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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

OCT 0 9 1987

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

APPEARANCES:

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

FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 51 OF 101  
(PAGES 7674 TO 7822, 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. )

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NO. A-090435

REPORTERS' DAILY TRANSCRIPT  
TUESDAY, FEBRUARY 17, 1987  
VOLUME 51

PAGES 7674 TO 7822, 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

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22  
23  
24  
25  
26  
27  
28

TUESDAY, FEBRUARY 17, 1987      VOLUME 51      PAGES 7674 TO 7822

A.M.      7674

P.M.      7734

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CHRONOLOGICAL INDEX OF WITNESSES

<u>PEOPLE'S WITNESS:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>
VEGA, JOE	7678	7704	7713	7714
JORDAN, ROBERT (RESUMED)	7716 7734	7736	7740	7741
FERRARO, ROBERT	7742	7762	7782	
NOONAN, IRENE	7787			
REEVES, JOHN W. (REOPENED)	7794 7817	7804		

ALPHABETICAL INDEX OF WITNESSES

FERRARO, ROBERT	7742	7762	7782	
JORDAN, ROBERT (RESUMED)	7716 7734	7736	7740	7741
NOONAN, IRENE	7787			
REEVES, JOHN W. (REOPENED)	7794 7817	7804		
VEGA, JOE	7678	7704	7713	7714

EXHIBITS FOR VOLUME 511  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

<u>PEOPLE'S EXHIBITS:</u>	<u>FOR</u>	<u>IN</u>
	<u>IDENTIFICATION</u>	<u>EVIDENCE</u>
70	DIAGRAM	7689
71	PHOTOGRAPH - DOOR	7699
72	PHOTOGRAPH - MR. PITTMAN	7700
73	PHOTOGRAPH - REVOLVING DOOR	7696
74	FORM, "PROPERTY CLERK'S INVOICE"	7727 7730
75	BOOKING PHOTOGRAPH	7723
76	FINGERPRINT CARD	7721
77	AMERICAN EXPRESS RECORDS	7799
176	TELEPHONE RECORDS	7791
177	AMERICAN EXPRESS EMERGENCY APPLICATION	7796

1 SANTA MONICA, CALIFORNIA; TUESDAY, FEBRUARY 17, 1987; 10:40 A.M.  
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE  
3 (APPEARANCES AS NOTED ON TITLE PAGE.)  
4

5 (THE FOLLOWING PROCEEDINGS WERE HELD  
6 IN CHAMBERS WITH MR. BRODEY BEING  
7 ALSO PRESENT:)

8 THE COURT: YOU CAN PULL UP ANOTHER CHAIR FOR MR.  
9 BRODEY.

10 THE RECORD WILL INDICATE WE ARE PRESENTLY IN  
11 CHAMBERS.

12 MR. WAPNER: YOUR HONOR, WE CAME TO DISCUSS THE  
13 LOGISTICS OF HAVING MR. PITTMAN BROUGHT OUT AND I WOULD HAVE  
14 DONE THIS IN OPEN COURT BUT THE JURY HAS NOW BEEN SEATED IN  
15 THE BOX SO --

16 WE HAVE DISCUSSED HAVING MR. PITTMAN DRESSED  
17 IN HIS CIVILIAN CLOTHES LIKE HE WAS ON THURSDAY AND THEN  
18 HAVING HIM BROUGHT OUT INTO THE COURTROOM BEFORE THE JURY  
19 GETS THERE AND THEN HAVING HIM SIT THERE PERHAPS THROUGH THE  
20 TESTIMONY OR MAYBE JUST THE DIRECT TESTIMONY OF THE WITNESS  
21 WHO IS GOING TO IDENTIFY HIM AND THEN TAKING A BREAK SO THAT  
22 HE IS NOT TAKEN BACK INTO CUSTODY WHILE THE JURORS ARE THERE.

23 MR. BRODEY'S CONCERN AND PROBABLY THE BAILIFF'S,  
24 TOO, IS THAT FOR SECURITY REASONS HE NOT BE SITTING THERE  
25 TOO LONG.  
26  
27  
28

1 THE BAILIFF: THAT IS FINE, JUDGE. I WENT AHEAD AND  
2 HAD THE JURY TAKE THEIR SEATS, NOT KNOWING THAT WE WERE GOING  
3 TO DO IT RIGHT AWAY. WHAT WE'LL HAVE TO DO IS DISMISS THEM  
4 FOR TEN MINUTES, TO GIVE ME TIME TO GET MR. PITTMAN DRESSED.

5 THE COURT: WHY DON'T YOU TELL THEM TO GO INTO THE  
6 JURY ROOM, OKAY? THEN YOU BRING THEM OUT.

7 THE BAILIFF: I WILL GET MR. PITTMAN DRESSED AND BRING  
8 HIM UP.

9 MR. BRODEY: LET ME TALK TO HIM. I WANT TO TAKE CARE  
10 OF THE PROBLEM. I WILL TAKE CARE OF IT.

11 MR. BARENS: IF I MIGHT INQUIRE, YOUR HONOR, IN ORDER  
12 TO SANITIZE THE APPEARANCE OF THE SITUATION, NO MATTER HOW  
13 WE MAKE IT LOOK, I DON'T THINK ANY JUROR IS GOING TO DOUBT  
14 THAT MR. PITTMAN IS IN SOME KIND OF CUSTODIAL SETTING SIMPLY  
15 BECAUSE OF HIS PLACEMENT IN THE COURTROOM AND THE APPARENT  
16 CIRCUMSTANCES SURROUNDING HIM.

17 WOULD YOUR HONOR FEEL IT INAPPROPRIATE TO MAKE  
18 A COMMENT OR -- I DON'T KNOW HOW I WOULD ACCOMPLISH THIS IF  
19 I WAS YOUR HONOR, TO MAKE A COMMENT THAT HE HAS NOT BEEN  
20 CONVICTED? I WILL TELL YOU JUDGE, THAT THE APPEARANCE --

21 THE COURT: NO. UNDER NO CIRCUMSTANCES WILL I MAKE  
22 A COMMENT OF THAT KIND.

23 MR. BARENS: I JUST WANTED TO INQUIRE. I DON'T KNOW  
24 HOW ELSE TO ATTEMPT TO SOMEWHAT TAKE SOME OF THE STING OUT  
25 OF THE APPEARANCE. I DON'T KNOW ANY OTHER WAY.

26 THE COURT: THERE IS NO STING. HE IS JUST BEING  
27 IDENTIFIED.

28 MR. BARENS: IT IS NOT THAT, YOUR HONOR. I DON'T

1 DISPUTE THAT. IT IS JUST THAT THE APPEARANCE, A JUROR MIGHT  
2 CONCLUDE THAT HE IS HERE IN CUSTODY AND HE HAS BEEN ON TRIAL  
3 AND HE HAD BEEN CONVICTED AND THEY ARE BRINGING HIM FROM JAIL.

4 THE COURT: WELL, THE JURY APPROPRIATELY AT THE END  
5 OF THE CASE, WILL BE INSTRUCTED THAT THEY ARE ONLY TO BE  
6 GUIDED BY WHAT THE EVIDENCE SHOWS AND NOT SPECULATE AS TO  
7 ANYTHING ELSE.

8 MR. BARENS: I THINK THAT IS PROBABLY THE BEST WE CAN  
9 DO.

10 THE COURT: YES. ALL RIGHT?

11 THE BAILIFF: I HAVE A LONG-SLEEVED SHIRT THAT HE  
12 COULD WEAR, IF YOU COULD CONVINCHE HIM TO WEAR IT.

13 MR. BRODEY: I WILL.

14 (RECESS.)

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

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

6 YOU MAY CALL YOUR NEXT WITNESS NOW PLEASE.

7 MR. WAPNER: YES, YOUR HONOR.

8 JUST BEFORE DOING THAT, COUNSEL AND I HAVE  
9 ARRIVED AT ANOTHER STIPULATION AND THAT IS THAT -- COUNSEL,  
10 MAY IT BE STIPULATED THAT CHARLES MILLIKEN BE DEEMED CALLED,  
11 SWORN AND FURTHER TESTIFIED THAT HE HAS CHECKED WITH DON  
12 LOPES, L-O-P-E-S, OF BARCLAY'S BANK AND VERIFIED THAT BETWEEN  
13 NOVEMBER, THE DATE WHEN MR. MILLIKEN LAST CHECKED AND THE  
14 DATE THAT MR. MILLIKEN TESTIFIED, NONE OF THE \$3,000 IN  
15 TRAVELER'S CHECKS THAT WERE OUTSTANDING HAD BEEN REDEEMED  
16 AND WERE STILL OUTSTANDING.

17 MR. BARENS: SO STIPULATED, YOUR HONOR.

18 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN, YOU  
19 ACCEPTE THE FACTS AS CONTAINED IN THE STIPULATION TO BE  
20 CONCLUSIVELY ESTABLISHED.

21 MR. WAPNER: CALL JOE VEGA.

22 THE CLERK: IF YOU WOULD COME FORWARD TO BE SWORN,  
23 PLEASE.

24  
25 JOE VEGA,  
26 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED  
27 AS FOLLOWS:

28 THE CLERK: RAISE YOUR RIGHT HAND.





4

1 Q AND AS A SECURITY SUPERVISOR, WHAT DID YOUR  
2 DUTIES ENTAIL?

3 A I WAS IN CHARGE OF SEVERAL MEN AND I WAS ALSO  
4 IN CHARGE OF SAFEKEEPING OF HOTEL GUESTS AND PROPERTY.

5 Q AND DID YOU GO TO WORK ON JUNE THE 10TH OF 1984?

6 A YES, I DID.

7 Q OKAY. APPROXIMATELY WHAT TIME DID YOU GO TO  
8 WORK?

9 A THAT DAY, I WAS INSTRUCTED TO WORK A DOUBLE,  
10 WHICH IS A 16-HOUR WORK DAY.

11 Q WHAT TIME DID YOU START?

12 A 8:00 O'CLOCK IN THE MORNING.

13 Q YOU PREVIOUSLY TESTIFIED THAT YOU STARTED AT  
14 4:00 IN THE AFTERNOON. CAN YOU EXPLAIN THAT?

15 A YES.

16 IT WAS A COUPLE OF YEARS BACK. I JUST DIDN'T  
17 REMEMBER.

18 Q ALL RIGHT. AND WOULD 4:00 O'CLOCK BE THE START  
19 OF THE SECOND SHIFT?

20 A YES, IT WOULD BE. YES.

21 Q AND AT SOME POINT AFTER YOU CAME TO WORK AT  
22 8:00 O'CLOCK IN THE MORNING, DID YOU TALK TO GAIL MAYER?

23 A YES, I DID.

24 Q WHO WAS SHE?

25 A SHE IS THE CREDIT MANAGER OF THE PLAZA HOTEL.

26 Q AND DID YOU GO SOME PLACE WITH HER?

27 A I WENT UP TO ROOM 1071 WITH HER.

28 Q WHY DID YOU GO UP THERE?

1           A       SHE INFORMED ME EARLY IN THE MORNING THAT IT  
2 WAS DUE TO A CREDIT PROBLEM.

3           MR. BARENS: YOUR HONOR, FOR THE RECORD, WE HAVE OUR  
4 HEARSAY, CONTINUING TYPE HEARSAY OBJECTION. AND ALSO,  
5 OBJECTION TO RELEVANCE.

6           THE COURT: YES.

7           MR. BARENS: THANK YOU, YOUR HONOR.

8           Q       BY MR. WAPNER: AND WHEN YOU WENT UP WITH HER  
9 TO THE ROOM, WHAT WAS THE PURPOSE OF YOUR GOING?

10          A       JUST IN CASE IF -- SHE HAD INFORMED ME THAT IT  
11 WAS A CREDIT PROBLEM. AND WHAT THE SECURITY SUPERVISOR'S  
12 JOB ENTAILS, IS THAT IF THEY HAD NOT HEARD FROM A GUEST IN  
13 A COUPLE OF DAYS, WHAT THE SECURITY SUPERVISOR WOULD DO,  
14 IS FIRST CHECK THE ROOM TO MAKE SURE THAT THERE IS BAGGAGE  
15 IN THE ROOM AND IT LOOKS LIKE THEY ARE GOING TO COME BACK.  
16 THEN THEY DOUBLE LOCK THE DOORS.

17                   WHEN WE DOUBLE LOCK IT, IT MEANS THAT THE ONLY  
18 PERSON WHO COULD GET BACK INTO THAT ROOM IS THE SECURITY  
19 SUPERVISOR ON THE SHIFTS.

20          Q       CAN YOU EXPLAIN THAT DOUBLE LOCKING PROCEDURE?  
21 WHAT DOES THAT ENTAIL?

22          A       WELL, THE SECURITY SUPERVISOR IS IN POSSESSION  
23 OF A KEY THAT DOUBLE BOLTS THE DOOR. ONCE WE USE THAT KEY,  
24 THE ONLY PERSON THAT CAN GET BACK IN WOULD BE THE SECURITY  
25 SUPERVISOR. IT IS ONE KEY.

26          Q       WILL A ROOM KEY OPEN THE DOOR?

27          A       NO. A ROOM KEY OR NO OTHERS WILL OPEN IT.

28          Q       WHEN YOU WENT UP TO ROOM 1071, WHAT TIME WAS

1 IT?

2 A SOMETIME AFTER 9:00 O'CLOCK IN THE MORNING.

3 Q WHAT DID YOU DO WHEN YOU GOT TO THE ROOM?

4 A WHAT I DID WAS, I STOOD BY THE DOOR AND GAIL  
5 MAYER WENT INSIDE AND SHE BEGAN CHECKING THE CLOSETS, DRAWERS  
6 JUST TO SEE IF ANYTHING WAS WORTH COMING BACK FOR AS FAR AS  
7 FOR THE GUEST'S PROPERTY.

8 Q AND AFTER SHE DID THAT, WHAT HAPPENED?

9 A WELL, SHE HAD GONE THROUGH THE ROOM AND WHEN  
10 SHE WAS SATISFIED AND SHE WAS LEAVING, SHE REQUESTED THAT  
11 I DOUBLE LOCK THE DOOR.

12 Q DID YOU SAY ANYTHING TO HER AT THAT PARTICULAR  
13 TIME?

14 A JUST BEFORE SHE STEPPED OUTSIDE, I HAD NOTICED  
15 THAT SHE DIDN'T CHECK TWO BAGS THAT WERE BY A FIREPLACE. AND  
16 I POINTED IT OUT TO HER.

17 I SAID, "AREN'T YOU GOING TO CHECK THOSE?"  
18 SHE TOLD ME THAT SHE WAS SATISFIED THAT THEY WOULD PROBABLY  
19 BE COMING BACK FOR IT. AT THAT PARTICULAR TIME, I DOUBLE  
20 LOCKED THE DOOR.

21 Q WHEN YOU SAY TWO BAGS, WHAT ARE YOU REFERRING  
22 TO?

23 A TWO SUITCASES.

24 Q WHAT DID YOU NOTICE THAT THOSE SUITCASES LOOKED  
25 LIKE?

26 A I NOTICED THAT ONE OF THEM WAS SILVER IN COLOR.  
27 IT WAS SORT OF LIKE A METALLIC SUITCASE. THE OTHER ONE, I  
28 CANNOT REMEMBER THE COLOR.

5- 1 Q AND WHEN YOU POINTED THE SUITCASES OUT TO HER,  
2 WHAT DID SHE DO OR SAY?

3 A SHE WAS SATISFIED THAT SINCE SHE HAD GONE THROUGH  
4 THE WHOLE ROOM CHECKING HIS PERSONAL BELONGINGS, SHE WAS  
5 SATISFIED THAT HE WOULD BE COMING BACK FOR THE ITEMS, SO SHE  
6 DIDN'T NEED TO CHECK THOSE TWO OTHER BAGS.

7 Q AND AFTER YOU POINTED THAT OUT TO HER, WHAT DID  
8 YOU DO?

9 A I DOUBLE LOCKED THE DOOR.

10 Q WHICH MEANT THAT NO ONE EXCEPT YOU COULD GET BACK  
11 INTO THE ROOM?

12 A I WOULD BE THE ONLY PERSON THAT WOULD BE ABLE  
13 TO UNLOCK THAT DOOR.

14 Q DID YOU THEN GO ABOUT YOUR DAILY ROUTINE?

15 A YES, I DID, YES.

16 Q AT SOME POINT -- WELL, AT THAT POINT YOU WENT  
17 UP WITH HER TO ROOM 1071, DID YOU KNOW THE NAME OF THE GUEST  
18 WHO WAS STAYING THERE?

19 A SHE HAD MENTIONED TO ME -- ONE OF OUR PROCEDURES  
20 IS THAT THEY LET US KNOW THE NAME OF THE GUEST IN THE ROOM  
21 AND I BELIEVE THAT SHE DID TELL ME THE NAME WAS RON LEVIN  
22 AT THAT TIME.

23 Q AND WERE YOU CONTACTED AT SOME POINT LATER IN  
24 THE DAY BY ONE OF YOUR SECURITY PEOPLE?

25 A YES, I WAS.

26 Q ABOUT WHAT TIME WAS THAT?

27 A THAT WAS ON THE SECOND SHIFT NOW, JUST A LITTLE  
28 BIT AFTER 4 O'CLOCK.

5 1 Q WHAT WAS THE NATURE OF THAT CONTACT?

2 A ONE OF MY MEN IN THE LOBBY REPORTED THAT THERE  
3 WAS A GUEST HAVING TROUBLE GETTING INTO THE ROOM. HE STATED  
4 THE NAME WAS RON LEVIN AND THE ROOM NUMBER WAS 1071.

5 Q WHEN YOUR MAN REPORTED THAT TO YOU, WAS THAT BY  
6 WALKIE-TALKIE?

7 A YES, IT WAS.

8 Q AND WHAT DID YOU DO AT THAT POINT?

9 A I REFERRED HIM TO THE FRONT OFFICE BECAUSE I  
10 REMEMBERED THAT IT WAS A CREDIT PROBLEM WITH THAT ROOM SO  
11 BEFORE I CAN OPEN THAT ROOM, HE WOULD HAVE TO CHECK WITH THE  
12 FRONT OFFICE AND SETTLE THE MATTER.

13 Q WERE YOU STILL ON DUTY AND WORKING AT APPROXIMATELY  
14 7:45 IN THE EVENING?

15 A YES, I WAS.

16 Q AND AT THAT TIME, DID YOU START TO GO SOMEPLACE?

17 A I WAS IN MY OFFICE AND I DECIDED I HAD TO USE  
18 THE RESTROOM AND IN ORDER TO GET TO THE RESTROOM, I HAVE TO  
19 CUT THROUGH A STAIRWAY AND THAT IS WHERE I ENCOUNTERED THE  
20 PERSON I BELIEVED TO BE AT THAT TIME RON LEVIN.

21 Q WHAT FLOOR OF THE HOTEL WERE YOU, WAS YOUR OFFICE  
22 ON?

23 A THIS IS THE SECOND FLOOR.

24 Q AND THE STAIRWAY?

25 A THE STAIRWAY IS NUMBER 7 ON THE SECOND FLOOR.

26 Q WHEN YOU WENT INTO THAT STAIRWAY, WHAT DID YOU  
27 SEE?

28 A I SAW A GENTLEMAN COMING DOWN THE STAIRS WITH

1 TWO SUITCASES IN HIS POSSESSION, THE TWO SUITCASES WHICH I  
2 RECOGNIZED WAS THE CASES THAT I HAD SEEN IN 1071 JUST BEFORE  
3 I DOUBLE LOCKED IT.

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1 Q AND HAD YOU GONE UP TO LET ANYONE INTO THAT ROOM  
2 TO GET THE SUITCASES OUT?

3 A NO, SIR, NOT AT ALL.

4 Q AND THE PERSON THAT YOU SAW WITH THE SUITCASES,  
5 HAD YOU SEEN THAT PERSON BEFORE?

6 A I HAD NEVER SEEN HIM BEFORE, NO.

7 Q DO YOU SEE HIM IN THE COURTROOM NOW?

8 A YES, HE IS IN THE COURTROOM.

9 Q WOULD YOU POINT HIM OUT?

10 A THAT GENTLEMAN OVER THERE (INDICATING).

11 MR. WAPNER: COULD WE HAVE HIM STAND, PLEASE?

12 THE COURT: YES, WILL YOU PLEASE HAVE HIM STAND?

13 (DEFENDANT PITTMAN STANDS.)

14 THE COURT: THANK YOU.

15 Q BY MR. WAPNER: WHEN YOU SAW THAT PERSON, WHERE  
16 WAS HE?

17 A HE WAS BETWEEN THE SECOND AND THIRD FLOOR IN --  
18 ON THE LANDING, ON THE STAIRCASE.

19 Q AND DID YOU SUBSEQUENTLY COME TO FIND OUT THAT  
20 THAT PERSON'S NAME WAS NOT LEVIN BUT WAS PITTMAN?

21 A NO, NOT UNTIL AFTER HE HAD BEEN ARRESTED.

22 Q AND IS THAT SOME TIME LATER WHEN YOU CAME TO  
23 LOS ANGELES?

24 A YES, SIR.

25 Q NOT IN NEW YORK?

26 A NOT IN NEW YORK CITY, NO.

27 Q AND WHEN YOU SAW HIM, HE WAS ABOVE WHERE YOU WERE?

28 A YES, SIR.



1 Q WHAT WAS HE DOING AT THAT TIME?

2 A HE WAS WALKING DOWN THE STEPS WITH TWO SUITCASES.

3 Q WHEN YOU SAW HIM THERE, WHAT DID YOU DO?

4 A I ASKED HIM WHY HE HAD DECIDED TO COME DOWN THE  
5 STAIRWAY.

6 Q AND WHAT DID HE SAY?

7 A HE SAID THE ELEVATORS ON THAT SIDE OF THE BUILDING  
8 WEREN'T RUNNING.

9 Q IS IT PART OF YOUR JOB TO KNOW WHETHER THE  
10 ELEVATORS ARE RUNNING OR NOT?

11 A YES, SIR, IT IS MY JOB TO KNOW EVERYTHING THAT  
12 GOES ON.

13 Q WERE THE ELEVATORS IN FACT RUNNING AT THAT TIME?

14 A YES, THEY WERE.

15 Q SO WHEN HE TOLD YOU THAT, YOU KNEW THAT WASN'T  
16 TRUE?

17 A YES, SIR.

18 Q WHAT HAPPENED AFTER THAT?

19 A WELL, I BEGAN ASKING HIM A SERIES OF QUESTIONS  
20 AND AS I AM QUESTIONING HIM, HE IS STILL WALKING DOWN THE  
21 STEPS TO WHERE HE PASSES ME.

22 Q WHAT DID YOU ASK HIM?

23 A THE NEXT QUESTION I ASKED HIM WAS, IF HE WAS A  
24 GUEST.

25 Q WHAT DID HE SAY?

26 A AND HE SAID HE WAS AND I ASKED HIM FOR HIS ROOM  
27 KEY AND WHEN I HAD ASKED HIM FOR THE ROOM KEY, HE HAD ALREADY  
28 PASSED ME AND WAS ON HIS WAY DOWN AND HE RAISED THE ROOM KEY

1 VERY FAST AND I COULD NOT SEE THE ROOM KEY NUMBER.

2 Q WHEN HE RAISED THE ROOM KEY VERY QUICKLY, DID  
3 HE SAY ANYTHING?

4 A WELL, ONCE I HAD ASKED HIM TO STAND, SINCE HE  
5 KEPT ON WALKING DOWN THE STEPS, HE TURNED TO ME AND SAYS,  
6 "LOOK, IF YOU WANT TO SPEAK TO ME, YOU ARE GOING TO HAVE TO  
7 HURRY BECAUSE I HAVE A LIMOUSINE WAITING."

8 AND AT THAT POINT, HE BEGAN TO RUN DOWN THE STAIRS.

9 Q BEFORE HE STARTED RUNNING, DID HE MENTION WHAT  
10 ROOM NUMBER HIS WAS?

11 A YES, HE DID. HE HAD MENTIONED HE WAS IN ROOM  
12 1271.

13 Q DID THAT MEAN ANYTHING TO YOU AT THAT POINT?

14 A IT WAS TOO MUCH OF A COINCIDENCE THAT FIRST I  
15 RECOGNIZED THE SUITCASES AND SINCE I HAD DOUBLE LOCKED THOSE  
16 SUITCASES IN ROOM 1071 AND THEN HE TELLS ME 1271 AND I JUST  
17 SAID THAT WAS KIND OF A FISHY STORY, SO I KNEW SOMETHING WAS  
18 WRONG.

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1 Q WHEN DID HE SAY HE WAS IN 1271?

2 A WHEN HE STARTED PASSING ME. HE SHOWED ME THE  
3 ROOM KEY BUT HE DIDN'T ACTUALLY SHOW ME THE ROOM KEY NUMBER.  
4 HE JUST PASSED ME BY AND THEN TOLD ME HE WAS IN 1271.

5 Q NOW, AFTER HE PASSED BY AND TOLD YOU HE WAS IN  
6 1271, WHAT DID HE DO?

7 A WELL, I ASKED HIM TO STOP. AND HE TOLD ME THAT  
8 IF I WANTED TO SPEAK TO HIM, I WOULD HAVE TO HURRY BECAUSE  
9 HE HAS A LIMO WAITING AND HE BEGAN RUNNING AFTER THAT.

10 Q WHEN HE BEGAN TO RUN, WHAT DID YOU DO?

11 A WELL, I BEGAN RUNNING AFTER HIM. WE BOTH MADE  
12 IT DOWN TO THE LOBBY AREA. HE WENT OUT THROUGH THE LOBBY.

13 Q WAS THERE SOMETHING UNUSUAL TO YOU ABOUT THE  
14 FACT THAT HE WENT THROUGH THAT DOOR?

15 A YES, BECAUSE THAT IS ACTUALLY AN EMPLOYEES'  
16 STAIRCASE. GUESTS OF THE HOTEL WOULDN'T REALLY KNOW THAT  
17 THAT IS THE LOBBY DOOR. IT IS NOT MARKED OR ANYTHING LIKE  
18 THAT.

19 MOSTLY EMPLOYEES USE THAT AREA. AND WE WERE  
20 ON THE SECOND FLOOR AND FOR HIM TO GO OUT THROUGH THAT DOOR,  
21 IT IS TWO FLIGHTS.

22 AND IN BETWEEN IS A BANQUET LEVEL. ANYBODY ELSE  
23 WOULD HAVE RUN OUT THE BANQUET LEVEL. THAT IS THE FIRST  
24 DOOR YOU GET TO.

25 Q WHEN HE WENT INTO THE LOBBY, WHAT DID HE DO?

26 A WELL, ONCE WE BOTH GOT INTO THE LOBBY AREA, I  
27 CALLED MY MEN VIA WALKIE-TALKIE IN ORDER TO INTERCEPT HIM  
28 BEFORE HE WENT OUT THROUGH THE FIFTH AVENUE EXIT.

1 Q DID YOU CALL HIM WHILE YOU WERE RUNNING?

2 A YES, I DID.

3 Q AND WHAT HAPPENED AS YOU WENT THROUGH THE LOBBY?

4 A WELL, HIM AND I, WE BOTH REACHED THE FIFTH AVENUE  
5 EXIT AT THE SAME TIME. AND WHEN HE SAW THAT THE EXIT WAS  
6 BLOCKED BY FOUR OF MY MEN, HE DROPPED HIS LUGGAGE AND YELLED  
7 AND TOOK A KARATE STANCE ON US.

8 Q DO YOU RECOGNIZE THE DIAGRAM THAT IS ON THE BOARD?  
9 YOUR HONOR, IF THAT HAS NOT BEEN PREVIOUSLY MARKED,  
10 MAY IT BE MARKED PEOPLE'S 70 FOR IDENTIFICATION?

11 THE COURT: SO MARKED.

12 THE WITNESS: YES, I DO. I RECOGNIZE IT.

13 Q BY MR. WAPNER: DID YOU ASSIST IN PREPARING THAT  
14 DIAGRAM?

15 A YES, I DID.

16 Q AND WHAT HAVE YOU TRIED TO SHOW US BY THAT DIAGRAM?

17 A I TRIED TO SHOW THE ROUTE FROM THE POINT OF  
18 WHERE HE REACHED THE LOBBY, WHICH IS THE NUMBER 7 STAIRWAY  
19 UP AT THE LEFT-HAND CORNER TO WHERE WE APPREHENDED HIM WHICH  
20 IS THE FIFTH AVENUE LOBBY. THAT IS WHERE HE TOOK THE  
21 KARATE STANCE, DOWN AT THE BOTTOM, CENTER.

22 Q ALL RIGHT. THAT IS WHERE IT SAYS "APPREHENDED  
23 BY SECURITY" AND THERE IS A RED X THERE?

24 A YES.

25 Q AND HOW MANY SECURITY PEOPLE WERE THERE AT THE  
26 FIFTH AVENUE ENTRANCE?

27 A INCLUDING MYSELF, THERE WAS FIVE OF US.

28 Q WHAT IS THIS BLACK LINE ALONG THE LEFT-HAND SIDE

1 OF THE DIAGRAM AND THEN ON THE BOTTOM INDICATING?

2 A THOSE ARE WALLS AND THERE ARE VARIOUS SHOPS  
3 ALONG THOSE WALLS WHICH I DID NOT INDICATE.

4 Q AND WHAT IS THIS OPENING HERE JUST TO THE LEFT  
5 OF WHERE IT SAYS "FIFTH AVENUE"?

6 A OKAY. THOSE OPENINGS INDICATE FRENCH DOORS THAT  
7 SEPARATE THE FIFTH AVENUE LOBBY WITH THE HALLWAY OF THE PALM  
8 COURT RESTAURANT.

9 Q THE HALLWAY IS THIS HALLWAY OF THE PALM COURT  
10 RESTAURANT?

11 A RIGHT. THAT IS THE LOBBY AND THE HALLWAY, YES.

12 Q WHEN YOU GO THROUGH THESE FRENCH DOORS INDICATED  
13 BY THIS OPENING, WHAT DO YOU COME TO AT THE BOTTOM?

14 A THAT IS THE FIFTH AVENUE LOBBY ENTRANCE. THAT  
15 IS PART OF THE INSIDE OF THE BUILDING.

16 Q HAD THIS PERSON THAT YOU WERE FOLLOWING ACTUALLY  
17 GONE THROUGH THE FRENCH DOORS?

18 A YES, HE DID.

19 Q HOW FAR ON THE OTHER SIDE OF THOSE FRENCH DOORS  
20 WAS IT THAT THE SECURITY PEOPLE WERE THERE WAITING FOR HIM?

21 A RIGHT IN THE CENTER OF THE LOBBY, SIR. FAR AS  
22 IN FEET, I AM NOT SURE. BUT IT WAS RIGHT IN THE CENTER OF  
23 THE LOBBY. THAT IS NOT A FULL PICTURE OF THE FIFTH AVENUE  
24 LOBBY.

25 Q AGAIN, HOW MANY SECURITY PEOPLE WERE THERE?

26 A WITH ME, FIVE.

27 Q AND WHAT HAPPENED WHEN THIS PERSON THAT YOU  
28 KNOW AT THAT TIME AS MR. LEVIN, GOT TO THE PLACE WHERE THE

6-4

1 RED X IS ON THE DIAGRAM?

2 A WELL, AS I EXPLAINED, HE DROPPED HIS LUGGAGE  
3 AND HE TOOK A KARATE STANCE. HE YELLED.

4 Q WHAT DID HE YELL?

5 A HE JUST YELLED "AHHHHHH" REAL LOUD, VERY LOUDLY.  
6 IT WAS A KARATE YELL. AND THE LOBBY WAS FULL OF PEOPLE.

7 Q WHAT HAPPENED WHEN HE YELLED VERY LOUDLY?

8 A WELL, HE CAUGHT US BY SURPRISE. WE DIDN'T EXPECT  
9 IT. ACTUALLY, WE WERE MORE AMAZED THAT HE WOULD EVEN THINK  
10 ABOUT FIGHTING FIVE PEOPLE AROUND HIM. BUT HE IS A VERY BIG  
11 MAN.

