKING THAT WAS ON THERE. MAYBE WE SHOULD
22 JUST DO THAT LATER.

23 MR. BARENS: COULD I SEE THOSE?

24 MR. WAPNER: YES.

25 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

26 MR. WAPNER: I APOLOGIZE TO THE COURT AND TO THE JURY
27 FOR THAT KIND OF GIVETH AND TAKETH AWAY. THERE ARE CERTAIN
28 MARKINGS ON THERE THAT PERHAPS AT THIS MOMENT ARE NOT

1 APPROPRIATE.

2 THE COURT: ALL RIGHT.

3 MR. WAPNER: NOT HAVING TO DO WITH THE RECORDS BUT
4 SOMETHING THAT IS AFFIXED TO THEM.

5 Q ARE YOU FAMILIAR WITH HOW THE STATEMENTS ON
6 THOSE ACCOUNTS WERE PREPARED AND KEPT IN 1984?

7 A YES, I AM.

8 Q ALL RIGHT. AND DOES THE BANK KEEP A COPY OF
9 STATEMENTS?

10 A WE HAVE A COPY OF ALL STATEMENTS ON MICROFISCHE.

11 Q AND HOW ARE THE STATEMENTS PREPARED?

12 A ON A DAILY BASIS. THEY ARE PREPARED BY PULLING
13 THE CHECKS AND MAILING THE STATEMENTS OUT AFTER THE COMPUTER
14 GENERATES THE STATEMENT.

15 Q WHEN YOU SAY ON A DAILY BASIS, THAT IS DAILY
16 AT THE BANK, EACH DAY YOU PREPARE STATEMENTS ON DIFFERENT
17 ACCOUNTS?

18 A YES.

19 Q BUT EACH ACCOUNT DOESN'T GET A STATEMENT DAILY,
20 DOES IT?

21 A NO. JUST YOU GET A STATEMENT MONTHLY.

22 Q DID THESE ACCOUNTS GET A STATEMENT MONTHLY?

23 A YES, THEY DO.

24 Q AND HAVE YOU EXAMINED COPIES OF THE STATEMENTS
25 ON THESE THREE ACCOUNTS?

26 A YES, I HAVE.

27 Q AND WITH THE EXCEPTION -- WAS THERE ANY ACTIVITY
28 ON THE GENERAL PRODUCERS CORPORATION ACCOUNT AFTER JUNE THE

1 6 OF 1984?

2 A COULD I LOOK AT MY RECORDS?

3 THE COURT: YES, SURE.

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1 Q GENERAL NEWS? GENERAL PRODUCERS?

2 A YES, THERE WAS.

3 Q WHAT WAS THAT?

4 A WE HAD A RETURN ITEM ON THE ACCOUNT. WE HAD
5 AN INCOMING WIRE. THEN WE HAD A DEBIT TO CLOSE THE ACCOUNT.

6 Q DID YOU EXAMINE THE RECORDS ON THAT ACCOUNT?

7 A YES, I DID.

8 Q ALL RIGHT. AND WERE THERE SEVERAL ITEMS WHERE
9 THERE WERE CHECKS THAT WERE WRITTEN AND WERE BAD, WERE THEN
10 COVERED BY A WIRE?

11 A YES, THERE WAS.

12 Q DID THAT APPEAR TO BE -- WELL, WERE YOU FAMILIAR
13 WITH THE BANK THAT WAS MAKING THOSE WIRES?

14 A NO, I AM NOT.

15 Q SO YOU DON'T KNOW WHETHER IT WAS AN AUTOMATIC
16 SETUP OR NOT?

17 A NO, I DON'T.

18 Q FROM YOUR EXAMINATION OF THE RECORDS OF THAT
19 ACCOUNT, DID IT APPEAR THAT EVERY TIME THAT THERE WAS A BAD
20 CHECK ON THAT, WRITTEN ON THAT PARTICULAR ACCOUNT, THERE WAS
21 A WIRE TO COVER?

22 A YES. THAT IS WHAT IT APPEARS TO BE.

23 Q IT APPEARED TO BE AN ALMOST AUTOMATIC THING?

24 A YES.

25 Q ON THE OTHER TWO ACCOUNTS, WAS THERE ANY ACTIVITY
26 AFTER JUNE 6?

27 A NO. WE CLOSED THE ACCOUNTS.

28 Q WHEN WERE THE ACCOUNTS CLOSED?

1 A IN DECEMBER OF 1984.

2 Q DO YOU KNOW WHO THEY WERE CLOSED BY?

3 A THEY WERE CLOSED BY THE BANK AND A CASHIER'S
4 CHECK WAS ISSUED TO THE ESTATE.

5 THE COURT: TO WHOM?

6 THE WITNESS: THEY WERE PROCESSED BY THE ESTATE WHEN
7 THE ACCOUNT WAS CLOSED.

8 MR. BARENS: OBJECTION. I THINK THAT MAY BE A MISNOMER.

9 THE COURT: THAT IS THE WAY THEY WERE ENDORSED.

10 MR. BARENS: YOU MIGHT WISH TO MAKE A STATEMENT
11 DISTINGUISHING BETWEEN A CONSERVATOR AND AN ESTATE.

12 THE COURT: YOU CAN QUESTION HER LATER ON. IN THE
13 MEANTIME, HE HAS GOT THE FLOOR. LET HIM GO ON.

14 MR. WAPNER: THANK YOU.

15 Q BY MR. WAPNER: I JUST WANT TO GO BACK TO THAT
16 DEBIT OR THE WIRE TRANSFER. WAS THAT FOR A CHECK THAT WAS
17 WRITTEN BEFORE JUNE 6?

18 A YES, IT WAS.

19 Q ALL RIGHT. THAT WAS A CHECK THAT WAS WRITTEN.
20 WERE THERE ANY CHECKS ON ANY OF THESE ACCOUNTS THAT WERE WRITTEN
21 AFTER THE DATE OF JUNE THE 6TH, 1984?

22 A FROM THE NUMERICAL SEQUENCE, IT APPEARS THAT
23 THERE WAS NO CHECK WRITTEN AFTER THAT.

24 THE COURT: THAT STATEMENT IS THERE. I DON'T KNOW
25 WHAT THEY ARE DOING WITH IT.

26 MR. BARENS: JUST LOOKING.

27 THE COURT: IF THERE ARE SOME RECORDS OF YOURS --

28 MR. WAPNER: I CAN GO ON TO SOMETHING ELSE FOR A MOMENT.

1 THE COURT: ALL RIGHT.

2 MR. BARENS: THIS IS OUR FIRST OPPORTUNITY TO SEE THESE,
3 JUDGE.

4 MR. WAPNER: YOUR HONOR, I ASSUMED THAT COUNSEL, LONG
5 BEFORE THE TRIAL WOULD HAVE STARTED, WOULD HAVE EXAMINED ALL
6 OF THIS. I APOLOGIZE FOR SHOWING IT TO THEM AT THIS TIME.

7 THE COURT: ALL RIGHT.

8 Q BY MR. WAPNER: I WANT TO SHOW YOU A CASHIER'S
9 CHECK FROM THE SECURITY PACIFIC NATIONAL BANK THAT WE HAVE
10 MARKED -- I DIDN'T PUT A NUMBER ON IT. IT IS PEOPLE'S 129
11 FOR IDENTIFICATION.

12 THE COURT: 129. IT IS ALREADY MARKED?

13 MR. WAPNER: YES. IT IS ALREADY MARKED.

14 Q IS THERE ANYTHING ABOUT THAT CHECK THAT YOU
15 RECOGNIZE?

16 A IT IS JUST A CASHIER'S CHECK MADE PAYABLE TO
17 ONE OF OUR BUSINESS ACCOUNTS.

18 Q DID IT COME THROUGH YOUR BANK?

19 A YES. IT WAS DEPOSITED ON JUNE 6.

20 Q INTO WHICH ACCOUNT?

21 A GENERAL NEWS CORPORATION.

22 Q AND THAT IS ONE OF THE THREE ACCOUNTS FOR WHICH
23 YOU HAD THE SIGNATURE CARDS IN FRONT OF YOU JUST A MINUTE
24 AGO?

25 A CORRECT.

26 MR. BARENS: EXCUSE ME.

27 Q BY MR. WAPNER: DO YOU HAVE SOME RECORDS WITH
28 YOU OF THAT FACT, THAT THAT CHECK WAS DEPOSITED INTO THE ACCOUNT?

1 A I HAVE THE ORIGINAL DEPOSIT SLIP.

2 Q COULD I SEE THAT, PLEASE?

3 A YES.

4 MR. WAPNER: MAY I HAVE JUST A MOMENT WITH THE WITNESS?

5 THE COURT: YES.

6 (PAUSE.)

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1 MR. WAPNER: MAY THAT DEPOSIT SLIP BE MARKED PEOPLE'S
2 NEXT IN ORDER, 133?

3 THE COURT: 133?

4 MR. WAPNER: RIGHT.

5 THE COURT: ALL RIGHT.

6 MR. WAPNER: THE RECORD WILL REFLECT THAT I AM PUTTING
7 A 133 ON THE UPPER RIGHT-HAND CORNER ON THE FRONT SIDE.

8 THE COURT: YES.

9 Q BY MR. WAPNER: MS. NEUMANN, IS THERE ON THIS
10 DEPOSIT SLIP SOMETHING THAT INDICATES THAT THAT CHECK WENT
11 INTO THE ACCOUNT ON JUNE 5?

12 A ON THE BACK THERE IS A \$5,000 CHECK LISTED BY
13 THE ROUTING NUMBER OF SECURITY PACIFIC.

14 THEN WE HAVE WHAT WE CALL A RUN NUMBER ON THE
15 BACK WHICH THE CREDITS ARE RUN LAST.

16 THE RUN NUMBER ON THIS CASHIER'S CHECK IS ONE
17 CHECK BEFORE THE CREDIT.

18 Q WHERE IS THE RUN NUMBER ON THE CHECK?

19 A THE RUN NUMBER IS LOCATED WITH THE PROOF STAMP
20 RIGHT HERE. IT IS PUT ON BY OUR PROOF MACHINE WHEN THE
21 DEPOSIT IS PROCESSING.

22 Q AND THERE IS ANOTHER NUMBER ON THE CHECK THAT
23 IS ONE NUMBER OFF FROM THE NEXT NUMBER ON THE DEPOSIT SLIP?

24 A THE NUMBER ON THE CHECK IS 96821 AND THE NUMBER
25 ON THE DEPOSIT SLIP IS 96822.

26 Q AND THE DEPOSIT SLIP IS FOR WHAT AMOUNT OF MONEY?

27 A \$12,100.

28 Q AND THE OTHER TWO CHECKS -- STRIKE THAT.

B-2

1 ARE THERE TWO OTHER CHECKS INDICATED ON THAT
2 DEPOSIT SLIP?

3 A YES, THERE IS.

4 Q WHAT ACCOUNTS ARE THOSE FROM?

5 A THOSE ARE CHECKS DRAWN ON OUR BANK. THERE WERE
6 TRANSFERS FROM HIS OTHER ACCOUNTS.

7 Q THE DEPOSIT SLIP IS FOR WHICH ACCOUNT?

8 A GENERAL NEWS CORPORATION.

9 Q SO THAT ON THE 6TH OF JUNE, THERE WAS A CHECK
10 WRITTEN FROM THE JOURNAL OF INVESTIGATIVE REPORTING AND
11 ONE FROM GENERAL PRODUCERS?

