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COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

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

SUPERIOR COURT
NO. A-090435

OCT 09 1987

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

APPEARANCES:

FOR PLAINTIFF-RESPONDENT: JOHN K. VAN DE KAMP
STATE ATTORNEY GENERAL
3580 WILSHIRE BOULEVARD
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FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 55 OF 101
(PAGES 8374 TO 8565 , INCLUSIVE)

COPY

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OFFICIAL REPORTERS

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1 SANTA MONICA, CALIFORNIA; TUESDAY, FEBRUARY 24, 1987; 10:45 A.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE

3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

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

8 THE COURT: THERE IS A MOTION OF SOME KIND?

9 MR. WAPNER: YES, YOUR HONOR.

10 YESTERDAY, COUNSEL HAD INDICATED THAT THEY WANTED
11 TO PRECLUDE CERTAIN TESTIMONY BECAUSE THEY CLAIMED THEY WERE
12 SURPRISED BY THE TESTIMONY OF THE WITNESSES, DIDN'T HAVE ANY
13 ADVANCE KNOWLEDGE, AND WE WORKED ONE OF THOSE ISSUES OUT BECAUSE
14 IT TURNED OUT IT WAS IN THE POLICE REPORT.

15 THERE ARE, I THINK, TWO REMAINING QUESTIONS.
16 ONE HAS TO DO WITH INQUIRY THAT I WANTED TO MAKE OF A WITNESS
17 ABOUT THE FACT THAT HE GOT A MAGAZINE THAT HAD TO DO WITH
18 SOMETHING ABOUT GUNS, AS A RESULT OF WHICH HE GOT ON A MAILING
19 LIST AND GOT ALL KINDS OF CATALOGS, THE BACK OF WHICH HAD
20 ADVERTISEMENTS FOR BOOKS SIMILAR TO THOSE FOUND ON MR. PITTMAN
21 AT THE TIME HE WAS ARRESTED.

22 AND THE OFFER OF PROOF IS THAT AT LEAST THAT
23 WOULD GIVE THE DEFENDANT -- AND THAT THE WITNESS GAVE ONE
24 OF THESE CATALOGS TO THE DEFENDANT AND THAT WOULD AT LEAST
25 GIVE THE DEFENDANT SOME KNOWLEDGE OF THESE TYPES OF BOOKS.
26 THERE IS NO CLAIM THAT THE BOOKS THAT MR. PITTMAN HAD WERE
27 ORDERED FROM THESE CATALOGS, BECAUSE, IN FACT, MANY OF THEM
28 HAVE LITTLE -- SOME OF THEM, AT LEAST, HAVE LITTLE STICKERS

1 ON THE FRONT THAT SAY "GROCERY" AND THEN THEY HAVE A PRICE,
2 WHICH WOULD INDICATE THAT SOME OF THEM WERE BOUGHT AT A STORE.
3 OTHERS DO NOT HAVE THAT STICKER ON THEM.

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1 SO THAT IS ONE THING THAT WE WANTED TO DISCUSS.
2 AND I BELIEVE THE WITNESS ALSO STARTED TO SAY ON THE STAND
3 THAT THERE WAS A DISCUSSION AT SOME POINT OF KILLING THE MAY
4 BROTHERS AND I DON'T KNOW THAT I HAVE ANY NOTES OF THAT.

5 AND IF YOU WILL GIVE ME JUST A MOMENT, I CAN
6 TELL YOU WHETHER THAT IS IN THE POLICE REPORT. IT IS NOT
7 IN THE INITIAL POLICE REPORT THAT -- NOT IN THE INITIAL
8 STATEMENT THAT MR. DICKER MADE TO THE POLICE.

9 THE COURT: WELL, WHAT IS IT YOU ARE PROPOSING WITH
10 RESPECT TO TWO OF THE ITEMS?

11 MR. WAPNER: WELL, THERE WAS AN OBJECTION AS TO BOTH
12 OF THOSE BECAUSE THERE WAS NO NOTICE AND AS TO THE ISSUE ABOUT
13 THE CATALOG, I PROPOSE THAT IT SHOULD BE ALLOWED -- HE SHOULD
14 BE ALLOWED TO TESTIFY ABOUT THEM AND COUNSEL HAS NOW HAD THE
15 NOTES.

16 THEY ARE NOT VERY EXTENSIVE. AND I DON'T SEE
17 HOW --

18 THE COURT: HE HAD THE NOTES FROM THE POLICE REPORT?

19 MR. WAPNER: NO. IT IS NOTES I MADE OF A CONVERSATION
20 I HAD WITH THE WITNESS ON SUNDAY, FEBRUARY 22.

21 SO, IT IS MY POSITION THAT HE SHOULD BE ALLOWED
22 TO TESTIFY ABOUT THAT. AND AS FAR AS THE DISCUSSION OF KILLING
23 THE MAY BROTHERS, I WILL JUST -- I DON'T INTEND TO ASK THE
24 WITNESS ABOUT THAT.

25 THE COURT: ALL RIGHT. I THOUGHT THAT THAT WOULD BE
26 UNDER 352, IN ANY EVENT, THAT I WOULD NOT PERMIT IT.

27 MR. BARENS: YOUR HONOR, MIGHT I BE HEARD ON THE
28 CATALOG?

1 THE COURT: YES.

2 MR. BARENS: YOUR HONOR, THERE WAS TESTIMONY IN THE
3 PITTMAN TRIAL BY THE WITNESS KARNY ON A FEW OCCASIONS AND
4 I BELIEVE BY JEFF RAYMOND, AS WELL, SPECIFICALLY THAT HUNT
5 DID NOT OWN ANY BOOKS AS THOSE DESCRIBED FOUND IN PITTMAN'S
6 POSSESSION.

7 I DO NOT SEE THE RELEVANCY OF THE PROFFERED
8 TESTIMONY OF THIS WITNESS, TO SAY THAT AT SOME TIME, HE GAVE
9 HUNT AN ORDER FORM FROM THE BACK OF A MAGAZINE HE HAS READ.

10 THERE IS NO TESTIMONY TO SHOW THAT HUNT EVER
11 ORDERED THE BOOKS. THERE IS NO TESTIMONY TO SHOW THAT HUNT
12 EVER GAVE THE ORDER FORM TO MR. PITTMAN OR ANYBODY ELSE. THERE
13 IS NO TESTIMONY THAT SHOWS HUNT DID ANYTHING EXCEPT PUT IT
14 ON HIS DESK.

15 THE COURT: I THINK IN THE INTEREST OF -- I THINK I
16 WILL EXCLUDE IT IN THE EXERCISE OF MY DISCRETION.

17 MR. WAPNER: THANK YOU, YOUR HONOR.

18 MR. BARENS: THANK YOU.

19 THE COURT: ALL RIGHT. LET'S GET THIS SHOW ON THE
20 ROAD. IS THE WITNESS HERE?

21 MR. WAPNER: YES.
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1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 IN THE PRESENCE OF THE JURY:)

3 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN.

4 I AM SORRY FOR THE DELAY. WE HAD THINGS TO DO
5 DISCUSS OUTSIDE THE PRESENCE OF THE JURY.

6 GO AHEAD.

7

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9 EVAN GEORGE DICKER,
10 CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY
11 SWORN, RESUMED THE STAND AND TESTIFIED FURTHER AS FOLLOWS:

12 THE CLERK: ALL RIGHT, YOU HAVE BEEN SWORN. YOU ARE
13 STILL UNDER OATH. SO IF YOU WOULD STATE YOUR NAME AGAIN FOR
14 THE RECORD.

15 THE WITNESS: EVAN GEORGE DICKER.

16

17

CROSS-EXAMINATION (RESUMED)

18 BY MR. BARENS:

19 Q GOOD MORNING, MR. DICKER.

20 A GOOD MORNING.

21 Q MR. DICKER, WE HAD SOME DISCUSSION YESTERDAY ABOUT
22 THIS PARADOX PHILOSOPHY AND I WAS WONDERING WHEN YOU STOPPED
23 BELIEVING IN THE PARADOX PHILOSOPHY?

24 A I THINK GRADUALLY IN THE LATTER PART -- LATER
25 PART OF 1983 -- '84 -- EXCUSE ME -- I BEGAN DECLINING IN MY
26 BELIEF. I STOPPED BEING GUIDED BY IT, BEGINNING PROBABLY
27 IN AUGUST OR SEPTEMBER, AND BY THE END OF THE YEAR, I
28 CONSIDERED MYSELF TO HAVE NOT BEEN GUIDED BY IT.

Q DID YOU CHANGE THE WAY YOU ACTED IN LIGHT OF THAT

1 CHANGE IN BELIEF?

2 A YES.

3 Q AND I SUPPOSE THAT CULMINATED IN YOUR FIRST MEETING
4 WITH THE POLICE IN DECEMBER 7, 1984?

5 A IN MY DECEMBER 7 MEETING, 1984, WAS AN EXAMPLE
6 OF MY PULLING AWAY FROM PARADOX PHILOSOPHY, YES.

7 Q IN OTHER WORDS, AS I UNDERSTOOD YOUR TESTIMONY
8 YESTERDAY, PARADOX PHILOSOPHY PROCEEDS WHERE YOU ARE ACTING
9 TOTALLY SELFISHLY OR IN SELF-INTEREST AND YOU STOPPED ACTING
10 THAT WAY?

11 A I WOULDN'T SAY I ENTIRELY, YOU KNOW, PUT ASIDE
12 ANY SELF-INTEREST.

13 I THINK I BEGAN TO RESPECT AN INTEREST IN SOCIETY
14 AND OTHER PEOPLE AS BEING AN IMPORTANT VALUE IN MY DECISION-
15 MAKING PROCESS.

16 Q I SEE.

17 IT WAS QUITE WELL IN YOUR SELF-INTEREST TO SPEAK
18 TO THE POLICE IN DECEMBER, WAS IT NOT, SIR?

19 A IT PROBABLY WAS, YES.

20 Q AND IT REMAINS IN YOUR SELF-INTEREST TO HAVE
21 TESTIFIED IN THESE MATTERS?

22 A I DON'T THINK --

23 THE COURT: WAIT A MINUTE. YOU ARE NOT CHARGED IN ANY
24 WAY IN THIS CASE, ARE YOU?

25 THE WITNESS: NO, I AM NOT.

26 THE COURT: IT WOULDN'T BE IN YOUR SELF-INTEREST TO
27 TESTIFY HERE, WOULD IT?

28 THE WITNESS: I DON'T THINK IT IS IN MY SELF-INTEREST
29

1 TO TESTIFY HERE.

2 THE COURT: GO AHEAD.

3 Q BY MR. BARENS: MR. DICKER, YOU TOLD US YESTERDAY
4 THAT YOU HAD SOME CONCERNS ABOUT BEING ARRESTED.

5 A I DID.

6 Q AND WHAT WERE YOU CONCERNED ABOUT?

7 THE COURT: HE TESTIFIED ABOUT BEING AN ACCESSORY AFTER
8 THE FACT, DIDN'T HE TELL YOU THAT YESTERDAY?

9 MR. BARENS: I THINK WE MIGHT GET A BIT MORE THAN THAT,
10 IF I CAN ASK HIM.

11 THE COURT: IF YOU HAVE ANY FURTHER QUESTIONS TO ASK
12 HIM ABOUT THAT --

13 MR. BARENS: THAT IS WHAT I PLAN TO DO, YOUR HONOR.

14 Q MR. DICKER, YOU SAID YOU HAD SOME CONCERN ABOUT
15 BEING AN ACCESSORY?

16 A THAT WAS ONE OF MY CONCERNS, YES.

17 THE COURT: AFTER THE FACT?

18 THE WITNESS: AFTER THE FACT, YES.

19 Q BY MR. BARENS: MR. DICKER, DO YOU KNOW WHAT
20 OBSTRUCTION OF JUSTICE IS?

21 A I HAVE HEARD OF IT, YES.

22 Q AND WOULD OBSTRUCTION OF JUSTICE INVOLVE TELLING
23 A STORY TO THE POLICE THAT WOULD OBSTRUCT THEIR VIEW OF FACTS
24 KNOWN TO YOU SO AS TO COOL THE TRAIL, SO TO SPEAK?

25 A I AM NOT RECALLING FROM THE CRIMINAL LAW BUT IS
26 THERE A MENS REA OR AN INTENT REQUIRED IN THAT CRIME, IF YOU
27 KNOW?

28 Q I BELIEVE THAT THAT IS A WOBBLER TYPE OFFENSE,

1 IF THE JUDGE WANTS TO CORRECT ME -- I BELIEVE THE MERE
2 ACTIVITY PER SE IS CIRCUMSCRIBED.

3 THE COURT: ALL RIGHT, GO AHEAD.

4 Q BY MR. BARENS: IN ANY EVENT, YOU HAD ENGAGED
5 IN A BIT OF OBSTRUCTION, HAD YOU NOT, SIR?

6 A I THINK THAT IS PROBABLY CORRECT, YES.

7 Q AND YOU ARE TELLING ME THAT THE THING YOU DID
8 IN THAT REGARD WAS THAT WHEN YOU FIRST TALKED TO THE POLICE,
9 WHEN WAS THAT?

10 A WHEN I FIRST SPOKE -- ARE WE DISCUSSING AT THE
11 WILSHIRE MANNING?

12 Q YES, SIR.

13 A I BELIEVE THAT WAS IN THE BEGINNING OF OCTOBER
14 OF 1984.

15 Q AND AT THAT POINT, YOU TOLD THEM THAT AS FAR AS
16 YOU KNOW LEVIN WAS MISSING?

17 A YES, I DID.

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1 Q AND YOU DENIED THE HAPPENSTANCE OF THE 6/24
2 MEETING?

3 A I DENIED THAT I WAS PRESENT AT A MEETING WHERE
4 JOE HUNT TOLD ME HE MURDERED RON LEVIN. I REALIZE THAT IT
5 IS JUST PLAYING WITH WORDS, BUT THAT IS --

6 Q THAT'S ALL RIGHT. YOU CAN PLAY WITH WORDS.
7 WHEN YOU SAID THAT RON LEVIN WAS MISSING IN
8 OCTOBER, HAVE YOU EVER SEEN HIS BODY?

9 A WHILE HE WAS LIVING OR AFTER HE WAS DEAD, I GUESS?

10 Q WELL, I DON'T KNOW THAT HE IS DEAD, MR. DICKER.
11 I AM ASKING YOU IF YOU KNOW AS A FACT THAT HE IS? DID YOU
12 EVER SEE A BODY?

13 A SO WE ARE TALKING ABOUT THE DEAD MR. LEVIN'S
14 BODY?

15 Q I DON'T KNOW THAT HE IS DEAD LEGALLY, MR. DICKER.
16 THE JURY WILL DECIDE THAT EVENTUALLY. I AM ASKING YOU --

17 THE COURT: DON'T OFFER GRATUITOUSLY ANY OPINIONS OF
18 YOUR OWN, WHETHER HE IS OR IS NOT, JUST ASK THE QUESTION.

19 MR. WAPNER: WELL, THERE IS AN OBJECTION.

20 MR. BARENS: IT WAS NOT A GRATUITY.

21 MR. WAPNER: THE OBJECTION IS THAT THE QUESTION IS
22 VAGUE. IF HE IS ASKING HIM, DID HE SEE A BODY --

23 THE COURT: WELL, YOU MIGHT ASK THAT QUESTION. NOBODY
24 HAS EVER SEEN THE BODY. IS THAT RIGHT?

25 MR. BARENS: INCLUDING THIS WITNESS.

26 THE COURT: NOR YOU NOR I.

27 MR. BARENS: NOR DO WE KNOW ONE EXISTS QUITE WELL,
28 YOUR HONOR.

1 Q NOW, MR. DICKER, IS IT NOT TRUE THAT IN OCTOBER,
2 THE ONLY REASON YOU HAD TO BELIEVE THAT IN FACT, LEVIN WAS
3 DEAD, WAS BASED ON A STATEMENT THAT JOE HUNT MADE?

4 A STATEMENTS THAT JOE HUNT MADE.

5 Q STATEMENTS? EXCUSE ME. STATEMENTS JOE HUNT
6 HAD MADE.

7 A AND IN LIGHT OF THE FACT THAT HE WAS NOT AROUND
8 AND HE WAS GONE.

9 Q RIGHT. NOW, WHEN LEVIN WAS AROUND, DID YOU SEE
10 HIM REGULARLY?

11 A I THINK -- I MEAN THE ENTIRE TIME SINCE I MET
12 HIM TO THE TIME UNTIL JUNE THE 7TH, LET'S SAY JUNE THE 7TH,
13 1984, I PROBABLY SAW HIM BETWEEN ONE AND TWO DOZEN TIMES.

14 Q DID YOU KNOW WHERE HE WAS WHEN HE WAS NOT AROUND
15 BETWEEN THE TIME YOU MET HIM AND THE TIME THAT -- LET'S SAY
16 IN JUNE?

17 A NO, I DON'T.

18 Q AND YOU DIDN'T KNOW EXACTLY AS FAR AS YOUR MIND
19 WAS CONCERNED AGAIN, -- WHAT I AM ASKING YOU TO TRY TO ANALYZE
20 SIR, IS IN OCTOBER, ALL YOU HAD TO GO ON, WAS STATEMENTS BY
21 HUNT AND THE FACT THAT YOU PERSONALLY HAD NOT SEEN LEVIN?

22 A AND I BELIEVE THERE WAS ALSO A NEWSPAPER ARTICLE
23 LISTING HIM AS MISSING.

24 Q SURE. MISSING IN THE ARTICLE?

25 A I THINK THE ARTICLE STATED HE WAS MISSING.

26 Q RIGHT.

27 A AND THE FACT THAT APPARENTLY, NOBODY HAD SEEN
28 HIM.

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1 Q AS FAR AS YOU KNEW?

2 A AS FAR AS I KNEW, YES.

3 Q OKAY. THAT REMAINS THE CASE AS FAR AS YOU KNOW
4 TODAY, THAT NO ONE HAS SEEN HIM?

5 A AS FAR AS I KNOW TODAY, NO ONE HAS SEEN HIM.
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1 Q OKAY. THAT IS WHAT YOU WERE BASING YOUR KNOWLEDGE
2 ON IN OCTOBER AND YOUR KNOWLEDGE REMAINED THE SAME BETWEEN
3 OCTOBER AND DECEMBER?

4 A THAT'S CORRECT.

5 Q ALL RIGHT. NOW, GETTING BACK TO THE BBC --

6 A ACTUALLY, THERE MAY HAVE BEEN -- I AM NOT SURE
7 OF THE DATE OF THE CODE STATEMENT. THE CODE STATEMENT MAY
8 HAVE PRECEDED MY FIRST MEETING IN OCTOBER WITH DETECTIVE
9 ZOELLER AND MY SECOND MEETING WITH DETECTIVE ZOELLER.

10 Q YOU MENTIONED -- YOU WERE REFERRING TO STATEMENTS
11 AND I ASSUME THAT THAT WAS ONE OF THE ONES YOU WERE REFERRING
12 TO?

13 A YES.

14 Q OKAY. GETTING BACK TO THE BBC NOW, YOU WERE
15 MENTIONING YESTERDAY THAT HUNT DESCRIBED THAT HE HAD MADE
16 A CONSIDERABLE NUMBER OF MILLIONS OF DOLLARS FOR LEVIN IN
17 THE CLAYTON BROKERAGE ACCOUNT?

18 A I DIDN'T SAY IT WAS IN THE CLAYTON BROKERAGE
19 ACCOUNT. BUT I DID STATE THAT HE MADE CONSIDERABLE MILLIONS
20 OR SOME MILLIONS OF DOLLARS FOR LEVIN.

21 Q TRADING IN COMMODITIES?

22 A CORRECT.

23 Q AND THAT THE BENEFICIARIES OF THAT TRADING ACTIVITY
24 WAS TO BE THE BBC?

25 A THE BBC WOULD BE ONE OF THE BENEFICIARIES AND
26 ITS MEMBERS WOULD BE ANOTHER GROUP OF BENEFICIARIES.

27 Q DID HUNT TO YOUR KNOWLEDGE, HAVE SOME LEGAL
28 OBLIGATION TO GIVE THE PROCEEDS FROM THE LEVIN TRADING TO

1 THE BBC?

2 A YOU MEAN A CONTRACTUAL OBLIGATION?

3 Q ANY OBLIGATION.

4 A POSSIBLY AN ORAL CONTRACT. BUT CERTAINLY, NO
5 WRITTEN CONTRACT.

6 Q ALL RIGHT. DID YOU HAVE SOME SENSE THAT HIS
7 TRADING ACTIVITIES FOR THE BBC, FOR LEVIN, HAD AT LEAST
8 INITIALLY BEEN INDEPENDENT OF ANY OTHER ACTIVITIES HE WAS
9 INVOLVED IN?

10 A WELL, DEFERRING TO THE WAY THE BBC WORKED IN
11 THAT, BECAUSE THE BBC WAS I BELIEVE, THE ONE WHO MADE THE
12 CONNECTION BETWEEN LEVIN AND HUNT AND THEN THE BBC ITSELF,
13 WOULD GAIN A BENEFIT FROM IT FOR ITS PARTICIPATION IN THE
14 TRANSACTION.

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1 Q AND WHAT RISK DID THE BBC HAVE IN THAT
2 TRANSACTION?

3 A THE BBC, ONLY TO ITS REPUTATION, SO PROBABLY VERY
4 LITTLE.

5 Q BUT THE BBC DID NOT STAND AS A GUARANTOR ON THE
6 INVESTMENTS MADE IN THE LEVIN TRADING ACCOUNT, DID IT?

7 A NOT TO MY KNOWLEDGE, NO.

8 Q AND IT HAD NOT PUT ANY OF ITS OWN MONEY INTO THE
9 ACCOUNT, HAD IT?

10 A TO MY KNOWLEDGE, NO.

11 Q SO THUS, TO YOUR KNOWLEDGE, THE GENESIS OF THAT
12 TRANSACTION WAS SOLELY BETWEEN HUNT AND LEVIN?

13 A YES.

14 Q AND PRIOR TO THE COMMENCEMENT OF THAT RELATIONSHIP
15 YOU HAD NEVER HEARD ANY DISCUSSION, HAD YOU, SIR, BY HUNT
16 SAYING "WELL, I AM GOING TO OPEN AN ACCOUNT FOR MR. LEVIN
17 AND HE IS GOING TO INVEST A CERTAIN AMOUNT OF MONEY," HAD
18 YOU HEARD THAT BEFORE?

19 A I HAD NOT HEARD THAT BEFORE, NO.

20 Q OKAY. THE FIRST TIME YOU HEARD ABOUT IT IS WHEN
21 HUNT SAYS "LISTEN, I HAVE MADE A LOT OF MONEY FOR RON LEVIN
22 THAT WE ARE ALL GOING TO BENEFIT FROM"?

23 A I MAY HAVE BEEN AT SOME TIME PRIOR TOLD THAT BY ONE
24 MEMBER OF THE BBC OR ANOTHER, THAT WE WERE TRADING FOR RON
25 LEVIN OR JOE WAS TRADING FOR RON LEVIN.

26 Q YOU NEVER KNEW THAT TO BE A FACT?

27 A KNEW THAT HE WAS ACTUALLY TRADING TO BE A FACT?

28 Q NO.

1 THAT THE BBC WAS TRADING FOR LEVIN.

2 A I NEVER KNEW THE BBC WAS TRADING FOR LEVIN AS
3 A FACT, NO.

4 Q ALL RIGHT. YOU DIDN'T HEAR OF ANY BBC TRADING
5 ACTIVITY FOR LEVIN THAT YOU ARE AWARE OF, DID YOU?

6 A NO.

7 Q ALL RIGHT. THUS, THE ONLY TRADING YOU EVENTUALLY
8 HEARD ABOUT WAS TRADING IN SOME ACCOUNT THAT HUNT WAS ENGAGED
9 IN WITH LEVIN?

10 A THAT'S CORRECT.

11 Q NOW, WHEN THE MATTER OF THOSE TRADES DIDN'T COME
12 THROUGH IN THE SENSE THAT YOU SAY YOU NEVER SAW ANY CASH FROM
13 THAT TRANSACTION, THE NEXT THING YOU HEARD WAS THAT YOU WERE
14 GETTING AN INTEREST IN A SHOPPING CENTER SOMEWHAT IN LIEU
15 OF THE PROCEEDS FROM THE COMMODITIES TRADING?

16 A THAT'S CORRECT.

17 Q BEFORE THAT, HAD YOU HEARD THERE WAS SOME EFFORT
18 BY HUNT TO TRY TO COLLECT THE MONEY FROM THE COMMODITIES
19 TRADING ACCOUNT?

20 A I DID NOT HEAR THAT, NO.

21 Q HUNT NEVER SAID THAT HE WAS TALKING WITH LEVIN
22 AND EXPECTING TO GET THE MONEY THAT WAS DUE THE BBC FROM HIM?

23 A THAT HE DID SAY, YES.

24 Q AND DID HE SAY THAT GENERALLY TO MOST OF THE BBC
25 PEOPLE?

26 A I CAN -- I DON'T RECALL SPECIFICALLY HEARING ANY
27 CONVERSATIONS BETWEEN HUNT AND ANY OTHER BBC MEMBERS WHERE
28 THAT WAS MENTIONED BUT IT WAS MY UNDERSTANDING THAT IT WAS

1 BEING FREELY DISCUSSED, JOE'S EFFORTS TO GET THE MONEY FROM
2 MR. LEVIN.

3 Q OKAY. SO HE ACTED IN FRONT OF EVERYONE AT THE
4 BBC AS THOUGH HE HAD A BELIEF IN FACT THOSE MONEYS WOULD BE
5 RECEIVED?

6 A YES, HE DID.

7 Q AND SUBSEQUENTLY, HOW MUCH TIME PASSED BETWEEN
8 THE TIME YOU ORIGINALLY HEARD THOSE MONEYS WERE GOING TO BE
9 RECEIVED AND THE FIRST DISCUSSIONS ABOUT A SHOPPING CENTER?

10 A TO THE BEST OF MY RECOLLECTION, BETWEEN A MONTH
11 AND TWO MONTHS.

12 Q NOW DURING THAT MONTH TO TWO MONTHS, WERE PEOPLE
13 IN THE BBC ASKING QUESTIONS OF HUNT OR AMONGST THE OTHER
14 MEMBERS ABOUT WHAT THE STATUS OF COLLECTING THE MONEYS FROM
15 LEVIN WAS?

16 A I DON'T RECALL BEING PRESENT FOR ANY DISCUSSIONS.

17 Q YOU DESCRIBED YESTERDAY THERE WAS A CERTAIN AMOUNT
18 OF CONCERN OR A QUESTION ABOUT RECEIPT OF THE FUNDS?

19 A I CERTAINLY FELT THAT, YES.

20 Q AND DO YOU KNOW IF THE OTHER YOUNG MEN IN THE
21 BBC WERE CONCERNED AS WELL?

22 A I DON'T SPECIFICALLY RECALL ANY CONVERSATIONS
23 BEING DISCUSSED WITH ME IN THAT REGARDS BUT I KNOW I HAD THE
24 FEELING SO --

25 Q TELL ME THE FEELING YOU HAD.

26 A I HAD A FEELING JUST KNOWING ABOUT LEVIN AND HIS
27 CHARACTER THAT IT WOULD SEEM COMMON THAT HE WAS INVOLVED IN
28 DEALS WITH PEOPLE AND JUST NEVER PAID OFF THEIR PORTION.

1 Q DID YOU EVER GET A FEELING THAT HUNT'S
2 REPUTATION OR CREDIBILITY WAS ON THE LINE IN THIS TRANSACTION?

3 A I DIDN'T FEEL THAT HIS CREDIBILITY OR
4 REPUTATION WOULD BE -- NOT IN MY EYES, IT WOULD NOT BE
5 HARMED.

6 Q IN ANYONE ELSE'S EYES?

7 A POSSIBLY, YES.
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1 Q THERE WAS SOME SENSE YOU HAD THAT HUNT COULD
2 SUSTAIN A LOSS OF FACE IN THIS SETTING, WERE THIS TRANSACTION
3 TO FAIL?

4 A HE WOULDN'T HAVE, IN MY EYES. BUT IT IS POSSIBLE
5 THAT HE COULD HAVE IN SOMEONE'S.

6 Q ALL RIGHT. LATER ON, THE SHOPPING CENTER AS
7 TOLD TO YOU, DID YOU FEEL THAT THAT CAUSED HIM TO HAVE SOME
8 REAFFIRMATION OF HUNT'S STATUS IN THE GROUP WHEN YOU WERE
9 TOLD YOU WERE NOT GOING TO LOSE MONEY? INSTEAD OF THE MONEY,
10 YOU ARE NOW GOING TO HAVE A SHOPPING CENTER? DID THAT
11 APPARENTLY RECONFIRM HUNT'S VALIDITY AS A BUSINESSMAN?

12 A YES.

13 Q MR. BARENS: ALL RIGHT.

14 THE WITNESS: EXCUSE ME. YOUR HONOR, THE PEOPLE ARE
15 STARING IN THE DOOR. COULD WE JUST --

16 THE COURT: ALL RIGHT.

17 MR. BARENS: THANK YOU.

18 (PAUSE.)

19 Q BY MR. BARENS: OKAY. SO HUNT'S STOCK APPARENTLY
20 GOES UP A BIT WHEN THIS SHOPPING CENTER TRANSACTION IS
21 DISCUSSED.

22 NOW, HOW LONG DID YOU FOLKS BELIEVE THAT THE
23 SHOPPING CENTER WAS A REALITY?

24 MR. WAPNER: EXCUSE ME. IF THERE IS AN OBJECTION,
25 IT IS ONLY TO THE EXTENT THAT HE IS ASKING FOR OTHER PEOPLE'S
26 OPINIONS, AS OPPOSED TO JUST THIS WITNESS.

27 THE COURT: SUSTAINED.

28 Q BY MR. BARENS: MR. DICKER, HOW LONG DID YOU

1 AND OTHER PEOPLE THAT YOU ARE AWARE OF FROM THE WAY THEY ACTED
2 AND SPOKE, BELIEVE THAT THE SHOPPING CENTER WAS A REALITY?

3 A I WOULD SAY ONE TO THREE MONTHS.

4 Q NOW, DURING THAT ONE TO THREE MONTHS, THERE WERE
5 SOME EFFORTS GOING ON TO GET TITLE DOCUMENTS TO THE SHOPPING
6 CENTER?

7 A IT WAS MY UNDERSTANDING, YES.

8 Q AND WHO DID YOU HAVE THAT UNDERSTANDING FROM?

9 A I DON'T RECALL PRECISELY.

10 Q DID YOU HEAR JOE HUNT SAYING THAT HE WAS UNDER-
11 TAKING CERTAIN MEASURES TO TRY TO SECURE AND CONFIRM THE
12 EXISTENCE OF THE BBC'S INTEREST IN THE SHOPPING CENTER?

13 A I THINK THERE WAS. I DO RECALL JOE HAVING A
14 DISCUSSION. I DON'T RECALL WITH WHOM, ABOUT SENDING SOMEBODY
15 TO CHICAGO TO LOOK AT THE SHOPPING CENTER.

16 Q RIGHT. WHO WERE YOU GOING TO SEND?

17 A I DON'T RECALL.

18 Q WAS IT BEN DOSTI?

19 A IT MAY VERY WELL HAVE BEEN.

20 Q ALL RIGHT. ONCE YOU SAY THAT THE EFFORTS
21 CONFIRMED THE POSSESSION THAT YOU HAD IN THE SHOPPING CENTER,
22 YOU WERE EXACTLY IN THE ANALOGOUS POSITION TAKEN TO INSURE
23 THE CASHING OF THE CHECK FROM LEVIN? THAT IS THE WAY IT LOOKED
24 TO YOU WHEN YOU LOOKED AT THEM?

25 THE ACTIVITY TO CONFIRM THE EXISTENCE OF THE
26 SHOPPING CENTER, TO GET THE TITLE DOCUMENTS THEN SEND SOMEONE
27 TO TAKE A LOOK AT THEM, IS ANALOGOUS TO THE EFFORTS THAT YOU
28 UNDERTOOK TO CASH THE CHECK AND SEND SOMEONE TO SWITZERLAND

1 TO TRY TO UNDERTAKE THOSE EFFORTS AS WELL?

2 A I THINK IF YOU LOOK AT IT, YOU KNOW FROM A
3 DISTANCE, IT DOES SEEM SIMILAR, YES.

4 I THINK THAT THERE IS A DISTINCTION IN ONE SIDE
5 WHERE YOU ARE TRYING TO CASH A CHECK. AND IN ANOTHER SIDE,
6 YOU ARE TRYING TO CONFIRM PROPERTY.

7 Q RIGHT.

8 A ONE IS A NEGOTIABLE INSTRUMENT. THE PROPERTY IS --
9 IT IS REASONABLE TO TAKE A LOOK AT PROPERTY THAT YOU NOW
10 BELIEVE YOU ARE ENTITLED TO.

11 Q ALL RIGHT. WELL, AS WE GO THROUGH IT, THEY BOTH
12 INVOLVED PAPER WORK? IN OTHER WORDS, YOU HAD PAPERS THAT
13 YOU WERE TRYING TO EXECUTE UPON OR VERIFY THE EXISTENCE OF?
14 IS THAT AGREED?

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1 THE COURT: DID YOU HAVE ANY PAPERS IN CONNECTION WITH
2 THE --

3 THE WITNESS: THE SHOPPING CENTER?

4 THE COURT: -- THE SHOPPING CENTER?

5 THE WITNESS: NONE THAT I KNOW OF.

6 THE COURT: THERE WERE NO PAPERS ACTUALLY AT ALL
7 NEGOTIATED ON THAT PARTICULAR THING, WERE THERE?

8 THE WITNESS: NOT THAT I KNOW OF, NO.

9 Q BY MR. BARENS: ON THE SHOPPING CENTER, DID YOU
10 NOT HEAR THAT EFFORTS WERE BEING UNDERTAKEN TO VERIFY THE
11 LEGAL TITLE ON THE SHOPPING CENTER BY WAY OF A TITLE REPORT
12 OR DEED OR SOME DOCUMENT ANALOGOUS THERETO?

13 A I NEVER HEARD THERE WERE ANY EFFORTS MADE TO
14 SECURE A TITLE REPORT ON THE SHOPPING CENTER.

15 Q HOW ABOUT ANY OTHER WRITTEN REPORT YOU GENTLEMEN
16 COULD OBTAIN AS TO TITLE, WERE THERE EFFORTS IN THAT REGARD?

17 A I THINK WE WERE SEEKING TO GET SOME EVIDENCE OF
18 TITLE, YES.

19 Q EVIDENCE OF TITLE TO YOU, SIR, WOULD BE SOME SORT
20 OF WRITING, WOULD IT NOT?

21 A IT WOULD BE, YES.

22 Q AND DO YOU REMEMBER THE DISCUSSIONS ATTENDANT
23 WITH SENDING SOMEONE TO THE SHOPPING CENTER SITE?

24 A I DO RECALL SENDING -- THE DISCUSSION ABOUT
25 SENDING SOMEONE TO THE SHOPPING CENTER.

26 Q THEREFORE, YOU HAD SOME KNOWLEDGE AS TO THE
27 LOCATION OF THE SHOPPING CENTER?

28 A YES, I THINK I BELIEVE I RECALL SOME KNOWLEDGE

1 WITH REGARDS TO THE LOCATION OF THE SHOPPING CENTER.

2 Q IN REFERENCE TO THE MILLION FIVE CHECK, THAT IS
3 WRITTEN ON A FOREIGN BANK ACCOUNT, IS IT NOT, SIR?

4 A YES, IT WAS.

5 Q AND NONE OF YOU HERE HAD ANY PAPERWORK ON THAT
6 ACCOUNT, DID YOU?

7 A WE HAD THE CHECK.

8 Q I AM TALKING ABOUT THE PAPERWORK AS FAR AS TITLE
9 TO THE ACCOUNT OR ANY BANK STATEMENTS ON THE ACCOUNT, THINGS
10 OF THAT NATURE.

11 A NOTHING BESIDE THE CHECK, NO.

12 Q AND DID ANY OF YOU HAVE ANY PARTICULAR EXPERTISE
13 CONCERNING FOREIGN BANKING MATTERS?

14 A NONE THAT I AM AWARE OF, NO.

15 Q SO YOU HAD NEVER PERSONALLY ENGAGED IN CASHING
16 A SWISS CHECK BEFORE, HAD YOU, SIR?

17 A NO, I HAD NOT.

18 Q AND THUS, THERE WAS A MEETING WHEREIN, OR SOME
19 DISCUSSION WHEREIN YOU DETERMINED THAT IT WAS ADVISABLE IN
20 A BUSINESS SENSE TO SEND MR. DOSTI OVER TO SEE WHAT COULD
21 BE DONE TO EXPEDITE THAT MATTER?

22 A I THINK IF THERE WAS A MEETING OR DISCUSSION,
23 IT WAS HELD PRIOR TO MY ARRIVING AT THE OFFICE THAT DAY.

24 Q AND THEN YOU LATER HEARD ABOUT IT?

25 A I WAS LATER INSTRUCTED TO PREPARE THE MINUTES.

26 Q AT THAT SPECIFIC MOMENT IN TIME, IN YOUR MIND
27 WAS THERE ANYTHING SINISTER ABOUT THAT ACTIVITY?

28 A SINISTER ABOUT SENDING MR. DOSTI TO EUROPE TO

1 CASH THE CHECK?

2 Q YES, SIR.

3 A THE ONLY SINISTER ELEMENT OF IT WAS IT WAS
4 AUTHORIZED BY A BOARD OF DIRECTORS MEETING THAT DID NOT
5 OCCUR.

6 Q OTHER THAN THE FACT, I THINK YOU TESTIFIED
7 PREVIOUSLY THAT MOST, IF NOT ALL OF YOUR MINUTES WITH A
8 SINGLE EXCEPTION WERE SOMEWHAT CREATURES OF INVENTION RATHER
9 THAN REALITY.

10 A THAT'S CORRECT AND --

11 Q AND OTHER THAN THAT --

12 MR. WAPNER: EXCUSE ME, YOUR HONOR. I BELIEVE THE
13 WITNESS HAD NOT FINISHED ANSWERING THE QUESTION.

14 MR. BARENS: ALL RIGHT.

15 THE WITNESS: I WANTED TO STATE THERE DID SEEM SOMETHING
16 PECULIAR ABOUT A CHECK YOU HAD TO SEND SOMEBODY TO EUROPE
17 TO GET IT CASHED.

18 Q BY MR. BARENS: I AM ASKING YOU NOW IF WE ARE
19 APPLYING THE WORD PECULIAR OR THE WORD SINISTER, DID YOU FEEL
20 IT WAS SINISTER AT THE TIME, SIR?

21 A MY DEFINITION OF SINISTER BRINGS UP MORE FEELINGS
22 OF HORROR MOVIES THAN OF SENDING PEOPLE TO EUROPE TO CASH
23 CHECKS. THAT SEEMS MORE -- THAT SEEMS MORE --

24 IF YOU ARE USING SINISTER IN THE SENSE OF SORT
25 OF CLOAK AND DAGGER?

26 Q YES.

27 A AH, IT SEEMED -- IT SEEMED STRANGE.

28 Q OUT OF THE ORDINARY?

1 A YES, IT DID.

2 Q DID IT SEEM CORRUPT?

3 MR. WAPNER: OBJECTION TO ALL OF THIS AS CALLING FOR
4 A CONCLUSION ON THE PART OF THE WITNESS.

5 MR. BARENS: I AM ONLY ASKING WHAT HIS STATE OF MIND
6 WAS, HOW HE PERCEIVED THINGS THEN.

7 THE COURT: HE HAS ALREADY TOLD US HIS STATE OF MIND.
8 HE STATED IT WAS STRANGE. NOW THAT CHARACTERIZES HIS STATE
9 OF MIND.

10 NOW LET'S GET ON TO SOMETHING ELSE, WILL YOU?

11 Q BY MR. BARENS: ALL RIGHT. DID YOU THINK YOU
12 WERE DOING SOMETHING ILLEGAL?

13 A AGAIN, ONLY IN THE SENSE THAT THE CORPORATION
14 WAS UNDERTAKING ACTIONS THAT IT HAD NOT BEEN PROPERLY
15 AUTHORIZED TO DO.

16 Q YOU DIDN'T THINK THERE WAS ANYTHING ILLEGAL ABOUT
17 GOING OVER AND CASHING THE CHECK, DID YOU, THAT WAS WRITTEN
18 OUT IN THE CORPORATION'S NAME?

19 A AGAIN, ONLY BECAUSE IT HAD -- IT WAS NOT YET
20 AUTHORIZED BY THE CORPORATION.

21 Q BUT OTHER THAN THE FACT THAT THE NICETY OF THE
22 CORPORATE AUTHORIZATION HAD NOT BEEN ACCOMPLISHED, TO YOUR
23 KNOWLEDGE, WAS THERE SOMETHING ILLEGAL IN EXECUTING THAT CHECK
24 ON THAT BASIS?

25 A AT THAT POINT IN TIME, TO MY KNOWLEDGE, NO, THERE
26 WAS NOTHING ILLEGAL WITH IT.

27 Q AND YOU NEVER ADVISED ANYBODY THERE THAT YOU
28 THOUGHT IT WAS ILLEGAL, DID YOU?

1 A NO, I DID NOT.

2 Q NOW YOU MENTIONED EARLIER -- I WILL MOVE AHEAD
3 WITH THAT -- YOU MENTIONED EARLIER THAT YOU HAD SEEN SOME
4 MEETINGS BETWEEN HUNT AND JIM GRAHAM WHEREIN THEY HAD
5 CLOSED THE DOOR?

6 A YES, I DID.

7 Q DID YOU SEE SOMETHING SINISTER ABOUT THAT?

8 A IT WAS DONE A LOT AND SO WHILE IT DIDN'T
9 NECESSARILY SEEM SINISTER, I DIDN'T THINK ANYTHING WAS
10 NECESSARILY AFOOT. IT SEEMED PECULIAR.

11 Q DIDN'T HE ALSO MEET WITH YOU WITH THE DOOR
12 CLOSED ON OCCASION?

13 A NEVER TO THE DEGREE THAT HE DID WITH MR. PITTMAN
14 AND GENERALLY, IT WOULD PROBABLY BE WITH ONLY POSSIBLY DEALING
15 WITH SOMETHING PERSONAL AND IT WAS VERY RARE. I --

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1 ALL RIGHT. SO, IT WAS RARE THAT HE MET WITH
2 YOU WITH THE DOOR CLOSED?

