

COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

88DA0269

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

SUPERIOR COURT
NO. A-090435

OCT 09 1987

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

APPEARANCES:

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

FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 56 OF 101
(PAGES 8566 TO 8774, INCLUSIVE)

COPY

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WEST C

HON. LAURENCE J. RITTENBAND, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

PLAINTIFF,)

VS.)

JOSEPH HUNT,)

DEFENDANT.)

NO. A-090435

REPORTERS' DAILY TRANSCRIPT

WEDNESDAY, FEBRUARY 25, 1987

VOLUME 56

PAGES 8566 TO 8774, INCL.

APPEARANCES:

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

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

AND

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

ROSEMARIE GOODBODY, CSR NO. 932
SALLY YERGER, CSR NO. 2008
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1 SANTA MONICA, CALIFORNIA; WEDNESDAY, FEBRUARY 25, 1987; 10:37 A.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

5 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN.
6

7 TOM FRANK MAY,
8 THE WITNESS ON THE STAND AT THE TIME OF ADJOURNMENT, RESUMED
9 THE STAND AND TESTIFIED AS FOLLOWS:

10 THE CLERK: YOU HAVE BEEN PREVIOUSLY SWORN.

11 YOU ARE STILL UNDER OATH.

12 IF YOU WOULD JUST HAVE A SEAT THERE.

13 THE WITNESS: THANK YOU.

14 THE CLERK: AND STATE YOUR NAME AGAIN FOR THE RECORD.

15 THE WITNESS: TOM MAY. TOM FRANK MAY.
16

17 DIRECT EXAMINATION (RESUMED)

18 BY MR. WAPNER:

19 Q MR. MAY, AFTER YOU WENT TO THE MEETINGS AT THE
20 CONDMINIUM IN ENCINO AND AFTER MR. HUNT AND MR. KARNY CAME
21 DOWN A FEW TIMES TO YOUR NIGHTCLUB IN DANA POINT, DID YOU
22 MEET AGAIN WITH MR. HUNT AT SOME PLACE IN WESTWOOD?

23 A THE CAFE CASINO.

24 Q HOW DID THAT COME ABOUT?

25 A OH, MY BROTHER WAS THINKING SERIOUSLY ABOUT
26 INVESTING SOME MONEY IN THE COMMODITIES THAT JOE WAS TALKING
27 ABOUT AND SO I WANTED TO LEARN MORE ABOUT IT AND I WANTED
28 TO HEAR FROM HIM DIRECTLY WHAT HE HAD TO SAY ABOUT HIS TRADING

1 PHILOSOPHY.

2 Q AND DID YOU ASK TO MEET WITH HIM?

3 A YES, I DID.

4 Q YOU DID MEET WITH HIM AT THE CAFE CASINO IN
5 WESTWOOD?

6 A YES, I DID.

7 Q THAT IS A RESTAURANT?

8 A YES, IT IS.

9 Q WHAT TIME DID THAT MEETING TAKE PLACE?

10 A LUNCH TIME.

11 Q WHEN WAS THAT APPROXIMATELY?

12 A MAY OF 1983.

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1 Q WHO WAS THERE BESIDES YOURSELF AND MR. HUNT?

2 A JUST JOE AND I.

3 Q WHAT HAPPENED WHEN YOU MET WITH HIM THERE?

4 A HE WENT INTO A LONG AND COMPLICATED PHILOSOPHY
5 ABOUT HOW HE TRADES COMMODITIES AND HE SAID THAT IT WAS --
6 WELL, HE SAID IF SOMEBODY WHO KNEW WHAT HE WAS TALKING ABOUT,
7 GOT AHOLD OF HIS TRADING PHILOSOPHY, IT WOULD BE WORTH MILLIONS
8 OF DOLLARS IN THE COMMODITIES -- IN TRADING.

9 Q DID HE EXPLAIN TO YOU WHAT THE SYSTEM WAS ALL
10 ABOUT?

11 A YES, HE DID. AND IF YOU WERE TO ASK ME TO REPEAT
12 EXACTLY WHAT HE SAID, I PROBABLY COULDN'T. IT WAS VERY LONG
13 AND DRAWN OUT.

14 Q DID YOU UNDERSTAND IT AT THE TIME?

15 A NOT ENTIRELY. IT WAS ABOUT PREDICTING THINGS
16 IN THE FUTURE, THAT YOU COULD PREDICT THE FUTURE OUTCOMES
17 OF COMMODITIES. SO THAT IF YOU INVESTED FAR ENOUGH IN ADVANCE,
18 THAT YOUR RISK WAS GREATLY DIMINISHED AND THAT WAS ABOUT THE
19 MOST I GOT OUT OF THE CONVERSATION, THAT IT WAS RISK FREE.
20 AND THE RETURNS ON OUR INVESTMENT WOULD BE QUITE SUBSTANTIAL.

21 Q WHO SAID IT WAS RISK FREE?

22 A JOE DID.

23 Q WERE THOSE THE WORDS THAT HE USED?

24 A YES.

25 Q AND DID HE TELL YOU WHAT KIND OF A RETURN YOU
26 COULD EXPECT IF YOU INVESTED MONEY WITH HIM?

27 A WELL, AT LEAST 30 PERCENT.

28 Q DID HE TELL YOU WHAT THE -- IF YOU GAVE HIM

1 MONEY, WHAT THE ARRANGEMENT WOULD BE IN TERMS OF WHAT HE WOULD
2 GET OUT OF IT?

3 A HE WOULD GET 50/50. HE WOULD GET 50 PERCENT
4 OF THE PROFITS. IT WOULD BE A 50/50 SPLIT.

5 Q NOW, THIS 30 PERCENT THAT YOU WERE SUPPOSED TO
6 GET, WAS THAT 30 PERCENT A MONTH OR QUARTER OR A YEAR OR WHAT
7 WAS IT?

8 A AT LEAST 30 PERCENT A YEAR.

9 Q AND WAS THAT -- WAS HE GOING TO GET HALF OF THAT
10 OR WAS THAT GOING TO BE WHAT YOU GOT?

11 A THAT IS WHAT I GOT.

12 Q SO IF YOU WERE GETTING 30 PERCENT A YEAR, HE
13 WOULD HAVE TO GET 60 PERCENT?

14 A HE WOULD HAVE TO MAKE 60, CORRECT. YES.

15 Q AFTER THAT, DID YOU GIVE HIM MONEY AT THAT MEETING?

16 A NO, I DIDN'T.

17 Q DID YOU MAKE ANY DECISIONS AT THAT TIME AS TO
18 WHETHER OR NOT YOU WERE GOING TO GIVE HIM ANY MONEY?

19 A NO. I DIDN'T MAKE ANY DECISIONS.

20 Q WHAT HAPPENED WITH REGARD TO YOUR DECISION TO
21 INVEST, AFTER YOU LEFT MR. HUNT AT THAT MEETING?

22 A MY BROTHER GAVE HIM SOME MONEY.

23 Q THAT IS YOUR BROTHER, DAVID?

24 A MY BROTHER, DAVID.

25 Q HOW MUCH MONEY DID YOUR BROTHER GIVE HIM AT FIRST?

26 A A RELATIVELY SMALL AMOUNT, ABOUT \$10,000.

27 AND JOE DID VERY WELL WITH IT.

28 Q WHAT DO YOU MEAN, "HE DID VERY WELL WITH IT"?

1 A WELL, HE MANAGED IN ABOUT A MONTH, TO GIVE DAVE
2 BACK SOME MONEY, ABOUT \$5,000.

3 Q YOUR BROTHER GAVE HIM \$10,000 INITIALLY?

4 A YES.

5 Q AND A MONTH LATER, JOE GAVE HIM \$5,000 BACK?

6 A YES.
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1 Q AND WHAT WAS THE \$5,000 SUPPOSED TO REPRESENT?

2 A PROFIT.

3 Q WHAT DID YOU THINK WHEN YOU HEARD THAT?

4 A I THOUGHT THAT WAS GREAT.

5 Q A PRETTY GOOD RETURN ON YOUR MONEY, HUH?

6 A NOT BAD.

7 Q APPROXIMATELY WHEN WAS THAT, IF YOU REMEMBER,
8 THAT DAVID GAVE HIM THAT MONEY?

9 A THE END OF MAY.

10 Q AND AFTER YOUR BROTHER GAVE HIM THAT MONEY AND
11 GOT THE -- WAS THAT THE END OF MAY THAT THAT HAPPENED?

12 A AUGUST, MAYBE EARLY AUGUST.

13 I AM NOT EXACTLY SURE BUT IT WAS AROUND THEN.

14 THE COURT: OF '83?

15 Q BY MR. WAPNER: AUGUST YOU ARE TALKING ABOUT OF
16 1983 NOW?

17 A RIGHT.

18 APRIL, MAY -- MAYBE JUNE. I AM SORRY.

19 Q WELL, AT THE POINT IN TIME WHEN YOUR BROTHER GAVE
20 HIM THE FIRST MONEY, DID THE BBC HAVE ANY OFFICES?

21 A NO.

22 Q AND IF THE BBC OFFICES WERE OPENED SOMETIME AT
23 THE BEGINNING OF JUNE, IT WOULD BE BEFORE THAT; IS THAT RIGHT?

24 A YES.

25 Q OKAY. AND AFTER YOUR BROTHER GOT THIS \$5,000
26 BACK, DID YOUR BROTHER GIVE HIM ANY MORE MONEY?

27 A YEAH, HE GAVE HIM A PRETTY GOOD CHUNK.

28 Q HOW MUCH APPROXIMATELY?

1 A \$70,000.

2 Q AND SHORTLY BEFORE THIS TIME, HAD YOU AND YOUR
3 BROTHER COME INTO SOME INHERITANCE?

4 A YES.

5 OUR UNCLE HAD PASSED AWAY AND LEFT MY BROTHER
6 AND I ABOUT A HUNDRED THOUSAND DOLLARS.

7 Q EACH OR BETWEEN THE TWO OF YOU?

8 A EACH.

9 Q AND AFTER YOUR BROTHER INVESTED THIS SECOND AMOUNT
10 OF MONEY, DID YOU EVER GIVE MR. HUNT ANY MONEY?

11 A WELL, THINGS LOOKED LIKE THEY WERE GOING PRETTY
12 WELL SO I DID GIVE JOE ABOUT \$80,000.

13 Q WHEN DID YOU GIVE HIM \$80,000?

14 A AFTER THEY HAD LEASED THE OFFICES ON THIRD STREET.

15 Q HOW LONG AFTER?

16 A OH, A COUPLE OF WEEKS AFTER.

17 Q AND THE MONEY THAT --

18 WHEN YOUR BROTHER GAVE HIM THE \$70,000 DID THEY
19 HAVE THE OFFICES YET?

20 A NO.

21 Q HOW LONG AFTER YOUR BROTHER GAVE JOE HUNT \$70,000
22 DID THE OFFICES ON THIRD STREET OPEN UP?

23 A I DIDN'T THINK OF IT AT THE TIME, BUT ALMOST
24 IMMEDIATELY.

25 Q AND DID YOUR BROTHER TELL YOU, INCIDENTALLY, WHAT
26 HE WAS EXPECTING TO GET FROM MR. HUNT FOR -- AS A RETURN ON
27 THE \$70,000 INVESTMENT?

28 A JOE AND DAVID HAD AN ARRANGEMENT THAT DAVE WOULD

1 GET A MONTHLY DISTRIBUTION OF THE PROFITS THAT JOE SAID THAT
2 HE COULD MAKE WITH THE MONEY -- I AM SORRY -- I HAVE A COLD --
3 AND THAT WAS TO BE ABOUT TWO TO THREE THOUSAND DOLLARS A
4 MONTH.

5 Q HE WAS GOING TO GET TWO TO THREE THOUSAND DOLLARS
6 A MONTH ON THIS \$70,000?

7 A YES.

8 Q AND WHEN YOU GAVE MR. HUNT THE \$80,000, WHAT WAS
9 YOUR UNDERSTANDING THAT YOU WERE GIVING HIM IT -- WHAT WAS
10 THE INVESTMENT IN?

11 A IT WAS IN COMMODITIES, SPECIFICALLY EURO DOLLARS
12 AND T-BILLS.

13 Q DID YOU UNDERSTAND YOU WERE INVESTING JUST IN
14 THE BBC GENERALLY?

15 A NO.

16 I WAS AN INVESTOR IN COMMODITIES, PERIOD.

17 Q SO YOUR UNDERSTANDING WITH MR. HUNT WAS THAT THE
18 ENTIRE AMOUNT OF MONEY THAT YOU GAVE HIM WAS TO BE INVESTED
19 IN THE COMMODITIES MARKET?

20 A YES.

21 Q AND WAS MR. HUNT IN FACT TRADING COMMODITIES IN
22 THE PERIOD OF AROUND JUNE OF 1983?

23 A I THINK SO.

24 Q WHY DO YOU SAY THAT?

25 A HE PUT ON A -- ALL OF THE APPEARANCES OF TRADING.

26 Q SUCH AS?

27 A HE OPENED UP AN ACCOUNT AT CANTOR-FITZGERALD.

28 Q ALL RIGHT. WHAT IS CANTOR-FITZGERALD?

1 A IT IS A BROKERAGE HOUSE IN BEVERLY HILLS.

2 Q HOW DID YOU KNOW HE HAD AN ACCOUNT THERE?

3 A I WOULD RECEIVE MONTHLY STATEMENTS FROM THEM,
4 FROM AN ACCOUNT THAT HE HAD OPENED UP IN MY NAME.

5 Q WHAT WAS THE NAME ON THE ACCOUNT?

6 A TOM MAY.

7 Q DID YOU EVER GO WITH MR. HUNT TO CANTOR-FITZGERALD'S
8 BROKERAGE HOUSE?

9 A I WENT WITH HIM ONE DAY AND HE SHOWED ME WHERE
10 HE SAT AND WHERE HE GOT UP EVERY MORNING EARLY IN THE MORNING
11 AT 6 O'CLOCK AND WOULD SIT THERE AND WATCH THE COMMODITIES
12 AND HOW THEY WENT, AND DO HIS TRADES.

13 Q AND THE STATEMENTS WOULD COME, BE MAILED TO YOU?

14 A THEY WOULD BE MAILED TO ME.

15 I DIDN'T UNDERSTAND THEM BECAUSE THE AMOUNTS ON
16 THEM SEEMED A LOT LOWER THAN THE AMOUNTS THAT I HAD INVESTED
17 BUT WHEN I ASKED JOE, HE SAID, YOU KNOW, "IT IS ALL IN A
18 REPO ACCOUNT."

19 THE COURT: WHAT DOES THAT MEAN?

20 THE WITNESS: YOU WOULD HAVE TO ASK JOE.

21 MR. WAPNER: OKAY.

22 THE COURT: WHAT WAS YOUR UNDERSTANDING THAT IT WAS?

23 THE WITNESS: MY UNDERSTANDING WAS THAT IT WAS LIKE
24 A BANK ACCOUNT WHERE YOU COULD PULL MONEY FROM AND PUT IT
25 INTO THE ACCOUNT WHEN YOU NEEDED IT OR PULL A LITTLE MONEY
26 OUT AND PUT IT INTO REPO FUNDS. THAT WAS THE WAY IT WAS
27 EXPLAINED TO ME.

28

1 Q BUT IT DIDN'T APPEAR TO YOU THAT ALL OF THE MONEY
2 YOU HAD GIVEN HIM HAD BEEN INVESTED?

3 A A VERY SMALL AMOUNT.

4 Q AND DURING THE TIME AFTER YOU INVESTED -- WELL,
5 YOU SAID SHORTLY BEFORE YOU INVESTED, THERE WERE SOME OFFICES
6 OPENED ON THIRD STREET?

7 A YES.

8 Q WHAT WERE THOSE OFFICES FOR?

9 A THEY WERE FOR THE BBC.

10 Q DID YOU HAVE AN OFFICE THERE?

11 A I HAD AN OFFICE THERE.

12 Q AND AT THAT TIME, WHAT WAS YOUR JOB WITH THE
13 BBC?

14 A AT THAT TIME, I WAS JUST AN INVESTOR.

15 Q WHAT DID YOU DO WHEN YOU WENT TO THE OFFICE?

16 A NOT TOO MUCH.

17 Q OKAY. AND DURING JUNE AND JULY OF 1983, DID
18 THINGS SEEM TO BE GOING WELL AT THE BBC?

19 A THEY SEEMED TO BE GOING VERY WELL. I MEAN --

20 Q CAN YOU EXPLAIN THAT?

21 A THEY WENT OUT AND BOUGHT VERY NICE FURNITURE
22 FOR THE OFFICES. THEY WENT OUT AND BOUGHT ELECTRICAL
23 EQUIPMENT WHICH INCLUDED QUOTRONS, WHICH ARE LIKE COMPUTERS
24 THAT BRING UP STOCK QUOTES AND COMMODITIES QUOTES.

25 THEY GOT IBM COMPUTERS FOR THE OFFICES. THEY
26 EXPANDED THE OFFICES. THEY GOT MORE OFFICE SPACE WHICH WAS
27 TO LATER, INCLUDE A LAW LIBRARY AND A COMPUTER ROOM.

28 Q WHAT ABOUT THE COMMODITIES TRADING? WAS THERE

1 ANY EVIDENCE THAT THAT WAS GOING WELL?

2 A YES. JOE USED TO RUN INTO THE OFFICES AND DO
3 CARTWHEELS AND SAY THAT HE MADE \$100,000 TODAY.

4 ALL THE APPEARANCES WERE THAT THINGS WERE GOING
5 INCREDIBLY WELL.

6 Q AT SOME POINT IN AUGUST, DID YOU FIND OUT THAT
7 THEY WEREN'T NECESSARILY GOING THAT WELL?

8 A WELL, I FOUND OUT THAT THE ACCOUNT THAT I HAD --
9 THAT JOE HAD BEEN TRADING IN MY NAME, WAS WIPED OUT.

10 Q WHEN DID YOU FIND THAT OUT AND HOW?

11 A ONE OF THE BROKERS OVER AT CANTOR-FITZGERALD
12 CALLED ME UP ONE MORNING AND SAID --

13 MR. BARENS: WE HAVE A HEARSAY OBJECTION TO THE
14 BROKER'S STATEMENT, YOUR HONOR.

15 THE COURT: YES.

16 Q BY MR. WAPNER: DID YOU TALK TO ONE OF THE BROKERS
17 AT CANTOR-FITZGERALD?

18 A YES, I DID.

19 Q ALL RIGHT. AND DID YOU SUBSEQUENTLY GET SOME
20 STATEMENTS FROM THEM?

21 A YES, I DID.

22 Q ALL RIGHT. AND AFTER TALKING TO THE BROKER,
23 AFTER YOU HAD THE FIRST CONVERSATION WITH THE BROKER, DID
24 YOU TRY TO GET AHOLD OF SOMEBODY?

25 A I TRIED TO GET AHOLD OF JOE IMMEDIATELY.

26 Q DID YOU GET AHOLD OF HIM?

27 A YES.

28 Q WHAT DID YOU SAY TO JOE HUNT?

1 A I SAID, "WHAT'S THE DEAL? WHAT IS GOING ON?
2 WHY IS ALL OF THE MONEY GONE? WHAT HAPPENED IN THE ACCOUNTS?"

3 AND JOE SAT THERE AND HE SAID, "YES, WE LOST
4 EVERYTHING IN THE ACCOUNTS."

5 A WHEN YOU SAID, "WHY IS ALL THE MONEY GONE," WHAT
6 WERE YOU REFERRING TO?

7 A WELL, I HAD ASSUMED ALL OF THE MONEY WAS INVESTED,
8 SO THINGS WERE GOING WELL. ALL OF THE APPEARANCES WERE --
9 THINGS WERE STRONG AND ACCORDING TO HIM, WE HAD BEEN DOING
10 VERY WELL IN THE COMMODITIES.

11 IT SEEMED INCREDIBLY BAFFLING TO ME THAT NOW,
12 THE WHOLE ACCOUNT WAS WIPED OUT.

13 Q DID YOU GET AHOLD OF JOE IMMEDIATELY AFTER YOU
14 GOT THIS CALL FROM THE BROKER?

15 A YES, I DID.

16 Q AND YOU WERE ASKING JOE HUNT ABOUT WHAT
17 HAPPENED TO YOUR COMMODITIES ACCOUNT AND WHY IT WAS WIPED
18 OUT?

19 A YES.

20 Q OKAY. WHAT DID HE SAY?

21 A HE SAID THAT THE MARKET JUST TURNED AGAINST HIM
22 IN ONE, FELL SWOOP AND WIPED HIM OUT.

23 Q AND WHAT DID YOU SAY TO HIM?

24 A I DIDN'T KNOW WHAT TO SAY TO HIM.

25 Q DID HE MAKE SOME ASSURANCE TO YOU AT THAT
26 PARTICULAR TIME?

27 A HE SAID THAT HE HAD ALSO BEEN TRADING IN ANOTHER
28 ACCOUNT FOR A FELLOW BY THE NAME OF RON LEVIN AND THAT THAT

-4

1 ACCOUNT WAS DOING VERY WELL.

2 HE SAID HE HAD BEEN TRADING LIKE, SIX MILLION
3 DOLLARS FOR RON. AND AT THE SAME TIME THAT THE ACCOUNT THAT
4 HE HAD BEEN TRADING IN MY NAME HAD BEEN WIPED OUT, THE ACCOUNT
5 THAT HE HAD BEEN TRADING IN HIS NAME, HAD BEEN UP TO LIKE,
6 14 MILLION DOLLARS AND THAT HE HAD THE SAME ARRANGEMENT, TO
7 GET HALF OF THE PROFITS OF THAT.

8 HE THOUGHT HE WAS ENTITLED TO HALF OF THE PROFITS
9 OF THE RON LEVIN ACCOUNT. HE SAID THAT HE WOULD REPAY THE
10 AMOUNT THAT HE LOST IN MY ACCOUNT TO ME, FROM THE PROFITS
11 THAT HE MADE IN THAT ACCOUNT.

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1 MR. WAPNER: COULD I HAVE JUST A MOMENT?

2 (PAUSE.)

3 THE COURT: WAS THERE ANY MONEY OWING TO THE BROKERAGE
4 HOUSE ON YOUR ACCOUNT?

5 THE WITNESS: YES, THERE WAS.

6 THE COURT: HOW MUCH WAS THAT THAT WAS OWING TO THEM?

7 THE WITNESS: I THINK IT WAS ABOUT \$80,000.

8 THE COURT: THAT YOU OWED TO THEM?

9 THE WITNESS: THAT I OWED TO THEM.

10 THE COURT: IN ADDITION TO ALL YOUR MONEY BEING WIPED
11 OUT?

12 THE WITNESS: YES.

13 THE COURT: DID THEY SUE YOU LATER ON?

14 THE WITNESS: IT WAS NOT A GOOD DAY.

15 THE COURT: DID THEY SUE YOU?

16 THE WITNESS: THEY SUED JOE HUNT AND NAMED ME AND JOE
17 HUNT, AS WELL.

18 MR. BARENS: WE HAVE A RELEVANCY INQUIRY TO THE LAST
19 DIALOGUE.

20 THE COURT: YOU CAN MAKE A NOTE OF IT. YOU CAN CROSS-
21 EXAMINE HIM ON IT.

22 MR. BARENS: THANK YOU, YOUR HONOR.

23 Q BY MR. WAPNER: AND WHEN MR. HUNT MENTIONED TO
24 YOU THAT HE WAS GOING TO PAY YOU BACK OUT OF THE PROFITS OF
25 THE RON LEVIN ACCOUNT, WAS THAT THE FIRST TIME THAT YOU EVER
26 HEARD THAT HE HAD BEEN TRADING FOR RON LEVIN OR HAD HE MENTIONED
27 IT BEFORE THAT?

