

COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

BOOK
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Entered by
Date

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

SUPERIOR COURT
NO. A-090435

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

APPEARANCES:

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

FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 53 OF 101
(PAGES 7982 TO 8195 , 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.)

NO. A-090435)

JOSEPH HUNT,)

DEFENDANT.)

REPORTERS' DAILY TRANSCRIPT
THURSDAY, FEBRUARY 19, 1987

VOLUME 53

PAGES 7982 TO 8195, 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

1 SANTA MONICA, CALIFORNIA; THURSDAY, FEBRUARY 19, 1987; 10:40 A.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

5 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN.

6 YOU MAY PROCEED.

7 MR. WAPNER: THANK YOU, YOUR HONOR.
8

9 JEFFREY DAVID RAYMOND,
10 CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY
11 SWORN, TESTIFIED FURTHER AS FOLLOWS:

12 THE CLERK: EXCUSE ME JUST ONE SECOND.

13 YOU HAVE PREVIOUSLY BEEN SWORN. YOU ARE STILL
14 UNDER OATH.

15 IF YOU WOULD JUST STATE YOUR NAME AGAIN FOR THE
16 RECORD.

17 THE WITNESS: JEFFREY DAVID RAYMOND.
18

19 DIRECT EXAMINATION (RESUMED)

20 BY MR. WAPNER:

21 Q MR. RAYMOND, I BELIEVE WE LEFT OFF IN THE SPRING
22 AND SUMMER OF 1983.

23 BEFORE YOU EVEN GOT INVOLVED IN THE BBC, YOU WERE
24 AWARE THAT DAVE MAY HAD INVESTED SOME MONEY WITH JOE HUNT?

25 A YES.

26 Q AND HAD TOM MAY ALSO INVESTED SOME MONEY WITH
27 JOE HUNT?

28 A I BELIEVE HE INVESTED A LITTLE BIT LATER BUT HE

1 ENDED UP INVESTING, TOO.

2 Q DO YOU KNOW WHAT FORM THAT INVESTMENT TOOK, WHAT
3 IT WAS INVESTED IN?

4 A FINANCIAL FUTURES.

5 Q AND DURING THE SPRING AND SUMMER OF 1983, DID
6 YOU BECOME AWARE OF AN ASSOCIATION THAT JOE HUNT HAD WITH
7 SOMEONE NAMED RON LEVIN?

8 A LATER IN THE SUMMER I DID, YES.

9 Q HOW DID YOU HEAR ABOUT THAT?

10 A JOE WAS TALKING ABOUT THIS PERSON THAT HE MET
11 THROUGH A FRIEND THAT HAD A LOT OF MONEY.

12 MR. BARENS: YOUR HONOR, COULD WE HAVE A HEARSAY
13 OBJECTION, CONTINUING IN NATURE?

14 THE COURT: YES.

15 MR. BARENS: THANK YOU, YOUR HONOR.

16 THE COURT: GO AHEAD.

17 THE WITNESS: OKAY. THAT HE WAS TRYING TO GET HIM TO
18 INVEST INTO THE COMMODITIES MARKET.

19 Q BY MR. WAPNER: DID HE SAY WHAT HE WAS DOING IN
20 THAT REGARD?

21 A WELL, FIRST HE WAS MEETING SOCIALLY, TAKING HIM
22 OUT TO DINNER AND SO FORTH, TRYING TO GET HIM TO INVEST A
23 LOT OF MONEY WITH HIM.

24

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1 Q AND WHAT HAPPENED AFTER THAT?

2 A WELL, EVENTUALLY, RON LEVIN DID INVEST SOME MONEY
3 WITH JOE.

4 Q HOW DID YOU FIND THAT OUT?

5 A FIRST I HEARD IT FROM TOM MAY. THEN LATER ON,
6 JOE TALKED ABOUT IT AND BEN DOSTI.

7 Q DO YOU KNOW HOW MUCH MONEY?

8 A I WAS TOLD THE AMOUNT WAS ABOUT SIX OR SEVEN
9 MILLION DOLLARS.

10 Q WHAT ARRANGEMENT DID YOU KNOW, DID JOE HUNT HAVE
11 WITH THE PEOPLE -- WITH THE PEOPLE WHO INVESTED MONEY WITH
12 THEM?

13 A HE WAS TO SHARE 50 PERCENT OF THE PROFITS FROM
14 THE INVESTMENT.

15 Q WAS THAT THE ARRANGEMENT TO YOUR UNDERSTANDING,
16 THAT HE HAD WITH ALL OF HIS INVESTORS?

17 A YES.

18 Q DURING THE SPRING AND EARLY SUMMER OF 1983, HOW
19 DID THINGS APPEAR TO BE GOING AT THE OFFICES OF THE BBC?

20 A WELL, FINANCIAL FUTURES WERE DOING REALLY WELL.

21 Q HOW DO YOU KNOW THAT?

22 A JOE AND BEN WOULD ALWAYS BE CELEBRATING. THEY
23 WOULD SAY THEY MADE \$100,000 ONE DAY. I SAW JOE DO A
24 SOMERSAULT IN THE OFFICE, ONCE.

25 Q DO YOU WANT TO TELL US ABOUT THAT?

26 A HE JUST DID A FLIP AFTER THE MARKET CLOSED BECAUSE
27 HE MADE A LOT OF MONEY THAT DAY.

28 Q HE ACTUALLY DID A SOMERSAULT?

1 A YES.

2 Q WHAT ELSE HAPPENED TO INDICATE TO YOU THAT THEY
3 WERE MAKING A LOT OF MONEY?

4 A JOE, BEN AND DEAN STARTING BUYING NICER CLOTHES.
5 THEY SPENT A LOT MORE MONEY. THEY WERE LOOKING INTO BUYING
6 AN EXPENSIVE APARTMENT.

7 THEY JUST HAD A LOT MORE CASH IN THEIR WALLETS.
8 IT LOOKED LIKE THERE WAS A LOT MORE MONEY AROUND.

9 Q HOW MUCH OF THAT FLOWED DOWN TO YOU AT THAT POINT?

10 A NONE.

11 Q OR ANYBODY ELSE?

12 A NONE.

13 Q WHAT INDICATIONS DID YOU HAVE THINGS WERE GOING
14 WELL?

15 A WELL, JOE HIMSELF, WAS STATING HOW MUCH MONEY
16 HE WAS MAKING IN THE MARKET.

17 Q WHAT DID HE SAY?

18 A EVERY DAY HE WOULD SAY, "WE MADE \$40,000," OR
19 THAT THEY MADE A HUNDRED THOUSAND DOLLARS OR THEY WOULD ALWAYS
20 REPORT PROFITS EVERY DAY.

21 Q AND WHAT ELSE WAS GOING ON AT THE OFFICES?

22 A WE WERE ALSO TRYING TO START UP SOME COMPANIES.
23 THE CYCLATRONICS, WE WERE LOOKING FOR A WAREHOUSE SITE TO
24 BUILD IT. AND THERE WAS A FIRE SAFETY COMPANY WHICH HIS
25 FATHER WAS TRYING TO GET FUNDED.

26 Q WHOSE FATHER?

27 A JOE HUNT'S FATHER.

28 Q WHAT WAS THE FIRE SAFETY COMPANY ALL ABOUT?

1 A A FIRE RETARDANT THAT YOU SPRAYED ON WOOD SHINGLE
2 ROOFS SO THAT IT WOULD MAKE IT FIRE PROOF.

3 Q DID THE COMPANY GET OFF THE GROUND?

4 A WE BOUGHT INVENTORY AND RAN INTO SOME PROBLEMS.
5 THE FIRE MARSHAL DIDN'T APPROVE OF THE PRODUCT AFTER A WHILE.

6 Q WHAT ELSE WAS GOING ON IN TERMS OF THINGS AT
7 THE OFFICES DURING THAT TIME?

8 A I WOULD SAY THAT THERE WERE A LOT OF MEMBERSHIPS.
9 IT WAS SOCIAL, YOU KNOW, MORE PEOPLE GETTING INVOLVED. AND
10 THEY HAD DIFFERENT IDEAS THEY WERE BRINGING TO THE OFFICES.

11 Q HOW MANY PEOPLE DID YOU HAVE ANY ESTIMATION OF,
12 WERE INVOLVED DURING THAT TIME?

13 A JOE HUNT SAID THERE WAS THIRTY SOME MEMBERS AT
14 THAT TIME. BUT I NEVER SAW MORE THAN MAYBE 15 OR 16.

15 Q AND WERE YOU DURING THAT TIME -- WHAT WERE YOU
16 DOING?

17 A I WAS SPENDING TIME LOOKING FOR A LOCATION TO
18 BUILD THE CYCLATRON.

19 Q AND AT SOME POINT, DID YOU BECOME AWARE THAT
20 SOMETHING HAPPENED WITH THE MONEY, SOME OF THE COMMODITIES
21 MONEY?

22 A LATER IN THE SUMER, THERE WAS -- I WAS IN THE
23 OFFICE WITH DAVE AND TOM MAY AND JOE BROUGHT THEM INTO THE
24 OFFICE AND ANNOUNCED TO THEM HE LOST ALL THEIR MONEY THAT
25 HE WAS TRADING.

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1 Q DO YOU REMEMBER WHEN THAT WAS APPROXIMATELY?

2 A NO, I DON'T.

3 Q AND WHAT DID JOE HUNT SAY?

4 A HE JUST SAID THAT HE WAS TRADING THEIR MONEY AND
5 HE LOST IT ALL THAT DAY.

6 Q WHAT ELSE DID HE SAY AT THE TIME HE SAID HE LOST
7 IT ALL?

8 A WELL, WHEN THEY ASKED FOR AN EXPLANATION -- THEY
9 WERE UNDER THE IMPRESSION HE WAS TRADING SPREADS, WHICH YOU
10 BUY AND SELL AT THE SAME TIME SO YOUR RISK IS MINIMAL -- BUT
11 JOE SAID HE WENT TO OUTRIGHTS, WHICH IS UNLIMITED RISK AND
12 SO ONE DAY THEY LOST ALL THEIR INVESTMENT SO THEY THOUGHT --
13 LET'S SEE --

14 Q LET ME STOP YOU FOR ONE SECOND.

15 A OKAY.

16 Q DO YOU WANT TO GO A LITTLE MORE SLOWLY AND EXPLAIN
17 WHAT YOU MEAN BY A SPREAD?

18 A OKAY. A SPREAD IS WHEN YOU BUY -- BUY AND SELL
19 SOMETHING AT THE SAME TIME, AT DIFFERENT TIMES, YOU CAN BUY
20 A MARCH OPTION FOR A SECURITY AND THEN YOU SELL A JUNE OPTION
21 AND HE WAS BETTING ON THE DIFFERENCE IN THE PRICE FLUCTUATIONS
22 OVER TIME.

23 Q IS THAT A METHOD OF KIND OF HEDGING YOUR BETS
24 SO YOU KIND OF COVER BOTH SIDES OF ONE POSITION SO IF ONE
25 GOES UP AND THE OTHER GOES DOWN, YOU DON'T LOSE?

26 A YES, IT REDUCES IT DRAMATICALLY.

27 Q AT THE TIME THAT JOE HUNT WAS TELLING DAVID AND
28 TOM MAY ABOUT LOSING THE MONEY, WHAT DID HE SAY WITH REGARD

1 TO HOW IT WAS LOST?

2 A WELL, HE SAID HE HAD THIS GREAT OPPORTUNITY FOR
3 A -- HE KNEW THE MARKET WAS GOING TO GO UP AND HE BOUGHT AN
4 OUTRIGHT, WHICH MEANS HE DIDN'T COVER THE OTHER END OF IT,
5 HE JUST BOUGHT AN OUTRIGHT POSITION.

6 Q WHAT DID HE SAY HAPPENED?

7 A THAT THE MARKET HAD A DIP DOWN IN THE OTHER
8 DIRECTION AND HIS MARGIN WAS WIPED OUT.

9 HE SAID THAT CANTOR-FITZGERALD TRIPLED THE MARGIN.

10 Q WHO IS CANTOR-FITZGERALD NOW?

11 A THE BROKERAGE HOUSE.

12 MR. BARENS: EXCUSE ME, YOUR HONOR. MIGHT WE APPROACH?

13 THE COURT: ALL RIGHT.

14 MR. BARENS: I WOULD NOT TAKE UP YOUR TIME IF IT WASN'T
15 IMPORTANT.

16 THE COURT: YES, ALL RIGHT.

17 (THE FOLLOWING PROCEEDINGS WERE HELD

18 AT THE BENCH:)

19 MR. BARENS: YOUR HONOR, I AM CONCERNED ABOUT WHAT
20 APPEARS TO BE HEARSAY EVIDENCE AND I WANT TO MAKE SURE --

21 THE COURT: HE IS RELATING A CONVERSATION HE HAD WITH
22 JOE HUNT, THE DEFENDANT.

23 MR. BARENS: HE IS ALSO RELATING CONVERSATIONS AS TO
24 WHAT THE MAYS SAID AND HE IS STARTING TO TALK ABOUT WHAT THE
25 MAYS WERE THINKING, HE USED THAT EXPRESSION A MOMENT AGO.

26 I HAVE A SENSE, YOUR HONOR, THAT YOUR HONOR WOULD
27 BE DISPOSED TO ALLOW, DURING THE WITNESSES TESTIMONY ANY
28 STATEMENT MADE ABOUT JOE HUNT ABOUT ANYTHING. I DO WANT TO

1 CONTINUE MAKING HEARSAY OBJECTIONS.

2 THE COURT: I WILL SEE THAT YOU HAVE A CONTINUING
3 OBJECTION TO ANY STATEMENT THAT IS MADE BY ANY WITNESS ABOUT
4 WHAT JOE HUNT TOLD SOMEBODY ELSE, IS THAT WHAT YOU WANT?

5 MR. BARENS: YES, YOUR HONOR.

6 THE COURT: ALL RIGHT.

7 MR. BARENS: HOW SHOULD WE HANDLE, YOUR HONOR, ABOUT
8 HEARSAY STATEMENTS BY OTHER PERSONS THAN JOE HUNT?

9 YOUR HONOR, I DON'T WANT TO BELABOR WITH THESE
10 HEARSAY OBJECTIONS ABOUT THIRD-PARTY STATEMENTS AND I DON'T
11 WANT TO IRRITATE THE COURT BY MAKING THOSE OBJECTIONS.

12 I DON'T KNOW HOW TO HANDLE IT OTHERWISE.

13 THE COURT: YES?

14 MR. WAPNER: WELL, I DON'T KNOW WHY COUNSEL IS WORRIED
15 ABOUT IRRITATING THE COURT, IF HE HAS AN OBJECTION TO MAKE
16 HE SHOULD MAKE IT AND THEN THE COURT WILL RULE ON THE
17 OBJECTION. THAT IS HOW WE DO THINGS.

18 MR. BARENS: ALL RIGHT.

19 THE COURT: WHAT IS YOUR ANSWER TO HIS CONTENTION THAT
20 THESE ARE HEARSAY STATEMENTS?

21 MR. WAPNER: THE STATEMENTS THAT ARE MADE BY THE
22 DEFENDANT ARE IN THE NATURE OF ADMISSIONS SO IF THEY ARE
23 HEARSAY, THEY COME UNDER THE EXCEPTION TO THE HEARSAY RULE
24 FOR A PARTY'S ADMISSIONS.

25 MR. BARENS: EXCUSE ME, YOUR HONOR.

26 THE COURT: I DON'T WANT TO MAKE ANY RULING IN ADVANCE.

27 WHAT I AM TELLING YOU NOW IS THAT YOUR OBJECTION
28 TO THE STATEMENTS BEING MADE BY THIS WITNESS AS TO THE

1 CONVERSATIONS HAD WITH JOE HUNT ARE PERFECTLY PROPER AND I
2 AM GOING TO OVERRULE YOUR OBJECTION.

3 MR. BARENS: COULD I JUST RESPOND TO ONE POINT, YOUR
4 HONOR? WE DO NOT DEEM THESE ADMISSIONS IN ANY WAY BUT,
5 RATHER, INADMISSIBLE CHARACTER EVIDENCE BECAUSE THERE ARE
6 NO ADMISSIONS TO ANY CRIMINAL ACTIVITY BY THE STATEMENTS THAT
7 ARE BEING ATTRIBUTED TO HUNT NOW BY DISCUSSING WHETHER HE
8 HAD MADE MONEY IN THE MARKET IN 1983, SO I DON'T SEE IT AS
9 AN ADMISSION IN ANY WAY TO ANY CRIMINAL ACTIVITY.

10 THE COURT: I DON'T THINK IT IS A QUESTION OF ADMISSIONS.
11 I THINK IT IS A QUESTION OF THE OPERATION OF THIS ENTIRE
12 ORGANIZATION, THE BBC, AND HE IS JUST TESTIFYING TO SOME
13 ASPECTS OF IT. I WILL PERMIT IT TO GO IN.

14 MR. WAPNER: ALSO, JUST FOR THE RECORD, THE HEARSAY
15 EXCEPTIONS FOR ADMISSIONS OF A PARTY DON'T HAVE ANYTHING TO
16 DO WITH THE ADMISSION OF CRIMINAL ACTIVITY OR ADMISSION OF
17 WRONGDOING.

18 THE COURT: I AGREE.

19 MR. BARENS: THANK YOU, YOUR HONOR.
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1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 IN OPEN COURT IN THE PRESENCE AND
3 HEARING OF THE JURY:)

4 MR. WAPNER: AT THE TIME THAT MR. HUNT WAS EXPLAINING
5 TO DAVE AND TOM MAY ABOUT WHAT HAPPENED AT THE CANTOR-
6 FITZGERALD BROKERAGE HOUSE, YOU MENTIONED SOMETHING ABOUT
7 CANTOR-FITZGERALD TRIPLING THE MARGIN?

8 A YES.

9 Q WHAT DID HE SAY?

10 A HE SAID THAT HE WAS BLAMING THE BROKERAGE HOUSE
11 FOR SELLING THE POSITION OUT.

12 THEY SOLD IT AUTOMATICALLY BECAUSE THE MARGIN
13 WAS TRIPLED. THEY DIDN'T COVER THE MARGIN.

14 Q DO YOU KNOW WHAT THAT MEANS WHEN THEY SAY THAT
15 THE MARGIN WAS TRIPLED?

16 A WELL, THERE IS A MINIMUM AMOUNT --

17 MR. BARENS: OBJECTION, NO FOUNDATION FOR KNOWLEDGE.

18 THE COURT: IF YOU KNOW, YOU CAN TELL US. GO AHEAD.

19 THE WITNESS: THERE WAS A MINIMUM AMOUNT REQUIRED TO
20 KEEP IN YOUR ACCOUNT WHEN YOU ARE BORROWING MONEY OR IN CASE
21 OF OPTIONS, YOU HAVE TO KEEP A MINIMUM AMOUNT TO COVER THE
22 LOSSES, THE PARTICULAR LOSSES.

23 Q BY MR. WAPNER: AND DID JOE HUNT SAY WHAT
24 HAPPENED TO THE POSITION?

25 A THE POSITION WENT DOWN AND THE BROKERAGE HOUSE
26 SOLD OUT, SOLD IT AT A LOWER PRICE AND IT WAS TO BE WIPED OUT OF ALL
27 OF THE CASH THEY HAD, PLUS MORE. SO THEY ACTUALLY OWED THE
28 BROKERAGE HOUSE MORE MONEY.

1 Q DID JOE HUNT SEEM CONCERNED ABOUT THAT AT THE
2 TIME?

3 A YES. HE WAS CONCERNED BUT HE OFFERED A SOLUTION.

4 Q WHAT WAS THE SOLUTION THAT HE OFFERED?

5 A HE TOLD THEM AT THE TIME THAT HE WAS ALSO TRADING
6 RON LEVIN'S MONEY AND HAD THE SAME POSITION AND RON LEVIN
7 WAS ABLE TO COVER HIS MARGIN OR THAT HE HAD ENOUGH CASH IN
8 HIS ACCOUNT THAT IT WASN'T CALLED AND HE DOUBLED RON LEVIN'S
9 MONEY AT THE SAME TIME.

10 Q DID HE SAY AT THAT TIME, HOW MUCH MONEY HE WAS
11 ENTITLED TO BY DOUBLING RON LEVIN'S MONEY?

12 A THREE AND A HALF MILLION DOLLARS.

13 Q WHAT DID HE SAY TO THE MAY BROTHERS REGARDING
14 GETTING THEM THEIR MONEY?

15 A HE WAS GOING TO PAY BACK -- HE WAS GOING TO GIVE
16 THE MAYS THEIR MONEY THROUGH THE MONEY THAT HE EARNED THROUGH
17 THE TRADING OF RON LEVIN'S MONEY.

18 Q AND DID YOU EVER HEAR JOE HUNT MAKE ANY STATEMENTS
19 TO ANYBODY ELSE ABOUT MAKING MONEY FOR RON LEVIN?

20 A THERE WAS A BOARD MEETING WITH COGENCO, THE
21 COMPANY WE MERGED WITH. WE MERGED THE TWO COMPANIES TOGETHER
22 AND HE ANNOUNCED IN FRONT OF 100 PEOPLE -- HE WAS TALKING
23 ABOUT THE COMMODITIES. HE SAID THAT HE WAS TRADING 13 MILLION
24 DOLLARS AND THAT HE DOUBLED SOMEBODY'S -- I DON'T KNOW IF
25 HE MENTIONED RON LEVIN'S NAME SPECIFICALLY BUT HE WAS REFERRING
26 TO THAT ACCOUNT.

27 Q AND WAS COGENCO?

28 A IT WAS A COMPANY DOWN IN SAN CLEMENTE THAT WAS

-3

1 AN ENERGY COMPANY WE MERGED WITH.

2 Q JOE HUNT WAS TALKING TO THE SHAREHOLDERS OF THAT
3 COMPANY?

4 A YES.

5 Q AT THAT TIME, WHAT DID HE SAY?

6 A THEY ASKED HIM TO DESCRIBE WHAT THE BBC WAS AND
7 WHAT THEY DID AND HE WAS TALKING ABOUT HIS COMMODITIES
8 TRADING AND HE BROUGHT UP THE ACCOUNT WITH LEVIN, SAYING THAT
9 HE DOUBLED -- HE STARTED WITH 7 MILLION AND DOUBLED IT TO
10 14 MILLION.

11 Q TOWARD THE END OF THE YEAR IN 1983 -- WELL, DO
12 YOU REMEMBER WHEN THAT MEETING WAS, THE BOARD OF DIRECTORS
13 OR THE SHAREHOLDERS MEETING WITH COGENCO?

14 A NOVEMBER OR DECEMBER OF '83.

15 Q DID YOU DO ANYTHING WITH RESPECT TO THE COGENCO
16 COMPANY?

17 A YES.

18 Q WHAT?

19 A WE WENT DOWN THERE TO AUDIT THE BOOKS AND TO
20 LOOK -- AFTER THE MERGER, WE WENT THROUGH THE COMPANY AND
21 WE LOOKED AT THE PATENTS THAT THEY HAD AND WE TRIED TO GO
22 OVER THE BOOKS AND LOOK AT THE CASH FLOW AND TRIED TO SEE
23 WHAT WAS GOING ON.

24 Q WHEN YOU SAY "WE" WHO ARE YOU TALKING ABOUT?

25 A DAVE MAY AND MYSELF.

26 Q AND WHEN DID YOU DO THAT?

27 A NOVEMBER OR DECEMBER.

28 Q OF '83?

1 A YES.

2 Q THE COMPANY WAS LOCATED IN SAN CLEMENTE?

3 A SAN JUAN CAPISTRANO, I BELIEVE.

4 Q WHERE WERE YOU LIVING AT THAT TIME?

5 A ON BALBOA ISLAND. I LIVED WITH DAVE MAY ON
6 BALBOA ISLAND.

7 Q AND DID YOU LIVE IN A HOUSE OR AN APARTMENT?

8 A IT WAS A RENTED HOUSE.

9 Q WHO PAID FOR THE RENT ON THAT HOUSE?

10 A THE BBC DID.

11 Q IT WAS ON THE BEACH?

12 A BAY FRONT.

13 Q AND HOW LONG DID YOU STAY IN THAT HOUSE?

14 A WE WERE THERE I THINK, THREE MONTHS OR TWO MONTHS.

15 Q AND WHEN YOU LEFT THAT HOUSE, WHERE DID YOU GO?

16 A MOVED BACK UP TO L.A.

17 Q WHERE DID YOU MOVE?

18 A I MOVED INTO DAVE'S APARTMENT UNTIL FEBRUARY.

19 THEN I MOVED INTO THE MANNING.

20 MR. WAPNER: MAY I HAVE A MOMENT?

21 THE COURT: THE MANNING? YOU MEAN THE WILSHIRE MANNING?

22 THE WITNESS: YES.

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1 Q BY MR. WAPNER: WHEN WAS IT THAT YOU MOVED INTO
2 THE WILSHIRE MANNING?

3 A FEBRUARY.

4 Q HOW DID YOU COME TO MOVE INTO THE MANNING?

5 A THERE WAS A THIRD ROOMMATE, I DON'T RECALL HIS
6 NAME NOW, BUT HE MOVED OUT AND THERE WAS AN EMPTY ROOM AND
7 JOE ASKED ME TO MOVE IN.

8 Q JOE HAD ASKED YOU TO MOVE IN?

9 A YES.

10 Q AND DID YOU DO THAT?

11 A YES.

12 Q AND WHEN YOU MOVED INTO THE MANNING, WHAT WERE
13 YOU DOING IN TERMS OF WORK?

14 A AT THE TIME WE WERE -- WE HAD RENTED THE WAREHOUSE
15 DOWN IN GARDENA AND WE WERE STARTING TO BUILD THE CYCLATRON.

16 Q AT THE TIME THAT YOU --

17 YOUR HONOR, I HAVE TWO PHOTOGRAPHS WHICH I WOULD
18 LIKE TO HAVE MARKED COLLECTIVELY AS 183 FOR IDENTIFICATION;
19 ONE APPEARS TO BE A PICTURE OF AN APARTMENT BUILDING AND THE
20 OTHER APPEARS TO BE THE PICTURE OF THAT SAME BUILDING.

21 THE COURT: 183, THEY WILL BE SO MARKED.

22 Q BY MR. WAPNER: MR. RAYMOND, SHOWING YOU THESE
23 TWO PHOTOGRAPHS THAT ARE MARKED 183 FOR IDENTIFICATION, DO
24 YOU RECOGNIZE THOSE?

25 A YES.

26 Q WHAT ARE THEY?

27 A THAT IS THE WILSHIRE MANNING.

28 Q AND WHAT FLOOR OF THAT APARTMENT BUILDING DID

1 YOU LIVE ON?

2 A THE 15TH.

3 Q WAS THAT AN APARTMENT BUILDING OR CONDOMINIUM
4 COMPLEX?

5 A THEY WERE CONDOS BUT YOU COULD RENT THEM OUT,
6 TOO.

7 Q WAS THE BBC RENTING THE ONE THAT YOU LIVED IN?

8 A YES.

9 Q WHAT WAS THE NUMBER OF THE UNIT THAT YOU LIVED
10 IN?

11 A 1505.

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A-1 1 Q AFTER YOU MOVED INTO THE MANNING, DO YOU EVER
2 REMEMBER SEEING A PERSON DEPICTED IN THIS PHOTOGRAPH THAT
3 IS PEOPLE'S 175?

4 A YES.

5 Q AND WHEN DID YOU FIRST SEE OR MEET THIS PERSON?

6 A I BELIEVE I MET HIM AROUND DECEMBER WHEN JOE --
7 WHEN THEY FIRST MOVED IN THE MANNING, IT WAS NOVEMBER,
8 DECEMBER, AND JOE BROUGHT HIM TO THE THIRD STREET OFFICES
9 AND INTRODUCED HIM TO EVERYONE THERE.

10 Q SO THAT WAS ACTUALLY BEFORE YOU MOVED IN?

11 A YES.

12 Q HOW WAS HE INTRODUCED TO YOU, BY WHAT NAME?

13 A JIM GRAHAM.

14 Q WAS THAT THE NAME THAT YOU ALWAYS KNEW HIM BY?

15 A YES.

16 THE COURT: GRAHAM, IS THAT G-R-A-H-A-M?

17 THE WITNESS: YES.

18 Q BY MR. WAPNER: AND WHEN YOU WERE INTRODUCED TO
19 HIM BY JOE HUNT, WHAT DID JOE SAY?

20 A HE JUST INTRODUCED HIM BY HIS NAME AND SAID THAT
21 HE WAS A SECURITY GUARD AT THE MANNING, I BELIEVE.

22 Q AND FROM THE TIME THAT YOU FIRST MET HIM, WHAT
23 CONTACT DID YOU HAVE WITH HIM AFTER THAT?

24 A WELL, AT FIRST I DIDN'T SEE HIM VERY MUCH AND
25 THEN AROUND -- WHEN I MOVED IN, HE WOULD COME OVER TO THE
26 MANNING AND TEACH HIM KARATE LESSONS.

27 Q WHEN YOU MOVED INTO THE MANNING, WHAT WAS
28 MR. GRAHAM -- WAS MR. GRAHAM STILL WORKING THERE?

1 A NO.

2 HE STARTED WORKING FOR THE BBC.

3 Q WHEN DID HE START TO WORK FOR THE BBC?

4 A I BELIEVE AROUND THE BEGINNING OF THE YEAR.

5 Q OF 1984?

6 A YES.

7 Q WHAT DID HE DO FOR THE BBC?

8 A HE WAS TO HELP US WITH IMPORTING CARS.

9 Q AND DID THE BBC HAVE A COMPANY FOR THAT PURPOSE?

10 A YES, WESTCARS, INC., OR SOMETHING LIKE THAT.

11 Q AND YOU MENTIONED THAT MR. GRAHAM CAME OVER TO

12 GIVE KARATE LESSONS?

13 A YES.

14 Q WHERE DID HE COME?

15 A TO THE WILSHIRE MANNING.

16 Q WHAT PART OF THE BUILDING?

17 A IN OUR LIVING ROOM. WE HAD A BLUE DUMMY THAT

18 THEY WOULD PRACTICE ON IN THE LIVING ROOM.

19 Q WHOM DID HE GIVE KARATE LESSONS TO?

20 MR. BARENS: WE HAVE AN OBJECTION AS TO RELEVANCY IN

21 THIS AREA.

22 THE COURT: OVERRULED.

23 MR. BARENS: THANK YOU, YOUR HONOR.

24 Q BY MR. WAPNER: WHO DID HE GIVE KARATE LESSONS

25 TO?

26 A JOE HUNT, DEAN KARNY; TOM MAY, I THINK, TOOK SOME.

27 Q UP UNTIL THE TIME YOU SAW JOE HUNT TAKING KARATE

28 LESSONS, HAD YOU EVER SEEN HIM DO ANY KIND OF PHYSICAL

1 ACTIVITY OR EXERCISE OR ANYTHING?

2 A NO.

3 Q DID YOU EVER SEE HIM DO ANY OTHER KINDS OF PHYSICAL
4 ACTIVITY OR EXERCISES BESIDES THE KARATE LESSONS?

5 A NO.

6 Q AND HOW OFTEN WOULD MR. GRAHAM GIVE JOE HUNT AND
7 DEAN KARNY THESE KARATE LESSONS?

8 A A FEW TIMES A WEEK.

9 Q HOW LONG DID THAT GO ON?

10 A FOR A FEW MONTHS.

11 Q BEFORE THE PERSON YOU KNEW AS MR. GRAHAM CAME
12 ON THE SCENE AT THE BBC, HAD YOU SEEN ANY WEAPONS OF ANY TYPE
13 ASSOCIATED WITH THE BBC?

14 A NO.

15 Q DID YOU SEE ANY CLANDESTINE-TYPE TAPE RECORDERS
16 OR ANYTHING LIKE THAT BEFORE MR. GRAHAM CAME ON THE SCENE?

17 A NO.

18 Q AND AFTER YOU HAD BEEN INTRODUCED TO MR. GRAHAM,
19 DID YOU EVER SEE ANY -- DID YOU SEE MR. GRAHAM IN POSSESSION
20 OF ANY WEAPONS?

21 A YES.

22 Q WHAT KIND?

23 A HE -- HE HAD A DERRINGER STRAPPED TO HIS ANKLE
24 THAT HAD FOUR BARRELS ON IT AND HE HAD A PEN GUN THAT HE
25 SHOWED US.

26 Q CAN YOU DESCRIBE WHAT YOU MEAN BY A PEN GUN.

27 A IT LOOKED LIKE A REAL FAT BALL-POINT PEN AND HE
28 SAID IT LOOKS LIKE A TOY BUT IT WAS A GUN.

A-1

1 Q DID YOU EVER SEE HIM SHOOT IT?

2 A NO.

3 Q WHAT ABOUT THE OTHER GUN THAT YOU SAY HE HAD
4 STRAPPED TO HIS ANKLE? DID YOU EVER SEE HIM SHOOT THAT?

5 A NO.

6 Q DID YOU SEE HIM SHOOT ANY GUN?

7 A YES. HE HAD A SMALL, BLACK, AUTOMATIC GUN THAT
8 I SAW HIM SHOOT.

9 Q WHERE DID YOU SEE HIM SHOOT THAT?

10 A AT THE WAREHOUSE IN GARDENA.

11 Q DO YOU KNOW ANYTHING ABOUT GUNS?

12 A VERY LITTLE.

13 Q DID YOU EVER SEE THE GUN CLOSE UP?

14 A YES.

15 Q DO YOU KNOW WHAT CALIBER IT WAS?

16 A NO.

17 MR. BARENS: WE HAVE AN OBJECTION, 1100 AND 352, TO
18 THE GUN TESTIMONY.

19 THE COURT: OVERRULED.

20 MR. BARENS: THANK YOU. FOR THE RECORD, YOUR HONOR.

21 THE COURT: YES.

22 Q BY MR. WAPNER: AND DURING THE TIME THAT -- WELL,
23 LET ME PHRASE THE QUESTION THIS WAY.

24 WERE YOU EVER PRESENT AT THE WILSHIRE MANNING
25 WHEN A PHONE CALL CAME IN THAT YOU THOUGHT WAS SOMEWHAT
26 UNUSUAL?

27 A YES.

28 Q WHEN WAS THAT?

A-2

1 A PROBABLY AROUND MAY OR JUNE OF 1984.

2 Q AND WHAT HAPPENED?

3 A JIM'S WIFE CALLED AND ASKED FOR --

4 MR. BARENS: OBJECTION TO THE TESTIMONY ABOUT WHAT WE
5 ARE GOING TO HEAR ABOUT WHAT JIM'S WIFE SAID ON A PHONE CALL.

6 THE COURT: OVERRULED.

7 MR. BARENS: THANK YOU, YOUR HONOR.

8 THE WITNESS: JIM'S WIFE ASKED FOR JOE. JOE WAS NOT
9 THERE.

10 SHE GAVE ME A MESSAGE TO TELL HIM WHEN HE GOT
11 IN. IT WAS LIKE, "TELL HIM, GREEN, BLUE, RED."

12 Q BY MR. WAPNER: ALL RIGHT.

13 A SHE SAID TO TELL HIM WHATEVER THAT MEANS.

14 Q DID JOE HUNT COME IN AT SOME POINT LATER?

15 A YES.

16 Q WHAT DID YOU DO?

17 A I TOLD HIM THE MESSAGE.

18 Q WHAT DID HE DO?

19 A HE GRABBED HIS COAT AND RAN OUT OF THE HOUSE AS
20 FAST AS HE COULD AND TOOK OFF.

21 Q DID YOU SEE HIM AGAIN?

22 A YES. HE SHOWED UP AT THE MANNING WITH JIM ABOUT
23 HALF AN HOUR LATER.

24 THE COURT: BY JIM, WHO DO YOU MEAN?

25 THE WITNESS: JIM GRAHAM.

26 Q BY MR. WAPNER: WHAT HAPPENED WHEN THEY CAME BACK?

27 A JIM WAS LAUGHING ABOUT IT. I OVERHEARD HIM SAYING
28 THAT IT TOOK 17.7 SECONDS, THE TIME. I GOT THE IMPRESSION

A-3
1 THAT THEY HAD SOME SECRET CODE AND RENDEZVOUS SET UP AND JIM
2 WAS TESTING JOE.

3 MR. BARENS: YOUR HONOR, I OBJECT TO THAT. I MAKE A
4 MOTION TO STRIKE.

5 THE COURT: OVERRULED. THE MOTION TO STRIKE IS DENIED.

6 MR. BARENS: THANK YOU.

7 Q BY MR. WAPNER: AND I WANT YOU TO CONTINUE NOW
8 WITH WHAT HAPPENED. DID YOU EVER SEE ANY OF THE MONEY FROM --
9 OR ANY EVIDENCE OF THE MONEY THAT JOE HAD CLAIMED THAT HE
10 HAD OBTAINED FROM RON LEVIN?

11 A NO.

12 Q DID JOE HUNT EVER MAKE ANY STATEMENTS TO YOU ABOUT
13 THAT?

14 A ABOUT THE ACTUAL CASH OR THE TRADING OF THE
15 ACCOUNT?

16 Q EITHER.

17 A I SAW THE -- HE NEVER RECEIVED THE MONEY FROM
18 RON LEVIN.

19 Q HOW DO YOU KNOW THAT?

20 A WELL, IT TOOK SEVERAL MONTHS TO FIGURE THAT OUT.
21 AT FIRST, AFTER --

22 Q WELL, WHAT IS THE FIRST THING THAT HAPPENED?

23 A WELL, THERE WAS A MEETING THAT I DIDN'T ATTEND,
24 WHERE HE WAS SUPPOSED TO DIVVY UP THE PROFITS FROM THE RON
25 LEVIN TRADING, THE THREE AND A HALF MILLION DOLLARS.

26 Q AFTER THAT, WHAT?

27 A WELL, I ASKED DAVE AND TOM WHAT AMOUNT THEY WERE
28 TO GET AND THEY -- I DON'T RECALL THE NUMBER NOW. BUT THEY

1 ENDED UP NEVER GETTING IT.

2 Q WHAT HAPPENED AFTER THAT?

3 A WELL FIRST, THEY WERE TO RECEIVE CASH. THEN
4 THERE WAS A SHOPPING CENTER THEY SAID THEY WERE GOING TO --

5 MR. BARENS: OBJECTION.

6 THE COURT: WE'LL HAVE A CONTINUING OBJECTION SO THAT
7 YOU DON'T HAVE TO INTERRUPT THE TESTIMONY AS TO ANY
8 CONVERSATIONS THAT HE HAD WITH ANYBODY BUT JOE HUNT. ALL
9 RIGHT?

10 MR. BARENS: YOUR HONOR, FOR THE RECORD, MY OBJECTION
11 SPECIFICALLY IS FOR HEARSAY STATEMENTS OF PARTIES -- IN OTHER
12 WORDS, TESTIMONY OF PARTIES OTHER THAN MR. HUNT AS BEING
13 REFERENCED THAT THE COURT IS PERMITTING.

14 WE HAVE A SPECIFIC HEARSAY OBJECTION TO EACH
15 AND EVERY STATEMENT OF EACH AND EVERY PERSON IDENTIFIED, AS
16 THOUGH THE OBJECTION WAS MADE AT THAT PARTICULAR TIME DURING
17 THE PROCEEDINGS.

18 THE COURT: ALL RIGHT.

19 MR. BARENS: THANK YOU.

20 THE COURT: GO AHEAD.

21 Q BY MR. WAPNER: ALL RIGHT. WERE YOU TOLD BY
22 DAVE AND TOM MAY OF THIS MEETING WHERE THEY WERE SUPPOSED
23 TO DIVVY UP THE PROFITS?

24 A WELL, WAS I TOLD ABOUT THE MEETING?

25 Q YES.

26 A YES.

27 Q AND HOW DID YOU FIND OUT ABOUT THIS SHOPPING
28 CENTER?

1 A LATER ON, TOM SAID THAT -- TOM TOLD ME THAT LEVIN
2 WAS NOT GIVING UP THE CASH, THAT HE INSTEAD, INVESTED IT IN
3 THE SHOPPING CENTER. HE WAS TO RECEIVE A PERCENTAGE OWNERSHIP
4 IN THE SHOPPING CENTER FOR COMPENSATION.

5 Q WHAT HAPPENED AFTER THAT?

6 A THERE WAS -- IT TOOK ABOUT A MONTH OR TWO AND
7 THEY WERE WAITING FOR DOCUMENTS FROM THE ATTORNEY'S OFFICE
8 AND CONTRACTS, BUT THEY NEVER MATERIALIZED.

9 Q AND AT THAT PARTICULAR TIME, WHAT HAPPENED?

10 A WELL FINALLY, I THINK IT WAS IN FEBRUARY --
11 JANUARY OR FEBRUARY, THAT JOE HUNT REALIZED HE WAS NEVER GOING
12 TO SEE ANY MONEY FROM RON LEVIN.

13 Q HOW DO YOU KNOW THAT?

14 A HE STATED SO HIMSELF.

15 Q DID HE SAY THAT TO YOU?

16 A I HAD A CONVERSATION WITH HIM ABOUT THE -- IT
17 WAS ABOUT THE MONEYS.

18 AND HE SAID THAT HE REALIZED THAT HE WOULDN'T
19 GET IT DIRECTLY FROM RON LEVIN, THAT HE WAS NOT GOING TO PAY
20 HIM THE MONEY.

21 Q HE SAID THAT TO YOU?

22 A YES.

23 Q WHERE DID THAT CONVERSATION TAKE PLACE?

24 A I THINK IT OCCURRED IN THE BACK OF A JEEP ON
25 THE WAY HOME FROM THE OFFICE.

26 Q WHEN HE TOLD YOU THAT HE REALIZED RON LEVIN WAS
27 NOT GOING TO PAY HIM THE MONEY, WHAT DID YOU DO OR SAY?

28 A WELL, THERE WERE SOME OTHER THINGS THAT HAPPENED

1 PRIOR TO THIS ABOUT RON LEVIN. I REALLY DIDN'T LIKE DOING
2 BUSINESS WITH HIM.

3 Q SUCH AS WHAT?

4 A WELL, HE WAS ARRESTED FOR A VIDEO SCAM WHEN HE
5 GAVE A BAD CHECK.

6 Q HOW DID YOU FIND OUT ABOUT THAT?

7 A I FIRST HEARD IT THROUGH -- I THINK JOE HUNT
8 OR BEN DOSTI TOLD ME. BUT THEN THERE WAS AN ARTICLE IN THE
9 PAPER ABOUT IT.

