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COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

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

SUPERIOR COURT
NO. A-090435

DEC 10 1988

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

APPEARANCES:

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

OR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 48 OF 101
(PAGES 7182 TO 7322 , INCLUSIVE)

COPY

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WEST C

HON. LAURENCE J. RITTENBAND, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

PLAINTIFF,)

VS.)

JOSEPH HUNT,)

DEFENDANT.)

NO. A-090435

REPORTERS' DAILY TRANSCRIPT

TUESDAY, FEBRUARY 10, 1987

VOLUME 48

PAGES 7182 TO 7322 INCL.

APPEARANCES:

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

FOR THE DEFENDANT: ARTHUR H. BARENS, ESQ.
10209 SANTA MONICA BOULEVARD
LOS ANGELES, CALIFORNIA 90067

AND

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

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

0211

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1 SANTA MONICA, CALIFORNIA; TUESDAY, FEBRUARY 10, 1987; 10:53 A.M.
2 DEPARTMENT WEST P HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE)
4

5 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN.

6 CALL YOUR NEXT WITNESS, PLEASE.

7 MR. WAPNER: CAROL LEVIN.

8 MAY I GET HER, YOUR HONOR?

9 THE COURT: YES.

10 MR. WAPNER: STAND RIGHT NEXT TO THE LADY IN
11 RED HERE AND RAISE YOUR RIGHT HAND.

12
13 CAROL LEVIN,

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

16 THE CLERK: RAISE YOUR RIGHT HAND TO BE SWORN,
17 PLEASE.

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

22 THE WITNESS: YES, I DO.

23 THE CLERK: IF YOU WOULD BE SEATED THERE AT THE
24 WITNESS STAND.

25 NOW WOULD YOU STATE YOUR NAME FOR THE RECORD,
26 PLEASE?

27 THE WITNESS: YES. I AM CAROL LEVIN.

28 THE CLERK: YOUR FIRST NAME IS SPELLED WITH AN "E"?

1 THE WITNESS: NO.

2 THE CLERK: THANK YOU.

3

4

DIRECT EXAMINATION

5

BY MR. WAPNER:

6

Q MRS. LEVIN --

7

THE COURT: JUST PULL THE MICROPHONE DOWN, WOULD YOU,
8 PLEASE?

8

9

THE WITNESS: OH, I WILL PULL THE CHAIR UP. ALL RIGHT,
10 THANK YOU.

10

11

THE COURT: YOU CAN LEAN BACK.

12

THE WITNESS: OKAY.

13

Q BY MR. WAPNER: WERE YOU RELATED TO A MAN NAMED
14 RON LEVIN?

15

A YES.

16

Q ALL RIGHT. WHO WAS HE TO YOU?

17

A HE WAS MY SON.

18

Q AND WHEN WAS MR. LEVIN BORN?

19

A ON FEBRUARY 16, 1942.

20

Q WHERE?

21

A IN CLEVELAND, OHIO.

22

Q AND WAS YOUR NAME LEVIN AT THAT TIME?

23

A NO, IT WAS NOT.

24

25

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1 Q ALL RIGHT. WERE YOU MARRIED TO -- WHO WERE
2 YOU MARRIED TO AT THAT TIME?

3 A WHEN RONNIE WAS BORN, I WAS MARRIED TO ROY GLICK.

4 THE COURT REPORTER: HOW DO YOU SPELL THAT?

5 THE WITNESS: G-L-I-C-K.

6 Q BY MR. WAPNER: AND AFTER RONNIE WAS BORN, DID
7 MR. GLICK GO INTO THE SERVICE?

8 A YES, HE DID.

9 Q HOW LONG AFTER RONNIE WAS BORN?

10 A A YEAR AND A HALF.

11 Q AND THAT WAS DURING WORLD WAR II THAT MR. GLICK
12 WENT IN THE SERVICE?

13 A YES.

14 Q WHERE WAS HE ASSIGNED?

15 A (NO AUDIBLE RESPONSE.)

16 Q DID MR. GLICK GO TO EUROPE?

17 A YES.

18 Q WHAT HAPPENED TO HIM IN EUROPE?

19 A HE WAS KILLED OVER IN NANCY, FRANCE.

20 Q HOW OLD WAS RON LEVIN WHEN YOUR HUSBAND
21 MR. GLICK, LEFT TO GO INTO THE ARMY?

22 A HE WAS ABOUT A YEAR AND A HALF.

23 Q AND AT THE TIME THAT YOUR HUSBAND WENT INTO THE
24 ARMY, DID YOU STAY IN CLEVELAND?

25 A YES, FOR A SHORT TIME.

26 Q THEN WHERE DID YOU GO?

27 A WE CAME OUT HERE, TO CALIFORNIA.

28 Q WHEN YOU SAY "WE", WHO ARE YOU REFERRING TO?

1 A MY MOTHER AND THE BABY AND I.

2 Q AND AFTER YOU CAME TO CALIFORNIA, WHO RAISED
3 RONNIE?

4 A MYSELF AND MY MOTHER.

5 Q AND DID YOU REMARRY AT SOME POINT?

6 A YES.

7 Q AND WHO DID YOU MARRY?

8 A I MARRIED MY PRESENT HUSBAND, MARTIN LEVIN.

9 Q WHEN DID YOU MARRY HIM?

10 A IN 1951.

11 Q FROM THE TIME THAT YOU FIRST CAME TO CALIFORNIA
12 IN 1951, YOU AND YOUR MOTHER RAISED RON?

13 A YES.

14 Q AND FROM THE TIME THAT -- DID HE START SCHOOL
15 WHEN HE WAS APPROXIMATELY SIX YEARS OLD?

16 A YES.

17 Q AND HE WAS ABOUT NINE YEARS OLD WHEN YOU
18 MARRIED YOUR HUSBAND?

19 A YES.

20 Q FROM THE TIME HE WAS SIX UNTIL THE TIME HE WAS
21 NINE, HOW MANY DIFFERENT SCHOOLS DID HE GO TO, APPROXIMATELY?

22 A SIX OR SEVEN.

23 Q AND WHY SO MANY?

24 A WELL, RONNIE WAS HYPERKINETIC.

25 Q AND WHAT EFFECT DID THAT HAVE ON THE FACT THAT
26 HE WAS IN SCHOOL?

27 A HE COULDN'T SIT STILL.

28 Q DID THE SCHOOLS TELL YOU THAT THEY COULDN'T KEEP

1 HIM?

2 A YES, BECAUSE HE WOULD SHARPEN HIS PENCIL SIX
3 OR SEVEN TIMES AND HE JUST COULDN'T CONTAIN HIMSELF. HE
4 WAS CONSTANTLY MOVING.

5 Q AND AFTER YOU MARRIED MR. LEVIN IN 1951, DID
6 YOUR SON JUST LIVE WITH THE TWO OF YOU?

7 A YES.

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1 Q DID YOUR MOTHER LIVE SOMEWHERE ELSE AT THAT
2 TIME?

3 A YES.

4 Q SO FROM 1951 UNTIL RONNIE LEFT THE HOUSE
5 AT SOME POINT, YOU AND YOUR HUSBAND RAISED HIM?

6 A WELL, HE WAS IN SCHOOL EVEN AFTER WE WERE
7 MARRIED.

8 Q DID YOU HAVE OTHER CHILDREN WITH MR. LEVIN?

9 A YES, I DID.

10 Q HOW MANY BROTHERS AND SISTERS DID RON LEVIN
11 HAVE OR STEPBROTHERS?

12 A TWO BROTHERS.

13 Q SO THOSE WOULD BE TWO STEPBROTHERS?

14 A YES.

15 Q WHAT WOULD BE THEIR NAMES?

16 A ROBERT AND STEVE.

17 Q AND AFTER YOU MARRIED MR. LEVIN, DID YOUR
18 SON RON CONTINUE TO HAVE PROBLEMS IN SCHOOL?

19 A YES.

20 Q AND AT THE TIME THAT YOU MARRIED MR. LEVIN,
21 RON WAS NINE YEARS OLD, RIGHT?

22 A RIGHT.

23 Q COULD HE READ AT THAT TIME?

24 A NOT TOO WELL.

25 Q DID HE GO TO SOME -- DID YOU PUT HIM IN SOME
26 REMEDIAL SCHOOL TO LEARN HOW TO READ?

27 A YES.

28 Q WHERE WAS THAT?

1 A AT U.C.L.A.

2 Q DID HE LEARN HOW TO READ THERE?

3 A YES.

4 Q AND AFTER LEARNING HOW TO READ, WOULD YOU
5 SAY THAT HE LIKED TO READ?

6 A YES.

7 Q DID HE READ LOTS OF BOOKS?

8 A CONSTANTLY.

9 Q DID HE EVER GO TO A PUBLIC HIGH SCHOOL?

10 A NO.

11 Q DID HE EVER GRADUATE FROM HIGH SCHOOL?

12 A NO.

13 Q AND AT SOME POINT DID YOU AND YOUR HUSBAND
14 GET HIM AN APARTMENT?

15 A YES.

16 Q HOW OLD WAS HE AT THAT TIME?

17 A HE WAS ABOUT 18, I THINK.

18 Q WHO PAID FOR THE APARTMENT?

19 A WE DID.

20 Q THAT IS YOU AND YOUR HUSBAND?

21 A YES.

22 Q AND WHEN HE LEFT THE HOUSE AT 18 YEARS AND
23 YOU GOT HIM AN APARTMENT, WAS THAT IN LOS ANGELES?

24 A YES.

25 Q AT THE TIME THAT HE MOVED OUT, DID YOU SPEAK
26 TO HIM FAIRLY OFTEN?

27 Q YES.

28 A HOW OFTEN?

1 A I CALLED HIM TWO, THREE TIMES A WEEK.

2 Q HOW OFTEN WOULD HE CALL YOU?

3 A HE CALLED ME ONCE A WEEK.

4 Q AFTER HE MOVED OUT, DID HE EVER GO TO ANY
5 COLLEGES?

6 A YES.

7 Q WHERE DID HE GO TO COLLEGE?

8 A HE WENT TO L.A. CITY COLLEGE.

9 Q HOW LONG DID HE STAY THERE?

10 A ABOUT A YEAR.

11 Q DID HE GRADUATE?

12 A NO.

13 Q WHERE ELSE DID HE GO?

14 A HE WENT TO SANTA MONICA.

15 Q CITY COLLEGE?

16 A YES.

17 Q HOW LONG DID HE STAY THERE?

18 A I REALLY CAN'T REMEMBER.

19 Q DID HE GRADUATE FROM THERE?

20 A NO.

21 Q AND DID YOU CONTINUE TO PAY THE RENT ON HIS
22 APARTMENT?

23 A YES.

24 Q AND AFTER GOING TO SANTA MONICA CITY COLLEGE,
25 DID HE WORK?

26 A YES.

27 Q DID YOU KNOW WHAT KIND OF WORK HE WAS DOING?

28 A I BELIEVE AT THE TIME, HE WAS WORKING FOR

1 A MORTUARY.

2 Q AND DID HE HAVE VARIOUS JOBS AFTER THAT?

3 A YES.

4 Q DID HE TELL YOU MUCH ABOUT THE JOBS THAT
5 HE DID?

6 A NO.

7 Q BESIDES PAYING HIS RENT, DID YOU SUPPORT
8 HIM IN ANY OTHER WAY?

9 A WELL, JUST THAT WE SAW THAT HE HAD MONEY
10 TO EAT ON.

11 Q AND AFTER THE TIME HE MOVED OUT, DID HE TELL
12 YOU MUCH ABOUT THE WORK THAT HE DID?

13 A NO.

14 Q DID HE EVER TELL YOU MUCH ABOUT THE WORK
15 THAT HE DID?

16 A NO.

17 Q AND AS HE CONTINUED TO LIVE AWAY FROM HOME,
18 HOW OFTEN DID HE CALL YOU?

19 A HE WOULD CALL ME MAYBE ONCE A WEEK.

20 Q HOW OFTEN DID YOU TALK TO HIM?

21 A I TALKED TO HIM TWO, THREE TIMES A WEEK.

22 Q IN ADDITION TO THE ONE TIME THAT HE CALLED
23 YOU?

24 A RIGHT.

25 FC.

26

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1 Q AND IN 1984, WHERE WAS HE LIVING?

2 A AT 144 SOUTH PECK.

3 Q HOW LONG HAD HE LIVED THERE AT THAT PARTICULAR
4 APARTMENT?

5 A I THINK HE LIVED THERE ABOUT FIVE OR SIX YEARS.

6 Q WERE YOU AND YOUR HUSBAND PAYING THE RENT AT
7 THAT APARTMENT?

8 A NO.

9 Q AND BEFORE HE MOVED INTO THAT APARTMENT, HAD YOU
10 BEEN PAYING THE RENT IN ALL OF HIS PLACES HE STAYED?

11 A YES.

12 Q WHY DIDN'T YOU PAY THE RENT AT THAT PLACE?

13 A WELL, BECAUSE HE HAD STARTED A LAW BUSINESS.

14 Q WHAT KIND OF A LAW BUSINESS WAS IT?

15 A WHERE HE -- I DON'T KNOW QUITE HOW TO EXPLAIN
16 IT. IF YOU NEEDED SOMETHING DONE, SOME LEGAL WORK DONE,
17 HE WOULD FIND A LAWYER WHO WOULD DO IT SAY, IN TWO OR THREE
18 HOURS RATHER THAN HAVING TO HIRE A LAWYER FOR A SET FEE.

19 Q DID HE HAVE A LOT OF LAWYERS THAT WORKED FOR
20 HIM THAT DID LEGAL RESEARCH?

21 A YES.

22 Q AND DID YOU TELL HIM ANYTHING ABOUT THE FACT
23 THAT THE RENT ON THIS PARTICULAR PLACE WAS TOO HIGH AND THAT
24 YOU WEREN'T GOING TO PAY IT?

25 A YES.

26 Q THAT IS THE PLACE AT 144 SOUTH PECK?

27 A YES.

28 Q AND AT THE TIME THAT HE WAS LIVING AT 144 SOUTH PECK,

1 DID YOU CONTINUE TO TALK TO HIM, CALL HIM TWO OR THREE
2 TIMES A WEEK?

3 A YES.

4 Q AND DID HE CONTINUE TO CALL YOU AT LEAST ONCE
5 A WEEK?

6 A RIGHT.

7 Q DID YOU SEE HIM IN -- HOW OFTEN WOULD YOU SEE HIM
8 DURING THE TIME HE WAS LIVING AT 144 SOUTH PECK?

9 A OFTEN. I WOULD STOP. I USED TO DO MY WALKING
10 IN BEVERLY HILLS.

11 I STOPPED IN THERE FREQUENTLY, MAYBE TWO OR
12 THREE TIMES A WEEK OR MAYBE ONCE IN A WEEK, DEPENDING.

13 BUT I ALWAYS KEPT IN TOUCH WITH RONNIE AND HE
14 WITH ME.

15 Q AND WHEN YOU STOPPED OVER THERE, WHAT WOULD YOU
16 DO?

17 A JUST STOP FOR A MINUTE, THAT'S ALL.

18 Q AND WHAT HAPPENED DURING THOSE TIMES THAT YOU
19 WOULD VISIT WITH HIM?

20 A I WOULD JUST STOP IN AND SAY "HI" AND TURN AROUND
21 AND LEAVE.

22 HE WAS EITHER ON THE TELEPHONE OR HE WAS TALKING
23 TO SOMEONE. HE REALLY DIDN'T HAVE TIME FOR ME.

24 AS LONG AS I KNEW THAT HE WAS OKAY, THAT IS
25 ALL I WANTED TO KNOW.

26 Q DID IT APPEAR TO YOU THAT HE WAS CONCERNED ABOUT
27 YOUR KNOWING HE WAS OKAY?

28 A I DON'T KNOW WHAT YOU MEAN.

1 Q OKAY. WHEN HE CALLED YOU ON THE TELEPHONE,
2 WHAT WOULD HE TALK TO YOU ABOUT, GENERALLY?

3 A JUST, "HOW ARE YOU?" THAT'S ALL. OUR CONVERSATIONS
4 WERE VERY SHORT.

5 Q AND WHAT WERE THEY GENERALLY ABOUT?

6 A NOTHING SPECIAL, JUST, "HI, HOW ARE YOU?" AND
7 "WHAT IS NEW?" AND THAT IS IT.

8 Q WOULD HE LET YOU KNOW HE WAS OKAY?

9 A YES.

10 Q AND ON JUNE THE 6TH OF 1984, DID YOU SEE HIM?

11 A YES.

12 Q WHERE DID YOU SEE HIM?

13 A I SAW HIM ON HIS STREET, ON PECK DRIVE.

14 Q WHAT TIME OF THE DAY, APPROXIMATELY?

15 A ABOUT 4:00 OR 4:30 IN THE AFTERNOON.

16 Q WHERE ON PECK DRIVE WAS HE?

17 A HE WAS ON THE SOUTHEAST CORNER OF PECK DRIVE.

18 Q AND WHAT IS THE CROSS STREET?

19 A CHARLEVILLE.

20 Q DOES CHARLEVILLE RUN THE SAME WAY AS WILSHIRE?

21 A YES.

22 Q IT IS THE FIRST STREET SOUTH OF WILSHIRE?

23 A RIGHT.

24 Q SO HE WOULD BE ABOUT HALF A BLOCK SOUTH OF HIS
25 APARTMENT?

26 A RIGHT.

27 Q AND WHAT WAS HE DOING WHEN YOU SAW HIM THERE?

28 A HE WAS JUST WALKING HIS DOG.

1 Q AND WHY WERE YOU IN THAT LOCATION?

2 A I REALLY CAN'T REMEMBER. BUT I WAS PROBABLY GOING
3 TO RETURN SOMETHING AT ONE OF THE STORES.

4 Q WHAT HAPPENED WHEN YOU SAW HIM ON THE STREET?

5 A I JUST TALKED TO HIM FOR A MOMENT.

6 Q AND DO YOU REMEMBER WHAT YOU TALKED TO HIM ABOUT?

7 A NO, NOTHING SPECIAL.

8 Q AND HAD HE TOLD YOU THAT HE WAS PLANNING TO TAKE

9 A TRIP?

10 A YES.

11 Q WHEN DID HE TELL YOU THAT?

12 A HE TOLD ME DAYS BEFORE.

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1 Q WHAT DID HE TELL YOU?

2 A HE TOLD ME HE WAS GOING TO NEW YORK ON JUNE
3 THE 7TH.

4 Q WHEN YOU TALKED TO HIM ON THE 6TH WHEN YOU
5 WERE ON THE STREET, DID YOU TALK TO HIM ABOUT THE TRIP
6 AT ALL?

7 A NO.

8 I WAS IN THE CAR AND I JUST COULDN'T, EVEN
9 IF I WANTED TO HAVE MORE TIME TO CONVERSE, THERE WERE
10 PEOPLE BEHIND ME.

11 Q AND WHAT KIND OF A CAR WERE YOU DRIVING AT
12 THAT TIME?

13 A A '72 CADILLAC.

14 Q DID HE SAY ANYTHING TO YOU AT THAT POINT?

15 A YES.

16 HE WAS A LITTLE IRRITATED THAT I HAD -- THAT
17 I WAS DRIVING THE OLD CAR.

18 Q WHAT DID HE SAY?

19 A "WHY ARE YOU DRIVING THE OLD CAR?"

20 Q DID YOU OWN ANOTHER CAR?

21 A YES.

22 Q WHAT KIND OF A CAR DID YOU OWN?

23 A A ROLLS ROYCE.

24 Q AND DID YOUR SON SEEM TO BE UPSET OR AGITATED
25 AT THAT?

26 A WELL, I THINK HE WAS JUST IRRITATED WITH
27 ME FOR HAVING DRIVEN THE OLD CAR -- NOT IRRITATED BUT --
28 I CAN'T MAKE ANYTHING OF IT. IT WAS JUST NOT -- NOT

1 DIFFERENT ENOUGH TO MAKE ANY STORY ABOUT IT.

2 Q NORMALLY WHEN YOU SAW HIM ON THE STREET,
3 WHAT WOULD HE DO OR SAY?

4 A IF WE WERE WALKING, I WAS WALKING AND HE
5 WAS WALKING AND WE WOULD SEE EACH OTHER, WE WOULD JUST
6 GREET EACH OTHER. I WAS EITHER GOING SOMEWHERE AND HE
7 WAS ALWAYS IN A HURRY.

8 Q WAS HE STILL HYPERACTIVE AS AN ADULT?

9 A YES. NOT AS MUCH AS HE WAS, BUT HE WAS STILL
10 HYPERACTIVE.

11 Q SO WHEN YOU SAW HIM ON THE STREET, YOU WERE
12 IN THE CAR AND HE WAS STANDING ON THE STREET?

13 A RIGHT.

14 Q DID YOU TALK TO HIM AGAIN THAT DAY?

15 A YES.

16 Q WHEN WAS THAT?

17 A ABOUT 7:00 OR 8:00 THAT EVENING.

18 Q WHEN YOU TALKED TO HIM IN THE EVENING, DID
19 HE CALL YOU OR DID YOU CALL HIM?

20 A I CALLED HIM AND HE WAS ON THE OTHER PHONE,
21 WHICH FREQUENTLY HAPPENED, AND HE SAID HE WOULD CALL
22 ME BACK.

23 Q DID HE CALL YOU BACK?

24 A YES, HE DID.

25 Q WHEN HE CALLED YOU BACK, WHAT DID YOU TALK
26 ABOUT?

27 A YOU KNOW, I CAN'T EVEN REMEMBER. IT WAS
28 SO INANE. IT WAS PROBABLY "BE SURE YOU TAKE A SWEATER"

1 OR SOMETHING, SOMETHING LIKE THAT.

2 Q YOU WERE TELLING HIM TO BE SURE TO TAKE A
3 SWEATER WHEN HE WENT TO NEW YORK?

4 A RIGHT.

5 Q AND DID HE TELL YOU HOW LONG HE WAS PLANNING
6 TO BE GONE?

7 A YES.

8 Q HOW LONG?

9 A HE WAS GOING TO BE BACK THE FOLLOWING TUESDAY.

10 Q WERE YOU FAMILIAR WITH HIS PRACTICE REGARDING
11 WHETHER OR NOT HE WOULD CALL YOU WHEN HE WAS OUT OF TOWN?

12 A HE ALWAYS CALLED ME WHEN HE WAS OUT OF TOWN.

13 Q DID HE TAKE A TRIP TO AUSTRALIA TOWARD THE
14 END OF 1983?

15 A YES.

16 Q HOW LONG WAS HE GONE?

17 A ABOUT A WEEK OR TEN DAYS.

18 Q AND DID HE, DURING THAT TIME -- WHAT DID
19 HE DO WITH REGARD TO CALLING YOU?

20 A HE CALLED ME THE NIGHT BEFORE HE LEFT. HE
21 CALLED ME WHEN HE ARRIVED THERE. AND HE CALLED ME WHEN
22 HE LEFT THERE AND THEN HE CALLED ME AT HOME.

23 Q AND THAT WAS OVER THE PERIOD OF A WEEK TO
24 TEN DAYS?

25 A RIGHT.

26 Q WAS THAT A FAIRLY COMMON OCCURRENCE WHEN
27 HE WOULD GO OUT OF TOWN?

28 A YES.

1 Q AND AFTER YOU TALKED TO HIM ON THE NIGHT
2 OF JUNE THE 7TH, HAVE YOU EVER SPOKEN TO HIM AGAIN?

3 A NEVER.

4 Q DID HE CALL YOU FROM NEW YORK?

5 A NO.

6 Q YOU HAVEN'T HEARD ONE WORD FROM HIM SINCE
7 THAT DATE?

8 A NO, NO.

9 Q THAT WAS THE 6TH OF JUNE THAT YOU TALKED
10 TO HIM?

11 A RIGHT.

12 A FOL.

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1 Q AND AFTER THAT CALL ON THE NIGHT OF THE 6TH,
2 YOU HAVEN'T HEARD FROM HIM SINCE?

3 A NO.

4 Q WOULD YOU SAY THAT HE WAS FAIRLY ATTENTIVE
5 TO YOU OR ATTENTIVE TO YOUR FEELINGS?

6 A YES.

7 Q DID HE DO ANYTHING TO DEMONSTRATE HIS AFFECTION
8 FOR YOU?

9 A YES.

10 Q WHAT KINDS OF THINGS WOULD HE DO?

11 A WELL, HE WAS JUST AFFECTIONATE AND HE GAVE
12 ME BEAUTIFUL GIFTS FOR ALL OCCASIONS.

13 Q DID HE HAVE A REGULAR PRACTICE AS FAR AS
14 MOTHER'S DAY WAS CONCERNED?

15 A YES.

16 Q AND WHAT WAS THAT?

17 A HE WOULD SEND ME FLOWERS OR BRING ME A GIFT.

18 MR. WAPNER: YOUR HONOR, I HAVE SEVERAL EXHIBITS
19 THAT I WOULD LIKE TO HAVE MARKED.

20 THE COURT: YES.

21 . MR. WAPNER: AS 144 FOR IDENTIFICATION, WHAT APPEARS
22 TO BE A XEROX OF A CARD DATED DECEMBER THE 6TH OF 1977.

23 AS 145 FOR IDENTIFICATION, A LETTER DATED
24 MARCH THE 6TH OF 1971.

25 AS 146, A CARD THAT JUST SAYS "RONALD GEORGE
26 LEVIN" ON THE FRONT AND HAS THE DATE 3-6 OF '82 ON IT.

27 AS 147, A CARD, 2-14-79 WITH THE NAME "RONALD
28 GEORGE LEVIN" ON THE FRONT.

1 THE COURT: BE SO MARKED.

2 MR. WAPNER: AS 148, A GROUP OF SEVEN CARDS THAT
3 APPEAR TO BE CARDS SIMLIAR TO WHAT YOU GET WHEN FLOWERS
4 ARE SENT. THAT IS 148.

5 THE COURT: SO MARKED.

6 MR. WAPNER: AS 149, A PICTURE OF A BOUQUET OF FLOWERS
7 WITH A DATE, 1973, ON THE BACK.

8 AS 150, A PICTURE OF A BOUQUET OF FLOWERS WITH
9 "MOTHER'S DAY 1984" ON IT.

10 AS 151, A PHOTOGRAPH OF A TELEVISION WITH SOME
11 PICTURES ON TOP OF IT.

12 AS 152, WHAT APPEARS TO BE A PHOTOGRAPH OF
13 MR. LEVIN IN HIS BEDROOM.

14 AS 153, WHAT APPEARS TO BE A PHOTOGRAPH OF
15 MR. LEVIN, HIS MOTHER AND APPARENTLY, YVONNE BRAITHWAITE BURKE.
16 AND AS 154, A PICTURE OF MR. LEVIN AND A DOG.