12 SO I GUESS THAT HE FELT VERY CONFIDENT. SO,  
13 WHAT HAPPENED WAS THAT WE ENCIRCLED HIM.

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1 MR. BARENS: MOVE TO STRIKE THAT "HE FELT VERY  
2 CONFIDENT", THAT WAS A VOLUNTEERED STATEMENT.

3 THE COURT: ALL RIGHT, THAT PART OF IT WILL BE STRICKEN.

4 Q BY MR. WAPNER: WHEN YOU WERE AROUND HIM, AFTER  
5 HE LET OUT THIS YELL, WHAT DID YOU DO?

6 A WELL, WE JUST -- WE CIRCLED HIM AND AS WE CLOSED  
7 THE CIRCLE, BEFORE WE EVEN TOUCHED HIM, HE WOULD JUST RAISE  
8 HIS HANDS AND SAID, "OKAY, YOU GOT ME."

9 Q WHAT DID YOU DO AT THAT POINT?

10 A AT THAT POINT, I SAID, "LOOK, I KNOW WHAT YOU  
11 ARE TRYING TO DO BUT IF YOU WILL JUST COME WITH ME TO THE  
12 FRONT OFFICE, I AM SURE WE COULD SETTLE THIS MATTER."

13 Q WHAT DID HE DO OR SAY AT THIS POINT?

14 A HE OFFERED A HUNDRED DOLLARS IF I WOULD JUST  
15 FORGET THE WHOLE THING.

16 Q WHAT DID YOU DO?

17 A I TOLD HIM I COULDN'T DO THAT.

18 Q WHAT DID YOU DO AFTER THAT?

19 A WELL, I DECIDED TO ESCORT HIM TO THE FRONT DESK  
20 AND, AS I SAID BEFORE, THERE WAS A LOT OF PEOPLE MILLING  
21 AROUND AND TRYING TO GET A GOOD LOOK AT WHAT WAS HAPPENING.

22 THE WHOLE PLACE WAS VERY FULL OF PEOPLE.

23 I BEGAN WORKING WITH MR., WHO I THOUGHT WAS MR.  
24 LEVIN, OVER TO THE 59TH STREET LOBBY.

25 MY MEN STAYED BEHIND. THEY PICKED UP THE  
26 LUGGAGE, BUT SINCE THERE WAS SO MANY PEOPLE TRYING TO GET  
27 THROUGH, WE BECAME SEPARATED.

28 Q WHEN YOU BECAME SEPARATED, IT WAS JUST YOU AND

1 THIS PERSON YOU KNEW AS RON LEVIN?

2 A YES, SIR.

3 Q AND WHAT DIRECTION DID YOU TAKE FROM THE AREA  
4 WHERE YOU APPREHENDED HIM TO GET OVER TO THE FRONT OFFICE?

5 A OKAY. AS THE BLUE LINE INDICATES THERE, THAT  
6 IS THE ROUTE I FOLLOWED TO WHERE THE NEXT X IS RIGHT OVER  
7 HERE TO -- AT THE CENTER, RIGHT-HAND SIDE AND JUST BEFORE  
8 I GOT THERE, I NOTICED THAT MR. LEVIN WAS VERY NERVOUS. HE  
9 WAS LOOKING FROM SIDE TO SIDE AND I ACTUALLY HAD TO HOLD HIM  
10 BACK WITH MY HAND BECAUSE HE WAS TRYING TO GO AHEAD OF ME.

11 Q LET ME STOP YOU FOR ONE SECOND.

12 HAVE YOU ALSO INDICATED BY THIS BLUE LINE THE  
13 PATH THAT YOU TOOK FOLLOWING HIM FROM THE STAIRWAY TO THE  
14 PLACE WHERE HE WAS APPREHENDED?

15 A YES, SIR.

16 Q AND THE POINT WHERE YOU SAY THAT THIS PERSON  
17 YOU KNEW WAS LEVIN WAS ANXIOUS AND LOOKING FROM SIDE TO SIDE,  
18 WHERE WAS THAT ON THIS DIAGRAM?

19 A OKAY. AS WE WERE WALKING, THE BLUE LINE INDICATES  
20 AS WE WERE WALKING RIGHT AROUND JUST BEFORE WE GET TO THAT  
21 X THERE, HE IS LOOKING FROM SIDE TO SIDE, JUST AROUND THIS  
22 AREA RIGHT HERE, SIR (INDICATING).

23 Q DO YOU WANT TO STEP TO THE DIAGRAM AND POINT  
24 TO THAT?

25 A YES.

26 Q POINT OUT FOR THE JURY, PLEASE.

27 A WE APPREHENDED HIM -- WE STARTED WALKING AWAY  
28 AND I NOTICED JUST ABOUT THIS AREA HERE, HE IS VERY NERVOUS



1 AND THAT IS WHY I HAVE TO PUT MY HAND ON HIS CHEST TO STOP  
2 HIM FROM GOING AHEAD OF ME (INDICATING).

3 Q DO YOU WANT TO PUT AN ORANGE X THERE ON THE  
4 DIAGRAM?

5 A JUST AROUND THAT AREA (INDICATING).

6 Q SHOW US HOW YOU PUT YOUR HAND ON HIS CHEST.

7 A OKAY. HE WAS ON THE LEFT-HAND SIDE AND I HAD  
8 TO HOLD HIM, ACTUALLY, BACK. I WAS JUST TELLING HIM TO HOLD  
9 IT AND I HAD A WALKIE-TALKIE IN MY RIGHT HAND SO I JUST  
10 NOTICED HE WAS REALLY WALKING VERY QUICKLY. I WAS JUST TRYING  
11 TO HOLD HIM BACK JUST A LITTLE.

12 Q WHAT HAPPENED AT THAT POINT?

13 A OKAY. I GOT OVER TO THAT WALL RIGHT HERE AND  
14 PLACED HIM AGAINST THE WALL HERE (INDICATING).

15 Q WHERE THE BLUE X IS ON THE DIAGRAM?

16 A WHERE THE BLUE X IS.

17 LIKE I STATED, IT WAS VERY CROWDED. I HAD TO  
18 WAIT FOR MY MEN TO GET TO ME. SO AT THAT POINT, THAT IS WHERE  
19 HE OFFERED ME ANOTHER \$500 IF I WOULD JUST FORGET THE WHOLE  
20 THING.

21 Q WHAT DID YOU SAY TO HIM AT THAT POINT?

22 A I TOLD HIM IT WAS OUT OF THE QUESTION.

23 Q WHAT DID YOU DO THEN?

24 A MY MEN FINALLY REACHED ME.

25 MR. WAPNER: YOU CAN SIT DOWN AGAIN.

26 THE WITNESS: THANK YOU.

27 (WITNESS RESUMES THE WITNESS STAND.)

28 THE WITNESS: THE SECURITY MEN FINALLY GOT TO THAT

1 LOCATION RIGHT THERE WITH THE LUGGAGE AND THEN WE BEGAN  
2 WALKING TOWARD THE FRONT OFFICE AS IT INDICATES RIGHT THERE  
3 AND WHERE THAT RED X IS THERE, HE BOLTED, HE TOOK OFF AND  
4 WE ALL TOOK OFF AFTER HIM AND WE WOUND UP AT THE REVOLVING  
5 DOOR WHERE WE ALL JUST CRASHED INTO (INDICATING).

6 Q WHEN YOU SAY HE TOOK OFF, WHAT WAS HE DOING?

7 A HE WAS RUNNING.

8 Q AND HE RAN TOWARD THE REVOLVING DOOR?

9 A YES, HE DID.

10 Q WHERE IS THE REVOLVING DOOR INDICATED ON THAT  
11 DIAGRAM?

12 A UPPER RIGHT-HAND CORNER THERE (INDICATING).

13 Q WHEN HE TOOK OFF RUNNING, WHAT DID YOU DO?

14 A WE ALL RAN AFTER HIM.

15 Q YOU AND THE FOUR OTHER SECURITY GUARDS?

16 A YES, SIR.

17 Q WHAT HAPPENED WHEN HE GOT TO THE REVOLVING DOOR?

18 A WHEN HE GOT THERE, WE ALL SORT OF REACHED AT  
19 THE SAME TIME, WE ALL BROKE -- WE BROKE THE REVOLVING DOOR.

20 Q AND WHAT DID YOU DO WHEN --

21 DID YOU CATCH UP WITH HIM AT THE REVOLVING DOOR?

22 A YES, WE DID.

23 Q DID YOU APPREHEND HIM IN SOME WAY?

24 A THIS TIME, WE HAD TO TAKE HIM BY FORCE.

25 Q AND HOW MANY PEOPLE APPREHENDED HIM AT THAT POINT?

26 A FIVE.

27 Q WHAT HAPPENED? HOW WAS THAT DONE?

28 A WELL, IT WAS DONE BY GRABBING NECKS AND ARMS

1 AND LEGS AND JUST TAKING HIM BY FORCE. THERE WAS NO OTHER  
2 WAY.

3 WE COULDN'T LET HIM GO OUT INTO THE STREET BECAUSE  
4 WE ARE NOT POLICE OFFICERS, ONCE HE HIT THE STREET, WE HAVE  
5 NO POWERS TO DETAIN HIM.

6 Q AND WAS THERE ANY DAMAGE DONE TO THE DOOR?

7 A YES, IT WAS. IT WAS DAMAGED VERY MUCH.

8 Q SHOWING YOU A PICTURE --

9 I WOULD LIKE TO HAVE MARKED, YOUR HONOR, AS  
10 PEOPLE'S 73 FOR IDENTIFICATION.

11 THE COURT: ALL RIGHT.

12 Q BY MR. WAPNER: IT APPEARS TO BE A PICTURE OF  
13 A REVOLVING DOOR; MR. VEGA, DO YOU RECOGNIZE THAT?

14 A YES, I DO.

15 Q WHAT IS IT?

16 A IT IS THE 59TH STREET REVOLVING DOOR.

17 Q WHO TOOK THAT PHOTOGRAPH?

18 A I DID, SIR.

19 Q WHEN WAS IT TAKEN?

20 A ON JUNE 10TH.

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1 Q AND WHAT WERE YOU TRYING TO SHOW WHEN YOU TOOK  
2 THAT PICTURE?

3 A I WAS TRYING TO SHOW THE EXTENT OF DAMAGE TO THE  
4 DOOR. BUT IT IS NOT A VERY GOOD PICTURE.

5 Q BUT IN ANY EVENT, IT IS A PICTURE OF A DOOR?

6 A YES IT IS, A REVOLVING DOOR.

7 MR. WAPNER: MAY I JUST PASS THAT VERY QUICKLY IN FRONT  
8 OF THE JURORS?

9 THE COURT: YES.

10 (PAUSE.)

11 Q BY MR. WAPNER: AND AFTER YOU CRASHED INTO THE  
12 DOOR, WHAT DID YOU DO WITH THE PERSON THAT YOU KNEW AT THAT  
13 TIME AS RON LEVIN?

14 A I SAID THAT IT WAS TIME THAT WE HAD TO TAKE HIM  
15 BY FORCE AND WE USHERED HIM INSIDE THE FRONT DESK.

16 Q HOW MANY PEOPLE DID IT TAKE TO TAKE HIM TO THE --

17 A IT TOOK ALL FIVE OF US.

18 Q DID YOU TAKE HIM TO THE FRONT OFFICE DESK OR TO  
19 THE OFFICE?

20 A TO THE OFFICE INSIDE THE FRONT DESK.

21 Q AND WHEN YOU GOT HIM TO THE OFFICE, WHAT HAPPENED?

22 A OKAY. WE CALLED MR. LIEBOWITZ. HE HAS THE FRONT  
23 OFFICE OR HE DID AT THE TIME. AND I EXPLAINED TO HIM THE  
24 SITUATION.

25 WE HAD PUT HIM INSIDE THE ROOM. AND MR. LIEBOWITZ  
26 WAS CONTACTED.

27 I WENT INSIDE AND I BEGAN ASKING HIM A FEW  
28 QUESTIONS AS FAR AS HOW DID HE GET HIS LUGGAGE. HE TOLD ME

8  
1 THAT A MAID HAD LET HIM INTO THE ROOM.

2 Q AND DID YOU KNOW WHETHER THAT WAS THE CASE OR  
3 NOT?

4 A WELL, IT WAS IMPOSSIBLE FOR A MAID TO GO INTO  
5 THE ROOM, AS I AM THE ONLY ONE IN POSSESSION OF THE KEY THAT  
6 WOULD LET ANYBODY INTO THAT ROOM. A MAID WOULD NOT BE ABLE  
7 TO GET IN.

8 Q WHAT HAPPENED?

9 A I KNEW THAT HE WAS LYING. I SENT ONE OF MY MEN  
10 TO THE FLOOR, TO 1071.

11 Q DID YOU GET A CALL BACK FROM THIS PERSON?

12 A YES I DID. HE REPORTED EXTENSIVE DAMAGE TO THE  
13 DOOR OF 1071.

14 Q AFTER HE TOLD YOU THAT, WHAT DID YOU DO?

15 A I BEGAN QUESTIONING MR. LEVIN AS TO WHY HE DID  
16 THIS AND ALL THAT.

17 HE HAD STATED A FEW THINGS TO US AS FAR AS YOU  
18 KNOW, WHO HE WAS AND HOW IF HE WANTED TO, HE COULD HAVE  
19 BROKEN US ALL APART BECAUSE HE JUST DIDN'T WANT ANY MORE  
20 TROUBLE BUT HE SAID HE WAS JIM KELLY'S SPARRING PARTNER. HE  
21 JUST RATTLED ON A FEW THINGS.

22 Q WHO IS JIM KELLY?

23 A SUPPOSEDLY A KARATE EXPERT, MOVIE STAR.

24 Q AND DID YOU, AFTER TALKING TO THIS PERSON YOU  
25 KNEW AS LEVIN, GO UP TO THE DOOR OF 1071?

26 A YES I DID. I WENT UP TO TAKE PHOTOGRAPHS.

27 Q AND WHAT DID YOU NOTICE WHEN YOU WENT UP THERE?

28 A I NOTICED THAT THE DOOR WAS HEAVILY DAMAGED.

8A-3

1 IT HAD BEEN KICKED IN. THE AREA AROUND THE HANDLE, ALL OF  
2 THE WOODWORK WAS KICKED OUT.

3 Q AND THE DOOR WAS OPEN, I TAKE IT?

4 A THE DOOR WAS WIDE OPEN, YES.

5 Q DID YOU TAKE A PICTURE OF THAT?

6 A YES I DID, SIR.

8BF

7 Q WAS IT A LITTLE BETTER THAN THE PICTURE YOU TOOK  
8 OF THE REVOLVING DOOR?

9 A I BELIEVE JUST A LITTLE BETTER, BUT NOT THAT GOOD.

10 MR. WAPNER: YOUR HONOR, I HAVE ANOTHER PHOTOGRAPH THAT  
11 I WOULD LIKE TO HAVE MARKED AS PEOPLE'S 71 FOR IDENTIFICATION.

12 THE COURT: SO MARKED.

13 MR. WAPNER: IT APPEARS TO BE A PHOTOGRAPH OF WHAT IS  
14 LEFT OF A DOOR OF A ROOM AND A PORTION OF THE INSIDE OF THE  
15 ROOM.

16 Q WHAT IS THAT?

17 A THIS IS A PHOTOGRAPH OF A DOOR TO ROOM 1071.

18 Q AND DOES THAT ACCURATELY DEPICT WHAT THE ROOM  
19 LOOKED LIKE AT THE TIME YOU TOOK THE PICTURE?

20 A WELL, ACTUALLY, I SAID THOSE PHOTOS AREN'T VERY --  
21 WELL ACTUALLY, IT IS REALLY MORE EXTENSIVELY DAMAGED THAN  
22 WHAT THE PICTURES SHOWS.

23 MR. WAPNER: MAY I PASS THIS IN FRONT OF THE JURY?

24 THE COURT: YES.

25 (PAUSE.)

26 Q BY MR. WAPNER: AFTER YOU WENT UPSTAIRS TO TAKE  
27 THE PICTURE, WHAT DID YOU DO?

28 A I WENT BACK DOWNSTAIRS AND BETWEEN MYSELF AND

1 MR. LIEBOWITZ, WE DECIDED TO CALL THE POLICE.

2 Q DID YOU THEN CALL THE POLICE OR WERE THEY CALLED?

3 A WE CALLED THEM, YES.

4 Q AND DID SOMEONE FROM THE NEW YORK POLICE DEPARTMENT  
5 ARRIVE?

6 A YES THEY DID.

7 Q WHO WAS THAT?

8 A WELL, THE FIRST TWO ARRIVING OFFICERS WERE  
9 VITIGLIO AND COWAN AND THE THIRD ARRIVING OFFICER WAS ROBERT  
10 JORDAN.

11 Q BEFORE THIS PERSON YOU KNEW AS LEVIN LEFT THE  
12 HOTEL, DID YOU TAKE A PHOTOGRAPH OF HIM?

13 A YES WE DID.

14 Q WHEN WAS THAT DONE?

15 A THAT WAS WHILE WE WERE INSIDE THE FRONT OFFICE,  
16 MR. LIEBOWITZ' OFFICE.

17 MR. WAPNER: YOUR HONOR, I HAVE ANOTHER PHOTOGRAPH THAT  
18 I WOULD LIKE TO HAVE MARKED AS PEOPLE'S 72 FOR IDENTIFICATION.  
19 IT APPEARS TO BE A PICTURE OF MR. PITTMAN. MAY THAT BE  
20 PEOPLE'S 72?

21 THE COURT: SO MARKED.

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1 Q BY MR. WAPNER: MR. VEGA, DO YOU RECOGNIZE  
2 PEOPLE'S 72 FOR IDENTIFICATION?

3 A YES, SIR.

4 Q WHAT IS THAT PICTURE?

5 A IT IS MR. JAMES PITTMAN.

6 Q AND IS THAT THE PERSON THAT YOU WERE --  
7 WHEN WAS THAT PICTURE TAKEN?

8 A JUST AFTER WE HAD TAKEN HIM IN BY FORCE.

9 Q DID YOU FIND OUT AT ANY TIME THAT DAY THAT HIS  
10 NAME WAS ACTUALLY PITTMAN?

11 A NO, I DID NOT, NO.

12 Q DID HE EVER GIVE YOU ANY NAME OTHER THAN LEVIN?

13 A NO, NO OTHER NAME THAN LEVIN.

14 HE HAD IDENTIFICATION SHOWING HIM TO BE RON LEVIN.

15 Q WHAT IDENTIFICATION DID YOU SEE?

16 A HE HAD A WALLET.

17 THE COURT: HE HAD A WHAT?

18 THE WITNESS: HE HAD A WALLET.

19 Q BY MR. WAPNER: WHAT WAS IN THE WALLET?

20 A THERE WERE SEVERAL CARDS STATING HIS NAME AS  
21 BEING RON LEVIN.

22 Q DO YOU REMEMBER WHAT KIND OF CARDS THEY WERE?

23 A SOME WERE BUSINESS CARDS. I CAN'T REMEMBER OF  
24 ANY CREDIT CARDS. I DON'T REMEMBER ANY CREDIT CARDS, BUT  
25 HE DID SHOW SOME CARDS WITH THE NAME RON LEVIN ON IT.

26 MR. BARENS: YOUR HONOR, WE HAVE AN OBJECTION ON THE  
27 BEST EVIDENCE RULE AND MOVE TO STRIKE THAT, YOUR HONOR.

28 THE COURT: OVERRULED.



1 MR. BARENS: THANK YOU, YOUR HONOR.

2 Q BY MR. WAPNER: WHAT HAPPENED TO THAT WALLET;  
3 DID YOU KEEP IT?

4 A NO, WE DID NOT.

5 Q AND WHERE WAS IT THAT YOU SAW THE CONTENTS OF  
6 THAT WALLET?

7 A WHILE WE WERE IN THE FRONT, IN THIS VERY SAME  
8 OFFICE.

9 Q UNDER WHAT CIRCUMSTANCES DID YOU SEE THE CONTENTS  
10 OF THE WALLET?

11 A WELL, HE DECIDED TO SHOW IT TO US HIMSELF, JUST  
12 TO SHOW HE WASN'T A BAD PERSON OR ANYTHING LIKE THAT. HE  
13 DIDN'T WANT TO CAUSE ANY TROUBLE.

14 Q DID YOU SEE THIS PERSON YOU KNEW AS LEVIN WITH  
15 ANY CASH?

16 A HE DID PRODUCE SOME CASH. I DIDN'T COUNT IT  
17 OR ANYTHING LIKE THAT.

18 HE STATED THAT HE WOULD PAY FOR ALL THE DAMAGES  
19 AND EVERYTHING LIKE THAT.

20 AND AS FAR AS THE AMOUNT, I DO NOT KNOW.

21 Q WHEN YOU FIRST FOUND OUT THAT THE PERSON DEPICTED  
22 IN THAT PHOTOGRAPH WAS NOT LEVIN BUT IN FACT SOMEBODY NAMED  
23 PITTMAN, WAS THAT WHEN YOU WERE CONTACTED BY SOMEONE IN  
24 REFERENCE TO TESTIFYING IN THIS CASE?

25 A YES, SIR.

26 Q AND HOW MANY MONTHS AFTER THIS INCIDENT WAS THAT,  
27 IF YOU KNOW?

28 MR. BARENS: OBJECTION AS TO RELEVANCY ON THAT, YOUR

1 HONOR.

2 THE COURT: OVERRULED.

3 Q BY MR. WAPNER: MAYBE I CAN REPHRASE THE  
4 QUESTION.

5 WAS THAT SEVERAL MONTHS AFTER THIS?

6 A A FEW MONTHS, YES, SIR.

7 Q SO AT THE TIME THAT THIS PERSON WAS IN THE HOTEL  
8 AND THE ENTIRE TIME YOU HAD CONTACT WITH HIM, YOU KNEW HIM  
9 AS RON LEVIN?

10 A RON LEVIN.

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

12 MR. BARENS: DO YOU WANT TO APPROACH?

13 MR. WAPNER: MAY WE APPROACH THE BENCH BRIEFLY?

14 THE COURT: YES.

15 (THE FOLLOWING PROCEEDINGS WERE HELD  
16 AT THE BENCH OUTSIDE THE HEARING OF  
17 THE JURY:)

18 MR. WAPNER: YOUR HONOR, WOULD THIS BE AN APPROPRIATE  
19 TIME TO BREAK FOR ABOUT FIVE MINUTES SO THEY CAN TAKE MR.  
20 PITTMAN BACK?

21 THE COURT: WE HAVE ONLY GOT UNTIL 12:00 O'CLOCK  
22 ANYWAY. WHY DON'T YOU GO UNTIL THEN? THERE IS NO HARM IN  
23 HAVING HIM SIT THERE IN THE MEANTIME.

24 MR. WAPNER: WELL, IT IS NOT --

25 THE COURT: DO YOU SEE ANY?

26 MR. BARENS: I AM LEAVING IT UP TO YOUR HONOR.

27 THE COURT: WELL, LET HIM SIT THERE. IT DOESN'T BOTHER  
28 HIM AT ALL.

1 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

2 MR. BARENS: PERHAPS IT WOULD BE ADVISABLE TO TAKE  
3 A BREAK FOR A MOMENT TO ALLOW HIM TO EXIT THE COURTROOM, YOUR  
4 HONOR?

5 THE COURT: IF THE JURY COMES BACK AND THEY DON'T FIND  
6 HIM, IT WOULD BE MORE SUSPICIOUS. I THINK THE BEST THING  
7 TO DO IS TO LET HIM STAY THERE UNTIL 12:00 O'CLOCK.

8 MR. BARENS: THANK YOU, YOUR HONOR.

9 THE COURT: ALL RIGHT.

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

13

14 CROSS-EXAMINATION

15 BY MR. BARENS:

16 Q GOOD MORNING, MR. VEGA, FOR THE RECORD.

17 A GOOD MORNING.

18 Q MR. VEGA, I AM JUST GOING TO ASK YOU A FEW  
19 QUESTIONS.

20 YOU MENTIONED THAT YOU SAW SOME SUITCASES NEAR  
21 A FIREPLACE IN THE ROOM?

22 A YES, SIR.

23 Q AND ONE OF THE SUITCASES SEEMED TO BE METALLIC  
24 IN NATURE?

25 A YES, SIR.

26 Q DID YOU EARLIER STATE THAT YOU THOUGHT THAT THAT  
27 SUITCASE LOOKED LIKE THE KIND OF SUITCASE ONE WOULD KEEP FILM  
28 IN?

A        IT -- IT DOES SEEM LIKE THAT TYPE OF SUITCASE,  
SORT OF SILVER METALLIC, YES.

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1 Q IT HAD A COMBINATION LOCK, SIR?

2 A I AM NOT AWARE IT HAD A COMBINATION LOCK ON IT  
3 AT ALL, SIR.

4 Q YOU NEVER SAW ANYONE ATTEMPT TO OPEN THAT  
5 PARTICULAR CASE?

6 A NO, SIR, NOT AT ALL.

7 Q COULD YOU DESCRIBE FOR ME THE APPROXIMATE  
8 DIMENSIONS OF THAT CASE, SIR?

9 A I WILL JUST SHOW YOU WITH MY HANDS. IT WAS JUST  
10 ABOUT LIKE THIS, SIR, MAYBE THIS HIGH OFF THE TABLE (INDICATING).

11 MR. BARENS: DOES YOUR HONOR HAVE AN ESTIMATION FOR  
12 THE RECORD?

13 THE COURT: I THINK IT IS ABOUT THREE FEET WIDE AND  
14 TWO FEET TALL.

15 MR. BARENS: THANK YOU, YOUR HONOR.

16 Q DID YOU HAPPEN TO NOTICE THE MAKE OF THAT  
17 SUITCASE?

18 A NO, SIR, NOT AT ALL.

19 Q YOU WOULDN'T KNOW A DESCRIPTIVE TERM FOR INSTANCE  
20 AS TO THE GENERIC NAME THAT IT MIGHT BE REFERRED TO?

21 A NOT AT ALL, SIR.

22 Q DID YOU EVER LIFT THAT SUITCASE?

23 A NO. MY MEN DID, SIR.

24 Q DID YOU EVER SEE WHAT HAPPENED TO THE TWO  
25 SUITCASES THE GENTLEMAN WAS CARRYING WHEN YOU FIRST ENCOUNTERED  
26 HIM ON THE STAIRWELL?

27 A THEY REMAINED IN HIS POSSESSION UNTIL WE GOT OVER  
28 TO THE FIFTH AVENUE LOBBY.

10A-2

1 Q AND THEN WHAT HAPPENED TO THEM, SIR?

2 A MY MEN PICKED THEM UP.

3 Q DO YOU KNOW WHAT HAPPENED TO THEM AFTER THAT?

4 A THEY WERE BROUGHT INTO THE FRONT OFFICE, ALONG  
5 WITH MR. PITTMAN.

6 Q DO YOU KNOW WHAT HAPPENED TO THEM AFTER THAT,  
7 SIR?

8 A I BELIEVE THE POLICE OFFICERS TOOK THE LUGGAGE  
9 WITH THEM.

10 Q OKAY. SO YOU NEVER SAW THOSE TWO SUITCASES OR  
11 EITHER OF THEM OPENED IN YOUR PRESENCE OR BY MR. LIEBOWITZ  
12 OR ANYONE AT YOUR FACILITY?

13 A NO, SIR.

14 Q WHEN YOU FIRST ENCOUNTERED MR. PITTMAN IN THAT  
15 STAIRWELL, IT WAS JUST THE TWO OF YOU?

16 A YES, SIR.

17 Q IS IT YOUR STATE OF MIND THAT IF HE HAD WANTED  
18 TO OVERPOWER YOU, THAT HE COULD HAVE AT THAT PARTICULAR TIME?

19 A I REALLY WAS NOT THINKING ABOUT HIM OVERPOWERING  
20 ME. I ASSUMED THAT HE WAS A GUEST AND I WAS GIVING HIM THE  
21 BENEFIT OF THE DOUBT.

22 Q AS YOU LOOK BACK ON IT NOW, BASED ON WHAT YOU  
23 WERE LATER TO SEE, WHAT IS YOUR BELIEF THAT IF HE WOULD HAVE  
24 WANTED TO OVERPOWER YOU IN THAT STAIRWAY, DO YOU THINK THAT  
25 HE COULD HAVE?

26 A THAT WOULD BE HIS OPINION, I GUESS. I WOULD NOT  
27 THINK --

28 Q I AM ASKING YOU ACTUALLY YOUR OPINION AT THIS

1 JUNCTURE.

2 A I DON'T THINK THAT HE HAD ANY INTENTIONS OF  
3 OVERPOWERING ME IN THE STAIRCASE.

4 Q HE DID NOT. HE DIDN'T DEMONSTRATE ANY  
5 DESPERATION OR MOVE ON YOU, SO TO SPEAK, AT THAT POINT, DID  
6 HE, SIR?

7 A NOT IN THE STAIRCASE, NO, NOT UNTIL HE BEGAN TO  
8 RUN.

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10 1 Q OKAY. SO WHEN YOU FIRST ENCOUNTERED HIM, WAS  
2 IT YOUR STATE OF MIND THAT YOU THOUGHT HE WAS TO USE A  
3 COLLOQUIALISM, IF I MIGHT, TRYING TO "BEAT HIS BILL" OR "RUN  
4 OUT ON HIS BILL" FOR SERVICES AT THE HOTEL?

5 A WELL, I ASSUMED THAT, YES, ONCE WE GOT DOWN TO  
6 THE LOBBY.

7 Q OKAY. WHEN YOU FIRST ENCOUNTERED HIM ON THE  
8 STAIRWAY, DID YOU ALREADY HAVE A NAME ASSIGNED TO HIM?

9 A I DID NOT RECOGNIZE HIM, SIR.

10 Q OKAY. SO YOU DIDN'T KNOW HIS NAME AT ALL OR A  
11 NAME ASSOCIATED WITH THE PERSON WHEN YOU FIRST MET HIM?

12 A NOT IN THE STAIRCASE, NO, SIR.

13 Q HOW ABOUT AFTER -- THE FIRST TIME THAT YOU TIED  
14 THAT UP, SO TO SPEAK, WOULD BE WHEN HE SAID HE WAS FROM  
15 ROOM 1271 AND YOU DOUBTED THAT?

16 A RIGHT. YES, SIR.

17 Q AND WHERE WERE YOU WHEN THAT DISCUSSION OCCURRED?

18 A IN THE STAIRCASE, SECOND FLOOR.

19 Q SO WHEN HE FIRST USED THE EXPRESSION "1271" THAT  
20 WAS THE FIRST TIME THAT YOU ASSIGNED A NAME TO THE PERSON  
21 IN FRONT OF YOU?

22 A I REALLY DID NOT ASSIGN A NAME TO HIM. I WAS  
23 JUST PIECING TOGETHER WHAT WAS GOING ON AT THAT PRESENT MOMENT,  
24 SIR.

25 I DID NOT ASSIGN HIM ANY NAME OR ANYTHING OF THAT  
26 NATURE FOR HIM AT THAT MOMENT.

27 Q WHEN WAS THE FIRST TIME YOU THOUGHT OF A NAME  
28 OF A PERSON IN CONJUNCTION WITH THE PERSON YOU WERE DEALING



10 1 WITH?