10 Q WHERE DID YOU SEE THE ARTICLE IN THE PAPER?

11 A IN THE L.A. TIMES.

12 Q DID YOU SEE IT ON YOUR OWN OR WAS IT POINTED
13 OUT TO YOU?

14 A I BELIEVE IT WAS SHOWN TO ME.
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1 Q WHO SHOWED IT TO YOU?

2 A I THINK MY GIRLFRIEND DID.

3 Q DO YOU KNOW IF JOE HUNT EVER SAW THAT ARTICLE?

4 A NO.

5 Q AND DO YOU KNOW WHETHER HE WOULD HAVE -- WELL,
6 STRIKE THAT.

7 WHAT ELSE WITH REGARD TO --

8 DID JOE HUNT EVER SAY ANYTHING TO YOU ABOUT
9 WHETHER HE HAD -- ABOUT LEVIN BEING ARRESTED?

10 MR. BARENS: YOUR HONOR, PERHAPS WE SHOULD HAVE A
11 FOUNDATION IN TERMS OF TIME AND PLACE.

12 THE COURT: YES, I THINK SO.

13 MR. BARENS: AND THE USUAL STUFF.

14 THE COURT: I THINK YOU MIGHT INDICATE THAT, PLEASE.

15 MR. WAPNER: WELL, IF HE DIDN'T MAKE THE STATEMENT,
16 THEN WE DON'T NEED TO GET THE FOUNDATION.

17 THE COURT: ALL RIGHT.

18 Q BY MR. WAPNER: DID JOE HUNT EVER TELL YOU ANY-
19 THING ABOUT WHETHER HE KNEW RON LEVIN WAS ARRESTED?

20 A NO.

21 Q SO MUCH FOR THE FOUNDATION.

22 AND WHAT ELSE HAPPENED WITH LEVIN THAT YOU WERE
23 AWARE OF?

24 A WELL, IT WAS MORE PERSONALITY. JOE WAS
25 DESCRIBING RON LEVIN'S PERSONALITY AS A CONNIVER, MANIPULATOR
26 AND HE TALKED ABOUT AN OPTION ON HIS HOUSE WHERE RON LEVIN
27 WROTE ON THE BACK OF A CHECK SAYING THAT "IF YOU CASH THIS
28 CHECK, I AM ENTITLED TO BUY YOUR HOUSE" AND THE LADY HAD CASHED

1 IT SO HE HAD AN OPTION. SO HE WAS VERY MANIPULATIVE AND
2 NOT A VERY TRUSTWORTHY PERSON.

3 Q SO WHEN JOE HUNT TOLD YOU THAT HE WASN'T GOING
4 TO GET THE MONEY --

5 A YES.

6 Q -- FROM LEVIN, WHAT DID YOU SAY?

7 A OH, I SAID I -- I DIDN'T EXPECT IT AT THAT TIME
8 FROM ALL OF THE OTHER THINGS THAT WERE HAPPENING AND I SAID
9 " WELL --"

10 Q YOU DIDN'T EXPECT WHAT?

11 A TO GET ANY MONEY FROM RON LEVIN, IT WASN'T
12 CONSISTENT WITH HIS PERSONALITY AFTER WHAT JOE WAS DESCRIBING,
13 AS JOE DESCRIBED HIM.

14 Q WHAT DID YOU SAY?

15 A WELL, FIRST I SAID "WELL, THAT IS FINE. WE
16 SHOULDN'T BE DOING BUSINESS WITH THAT TYPE OF PERSON ANYWAYS."
17 AND --

18 Q WHAT DID JOE HUNT SAY?

19 A HE SAID "DON'T WORRY ABOUT IT. I WILL TAKE CARE
20 OF IT."

21 I DON'T KNOW EXACTLY BUT ESSENTIALLY HE SAID
22 THAT HE WOULD -- THAT WE WOULDN'T DEAL WITH RON LEVIN ANYMORE.
23 HE WOULD TAKE CARE OF THE MONEY THAT HE OWED US.

24 MR. BARENS: YOUR HONOR, COULD WE GET A FOUNDATION
25 ON THAT, YOUR HONOR?

26 Q BY MR. WAPNER: WHERE DID THAT CONVERSATION
27 TAKE PLACE?

28 A THAT WAS IN THE JEEP COMING FROM THE OFFICE.

1 THE COURT: WHEN WAS THAT NOW?

2 THE WITNESS: LIKE FEBRUARY.

3 Q BY MR. WAPNER: GOING FROM THE OFFICES ON THIRD
4 STREET?

5 A YES.

6 MR. WAPNER: YOUR HONOR, I HAVE ANOTHER PHOTOGRAPH
7 I WOULD LIKE TO MARK AS 184 FOR IDENTIFICATION.

8 THE COURT: ALL RIGHT.

9 Q BY MR. WAPNER: IT APPEARS TO BE A PICTURE OF
10 AN OFFICE BUILDING, YOUR HONOR.

11 MR. RAYMOND, I AM GOING TO PUT THIS PICTURE UP
12 ON THE BOARD AND ASK YOU IF YOU RECOGNIZE THIS PICTURE,
13 PEOPLE'S 184?

14 A YES.

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1 Q WHAT IS THAT?

2 A THAT IS THE OFFICE ON THIRD STREET.

3 Q AND WAS IT ON YOUR WAY BACK IN A JEEP LEAVING
4 THAT OFFICE THAT THE CONVERSATION YOU HAVE JUST RELAYED TOOK
5 PLACE?

6 A YES.

7 Q DO YOU REMEMBER WHERE YOU WERE GOING?

8 A NOT EXACTLY, NO.

9 Q WHOSE JEEP WAS IT?

10 A JOE'S.

11 Q WHAT COLOR WAS IT?

12 A BLACK.

13 Q AND DO YOU REMEMBER WHEN IN FEBRUARY THAT
14 CONVERSATION TOOK PLACE?

15 A NO.

16 Q DURING THE LATE WINTER AND EARLY SPRING OF 1984,
17 WAS THERE ANY EVIDENCE THAT YOU COULD SEE OF COMMODITY
18 TRADING ACTUALLY GOING ON?

19 A WHAT TIME PERIOD WAS THAT?

20 Q IN THE LATE WINTER AND EARLY SPRING, FEBRUARY,
21 MARCH, APRIL OF --

22 A I NEVER SAW ANY.

23 I NEVER WENT TO THE BROKERAGE HOUSE. I ONLY
24 HEARD STORIES ABOUT THE TRADING SO I NEVER KNEW.

25 Q DURING THAT TIME WAS JOE HUNT --

26 WHEN YOU WERE LIVING AT THE MANNING, DID HE APPEAR
27 TO GET UP EARLY?

28 A WHEN I FIRST MOVED IN, HE WAS ALWAYS GONE EARLY,

1 IT SEEMED LIKE HE WAS ALWAYS GONE EARLY IN THE MORNING.

2 Q THAT IS WHEN YOU FIRST MOVED IN?

3 A FEBRUARY.

4 Q HOW LONG DID IT SEEM HE WAS GONE EARLY IN THE
5 MORNING?

6 A JUST A MONTH OR TWO.

7 Q WHAT DO YOU MEAN EARLY IN THE MORNING?

8 A NO MATTER WHAT TIME I GOT UP, HE SEEMED TO BE
9 GONE.

10 HE SAID HE WAS LEAVING TO TRADE AT 5:00 IN THE
11 MORNING IS WHEN HE SAID HE GOT UP.

12 Q AND TO TRADE, MEANING TO TRADE COMMODITIES?

13 A YES.

14 Q DID THAT STOP AT SOME POINT?

15 A YES, IT DID.

16 Q WHEN?

17 A PROBABLY AROUND APRIL, MARCH, APRIL, MAY.

18 Q YOU DON'T REMEMBER EXACTLY?

19 A NO.

20 Q WHEN YOU SAID IT STOPPED, WHAT DO YOU MEAN, WHAT
21 DID YOU NOTICE?

22 A WELL, WHEN I WOULD GET UP AT AROUND 8:00 O'CLOCK,
23 HE WOULD STILL BE IN THE APARTMENT, OR I WOULD COME HOME AND
24 HE WOULD BE AROUND THE APARTMENT UNDRESSED.

25 Q WHEN YOU SAY YOU WOULD COME HOME, WHAT TIME?

26 A WELL, IF I WOULD COME HOME SOMETIMES FOR LUNCH,
27 DEPENDING, IT WOULD BE VARIOUS TIMES THAT HE WAS JUST AROUND
28 THE HOUSE MORE, NOT DOING AS MUCH.

1 Q AND DID YOU EVER INVEST MONEY WITH JOE HUNT?

2 A YES, I DID.

3 Q HOW MUCH?

4 A \$20,000.

5 Q WHEN DID YOU DO THAT?

6 A AROUND APRIL.

7 Q WHY?

8 A WHY?

9 I THOUGHT I WAS GOING TO MAKE SOME MONEY.

10 Q WHAT WERE YOU TOLD ABOUT HOW THE COMMODITY
11 TRADING WAS GOING AT THAT TIME?

12 A I HEARD IT WAS GOING TO -- IT WAS DOING REALLY
13 WELL, THAT THEY HAD SOME GOOD POSITIONS AND THEY THOUGHT THEY
14 WERE GOING TO MAKE A LOT OF MONEY.

15 Q WHO TOLD YOU THAT?

16 A JOE HUNT.

17 Q DO YOU REMEMBER WHEN IN APRIL YOU INVESTED THE
18 MONEY?

19 A NO.

20 THE COURT: WHOM DID YOU GIVE THE MONEY TO?

21 THE WITNESS: JOE HUNT.

22 THE COURT: AND WAS THAT DEPOSITED IN ANY PARTICULAR
23 ACCOUNT THAT YOU KNOW OF?

24 THE WITNESS: WELL, WHEN I -- IT WAS SOME STOCK I
25 CASHED AND JOE ASKED ME TO MAKE THE CHECK OUT. IT HAD TO
26 BE A CASHIER'S CHECK AND I BELIEVE IT WAS TO FINANCIAL FUTURES
27 THE CHECK WAS MADE TO.

28 Q BY MR. WAPNER: FINANCIAL FUTURE TRADINGS

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CORPORATION?

A YES.

BUT I HANDED THE CHECK TO JOE.

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1 Q WHAT WAS FINANCIAL FUTURES?

2 A THAT WAS THE CORPORATION AS I UNDERSTAND IT, THAT
3 WAS TRADING, THAT HAD ALL OF THE MONEY AND WAS TRADING THE
4 COMMODITIES.

5 Q WAS THAT ONE OF THE BBC COMPANIES?

6 A YES.

7 THE COURT: DID YOU EVER GET YOUR MONEY BACK?

8 THE WITNESS: NO.

9 Q BY MR. WAPNER: AND YOU DON'T KNOW WHAT HAPPENED
10 TO IT, AFTER YOU GAVE IT TO JOE HUNT?

11 A WELL, I WAS TOLD THAT HE LOST IT IN THE MARKET.

12 Q WHO TOLD YOU THAT?

13 A JOE HUNT.

14 Q THAT WAS SOME TIME LATER?

15 A YES.

16 Q OKAY. WE'LL COME BACK TO THAT.

17 AND AFTER YOU INVESTED THE MONEY, YOU WERE STILL
18 WORKING AT THE PLANT IN GARDENA?

19 A YES.

20 Q WHAT WAS THE NAME OF THE COMPANY THAT --

21 A AT FIRST IT WAS CALLED CYCLATRONICS AND THEN IT
22 WAS CHANGED TO MICROGENESIS.

23 Q AND WERE YOU BUILDING OR HELPING GENE BROWNING
24 BUILD THE ATTRITION MILL?

25 A YES.

26 Q WHO WAS WORKING DOWN THERE BESIDES YOU AND GENE
27 BROWNING?

28 A DAVE MAY WAS AND THE WAREHOUSE ALSO HOUSED

1 WESTCARS, INC. AND STEVE TAGLIANETTI WORKED THERE AND
2 SOMETIMES JIM GRAHAM.

3 Q THAT WAS ANOTHER ONE OF THE BBC COMPANIES?

4 A YES.

5 Q AND WHAT WAS THE PURPOSE OF THAT COMPANY?

6 A THEY WERE IMPORTING CARS FROM EUROPE AND LEGALIZING
7 THEM FOR THE U.S.

8 Q WHAT TYPES OF CARS, GENERALLY?

9 A PORSCHE AND MERCEDES AND BMW'S.

10 THE COURT: WELL, TELL US WHAT LEGALIZING IT MEANS.

11 MR. WAPNER: YOUR HONOR, PERHAPS WE DON'T NEED TO GET
12 INTO THAT SO MUCH. I HAVE ANOTHER WITNESS WHO WILL EXPLAIN
13 MORE ABOUT IT.

14 THE COURT: ALL RIGHT.

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1 MR. WAPNER: THANK YOU.

2 Q AND STEVE TAGLIANETTI WAS WORKING DOWN AT THE
3 WAREHOUSE AT THAT TIME FOR WESTCARS?

4 A YES.

5 Q DID THE PERSON YOU KNEW AS MR. GRAHAM, WORK DOWN
6 AT THE WAREHOUSE?

7 A YES.

8 Q WHAT WAS HIS JOB?

9 A HE WAS TO HELP WITH WESTCARS AND ALSO HELP WITH
10 SECURITY DOWN THERE.

11 Q AND WAS THERE ANY DISCUSSION -- DID YOU HEAR ANY-
12 THING UP TO THAT POINT, SAY THE SPRING OF 1984, ABOUT
13 PARADOX PHILOSOPHY?

14 A UP UNTIL THE SPRING OF '84?

15 Q YES.

16 A ON AND OFF.

17 Q WHEN YOU FIRST KNEW TOM AND DAVE MAY, THEY WERE
18 FAIRLY CLOSE?

19 A YES.

20 Q AND DURING THE TIME THAT YOU WERE WORKING IN THE
21 WAREHOUSE, WHERE WAS TOM MAY WORKING?

22 A IN THE OFFICES ON THIRD STREET.

23 Q AND WAS THERE A GENERAL -- WHAT WAS THE GENERAL
24 PHILOSOPHY OF THE BBC GROUP IN TERMS OF PEOPLE WORKING AND
25 HOW THEY WOULD GET COMPENSATED IN THAT KIND OF THING?

26 MR. BARENS: OBJECTION. I THINK THE GENERAL PHILOSOPHY
27 IS IRRELEVANT.

28 THE COURT: OVERRULED.

1 MR. BARENS: THANK YOU.

2 THE WITNESS: WELL, THE PRINCIPLE WAS -- THAT EVERYONE
3 WAS WORKING FOR WAS, THAT THE AMOUNT OF EFFORT OR THE WORK
4 THAT YOU DO, YOU ARE REWARDED FOR IT IN RELATIONSHIP TO OTHER
5 PEOPLE IN THE BBC.

6 Q BY MR. WAPNER: AND HOW DID THAT WORK OUT IN
7 PRACTICE?

8 A WELL, WHEN NOTHING WAS GOING ON, THERE WAS NOT
9 ANY PROBLEM. BUT ONCE WE STARTED WORKING ON THE CYCLATRON
10 AND OTHER PROJECTS, IT BECAME APPARENT THAT IT WAS NOT ALL
11 THE WAY IT WAS GOING.

12 Q WHAT DO YOU MEAN BY THAT?

13 A WELL, ALL OF THE PEOPLE THAT WERE UP IN THE OFFICE,
14 JUST BEING NICE AND HANGING AROUND JOE, THEY WERE GETTING
15 NEW SUITS, CARS AND THEY ALWAYS HAD MONEY AND THE OTHER PEOPLE,
16 LIKE MYSELF, AND DAVE, WE WERE WORKING AND WE WERE NEVER
17 COMPENSATED FOR WHAT WE WERE DOING.

18 Q DID YOU EVER GET PAID FOR ANY OF THE WORK THAT
19 YOU DID?

20 A NOT DIRECTLY.

21 Q WHAT DO YOU MEAN WHEN YOU SAY "NOT DIRECTLY"?

22 A WELL, I WAS NEVER GIVEN A SALARY OR ANYTHING
23 BASED ON THE WORK.

24 BUT SOMETIMES I WOULD GET MY CAR FIXED OR
25 SOMETHING LIKE THAT.

26 Q AND JOE HUNT PAID THE RENT ON THE PLACE WHERE
27 YOU WERE LIVING, CORRECT?

28 A YES.

3-3 1 Q IF YOU NEEDED MONEY, DID HE PROVIDE IT FOR YOU?

2 A YOU WOULD HAVE TO ASK. BUT USUALLY, I DIDN'T
3 LIKE TO ASK.

4 Q AND IN JUNE OF 1984, SOMETIME IN EARLY JUNE, DO
5 YOU REMEMBER SEEING JOE HUNT IN THE APARTMENT AT THE WILSHIRE
6 MANNING EARLY IN THE MORNING?

7 A YES.

8 Q ALL RIGHT. AND WHERE DID YOU SEE HIM?

9 A ARE YOU TALKING ABOUT THE TIME HE WOKE ME UP?

10 Q YES.

11 A OKAY. I WAS SLEEPING IN MY ROOM EARLY IN THE
12 MORNING AND HE WOKE ME UP IN MY BEDROOM.

13 Q AND WHEN HE WOKE YOU UP, WHAT DID HE DO?

14 A HE HANDED ME A CHECK FOR \$1.5 MILLION.

15 Q AND WHAT DID YOU DO WHEN HE GAVE YOU THIS CHECK
16 FOR \$1.5 MILLION?

17 A WELL, I LOOKED AT IT. I READ IT OVER AND LOOKED
18 AT IT.

19 Q WHAT DID YOU NOTICE ABOUT IT?

20 A WELL, I NOTICED -- I SAW RON LEVIN'S NAME ON IT.

21 MR. WAPNER: YOUR HONOR, I HAVE A CHECK THAT I WOULD
22 LIKE TO HAVE MARKED AS PEOPLE'S 57 FOR IDENTIFICATION.

23 THE COURT: SO MARKED.

24 Q BY MR. WAPNER: SHOWING YOU THIS ITEM WE HAVE
25 MARKED PEOPLE'S 57 FOR IDENTIFICATION, DO YOU RECOGNIZE THAT?

26 A IT LOOKS LIKE THE CHECK.
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28

1 Q AND WHEN JOE HUNT SHOWED YOU THE CHECK, WHAT
2 WAS ON IT THERE THAT YOU RECOGNIZED OR --

3 A THAT STUCK OUT?

4 Q THAT STUCK OUT.

5 A WELL, THAT IT WAS FROM RON LEVIN AND THE AMOUNT
6 OF MONEY, OBVIOUSLY.

7 Q WHEN JOE HUNT CAME IN AND SHOWED YOU THE CHECK,
8 WHAT DID HE DO OR SAY?

9 A WELL, I ASKED HIM WHAT IT WAS FOR AND THEN HE
10 HANDED ME A CONTRACT.

11 Q LET ME GO BACK JUST A MINUTE.

12 YOU WERE SLEEPING?

13 A RIGHT.

14 Q WHEN JOE HUNT FIRST CAME IN THE ROOM, WHAT DID
15 HE DO?

16 A HE SAT ON THE EDGE OF MY BED AND NUDGED ME AND
17 WOKE ME UP.

18 Q AFTER HE NUDGED YOU AND WOKE YOU UP, WHAT DID
19 HE DO?

20 A THEN HE GOES "HERE" AND HANDS ME A CHECK.

21 Q AND YOU SAW THE CHECK AND LOOKED AT IT?

22 A RIGHT.

23 Q AND AFTER YOU LOOKED AT IT, WHAT IS THE NEXT THING
24 THAT HAPPENED?

25 A WELL, I THINK I ASKED HIM WHAT -- WHAT IS IT FOR?

26 Q WHAT DID HE SAY?

27 A HE SAID "HERE" AND HE HANDED ME THE CONTRACT.

28 MR. WAPNER: YOUR HONOR, I HAVE HERE A DOCUMENT THAT

1 I WOULD LIKE TO HAVE MARKED AS PEOPLE'S 58 FOR IDENTIFICATION,
2 IT SAYS "MICROGENESIS OF NORTH AMERICA" ON THE TOP.

3 THE COURT: ALL RIGHT.

4 Q BY MR. WAPNER: SHOWING YOU PEOPLE'S 58 FOR
5 IDENTIFICATION, DO YOU RECOGNIZE THAT?

6 A YES, THIS IS THE CONTRACT.

7 THE COURT: THAT IS THE SAME CONTRACT THAT WE HAD AS
8 98 FOR IDENTIFICATION WHICH WAS FOUND ON THE PREMISES?

9 MR. WAPNER: NO, IT IS NOT.

10 MR. BARENS: NO.

11 THE COURT: OH, ALL RIGHT.

12 THE WITNESS: YES -- I MEAN SIMILAR TO THIS, YES.

13 Q BY MR. WAPNER: AND WHEN YOU SAY IT IS SIMILAR
14 TO THIS, WHAT DO YOU MEAN?

15 A WELL, I DIDN'T READ IT COMPLETELY THROUGH SO I
16 CAN'T BE ABSOLUTELY SURE IT IS THE CONTRACT.

17 THE COURT: BUT IT LOOKS LIKE THAT, IS THAT IT?

18 THE WITNESS: YES, YES.

19 Q BY MR. WAPNER: AND AFTER HE SHOWED YOU --
20 WHEN HE SHOWED YOU THE CONTRACT, WHAT DID YOU
21 DO?

22 A WELL, THERE WAS TWO THINGS I REMEMBER. ONE THING,
23 HE POINTED TO ONE OF THE SIGNATURES THAT WAS ON THE CHECK
24 OR THE CONTRACT AND HE SAID, "THAT IS REALLY RON LEVIN'S
25 SIGNATURE." I THOUGHT THAT WAS STRANGE.

26 Q WHY DID YOU THINK THAT WAS STRANGE?

27 A ANY TIME YOU SEE SOMEONE'S SIGNATURE, YOU THINK
28 IT IS THEIR SIGNATURE AND I DON'T KNOW WHY HE WOULD SAY THAT.

1 Q DO YOU REMEMBER WHETHER IT WAS THE CHECK OR THE
2 CONTRACT THAT HE POINTED TO?

3 A NO.

4 IT WAS JUST A SIGNATURE.

5 Q WHAT IS THE NEXT THING HE DID?

6 A HE TOOK BACK THE CHECK AND CONTRACT AND I JUST
7 TOLD HIM, "I WILL BELIEVE IT WHEN THE CHECK CASHES."

8 Q WHEN HE GAVE YOU THE CONTRACT, BESIDES NOTICING
9 THE SIGNATURE, WHAT ELSE DID YOU NOTICE?

10 A THE -- AS FAR AS THE CONTRACT IS CONCERNED?

11 Q YES.

12 A WELL, IT WAS WITH RON LEVIN AND IT WAS FOR
13 SILICA, GRINDING SILICA IN THE EAST.

14 THE COURT: SILICA WHAT?

15 THE WITNESS: LET'S SEE. IT WAS AN OPTION -- I JUST
16 REMEMBERED IT WAS AN OPTION FOR EXCLUSIVE RIGHTS TO -- FOR
17 GRINDING SILICA.

18 Q BY MR. WAPNER: FOR USING MR. BROWNING'S MACHINE
19 FOR GRINDING SILICA?

20 A YES.

21 Q WHEN YOU NOTICED THAT, DID THAT APPEAR -- WHAT
22 DID YOU THINK WHEN YOU NOTICED THAT?

23 A WELL, WE DIDN'T HAVE THE CAPABILITY TO DO THAT
24 AT THE TIME. WE HAD NEVER GROUND SILICA BEFORE AND WE NEVER --
25 THE MACHINES WEREN'T PROVEN ENOUGH TO SELL THEM.
26 THEY WERE JUST IN THE DEVELOPMENT STAGE.

27 Q AND AFTER HAVING THOSE THOUGHTS, DID YOU DO OR
28 SAY ANYTHING?

1 A NOT AT THAT TIME, I DON'T THINK I DID.

2 Q DID YOU MAKE ANY STATEMENT TO MR. HUNT ABOUT
3 WHETHER OR NOT YOU BELIEVED THAT THE CHECK WOULD CASH?

4 A YES, I DID.

5 I SAID -- I SAID "I WILL BELIEVE IT WHEN IT CASHES.
6 I REALLY DON'T THINK IT WOULD."

7 THE COURT: WHAT IS THE DATE ON THAT INSTRUMENT?

8 THE WITNESS: LET'S SEE.

9 THE COURT: ON THE CHECK?

10 THE WITNESS: JUNE 6, 1984.

11 THE COURT: AND ON THE OPTION?

12 THE WITNESS: JUNE 6, 1984.

13 Q BY MR. WAPNER: IS THERE ANOTHER DATE ALSO ON
14 THAT OPTION?

15 ARE THERE TWO SIGNATURES ON THERE?

16 A THERE IS JOE HUNT'S AND RON LEVIN'S SIGNATURE
17 AND RON LEVIN'S IS DATED 6-8-86 -- 84.

18 THE COURT: WHOSE?

19 THE WITNESS: RON LEVIN'S IS 6-8-84.

20 Q BY MR. WAPNER: 6-8 OR 6-5?

21 A MAYBE IT IS A 5.

22 IT IS HARD TO READ.

23 MR. WAPNER: YOUR HONOR, MAY THIS ITEM BE RECEIVED IN
24 EVIDENCE?

25 THE COURT: IT WILL BE RECEIVED, UNLESS THERE IS AN
26 OBJECTION.

27 ALL RIGHT, IT WILL BE RECEIVED, IT WILL BE 58
28 IN EVIDENCE.

1 MR. WAPNER: ALL RIGHT. MAY I JUST PASS THIS PORTION,
2 THE BOTTOM, THE SECOND -- THE BOTTOM PORTION OF THE SECOND
3 PAGE, MAY I PASS THAT BY THE JURY?

4 THE COURT: DO YOU WANT TO INDICATE ANYTHING
5 PARTICULARLY?

6 MR. WAPNER: NO -- WELL, JUST THE TWO DATES SO THAT
7 THEY CAN LOOK AT THE DATES THEMSELVES ON THE BOTTOM.

8 THE COURT: ALL RIGHT.

9 (MR. WAPNER SHOWS EXHIBIT TO JURY.)

10 Q BY MR. WAPNER: BETWEEN THE TIME THAT YOU HAD
11 HAD THE CONVERSATION WITH JOE HUNT IN THE JEEP SOMETIME IN
12 FEBRUARY OF 1984 AND THE DAY THAT YOU WERE AWAKENED AT THE
13 WILSHIRE MANNING AND SHOWN THIS CHECK AND CONTRACT, HAD YOU
14 HEARD RON LEVIN'S NAME DISCUSSED IN THE BBC?

15 A NO, NO ONE EVER TALKED ABOUT HIM DURING THAT TIME.
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DA-1

1 Q WERE YOU SURPRISED THAT YOU WERE AWAKENED SO
2 EARLY IN THE MORNING?

3 A YES. THAT IS THE FIRST TIME HE HAD EVER DONE
4 THAT.

5 Q AND HOW WAS JOE HUNT DRESSED WHEN YOU SAW HIM
6 IN THE MORNING?

7 A HE WAS IN A SUIT AND A BRIEFCASE.

8 Q WHEN YOU SAW HIM THERE, DID YOU MAKE ANY COMMENT
9 ABOUT WHY IT WAS SO EARLY IN THE MORNING?

10 A YES. I ASKED HIM WHY HE WAS THERE, WHY THE
11 CONTRACT WAS SIGNED SO EARLY IN THE MORNING.

12 AND HE SAID THAT RON LEVIN HAD TO LEAVE FOR
13 NEW YORK.

14 Q DID HE SAY WHEN RON LEVIN HAD TO LEAVE FOR
15 NEW YORK?

16 A THAT MORNING.

17 Q AND OTHER THAN HIM SAYING THAT RON LEVIN HAD TO --

18 A THE OTHER THING I ASKED HIM WAS WHY HE WAS DOING
19 BUSINESS WITH RON LEVIN AGAIN.

20 Q WHAT DID HE SAY?

21 A HE SAID -- WELL, I HAD REFERRED TO HIM AS BEING
22 A SCAM ARTIST FROM THE OTHER DEALINGS WITH HIM AND HE SAID
23 WELL, THAT RON HAD SOME ARABS HE WAS GOING TO SELL THE
24 CONTRACT TO.

25 THE COURT: SOME WHAT?

26 THE WITNESS: SOME ARABS, INVESTORS THAT WANTED TO BUY
27 THE OPTION, WHO HE WAS GOING TO NEW YORK TO SEE.

28 Q BY MR. WAPNER: AND WITH RELATION TO THE DATE

A-2

1 THAT WAS ON THE CHECK, DO YOU REMEMBER WHEN IT WAS THAT JOE
2 HUNT WOKE YOU UP?

3 A I DON'T REMEMBER THE SPECIFIC DATE. BUT IT WAS
4 CLOSE TO THE DATE ON THE CHECK.

5 Q ALL RIGHT. AND DO YOU REMEMBER WHAT YOU HAD DONE
6 THE NIGHT BEFORE HE CAME INTO YOUR APARTMENT AND WOKE YOU
7 UP?

8 A WELL, I WENT OUT WITH DEAN KARNY AND BROOKE
9 ROBERTS FOR DINNER.

10 Q WHERE DID YOU GO?

11 A TO A SUSHI BAR ON WILSHIRE.

12 Q AND AFTER YOU WENT TO THE SUSHI BAR, WHAT DID
13 YOU DO?

14 A WENT TO A MOVIE. "STREETS ON FIRE."

15 Q THAT IS THE NAME OF THE MOVIE?

16 A YES.

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1 Q WHERE WAS IT PLAYING?

2 A AT THE AVCO BUILDING.

3 Q THE AVCO?

4 A ON WILSHIRE.

5 Q THAT IS IN WESTWOOD?

6 A YES.

7 Q AND DO YOU REMEMBER WHICH SHOWING OF THE MOVIE

8 YOU WENT TO THAT NIGHT?

9 A NO, I DON'T.

10 Q I WANT TO SHOW YOU AGAIN, PEOPLE'S 58 FOR
11 IDENTIFICATION AND ALSO A DOCUMENT WE HAVE MARKED AS PEOPLE'S
12 95.

13 LOOKING AT THE FRONT PAGES OF THOSE DOCUMENTS,
14 DO YOU SEE THAT THEY APPEAR TO BE THE SAME?

15 A NO.

16 Q WHAT IS THE DIFFERENCE?

17 A THE HANDWRITTEN AMOUNT THERE, THE AMOUNT OF MONEY
18 THAT IS WRITTEN IS DIFFERENT ON ONE PAGE FROM THE OTHER.

19 THE COURT: BUT THE TYPING IS THE SAME?

20 THE WITNESS: THE TYPING LOOKS THE SAME.

21 Q BY MR. WAPNER: AND GOING TO THE AMOUNT OF MONEY
22 THAT LOOKS DIFFERENT, WHAT IS THE DIFFERENCE IN THE AMOUNT
23 OF MONEY OR CAN YOU TELL? IS IT JUST THAT THE WRITING IS
24 DIFFERENT?

25 A IT IS HARD FOR ME TO READ THIS. THIS ONE ON
26 THE RIGHT SAYS "ONE MILLION FIVE HUNDRED THOUSAND DOLLARS."

27 Q THAT IS THE ONE THAT IS MARKED AS --

28 A 95.

0-4

1 Q 95?

2 A AND IT IS HARD FOR ME TO READ THE ONE ON THE
3 LEFT.

4 Q AND GOING TO THE SECOND PAGE OF THOSE TWO
5 DOCUMENTS, DO YOU NOTICE ON THE BOTTOM PORTION, IF THERE IS
6 ANYTHING DIFFERENT ON THOSE TWO DOCUMENTS?

7 MR. BARENS: YOUR HONOR, THE DOCUMENTS APPARENTLY SPEAK
8 FOR THEMSELVES. I DON'T BELIEVE THERE HAS BEEN A
9 QUALIFICATION MADE FOR THE WITNESS TO BE ABLE TO COMPARE THE
10 RECORDS.

11 MR. WAPNER: WELL, THAT IS FINE. MAYBE I CAN JUST
12 WALK THEM BOTH IN FRONT OF THE JURY. I DON'T HAVE TO GET
13 THE TESTIMONY FROM THIS WITNESS.

14 THE COURT: I WILL OVERRULE THE OBJECTION. YOU TELL
15 US WHAT THE DIFFERENCE IS.

16 THE WITNESS: THE PRINT LOOKS THE SAME BUT THE WRITING
17 DOWN AT THE BOTTOM IS DIFFERENT.

18 Q BY MR. WAPNER: ARE THE DATES THE SAME ON BOTH
19 OF THOSE?

20 A NO. THE ONE ON THE LEFT LOOKS LIKE IT IS 6/8/84.
21 THE ONE ON THE RIGHT IS 6/6/84.

22 Q THAT IS PEOPLE'S 95 THAT IS 6/6/84?

23 A YES.

24 THE COURT: SO THE RECORD WILL BE CLEAR, THAT WAS THE
25 ONE LEFT IN THE APARTMENT, ISN'T THAT CORRECT?

26 MR. WAPNER: YES.

27 THE COURT: 95?

28 MR. WAPNER: YES.

1 THE COURT: IT WAS FOUND BY THE STEPFATHER?

2 MR. WAPNER: YES. CAN I JUST TAKE BOTH OF THESE AND
3 WALK THE SECOND PAGES OF THESE BEFORE THE JURY?

4 THE COURT: YES.

5 (PAUSE.)

6 Q BY MR. WAPNER: YOU MENTIONED THAT YOU WENT TO
7 THE MOVIES WITH DEAN KARNY AND BROOKE ROBERTS. WHO IS BROOKE
8 ROBERTS?

9 A JOE HUNT'S GIRLFRIEND.

10 Q WHERE WAS SHE LIVING IN JUNE OF 1984?

11 A IN THE WILSHIRE MANNING.

12 Q AND DID SHE HAVE HER OWN ROOM?

13 A NO. SHE LIVED WITH JOE HUNT.

14 Q HOW LONG HAD SHE BEEN LIVING IN THE WILSHIRE
15 MANNING WITH JOE HUNT?

16 A EVER SINCE I LIVED THERE.

17 Q DID THEY MOVE IN AT THE SAME TIME OR HAD SHE
18 ALREADY BEEN LIVING THERE BEFORE?

19 A BEFORE.

20 Q DO YOU KNOW IF SHE MOVED IN WITH HIM AT THE TIME
21 THAT THE CONDO WAS RENTED?

22 A I AM NOT SURE.

23 Q AFTER YOU SAW JOE HUNT IN YOUR ROOM WITH THE
24 CHECK AND THE CONTRACT, DID HE LEAVE THE ROOM?

25 A YES.

26 Q AND WHAT DID YOU DO AFTER HE LEFT THE ROOM?

27 A I TOOK A SHOWER AND I WENT TO WORK.

28

1 Q DID YOU HAVE A BATHROOM ADJOINING AS PART OF
2 YOUR BEDROOM?

3 A IT WAS A PRIVATE BATHROOM, YES.

4 Q SO YOU DIDN'T HAVE TO GO OUT OF YOUR ROOM TO
5 GO TO THE BATHROOM?

6 A RIGHT.

7 Q WHEN YOU LEFT THE BEDROOM, DID YOU SEE JOE HUNT
8 IN THE APARTMENT?

9 A NO.

10 Q AFTER YOU LEFT THE APARTMENT TO GO TO WORK, DID
11 YOU SEE JOE HUNT WHILE YOU WERE AT WORK?

12 A NO.

13 Q DID YOU WORK AT THE GARDENA PLANT THAT DAY?

14 A YES.

15 Q AND WHAT TIME DID YOU COME HOME THAT NIGHT?

16 A 5:00 OR 6:00.

17 Q DID YOU SEE JOE HUNT THAT NIGHT?

18 A I DON'T RECALL.

19 Q WERE YOU AT SOME POINT, AFTER BEING SHOWN THAT
20 CONTRACT, ASKED TO COME TO A MEETING?

21 A YES.

22 Q AND WHO ASKED YOU TO DO THAT?

23 A JOE HUNT.

24 Q WHEN DID HE ASK YOU TO DO THAT?

25 A ABOUT TWO WEEKS AFTER I SAW THE CONTRACT.

26 Q AND WHERE WERE YOU WHEN YOU WERE ASKED TO COME
27 TO THIS MEETING?

28 A I DON'T RECALL.

1 Q DO YOU REMEMBER WHAT YOU WERE ASKED?

2 A HE SAID THAT THERE WAS A MEETING WITH GREAT
3 IMPORTANCE THAT IS TO BE HELD ON A FRIDAY AND NOT TO TELL
4 ANYBODY ABOUT IT.

5 Q DID HE MENTION SPECIFICALLY WHO YOU WEREN'T
6 SUPPOSED TO TELL?

7 A YES. HE MENTIONED DAVE MAY SPECIFICALLY.

8 Q AND WHEN HE SAID THAT TO YOU, DID YOU TELL DAVE
9 MAY ABOUT IT?

10 A YES, I DID.

11 Q WHY?

12 A WELL, I DIDN'T TRUST JOE, AND DAVE WAS MY BEST
13 FRIEND AND I TRUSTED HIM AND I THOUGHT HE SHOULD KNOW ABOUT
14 IT.

15 Q AND DID YOU GO TO THAT --

16 WHERE WAS THE MEETING SUPPOSED TO BE HELD?

17 A THE WILSHIRE MANNING.

18 Q DID YOU GO TO THE WILSHIRE MANNING ON THAT FRIDAY?

19 A YES.

20 Q WAS THAT APPROXIMATELY JUNE THE 21ST?

21 A YES.

22 Q OR THE 22ND, I THINK?

23 A SOMEWHERE AROUND THERE.

24 Q WAS THE MEETING HELD THAT DAY?

25 A NO, IT WASN'T.

26 Q DO YOU KNOW WHY NOT?

27 A PEOPLE WANTED TO GO OUT THAT NIGHT. NOT EVERY-
28 BODY WAS THERE.

1 AND SO IT WAS POSTPONED UNTIL SUNDAY EVENING.

2 Q WHEN YOU SAY NOT EVERYBODY WAS THERE, WAS THERE
3 SOMEBODY IN PARTICULAR WHO WASN'T THERE?

4 A IT IS HARD FOR ME TO REMEMBER WHO IT WAS.
5 IT MIGHT HAVE BEEN JIM GRAHAM, BUT I CAN'T BE
6 SURE.

7 Q AND THE MEETING WAS POSTPONED UNTIL WHEN?

8 A SUNDAY.

9 Q DID YOU GO BACK OVER TO THE MANNING ON SUNDAY?

10 A YES.

11 Q WHAT TIME WAS THE MEETING?

12 A I BELIEVE IT WAS LATE IN THE AFTERNOON.

13 Q WAS IT IN YOUR APARTMENT?

14 A YES.

15 Q WHO WAS AT THAT MEETING?

16 A OKAY. THERE WAS JOE HUNT, BEN DOSTI, DEAN KARNY,
17 JIM GRAHAM, EVAN DICKER, JOHN ALLEN, STEVE TAGLIANETTI, TOM
18 MAY AND MYSELF AND BROOKE ROBERTS.

19 Q AND OTHER THAN BEING TOLD THAT THERE WAS SOME-
20 THING IMPORTANT TO DISCUSS AT THE MEETING, DID YOU KNOW
21 WHAT THE MEETING WAS GOING TO BE ABOUT?

22 A NO.

23 WHEN I PERSISTED IN ASKING JOE WHAT IT WAS ABOUT,
24 HE SAID -- HE GOES "YOU WILL FIND OUT WHEN YOU GET THERE."

25 AND I GO "WELL, IS IT GOOD NEWS OR BAD NEWS?"

26 AND HE SAID "WELL, THERE IS GOOD NEWS AND BAD
27 NEWS."

28 Q WHY DID YOU PERSIST IN ASKING HIM WHAT IT WAS

1 ABOUT?

2 A CURIOSITY.

3 Q WHAT HAPPENED WHEN EVERYONE GOT THERE?

4 A WELL, AT THE MANNING, PEOPLE WERE -- WE WERE
5 WAITING FOR EVERYONE TO SHOW, JUST SITTING AROUND, TALKING,
6 SOCIALIZING.

7 Q WHAT HAPPENED THEN?

8 A WELL, WHEN EVERYONE SHOWED UP, THEY FINALLY BROUGHT
9 THE MEETING TO ORDER, JOE DID.

10 Q WHEN YOU SAY HE BROUGHT THE MEETING TO ORDER,
11 WHAT DID HE DO?

12 A WELL, HE TOOK, LET'S SEE, BEN DOSTI AND DEAN
13 KARNY AND JIM GRAHAM INTO HIS MASTER BEDROOM AND THEY SAT
14 AND TALKED FOR FIVE, TEN MINUTES AND THEN THEY CAME OUT AND
15 EVERYONE SAT DOWN AT THIS COUCH AND HE STARTED TALKING.

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1 Q OKAY. DID HE CALL THE MEETING TO ORDER BEFORE
2 THEY WENT OUT AND WENT TO THE MASTER BEDROOM?

3 A YES, HE ASSEMBLED EVERYONE THERE AND EVERYONE
4 SAT AROUND.

5 Q WHAT DID HE SAY OR DO?

6 A HE TALKED ABOUT --

7 Q THIS IS BEFORE HE WENT BACK INTO THE BEDROOM?

8 A I THINK SO. I CAN'T BE SURE BUT I THINK SO.

9 Q ALL RIGHT. WHAT HAPPENED?

10 A HE MENTIONED ABOUT THAT WE DIDN'T HAVE TO STAY
11 AT THIS MEETING, WE COULD LEAVE IF WE WANTED TO. THAT WHAT
12 WAS GOING TO BE DISCUSSED HERE WAS TO BE, YOU KNOW, TOP SECRET
13 AND ONLY SHARED AMONGST THESE MEMBERS THAT WERE AT THIS
14 MEETING.

15 Q AND AFTER HE SAID THAT, DID HE MAKE ANY --
16 HE SAID YOU DIDN'T HAVE TO STAY IF YOU DIDN'T
17 WANT TO?

18 A HE SAID ANYONE COULD LEAVE, YOU COULD LEAVE NOW.
19 AND HE SAID, "IF YOU CHOOSE TO STAY," HE TALKED
20 ABOUT CROSSING THE LINE. HE SAID "ONCE YOU CROSS THE LINE,
21 YOU CAN'T GO BACK."

22 AND HE MADE A STATEMENT ABOUT, "GENTLEMEN, IF
23 YOU EVER WANT TO LEAVE THE BBC, YOU CAN GO FISHING IN THE
24 OUTER ADIRONDACKS."