17 THE COURT: WHAT WAS THE LAST NUMBER?

18 MR. WAPNER: 154.

19 THE COURT: YES, SO MARKED.

20 Q BY MR. WAPNER: SHOWING YOU THE PICTURE THAT WE
21 HAVE MARKED AS 150, DO YOU RECOGNIZE THAT?

22 A YES. THAT WAS THE LAST BOUQUET OF FLOWERS I
23 GOT FROM HIM.

24 Q IS THAT A POLAROID PICTURE?

25 A YES.

26 Q WHO TOOK THAT PICTURE?

27 A I DID.

28 Q WHERE WAS THAT PICTURE TAKEN?

1 A ON OUR PATIO.

2 Q AND THAT PICTURE IS FLOWERS THAT HE SENT YOU ON
3 MOTHER'S DAY, 1984?

4 A RIGHT.

5 Q IT SAYS, "MOTHER'S DAY, 1984," ON THE FRONT.
6 WHOSE WRITING IS THAT?

7 A THAT'S MINE.

8 Q THAT WAS MOTHER'S DAY, APPROXIMATELY MAY 13TH OF
9 1984?

10 A I GUESS SO, YES.

11 Q AND HE SENT YOU THAT BOUQUET OF FLOWERS ON
12 MOTHER'S DAY?

13 A RIGHT.

14 Q WAS IT A COMMON OCCURRENCE FOR HIM TO SEND YOU FLOWERS
15 ON MOTHER'S DAY?

16 A YES.

17 Q SHOWING YOU CARDS THAT WE HAVE COLLECTIVELY
18 MARKED AS 148 FOR IDENTIFICATION, WHAT ARE THOSE?

19 A THOSE ARE CARDS THAT WERE ENCLOSED IN FLOWERS
20 THAT WERE SENT TO ME. WOULD YOU LIKE ME TO READ THEM TO YOU?

21 Q YES.

22 A "LOVE, RONNIE." "LOVE, RONNIE." "LOVE, RONNIE."

23 "LOVE, RONNIE." "LOVE, RONNIE." "I LOVE YOU, RONNIE."

24 "LOVE, RONNIE." "HAPPY MOTHER'S DAY. I LOVE YOU, RONNIE."

25 Q ARE THERE ANY DATES ON ANY OF THOSE?

26 A HERE IS ONE THAT IS 1981, FEBRUARY 14, 1981.

27 Q AND SOME OF THOSE WERE FROM MOTHER'S DAY AND
28 SOME FROM OTHER OCCASIONS?

1 A RIGHT.

2 Q YOU SAVED ALL OF THOSE?

3 A YES.

4 Q AND BESIDES FLOWERS, WOULD HE GIVE YOU GIFTS
5 ON YOUR BIRTHDAY?

6 A YES.

7 Q YOU DON'T HAVE TO GIVE US THE YEAR. BUT WHAT
8 IS THE DATE OF YOUR BIRTH?

9 A MARCH 6.

10 Q SHOWING YOU TWO CARDS WE HAVE MARKED AS 145 --
11 I WILL SHOW YOU 145 FIRST. DO YOU RECOGNIZE THAT?

12 A YES.

13 Q WHAT IS THAT?

14 A IT IS A CARD HE GAVE ME ON MY BIRTHDAY. SHALL I
15 READ IT?

16 Q YES, JUST READ IT VERY SLOWLY SO THIS LADY CAN
17 TAKE IT DOWN.

18 A (READING:)

19 "DOUBT THAT THE STARS ARE FIRE.
20 DOUBT THAT THE SUN DOES MOVE. DOUBT THAT
21 TRUTH BE A LIAR BUT NEVER DOUBT I LOVE YOU.
22 LOVE, RONNIE."

23 Q WHAT IS IT DATED?

24 A MARCH 6, 1971.

25 Q AND DID THAT CARD ACCOMPANY SOMETHING THAT
26 YOU REMEMBER?

27 A PROBABLY. I GOT SOMETHING FOR EVERY OCCASION.

28 Q WHEN YOU SAY THAT YOU GOT SOMETHING FOR EVERY

1 OCCASION, TELL US WHAT YOU MEAN.

2 A LIKE A CHARM OR HANDBAGS OR MANY THINGS. MANY
3 THINGS I GOT FROM RONNIE.

4 Q THE CHARM THAT YOU ARE WEARING, IS THAT SOMETHING
5 THAT HE GAVE YOU?

6 A YES.

7 Q I DON'T WANT TO MARK THAT AS AN EXHIBIT. BUT
8 JUST HOLD IT UP SO THE JURY CAN SEE IT.

9 A YES. IT IS THREE REASONS FOR HAPPINESS. IT
10 HAS MY THREE BOYS, RONNIE, ROBERT AND STEVE.

11 Q WHEN DID HE GIVE YOU THAT, DO YOU KNOW?

12 A MAYBE ABOUT TEN YEARS AGO.

13 Q AND DO YOU WEAR THAT OFTEN?

14 A YES.

15 Q AND SHOWING YOU AN EXHIBIT WE HAVE MARKED AS
16 146, WHAT IS THAT?

17 A "HAPPY BIRTHDAY. I LOVE YOU, RONNIE.
18 MARCH 6, 1982."

19 Q DID THAT ALSO ACCOMPANY A PRESENT?

20 A YES.

21 Q AND THERE IS ANOTHER CARD THAT WE HAVE MARKED
22 AS 147. WHAT IS THAT?

23 A IT IS A CARD AND IT SAYS, "DEAR MOTHER..."

24 Q THEN DOES IT SAY, "I LOVE YOU," ON THERE?

25 A "I LOVE YOU. I LOVE YOU. I LOVE YOU. I LOVE
26 YOU. I LOVE YOU. I LOVE YOU. I LOVE YOU. I LOVE YOU.
27 RONNIE. FEBRUARY 14, 1979."

28

1 Q JUST HOLD THAT UP TOWARD THE JURY SO THEY CAN
2 SEE WHAT APPROXIMATELY YOU ARE TALKING ABOUT.

3 (WITNESS COMPLIES.)

4 Q BY MR. WAPNER: THANK YOU.

5 DID HE SEND YOU PRESENTS AT CHRISTMASTIME ALSO?

6 A YES.

7 Q SHOWING YOU A DOCUMENT THAT WE HAVE MARKED AS
8 PEOPLE'S 144 FOR IDENTIFICATION, DO YOU RECOGNIZE THAT?

9 A YES.

10 Q WHAT IS IT?

11 A IT IS A CARD HE SENT TO HIS FATHER AND ME.

12 SHALL I READ IT?

13 Q I DON'T WANT YOU TO READ THE WHOLE THING BECAUSE
14 IT IS A LITTLE LONG.

15 THAT IS A COPY; IS THAT RIGHT?

16 A YES.

17 I HAVE THE ORIGINAL FRAMED AT HOME.

18 Q WHERE IS IT?

19 A IN THE DEN.

20 Q SO THE ORIGINAL OF THAT IS FRAMED AND HANGING
21 IN YOUR HOUSE?

22 A RIGHT. IT IS ON THE TABLE.

23 Q AND SHOWING YOU A PICTURE THAT WE HAVE MARKED
24 AS 149 FOR IDENTIFICATION, WHAT IS THAT?

25 A THAT IS ANOTHER BOUQUET OF FLOWERS HE HAD
26 SENT ME.

27 Q WHEN DID HE SEND THAT TO YOU?

28 A IN 1973.

1 Q AND IS THERE A DATE ON THAT PICTURE?

2 A 1973, FEBRUARY 14, 1973.

3 Q DID YOU TAKE THAT PICTURE ALSO?

4 A YES.

5 Q ALSO TAKEN AT YOUR HOUSE?

6 A YES.

7 Q AND SHOWING YOU AN ITEM THAT WE HAVE MARKED AS
8 153 FOR IDENTIFICATION, WHAT IS THAT?

9 A THAT IS -- HE DID WORK FOR YVONNE BURKE.

10 THE COURT: HE DID WORK FOR WHAT?

11 THE WITNESS: YVONNE BURKE.

12 AND WE WENT -- THERE WAS A LITTLE AFFAIR AND
13 HE TOOK ME ALONG.

14 Q BY MR. WAPNER: WOULD YOU HOLD THAT UP SO THE
15 JURY CAN SEE IT.

16 (WITNESS COMPLIES.)

17 Q BY MR. WAPNER: WHERE DID YOU GET THAT PICTURE?

18 A FROM RONNIE'S OFFICE.

19 Q DID HE HAVE IT FRAMED AND HANGING IN A SMALL
20 OFFICE IN HIS HOUSE?

21 A YES.

22 Q DID HE HAVE PICTURES OF YOU AND OTHER MEMBERS
23 OF HIS FAMILY HANGING IN HIS HOUSE?

24 A YES.

25 Q WHERE WERE THEY?

26 A ON TOP OF HIS TELEVISION.

27 Q SHOWING YOU A PHOTOGRAPH WE HAVE MARKED AS
28 PEOPLE'S 151 FOR IDENTIFICATION --

1 A YES.

2 Q -- WHAT IS THAT?

3 A THIS IS OUR WHOLE FAMILY. THERE IS MY HUSBAND
4 AND ME (INDICATING).

5 Q DO YOU WANT -- THE JURY CAN'T SEE WHAT YOU ARE
6 TALKING ABOUT --

7 A YES.

8 Q LOOKING AT THAT PHOTOGRAPH, ARE THERE SOME
9 PHOTOGRAPHS SITTING ON TOP OF THE TELEVISION?

10 A ARE YOU ASKING ME?

11 Q YES.

12 A YES.

13 Q AS YOU LOOK AT THAT PICTURE?

14 A YES.

15 Q AS YOU ARE LOOKING AT IT --

16 A YES.

17 Q -- GOING FROM YOUR RIGHT TO YOUR LEFT, LOOKING
18 AT THE PICTURE --

19 A YES.

20 Q -- WOULD YOU JUST HOLD THAT AND THEN TELL THE
21 JURY WHO THESE ARE PICTURES OF.

22 A THAT IS MR. LEVIN AND ME. MR. LEVIN AND ME.
23 STEVE AS A LITTLE BABY. STEVE WHEN HE GRADUATED HIGH SCHOOL.
24 STEVEN WHEN HE GRADUATED COLLEGE. ROBERT WHEN HE GRADUATED
25 HIGH SCHOOL. ROBERT WHEN HE WAS A BABY.

26 THERE IS ANOTHER LITTLE PICTURE OF ME AND HERE
27 IS A PICTURE OF MY TWO SISTERS AND ME (WITNESS INDICATING).

28

1 MR. WAPNER: MAY I PASS THAT BEFORE THE JURY, YOUR
2 HONOR?

3 THE COURT: ALL RIGHT.

4 (MR. WAPNER SHOWS EXHIBIT TO JURY.)

5 Q BY MR. WAPNER: SHOWING YOU A PICTURE WE HAVE
6 MARKED AS 152 FOR IDENTIFICATION, DO YOU RECOGNIZE THAT?

7 A YES. THAT IS RONNIE IN HIS BED.

8 Q AND DO YOU SEE THE REMOTE CONTROL DEVICE THAT IS
9 THERE?

10 A YES.

11 Q WAS THAT NORMALLY ON THE BED?

12 A YES.

13 Q AND THE COMFORTER, THAT IS, THE TOP OF THAT
14 COMFORTER, IS THAT THE WAY IT NORMALLY WAS?

15 A YES.

16 MR. WAPNER: MAY I LIKEWISE PASS THAT IN FRONT OF THE
17 JURY?

18 THE COURT: ALL RIGHT.

19 (MR. WAPNER SHOWS EXHIBIT TO JURY.)

20 THE WITNESS: AND AS I LOOK AT THIS PICTURE, WHEN I
21 SAY HE DID WORK FOR YVONNE BURKE, HE HELPED HER WITH HER
22 CAMPAIGN.

23 Q BY MR. WAPNER: DID RONNIE HAVE A DOG?

24 A YES.

25 Q WHAT KIND OF A DOG DID HE HAVE?

26 A A SHELTY.

27 Q AND WHERE IS THE DOG NOW?

28 A I HAVE IT.

1 Q DID YOU AT SOME POINT LATER THAN JUNE THE 7TH
2 OF 1984 FIND SOME PICTURES, SOME SLIDES IN RONNIE'S APARTMENT
3 OF RONNIE AND THE DOG?

4 A YES, I DID.

5 Q AND DID YOU RECENTLY HAVE SOME OF THOSE PICTURES
6 MADE INTO PRINTS?

7 A YES, I DID.

8 Q SHOWING YOU A PICTURE THAT WE HAVE MARKED AS
9 154 FOR IDENTIFICATION, WHAT IS THAT?

10 A THAT IS RONNIE AND HIS DOG.

11 Q DO YOU KNOW APPROXIMATELY WHEN THAT PICTURE --
12 WOULD YOU HOLD THAT UP SO THE JURY CAN SEE IT.

13 (WITNESS COMPLIES.)

14 Q BY MR. WAPNER: DO YOU KNOW APPROXIMATELY WHEN
15 IT WAS THAT THE PICTURE WAS TAKEN?

16 A PROBABLY A FEW MONTHS BEFORE RONNIE WAS KILLED.

17 MR. BARENS: OBJECTION, YOUR HONOR.

18 THE COURT: THAT WILL BE STRICKEN.

19 THE WITNESS: OH, A FEW MONTHS BEFORE RONNIE WAS
20 GONE.

21 Q BY MR. WAPNER: BEFORE JUNE 6?

22 A YES.

23 Q OF 1984?

24 A RIGHT.

25 Q AND HOW DO YOU MAKE THAT DETERMINATION OF THE
26 DATE OF THE PICTURE?

27 A BECAUSE OF THE SIZE OF THE DOG.

28 Q WHAT IS IT ABOUT THE SIZE OF THE DOG THAT ALLOWS

1 YOU TO DO THAT?

2 A WELL, HE IS ABOUT THE SAME SIZE WHEN I TOOK HIM
3 HOME TO LIVE WITH ME.

4 Q AND WHEN DID YOU TAKE HIM HOME TO LIVE WITH YOU?

5 A WHEN RONNIE WAS KILL -- WHEN RONNIE WAS GONE.

6 Q ON JUNE THE 6TH?

7 A YES. I WAS TO TAKE HIM HOME WHILE HE WENT TO
8 NEW YORK ANYWAY.

9 Q WHY DID YOU GO OVER TO RONNIE'S HOUSE ON THE
10 MORNING OF JUNE 6TH?

11 A ON THE 7TH.

12 Q ON THE 7TH. I AM SORRY. THANK YOU.

13 A YES, YES.

14

15

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1 Q AND WHY DID YOU DO THAT?

2 A HIS MAID CALLED ME AND SAID TO ME, "MRS.
3 LEVIN, I HATE TO TELL YOU THIS. BUT ALL RON'S THINGS
4 ARE HERE BUT RONNIE IS GONE."

5 Q WHEN SHE TOLD YOU THAT, DID YOU GO OVER TO
6 THE HOUSE?

7 A IMMEDIATELY.

8 Q AND WHEN YOU WENT OVER TO THE HOUSE, HE WAS
9 NOT THERE?

10 A RIGHT.

11 Q DID YOU GO AROUND THE APARTMENT WITH BLANCHE
12 AND HAVE HER SHOW YOU WHAT WAS MISSING?

13 A YES.

14 Q DID SHE TAKE YOU INTO THE CLOSET AREA OF
15 HIS BEDROOM?

16 A SHE JUST SAID, "LOOK, EVERYTHING IS HERE."

17 Q AND DID SHE TELL YOU THAT THERE WERE CERTAIN
18 THINGS THAT WERE MISSING?

19 A YES, THE BEDSPREAD -- DID YOU WANT ME TO --
20 DID YOU WANT TO ASK ME OR SHALL I TELL YOU?

21 Q NO. THAT'S ALL RIGHT.

22 WERE THERE CERTAIN THINGS THAT SHE DID TELL
23 YOU THAT WERE MISSING, THOUGH?

24 A YES.

25 Q AND AMONG THOSE WAS THE COMFORTER?

26 A YES.

27 Q DID SHE TELL YOU SEVERAL OF THE THINGS WERE
28 MISSING?

2
1 A YES.

2 Q DID SHE GO INTO A ROOM, INTO A PLACE IN THE
3 APARTMENT WHERE HE KEPT HIS VALUABLES?

4 A YES.

5 Q ALL RIGHT. WHAT HAPPENED WHEN YOU WENT IN
6 THERE? WHAT DID YOU FIND?

7 A I FOUND THREE OR FOUR WATCHES, A RING, A
8 MONEY CLIP AND A PAIR OF CUFFLINKS.

9 Q THE WATCH, DO YOU SEE THE PICTURE IN FRONT
10 OF YOU, 154?

11 A YES.

12 Q CAN YOU SEE YOUR SON'S WRIST IN THAT PICTURE?

13 A YES.

14 Q IS HE WEARING A WATCH IN THAT PICTURE?

15 A YES.

16 Q THE WATCH THAT HE IS WEARING IN THAT PICTURE,
17 WAS IT IN THE APARTMENT ON JUNE 7?

18 A NO.

19 Q HAVE YOU EVER SEEN IT AGAIN?

20 A NO.

21 Q BESIDES THE THREE OR FOUR WATCHES THAT YOU
22 FOUND IN THE APARTMENT, WHAT ELSE DID YOU FIND?

23 A WHAT DO YOU MEAN?

24 Q AS FAR AS THE VALUABLES THAT WERE THERE THAT
25 MORNING?

26 A THERE WAS SOME POTTERY THAT WAS THERE, THAT
27 HE HAD A COLLECTION OF.

28 THE COURT: WHAT WAS THAT AGAIN?

3
1 THE WITNESS: POTTERY.

2 THE COURT: POTTERY?

3 Q BY MR. WAPNER: BUT IN THE PLACE WHERE THE
4 WATCHES WERE, WHAT ELSE WAS THERE?

5 A JUST HIS CLOTHES.

6 Q WERE THERE ANY RINGS THERE?

7 A YES. THERE WAS A RING. DID I NOT MENTION
8 THAT? THERE WAS A RING.

9 Q ANYTHING ELSE IN TERMS OF JEWELRY?

10 A NOT THAT I CAN THINK OF AT THE MOMENT.

11 Q WHAT DID YOU DO WITH THOSE ITEMS?

12 A I TOOK THEM TO MY HOUSE.

13 Q EVENTUALLY, WHAT DID YOU DO WITH THEM?

14 A I BROUGHT THEM BACK.

15 Q WHY?

16 A BECAUSE WE HAD HIRED A PROBATE ATTORNEY AND
17 I HAD TO RETURN THOSE THINGS.

18 Q AND TO YOUR KNOWLEDGE, WERE THEY ALL AUCTIONED
19 OFF AS PART OF THE ESTATE?

20 A YES. I DIDN'T GO, BUT I AM SURE THEY WERE.

21 MR. WAPNER: MAY I HAVE A MOMENT, PLEASE?

22 THE COURT: YES.

23 (PAUSE.)

24 Q BY MR. WAPNER: DID YOUR SON EVER GO TO JAIL
25 THAT YOU KNEW OF?

26 A YES.

27 Q DURING THE TIME THAT HE WAS IN CUSTODY, DID
28 HE EVER CALL YOU?

-4
1 A YES.

2 Q HOW OFTEN?

3 A AS OFTEN AS HE WAS PERMITTED A TELEPHONE
4 CALL. WHENEVER HE WAS PERMITTED, I WOULD SAY. I THINK
5 SOMETIMES THERE WAS -- I THINK IT WAS ONCE A DAY OR TWICE
6 A WEEK. I CAN'T REMEMBER. I CAN'T REMEMBER.

7 Q DID YOU EVER VISIT HIM IN THE JAIL?

8 A YES.

9 Q HOW OFTEN?

10 A EVERY VISITING DAY.

11 Q DID YOU KNOW THE DETAILS OF ANY OF THE
12 BUSINESSES HE WAS INVOLVED IN, IN JUNE, LET'S SAY, OF
13 1984?

14 A NO.

15 Q DID YOU KNOW ANYTHING ABOUT HIS BUSINESS
16 LIFE?

17 A NO. HE NEVER DISCUSSED HIS BUSINESS WITH
18 ME.

19 Q DURING THE TIME THAT YOUR SON WAS GROWING
20 UP, DID HE EVER PARTICIPATE IN ATHLETICS OF ANY KIND?

21 A NO.

22 Q NEVER?

23 A NEVER.

24 Q AS AN ADULT, DID HE APPEAR TO YOU TO LIKE
25 EXERCISE?

26 A NEVER.

27 Q THIS PHOTOGRAPH THAT IS PEOPLE'S 151 HAS
28 A PICTURE OF THE FAMILY ON TOP OF THE TELEVISION. DO

1 YOU KNOW WHEN THAT WAS TAKEN?

2 A DIFFERENT PERIODS OF TIME. YOU KNOW, WHEN
3 THE -- I DON'T -- SORRY, I DON'T.

4 Q DOES THIS PICTURE ACCURATELY REPRESENT WHAT
5 THE TOP OF THE TELEVISION LOOKED LIKE IN JUNE OF 1984?

6 A YES.

7 Q DID YOUR SON EVER ATTEND LAW SCHOOL?

8 A YES.

9 Q ONCE OR MORE THAN ONCE?

10 A MORE THAN ONCE.

11 Q AND WAS THAT TWICE?

12 A YES.

13 Q WHERE DID HE GO TO LAW SCHOOL?

14 A TO WEST L.A. LAW SCHOOL.

15 Q THE FIRST TIME THAT HE WENT, HOW LONG DID
16 HE STAY?

17 A I CAN'T REMEMBER.

18 Q AND DID HE GRADUATE?

19 A NO.

20 Q WHEN HE WENT BACK, HOW LONG DID HE STAY,
21 IF YOU KNOW?

22 A MAYBE FOUR OR FIVE MONTHS. IT WAS TOO SLOW
23 FOR HIM. ONCE HE LEARNED TO READ, HE READ EVERYTHING.
24 HE WAS AN AMAZINGLY BRILLIANT FELLOW.

FOL.

25

26

27

28

1 Q WAS HE ALWAYS KIND TO YOU IN HIS DEALINGS
2 WITH YOU?

3 A YES.

4 Q WAS HE CONSIDERATE OF YOU?

5 A VERY.

6 Q CONSIDERATE OF YOUR FEELINGS?

7 A YES.

8 Q FROM THE TIME THAT HE MOVED OUT OF THE HOUSE
9 WHEN HE WAS ABOUT 18 YEARS OLD, UNTIL JUNE THE 6TH OF
10 1984, ON THE AVERAGE HOW OFTEN WOULD HE CALL YOU?

11 A OH, AT THAT TIME, EVEN MORE FREQUENTLY. HE
12 WOULD CALL ME MORE BECAUSE HE WOULD BE OUT AND HE WOULD
13 CALL ME.

14 Q WHAT TIME?

15 A BETWEEN THAT TIME AND THE TIME THAT HE MOVED
16 IN TO 144 SOUTH PECK, AND BECAUSE HE MOVED SEVERAL TIMES --

17 Q WOULD HE CALL YOU FAIRLY OFTEN DURING THAT
18 PERIOD OF TIME?

19 A YES.

20 Q DID HE EVER GO MORE THAN A WEEK WITHOUT CALLING
21 YOU?

22 A NO.

23 Q IN APPROXIMATELY 24 YEARS?

24 A YES.

25 Q SO IN THAT 24-YEAR PERIOD, HE WOULD NEVER
26 GO MORE THAN ONE WEEK WITHOUT CALLING YOU?

27 A NO.

28 Q AND SINCE YOU SPOKE TO HIM ON JUNE 6TH IN

1 THE EVENING, YOU HAVEN'T SPOKEN TO HIM?

2 A NO.

3 Q HE HASN'T CALLED YOU?

4 A NO.

5 Q HAVE YOU HEARD FROM HIM IN ANY WAY?

6 A NO.

7 MR. WAPNER: I HAVE NOTHING FURTHER.

8 THE COURT: ANY QUESTIONS?

9 MR. BARENS: THANK YOU, YOUR HONOR.

10
11 CROSS-EXAMINATION

12 BY MR. BARENS:

13 Q GOOD MORNING, MRS. LEVIN.

14 A GOOD MORNING.

15 Q MRS. LEVIN, THE PHOTOGRAPHS YOU BROUGHT TO
16 COURT WITH YOU THIS MORNING OR THAT MR. WAPNER HAD BEEN
17 PROVIDED, YOU RETAINED THOSE BECAUSE THEY HAD SOME SENTIMENTAL
18 VALUE FOR YOU?

19 A RIGHT.

20 Q AND THE WATCHES THAT YOU FOUND, ONE OF THEM
21 IN PARTICULAR WAS ONE OF RON'S FAVORITE WATCHES, WASN'T
22 IT?

23 A THEY ALL THREE WERE ALIKE THAT I HAD, THAT
24 I HAD TAKEN BACK.

25 Q HAD YOU SEEN HIM WEARING THAT RING A LOT?

26 A I REALLY CAN'T REMEMBER.

27 Q ALL OF THOSE THINGS WERE AUCTIONED OFF?

28

. 1 A YES.