3 A YES.

4 Q DID ANYTHING SINISTER HAPPEN WHEN HE MET WITH
5 YOU WITH THE DOOR CLOSED?

6 THE COURT: CAN'T WE USE ANOTHER WORD INSTEAD OF
7 "SINISTER"? SUBSTITUTE SOMETHING ELSE BECAUSE I DON'T KNOW
8 WHAT SINISTER MEANS. IT MIGHT APPLY TO SOME CRIME OR SOMETHING.

9 MR. BARENS: WELL, THERE HAS BEEN A BIT OF AN IMPLICATION
10 ALREADY THAT --

11 THE COURT: WELL, THERE HAS NOT BEEN ANY IMPLICATION.
12 HE HAS NOT USED THE WORD. YOU KEEP REPEATING IT.

13 MR. BARENS: IT IS MY WORD, ACTUALLY, JUDGE.

14 THE COURT: WELL, IT IS YOUR WORD. HE DISAGREES WITH
15 IT ALL OF THE TIME. YOU BETTER TRY SOMETHING NEW ON HIM.

16 Q BY MR. BARENS: WELL, ON THOSE RARE OCCASIONS
17 THAT YOU WOULD MEET BEHIND CLOSED DOORS, DID YOU EVER TALK
18 ABOUT BUSINESS?

19 A YES.

20 Q REGULAR BUSINESS?

21 A I AM TRYING TO THINK IN THE DEALINGS WHERE THE
22 CORPORATE MINUTES -- WHERE I WAS INSTRUCTED TO SORT OF EXPEDITE
23 CORPORATE MINUTES, IF THAT WAS EVER DONE BEHIND CLOSED DOORS
24 AND I DON'T RECALL AT THIS TIME.

25 SO TO ANSWER YOUR QUESTION, I DON'T THINK ANY-
26 THING SINISTER OCCURRED WHEN WE MET BEHIND CLOSED DOORS.

27 Q OKAY. DID YOU SEE HIM WITH OTHER PEOPLE BEHIND
28 THE DOOR BEING CLOSED?

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1 A YES, I DID.

2 Q DO YOU REMEMBER WHO THOSE PEOPLE WERE?

3 A PROBABLY MOST PEOPLE IN THE OFFICE.

4 Q MOST PEOPLE IN THE OFFICE? SO, WAS THERE NOTHING
5 UNUSUAL OR OUT OF CHARACTER ABOUT MR. HUNT CLOSING A DOOR
6 WHEN HE HAD A MEETING?

7 A NO. BUT THE THING THAT I FOUND PECULIAR WITH
8 JIM, WAS ONE, THE FREQUENCY; AND TWO, A LOT OF TIMES WHEN
9 THEY WERE BEHIND CLOSED DOORS DISCUSSING THINGS, YOU GENERALLY
10 ASSUMED IT DEALT WITH FINANCIAL MATTERS, YOU KNOW, SORT OF
11 WHAT I WOULD CALL HIGHER BUSINESS MATTERS DEALING WITH THE
12 BBC, WHICH I NEVER UNDERSTOOD OR KNEW JIM GRAHAM OR JIM
13 PITTMAN TO BE INVOLVED IN.

14 Q WHAT SEEMS UNUSUAL TO YOU, IS HUNT'S HAVING A
15 MEETING WITH THIS BIG BLACK FELLOW BEHIND CLOSED DOORS THAT
16 YOU DON'T REALLY CONSIDER A PART OF THE FINANCIAL NEXUS OF
17 THE BBC AT ALL, DO YOU?

18 A I THINK IT IS NOT NECESSARILY THE FACT THAT HE
19 IS A BIG, BLACK FELLOW.

20 Q WHAT IS IT? WHAT SEEMED UNUSUAL?

21 MR. WAPNER: OBJECTION. HE WAS NOT FINISHED WITH HIS
22 ANSWER.

23 MR. BARENS: SORRY.

24 THE WITNESS: I THINK ONE, THE FREQUENCY OF IT, THE
25 FACT THAT IT WAS OCCURRING VERY OFTEN.

26 AND TWO, WHILE I DID THINK THAT YOUR STATEMENT
27 IS CORRECT, THAT I DID NOT PERCEIVE HIM TO BE INVOLVED IN
28 THE HIGHER BUSINESS AND THOSE WERE GENERALLY THE MATTERS THAT

1 WERE DISCUSSED BEHIND THE CLOSED DOORS, BECAUSE THERE WAS
2 GENERALLY A GREAT DEAL OF FREEDOM OF INFORMATION IN THE BBC,
3 THERE WOULD NOT BE NEED FOR CLOSED DOORS.

4 Q NOW, YOU DIDN'T KNOW WHAT THEY WERE TALKING ABOUT,
5 DID YOU?

6 A I DID NOT.

7 Q DID YOU EVER ASK ANYBODY?

8 A I DID NOT.

9 Q DO YOU EVER COMMENT TO ANYBODY THAT IT SURE IS
10 STRANGE THAT HUNT IS IN THERE MEETING A LOT WITH JIM PITTMAN
11 OR GRAHAM?

12 A I DID NOT.

13 Q DID NOT?

14 A I DID NOT.

15 Q OKAY. NOW, YOU MENTIONED YESTERDAY AFTER THAT
16 POINT, THAT IT SEEMED LIKE JOE SPENT A LOT OF MONEY ON CLOTHES?

17 A YES, HE DID.

18 Q DID SOMETHING SEEM SINISTER ABOUT THAT?

19 MR. WAPNER: OBJECTION, RELEVANCE.

20 THE COURT: SUSTAINED.

21 MR. BARENS: WELL, IT WAS BROUGHT UP IN THE TESTIMONY --

22 THE COURT: DON'T ARGUE. LET'S NOT HAVE ANY ARGUMENTS.

23 THE OBJECTION IS SUSTAINED.

24 MR. BARENS: ALL RIGHT.

25 THE COURT: WE CANNOT AGREE UPON WHAT THE WORD
26 "SINISTER" MEANS BUT YOU HAVE BEEN USING IT ALL OF THE TIME
27 WITHOUT ANYBODY AGREEING TO WHAT IT MEANS.

28 MR. BARENS: I THOUGHT THE WITNESS USED IT IN HIS LAST

-4

1 ANSWER, JUDGE.

2 THE COURT: NO, IN THE CONTEXT OF YOUR QUESTION, HE
3 ANSWERED IT.

4 Q BY MR. BARENS: ALL RIGHT. DID SOMETHING SEEM
5 ILLEGAL TO YOU ABOUT MR. HUNT BUYING A LOT OF CLOTHES?

6 A OF COURSE NOT.

7 Q ALL RIGHT. DID ANYBODY ELSE THERE SEEM TO BE
8 BUYING ANY CLOTHES?

9 A EVERYONE SEEMED TO BUYING CLOTHES.

10 Q EVERYONE DID? ALL RIGHT.

11 NOW, YOU MENTIONED THAT WHEN YOU SAW THIS CHECK
12 BETWEEN THE MILLION FIVE CHECK THAT I AM IDENTIFYING, 6/7/84,
13 IT WAS MADE OUT TO MICROGENESIS?

14 A YES. THAT'S CORRECT.

15 Q THERE WAS NO DISCUSSION ABOUT THE CHECK NOT BEING
16 MADE OUT TO JOE HUNT, WAS THERE?

17 A THE CONTRACT THAT I SAW THAT ACCOMPANIED THE
18 CHECK WAS WITH MICROGENESIS, SO THERE WAS NO DISCUSSION. NO.

19 Q OKAY. AND WHO OWNED MICROGENESIS?

20 A WITHOUT LOOKING AT THE CORPORATE MINUTES, I CAN'T
21 TELL YOU FOR SURE.

22 BUT I THINK A SMALL PORTION OF IT WAS OWNED BY
23 GENE BROWNING. AND THE REMAINDER OF IT WAS OWNED BY A
24 CORPORATION KNOWN AS SELDON, INC. BUT I AM NOT SURE IF THE
25 STOCK HAD EVER BEEN ISSUED.

26 Q YOU WERE RESPONSIBLE FOR MAKING OUT THE CORPORATE
27 DOCUMENTS AND THE PREPARATION FOR THOSE CORPORATIONS
28 ASSOCIATED WITH THE CORPORATIONS -- ASSOCIATED WITH THE BBC,

1 WERE YOU NOT?

2 A YES, I WAS.

3 MR. BARENS: MAY I APPROACH THE WITNESS?

4 THE COURT: YES.

5 Q BY MR. BARENS: YOU MADE OUT THE PAPER WORK
6 FOR MICROGENESIS?

7 A YES, I DID.

8 Q I SHOW YOU STOCK CERTIFICATE NUMBER 1. DO YOU
9 RECOGNIZE THAT DOCUMENT?

10 A YES, I DO.

11 Q DID YOU PREPARE THAT DOCUMENT?

12 A IT APPEARS TO BE PREPARED BY ME, YES.

13 Q DID YOU SEE A FAMILIAR SIGNATURE ON THAT DOCUMENT?

14 A THAT APPEARS TO BE MY SIGNATURE, YES.

15 Q WHAT DOES THE DOCUMENT SHOW?

16 A THAT DOCUMENT SHOWS THAT 67 SHARES OF MICROGENESIS
17 OF NORTH AMERICA ARE ISSUED TO SELDON, INC.

18 Q HOW MANY SHARES MICROGENESIS WERE AUTHORIZED,
19 SIR?

20 A I BELIEVE 100.

21 Q AND YOU CREATED THAT PAPER WORK YOURSELF, DID
22 YOU NOT?

23 A YES. I DO BELIEVE SO.

24 Q I SHOW YOU --

25 MR. WAPNER: MAY THAT BE 185?

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1 MR. BARENS: NO. I WOULD LIKE THIS MARKED AS
2 DEFENDANT'S NEXT.

3 THE COURT: ALL RIGHT.

4 MR. BARENS: AND WE WILL CALL THAT WHATEVER I AM AT.

5 THE COURT: J WAS THE LAST ONE, WASN'T IT?

6 MR. BARENS: YES, SO WE WILL CALL THIS K-1 -- WHAT AN
7 APPROPRIATE THING FOR A SHARE CERTIFICATE -- K-1 ON THIS AND
8 WE WILL CALL THIS K-2.

9 Q WHAT IS K-2?

10 A K-2 APPEARS TO BE CERTIFICATE NUMBER FROM
11 MICROGENESIS OF NORTH AMERICA AND ISSUED 33 SHARES TO GENE
12 BROWNING.

13 Q WHO SIGNED THAT?

14 A THAT APPEARS TO BE MY SIGNATURE.

15 THE COURT: PARDON ME. HOW MUCH WAS THE FIRST STOCK
16 CERTIFICATE FOR?

17 THE WITNESS: THE FIRST STOCK CERTIFICATE WAS FOR
18 67 SHARES AND THE SECOND STOCK CERTIFICATE WAS FOR 33.

19 THE COURT: THAT IS FOR THE SELDON CORPORATION?

20 THE WITNESS: THE FIRST ONE WAS TO SELDON, INC., YES.

21 THE COURT: WHO WERE THEY, BY THE WAY?

22 Q BY MR. BARENS: YES, QUITE SO. WHO WAS SELDON
23 CORPORATION, BY THE WAY?

24 A SELDON CORPORATION WAS A HOLDING CORPORATION.

25 Q WHO WAS THE SHAREHOLDER OF SELDON CORPORATION?

26 A MY UNDERSTANDING WAS THAT NO ONE HELD THE SHARES
27 IN SELDON CORPORATION.

28 THE COURT: YOU MEAN IT HAD NEVER ISSUED ANY?

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1 THE WITNESS: IT NEVER HAD ISSUED ANY SHARES, CORRECT.

2 Q BY MR. BARENS: NOW GOING AHEAD WITH THE SELDON
3 MATTER, YOU ARE SURE NO SHARES WERE EVER ISSUED IN SELDON?

4 A I DO NOT RECALL ANY SHARES IN SELDON THAT -- I
5 WOULDN'T SAY THAT I AM SURE NONE WERE ISSUED. IF YOU CAN
6 SHOW ME THE CORPORATE RECORDS, I CAN TELL YOU FOR SURE.

7 Q SIR, DID YOU ISSUE THE SHARES TO YOURSELF?

8 A I MIGHT HAVE AT SOME TIME, YES.

9 Q YOU MIGHT HAVE ISSUED ALL OF THE SHARES IN SELDON
10 TO YOURSELF?

11 A I THINK IT WAS THE INTENTION TO HAVE THE SHARES
12 ISSUED TO MYSELF TO HOLD THEM BUT I DON'T THINK THEY WERE
13 EVER ISSUED TO ME.

14 Q AND THEREFORE, IF THE SHARES WERE ISSUED TO YOU,
15 YOU WOULD OWN 67 PERCENT OF THAT COMPANY --

16 A THAT'S CORRECT --

17 Q -- MICROGENESIS?

18 A THAT'S CORRECT.

19 Q AND THEN BROWNING WOULD OWN THE BALANCE?

20 A THAT'S CORRECT.

21 Q NOW I WOULD LIKE TO SHOW YOU SOME DOCUMENTS THAT
22 HAVE THE TITLE "PROXY" ON THEM.

23 MR. BARENS: I WILL CALL THIS DEFENDANT'S NEXT 1 AND 2.

24 THE COURT: L-1 AND -2.

25 MR. BARENS: WE ARE AT L-1?

26 THE COURT: YES.

27 Q BY MR. BARENS: WHAT IS L-1, SIR?

28 A L-1 IS A PROXY SIGNED BY ME, GRANTING TO BEN DOSTI

1 THE OPTION TO PURCHASE 32 SHARES OF STOCK OWNED BY THE
2 UNDERSIGNED IN THAT CERTAIN CALIFORNIA CORPORATION KNOWN AS
3 SELDON, INC., TO WHICH THE PARTY TO WHOM THIS OPTION IS BEING
4 GIVEN IS ALREADY A SHAREHOLDER THEREOF.

5 THE OPTION PRICE BEING \$1 PER SHARE.

6 MR. WAPNER: MR. DICKER, EXCUSE ME FOR A SECOND. SLOW
7 DOWN, WILL YOU?

8 THE WITNESS: I AM SORRY. EXCUSE ME.

9 "THE OPTION PRICE IS \$1 PER SHARE,
10 AND THIS OPTION MAY BE EXERCISED AT ANY TIME,
11 UPON WRITTEN NOTICE GIVEN AND RECEIVED BY THE
12 UNDERSIGNED, WITHIN BLANK YEARS FROM DATE HEREOF.

13 "IN ADDITION TO THE OPTION GRANTED
14 ABOVE, THE UNDERSIGNED ALSO GRANTS TO THE PARTY
15 TO WHOM THE OPTION IS BEING GIVEN A VOTING
16 PROXY ON THE 32 SHARES OF STOCK INVOLVED HEREIN,
17 EFFECTIVE IMMEDIATELY, WHICH PROXY MAY BE
18 REVOKED ONLY UPON TERMS AND CONDITIONS MUTUALLY
19 AGREED UPON."

20 Q BY MR. BARENS: THUS IN THAT DOCUMENT, YOU HAVE
21 REPRESENTED TO MR. DOSTI THAT YOU ARE THE OWNER OF SELDON?

22 A THAT IS CORRECT, I HAVE REPRESENTED TO HIM THAT
23 I OWN 32 SHARES OF IT.

24 Q ALL RIGHT. NOW I SHOW YOU L-2; COULD YOU PLEASE
25 TELL US WHAT L-2 IS.

26 A L-2 IS THE EXACT SAME PROXY, EXCEPT IT IS TO THE
27 BENEFIT OF DEAN KARNY.

28 Q AND THAT IS FOR HOW MANY SHARES, SIR?

1 A ALSO FOR 32.

2 THE COURT: PARDON ME. DID YOU HAVE ANY INSTRUCTIONS
3 FROM ANYBODY TO EXECUTE THESE PROXIES OR THE CERTIFICATE?

4 THE WITNESS: YES, I DID.

5 THE COURT: FROM WHOM DID YOU GET THOSE INSTRUCTIONS?

6 THE WITNESS: JOSEPH HUNT.

7 THE COURT: HE TOLD YOU WHAT TO DO, DID HE?

8 THE WITNESS: YES, HE DID.

9 THE COURT: AND YOU DID THAT; IS THAT CORRECT?

10 THE WITNESS: THAT'S CORRECT.

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

12 MR. BARENS: IF YOU WILL ALLOW ME TO EXAMINE THIS
13 WITNESS.

14 THE COURT: I AM ALLOWING YOU TO EXAMINE HIM. WE ARE
15 WASTING AN AWFUL LOT OF TIME.

16 MR. BARENS: PERHAPS IN YOUR OPINION, YOUR HONOR.

17 THE COURT: YES, IN MY OPINION WE ARE.

18 MR. BARENS: AGAIN, YOUR HONOR, IF I MIGHT PROCEED ON
19 WITH THIS EXAMINATION.

20 THE COURT: THE IMPLICATION OF THESE QUESTIONS YOU HAVE
21 BEEN ASKING IS TO GIVE THE IMPRESSION TO THE JURY THAT HE
22 HAD TAKEN THE STOCK HIMSELF.

23 MR. BARENS: NOT AT ALL, YOUR HONOR.

24 THE COURT: YES, THAT IS THE DISTINCT IMPRESSION I GOT.

25 MR. BARENS: I REALIZE --

26 THE COURT: THAT IS WHY I ASKED THE QUESTIONS I ASKED.

27 MR. BARENS: IF I CAN FINISH WITH THE WITNESS, I WILL
28 GET TO WHERE I AM GOING TO GO.

1 THE COURT: LET'S GO ON TO SOMETHING IMPORTANT.

2 Q BY MR. BARENS: ALL RIGHT, MR. DICKER, HIS HONOR
3 HAS SKIPPED AHEAD TO THE QUESTIONS I WAS GOING TO ASK YOU
4 ABOUT MR. HUNT'S PARTICIPATION IN THIS, BUT THANKING HIS HONOR
5 FOR SAVING US THAT TIME, WHAT I NOW WANT TO GET TO IS ASKING
6 YOU WHY WAS IT THAT YOU CONSTRUCTED THE MATTER WHERE MR. HUNT
7 DID NOT APPEAR AS A SHAREHOLDER IN MICROGENESIS?

8 A I DID IT AT HIS DIRECTION.

9 Q DO YOU KNOW WHY THAT DIRECTION WAS GIVEN?

10 A NO, I DON'T.

11 Q OKAY. YOU NEVER ASKED HIM OR ANYBODY ABOUT WHY
12 HE DID NOT APPEAR AS A SHAREHOLDER IN MICROGENESIS?

13 A I THINK AT ONE TIME, HE STATED THAT BECAUSE OF
14 HIS DAY-TO-DAY BUSINESS DEALINGS, HE MAY BE UNDER A GREAT
15 DEAL MORE EXPOSURE TO POSSIBLE CIVIL LIABILITY WHICH MIGHT,
16 YOU KNOW, AT SOME TIME REACH, YOU KNOW, SOME THINGS OF VALUE
17 THAT HE HELD AND SO HE WANTED TO DISINTEREST HIMSELF FROM
18 POSSESSION OF THOSE.

19 Q EXCUSE ME A MOMENT.

20 THE FACT THEN BECAME THAT AT LEAST IN TITLE, SIR,
21 YOU HAD LEGAL TITLE TO MICROGENESIS?

22 A I MEAN IN THE SIMPLEST UNDERSTANDING OF A
23 CORPORATION, BECAUSE I HAD GIVEN OVER A VOTING PROXY AND THEY
24 COULD PURCHASE THE STOCKS AT ANY TIME.

25 I HAD ABSOLUTELY NO CONTROL OF MICROGENESIS.
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1 Q THEREFORE, MESSRS. DOSTI AND KARNY WOULD, ALONG
2 WITH MR. BROWNING?

3 A AND AS MEMORY SERVES ME, A THIRD PROXY HAD BEEN
4 ISSUED TO MR. HUNT.

5 Q AND THAT WAS FOR HOW MANY SHARES?

6 A 32 ALSO. PLUS, I THINK MR. HUNT HAD ACTUALLY
7 THE CONTROL, HAD THE 33RD SHARE, ALSO.

8 Q AND HOW COULD WE DO THAT IF WE HAVE GOT PROXIES
9 FROM YOU? WHAT ABOUT BROWNING IN THAT SCENARIO?

10 A WELL, YOU ARE IGNORING THE FACT THAT BROWNING
11 HAS SHARES OF MICROGENESIS AND SELDON HAD THE 67. SO, HE
12 QUALIFIED 100 SHARES OF MICROGENESIS.

13 IF I EVER ACTUALLY ISSUED THE CERTIFICATE WHICH
14 I DON'T RECALL MYSELF DOING, THERE WERE 100 SHARES OF SELDON
15 ALSO OUT. THAT WOULD GIVE US 32, 32 AND 33 -- WAIT, EXCUSE
16 ME. IT WAS BE 64. SO IT WOULD BE 36.

17 IT WOULD BE 32, 32 AND 36 IN SELDON. THE PRICES
18 WERE NOT FOR THE SELDON SHARES OF MICROGENESIS.

19 Q SO THIS IS IN 1983 SOMETIME?

20 A THEY APPEAR TO BE EXECUTED 8 NOVEMBER, 1983.

21 Q OKAY. IN NOVEMBER, YOUR SENSE IS THAT HUNT HAD
22 SOME CONCERN ABOUT LIMITING PERSONAL LIABILITY?

23 A YES.

24 Q AND WHAT DID HE TELL YOU?

25 A I BELIEVE HE EXPRESSED THAT TO ME.

26 Q WHAT DID YOU SAY TO THAT?

27 A I JUST ACKNOWLEDGED IT AND DID WHAT HE TOLD ME
28 TO DO.

1 Q YOU WERE SAYING TO HIM, "I WILL TAKE THE POTENTIAL
2 LIABILITY INSTEAD OF YOU"?

3 A I THINK THE THOUGHT WAS, SINCE I WAS ONLY THE
4 SECRETARY OF THE CORPORATION, I WAS NOT INVOLVED PERSONALLY
5 IN THE TRADING OR IN ANY NEGOTIATIONS AND TOOK A VERY BACK
6 SEAT, IT WAS UNLIKELY THAT I WOULD INCUR ANY PERSONAL LIABILITY.

7 AND IF I DID, THEY COULD ON IMMEDIATE NOTICE,
8 EXECUTE THE PROXIES AND TAKE AWAY ANYTHING THAT I OWNED OR
9 THE CORPORATION STOCK IN THE CORPORATION THAT I OWNED.

10 Q BUT INSTEAD OF YOU OWNING IT, THEN TWO MORE
11 SIGNIFICANT BBC PEOPLE WOULD OWN THE SHARES?

12 A THAT'S CORRECT.

13 Q THEREFORE, HOW HAD THEY IMPROVED OUR POSITION
14 ON THAT?

15 A WELL, WE HAVE CREATED ONE STEP. I MEAN, WE HAVE
16 BUILT IN ONE BARRIER INTO THE PROBLEM.

17 Q AND YOU THOUGHT THAT IT WAS QUITE ALL RIGHT,
18 SIR?

19 A I DON'T UNDERSTAND YOUR QUESTION.

20 Q WELL, DID YOU HAVE ANY MISGIVINGS ABOUT THAT?

21 A MISGIVINGS ABOUT WHAT?

22 Q ABOUT ANY OF THOSE TRANSACTIONS?

23 A I PERCEIVED THEM TO ALL BE LEGAL.

24 Q YOU DID?

25 A YES, I DID.

26 Q ALL RIGHT, SIR. NOW, WHEN YOU GOT THE CHECK
27 OR SAW THE CHECK ON 6/7, YOU MENTIONED THAT HUNT APPEARED
28 TO BE EXCITED?

1 A HE APPEARED PLEASED, YES.

2 Q DID ALL OF YOU APPEAR SOMEWHAT EXCITED AND PLEASED
3 ABOUT THAT?

4 A I THINK SO, YES.

5 Q DID ONCE AGAIN, HUNT'S CREDIBILITY SEEM ENHANCED?

6 A I DON'T NECESSARILY KNOW OF CREDIBILITY BEING
7 ENHANCED. IT WOULD SEEM -- I THINK THAT EVERYONE VIEWED THIS
8 AS BEING A GOOD THING, GETTING A CHECK FOR -- I THINK
9 ENHANCED SEEMS TO MEAN THAT IT WAS ENHANCED, AS BROUGHT BACK
10 UP TO SOME LEVEL.

11 Q YES.

12 A I THINK THAT IT WOULD HAVE IMPROVED HIS CREDIBILITY.
13 AGAIN, IN MY EYES, HIS CREDIBILITY HAD NOT BEEN HURT.

14 Q HOW ABOUT ANYBODY ELSE'S EYES THAT YOU WERE AWARE
15 OF?

16 A I WAS NOT AWARE OF IT.

17 Q YOU HAD NOT HEARD ANY CONVERSATIONS PRIOR TO
18 JUNE 6, BY ANYONE SAYING THAT THEY THOUGHT THAT HUNT HAD
19 BEEN ROOKED AGAIN BY LEVIN?

20 A IN DISCUSSING THIS, TO CORRECT MY LAST ANSWER,
21 IT WOULD BE DISCUSSING PRESENT MEMBERS OF THE BBC.

22 I BELIEVE RONALD PARDOVITCH HAD BECOME VERY --
23 OR JOE, TO USE YOUR TERMS, LOST CREDIBILITY IN RONALD'S EYES
24 BY HIS INABILITY TO GET THE TITLE DOCUMENTS FOR THE SHOPPING
25 CENTER FROM RON LEVIN.

26 AND RONALD PARDOVITCH LEFT THE BBC I THINK, MAINLY
27 ON THAT BASIS.

28 Q HAD EITHER OF THE MAY BROTHERS EVER TOLD YOU

1 THAT THEY DIDN'T THINK HUNT COULD DELIVER ON THE MONEYS HE
2 WAS SUPPOSED TO GET FROM LEVIN?

3 MR. WAPNER: OBJECTION, VAGUE AS TO WHAT MONEYS HE
4 IS TALKING ABOUT.

5 THE COURT: ARE YOU TALKING ABOUT THE MONEY RESULTING
6 FROM THE MARKET TRANSACTIONS, YOU MEAN? IS THAT WHAT YOU
7 ARE TALKING ABOUT?

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1 MR. BARENS: YES.

2 THE WITNESS: WHICH --

3 Q BY MR. BARENS: THE COMMODITIES MARKET TRANSACTIONS.
4 HAD EITHER OF THE MAY BROTHERS EVER MENTIONED TO YOU OR
5 ANYONE ELSE IN YOUR PRESENCE, THAT THEY DID NOT THINK HUNT
6 WOULD BE ABLE TO SUCCEED IN GETTING THE MONEY FROM LEVIN?

7 A NOT THAT I RECALL.

8 Q ALL RIGHT. HOW ABOUT AFTER THE MILLION FIVE CHECK
9 WAS RECEIVED? DID THE MAY BROTHERS EVER MENTION THEN THAT
10 THEY DIDN'T THINK IT WOULD CASH?

11 A NOT THAT I RECALL.

12 Q DID ANYBODY EVER MENTION THAT?

13 A NOT THAT I RECALL.

14 Q THUS, EVEN THOUGH ALL OF YOU WERE AWARE OF LEVIN'S
15 HISTORY, SO TO SPEAK, NONE OF YOU EVER SPECULATED THAT THE
16 CHECK WOULDN'T GO THROUGH?

17 A ACTUALLY, I THINK THAT IS WRONG BECAUSE I
18 SPECULATED. I FELT THERE WAS A POSSIBILITY OF THAT.

19 Q DID ANYBODY ELSE HAVE THAT FEELING, TO YOUR KNOW-
20 LEDGE?

21 A TO MY KNOWLEDGE, NO.

22 Q IT WAS NEVER DISCUSSED BY YOU WITH ANYONE?

23 A I DON'T RECALL DISCUSSING IT WITH ANYBODY.

24 Q ALL RIGHT. NOW, WHEN YOU STARTED DISCUSSING
25 IT, YOU DECIDED ON CERTAIN ACTIONS YOU WOULD TAKE TO NEGOTIATE
26 THE CHECK?

27 A TO EXPEDITE THE CASHING THE CHECK, YES.

28 Q DID HUNT EXPRESS ANY CONCERN ABOUT WHY HE WANTED

1 TO EXPEDITE THE CHECK?

2 A LOSING INTEREST WAS HIS MAIN CONCERN.

3 Q ALL RIGHT. DOES THAT SEEM TO YOU TO BE A REASON-
4 ABLE BUSINESS COMMENT?

5 A HE TOLD ME THAT IT WOULD TAKE FOUR WEEKS TO CASH
6 IT THROUGH NORMAL BANKING TRANSACTIONS AND IN LIGHT OF THE
7 LARGE SIZE OF THE DRAFT, I MEAN, THE INTEREST IS A LOT OF
8 MONEY.

9 SO YES, SEEMED TO ME TO BE QUITE A REASONABLE
10 BUSINESS JUDGMENT.

11 Q ALL RIGHT. NOTHING SEEMED CORRUPT OR EXCUSE
12 THE EXPRESSION, "SINISTER" ABOUT THAT?

13 A NO, IT DID NOT.

14 Q ALL RIGHT. AND PURSUANT THERETO, COUNSEL FOR
15 YOU, MR. ADELMAN, SUGGESTED THAT YOU GENTLEMEN SHOULD GO OVER
16 TO THE BANK?

17 A WELL, A FRIEND OF HIS HAD A VERY GOOD RELATIONSHIP
18 WITH THAT BANK AND YES, HE DID SUGGEST THAT WE TRY CASHING
19 THE CHECK THROUGH THAT BANK.

20 THE COURT: IS THAT THE WORLD BANK?

21 THE WITNESS: THE WORLD TRADE BANK.

22 Q BY MR. BARENS: THAT WAS AT MR. ADELMAN'S
23 SUGGESTION?

24 A NEIL ADELMAN'S SUGGESTION, YES.

25 Q HE WAS COUNSEL THAT WORKED IN CONJUNCTION WITH
26 THE BBC?

27 A THAT'S CORRECT.

28 Q YOU WENT OVER THERE TO THAT BANK AND GOT THE SIGNATURE

1 CARDS, AS YOU TALKED ABOUT YESTERDAY?

2 A WE GOT A SIGNATURE CARD, YES.

3 Q DID THAT SEEM LIKE TYPICAL BUSINESS ACTIVITY
4 TO YOU?

5 A IT SEEMED REASONABLE UNDER THE STATED
6 CIRCUMSTANCES. BUT AGAIN, BECAUSE OF MY OWN -- I DIDN'T
7 PERCEIVE ANYTHING WE WERE DOING AS BEING ILLEGAL OR IMPORPER.

8 THERE DID SEEM SOMETHING STRANGE JUST BECAUSE
9 AGAIN, WE HAD A 1.5 MILLION DOLLAR CHECK FROM MR. LEVIN.

10 Q SURE. AND YOU WERE TAKING SOME PRECAUTIONS
11 BECAUSE OF BOTH THE AMOUNT OF THE CHECK AND THE MAKER OF THE
12 CHECK?

13 Q THAT WAS -- I MEAN, I PERCEIVED THAT THE MAKER --
14 IT WAS MY PERCEPTION THAT THE STEPS WOULD BE NECESSARY, IN
15 LIGHT OF WHO HE WAS. THE INTEREST WAS THE STATED REASON.
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1 Q ALL RIGHT NOW, AGAIN, WHEN YOU GO TO THE BANK
2 AS ANOTHER ACTIVITY AND GET THE SIGNATURE CARD, DOES
3 ANYTHING SEEM CORRUPT OR SINISTER ABOUT THAT TO YOU?

4 A GETTING THE SIGNATURE CARD?

5 Q YES.

6 A NO.

7 Q AGAIN, THAT SEEMS JUST LIKE BUSINESS ACTIVITY?

8 A CORRECT.

9 Q AGAIN, I AM GOING TO TRY, AT LEAST IN THE FIRST
10 PART OF MY EXAMINATION WITH YOU TO BE WITH THE ORDER YOU WERE
11 IN YESTERDAY.

12 YOU MENTIONED IN OCTOBER OR NOVEMBER OF 1984 YOU
13 STARTED DESTROYING SOME DOCUMENTS?

14 A THAT'S CORRECT.

15 Q AND WHICH DOCUMENTS DID YOU DESTROY?

16 A TO THE BEST OF MY RECOLLECTION, I DESTROYED THE
17 ORIGINAL -- I KNOW I DESTROYED THE ORIGINAL OF THE CORPORATE
18 MINUTES, DISCUSSING THE MEETING OF JUNE THE 7TH AUTHORIZING
19 BEN DOSTI TO TRAVEL TO EUROPE AND I BELIEVE I DESTROYED
20 CERTAIN PAGES OF MY NOTARIAL JOURNAL.

21 Q I AM SORRY?

22 A MY NOTARY JOURNAL.

23 Q YOUR NOTARY JOURNAL, INDEED.

24 I SUPPOSE THERE MIGHT HAVE BEEN SOMETHING
25 SENSITIVE IN THERE?

26 A YES.

27 Q YOU DISCUSSED THOSE ACTIVITIES WITH THE POLICE?

28 A I THINK I ONLY DISCUSSED DESTROYING THE MINUTES

1 WITH THE POLICE.

2 I DON'T THINK I EVER DISCUSSED DESTROYING THE
3 JOURNAL WITH THE POLICE, THOUGH I MIGHT HAVE.

4 THE COURT: PARDON ME. SO THAT THE JURY WOULD UNDERSTAND
5 IT, YOU ARE A NOTARY PUBLIC; IS THAT RIGHT?

6 THE WITNESS: THAT'S CORRECT.

7 THE COURT: AND AS A NOTARY PUBLIC, YOU HAVE GOT TO
8 MAKE AN ENTRY OF EVERY DOCUMENT THAT YOU NOTARIZE; IS THAT
9 IT?

10 THE WITNESS: THAT'S CORRECT.

11 THE COURT: AND THERE ARE CERTAIN DOCUMENTS THAT YOU
12 NOTARIZED THAT YOU MADE A RECORD OF AND THOSE ARE THE RECORDS
13 YOU DESTROYED?

14 THE WITNESS: I DESTROYED CERTAIN PAGES OF MY JOURNAL,
15 YES.

16 THE COURT: WHY WAS THAT?

17 MR. BARENS: YOUR HONOR --

18 THE COURT: WHAT IS THE MATTER?

19 MR. BARENS: MAY WE APPROACH?

20 THE COURT: I THINK I KNOW WHAT YOU MEAN.

21 ALL RIGHT, GO AHEAD. DON'T ANSWER THAT QUESTION.

22 MR. BARENS: THANK YOU, YOUR HONOR.

23 THE WITNESS: THANK YOU, YOUR HONOR.

24 MR. BARENS: THIS IS ALL OUT OF AN ABUNDANCE OF CAUTION
25 AT THIS POINT, YOUR HONOR.

26 THE COURT: YES.

27 Q BY MR. BARENS: YOU LATER ON TOLD THE POLICE ABOUT
28 YOUR DESTRUCTION OF CORPORATE MINUTES.

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1 ACTUALLY, IT WAS ONLY ONE SET OF MINUTES YOU
2 DESTROYED?

3 A AT THIS -- I SPECIFICALLY RECALL DESTROYING THOSE
4 MINUTES.

5 I CANNOT RECALL WHETHER OR NOT OTHER MINUTES WERE
6 DESTROYED ALSO.

7 Q DID YOU ONLY DESTROY DOCUMENTATION ON A SINGLE
8 OCCASION?

9 A I RECALL DESTROYING DOCUMENTATION ON THIS
10 OCCASION.

11 I DON'T KNOW IF I HAVE DESTROYED DOCUMENTATION
12 ON ANY OTHER OCCASION, I DON'T PRESENTLY RECALL.

13 Q DO YOU RECALL WITH ANY MORE SPECIFICITY AS TO
14 WHETHER YOU DID IT IN OCTOBER OR NOVEMBER?

15 A NO, I DON'T.

16 Q IT WASN'T UNTIL DECEMBER THAT YOU ACTUALLY WENT
17 TO THE POLICE, HOWEVER?

18 A THAT'S CORRECT.

19 Q AND AT THE TIME YOU DESTROYED THE DOCUMENTS, WERE
20 YOU STILL WORKING AT THE BBC?

21 A NO, I WAS NOT.

22 Q WHERE WERE YOU?

23 A WHERE WAS I?

24 Q WHAT WERE YOU DOING?

25 A I DON'T UNDERSTAND THE QUESTION.

26 Q WELL, WERE YOU STILL IN ASSOCIATION WITH MR. HUNT?

27 A NO, I WAS NOT.

28 Q YOU WEREN'T SPEAKING TO HIM?

1 A I WAS NOT SPEAKING TO HIM.

2 Q WHEN WAS THE LAST TIME YOU HAD SPOKEN TO HIM PRIOR
3 TO THAT?

4 A I PROBABLY SPOKE TO HIM AT SOME TIME SHORTLY
5 SUBSEQUENT TO HIS SECOND ARREST.

6 Q WHEN DO YOU REMEMBER THE FIRST ONE AS BEING?

7 A THE -- I REMEMBER THEM BOTH BEING, TAKING PLACE
8 IN EITHER SEPTEMBER AND OCTOBER.

9 THERE WERE THREE ARRESTS. FIRST JIM GRAHAM WAS
10 ARRESTED AND THEN JOE WAS ARRESTED AND THEN THEY WERE BOTH
11 ARRESTED TOGETHER.

12 I THINK ALL THREE OF THE ARRESTS TOOK PLACE IN
13 SEPTEMBER AND OCTOBER.

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1 Q ISN'T IT TRUE THAT THE CONVERSATION YOU GAVE US
2 YESTERDAY ABOUT THE TELEVISION CHANGER AND THE SHEET MISSING
3 TOOK PLACE AFTER MR. HUNT'S FIRST ARREST AND PRIOR TO HIS
4 SECOND ARREST?

5 A IT MAY HAVE. I --

6 Q ISN'T IT TRUE THAT HUNT TOLD YOU THAT HE HAD HEARD
7 FROM BEN DOSTI AND DEAN KARNY AND LAUREN RABB ABOUT THE
8 TELEVISION CHANGER AND THE MISSING SHEET?

9 A NO, IT IS NOT TRUE.

10 Q YOU DIDN'T HEAR THAT FROM ANY OF THOSE PEOPLE
11 PRIOR TO THE TIME THAT HUNT TOLD IT TO YOU?

12 A NO, I HAD NOT.

13 Q YOU NEVER HEARD THEM SAY THAT THEY HAD ANY
14 INFORMATION, ANY OF THOSE THREE PEOPLE THAT THEY HAD ANY
15 INFORMATION CONCERNING LEVIN'S DISAPPEARANCE PRIOR TO THE
16 TIME THAT HUNT TOLD YOU THAT STORY?

17 A WELL, I MEAN BEN AND DEAN WOULD HAVE THE SAME
18 INFORMATION.

19 THEY WERE PRESENT AT THE MEETING.

20 I ASSUME THEY HAD DISCUSSIONS WITH JOE ALSO.

21 Q I AM TALKING ABOUT INFORMATION AND/OR KNOWLEDGE
22 INDEPENDENT OF THE 6-24 MEETING.

23 MR. WAPNER: OBJECTION. CALLS FOR HEARSAY AS TO WHAT
24 OTHER PEOPLE, MR. DOSTI SAID OR --

25 THE COURT: OVERRULED. I WILL LET HIM ANSWER.

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

27 THE COURT: YES.

28

1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 AT THE BENCH:)

3 THE COURT: ALL RIGHT.

4 MR. WAPNER: YOUR HONOR, I DON'T KNOW WHETHER MR. BARENS
5 INTENDS TO CALL MR. DOSTI AS A WITNESS. I KNOW THAT I DO
6 NOT INTEND TO CALL HIM AS A WITNESS AND I WOULD OBJECT TO
7 ANY STATEMENT THAT MR. DOSTI MADE TO THIS THIRD PARTY OF
8 HEARSAY STATEMENTS, UNLESS MR. DOSTI IS PRODUCED.

9 IF THEY WANT TO PRODUCE HIM, THEN MR. DOSTI CAN
10 TESTIFY ABOUT THESE STATEMENTS.

11 BUT TO TRY AND BACKDOOR THIS BY GETTING IN THE
12 HEARSAY STATEMENTS FROM THE WITNESS, I DON'T THINK IT IS
13 PERMISSIBLE AND I DON'T EXPECT BASED ON WHAT I KNOW ABOUT
14 MR. DOSTI AND HIS CURRENT PROBLEMS, I DON'T EXPECT THAT HE
15 WILL TESTIFY.

16 BUT IF COUNSEL CAN PRODUCE HIM, THEY CAN'T GET THESE
17 STATEMENTS IN OTHERWISE.

18 THE COURT: OF COURSE HE WON'T BE PRODUCED AND DOSTI
19 IS NOT GOING TO TESTIFY. IF HE HAS A LAWYER, HE OBVIOUSLY
20 WILL TELL HIM NOT TO TESTIFY.

21 MR. BARENS: YOUR HONOR, I HAVE TWO PROBLEMS HERE.

22 YOUR HONOR, NUMBER ONE, THE PEOPLE HAVE UNIFORMLY
23 THROUGHOUT THE PRESENTATION OF THEIR CASE MADE USE OF --

24 THE COURT: AS I INDICATED BEFORE, ADDRESS YOURSELF
25 TO HIS OBJECTIONS TO THIS PARTICULAR QUESTION.

26 MR. BARENS: I CAN ONLY SAY THERE IS NOTHING UNCOMMON
27 IN THIS CASE ABOUT MAKING REFERENCES TO WHAT THIRD PARTIES
28 HAVE SAID. MEMBERS OF THE BBC HAVE BEEN TREATED THROUGHOUT

1 THIS TRIAL WITH SOME DEFERENCE TO THE HEARSAY OBJECTION, WE
2 HAVE HEARD THAT.

3 NUMBER TWO, I WOULD BE WILLING IN PRIVATE TO
4 COMMENT ON WHETHER OR NOT MR. DOSTI WILL BE PRESENT AS A
5 WITNESS IN THIS TRIAL, I WOULD COMMENT WITH YOUR HONOR BUT
6 I AM NOT PREPARED TO DISCUSS WITH THE PROSECUTION OUR
7 DEFENSE, BUT I WOULD BE WILLING TO DISCUSS THAT ISSUE WITH
8 YOUR HONOR.