28 A HE HAD MENTIONED THAT A COUPLE OF WEEKS BEFORE,

1 THAT HE HAD BEEN TRADING FOR RON LEVIN AND THAT THE ACCOUNT
2 WAS DOING VERY WELL.

3 IT WAS THE FIRST TIME THAT HE SAID IT WAS DOING
4 WELL. IT WAS A COUPLE OF DAYS LATER, THAT I ACTUALLY SAW
5 THE CLAYTON BROKERAGE TRANSACTIONS, WHERE HE SHOWED ME HOW
6 WELL IT HAD BEEN DOING. HE PROVED IT.

7 Q WHEN YOU SAW THE CLAYTON BROKERAGE -- YOU SAID
8 THAT YOU SAW TRANSACTIONS. WHAT DID YOU SEE?

9 A TRADING -- WHAT I THOUGHT WAS TRADING TRANSACTIONS,
10 THE TYPE OF STUFF THEY SEND YOU, THAT THE BROKERAGE HOUSE
11 WRITES DOWN WHAT HAPPENED DURING CERTAIN DAYS. THAT IS WHAT
12 HE SHOWED ME. IT WAS A THICK STACK OF THOSE TRADING
13 DOCUMENTS.

14 MR. WAPNER: YOUR HONOR, I HAVE HERE A DOCUMENT WHICH
15 I WOULD LIKE TO HAVE MARKED AS PEOPLE'S 83 FOR IDENTIFICATION.
16 IT SAYS, "IN ACCOUNT WITH CLAYTON BROKERAGE COMPANY," AND
17 IT ALSO HAS THE NAME OF RONALD G. LEVIN, 9701 WILSHIRE BOULEVARD,
18 ON IT.

19 MAY THAT DOCUMENT -- MAY THOSE DOCUMENTS
20 COLLECTIVELY BE 83 FOR IDENTIFICATION?

21 THE COURT: SO MARKED.
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1 Q BY MR. WAPNER: MR. MAY, SHOWING YOU DOCUMENTS
2 THAT WE HAVE MARKED AS PEOPLE'S 83 FOR IDENTIFICATION; DO
3 THOSE APPEAR TO BE SIMILAR TO THE DOCUMENTS, THE STATEMENTS
4 THAT YOU WERE SHOWN?

5 A THE STATEMENTS THAT I SAW WERE IN XEROX, BUT THESE
6 APPEAR TO BE THE SAME DOCUMENTS EXCEPT NOT XEROXED. THEY
7 APPEAR TO BE THE ORIGINALS.

8 SOME OF THE XEROX PART WAS CROSSED OUT. I THINK
9 "CLAYTON BROKERAGE HOUSE" WAS CROSSED OUT.

10 MR. WAPNER: MAY I HAVE JUST A MOMENT, YOUR HONOR?

11 (PAUSE IN PROCEEDINGS.)

12 Q BY MR. WAPNER: WHAT YOU SAW APPEARED TO BE A
13 XEROX OF THE STATEMENTS THAT YOU HAVE IN FRONT OF YOU?

14 A YES, THEY WERE.

15 Q AND WHO SHOWED THEM TO YOU?

16 A JOE HUNT.

17 HE NEVER LET THEM OUT OF HIS SIGHT.

18 Q AND THE DOCUMENTS THAT HE SHOWED YOU, WHAT WERE
19 THE FIGURES THAT YOU SAW ON THOSE DOCUMENTS?

20 A THE COVER PAGE LOOKED LIKE AN INITIAL INVESTMENT
21 OF ABOUT \$5 MILLION AND THE ENDING, THE LAST PAGE WAS
22 14 MILLION, 13 MILLION, RIGHT AROUND IN THERE.

23 Q DID JOE HUNT TELL YOU HOW MUCH OF THAT HE WAS
24 ENTITLED TO?

25 A HE WAS ENTITLED TO HALF OF THE PROFITS BETWEEN
26 THE FIVE AND FOURTEEN.

27 Q AND WHEN HE SAID THAT HE WAS GOING TO PAY YOU
28 OUT OF THE LEVIN -- THE PROFITS THAT HE MADE FOR LEVIN, WHAT

2
1 DID YOU THINK?

2 A I WAS BETWEEN A ROCK AND A HARD PLACE. I THOUGHT
3 THAT WAS VERY NICE OF HIM TO DO THAT, CONSIDERING HE HAD LOST
4 EVERYTHING BEFORE.

5 Q DID HE SAY HE WAS JUST GOING TO GIVE YOU BACK
6 THE MONEY YOU LOST OR HE WAS GOING TO GIVE YOU SOME MORE?

7 A NO.

8 HE SAID HE WAS GOING TO GIVE ME MORE. HE SAID
9 HE WAS GOING TO GIVE US \$300,000 EACH.

10 Q AND YOU OWED THE BROKERAGE HOUSE, YOU SAID WAS
11 SUING YOU FOR EIGHTY PLUS?

12 A HE SAID HE WAS GOING TO HANDLE ALL OF THAT, TOO,
13 THE LAWSUIT AND EVERYTHING ELSE.

14 Q THAT HE WAS GOING TO GIVE YOU THE \$300,000?

15 A RIGHT.

16 Q AND HE IS GOING TO TAKE CARE OF THE LAWSUIT?

17 A THE LAWSUIT, RIGHT.

18 Q THAT SOUNDS PRETTY GOOD.

19 A YES, IT SOUNDED PRETTY GOOD TO ME.

20 MR. BARENS: YOUR HONOR, WE WOULD HAVE AN OBJECTION
21 TO THE PROSECUTION CHARACTERIZING THE EVIDENCE.

22 THE COURT: YES, I WILL STRIKE THAT.

23 Q BY MR. WAPNER: DID THAT SOUND PRETTY GOOD TO
24 YOU WHEN HE SAID THAT?

25 A YES, HE DID.

26 Q OKAY. AFTER HE SAID THAT, DID YOU HAVE ANY
27 DISCUSSION WITH HIM ABOUT WHAT YOU WANTED TO DO --

28 MR. BARENS: WE WOULD LIKE TO APPROACH THE BENCH,

1 YOUR HONOR.

2 THE COURT: WHAT FOR?

3 MR. BARENS: WE WOULD LIKE TO EXPAND ON AN OBJECTION
4 WE HAVE AS TO THE RELEVANCE OF THIS TESTIMONY.

5 THE COURT: YOU CAN DO THAT AT THE END OF THE
6 EXAMINATION WHEN YOU CROSS-EXAMINE.

7 MR. BARENS: I WOULD LIKE YOUR HONOR TO HEAR THE
8 ARGUMENT NOW IN HOPES IT MIGHT HAVE SOME IMPACT ON THE CASE,
9 YOUR HONOR.

10 THE COURT: THAT SUGGESTION CAME FROM YOUR ASSOCIATE.

11 MR. BARENS: NO. THAT SUGGESTION CAME FROM MYSELF.

12 THE COURT: ALL RIGHT.

13 (THE FOLLOWING PROCEEDINGS WERE HELD
14 AT THE BENCH:)

15 THE COURT: YES?

16 MR. BARENS: YOUR HONOR, YESTERDAY I EXPRESSED SOME
17 CONCERN ABOUT WHAT IS BELIEVED TO BE CHARACTER TESTIMONY
18 PURE AND SIMPLE.

19 THE FACT THAT MR. HUNT AND MR. MAY LOST \$80,000
20 IN THE COMMODITIES MARKET APPROXIMATELY AUGUST OR SO, I GUESS,
21 OF 1983, I DON'T SEE HAVING ANY RELEVANCY TO THE ALLEGED
22 DEATH OF RON LEVIN OR THE MICROGENESIS TRANSACTION INVOLVING
23 RON LEVIN.

24 I THINK IT IS UNFORTUNATE THAT THE MONEY WAS LOST
25 BUT I DON'T SEE WHERE THIS GOES TO PROVE A MURDER.

26 SECONDARILY, THE FURTHER INQUIRY INTO THE FACT
27 THAT THE COMMODITIES HOUSE WOULD BE SUING THIS WITNESS, I
28 BELIEVE IN A NAKED SENSE OBVIOUSLY, AS YOUR HONOR IS PROBABLY

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1 AWARE, A LOT OF OTHER PARTIES ARE INVOLVED IN THAT LITIGATION
2 AND THE IMPLICATION TO THE JURY IS THAT HUNT IS A BAD GUY
3 OR MADE MISREPRESENTATIONS ABOUT HIS INVESTMENTS. THAT WHOLE
4 THING ABOUT GIVING HIM \$300,000 BACK, ET CETERA, ALTHOUGH
5 THAT CERTAINLY PORTRAYS HUNT AS A BAD MAN --

6 THE COURT: IT MIGHT SHOW THE DEFENDANT WAS DESPERATE
7 IN CONNECTION WITH THESE VARIOUS LAWSUITS AND THE MONEY HE
8 APPARENTLY OWED AND PROMISED OTHER PEOPLE AND DESPARATE ENOUGH
9 TO GET THE MONEY SO THAT HE MIGHT VERY WELL HAVE GONE -- THIS
10 IS WITHIN THE LIMITS OF -- WITHIN THE PARAMETERS, I THINK,
11 OF THE POSSIBILITIES AND PROBABILITIES. THE JURY HAS A RIGHT
12 TO HEAR THAT.

13 DO YOU HAVE ANYTHING TO ADD?

14 MR. WAPNER: NO, YOUR HONOR.

15 I THINK IT PAINTS A COMPLETE PICTURE OF THE MANNER
16 IN WHICH THE DEFENDANT DEALT, NOT ONLY WITH THIS WITNESS,
17 BUT WITH SUBSEQUENT PEOPLE WHO INVESTED WITH HIM IN THE
18 COMMODITIES SCHEME.

19 THE COURT: THE DEFENSE SAYS IT HAS NOTHING TO DO, THE
20 FACT THAT OTHER PEOPLE LOST MONEY, HAS NOTHING TO DO WITH
21 THE MURDER, ALLEGEDLY, OF LEVIN.

22 MR. WAPNER: THE FACT THAT THE DEFENDANT TOOK MONEY
23 FROM LOTS OF INVESTORS AND OWED LOTS OF MONEY TO INVESTORS
24 AT THE TIME THAT MR. LEVIN WAS ALLEGEDLY KILLED IS PART OF
25 A MOTIVE FOR THE MURDER.

26 THE MANNER IN WHICH HE DEALT WITH THOSE INVESTORS
27 AND WHAT HE DID WITH THEIR MONEY IS PART OF A PATTERN THAT
28 BEGAN WITH THE INVESTMENT THAT HE TOOK FROM THIS WITNESS AND

1 HOW HE DEALT WITH THOSE INVESTORS, TRIED TO DEAL WITH THEM,
2 IS SIMILAR, VERY SIMILAR TO EXACTLY THE PATTERN THAT THIS
3 WITNESS IS DESCRIBING.

4 AND THE WHOLE PURPOSE OF THIS IS TO SHOW THAT
5 FROM THE BEGINNING, ALL OF THIS INVESTING STUFF WAS BASICALLY
6 A CON SCHEME.

7 THE COURT: IT IS PART OF THE PHILOSOPHY, YOU MEAN?

8 MR. WAPNER: YES.

9 MR. BARENS: YOUR HONOR, I HAVE VERY IMPORTANT POINTS
10 ON THIS, YOUR HONOR.

11 FIRST OF ALL, THE EXPRESSION THAT THE GOVERNMENT --
12 THAT THE PEOPLE USED TO THE EFFECT THAT HE OWED MONEY TO THESE
13 INVESTORS, THERE HAS NEVER, EVER BEEN A SHOWING THAT MR. HUNT
14 OWED MONEY TO THE INVESTORS.

15 THERE IS NO SHOWING WITH THIS WITNESS HERE THAT
16 HE OWED HIM THE MONEY.

17 YOUR HONOR TAKES NOTICE, I AM SURE, OF THE FACT
18 THAT A BROKER CAN LOSE ALL YOUR MONEY AND HE DOESN'T OWE YOU
19 A DIME.

20 THE COURT: BUT THE TESTIMONY WAS THAT HE MADE A
21 PROMISE TO HIM OF SO MUCH MONEY HE WAS GOING TO MAKE ON IT,
22 DIDN'T HE?

23 MR. BARENS: IT IS A GRATUITOUS PROMISE HUNT MAKES TO
24 HIM WITHOUT LEGAL OBLIGATION.

25 THE COURT: I THINK IT IS PART OF THE ENTIRE PICTURE
26 AND I WILL ALLOW IT TO COME IN.

27 MR. BARENS: YOUR HONOR, IF I MIGHT JUST MAKE A FURTHER
28 INQUIRY, BECAUSE WE ARE GOING TO GET INTO THIS AGAIN SHORTLY,

5

1 I FEEL, THAT THE PEOPLE ARE GOING TO COME FORWARD WITH A LOT
2 OF CUMULATIVE WITNESSES THAT ARE GOING TO COME IN HERE AND
3 SAY "I INVESTED MONEY WITH JOE HUNT AND I LOST MY MONEY".
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1 THIS IS CERTAINLY NOT A FRAUD CASE OR A CIVIL
2 ACTION HERE FOR RECOVERY OF FUNDS.

3 THE PEOPLE, IN TRYING TO ESTABLISH THAT HE OWED
4 INVESTORS MONEY, DON'T YOU THINK IT WOULD BE BETTER IF WE
5 START OUT ON SOME BASIS TO PROVE THE OBLIGATION, BEFORE WE
6 PROVE THE LOSS?

7 MR. WAPNER: MR. BARENS, IF YOU WANT TO TRY MY CASE
8 FOR ME, YOU CAN. I AM GOING TO TRY THE CASE THE WAY I SEE
9 FIT. IF YOU HAVE A MOTION IN LIMINE TO PRECLUDE SOME WITNESSES
10 FROM TESTIFYING, YOU SHOULD MAKE IT BEFORE THEY TESTIFY. I
11 DON'T THINK THIS IS THE TIME OR THE PLACE TO DO IT.

12 THE COURT: YOU CAN GO AHEAD.

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

15 Q BY MR. WAPNER: MR. MAY, AFTER THE DEFENDANT
16 PROMISED YOU THAT HE WAS GOING TO GIVE YOU \$300,000, WERE
17 YOU FAIRLY SATISFIED WITH THAT STATEMENT?

18 A YEAH. I HAD NO CHOICE.

19 Q OKAY. AND DID YOU HAVE SOME DISCUSSION WITH
20 HIM AT THAT TIME ABOUT WHAT YOU WANTED TO DO WITH REGARD TO
21 THE BBC?

22 A YES, WE DID.

23 Q ALL RIGHT. WHAT WAS THE DISCUSSION YOU HAD?

24 A MOSTLY AROUND THE RESEARCH AND DEVELOPMENT THAT
25 WE HAD BEEN DOING WITH THE CYCLATRON, WHICH WAS A NEW TYPE
26 OF GRINDING MACHINE.

27 Q WHAT DID YOU TELL MR. HUNT YOU WANTED TO DO WITH
28 REGARD TO THE CYCLATRON?

1 A I WAS INTERESTED IN THE TECHNOLOGY. SO I DECIDED
2 IT MIGHT BE FUN TO WORK ON THAT FOR A WHILE.

3 Q AND DID YOU BEGIN TO DO SOME WORK ON THAT AS
4 A PART OF YOUR DUTIES AT THE BBC?

5 A IT WAS ESSENTIALLY -- ALL I DID WAS NEGOTIATE
6 BETWEEN PEOPLE UP IN LAS VEGAS, WHO HAD A GRIND SITE, THAT
7 HAD SOME --

8 Q WHO WAS THAT IN LAS VEGAS?

9 A BILL NALLIN. HE HAD A GRIND SITE IN LAS VEGAS,
10 WHERE HE THOUGHT HE HAD A LOT OF GOLD ORE THAT CAME DOWN OUT
11 OF THE MOUNTAINS AND BUBBLED UP THROUGH THE EARTH AND ALL
12 KINDS OF DIFFERENT STORIES THAT HE TOLD ME.

13 BUT, HE TOLD ME IF HE COULD GRIND IT FINELY ENOUGH,
14 HE COULD USE IT -- USE A CYANIDE LEACHING PROCESS AND EXTRACT
15 THE GOLD OUT OF --

16 Q A CYANIDE LEACHING PROCESS?

17 A YES, THAT'S --

18 Q I DON'T WANT TO GET INTO THE SPECIFICS OF MR.
19 NALLIN AND HOW HE WAS GOING TO GET THE GOLD OUT.

20 BUT CAN YOU PUT IN POINT OF TIME FOR US, WHEN
21 THAT WAS THAT YOU FOUND OUT THAT YOUR MONEY HAD BEEN LOST?

22 A IT WAS ABOUT EARLY AUGUST. YEAH, EARLY AUGUST.

23 Q 1983?

24 A 1983.

25 Q AND AFTER THAT CONVERSATION AND THE CONVERSATION
26 YOU HAD ABOUT THE \$300,000, THAT WAS RIGHT AT THE SAME TIME?

27 A YES. IT WAS.

28 Q AT SOME POINT AFTER THAT AND YOU WERE GOING TO

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1 THE OFFICES AND CONTINUING TO WORK ON THE GRINDING MACHINE,
2 WAS THERE SOME DISCUSSION ABOUT WHAT WAS GOING TO HAPPEN WITH
3 THE PROFITS FROM RON LEVIN'S -- THAT JOE HUNT HAD MADE FOR
4 RON LEVIN?

5 A WELL, YES. HE SAID HE WAS GOING TO DIVIDE IT
6 UP.

7 Q WHO SAID HE WAS GOING TO DIVIDE IT UP?

8 A JOE SAID THAT HE WAS GOING TO DIVIDE IT UP AMONG
9 THE MEMBERS OF THE BBC.

10 Q WHAT DID HE SAY?

11 A WELL, INITIALLY, HE THOUGHT THAT HE WAS GOING
12 TO GET THE PROFITS FROM RON LEVIN.

13 Q PROFITS, MEANING CASH?

14 A MEANING CASH, MONEY. AND THEN RON SAID THAT
15 THE MONEY WAS NOT AVAILABLE TO HIM.

16 Q HOW DO YOU KNOW THAT?

17 A THAT THERE WAS NO CASH. WELL, JOE LATER TOLD
18 US THAT THE MONEY HAD BEEN TRANSFERRED FROM THE ACCOUNT AT
19 CLAYTON TO A SHOPPING CENTER THAT RON LEVIN HAD INVESTED THE
20 MONEY IN.

21 Q WHO DID HE TELL THAT TO?

22 A HE TOLD THAT TO ME.

23 Q WAS THAT JUST THE TWO OF YOU IN A CONVERSATION
24 OR WERE YOU WITH SOME OTHER PEOPLE?

25 A WELL, HE SAID IT TO EVERYBODY IN THE OFFICE AT ONE
26 TIME OR ANOTHER. SO, EVERYBODY KNEW.

27 Q AND DO YOU HAVE ANY WAY OF FIXING IN POINT OF
28 TIME WHEN IT WAS THAT HE TOLD YOU ABOUT THE SHOPPING CENTER?

1 A JUNE, THE END OF JUNE, JULY.

2 Q WAS THIS BEFORE YOUR MONEY WAS LOST OR AFTER?

3 A AFTER THE MONEY WAS LOST.

4 Q ALL RIGHT. THE MONEY WAS NOT LOST UNTIL AUGUST,

5 RIGHT?

6 A YEAH.

7 Q SO IT WAS SOMETIME AFTER THAT?

8 A RIGHT.

9 Q DO YOU KNOW HOW LONG AFTER?

10 A THREE OR FOUR WEEKS.

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1 Q AND AFTER HE TOLD YOU ABOUT THE SHOPPING CENTER,
2 INITIALLY TOLD YOU ABOUT THE SHOPPING CENTER, WHAT HAPPENED?
3 DID YOU SEE ANY DOCUMENTATION OF THAT RIGHT AWAY?

4 A I NEVER SAW ANY DOCUMENTATION PERIOD, ON THE
5 SHOPPING CENTER.

6 Q WAS THERE SOME DISCUSSION ABOUT WHAT WAS GOING
7 TO HAPPEN WITH THE SHOPPING CENTER?

8 A WELL, ACCORDING TO JOE, THE SHOPPING CENTER HAD
9 MADE -- WAS WORTH MORE THAN THE INITIAL INVESTMENT, SO THAT
10 HE SAID THAT THE SHOPPING CENTER WAS WORTH LIKE, TEN MILLION
11 BUCKS TO HIM.

12 IT WAS LIKE, A 30 MILLION DOLLAR SHOPPING CENTER
13 OR SOMETHING LIKE THAT. HIS PERCENTAGE WAS GOING TO BE ABOUT
14 TEN MILLION BUCKS. AND HE SAID WHEN THAT WAS LIQUIDATED,
15 THAT HE WAS GOING TO DIVIDE IT UP AMONG THE BBC MEMBERS AND
16 HE CALLED A MEETING TO DO THAT.

17 Q AND WHERE WAS THAT MEETING HELD?

18 A IT WAS HELD IN THE OFFICES.

19 Q WHO WAS THERE?

20 A THERE WERE ABOUT -- AT LEAST 15 BBC MEMBERS THERE,
21 INCLUDING MY BROTHER AND BEN DOSTI AND DEAN KARNY AND JOE
22 HUNT --

23 Q AND WHO RAN THE MEETING?

24 A JOE RAN THE MEETING. AND ALEX GAON. AND JOE
25 RAN THE MEETING, JOE RAN EVERYTHING.

26 Q AND WHAT DID HE SAY AT THE MEETING?

27 A HE SAID THAT HE WAS GOING TO -- THAT HE HAD THE
28 SHOPPING CENTER, THAT IT WAS WORTH TEN MILLION DOLLARS AND

1 THAT HE WAS GOING TO DIVIDE UP PORTIONS OF THE PROFITS THAT
2 HE WOULD RECEIVE EVENTUALLY FROM THE SHOPPING CENTER AMONG
3 THE BBC MEMBERS WHO WERE THERE.

4 AND THAT HE WAS GOING TO GIVE OUT, ACCORDING
5 TO HIS PHILOSOPHY, THE MOST MONEY TO THE PEOPLE WHO HAD PUT
6 THE MOST TIME AND THE MOST EFFORT INTO THE BBC.

7 Q AND WAS THAT A PHILOSOPHY YOU HAD HEARD BEFORE,
8 DIVIDING UP THE PROFITS BASED ON PEOPLE PUTTING IN THE MOST
9 TIME AND WORK?

10 A YES, IT WAS.

11 Q SO THAT IS SOMETHING YOU HEARD ALMOST FROM THE
12 VERY BEGINNING, RIGHT?

13 A YES.

14 Q WHAT DID HE DO AFTER HE SAID HE WAS GOING TO
15 DIVIDE UP THE PROFITS OF THE SHOPPING CENTER?

16 A THEN HE WENT AROUND THE ROOM AND PICKED ON
17 EVERYBODY AND SAID, "YOU GET THIS MUCH OF IT AND YOU GET THAT
18 MUCH OF IT."

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1 Q DID HE HAND OUT PIECES OF PAPER OR SHARES OF STOCK
2 OR SOMETHING?