2 Q YOU DIDN'T SEEK TO RETAIN ANY OF THOSE THINGS?

3 A OH, WAIT A MINUTE. YES, I DID.

4 WE BOUGHT ONE OF THE WATCHES, THE RING, THE
5 MONEY CLIP AND THE CUFFLINKS.

6 Q YOU BOUGHT THEM?

7 A YES.

8 Q FROM THE EXECUTOR?

9 A RIGHT.

10 Q OR THE CONSERVATOR?

11 A RIGHT, RIGHT.

12 Q FROM MR. OSTROVE?

13 A WE BOUGHT THEM FROM THE MAN THAT WAS GATHERING
14 THINGS.

15 MR. OSTROVE CAME IN AFTER THAT.

16 THERE WAS ANOTHER MAN WHO HAD A HEART ATTACK.

17 Q I SEE.

18 A AND MR. OSTROVE HAD TO TAKE OVER.

19 WE BOUGHT IT FROM HIM.

20 Q ALL RIGHT. AFTER RON MOVED OUT WHEN HE WAS
21 18, WAS IT YOUR FAMILY'S PRACTICE TO HAVE FAMILY GATHERINGS?

22 A NOT REALLY.

23 Q YOU DIDN'T HAVE OCCASIONS, FOR INSTANCE,
24 SAY, HANUKKAH OR PASSOVER DINNER?

25 A SOMETIMES WE HAD -- WHAT IS BEFORE -- AFTER
26 ROSH HASHANAH, YOM KIPPER DINNER, RIGHT.

27 Q WAS THAT AN ANNUAL THING YOU WOULD HAVE?

28 A YES.

1 Q DID RON ATTEND THAT?

2 A YES, SOMETIMES. NOT ALL OF THE TIMES, BUT
3 SOMETIMES.

4 Q HOW ABOUT ON RON'S BIRTHDAY, WOULD THE FAMILY
5 GET TOGETHER?

6 A SOMETIMES.

7 Q HOW ABOUT DURING 1980 TO '84?

8 A I CAN'T REMEMBER.

9 Q YOU SAY HE DIDN'T DISCUSS HIS WORK WITH YOU?

10 A NO, HE NEVER DID.

11 Q IN OTHER WORDS, DURING 1980 TO 1984, HE NEVER
12 TALKED TO YOU ABOUT WHAT HE DID FOR A LIVING?

13 A OH, YES, HE TOLD ME THAT, YES.

14 Q WHAT DID HE TELL YOU?

15 A THAT HE HAD THIS LAW PRACTICE. THERE WAS
16 A PIECE IN THE PAPER ABOUT IT.

17 Q WAS THAT THE ONLY BUSINESS YOU THOUGHT HE
18 WAS ENGAGED IN?

19 A YES.

20 Q SO IT WAS YOUR STATE OF MIND THAT WAS HIS
21 SOLE BUSINESS ACTIVITY, LET'S SAY, IN THE 80'S?

22 A RIGHT.

23 Q AND HE HAD ACTUALLY STARTED THAT IN THE EARLY
24 70'S, HADN'T HE?

25 A RIGHT.

26 Q SO IT WAS YOUR BELIEF THAT HE MAINTAINED
27 JUST THAT ONE BUSINESS ALL THAT PERIOD OF TIME?

28 A YES.

1 Q NOW YOU SAY HE MOVED TO PECK DRIVE, WOULD
2 IT BE APPROXIMATELY 1979?

3 A PROBABLY.

4 Q AND HE ASKED YOU TO PAY THE RENT FOR HIM
5 THEN?

6 A NO, NOT WHEN HE MOVED IN TO 144 SOUTH PECK,
7 NO.

8 Q I AM SORRY. I THOUGHT YOU INDICATED TO MR.
9 WAPNER THAT YOU HAD TOLD HIM THE RENT WAS TOO EXPENSIVE
10 FOR YOU TO PAY THERE.

11 A RIGHT, RIGHT. AND THAT HE SAID HE COULD
12 AFFORD IT, HE HAD A BUSINESS GOING NOW AND HE WOULD PAY
13 THE RENT.

14 Q I SEE. SO THE ONLY RENT YOU HAD PAID FOR
15 HIM WOULD BE ON PLACES PRIOR TO THAT?

16 A RIGHT.

17 HE LIVED IN AN APARTMENT THIS SIDE OF WHERE
18 HE LIVES -- WHERE HE LIVED THEN, WHERE HE PAID THE RENT
19 AND THEN HE MOVED OVER TO 144 SOUTH PECK.

20 Q DID YOU PAY THE RENT FOR HIM UP UNTIL HE
21 MOVED TO SOUTH PECK?

22 A YES.

23 FO.
24
25
26
27
28

-1
1 Q DID RON EVER GIVE YOU ANY MONEY TO INVEST IN
2 REAL ESTATE?

3 A NO.

4 Q DID HE EVER DISCUSS WITH YOU INVESTING IN REAL
5 ESTATE?

6 A NO, NOT WITH ME.

7 Q DID HE EVER GIVE YOU ANY MONEY TO HOLD FOR HIM?

8 A NO.

9 Q DID HE EVER GIVE YOU ANY MONEY, FOR INSTANCE,
10 IN THE FORM OF A BANK PASSBOOK OR SAVINGS ACCOUNT, TO HOLD
11 ON HIS BEHALF?

12 A NO.

13 Q DID HE EVER SHOW YOU ANY STOCKS, BONDS OR SECURITIES?

14 A NO.

15 Q NOW, THERE CAME A TIME YOU WERE AWARE PRIOR TO
16 MR. LEVIN GOING TO JAIL -- WERE YOU AWARE THAT HE HAD A
17 TRIAL?

18 A YES.

19 Q DID YOU GO TO THAT TRIAL?

20 MR. WAPNER: OBJECTION, ASSUMING A FACT NOT IN EVIDENCE,
21 YOUR HONOR.

22 THE COURT: WAS THERE A TRIAL? DO YOU REMEMBER GOING
23 TO A TRIAL?

24 THE WITNESS: NO.

25 Q BY MR. BARENS: YOU DIDN'T GO TO A TRIAL?
26 I WAS JUST TRYING TO FIND OUT, MA'AM.

27 PRIOR TO HIM GOING TO JAIL, HAD HE DISCUSSED
28 WITH YOU THAT HE HAD SOME SORT OF A LEGAL PROBLEM IN HIS LIFE?

1 A YES. HE TOLD ME BUT IT WAS ALL RIGHT. EVERYTHING
2 WAS ALL RIGHT.

3 THE COURT: IS THAT WHAT HE TOLD YOU?

4 THE WITNESS: YES.

5 Q BY MR. BARENS: IN OTHER WORDS, YOU WERE SURPRISED
6 WHEN HE WENT TO JAIL?

7 A YES.

8 Q IS IT YOUR BELIEF TODAY THAT HE TRIED TO SHELTER
9 YOU FROM THAT?

10 A YES, OF COURSE.

11 Q AND HOW DID YOU FIRST FIND OUT HE WAS IN JAIL?

12 A HE CALLED ME. I THINK HE, HIMSELF, WAS SURPRISED
13 THAT HE WAS PUT INTO JAIL. BUT HE CALLED ME.

14 Q FROM JAIL?

15 A YES.

16 Q AND SAID, "I AM IN JAIL"?

17 A RIGHT.

18 Q AND DID HE EVER TELL YOU WHAT HE DID TO BE IN
19 JAIL?

20 A WELL, I HAD HEARD -- HE DIDN'T TELL ME.

21 Q MRS. LEVIN, SORRY TO INTERRUPT YOU. MRS. LEVIN,
22 I DON'T WANT YOU TO TELL ME WHAT YOU HEARD BECAUSE THAT WOULD
23 BE A TYPE OF EVIDENCE THAT THE COURT PERHAPS, MIGHT NOT WANT
24 TO ENTERTAIN AT THIS POINT.

25 A I SEE.

26 Q I AM JUST ASKING YOU IF YOU COULD TELL ME WHAT
27 HE TOLD YOU, MA'AM?

28 A HE JUST TOLD ME THAT HE WAS INNOCENT, WHATEVER.

1 IT WAS. I DON'T EVEN REMEMBER ANYMORE. I WAS SO UPSET.

2 Q DID HE EVER TELL YOU THE FACTS OTHER THAN TELLING
3 YOU THAT HE WAS INNOCENT? DID HE TELL YOU THAT HE HAD DONE
4 SOMETHING OR NOT DONE SOMETHING?

5 A NO.

6 Q DO YOU REMEMBER HOW LONG HE WAS IN JAIL?

7 A I THINK HE WAS THERE TWO AND A HALF MONTHS.

8 Q DID HE EVER TELL YOU AFTER HE GOT OUT OF JAIL,
9 WHAT IT HAD BEEN LIKE FOR HIM?

10 A NO.

11 Q HE NEVER DISCUSSED IT?

12 A HE NEVER DISCUSSED IT, NO.

13 Q HOW MANY TIMES DID YOU VISIT HIM DURING THE
14 TWO AND A HALF MONTHS?

15 A WELL, EVERY VISITING DAY THAT THERE WAS.

16 Q HOW OFTEN WOULD THAT BE, MRS. LEVIN?

17 A WELL, WHEN HE WAS OUT AT WAYSIDE, IT WAS EVERY
18 SUNDAY. AND THEN WHEN HE WAS IN TOWN, IT WAS EVERY DAY.

19 Q AND YOU WOULD GO TO THE JAIL EVERY DAY?

20 A EVERY DAY MY HUSBAND WOULD LEAVE HIS BUSINESS
21 AND WE WOULD GO EVERY, SINGLE DAY.

22 Q NOW, AFTER RON GOT OUT OF JAIL, DID HE GO BACK
23 TO LIVE ON PECK?

24 A YES.

25 Q NOW, DID THERE COME A TIME WHEN HE GOT IN
26 TROUBLE AGAIN?

27 A WHAT DO YOU MEAN?

28 Q WHERE HE WAS PERHAPS, ARRESTED?

1 A YES.

2 Q I SEE. DO YOU RECALL WHEN THAT WAS?

3 A WELL, IT WAS -- NO, I REALLY CAN'T REMEMBER.

4 Q HOW DID THE FACT THAT HE HAD BEEN ARRESTED AGAIN,
5 TO YOUR ATTENTION?

6 A HE TOLD BLANCHE TO CALL ME.

7 Q BLANCHE, HIS HOUSEKEEPER?

8 A YES.

9 Q WHAT DID SHE TELL YOU WHEN SHE CALLED?

10 A SHE TOLD ME THAT MR. LEVIN WAS IN JAIL AND I
11 CALLED MY HUSBAND. I RELY ON MY HUSBAND FOR EVERYTHING.

12 Q AND DID YOU DO SOMETHING TO GIVE ASSISTANCE AT
13 THAT POINT IN TIME?

14 A YES. MR. LEVIN WENT OVER TO THE JAIL.

15 Q AND AS A RESULT OF HIM VISITING RON IN JAIL,
16 DID YOU THEREAFTER, TAKE SOME ACTION ON HIS BEHALF?

17 A I DON'T UNDERSTAND THE QUESTION.

18 Q DID YOU POST BAIL FOR MR. LEVIN?

19 A YES. MY HUSBAND DID, YES.

20 Q DID YOU PROVIDE SOME COLLATERAL FOR THE BOND?

21 A YES. I AM SURE MY HUSBAND DID.

22 Q DO YOU KNOW WHETHER HE DID OR NOT?

23 A MY HUSBAND TAKES CARE OF ALL OF THE MONEY MATTERS
24 IN THE FAMILY. I CAN'T ANSWER THAT.

25 Q DID YOU HAVE TO SIGN SOME PAPERS WITH REFERENCE
26 TO WHAT MIGHT BE CALLED AN ENCUMBRANCE REGARDING THAT?

27 A NO, NOT THAT I REMEMBER.

28 Q ALL RIGHT. YOU DON'T REMEMBER ANYTHING LIKE THAT?

1 A NO.

2 Q DO YOU HAVE ANY KNOWLEDGE AS TO WHAT THE COLLATERAL
3 WAS FOR THE BAIL?

4 MR. WAPNER: OBJECTION, CALLING FOR HEARSAY. SHE
5 ALREADY TESTIFIED --

6 THE COURT: IF SHE KNOWS. DO YOU KNOW WHAT COLLATERAL,
7 IF ANY, WAS PUT UP?

8 THE WITNESS: WELL, MY HUSBAND HAS A PIECE OF PROPERTY
9 IN VENICE. I BELIEVE HE PUT THAT UP.

10 THE COURT: ALL RIGHT.

11 Q BY MR. BARENS: AND DO YOU KNOW HOW LONG THAT
12 PROPERTY WAS USED AS BAIL?

13 A NO. I HAVE NO IDEA.

14 Q DO YOU HAVE ANY IDEA AS TO WHEN THE PROPERTY WAS
15 NO LONGER BEING USED AS BAIL?

16 A NO. I HAVE NO IDEA.

17 Q DO YOU KNOW HOW MUCH THAT PROPERTY WAS WORTH?

18 A NO.

19 Q YOU NEVER DISCUSSED THAT?

20 A NO.

21 Q DID YOU MAKE GIFTS TO RON FOR HIS BIRTHDAY?

22 A DID I WHAT?

23 Q DID YOU MAKE GIFTS TO HIM FOR HIS BIRTHDAY?

24 A SURE.

25 Q DO YOU REMEMBER WHAT YOU GAVE HIM 1983?

26 A IT WAS PROBABLY A PIECE OF STEUBEN.

27

28

1 Q AND HOW ABOUT 1984?

2 A A STEUBEN. HE HAD A COLLECTION OF STEUBEN.

3 Q DID YOU EVER GIVE HIM ANY MONETARY GIFTS FOR
4 HIS BIRTHDAY?

5 A NO.

6 Q NOTHING IN THE FORM OF CHECKS OR CASH?

7 A NO.

8 Q HOW OFTEN WOULD RON COME TO YOUR HOUSE?

9 A HE DIDN'T COME TO THE HOUSE TOO OFTEN. WE JUST
10 KEPT IN TOUCH OVER THE TELEPHONE. HE WAS ALWAYS BUSY, BUSY,
11 BUSY.

12 Q NOW, YOU INDICATED THAT YOU WENT TO THE HOUSE
13 WHEN YOU WERE CALLED BY MISS STURKEY ON THE 7TH.

14 AND WHAT TIME DID YOU GET TO RON'S APARTMENT?

15 A SHE CALLED ME ABOUT 8:30. I MUST HAVE GOTTEN
16 THERE ABOUT 20 MINUTES OF 9:00.

17 Q AND HOW LONG DID YOU STAY AT THE APARTMENT THAT
18 DAY?

19 A I WAS SO OVERWROUGHT, I CAN'T REALLY TELL YOU,
20 HONESTLY.

21 Q WHEN YOU LEFT THE APARTMENT, DID YOU GO HOME?

22 A YES.

23 Q AND DID MR. LEVIN COME TO THE APARTMENT,
24 MR. MARTIN LEVIN?

25 A YES.

26 =0.

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1-1

1 Q HE WAS THERE WITH YOU?

2 A YES.

3 Q AT LEAST PART OF THE TIME?

4 A YES.

5 Q DID YOU GO TO THE APARTMENT THE NEXT DAY
6 ON THE 8TH?

7 A I AM SURE I DID.

8 Q DID YOU LOOK AROUND THE APARTMENT?

9 A I AM SURE I DID.

10 Q DID YOU TRY TO LOOK AROUND THE APARTMENT
11 TO SEE IF YOU MIGHT FIND SOMETHING THAT MIGHT SUGGEST
12 TO YOU WHAT MIGHT HAVE OCCURRED CONCERNING RON?

13 A YES.

14 Q AND DID YOU FIND ANYTHING?

15 A YES.

16 Q NOW, DID YOU EVENTUALLY MAKE A MISSING PERSON'S
17 REPORT?

18 A I CALLED IMMEDIATELY AND THE GIRL ON THE
19 TELEPHONE SAID "I CAN'T -- SHE CAN'T REPORT -- I CAN'T
20 REPORT IT FOR 48 HOURS."

21 Q AND WHAT DID YOU DO AFTER 48 HOURS?

22 A I CAN'T REMEMBER.

23 Q DID YOU GO TO THE POLICE STATION?

24 A I SENT ONE OF THE BOYS TO THE POLICE STATION.
25 I LET HIM TAKE MY CAR AND GO TO THE POLICE STATION.

26 Q THAT WAS ACTUALLY ON THE 7TH, WASN'T IT?

27 A THAT WAS, YES, ON THE 7TH.

28 Q NOW WHAT I AM ASKING YOU NOW IS 48 HOURS

LATER --

1 A YES.

2 Q -- WHICH WOULD PROBABLY BE THE 9TH OR 10TH,
3 IN ANY EVENT?

4 A YES.

5 Q DID YOU GO TO THE POLICE STATION?

6 A NO.

7 I TALKED TO THE ATTORNEY.

8 MY HUSBAND TOOK CARE OF ALL OF THIS PART
9 OF IT. I JUST WASN'T FIT TO HANDLE ANYTHING.

10 Q MRS. LEVIN, YOU TALKED TO SCOTT FURSTMAN,
11 RIGHT?

12 A RIGHT.

13 Q ABOUT MAKING A MISSING PERSON'S REPORT?

14 A RIGHT.

15 Q AND YOU DIDN'T ACTUALLY MAKE A MISSING PERSON'S
16 REPORT FOR ABOUT FOUR WEEKS, DID YOU?

17 A WELL, SCOTT SAID "LET'S WAIT."

18 Q SCOTT SAID "LET'S WAIT"?

19 A RIGHT.

20 Q WAS THERE A REASON FOR THAT?

21 A NO, I GUESS NOT -- I DON'T KNOW.

22 I CAN'T TELL YOU THE REASON FOR IT.

23 Q YOU FELT THAT YOU SHOULD, IF MR. FURSTMAN
24 SAID "LET'S WAIT," THEN WEEKS WENT BY, THAT THAT WAS
25 OKAY?

26 A AND WHAT?

27 Q AND SOME WEEKS HAD GONE BY, THAT IT WAS ALL
28

1 RIGHT, THAT YOU WERE JUST DOING WHAT YOUR LAWYER SUGGESTED
2 OR WHAT MR. RON LEVIN'S LAWYER SUGGESTED?

3 A RIGHT, RIGHT.

4 Q DID YOU HAVE A FAMILY LAWYER THAT YOU DISCUSSED
5 THIS MATTER WITH?

6 A NO.

7 Q DID YOU UNDERSTAND WHY MR. FURSTMAN WANTED
8 TO WAIT A MONTH OR SO?

9 A NO.

10 Q YOUR SON WAS NEVER MARRIED, TO YOUR KNOWLEDGE,
11 WAS HE?

12 A NO -- UH, NO.

13 Q AFTER THE LAST TIME YOU SAW RON LEVIN, YOU
14 SAY, ON THE 6TH OF JUNE, DID YOU CALL HIS EXCHANGE ON
15 THE 12TH OF JUNE?

16 A YES. I KEPT CALLING AND CALLING AND CALLING.

17 Q DID YOU KNOW A FELLOW NAMED DR. KROGER?

18 A YES.

19 THE COURT REPORTER: DR. WHAT?

20 MR. BARENS: K-R-O-G-E-R, I BELIEVE.

21 THE WITNESS: YES.

22 Q BY MR. BARENS: HE WAS A FRIEND OF RON'S?

23 A OF RON'S, YES.

24 Q AND THEY HAD KNOWN EACH OTHER QUITE SOME
25 TIME?

26 A YES.

27 Q DID YOU, AFTER JUNE 6, GET IN CONTACT WITH
28 DR. KROGER?

1 A I AM SURE I DID.

2 I CALLED EVERYONE I COULD THINK OF.

3 Q IT WAS A COUPLE OF MONTHS LATER THAT YOU
4 CALLED DR. KROGER?

5 A NO. I THINK I MUST HAVE CALLED HIM SOONER
6 THAN THAT.

7 I DON'T REMEMBER, TO BE PERFECTLY HONEST.
8 I CAN'T REMEMBER.

9 I WAS SO FRANTIC THAT I CALLED WHOMEVER I
10 THOUGHT THAT RONNIE KNEW.

11 Q DO YOU RECALL AT THIS TIME, AND POSSIBLY
12 NOT, THE PHONE NUMBER YOU CALLED WHEN YOU CALLED RON?

13 A WHEN I CALLED?

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1 Q THAT IS THE NUMBER WHEN YOU CALLED RON LEVIN,
2 DO YOU REMEMBER?

3 A NO, I DON'T REMEMBER ANYMORE.

4 Q DO YOU KNOW WHETHER HE HAD MORE THAN ONE PHONE
5 NUMBER?

6 A IN THE HOUSE?

7 Q YES.

8 A YES -- NOT ONE -- WHEN ONE PHONE WOULD RING AND
9 IT WAS BUSY, ANOTHER LIGHT WOULD COME ON, ANOTHER LIGHT.

10 Q LIKE A ROTARY?

11 A RIGHT.

12 Q YOU CALLED RON'S NUMBER MANY TIMES AFTER THE
13 7TH, DIDN'T YOU?

14 A RIGHT.

15 Q DID YOU TALK TO THE ANSWERING SERVICE ON THOSE
16 OCCASIONS?

17 A RIGHT, YES.

18 Q EVERY TIME WHEN YOU CALLED?

19 A YES.

20 Q AND NOW WHEN YOU WENT TO -- YOU MENTIONED WHEN
21 YOU WENT WALKING, YOU WOULD WALK IN BEVERLY HILLS AND ON
22 OCCASION YOU WOULD STOP BY THE ADDRESS THERE ON PECK, HOW
23 OFTEN WOULD THAT HAPPEN, SAY, DURING A MONTH?

24 A OH, GOLLY, MAYBE TWO, THREE TIMES A WEEK.

25 Q TWO OR THREE TIMES A WEEK?

26 A SOMETIMES I WOULD JUST STOP IN. HE WOULD BE IN
27 BED READING, I WOULD GIVE HIM A KISS ON THE HEAD AND TURN
28 AROUND AND WALK OUT.

1 Q ALL RIGHT. DID YOU HAVE A KEY?

2 A I USED TO HAVE A KEY UNTIL RONNIE PUT THE
3 ALARM IN AND THEN I WAS AFRAID TO WORK IT BECAUSE I WAS
4 AFRAID I WOULD SET OFF THE ALARM.

5 Q SURE.

6 WHEN YOU WOULD GO BY, YOU MENTIONED A LOT OF
7 TIMES HE MIGHT HAVE FRIENDS THERE OR HE WOULD BE TALKING
8 ON MAYBE BUSINESS OR WHATEVER OR SOMETHING, DO YOU KNOW WHO
9 ANY OF THOSE PEOPLE WERE?

10 A NO.

11 IF I THOUGHT RONNIE HAD COMPANY, I DIDN'T GO
12 IN.

13 Q I SEE. SO YOU WOULDN'T TYPICALLY, IF YOU CAME
14 IN, YOU WOULDN'T MEET THE PEOPLE, SO TO SPEAK?

15 A NO. OCCASIONALLY, BUT MOST TIMES, NOT.

16 Q WHEN YOU SAW HIM ON THE STREET ON THE 6TH, THAT
17 WAS THE FIRST TIME HE HAD TOLD YOU HE WAS GOING TO NEW YORK?

18 A OH, NO.

19 I KNEW IT BEFORE THAT.

20 Q WHEN DID YOU FIRST HEAR ABOUT IT?

21 A EARLIER IN THE WEEK.

22 Q THREE OR FOUR DAYS EARLIER MAYBE?

23 A SURE.

24 Q AND DID HE TELL YOU WHY HE WAS GOING TO NEW YORK?

25 A ON BUSINESS.

26 Q ON BUSINESS?

27 A UH-HUH.

28 Q DID HE TELL YOU WHO HE WAS GOING WITH?

1 A NO.

2 Q DID HE TELL YOU WHERE HE WOULD BE STAYING?

3 A YES.

4 HE TOLD ME BUT I DON'T REMEMBER NOW ANYMORE
5 WHERE HE WAS STAYING.

6 HE ALWAYS TOLD ME WHERE HE WAS STAYING, EVEN
7 WHEN HE WAS IN AUSTRALIA, HE TOLD ME WHERE HE WAS STAYING.

8 Q HOW ABOUT WHEN HE WENT TO PALM SPRINGS, DID HE
9 TELL YOU WHERE HE WAS STAYING THERE?

10 A NO.

11 I AM TALKING ABOUT FAR DISTANCES.

12 Q I SEE. SO IF HE WENT TO PALM SPRINGS, HE WOULDN'T
13 TELL YOU?

14 A NO.

15 Q DO YOU REMEMBER HIM GOING TO PALM SPRINGS?

16 A HE WAS -- HE WOULD TELL ME HE HAD BEEN IN
17 PALM SPRINGS.

18 Q I SEE.

19 DID HE EVER DISCUSS GOING TO MEDICAL SCHOOL
20 WITH YOU?

21 A YES -- HE DIDN'T DISCUSS IT.

22 HE WOULD LIKE TO HAVE BUT HE COULDN'T HAVE GONE.

23 Q HE NEVER WENT TO MEDICAL SCHOOL?

24 A EXCUSE ME?

25 Q HE NEVER WENT TO MEDICAL SCHOOL?

26 A NO.

27 THAT WAS HIS DREAM, TO BE A DOCTOR.

28 Q DID YOU EVER SPEND ANY MONEY ON ANY MEDICAL

1 SCHOOLS FOR HIM?

2 A NO.

3 HE HAD NO BACKGROUND. HE COULDN'T POSSIBLY --
4 ALTHOUGH HE HAD READ AND READ AND READ, YOU STILL HAVE TO
5 HAVE A PHYSICAL BACKGROUND FOR IT.

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2-1 1 Q DO YOU RECALL WHEN IS THE LAST TIME YOU TALKED
2 TO RON ABOUT GOING TO MEDICAL SCHOOL?

3 A NO. I DON'T REMEMBER.

4 MR. BARENS: A MOMENT, YOUR HONOR, IF WE COULD.

5 (PAUSE.)

6 MR. BARENS: THANK YOU. NOTHING FURTHER, YOUR
7 HONOR.

8 THE COURT: ALL RIGHT.

9
10 REDIRECT EXAMINATION

11 BY MR. WAPNER:

12 Q DID YOU HAVE ANY OTHER CHILDREN FROM YOUR
13 MARRIAGE TO MR. GLICK?

14 A NO.

15 Q SO BETWEEN THE TIME THAT MR. GLICK LEFT FOR
16 THE WAR AND THE TIME YOU MARRIED MR. LEVIN, RONNIE WAS
17 YOUR ONLY SON?