2 A ONCE WE HAD HIM INSIDE THE FRONT OFFICE, HE TOLD  
3 ME, HE IDENTIFIED HIMSELF AS RON LEVIN.

4 Q UP TO THAT POINT WHEN YOU HAD EARLIER BEEN UP  
5 THERE TO DOUBLE LOCK THE ROOM, YOU HAD NOT BEEN GIVEN THE  
6 NAME?

7 A YES I HAD. I GUESS I WAS.

8 Q HAD YOU FORGOTTEN THAT WHEN YOU ENCOUNTERED HIM  
9 IN THE STAIRWELL?

10 A JUST BECAUSE HE IS IN POSSESSION OF LUGGAGE,  
11 DOESN'T MEAN HE WOULD BE THE GENTLEMAN REGISTERED IN THAT  
12 ROOM.

13 Q PRECISELY. WHEN YOU FIRST SAW HIM IN THE STAIRWAY,  
14 YOU DIDN'T SAY TO YOURSELF THAT IT WAS RON LEVIN, DID YOU?

15 A NO I DIDN'T.

16 Q OKAY. LATER ON, THE FIRST TIME THAT CAME UP,  
17 WAS WHEN HE IDENTIFIED HIMSELF IN YOUR OFFICE?

18 A YES.

19 Q OKAY. AND HE SAID TO YOU OR SOMEONE ELSE, "I  
20 AM RON LEVIN"?

21 A HE IDENTIFIED HIMSELF AS BEING RON LEVIN INSIDE  
22 THE OFFICE.

23 Q TO WHOM?

24 A TO MYSELF AND MY OFFICERS AND TO MR. RICHARD  
25 LIEBOWITZ AND TO THE ARRESTING POLICE OFFICERS.

26 Q WERE YOU SURPRISED BY THAT?

27 A WHY WOULD I BE SURPRISED BY THAT?

28 Q I AM JUST ASKING YOU IF YOU WERE, SIR.

10 1 A NO, NOT AT ALL.

2 Q DID YOU EVER SEE HIM PRODUCE A DRIVER'S LICENSE?

3 A I CANNOT REMEMBER WHETHER HE DID OR NOT, SIR.

4 Q OKAY. YOU DON'T HAVE ANY SPECIFIC RECOLLECTION  
5 OF A DRIVER'S LICENSE WITH A PICTURE ON IT?

6 A NO I DON'T.

7 Q OKAY. DID YOU STATE EARLIER, THAT IN THE OFFICE  
8 THERE, HE SEEMED COOPERATIVE?

9 A HE WAS COOPERATIVE, YES, ONCE WE HAD HIM INSIDE  
10 THE OFFICE.

11 Q FRIENDLY?

12 A FRIENDLY.

13 Q DID HE OFFER TO PAY FOR HIS BILL?

14 A YES HE DID.

15 Q DID HE SEEM CONCERNED ABOUT THE DAMAGES TO YOUR  
16 FACILITY?

17 A HE SEEMED CONCERNED ACTUALLY SIR, HIS CONCERN  
18 WAS FOR US NOT TO NOTIFY THE POLICE.

19 Q I UNDERSTAND THAT. YOU EARLIER TESTIFIED TO THAT.  
20 DID HE SHOW ANY CONCERN ABOUT PAYING FOR THE  
21 DAMAGES?

22 A I CAN'T REALLY SAY THAT HE SHOWED ANY CONCERN  
23 BECAUSE HE HAD LIED TO US SEVERAL TIMES AND THAT DOESN'T SHOW  
24 ANY TYPE OF CONCERN TO ME.

25 Q I CAN UNDERSTAND THAT. WHEN YOU WERE TRYING TO,  
26 FOR WANT OF A BETTER WORD, RESTRAIN HIM FROM LEAVING THE HOTEL,  
27 DID HE THROW ANY PUNCHES AT ANY OF THE EMPLOYEES?

28 A HE NEVER THREW A PUNCH AT ANYONE.

1 4 1 Q DID HE TRY TO HARM ANY OF THE EMPLOYEES?

2 A NO HE DID NOT.

3 MR. BARENS: THANK YOU.

4 THE COURT: ALL RIGHT. ANY REDIRECT?

5 MR. WAPNER: JUST BRIEFLY.

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REDIRECT EXAMINATION

BY MR. WAPNER:

Q JUST BRIEFLY, WHEN YOU GOT HIM TO THE OFFICE, WHAT WAS THE PROCEDURE IN TERMS OF ASKING HIM FOR A NAME AND THAT KIND OF THING?

A WELL, WHAT WE USUALLY DO, WE ASK THEM TO PRODUCE IDENTIFICATION AND HE HAD -- HE HAD ALREADY, ONCE WE GOT THERE, HE WAS ALREADY TELLING US WHO HE WAS AND WHAT ROOM HE WAS IN, THAT IS WHERE I BEGAN ASKING HIM HOW HE GOT INTO THE ROOM AND HE TOLD ME THAT THE MAID HAD LET HIM IN, SO I ALREADY KNEW IT WAS 1071.

Q WHEN HE TOLD YOU WHO HE WAS, WHAT DID HE SAY?

A HE -- WELL, AS I STATED EARLIER, HE BEGAN SAYING A WHOLE BUNCH OF THINGS TO US.

Q DID HE GIVE YOU HIS NAME?

A HE DID GIVE US HIS NAME A COUPLE OF TIMES.

Q WHAT WAS THE NAME?

A RON LEVIN.

AND HE DID PRODUCE SEVERAL CARDS, THEY LOOKED LIKE BUSINESS CARDS, WITH THE NAME OF RON LEVIN ON THEM.

Q BESIDES THE THINGS THAT HE SAID TO YOU, THE OFFER OF TWO DIFFERENT BRIBES, DID HE DO ANYTHING IN THE OFFICE THAT INDICATED CONCERN ON HIS PART THAT YOU NOT CALL THE POLICE?

A WELL, HE JUST -- HE WAS VERY, VERY INSISTENT ON US NOT NOTIFYING THE POLICE. HE WANTED TO SETTLE THE MATTER BETWEEN THE HOTEL AND HIMSELF.

Q WHAT DID HE DO IN THAT REGARD?

1           A       WELL, HE PRODUCED MONEY, AS I STATED BEFORE,  
2 BUT AS TO THE APPROXIMATE AMOUNT, I AM NOT SURE. BUT HE WANTED  
3 TO TAKE CARE OF IT.

4           Q       DID HE SAY ANYTHING LIKE "LET ME SETTLE IT, DON'T  
5 CALL THE POLICE" OR ANYTHING LIKE THAT?

6           A       YEAH.

7                   HE INSISTED THAT WE NOT CALL THE POLICE. HE  
8 SAID, "DON'T CALL THEM, I WILL TAKE CARE OF IT," BECAUSE HE WILL  
9 TAKE CARE OF IT, ALL THE DAMAGES AND EVERYTHING.

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

11           MR. BARENS: THANK YOU, YOUR HONOR.

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13                   REXCROSS-EXAMINATION

14 BY MR. BARENS:

15           Q       MR. VEGA, IS IT NOT YOUR EXPERIENCE WITH OTHER  
16 GUESTS WHO YOU HAVE HAD ANALOGOUS SITUATIONS WITH, THAT THEY  
17 ALL, OR MOST OF THEM, TRY TO SAY TO YOU, "CAN WE SETTLE THIS  
18 AND PAY THE DAMAGES OR PAY MY BILL --"

19           MR. WAPNER: OBJECTION. IRRELEVANT.

20           Q       BY MR. BARENS: -- "AND PAY MY BILL, SO WE DON'T  
21 HAVE TO CALL THE POLICE."

22           MR. WAPNER: OBJECTION ON GROUNDS OF RELEVANCE.

23           THE COURT: SUSTAINED.

24           Q       BY MR. BARENS: YOU KNOW ABOUT ANY PHONE CALLS  
25 THAT MR. PITTMAN MADE WHILE HE WAS IN HIS ROOM?

26           A       NOT AT ALL.

27           Q       I BEG YOUR PARDON, SIR?

28           A       NONEAT ALL.

1           Q       YOU ARE NOT FAMILIAR WITH THE PHONE RECORDS FROM  
2 THAT SUITE?

3           A       NO, SIR.

4           MR. BARENS:   THANK YOU, SIR.

5           THE COURT:   ALL RIGHT, THANK YOU.   YOU MAY BE EXCUSED.

6           THE WITNESS:   THANK YOU.

7           THE COURT:   IS THAT AGREEABLE WITH YOU GENTLEMEN?

8           MR. WAPNER:   I HAVE NO OBJECTION.

9                     CALL ROBERT JORDAN.

10          THE COURT:   DID YOU ASK HIM TO GET HIM IN?

11          MR. WAPNER:   YES, I DID.

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1 ROBERT JORDAN,  
2 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED  
3 AS FOLLOWS:

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

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

9 THE WITNESS: I DO.

10 THE CLERK: PLEASE BE SEATED IN THE WITNESS STAND.

11 NOW IF YOU WOULD STATE YOUR NAME FOR THE RECORD.

12 THE WITNESS: ROBERT JORDAN.

13 THE COURT REPORTER: THAT IS J-O-R-D-A-N?

14 THE WITNESS: RIGHT.

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DIRECT EXAMINATION

17 BY MR. WAPNER:

18 Q MR. JORDAN, BY WHOM ARE YOU EMPLOYED?

19 A STATE ATTORNEY OF FLORIDA.

20 Q ARE YOU AN INVESTIGATOR FOR THE STATE ATTORNEY'S  
21 OFFICE?

22 A YES, I AM.

23 Q BEFORE THAT, WHERE DID YOU WORK?

24 A NEW YORK CITY POLICE DEPARTMENT.

25 Q AND WERE YOU WORKING FOR THE NEW YORK CITY POLICE  
26 DEPARTMENT ON JUNE 10TH OF 1984?

27 A YES, I WAS.

28 Q AND WHAT WAS YOUR JOB AT THAT TIME?

1           A        I WAS IN THE BURGLARY DETAIL, ASSIGNED TO THE  
2 MIDTOWN NORTH PRECINCT.

3           Q        WERE YOU WORKING ON JUNE THE 10TH?

4           A        YES, I WAS.

5           Q        AND DID YOU GET A CALL TO RESPOND TO THE PLAZA  
6 HOTEL ON JUNE 10TH?

7           A        YES, I DID.

8           Q        WHAT TIME DID YOU GO THERE?

9           A        IT WAS APPROXIMATELY 9:50 TO 10:00 O'CLOCK THAT  
10 NIGHT.

11          Q        AND WHEN YOU GOT TO THE PLAZA HOTEL, WHERE DID  
12 YOU GO?

13          A        I WENT INTO ONE OF THE FRONT OFFICES IN THE LOBBY  
14 OF THE PLAZA.

15          Q        WHEN YOU GOT TO THE FRONT OFFICE, DID YOU SEE  
16 MR. VEGA, THE WITNESS WHO JUST TESTIFIED?

17          A        YES, I DID.

18          Q        AND DID YOU ALSO SEE RICHARD LEBOWITZ, THE  
19 WITNESS WHO WAS HERE LAST WEEK?

20          A        YES, I DID.

21          Q        AND DID YOU SEE ANYONE ELSE WHO IS IN THE COURTROOM  
22 RIGHT NOW?

23          A        YES, I DID.

24          Q        WOULD YOU POINT THAT PERSON OUT, PLEASE?

25          A        THE GENTLEMAN IN THE BLUE OUTFIT (INDICATING).

26                THE COURT: ALL RIGHT, INDICATING, SHALL WE CALL HIM  
27 MR. PITTMAN?

28                MR. WAPNER: WELL, IT IS MR. PITTMAN, FOR THE RECORD,



1 YOUR HONOR.

2 MR. BARENS: STIPULATED, YOUR HONOR.

3 THE COURT: ALL RIGHT.

4 Q BY MR. WAPNER: WHAT DID YOU DO WHEN YOU GOT  
5 THERE?

6 A WELL, WE HAD GOT A CALL FROM THE PLAZA HOTEL  
7 INDICATING THAT THERE WAS A PERSON WHO HAD BROKEN INTO A ROOM.  
8 SINCE I WAS ASSIGNED TO THE BURGLARY DETAIL AT THE TIME, I  
9 RESPONDED, I GOT TO THE HOTEL AND TALKED TO JOE VEGA AND MR.  
10 LEBOWITZ ABOUT THE SITUATION.

11 Q AFTER YOU TALKED TO THEM, DID THE THREE OF YOU  
12 MAKE A DECISION AS TO WHETHER THERE WAS GOING TO BE AN ARREST  
13 OR NOT?

14 A YES.

15 THEY EXPLAINED THE SITUATION TO ME ABOUT WHAT  
16 HAPPENED. BEING THE SENIOR OFFICER ON THE SCENE AT THAT TIME,  
17 I DETERMINED THAT AN ARREST SHOULD BE MADE, THERE WAS PROPER  
18 GROUNDS TO MAKE AN ARREST AND I PROCEEDED TO DO SO.

19 Q AND WHEN YOU MADE THAT ARREST, WHAT DID YOU DO  
20 AFTER THAT?

21 A WELL, I PLACED -- AT THAT TIME, RON LEVIN WAS  
22 THE NAME GIVEN TO ME.

23 Q WHO GAVE YOU THAT NAME?

24 A THE GENTLEMAN HIMSELF.

25 Q AND WHEN DID HE DO THAT?

26 A HE DID THAT AT THE TIME I WAS QUESTIONING HIM,  
27 THAT I MET HIM, AND YOU KNOW, WAS ASCERTAINING THE FACTS AS  
28 TO WHAT HAPPENED.

1 Q AND WHEN YOU WENT TO PLACE HIM UNDER ARREST,  
2 WHAT DID YOU DO?

3 A I READ HIM HIS RIGHTS, AND I AGAIN TOLD HIM HE  
4 WAS UNDER ARREST AND WHAT HE WAS BEING CHARGED WITH.

5 Q WHAT WAS HE CHARGED WITH?

6 A AT THAT TIME, HE WAS CHARGED WITH BURGLARY, WHICH  
7 WAS LATER CHANGED TO CRIMINAL TRESPASS, CRIMINAL MISCHIEF  
8 FOR BREAKING THE DOOR AND THEFT OF SERVICE FOR THE UNPAID  
9 BILL AT THE PLAZA.

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1 Q AND AFTER YOU TOLD HIM WHAT HE WAS BEING ARRESTED  
2 FOR, WHAT DID YOU DO?

3 A I PROCEEDED TO HANDCUFF HIM AND PUT HIM IN THE  
4 BACK OF A POLICE VEHICLE AND TAKE HIM BACK TO THE STATION  
5 HOUSE FOR PRELIMINARY TYPE OF QUESTIONING.

6 Q DID YOU HAVE ANY DIFFICULTY IN HANDCUFFING HIM?

7 A YES. HE WAS VERY DIFFICULT. HE IS A LARGE MAN  
8 AND IT WAS VERY DIFFICULT TO PUT HIS HANDS BEHIND HIS BACK.

9 HE DIDN'T RESIST AS FAR AS PHYSICALLY, BUT IT  
10 WAS JUST DIFFICULT BECAUSE OF THE SIZE OF HIM.

11 Q AND WHEN YOU GOT HIM TO THE POLICE STATION, WHAT  
12 DID YOU DO?

13 A WE BASICALLY JUST ASKED HIM SOME PEDIGREE-TYPE  
14 QUESTIONS, NAME, DATE OF BIRTH, SOME IDENTIFICATION, JUST  
15 TO FILL OUT THE PRELIMINARY REPORTS BEFORE WE TOOK HIM DOWN  
16 TO WHAT WE CALL CENTRAL BOOKING IN MANHATTAN.

17 THE AREA THAT I WORKED IS MANHATTAN. SO WE GO  
18 DOWNTOWN TO THE HEADQUARTERS AND BOOK HIM IN AT THAT POINT.

19 Q WHEN YOU ASKED HIM HIS NAME WHEN YOU WERE AT THE  
20 STATION, WHAT NAME DID HE GIVE YOU?

21 A RONALD LEVIN.

22 Q AND AFTER YOU ASKED HIM THOSE PRELIMINARY  
23 QUESTIONS, WHAT DID YOU DO?

24 A AGAIN, WE FILLED OUT SOME PAPERWORK AND TRANSPORTED  
25 HIM DOWN TO CENTRAL BOOKING, WHERE HE WAS LODGED IN FOR THE  
26 NIGHT.

27 AT THAT POINT, HE IS FINGERPRINTED, PHOTOGRAPHED  
28 AND PUT INTO A HOLDING CELL UNTIL THE NEXT DAY FOR

1 ARRaignMENT.

2 Q WERE YOU PRESENT WHEN FINGERPRINTS WERE TAKEN?

3 A YES I WAS.

4 Q ALL RIGHT. AND DID YOU OBTAIN A COPY OF THE  
5 FINGERPRINT CARD THAT WAS TAKEN FROM HIM AT THAT TIME?

6 A YES I DID.

7 Q WHAT HAPPENED AT THAT TIME WHEN HIS FINGERPRINTS  
8 WERE TAKEN? WHAT WAS THE PROCEDURE THAT WAS FOLLOWED?

9 A THE PROCEDURE IS THIS. PERSONNEL ASSIGNED TO  
10 THE CENTRAL BOOKING UNIT, THAT IS POLICE OFFICERS, TAKE THE  
11 FINGERPRINTS.

12 BUT AGAIN, THEY TAKE HIM INTO A SPECIAL AREA WHERE  
13 THERE IS A ROLLING BOARD AND INK AND I WATCHED FROM ANOTHER  
14 AREA WHILE HE SAT DOWN AND THEY ACTUALLY ROLLED HIS  
15 FINGERPRINTS ONE BY ONE, PUTTING THEM ON THE CARD.

16 I THINK THEY MAKE OUT FOUR CARDS, FBI, CITY, STATE  
17 AND LOCAL.

18 AND AFTER THAT, THEY AGAIN LET HIM WASH HIS HANDS  
19 AND LODGE HIM BACK IN THE HOLDING CELL.

20 MR. WAPNER: YOUR HONOR, I HAVE A DOCUMENT THAT APPEARS  
21 TO BE A PHOTOCOPY OF A FINGERPRINT CARD. MAY THAT BE MARKED  
22 AS PEOPLE'S 76 FOR IDENTIFICATION?

23 THE COURT: SO MARKED.

24 MR. BARENS: COULD WE SEE THAT?

25 MR. WAPNER: YES.

26 THE COURT: AFTER HE GETS THROUGH, SURE.

27 MR. BARENS: THANK YOU.

28 Q BY MR. WAPNER: MR. JORDAN, WHAT IS PEOPLE'S 76

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FOR IDENTIFICATION?

A THIS IS A CERTIFIED COPY OF THE STATE OF NEW YORK,  
COUNTY OF NEW YORK, FINGERPRINT CARD. THAT WAS FILLED OUT  
DURING THE BOOKING PROCESS OF RONALD LEVIN.

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12 1 Q AND THERE IS INFORMATION ON THE TOP IN TERMS OF  
2 THE PERSON'S NAME AND ADDRESS, IS THAT RIGHT?

3 A YES, SIR. THERE IS.

4 Q WHERE DOES THAT INFORMATION COME FROM?

5 A THAT CAME FROM THE DEFENDANT, HIMSELF.

6 Q AND WHO TAKES THAT INFORMATION?

7 A I DO.

8 Q AND THE NAME ON THERE IS?

9 A RONALD LEVIN.

10 Q AND WHAT IS THE STREET ADDRESS?

11 A 106 PECK STREET, I THINK IT IS, L.A.

12 Q DOES IT HAVE AN APARTMENT NUMBER?

13 A UNIT 1505 AND THE STATE IS CALIFORNIA.

14 Q AND THE FINGERPRINTS WERE PLACED ON THERE BY THE  
15 PERSON WHO ACTUALLY DOES THE ROLLING OF THE PRINTS?

16 A YES.

17 Q AND IS THIS A TRUE AND EXACT COPY OF THE ORIGINAL  
18 OF THE FINGERPRINT CARD?

19 A YES IT IS.

20 Q WERE YOU PRESENT WHEN THE PERSON THAT WAS BOOKED  
21 UNDER THE NAME OF LEVIN, HAD HIS BOOKING PHOTOGRAPH TAKEN?

22 A YES I WAS.

23 MR. WAPNER: YOUR HONOR, I HAVE A PICTURE I WOULD LIKE  
24 TO HAVE MARKED AS PEOPLE'S 75 FOR IDENTIFICATION. IT APPEARS  
25 TO BE A COPY OF THE BOOKING PHOTOGRAPH.

26 THE COURT: SO MARKED.

27 Q BY MR. WAPNER: SHOWING YOU PEOPLE'S 75 FOR  
28 IDENTIFICATION, DO YOU RECOGNIZE THAT?

1           A       YES I DO.

2           Q       WHAT IS IT?

3           A       IT IS A PHOTOGRAPH, THE BOOKING PHOTOGRAPH THAT  
4 WAS TAKEN THAT NIGHT THAT AGAIN, RON LEVIN WAS BOOKED.

5           Q       ALL RIGHT. WERE YOU PRESENT WHEN THAT PHOTOGRAPH  
6 WAS TAKEN?

7           A       YES I WAS.

8           Q       WHERE WAS THAT TAKEN?

9           A       IT WAS TAKEN IN CENTRAL BOOKING IN MANHATTAN.

10          Q       DID THE PERSON WHO WAS BOOKED AS MR. LEVIN HAVE  
11 ANY PROPERTY?

12          A       YES HE DID.

13          Q       WHAT DID HE HAVE?

14          A       AT THE STATION HOUSE, I MYSELF, COUNTED \$1200  
15 IN CASH, MOSTLY IN FIFTIES, TWENTIES AND TENS.

16          Q       YOU COUNTED IT YOURSELF?

17          A       YES I DID.

18          Q       AND WHAT DID YOU DO WITH THAT MONEY?

19          A       THAT MONEY UNDER NORMAL CIRCUMSTANCES WOULD BE  
20 TAKEN FOR SAFEKEEPING, VOUCHERED AS THEY CALL IT. AND THE  
21 DEFENDANT WOULD COME BACK AT A LATER TIME TO PICK IT UP  
22 BECAUSE AN AMOUNT OF THAT NATURE COULD EASILY BE TAKEN OFF  
23 A PRISONER.

24                    IN THIS CASE, I DECIDED THAT MR. PITTMAN -- EXCUSE  
25 ME, HIS NAME WAS MR. LEVIN. THAT IS THE NAME HE WAS BOOKED  
26 UNDER. HE DECIDED TO KEEP THE MONEY.

27                    HE SAID HE NEEDED IT AND THAT HE WANTED TO HOLD  
28 ONTO IT. I FIGURED WITH THE SIZE OF THE MAN, NOBODY WOULD

1 3  
1 TAKE IT OFF HIM. AND I THINK I WAS CORRECT.

2 Q ALL RIGHT. SO YOU LET HIM KEEP THE MONEY?

3 A YES. I LET HIM KEEP THE MONEY.

4 Q OKAY. AND DID HE HAVE ANY OTHER PROPERTY?

5 A YES. HE HAD TWO SUITCASES WITH CLOTHING INSIDE.

6 Q ALL RIGHT. WHAT HAPPENED TO THOSE SUITCASES?

7 A THEY WERE TAKEN IN FOR SAFEKEEPING. THEY WERE  
8 VOUCHERED AND KEPT IN MID-TOWN IN OUR PRECINCT VOUCHER ROOM,  
9 PROPERTY ROOM.

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1 Q DID YOU EVER EXAMINE THE CONTENTS?

2 A I JUST WENT THROUGH VERY SLIGHTLY, BUT IT WAS  
3 ALREADY LOOKED THROUGH BY OTHER POLICE OFFICERS.

4 IT JUST CONTAINED CLOTHING, NOTHING ELSE.

5 Q AND DID YOU TAKE OUT THE CLOTHING AND EXAMINE  
6 IT?

7 A NO.

8 Q AND WHEN THOSE SUITCASES -- THEY WERE KEPT AT  
9 THE MIDTOWN NORTH PRECINCT?

10 A YES.

11 Q AND THEY WERE KEPT AT THE PROPERTY ROOM?

12 A YES.

13 Q DID THE PROPERTY ROOM MAKE SOME KIND OF A RECORD  
14 THAT THEY HAVE THE SUITCASES?

15 A YES .

16 I FILLED OUT A PROPERTY INVENTORY FORM WHICH  
17 STATES, LISTS ALL THE PROPERTY THAT THE PERSON HAD AT THE  
18 TIME OF THE ARREST AND WE GIVE THE PERSON A RECEIPT SO WHEN  
19 THEY COME BACK FOR ARRAIGNMENT, THEY CAN PICK UP THEIR  
20 PROPERTY.

21 IT WASN'T LISTED AS CONTRABAND OR AS EVIDENCE.

22 Q WHAT HAPPENED TO THOSE SUITCASES?

23 A SOMEBODY CAME AND PICKED THEM UP THE FOLLOWING  
24 DAY.

25 Q DO YOU KNOW WHO THAT WAS?

26 A YES.

27 Q WHO WAS THAT?

28 A MR. RON LEVIN.

1 Q AND THAT WAS THE PERSON YOU KNEW WHO WAS BOOKED  
2 AS RON LEVIN?

3 A YES.

4 Q AND HOW DO YOU KNOW THAT?

5 A THE NEXT DAY, I LOOKED AT THE FORM, OR A COUPLE  
6 OF DAYS THEREAFTER, AND THERE WAS A SIGNATURE AND THE TIME  
7 OF 1640, THAT IS MILITARY TIME, THAT IT WAS TAKEN, THE PERSON  
8 SIGNED AND TOOK THE PROPERTY OUT OF THE LOCKER.

9 MR. WAPNER: YOUR HONOR, I HAVE HERE A FORM THAT SAYS  
10 "PROPERTY CLERK'S INVOICE"; MAY THAT BE MARKED AS PEOPLE'S  
11 74 FOR IDENTIFICATION?

12 THE COURT: IT WILL BE SO MARKED.

13 Q BY MR. WAPNER: WHEN A PERSON GOES TO GET THE  
14 PROPERTY BACK AND IT IS RELEASED TO THEM, ARE THEY REQUIRED  
15 TO FILL OUT A FORM?

16 A NO.

17 THEY JUST SIGN FOR IT.

18 Q AND THE FORM IS FILLED OUT BY SOMEONE ELSE AND  
19 THEY SIGN IT?

20 A YES.

21 Q WHO FILLS OUT THE FORM?

22 A USUALLY, THE OFFICER WHO IS IN CHARGE OF THE  
23 PROPERTY ROOM FOR THAT DAY.

24 Q IS THAT DONE IN THE ORDINARY COURSE OF BUSINESS?

25 A YES, IT IS AN EVERY-DAY OCCURRENCE.

26 Q IS IT DONE -- WHEN IS IT DONE IN RELATION TO  
27 WHEN THE PROPERTY IS RETURNED TO THEM?

28 A IT IS DONE IMMEDIATELY BEFORE THE PROPERTY IS

1       RETURNED.

2           Q       AND AFTER THE FORM IS FILLED OUT, IS IT PRESENTED  
3 TO THE PERSON WHO IS TO GET THE PROPERTY BACK SO THEY CAN  
4 SIGN IT?

5           A       YES, IT IS.

6           Q       AND AFTER THAT PERSON GETS THE PROPERTY BACK  
7 AND SIGNS THE FORM, WHAT HAPPENS TO THE FORM?

8           A       THE FORM GETS FILED IN THE PROPERTY ROOM.

9           Q       DID YOU, PRIOR TO COMING TO COURT, MAKE A COPY  
10 OF THE ORIGINAL OF THAT FORM AND BRING IT WITH YOU?

11          A       YES, I DID.

12          Q       SHOWING YOU PEOPLE'S 74 FOR IDENTIFICATION, DO  
13 YOU RECOGNIZE THAT?

14          A       YES, I DO.

15          Q       WHAT IS THAT?

16          A       IT IS A PROPERTY CLERK'S INVOICE AND IT WAS FILLED  
17 OUT THE NIGHT OF THE ARREST.

18          Q       AND WHO FILLED OUT THE TOP OF THAT FORM?

19          A       I WROTE IT OUT IN LONGHAND AND IT WAS TYPED UP  
20 BY ONE OF THE CLERICAL PEOPLE.

21          Q       AND WHAT IS THE PROPERTY THAT IS LISTED ON THAT  
22 FORM?

23          A       TWO SUITCASES WITH ASSORTED CLOTHING.

24          Q       DOES IT GIVE A DESCRIPTION OF THE COLOR OF THE  
25 SUITCASES?

26          A       YES: ONE SILVER AND ONE BROWN.

27          Q       IS THERE A DATE ON THERE THAT INDICATES WHEN  
28 THE PROPERTY WAS PICKED UP, IF IT WAS?

1 A YES, THERE IS.

2 Q AND WHAT IS THAT DATE?

3 A 6-12-84.

4 Q AND IS THERE A TIME?

5 A YES, THERE IS.

6 Q WHAT IS THAT?

7 A 1640, WHICH IS MILITARY TIME.

8 Q AND WHAT TIME IS THAT IN CIVILIAN TIME?

9 A 4:40.

10 Q IN THE AFTERNOON?

11 A YES, IT IS.

12 Q AND IS THE SIGNATURE THAT IS ON THERE LEGIBLE  
13 TO YOU?

14 A NO, IT ISN'T.

15 Q DOES THERE APPEAR TO BE SOME PRINTING THERE TO  
16 THE LEFT OF THE SIGNATURE?

17 A YES, THERE IS.

18 Q WHAT DOES THAT SAY?

19 A THAT SAYS "RONALD LEVIN".

20 Q DO YOU KNOW WHO PLACED THAT THERE?

21 A THE PERSON AT THE PROPERTY DESK WHO SIGNED THE  
22 PROPERTY OUT, WHO PUT IN 6-12-84 AND 1640, PUT THAT IN THERE,  
23 I GUESS TO IDENTIFY WHO SIGNED IT.

24 ANYBODY LOOKING AT THE SIGNATURE WOULD NOT BE  
25 ABLE TO READ THAT.

26 MR. BARENS: YOUR HONOR, EXCUSE ME. WE HAVE A HEARSAY  
27 OBJECTION TO THAT AND A SPECULATION OBJECTION. THE WITNESS  
28 HAS NOT TESTIFIED AS TO ANY PERSONAL KNOWLEDGE ON THAT SUBJECT.

1 THE COURT: ALL RIGHT.

2 MR. BARENS: AND HE SAID "I GUESS."

3 THE COURT: ALL RIGHT, IS THERE A MOTION TO STRIKE?

4 MR. BARENS: QUITE SO, YOUR HONOR.

5 THE COURT: THAT WILL BE DENIED.

6 MR. BARENS: THANK YOU, YOUR HONOR.

7 MR. WAPNER: MAY I JUST PASS THAT BEFORE THE JURY,  
8 YOUR HONOR?

9 THE COURT: YES.

10 MR. WAPNER: MAY I OFFER THIS IN EVIDENCE BEFORE IT  
11 IS SHOWN TO THE JURY?

12 THE COURT: WELL, YOU SHOULD DO THAT IN ALL CASES BEFORE  
13 YOU SHOW THEM TO THE JURY, BUT YOU HAVEN'T BEEN DOING IT.

14 I WILL RECEIVE THAT IN EVIDENCE.

15 MR. WAPNER: THANK YOU.

16 (MR. WAPNER SHOWS EXHIBIT TO JURY.)