3 A NOTHING LIKE THAT.

4 JUST -- HE JUST, IN MY CASE, HE TURNED TO ME AND
5 SAID, "YOU ARE GOING TO GET \$700,000 IN THE SHOPPING CENTER.

6 Q THIS IS ON TOP OF THE \$300,000 HE ALREADY
7 PROMISED YOU?

8 A NO.

9 THAT WOULD BE INSTEAD OF.

10 Q WHAT DID YOU THINK WHEN HE SAID YOU WERE GOING
11 TO GET \$700,000 WORTH OF THE SHOPPING CENTER?

12 A ALL I HAD TO DO WAS SIT AROUND AND GET MORE MONEY,
13 IT WAS A BARGAIN. IT SEEMED PRETTY GOOD.

14 Q DID HE DIVY OUT A PORTION OF THIS TO YOUR BROTHER?

15 A SAME AMOUNT TO DAVE.

16 Q DID HE GIVE ANY OF IT TO HIMSELF?

17 A HE GAVE THE LARGEST PORTION TO HIMSELF AND TO
18 HIS TWO BEST FRIENDS, DEAN KARNY AND BEN DOSTI.

19 Q AND WHY DO YOU CHARACTERIZE DEAN KARNY AND BEN
20 DOSTI AS HIS TWO BEST FRIENDS?

21 A WELL, THEY HAD KNOWN EACH OTHER FOR A LONG TIME.
22 THEY WERE VERY CLOSE.

23 HE -- DEAN KARNY AND -- DEAN WAS VERY CLOSE TO
24 JOE. HE BOUGHT HIM CLOTHES AND DRESSED HIM AND THINGS LIKE
25 THAT AND --

26 Q BOUGHT HIM CLOTHES AS GIFTS?

27 A NO.

28 HE WAS -- HE WAS JOE'S FASHION COORDINATOR, I

1 THINK EVEN DEAN WOULD SAY THAT "YEAH, I DRESSED JOE."

2 MR. BARENS: MIGHT I HAVE A RELEVANCY OBJECTION?

3 THE COURT: YES. THAT OBJECTION IS OVERRULED.

4 MR. BARENS: THANK YOU, YOUR HONOR.

5 Q BY MR. WAPNER: AND HOW MUCH OF THE SHOPPING
6 CENTER --

7 WELL, CAN YOU GIVE US ANY OTHER REASONS FOR YOUR
8 STATEMENT THAT DEAN KARNEY AND BEN DOSTI WERE BEST FRIENDS?

9 A AH, WHEN I FIRST WENT TO THE FIRST MEETING THAT
10 WAS IN DEAN KARNY'S CONDOMINIUM BACK IN THE VALLEY, JOE
11 ANNOUNCED THERE THAT HE WAS A SHADING, AND HE ALSO SAID THAT
12 HIM AND BEN DOSTI AND DEAN KARNY WERE SHADINGS. AND IT WAS
13 NO COINCIDENCE THAT HIS TWO BEST FRIENDS WERE THE SHADINGS.

14 Q AND SHADINGS WERE SUPPOSED TO BE THE LEADERS
15 OF THIS GROUP?

16 A YES, THEY WERE THE ONES WHO KNEW EVERYTHING ABOUT
17 EACH OTHER AND WERE VERY CLOSE AND SHARED ALL OF THE INTIMATE
18 SECRETS AND WHATEVER ELSE THAT MEANT.

19 Q AND IN PRACTICAL EFFECT, THE SHADINGS WERE JOE
20 HUNT AND HIS BEST FRIENDS?

21 A YES.

22 Q NOW AT THE MEETING WHERE HE WAS DIVYING UP THE
23 SHOPPING CENTER, HOW MUCH DID DEAN KARNY GET?

24 A OH, I THINK IT WAS WELL OVER A MILLION DOLLARS.

25 Q HOW ABOUT BEN DOSTI?

26 A THE SAME.

27 Q AND AFTER THAT MEETING, DID YOU CONTINUE TO GO
28 TO THE OFFICES AND WORK ON THE CYCLATRON PROJECT?

3

1 A YES, I DID.

2 Q AT SOMETIME AROUND OCTOBER OF 1983, DID YOU MEET
3 THE PERSON DEPICTED IN PEOPLE'S 175, MR. PITTMAN?

4 A YES, I DID.

5 Q AND DID YOU KNOW HIM BY THE NAME OF PITTMAN?

6 A I KNEW HIM AS JIM GRAHAM.

7 Q WHERE DID YOU FIRST MEET HIM?

8 A I FIRST MET HIM AT A KARATE CLASS, THAT HE WAS
9 TEACHING JOE KARATE.

10 Q WHERE WAS THAT?

11 A AT THE WILSHIRE MANNING.

12 Q WHO INTRODUCED YOU TO HIM?

13 A JOE DID.

14 Q AND WERE YOU INTRODUCED TO HIM BY THE NAME OF
15 JIM GRAHAM?

16 A YES.

17 Q AND AT THE TIME YOU FIRST MET MR. GRAHAM, WAS
18 HE A MEMBER OF THE BBC?

19 A NO, HE WASN'T.

20 JOE TOOK QUITE A LIKING TO HIM BUT HE WASN'T
21 A MEMBER.

22 Q EXPLAIN WHAT YOU MEAN WHEN YOU SAY "JOE TOOK
23 QUITE A LIKING TO HIM," EXPLAIN WHAT YOU MEAN.

24 A HE WAS THE DOORMAN AT THE WILSHIRE MANNING AND
25 THAT IS WHERE JOE AND BEN AND DEAN EVENTUALLY TOOK UP
26 RESIDENCE. THEY LEASED REAL NICE CONDOMINIUMS THERE AND --

27 Q WHEN YOU SAY HE WAS A DOORMAN AT THE WILSHIRE
28 MANNING, HOW DID YOU KNOW THAT; DID YOU EVER SEE HIM THERE?

1 A I SAW HIM PHYSICALLY WORKING AS THE DOORMAN,
2 YES.

3 Q AND WHAT DID YOU OBSERVE ABOUT THE NATURE OF
4 JOE HUNT'S RELATIONSHIP WITH MR. GRAHAM THAT YOU CAN BASE
5 YOUR STATEMENT ON THAT JOE TOOK A LIKING TO HIM?

6 A HE WAS ALWAYS TELLING, BRAGGING ABOUT HIM TO
7 EVERYBODY.

8 Q WHAT DID HE SAY?

9 A SAYING THAT HE WAS -- HE PLAYED FOOTBALL FOR
10 THE COLTS AND ONE TIME, SAYING THAT HE WAS A SEVENTH DEGREE
11 TAI KWAN DO.

12 Q WHAT IS A SEVENTH DEGREE TAI KWAN DO?

13 A IT IS SOME KIND OF DEGREE IN BLACK BELT KARATE.

14 Q WHAT ELSE DID JOE HUNT SAY ABOUT HIM?

15 A HE SAID, "REAL NICE GUY. YOU GUYS SHOULD ALL
16 GET TO KNOW HIM. HE WOULD MAKE A GOOD BBC MEMBER ONE DAY."

17 Q DID HE SAY WHAT HE MEANT WHEN HE SAID HE WOULD
18 MAKE A GOOD BBC MEMBER ONE DAY?

19 A NOT THAT TIME.

20 Q DID HE SAY IT AT SOME POINT LATER?

21 A YES, HE DID.

22 Q AND WHAT DID HE SAY?

23 A WELL, HE SAID THAT JIM HAD SPECIAL TALENTS.

24 Q SUCH AS?

25 A SUCH AS HIS KARATE SKILLS AND LATER ON, JOE HIRED
26 HIM AS A BODYGUARD FOR HIMSELF.

27 Q HOW DO YOU KNOW THAT?

28 A HE TOLD ME THAT IS WHAT HE WAS DOING, HIRING

1 HIM AS HIS --

2 WELL, I MEAN HE DID OTHER WORK IN THE OFFICES
3 BUT HE WAS ALWAYS AROUND JOE.

4 Q WAS THAT AT THE TIME THAT HE WAS A BBC MEMBER
5 OR BEFORE THAT, BEFORE HE BECAME MR. HUNT'S BODYGUARD?

6 A IT WAS AFTER HE BECAME A BBC MEMBER.

7 Q WHAT OTHER WORK DID MR. GRAHAM OR PITTMAN DO
8 IN THE BBC?

9 A HE WORKED IN A COMPANY CALLED WESTCARS WHICH --

10 Q WHAT DID HE DO?

11 A WHICH IMPORTED CARS FROM EUROPE.

12 Q AND WHAT WAS MR. GRAHAM'S CAPACITY WITH THAT
13 COMPANY?

14 A I DON'T KNOW.

15 Q WHEN I SAY GRAHAM, I MEAN THIS PERSON YOU LATER --
16 THAT YOU KNEW AS GRAHAM THAT YOU LATER CAME TO FIND OUT WAS
17 NAMED PITTMAN.

18 A ONLY AFTER HE WAS ARRESTED.

19 Q WHEN MR. GRAHAM OR PITTMAN WAS WORKING FOR
20 WESTCARS, DID HE SPEND MOST OF HIS TIME IN THE OFFICES OR
21 MOST OF HIS TIME AT THE PLANT IN GARDENA?

22 A MOST OF TIME AT THE PLANT IN GARDENA.

23 Q DID YOU SEE MR. HUNT AND THE PERSON YOU KNEW
24 AS MR. GRAHAM DO ANYTHING SOCIALLY TOGETHER?

25 A AS MUCH AS THEY COULD. THEY DID A LOT OF THINGS
26 SOCIALLY.

27 Q SUCH AS?

28 A OH, GO TO MOVIES. HE WOULD BE OVER AT THE

1 APARTMENT. THEY WOULD COOK DINNERS, HAVE HIS FAMILY OVER.

2 JIM HAD A WIFE AND A COUPLE OF KIDS.

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1 AND OF COURSE, THERE WAS THE CONSTANT KARATE
2 LESSONS ALL OF THE TIME. THEY WOULD ALWAYS BE TOGETHER FOR
3 THAT.

4 Q AT SOME POINT, DID MR. HUNT MAKE AN ANNOUNCEMENT
5 REGARDING MR. PITTMAN'S OR GRAHAM'S STATUS AS A MEMBER OF
6 THE BBC?

7 A YES HE DID. HE SAID THAT HE WAS GOING TO BE A
8 MEMBER OF THE BBC AND HE WAS LETTING THE REST OF US KNOW THAT
9 HE WAS GOING TO BE A MEMBER OF THE BBC AND WHETHER OR NOT
10 WE THOUGHT THAT WAS FINE.

11 Q DID YOU DISAGREE WITH HIM?

12 A NO. HE SEEMED LIKE A NICE GUY.

13 Q NOBODY DISAGREED WITH HIM, I TAKE IT?

14 A NO.

15 Q DURING THE TIME THAT -- STRIKE THAT. I WILL COME
16 BACK TO THAT.

17 DURING THE TIME THAT YOU WERE WORKING IN THE
18 OFFICES OF THE BBC, DID YOU EVER DO ANYTHING SOCIALLY WITH
19 OR TOGETHER WITH JUST JOE HUNT AND JIM PITTMAN?

20 A NOT JUST THE TWO OF THEM.

21 Q DID YOU EVER GO SHOOTING OR HUNTING WITH THEM?

22 A NOT WITH THE TWO OF THEM. I WENT HUNTING ONCE
23 WITH JOE.

24 Q WHERE DID YOU DO THAT?

25 A AT A PLACE CALLED SOLEDAD CANYON.

26 Q SOLEDAD CANYON?

27 A YEAH. IT WAS JOE'S FAVORITE PLACE IN THE WORLD.

28 Q WHY DO YOU SAY THAT?

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1 A HE GREW UP NEAR THERE. AND HE TOLD ME THAT WHEN
2 HE WAS YOUNGER, THAT HE WOULD LIKE, GO UP THERE AND WALK AROUND
3 AND HIKE AND HUNT AND HE KNEW THE AREA EXTREMELY WELL.

4 Q AND HOW DID THE TWO OF YOU HAPPEN TO GO UP THERE?

5 A HE SAID, "I HAVE THIS GREAT AREA TO GO HUNTING
6 IN." AND HE ASKED ME IF I WANTED TO GO ALONG.

7 Q HE TOLD YOU THAT HE KNEW THE AREA EXTREMELY WELL?

8 A EXTREMELY WELL.

9 Q WHEN DID HE MAKE THAT STATEMENT?

10 A WHILE WE WERE UP THERE.

11 Q AND IT WAS JUST THE TWO OF YOU THAT WENT UP THERE?

12 A JUST THE TWO OF US.

13 Q WHERE IS THAT IN RELATION TO HERE?

14 A IT IS IN THE MOUNTAINS, THE SAN BERNARDINO
15 MOUNTAINS, I THINK. I AM NOT -- I HAVE NOT BEEN OUT THERE
16 FOR A WHILE.

17 Q WHEN YOU WENT OUT THERE, WHO DROVE?

18 A JOE DROVE.

19 MR. BARENS: WE HAVE A RELEVANCY OBJECTION, FOR THE
20 RECORD.

21 THE COURT: OVERRULED.

22 MR. BARENS: THANK YOU, YOUR HONOR.

23 Q BY MR. WAPNER: WHO DROVE?

24 A JOE DROVE.

25 Q AND WHAT KIND OF A CAR WAS HE DRIVING AT THAT
26 TIME?

27 A A JEEP.

28 Q WHEN YOU INITIALLY WENT OUT THERE, DID YOU GO

1 ON THE FREEWAY?

2 A YES.

3 Q YOU HAVE TO GO ON THE SAN DIEGO FREEWAY AND THEN
4 YOU GET ON THE 5 FREEWAY AND EVENTUALLY GO UP TOWARD
5 LANCASTER?

6 A YES.

7 Q WHEN YOU GET OFF THE FREEWAY TO GO INTO SOLEDAD
8 CANYON, DID YOU EVENTUALLY GET TO A DIRT ROAD?

9 A YES YOU DO. THERE IS A SPECIAL AREA OF THE
10 SOLEDAD CANYON WHERE YOU CAN USE FIREARMS.

11 Q DO YOU KNOW, IS THERE A SEPARATE PART OF THAT
12 CANYON THAT HAS A DIFFERENT NAME, IF YOU KNOW?

13 A NO. I DON'T KNOW.

14 Q AND THE PART WHERE YOU CAN USE FIREARMS, IS THAT
15 UP THIS DIRT ROAD?

16 A YES IT IS.

17 Q IS THAT WHERE YOU WENT WITH JOE HUNT?

18 A YES IT IS.

19 Q WHEN WAS IT THAT YOU WENT UP THERE APPROXIMATELY,
20 IN RELATION TO -- IF YOU CAN RELATE IT TO ANY EVENT IN THE
21 BBC, EITHER WHEN YOU INVESTED MONEY OR WHEN MR. GRAHAM CAME
22 INTO THE BBC OR ANYTHING LIKE THAT?

23 A I THINK IT WAS IN JANUARY OF 1984, RIGHT AROUND
24 THAT AREA. LIKE, AROUND THAT TIME.

25 Q WHEN YOU WENT UP THERE WITH MR. HUNT, AFTER YOU
26 GOT OFF THE DIRT ROAD, WHAT DID YOU DO?

27 A WE PARKED THE JEEP AND GOT OUT AND SHOT TIN CANS
28 AND JUST STUFF LIKE THAT.

1 Q WHAT KIND OF GUNS WERE YOU USING?

2 A WE HAD TWO .22 RIFLES AND ONE SHOTGUN.

3 Q AND DURING THE TIME THAT YOU WERE -- DID YOU JUST
4 PARK THE JEEP ON A ROAD AND THEN START SHOOTING FROM THERE?

5 A FOR A WHILE. AND THEN WE HIKED DOWN TO THE
6 STREAM AND THEN ALONG THE STREAM UP TO THIS WATERFALL AND
7 EVENTUALLY STOPPED THERE.

8 Q WHEN YOU HIKED DOWN TO THE STREAM, WHAT WAS THE
9 TERRAIN LIKE?

10 A EXTREMELY RUGGED, EXTREMELY DENSE AND HARD TO
11 GET THROUGH. BUT WE MANAGED TO GET THROUGH IT ALL RIGHT.

12 Q WHEN YOU HIKED THROUGH THAT TERRAIN TO THE STREAM,
13 THEN WHERE DID YOU GO?

14 A WE STOPPED AT THE STREAM AND SHOT THE GUNS FOR
15 A LITTLE WHILE LONGER AND THEN HIKED BACK.

16 Q YOU MENTIONED THAT THERE WAS A WATERFALL YOU HIKED
17 TO?

18 A YES.

19 Q AS YOU WERE HIKING, WAS THAT ALONG THE STREAM
20 TO THE WATERFALL?

21 A YES.

22 Q WHAT WAS THE TERRAIN LIKE AT THAT PARTICULAR TIME?

23 A LIKE A STREAMBED WITH OVERGROWN TREES THAT COME
24 OVER IT LIKE THIS (INDICATING).

25 Q AND HOW FAR FROM THE CAR WAS IT TO THE WATERFALL,
26 APPROXIMATELY?

27 A HALF A MILE OR A QUARTER OF A MILE. IT SEEMED
28 TO TAKE A LONG TIME TO GET THERE.

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1 Q AND HOW LONG DID YOU STAY IN THAT AREA OF THE
2 WATERFALL?

3 A HALF AN HOUR OR SO.

4 Q AND DURING THAT TIME -- WELL, AFTER THAT HALF
5 AN HOUR, DID YOU HIKE BACK?

6 A WE HIKED BACK AND WE TALKED ON THE WAY.

7 Q AND WHAT DID MR. HUNT TALK TO YOU ABOUT AT THAT
8 TIME?

9 A THAT IS WHEN HE TALKED ABOUT HOW HE LIVED IN THE
10 AREA WHEN HE WAS GROWING UP AND HOW HE REALLY KNEW THE AREA
11 WELL. HE SAID YOU COULD HIDE ANYTHING UP THERE AND NOBODY
12 WOULD EVER FIND IT.

13 Q HE SAID YOU COULD HIDE ANYTHING UP THERE AND NO
14 ONE WOULD EVER FIND IT?

15 A NO ONE WOULD EVER FIND IT.

16 Q WHAT DID YOU SAY WHEN HE SAID THAT?

17 A I DIDN'T SAY ANYTHING.

18 MR. BARENS: COULD WE APPROACH, PLEASE? WE HAVE NOT
19 GOTTEN ANY INTERVIEW NOTES ON THIS, JUDGE. WE HAVE A BRADY
20 ISSUE OF THE FIRST MAGNITUDE.

21 THE COURT: ALL RIGHT.
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1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 AT THE BENCH OUTSIDE THE HEARING OF
3 THE JURY:)

4 MR. WAPNER: MAY I HAVE A MOMENT TO GET MY OTHER NOTES?
5 (PAUSE.)

6 THE COURT: ALL RIGHT, YES.

7 MR. BARENS: I AM FEELING AN AMBUSH AGAIN.

8 I DON'T RECALL THIS TESTIMONY AT ANY OF THE
9 PREVIOUS HEARINGS, NOR ALTHOUGH WE HAVE REPEATEDLY ASKED
10 FOR MR. WAPNER'S NOTES ON THESE INTERVIEWS WHICH HE IS
11 REFERRING TO, I DON'T SEEM TO HAVE THESE.

12 I FEEL THAT WE ARE IN SOME HIGHLY PREJUDICIAL
13 INFORMATION THAT I HAVE JUST NEVER BEEN EXPOSED TO, JUDGE.

14 THE COURT: ALL RIGHT.

15 MR. WAPNER: ALL RIGHT. THIS IS A -- I DON'T KNOW
16 WHEN I FIRST HEARD THIS STATEMENT BUT I THINK -- I MEAN I
17 HAVE SOME NOTES OF AN INTERVIEW THAT I HAD WITH THIS WITNESS
18 VERY RECENTLY.

19 BUT THIS WITNESS -- THE STUFF ABOUT BEING AMBUSHED,
20 THIS IS NOT A SURPRISE WITNESS. NONE OF THESE WITNESSES
21 ARE SURPRISE WITNESSES.

22 THIS WITNESS TESTIFIED AT MR. HUNT'S PRELIMINARY
23 HEARING, WHICH WAS IN THE END OF -- EXCUSE ME -- THE BEGINNING
24 OF 1985.

25 THIS WITNESS HAS BEEN AVAILABLE TO BE INTERVIEWED
26 BY THE DEFENSE SINCE THE DEFENDANT WAS ARRESTED IN DECEMBER
27 OF 1984.

28 IF THEY HAVEN'T AVAILED THEMSELVES OF THE

1 OPPORTUNITY OF TALKING TO HIM FULLY, I DON'T SEE THAT THAT
2 IS MY PROBLEM, FIRST OF ALL.

3 SECOND OF ALL, I CAN'T, EVERY TIME THAT I TALK
4 TO A WITNESS, I DON'T ALWAYS NECESSARILY MAKE NOTES OF THE
5 CONVERSATION AND MY FEELING ABOUT CRIMINAL DISCOVERY IS THAT
6 THE WITNESS HAS BEEN AVAILABLE TO THEM FOR TWO AND A HALF
7 YEARS NOW TO INTERVIEW AND TO TALK TO FULLY.

8 AND SO WHEN I INTERVIEW WITNESSES WHO I KNOW
9 HAVE TESTIFIED BEFORE AND WHO I KNOW HAVE MADE STATEMENTS
10 TO THE POLICE BEFORE, I DON'T AUTOMATICALLY WRITE DOWN
11 EVERYTHING AND XEROX IT AND TURN IT OVER TO THE DEFENSE.

12 MR. BARENS: YOUR HONOR --

13 THE COURT: COUNSEL SEEMS TO THINK YOU HAVE TO GIVE
14 THEM EVERY DETAIL WHICH MIGHT HAVE SOME SIGNIFICANCE. DO
15 YOU FEEL IT IS YOUR DUTY TO DO THAT?

16 MR. BARENS: YOUR HONOR, WHAT I AM SAYING --

17 THE COURT: I AM ASKING HIM THE QUESTION.

18 MR. BARENS: I BEG YOUR PARDON.

19 THE COURT: DO YOU FEEL THAT EVERY DETAIL YOU HAVE
20 TO FURNISH TO HIM IF IT HAS ANY POSSIBLE SIGNIFICANCE?

21 MR. WAPNER: I DON'T FEEL THAT EVERY DETAIL OF THE
22 TESTIMONY OF A WITNESS, WHO HAS BEEN KNOWN TO AND AVAILABLE
23 TO THE DEFENSE FOR TWO AND A HALF YEARS, NEEDS TO BE FURNISHED.

24 MR. BARENS: YOUR HONOR, I AM TALKING --

25 THE COURT: AND YOU WANT TO KNOW THE MATERIALITY OF
26 THIS TESTIMONY?

27 MR. BARENS: NO, NOT AT ALL, YOUR HONOR.

28 I AM TALKING ABOUT INCRIMINATING STATEMENTS OF

1 THE DEFENDANT, WHICH IS HARDLY SOME LITTLE DETAIL, YOUR
2 HONOR. WE ARE TALKING ABOUT MAJOR STATEMENTS THAT ARE NOW
3 BEING ATTRIBUTED TO THE DEFENDANT THAT WOULD BE HIGHLY
4 INCRIMINATING HERE.

5 THE COURT: WELL, MR. WAPNER SAYS HE WAS AVAILABLE
6 FOR INTERVIEW AND THE INFORMATION HE IS GIVING US NOW IS
7 SOMETHING THAT COULD BE AVAILABLE TO YOU HAD YOU TAKEN
8 ADVANTAGE OF THE OPPORTUNITY.

9 MR. BARENS: I THINK YOUR HONOR CAN TAKE NOTE OF THE
10 FACT THAT THESE BBC PEOPLE HAVE SHOWN NO NOTION TO COOPERATE
11 WITH THE DEFENSE.

12 THE COURT: I DON'T KNOW ABOUT THAT. THERE IS NO
13 EVIDENCE YOU HAVE EVER TRIED TO GET ANY STATEMENTS FROM HIM.

14 IF HE DOESN'T SHUT UP, I AM GOING TO GET THE
15 BAILIFF TO SEND HIM OUT OF HERE.

16 MR. BARENS: IF I COULD HAVE AN OPPORTUNITY AFTER YOUR
17 HONOR IS FINISHED TO COMMUNICATE WITH HIM.

18 THE COURT: LET HIM COMMUNICATE TO YOU AFTER I HAVE
19 FINISHED TALKING AND NOT INTERRUPT YOU WHILE I AM TALKING
20 TO YOU.