12 A CORRECT.

13 Q HOW MUCH WAS THE ONE FROM GENERAL PRODUCERS?

14 A \$5,700.

15 Q AND HOW MUCH WAS THE ONE FROM THE JOURNAL OF
16 INVESTIGATIVE REPORTING?

17 A \$1,400.

18 Q AND DO YOUR RECORDS INDICATE THAT AFTER THAT
19 DEPOSIT WAS MADE, THAT THERE WAS A CHECK WRITTEN FROM THE
20 GENERAL -- THOSE MONIES ALL WENT INTO THE GENERAL NEWS ACCOUNT,
21 RIGHT?

22 A CORRECT.

23 Q SO IT LOOKED LIKE HE WAS TAKING -- WELL, STRIKE
24 THAT.

25 HOW MUCH MONEY WAS IN THE GENERAL PRODUCERS
26 ACCOUNT BEFORE THE \$5,700 CHECK WAS WRITTEN?

27 A CAN YOU REPEAT THE QUESTION?

28 Q OKAY. WHAT WAS HAPPENING ON JUNE THE 6TH AS

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FAR AS THIS DEPOSIT SLIP IS CONCERNED IS THAT MONEY WAS
GOING FROM TWO OF THE ACCOUNTS INTO ANOTHER ONE, CORRECT?

A CORRECT.

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1 Q THAT IS TWO OF THE ACCOUNTS AT YOUR BANK?

2 A CORRECT.

3 Q THE ACCOUNT THAT IT WAS GOING INTO WAS THE
4 GENERAL NEWS ACCOUNT, CORRECT?

5 A CORRECT.

6 Q AND IT CAME OUT OF THE JOURNAL OF INVESTIGATIVE
7 REPORTING AND THE GENERAL PRODUCERS?

8 A CORRECT.

9 Q WHAT I WANT TO KNOW IS, BEFORE HE WROTE THESE
10 TWO CHECKS, ONE FROM GENERAL PRODUCERS AND ONE FROM JOURNAL
11 OF INVESTIGATIVE REPORTING, HOW MUCH MONEY DID HE HAVE IN THE
12 GENERAL PRODUCERS ACCOUNT?

13 AND I WILL SHOW YOU THESE DOCUMENTS WE HAVE
14 MARKED AS PEOPLE'S 44, 45 AND 46, IF IT HELPS YOU AT ALL.

15 A OKAY. BEFORE HE WROTE THE \$1400 CHECK -- \$5700
16 CHECK ON GENERAL PRODUCERS, HE HAD A BALANCE OF \$5712.58.

17 Q SO AFTER HE WROTE THAT CHECK, WHAT WAS THE BALANCE
18 IN THE ACCOUNT?

19 A \$12.58.

20 Q BEFORE HE WROTE THE CHECK ON GENERAL INVESTIGATIVE
21 REPORTING FOR \$1400, HOW MUCH DID HE HAVE IN THE ACCOUNT?

22 A THAT WAS \$1429.60.

23 Q AND SO THERE WAS A BALANCE LEFT OF \$29.60?

24 A CORRECT.

25 MR. BARENS: AS OF WHAT POINT IN TIME ARE WE, JUDGE?

26 MR. WAPNER: IS HE NOW QUESTIONING THE WITNESS?

27 MR. BARENS: I JUST -- I THINK WE HAVE ALL LOST OUR
28 TIME FRAMES NOW, JUDGE.

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1 THE COURT: AS OF WHICH TIME WAS THAT?

2 THE WITNESS: THIS WAS AS OF THE -- THE ENDING BALANCE
3 WAS AT 6-6.

4 MR. BARENS: THE SIXTH OF JUNE?

5 THE WITNESS: RIGHT.

6 MR. BARENS: OH, THANK YOU.

7 Q BY MR. WAPNER: DID ALL OF THAT MONEY, \$5700 AND
8 \$1400, REMAIN IN THE GENERAL NEWS ACCOUNT?

9 A HE WROTE A CHECK OFF THE GENERAL NEWS ACCOUNT.

10 Q HOW DO YOU KNOW THAT?

11 A HE PURCHASED A CASHIER'S CHECK WITH IT.

12 Q AND WHAT WAS THE AMOUNT OF THE CHECK THAT HE USED
13 TO PURCHASE THE CASHIER'S CHECK?

14 A \$14,000.

15 Q AND THAT WAS WRITTEN ON THE GENERAL NEWS ACCOUNT?

16 A YES.

17 Q AND WHO WAS THAT CASHIER'S CHECK PAYABLE TO?

18 A PRUDENTIAL BACHE.

19 THE COURT: THAT IS A BROKERAGE ACCOUNT, IS IT?

20 THE WITNESS: I AM NOT REALLY SURE.

21 THE COURT: VERY GOOD.

22 Q BY MR. WAPNER: AND AFTER THAT \$14,000 CHECK WAS
23 WRITTEN, WHAT WAS THE BALANCE IN THE ACCOUNT OF GENERAL NEWS
24 ON JUNE THE SIXTH?

25 A \$2012.20.

26 Q WAS THAT THE CLOSING BALANCE ON THE GENERAL NEWS
27 ACCOUNT.

28 A NO, IT WAS NOT.

1 A NO, IT WAS NOT.

2 Q WHY NOT?

3 A THERE WERE OTHER CHECKS THAT PAID ON THE ACCOUNT
4 AFTER JUNE SIXTH.

5 Q THAT WERE WRITTEN BEFORE BUT WERE PAID AFTER?

6 A FROM THE NUMERICAL SEQUENCE, IT WOULD APPEAR THAT
7 THEY WERE WRITTEN BEFORE AND THEY WERE CLEARED ALL THROUGH
8 TRANSIT.

9 THEY WEREN'T CLEARED OVER THE COUNTER.

10 MR. WAPNER: YOUR HONOR, I HAVE HERE A CHECK FOR
11 \$14,000 DATED 6-6-84 WITH THE NUMBER -- WELL MAY IT BE
12 MARKED AS PEOPLE'S 52 FOR IDENTIFICATION?

13 THE COURT: 52?

14 MR. WAPNER: CORRECT.

15 THE COURT: ALL RIGHT. THANK YOU.

16 Q BY MR. WAPNER: SHOWING YOU PEOPLE'S 52, DO YOU
17 RECOGNIZE THAT?

18 A THAT CHECK IS DRAWN OFF OUR BANK, OFF THE ACCOUNT
19 OF GENERAL NEWS CORPORATION.

20 Q AND IS THERE SOME INDICATION ON THE BACK, THE
21 FACT THAT IT WAS PROCESSED THROUGH THE ACCOUNT?

22 A YES, THERE IS A STAMP THAT SAYS "CASHIER'S CHECK
23 CASHED BY PAYEE¹¹ ANDNAME OF PAYEE AND IT IS SIGNED BY
24 MR. LEVIN.

25 Q AND THE PAYEE ON THAT CHECK IS PRUDENTIAL BACHE?

26 A YES.

27 Q WHEN YOU SAY FROM THE NUMERICAL SEQUENCE IT
28 APPEARS THAT CHECKS THAT WERE PAID AFTER THE JUNE 'SIXTH DATE

5-4

1 WERE WRITTEN BEFORE, WHAT DO YOU MEAN BY THAT?

2 A THIS CHECK IS WRITTEN -- WRITTEN IS \$1,000 --
3 10028. ALL OF THE CHECKS THAT WERE PAID AFTER THAT ARE
4 CHECKS NUMBER 10023, 10020, 10027 AND 10026.

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1 Q WOULD YOU EXAMINE THOSE DOCUMENTS, PEOPLE'S
2 44, 45 AND 46 AND TELL ME WHAT THESE ARE, PLEASE?

3 A THEY ARE PHOTOCOPIES OF THE MICROFICHE STATEMENTS
4 THAT WE PRODUCE WHEN RECORDS ARE REQUESTED.

5 Q AND WHAT ARE THEY COPIES OF?

6 A THE ACTUAL STATEMENTS ON MICROFICHE.

7 Q FOR WHICH ACCOUNTS?

8 A FOR THE JOURNAL OF INVESTIGATIVE REPORTING,
9 GENERAL NEWS, AND GENERAL PRODUCERS CORPORATION.

10 THE COURT: HAVE YOU ASKED THAT THESE BE MARKED? HAVE
11 THEY BEEN PREVIOUSLY MARKED?

12 MR. WAPNER: I THOUGHT I DID BEFORE I GAVE THEM TO
13 COUNSEL.

14 MR. BARENS: I BELIEVE THEY ARE 44 AND ET SEQ. IS
15 THIS 44 ET SEQ.?

16 THE COURT: I DON'T REMEMBER ANY 44 BEING MARKED.

17 MR. WAPNER: WELL, IF I HAVE NOT REQUESTED IT, MAY
18 I PLEASE AT THIS TIME ASK THAT THE STATEMENTS --

19 THE COURT: WHAT ARE THEY? STATEMENTS, ARE THEY?

20 MR. WAPNER: DOCUMENTS THAT ARE REPRESENTING STATEMENTS,
21 CORRECT, YOUR HONOR.

22 AS PEOPLE'S 44, A NINE-PAGE DOCUMENT THAT APPEARS
23 TO BE A STATEMENT FOR GENERAL NEWS CORPORATION. AS PEOPLE'S
24 45, A 12-PAGE DOCUMENT THAT APPEARS TO BE THE STATEMENTS
25 ON GENERAL PRODUCERS CORPORATION.

26 AND AS PEOPLE'S 46, THE DOCUMENT ON THE JOURNAL
27 OF INVESTIGATIVE REPORTING, CONSISTING OF TEN PAGES.

28 THE COURT: VERY WELL.

1 MR. WAPNER: THANK YOU.

2 THE COURT: SO MARKED.

3 Q BY MR. WAPNER: MS. NEUMANN, WERE THESE DOCUMENTS,
4 PEOPLE'S 44, 45 AND 46 -- WHAT ARE THEY?

5 A THEY ARE PHOTOCOPIES OF STATEMENTS ON OUR ACCOUNTS,
6 GENERAL NEWS, GENERAL PRODUCERS AND THE JOURNAL OF INVESTIGATIVE
7 REPORTING.

8 Q AND WHAT WAS THE CLOSING BALANCE ON THE GENERAL
9 NEWS CORPORATION ACCOUNT -- WHEN WAS THE ACCOUNT FINALLY
10 CLOSED?

11 A THE ACCOUNTS WERE CLOSED IN DECEMBER.

12 THE COURT: 1984?

13 THE WITNESS: 1984. THERE IS NO DECEMBER STATEMENT
14 ON GENERAL NEWS HERE.

15 Q BY MR. WAPNER: WHAT WAS THE BALANCE AT THE
16 END OF THE JUNE STATEMENT ON THE --

17 A AT THE END OF JUNE, \$664.29.

18 Q AND WAS THERE ANY ACTIVITY ON THAT ACCOUNT GENERATED
19 BY THE CUSTOMER BETWEEN THE END OF JUNE AND THE TIME THE
20 ACCOUNT WAS CLOSED?

21 A NO.

22 Q AND DO YOU HAVE SOMETHING IN FRONT OF YOU THAT
23 WOULD INDICATE THE BALANCE IN THE ACCOUNT AT THE TIME IT
24 WAS CLOSED?

25 A IN MY RECORDS?

26 Q YES.

27 A YES.

28 Q WOULD YOU TELL US WHAT THAT IS, PLEASE?

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(PAUSE.)

THE COURT: POSSIBLY WE CAN TAKE A RECESS AT THIS
 TIME. THAT WILL BE A TEN-MINUTE RECESS. THE ADMONITION
 I GAVE YOU STILL APPLIES.

(RECESS.)

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1 THE COURT: SORRY FOR THE DELAY, LADIES AND GENTLEMEN.
2 COUNSEL HAD TO GO OVER THE RECORDS WHILE WE WERE WAITING.
3 ALL RIGHT.