17 Q BY MR. WAPNER: MR. JORDAN, THE SIGNATURE, IS  
18 THAT HERE ON THE BOTTOM NEXT TO WHERE IT SAYS IN PRINTING  
19 "RTO"?

20 A YES.

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1 Q IN JUNE OF 1974, WHAT WAS THE MAIN TELEPHONE NUMBER  
2 FOR THE NEW YORK CITY POLICE DEPARTMENT? SORRY, THAT WAS  
3 1984.

4 A AREA CODE 212. THE NUMBER WAS 374-5000. THAT  
5 IS STILL THE MAIN NUMBER, THE INFORMATION NUMBER FOR THE NEW  
6 YORK CITY POLICE DEPARTMENT.

7 Q AND IF A PERSON MAKES A COLLECT CALL FROM THE  
8 JAIL, IS THAT THE NUMBER THAT IT IS CHARGED TO? (SIC)

9 A YES IT IS.

10 Q DID YOU DO A CURSORY SEARCH OF THE PERSON THAT  
11 WAS BOOKED AS MR. LEVIN FOR IDENTIFICATION?

12 A YES I DID.

13 Q DID YOU FIND IDENTIFICATION IN THE NAME OF  
14 MR. LEVIN?

15 A YES I DID.

16 Q DO YOU REMEMBER WHAT THAT WAS?

17 A I FOUND A COUPLE OF CREDIT CARDS. I CANNOT  
18 SPECIFY AS TO WHETHER IT WAS MASTER OR VISA. AND I FOUND  
19 A BUSINESSCARD. THAT IS ABOUT IT.

20 Q WAS THERE A DRIVER'S LICENSE OR ANYTHING?

21 A NO.

22 Q DID YOU FIND ANY IDENTIFICATION IN THE NAME OF  
23 PITTMAN?

24 A NO I DID NOT.

25 Q DID YOU FIND ANY IDENTIFICATION IN THE NAME OF  
26 GRAHAM?

27 A NO. I DID NOT.

28 Q DID YOU LEARN THAT THE PERSON YOU HAD ARRESTED

1 WAS IN FACT, NAMED PITTMAN AT ANY TIME DURING THE TIME THAT  
2 HE WAS BEING BOOKED OR ARRESTED?

3 A NO I DID NOT.

4 Q DID YOU FIND THAT OUT AT SOME TIME LATER WHEN  
5 YOU WERE ASKED TO COME TO LOS ANGELES AND TESTIFY?

6 A YES I DID.

7 Q BESIDES IDENTIFICATION IN THE NAME OF LEVIN,  
8 DID THIS PERSON WHO WAS ARRESTED UNDER THAT NAME, HAVE ANY  
9 IDENTIFICATION IN ANY OTHER NAME?

10 A NO.

11 Q THERE IS A DATE THAT APPEARS TO BE A DATE ON THIS  
12 BOOKING PICTURE OF 6/12/84. DO YOU KNOW WHY THAT DATE IS  
13 ON THERE?

14 A OKAY. WHEN THEY TOOK THE BOOKING PHOTOGRAPHS,  
15 THEY TOOK -- THEY TAKE A PHOTOGRAPH WHEN HE ENTERS CENTRAL  
16 BOOKING. AND THEN THEY ALSO TAKE A PHOTOGRAPH LATER ON.

17 AND THIS IS THE SECOND PHOTOGRAPH, THE DAY THAT  
18 HE WAS ACTUALLY RELEASED, SO TO SPEAK.

19 HE HAD AN ARRAIGNMENT AT THAT PERIOD, 6/12 AT  
20 9 O'CLOCK IN THE MORNING. THIS PHOTOGRAPH WAS TAKEN AT THAT  
21 TIME.

22 SO THERE ARE TWO SETS OF PHOTOGRAPHS TAKEN.

23 Q TAKEN AT THE TIME AFTER ARRAIGNMENT?

24 A YES, ONE SET OF PHOTOGRAPHS IS TAKEN AT THE  
25 ARRAIGNMENT AND ONE PHOTOGRAPH IS TAKEN IMMEDIATELY UPON  
26 ENTRY INTO THE CENTRAL BOOKING.

27 AND THE NUMBER BELOW IS HIS IDENTIFICATION NUMBER.  
28 IT IS A MULTI-DIGITED NUMBER.

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MR. WAPNER: THANK YOU.

NOTHING FURTHER.

THE COURT: I THINK THIS WOULD BE A GOOD TIME TO TAKE  
OUR RECESS. LADIES AND GENTLEMEN, WE'LL TAKE A RECESS NOW  
UNTIL 1:30 THIS AFTERNOON.

THE SAME ADMONITION THAT I GAVE YOU STILL APPLIES.

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



1 SANTA MONICA, CALIFORNIA; TUESDAY, FEBRUARY 17, 1987; 1:45 P.M.  
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE  
3 (APPEARANCES AS NOTED ON TITLE PAGE.)  
4 EXCEPT MR. CHIER IS NOT PRESENT.)

5  
6 THE COURT: ALL RIGHT, YOU MAY EXAMINE.

7 MR. BARENS: YOUR HONOR --

8 MR. WAPNER: YOUR HONOR, MAY I JUST ASK A COUPLE MORE  
9 QUESTIONS?

10 THE COURT: REOPEN, GO AHEAD.

11  
12 ROBERT JORDAN,  
13 PRODUCED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY  
14 SWORN, TESTIFIED AS FOLLOWS:

15  
16 DIRECT EXAMINATION

17 BY MR. WAPNER:

18 Q MR. JORDAN, WHEN YOU GOT THE PERSON YOU HAD BOOKED  
19 AS RON LEVIN TO THE POLICE STATION, CAN YOU DESCRIBE HIS  
20 MENTAL STATE?

21 MR. BARENS: OBJECTION. I DON'T KNOW IF HE IS QUALIFIED  
22 TO MAKE THE COMMENT ON A MENTAL STATE. I THINK HE CAN SAY  
23 WHAT HE OBSERVED.

24 THE COURT: YES, TELL US WHAT YOU OBSERVED AS TO HIS  
25 APPEARANCE AND Demeanor.

26 MR. BARENS: THANK YOU, YOUR HONOR.

27 THE WITNESS: WHEN I ARRIVED AT THE PLAZA, MR. LEVIN  
28 WAS A LITTLE BIT AGITATED. HE WAS DRESSED FAIRLY WELL IN

1 A SUIT, WELL-SPOKEN. I TOOK HIM FOR AN EDUCATED PERSON. BUT  
2 HE SEEMED A LITTLE BIT AGITATED.

3 HE SEEMED A LITTLE BIT NERVOUS LIKE HE WAS TRYING  
4 TO AVOID SOMETHING AND BASICALLY GET THE WHOLE THING OVER  
5 WITH, WHICH IS SOMETHING THAT USUALLY HAPPENS WHEN PEOPLE  
6 ARE PLACED OR GOING TO BE PLACED UNDER ARREST.

7 HE WAS, AGAIN, WELL-SPOKEN.

8 HE STATED TO ME IF I COULD GIVE HIM FOUR HOURS,  
9 HE COULD COME UP WITH THE REST OF THE MONEY.

10 I KNEW HE HAD ABOUT \$1200 ON HIM AND I KNEW THAT  
11 THE BILL WAS APPROXIMATELY \$2,000.

12 Q WHEN HE MADE THIS STATEMENT ABOUT IF YOU COULD  
13 GIVE HIM FOUR HOURS HE WOULD COME UP WITH THE REST OF THE  
14 MONEY, WHAT WAS THE CONTEXT OF THAT?

15 A WELL, WE WERE JUST TALKING. HE WAS SORT OF  
16 RAMBLING ON. HE WAS JUST TALKING ABOUT GENERAL THINGS, HIS  
17 LIFE HISTORY, SO TO SPEAK.

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1 Q WAS THAT BEFORE OR AFTER HE WAS ARRESTED THAT  
2 HE MADE THAT STATEMENT?

3 A IT WAS BEFORE. IT WAS WHILE WE WERE STILL  
4 AGITATING WHAT WE WERE GOING TO DO WITH IT, SIR.

5 Q IF YOU GIVE ME FOUR HOURS, I WILL GET YOU THE  
6 MONEY AND THEREFORE, DON'T ARREST ME? SOMETHING LIKE THAT?

7 A YES. THAT WAS THE GENERAL PREMISE.

8 MR. WAPNER: THANK YOU. NOTHING FURTHER.

9 THE COURT: ALL RIGHT. ANY CROSS-EXAMINE, MR. BARENS?

10 MR. BARENS: GOOD AFTERNOON, MR. JORDAN.

11  
12 CROSS-EXAMINATION

13 BY MR. BARENS:

14 Q MR. JORDAN, THE ADDRESS ON PEOPLE'S 76 WHICH  
15 IS THE FINGERPRINT CARD AND THE ADDRESS ON PEOPLE'S 74 WHICH  
16 IS THE PROPERTY RELEASE ORDER APPEAR TO BE THE SAME. IS THAT  
17 CORRECT?

18 A YES.

19 Q DOES ONE AUTOMATICALLY GET THE ADDRESS FROM THE  
20 OTHER OR DOES THE PERSON PICKING UP THE PROPERTY IN THE SECOND  
21 INSTANCE, WITH REFERENCE TO PEOPLE'S 74, HAVE TO GO AND GIVE  
22 THE PERSON WITH THE PROPERTY, THE ADDRESS OVER AGAIN?

23 (MR. CHIER ENTERS THE COURTROOM.)

24 A NO. HE COULD JUST SHOW IDENTIFICATION AND THAT  
25 WOULD BE ENOUGH TO GET THE PROPERTY RELEASED.

26 Q WELL, IN THIS SPECIFIC INSTANCE, IS IT YOUR  
27 BELIEF THE PERSON HAD IDENTIFICATION BEARING AN ADDRESS OF  
28 106 PECK, UNIT 1505?

1           A       NO. HE DID NOT HAVE ANY I.D. ON THAT, THAT I  
2 REMEMBER.

3           Q       ALL RIGHT. WHAT I AM ASKING THEN, IS YOUR  
4 UNDERSTANDING ABOUT HOW THE ADDRESS CAME TO BE PLACED ON  
5 PEOPLE'S 74, THE PROPERTY RELEASE RECORD.

6           A       THE ADDRESS CAME FROM MY BEST RECOLLECTION --  
7 THAT IS THE ADDRESS HE GAVE. HE DIDN'T HAVE ANY I.D., OTHER  
8 THAN THE TWO CREDIT CARDS WHICH I DON'T REMEMBER IF THEY HAD  
9 AN ADDRESS.

10                   I DON'T BELIEVE CREDIT CARDS DO HAVE AN ADDRESS  
11 AND ALSO A BUSINESS CARD WHICH MIGHT HAVE CONTAINED AN  
12 ADDRESS AT THAT PARTICULAR TIME.

13                   HE DID HAVE A BUSINESS CARD WITH THE NAME OF  
14 RONALD LEVIN ON IT.

15           Q       DID YOU LOOK AT THE ADDRESS OF THE BUSINESS CARD?

16           A       SURELY, YES.

17           Q       DO YOU REMEMBER WHAT IT SAID?

18           A       I COULD NOT BE 100 PERCENT. TO THE BEST OF MY  
19 RECOLLECTION, I DID ASCERTAIN HIS ADDRESS WAS 106 PECK. THAT  
20 IS MY BEST RECOLLECTION.

21           Q       NOW SIR, HOW DID YOU CONFIRM THAT ADDRESS?

22           A       AGAIN, WE DON'T CONFIRM IT 100 PERCENT. THAT  
23 IS NOT MY JOB, SO TO SPEAK.

24                   THAT IS THE JOB OF THE COURTS. THEY HAVE PEOPLE  
25 DOWN THERE WHO UPON ARRAIGNMENT, WHEN THEY GO TO POST THEIR  
26 BAIL, WOULD VERIFY THE ADDRESS. MY JOB BASICALLY IS TO ARREST  
27 THE PERSON AND PLACE HIM INTO THE SYSTEM.

28           Q       I UNDERSTAND THAT IN THE FIRST INSTANCE, SIR.

1 YOU ARE SAYING THAT YOU DIDN'T CONFIRM THE ADDRESS 100 PERCENT.  
2 DO YOU CONFIRM IT TO ANY EXTENT, SIR?

3 A AGAIN, IT IS NOT MY RESPONSIBILITY AT THAT POINT.  
4 HE IS IN CUSTODY. HE CAN'T LEAVE UNTIL WE ASCERTAIN  
5 VERIFICATION.

6 ONE OF THE PARTS OF CENTRAL BOOKING IS THAT THEY  
7 DO A STEP-BY-STEP VERIFICATION OF A PERSON'S IDENTITY AND  
8 IF A PERSON'S IDENTITY DOES NOT MATCH UP ON THE ADDRESS TO  
9 SOMETHING THAT HE HAS, THEY WILL NOT RELEASE HIM.

10 OTHERWISE, ANYBODY COULD COME INTO THE SYSTEM  
11 WITH ANY ADDRESS AND JUST LEAVE THE SYSTEM.

12 Q I WOULD IMAGINE, SIR. IS IT YOUR UNDERSTANDING  
13 OF RELEASE THEN, THAT PRIOR TO A BAIL PROCEDURE, THAT THE  
14 ADDRESS WOULD HAVE BEEN CORROBORATED, SOMEHOW THROUGH THE  
15 SYSTEM?

16 A IT IS MY BELIEF THAT SOMEBODY ALONG THE WAY WOULD  
17 HAVE CHECKED INTO THAT, YES. I COULD NOT STATE IT AGAIN,  
18 BECAUSE IT WAS NOT PART OF MY PROCEDURE IN THE ARREST.

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17 1 Q I SEE.

2 NOW, AS THE ARRESTING OFFICER IN THIS CASE, DID  
3 YOU LATER APPEAR AT A HEARING OR TRIAL RELATIVE TO THIS  
4 MATTER?

5 A NO, I DID NOT.

6 Q DO YOU KNOW WHY YOU DID NOT, SIR?

7 A AGAIN, LOOKING AT THE FORMS THAT I GOT FOR THIS  
8 OFFENSE, THE DEFENDANT NEVER SHOWED UP TO ANY ARRAIGNMENT  
9 AND I THINK IN FACT, THERE IS A WARRANT OUT AGAINST HIM AT  
10 THIS MOMENT, A BENCH WARRANT WHICH NEW YORK WILL NOT  
11 EXTRADITE AT THIS TIME DUE TO THIS TRIAL.

12 Q NOW, HAVE YOU SEEN EVIDENCE THAT THERE IS A  
13 WANT OR WARRANT OUT FOR, I WILL USE THE NAME MR. PITTMAN AT  
14 THIS POINT BECAUSE -- IS THAT THE NAME THE WARRANT IS IN,  
15 SIR?

16 A NO.

17 I THINK THE NAME IS IN LEVIN.

18 Q AND DO YOU KNOW WHAT THE UNDERLYING CHARGES ON  
19 THIS WARRANT ARE?

20 A FAILURE TO APPEAR AT THE HEARING. IN OTHER WORDS,  
21 HE NEVER APPEARED AT HIS SCHEDULED HEARING.

22 Q AND WAS HE RELEASED ON SOME SORT OF A BOND OR  
23 BAIL PRIOR THERETO, TO YOUR KNOWLEDGE?

24 A FROM MY KNOWLEDGE, R.O.R. WAS WRITTEN ON THE FORM,  
25 WHICH TO ME WOULD MEAN RELEASED ON HIS OWN RECOGNIZANCE OF  
26 SOME TYPE.

27 I DON'T THINK HE POSTED ANY KIND OF BOND.

28 Q COULD YOU EXPLAIN TO THE JURY, BASED ON YOUR

1 KNOWLEDGE, WHAT AN O.R. RELEASE MEANS, SIR?

2 A TO MY KNOWLEDGE, RELEASED ON HIS OWN RECOGNIZANCE  
3 MEANS THAT THE PERSON WAS RELEASED, HE PRODUCED SOME KIND  
4 OF IDENTIFICATION AND THEY THOUGHT THE CHARGES WERE NOT SO  
5 SEVERE THAT THE PERSON WOULD NOT COME BACK TO COURT.

6 Q AND THUS, IF I AM NOT MISTAKEN, SIR, A PERSON  
7 IS RELEASED BASED ON THEIR PROMISE TO APPEAR WITHOUT PROVIDING  
8 THE COURT WITH ANY EITHER CORPORATE SURETY BOND OR COLLATERAL  
9 OR CASH DEPOSIT?

10 A THAT'S CORRECT.

11 Q AND IS IT YOUR BELIEF THAT THAT IS WHAT OCCURRED  
12 IN THIS INSTANCE BASED ON THE PAPERWORK YOU HAVE OBSERVED?

13 A THAT IS MY BELIEF, YES.

14 Q WOULD THE ORDER FOR RELEASE UNDER THOSE  
15 CIRCUMSTANCES HAVE TO BE MADE BY A JUDGE OR MAGISTRATE?

16 A YES.

17 MR. BARENS: THANK YOU, SIR.

18 THE COURT: ANY REDIRECT?

19

20 REDIRECT EXAMINATION

21 BY MR. WAPNER:

22 Q JUST BRIEFLY, MR. JORDAN, YOU WEREN'T PRESENT  
23 AT ANY OF THE COURT HEARINGS THAT TOOK PLACE IN NEW YORK ON  
24 MR. LEVIN'S CASE, WERE YOU?

25 A NO, I WAS NOT.

26 MR. WAPNER: I HAVE NOTHING FURTHER.

27 MR. BARENS: ONE FURTHER QUESTION IF I MIGHT, YOUR HONOR.

28 THE COURT: GO AHEAD.

## 1 RE-CROSS-EXAMINATION

2 BY MR. BARENS:

3 Q DO YOU KNOW IF ANY MONEY WAS EVER TURNED OVER  
4 TO THE ALLEGED VICTIM IN THIS INSTANCE, BEING THE PLAZA HOTEL,  
5 IN COMPENSATION FOR THE DAMAGES?6 A TO THE BEST OF MY KNOWLEDGE, NO MONEY WAS EVER  
7 RETURNED FOR THE DAMAGES, NO.

8 Q DO YOU KNOW HOW MUCH THE DAMAGES CAME TO, SIR?

9 A APPROXIMATELY 2,000.

10 MR. BARENS: THANK YOU VERY MUCH, SIR.

11 THE COURT: ALL RIGHT, THANK YOU. YOU MAY BE EXCUSED.

12 THE WITNESS: THANK YOU.

13 MR. WAPNER: ROBERT FERRARO.

14 THE COURT: IS THAT AGREEABLE TO YOU, TO EXCUSE THIS  
15 WITNESS?

16 MR. WAPNER: I HAVE NO OBJECTION, YOUR HONOR.

17 THE COURT: ALL RIGHT.

18 MR. WAPNER: ROBERT FERRARO.

19 THE COURT: ALL RIGHT, ROBERT FERRARO.

20

21 ROBERT FERRARO,

22 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED  
23 AS FOLLOWS:24 THE CLERK: IF YOU WOULD RAISE YOUR RIGHT HAND TO BE  
25 SWORN, PLEASE.26 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU MAY  
27 GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE  
28 TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP

17A



1 YOU GOD.

2 THE WITNESS: I DO.

3 THE CLERK: IF YOU WOULD BE SEATED THERE AT THE WITNESS  
4 STAND.

5 NOW IF YOU WOULD STATE AND SPELL YOUR NAME FOR  
6 THE RECORD, PLEASE.

7 THE WITNESS: ROBERT FERRARO, F-E-R-R-A-R-O, ROBERT,  
8 R-O-B-E-R-T.

9

10

DIRECT EXAMINATION

11

BY MR. WAPNER:

12

Q MR. FERRARO, WHAT IS YOUR OCCUPATION?

13

A I AM AN ATTORNEY.

14

Q AND WHERE DO YOU PRACTICE LAW?

15

A IN NEW YORK CITY.

16

Q HOW LONG HAVE YOU BEEN PRACTICING LAW IN

17

NEW YORK CITY?

18

A ABOUT 33 YEARS.

19

Q AND ON JUNE THE 12TH OF 1984, WERE YOU PRACTICING

20

LAW IN NEW YORK CITY?

21

A YES, I WAS.

22

Q WHAT TYPE OF LAW WERE YOU PRACTICING AT THAT TIME?

23

A CRIMINAL LAW.

24

Q WERE YOU WORKING ON JUNE THE 12TH OF 1984?

25

A I WAS ASKED TO WORK THAT MORNING, YES.

26

Q WHAT WERE YOU DOING THAT MORNING?

27

A I WAS WORKING THE ARRAIGNMENT COURT IN ARR-1.

28

THE COURT: PUSH YOUR CHAIR UP A LITTLE CLOSER TO THE

1 MICROPHONE, PLEASE. KEEP YOUR VOICE UP. YOU MIGHT PULL  
2 THE MICROPHONE TOWARDS YOU.

3 Q BY MR. WAPNER: WOULD YOU EXPLAIN TO THE JURY  
4 EXACTLY WHAT IT IS YOU WERE DOING.

5 A WELL, I WAS WORKING. THE JUDGE ASKED ME TO COME  
6 IN EARLY.

7 ACTUALLY, THE COURT I WORK IN IS ARR-5 BUT IT  
8 REVOLVES INTO RRA-1 AT 9 O'CLOCK.

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1 Q OKAY. LET'S BACK UP A LITTLE BIT. INSTEAD OF  
2 USING ABBREVIATIONS, DID YOU WORK IN WHAT AMOUNTS TO A 24-HOUR  
3 ARRAIGNMENT COURT IN NEW YORK CITY?

4 A THAT'S CORRECT.

5 Q AND WAS THAT THE CRIMINAL ARRAIGNMENTS?

6 A THAT'S CORRECT.

7 Q ALL RIGHT. MISDEMEANORS AND FELONIES OR JUST  
8 MISDEMEANORS?

9 A MISDEMEANORS AND FELONIES.

10 Q AND WOULD YOU EXPLAIN TO THE JURY WHAT AN  
11 ARRAIGNMENT COURT IS?

12 A IT IS A COURT WHERE PEOPLE ARE ARRAIGNED.

13 Q AND THAT MEANS THAT THEY HAVE THE CHARGES READ  
14 TO THEM?

15 A THAT'S CORRECT.

16 Q ALL RIGHT. AND THEN THEY ENTER A PLEA OF EITHER  
17 GUILTY OR NOT GUILTY?

18 A WELL, ON A MISDEMEANOR LEVEL, THEY CAN PLEAD  
19 GUILTY. ON THE FELONY LEVEL, THEY ARE ENTITLED TO A HEARING  
20 WITHIN 174 HOURS OR THEIR FELONY CHARGES CAN BE REDUCED TO  
21 A MISDEMEANOR AND THEY CAN PLEAD GUILTY TO THE MISDEMEANOR.

22 MISDEMEANOR CHARGES CAN RESULT IN A PLEA TO A  
23 LESSER CHARGE, A VIOLATION WHICH IS NOT A CRIME OR A  
24 MISDEMEANOR CAN BE RESOLVED BY WAY OF A PLEA TO A MISDEMEANOR,  
25 AN A MISDEMEANOR OR A B MISDEMEANOR.

26 Q LET'S NOT GET INTO A MISDEMEANORS OR B  
27 MISDEMEANORS.

28 AS FAR AS MISDEMEANOR CHARGES THAT ARE BROUGHT

1 IN THAT COURT, WHEN YOU SAY IT IS AN ARRAIGNMENT, THE PERSON  
2 CHARGED WITH THE CRIME IS BROUGHT BEFORE THE COURT AND ASKED  
3 HOW THEY PLEAD?

4 A THEY ARE ARRAIGNED AND THE CASE IS MARKED --  
5 IS ADJOURNED FOR A TRIAL DATE. GENERALLY, THERE IS NO PLEA.  
6 THEY ARE JUST INFORMED OF THE CHARGES AGAINST THEM AND THE  
7 CASE IS ADJOURNED.

8 Q AND A TRIAL DATE IS SET?

9 A YES, A TRIAL DATE IS SET OR A MOTION SCHEDULE  
10 IS PUT INTO MOTION.

11 Q YOU SAID THAT YOU WERE ASKED TO WORK THAT DAY.  
12 BY WHOM WERE YOU ASKED?

13 A JUDGE ADLERBERG. HE WAS THE PRESIDING JUDGE  
14 FOR THE AR5 SHIFT AND HE HAD ME COME IN EARLY.

15 AND THE SHIFT BEGAN AT 1:00 O'CLOCK IN THE  
16 MORNING AND ENDED AT 9:00 O'CLOCK. I GOT THERE AROUND 6:00  
17 O'CLOCK IN THE MORNING.

18 Q WHAT TIME DID YOU ACTUALLY BEGIN TO WORK ON THAT  
19 DAY?

20 A AROUND 10:00 O'CLOCK IN THE MORNING.

21 Q AND WHERE WAS THE COURTHOUSE LOCATED THAT YOU  
22 WERE WORKING AT?

23 A AT 100 CENTER STREET IN MANHATTAN.

24 Q AT 6:00 O'CLOCK IN THE MORNING, WHAT WERE YOU  
25 DOING?

26 A I WAS SPEAKING WITH JUDGE ADLERBERG AND THE COURT  
27 OFFICER IN CHARGE OF THE COURT.

28 Q WHERE WERE YOU DOING THAT?

1 A ON THE STOOP OF THE COURTHOUSE.

2 Q AT THAT TIME, DID SOMEONE APPROACH YOU?

3 A AN INDIVIDUAL APPROACHED ME.

4 Q ALL RIGHT. AND WHAT DID THAT INDIVIDUAL APPROACH  
5 YOU ABOUT?

6 A HE ASKED ME IF I WAS AN ATTORNEY.

7 Q WHAT DID YOU SAY?

8 A I SAID YES.

9 Q WHAT HAPPENED AFTER THAT?

10 A HE SAID HE HAD A FRIEND WHO WAS IN JAIL AND HIS  
11 NAME WAS RON LEVIN AND HE WANTED TO GET HIM OUT OF JAIL.

12 Q THE PERSON WHO APPROACHED YOU, DO YOU SEE HIM  
13 IN THE COURTROOM RIGHT NOW?

14 A I THINK THAT GENTLEMAN OVER THERE (INDICATING).  
15 THE COURT: INDICATING THE DEFENDANT.

16 Q BY MR. WAPNER: THAT'S THE GENTLEMAN?

17 A THAT'S THE GENTLEMAN.

18 THE COURT: ALL RIGHT.

19 Q BY MR. WAPNER: AND HE SAID THAT HE HAD A FRIEND  
20 WHOSE NAME WAS RON LEVIN?

21 A HE SAID HE HAD A FRIEND WHOSE NAME WAS RON LEVIN  
22 AND HE WANTED TO GET HIM OUT OF JAIL.

23 Q WHAT HAPPENED AT THAT PARTICULAR TIME?

24 A I TOOK THE GENTLEMAN TO THE CLERK'S OFFICE AND  
25 I ASKED THE CLERK FOR A COPY OF THE CASE. AND THE CLERK SAID,  
26 "YOU CAN'T HAVE A COPY OF THE CASE UNTIL YOU FILE A NOTICE  
27 OF APPEARANCE."

28 Q WHAT DID YOU DO AT THAT PARTICULAR TIME?

1           A       I FILED A NOTICE OF APPEARANCE. THEN I WAS GIVEN  
2 THE DEFENSE COPY. I SHOWED IT TO THE GENTLEMAN. WE BOTH  
3 READ IT.

4           Q       WHEN YOU SAY, "TO THE GENTLEMAN," YOU ARE  
5 REFERRING TO THE DEFENDANT IN THIS CASE?

6           A       I AM REFERRING TO THE GENTLEMAN OVER THERE  
7 (INDICATING).

8           MR. WAPNER: INDICATING THE DEFENDANT, YOUR HONOR?

9           THE COURT: YES.

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1 Q AND AFTER YOU SHOWED THAT -- WHEN YOU SAY YOU  
2 GOT A COPY OF THE CASE, WHAT DID YOU GET A COPY OF?

3 A I GOT A COPY OF THE COMPLAINT, THE YELLOW SHEET,  
4 THE RAP SHEET AND THE CJA SHEET, AND I GOT THAT COPY AND I  
5 LOOKED -- I LOOKED OVER IT WITH THE GENTLEMAN.

6 Q SO THAT WOULD TELL YOU WHAT IS THE PERSON WHO  
7 IS ARRESTED AS MR. LEVIN WAS, IS CHARGED WITH?

8 A THAT IS CORRECT.

9 Q AND WHAT TIME WAS IT APPROXIMATELY THAT MR. HUNT  
10 APPROACHED YOU?

11 A THE COURT WAS IN RECESS FROM 6:00 O'CLOCK IN  
12 THE MORNING UNTIL 7:30, SO IT WAS BETWEEN 6:00 AND 7:00, MAYBE  
13 6:15, 6:20, I AM NOT SURE.

14 THE COURT: WHAT DATE ARE WE TALKING ABOUT?

15 THE WITNESS: JUNE 12, SIR.

16 THE COURT: ALL RIGHT.

17 Q BYMR. WAPNER: AS YOU LOOKED OVER THE COURT PAPERS  
18 AND MR. HUNT LOOKED THEM OVER, WHAT HAPPENED?

19 A I FILED -- PRIOR TO LOOKING OVER THE PAPERS,  
20 I FILED MY NOTICE AND I --

21 THE COURT: YOUR NOTICE OF APPEARANCE?

22 THE WITNESS: THAT'S CORRECT, SIR.

23 THE COURT: ALL RIGHT.

24 THE WITNESS: AND I SPOKE TO MR. LEVIN ABOUT THE CHARGE  
25 AND I STATED HOW MUCH IT WOULD COST.

26 Q BY MR. WAPNER: WHO DID YOU TELL HOW MUCH IT  
27 WOULD COST?

28 A TO THE GENTLEMAN OVER THERE (INDICATING).

1 MR. WAPNER: INDICATING THE DEFENDANT?

2 THE COURT: YES.

3 YOU USED THE WORD "LEVIN" BEFORE. DID YOU MEAN  
4 HIM OR THE DEFENDANT? YOU WERE TALKING ABOUT THE FEE, YOU  
5 SAID.

6 THE WITNESS: YES.

7 THE COURT: WITH WHOM DID YOU TALK ABOUT THE FEE?

8 THE WITNESS: THE GENTLEMAN OVER THERE (INDICATING).

9 THE COURT: YOU USED THE NAME LEVIN.

10 THE WITNESS: I AM SORRY. I MISSPOKE.

11 THE COURT: YOU DIDN'T MEAN LEVIN, ALL RIGHT.

12 Q BY MR. WAPNER: DO YOU RECOGNIZE THE PERSON WHO  
13 IS DEPICTED IN THIS PHOTOGRAPH, PEOPLE'S 175?

14 A IF YOU WILL BRING IT A LITTLE CLOSER.

15 (EXHIBIT HANDED TO WITNESS.)

16 THE WITNESS: THIS WAS THE -- THIS IS THE PICTURE OF  
17 THE GENTLEMAN I SUBSEQUENTLY REPRESENTED, RON LEVIN.

18 Q BY MR. WAPNER: WHAT DISCUSSION DID YOU HAVE  
19 WITH MR. HUNT ABOUT FEES?

20 A BRIEFLY, I READ THE COMPLAINT TO HIM AND I TOLD  
21 HIM EXACTLY WHAT MY FEE WOULD BE, I THINK IT WAS APPROXIMATELY  
22 \$500 AND HE GAVE ME -- HE GAVE ME, I THINK, \$4,000; \$2,000  
23 TO COVER THE DAMAGES FOR THIS CRIMINAL MISCHIEF CHARGE,  
24 MISDEMEANOR, AND \$2,000 FOR MR. LEVIN WHEN HE GOT OUT OF JAIL.