21 MR. BARENS: I UNDERSTAND, YOUR HONOR.

22 THE COURT: WILL YOU TELL ME WHERE I WAS TALKING BEFORE
23 I WAS SO RUDELY INTERRUPTED?

24 MR. BARENS: YOUR HONOR WAS TALKING ABOUT OUR AVAILING
25 OURSELVES TO THIS WITNESS.

26 THE COURT: YES. THERE IS NO INDICATION AT ALL THAT
27 YOU TRIED TO MAKE HIM AVAILABLE TO YOU AND HE REFUSED TO
28 TALK TO YOU.

1 MR. BARENS: SO I CAN BETTER UNDERSTAND THIS, YOUR
2 HONOR IS SAYING IF THE PEOPLE COME INTO POSSESSION OF
3 INCRIMINATING STATEMENTS MADE BY THE DEFENDANT TO A WITNESS,
4 THAT THE DISTRICT ATTORNEY, THE PEOPLE ARE AWARE OF THAT,
5 YOUR HONOR DOES NOT FEEL THAT THE PEOPLE HAVE AN OBLIGATION --

6 THE COURT: DON'T TRY TO GO BEYOND THE SPOT -- I WON'T
7 FALL FOR THAT.

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1 THE COURT: I HAVE BEEN AROUND A LONG TIME. I AM NOT
2 GOING TO TELL YOU HOW I FEEL OR DON'T FEEL.

3 YOU CAME UP HERE FOR A SPECIFIC PURPOSE AND I
4 AM RULING ON IT SPECIFICALLY, AND I AGREE WITH THE PEOPLE
5 WITH THE FACT THAT HE HAD BEEN AVAILABLE AND YOU COULD HAVE
6 TALKED TO HIM AT LENGTH AND YOU DIDN'T AVAIL YOURSELF OF
7 THAT IN THAT TWO AND A HALF YEARS, HE IS NOT A SURPRISE
8 WITNESS, YOU KNEW HE WAS GOING TO TESTIFY.

9 MR. BARENS: ON THIS SPECIFIC POINT YOUR HONOR IS
10 RULING AS TO THE INCRIMINATING STATEMENT OF THE DEFENDANT
11 THAT THE PEOPLE WERE AWARE OF, THAT THEY ARE NOT TO DISCLOSE?

12 THE COURT: I DON'T KNOW THAT THERE IS ANYTHING
13 INCRIMINATING. HE JUST SAID IT IS A PLACE WHERE YOU COULD
14 HIDE THINGS.

15 MR. WAPNER: MY ARGUMENT BEFORE INDICATES THAT I DON'T
16 THINK THERE IS ANYTHING THAT I DO THAT WAS IMPROPER.

17 BUT THE STATEMENT HE MADE TWO AND A HALF YEARS
18 AGO, YOU SAY, IS INADMISSIBLE. YOU SAY YOU WERE NOT AWARE
19 OF IT. WHAT IS THE REMEDY YOU FEEL SHOULD BE APPLIED?

20 THE COURT: HE SAYS TO STRIKE THE TESTIMONY.

21 MR. BARENS: YES, YOUR HONOR.

22 COULD WE HAVE JUST ONE MOMENT?

23 THE COURT: GO AHEAD.

24 (UNREPORTED COLLOQUY BETWEEN MR. BARENS
25 AND MR. CHIER.)

26 MR. BARENS: YOUR HONOR, COULD I ASK LEAVE TO HAVE
27 MR. CHIER MAKE A STATEMENT AS TO THE LAW BEING REFERENCED?

28 THE COURT: I KNOW WHAT THE LAW IS. I DON'T HAVE

1 TO HEAR ANYTHING FROM HIM. BUT IF HE WANTS TO PUT IT ON
2 THE RECORD, HE IS AT LIBERTY TO DO SO.

3 MR. BARENS: THANK YOU.

4 YOU MAY SPEAK.

5 MR. CHIER: THE LAW REQUIRES THAT AT THE VERY MINIMUM
6 THAT ALL STATEMENTS OF A WITNESS -- OF A DEFENDANT IN THE
7 POSSESSION OR KNOWN TO THE DISTRICT ATTORNEY BE TURNED OVER
8 TO THE DEFENDANT AT THE EARLIEST POSSIBLE TIME. THIS IS
9 FOR PURPOSES OF INSURING THAT THE DEFENDANT HAS DUE PROCESS
10 AND ALSO INSURING THAT HE HAS THE RIGHT OF CROSS-EXAMINATION.

11 THE SANCTION FOR THE REFUSAL OF THE DISTRICT
12 ATTORNEY TO TURN OVER SUCH STATEMENTS, WHETHER THEY BE
13 INCRIMINATING OR COMPLETELY INNOCUOUS, THE SANCTION IS TO
14 PROHIBIT THE WITNESS FROM TESTIFYING AT ALL OR UNTIL SUCH
15 TIME AS THE PROSECUTION HAS TURNED OVER ALL OF THE DEFENDANT'S
16 STATEMENTS TO THE DEFENDANT AND HIS COUNSEL.

17 WE CAN'T POSSIBLY CROSS-EXAMINE A WITNESS ON
18 STATEMENTS MADE BY A DEFENDANT OR ALLEGEDLY MADE BY A
19 DEFENDANT WHEN WE DON'T HAVE THE THINGS IN ADVANCE. AND
20 THEY HAVE BEEN KNOWN TO THE PROSECUTION. THEY HAVE NOT BEEN
21 TURNED OVER. AND THIS WITNESS SHOULD NOT BE ALLOWED TO
22 TESTIFY.

23 MR. WAPNER HAS REPEATEDLY PROMISED US TO TURN
24 OVER HIS WITNESS INTERVIEW DOCUMENTS THAT CONTAIN STATEMENTS
25 OF THESE WITNESSES AND WHICH MAKE REFERENCE TO STATEMENTS
26 OF THE DEFENDANT. HE HAS THUS FAR NOT DONE SO, EVEN DESPITE
27 NUMEROUS PROMISES TO DO SO.

28 THE COURT: SHUSH. ALL RIGHT.

1 MR. WAPNER: FIRST OF ALL, LET ME SAY THAT I INTER-
2 VIEWED THREE WITNESSES LAST NIGHT AND I GAVE MR. BARENS THE
3 NOTES OF THE INTERVIEWS OF THOSE WITNESSES THIS MORNING.

4 THIS WITNESS I INTERVIEWED, I THINK, LAST
5 WEEKEND AND BECAUSE OF WHAT I STATED BEFORE, THAT THIS WITNESS
6 HAS TESTIFIED ON SEVERAL OCCASIONS AND THERE ARE NUMEROUS
7 REPORTS, OR AT LEAST A REPORT, MAYBE MORE THAN ONE OF HIS
8 STATEMENTS TO THE POLICE, I DON'T FEEL THAT EVERY TIME THAT
9 YOU TALK TO A WITNESS YOU HAVE TO TURN OVER EVERY DOCUMENT
10 THAT YOU MAKE REFERENCE TO.

11 THE COURT: I DON'T THINK THERE IS ANY PREJUDICE IN
12 ANY WAY. HE HAS MADE THE STATEMENT AND YOU HAVE THE RIGHT
13 TO CROSS-EXAMINE HIM. YOU HAVE THE RIGHT TO PREPARE ANYTHING
14 THAT YOU WANT TO PREPARE NOW THAT YOU KNOW.

15 SUPPOSE YOU KNEW IT YESTERDAY, HOW WOULD THAT
16 PREJUDICE YOU IN ANY WAY? SUPPOSE YOU KNEW IT YESTERDAY,
17 SUPPOSE YOU KNEW HE WAS GOING TO TESTIFY YESTERDAY, THAT
18 HE WAS GOING TO TESTIFY TODAY ABOUT THE REMARK MADE BY THE
19 DEFENDANT ABOUT --

20 MR. BARENS: IT DOES HAVE AN INFLUENCE ON THE TYPE
21 OF CROSS-EXAMINATION, YOUR HONOR.

22 THE COURT: WELL, YOU HAVEN'T CROSS-EXAMINED HIM YET.
23 GO AHEAD AND PREPARE FOR IT. ASK YOUR CLIENT ABOUT IT.

24 MR. BARENS: IT IS DIFFICULT TO PREPARE.

25 THE COURT: I DON'T THINK THERE IS ANY DIFFICULTY ABOUT
26 NOT HAVING BEEN TOLD YESTERDAY ABOUT WHAT HE IS GOING TO
27 TESTIFY TO TODAY. LET'S GO ON.

28 MR. BARENS: MAY I ASK THE COURT FOR THE RECORD --

1 THE COURT: YOU HAVE MADE YOUR RECORD. I THINK THE
2 RECORD IS CLEAR.

3 MR. BARENS: MAY I HAVE AN ORDER FROM YOUR HONOR TO
4 THE PEOPLE THAT THEY TURN OVER TO THE DEFENSE INTERVIEW
5 NOTES? AGAIN, I ASKED FOR IT EARLIER IN THE WEEK AND I
6 BELIEVE YOUR HONOR SAID YES, THAT WE WOULD HAVE THE INTERVIEW
7 NOTES ON THESE BBC PEOPLE.
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1 THE COURT: HE SAYS HE HAS GIVEN YOU THE INTERVIEW NOTES.
2 HAVE YOU NOT?

3 MR. WAPNER: I DID NOT GIVE THEM THE NOTES THAT I
4 PREPARED, THAT I TOOK OF THE INTERVIEW WITH THIS WITNESS.

5 THE COURT: NO. HE IS TALKING ABOUT THE OTHER THREE
6 WITNESSES.

7 MR. BARENS: THEY ARE NOT BBC WITNESSES, JUDGE.

8 THE COURT: AT ANY RATE, WHENEVER IT IS POSSIBLE, SO
9 THERE WON'T BE ANY CLAIMED SURPRISE, ANYTHING THAT YOU HAVE
10 IN ADVANCE FROM A WITNESS, TURN IT OVER TO THE DEFENSE. WOULD
11 YOU, ANYTHING MATERIAL?

12 MR. BARENS: YOUR HONOR, EXCUSE ME. YOUR HONOR, I AM
13 NOT CLAIMING SURPRISE AS A RUSE.

14 IF I AM SURPRISED, I TELL YOU IF I AM HEARING
15 SOMETHING THAT I HAVE NOT HEARD BEFORE. I MAKE THAT CLEAR
16 TO THE COURT AND --

17 THE COURT: ALL I AM POINTING OUT TO YOU IS, THERE IS
18 ABSOLUTELY NO PREJUDICE.

19 FOR EXAMPLE, AS I TOLD YOU BEFORE, YESTERDAY OR
20 LAST WEEK, THAT THE DISTRICT ATTORNEY, IF HE KNEW ABOUT THIS
21 TESTIMONY AND HE DIDN'T ADVISE YOU OF IT, HE WILL GIVE YOU
22 HIS NOTES ON IT. IT DOESN'T MAKE ANY DIFFERENCE TO YOU. YOU
23 KNOW IT NOW.

24 YOU CAN PREPARE FOR IT. YOU CAN PREPARE FOR CROSS-
25 EXAMINATION. YOU CAN TALK TO YOUR CLIENT, WHETHER SUCH A
26 THING EVER HAPPENED, WHETHER HE SAID ANYTHING LIKE THAT.

27 IF HE DIDN'T SAY IT, THEN I UNDERSTAND HE IS GOING
28 TO TESTIFY. LET HIM SAY SO. THERE IS NO HARM. I DON'T

1 SEE ANY PREJUDICE.

2 MR. BARENS: THE REMEDY, YOUR HONOR, IS IN EFFECT, AN
3 ORDER ORDERING THE DISTRICT ATTORNEY TO TURN OVER --

4 THE COURT: YOU DON'T HAVE TO DO ANY RESEARCH ON THE
5 TESTIMONY THAT HE JUST GAVE. DO YOU HAVE TO GO OUT AND HUNT
6 FOR WITNESSES WHO MAY BE ABLE TO REBUT THAT? YOU HAVE GOT
7 YOUR OWN WITNESS RIGHT THERE.

8 MR. BARENS: YOUR HONOR, AGAIN, THE PROBLEM I AM HAVING
9 DOESN'T STRESS A SINGLE STATEMENT, BUT RATHER, THE WHOLE ISSUE
10 OF NOT KNOWING WHAT IS COMING.

11 THE COURT: I AM ONLY DEALING WITH THIS SPECIFIC
12 PROBLEM. I DON'T THINK THERE IS ANY PREJUDICE AT THIS POINT.
13 LET'S GO ON.

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

16 THE COURT: DID YOU FINISH THE CONVERSATION THAT THEY
17 HAD OUT IN THE CANYON OR WAS THERE ANYTHING FURTHER?

18 MR. WAPNER: NO. I THINK WE HAVE FINISHED THAT
19 CONVERSATION, YOUR HONOR.

20 THE COURT: DID YOU COMPLETE THAT CONVERSATION?

21 THE WITNESS: YES.

22 THE COURT: ALL RIGHT.

23 Q BY MR. WAPNER: WITH RESPECT TO MR. PITTMAN OR
24 THE PERSON YOU KNEW AS MR. GRAHAM, DID YOU EVER SEE
25 MR. HUNT GIVE HIM A VEHICLE?

26 A I NEVER SAW HIM PHYSICALLY HAND HIM A VEHICLE.
27 ONE DAY, HE WAS NOT DRIVING A BMW 3.0, BLACK AND ONE DAY HE
28 WAS. AND IT WAS --

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- 1 Q THAT IS A BLACK, BMW 3.0?
- 2 A YES.
- 3 Q WHOSE CAR WAS THAT? DID YOU KNOW SOMEBODY IN
4 THE BBC WHO OWNED THAT CAR AND WAS SELLING IT?
- 5 A YES.
- 6 Q WHO WAS THAT?
- 7 A WHAT WAS THE GUY'S NAME? LOPEZ.
- 8 Q STEVE LOPEZ?
- 9 A STEVE LOPEZ.
- 10 Q AND AT SOME POINT, YOU SAW MR. PITTMAN DRIVING
11 THAT CAR?
- 12 A YES I DID. HE DROVE IT QUITE FREQUENTLY.
- 13 MR. BARENS: OBJECTION, AS TO RELEVANCY AS TO WHICH
14 CAR HE DROVE AT SOME UNKNOWN POINT IN TIME.
- 15 THE COURT: OVERRULED.
- 16 Q BY MR. WAPNER: AND AT SOME POINT AFTER YOU HAD
17 THAT MEETING TO DIVVY UP THE PROCEEDS OF THE SHOPPING CENTER,
18 DID YOU FIND OUT THAT THERE WASN'T GOING TO BE A SHOPPING
19 CENTER?
- 20 A WELL, IT TOOK SEVERAL WEEKS. BUT EVENTUALLY,
21 JOE CAME TO THE REALIZATION THAT RON LEVIN HAD CONNED HIM
22 ALL ALONG.
- 23 Q HOW DO YOU KNOW THAT?
- 24 A BECAUSE HE SAID THE SHOPPING CENTER WASN'T REAL,
25 THAT IT NEVER EXISTED.
- 26 Q OKAY. AND JOE HUNT TOLD YOU THAT?
- 27 A HE FINALLY ADMITTED IT, YES.
- 28 Q HOW DID HE SEEM TO BE WHEN HE SAID THAT HE

1 ADMITTED IT WAS NOT REAL?

2 A DETERMINED, DETERMINED IN THE RESPECT THAT HE
3 DID BELIEVE THAT THE MONEY HE HAD MADE FOR RON LEVIN WAS REAL.

4 Q HE DID BELIEVE IT WAS REAL?

5 A YES. HE SAID HE WAS GOING TO GET THE MONEY OUT
6 OF RON, NO MATTER WHAT IT TOOK.

7 Q DID YOU CONTINUE GOING TO WORK AT THE OFFICES
8 OF THE BBC?

9 A YES I DID.

10 Q AND DURING THE TIME THAT YOU WERE GOING TO WORK
11 THERE, DID MR. HUNT USUALLY COME IN EARLY TO TRADE THE
12 COMMODITIES?

13 A IN THE EARLIER MONTHS, HE ALWAYS CAME IN. HE
14 WAS THE FIRST ONE IN THE OFFICE, HIM AND BEN OR THEY WERE
15 TRADING AT THE BROKERAGE HOUSE EARLY IN THE MORNING.

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1 Q AND DID YOU AT SOME POINT -- AT SOME POINT, DID
2 THAT STOP?

3 A YES IT DID.

4 Q HOW DID YOU NOTICE THAT THAT HAD STOPPED?
5 WHAT DID YOU NOTICE?

6 A THEY WERE NO LONGER GOING TO THE BROKERAGE HOUSE.
7 THEY WERE COMING IN LATE, SOMETIMES 10:00, 11:00 O'CLOCK IN
8 THE EARLY MORNING, I MEAN EARLY IN THE MORNING.

9 Q WHEN YOU SAY "THEY", WHO ARE YOU REFERRING TO?

10 A BEN AND JOE.

11 Q AND DID THAT SEEM SOMEWHAT UNUSUAL TO YOU?

12 A YEAH BECAUSE ACCORDING TO THEM, EVERYTHING IN
13 THE COMMODITIES MARKET WAS DOING VERY WELL, ALL OF THE
14 INVESTORS' MONEY WAS DOING VERY WELL, EVERYTHING COULDN'T
15 HAVE BEEN GOING BETTER.

16 Q WERE THOSE STATEMENTS THAT MR. HUNT MADE?

17 A YES THEY WERE AND DEAN AND BEN.

18 Q DID YOU AT SOME POINT -- WAS THERE A TIME WHEN
19 THE TRADING SEEMED TO STOP SOMETIME IN THE SPRING OF 1984?

20 A YES THERE WAS.

21 Q AND WERE YOU STILL WORKING IN THE OFFICES AT THAT
22 TIME?

23 A YES I WAS.

24 Q AT SOME POINT, IN JUNE OF 1984, DID YOU SEE JOE
25 HUNT AT YOUR APARTMENT OR JUST OUTSIDE OF YOUR APARTMENT?

26 A HE CAME BY.

27 Q AND WHAT HAPPENED WHEN HE CAME BY?

28 A HE WAS VERY, VERY EXCITED. HE RACED UP TO OUR

1 APARTMENT DOOR, KNOCKED ON IT AND SAID TO COME DOWN TO THE
2 CAR.

3 WE CAME DOWN TO THE CAR. INSIDE THE CAR, WAS
4 BEN DOSTI AND HE PULLED OUT A CONTRACT THAT HE HAD GOTTEN
5 SIGNED WITH RON LEVIN.

6 Q DID HE SHOW IT TO YOU?

7 A YES. HE SHOWED IT TO US.

8 Q ALL RIGHT. SHOWING YOU WHAT WE HAVE MARKED AS
9 PEOPLE'S 58 FOR IDENTIFICATION, DO YOU RECOGNIZE THAT?

10 A YES I DO. THAT'S THE CONTRACT.

11 Q AND THAT IS THE ONE THAT HE SHOWED YOU?

12 A THAT IS THE ONE THAT HE SHOWED ME.

13 Q AND SIGNED BY MR. HUNT AND ALSO BY RON LEVIN?

14 A YES IT IS.

15 THE COURT: WHEN WAS THAT THAT YOU HAD THAT TALK WITH
16 HIM? TAKE A LOOK AT THE CONTRACT AND SEE IF IN REFERENCE
17 TO THAT DATE, WHAT DATE IT WAS HE TALKED TO YOU.

18 Q BY MR. WAPNER: ARE THERE TWO DATES ON THE
19 CONTRACT?

20 A THE CONTRACT IS DATED 6/5/84 AND 6/6/84.

21 Q DID MR. HUNT ALSO HAVE A CHECK WITH HIM?

22 A YES HE DID.

23 Q AND SHOWING YOU A COPY OF PEOPLE'S -- I BELIEVE
24 IT IS 57 FOR IDENTIFICATION, DO YOU RECOGNIZE THAT?

25 A YES. HE HAD THIS CAREFULLY FOLDED UP IN HIS
26 POCKET AND HE PULLED IT OUT VERY SLOWLY AND HE SAID, "RON
27 LEVIN SIGNED THIS."

28 HE SAID, "THAT'S HIS SIGNATURE, SEE? THAT'S HIS

1 SIGNATURE."

2 Q AND MR. HUNT SAID --

3 THE COURT: YOU MEAN ON THE RIGHT-HAND SIDE OF IT?
4 THAT SCRIBBLING?

5 THE WITNESS: YES, RIGHT HERE. THE SIGNATURE.

6 THE COURT: ALL RIGHT.

7 Q BY MR. WAPNER: DID HE SAY ANYTHING ABOUT RON
8 LEVIN'S SIGNATURE ON THE CONTRACT?

9 A YES. HE ALSO SAID THAT IT WAS RON LEVIN'S
10 SIGNATURE ON THE CONTRACT.

11 Q DO YOU REMEMBER THE WORDS HE USED WHEN HE SAID
12 THAT IT WAS HIS SIGNATURE ON THE CONTRACT?

13 A HE SAID HE HAD SIGNED A DEAL WITH RON LEVIN AND
14 THAT RON HAD SIGNED OVER THIS CHECK FOR \$1.5 MILLION.

15 Q THE CHECK IS DATED JUNE THE 6TH, IS THAT RIGHT?

16 A YES IT IS.

17 Q WHAT TIME OF THE DAY WAS IT THAT MR. HUNT SHOWED
18 UP AT YOUR HOUSE WITH THE CONTRACT AND THE CHECK?

19 A EARLY MORNING.

20 MR. BARENS: WHAT DAY ARE WE AT?

21 MR. WAPNER: I AM GETTING THERE.

22 THE COURT: EARLY MORNING?

23 Q BY MR. WAPNER: AT WHAT TIME? WHEN YOU SAY "EARLY
24 MORNING" WHAT TIME ARE YOU TALKING ABOUT?

25 A 8 O'CLOCK.

26 Q AND WHAT IS YOUR RECOLLECTION OF THE DATE? WAS
27 IT THE DAY AFTER THE CHECK, THE DAY OF THE CHECK?

28 A IT WAS THE DAY AFTER THE CHECK.

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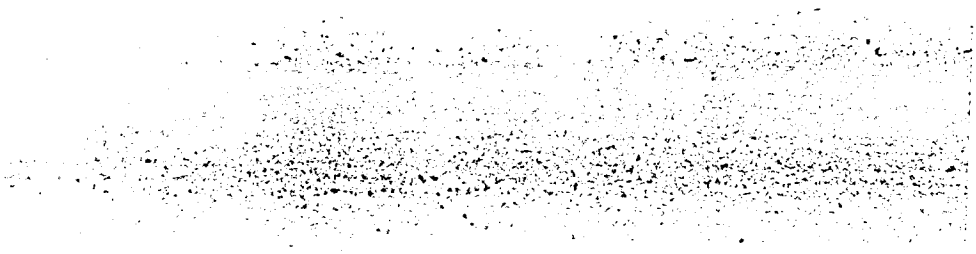
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THE COURT: THAT WOULD BE JUNE 7, IS THAT CORRECT?

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THE WITNESS: JUNE 7.

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THE COURT: ALL RIGHT.

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1 Q BY MR. WAPNER: AND WHEN HE SHOWED YOU THIS
2 CONTRACT, WHAT DID YOU THINK?

3 A I HAD READ IT, THAT RON LEVIN WAS A CON MAN AND
4 I DIDN'T THINK HE WAS A WEALTHY CON MAN, BUT I AT THE TIME,
5 I DIDN'T KNOW WHAT TO THINK.

6 Q HAD YOU BEEN AT A BOARD MEETING OF MICROGENESIS
7 THAT OCCURRED ON MAY THE 29TH OF 1984?

8 A YES, I HAD.

9 Q AND WAS THAT BOARD MEETING TO DISCUSS THE
10 CYCLATRON AND WHAT WAS CURRENTLY BEING DONE BY THE BBC WITH
11 RESPECT TO THE CYCLATRON?