25 Q IS THAT OUTER ADIRONDACKS?

26 A YES.

27 Q DO YOU KNOW WHAT THAT MEANT AT THE TIME?

28 A I KNEW IT WAS A MOUNTAIN RANGE BACK EAST.

1 Q OKAY.

2 A AND HE SAID, "BUT IF YOU TELL ANYBODY ABOUT THIS,
3 YOU WILL END UP AS FISH BAIT IN THE OUTER ADIRONDACKS."

4 Q WHAT DID YOU THINK THAT THAT MEANT?

5 A A THREAT TO YOUR LIFE IF YOU TOLD ANYBODY.

6 Q DO YOU REMEMBER AT WHAT POINT THAT THAT COMMENT
7 WAS MADE?

8 A I BELIEVE IT WAS BEFORE THE MEETING ACTUALLY
9 GOT STARTED.

10 Q AFTER THAT, WHAT HAPPENED?

11 A I BELIEVE THAT IS WHEN THEY WENT BACK INTO THE
12 BEDROOM.

13 Q WHO WENT BACK INTO THE BEDROOM?

14 A JOE HUNT, DEAN KARNY, BEN DOSTI AND JIM GRAHAM.

15 Q WHAT BEDROOM DID THEY GO TO?

16 A JOE'S BEDROOM.

17 Q AND HOW LONG DID THEY STAY IN JOE'S BEDROOM?

18 A FIVE TO TEN MINUTES.

19 Q WHAT WAS GOING ON DURING THE PERIOD OF TIME THAT
20 THEY WERE IN THE BEDROOM?

21 A EVERYONE WAS JUST WAITING FOR THEM TO COME OUT
22 AND --

23 Q WAS IT USUAL FOR JOE AND BEN DOSTI AND DEAN KARNY
24 AND JIM GRAHAM TO BE TOGETHER?

25 A YES.

26 Q WHY?

27 A THEY SEEMED TO ALWAYS HAVE SECRETS OR KNOW MORE
28 THAT WAS GOING ON THAN OTHER PEOPLE AND THOSE WERE THE THREE --

1 FOUR PEOPLE THAT KNEW MOST EVERYTHING THAT WAS GOING ON.

2 Q WHEN THEY CAME BACK OUT FROM THE BEDROOM, WHAT
3 HAPPENED?

4 A WELL, JOE AND EVERYONE SAT DOWN AND JOE STARTED
5 TALKING, TELLING US WHAT HE WAS GOING TO TELL US.

6 Q WHAT DID HE SAY?

7 A AT THAT TIME, HE SAID HE KILLED RON LEVIN, THAT
8 JIM AND -- HE SAID, "JIM AND I TOOK CARE OF RON LEVIN" OR
9 "KILLED HIM," I DON'T KNOW EXACTLY WHAT HE SAID.

10 Q DO YOU REMEMBER THE EXACT WORDS THAT HE USED?

11 A NO.

12 Q WAS THE MEANING CLEAR TO YOU?

13 A YES.

14 Q WHAT WAS THE MEANING?

15 A THAT JIM AND HE KILLED RON LEVIN.

16 Q AND WHEN HE SAID, "JIM AND I," WHERE WAS JIM
17 GRAHAM?

18 A SITTING AT HIS LEFT.

19 Q HOW FAR AWAY FROM HIM?

20 A ARM'S LENGTH.

21 Q DID JOE HUNT MAKE ANY MOTIONS AT THAT TIME?

22 A HE JUST GESTURED TOWARDS HIM.

23 Q DID THE PERSON YOU KNEW AS JIM GRAHAM DO OR SAY
24 ANYTHING?

25 A NO.

26 Q DID HE HAVE ANY -- DID HIS EXPRESSION CHANGE
27 AT ALL?

28 A WHEN HE SAID THAT, I LOOKED AT JIM'S EYES AND

1 HE WAS VERY SERIOUS-LOOKING, MORE SO THAN USUAL.

2 Q AFTER JOE HUNT SAID THAT, WHAT HAPPENED, WHAT
3 DID HE SAY?

4 A HE -- HE TRIED TO EXPLAIN. I THINK HE WAS
5 RATIONALIZING WHY IT HAD TO BE DONE.

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1 Q WHAT DID HE SAY?

2 A ESSENTIALLY THAT RON LEVIN PAID HIM THIS MONEY
3 FROM THE COMMODITIES THING. A LOT OF THIS IS VAGUE. I DON'T
4 REMEMBER THE EXACT WORDS, BUT TRYING TO EXPLAIN WHY HE DID
5 IT. THEN HE TALKED ABOUT THE CHECK BEING CASHED AND THE MONEY.

6 Q WHAT DO YOU REMEMBER HIM SAYING ABOUT WHY HE DID
7 IT?

8 A BECAUSE RON LEVIN -- LET'S SEE, BECAUSE RON LEVIN
9 DID THINGS TO HIM YOU KNOW, CHEATED HIM OUT OF MONEY THAT
10 HE OWED HIM. IT WAS KIND OF LIKE GETTING BACK AT RON LEVIN
11 AND THEREFORE, HE WAS ENTITLED TO THE MONEY.

12 Q AND DID HE TALK ABOUT THE COMMODITIES MONEY?

13 A YES. HE ALSO MENTIONED THAT THEY HAD NOT BEEN
14 TRADING COMMODITIES FOR A FEW MONTHS.

15 Q WHEN HE SAID "THEY" WHO WAS HE REFERRING TO?

16 A BEN DOSTI AND JOE HUNT.

17 Q DO YOU REMEMBER HOW MANY MONTHS HE SAID THAT THEY
18 HAD NOT BEEN TRADING?

19 A I THINK IT WAS FOUR MONTHS.

20 Q AND DID YOU EVER ASK HIM AT THAT TIME ABOUT YOUR
21 MONEY?

22 A YES. I SAID, "DO YOU MEAN THAT THE MONEY I GAVE
23 YOU, YOU NEVER TRADED IT? YOU JUST SPENT IT?"

24 AND HE SAID, "NO. I LOST YOUR MONEY LEGITIMATELY."

25 Q DID YOU BELIEVE HIM?

26 A NO.

27 Q AFTER HE TALKED ABOUT -- WHAT DID HE SAY THAT
28 HE HAD DONE? HE STOPPED TRADING FOUR MONTHS AGO?

A 1 A YES.

2 Q DID HE SAY WHAT HE HAD DONE WITH THE OTHER MONEY?

3 A HE SAID THEY WERE JUST SPENDING IT, THAT THEY
4 HAD A TWO-MONTH BURN TIME LEFT OF THE MONEY THEY HAD LEFT
5 AND THE EXPENSES THEY HAD.

6 Q WHAT DO YOU MEAN WHEN YOU SAY "BURN" TIME?

7 A WELL, THEY HAD ALL THESE PAYMENTS FOR PEOPLE AND
8 OFFICES AND THAT THERE WAS ONLY ENOUGH CASH LEFT IN THE BANK
9 TO PAY EVERYTHING FOR TWO MORE MONTHS.

10 Q AND AFTER YOU SAID THAT, WHAT DID HE SAY?

11 A HE ASKED -- HE TALKED A LITTLE BIT MORE. I DON'T
12 KNOW THE EXACT DETAILS.

13 BUT THEN HE ASKED IF ANYONE HAD ANY QUESTIONS.

14 Q WERE THERE ANY QUESTIONS?

15 A I DON'T THINK SO.

16 Q DO YOU REMEMBER ANY STATEMENTS ABOUT THE MANNER
17 IN WHICH THE CONTRACT WAS SIGNED?

18 A YES.

19 Q WHAT WAS THAT?

20 A SOMEONE ASKED HIM ABOUT HOW HE GOT LEVIN TO SIGN
21 THE CONTRACT.

22 Q DO YOU REMEMBER WHO IT WAS WHO HAD ASKED THAT
23 QUESTION?

24 A IT MIGHT HAVE BEEN EVAN DICKER.

25 Q AND WHAT DID JOE HUNT SAY?

26 A JOE HUNT WAS SMILING. HE SAID IT WAS UNDER A
27 LITTLE DURESS AT THE TIME.

28 Q IF YOU CAN, CAN YOU TRY TO DEMONSTRATE TO THE

1 JURY, THE MANNER IN WHICH HE MADE THAT STATEMENT?

2 A YOU MEAN ACT IT OUT?

3 Q IF YOU CAN, ACT IT OUT. WHEN YOU SAY HE WAS
4 SMILING AT THE TIME, IF YOU CAN, AS BEST YOU CAN, RECREATE
5 THE MANNER IN WHICH THE STATEMENT WAS MADE.

6 MR. BARENS: YOUR HONOR, WE HAVE A 352 OBJECTION TO
7 THAT.

8 THE COURT: ALL RIGHT. THE OBJECTION WILL BE NOTED.
9 THE OBJECTION WILL BE OVERRULED.

10 MR. BARENS: THANK YOU.

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1 THE WITNESS: WHEN HE WAS ASKED QUESTIONS, AND HE SAID
2 IT WAS KIND OF UNDER A LITTLE DURESS AND HE KIND OF SHOVED
3 HIS HEAD LIKE THAT (INDICATING). I DON'T REMEMBER BUT I THINK
4 THERE WAS SOME LAUGHTER. IT WAS BEN DOSTI AND DEAN KARNY
5 THAT LAUGHED.

6 Q BY MR. WAPNER: DO YOU RECALL THOSE BEING THE
7 PEOPLE WHO LAUGHED?

8 A YES.

9 Q WHAT WAS THE REACTION OF THE REST OF THE GROUP,
10 IF YOU REMEMBER?

11 A WELL, PEOPLE -- A LOT OF PEOPLE JUST WERE SILENT.
12 I THINK LIKE JON ALLEN AND STEVE TAG AND EVERYONE
13 DISBELIEVED IT. AND OTHER PEOPLE I THINK ALREADY KNEW ABOUT
14 IT BEFORE THE MEETING AND THEY WERE KIND OF WAITING FOR OUR
15 REACTIONS, WAS THE IMPRESSION I GOT.

16 Q HOW DO YOU KNOW THAT OTHER PEOPLE KNEW ABOUT IT
17 BEFORE THE MEETING?

18 A BY WHAT THEY SAID AT THE MEETING. DEAN KARNY
19 WAS TALKING ABOUT IT. SO HE KNEW BEFOREHAND AND IT WAS JUST
20 INTUITION AND LOOKING AT THE WAY THEY REACTED.

21 Q DID YOU LOOK AT TOM MAY AND HOW HE REACTED WHEN
22 THE STATEMENT WAS MADE?

23 A YES. I GOT THE IMPRESSION THAT HE KNEW
24 BEFOREHAND.

25 MR. BARENS: WE HAVE AN OBJECTION AS TO WHAT HIS
26 IMPRESSION WAS ABOUT WHAT SOMEBODY HAD ON THEIR MIND.

27 THE COURT: ALL RIGHT.

28 Q BY MR. WAPNER: PUTTING ASIDE YOUR IMPRESSION,

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1 WHAT DID YOU SEE HOW HE REACTED?

2 A LET'S SEE. I GUESS HE WAS KIND OF LOOKING AT
3 OTHER PEOPLE TO SEE THEIR REACTIONS, AS OPPOSED TO -- IT IS
4 HARD TO EXPLAIN IT.

5 I, KNOWING TOM -- I KNEW HIM FOR A FEW YEARS.
6 I HAD THE FEELING THAT HE KNEW WHAT ALREADY HAPPENED.

7 MR. BARENS: WE HAVE A MOTION TO STRIKE.

8 THE COURT: I WILL STRIKE THE LATTER PORTION OF IT.
9 THE JURY WILL BE INSTRUCTED TO DISREGARD IT.

10 MR. BARENS: I AM NOT SURE WHAT YOU ARE STRIKING.

11 THE COURT: THE LATTER PORTION ABOUT HIS IMPRESSION --
12 THE IMPRESSION THAT HE GOT FROM TOM MAY.

13 MR. BARENS: THANK YOU, YOUR HONOR.

14 Q BY MR. WAPNER: AT THE MEETING, DID JOE HUNT SAY
15 ANYTHING ABOUT THE MONEY HE HAD GOTTEN FROM RON LEVIN IN TERMS
16 OF WHETHER IT WAS GOING TO BE GOOD OR NOT?

17 THE COURT: ARE YOU TALKING ABOUT THE CHECK FOR A MILLION
18 AND A HALF?

19 MR. WAPNER: YES. THANK YOU, YOUR HONOR.

20 THE WITNESS: YES. HE MENTIONED THAT THE CHECK WAS
21 GOING TO BE CASHED IN THE NEXT COUPLE OF DAYS, THAT JIM
22 GRAHAM HAD SOME CONNECTIONS IN SWITZERLAND OR SOMEPLACE THAT
23 WOULD GUARANTEE THAT THE CHECK WOULD BE CASHED.

24 Q BY MR. WAPNER: AFTER THE MEETING WAS OVER, WHAT
25 DID YOU DO?

26 A THAT NIGHT I JUST WENT TO MY ROOM AND STAYED IN
27 MY ROOM.

28 Q WHAT DID YOU DO THE NEXT DAY?

1 A I WENT TO WORK.

2 Q AND IN THE MORNING, DID YOU SEE JOE HUNT OR THAT
3 DAY?

4 A NO. I DON'T BELIEVE SO.

5 Q WHEN YOU CAME BACK -- WHEN YOU WENT TO WORK THE
6 NEXT DAY, WAS DAVE MAY THERE?

7 A YES. I TOLD DAVE ABOUT IT. HE WANTED TO KNOW
8 ABOUT THE MEETING. AND I REMEMBER SAYING, "YOU ARE NOT GOING
9 TO BELIEVE THIS." BUT I DIDN'T FEEL THAT I SHOULD TELL HIM
10 ABOUT THE MURDER AT THE TIME.

11 Q WHY?

12 A BECAUSE I THOUGHT THAT DAVE WOULD BE VERY
13 EMOTIONAL IN REACTING AND TELL OTHER PEOPLE.

14 MR. BARENS: YOUR HONOR, THE EXPRESSION "MURDER" WE
15 SHOULD PROBABLY CONDITION IT AS AN ALLEGED MURDER.

16 THE COURT: I WILL STRIKE THAT. YOU TOLD HIM WHAT YOU
17 WERE TOLD AT THE MEETING, IS THAT CORRECT?

18 THE WITNESS: YES, THAT'S CORRECT. BUT I DIDN'T TELL
19 HIM -- I ONLY TOLD HIM ABOUT THE COMMODITIES LOSSES. I DIDN'T
20 TELL HIM ABOUT JOE SAYING THAT HE KILLED RON LEVIN.

21 Q BY MR. WAPNER: ALL RIGHT. WHY WAS THAT?

22 A BECAUSE I THOUGHT THAT DAVE MIGHT TELL SOME OTHER
23 PEOPLE AND THAT IT WOULD GET BACK TO JOE HUNT. I DIDN'T WANT
24 HIM TO KNOW THAT I WAS TELLING ANYONE.

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1 THE COURT: YOU DIDN'T WANT TO GO TO THE ADIRONDACKS
2 AND BE FISH BAIT, IS THAT IT?

3 THE WITNESS: THAT'S CORRECT.

4 (LAUGHTER IN COURTROOM.)

5 THE COURT: ALL RIGHT, GO AHEAD.

6 MR. BARENS: THANK YOU, YOUR HONOR.

7 Q BY MR. WAPNER: I TAKE IT, YOU TOOK THAT THREAT
8 AT THE MEETING FAIRLY SERIOUSLY?

9 A YES.

10 Q AND WHEN YOU WENT HOME FROM WORK THAT DAY, WAS
11 JOE HUNT AT THE APARTMENT?

12 A YES, HE WAS.

13 Q WHAT HAPPENED WHEN YOU GOT HOME?

14 A WELL, I WAS HOPING NOT TO RUN INTO HIM. I WAS
15 A LITTLE STARTLED TO SEE HIM BUT HE --

16 Q WHY WERE YOU HOPING NOT TO RUN INTO HIM?

17 A WELL, AFTER THE MEETING, I REALLY DIDN'T WANT
18 TO BE AROUND HIM. I FELT VERY UNCOMFORTABLE.

19 Q AND HE, IN FACT, WAS THERE WHEN YOU GOT HOME?

20 A YES.

21 Q AND WHAT HAPPENED WHEN YOU GOT HOME?

22 A WELL, HE -- I TRIED TO ACT NORMALLY AND JUST
23 ASKED HIM, "HI, HOW ARE YOU DOING?"

24 AND THEN HE ASKED ME WHAT MY IMPRESSION OF THE
25 MEETING WAS THE DAY BEFORE.

26 Q WHAT DID YOU SAY?

27 A I BELIEVE I -- I SAID, WELL, I WAS A LITTLE WORRIED
28 ABOUT THIS -- THIS -- LET'S SEE, WHAT DID I SAY?

1 I SAID, "I WAS CONCERNED ABOUT ALL OF THE DETAILS
2 AND SO FORTH, BECAUSE YOU TALKED ABOUT THIS CRIME AND YOU
3 KNOW I DON'T KNOW ANYTHING ABOUT IT AND THE CHECK AND ALL
4 OF THAT."

5 AND HE SAID AT THAT TIME, HE SAID "WELL, DON'T
6 WORRY BECAUSE IT WAS A PERFECT CRIME."

7 Q AND WHEN HE SAID IT WAS A PERFECT CRIME, WHAT
8 DID YOU SAY?

9 A I SAID, -- I DON'T KNOW IF I SAID ANYTHING.
10 HE THEN STARTED TALKING ABOUT THE CRIME.

11 Q WHAT DID HE SAY ABOUT IT?

12 A WELL, HE MENTIONED THAT THE BODY WOULD NEVER
13 BE FOUND.

14 Q WHAT DID HE SAY IN THAT REGARD?

15 A JUST -- I THINK JUST SIMPLY "THEY WILL NEVER
16 FIND THE BODY."

17 Q WHAT ELSE DID HE SAY?

18 A HE STARTED TALKING ABOUT -- I KNOW, I GUESS I
19 ASKED HIM ABOUT -- I SAID, "WELL, YOU HAVE A CONTRACT AND
20 A CHECK, IT IS GOING TO BE OBVIOUS THAT YOU WERE THE LAST
21 ONE TO SEE HIM."

22 AND HE MENTIONED HE PLANTED LETTERS IN LEVIN'S
23 OFFICE, SHOWING THE CORRESPONDENCE PRIOR TO THE ACTUAL CHECK-
24 WRITING.

25 Q AND DID HE TELL YOU WHAT THOSE LETTERS WERE ABOUT?

26 A JUST NEGOTIATING, LIKE HERE, YOU ARE INTERESTED
27 IN THIS PRODUCT AND, YOU KNOW, BACK AND FORTH, SHOWING HOW
28 THE CONTRACT DEVELOPED.

1 THE COURT: PARDON ME. BY THAT, WAS THERE ACTUAL
2 CORRESPONDENCE OR DID HE SAY HE JUST PLANTED THOSE LETTERS?

3 THE WITNESS: HE TOLD ME HE JUST PLANTED THE LETTERS
4 IN RON LEVIN'S OFFICE AT HIS HOUSE.

5 Q BY MR. WAPNER: AND WHAT ELSE DID HE TELL YOU?

6 A I THINK THAT WAS ABOUT IT.

7 HE THEN SAID -- HE WAS -- HE -- I GOT THE
8 IMPRESSION -- I GUESS NO MORE IMPRESSIONS.

9 HE SAID THAT HE SHOULDN'T TELL ME ANY MORE BECAUSE
10 THERE WAS NO REASON I NEEDED TO KNOW.

11 Q BY MR. WAPNER: DID HE SAY ANYTHING ABOUT PHONE
12 CALLS?

13 A OKAY, HE DID SAY DEAN KARNY AND JOE, THEY MADE
14 PHONE CALLS AT RON LEVIN'S HOUSE AFTER THE ALLEGED MURDER,
15 TO SHOW THAT THEY STILL THOUGHT HE WAS THERE.

16 THAT WAS PART OF THEIR PLAN, TOO.

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1 Q MADE PHONE CALLS AT HIS HOUSE OR TO HIS HOUSE?

2 A TO HIS HOUSE.

3 Q AND YOU ARE SAYING "ALLEGED MURDER" BECAUSE THE
4 COURT HAS TOLD YOU THEY DIDN'T WANT YOU TO USE "THE MURDER"?

5 A RIGHT.

6 Q THAT IS NOT THE STATEMENT JOE HUNT MADE TO YOU
7 THAT DAY?

8 A NO.

9 Q AND WHEN YOU SAW JOE HUNT AT THE APARTMENT ON
10 THE DAY AFTER THE MEETING AND HE ASKED YOU ABOUT THE MEETING,
11 DID YOU EVER USE THE WORD "LEVIN"?

12 A THAT IS THE FIRST THING I ASKED HIM, I USED THE
13 WORD "LEVIN" AND HE CORRECTED ME.

14 Q WHAT DID YOU SAY WHEN YOU USED THE WORD "LEVIN"?

15 A I SAID "DID THE LEVIN CHECK CASH?" OR SOMETHING
16 LIKE THAT.

17 Q WHAT DID HE SAY?

18 A AND HE SAID, "NEVER USE THE WORD 'LEVIN' AGAIN.
19 FROM NOW ON, THIS WILL BE REFERRED TO AS THE 'MAC' INCIDENT."

20 THE COURT: THE WHAT INCIDENT?

21 THE WITNESS: "MAC," M-A-C.

22 WE WERE NEVER SUPPOSED TO SAY LEVIN'S NAME. WE
23 WERE SUPPOSED TO SAY "MAC" INSTEAD.

24 Q BY MR. WAPNER: DID HE TELL YOU WHY?

25 A JUST -- JUST IN CASE ANYONE OVERHEARD US OR
26 ANYTHING LIKE THAT.

27 Q AND DID HE SAY ANYTHING ELSE ABOUT PLANTING THINGS
28 OTHER THAN THE LETTERS?

3A-2
1 A NOT THAT I AM AWARE OF.

2 Q WHAT WAS JOE HUNT'S DEMEANOR, ATTITUDE AS HE WAS
3 HAVING THIS CONVERSATION WITH YOU THE DAY AFTER THE MEETING?

4 A HE WAS SMILING. KIND OF -- KIND OF PLEASED WITH
5 HIMSELF.

6 Q WHERE DID YOU STAY THAT NIGHT?

7 A I STAYED IN THE MANNING THAT NIGHT.

8 Q WHAT DID YOU DO THE NEXT DAY?

9 A I WENT TO WORK AS USUAL.

10 Q AND AFTER YOU WENT TO WORK, WHAT DID YOU DO?

11 A WELL, THAT NIGHT I DIDN'T GO BACK TO THE MANNING.
12 I WENT, MOVED IN WITH MY GIRLFRIEND.

13 Q WHEN YOU SAY YOU MOVED IN WITH YOUR GIRLFRIEND,
14 WHAT DO YOU MEAN?

15 A WELL, AT FIRST I JUST STAYED THERE A FEW NIGHTS
16 AND THEN I CAME BACK TO THE MANNING A FEW DAYS LATER AND WHEN
17 NO ONE WAS THERE AND I TOOK MY CLOTHES OUT AND MOVED OUT.

18 Q WHY DID YOU DO THAT?

19 A WELL, I DIDN'T WANT JOE TO KNOW WHAT I WAS DOING
20 OR I DIDN'T WANT TO RUN INTO HIM.

21 Q WHY?

22 A I JUST -- I MEAN FROM, BECAUSE OF THE MEETING.

23 Q BECAUSE OF WHAT HE TOLD YOU AT THE MEETING?

24 A YES.

25 Q AND AFTER YOU MOVED TO YOUR GIRLFRIEND'S, WHAT
26 DID YOU DO WITH RESPECT TO ANY INFORMATION YOU HAD GATHERED,
27 YOU HAD HEARD AT THE MEETING?

28 A WELL, FIRST, THE DAY AFTER THE MEETING WHEN I

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1 TOLD DAVE ABOUT THE COMMODITIES, WE TALKED ABOUT SETTING UP
2 AN APPOINTMENT WITH HIS FATHER TO GET SOME ADVICE ON WHAT
3 TO DO, AND THAT WAS THREE, FOUR DAYS LATER AND WHEN I MET
4 WITH HIS FATHER.

5 Q WHEN DID YOU TALK TO DAVE ABOUT SETTING UP AN
6 APPOINTMENT WITH HIS FATHER?

7 A THE NEXT DAY AFTER THE MEETING.

8 Q AND AFTER YOU TALKED TO HIM ABOUT THAT, DID YOU
9 SET UP A MEETING WITH HIS FATHER?

10 A YES.

11 Q AND WHEN WAS THAT MEETING?

12 A I BELIEVE IT WAS WEDNESDAY.

13 Q SO IF THE MEETING WAS ON SUNDAY, JUNE THE 24TH,
14 IT WOULD HAVE BEEN THE FOLLOWING WEDNESDAY?

15 A YES.

16 Q AND WHAT HAPPENED WHEN YOU MET WITH DAVE MAY AND
17 HIS FATHER?

18 A WELL, DAVE FIRST TOLD HIM ABOUT THE COMMODITIES
19 AND AT THAT TIME, I TOLD BOTH OF THEM ABOUT JOE SAYING THAT
20 HE KILLED RON LEVIN.

21 Q WAS THAT THE FIRST TIME YOU HAD TOLD DAVE MAY
22 ABOUT THAT?

23 A YES.

24 Q WHEN YOU MADE THAT STATEMENT, WHAT HAPPENED ABOUT
25 THE STATEMENT --

26 MR. BARENS: YOUR HONOR, AS TO THE CONVERSATIONS
27 SUCCEEDING 6-24, STATEMENTS OF BOTH THE WITNESS AND THE
28 PARTIES THAT WE WILL HEAR ABOUT TALKING ON THE OTHER END OF

1 THAT, WE WOULD OBJECT TO BOTH ON HEARSAY AND RELEVANCY
2 GROUNDS.

3 THE COURT: I WILL SUSTAIN THE OBJECTION.

4 Q BY MR. WAPNER: AFTER --

5 MR. BARENS: I BEG YOUR PARDON?

6 THE COURT: I SUSTAINED THE OBJECTION.

7 MR. BARENS: I DIDN'T REALIZE MR. WAPNER WAS AWARE OF
8 THAT NOW.

9 THE COURT: HE HAS A KEEN SENSE OF HEARING, HAVEN'T
10 YOU, MR. WAPNER?

11 MR. WAPNER: I HEARD. I HEARD.

12 MR. BARENS: WILL YOU STRIKE WHAT PRECEDED THAT?

13 THE COURT: THERE WASN'T A MOTION PRIOR TO THAT TIME.
14 I WILL LET IT STAND THE WAY IT IS.

15 MR. BARENS: THANK YOU.

16 THE COURT: GO AHEAD.
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1 Q BY MR. WAPNER: AFTER YOU TALKED WITH DAVE MAY
2 AND HIS FATHER, DID YOU IN FACT MEET WITH THE LAWYER?

3 A YES.

4 Q AND WHAT WAS THE PURPOSE OF DOING THAT?

5 A IT WAS TO CONFIRM THAT LEVIN WAS MISSING AND ALSO
6 THAT I WOULD GET LEGAL ADVICE ON HOW TO HANDLE THIS.

7 Q WHEN YOU SAY, "HOW TO HANDLE IT," WHAT ARE YOU
8 INTENDING ON DOING?

9 MR. BARENS: WE HAVE A RELEVANCY OBJECTION AS TO HIS
10 CONDUCT AT THAT POINT.

11 MR. WAPNER: MAY WE APPROACH?

12 THE COURT: I KNOW WHAT IT IS. I WILL OVERRULE THE
13 OBJECTION. GO AHEAD.

14 MR. WAPNER: THANK YOU.

15 Q WHAT WAS THE PURPOSE OF MEETING WITH DAVE MAY,
16 HIS FATHER AND THE LAWYER?

17 A TO GET ADVICE ON WHAT TO DO.

18 Q AND WHEN YOU MET WITH THE LAWYER, WHAT KIND OF
19 ADVICE WERE YOU SEEKING? WHAT ACTION WERE YOU INTENDING ON
20 TAKING?

21 A WELL, TO YOU KNOW -- WHO SHALL WE TELL THIS TO?
22 THE MEETING, HOW TO -- YOU KNOW, JUST OBVIOUSLY, I NEVER HAD
23 THIS HAPPEN BEFORE. WE DIDN'T KNOW WHAT TO DO AT ALL.

24 Q AFTER THE MEETING WITH THE LAWYER, WHAT HAPPENED?

25 A HE SAID HE WOULD LOOK INTO IT.

26 MR. BARENS: OBJECTION.

27 THE COURT: THEREAFTER, TELL US WHAT HAPPENED. TELL
28 US WHAT HAPPENED THEREAFTER.

1 Q BY MR. WAPNER: DID YOU GET SOME ADVICE -- WELL,
2 AT THE TIME, WAS THERE A HIATUS BETWEEN THE TIME YOU FIRST
3 MET WITH THE LAWYER AND MEETING WITH HIM AGAIN?

4 A YES THERE WAS.

5 Q HOW LONG OF A PERIOD OF TIME WAS THAT?

6 A A COUPLE OF WEEKS.

7 Q ALL RIGHT. AND AFTER THAT COUPLE OF WEEKS WHEN
8 YOU MET WITH THE LAWYER AGAIN, WHAT DID YOU DO?

9 A AT FIRST, THEY DIDN'T KNOW WHETHER RON LEVIN --
10 MR. BARENS: OBJECTION AS TO HEARSAY. THEY DIDN'T KNOW --
11 I DON'T EVEN KNOW WHO WE ARE TALKING ABOUT.

12 THE COURT: ARE YOU TALKING NOW ABOUT WHAT THE LAWYER
13 TOLD YOU?

14 THE WITNESS: RIGHT.

15 MR. BARENS: WE OBJECT TO WHAT THE LAWYER SAYS.

16 THE COURT: I WILL SUSTAIN THE OBJECTION.

17 Q BY MR. WAPNER: WERE YOU TRYING TO FIND OUT DURING
18 THAT PERIOD OF TIME WHAT IN FACT, HAD HAPPENED TO RON LEVIN?

19 A YES.

20 Q TRYING TO FIGURE OUT WHAT ACTION YOU WERE GOING
21 TO TAKE?

22 A YES.

23 Q AND EVENTUALLY, DID YOU THROUGH THE LAWYER, MAKE
24 AN APPOINTMENT WITH DETECTIVE ZOELLER FROM THE POLICE
25 DEPARTMENT?

26 A YES.

27 Q AND DID YOU MEET WITH DETECTIVE ZOELLER?

28 A YES.

1 Q WHO WAS AT THAT MEETING?

2 A MYSELF, DAVE MAY, TOM MAY, GENE BROWNING.

3 MR. BARENS: COULD WE GET SOME FOUNDATION, A --

4 THE COURT: YES.

5 MR. WAPNER: IT IS COMING.

6 THE COURT: WHEN WAS THAT?

7 Q BY MR. WAPNER: DO YOU REMEMBER THE DATE ON THAT?

8 A I THINK IT WAS ABOUT THREE WEEKS AFTER THE MEETING
9 WITH JOE HUNT.

10 Q ALL RIGHT. AND IF THERE IS A POLICE REPORT
11 INDICATING THAT THE DATE OF THAT MEETING WAS AUGUST THE 9TH,
12 DO YOU THINK THAT IT WOULD BE ACCURATE?

13 A YES.

14 Q DOES THAT SOUND ACCURATE TO YOU?

15 A YES.

16 Q AND AT THAT MEETING THAT YOU HAD WITH DETECTIVE
17 ZOELLER --

18 A WAIT. AUGUST WHAT?

19 Q AUGUST THE 9TH.

20 A OKAY.

21 THE COURT: DOES IT SHOW ON THE PAPER?

22 SHOW IT TO HIM AND ASK HIM WHETHER IT REFRESHES
23 HIS RECOLLECTION.

24 MR. WAPNER: YES. I AM GOING TO, YOUR HONOR.

25 THE COURT: I THINK THIS IS AN APPROPRIATE TIME TO TAKE
26 OUR RECESS.

27 LADIES AND GENTLEMEN, WE'LL TAKE A RECESS NOW
28 UNTIL 1:30 THIS AFTERNOON. THE SAME ADMONITION THAT I GAVE
29 YOU STILL APPLIES.

1 (THE JURY EXITED THE COURTROOM AND THE
2 FOLLOWING PROCEEDINGS WERE HELD AT THE BENCH:)

3 THE COURT: YES?

4 MR. BARENS: YOUR HONOR, I GET A FEELING THAT WE ARE
5 ABOUT TO HAVE THE WITNESS READ THE POLICE REPORTS TO REFRESH
6 HIS RECOLLECTION BEFORE HE TESTIFIES.

7 THE COURT: NO. ALL HE HAS TO DO IS -- HE DOESN'T
8 HAVE TO READ ANYTHING. HE HAS A RIGHT TO SHOW HIM THE POLICE
9 REPORT AND ASK HIM IF IT REFRESHES HIS RECOLLECTION AS TO
10 THE DATE THAT THEY MET.

11 MR. BARENS: ALL RIGHT. BUT WE ARE NOT GOING TO HAVE
12 HIM READ THE WHOLE REPORT?

13 THE COURT: NO, JUST REFRESH HIS RECOLLECTION.

14 MR. BARENS: YOUR HONOR, I MIGHT AS WELL WHILE WE ARE
15 HERE, SO THAT I DON'T HAVE TO APPROACH DURING THE SESSION,
16 I OBJECT TO THE TESTIMONY CONCERNING WHO SAID WHAT DURING
17 THE MEETING WITH THE POLICE AS BEING NUMBER ONE, OBVIOUSLY
18 HEARSAY.

19 NUMBER TWO, IT IS IMMATERIAL TO ESTABLISHING
20 ANYTHING THAT THE DEFENDANT DID OR DID NOT DO PRIOR TO THAT
21 DAY.

22 MR. WAPNER: I DON'T INTEND TO ELICIT DETAILS OF WHAT
23 HE TOLD THE POLICE BECAUSE THE DETAILS HAVE ALREADY COME OUT
24 DURING THE COURSE OF HIS TESTIMONY.

25 THE ONLY PURPOSE IS TO LAY A FOUNDATION FOR THE
26 SUBSEQUENT ACTIONS OF THE POLICE BECAUSE WE HAVE ALREADY HAD
27 TESTIMONY THAT IT WAS A WEEK AFTER THAT, ON THE 16TH, THAT
28 DETECTIVE ZOELLER WENT TO RON LEVIN'S APARTMENT.

1 AND THIS WILL PROVIDE THE BASIS FOR HIS ACTION.

2 MR. BARENS: WELL, AS LONG AS --

3 THE COURT: ALL WE ARE GOING TO DO IS SHOW HIM AND
4 HAVE HIM CONFIRM THE DATE AS AUGUST. IS THAT RIGHT?

5 MR. WAPNER: AND I MAY ASK HIM ONE OR TWO QUESTIONS,
6 GENERAL QUESTIONS ABOUT DID YOU RELATE TO DETECTIVE ZOELLER
7 THE SUBSTANCE OF WHAT YOU HAVE TOLD US?

8 THE COURT: THAT WOULD BE ALL RIGHT. SURE.

9 (AT 12:03 P.M. AN ADJOURNMENT WAS TAKEN,
10 TO RESUME AT 1:30 P.M. OF THE SAME DAY.)

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1 SANTA MONICA, CALIFORNIA; THURSDAY, FEBRUARY 18, 1987; 1:35 P.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

5 THE COURT: ALL RIGHT, YOU MAY CONTINUE.
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7 JEFFREY DAVID RAYMOND,
8 CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY
9 SWORN, RESUMED THE STAND AND TESTIFIED FURTHER AS FOLLOWS:
10

11 DIRECT EXAMINATION (RESUMED)

12 BY MR. WAPNER:

13 Q MR. RAYMOND, I PUT A BLOWUP ON THE BOARD OF WHAT
14 APPEARS TO BE A CHECK; DOES THAT APPEAR TO YOU TO BE THE --

15 A IT DOES.

16 Q -- COPY, AN ENLARGED COPY OF EXHIBIT WE HAVE
17 PREVIOUSLY MARKED AS 57?

18 A YES.

19 Q DOES THAT APPEAR TO YOU TO BE THE CHECK THAT JOE
20 HUNT SHOWED TO YOU THE MORNING THAT HE WOKE YOU UP?

21 A YES.

22 Q AND INCIDENTALLY, THAT MORNING WHEN HE WOKE YOU
23 UP AND HE MENTIONED ABOUT RON LEVIN, YOU ASKED HIM ABOUT WHY
24 HE WAS THERE SO EARLY IN THE MORNING?

25 A YES.

26 Q ALL RIGHT. AND WHAT DID HE SAY?

27 A "BECAUSE RON LEVIN WANTED THE CONTRACT SIGNED
28 BECAUSE HE HAD TO GO TO NEW YORK."

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Q DID HE SAY WHEN RON LEVIN HAD TO GO TO NEW YORK?

A THAT MORNING.

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1 Q AND OVER THE NOON HOUR, DID YOU HAVE A CHANCE
2 TO LOOK AT THE REPORT THAT WAS MADE BY DETECTIVE ZOELLER OF
3 THE CONVERSATION AND MEETING YOU HAD WITH HIM?

4 A YES.

5 Q AND DID THAT REFRESH YOUR RECOLLECTION AS TO
6 THE DATE THAT THAT HAPPENED?

7 A YES.

8 Q WHAT WAS THE DATE OF THAT MEETING?

9 A AUGUST 9.

10 Q IS THIS THE REPORT THAT YOU LOOKED AT?

11 A YES, IT IS.

12 Q ALL RIGHT. AND IT BEARS THE DATE OF AUGUST 9?

13 A CORRECT.

14 Q AND AT THAT MEETING THAT YOU HAD WITH DETECTIVE
15 ZOELLER, DID YOU AND DAVE MAY AND TOM MAY TELL DETECTIVE
16 ZOELLER IN SUBSTANCE, ABOUT THE EVENTS THAT CAUSED YOU TO
17 GO TO THE POLICE IN THE FIRST PLACE?

18 A YES.

19 MR. BARENS: WE HAVE AN OBJECTION AS BEING HEARSAY
20 AND IMMATERIAL, BOTH TO THE WITNESS AND AS TO HIS
21 REPRESENTATION AS TO WHAT THE OTHER, VARIOUS PARTIES SAID.

22 THE COURT: WELL, THE ANSWER WILL STAND.

23 Q BY MR. WAPNER: AND AFTER YOU LEFT THAT MEETING,
24 WHAT DID YOU DO?

25 A WE ASKED THE POLICE WHAT WE SHOULD DO. AND THE
26 POLICE SAID THAT --

27 MR. BARENS: OBJECTION TO WHAT THE POLICE SAID. I
28 DON'T EVEN KNOW WHAT POLICE WE ARE TALKING ABOUT.

1 IT IS SURELY HEARSAY.

2 THE COURT: ARE YOU TALKING ABOUT DETECTIVE ZOELLER?

3 THE WITNESS: DETECTIVE ZOELLER AND DETECTIVE KING.

4 THE COURT: THEY TOLD YOU SOMETHING, DID THEY?

5 THE WITNESS: THEY ASKED US TO KEEP ON DOING WHAT WE
6 WERE DOING, NOT TO RAISE SUSPICIONS.

7 MR. BARENS: I MOVE TO STRIKE THAT, YOUR HONOR.

8 THE COURT: IT WILL REMAIN. GO AHEAD. IT GOES TO
9 EXPLAIN SUBSEQUENT CONDUCT.

10 MR. WAPNER: THANK YOU, YOUR HONOR.

11 Q DID YOU FOLLOW THAT ADVICE?

12 A YES.

13 Q DID YOU CONTINUE TO GO TO WORK AT THE PLANT IN
14 GARDENA?

15 A YES.

16 Q AND AT SOME POINT, DID YOU ALONG WITH DAVID MAY
17 AND TOM MAY, TAKE THE MACHINE, THE ATTRITION MILL SOME PLACE?

18 A YES, WE DID.

19 Q AND WHEN I SAY THE "ATTRITION MILL", THAT DEVICE
20 THAT YOU WERE HELPING GENE BROWNING DEVELOP FOR MICROGENESIS?

21 A YES.

22 THE COURT: YOU CALLED IT A CYCLATRON, DID YOU?

23 THE WITNESS: YES.

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1 Q BY MR. WAPNER: WHERE DID YOU TAKE THAT DEVICE?

2 A IT WAS -- I AM TRYING TO REMEMBER THE CHRONOLOGY --
3 BUT IT WAS TAKEN OUT TO ARIZONA OUTSIDE OF PHOENIX FIRST,
4 AND THEN IT WAS BROUGHT BACK AND THEN TAKEN OUT TO BAKER.

5 Q WHY WAS IT TAKEN OUT TO ARIZONA, ON WHOSE
6 DIRECTION?

7 A ON JOE HUNT'S.

8 Q WHY WAS IT BROUGHT BACK FROM ARIZONA?

9 A ON JOE HUNT'S DIRECTION.

10 Q AND WHY WAS IT TAKEN OUT TO BAKER?

11 A TO GRIND ORE, GOLD ORE.

12 Q ON WHOSE DIRECTION?

13 A JOE HUNT'S.

14 Q AND DO YOU REMEMBER WHEN THE MACHINE WAS TAKEN
15 OUT TO BAKER IN RELATION TO WHEN YOU MET WITH THE POLICE?

16 A I THINK IT WAS A FEW WEEKS AFTER. I AM NOT
17 EXACTLY SURE.

18 Q WHAT DID YOU DO AFTER YOU TOOK THE MACHINE TO
19 BAKER?

20 A WE JUST LEFT IT THERE.

21 Q WHAT DID YOU DO AFTER YOU LEFT THE MACHINE THERE?

22 A WE TOOK THE TRUCK, IT WAS A RENTAL TRUCK, BACK
23 TO L.A. AND THEN WE GOT IN THE CAR AND WENT ON A TWO-WEEK
24 VACATION.

25 Q WHO DID?

26 A DAVE MAY, TOM MAY AND MYSELF.

27 Q WHY?

28 A WE DIDN'T LIKE BEING AROUND JOE HUNT AND WE WERE --

1 WE DIDN'T WANT TO WORK WITH HIM ANY MORE.

2 Q WERE YOU AFRAID AT ALL?

3 A YES.

4 Q OF WHAT?

5 A JOE HUNT FIGURING OUT THAT WE WENT TO THE POLICE.

6 Q AND HOW LONG WERE YOU GONE?

7 A TWO WEEKS.

8 Q WHEN YOU CAME BACK --

9 WELL, WHEN YOU LEFT, DID YOU TELL JOE HUNT WHERE
10 YOU WERE GOING?

11 A HE WAS UNDER THE IMPRESSION THAT WE WERE IN BAKER,
12 PUTTING THE MACHINE TOGETHER.

13 Q HOW DO YOU KNOW THAT?

14 A THAT IS WHAT WE TOLD HIM.

15 Q AND DID YOU TELL HIM WHEN YOU WERE COMING BACK?

16 A NO.

17 Q HOW LONG WERE YOU ACTUALLY GONE?

18 A TWO WEEKS.

19 Q WHEN YOU CAME BACK TO LOS ANGELES, WHERE DID YOU
20 GO?

21 A DAVE MAY'S APARTMENT.

22 Q YOU DROVE FROM WHEREVER YOU WERE DIRECTLY TO DAVE
23 MAY'S APARTMENT?

24 A YES.

25 Q AND WHEN YOU GOT BACK TO DAVE MAY'S APARTMENT,
26 DID THEY HAVE AN ANSWERING MACHINE, A TELEPHONE ANSWERING
27 MACHINE THERE?