9 MR. WAPNER: WELL, I DON'T THINK THERE IS ANYTHING TO
10 DISCUSS.

11 THE COURT: THERE IS NOTHING TO DISCUSS?

12 MR. WAPNER: HE IS EITHER HERE OR HE IS NOT. IF HE
13 IS NOT HERE, THEN THE STATEMENTS HE MAKES TO THIRD PARTIES
14 WHICH ARE OFFERED FOR THE TRUTH OF THE STATEMENT ARE HEARSAY
15 STATEMENTS.

16 THE COURT: PARDON ME. WILL YOU STATE THE QUESTION
17 AGAIN THAT YOU ASKED HIM?

18 MR. BARENS: I CAN SUMMARIZE IT.

19 THE COURT: YES, GO AHEAD. WHAT IS THE QUESTION?

20 MR. BARENS: BASICALLY, I ASKED THE WITNESS -- THE POINT
21 I AM TRYING TO MAKE AND THE OFFER OF PROOF IS THIS: THIS
22 WHOLE CONVERSATION ABOUT HUNT TELLING HIM THAT THE CHANGER
23 WAS MISSING AND THE SHEET WAS MISSING, WHICH HE ATTRIBUTES
24 SOLELY TO HUNT --

25 THE COURT: YES.

26 MR. BARENS: -- IS A SUBJECT THAT HAD BEEN WELL
27 DISCUSSED IN THE BBC BY AT LEAST THREE MEMBERS IN THOSE
28 OFFICES BEFORE HUNT HAD THE CONVERSATION WITH HIM, AND I

1 ASKED HIM IF HE HEARD THAT BEING DISCUSSED BY ANY OF THESE
2 THREE PEOPLE.

3 THE COURT: I WILL PERMIT THE QUESTION TO BE ASKED --

4 MR. BARENS: THANK YOU, YOUR HONOR.

5 THE COURT: -- JUST THE WAY YOU PUT IT.

6 MR. WAPNER: IF IT WAS A DISCUSSION WHERE THIS WITNESS
7 WAS PRESENT BUT NOT IF SOMEBODY TOLD HIM THAT.

8 MR. BARENS: THAT IS WHAT I ASKED HIM.

9 THE COURT: I WILL PERMIT YOU TO ASK THAT.

10 MR. BARENS: I AM MOVING AHEAD ANYHOW.

11 THE COURT: GO AHEAD.

12 MR. BARENS: THANK YOU.

13 (THE FOLLOWING PROCEEDINGS WERE HELD
14 IN OPEN COURT:)

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1 MR. BARENS: A MOMENT, YOUR HONOR.

2 (PAUSE.)

3 THE COURT: ALL RIGHT. RESTATE YOUR QUESTION.

4 MR. BARENS: I THINK IT WAS ASKED AND ANSWERED, JUDGE.

5 THE COURT: ALL RIGHT. IF IT HAS BEEN ASKED AND ANSWERED,
6 GO AHEAD.

7 MR. BARENS: THANK YOU, YOUR HONOR.

8 Q DID YOU HAVE FURTHER CONCERN IN YOUR OWN MIND
9 THAT LEVIN MIGHT RESCIND THE TRANSACTION OR REMOVE THE FUNDS
10 FROM THE ACCOUNT BEFORE THE CHECK CLEARED?

11 THE COURT: YOU MEAN THAT HE COULD STOP PAYMENT ON
12 THE CHECK?

13 THE WITNESS: BETWEEN --

14 MR. BARENS: I THINK YOU SAID YESTERDAY, OR REMOVE THE
15 FUNDS FROM THE ACCOUNT, AS OPPOSED TO THAT.

16 THE COURT: REMOVE THE FUNDS FROM THE ACCOUNT OR STOP
17 PAYMENT ON THE CHECK?

18 THE WITNESS: BETWEEN THE 7TH OF JUNE AND THE 24TH
19 OF JUNE, YES.

20 Q BY MR. BARENS: YOU DID HAVE THAT CONCERN?

21 A YES.

22 Q DID YOU DISCUSS THAT CONCERN WITH ANYONE?

23 A NO.

24 Q DID YOU HEAR ANYONE ELSE DISCUSS THAT CONCERN?

25 A NO.

26 Q IT WAS JUST A PERSONAL ONE TO YOURSELF, AN OPINION
27 THAT YOU HAD?

28 A I ONLY HAD THE KNOWLEDGE OF MY HOLDING THAT OPINION,

1 YES.

2 Q OKAY. NOW, BASED ON YOUR KNOWLEDGE OF LEVIN
3 AND HIS BACKGROUND, WOULD YOU PRESUME THAT OTHER PEOPLE HAD
4 THE SAME FEELING?

5 MR. WAPNER: OBJECTION, CALLS FOR A CONCLUSION ON THE
6 PART OF THE WITNESS. RELEVANCE.

7 THE COURT: SUSTAINED.

8 Q BY MR. BARENS: DID YOU FEEL IN ANY RESPECT THAT
9 HUNT HAD ONCE AGAIN, AT LEAST POTENTIALLY, BEEN CONNED BY
10 LEVIN IN THIS TRANSACTION?

11 A WELL, IN THIS TRANSACTION HE HAD THE ADVANTAGE
12 OF HAVING A CONTRACT AND A CHECK. SO KNOWING LEVIN, I
13 FIGURED THERE MAY VERY WELL HAVE BEEN A CON IN THERE SOME-
14 WHERE.

15 Q BUT YOU DIDN'T HAVE SOME OPINION DID YOU, THAT
16 LEVIN WAS A GREAT RESPECTOR OF CONTRACTS? DID YOU?

17 A NOT AT ALL.

18 Q YOU WOULDN'T PUT IT PAST HIM TO WRITE A BAD
19 CHECK, WOULD YOU?

20 A CERTAINLY NOT.

21 Q ALL RIGHT. SO YOU THOUGHT THERE MIGHT HAVE BEEN
22 A CON IN THERE SOMEWHERE. DID YOU EVER WARN HUNT ABOUT THAT
23 CONCERN THAT YOU HAD?

24 A I THINK A LONG TIME AGO, POSSIBLY WHEN HE WAS
25 I MEAN, FIRST DEALING WITH LEVIN, I SAID TO HIM THAT LEVIN --
26 I HAD HEARD LEVIN WAS A CON MAN AND JOE JUST DISMISSED THAT
27 AND FELT THAT LEVIN COULDN'T RUN A CON ON HIM.

28 Q ALL RIGHT. NOW, WAS HUNT ACTING AS THOUGH THERE

1 WERE SOME URGENCY CONCERNING THE CASHING OF THE LEVIN CHECK?

2 A YES, BECAUSE HE WAS CONCERNED ABOUT LOSING THE
3 INTEREST OR HE STATED HE WAS CONCERNED ABOUT LOSING THE
4 INTEREST.

5 Q OKAY. AND HOW ABOUT YOUR GENERAL SITUATION
6 CONCERNING WHETHER OR NOT THE MATTER MIGHT HAVE BEEN RESCINDED?
7 THAT WAS JUST A THOUGHT THAT YOU HAD IN YOUR OWN MIND?

8 A THAT WAS MY OWN THOUGHT.

9 Q YOU DIDN'T EXPRESS THAT TO ANYONE?

10 A I DID NOT.

11 Q OKAY. NOW, YOU MENTIONED THAT THERE WAS SOME
12 ANXIETY, I BELIEVE WAS YOUR WORD YESTERDAY, ABOUT THE CHECK
13 BEING CASHED, AMONG THE GENERAL POPULATION OF THE BBC MEMBERS
14 BETWEEN 6/7 AND 6/24.

15 WHAT DID YOU MEAN BY THAT REFERENCE, SIR?

16 A I DON'T RECALL THAT REFERENCE.
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1 Q WAS THERE CONCERN OR INCREASING DISCOMFORT ABOUT
2 THAT ISSUE?

3 A I REMEMBER AS THE TIME PROGRESSED -- AS THE TIME
4 GOT YOU KNOW, AS IT GOT FARTHER FROM CASHING THE CHECK AND
5 THE CHECK HAD NOT COME THROUGH BANKING CHANNELS, I REMEMBER
6 USING THE WORD "ANXIETY."

7 NOW I RECALL WHAT I WAS TALKING ABOUT. BUT I
8 DON'T REMEMBER ANY EXACT STATEMENTS. I DON'T REMEMBER ANYONE
9 SAYING ANYTHING AT ALL.

10 BUT IT MAY HAVE JUST BEEN PERSONAL, THAT THE
11 CHECK JUST HAD NOT BEEN CASHED.

12 IT WAS BEGINNING TO SEEM LIKE A LONG PERIOD OF
13 TIME.

14 Q WAS IT BEGINNING TO SEEM LIKE THE MONEY FROM
15 THE CLAYTON BROKERAGE DEAL -- SORRY, THE COMMODITIES TRADING
16 DEAL WE VISITED?

17 A IT STILL SEEMED LIKE TO ME, SEEMED LIKE SOMETHING
18 DIFFERENT BECAUSE THERE WAS THE CONTRACT AND THERE WAS THE
19 CHECK. IT WAS NOT JUST AN EMPTY PROMISE.

20 Q WELL, DIDN'T YOU REALLY HAVE THE REALITY OF A
21 SITUATION WHERE LEVIN WAS SUPPOSED TO HAVE DONE THE BBC SOME
22 GOOD AND ALTHOUGH PROMISED AND REPRESENTED, IT HAS NOT OCCURRED
23 AS A REALITY?

24 MR. WAPNER: OBJECTION, ARGUMENTATIVE.

25 THE COURT: OVERRULED.

26 THE WITNESS: WELL, IN THE WORST SITUATION, WE HAD
27 THE RIGHTS TO THE SILICA AND CERAMICS BACK. SO EVEN IF THE
28 MONEY HAD NOT COME THROUGH, IT DIDN'T SEEM LIKE ALL THAT BAD

1 OF A DEAL TO ME.

2 Q BY MR. BARENS: BECAUSE YOU FELT THAT THE RIGHTS
3 TO THE SILIC AND THE CERAMICS WERE VERY, VERY VALUABLE?

4 A I DID.

5 Q AND DID THE FAILURE OF THIS TRANSACTION TO
6 CULMINATE, ALSO START LOOKING LIKE THE SHOPPING CENTER
7 REVISITED?

8 A ONLY IN THE FACT THAT YOU KNOW, ONCE AGAIN, WE
9 HAD MADE A DEAL WITH LEVIN AND ONCE AGAIN, WE HAD NOT GOTTEN
10 ANYTHING OUT OF IT.

11 Q AND ONCE AGAIN, WHAT IS GOING TO HAPPEN TO MR.
12 HUNT'S REPUTATION OR STANDING AS A RESULT OF THIS FAILURE?

13 A AGAIN, IN MY EYES, I DON'T THINK IT WOULD HAVE
14 AFFECTED IT.

15 Q HOW ABOUT ANYBODY ELSE'S?

16 A I CAN'T TELL YOU WHAT ANYBODY WOULD THINK.

17 Q EARLIER ON, YOU TOLD ME THAT YOU THOUGHT THERE
18 MIGHT HAVE BEEN SOME DEPRECIATION IN HUNT'S STATUS IN YOUR
19 GROUP THERE, IN THE BBC GROUP AS A RESULT OF PRIOR FAILURES
20 WITH LEVIN. WOULD THERE HAVE BEEN SOMETHING DIFFERENT THIS
21 TIME AROUND?

22 A WELL, IF I SAY THAT BEFORE, IT WAS JUST AS A
23 POSSIBILITY, YES. I DIDN'T STATE THAT I KNEW OF IT. BUT
24 IT IS ALWAYS -- I MEAN, YOU CAN'T TELL WHAT PEOPLE ARE GOING
25 TO THINK.

26 Q RIGHT. WELL, HERE, YOU HAVE THE TEMPORAL
27 AND SPIRITUAL LEADER, ACCORDING TO WHAT YOU TOLD ME YESTERDAY,
28 OF THE BBC, FALLING FLAT ON HIS FACE ONCE AGAIN ON A BIG

1 PROMISE.

2 WHAT DO YOU THINK THE PERCEPTION OF HIM AMONG
3 THE PEOPLE OF THE BBC WOULD HAVE BEEN AT THAT POINT?

4 A I HAVE STATED THERE WAS A POSSIBILITY THAT IT
5 COULD DEPRECIATE. BUT I CAN'T GIVE YOU ANY OPINION OR HOW
6 THEY PERCEIVED JOE.

7 Q WELL, YOUR OPINION IT SEEMS TOWARD MR. HUNT,
8 IS AT LEAST AT THIS POINT IN TIME, UNLATERABLE?

9 A WELL, NOT NECESSARILY UNALTERABLE. HE WAS TRYING
10 TO MAKE A DEAL WITH RON LEVIN. AT ITS BEST, IT WAS PROBABLY
11 SHAKY, IN MY OPINION.

12 SO FAILURE WITH RON LEVIN IS JUST SORT OF,
13 NOTHING VENTURED AND NOTHING GAINED. I MEAN, I WOULD SAY
14 TO TRY AND SEE IF IT WORKS.

15 AND REALLY, SINCE LEVIN'S ACCOUNTS WERE SEPARATE
16 FROM OURS, WE REALLY WEREN'T HARMED, TO MY KNOWLEDGE, BY OUR
17 FAILURE TO MAKE MONEY THERE.

18 AND SO, WE DIDN'T GET THE MONEY THERE. AND THEN
19 WE DIDN'T GET THE SHOPPING CENTER, AGAIN. WE WEREN'T HARMED
20 IN THIS INSTANCE.

21 WE HAD A CONTRACT. IF HE DOESN'T PAY THE CHECK,
22 THE CONTRACT IS VOID.

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1 Q BY MR. BARENS: NOW AT THAT POINT, IF THE CONTRACT
2 DOES GO THROUGH, DOES JOE HUNT GET A MILLION FIVE?

3 A MICROGENESIS GETS A MILLION FIVE.

4 Q AND OUT OF THAT, WHAT WOULD JOE HUNT GET?

5 A AGAIN, WHATEVER HE WROTE HIMSELF THE CHECK OUT
6 FOR.

7 Q IS THAT THE WAY BUSINESS WAS?

8 A GENERALLY, JOE WROTE OUT THE CHECKS.

9 Q DID YOU?

10 A I THINK ON OCCASION I MAY HAVE SIGNED A CHECK
11 TO MYSELF ON ONE OR TWO OCCASIONS.

12 Q NOW, DID YOU HAVE ANY UNDERSTANDING THAT FROM
13 THE MILLION FIVE HUNT WAS JUST GOING TO POCKET THAT MONEY?

14 A I HAD NO UNDERSTANDING OF THAT FACT.

15 Q WEREN'T YOU TOLD TO THE CONTRARY; CERTAIN THINGS
16 THAT WERE GOING TO HAPPEN WITH THAT MONEY?

17 A I WAS ON JUNE 24TH, YES.

18 Q DID YOU HAVE A BELIEF THAT THAT MONEY WAS GOING
19 TO BE USED TO PAY OFF INVESTORS?

20 A ON JUNE 24 I DID, YES.

21 Q AND WAS THERE ALSO SOME DISCUSSION ABOUT USING
22 A PORTION OF THOSE MONEYS FOR FURTHER RESEARCH AND DEVELOPMENT
23 ON THE TECHNOLOGY?

24 A IT WAS -- PRIOR TO JUNE 24, IT WAS MY UNDERSTANDING
25 THAT A GREAT DEAL OF THAT MONEY WOULD BE USED IN FURTHERING
26 MICROGENESIS, YES.

27 Q YOU UNDERSTOOD, OTHER THAN THAT YOU HAD NO REAL
28 BUDGET, DID YOU, TO YOUR KNOWLEDGE, FOR RESEARCH AND

1 DEVELOPMENT ON THAT TECHNOLOGY?

2 A BUDGET FOR CERTAIN OF THE PROJECTS -- I AM SURE
3 A BUDGET WAS INCLUDED AND DISCUSSED IN THE MEETING OF MAY 29TH
4 OF THE MICROGENESIS BOARD OF DIRECTORS.

5 Q DID YOU HAVE PERSONAL KNOWLEDGE THAT YOU HAD MONEY
6 IN THE ACCOUNT FOR THE BUILDING OF THE MACHINES AND BUILDING
7 OF ANY FURTHER TECHNOLOGY AT MICORGENESIS?

8 A AT WHAT TIME?

9 Q AT ANY TIME PRIOR TO JUNE 7?

10 A I BELIEVE WE HAD SOME MONEYS. I THINK WE HAD
11 RECEIVED SOME MONEYS FROM INVESTORS OR PEOPLE WHO HAD BOUGHT
12 MACHINES THAT WAS BEING USED FOR RESEARCH AND DEVELOPMENT
13 OF MICROGENESIS.

14 Q AND YOU FELT YOU HAD SUFFICIENT FUNDING PRIOR
15 TO THE RECEIPT OF THE LEVIN CHECK FOR THE R&D ACTIVITIES YOU
16 NEEDED IN THIS REGARD?

17 A IF ANY OPINION I WOULD HAVE HAD TOWARDS, YOU KNOW,
18 HOW MUCH MONEY WE HAD FOR RESEARCH AND DEVELOPMENT FOR
19 MICROGENESIS WOULD HAVE BEEN WHAT I WAS TOLD BY OTHER PEOPLE.

20 I HAD NO PERSONAL OPINION. I HAD VERY LITTLE
21 KNOWLEDGE AND STILL DO HAVE VERY LITTLE KNOWLEDGE IN THAT
22 AREA.

23 Q NOW YOUR NEXT TESTIMONY GOT US TO THE 6-24 MEETING
24 AND YOU SAY THAT THIS MEETING TOOK PLACE AND THEN FIRST THERE
25 WERE TWO OCCASIONS WHERE HUNT AND THREE OTHER PEOPLE, I THINK
26 MESSRS. KARNY, DOSTI AND GRAHAM LEAVE THE ROOM AND REAPPEAR?

27 A THAT'S CORRECT.

28 Q ALL RIGHT, BETWEEN THE FIRST AND SECOND DEPARTURE

1 AND REAPPEARANCES, WHAT DID YOU FOLKS REMAINING IN THE ROOM
2 TALK ABOUT?

3 A I THINK BETWEEN THE FIRST AND SECOND DEPARTURE,
4 WE CLEANED UP.

5 Q YOU CLEANED UP?

6 A YES.

7 Q YOU DIDN'T TALK ABOUT ANYTHING, DID YOU,
8 CONCERNING THE MEETING OR "GEE, I WONDER WHAT IS GOING ON
9 IN THAT OTHER ROOM THERE WITH THOSE GUYS?"

10 A THERE MIGHT HAVE BEEN -- YOU KNOW, THERE MAY HAVE
11 BEEN SOME DISCUSSION HOW IT SEEMED A LITTLE PECULIAR THAT
12 WE ARE BEING CALLED FOR--YOU KNOW, HAVING MEETINGS ON SUNDAYS
13 OR FRIDAY EVENINGS, BEING CALLED TO MEETINGS WASN'T
14 PARTICULARLY STRANGE.

15 IT WAS STRANGE, THIS IS PROBABLY ONE OF THE FIRST
16 TIMES THAT THERE HAD BEEN A MEETING OF THE MAJORITY OF THE
17 BBC BUT NOT ALL OF THE BBC.

18 Q OKAY. AND DID YOU GUYS TALK ABOUT, YOU KNOW,
19 "MAYBE WE OUGHT TO LEAVE"?

20 A I DON'T THINK ANYONE DISCUSSED BETWEEN THE FIRST --
21 OKAY NOW I THINK I HAVE GOT MY TIME FRAME. I
22 THINK I MADE A MISTAKE IN THE TIME FRAME.

23 SO WE ARE TALKING ABOUT, THIS WOULD HAVE BEEN
24 WHILE THEY WERE OUT OF THE ROOM THE SECOND TIME?

25 Q YES, BETWEEN.

26 A -- OR BEFORE?

27 Q I DIDN'T KNOW THEY WERE OUT OF THE ROOM TWICE.
28 THEY ARE OUT OF THE ROOM BETWEEN BEING OUT OF THE ROOM,

1 ACTUALLY.

2 MR. WAPNER: OBJECTION. VAGUE.

3 Q BY MR. BARENS: I AM SORRY. LET ME SET THIS UP
4 FOR YOU.

5 A OKAY.

6 Q THEY ARE THERE AND THEN THEY GO INTO A BEDROOM
7 OR SOMEWHERE FOR FIVE TO TEN MINUTES, YOU TESTIFY, AND THEN
8 THEY REAPPEAR AND THEN THEY LEAVE THE ROOM AGAIN.

9 A CORRECT.

10 Q BREAKING THIS DOWN BETWEEN THE FIRST TIME THAT
11 THEY LEAVE THE ROOM AND REAPPEAR, WHAT DO YOU FOLKS TALK ABOUT?

12 A BASE -- WE HAD JUST FINISHED HAVING LUNCH AND
13 THERE HAD BEEN NO FORMAL MEETING. THERE HAD BEEN NOTHING
14 DISCUSSED YET SO WE JUST, WE WERE CLEANING UP AND BASICALLY
15 NOTHING.

16 I THINK THERE MIGHT HAVE BEEN -- I MEAN IT IS
17 REASONABLE THAT THERE WOULD HAVE BEEN SOME DISCUSSIONS, AS
18 I SAID BEFORE, THE FACT THAT WE WERE HAVING A MEETING AND
19 IT WAS WITH THE MAJORITY OF THE BBC BUT NOT ALL OF THE BBC.

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1 Q NOW HOW ABOUT THE SECOND TIME THESE PEOPLE WERE
2 OUT OF THE ROOM, WHAT DID YOU DISCUSS THEN?

3 A NOT A LOT. IT WAS PRETTY QUIET. PEOPLE JUST
4 SORT OF, YOU KNOW, MEANDERED BY THEMSELVES, TRYING TO FIGURE
5 OUT WHAT WAS GOING ON.

6 Q AND DURING THE -- THEN THEY REAPPEARED AND YOU
7 GAVE ME THREE EXPRESSIONS YESTERDAY: HUNT ANNOUNCES TO THE
8 GROUP ASSEMBLED, "WE KNOCKED OFF, BUMPED OFF, TOOK CARE OF,"
9 AT LEAST HE SAID SOME ONE OF THOSE THREE THINGS WITH REFERENCE
10 TO LEVIN, OR THEN YOU SAID A FOURTH THING "I AM NOT SURE".

11 A OKAY. I DIDN'T SAY "WE."

12 I AM SURE -- IF I DID SAY "WE," IF I SAID IT,
13 I WAS WRONG THEN.

14 IT WAS "JIM AND I" OR "JIM" IT WAS "JIM AND I."
15 NOT "WE."

16 Q JIM AND I?

17 A AND HE SAID ONE OF THE THREE OR SOMETHING SIMILAR.
18 IT WASN'T THAT I MURDERED OR KILLED OR ANYTHING
19 LIKE THAT.

20 BUT IT WAS SOMETHING THAT THE MOST -- THE CLOSEST
21 THING THAT I CAN, WITHOUT REMEMBERING EXACTLY WHAT HE SAID,
22 WAS LIKE "TOOK CARE OF".

23 Q WE DIDN'T HAVE THE MURDER WORD USED?

24 A WE DID NOT HAVE THE MURDER WORD USED.

25 Q AND WE DIDN'T HAVE THE KILL WORD USED?

26 A WE DID NOT.

27 Q WE HAD LANGUAGE USED THAT HAD AN IMPLICATION,
28 AT LEAST FOR YOU AS A LISTENER, THAT THAT MIGHT HAVE HAPPENED?

1 A THE LANGUAGE USED LED ME TO THE CONCLUSION THAT
2 HE HAD KILLED RON LEVIN OR THAT JIM AND HE HAD KILLED RON
3 LEVIN.

4 Q OKAY. THAT WAS YOUR BELIEF AT THAT POINT?

5 A NOT IMMEDIATELY.

6 IT WAS ABOUT -- IT WAS WITHIN A MINUTE OF HIS
7 STATEMENT THAT THAT BECAME MY BELIEF.

8 Q OKAY. AND WHAT DID YOU SAY WHEN YOU HEARD THAT?

9 A I SAID NOTHING.

10 Q YOU SAID NOTHING?

11 WHAT DID EVERYBODY ELSE SAY?

12 A EVERYONE ELSE SAID NOTHING.

13 Q DIDN'T ANYBODY SAY "BOY, THAT IS A SHOCKING THING?"
14 OR "WHAT A THING TO COME AND TELL US ON A SUNDAY". NOBODY
15 SAID ANYTHING LIKE THAT?

16 A NOBODY SAID ANYTHING LIKE THAT, TO MY RECOLLECTION.

17 Q DID ANYBODY JUMP UP AND SAY, "I AM GOING TO GO
18 TO THE POLICE"?

19 A NOBODY SAID THAT.

20 Q NOBODY SAID ANYTHING?

21 A NOBODY SAID ANYTHING.

22 Q DID ANYBODY LEAVE?

23 A NOBODY LEFT.

24 Q OKAY. HOW LONG DID THE MEETING LAST AFTER THAT
25 POINT UNTIL YOU LEFT THE ROOM?

26 A I DON'T HAVE A VERY GOOD RECOLLECTION BUT I
27 BELIEVE MATTERS WERE CONTINUED TO BE DISCUSSED FOR A SHORT
28 PERIOD OF TIME AND THEN THE MEETING DISBURSED AND I LEFT
29 FAIRLY PROMPTLY AFTER THAT.

1 Q WELL, COULD YOU GIVE ME SOME TIME ESTIMATE FROM
2 THE TIME OF THIS ANNOUNCEMENT ABOUT ONE OF THOSE THREE WAYS
3 HE MIGHT HAVE SAID IT, AT THE TIME YOU LEFT THE ROOM?

4 A WITHIN 30 TO 60 MINUTES.

5 Q THIRTY TO SIXTY MINUTES YOU ARE ALL THERE. DID
6 YOU LEAVE WITH ANYONE?

7 A NO, I DID NOT. NO, I BELIEVE THAT I WAS BY
8 MYSELF.

9 Q DID YOU LEAVE FIRST OR LAST OR KIND OF IN THE
10 MIDDLE?

11 A I DON'T RECALL.

12 Q OKAY. WELL, YOU DIDN'T GO TO THE POLICE THEN,
13 AFTER YOU LEFT THE MEETING, DID YOU?

14 A NO, I DID NOT.

15 Q DID YOU DO ANYTHING IN PARTICULAR OR ANYTHING
16 DIFFERENT AFTER YOU LEFT THE MEETING?

17 A NOT THAT I RECALL, NO.

18 Q DID YOU EVER HAVE A DISCUSSION ABOUT THAT MEETING,
19 NOW, LET'S GO BETWEEN JUNE 24 AND JUNE 30TH? DID YOU DISCUSS
20 THAT MEETING WITH ANYONE?

21 A I AM SURE I DID.

22 Q WITH WHOM, SIR?

23 A I DON'T HAVE ANY SPECIFIC RECOLLECTIONS OF ANY
24 DISCUSSIONS.

25 THE COURT: I THINK THIS MIGHT BE A GOOD POINT TO GO
26 OVER FOR LUNCH.

27 LADIES AND GENTLEMEN OF THE JURY, WE'LL TAKE
28 A RECESS NOW UNTIL 1:30 THIS AFTERNOON. THE SAME ADMONITION

1 I GAVE YOU STILL APPLIES.

2 (AT 12:00 NOON AN ADJOURNMENT WAS TAKEN
3 TO RESUME AT 1:30 P.M. OF THE SAME DAY.)
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1 SANTA MONICA, CALIFORNIA; TUESDAY, FEBRUARY 24, 1987; 1:37 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 YOUR
6 EXAMINATION.

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

9 EVAN GEORGE DICKER,
10 THE WITNESS ON THE STAND AT THE TIME OF ADJOURNMENT, RESUMED
11 THE STAND AND TESTIFIED AS FOLLOWS:
12

13 CROSS-EXAMINATION (RESUMED)

14 BY MR. BARENS:

15 Q GOOD AFTERNOON, MR. DICKER.

16 A GOOD AFTERNOON.

17 Q MR. DICKER, FOLLOWING ALONG WITH YESTERDAY'S
18 TESTIMONY, YOU INDICATED THAT AFTER THE 6-24 MEETING, YOU
19 FELT THREATENED.

20 A I FELT THAT I HAD BEEN THREATENED, YES.

21 Q BY MR. HUNT, ACTUALLY?

22 A YES.

23 Q AND WHAT WAS IT THAT MADE YOU FEEL THREATENED,
24 AGAIN?

25 A AGAIN, I FELT THAT I HAD BEEN THREATENED.

26 I DIDN'T SPECIFICALLY FEEL THREATENED BECAUSE
27 I HADN'T UP UNTIL, I GUESS, DECEMBER OF 1984, COMMITTED ANY
28 ACTS THAT WERE SORT OF CONTRARY TO WHAT I HAD BEEN TOLD TO DO

1 SO I DIDN'T FEEL THREATENED UNTIL THEN.

2 I FELT THAT I HAD BEEN THREATENED BY HIS
3 STATEMENT AT THE END OF THE MEETING WHERE HE INDICATED THAT
4 PEOPLE WHO -- YOU KNOW, WHERE HE INDICATED THAT SOME VERY
5 SERIOUS THINGS HAD BEEN DISCUSSED TODAY AND PEOPLE WHO --
6 I DON'T KNOW IF IT WAS -- I DON' T REMEMBER THE EXACT WORDS
7 USED -- BUT WOULD BE DEALT WITH IF, YOU KNOW, THEY TALKED
8 WITH OTHER PEOPLE.

9 Q THAT IS ALL YOU REMEMBER HIM SAYING?

10 A THAT'S CORRECT.

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1 Q NOW, EVERYONE IN THAT ROOM DID NOT SUBSCRIBE TO
2 THE PARADOX PHILOSOPHY, DID THEY?

3 A I DON'T KNOW WHAT OTHER PEOPLE SUBSCRIBED TO OR
4 DIDN'T SUBSCRIBE TO.

5 Q SO YOU COULDN'T TELL ME FOR INSTANCE WHETHER OR
6 NOT THE MAY BOYS BELIEVED IN THE PARADOX PHILOSOPHY?

7 A I COULD NOT.

8 Q YOU DIDN'T KNOW? YOU HAD NEVER DISCUSSED WITH
9 ANYBODY IN THAT ROOM WHETHER THEY BELIEVED IN IT OR NOT?

10 A I DID DISCUSS WITH SOME PEOPLE WHETHER OR NOT
11 THEY DID OR DIDN'T BELIEVE IN IT.

12 Q DID YOU DISCUSS WITH ANYONE IN THAT ROOM THAT
13 TOLD YOU THAT THEY DID NOT?

14 A AT WHICH TIME?

15 Q AT ANY POINT IN TIME PRIOR TO THIS MEETING, SIR?

16 A PRIOR TO THAT MEETING, NONE OF THE PEOPLE I SPOKE
17 TO INDICATED THAT THEY DID NOT SUBSCRIBE TO PARADOX PHILOSOPHY.

18 Q INCLUDING JEFF RAYMOND?

19 A INCLUDING JEFF RAYMOND.

20 Q YOU HAD A SENSE FROM HIM THAT HE DID SUBSCRIBE
21 TO THAT BELIEF SYSTEM?

22 A I DIDN'T INDICATE THAT I SAID HE HAD NEVER PRIOR
23 TO THAT MEETING, STATED THAT HE DID NOT SUBSCRIBE TO IT.

24 I DON'T IN RECOLLECTION -- I WOULD STATE THAT
25 HE APPEARED TO BELIEVE IN IT, THOUGH I CANNOT SAY FOR CERTAIN
26 THAT HE DID, IN FACT.

27 Q DO YOU HAVE SOME SENSE?

28 A PRIOR TO THE MEETING OF JUNE 24?

1 Q RIGHT. DID YOU HAVE SOME SENSE THAT THE BELIEF
2 IN THE PARADOX PHILOSOPHY WOULD KEEP PEOPLE IN THAT MEETING,
3 AT THAT POINT IN TIME, FROM SAYING ANYTHING TO ANYBODY ABOUT
4 WHAT THEY HAD HEARD IN THAT MEETING?

5 A I AM NOT SURE.

6 Q YOU ARE NOT SURE?

7 A I KNOW IN MY CIRCUMSTANCE, IT DID.

8 Q IT DID TO YOU?

9 A YES.

10 Q WOULD YOU TELL ME WHY?

11 A BECAUSE I WOULD STILL SAY AT THAT PARTICULAR TIME,
12 I BELIEVED -- YES, IT WAS YESTERDAY I GUESS THAT I SAID, THAT
13 JOE AS AN INDIVIDUAL WAS IMPORTANT TO ME, THAT HIS CONTINUATION
14 WAS IMPORTANT TO ME AND SO I WOULD TAKE STEPS REASONABLY AIMED
15 TO FURTHER THAT END OR FURTHER JOE'S EXISTENCE.

16 Q WHY WAS HIS CONTINUATION IMPORTANT TO YOU, SIR?

17 A BECAUSE I FELT, YOU KNOW, THAT ONE, HE WAS AN
18 IMPORTANT ROLE MODEL. AND TWO, I FELT THAT MY SUCCESS IN
19 THE WORLD OR MY SUCCESS IN THE WORLD COULD BE BASED UPON HIS
20 SUCCESS.

21 Q IN OTHER WORDS, AS A RESULT OF HIS CONTINUING
22 FINANCIAL SUCCESS OR AT LEAST POTENTIAL FINANCIAL SUCCESS,
23 THAT COULD ENHANCE YOUR FINANCIAL SUCCESS?

24 A YES.

25 Q AND I GUESS BY DECEMBER OF 1984, THAT NO LONGER
26 APPEARED TO BE TRUE TO YOU?

27 A BY -- EXCUSE ME? BY DECEMBER OF 1984, IT WAS
28 NO LONGER TRUE. CORRECT.

1 Q BY THEN, YOU HAD DETERMINED ANOTHER AGENDA, I
2 PRESUME, IN YOUR LIFE, THAT WOULD LEAD TO FINANCIAL SUCCESS?

3 A NOT NECESSARILY. BUT --

4 Q YOU WENT TO LAW SCHOOL, FINISHED LAW SCHOOL OR
5 SOMETHING?

6 A WELL, I WAS ALWAYS GOING TO LAW SCHOOL. I MEAN,
7 SINCE I BEGAN LAW SCHOOL.

8 Q BUT AT LEAST BY DECEMBER, CERTAINLY THE BBC OR
9 ANY OF ITS ACTIVITIES NO LONGER PLAYED A ROLE IN THE
10 ANTICIPATED FINANCIAL SUCCESS, DID THEY, MR. DICKER?

11 A THAT'S VERY TRUE.

12 Q NOW, WHEN YOU SAY, GETTING BACK TO THAT 6-24
13 MEETING, THAT YOU FELT THREATENED BECAUSE YOU HEARD SOME
14 LANGUAGE THAT WENT TO THE EFFECT THAT PEOPLE WOULD BE DEALT
15 WITH, YOU SAY?

16 A AT THE 6-24 MEETING, AGAIN, I DID NOT FEEL
17 THREATENED. I FELT THAT I HAD BEEN THREATENED.

18 Q YOU MEAN BECAUSE THERE WAS AN ACTIVITY THAT HUNT
19 ALLEGEDLY HAD BEEN ENGAGED IN, THAT COULD REFLECT ON YOU
20 SOMEHOW?

21 A NO, BECAUSE OF JOE'S STATEMENTS THAT I DID CERTAIN
22 ACTS, I WOULD BE DEALT WITH. I FELT THAT THAT HAD BEEN A
23 THREAT. I FELT THAT IF I DO THOSE ACTS, THEN I WOULD BE
24 THREATENED.

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7-1

1 Q AND WERE THOSE STATEMENTS MADE TO YOU DIRECTLY
2 OR TO THE GROUP ASSEMBLED?

3 A THEY WERE MADE TO THE GROUP ASSEMBLED.

4 Q AND AFTER THAT MEETING, DID PEOPLE TELL YOU THEY
5 FELT THREATENED?

6 A I DON'T RECALL SPECIFICALLY ANYONE STATING THAT
7 THEY HAD FELT THREATENED.

8 Q DID YOU HAVE A STATE OF MIND THAT EVERYBODY IN
9 THAT ROOM WAS GOING TO BE KILLED?

10 A NO, I DID NOT.

11 Q NOW LATER ON FOLLOWING YOUR TESTIMONY, YOU SAID
12 THAT THERE WAS A MEETING WHEREIN HUNT TOLD YOU ABOUT THE
13 CIRCUMSTANCES IN WHICH LEVIN HAD SIGNED THE CONTRACTUAL
14 AGREEMENT?

15 A I -- NO, IT WASN'T A CONTRACTUAL AGREEMENT AND --

16 Q OR THE OPTION?

17 A THE CHECK, THE 1.5 MILLION DOLLARS.

18 Q JUST THE CHECK WAS ALL THAT WAS DISCUSSED AT
19 THAT MEETING?

20 A THAT WAS ALL THAT HAD BEEN DISCUSSED AT THE
21 MEETING.

22 I DON'T RECALL IT BEING A MEETING PER SE. JUST
23 A CONVERSATION BETWEEN THE TWO OF US.

24 Q WAS ANYONE ELSE PRESENT?

25 A I DON'T BELIEVE SO.

26 Q OKAY. AND AFTER THAT, YOU TOLD OF ANOTHER
27 DISCUSSION WHERE YOU WERE TOLD THAT MR. LEVIN HAD BEEN DISPOSED
28 OF IN ACID; IS THAT TRUE?

1 A I DON'T KNOW IF I USED THE WORD "DISPOSED."
2 IT WAS SOMETHING THAT THEY HAD DISPOSED -- YES,
3 THEY HAD DISPOSED OF THE BODY WITH ACID.

4 Q WHEN DID THAT HAPPEN?

5 A I BELIEVE THAT HAPPENED SUBSEQUENT TO THE
6 CONVERSATION DEALING WITH THE DURESS AND I BELIEVE WITHIN
7 A COUPLE OF WEEKS OF THE MEETING OF JUNE 24, 1984.

8 Q WHO WAS PRESENT AT THAT MEETING?

9 A JUST MYSELF AND MR. HUNT. AND, AGAIN, IT WASN'T
10 NECESSARILY A MEETING. JUST A CONVERSATION.

11 Q WHY WERE YOU THE ONLY ONE PRESENT NOW AT BOTH
12 OF THOSE SITUATIONS WHERE WE TALK ABOUT THE SIGNING UNDER
13 DURESS AND WE TALK ABOUT THE ACID AND YOU WERE THE ONLY ONE
14 PRESENT AT THAT RAINCOAT CONVERSATION, WEREN'T YOU?

15 A THAT IS CORRECT.

16 Q WHY, DO YOU HAVE ANY SENSE OF THAT?

17 A WELL, IN THE THREE SPECIFIC INSTANCES, BECAUSE
18 I MADE -- I ASKED THE QUESTION. NO ONE ELSE HAD HIS RAINCOAT
19 TO ASK HIM, TO TELL HIM HE HAS HIS RAINCOAT.

20 Q WHAT ABOUT THE CHECK?

21 A THE CHECK, I WAS ONLY -- I KNEW I HARBORED A
22 SUSPICION ABOUT RON LEVIN'S VERACITY IN BUSINESS DEALINGS
23 SO I MADE AN INQUIRY BASED ON MY SUSPICION.

24 Q THAT WAS THE FIRST TIME YOU HAD EVER ASKED ABOUT
25 THE CHECK?

26 A I DON'T RECALL IF I HAD ASKED ABOUT THE CHECK
27 ON OTHER -- YOU KNOW, I DON'T REMEMBER SPECIFICALLY SAYING,
28 "HAS THE MONEY COME IN FROM THE CHECK" OR ANYTHING ELSE.

1 Q SO NOW WHERE ARE WE IN POINT OF TIME, ARE WE
2 IN SEPTEMBER, OCTOBER?

3 A IF WE ARE DEALING WITH EITHER THE CHECK -- THE
4 CONVERSATION DEALING WITH THE CHECK OR THE CONVERSATION
5 DEALING WITH THE BODY, WE WOULD PROBABLY STILL BE IN JULY
6 AND POSSIBLY EVEN THE END OF JUNE.

7 Q AND THAT IS THE FIRST TIME WHERE YOU ASKED ABOUT
8 THE CASHING OR THE CIRCUMSTANCES SURROUNDING THE EXECUTION
9 OF THE CHECK?

10 A I BELIEVE SO.

11 Q HAD ANYONE ELSE ASKED, TO YOUR KNOWLEDGE? TO
12 YOUR KNOWLEDGE, HAD ANYONE ELSE ASKED ABOUT THAT PRIOR TO
13 THAT DAY?

14 A NOT TO MY KNOWLEDGE.

15 Q OKAY. WHEN YOU WERE TOLD THE STORY ABOUT THE
16 ACID, WHERE ARE YOU?

17 A I BELIEVE I AM IN THE OFFICE, THOUGH I MIGHT
18 HAVE BEEN SOME -- IN THE AREA SURROUNDING THE OFFICE.

19 Q AND WHEN YOU HEAR THAT, WHAT DO YOU SAY?

20 A I THINK MY INITIAL REACTION WAS, WHERE THEY WOULD
21 GET THE ACID TO DISPOSE OF THE BODY, AND I THINK --

22 Q ASIDE --

23 THE COURT: LET HIM FINISH, WILL YOU, PLEASE?

24 MR. BARENS: OH, SORRY, YOUR HONOR.

25 THE WITNESS: I THINK I EVEN ASKED JOE THAT AND I THINK
26 HE STATED THAT IT WAS COMMONLY AVAILABLE.

27 Q BY MR. BARENS: I SEE.

28 AND YOU SAID?

1 A I DON'T RECALL.

2 Q WELL, YOU MEAN WHEN HE TELLS YOU THAT THEY HAVE
3 DONE AWAY WITH THIS FELLOW IN ACID AND WHATNOT, YOUR SOLE
4 INQUIRY IS, "WHERE WOULD YOU GET THE ACID?"

5 A I THINK SO.

6 Q THAT WAS ALL YOU SAID?

7 A UH-HUH.

8 MR. WAPNER: IS THAT YES?

9 THE WITNESS: YES, THAT IS YES.
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1 Q BY MR. BARENS: AND WITH THAT STATEMENT AND THAT
2 QUESTION, THE CONVERSATION ENDED?