18 A YES.

19 Q AND HOW LONG AFTER YOU MARRIED MR. LEVIN
20 WAS YOUR NEXT CHILD BORN?

21 A I THINK ABOUT A YEAR AND A HALF TO TWO YEARS
22 AFTERWARDS. I THINK STEVE WAS BORN IN 1952.

23 Q WHAT DID YOUR SON TELL YOU ABOUT THE CASE
24 THAT -- THE CURRENT CRIMINAL CHARGES THAT HE HAD AGAINST
25 HIM?

26 A HE DIDN'T TELL ME ANYTHING ABOUT IT.

27 Q DID HE TELL YOU THAT HE HAD CHARGES AGAINST
28 HIM?

1 A YES AND DON'T WORRY, MOM. EVERYTHING IS
2 GOING TO BE FINE.

3 Q WHEN DID HE TELL YOU THAT, ON THE TELEPHONE?

4 A PROBABLY.

5 Q DO YOU REMEMBER WHEN IN POINT OF TIME HE
6 SAID THAT?

7 A NO. I DON'T REMEMBER.

8 Q WHEN BLANCHE CALLED FROM THE -- CALLED TO
9 TELL YOU THAT HE WAS IN JAIL, DID SHE SPEAK TO YOU OR
10 YOUR HUSBAND?

11 A TO ME. HE WAS NOT IN JAIL YET. THEY WERE
12 TAKING HIM OVER TO THE BEVERLY HILLS JAIL.

13 Q DID SHE SAY -- DO YOU REMEMBER WHAT SHE SAID
14 WHEN SHE SPOKE TO YOU?

15 A SHE SAID THAT ALL RONNIE SAID WAS, "CALL
16 MY MOTHER, CALL MY MOTHER."

17 Q AND DID SHE TELL YOU WHAT RONNIE WANTED HER
18 TO TELL YOU?

19 A NO. I CALLED MY HUSBAND IMMEDIATELY.

20 Q THE TIME WHEN HE WAS IN JAIL BEFORE, THAT
21 WAS IN 1979, APPROXIMATELY?

22 A I GUESS SO.

23 Q MR. BARENS ASKED YOU ABOUT FINDING SOMETHING
24 ON THE NEXT DAY WHEN YOU WENT TO THE HOUSE. WHAT WAS
25 THAT? DID YOU FIND ANYTHING THE NEXT DAY?

26 A NO. IT WAS THE DAY THAT I GOT THERE THAT
27 I FOUND SOMETHING.

28 Q WHAT WAS THAT?

1 A THERE WAS A BOX ON THE BUTCHER BLOCK TABLE
2 IN THE KITCHEN.

3 Q WHAT WAS IT?

4 A SOMETHING EVIDENTLY HAD BEEN ORDERED THAT
5 HE HAD EATEN.

6 Q AND WAS THAT USUAL OR UNUSUAL OR DID IT MAKE
7 ANY DIFFERENCE TO YOU?

8 A IT DIDN'T MAKE ANY DIFFERENCE. I DIDN'T
9 PAY MUCH ATTENTION. I JUST SAW THIS BOX THERE.

10 I AM SURE THAT HE ORDERED FROM TIME TO TIME.
11 I KNOW THAT BLANCHE DID COOK FOR HIM BUT THEN OTHER TIMES
12 HE ORDERED FROM OUTSIDE.

13 Q WAS IT LIKE A STYROFOAM BOX THAT YOU WOULD
14 GET FROM A RESTAURANT FOR TAKE-OUT FOOD?

15 A RIGHT.

16 Q YOU DIDN'T GO TO THE POLICE STATION WHEN
17 THE MISSING PERSON'S REPORT WAS MADE, DID YOU?

18 A NO.

19 Q DID YOUR HUSBAND AND SCOTT FURSTMAN GO?

20 A I IMAGINE SO. I WAS JUST OUT OF IT. I CAN'T
21 TELL YOU ANYTHING ABOUT THAT TIME.

22 Q ALL RIGHT. THAT WAS APPROXIMATELY JUNE 21ST,
23 IS THAT RIGHT?

24 A WHATEVER. I CAN'T REMEMBER.

25 Q WHAT DID -- DID RONNIE APPEAR TO YOU TO BE
26 A LONELY PERSON?

27 A YES. I WOULD SAY SO.

28 Q DID HE EVER SAY ANYTHING TO YOU?

1 A YES.

2 Q WHAT DID HE SAY?

3 A I REMEMBER ONCE HE LIVED IN A ONE-BEDROOM
4 APARTMENT AND HE SAID -- HE CALLED ME UP ONE DAY AND
5 HE SAID, "MOM, I THINK I WILL GET MARRIED."

6 Q WHAT DID HE SAY AFTER THAT?

7 A WELL, I SAID TO HIM, "BUT, RONNIE, YOU CAN'T
8 MAKE A LIVING YET."

9 HE SAYS, "WELL, IT IS BETTER THAN BEING LONELY."

10 Q YOU KEPT CALLING HIM AFTER JUNE THE 7TH.
11 WHY WAS THAT?

12 A I KEPT HOPING, LIKE ANYBODY HOPES, LIKE A
13 MOTHER HOPES.

14 Q AND EVERY TIME THAT YOU CALLED, DID YOU LEAVE
15 MESSAGES OR DID YOU DO SOMETHING ELSE?

16 A I DON'T REMEMBER.

17 Q DID YOU ASK THE PEOPLE AT THE SERVICE WHETHER
18 THEY HAD EVER HEARD FROM HIM?

19 A RIGHT.

20 MR. WAPNER: NOTHING FURTHER.

21 THE COURT: THANK YOU VERY MUCH. YOU MAY STEP
22 DOWN.

23 LADIES AND GENTLEMEN OF THE JURY, WE WILL
24 TAKE A RECESS NOW UNTIL 1:30 THIS AFTERNOON. THE SAME
25 ADMONITION I GAVE YOU WILL STILL APPLY.

26 (AT 11:58 A.M. A RECESS WAS TAKEN UNTIL
27 1:30 P.M. OF THE SAME DAY.)

28

1 SANTA MONICA, CALIFORNIA; TUESDAY, FEBRUARY 10, 1987; 1:40 P.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

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

7 CALL YOUR NEXT WITNESS.

8 MR. WAPNER: STELLA KEENER.

9
10 STELLA ANN KEENER,
11 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
12 AS FOLLOWS:

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

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

19 THE WITNESS: I DO.

20 THE CLERK: PLEASE BE SEATED THERE AT THE WITNESS
21 STAND.

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

24 THE WITNESS: STELLA ANN KEENER, S-T-E-L-L-A A-N-N
25 K-E-E-N-E-R.

26 THE CLERK: THANK YOU.

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DIRECT EXAMINATION

1
2 BY MR. WAPNER:

3 Q MISS KEENER, BY WHOM ARE YOU EMPLOYED?

4 A EXECUTIVE CAR LEASING.

5 Q WHAT DO YOU DO FOR THEM?

6 A I AM THE ASSISTANT SUPERVISOR AND ACCOUNTS
7 RECEIVABLE CLERK.

8 Q DID YOU WORK FOR THEM IN THE SAME CAPACITY IN
9 1983 AND 1984?

10 A YES, I DID.

11 Q AND DOES EXECUTIVE CAR LEASING HAVE SOME
12 SUBSIDIARY COMPANIES?

13 A YES, WE DO.

14 Q AND IS TOPAZ AUTO LEASING ONE OF THOSE COMPANIES?

15 A IT IS.

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1 Q WITH RESPECT TO WHEN A PERSON LEASES A CAR,
2 WHAT IS YOUR FUNCTION WITH THE BUSINESS?

3 A MY FUNCTION IS TO SEE, ONCE IT COMES IN TO
4 OUR SECTION, THAT THE PAPERWORK IS PROCESSED AND PUT
5 INTO THE COMPUTER SYSTEM FOR BILLING.

6 Q AND WHEN YOU SAY "ONCE IT COMES INTO OUR
7 SYSTEM," WHAT DO YOU MEAN?

8 A IT STARTS OUT WITH THE SALESMAN OF RECORD
9 AND THE LESSEE. THEN IT GOES THROUGH APPROVAL, CREDIT
10 APPROVAL AND VARIOUS HANDS BEFORE IT GETS TO OUR DEPARTMENT.

11 Q WHAT FUNCTION DO YOU HAVE WITH RESPECT TO
12 TOPAZ AUTO LEASING? IS IT THE SAME JOB?

13 A OUR COMPANY, THE PARENT COMPANY DOES PROCESS
14 ALL DELIVERIES AND RETURNS.

15 Q IN 1983 AND 1984, WAS A CORPORATION CALLED
16 GENERAL PRODUCERS CORPORATION LEASING SOME CARS FROM
17 TOPAZ AUTO LEASING?

18 A YES, THEY WERE.

19 Q DO YOU HAVE WITH YOU THE DOCUMENTS THAT ORIGINATED
20 THAT LEASE?

21 A I DO.

22 Q WOULD YOU SHOW THEM TO ME, PLEASE?

23 A DO YOU WISH TO SEE THE LEASE AGREEMENTS OR
24 WHAT DO YOU WANT TO SEE?

25 Q FIRST OF ALL, HOW MANY CARS WAS GENERAL PRODUCERS
26 LEASING FROM TOPAZ AUTO LEASING IN 1983 AND 1984?

27 A THREE.

28 Q AND WHAT TYPES OF CARS WERE THEY?

1 A THERE WERE TWO 1983 B.M.W.'S AND ONE 1984
2 HONDA.

3 Q ALL RIGHT. THE 1983 B.M.W.'S, WERE THEY
4 THE SAME MODEL NUBMER?

5 A NO, THEY WERE NOT.

6 Q CAN YOU DISTINGUISH THEN BETWEEN THE TWO
7 OF THEM? WHICH WAS --

8 A ONE WAS A B.M.W. 633CSI. THE OTHER ONE WAS
9 A B.M.W. 533I.

10 Q WERE THEY BOTH LEASED ON THE SAME DAY?

11 A THEY WERE.

12 Q WHAT DAY WAS THAT?

13 A THEY WERE BOTH DELIVERED ON THE 3RD OF DECEMBER,
14 1983.

15 MR. WAPNER: WELL, YOUR HONOR, I HAVE HERE AN ENVELOPE
16 FROM WHICH I HAVE REMOVED SEVERAL DOCUMENTS. IT HAS
17 BEEN PREVIOUSLY MARKED AS PEOPLE'S 38. MAY IT CONTINUE
18 TO BE MARKED AS 38 FOR IDENTIFICATION?

19 THE COURT: ALL RIGHT.

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1 Q BY MR. WAPNER: MISS KEENER, DO YOU RECOGNIZE
2 PEOPLE'S 38?

3 A YES, I DO.

4 Q AND WHAT ARE THOSE DOCUMENTS?

5 A THEY ARE COPIES OF STATEMENTS, DELIVERY RECEIPTS,
6 LEASE AGREEMENTS AND ALSO CREDIT APPLICATIONS ON THE
7 THREE VEHICLES.

8 Q ARE THOSE COPIES OF THE ORIGINAL RECORDS WHICH
9 YOU BROUGHT WITH YOU?

10 A THEY ARE.

11 Q ARE THERE COPIES IN PEOPLE'S 38 OF THE LEASE
12 AGREEMENTS FOR THE B.M.W. 633CSI AND THE B.M.W. 533I?

13 A YES, THERE ARE.

14 Q THE B.M.W. 633I, LOOKING AT THE LEASE AGREEMENT
15 FOR THAT VEHICLE, WHO SIGNED UP ON THAT LEASE?

16 A IT SAYS "AGENT" BUT I CANNOT IDENTIFY OR READ
17 THE SIGNATURE ITSELF.

18 Q AND THAT WAS LEASED TO GENERAL PRODUCERS
19 CORPORATION?

20 A IT WAS.

21 Q AND ABOVE WHERE IT SAYS "LESSEE," IS THERE A
22 SIGNATURE?

23 A THERE IS A SIGNATURE, BUT, AGAIN, I CANNOT READ
24 IT.

25 Q IT IS TYPED IN BELOW, "GENERAL PRODUCERS
26 CORPORATION"?

27 A IT IS.

28 MR. WAPNER: MAY I SEE THAT FOR A MOMENT, PLEASE?

1 (WHEREUPON, A DOCUMENT WAS HANDED TO
2 MR. WAPNER BY THE WITNESS.)

3 Q BY MR. WAPNER: AND THAT WOULD BE AT THE BOTTOM
4 OF THIS FORM?

5 A YES, SIR.

6 MR. WAPNER: YOUR HONOR, MAY I WALK THAT JUST IN FRONT
7 OF THE JURY BRIEFLY?

8 THE COURT: ALL RIGHT.

9 (MR. WAPNER SHOWS EXHIBIT TO THE JURY.)

10 MR. WAPNER: MAY THAT DOCUMENT THAT HAS PREVIOUSLY
11 BEEN MARKED PEOPLE'S 38-A CONTINUE TO BE 38-A, YOUR HONOR?

12 THE COURT: YES.

13 Q BY MR. WAPNER: DOES IT INDICATE ON THERE WHO
14 THE DRIVER OF THE CAR WAS TO BE?

15 A ON THE DELIVERY RECEIPT IT DID SO, YES.

16 Q AND WHO WAS THAT TO BE?

17 A DR. ROBERT LEVIN.

18 Q AND DO YOU HAVE STATEMENTS THERE IN FRONT OF
19 YOU AS PART OF 38 ON THAT ACCOUNT?

20 A I DO.

21 Q WHAT WAS THE AMOUNT OF THE LEASE FOR THAT CAR?

22 A THE AMOUNT OF THE LEASE, MONTHLY LEASE AMOUNT WAS
23 \$795.56.

24 Q AND DO THE STATEMENTS INDICATE WHETHER THAT LEASE
25 WAS BEING PAID?

26 A YES, IT DID.

27 Q AND WHAT DO THEY INDICATE, WAS IT PAID, WHEN
28 WAS THE LEASE DUE AND WHAT DAY OF THE MONTH?

1 A THE LEASE IS DUE ON THE FIRST DAY OF EACH MONTH.
2 THE COURT: YOU MEAN THE PAYMENTS UNDER THE LEASE?
3 MR. WAPNER: THANK YOU, YOUR HONOR.

4 Q THE PAYMENTS WERE DUE ON THE 1ST DAY OF EACH
5 MONTH?

6 A YES, SIR.

7 Q AND WAS THERE A PAYMENT MADE FOR THE BEGINNING
8 OF THE LEASE IN DECEMBER OF 1983?

9 A YES, THERE WAS.

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1 Q WAS THERE PAYMENT MADE FOR THE MONTH OF JANUARY
2 OF 1984?

3 A YES, THERE WAS.

4 Q AND WHAT ABOUT FOR FEBRUARY OF 1984?

5 A YES, SIR.

6 Q AND WHAT ABOUT FOR MARCH OF 1984?

7 A YES, SIR.

8 Q WHAT ABOUT FOR APRIL OF 1984?

9 A YES, SIR.

10 Q AND FOR MAY OF 1984?

11 A YES, SIR.

12 Q AND FOR JUNE OF 1984?

13 A YES, SIR.

14 Q WHAT ABOUT FOR JULY OF 1984?

15 A NO, SIR.

16 Q WERE THERE ANY PAYMENTS MADE AFTER JUNE OF
17 1984?

18 A NO, SIR.

19 Q WHEN WAS THE JUNE PAYMENT FOR THAT CAR RECEIVED?

20 A IT WAS RECEIVED AND DEPOSITED ON JUNE 4TH
21 OF 1984.

22 THE COURT: JUNE 4TH?

23 THE WITNESS: JUNE 4TH.

24 THE COURT: UH-HUH.

25 Q BY MR. WAPNER: AND WHAT WAS THE AMOUNT OF
26 PAYMENT DUE -- THE AMOUNT OF THE PAYMENT THAT YOU RECEIVED
27 IN JUNE ON THAT LEASE?

28 A ON THIS PARTICULAR LEASE, IT WAS \$786.36.

1 Q WHY IS THAT DIFFERENT FROM THE \$795.56 THAT
2 YOU GAVE US BEFORE?

3 A BECAUSE ON MAY 7, ADDITIONAL MONEY HAD BEEN
4 RECEIVED. THEREFORE, \$9.80 HAD BEEN ALREADY APPLIED
5 TO THE JUNE PAYMENT.

6 Q SO IT WAS AN OVERPAYMENT THE MONTH BEFORE?

7 A YES, SIR.

8 Q AND SO YOU RECEIVED A CHECK ON JUNE THE 4TH
9 FOR \$786.36?

10 A ON THIS CAR, YES.

11 MR. WAPNER: YOUR HONOR, I HAVE TWO DOCUMENTS HERE
12 THAT I WOULD LIKE TO MARK COLLECTIVELY AS PEOPLE'S NEXT
13 IN ORDER, WHICH I BELIEVE WOULD BE 155.

14 THE COURT: YES. 155.

15 MR. WAPNER: AND TOGETHER WITH THE PAPER CLIP ON
16 THE TOP ONE, IS A CHECK DATED JUNE 1ST. THEN THE SECOND
17 ONE IS A COPY OF WHAT APPEARS TO BE A STATEMENT AND COPY
18 OF A CHECK.

19 THE COURT: SO MARKED.

20 MR. WAPNER: MAY I HAVE A MOMENT?

21 THE COURT: YES.

22 (PAUSE.)

23 MR. WAPNER: THANK YOU.

24 Q SHOWING YOU A DOCUMENT WE HAVE MARKED AS
25 PEOPLE'S 155, SPECIFICALLY A CHECK THAT IS PART OF 155,
26 DO YOU RECOGNIZE ANYTHING ON EITHER THE FRONT OR THE
27 BACK OF THAT CHECK?

28 A ON THIS PARTICULAR CHECK IT HAS THE CUSTOMER

1 NUMBER THAT APPLIES TO THE CAR THAT YOU HAVE BEEN INQUIRING
2 ABOUT, IN THE AMOUNT THAT I STATED. ON THE BACK IT HAS
3 OUR DATE DEPOSIT STAMP.

4 Q AND WHAT DOES THAT INDICATE TO YOU?

5 A THAT THIS CHECK WAS RECEIVED AND IT WAS DEPOSITED
6 ON THE 4TH OF JUNE, 1984.

7 Q AND THAT CHECK WAS WRITTEN ON JUNE 1ST, IS
8 THAT RIGHT?

9 A YES, IT WAS.

10 Q SO, THAT IS THE CHECK THAT WAS USED TO MAKE
11 THE PAYMENT THAT YOU RECEIVED ON JUNE 4TH?

12 A IT IS.

13 Q AND ON THE OTHER CAR THAT YOU REFERRED TO,
14 WHICH WAS THE B.M.W. 533I, WERE THERE -- WHAT WAS THE
15 AMOUNT OF THE LEASE ON THAT CAR?

16 A IT WAS \$615.89 A MONTH.

17 Q AND WAS THAT LEASE PAID -- WELL, WHO WAS
18 THE PERSON WHO SIGNED THAT LEASE AGREEMENT?

19 A I CANNOT READ THE SIGNATURE.

1 Q DOES IT APPEAR TO BE THE SAME ONE AS THE OTHER?

2 A YES, IT DOES.

3 MR. WAPNER: YOUR HONOR, I HAVE ANOTHER, THIS DOCUMENT.
4 THAT IS PART OF 38, CAN I MARK IT 38-B?

5 THE COURT: YES.

6 Q BY MR. WAPNER: MISS KEENER, SHOWING YOU 38-B,
7 DOES THAT APPEAR TO BE THE LEASE -- COPIES OF THE DOCUMENTS,
8 INCLUDING THE LEASE AGREEMENT FOR THE B.M.W. 5331?

9 A NO.

10 WHAT YOU JUST HANDED ME IS ON THE HONDA.

11 Q THAT WAS THE THIRD CAR THAT HE WAS RENTING;
12 IS THAT RIGHT?

13 A YES.

14 Q LEASING?

15 DO YOU HAVE ONE THERE FOR THE 5331?

16 A YES, I DO.

17 Q AND WHAT WAS THE AMOUNT ON THE LEASE ON THAT
18 CAR?

19 A \$615.89.

20 Q WHO SIGNED THAT LEASE AGREEMENT?

21 A IT APPEARS TO BE THE SAME SIGNATURE AS THE OTHER
22 B.M.W.

23 (UNREPORTED COLLOQUY BETWEEN MR. WAPNER
24 AND THE WITNESS.)

25 Q BY MR. WAPNER: AND WHAT YOU HAVE IN YOUR FILES
26 HERE IS A COPY; IS THAT RIGHT?

27 A THAT'S CORRECT.

28 Q DO YOU KNOW WHERE THE ORIGINAL IS?

2
1 A THE ORIGINAL DOCUMENT SHOULD BE WITH THE BANK.

2 Q DO YOU HAVE THE STATEMENTS AS PART OF 38 THAT
3 PERTAIN TO THE LEASE ON THAT CAR?

4 A YES, I DO.

5 Q AND WERE PAYMENTS MADE ON THAT B.M.W. 5331 IN
6 DECEMBER WHEN THE LEASE STARTED?

7 A IN DECEMBER, YES, SIR.

8 Q WHAT ABOUT JANUARY?

9 A YES, SIR.

10 Q FEBRUARY OF '84?

11 A YES, SIR.

12 Q AND MARCH OF '84?

13 A YES, SIR.

14 Q AND APRIL OF '84?

15 A YES, SIR.

16 Q MAY OF '84?

17 A YES, SIR.

18 Q IN JUNE OF '84?

19 A YES, SIR.

20 Q AND JULY?

21 A NO, SIR.

22 Q WERE THERE ANY PAYMENTS MADE ON THAT LEASE AFTER
23 JUNE OF 1984?

24 A NO, SIR.

25 Q WAS THAT LEASE EVENTUALLY TAKEN OVER BY SOMEONE?

26 A YES, SIR, IT WAS.

27 Q WHO WAS IT TAKEN OVER BY?

28 A IT WAS TAKEN OVER BY A GARY TOLFA.

3
1 Q T-O-L-F-A?

2 A YES, SIR.

3 Q WHEN DID MR. TOLFA TAKE OVER THE LEASE?

4 A MR. TOLFA TOOK OVER THAT LEASE IN AUGUST OF
5 1984.

6 Q AND DID HE HAVE TO SIGN A NEW LEASE AGREEMENT?

7 A HE DID SIGN A NEW LEASE AGREEMENT, YES.

8 Q DO YOU HAVE A COPY OF THAT THERE?

9 A I DO.

10 MR. WAPNER: MAY I SEE IT, PLEASE?

11 (WHEREUPON, A DOCUMENT WAS HANDED TO
12 MR. WAPNER BY THE WITNESS.)

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1 Q WAS THERE A PAYMENT RECEIVED -- WHAT DATE WAS THE
2 PAYMENT RECEIVED IN JUNE OF 1984 FOR THE LEASE ON THE B.M.W.
3 5331?

4 A JUNE 4TH.

5 Q AND WHAT WAS THE AMOUNT OF THAT PAYMENT?

6 A \$615.89.

7 MR. WAPNER: YOUR HONOR, I HAVE A DOCUMENT HERE WHICH
8 CONSISTS OF TWO CHECKS AND ONE PAGE THAT APPEARS TO BE A
9 XEROX, INCLUDING A CHECK DATED JUNE 4TH FOR \$659.89 (SIC).

10 MAY THAT BE 156 FOR IDENTIFICATION?

11 THE COURT: SO MARKED.

12 MR. WAPNER: I AM REMOVING A CHECK FROM 156 IN THE AMOUNT
13 OF \$615.89.

14 Q DO YOU RECOGNIZE THAT CHECK?

15 A YES. AGAIN, THIS IS A CHECK -- THIS IS A CHECK
16 BUT IT SAYS IT WAS DEPOSITED ON JUNE 6TH.

17 Q DEPOSITED BY YOU ON JUNE 6TH?

18 A YES, BY TOPAZ.

19 Q WHAT DATE DOES THE STATEMENT INDICATE THAT YOU
20 GOT IT?

21 A EXCUSE ME. I GAVE YOU THE WRONG DATE. IT
22 DOES SHOW ON THE STATEMENT THAT IT WAS DEPOSITED ON JUNE 6TH.

23 Q WHAT DATE WAS THE CHECK WRITTEN?

24 A JUNE 4TH.

25 Q AND ON WHAT ACCOUNT WAS THAT CHECK DRAWN?

26 A IT WAS THE -- THE BANK ACCOUNT?

27 Q YES.

28 A IT WAS OLYMPIC NATIONAL BANK.

1 Q ON THE GENERAL PRODUCERS CORPORATION?

2 A NO. IT WAS GENERAL NEWSCORPORATION.

3 Q IT WAS AT OLYMPIC NATIONAL BANK?

4 A YES, IT IS.

5 Q AND WAS THERE ANOTHER CAR THAT WAS BEING LEASED
6 BY THE CORPORATION?

7 A YES, A HONDA.

8 Q WHAT YEAR WAS THE HONDA?

9 A 1984.

10 Q WHEN DID THE LEASE ON THAT CAR BEGIN?

11 A THE LEASE ON THAT VEHICLE BEGAN ON MAY 1ST, 1984.

12 Q AND WAS THERE A PAYMENT MADE IN JUNE OF 1984?

13 A YES, THERE WAS.

14 Q AND WHAT WAS THE DATE THAT YOU RECEIVED THE
15 PAYMENT?

16 A WE DEPOSITED THAT CHECK ON JUNE 6TH.

17 Q AND WAS THAT LEASE EVENTUALLY TAKEN OVER BY
18 SOMEONE?

19 A THIS PARTICULAR LEASE, THE VEHICLE WAS RETURNED
20 AND THE OUTSTANDING BALANCE WAS ASSIGNED TO OUR LEGAL.

21 Q WERE THERE ANY PAYMENTS MADE AFTER JUNE OF 1984
22 ON THAT?

23 A NOT THROUGH MY DEPARTMENT.

24 Q THE RECORD INDICATES NO PAYMENTS AFTER JUNE?

25 A NO, NOT BY STATEMENT.

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1 MR. WAPNER: YOUR HONOR, I HAVE ANOTHER DOCUMENT
2 THAT I WOULD LIKE TO MARK AS 157 FOR IDENTIFICATION THAT
3 CONTAINS A CHECK AND COPY OF THE STATEMENT. THE CHECK
4 IS DATED JUNE 4, 1984.