28 A YES, THEY DID.

1 Q DID SOMEONE LISTEN TO THE MESSAGES ON THE MACHINE?

2 A DAVE DID.

3 Q AND WERE YOU THERE WHEN HE DID THIS?

4 A I COULD HEAR THAT.

5 Q WAS THERE A MESSAGE ON THAT MACHINE FROM DETECTIVE
6 ZOELLER?

7 A YES, THERE WAS.

8 Q AND AT SOME POINT AFTER YOU GOT BACK ON THAT DAY,
9 DID JOE HUNT ARRIVE?

10 A WITHIN FIVE OR TEN MINUTES.

11 Q HAD YOU TOLD HIM YOU WERE COMING BACK ON THAT
12 DAY?

13 A NO.

14 Q HAD YOU TOLD HIM YOU WERE COMING BACK AT THAT
15 TIME?

16 A NO.

17 IN FACT, WE WERE TRYING TO KEEP IT AS CLANDESTINE
18 AS POSSIBLE.

19 Q WHEN JOE HUNT ARRIVED, WHAT HAPPENED?

20 A HE -- BEFORE HE ARRIVED, I CALLED MY GIRLFRIEND
21 AND SHE ARRIVED ABOUT THE SAME TIME AND I LEFT WITH HER, AND
22 DAVE AND TOM LEFT WITH JOE.

23 Q AND DID YOU TALK TO JOE HUNT AGAIN AFTER THAT?

24 A JOE WANTED TO HAVE A MEETING WITH US.

25 Q HOW DO YOU KNOW THAT?

26 A HE CALLED ON THE PHONE, OR DAVE CALLED -- I CAN'T
27 REMEMBER WHO INITIATED THE CALL -- BUT HE WANTED A MEETING,
28 A FINAL MEETING BEFORE WE WERE OUT OF THE BBC.

1 Q AND DID YOU HAVE THAT MEETING?

2 A YES, WE DID.

3 Q WHERE DID HE SUGGEST HAVING IT?

4 A JOE'S SUGGESTION?

5 Q YES.

6 A AT THE WAREHOUSE IN GARDENA.

7 Q DID YOU MEET HIM THERE?

8 A NO.

9 Q WHY NOT?

10 A I DIDN'T THINK IT WOULD BE SAFE.

11 Q DID YOU SUGGEST A PLACE THAT YOU WANTED TO MEET
12 HIM?

13 A YES, WE SUGGESTED THE CHART HOUSE IN WESTWOOD.

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1 Q AND DID YOU IN FACT MEET HIM AT THE CHART HOUSE
2 IN WESTWOOD?

3 A YES, I DID.

4 Q WHAT HAPPENED WHEN YOU MET HIM THERE?

5 A WELL, JOE HUNT, DAVE MAY AND TOM AND I WERE THERE.
6 HE TOLD US THAT HE KNEW WHAT WAS GOING ON, THAT --

7 Q WHAT DID HE SAY?

8 A WELL, HE SAID THAT HE HAD BROKEN INTO DAVE'S
9 APARTMENT AND LISTENED TO THE MESSAGE MACHINE AND HE ASKED
10 US WHO ZOELLER WAS, IF WE KNEW WHO ZOELLER WAS.

11 Q WHAT DID YOU TELL HIM?

12 A NO. I SAID THAT I HAD NO IDEA WHO HE WAS.

13 Q WHAT HAPPENED AFTER THAT?

14 A HE ALSO SAID THAT HE BROKE INTO THE MAILBOX AND
15 GOT SOME PHONE NUMBERS THAT HE WAS LOOKING FOR, GENE BROWNING'S
16 NUMBER AND WE WOULDN'T GIVE IT TO HIM. HE GOT IT FROM DAVE'S
17 MAIL. HE OPENED THE MAIL.

18 Q AND DID HE SAY ANYTHING TO YOU, SAY ANYTHING
19 ELSE TO YOU WHEN YOU MET AT THE CHART HOUSE?

20 A YES. HE GAVE US -- HE SAID THAT WE WERE AMATEURS
21 AT THIS TYPE OF BUSINESS AND HE SAID -- HE WAS THREATENING
22 US.

23 HE WANTED US TO RETURN DOCUMENTS THAT WE HAD
24 GIVEN TO THE POLICE AND OUR ATTORNEYS.

25 Q DID YOU TELL HIM YOU WERE GOING TO RETURN THE
26 DOCUMENTS TO HIM?

27 A YES, I DID.

28 Q WHY DID YOU SAY THAT?

1 A JUST TO APPEASE HIM. I WOULD SAY YES TO WHATEVER
2 HE SAID.

3 Q AND WHAT ELSE DID HE SAY?

4 A HE SAID THAT IF WE DIDN'T DO THIS, HE WOULD
5 DECLARE WAR ON US.

6 Q DO YOU KNOW WHAT HE MEANT BY THAT?

7 A NOT EXACTLY BUT I ASSUME HE MEANT SOME KIND OF
8 VIOLENCE OR SOME KIND OF RETRIBUTION.

9 Q WHAT ELSE DID HE SAY WITH REGARD TO -- DID HE
10 SAY ANYTHING WITH REGARD TO THE INCIDENT HE REFERRED TO BEFORE,
11 REGARDING MR. LEVIN?

12 A AT THAT TIME, HE SAID THAT -- HE ASKED ME ABOUT --
13 HE SAID LEVIN IS A VERY DEAR FRIEND OF MINE AND I AM REALLY
14 UPSET THAT HE IS MISSING. I HOPE THEY FIND HIM AND I DON'T
15 WANT YOU TO SAY ANYTHING ABOUT MY DEAR FRIEND LEVIN.

16 Q HE WAS NOT REFERRING TO MAC AT THAT POINT?

17 A HE WAS NOT.

18 Q AND DID HE MAKE ANY SUGGESTIONS WITH REGARD TO
19 YOU AND ANY INVOLVEMENT YOU MIGHT HAVE HAD IN THIS INCIDENT?

20 A REGARDING?

21 Q SAYING THAT IT WAS POSSIBLE THAT MAYBE YOU HAD
22 KILLED HIM?

23 A YES. HE SAID THAT THE D.A. DOESN'T MAKE VERY
24 MUCH MONEY AND IT WOULD BE VERY EASY TO PERSUADE HIM TO
25 MAKE IT LOOK LIKE YOU MIGHT HAVE SOMETHING TO DO WITH RON
26 LEVIN'S BEING MISSING.

27 Q AFTER THAT MEETING AT THE CHART HOUSE, WHAT
28 FURTHER CONTACT IF ANY, DID YOU HAVE WITH JOE HUNT?

1 A HE CALLED ME ON THE PHONE IN PALM SPRINGS A WEEK
2 LATER OR TWO WEEKS LATER.

3 Q WHAT WAS THAT ALL ABOUT?

4 A THE MACHINES THAT WERE LEFT OUT IN BAKER, HE
5 WANTED ME TO ASSEMBLE ONE SO HE COULD SELL IT TO SOMEBODY.

6 Q WHO KNEW HOW TO ASSEMBLE THE MACHINES BESIDES
7 YOU?

8 A DAVE MAY AND GENE BROWNING.

9 Q DID YOU TELL HIM THAT YOU WOULDN'T ASSEMBLE THE
10 MACHINE?

11 A NO, I DID NOT.

12 Q AND WHAT OTHER CONTACT, IF ANY, DID YOU HAVE
13 WITH HIM?

14 A HE THEN CALLED ME THE NEXT DAY OR A DAY LATER,
15 SAYING THAT THE MACHINES WERE MISSING AND THAT HE KNEW TOM
16 MAY HAD TAKEN THEM AND HE WANTED TO KNOW -- HE WAS TRYING
17 TO TRICK ME INTO SAYING THAT I KNEW THAT EITHER I DID IT OR
18 THAT TOM MAY TOOK THEM.

19 Q WHAT DID YOU TELL HIM?

20 A I KNEW NOTHING ABOUT IT.

21 MR. BARENS: OBJECT TO THE CONCLUSION.

22 THE COURT: ALL RIGHT. WE WILL STRIKE THAT PART WHERE
23 THE WITNESS WAS READING THE MIND OF THE DEFENDANT.

24 MR. BARENS: THANK YOU.

25 MR. WAPNER: THANK YOU. NOTHING FURTHER.

26 THE COURT: ALL RIGHT.

27 MR. WAPNER: EXCUSE ME. I APOLOGIZE. I HAVE ONE
28 OTHER MATTER.

-4

1 THE COURT: YOU MAY REOPEN.

2 MR. WAPNER: YES. I HAVE A DOCUMENT I WOULD LIKE TO
3 HAVE MARKED AS PEOPLE'S 59 FOR IDENTIFICATION.

4 THE COURT: MARKED 59.

5 Q BY MR. WAPNER: MR. RAYMOND, SHOWING YOU 59 FOR
6 IDENTIFICATION, DO YOU RECOGNIZE THAT?

7 A YES, I DO.

8 Q WHAT IS THAT PURPORTED TO BE?

9 A THE BOARD MEETING, SPECIAL BOARD MEETING OF
10 MICROGENESIS.

11 Q AND DOES THAT PURPORT TO BE THE MINUTES OF THE
12 BOARD MEETING OF MICROGENESIS?

13 A YES.

14 Q AND WHAT DATE DOES IT SAY THAT THE MEETING WAS
15 SUPPOSED TO HAVE TAKEN PLACE?

16 A JUNE 7.

17 Q OF WHAT YEAR?

18 A 1984.

19 Q AND DOES IT SAY WHAT HAPPENED AT THAT MEETING?

20 A IT IS REFERRING TO THE CHECK, THE LEVIN CHECK.
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3-1 1 Q AND PURPORTING TO GIVE AUTHORIZATIONS TO SOMEONE
2 TO GO CASH THE CHECK?

3 A IT SAYS "RESOLVED THAT BEN DOSTI IS TO TRAVEL
4 TO EUROPE AND IS AUTHORIZED TO ENDORSE AND CASH THIS CHECK."

5 Q WHO DOES IT SAY ON THAT DOCUMENT IS SUPPOSED TO
6 HAVE ATTENDED THAT MEETING?

7 A IT SAYS "JOE HUNT, TOM MAY, DEAN KARNY, BEN DOSTI
8 AND JEFF RAYMOND."

9 Q DID YOU ATTEND SUCH A MEETING?

10 A NO, I DID NOT.

11 Q WAS THERE SUCH A MEETING, TO YOUR KNOWLEDGE?

12 A NOT THAT I AM AWARE OF.

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

14 THE COURT: ALL RIGHT.

15
16 CROSS-EXAMINATION

17 BY MR. BARENS:

18 Q GOOD AFTERNOON, MR. RAYMOND.

19 MR. RAYMOND, AS I UNDERSTAND IT, ON THE MORNING
20 OF THE 7TH, JOE HUNT TELLS YOU THAT RON LEVIN SIGNED A
21 CONTRACT AND THAT HE HAD GONE TO NEW YORK TO MEET WITH SOME
22 ARABS?

23 A YES.

24 Q THAT LEVIN HAD GONE TO NEW YORK AND THAT HE WAS
25 SELLING THE RIGHTS TO CLOSE THIS DEAL?

26 A YES.

27 Q ABOUT WHAT TIME WAS THAT?

28 A I DON'T KNOW EXACTLY WHAT TIME. IT WAS EARLY

3-2
1 IN THE MORNING.

2 Q WHAT IS EARLY IN THE MORNING?

3 A ABOUT 7:00 OR SO.

4 Q AND HE WOKE YOU UP AT THAT POINT IN TIME?

5 A YES.

6 Q AND AS I UNDERSTAND YOUR TESTIMONY, ON 6-24 HE
7 TOLD YOU THAT HE HAD FORCED RON LEVIN TO SIGN THIS CONTRACT
8 AND THEN AFTERWARDS, HE HAD TAKEN CARE OF HIM?

9 A YES.

10 Q NOW HE COULDN'T HAVE BEEN TELLING THE TRUTH ON
11 BOTH OCCASIONS; IS THAT CORRECT?

12 A CORRECT.

13 Q OKAY. NOW DO YOU KNOW FROM YOUR OWN PERSONAL
14 KNOWLEDGE WHICH OF THOSE STATEMENTS WAS TRUE?

15 A NO.

16 Q OKAY. YOU NEVER SAW ANY DEAD BODY OF RON LEVIN,
17 DID YOU?

18 A NO.

19 Q YOU WEREN'T PRESENT WHEN RON LEVIN SIGNED THE
20 CONTRACT, WERE YOU?

21 A NO.

22 Q DO YOU KNOW WHETHER OR NOT RON LEVIN TOLD JOE
23 HE WAS GOING TO NEW YORK TO MEET WITH ARABS?

24 A NO.

25 Q WHEN WAS THE LAST TIME YOU SAW RON LEVIN?

26 A A MONTH BEFORE.

27 I HAVE ONLY BEEN INTRODUCED TO HIM. I DON'T KNOW
28 HIM ON A PERSONAL LEVEL.

1 Q HOW MANY TIMES DID YOU EVER SEE HIM?

2 A TWICE.

3 Q DID YOU EVER HAVE A CONVERSATION WITH HIM?

4 A NO.

5 Q DID YOU KNOW WHAT WAS GOING ON IN RON LEVIN'S
6 LIFE BETWEEN MAY AND JUNE OF 1984?

7 A NO.

8 Q DID YOU KNOW HOW MANY BANK ACCOUNTS THE BBC HAD
9 CONTROL OF IN JUNE OF 1984?

10 A NO.

11 Q DID YOU KNOW HOW MUCH MONEY JOE HUNT HAD ACCESS
12 TO IN 1984, IN JUNE?

13 A NO.

14 Q YOU INDICATE THAT JOE HUNT HAD NEVER TOLD YOU
15 ANYTHING AT ALL ABOUT HIS RELATIONSHIP WITH RON LEVIN BETWEEN
16 FEBRUARY OF 1984 AND JUNE 7 OF 1984.

17 A NONE THAT I RECALL.

18 Q SO YOU DIDN'T KNOW WHAT SITUATION EXISTED AS
19 BETWEEN LEVIN AND HUNT, BETWEEN FEBRUARY AND JUNE OF '84
20 AT ALL, DID YOU?

21 A CORRECT.

22 Q YOU HAD NO KNOWLEDGE ABOUT THAT AT ALL?

23 A NO KNOWLEDGE.

24 Q YOU DIDN'T KNOW WHAT THEIR BUSINESS DEALINGS WERE?

25 A NO.

26 Q YOU DIDN'T KNOW WHAT THEIR PERSONAL RELATIONSHIP
27 WAS OR WAS NOT?

28 A RIGHT.

3- 1 Q YOU MENTIONED THAT AFTER -- WELL, LET'S GO BACK
2 TO THE 6-24 MEETING; YOU MENTIONED AT FIRST YOU WERE GOING
3 TO HAVE A MEETING BUT PEOPLE COULDN'T MAKE IT AND THEN YOU
4 GOT BACK TOGETHER AGAIN A COUPLE OF DAYS LATER WHERE YOU
5 ACTUALLY HAD THE MEETING?

6 A RIGHT.

7 Q IS THAT CORRECT?

8 AND YOU MENTIONED THAT WHEN THE MEETING IS FIRST
9 CALLED TOGETHER, THERE IS AN IMPLIED THREAT TO EVERYBODY'S
10 LIVES IN THE ROOM ABOUT, I DON'T KNOW, FISHING IN THE
11 ADIRONDACKS?

12 A YES.

13 Q OR BECOMING FISH BAIT?

14 A YES.

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1 Q SO AT THAT POINT, YOU HAVE A STATE OF MIND THAT
2 EVERYBODY IN THE ROOM THERE COULD BE KILLED; IS THAT CORRECT?

3 A WELL, IT SEEMED UNBELIEVABLE, I MEAN.

4 Q QUITE SO.

5 DIDN'T IT SEEM UNBELIEVABLE --

6 A YES.

7 Q -- TO YOU, MR. RAYMOND?

8 YOU DIDN'T LEAVE, DID YOU?

9 A NO.

10 Q DID ANYBODY LEAVE?

11 A NO.

12 Q DID ANYBODY LOOK LIKE THEY WERE QUAKING IN THEIR
13 BOOTS?

14 A AFTER HE TOLD WHAT HE --

15 Q NO. I AM ASKING YOU AT THIS POINT IN TIME.

16 A NOT AT THAT POINT.

17 THE COURT: YOU CAN FINISH YOUR ANSWER.

18 MR. BARENS: I WOULD LIKE HIM TO ANSWER MY QUESTION,
19 JUDGE.

20 THE COURT: YOU MAY FINISH. FINISH YOUR ANSWER, WILL
21 YOU? GO AHEAD.

22 THE WITNESS: WHICH TIME? I MEAN --

23 MR. BARENS: I AM ASKING YOUR RIGHT NOW, SIR, TO TELL
24 ME --

25 THE COURT: YOU SAID UNTIL --

26 THE WITNESS: WHEN HE MADE THE THREAT ABOUT THE FISH
27 BAIT, NOBODY WAS QUAKING IN THEIR BOOTS.

28 Q BY MR. BARENS: ALL RIGHT. NOBODY LEFT?

1 A NOBODY LEFT.

2 Q UP TO THAT POINT IN TIME, HAD YOU EVER SEEN JOE
3 HUNT ACT IN A PHYSICALLY VIOLENT MANNER?

4 A HE WAS AGGRESSIVE SOMETIMES, YES.

5 Q DID YOU EVER SEE HIM BEAT ANYBODY UP?

6 A THERE WAS ONE INCIDENT IN WESTWOOD, WE WERE IN
7 THE JEEP AND TOM MAY WAS IN A PORSCHE IN FRONT OF US AND A
8 TOURIST OR SOMEBODY TOOK A PICTURE OF TOM'S CAR AND JOE JUMPED
9 OUT OF THE JEEP, RAN OVER AND GRABBED THE CAMERA OUT OF THE
10 GUY'S HAND AND TORE OUT THE PICTURE OUT OF HIS HAND AND
11 THREATENED HIM. HE WAS CONFRONTING HIM THERE AND I THOUGHT
12 THAT WAS VERY AGGRESSIVE.

13 Q IN TERMS OF THE GUYS AT THE BBC THAT HE WORKED
14 WITH, DID YOU EVER SEE HIM BEAT ANYBODY UP?

15 A NO.

16 Q DID YOU EVER SEE HIM LAY A HAND ON ANYBODY AT
17 THE BBC OTHER THAN, SHALL WE CALL IT, A CONVIVIAL MANNER?

18 A NO.

19 Q DID YOU EVER SEE HIM HOLD A WEAPON ON ANYBODY?

20 A NO.

21 THE COURT: DID YOU EVER SEE HIM SHOOT ANYBODY?

22 THE WITNESS: NO.

23 THE COURT: YOU CAN KEEP ON GOING LIKE THAT.

24 (LAUGHTER IN COURTROOM.)

25 THE COURT: LET'S GET ON, WILL YOU, PLEASE?

26 Q BY MR. BARENS: ALL RIGHT, NOBODY LEFT THE ROOM.
27 DID ANYBODY SAY AT THAT POINT WE WOULD LIKE TO
28 LEAVE?

1 A NO.

2 Q NOW AFTER THAT STATEMENT, AS I UNDERSTAND IT
3 THERE IS A FIVE OR TEN-MINUTE MEETING OUTSIDE OF THE ROOM?

4 A YES.

5 Q AND EVIDENTLY FOUR PEOPLE LEAVE AND THEN YOU AND
6 HOW MANY PEOPLE WERE LEFT IN THE ROOM AT THAT POINT?

7 A SIX.

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1 Q WHAT DID YOU GUYS TALK ABOUT?

2 A IT WAS SILENCE AND EVERYBODY WAS TRYING TO FIGURE
3 OUT WHAT HE WAS GOING TO SAY, MORE CURIOSITY THAN ANYTHING
4 ELSE.

5 Q WAS THERE ANY WHISPERING GOING ON?

6 A I WAS SILENT. I DON'T RECALL.

7 Q DID YOU SEE ANYBODY SAYING ANYTHING AT ALL?

8 A I DON'T REMEMBER.

9 Q OKAY. THEN THEY REEMERGED, THE FOUR OF THEM
10 IN UNISON?

11 A YES.

12 Q DID THEY TAKE THEIR SEATS WITH THE REST OF YOU?

13 A YES.

14 Q HUNT MAKES THAT ANNOUNCEMENT?

15 A YES.

16 Q YOU MENTIONED YOU WERE LOOKING AT PEOPLE WHEN
17 THAT ANNOUNCEMENT WAS MADE. WHAT DID DEAN KARNY DO?

18 A DEAN WAS -- I THINK I REMEMBER DEAN WAS KIND
19 OF LOOKING AT EVERYONE ELSE, TRYING TO SEE REACTION. I GOT
20 THE IMPRESSION HE ALREADY KNEW AND HE WAS LOOKING TO SEE WHAT
21 EVERYONE ELSE WAS DOING.

22 Q WHAT DID BEN DOSTI DO?

23 A I DON'T RECALL WHAT BEN DID.

24 Q DID EVERYBODY LOOK SURPRISED?

25 A PEOPLE HAD DIFFERENT REACTIONS. THIS IS A TIME
26 LIKE, JOHN ALLEN WAS SHAKING IN HIS BOOTS, IF YOU WANT TO
27 USE THAT TERM.

28 Q GO AHEAD.

1 A HE WAS AFRAID. I THINK THAT HE WAS VERY TAKEN
2 BY IT.

3 TOM SEEMED TO BE -- HE SEEMED TO KNOW BEFOREHAND.
4 BROOKE DIDN'T EVEN SEEM TO CARE. I REMEMBER HER BEING IN
5 THE KITCHEN LIKE SHE ALREADY KNEW AND WAS NOT PAYING ANY
6 ATTENTION. STEVE TAG, I DON'T REMEMBER HOW HE REACTED.

7 THE COURT: TAGLIANETTI?

8 THE WITNESS: YES. WE CALLED HIM TAG.

9 Q BY MR. BARENS: DID EVERYBODY SEEM SURPRISED?

10 A HALF OF THE PEOPLE SEEMED SURPRISED.

11 Q IT SEEMED INCREDIBLE WHAT YOU HAD BEEN TOLD,
12 WASN'T IT?

13 A YES.

14 Q NOW AFTER THAT, YOU RETIRED TO YOUR BEDROOM?

15 A WELL, THIS WAS A HALF AN HOUR THAT PEOPLE WERE
16 TALKING TO EACH OTHER ABOUT WHAT THEY HAD HEARD. AND THEN
17 THE CROWD DISPERSED.

18 Q AND DID ANYBODY STAND UP AND SAY, "WELL, I GUESS
19 WE SHOULD ALL GO TO THE POLICE NOW"?

20 A NO.

21 Q YOU DIDN'T DO THAT, DID YOU?

22 A NO.

23 Q NOW AFTER THAT, YOU STAYED AT THE WILSHIRE MANNING
24 ANOTHER COUPLE OF DAYS?

25 A YES.

26 Q YOU CONTINUED WORKING IN THE MICROGENESIS
27 ACTIVITY FOR ANOTHER COUPLE OF MONTHS, DIDN'T YOU?

28 A WELL, NOT -- I WASN'T WORKING AFTER THAT POINT,

1 REALLY.

2 Q JUST SHOWING UP?

3 A SHOWING UP, YES. WE WERE TALKING ABOUT THE
4 MEETING AND SO FORTH.

5 Q APPEARANCES WERE KEPT NORMAL?

6 A YES.

7 Q DID YOU EVER HAVE SOCIAL CONTACT WITH JOE AFTER
8 THAT?

9 A I DON'T RECALL.

10 Q DID YOU GO TO A PARTY AT EVAN DICKER'S HOUSE?

11 A YES. IT WAS NOT -- YES. WE JUST CAME BY.

12 WE WERE THERE FIVE MINUTES. WE DIDN'T EXPECT
13 JOE TO BE THERE. WE LEFT.

14 Q WAS HE THERE?

15 A YES.

16 Q WHAT DID HE SEEM TO BE DOING THERE?

17 A HE WAS SITTING DOWN AT THE TABLE.

18 Q WAS IT A PARTY TYPE OF SETTING?

19 A NO. THERE WAS ONLY FIVE PEOPLE THERE.

20 Q WAS THAT JULY 4TH?

21 A I DON'T RECALL.

22 Q WAS THERE A JULY 4TH PARTY?

23 A I DON'T RECALL.

24 Q DID YOU EVER HAVE DINNER WITH JOE HUNT AFTER
25 THAT?

26 A THE ONLY ONE I REMEMBER IS THE CHART HOUSE.

27 Q HOW ABOUT THE REST OF THE PEOPLE? DID EVERYBODY
28 STOP TALKING TO JOE AFTER THAT?

1 A ALL I KNOW ABOUT IS DAVE AND I. WE AVOIDED
2 HIM AND THEN EVENTUALLY, TOM.

3 Q WHAT ABOUT THE REST OF THE PEOPLE? WHAT ABOUT
4 KARNY?

5 A NO.

6 Q EVERYTHING SEEMED TO BE NORMAL WITH THOSE GUYS?

7 A YES.

8 Q DID HE EVER TELL YOU THAT THEY HAD GONE TO THE
9 POLICE DURING JULY?

10 A I DIDN'T TALK TO THEM ABOUT IT.
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1 Q ALL RIGHT. GOING BACK TO YESTERDAY'S TESTIMONY
2 AND I WILL TRY TO STAY IN SOME KIND OF ORDER WITH YOU, WHAT
3 WAS THE PARADOX PHILOSOPHY, SIR?

4 A I NEVER STATED THERE WAS AN EXACT PARADOX
5 PHILOSOPHY.

6 Q THERE WASN'T?

7 A NO.

8 Q AN EXACT PARADOX PHILOSOPHY?

9 A NO.

10 Q NONE THAT YOU WERE AWARE OF?

11 A NO.

12 Q WELL, WHAT DID IT MEAN? DID IT MEAN YOU COULD
13 GO OUT AND KILL ANYBODY YOU WANTED?

14 A IT APPEARED THAT IT WAS JOE'S RATIONALIZING HIS
15 ACTIONS THROUGH HIS PHILOSOPHY. WHATEVER HE DID, HE WOULD
16 USE IT TO EXPLAIN TO OTHER PEOPLE WHY WHAT HE DID WAS RIGHT.

17 Q AND DID IT HAVE ANY MEANING TO YOU THOUGH, THAT
18 YOU COULD TELL ANYBODY ELSE?

19 A NO.

20 Q YOU DIDN'T SUBSCRIBE TO THAT, DID YOU?

21 A NO.

22 Q NOBODY IN THE BBC THOUGHT YOU WERE ONE OF THOSE
23 PARADOX PHILOSOPHY PEOPLE, DID THEY?

24 A I DON'T THINK SO.

25 Q HUNT DIDN'T THINK THAT EITHER, DID HE?

26 A I DON'T KNOW.

27 Q DID YOU EVER TELL HIM YOU BELIEVED IN IT?

28 A NO.

1 Q HOW ABOUT AT THAT 6/24 MEETING? ANYBODY ELSE
2 THERE THAT YOU DIDN'T THINK SUBSCRIBED TO THE PARADOX
3 PHILOSOPHY?

4 A I DON'T THINK STEVE TAGLIANETTI DID.

5 Q ANYBODY ELSE?

6 A I DON'T THINK JIM BREN DID.

7 Q ANYTHING ELSE?

8 A I DON'T KNOW ABOUT THE OTHERS.

9 Q OKAY. AS A MATTER OF FACT ON 6/24, WE DON'T
10 HAVE A MEETING OF A GROUP OF PEOPLE THAT ARE ALL SUBSCRIBERS
11 TO THE PARADOX PHILOSOPHY, DO WE?

12 A NO.

13 Q AND THEREFORE, THERE IS NO NECESSITY TO BELIEVE
14 THAT PEOPLE IN THERE HEARING THE STATEMENTS WOULD ALL
15 INTERPRETE THEM IN TERMS OF SOME ALLEGED PARADOX PHILOSOPHY?
16 WHAT DO YOU THINK?

17 A I DON'T SEE HOW THAT PERTAINS TO WHAT HAPPENED.

18 Q NO. I HAVE NOT ACTUALLY GOT TO ASK YOU THE
19 QUESTIONS. BUT I AM ASKING YOU THAT QUESTION, IF YOU WOULD
20 MIND ANSWERING IT?

21 A WOULD YOU REPHRASE IT?

22 Q SURE. DID YOU HAVE ANY REASON TO BELIEVE THAT
23 EVERYBODY AT THAT MEETING ON 6/24 WOULD INTERPRET OR ACT
24 OUT BASED ON WHAT THEY HAD HEARD AT THAT MEETING, BASED ON
25 PARADOX PHILOSOPHY?

26 A NO.

27 Q ALL THE PEOPLE THERE WERE SOMEWHAT OF DIFFERENT
28 PERSUASIONS AND PHILOSOPHIES?

1 A YES.

2 Q AS FAR AS YOU COULD TELL? YOU DIDN'T TAKE THE
3 PARADOX PHILOSOPHY SERIOUSLY, DID YOU?

4 A NO.

5 Q YOU DIDN'T FEEL THAT YOU HAD TO TELL EVERYONE
6 THAT YOU BELIEVED IN THE PARADOX PHILISOPHY IN ORDER TO ATTEND
7 BBC ACTIVITIES OR BUSINESS MATTERS?

8 A WELL, YOU COULDN'T TALK AGAINST IT. I MEAN,
9 IF YOU SAID SOMETHING DEROGATORY, I THINK YOU WOULD BE OUT
10 OF THE BUSINESS END OF IT.

11 Q WHAT COULD YOU SAY DEROGATORY ABOUT THE PARADOX
12 PHILOSOPHY?

13 A WELL, JUST CALL IT A BUNCH OF BULL LIKE THAT.
14 IT WOULD BE TAKEN -- DAVE DID THAT.

15 Q YES?

16 A AND JOE WOULD HAVE ALL THESE TALKS ABOUT IT AND
17 SO FORTH.

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1 Q YOU NEVER SAID ANYTHING NEGATIVE? YOU NEVER SAID
2 TO ANYBODY "I DON'T BELIEVE THAT"?

3 A NOT TO CERTAIN PEOPLE, I WOULDN'T. I WOULDN'T
4 SAY IT TO DEAN KARNY, JOE HUNT OR BEN DOSTI.

5 Q WHEN YOU WOULDN'T SAY THAT TO THEM, MR. RAYMOND,
6 WHAT IS IT YOU WOULD BE SAYING YOU DON'T BELIEVE?

7 A THEIR -- WELL, THEY WOULD HAVE ARGUMENTS AND SO
8 FORTH AND THEIR -- I JUST DIDN'T BELIEVE THEIR ARGUMENTS.

9 Q WHAT IS A PARADOX, MR. RAYMOND?

10 A WHAT IS A PARADOX?

11 Q QUITE SO.

12 A IT IS A DEFINITION. THE DEFINITION WOULD BE
13 SOMETHING THAT IT IS TRUE AND FALSE AT THE SAME TIME OR IT
14 IS -- IT CAN BE LOOKED AT BOTH WAYS. THERE ISN'T ANY --

15 Q YOU MEAN SOMETHING THAT IS RELATIVE, SOMETHING
16 THAT IS, YOU LOOK AT AND YOU SAY IT IS BLACK AND IT IS WHITE
17 AT THE SAME TIME?

18 A RIGHT.

19 Q YOU MEAN IF I BELIEVE IN THIS PHILOSOPHY, I GUESS
20 I CAN LOOK AT SOMETHING THAT IS BLACK AND IN MY MIND IT IS
21 WHITE, IS THAT THE WAY YOU UNDERSTOOD IT?

22 A THAT IS IN JOE'S CONTEXT WHAT THE PARADOX
23 PHILOSOPHY WAS.

24 Q YES.

25 A HE USED IT, AS YOU CAN LOOK AT ANY SITUATION AND
26 CHANGE IT AROUND, CREATE ANY OTHER SITUATION YOU WANT TO.

27 Q AND REALITY WAS THE SAME?

28 A THERE WASN'T ANY REALITY.

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1 REALITY WAS WHAT HE MADE IT TO BE.

2 Q AND REALITY WAS RELATIVE?

3 A YES.

4 Q DO YOU THINK THE GUYS THAT BELIEVED IN THE
5 PARADOX PHILOSOPHY ALSO BELIEVED THAT THERE WAS NO REALITY?

6 A THAT THERE WAS NO REALITY?

7 Q YES, THEY WERE DISNEYLAND AT THIS POINT?

8 A THEY COULD CHANGE THE WAY THAT THEY LOOKED AT
9 THINGS. THEY BELIEVED THAT, DEAN DID.

10 Q DEAN TOLD YOU THAT?

11 A NO.

12 Q HE TOLD YOU THERE WAS NO REALITY?

13 A NO, HE NEVER SAID THERE WASN'T ANY REALITY.

14 Q WHAT DID HE SAY?

15 A HE SAID YOU COULD LOOK AT A SITUATION FROM
16 DIFFERENT WAYS.

17 Q THAT IS WHAT DEAN KARNY SAID?

18 A HE AND JOE HUNT SAID THAT, YES.

19 Q DEAN KARNY BELIEVED, SEEMED TO BELIEVE IN THAT
20 PARADOX PHILOSOPHY?

21 A YES.

22 Q I SUPPOSE IF YOU BELIEVED IN THE PARADOX
23 PHILOSOPHY, LYING WAS NO PROBLEM?

24 A YES.

25 JOE DIDN'T HAVE ANY PROBLEM THAT.

26 Q HOW ABOUT DEAN?

27 A YES, HE WOULD LIE A LOT, TOO.

28 Q AND DEAN LIED A LOT?

1 A YES.

2 Q NOW, DID JOE SEEM TO EXAGGERATE?

3 A I KNOW JOE WOULD MORE FABRICATE THINGS OUT OF --

4 Q FABRICATE?

5 A YEAH.

6 Q DID HE SEEM TO POSTURE?

7 A WHAT?

8 Q POSTURE, TRY TO LOOK GOOD, SAY THINGS THAT

9 ENHANCED HIS APPEARANCE?

10 MR. WAPNER: OBJECTION, THAT CALLS FOR SPECULATION

11 AND A CONCLUSION.

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1 MR. BARENS: OH MY LORD, YOUR HONOR, WE HAVE BROUGHT
2 THIS TYPE OF THING --

3 THE COURT: OVERRULED. LET HIM ANSWER.

4 MR. BARENS: THANK YOU.

5 THE WITNESS: OKAY, HE WOULD CREATE -- I MEAN HE WOULD
6 JUST LIE FOR WHATEVER END HE WAS TRYING TO ACHIEVE, HE WOULD --
7 HE WOULD DO THAT.

8 Q BY MR. BARENS: DID IT SEEM LIKE FROM TIME TO
9 TIME THOSE MISREPRESENTATIONS WOULD BE TO ENHANCE HIS
10 APPEARANCE?

11 MR. WAPNER: OBJECTION. MISSTATES THE EVIDENCE.

12 Q BY MR. BARENS: TO MAKE HIM LOOK GOOD?

13 MR. WAPNER: HE DIDN'T SAY MISREPRESENTATIONS, YOUR
14 HONOR. HE SAID "LIES."

15 MR. BARENS: WELL I WILL SAY "LIE" THEN, MR. WAPNER.

16 THE COURT: ALL RIGHT.

17 Q BY MR. BARENS: WHEN HE WAS LYING, WOULD HE LIE
18 IN INSTANCES WHICH WOULD RESULT IN HIM LOOKING GOOD?

19 A WELL, IT DEPENDS WHAT YOU MEAN BY LOOKING GOOD.

20 Q WELL, HE HAD DONE SOMETHING IMPRESSIVE, LIKE
21 MAKE A LOT OF MONEY?

22 A YES.

23 Q OR HANDLE A SITUATION? HE DID THAT SORT OF THING?

24 A YES.

25 HE LIED TO US CONSTANTLY ABOUT THE AMOUNT OF
26 MONEY HE WAS MAKING.

27 Q AND YOU GUYS CONCEIVED HIM IN SOME INSTANCES
28 AS A LEADER IN THE BBC?

1 A HE WAS DEFINITELY THE LEADER.

2 Q AND HE TRIED TO MAKE HIMSELF LOOK LIKE A LEADER?

3 A YES.

4 Q DID THAT SEEM IMPORTANT TO HIM?

5 A TO JOE?

6 Q YES.

7 A YES.

8 Q DID IT SEEM REAL IMPORTANT TO HIM?

9 A YES.

10 Q NOW, LET'S SEE HERE, YOU WERE KIND OF SURPRISED
11 WHEN YOU WOKE UP ON THE 7TH AND YOU SAW THAT CONTRACT AND
12 CHECK, DID YOU SAY THAT?

13 A YES.

14 Q WHY WERE YOU SURPRISED?

15 A WELL, I DIDN'T THINK THE CONTRACT WAS WORTH
16 NEARLY THE AMOUNT OF MONEY ON IT AND ALSO, I WAS SURPRISED
17 THAT HE WOULD DO BUSINESS WITH RON LEVIN.

18 Q RIGHT. YOU WERE SURPRISED THAT HE TOOK THAT
19 CHECK FROM RON LEVIN, WEREN'T YOU?

20 A YES.

21 Q AND HUNT HAD TOLD YOU PREVIOUSLY THAT LEVIN PLAYED
22 GAMES WITH CHECKS, DIDN'T HE?

23 A YES.

24 Q AND HE TOLD YOU ABOUT AN INSTANCE WHEN HE GOT
25 AN OPTION ON THE PLACE WHERE HE LIVED, BY MANIPULATING A
26 CHECK WITH AN OLD LADY?

27 A YES.

28 Q AND YOU KNEW FROM READING AN ARTICLE, THAT HE

1 GAVE A BAD CHECK TO SOMEBODY FOR THAT FRAUDULENT TRANSACTION
2 ON THE CAMERA EQUIPMENT?

3 MR. WAPNER: OBJECTION. THAT ASSUMES FACTS NOT IN
4 EVIDENCE AND ALSO THAT HE KNEW FROM READING AN ARTICLE. HOW
5 DO WE KNOW THE ARTICLE IS TRUE?

6 MR. BARENS: HE BELIEVED IT. HE TESTIFIED EARLIER
7 TODAY ABOUT THAT, DIDN'T HE, JUDGE?

8 THE COURT: ALL RIGHT, GO AHEAD AND ANSWER THE QUESTION.

9 THE WITNESS: YES.

10 Q BY MR. BARENS: YOU KNEW ABOUT THAT SORT OF THING,
11 DIDN'T YOU?

12 YOU ALSO HAD DISCUSSION WITH MR. HUNT, HAD YOU
13 NOT, THAT YOU THOUGHT LEVIN WAS A CON MAN AND THE KIND OF
14 GUY YOU GUYS SHOULDN'T DO BUSINESS WITH?

15 A YES.

16 Q AND HUNT SEEMED TO KNOW ALL OF THAT, DIDN'T HE?

17 A YES.

18 Q AND HE KNEW ABOUT HIM GIVING BAD CHECKS, DIDN'T
19 HE?

20 A YES.

21 Q AND THERE HE WAS, ACTING LIKE HE BELIEVED THIS
22 CHECK WAS GOOD, WASN'T HE?

23 A RIGHT.

24 Q WHAT DID YOU THINK? DID YOU THINK THE CHECK
25 WAS GOOD?

26 A NO.

27 Q NOT AT ALL, DID YOU?

28 A NO.

1B

1 Q YOU THOUGHT THE CHECK WAS GOING TO BOUNCE, DIDN'T
2 YOU?

3 A YES.

4 Q AND HUNT WAS ACTING AS IF IT WAS GOOD?

5 A YES.

6 Q NOW, ON THE CONTRACT, YOU DIDN'T THINK IT WAS
7 WORTH THE MONEY, A MILLION FIVE; IS THAT CORRECT?

8 A YES.

9 Q WHY IS THAT?

10 A WELL, IT WAS SELLING SOMETHING THAT WE DIDN'T
11 POSSESS AT THE TIME AND IT WAS NEVER PROVEN WE COULD PROVIDE
12 IN THE FUTURE.

13 Q WELL, LET ME TRY TO UNDERSTAND THAT A LITTLE
14 BIT BETTER.

15 YOU ORIGINALLY CAME INTO THIS SETTING BECAUSE
16 OF SOME OPPORTUNITY YOU SAW WITH THIS CYCLATRON?

17 A YES.

18 Q AND WHAT DID YOU UNDERSTAND THE CYCLATRON TO
19 BE?

20 A A GRINDING MACHINE.

21 Q A GRINDING MACHINE?

22 A YES.

23 Q WHAT WOULD MAKE A GRINDING MACHINE VALUABLE,
24 MR. RAYMOND?

25 A WELL, BY THE EFFICIENCY IN WHICH IT GRINDS
26 PARTICLES, THE SIZE IT CAN GRIND IT TO, THE CONSISTENCY AND --

27 Q DID YOU HAVE SOME UNDERSTANDING --

28 THE COURT: DID YOU FINISH YOUR ANSWER YET?

1 THE WITNESS: I WAS GOING TO SAY, ALSO, THE MACHINE
2 HAD AN ABILITY TO SEPARATE ORE BY CONCENTRATES AS FAR AS THE
3 DENSITY OF THE PARTICLES.

4 Q BY MR. BARENS: AND THAT WOULD END UP HAVING
5 SOME COMMERCIAL VALUE?

6 A YES.

7 Q AND WHAT DID YOU UNDERSTAND THE COMMERCIAL VALUE
8 WOULD BE?

9 A THERE WASN'T ANY. IT WAS ALL SPECULATION.

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1 Q INDEED. AND DID YOU UNDERSTAND THAT GENTLEMAN
2 NAMED GENE BROWNING HAD DEVELOPED THIS TECHNOLOGY?

3 A YES.

4 Q AND IT WAS YOUR UNDERSTANDING THAT HE HAD SPENT
5 MANY YEARS DEVELOPING THIS?

6 A YES.

7 Q IT WAS YOUR UNDERSTANDING THAT HE HAD REDUCED
8 THAT TECHNOLOGY TO PRACTICE?

9 A NOT -- NO.

10 Q WAS IT YOUR UNDERSTANDING THAT HE HAD EVER TESTED
11 THAT EQUIPMENT?

12 A THE MACHINERY BUILT WAS A NEW PROTOTYPE THAT HE
13 HAD NEVER BUILT BEFORE.

14 HE HAD BUILT MACHINES TO PROVE THAT IT WORKED.
15 BUT THIS WAS A NEW MODEL.

16 Q BROWNING REPRESENTED TO YOU GENTLEMEN THAT HE
17 HAD SOMEHOW, AT LEAST TO SATISFY HIMSELF, DEMONSTRATED THAT
18 THIS TECHNOLOGY COULD DO WHAT HE CLAIMED IT WOULD DO?