4 MR. WAPNER: THANK YOU.

5 Q MISS NEUMANN, LOOKING AT PEOPLE'S 44, THIS IS
6 THE ACCOUNT OF GENERAL NEWS CORPORATION; WHAT WAS THE BALANCE
7 AT THE END OF JUNE OF 1984?

8 A \$664.29.

9 Q WHAT WAS THE CLOSING -- YES, YOU CAN PULL THE
10 MICROPHONE OVER -- WHAT WAS THE CLOSING BALANCE IN THE ACCOUNT
11 AT THE END WHEN IT WAS CLOSED OUT BY THE BANK?

12 A \$664.29.

13 Q AND IN PEOPLE'S 45, WHICH IS ON THE ACCOUNT OF
14 GENERAL PRODUCERS CORPORATION, WHAT WAS THE BALANCE AT THE
15 END OF JUNE OF 1984?

16 A A HUNDRED FORTY-FOUR DOLLARS EIGHTY-NINE CENTS.
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1 Q AND WHAT WAS THE CLOSING BALANCE OF THE ACCOUNT?

2 A \$144.89.

3 Q AND WHAT DO YOU USE TO DETERMINE WHAT THE CLOSING
4 BALANCE OF THE ACCOUNT WAS?

5 A I HAVE A COPY OF THE DEBIT THAT WAS USED TO
6 CLOSE THE ACCOUNT.

7 Q AND ON PEOPLE'S 46 WHICH WAS IN THE NAME OF
8 THE JOURNAL OF INVESTIGATIVE REPORTING, WHAT WAS THE BALANCE
9 AT THE END OF JUNE OF 1984?

10 A \$29.60.

11 Q WHAT WAS THE AMOUNT?

12 A \$29.60.

13 Q THAT WAS THE CLOSING BALANCE?

14 A CORRECT.

15 Q AND ON ONE OF THOSE ACCOUNTS, WAS THERE SOME
16 CREDIT ONE MONTH AND DEBIT ANOTHER MONTH THAT WAS AN ERROR
17 BY THE BANK?

18 A YES. ON GENERAL NEWS THERE WAS A DEBIT MADE
19 IN AUGUST. IT WAS MADE IN ERROR.

20 AND THEN THE BANK REVERSED IT IN SEPTEMBER.

21 Q HOW DO YOU KNOW IT WAS A BANK ERROR?

22 A IT WAS PUT THROUGH AS A DEBIT MEMO AND I HAVE
23 A CREDIT SHOWING THAT -- REVERSING THE ENTRY AND SAYING
24 THE ACCOUNT WAS DEBITED IN ERROR.

25 Q CAN I SEE A COPY OF THAT DEBIT MEMO?

26 A IT IS A CREDIT MEMO.

27 MR. WAPNER: MAY THAT BE MARKED PEOPLE'S 134 FOR IDENTI-
28 FICATION, YOUR HONOR?

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1 THE COURT: SO MARKED.

2 Q BY MR. WAPNER: AND IS THERE SOME INDICATION
3 ON THE STATEMENT OF ACCOUNT OF GENERAL NEWS, THAT THERE
4 WAS A DEBIT ONE MONTH AND THEN A CREDIT THE NEXT MONTH?

5 A YES. IT SHOWS UP AS A DEBIT IN AUGUST. THEN
6 IT SHOWS UP AS A CREDIT. IT SHOWS UP AS A BANK ORIGINATED
7 DEBIT AND BANK ORIGINATED CREDIT.

8 Q THIS DOCUMENT PEOPLE'S 134 INDICATES TO YOU
9 THAT THAT WAS A BANK ERROR?

10 A CORRECT.

11 Q THIS DOCUMENT, PEOPLE'S 134 IS MADE IN THE ORDINARY
12 COURSE OF BUSINESS?

13 A YES.

14 Q AT OR NEAR THE TIME THAT THE ACTIVITY OCCURS
15 IN THE ACCOUNTS?

16 A YES.

17 Q WHO WAS THE PERSON WHO GENERATES THIS DEBIT
18 OR CREDIT MEMORANDUM?

19 A THE OPERATIONS DEPARTMENT GENERATES IT.

FO.

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1 Q ARE YOU FAMILIAR WITH SOMEONE NAMED JAN YOUNGBLOOD?

2 A YES.

3 Q WHO WAS THAT?

4 A SHE WAS AN OPERATIONS CLERK AT THE TIME.

5 SHE IS STILL EMPLOYED BY THE BANK. SHE IS NOW
6 MY ASSISTANT.

7 Q HOW ABOUT J. WEISS?

8 A THAT WAS THE OPERATIONS OFFICER AT THE TIME.

9 Q SO THIS WOULD BE PREPARED BY JAN YOUNGBLOOD AND
10 THEN SIGNED BY J. WEISS?

11 A YES.

12 MR. WAPNER: YOUR HONOR, MAY THESE THREE ACCOUNT DEBITS
13 BE MARKED IN ORDER AS 135, 6 AND 7? ONE ON GENERAL PRODUCERS
14 IS 135 AND ONE ON GENERAL --

15 MR. BARENS: WHY DON'T YOU SAY THE AMOUNT AS WELL?

16 MR. WAPNER: GENERAL PRODUCERS FOR \$144.89.

17 THE ONE ON GENERAL NEWS FOR \$664.29 AS 136.

18 AND JOURNAL OF INVESTIGATIVE REPORTING AS 137.

19 THE COURT: THEY WILL ALL BE SO MARKED.

20 Q BY MR. WAPNER: MRS. NEUMANN, ARE THESE THE THREE
21 ACCOUNT DEBITS THAT INDICATED THE CLOSING BALANCES THAT YOU
22 HAVE JUST TOLD US ABOUT?

23 A YES.

24 MR. WAPNER: AND WHEN I SAY "THESE," YOUR HONOR, I
25 AM REFERRING TO 135, 6 AND 7.

26 THE COURT: YES.

27 Q BY MR. WAPNER: DID MR. LEVIN PURCHASE SOME
28 CASHIER'S CHECKS -- STRIKE THAT.

1 DO YOUR RECORDS REFLECT THE PURCHASE OF SOME
2 CASHIER'S CHECKS AT YOUR BANK BY MR. LEVIN IN MAY OF 1984?

3 A CASHIER'S CHECKS?

4 Q I AM SORRY.

5 TRAVELER'S CHECKS?

6 A YES.

7 Q WHAT RECORDS DO YOU HAVE TO INDICATE THAT?

8 A WE HAVE PURCHASERS COPY OF TRAVELER'S CHECKS.

9 MR. WAPNER: YOUR HONOR, I HAVE A DOCUMENT HERE THAT
10 I WOULD LIKE TO HAVE MARKED AS PEOPLE'S 61 FOR IDENTIFICATION.

11 THE COURT: IT WILL BE SO MARKED.

12 MR. WAPNER: IT CONSISTS OF, I BELIEVE, 15 SHEETS OF
13 PAPER THAT SAY "VISA TRAVELERS" CHECKS ON THEM AND HAVE NUMBERS
14 IN THE TOP RIGHT-HAND CORNER.

15 THE ONE ON THE FIRST PAGE IS 1571621188991.

16 THE COURT: THERE ARE 15 OF THEM?

17 MR. WAPNER: YES.

18 THE COURT: ALL RIGHT.

19 Q BY MR. WAPNER: WHAT ARE THOSE, MRS. NEUMANN?

20 A THOSE ARE PURCHASERS AGREEMENT OR CONTRACT OF
21 PURCHASE TRAVELER'S CHECKS. IT IS THE BANK'S COPY.

22 Q AND HOW ARE THOSE ITEMS PREPARED?

23 A WHEN A CUSTOMER PURCHASES TRAVELER'S CHECKS,
24 THIS AGREEMENT IS FILLED OUT BY THE CUSTOMER, THE ORIGINAL
25 IS SENT TO VISA AS A RECORD OF THE SALE AND THEN WE KEEP THE
26 REST.

27 THE BACK ONE GOES TO THE CUSTOMER.
28

-1

1 MR. WAPNER: YOUR HONOR, I HAVE WHAT APPEARS TO BE
2 WHITE COPIES OF THE DOCUMENT SIMILAR TO THE ONE I HAVE SHOWN
3 TO THE WITNESS. THE TOP COPY ON THAT STACK HAS THE NUMBER
4 1571621188881.

5 MAY THAT BE MARKED AS PEOPLE'S 48 FOR IDENTIFICATION?

6 THE COURT: SO MARKED.

7 Q BY MR. WAPNER: SHOWING YOU PEOPLE'S 48, DO
8 YOU RECOGNIZE WHAT THOSE ARE?

9 A THOSE ARE THE ORIGINAL PURCHASER'S COPY WE SENT
10 TO CHASE MANHATTAN WHEN SOMEONE PURCHASES VISA TRAVELER'S
11 CHECKS.

12 Q AND THOSE TWO EXHIBITS THAT YOU HAVE IN FRONT
13 OF YOU, HOW DO THEY RELATE TO EACH OTHER?

14 A IT COMES IN A BOUND PACKAGE AND ON THE TOP OF
15 THE TRAVELER'S CHECKS.

16 AND WE PULL THEM APART AND SEND PART OF THEM
17 TO CHASE MANHATTAN AND WE KEEP THE REST FOR OUR RECORDS.

18 THE BACK COPY GOES TO THE CUSTOMER FOR HIS RECORDS.

19 Q WHICH IS THE BACK COPY?

20 A IT IS NOT HERE. IT IS THE LAST COPY OF THE
21 PACK. IT IS A FOUR-PART PACKAGE.

22 Q THE BLUE COPY IS KEPT BY THE BANK, IS THAT RIGHT?

23 A THERE IS A BLUE COPY AND A YELLOW COPY THAT
24 IS KEPT BY THE BANK. THE WHITE COPY GOES TO VISA.

25 Q THE WHITE COPY, THAT IS PEOPLE'S 48, GOES TO
26 VISA?

27 A CORRECT.

28 Q DO YOU HAVE SOME RECORDS THAT INDICATES WHAT

1 WAS USED TO PURCHASE THOSE TRAVELER'S CHECKS?

2 A I HAVE A LARGE CURRENCY TRANSACTION THAT WAS
3 PRODUCED AT THE TIME, SAYING THAT HE WROTE A CHECK FOR \$25,000
4 AND GOT TRAVELER'S CHECKS AND \$10,000 IN CASH.

5 Q DO YOU HAVE A COPY OF THAT WITH YOU?

6 A YES.

7 THE COURT: IS THAT THE COPY?

8 THE WITNESS: YES.

9 Q BY MR. WAPNER: WHERE IS THE ORIGINAL OF THIS
10 LARGE CURRENCY TRANSACTION REPORT KEPT?

11 A THE ORIGINAL IS SENT TO THE I.R.S.

12 MR. BARENS: IF I MIGHT?

13 Q BY MR. WAPNER: AND WHEN WERE THE TRAVELER'S
14 CHECKS PURCHASED?

15 A ON MAY 31, 1984.

16 Q AND SO OF THE \$25,000, HOW MUCH WAS IN TRAVELER'S
17 CHECKS?

18 A \$15,000.

19 Q AND WHAT HAPPENED TO THE OTHER TEN?

20 A HE RECEIVED CASH FOR IT.

21 Q ON MAY THE 31ST?

22 A CORRECT.

23 Q OF 1984?

24 A CORRECT.

25 Q AND WHAT WAS THE DENOMINATIONS OF THE TRAVELER'S
26 CHECKS HE PURCHASED?

27 A HE PURCHASED ALL 100'S.

28 Q SHOWING YOU AN EXHIBIT WE HAVE PREVIOUSLY MARKED

1 AS PEOPLE'S 40 FOR IDENTIFICATION WHICH APPEAR TO BE ORIGINAL
2 TRAVELER'S CHECKS, DO YOU RECOGNIZE THOSE?

3 A YES. THOSE ARE TRAVELER'S CHECKS ISSUED BY
4 US, OLYMPIC NATIONAL BANK, DRAWN ON VISA.

5 Q AND WHAT BANK ARE THEY ISSUED THROUGH?

6 A THEY ARE ISSUED THROUGH CHASE MANHATTAN.

7 Q AND CAN YOU EXPLAIN TO US JUST A LITTLE BIT
8 ABOUT HOW THAT WORKS?

9 A CHASE MANHATTAN HAS A PROGRAM WHERE THEY WILL
10 ISSUE VISA TRAVELER'S CHECKS WITH OUR BANK NAME ON THEM.

11 SO IN ESSENCE, YOU ARE ISSUING TRAVELER'S CHECKS
12 ON YOUR BANK. THEY ARE NOT PAID THROUGH YOUR BANK. THEY
13 ARE JUST ISSUED THROUGH YOUR BANK.