A I DON'T -- I DON'T NECESSARILY KNOW IF THE
3 CONVERSATION ENDED, BUT I DON'T RECALL ANY OTHER THINGS THAT
4 WERE DISCUSSED WITH REGARDS TO MR. LEVIN'S BODY AND DISPOSING
5 OF IT.
6

7 Q WERE YOU UPSET WHEN YOU HEARD THAT?

8 A I KIND OF -- I THOUGHT ABOUT IT FOR A WHILE AND
9 IT SEEMED -- I GUESS I HAD SOME SORT OF A PICTURE IN MY MIND
10 OF THAT AND IT SEEMED IT WAS A LITTLE STRANGE TO ME.

11 Q LITTLE STRANGE INDEED.

12 DID YOU SAY ANYTHING TO HUNT LIKE, "KIND OF AN
13 UNSAVORY THING TO DO" OR ANYTHING LIKE THAT?

14 A AGAIN, CONSIDERING MY, YOU KNOW, -- YOU KNOW,
15 MY POSITION THAT I FELT IN RELATIONSHIP TO MR. HUNT, NO, I
16 DID NOT.

17 Q AND YOU DIDN'T SAY ANYTHING ELSE TO ANYBODY ELSE
18 ABOUT THAT, DID YOU?

19 A I DON'T RECALL TELLING ANYBODY ELSE THAT THEY
20 HAD PUT THE BODY IN OR DISPOSED OF THE BODY WITH ACID.

21 Q NOBODY ELSE TO YOUR KNOWLEDGE --

22 DID ANYBODY ELSE HEAR THAT STORY ABOUT THE ACID?

23 A I DON'T KNOW THAT. TO MY KNOWLEDGE, I DON'T
24 KNOW OF ANYONE ELSE HEARING THAT STORY.

25 Q WHEN YOU HEARD THAT, THAT DIDN'T PROMPT YOU TO
26 GO TO THE POLICE ABOUT IT?

27 A NO.

28 Q YOU DIDN'T LEAVE THE BBC AT THAT POINT, DID YOU?

1 A NO, I DID NOT.

2 Q DID YOU BELIEVE IT?

3 A I BELIEVED THAT -- I WASN'T QUITE SURE IF THEY
4 HAD ACTUALLY. YOU KNOW, MY FIRST THOUGHT WAS, YOU KNOW, I
5 IMAGINED SORT OF LIKE PLACING THE ENTIRE BODY IN A VAT OF
6 ACID AND THAT DIDN'T RING A BELL TO ME. BUT I ALSO -- I
7 FIGURED MAYBE THEY HAD, YOU KNOW, BURNED OFF PARTS OF THE
8 SKIN OR FINGERPRINTS OR SOMETHING WITH THE ACID AND SO THAT
9 MADE SENSE TO ME, SO I BELIEVED THAT, YES.

10 Q YOU DID BELIEVE THAT?

11 A YES.

12 Q BUT YOU DIDN'T BELIEVE HE JUST PUT HIM IN A VAT
13 OF ACID AND SOMETHING LIKE THAT AND HE COMPLETELY DISAPPEARED?

14 A THAT'S CORRECT.

15 Q YOU DIDN'T BELIEVE THAT?

16 A NO, BUT THAT IS NOT WHAT JOE SAID TO ME.

17 Q OF COURSE NOT.

18 AFTER HE SAID THAT TO YOU, WHAT DID YOU DO, JUST
19 KEEP WORKING AS YOU WERE?

20 A I DON'T KNOW IF WE WERE WORKING. I DON'T KNOW
21 IF WE WERE WALKING TO THE STORE TO GET A SODA. I RECALL BEING
22 SOMEWHERE IN THE AREA OF THE OFFICE SO I DON'T REMEMBER WHERE
23 THE CONVERSATION TOOK FROM THERE.

24 THE CONVERSATION TOOK PLACE ALMOST THREE YEARS
25 AGO AND PART OF IT -- YOU KNOW, SOME PARTS OF IT STUCK IN
26 MY MIND BECAUSE FOR OBVIOUS REASONS AND, YOU KNOW, THE
27 REMAINDER OF THE CONVERSATION, I JUST, I DO NOT RECALL.

28

1 Q OKAY. BUT IT CERTAINLY DIDN'T PROMPT YOU TO DO
2 ANYTHING, DID IT?

3 A IT DID NOT.

4 Q IT DIDN'T I SUPPOSE, CHANGE YOUR ASSESSMENT OF
5 MR. HUNT?

6 A IT DID NOT.

7 Q ALL RIGHT, AFTER THAT, YOU TALKED ABOUT THIS
8 CONVERSATION ABOUT THE RAINCOAT?

9 A I DON'T -- I AM NOT -- I BELIEVE THE CONVERSATION --
10 YES. THERE WAS THE CONVERSATION OF THE RAINCOAT. AND THE
11 CONVERSATION DEALING WITH MR. RAYMOND AND THOSE TOOK PLACE
12 VERY CLOSE TO EACH OTHER. I AM NOT 100 PERCENT SURE WHICH
13 ONE WAS FIRST AND WHICH ONE WAS AFTER.

14 Q AFTER YOU HAD THE CONVERSATION ABOUT THE RAINCOAT,
15 DID YOU HAVE A LOOK AT THE RAINCOAT?

16 A I THINK THAT EVENING, I -- ACTUALLY, I KNOW THAT
17 EVENING, JOE JUST CAME OVER AND PICKED UP THE COAT. SO I
18 NEVER LOOKED AT IT AFTER MY CONVERSATION ABOUT THE RAINCOAT.

19 Q DID YOU BELIEVE WHAT HE TOLD YOU ABOUT THE
20 RAINCOAT?

21 A YEAH. I KIND OF DID BECAUSE YOU KNOW, IF HE HAD
22 NOT, YOU KNOW, WITHOUT THE IMPROVISO (SIC) HE HAD IT
23 DRYCLEANED OR CLEANED, IF HE JUST SAID THAT RON LEVIN'S
24 BRAINS WERE SMEARED ON IT, I WOULD THINK IT WOULD BE BIZARRE
25 THAT HE WOULD WEAR IT TO MY BIRTHDAY PARTY.

26 BUT SINCE HE ADDED THAT PART, IT MADE SENSE AND
27 IT SEEMED POSSIBLE THAT IT HAD BEEN USED TO PROTECT HIS HEAD
28 OR SOMETHING AND IT GOT BUMPED AROUND OR I DON'T KNOW EXACTLY

3A-2
1 HOW HE MET HIS DEMISE, BUT POSSIBLY SOMETHING THAT MIGHT ALLOW
2 THE COAT TO BECOME SMEARED THAT WAY.

3 Q OKAY. WITH THAT IN MIND, ARE YOU TELLING ME THAT
4 YOU BELIEVED ANYTHING AND EVERYTHING THAT HUNT TOLD YOU?

5 A IF HE TOLD ME THAT TODAY WAS FRIDAY, I WOULDN'T
6 BELIEVE HIM. AND IF BACK THEN, HE HAD TOLD ME, YOU KNOW,
7 SOMETHING THAT WAS OBVIOUSLY FALSE --

8 Q HOW ABOUT BLACK IS WHITE?

9 A WELL, IF YOU DON'T -- I MEAN, BLACK AND WHITE
10 ARE JUST -- IF THEY ARE JUST PHILOSOPHICAL POSITIONS, THEN
11 I MEAN, THEY CAN ALWAYS BE THE SAME AND THEY CAN ALWAYS
12 INTERCHANGE AND THEY REALLY ARE ONLY -- BLACK IS WHITE IS
13 ONLY UNDERSTOOD IN CONNECTION WITH EVERYTHING BEING A SHADE
14 OF GRAY IN BETWEEN.

15 Q WELL, WE HAD A PROBLEM YESTERDAY IN UNDERSTANDING
16 WHEN A PERSON WHO SUBSCRIBES TO THE PARADOX PHILOSOPHY IS
17 TELLING THE TRUTH. I AM TRYING TO GET SOME BETTER
18 UNDERSTANDING OF WHEN YOU HAD A SIGNAL THAT ENABLED YOU TO
19 KNOW HUNT WAS TELLING THE TRUTH?

20 A I THOUGHT ABOUT THAT ALSO A LOT BECAUSE YOU KNOW,
21 IT BROUGHT SOME THOUGHTS TO ME. I THINK YOU GAVE ME AN IDEA
22 THAT I THINK WAS PARTICULARLY IMPORTANT, THAT THE OBJECTS
23 OF THE PERSON'S -- THAT THE PERSON'S GOALS BECOME VERY
24 IMPORTANT IN TELLING WHETHER OR NOT THEY ARE TELLING THE
25 TRUTH.

26 AND SO, USING THAT AND YOU KNOW, RETHINKING
27 THINGS OVER, IT DID MAKE SENSE TO ME IN THESE INSTANCES I
28 JUST DISCUSSED, THAT HE WAS TELLING THE TRUTH.

A-3

1 Q BECAUSE THE OBJECT WAS, THE WAY YOU PERCEIVED
2 IT SIR, TO --

3 A WELL, I DON'T UNDERSTAND EXACTLY WHY HE TOLD
4 EVERYBODY WHAT HE HAD DONE TO RON LEVIN. I GUESS THE JOKE
5 I HAD MADE AT TIMES, WAS WHY BOTHER COMMITTING THE PERFECT
6 CRIME IF YOU CAN'T TELL YOUR FRIENDS.

7 Q INDEED.

8 A I THINK THAT THERE WAS SOME BRAGGING IN IT.
9 I THINK ALSO IT WAS ALMOST SORT OF LIKE AN EAGLE RETURNING
10 TO THE NEST WITH FOOD, YOU KNOW, FOOD THAT HE HAS NOT EATEN
11 HIMSELF BUT IS BRINGING TO THE CHILDREN.
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-4
1 Q AND A PART OF THAT FOOD WOULD BE A MILLION FIVE,
2 SIR?

3 A YES. THAT WOULD BE IT. YES, IT WAS SORT OF LIKE
4 A STATEMENT OF "I HAVE DONE THIS FOR YOU, NOW YOU SHOULD
5 FOLLOW ME ALL THAT MUCH MORE."

6 Q ABSOLUTELY.

7 THE COURT: LET'S CUT OUT THE REMARKS AFTER THE ANSWERS.
8 JUST ASK THE QUESTIONS.

9 MR. BARENS: SURE.

10 Q WE HAVE GOT THIS -- THANK YOU, YOUR HONOR.

11 WE HAVE GOT THIS SITUATION WHERE HE COMES BACK
12 AND TELLS YOU FELLOWS A STORY THAT YOU INTERPRET AS HIM
13 SAYING, "I DID THIS FOR YOU."

14 DID YOU HAVE THAT STATE OF MIND?

15 A I PERCEIVED THAT THAT WAS ONE OF THE MESSAGES --
16 WELL, I DIDN'T PERCEIVE IT AS BEING THE SOLE MESSAGE. THAT
17 WAS ONE OF THE MESSAGES THAT I PERCEIVED.

18 Q DID YOU FEEL AMONG HUNT'S IMPORTANT ASPECTS ON
19 HIS AGENDA OF THINGS, OBJECTIVES THAT YOU JUST REFERRED TO,
20 DID HE HAVE AN OBJECTIVE TO REMAIN AS THE LEADER, SPIRITUAL
21 AND TEMPORAL OF THE BBC?

22 A YES HE DID.

23 Q AND DID HE WANT TO APPEAR AS THE CARETAKER FOR
24 THE BBC?

25 A I THINK THAT HE WOULD HAVE BEEN HAPPY IF MORE
26 PEOPLE WERE PUTTING IN THEIR MONEY. I DON'T THINK HE HAD
27 TO BE THE EXCLUSIVE MONEY PROVIDER, IF YOU LIKE, OF THE BBC.
28 BUT I THINK IT WAS -- I THINK CENTRAL CONTROL AND POWER AND

1 LEADERSHIP WERE VERY IMPORTANT TO HIM.

2 Q AND THAT SEEMS TO BE IMPORTANT AT ALL TIMES, THE
3 WAY HE CONDUCTED HIMSELF AROUND THE OFFICE AND PERHAPS LED
4 MEETINGS AND ADDRESSED PEOPLE?

5 A I THINK THOSE WERE INDICATIONS OF THE IMPORTANCE
6 THAT HE FELT FOR THAT POSITION, YES.

7 Q AND THE NATURE OF HIS OFFICE AND THE WAY HE WAS
8 TREATED IN I SUPPOSE, SOME DEFERENTIAL MANNER, WOULD BE
9 CONSISTENT WITH THAT?

10 A YES. IT WOULD BE.

11 Q AND I BELIEVE OR AT LEAST I UNDERSTAND THAT YOU
12 PEOPLE WOULD DISAGREE WITH HIM?

13 A PEOPLE DID DISAGREE WITH HIM, YES.

14 Q WHEN THEY DISAGREED, HOW DID THINGS WORK OUT?

15 A IN GENERAL, THE WAY AS I RECALL, THE WAY JOE
16 WANTED THEM.

17 Q DID YOU SENSE THAT HE HAD SOME SORT OF VETO
18 AUTHORITY, PERHAPS SELF-SUBSCRIBED, DURING DECISION-MAKING
19 PROCESSES?

20 A I FELT NOT NECESSARILY A VETO, SINCE THE THREE
21 SHADINGS WERE YOU KNOW, SORT OF IN CHARGE OF THE BBC FROM
22 A PHILOSOPHICAL STANDPOINT AND THE BUSINESS ALL FLOWED FROM
23 THE PHILOSOPHY. THEN THE SHADINGS TO A CERTAIN DEGREE WOULD
24 ALSO CONTROL THE BUSINESS. AND IT APPEARED THAT THE
25 DECISIONS MADE BY THE SHADINGS WERE GENERALLY MADE -- JOE'S
26 OPINION GENERALLY PREVAILED AND THE SHADINGS EVENTUALLY AGREED
27 WITH HIM.

28 Q BECAUSE JOE WAS IN FACT, THE FIRST SELF-APPOINTED

8-6
1 SHADING?

2 A HE WAS IN FACT, THE FIRST SELF-APPOINTED SHADING
3 BUT NOT BECAUSE OF THAT FACT.

4 BUT IT SEEMED MORE THAT THEY JUST -- IF THERE
5 WAS ANY RESISTANCE BY ONE OF THEM, HE WOULD GET THE OTHER
6 IN HIS CORNER AND THEN THOSE TWO WOULD GET THE THIRD TO AGREE.

7 Q OKAY. YOU MENTIONED THIS MORNING IN TESTIMONY
8 THAT THERE WAS AN APPEARANCE AS TO CORPORATE STRUCTURE, FOR
9 INSTANCE IN THE STOCK ISSUANCE ON MICROGENESIS.

10 AND THEN I BELIEVE IN RESPONSE TO HIS HONOR'S
11 INQUIRY, YOU INDICATED THAT THE CORPORATE STRUCTURES WERE
12 A RESULT OF AN INDICATION YOU HAD GOTTEN FROM HUNT AS TO HOW
13 THINGS SHOULD BE?

14 A I WAS INSTRUCTED BY MR. HUNT OF HOW THEY SHOULD
15 BE.

16 Q AND THUSLY, IRRESPECTIVE OF THE APPARENT SHARE
17 OWNERSHIP IN THESE ENTITIES, WOULD IT BE YOUR TESTIMONY THAT
18 IRRESPECTIVE OF THEIR APPEARANCE AT LAW, THE REALITY WAS THAT
19 IT ENDED UP THAT WAY BECAUSE OF SOMETHING HUNT CONSTRUCTED?

20 A I DIDN'T UNDERSTAND THAT QUESTION.

21 Q WELL, YOU HAVE SHAREHOLDERSHIPS. I SUBMIT TO
22 YOU MR. DICKER, THAT IF MICROGENESIS -- THAT DOESN'T PUT
23 MR. HUNT IN A CONTROLLING POSITION AS FAR AS WHAT WE CALL
24 A MAJORITY SHAREHOLDER. IS THAT TRUE?

25 A THAT IS -- I AM JUST TRYING TO THINK. I AM JUST
26 THINKING THAT -- NO. YOUR STATEMENT IS CORRECT.

27
28

1 Q AND I BELIEVE, SIR, WOULD THAT ALSO NOT BE TRUE
2 WITH REFERENCE TO WESTCAR, INC., WESTCAR OF NORTH AMERICA,
3 INC.?

4 A I DON'T REMEMBER HOW THE SHARES IN WESTCARS WERE
5 ISSUED.

6 MR. BARENS: IF I MIGHT APPROACH THE WITNESS, I WANT
7 TO GET TO THAT TOPIC, YOUR HONOR.

8 THE COURT: GO AHEAD.

9 MR. BARENS: THANK YOU, YOUR HONOR.

10 Q MR. DICKER, I SHOW YOU WHAT APPEAR TO BE SHARE
11 CERTIFICATES OF WESTCARS OF NORTH AMERICA.

12 MR. BARENS: I THINK I AM AT M, I BELIEVE I AM AT M,
13 YOUR HONOR.

14 THE COURT: YES, THAT WOULD BE M, YES.

15 Q BY MR. BARENS: DO YOU RECOGNIZE THESE DOCUMENTS,
16 MR. DICKER?

17 A YES, THESE APPEAR TO BE SHARE CERTIFICATES OR
18 STOCK CERTIFICATES FROM WESTCARS OF NORTH AMERICA.

19 Q AND DID YOU PREPARE THOSE SHARE CERTIFICATES,
20 SIR?

21 A THEY APPEAR TO BE PREPARED BY ME AND COUNTERSIGNED
22 BY THE PRESIDENT, STEVE TAGLIANETTI.

23 Q DO YOU SEE A FAMILIAR SIGNATURE ON THESE PAPERS?

24 A YES, I DO.

25 Q WHOSE?

26 A IT APPEARS TO BE MY SIGNATURE.

27 Q AND WOULD YOU JUST GO THROUGH AND IDENTIFY --

28 AND I WILL MARK THESE SUBSEQUENTLY, YOUR HONOR --

1 JUST BRIEFLY GIVE THE NAME ON THE SHARE
2 CERTIFICATE AND THE AMOUNT OF SHARES, SIR.

3 A YES.

4 - CERTIFICATE NUMBER 3 ISSUES 29 SHARES TO DEAN
5 L. KARNY.

6 CERTIFICATE NUMBER 4 ISSUES 20 SHARES TO TOM
7 FRANK MAY.

8 CERTIFICATE NUMBER 5 ISSUES AN ADDITIONAL 20
9 SHARES TO DEAN L. KARNY.

10 CERTIFICATE NUMBER 6 ISSUES AN ADDITIONAL 20
11 SHARES TO TOM FRANK MAY.

12 CERTIFICATE NUMBER 7 ISSUES AN ADDITIONAL 11
13 SHARES TO TOM FRANK MAY.

14 MR. BARENS: YOUR HONOR, I HAVE MARKED THOSE M-1
15 THROUGH 5 IN THE SAME ORDER TO WHICH THE WITNESS REFERENCED
16 THEM.

17 Q BY MR. BARENS: WERE THERE ANY OTHER SHARE
18 CERTIFICATES IN WESTCARS OF NORTH AMERICA THAT YOU REMEMBER?

19 A THERE ARE NONE THAT I RECALL BESIDES THOSE.

20 Q AND THIS WOULD ACCOUNT FOR ALL OF THE SHARE
21 OWNERSHIP IN THAT ENTITY, SIR?

22 A IF IT -- I THINK IT WAS 19, 11 AND THREE 20'S,
23 SIR.

24 Q QUITE SO.

25 A THEN THAT WOULD BE 100 AND THAT WOULD INDICATE
26 ALL OF THE SHARES THAT ARE AUTHORIZED TO BE ISSUED.

27 Q OKAY, IT ADDS UP TO A HUNDRED PERCENT.

28 I NOTE MR. HUNT'S NAME IS NOT ON THOSE SHARE

1 CERTIFICATES?

2 A THAT IS CORRECT.

3 Q AND IS THAT BECAUSE HE TOLD YOU THAT THESE SHOULD
4 ALL BE ISSUED TO SOMEONE ELSE?

5 A HE TOLD ME TO ISSUE THOSE IN THAT MANNER, YES.

6 Q DO YOU KNOW IF THAT IS A DECISION MADE IN A
7 SINGULAR SENSE OR IS THAT AN AGREEMENT IN SOME BUSINESS SETTING
8 AFTER DISCUSSION WITH OTHER PEOPLE?

9 A I ACTUALLY RECALL THERE WERE SOME OPTIONS GIVEN
10 INDIVIDUALS FOR TURNING OVER THEIR PINK SLIPS TO WESTCARS
11 OF NORTH AMERICA AND I DO NOT KNOW IF THOSE SHARES WERE ISSUED
12 PURSUANT TO THOSE OR IF THOSE SHARES WERE JUST ISSUED BY A
13 SINGULAR DECISION.

14 Q SO THE ANSWER TO MY QUESTION IS YOU DON'T KNOW?

15 A THE ANSWER TO YOUR QUESTION IS I DON'T KNOW.

16 Q BUT IF HE DIDN'T HAVE SHARE CERTIFICATES IN
17 WESTCAR, AND HE DIDN'T HAVE CONTROLLING SHARES IN MICROGENESIS,
18 HOW WAS HE ABLE TO RUN THESE BUSINESSES, IF IT IS YOUR TESTIMONY
19 THAT NO MATTER WHAT THEY APPEAR TO BE, HE WAS MERELY IN CONTROL,
20 HOW DID HE DO THAT?

21 A WELL, BASICALLY BY TWO WAYS.

22 IT WAS MY RECOLLECTION HE DID HAVE THE CONTROLLING
23 PROXY IN SELDON.

24 Q DO YOU HAVE ANYTHING TO THAT EFFECT?

25 A I DON'T HAVE ANYTHING TO THAT EFFECT.

26 Q WELL, OKAY. YOU HAD A PRESUMPTION TO THAT EFFECT?

27 A THAT WAS MY PRESUMPTION, YES AND MY VAGUE
28 RECOLLECTION ALSO THAT HE HAD TAKEN -- THAT THEY HAD BEEN

1 BASICALLY DIVIDED INTO THIRDS, EXCEPT HE HAD GOTTEN A FEW
2 EXTRA SHARES IN THE PROXY CERTIFICATE OR A FEW EXTRA POINTS
3 OR PERCENTAGES IN THE PROXY CERTIFICATES.

4 AND THE SECOND THING WAS WHILE THERE WERE VERY --
5 WHILE THERE WAS ONE BOARD OF DIRECTORS MEETING, THERE WAS
6 NEVER A SHAREHOLDER'S MEETING.

7 Q YES?

8 A THERE WERE NEVER ANY SHAREHOLDER'S MEETINGS AND
9 ALL MATTERS THAT WOULD BE DETERMINED AT SHAREHOLDER'S MEETINGS,
10 WHICH WOULD GENERALLY BE --

11 THE COURT: GO AHEAD. DON'T PAY ANY ATTENTION TO WHAT
12 THEY ARE DOING.

13 THE WITNESS: WHICH WOULD GENERALLY --

14 MR. BARENS: I AM LISTENING.

15 THE WITNESS: -- WHICH WOULD GENERALLY BE THE ELECTION
16 OF -- EXCUSE ME -- THE ELECTION OF DIRECTORS AND OFFICERS
17 WAS DONE BY JOE. HE JUST TOLD ME TO HAVE WHO WAS TO BECOME
18 THE OFFICERS AND DIRECTORS.

19 THE COURT: ONE THING HE LEFT OUT AND THAT WAS THE
20 CONSIDERATION FOR THESE SHARES OF STOCK. WERE YOU TOLD, WAS
21 ANY MONEY PASSED OR ANYTHING?

22 THE WITNESS: I THINK THE ISSUES FOR THE WESTCAR STOCK,
23 WHICH I NOTICED --

24 EXCUSE ME. COULD I SEE THE MICROGENESIS STOCK
25 CERTIFICATE AGAIN?

26 MR. BARENS: I HAVEN'T ACTUALLY SHOWN THOSE TO YOU,
27 SIR.

28 I BELIEVE THE PEOPLE DID. I FORGET WHAT THAT --

1 THE WITNESS: NO. THEY WERE SHOWN BY THE DEFENSE.

2 MR. WAPNER: THEY WERE DEFENSE EXHIBITS.

3 MR. BARENS: THE PROXY THIS MORNING --

4 THE WITNESS: NO. THE SHARE CERTIFICATES OF MICROGENESIS.

5 MR. BARENS: SURE, SORRY.

6 THE COURT: THEY HAVE THEM RIGHT THERE.

7 MR. BARENS: I AM HANDING THE WITNESS TWO SHARE

8 CERTIFICATES, ONE AND TWO ON MICROGENESIS.

9 THE WITNESS: I THOUGHT THIS MORNING I NOTICED THAT
10 NEITHER ONE OF THEM WERE SIGNED BY THE PRESIDENT SO THAT THEY
11 MAY NOT -- THEY WERE NOT AT THAT POINT IN TIME ACTUALLY ISSUED.

12 Q BY MR. BARENS: RIGHT.

13 THE WITNESS: SO THERE WERE IN FACT NO STOCK CERTIFICATES
14 ISSUED IN MICROGENESIS.

15 Q BY MR. BARENS: EVEN THOUGH THERE APPEAR TO BE?

16 A WELL, I BELIEVE MICROGENESIS, OBVIOUSLY
17 WEREN'T -- BUT THEY STILL HAVE TO BE SIGNED BY THE PRESIDENT.

18 Q RIGHT.

19 A SO ABSENT THAT, THERE WAS PROBABLY NO ISSUANCE
20 OF SHARES IN MICROGENESIS.

21 Q THEREFORE, BASED ON YOUR INTERPRETATION, WHO
22 WOULD OWN MICROGENESIS? DOES ANYBODY?

23 A AT THAT POINT IN TIME, NOBODY WOULD.

24 THE COURT: I'LL ASK YOU AGAIN ABOUT THE SHARES AND
25 THE AUTOMOBILES.

26 THE WITNESS: MY RECOLLECTION WAS -- AND I DON'T KNOW
27 IF THEY WERE ISSUED PURSUANT TO AN OPTION AGREEMENT, BUT THEY
28 MIGHT HAVE BEEN PURCHASED FOR TURNING OVER PINK SLIPS TO THE

1 COMPANY.

2 THE COURT: BY THOSE WHO ARE THE STOCKHOLDERS?

3 THE WITNESS: I DON'T BELIEVE SO.

4 I DON'T RECALL DEAN KARNY EVER TURNING OVER
5 ANYTHING, A PINK SLIP, EXCEPT POSSIBLY ONE TO A FIAT.

6 Q THE COURT: A PINK SLIP FOR WHAT?

7 THE WITNESS: ON HIS CAR.

8 THE COURT: ON HIS CAR?

9 THE WITNESS: YES.

10 THE COURT: ALL RIGHT. YOU DON'T KNOW WHAT HAPPENED
11 TO THE PINK SLIP, DO YOU?

12 THE WITNESS: NO, I DON'T.

13 THE COURT: ALL RIGHT, GO AHEAD.

14 Q BY MR. BARENS: ALL RIGHT, NOW YOU ARE TELLING
15 US THAT YOU BELIEVED THAT HUNT WAS IN A POSITION TO CONTROL
16 THIS MICROGENESIS THROUGH SELDON BECAUSE HE HAD RECEIVED A
17 PROXY IN EXCESS OF THE PROXY GIVEN TO THE OTHER TWO BBC PEOPLE
18 THAT WOULD ENABLE HIM TO DO THAT?

19 A THAT WAS MY RECOLLECTION, YES.

20 MR. BARENS: ALL RIGHT. IF I MIGHT APPROACH THE WITNESS,
21 YOUR HONOR?

22 THE COURT: ALL RIGHT.

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1 Q AND I HAND YOU A STATEMENT THAT I BELIEVE SAYS
2 "PROXY" AT THE TOP. CAN YOU TELL US WHAT THAT IS, SIR?

3 A THAT IS A PROXY WHICH WAS ISSUED TO JOSEPH HUNT
4 AND THE PROXY PORTION OF THAT, I READ THIS MORNING, WAS
5 CROSSED OUT.

6 SO, HE HAD AN OPTION TO PURCHASE 32 SHARES.

7 Q SO, HE HAD THE SAME NUMBER OF PROXY SHARES THAT
8 THE OTHER TWO PEOPLE HAD THIS MORNING?

9 A THAT'S CORRECT.

10 Q IS THERE SOMETHING DIFFERENT ABOUT THE HUNT
11 PROXY AS OPPOSED TO THE TWO THAT YOU SAW THIS MORNING?

12 A WELL, AS I HAD STATED JUST PRIOR TO YOUR STATEMENT,
13 THE PROXY PORTION GIVING THE RIGHTS TO VOTE IN PLACE OF MY
14 SHARES ARE CROSSED OUT. AND APPARENTLY, BY ME WITH MY --
15 WHAT APPEARS TO BE MY INITIALS NEXT TO IT.

16 Q WHEN YOU SAY THAT IT APPEARS TO BE, DO YOU BELIEVE
17 THOSE ARE IN FACT, YOUR INITIALS, SIR?

18 A YES I DO.

19 Q THEREFORE, AT LEAST BASED ON WHAT WE SEE HERE,
20 HUNT COULD NOT VOTE THIS PROXY?

21 A THAT'S CORRECT. BUT HE STILL COULD FOR \$32
22 PURCHASE THE SHARES AND HAVE COMPLETE CONTROL OVER THEM.

23 Q OVER THESE 32?

24 A YES.

25 Q THEN THE OTHER TWO GENTLEMEN YOU REFERENCED THIS
26 MORNING WOULD HAVE CONTROL OVER 32 SHARES RESPECTIVELY
27 THEMSELVES?

28 A THAT'S CORRECT.

1 Q BUT IT WOULD NONETHELESS, BE YOUR TESTIMONY THAT
2 THIS WAS SO BECAUSE OF HUNT TELLING YOU THAT YOU MAKE IT THIS
3 WAY?

4 A THAT'S CORRECT.

5 Q WOULD IT THUS BE A FAIR STATEMENT TO SAY THAT
6 HE COULD CONTROL THINGS AS FAR AS MICROGENESIS WAS CONCERNED
7 THROUGH SOME FORCE OF PERSONALITY?

8 A THAT WAS IN EFFECT, HOW HE CONTROLLED IT.

9 Q ALL RIGHT. NOW, WHEN WE GET DOWN TO IT,
10 MR. DICKER, THE WAY THINGS ARE BEING RUN IN THIS BUSINESS,
11 ARE RUN BECAUSE HUNT IS THE LEADER AND IS ABLE TO CONTROL
12 THINGS THROUGH FORCE OF PERSONALITY. IS THAT A FAIR
13 STATEMENT?

14 A I THINK IT IS A VERY FAIR STATEMENT.

15 Q AND THAT MAINTAINS SO LONG AS HE IS THE LEADER
16 IN FACT, SIR?

17 A I THINK THE TWO ARE THE SAME. I THINK THAT HE
18 CONTINUES HIS -- HE CONTINUES BEING LEADER BECAUSE OF HIS
19 CONTROL. HE CONTINUES SO I DON'T THINK SINCE THERE IS NOBODY --
20 SINCE HIS ONLY YOU KNOW, TITLE ABOVE THAT OF THE OTHER TWO
21 SHADINGS WOULD BE THE FACT THAT HE HAS THE FIRST SHADING AND
22 THAT THAT WAS -- HIS CONTROL WAS NOT BASED UPON HIS
23 LEADERSHIP BUT HIS CONTROL WAS BASED UPON HIS ABILITY TO
24 EXERT THE CONTROL.

25 Q ALL RIGHT. AND DID ALL OF THAT SEEM IMPORTANT
26 TO HIM?

27 A HE SEEMED TO ENJOY THE POSITION AND THE CONTROL
28 AND THE POWER.

A 7
1 Q DID YOU CONSIDER HIM TO BE FROM AN ANALOGOUS
2 SOCIO-ECONOMIC BACKGROUND TO YOU?

3 A I NEVER CONSIDERED IT.

4 Q YOU NEVER DID?

5 A NO.

6 Q DO YOU KNOW HOW THE OTHER BOYS FELT IN THAT REGARD,
7 PERHAPS THE MAY BROTHERS?

8 MR. WAPNER: OBJECTION, CALLING FOR SPECULATION.

9 MR. BARENS: ONLY ANSWER THAT QUESTION IF YOU KNOW,
10 BASED ON ANY COMMENTS MADE TO YOU, SIR.

11 THE WITNESS: NO. I DID NOT HEAR ANY COMMENTS. WAIT,
12 CAN I POSSIBLY HAVE A REFERENCE IN TIME?

13 Q BY MR. BARENS: AT ANY TIME BETWEEN THE TIME YOU
14 STARTED YOUR PARTICIPATION IN THE BBC AND SAY, DECEMBER OF
15 1984, SIR?

16 A I NEVER HEARD THE MAYS SAY ANY COMMENTS IN REGARDS
17 TO DIFFERENCES IN SOCIO-ECONOMIC BACKGROUNDS BETWEEN THEMSELVES
18 AND MR. HUNT.

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A-4
1 Q ALL RIGHT. DID YOU HEAR OTHER DISCUSSIONS ABOUT
2 MR. HUNT IN THAT REGARD FROM ANYONE?

3 A DURING THAT PERIOD OF TIME, NO.

4 Q ALL RIGHT. HAVE YOU AT ANY PERIOD OF TIME, HEARD
5 THAT TYPE OF DISCUSSION?

6 A I THINK I MAY AT SOME TIME HAVE READ SOMETHING
7 DISCUSSING THE DIFFERENCES IN THE BACKGROUNDS, SUBSEQUENT
8 TO DECEMBER OF 1984.

9 Q I SEE. BUT NO DISCUSSION BETWEEN BBC MEMBERS,
10 IS I BELIEVE WHAT YOU ARE TELLING ME?

11 A THAT'S CORRECT.

12 Q OKAY. NOW, YOU DISCUSSED YESTERDAY, A MEETING
13 OF SORTS WHEREIN IT WAS DISCUSSED, I THINK YOU ATTRIBUTED
14 IT TO HUNT, THAT MR. RAYMOND'S GIRLFRIEND SHOULD BE KILLED
15 AND THAT SOMEHOW OR ANOTHER, THAT WOULD RESULT IN AN
16 IMPLICATION THAT RAYMOND HAD KILLED LEVIN? IS THAT THE STORY
17 YOU TOLD YESTERDAY?

18 A YES.

19 Q WHAT DID YOU SAY DURING THAT MEETING?

20 A DURING THAT MEETING, I DID NOT SAY ANYTHING.

21 Q NOT A WORD?

22 A I DON'T RECALL IF I DID NOT SAY A WORD. I KNOW
23 I THAT I WAS NOT IMMEDIATELY PLEASED WITH THE PLAN.

24 AND I LATER VOICED THAT TO ANOTHER MEMBER OF THE
25 BBC. AND HE AGREED WITH ME AND IF THE PLAN HAD BEEN
26 DISCUSSED ANY FURTHER, I THINK THAT WE WERE BOTH INTENDING
27 TO OPPOSE IT.

28 Q ALL RIGHT. AT THE TIME WHEN THE DISCUSSION WAS

1 ARTICULATED, DID YOU NOT PROTEST?

2 A THAT'S CORRECT.

3 Q BUT YOU HAD, ALTHOUGH THE WORDS WERE SPOKEN, YOU
4 HAD NO INTENT TO CARRY THOSE WORDS OUT?

5 A THAT IS DEFINITELY CORRECT.

6 Q AND DO YOU KNOW WHO ELSE WAS PRESENT AT THAT
7 MEETING?

8 A I DON'T RECALL IF HE WAS ACTUALLY PRESENT AT THE
9 MEETING, BUT I RECALL THAT STEVE LOPEZ, SOMEHOW OR ANOTHER
10 BECAME PRIVY TO THE INFORMATION BECAUSE WE DISCUSSED IT AND
11 I KNEW THAT HE HAD DISCUSSED IT AND MY RECOLLECTION IS THAT
12 JOE WAS PRESENT AND THAT JOHN ALLEN OR DEAN MAY HAVE -- I
13 THINK WERE PRESENT, THOUGH I CANNOT SAY FOR SURE.

14 Q DURING THAT MEETING, DID ANYONE PROTEST?

15 A NOT THAT I RECALL, NO.

16 Q OKAY. DURING THAT MEETING, DID ANYONE PARTICIPATE
17 IN THE DIALOGUE?

18 A I RECALL ONLY JOE DISCUSSING -- ONLY JOE SPEAKING.

19 Q NO ONE ELSE SAID A WORD?

20 A I WOULD THINK THAT THAT WAS PROBABLY AN ACCURATE,
21 THOUGH DISAPPOINTING TIME. I REMEMBER ONLY JOE ARTICULATING
22 AT THE TIME.

23 Q ALTHOUGH THAT WAS SAID, IT WAS NOT DONE?

24 A THAT'S CORRECT.

25 Q WAS THERE IN THE BBC, A DIFFERENCE BETWEEN THINGS
26 PEOPLE SAID AND PEOPLE DID?

27 MR. WAPNER: OBJECTION, VAGUE.

28 MR. BARENS: ALL RIGHT.

A-6

1 THE COURT: SUSTAINED.

2 MR. BARENS: ALL RIGHT.

3 Q COULD YOU TELL ME OF ANY EXAMPLES THAT COME TO
4 YOUR MIND WHEN THINGS WERE SAID THAT WERE NOT DONE AT THE
5 BBC?

6 MR. WAPNER: SAME OBJECTION. VAGUE. WHAT IS THIS IN
7 REFERENCE TO?

8 THE COURT: SUSTAINED.

9 MR. BARENS: ALL RIGHT.

10 Q WITH REFERENCE TO THE MICROGENESIS PROJECT, WHEN
11 YOU WERE FIRST INVOLVED IN IT, WAS THERE A DISCUSSION ABOUT
12 BUILDING A CERTAIN AMOUNT OF MACHINES?

13 A THERE WERE DISCUSSIONS ABOUT BUILDING A CERTAIN
14 AMOUNT OF MACHINES.

15 Q WHO MADE THOSE REMARKS?

16 A I THINK THERE WERE -- I HAVE A RECOLLECTION OF
17 THE REMARK BEING MADE BY JOE, POSSIBLY ALSO BY BEN AND TOM
18 AND DAVE.

19 Q WAS THAT CARRIED OUT?

20 A I DON'T REMEMBER THE AMOUNT OF MACHINES. I REMEMBER
21 THERE BEING -- I BELIEVE THERE WAS DISCUSSION FOR LARGE
22 AMOUNTS OF MACHINES THAT WERE NEVER ACTUALLY BUILT.

23 Q OKAY. DID HUNT FROM TIME TO TIME, TELL YOU THAT
24 HE HAD MADE LARGE AMOUNTS OF MONEY IN THE COMMODITIES MARKET?

25 A IN THE PAST HE HAD TOLD ME THAT, YES.

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1 Q HOW ABOUT DURING THE EXISTENCE OF THE BBC, LET'S
2 SAY DURING 1983, DID YOU EVER HEAR DISCUSSIONS IN THE OFFICES
3 THAT MONEY WAS BEING MADE IN THE COMMODITIES MARKET?

4 THE COURT: YOU MEAN OTHER THAN WITH LEVIN?

5 MR. BARENS: YES, YOUR HONOR, INDEED.

6 THE WITNESS: I DON'T RECALL ANY IN 1983, NO.

7 Q BY MR. BARENS: HOW ABOUT 1982?

8 A 1982, I DON'T BELIEVE THERE WERE ANY.

9 Q IN 1984?

10 A I BELIEVE IN 1984, THERE WERE.

11 Q AND DID YOU ACTUALLY SEE THAT TO BE TRUE?

12 A I SAW THAT THERE WAS MONEY, YOU KNOW, SUPPOSEDLY
13 GOING THROUGH, YOU KNOW, THE ACCOUNTS IN THE COMPANIES AND
14 THAT MONEY WAS COMING FROM SOMEWHERE.

15 Q BUT YOU NEVER VERIFIED FOR YOURSELF THAT THOSE
16 WERE PROCEEDS FROM GAINS IN THE MARKET?

17 A I DID NOT VERIFY THAT FOR MYSELF, NO.

18 Q SO YOU DON'T KNOW IF HUNT SAID THAT, THAT WAS
19 A TRUE STATEMENT OR NOT?

20 A I DO NOT KNOW WHETHER WHAT HUNT SAID IS A TRUE
21 STATEMENT OR NOT.

22 Q YOU NEVER SAW ANYTHING RELATIVE TO THE LEVIN
23 COMMODITIES TRADING, DID YOU, THAT WOULD VERIFY WHETHER THAT
24 WAS TRUE OR NOT?

25 A I RECALL SEEING SOMETHING FROM A BROKERAGE HOUSE
26 THAT I THINK SOMEBODY IDENTIFIED AS THE HOUSE WHERE LEVIN'S
27 ACCOUNTS WERE HELD AND IT HAD A BUNCH OF NUMBERS ON IT. BUT
28 I CAN'T READ THE STATEMENT SO I DON'T KNOW WHAT IT SAID.

1 IT COULD HAVE SAID ANYTHING.

2 Q IS IT A FACT THAT THE ONLY REASON YOU HAVE TO
3 BELIEVE THAT HUNT MADE ALL OF THAT MONEY FOR LEVIN IN THE
4 COMMODITIES MARKET IS BECAUSE IT IS SOMETHING HUNT TOLD YOU
5 WAS TRUE?

6 A THAT'S CORRECT.

7 Q SO MOST OF WHAT YOU BELIEVE TO BE TRUE ABOUT WHAT
8 HUNT DID OR DIDN'T DO IS BASED PRIMARILY ON WHAT HUNT TOLD
9 YOU?

10 A ON WHAT JOE HUNT SAID AND ALSO THE FACT THAT,
11 YOU KNOW, HE SAID HE WAS MAKING MONEY IN THE ACCOUNTS AND
12 I DIDN'T SEE ANY OTHER SOURCE EXCEPT FOR SOME SMALL INVESTORS
13 FROM MICROGENESIS, AND THERE WAS A LOT OF MONEY AROUND AND
14 A GREAT DEAL OF MONEY WAS BEING SPENT ON MICROGENESIS, SO
15 IF MONEY WASN'T COMING FROM THE INVESTORS AND THE INVESTORS'
16 ACCOUNTS IN SOME WAY, SHAPE OR FORM, THERE IS NO OTHER WAY --
17 I HAD NO OTHER MEANS OF BELIEVING OR UNDERSTANDING HOW IT
18 WAS COMING INTO THE BUSINESS.