12 A YES.

13 IT WAS A VERY BIG MEETING. SEVERAL PEOPLE
14 ATTENDED WHO WERE INVOLVED -- EVERYBODY WHO ATTENDED WAS
15 INVOLVED WITH THE CYCLATRON AND JUST ABOUT EVERYBODY AT THE
16 TIME WHO EVER HAD ANY INPUT AT ALL WITH THE CYCLATRON WAS
17 THERE.

18 Q AND AT THE TIME THAT YOU ATTENDED THAT MEETING,
19 WAS THERE SOME DISCUSSION ABOUT THE CONTRACTS THAT THE BBC
20 HAD WITH MR. MORTON OR WAS INTENDING TO HAVE WITH MR. MORTON?

21 A YES.

22 Q AND SOME WITH BILL NALLIN, THE PERSON OUT IN
23 THE DESERT SOME PLACE NEAR LAS VEGAS?

24 A YES, AT THAT TIME I PRESENTED A REPORT GOING
25 OVER WHAT THE PROPOSED PROJECT WAS GOING TO BE LIKE OUT THERE.

26 Q WAS THERE EVER ANY DISCUSSION AT THAT MEETING
27 OF A DEAL IN THE WORKS WITH RON LEVIN?

28 A NO.

1 Q WHEN MR. HUNT SHOWED YOU THE CONTRACT AND THE
2 CHECK, HOW DID HE APPEAR TO YOU?

3 A LIKE ALL OF HIS PROBLEMS HAD BEEN SOLVED.

4 Q WHAT DID YOU MEAN BY THAT?

5 A HE WAS VERY HAPPY. EXTREMELY HAPPY.

6 BOTH HIM AND DEAN AND BEN WERE ALL VERY HAPPY
7 ABOUT THE FACT THAT HE HAD THIS CHECK AND THEY WERE GOING
8 TO GET IT CASHED AS SOON AS POSSIBLE AND GET ALLOF THE MONEY
9 AND, YOU KNOW, PAY FOR ALL OF THEIR PROBLEMS, I GUESS.

10 Q WOULD YOU REPEAT THAT LAST THING, BECAUSE I
11 DIDN'T HEAR IT.

12 A PAY FOR THEIR PROBLEMS.

13 Q AND AFTER HE SHOWED YOU THE CHECK, HOW LONG DID
14 HE STAY AT YOUR APARTMENT?

15 A HE DIDN'T STAY LONG AT ALL. THEY TOOK OFF RIGHT
16 AFTER THAT.

17 Q AND AFTER -- WELL, AFTER YOU HAD SEEN THE CHECK,
18 DID YOU GO TO WORK THAT DAY?

19 A I BELIEVE SO, YES.

20 Q AT SOME POINT AFTER THAT, DID YOU GO TO THE BANK
21 WITH MR. HUNT?

22 A SEVERAL WEEKS AFTER THAT, I NOTICED THAT THEY
23 HADN'T BEEN TRADING MUCH AND SO I WAS RIDING IN MY CAR WITH
24 JOE AND I SAID, YOU KNOW "WHAT IS GOING ON?"

25 AND JOE TURNED TO ME AND HE SAID, "LOOK, TOM,
26 YOU ARE GOING TO FIND OUT SOONER OR LATER. I KILLED RON
27 LEVIN."

28 AND IT WAS -- AND HE SAID HE DIDN'T -- HE DIDN'T

1 KILL HIM HERE. HE SAID HE KILLED HIM IN NEW YORK AND THAT
2 IT WAS A PERFECT CRIME.

3 THE COURT: HE SAID HE KILLED HIM IN NEW YORK?

4 THE WITNESS: HE SAID HE KILLED HIM IN NEW YORK, SIR.

5 Q BY MR. WAPNER: WHEN HE SAID THAT TO YOU, WAS
6 THAT IN RESPONSE TO SOMETHING THAT YOU HAD SAID TO HIM?

7 MR. BARENS: YOUR HONOR, FOR THE RECORD, THIS AGAIN
8 INVOLVES A BRADY ISSUE, THIS TESTIMONY.

9 THE COURT: ALL RIGHT, YOU HAVE YOUR OBJECTION.

10 MR. BARENS: IS YOUR HONOR MAKING THE SAME FINDING
11 THAT YOUR HONOR DID EARLIER?

12 THE COURT: YES.

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

14 THE COURT: YES.

15 (THE FOLLOWING PROCEEDINGS TOOK PLACE AT
16 THE BENCH OUTSIDE THE HEARING OF THE
17 JURY:)

18 MR. WAPNER: YOUR HONOR, I BELIEVE -- I AM HAVING A
19 HARD TIME FINDING THIS IN MY NOTES RIGHT NOW BUT THIS IS
20 A STATEMENT THAT WAS MADE BY THIS WITNESS AT MR. PITTMAN'S
21 PRELIMINARY HEARING AND I BELIEVE REPEATED AT MR. PITTMAN'S
22 TRIAL.

23 THE COURT: DO YOU REMEMBER THAT?

24 MR. BARENS: NO.

25 I WOUDLN'T BE HERE IF I DID, JUDGE.

26 YOUR HONOR, I MIGHT NOTE FOR THE RECORD THE
27 WITNESS HAS A TENDENCY TO BE NON-RESPONSIVE TO QUESTIONS
28 WHERE IN HE VOLUNTEERS SOME GRATUITIES THAT ARE HELPFUL TO

1 THE PROSECUTION.

2 THE COURT: I WILL TELL HIM TO LISTEN TO THE QUESTION
3 AND JUST ANSWER THE QUESTION AND NOT TO VOLUNTEER ANYTHING.

4 MR. BARENS: THANK YOU, YOUR HONOR.

5 AND --

6 THE COURT: WAIT A MINUTE NOW.

7 MR. WAPNER: I AM ALMOST CERTAIN THAT THE STATEMENT
8 WAS MADE AT THE PRELIM BUT I CAN'T FIND IT IN MY NOTES AT
9 THIS MOMENT.

10 THE COURT: THE PRELIMINARY OF?

11 MR. WAPNER: OF MR. PITTMAN.

12 THE COURT: YOU HAVE THE PRELIMINARY OF THAT, TOO,
13 HAVEN'T YOU?

14 MR. BARENS: YES, I DO, YOUR HONOR.

15 I CAN TELL YOU --

16 THE COURT: COUNSEL SAYS THERE IS NOTHING IN THERE
17 ABOUT THAT.

18 MR. BARENS: I CAN TELL YOU WHERE WE ARE AT. I MIGHT
19 BE HELPFUL WITH THAT. I BELIEVE MR. TAGLIANETTI AT THE
20 PRELIMINARY MADE A REFERENCE OF SOME SORT TO THIS TYPE OF
21 CONVERSATION, NOT THIS WITNESS.

22 HOWEVER, YOUR HONOR, LET ME TELL YOU THE PROBLEM
23 I GET INTO. AS I AM SURE YOUR HONOR IS AWARE, WE, IN OUR
24 PREPARATION FOR TRYING TO IMPEACH A WITNESS, WE GO THROUGH
25 TESTIMONY AND TRY TO CONTRAST IT AT DIFFERENT -- YOU KNOW,
26 POLICE REPORT WITH A PRELIMINARY HEARING, WITH THE PITTMAN TRIAL
27 AND PRELIMINARY HEARING, YOU KNOW, DIFFERENT TESTIMONY
28 AND TO TRY TO FIND WHETHER THOSE ARE ALL CONSISTENT. AND

1 THEN WE GET HERE TODAY AND WE GET SURPRISED BY A STATEMENT
2 TODAY THAT WE DON'T --

3 YOU KNOW, WHEN I HAVE TO CROSS-EXAMINE HIM THIS
4 AFTERNOON, IT IS VERY DIFFICULT, JUDGE.

5 THE COURT: WHAT DID GOOD LAWYERS DO IN THE OLD DAYS
6 WHEN THERE WASN'T ANY OBLIGATION ON THE PART OF THE DISTRICT
7 ATTORNEY TO GIVE YOU EVERYTHING THAT THEY HAVE AND ALL OF
8 THE NOTES THAT THEY HAVE? YOU HAVE TO USE YOUR OWN RESOURCES,
9 DON'T YOU?

10 MR. BARENS: YES, YOUR HONOR, BUT YOU --

11 THE COURT: THIS, TOO, BELONGS IN THAT SAME CATEGORY,
12 I ASSUME YOU HAVE BEEN GIVEN IT, THERE IS NO SURPRISE.
13 WHETHER IT WAS GIVEN TO YOU YESTERDAY OR LAST WEEK, AS I
14 TOLD YOU BEFORE, YOU HAVE GOT IT NOW AND THERE IS NOTHING
15 FURTHER YOU HAVE TO DO EXCEPT CROSS-EXAMINE HIM ABOUT IT
16 AND WHATEVER WITNESSES YOU HAVE WHO SUPPOSEDLY WERE PRESENT
17 CAN TESTIFY.

18 MR. BARENS: YOUR HONOR, AND LIKE THAT OLD PRACTICE,
19 THE SUPREME COURT SAID, THEY CAME ALONG AND SAID THAT THEY
20 WEREN'T SUPPOSED TO DO THAT ANYMORE. THEY SAID IT WASN'T
21 FAIR TO DEFENDANTS IN CRIMINAL TRIALS.
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A-1
1 THE COURT: YES. I KNOW THAT. THAT WAS IN ANOTHER
2 CONTEXT. IF IT WAS SUCH A SURPRISE THAT YOU NEEDED TIME TO
3 PREPARE THE THING AND TO EXPLORE THE THING FURTHER, IT WOULD
4 BE A DIFFERENT STORY.

5 THE ONLY TWO PEOPLE WHO ENGAGED IN THIS
6 CONVERSATION, WAS ALLEGEDLY, THE DEFENDANT AND THIS WITNESS.

7 YOU DON'T NEED ANY RESEARCH. YOU DON'T NEED ANY
8 INVESTIGATION IN ORDER TO PREPARE ANY CROSS-EXAMINATION OF
9 THIS WITNESS ON THIS SUBJECT.

10 SUPPOSE YOU WERE GIVEN IT YESTERDAY OR LAST WEEK?
11 THERE ISN'T ANYTHING FURTHER YOU CAN DO ABOUT IT.

12 MR. BARENS: WELL, I UNDERSTAND, YOUR HONOR, BUT --

13 MR. WAPNER: YOUR HONOR, NOW THAT WE ARE HERE AND I
14 AM NOW LOOKING AT MY NOTES, IF YOU CAN GIVE ME A MINUTE,
15 I WILL GET THE TRANSCRIPT OF THE PITTMAN TRIAL. MAY I HAVE
16 A MOMENT?

17 THE COURT: WHAT DOES YOUR NOTE SAY?

18 MR. WAPNER: WELL, THERE IS A REFERENCE IN THE PITTMAN
19 TRIAL. MY NOTES REFLECT IT IS AT PAGE 1824, THAT MR. HUNT
20 MADE THE STATEMENT TO THIS WITNESS ABOUT SOLEDAD CANYON, YOU
21 CAN HIDE ANYTHING UP THERE WHERE IT WILL NEVER BE FOUND.

22 IF YOU COULD JUST GIVE ME --

23 MR. BARENS: IF THAT IS CORRECT, I WOULD BE THE FIRST
24 TO APOLOGIZE.

25 THE COURT: SURELY. LET'S DO THIS AFTER. JUST GO AHEAD.

26 MR. BARENS: THE SOLEDAD THING IS ALREADY IN. AGAIN,
27 YOUR HONOR --

28 THE COURT: WELL, YOU SAID THAT THERE WAS NO SUCH

1 TESTIMONY.

2 MR. BARENS: OBVIOUSLY YOUR HONOR, AS ONE OF THE HUMANS,
3 I AM SUBJECT TO ERROR, IF MR. WAPNER IS CORRECT.

4 AS I SAID BEFORE, I WOULD BE THE FIRST TO APOLOGIZE.
5 I WOULD SAY IN GOOD FAITH TO THE COURT, I HAVE ABSOLUTELY
6 NO RECOLLECTION OF HAVING READ IT.

7 THE COURT: I WILL TAKE YOUR WORD FOR IT.

8 MR. BARENS: I SPENT TWO YEARS READING IT.

9 THE COURT: WELL, TO ERR IS HUMAN AND TO FORGIVE
10 DIVINE.

11 MR. WAPNER: THERE IS A REFERENCE THAT I WILL HAVE TO
12 GET AGAIN, THE EXACT PAGE, THE COPY OF THE TRANSCRIPT AT
13 PAGE 1815, WHICH, WHEN CROSS-EXAMINED AT THE PITTMAN TRIAL,
14 THIS WITNESS WAS ASKED ABOUT WHETHER AT THE MEETING, HE SAID
15 JIM AND I KILLED OR DID HE JUST SAY HE KILLED.

16 AND THE WITNESS SAID SOMETHING TO THE EFFECT THAT
17 I THOUGHT IT WAS -- I NOTED THE STATEMENT AT THE MEETING THAT
18 WHERE HE SAID JIM AND I DID IT WAS DIFFERENT THAN THE ONE
19 HE MADE TO ME BEFORE, WHERE HE SAID I KILLED HIM.

20 I WILL AGAIN, HAVE TO GET THE --

21 MR. BARENS: WE ARE SPLITTING HAIRS A BIT ON THAT, JUDGE.
22 I DON'T KNOW IF --

23 THE COURT: LET'S GET ON, WILL YOU PLEASE? SHOW IT
24 TO THEM LATER ON WILL YOU, THE TRANSCRIPT?

25 MR. WAPNER: YOUR HONOR, JUST -- CAN WE BEFORE WE START
26 AT 1:30, BEFORE THE JURY IS BROUGHT IN, CAN WE DO THAT?

27 THE COURT: YES.

28 MR. BARENS: THANK YOU.

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THE COURT: SHOW IT TO THEM, WILL YOU?

(THE FOLLOWING PROCEEDINGS WERE HELD
IN OPEN COURT:)

Q BY MR. WAPNER: NOW, WHEN MR. HUNT MADE THIS
STATEMENT TO YOU ABOUT THE FACT THAT HE HAD KILLED MR. LEVIN,
WHERE WERE YOU AND MR. HUNT?

A WE WERE IN MY CAR, MY BROTHER'S CAR.

Q AND WHERE WERE YOU GOING?

A TO THE BANK OF AMERICA.

B-1

1 Q AND DID YOU ASK MR. HUNT SOMETHING THAT CAUSED
2 THIS RESPONSE?

3 A I JUST LOOKED AT HIM. I SAID, "WHAT IS GOING
4 ON?"

5 Q WHEN YOU SAID --

6 A IN REFERENCE TO THE COMMODITIES. I DIDN'T THINK
7 HE WAS GOING TO COME OUT AND TELL ME THAT.

8 Q WHEN YOU SAID, "WHAT IS GOING ON," WERE YOU
9 TALKING ABOUT COMMODITIES?

10 A YEAH.

11 Q WAS THAT, "WHAT IS GOING ON," THE BEGINNING OF
12 A CONVERSATION OR THE MIDDLE OF A CONVERSATION? TELL US WHAT
13 HAD BEEN HAPPENING IN THE CAR BETWEEN YOU AND MR. HUNT WHEN
14 YOU HAD THAT -- THAT LED UP TO THAT CONVERSATION?

15 A IT WAS PRETTY SILENT REALLY, FOR A LITTLE BIT
16 OF THE DRIVE. THEN I JUST SAID, "JOE, SOMETHING IS GOING
17 ON. WHAT IS GOING ON IN THE OFFICE?"

18 THAT IS WHEN HE SAID, "YOU WILL FIND OUT SOONER
19 OR LATER. I KILLED RON LEVIN."

20 Q "I KILLED RON LEVIN"?

21 A "I KILLED RON LEVIN."

22 Q AND WHEN HE MADE THAT STATEMENT TO YOU, WHAT DID
23 YOU DO?

24 A I THOUGHT IT WAS A LIE, AT FIRST.

25 Q WHY?

26 A WELL, FOR AS LONG AS I HAVE KNOWN JOE, HE HAD
27 TOLD ALL KINDS OF STORIES. HE TOLD US ONCE THAT WHEN HE WAS
28 A YOUNG BOY, HE WALKED INTO --

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1 MR. BARENS: OBJECTION. WHAT IS THE RELEVANCY OF THE
2 STORY OF WHEN HE WAS A YOUNG BOY?

3 THE COURT: WELL, GO AHEAD. OVERRULED.

4 MR. BARENS: THANK YOU.

5 THE WITNESS: WHEN HE WAS A YOUNG BOY, HE WALKED INTO
6 A FORTUNE TELLER AND THE FORTUNE TELLER TOOK ONE LOOK AT HIM
7 AND SAID, "THAT'S EVIL," AND TOSSED HIM OUT.

8 THE COURT: I DIDN'T GET THAT.

9 THE WITNESS: HE SAID THAT IT WAS -- HE WAS EVIL AND
10 THREW HIM OUT.

11 AND THAT WHEN HE WAS ALSO GROWING UP, IN HIS
12 NEIGHBORHOOD, HE TORTURED AND KILLED CATS AND THE CAT
13 POPULATION QUICKLY DEPLETED. AND THAT --

14 MR. BARENS: WE ALSO HAVE A RELEVANCY OBJECTION.

15 THE COURT: YES.

16 MR. BARENS: IT HAS BEEN OVERRULED, YOUR HONOR?

17 THE WITNESS: THE POINT ABOUT --

18 MR. BARENS: ABOUT THE CATS IS OVERRULED?

19 THE COURT: OVERRULED.

20 MR. BARENS: THANK YOU. RELEVANCE.

21 THE WITNESS: THE POINT BEING THAT IT SOUNDED LIKE HE
22 WAS -- THAT HE WAS WALKING HOME ONE DAY FROM SCHOOL AND HE
23 WAS ATTACKED BY MEXICANS AND KILLED A COUPLE OF THEM.

24 IT SEEMED LIKE ANOTHER ONE OF THOSE STORIES TO
25 ME.

26 MR. BARENS: KILLING MEXICANS? WE OBJECT TO THAT AS
27 IRRELEVANT.

28 THE COURT: ALL RIGHT. YOU CAN HAVE A RUNNING OBJECTION

B-3

1 TO ALL OF THE TESTIMONY THAT HE IS NOW GIVING ON THIS
2 PARTICULAR CONVERSATION.

3 Q BY MR. WAPNER: WHEN YOU HEARD THAT STATEMENT,
4 WHAT DID YOU DO?

5 A I DROVE HIM TO THE BANK.

6 Q AND THAT IS IT?

7 A WELL, IT DIDN'T BECOME CLEAR TO ME THAT MORE THAN
8 JUST THE USUAL LIE WAS GOING ON UNTIL A FEW DAYS LATER OR
9 IN THE WEEKS TO COME.

10 Q WHEN WAS THIS STATEMENT MADE TO YOU IN RELATION
11 TO WHEN YOU HAD SEEN THE CHECK?

12 A SEVERAL WEEKS AFTER.

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1 Q AND YOU ATTENDED ANOTHER MEETING THAT WAS
2 ATTENDED BY A LOT OF MEMBERS OF THE BBC ON JUNE THE 24TH
3 OF 1984; IS THAT RIGHT?

4 A YES, THAT'S CORRECT.

5 Q WHEN WAS THE STATEMENT IN THE CAR IN RELATION
6 TO THE --

7 A ABOUT A WEEK.

8 Q A WEEK?

9 A A WEEK BEFORE.

10 Q THE STATEMENT IN THE CAR --

11 A YES.

12 Q -- THAT "I KILLED RON LEVIN"?

13 A YES.

14 Q WAS MADE APPROXIMATELY ONE WEEK BEFORE JUNE THE
15 24TH?

16 A YES.

17 Q AND THAT WOULD MAKE IT AROUND THE MIDDLE OF --
18 THE COURT: JUNE 17TH.

19 MR. WAPNER: JUNE 17TH. THANK YOU, YOUR HONOR.

20 THE COURT: YOU HAVE DIFFICULTY GETTING IT OUT.

21 MR. WAPNER: YES.

22 Q SO THAT THEN MAKES IT TEN DAYS AFTER YOU SAW
23 THE CHECK, WHICH WAS ON JUNE THE 7TH?

24 A YES.

25 THE COURT: I THINK WE WILL TAKE A RECESS AT THIS TIME.

26 MR. WAPNER: THANK YOU.

27 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE WILL
28 TAKE A RECESS NOW UNTIL 1:30 THIS AFTERNOON.

1 THE SAME ADMONITION I GAVE YOU WOULD STILL APPLY.

2 MR. BARENS: YOUR HONOR, I HAVE A COMMENT.

3 THE COURT: ALL RIGHT, AT THE BENCH.

4 (THE FOLLOWING PROCEEDINGS TOOK PLACE AT
5 THE BENCH, OUTSIDE THE HEARING OF THE
6 JURY:)

7 THE COURT: YES?

8 MR. BARENS: AS YOUR HONOR KNOWS, I HAVE ALWAYS TRIED
9 TO BE CAUTIOUS HERE IN THE EVENT SOMEONE ELSE LATER ON LOOKS
10 AT MY CONDUCT IN THIS TRIAL.

11 YOUR HONOR, THE BUSINESS ABOUT THE CATS AND
12 MEXICANS --

13 THE COURT: SO FAR, YOU CAN BE SURE OF ONE THING --
14 I AM TALKING ABOUT YOU PERSONALLY, NOT YOUR ASSOCIATE --
15 SO FAR AS YOU ARE CONCERNED, THERE WON'T BE ANY POSSIBILITY
16 SO FAR OF ANY --

17 MR. BARENS: THANK YOU, YOUR HONOR

18 THE COURT: -- IF THERE IS A CONVICTION IN THIS CASE,
19 OF REVERSING IT BECAUSE OF INADEQUACY OF COUNSEL.

20 MR. BARENS: I APPRECIATE THAT COMMENT.

21 THE COURT: I THINK YOU HAVE HANDLED YOURSELF EXTREMELY
22 WELL.

23 MR. BARENS: YOUR HONOR, I HAVE SOME CONCERN WITH
24 THAT LAST BUSINESS ABOUT THE CATS AND THE MEXICANS, IT REALLY
25 WAS CHARACTER TESTIMONY ABOUT SAYING THAT HE KILLED CATS
26 AS A CHILD OR KILLED MEXICANS AS A CHILD, I BELIEVE THAT
27 IT IS CHARACTER EVIDENCE AND IT IS 352 TYPE OF MATERIAL.

28 I JUST DON'T SEE WHAT THAT HAS TO DO WITH --

1 THE COURT: IT IS HIS STATE OF MIND AND THE REACTION
2 TO THE BELIEVABILITY IN HIS MIND OF THE STATEMENT MADE AND
3 BECAUSE OF THESE PAST THINGS THAT HAVE BEEN TOLD TO HIM,
4 IT JUST SHOWS WHY HE DIDN'T BELIEVE HIM AND I THINK THAT
5 THAT IS MATERIAL.

6 MR. BARENS: I SUBMIT THE MATTER, YOUR HONOR.

7 THE COURT: ALL RIGHT.

8 MR. WAPNER: I WOULD THINK THAT THE DEFENSE WOULD WANT
9 ALL OF THIS TESTIMONY IN.

10 HE NEVER SAID -- THE WITNESS DIDN'T SAY THAT
11 "I SAW HIM KILL A MEXICAN OR I SAW HIM KILLING CATS." HE
12 SAID, "THOSE WERE STATEMENTS TO ME THAT I NEVER BELIEVED."

13 MR. BARENS: AT LEAST ONE THING WE KNOW, HE DIDN'T --
14 AS A MATTER OF A JOKE, YOUR HONOR -- HE DIDN'T KILL ANY
15 DOGS.