14 THEY ARE PAID THROUGH CHASE MANHATTAN. CHASE
15 MANHATTAN DOES ALL OF THE COLLECTING, REFUNDS AND EVERYTHING
16 ELSE. AND IT IS ON A COMMISSION BASIS PROGRAM.

17 MR. WAPNER: THANK YOU. NOTHING FURTHER.

1=1

1 MR. BARENS: THANK YOU, YOUR HONOR.

2

3

CROSS-EXAMINATION

4

BY MR. BARENS:

5

Q HAVE YOU EVER MET RON LEVIN?

6

A NO, I HAVE NOT.

7

Q AND YOU HAD NO PERSONAL FAMILIARITY WITH HIS
8 BANK PROCEDURES, DID YOU?

9

A NO, I DID NOT.

10

Q AND YOU DON'T REALLY HAVE ANY UNDERSTANDING
11 WHATSOEVER, DO YOU, AS TO THE PURPOSE OF THE UNDERLYING
12 TRANSACTIONS INVOLVED WITH ALL OF THIS MATERIAL?

13

A NO, I DO NOT.

14

Q DID YOU EVER SPEAK TO HIM ON THE PHONE?

15

A NO, I HAVE NOT.

16

Q AND NOW, FROM YOUR VIEWING OF THE ACCOUNTS,
17 WAS IT YOUR TESTIMONY EARLIER, OR COULD YOU SAY IT IS YOUR
18 TESTIMONY THAT HE APPEARED TO BE TAKING THE MONEY OUT OF
19 THOSE ACCOUNTS IN LATE MAY, EARLY JUNE?

20

A WAS HE TAKING THE MONEY OUT?

21

Q YES.

22

A THERE WAS WITHDRAWALS FROM THE ACCOUNT IN MAY
23 AND JUNE, YES.

24

Q THEY WERE REDUCED TO RATHER SMALL BALANCES,
25 COMPARED TO THE PREVIOUS BALANCES THAT WERE IN THOSE ACCOUNTS?

26

A YES.

27

Q SIGNIFICANTLY LESS THAN THE BALANCES THAT USED
28 TO BE IN THOSE ACCOUNTS, WOULDN'T YOU SAY?

... 1 MR. WAPNER: WELL, NOW I WILL OBJECT. THE RECORDS
2 WILL SPEAK FOR THEMSELVES.

3 MR. BARENS: IF I MIGHT, YOUR HONOR, WE WILL GO OVER
4 THEM.

5 THE COURT: WE HAVE GOT THE CLOSING BALANCES, HAVEN'T
6 WE?

7 MR. BARENS: I AM NOT INTERESTED IN THE CLOSING BALANCES,
8 YOUR HONOR.

9 THE COURT: WELL, I AM INTERESTED IN THE CLOSING BALANCES.

10 MR. BARENS: I KNOW, BUT I AM NOT ACTUALLY INTERESTED
11 IN THOSE, YOUR HONOR.

12 THE COURT: WHAT ARE YOU INTERESTED IN?

13 MR. BARENS: I AM --

14 THE COURT: THE FACT THAT THE ACCOUNT HAD MORE MONEY
15 IN IT AT THE BEGINNING THAN IT HAD AT THE END?

16 MR. BARENS: I AM INTERESTED IN THE SIX-FIGURE AMOUNTS,
17 I WOULD LIKE TO MAKE REFERENCE TO, THAT USED TO BE IN THOSE
18 ACCOUNTS.

19 THE COURT: ALL RIGHT.

20 MR. BARENS: THANK YOU, YOUR HONOR.

21 Q DIRECTING YOUR ATTENTION TO PRODUCERS -- GENERAL
22 PRODUCERS CORPORATION, DO YOU SEE THAT THIS IS DATED MAY --

23 A MAY 31, 1984.

24 Q AND DO YOU SEE WHAT THE AMOUNT OF CREDITS IN
25 THAT ACCOUNT WAS FOR THAT MONTH, MA'AM? COULD YOU TELL
26 ME WHAT AMOUNT OF CREDITS WERE IN THAT ACCOUNT DURING MAY?

27 A THE AMOUNT OF CREDIT WAS \$105,650.83.

28 Q I SEE.

1-3

1 AND WHAT WAS THE AMOUNT OF DEBITS FOR THAT ACCOUNT?

2 A A HUNDRED THOUSAND NINE HUNDRED THIRTY-EIGHT
3 DOLLARS SIXTY-SIX CENTS.

4 Q I SEE.

5 DIRECTING YOUR ATTENTION TO THE GENERAL NEWS
6 CORPORATION ACCOUNT, WHAT DATE IS ON THE SHEET THAT I AM
7 LOOKING AT HERE?

8 A MAY 31, 1984.

9 Q AND THIS SHOWS THE TRANSACTION FOR THAT MONTH
10 AS WELL IN THAT DIFFERENT ACCOUNT?

11 A CORRECT.

12 Q COULD YOU TELL ME WHAT WAS THE AMOUNT OF CREDITS
13 TO THAT ACCOUNT, THAT DIFFERENT ACCOUNT, DURING MAY OF 1984?

14 A \$36,600.

15 Q AND THE AMOUNT OF DEBITS IN THAT ACCOUNT DURING
16 MAY '84?

17 A \$38,304.73.

18 Q I SEE.

19 AND ON DATE 5-12, DO WE SEE A DEPOSIT THERE?
20 5-12, COULD YOU TELL ME WHAT THE DEPOSIT WAS ON 5-12?

21 A THERE WAS NOT A DEPOSIT ON 5-12.

22 Q PERHAPS I AM NOT INDICATING THE RIGHT --

23 A THIS ONE?

24 Q YES, THAT LOOKED LIKE A 12 TO ME.

25 A IT IS 17.

26 Q SO IT IS A 7?

27 A IT IS THE 17TH.

28 Q WHAT IS THE AMOUNT OF DEPOSIT ON THAT DATE?

1 A 25,000.

2 Q NOW IN DECEMBER OF 1983 -- I AM NOW REFERRING
3 TO GENERAL PRODUCERS CORPORATION ACCOUNTS -- WHAT ARE THE
4 AMOUNTS OF CREDITS TO MR. LEVIN'S ACCOUNT AS OF THAT DATE?

5 A \$10,000.

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1 MR. BARENS: JUST A MOMENT, YOUR HONOR. THE DOCUMENTS
2 ARE A BIT UNWIELDY AT TIMES, HERE.

3 THE COURT: ALL RIGHT.

4 (PAUSE.)

5 Q BY MR. BARENS: NOW WITH REFERENCE TO -- I DON'T
6 THINK WE MARKED THIS, YOUR HONOR, THIS TRANSACTION REPORT.

7 THE COURT: DO YOU WANT TO HAVE IT MARKED?

8 MR. BARENS: THE PEOPLE BROUGHT IT UP.

9 THE COURT: DO YOU WANT TO HAVE THAT MARKED?

10 MR. WAPNER: I WAS NOT GOING TO, YOUR HONOR. BUT FOR
11 THE SAKE OF CONTINUITY, IF YOU WANT TO --

12 THE COURT: ALL RIGHT. THAT WILL BE PEOPLE'S WHAT,
13 138?

14 MR. BARENS: YES. THAT WOULD BE 138.

15 THE COURT: WE CALL THAT WHAT?

16 MR. BARENS: CURRENCY TRANSACTION REPORT. IT IS
17 ENTITLED FORM 4789, CTR, GENERAL REFERENCE.

18 THE COURT: ALL RIGHT.

19 Q BY MR. BARENS: NOW, DO YOU HAVE BY THE BY, ANY
20 MORE CTR'S ON FILE FOR MR. LEVIN?

21 A NO, I DO NOT.

22 Q DID YOU CHECK?

23 A YES, I DID.

24 Q AND THAT WAS THE ONLY ONE YOU COULD COME UP WITH?

25 A THAT IS THE ONLY ONE.

26 Q COULD YOU EXPLAIN TO THE JURY WHAT A CTR IS, MA'AM?

27 A A FORM FILLED OUT ANY TIME A CUSTOMER DEPOSITS
28 OR RECEIVES IN CASH \$10,000 OR MORE.

1 Q AND IT IS GENERALLY A DEVICE THAT THE U.S.
2 GOVERNMENT USES TO TRY TO SOMEHOW OR ANOTHER KEEP TRACK OF
3 CASH GOING AROUND IN BANKS?

4 A IT IS A MONITORING DEVICE FOR THE INTERNAL REVENUE
5 TO MONITOR CASH FLOW.

6 Q NOW IN THAT REGARD, WE SEE THAT ON MAY 31ST,
7 1984, MR. LEVIN HAS \$25,000?

8 A HE CASHED A CHECK FOR \$25,000.

9 Q AND APPARENTLY, THE CHECK WAS GOOD?

10 A THE CHECK WAS OFF OF HIS PERSONAL ACCOUNT.

11 Q THE CHECK CLEARED?

12 A THE CHECK CLEARED.

13 Q SO THAT, COULD WE SAFELY SAY THAT MR. LEVIN HAD
14 THE \$25,000?

15 A YES.

16 Q OKAY. AND WITH THAT, PROCEED. IF YOU COULD,
17 TELL ME, HE OBTAINED FOR HIMSELF, \$10,000 AT THAT PARTICULAR
18 TIME?

19 A YES, HE DID.

20 Q AND DOES THAT -- ARE YOU TELLING ME SOMEONE AT
21 YOUR BANK WOULD HAVE ACTUALLY HANDED HIM \$10,000 IN CASH,
22 CURRENCY, MONEY?

23 A YES, I AM.

24 Q ALL RIGHT. THEN HE WOULD HAVE BEEN GIVEN
25 \$10,000?

26 A YES.

27 Q DID HE GET ANYTHING ELSE AT THE SAME TIME?

28 A HE PURCHASED THE TRAVELER'S CHECKS.

1 Q AND HE HAD HOW MUCH IN TRAVELER'S CHECKS?

2 A \$15,000.

3 Q SO SOMEONE WOULD HAVE HANDED HIM IN REAL MONEY
4 OR ITS EQUIVALENT, \$25,000 IN CASH OR ITS EQUIVALENT ON MAY
5 31ST?