19 Q ON THE REST OF THE THINGS YOU HAVE TOLD US ABOUT
20 TODAY, ISN'T IT A FACT THAT CONCERNING THE BUSINESS ABOUT
21 THE ACID AND THE RAINCOAT AND THE MATTERS ABOUT LEVIN, THAT
22 THE ONLY REASON YOU WOULD BELIEVE THEY ARE TRUE IS BECAUSE
23 IT IS SOMETHING HUNT TOLD YOU?

24 A CONSIDERING MOST OF THEM WERE CONVERSATION
25 BETWEEN -- YES -- CONVERSATIONS BETWEEN MYSELF AND MR. HUNT, ONE
26 OF MY BIGGEST BASES WOULD, OF COURSE, BE THE FACT THAT HE
27 STATED THEM AND I BELIEVED THEM TO BE TRUE.

28 Q YES, ALL RIGHT, I THINK YOU HAVE ANSWERED MY

1 QUESTION IN THAT REGARD.

2 YOU SAID THAT YOU WERE AFRAID AFTER THAT AND
3 SCARED, I THINK IS MORE APPROPRIATELY THE WORD YOU USED, UP
4 UNTIL DECEMBER OF '84; IS THAT CORRECT?

5 A I THINK, YES.

6 Q AND YOU WERE AFRAID OF WHAT, SIR?

7 A PROSECUTION.

8 Q AND THEN A TIME COMES IN DECEMBER OF '84 WHERE
9 YOU WERE NOT.

10 A THAT'S CORRECT.

11 Q WHY IS THAT?

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1 A BECAUSE I HAD STATEMENTS BOTH AT THE BEVERLY
2 HILLS POLICE DEPARTMENT AFTER THEY HAD SORT OF STATED
3 CASUALLY THAT THEY WERE NOT INTERESTED IN PROSECUTING ME AND
4 MY STATEMENTS DEALING SPECIFICALLY WITH THE NOTARIZATION TO
5 THE ATTORNEY GENERAL AND MY -- WHAT WAS A GRANT OF IMMUNITY,
6 WHICH HASN'T COME ABOUT YET, TOWARDS THOSE DEALING WITH THE
7 NOTARY, AND THAT I THEN FELT IN LIGHT OF THE FACT THAT BOTH
8 OF -- WHICH WERE FREELY TAKEN STATEMENTS FROM ME, THAT I WOULD
9 NOT BE PROSECUTED.

10 Q SO ONCE YOU HAD HAD SOME ASSURANCE THAT THEY
11 WERE NOT INTERESTED IN ARRESTING YOU OR PROSECUTING YOU, YOU
12 CHANGED FROM THE STORY YOU HAD GIVEN IN OCTOBER TO THE STORY
13 YOU ARE NOW GIVING?

14 A THAT'S CORRECT.

15 Q YOU NO LONGER SAID THAT YOU THOUGHT LEVIN WAS
16 MISSING AT THAT POINT?

17 A IN DECEMBER OF 1984, I DID NOT SAY THAT, THAT
18 IS CORRECT.

19 Q OKAY. NOW, AFTER HUNT HAD BEEN ARRESTED
20 INITIALLY, WHICH I GUESS WAS OCTOBER '84.

21 A THAT SOUNDS CORRECT.

22 Q YOU REMAINED SUPPORTIVE OF JOE HUNT?

23 A I DID.

24 Q AND WHY IS THAT?

25 A TO A CERTAIN DEGREE, I STILL BELIEVED IN HIM.

26 Q WHAT ACTUALLY DID YOU BELIEVE IN HIM ABOUT?

27 A I STILL BELIEVED, AT THIS POINT IN TIME, I STILL
28 TO SOME DEGREE BELIEVED THE PARADOX PHILOSOPHY WAS CORRECT.

1 Q AND THUS, YOU STILL BELIEVED HE COULD BE A
2 RESOURCE FOR FINANCIAL ACHIEVEMENT FOR YOU, SIR?

3 A YES, I THINK THAT WOULD BE A CORRECT STATEMENT.

4 Q AND AGAIN, AFTER A POINT IN TIME THAT IS NO LONGER
5 THE CASE?

6 A IT WAS -- YES.

7 Q AND BY DECEMBER --

8 A IT WAS ACTUALLY BEFORE HE WAS EVEN ARRESTED FOR
9 THE SECOND TIME.

10 Q THE SECOND TIME; AND BY THEN, YOU NO LONGER FELT
11 THAT ANYTHING TO DO WITH HUNT WOULD FURTHER YOUR FINANCIAL
12 ASPIRATIONS, SIR?

13 A WELL, BEFORE HE WAS ARRESTED THE SECOND TIME,
14 I HAD TOLD HIM THAT I WAS GOING TO STOP WORKING IN THE OFFICES
15 AND SEEK EMPLOYMENT ELSEWHERE, BUT WISHED TO REMAIN IN HIS
16 FRIENDSHIP.

17 Q ONE OF THE PEOPLE WHO WAS PRESENT AT THE 6-24
18 MEETING WAS A FELLOW NAMED STEVE TAGLIANETTI?

19 A YES, I BELIEVE THAT IS CORRECT.

20 Q AND SUBSEQUENT TO THE 6-24 MEETING, DID HE STOP
21 WORKING FOR THE BBC?

22 A YES, HE DID.

23 Q AND WAS HE IN FACT FIRED BY MR. HUNT?

24 A THAT IS MY UNDERSTANDING, YES.

25 Q AND COULD YOU TELL ME WHY HE GOT FIRED?

26 A I HAVE NO IDEA.

27 Q BUT YOU KNOW IN FACT THAT WAS A DECISION MADE
28 BY HUNT, THAT HE GET OUT OF THE BBC?

1 A I DON'T KNOW THAT THAT IS A FACT.

2 IT WAS MY UNDERSTANDING THAT JOE FIRED HIM.

3 Q AND I SUPPOSE, BASED ON WHAT YOU COULD OBSERVE,
4 HUNT WAS AWARE THAT HE KNEW ABOUT THE INFORMATION GIVEN HIM
5 AT THE 6-24 MEETING?

6 A THAT'S CORRECT.

7 Q DID YOU EVER SAY TO YOUR FRIEND AT THAT POINT,
8 HUNT, WELL, LISTEN, IF YOU FIRE TAGLIANETTI, HE MAY GO TELL
9 SOMEBODY ABOUT WHAT HAPPENED AT THAT 6-24 MEETING?

10 A I NEVER SAID THAT.

11 Q DID ANYBODY TO YOUR KNOWLEDGE?

12 A NOT TO MY KNOWLEDGE.

13 Q HUNT DID NOT EXPRESS CONCERN TO YOU ABOUT FIRING
14 TAGLIANETTI?

15 A I -- AT THAT TIME, IT SEEMED THAT IF HE HAD FIRED
16 TAGLIANETTI THAT HE HAD DONE IT UNDER A SUFFICIENT SORT --
17 YOU KNOW, THAT HE HAD MADE IT CLEAR TO STEVE WHAT WOULD HAPPEN
18 TO HIM IF HE WENT TO THE POLICE.

19 Q AND YOU ASSUMED THAT?

20 A I ASSUMED THAT, YES.

21 Q YOU NEVER HEARD THAT CONVERSATION, DID YOU?

22 A I NEVER HEARD THAT CONVERSATION.

23 Q AND THAT IS SOMETHING YOU STILL ASSUME TODAY?

24 A IT WOULD SEEM REASONABLE. I DON'T -- I DON'T --

25 IF YOU ASKED ME THAT, YES, I ASSUME THAT HE TOLD
26 STEVE IN SO MANY WORDS THAT IF HE WENT TO THE POLICE, HE WOULD
27 BE DEALT WITH OR REAFFIRMED WHAT HE STATED AT THE MEETING.

28

-1 1 Q DID YOU EVER ASK STEVE THAT?

2 A NO I DID NOT.

3 Q ALL RIGHT. YOU NEVER HEARD THAT HE SAID THAT
4 TO ANYBODY, DID YOU?

5 A I HAVE NOT HEARD THAT.

6 Q OKAY. WERE YOU AWARE OF THE RELATIONSHIP BETWEEN
7 HUNT AND LEVIN DURING MAY OF 1984?

8 A I DON'T RECALL SPECIFICALLY BEING AWARE OF THEIR
9 RELATIONSHIP DURING THAT PERIOD OF TIME.

10 Q WHAT DID THEIR RELATIONSHIP APPEAR TO YOU TO HAVE
11 BEEN WHEN YOU WERE FAMILIAR WITH IT?

12 A AT THE TIME PRIOR TO -- YOU KNOW, WELL, THEY WERE
13 TRADING. AT SOME TIME AFTERWARDS WHEN WE WERE TRYING TO GET
14 THE MONEY FOR THE SHOPPING CENTER, THEY APPEARED TO BE
15 FRIENDLY.

16 Q DID YOU SEE THEM TOGETHER OFTEN?

17 A NOT OFTEN BUT SOMETIMES.

18 Q DID YOU EVER SEE LEVIN IN YOUR OFFICES?

19 A YES. I THINK ON ONE OCCASION I RECALL SEEING
20 HIM IN OUR OFFICES.

21 Q DO YOU REMEMBER WHEN THAT WAS, SIR?

22 A PROBABLY VERY CLOSE TO THE TIME WE ACTUALLY GOT
23 THE OFFICES, WITHIN A FEW MONTHS.

24 Q HE WAS UP THERE. DO YOU KNOW WHY LEVIN WAS IN
25 YOUR OFFICES?

26 A I HAVE NO IDEA WHY HE WAS IN OUR OFFICES.

27 Q WHO WAS AT THE MEETING AT THAT PARTICULAR TIME?

28 A I DON'T RECALL.

1 MR. BARENS: A MOMENT, YOUR HONOR.

2 THE COURT: YES.

3 (PAUSE.)

4 Q BY MR. BARENS: WITH REFERENCE TO THE MICROGENESIS
5 TECHNOLOGY, DID HUNT HAVE SOME CONCERNS ABOUT SECURITY
6 REGARDING THE SAFETY OF THAT EQUIPMENT?

7 A YES HE DID.

8 Q AND DID HE FEEL SOMEONE WAS TRYING TO TAKE THAT
9 EQUIPMENT FROM HIM?

10 MR. WAPNER: OBJECTION, CALLING FOR SPECULATION AS TO
11 WHAT --

12 MR. BARENS: I AM ASKING BASED ON CONVERSATIONS THAT
13 HE WAS A PARTY TO.

14 THE COURT: DID HE EVER EXPRESS TO YOU ANY CONCERN ABOUT
15 SOMEBODY TAKING --

16 THE WITNESS: I KNOW VERY LATE, AFTER TOM AND DAVE AND
17 JEFF HAD I GUESS, SORT OF BROKEN OFF FROM THE BBC, I DON'T
18 RECALL HIM EXPRESSING ANY CONCERN TO ME -- YES. ACTUALLY,
19 I DO. YES. HE DID HAVE SOME CONCERNS.

20 Q BY MR. BARENS: WHAT CONCERNS WERE THOSE, SIR?

21 A I THINK HE HAD CONCERNS THAT TOM AND DAVID MAY
22 AND JEFF RAYMOND MAY HAVE BEEN TRYING TO STEAL THE TECHNOLOGY.

23 Q DID IT TURN OUT THAT IN FACT, THEY HAD AT LEAST,
24 SECRETED THE TECHNOLOGY, IF NOT STOLEN IT?

25 A THEY CERTAINLY TOOK POSSESSION OF SOME OF THE
26 MACHINERY.

27 Q AND PLACED IT SO THAT THE WHEREABOUTS WERE UNKNOWN
28 TO MR. HUNT?

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1 A WELL, YES. I DON'T KNOW WHAT MR. HUNT KNEW.

2 Q DID HE EXPRESS THAT HE DIDN'T KNOW WHERE THE
3 EQUIPMENT WAS AT THAT TIME?

4 A I DON'T ACTUALLY RECALL HIM EXPRESSING THAT, NO.

5 Q WAS THERE A BREAK-IN IN THAT POINT IN TIME IN
6 YOUR OFFICES?

7 A YES THERE WAS.

8 Q WHEN WAS THAT, TO THE BEST OF YOUR RECOLLECTION?

9 A AUGUST OR SEPTEMBER -- NO, JULY OR AUGUST OF 1984.

10 Q AND DO YOU RECALL WHAT WAS TAKEN DURING THAT
11 BREAK-IN?

12 A MOSTLY ELECTRONIC EQUIPMENT AND OFFICE EQUIPMENT.

13 Q DID HUNT TO YOUR KNOWLEDGE, EVER VOICE WHO HE
14 SUSPECTED HAD COMMITTED THAT BURGLARY?

15 MR. WAPNER: OBJECTION, CALLING FOR HEARSAY.

16 THE COURT: SUSTAINED.
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B4

1 MR. BARENS: I AM ASKING IF HUNT EVER EXPRESSED IT.

2 MR. WAPNER: IT IS A HEARSAY STATEMENT OF THE DEFENDANT.

3 THE COURT: WELL, I WILL LET HIM ANSWER THAT.

4 THE WITNESS: I THINK THERE WERE A LOT OF PEOPLE WHO
5 WERE SUSPECTED OF TAKING. SO THE ANSWER TO YOUR QUESTION,
6 IS YES. HE DID. I RECALL HIM EXPRESSING SOMETHING.

7 Q BY MR. BARENS: WHAT DID HE SAY, SIR?

8 A I THINK AT ONE POINT IN TIME HE EXPRESSED SOME
9 CONCERN THAT IT MIGHT HAVE BEEN TOM AND DAVE.

10 AT ANOTHER POINT IN TIME, HE EXPRESSED SOME
11 CONCERN IT MIGHT HAVE BEEN JERRY EISENBERG.

12 THE COURT: THAT WAS WHAT? HE WAS THE COMPANY LAWYER,
13 WAS HE?

14 THE WITNESS: HE WAS GENERAL COUNSEL AND MICHAEL FELDMAN.

15 THE COURT: WHO?

16 THE WITNESS: HE WAS AN ACCOUNTANT WITH THE COMPANY.
17 AND ALSO THERE WAS SOMEBODY WHO WE OWED SOME -- WE BOUGHT
18 A TYPEWRITER FROM SOME COMPANY AND FOR SOME REASON OR ANOTHER,
19 THEY WERE UNHAPPY WITH HOW WE WERE PAYING THEM OR WE REFUSED
20 TO PAY THEM OR SOMETHING. THE GUY SAID THAT HE WAS GOING
21 TO GET EVEN.

22 SO JOE EXPRESSED SOME CONCERN THAT IT MIGHT HAVE
23 BEEN HIM.

24 Q BY MR. BARENS: THOSE SEEMED TO BE THE PEOPLE
25 THAT HE MENTIONED THAT HE WAS CONCERNED ABOUT THAT COMMITTED
26 THE BURGLARY?

27 A THAT HE EXPRESSED MIGHT HAVE COMMITTED THAT
28 BURGLARY, YES.

1 Q WAS JERRY EISENBERG FIRED?

2 A TO MY KNOWLEDGE, YES.

3 Q WHO FIRED HIM?

4 A TO MY KNOWLEDGE, JOSEPH HUNT.

5 Q IT WAS AFTER THAT EVENT?

6 A YES, IT WAS -- IT WAS EITHER THE WEEKEND BEFORE
7 OR DURING THE WEEK AFTER.

8 Q DID THE COMMENT HUNT MADE ABOUT THE MAY BROTHERS
9 PERHAPS HAVING COMMITTED THE BURGLARY, WAS THE SENSE OF IT
10 YOU GOT, THAT THE MAY BROTHERS MAY HAVE ACTED IN CONJUNCTION
11 WITH EISENBERG, IN HUNT'S OPINION?

12 A I HAVE NO RECOLLECTION OF THAT.

13 Q AND HAD HUNT EVER LOANED YOU ANY MONEY?

14 A I DON'T RECALL HUNT EVER LOANING ME ANY MONEY.
15 THAT IS, VERSUS JOSEPH HUNT GIVING ME MONEY?

16 MR. BARENS: OKAY. IF I MIGHT APPROACH THE WITNESS,
17 YOUR HONOR?

18 THE COURT: YES. ALL RIGHT.

19 Q BY MR. BARENS: SIR, I AM HANDING YOU A DOCUMENT
20 CAPTIONED "PROMISSORY NOTE." WOULD YOU TELL US WHAT THAT
21 IS ABOUT?

22 A YES. THIS IS A PROMISSORY NOTE MADE BY ME
23 BENEFITING JOSEPH HUNT DATED ON THE SAME DAY OF THE -- DATED
24 THE 8TH OF NOVEMBER, 1983, FOR \$5,250.

25 Q AND WHO SEEMED TO GET WHAT, PURSUANT TO THAT?

26 A THE PAYEE WOULD BE JOSEPH HUNT AND I WOULD BE
27 THE MAKER OF THE PROMISSORY NOTE. SO JOE WOULD GET THE MONEY
28 AND I WOULD PAY IT TO HIM.

1 Q DID HE LOAN YOU MONEY IN CONJUNCTION WITH THAT?

2 A NO HE DID NOT.

3 Q WHY DID YOU WRITE A PROMISSORY NOTE FOR MONEY
4 THAT YOU HAD NOT RECEIVED, SIR?

5 A IT WAS A PART OF THE WHOLE SYSTEM DEALING WITH
6 THE PROXIES.

7 Q AND WHY DON'T YOU TELL US --

8 THE COURT: DID HE GIVE YOU THE MONEY? DID YOU PUT
9 IT IN YOUR POCKET? IS THAT IT?

10 THE WITNESS: HE NEVER GAVE ME ANY MONEY.

11 Q BY MR. BARENS: SO, WHEN WAS THIS DONE?

12 A WHAT WOULD HAPPEN IS THAT I THINK SELDON WAS GOING
13 TO -- BEFORE SELDON ISSUED THE STOCK TO ME, IT WAS GOING TO
14 BUY UP THE NOTES AND THEN FOR SOME -- IT WAS A WHOLE -- I
15 DON'T RECALL THE EXACT SYSTEM.

16 BUT IT WAS A WHOLE, ELABORATE SYSTEM DEALING WITH
17 CONSIDERATION, SO THAT WITHOUT ACTUALLY PUTTING IN MONEY INTO
18 SELDON -- THAT WAS HOW SELDON WAS GOING TO BUY CERTIFICATES
19 IN MICROGENESIS, BY BUYING THOSE NOTES AND THEN IT WAS A WHOLE,
20 ELABORATE SYSTEM THAT JOSEPH HUNT CREATED FOR IT.

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1 Q AN ELABORATE SYSTEM TO MAKE IT LOOK LIKE SOME-
2 THING HAD OCCURRED THAT IN FACT WAS MERELY A PAPER TRANSACTION?

3 A CORRECT.

4 Q AS OPPOSED TO ANYTHING OF SUBSTANCE; IS THAT
5 CORRECT?

6 A THAT'S CORRECT.

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

8 THE COURT: ALL RIGHT. REDIRECT?

9 MR. WAPNER: YES. THANK YOU.

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11

REDIRECT EXAMINATION

12

BY MR. WAPNER:

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14 Q AT THE MEETING OF JUNE THE 24TH, THERE WAS A
15 STATEMENT BY MR. HUNT THAT WAS LIKE A PREAMBLE TO THE MEETING;
16 IS THAT RIGHT?

16

A THAT'S CORRECT.

17

Q AND THAT WAS BEFORE THEY --

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19 AFTER THEY CAME OUT OF THE BEDROOM THE FIRST
20 TIME AND BEFORE THEY WENT IN THE SECOND TIME?

20

A THAT'S CORRECT.

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22 Q AND THAT WAS THE STATEMENT ABOUT ACHIEVING
23 GREATNESS AND LAWS MIGHT HAVE TO BE BROKEN AND THINGS LIKE
24 THAT?

24

A THAT'S CORRECT.

25

26 Q HAD MR. HUNT EVER SAID ANYTHING SIMILAR TO THAT
27 STATEMENT AT ANY OTHER TIME?

27

A THE EVENING BEFORE. THE EVENING BEFORE

28

WE WERE ALL GOING TO GO OUT TOGETHER, IT WAS A SATURDAY

1 EVENING, BUT HE WAS NOT AMONG THOSE PEOPLE AND HE HAD GONE
2 INTO THAT PREAMBLE AGAIN BUT HE WAS INTERRUPTED BY SOME OF
3 MY FRIENDS.

4 Q DID HE EVER GET TO FINISH IT?

5 A NO, NOT THAT EVENING, NO.

6 Q SO WHAT HE SAID TO YOU THE NIGHT BEFORE WAS THE
7 BEGINNING OF WHAT HE SAID THE NEXT DAY?

8 A IT WAS ALSO REPEATED THE NEXT DAY ALSO, YES.

9 MR. BARENS: I AM A BIT VAGUE, JUDGE, AS TO WHAT WE
10 ARE TALKING ABOUT, WHAT STATEMENT?

11 THE COURT: ALL RIGHT. WILL YOU REPEAT THE QUESTION
12 AS TO EXACTLY WHAT WAS SAID?

13 Q BY MR. WAPNER: WHAT WAS THE STATEMENT AT THE
14 MEETING THAT HE MADE AFTER HE, JIM GRAHAM OR PITTMAN, DEAN
15 KARNY AND BEN DOSTI CAME OUT OF THE ROOM FOR THE FIRST TIME?

16 A HE STARTED DISCUSSING THAT TO ACHIEVE OR HOLD
17 ONTO WEALTH, GREAT WEALTH, YOU MUST SOMETIMES TRANSGRESS THE
18 LAW AND IF YOU ARE UNWILLING TO DO THAT, THEN YOU WILL END
19 UP HAVING -- YOU WON'T BE ABLE TO ACHIEVE THIS WEALTH AND
20 IF YOU DO, IT WILL JUST BE TAKEN AWAY FROM YOU. AND THAT
21 WAS THE FIRST PART, THAT WAS THE BEGINNING OF IT.

22 Q HAD HE EVER SAID THAT TO YOU BEFORE?

23 A YES, HE HAD BEGUN THAT DISCUSSION TO ME THE
24 EVENING BEFORE.

25 Q AND HOW FAR DID HE GET?

26 A TO ABOUT THAT PART.

27 Q WHAT HAPPENED?

28 A WE WERE INTERRUPTED BY -- WE WERE ALONE IN MY

1 APARTMENT AT THAT TIME, AND THEN SOME OTHER PEOPLE CAME OVER.

2 Q AND YOU DIDN'T HEAR ANYTHING MORE ABOUT THAT
3 THE NIGHT BEFORE THE MEETING?

4 A THAT'S CORRECT.

5 Q WHEN YOU FIRST HEARD MR. HUNT TALK ABOUT THE
6 BBC AND THE PARADOX PHILOSOPHY, YOU SAID THAT YOU WERE
7 ENTHRALLED WITH THE SOCIAL END AND THE BUSINESS END AND THE
8 ACHIEVEMENT OF GREATNESS, THE STATEMENT THAT HE MADE ABOUT
9 THE ACHIEVEMENT OF GREATNESS?

10 A THAT'S CORRECT.

11 Q WHEN WAS THAT, FIRST OF ALL?

12 A THIS WAS NOVEMBER OF 1982.

13 Q AND WHAT EFFECT DID MR. HUNT'S PERSONALITY HAVE
14 ON YOU AT THAT TIME IN TERMS OF HOW PERSUASIVE HE WAS TO YOU,
15 HOW MUCH YOU BELIEVED HIM?

16 A IT WAS -- IT WAS THE WAY HE PRESENTED IT THAT
17 MADE IT SO BELIEVABLE AND SO PERSUASIVE.

18 Q AND HOW WAS THAT?

19 A IT WAS JUST -- IT WAS HIS ABILITY, I MEAN, TO
20 SPEAK, THINGS SOUNDED -- SOUNDED VERY GOOD.

21 Q HIS ABILITY TO USE RHETORIC?

22 A YES, HIS RHETORIC ABILITY WAS VERY IMPORTANT
23 IN MY BEING ENTHRALLED WITH THE BBC.

24 Q AND DID YOU AT SOME POINT, COME TO HAVE SOME
25 VIEW OF THE PARADOX PHILOSOPHY THAT WAS CONSISTENT WITH MR.
26 HUNT'S ABILITY TO USE RHETORIC?

27 A WELL, IT WAS -- IT WAS SORT OF HIS DISCUSSIONS
28 OF PARADOX PHILOSOPHY, HIS STATEMENTS OF WHAT IT WAS AND SORT

1 OF HIS, ALMOST AS A MODEL, THAT BECAME MY UNDERSTANDING OF
2 PARADOX PHILOSOPHY.

3 Q AND AS YOU WERE REFLECTING BACK ON IT NOW, WAS THERE
4 SUCH A THING AS A PARADOX PHILOSOPHY?

5 A NOT REALLY.

6 NOW AS I REFLECT BACK ON IT, PARADOX PHILOSOPHY
7 WAS SIMPLY A TOOL THAT MR. HUNT USED IN CONJUNCTION WITH HIS
8 EXCELLENT RHETORICAL ABILITY TO SIMPLY PERSUADE PEOPLE THAT
9 WHATEVER HE WANTED THEM TO DO WAS CORRECT.

10 MR. BARENS: OBJECTION ON THE BASIS OF CONCLUSION,
11 YOUR HONOR.

12 THE COURT: OVERRULED.

13 MR. BARENS: THANK YOU, YOUR HONOR.

14 Q BY MR. WAPNER: WHEN THE POLICE CAME TO JOE HUNT'S
15 CONDOMINIUM ON OCTOBER THE 7TH, DID YOU STILL FEEL THAT HE
16 WAS A GREAT MAN?

17 A AT THAT -- AT THAT POINT, I WAS BEGINNING --
18 YOU KNOW, JUST BECAUSE OF THINGS THAT HAD OCCURRED, LET'S
19 SAY, HIS STATURE IN MY MIND WAS BEGINNING TO DECREASE.

20 I ALSO FELT KIND OF BETRAYED BECAUSE I THINK
21 HE KNEW THE POLICE WERE GOING TO BE THERE AND THE APARTMENT
22 WAS GOING TO BE SEARCHED AND HE SORT -- HE JUST ASKED ME TO
23 STAY THERE AND I WAS KIND OF UPSET WITH THAT ALSO.

24 Q WHEN DID HE ASK YOU TO STAY THERE?

25 A THAT WAS ACTUALLY THE SECOND NIGHT, I THINK --
26 APPROXIMATELY TWO PREVIOUS NIGHTS, ON FRIDAY NIGHT, HE HAD ALSO
27 ASKED ME TO STAY THERE.

28 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

1 Q BY MR. WAPNER: WHEN YOU WENT TO THE POLICE IN
2 DECEMBER OF 1984, DID YOU STILL THINK THAT JOE HUNT WAS A
3 GREAT MAN?

4 A NO, I DID NOT.

5 Q WHY NOT?

6 A IN LOOKING AT WHAT HE HAD DONE AND THE THINGS --
7 MR. BARENS: EXCUSE ME, YOUR HONOR. MAY WE APPROACH
8 THE BENCH?

9 THE COURT: ALL RIGHT.

10 MR. BARENS: THANK YOU, YOUR HONOR.
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1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 AT THE BENCH:)

3 THE COURT: ALL RIGHT.

4 MR. BARENS: YOUR HONOR, AS YOU ARE AWARE AT THIS POINT
5 OF THE TRIAL, WE HAVE NOT PUT MR. HUNT'S CHARACTER IN ISSUE,
6 AS WE HAVE NOT PUT ON A DEFENSE, AS YET.

7 WE HAVE NOW ASKED THE WITNESS -- OR THE
8 PROSECUTION HAS NOW ASKED THE WITNESS TO GIVE A SUMMARY OF
9 HIS ASSESSMENT OF MR. HUNT'S GENERAL CHARACTER, GENERAL
10 CONDUCT, GENERAL DEPARTMENT. AND THE WAY THAT HE HAD --

11 THE COURT: THE QUESTIONS THAT YOU HAVE BEEN ASKING
12 EXPLORE HIS STATE OF MIND. THOSE ARE THE THINGS YOU HAVE
13 BEEN GOING INTO IN GREAT DETAIL OF EVERY WITNESS.

14 MR. WAPNER: NOT ONLY THAT, YOUR HONOR, IT IS IN DIRECT
15 RESPONSE TO A STATEMENT THE WITNESS MADE DURING CROSS-
16 EXAMINATION.

17 MR. BARENS: WELL, HE HAS NOW ASKED HIM A SUMMARY, WHICH
18 I DO NOT BELIEVE IS RELEVANT, YOUR HONOR.

19 HE IS ASKING HIM TO SUMMARIZE HOW HE FELT ABOUT
20 MR. HUNT WHEN HE WENT TO THE POLICE AND --

21 THE COURT: ON CROSS-EXAMINATION YOU HAVE BEEN ASKING
22 ANY NUMBER OF QUESTIONS ABOUT HIS STATE OF MIND IN THAT
23 RESPECT.

24 MR. CHIER: BUT --

25 THE COURT: IF YOU DON'T TELL HIM TO SHUT UP, I WILL
26 GET THE BAILIFF TO SIT HIM ON THE CHAIR AND TELL HIM TO KEEP
27 QUIET.

28 MR. BARENS: YOU JUST KEEP STILL.

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1 THEN, COULD I HAVE AN OPPORTUNITY TO SPEAK TO
2 MR. CHIER BEFORE WE CONCLUDE?

3 THE COURT: CERTAINLY. ALL THROUGH YOUR CROSS-
4 EXAMINATION, ANY NUMBER OF TIMES, YOU HAVE ASKED HIM ABOUT
5 HIS OPINIONS AS TO HIS REACTIONS TOWARD HUNT, DID HE LIKE
6 HIM OR DIDN'T HE LIKE HIM. WHAT DID HE THINK. ALL OF THAT
7 WAS ON CROSS-EXAMINATION.

8 HE HAS A RIGHT TO REDIRECT, TO ASK HIM WHEN, IF
9 AT ANY TIME, HE CHANGED HIS MIND ABOUT HIM.

10 MR. BARENS: IF THAT IS ALL WE ARE GOING TO BE DOING,
11 I WOULD NOT BE HERE. WHAT HE IS ASKING HIM NOW, HE IS NOT
12 ASKING HIM, DID HE CHANGE HIS MIND. HE IS ASKING HIM, WHAT
13 DID YOU THINK OF THE TYPE OF GUY HE WAS WHEN YOU WENT TO THE
14 POLICE. THAT IS THE QUESTION THAT IS ASKED.

15 THE COURT: NO. HE ASKED HIM WHETHER HE THOUGHT HE
16 WAS A GREAT MAN.

17 MR. WAPNER: RIGHT.

18 THE COURT: OBJECTION OVERRULED.

19 MR. BARENS: NOW HE IS ASKING HIM, WHAT DID YOU THINK
20 OF MR. HUNT, THEN TRYING TO GET HIM TO MAKE SOME STATEMENT
21 TO THE JURY ABOUT HIS ASSESSMENT OF HUNT'S CHARACTER. THAT
22 IS WHAT IS GOING ON.

23 THE COURT: I THINK IT WAS SUFFICIENTLY EXPLORED ON
24 CROSS-EXAMINATION. I THINK THIS IS REDIRECT. IT IS PROPER.

25 MR. BARENS: THANK YOU, YOUR HONOR.

26 THE COURT: NOW YOU CAN TALK TO HIM.

27 MR. BARENS: THANK YOU.
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1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 IN OPEN COURT:)

3 Q BY MR. WAPNER: WHEN YOU WENT TO THE POLICE IN
4 DECEMBER OF 1984, DID YOU STILL THINK THAT MR. HUNT WAS A
5 GREAT MAN?

6 A NO I DID NOT.

7 Q WHY NOT?

8 A BECAUSE OF THE THINGS HE HAD DONE SIMPLY OUT OF
9 SELFISHNESS AND THE LIVES HE HAD DESTROYED AND THE PEOPLE
10 HE HAD HURT.

11 MR. BARENS: YOUR HONOR --

12 THE COURT: DO YOU MOVE TO STRIKE IT?

13 MR. BARENS: I MOVE TO STRIKE AND I ASK YOUR HONOR FOR
14 SOME COMMENT ON THE MOTION TO STRIKE.

15 THE COURT: WELL, HE IS EXPRESSING STATE OF MIND AND
16 HIS FEELING ABOUT IT. I THINK IT IS PROPER AT THIS PARTICULAR
17 POINT.

18 YOU CAN EXPLORE IN YOUR RECROSS-EXAMINATION.

19 MR. BARENS: WE HAVE A MOTION. WE WOULD LIKE TO
20 APPROACH.

21 THE COURT: A MOTION TO STRIKE?

22 MR. BARENS: IF THE MOTION TO STRIKE IS NOT GRANTED,
23 WE HAVE A FURTHER MOTION. COULD WE APPROACH, YOUR HONOR?

24 THE COURT: ALL RIGHT.

25 MR. BARENS: THIS IS WHAT WE ARE DOING, YOUR HONOR.

26 THE COURT: WELL, APPROACH THE BENCH, IF YOU WANT TO.

27 MR. BARENS: THANK YOU.

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(THE FOLLOWING PROCEEDINGS WERE HELD
AT THE BENCH:)

THE COURT: ALL RIGHT.

MR. BARENS: YOUR HONOR, THAT WAS ABOVE AND BEYOND,
YOUR HONOR. WE HAVE JUST HAD A PENALTY PHASE-TYPE DIALOGUE
FROM THE WITNESS. I WOULD URGE YOUR HONOR, IN ORDER TO
PRESERVE A FAIR TRIAL HERE, TO INSTRUCT THE JURY TO DISREGARD
THOSE COMMENTS ABOUT LIVES HE DESTROYED.

THE COURT: ABOUT WHAT?

MR. BARENS: ABOUT LIVES HE DESTROYED.

THE COURT: I WILL STRIKE THAT PART OF IT.

MR. BARENS: I WOULD APPRECIATE IT, YOUR HONOR. THIS
IS A BIT MUCH.

THE COURT: ALL RIGHT. OKAY. ALL RIGHT.

MR. BARENS: THANK YOU, YOUR HONOR.

MR. WAPNER: I HAVE NOTHING TO SAY.

(THE FOLLOWING PROCEEDINGS WERE HELD
IN OPEN COURT:)

THE COURT: THE JURY WILL DISREGARD THE STATEMENT ABOUT
THE "LIVES HE HAS DESTROYED."

GO AHEAD.

Q BY MR. WAPNER: MR. DICKER, YOU WERE ASKED IF
MR. HUNT EVER HELD HIMSELF OUT TO YOU OR TO ANYONE ELSE AS
A SHADING. DO YOU KNOW WHETHER HE DID?

A I ACTUALLY -- YES, I BELIEVE THAT HE HAD AT TIMES,
NOT OFTEN. BUT --

Q DID YOU EVER SEE ANY STATIONERY THAT HE HAD THAT
SAID, "JOE HUNT, SHADING," ON IT?

1 A YES I DID.

2 Q SHOWING YOU PEOPLE'S 94 FOR IDENTIFICATION,
3 REFERRING TO THE THIRD PAGE OF THAT DOCUMENT, DO YOU RECOGNIZE
4 THIS STATIONERY ON WHICH THAT LETTER IS TYPED?

5 A IT STATES, "JOSEPH HUNT, SHADING," AND I DO
6 RECOGNIZE IT.

7 THE COURT: "JOSEPH HUNT, SHADING", IS THAT IT?

8 THE WITNESS: YES, "JOSEPH HUNT, SHADING."

9 Q BY MR. WAPNER: WHERE HAVE YOU SEEN IT BEFORE?

10 A I HAVE SEEN IT BEFORE AT THE OFFICE.

11 MR. WAPNER: MAY I JUST PASS IT BRIEFLY IN FRONT OF
12 THE JURY, YOUR HONOR?

13 THE COURT: YES.

14 (PAUSE.)

15 Q BY MR. WAPNER: WHEN MR. HUNT MENTIONED TO YOU
16 IN THE PRESENCE OF SOME OTHER PEOPLE THAT HE HAD THIS PLAN
17 WHERE HE WAS GOING TO KILL JEFF RAYMOND'S GIRLFRIEND AND BLAME
18 THAT MURDER AND MR. LEVIN'S MURDER ON JEFF RAYMOND, HOW COME
19 YOU DIDN'T SAY ANYTHING TO HIM?

20 A AT THAT PARTICULAR TIME, I WAS A LITTLE SHOCKED
21 AND I KNEW NOTHING WAS GOING TO HAPPEN FOR A WHILE. I KIND
22 OF WANTED TO SEE WHAT OTHER PEOPLE FELT ABOUT IT BEFORE
23 APPROACHING HIM.

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1 Q WHAT EFFECT DID IT HAVE ON YOU, THE FACT THAT
2 THE PERSON MAKING THE STATEMENT WAS JOE HUNT AND NOT
3 SOMEBODY ELSE?

4 A IT STILL AT THAT POINT IN TIME, I WAS A LITTLE
5 IN AWE AND MAYBE NOT AS QUICK TO REACT ADVERSELY TO A
6 STATEMENT HE MADE.

7 Q WHEN YOU SAID YOU KNEW IT WASN'T GOING TO HAPPEN
8 RIGHT AWAY, WHAT DID YOU MEAN?

9 A THERE WERE A LOT OF -- I DON'T RECALL THE
10 SPECIFICS OF THE PLAN -- BUT I RECALL THAT IT WAS SOMEWHAT
11 COMPLICATED AND THAT THEY WEREN'T JUST GOING TO RUN OUT AFTER
12 LUNCH AND SHOOT RENEE.

13 Q WHEN THAT WAS DISCUSSED, WHO ELSE WAS PRESENT?

14 A MY RECOLLECTION IS MR. HUNT WAS PRESENT AND
15 MR. ALLEN AND MR. KARNY MAY HAVE BEEN PRESENT AND MR. LOPEZ --
16 AND I DON'T THINK MR. LOPEZ WAS PRESENT THAT MORNING BUT HE
17 WAS LATER ON INFORMED OF THE PLAN.

18 Q SO IT WAS JUST HUNT, YOU, DEAN KARNY AND JOHN
19 ALLEN?

20 A I BELIEVE MR. ALLEN AND MR. KARNY WERE PRESENT.
21 MR. BARENS: YOUR HONOR, I BELIEVE YESTERDAY I OBJECTED,
22 AND I WANT TO REITERATE TODAY AS TO THIS PORTION OF THE
23 TESTIMONY, THE DEFENSE HAS A 352 AND 1100 OBJECTION TO THE
24 SUBJECT MATTER OF THIS DIALOGUE.

25 THE COURT: DO YOU WANT TO BE HEARD AGAIN?

26 MR. BARENS: IF YOU WOULD, YOUR HONOR.

27 THEE COURT: ALL RIGHT.
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1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 AT THE BENCH:)

3 MR. BARENS: THANK YOU, YOUR HONOR.

4 YOUR HONOR, WE HAVE NOW HAD --

5 THE COURT: ANOTHER THING, DON'T THANK ME WHEN I MAKE
6 A FAVORABLE OR UNFAVORABLE RULING OR THANK THE JURORS. DON'T
7 SAY GOOD MORNING OR GOOD AFTERNOON. YOU ARE NOT SUPPOSED
8 TO DO THAT. YOU ARE A VERY POLITE MAN AND I APPRECIATE
9 POLITENESS. AND I WOULD SUGGEST YOU DON'T DO IT.

10 MR. BARENS: IT IS A HABIT I HAVE AFTER 20 YEARS OF
11 DOING THAT.

12 THE COURT: I KNOW IT BUT THERE ARE SOME ETHICAL RULES
13 ABOUT THAT AND THEY SAY YOU SHOULDN'T DO IT, CURRYING FAVOR
14 OF THE WITNESSES OR THE JURY.

15 MR. BARENS: I DON'T MEAN TO CURRY FAVOR.

16 THE COURT: I KNOW THAT YOU DON'T.

17 I DON'T WANT YOU TO BE IMPOLITE BUT DON'T BE
18 POLITE.

19 MR. BARENS: ALL RIGHT, YOUR HONOR. BE THAT AS IT MAY,
20 YOUR HONOR, THEY HAVE NOW PUT ON EVIDENCE ABOUT ANOTHER
21 ALLEGED MURDER PLOT, WHICH DOES NOT IN ANY WAY GO TO PROVE
22 ANY FACTS IN ISSUE IN THIS CASE. IT DOESN'T GO TO PROVE THAT
23 MR. LEVIN WAS KILLED OR NOT KILLED.

24 IT GOES ONLY TO ASSASSINATE MR. HUNT'S CHARACTER.
25 WE WOULD HAVE A MOTION TO STRIKE ALL OF THE
26 TESTIMONY BOTH YESTERDAY AND TODAY CONCERNING THIS OTHER
27 ALLEGED MURDER.

28 I BELIEVE THERE IS GOOD AND AMPLE PRECEDENT

1 YOUR HONOR, FOR THE PROPOSITION THAT ALLOWING THE PROSECUTION
2 TO INTRODUCE EVIDENCE OF ANOTHER UNPROVEN MURDER OR ANOTHER
3 PLANNED MURDER IS GROUNDS FOR A MISTRIAL. I BELIEVE WE ARE
4 IN THE SAME POSITION, CERTAINLY NO BETTER THAN THE MATTERS
5 THAT COULD BE ASSERTED AS AGAINST MR. KARNY IN THAT
6 UNPROVEN HOLLYWOOD INCIDENT, THAT WE WILL NOT DEAL WITH IN
7 THIS TRIAL IN ANY RESPECT.

8 THE COURT: ABOUT KARNY, WHAT?

9 MR. BARENS: THAT MATTER THAT HE MAY HAVE BEEN A
10 SUSPECT AT ONE POINT IN TIME, YOUR HONOR. REMEMBER THAT
11 DIALOGUE, THAT WE ARE NOT GOING TO REFERENCE IN THIS TRIAL?
12 AND I DO NOT MEAN TO REFERENCE FACTUALLY. BUT ONLY FOR
13 BACKGROUND, YOUR HONOR, IN THIS CONTEXT.

14 THE COURT: WELL, IF YOU HAVE TESTIMONY KARNY SAID HE
15 INTENDED TO MURDER THIS GUY IN HOLLYWOOD, YOU CAN GO AHEAD
16 AND GIVE EVIDENCE THAT HE SAID HE WOULD DO IT IF YOU WANT
17 TO.