16 THE COURT: THAT IS RIGHT, TOO.

17 IS THERE ANYTHING YOU WANT TO ADD?

18 MR. BARENS: DO YOU HAVE ANYTHING IN THE TRANSCRIPT,
19 MR. WAPNER?

20 MR. WAPNER: I NEED TO LOOK AT IT A LITTLE MORE CAREFULLY.

21 MR. BARENS: I APPRECIATE YOUR HONOR'S COMMENT, I THANK
22 YOU.

23 THE COURT: I MEAN IT.

24 (AN ADJOURNMENT WAS TAKEN AT 12:03 P.M.
25 TO RESUME AT 1:30 P.M. OF THE SAME DAY.)
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1 SANTA MONICA, CALIFORNIA; WEDNESDAY, FEBRUARY 25, 1987, 1:37 P.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

5 (THE FOLLOWING PROCEEDINGS WERE HELD
6 IN OPEN COURT OUTSIDE THE PRESENCE OF
7 THE JURORS:)

8 THE COURT: ALL RIGHT.

9 MR. BARENS: AT THIS TIME, WE STIPULATE THAT MR. WAPNER
10 KINDLY LOCATED FOR US, THE REFERENCE IN THE PITTMAN
11 TRANSCRIPT ABOUT THE SOLEDAD CANYON REFERENCE. WE DO STAND
12 CORRECTED AND APOLOGIZE TO MR. WAPNER FOR NOT HAVING SEEN
13 THAT PREVIOUSLY.

14 THE COURT: ALL RIGHT.

15 MR. BARENS: ALTHOUGH THERE MIGHT BE SOMETHING ELSE
16 IN THAT REGARD.

17 MR. WAPNER: FOR THE RECORD, THAT IS IN THE TRANSCRIPT
18 OF THE TRIAL OF PEOPLE VERSUS PITTMAN, MAY 30, AT PAGE 1824.

19 AND THERE WAS A QUESTION:

20 "AND WHAT WAS IT THAT JOE HUNT SAID
21 TO YOU AT THE TIME YOU WERE UP THERE WITH HIM ?

22 "A WELL, JOE SAID THAT SOLEDAD CANYON
23 WAS A GOOD PLACE TO HIDE JUST ABOUT ANYTHING,
24 INCLUDING 'YOU COULD HIDE ANYTHING UP THERE
25 AND IT WOULD NEVER BE FOUND.' HE KNEW IT REALLY
26 WELL."

27 THAT WAS THE FIRST REFERENCE.
28

1 THERE WAS A SECOND CLAIM OF SURPRISE BASED ON
2 THE FACT THAT THIS WITNESS TESTIFIED THAT THE DEFENDANT TOLD
3 HIM THAT HE HAD KILLED MR. LEVIN AND IN THE PITTMAN TRIAL
4 TRANSCRIPT AT PAGE 1815 AND 1816; AT 1815, LINE 6:

5 "Q DID YOU HAVE A DISCUSSION WITH JOE
6 PRIOR TO THIS MEETING REGARDING THE ALLEGED
7 MURDER OF LEVIN?

8 "A YES.

9 "Q ISN'T IT TRUE THAT HE TOLD YOU THAT
10 HE KILLED RON LEVIN?

11 "A YES."

12 AND THEN LATER ON, ON PAGE 1816 -- EXCUSE ME --
13 AT THE BOTTOM OF 1815, THERE WAS A QUESTION:

14 "Q DID HE EVER MENTION TO YOU ABOUT
15 JIM GOING BACK TO NEW YORK?

16 "A THE FIRST TIME WE MET, HE HAD SAID
17 TO ME THAT HE KILLED RON LEVIN AND IT DIDN'T
18 EVEN HAPPEN HERE IN CALIFORNIA. IT HAPPENED
19 IN NEW YORK AND IT WAS THE PERFECT CRIME AND
20 THAT I SHOULDN'T BE WORRIED ABOUT ANY OF THE
21 DETAILS."

22 THAT IS THE SECOND THING THERE WAS A CLAIM OF
23 SURPRISE ABOUT AND THAT WAS IN THE SAME VOLUME OF THE
24 TRANSCRIPT OF THE PITTMAN TRIAL, MAY THE 30TH.

25 THEN I BELIEVE THERE WAS A CLAIM THAT THERE WAS
26 SURPRISE BECAUSE THIS WITNESS SAID THAT HE WAS GETTING
27 MONEY FROM -- EXCUSE ME -- THE WITNESS ATTRIBUTES TO JOE
28 HUNT A STATEMENT ABOUT GETTING MONEY OUT OF LEVIN, THAT

1 HE IS GOING TO GET MONEY OUT --

2 MR. BARENS: I DIDN'T CLAIM SURPRISE ON THAT STATEMENT.

3 THE COURT: WELL, WHAT DOES IT SAY?

4 MR. BARENS: IT SAYS THAT HE SAID HE WOULD GET THE
5 MONEY ANY WAY HE COULD. THAT IS IN ONE OF THE TRANSCRIPTS,
6 YOUR HONOR.

7 THE COURT: HE TESTIFIED TO THAT HERE, DIDN'T HE?

8 MR. BARENS: HE DID THE SAME THING.

9 MR. WAPNER: THAT IS ALL.

10 THE COURT: DO YOU WANT TO ASK HIM ANYTHING ABOUT THE
11 FACT HE HAD PREVIOUSLY TESTIFIED TO THE SAME EFFECT OR DO
12 YOU JUST WANT TO LET IT REST THE WAY IT IS?

13 MR. WAPNER: NO. I JUST WANT THE RECORD TO BE CLEAR
14 THAT THERE HARDLY COULD BE A CLAIM OF SURPRISE WHEN THE
15 WITNESS SAID THE SAME THING IN A TRANSCRIPT OF A TRIAL THAT
16 WAS A YEAR AND NINE MONTHS AGO.

17 THE COURT: YES. MAYBE IT IS ONE OF THE THINGS THAT
18 WAS WHISPERED TO HIM, I CAN UNDERSTAND COUNSEL BEING IN
19 ERROR.

20 MR. BARENS: THE ONLY THING I ACTUALLY REMEMBER ABOUT
21 THE 1815 WAS ABOUT WATERLOO. BUT BE THAT AS IT MAY, WE STILL
22 DO NOT HAVE THE NOTES ON THE WITNESS INTERVIEW AND WHILE
23 WE ARE AT IT, WE WOULD REQUEST THE SAME NOTES FROM THE OTHER
24 WITNESSES THAT THE PEOPLE WOULD BE PRESENTING, AS WE FEEL
25 WE ARE ENTITLED TO AND TO THE EXTENT --

26 THE COURT: IF THERE IS ANYTHING IN THERE THAT IS OF
27 MAJOR IMPORTANCE THAT YOU THINK THEY SHOULD KNOW, YOU CAN
28 HAND IT OVER TO HIM.

1 MR. WAPNER: IF THE WITNESSES MAKE ANY STATEMENTS THAT
2 ARE DIFFERENT IN SUBSTANCE THAN STATEMENTS THEY HAVE MADE
3 BEFORE, I WILL BE HAPPY TO DO THAT.

4 THE COURT: ALL RIGHT, LET'S PROCEED, SHALL WE?

5 MR. BARENS: YOUR HONOR, TO THAT EXTENT, I WOULD LIKE
6 AN ORDER FROM YOUR HONOR, IF YOUR HONOR DEEMS IT APPROPRIATE,
7 TO THE EFFECT THAT THE D.A. HAS ANY INTERVIEW NOTES WITH
8 WITNESSES THAT INVOLVE ADMISSIONS MADE BY THE DEFENDANT OR
9 STATEMENTS OF THE DEFENDANT, WITHOUT EXCEPTION, THE DEFENSE
10 BELIEVES THEY ARE ENTITLED TO THOSE TYPES OF NOTES, JUDGE.

11 THE COURT: ALL RIGHT, LET'S GET THE JURORS IN.

12 MR. BARENS: WE DON'T --

13 THE COURT: DON'T YOU UNDERSTAND THAT I TOLD HIM UP
14 AT THE BENCH TO DO EXACTLY THAT? THERE IS NO SENSE IN HAVING
15 ANOTHER ORDER WHEN ONE IS SUFFICIENT.

16 MR. BARENS: THANK YOU, YOUR HONOR.
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1 (THE JURY ENTERED THE COURTROOM AND
2 THE FOLLOWING PROCEEDINGS WERE HELD:)

3 THE COURT: ALL RIGHT. GOOD AFTERNOON, LADIES AND
4 GENTLEMEN.

5
6 TOM FRANK MAY,
7 CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY
8 SWORN, RESUMED THE STAND AND TESTIFIED FURTHER AS FOLLOWS:

9 THE CLERK: YOU HAVE PREVIOUSLY BEEN SWORN. YOU ARE
10 STILL UNDER OATH. STATE YOUR NAME FOR THE RECORD.

11 THE WITNESS: TOM FRANK MAY.

12
13 DIRECT EXAMINATION (CONTINUED)

14 BY MR. WAPNER:

15 Q AFTER THE TIME WHEN YOU SPOKE TO MR. HUNT -- HE
16 SPOKE TO YOU IN THE CAR ABOUT KILLING MR. LEVIN, DID HE EVER
17 MENTION THAT SUBJECT AGAIN?

18 A YES HE DID.

19 Q WHEN WAS THAT?

20 A AT A MEETING.

21 Q WHAT KIND OF A MEETING?

22 A IT WAS A MEETING OF ABOUT 10 OTHER BBC MEMBERS
23 WHICH WAS SUPPOSED TO BE A SECRET MEETING.

24 Q AND WHY DO YOU SAY IT WAS SUPPOSED TO BE A SECRET
25 MEETING?

26 A NOT EVERYBODY WHO WAS IN THE BBC WAS THERE.

27 Q SPECIFICALLY, WAS YOUR BROTHER EXCLUDED FROM THE
28 MEETING?

-2
1 A YES HE WAS.

2 Q HOW DID YOU FIND OUT IT WAS A SECRET MEETING?

3 A JOE SAID IT WAS A SECRET MEETING.

4 Q WHEN WERE YOU INVITED TO THE MEETING?

5 A A COUPLE OF DAYS AFTER WE TALKED IN THE CAR.

6 Q WHAT WERE YOU TOLD AT THE TIME YOU WERE INVITED
7 TO THE MEETING?

8 A I WAS TOLD TO SHOW UP SUNDAY AND WE WERE GOING
9 TO HEAR SOMETHING THAT -- HE SAID HE WAS JUST GOING TO TELL
10 THE REST OF THE BBC MEMBERS WHAT HAD HAPPENED.

11 Q WHEN THE MEETING WAS ORIGINALLY CALLED, WAS IT
12 FOR SUNDAY?

13 A YES.

14 Q AND YOU DON'T EVER REMEMBER IT BEING CALLED FOR
15 A DAY EARLIER AND IT NOT HAPPENING AND THEN HAPPENING ON A
16 LATER DATE?

17 MR. BARENS: THAT'S A BIT LEADING. WE OBJECT.

18 THE COURT: OVERRULED.

19 THE WITNESS: IT WAS CALLED ON A SATURDAY ORIGINALLY
20 AND THEN CHANGED OVER TO SUNDAY BECAUSE ONE OF THE MEMBERS
21 COULDN'T MAKE IT.

22 Q BY MR. WAPNER: AND WHEN YOU WENT TO THE MEETING,
23 WHEN YOU FIRST GOT THERE, WHAT HAPPENED?

24 A I SAT DOWN WITH JEFF RAYMOND AND HE HAD ALL OF
25 THE CHAIRS IN A HORSESHOE.

26 IT IS A PLAYPEN SECTIONAL, A BROWN, PLAYPEN
27 SECTIONAL THAT HE HAD IN THE APARTMENT.

28 AND HE HAD THEM IN A CIRCULAR MOTION (SIC) AND

-3
1 HE SAT THERE AND HE TOLD ALL OF US THAT WHAT I AM ABOUT TO
2 TELL YOU IS VERY SERIOUS AND IF YOU WANT TO GO, YOU CAN. OR,
3 IF YOU WANT TO STAY AND LISTEN, YOU CAN DO THAT, TOO.

4 Q DID ANYBODY LEAVE?

5 A NOBODY LEFT.

6 Q BEFORE HE MADE THAT STATEMENT, BEFORE THE MEETING
7 ACTUALLY STARTED, WHERE WAS MR. HUNT? WAS HE ALWAYS IN THE
8 LIVING ROOM OR HAD HE BEEN SOMEWHERE ELSE?

9 A I RECALL HIM AS BEING IN THE LIVING ROOM, SITTING
10 DOWN.

11 Q AFTER HE MADE THE STATEMENT --

12 A AFTER HE MADE THE STATEMENT, WELL THEN, HE TALKED
13 A LITTLE BIT ABOUT THE LOSSES IN THE COMMODITIES AND THAT
14 HE AND BEN DOSTI, JIM GRAHAM AND DEAN KARNY GOT UP AND LEFT
15 THE ROOM.

16 Q BEFORE THEY LEFT THE ROOM, HE TALKED ABOUT LOSSES
17 IN COMMODITIES?

18 A YES.

19 Q WHAT DID HE SAY?

20 A HE SAID THAT THE COMMODITIES ACCOUNTS HAD BEEN
21 COMPLETELY WIPED OUT.

22 Q WHICH COMMODITIES ACCOUNTS WAS HE REFERRING TO?

23 A HE WAS REFERRING TO FINANCIAL FUTURES.

24 Q AND WHAT WAS FINANCIAL FUTURES?

25 A THAT WAS THE TRADING ACCOUNT WHICH HE HAD BROUGHT
26 IN ALL 70 INVESTORS INTO.

27 Q THAT WAS THE NAME OF THE COMPANY?

28 A THAT WAS THE NAME OF THE COMPANY.

-4
1 Q AND WHAT DID HE SAY HAD HAPPENED WITH THAT
2 ACCOUNT?

3 A HE SAID HE HAD LOST IT ALL. THERE WAS NO MONEY
4 LEFT AND THAT THE ONLY MONEY THE BBC HAD LEFT AT THAT TIME,
5 WAS IN CAR INVENTORIES AND IN HARDWARE THAT THEY HAD IN THE
6 OFFICES.

7 Q AFTER HE SAID THAT, WHAT HAPPENED?

8 A THEN HE SAID -- HE SAID HE HAD TWO THINGS TO TELL
9 US. THAT WAS THE FIRST AND THE SECOND ONE HE WOULD TELL US
10 AND YOU COULD EITHER STAY OR LEAVE.

11 AND EVERYBODY STAYED. AND THEN HE LEFT WITH DEAN
12 AND BEN AND JIM.

13 Q DEAN KARNY --

14 A DEAN KARNY, BEN DOSTI AND JIM GRAHAM.

15 Q WHERE DID THEY GO?

16 A THEY WENT INTO JOE'S BEDROOM AND CLOSED THE DOOR
17 AND STAYED THERE A LITTLE WHILE.

18 Q HOW LONG IS A LITTLE WHILE?

19 A FIFTEEN MINUTES.
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1 Q AND JOE HUNT, DEAN KARNY AND BEN DOSTI WERE THE
2 THREE BEST FRIENDS AND SHADINGS, CORRECT?

3 A YES, THEY WERE.

4 Q WAS IT USUAL OR UNUSUAL FOR MR. GRAHAM OR
5 PITTMAN TO BE INCLUDED IN THAT GROUP OR DID YOU MAKE ANY
6 NOTE OF IT ONE WAY OR THE OTHER?

7 A IN THE EARLY DAYS, HE WAS NEVER INCLUDED IN THE
8 GROUP AND TOWARD THE END, HE WAS ALWAYS INCLUDED IN THE GROUP.

9 Q WHAT DO YOU MEAN WHEN YOU SAY "THE GROUP"?

10 A WELL, I NOTICED IN THE OFFICES OCCASIONALLY
11 PREVIOUS TO THAT MEETING, THAT JIM WOULD COME AND GO AND THAT
12 WHENEVER JIM CAME INTO THE OFFICE, HE WOULD GO DIRECTLY INTO
13 JOE'S OFFICE AND THE DOORS WOULD CLOSE AND THEN DEAN WOULD
14 GO IN THERE AS WELL AND THEY WOULD HAVE PRIVATE MEETINGS.

15 Q WHEN WAS THAT IN POINT OF TIME, WHEN DID THOSE
16 THINGS HAPPEN IN POINT OF TIME IN RELATION TO THE MEETING?

17 A IN RELATION TO THE MEETING, PRIOR TO AND AFTER
18 THE MEETING, WITHIN TWO WEEKS.

19 Q WITHIN TWO WEEKS BEFORE?

20 A A WEEK BEFORE AND A WEEK AFTER AND THE SUBSEQUENT
21 WEEK AFTER.

22 Q A WEEK BEFORE THE MEETING AND THEN TWO WEEKS
23 AFTER THE MEETING?

24 A AND THEN FOLLOWING THE MEETING CONTINUOUSLY.

25 Q AFTER THE TEN TO FIFTEEN MINUTES THEY WERE IN
26 THE BEDROOM, WHAT HAPPENED?

27 A THEY CAME OUT, SOLEMN, NOT SAYING A WORD AND
28 ALL SAT DOWN.

1 Q AT THAT POINT WHEN THEY SAT DOWN, WHAT WAS THE
2 CONFIGURATION OF THE PEOPLE THAT WERE THERE?

3 A I WAS ALMOST SITTING DIRECTLY ACROSS FROM JOE.
4 STEVE TAGLIANETTI WAS TO MY LEFT AND DEAN WAS TO MY RIGHT
5 NEXT -- RIGHT NEAR JOE, AND HE LEANED FORWARD AND HE SAID
6 "JIM AND I KNOCKED OFF RON LEVIN".

7 Q WHO DID THAT?

8 A JOE HUNT DID.

9 Q WHEN YOU SAID THAT, YOU SAID WHEN THEY CAME OUT
10 OF THE ROOM THAT THEY -- THE MOOD WAS SERIOUS?

11 A VERY SERIOUS.

12 Q WHAT DO YOU MEAN BY THAT?

13 A USUALLY WHEN JOE TELLS A STORY OR SOMETHING LIKE
14 THAT, HE IS SMILING OR LAUGHING OR, YOU KNOW, SOMETHING LESS
15 THAN JUST A STONE BLANK EXPRESSION ON HIS FACE.

16 AND ALL OF THEM HAD STONE BLANK EXPRESSIONS ON
17 THEIR FACE.

18 Q ALL OF THEM MEANING JOE HUNT, DEAN KARNY, BEN
19 DOSTI --

20 A AND BEN DOSTI AND JIM GRAHAM.

21 Q AND WHEN HE SAID -- WHAT WERE THE WORDS THAT
22 HE USED WHEN HE MADE THAT STATEMENT, TO THE BEST OF YOUR
23 RECOLLECTION?

24 A "JIM AND I KNOCKED OFF RON LEVIN."

25 Q WHEN HE SAID THAT, WHERE WAS JIM GRAHAM?

26 A RIGHT NEXT -- RIGHT ACROSS FROM HIM WITHIN FOUR
27 FEET, FIVE FEET.

28 Q AND DID JIM GRAHAM OR PITTMAN DO OR SAY ANYTHING

1 AT THAT TIME?

2 A HE JUST SAT THERE AND LISTENED.

3 Q AFTER JOE HUNT SAID "JIM AND I KNOCKED OFF RON
4 LEVIN," WHAT DID YOU DO?

5 A I LOOKED AROUND THE ROOM TO SEE IF ANYBODY WAS
6 BELIEVING HIM.

7 Q AFTER YOU LOOKED AROUND THE ROOM, WHAT DID YOU
8 DO?

9 A THEN HE TOLD US A LITTLE BIT ABOUT WHAT HAD
10 HAPPENED -- NOT ABOUT WHAT HAD HAPPENED -- BUT HE SAID IF
11 ANYBODY -- HE THREATENED US. HE SAID "IF ANYBODY TALKS TO
12 THE POLICE OR ANYTHING LIKE THAT, YOU WILL END UP IN THE
13 EAST RIVER."

14 Q WHO SAID THAT?

15 A JOE HUNT DID.

16 Q WHAT HAPPENED AFTER HE SAID THAT?

17 A THEN HE SAID, "YOU CAN DO ANYTHING THAT YOU WANT
18 TO. YOU CAN GO FISHING IN THE ADIRONDACKS BUT DON'T TALK
19 TO ANYBODY ABOUT THIS MEETING THAT WE HAVE HAD."

20 AND AFTER THAT, PRETTY MUCH EVERYBODY LEFT, ONE
21 BY ONE.

22 THERE MAY BE SOME OTHER THINGS THAT WAS SAID
23 BUT I DON'T REMEMBER.

24 Q WERE THERE ANY QUESTIONS ASKED AT THAT TIME?

25 A YEAH.

26 JEFF RAYMOND ASKED IF THE MONEY THAT HAD BEEN
27 LOST INCLUDED ALL OF OUR MONEY AS WELL, THE MONEY THAT THE
28 BBC MEMBERS HAD ALSO INVESTED, AND JOE SAID YES, THAT WAS

1 ALSO THE CASE.

2 Q SPEAKING OF WHICH, YOU PUT IN ABOUT \$80,000 WITH
3 MR. HUNT INITIALLY?

4 A YES.

5 Q AND THAT WAS ALL LOST, IT IS YOUR UNDERSTANDING,
6 AT CANTOR-FITZGERALD?

7 A YES.

8 Q DID YOU EVER GIVE HIM ANY MORE MONEY?

9 A WELL, THINGS LOOKED LIKE THEY WERE GOING SO WELL
10 WITH FINANCIAL FUTURES THAT I GAVE HIM ANOTHER \$10,000.

11 Q WHEN?

12 A ABOUT A MONTH BEFORE THE MEETING IN JUNE.

13 Q SO THAT WOULD HAVE BEEN AT THE END OF MAY?

14 A YES.

15 Q AND AT THE TIME THAT YOU GAVE HIM THAT MONEY
16 AND UP UNTIL THE TIME OF THE MEETING, WHAT WERE YOU TOLD
17 ABOUT WHAT WAS HAPPENING WITH THAT MONEY?

18 A EVERYTHING WAS BEING INVESTED AND DOING QUITE
19 WELL.

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1 Q SO WHEN HE SAID AT THE MEETING THAT THE INVESTORS'
2 MONEY HAD BEEN LOST, THAT INCLUDED ANOTHER \$10,000 OF YOUR
3 MONEY?

4 A YES IT DID.

5 Q YOU HAD GIVEN HIM MONEY INITIALLY AND HE LOST
6 IT, RIGHT?

7 A YES.

8 Q AND THEN YOU HAD BEEN TOLD YOU WERE GOING TO GET
9 \$300,000. DID YOU EVER GET THAT?

10 A NO I DIDN'T.

11 Q THEN YOU WERE TOLD YOU WERE GOING TO GET A
12 \$700,000 SHARE OF A SHOPPING CENTER. DID YOU EVER GET THAT?

13 A NO I DIDN'T.

14 Q WHY ON EARTH, DID YOU GIVE HIM ANOTHER \$10,000?

15 A HE WAS A VERY GOOD CON MAN. HE CONVINCED ME THAT
16 THERE WAS A PLAY IN THE MARKET THAT I COULD PROFIT FROM, IF
17 I GAVE HIM SOME MORE MONEY.

18 HE HAD 70 INVESTORS THAT WERE GIVING HIM ALL KINDS
19 OF MONEY. IT SEEMED LIKE THE REAL THING WAS GOING ON.

20 Q THE REAL THING, MEANING THERE WAS TRADING GOING
21 ON?

22 A LIKE THERE WAS ACTIVE TRADING AND SUCCESSFUL,
23 ACTIVE TRADING.

24 Q AND YOU DON'T KNOW WHETHER HE TRADED YOUR MONEY
25 AND LOST IT OR SOMETHING ELSE HAPPENED TO IT?

26 A THAT'S TRUE. I DON'T.

27 Q AFTER THE MEETING OF JUNE THE 24TH, DID YOU
28 CONTINUE TO GO TO THE OFFICE?

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1 A YES I DID.