6 A THAT'S CORRECT.

7 Q I SEE. YOU DON'T SEE THAT ANYBODY GOT THAT MONEY,
8 DO YOU? I MEAN, MR. LEVIN GOT IT AS FAR AS --

9 MR. WAPNER: OBJECTION, ASKED AND ANSWERED.

10 THE COURT: I THINK YOU HAVE EXHAUSTED THE SUBJECT.

11 THE WITNESS: THE FORM STIPULATED MR. LEVIN RECEIVED
12 THE CASH.

13 Q BY MR. BARENS: I SEE. THANK YOU ON THAT. DO
14 YOU HAVE ANY OTHER RECORDS WITH YOU THAT WOULD SHOW WHEN MR.
15 LEVIN RECEIVED ANY CASH MONEY FROM THESE ACCOUNTS?

16 A NO, I DO NOT.

17 Q DID YOU CHECK?

18 A YES.

19 Q SO THIS IS THE ONLY TIME YOU EVER RECEIVED ANY
20 CASH FROM ANY OF THOSE ACCOUNTS?

21 A THAT I HAVE A RECORD OF.

22 Q SO THIS WAS SOMEWHAT WE MIGHT SAY, A SINGULAR
23 OCCASION WHEN HE CAME INTO POSSESSION OF ALL THAT CASH OUT
24 OF THOSE ACCOUNTS?

25 A OF THIS SIZE OF TRANSACTION.

26 Q AS FAR AS YOUR BANK KNOWS, HE HAD NEVER DONE
27 ANYTHING LIKE THIS BEFORE, THAT YOUR RECORDS SHOW -- THAT
28 HER RECORDS SHOW, YOUR HONOR.

1 IS THAT CORRECT?

2 A THAT HE RECEIVED THIS LARGE OF A CASH TRANSACTION,
3 YES. I HAVE NO RECORDS SHOWING THAT HE RECEIVED ANYTHING
4 LARGE LIKE THIS.

5 Q NEVER BEFORE?

6 A EVER BEFORE.

7 Q I SEE.

8 A IN MY BANK.

9 MR. BARENS: THANK YOU. NOTHING FURTHER.

10

11

REDIRECT EXAMINATION

12

BY MR. WAPNER:

13

Q THE MAY, 1984 ACCOUNTS WITH THE CREDITS OF
14 \$100,000, WHICH ACCOUNT IS THAT?

15

A GENERAL PRODUCERS.

16

Q ALL RIGHT. NOW, HOW IS THAT -- YOU MADE THE
17 STATEMENTS. HOW DO YOU ARRIVE AT THAT FIGURE IN TERMS OF
18 CREDITS?

19

A IT IS THE SUM TOTAL OF ALL THE CREDITS THAT HAVE
20 GONE THROUGH THE ACCOUNT.

21

Q WHAT HAPPENS IF A CHECK GOES THROUGH AND IT IS
22 A CREDIT AND THEN IT TURNS OUT IT IS NO GOOD AND THEN FUNDS
23 COME IN TO MAKE IT GOOD. IS THAT ANOTHER CREDIT? WHAT
24 HAPPENS IN THAT CASE?

25

A IT WILL SHOW AS TWO CREDITS.

26

27

28

Q YOU MEAN IF YOU GET \$35,000 AND THEN IT BOUNCES
AND THEN YOU MAKE THE CHECK GOOD, IT SHOWS UP AS ANOTHER
\$35,000?

1 A IT WILL SHOW UP FIRST AS A CREDIT. THEN IT WILL
2 SHOW UP AS A DEBIT. THEN A CREDIT AGAIN.

3 Q WELL, DID ANYTHING LIKE THAT HAPPEN IN MAY OF
4 1984 IN MR. LEVIN'S ACCOUNT?

5 A HE MADE A DEPOSIT OF \$30,500 ON 5/9. THE CHECK
6 WAS RETURNED ON 5/18 FOR \$30,500.

7 HE MADE A DEPOSIT OF \$36,120 ON 5/14 AND THAT
8 CHECK WAS AGAIN RETURNED ON 5/22 FOR \$36,120.

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1 Q NOW, OF THOSE TWO DEPOSITS, WERE THEY SOMEHOW
2 MADE GOOD AGAIN?

3 A THE ONE DEPOSIT FOR \$36,000, THERE WAS A WIRE
4 THAT CAME IN TO CLEAR THAT CHECK.

5 Q SO NOW HE HAS BEEN CREDITED FOR \$36,000 TWICE,
6 RIGHT?

7 A CORRECT.

8 Q BUT HE ONLY GOT ONE \$36,000, RIGHT?

9 A IT WENT THROUGH THE ACCOUNT TWICE BUT ONE TIME
10 IT WAS DEBITED OUT BY THE BANK.

11 Q AND THE \$30,000 WENT THROUGH THE ACCOUNT ONCE,
12 TOO, RIGHT?

13 A CORRECT.

14 Q BUT THAT WAS ALSO DEBITED OUT BECAUSE THAT CHECK
15 WAS NO GOOD, RIGHT?

16 A THAT CHECK DEBITED OUT BY THE BANK.

17 Q SO OF THAT \$100,000, WHAT WAS THE TOTAL, A
18 HUNDRED AND HOW MUCH?

19 A FOR THE CREDITS?

20 Q YES.

21 A A HUNDRED AND FIVE THOUSAND SIX HUNDRED FIFTY.

22 Q SO WE NOW HAVE TO DEDUCT FROM THAT \$30,000.

23 A THERE WAS SOME DEBITS FOR \$30,500 AND \$36,120
24 THAT THE BANK TOOK AWAY.

25 Q SO WE HAVE TO SUBTRACT \$66,000 -- ABOUT \$67,100,
26 SOMETHING LIKE THAT.

27 A \$66,620.

28 Q SO OF THE MONEY THAT HE ACTUALLY GOT -- MAYBE THAT

1 WAS A BAD WAY OF PUTTING IT -- OF THE ACTUAL MONEY THAT WAS
2 IN THAT ACCOUNT, THERE WASN'T A HUNDRED THOUSAND DOLLARS IN
3 THAT ACCOUNT THAT MONTH, WAS THERE?

4 A AT ANY ONE TIME?

5 Q RIGHT.

6 A AT ONE TIME, HE HAD A HUNDRED THOUSAND DOLLARS IN
7 IT BUT THE BANK RECEIVED A RETURNED ITEM WHICH LOWERED HIS
8 BALANCE TO \$50,000.

9 Q AND YOU RECEIVED SOME OTHER RETURN ITEMS ALSO?

10 A CORRECT.

11 WE RECEIVED TWO RETURN ITEMS ON THIS ACCOUNT,
12 WHICH THE BANK THEN TAKES BACK THE MONEY AND THE CUSTOMER
13 DOES NOT GET BENEFIT OF THAT.

14 Q SO THAT \$105,000 IS BASICALLY A TOTAL OF ALL OF
15 THE CREDITS THAT GO THROUGH, RIGHT?

16 A THAT'S RIGHT.

17 Q SO IF I PUT THROUGH IN MY ACCOUNT \$500,000 IN
18 BAD CHECKS IN ONE MONTH, IT WOULD SHOW UP AS \$500,000 AT THE
19 END BUT I MIGHT NOT REALLY HAVE ANY MONEY, RIGHT?

20 A THAT'S RIGHT.

21 Q THE \$25,000 THAT WAS DEPOSITED ON MAY 7, IS
22 THAT THE SAME ACCOUNT ON WHICH THE TRAVELER'S CHECKS WERE
23 DRAWN OUT OF?

24 A YES.

25 Q AND IS THAT THE AMOUNT THAT WAS EVENTUALLY USED
26 TO PURCHASE THE TRAVELER'S CHECKS, THAT IS, THAT HE PURCHASED
27 THE TRAVELER'S CHECKS FOR \$50,000 AND THEN GOT \$10,000 IN
28 CASH, RIGHT?

1 A HE DEPOSITED THE \$25,000 ON THE 17TH. THE MONEY
2 SAT IN THE ACCOUNT UNTIL THE 31ST.

3 Q AND THEN ON THE 31ST, THERE IS A DEBIT FOR THE
4 \$25,000, RIGHT?

5 A CORRECT.

6 Q AND YOU, USING THE LARGE CASH TRANSACTION
7 MEMORANDUM, DEDUCED THAT THAT \$25,000 WAS THEN USED TO
8 PURCHASE THE TRAVELER'S CHECKS?

9 A CORRECT.

10 Q IS THERE A CHECK ON THAT ACCOUNT FOR THE \$25,000?

11 A YES, THERE IS.

12 Q AND THAT IS ON MAY 31ST?

13 A YES.

14 Q INCIDENTALLY, DID I ASK YOU TO CHECK YOUR
15 MICRO --

16 YOU KEEP MICROFILM RECORDS OF ALL THE CHECKS
17 AND DEPOSITS THAT ARE MADE ON THE ACCOUNT?

18 A YES, I DO.

19 Q DID I ASK YOU TO LOOK FOR THOSE?

20 A YES, YOU DID.

21 Q HOW COME YOU DIDN'T BRING THEM WITH YOU?

22 A THE ITEM WAS DESTROYED.

23 Q IS THERE ONE MORE PLACE YOU HAVE TO LOOK?

24 A THERE IS ONE MORE PLACE I HAVE TO LOOK. MAYFLOWER
25 STORAGE IN THE VALLEY AND I HAVE SENT SOMEONE TO LOOK AT
26 EVERY BOX IN STORAGE. IT TOOK HIM A DAY TO LOOK.

27 Q ALL RIGHT. WE WILL TAKE HIM TO DINNER, TOO.

28 IF IT TURNS OUT IT IS IN THE MAYFLOWER STORAGE

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IN THE VALLEY, YOU WILL PROVIDE IT FOR THE COURT?

A YES, I WILL.

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

THE COURT: ALL RIGHT.

3A-1

1 MR. BARENS: THANK YOU, YOUR HONOR.

2

3

RECROSS-EXAMINATION

4

BY MR. BARENS:

5

Q YOU MENTIONED THAT SOMETHING -- WHAT I AM TRYING
6 TO FIGURE OUT WITH YOU NOW IS, I AM TRYING TO FIGURE OUT
7 HARD MONEY VERSUS NOT HARD MONEY, IN THE MONTH OF MAY.

8

NOW WE KNOW WE HAVE \$25,000 HARD MONEY, DO WE?

9

I AM GOING TO NEED THE RECORDS, ACTUALLY.

10

11

12

13

14

MR. WAPNER: THERE IS AN OBJECTION AS VAGUE IN TERMS
OF THE TERMINOLOGY. I AM SURE MR. BARENS IS QUITE SURE
WHAT HE MEANS IN TERMS OF HARD MONEY BUT IT DOESN'T MEAN
ANYTHING TO ME AND I WOULD OBJECT ON THE BASIS THAT IT IS
VAGUE.

15

16

MR. BARENS: YOUR HONOR, THERE MAY BE A BIT OF CONFUSION
THAT EXISTS.

17

THE COURT: JUST ASK THE QUESTION, WILL YOU, PLEASE?

18

MR. BARENS: THEN THERE IS NO OBJECTION?

19

THE COURT: NO. I WILL LET YOU GO ON.

20

MR. BARENS: THANK YOU.

21

THE COURT: ASK QUESTIONS, IF YOU WILL, PLEASE.

22

23

Q BY MR. BARENS: WE KNOW HE HAD \$25,000 IN WHAT
I AM CALLING HARD MONEY, RIGHT, FROM PREVIOUS TESTIMONY?

24

A WHICH ACCOUNT ARE YOU REFERRING TO?

25

Q IN ANY OF THE MONIES.

26

A YES.

27

28

Q AND YOU MENTIONED TO ME THAT THERE WAS \$36,000
WIRED IN HERE?

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A CORRECT.

Q NOW, DO WE KNOW WHERE IN THE WORLD THAT \$36,000 WAS WIRED FROM?