18 MR. BARENS: YOUR HONOR, THE POINT WE GET TO MORE
19 SPECIFICALLY IS RELEVANCE. AS A MATTER OF FACT --

20 MR. WAPNER: I AM SORRY. I DIDN'T UNDERSTAND THAT LAST
21 RULING.

22 THE COURT: WHICH RULING?

23 MR. WAPNER: ABOUT HOLLYWOOD.

24 THE COURT: I SAID THAT IF HE HAS TESTIMONY THAT KARNY
25 SAID TO ANYBODY "I KILLED THIS GUY IN HOLLYWOOD," GO AHEAD
26 AND DO IT.

27 MR. WAPNER: OKAY.

28 MR. BARENS: I THINK YOUR HONOR SPEAKS IN JEST TO A DEGREE.

1 THE COURT: I AM NOT TALKING IN JEST. YOU GO AHEAD
2 AND PRODUCE THAT EVIDENCE IF YOU HAVE ANY.

3 MR. BARENS: I CAN'T GET DISCOVERY OF THAT MATERIAL,
4 AS YOUR HONOR IS AWARE AND IF I CAN'T GET DISCOVERY, I DON'T
5 KNOW WHAT THAT IS.

6 THE COURT: LET'S GET ON WITH THIS. WHAT IS YOUR
7 REPLY TO THAT?

8 MR. WAPNER: YOUR HONOR, IT IS NOT LIKE WE GRATUITOUSLY
9 THREW IN A COMMENT THAT HE PLANNED TO KILL SOMEBODY ELSE.
10 THE STATEMENT IS "WE WILL DISPOSE OF THIS GIRL AND PLANT THAT
11 MURDER AND LEVIN'S MURDER ON RAYMOND" BY SOMEHOW PLANTING
12 THE TELEVISION CHANGER AND THE SHEET ON RAYMOND.

13 NOW, THAT IS A STATEMENT THAT, ONE, ADMITS
14 MR. HUNT IS NOW SAYING "LEVIN IS DEAD AND I AM GOING TO TAKE
15 SUSPICION AWAY FROM MYSELF BY BLAMING THE MURDER ON SOMEONE
16 ELSE."

17 SO IT IS DIRECTLY RELATED TO THIS CASE.

18 THE COURT: I THINK SO, TOO.

19 YOUR MOTION WILL BE DENIED.

20 MR. BARENS: ALL RIGHT. THANK YOU, YOUR HONOR.

21 THE COURT: YOU ARE WELCOME. THANK YOU.

22 (THE FOLLOWING PROCEEDINGS WERE HELD
23 IN OPEN COURT:)

24 Q BY MR. WAPNER: CAN YOU PLACE AT ANY POINT IN
25 TIME A TIME WHEN YOU STOPPED BELIEVING IN THE PARADOX
26 PHILOSOPHY?

27 A I THINK IT WAS A GRADUAL PROCESS, TAKING MOST
28 OF THE LATTER -- THE LATER PORTION OF 1984 AND BY NOVEMBER

1 I GENERALLY DID NOT BELIEVE IN PARADOX PHILOSOPHY.

2 Q DO YOU RECALL MR. HUNT BEING ARRESTED FOR THE
3 FIRST TIME APPROXIMATELY SEPTEMBER 28?

4 A I RECALL HIM BEING ARRESTED FOR THE FIRST TIME
5 THE END OF SEPTEMBER, BEGINNING OF OCTOBER, YES.

6 Q WAS HE RELEASED VERY SHORTLY THEREAFTER?

7 A I THINK WITHIN A WEEK.

8 Q AFTER HE WAS ARRESTED THE FIRST TIME, WHAT DID
9 YOU DO, IF ANYTHING, OR HOW IN ANY WAY DID YOUR ASSOCIATION
10 OR RELATIONSHIP WITH HIM CHANGE?

11 A WELL, DURING THE PERIOD BETWEEN HIS ARRESTS, I
12 DECIDED TO STOP WORKING IN THE OFFICE AND I DIDN'T FEEL AS
13 CLOSE OF AN ASSOCIATION WITH HIM AS I HAD IN THE PAST.

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1 Q AND WHAT WAS IT THAT CAUSED YOU NOT TO HAVE AS
2 CLOSE AN ASSOCIATION WITH HIM AS YOU HAD HAD IN THE PAST?

3 MR. BARENS: WE HAVE AN OBJECTION. RELEVANCY, YOUR
4 HONOR.

5 THE COURT: OVERRULED.

6 MR. BARENS: THANK YOU.

7 THE WITNESS: I WAS UNCOMFORTABLE ABOUT MANY OF THE
8 THINGS THAT WERE OCCURRING AND ALSO TO SOME DEGREE, MY
9 PARTICIPATION IN THEM.

10 I DIDN'T LIKE A LOT OF THE THINGS THAT WERE BEING
11 TALKED ABOUT. I FELT UNCOMFORTABLE ABOUT THEM.

12 I JUST WISHED TO START TO DISTANCE MYSELF --
13 BETWEEN MYSELF AND MR. HUNT.

14 Q BY MR. WAPNER: AND MR. HUNT WAS ARRESTED AGAIN
15 APPROXIMATELY OCTOBER 22ND, IS THAT RIGHT?

16 A THAT SOUNDS LIKE IT COULD BE CORRECT, WITHIN
17 THAT PERIOD OF TIME.

18 Q I SHOWED -- IF I SHOWED YOU AN ARREST WITH THAT
19 DATE ON IT, WOULD YOU SAY THAT IT WAS CORRECT?

20 A YES, I WOULD.

21 Q IN ANY EVENT, AFTER HE WAS ARRESTED THE SECOND
22 TIME, DID HE REMAIN IN CUSTODY FOR A PERIOD OF TIME?

23 A YES. IT IS MY UNDERSTANDING THAT HE WAS IN
24 CUSTODY FOR A PERIOD OF TIME.

25 Q AND SHOWING YOU WHAT APPEARS TO BE AN ARREST
26 REPORT AND BOOKING FORM AND DIRECTING YOUR ATTENTION TO A
27 DATE APPROXIMATELY A THIRD OF THE WAY DOWN ON THE LEFT-HAND
28 SIDE, DO YOU SEE THAT DATE?

1 A YES, I DO.

2 Q DOES THAT REFRESH YOUR RECOLLECTION TO THE DATE
3 MR. HUNT WAS ARRESTED FOR THE SECOND TIME?

4 A YES, IT DOES.

5 Q WHAT WAS THAT DATE?

6 A THAT DATE IS OCTOBER 22ND, 1984.

7 Q AND DID YOU HAVE MUCH DIRECT CONTACT WITH MR.
8 HUNT AFTER HE WAS IN CUSTODY?

9 A I MAY HAVE HAD A PHONE CALL, ONE OR TWO PHONE
10 CALLS FROM HIM FROM JAIL.

11 Q AND AFTER HE WAS -- BETWEEN THE TIME THAT HE
12 WAS ARRESTED ON OCTOBER THE 22ND AND THE TIME THAT YOU WENT
13 TO THE POLICE ON DECEMBER THE 7TH, DID YOU CONTINUE -- WHAT
14 WAS YOUR THOUGHT PROCESS WITH REGARD TO WHETHER OR NOT YOU
15 WERE GOING TO GO TO THE POLICE AND IF SO, WHY?

16 MR. BARENS: OBJECTION, RELEVANCY, YOUR HONOR.

17 THE COURT: OVERRULED.

18 THE WITNESS: IT WOULD PROBABLY, BY I WOULD SAY, THE
19 END OF OCTOBER, I FELT THAT GOING TO THE POLICE -- EXCUSE
20 ME. IT WAS THE MIDDLE OF NOVEMBER. I HAD PRETTY WELL
21 CONCLUDED THAT IT WAS THE CORRECT THING, TO GO TO THE POLICE
22 AND THAT THE THINGS I HAD DONE WERE WRONG AND I SHOULD SPEAK
23 WITH THE POLICE AND BASICALLY SET THE RECORD STRAIGHT AND
24 TELL THEM WHAT IT WAS I KNEW.

25 Q AND DID YOU AROUND THAT TIME, OBTAIN A LAWYER?

26 A I OBTAINED A LAWYER AT THE END OF NOVEMBER OF
27 1984.

28 Q AND DID MR. HUNT'S ARREST AND THE FACT THAT HE

1 WAS NOT -- THAT HE WAS IN CUSTODY, HAVE ANYTHING TO DO WITH
2 YOUR DECISION TO GO TO THE POLICE OR YOUR GRADUAL DECLINE
3 AND YOUR BELIEF IN THE PARADOX PHILOSOPHY?

4 A ONLY TO THE DEGREE THAT HIS NON-PRESENCE, HE
5 WAS NO LONGER THERE AND A REASSURING FACTOR OR REAFFIRMING
6 FACTOR.

7 HE WAS NOT THERE TO YOU KNOW, TALK TO ME ABOUT
8 IT AND SORT OF KEEP ME IN LINE, TO SOME DEGREE. YES, IT DID.

9 Q WHAT WAS MR. PITTMAN'S ROLE IN THE BBC?

10 A IT WAS MY UNDERSTANDING THAT HE WAS IN CHARGE
11 OF SECURITY.

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1 Q WHAT DID THAT MEAN?

2 A WELL, BOTH THE PLANT AND THE OFFICES, THERE WERE
3 ALARM SYSTEMS. AND YOU KNOW, THERE WERE FENCES AND HE ALSO
4 RAN ERRANDS. BASICALLY, THAT WAS MY UNDERSTANDING OF HIS
5 ROLE.

6 Q DID YOU EVER SEE MR. PITTMAN WITH A PEN GUN?

7 A YES, I DID.

8 Q DID YOU EVER SEE HIM WITH ANOTHER --

9 MR. BARENS: OBJECTION AS TO RELEVANCY. AND ALSO UNDER
10 352.

11 THE COURT: OVERRULED.

12 Q BY MR. WAPNER: DID YOU EVER SEE MR. PITTMAN
13 WITH ANOTHER GUN THAT WAS LIKE A FOUR-BARREL OR SOMETHING?

14 A YES, I DID. IT WAS A .357 WITH FOUR BARRELS
15 SO IT COULD HAVE FIRED FOUR BARRELS SIMULTANEOUSLY OR
16 INDIVIDUALLY.

17 MR. BARENS: WE HAVE A MOTION TO STRIKE THE LAST
18 ANSWER, YOUR HONOR. THERE IS NO CONNECTING EVIDENCE ON ANY
19 OF THAT.

20 THE COURT: OVERRULED. MOTION DENIED.

21 Q BY MR. WAPNER: TELL ME ABOUT THE BUSINESS, HOW
22 THE DIFFERENT BUSINESSES WITHIN THE BBC, WERE RUN IN
23 PRACTICAL EFFECT.

24 I AM NOT TALKING ABOUT THE STOCK CERTIFICATES
25 THAT WERE ISSUED. BUT IN TERMS OF THE DAY-TO-DAY OPERATIONS,
26 WHO WAS IN CHARGE OF RUNNING THE BUSINESSES OF THE BBC?

27 A JOE WAS.

28 Q WHO WAS IN CHARGE OF THE BANK ACCOUNTS OF THE

1 BUSINESSSES OF THE BBC?

2 A JOE WAS.

3 Q THE MONEY THAT CAME TO BUY THE CARS FOR WESTCARS,
4 WHO PROVIDED THAT?

5 A JOE DID.

6 Q THE MONEY THAT CAME TO BUY THE PARTS TO BUILD
7 THE CYCLATRON, WHO PROVIDED THAT?

8 A BY "PROVIDING" DO YOU MEAN FROM THE BBC'S ACCOUNTS
9 AS TO WHO ACTUALLY --

10 Q WHERE DID THE MONEY COME FROM, IF YOU KNOW?

11 A IT WAS MY UNDERSTANDING THAT IT WAS COMING FROM
12 THE COMMODITIES TRADING AND OTHER INVESTORS.

13 Q AND SPEAKING OF THE COMMODITIES TRADING, IN TERMS
14 OF BEING TOLD AT THE MEETING THAT THE CHECK FROM LEVIN WAS
15 GIONG TO BE USED TO PAY OFF THE INVESTORS, WHAT INVESTORS
16 WERE THEY TALKING ABOUT?

17 A THE COMMODITIES INVESTORS.

18 Q NOT THE INVESTORS IN THE CYCLATRON?

19 A CORRECT.

20 Q ALL RIGHT. SO THE MONEY FROM THAT, OSTENSIBLY
21 WAS OBTAINED FOR AN OPTION IN MICROGENESIS AND WAS GOING TO
22 BE USED TO PAY OFF INVESTORS IN A SPEARATE BUSINESS ENTIRELY?

23 A THAT'S CORRECT.

24 Q ACCORDING TO THE WAY THE CORPORATIONS ARE SUPPOSED
25 TO BE RUN, THAT IS NOT KOSHER?

26 A NOT UNLESS ONE CORPORATION LENT MONEY TO ANOTHER
27 CORPORATION, AFTER --

28 MR. BARENS: OBJECTION, NO FOUNDATION FOR THIS OPINION,

1 YOUR HONOR.

2 THE COURT: WELL, HE IS FAMILIAR WITH THE FINANCIAL --
3 WERE YOU FAMILIAR WITH THE FINANCIAL ASPECTS OF THE COMPANIES?

4 THE WITNESS: WELL, I AM FAMILIAR WITH HOW
5 CORPORATIONS ARE SUPPOSED TO TRANSACT BUSINESS AMONG THEM-
6 SELVES.

7 THE COURT: ALL RIGHT.

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1 Q BY MR. WAPNER: YOU CAN FINISH YOUR ANSWER.

2 A ONE CORPORATION -- THE BOARD OF DIRECTORS FROM
3 ONE CORPORATION MUST AUTHORIZE THE OFFICERS TO NEGOTIATE
4 A LOAN FROM THE OTHER BOARD OF DIRECTORS WHO WOULD APPROVE
5 THE LOAN AND IF THE SUMS ARE GREAT ENOUGH, IT MIGHT BE
6 REQUIRED TO BE DONE BY THE SHAREHOLDERS.

7 Q OF COURSE, IN THIS CASE EXCEPT FOR ONE TIME, THERE
8 WERE NO MEETINGS OF THE DIRECTORS OR SHAREHOLDERS OF
9 MICROGENESIS, RIGHT?

10 A THAT'S CORRECT.

11 Q AND SO --

12 THE COURT: PARDON ME. DIDN'T DOSTI AND KARNY, WEREN'T
13 THEY ALSO SIGNATORS ON THE BANK ACCOUNT FOR BBC?

14 THE WITNESS: I DON'T RECALL IF THEY WERE SIGNATORS
15 FOR THE BBC'S BANK ACCOUNT.

16 I RECALL THEY MIGHT HAVE BEEN FOR THE --

17 THE COURT: HOW ABOUT MICROGENESIS?

18 THE WITNESS: THEY MIGHT HAVE BEEN FOR THE MICROGENESIS
19 ACCOUNT.

20 THE COURT: ALL RIGHT.

21 Q BY MR. WAPNER: WHAT DID YOU MEAN BEFORE WHEN
22 YOU SAID THAT IF JOE HUNT WANTED TO GET MONEY FROM THIS CHECK
23 WRITTEN TO MICROGENESIS, HE WOULD JUST WRITE HIMSELF A CHECK?

24 A JOE CONTROLLED THE PURSE STRINGS AND HE MADE THE
25 DECISIONS ABOUT WHERE MONEY WENT AND WHO SPENT IT, SO I
26 DON'T EVER RECALL ANYBODY QUESTIONING HIS DECISIONS.

27 DAVE MAY AND JEFF RAYMOND MIGHT HAVE COMPLAINED
28 THAT THEY NEEDED MORE MONEY FOR PARTS ON THE CYCLATRON BUT

1 BESIDES THAT, JOE DID WHAT JOE WANTED TO DO WITH MONEY.

2 Q WHEN YOU SAID HE DID WHAT HE WANTED TO DO, WHAT
3 DO YOU MEAN?

4 A IF HE WANTED TO WRITE A CHECK, IF HE WANTED TO
5 PUT THE MONEY IN WESTCARS, IF HE WANTED TO WRITE A CHECK FOR
6 HIMSELF, IF HE WANTED TO PUT THE MONEY, YOU KNOW, REINVEST
7 THE MONEY IN THE ACCOUNTS OR PUT THE MONEY -- OR SUPPOSEDLY
8 PUT THE MONEY IN THE CYCLATRON, HE WOULD JUST DO IT.

9 Q WHAT ABOUT THE MONEY THAT WAS PAID AS SALARIES,
10 FOR LACK OF A BETTER WORD, TO MEMBERS OF THE BBC, WHO DID
11 THAT?

12 A JOE GENERALLY WAS IN CHARGE OF THAT.

13 Q AND DID YOU EVER GO TO THE BANK WITH HIM WHEN
14 HE PUT MONEY IN AND TOOK MONEY OUT?

15 A YES, I DID.

16 Q ON THE OCCASIONS WHEN YOU WENT TO THE BANK WITH
17 HIM, DID YOU EVER SEE HIM WITHDRAW LARGE AMOUNTS OF CASH?

18 A I SAW HIM GO TO THE BANK AND WHEN WE GOT BACK
19 TO THE OFFICE, I RECALL ON SOME OCCASIONS HE HAD LARGE AMOUNTS
20 OF CASH.

21 Q ON SOME OF THOSE OCCASIONS, WHAT WOULD HE DO WITH
22 THAT CASH?

23 A HE WOULD USE IT TO PAY PAYROLL, PAYROLL WOULD
24 BE PAID IN CASH. SOMETIMES HE WOULD JUST, YOU KNOW, GIVE
25 IT TO PEOPLE FOR, YOU KNOW, DOING WELL.

26 Q WHAT DO YOU MEAN BY THAT?

27 A SOMETIMES HE WOULD JUST, YOU KNOW, IF HE WOULD
28 COME BACK FROM THE BANK WITH A LARGE AMOUNT OF CASH, HE WOULD

1 JUST GIVE MONEY TO DIFFERENT BBC MEMBERS.

2 Q WHAT DO YOU MEAN "FOR DOING WELL"?

3 A WELL, IF THEY HAD DONE SOMETHING WELL OR JOE HAD
4 SAID THINGS ARE GOING WELL OR "YOU HAVE BEEN WORKING REALLY
5 HARD," HE WOULD GIVE THEM MONEY.

6 Q HOW MUCH ARE WE TALKING ABOUT?

7 A HUNDREDS OF DOLLARS.

8 Q DID THAT HAPPEN MORE THAN ONCE?

9 A I RECALL IT ON A COUPLE OF OCCASIONS.

10 Q WHEN JOE HUNT CAME TO THE OFFICES OF --

11 (MR. CHIER EXITED THE COURTROOM.)

12 Q BY MR. WAPNER: -- WHEN HE CAME TO THE OFFICES
13 OF THE BBC WITH THE CHECK FOR \$1.5 MILLION IN HIS HAND, WITH
14 A CONTRACT, DID YOU FEEL THAT HE WASN'T GOING TO GET ANY OF
15 THIS MONEY?

16 A NO, I DON'T -- I DON'T THINK I FELT THAT.
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1 Q DID YOU FEEL THERE WAS GOING TO BE A MEETING OF
2 THE BOARD OF DIRECTORS OF SELDON THAT WAS GOING TO AUTHORIZE
3 THE BOARD OF DIRECTORS OF MICROGENESIS --

4 A EXCUSE ME. COULD YOU START WITH YOUR FIRST
5 QUESTION? I THINK --

6 Q DID YOU THINK THAT WHEN JOE HUNT SHOWED UP WITH
7 THE MONEY, THE \$1.5 MILLION CHECK AND THE CONTRACT THAT
8 SOMEHOW IT WAS ALL GOING TO GO TO MICROGENESIS AND HE WASN'T
9 GOING TO GET ANY OF IT?

10 A NO.

11 HE -- I THOUGHT HE WAS GOING TO GET SOME OF THE
12 MONEY, YES, AND IT WAS NOT ALL GOING TO GO TO MICROGENESIS.

13 Q AND AS FAR AS WHO WAS ACTUALLY CONTROLLING
14 MICROGENESIS, WHO WAS THAT?

15 A JOE WAS.

16 Q AFTER THE DISCUSSION OF THE SHOPPING CENTER HAD
17 FINALLY ENDED, THAT IS, YOU FINALLY REALIZED THERE WASN'T
18 GOING TO BE ANY SHOPPING CENTER, DID YOU HEAR OF LEVIN AGAIN
19 AFTER THAT UNTIL THE DATE OF JUNE THE 7TH?

20 A NO, I DON'T RECALL.

21 Q WERE YOU GOING -

22 MR. BARENS: I AM SORRY. I DON'T UNDERSTAND THE ANSWER.
23 IT IS A DOUBLE, LIKE WE HAVE GOT A NO AND --

24 THE COURT: CLEAR IT UP, WILL YOU?

25 MR. WAPNER: I WILL TRY AND CLEAR IT UP.

26 Q DOES THAT MEAN YOU DIDN'T HEAR OF LEVIN OR YOU
27 DON'T REMEMBER WHETHER YOU DID OR NOT?

28 A I HAVE NO RECOLLECTION OF HEARING OF LEVIN IN

1 ANY --

2 I IMAGINE HIS NAME HAD TO HAVE COME UP IN SOME
3 CONTEXT. BUT I DON'T RECALL HEARING OF AN ONGOING
4 RELATIONSHIP OF -- I HAVE NO RECOLLECTION OF ANY ONGOING --
5 I AM TRYING TO THINK OF THE WORD -- SORT OF A HIGH LEVEL
6 RELATIONSHIP EXISTING BETWEEN RON LEVIN AND THE BBC.

7 Q AND YOU SAW HIM IN THE BBC OFFICES ON ONE
8 OCCASION?

9 A I RECALL SEEING HIM ONLY ONCE IN THE BBC OFFICES.

10 Q APPROXIMATELY WHEN WAS THAT?

11 A THAT WAS IN 1983, PROBABLY IN -- IN AUGUST,
12 SEPTEMBER, OCTOBER.

13 Q IN 1984, DID YOU GO TO THE OFFICES OF THE BBC
14 AS PRETTY MUCH OF AN EIGHT-HOUR JOB?

15 A MORE OF ABOUT SEVEN HOURS.

16 Q WAS THAT PRETTY MUCH FIVE DAYS A WEEK?

17 A YES, IT WAS FIVE DAYS A WEEK.

18 Q WERE YOU DOING THAT IN JUNE OF 1984?

19 A YES, I WAS.

20 Q HAD YOU BEEN IN THE OFFICES EVERY DAY DURING THE
21 WEEK OF JUNE, THAT IS, JUNE THE 6TH IN THE MIDDLE OF THE
22 WEEK OR THE BEGINNING, OF JUNE 3RD?

23 A YES, I WAS.

24 Q OR JUNE THE 4TH, I GUESS.

25 A YES, I DID.

26 Q AND DO YOU RECALL GENERALLY WHAT TIME YOU GOT
27 TO WORK DURING THAT TIME?

28 A I USUALLY WOULD GET TO WORK AROUND 10:00.

1 Q AND STAY UNTIL HOW LONG?

2 A 4:00 OR 5:00, DEPENDING UPON WHETHER I HAD
3 CLASSES THAT EVENING.

4 Q AND DID YOU SEE RON LEVIN AT THE OFFICES DURING
5 THAT WEEK?

6 A NO, I DID NOT.

7 Q THAT WOULD BE THE WEEK OF JUNE THE 4TH OF 1984?

8 A IT WOULD BE THE WEEK CONTAINING JUNE THE 6TH AND
9 JUNE THE 7TH.

10 Q WHEN WAS IT THAT YOU TOLD JOE HUNT YOU THOUGHT
11 RON LEVIN WAS A CON MAN?

12 A I THINK AS SOON AS I -- I THINK VERY EARLY ON,
13 EVEN BEFORE MY UNDERSTANDING THAT RON -- JOE HAD STARTED
14 TRADING FOR RON.

15 Q AND WHAT DID YOU SAY EXACTLY?

16 A I JUST SAID, YOU KNOW, I HAD HEARD SOME THINGS
17 ABOUT, YOU KNOW, RON LEVIN AND THAT HE WAS A CON MAN.

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1 Q AND WHAT DID JOE HUNT SAY TO YOU?

2 A JOE DISMISSED IT, OUT OF HAND. HE FELT -- YES, I
3 GOT THE IMPRESSION JOE FELT THAT RON COULDN'T CON HIM.

4 Q WHAT DID JOE HUNT DO OR SAY THAT LEFT YOU WITH
5 THAT IMPRESSION?

6 A I THINK HE SAID, "DON'T WORRY ABOUT IT. I CAN
7 HANDLE LEVIN," OR "RON."

8 Q DID HE SAY ANYTHING --

9 THE COURT: I THINK WE'LL GIVE THE JURY A LITTLE BREAK.
10 MR. WAPNER: THANK YOU.

11 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE'LL
12 TAKE A RECESS AT THIS TIME. IT WILL BE 15 MINUTES.

13 THE SAME ADMONITION THAT I GAVE YOU WILL STILL
14 APPLY.

15 (RECESS.)

16 THE COURT: ALL RIGHT. YOU MAY CONTINUE.

17 MR. WAPNER: THANK YOU.

18 Q AT THE MEETING IN JUNE, DID YOU EVER HEAR JOE
19 HUNT USE AN EXAMPLE WITH THE GROUP THAT HAD SOMETHING TO DO
20 WITH THE MOVIE, RAMBO OR FIRST BLOOD?

21 A I DON'T RECALL IF IT WAS AT THE MEETING ON THE
22 24TH OF JUNE.

23 Q ALL RIGHT. DID YOU EVER HEAR HIM USE THAT AS
24 AN EXAMPLE?

25 A YES.

26 MR. BARENS: WE OBJECT, YOUR HONOR ON THE BASIS BOTH
27 OF RELEVANCE AND UNDER 352.

28 THE COURT: OVERRULED.

1 THE WITNESS: THERE WAS ONE THING IN THE MOVIE RAMBO,
2 WHERE RAMBO IS RUNNING THROUGH THE FOREST AND HE RAN INTO
3 A LITTLE KID. AND HE --

4 MR. BARENS: YOUR HONOR, COULD WE BE ADVISED AS TO
5 THE WITNESS, IS HE NOW TESTIFYING AS TO WHAT HE SAW IN THE
6 MOVIE OR AS TO WHAT HUNT TALKED ABOUT?

7 MR. WAPNER: I WILL BE HAPPY TO CLEAR THAT UP.

8 THE COURT: THERE HAS BEEN TESTIMONY ABOUT THIS
9 PARTICULAR INCIDENT, RAMBO. HAVE WE NOT ALREADY HEARD THAT
10 TESTIMONY?

11 MR. WAPNER: YES. I JUST WANTED TO ASK THE WITNESS
12 WHETHER HE HEARD IT AT THE MEETING OR SOME OTHER TIME.

13 THE COURT: ALL RIGHT.

14 Q BY MR. WAPNER: THIS WAS HAVING TO DO WITH SOME
15 SCENE IN RAMBO AND MR. HUNT'S OPINION OF WHAT THE CHARACTER
16 SHOULD HAVE DONE IN THE MOVIE?

17 A THAT'S CORRECT.

18 Q DID HE EVER TALK TO YOU ABOUT THAT?

19 A YES, HE DID.

20 Q DO YOU RECALL WHEN AND WHERE THAT CONVERSATION
21 WAS?

22 A NO, I DON'T.

23 Q AND SO WE ARE CLEAR THAT WE ARE DISCUSSING THE
24 SAME THING, THIS WAS A SCENE THAT HAS TO DO WITH SOME LITTLE
25 BOY AND RAMBO RUNNING ACROSS THE LITTLE BOY AND WHAT HE SHOULD
26 DO ABOUT THAT?

27 A THAT'S CORRECT.

28 Q DID YOU SEE THE CONTRACT THAT RON LEVIN PURPORTEDLY

1 SIGNED THAT WE HAVE MARKED AS PEOPLE'S 58 FOR IDENTIFICATION?

2 A IS THAT THE OPTION AGREEMENT?

3 Q YES.

4 A YES, I HAVE.

5 Q AND IN THAT AGREEMENT, RON LEVIN APPARENTLY AGREES
6 TO PAY 1.5 MILLION FOR WHAT?

7 A FOR THE RIGHTS, UPON PAYMENT OF AN ADDITIONAL
8 SEVEN MILLION DOLLARS. IF HE PAYS THE ADDITIONAL SEVEN MILLION
9 DOLLARS HE WILL ACTUALLY ACQUIRE THE RIGHTS FOR TEN YEARS.

10 Q BUT THE 1.5 MILLION, ONLY GIVES HIM THE PRIVILEGE
11 TO SPEND THE SEVEN MILLION LATER, RIGHT?

12 A THAT'S CORRECT.

13 Q WAS THERE EVER ANY DISCUSSION BETWEEN YOU AND
14 MR. HUNT ABOUT WHAT YOU WERE GOING TO DO WITH THE SEVEN MILLION
15 THAT MR. LEVIN WAS GOING TO COME UP WITH?

16 A I NEVER HAD ANY DISCUSSION WITH MR. HUNT WITH
17 REGARD TO US RECEIVING THE SEVEN MILLION DOLLARS.

18 Q WAS THERE ANY DISCUSSION WITH ANYBODY IN THE
19 BBC ABOUT WHAT YOU WERE GOING TO DO WITH THE MONEY COMING
20 FROM LEVIN, THE SEVEN MILLION DOLLARS?

21 A NOT THAT I EVER HEARD, NO.

22 Q AFTER YOU LEFT THE MEETING, DID YOU HAVE ANY
23 DISCUSSION AT ALL ONE WAY OR THE OTHER WITH ANYBODY ABOUT
24 WHAT THEY FELT ABOUT WHAT HAD GONE ON?

25 A THERE WERE DISCUSSIONS WITH INDIVIDUALS WHO WERE
26 AT THE MEETING. SPECIFICALLY, I DON'T RECALL ANY, OTHER THAN
27 THE DISCUSSION I HAVE ALREADY TESTIFIED ABOUT, WITH MR. HUNT.

28 Q ALL RIGHT. BUT DID YOU HAVE ANY DISCUSSIONS

1 WITH OTHER PEOPLE, AS YOU LEFT THE MEETING?

2 A NO, NOT AS I WAS ACTUALLY LEAVING THE MEETING.
3 I DON'T RECALL ANY.

4 Q THE STATEMENT THAT MR. HUNT MADE AT THE MEETING
5 WITH REGARD TO BEING DEALT WITH, WHAT DID YOU FEEL WOULD HAPPEN
6 TO YOU, IF IN FACT, YOU HAD DECIDED TO GO TO THE POLICE AT
7 THAT POINT?

8 A IF MR. HUNT KNEW I HAD GONE TO THE POLICE AND
9 CAUGHT ME, I THOUGHT THAT I MIGHT HAVE BEEN KILLED.

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1 Q YOU SAID IN ANSWER TO A QUESTION ON CROSS-
2 EXAMINATION ABOUT THE ACID, "THAT IS NOT WHAT JOE HUNT SAID
3 TO ME" REGARDING THE DIPPING THE BODY IN A VAT OR SOMETHING
4 LIKE THAT?

5 A RIGHT.

6 Q WHAT WAS IT THAT HE SAID SPECIFICALLY?

7 A HE SAID THAT THE BODY HAD BEEN DISPOSED OF WITH
8 ACID.

9 Q AND YOU WERE ASKED SOME QUESTIONS BY MR.
10 BARENS ABOUT A PERSON'S TRUTHFULNESS OR NOT, UNDER THE PARADOX
11 PHILOSOPHY, HAVING TO DO WITH HIS OBJECTIVES.

12 A WELL, THAT IS HOW YOU WOULD DETERMINE WHETHER
13 OR NOT HE WAS TELLING THE TRUTH OR ONE OF THE WAYS.

14 Q WAS THAT DISCUSSED AS PART OF THE PARADOX
15 PHILOSOPHY?

16 A NOT TO MY KNOWLEDGE.

17 Q HOW DID YOU COME TO THAT CONCLUSION?

18 A BECAUSE, WELL, NOT COMING TO THE CONCLUSION UNDER
19 THE PARADOX PHILOSOPHY, BUT JUST IN LIFE, ONE WAY TO TELL
20 IF SOMEBODY IS TELLING THE TRUTH IS IF YOU KNOW WHAT THEIR
21 OBJECTS ARE, THEIR OBJECTIVES, THEN YOU CAN PERCEIVE HOW WHAT
22 THEY ARE SAYING WOULD FIT WITH THOSE OBJECTIVES AND IF --
23 YOU KNOW, IF WHAT THEY SAY MEANS EITHER A OR B, IF A SEEMS
24 MORE IN LINE WITH THEIR OBJECTIVES AS YOU UNDERSTAND THEM,
25 THAT IS, IT IS LIKELY THAT IT IS THE TRUTH. IF IT WOULD BE
26 THE OPPOSITE, IT IS LIKELY THEY ARE NOT TELLING THE TRUTH
27 OR A GREATER POSSIBILITY OF THAT FACT.

28 Q AND WHAT DID YOU MEAN WHEN YOU SAID THAT YOU

1 FELT LIKE MR. HUNT'S STATEMENTS TO THE GROUP WERE LIKE AN
2 EAGLE RETURNING TO THE NEST?

3 A WELL, HE SORT OF CAME BACK -- YOU KNOW, NOW
4 WE UNDERSTOOD THAT THIS 1.5 MILLION DOLLAR CHECK WAS SORT
5 OF TIED IN WITH MR. LEVIN'S BEING KILLED AND THAT WAS KIND
6 OF LIKE A PRESENT, LIKE HE HAD GONE OUT ON THE HUNT AND
7 RETURNED TO HIS NEST WITH THE PROCEEDS OF THE HUNT, THAT HE
8 HAD DONE THIS FOR US.

9 Q LIKE AN EAGLE KILLING SOMETHING AND BRINGING
10 IT BACK TO THE NEST?

11 A YES.

12 Q HE HAD DONE IT TO BENEFIT THE GROUP?

13 A THAT'S CORRECT.

14 Q WHAT DID HE DO TO BENEFIT THE GROUP, THE KILLING
15 OR GETTING THE CHECK OR BOTH?

16 MR. BARENS: I SUPPOSE "ALLEGED KILLING" AS HE IS
17 NOW SAYING "THE KILLING."

18 Q BY MR. WAPNER: I WILL REPHRASE THE QUESTION:
19 WHAT WAS YOUR IMPRESSION THAT HE WAS SAYING HE HAD DONE FOR
20 THE BENEFIT OF THE GROUP, GETTING THE CHECK, THAT HE WAS SAYING
21 HE DID THE KILLING OR BOTH?

22 A IT WAS MY UNDERSTANDING HE WAS SAYING HE COULD
23 NOT HAVE GOTTEN THE CHECK WITHOUT THE OTHER. THE TWO WERE
24 INTERRELATED.

25 Q HE TOLD YOU HE GOT THE CHECK AT THE TIME OF THE
26 KILLING?

27 A YES, THAT WAS MY UNDERSTANDING.

28 Q WHEN YOU SAY IT WAS LIKE AN EAGLE RETURNING TO

1 THE NEXT, IS THAT SOMETHING, IS THAT REFLECTIVE OF HIS ATTITUDE
2 AT THE TIME HE WAS MAKING THIS STATEMENT?

3 A REFLECTIVE OF MY -- MY RECALLING THE ATMOSPHERE
4 OF EVERYTHING.

5 I CAN'T PARTICULARLY PINPOINT IT ON HIS ATTITUDE.

6 Q DID HE SEEM TO BE PROUD WHEN HE MADE THIS
7 STATEMENT?

8 A HE CERTAINLY DIDN'T SEEM TO BE ASHAMED.

9 Q YOU SAID IT WAS YOUR UNDERSTANDING THAT MR.
10 TAGLIANETTI WAS FIRED; WHAT WAS THAT UNDERSTANDING BASED ON?

11 A ON BEING INFORMED THAT HE HAD BEEN FIRED, BY ONE
12 OR ANOTHER MEMBER OF THE BBC, I DON'T RECALL SPECIFICALLY
13 WHICH ONE.

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1 Q AND SO YOU DON'T KNOW IF IN FACT, HE WAS FIRED
2 OR IF HE RESIGNED?

3 A I DON'T KNOW FOR A FACT WHICH ONE OCCURRED.

4 Q AND AS FAR AS -- STRIKE THAT.

5 AS FAR AS MR. EISENBERG, WHETHER HE WAS FIRED
6 OR RESIGNED, WAS THAT AGAIN, SOMETHING YOU WERE TOLD BY
7 SOMEBODY?

8 A I WAS TOLD BY SOMEBODY. I DON'T BELIEVE I WAS
9 PRESENT WHEN JOE ACTUALLY, ASSUMING THAT HE DID, FIRED HIM.

10 Q SO YOU AGAIN, DON'T KNOW WHETHER MR. EISENBERG
11 WAS FIRED OR WHETHER HE ACTUALLY RESIGNED?

12 A THAT'S CORRECT.

13 MR. WAPNER: THANK YOU. NOTHING FURTHER.

14 THE COURT: DO YOU HAVE ANY RE-CROSS-EXAMINATION?

15 MR. BARENS: IS YOUR HONOR GOING TO HAVE QUESTIONS?

16 THE COURT: NO.

17 MR. BARENS: ON THE EXHIBIT?

18 THE COURT: NO, NO. I HAVE NO QUESTIONS. ON WHAT?

19 MR. BARENS: ON AN EXHIBIT?

20 THE COURT: NO, NO.

21 MR. BARENS: ALL RIGHT. JUST A MOMENT, YOUR HONOR.

22 (PAUSE.)

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RE-CROSS-EXAMINATION

25 BY MR. BARENS:

26 Q YOU SAID THAT INITIALLY, YOU GOT INVOLVED WITH
27 THE BBC IN NOVEMBER OF 1982 BECAUSE OF THE RHETORIC THAT HAD
28 EXPRESSED?

A-2 1 A YES, I MEAN BECAUSE OF THE STATEMENTS MADE BY
2 HIM.

3 Q WEREN'T YOU ALSO INTERESTED IN BEING A PART OF
4 THIS BECAUSE THERE WERE OTHER YOUNG MEN, YOUR CONTEMPORARIES
5 THAT WERE INVOLVED, THAT SEEMED TO HAVE AMBITIONS SIMILAR
6 TO YOURSELF, THAT GOT THEM INVOLVED IN THIS?

7 A THOSE WERE PART OF THE THINGS THAT JOE TOLD ME,
8 PART OF THE STATEMENTS MADE BY JOE.

9 Q DIDN'T THOSE OTHER BOYS CORROBORATE THAT?

10 A I THINK DEAN WAS PRESENT AT THAT TIME.

11 Q HOW ABOUT LATER ON? DID YOU SEE ANY OTHER BOYS
12 INVOLVED THAT YOU LIKED OR KNEW?

13 A YES I DID.

14 Q WASN'T A PART OF YOUR INVOLVEMENT IN THIS, BECAUSE
15 YOU ENJOYED THE SOCIETY OF THESE OTHER PEOPLE, REPRESENTED
16 BY --

17 A YES IT WAS.

18 Q THEREFORE, YOU REALLY COULDN'T TELL ME THAT THERE
19 WAS JUST A SINGLE THING THAT GOT YOU INVOLVED IN THE BBC,
20 BUT RATHER, IT WAS THE WHOLE GESTALT OF THAT SITUATION?

21 A WELL AGAIN, MOST OF THE THINGS WHEN I INITIALLY
22 JOINED, WAS IN THAT ONE EVENING.

23 THERE WERE THE DISCUSSIONS BY JOE AND WHICH WERE
24 CONTRIBUTED TO BY DEAN. AND THEN I WAS ASKED IF I WANTED
25 TO BECOME A MEMBER AND I AGREED.

26 SO, IT WAS BASED IN LARGE PART ON WHAT JOE TOLD
27 ME AND WHAT I PERCEIVED AND YOU KNOW, MY PERCEPTIONS BASED
28 UPON JOE'S STATEMENTS.

4-3
1 Q THOSE WERE THEN ENHANCED BY THE FACT THAT THERE
2 WERE OTHER YOUNG MEN THAT PROVIDED A SOCIETY OF YOUNG MEN
3 THERE, THAT YOU FOUND ATTRACTIVE?

4 A THAT'S CORRECT.

5 Q NOW, BETWEEN THE TIME THAT HUNT WAS ARRESTED THE
6 FIRST TIME AND HUNT WAS ARRESTED THE SECOND TIME, I GUESS
7 THERE ELAPSED HOW LONG A PERIOD OF TIME, SIR?

8 A THREE TO FOUR WEEKS.

9 Q WERE YOU AWARE THAT BBC PEOPLE BY THAT TIME, HAD
10 GONE TO THE POLICE?

11 A I THINK WE KNEW THAT DURING SOME PERIOD OF TIME,
12 WE DID KNOW THAT THE MAYS HAD -- IT APPEARED THAT THE MAYS
13 HAD SPOKEN WITH THE POLICE.

14 Q AND DURING THAT PERIOD OF TIME, DID HUNT EVER
15 TELL YOU THAT HE WAS PLANNING TO FLEE?

16 A NO HE DID NOT.

17 Q YOU DIDN'T SEE HIM DO ANYTHING LIKE LEAVE FOR
18 BRAZIL OR ANYTHING, DID YOU?

19 A I CERTAINLY DID NOT SEE HIM LEAVE FOR BRAZIL.

20 Q ALL RIGHT. NOW, YOU MENTIONED THAT HUNT RAN
21 EVERYTHING. I GUESS THAT IS WHAT YOU WERE TELLING MR. WAPNER.
22 WAS THAT YOUR STATE OF MIND?

23 A IT IS MY STATE OF MIND THAT JOE HUNT WAS IN
24 CONTROL OF ALL OF THE COMPANIES, YES.

25 Q DID HE EVER DELEGATE ANY RESPONSIBILITIES?

26 A YES HE DID.

27 Q DID PEOPLE SEEM TO HAVE SOME AUTONOMY IN THE
28 PERFORMANCE OF THEIR TASKS?

1 A TO A SMALL DEGREE. GENE BROWNING HAD TO HAVE
2 SOME AUTONOMY WITH THE MACHINES BECAUSE THERE WAS SOME
3 TECHNOLOGY THAT HE UNDERSTOOD. AND WHILE DAVE AND JEFF WERE
4 WORKING ON THE MACHINE, THEY WOULD HAVE A CERTAIN AMOUNT OF
5 AUTONOMY PURCHASING SUPPLIES AND TOOLS.