19 A YES.

20 Q AND YOU WERE GOING TO GO AHEAD AND BUILD THESE
21 PROTOTYPES AND THEN GO ON TO TRY TO MARKET THEM?

22 A YES.

23 Q NOW AS A MATTER OF FACT, DIDN'T YOU FELLOWS HAVE
24 SOME SUCCESS IN MARKETING THIS TECHNOLOGY?

25 A WE HAD SOME INTEREST IN IT, YES.

26 Q ARE YOU FAMILIAR WITH THE TRANSACTION WITH GOLD
27 SUN MINING?

28 A NO. I AM NOT FAMILIAR WITH THAT NAME.

A-2

1 Q YOU ARE NOT FAMILIAR WITH THAT NAME AT ALL?

2 A I MAY KNOW THE PEOPLE. I DON'T KNOW THE NAME.

3 Q WERE YOU AWARE THAT GOLD SUN MINING IN SEPTEMBER
4 OF 1983, HAD PAID \$150,000 FOR AN OPTION ON THE TECHNOLOGY?

5 A I KNEW SOMEONE DID. I AM NOT SURE OF THAT NAME.

6 Q WERE YOU AWARE THAT SOMEONE PAID \$150,000 OPTION
7 MONEY INTO THE DEAL BACK IN SEPTEMBER OF 1983?

8 A YES.

9 Q AND WERE YOU AWARE OF THAT TRANSACTION INVOLVING
10 A MAN NAMED KILPATRICK?

11 A YES.

12 Q AND DID THAT TRANSACTION INVOLVE A SUBSTANTIAL
13 AMOUNT OF MONEY?

14 A YES.

15 Q HOW MUCH MONEY?

16 A WE NEVER RECEIVED ANY. IT WAS NEGOTIATED BUT
17 THERE WAS NEVER ANY --

18 Q WHAT WAS THE --

19 THE COURT: LET HIM FINISH THE ANSWER.

20 THE WITNESS: IT WAS WITH THE TAX SHELTER. KILPATRICK
21 NEEDED -- HE NEEDED SOME TECHNOLOGY.

22 Q BY MR. BARENS: HOW MUCH MONEY WAS MR. KILPATRICK
23 TALKING ABOUT?

24 A HE HAD RAISED ON HIS TAX SHELTER, SEVERAL
25 MILLION DOLLARS.

26 Q WAS HE TALKING ABOUT \$220 MILLION?

27 A THAT WAS HIS END OF THE TAX SHELTER.

28 Q WAS THE RELATIONSHIP INVOLVING YOUR BUILDING

2A-3

1 CERTAIN POWER PLANTS FOR HIS UTILIZATION IN CONJUNCTION WITH
2 THE TAX SHELTER?

3 A YES.

4 Q WERE THERE TO BE 44 POWER PLANTS?

5 A YES.

6 Q INVOLVING MICROGENESIS TECHNOLOGY?

7 A YES.

8 Q AND WAS HE SEEKING AN EXCLUSIVE MARKETING AGREEMENT
9 WITH YOU FOLKS?

10 A I WAS NOT INVOLVED WITH THE NEGOTIATING. I DON'T
11 KNOW THAT.

12 Q YOU DIDN'T KNOW? YOU DIDN'T KNOW, SIR?

13 A NO.

14 Q YOU WERE FAMILIAR WITH A WILLIAM MORTON?

15 A BILL MORTON? YES.

16 Q HAD HE PAID A CERTAIN AMOUNT OF MONEY TO YOU FOLKS
17 RELATIVE TO THIS ATTRITION MILL?

18 A YES HE HAD.

19 Q HE PAID \$50,000?

20 A YES.

21 Q WHEN WAS THAT?

22 A HE PAID I THINK, AROUND MAY.

23 Q OF 1984?

24 A '84.

25 Q AND WAS YOUR TRANSACTION WITH HIM THAT YOU WERE
26 LEASING HIM AN ATTRITION MILL FOR \$200,000 FOR FIVE YEARS?

27 A I BELIEVE SO. I READ THE CONTRACT BUT I DIDN'T
28 NEGOTIATE THAT ONE.

2A-4

1 Q WHERE WAS HIS OPERATION?

2 A OUTSIDE OF PHOENIX, ARIZONA.

3 Q IT WAS NOT -- WAS NOT THE EQUIPMENT SENT DOWN
4 TO PHOENIX BECAUSE YOU MADE A TRANSACTION WITH MR. MORTON
5 AND THE EQUIPMENT HAD TO BE THERE?

6 A YES IT WAS.

7 Q AND DID YOU GIVE HIM AN OPTION TO LEASE 12
8 ADDITIONAL CYCLATRONS UNDER THE SAME TERMS, THOSE TERMS BEING
9 \$50,000 IN ADVANCE AND \$200,000 PER LEASE?

10 A I DON'T REMEMBER THAT ONE.

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R-1

1 Q WERE YOU IN NEGOTIATIONS WITH SHADOW VALLEY
2 MINING COMPANY?

3 A YES.

4 Q AND WHO WERE THEY?

5 A IT WAS BILL NALAN OUT IN BAKER, CALIFORNIA.
6 MR. WAPNER: SPELL THAT NAME.

7 THE WITNESS: I BELIEVE IT IS N-A-L-A-N.

8 Q BY MR. BARENS: COULD IT BE N-A-L-L-I-N, SIR?

9 A MAYBE.

10 Q AND WHAT WAS THAT TRANSACTION ABOUT?

11 A HE WAS GOING THROUGH -- IT WAS A JOINT VENTURE.
12 WE WERE GOING TO SET UP SOME MACHINES AND THEN HE WAS GOING
13 TO PROVIDE THE ORE AND WE WERE GOING TO SPLIT THE PROFITS.

14 Q WAS THAT FOR GOLD MINING UTILIZATION?

15 A YES.

16 Q HAD BROWNING TOLD YOU THAT HE HAD IN FACT, USED
17 THE MACHINE FOR GOLD MINING PURPOSES OR TO DEMONSTRATE IT
18 TO BE EFFECTIVE FOR A GOLD MINING UTILIZATION?

19 A YES.

20 Q AND NOW YOU WERE GOING TO APPLY IT IN THAT AREA?

21 A YES.

22 Q HAVE YOU EVER SEEN ANY APPRAISALS ON THE
23 TECHNOLOGY?

24 A THEY HAD ONE MADE DOWN AT COGENCO. BUT IT WAS --
25 IT WAS NOT BASED ON ANYTHING FACTUAL.

26 Q HAD YOU EVER SEEN AN INTERNATIONAL RESEARCH
27 ASSOCIATES EVALUATION ON THE PROJECT?

28 A I DON'T RECALL THAT BY NAME.

2B-2

1 MR. BARENS: IF I MIGHT APPROACH, YOUR HONOR?

2 THE COURT: GO AHEAD.

3 Q BY MR. BARENS: SHOWING YOU AN APPRAISAL DATED
4 NOVEMBER 16, 1983 FROM A HENRY CHEUNG, C-H-E-U-N-G --

5 A OKAY. I THINK I KNOW WHAT YOU ARE REFERRING TO.

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

7 THE COURT: YES.

8 (THE FOLLOWING PROCEEDINGS WERE HELD
9 AT THE BENCH:)

10 MR. WAPNER: NOW COUNSEL WANTS TO GET INTO EVIDENCE
11 OF MR. CHEUNG'S EVALUATION OF THE MACHINE. IF HE DOES, THEN
12 HE CAN CALL MR. CHEUNG. BUT TO ASK THIS WITNESS THE QUESTION,
13 DIDN'T MR. CHEUNG WRITE THIS DOCUMENT AND DIDN'T MR. CHEUNG
14 SAY THAT THIS WAS WORTH SO AND SO, IS A --

15 THE COURT: WHAT IS IT YOU ARE TRYING TO PROVE BY ALL
16 OF THIS? THAT IT HAD SOME MERIT, THE CYCLATRON? HOW DOES
17 THAT AFFECT THIS CASE IN ANY WAY?

18 MR. BARENS: WELL, ONE OF THE MAJOR THINGS THAT THE
19 PEOPLE HAVE TRIED TO ESTABLISH THROUGH THIS WITNESS IS HIM
20 SAYING THAT THE CONTRACT WAS NOT WORTH IT, THAT THE MILLION
21 FIVE HE SAW IN THE CONTRACT COULDN'T POSSIBLY HAVE BEEN WORTH
22 IT BECAUSE THE CYCLATRON AS THEY ARE ALLEGING, HAD NO VALUE
23 AND --

24 THE COURT: WELL, HAVE YOU GOT AN APPRAISAL FROM
25 SOMEBODY HOW MUCH IT IS WORTH?

26 MR. BARENS: I HAVE MANY APPRAISALS, YOUR HONOR. THESE
27 GENTLEMAN DISCUSSED AND WERE AWARE OF IT. AND ALL I AM TRYING
28 TO SHOW IS THAT HE WAS AWARE OF IT.

3-3

1 THE COURT: WELL, WHAT IS THE --

2 MR. BARENS: THAT IT HAD A SIGNIFICANT VALUE.

3 THE COURT: DID ANYTHING MATERIALIZE FROM THE
4 CYCLATRON IN ANY WAY THAT HE GOT ANY MONEY OR --

5 MR. BARENS: WELL, HE TESTIFIED THAT ONE GROUP PAID
6 \$150,000 OPTION MONEY AND --

7 THE COURT: YES, BUT NOTHING HAPPENED WITH IT.

8 MR. BARENS: BUT THE GROUP PAID \$50,000, ANOTHER GROUP
9 AND --

10 THE COURT: NOTHING HAPPENED TO IT.

11 MR. BARENS: WELL, WE ARE GOING TO GET INTO WHERE IT
12 WENT, YOUR HONOR. BUT YOUR HONOR --

13 THE COURT: DO YOU HAVE ANY OBJECTION?

14 MR. WAPNER: THE ONLY OBJECTION IS --

15 THE COURT: I DON'T SEE WHAT VALUE THAT HAS AT ALL.

16 MR. BARENS: I AM TRYING TO SHOW --

17 MR. WAPNER: THE OBJECTION IS THAT IF HE WANTS TO GET
18 MR. CHEUNG'S --

19 THE COURT: I WILL SUSTAIN THE OBJECTION.

20 MR. WAPNER: THEN WE NEED MR. CHEUNG TO --

21 THE COURT: YOU GET CHEUNG TO TESTIFY WHAT IT WAS WORTH.

22 MR. BARENS: IF I MIGHT JUST COMMENT, I CAN ASK HIM
23 WHETHER HE KNOWS ANYTHING AT ALL ABOUT THAT. IF HE KNOWS
24 CHEUNG AND IF HE IS FAMILIAR WITH THE APPRAISAL, THAT IS ALL.

25 THE COURT: YOU CAN ASK HIM THAT. GO AHEAD.

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(THE FOLLOWING PROCEEDINGS WERE HELD
IN OPEN COURT:)

MR. BARENS: MAY I APPROACH THE WITNESS, YOUR HONOR?

THE COURT: ALL RIGHT.

Q BY MR. BARENS: HAD YOU SEEN THIS APPRAISAL BEFORE,
SIR?

A IT LOOKS LIKE THE ONE I SAW A FEW YEARS AGO.
I CAN'T BE SURE IT IS THE SAME ONE.

Q THE DATE ON THERE IS?

A NOVEMBER 16, 1983.

Q AND WERE YOU FAMILIAR WITH THAT DURING THAT TIME
FRAME, AROUND THE END OF 1983?

A YES.

Q AND DID YOU CONSIDER THE EVALUATION SHOWN ON THAT
DOCUMENT IN YOUR ASSESSMENT OF WHAT THE CYCLATRON AND ITS
TECHNOLOGY COULD BE WORTH?

A WELL, AT THE TIME THIS WAS DONE, THE MACHINE DIDN'T
EXIST SO IT IS HARD TO QUANTIFY, I MEAN THE NUMBERS THAT IT
HAS LIKE A HUNDRED FOURTEEN MILLION DOLLARS AND SO FORTH,
BUT I DON'T KNOW WHERE HE QUANTIFIED THE NUMBERS AND WHERE
THEY CAME FROM.

Q AND IN THE APPRAISAL THERE, DOES THE DOCTOR STATE
CERTAIN ASSUMPTIONS THAT HE HAS MADE BASED ON MATERIAL
AVAILABLE TO HIM WHEN HE WROTE THE DOCUMENT?

A ALL THE INFORMATION HE GOT WAS FROM GENE BROWNING.

Q AND WAS GENE BROWNING THE GUY WHO WAS THE
INVENTOR OF THIS PARTICULAR TECHNOLOGY?

A YES.

3-2

1 Q THANK YOU, SIR.

2 WERE YOU THEREAFTER FAMILIAR WITH A GENTLEMAN
3 NAMED MC GEE THAT CAME DOWN?

4 A NO.

5 Q YOU NEVER SAW MR. MC GEE THAT CAME DOWN AND
6 RENDERED AN APPRAISAL?

7 A I DON'T RECALL THAT PERSON.

8 Q WILLIAM MC GEE?

9 A IT DOESN'T RING A BELL.

10 Q DID OTHER PEOPLE COME DOWN TO GARDENA WITH A
11 THOUGHT IN MIND OF DOING AN EVALUATION ON THE TECHNOLOGY?

12 A THE ONLY PEOPLE I SAW IN GARDENA WAS BILL NALLIN
13 CAME DOWN WITH SOME ORE FROM HIS BAKER MINE AND BILL MORTON
14 CAME DOWN WITH SOME ORE FROM HIS MINE IN ARIZONA.

15 Q AND BOTH OF THOSE GENTLEMEN, YOU LATER ON ENDED
16 UP HAVING BUSINESS TRANSACTIONS WITH?

17 A WITH, YES.

18 Q BY THE WAY, DR. CHEUNG WE JUST REFERRED TO, HE
19 ACTUALLY SAW THE MACHINE AFTER IT HAD BEEN BUILT BY BROWNING,
20 HADN'T HE?

21 A NO.

22 Q HE HADN'T SEEN THE MACHINE?

23 A NOT TO MY KNOWLEDGE.

24 Q ALL RIGHT. I WOULD LIKE TO SHOW THE WITNESS SOME
25 PHOTOGRAPHS --

26 THE COURT: SHOW IT TO COUNSEL.

27 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

28 Q BY MR. BARENS: I AM SHOWING YOU THREE PHOTOGRAPHS,

1 MR. RAYMOND --

2 MR. WAPNER: MAY THEY BE IDENTIFIED, PLEASE, FOR THE
3 RECORD?

4 THE COURT: H FOR IDENTIFICATION.

5 MR. BARENS: THANK YOU, YOUR HONOR. LET ME MARK THEM,
6 YOUR HONOR. I WILL CALL IT H-1, H-2, H-3.

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1 Q IN REFERRING TO H-1, COULD YOU TELL ME WHAT YOU
2 SEE THERE, SIR.

3 A IT LOOKS LIKE THE CYCLONES TO THE MACHINE.

4 THE COURT: IT LOOKS LIKE WHAT?

5 THE WITNESS: THE CYCLONES IS WHERE THE GROUND ORE IS
6 COLLECTED.

7 Q BY MR. BARENS: COULD YOU TELL ME WHAT IS DEPICTED
8 IN H-2.

9 A THAT IS THE CYCLATRON MACHINE ITSELF.

10 Q THAT SHOWS THE APPARATUS BY WHICH IT IS DIRECTED
11 AND OPERATED?

12 A YES.

13 Q WHAT DOES H-3 DEPICT, SIR?

14 A THAT IS THE BOTTOM HALF OF THE FIRST PICTURE OF
15 THE CYCLONES WHERE THE MATERIAL COMES OUT.

16 Q RIGHT, IT IS THAT PART?

17 A YES.

18 MR. BARENS: COULD I JUST SHOW IT TO THE JURY, YOUR
19 HONOR?

20 THE COURT: GO AHEAD.

21 (EXHIBIT SHOWN TO THE JURY BY MR. BARENS.)

22 Q BY MR. BARENS: WHATEVER HAPPENED TO THIS
23 EQUIPMENT, MR. RAYMOND?

24 THE COURT: YOU LEFT SOME OTHER PHOTOGRAPHS UP THERE.

25 MR. BARENS: OH, YES. THANK YOU, YOUR HONOR.

26 THE WITNESS: THAT EQUIPMENT?

27 MR. BARENS: YES, SIR.

28 THE WITNESS: IT WAS -- THE LAST WHEN WE TOOK IT OUT

1 TO BAKER, WE LEFT IT THERE AND I NEVER -- HADN'T SEEN IT SINCE.

2 Q BY MR. BARENS: SO YOU WOULD HAVE NO WAY OF
3 KNOWING WHERE THAT EQUIPMENT IS TODAY?

4 A THAT IS CORRECT.

5 Q DO YOU KNOW ANYBODY THAT DOES KNOW WHERE IT IS
6 TODAY?

7 A NO, I DON'T.

8 Q NOW, WE STARTED THIS OFF WITH MY ASKING YOU WHY
9 YOU FOUND HUNT'S PRESENTATION TO YOU ON JUNE THE 6TH SOMEWHAT
10 INCREDIBLE WHEN HE SHOWED YOU THIS CHECK AND THIS CONTRACT.

11 A YES.

12 Q DID YOU THINK LEVIN WAS CONNING HIM?

13 A YES.

14 Q AND YOU THOUGHT --

15 MR. WAPNER; YOUR HONOR, I OBJECT AS MISSTATING THE
16 EVIDENCE. I BELIEVE THEY ARE MISSTATING THE JUNE 6 DATE.

17 MR. BARENS: I AM SORRY. WHAT DATE DID I SAY?

18 MR. WAPNER: THE 6TH.

19 MR. BARENS: JUNE 7TH. I DID NOT MEAN TO MISSTATE.

20 MR. WAPNER: THE MORNING HE CAME IN.

21 MR. BARENS: WHICH I WILL STIPULATE WAS JUNE 7TH, FOR
22 THE PURPOSE OF THIS QUESTION.

23 THE COURT: DO YOU ACCEPT THE STIPULATION?

24 MR. BARENS: YOUR HONOR, I AM NOT GOING TO STIPULATE
25 TO THAT.

26 LET ME ASK THE QUESTION.

27 MR. WAPNER: I WOULD BE HAPPY TO ACCEPT THE STIPULATION
28 THAT THE MORNING HE CAME IN WAS IN FACT JUNE THE 7TH, IF THAT

1 IS THE STIPULATION.

2 MR. BARENS: I WILL WITHDRAW IT AS A STIPULATION AND
3 ASK IT AS A QUESTION, JUDGE.

4 MR. WAPNER: WELL, I WILL BE HAPPY TO ENTER THAT
5 STIPULATION.

6 I DIDN'T KNOW WHAT HE MEANT.

7 THE ONLY REASON I HESITATED WAS HE SAID
8 "FOR THE PURPOSES OF THIS QUESTION".

9 MR. BARENS: THAT IS ALL I MEANT TO DO, ASK IT AS A
10 QUESTION AND I WILL POSE IT AS A QUESTION.

11 THE COURT: POSE IT AS A QUESTION THEN.

12 MR. BARENS: THANK YOU, SIR.

13 COULD I HAVE MY QUESTION AND HIS ANSWER READ BACK,
14 PLEASE?

15 (THE RECORD WAS READ BY THE REPORTER.)

16 THE COURT: WELL, WAIT A MINUTE NOW.

17 MR. BARENS: BEG YOUR PARDON?

18 THE COURT: THE QUESTION ASSUMES IT WAS ON JUNE 6TH.

19 MR. BARENS: I AM CORRECTED. THE DATE WAS JUNE 7TH.

20 THE WITNESS: I AM NOT AWARE OF THE EXACT DATE, WHETHER
21 IT WAS JUNE 6TH OR 7TH. ALL I KNOW --

22 Q BY MR. BARENS: EARLIER ON, YOU TESTIFIED THAT
23 YOUR BEST RECOLLECTION WAS THAT THIS CONVERSATION TOOK PLACE
24 ON JUNE 7TH, WASN'T IT?

25 A I DIDN'T STATE AN EXACT DATE.

26 Q SO YOU DON'T KNOW FOR SURE, BUT IT WAS IN THAT
27 AREA OF TIME?

28 A YES.

1 MR. BARENS: THANK YOU, SIR.

2 THE COURT: WELL, AT ANY RATE, ASSUMING THAT THE
3 AGREEMENT WAS PROPERLY DATED JUNE 6TH, IT WAS NOT ON JUNE
4 6TH, THEN WAS IT?

5 MR. BARENS: IF HE KNOWS, YOUR HONOR.

6 THE COURT: YOU WERE SHOWN A CHECK DATED JUNE 6TH, IT
7 COULDN'T HAVE BEEN ON THAT DATE.

8 THE WITNESS: IT MIGHT HAVE BEEN. IT WAS EARLY IN THE
9 MORNING -- EARLY IN THE DAY SO I AM NOT POSITIVE.

10 THE COURT: IT WAS EARLY IN THE MORNING SO IT COULDN'T
11 HAVE BEEN ON JUNE 6TH?

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1 Q IN ANY EVENT, MR. RAYMOND -- JUST A MOMENT, YOUR
2 HONOR.

3 (PAUSE.)

4 Q BY MR. BARENS: YOU KNEW IN YOUR OWN MIND OR
5 DID YOU HAVE A BELIEF THAT PREVIOUSLY, HE HAD BEEN CONNED
6 BY LEVIN?

7 A WHAT?

8 Q HUNT HAD BEEN PREVIOUSLY CONNED BY LEVIN?

9 A FROM THE INFORMATION JOE GAVE ME, YES.

10 Q AND THAT LEVIN TOLD HIM ONE THING BUT THERE WAS
11 ANOTHER THING THAT WAS REAL?

12 A YES.

13 Q OKAY. NOW, YOU MENTIONED IN THAT CONTEXT THAT
14 HUNT HAD TOLD YOU THAT LEVIN HAD LED HIM DOWN THE GARDEN PATH,
15 SO TO SPEAK, WITH THE CLAYTON BROKERAGE TRANSACTION?

16 A AFTER --

17 MR. WAPNER: OBJECTION, ASSUMING A FACT NOT IN EVIDENCE.
18 WHEN --

19 THE COURT: PRIOR TO THAT TIME?

20 MR. BARENS: YES.

21 THE COURT: PRIOR TO THE DAY HE AWAKENED YOU, DID HE
22 MENTION SOMETHING ABOUT SOME TRANSACTION HE HAD WITH HUNT?

23 THE WITNESS: HE DIDN'T TALK ABOUT THE ACTUAL TRANSACTION.
24 HE JUST TALKED ABOUT NOT EVER BEING PAID FROM RON LEVIN, THE
25 MONEY THAT WAS OWED TO HIM.

26 Q BY MR. BARENS: IS THAT CORRECT, SIR?

27 A PARDON ME?

28 MR. BARENS: AND WHAT IF MR. WAPNER --

1 MR. WAPNER: I AM TELLING HIM TO SLOW DOWN.

2 THE COURT: THAT IS SO THAT THE REPORTER CAN GET EVERY-
3 THING.

4 MR. BARENS: OKAY. I THOUGHT IT WAS A SAFE SIGN OR
5 SOMETHING.

6 MR. WAPNER: NO. I WILL STAND BEHIND YOU WHEN I GIVE
7 THOSE SIGNALS.

8 THE COURT: HE WAS NOT TELLING HIM WHAT TO ANSWER.

9 MR. BARENS: I DIDN'T SEE IT. I DIDN'T THINK THAT
10 HE WOULD, ACTUALLY.

11 Q IN ANY EVENT, HE TOLD YOU ABOUT THAT UNHAPPY
12 TRANSACTION?

13 A IT WASN'T JUST ONE TRANSACTION. IT WAS A SERIES
14 OF EVENTS.

15 Q DID HE EVER TELL YOU THAT HE WAS GOING TO KILL
16 HIM AS A RESULT OF IT?

17 A NO.

18 Q NOW, WAS IT YOUR UNDERSTANDING THAT LEVIN TOLD
19 LIES?

20 MR. WAPNER: OBJECTION, CALLING FOR A CONCLUSION ON
21 THE PART OF THE WITNESS.

22 THE COURT: SUSTAINED. HE SAID HE ONLY MET HIM TWICE.
23 HE NEVER HAD ANY CONVERSATIONS WITH HIM.

24 MR. BARENS: I AM ASKING WHAT HIS UNDERSTANDING WAS,
25 BASED ON HIS REPUTATION THAT MIGHT HAVE PRECEDED HIM, YOUR
26 HONOR.

27 THE COURT: I WILL SUSTAIN THE OBJECTION.

28 MR. BARENS: THANK YOU.

1 Q YOU KNEW OF AN INCIDENT WHERE HUNT SEEMED TO
2 BELIEVE A MISREPRESENTATION LEVIN MADE TO HIM ABOUT THE
3 COMMODITIES TRADING?

4 A WELL, I DON'T KNOW. I ONLY HEARD WHAT JOE TOLD
5 ME. I DON'T KNOW ALL THE DETAILS.

6 Q THAT STORY INVOLVED A STORY WHERE LEVIN HAD TOLD
7 HIM CERTAIN THINGS EVIDENTLY AND THAT HUNT BELIEVED THEM AND
8 THEN THEY TURNED OUT NOT TO BE TRUE?

9 MR. WAPNER: OBJECTION, VAGUE.

10 THE COURT: DO YOU REMEMBER WHAT HE TOLD YOU ABOUT
11 THE LEVIN INCIDENT?

12 THE WITNESS: WHAT HE TOLD ME? YES.

13 THE COURT: WHAT DID HE TELL YOU?

14 Q BY MR. BARENS: IN SUM AND SUBSTANCE --

15 THE COURT: WHAT DID HE TELL YOU?

16 THE WITNESS: THAT LEVIN WAS TO PAY HIM SOME MONEY
17 WHICH HE NEVER DID. THEN HE TALKED ABOUT THE SHOPPING CENTER,
18 WHICH NEVER CAME ABOUT.

19 Q BY MR. BARENS: RIGHT. SO WE HAD TWO INSTANCES
20 WHERE HUNT SEEMED TO BELIEVE SOMETHING LEVIN SAID WAS TRUE
21 AND THEN IT TURNED OUT THAT HE HAD BEEN LIED TO?

22 A YES.

23 Q AND IN BOTH OF THOSE INSTANCES, HUNT SEEMED TO
24 BELIEVE LEVIN?

25 A YES.

26 Q YOU DIDN'T BELIEVE THOSE THINGS, DID YOU?

27 A AT THE TIME, I DID.

28 Q DID YOU, YOURSELF?

1 A I BELIEVED JOE AND WHAT JOE TOLD ME.

2 Q DID YOU OWN PART OF MICROGENESIS?

3 A NO.

4 Q DID YOU INVEST ANY MONEY IN MICROGENESIS, DID
5 YOU?

6 A NO.

7 Q AND YOU DIDN'T SIGN ANY CONTRACTS ON BEHALF OF
8 THE COMPANY?

9 A NO. I WROTE THE CHECKS WHEN I BOUGHT EQUIPMENT
10 AND PARTS FOR THE MACHINE.

11 Q AND WERE YOU A DIRECTOR?

12 A I BELEIVE I WAS APPOINTED DIRECTOR. BUT I DIDN'T
13 EVER PERFORM ANY DUTIES AS A DIRECTOR WOULD.

14 Q DID YOU EVER HAVE ANY INTEREST IN GOING FORWARD
15 WITH THE TECHNOLOGY AFTER AUGUST?

16 A AUGUST OF WHAT YEAR?

17 Q '84, SIR?

18 A YES.

19 Q YOU DID?

20 A YES.

21 Q WHO DID YOU DISCUSS THAT WITH?

22 A WELL, I AM TRYING --

23 Q JUST TAKE IT IN THE ORDER IN WHICH IT MAY HAVE
24 OCCURRED, CHRONOLOGICALLY.

25 A WELL, AFTER WE TALKED WITH GENE ABOUT IT.

26 Q IN AUGUST?

27 A I AM NOT SURE OF THE DATES.

28 Q SORRY?

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1 A I AM NOT SURE OF THE TIME.

2 Q IT WAS AFTER YOU WENT TO THE POLICE, WASN'T IT?

3 A YES.

4 Q ALL RIGHT. SO AFTER YOU HAD BEEN TO THE POLICE,
5 YOU HAD SOME CONVERSATION WITH MR. BROWNING ABOUT THE
6 TECHNOLOGY?

7 A YES.

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1 Q DR. BROWNING WASN'T A PART OF THAT CONVERSATION?

2 A NO, HE WAS NOT.

3 Q WHAT DID YOU TALK ABOUT THEN?

4 A WELL, WE THOUGHT THAT SINCE JOE SAID HE STOLE
5 ALL OF THE MONEY THAT HE WAS PAYING FOR THE MACHINE AND THAT
6 HE WAS NOT GOING TO PAY GENE WHAT HE OWED ON THE CONTRACT
7 AND THAT HE SAID HE MURDERED SOMEONE, WE DIDN'T THINK THAT
8 WE SHOULD DO BUSINESS WITH HIM ANYMORE.

9 WE WERE TALKING ABOUT MAYBE WE COULD RECOUP SOME
10 OF OUR MONEY BY USING THE MINE TO GET BACK SOME OF THE MONEY
11 JOE HAD TAKEN FROM US.

12 Q AND IN ESSENCE, THAT YOU GO FORWARD WITH THE
13 DEAL AND TRY TO HAVE SOME SUCCESS WITH THE CYCLATRON,
14 BEGINNING WITH THE PENDING DEAL WITH MR. NALLIN, EXCEPT HUNT
15 WOULDN'T BE INVOLVED?

16 A NO. WE THOUGHT HE WOULD BE IN JAIL BY THEN,
17 YES.

18 Q BUT YOU THOUGHT HE WOULDN'T BE INVOLVED IN THE
19 DEAL ANYMORE AND HE WOULD BE IN JAIL? HE WOULD BE EVIDENTLY
20 OUT OF THE PICTURE AND YOU COULD GO AHEAD WITH THE
21 TECHNOLOGY?

22 A YES.

23 Q WHO DID YOU TALK TO BESIDES BROWNING IN THAT
24 REGARD?

25 A WE DISCUSSED IT WITH BILL NALLIN, TOM MAY, DAVE
26 MAY.

27 Q AND ASIDE FROM NALLIN AND BROWNING, I WILL CALL
28 THOSE GUYS THE NEW PEOPLE OR THE OUTSIDERS IN TERMS OF

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1 INTEREST. DID YOU TALK TO ANY BUSINESS PEOPLE THAT MIGHT
2 HAVE BEEN INTERESTED IN PURCHASING THE TECHNOLOGY?

3 A GENE DID SOME ON HIS OWN. BUT I WAS NOT AWARE.
4 I WAS NOT INVOLVED WITH THAT. GENE GOT BACK
5 WITH KILPATRICK AND WAS TRYING TO NEGOTIATE A DEAL WITH HIM.

6 Q WHAT WAS YOUR ARRANGEMENT GOING TO BE WITH
7 BROWNING OR NALLIN OR WHATEVER IT MIGHT BE CONSIDERING WHAT
8 WOULD HAPPEN WITH THIS BUSINESS?

9 A WE NEVER PURSUED IT THAT FAR. GENE TOOK OFF
10 AND STARTED NEGOTIATING WITH NALLIN AND WE NEVER CAME TO A
11 CONCRETE AGREEMENT.

12 WE WERE TALKING ABOUT A THIRD, A THIRD, A THIRD
13 SPLIT. BUT NOTHING WAS EVER --

14 Q WHO WOULD THE THIRDS HAVE BEEN?

15 A MYSELF, DAVE MAY AND GENE BROWNING.

16 Q WHO?

17 A GENE BROWNING.

18 Q AND WOULD YOU EACH HAVE A THIRD OF THE PROCEEDS
19 FROM WHATEVER YOU COULD GENERATE ON THE ATTRITION MILL?

20 A YES.

21 Q THE CYCLATRON?

22 A YES.

23 Q DID YOU FOLKS KNOW WHERE THEY WERE AT THAT POINT
24 IN TIME WHEN YOU WERE HAVING THESE CONVERSATIONS?

25 A I BELIEVE THEY WERE STILL IN BAKER AT THAT TIME.

26 Q YOU WERE AWARE OF THAT, WEREN'T YOU?

27 A WITHOUT BEING THERE, I WOULDN'T KNOW FOR SURE.

28 Q WELL AT LEAST, THAT IS WHERE THEY WERE THE LAST

1 TIME YOU SAW THEM?

2 A YES.

3 Q GOING BACK TO -- I FORGOT TO ASK YOU A QUESTION
4 EARLIER. YOU MENTIONED THAT YOU WENT TO SEE DAVE MAY'S DAD
5 AFTER THE 6/24 MEETING AND THEIR LAWYER. WAS IT YOUR
6 TESTIMONY THAT YOU SAID YOU WERE TRYING TO GET SOME INFORMATION
7 ON WHETHER LEVIN WAS REALLY DEAD OR NOT?

8 A WELL, THERE WAS NOT AN ATTORNEY AT THE FIRST
9 MEETING. IT WAS JUST MR. MAY AND HE DIDN'T BELIEVE IT.

10 HE THOUGHT THAT JOE STOLE THE MONEY IN THE
11 COMMODITIES MARKET AND WAS USING THE MURDER TO SCARE US OFF
12 AND SO HE SAID WE SHOULD FIND OUT IF THIS LEVIN GUY IS MISSING
13 AND SO FORTH. THAT WAS HIS SUGGESTION.

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1 Q BY MR. BARENS: MAYBE A STORY WAS BEING TOLD TO
2 YOU BOYS FOR SOME OTHER PURPOSE THAN THE TRUTH.

3 A THAT IS WHAT HE BELIEVED.

4 Q THEN SO YOU DECIDED YOU WOULD TAKE TIME TO FIND
5 OUT IF MAYBE HUNT HAD JUST TOLD YOU THAT FOR EFFECT?

6 A FOR EFFECT OR FOR --

7 Q OR FOR SOME OTHER REASON --

8 A YES.

9 Q -- THAN THE TRUTH?

10 SO A COUPLE OF WEEKS WENT BY WHERE YOU COULD
11 CHECK OUT TO SEE IF YOU COULD FIND OUT, OR NOT, WHETHER HUNT
12 HAD JUST SAID THAT TO PERHAPS CONFUSE YOU BOYS?

13 A YES.

14 Q YOU DIDN'T PUT IT PAST IN YOUR MIND, DID YOU,
15 THAT JOE WOULD RUN A CON ON YOU BOYS, DID IT?

16 A WELL, HE WAS ADMITTING TO A CON WHEN HE SAID HE
17 TOOK OUR MONEY, SO THE WHOLE BBC THING WAS A CON FOR US.

18 Q SURE, AND YOU THOUGHT TO YOURSELF, EVEN IN TELLING
19 YOU SOMETHING AS INCREDIBLE THAT HE HAD COMMITTED A MURDER,
20 THAT THAT MIGHT HAVE BEEN A CON, TOO?

21 A IT COULD HAVE BEEN.

22 MR. BARENS: SURE.

23 MIGHT I HAVE A MOMENT, YOUR HONOR, AS I LOOK HERE?

24 (PAUSE IN PROCEEDINGS.)

25 Q BY MR. BARENS: MR. RAYMOND, THERE WAS A QUESTION
26 POSED TO YOU THIS MORNING ABOUT WHAT YOU HAD DONE THE NIGHT
27 BEFORE MR. HUNT WOKE YOU UP THAT MORNING.

28 I THINK YOU TOLD US THE STORY YOU HAD BEEN AT

-2
1 THE MOVIES THAT NIGHT?

2 A UH-HUH.

3 MR. WAPNER: IS THAT YES?

4 THE WITNESS: YES.

5 EXCUSE ME.

6 Q BY MR. BARENS: COULD YOU REFRESH ME ON THAT?

7 YOU HAD GONE TO WHAT MOVIE?

8 A "STREETS OF FIRE."

9 Q AND THAT WAS IN WESTWOOD?

10 A YES.

11 Q THAT WAS JUST A COUPLE OF BLOCKS FROM WHERE YOU
12 GUYS LIVED, WASN'T IT?

13 A YES.

14 Q WHAT WOULD IT TAKE, FIVE MINUTES TO GET THERE?

15 A YES.

16 THE COURT: I THOUGHT YOU SAID YOU WENT TO DINNER FIRST.

17 THE WITNESS: WE WENT TO DINNER FIRST, YES.

18 Q BY MR. BARENS: OKAY. YOU WENT TO DINNER FIRST?

19 A RIGHT.

20 Q AND THEN YOU WENT TO THE MOVIES?

21 A YES.

22 Q WHOM WERE YOU WITH?

23 A DEAN KARNY, BROOKE ROBERTS AND I AM NOT SURE IF
24 MY GIRLFRIEND WAS THERE OR DEAN'S GIRLFRIEND WAS THERE.

25 Q BUT YOU KNOW FOR SURE BROOKE ROBERTS WAS WITH
26 YOU?

27 A YES.

28 Q JOE'S GIRLFRIEND?

1 A YES.

2 Q SO YOU WENT TO DINNER FIRST AND THEN YOU WENT
3 TO A MOVIE?

4 A YES.

5 Q AND WHAT TIME DID YOU GET OUT OF THE MOVIE?

6 A I DON'T RECALL.

7 IT WAS LATE AT NIGHT.

8 Q IT WAS LATE AT NIGHT?

9 A I BELIEVE SO.

10 Q I DON'T KNOW WHAT YOU MEAN BY LATE AT NIGHT.

11 COULD YOU GIVE ME YOUR BEST ESTIMATE AS TO WHAT
12 TIME THAT MOVIE LET OUT THAT NIGHT?

13 A I CAN'T -- IT WAS, YOU KNOW, DARK. IT WASN'T
14 EVENING. IT WAS ANYWHERE FROM 9:00 TO 11:00, 12:00.

15 Q 9:00 TO 11:00, COULD THAT MOVIE HAVE GOTTEN OUT
16 ABOUT 10:05 THAT NIGHT, SIR?

17 A IT COULD HAVE BEEN. I CAN'T BE SURE.

18 Q WHERE DID YOU GO AFTER THE MOVIE, SIR?

19 A I BELIEVE WE WENT HOME.

20 Q TO THE WILSHIRE MANNING?

21 A YES.

22 Q WHAT HAPPENED TO THOSE OTHER PEOPLE YOU WERE WITH?

23 A I BELIEVE THEY WENT WITH US.

24 Q THEY WENT HOME BACK TO THE WILSHIRE MANNING?

25 A YES.

26 Q THEY ALL LIVED AT THE WILSHIRE MANNING, DID THEY
27 NOT, SIR?

28 A YES.

5-4

1 Q AND IT WOULDN'T TAKE VERY LONG TO GET FROM WHERE
2 THAT MOVIE WAS TO THE WILSHIRE MANNING; DIDN'T YOU TELL ME
3 IT WOULD TAKE ABOUT FIVE MINUTES?

4 A YES.

5 Q DID YOU SEE WHERE THEY ACTUALLY WENT?

6 A I DON'T RECALL.

7 Q DID YOU SEE BROOKE ROBERTS LATER THAT NIGHT?

8 A I HAVE NO RECOLLECTION.

9 Q DID YOU SEE KARNY LATER THAT NIGHT?

10 A I HAVE NO RECOLLECTION.

11 Q SO FROM THE TIME YOU GOT BACK AFTER THE MOVIE,
12 YOU DON'T KNOW WHERE ANY OF THOSE PEOPLE WERE?

13 A RIGHT.

14 Q DID YOU SEE JOE HUNT WHEN YOU GOT BACK?

15 A NO.

16 HE WAS -- JOE --

17 I MEAN DEAN SAID HE WAS GOING TO JOIN US THAT
18 EVENING AND HE NEVER DID.

19 Q YOU NEVER SAW HIM, DID YOU?

20 A NO.

21 Q DID YOU STATE AT AN EARLIER TIME THAT MANY OF
22 THE PLANS THAT JOE HAD MADE NEVER MATERIALIZED?

23 A I DIDN'T STATE IT. THE PROSECUTOR WAS ASKING
24 ME THOSE QUESTIONS AND I GUESS LIKE ANYONE ELSE, YOU HAVE
25 TO AGREE WITH THAT, EVERYBODY'S PLANS DON'T MATERIALIZE.

26 Q SOMEHOW THE BUSINESS PLANS YOU GUYS HAD JUST
27 DIDN'T SEEM TO COME THROUGH, DID THEY?

28 A SURE.

1 Q THAT IS A YES, I PRESUME?

2 A YES.

3 Q YOU MENTIONED YOU HAD A DEAL WITH THIS FELLOW
4 MORTON IN ARIZONA CONCERNING HIS UTILIZING THE TECHNOLOGY?

5 A YES.

6 Q DO YOU REMEMBER WHAT THE TERMS OF THAT CONTRACT
7 WERE?

8 A NOT EXACTLY.

9 Q WHAT DO YOU REMEMBER?

10 A I REMEMBER THE -- IT WAS A LEASE FOR A MACHINE
11 FOR \$200,000 AND I BELIEVE THAT WAS EITHER HE WANTED 10 OR
12 20 OF THEM THAT HE COULD BUY OVER A PERIOD OF TIME.

13 Q HE ACTUALLY PAID SOME MONEY TO YOU FOLKS, DIDN'T
14 HE?

15 A I NEVER SAW IT BUT JOE SAID THAT HE RECEIVED MONEY
16 FROM HIM.

17 Q IT WAS 50,000?

18 A I THINK SO.

19 Q DID YOU ASSIST IN MOVING THE EQUIPMENT THAT I
20 SHOWED YOU IN THOSE PHOTOGRAPHS TO ARIZONA?

21 A NO, I DID NOT.

22 Q HOW DID IT GET THERE?

23 A DAVE MAY DID IT AND GENE BROWNING TOOK IT OUT
24 THERE.

25 Q WAS PART OF THE DEAL WITH MORTON THAT THERE BE
26 SMOE SECURITY PROVIDED WHILE THE EQUIPMENT WAS DOWN THERE?

27 A I BELIEVE SO.

28 Q AND WAS IT IN FACT AN AGREEMENT THAT THERE HAD

1 TO BE GUARDS ON THE EQUIPMENT WHILE IT WAS IN ARIZONA?

2 A YES, THERE WAS A 24-HOUR ARMED GUARD DOWN THERE.

3 Q THAT WAS ONE OF THE CONDITIONS OF THE CONTRACTUAL
4 RELATIONSHIP, WAS IT, SIR?

5 A I BELIEVE SO.

6 Q YOU MENTIONED EARLIER THAT DURING SOME
7 CONVERSATION AFTER JUNE 6TH OR 7TH, DEPENDING UPON WHATEVER
8 DATE WE WANT TO USE, IT DOESN'T MATTER FOR THIS QUESTION,
9 THAT THERE WAS SOME CONVERSATION ABOUT CASHING THE CHECK THAT
10 LEVIN HAD WRITTEN?

11 A YES.

12 Q AND YOU WERE TOLD, I BELIEVE YOU SAID, THAT HUNT
13 TOLD YOU THAT JIM GRAHAM HAD SOME SPECIAL CONNECTIONS IN
14 SWITZERLAND THAT WOULD FACILITATE CASHING THE CHECK?

15 A I THINK HE SAID THAT AT THE MEETING ON THE 24TH
16 OR --

17 Q DID YOU BELIEVE THAT, SIR?

18 A I DIDN'T KNOW WHAT TO BELIEVE AT THAT TIME.

19 Q YOU DIDN'T REALLY BELIEVE THAT JIM GRAHAM SEEMED
20 TO HAVE ANY SOPHISTICATION ABOUT SWISS BANKING, DID YOU?

21 A NOT ABOUT SWISS BANKING, NO.

22 Q SO YOU REALLY DIDN'T BELIEVE THAT STATEMENT, DID
23 YOU?

24 A I DIDN'T REALLY THINK ABOUT IT AT THE TIME.

25 Q NOW EARLIER, YOU TESTIFIED AND YOU MADE AN
26 EXPRESSION FOR US WHICH WAS NICE, TO DESCRIBE THE EXPRESSION
27 JOE HAD WHEN HE SAID THAT LEVIN WAS UNDER DURESS WHEN HE SIGNED
28 THE CONTRACT; DO YOU REMEMBER THAT DEMONSTRATION?