25 I DID SUBSEQUENTLY GIVE MR. LEVIN \$2,000 WHEN  
26 HE GOT OUT OF JAIL AND I SUBSEQUENTLY GAVE THE COURT, JUDGE  
27 CARRUTHERS WAS PRESIDING, WITH REPRESENTATIVES FROM THE PLAZA  
28 HOTEL, I GAVE THEM \$2,000.



1 Q WHAT ABOUT YOUR FEE?

2 A MY FEE WAS \$500.

3 Q WERE YOU PAID THAT ALSO?

4 A I WAS PAID 500 AND THEN SUBSEQUENTLY, I WAS GIVEN  
5 A QUASI HONORARIUM OF AN ADDITIONAL \$200.

6 Q WHERE WERE YOU PAID THIS \$4,000 BY MR. HUNT?

7 A IN THE HALLWAY OF THE COURT.

8 Q IN WHAT FORM?

9 A CASH.

10 Q DID YOU SEE WHERE MR. HUNT GOT THE MONEY FROM?

11 A YES.

12 Q WHERE?

13 A HIS POCKET.

14 Q WHEN HE TOOK THE MONEY OUT OF HIS POCKET AND  
15 GAVE IT TO YOU, WHAT WAS THE DENOMINATION OF THE BILLS THAT  
16 YOU WERE GIVEN?

17 A I THINK THEY WERE HUNDREDS. I AM REASONABLY SURE  
18 THEY WERE HUNDREDS.

19 FOR THAT AMOUNT OF MONEY, THEY HAD TO BE HUNDREDS.

20 Q YOU WERE GIVEN \$2,000 IN CASH TO GIVE TO YOUR  
21 CLIENT, MR. LEVIN; IS THAT CORRECT?

22 A WHICH I DID, THAT'S CORRECT.

23 AND AN ADDITIONAL \$2,000 TO PAY FOR THE -- TO  
24 PAY FOR THE DAMAGES INCURRED AT THE PLAZA.

25 Q AND THAT WAS ALSO IN CASH?

26 A YES, SIR.

27 Q AND WAS YOUR FEE ALSO IN CASH?

28 A YES, SIR.

1 Q ALL RIGHT. SO EVENTUALLY, YOU GOT \$700 TOTAL  
2 IN CASH; IS THAT RIGHT?

3 A FOR MYSELF?

4 Q YES.

5 A YES, APPROXIMATELY THAT.

6 Q AFTER MR. HUNT GAVE YOU THIS MONEY, DID HE APPEAR  
7 TO HAVE ANY MONEY LEFT?

8 A YES, HE APPEARED TO HAVE MONEY LEFT.

9 Q CAN YOU DESCRIBE THE APPEARANCE OF THE MONEY  
10 THAT YOU SAW MR. HUNT HAVE?

11 MR. BARENS: OBJECTION BOTH AS TO THE RELEVANCY AND  
12 CALLS FOR SPECULATION, YOUR HONOR.

13 THE COURT: OVERRULED.

14 MR. BARENS: THANK YOU, YOUR HONOR.

15 THE WITNESS: WOULD YOU REPEAT THE QUESTION?

16 Q BY MR. WAPNER: DID MR. HUNT APPEAR TO HAVE A  
17 LOT MORE MONEY THAN JUST THE \$4,700 THAT YOU DESCRIBED SO  
18 FAR?

19 A HE APPEARED TO HAVE A CONSIDERABLE AMOUNT OF  
20 MONEY. I DON'T KNOW THE AMOUNT.

21 Q OF THE STACK THAT HE ENDED UP GIVING YOU, WHICH AMOUNT-  
22 ED TO 47 HUNDRED-DOLLAR-BILLS, DID THE AMOUNT REMAINING APPEAR  
23 TO BE AS BIG, BIGGER OR SMALLER?

24 A I WOULD SAY AS BIG. I REALLY DON'T KNOW THE  
25 AMOUNT BUT --

26 Q WHEN YOU SAY HE APPEARED TO HAVE A CONSIDERABLE  
27 AMOUNT OF MONEY, WHAT DO YOU MEAN?

28 A WELL, HE COUNTED OFF \$4,000 AND HE SEEMED TO  
29 HAVE A GREAT DEAL OF MONEY REMAINING.

20 1  
1 JUST BY WAY OF QUANTIFICATION, IN OTHER WORDS,  
2 THE SAME AMOUNT OF SPACE THAT HE USED TO GIVE ME THE MONEY,  
3 HE SEEMED TO HAVE THE SAME REMAINING AMOUNT OF SPACE FOR THE  
4 MONEY HE RETAINED.

5 Q MEANING THAT IT SEEMED LIKE HE HAD AT LEAST AS  
6 MUCH LEFT?

7 A I WOULD SAY HE HAD CONSIDERABLE VIATICUM.

8 Q WHEN MR. HUNT FIRST APPROACHED YOU, YOU WERE IN  
9 THE HALL; IS THAT RIGHT?

10 A I WAS EITHER IN THE HALL OR ON THE STEPS WITH  
11 THE JUDGE. I DON'T RECALL. MY MEMORY IS THAT I WAS IN THE  
12 HALL.

13 Q YOU WENT EVENTUALLY WITH HIM --

14 A TO THE CLERK'S OFFICE.

15 Q TO THE CLERK'S OFFICE?

16 A THAT'S RIGHT.

17 Q AT SOME POINT AFTER THAT, WERE YOU PAID?

18 A THAT'S RIGHT. IMMEDIATELY AFTER I FILED MY NOTICE  
19 OF APPEARANCE, I WAS PAID.

20 Q WERE YOU GIVEN YOUR FEE AT THAT TIME, AS WELL?

21 A I WAS GIVEN \$2,000 FOR DEPOSIT, \$2,000 FOR  
22 MR. LEVIN WHEN HE WAS RELEASED AND \$500 FOR MYSELF. LATER  
23 ON I RECEIVED A \$200 HONORARIUM.

24 Q WHAT DID YOU TELL MR. HUNT AT THAT TIME ABOUT  
25 WHEN MR. LEVIN'S CASE WOULD BE HEARD?

26 A I TOLD HIM THAT ARRAIGNMENTS IN NEW YORK CITY  
27 ARE LIKE A TURKEY SHOOT. IT COULD BE ARRAIGNED IN EIGHT  
28 HOURS, NINE HOURS, TEN HOURS, TWELVE HOURS. THEY WERE VERY

1 BUSY IN THE SUMMER.

2 A MAN CAN STAY IN JAIL WHEN HE IS BEING ARRAIGNED  
3 FOR A CRIME, ANYWHERE FROM 36 TO 48 TO 72 HOURS BECAUSE OF  
4 THE VOLUME OF ARRAIGNMENTS.

5 Q AND WHEN YOU FIRST SAW MR. HUNT AT THAT TIME,  
6 WHEN HE GAVE YOU THE MONEY AND MADE THE AGREEMENT FOR THE  
7 REPRESENTATION, DESCRIBE HOW HE APPEARED TO YOU IN TERMS OF  
8 HIS MENTAL STATE.

9 MR. BARENS: OBJECTION AS TO QUALIFICATIONS FOR MENTAL  
10 STATE, YOUR HONOR.

11 THE COURT: SUSTAIN THE OBJECTION. REPHRASE THE  
12 QUESTION.

13 Q BY MR. WAPNER: DID HE APPEAR TO YOU TO BE CALM,  
14 EXCITED, AGITATED?

15 A I WOULD SAY HE WAS CONCERNED. HE WAS CONCERNED.  
16 HE SEEMED TO BE -- HE WAS PACING THE HALLWAY AND --

17 Q HE WAS PACING THE HALLWAY?

18 A YES. I THINK HE WAS ANXIOUS TO -- HE SEEMED TO  
19 BE ANXIOUS, CONCERNED OR ANXIOUS, SOMEWHERE IN BETWEEN THAT.

20 Q AFTER YOU TOLD HIM ABOUT THE ARRAIGNMENT AND HOW  
21 LONG IT MIGHT TAKE, DID HE STAY AT THE COURTHOUSE?

22 A I MIGHT PREFACE THIS BY SAYING THAT HE DIDN'T  
23 KNOW ME. AND HE ASKED ME IF I HAD IDENTIFICATION. I DIDN'T  
24 HAVE ONE OF MY CARDS WITH ME.

25 I SHOWED HIM MY BLOOMINGDALE'S CREDIT CARD. AND  
26 AT THAT TIME, MR. HUNT WAS GRACIOUS ENOUGH TO GIVE ME THE  
27 FEE AND --

28 Q AFTER HE GAVE YOU THE FEE --

2  
1 A YES.

2 Q DID HE REMAIN AT THE COURTHOUSE?

3 A NO. HE LEFT.

4 Q DID HE COME BACK?

5 A HE CAME BACK WHEN AR-5 BECAME AR-1, AT 9 O'CLOCK.

6 THE COURT: WHAT DOES THAT MEAN?

7 THE WITNESS: WE HAVE A COURT IN NEW YORK CITY AND  
8 PHYSICALLY, IT STAYS THE SAME. BUT THE NOMENCLATURE CHANGES  
9 THE COURT.

10 IN OTHER WORDS, WE HAVE 24-HOUR ARRAIGNMENTS.  
11 AND ONE COURT AT ONE TIME, BECOMES AR-1, AR-3, AR-4 AND AR-5.  
12 BUT IT IS STILL THE SAME COURT.

13 THE CHRONOLOGY MAKES THE COURT A DIFFERENT COURT.

14 THE COURT: IN TIME, YOU MEAN?

15 THE WITNESS: TIME, RIGHT. IN OTHER WORDS, AT 9 O'CLOCK  
16 AR-1 BECAME AR-5 OR AR-5 BECAME AR-1.

17 THE COURT: YES. ALL RIGHT.

18 THE WITNESS: SO AFTER 9 O'CLOCK, MR. HUNT RETURNED  
19 TO THE COURT. I DON'T KNOW WHAT TIME, MAYBE ABOUT 10:30 OR  
20 11 O'CLOCK. AND HE ASKED ME IF MR. LEVIN HAD BEEN PRODUCED.

21 AND I SAID NO, THERE WAS SOME DIFFICULTY WITH  
22 THE RAP SHEET, THE YELLOW SHEET. THEY COME FROM ALBANY AND  
23 IT TAKES ABOUT NINE OR TEN HOURS FOR THEM TO BE PROCESSED.

24 WE DON'T HAVE THE YELLOW SHEETS OR THE RAP SHEETS  
25 OR THE FINGERPRINTS IN NEW YORK CITY. THEY ARE IN ALBANY.  
26 THEY HAVE TO COME FROM ALBANY.

27 THE COURT: THAT IS THE CAPITOL OF NEW YORK, ISN'T IT?

28 THE WITNESS: YES IT IS.

20  
1 Q BY MR. WAPNER: AND WHEN YOU TOLD THAT TO  
2 MR. HUNT, THAT WAS AT AROUND 10 O'CLOCK OR SO?

3 A APPROXIMATELY. MAYBE IT WAS 11 O'CLOCK OR 11:15,  
4 JUST --

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1 Q HOW DID HE APPEAR TO YOU AT THAT TIME?

2 A WELL HE APPEARED CONCERNED AND ANXIOUS TO SEE  
3 HIS FRIEND RON LEVIN RELEASED.

4 Q DID HE LEAVE THE COURTHOUSE AT THAT TIME?

5 A YES, SIR.

6 Q WHEN DID HE RETURN?

7 A HE RETURNED AROUND A LITTLE LATER, MAYBE ABOUT  
8 AN HOUR LATER.

9 Q WAS MR. LEVIN IN THE COURTROOM AT THAT TIME?

10 A NO, SIR.

11 I -- I HAD MR. LEVIN BROUGHT FROM THE PRECINCT  
12 TO THE TOMBS AND HE WAS IN THE COURT COMPLEX BUT HIS RAP SHEET  
13 OR YELLOW SHEET OR FINGERPRINT SHEET WAS NOT PRODUCED.

14 Q HOW DID MR. HUNT SEEM TO YOU AT THAT TIME WHEN  
15 HE RETURNED FOR THE THIRD TIME?

16 A HE STILL APPEARED CONCERNED FOR HIS FRIEND, RON  
17 LEVIN.

18 Q AND AFTER YOU TOLD HIM --

19 DID YOU TELL HIM AT THAT TIME THAT MR. LEVIN HAD  
20 NOT BEEN PRODUCED YET?

21 A YES, HE WAS NOT PRODUCED.

22 Q AND DID MR. HUNT STAY AROUND AT THAT TIME?

23 A NO.

24 HE LEFT AGAIN.

25 Q AND WHEN DID HE RETURN?

26 A HE DID NOT --

27 MR. LEVIN WAS FINALLY ARRAIGNED IN THE AFTERNOON  
28 BEFORE JUDGE CARRUTHERS. HOWEVER, THE COURT COMPLAINT WAS

2 1 READY, THE C.J.A. SHEET WAS READY BUT THERE WAS STILL A HOLDING  
2 PATTERN FOR THE YELLOW SHEET OR RAP SHEET.

3 I ASKED JUDGE CARRUTHERS,"WOULD YOU BE GRACIOUS  
4 ENOUGH TO PAROLE MR. LEVIN IN MY CUSTODY? WE WILL STAY IN  
5 THE COURTROOM UNTIL THE YELLOW SHEET OR RAP SHEET ARRIVES  
6 FROM ALBANY" AND JUDGE CARRUTHERS SAID "YES, YOU MAY STAY IN  
7 THE AUDIENCE."

8 Q AND MR. LEVIN WAS RELEASED TO GO OUT AND SIT IN  
9 THE AUDIENCE AT THAT TIME?

10 A YES, HE SAT WITH ME IN THE AUDIENCE AT THAT TIME  
11 AND AT THAT JUNCTURE, I GAVE MR. LEVIN \$2,000 "FROM A FRIEND  
12 OF YOURS."

13 I DIDN'T KNOW THE GENTLEMAN'S NAME THAT I SPOKE  
14 TO INITIALLY.

15 Q DID MR. HUNT EVER GIVE YOU HIS NAME?

16 A NO.

17 Q AT ANY TIME WHILE HE WAS THERE, DID HE GIVE YOU  
18 HIS NAME?

19 A NO.

20 Q DID MR. HUNT EVER GIVE YOU ANY I.D.?

21 A NO.

22 Q DID YOU ASK HIM FOR MONEY?

23 A NO.

24 Q AND HOW LONG AFTER YOUR CLIENT, WHOM YOU KNEW  
25 AS MR. LEVIN, WAS PUT IN THE AUDIENCE, WAS THE CASE ACTUALLY  
26 CALLED?

27 A I WOULD SAY ABOUT AN HOUR LATER. THE COURT  
28 RECONVENED AT 2:30 AND ABOUT 3:00, 3:15 THE PRINTS CAME DOWN



1 AND HE WAS ARRAIGNED, THE CASE WAS ADJOURNED AND I THINK --  
2 I THINK IN THE INTERVENING TIME, I CALLED UP THE PLAZA AND  
3 I SAID, "PLEASE SEND SOMEBODY DOWN FROM SECURITY, I WOULD  
4 LIKE TO GET THIS CASE RESOLVED. I HAVE \$2,000 FOR YOU."

5 AND THEY SENT SOMEBODY DOWN.

6 Q LET'S GET TO THAT IN A MINUTE.

7 A YES.

8 Q BUT BEFORE PEOPLE CAME DOWN FROM THE PLAZA, IN  
9 POINT OF TIME WHEN YOUR CLIENT, MR. LEVIN'S CASE WAS CALLED  
10 AND HE WAS ARRAIGNED, WAS HE RELEASED?

11 A YES, HE WAS RELEASED.

12 Q WAS HE RELEASED ON HIS OWN RECOGNIZANCE?

13 A YES, HE WAS RELEASED, PAROLED, RELEASED.

14 Q WITHOUT HAVING TO POST BOND?

15 A THAT'S CORRECT.

16 Q AND WAS HE GIVEN A DATE TO RETURN TO COURT, WAS  
17 THERE A DATE SET FOR A HEARING?

18 A YES.

19 Q WHAT WAS THE DATE?

20 A HE WAS TOLD TO COME BACK AUGUST 14TH AT A  
21 HUNDRED CENTER STREET.

22 Q WERE YOU TO REPRESENT HIM AT THAT TIME?

23 A THAT'S CORRECT.

24 Q WERE YOU THERE ON AUGUST 14TH?

25 A YES, SIR.

26 Q WAS YOUR CLIENT THAT YOU KNEW AS MR. LEVIN,  
27 DEPICTED IN PEOPLE'S 175, THERE?

28 A NO.

1 Q WHAT HAPPENED ON AUGUST 14TH?

2 A A BENCH WARRANT WAS ISSUED.

3 Q TO YOUR KNOWLEDGE, IS THAT STILL OUTSTANDING?

4 A YES, SIR.

5 THE COURT: TELL US WHAT A BENCH WARRANT IS SO THE JURY  
6 WILL KNOW.

7 THE WITNESS: IT IS A SUMMARY DIRECTION BY A JUDGE  
8 THAT IF ANYONE SEES THE GENTLEMAN ON THE STREET, HE IS TO  
9 BE ARRESTED AND BROUGHT BEFORE THE COURT.

10 THE COURT: ALL RIGHT.

11 Q BY MR. WAPNER: AND DID YOU CONTACT SOMEBODY  
12 FROM THE PLAZA HOTEL?

13 A YES.

14 I -- WHILE I -- WHILE I NEGOTIATED THE RELEASE  
15 OF MR. LEVIN, I CALLED UP THE PLAZA AND I TOLD THEM TO COME  
16 DOWN, I HAD THEIR MONEY AND I WOULD LIKE THE CASE TO BE  
17 RESOLVED TODAY.

18 Q DID SOMEONE FROM THE PLAZA HOTEL ARRIVE?

19 A THAT'S CORRECT, SIR.

20 Q AT APPROXIMATELY WHAT TIME?

21 A I WOULD SAY ABOUT 3:30, QUARTER TO 4:00.

22 Q AND WHEN YOU MADE THOSE NEGOTIATIONS WITH THE  
23 PLAZA HOTEL, WAS THE CLIENT YOU KNEW AS MR. LEVIN AND MR.  
24 HUNT, WERE THEY STILL IN COURT?

25 A MR. LEVIN WAS STILL IN COURT BUT MR. HUNT WAS  
26 NOT IN COURT.

27 Q AT SOME POINT, DID YOU TELL MR. LEVIN AND MR.  
28 HUNT TO WAIT AROUND, YOU COULD GET THE CASE DISMISSED?

1           A        YEAH.

2                    I TOLD THEM WHEN THEY WERE TOGETHER FOR THE FIRST  
3 TIME IN THE AFTERNOON, "WHY DON'T YOU WAIT? I WILL GET THE  
4 CASE RECALLED," WHICH I DID HAVE RECALLED THAT AFTERNOON.

5                    AND I SAID, "WHY DON'T YOU WAIT? WE CAN GET  
6 THE CASE DISMISSED IF YOU PAY THE MONEY" AND APPARENTLY --

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1 Q WHAT WAS THE RESPONSE?

2 A NEGATIVE.

3 Q WHO MADE THE RESPONSE?

4 A I WOULD SAY BOTH. PROBABLY BOTH.

5 Q DID THEY APPEAR TO BE IN A HURRY TO GET OUT OF  
6 THERE?

7 A YES, THEY DID.

8 Q AND SO WHEN THE PEOPLE FROM THE PLAZA HOTEL SHOWED  
9 UP, IT WAS WHAT TIME?

10 A THEY SHOWED UP AROUND A QUARTER TO 4:00. MR.  
11 LEVIN WAS NOT THERE AND NEITHER WAS THE GENTLEMAN I NOW KNOW  
12 AS MR. HUNT.

13 HE WAS NOT THERE. AND I HAD THE CASE RECALLED  
14 BEFORE JUDGE CARRUTHERS AND THE REPRESENTATIVES FROM THE  
15 PLAZA WERE THERE AND I PROFFERED \$2,000, WHICH THEY GRACIOUSLY  
16 ACCEPTED.

17 Q DID THEY GIVE YOU A RECEIPT FOR THAT?

18 A THE COURT RECORD IS THE RECEIPT. I DON'T HAVE  
19 TO HAVE A RECEIPT.

20 Q AND THE CASE WAS NOT DISMISSED AT THAT TIME,  
21 WAS IT?

22 A THE CASE WAS NOT DISMISSED, UNFORTUNATELY BECAUSE  
23 MR. LEVIN WAS NOT THERE.

24 Q AND SO IT REMAINED SET FOR AUGUST 14?

25 A IT WAS ADJOURNED TO AUGUST 14, ALL PURPOSE, PART  
26 3 ON THE FOURTH FLOOR.

27 MR. WAPNER: THANK YOU. NOTHING FURTHER.

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CROSS-EXAMINATION

BY MR. BARENS:

Q MR. FERRARO, AS I UNDERSTAND IT, THE FIRST TIME YOU MET JOE HUNT, IT WAS SOMEWHAT OF A CHANCE MEETING? HE DIDN'T EVEN KNOW YOU WERE A LAWYER AT THAT POINT IN TIME?

A THAT'S CORRECT.

Q THE FIRST THING HE SAID TO YOU WAS, "I HAVE A FRIEND IN JAIL. I WOULD LIKE YOU TO ARRANGE TO BAIL HIM OUT"?

A NO. HE SAID, "ARE YOU A LAWYER?"

Q SORRY, SIR. BUT AFTER YOU HAD ONCE IDENTIFIED YOURSELF AS A LAWYER, HE THEN STATED HIS PURPOSE FOR INQUIRING?

A THAT'S CORRECT.

Q HE TOLD YOU THAT HE HAD A FRIEND HE WOULD LIKE TO GET OUT OF JAIL?

A THAT'S CORRECT.

Q NOW, YOU SAY AT THAT PARTICULAR TIME, HIS Demeanor SEEMED TO BE CONCERNED?

A THAT'S CORRECT.

Q AND IN YOUR EXPERIENCE OF OVER 33 YEARS, IS THERE ANYTHING UNUSUAL ABOUT A PERSON BEING CONCERNED ABOUT GETTING A FRIEND OF THEIRS OUT OF JAIL?

A THAT'S CORRECT.

Q THERE IS NOTHING UNUSUAL ABOUT THAT, IS THERE?

A NO.

Q AREN'T MOST OF THE CLIENTS YOU REPRESENT THAT HAVE SOMEBODY IN JAIL, CONCERNED AND ANXIOUS ABOUT GETTING THE PERSON OUT?

A NO.

22-3

1 Q THEY ARE NOT?

2 A NOT THE CLIENTS I HAVE.

3 Q YOU MEAN THE CLIENTS THAT YOU HAVE THAT COME  
4 TO YOU AND SAY, "I HAVE A FRIEND OF MINE IN JAIL AND I WOULD  
5 LIKE YOU TO TAKE WHATEVER ACTION YOU TAKE AS A LAWYER TO GET  
6 THIS PERSON OUT OF JAIL." THESE PEOPLE AREN'T CONCERNED?

7 A THERE WAS A HIGHER LEVEL OF INTENSITY WITH MR.  
8 HUNT'S CONCERN THAN WITH MY CLIENTS I GENERALLY HAVE.

9 Q HE SEEMED MORE CONCERNED THAN YOUR AVERAGE CLIENT?

10 A YES, THAT'S CORRECT.

11 Q DID YOU EVER ASK HIM, "WHY ARE YOU CONCERNED,  
12 SIR?"

13 A NO, NO.

14 Q DID HE EVER EXPRESS WHY HE WAS SO CONCERNED?

15 A NO, NO.

16 Q DID HE SAY THAT IT WAS ANYTHING OTHER THAN JUST  
17 A FRIEND OF HIS THAT WAS IN JAIL?

18 A JUST A FRIEND.

19 Q ALL RIGHT, SIR. NOW, AFTER THAT WHEN YOU WERE  
20 TALKING ABOUT MONEY AND THE SUBJECT OF \$2,000 TO THE HOTEL  
21 CAME UP, HOW DID YOU KNOW THAT WAS THE AMOUNT?

22 A THE COMPLAINT HAD AN AMOUNT OF \$1924.70 AND  
23 APPARENTLY, \$2,000 WAS THE CLOSEST FIGURE TO IT. I DON'T  
24 KNOW IF HE HAD ANY SMALL CHANGE TO COVER IT.

25 (LAUGHTER FROM THE AUDIENCE.)

26 Q BY MR. BARENS: DID YOU EVER RECEIVE -- MIGHT  
27 I APPROACH, YOUR HONOR?

28 THE COURT: YES.

1 MR. BARENS: WE WENT THROUGH THE SMALL CHANGE WITH  
2 THE OTHER WITNESS.

3 THE WITNESS: YES.

4 Q BY MR. BARENS: SIR, DID YOU EVER GET ANY  
5 INFORMATION ABOUT ANY DAMAGES TO THE PROPERTY? WHAT I SEE  
6 HERE SEEMS TO BE REFERABLE TO LIKE, A BILL FOR SERVICES IN  
7 THE HOTEL FOR LODGING AND MISCELLANEOUS. DID YOU EVER HEAR  
8 ANYTHING ABOUT A CLAIM OF THE HOTEL FOR CERTAIN PROPERTY  
9 DAMAGES TO THE BUILDING OF THE HOTEL?

10 A THAT'S CORRECT. I DID.

11 Q WHEN DID YOU HEAR ABOUT THAT, MR. FERRARO?

12 A I HEARD ABOUT THAT FROM THE PLAZA OFFICIALS WHEN  
13 THEY CAME DOWN.

14 Q THE FIRST TIME YOU HEARD IT WAS IN THE AFTERNOON  
15 ABOUT WHAT TIME?

16 A ABOUT 3:00 O'CLOCK, 3:15.

17 Q AND WAS THIS AFTER THE GENTLEMAN THAT YOU WERE  
18 REPRESENTING WAS RELEASED?

19 A THAT'S CORRECT.

20 Q OVER THE TELEPHONE WHEN YOU SPOKE TO THEM, THEY  
21 NEVER MENTIONED THAT AMOUNT TO YOU OR THAT THEY HAD AN  
22 ADDITIONAL CLAIM?

23 A I DON'T RECALL IT WAS AN UNLIQUIDATED AMOUNT.  
24 I DON'T RECALL THE SPECIFIC AMOUNT.

25 ALL I KNOW IS THAT THERE WAS AN ADDITIONAL AMOUNT  
26 OF MONEY. I DID HAVE A CONVERSATION WITH THE ATTORNEY FROM  
27 THE PLAZA AND HE WAS NOT SATISFIED WITH THE \$2,000 THAT I  
28 GAVE TO THE COURT.

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I KNOW THAT IT IS AN OPEN, UNLIQUIDATED AMOUNT.  
I DID SPEAK WITH THE ATTORNEY FROM THE PLAZA.

23



2

1 Q AFTER THAT, YOU SAY THERE CAME A TIME WHEN YOUR  
2 CLIENT, WHOM YOU BELIEVED TO BE MR. LEVIN, WAS ACTUALLY IN  
3 THE COURTROOM WITH YOU AWAITING IN THE AUDIENCE?

4 A THAT'S CORRECT.

5 Q AND THEN MR. HUNT ARRIVED?

6 A MR. HUNT ARRIVED. I THINK THEY BOTH --  
7 I MET WITH THEM, MR. HUNT, MR. LEVIN, AND MYSELF  
8 OUTSIDE AFTER THE CASE WAS ADJOURNED.

9 Q AT THIS POINT IN TIME, MY UNDERSTANDING IS THAT  
10 THE CLIENT IS NOW ON AN O.R. STATUS?

11 A HE WAS RELEASED ON HIS OWN RECOGNIZANCE AND  
12 MR. LEVIN AT THAT TIME WAS RELEASED, THAT'S RIGHT.

13 THE CASE WAS ALREADY ADJOURNED TO AUGUST 13TH  
14 OR 14TH.

15 Q SO THE THREE OF YOU WERE THEN OUT SOMEWHERE HAVING  
16 A CONVERSATION?

17 A ON THE STREET, RIGHT ON THE SIDEWALK.

18 Q OKAY. PRIOR TO THAT, HAD YOU EVER TOLD MR. HUNT  
19 WHAT YOU ANTICIPATED WOULD BE, THAT YOU WOULD TRY TO GET AN  
20 O.R. RELEASE FOR THE CLIENT AND THEN YOU WOULD DISPOSE OF  
21 THE CASE LATER?

22 A YES, THAT'S CORRECT.

23 Q HAD YOU FORECAST THAT FOR HIM?

24 A RIGHT, I SAID I WOULD TRY AND GET HIM RELEASED  
25 ON HIS OWN RECOGNIZANCE WITHOUT ANY BAIL BEING PUT UP AND  
26 I WILL TRY AND GET THE CASE DISMISSED.

27 Q WAS IT YOUR KIND OF GENERAL ANTICIPATION THAT  
28 IN EXCHANGE FOR PAYMENT OF THE DAMAGES ALLEGED BY THE PLAZA

2  
1 THAT THE CHARGES WOULD BE TERMINATED AS A RESULT OF WHAT WE  
2 MIGHT CALL IN LOS ANGELES, A CIVIL COMPROMISE?

3 A I HAD HOPED THAT THE MATTER WOULD BE RESOLVED  
4 THAT DAY WITH THE PAYMENT OF \$2,000.

5 Q HAD YOU INDICATED THAT TO YOUR CLIENT AND MR. HUNT?

6 A I --

7 THE COURT: YOUR CLIENT, MR. HUNT?

8 MR. BARENS: I SAID YOUR CLIENT AND MR. HUNT, SIR.

9 THE WITNESS: WOULD YOU REPEAT THAT, PLEASE?

10 Q BY MR. BARENS: HAD YOU INDICATED THAT TO YOUR  
11 CLIENT AND MR. HUNT THAT -- REPEATING MY QUESTION -- THAT  
12 YOU BELIEVED THAT IN EXCHANGE FOR PAYMENT OF THE DAMAGES THAT  
13 THE CASE COULD CONCLUDE ON THAT BASIS?

14 A THAT'S CORRECT.

15 Q YOU HAD GIVEN THEM SOME INDICATION THAT WAS YOUR --

16 A I HAD GIVEN THEM AN INDICATION.

17 OF COURSE, I COULDN'T GUARANTEE IT.

18 BUT I SAID I WOULD TRY TO GET THE CASE DISMISSED  
19 ON THAT DATE.

20 Q PRIOR TO THE O.R. BEING GRANTED BY THE JUDGE,  
21 YOU HAD TOLD MR. HUNT THAT YOU ANTICIPATED THAT THAT COULD  
22 OCCUR?

23 A I SAID IT IS QUITE CONCEIVABLE THAT IF WE MADE  
24 RESTITUTION, THE CASE WOULD EITHER BE AC'D OR ADJOURNED AND  
25 IN CONTEMPLATION OF DISMISSAL OR THE CASE MIGHT BE REDUCED  
26 TO A VIOLATION, THERE COULD BE A PLEA AND THE RECORD WOULD  
27 BE SEALED AND THE CRIMINAL CHARGES WOULD BE DISMISSED.

28 Q DID YOU MAKE UP A FILE ON THIS CASE?

1 A THE ORIGINAL FILE I HAVE IS WHAT IS BEFORE ME.

2 Q AS COUNSEL, YOU DIDN'T TAKE ANY SORT OF NOTES?

3 A THE ONLY NOTES I HAVE ARE ON THE PAPERS.

4 Q THIS IS YOUR HANDWRITING ON HERE (INDICATING).

5 A IF IT IS ON THE COMPLAINT SHEET, THAT IS MY  
6 HANDWRITING.

7 IT SAYS SOMETHING ABOUT "OAK DOORS AND GLASS"?

8 Q RIGHT, IT DOES INDEED.

9 DID YOU TAKE WHAT I CALL ROLODEX INFORMATION?  
10 DID YOU TAKE INFORMATION LIKE YOU WOULD GIVE TO YOUR  
11 SECRETARY, THE CLIENT'S NAME AND SO ON AND HIS ADDRESS AND  
12 PHONE NUMBER AND SO ON?