6 BUT IN THE END, IF THEY NEEDED MORE MONEY, THEY
7 WOULD HAVE GONE TO JOE FOR ALL OF THE DECISIONS. HE WAS
8 OVERSEEING THE COMPANY.

9 HE WAS INVOLVED A GREAT DEAL IN ALL OF THE
10 DECISION-MAKING PROCESSES.

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1 Q HE WAS THERE ALL OF THE TIME, WASN'T HE?

2 A YES. HE DID SPEND MANY HOURS AT THE OFFICE.

3 Q HE WENT TO WORK EARLY?

4 A DURING THE TIME OF THE COMMODITIES TRADING, HE
5 WENT TO WORK VERY EARLY.

6 Q THE REST OF THE TIME, HE WOULD USUALLY PRECEDE
7 YOU TO WORK, SIR?

8 A GENERALLY, YES.

9 Q AND IT WASN'T AS A PRACTICAL MATTER, POSSIBLE
10 FOR HIM TO HAVE DONE EVERYTHING, WAS IT?

11 A HE COULDN'T HAVE DONE -- I MEAN, CERTAINLY, HE
12 DIDN'T DO ALL OF THE CLERICAL WORK AND ALL OF THE RUNNING
13 AROUND AND ALL OF THE MANUAL LABOR, NO.

14 Q HE COULDN'T HAVE DONE THAT AND DONE ALL OF THE
15 OTHER THINGS, TOO? I MEAN, DID THE BUSINESS OPERATIONS
16 NECESSARILY INVOLVE THE PARTICIPATION OF OTHER PEOPLE?

17 A IT DID NECESSARILY INVOLVE THE PARTICIPATION OF
18 OTHER PEOPLE, YES.

19 Q ALL RIGHT. NOW, YOU INDICATED EARLIER THAT YOU
20 WERE FAMILIAR I BELIEVE, IN RESPONSE TO A QUESTION, THAT YOU
21 WERE FAMILIAR WITH ALL OF THE FINANCIAL ASPECTS OF THESE
22 BUSINESSES?

23 A I SAID THAT I WAS FAMILIAR WITH THE WAY
24 CORPORATIONS TRADE AND BORROW MONEY BETWEEN EACH OTHER. BUT
25 I WAS BY NO MEANS, FAMILIAR WITH ALL OF THE FINANCIAL
26 ASPECTS OF OUR INDIVIDUAL CORPORATIONS.

27 Q YOU KNEW WHAT FINANCIAL FUTURES TRADING COMPANY
28 WAS?

1 A MY UNDERSTANDING OF FINANCIAL FUTURES TRADING
2 COMPANY WAS THAT IT WAS DBA'D I BELIEVE, FROM EYE-CONTACT
3 ADVERTISING.

4 AND IT WAS THE CORPORATION THAT IN SOME MANNER,
5 DEALT WITH THE LIMITED PARTNERSHIPS TRADING COMMODITIES OR
6 IT WAS INVOLVED IN TRADING COMMODITIES.

7 Q DO YOU KNOW HOW MUCH MONEY FINANCIAL FUTURES
8 TRADING CORPORATION HAD RECEIVED FROM INVESTORS?

9 A NO.

10 Q ARE YOU FAMILIAR WITH THE CONTRACTS SIGNED BETWEEN
11 THE PEOPLE THAT HAD MONEY INVESTED FOR THEM BY THAT COMPANY
12 AND FINANCIAL FUTURES?

13 A I HAVE SEEN THE CONTRACT. I DON'T BELIEVE I HAVE
14 EVER READ IT IN FULL.

15 Q WERE YOU FAMILIAR WITH THE POSITIONS THAT WERE
16 UNDERTAKEN FOR THE INVESTORS?

17 A I DID NOT UNDERSTAND THE COMMODITY MARKET AT ALL.

18 Q DID YOU UNDERSTAND HOW MUCH OF THE INVESTOR MONEY
19 WAS PLACED INTO THE BROKERAGE ACCOUNTS?

20 A I DID NOT KNOW. I DID NOT HAVE ANY KNOWLEDGE
21 OF THAT AT ALL.

22 Q DID YOU REVIEW OR RECEIVE STATEMENTS FROM THE
23 BROKERAGE ACCOUNTS?

24 A IF I EVER SAW A STATEMENT FROM THE BROKERAGE
25 ACCOUNT, I WOULD HAVE NO IDEA WHAT IT MEANT.

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1 Q ARE YOU FAMILIAR WITH THE WITHDRAWALS AND
2 DEPOSITS FROM FUTURES FINANCIAL TRADING COMPANY?

3 A NO, I AM NOT.

4 Q DO YOU KNOW WHETHER THAT COMPANY HAS LOANED THE
5 BBC ANY MONEY?

6 A I DO NOT KNOW THAT.

7 Q D YOU KNOW WHETHER THAT COMPANY HAD LOANED
8 MICROGENESIS MONEY?

9 A I DO NOT RECALL THAT.

10 Q DO YOU KNOW WHETHER MICROGENESIS HAD AN OBLIGATION
11 TO PAY FUNDS BACK TO FINANCIAL FUTURES TRADING COMPANY?

12 A I DO NOT KNOW THAT.

13 Q SO YOU COULDN'T TELL ME ONE WAY OR ANOTHER, OUT
14 OF THE 1.5 MILLION DOLLARS, WHETHER A PORTION OF THAT WOULD
15 HAVE BEEN OBLIGATED FOR REPAYMENT OF DEBT STRUCTURE FOR
16 MICROGENESIS TO FINANCIAL FUTURES TRADING COMPANY?

17 A WHAT I CAN TELL YOU IS THERE WERE NO MINUTES
18 EVER PREPARED OR EVER -- NO BOARD OF DIRECTORS MEETINGS WERE
19 HELD AUTHORIZING THE BORROWING OR LOANING OF MONEY BY ANY
20 OF THE CORPORATIONS.

21 BUT I DO NOT KNOW IF MICROGENESIS HAD INCURRED
22 ANY OBLIGATIONS TO PAY.

23 Q AT LEAST THE WAY THIS BUSINESS IS RUN, IF I DON'T
24 SEE MINUTES ON A TRANSACTION, I SUPPOSE IT IS OF NO PARTICULAR
25 NOTE AS THE MINUTES SEEMED TO HAVE BEEN ESTABLISHED SOMEWHAT
26 AFTER THE FACT AS A RULE?

27 A AS A RULE, THAT WAS VERY TRUE.

28 Q DO YOU KNOW WHAT FINANCIAL OR LEGAL RESPONSIBILITIES

1 JOE HUNT HAD IN TERMS OF THE INVESTORS OF FINANCIAL FUTURES
2 TRADING COMPANY?

3 A I DO NOT.

4 Q DO YOU KNOW AS A FACT WHETHER OR NOT THE MONEYS
5 INVESTED IN FINANCIAL FUTURES TRADING COMPANY WERE LOST?

6 A I DO NOT.

7 Q WAS HUNT GREEDY?

8 A I NEVER SAW ANY EVIDENCE OF IT.

9 Q DID YOU HAVE A SYSTEM AT THE BBC THAT REWARDS
10 WERE BASED ON PERFORMANCE?

11 A THAT IS CORRECT, YES.

12 Q WAS THAT KIND OF ONE OF YOUR MAJOR ECONOMIC
13 THEMES?

14 A IT WAS CERTAINLY THAT REMUNERATION, YES, I GUESS
15 YOU WOULD SAY IT WOULD BE.

16 Q THAT ONE WOULD BE COMPENSATED OR REWARDED IN
17 SOME FINANCIAL SENSE BASED ON THE CONTRIBUTION TO THE GROUP
18 IN TERMS OF THAT INDIVIDUAL'S EFFORTS?

19 A THAT'S CORRECT.

20 Q IS THAT CONSISTENT WITH WHAT YOU TOLD US EARLIER
21 ABOUT HUNT GOING TO THE BANK AND THEREAFTER PASSING MONEYS
22 OUT TO PEOPLE ON OCCASION?

23 A NOT NECESSARILY.

24 SOME OF IT SEEMED --

25 IT COULD HAVE POSSIBLY BEEN SOME PART OF SOME
26 PLAN IN JOE'S MIND TO REMUNERATE PEOPLE DIRECTLY FOR THEIR
27 CONTRIBUTION AS HE SAW IT.

28 BUT IT REALLY APPEARED THAT IT WAS AN

1 INDIVIDUALIZED DECISION MADE BY HIM.

2 SO I CAN'T TELL YOU IF HE WAS THINKING IN HIS
3 MIND, WELL, YOU KNOW, X HAD DONE THIS SO HE WILL GET THAT
4 AND Y HAD DONE THIS --

5 Q YES.

6 A -- OR IF HE WAS JUST PEELING OFF DOLLAR BILLS.

7 Q SIR, DID YOU GENTLEMEN HAVE DISCUSSIONS FROM
8 TIME TO TIME WHERE THE THEME OF REWARDS BASED ON SERVICES
9 RENDERED OR A MERIT SYSTEM FOR COMPENSATION WAS DISCUSSED?

10 A YES, WE DID.

11 Q AND WAS THAT DISCUSSED RIGHT FROM THE OUTSET
12 IN YOUR ASSESSMENT OF HOW THE BBC WAS GOING TO OPERATE?

13 A CERTAINLY IT WAS DISCUSSED IN MANY OF THE EARLIER
14 MEETINGS HELD BEFORE THE OFFICES WERE ESTABLISHED.

15 Q WAS IT POINTED OUT THAT COMPENSATION WOULD BE
16 BASED ON SERVICES RENDERED AS OPPOSED TO AN EQUITY OR OWNER-
17 SHIP INTEREST IN THE CORPORATIONS?

18 A YES.

19 Q THEREFORE, TITULAR OR NOMINAL SHAREHOLDINGS OR
20 EQUITY POSITIONS IN THE VARIOUS ASPECTS OF THE BBC WOULD
21 NOT BE THE WAY PROFITS WOULD BE DIVIDED, RATHER THEY WOULD
22 BE DIVIDED BASED ON A MERIT OR PERFORMANCE SYSTEM OF THE
23 INDIVIDUAL?

24 A THAT'S CORRECT.

25 Q AND THAT AGAIN, WAS SOMEWHAT OF A VERY WELL
26 ARTICULATED AND UNDERSTOOD ECONOMIC THEME THAT YOU GENTLEMEN
27 HAD?

28 A THAT IS CORRECT.

1 Q YOU MENTIONED THAT DURING THE WORK WEEK OF THE
2 FIRST SEVEN DAYS OF JUNE, 1984, THAT YOU HAD BEEN AT WORK
3 THAT WEEK?

4 A THAT IS CORRECT.

5 Q YOU WENT TO LUNCH, DIDN'T YOU?

6 A I DID.

7 Q ON THE 5TH, DID YOU GO TO THE FORTUNE FOUNTAIN
8 FOR LUNCH, SIR?

9 A I HAVE NO RECOLLECTION.

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1 THE COURT REPORTER: WHAT WAS THAT?

2 MR. BARENS: THE FORTUNE FOUNTAIN.

3 Q YOU DON'T RECALL GOING OUT TO LUNCH THAT WEEK
4 IN PARTICULAR?

5 A I RECALL GOING OUT TO LUNCH THAT WEEK BUT I DON'T
6 RECALL HAVING LUNCH AT THE FORTUNE FOUNTAIN.

7 Q YOU MENTIONED YOU DIDN'T SEE RON LEVIN ON THE
8 3RD OR THE 4TH, AND I DON'T KNOW, MAYBE YOU WERE REFERRING
9 TO --

10 A I WAS REFERRING TO THE WEEK OF THE 6TH AND 7TH
11 ON WHATEVER THE DATES ARE.

12 Q YOU DIDN'T SEE LEVIN THAT WEEK?

13 A I HAVE NO RECOLLECTION OF SEEING LEVIN THAT WEEK.

14 Q BUT YOU WERE THERE, I THINK YOU TESTIFIED,
15 ROUGHLY BETWEEN 10:00 AND 4:00?

16 A THAT IS A ROUGH ESTIMATE OF MY HOURS, YES.

17 Q AND THEN BETWEEN 10:00 AND 4:00, YOU WOULD SOME-
18 TIMES GO TO LUNCH?

19 A I WOULD GO TO LUNCH AND I MAY HAVE BEEN OUT OF
20 THE OFFICE FOR OTHER REASONS, TOO.

21 Q FOR DIFFERENT ACTIVITIES YOU DID?

22 A YOU KNOW, FOR THE OFFICE, DOING THINGS FOR THE
23 OFFICE.

24 Q IN OTHER WORDS, YOU CAN'T TELL ME WITH ANY
25 CERTAINTY THAT RON LEVIN WASN'T IN THE OFFICE THAT WEEK, CAN
26 YOU?

27 A I CANNOT.

28 Q YOU MENTIONED ON REDIRECT THAT HUNT HAD NEVER

1 DISCUSSED THIS SEVEN MILLION DOLLAR ASPECT OF THE LEVIN OPTION
2 AGREEMENT WITH YOU; IS THAT CORRECT?

3 A HE HAD NEVER SORT OF MENTIONED -- I MEAN IT HAD
4 NEVER SEEMED -- IT SEEMED TO ME THAT HE NEVER REALLY THOUGHT
5 HE WAS GOING TO GET IT.

6 Q RIGHT.

7 A YES.

8 Q AND DID HE SAY TO YOU, I NEVER REALLY THINK I
9 AM GOING TO GET THE SEVEN MILLION DOLLARS?

10 A NO.

11 BUT IT SEEMED THAT WE WERE -- IT SEEMED TO BE
12 SOMETHING YOU WOULD DISCUSS.

13 I MEAN, YOU KNOW, MR. LEVIN HAD PURPORTEDLY PAID
14 A GREAT DEAL OF MONEY FOR A ONE-YEAR OPTION AND IT SEEMED
15 TO ME UNREASONABLE, UNLESS HE HAD A VERY GOOD INTENTION OF
16 ACTUALLY ACTIVATING THE OPTION, AND SO IT SEEMS TO ME THAT
17 IF HE HAD, YOU KNOW, IT WOULD SEEM TO ME THAT WOULD BE
18 SOMETHING WE WOULD CONSIDER THE POSSIBILITY OF THAT MONEY
19 COMING.

1A 20 Q DID IT EVER OCCUR IN THE NORMAL COURSE OF
21 BUSINESS AFFAIRS THAT LEVIN COULD SELL HIS OPTION TO SOMEONE
22 IF THE TECHNOLOGY DEVELOPED?

23 A HE COULD WITHIN A YEAR.

24 I CAN READ THE OPTION AGREEMENT AND SEE IF IT
25 IS TRANSFERABLE.

26 YES, IT SAYS HERE LEVIN'S RIGHTS ARE FREELY
27 ASSIGNABLE.

28 Q SO IT WAS A POSSIBILITY, AT LEAST AS YOU

1 UNDERSTAND THE WAY BUSINESS OPERATES, THAT LEVIN COULD MARKET
2 HIS POSITION UNDER THE OPTION DURING THAT TIME FRAME?

3 A THAT IS TRUE, BUT THE OPTION WOULDN'T HAVE ANY
4 GREAT VALUE TO ANYBODY UNLESS THEY PLANNED ON ACTING ON IT.

5 Q RIGHT.

6 WAS IT YOUR UNDERSTANDING OR DID SOMEBODY COME
7 TO YOU AND SAY, WELL, WE DON'T PLAN TO ACT ON THIS?

8 A NO ONE EVER SAID THAT TO ME.

9 Q YOU WERE FAMILIAR WITH THE GOLD SUN LIMITED
10 TRANSACTION THAT MICROGENESIS WAS INVOLVED IN?

11 A I RECOGNIZE THE NAME. I CAN'T EVEN TELL YOU
12 WHAT IT DEALT WITH.

13 Q DO YOU RECALL THAT GOLD SUN LIMITED, INVESTED
14 \$150,000 IN THE TECHNOLOGY?

15 A I DON'T HAVE A RECOLLECTION, BUT THAT DOESN'T
16 SEEM UNREASONABLE TO ME.

17 Q YOU DON'T RECALL THAT AT ALL, THAT \$150,000 CAME
18 IN FROM THOSE FOLKS?

19 A I RECALL THERE WAS A DEAL WITH THE COMPANY.
20 IF YOU COULD TELL ME SOME OF THE NAMES OF THE
21 INDIVIDUALS IN THE COMPANY, I COULD POSSIBLY RECALL THE
22 TRANSACTION.

23 THE NAME GOLD SUN UNLIMITED DOES NOT IN AND OF
24 ITSELF CAUSE ME TO RECALL.

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1 Q DOES IT HELP YOU IF I MENTION MICHAEL DOW?

2 A YES IT DOES.

3 Q WHAT DO YOU RECALL IN THAT CONNECTION?

4 A I RECALL THAT THEY HAD PAID SOME MONEY FOR THE
5 RIGHTS TO SOME TECHNOLOGY, I THINK THE RIGHTS TO PURCHASE
6 THE MACHINES.

7 MR. BARENS: IF I MIGHT, YOUR HONOR?

8 THE COURT: ALL RIGHT. IS THIS REDIRECT?

9 MR. BARENS: WELL, THIS IS RE-CROSS NOW, BASED ON WHAT
10 MR. WAPNER BROUGHT OUT ON HIS EXAMINATION.

11 THE COURT: WELL, I DON'T THINK ANYTHING OF THAT KIND
12 WAS MENTIONED. BUT I WILL LET YOU ASK HIM.

13 MR. BARENS: WHAT I WILL DO, IF YOU LIKE AN OFFER OF
14 PROOF, YOUR HONOR, --

15 THE COURT: NO, NO.

16 Q BY MR. BARENS: I AM SHOWING YOU A DOCUMENT THAT
17 AT LEAST IT HAS A CAPTION OR A HEADING "GOLD SUN LIMITED,"
18 AT THE TOP, SIR. COULD YOU TELL ME WHAT THAT DOCUMENT IS
19 ABOUT AND THE DATE ON IT, IF YOU WOULD?

20 A THE DATE ON THE DOCUMENT IS -- THE SIGNATURES
21 ARE DATED THE 19TH OF AUGUST, 1983.

22 THE COURT: DO YOU KNOW ANYTHING ABOUT THAT?

23 THE WITNESS: YES. THIS DOCUMENT DOES LOOK FAMILIAR
24 TO ME.

25 THE COURT: ALL RIGHT.

26 MR. WAPNER: MAY THAT BE DEFENDANT'S NEXT IN ORDER?

27 MR. BARENS: L?

28 THE COURT: ARE YOU OFFERING IT?

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1 MR. BARENS: YES. I AM. IT IS N.

2 Q AND COULD YOU TELL ME WHAT THAT SPEAKS TO, SIR?

3 A IT IS AN OPTION AGREEMENT FOR THE RIGHTS TO
4 PURCHASE 20 CYCLATRONS AT \$200,000 PER MACHINE AND THE
5 PAYMENT FOR THE OPTION WAS -- EXCUSE ME. NOW, THAT IS
6 INCORRECT.

7 THIS WAS A MEMORANDUM. THIS WAS WHAT I BELIEVE
8 IS AN OPTION AGREEMENT FOR THE RIGHTS TO PURCHASE AN
9 ADDITIONAL 20 MACHINES AT A PRICE OF \$200,000 AND \$150,000
10 WAS PAID FOR THE OPTION. THE OPTION HAD APPROXIMATELY TWO
11 YEARS TO RUN.

12 Q NOW, YOU RECALL THAT THE \$150,000 WAS ACTUALLY
13 PAID TO YOU GENTLEMEN?

14 A I DO HAVE SOME RECOLLECTION, YES.

15 Q NOW, DID HUNT EVER DISCUSS WITH YOU, RECEIVING
16 THE TWO MILLION DOLLARS THAT THIS OPTION CALLED FOR, FOR THE
17 DELIVERY OF THE MACHINES REFERENCED HERE?

18 A THIS WAS --

19 Q SORRY, FOUR MILLION. MY MATHEMATICS ARE WRONG.

20 A I THINK THERE WERE DISCUSSIONS HELD. I DO HAVE
21 SOME RECOLLECTION WHERE WE DISCUSSED BUILDING THE ADDITIONAL
22 20 MACHINES AND I THINK THERE WAS ALSO A FIRST SET OF
23 MACHINES THAT HAD TO BE BUILT, WHICH WE NEVER DELIVERED.

24 Q THIS WOULD HAVE CALLED FOR \$200,000 PER MACHINE?

25 A FOR AN ADDITIONAL 20 MACHINES.

26 Q AND YOU DISCUSSED THE APPLICATION AND USE OF THE
27 FUNDS THAT WOULD COME FROM THAT SALE?

28 A I THINK WE ALSO, AS MY MEMORY SERVES ME, THE

2A-3 1 REASON THAT IT NEVER CAME ABOUT -- I DON'T RECALL DISCUSSING
2 THAT.

3 BUT I THINK WE OWED THEM MACHINES EVEN BEFORE
4 THAT, BASED ON ANOTHER JOINT VENTURE AGREEMENT WHICH EVENTUALLY
5 BROKE DOWN.

6 Q WHAT I AM LOOKING FOR IN MY QUESTION, SIR, YOU
7 COMMENTED THAT YOU DON'T SPECIFICALLY RECALL DISCUSSING THE
8 FOUR MILLION DOLLARS?

9 A THAT'S CORRECT. BUT THE REASON --

10 Q SIR --

11 MR. WAPNER: EXCUSE ME.

12 THE COURT: LET HIM FINISH.

13 THE WITNESS: THE REASON THERE IS -- I MEAN, YOU ARE
14 TRYING TO MAKE TWO THINGS SEEM SIMILAR THAT REALLY AREN'T.

15 Q BY MR. BARENS: ALL RIGHT.

16 A THE REASON IT WAS NEVER DISCUSSED WAS THAT WE
17 HAD, AS MY MEMORY SERVES ME, A JOINT VENTURE AGREEMENT WHICH
18 IS REFERENCED IN THAT VERY DOCUMENT. AND THAT DOCUMENT WAS
19 FOR THE PURCHASE OF AN ADDITIONAL 20 MACHINES. AND WE NEVER
20 PROVIDED THEM WITH THE FIRST MACHINES UNDER THE JOINT VENTURE
21 AGREEMENT, AS MY RECOLLECTION SERVES ME.

22 SO WE HAD NO -- THEY PURCHASED AN OPTION FOR
23 MACHINES AND NEVER GOT THE FIRST MACHINES.

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1 Q WELL, JUST LIKE LEVIN, IT SEEMS TO ME SIR, NOT
2 TO BE ARGUMENTATIVE WITH YOU, TO ANSWER YOUR CONTENTION --

3 MR. WAPNER: WELL, THERE IS AN OBJECTION.

4 THE COURT: HE IS GIVING YOU THE FACTS.

5 Q BY MR. BARENS: DID YOU IN FACT, EVER DO ANYTHING
6 TO SUPPLY LEVIN WITH THE LEVEL OF TECHNOLOGY REQUIRED UNDER
7 THE OPTION, HE SEEMED TO HAVE BEEN BARGAINING FOR?

8 A NOT THAT I KNOW OF.

9 Q ALL RIGHT. WHEN YOU HEARD ABOUT THIS COMMENT
10 ABOUT THE ACID, DID THAT IN ANY WAY, APPEAR -- I MEAN, USING
11 THE EXPRESSION, IF YOU DON'T UNDERSTAND IT TELL ME, DID THAT
12 APPEAR TO BE "HOLLYWOOD" TO YOU?

13 A YOU MEAN JUST SORT OF -- WHY DON'T YOU EXPLAIN
14 THE EXPRESSION TO ME, HOW YOU ARE USING IT.

15 Q HOLLYWOOD BEING THAT IT WAS A BIT DRAMATIC?
16 SHOWY?

17 A THEATRICAL?

18 Q THEATRICAL OR SHOWY IN SOME RESPECTS, THE WAY
19 IT COMES OUT, SIR?

20 A NO. BECAUSE I COULDN'T IMAGINE WHY SOMEBODY WOULD
21 SAY SOMETHING LIKE THAT.

22 Q THE SAME WAY YOU COULDN'T IMAGINE WHY ANYONE WOULD
23 SAY ANYTHING LIKE THAT TO YOU ON 6-24?

24 A I DON'T UNDERSTAND WHAT YOU ARE ASKING.

25 Q ALL RIGHT. I WILL LEAVE THAT WITH YOU FOR THE
26 MOMENT.

27 THE COURT: HE WANTS TO ELICIT FROM YOU, YOUR OPINION
28 AS TO WHETHER OR NOT WHEN HE TALKED ABOUT THE ACID, HE WAS

3-2
1 KIDDING.

2 MR. BARENS: I DIDN'T MEAN KIDDING, YOUR HONOR.

3 THE COURT: YOU MEANT JOKING?

4 MR. BARENS: I DIDN'T MEAN THAT EITHER, YOUR HONOR.

5 I MEANT --

6 THE COURT: EXAGGERATING?

7 MR. BARENS: BEING THEATRICAL.

8 THE COURT: THEATRICAL?

9 THE WITNESS: NO, I DON'T THINK SO.

10 THE COURT: HE WAS SERIOUS?

11 THE WITNESS: I THINK HE WAS SERIOUS, YES.

12 Q BY MR. BARENS: THAT WAS YOUR INTERPRETATION OF
13 THAT?

14 A YES IT WAS.

15 Q ALL RIGHT. YOU MENTIONED ON REDIRECT, THAT
16 HUNT'S ACTIVITY AND -- WELL, YOUR REFERENCE WAS TO THE EAGLE
17 AND IT APPEARED LIKE HE HAD DONE SOMETHING THAT BENEFITED
18 THE GROUP?

19 A YES.

20 Q AND AS A RESULT OF THAT, DID THAT MAKE -- WAS
21 THAT OSTENSIBLY CALCULATED TO MAKE HIM LOOK GOOD TO THE GROUP?

22 MR. WAPNER: OBJECTION, CALLING FOR SPECULATION AS TO
23 WHAT IT WAS CALCULATED TO DO.

24 THE COURT: YOU MIGHT ASK HIM HIS REACTION.

25 Q BY MR. BARENS: YOUR REACTION TO THAT, SIR, DID
26 IT ENHANCE HIS STATURE IN YOUR EYES?

27 A IT DIDN'T HURT HIS STATURE. IT DIDN'T HURT HIS
28 STATURE. IT SEEMS THAT HE HAD DONE THIS FOR US.

1 Q AND IT SEEMED LIKE HE HAD UNDERTAKEN SOME
2 PROMETHEAN EFFORT, TO STAY CONSISTENT WITH THE ANALOGY, ON
3 YOUR BEHALF?

4 A SOMETHING OF THE SORT OF -- GUARDIAN-LIKE, YEAH.
5 THAT IS -- I DON'T UNDERSTAND WHAT PROMETHEAN MEANS.

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1 THE COURT: PROMETHEUS, DON'T YOU REMEMBER HIM?

2 MR. BARENS: PROMETHEUS, FROM THE GREEK MYTHOLOGY.

3 IT IS ONE OF THE FEW TIMES I GET TO USE THE WORD, JUDGE.

4 Q WELL, IN ANY EVENT --

5 MR. WAPNER: THE ONLY EAGLES I KNOW ARE IN PHILADELPHIA.

6 MR. BARENS: THIS WAS LIKE A BIG EAGLE STORY.

7 IN ANY EVENT, UNLESS YOUR HONOR WISHES TO MENTION
8 ANYTHING ABOUT PROMETHEUS.

9 THE COURT: NO, EXCEPT THERE WAS POETRY, "PROMETHEUS
10 BOUND" AND SO FORTH. DO YOU REMEMBER THE POEM?

11 MR. BARENS: YES. ACTUALLY, THE MYTH WAS A BIT MORE
12 APPARENT IN MY MIND.

13 THE WITNESS: DO YOU HAVE A QUESTION PENDING?

14 MR. BARENS: NO.

15 (LAUGHTER IN THE COURTROOM.)

16 MR. WAPNER: THEY ARE HAVING A GOOD TIME. I JUST SIT
17 THERE AND LISTEN.

18 MR. BARENS: MAYBE IT IS THE ONLY INSTANCE IN MY CAREER
19 WHEREVER I COULD USE THE WORD.

20 MR. WAPNER: CAN I TAKE A BREAK WHILE THIS IS GOING
21 ON?

22 MR. BARENS: IN ANY EVENT --

23 THE COURT: YOU MAY PROCEED.

24 Q BY MR. BARENS: YOU SAY IT DIDN'T HURT HIS
25 IMAGERY IN YOUR EYES AS FAR AS THE FACT THAT HE HAD
26 OSTENSIBLY DONE THIS FOR THE GROUP?

27 A IT DID NOT HURT HIS IMAGE IN MY EYES, NO.

28 Q YOU MENTIONED HE DIDN'T SEEM ASHAMED BY THIS,

1 DID HE?

2 A NO, HE DIDN'T.

3 Q DID THAT SEEM UNUSUAL TO YOU?

4 A NO.

5 Q WHY DOES THAT NOT SEEM UNUSUAL TO YOU?

6 A BECAUSE I DID BELIEVE THAT JOE DID, YOU KNOW,
7 HE FULLY BELIEVED PARADOX PHILOSOPHY SO I DIDN'T CONSIDER
8 HE WOULD FIND KILLING ANOTHER HUMAN BEING OFFENSIVE OR SOME-
9 THING HE SHOULD BE ASHAMED OF.

10 MR. BARENS: THANK YOU.

11 THE COURT: ANYTHING FURTHER?

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REDIRECT EXAMINATION

14 BY MR. WAPNER:

15 Q DID YOU BELIEVE HIM WHEN HE TOLD YOU THAT HE
16 TOOK CARE OF RON LEVIN?

17 A WITHIN A MINUTE, I BELIEVED THAT HE HAD MURDERED
18 RON LEVIN.

19 Q WHY DID IT TAKE YOU A MINUTE TO FIGURE THAT OUT?

20 A BECAUSE MY INITIAL REACTION WAS THAT WHEN HE
21 SAID "TOOK CARE OF, DEALT WITH" WHATEVER IT WAS THAT HE SAID,
22 THAT HE MIGHT ALSO HAVE KIDNAPPED HIM. HE MIGHT HAVE DONE
23 OTHER THINGS TO HIM OTHER THAN MURDERED HIM.

24 Q AFTER THAT MINUTE PASSED, WHAT HAPPENED?

25 A WELL, I REALIZED THAT --

26 MR. BARENS: YOUR HONOR, COULD WE GET A CAUTION, BECAUSE
27 WE ARE HAVING AN AFFIRMATIVE STATEMENT ON THE ULTIMATE FACT
28 BASED ON A BELIEF THIS WITNESS HAS.

1 THE COURT: YES.

2 MR. WAPNER: YOUR HONOR, IT IS THIS WITNESS' OPINION
3 AS TO WHAT HAPPENED, HIS INTERPRETATION OF THE STATEMENT,
4 IT IS NOTHING MORE OR NOTHING LESS, AND THAT IS JUST
5 ABSOLUTELY SIGNIFICANT FOR THE JURORS TO BE ABLE TO EVALUATE
6 THE BASIS FOR THE STATEMENT THAT HE HEARD.

7 THE COURT: WELL, LET'S NOT DO IT ANY FURTHER. I WILL
8 OVERRULE THE OBJECTION.

9 YOU GO AHEAD.

10 MR. BARENS: MIGHT WE APPROACH?

11 THE COURT: NO, THERE IS NO NECESSITY AT THIS POINT.
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1 MR. BARENS: YOUR HONOR, I RESPECTFULLY ASK AN
2 OPPORTUNITY TO ADDRESS THE POINT.

3 THE COURT: I THOUGHT I HAD ADMONISHED THE JURY THAT
4 ANY QUESTION AS TO ANY OPINION GIVEN BY ANYBODY OR ANY
5 STATEMENT MADE BY ANY WITNESS WHERE HE SAYS THE MURDER OF,
6 THAT IT IS ALLEGED, IT IS AMENDED TO MEAN THE ALLEGED MURDER.

7 MR. BARENS: AND THAT IS IN THE JURY'S SOLE DISCRETION?

8 THE COURT: THE JURY HAS TO DETERMINE WHETHER OR NOT
9 THERE HAS BEEN A MURDER IN THIS CASE. THAT IS THE ULTIMATE
10 QUESTION TO BE DECIDED BY THE JURY.

11 MR. BARENS: BUT I DON'T BELIEVE THE LAW PERMITS INQUIRY
12 ON AN ULTIMATE FACT FROM A WITNESS, YOUR HONOR.

13 MR. WAPNER: MAY WE APPROACH AND WE CAN HAVE THIS
14 DISCUSSION FULLY OUT OF THE PRESENCE OF THE JURY?

15 THE COURT: YES.

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

19 THE COURT: DO YOU HAVE ANY MORE WITNESSES?

20 MR. WAPNER: I HAVE ONE BUT IF YOU DON'T --

21 THE COURT: THAT IS ALL RIGHT, WE WILL GO AHEAD WITH
22 HIM.

23 YES?

24 MR. WAPNER: THE WHOLE THRUST OF THE DEFENSE IN THIS
25 CASE IS THAT THE STATEMENT WAS A JOKE, IT WASN'T TRUE, AND
26 SO TO THE EXTENT THAT IT AIDS THE JURY IN UNDERSTANDING WHAT
27 WENT ON, EACH WITNESS WHO HEARD THAT STATEMENT HAS PERCEPTION
28 OF WHAT WAS SAID AND IF THE WITNESS BELIEVED IT OR DIDN'T

1 BELIEVE IT, THAT IS OBVIOUSLY PROBATIVE AS TO WHETHER OR NOT
2 THE JURY CAN BELIEVE THE STATEMENT WAS TRUE OR WAS NOT TRUE.

3 MR. BARENS: YOUR HONOR, NUMBER ONE, I HAVE NEVER
4 REPRESENTED TO THIS COURT NOR DO I NOW REPRESENT THAT MR.
5 HUNT'S STATEMENT WAS A JOKE, IF IN FACT HE MADE THE STATEMENT.
6 THAT IS NOT THE DEFENSE THAT I AM GOING TO ASSERT IN THIS
7 CASE NOR IS THAT THE DEFENSE I ASSERTED IN MY OPENING STATEMENT
8 OR HAVE I TRIED TO INDICATE TO THE JURY IN ANY RESPECT THAT
9 MR. HUNT WAS JOKING IN THAT STATEMENT.

10 THE ONLY TESTIMONY WE HAVE HAD AT ALL WAS THE
11 WORD "KIDDING" THAT WAS INTRODUCED RELATIVE TO MR. RAYMOND'S
12 DESCRIBING A SUBSEQUENT CONVERSATION ASSOCIATED WITH THE
13 EXECUTION OF THE CHECK AND/OR THE OPTION BY MR. LEVIN AND
14 THAT THERE WAS SOME IMPLICATION THAT MR. HUNT MIGHT HAVE BEEN
15 KIDDING WHEN HE SAID THAT, BECAUSE AS YOUR HONOR WILL RECALL,
16 I HAD PRIOR TESTIMONY WHERE MR. RAYMOND HAD USED THAT SPECIFIC
17 WORD IN PRIOR TESTIMONY AT THE PITTMAN MATTER.

18 IN ANY EVENT, AS WE ARE HERE, I BELIEVE HISTOR-
19 ICALLY, THE COURTS HAVE BEEN VERY SENSITIVE ABOUT TESTIMONY
20 ON THE ULTIMATE FACT BEFORE THE JURY AND SOLICITING A QUESTION
21 FROM A WITNESS WHICH GOES TO THEIR OPINION ON THE ULTIMATE
22 FACT.

23 NOW WHAT MR. WAPNER HAS CONSTRUCTED HERE IS TO
24 TRY TO EVADE THAT SENSITIVITY THE LAW HAS IN THAT AREA BY
25 SAYING TO HIM, "DID YOU BELIEVE THE STATEMENT WAS TRUE WHEN
26 HE SAID THAT?" THEREFORE, THE WITNESS GETS TO TESTIFY, "YEAH,
27 I BELIEVE HUNT KILLED LEVIN".

28 MR. WAPNER: NO, NO.

1 MR. BARENS: AND HE IS NOW ASKED TO RECITE THE
2 ULTIMATE FACT.

3 MR. WAPNER: NO.

4 THE COURT: AS I UNDERSTAND, ALL HE IS TRYING TO DO
5 IS GET THE REACTION BY THE WORDS WHICH WERE USED BY THE
6 DEFENDANT, "HE DID AWAY WITH HIM OR WE DID SOMETHING, GOT
7 RID OF HIM OR WHATEVER," WHATEVER THE REACTION OF THE PERSON
8 WAS IN THE CONTEXT OF THAT DISCUSSION.

9 MR. BARENS: SURE --

10 MR. WAPNER: THAT IS EXACTLY RIGHT. IT IS NOT, DOES
11 THE WITNESS BELIEVE THAT HE KILLED HIM BUT --

12 THE COURT: HE IS NOT EXPRESSING ANY OPINION THAT HE
13 DID OR DID NOT, ON THE FACTS, INDEPENDENTLY OF ANYTHING.

14 ALL HE IS SAYING FROM WHAT HE SAID IS HE GOT
15 THE IMPRESSION OR THE REACTION THAT HE KILLED HIM.

16 MR. BARENS: YOUR HONOR, WHEN I ASKED LEAVE TO APPROACH
17 THE WITNESS, WHAT I HAVE DONE UNIFORMLY, WHEN I SAID, "DID
18 YOU BELIEVE MR. HUNT WAS TELLING THE TRUTH WHEN HE MADE THOSE
19 STATEMENTS," AND THE WITNESS WOULD RESPOND YES OR NO AND THE
20 WAY MR. WAPNER HAS CONSTRUCTED THE QUESTION, THE WITNESS NOW
21 HAS TO SAY "I BELIEVE HE KILLED RON LEVIN" AND TO UTTER THOSE
22 WORDS --

23 THE COURT: NO, DON'T ASK ANY QUESTIONS WHERE YOU
24 MIGHT ASK HIM WHETHER OR NOT THEIR OPINION IS THAT HE DID
25 OR DIDN'T KILL HIM.

26 ALL YOU HAVE THE RIGHT TO DO IS WHAT YOU HAVE
27 BEEN DOING, WHICH IS ELICITING FROM THE WITNESS THEIR REACTION
28 TO THE STATEMENTS WHICH WERE MADE BY THE DEFENDANT AND WHAT

1 THEY UNDERSTOOD HIM TO MEAN BY THAT.

2 MR. WAPNER: WELL, AS AN OFFER OF PROOF, YOUR HONOR,
3 I EXPECT THAT THIS WITNESS WILL SAY THAT WHEN HE HEARD THE
4 STATEMENT, HE WASN'T SURE IF THAT -- AND THE STATEMENT THAT
5 HE SAYS HE HEARD WAS "I TOOK CARE OF RON LEVIN" AND HE WILL
6 SAY THAT "WHEN I FIRST HEARD THE STATEMENT, I DID NOT KNOW
7 WHETHER THAT MEANT KILLED OR KIDNAPPED OR WHATEVER AND THAT
8 ABOUT A MINUTE PASSED" AND HE WILL SAY THAT HE, IN THINKING
9 ABOUT IT, REALIZED THAT "TOOK CARE OF" MUST HAVE MEANT KILLED
10 AND HE BELIEVED THAT THAT STATEMENT MEANT KILLED.

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-A-1 1 THE COURT: WASN'T THERE ALSO A QUESTION? WASN'T THERE
2 TESTIMONY THAT HE SAID THAT IT WAS A PERFECT CRIME AT THAT
3 PARTICULAR TIME?

4 MR. BARENS: NO, YOUR HONOR. NO, YOUR HONOR. IT WAS
5 LATER ON.

6 EXCUSE ME, MR. WAPNER. THE TESTIMONY WAS --

7 THE COURT: LATER ON, HE SAID?

8 MR. BARENS: THE TESTIMONY WAS -- MR. RAYMOND'S
9 TESTIMONY WAS TO THAT EFFECT.

10 THE COURT: DIDN'T HE SAY ANYTHING AT THE MEETING ABOUT
11 IT BEING A PERFECT CRIME?

12 MR. BARENS: NO. WE HAVE HEARD TO MY KNOWLEDGE --
13 I HAVE NEVER READ ANY POLICE REPORT THAT THAT STATEMENT WAS
14 EVER UTTERED AT THAT MEETING. I THINK MR. RAYMOND SAID IT
15 WAS TWO WEEKS LATER AT THE OFFICE THAT THE STATEMENT WAS MADE.

16 THE COURT: I GET IT.

17 MR. BARENS: BUT NOT AT THIS TIME.

18 THE COURT: I SEE. I SEE. ALL RIGHT, WELL, GO AHEAD.

19 YOU CAN ASK HIM WHAT HIS REACTION WAS TO THE
20 LANGUAGE WHICH WAS USED.

21 MR. WAPNER: OKAY.

22 THE COURT: HE HAS A RIGHT TO WHAT HE UNDERSTANDS THAT
23 TO MEAN.

24 (THE FOLLOWING PROCEEDINGS WERE HELD

25 IN OPEN COURT:)

26 Q BY MR. WAPNER: MR. DICKER, AFTER THAT MINUTE
27 PASSED, WHAT WAS IT THAT YOU UNDERSTOOD THAT STATEMENT OF
28 MR. HUNT TO MEAN?

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1 A THAT HE HAD KILLED RON LEVIN.

2 MR. BARENS: WE OBJECT TO THAT STATEMENT BASED ON THE
3 CONVERSATIONS AT THE BAR, WHICH I DON'T NEED TO REPEAT AT
4 THIS TIME.

5 THE COURT: OVERRULED.

6 THE WITNESS: ACTUALLY, THAT HE AND JIM GRAHAM HAD
7 KILLED RON LEVIN.

8 Q BY MR. WAPNER: AND THAT HE WAS SAYING THAT HE
9 HAD KILLED RON LEVIN, AS OPPOSED TO KIDNAPPED HIM OR SOMETHING
10 LIKE THAT?

11 A THAT'S CORRECT.

12 Q WAS THERE SOMETHING THAT HAPPENED IN THAT MINUTE
13 THAT MR. HUNT SAID WHAT HE DID THAT CAUSED YOU TO CHANGE YOUR
14 MIND OR WAS IT SOMETHING THAT YOU THOUGHT ABOUT?