5 THE COURT: ALL RIGHT.

6 Q BY MR. WAPNER: MISS KEENER, SHOWING YOU
7 THE CHECK DATED JUNE 4TH, DO YOU RECOGNIZE ANYTHING ON
8 THAT CHECK?

9 A YES, IT DOES HAVE OUR DATE DEPOSIT STAMP
10 ON IT.

11 Q AND WAS THAT CHECK RECEIVED BY YOU IN PAYMENT
12 OF SOMETHING?

13 A YES, IT WAS.

14 Q WHAT?

15 A IN PAYMENT OF THE JUNE LEASE AMOUNT ON THE
16 HONDA.

17 Q WHICH WAS HOW MUCH?

18 A \$230 AND -- WELL, THE PAYMENT IS \$230.44.
19 THIS PARTICULAR CHECK WAS FOR \$230.43.

20 Q SO IT WAS A PENNY SHORT?

21 A IT WAS A PENNY SHORT, ONLY BECAUSE THE INITIAL
22 PAYMENT WAS A PENNY OVER.

23 THE COURT: ON WHAT ACCOUNT WAS THAT DRAWN?

24 THE WITNESS: THIS WAS ALSO A DRAW FROM THE OLYMPIC
25 NATIONAL BANK.

26 Q BY MR. WAPNER: ON THE GENERAL NEWS CORPORATION?

27 A UNDER GENERAL NEWS CORPORATION, YES, SIR.

28 THE COURT: AND DOES IT HAVE THE SIGNATURE, WHO

1 SIGNED FOR IT?

2 THE WITNESS: IT LOOKS MORE LIKE A CHARACTER.

3 (WITNESS SHOWS DOCUMENT TO COURT.)

4 THE COURT: ALL RIGHT.

5 Q BY MR. WAPNER: DOES THAT APPEAR TO YOU TO
6 BE THE SAME SIGNATURE THAT WAS ON THE ORIGINAL LEASE
7 AGREEMENT?

8 A YES.

9 Q ON THE B.M.W. 633CSI, AFTER THE PAYMENTS
10 STOPPED IN JUNE OF 1984, WHAT HAPPENED TO THE CAR?

11 A ON THE 633CSI?

12 Q CORRECT.

13 A THE CAR WAS RETURNED AND THE FINAL BALANCES
14 WERE ASSIGNED TO OUR LEGAL DEPARTMENT FOR COLLECTION.

15 Q WHEN WAS IT RETURNED?

16 A THE DATE INDICATED RETURNED WAS JULY 25,
17 1984.

18 Q AND WHEN THE LEASE WAS PAID ON THE 1ST OF
19 THAT MONTH, WAS THAT PAYING FOR THE LEASE OF THAT CAR
20 FOR THE NEXT MONTH?

21 A I DO NOT FOLLOW YOU.

22 Q IF YOU PAID ON JUNE THE 1ST, YOU WERE THEN
23 PAID UP THROUGH THE END OF THE MONTH?

24 A YES, FOR THE MONTH OF JUNE.

25 MR. WAPNER: MAY I HAVE JUST A MOMENT WITH THE
26 WITNESS, YOUR HONOR?

27 THE COURT: YES.

28 (UNREPORTED COLLOQUY BETWEEN MR. WAPNER
AND THE WITNESS.)

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Q BY MR. WAPNER: CAN YOU PROVIDE US WITH A COPY OF THE AGREEMENT, THE LEASE AGREEMENT FOR THE 5331?

A I CAN -- I CAN PROVIDE YOU WITH A COPY OF MY COPY, YES.

MR. WAPNER: CAN WE MARK THIS, YOUR HONOR, AS 38-C?
THE COURT: IT WILL BE SO MARKED.

FO.

1 MR. BARENS: COULD WE PLEASE IDENTIFY WHAT THAT IS,
2 YOUR HONOR?

3 THE COURT: SURE. SHOW COUNSEL.

4 MR. WAPNER: IT IS A DOCUMENT THAT CONSISTS OF THREE
5 XEROX PAGES, INCLUDING AN APPLICATION FOR CREDIT AND A TOPAZ
6 AUTO LEASING FINANCE LEASE, BUSINESS OR COMMERCIAL.

7 Q MISS KEENER, ARE THOSE THE DOCUMENTS THAT
8 REPRESENT THE LEASE AGREEMENT ON THE 533?

9 A YES, IT DOES.

10 Q THAT IS THE ONE THAT WAS EVENTUALLY TAKEN OVER
11 BY MR. TOLFA?

12 A YES, IT IS.

13 Q WHAT DATE WAS THE HONDA RETURNED?

14 A I SHOW THAT THE DATE OF THAT WAS AUGUST 1ST, 1984.

15 Q DOES IT SHOW WHO RETURNED IT?

16 A NO, IT DOES NOT.

17 Q WHO WAS THE DRIVER ON THAT, IF YOU KNOW?

18 A THE 1984? IT SHOWS THE DRIVER AS A COMPANY
19 CAR.

20 MR. WAPNER: I HAVE NOTHING FURTHER.

21 THE COURT: CROSS-EXAMINATION?

22 MR. BARENS: THANK YOU, YOUR HONOR. MAY I APPROACH,
23 YOUR HONOR?

24 THE COURT: YES.

25

26 CROSS-EXAMINATION

27 BY MR. BARENS:

28 Q GOOD AFTERNOON, MISS KEENER. MISS KEENER, ALL OF

-2
1 THESE LEASES APPEAR TO HAVE SOME SORT OF CREDIT APPLICATION
2 WITH THEM, DO THEY NOT?

3 A YES, THEY DO.

4 Q DO YOU HAVE THE ORIGINALS OF THE CREDIT APPLICATIONS
5 WITH YOU? JUST A MOMENT AGO I BELIEVE YOU WERE LOOKING
6 AT THE ORIGINAL OF THIS AND IT HAD WHATEVER IT WAS, ON
7 TOP OF THIS. THAT IS WHAT I AM LOOKING FOR.

8 A WHAT I AM LOOKING AT IS --

9 Q I AM LOOKING AT THE CREDIT APPLICATION BUT YOU
10 SEE, THERE APPEARS TO BE TWO DOCUMENTS ON TOP OF IT. AND
11 WHEN IT XEROXED, IT BLOCKED OUT THE SECOND THING. THAT IS
12 WHAT I AM LOOKING FOR. I BELIEVE I SAW THAT IN YOUR HAND A
13 MOMENT AGO.

14 A IT MAY BE HERE (PAUSE).
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1 (UNREPORTED COLLOQUY BETWEEN MR. BARENS
2 AND THE WITNESS.)

3 Q CAN I SEE WHAT YOU HAVE IN YOUR HAND?
4 (DOCUMENTS HANDED TO MR. BARENS BY
5 THE WITNESS.)

6 AGAIN, I AM ASKING YOU IF YOU COULD PLEASE LOCATE
7 THE ORIGINAL OF THE CREDIT APPLICATIONS WITH THE THREE LEASES
8 THAT WOULD SHOW ME AS WELL --

9 THERE APPEARS TO BE TWO PIECES OF PAPER ON TOP
10 OF THIS LEASE, ONE OF WHICH IS OBLITERATING THE OTHER
11 ONE AND THERE IS HANDWRITING THERE WHICH I WOULD LIKE
12 TO SEE.

13 (FURTHER PAUSE IN PROCEEDINGS.)

14 Q WHAT IS THAT ONE?

15 A NO. THESE AREN'T.

16 I DON'T KNOW WHAT HAS HAPPENED TO IT. I
17 DON'T HAVE IT WITH ME.

18 Q YOU DON'T HAVE IT WITH YOU?

19 DID YOU PROVIDE THE DISTRICT ATTORNEY'S OFFICE
20 WITH COPIES OF CERTAIN DOCUMENTS?

21 A I DID.

22 THE COURT: DO YOU HAVE ANY COPIES THERE SO WE
23 CAN CUT THIS SHORT, HAVE YOU GOT ANY COPIES THAT HE IS
24 LOOKING FOR?

25 MR. WAPNER: I DON'T KNOW.

26 THE COURT: AN APPLICATION FOR --

27 MR. WAPNER: I DON'T THINK SO, YOUR HONOR. I WILL
28 CHECK.

1 (FURTHER PAUSE IN PROCEEDINGS.)

2 MR. BARENS: JUDGE, IT IS JUST THAT THE COPY I
3 HAVE HAS THINGS ON TOP OF IT AND I CAN'T SEE COMPLETELY
4 THE WRITING BECAUSE WHEN THEY COPIED THERE IS STUFF ON TOP
5 OF THE COPY AND I CAN'T SEE THE ORIGINAL.

6 THE COURT: CAN YOU USE WHAT YOU HAVE GOT?

7 MR. BARENS: PARTIALLY, YOUR HONOR.

8 THE COURT: ALL RIGHT.

9 MR. WAPNER: WHAT I HAVE ARE COPIES OF THE STATEMENTS.

10 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

11 THE COURT: CAN YOU USE WHAT YOU HAVE GOT?

12 MR. BARENS: PARTIALLY, YOUR HONOR.

13 THE COURT: ALL RIGHT.

14 MR. WAPNER: WHAT I HAVE ARE COPIES OF THE STATEMENTS.

15 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

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1 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

2 MR. BARENS: LET ME DO WHAT I CAN IN AN ATTEMPT TO
3 SAVE TIME.

4 Q HAVE YOU SEEN THE THREE CREDIT APPLICATIONS FOR
5 EACH OF THOSE? I MEAN, HAVE YOU SEEN THE CREDIT APPLICATION
6 FOR EACH OF THE THREE LEASES?

7 A I HAD SEEN THEM, YES, SIR.

8 Q IS IT A FACT THAT THEY WERE ALL THE SAME
9 DOCUMENT THAT HAD BEEN AN ORIGINAL AND ONE AND THE OTHER
10 TWO WERE XEROXES ATTACHED TO EACH OF THE LEASE AGREEMENTS?

11 A MANY TIMES WHEN MORE THAN ONE CAR IS LEASED
12 AT A TIME, WHAT THEY WILL DO IS TAKE THE ORIGINAL AND THEN
13 MAKE UP XEROX COPIES FOR THE POCKETS, YES, SIR.

14 Q WAS THAT DONE ON THIS SERIES OF LEASES?

15 A YES. IT WAS DONE.

16 MR. BARENS: I HAVE HERE A COPY OF WHAT APPEARS TO
17 BE A TOPAZ AUTO LEASING -- I PRESUME THIS IS A PART OF ONE
18 OF THE EXHIBITS. RIGHT, MR. WAPNER?

19 MR. WAPNER: I DON'T KNOW WHERE YOU GOT THAT FROM.

20 MR. BARENS: I GOT IT FROM YOU, ACTUALLY.

21 MR. WAPNER: MAY WE HAVE A MOMENT?

22 THE COURT: YES.

23 (PAUSE.)

24 MR. BARENS: THERE IS A BIT OF CONFUSION ON THE
25 DOCUMENTS. BUT, LET'S TRY TO MOVE AHEAD WITH IT.

26 Q NOW, I SHOW YOU A DOCUMENT THAT IS FROM THE
27 EXHIBIT 38 SERIES. WOULD THAT BE THE CREDIT APPLICATION
28 THAT ACCOMPANIED THOSE THREE VEHICLES? IT IS CAPTIONED

2

1 "TOPAZ AUTO LEASING APPLICATION FOR CREDIT"?

2 A YES.

3 Q ALL RIGHT. NOW, IT IS A FAIR STATEMENT THAT THAT
4 SAME CREDIT APP. ACCOMPANIED ALL THREE LEASES?

5 A NO.

6 Q NO? WHAT IS THE DIFFERENCE?

7 A WELL, FIRST OF ALL, THERE WERE TWO LEASES THAT
8 WERE LEASED AT THE SAME TIME. AND THEN THE THIRD VEHICLE
9 WAS LEASED THE FOLLOWING YEAR.

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1 Q OKAY, THIS CREDIT APPLICATION THAT I AM TALKING
2 ABOUT -- AND LET'S CALL THIS ONE THE ONE WITH THE RED INK
3 ON TOP -- THAT ONE WOULD ACCOMPANY THE TWO B.M.W.S?

4 A YES, IT WOULD HAVE.

5 Q WITH REFERENCE TO THAT, THERE IS SOME INFORMATION
6 CONCERNING THE PROPOSED LESSEE; IS THAT CORRECT?

7 A YES.

8 Q AND WHO DOES IT SHOW THE PRESIDENT OF THE COMPANY
9 AS BEING?

10 A AS A DR. PRESLEY LEE.

11 Q IS THAT LEE OR REED?

12 A REED. EXCUSE ME.

13 Q ACTUALLY --

14 A REED.

15 Q THAT IS THE PRESIDENT, HE IS THE PRESIDENT OF
16 WHAT COMPANY?

17 A IT SAYS "GENERAL PRODUCERS CORPORATION".

18 Q AND THERE IS AN ADDRESS?

19 A YES, THERE IS.

20 Q AND THAT IS?

21 A 9701 WILSHIRE.

22 Q NOW WE GET INTO SOME REFERENCES AND WHAT DOES IT
23 SHOW FOR BANK REFERENCES THERE?

24 A IT SHOWS SHEARSON AMERICAN EXPRESS.

25 Q AND IT SHOWS A PERSON'S NAME THERE THAT WOULD
26 BE A REFERENCE?

27 A IT SHOWS BOB PACILLO.

28 Q COULD YOU SPELL THAT, PLEASE?

1 A P-A-C-I-L-L-O.

2 Q ALL RIGHT, EXCUSE ME.

3 AND THEN IT INDICATES AN ACCOUNT NUMBER, DOES IT
4 NOT, OVER TO THE RIGHT?

5 A IT DOES.

6 Q AND LATER ON DOWN HERE UNDER -- I AM SORRY TO
7 DO THIS -- NOW IT INDICATES SOME PREVIOUS ADDRESSES, DOES IT?

8 A IT DOES.

9 Q AND WHAT DOES IT SAY DR. REED'S PREVIOUS ADDRESS
10 IS?

11 A IT GIVES IT AS 999 8TH STREET, BOULDER COLORADO.

12 Q AND LET ME TRY TO FIND A COPY OF THIS THAT I
13 CAN LOOK AT.

14 OKAY, AND IT HAS HIS SOCIAL SECURITY NUMBER THERE,
15 DOES IT, BELOW HIS PREVIOUS ADDRESS IN BOULDER COLORADO?

16 A IT HAS A SOCIAL SECURITY NUMBER BUT THAT DOESN'T
17 LOOK --

18 Q IT DOESN'T LOOK RIGHT, DOES IT?

19 A I AM NOT SURE THAT THAT IS A SOCIAL SECURITY
20 NUMBER. IT IS IN WHERE IT SHOULD BE.

21 Q QUITE SO.

22 A BUT IT LOOKS MORE LIKE THAT IS A TELEPHONE
23 NUMBER.

24 Q INDEED.

25 AND BELOW THAT IT SAYS "EMPLOYER'S NAME"?

26 A THAT SAYS "SELF".

27 Q AND WHAT DOES IT SAY TO THE RIGHT OF THAT?

28 A IT SAYS "ONE".

1 Q DOES IT LOOK LIKE THE WORD PHYSICIAN?

2 A IT COULD POSSIBLY BE, YES. I WOULD INTERPRET
3 IT AS BEING SELF.

4 Q AND AS WE MOVE DOWN THAT SHEET, THERE ARE SOME
5 REFERENCES FOR BANK REFERENCES FOR DR. REED AND WHERE DOES
6 IT SAY HE HAS A BANK?

7 A IT LISTS SOUTH DENVER NATIONAL BANK.

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1 Q AND BELOW THAT, MA'AM?

2 A A NATIONAL BANK OF THE ROCKIES.

3 Q AND TO YOUR RIGHT OF THAT, DO WE SEE THE
4 WORDS "PRESIDENT" OR "P-R-E-S REED"?

5 A WE DO.

6 Q AND BELOW THAT, ARE THERE ACCOUNT NUMBERS?
7 IT SAYS -- ACTUALLY AN ACCOUNT NUMBER AND THEN TO THE
8 RIGHT OF THAT?

9 A FOR THE FIRST BANK, IT DOES NOT SHOW AN ACCOUNT
10 NUMBER. FOR THE SECOND ONE, IT DOES HAVE AN ACCOUNT
11 NUMBER.

12 Q ALL RIGHT. NOW, TO THE RIGHT OF THAT WHERE
13 THEY HAVE ACCOUNT NUMBER, WHAT ARE THE WORDS YOU FIND?

14 A I FIND THE WORDS WRITTEN IN "SAVINGS."

15 Q AND BELOW THAT?

16 A "MONEY MARKET, SIX MONTHS."

17 Q ALL RIGHT. NOW, I NOTICE THAT THERE ARE
18 TWO CIRCLED ITEMS.

19 YOUR HONOR, I WOULD LIKE TO WALK THIS PAST
20 THE JURY BECAUSE --

21 THE COURT: I DON'T KNOW WHAT THE RELEVANCY IS.
22 MAKE AN OFFER OF PROOF. COME UP TO THE BENCH. WE ARE
23 WASTING AN AWFUL LOT OF TIME, I THINK. COME UP TO THE
24 BENCH.

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

27 THE COURT: I SAID THAT THE DISTRICT ATTORNEY HAS
28 OFFERED ALL OF THIS TESTIMONY ON THE LEASING OF THOSE

1 CARS, AS I UNDERSTAND IT, JUST TO DEMONSTRATE THAT THE
2 LAST PAYMENT WAS MADE IN JUNE AND THAT THEREAFTER, NO
3 PAYMENTS WERE MADE ON THE CAR AND THE CARS WERE TAKEN
4 OVER.

5 NOW, WHAT ARE YOU GOING IN TO ALL THIS STUFF
6 FOR? TO SHOW THERE WAS FRAUD AND MISREPRESENTATION?
7 THAT IS NO GOOD. IT DOESN'T MEAN ANYTHING.

8 IT HAS NOTHING TO DO WITH THE DISAPPEARANCE
9 OF THIS MAN.

10 MR. BARENS: YOUR HONOR, I BEG TO DIFFER WITH YOU,
11 YOUR HONOR. WE ARE NOW INTO TESTIMONY SHOWING THAT WE
12 HAVE A MAN WHO WE KNOW TO BE A PSEUDONYM OF MR. LEVIN'S
13 WHO HAD BANK ACCOUNTS OUT OF STATE, IN COLORADO.

14 IT SHOWS A SPECIFIC ACCOUNT NUMBER TO THOSE
15 BANK ACCOUNTS. IT SHOWS BANK OFFICERS FOR THOSE BANK
16 ACCOUNTS.

17 MR. WAPNER: WELL, IF IT IS OFFERED TO PROVE THAT
18 HE HAD THOSE BANK ACCOUNTS, THEN THE OBJECTION IS HEARSAY.
19 THERE IS A MOTION TO STRIKE.

20 THE COURT: THAT DOESN'T SHOW ANYTHING AT ALL EXCEPT
21 THAT HE MIGHT HAVE MISREPRESENTED IN GETTING THE CARS.
22 WHAT DIFFERENCE DOES ALL THIS MAKE?

23 MR. BARENS: YOUR HONOR, I BELIEVE THAT I DON'T
24 HAVE TO REVEAL THE EXTENT OF MY DEFENSE.

25 THE COURT: YOU REVEAL WHAT IT IS YOU WANT TO ESTABLISH
26 BY THIS PARTICULAR DOCUMENT.

27 MR. BARENS: YOUR HONOR, COULD I HAVE A MOMENT,
28 PLEASE?

1 THE COURT: SURE.

2 MR. BARENS: BECAUSE YOUR HONOR ASKED -- LET ME
3 JUST SAY THIS TO YOUR HONOR. I AM NOT OUT THERE FISHING.

4 THE COURT: WHAT?

5 MR. BARENS: I AM NOT OUT THERE FISHING.

6 THE COURT: IT IS NOT A QUESTION OF FISHING. I
7 WANT TO KNOW, ASSUMING THAT THERE HAD BEEN MISREPRESENTATIONS,
8 SOMEBODY ELSE MIGHT HAVE SIGNED IT, WHAT HAS THAT GOT
9 TO DO WITH IT?

10 THE ONLY PURPOSE THAT I TOLD YOU THAT HE
11 BROUGHT IT UP, IS TO SHOW THE LEASES ON THESE THREE CARS.
12 ON THESE THREE CARS, NO PAYMENTS WERE MADE AFTER JUNE.
13 AND THEN THE CARS WERE TAKEN BACK.

14 WHAT DIFFERENCE DOES IT MAKE WHAT THEY SAY
15 ON THIS PARTICULAR APPLICATION? MAKE AN OFFER OF PROOF.
16 WHAT DO YOU WANT TO SHOW BY THIS DOCUMENT?

17 MR. BARENS: I WANT TO SHOW THE DESCRIPTION THAT
18 THIS INDIVIDUAL GAVE OF HIMSELF AND HIS ASSETS. IT WILL
19 BECOME RELEVANT AS WE GO ALONG.

20 WE WILL SHOW THAT IT HAS BEEN CORROBORATED
21 AS WE GO ALONG.

22 THE COURT: I DON'T KNOW WHAT YOU MEAN BY THAT.

23 MR. BARENS: THERE ARE REPRESENTATIONS --

24 THE COURT: WILL YOU TELL THIS GENTLEMAN, WHOEVER
25 HE IS THAT IS STANDING NEXT TO YOU, I WANT YOU TO DO
26 THE TALKING. YOU CAN TELL ME. DON'T HAVE HIM INTERRUPT.

27 MR. CHIER: I THINK YOU KNOW WHO I AM, YOUR HONOR.

28 MR. BARENS: YOUR HONOR, THERE ARE AFFIRMATIVE

1 REPRESENTATIONS MADE THAT WILL BE CORROBORATED AS WE
2 GO ALONG.

3 THE COURT: WHAT?

4 MR. BARENS: THERE ARE REPRESENTATIONS MADE ABOUT
5 INCOME THAT DR. REED ESTABLISHED HERE, THAT WAS CORROBORATED.
6 I WOULD LIKE TO TALK MORE ABOUT THAT.

7 THE COURT: WHAT DIFFERENCE DOES THAT MAKE, THE
8 CORROBORATION OF WITNESSES? THIS DOESN'T SHOW --

9 MR. BARENS: YOUR HONOR, PLEASE --

10 THE COURT: LET ME SEE THIS, WILL YOU?

11 MR. BARENS: YES, SIR.

12 THE COURT: ALL RIGHT. NOW, YOU TELL ME WHAT ON
13 THIS YOU WANT TO ESTABLISH.

14 MR. BARENS: I WANT TO ESTABLISH THAT THESE PEOPLE
15 CORROBORATED DR. PRESLEY REED HAD AN INCOME OF IN EXCESS
16 OF \$1,000,000, THAT DR. REED HAD AN INCOME -- STRIKE
17 THAT. LET ME BACK UP.

18 THE COURT: THAT SOMEBODY REPRESENTED ON THIS PIECE
19 OF PAPER THAT DR. REED HAD --

20 MR. BARENS: THAT IT WAS CORROBORATED THROUGH THEIR
21 CREDIT CHECK. HE CORROBORATED THE --

22 THE COURT: WELL, WE CAN ASK WHETHER OR NOT IT
23 WAS CORROBORATED.

24 MR. BARENS: I WILL, IF YOU WILL PERMIT ME.

25 THE COURT: GO AHEAD. I STILL DON'T KNOW WHAT
26 IT MEANS.

27 MR. BARENS: YOUR HONOR, THERE IS A BIG ISSUE ABOUT
28 HOW MUCH MONEY MR. LEVIN HAD.

1 THE COURT: GO ON. WHAT DIFFERENCE DOES IT MAKE?
2 WE ARE TAKING MORE TIME UP ON THIS. IT IS JUST A WASTE
3 OF TIME.

4 MR. BARENS: I DIDN'T BRING IT UP TO BEGIN WITH.

5 THE COURT: GO AHEAD.

6 MR. BARENS: THANK YOU, YOUR HONOR.

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

9 Q BY MR. BARENS: IF WE COULD GET BACK FOR
10 A MOMENT, MS. KEENER, I NOTICE THAT THERE ARE TWO --
11 COULD I SHOW IT TO THE JURY?

12 THE COURT: NO. JUST FINISH WITH HER AND THEN
13 YOU CAN SHOW IT TO THEM.

14 MR. BARENS: ALL RIGHT.

15 Q IN THE RIGHT HAND, THERE ARE TWO CIRCLED
16 AREAS. IS THAT CORRECT?

17 A THERE ARE.

18 Q AND THERE IS AN M4 AND M5?

19 A THERE ARE.

20 FO.

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1 Q DO YOU KNOW WHAT THAT STANDS FOR?

2 A NO, I DO NOT.

3 Q IT IS NOT SOME SORT OF A RATING YOU FOLKS DO?

4 A IT COULD VERY POSSIBLY BE BUT I DO NOT DO
5 CREDIT CHECKS OR RATINGS.

6 Q I SEE.

7 I CALL YOUR ATTENTION TO THE BOTTOM --

8 MR. WAPNER: OBJECTION AS TO HEARSAY AS TO FOUNDATION.
9 SHE JUST SAID SHE DOESN'T DO CREDIT CHECKS AND RATINGS.
10 I DON'T KNOW WHAT THE FOUNDATION IS FOR THIS DOCUMENT.

11 MR. BARENS: LET ME ASK HER AS WE GO ALONG HERE.

12 THE COURT: GO AHEAD.

13 Q BY MR. BARENS: AT THE BOTTOM, DO YOU SEE WHAT
14 APPEARS TO BE A LARGER CARD THAT HAS WHAT APPEARS TO BE
15 PRINTED MATERIALS ON IT?

16 A I DO.

17 Q AND THERE IS PRINTED AND HANDWRITTEN MATERIALS?

18 A YES.

19 Q DO YOU KNOW WHAT SORT OF A CARD THAT IS?

20 A IT IS SOME TYPE OF A CERTIFICATION BUT WITHOUT
21 KNOWING EXACTLY WHAT IT SAYS, I CANNOT ANSWER.

22 Q CAN YOU FIND AMONGST YOUR MATERIALS ANY CARDS
23 LIKE THAT THAT YOU BROUGHT TODAY?

24 A I WILL LOOK.

25 Q THANK YOU.

26 (PAUSE IN PROCEEDINGS.)

27 Q BY MR. BARENS: RATHER THAN DOING IT THAT WAY,
28 WHICH MIGHT TAKE UP A BIT OF TIME, IF I COULD JUST ADDRESS

2
1 YOUR ATTENTION TO WHAT APPEARS TO BE GOING ON ON THIS PAPERWORK,
2 MA'AM.

3 A OKAY.

4 Q THERE IS REFERENCE MADE IN HERE, DO YOU SEE --
5 EARLIER ON, YOU HAD TALKED ABOUT BOB PACILLO -- THAT IS
6 UP HERE AT THE TOP -- FOR SHEARSON AMERICAN EXPRESS?