1 A YES.

2 Q AND THEN YOU TESTIFIED EARLIER THAT HE SEEMED
3 TO BE KIDDING WHEN HE SAID THAT, KIDDING AROUND?

4 A NO, HE WASN'T KIDDING AROUND.
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1 Q DID YOU USE THE WORD "KIDDING"?

2 A I DON'T RECALL IF I DID.

3 Q WELL, IN PREVIOUS TESTIMONY, YOU ARE SAYING THAT
4 YOU NEVER MADE THE STATEMENT, "HE WAS KIDDING AT THE TIME"?

5 A AT WHAT TIME?

6 Q WHEN YOU MADE THE GESTURE THAT YOU DEMONSTRATED
7 FOR THE COURT, SIR.

8 A HE MADE IT. HE SAID IT AS A JOKE. IT WAS MEANT
9 TO BE FUNNY.

10 Q HE SAID IT AS A JOKE?

11 A YES.

12 Q DID YOU EVER USE THE WORD "KIDDING" TO DESCRIBE
13 THE WAY HE WAS ACTING?

14 A HE WAS VERY SERIOUS UP UNTIL THAT POINT. THEN
15 HE MADE THAT AND IT EVOKED LAUGHTER AND THEN HE WAS BACK TO
16 BEING SERIOUS.

17 Q WHAT I AM ACTUALLY ASKING YOU MR. RAYMOND IS,
18 IF AT A PREVIOUS TIME, YOU TESTIFIED UNDER OATH, "AND HE WAS
19 KIDDING AT THE TIME"? DID YOU EVER MAKE THAT STATEMENT?

20 A WELL, IF IT SAYS I DID, THEN I DID.

21 THE COURT: WHAT IS THE CONTEXT OF THAT, "KIDDING AT
22 THE TIME"? WHAT TIME WAS THAT REFERRING TO? READ WHAT WENT
23 BEFORE THAT.

24 MR. BARENS: YES, SIR.

25 Q WELL, HE SAID "THE ACTUAL SIGNATURE WAS DONE
26 UNDER A LITTLE BIT OF DURESS AND HE WAS KIDDING AT THE TIME."
27 DID YOU MAKE THAT STATEMENT, SIR?

28 A I DON'T RECALL. BUT IF IT SAYS I DID, THEN I

1 GUESS I DID.

2 MR. BARENS: ALL RIGHT, SIR. I COULD REFRESH THE
3 WITNESS' RECOLLECTION IF YOU WANT, OR ARE YOU SATISFIED?

4 THE COURT: I THINK HE ALREADY TESTIFIED HE MADE THE
5 GESTURE AS TO WHAT MR. HUNT HAD DONE AT THE TIME HE MADE A
6 REMARK ABOUT KIDDING. AND HE MOVED HIS HANDS OR SOMETHING.

7 THE WITNESS: THAT IT WAS A JOKE.

8 Q BY MR. BARENS: HE MADE IT AS A JOKE, DID HE?

9 A YES.

10 Q ALL RIGHT. YOU TESTIFIED EARLIER THAT JOE HUNT
11 DID NOT ALWAYS TELL THE TRUTH?

12 A YES.

13 Q COULD YOU GIVE ME SOME EXAMPLES OF THAT, SIR?

14 A WELL, ABOUT THE COMMODITIES MARKET, WHEN HE WOULD
15 SAY HE WAS MAKING A LOT OF MONEY.

16 Q COULD YOU TELL ME HOW YOU KNOW THAT WASN'T TRUE?

17 A WELL, THERE HAS TO BE A LIE SOMEWHERE. ONE DAY
18 HE TELLS ME THAT HE MADE ALL THIS MONEY. THEN THE NEXT DAY,
19 THERE IS A MEETING WHERE HE SAYS THAT HE WAS NOT TRADING AND
20 HE DIDN'T MAKE ANY MONEY. SO, ONE HAS OBVIOUSLY GOT TO BE
21 A LIE.

22 Q HE ALSO SEEMED TO HAVE A LOT OF MONEY, DIDN'T
23 HE?

24 A YES.

25 Q YOU TOLD US ABOUT HUNDRED DOLLAR BILLS AND FANCY
26 CARS AND CLOTHES. HE SEEMED TO HAVE A LOT OF MONEY?

27 A YES.

28 Q HE SEEMED TO -- WHERE WAS THE MONEY COMING FROM,

1 TO YOUR KNOWLEDGE?

2 A I THOUGHT THAT IT WAS COMING FROM PROFITS FROM
3 COMMODITIES.

4 Q AND DID HE TELL YOU SOME DAYS HE MADE A LOT OF
5 MONEY IN THE COMMODITIES MARKET?

6 A YES.

7 Q OTHER OCCASIONS, WERE YOU TOLD THAT MONEYS HAD
8 BEEN LOST IN THE COMMODITIES MARKET?

9 A WELL, LIKE HE WOULD SAY THAT HE LOST A LITTLE
10 BIT OR DIDN'T HAVE A GOOD DAY. BUT BASICALLY, YOU HEARD JUST
11 THE GOOD NEWS.

12 Q DID YOU EVER HEAR TALK LIKE YOU MIGHT EXPECT
13 TO HEAR FROM GUYS THAT ARE TRADING IN COMMODITIES OR SECURITIES,
14 THAT YOU MAKE A LOT OF MONEY SOMETIMES AND SOMETIMES YOU LOSE
15 A LITTLE MONEY AND THAT IS THE WAY THAT BUSINESS KIND OF
16 OPERATES?

17 A YES.

18 Q OKAY. WELL, TELL ME ANOTHER LIE IF YOU WOULD,
19 THEN. WHAT ELSE CAN YOU TELL US ABOUT LYING?

20 A WELL, I THINK -- WELL, THERE WAS AN INSTANCE
21 WITH GENE BROWNING WHEN THE MACHINE WAS FINISHED. HE WAS
22 SUPPOSED TO GET A HOUSE FOR GENE BROWNING. THEN HE LIED TO
23 GENE ABOUT IT. HE HAD NO INTENTION OF BUYING THIS HOUSE.
24 HE LIED TO GENE ABOUT THAT. HE ASKED ME TO LIE TO GENE AND
25 TRY TO APPEASE GENE.

26 Q GENE BROWNING, WASN'T IT TRUE THAT HE WAS GOING
27 TO -- HE THOUGHT HE WAS GOING TO GET \$300,000 WHEN THE LEVIN
28 CHECK CLEARED TO BUY A HOUSE, SIR?

1 A IT WASN'T RELATED TO THE LEVIN CHECK. IT WAS
2 WHEN THE MACHINE WAS FINISHED, HE WAS SUPPOSED TO BE PAID
3 A CERTAIN AMOUNT OF MONEY.

4 Q AND WAS THERE DISCUSSIONS WITH BROWNING IN THAT
5 REGARD? WEREN'T YOU TALKING ABOUT THAT IN JULY OF 1984, THE
6 FIRST TWO WEEKS?

7 A NO. IT WAS ONCE THE MACHINE WAS -- BEFORE THE
8 MACHINE WAS DELIVERED TO ARIZONA, WHICH I BELIEVE, WAS IN
9 MAY.

10 Q AND DO YOU RECALL, DID YOU TELL BROWNING SOME-
11 THING ABOUT GETTING MONEY FOR A HOUSE?

12 A I TOLD HIM -- WHAT I TOLD HIM, I BELIEVE WAS
13 TRUE AT THE TIME, THAT JOE WAS LOOKING. AND WHEN I FOUND
14 OUT FROM JOE THAT HE HAD NO INTENTION OF DOING THAT, I DIDN'T
15 TELL GENE THAT. I LET JOE TELL HIM.

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1 Q DID JOE TELL HIM THAT?

2 A I WAS NOT AWARE OF THE CONVERSATION.

3 Q YOU ARE NOT SURE WHETHER HUNT TOLD HIM HE WAS
4 STILL GOING TO GET A HOUSE OUT OF THIS MONEY OR NOT?

5 A RIGHT.

6 Q WELL, WERE YOU PRESENT WHEN HUNT TOLD BROWNING
7 THAT HE WAS GETTING THIS HOUSE BOUGHT FOR HIM?

8 A WHEN HE TOLD GENE THAT?

9 Q YES.

10 A NO.

11 Q YOU WEREN'T PRESENT? WELL, TELL ME ABOUT ANOTHER
12 LIE, THEN.

13 A OKAY. WELL, AGAIN, THAT CHECK THAT HE SAID THAT
14 WAS FOR THE CONTRACT. AND THEN AGAIN AT THE MEETING, WHEN
15 HE ANNOUNCED THAT HE MURDERED LEVIN, HE CHANGED. SO, ONE
16 OF THOSE HAD TO BE A LIE.

17 Q SO, ONE OF THOSE INDEED, HAS TO BE A LIE. ALL
18 RIGHT. I THINK WE DID THAT.

19 CAN YOU TELL ME ABOUT ANOTHER LIE, NOW?

20 A LATER ON, I BELIEVE THAT -- A LIE HE TOLD DIRECTLY
21 TO ME?

22 Q SURE.

23 A OR JUST GENERAL?

24 Q A GENERAL LIE OR SPECIFIC LIE.

25 A YES.

26 Q GIVE ME FIRST A SPECIFIC LIE.

27 A IT IS HARD TO REMEMBER.

28 Q GO AHEAD. PICK ONE.

1 A OKAY. HE TOLD ME THAT HE GRADUATED S.C. IN TWO
2 YEARS AND THAT HE WAS PRESIDENT OF HIS FRATERNITY HOUSE WHEN
3 HE WAS A PLEDGE.

4 Q WELL, HE TOLD YOU THAT HE HAD BEEN PRESIDENT
5 OF A FRATERNITY HOUSE AND IT WAS KIND OF TO IMPRESS YOU, I
6 BET?

7 A WHETHER IT WAS TO IMPRESS ME?

8 Q YES, SIR.

9 A I DON'T KNOW HIS MOTIVATION.

10 Q WELL, DID IT SEEM LIKE TO YOU -- THAT IS WHAT
11 I AM ASKING --

12 A I THINK THAT IT WAS SO THAT HE COULD FIT IN.

13 Q RIGHT. SO HE COULD FIT IN WITH THE REST OF YOU
14 BOYS?

15 A MAYBE. I AM USING SPECULATION.

16 Q GO AHEAD.

17 A I DON'T KNOW.

18 MR. WAPNER: WELL, I THINK WE HAVE HAD ENOUGH
19 SPECULATION. HE ALREADY SAID --

20 MR. BARENS: WELL, THE PROSECUTION GOT IN THEIRS. I
21 WOULD LIKE MY EQUAL SHARE.

22 THE COURT: DON'T TELL US WHAT THE PROSECUTION DID.
23 JUST ASK PROPER QUESTIONS AND WE WILL GET ANSWERS. IF IT
24 IS IMPROPER, I WILL SUSTAIN AN OBJECTION IF IT IS MADE.

25 LET'S NOT HAVE ANY PERSIFLAGE BETWEEN THE TWO
26 OF YOU.

27 Q BY MR. BARENS: YES. HE SEEMED TO BE TRYING
28 TO MAKE AN EFFORT TO FIT IN WITH YOU BOYS?

1 A YES.

2 Q HE HAD A BIT OF A DIFFERENT BACKGROUND THAN YOU
3 FELLOWS?

4 A I WAS NOT AWARE OF IT. I DIDN'T KNOW HIM.

5 Q WELL, HE SEEMED TO HAVE A NEED TO FIT IN? WHAT
6 WAS DIFFERENT ABOUT HIM?

7 MR. WAPNER: WELL, OBJECTION. COMPOUND. THAT IS TWO
8 QUESTIONS.

9 SECOND OF ALL, WHAT MADE HIM HAVE A NEED TO FIT
10 IN CALLS FOR SPECULATION ON THE PART OF THE WITNESS.

11 THE COURT: I WILL SUSTAIN THE OBJECTION.

12 Q BY MR. BARENS: WHAT DID YOU MEAN WHEN YOU SAID
13 TO ME THAT HE WANTED TO FIT IN, SIR?

14 A I WAS TRYING TO ANSWER YOUR QUESTION WHY I THINK
15 HE SAID THAT.

16 Q AND WHAT DO YOU MEAN BY THAT STATEMENT?

17 A WELL, EVERYBODY WAS FRIENDS. HE WANTED TO BELONG
18 TO THE GROUP.

19 Q SO IN HIS EFFORTS TO FIT IN, HE TOLD YOU THAT
20 HE HAD BEEN PRESIDENT OF A COLLEGE FRATERNITY?

21 A YES.

22 Q IT WASN'T TRUE, SIR?

23 A I REALLY DOUBT IT WAS. I HEARD LATER THAT IT
24 WAS NOT TRUE.

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1 Q YOU HEARD LATER ON THAT IT WASN'T TRUE?

2 A YES.

3 Q AND HOW ABOUT HIM GRADUATING FROM USC?

4 A I HEARD THAT WASN'T TRUE ALSO.

5 Q DID HE TELL YOU ANYTHING ELSE ABOUT HIMSELF OF
6 THAT NATURE THAT TURNED OUT NOT TO BE TRUE?

7 A HE -- LET'S SEE, I DON'T KNOW ANYTHING SPECIFICALLY
8 RIGHT NOW.

9 Q DID YOU HEAR HIM TELLING THE REST OF THE BOYS
10 IN BBC THESE THINGS ABOUT HIMSELF, LIKE HE HAD BEEN A
11 FRATERNITY PRESIDENT AND GRADUATED FROM USC?

12 A YES.

13 Q HE TOLD THAT TO EVERYBODY, DIDN'T HE?

14 A EVERYONE THOUGHT THAT WAS TRUE.

15 Q DID HE TELL YOU HE HAD MADE A TON OF MONEY IN
16 TRADING COMMODITIES IN CHICAGO?

17 A YES, HE DID.

18 Q HE TOLD YOU HE HAD MADE HOW MUCH MONEY, SIR?

19 A I -- MILLIONS. I DON'T RECALL THE AMOUNT.
20 I HEARD IT FROM DAVE AND TOM.

21 Q MILLIONS, WAS THAT WHAT YOU HEARD?

22 A YES, A MILLION OR TWO, SOMETHING LIKE THAT.

23 Q THAT DIDN'T TURN OUT TO BE TRUE, DID IT?

24 A APPARENTLY NOT.

25 Q SO NONE OF THOSE THINGS TURNED OUT TO BE TRUE
26 ABOUT HUNT; IT TURNED OUT THAT HE WASN'T ANY OF THOSE THINGS
27 HE SAID HE WAS, I SUPPOSE, IS THAT TRUE?

28 A APPARENTLY SO.

1 Q BY THE WAY, YOU MENTIONED EARLIER TODAY THAT THEY
2 WERE TAKING KARATE LESSONS THERE WITH GRAHAM?

3 A UH-HUH.

4 MR. WAPNER: IS THAT YES?

5 THE WITNESS: YES.

6 Q BY MR. BARENS: WAS THERE SOMETHING SINISTER ABOUT
7 THAT?

8 A I DIDN'T THINK SO AT THE TIME.

9 Q IT JUST SEEMED LIKE WHAT THEY WERE DOING,
10 EXERCISING, THAT SORT OF THING?

11 A YES.

12 Q WHO WAS INVOLVED WITH THAT?

13 A JIM GRAHAM, JOE HUNT, DEAN KARNY.

14 Q ANYBODY ELSE JOIN IN THE EXERCISE?

15 A TOM DID OCCASIONALLY.

16 Q TOM DID OCCASIONALLY?

17 HOW ABOUT BROOKE ROBERTS OCCASIONALLY?

18 A I NEVER SAW HER DO IT.

19 Q OKAY. YOU MENTIONED WHEN YOU CAME BACK FROM THAT
20 LITTLE VACATION YOU WENT ON THAT HUNT SHOWED UP OVER AT MAYS'
21 APARTMENT?

22 A YES.

23 Q DID YOU KNOW THAT HUNT DROVE THE MAY BOYS BACK
24 TO THEIR PLACE AFTER THAT?

25 A YES.

26 Q THEY TOLD YOU THAT, DIDN'T THEY?

27 A YES.

28 Q HE DROVE THEM IN HIS CAR?

1 A YES.

2 Q I SEE.

3 AND THAT WAS ABOUT -- ABOUT WHEN WAS THAT?

4 A I HAVE NO IDEA.

5 LATE IN THE SUMMER. AUGUST, SEPTEMBER.

6 Q I DON'T RECALL YOU TELLING ME WHERE YOU GOT THE
7 MONEY FOR THAT VACATION, MR. RAYMOND.

8 A THE MONEY WE TOOK WAS JOE HUNT GAVE US \$3,000
9 APPROXIMATELY TO GET TO BUILD THE MACHINES OUT IN BAKER AND
10 WE GAVE -- I DON'T KNOW HOW MUCH WE GAVE -- GENE BROWNING
11 WAS OUT THERE AND WE GAVE HIM SOME AND THEN WE USED THAT MONEY.

12 Q SO THE MONEY THAT HUNT GAVE YOU TO BUILD THE
13 MACHINE, YOU USED FOR A LITTLE VACATION WHILE YOU WERE MAKING
14 THINGS LOOK NORMAL?

15 A YES.

16 WE FIGURED SINCE HE STOLE FROM US, THERE WOULDN'T
17 BE ANY PROBLEM FOR US SPENDING IT.

18 Q HOW DID YOU KNOW HE HAD STOLEN THE MONEY AS
19 OPPOSED TO --

20 I THINK RIGHT NOW YOU ARE TALKING ABOUT THE
21 \$10,000?

22 A AND THE MAYS EACH LOST A HUNDRED THOUSAND DOLLARS
23 SO --

24 Q HOW DO YOU KNOW IT WAS STOLEN RATHER THAN LOST
25 IN THE MARKET?

26 A WELL, WHEN I ASKED HIM TO SEND ME THE DOCUMENTS
27 TO SHOW HOW HE LOST IT LEGITIMATELY, HE SAID THAT I
28 COULDN'T LOOK AT THE FILES, I COULDN'T REMOVE THEM AND I ASKED HIM

7-4
1 WHY HE WOULDN'T LET ME DO THAT AND SO FROM HIS OTHER
2 CONFESSIONS OF -- I DIDN'T BELIEVE ANYTHING HE SAID AND I
3 WOULD JUST ASSUME THAT IS WHERE HE GOT THE MONEY.

4 Q SO YOU ARE ASSUMING THAT HE STOLE THE MONEY, SIR?

5 A WELL, HE TOLD ME AND I BELIEVE THAT PART OF IT.

6 Q YOU ASSUME HE STOLE THE MONEY?

7 A YES.

8 Q AND THE MAYS LOST THEIR MONEY A LONG TIME BEFORE
9 YOU LOST YOUR MONEY; WASN'T THAT TRUE?

10 A YES, IT WAS.
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7-5
1 Q YOU ASSUMED, GOING BACK FROM THAT TIME, THAT HE
2 PUT THE MAYS \$200,000 IN HIS POCKET AND NEVER PUT IT IN THE
3 MARKET AT ALL; ISN'T THAT WHAT YOU ARE ASSUMING?

4 A WE FIGURED HE PROBABLY PUT HALF IN THE MARKET
5 AND HALF IN HIS POCKET.

6 Q WHEN DID YOU START BELIEVING THAT, ACTUALLY?

7 A AFTER THE MEETING, ACTUALLY.

8 Q AFTER THE 6-24 MEETING?

9 A YES.

10 Q BY THE WAY, DID HUNT EVER GIVE YOUR FATHER
11 \$15,000?

12 A YES, HE DID.

13 Q WHEN WAS THAT?

14 A I BELIEVE IN MAY.

15 Q IN MAY OF '84?

16 A MAY OR JUNE, YES.

17 Q OH, I SEE.

18 AND WHY DID HE GIVE YOUR FATHER \$15,000?

19 A HE WAS GOING TO DO THE ANALYSIS ON THE MACHINE
20 FOR LIGHT, FOR PRODUCTION.

21 Q WHAT DID YOUR FATHER DO WITH THE \$15,000?

22 A HE PUT IT IN THE BANK AND HE DID SOME WORK. HE
23 CAME UP AND HE HIRED SOME PEOPLE TO DO SOME ENGINEERING.

24 Q AND HOW MUCH OF THE \$15,000 DID YOUR FATHER SPEND
25 IN FULFILLMENT OF THE ANALYSIS AGREEMENT?

26 A HE SPENT, I THINK, FIVE OR SIX THOUSAND DOLLARS
27 OF IT.

28 Q AND WHAT HAPPENED TO THE REST OF IT?

1 A WELL, JOE ASKED FOR IT BACK AND MY FATHER SAID,
2 "FINE, AS SOON AS YOU GIVE US RECEIPTS ON THE COMMODITIES,
3 I WILL GIVE IT TO YOU."

4 AND JOE NEVER CAME UP WITH THOSE.

5 Q SO YOU, IN EFFECT, DID AN OFFSET?

6 A IT WASN'T IN EFFECT AN OFFSET.

7 JOE JUST NEVER CAME UP WITH THE PAPER SO HE --

8 Q SO YOU KEPT THE MONEY?

9 A YES.

10 Q QUITE SO.

11 ALL RIGHT, WAS JOE UNDER PRESSURE FROM BROWNING
12 DURING THE SPRING-SUMMER '84 PERIOD?

13 A WHAT DO YOU MEAN?

14 Q WELL, WHAT WAS GOING ON BETWEEN BROWNING AND HUNT
15 DURING THAT PERIOD OF TIME?

16 A SPRING OF '84?

17 Q YES, SIR, SPRING-SUMMER.

18 Q WELL, WHAT WOULD HAPPEN WAS THAT GENE WAS EXPECTING
19 MONEY.

20 GENE FULFILLED HIS PART OF THE CONTRACT FOR
21 FINISHING THE MACHINE AND GENE EXPECTED MONEY OR A HOUSE AND
22 SOMETHING IN RETURN AND JOE WAS TRYING TO FINAGLE OUT OF
23 PROVIDING WHAT GENE EXPECTED.

24 Q AND SO DID BROWNING SEEM TO BE GETTING ANXIOUS
25 ABOUT WHAT WAS GOING ON?

26 A YES.

27 Q WANTING TO KNOW WHY THERE WAS NO ACTION AS FAR
28 AS THE MARKETING AND DEVELOPMENT AND PROFITABILITY OF THE

1 CYCLATRON EQUIPMENT?

2 A NOT SO MUCH THE MARKETING BUT THE MONEY HE THOUGHT
3 WAS DUE.

4 Q NOW, DID JOE SEEM TO JUST GIVE UP ON THE CYCLATRON
5 AND SAY, "WELL, I AM NOT INTERESTED IN THAT ANY MORE"?

6 A JOE TOLD ME HE WAS TRYING TO GET --
7 GENE OWNED A THIRD OF THE COMPANY, MICROGENESIS,
8 AND HE SAID -- JOE SAID HE WAS GOING TO TAKE BACK THE STOCK
9 FROM GENE AND NOT GIVE HIM HIS SHARE AND SQUEEZE GENE OUT
10 OF THE PICTURE.

11 Q AND IN FACT, TO THE CONTRARY, DIDN'T IT SEEM LIKE
12 HUNT'S INTEREST IN THAT CYCLATRON EQUIPMENT REMAINED VERY
13 STRONG?

14 A HE WAS VERY INTERESTED IN IT, YES.

15 Q DID HE SEEM TO BELIEVE THAT IT HAD SOME FUTURE
16 VALUE?

17 A I DON'T KNOW IN THE MACHINE ITSELF, BUT HE WAS
18 ABLE TO MARKET IT VERY WELL.

19 MR. BARENS: A MOMENT, YOUR HONOR.

20 (PAUSE IN PROCEEDINGS.)

21 (UNREPORTED COLLOQUY BETWEEN DEFENSE COUNSEL.)
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1 MR. BARENS: JUST A MOMENT, YOUR HONOR. I HAVE GOT
2 FIVE AREAS JUST TO QUICKLY REVIEW.

3 (PAUSE.)

4 Q BY MR. BARENS: ALL RIGHT. YOUR INITIAL CONTACT
5 WITH THE POLICE COMES AROUND AUGUST 9?

6 A YES.

7 Q YOU TALKED TO DETECTIVES ZOELLER AND KING?

8 A YES.

9 Q AND BETWEEN THAT DATE AND TODAY, HOW OFTEN HAVE
10 YOU SPOKEN TO EITHER ONE OF THEM? HOW MANY TIMES?

11 A TO ZOELLER AND KING?

12 Q EITHER/OR.

13 A WE SPOKE QUITE FREQUENTLY WITH THEM AT THE
14 BEGINNING, DURING THE NEXT MONTH OR TWO AFTERWARDS.

15 THEN I HAVE ONLY SEEN THEM AT THE COURT
16 APPEARANCES.

17 Q AND DID YOU SPEAK BY PHONE OR IN PERSON?

18 A MOSTLY BY PHONE.

19 Q WOULD IT BE A FAIR STATEMENT THAT YOU HAVE SPOKEN
20 DOZENS OF TIMES?

21 A NO.

22 Q NO?

23 A NO.

24 Q HOW MANY TIMES?

25 A MAYBE SIX.

26 Q YOU MENTIONED EARLIER THAT UP UNTIL ABOUT APRIL,
27 HUNT SEEMED TO BE GETTING UP REAL EARLY AND GOING TRADING
28 COMMODITIES AND THEN HE LEFT LATER FOR WORK, STARTING SAY,

1 AROUND APRIL?

2 A YES.

3 Q DID YOU REALIZE THE CLOCKS CHANGED IN APRIL,
4 SIR?

5 Q WELL, IT WAS NOT AN HOUR'S DIFFERENCE. IT WAS
6 MORE LIKE SEVERAL HOURS.

7 Q SEVERAL HOURS? IN OTHER WORDS, INSTEAD OF GETTING
8 UP AND LEAVING AT 5:00 OR 6:00, HE WOULDN'T LEAVE UNTIL
9 12:00 OR 1:00 IN THE DAY?

10 A YES, LIKE 10:00 OR 11:00, YES. IT WAS DEFINITELY
11 HE WAS GONE BEFORE WHEN THE MARKET OPENED. AND AFTERWARDS,
12 HE WAS THERE WHILE THE MARKET WAS OPENED.

13 AND I EVEN ASKED HIM ABOUT IT AND HE SAID BECAUSE
14 WE HAVE A LONG TERM POSITION, THAT IT DOESN'T NEED TO BE
15 WATCHED EVERY DAY. HE ALSO SAID THAT BEN DOSTI WAS HANDLING
16 IT, TOO.

17 Q OKAY. HE TOLD YOU THAT AT THAT TIME, DOSTI WAS
18 MANAGING WHATEVER TRADING ACTIVITIES NEEDED TO BE DONE?

19 A YES.

20 Q AND THAT WAS THE TIME WHEN YOU FOLKS WERE GETTING
21 A LITTLE BUSIER OR AT LEAST, HUNT WAS MAYBE GETTING A LITTLE
22 BUSIER WITH THE MICROGENESIS PROJECT?

23 A ACTUALLY, HE WAS DOING LESS, IT SEEMED.

24 Q WHAT WAS HE DOING?

25 A I WAS NOT AROUND. I DON'T KNOW.

26 Q YOU DON'T KNOW WHAT HE WAS DOING?

27 A RIGHT.

28 Q DID HE EVER SEEM TO TRADE COMMODITIES BY PHONE?

1 A I NEVER HEARD HIM TRADE COMMODITIES BY PHONE.

2 Q DO YOU KNOW IF THAT IS THE WAY IT IS DONE?

3 A YES. THEY HAD QUOTRONS IN THEIR OFFICE. BUT
4 I WAS NEVER IN THE OFFICES.

5 Q YOU WEREN'T IN THE OFFICES AT ALL?

6 A NOT -- VERY RARELY.

7 Q WHEN YOU HEARD THIS STATEMENT THAT LEVIN WAS
8 GOING TO USE THE TECHNOLOGY CONTRACT WITH SOME ARABS IN NEW
9 YORK, DID YOU BELIEVE LEVIN WAS GOING TO USE THAT CONTRACT
10 TO POSSIBLY SCAM SOME ARABS IN NEW YORK?

11 A I DIDN'T KNOW WHAT TO BELIEVE AT THAT TIME. I
12 JUST THOUGHT IT WAS -- I THOUGHT THAT THE WHOLE THING WAS
13 A FARCE.

14 Q UNBELIEVABLE?

15 A YES.

16 Q DID IT SEEM UNBELIEVABLE TO YOU THAT LEVIN MIGHT
17 GO TO NEW YORK AND CON SOME ARAB?

18 A FROM WHAT I HEARD FROM JOE, IT IS POSSIBLE.

19 Q AND FROM WHAT YOU SEEM TO KNOW ABOUT LEVIN, THAT
20 SEEMED BELIEVABLE, DIDN'T IT?

21 A YES.

22 Q WHEN YOU WENT TO THE MEETING AT THE CHART HOUSE,
23 THAT WAS WELL AFTER YOU HAD FIRST GONE TO THE POLICE, WASN'T
24 IT?

25 A YES.

26 Q AND DID YOU TELL THE POLICE YOU WERE GOING TO
27 THAT MEETING?

28 A NO.

4

1 Q YOU DIDN'T CALL THEM AND SAY WELL, YOU KNOW,
2 THAT GUY THAT WE TOLD YOU --

3 THE COURT: HE SAID HE DIDN'T TELL THE POLICE. WHAT
4 ARE YOU MAKING UP CONVERSATIONS FOR? HIS ANSWER IS GOING
5 TO BE NO.

6 MR. BARENS: WELL, THE LAST ONE --

7 THE COURT: YOU ASKED HIM WHETHER OR NOT HE SPOKE TO
8 THE POLICE AND TOLD THEM ANYTHING ABOUT THAT. HE SAID NO.
9 NOW YOU ARE ASKING HIM, ISN'T THIS WHAT YOU SAID.

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1 MR. BARENS: WELL, LET ME ASK HIM A DIFFERENT QUESTION.

2 Q MR. RAYMOND, DID YOU TELL ANYBODY YOU WERE GOING
3 TO HAVE THAT MEETING?

4 A DAVE AND TOM.

5 THE COURT: PARDON ME?

6 THE WITNESS: NO ONE ELSE BESIDES THE PEOPLE THAT WERE
7 THERE.

8 Q BY MR. BARENS: NO ONE ELSE?

9 A CORRECT.

10 Q YOU DIDN'T THINK MAYBE IT WOULD BE A GOOD IDEA
11 TO HAVE SOME SORT OF A WIRE ON YOU, SO YOU COULD RECORD THAT
12 CONVERSATION?

13 A NO. I DIDN'T THINK ABOUT THAT.

14 Q YOU DIDN'T THINK THAT THAT COULD HELP THE POLICE?

15 A NO.

16 Q WHEN YOU FIRST MET WITH ZOELLER, HE SEEMED TO
17 TAKE NOTES, DIDN'T HE, WHILE YOU TALKED TO HIM?

18 A YES.

19 Q NOW, ON OTHER OCCASIONS WHEN YOU MET WITH HIM,
20 DID HE TAKE NOTES?

21 A I BELIEVE SO.

22 Q AND DID YOU TELL HIM WHEN YOU TALKED TO HIM,
23 EVERYTHING YOU TOLD US HERE TODAY AND YESTERDAY?

24 A WELL, I CAN'T REMEMBER EVERYTHING. BUT I TOLD
25 HIM WHAT I THOUGHT YOU KNOW -- PRETTY MUCH EVERYTHING.

26 Q DO YOU THINK THAT THE STORY THAT YOU TOLD HIM
27 THEN WAS THE SAME AS WHAT YOU HAVE TESTIFIED HERE YESTERDAY
28 AND TODAY?

1 A I THINK IT WAS MORE EXTENSIVE HERE TODAY THAN
2 IT WAS WHEN I TALKED TO HIM.

3 Q WHY WOULD THAT BE, SIR?

4 A THERE WERE THREE PEOPLE TALKING TO HIM. HE WAS
5 GETTING SO MUCH INFORMATION, HE COULDN'T TAKE IT ALL. BECAUSE
6 DAVE WAS TALKING AT THE SAME TIME AND TOM AND GENE BROWNING.

7 Q AND EVERY TIME HE MET -- EVERY TIME YOU MET WITH
8 HIM, ALL THREE OF YOU PEOPLE WERE TALKING AT ONCE?

9 MR. WAPNER: OBJECTION, ASSUMING FACTS NOT IN EVIDENCE.

10 THE COURT: SUSTAINED.

11 Q BY MR. BARENS: DID YOU EVER HAVE MEETINGS WITH
12 HIM WHEN THERE WEREN'T ALL THREE OF YOU TALKING AT ONCE?

13 A I THINK IT WAS ONLY ONE TIME I HAD A MEETING
14 WITH HIM.

15 Q NEVER, SIR?

16 A NO. AS FAR AS THIS. HE ASKED US OTHER THINGS.
17 BUT AS FAR AS THE INTRODUCTION OF WHAT WAS GOING ON, THAT
18 WAS THE ONLY TIME.

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1 Q AND DID YOU EVER HAVE OTHER CONVERSATIONS WITH
2 DETECTIVE ZOELLER WHERE YOU WOULD TALK ABOUT THIS INFORMATION?

3 A USUALLY, HE WOULD ASK QUESTIONS AND I WOULD ANSWER
4 THEM.

5 Q AND -DO YOU THINK THAT DURING ALL OF THOSE
6 CONVERSATIONS YOU SAID THE SAME THINGS YOU SAID YESTERDAY
7 AND TODAY?

8 A YES.

9 Q OKAY. WHEN YOU WERE TALKING WITH HUNT AT THE
10 MEETING AT THE CHART HOUSE, WAS THERE ANY DISCUSSION ABOUT
11 THE RETURNING OF SOME PINK SLIPS TO VEHICLES?

12 A YES.

13 WELL, JOE SAID HE WENT OUT TO BAKER WHERE DAVE-- HE
14 HAD HIS PINK SLIP TO HIS CAR AND JOE HAD TAKEN THAT FROM DAVE'S
15 BRIEFCASE AND WAS BARGAINING, HE WANTS -- DAVE WANTED IT BACK
16 AND JOE WANTED SOME DOCUMENTS BACK, SO HE WAS GOING TO TRADE
17 HIM THE PINK SLIP FOR DAVE'S CAR.

18 MR. BARENS: NOTHING FURTHER AT THIS POINT, YOUR HONOR.

19 THE COURT: ANY REDIRECT? OR WOULD YOU RATHER TAKE
20 A RECESS AT THIS TIME?

21 MR. WAPNER: I THINK SO. THANK YOU.

22 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE WILL
23 TAKE A 15-MINUTE RECESS.

24 THE SAME ADMONITION APPLIES. THANK YOU.

25 (RECESS.)

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0-1
1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 AT THE BENCH:)

3 THE COURT: THE RECORD WILL SHOW THAT I HAVE DENIED
4 THE LATEST FRIVOLOUS MOTION WHICH HAS BEEN MADE IN THIS CASE
5 FOR RECUSAL. WHAT IS IT THAT YOU WANT?
.....

6 MR. BARENS: YOUR HONOR, I JUST NOTICED FOR THE FIRST
7 TIME THAT THE JURORS HAVE THE SEVEN PAGES IN THEIR NOTEBOOKS.
8 I AM NOT SURE THAT YOUR HONOR INTENDED --

9 THE COURT: WELL, I JUST DENIED THE MOTION FOR RECUSAL
10 BECAUSE I PERMITTED THEM TO HAVE THEM.

11 MR. BARENS: NO. YESTERDAY IN CONVERSATION WITH YOUR
12 HONOR, I GOT AN IMPRESSION THAT AFTER YESTERDAY'S SESSION,
13 YOU WERE GOING TO PICK THOSE UP.

14 THE COURT: THEY HAVE THEM. THEY CAN KEEP THEM.

15 MR. BARENS: THANK YOU, YOUR HONOR.

16 THE COURT: MAKE ANOTHER MOTION NOW.

17 MR. CHIER: I MOVE FOR A MISTRIAL.

18 THE COURT: I DON'T EVEN LISTEN TO WHAT YOU SAY.

19 MR. BARENS: THANK YOU.

20 THE COURT: YOU ARE NOT A LAWYER. I DON'T RECOGNIZE
21 HIM AS A LAWYER WITH THIS CASE.

22 MR. BARENS: THANK YOU, YOUR HONOR.

23 (THE FOLLOWING PROCEEDINGS WERE HELD

24 IN OPEN COURT:)

25 THE COURT: ALL RIGHT.
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REDIRECT EXAMINATION

1
2 BY MR. WAPNER:

3 Q MR. RAYMOND, AS OF THE DATE OF THE JUNE 24TH
4 MEETING, HAD YOU HEARD ANYTHING ABOUT WHAT HAD HAPPENED TO
5 RON LEVIN JUST BEFORE THAT MEETING?

6 A JUST THAT HE WAS IN NEW YORK.

7 Q AND WHEN DID YOU GET THAT INFORMATION?

8 A I BELIEVE THE NEXT DAY OR SO, FROM JOE.

9 Q IS THAT THE DAY HE SHOWED YOU THE CONTRACT AND
10 THE CHECK?

11 A I BELIEVE A FEW DAYS AFTERWARDS WHEN THE CHECK
12 DIDN'T GO THROUGH INITIALLY. THEY ASKED WHERE IS RON LEVIN.
13 AND THEN THEY SAID, WELL, HE IS IN NEW YORK.

14 MR. BARENS: SORRY. I DON'T UNDERSTAND WHO IS "THEY."

15 THE WITNESS: I JUST ASKED JOE WHY THEY DIDN'T --

16 THE COURT REPORTER: PLEASE SLOW DOWN.

17 THE WITNESS: I ASKED JOE WHY THE CHECK DIDN'T CASH
18 AND HE SAID THAT RON LEVIN APPARENTLY DID NOT SIGN ON THE
19 RIGHT PLACE AND THAT HE WAS IN NEW YORK AND HE WAS NOT ABLE
20 TO BE REACHED.

21 Q BY MR. WAPNER: AND WHEN WAS THAT, BY THE WAY?

22 A ABOUT A WEEK AFTER THE MORNING I SAW THE CHECK.

23 THE COURT: WAS THAT THE 14TH?

24 THE WITNESS: YES.
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28

1 THE COURT: GO AHEAD.

2 Q BY MR. WAPNER: HAD YOU HEARD ANYTHING ABOUT
3 HIM BEING MISSING OR ANYTHING PRIOR TO THAT STATEMENT?

4 A NO.

5 Q AND THAT WAS THE STATEMENT THAT JOE HUNT MADE
6 TO YOU; IS THAT RIGHT?

7 A YES.

8 Q OTHER THAN THINGS THAT JOE HUNT TOLD YOU, HAD
9 YOU HEARD ANYTHING OR READ ANYTHING ABOUT MR. LEVIN BEING
10 MISSING?

11 A UNTIL WHAT TIME?

12 Q UP TO THE MEETING ON JUNE THE 24TH.

13 A NO.

14 Q DID YOU SUBSEQUENTLY SOMETIME IN AUGUST READ
15 A NEWSPAPER ARTICLE ABOUT HIM?

16 A YES.

17 Q WHEN THE CYCLATRON WAS BEING BUILT, WERE YOU
18 WORKING DOWN AT THE WAREHOUSE IN GARDENA ALMOST EVERY DAY?

19 A YES.

20 Q AND WHEN YOU WERE WORKING DOWN THERE, A COUPLE
21 OF DIFFERENT TIMES PEOPLE CAME BY TO BRING THINGS TO TEST
22 THE MACHINE; IS THAT RIGHT?

23 A TWICE.

24 Q AND ONE TIME WAS BILL MORTON BRINGING SOME ORE
25 FROM ARIZONA?

26 A YES.

27 Q AND ONE TIME WAS BILL NALLIN BRINGING SOME ORE
28 FROM BAKER; IS THAT RIGHT?

1 A YES.

2 Q DID RON LEVIN EVER BRING ANY ORE FROM BEVERLY
3 HILLS?

4 A NO.

5 Q DID RON LEVIN EVER COME DOWN AND LOOK AT THE
6 MACHINE?

7 A NO, NOT THAT I AM AWARE OF.

8 Q IN THE TIME THAT YOU WERE THERE WORKING IN THE
9 WAREHOUSE, DID RON LEVIN EVER SEND ANYONE DOWN AND SAY, "I
10 AM A REPRESENTATIVE OF MR. LEVIN. I WANT TO SEE IF THIS MACHINE
11 WORKS"?

12 A NO.

13 Q YOU WENT TO A PARTY AT SOME POINT WHERE YOU SAW
14 JOE HUNT AND YOU LEFT AFTER FIVE MINUTES; WHY?

15 A BECAUSE JOE HUNT WAS THERE.

16 Q AND WHY DID YOU LEAVE BECAUSE HE WAS THERE?

17 A I FELT UNCOMFORTABLE BEING AROUND HIM.

18 Q WHY WAS THAT?

19 A BECAUSE OF EVERYTHING THAT HAS HAPPENED.

20 Q THIS WAS AFTER THE MEETING OF JUNE THE 24TH?

21 A YES.

22 Q THAT WAS ALSO AFTER YOU WENT TO THE POLICE?

23 A YES.

24 Q AT THE MEETING OF JUNE THE 24TH, BEFORE THE FORMAL
25 MEETING STARTED, DID JOE HUNT TALK TO THE GROUP?

26 A YES, HE DID.

27 Q AND WHAT WAS HE TALKING ABOUT?

28 A HE WAS TALKING ABOUT HIS PARADOX PHILOSOPHY,

1 THIS PARTICULAR ISSUE.

2 Q WHAT PARTICULAR ISSUE?

3 A IT WAS REGARDING WHEN IS IT MORALLY RIGHT TO
4 KILL SOMEBODY.

5 Q WHAT DID HE SAY IN THAT REGARD?

6 A HE GAVE AN EXAMPLE ABOUT A RAMBO MOVIE.

7 Q WHAT DID HE SAY?

8 A THERE WAS APPARENTLY A SCENE WHERE RAMBO WAS FLEE-
9 ING FROM HIS PURSUERS AND HE COMES ACROSS A BOY IN THE WOODS
10 AND THIS BOY IS JUST INNOCENTLY THERE ON HIS OWN AND HE SEES --
11 HE SEES RAMBO AND IF HE SCREAMS, THE PEOPLE WILL KNOW WHERE
12 HE IS. IF RAMBO CUTS THE KID'S THROAT, THEN HE CAN GET AWAY
13 FREE.

14 AT THAT POINT, I GUESS -- I HAVE NEVER SEEN THE
15 MOVIE -- SO HE SAID THAT RAMBO LET THE KID LIVE AND THEN THE
16 KID SCREAMS AND THEN THE PEOPLE PURSUE HIM.

17 JOE WAS TRYING TO MAKE A POINT THAT IF RAMBO
18 HAD SLIT HIS THROAT, THAT IT WOULD BE JUSTIFIED BECAUSE
19 SURVIVAL IS THE MOST IMPORTANT PART AND THAT WOULD ENABLE --
20 RAMBO WOULD HAVE BEEN FREE AT THAT POINT.