13 A NO.

14 Q YOU DIDN'T DO THAT?

15 A NO.

16 Q DO YOU DO THAT AS A NORMAL ROUTINE?

17 A NO, I DON'T.

18 Q WELL, IF YOU DON'T DO THAT AND YOU HAVE A CLIENT  
19 THAT IS RELEASED O.R., HOW DO YOU SEND HIM A CONFIRMING LETTER  
20 SAYING, "DEAR SIR, YOUR APPEARANCE IS SET FOR SO AND SO,"  
21 HOW DO YOU DO THAT?

22 A I CALL THEM UP.

23 Q YOU CALL THEM UP?

24 A HIS PHONE NUMBER IS ON THERE.

25 Q YOU CALL THEM ON THE PHONE?

26 A THAT'S RIGHT.

27 Q YOU DON'T SEND A CONFIRMING LETTER?

28 A NO.

1 Q OKAY. AND IN THIS INSTANCE, DID YOU EVER SEND  
2 A CONFIRMING LETTER TO YOUR CLIENT --

3 A NO, SIR.

4 Q -- ABOUT THE APPEARANCE DATE?

5 A NO, NO.

6 Q WHAT NUMBER DID YOU CALL?

7 A THE ONE THAT MR. LEVIN GAVE ME.

8 Q COULD YOU JUST SHOW ME WHERE THAT NUMBER IS, SIR?

9 A SURE.

10 Q ON THE NOTE HERE?

11 A HERE IS THE NUMBER. I CALLED THAT NUMBER UP  
12 (INDICATING).

13 Q COULD YOU TELL FOR THE RECORD THE NUMBER YOU ARE  
14 REFERRING TO, COULD YOU READ THAT IN, PLEASE.

15 A YES. THE NUMBER IS AREA CODE 212 (SIC) 515-0274.

16 THE COURT: 212?

17 THE WITNESS: AREA CODE 213. I AM SORRY.

18 MR. BARENS: THANK YOU, YOUR HONOR.

19 THE WITNESS: 515-0274, 106 PECK AVENUE, BEVERLY HILLS,  
20 CALIFORNIA.

21 Q BY MR. BARENS: ALL RIGHT, SIR, DID YOU HAVE  
22 ANY HOME ADDRESS FOR YOUR CLIENT --

23 OH, I SEE, THIS PECK DRIVE?

24 A 106 PECK AVENUE, BEVERLY HILLS, CALIFORNIA.

25 THE COURT: PECK AVENUE?

26 MR. BARENS: IT SAYS "PECK AVENUE" ACTUALLY.

27 THE WITNESS: PECK AVENUE.

28 Q BY MR. BARENS: AND THAT WAS THE HOME ADDRESS

1 YOU WERE GIVEN?

2 A BY MR. LEVIN, THAT'S CORRECT.

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

4 THE COURT: SURELY.

5 Q BY MR. BARENS: NOW YOU HAD TOLD MR. HUNT THAT  
6 YOU THOUGHT YOU COULD ARRANGE HIS O.R.; WHAT I AM CURIOUS  
7 ABOUT, SIR, IS IF YOU TOLD HUNT THAT YOU WERE GOING TO  
8 ARRANGE THIS O.R., WHY WAS IT YOU WERE GIVEN \$2,000 TO GIVE  
9 TO YOUR CLIENT, RATHER THAN HUNT GIVING IT TO HIM DIRECTLY,  
10 SINCE YOU GUYS WOULD ALL END UP TOGETHER?

11 A YOU WILL HAVE TO ASK MR. HUNT THAT. I DON'T  
12 KNOW.

13 MAYBE HE DIDN'T REPOSE TOO MUCH CONFIDENCE IN  
14 MY LEGAL ABILITY.

15 MAYBE HE THOUGHT HIS CLIENT WAS GOING TO BE  
16 REMANDED AND FORFEITED THE BAIL.

17 Q IT WAS YOUR UNDERSTANDING THEN THAT THE \$2,000  
18 MIGHT HAVE BEEN FOR A BAIL UTILIZATION?

19 A I DON'T KNOW WHAT THE \$2,000 WAS FOR OR WHAT IT  
20 WAS DESIGNATED FOR.

21 ALL I KNOW IS MR. HUNT GAVE ME \$2,000 TO GIVE  
22 TO MR. LEVIN, WHICH I GAVE TO MR. LEVIN.

23  
24  
25  
26  
27  
28

2<sup>L</sup> 1 Q WERE YOU EVER ASKED WHAT BAIL -- OUT HERE WE HAVE  
2 SOMETHING CALLED A BAIL SCHEDULE. I AM SURE YOU HAVE  
3 SOMETHING ANALOGOUS.

4 WERE YOU EVER ASKED EITHER BY THE CLIENT OR  
5 MR. HUNT, WHAT THE ANTICIPATED BAIL MIGHT BE ON A MATTER OF  
6 THIS NATURE IN YOUR JURISDICTION?

7 A I WOULDN'T REALLY KNOW WHAT THE BAIL WOULD HAVE  
8 BEEN OR WHETHER HE WOULD HAVE BEEN RELEASED. HE WAS AN  
9 OUT-OF-STATE RESIDENT. I DON'T KNOW WHAT THE JUDGE -- WHAT  
10 THE JUDGE'S FEELINGS WOULD BE ON AN OUT-OF-STATE RESIDENT.

11 I KNOW THAT IT WAS A MINOR CHARGE. BUT WITH THE  
12 FACT THAT I WAS GOING PROFFER \$2,000 FOR RESTITUTION, THAT  
13 IN EFFECT, IS TANTAMOUNT TO BAIL FROM A DE FACTO STANDPOINT.

14 ONCE I TOLD THE JUDGE THAT I AM IN POSSESSION  
15 OF \$2,000 TO MAKE RESTITUTION, THEN HIS RELEASE WAS VIRTUALLY  
16 ASSURED.

17 Q BECAUSE YOU HAD AN AMOUNT OF MONEY EQUIVALENT  
18 TO THE CHARGES?

19 A RIGHT. WELL, WHEN A JUDGE IS HEARING A CASE AND  
20 THE ATTORNEY SAYS, "YOUR HONOR, I HAVE \$2,000 TO MAKE  
21 RESTITUTION," IT IS HIGHLY LIKELY THAT THE DEFENDANT IS  
22 GOING TO BE RELEASED.

23 Q YOU HAD TOLD THAT TO MR. HUNT?

24 A TOLD HIM WHAT?

25 Q TOLD HIM THAT IF YOU HAD AN AMOUNT OF MONEY TO  
26 PROFFER TO THE COURT EQUIVALENT --

27 A MR. HUNT GAVE ME THE MONEY.

28 Q RIGHT. BUT DID YOU TELL HIM WHAT YOU TOLD US,

2  
1 THAT IF YOU WERE IN POSSESSION OF AN AMOUNT OF MONEY EQUAL  
2 TO THE DAMAGES SOUGHT BY THE ALLEGED VICTIM, IT WOULD BE  
3 MORE LIKELY THAT AN O.R. WOULD RESULT IN THOSE CIRCUMSTANCES?

4 A I DON'T KNOW EXACTLY WHAT I SAID TO MR. HUNT.  
5 BUT HE WAS AWARE OF THE FACT THAT THE DAMAGES  
6 WERE \$2,000. AND I WAS GIVEN AN AMOUNT OF MONEY TO ABSOLVE  
7 MR. LEVIN OF CRIMINAL LIABILITY IN THIS PARTICULAR CASE.  
8 AND \$2,000 WOULD GO A LONG WAY IN ABSOLVING HIM FROM LIABILITY.

9 I DON'T KNOW EXACTLY WHAT THE DIALOGUE WAS BETWEEN  
10 MYSELF AND MR. HUNT AS REGARDS THE MONEY. ALL I KNOW IS THAT  
11 I WAS GIVEN \$4,000.

12 \$2,000 I GAVE TO THE PLAZA AND \$2,000 I GAVE  
13 TO MR. LEVIN.

14 Q NOW, DID YOU LATER LEARN THAT THE PLAZA HAD A  
15 CLAIM FOR AN ADDITIONAL \$2,000 FOR ALLEGED PROPERTY DAMAGE?

16 A THAT'S CORRECT. I CALLED UP THE ATTORNEY FROM  
17 THE PLAZA AND HE INFORMED ME THAT THERE WAS ADDITIONAL MONEY  
18 OWING TO THE PLAZA AND THAT \$2,000 WOULD NOT RESOLVE THE  
19 MATTER.

20 Q THAT WOULD TAKE AT LEAST ANOTHER \$2,000?

21 A AS I STATED BEFORE, IT WAS AN UNLIQUIDATED AMOUNT.  
22 I DON'T KNOW WHAT THE AMOUNT WAS. I CALLED UP THE ATTORNEY  
23 FROM THE PLAZA WELL AFTER THIS CASE WAS ADJOURNED, MAYBE AT  
24 THE END OF JUNE.

25 Q NOW, YOU SAY AT A POINT IN TIME, YOU CALLED THE  
26 PHONE NUMBER YOU READ INTO THE RECORD HERE?

27 A THAT'S CORRECT.

28 Q AND WHERE DID YOU CALL THAT FROM, SIR?

2  
1 A MY HOME.

2 Q FROM YOUR HOME?

3 A RIGHT.

4 Q AND WHEN WAS THAT, SIR?

5 A I CAN'T PLACE THE SPECIFIC DAY. ALL I KNOW IS  
6 THAT IT WAS SOMETIME PRIOR TO AUGUST 13 WHEN THE CASE WAS  
7 COMING ONTO THE CALENDAR.

8 Q AND WHAT HAPPENED WHEN YOU CALLED THAT NUMBER?

9 A I GOT NO RESPONSE.

10 Q NO ANSWER?

11 A I GOT NO RESPONSE, NO ANSWER. IT WAS NOT A BUSY  
12 SIGNAL, JUST NO RESPONSE.

13 Q WELL, DID THE PHONE RING?

14 A YES.

15 Q AND NO ONE ANSWERED THE PHONE?

16 A NO ONE -- I RECEIVED NO RESPONSE.

17 Q AND AFTER RECEIVING NO RESPONSE, DID YOU CALL  
18 THE NUMBER AGAIN?

19 A I ONLY CALLED THE NUMBER ONCE.

20 Q ONE TIME?

21 A THAT'S CORRECT, SIR.

22 Q AND AFTER NOT GETTING A RESPONSE, DID YOU MAKE  
23 ANY FURTHER EFFORTS TO REACH YOUR CLIENT?

24 A NONE WHATSOEVER.

25 Q WELL, WHEN THE BENCH WARRANT WAS ISSUED, YOU DIDN'T  
26 FEEL THAT IT WAS PERHAPS PROCEDURALLY INCUMBENT TO DROP A  
27 LINE TO THE CLIENT ADVISING HIM ABOUT THAT?

28 A I THOUGHT IT WAS PROCEDURALLY PROPER TO GET IN



2  
1 TOUCH WITH THE DISTRICT ATTORNEY.

2 I GOT IN TOUCH WITH MR. KEITH BOND, WHO WAS THE  
3 ATTORNEY, THE DISTRICT ATTORNEY ON THE CASE. I GOT IN TOUCH  
4 WITH HIM.

5 I SAID, "WOULD YOU PLEASE GIVE ME AN A.C.D., A  
6 DISMISSAL ON THIS CASE IN VIEW OF THE FACT THAT A CONSIDERABLE  
7 AMOUNT OF MONEY HAS BEEN PAID FOR RESTITUTION?"

8 AND MR. BOND SAID THAT HE WOULD GET BACK TO ME  
9 AND THAT IS THE WAY IT WAS.

10 Q AND WHAT ABOUT THE DISTRICT ATTORNEY GETTING BACK  
11 TO YOU?

12 A HE NEVER GOT BACK TO ME.

13 Q WELL, WE ARE NOW IN A LIMBO OF SOME SORT WITH  
14 A D.A. WHO DOESN'T CALL BACK AND THE CLIENT WHO IS NOW AT  
15 RISK. IS THAT CORRECT?

16 A THAT'S CORRECT.

17 Q AND DID YOU MAKE ANY ATTEMPT WHATSOEVER TO ADVISE  
18 YOUR CLIENT OF THE RISK HE WAS FACING?

19 A OTHER THAN MAKING A TELEPHONE CALL TO CALIFORNIA  
20 TO THAT NUMBER, GETTING NO RESPONSE, THAT IS THE ONLY EFFORT  
21 THAT I MADE TO GET IN CONTACT WITH MR. LEVIN AND TO CONTACT  
22 THE DISTRICT ATTORNEY, WHO DID NOT GET BACK TO ME. I REQUESTED  
23 THE CASE BE DISMISSED.

24 Q THAT WAS IT?

25 A THAT WAS IT.

26 Q WOULD IT NOT BE YOUR PRACTICE TO SEND SOME SORT  
27 OF CORRESPONDENCE TO A CLIENT AT RISK, SIR?

28 A I HANDLE -- YOU SEE AT THAT TIME, I WAS THE

1 ATTORNEY IN CHARGE OF THE ARRAIGNMENT PART. I HANDLE  
2 APPROXIMATELY 150 TO 160 CASES A DAY.

3 Q YES, SIR?

4 A AND IF I WERE TO DO THAT, I WOULD BE IN A STATE  
5 OF PETTIFOGGING.

6 Q WELL SIR, MOST OF THE CASES YOU ARE APPOINTED  
7 ON?

8 A THAT'S CORRECT.

9 Q SO THERE ARE SOME ARRAIGNMENTS WHERE -- YOU ARE  
10 A PRIVATE LAWYER, ARE YOU NOT?

11 A THAT'S CORRECT.

12 Q YOU ARE NOT A PUBLIC DEFENDER, ARE YOU, SIR?

13 A NO.

14 Q DO YOU HAVE PRIVATE RETENTIONS AS WELL?

15 A RARELY.

16 Q RARELY?

17 AND DO YOU HAVE AN OFFICE?

18 A YES I DO.

19 Q WHERE IS YOUR OFFICE?

20 A 118-21 QUEENS BOULEVARD.

21 Q AND DO YOU HAVE SOME CAPABILITY OF SENDING A LETTER  
22 FROM THERE, I ASSUME?

23 A THAT'S CORRECT.

24 Q WHAT I JUST DON'T UNDERSTAND IS WHEN THE D.A.  
25 DIDN'T CALL YOU BACK AND THE CLIENT IS AT RISK, HOW IS THE  
26 CLIENT TO KNOW THAT HE IS AT RISK UNDER THOSE CIRCUMSTANCES?

27 A WELL, BEFORE HE IS RELEASED, HE IS GIVEN A SLIP  
28 BY THE COURT PERSONNEL AS TO THE DATE, THE TIME, THE PLACE,

21. c

1 WHEN TO RETURN. AND IN ADDITION TO THAT, MY PHONE CALL WOULD  
2 COVER THAT SITUATION. AND THAT IS IT.

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1 Q INDEED.

2 SIR, DID YOU MAKE ANY FURTHER ATTEMPT TO BRING  
3 IT BEFORE THE ATTENTION OF THE JUDGE AFTER THE D.A. DID NOT  
4 RETURN YOUR CALL?

5 A NO, NO.

6 Q DID YOU MAKE ANY ATTEMPT TO VERIFY THE ADDRESS  
7 YOU HAD BEEN GIVEN?

8 A NOPE, NOPE.

9 Q WERE YOU IN FACT GIVEN AN ADDRESS?

10 A THE ONLY ADDRESS I WAS GIVEN WAS THE ADDRESS  
11 ON THE ROR SHEET.

12 Q DID YOU EVER CONFIRM THAT WITH THE CLIENT?

13 A NO --

14 OH, DID I EVER ASK MR. LEVIN IF HE LIVED THERE?

15 Q YES.

16 A OH, YES, I ASKED HIM THAT.

17 Q AND DID HE REITERATE, BY ANY CHANCE, THE ADDRESS  
18 TO YOU, SIR?

19 A WELL, IF YOU SHOW ME THE CJA, I WILL TELL YOU  
20 EXACTLY WHAT QUESTIONS I ASKED HIM.

21 Q I GUESS THERE IS A CPA, I AM NOT SURE.

22 A YES, CJA, CRIMINAL JUSTICE.

23 I ASKED HIM IF HE LIVED THERE AND HE SAID YES.

24 AND HE SAID "THAT PARTICULAR LOCUS IS A CONDO  
25 WORTH APPROXIMATELY \$780,000" AND THAT HE IS A SHOW BUSINESS  
26 PROMOTER AND HE IS AN AGENT FOR MICHAEL JACKSON AND HE IS  
27 ASSOCIATED WITH EIGHT STOCK COMPANIES AND JT PRODUCTIONS,  
28 9700 WILSHIRE BOULEVARD IS HIS PARTICULAR BUSINESS AFFILIATION.

1 THE COURT: WHAT IS THE ADDRESS ON WILSHIRE?

2 THE WITNESS: 9700 WILSHIRE BOULEVARD.

3 THE COURT: 9700 OR 9701?

4 THE WITNESS: 9700 WILSHIRE BOULEVARD.

5 THE PHONE NUMBER WAS 658-5566.

6 HE SAID HE WAS A PRODUCER AND THIS IS WHERE  
7 HE COULD BE LOCATED AND HIS WIFE'S NAME WAS HELEN.

8 THAT IS WHAT I TALKED TO HIM ABOUT. I TALKED  
9 TO HIM FOR A CONSIDERABLE PERIOD OF TIME.

10 Q BY MR. BARENS: DID YOU EVER TRY THIS OTHER PHONE  
11 NUMBER THAT IS HERE?

12 A NO, I DIDN'T.

13 Q YOU DIDN'T TRY THAT ONE?

14 A NO, NO.

15 Q IS THIS ALL YOUR HANDWRITING ON HERE (INDICATING)?

16 A EXCUSE ME?

17 Q IS THIS YOUR HANDWRITING (INDICATING)?

18 A THE CURSIVE HANDWRITING, THE BALL-POINT IS MINE.

19 Q I UNDERSTAND.

20 AND THEN SOMEONE ELSE --

21 A FROM THE CJA --

22 Q -- FROM THE JUDICIAL SYSTEM HAD WRITTEN THIS,  
23 PRINTED ON HERE?

24 A RIGHT, THAT INFORMATION WAS GIVEN TO THAT PERSON  
25 BY MR. LEVIN.

26 Q I SEE.

27 SO THE ADDRESS AND ALL OF THAT, YOU WERE JUST  
28 RECONFIRMING BASED ON WHAT SOMEONE ELSE HAD WRITTEN ON THIS

1 FORM?

2 A WELL, I ALLUDED TO THIS TO MR. LEVIN AND I SAID,  
3 "CAN I GET IN TOUCH WITH YOU HERE? THIS IS WHERE YOU LIVE?"

4 AND HE SAID, "YES. IT IS A CONDO WORTH \$780,000.  
5 I AM A PRODUCER. I AM AN AGENT FOR MICHAEL JACKSON. I HAVE  
6 VARIETY SHOWS. AND I AM ASSOCIATED WITH EIGHT COMPANIES,  
7 EIGHT STOCK COMPANIES."

8 I DON'T KNOW WHAT THE STOCK COMPANY IS.

9 IN OTHER WORDS, HE PURPORTED TO SAY THIS IS HIS  
10 DOSSIER, HIS CURRICULUM VITAE.

11 Q AS FAR AS YOU KNOW, WHEN A WITNESS TELLS YOU  
12 THAT, THE SYSTEMS MAKES SOME ATTEMPT TO VERIFY ADDRESSES BEFORE  
13 AN O.R. RELEASE; IN OTHER WORDS, THEY DO SOMETHING TO VERIFY  
14 THE ADDRESS BEFORE THEY JUST PUT A GUY ON THE STREET, SO TO  
15 SPEAK, IS THAT YOUR KNOWLEDGE?

16 A WELL, IN THIS CASE, IT WOULD HAVE BEEN EXTREMELY  
17 PERFUNCTORY BECAUSE THERE ARE A NUMBER OF CHECK MARKS HERE  
18 AND IT IS CHECKED "RESIDENT OUTSIDE OF NEW YORK CITY" AND  
19 NEW YORK IS EXTREMELY MAGNAMIMOUS TO ITS DEFENDANTS BUT THEY  
20 JUST DON'T CALL UP CALIFORNIA AT 2:00 O'CLOCK IN THE MORNING  
21 TO VERIFY AN ADDRESS.

22 Q SO IT WOULD BE YOUR UNDERSTANDING, OR AT LEAST  
23 YOUR ASSUMPTION, BASED ON THE FACTS AT HAND, THAT NO EFFORT  
24 HAD BEEN REALLY MADE TO VERIFY THE ADDRESS?

25 A BY THE CJA?

26 Q YES.

27 A AND HE GAVE CALIFORNIA AS HIS ADDRESS AND HIS  
28 TELEPHONE NUMBER.

1 Q THAT IS WHAT IT LOOKS LIKE ON THE PIECE OF PAPER,  
2 SIR.

3 A THEY VERIFY ONLY NEW YORK RESIDENTS. THEY VERIFY  
4 THE CURRENT ADDRESS IN NEW YORK CITY, THE PERSON THE DEFENDANT  
5 LIVES WITH, THE EMPLOYMENT, THE TELEPHONE, BUT THEY DO NOT --  
6 THEY HAVE A CHECK MARK HERE, A BOX "RESIDENCE  
7 OUTSIDE OF NEW YORK CITY AREA" AND WHEN THAT IS CHECKED,  
8 APPARENTLY UNFORTUNATELY, THE INDIVIDUAL IS GIVEN SOMEWHAT  
9 SHORT SHRIFT AND THEY ARE NOT, SHALL WE SAY, AS EFFICIENT  
10 WITH AN OUT-OF-STATE RESIDENT AS THEY ARE WITH A PERSON WHO  
11 LIVES IN NEW YORK CITY.

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1                   IN FACT, IF THE PERSON SAYS HE LIVES OUTSIDE  
2 OF THE NEW YORK CITY AREA, THEY DO NOT RECOMMEND THAT HE BE  
3 RELEASED DUE TO NO RECOMMENDATION, DUE TO RESIDENCE OUTSIDE  
4 OF THE NEW YORK CITY AREA SO THEY WOULD NOT --

5                   THE CJA WOULD NOT AT 2:00 O'CLOCK IN THE MORNING  
6 CALL UP CALIFORNIA TO VERIFY A PERSON'S ADDRESS OR IDENTITY.

7                   Q        RIGHT.

8                   NOW YOU MENTIONED THAT THE ONLY I.D. YOU HAD  
9 GIVEN TO MR. HUNT AT THAT POINT WAS A DISPLAY OF YOUR  
10 BLOOMINGDALE'S CREDIT CARD?

11                  A        I DIDN'T HAVE AN OFFICE CARD WITH ME.

12                  Q        IS THE ANSWER TO MY QUESTION, CORRECT, SIR?

13                  A        WHAT IS THAT?

14                  Q        THAT THE ONLY I.D. YOU HAD PROVIDED HUNT IN THE  
15 FIRST INSTANCE WAS A DISPLAY OF YOUR BLOOMINGDALE'S CREDIT  
16 CARD?

17                  A        THAT'S CORRECT.

18                  Q        NOW, AFTER THAT, DID MR. HUNT ASK YOU FOR A RECEIPT  
19 FOR THE MONEYS HE HAD GIVEN YOU?

20                  A        HE DID, THAT'S CORRECT.

21                  Q        AND DID YOU GIVE HIM ONE?

22                  A        I DID.

23                  Q        AND YOU HANDWROTE A RECEIPT?

24                  A        IT WAS IN MY OWN HANDWRITING.

25                  Q        WAS THAT ON SOME SORT OF FORMAT OR YOU JUST MADE  
26 UP A FORMAT?

27                  A        I THINK IT WAS ON A CARD. I THINK I TOOK HIM  
28 OUT IN THE HALLWAY ACROSS THE STREET TO MY CAR, I LIFTED UP

25A

...



1 THE TRUNK AND I WENT INTO MY ATTACHE CASE AND I HAD, I THINK,  
2 A CARD AND I THINK IT WAS MY PERSONAL CARD AND ON THE BACK  
3 OF MY CARD, I GAVE HIM EXACTLY WHAT I RECEIVED.

4 Q AND YOU WROTE ON THE BACK OF ONE OF YOUR BUSINESS  
5 CARDS?

6 A I -- I WROTE ON THE BACK OF A CARD AND I AM  
7 VIRTUALLY CERTAIN IT WAS A BUSINESS CARD OF MINE BUT I WROTE --  
8 I GAVE HIM A RECEIPT OF ALL THE MONEYS I RECEIVED.

9 Q AND YOU BELIEVE THAT WAS IN A SUM ROUGHLY OF  
10 \$4,700?

11 A HE GAVE ME \$2,000 FOR THE PLAZA, \$2,000 FOR MR.  
12 LEVIN AND THEN HE GAVE ME 5,000 -- \$500.

13 Q \$500, SO \$4,500, GIVE OR TAKE?

14 A RIGHT.

15 MR. BARENS: OKAY, THANK YOU VERY MUCH.

16 THE COURT: WAIT A MINUTE. HE HAS REDIRECT. GO AHEAD.

17

18 REDIRECT EXAMINATION

19 BY MR. WAPNER:

20 Q WHAT WERE THE CHARGES THAT YOUR CLIENT, MR. LEVIN,  
21 WAS ACTUALLY CHARGED WITH?

22 A HE WAS CHARGED WITH CRIMINAL MISCHIEF AS A  
23 MISDEMEANOR, CRIMINAL TRESPASS, WHICH WAS A CLASS A MISDEMEANOR  
24 AND THEFT OF SERVICES, WHICH IS A CLASS A MISDEMEANOR.

25 HE WAS CHARGED WITH THREE CLASS A MISDEMEANORS.

26 Q AND WHAT WAS THE AMOUNT OF SERVICES HE WAS ALLEGED  
27 TO HAVE STOLEN?

28 A \$1,924.70.

1           Q       AND SEVERAL TIMES, YOU MENTIONED THAT YOU GAVE  
2 \$2,000 TO THE PLAZA FOR THE DAMAGES, WHAT DID YOU MEAN BY  
3 THAT?

4           A       WHEN I SAID DAMAGES, I MEAN LOOSELY, TO SETTLE  
5 THE CASE, WHATEVER THE DAMAGES WERE. I HAVE WRITTEN OVER  
6 HERE "OAK DOOR AND GLASS" AND APPARENTLY HE MUST HAVE DONE  
7 SOME DAMAGE TO THE PLACE ITSELF.

8           Q       WAS IT YOUR UNDERSTANDING THAT THE \$2,000 WAS  
9 TO COVER THE AMOUNT OF THE HOTEL BILL OR THE AMOUNT OF DAMAGES  
10 TO THE BUILDING OR PART OF IT?

11          A       I THINK IT WAS DAMAGES.

12                   I THINK MY UNDERSTANDING WAS THE \$2,000 WAS GIVEN  
13 TO ME TO SETTLE THE WHOLE CASE AND I WASN'T AWARE, YOU KNOW,  
14 OF WHAT THE DAMAGES WERE.

15                   I WAS JUST GUIDED BY THE \$1,924.

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2  
1 Q THE CONVERSATION THAT YOU HAD WITH THE ATTORNEY  
2 FROM THE PLAZA REGARDING THE DAMAGES DIDN'T OCCUR UNTIL LATER  
3 IN JUNE?

4 A MUCH LATER. I GOT IN TOUCH WITH THE ATTORNEY  
5 AND I SPOKE TO HIM.

6 HE CALLED ME BACK AT MY OFFICE. I GOT BACK TO  
7 HIM. AND WE WERE APART AS TO HOW MUCH THEY WANTED TO SETTLE  
8 THE CASE.

9 THE COURT: BUT IN ANY EVENT, YOU DID GIVE HIM THE  
10 \$2,000 THAT WAS GIVEN TO YOU FOR THAT PURPOSE, IS THAT RIGHT?

11 THE WITNESS: I RECEIVED \$4,000. I GAVE \$2,000 TO THE  
12 PLAZA AND \$2,000 TO MR. LEVIN.

13 THE COURT: THAT IS WHAT I ASKED YOU, WHETHER YOU GAVE  
14 \$2,000 TO THE PLAZA, WHETHER YOU SETTLED WITH THEM FOR THE  
15 BROKEN GLASS AND SO FORTH.

16 THE WITNESS: I DON'T THINK SO. I THINK THAT THE  
17 ATTORNEY FROM THE PLAZA WANTED MORE MONEY TO SETTLE THE CASE.  
18 BUT AS I STATED BEFORE, I WAS GIVEN WHAT I WAS GIVEN.

19 Q BY MR. WAPNER: WAS YOUR CLIENT MR. LEVIN, THE  
20 PERSON DEPICTED IN PEOPLE'S 175, GIVEN A SLIP ON JUNE 12 WITH  
21 A DATE TO RETURN?

22 A YES. IT IS STANDARD COURT PROCEDURE. I WAS  
23 PRESENT.

24 WHAT WE CALL THE BRIDGEMAN READS THE CARDS AND  
25 READS THE DOCKET NUMBER. THE CASE IS ADJOURNED.

26 HE WRITES ON A PRETYPED STATEMENT SLIP, THE DATE  
27 HE IS TO RETURN, THE TIME AND THE PART AND THE PLACE. THAT  
28 IS GIVEN TO MR. LEVIN.

2 1 HE IS -- IT IS NOT GIVEN TO ME TO GIVE TO  
2 MR. LEVIN.

3 Q THE PART, MEANING THE COURT?

4 A ADJOURNED PART, RIGHT.

5 Q AND IN HANDLING 150 OR SO ARRAIGNMENTS A DAY,  
6 I TAKE IT THAT YOU RELY PRETTY MUCH ON THOSE SLIPS TO LET  
7 PEOPLE KNOW WHEN THEY ARE SUPPOSED TO COME BACK?

8 A YES.

9 MR. WAPNER: MAY I HAVE A MOMENT WITH THE WITNESS?

10 THE COURT: YES.

.....  
11 (UNREPORTED COLLOQUY BETWEEN MR. WAPNER  
12 AND THE WITNESS.)

13 Q BY MR. WAPNER: THERE IS AN INTERVIEW REPORT FORM  
14 IN THE DOCUMENTS THAT YOU HAVE, IS THAT RIGHT?

15 A THAT'S CORRECT.

16 Q WHO WAS THAT INTERVIEW DONE BY?

17 A IT IS DONE BY A MEMBER OF THE C.J.A. STAFF.

18 Q WHAT IS C.J.A.?

19 A CRIMINAL JUSTICE ADMINISTRATION ORGANIZATION.

20 Q AND IS THAT INTERVIEW DONE FOR THE PURPOSE OF  
21 TRYING TO DETERMINE WHETHER OR NOT THE PERSON SHOULD BE  
22 RELEASED?

23 A YES. IT IS DONE IN ORDER TO ASCERTAIN WHETHER  
24 THE C.J.A. SHOULD RECOMMEND THAT THE PERSON BE RELEASED O.R.  
25 BECAUSE HE HAS VERIFIED COMMUNITY TIES.