15 A SOMETHING I THOUGHT ABOUT.

16 Q WAS IT SOMETHING THAT YOU THOUGHT ABOUT BASED
17 ON YOUR KNOWLEDGE OF MR. HUNT?

18 A YES.

19 Q ALL RIGHT. AND WAS THAT KNOWLEDGE OF HOW YOU
20 BELIEVED MR. HUNT MIGHT ACT IN A GIVEN SITUATION?

21 A YES.

22 Q AND WAS THAT BASED ON ANYTHING MR. HUNT HAD DONE
23 OR SAID?

24 MR. BARENS: EXCUSE ME. WE ARE NOW INTO THE WITNESS'S
25 CONCLUSIONS BASED ON A HYPOTHETICAL SITUATION ASCRIBED TO
26 MR. HUNT IN A GIVEN SITUATION. I DON'T BELIEVE IT IS
27 PERMISSIBLE TESTIMONY. IT IS CALLING FOR SPECULATION IN THE
28 FIRST INSTANCE AND THEREFORE, CONCLUSIONS BASED ON THIS

1 SPECULATION ON THE HYPOTHETICAL.

2 THE COURT: WELL, ALL RIGHT. I WILL SUSTAIN THE
3 OBJECTION.

4 MR. BARENS: THANK YOU.

5 MR. WAPNER: THANK YOU.

6 Q NOW, AFTER THAT MINUTE PASSED, YOU BELIEVED THAT
7 HE HAD TOLD YOU THAT HE AND JIM GRAHAM HAD JUST KILLED
8 SOMEBODY, RIGHT?

9 A YES.

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1 Q WHY DIDN'T THAT DIMINISH HIS STATURE IN YOUR EYES?

2 A AT THAT TIME, I GUESS I -- I MEAN, I DIDN'T HAVE
3 A MARKED EMOTIONAL RESPONSE. IT WAS JUST THE PARADOX
4 PHILOSOPHY HAD REACHED A POINT IN MY LIFE, WHERE I DIDN'T
5 HAVE AN EMOTIONAL REACTION TO IT.

6 IT JUST DIDN'T STRIKE ME. I DON'T KNOW HOW ELSE
7 TO DESCRIBE IT.

8 THERE WAS NOTHING KNOTTED IN MY STOMACH. I DIDN'T --
9 THERE WAS NO EMOTIONAL REACTION.

10 Q NOW, WHAT IF IT HAD TURNED OUT THAT A WEEK OR
11 TWO WEEKS OR THREE WEEKS AFTER HE MADE THAT STATEMENT, RON
12 LEVIN HAD SHOWED UP?

13 A THAT I THINK IN MY MIND, WOULD HAVE DIMINISHED
14 JOE'S CREDIBILITY TO ME, A GREAT DEAL.

15 Q WHY?

16 A BECAUSE HE WAS COMING HERE AND MAKING THE
17 STATEMENT TO US, A STATEMENT WHICH --

18 MR. BARENS: YOUR HONOR, WE OBJECT AS TO RELEVANCY ON
19 THAT BASIS.

20 THE COURT: ALL RIGHT. IT IS SPECULATIVE. I WILL
21 SUSTAIN THE OBJECTION.

22 MR. BARENS: THANK YOU, YOUR HONOR.

23 Q BY MR. WAPNER: YOU NEVER DID SEE MR. LEVIN AFTER
24 THAT MEETING, DID YOU?

25 A NO I DID NOT.

26 Q THIS SYSTEM OF REWARDS BASED ON PERFORMANCE, DID
27 THAT HAVE TO DO WITH PROFITS OF THE COMPANIES, MICROGENESIS
28 AND WESTCARS AND ALL THAT STUFF?

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1 A THAT WOULD BE CONSIDERED, YES.

2 Q ALL THIS BUSINESS OF SHOWING YOU THE STOCK
3 CERTIFICATES AND THE PERCENTAGE, ALL OF THAT WAS A BUNCH OF
4 NONSENSE, BASICALLY?

5 A YES.

6 Q BECAUSE NONE OF THE MONEY WAS GOING TO BE
7 DISTRIBUTED, BASED ON WHO HAD WHAT PERCENTAGE OF THE STOCKS,
8 WAS IT?

9 A THAT'S CORRECT.

10 Q IT WAS GOING TO BE DISTRIBUTED BY JOE HUNT, BASED
11 ON PERFORMANCE, RIGHT?

12 A THAT'S CORRECT.

13 Q WHICH BRINGS ME TO THE QUESTION -- MAYBE I ASSUMED
14 THE ANSWER IN THE LAST QUESTION. THIS SYSTEM OF REWARDS
15 BASED ON PERFORMANCE, WHO WAS SUPPOSED TO MAKE THE DECISION
16 AS TO THE REWARDS AND WHAT THE PERFORMANCE WAS?

17 A IT WOULD HAVE BEEN -- IF IT WAS A MATTER OF
18 DEALING WITH PARADOX PHILOSOPHY, IT WOULD HAVE BEEN MADE BY
19 THE PARADOX COURT.

20 IT WAS A MATTER DEALING WITH THE PARTICULAR
21 BUSINESS, IT WOULD PROBABLY BE MADE BY THOSE PEOPLE IN CHARGE
22 OF THAT BUSINESS.

23 Q WHO WAS IN CHARGE OF ALL OF THE BUSINESSES?

24 A JOE WAS.

25 Q SO IN PRACTICAL EFFECT, WHEN IT COMES DOWN TO
26 IT, JOE HUNT WAS GOING TO DECIDE WHO GOT WHAT MONEY FOR WHAT
27 WORK?

28 A THAT'S CORRECT.

1 Q INCLUDING HOW MUCH HE WOULD KEEP FOR HIMSELF?

2 A THAT'S CORRECT.

3 MR. WAPNER: NOTHING FURTHER.

4 THE COURT: ANYTHING FURTHER?

5 MR. BARENS: JUST A MOMENT, IF I MIGHT.

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FURTHER RE-CROSS-EXAMINATION

8

BY MR. BARENS:

9 Q WE SPENT QUITE A BIT OF TIME WITH YOUR RESPONSE
10 TO THIS 6-24 ANNOUNCEMENT. YOU SAID THAT YOU PAUSED A MOMENT,
11 IT TOOK YOU A MOMENT OR SO, TO COME TO A CONCLUSION AND THEN
12 I THINK YOU SAID YOU UNDERSTOOD FROM THIS COMMENT, THAT
13 GRAHAM AND HUNT HAD KILLED LEVIN?

14 A THAT'S CORRECT.

15 Q NOW, YOU HAD GONE THROUGH THAT INTELLECTUAL
16 EXERCISE BECAUSE IN FACT, NO ONE SAID, "WE KILLED HIM," OR
17 "HE IS DEAD"?

18 A THAT'S CORRECT, AT THAT TIME.

19 Q RIGHT. AT THAT POINT IN TIME, YOU HAVE STATEMENTS
20 THAT SUGGEST TO YOU, THAT THAT IS WHAT THE FACTS ARE?

21 A THAT'S CORRECT.

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1 Q NOW, IF LATER HUNT COMES TO YOU AND SAYS, "I
2 LIED AT THE 6-24 MEETING ABOUT WHAT I SAID TO YOU," WHAT
3 HAPPENS TO HIS STATUS?

4 A PROBABLY IT DEPENDS ON WHY.

5 Q OKAY, THEN WE HAVE TO GO BACK TO A PARADOX
6 PHILOSOPHY ANALYSIS, DO WE?

7 MR. WAPNER: THERE WOULD BE AN OBJECTION IN TERMS OF --
8 ONLY IN TERMS OF TIME, BECAUSE THE TIME FRAME HE SAID "NOW
9 LATER," AND I DON'T KNOW WHEN HE IS ASKING ABOUT.

10 MR. BARENS: OH, LET'S SAY 30 DAYS LATER TO GIVE YOU
11 A TIME FRAME.

12 THE WITNESS: SO IT IS ASSUMING AT THE TIME WHEN I
13 WAS STILL GUIDED BY THE PARADOX PHILOSOPHY?

14 A BY MR. BARENS: ASSUMING SOMETIME 30 DAYS LATER,
15 WHETHER YOU ARE GUIDED BY IT, YOU CAN PUT THAT AS PART OF
16 YOUR ANSWER IF YOU LIKE.

17 A THAT IS PART OF MY ANSWER, YES.

18 Q THAT IF HE COMES TO YOU AND SAYS TO YOU, "I LIED
19 ON 6-24," DOES HE RISK WITH YOU ANY CASUALTY IN TERMS OF HIS
20 STATUS?

21 A OF COURSE, HE RISKS IT AND DEPENDING UPON WHY
22 HE LIED AND WOULD DEPEND UPON WHAT HE WOULD SUFFER OR HOW
23 HE WOULD SUFFER.

24 Q AND THAT IS SOMETHING THAT WOULD BE INTERPRETIVE
25 ON YOUR PART, SIR?

26 A I AM THE ONLY ONE WHO DETERMINES HOW SOMEBODY'S
27 STATURE, WHAT STATURE I HOLD SOMEBODY IN.

28 Q RIGHT. SO THAT WOULD BE SELECTED TO THE INDIVIDUAL.

1 THERE IS NO PRESET FORMULA WE FOLLOW ON THAT, IS THERE, SIR?

2 A THAT'S CORRECT.

3 Q IF HE WOULD HAVE EARLIER ON, LET'S SAY, BEFORE
4 JUNE 7TH WHEN HE TOLD YOU WE HAD AN INTEREST IN THE SHOPPING
5 CENTER, THAT WE ARE LOOKING FOR TITLE DOCUMENTS ON, IF HE
6 TOLD YOU HE LIED WHEN HE TOLD YOU THAT ON JUNE 1ST, HOW WOULD
7 THAT AFFECT HIS STATURE?

8 A IT AGAIN DEPENDS UPON THE REASON.

9 I CAN'T SAY DEFINITELY ONE WAY OR THE OTHER
10 WITHOUT KNOWING WHY HE PURPORTEDLY LIED.

11 Q DO YOU THINK THERE IS, AS YOU UNDERSTOOD THE
12 WAY THINGS OPERATED THERE AT THE BBC, IF HE CAME ALONG AND
13 TOLD YOU THAT HE LIED ABOUT ONE OF THESE MAJOR FINANCIAL
14 TRANSACTIONS TO YOU GENTLEMEN THAT THAT WOULD BE DONE WITHOUT
15 A RISK TO STATURE?

16 MR. WAPNER: OBJECTION. THAT CALLS FOR SPECULATION.

17 THE COURT: OBJECTION SUSTAINED.

18 LET'S GO ON TO SOMETHING ELSE IF YOU HAVE ANY-
19 THING MORE.

20 MR. BARENS: ALL RIGHT, YOUR HONOR. THERE IS ONE
21 IN CLOSING I WOULD LIKE TO ADDRESS.

22 Q YOU MENTIONED EARLIER THAT THERE WAS NO SPECIFIC
23 PARADOX PHILOSOPHY.

24 A IT WAS NEVER LAID OUT TO US IN BLACK AND WHITE.

25 Q PRECISELY, AND WE TALKED ABOUT THAT BEFORE. YET,
26 YOU SAY YOU WERE GUIDED BY IT; WHAT IS IT YOU WERE GUIDED
27 BY?

28 A MY PERCEPTION OF IT.

1 Q YOU HAD AN EVAN DICKER-ON-PARADOX-PHILOSOPHY
2 CONCEPT OF IT?

3 A YES.

4 MR. BARENS: THANK YOU.

5 THE COURT: ALL RIGHT.

6

7

FURTHER REDIRECT EXAMINATION

8

BY MR. WAPNER:

9 Q THE CONCEPT YOU HAD WAS EXPLAINED TO YOU BY THE
10 DEFENDANT IN THIS CASE?

11 A HE WAS THE ONE WHO I GOT THE CONCEPT FROM, YES.

12 Q HAD YOU EVER HEARD OF THE WORDS PARADOX
13 PHILOSOPHY BEFORE YOU MET JOE HUNT?

14 A NO, I DID NOT.

15 Q DID YOU EVER READ IT IN ANY BOOKS YOU STUDIED
16 IN COLLEGE?

17 A NO, I DID NOT.

18 Q IT NEVER EXISTED ANYWHERE EXCEPT IN JOE HUNT'S
19 MIND, DID IT?

20 A THE PARADOX PHILOSOPHY, NOT TO MY KNOWLEDGE.

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

22 MR. BARENS: I BEG YOUR PARDON. I WOULD LIKE TO
23 ADDRESS THAT LAST POINT.

24 THE COURT: GO AHEAD.

25

26

FURTHER RECROSS-EXAMINATION

27

BY MR. BARENS:

28

Q SIR, YOU HAD BEEN TO COLLEGE, HAD YOU NOT?

1 A YES, I HAD.

2 Q AND HAD YOU READ ANYTHING BY CAMUS?

3 A NOT THAT I RECALL.

4 Q HAD YOU READ ANYTHING AT ALL ABOUT EXISTENTIAL
5 THINKING IN THE 20TH CENTURY?

6 A ONLY SARTRE, WHO I NEVER REALLY UNDERSTOOD.

7 Q DID YOU READ SOME OF THAT SARTRE STUFF?

8 A I READ SOME OF HIS PLAYS, YES.

9 Q DID SARTRE TALK ABOUT ANY CONCEPT THAT YOU COULD
10 ASSOCIATE WITH PARADOX PHILOSOPHY?

11 MR. WAPNER: OBJECTION. RELEVANCE.

12 THE COURT: I WIL PERMIT HIM TO ANSWER THAT QUESTION.

13 THE WITNESS: I THINK SARTRE WAS IN MANY WAYS OPPOSITE
14 TO PARADOX PHILOSOPHY BECAUSE YOU WOULD SACRIFICE YOURSELF
15 FOR THE GROUP TO AN INDIVIDUAL ACT OF BAD FAITH.

16 Q INDEED, THE CONCEPT THAT YOU GOT OUT OF SARTRE
17 WAS THAT THE INDIVIDUAL IS SELF-EFFACING IN ORDER TO OBTAIN
18 SOME GREATER PRINCIPLE.

19 MR. WAPNER: SAME OBJECTION, YOUR HONOR.

20 THE COURT: I WILL SUSTAIN THE OBJECTION. I THINK WE
21 HAVE HEARD ENOUGH ABOUT IT.

22 MR. BARENS: THANK YOU, YOUR HONOR.

23 THE COURT: THANK YOU VERY MUCH. YOU MAY STEP DOWN.

24 MR. WAPNER: TOM MAY.

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

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1 TOM FRANK MAY,
2 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
3 AS FOLLOWS:

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

8 THE WITNESS: I DO.

9 THE CLERK: IF YOU WILL BE SEATED THERE IN THE WITNESS
10 STAND.

11 NOW WOULD YOU STATE YOUR NAME FOR THE RECORD,
12 PLEASE?

13 THE WITNESS: TOM FRANK MAY.

14 THE CLERK: THANK YOU.

15
16 DIRECT EXAMINATION

17 BY MR. WAPNER:

18 Q MR. MAY, DO YOU KNOW THE DEFENDANT IN THIS CASE?

19 A YES, I DO.
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1 Q HOW DO YOU KNOW HIM?

2 A I HAD MET HIM IN HIGH SCHOOL.

3 Q WHAT HIGH SCHOOL WAS IT?

4 A HARVARD HIGH SCHOOL.

5 Q WHERE WAS THAT HIGH SCHOOL LOCATED?

6 A ON COLDWATER CANYON, LOS ANGELES.

7 Q DID YOU GRADUATE FROM HARVARD HIGH SCHOOL?

8 A YES, I DID IN '77.

9 Q 1977?

10 A YES.

11 Q AND DID MR. HUNT GRADUATE THE SAME YEAR?

12 A YES, HE DID.

13 Q AND WHAT WAS THE NATURE OF YOUR RELATIONSHIP
14 OR FRIENDSHIP WITH HIM, IF ANY, IN HIGH SCHOOL?

15 A NONE.

16 Q DID MR. HUNT HAVE ANYTHING THAT HE PARTICIPATED
17 IN IN HIGH SCHOOL AT WHICH HE EXCELLED?

18 A YES, HE DID.

19 HE WAS AN EXCELLENT DEBATER AND SPEAKER.

20 MR. BARENS: EXCUSE ME, YOUR HONOR. RELEVANCY ON THAT
21 AND I BELIEVE THAT GOES TO CHARACTER EVIDENCE.

22 THE COURT: OVERRULED.

23 MR. BARENS: THANK YOU, YOUR HONOR.

24 Q BY MR. WAPNER: AS A STUDENT AT HARVARD HIGH
25 SCHOOL, WERE YOU REQUIRED TO TAKE DEBATE?

26 A YES -- WELL, YOU ARE REQUIRED TO TAKE SPEECH
27 AND I ALSO TOOK DEBATE.

28 Q AND DID YOU ALSO KNOW A PERSON AT HARVARD HIGH

1 SCHOOL NAMED STEVE TAGLIANETTI?

2 A YES, I DID.

3 Q WAS HE IN YOUR SAME CLASS?

4 A YES, HE WAS.

5 WE DEBATED TOGETHER. WE WERE KNOWN AS THE
6 MAY-TAG TEAM.

7 Q AND DID YOU PARTICIPATE IN DEBATES IN THE SCHOOL
8 AS WELL AS OUTSIDE OF THE SCHOOL?

9 A WELL, IT WAS -- THE WHOLE SYSTEM WAS GEARED TO
10 DEBATE AGAINST OTHER TEAMS FROM OTHER SCHOOLS.

11 Q AND HOW WERE YOUR DEBATING SKILLS, WOULD YOU
12 SAY, IN TERMS OF WHERE YOU WERE IN THE CLASS AS OPPOSED TO
13 WHERE MR. HUNT WAS IN THE CLASS?

14 A WELL, MR. HUNT WOULD BE UP HERE AND MINE WOULD
15 PROBABLY BE UNDER THE DESK SOMEWHERE. HE WAS A MUCH BETTER
16 DEBATER THAN I WAS.

17 Q OTHER THAN KNOWING HIM AS A DEBATER, DID YOU
18 HAVE ANY SOCIAL FRIENDSHIP WITH HIM AT THAT TIME?

19 A NO.

20 THE TEACHER ONCE REFERRED HIM TO ME TO REARRANGE
21 MY EVIDENCE FILES BUT THAT WAS THE ONLY TIME I EVER MET HIM.

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1 Q YOUR EVIDENCE FILES IN TERMS OF YOUR DEBATING
2 SKILLS?

3 A YES.

4 Q ALL RIGHT. OTHER THAN THAT, DID YOU HAVE -- AND
5 SEEING HIM IN CLASS, DID YOU HAVE ANY CONTACT WITH HIM?

6 A NO.

7 Q ALL RIGHT. AND WHEN YOU GRADUATED FROM HARVARD
8 SCHOOL IN 1977, WHAT DID YOU DO?

9 A I WENT DIRECTLY INTO USC.

10 Q AND WHEN YOU WENT TO -- YOU STARTED AT USC THE
11 NEXT FALL?

12 A YES I DID.

13 Q SO THAT WOULD BE THE FALL OF 1977?

14 A YES.

15 Q DID YOU SEE MR. HUNT AT SC?

16 A NO.

17 Q AND WHEN YOU WENT TO SC IN THE FALL, WERE YOU
18 IN ANY FRATERNITIES?

19 A THE FOLLOWING SPRING, I JOINED DELTA TAU DELTA
20 FRATERNITY.

21 Q DID YOU EVER IN YOUR TIME AT USC, RUN ACROSS
22 MR. HUNT?

23 A NO.

24 Q WHEN WAS THE NEXT TIME AFTER YOU LEFT HARVARD
25 SCHOOL, THAT YOU CAME ACROSS MR. HUNT?

26 A APRIL OF 1983.

27 Q AND WHERE WAS IT THAT YOU MET HIM?

28 A THE FIRST TIME WE MET WAS AT THE HARD ROCK.

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1 Q WHAT IS THE HARD ROCK?

2 A IT IS A RESTAURANT, BAR IN THE BEVERLY CENTER
3 IN LOS ANGELES.

4 Q AND WHEN YOU MET HIM AT THE HARD ROCK, WHO WERE
5 YOU THERE WITH?

6 A I WAS THERE WITH MY BROTHER.

7 Q WHAT IS YOUR BROTHER'S NAME?

8 A DAVID MAY.

9 Q AND DID YOU FIRST MEET MR. HUNT OR SOMEBODY ELSE
10 THERE AT THE HARD ROCK?

11 A WE MET DEAN KARNY THERE.

12 Q WHO WAS DEAN KARNY?

13 A WELL, PREVIOUS TO THAT DAY, I HAD ONLY KNOWN DEAN
14 KARNY AS A TENNIS PLAYER WHO WAS IN MY SAME CLASS AT USC.
15 WE BOTH PLAYED TENNIS ON THE TEAM TOGETHER.

16 Q PLAYED ON THE TENNIS TEAM AT USC?

17 A NO, I MEAN HARVARD. SORRY.

18 Q HOW WELL DID YOU KNOW DEAN KARNY IN HIGH SCHOOL?

19 A NOT VERY WELL.

20 Q WHEN YOU WENT TO THE HARD ROCK CAFE WITH YOUR
21 BROTHER IN APRIL OF 1983 AND YOU SAW DEAN KARNY, WHAT HAPPENED?

22 A DEAN SAID THAT HE HAD HOOKED UP WITH JOE HUNT,
23 WHO HAD GOTTEN BACK FROM CHICAGO AND HAD BEEN TRADING
24 THERE RATHER SUCCESSFULLY.

25 HE HAD TURNED MILLION DOLLAR ACCOUNTS OVER IN
26 CHICAGO AND WAS NOW BACK IN LOS ANGELES, TRYING TO PUT
27 TOGETHER AN INVESTING POOL TO REDO WHAT HE HAD DONE IN
28 CHICAGO.

1 AND DEAN SAID THAT WE MIGHT BE INTERESTED IN
2 MEETING UP WITH JOE HUNT AND LISTENING TO WHAT HE HAD TO SAY.

3 Q AND WAS JOE HUNT PRESENT WHEN THIS CONVERSATION
4 WAS GOING ON?

5 A NO. DEAN REINTRODUCED US TO JOE HUNT LATER ON
6 THAT EVENING.

7 Q WAS THAT AT THE HARD ROCK?

8 A I THINK IT WAS.

9 Q AND WHEN DEAN KARNY SAID THAT JOE HUNT WAS
10 TRADING, DID HE SAY WHAT HE WAS TRADING?

11 A COMMODITIES.

12 Q DID HE SAY HOW THEY WERE DOING?

13 A HE SAID THEY WERE DOING INCREDIBLY WELL.

14 Q AND WHAT HAPPENED AFTER HE TOLD YOU THAT?

15 A WELL --

16 Q IN TERMS OF HOOKING UP WITH JOE HUNT, I MEAN,
17 DID JOE HUNT SHOW UP AT THE HARD ROCK? DID YOU GO SOMEWHERE
18 TO MEET HIM? HOW DID THAT HAPPEN?

19 A NO. MY BROTHER AND I WERE RUNNING A NIGHTCLUB
20 DOWN IN DANA POINT. SO IT WAS A COUPLE OF WEEKS LATER THAT
21 THEY CAME DOWN TO THE NIGHTCLUB AND SAW OUR OPERATION DOWN
22 THERE AND SAW IT WAS DOING VERY WELL.

23 THEN THEY INVITED US UP TO A MEETING IN LOS ANGELES
24 WHERE JOE WAS STARTING UP THE BBC.

25 Q SLOW DOWN A LITTLE BIT, ALL RIGHT?

26 A OKAY.

27 Q FIRST OF ALL, I THINK THERE IS A LITTLE BIT OF
28 CONFUSION AT THE MOMENT. THE FIRST NIGHT WHEN YOU RAN INTO

-4
1 DEAN KARNY AT THE HARD ROCK CAFE, WAS HE WITH JOE HUNT OR
2 BY HIMSELF?

3 A I BELIEVE HE WAS WITH JOE HUNT.

4 Q DO YOU KNOW WHETHER YOU TALKED TO JOE HUNT THAT
5 NIGHT?

6 A I DON'T REMEMBER TALKING TO JOE HUNT THAT NIGHT
7 BUT I REMEMBER SPECIFICALLY TALKING TO DEAN.

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1 Q WHEN YOU TALKED TO DEAN, WAS THAT AT A TABLE WHERE
2 JOE HUNT WAS SITTING THERE OR WHAT?

3 A IT WAS AROUND THE BAR.

4 Q AND SO YOU DON'T RECALL TALKING TO JOE HUNT THAT
5 NIGHT?

6 A NO.

7 Q AND THEN YOU SAY IT WAS A COUPLE OF WEEKS LATER
8 THAT MR. KARNY CAME DOWN TO A NIGHTCLUB THAT YOU WERE
9 RUNNING WITH YOUR BROTHER?

10 A (NO AUDIBLE RESPONSE.)

11 Q IS THAT YES?

12 A IT MIGHT HAVE BEEN AFTER WE WENT -- WE WERE
13 INVITED TO A MEETING THAT MR. HUNT WAS CONDUCTING. THEY CAME
14 DOWN AFTERWARDS. I THINK THAT IS THE CORRECT CHRONOLOGY.

15 Q OKAY. SO YOU WERE TOLD BY MR. KARNY AT THE HARD
16 ROCK THAT HE WAS INVOLVED WITH MR. HUNT IN TRADING
17 COMMODITIES AND THEY WERE DOING WELL?

18 A YES.

19 Q ALL RIGHT. AND WERE YOU ASKED TO GO TO SOME KIND
20 OF A MEETING?

21 A YES.

22 Q AND WHAT KIND OF A MEETING WAS THAT?

23 A IT WAS A MEETING FOR A GROUP OF YOUNG GUYS LIKE
24 MYSELF, WHO WERE INTERESTED IN GETTING INTO BUSINESS AND WHO
25 THIS FELLOW JOE HUNT, IS TRYING TO GET TOGETHER ALL UNDER
26 ONE ROOF TO TRY TO PUT TOGETHER BUSINESSES.

27 Q WHEN YOU SAY THAT IT WAS A GROUP OF YOUNG GUYS
28 LIKE YOURSELF --

B-2

1 A WELL, THEY WERE ESSENTIALLY GUYS MY OWN AGE, OUT
2 OF COLLEGE, WHO HAD DIFFERENT TYPES OF AMBITIONS. SOME OF
3 THEM WERE IN MARKETING. SOME OF THEM WERE IN SECURITIES AND
4 WHATEVER.

5 AND I GUESS FROM WHAT DEAN SAID, JOE WAS TRYING
6 TO GET THEM ALL TOGETHER UNDER ONE ROOF, SO HE COULD START
7 NEW BUSINESSES.

8 Q WAS THAT THE REASON YOU WENT TO THIS MEETING THAT
9 DEAN ASKED YOU TO COME TO?

10 A YES. I WANTED TO HEAR WHAT HE HAD TO SAY.

11 Q AND DID YOU GO TO THE MEETING?

12 A YES I DID.

13 Q ALL RIGHT. WHEN WAS IT AND WHERE WAS IT?

14 A IT WAS PROBABLY IN MAY OF 1983 OR LATE APRIL.
15 IT WAS AT DEAN KARNY'S PARENTS' CONDO IN THE VALLEY.

16 Q DID YOU GO THERE BY YOURSELF OR WITH SOMEBODY?

17 A I WENT THERE WITH MY BROTHER.

18 Q WHEN YOU WENT THERE, WHAT HAPPENED?

19 A THERE WAS A GROUP OF GUYS THERE THAT WERE MY AGE.

20 Q HOW MANY WERE THERE?

21 A I WOULD SAY ABOUT 15.

22 Q WHO RAN THE MEETING?

23 A JOE HUNT RAN THE MEETING.

24 Q WAS DEAN KARNY THERE?

25 A DEAN KARNY WAS THERE.

26 Q DID YOU KNOW SOMEBODY NAMED AT THAT TIME, BEN
27 DOSTI?

28 A I MET HIM THERE.

3-3

1 Q WAS THAT THE FIRST TIME YOU HAD MET HIM?

2 A YES.

3 Q AND WHAT DID JOE HUNT TALK ABOUT WHEN YOU MET
4 HIM AT THAT MEETING?

5 A HE TALKED ABOUT STARTING UP THE NEW BUSINESSES
6 AND IF ANYBODY IN THE GROUP HAD ANY IDEAS, THAT HE WOULD
7 PROBABLY BE ABLE TO PUT EVERYTHING TOGETHER, SO THE PIECES
8 COULD FINANCIALLY WORK AND BECOME SUCCESSFUL.

9 AND SO BASICALLY, THIS WAS ALL ABOUT TALKING ABOUT
10 NEW BUSINESSES AND TALKING ABOUT HIS COMMODITIES.

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1 Q AND WHERE DID HE SAY HE WAS GOING TO GET THE
2 MONEY FOR THESE BUSINESSES?

3 A HE THOUGHT HE COULD GET THEM FROM HIS COMMODITIES
4 INVESTMENTS.

5 Q DO YOU REMEMBER ANY OF THE NAMES OF ANY OF THE
6 OTHER PEOPLE THAT WERE AT THE MEETING?

7 A ALEX GAON, I THINK WAS THERE. RONALD PARDOVITCH
8 WAS THERE. THAT IS ALL THAT I REMEMBER.

9 Q THOSE ARE THE ONLY NAMES OF THE PEOPLE THAT YOU
10 REMEMBER?

11 A YES.

12 Q AND DID HE DISCUSS A PHILOSOPHY OF GETTING ALL
13 OF THESE PEOPLE IN THE GROUP TOGETHER TO POOL THEIR RESOURCES?

14 A YES, HE DID.

15 Q AND WHAT WAS YOUR UNDERSTANDING ABOUT WHAT YOU
16 WOULD HAVE TO PUT INTO THIS GROUP IF YOU DECIDED TO GO INTO
17 IT?

18 A YOU WOULD HAVE TO PUT IN HARD WORK.

19 Q AND AFTER -- WELL, DID YOU COME AWAY FROM THIS
20 MEETING WITH ANY DECISION AS TO WHAT YOU WERE GOING TO DO?

21 A NO, NOT REALLY.

22 IT WAS VERY INTERESTING BUT -- AND IT LEFT ME
23 CURIOUS TO HEAR MORE.

24 Q WHAT WAS IT THAT YOU FOUND INTERESTING ABOUT IT?

25 A WELL, IT WAS A NEW TYPE OF PHILOSOPHY THAT MOST
26 BUSINESSES HAVEN'T HEARD OF OR AREN'T FOUNDED ON.

27 Q WHAT KIND OF PHILOSOPHY WAS THAT?

28 A THE TYPE OF PHILOSOPHY WHERE WHATEVER YOU PUT

1 INTO, YOU GET AN EQUAL AMOUNT OUT OF AND THAT WAS
2 INTERESTING.

3 Q AND HAD YOU MADE ANY DECISION AT THE TIME THAT
4 YOU LEFT THAT MEETING AS TO WHAT YOU WERE GOING TO DO?

5 A NOT REALLY.

6 I MEAN PROBABLY TO LISTEN A LITTLE MORE AND FIND
7 OUT MORE ABOUT IT.

8 Q DID YOU SEE MR. HUNT AND MR. KARNY AGAIN --

9 A YES.

10 Q -- AFTER THAT?

11 A YES, THEN THEY CAME DOWN TO THE CLUB.

12 Q THIS IS A NIGHTCLUB THAT YOU AND YOUR BROTHER
13 HAD IN DANA POINT?

14 A YES.

15 Q WHEN MR. HUNT AND MR. KARNY CAME DOWN TO THE CLUB,
16 WAS ARBEN DOSTI WITH THEM ALSO?

17 A THEY CAME DOWN SEVERAL TIMES. I THINK ARBEN MIGHT
18 HAVE COME DOWN SEVERAL TIMES.

19 THE COURT: YOU CALL HIM BEN FOR SHORT?

20 THE WITNESS: YES.

21 THE COURT: ARBEN, A-R-B-E-N AND YOU CALL HIM BEN?

22 THE WITNESS: BEN, THAT'S RIGHT.

23 Q BY MR. WAPNER: DID THE DEFENDANT IN THIS CASE,
24 DEAN KARNY AND BEN DOSTI COME DOWN SEVERAL TIMES TO THE CLUB?

25 A THEY CAME DOWN AT LEAST ONCE.

26 Q WHAT WAS THE PURPOSE OF THOSE VISITS, IF YOU KNOW?

27 MR. BARENS: YOUR HONOR, "VISITS" IS NOT CONSISTENT
28 WITH THE TESTIMONY. I BELIEVE HE SAID "AT LEAST ONCE".

1 THE COURT: WELL, HOW MANY TIMES DO YOU RECALL?

2 THE WITNESS: I SAID AT LEAST TWICE.

3 THE COURT: AT LEAST TWICE?

4 MR. BARENS: DID HE SAY TWICE? SORRY.

5 Q BY MR. WAPNER: DO YOU KNOW WHAT THE PURPOSE OF
6 THOSE VISITS WAS?

7 A DO I KNOW WHAT THEY WERE NOW OR DID I KNOW WHAT
8 THEY WERE THEN?

9 Q OKAY. WELL, THAT IS A VERY GOOD QUESTION AND
10 I WILL DEFER THAT FOR THE TIME BEING. WE CAN COME BACK TO
11 THAT AT THE END.

12 BUT I ASSUME THAT YOUR PERCEPTION, WITHOUT ASKING
13 YOU WHAT IT IS, BUT YOUR PERCEPTION ABOUT MR. HUNT AND WHAT
14 HE WAS UP TO THEN AND NOW IS SOMEWHAT DIFFERENT?

15 A YES, IT IS.

16 MR. BARENS: OBJECTION TO THE REFERENCE BY THE DISTRICT
17 ATTORNEY TO "UP TO." PERHAPS WE OUGHT TO GET TO THE
18 EVIDENCE.

19 THE COURT: OH, I WILL LET IT STAND.

20 GO AHEAD.

21 Q BY MR. WAPNER: NOW, WHEN MR. HUNT CAME DOWN TO
22 YOUR CLUB, WHAT DID HE SAY TO YOU?

23 A HE THOUGHT WE HAD DONE A MARVELOUS JOB WITH IT.
24 HE THOUGHT DAVE AND I HAD WORKED HARD TO PUT TOGETHER A
25 SUCCESSFUL CLUB AND THAT HE WANTED TO SEE THAT KIND OF
26 SUCCESS GO INTO THE BBC.

27 Q WHERE DID THE NAME BBC -- WHEN DID YOU FIRST HEAR
28 THAT?

1 A HE TOLD ME A STORY THAT WHEN HIM AND BEN DOSTI
2 WERE TRADING IN CHICAGO THAT THEY WOULD OFTEN GO TO A PLACE
3 CALLED THE BOMBAY BICYCLE CLUB, WHICH WAS A RESTAURANT THERE,
4 AND THAT IS WHERE THEY WOULD TALK ABOUT COMING BACK TO
5 LOS ANGELES AND STARTING UP THIS ORGANIZATION OF YOUNG BOYS
6 TO COME TOGETHER AND PUT TOGETHER NEW BUSINESSES AND BECAUSE
7 OF THE NAME BOMBAY BICYCLE CLUB, THEY DECIDED TO USE THE
8 LETTERS BBC FOR THE FOUNDATION OF THE ORGANIZATION.

9 Q DID YOU FIRST HEAR THE NAME BBC AT THE MEETING
10 THAT YOU WENT TO AT THE CONDOMINIUM IN THE VALLEY?

11 A I BELIEVE SO.

12 Q AND DID MR. HUNT TALK TO YOU DURING THE TIME OR
13 TIMES THAT HE CAME DOWN TO YOUR NIGHTCLUB ABOUT THE
14 POSSIBILITY OF YOUR INVESTING WITH HIM IN COMMODITIES?

15 A YES.

16 Q AND WAS THAT IN THE CONTEXT OF ALSO TELLING YOU
17 THAT HE LIKED YOUR CLUB AND THE HARD WORK THAT YOU HAD PUT
18 INTO IT?

19 A YES.

20 Q AND AT THAT TIME, WERE YOU LIVING SOMEWHERE DOWN
21 NEAR DANA POINT NEAR THE CLUB?

22 A YES, WE HAD A PLACE OVER THE CLUB.

23 Q AND DID HE ASK YOU TO COME UP TO LOS ANGELES TO
24 FURTHER DISCUSS WITH HIM GETTING MORE INVOLVED IN THE BBC?

25 A YES.

26 MR. WAPNER: YOUR HONOR, MIGHT THIS BE THE APPROPRIATE
27 TIME?

28 THE COURT: YES.

1 LADIES AND GENTLEMEN, WE WILL TAKE OUR
2 ADJOURNMENT AT THIS TIME UNTIL THE CUSTOMARY 10:30 TOMORROW
3 MORNING.

4 AND THE USUAL ADMONITION I GAVE YOU WOULD STILL
5 APPLY AND GOOD NIGHT.

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

7 THE COURT: ALL RIGHT.

8 MR. BARENS: THE JURY MAY BE EXCUSED.

9 THE WITNESS: AM I EXCUSED?

10 THE COURT: YES, YOU ARE EXCUSED.

11 THE WITNESS: THANK YOU.

12 (THE JURY EXITED THE COURTROOM AND THE
13 FOLLOWING PROCEEDINGS WERE HELD:)

14 THE COURT: ALL RIGHT, THE JURY SEEMS TO HAVE LEFT THE
15 COURTROOM.

16 MR. BARENS: YOUR HONOR, INITIALLY, JUST A HOUSEKEEPING
17 ACTIVITY FOR YOUR CLERK. I HAD HAD THE PROXIES UNDER THE
18 L'S AND I FORGOT TO MENTION ON THE RECORD THE LAST PROXY,
19 WHICH WAS THE PROXY FOR 32 SHARES FOR HUNT, WHICH WE MARKED
20 AS L-3.

21 THE COURT: IT WILL BE SO MARKED.

22 MR. BARENS: AND THEN THAT PROMISSORY NOTE I REFERENCED
23 AFTER THAT BECOMES L-4.

24 THE COURT: YES.

25 MR. BARENS: I WILL BE GIVING THOSE TO THE CLERK.

26 WHAT I ASKED FROM YOUR HONOR FOR A MOMENT IS THAT
27 NOW I HAVE AN INCREASING CONCERN WHEN WE GET INTO THE BBC
28 WITNESSES. WE ARE GETTING INTO SOME SHOTGUN CHARACTERIZATIONS
29 THROUGH THESE WITNESSES.

1 YOUR HONOR, THE DEFENSE OBVIOUSLY HAS NOT PUT
2 MR. HUNT'S CHARACTER IN EVIDENCE AT ALL AT THIS POINT. WE
3 HAVE NOT PUT ON A CASE.

4 YOUR HONOR, YET, WE ARE GOING TO GET INTO WITH
5 THESE GUYS WHEN THEY ARE EXPRESSING OPINIONS ABOUT MR. HUNT,
6 AS THE OTHER WITNESSES HAVE, ABOUT THE TYPE OF FELLOW HE WAS
7 OR WHAT HE WAS UP TO OR WHAT HE HAD ON HIS MIND OR WHETHER
8 HE WAS A GOOD GUY OR A BAD GUY AND ET CETERA.

9 I DON'T SEE HOW HUNT'S CHARACTER BY LAW, IS
10 ADMISSIBLE AS A SPECIFIC MATTER OF LAW.

11 I DON'T BELIEVE THAT THE CODE PERMITS THAT AT
12 THIS TIME OF THE TRIAL.

13 THE COURT: WELL, THE DISTRICT ATTORNEY UNDERSTANDS
14 OF COURSE, THAT OPINION EVIDENCE AS TO HIS CHARACTER IS NOT
15 INVOLVED. HE IS NOT ASKING OPINION EVIDENCE AS TO HIS CHARACTER,
16 ALL HE IS DOING I IMAGINE, IS JUST ASKING CERTAIN -- WHAT
17 THEIR CONCLUSIONS ARE AS TO VARIOUS ACTS WHICH HE PERFORMED,
18 IF ANY.

19 ISN'T THAT WHAT YOU ARE INTENDING TO DO?

20 MR. WAPNER: YES, YOUR HONOR. I ALSO THINK THAT MR.
21 BARENS IS TALKING ABOUT WHAT THESE WITNESSES HAVE TO SAY ABOUT
22 PARADOX PHILOSOPHY AND WHAT IT MEANS AND THAT IS NOT GOING
23 INTO CHARACTER EVIDENCE. THAT IS, AS MUCH AS IT IS TALKING
24 ABOUT THE PHILOSOPHY THAT BOUND THE ENTIRE GROUP TOGETHER
25 AND IS INTEGRAL TO EXPLAINING THE ACTIONS THAT THE DEFENDANT
26 TOOK AND THE WAY THAT THE WITNESSES PERCEIVED THEM AND REACTED
27 TO THEM.

28 THE COURT: ALL RIGHT. I DON'T UNDERSTAND IT AS BEING

1 CHARACTER EVIDENCE. SO FOR THAT REASON, I WILL -- COUNSEL
2 UNDERSTANDS WHAT HIS LIMITATIONS ARE. I DON'T THINK WE HAVE
3 TO REPEAT IT ANY MORE THAN FIVE TIMES.

4 MR. BARENS: WE ARE GOING TO BE SENSITIVE, AS WE GO
5 ALONG, BECAUSE SOMETIMES YOUR HONOR, IT IS VERY DIFFICULT
6 FOR ME. AND I WOULD THINK IT IS FOR THE JURY AS WELL, OR
7 ANY HUMAN BEING, TO TRY TO DISCRIMINATE OUT WHAT -- WHEN WE
8 GET INTO FACTUAL RECITATIONS VERSUS A STATEMENT ABOUT
9 CHARACTER.

10 IT BECOMES INCREASINGLY BLURRED AND I THINK IT
11 WAS QUITE BLURRED DURING TODAY'S TESTIMONY, YOUR HONOR.

12 THE COURT: WELL, WE DID THE BEST WE COULD. I DON'T
13 THINK THERE IS ANYTHING WHICH IN ANY WAY WOULD INDICATE THAT
14 ANYBODY WAS EXPECTING AN OPINION AS TO CHARACTER.

15 MR. BARENS: THANK YOU.

16 THE COURT: ALL RIGHT. THANK YOU.

17 (AT 4:33 P.M. AN ADJOURNMENT WAS TAKEN
18 TO RESUME WEDNESDAY, FEBRUARY 25, 1987
19 AT 10:30 A.M.)
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