7 A THAT'S CORRECT.

8 Q DO YOU SEE AN ASTERISK TO THE RIGHT OF HIS NAME?

9 A THERE IS.

10 Q AND DO YOU SEE HIS NAME REFERENCED ON THE BOTTOM
11 CARD THAT I AM REFERRING TO?

12 A YES, THERE IS.

13 Q AND IS THERE AN ASTERISK TO HIS NAME THERE?

14 A THERE IS.

15 Q AND WHAT DOES IT SAY THERE?

16 A IT SAYS "PER BOB PACILLO SHEARSON AMERICAN
17 EXPRESS, REED HAD IN EXCESS OF \$1 MILLION IN COMMODITIES
18 AND SECURTIES AND HAS A NET WORTH," AND IT APPEARS TO
19 BE "\$15 MILLION. WILL PUT IN WRITING WITH WRITTEN
20 REQUEST WITH LETTER."

21 Q NOW DO YOU RECOGNIZE ANY OF THE SIGNATURES TO
22 THE LEFT THERE WHERE THERE IS A DATE 12-1-83, IT APPEARS
23 AND THERE ARE SOME SIGNATURES OVER THERE TO THE LEFT?

24 A I CANNOT TELL YOU WHO THAT SIGNATURE IS.

25 Q ALL RIGHT. WOULD THAT BE A PLACE ON ONE OF
26 THOSE AGREEMENTS WHERE SOMEONE FROM YOUR COMPANIES WOULD
27 SIGN?

28 A THERE WOULD BE A NOTATION PER A GIVEN INDIVIDUAL

3
1 THAT THE CREDIT HAS BEEN APPROVED, YES.

2 Q AND COULD YOU GIVE ME THE NAMES OF THE PEOPLE
3 AT TOPAZ THAT WOULD DO THESE CREDIT APPROVALS OR AT
4 EXECUTIVE CAR LEASING, AS I ASSUME THEM TO BE ONE AND THE SAME
5 PERHAPS FOR THIS PURPOSE?

6 A THOSE PEOPLE HAVE NOW CHANGED.

7 Q ALL RIGHT. WHO WERE THEY AT THAT TIME?

8 A I DO NOT RECALL WHO THEY WERE AT THAT TIME.

9 Q WHO WOULD THERE BE AT YOUR BUSINESS PLACE THAT
10 COULD TELL ME THAT INFORMATION?

11 A POSSIBLY MRS. MAY CORVIN OR MR. JOE COWAN OR
12 MR. JOE SHEHAB.

13 THE COURT REPORTER: HOW DO YOU SPELL SHEHAB?

14 THE WITNESS: S-H-E-H-A-B.

15 Q BY MR. BARENS: WE HAVE -- I SUBMIT TO YOU,
16 BETWEEN THE THREE VEHICLES SOME 60 ODD THOUSAND DOLLARS
17 WORTH OF CARS BEING LEASED BY YOUR PLACE OF BUSINESS.

18 MR. WAPNER: OBJECTION. ASSUMES FACTS NOT IN EVIDENCE.

19 MR. BARENS: WELL, WHY DON'T WE JUST ADD UP THE THREE
20 NUMBERS ON THE CARD AND I SUBMIT IT WILL COME UP TO
21 \$63,000. WE CAN STOP AND DO THAT. HOWEVER, IT IS NOT ASSUMING
22 FACTS NOT IN EVIDENCE. I SAT HERE AND ADDED THEM UP,
23 JUDGE.

24 THE COURT: ALL RIGHT, IF YOU TOTALED IT UP AND YOU
25 SAY THAT IS IT.

26 MR. BARENS: I AM NOW CORRECTED. IT IS 68,000.

27 THE COURT: ALL RIGHT. GO AHEAD.

28 Q BY MR. BARENS: ALL RIGHT.

1 THE COURT: THE TITLE OF THE CAR IS WITH THE COMPANY,
2 ISN'T IT?

3 THE WITNESS: ALL OF THESE REMAIN IN THE NAME OF THE
4 COMPANY.

5 THE COURT: ALL RIGHT.

A FO.

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1 Q BY MR. BARENS: ALL RIGHT, OF COURSE, BUT
2 WHAT I AM ACTUALLY ASKING, WOULDN'T YOU HAVE VERIFIED
3 THE CREDIT OF SOMEONE BEFORE YOU RELEASED THEM?

4 A THAT IS THE STANDARD PROCEDURE, YES.

5 MR. BARENS: I WOULD LIKE TO SEPARATELY MARK, YOUR
6 HONOR, THE EXHIBIT I WAS JUST REFERRING TO AND I WILL
7 MAKE IT DEFENDANT'S NEXT IN ORDER.

8 THE COURT: I THOUGHT THAT HAS ALREADY BEEN MARKED,
9 HASN'T IT?

10 MR. BARENS: I DON'T THINK SO.

11 THE COURT: ISN'T THAT PART OF ONE OF YOUR EXHIBITS,
12 MR. WAPNER?

13 MR. WAPNER: IF I AM NOT MISTAKEN, YOUR HONOR,
14 IT IS AN EXACT COPY OF SOMETHING THAT IS IN 38.

15 THE COURT: ALL RIGHT. WE WILL MARK IT SEPARATELY
16 IF YOU WANT THAT.

17 MR. BARENS: ALL RIGHT, LET'S CALL IT --

18 THE COURT: DEFENDANT'S EXHIBIT WHAT?

19 MR. BARENS: WHERE AM I, JUDGE? E? I DON'T KNOW.

20 THE CLERK: "B" AS IN BOY.

21 THE COURT: WE HAVEN'T GOT ANY --

22 THE CLERK: WE JUST HAVE "A."

23 THE COURT: WE HAVE "A."

24 MR. BARENS: WE WILL CALL IT "B" THEN.

25 THE COURT: IT IS YOUR FIRST EXHIBIT.

26 MR. BARENS: ALL RIGHT, WE WILL CALL IT "A" --
27 IT IS "B." THE CONSENSUS IS IT IS "B" FOR NOW.

28 THE COURT: ALL RIGHT, "B."

1 MR. BARENS: ALL RIGHT, WE WILL CALL IT DEFENDANT'S B.

2 THE COURT: ALL RIGHT.

3 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

4 MR. WAPNER: YOUR HONOR, IT APPEARS TO BE AN EXACT
5 COPY OF A PIECE OF PAPER THAT IS A PART OF 38-A. IT
6 IS THE LAST PIECE ON 38-A.

7 THE COURT: ALL RIGHT, WE DON'T HAVE TO MARK IT
8 AGAIN THEN, IS THAT IT?

9 MR. BARENS: WELL, I WOULD LIKE TO DO IT THAT WAY
10 SO EVENTUALLY WE COULD SEGREGATE IT.

11 THE COURT: ALL RIGHT, I WILL MARK IT AS EXHIBIT
12 B.

13 MR. BARENS: THANK YOU, YOUR HONOR.

14 Q NOW YOU TESTIFIED EARLIER THAT YOU DIDN'T
15 RECOVER POSSESSION OF THE 633CSI UNTIL THE END OF JULY?

16 A UNTIL THE 25TH OF JULY, THAT IS CORRECT.

17 Q WHO HAD IT UNTIL THEN?

18 A TO THE BEST OF MY KNOWLEDGE, IT WOULD HAVE
19 BEEN IN THE HANDS OF THE LESSEE.

20 Q I SEE. AND --

21 THE COURT: HOW WOULD YOU KNOW THAT?

22 MR. BARENS: SHE SAID TO THE BEST OF HER KNOWLEDGE.

23 THE COURT: HOW DO YOU KNOW IT WOULD BE IN THE
24 HANDS --

25 THE WITNESS: I WOULD HAVE TO ASSUME THAT THE PERSON
26 OR THE CORPORATION THAT LEASED THE VEHICLE, IT WOULD
27 BE IN THEIR POSSESSION.

28 THE COURT: ALL RIGHT. THAT IS AN ASSUMPTION ON

YOUR PART?

THE WITNESS: YES.

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6 FO.

1 MR. BARENS: THANK YOU, YOUR HONOR.

2 Q AND DO YOU HAVE THE NAMES OF THE INDICATED
3 DRIVERS OF THOSE VEHICLES ON THE THREE LEASES?

4 A YES. ON EACH DELIVERY RECEIPT IT SO INDICATES
5 WHO THE DRIVER WAS DESIGNATED AS.

6 Q AND COULD YOU PLEASE TELL ME WHO THEY WERE FOR
7 EACH CAR RESPECTIVELY?

8 A ON THE 1983 B.M.W. 633CSI, IT WAS DR. ROBERT LEVIN.

9 Q AND THE NEXT VEHICLE, MA'AM?

10 A ON THE 1983 B.M.W. 533I, IT SHOWED DR. PRESLEY REED.

11 Q THE FELLOW, THE SAME GUY WHOSE CREDIT YOU
12 VERIFIED?

13 A YES.

14 Q AND WHO WAS DRIVING THE THIRD CAR?

15 A ON THE HONDA, THAT IS THE ONE THAT WAS DESIGNATED
16 AS THE COMPANY CAR.

17 Q SO WE DON'T HAVE A DESIGNEE AS FAR AS AN INDIVIDUAL
18 DRIVER?

19 A WE DO NOT.

20 Q WAS THERE VERIFICATION OF INSURANCE PROVIDED
21 BEFORE THOSE CARS WERE RELEASED?

22 A THERE WAS SUPPOSED TO BE. I DO NOT KNOW IF
23 THERE WAS. I DO NOT DO THAT JOB, SIR.

24 Q WOULD THAT BE A PART OF YOUR PAPERWORK TODAY?

25 A ON THE B.M.W. 533I, IT SHOWED THAT THE INSURANCE
26 WAS A JACK PLATT IN CANOGA PARK.

27 Q THAT IS ON THE 533I?

28 A YES.

2
1 Q AND IS THERE A COPY OF THE INSURANCE POLICY OR
2 A BINDER OF SOME SORT?

3 A THAT WOULD BE IN THE HANDS OF OUR INSURANCE
4 DEPARTMENT.

5 Q AND YOU DO NOT HAVE ANY REFERENCE TO THAT HERE?

6 A NO, I DO NOT.

7 Q DO YOU HAVE ANY REFERENCE TO INSURANCE ON ANY
8 OF THE OTHER VEHICLES?

9 A ON THE HONDA CIVIC, ALL IT SAYS IS THAT THE LESSEE
10 IS PROVIDING INSURANCE. BUT IT DID NOT LIST THE AGENT'S
11 NAME.

12 Q WOULD IT BE YOUR UNDERSTANDING THAT SOMEONE
13 ELSE IN YOUR BUSINESS WOULD HAVE A FILE THAT WOULD REFLECT
14 THE INSURANCE COVERAGES ON THOSE VEHICLES?

15 A YES, SIR.

16 Q WOULD IT BE YOUR UNDERSTANDING BEFORE THESE
17 VEHICLES WOULD BE RELEASED, THAT YOUR COMPANY WOULD ACTUALLY
18 RECEIVE SOME SORT OF A WRITTEN VERIFICATION OF INSURANCE?

19 A I CANNOT TELL YOU EXACTLY HOW OUR INSURANCE
20 HANDLES THAT SECTION.

21 Q WHAT PERSON COULD YOU IDENTIFY FOR ME THAT WOULD
22 BE FAMILIAR WITH OR IN POSSESSION OF THOSE DOCUMENTS?

23 A THE LADY WHO TOOK OVER THE INSURANCE SECTION
24 IS MRS. KAREN -- I CANNOT TELL YOU HER LAST NAME.

25 Q ARE THOSE RECORDS YOU BROUGHT HERE TODAY, THE
26 BUSINESS RECORDS THAT WERE PREPARED AND KEPT REFERABLE TO
27 THIS TRANSACTION BY YOUR COMPANY?

28 A ONLY IN RELATION TO THE RELEASE OUTSIDE OF THE

3
1 INSURANCE.

2 Q ALL RIGHT. EXCEPT FOR WHAT WE HAVE GONE OVER
3 HERE?

4 A WE ARE SUPPOSED TO, YES.

5 Q WHEN I WAS UP THERE WITH YOU, I SHOWED YOU THIS
6 CARD IN THE LOWER RIGHT-HAND PORTION OF THE EXHIBIT THAT
7 SEEMS TO BE COVERED OVER BY ANOTHER SHEET. COULD YOU TELL
8 ME WHERE I WOULD BE ABLE TO FIND THAT CARD?

9 A THAT SHOULD PROBABLY BE ATTACHED TO THE ORIGINAL
10 COPY THAT WE HAD TO PROVIDE TO THE BANK.

11 Q AND COULD YOU TELL ME WHERE I WOULD FIND THAT,
12 MA'AM?

13 A I AM NOT SURE WHETHER IT IS STILL IN THE
14 POSSESSION OF THE BANK OR IF WE HAVE RECEIVED THOSE DOCUMENTS
15 BACK.

16 Q COULD YOU TELL ME WHAT BANK -- WELL, OKAY. COULD
17 YOU TELL ME WHAT BANK YOU SUBMITTED IT TO?

18 A NO, I CANNOT.

19 MR. BARENS: ALL RIGHT. THANK YOU, MA'AM. NOTHING
20 FURTHER.

21
22 REDIRECT EXAMINATION

23 BY MR. WAPNER:

24 Q YOU HAVE NEVER MET DR. REED, HAVE YOU?

25 A NO, NOT THAT I KNOW OF.

26 Q ALL RIGHT. AND IN FACT, IF THERE IS A DR. REED
27 IN BOULDER, COLORADO, YOU DON'T KNOW THAT ONE WAY OR THE
28 OTHER, DO YOU?

1 A I WOULD HAVE NO WAY OF KNOWING.

2 Q DO YOU KNOW MR. PACILLO, THE PERSON ON THE CREDIT
3 APPLICATION WHO WORKS AT SHEARSON AMERICAN EXPRESS?

4 A NOT TO MY KNOWLEDGE.

5 MR. WAPNER: THANK YOU.

6 MR. BARENS: YOUR HONOR, THE DEFENSE WOULD LIKE THE
7 WITNESS TO REMAIN ON CALL. WE WILL BE REQUESTING DOCUMENTS
8 AND WOULD LIKE TO HAVE THE WITNESS ON CALL.

9 THE COURT: ALL RIGHT. VERY WELL.

10 TELL US WHERE WERE THESE CARS RECOVERED FROM,
11 DO YOU KNOW THAT? DO YOU HAVE ANY RECORD OF THAT?

12 THE WITNESS: I CANNOT ANSWER THAT. I DO NOT KNOW
13 WHETHER THEY WERE RETURNED PHYSICALLY. I WOULD IMAGINE,
14 BECAUSE THEY ARE NOT --

15 THE COURT: DOES THE RECORD SHOW WHETHER THEY WERE
16 RETURNED, OBVIOUSLY, BECAUSE YOU HAVE THEM?

17 THE WITNESS: THE TWO WERE RETURNED TO OUR PHYSICAL
18 POSSESSION.

19 THE COURT: BUT YOU DON'T KNOW BY WHOM?

20 THE WITNESS: NO, I DO NOT.

21 THE COURT: AND THE HONDA?

22 THE WITNESS: THE HONDA WAS ONE OF THE CARS THAT WAS
23 RETURNED. IT WAS ONE OF THE B.M.W.S THAT WAS RELEASED
24 TO -- WAS TAKEN OVER BY ANOTHER PERSON.

25 THE COURT: I SEE. THANK YOU VERY MUCH.

26 THE WITNESS: YOU ARE WELCOME, SIR.

27 THE COURT: YOU MAY STEP DOWN. YOU WILL BE EXCUSED,
28 SUBJECT TO RECALL.

1 MR. WAPNER: WE WILL CALL DON SCHLEGEL. MAY I JUST
2 HAVE A MOMENT FIRST, WITH THIS WITNESS BEFORE SHE LEAVES?

3 THE COURT: YES.

4 (PAUSE.)

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1 DONALD E. SCHLEGEL,
2 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
3 AS FOLLOWS:

4 THE CLERK: IF YOU WOULD RAISE YOUR RIGHT HAND
5 AND BE SWORN, PLEASE.

6 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY
7 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT
8 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT
9 THE TRUTH, SO HELP YOU GOD?

10 THE WITNESS: I DO.

11 THE CLERK: PLEASE BE SEATED THERE AT THE WITNESS
12 STAND.

13 NOW WOULD YOU STATE AND SPELL YOUR NAME FOR
14 THE RECORD, PLEASE?

15 THE WITNESS: IT IS DONALD SCHLEGEL, S-C-H-L-E-G-E-L.

16
17 DIRECT EXAMINATION

18 BY MR. WAPNER:

19 Q MR. SCHLEGEL, IN 1984, WERE YOU EMPLOYED?

20 A YES, I WAS.

21 Q BY WHOM WERE YOU EMPLOYED?

22 A ADVANCE CELLULAR PHONE COMPANY.

23 Q AND WHAT WAS ADVANCE CELLULAR PHONE COMPANY?

24 A WE WERE AGENTS OF PAC-TEL MOBILE ACCESS, SELLING
25 CELLULAR PHONES, CAR PHONES.

26 Q DID YOU SELL A CELLULAR CAR PHONE TO A MAN
27 NAMED RONALD LEVIN?

28 A THE COMPANY DID, YES.

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Q AND THAT IS THE COMPANY THAT YOU WORKED FOR?

A YES.

Q AND WHEN YOU SOLD A CAR TELEPHONE TO SOMEONE, WHAT WAS THE PROCEDURE THAT WAS NORMALLY FOLLOWED?

A WELL, NORMALLY A SALESMAN WOULD PAY A VISIT TO THE CUSTOMER, THAT IS THE PLACE OF HIS LOCATION. IF THE CUSTOMER WAS INTERESTED IN BUYING OR LEASING, THE PAPERWORK WOULD GO BACK TO THE OFFICE AND THEN WE WOULD INSTALL THE PHONE BASED UPON, YOU KNOW, HIS TIME FRAME.

Q AND YOU HAVE TESTIFIED ONCE BEFORE AT ANOTHER HEARING IN THIS MATTER?

A YES, I HAVE.

Q DID YOU PROVIDE SOME DOCUMENTS TO THE COURT AT THAT TIME?

A YES, I DID.

Q AND DID YOU BRING ALSO SOME DOCUMENTS WITH YOU TODAY?

A BASICALLY, EVERYTHING THAT WAS PROVIDED TO THE COURT AND THESE ARE THE ORIGINALS.

MR. WAPNER: MAY I HAVE JUST A MOMENT, YOUR HONOR? WE ARE TRYING TO LOCATE THOSE DOCUMENTS.

THE COURT: ALL RIGHT.

(PAUSE IN PROCEEDINGS.)

Q BY MR. WAPNER: THE DOCUMENTS THAT YOU HAVE IN FRONT OF YOU INDICATE WHEN IT WAS THAT MR. LEVIN FIRST CONTACTED YOUR COMPANY?

A IT LOOKS LIKE AROUND APRIL THE 24TH OF '84 WAS THE FIRST CONTACT.

1 Q WHAT WAS THE NATURE OF THAT CONTACT?

2 A THAT WAS PROBABLY THE SALESMAN GOING OUT
3 TO DEMONSTRATE THE PHONE, EXPLAIN WHAT THE PHONE WOULD
4 DO.

5 Q WHEN YOU SAY "PROBABLY," HOW --

6 A WELL, DEFINITELY.

7 Q AND DID MR. LEVIN MAKE SOME AGREEMENT WITH
8 YOUR COMPANY?

9 A ACCORDING TO THE PAPERWORK, IT LOOKS LIKE
10 HE WENT TO PURCHASE THE PHONE ON FEBRUARY 24 OF '84.

11 Q FEBRUARY OR APRIL?

12 A OR APRIL, I AM SORRY. APRIL.

13 Q AND WHAT PAPERWORK DO YOU HAVE THAT WILL
14 INDICATE THAT?

15 A BASICALLY, AN ADVANCE PAYMENT RECEIPT, WHICH
16 IT SHOWS, AND ALSO A CUSTOMER SERVICE AGREEMENT.

17 Q AND THAT WAS DATED APRIL 24TH?

18 A APRIL 24, 1984.

19 Q WHAT HAPPENED AFTER THAT?

20 A I AM NOT POSITIVE, BUT IT LOOKS LIKE HE FELL
21 OUT OF CONTACT BECAUSE I SEE ANOTHER INVOICE WRITTEN
22 UP ON 5-8 AND ON IT SOMEBODY'S HANDWRITING SAYS "NO LISTING.
23 NO LONGER AT THAT LOCATION."

24 Q AND YOU DON'T KNOW WHEN THAT NOTATION WAS
25 MADE, DO YOU?

26 A I HAVE NO IDEA.

27 Q THERE WAS SOME ATTEMPT BY YOUR COMPANY TO
28 RECOUP THEIR PHONE THAT WAS EVENTUALLY PUT IN MR. LEVIN'S

1 CAR; IS THAT RIGHT?

2 A BACK IN SEPTEMBER OF '84 OR SOMETHING.

3 MR. WAPNER: YOUR HONOR, I HAVE SOME DOCUMENTS
4 THAT I WOULD LIKE TO HAVE MARKED AS PEOPLE'S 50 FOR IDENTIFI-
5 CATION CONSISTING OF A DOCUMENT DATED JUNE THE 19TH,
6 BUT ALSO AN INVOICE DATED JUNE THE 5TH AND A DOCUMENT,
7 THE THIRD PAGE OF THIS DOCUMENT IS APPARENTLY SIGNED
8 BY MR. LEVIN AND IT IS DATED JUNE 1ST OF 1984, MAY THAT
9 BE PEOPLE'S 50 FOR IDENTIFICATION?

10 THE COURT: IT WILL BE SO MARKED.

11 MR. WAPNER: AND A CHECK FOR \$95 DATED JUNE 5TH
12 TO ADVANCE CELLULAR PHONE; MAY THAT BE PEOPLE'S 37 FOR
13 IDENTIFICATION?

14 THE COURT: SO MARKED.

15 Q BY MR. WAPNER: MR. SCHLEGEL, SHOWING YOU
16 THESE DOCUMENTS THAT ARE MARKED AS PEOPLE'S 50, REFERRING
17 TO THE SECOND PAGE WHICH SAYS "INVOICE," WHAT IS THAT?

18 A THAT IS THE COMPANY'S INVOICE TO THE LEASING
19 COMPANY.

20 Q AND WHAT DOES THAT INDICATE?

21 A WELL, BASICALLY, I DON'T CARRY THE PAPER.
22 I SELL THE PAPER TO A LEASING COMPANY WHICH SHOWS --
23 TELLS ME THAT HE LEASED THE PHONE FROM THEM.

24 Q DOES THAT INDICATE WHEN THE PHONE WAS INSTALLED?

25 A YES, ON JUNE THE 5TH.

26 Q WHERE WAS IT INSTALLED?

27 A AT THE COMPANY'S OFFICES AT 8885 VENICE BOULEVARD,
28 WEST LOS ANGELES.

1 Q WHERE IS THAT, VENICE BOULEVARD AND WHAT?

2 A AND NATIONAL.

3 Q HOW LONG DID IT TAKE TO INSTALL THE PHONE
4 ON THAT DATE?

5 A PROBABLY IT TAKES AN AVERAGE OF AN HOUR AND
6 A HALF TO THREE HOURS, DEPENDING UPON THE VEHICLE.

7 Q IS THAT DOCUMENT YOU ARE TALKING ABOUT MADE
8 IN THE ORDINARY COURSE OF BUSINESS?

9 A YES, IT IS.

3 PD.

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1 Q AND IS IT MADE OUT OR NEAR THE TIME THAT THE
2 AGREEMENT IS MADE TO HAVE THE PHONE INSTALLED?

3 A IT IS MADE ON THE SAME DAY.

4 Q ALL RIGHT. AND WAS THERE A PAYMENT THAT WAS
5 RECEIVED BY YOU FOR HAVING THIS PHONE INSTALLED?

6 A WELL, WE RECEIVED THE CHECKS BECAUSE THE LEASING
7 COMPANY WANTS THE FIRST CHECK IN FRONT, THE \$95 WHICH IS
8 THE SYSTEM ACTIVATION CHECK.

9 AND THE CHECK IS SENT TO THE LEASING COMPANY.
10 AND THEN THE LEASING COMPANY TURNS AROUND AND PAYS ME THE
11 WHOLE AMOUNT ON THE INVOICE.

12 Q DID YOU RECEIVE TWO CHECKS FROM MR. LEVIN?

13 A YES, I DID.

14 Q ALL RIGHT. AND WHAT AMOUNTS?

15 A I THINK IT WAS \$126.61 AND THEN \$95.

16 Q SHOWING YOU A CHECK WE HAVE MARKED AS PEOPLE'S 37,
17 DO YOU RECOGNIZE THAT?

18 A IT IS A CHECK FOR \$95.

19 Q IS YOUR ENDORSEMENT STAMP ON THE BACK?

20 A RIGHT, WITH THE BANK ACCOUNT NUMBER.

21 Q WHAT ACCOUNT WAS THAT CHECK WRITTEN ON?

22 A YOU MEAN HIS? OLYMPIC NATIONAL BANK.

23 Q YES. WHAT WAS THE NAME OF THE ACCOUNT?

24 A GENERAL NEWS CORPORATION.

25 Q WHAT WAS THE DATE OF THE CHECK?

26 A JUNE 5, 1984.

27 Q ALL RIGHT. DO YOU HAVE SOME -- WHEN YOU RECEIVED
28 THE TWO CHECKS ON JUNE 5, DID YOU MAKE COPIES OF THEM?

1 A YES, I DID.

2 Q AND DO YOU HAVE A DOCUMENT THERE THAT INDICATES
3 THE OTHER CHECK THAT YOU RECEIVED?

4 A RIGHT.

5 Q WHAT WAS THE AMOUNT OF THE OTHER CHECK?

6 A \$126.61.

7 Q WHAT WAS THE DATE OF THAT CHECK?

8 A JUNE THE 5TH, 1984. IT WAS MADE PAYABLE TO
9 LEASE-TEL.

10 Q THAT LEASE-TEL IS THE COMPANY THAT YOU ACTUALLY
11 SEND THE PAPER TO?

12 A YES.

13 Q AND THE COPY THAT YOU ARE LOOKING AT OF THAT
14 CHECK, IS THE XEROX THAT YOU MADE? IS THAT RIGHT?

15 A YES.

16 Q SHOWING YOU A CHECK FOR \$126.61 ON GENERAL NEWS
17 CORPORATION, DOES THAT APPEAR TO BE THE ORIGINAL OF WHICH
18 YOU HAVE THE COPY?