2 Q AND DID YOU DO ANYTHING WHILE YOU WERE AT THE
3 OFFICE?

4 A WELL, AT THE MEETING, EVERYTHING SEEMED SO
5 SERIOUS. IT WAS ABOUT THAT TIME THAT I STARTED TO BELIEVE
6 THAT MAYBE HE HAD COMMITTED THIS MURDER.

7 Q WERE THERE THINGS THAT WERE GOING ON?

8 A YES, THINGS THAT WERE GOING ON CHANGED MY MIND
9 CONSIDERABLY FROM THE FIRST TIME THAT HE TOLD ME ABOUT IT.

10 Q WHAT?

11 A WELL, SEVERAL THINGS. RON LEVIN WAS NO LONGER
12 TO BE CALLED RON LEVIN IN THE OFFICE. HE WAS TO BE CALLED
13 "MAC."

14 Q OKAY. STOP FOR A SECOND. WHEN DID YOU HEAR THAT?

15 A AFTER THE MEETING.

16 Q WHO TOLD YOU THAT?

17 A JOE, BEN AND DEAN.

18 Q AND WHERE WAS IT THAT YOU WERE TOLD THAT?

19 A IN THE OFFICE. I WAS CORRECTED FOR SAYING RON
20 LEVIN'S NAME ONCE AND HE SAID HE IS NO LONGER TO BE CALLED
21 RON LEVIN. HE IS TO BE CALLED "MAC."

22 Q WERE YOU TOLD WHY HE WAS TO BE CALLED "MAC"?

23 A YES, BECAUSE JOE FELT THAT YOU NEVER KNEW WHO
24 COULD BE LISTENING.

25 Q JOE HUNT TOLD YOU THAT?

26 A YES HE DID.

27 Q SPEAKING OF FEELING LIKE YOU NEVER KNEW WHO COULD
28 BE LISTENING, DID HE EVER HAVE ANY ELECTRONIC EQUIPMENT IN

1 HIS OFFICE WITH REGARD TO TAPING THINGS?

2 A HE HAD SMALL MICROPHONE TAPE RECORDERS THAT HE
3 USED.

4 Q ANY EQUIPMENT THAT YOU KNOW OF THAT WAS EVER PUT
5 INTO THE OFFICE FOR THE PURPOSE OF SURREPTITIOUS TAPING OF
6 CONVERSATIONS OR ANYTHING LIKE THAT?

7 A NONE THAT I KNOW OF.

8 Q AND AFTER HE SAID THAT YOU NEVER KNEW WHO WAS
9 GOING TO BE LISTENING AND WE SHOULD CALL HIM "MAC," WHAT ELSE
10 DID HE SAY?

11 A HE SAID THAT HE WAS CALLING RON LEVIN'S APARTMENT
12 EVERY DAY, ON A DAILY BASIS, LEAVING MESSAGES THERE, MAKING
13 IT LOOK LIKE HE HAD AN ONGOING RELATIONSHIP WITH RON LEVIN.

14 Q WHEN DID HE TELL YOU THAT?

15 A WHEN HE CAME INTO MY ROOM AND MADE A PHONE CALL
16 ON MY PHONE, LEAVING A MESSAGE ON RON LEVIN'S ANSWERING
17 MACHINE.

18 Q YOUR ROOM OR YOUR OFFICE?

19 A MY OFFICE.

20 Q WHEN WAS THAT IN RELATION TO THE MEETING?

21 A IT WAS DAYS AFTER THE MEETING.

22 Q WHEN HE CAME INTO YOUR OFFICE, WHAT DID HE DO
23 OR SAY?

24 A HE SAID THAT IT IS ABOUT TIME I LEAVE A MESSAGE
25 ON RON LEVIN'S ANSWERING MACHINE. HE PICKED UP MY PHONE AND
26 CALLED RON LEVIN'S ANSWERING SERVICE AND LEFT A MESSAGE,
27 SAYING THAT IT WAS JOE HUNT.

28 Q AND DID HE EXPLAIN TO YOU WHY HE WAS DOING THAT?

3-4 1 A TO KEEP UP APPEARANCES.

2 Q WERE THOSE HIS WORDS?

3 A YES THEY WERE.

4 Q DID YOU ASK HIM WHY HE WAS DOING IT OR DID HE
5 JUST SAY?

6 A HE JUST SAID.

7 Q WAS THAT IN THE COURSE OF ANY CONVERSATION THAT
8 HE WAS HAVING WITH YOU?

9 A NOT REALLY. HE JUST CAME IN, DID THAT AND LEFT.

10 Q DID HE EVER TALK TO YOU ABOUT HAVING JIM PITTMAN
11 DO ANYTHING WITH RESPECT TO RON LEVIN'S APARTMENT?

12 A WELL AT THE TIME, JIM WAS RUNNING IN AND OUT OF
13 THE OFFICES A LOT. I ASKED HIM WHY HE WAS DOING THAT.

14 HE SAID THAT HE WAS WATCHING RON LEVIN'S APARTMENT.
15 I ASKED WHY HE WAS WATCHING RON LEVIN'S APARTMENT AND HE SAID
16 HE WAS DOING THAT TO SEE WHO COLLECTED THE MAIL AND TO SEE
17 WHO CAME AND WENT.

18 Q DURING THIS TIME, DID MR. HUNT AND MR. KARNY AND
19 MR. DOSTI AND MR. PITTMAN CONTINUE TO HAVE THE MEETINGS IN
20 MR. HUNT'S OFFICE BEHIND DOORS THAT WERE CLOSED?

21 A YES THEY DID.

22 Q DID YOU EVER GO DURING THIS EARLY PERIOD OF TIME,
23 TO JOE HUNT'S CONDOMINIUM ON WILSHIRE BOULEVARD?

24 A YES I DID.

25 Q AND AT THE TIME YOU GOT THERE, WAS DEAN KARNY
26 THERE?

27 A YES. DEAN KARNY WAS THERE.

28 Q WHEN YOU GOT THERE, WHAT WAS GOING ON?

1 A JOE WAS KICKING A KARATE BAG AND DEAN WAS
2 STANDING AROUND BY A TABLE.

3 Q WHAT WAS DEAN KARNY DOING?

4 A HE WAS JUST STANDING THERE. AND I WALKED IN THE
5 ROOM AND SAT DOWN ON THE TABLE.

6 Q WHAT DID YOU SEE ON THE TABLE?

7 A I SAW JOE HUNT'S NAME COPIED SEVERAL TIMES ON
8 A PIECE OF PAPER. I ASKED DEAN WHAT THAT WAS.

9 Q AND WHAT DID HE SAY?

10 MR. BARENS: OBJECTION, HEARSAY AS TO KARNY'S STATEMENT.

11 THE COURT: OVERRULED.

12 Q BY MR. WAPNER: WHAT DID HE SAY?

13 A HE SAID THAT WE HAVE BEEN PRACTICING JOE HUNT'S
14 SIGNATURE. WHY DON'T YOU GIVE IT A TRY?

15 Q WHEN HE SAID THAT THEY HAD BEEN PRACTICING, WHO
16 ELSE WAS THERE?

17 A JOE HUNT WAS THERE.

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1 THE COURT: PRACTICING JOE HUNT'S SIGNATURE?

2 THE WITNESS: YES.

3 Q BY MR. WAPNER: AND DID YOU ATTEMPT TO WRITE
4 MR. HUNT'S SIGNATURE?

5 A YES, I DID.

6 I WAS TERRIBLE AT IT.

7 Q AND AFTER THAT, DID MR. KARNY DO ANYTHING ELSE?

8 A YES.

9 HE GATHERED UP THE PAPERS AND WENT INTO HIS
10 BEDROOM AND CAME OUT WITH ANOTHER STACK OF PAPERS AND SAT
11 THEM DOWN THERE AND SAID "HAVE YOU EVER TRIED THIS? WOULD
12 YOU TRY THIS SIGNATURE?"

13 AND IT LOOKED LIKE RON LEVIN'S SIGNATURE.

14 Q AND HAD YOU SEEN RON LEVIN'S SIGNATURE BEFORE?

15 A ON THE CHECK.

16 Q HAD YOU SEEN IT AT ANY OTHER TIME?

17 A ON THE CONTRACT.

18 Q WHEN MR. KARNY BROUGHT OUT THE PAPERS THAT HAD
19 WHAT APPEARED TO BE RON LEVIN'S SIGNATURE ON THEM, WHAT DID
20 HE DO OR SAY?

21 A HE SAID THAT THE CHECK THAT THEY HAD GOTTEN FROM
22 RON LEVIN CAME BACK BECAUSE THE SIGNATURE WAS IN THE WRONG
23 PLACE.

24 Q WHERE WAS JOE HUNT AT THE TIME THIS STATEMENT
25 WAS BEING MADE?

26 A HE WAS WITHIN FIVE FEET.

27 MR. BARENS: YOUR HONOR, WE WOULD HAVE A CONTINUING
28 OBJECTION ON THE HEARSAY BASIS AS TO THE KARNY STATEMENT

1 BEING INTRODUCED.

2 THE COURT: YES, YES.

3 Q BY MR. WAPNER: AT THE TIME THAT HE SAID --
4 CAN YOU REPEAT AGAIN WHAT IT WAS THAT MR. KARNY
5 SAID AT THAT TIME.

6 A HE SAID THAT THE CHECK HAD COME FROM THE SWISS
7 CREDIT BANK AND THEY WOULDN'T PAY IT. IT CAME BACK WITH
8 THE SIGNATURE IN THE WRONG SPOT.

9 Q WHAT DID HE SAY AFTER THAT?

10 A HE SAID THAT THEY WERE PRACTICING SIGNING RON
11 LEVIN'S SIGNATURE TO WRITE A NEW CHECK.

12 Q WHEN HE SAID THAT, WAS JOE HUNT STILL WITHIN
13 EARSHOT?

14 A OH, YES.

15 Q DID MR. KARNY SAY THEY WERE PRACTICING RON
16 LEVIN'S SIGNATURE SO THEY WOULD WRITE A NEW CHECK?

17 A YES, HE DID.

18 Q WHEN HE SAID THAT, WHO ELSE WAS IN THE ROOM
19 BESIDES YOU, MR. KARNY AND MR. HUNT?

20 A THAT WAS IT.

21 Q WHEN MR. KARNY SAID THAT, DID MR. HUNT REACT
22 IN ANY WAY?

23 A NO, HE DIDN'T.

24 HE AGREED. HE SAID THAT THE CHECK HAD COME BACK
25 AND THAT THEY NEEDED TO -- TO GET A NEW CHECK OUT THERE AS
26 SOON AS POSSIBLE AND HE SAID THAT HE HAD -- THEY HAD LOCATED
27 THE PROPER SPOT WHERE THE CHECK SHOULD BE SIGNED.

28 Q DID MR. HUNT INDICATE AT THAT TIME THAT HE WAS

1 GOING TO TALK TO RON LEVIN AND GET RON LEVIN TO ISSUE HIM
2 A NEW CHECK?

3 A NO.

4 HE SAID HE WAS GOING TO SIGN THE CHECK HIMSELF
5 AND SEND IT OUT THERE AS SOON AS HE COULD.

6 Q DID YOU PRACTICE OR ATTEMPT TO PRACTICE WRITING
7 RON LEVIN'S SIGNATURE?

8 A I DON'T REMEMBER IF I DID OR NOT.

9 Q WHEN DEAN KARNY CAME BACK OUT WITH THESE PIECES
10 OF PAPER, HOW MANY PIECES OF PAPER WERE THERE?

11 A SEVERAL.

12 Q THREE, FIVE, TEN, IF YOU REMEMBER?

13 A IT LOOKED LIKE A HANDFUL. HE CARRIED SEVERAL
14 IN HIS HAND.

15 Q AND WERE THE WRITINGS THAT WERE ON THOSE PIECES
16 OF PAPER SIMILAR TO WHAT APPEARS TO BE SOME KIND OF A SCRIBBLE
17 OR SCRAWL OF A SIGNATURE ON THE CHECK THAT WE HAVE MARKED
18 AS PEOPLE'S 57 FOR IDENTIFICATION?

19 A YES.

20 Q NOW AFTER THE MEETING, DID YOU AT SOME POINT
21 HAVE A CONVERSATION WITH YOUR BROTHER AND WITH JEFF RAYMOND?

22 A YES, I DID.

23 Q WHEN WAS THAT?

24 A IT WAS ABOUT A WEEK AFTER THE MEETING.

25 Q AND WHAT WAS THAT ALL ABOUT?

26 MR. BARENS: YOUR HONOR, WE WOULD HAVE A HEARSAY
27 OBJECTION NOW TO THIS.

28 THE COURT: I WILL SUSTAIN THE OBJECTION.

1 Q BY MR. WAPNER: DID YOU --

2 THE COURT: WHAT DID YOU DO AFTER THE CONVERSATION?

3 THE WITNESS: WITH MY BROTHER?

4 THE COURT: YES.

5 THE WITNESS: WE TALKED. I TOLD DAVE THAT JOE HAD
6 HAD --

7 MR. BARENS: WE HAVE AN OBJECTION TO "I TOLD OR HE
8 SAID" TYPE OF TESTIMONY.

9 MR. WAPNER: IT IS NOT OFFERED TO PROVE THE TRUTH OF
10 THE STATEMENT. HE HAS ALREADY TESTIFIED.

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1 THE COURT: IT IS TO EXPLAIN SUBSEQUENT CONDUCT, YOU
2 MEAN?

3 MR. WAPNER: CORRECT.

4 THE COURT: WITH THAT UNDERSTANDING, I WILL PERMIT
5 IT AND THE JURORS WILL BE SO INSTRUCTED.

6 Q BY MR. WAPNER: MR. MAY, YOU WERE DISCUSSING
7 WITH YOUR BROTHER AND MR. RAYMOND THINGS THAT HAD HAPPENED
8 BEFORE; IS THAT CORRECT?

9 A YES.

10 Q AND WHEN YOU GOT TOGETHER WITH THEM, WHERE WAS
11 THAT?

12 A MY APARTMENT AND DAVE'S APARTMENT.

13 Q WHAT HAPPENED WHEN YOU GOT TOGETHER WITH THEM?

14 A WE WERE, THE TWO OF THEM WERE SITTING ON THE
15 COUCH AND I WAS SITTING ON A CHAIR AND MY BROTHER SAID,
16 "DON'T YOU HAVE SOMETHING TO TELL ME?" AND --

17 MR. BARENS: YOUR HONOR, CAN WE APPROACH A MINUTE?

18 THE COURT: I DON'T THINK THERE IS ANY NECESSITY FOR
19 THAT. YOU HAVE GOT YOUR OBJECTION AND I HAVE OVERRULED IT
20 ABOUT THIS ENTIRE CONVERSATION.

21 MR. BARENS: AND AS TO ANY -- IN OTHER WORDS, WE ARE
22 GOING TO PERMIT EVERYTHING THAT ANYBODY SAID AT THAT
23 CONVERSATION?

24 THE COURT: YES, UH-HUH.

25 MR. BARENS: WE WOULD OBJECT THEN AS TO ALL PARTIES.

26 THE COURT: YES.

27 MR. WAPNER: AGAIN, I AM PERFECTLY HAPPY TO HAVE THE
28 JURY ADMONISHED THAT IT IS NOT OFFERED TO PROVE THE TRUTH

1 OF WHAT WAS BEING SAID. IT IS ONLY SO THE JURORS UNDERSTAND
2 THAT CONDUCT.

3 THE COURT: THAT IS WHAT I HAVE ADMONISHED THE JURY.

4 THE WITNESS: AT THAT TIME, I TOLD THEM RON LEVIN HAD
5 CONFESSED THE MURDER TO ME AND IT WAS AT THAT TIME THAT MY
6 BROTHER AND JEFF SAID THEY HAD ALREADY SPOKEN TO MY FATHER
7 ABOUT IT, BECAUSE JEFF HAD GONE AND TALKED TO MY BROTHER,
8 SO WE ALL SAT THERE AND WONDERED WHAT TO DO AND DECIDED. IT
9 WAS TIME TO CALL IN THE POLICE.

10 Q AFTER DOING THAT, HAVE YOU -- DID YOU DO ANYTHING
11 TO ASSIST YOU WHEN YOU WENT TO THE POLICE?

12 A AFTER THE JUNE MEETING, I ASKED LORIE LEIS, THE
13 SECRETARY, TO HAND ME COPIES OF THE CHECK AND OF THE CONTRACT
14 AND OF FINANCIAL FUTURE'S DOCUMENTS.

15 Q WHICH CHECK AND WHICH CONTRACT?

16 A THE LEVIN CONTRACT AND THE LEVIN CHECK.

17 Q THE SAME ONE THAT YOU HAD BEEN SHOWN BY JOE HUNT?

18 A THE SAME ONE I HAD BEEN SHOWN BY JOE HUNT.

19 AND I GATHERED AS MUCH OF THAT AS I COULD AND
20 PUT IT INTO A FILE THAT I HAD IN MY DESK.

21 Q WHY DID YOU DO THAT?

22 A BECAUSE I STARTED TO BELIEVE THAT HE HAD COMMITTED
23 A MURDER AND I WANTED SOME EVIDENCE THAT I COULD TURN OVER
24 TO THE POLICE LATER ON.

25 Q THIS WAS AFTER THE MEETING AND IN THE WEEK BEFORE
26 YOU MET WITH YOUR BROTHER AND JEFF RAYMOND?

27 A YES, IT WAS.

28 MR. WAPNER: YOUR HONOR, I HAVE HERE FOUR DOCUMENTS

1 . THAT I WOULD LIKE TO HAVE MARKED AS PEOPLE'S 80, A XEROX
2 OF THE OPTION CONTRACT THAT WE HAVE REFERRED TO BEFORE.

3 AS PEOPLE'S 81, A XEROX OF A SWISS BANK CHECK.

4 AS PEOPLE'S 82, A XEROX OF THE LETTER DATED JUNE
5 7 TO THE SWISS CREDIT BANK.

6 AND AS PEOPLE'S 83 -- EXCUSE ME -- IT HAS ALREADY
7 BEEN MARKED AS 59. I AM SORRY.

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20-1 1 Q SHOWING YOU DOCUMENTS THAT WE HAVE MARKED AS
2 PEOPLE'S 80, 81 AND 82, DO YOU RECOGNIZE THOSE?

3 A YES I DO.

4 Q WHAT ARE THEY?

5 A THESE ARE THE DOCUMENTS THAT LORIE LEIS GOT FOR
6 ME.

7 Q AND PEOPLE'S 59, DO YOU RECOGNIZE THAT?

8 A YES I DO.

9 Q ALL RIGHT. WHAT IS THAT?

10 A IT IS THE MINUTES TO A BOARD MEETING OF
11 MICROGENESIS, TO A MEETING OF THE BOARD OF DIRECTORS OF
12 MICROGENESIS.

13 Q WHEN IS THAT MEETING SUPPOSED TO HAVE TAKEN PLACE?

14 A JUNE 7.

15 Q AND WERE YOU, ACCORDING TO THOSE MINUTES, SUPPOSED
16 TO HAVE ATTENDED THAT MEETING?

17 A IT SAYS THAT THE FOLLOWING DIRECTORS WERE PRESENT AT
18 THE MEETING AND IT HAS MY NAME THERE. THE MEETING NEVER TOOK
19 PLACE.

20 Q YOU WERE NOT AT SUCH A MEETING?

21 A I WAS NOT THERE.

22 Q WHAT IS THE DOCUMENT THAT IS PEOPLE'S 80?

23 A OKAY. THAT'S THE CONTRACT BETWEEN JOE HUNT AND
24 RON LEVIN.

25 Q AND YOU HAD LORIE GET YOU A COPY OF THAT?

26 A YES. SHE WENT RIGHT TO THE FILE AND GOT IT FOR
27 ME.

28 Q WHAT IS PEOPLE'S 81?

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1 A THAT IS THE RON LEVIN CHECK.

2 Q AND IS THAT A COPY OF THE CHECK THAT YOU HAD LORIE
3 MAKE FOR YOU?

4 A YES IT IS.

5 Q AND DO YOU KNOW IF SHE JUST PULLED A COPY OUT
6 OF THE FILE?

7 A YES. SHE JUST PULLED EVERYTHING OUT OF THE FILES.

8 Q WERE THERE COPIES OF THAT CHECK THAT HAD BEEN
9 MADE AND CIRCULATED IN THE OFFICE? AROUND JUNE 7, IF YOU
10 KNOW?

11 A I DON'T KNOW.

12 Q AND PEOPLE'S 82, WHAT IS THAT?

13 A THAT IS THE AUTHORIZATION TO ALLOW BEN DOSTI TO
14 GO UP TO THE SWISS CREDIT BANK AND CASH THE CHECK.

15 Q AND DID YOU ASK LORIE TO GET THAT FOR YOU ALSO
16 FROM THE FILE?

17 A YES I DID.

18 Q WHY WAS IT THAT YOU ASKED HER TO GET THOSE
19 DOCUMENTS?

20 A SO I COULD TURN THEM OVER TO THE POLICE.

21 Q AND THIS WAS BEFORE YOU MET WITH YOUR BROTHER
22 AND JEFF?

23 A YES.

24 Q HAD YOU DECIDED IN YOUR OWN MIND, THAT YOU WERE
25 GOING TO GO TO THE POLICE BEFORE YOU MET WITH THEM?

26 A YES.

27 Q WHEN DID YOU MAKE THAT DECISION?

28 A TOWARDS THE END OF THE WEEK, JUST BEFORE I MET

1 WITH DAVE AND JEFF.

2 MR. BARENS: WHEN IN POINT OF TIME, YOUR HONOR?

3 THE COURT: YES. HAVE YOU GOT A DATE?

4 MR. WAPNER: YES.

5 Q WE ARE NOW TALKING ABOUT THE WEEK BETWEEN WHEN
6 YOU MET WITH YOUR BROTHER AND JEFF RAYMOND, APPROXIMATELY
7 A WEEK AFTER THE 6-24 MEETING?

8 A YES.

9 Q THIS WAS DURING THAT INTERVENING WEEK?

10 A YES.

11 Q JUNE 24TH AND THE MEETING WITH THEM?

12 A YES IT IS.

13 Q AND AFTER MEETING WITH YOUR BROTHER AND JEFF
14 RAYMOND, WHAT DID YOU DO?

15 A WE CALLED UP THE ALLEN LAW FIRM AND MET WITH PAUL
16 TOBIN.

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1 Q AND AFTER MEETING WITH HIM, DID HE SET UP A
2 MEETING WITH DETECTIVE ZOELLER?

3 A YES. HE SET UP A MEETING WITH THE FBI IN
4 SAN FRANCISCO, BECAUSE IT WAS AFTER THAT TIME --

5 Q I DON'T WANT TO KNOW ANYTHING ABOUT WHAT
6 HAPPENED IN SAN FRANCISCO. I JUST WANT TO KNOW IF YOU HAD
7 A MEETING, BASED ON WHAT YOU TALKED ABOUT WITH DETECTIVE
8 ZOELLER? DID YOU HAVE A MEETING -- EXCUSE ME -- BASED ON
9 WHAT YOU TALKED ABOUT WITH YOUR LAWYER.

10 DID YOU HAVE A MEETING WITH DETECTIVE ZOELLER?

11 A YES. HE ARRANGED A MEETING WITH THE POLICE AFTER
12 WE TALKED.

13 Q OKAY. AND AFTER -- WHEN YOU WENT BACK AND TALKED
14 TO DETECTIVE ZOELLER, DID YOU PROVIDE HIM WITH THE DOCUMENTS
15 THAT ARE IN FRONT OF YOU AS 59, 80, 81 AND 82?