26 Q AND IN TERMS OF THE EMPLOYMENT, IT IS LISTED AS  
27 J.T. PRODUCTIONS?

28 A YES.

26 -  
1 Q AND THAT IS IN THE 9700 BLOCK OF WILSHIRE  
2 BOULEVARD, IS THAT RIGHT?

3 A YES. EMPLOYMENT WAS J. T. PRODUCTIONS. LENGTH  
4 OF EMPLOYMENT, SEVEN YEARS. DEFENDANT SUPPORTS TWO PEOPLE.  
5 TAKE-HOME PAY, VARIED. AND HOURS PER WEEK --

6 Q IT HAS A TELEPHONE NUMBER THERE. IS THAT RIGHT?

7 A YES, WHICH I DID NOT CALL. I HAVE A PHONE NUMBER  
8 OF 658-5566.

9 JOB POSITION, PRODUCER, 9700 WILSHIRE BOULEVARD.

10 MR. WAPNER: THANK YOU. NOTHING FURTHER.

11 THE COURT: ALL RIGHT. THANK YOU VERY MUCH, MR. FERRARO.

12 MAY MR. FERRARO BE EXCUSED?

13 MR. WAPNER: I HAVE NO OBJECTION.

14 THE COURT: YOU ARE EXCUSED. THANK YOU.

15 NEXT WITNESS?

16 MR. WAPNER: WE CALL IRENE NOONAN.  
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26 1 IRENE NOONAN,  
2 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED  
3 AS FOLLOWS:

4 THE CLERK: DO YOU SOLEMNLY SWEAR THAT THE TESTIMONY  
5 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL  
6 BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO  
7 HELP YOU GOD.

8 THE WITNESS: YES.

9 THE CLERK: PLEASE BE SEATED IN THE WITNESS STAND.  
10 STATE AND SPELL YOUR NAME FOR THE RECORD, PLEASE.

11 THE WITNESS: IRENE NOONAN, N-O-O-N-A-N.  
12

13 DIRECT EXAMINATION

14 BY MR. WAPNER:

15 Q MS. NOONAN, BY WHOM ARE YOU EMPLOYED?

16 A PACIFIC TELEPHONE.

17 Q IN WHAT CAPACITY?

18 A AS AN ASSISTANT SECURITY INVESTIGATOR AND  
19 DESIGNATED CUSTODIAN OF RECORDS.

20 Q WHAT IS A CUSTODIAN OF RECORDS?

21 A SOMEONE WHO WILL TESTIFY THAT RECORDS ARE MADE  
22 IN THE NORMAL COURSE OF BUSINESS, AT OR ABOUT THE TIME THAT  
23 THE EVENT TAKES PLACE.

24 Q AND DO YOU WORK IN THAT SECURITY SECTION OF THE  
25 PHONE COMPANY?

26 A YES.

27 Q AND DID SOMEONE IN YOUR SECTION PROVIDE RECORDS  
28 TO THIS COURT OF CERTAIN PHONE NUMBERS, PURSUANT TO A SUBPOENA

1 FOR RECORDS?

2 A YES.

3 MR. WAPNER: YOUR HONOR, I HAVE HERE AN ENVELOPE --  
4 ACTUALLY, TWO ENVELOPES. ONE IS ADDRESSED TO THE HONORABLE  
5 JUDGE LAURENCE RITTENBAND, SUPERIOR COURT, DEPARTMENT WEST C,  
6 PEOPLE OF THE STATE OF CALIFORNIA VERSUS JOE HUNT, A CASE  
7 NUMBER.

8 THERE IS AN INNER ENVELOPE INSIDE THERE.

9 MR. BARENS: WE ARE GOING TO ASK FOR SOME OPPORTUNITY  
10 TO REVIEW THIS MATERIAL YOUR HONOR, PRIOR TO CROSS-EXAMINATION.

11 THE COURT: ALL RIGHT.

12 MR. WAPNER: I HAVE REMOVED ONE DOCUMENT FROM THE INNER  
13 MANILA ENVELOPE.

14 THE COURT: WE'LL MARK IT.

15 MR. WAPNER: I TOOK SOME DOCUMENTS. MAY I ASK HER SOME  
16 QUESTIONS ABOUT IT AND THEN MARK THESE?

17 THE COURT: ALL RIGHT.

18 Q BY MR. WAPNER: DO YOU RECOGNIZE THESE DOCUMENTS  
19 THAT I JUST IDENTIFIED TO YOU?

20 A YES.

21

22

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28

1 Q WHAT ARE THEY?

2 A THEY ARE COPIES OF TELEPHONE BILLS FOR TELEPHONE  
3 NUMBER, AREA CODE 213 658-5566.

4 Q AND WHO IS THE CUSTOMER?

5 A TOM MAY, DOING BUSINESS AS ECA ADVERTISING.

6 Q AND IS THERE AN ADDRESS?

7 A 8425 WEST THIRD IN LOS ANGELES.

8 Q AND IS THERE A SUITE NUMBER ON THERE?

9 A SUITE 301.

10 Q AND THE BILL THAT YOU HAVE IN FRONT OF YOU, FOR  
11 WHAT MONTH IS THAT?

12 A JULY 7, 1984.

13 Q AND THAT BILL, WHAT PERIOD DID THAT COVER?

14 A JUNE 8TH, 1984 THROUGH JULY 7, 1984.

15 Q WERE THOSE RECORDS MADE IN THE ORDINARY COURSE  
16 OF BUSINESS?

17 A YES.

18 Q WERE THEY MADE AT OR NEAR THE TIME OF THE CALLS  
19 REFLECTED IN THE RECORDS?

20 A YES.

21 Q AND DO THESE RECORDS REFLECT CALLS MADE DURING  
22 THE PERIOD OF TIME THAT YOU HAVE INDICATED WERE CHARGED TO  
23 THE NUMBER 658-5566?

24 A YES.

25 Q AND IS THERE A CALL REFLECTED ON THAT BILL ON  
26 JUNE THE 11TH?

27 A YES.

28 Q AT WHAT TIME?



1 A 5:52 P.M.

2 Q 5:52 P.M.?

3 A YES.

4 Q WHAT TYPE OF CALL WAS IT?

5 A IT WAS A COLLECT CALL FROM NEW YORK.

6 Q CHARGED TO THAT NUMBER?

7 A YES.

8 Q DOES THE BILL REFLECT WHAT NUMBER IN NEW YORK  
9 THAT CALL WAS MADE FROM?

10 A AREA CODE 212, 374-5000.

11 Q WERE THERE SOME OTHER CALLS MADE ON JUNE THE  
12 12TH, COLLECT FROM NEW YORK, CHARGED TO 213, 658-5566?

13 A YES.

14 Q HOW MANY?

15 A FOUR -- FIVE. ONE FROM QUEENS, NEW YORK.

16 THE COURT: ONE WHAT?

17 THE WITNESS: FROM QUEENS.

18 Q BY MR. WAPNER: FOUR FROM NEW YORK CITY AND ONE  
19 FROM QUEENS?

20 A YES.

21 Q WERE THOSE ALL COLLECT CALLS?

22 A YES.

23 Q AND THOSE NUMBERS ARE REFLECTED ON THE BILL JUST  
24 BELOW WHERE IT SAYS, WHERE IT REFLECTS THE CALL MADE FROM  
25 212-374-5000?

26 A YES.

27 MR. WAPNER: YOUR HONOR, MAY THIS DOCUMENT BE MARKED  
28 PEOPLE'S 176 FOR IDENTIFICATION?

1 THE COURT: IT WILL BE SO MARKED.

2 Q BY MR. WAPNER: MISS NOONAN, WERE ALL OF THE  
3 CALLS THAT YOU TESTIFIED ABOUT PLACED ON THE BILL IN THE  
4 ORDINARY COURSE OF BUSINESS?

5 A YES.

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

7 MR. BARENS: YOUR HONOR, I HAVE NOT REALLY HAD AN  
8 OPPORTUNITY --

9 THE COURT: JUST TAKE A LOOK. IT DOESN'T TAKE AN HOUR  
10 TO EXAMINE IT.

11 MR. BARENS: I DIDN'T SAY I NEED AN HOUR.

12 THE COURT: TAKE A LOOK AND SEE HOW LONG IT WILL TAKE  
13 YOU TO EXAMINE IT.

14 MR. BARENS: YOUR HONOR, THERE IS THE BALANCE OF THE  
15 EXHIBIT THAT I MIGHT HAVE SOME INTEREST IN SEEING.

16 THE COURT: IT IS BEING OFFERED, ISN'T IT?

17 MR. BARENS: I DON'T KNOW WHAT USE I MIGHT WISH TO PUT  
18 IT WITHOUT SEEING IT, YOUR HONOR.

19 THE COURT: ALL RIGHT. DO YOU WANT TO --

20 MR. WAPNER: LET ME JUST ASK ONE QUESTION.

21 Q WHEN WERE THESE RECORDS PROVIDED TO THE COURT,  
22 DO YOU KNOW?

23 A THE DECLARATION IS DATED DECEMBER 12, 1986, SO  
24 IT WAS MAILED THAT DAY AND SHOULD HAVE BEEN RECEIVED THAT  
25 DAY OR THE NEXT BUSINESS DAY.

26 MR. WAPNER: I HAVE NOTHING FURTHER.

27 THE COURT: MAILED TO THE COURT, WASN'T IT?

28 THE WITNESS: YES.

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THE COURT: THAT WAS PURSUANT TO A SUBPOENA, WAS IT?

THE WITNESS: YES.

THE COURT: ALL RIGHT, WE WILL TAKE A RECESS AT THIS  
TIME FOR TEN MINUTES -- FIFTEEN MINUTES.

THE SAME ADMONITION I GAVE YOU WOULD STILL APPLY  
ABOUT NOT TALKING ABOUT AMONG YOURSELVES OR THIRD PARTIES.

FIFTEEN MINUTES, LADIES AND GENTLEMEN.

(RECESS.)

28

2  
1 THE COURT: PLEASE STATE YOUR NAME ONCE AGAIN FOR THE  
2 RECORD.

3 THE WITNESS: IRENE NOONAN.

4 THE COURT: DID YOU FINISH DIRECT?

5 MR. WAPNER: YES.

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

7 MR. BARENS: YOUR HONOR, I WILL HAVE NO QUESTIONS FOR  
8 THE WITNESS. I AM RETURNING THE EXHIBIT TO THE PEOPLE.

9 THE COURT: ALL RIGHT. THANK YOU.

10 NEXT WITNESS?

11 MR. WAPNER: JOHN REEVES, YOUR HONOR.

12 THE COURT: JOHN REEVES?

13 MR. WAPNER: YES.

14

15 JOHN W. REEVES,

16 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED  
17 AS FOLLOWS:

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

22 THE WITNESS: I DO.

23 THE CLERK: PLEASE BE SEATED AND STATE AND SPELL YOUR  
24 NAME FOR THE RECORD.

25 THE WITNESS: JOHN. W. REEVES, R-E-E-V-E-S.  
26  
27  
28

## DIRECT EXAMINATION

BY MR. WAPNER:

Q MR. REEVES, BY WHOM ARE YOU EMPLOYED?

A AMERICAN EXPRESS COMPANY.

Q WHAT DO YOU DO FOR THEM?

A I AM ASSIGNED TO THE SECURITY DIVISION, LOS ANGELES OFFICE.

Q AND AS A PART OF BEING ASSIGNED TO THE SECURITY DIVISION, ARE YOU AWARE OF HOW AMERICAN EXPRESS CARD NUMBERS ARE ASSIGNED WHEN A PERSON APPLIES FOR A CARD?

A YES.

Q ALL RIGHT. HOW IS THAT DONE?

A THROUGH APPLICATION EITHER INDIVIDUALLY, CORPORATE OR COMPANY.

Q AND DID YOU BRING WITH YOU TO COURT, SOME RECORDS FOR AMERICAN EXPRESS CARDS OBTAINED IN THE NAME OF RON LEVIN AND GENERAL PRODUCERS COMPANY?

A YES.

Q AND WHAT RECORDS ARE THOSE?

A I HAVE A COMPUTER RECORD OF THOSE ACCOUNTS, AS WELL AS SOME OTHER DATA IN SUPPORT OF THAT COMPUTER RECORD.

Q AND IN 1984, DID A PERSON NAMED RON LEVIN HAVE AN AMERICAN EXPRESS CARD?

A YES, SIR.

Q WHAT WAS THE NUMBER OF THAT CARD?

A ACTUALLY, THERE WAS THREE CARDS THAT WERE ASSIGNED TO RON LEVIN IN 1984. THE FIRST CARD IS 371351200181020.

Q AND IS THAT A BASIC CARD NUMBER?

2  
1 A THAT IS THE FIRST ISSUE TO MR. LEVIN.

2 Q ALL RIGHT. AND WERE THERE ANY OTHER CARDS --  
3 WHAT DATE WAS THAT ISSUED?

4 A IN JANUARY OF I BELIEVE -- JANUARY 30, 1984.

5 Q AND IT WAS DONE BY APPLICATION?

6 A YES, APPLICATION IN SUPPORT OF GENERAL PRODUCERS  
7 OPENING A FINANCIAL SERVICES ACCOUNT WITH SHEARSON LEHMAN  
8 BROTHERS.

9 Q AND WERE THERE ANY OTHER CARDS ISSUED TO MR. LEVIN?

10 A YES.

11 Q WHAT CARDS WERE THEY?

12 A THERE WAS A REPLACEMENT CARD FOR THAT NUMBER THAT  
13 I JUST MENTIONED.

14 Q WHEN WAS THAT ISSUED?

15 A ON MAY 4, 1984.

16 Q AND YOU SAY IT WAS A REPLACEMENT CARD. WILL YOU  
17 PLEASE EXPLAIN THAT?

18 A YES. OUR COMPANY RECEIVED NOTIFICATION THAT THE  
19 CARD NUMBER THAT I JUST MENTIONED PREVIOUSLY, HAD BEEN LOST  
20 AND THAT THE CARD MEMBER REQUESTED A REPLACEMENT FOR THAT.

21 Q DO YOU HAVE SOME DOCUMENTATION WITH YOU THAT  
22 SUPPORTS THE FACT THAT THAT WAS DONE ON THAT DATE?

23 A YES.

24 Q AND WHAT IS IT THAT YOU HAVE IN FRONT OF YOU?

25 A I HAVE A TWO-PAGE DOCUMENT. THE FIRST PAGE IS  
26 A PHOTOCOPY OF A CARD DELIVERY FORM WHICH IS PREPARED BY  
27 AMERICAN EXPRESS AT THE TIME THE CARD IS ISSUED UNDER WHAT  
28 WE CLASSIFY AS AN EMERGENCY SITUATION.

2  
1 IN OTHER WORDS, THERE IS NOT TIME ENOUGH TO WAIT  
2 FOR THE NORMAL MAILS. THE CARD MEMBER GOES TO OUR  
3 REPRESENTATIVE OFFICE AND MAKES AN IMMEDIATE APPLICATION AND  
4 AT THAT TIME, A CARD IS PRODUCED BY THAT OFFICE AND PRESENTED  
5 TO THE CARD MEMBER.

6 Q WHAT OFFICE WAS THAT OBTAINED FROM ON MAY 4TH,  
7 1984?

8 A FROM THE BEVERLY HILLS TRAVEL OFFICE LOCATED IN  
9 THE BEVERLY HILTON HOTEL IN BEVERLY HILLS.

10 Q WHO FILLS OUT THAT REPLACEMENT CARD FORM?

11 A THE CLERK THAT IS IN CHARGE OF THAT PARTICULAR  
12 UNIT. IN THIS CASE, IT WAS PAMELA WALKER.

13 Q IS THAT DONE IN THE ORDINARY COURSE OF BUSINESS?

14 A IT IS.

15 Q AND IS THAT DONE AT OR NEAR THE TIME THAT THE  
16 PERSON COMES IN TO OBTAIN THAT CARD?

17 A IT IS DONE AT THE TIME THE PERSON COMES IN.

18 Q WHAT IS THE SECOND PAGE OF THAT DOCUMENT THAT  
19 YOU HAVE IN FRONT OF YOU?

20 A IT IS MERELY A FORM THAT IS ALSO PRODUCED BY THE  
21 CLERK AT THE TIME OF THE ISSUANCE, INDICATING THE DATE AND  
22 THE TIME AND TO WHOM SHE ISSUED THE CARD AND ACCOUNTING FOR  
23 THAT PARTICULAR PRODUCTION OF CARD.

24 Q LIKE A COMPUTER GENERATED --

25 A NO. THIS IS HANDWRITTEN BY THE EMPLOYEE.

26 MR. WAPNER: YOUR HONOR, MAY THESE DOCUMENTS COLLECTIVELY  
27 BE 177 FOR IDENTIFICATION?

28 THE COURT: BE SO MARKED.

1 Q MR. REEVES, WHEN THE EMERGENCY REPLACEMENT CARD  
2 IS ISSUED, WHAT ARE THE PROVISIONS UNDER WHICH IT IS ISSUED?

3 A FIRST -- WELL, THE PROVISIONS WOULD BE THAT THE  
4 CARD WAS EITHER LOST, STOLEN OR MISPLACED OR IN SOME WAY THE  
5 CARD MEMBER IS NOT IN POSSESSION OF THE CARD.

6 SECONDLY, WE REQUIRE THAT PERSON PICKING UP THE  
7 CARD TO IDENTIFY THEMSELVES AND RECEIVE A CERTAIN INQUIRY  
8 FROM OUR COMPANY PERSONNEL VERIFYING THAT THAT IS IN FACT  
9 WHO THE CARD MEMBER IS.

10 Q AND WAS THAT APPARENTLY DONE IN THIS CASE?

11 A YES.

12 Q AND DOES MISS WALKER HAVE SOMEONE SIGN THE  
13 APPLICATION?

14 A YES.

15 Q AND IS THERE A SIGNATURE ON THIS APPLICATION?

16 A YES.

17 Q AND DOES IT APPEAR AT THE BOTTOM OF WHERE IT  
18 SAYS "CARD MEMBER SIGNATURE"?

19 A YES, IT DOES.

20 MR. WAPNER: MAY THIS BE RECEIVED INTO EVIDENCE AND  
21 MAY I PASS IT IN FRONT OF THE JURY, YOUR HONOR?

22 THE COURT: YES.

23 (MR. WAPNER SHOWS EXHIBIT TO JURY.)

24 Q BY MR. WAPNER: MR. REEVES, DO YOU HAVE SOME  
25 INDICATION OF WHAT HAPPENED AFTER THAT EMERGENCY APPLICATION  
26 WAS FILLED OUT?

27 WAS THERE A CARD ISSUED UNDER THAT APPLICATION?

28 A YES.



1 Q WHAT WAS THE NUMBER ON THAT CARD?

2 A I AM SORRY. WOULD YOU REPEAT THAT FIRST QUESTION  
3 AGAIN?

4 Q WHAT WAS THE NUMBER OF THE REPLACEMENT CARD THAT  
5 WAS ISSUED PURSUANT TO THIS APPLICATION OF MAY THE 4TH?

6 A IT WAS 371351200182028.

7 Q AND IS THAT A PERMANENT CARD?

8 A NO. THAT IS A TEMPORARY CARD TO BE USED ONLY  
9 UNTIL SUCH TIME AS THE CARD MEMBER RECEIVES A PERMANENT CARD  
10 MAILED OUT BY THE COMPANY.

11 Q WAS THERE A PERMANENT CARD MAILED OUT BY THE  
12 COMPANY?

13 A YES.

14 Q WHEN?

15 A IT IS RECORDED IN SYSTEMS THAT THAT WAS  
16 ACCOMPLISHED ON 5-7 OF '84, MAY 7TH.

17 Q 5-7 OF '84 IS WHEN THE NEW CARD WAS MAILED OUT?

18 A THAT IS WHEN WE RECORDED THAT THE CARD HAD BEEN  
19 MAILED OUT.

20 IF I MAY EXPLAIN: THE DIFFERENCE BETWEEN WHEN  
21 IT PHYSICALLY LEFT AMERICAN EXPRESS AND WHEN IT WAS RECORDED  
22 ON THE SYSTEM GENERALLY TAKES A WORKING DAY IN ORDER TO  
23 ACCOMPLISH IT.

24 THE CARD WOULD HAVE BEEN GENERATED AT THE TIME  
25 OF THE CARD PICKUP ON THE 200, WHICH IS THE ONE WE HAVE  
26 BEEN TALKING ABOUT, PICKED UP AT BEVERLY HILLS THAT PROMPTS  
27 A PERMANENT CARD TO BE MANUFACTURED AND DIRECTED OUT BY MAIL.

28 Q YOU SAY THE 200, YOU ARE TALKING ABOUT THE

1 APPLICATION THAT WAS MADE TO MISS WALKER IN BEVERLY HILLS?

2 A YES.

3 Q WHEN SHE TAKES AN APPLICATION AND SUBMITS IT,  
4 THEN AUTOMATICALLY AMERICAN EXPRESS GENERATES A PERMANENT  
5 REPLACEMENT CARD?

6 A THAT'S CORRECT.

7 Q AND THAT WAS PROBABLY SENT A DAY OR SO BEFORE  
8 THE MAY THE 7TH DATE WHEN YOU RECORDED IT ON YOUR RECORD?

9 A YES, SIR.

10 Q AND WHAT WAS THE NUMBER OF THAT PERMANENT  
11 REPLACEMENT CARD?

12 A 371351200183026.

13 Q WHAT WAS THE NAME ON THAT CARD?

14 A INITIAL R LEVIN, L-E-V-I-N.

15 Q AND DID YOU BRING WITH YOU TO COURT AT ANOTHER  
16 TIME WHEN YOU MADE AN APPEARANCE HERE RECORDS OF CHARGES MADE  
17 AGAINST THE CARDS, THE NUMBERS OF WHICH YOU HAVE JUST GIVEN  
18 US?

19 A YES.

20 MR. WAPNER: MAY THOSE DOCUMENTS COLLECTIVELY BE PEOPLE'S  
21 I BELIEVE IT IS, 77 FOR IDENTIFICATION, YOUR HONOR?

22 THE COURT: IT WILL BE 178.

23 MR. WAPNER: NO. IT WOULD BE 77. IT WAS PREVIOUSLY  
24 MARKED 77, NOT 177.

25 THE COURT: 77, YES.

26 MR. WAPNER: CORRECT, JUST 77.

27 Q SHOWING YOU PEOPLE'S 77, DO YOU RECOGNIZE THOSE?

28 A YES, I DO.

1 Q WHAT ARE THEY?

2 A THESE ARE PHOTOCOPIES OF THE INVOICES AND BILLINGS  
3 REFERRING TO THE THREE CARDS THAT WE HAVE PREVIOUSLY DISCUSSED,  
4 IN THE NAME OF R. LEVIN.

5 Q AND AT SOME POINT, MAYBE A YEAR AND A HALF AGO,  
6 DID YOU HAVE SOME OCCASION TO GO THROUGH THOSE?

7 A YES.

8 Q HAVE YOU HAD A SHORT OPPORTUNITY TO REVIEW SOME  
9 OF THOSE TODAY?

10 A YES, SIR.

11 Q AND OUTSIDE OF ONE OF THOSE --

12 WHAT ARE THE ITEMS -- THOSE ARE INVOICES THAT  
13 ACTUALLY ARE PRODUCED ON THE CARDS?

14 A THIS IS MICROFILM, A MICROFILM OF THE BILLINGS  
15 AND THE CONTENTS OF THOSE BILLINGS THAT WAS EITHER GENERATED  
16 BY A CARD OR MAILED OUT TO THE CARD MEMBER AS A RESULT OF  
17 THE TALLY OF THOSE BILLINGS.

18 Q HOW ARE THOSE RECORDS KEPT?

19 A ON MICROFILM.

20 Q AND WHEN A CARD IS USED FOR A PURPOSE, HOW DOES  
21 AMERICAN EXPRESS GET A COPY THAT THEY USE TO MAKE THE MICRO-  
22 FILM FROM?

23 A ONE OF TWO THINGS: WE GET AN ACTUAL INVOICE  
24 CREATED BY THE CARD BEING IMPRINTED AT THE LOCATION OF  
25 PURCHASE, AND THEN A COPY OF THAT IS SENT TO THE COMPANY.

26 OR BY A MAGNETIC STRIP CREATED BY A MERCHANT  
27 AS A RESULT OF MANY CHARGES AT A CORPORATE --

28 LET ME BACK UP JUST A MINUTE.

1 IF A CARD WAS PRESENTED AT A MERCHANT LOCATION  
2 AND THAT MERCHANT LOCATION DID NOT ACT INDEPENDENT, IN OTHER  
3 WORDS, THEY DID NOT SEND IN THEIR INVOICES, THEY WOULD SEND  
4 THEM TO THEIR CENTRAL OFFICE AND IF THEIR CENTRAL OFFICE DID  
5 THEN CREATE A MAGNETIC TAPE OR STRIP, WHICH WOULD GO TO OUR  
6 COMPANY.

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1            THEN ALL OF THE CHARGES THAT THAT COMPANY PRODUCED  
2 DURING A CERTAIN CYCLE WOULD BE BILLED AT THE SAME TIME. IT  
3 COULD AFFECT VARIOUS CARDS. AND THAT WOULD COME OUT AND BE  
4 CONTRIBUTED TO INDIVIDUAL ACCOUNTS BY THEN.

5            Q        OKAY.

6            A        I AM NOT SURE I UNDERSTAND THAT, MYSELF.

7            Q        OKAY. FIRST, THE FIRST PART IS SIMPLER, RIGHT?  
8 IF YOU GO TO A STORE AND THEY TAKE YOUR CARD AND RUN IT THROUGH  
9 THE MACHINE, THEY THEN SEND ONE OF THOSE TISSUE OR HARD COPIES  
10 THAT IS GENERATED TO AMERICAN EXPRESS, CORRECT?

11          A        YES.

12          Q        ALL RIGHT. AND THEN AMERICAN EXPRESS MAKES A  
13 MICROFILM OF THAT AND INCLUDES IT IN THE RECORDS FOR THAT  
14 GIVEN CARD, CORRECT?

15          A        YES, SIR.

16          Q        BUT IF THE COMPANY DECIDES NOT TO SEND IN THE  
17 ACTUAL COPY OF THE INVOICE, HOW ELSE DO THEY SEND YOU A RECORD  
18 OF THE PURCHASES THAT HAVE BEEN MADE BY THAT PARTICULAR CARD?

19          A        BY COMPILING ALL OF THE CHARGES DURING A CERTAIN  
20 PERIOD OF TIME AT THAT MERCHANT LOCATION OR VARIOUS MERCHANT  
21 LOCATIONS BELONGING TO THE SAME COMPANY.

22                    THEN THEY TYPE IT INTO A MICRO ENCODING STRIP,  
23 ALL OF THOSE CHARGES. NOW, THAT STRIP WILL IDENTIFY THE CARD  
24 NUMBER, THE DATE, THE LOCATION, A REFERENCE NUMBER SO THEY  
25 CAN PULL OUT THE ACTUAL INVOICE THAT WAS IMPRINTED AND THE  
26 AMOUNT OF THE CHARGE. AND IN GENERAL CASES, THE SPECIFIC  
27 ITEMS PURCHASED BY THAT CARD.

28          Q        OKAY. SO, THERE IS KIND OF AN INTERMEDIATE STEP.

3  
1 THE PERSON WHO MAKES THE PURCHASE GENERATES A CERTAIN RECORD.  
2 THAT RECORD IS SENT TO SOMEBODY WHO THEN SENDS IT TO AMERICAN  
3 EXPRESS?

4 A THAT'S CORRECT.

5 Q AND THE RECORD THAT YOU HAVE IN FRONT OF YOU,  
6 PEOPLE'S 77, IS THAT CONTAINING BOTH TYPES OF RECORDS?

7 A YES IT DOES.

8 Q AND ARE THERE ANY CHARGES THERE THAT ARE MADE  
9 AFTER JUNE THE 6TH?

10 A THERE IS A CHARGE THAT IS DATED JUNE 7.

11 Q WHERE WAS THAT MADE?

12 A AT BROOKS BROTHERS, LOS ANGELES.

13 Q IS THAT ONE OF THE ONES THAT ACTUALLY IS A SLIP  
14 MADE AT BROOKS BROTHERS AND SENT IN OR IS THIS ONE OF THOSE  
15 MAGNETIC ENCODED THINGS YOU ARE TALKING ABOUT?

16 A THIS IS AN ENCODED MAGNETIC STRIP THAT GENERATED  
17 THIS DOCUMENT.

18 Q WHAT WAS IT THAT WAS PURCHASED AT BROOKS BROTHERS  
19 ON JUNE 7, ACCORDING TO THAT?

20 A IT IS UNDERWEAR FOR A TOTAL OF \$83.07.

21 Q AND ARE THERE SOME OTHER CHARGES FROM BROOKS  
22 BROTHERS?

23 A YES.

24 Q AND WHAT ARE THE DATES ON THOSE?

25 A ON MAY THE 7TH, I OBSERVED SOME OF THOSE CHARGES  
26 WERE DATED MAY THE 7TH.

27 Q AND THE ONES THAT WERE MADE ON MAY THE 7TH, ARE  
28 THOSE AGAIN MAGNETICALLY ENCODED OR ARE THOSE ACTUAL CARDS?

3  
1 A THOSE ARE MAGNETICALLY ENCODED.

2 Q AND WHAT ARE THOSE CHARGES FOR AND HOW MANY OF  
3 THEM ARE THERE?

4 A I AM LOOKING AT TWO SEPARATE CHARGES, BOTH DATED  
5 5/7/84.

6 THE FIRST ONE APPEARS TO BE FOR SPORTS SHIRTS,  
7 \$380.74. THE SECOND ONE APPEARS TO BE UNDERWEAR, \$329.62.

8 Q OTHER THAN THAT ONE CHARGE OF \$83.07 THAT APPEARS  
9 ON JUNE 7, IS THERE ANYTHING ELSE IN THAT STACK OF PEOPLE'S  
10 77 MADE AFTER JUNE THE 6TH?

11 A I DO NOT RECALL ANY CHARGES AFTER JUNE 6TH.

12 Q AND ARE THOSE RECORDS IN FRONT OF YOU ALL OF THE  
13 RECORDS OF THE CHARGES GENERATED ON THE AMERICAN EXPRESS CARD  
14 WITH THE FOUR NUMBERS THAT YOU HAVE GIVEN?

15 A EACH OF THE CHARGES THAT I HAVE DESCRIBED WERE  
16 MADE TO THE CARD THAT WAS ISSUED OUT OF THE BEVERLY HILLS  
17 OFFICE ENDING IN THE NUMBER 82028.

18 Q THAT IS THE TEMPORARY REPLACEMENT CARD?

19 A YES.

20 MR. WAPNER: THANK YOU. NOTHING FURTHER.

21

22 CROSS-EXAMINATION

23 BY MR. BARENS:

24 Q GOOD AFTERNOON, MR. REEVES.

25 IN PEOPLE'S 77, I BELIEVE YOU HAVE CHARGE SLIPS  
26 THAT WOULD DATE BACK TO DECEMBER OF 1983 THROUGH JUNE OF 1984,  
27 SIR?

28 A YES.

3 1 Q AND AMONGST THOSE SLIPS OF PAPER, YOU GET TO A  
2 POINT WHERE YOU GET A MONTHLY TOTAL FOR CHARGES?

3 A YES, SIR.

4 Q ALL RIGHT. WHAT IS THE MONTHLY TOTAL OF CHARGES  
5 FOR DECEMBER, '83?

6 A THOSE ARE NOT IN ORDER. YOU WILL HAVE TO EXCUSE  
7 ME.

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31-1

1 Q AS YOU ARE GOING THROUGH THAT, I AM GOING TO  
2 GO THROUGH A SERIES OF QUESTIONS, MR. REEVES, WHERE I AM  
3 GOING TO ASK YOU FOR THE CHARGE TOTALED BY MONTH-BY-MONTH.