A YES. IT CAME FROM A BANK IN BOSTON.

Q FROM BOSTON?

SO EVIDENTLY NOW MR. LEVIN RECEIVED MONEY FROM AN ACCOUNT BACK THERE. WHAT DATE DID HE RECEIVE THAT MONEY?

A ON 5-17.

Q 5-17?

NOW, DOES THAT SEEM TO BE GOOD MONEY, I MEAN THAT IS SOMETHING WE GET A CREDIT FOR AND WE KEEP A CREDIT FOR?

A YES. WIRES ARE IMMEDIATE CREDIT.

THE COURT: PARDON ME. IS THAT TO REPLACE THE BAD CHECK, WAS THAT IT?

THE WITNESS: YES.

MR. BARENS: EXACTLY.

Q SO NOW WE ARE PLUS THAT -- I MEAN IF WE WERE MINUS IT BEFORE, WE ARE PLUS IT NOW, I SUPPOSE?

A RIGHT.

Q WAS THERE OTHER MONEY IN THE ACCOUNT YOU ARE LOOKING AT, ASIDE FROM THE \$36,000?

A YES, HE MADE A DEPOSIT OF \$750.

Q NOW BEFORE THE \$36,000 CAME IN ON THAT WIRE FROM BOSTON, WAS THERE ANY OTHER MONEY THERE?

A HE HAD MADE A DEPOSIT OF \$30,500 BUT THAT CHECK WAS RETURNED TO US ON 5-18 AFTER THE WIRE CAME IN.

Q OKAY. NOW WERE THERE OTHER DEPOSITS MADE IN

A-3

1 THE ACCOUNT SUBSEQUENT TO THAT, TO THE WIRE?

2 A YES.

3 Q AND WHAT DID YOU SEE THERE BY WAY OF DEPOSITS
4 SUBSEQUENT TO THE WIRE?

5 A THERE WAS A \$36,000 DEPOSIT.

6 Q DID THAT STAND UP?

7 A NO. THAT CHECK CAME BACK.

8 Q THAT WAS RETURNED?

9 ANY OTHER DEPOSITS YOU SEE THERE?

10 A THAT WAS ALL BEFORE THE WIRE CAME IN.

11 Q HOW ABOUT AFTER THE WIRE?

12 A AFTER THE WIRE CAME IN, THERE WAS A DEPOSIT
13 FOR \$750, A DEPOSIT FOR \$280 AND A \$2,000 DEPOSIT.

14 Q DID ALL OF THOSE STAND UP?

15 A YES, ALL OF THOSE STOOD UP.

16 MR. BARENS: ALL RIGHT, I WAS NEVER GOOD AT ADDITION,
17 JUDGE. 25 AND 36 --

18 A JUROR: 930.

19 Q BY MR. BARENS: I DON'T KNOW BUT MAYBE THERE
20 IS \$60,000 THAT WE JUST GOT THAT LOOKS LIKE GOOD MONEY
21 VERSUS 64,000 -- I STAND CORRECTED --

22 THERE IS \$64,000 IN GOOD MONEY VERSUS SOME OTHER
23 KIND OF MONEY.

24 A NO.

25 BECAUSE THE \$25,000 YOU ARE RELATING TO, WAS
26 PART OF THE \$36,000 THAT CAME IN IN THE WIRE.

FO.

27

28

+A--

1 Q SO THEN I AM DOWN TO SOMEWHERE IN THE 40'S.
2 PROBABLY I HAVE GOT 40,000? I AM STILL GOOD FOR 40,000 PLUS
3 WITH YOUR BANK AT THAT POINT? I DON'T KNOW.

4 A ABOUT 40,000, YES.

5 MR. BARENS: I AM? NOTHING FURTHER.

6

7 FURTHER REDIRECT EXAMINATION

8 BY MR. WAPNER:

9 Q WHERE DID YOU GET THE \$40,000?

10 A THE \$36,000 WIRE AND THE SMALL DEPOSITS THAT
11 WERE MADE.

12 Q 750 AND --

13 A 2,000 AND 2,800. I MEAN, \$2,280.

14 THE COURT: WHAT WERE THE DEBITS AGAINST THAT ACCOUNT?

15 THE WITNESS: DEBITS?

16 THE COURT: DO YOU KNOW WHAT THEY WERE, ACTUALLY?

17 THE WITNESS: BUT OUT OF THOSE DEBITS, 66,000 WERE
18 BANK GENERATED DEBITS.

19 THE COURT: NOW, OF THE BALANCE OF IT, DO YOU KNOW
20 WHAT THE DEBITS WERE FOR --

21 THE WITNESS: ONE CHECK WAS FOR \$25,000 AND I DON'T
22 KNOW WHAT THE OTHER DEBITS WERE FOR. I DON'T HAVE ANY RECORDS.

23 THE COURT: ALL RIGHT.

24 Q BY MR. WAPNER: AND WAS THAT THE \$25,000 THAT
25 WAS USED FOR THE TRAVELER'S CHECKS?

26 A NO.

27 Q WHERE WAS THAT \$25,000 -- THE RECORDS DON'T SHOW
28 WHERE THAT CHECK WAS WRITTEN TO, DOES IT?

1 A NO. BUT I HAVE -- HE MADE A TRANSFER INTO
2 ANOTHER ACCOUNT FOR THAT \$25,000.

3 Q ON THAT ACCOUNT TO --

4 A FROM THAT ACCOUNT TO THE GENERAL NEWS ACCOUNT.

5 Q AND IT WAS GENERAL NEWS ON WHICH THE --

6 A THE GENERAL NEWS ACCOUNT IS THE ACCOUNT FROM
7 WHICH HE PURCHASED THE TRAVELER'S CHECKS AND GOT THE CASH
8 OFF OF.

9 Q SO THE MONEY IN THIS ACCOUNT THAT YOU WERE
10 REFERRING TO IS FROM GENERAL PRODUCERS, RIGHT?

11 A CORRECT.

12 Q FOR THE \$25,000 FROM GENERAL PRODUCERS TO GENERAL
13 NEWS, TO THE TRAVELER'S CHECKS AND THE \$10,000 CASH?

14 A CORRECT.

15 THE COURT: ALL RIGHT.

16 MR. BARENS: I HAVE ACTUALLY ONE MORE QUESTION.

17 THE COURT: GO AHEAD.

18

19 FURTHER RECROSS-EXAMINATION

20 BY MR. BARENS:

21 Q LOOKING AT ALL YOUR RECORDS THERE, DO YOU FIND
22 ANY OTHER WIRES TO MR. LEVIN'S ACCOUNT?

23 A YES. HE HAD ONE MORE WIRE.

24 Q AND WHEN WAS THAT?

25 A IT WAS ON 6/12.

26 Q COULD YOU SHOW ME THAT?

27 A IT IS SHOWING UP AS A CREDIT MEMO HERE.

28 Q MONEY -- HE HAD MONEY WIRED TO THIS ACCOUNT ON

1 6/12?

2 THE COURT: 6/12?

3 MR. WAPNER: SPEAK UP. AND ALSO INDICATE WHAT THIS
4 ACCOUNT IS.

5 MR. BARENS: 6/12?

6 THE WITNESS: GENERAL PRODUCERS.

7 Q BY MR. BARENS: I SEE. IT SAYS HERE THERE WAS
8 A WIRE TO THAT ACCOUNT ON 6/12 AND THAT MONEY WAS GOOD?

9 A THAT MONEY WAS TO COVER A RETURNED CHECK THAT
10 WAS RETURNED TO US ON 6/12.

11 Q AND MONEY WAS WIRED INTO IT TO COVER IT?

12 A THE WIRE CAME IN FROM THE SAME BANK THAT THE
13 CHECK WAS DRAWN OFF OF.

14 Q WHERE WAS THAT?

15 A THE BANK IN BOSTON.

16 Q WELL, IN BOSTON THEN ON 6/12 OF 1984, A SOURCE
17 WIRED MONEY TO YOUR BANK TO COVER A BOUNCING CHECK, IS THAT
18 IT?

19 A CORRECT.

20 MR. BARENS: WELL, THANK YOU.

21 THE COURT: DO YOU WANT TO CLEAR THAT UP?

22 MR. WAPNER: I WILL. I THOUGHT WE TALKED ABOUT THAT
23 ON DIRECT EXAMINATION. BUT, I WILL DO IT AGAIN, YOUR HONOR.

24 THE COURT: IT MIGHT SEEM, OF COURSE, THAT HE WAS ALIVE
25 ON THE 12TH.

26 MR. WAPNER: I UNDERSTAND.

27 THE COURT: BECAUSE OF THE MONEY BEING WIRED. THAT
28 IS THE INFERENCE COUNSEL WISHES US TO DRAW.

1 YOU BETTER CLEAR IT UP.

2 MR. BARENS: EXCUSE ME, YOUR HONOR. YOUR HONOR MAY
3 HAVE JUST SPOKEN THE WORDS "IT MAY SEEM HE WAS ALIVE" ON JUNE
4 12 --

5 THE COURT: JUST BECAUSE OF THE INFERENCE FROM THE
6 QUESTION THAT YOU ASKED. SOMEBODY IN BOSTON WIRED IN \$12,000.

7 MR. BARENS: YOUR HONOR IS NOT EXPRESSING ANY OPINION --

8 THE COURT: NO, OF COURSE NOT.

9 MR. BARENS: THANK YOU.

10 THE COURT: ALL RIGHT.

11

12

FURTHER REDIRECT EXAMINATION

13 BY MR. WAPNER:

14 Q I ASKED YOU THIS BEFORE. THIS ACCOUNT THAT YOU
15 WERE TALKING ABOUT IS THE GENERAL PRODUCERS' ACCOUNT?

16 A CORRECT.

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+B-1

1 Q ALL RIGHT. AND IN THAT ACCOUNT DURING THE COURSE
2 OF THE ACCOUNT, IF HE HAD WRITTEN A CHECK ON THIS BANK IN
3 BOSTON THAT WAS NO GOOD, WOULD A WIRE IMMEDIATELY FOLLOW?

4 A A WIRE WOULD IMMEDIATELY FOLLOW AFTER THE CHECK
5 CAME BACK TO US.

6 Q WHAT IS THE NAME OF THE BANK IN BOSTON?

7 A CAN I SPELL IT?

8 Q IS THAT SCHAWMUT, S-C-H-A-W-M-U-T?

9 A CORRECT.

10 Q OKAY. AND DO YOU KNOW WHAT IF ANY ARRANGEMENTS --

11 A I HAVE NO IDEA HOW THEY ORIGINATE THEIR WIRES.

12 Q DO YOU HAVE SOME FORM -- WELL, ALL RIGHT. STRIKE
13 THAT.

14 YOU WENT OVER THAT ACCOUNT TO SEE WHAT WOULD
15 HAPPEN IF A CHECK BOUNCED, IS THAT RIGHT?

16 A YES.

17 Q ALL RIGHT. AND IN EVERY INSTANCE WHERE HE WROTE
18 ANOTHER CHECK ON THAT ACCOUNT AND IT BOUNCED, DID A WIRE
19 FOLLOW?