19 A YES.

20 MR. WAPNER: MAY THAT BE 158 FOR IDENTIFICATION?

21 THE COURT: BE SO MARKED.

22 Q BY MR. WAPNER: WHAT IS THE DATE ON THAT CHECK?

23 A JUNE 5, 1984.

24 Q AND THAT CHECK WAS FOR WHAT PURPOSE, THAT
25 \$126 CHECK WHICH IS PEOPLE'S 158?

26 A THAT WAS THE ADVANCE PAYMENT ON THE LEASE.

27 Q AND WOULD THAT BE THE FIRST PAYMENT?

28 A YES.

1 Q FOR WHAT PERIOD?

2 A IT WOULD HAVE BEEN FROM JUNE 5TH 1984 TO
3 JULY 5TH, 1984.

4 Q AND THE \$95 CHECK WAS FOR WHAT PURPOSE?

5 A IT WAS \$45 FOR THE FIRST MONTH PAYMENT IN
6 ADVANCE TO PAC-TEL AND A \$50, ONE-TIME ACTIVATION CHARGE.
7 THAT MAKES \$95.

8 Q SO, YOU HAVE TO PAY A FEE TO THE TELEPHONE
9 COMPANY?

10 A RIGHT.

11 Q WHAT IS THAT FEE FOR?

12 A THAT IS -- YOU PAY \$50 FOR A ONE-TIME ACTIVATION
13 FEE, OKAY? THEN \$45 IS YOUR FIRST MONTH IN ADVANCE.
14 IN OTHER WORDS, YOUR BASE MONTHLY FEE IN ADVANCE.

15 Q WHAT IS THE ONE-TIME ACTIVATION FEE -- WHAT DOES
16 IT DO?

17 A IT IS WHAT THEY CHARGE TO THROW THE SWITCH.

18 MR. BARENS: PARDON ME?

19 Q BY MR. WAPNER: ON JUNE 5, 1984, WAS THE SYSTEM
20 IN OPERATION?

21 A NOT YET. THE LICENSE HAD NOT COME DOWN FROM THE
22 F.C.C.

23 Q WHEN WERE THEY GOING TO THROW THE SWITCH?

24 MR. BARENS: OH GOD, THERE MUST BE ANOTHER WAY TO SAY
25 THAT, JUDGE.

26 MR. WAPNER: I DIDN'T WANT TO BE LEFT OUT OF THE JOKE,
27 EVEN THOUGH MR. BARENS DIDN'T IDENTIFY IT.

28 THE WITNESS: AT THAT TIME, IT WAS BASICALLY DAY TO DAY

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1 BECAUSE IT WAS SUPPOSED TO BE TURNED ON MAY 1ST. THE SYSTEM
2 ACTUALLY TURNED ON, ON JUNE 12TH.

3 Q BY MR. WAPNER: AND SO, THIS CHECK WAS PAYMENT
4 FOR SERVICE THAT WAS DUE TO START SHORTLY, BUT HAD NOT
5 ACTUALLY BEEN PUT IN OPERATION YET?

6 A RIGHT.

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1 Q WHEN MR. LEVIN BROUGHT THE CAR IN ON JUNE 5,
2 WAS HE GIVEN A TELEPHONE NUMBER?

3 A YES.

4 Q AND WOULD HE HAVE TO DO ANYTHING ELSE IN ORDER TO
5 PUT HIS SERVICE INTO OPERATION AFTER THE PHONE WAS INSTALLED?

6 A NO, JUST BASICALLY, ONCE THE SYSTEM WAS ON,
7 PICK IT UP AND DIAL.

8 Q WHAT WAS THE LENGTH OF THE LEASE?

9 A 36 MONTHS.

10 Q WHAT DO YOU MEAN WHEN YOU SAY THAT YOU SOLD THE
11 PAPER TO LEASE-TEL?

12 A BASICALLY, WE SELL THE PHONE. WE DON'T CARRY
13 THE PAPER.

14 SO THE LEASING COMPANY WOULD BE RESPONSIBLE FOR
15 IT, ONCE THE CAR LEFT OUR FACILITY AND THE PAPERWORK IS
16 INSIDE. THEN THE LEASING COMPANY WOULD PAY ME FOR IT, WHATEVER
17 MY FULL INVOICE WAS.

18 Q AND THEN THE LEASING COMPANY IS RESPONSIBLE FOR
19 COLLECTING THE MONTHLY PAYMENTS FROM THE CUSTOMER?

20 A RIGHT.

21 Q SO YOU DON'T HAVE ANY RECORDS INDICATING WHETHER
22 THEY WERE -- WHETHER PAYMENTS WERE MADE AFTER THAT DATE OR
23 NOT?

24 A NO, I DON'T.

25 Q DO YOU HAVE SOME RECORDS INDICATING THAT THEY
26 ATTEMPTED TO GET THE PHONE BACK?

27 A WELL, WE RECEIVED A CALL. I HAVE A NOTE FROM
28 ONE OF THE SECRETARIES ON 9/4 THAT SAID THAT THE PHONE WAS

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1 SITTING ON THE VEHICLE AT TOPAZ LEASING COMPANY AND THAT
2 WE SHOULD GET THE PHONE BACK.

3 Q WHAT TYPE OF VEHICLE, INCIDENTALLY, WAS THE
4 PHONE INSTALLED INTO?

5 A A 1983 B.M.W. 633.

6 Q AND DID YOU ATTEMPT TO GET THE PHONE BACK
7 FROM THE CAR THAT WAS AT TOPAZ LEASING?

8 A WELL, I HAD CONTACTED THE LEASING COMPANY TO
9 FIND OUT WHAT THEY WANTED US TO DO WITH IT BECAUSE IT ISN'T
10 REALLY MY PHONE.

11 WE FINALLY RECEIVED A CALL BACK FROM THEM ON
12 11/28 OF '84 THAT SAID WE HAD NOTHING TO DO WITH IT AND
13 DON'T WORRY ABOUT IT.

14 THEN IN JANUARY, ON JANUARY THE 10TH OF 1985,
15 WE RECEIVED A CALL FROM AMERICAN MOBILE STATING THAT THEY
16 HAD THE UNIT. SO AGAIN, WE CONTACTED THE LEASE-TEL BACK
17 IN GREENICH, CONNECTICUT TO FIND OUT IF THEY WANTED US TO
18 DO ANYTHING ABOUT IT.

19 AND THEY SENT US A LETTER GIVING US AUTHORIZATION
20 TO GO AND PICK IT UP AND MAIL IT BACK TO THEM.

21 Q DID YOU DO THAT?

22 A YES.

23 Q WHERE DID YOU PICK IT UP?

24 A I ASSUME AT AMERICAN MOBILE. PERSONALLY, I DON'T
25 KNOW.

26 Q WAS THERE SOME CONTACT MR. LEVIN HAD WITH YOU
27 BETWEEN APRIL 24TH AND JUNE THE 5TH?

28 A IT LOOKS LIKE IN THE DOCUMENTATION, THAT HE HAD

3-5

CONTACTED A SALES REPRESENTATIVE.
Q WHAT DAY?
A MAY 8TH.
Q WAS THERE ANY PAYMENT RECEIVED ON THAT DATE?
A NO.

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

2 THE COURT: ANY QUESTIONS?

3 MR. BARENS: YES, YOUR HONOR.

4
5 CROSS-EXAMINATION

6 BY MR. BARENS:

7 Q GOOD AFTERNOON, MR. SCHLEGEL.

8 A GOOD AFTERNOON.

9 Q MR. SCHLEGEL, YOU SAID YOU FOLKS, IN EFFECT,
10 FACTOR THE ACCOUNT; IN OTHER WORDS, ONCE YOU HAVE SOLD
11 THE UNIT TO A CUSTOMER YOUR FINANCIAL SITUATION CHANGES,
12 DOESN'T IT?

13 A CORRECT.

14 Q YOU DON'T CARRY THE PAPER; IS THAT CORRECT?

15 A CORRECT.

16 Q AND THUSLY, ALTHOUGH IT APPEARS THAT YOU
17 HAVE SOLD A \$3,500 PIECE OF EQUIPMENT TO A CUSTOMER,
18 THE CUSTOMER DOESN'T ACTUALLY HAND YOU \$3,500?

19 A NOT IF IT IS ON A LEASE.

20 Q AND THIS WAS ON A LEASE?

21 A RIGHT.

22 Q THUS, FOR THE \$3,500 PIECE OF EQUIPMENT,
23 IT APPEARS THAT THE CUSTOMER IN ORDER TO OBTAIN IT AND
24 TO TURN IT ON, SO TO SPEAK, ONLY IS OUT TWO HUNDRED SOME-ODD
25 DOLLARS?

26 A YES.

27 Q THAT IS IT?

28 A THAT IS IT.

1 Q THAT IS ALL OF THE MONEY YOU HAVE GOT TO PUT UP?

2 A IF IT IS ON A LEASE, YES.

3 Q LIKE THIS?

4 A RIGHT.

5 Q I SEE.

6 WAS THERE A CREDIT APPLICATION THAT ACCOMPANIED
7 THIS?

8 A YES, THERE WAS.

9 Q DID YOU BRING THAT WITH YOU?

10 A YES, SIR.

11 Q ALL RIGHT. AND I BELIEVE THAT IS A DOCUMENT
12 ENTITLED LEASE-TEL, BUSINESS CELLULAR LEASE APPLICATION?

13 A RIGHT.

14 Q NOW, IS THAT THE ONLY CREDIT APPLICATION
15 OR FINANCING TYPE OF MATERIAL YOU RECEIVE ON THE CUSTOMER?

16 A YES.

17 Q THAT IS IT?

18 A THAT IS IT.

19 Q DO YOU DO ANYTHING TO VERIFY ITS CONTENTS?

20 A WHAT WE DO IS, WE INPUT IT INTO A COMPUTER.

21 THE COMPUTER WAS HOOKED UP TO INDIANAPOLIS TO LEASE-TEL
22 HEADQUARTERS THERE AND THEN THEY RUN THE CREDIT CHECKS.

23 Q AND THAT WOULD BE THE KIND OF THING THAT YOU
24 COULD DO ALMOST IN AN INSTANT?

25 A NORMALLY, YOU CAN DO IT IN ABOUT 15 MINUTES,
26 WOULD BE THE FASTEST.

27 Q IN MY BUSINESS THAT IS AN INSTANT.

28 ALL RIGHT, AND WOULD YOU PRESUME THAT YOU

1 HAD DONE THAT IN THIS INSTANCE?

2 A ACCORDING TO THIS, IT SAYS "PHONED IN ON
3 5-22."

4 WE GOT APPROVAL BACK AT 5-23 AT 8:00 A.M.

5 Q RIGHT.

6 NOW, WHAT WAS IT -- DO YOU SEE A REFERENCE
7 ON THIS CREDIT APP. THAT SAYS "LEE MADE" SOMETHING, I'M
8 NOT SURE WHAT THAT SAYS, CHANGE OR CHARGE?

9 A "LEE MADE THE CHANGE." IN OTHER WORDS, THE
10 PERSON AT LEASE-TEL THAT WE ALWAYS TALKED TO WAS A PERSON
11 BY THE NAME OF LEE.

12 Q AND THAT PERSON WOULD HAVE WHAT FUNCTION
13 IN THIS TRANSACTION?

14 A THE ONE THAT RAN THE CREDIT CHECK.

15 Q DO YOU KNOW WHAT LEE'S LAST NAME IS?

16 A I HONESTLY DON'T REMEMBER.

17 Q OKAY. BUT THAT WOULD BE THE PERSON THAT
18 PHYSICALLY WOULD ACTUALLY CARRY IT OUT.

A RIGHT.

19 Q OKAY, WHO DOES IT SAY YOU CONTACTED FOR BANK
20 FINANCING REFERENCES HERE?

21 MR. WAPNER: OBJECTION. THAT CALLS FOR HEARSAY.

22 MR. BARENS: I AM ASKING WHAT THE DOCUMENT SAYS,
23 YOUR HONOR.

24 THE COURT: YOU INTERPRET THE DOCUMENT, GO AHEAD.

25 THE WITNESS: I WOULDN'T HAVE CONTACTED ANY OF
26 THEM, BUT THE LEASING COMPANY WOULD HAVE CONTACTED SHEARSON
27 AMERICAN EXPRESS.

28 Q AND WHO IS THE CONTACT THERE?

1 A ROBERT PACILLO, P-A-C-I-L-L-O.

2 Q IT SAYS THAT HE IS IN BEVERLY HILLS THERE?

3 A YES. IT IS A 213 NUMBER.

4 Q AND BELOW THAT IT INDICATES A COUPLE OF TRADE
5 REFERENCES?

6 A YES.

7 Q WHO IS THE SECOND TRADE REFERENCE?

8 A TOPAZ LEASING, CULVER CITY, JACK KELLY.

9 Q NOW, DO YOU HAVE ANY SENSE, SIR, IS THERE
10 A MINIMUM CREDIT REQUIREMENT OR SOME KIND OF QUALIFICATION
11 A PERSON HAS TO HAVE IN ORDER TO PASS MUSTER ON ONE OF
12 THOSE CREDIT APPS?

13 A I WOULDN'T KNOW SPECIFICALLY BUT THEY LOOK
14 AT YOUR T.R.W.

15 Q IS THAT HOW THEY DO IT?

16 A RIGHT.

17 MR. BARENS: OKAY. THANK YOU VERY MUCH, SIR.

18 THE COURT: THANK YOU VERY MUCH. YOU WILL BE EXCUSED.

19 YOU HAVE LEFT ALL OF THE DOCUMENTS THERE?

20 THE WITNESS: THOSE ARE HIS.

21 THE COURT: ALL RIGHT.

22 MR. WAPNER: JUDGE, WOULD THIS BE AN APPROPRIATE
23 TIME FOR A RECESS?

24 THE COURT: YES, WE WILL TAKE A 15-MINUTE RECESS
25 AT THIS TIME.

26 LADIES AND GENTLEMEN, THE SAME ADMONITION
27 I GAVE YOU WOULD STILL APPLY.

28 (RECESS.)

1 MR. WAPNER: THE PEOPLE CALL WILLIAM COWDIN.

2
3 WILLIAM COWDIN,
4 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
5 AS FOLLOWS:

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

7 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU MAY
8 GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE
9 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP
10 YOU GOD?

11 THE WITNESS: I DO.

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

15 THE WITNESS: WILLIAM COWDIN.

16
17 DIRECT EXAMINATION

18 BY MR. WAPNER:

19 Q MR. COWDIN, BY WHOM ARE YOU EMPLOYED?

20 A CITY OF LOS ANGELES, LOS ANGELES POLICE
21 DEPARTMENT.

22 Q WHAT DO YOU DO FOR THEM?

23 A I AM A BOARD SECRETARY OF THE POLICE COMMISSION.

24 Q HOW LONG HAVE YOU SERVED WITH THE POLICE
25 COMMISSION AS BOARD SECRETARY?

26 A APPROXIMATELY NINE YEARS.
27
28

1 Q IN 1984, DID YOU HAVE SOME CONTACT WITH THE MAN
2 IN THE PICTURE, PEOPLE'S 6 FOR IDENTIFICATION?

3 A YES, I DID.

4 Q THIS IS RONALD LEVIN?

5 A YES, IT IS.

6 Q WHAT WAS THE NATURE OF THE CONTACT THAT MR. LEVIN
7 HAD WITH THE POLICE COMMISSION?

8 A MR. LEVIN HAD HAD HIS PRESS PASS WITHDRAWN BY THE
9 LOS ANGELES POLICE DEPARTMENT AND HE HAD MADE APPLICATION FOR
10 US TO REINSTATE IT, TO HOLD A HEARING.

11 Q FOR IT TO BE WITHDRAWN, OBVIOUSLY HE WAS ISSUED
12 A PRESS PASS AT SOME POINT; WHEN WAS THAT?

13 A THE -- IF I CAN REFER TO A NOTE HERE -- ORIGINALLY,
14 IT WAS MAY 5, 1982.

15 Q AND WHAT IS A PRESS PASS?

16 A A PRESS PASS IS ISSUED BY OUR PRESS RELATIONS
17 DEPARTMENT. IT IS A BADGE, BASICALLY, THAT ALLOWS THE
18 PERSON HOLDING IT TO CROSS POLICE LINES. NORMALLY, IN CASES
19 OF ACCIDENTS, HOMICIDES, WHATEVER, THE POLICE WILL ESTABLISH
20 CERTAIN LINES TO PRESERVE EVIDENCE IN CERTAIN CASES, THE
21 MEMBERS OF THE PRESS ARE ALLOWED TO CROSS THOSE LINES IF
22 THEY HAVE THE PROPER CREDENTIALS.

23 Q IF A PERSON WANTED TO, AS A MEMBER OF THE PRESS,
24 COVER AN ACCIDENT OR A HOMICIDE OR SOMETHING THAT HAPPENED
25 LATE AT NIGHT AND HE WANTED TO CROSS THE POLICE LINES, HE
26 COULD ONLY DO IT IF HE HAD A PRESS PASS?

27 A THAT'S CORRECT.

28 Q WAS HIS PRESS PASS, MR. LEVIN'S PRESS PASS

1 REVOKED AT SOME POINT?

2 A IT WAS.

3 Q WHEN WAS THAT?

4 A MR. LEVIN HAD BEEN ARRESTED BY THE BEVERLY
5 HILLS POLICE DEPARTMENT AND FOR GRAND THEFT, AND AT THAT
6 TIME THEY KEPT THE PRESS PASS AND CONTACTED THE LOS ANGELES
7 POLICE DEPARTMENT.

8 Q DID THE POLICE DEPARTMENT TAKE SOME ACTION BASED
9 ON THAT?

10 A AT THAT TIME, WE TOOK -- THEY GAVE US CUSTODY
11 OF THE PRESS PASS.

12 THERE WAS A LETTER SENT BY COMMANDER WILLIAM BOOTH,
13 WHO IS HEAD OF PRESS RELATIONS OF THE LOS ANGELES POLICE
14 DEPARTMENT, TELLING MR. LEVIN THAT HE NO LONGER HAD HIS
15 PRESS CREDENTIALS.

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1 Q WHAT IS THE DATE OF THAT LETTER?

2 A IT IS DATED JANUARY 26, 1984.

3 Q AFTER THAT LETTER WAS SENT, DID MR. LEVIN
4 OR SOMEONE ON HIS BEHALF CONTACT THE POLICE COMMISSION?

5 A YES. I DON'T RECALL IF IT WAS MR. LEVIN
6 OR HIS ATTORNEY. HE EVENTUALLY WAS REPRESENTED BY AN
7 ATTORNEY.

8 Q WHAT WAS THE NAME OF THE ATTORNEY WHO REPRESENTED
9 HIM?

10 A IT WAS MR. MELCZER, M-E-L-C-Z-E-R.

11 Q JEFFREY MELCZER?

12 A YES.

13 Q AND WHAT WAS THE NATURE OF THE CONTACT THAT
14 YOU HAD FROM EITHER MR. LEVIN OR MR. MELCZER?

15 A THEY REQUESTED HE BE GIVEN AN ADMINISTRATIVE
16 HEARING TO SEE IF HE COULDN'T GET THE PRESS PASS RETURNED.

17 Q DO YOU HAVE SOME DOCUMENT THAT INDICATES
18 THAT HE MADE THAT REQUEST AND WHEN IT WAS DONE?

19 A I DON'T HAVE THAT PARTICULAR DOCUMENT IN
20 FRONT OF ME. HOWEVER, THERE WAS A HEARING.

21 THERE WAS A NOTICE OF DEFENSE SENT OUT AND
22 A HEARING WAS SET UP AND HANDLED SUBSEQUENTLY.

23 Q DO YOU HAVE THE LETTER THERE THAT WAS SENT
24 OUT ON THE 26TH REVOKING THE PASS?

25 A I HAVE THE ONE FROM -- YES, FROM THE 26TH
26 OF JANUARY.

27 Q AND SHOWING YOU A LETTER THAT IS MARKED FEBRUARY
28 THE 8TH, DO YOU RECOGNIZE THAT?

1 A YES, I DO.

2 Q ALL RIGHT. AND WHAT IS THAT?

3 A THAT IS A LETTER FROM THE ATTORNEY, JEFFERY
4 MELCZER, TO MYSELF STATING THAT IT WOULD CONFIRM OUR
5 TELEPHONE CONVERSATION OF FEBRUARY 7, WHERE I AGREED
6 TO PUT THE QUESTION OF MR. LEVIN'S PRESS PASS ON THE
7 POLICE COMMISSION CALENDAR FOR FEBRUARY 21, 1984.

8 Q WAS IT PUT ON FOR THE 21ST, DO YOU KNOW?

9 A I DON'T HAVE THE DOCUMENTATION TO IT BUT
10 I DO RECALL IT WAS PUT ON AT THAT TIME.

11 Q AND WHAT HAPPENED AFTER IT WAS PUT ON THE
12 CALENDAR AT THE POLICE COMMISSION?

13 A THE BOARD OF POLICE COMMISSIONERS -- IT
14 TAKES THREE, THEY ACT AS A BOARD -- VOTED TO RETURN IT
15 TO A HEARING EXAMINER, TO AN ADMINISTRATIVE JUDGE FOR
16 A HEARING AS TO THE QUESTION.

17 Q WAS THERE A HEARING CONDUCTED?

18 A YES, THERE WAS.

19 Q AND WHAT IS THE PROCEDURE THAT IS FOLLOWED
20 AFTER THE HEARING IS CONDUCTED?

21 A AFTER THE HEARING IS CONDUCTED, THIS HEARING
22 WAS HELD ON APRIL 19, 1984. THE HEARING EXAMINER RETURNS
23 A RECOMMENDATION TO THE BOARD OF POLICE COMMISSIONERS.
24 IT IS THEN PLACED ON THE AGENDA AND ALL PARTIES ARE NOTIFIED
25 AND THE BOARD ACTS AGAIN AS A BOARD, ON THAT RECOMMENDATION.

26 Q SO THE HEARING WAS HELD ON APRIL 19?

27 A YES, SIR.

28

1 Q AND WHEN DID THE HEARING EXAMINER ISSUE A
2 RECOMMENDATION?

3 A I DON'T KNOW THE EXACT DATE OF THE RECOMMENDATION
4 ITSELF, BUT IT WAS SET UP FOR A HEARING BEFORE THE BOARD OF
5 POLICE COMMISSIONERS ON MAY 29, 1984, SO WE WOULD HAVE
6 RECEIVED IT ABOUT THREE WEEKS PRIOR TO THAT TIME.

7 Q AND DID YOU SEND OUT TO MR. LEVIN A NOTICE THAT
8 THERE WAS A HEARING ON MAY THE 29TH?

9 A YES, I DID.

10 Q DO YOU HAVE THAT IN FRONT OF YOU?

11 A YES, I DO.

12 Q AND WHAT DOES THAT NOTICE INDICATE?

13 A IT INDICATES THAT THE DECISION IN THE MATTER OF
14 THE RECOMMENDATION IS TO REINSTATE AND RETURN HIS PRESS PASS,
15 THAT IT WOULD BE CONSIDERED AT THE MAY 29, 1984 MEETING.
16 THAT THE RECOMMENDATION OF THE HEARING EXAMINER WAS NOT
17 BINDING. THE COMMISSION WOULD MAKE ITS OWN FINDING AND THEY
18 COULD FILE EXCEPTIONS IF THEY SO WISHED.

19 Q DOES IT NOTIFY HIM TO APPEAR AT THE HEARING
20 BECAUSE OF THE FACT THE RECOMMENDATION IS NOT BINDING?

21 A IT DOES. IT SAYS THAT HE SHOULD BE PRESENT.

22 HE MAY, BUT NOT NECESSARILY NEED BE REPRESENTED
23 BY COUNSEL AT THAT HEARING.

24 Q DO YOU HAVE THE MINUTES WITH YOU OF THE MEETING,
25 THE POLICE COMMISSION MEETING OF MAY THE 29TH?

26 A YES, I DO.

27 Q WAS IT YOUR DUTY TO KEEP THE MINUTES OF THOSE
28 MEETINGS?

1 A YES.

2 Q AND THE COPY THAT YOU HAVE IN FRONT OF YOU IS
3 A TRUE AND EXACT COPY OF THE MINUTES OF THAT MEETING?

4 A IT IS.

5 Q IT IS MADE IN THE ORDINARY COURSE OF BUSINESS?

6 A YES, IT IS.

7 Q AND IT WAS PREPARED BY YOU WHEN IN RELATION TO
8 THE MEETING?

9 A IT WOULD HAVE BEEN PREPARED ONE TO TWO DAYS
10 LATER AFTER THE MEETING.

11 Q WERE YOU AT THE POLICE COMMISSION MEETING?

12 A I WAS.

13 Q OF MAY 29TH?

14 A YES.

15 Q AND WAS THIS GENTLEMAN, MR. LEVIN, AS DEPICTED
16 IN PEOPLE'S 6, AT THE MEETING?

17 A YES.

18 Q WAS HE REPRESENTED BY COUNSEL?

19 A YES, HE WAS.

20 Q THAT WAS MR. MELCZER?

21 A YES, SIR.

22 Q DID THE BOARD ACT THAT TIME WITH REGARD TO
23 MR. LEVIN'S PRESS PASS?

24 A YES. THEY ACTED ON A COUPLE PERIPHERAL MATTERS,
25 WHICH WAS TO TIGHTEN UP THE GUIDELINES, BUT IT ENDED UP
26 AT THE TIME THAT THE PRESS PASS WAS REINSTATED AND RETURNED
27 TO MR. LEVIN.

28 Q AND WAS SOME NOTIFICATION SENT TO HIM OF THAT,

1 THE FACT THAT IT WAS RETURNED?

2 A YES.

3 ON JUNE THE 1ST, A LETTER WAS PREPARED BY ME,
4 SENT TO MR. LEVIN AND TO HIS ATTORNEY WITH A COPY TO HIS
5 ATTORNEY, NOTIFYING HIM THAT IT HAD BEEN REINSTATED, THE
6 PRESS PASS.

7 Q AND ARE ALL OF THOSE DOCUMENTS THAT YOU HAVE
8 BEEN REFERRING TO THAT YOU HAVE IN FRONT OF YOU, THAT REFER
9 TO THIS MATTER?