4 (PAUSE IN PROCEEDINGS.)

5 Q IF, WHILE YOU ARE DOING THAT, MR. REEVES, YOU  
6 SEE A TOTAL FOR ANY OTHER MONTH DURING THAT SIX-MONTH PERIOD,  
7 IF YOU WOULD JUST TELL ME, I WILL AVOID HAVING TO ASK YOU  
8 THE QUESTION LATER.

9 A OKAY, THE CARD WAS ISSUED DECEMBER, I BELIEVE,  
10 THE 1ST AND THE BILLING CYCLE IS JANUARY THE 8TH OF 1985,  
11 AT LEAST THAT IS WHAT I HAVE DUG OUT OF HERE.

12 Q WHAT DO YOU SHOW FOR JANUARY '85 -- I AM SORRY --  
13 IT WOULDN'T HAVE BEEN '85.

14 A I AM GOING IN THE WRONG DIRECTION HERE.

15 Q YOU MEAN '84, I WOULD PRESUME, SIR?

16 A YES.

17 JUST ONE MOMENT.

18 I SHOW BILLING FOR FEBRUARY OF 1984, 2-9 OF '84,  
19 HAS A BILLING BALANCE OF \$1,515.86.

20 Q NOW, THAT COVERS A BILLING TIME FRAME FROM WHAT  
21 START DATE TO WHAT DATE, SIR?

22 A I BELIEVE FROM JANUARY, APPROXIMATELY JANUARY  
23 THE 8TH TO FEBRUARY THE 9TH.

24 Q SO WE HAVE GOT 1-8 TO 2-9 FOR A TOTAL OF FIFTEEN  
25 FIFTEEN, SIR?

26 A YES.

27 Q NOW, YOU HAVE SIR THERE THE SUPPORTING INVOICES  
28 FOR THOSE BILLINGS?

1           A       I HAVE WHAT APPEARS TO BE THE SUPPORT ON THEM,  
2 YES, SIR.

3           Q       OKAY. IS IT NOT TRUE, SIR, THAT DURING THAT  
4 TIME FRAME -- YOU ARE ONLY REFERRING THROUGH 2-9 NOW?

5           A       THE MAIL-OUT BILL     DATED FEBRUARY 9, 1984.

6           Q       OKAY. DON'T YOU HAVE SOME CHARGES, THOUGH, THAT  
7 SHOW ON THAT CARD THAT YOU HAVE WITH YOU IN THE EXHIBIT FROM,  
8 LIKE, 12-31-83 -- 12-30-84 THAT GOES THROUGH THAT SAME  
9 CYCLE?

10                       (PAUSE IN PROCEEDINGS.)

11           MR. BARENS: WELL, TO SAVE TIME, LET ME WITHDRAW THE  
12 QUESTION AND SKIP TO A NEXT TIME FRAME WHICH WILL BE MORE  
13 OBVIOUS, OKAY? BECAUSE MAYBE THERE IS SOME CONFUSION WITH  
14 THE NEW CARD BEING ISSUED OR WHATEVER WE HAVE GOT HERE.

15                       LET'S GO TO THE NEXT TIME FRAME NOW, OKAY?

16           A       YES, SIR.

17           Q       I BELIEVE THE NEXT FRAME IS GOING TO COME UP  
18 AROUND 3-9-84 AND I WOULD LIKE TO KNOW THE TOTAL PURCHASES  
19 BETWEEN 2-9 AND 3-9.

20           A       ON THE BILL DATED 3-11 OF '84, I WILL BREAK IT  
21 DOWN, THERE IS A BILL BALANCE OF \$3,585.63.

22                       THE PREVIOUS CARD BALANCE WAS THE ONE DESCRIBED  
23 BEFORE, THE FIFTEEN HUNDRED FIFTEEN NUMBER.

24           Q       AND THE NEW CHARGES FOR THAT TIME FRAME WOULD  
25 HAVE BEEN HOW MUCH, SIR?

26           A       \$4,020.16.

27           Q       I AM NOT UNDERSTANDING YOU.

28                       IF YOU HAD A PREVIOUS BALANCE OF FIFTEEN FIFTEEN,

1 ARE YOU NOW GIVING ME --

2 WHAT I AM ASKING YOU FOR, SIR, IS WHAT ARE THE  
3 NEW CHARGES FROM THE 2-9 DATE THROUGH THE 3-11 DATE?

4 A \$4,020.16.

5 Q NOW, WASN'T THERE A PAYMENT ON THE PREVIOUS  
6 STATEMENT, SIR?

7 A THERE IS A CREDIT ON THE STATEMENT FOR \$1,950.39.

8 Q AND THAT WAS THE NEW BALANCE, SIR, THEN?

9 A YES, THAT LEAVES THIRTY-FIVE EIGHTY-FIVE BALANCE.

10 Q IS IT NOT A FACT, SIR, IF YOU LOOK AT THE  
11 SUPPORTING INVOICES BETWEEN 2-8 AND 3-11, THAT THE ONLY  
12 CHARGES WE SEE FOR CLOTHING WHATSOEVER WOULD BE ON 2-12 TO  
13 I. MAGNIN AND 2-16 TO JERRY MAGNIN AND 3-2 TO MAXFIELDS FOR  
14 A TOTAL OF \$1500, ROUGHLY, SIR?

15 A I DON'T KNOW IN SOME CASES WHAT THE MERCHANDISE  
16 WAS. THERE ARE SEVERAL INVOICES HERE FROM VARIOUS COMPANIES.  
17 I DON'T KNOW WHAT THOSE COMPANIES SELL.

18 Q I HAVE DONE, I REPRESENT TO YOU, SIR, SOME SORT  
19 OF A RECAP HERE OF ALL OF THOSE AND I HAVE TRIED TO PICK OUT  
20 THE ONES THAT THE COURT MIGHT TAKE NOTICE, I HAVE A CONNOTATION  
21 (SIC) OF BEING A CLOTHING TYPE ITEM, SIR. IT SAYS ON IT,  
22 ON THE INVOICE, SIR "CLOTHING".

23 A WELL, I CAN'T IDENTIFY IT FROM WHAT YOU HAVE  
24 ASKED ME.

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30 1 Q WELL, DO YOU HAVE THE CHARGE SLIPS?

2 A IF YOU COULD DIRECT ME TO THE SPECIFIC SLIP, I  
3 WILL TELL YOU WHAT I KNOW ABOUT IT.

4 Q I JUST REFERENCED YOU SIR, TO A DATE 2/12/84 AND  
5 A DATE OF 2/16/84 AND A DATE OF 3/2/84. THERE ARE SLIPS  
6 RESPECTIVELY FOR I. MAGNIN, JERRY MAGNIN AND MAXFIELD,  
7 M-A-X-F-I-E-L-D.

8 (PAUSE.)

9 MR. BARENS: COULD WE APPROACH THE BENCH, YOUR HONOR?

10 THE COURT: ALL RIGHT.

11 (THE FOLLOWING PROCEEDINGS WERE HELD

12 AT THE BENCH:)

13 THE COURT: WHAT ARE YOU TRYING TO ESTABLISH, MR. WAPNER,  
14 BY THIS TESTIMONY?

15 MR. WAPNER: THE TESTIMONY WAS ONLY TO CONNECT UP THE  
16 CREDIT CARD THAT WAS USED IN NEW YORK, EVEN THOUGH IT HAD  
17 THE NAME OF R. LEVIN ON IT --

18 THE COURT: YES?

19 MR. WAPNER: THE POINT WAS TO CONNECT UP THE CREDIT  
20 CARD AS MR. LEVIN'S CARD.

21 THE COURT: THAT IS WHAT I ASSUMED. WHY ARE WE GOING  
22 INTO ALL OF THE PURCHASES HE MADE FROM MAGNINS, JERRY MAGNINS?  
23 WHAT IS THAT GOING TO ESTABLISH? THAT HE LOADED UP ALL THIS  
24 STUFF SO THAT HE COULD DISAPPEAR? IS THAT WHAT YOU ARE  
25 TRYING TO ESTABLISH?

26 MR. BARENS: YES, IN PART, YOUR HONOR. YOUR HONOR,  
27 YOU MIGHT RECALL THAT WITH THE WITNESS OSTROVE, WHEN HE WAS  
28 ON THE STAND, I TRIED TO SUMMARIZE THE TOTAL CHARGES THAT

1 MR. LEVIN HAD MADE DURING THIS TIME FRAME, AS HAD BEEN DONE  
2 AT THE PITTMAN HEARING.

3 YOUR HONOR AT THAT TIME THOUGHT THAT I WOULD BE  
4 BETTER ADVISED TO ADDRESS MY QUESTIONS TO A REPRESENTATIVE  
5 OF AMERICAN EXPRESS.

6 THE COURT: BUT, WHAT ARE YOU TRYING TO ESTABLISH?  
7 HOW MUCH MONEY WAS SPENT? HOW MANY CHARGES WERE MADE ON THIS  
8 CREDIT CARD DURING THAT SIX-MONTH PERIOD?

9 MR. BARENS: I AM SHOWING A PATTERN THAT HAS A STRIKING  
10 AND IMPRESSIVE DIFFERENCE AS WE GET TO MAY OF 1984, THAT IS  
11 IMPRESSIVE, TO SAY THE LEAST.

12 I REPRESENT TO YOUR HONOR THAT IF YOU WILL  
13 PERMIT THIS --

14 THE COURT: YOU MEAN HE WAS LOADING IT UP SO HE COULD  
15 MAKE OFF AND USE ALL OF THE CLOTHING DURING THE TIME HE WAS  
16 GONE, FOR TWO YEARS OR THREE YEARS OR FIVE YEARS? IS THAT  
17 YOUR THEORY?

18 MR. BARENS: IT IS ONE OF THE THEORIES.

19 THE COURT: WELL, IF THAT IS YOUR THEORY, I CAN'T --  
20 I CAN'T TELL YOU NOT TO PURSUE IT. BUT GO AHEAD, DO IT.  
21 I THINK YOU ARE WASTING YOUR TIME.

22 MR. BARENS: YOUR HONOR, I HAD A SUGGESTION THAT MIGHT  
23 SAVE THE COURT SOME TIME IF MR. WAPNER WOULD AGREE WITH IT.  
24 THIS IS HIS WITNESS. I HAD THOUGHT YOUR HONOR, IF I WAS GIVEN  
25 SOME MOMENTS AT THE END OF THE SESSION, WE COULD PULL ALL  
26 OF THE INVOICES THAT I WANT TO MAKE REFERENCE TO, SO THE  
27 WITNESS DOES NOT HAVE TO LOOK FOR THEM.

28 WE CAN PUT THEM ALL IN A CHRONOLOGY. I HAVE A

32 -  
1 COMPUTER PRODUCED DOCUMENT THAT I AM REFERRING TO THAT WAS  
2 ALL OF THE INVOICES THAT I AM REFERRING TO.

3 IF WE HAD A FEW MINUTES, I DON'T MEAN TO TAKE  
4 UP THE COURT'S TIME NOW -- WE COULD HAVE THIS WITNESS COME  
5 BACK TOMORROW MORNING. I WILL PUT THEM ALL IN ORDER FOR THE  
6 WITNESS AND JUST RUN QUICKLY THROUGH IT, REAL FAST.

7 THE COURT: CAN'T YOU GO UP THERE AND SHOW HIM ALL OF  
8 THIS?

9 MR. BARENS: YES. I ASKED HIM THAT. BUT HE SEEMS TO  
10 BE HAVING SOMEWHAT OF A PONDEROUS PROBLEM FINDING THESE THINGS.

11 WHAT WE ARE GOING TO DO -- THE PROBLEM IS, BY  
12 THE TIME ALL OF THESE -- THERE IS ONLY A TWO OR THREE-MONTH  
13 PERIOD -- WELL, MONTH AFTER MONTH IT GOES ON. THEN ALL OF  
14 A SUDDEN IN MAY, WE HAVE A --

15 MR. WAPNER: KEEP YOUR VOICE DOWN.

16 THE COURT: HE HAD A LOT?

17 MR. BARENS: BY THE DOZENS.

18 MR. WAPNER: YOUR HONOR, I DON'T KNOW WHAT THE WITNESS'  
19 SCHEDULE IS. BUT I WOULD RATHER TAKE FIVE MINUTES NOW, TO  
20 LET HIM HAVE THEM ORGANIZE THEM, THAN BRING HIM BACK TOMORROW.

21 THE COURT: WHY DON'T YOU GO UP THERE TO THE BENCH AND  
22 YOU TELL HIM THAT YOU WILL HAVE HIM GO THROUGH ALL THESE THINGS  
23 FROM HIS RECORDS. IN OTHER WORDS, TELL HIM WHAT YOU WANT  
24 HIM TO PRODUCE. WOULD YOU STIPULATE THAT WHAT YOU HAVE HERE  
25 IS --

26 MR. WAPNER: YOUR HONOR, ALL OF THIS RECORD IS GOING  
27 TO COME INTO EVIDENCE. IT IS ALL GOING TO BE DONE IN  
28 ARGUMENT AND --

1 MR. BARENS: BUT IN ORDER FOR THE JURY TO SEE, THEY  
2 ARE NOT GOING TO TAKE THE TIME TO GO THROUGH ALL THE --

3 THE COURT: BUT YOU CAN SUMMARIZE IT.

4 MR. BARENS: I AM WILLING TO ENTER INTO A STIPULATION.  
5 HERE IS THE STIPULATION. I WOULD OFFER THAT I WILL RECITE  
6 THAT THERE ARE CLOTHING CHARGES DURING THE MONTHS AND THEN  
7 I WOULD GIVE NUMBERS.

8 PERHAPS I SHOULD GO OVER THE WORDING WITH  
9 MR. WAPNER OF THE OFFERED STIPULATION.

10 MR. WAPNER: HE IS NOW ASKING ME TO RELY ON SOMEBODY  
11 ELSE'S COMPUTER-GENERATED SUMMARY. I KNOW WHO DID THAT  
12 COMPUTER-GENERATED SUMMARY.

13 THE COURT: YOU KNOW, DON'T YOU?

14 MR. BARENS: QUITE SO, YOUR HONOR. I WILL MAKE NO  
15 PRETENSE THAT I ASKED MR. HUNT TO --

16 THE COURT: GO AHEAD. GO AHEAD. YOU ARE WASTING AN  
17 AWFUL LOT OF TIME.

18 MR. BARENS: SORRY, YOUR HONOR?

19 THE COURT: GO AHEAD. IT IS YOUR THEORY OF THE CASE  
20 THAT HE MADE ALL OF THE PURCHASES SO HE COULD RUN AWAY. GO  
21 AHEAD.

22 MR. BARENS: IT LOOKS THAT WAY, YOUR HONOR.

23 THE COURT: GO AHEAD.

24 MR. BARENS: YOUR HONOR, WHAT I AM TRYING TO DECIDE IS  
25 HOW TO GO AHEAD.

26 THE COURT: WELL, TELL HIM ABOUT ALL THIS STUFF --

27 MR. BARENS: WELL, THERE ARE CHARGES ON HERE FOR  
28 LUGGAGE IN MAY --

1 THE COURT: BUT THE LUGGAGE WAS FOUND IN THE PLACE THERE.

2 MR. BARENS: I DON'T KNOW. HOW DO YOU KNOW THAT,  
3 YOUR HONOR?

4 THE COURT: THEY TESTIFIED TO IT TWO OR THREE TIMES.

5 MR. BARENS: WELL, THE TESTIMONY WAS TO THE EFFECT THAT  
6 PEOPLE COULDN'T TELL WHAT LUGGAGE WAS THERE AND WHAT WASN'T  
7 THERE. THERE WAS SOME THERE, HOWEVER.

8 THE COURT: ALL RIGHT. GO AHEAD.

9 MR. BARENS: I THOUGHT TO DO IT, JUDGE --

10 THE COURT: THAT IS YOUR CASE. I KNOW YOU ARE GOING  
11 TO DO THE BEST YOU CAN.

12 MR. BARENS: YOUR HONOR, SHOULD I ASK HIM ALL THIS?

13 THE COURT: YES. IF THOSE ARE THE RECORDS THAT YOU  
14 WANT, SHOW HIM THOSE RECORDS.

15 MR. BARENS: WE ARE GOING TO NEED A COUPLE OF MINUTES  
16 FOR HIM TO DO IT.

17 THE COURT: GO AHEAD.

18 MR. BARENS: SHOULD I ASK HIM HOW LONG HE WOULD NEED?

19 THE COURT: YES, GO AHEAD. OKAY.

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1 (THE FOLLOWING PROCEEDINGS WERE HELD  
2 IN OPEN COURT:)  
3 (UNREPORTED COLLOQUY BETWEEN MR. BARENS  
4 AND THE WITNESS.)

5 THE COURT: MAY I SUGGEST YOU GIVE HIM TIME TO GET  
6 ALL THOSE RECORDS AND TO TESTIFY TOMORROW MORNING?

7 MR. BARENS: THAT WAS MY SUGGESTION, JUDGE.

8 JUDGE, I WOULD LIKE TO HAVE XEROXES MADE BECAUSE  
9 THIS IS MY ONLY COPY OF THESE. COULD YOU HAVE YOUR CLERK  
10 OR YOUR BAILIFF OBTAIN A XEROX?

11 COULD I JUST ASK MR. HUNT SOMETHING FOR A MINUTE,  
12 YOUR HONOR?

13 (FURTHER PAUSE IN THE PROCEEDINGS.)

14 THE COURT: ALL RIGHT, WE WILL DO IT THAT WAY.

15 MR. BARENS: ALL RIGHT, YOUR HONOR, FOR THE RECORD,  
16 WHAT I AM GOING TO DO THEN IS I AM GOING TO HAND THE WITNESS  
17 A WORK PRODUCT OF MY OFFICE AND MR. HUNT'S, WITH THE REQUEST  
18 THAT HE NOT SHOW THE WORK PRODUCT TO THE PEOPLE AS YET, BECAUSE  
19 ON ONE OF THEM --

20 THE COURT: IT WILL COME OUT ULTIMATELY, WON'T IT,  
21 ANYWAY?

22 MR. BARENS: I BEG YOUR PARDON?

23 THE COURT: IT WILL COME OUT ULTIMATELY, WON'T IT?

24 MR. BARENS: WE ARE GOING TO HAVE A CLEANER COPY TO  
25 BE MARKED TOMORROW. RIGHT NOW, THERE IS A HANDWRITTEN MARGINAL  
26 ONE.

27 THE COURT: YOU JUST GIVE IT TO HIM AND HE WILL PRESERVE  
28 THE INTEGRITY OF THAT PARTICULAR DOCUMENT.

1 MR. BARENS: THAT IS ALL WE ARE ASKING.

2 AND WHAT WE ARE ASKING, THERE ARE THREE THINGS  
3 I AM GOING TO ASK THE WITNESS TO DO, TO PRODUCE FOR US: THE  
4 INVOICES CORRESPONDING WITH THE ENTRIES PRODUCED BY THE  
5 COMPUTER ON THESE FOUR PAGES OF PAPER, WE ARE GOING TO ASK  
6 HIM FOR THE CORRESPONDING MONTHLY TOTALS OF THE CHARGES. IN  
7 OTHER WORDS, I WILL ASK HIM WHAT IS THE TOTAL CHARGES FOR  
8 THAT MONTH, ET CETERA.

9 THE COURT: YOU UNDERSTAND THAT, DON'T YOU?

10 MR. BARENS: THE THIRD THING I AM GOING TO ASK HIM  
11 TO DO, YOUR HONOR, WOULD BE TO VERIFY FOR ME THAT BUT FOR  
12 THE ITEMS THAT I AM GIVING HIM TO FIND, THAT IN THOSE CHARGE  
13 SLIPS HE HAS, THERE ARE NO OTHER CHARGE SLIPS MARKED CLOTHING.

14 THE COURT: ALL RIGHT. DO YOU UNDERSTAND THAT, MR.  
15 REEVES?

16 THE WITNESS: YES, YOUR HONOR.

17 THE COURT: ALL RIGHT. WHY DON'T YOU HAND THEM TO HIM?

18 MR. BARENS: ACTUALLY --

19 THE COURT: YOU WILL PRESERVE THE INTEGRITY OF THOSE  
20 DOCUMENTS, IF YOU WILL, PLEASE?

21 THE WITNESS: YES, SIR.

22 MR. BARENS: I AM GOING TO ASK HIM ONE OTHER THING.

23 NUMBER 1, LET ME SAY THIS, I HAVE FIVE AND NOT  
24 FOUR PAGES.

25 I WOULD ALSO ASK THE WITNESS TO BRING WITH HIM  
26 TOMORROW, IF HE HAS NOT PROVIDED THEM TO THE COURT SO FAR,  
27 ANY CREDIT APPLICATIONS THAT ACCOMPANIED THE ISSUANCE OF THESE  
28 THREE CARDS, IF YOU WOULD, SIR?

1 THE WITNESS: I CAN REPRESENT TO YOUR HONOR --

2 THE COURT: YES.

3 THE WITNESS: -- THAT THOSE ARE NOT AVAILABLE ON SUCH  
4 SHORT NOTICE.

5 MR. BARENS: THEN WE WILL MAKE OTHER ARRANGEMENTS BEFORE  
6 THE WITNESS IS EXCUSED IN THAT REGARD, YOUR HONOR.

7 THE COURT: DO YOU HAVE ANY OTHER WITNESSES AT THIS  
8 TIME?

9 MR. WAPNER: I AM SORRY, YOUR HONOR?

10 THE COURT: HAVE YOU GOT ANOTHER WITNESS AT THIS TIME?

11 MR. WAPNER: YES.

12 THE COURT: PARDON ME?

13 MR. WAPNER: YES, I DO.

14 THE COURT: THANK YOU, MR. REEVES. WE WILL SEE YOU  
15 TOMORROW.

16 MR. BARENS: MAY I SPEAK WITH HIM A MOMENT?

17 THE COURT: YES.

18 (FURTHER UNREPORTED COLLOQUY BETWEEN  
19 MR. BARENS AND THE WITNESS.)

20 MR. WAPNER: OH, YOUR HONOR, I HAVE SOME QUESTIONS  
21 FOR THIS WITNESS WHILE HE IS STILL HERE. MAYBE I CAN DO SOME-  
22 THING, IF IT IS ALL RIGHT WITH COUNSEL.

23 IN FACT, I WOULD JUST ASK TO REOPEN DIRECT. IT  
24 REALLY DOESN'T HAVE TO DO WITH LIMITED CROSS-EXAMINATION.

25 THE COURT: ALL RIGHT.

26 MR. BARENS: COULD I JUST FINISH THE INQUIRY I HAD  
27 WITH THIS WITNESS?

28 THE COURT: YES.

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(FURTHER UNREPORTED COLLOQUY BETWEEN  
MR. BARENS AND THE WITNESS.)

DIRECT EXAMINATION (REOPENED)

BY MR. WAPNER:

Q MR. REEVES, THE CREDIT CARDS -- YOU HAVE GIVEN  
US FOUR CREDIT CARD NUMBERS FOR MR. LEVIN; WERE THEY ALL ISSUED  
BASICALLY UNDER ONE ACCOUNT?

A I BELIEVE I GAVE YOU THREE CREDIT CARD NUMBERS  
ISSUED TO AN R. LEVIN.

3-1

1 Q OKAY. AND THERE WAS ONE FOR DR. REED, CORRECT?

2 A MR. PRESLEY REED.

3 Q WERE THOSE ALL ISSUED UNDER ONE ACCOUNT?

4 A ONE UMBRELLA ACCOUNT, YES, SIR.

5 Q AND IF MR. LEVIN WANTED DUPLICATE CARDS, LET'S  
6 SAY, FOR SOMEONE ELSE IN HIS FAMILY SO THEY COULD USE THEM,  
7 WOULD THEY BE ISSUED UNDER -- WOULD THEY BE GIVEN THE SAME  
8 NUMBER?

9 A NO.

10 AMERICAN EXPRESS ISSUES CARDS TO INDIVIDUALS AND  
11 EACH INDIVIDUAL WOULD CARRY A DIFFERENT NUMBER TO IDENTIFY  
12 THAT INDIVIDUAL.

13 Q WELL, THE CARD THAT WAS ISSUED ON MAY THE 4TH,  
14 WHICH WAS 37135120018208, HOW MANY OF THOSE CARDS, PHYSICAL  
15 CARDS, WERE THERE FLOATING AROUND WITH THAT PARTICULAR NUMBER  
16 ON THEM?

17 A ONE.

18 Q ONLY ONE?

19 A YES, SIR.

20 Q AND THAT IS THE POLICY OF AMERICAN EXPRESS, THAT  
21 FOR ANY GIVEN NUMBER THERE IS ONLY ONE PHYSICAL CARD, CORRECT?

22 A THAT IS CORRECT.

23 Q AND ARE THE CHARGES THAT CAME UP WITH BROOKS  
24 BROTHERS ON JUNE THE 7TH, THAT WAS UNDER --

25 A YES.

26 Q -- THAT 8208 NUMBER, I BELIEVE?

27 A YES, IT WAS.

28 Q AND IF THAT CREDIT CARD THAT BORE THE NUMBER

1 371351200182028 WAS FOUND IN MR. LEVIN'S APARTMENT AT SOME  
2 POINT AFTER JUNE THE 7TH AND HAD BEEN THERE EVER SINCE THE  
3 MORNING OF JUNE 7 AND HAD NOT LEFT THE APARTMENT, WOULD YOU  
4 HAVE AN OPINION AS TO WHETHER THAT MAGNETICALLY GENERATED  
5 STATEMENT THAT SAYS JUNE 7 WAS IN ERROR?

6 MR. BARENS: YOUR HONOR, FOR THE RECORD, WE WOULD LIKE  
7 TO OBJECT TO THE HYPOTHETICAL AS ASSUMING FACTS NOT IN  
8 EVIDENCE OR EITHER JUST UNKNOWN.

9 THE COURT: OVERRULED.

10 MR. WAPNER: SUBJECT TO BEING CONNECTED UP AT SOME LATER  
11 POINT, YOUR HONOR.

12 THE COURT: YES.

13 THE WITNESS: MY OPINION IS THAT THE CARD WOULD NOT  
14 HAVE BEEN PRESENTED FOR THIS CHARGE.

15 Q BY MR. WAPNER: AND IT IS MORE LIKELY THAT IT  
16 WAS THAT THE 6-7 SOMEHOW IN THE MAGNETIC ENCODING PROCEDURE  
17 WAS ACTUALLY 5-7, WHEN THE OTHER TWO CHARGES AT BROOKS  
18 BROTHERS WERE MADE?

19 A YES.

20 IN ORDER TO PRODUCE THIS DATE ON THIS DOCUMENT,  
21 IT HAS TO GO THROUGH A MINIMUM OF TWO HANDS IN ORDER TO GET  
22 TO OUR BILLING CYCLE, OUR BILLING CENTER, SO THE MISTAKE COULD  
23 VERY EASILY HAVE BEEN MADE.

24 Q AND THE MAGNETIC ENCODING PROCESS, DOES THAT  
25 REQUIRE SOMEONE ACTUALLY READING ONE DOCUMENT AND THEN PUNCHING  
26 IN OR PUTTING IN NUMBERS ONTO ANOTHER ONE?

27 A YES.

28 Q SO THAT IF SOMEONE WAS TYPING IT IN AND THEY HIT

1 THE 6 INSTEAD OF THE 5, IT COULD ACCOUNT FOR THAT?

2 A YES, IT COULD.

3 Q AND IS THERE ANY WAY NOW THAT WE ARE IN 1987 TO  
4 BACKTRACK TO BROOKS BROTHERS AND SEE IF THAT ORIGINAL, THE  
5 ORIGINAL INVOICE THAT WAS MADE ON THAT CHARGE STILL EXISTS?

6 A IT IS POSSIBLE. I COULD CERTAINLY MAKE INQUIRIES  
7 TO THAT EFFECT.

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

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1 THE COURT: ALL RIGHT. THANK YOU VERY MUCH, MR.  
2 REEVES. WE'LL SEE YOU TOMORROW.

3 MR. BARENS: YOUR HONOR, WE WILL SEE THIS WITNESS AT  
4 10:30, IF YOUR HONOR WOULD?

5 THE COURT: YES.

6 MR. BARENS: THANK YOU.

7 MR. WAPNER: YOUR HONOR, MAY WE APPROACH THE BENCH?

8 THE COURT: YES.

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

12 THE COURT: YES?

13 MR. WAPNER: I DO HAVE A WITNESS HERE. I THINK IT  
14 IS MARTIN LEVIN, MR. LEVIN'S FATHER. I THINK IT IS  
15 IMPORTANT TO THE CASE.

16 ALSO, WE HAVE A WITNESS THAT WE BROUGHT IN  
17 TONIGHT WHO IS FROM OUT OF TOWN, WHO I WANT TO HAVE TESTIFY  
18 TOMORROW. I WANT TO ASK THE COURT WHETHER YOU WOULD CONSIDER  
19 BREAKING AT THIS TIME, RATHER THAN INTERRUPTING -- PUTTING  
20 ON A WITNESS NOW AND INTERRUPTING HIS TESTIMONY FOR THE  
21 TESTIMONY OF TWO OTHER WITNESSES AND THEN PUTTING HIM BACK  
22 ON THE STAND.

23 I REALIZE THAT WE ARE WASTING HALF AN HOUR OF  
24 THE COURT'S TIME. BUT IT CHOPS IT UP SO BADLY AND IT IS SUCH  
25 AN IMPORTANT WITNESS, THAT IF THE COURT COULD CONSIDER IT --

26 MR. BARENS: YOUR HONOR, FOR CONTINUITY, I WILL BE  
27 HONEST WITH YOU. MY STRONG PREFERENCE WOULD BE TO JUST START  
28 WITH REEVES AT 10:30 TO TIE HIM BACK, TO TIE HIM BACK TO THE



1 LAST IMPRESSIONS GIVEN TODAY AND CONCLUDE WITH HIM.

2 I REPRESENT TO YOUR HONOR THAT IF HE WILL DO  
3 HIS HOMEWORK, I WILL NOT BE LONG WITH THIS GENTLEMAN AT ALL.  
4 I WILL SAVE ALL OF THE TIME THAT WE LOST TODAY, TOMORROW IF  
5 HE DOES HIS HOMEWORK.

6 THE COURT: WELL, AT ANY RATE, WHAT YOU WANT TO DO  
7 THEN, IS ADJOURN AT THIS TIME?

8 MR. WAPNER: IF IT IS ALL RIGHT WITH THE COURT, I  
9 WOULD APPRECIATE IT.

10 THE COURT: ALL RIGHT.

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

14 THE COURT: LADIES AND GENTLEMEN OF THE JURY, THERE  
15 IS SOME PROBLEM ABOUT SCHEDULING AND INTERRUPTING TESTIMONY.

16 WHAT I WILL DO THEN, IS TO ASK YOU TO LEAVE  
17 TONIGHT. THERE WON'T BE ANY FURTHER TESTIMONY.

18 THE SAME ADMONITION I GAVE YOU ABOUT SPEAKING  
19 AMONG YOURSELVES OR WITH THIRD PARTIES STILL APPLIES.

20 COME BACK TOMORROW MORNING AT 10:30 TO THE JURY  
21 ASSEMBLY ROOM AND WE WILL BE READY FOR YOU I THINK BY THAT  
22 TIME. THANK YOU. GOOD NIGHT.

23 (AT 3:58 P.M. AN ADJOURNMENT WAS TAKEN  
24 UNTIL WEDNESDAY, FEBRUARY 18, 1987;  
25 10:30 A.M.)  
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27  
28