20 A IN TWO OF THE INSTANCES.

21 Q ALL RIGHT. TWO TIMES A WIRE DID FOLLOW?

22 A UH-HUH.

23 Q HOW MANY TIMES DID HE WRITE CHECKS ON THAT ACCOUNT
24 THAT BOUNCED?

25 A THREE TIMES.

26 Q AND SO, ONE OF THEM JUST WAS NOT MADE GOOD AT
27 ALL?

28 A ONE OF THEM WAS NOT MADE GOOD.

B-2

1 Q AND SO YOU DON'T KNOW IF IT WAS AN AUTOMATIC
2 THING OR NOT?

3 A NO, I DON'T.

4 Q AND DID THAT MONEY COME IN TO COVER A CHECK
5 THAT WAS WRITTEN BEFORE JUNE THE 5TH?

6 A YES, IT WAS.

7 Q WHEN WAS THAT CHECK WRITTEN?

8 A JUNE THE 1ST.

9 Q WHAT WAS THE AMOUNT OF THAT CHECK?

10 A EXCUSE ME. IT WAS TO COVER A CHECK THAT WAS
11 WRITTEN ON 6/6. IT WAS A TRANSFER CHECK.

12 Q ALL RIGHT. WHAT WAS THE CHECK THAT WAS WRITTEN
13 ON 6/6?

14 A IT WAS FOR \$5,700 THAT HE TRANSFERRED TO THE
15 OTHER ACCOUNT.

16 Q ALL RIGHT. TRANSFERRED TO GENERAL NEWS?

17 A TRANSFERRED TO GENERAL NEWS IN THE DEPOSIT THAT
18 WAS \$12,100.

19 Q THAT WAS THE CHECK AND FROM THAT ACCOUNT, GENERAL
20 NEWS, WAS GENERATED \$14,000 IN A CASHIER'S CHECK THAT WENT
21 TO PRUDENTIAL BACHE, IS THAT CORRECT?

22 A CORRECT.

23 Q WHAT WAS THE AMOUNT OF THE CHECK ON JUNE THE
24 6TH? THE CHECK WAS FOR \$5,700?

25 A CORRECT.

26 MR. WAPNER: NOTHING FURTHER.

27 MR. BARENS: JUST A MOMENT, YOUR HONOR.

28 THE COURT: DOES THAT CLEAR UP THE JUNE 12TH DATE?

1 MR. WAPNER: WELL, OTHER THAN HIS ARRANGEMENTS IF
2 ANY WITH THE SCHAWMUT BANK, TO WHICH SHE IS NOT PRIVY.

3 THE COURT: ALL RIGHT.

4 MR. BARENS: JUST A MOMENT, YOUR HONOR.

5 (BRIEF PAUSE.)

6 MR. BARENS: NOTHING FURTHER.

7 MR. WAPNER: I HAVE ONE OTHER THING.

8
9 FURTHER REDIRECT EXAMINATION

10 BY MR. WAPNER:

11 Q DO YOU HAVE A DOCUMENT IN THERE THAT INDICATES
12 GETTING THE WIRE?

13 A YES, I DO.

14 Q WHAT IS THAT?

15 A I HAVE A WIRE CONFIRMATION FROM OUR SECURE WIRE
16 DEPARTMENT.

17 Q WHO PREPARES THOSE?

18 A SECURITY PACIFIC BANK. AND WE PREPARE ONE WHEN
19 WE GET A CALL FROM SECURITY SAYING THE WIRE IS COMING IN.

20 Q ALL RIGHT. MAY I SEE THAT?

21 A YES.

22 Q THIS ONE HAS GOT -- APPEARS TO BE AN ORIGINAL
23 WITH HANDWRITING ON IT. IS THAT PREPARED IN YOUR BANK?

24 A YES, IT IS.

25 Q AND THE DEBIT/CREDIT TICKET AND ET CETERA, ALL
26 IS PREPARED IN YOUR BANK?

27 A NO. THAT IS PREPARED BY A CORRESPONDENT BANK
28 WHICH IS THE SECURITY PACIFIC WHICH WE HAD SEND TO US OUR
29 CONFIRMATION.

1 Q YOU DO THE WIRING THROUGH SECURITY PACIFIC BANK?

2 A YES, AT THAT TIME WE DID.

3 Q WHY IS THAT?

4 A BECAUSE WE WERE NOT A MEMBER OF THE FEDERAL
5 RESERVE BANK LINE WIRE AT THE TIME SO WE HAVE TO GO THROUGH
6 A WIRE SOURCE.

7 SECURITY PACIFIC PROVIDED ONES TO SMALLER BANKS.

8 Q DOES IT INDICATE ON HERE --

9 MAY I HAVE JUST A MOMENT?

10 (UNREPORTED COLLOQUY BETWEEN MR. WAPNER
11 AND THE WITNESS.)

12 Q IS THERE A DEBIT TICKET ATTACHED TO THAT PAPER?

13 A YES, THERE IS.

14 Q DOES IT INDICATE WHO MADE THE ORDER AT THAT
15 TIME?

16 A YES.

17 Q WHAT DOES IT SAY?

18 A "ORDER THE SAME."

19 Q YOU KNOW WHETHER THAT MEANS THE ACCOUNT HOLDER
20 OR THE BANK?

21 A I --- I HAVE NO IDEA WHAT IT IS. THEY NAME THE
22 BANK AND THEN THEY SAY ORDER IS THE SAME.

23 Q AND THE NAME OF THE BANK IS SCHAWMUT BANK?

24 A YES.

25 Q SO THAT LEAVES YOU IN THE SAME POSITION YOU
26 WERE IN BEFORE, WHICH IS YOU DON'T KNOW WHAT THE ARRANGEMENTS
27 WERE WITH THE ACCOUNT HOLDER AT THE BANK IN BOSTON?

28 A NO.

35-2

1 THE BANK COULD HAVE GENERATED THE WIRE OR THE
2 ACCOUNT HOLDER COULD HAVE GENERATED THE WIRE.

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

4 MR. BARENS: YOUR HONOR, IF I MIGHT.

5 THE COURT: GO AHEAD.

6
7 FURTHER RECROSS-EXAMINATION

8 BY MR. BARENS:

9 Q DID YOU JUST SAY -- BECAUSE THERE IS AN ISSUE
10 ABOUT CLEARING THIS UP AND I DON'T KNOW IF WE CAN OR NOT --
11 DID YOU JUST SAY THAT FROM YOUR LOOK AT WHAT YOU'RE LOOKING
12 AT IN REFERENCE TO THIS SIX TEL (SIC) TRANSACTION, CAN YOU TELL
13 WHETHER THE BANK MADE THE WIRE OR WHETHER LEVIN MADE THE
14 WIRE?

15 A CORRECT.

16 MR. BARENS: THAT IS WHAT I THOUGHT. THANK YOU.

17 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU
18 MAY STEP DOWN.

19 MR. WAPNER: MAY SHE BE EXCUSED?

20 THE COURT: YOU HAVE NO OBJECTION?

21 MR. BARENS: NO OBJECTION.

22 MR. WAPNER: PHYLLIS BALDUZZI.

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

25
26 PHYLLIS BALDUZZI,
27 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
28 AS FOLLOWS:

5-3

1 THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY
2 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT
3 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE
4 TRUTH, SO HELP YOU GOD?

5 THE WITNESS: I DO.

6 THE CLERK: IF YOU WOULD BE SEATED THERE AT THE WITNESS
7 STAND.

8 NOW WOULD YOU STATE AND SPELL YOUR NAME FOR
9 THE RECORD?

10 THE WITNESS: MY NAME IS PHYLLIS BALDUZZI, IT IS
11 B AS IN BOY, A-L-D-U-Z-Z-I.

12 THE CLERK: AND PHYLLIS?

13 THE WITNESS: P-H-Y-L-L-I-S.

14
15 DIRECT EXAMINATION

16 BY MR. WAPNER:

17 Q MS. BALDUZZI, BY WHOM ARE YOU EMPLOYED?

18 A ROXBURY EXECUTIVE SUITES.

19 Q AND WHERE IS THAT LOCATED?

20 A 9701 WILSHIRE BOULEVARD, EIGHTH FLOOR.

21 Q AND DO YOU KNOW THE PERSON DEPICTED IN THIS
22 PHOTOGRAPH, PEOPLE'S 6 FOR IDENTIFICATION?

23 A YES, I DO.

24 Q WHO WAS THAT PERSON?

25 A RON LEVIN.

26 Q AND DID MR. LEVIN HAVE AN ACCOUNT WITH BEVERLY
27 HILLS EXECUTIVE SERVICE?

28 A ALL RIGHT. I WORK FOR ROXBURY EXECUTIVE SUITES

1 BUT BEVERLY HILLS EXECUTIVE SERVICE IS A MAIL SERVICE PROVIDED
2 AT THE SAME ADDRESS.

3 Q CAN YOU EXPLAIN WHAT THAT IS, PLEASE?

4 A IT IS WHERE YOU HAVE -- YOU PAY FOR THE ADDRESS
5 AND A SUITE NUMBER BUT, IN ESSENCE, IT IS ONLY A MAIL SERVICE
6 AND YOUR NAME IS ON THE DIRECTORY IN THE BUILDING.

7 Q ON THE DIRECTORY IN THE BUILDING?

8 A THAT'S CORRECT.

9 Q SO IF SOMEONE DROVE UP TO THE BUILDING AND WALKED
10 IN AND LOOKED AT THE DIRECTORY, MR. LEVIN'S NAME WOULD BE
11 ON IT?

12 A THAT'S CORRECT.

13 Q BUT HE DIDN'T ACTUALLY HAVE AN OFFICE THERE?

14 A NO, SIR.

15 MR. BARENS: I BEG YOUR PARDON. WE DON'T HAVE ANY
16 FOUNDATION FOR HER KNOWLEDGE ABOUT THIS BECAUSE THE QUESTION
17 HAS NOT BEEN ASKED IF SHE WORKED THERE.

18 THE COURT: YOU CAN FIND OUT ON CROSS-EXAMINATION.

19 MR. BARENS: DON'T YOU THINK WE OUGHT TO HAVE A FOUNDATION?

20 THE COURT: NO.

21 GO AHEAD, PLEASE, WILL YOU?

22 MR. BARENS: ALL RIGHT, YOUR HONOR.

23 Q BY MR. WAPNER: WHAT WERE YOUR DUTIES THERE
24 IN 1984?

25 A IN 1984, I WAS A MANAGER OF BEVERLY HILLS EXECUTIVE
26 SERVICES.

27

28

1 Q WHAT DID YOUR DUTIES CONSIST OF?

2 A ACTUALLY TAKING CARE OF THE SERVICE AND ASSISTING
3 THE MANAGER OF ROXBURY EXECUTIVE SUITES. IT IS A TWO-FOLD
4 JOB.

5 Q AND IN THAT CAPACITY, WERE YOU FAMILIAR WITH
6 HOW THE BUSINESS WORKED?

7 A ABSOLUTELY.

8 Q AND WERE YOU FAMILIAR WITH THE AGREEMENT THAT
9 MR. LEVIN HAD WITH THE BUSINESS?

10 A ABSOLUTELY.

11 Q AND WHEN DID MR. LEVIN OPEN AN ACCOUNT WITH
12 BEVERLY HILLS EXECUTIVE SERVICE?

13 A IN MAY OF '83.

14 Q AND AT THAT TIME, HOW MANY NAMES DID HE HAVE
15 ON THE ACCOUNT?

16 A WOULD YOU LIKE ME TO READ THEM?

17 Q YES, PLEASE.

18 A GENERAL INFORMATION CORPORATION. NETWORK NEWS,
19 INCORPORATED. THE JOURNAL OF INVESTIGATIVE REPORTING. R. MICHAEL
20 WEATHERBY, S.O.S. COMPUTER SERVICE. PRESLEY REED, M.D.,
21 LEVIN-WILSON PRODUCTIONS. TELEVISION PRODUCERS CORP. R.
22 MICHAEL WEATHERBY & RONALD LEVIN, LAW CARE. L.A. FILM
23 CORPORATION. AND MAY BROTHERS LAND CORPORATION.