21 MR. BARENS: COULD WE HAVE A 352 MOTION TO STRIKE ALL
22 OF THAT, YOUR HONOR?

23 THE COURT: DENIED.

24 MR. BARENS: THANK YOU, YOUR HONOR.

25 Q BY MR. WAPNER: AND THIS WAS IN THE CONTEXT OF
26 SAYING -- OF TRYING TO EXPLAIN WHEN IS IT MORALLY JUSTIFIED
27 TO KILL SOMEBODY?

28 A YES.

1 HE CALLED THOSE PEOPLE, THE PERSON THAT WAS
2 KILLED "AN INNOCENT," IT WAS HIS --

3 HE SAID "THERE ARE TWO TYPES OF PEOPLE. THE
4 PEOPLE THAT MAKE POLICY AND THE OTHER PEOPLE, THE INNOCENTS
5 THAT THIS IS IMPOSED UPON."

6 Q HOW DID HE APPLY THE PARADOX PHILOSOPHY TO THE --
7 MR. BARENS: YOUR HONOR, EXCUSE ME --

8 Q BY MR. WAPNER: -- THE ISSUE OF WHEN IT IS
9 MORALLY RIGHT TO KILL SOMEONE?

10 MR. BARENS: YOUR HONOR, WE HAVE A CONTINUING 352
11 OBJECTION ON QUESTIONS ASKED ABOUT THE PHILOSOPHY AND THE
12 QUESTION CONNOTES THAT TERM.

13 THE COURT: IT WILL BE SO NOTED.

14 MR. BARENS: AND DENIED, SIR?

15 THE COURT: YES, OF COURSE.

16 MR. BARENS: THANK YOU, SIR.

17 Q BY MR. WAPNER: WHAT DID MR. HUNT SAY WITH REGARD
18 TO THE PARADOX PHILOSOPHY AND THE ISSUE OF WHEN IT IS MORALLY
19 JUSTIFIED TO KILL SOMEBODY?

20 A HE KIND OF POSED THE QUESTION. IT WAS POSED
21 IN THE WAY YOU CAN EITHER -- THE INTELLIGENT, SMART PERSON
22 CAN TAKE CONTROL OF THE SITUATION OR YOU CAN BE INNOCENT AND
23 LET OTHER PEOPLE DO WHATEVER THEY WANT TO YOU.

24 Q AND THAT IS WHEN HE GAVE THE EXAMPLE ABOUT THE
25 RAMBO MOVIE?

26 A YES.

27 Q AND IN THAT EXAMPLE, THE INTELLIGENT AND SMART
28 PERSON WAS THE ONE WHO WOULD CUT THE THROAT RATHER THAN BE

1 DISCOVERED?

2 A THAT WAS MY IMPRESSION, YES.

3 MR. BARENS: I MOVE TO STRIKE UNDER THE EVIDENCE CODE
4 THE IMPRESSION, YOUR HONOR.

5 THE COURT: DENIED.

6 Q BY MR. WAPNER: WHAT DID YOU MEAN WHEN YOU SAID
7 THAT IF YOU SAID DEROGATORY THINGS ABOUT THE BBC THAT SOMETHING
8 BAD WOULD HAPPEN TO YOU OR SOMETHING LIKE THAT?

9 A JOE DIDN'T TAKE NEGATIVE COMMENTS VERY WELL AND
10 HE WOULD TRY TO ARGUE HIS POINT OF VIEW AND IF THAT DIDN'T
11 WORK, HE WOULD NOT LIKE TO HAVE YOU AROUND SOCIALLY AND THEN
12 EVENTUALLY YOU COULD SEE IT AFFECTING THE BUSINESS END, TOO.

13 Q HOW WOULD IT AFFECT THE BUSINESS END?

14 A WELL, YOU WOULDN'T BE INCLUDED IN ON ANY OF THE
15 PROJECTS.

16 Q WAS THE BBC KIND OF A MIX OF A SOCIAL AS WELL
17 AS BUSINESS GROUP?

18 A YES.

19 Q SO THE PEOPLE WHO WERE INVOLVED IN THE BUSINESS
20 ALSO SOCIALIZED TOGETHER?

21 A YES.

22 Q OF ALL OF THESE DIFFERENT CONTRACTS REGARDING
23 THE MACHINE THAT MR. BARENS ASKED YOU ABOUT, HOW MANY MACHINES
24 WERE ACTUALLY PRODUCED DURING THE TIME THAT YOU WORKED THERE?

25 A THERE WAS ONLY ONE MACHINE THAT WE EVER RUN.

26 Q WHEN WAS THE CONSTRUCTION ON THAT MACHINE
27 COMPLETED, IF IT EVER WAS?

28 A IN MAY.

1 THE COURT: THAT IS OF '84?

2 THE WITNESS: '84.

3 Q BY MR. WAPNER: DURING THE ENTIRE TIME THAT YOU
4 WORKED THERE, FOR HOW MANY DAYS DID THAT MACHINE RUN?

5 A IT -- WE HAD A CONTRACT TO TAKE IT OUT TO
6 PHOENIX AS SOON AS IT WAS FINISHED, SO WE ONLY TESTED IT FOR
7 A FEW DAYS IN THE WAREHOUSE.

8 Q AND THE ACTUAL RUNNING TIME?

9 A A FEW HOURS.

10 Q IT WAS ACTUALLY ONLY RUNNING FOR A FEW HOURS;
11 IS THAT RIGHT?

12 A YES.

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2A-1 1 Q DO YOU REMEMBER WHAT TIME IT WAS IN THE MORNING
2 WHEN JOE HUNT WOKE YOU UP?

3 A NO.

4 Q APPROXIMATELY?

5 A I COULD GUESS 7:00.

6 Q AND WHAT DO YOU BASE THAT ON?

7 A IT JUST SEEMED THAT TIME IN THE MORNING.

8 Q YOU MET RON LEVIN ON TWO OCCASIONS, IS THAT RIGHT?

9 A THAT I RECALL, YES.

10 Q AND WERE BOTH OF THESE IN THE PRESENCE OF JOE
11 HUNT?

12 A YES.

13 Q WERE YOU INTRODUCED TO RON LEVIN BY JOE HUNT?

14 A YES.

15 Q AND HOW WAS LEVIN DESCRIBED TO YOU IF HE WAS,
16 AT THE TIME YOU WERE INTRODUCED? DID JOE HUNT SAY THAT RON
17 LEVIN IS A PERSON WHO HAS A LOT OF MONEY?

18 A HE JUST SAID, "THIS IS RON LEVIN."

19 Q DID HE EVER TELL YOU THAT HE BELIEVED -- WHO HE
20 BELIEVED LEVIN TO BE?

21 A I HEARD FROM JOE THAT LEVIN WAS THE HEIR TO THE
22 THRIFTY FAMILY.

23 Q DID JOE HUNT SAY THAT IN THE CONTEXT OF BELIEVING
24 THAT RON LEVIN HAD A LOT OF MONEY?

25 A YES.

26 Q OTHER THAN WORKING IN THE WAREHOUSE IN GARDENA,
27 PUTTING TOGETHER THIS MACHINE, DID YOU DO ANYTHING AS FAR
28 AS BEING A DIRECTOR OF THE CORPORATION?

2A-2

1 A NO.

2 Q ATTEND ANY MEETINGS?

3 A THERE WAS JUST ONE BOARD MEETING.

4 Q WHEN WAS THAT?

5 A I BELIEVE IN MAY.

6 Q OF '84?

7 A MAY OF '84.

8 Q THAT WAS THE ONE -- THE ONLY ONE YOU EVER
9 ATTENDED?

10 A YES.

11 Q AFTER YOU DELIVERED THE MACHINE TO BAKER, DID
12 YOU EVER SEE IT AGAIN?

13 A NO.

14 Q HAVE YOU EVER MADE ANY MONEY OR PROFIT OFF THAT
15 MACHINE SINCE ANY OF THE TIME YOU WORKED IN THE BBC?

16 A THE ONES OUT AT BAKER?

17 Q THE ONE MACHINE THAT WAS WORKING.

18 A NO.

19 Q WHEN YOU AND DAVE MAY WENT TO HIS FATHER TO TALK
20 TO HIM ABOUT WHAT HAD HAPPENED AT THE MEETING, IT WAS HIS
21 BELIEF -- STRIKE THAT.

22 WHEN YOU WENT WITH DAVID MAY AND YOU TALKED TO
23 HIS FATHER AND THEN YOU LEFT TO GATHER SOME MORE INFORMATION,
24 WHY WAS THAT?

25 MR. BARENS: TO THE EXTENT THAT THIS IS GOING TO CALL
26 FOR A HEARSAY RESPONSE, HE IS NOW GOING TO HAVE TO --

27 THE COURT: WELL, THIS IS REDIRECT ON A QUESTION THAT
28 YOU ASKED ABOUT WHAT HAPPENED AT THAT PARTICULAR MEETING.

2A-3
1 I WILL PERMIT IT. THE OBJECTION IS OVERRULED.

2 MR. BARENS: I DID NOT ASK FOR ANY COMMENTS AT THAT
3 MEETING.

4 THE COURT: GO AHEAD.

5 Q BY MR. WAPNER: WHY WAS IT THAT YOU LEFT TO GO
6 GATHER OTHER INFORMATION?

7 A WELL, WE NEEDED MORE INFORMATION FOR THE ATTORNEYS.

8 Q ALL RIGHT. WAS THAT BASED ON SOMETHING THAT DAVID
9 MAY'S FATHER BELIEVED?

10 A WELL, HE DIDN'T --

11 MR. BARENS: OBJECTION. IT DIRECTLY CALLS FOR A
12 HEARSAY RESPONSE ON TWO LEVELS --

13 THE COURT: I WILL SUSTAIN THE OBJECTION. I WILL STRIKE
14 THE ANSWER.

15 MR. BARENS: THANK YOU.

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1 Q BY MR. WAPNER: AND THAT WAS NOT BASED ON A DOUBT
2 THAT YOU HAD?

3 A AS FAR AS THE MURDER TAKING PLACE?

4 Q RIGHT.

5 A I BELIEVED THE MURDER TOOK PLACE. MR. MAY DID
6 NOT.

7 MR. BARENS: I MOVE TO STRIKE THAT OPINION AS A
8 CONCLUSION OF ULTIMATE FACT IN THIS TRIAL.

9 MR. WAPNER: WELL YOUR HONOR, IT CAME OUT ON CROSS-
10 EXAMINATION. IF IT IS GOING TO BE STRICKEN, THEN I WOULD
11 MOVE THAT THIS SAME RESPONSE THAT CAME OUT ON CROSS-EXAMINATION
12 ABOUT WHAT IT WAS THAT THE FATHER BELIEVED --

13 THE COURT: WELL, IT CAME OUT ON CROSS-EXAMINATION.

14 MR. BARENS: IT SHOULD HAVE BEEN OBJECTED TO AND --

15 THE COURT: BUT NONETHELESS, IT CAME OUT BECAUSE YOU
16 ASKED THE QUESTION.

17 MR. BARENS: NO. BEGGING THE COURT'S PARDON --

18 THE COURT: I WILL LET IT STAND.

19 MR. BARENS: YOUR HONOR, PARDON ME. THE QUESTION I
20 ASKED WAS DIFFERENT THAN THAT.

21 THE COURT: I WILL LET IT STAND. GO AHEAD.

22 MR. BARENS: COULD WE APPROACH ON THAT POINT, YOUR HONOR?

23 THE COURT: NO. WELL, I WILL MODIFY THAT TO AN
24 ALLEGED MURDER.

25 MR. BARENS: THANK YOU, YOUR HONOR.

26 Q BY MR. WAPNER: WERE YOU EVER UP AT THE OFFICES
27 AND SAW THE QUOTRONS?

28 A YES.

1 Q WHAT IS A QUOTRON?

2 A IT IS THE COMPUTER THAT YOU CAN PLUG INTO THE
3 STOCK EXCHANGE AND GET THE NEWS BRIEFS.

4 Q AND IT GIVES YOU THE QUOTES OF WHAT THE CURRENT
5 STOCKS AND COMMODITIES PRICES ARE?

6 A YES.

7 Q AND DID YOU EVER ACTUALLY SEE JOE HUNT AND/OR
8 BEN DOSTI TRADING, SITTING AT THOSE MACHINES, USING THEM?

9 A I SAW THEM USING THEM TO ACQUIRE INFORMATION.
10 BUT I NEVER ACTUALLY SAW THEM CALL IN OR MAKE A TRANSACTION.

11 Q WHY WAS IT THAT YOU PICKED THE CHART HOUSE AS
12 A PLACE TO MEET WITH JOE HUNT?

13 A WELL, BECAUSE IT WAS OUT IN PUBLIC. IT WAS IN
14 WESTWOOD. IT WAS REALLY CROWDED. I FELT SAFE THERE.

15 Q AS OPPOSED TO A PLACE THAT WAS SUGGESTED, WHICH
16 WAS GARDENA?

17 A YES. JOE SUGGESTED WE MEET AT NIGHT AT A WAREHOUSE
18 IN GARDENA WHICH IS DESOLATE AT NIGHT.

19 MR. BARENS: WE HAVE AN 1100 OBJECTION TO THE QUESTION
20 AND ANSWER, YOUR HONOR.

21 THE COURT: YES. YOU CAN HAVE YOUR OBJECTION. IT WILL
22 BE OVERRULED.

23 MR. BARENS: THANK YOU, YOUR HONOR.

24 Q BY MR. WAPNER: AND AT THE CHART HOUSE, JOE HUNT
25 HAD SOME PINK SLIPS TO AN AUTOMOBILE THAT DAVE MAY OWNED?

26 A I DON'T KNOW IF HE HAD THEM WITH HIM. BUT HE
27 TALKED ABOUT THAT AT THIS POINT.

28 Q AND WHAT WAS HE TRYING TO DO WITH THOSE PINK SLIPS?

1 A HE WAS --

2 MR. BARENS: OBJECTION, CALLING FOR A CONCLUSION.

3 THE COURT: WHAT DID HE SAY HE WANTED THEM FOR?

4 MR. WAPNER: THANK YOU.

5 THE WITNESS: HE SAID HE WOULD RETURN THE PINK SLIPS
6 TO DAVE AND TOM IF THEY RETURNED THE INFORMATION THAT THEY
7 HAD TAKEN FROM THE BBC OFFICES AND GIVEN TO THE POLICE. BUT
8 JOE AT THAT TIME DIDN'T KNOW THEY WERE GIVEN TO THE POLICE.

9 Q BY MR. WAPNER: SO HE WAS BASICALLY USING THE
10 PINK SLIP IN ORDER TO TRY TO EXTORT INFORMATION?

11 A YES.

12 MR. BARENS: OBJECTION.

13 THE COURT: SUSTAINED. I WILL STRIKE THE ANSWER.

14 MR. BARENS: THANK YOU, YOUR HONOR.

15 MR. WAPNER: NOTHING FURTHER.

16 THE COURT: RECROSS-EXAMINATION?

17 MR. BARENS: THANK YOU.

18

19 CROSS-EXAMINATION

20 BY MR. BARENS:

21 Q WHEN YOU A WEEK OR SO AFTER, HAD A CONVERSATION,
22 YOU SAID THAT YOU WERE TALKING TO HUNT ABOUT LOOKING FOR LEVIN
23 IN NEW YORK AND THEY COULDN'T REACH HIM IN NEW YORK?

24 A THAT WAS ABOUT THE CHECK CASHING.

25 Q WAS ANYBODY ELSE AROUND DURING THAT CONVERSATION?

26 A I DON'T RECALL.

27 Q WHERE WAS THE CONVERSATION?

28 A I BELIEVE IN THE MANNING.

1 Q DID YOU ASK A QUESTION OF SOME SORT?

2 A I ASKED HAD THE CHECK BEEN CASHED OR HAD IT GONE
3 THROUGH.

4 Q WHO DID YOU ASK THAT TO?

5 A JOE HUNT.

6 Q HAD YOU ASKED ANYBODY ELSE THAT QUESTION?

7 A I DON'T RECALL.

8 Q HAD YOU ASKED THAT QUESTION OF DEAN KARNY?

9 A I MIGHT HAVE. I DON'T KNOW.

10 Q DO YOU REMEMBER WHAT ANSWER YOU MIGHT HAVE
11 RECEIVED?

12 A IT WOULD HAVE HAD TO HAVE BEEN A NO.

13 Q IT WOULD HAVE HAD TO HAVE BEEN A NO?

14 A YES.

15 Q HAD YOU DISCUSSED THE CASHING OF THE CHECK WITH
16 ANYBODY ELSE?

17 A WHETHER OR NOT IT WAS TO BE CASHED OR HOW --
18 I TALKED ABOUT IT WITH DAVE DOWN AT THE GARDENA
19 PLANT.

20 Q WHAT DID DAVE TELL YOU?

21 A HE DIDN'T KNOW WHETHER IT WAS GOING TO BE CASHED.
22 WE JUST ASKED WHETHER IT WAS GOING TO BE CASHED.

23 Q WHY WERE YOU WONDERING THAT?

24 A WELL, IT WOULD VERIFY WHAT JOE WAS SAYING, TELLING
25 ABOUT THE CONTRACT. IF IT HAD BEEN CASHED, THEN IT WOULD
26 HAVE BEEN TRUE.

27 Q AND IF IT DIDN'T?

28 A THEN MY FIRST ASSUMPTION, I WOULD HAVE BELIEVED

1 THAT AS FAR AS ON LEVIN'S PART.

2 Q AS FAR AS ON LEVIN'S PART, THAT LEVIN HAD LAID
3 A CHECK ON MR. HUNT AT THAT POINT?

4 A THAT WAS THE ONE AND A HALF MILLION DOLLAR CHECK.

5 Q YOU MENTIONED YOU DROPPED BY A PARTY WHERE YOU
6 STAYED FIVE MINUTES AND LEFT.

7 A I AM VAGUE ON THE PARTY. I THINK THERE WAS A
8 TIME WHEN THERE WAS A FEW PEOPLE AT EVANS' HOUSE, AT EVAN
9 DICKER'S HOUSE AND I WAS THERE FOR FIVE MINUTES AND LEFT.

10 JOE WAS THERE AND I -- THERE WAS MENTION OF A
11 PARTY AND I AM NOT -- I REALLY CAN'T PLACE THAT IN TIME WHERE
12 IT IS RELEVANT.

13 Q ON THIS PARTICULAR TIME, YOU REMEMBER GOING OVER
14 TO EVAN DICKER'S ON THAT OCCASION?

15 A YES.

16 Q AND YOU CAME AND LEFT?

17 A YES.

18 Q WHOM DID YOU LEAVE WITH?

19 A I BELIEVE DAVE AND TOM MAY.

20 Q AND WHO STAYED?

21 A JOE AND I DON'T KNOW -- I THINK DEAN WAS THERE.

22 AND I DON'T KNOW IF EVAN WENT WITH US OR STAYED. I AM NOT
23 SURE.

24 Q IT WAS AT EVAN'S PLACE?

25 A YES.

26 Q THEY HAD ALL BEEN THERE BEFORE YOU GOT THERE?

27 A YES.

28 Q YOU SAID THERE WERE ABOUT FIVE PEOPLE THERE;

1 YOU KNEW ALL FIVE OF THE PEOPLE, DIDN'T YOU?

2 A I DON'T RECALL EXACTLY WHO WAS THERE NOW. BUT
3 I THINK THERE WERE FIVE OR SIX PEOPLE THERE.

4 Q SO YOU CAME AND LEFT AND THE OTHER PEOPLE STAYED?

5 A YES.

6 Q AND COULD YOU TELL ME WHO SOME OF THOSE PEOPLE
7 WERE THAT STAYED?

8 A I THINK IT WAS JOE HUNT, DEAN KARNY AND EVAN
9 DICKER.

10 BROOKE MIGHT HAVE BEEN THERE, I AM NOT SURE.

11 Q ANYBODY ELSE?

12 A NOT THAT I CAN REMEMBER.

13 Q WAS MR. GRAHAM THERE?

14 A HE MAY HAVE BEEN. I DON'T REMEMBER.

15 Q MR. DOSTI?

16 A I DON'T REMEMBER DISTINCTLY NOW.

17 Q YOU DON'T REMEMBER HOW MANY PEOPLE WERE THERE?

18 A RIGHT.

19 Q ABOUT WHAT TIME WERE YOU THERE?

20 A IT MUST HAVE BEEN 8:00 O'CLOCK, 9:00 O'CLOCK.

21 Q YOU TOLD US ABOUT THE RAMBO MOVIE STORY A FEW
22 MINUTES AGO; HAVE YOU EVER TOLD THAT STORY BEFORE?

23 A I HAVE DISCUSSED IT WITH TOM MAY.

24 Q DID YOU EVER TALK ABOUT THAT WHENEVER YOU TALKED
25 TO LIEUTENANT ZOELLER, DETECTIVE ZOELLER?

26 A NO.

27 Q YOU NEVER TOLD HIM THAT?

28 HAD YOU EVER TOLD THAT MR. WAPNER BEFORE?

1 A NO.

2 Q DID YOU EVER TELL THAT IN ANY KIND OF COURT
3 SETTING BEFORE?

4 A NO --

5 WELL, ACTUALLY WHAT REMINDED ME WAS I BROUGHT
6 UP THE STORY WHEN I WAS TALKING TO FRED OUTSIDE, THAT IS WHAT.

7 Q OUTSIDE DURING THE BREAK, OUTSIDE IN THE HALLWAY
8 YOU BROUGHT THAT UP?

9 A YES.

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1 Q I SEE.

2 NOW YOU SAID TTHAT YOU HAD A PRACTICE NOT TO
3 CRITICIZE THE PARADOX PHILOSOPHY AND THEN I BELIEVE YOU
4 TESTIFIED THAT A PENALTY FOR CRITICIZING THE PARADOX
5 PHILOSOPHY MIGHT LEAD TO EXCLUSION FROM THE GROUP?

6 A YES.

7 Q AND ITS ACTIVITIES?

8 A YES.

9 Q YOU DIDN'T WANT THAT TO HAPPEN, DID YOU?

10 A AT THAT TIME, YES.

11 Q WHY DID YOU NOT WANT THAT TO HAPPEN, SIR?

12 A BECAUSE I THOUGHT THE CYCLATRON MIGHT MAKE SOME
13 MONEY AND IT MIGHT BE A GOOD BUSINESS.

14 Q WAS IT THE CASE THAT NO ONE EVER CRITICIZED
15 ANYTHING AT THE BBC?

16 A WHAT IS THAT?

17 Q DID NO ONE EVER CRITICIZE ANYTHING, YOU HAD ONE
18 OF THOSE SETTINGS WHERE NO ONE GETS TO CRITICIZE?

19 A NO.

20 Q THAT WASN'T THE SETTING?

21 A NO.

22 Q DID PEOPLE GET TO HAVE ANY SORT OF OPEN DIALOGUE
23 ABOUT WHAT THEY LIKED AND DIDN'T LIKE?

24 A THEY ATTEMPTED BUT JOE USUALLY WON AN ARGUMENT.

25 I DON'T KNOW IF EVERYONE IS AWARE, HE IS A
26 DEBATER, VERY EXCELLENT IN DEBATING AND HE IS VERY PERSUASIVE
27 SO HE HAD A WAY OF, WHATEVER HIS POINT OF VIEW WAS, EVENTUALLY
28 IT SEEMED LIKE EVERYONE AGREED TO IT.

1 Q TO YOU, IT SEEMED THAT WAY?

2 A IT DID.

3 I DIDN'T ARGUE WITH HIM.

4 Q COULD YOU TELL ME ABOUT SOMEBODY THAT GOT
5 EXCLUDED FROM BBC BECAUSE THEY DISAGREED OR CRITICIZED?

6 A YES.

7 DAVE MAY.

8 Q DAVE MAY, WHAT HAPPENED TO HIM?

9 A WELL, HE WAS -- WE WOULD TALK ABOUT WHAT WE DIDN'T
10 LIKE ABOUT IT AND HE WOULD TELL OTHER PEOPLE AND IT WOULD
11 GET BACK TO JOE AND JOE WOULD START, LIKE THIS MEETING, JOE
12 DIDN'T INCLUDE HIM IN THIS MEETING. JOE STARTED NOT WANTING
13 HIM AT PARTIES, SAYING BAD THINGS ABOUT HIM AND IT JUST --
14 YOU COULD DEFINITELY TELL JOE WANTED DAVE OUT
15 OF THE BBC.

16 Q AND IS THERE ANYBODY ELSE THAT HAPPENED TO?

17 A I THINK THERE WERE SOME. THERE WAS SOMEONE AT
18 THE BEGINNING, WHICH I AM NOT FAMILIAR WITH, THE GUY WHO --
19 THE PERSON'S ROOM THAT I TOOK OVER. HE DISAGREED WITH IT.

20 I DON'T REMEMBER HIS NAME BUT HE WAS -- IT WAS
21 THE SAME TYPE OF THING.

22 Q AND HOW DO YOU KNOW HE HAD CRITICIZED SOMETHING
23 AND THEN HE KIND OF GOT EXCLUDED FROM THE GROUP?

24 A I HEARD THE STORY FROM JOE WHERE IT WAS A --
25 HE INVESTED IN THE MARKET AND LOST HIS MONEY AND HE WANTED --
26 THERE WAS SOMETHING, HE WENT TO EUROPE WITH DEAN AND BOUGHT
27 SOME CARS AND HE WAS KEEPING THE CARS TILL HE GOT HIS MONEY
28 BACK AND I DON'T KNOW THE DETAILS BUT --

1 Q OKAY. DID IT APPEAR TO YOU THAT PEOPLE FROM
2 TIME TO TIME WOULD TALK ONE WAY IN FRONT OF JOE AND ANOTHER
3 WAY WHEN JOE WASN'T AROUND?

4 A CERTAIN PEOPLE DID.

5 Q HOW ABOUT YOU?

6 A YES.

7 Q SO THERE WOULD BE KIND OF A CHARADE GOING ON
8 ON BOTH ENDS, HUNT IS ACTING ONE WAY AND YOU ARE ACTING ONE
9 WAY BUT WHEN HE IS NOT AROUND, YOU ACT A DIFFERENT WAY?

10 A YES.

11 Q WOULD YOU CALL THAT HYPOCRISY OF SORTS?

12 MR. WAPNER: ARGUMENTATIVE.

13 THE COURT: OVERRULED.

14 THE WITNESS: I THINK IN A SOCIAL SITUATION, YOU ARE
15 BEING NICE TO ONE PERSON EVEN THOUGH YOU DON'T LIKE THE PERSON.
16 IT IS JUST NATURAL SOCIAL BEHAVIOR.

17 Q BY MR. BARENS: NATURAL SOCIAL BEHAVIOR, YOU
18 SAY?

19 A YES.

20 Q I SEE.

21 NOW YOU MENTIONED BEFORE THAT YOU HAD BUILT HOW
22 MANY OF THESE MACHINES?

23 A WE COMPLETED ONE.

24 Q YOU COMPLETED ONE AND IT COST A CERTAIN AMOUNT
25 OF MONEY TO COMPLETE THE MACHINE, I SUPPOSE?

26 A WE SPENT \$50,000.

27 Q \$50,000?

28 A APPROXIMATELY.

1 Q WAS IT YOUR BELIEF IT WOULD COST THAT KIND OF
2 MONEY TO COMPLETE ANOTHER ONE?

3 A NO.

4 THAT MONEY WAS SPENT ON THE OTHER TWO MACHINES,
5 TOO. IT WASN'T DIVIDED SO WE COULD HAVE -- I BELIEVE IT COST
6 \$30,000 FOR EACH MACHINE TO FINISH THEM.

7 Q ISN'T IT TRUE ON EACH ONE OF THOSE TRANSACTIONS
8 I WAS TALKING TO YOU ABOUT THAT THE TRANSACTIONS INVOLVED,
9 THE INVESTORS' MONEY WOULD BE NECESSARY AND USED FOR BUILDING
10 THE MACHINE TO FULFILL WHATEVER CONTRACTS WERE ENTERED BETWEEN
11 THAT INVESTOR AND MICROGENESIS?

12 A I DON'T KNOW THAT. I AM SORRY.
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1 Q WELL, IN THE DISCUSSIONS THAT WERE GOING ON WITH
2 NALLIN AND MORTON, WASN'T IT CLEAR TO THEM AND TO MICROGENESIS,
3 AS BETWEEN THE TWO GROUPS, THAT THE MONEY WAS NEEDED FROM
4 THOSE PEOPLE IN ORDER TO BUILD THE MACHINES THAT THEY WERE
5 ASKING FOR?

6 A I DON'T KNOW HOW IT WAS PRESENTED. I DIDN'T
7 NEGOTIATE THAT PART. I THINK -- NALLIN NEVER PRODUCED ANY
8 MONEY AND NEVER WAS GOING TO.

9 AND THE OTHER PERSON ONLY PUT \$25,000 DOWN WHICH
10 WAS MY UNDERSTANDING, WAS NOT ENOUGH TO BUILD A MACHINE.

11 Q THOSE FELLOWS -- DID MORTON THINK THAT YOU HAD
12 A LOT OF THOSE THINGS?

13 A NO. HE KNEW THAT WE WERE DEVELOPING IT.

14 Q HE KNEW EXACTLY THAT YOU HAD ONE?

15 A YES.

16 Q HOW ABOUT NALLIN?

17 A HE KNEW WHAT WE HAD.

18 Q HE KNEW WHAT YOU HAD?

19 A YES.

20 MR. BARENS: THANK YOU, SIR.

21 THE COURT: ALL RIGHT.

+B

22
23 FURTHER REDIRECT EXAMINATION

24 BY MR. WAPNER:

25 Q YOU REFERRED TO OTHER MACHINES. CAN YOU TELL
26 ME ABOUT THAT?

27 A WELL, WHILE WE WERE MAKING THIS ONE MACHINE, JOE
28 SAID, "WHY DON'T WE START TWO MORE?" WE HAD THEM 50 PERCENT

4-2

1 COMPLETED.

2 Q SO THERE WAS ONE ACTUALLY FINISHED AND TWO
3 50 PERCENT COMPLETED?

4 A CORRECT.

5 Q WHAT EVER HAPPENED WITH THOSE?

6 A THEY WERE TAKEN TO BAKER TOO AND LEFT THERE.

7 Q AND YOU DON'T KNOW WHETHER THEY WERE EVER PUT
8 TOGETHER, FINISHED OR NOT?

9 A NO.

10 Q AS FAR AS YOU KNOW, THERE WERE ONLY THREE PEOPLE
11 WHO KNEW HOW TO PUT THOSE MACHINES TOGETHER?

12 A YES.

13 Q THAT WAS YOU, DAVE MAY AND GENE BROWNING?

14 A YES.

15 Q DOES THE NAME RON PARDOVITCH RING A BELL WITH
16 YOU?

17 A YES.

18 Q IS THAT THE PERSON WHO HAD THE ROOM AT THE MANNING
19 BEFORE YOU?

20 A NO. HE WAS FRENCH. HE WAS FROM FRANCE.

21 Q WHY WAS IT THAT YOU DIDN'T ARGUE WITH JOE HUNT?

22 A WELL, I KNEW YOU COULDN'T WIN AN ARGUMENT WITH
23 HIM. THERE WAS NOT ANY POINT.

24 Q WHY?

25 A BECAUSE OF HIS SKILLS AS A DEBATER.

26 Q AT THE TIME THAT YOU WERE ASKING ABOUT WHETHER
27 THE CHECK HAD CASHED, THIS WAS ABOUT A WEEK AFTER YOU HAD
28 BEEN SHOWN THE CHECK INITIALLY?

1 A I BELIEVE SO.

2 Q AND AT THAT TIME, YOU HAD NOT HEARD JOE HUNT SAY
3 ANYTHING ABOUT KILLING ANYBODY, HAD YOU?

4 A NO.

5 MR. WAPNER: NOTHING FURTHER.

6 THE COURT: YES?

7

8 FURTHER RECROSS-EXAMINATION

9 BY MR. BARENS:

10 Q DID YOU EVER PREPARE AS PART OF YOUR ACTIVITIES
11 A COST OF MACHINE FABRICATION FOR THE PRODUCTION OF ONE OF
12 THOSE CYCLATRON MACHINES?

13 A WHAT WE WOULD DO IS, WHEN WE NEEDED MONEY, WE
14 WOULD MAKE A LIST OF WHAT WE WERE GOING TO BUY AND SEND IT
15 TO JOE AND HE WOULD SEND THE -- DEPOSIT THE MONEY IN OUR
16 CHECKING ACCOUNT AND WE WOULD PURCHASE THOSE ITEMS.

17 MR. BARENS: I WOULD MOVE TO STRIKE THAT AS NONRESPONSIVE,
18 YOUR HONOR.

19 THE COURT: DENIED.

20 MR. BARENS: ALL RIGHT.

21 Q ACTUALLY, MY QUESTION, MR. RAYMOND, IS, DID YOU
22 EVER PREPARE A DOCUMENT CALLED "COST OF MACHINE FABRICATION"?

23 A I DON'T RECALL THAT EXACT DOCUMENT. I MAY HAVE.

24 MR. BARENS: IF I MIGHT APPROACH?

25 THE COURT: GO AHEAD.

26 Q BY MR. BARENS: I SHOW YOU A TWO-PAGE DOCUMENT
27 HERE. COULD YOU TELL ME WHAT THE TITLE OF THAT DOCUMENT IS?

28 A IT SAYS "COST OF MACHINE FABRICATION."

-4
1 Q AND WHO DOES IT SAY PREPARED THAT?

2 A IT SAYS IT WAS COMPILED BY DAVID MAY AND JEFF
3 RAYMOND.

4 Q HAVE YOU EVER SEEN THAT BEFORE?

5 A I DON'T RECALL IT. I DON'T REMEMBER THE TYPED
6 FORM.

7 WE DIDN'T HAVE A TYPEWRITER. WE DIDN'T PREPARE
8 IT. IT WAS PREPARED AT THE OFFICE, IF IT WAS.

9 Q DO YOU REMEMBER PARTICIPATING IN THE PREPARATION
10 OF INFORMATION IN SUPPORT OF THAT DOCUMENT?

11 A I MIGHT HAVE PROVIDED THE NUMBERS.

12 Q ALL RIGHT, SIR. AND WHAT DOES THAT SHOW THE COST
13 TOTAL TO BE FOR THE PRODUCTION OF A MACHINE, SIR?

14 A \$43,000.

15 Q AND WHAT ABOUT THE LABOR COSTS, SIR?

16 A \$36,000.

17 Q AND IF YOU JUST ADD THOSE TWO NUMBERS, AS I
18 BELIEVE YOU CAN, TOGETHER, WHAT WOULD THE TOTAL BE?

19 A \$79,000.

20 Q ACTUALLY, WOULD IT NOT BE --

21 A OKAY, \$79,940.64.

22 MR. BARENS: ALL RIGHT. COULD WE HAVE THIS MARKED AS
23 DEFENDANT'S NEXT, IF YOU WOULD?

24 THE COURT: I.

25 MR. BARENS: I? THANK YOU.

26 Q SO THE TOTAL ON DEFENDANT'S I, INDICATES THAT
27 IT WOULD COST APPROXIMATELY \$80,000 TO BUILD ONE OF THOSE
28 DEVICES WITH LABOR INCLUDED?

1 A BUT THE LABOR WAS NOT PAID. IT SAYS "J. RAYMOND
2 AND D. MAY." IT WAS NEVER PAID.

3 Q LABOR WAS NOT PAID. BUT THIS IS A DOCUMENT THAT
4 WOULD SHOW SOME OTHER PERSON A PROJECTED OR ESTIMATED COST,
5 IF YOU WERE PAYING FOR IT?

6 A RIGHT.

7 MR. BARENS: THANK YOU, SIR.

8 THE COURT: ALL RIGHT.

9 MR. BARENS: A MOMENT, YOUR HONOR. NOTHING FURTHER
10 OF THIS WITNESS.

11 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. MAY THIS
12 WITNESS BE EXCUSED?

13 MR. WAPNER: NO OBJECTION.

14 THE COURT: ALL RIGHT. THANK YOU. CALL YOUR NEXT
15 WITNESS.

16 MR. WAPNER: WE CALL GENE BROWNING.

17
18 GENE BROWNING,
19 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
20 AS FOLLOWS:

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

22 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU MAY
23 GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE
24 TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP
25 YOU GOD.

26 THE WITNESS: I DO.

27 THE CLERK: PLEASE BE SEATED.

28 STATE AND SPELL YOUR NAME FOR THE RECORD.

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THE WITNESS: GENE BROWNING, B-R-O-W-N-I-N-G.

MR. BARENS: IF WE MIGHT APPROACH FOR A MOMENT, YOUR HONOR?

THE COURT: ALL RIGHT.

SF

1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 AT THE BENCH OUTSIDE THE HEARING OF
3 THE JURY:)

4 THE COURT: YES?

5 MR. BARENS: YOUR HONOR, THIS IS BY WAY OF A BRIEF
6 MOTION IN LIMINE.

7 YOUR HONOR MIGHT RECALL FROM PRIOR TESTIMONY
8 FROM THIS WITNESS THAT HE TENDS TO BE SOMEWHAT OF A LOOSE
9 CANNON SAYING THINGS LIKE "HE KILLED HIM. HE MURDERED HIM.
10 HE IS A LIAR. HE IS A PATHOLOGICAL LIAR. HE MURDERED LEVIN
11 AND STOLE MONEY." AND HE MAKES ALL KINDS OF THE ULTIMATE --
12 HE IS THE TYPE OF WITNESS THAT TENDS TO RAMBLE.

13 THE COURT: WHAT DO YOU WANT ME TO DO ABOUT IT?

14 MR. BARENS: I WOULD LIKE YOU TO INSTRUCT THE PEOPLE
15 TO GIVE A CAUTIONARY WORD, AS WE DID WITH THE PREVIOUS WITNESS,
16 TO THIS WITNESS, THAT HE SHOULD NOT MAKE COMMENTS ON THE
17 ULTIMATE FACTS BEFORE THE JURY.

18 THERE ARE TWO ULTIMATE FACTS BEFORE THE JURY:
19 ONE, IF THE MURDER TOOK PLACE AND TWO, IF IT WAS DURING THE
20 COURSE OF A ROBBERY.

21 WE WOULD ASK HE BE INSTRUCTED NOT TO MAKE COMMENTS
22 ON THE ULTIMATE FACTS IN THAT REGARD.

23 SECONDARILY, WE WOULD ASK FOR A CAUTIONARY
24 INSTRUCTION THAT HE NOT PROVIDE HIS OPINION TO THE EFFECT
25 THAT THE DEFENDANT, WHO WILL TESTIFY IN THIS CASE, IS A
26 PATHOLOGICAL LIAR.

27 MR. WAPNER: I THOUGHT, BASED ON LISTENING TO THE
28 CROSS-EXAMINATION OF THE PREVIOUS WITNESS, I THOUGHT IT WAS

1 THE DEFENSE'S STRATEGY TO ELICIT THE FACT THE DEFENDANT WAS
2 A LIAR.

3 MR. BARENS: NO.

4 MR. WAPNER: YOUR HONOR, IN ANY EVENT, THAT IS --

5 THE COURT: AT ANY RATE, I DON'T KNOW WHAT ADMONITION
6 TO GIVE AT THIS POINT. JUST ASK THE QUESTIONS AND IF HE
7 ANSWERS IMPROPERLY, THEN YOU MOVE TO STRIKE.

8 MR. WAPNER: THE PURPOSE OF THIS WITNESS IS NOT TO
9 TESTIFY ABOUT ADMISSION TO THE KILLING OR THAT THE DEFENDANT
10 WAS --

11 THE COURT: HE KNOWS NOTHING ABOUT THAT IN ANY EVENT,
12 DOES HE?

13 MR. WAPNER: NO.

14 HE IS HERE JUST TO GIVE --

15 THE COURT: ONLY WITH RESPECT TO THE CYCLATRON?

16 MR. WAPNER: AS TO THE MACHINE, RIGHT.

17 THE COURT: ALL RIGHT.

18 MR. BARENS: I DIDN'T MAKE MYSELF CLEAR. HE TENDS
19 TO, ON PRIOR TESTIMONY, TO VOLUNTEER.

20 THE COURT: IF HE DOES IT, THE FIRST TIME I WILL TELL
21 HIM JUST TO ANSWER THE QUESTION.

22 MR. BARENS: COULDN'T WE JUST ASK THE PEOPLE TO TELL
23 HIM NOT TO SAY THAT?

24 THE COURT: HE CAN TELL HIM ANYTHING HE WANTS.

25 MR. CHIER: WHY DON'T YOU LEAD HIM?

26 MR. WAPNER: ALL RIGHT, I WILL TELL HIM.

27 (THE FOLLOWING PROCEEDINGS WERE HELD

28 IN OPEN COURT IN THE HEARING AND PRESENCE

1 OF THE JURY:)

2

3

DIRECT EXAMINATION

4

BY MR. WAPNER:

5

Q MR. BROWNING, WHAT IS YOUR OCCUPATION?

6

A I AM A BIOCHEMIST.

7

Q AND DID YOU INVENT A MACHINE CALLED THE CYCLATRON?

8

A YES.

9

Q IS THERE ANOTHER NAME FOR IT ALSO?

10

A I REFER TO IT AS AN ATTRITION MILL.

11

THE COURT: ATTRITION MILL?

12

THE WITNESS: ATTRITION MILL, YES, SIR.

13

Q BY MR. WAPNER: CAN YOU EXPLAIN TO US WHAT THAT

14

MACHINE IS?

15

A IT IS A DEVICE FOR REDUCTION OF PARTICLE SIZE

16

OF VARIOUS MATERIALS, ORE, ROCKS, SO TO SPEAK.

17

Q KEEP YOUR VOICE UP SO THAT LADY BACK HERE CAN

18

HEAR YOU.

19

A IT REDUCES THE PARTICLE SIZE FROM A QUARTER OR

20

HALF INCH PARTICLES TO A PARTICLE SUBSTANTIALLY FINER TO TALCUM

21

POWDER.

22

Q WHEN DID YOU START WORKING ON THAT DEVICE?

23

A APPROXIMATELY 17 YEARS AGO.

24

Q WHEN YOU STARTED WORKING ON THAT, WHO WAS WORKING

25

ON IT WITH YOU?

26

A NO ONE.

27

Q AND DID YOU EVENTUALLY BUILD A PROTOTYPE MACHINE?

28

A YES, SEVERAL OF THEM.

1 Q AND DID YOU HAVE ONE THAT WAS WORKING SOMETIME
2 IN 1983?

3 A YES.

4 Q AND WHERE WAS THAT MACHINE?

5 A THAT MACHINE WAS LOCATED AT HISPERIA, CALIFORNIA.

6 Q AND WAS IT IN 198 --

7 WELL, AT SOME POINT DID YOU MEET THE DEFENDANT
8 IN THIS CASE?

9 A YES, IN NOVEMBER, 1982.

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1 Q WAS YOUR MACHINE AT HISPERIA AT THAT TIME?