10 A YES, THEY DO.

11 MR. WAPNER: YOUR HONOR, MAY THESE BE MARKED COLLECTIVELY
12 AS PEOPLE'S NEXT IN ORDER?

13 THE COURT: 159.

14 MR. WAPNER: I HAVE NO FURTHER QUESTIONS.

15 THE COURT: DO YOU HAVE ANY QUESTIONS?

16 MR. BARENS: YES, I DO, YOUR HONOR. IF I MIGHT HAVE
17 A MOMENT, PLEASE? COULD I SEE THE DOCUMENT, PLEASE, 159?

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1 CROSS-EXAMINATION

2 BY MR. BARENS:

3 Q GOOD AFTERNOON, MR. COWDIN. MR. COWDIN, HOW
4 MANY TIMES DID YOU SEE RON LEVIN?

5 A APPROXIMATELY FOUR TIMES.

6 Q IS HE A DISTINCTIVE-LOOKING FELLOW?

7 A HE WAS.

8 Q MEMORABLE-LOOKING FELLOW?

9 A I BELIEVE SO.

10 Q SO YOU WOULD KIND OF REMEMBER WHAT HE LOOKED
11 LIKE WITH NO PROBLEM?

12 A YES.

13 MR. WAPNER: OBJECTION, ASKED AND ANSWERED.

14 THE COURT: GO AHEAD.

15 MR. BARENS: THANK YOU, YOUR HONOR.

16 Q DO YOU HAVE WITH YOU THE APPLICATION HE FILED
17 IN MAY OF 1982 TO GET A PRESS PASS?18 A I DO NOT. THE APPLICATION WAS MADE TO OUR
19 PRESS RELATIONS PEOPLE. AND I DON'T HAVE A COPY OF THAT.

20 Q DID YOU EVER READ IT?

21 A NO, I DID NOT.

22 Q WOULD THAT HAVE BEEN IN HIS NAME INDIVIDUALLY
23 OR IN THE NAME OF A BUSINESS?24 A I CAN ONLY SURMISE THAT OUR ACCUSATION WAS
25 IN HIS NAME, DOING BUSINESS AS NETWORK NEWS. IT PROBABLY
26 WAS IN THAT NAME.27 Q COULD YOU DESCRIBE FOR THE JURY MORE SPECIFICALLY
28 WHAT THAT CREDENTIAL LOOKS LIKE THAT YOU ARE TALKING ABOUT

1 CALLED A PRESS PASS?

2 A I CAN'T PRECISELY. IT IS THE SIZE OF A WALLET
3 CARD. IT IS LAMINATED. IT SAYS "PRESS PASS" ON IT.

4 SOME MEMBERS OF THE PRESS PROBABLY HAVE ONE
5 HERE.

6 THE COURT: HAS IT GOT A PICTURE ON IT?

7 THE WITNESS: THIS GENTLEMAN SAYS IT DOES (INDICATING).

8 Q BY MR. BARENS: DO THEY ALL, SIR?

9 A I DON'T KNOW.

10 Q OKAY. AND YOU SEE THESE BADGES THAT THE
11 JURORS HAVE ON? IS IT SOMETHING SIMILAR TO THAT?

12 A IN SIZE, ALTHOUGH WHILE THAT IS A VERTICAL
13 BADGE, IT IS A HORIZONTAL BADGE.

14 Q AND IT WOULD HAVE IN LARGE LETTERS, THE WORD
15 "PRESS"?

16 A THERE IS SOMETHING DISTINCTIVE THAT POLICE
17 OFFICERS GENERALLY NOTICE, THAT THEY ARE TAUGHT TO BE
18 AWARE OF. THEY KNOW WHAT IT IS WHEN THEY SEE IT.

19 Q SOMETIMES, TO YOUR KNOWLEDGE, IT HAS A PICTURE
20 AND SOMETIMES IT DOESN'T?

21 A I DON'T RECALL.

22 Q WOULD IT HAVE ANY FURTHER IDENTIFICATION
23 OF THE PERSON ON THERE?

24 A I DON'T KNOW.

25 Q OKAY. SOMETHING CERTAINLY THAT YOU COULD
26 CARRY ON YOUR PERSON WITH NO PROBLEM?

27 A YOU COULD CARRY IT ON YOUR PERSON OR IN YOUR
28 BILLFOLD.

1 Q OKAY. NOW, WHEN THE PRESS PASS WAS REVOKED
2 IN 1984, WAS A STATEMENT OF GROUNDS PROVIDED MR. LEVIN?

3 A IT WAS, BY COMMANDER BOOTH. THE GROUNDS
4 BASICALLY, SUBSTANTIALLY STATED THAT BECAUSE HE HAD BEEN
5 CHARGED WITH A FELONY, THAT THAT WAS THE GROUNDS FOR
6 WITHDRAWING IT FROM HIM.

7 Q WHEN YOU SAY "SUBSTANTIALLY," SIR, WERE THESE
8 THE ONLY GROUNDS OR WERE THERE ANY OTHER GROUNDS?

9 A I THINK THOSE WERE BASICALLY THE GROUNDS.

10 Q I DON'T QUITE KNOW WHAT YOU MEAN WHEN YOU
11 SAY "BASICALLY." SIR, WERE THERE ANY OTHER GROUNDS?

12 A I KNOW OF NO OTHER GROUNDS WITHOUT LOOKING
13 AT ONE OF THE EXHIBITS THERE. I THINK YOU CAN READ IT
14 AND FIND OUT.

15 IT IS A LETTER. I BELIEVE IT IS ON THE 26TH
16 OF JANUARY.

17 Q ALL RIGHT, SIR. AND THEN THEREAFTER, A HEARING
18 IS SET AS YOU DESCRIBED. AND WAS THERE ACTUAL TESTIMONY
19 GIVEN AT THAT HEARING?

20 A YES, THERE WAS.

21 Q AND WAS THERE TESTIMONY FROM TWO SIDES AT
22 THAT HEARING?

23 A FROM WHOM?

24 THE COURT: WHO?

25 Q BY MR. BARENS: TWO SIDES? IS IT AN ADVERSARY
26 TYPE PROCEEDINGS?

27 A YES.

28 Q WHO ARE THE ADVERSARIES AT THAT PROCEEDINGS?

1 A IN THAT PARTICULAR CASE -- IF I CAN BACK
2 UP JUST A MINUTE, THE POLICE COMMISSION HAS A DEPARTMENT
3 ADVOCATE WHICH WOULD NORMALLY ACT IN THE ROLE OF A PROSECUTOR.

4 IN THIS CASE, WE TOOK A RATHER NEUTRAL STANCE
5 AND THE FACTS WERE PUT ON BY COMMANDER BOOTH, WHO WAS
6 THE PRESS RELATIONS OFFICER AND MR. LEVIN, AS I RECALL.

7 Q HE TESTIFIED PERSONALLY?

8 A YES.

9 Q AND IS THERE A TRANSCRIPT OF THAT HEARING
10 THAT IS MADE?

11 A THERE IS ONE. THERE IS A TRANSCRIPT. I
12 AM NOT SURE IT WAS WRITTEN UP.

13 IT NEVER WAS NECESSARY TO GO ON APPEAL. THERE
14 WERE TAPES PREPARED AND THEY COULD BE -- A TRANSCRIPT
15 COULD BE PREPARED.

5 FO.

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1 Q YOU DON'T KNOW OF YOUR PERSONAL KNOWLEDGE WHETHER
2 ONE WAS PREPARED?

3 A I AM SURE THERE WAS NOT.

4 Q WHEN YOU WERE AT THOSE HEARINGS, WAS THE PHYSICAL
5 PASS, PER SE, PRESENT?

6 A I DID NOT ATTEND THE HEARINGS PERSONALLY.

7 Q YOU DIDN'T?

8 A NO.

9 Q DO YOU KNOW WHAT HAPPENED PHYSICALLY TO THE PASS?

10 A IT WAS MY UNDERSTANDING IT WAS GIVEN TO MR. LEVIN,
11 BUT I DON'T KNOW WHERE IT MIGHT BE AT THE PRESENT.

12 Q BUT IT WOULD BE YOUR UNDERSTANDING THAT ON OR
13 ABOUT JUNE 1ST, HE WOULD HAVE COME BACK INTO POSSESSION OF
14 THAT PRESS PASS?

15 A THAT'S RIGHT.

16 Q I AM JUST CURIOUS, IF YOU WEREN'T AT THE HEARING,
17 HOW DO YOU KNOW LEVIN WAS THERE?

18 A I SAW HIM PRIOR TO THE HEARING. I SAW HIM AT
19 THE OTHER HEARINGS. THEY NORMALLY CHECKED IN, BOTH HE AND
20 HIS ATTORNEY, STOPPED IN, CHECKED WITH ME PRIOR TO THE
21 HEARING WHICH WAS HELD NEXT DOOR TO ME.

22 Q THERE IS NO REASON YOU DIDN'T SIT IN ON THE
23 HEARING?

24 A NO. I USUALLY DO NOT. ALTHOUGH, ON OCCASION IF
25 IT IS INTERESTING, I MAY WALK IN.

26 Q CAN A PERSON HAVE MORE THAN ONE PRESS PASS?

27 A I DON'T KNOW.

28 Q YOU DON'T KNOW?

1 A I DON'T KNOW.

2 Q IN OTHER WORDS, FOR INSTANCE, IF I HAD TWO MEDIA
3 RELATED BUSINESSES, WOULD IT BE POSSIBLE FOR ME TO HAVE MORE
4 THAN ONE PRESS PASS FOR EACH BUSINESS?

5 A I DON'T KNOW.

6 Q WERE YOU AWARE OF ANY OTHER ACTIONS TAKEN RELATIVE
7 TO -- RELEVANT TO THIS PRESS PASS AT ANY TIME?

8 A NO. JUST THE THINGS I STATED.

9 Q DO YOU HAVE ANY SORT OF A FILE YOU CHECKED IN
10 THAT REGARD TO DETERMINE THAT?

11 A YES, I DID.

12 Q AND DO YOU MAINTAIN A FILE ON EACH APPLICANT OR
13 EACH HOLDER?

14 A MAINTAIN A FILE ON ALL HEARINGS THAT WE HOLD,
15 ANY LETTERS IN AND OUT OF THE POLICE COMMISSION, ANY
16 DOCUMENTATION.

17 Q WHEN MR. LEVIN GOT HIS PRESS PASS IN 1982, IF
18 YOU FOLKS HAD BEEN ADVISED THAT HE WAS A CONVICTED FELON,
19 WOULD YOU HAVE ISSUED HIM A PRESS PASS?

20 A NO.

21 Q THEREFORE, IS IT YOUR CONCLUSION, SIR, THAT YOU
22 WOULD NOT HAVE BEEN TOLD THAT WHEN HE APPLIED FOR HIS PASS
23 IN 1982?

24 A I HAVE BEEN TOLD -- IT IS NOT MY DIRECT
25 OBSERVATION -- THAT COMMANDER BOOTH HAD CHECKED, HAD RUN
26 A STATE RECORD ON IT AND IT CAME BACK THAT THERE WAS NO
27 RECORD, CLEAN RECORD AT THE TIME THAT HE WAS INITIALLY ISSUED
28 THE PRESS PASS.

1 Q THAT WOULD HAVE BEEN IN 1982 WHEN HE WAS ISSUED
2 A PRESS PASS?

3 A YES, THAT'S RIGHT.

4 Q AND TO YOUR KNOWLEDGE, HE HAD A CLEAN RECORD?

5 A HE DID AT THAT TIME, AS FAR AS I KNOW.

6 Q DID YOU EVER CHECK SUBSEQUENTLY TO FIND OUT WHETHER
7 THAT WAS TRUE OR NOT?

8 A I HAVE BEEN TOLD BY COMMANDER BOOTH THAT
9 SUBSEQUENTLY, THEY FOUND THAT PERHAPS A RECORD HAD NOT BEEN
10 TURNED UP ORIGINALLY. THERE MAY HAVE BEEN A RECORD, A
11 RAP SHEET, SO TO SPEAK.

12 MR. BARENS: THANK YOU, SIR.

13 THE COURT: ANYTHING FURTHER?

14 MR. WAPNER: BRIEFLY, YOUR HONOR.

15
16 REDIRECT EXAMINATION

17 BY MR. WAPNER:

18 Q WHAT WAS THE REASON THAT THE PRESS PASS WAS
19 RETURNED TO MR. LEVIN?

20 A IT WAS RETURNED AT THE DIRECTION OF THE BOARD
21 OF POLICE COMMISSIONERS WHO, AT THAT TIME, THE HEARING
22 EXAMINER ADJUDGED THAT THE GUIDELINES WERE TOO LOOSE AS
23 THEY WERE WRITTEN.

24 Q IN WHAT SENSE?

25 A WELL, IN THE SENSE THAT IT DIDN'T DEFINE SEVERAL
26 THINGS, SUCH AS THE CLEARANCE OF AN R&I, A RECORDS AND
27 IDENTIFICATION RECORD, AND I THINK PART OF IT --

28 THERE WAS A PROBLEM IN THAT IT JUST -- HE HAD BEEN

1 CHARGED BUT NOT CONVICTED AT THE TIME.

2 Q SO SINCE HE WAS PRESUMED TO BE INNOCENT, YOU
3 DIDN'T HAVE ANY BASIS FOR TAKING THE PASS AWAY UNLESS AND
4 UNTIL HE WAS CONVICTED?

5 A THAT'S RIGHT.

6 Q IF ONE OF THE STATE CHARGES THAT HE MAY HAVE
7 HAD AGAINST HIM AT ONE TIME WAS REDUCED TO A MISDEMEANOR
8 AND DISMISSED, THAT WOULDN'T SHOW UP NECESSARILY ON HIS
9 RAP SHEET, CORRECT?

10 A CORRECT.

11 Q LEST THERE BE ANY CONFUSION, THERE WAS A HEARING
12 OF THE BOARD -- A MEETING -- EXCUSE ME -- OF THE BOARD OF
13 POLICE COMMISSIONERS ON MAY 29TH AT WHICH YOU WERE PRESENT?

14 A YES, I WAS.

15 Q AND THE TIME YOU WERE NOT PRESENT WAS THE
16 ADMINISTRATIVE HEARING WHICH WAS HELD TO DETERMINE THE FACTS
17 AND MAKE A RECOMMENDATION?

18 A THAT IS CORRECT.

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

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

21 THE WITNESS: ALL RIGHT.

22 THE COURT: THIS WITNESS MAY BE EXCUSED?

23 MR. WAPNER: I HAVE NO OBJECTION.

24 THE COURT: YOU ARE EXCUSED.

25 MR. WAPNER: KEN FLEINERS (SIC).

26
27 KENNETH FLEINER,

28 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
29 AS FOLLOWS:

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

2 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU MAY
3 GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE
4 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP
5 YOU GOD?

6 THE WITNESS: I DO.

7 THE CLERK: BE SEATED THERE AT THE WITNESS STAND.

8 NOW WOULD YOU STATE YOUR NAME FOR THE RECORD,
9 PLEASE.

10 THE WITNESS: MY NAME IS KENNETH FLEINER, F-L-E-I-N-E-R.

11

12 DIRECT EXAMINATION

13 BY MR. WAPNER:

14 Q MR. FLEINER, IN 1984, DID YOU OWN A BUSINESS?

15 A YES.

16 Q WHAT WAS THE NAME OF THE BUSINESS?

17 A PAULEE BODY SHOP.

18 Q AND DO YOU STILL OWN THAT BUSINESS?

19 A YES.

20

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FC.

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1 Q WHAT KIND OF A BUSINESS IS THAT?

2 A AUTO REPAIR, BODY.

3 Q AUTO BODY REPAIR?

4 A YES.

5 Q ALL RIGHT. AND IN CONNECTION WITH THAT BUSINESS,
6 HAD YOU COME TO KNOW THE MAN IN THIS PHOTOGRAPH?

7 A YES.

8 Q ALL RIGHT. AND WHAT WAS THE NAME THAT YOU
9 KNEW HIM BY?

10 A RON LEVIN.

11 Q AND DID MR. LEVIN HAVE SOME BUSINESS WITH
12 YOU IN APRIL AND MAY OF 1984?

13 A YES.

14 Q WHAT WAS THE NATURE OF THAT?

15 A I REPAIRED A CAR THAT BELONGED TO HIM.

16 Q WHAT KIND OF A CAR WAS IT?

17 A A 1983, 633CSI B.M.W.

18 Q AND WHEN WAS THAT CAR BROUGHT TO YOU?

19 A 5/7/84.

20 Q DID YOU GIVE MR. LEVIN AN ESTIMATE -- WELL,
21 WHAT WAS WRONG WITH THE CAR WHEN HE BROUGHT IT TO YOU?

22 A IT HAD SOME MINOR DAMAGE ON ONE SIDE.

23 Q DID YOU GIVE HIM AN ESTIMATE OF HOW MUCH
24 IT WOULD COST TO REPAIR?

25 A YES.

26 Q WHAT WAS THE ESTIMATE?

27 A THE ESTIMATE WAS IN THE AMOUNT OF \$530.83.

28 Q \$530.83?

1 A YES.

2 Q WHAT HAPPENED AFTER YOU GAVE HIM THE ESTIMATE?

3 A HE LEFT THE CAR FOR REPAIRS.

4 Q AND DID YOU REPAIR THE CAR?

5 A YES, WE DID.

6 Q DID HE SIGN SOME KIND OF A DOCUMENT INDICATING
7 THAT HE WAS GOING TO, IN FACT, AGREE TO HAVE THE CAR
8 REPAIRED THERE?

9 A YES.

10 Q AND WAS THAT A COPY OF THE ESTIMATE?

11 A HE SIGNED THE REPAIR ORDER AUTHORIZATION.

12 Q ON WHAT DATE?

13 A 5/7/84.

14 Q HOW LONG DID IT TAKE YOU TO REPAIR THE CAR?

15 A THE CAR CAME IN ON THE 7TH. THE PAPERS INDICATE
16 THAT WE WERE WAITING FOR AN INSURANCE COMPANY AND WE
17 MAILED AN ESTIMATE TO THEM ON THE 15TH.

18 AT THAT POINT, WE STARTED REPAIRS ON THE
19 CAR.

20 Q AND WHEN DID YOU COMPLETE THE REPAIRS?

21 A THE CAR WAS PICKED UP ON MAY 24, 1984.

22 Q DID YOU MAIL AN ESTIMATE TO THE INSURANCE
23 COMPANY?

24 A YES, WE DID.

25 Q AND WHEN WAS THAT DONE?

26 A 5/15/84.

27 Q DID THE INSURANCE COMPANY PAY YOU DIRECTLY?

28 A NO, THEY DID NOT.

1 Q THE CAR WAS PICKED UP ON MAY 24TH BY WHOM?

2 A MR. LEVIN.

3 Q AND DID YOU LET HIM OUT WITHOUT PAYING?

4 A NOPE.

5 Q AND DID YOU GET A CHECK FROM MR. LEVIN?

6 A A CASHIER'S CHECK.

7 Q IN WHAT AMOUNT?

8 A \$530.80.

9 Q AND WHAT WAS THE DATE OF THAT CASHIER'S CHECK?

10 A IT WAS ISSUED MAY 22, 1984.

11 Q WHAT BANK WAS IT DRAWN ON?

12 A OLYMPIC NATIONAL BANK.

13 Q AND DID YOU MAKE A COPY OF THAT CASHIER'S
14 CHECK FOR YOUR RECORDS?

15 A YES, I DID.

16 MR. WAPNER: YOUR HONOR, I HAVE TWO DOCUMENTS THAT
17 APPEAR TO BE COPIES OF RECORDS WHICH THIS WITNESS PRODUCED.

18 MAY THEY BE MARKED COLLECTIVELY AS 160?

19 THE COURT: SO MARKED.

20 MR. WAPNER: THANK YOU.

21 Q SHOWING YOU THESE TWO DOCUMENTS, MR. FLEINER,
22 WHAT ARE THEY?

23 A THE FIRST ONE IS A REPAIR ORDER AUTHORIZATION.
24 THE SECOND ONE IS A CASHIER'S CHECK.

25 Q AND IS THE REPAIR ORDER AUTHORIZATION SIGNED
26 BY MR. LEVIN?

27 A YES.

28 Q AND THE CASHIER'S CHECK THAT YOU HAVE IN

1 FRONT OF YOU, IS THAT A COPY OF THE ONE -- A COPY THAT
2 IS IN YOUR RECORDS?

3 A YES.

4 Q IS THERE SOME NOTATION ON THAT CASHIER'S
5 CHECK AS TO WHAT ACCOUNT IT MIGHT BE DRAWN ON?

6 A GENERAL PRODUCERS CORPORATION.

7 Q AND YOU DON'T KNOW WHETHER THE INSURANCE
8 COMPANY EVER PAID MR. LEVIN OR NOT?

9 A NOPE. I DON'T KNOW.

10 MR. WAPNER: THANK YOU. NOTHING FURTHER.

11
12 CROSS-EXAMINATION

13 BY MR. BARENS:

14 Q DO YOU REPAIR LEASED CARS PRIOR TO THEIR
15 BEING RETURNED TO THE LEASING COMPANY?

16 A FOR CUSTOMERS?

17 Q SURE.

18 A I DON'T WORK FOR LEASE COMPANIES.

19 Q RIGHT. YOU HAVE CUSTOMERS WHO COME IN, THAT
20 ARE GETTING READY TO RETURN THEIR LEASE CARS AND YOU
21 FIX THEM UP SO THEY AREN'T CHARGED BY THE LEASE COMPANY
22 FOR REPAIRS?

23 A NOT USUALLY.

24 Q SOMETIMES DO YOU HAVE THAT HAPPEN?

25 A SOMETIMES.

26 Q HOW LONG HAD YOU KNOWN MR. LEVIN?

27 A TEN, TWELVE, THIRTEEN YEARS.

28 Q TEN, TWELVE, THIRTEEN YEARS? HAD YOU ALWAYS

1 KNOWN HIM IN THE CONTEXT OF HAVING HIS CARS REPAIRED?

2 A YES.

3 Q DO YOU KNOW HIM FOR ANY OTHER PURPOSE?

4 A NO.

5 Q JUST THAT HE WOULD BRING HIS CARS IN TO YOU?

6 A YES.

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1 Q DID YOU EVER HAVE ANY PROBLEMS COLLECTING YOUR
2 MONEY FROM HIM?

3 A YES.

4 Q IS THAT WHY YOU IN FACT REQUESTED A CASHIER'S
5 CHECK BEFORE YOU TOOK HIS CAR OUT?

6 A YES.

7 Q DID YOU SOMETIMES HAVE TO CHASE FOR YOUR MONEY?

8 A ONLY ONCE.

9 THE COURT: YOU SAY ONLY ONCE?

10 THE WITNESS: ONLY ONCE. THE LAST.

11 Q BY MR. BARENS: I AM SORRY?

12 A ONLY ONE TIME.

13 THE COURT: WHAT WAS THE LAST WORD YOU SAID?

14 THE WITNESS: THE FIRST TIME I EVER DID BUSINESS, I
15 HAD TO CHASE FOR MONEY.

16 Q BY MR. BARENS: AND AFTER THAT, YOU WERE A BIT
17 MORE CAUTIOUS?

18 A I WAS C.O.D.

19 Q C.O.D.? THAT IS CAUTIOUS.

20 ALL RIGHT, SO YOU MUST HAVE SEEN QUITE A BIT OF
21 HIM IN PERSON OVER THAT TEN OR 12 YEARS, EH?

22 A A FEW TIMES.

23 HE DIDN'T COME IN THAT OFTEN.

24 Q DID YOU THINK HE WAS A DISTINCTIVE LOOKING FELLOW?

25 A UH, I THOUGHT HE WAS JUST LIKE ANY OTHER OF MY
26 CUSTOMERS.

27 MR. BARENS: OKAY, THANK YOU VERY MUCH.

28 ///

///

REDIRECT EXAMINATION

BY MR. WAPNER:

Q HOW MANY TIMES WOULD YOU SAY THAT OVER THAT PERIOD OF TIME, WOULD YOU SAY, THAT HE BROUGHT CARS IN FOR REPAIRS?

A FOUR OR FIVE TIMES.

Q AND IT WAS THE FIRST TIME THAT YOU HAD A LITTLE TROUBLE WITH HIM, RIGHT?

A RIGHT.

Q DID YOU MAKE IT CLEAR TO HIM AT THE TIME THAT HE BROUGHT IN THE SECOND CAR THAT YOU WEREN'T GOING TO REPAIR IT UNLESS IT WAS A CASHIER'S CHECK OR C.O.D.?

A CORRECT.

Q AND HOW ABOUT THE THIRD TIME?

A C.O.D.

Q AND THE FOURTH TIME?

A C.O.D.

Q AND THIS WAS APPROXIMATELY THE FIFTH TIME THAT YOU DEALT WITH HIM, RIGHT?

A YES.

Q WOULD IT BE FAIR TO SAY THAT BY THE FIFTH TIME THAT HE PRETTY MUCH KNEW YOUR POLICY?

A YES.

Q SO HE WASN'T GOING TO BRING THE CAR TO YOU UNLESS HE KNEW HE WAS GOING TO HAVE TO PAY FOR IT?

A CORRECT.

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

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

1 STEP DOWN.

2 THIS WITNESS' NAME WAS NOT ON THE LIST OF THE
3 PROSPECTIVE WITNESSES.

4 MR. WAPNER: I KNOW THAT, YOUR HONOR. I APOLOGIZE.

5 THE COURT: ALL RIGHT. I JUST THOUGHT I WOULD POINT
6 IT OUT IF ANYBODY KNOWS MR. FLEINER.

7 ALL RIGHT, THANK YOU VERY MUCH.

8 MR. WAPNER: WHILE I AM IN THE MODE OF APOLOGIZING,
9 I KNOW WE STARTED LATE BUT WE ARE GOING TO HAVE TO STOP EARLY
10 BECAUSE THIS IS IT FOR THE DAY.

11 THE COURT: ALL RIGHT, TRY TO SCHEDULE THEM SO WE GO
12 RIGHT THROUGH, IF YOU WILL, NEXT TIME, WILL YOU?

13 LADIES AND GENTLEMEN OF THE JURY, WE HAVE RUN OUT
14 OF WITNESSES. WE WILL TAKE AN ADJOURNMENT NOW UNTIL
15 TOMORROW MORNING AT 10:30.

16 AND THE SAME ADMONITION I HAVE BEEN GIVING YOU
17 THROUGHOUT WOULD STILL APPLY.

18 GOOD NIGHT.

19 (AT 3:50 P.M., AN ADJOURNMENT WAS TAKEN
20 UNTIL WEDNESDAY, FEBRUARY 11, 1987, AT
21 10:30 A.M.)

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