24 Q AND AT SOME POINT, DID SOMEONE AT THE OFFICE
25 HAVE A DISCUSSION WITH MR. LEVIN ABOUT HOW MANY NAMES HE HAD
26 ON THE ACCOUNT?

27 A YES.

28 YOU ARE NOT ALLOWED TO HAVE THAT MANY NAMES ON

1 THE ACCOUNT SO HE PAID MORE MONEY TO GET THOSE NAMES AND THEN
2 HE WAS LIMITED TO THE AMOUNT OF MAIL HE COULD GET PER NAME.

3 Q AND DID YOU EVER SEE MR. LEVIN COME IN AND PICK
4 UP MAIL AT THE OFFICE?

5 A YES, I DID.

6 Q HOW OFTEN DID YOU SEE HIM --
7 WELL, FIRST OF ALL, HOW OFTEN DID YOU WORK THERE?

8 A OH, I WAS THERE EVERY DAY.

9 Q FIVE DAYS A WEEK?

10 A THAT'S CORRECT.

11 Q MONDAY THROUGH FRIDAY?

12 A THAT'S CORRECT.

13 Q AND WHEN DID YOU START WORKING THERE?

14 A I STARTED WORKING IN '82 AND THAT WAS PART TIME.
15 AND THEN I STARTED IN JUNE OF '83, I STARTED
16 FULL TIME.

17 Q AND FROM JUNE OF '83 UNTIL JUNE OF '84, HOW OFTEN
18 WOULD YOU SEE MR. LEVIN?

19 A ALMOST EVERY DAY UNLESS HE WASN'T IN TOWN, HE
20 WOULD PICK UP THE MAIL MOST OF THE TIME OR SEND CHRIS, HIS
21 EMPLOYEE.

22 Q THAT IS CHRIS STURKEY?

23 A THAT'S CORRECT.

24 Q AND DID YOU EVER SEE MR. LEVIN PICK UP THE MAIL
25 AND THEN HAVE A SITUATION WHERE HE WOULD CALL AGAIN AND SEE
26 IF THERE WAS ANY MORE?

27 A HE VERY OFTEN CALLED A SECOND TIME. AND VERY,
28 VERY OFTEN, ALMOST EVERY DAY, AS A MATTER OF FACT, TO SEE

1 IF HE HAD MORE MAIL IN OUR SECOND MAIL.

2 WE HAVE A MORNING MAIL AND AN AFTERNOON MAIL.

3 Q CAN YOU EXPLAIN THAT?

4 A WE PICK UP THE MAIL IN THE MORNING FROM AN ANNEX,
5 MORE OR LESS A POST OFFICE ANNEX IN ANOTHER BUILDING, AND
6 WE BRING IT OVER.

7 IN THE AFTERNOON, ANY MAIL THAT IS LEFT OVER,
8 THE POST OFFICE BRINGS TO US.

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5A-1

1 Q WHAT TIME NORMALLY WOULD YOU PICK UP THE MAIL
2 IN THE MORNING?

3 A THE MAIL WAS PICKED UP USUALLY ABOUT 9:30 IN
4 THE MORNING.

5 Q WHAT TIME DID YOU GET THE MAIL IN THE AFTERNOON?

6 A ANYWHERE FROM NOON TO TWO O'CLOCK. IT DEPENDS
7 UPON THE MAIL PERSON.

8 Q AND USUALLY, WHEN MR. LEVIN CALLED, WHAT TIME
9 WOULD THAT BE?

10 A WELL, HE WOULD CALL IN THE AFTERNOON. I COULDN'T
11 TELL YOU AN EXACT TIME.

12 AND I WAS NOT ON THE SWITCHBOARD. THERE WAS A
13 RECEPTIONIST AT THAT TIME.

14 Q AND DID YOU OFTEN TALK TO HIM WHEN HE CALLED IN
15 THE AFTERNOON?

16 A I HAVE ON OCCASION BECAUSE I RELIEVED THE
17 RECEPTIONIST. BUT NOT ALWAYS.

18 Q DID YOU OFTEN SEE HIM WHEN HE CAME IN IN THE
19 AFTERNOON?

20 A YES I DID.

21 Q DID HE USUALLY COME BY HIMSELF OR ACCOMPANIED
22 BY SOMEONE OR SOMETHING?

23 A KOSHER CAME WITH HIM LOTS OF TIMES.

24 Q WHO IS KOSHER?

25 A KOSHER IS HIS SHELTYE.

26 THE COURT: HIS DOG?

27 THE WITNESS: YES.

28 Q BY MR. WAPNER: AND WERE YOU ABLE TO OBSERVE

35A-2

1 MR. LEVIN WITH THE DOG?

2 A YES I WAS, BECAUSE I ALWAYS WENT OUT TO PET THE
3 DOG.

4 Q DID ANYTHING HAPPEN WHEN YOU WENT OUT TO PET THE
5 DOG?

6 A THE DOG DIDN'T LIKE ME. HE LIKED MR. LEVIN BUT
7 HE DID NOT LIKE ME PARTICULARLY.

8 Q DID MR. LEVIN APPEAR TO HAVE A CLOSE RELATIONSHIP
9 WITH THAT DOG?

10 A EXTREMELY CLOSE RELATIONSHIP.

11 Q WHAT DO YOU BASE THAT ON?

12 A THE FACT THAT THE DOG WAS JUST SO -- I MEAN,
13 HAVING A KNOWLEDGE OF ANIMALS, THE FACT THAT THE DOG JUST
14 STAYED NEAR HIM AND LISTENED TO HIM AND JUST YOU KNOW,
15 ADORED HIM.

16 I MEAN, YOU COULD SEE -- IF YOU KNOW ANIMALS, YOU
17 COULD SEE THAT.

18 MR. CHIER: WHAT ABOUT HAMSTERS?

19 THE WITNESS: DOGS.

20 Q BY MR. WAPNER: AND YOU STILL WORK AT THE SAME
21 LOCATION?

22 A YES I DO.

23 Q DO YOUR RECORDS INDICATE HOW MR. LEVIN PAID IN
24 TERMS OF DID HE PAY EVERY MONTH OR DID HE PAY ONE MONTH OR
25 FOR THE SUCCEEDING SEVERAL MONTHS?

26 A THE RECORDS IN THE FILES DO NOT INDICATE ANYTHING
27 BUT I DO KNOW FOR A FACT THAT HE PAID WELL IN ADVANCE AND
28 THAT WAS HIS AGREEMENT WITH MR. MISHKIND.

6A-3

1 THE COURT REPORTER: HOW DO YOU SPELL THAT?

2 THE WITNESS: M-I-S-H-K-I-N-D.

3 Q BY MR. WAPNER: AND HOW IS IT THAT YOU KNOW THAT?

4 A FIRST OF ALL --

5 MR. BARENS: OBJECTION. THIS MAY CALL FOR A HEARSAY
6 ANSWER.

7 MR. WAPNER: WELL, HOW ARE WE GOING TO FIND OUT UNLESS
8 WE ASK?

9 MR. BARENS: I DON'T KNOW.

10 THE COURT: OVERRULED. YOU MAY ANSWER.

11 THE WITNESS: THE INDICATION I HAVE IS THAT HE WAS NOT
12 BILLED. THERE WERE BLANK BILLS ALL THROUGH THE MONTHS. BUT
13 I KNOW THERE WAS MONEY IN THE ACCOUNT.

14 A BY MR. WAPNER: AND WAS HE PAID UP THROUGH A
15 CERTAIN DATE?

16 A HE WAS PAID UP THROUGH DECEMBER BECAUSE THAT IS
17 WHEN WE STOPPED, DECEMBER OF '84.

18 Q AND AT SOME POINT, DID MR. LEVIN STOP COMING OVER
19 TO PICK UP THE MAIL?

20 A THERE WAS A POINT WHEN MR. LEVIN STOPPED AS FAR
21 AS PICKING UP THE MAIL. I KEPT ASKING WHERE HE WAS AND THEN
22 IT WAS EXPLAINED TO ME BY --

23 MR. BARENS: OBJECTION TO ANY OF THOSE CONVERSATIONS,
24 YOUR HONOR.

25 THE COURT: THAT WILL BE SUSTAINED.

26 MR. BARENS: THANK YOU.

27

28

3-1

1 THE COURT: DON'T TELL US ANY CONVERSATION THAT YOU
2 HAD.

3 THE WITNESS: THE STEPFATHER CAME TO PICK UP THE MAIL.

4 Q BY MR. WAPNER: DO YOU KNOW WHEN THAT BEGAN?

5 A AROUND JUNE OR JULY. I DON'T REALLY REMEMBER.

6 Q AND DID SOMEONE COME TO INTRODUCE THE STEPFATHER
7 TO YOU?

8 A NOT TO ME PERSONALLY. POSSIBLY TO THE RECEPTIONIST.
9 THAT IS THE PERSON HE TALKED TO BEFORE THEY WOULD SEE ME
10 OR THEY WOULD GET THEIR MAIL. SHE IS NO LONGER WORKING
11 THERE.

12 Q HE PAID UP THROUGH DECEMBER OF '84?

13 A THAT'S CORRECT.

14 THE COURT: YOU MADE NO RECORD WHEN HE ACTUALLY CAME
15 IN AND PICKED UP THE MAIL, DID YOU?

16 THE WITNESS: THE DAYS?

17 THE COURT: DAY BY DAY?

18 THE WITNESS: NO, WE DIDN'T.

19 THE COURT: ALL RIGHT.

20 Q BY MR. WAPNER: DID IT SEEM TO YOU, BASED ON
21 YOUR KNOWLEDGE OF HIM, THAT MAIL WAS IMPORTANT TO HIM?

22 A EXTREMELY.

23 Q WHY DO YOU SAY THAT?

24 A BECAUSE OF THE FACT THAT HE CALLED AFTER HAVING
25 THE MAIL PICKED UP IN THE MORNING EITHER BY HIMSELF OR BY
26 CHRIS OR BY BLANCHE. THEN HE WOULD CALL IN THE AFTERNOON
27 AND VERY OFTEN COME OVER HIMSELF.

28 MR. WAPNER: NOTHING FURTHER, YOUR HONOR.

B-2

1 THE COURT: ARE YOU GOING TO BE A WHILE?

2 MR. BARENS: I WILL BE A WHILE.

3 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN OF THE
4 JURY, WE WILL TAKE AN ADJOURNMENT AT THIS TIME UNTIL MONDAY
5 MORNING. AS YOU KNOW, WE DON'T HOLD COURT IN THIS CASE
6 ON FRIDAY BECAUSE WE HAVE OTHER MATTERS TO TAKE CARE OF.

7 COUNSEL HAVE TO PREPARE AND ON FRIDAYS WE DO
8 NOT HOLD COURT.

9 SO, WE'LL TAKE A RECESS NOW OR ADJOURNMENT NOW
10 UNTIL MONDAY MORNING AT 10:30.

11 IF YOU WILL, PLEASE, REPORT TO THE JURY ASSEMBLY
12 ROOM. AND WHEN WE ARE READY, WE'LL ASK YOU TO COME IN.

13 GOOD NIGHT. HAVE A VERY PLEASANT WEEKEND. THANK
14 YOU.

15 THE SAME ADMONITION ABOUT TALKING AMONG YOURSELVES
16 STILL APPLIES. JUST ASSUME I HAVE TOLD YOU THAT BEFORE
17 EACH RECESS OR ADJOURNMENT. ALL RIGHT?

18
19 THANK YOU. THEN WE DON'T HAVE TO REPEAT IT.

20 (AT 4:25 P.M. PROCEEDINGS WERE ADJOURNED UNTIL
21 MONDAY, FEBRUARY 9, 1987 AT 10:30 A.M.)
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