2 A YES, SIR.

3 Q AND HOW WAS IT THAT YOU CAME TO MEET THE
4 DEFENDANT IN THIS CASE?

5 A HE WAS INTRODUCED TO ME BY AN ASSOCIATE AT THAT
6 TIME, DR. ERNEST CESENDES, C-S-E-N-D-E-S.

7 Q BY MR. WAPNER: WAS MR. HUNT WITH SOME OTHER
8 PEOPLE WHEN HE CAME UP TO SEE THE MACHINE?

9 A YES. HE WAS WITH A GROUP OF YOUNG FELLOWS THAT
10 CAME UP TO SEE THE MACHINE THAT DAY.

11 Q AND HAD YOU MET ANY OF THEM BEFORE THAT DATE?

12 A NO.

13 Q WHO WAS HE WITH, DO YOU REMEMBER?

14 A IF I REMEMBER CORRECTLY, THERE WAS DEAN KARNY,
15 EVAN DICKER, ONE OF THE NOVIAN TWINS, FARHAD, I BELIEVE.
16 TOM MAY WAS THERE.

17 I DON'T REMEMBER IF THERE WERE OTHERS.

18 Q DID YOU SUBSEQUENTLY ENTER AN AGREEMENT WITH
19 MR. HUNT WITH RESPECT TO THOSE MACHINES?

20 A YES AND, I BELIEVE, ON THE 5TH OF JANUARY, 1983.

21 Q AND WHAT WAS THAT AGREEMENT THAT YOU MADE WITH
22 HIM?

23 A IT WAS AN AGREEMENT, AT LEAST IT WAS A DRAFT
24 OF AN AGREEMENT, ROUGH DRAFTS, OF A PRELIMINARY AGREEMENT
25 TO DEVELOP -- TO BUILD AND DEVELOP ANOTHER MACHINE.

26 Q AND WAS THAT AGREEMENT EVER MODIFIED AT SOME
27 POINT IN 1983?

28 A IT WAS MODIFIED, I THINK, IN MARCH OF 1983, WHICH

1 WAS THE SECOND ONE OF THESE AGREEMENTS THAT WAS SIGNED. IT
2 WAS VERY SIMILAR TO THE FIRST ONE.

3 Q DID YOU BUILD ANY MACHINES IN 1983?

4 A NO.

5 Q WAS THERE ANY PLANT FOR THE BUILDING OF THE
6 MACHINES IN 1983?

7 A NO.

8 Q AT SOME POINT, DID YOU BEGIN TO BUILD ONE OF
9 THESE MACHINES?

10 A FEBRUARY THE 15TH, 1984.

11 Q SO OVER A YEAR BEFORE YOU FIRST REACHED -- IT
12 WAS OVER A YEAR AFTER THE FIRST TIME YOU REACHED THE AGREEMENT
13 THAT YOU STARTED CONSTRUCTION ON THE FIRST MACHINE?

14 A YES.

15 Q AND AFTER YOU STARTED CONSTRUCTION ON THAT MACHINE,
16 DID YOU EVER GET IT COMPLETED?

17 A YES, I FINISHED THAT MACHINE SOMETIME AROUND
18 THE FIRST PART OF JUNE OF 1984.

19 Q AND WHAT WAS THE PURPOSE FOR WHICH YOU WERE
20 BUILDING AND DEVELOPING THAT MACHINE?

21 A THE MACHINE WAS BEING BUILT -- IT WAS MY
22 OBJECTIVE AT THAT TIME TO BUILD THE MACHINE TO PROCESS COAL.

23

24

25

26

27

28

A-1

1 Q AND WITH RESPECT TO PROCESSING OF COAL, DID THE
2 MACHINE HAVE CERTAIN ADVANTAGES OVER OTHER TECHNOLOGY THAT
3 IS CURRENTLY AVAILABLE TO DO THE SAME THING?

4 A YES IT DOES. IT HAS SUBSTANTIAL ADVANTAGES BOTH
5 IN COST, OPERATING COST AND THROUGH PUT RATE.

6 THE COURT: THROUGH PUT RATE?

7 THE WITNESS: THROUGH PUT, THE AMOUNT OF MATERIAL THAT
8 YOU CAN PUT THROUGH THE MACHINE.

9 THE COURT: YES.

10 Q BY MR. WAPNER: DOES IT ALSO HAVE THE ABILITY
11 TO SEPARATE SULPHUR OUT FROM COAL?

12 A THE MACHINE ITSELF, ONLY HAS THE ABILITY TO REMOVE
13 APPROXIMATELY 40 PERCENT OF THE SULPHUR IN THE FORM OF
14 SULPHUR THAT IS BOUND TO IRON. THE REST OF THE SULPHUR IS
15 ORGANIC SULPHUR AND MUST BE TAKEN OUT CHEMICALLY.

16 Q AND CAN IT BE DONE DURING THE ATTRITION PROCESS
17 OR IS THAT DONE SEPARATELY?

18 A IT IS DONE AT THE SAME TIME. THERE IS AN
19 ADDITIVE WHICH IS ADDED TO THE COAL AT THE TIME IT IS
20 PROCESSED SO THAT WHEN THE COAL IS BURNED, IT BURNS SULPHUR-
21 FREE.

22 Q AND IS THERE CERTAIN ECONOMIC ADVANTAGE TO
23 PRODUCING SULPHUR-FREE COAL?

24 A THE ECONOMY, YES. BECAUSE OF THE SO-CALLED
25 ACID RAIN PROBLEMS THAT EXIST IN THE UNITED STATES AND
26 THROUGHOUT THE WORLD.

27 Q SO IF YOU BURN SULPHUR-FREE COAL AS FUEL, IT
28 DOESN'T PRODUCE ACID RAIN?

5A-2

1 A THAT'S RIGHT.

2 Q AND HAD YOU TESTED THAT MACHINE FOR USE WITH
3 SILICA?

4 A THE NEW MACHINE?

5 Q THE ONE YOU WERE BUILDING, CORRECT.

6 A NO.

7 Q HAD YOU DURING THE TIME THAT YOU WERE WORKING
8 ON THE DEVELOPMENT OF THE MACHINE, WERE YOU GOING DOWN TO
9 THE GARDENA PLANT EVERY DAY?

10 A YES.

11 Q WERE YOU WORKING WITH JEFF RAYMOND AND DAVE MAY?

12 A YES.

13 Q DURING THE TIME THAT YOU WERE DOWN THERE, DID
14 YOU EVER MEET A MAN NAMED RON LEVIN?

15 A NO.

16 Q DID HE EVER COME DOWN TO TEST THE MACHINE?

17 A NO.

18 Q DID HE EVER SEND ANYBODY DOWN WHILE YOU WERE THERE
19 TO HAVE THE MACHINE TESTED?

20 A NO.

21 Q AT SOME POINT AFTER THE MACHINE WAS FINISHED,
22 WAS IT TAKEN SOMEPLACE?

23 A YES. WHEN THE MACHINE WAS FINISHED IN JUNE, IT
24 WAS TAKEN TO APACHE JUNCTION.

25 Q WHY WAS THAT?

26 A IT WAS TAKEN OUT THERE BECAUSE OF A CONTRACT THAT
27 HAD BEEN SIGNED BY MR. MORTON AND MR. HUNT TO PROCESS
28 PRECIOUS METAL-BEARING ORES AT THE APACHE JUNCTION SITE.

5A-3
1 Q IS THAT SOME KIND OF MINING?

2 A YES, GOLD MINING.

3 Q IN OTHER WORDS, TO TAKE ROCKS WITH GOLD IN THEM
4 AND PUT THEM IN THE MACHINE AND REDUCE THE PARTICLE SIZE?

5 A YES.

6 Q WHAT IS THE ADVANTAGE IN TERMS OF GOLD MINING
7 TO DOING THAT?

8 A ALL GOLD MINING IS DIVIDED ROUGHLY INTO SEVERAL
9 STEPS. ONE OF THEM IS THE ACTUAL PROCESS OF MINING AND THE
10 SECOND ONE IS THE GRINDING OF THE ORE TO FREE THE TRAPPED
11 METAL FROM THE MATRIX. AND THEN THE THIRD IS EITHER A
12 MECHANICAL OR CHEMICAL SEPARATION.

13 Q AND SO, YOUR MACHINE WAS USED AS FAR AS
14 MR. MORTON WAS CONCERNED, IN THE SECOND STEP OF THAT PROCESS?

15 A YES.

16 Q AND DID YOU WHEN YOU WERE IN ARIZONA AT SOME
17 POINT -- DID YOU LEAVE TO COME BACK TO LOS ANGELES?

18 A YES. THERE WERE SEVERAL TRIPS BACK AND FORTH.
19 THE LAST ONE I CAME BACK FROM ARIZONA I THINK, ON THE 26TH
20 OF JUNE.

21 Q AND WHEN YOU CAME BACK ON THE 26TH OF JUNE, DID
22 YOU --

23 MR. BARENS: THIS IS '84 WE ARE IN?

24 THE COURT: YES.

25 MR. WAPNER: THANKY YOU, COUNSEL.

26 Q THIS IS '84?

27 A YES, SIR.

28 Q AND WHEN YOU CAME BACK ON JUNE THE 26TH, DID YOU

A-4 1 TALK TO MR. HUNT?

2 A I CALLED HIM THAT NIGHT AND MADE ARRANGEMENTS
3 TO MEET HIM THE NEXT DAY.

4 Q AND DID YOU MEET HIM THE NEXT DAY?

5 A YES I DID.

6 Q AND DID HE SHOW YOU A CONTRACT THAT HAD TO DO
7 WITH THE MACHINE?

8 A NOT AT THAT TIME.

9 Q HAD HE SHOWN YOU ONE BEFORE THAT?

10 A YES. HE HAD SHOWN ME ONE AROUND THE MIDDLE OF
11 JUNE.

12

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28

A-5 1 Q AND SHOWING YOU A DOCUMENT THAT WE HAVE MARKED
2 AS PEOPLE'S 58 FOR IDENTIFICATION, DO YOU RECOGNIZE THAT?

3 A YES.

4 Q WHAT IS IT?

5 A THIS IS AN AGREEMENT, AN OPTION AGREEMENT BETWEEN
6 MR. HUNT AND MR. RON LEVIN.

7 Q AND WHERE HAVE YOU SEEN THAT BEFORE?

8 A MR. HUNT SHOWED THIS TO ME IN HIS OFFICE.

9 Q WHEN HE SHOWED IT TO YOU --

10 MR. BARENS: EXCUSE ME, YOUR HONOR. POINT OF CLARITY.
11 ARE WE TALKING ABOUT WHEN HE WAS SHOWN THE AGREEMENTS TWICE
12 DURING JUNE? I AM NOT SURE WHICH IT IS, MID-JUNE OR AFTER
13 RETURN FROM --

14 THE COURT: WILL YOU EXPLAIN THAT?

15 THE WITNESS: THERE WAS ONLY ONE DOCUMENT I HAD SEEN,
16 AS FAR AS CONTRACTS ARE CONCERNED. I DID NOT SEE ANY NEW
17 CONTRACTS ON THE 27TH OF JUNE. THIS CONTRACT I SAW, I BELIEVE
18 ON THE 11TH OF JUNE.

19 MR. BARENS: THANK YOU, SIR.

20 Q BY MR. WAPNER: HOW DID YOU FIX THAT DATE?

21 A THE 11TH OF JUNE CONTRACT OR THE 11TH OF JUNE
22 MEETING, WE HAD TAKEN THE MACHINE OUT TO ARIZONA I THINK THE
23 WEEK BEFORE THEN. AND I HAD COME BACK AT THAT TIME BECAUSE
24 I HAD BEEN GUARANTEED A HOUSE.

25 AND WE OPENED THE ESCROW ON THE HOUSE ON THE 6TH
26 OF JUNE. AND THERE WERE FEES TO BE DEPOSITED AS FAR AS THE
27 ESCROW WAS CONCERNED.

28 THE COURT: GUARANTEED?

5A-6

1 THE WITNESS: PARDON ME?

2 THE COURT: WHO GUARANTEED THE HOUSE?

3 THE WITNESS: MR. HUNT.

4 THE COURT: HE WAS GOING TO FURNISH THE MONEY FOR YOU
5 TO BUY IT?

6 THE WITNESS: YES.

7 Q BY MR. WAPNER: DID HE EVER DO THAT?

8 A NO.

9 Q WHEN MR. HUNT SHOWED YOU THE CONTRACT THAT IS
10 IN FRONT OF YOU, THAT IS PEOPLE'S 58, WHAT DID YOU DO?

11 A I EXPRESSED TO HIM SOME VERY SERIOUS DOUBTS ABOUT
12 THE PROCESSES THAT WERE INVOLVED HERE.

13 Q WHAT DID YOU SAY?

14 A WELL, WE HAD JUST COMPLETED THE MACHINE. IT HAD
15 NOT BEEN TESTED UNDER ANY CONDITION PERTAINING TO THE
16 MATERIALS THAT THIS OPTION AGREEMENT WAS DESIGNED TO CONSIDER.
17 THAT IS, THE GRINDING OF SILICA AND CERAMICS, CERAMIC CLAYS,
18 I BELIEVE.

19 Q ALL RIGHT. AND WHAT DID HE SAY IN THAT REGARD?

20 A I TOLD HIM THAT WE HAD NO IDEA THAT THAT -- AT
21 THAT PARTICULAR TIME THAT THAT MACHINE -- WHETHER OR NOT WE
22 COULD SUCCESSFULLY GRIND THOSE PARTICLES. I WAS OPTIMISTIC
23 ABOUT GRINDING THEM BECAUSE I HAD REDUCED THIS TYPE OF
24 MATERIAL BEFORE IN HISPERIA.

25 BUT THIS WAS A NEW MACHINE AND IT HAD NOT BEEN
26 TESTED.

27 AND SO, MAKING AN AGREEMENT TO DO A PARTICULAR
28 JOB WHEN YOU DON'T KNOW THE OPERATING CHARACTERISTICS OF THE
29 MACHINE TO ME, SEEMED FOOLHARDY.

-1

1 Q AND DID YOU EXPRESS THAT TO MR. HUNT?

2 A YES, I DID.

3 Q WHEN HE SHOWED YOU THAT CONTRACT, HAD IT ALREADY
4 BEEN SIGNED?

5 A YES.

6 Q HAD YOU BEEN CONSULTED BY MR. HUNT BEFORE THAT
7 CONTRACT WAS DRAFTED?

8 A NO.

9 Q DID YOU PARTICIPATE IN ANY WAY IN THE DECISION
10 TO ENTER INTO AN AGREEMENT WITH MR. LEVIN?

11 A NO.

12 Q SO WHEN HE SHOWED IT TO YOU AT SOME POINT IN
13 JUNE, IT WAS A SURPRISE TO YOU?

14 A YES.

15 Q AND AFTER TELLING HIM THE RESERVATIONS YOU HAD
16 ABOUT IT, DID YOU MAKE ANY SUGGESTIONS FOR MAKING A
17 MODIFICATION IN IT OR SOMETHING LIKE THAT?

18 A IN THIS AGREEMENT, NO.

19 I JUST TOLD HIM THAT IT WAS IMPOSSIBLE TO MAKE
20 SUCH A STATEMENT IN AN AGREEMENT AT THAT PARTICULAR TIME BECAUSE
21 WE HAD NO DATA TO INDICATE THAT WE COULD DO IT.

22 Q AND THE STATEMENT YOU ARE TALKING ABOUT IS THE
23 GRINDING OF SILICA, YES.

24 MR. WAPNER: MAY I HAVE A MOMENT, YOUR HONOR?

25 THE COURT: YES.

26 (PAUSE IN PROCEEDINGS.)

27 MR. WAPNER: I HAVE NOTHING FURTHER RIGHT NOW.

28 THE COURT: ALL RIGHT, YOU MAY EXAMINE.

1 MR. BARENS: NOTHING FURTHER RIGHT NOW?

2 MR. WAPNER: I HAVE NO FURTHER QUESTIONS OF THIS
3 WITNESS.

4 MR. BARENS: THANK YOU, MR. WAPNER.

5 IF I MAY HAVE A MOMENT, YOUR HONOR.

6 (PAUSE IN PROCEEDINGS.)

7 MR. BARENS: JUST A MOMENT, YOUR HONOR.

8 THE COURT: I GUESS THEY ARE COMING TO THE BENCH.

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

12 THE COURT: YES?

13 MR. BARENS: YOUR HONOR, I MUST CONFESS THERE IS NO
14 WAY I COULD FINISH WITH THIS WITNESS TODAY NOR EVEN MEANING-
15 FULLY START WITH HIM.

16 THE COURT: YOU HAVE ANOTHER 17 MINUTES TO GO. YOU
17 GO AHEAD AND FINISH IT UP ON MONDAY.

18 MR. BARENS: I WOULD MOST APPRECIATE IT IF YOUR HONOR
19 WILL ALLOW ME MONDAY TO START WITH THIS WITNESS.

20 THE COURT: NO. GO RIGHT AHEAD NOW AND TAKE THE BALANCE
21 OF THE AFTERNOON.

22 MR. BARENS: OKAY, YOUR HONOR. COULD WE DO IT WITH
23 THE PROVISIO, I WOULD LIKE TO COVER THE MATERIAL THE PEOPLE
24 DID NOW.

25 THE COURT: YES.

26 MR. BARENS: AND THEN ANYTHING ELSE I COULD DO MONDAY.

27 THE COURT: RIGHT.

28 MR. BARENS: THANK YOU.

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

4

5

CROSS-EXAMINATION

6

BY MR. BARENS:

7

Q GOOD AFTERNOON, DR. BROWNING.

8

IS IT DR. BROWNING?

9

A YES.

10

Q WHEN YOU FIRST MET MR. HUNT IN NOVEMBER OF 1982,
11 HAD YOU REDUCED YOUR TECHNOLOGY TO PRACTICE AT THAT TIME,
12 SIR?

13

A TO PRACTICE, YES.

14

Q AND YOU HAD A CERTAIN BELIEF AS A RESULT OF THAT,
15 THAT THE TECHNOLOGY COULD PERFORM CERTAIN TASKS?

16

A YES.

17

Q AND WHAT ASSUMPTIONS DID YOU HAVE CONCERNING
18 THE CAPABILITIES OF THAT TECHNOLOGY IN 1982?

19

A WE HAD TESTED THE MACHINE OVER A PERIOD OF SEVEN
20 YEARS, SO I HAD A FAIRLY DECENT IDEA OF WHAT THE MACHINE WOULD
21 DO AT THAT TIME.

22

Q AND COULD YOU PLEASE GENERALLY DESCRIBE TO ME
23 WHAT APPLICATION YOU THOUGHT THAT MACHINE COULD HAVE, SIR?

24

A THE MACHINE HAS RATHER WIDESPREAD TYPE OF
25 APPLICATION IN THE AREA OF PARTICLE REDUCTION.

26

THERE ARE MANY INDUSTRIES IN WHICH PARTICLE
27 REDUCTION IS AN INTEGRAL PART OF THAT INDUSTRY AND THE
28 MACHINE FITS THE CATEGORY OF MOST OF THEM.

1 Q THAT WOULD INCLUDE VARIOUS ASPECTS OF MINING?

2 A THE PROCESSING OF ORES AS A PRODUCT OF MINING,
3 YES.

4 Q WHAT ELSE, WHAT OTHER AREA WOULD IT HAVE
5 APPLICABILITY, SIR?

6 A IN THE PROCESSING OF COAL, AS WE HAVE MENTIONED.
7 IN THE REDUCTION OF PARTICLES WHICH ARE USED
8 AS FILLERS IN MANY INDUSTRIES. THE RUBBER INDUSTRY. THE
9 PLASTICS INDUSTRY.

10 Q DID YOU HAVE AN OPINION AS TO ITS APPLICABILITY
11 OR FEASIBILITY FOR SILICON?

12 A I HAD USED THE MACHINE IN HISPERIA ON ONE OCCASION
13 TO REDUCE SILICA DIOXIDE PARTICLES.

14 Q SIR, WOULD YOU, IN ORDER TO MAKE IT APPLICABLE
15 FOR SILICON, HAVE TO CHANGE THE GRINDING SURFACES AND THE
16 GATING DEVICES ON THE MACHINE IN ORDER TO ENABLE IT TO PERFORM
17 THAT SORT OF A TASK?

18 A THE GATING DEVICES DETERMINE THE PARTICLE MESH
19 SIZE THE MACHINE EMITTED, SO DEPENDING UPON THE REQUIREMENT
20 OF THE DEVICE, YES, IT WOULD HAVE TO BE MODIFIED.

21

22

23

24

25

26

27

28

2 A 1 Q AND WHAT ABOUT THE GRINDING SURFACES, SIR?

2 A NO. THE GRINDING SURFACES WOULD NOT CHANGE.

3 Q IT WOULD STAY THE SAME IF I WAS GOING TO APPLY
4 THIS FOR SILICON?

5 A YES.

6 Q WELL, WHAT HAPPENED IN YOUR -- STRIKE THAT.

7 YOU HAD UTILIZED -- YOU HAD RUN SOME SILICON
8 BASED MATERIALS TESTS?

9 A I HAD RUN SILICA ON THE DEVICE IN HISPERIA ON
10 ONE OCCASION, YES.

11 Q BY THE WAY, IF WE ARE SUCCESSFUL FOR APPLYING
12 THIS DEVICE FOR SILICA, WHAT WOULD WE DO WITH IT? WHAT
13 APPLICABILITY WOULD IT HAVE?

14 A THE USE OF SILICA?

15 Q YES.

16 A SILICA IS USED IN SEVERAL INDUSTRIES, OPTICS,
17 ELECTRONICS AND IN SOME INSTANCES, IN THE MEDICAL INDUSTRY.

18 Q AND COULD YOU BE ANY MORE SPECIFIC THAN THAT,
19 SIR, AS FAR AS THE SILICA? IT WOULD ONLY BE USED FOR MEDICAL
20 PURPOSES?

21 A NO. SILICA IS PROCESSED TO MAKE SILICA CHIPS,
22 WAFERS IN WHICH ELECTRONICS ARE BASED, MANY OF THE SILICA
23 CHIPS.

24 Q RIGHT. OKAY. SO IT WOULD BE UTILIZED POTENTIALLY
25 FOR THAT CRITICAL ELEMENT IN ALL THOSE COMPUTER DEVICES AND
26 THESE HIGH TECHNOLOGY DEVICES THAT OPERATE WITH A CHIP OF
27 SOME SORT, A CERAMIC CHIP FOR INSTANCE, DOCTOR?

28 A THE CHIPS ARE REFERRED TO AS CERAMIC. PRIMARILY,

1 THEY ARE SILICA BASED.

2 Q RIGHT. WE TEND TO USE THE EXPRESSION
3 INTERCHANGEABLY, SIR? IN OTHER WORDS, IF I SAY A CERAMIC
4 COMPUTER CHIP, OBVIOUSLY AT LEAST TO YOU, COULD WE AGREE THAT
5 IT IS A SILICA-BASED SUBSTANCE THAT IS UTILIZED IN THE
6 MANUFACTURE OF THE CHIP ULTIMATELY?

7 A YES.

8 Q WOULD THAT HAVE BEEN SOMETHING YOU WERE AWARE
9 OF WHEN YOU TESTED THE DEVICE FOR SILICA?

10 A YES.

11 Q ALL RIGHT. NOW IN 1982, DID YOU TELL MR. HUNT
12 THAT YOU FELT THAT THE TECHNOLOGY YOU HAD DEVELOPED HAD
13 CERTAIN COMMERCIAL FUTURES? HAD A CERTAIN COMMERCIAL FUTURE
14 POSSIBLY?

15 A YES.

16 Q COULD YOU TELL ME WHAT YOU SAID IN THAT
17 CONVERSATION OR CONVERSATIONS RELATIVE TO WHAT YOU COULD DO
18 IN THE MARKETPLACE WITH THIS TYPE OF TECHNOLOGY?

19 A I THINK THE CONVERSATIONS AT THAT TIME IN HISPERIA
20 REVOLVED PRIMARILY AROUND THE ENERGY INDUSTRY.

21 Q COAL, SIR?

22 A THE PROCESSING OF COAL.

23 Q WHAT DID YOU TELL HIM, SIR?

24 A WELL, THERE IS A WHOLE LIBRARY OF INFORMATION
25 PERTAINING TO THE ATTEMPTS TO DESULPHURIZE COAL IN THE UNITED
26 STATES AND IN FOREIGN COUNTRIES.

27 AND WE HAD GONE THROUGH I THINK, MUCH OF THE
28 APPLICATION OF THE DEVICE IN PROCESSING COAL FOR THIS PURPOSE.

3-2

1 THE REASON FOR MR. HUNT BEING IN HISPERIA AT THE
2 TIME, WAS TO SEE THE MACHINE OPERATE. AND I HAD SOME MATERIALS.

3 I DID NOT HAVE ANY SILICA DIOXIDE THERE TO GRIND
4 FOR HIM BUT I HAD SOME OTHERS THAT HAD BEEN DELIVERED TO THE
5 PLANT WHICH WE DID PROCESS FOR HIM. BUT WE DID NOT GRIND
6 SILICA AT THE TIME OR ANY OF THE CERAMIC CLAYS AT THE TIME.

38BF

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B-1
1 Q WAS THERE SOME DISCUSSION OF THAT IN NOVEMBER
2 OF 1982 ABOUT THE SILICAS?

3 A YES, SIR. THE ONLY DISCUSSION THAT I HAD, I HAD
4 SHOWN HIM SOME OF THE PRODUCTS THAT HAD BEEN PROCESSED IN
5 THE MACHINE.

6 Q I AM NOT SURE OF THE ANSWER TO MY QUESTION, SIR.
7 WAS THERE SOME DISCUSSION SPECIFICALLY REFERABLE TO SILICA
8 AND THE POTENTIAL FOR THE MACHINE TO GRIND SILICA?

9 A THE CONVERSATIONS I THINK AT THAT TIME, WAS THE
10 COMPETITIVE INDUSTRY, ESPECIALLY WITH THE JAPANESE BECAUSE
11 THE JAPANESE DON'T HAVE ANY SILICA IN JAPAN. EVERYTHING IS
12 IMPORTED.

13 Q RIGHT. THE JAPANESE OVER THERE ARE MAKING COMPUTER
14 CHIPS, ARE THEY NOT, SIR?

15 A YES THEY ARE.

16 Q THEY ARE A MAJOR -- IN FACT, EVEN PERHAPS A
17 SUPERIOR COMPETITOR TO THE UNITED STATES AND DOMINANT
18 ECONOMIC FORCE IN COMPUTER CHIP TECHNOLOGY?

19 A I BELIEVE THAT TO BE TRUE.

20 Q IT WAS TRUE IN 1982, WAS IT NOT?

21 A YES.

22 Q IN 1982, WOULD THIS BE CONSIDERED IN YOUR MIND
23 SIR, A GROWTH INDUSTRY?

24 A YES.

25 Q AND YOU HAD DISCUSSIONS ABOUT THAT WITH MR. HUNT?

26 A I BELIEVE THAT WAS DISCUSSED AT THE TIME.

27 Q ALL RIGHT, SIR. DID YOU TELL HIM AT THAT TIME
28 WELL, MY TECHNOLOGY WON'T WORK ON SILICA, SO WE CAN'T MAKE

1 COMPUTER CHIPS WITH IT?

2 A NO. I DON'T REMEMBER SUCH A STATEMENT.

3 Q YOU NEVER TOLD HIM THAT, DID YOU?

4 A NO.

5 Q YOU DIDN'T BELIEVE THAT, DID YOU?

6 A NO.

7 Q OKAY. DID YOU EVER TALK ABOUT THE FACT THAT THIS
8 TYPE OF TECHNOLOGY COULD BE USED FOR GLASSWARE PRODUCTS?

9 A YES. THE DISCUSSIONS THERE HAD TO DO WITH THE
10 MAKING OF LENSES, MICROSCOPE AND CAMERA LENSES, A MAJOR
11 INDUSTRY ALSO IN JAPAN.

12 Q RIGHT. LENSES AND GLASS IS A MORE SOPHISTICATED
13 TERM -- WELL, THAT IS A MORE SOPHISTICATED TERM FOR GLASS,
14 SILICA, ISN'T IT?

15 A IT IS A FORM OF SILICA.

16 Q RIGHT. DID YOU EVER TALK ABOUT A POTENTIAL
17 CUSTOMER LIKE CORNING GLASS FOR THIS TECHNOLOGY?

18 A NO.

19 Q NEVER?

20 A NOT TO MY KNOWLEDGE.

21 Q OKAY. IF YOU WERE ABLE TO IN THE FIRST INSTANCE,
22 APPLY YOUR DEVICE FOR COAL PRODUCTS, WOULD NOT GOVERNMENTS
23 TYPICALLY BE THE CUSTOMERS FOR YOUR -- FOR THE PRODUCTS THAT
24 WOULD RESULT FROM THAT TYPE OF MINING SERVICE?

25 A I DON'T THINK GOVERNMENTS WOULD BE AS MUCH OF
26 A POTENTIAL CUSTOMER AS UTILITY COMPANIES.

27 Q ALL RIGHT, SIR. BY "GOVERNMENT" -- I AM SORRY.
28 I DEEM A UTILITY AS PART OF THE GOVERNMENT OR A PUC TYPE THING,

1 A GOVERNMENT ENTITY.

2 IN OTHER WORDS, WHAT YOU ARE TALKING ABOUT SIR,
3 IS A CUSTOMER FOR SOMETHING THAT WOULD AVOID ACID RAIN, WOULD
4 INCLUDE, LIKE A MAJOR MANUFACTURER, PERHAPS LIKE GENERAL
5 MOTORS?

6 A THE ONES THAT I THINK THAT WE HAD IDENTIFIED AS
7 THE PRIMARY MARKET WERE THE MANUFACTURERS OF STEEL.

8 Q LIKE UNITED STATES STEEL?

9 A STEEL, AUTO MANUFACTURING ONLY TO THE EXTENT THAT
10 THE STEEL THAT IS USED IN THE AUTOMOBILES MUST BE CAST
11 SOMEWHERE AND MUST BE HEATED. OUR PRIMARY CONCERN AT THE
12 TIME WERE UTILITY COMPANIES.

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1 Q BY MR. BARENS: THUS, WOULD IT BE CORRECT IN
2 ASSUMING THAT THE CUSTOMER, THE TARGET CUSTOMER FOR THE
3 PRODUCTS OF THIS TYPE OF TECHNOLOGY WOULD BE A FAIRLY
4 SUBSTANTIAL CUSTOMER; IT WOULD BE SOMEONE WHO WAS DOING
5 PERHAPS TENS OF MILLIONS OF DOLLARS IN GROSS BUSINESS PER
6 ANNUM?

7 A THE BASIS OF OUR STUDY WAS UTILITY COMPANIES,
8 WHICH WOULD USE A MINIMUM OF TWO MILLION TONS OF FUEL A YEAR.

9 Q THUS, A MAJOR INDUSTRY CONSUMER?

10 A I WOULD SAY SO, YES.

11 Q THAT WAS YOUR TARGET CUSTOMER, SIR?

12 A YES.

13 Q ALL RIGHT. AND YOU EXPLAINED THAT TO MR. HUNT?

14 A I THINK IT WAS EXPLAINED TO HIM AT THE TIME.

15 Q NOW YOU ALSO UTILIZED THE TECHNOLOGY IN CERTAIN
16 GOLD MINING ACTIVITY, SIR?

17 A YES.

18 Q WERE YOU SUCCESSFUL IN THAT ENDEAVOR?

19 A YES.

20 Q AND IN FACT, AS WE MOVE FORWARD IN TIME TO THE
21 MORTON CONTRACT, THAT WAS WHAT HE WAS DOING DOWN THERE IN
22 ARIZONA?

23 A YES.

24 Q AND WERE YOU CONSULTED PRIOR TO THE TIME THE
25 MORTON CONTRACT WAS ENTERED?

26 A NO.

27 Q JUST LIKE YOU WEREN'T CONSULTED PRIOR TO THE
28 TIME THE LEVIN CONTRACT WAS ENTERED?

1 A THAT'S CORECT.

2 Q NOW EVENTUALLY, YOU WENT DOWN AND MET WITH MORTON
3 DOWN THERE IN ARIZONA?

4 A MORTON CAME TO GARDENA.

5 Q DO YOU KNOW IF MORTON HAD PAID ANY MONEY FOR
6 USING THE TECHNOLOGY?

7 A I DIDN'T KNOW OF IT AT THE TIME, NO.

8 Q DID YOU LATER FIND OUT THAT HE DID?

9 A YES.

10 Q DID IT SEEM TO WORK?

11 A THE MACHINE?

12 Q THE MACHINE.

13 A THE MACHINE WAS NOT OPERABLE WHEN HE FIRST CAME
14 THERE.

15 Q HOW ABOUT AT ANY TIME?

16 A AFTER THE FIRST WEEK IN JUNE, THE MACHINE WAS
17 OPERABLE, YOU COULD TURN IT ON.

18 Q DID YOU BELIEVE THAT THE MACHINE COULD PERFORM
19 THE TASK YOU THOUGHT IT WOULD PERFORM IN THAT PARTICULAR FRAME
20 WORK?

21 A IT WAS OPERATING WITHIN THE SAME PARAMETERS I
22 FELT, AS THE MACHINE IN HISPERIA, BUT THERE WERE CHANGES IN
23 THE DESIGN OF THE MACHINE THAT HAD NOT BEEN TESTED.

24 THE COURT: CHANGES IN THE MACHINE WHAT?

25 THE WITNESS: CHANGES IN THE DESIGN OF THE MACHINE
26 THAT HAD NOT BEEN TESTED.

27 Q BY MR. BARENS: ALL RIGHT, SIR, IN ORDER TO
28 PROPERLY TEST THIS MACHINE, AM I BETTER OFF TESTING IT IN

39-3

1 THE ACTUAL JOB SITE LOCATION AS OPPOSED TO A LABORATORY
2 SETTING?

3 A IT DEPENDS UPON THE AVAILABILITY OF THE MATERIAL
4 AND THAT IS A CRITERIA THAT ONE HAS TO USE TO TEST THE MACHINE
5 BECAUSE IT HAS TO BE RUN FOR LONG PERIODS OF TIME, LIFE
6 TEST, STRUCTURAL INTEGRITY --

7 Q STRESS TESTS?

8 A STRUCTURAL INTEGRITY TESTS, STRESS TESTS.

9 Q IS THAT WHY YOU HAD IT IN HISPERIA TO BEGIN WITH?

10 A YES.

11 Q BECAUSE YOU HAD CERTAIN AVAILABILITY IN THE
12 MATERIALS THERE?

13 A YES, AND A SITE TO OPERATE.

14 Q SOME OTHER PLACE WHERE I MIGHT DO THE SAME KIND
15 OF ACTIVITY MIGHT BE CERTAIN LOCATIONS IN NEVADA?

16 A YES.

17 Q NOW YOU NEVER MET RON LEVIN, DID YOU?

18 A NO.

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1 Q SO YOU COULDN'T TELL ME ANYTHING, I SUPPOSE,
2 ABOUT HIS INTEREST OR LACK OF INTEREST IN THE TECHNOLOGY?

3 A NO.

4 Q AND YOU COULDN'T TELL ME ANYTHING ABOUT HIS
5 KNOWLEDGE OR LACK OF KNOWLEDGE ABOUT THE FEASIBILITY OR NON-
6 FEASIBILITY OF THE TECHONOLOGY?

7 A NO.

8 Q NOW YOU SAY THAT YOU WERE WITH MR. HUNT ON JUNE
9 11TH, 1984?

10 A YES.

11 Q INDEED.

12 AND THAT WAS BECAUSE OF THIS BUSINESS WITH OPENING
13 THE ESCROW ON THE HOUSE AND THAT ALL HELPS YOU FIX THAT DATE,
14 SIR?

15 A YES.

16 Q AND YOU WERE SHOWN A CONTRACT ON THAT DATE?

17 A I WAS SHOWN THIS OPTION AGREEMENT AT THAT TIME.

18 Q OPTION AGREEMENT?

19 WAS ANYBODY ELSE PRESENT WHEN YOU HAD THE MEETING
20 WHEREIN THE OPTION AGREEMENT WAS DISPLAYED TO YOU, SIR?

21 A I DON'T REMEMBER ANYBODY BEING THERE.

22 Q BEFORE YOU CAME TO THAT MEETING, WERE YOU TOLD
23 ON THE PHONE THAT YOU WOULD BE DISCUSSING THAT SUBJECT WHEN
24 YOU GOT TO THE MEETING?

25 A THE SUBJECT OF THE OPTION AGREEMENT?

26 Q YES.

27 A NO, SIR.

28 Q WAS THERE ANOTHER REASON WHY YOU WERE COMING

1 TO THE OFFICE AT THAT POINT?

2 A YES.

3 IT HAD TO DO WITH THE ESCROW ON THE HOUSE AND
4 THE ULTIMATE PLANS TO CLOSE THAT ESCROW ON THE 6TH OF JULY.

5 Q ALL RIGHT, SIR, WHEN YOU CAME THERE THEN, WERE
6 YOU SURPRISED OR -- YES, WERE YOU SURPRISED THAT THIS CONTRACT
7 WAS PUT BEFORE YOU, SIR?

8 A YES.

9 Q WHERE DID THAT OCCUR, WHAT WAS THE SETTING OF
10 WHERE THAT OCCURRED, WHERE WERE YOU?

11 A THAT WAS IN THE OFFICE OF THE BBC ON THIRD STREET
12 IN BEVERLY HILLS.

13 Q AND ABOUT WHAT TIME WAS IT?

14 A I BELIEVE IT WAS ABOUT 9:00 O'CLOCK, 11:00 O'CLOCK
15 IN THE MORNING.

16 Q AND PRESENT, SIR, WAS?

17 A MR. HUNT AND MYSELF, BECAUSE I HAD GONE THERE
18 TO SEE HIM.

19 Q AND YOU WERE THE ONLY TWO PRESENT?

20 A I BELIEVE SO.

21 Q AND HUNT SHOWED YOU THIS AGREEMENT?

22 HAD YOU EVER HEARD OF RON LEVIN BEFORE THAT DAY?

23 A YES.

24 Q AND WHAT HAD YOU HEARD ABOUT HIM?

25 A IN JANUARY OF 1983, WHEN MR. HUNT HAD FORMULATED
26 THE FIRST AGREEMENT THAT WE HAD SIGNED, HE SAID THAT HE WAS
27 GOING TO HAVE THE AGREEMENT REDONE BY COMPETENT LEGAL PEOPLE.

28 HE REPRESENTED TO ME AT THAT TIME THAT MR. HUNT

1 (SIC) WAS HIS COUNSEL AND --

PRELIM :
BROWNING
KARNY

2 THE COURT: AND MR. HUNT?

3 THE WITNESS: AND MR. HUNT

: OF

4 LAW SCHOOL.

5 MR. BARENS: I AM SORRY --

6 THE COURT: MR. HUNT?

7 THE WITNESS: I MEAN MR. LEVIN. I AM SORRY.

8 THE COURT: HE WAS HIS LAWYER?

9 THE WITNESS: THAT MR. LEVIN WAS MR. HUNT'S ATTORNEY;
10 THAT HE HAD GRADUATED FROM LAW SCHOOL, THAT HE WAS AN ATTORNEY.

11 Q BY MR. BARENS: WHEN HUNT TOLD YOU THAT, DID
12 HE APPEAR TO BELIEVE THAT?

13 A I HAD NO REASON NOT TO.

14 Q THAT OCCURRED WHEN, THIS CONVERSATION?

15 A THE ONE PERTAINING TO MR. LEVIN BEING AN
16 ATTORNEY?

17 Q YES, SIR.

18 Q WAS ON, I BELIEVE, THE 5TH OF JANUARY, 1983.

19 Q NOW, DID YOU HAVE ANOTHER CONVERSATION IN MARCH
20 OF 1984 DOWN IN GARDENA WHERE MR. LEVIN'S NAME CAME UP AGAIN?

21 A I DON'T REMEMBER ONE.

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1 Q SIR, DID YOU HAVE A CONVERSATION IN MARCH OF 1984
2 WHERE MR. HUNT TOLD YOU THAT RON LEVIN WAS AN INVESTOR HE
3 WAS COURTING, SO TO SPEAK, FOR THE TECHNOLOGY?

4 A NOT AS AN INVESTOR, NO. HE HAD GIVEN ME A CERTAIN
5 EXPLANATION PERTAINING TO MR. LEVIN AS SOMEONE WHO OWED HIM
6 MONEY. AND THAT WAS THE GIST OF THE CONVERSATION PERTAINING
7 TO MR. LEVIN AT THAT TIME.

8 Q THERE WAS NO CONNECTING OF THE DEBT ON THE MONEYS
9 OWED TO MR. HUNT AND THE TECHNOLOGY? WAS THERE SOME
10 ASSOCIATION OR LINKING OF THE TWO AT THAT PARTICULAR TIME?

11 A NOT AT THAT TIME, NO.

12 Q WAS THERE LATER?

13 A ONLY THE ADVENT OF SEEING THIS AGREEMENT.

14 Q HOW DID MR. LEVIN'S NAME COME UP IN WHAT I AM
15 CALLING THE MARCH CONVERSATION? I DON'T KNOW IF YOU CAN GIVE
16 ME THAT. DOES THAT SOUND LIKE THE DATE, SIR?

17 A I DON'T REMEMBER THE TIME OF THAT CONVERSATION,
18 WHETHER IT WAS IN MARCH OR WHAT MONTH IT WAS.

19 I HAVE NOT THE SLIGHTEST IDEA. I JUST REMEMBER
20 A CONVERSATION THAT MR. HUNT HAD WITH ME PERTAINING TO
21 MR. LEVIN.

22 Q ALL RIGHT. SO, DO YOU HAVE SOME REFERENCE OF
23 LEVIN'S NAME COMING UP AT LEAST TWICE BEFORE JUNE OF '84?

24 A YES, ONCE WHEN HE WAS REPRESENTED AS AN ATTORNEY
25 AND AT THE TIME THAT MR. HUNT TOLD ME MR. LEVIN OWED HIM SOME
26 MONEY.

27 Q AND WAS HE AGAIN DISCUSSED AS AN ATTORNEY THE
28 SECOND TIME?

1 A NO.

2 THE COURT: OKAY. I THINK WE'LL TAKE OUR RECESS AT
3 THIS TIME UNLESS YOU WANT TO FINISH UP THIS AREA.

4 MR. BARENS: I COULD NOT TODAY, YOUR HONOR.

5 THE COURT: THIS PARTICULAR AREA?

6 MR. BARENS: NO. MY NEXT QUESTION GOES INTO A NEW AREA,
7 SIR.

8 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN OF THE JURY,
9 WE'LL TAKE OUR ADJOURNMENT NOW UNTIL MONDAY MORNING AT THE
10 USUAL TIME, 10:30.

11 THANK YOU. PLEASE REPORT TO THE JURY ASSEMBLY
12 ROOM. HOPEFULLY, WE WILL GET TO YOU BY THAT TIME. THE SAME
13 ADMONITION STILL APPLIES. GOOD NIGHT. HAVE A NICE WEEKEND.

14 (AT 4:33 P.M. AN ADJOURNMENT WAS TAKEN
15 UNTIL MONDAY, FEBRUARY 23, 1987, AT
16 10:30 A.M.)

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