16 A YES I DID.

17 Q AFTER MEETING WITH DETECTIVE ZOELLER, DID YOU --
18 MR. BARENS: COULD WE GET A TIME FRAME OF THE MEETING
19 WITH DETECTIVE ZOELLER?

20 Q BY MR. WAPNER: WAS IT AUGUST 9, 1984?

21 A YES IT WAS.

22 THE COURT: WE HAD THAT TESTIMONY TO THAT EFFECT
23 ALREADY, DIDN'T WE?

24 MR. BARENS: I DON'T BELIEVE FROM THIS SPECIFIC WITNESS,
25 YOUR HONOR.

26 THE COURT: I KNOW WE HAD THAT TESTIMONY THAT HE WAS
27 THERE AT THAT PARTICULAR MEETING, IF I REMEMBER CORRECTLY.

28 GO AHEAD.

-5
1 MR. WAPNER: THANK YOU.

2 Q AFTER YOU MET WITH DETECTIVE ZOELLER, DID YOU
3 CONTINUE TO GO TO WORK?

4 A YES I DID.

5 Q WHY?

6 A WE FELT IT WAS IMPORTANT TO NOT LET HUNT KNOW
7 WE WERE TURNING HIM OVER TO THE POLICE.

8 Q HOW LONG DID YOU CONTINUE TO GO TO WORK?

9 A SEVERAL WEEKS.

10 Q AND AT SOME POINT, DID MR. HUNT ASK YOU TO DO
11 SOMETHING FOR HIM WITH REGARD TO THE CYCLATRON?

12 A YES. HE ARRANGED THAT AND LEASED A TRUCK AND
13 LOADED UP A CYCLATRON AND WE WERE TO TAKE IT UP TO LAS VEGAS,
14 TO THE BAKER SITE UP IN LAS VEGAS AND START UP THE GRINDING
15 OPERATION UP THERE.

16 Q WHO ASKED YOU TO TAKE THE MACHINE UP THERE?

17 A JOE HUNT DID.

18 Q AND AT SOME POINT, DID YOU TAKE THE MACHINE UP
19 THERE? IS THAT RIGHT?

20 A YES WE DID.

21 Q DID YOU MEET WITH JOE HUNT BEFORE YOU TOOK THE
22 MACHINE UP THERE?

23 A YEAH. HE WANTED TO TALK TO US BEFORE WE WENT
24 UP THERE. SO THE NIGHT BEFORE, HE CALLED DAVE AND I AND JEFF
25 UP AND HE SAID TO COME OVER TO EVAN DICKER'S HOUSE, WHICH
26 WE DID.

27 Q WHERE WAS EVAN DICKER'S HOUSE LOCATED?

28 A ON SWALL STREET IN BEVERLY HILLS.

1 Q HOW LONG AFTER YOU MET WITH DETECTIVE ZOELLER,
2 WAS IT THAT YOU WENT TO EVAN DICKER'S HOUSE?

3 A TWO OR THREE WEEKS. I AM NOT --

4 Q WHAT TIME OF THE DAY OR NIGHT WAS IT WHEN YOU
5 WENT TO HIS HOUSE?

6 A LATE EVENING.

7 Q WHEN YOU WENT THERE, WERE YOU WITH YOUR BROTHER
8 AND JEFF RAYMOND?

9 A YES I WAS.

10 Q WHEN YOU GOT TO EVAN DICKER'S PLACE, WHO WAS THERE?

11 A DEAN KARNY, JOE HUNT AND EVAN DICKER.

12 Q WHAT HAPPENED WHEN YOU GOT THERE?

13 A WELL, JOE WAS LYING ON THE FLOOR IN EVAN'S STUDY.
14 HE WAS DRINKING, I BELIEVE ORANGE JUICE OR DRINKING SOMETHING.

15 Q AND WHERE WAS DEAN KARNY?

16 A DEAN KARNY WAS STANDING BY HIM AND EVAN DICKER
17 WAS IN THE KITCHEN, WHICH WAS ADJACENT TO THIS ROOM.

18 Q WHAT HAPPENED WHEN YOU GOT INSIDE AND YOU SAW
19 THOSE PEOPLE THERE?

20 A WE GOT A LITTLE SCARED.

21 Q WHY?

22 A WELL, WE KNEW WE WERE LEAVING. AND THIS WAS GOING
23 TO BE JOE'S LAST CHANCE TO DO SOMETHING TO US BEFORE WE COULD
24 GET THE HECK OUT OF THERE.

25 Q DID YOU HAVE SOME PLANS TO GO SOMEWHERE BESIDES
26 JUST DROPPING THE MACHINE OFF?

27 A YES. WE WERE LEAVING FOR GOOD. THAT WAS IT.
28 WE WERE GOING TO LEAVE THE BBC AND JUST HIDE OUT FOR A WHILE
29 UNTIL THE POLICE INVESTIGATED THE WHOLE THING.

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1 Q AND WHEN YOU WENT TO MR. DICKER'S HOUSE AND YOU
2 SAW MR. HUNT THERE, WHAT HAPPENED?

3 A MR. HUNT LOOKED AT ME SPECIFICALLY AND SAID THAT
4 SOME DOCUMENTS WERE MISSING FROM THE BBC OFFICES AND HE SAID
5 IF HE FOUND WHO IT WAS THAT WAS TAKING THOSE DOCUMENTS, HE
6 WOULD BREAK THEIR HANDS.

7 Q WHAT DID YOU SAY?

8 A I SAID "I DON'T KNOW WHO TOOK THE DOCUMENTS."

9 Q HAD YOU TAKEN ANYTHING BESIDES THE DOCUMENTS --
10 HAD YOU TAKEN ANYTHING FROM THE BBC OFFICES
11 BESIDES THE DOCUMENTS THAT YOU HAVE JUST REFERRED TO, WHICH
12 ARE MARKED 80, 81, 82 AND 59?

13 A YES, I DID.

14 Q WHAT DID YOU TAKE?

15 A I TOOK A COMPLETE RECORD OF FINANCIAL FUTURES,
16 A LIST OF ALL INVESTORS AND A MINUTE BOOK.

17 Q SHOWING YOU A DOCUMENT THAT WE HAVE MARKED AS
18 185 FOR IDENTIFICATION, DO YOU RECOGNIZE THIS?

19 A YES, I DO.

20 Q WHAT IS IT?

21 A IT IS THE MINUTES TO MICROGENESIS OF NORTH
22 AMERICA.

23 Q AND IS THAT THE BOOK YOU TOOK FROM THE OFFICE?

24 A YES, IT IS.

25 Q WHEN DID YOU TAKE THAT FROM THE OFFICE?

26 A JUST PRIOR TO THIS MEETING, THE NIGHT BEFORE
27 THIS MEETING, THE DAY BEFORE THIS MEETING.

28 Q THE DAY BEFORE YOU SAW MR. HUNT AT EVAN DICKER'S --

1 A YES.

2 Q -- APARTMENT?

3 WHAT RECORDS OF FINANCIAL FUTURES DID YOU TAKE?

4 A I TOOK COPIES OF THE LISTS OF WHO WAS INVESTING
5 IN FINANCIAL FUTURES.

6 Q WAS THAT A TYPEWRITTEN LIST OR HAND PREPARED
7 LIST OR WHAT?

8 A NO.

9 EACH OF THE INVESTORS WERE IN LIKE POOLS, LIKE
10 IN INVESTOR POOLS AND I TOOK A FRONT PAGE COPY OF EACH ONE
11 OF THE INVESTORS POOLS.

12 Q JUST LISTING WHO THE PEOPLE WERE?

13 A YES.

14 I THOUGHT THE SEC. MIGHT BE KIND OF INTERESTED
15 IN THAT.

16 Q AND WHEN JOE HUNT SAID TO YOU, "SOMEBODY HAS
17 BEEN TAKING DOCUMENTS FROM THE OFFICE," WHAT ELSE DID HE
18 SAY?

19 A WELL, HE SAID, AS I SAID BEFORE, THAT "IF I CATCH
20 WHOEVER IT WAS THAT WAS TAKING THE DOCUMENTS, I WILL BREAK
21 THEIR HANDS."

22 Q WHAT DID YOU SAY?

23 A I SAID, "I DON'T KNOW WHO TOOK THE DOCUMENTS."

24 Q WHAT DID HE SAY AFTER THAT?

25 A NOT -- NOT TOO MUCH.

26 WE THEN TOLD HIM THAT WE HAD TO GET GOING UP
27 TO LAS VEGAS.

28 Q AND HOW LONG WERE YOU THERE BEFORE YOU SAID,

1 "WE HAVE GOT TO GET GOING UP TO LAS VEGAS."

2 A WE TOOK OFF IMMEDIATELY.

3 Q HOW LONG WERE YOU AT EVAN DICKER'S APARTMENT
4 IN POINT OF TIME BEFORE YOU SAID --

5 I MEAN, DID YOU WALK IN AND THEN DID YOU SAY
6 "I HAVE GOT TO LEAVE"?

7 A NO.

8 Q HOW LONG WERE YOU AT HIS APARTMENT BEFORE YOU
9 SAID TO JOE HUNT, "WE HAVE GOT TO GO TO LAS VEGAS NOW"?

10 A FORTY-FIVE MINUTES OR SO. I AM NOT EXACTLY SURE
11 ON THE LENGTH OF TIME.

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1 Q AND WHEN WAS THIS STATEMENT ABOUT THE TAKING
2 OF THE DOCUMENTS FROM THE OFFICE --

3 A THAT --

4 Q -- IN POINT OF TIME OF WHEN YOU WERE THERE?

5 A ABOUT 15 MINUTES INTO IT.

6 WE TOLD HIM A LITTLE BIT ABOUT WHAT OUR PLANS
7 WERE UP IN LAS VEGAS AND THEN --

8 Q KEEP YOUR VOICE UP SO THIS LADY BACK HERE CAN
9 HEAR YOU.

10 A THEN HE TOLD US THAT THE DOCUMENTS WERE MISSING
11 AND THEN WE SAID WE DIDN'T KNOW ANYTHING ABOUT IT.

12 AND THEN EVAN DICKER PUT A GUN UP ON THE COUNTER
13 AND SAID, "I WOULD RATHER GO TO HELL THAN FUCK WITH THE BBC."

14 Q EVAN DICKER PUT A GUN UP ON WHAT?

15 THE WITNESS: UP ON THE COUNTER IN HIS STUDY.

16 MR. BARENS: OBJECTION AS TO DICKER'S STATEMENT AT
17 THAT POINT.

18 THE COURT: OVERRULED.

19 Q BY MR. WAPNER: WHEN MR. DICKER PUT A GUN ON
20 THE COUNTER, WHAT DID HE SAY?

21 A HE SAID, "I WOULD RATHER GO TO HELL THAN FUCK
22 WITH THE BBC."

23 Q WHAT DID MR. HUNT DO OR SAY AT THAT POINT?

24 A HE JUST SAT THERE.

25 Q AND AFTER THAT, WHAT HAPPENED?

26 A WE GOT THE HECK OUT OF THERE.

27 Q DID SOMEBODY SAY OR DO SOMETHING AFTER THAT?

28 A NO.

1 ON THE WAY OUT OF THE APARTMENT, DEAN KARNY
2 YELLED OUT AFTER US "REMEMBER, GUYS, YOU CAN'T BEAT A GOOD
3 CONSPIRACY".

4 THE COURT: YOU CAN'T BEAT WHAT?

5 THE WITNESS: "YOU CAN'T BEAT A GOOD CONSPIRACY," IN
6 REFERENCE DIRECTLY TO RON LEVIN'S DEATH.

7 MR. BARENS: OBJECTION, YOUR HONOR. THIS IS A
8 CONCLUSIONARY STATEMENT.

9 THE COURT: DID HE MENTION RON LEVIN AT ALL?

10 THE WITNESS: NO.

11 THE COURT: I WILL STRIKE THAT PORTION OF IT.

12 MR. BARENS: THANK YOU.

13 MR. WAPNER: THE COURT IS STRIKING THE PORTION WHERE
14 IT WAS IN REFERENCE TO --

15 THE COURT: CONSPIRACY, YES.

16 MR. WAPNER: IS THE COURT STRIKING THE ENTIRE STATEMENT
17 OR JUST --

18 THE COURT: NO. JUST THE PART ABOUT THE CONSPIRACY.

19 WILL YOU READ THE ANSWER AGAIN, PLEASE?

20 YOU WANT TO BE SURE WHAT I AM STRIKING?

21 MR. WAPNER: YES.

22 THE COURT: READ IT, PLEASE.

23 (WHEREUPON, THE RECORD WAS READ BY THE
24 COURT REPORTER.)

25 THE COURT: ALL RIGHT, STRIKE "IN REFERENCE TO RON
26 LEVIN'S DEATH."

27 Q BY MR. WAPNER: THANK YOU.

28 AND THAT STATEMENT WAS MADE AS YOU WERE LEAVING

1 MR. DICKER'S APARTMENT?

2 A YES, IT WAS.

3 Q DID YOU HEAR MR. HUNT SAY ANYTHING IN RESPONSE
4 TO THAT STATEMENT?

5 A NO.

6 Q YOU DIDN'T HEAR HIM OBJECT TO IT?

7 A NO.

8 Q AND AFTER YOU LEFT MR. DICKER'S APARTMENT, WHAT
9 DID YOU DO?

10 A WE HEADED DOWN TO THE GARDENA PLANT WHERE THE
11 MACHINES WERE.

12 Q WHAT DID YOU DO WHEN YOU GOT THERE?

13 A WE JUMPED IN THE TRUCKS AND TOOK OFF.

14 Q WAS IT THAT NIGHT?

15 A IT WAS VERY EARLY IN THE MORNING OF THE NEXT
16 DAY.

17 Q SO YOU DIDN'T LEAVE MR. DICKER'S APARTMENT AND
18 GO TO GARDENA?

19 A NO.

20 Q YOU WENT TO YOUR APARTMENT AND --

21 A SPENT THE NIGHT.

22 Q AND THE NEXT DAY, YOU WENT TO GARDENA?

23 A WE HAD PLANNED TO DO THAT AND IT WOULD HAVE LOOKED
24 FUNNY IF WE HADN'T DONE WHAT WE PLANNED TO DO.

25 Q WHEN YOU GOT TO GARDENA, HOW DID YOU GET THE
26 MACHINES FROM GARDENA UP TO WHERE YOU WERE TAKING THEM?

27 A ON A BIG FLAT BED TRUCK.

28 Q HOW HEAVY WERE THESE MACHINES?

1 A EXTREMELY HEAVY. YOU NEEDED A FORK LIFT TO LIFT
2 THEM.

3 Q YOU COULDN'T JUST LIFT ONE UP AND PUT IT ON YOUR
4 CAR OR PUT IT ON A TRUCK?

5 A NO.
6 THEY PROBABLY WEIGHED AS MUCH AS AN ELEPHANT
7 DOES.

8 Q SO YOU NEEDED HEAVY EQUIPMENT TO MOVE THEM?

9 A YES.

10 Q WHERE DID YOU TAKE THE MACHINES?

11 A TO A GRIND SITE IN BAKER.

12 Q IS THAT THE GRIND SITE WHERE MR. NALLIN HAD SOME
13 OPERATION?

14 A YES, IT IS.

15 Q DID YOU LEAVE THE MACHINES THERE AT THAT POINT?

16 A WE LEFT THE MACHINES THERE AND WE DROVE THE TRUCK
17 BACK DOWN TO LOS ANGELES.

18 Q WHEN YOU BROUGHT THE TRUCK BACK DOWN TO LOS
19 ANGELES, DID YOU TURN IT BACK INTO THE RENTAL COMPANY?

20 A YES, WE DID.

21 Q DID YOU GO BACK UP TO THE SITE AT BAKER?

22 A YES.

23 WE HAD AN OLDS DELTA 88 AND WE JUMPED INTO THAT
24 AND WENT BACK UP TO LAS VEGAS.

25 Q BACK UP TO THE GRIND SITE?

26 A BACK UP TO THE GRIND SITE.

27 Q WHAT DID YOU DO WHEN YOU GOT UP THERE?

28 A WHEN WE GOT BACK UP THERE, WE RENTED ANOTHER

1 FLAT BED TRUCK AND LOADED UP THE MACHINES ON THAT FLAT BED
2 TRUCK AND WE DROVE THEM AROUND THIS BIG HILL AND DROPPED
3 THEM OFF ON THIS BIG HILL.

4 Q HOW FAR AWAY FROM THE ORIGINAL HILL?

5 A HALF A MILE, A QUARTER OF A MILE.

6 Q WHAT DID YOU DO AFTER YOU LEFT THE MACHINES THERE?

7 A THEN WE TOOK OFF CROSS-COUNTRY.

8 Q WHERE DID YOU GO SPECIFICALLY?

9 A WE ENDED UP IN MAMMOTH LAKES.

10 Q HOW LONG DID YOU STAY THERE?

11 THE COURT: MAMMOTH?

12 THE WITNESS: MAMMOTH LAKES.

13 Q BY MR. WAPNER: HOW LONG DID YOU STAY THERE?

14 A TWO WEEKS.

15 Q WHY?

16 A WELL, WE DIDN'T WANT TO END UP DEAD, SO WE
17 DECIDED WE WANTED TO GET OUT OF TOWN.

18 JOE ALWAYS SAID, "YOU CAN GO FISHING IN THE
19 ADIRONDACKS" SO WE WENT.

20 Q EXCEPT THE ADIRONDACKS ARE IN NEW YORK, RIGHT?

21 A I GUESS.
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1 Q AFTER THE TWO WEEKS PASSED, DID YOU COME BACK?

2 A , YES. WE CAME BACK.

3 Q WHEN YOU GOT BACK HOME, DID YOU SEE MR. HUNT?

4 A THE SECOND WE -- WE WERE VERY CAREFULLY DRIVING
5 UP TO OUR APARTMENT. WE PARKED THE CAR AROUND THE CORNER.
6 WE WALKED UP TO OUR FRONT DOOR AND JOE WAS THERE.

7 Q WHY DID YOU PARK THE CAR AROUND THE CORNER?

8 A WELL, WE DIDN'T WANT TO GET SEEN BY JOE. WE DIDN'T
9 WANT TO YOU KNOW -- WE WANTED TO GET IN THERE AND GET OUR
10 CLOTHES AND TO GET OUT OF THERE AS QUICKLY AS WE COULD. WE
11 JUST HAD NO CLOTHES.

12 Q AFTER YOU PARKED THE CAR AND YOU WALKED TO THE
13 APARTMENT, HOW LONG WAS IT BEFORE MR. HUNT SHOWED UP?

14 A TWO OR THREE MINUTES.

15 Q WHAT HAPPENED WHEN HE GOT THERE?

16 A HE IMMEDIATELY TOOK THE DELTA KEYS, TO THE DELTA.

17 Q THAT IS THE DELTA 88 OLDSMOBILE?

18 A YES, THE OLDSMOBILE.

19 THE COURT: WHO TOOK THE KEYS?

20 THE WITNESS: JOE HUNT DID.

21 Q BY MR. WAPNER: WHAT HAPPENED AFTER THAT?

22 A HE VOLUNTEERED TO DRIVE DAVE AND I HOME AND JEFF
23 HOME IN HIS JEEP. AND WE WERE A LITTLE NERVOUS, NEEDLESS
24 TO SAY.

25 Q WHAT DID YOU DO? DID YOU CALL SOMEBODY?

26 A I IMMEDIATELY CALLED MY PARENTS UP.

27 Q WHY DID YOU DO THAT?

28 A IN CASE I NEVER MADE IT HOME.

-2
1 Q WHAT DID YOU TELL THEM?

2 A I TOLD THEM THAT JOE WAS GOING TO GIVE US A RIDE
3 HOME.

4 Q AND DID JOE HUNT GIVE YOU A RIDE HOME?

5 A YES HE DID.

6 Q DID HE TAKE YOU TO YOUR PARENTS' HOUSE?

7 A HE TOOK US TO OUR PARENTS' HOUSE AND TOLD US THAT
8 WE WERE NO LONGER BBC MEMBERS, MUCH TO MY CHAGRIN.

9 Q NOW, AFTER HE TOLD YOU THAT YOU WERE NO LONGER
10 BBC MEMBERS, DID HE EVER AT THAT POINT EITHER ON THAT DAY
11 OR SOME TIME LATER, SAY HE WANTED TO MEET WITH YOU AGAIN?

12 A YES. HE CALLED US UP LATER AND SAID THAT HE HAD
13 SOME UNFINISHED BUSINESS TO TAKE CARE OF AND TO MEET HIM.

14 Q DID YOU AGREE TO DO THAT?

15 A YES WE DID.

16 Q WHERE DID HE SUGGEST THAT YOU HAVE THAT MEETING?

17 A HE SUGGESTED THE GARDENA PLANT AND WE SUGGESTED
18 THE CHART HOUSE IN WESTWOOD.

19 Q AND YOU EVENTUALLY DID MEET HIM AT THE CHART HOUSE
20 IN WESTWOOD?

21 A IN WESTWOOD.

22 Q WHAT HAPPENED WHEN YOU MET HIM THERE?

23 A SEVERAL THINGS WERE DISCUSSED. HE SAID THAT WE
24 HAD SOME DOCUMENTS OF HIS AND THAT WE HAD TALKED TO THE POLICE
25 AND HE HAD SOME DOCUMENTS OF OURS.

26 Q HE SAID THAT? HE TOLD YOU THAT YOU HAD TALKED
27 TO THE POLICE?

28 A YES.

-3

1 Q AND WAS THERE SOMETHING WHEN YOU HAD GOTTEN HOME
2 FROM A FEW WEEKS IN MAMMOTH LAKES -- WAS THERE A PHONE
3 MESSAGE ON YOUR MACHINE?

4 A YES.

5 Q WHO WAS IT FROM?

6 A DETECTIVE ZOELLER.

7 Q AND DID HE LEAVE HIS PHONE NUMBER ON THE MACHINE?

8 A I BELIEVE SO.

9 Q AND WHAT DID JOE HUNT SAY AT THE CHART HOUSE
10 ABOUT YOUR TALKING TO THE POLICE?

11 A HE SAID THAT YOU SHOULDN'T LEAVE MESSAGES ON YOUR
12 ANSWERING MACHINE THAT COULD BE OVERHEARD.

13 Q WHAT ELSE DID HE SAY ABOUT TALKING TO THE POLICE?

14 A HE SAID WE SHOULD CALL THE POLICE UP AND TELL
15 THEM EVERYTHING WE HAVE SAID HAD HAPPENED SO FAR, HAD BEEN
16 A LIE.

17 Q WHAT DID YOU SAY?

18 A I DIDN'T SAY ANYTHING.

19 Q WHAT HAPPENED AFTER THAT?

20 A HE SAID THAT HE WOULD GIVE US BACK THE PINK SLIPS
21 TO OUR CARS IF WE BROUGHT BACK THE DOCUMENTS WE HAD GIVEN
22 TO THE POLICE.

23 Q WHAT DID YOU SAY?

24 A WE WOULD EXCHANGE THAT. I SAID THAT THERE WAS
25 NO WAY WE COULD GET THE STUFF BACK TO HIM.

26 Q WHAT HAPPENED AFTER THAT?

27 A HE DECLARED WAR ON US.

28 Q WHAT DID HE SAY?

-4
1 A HE SAID, "I DECLARE WAR ON YOU GUYS."

2 Q DO YOU KNOW WHAT HE MEANT BY THAT?

3 MR. BARENS: OBJECTION. EITHER IT IS SAID OR IT ISN'T,
4 I SUPPOSE.

5 MR. WAPNER: I WILL WITHDRAW THE QUESTION.

6 Q DURING THE TIME THAT YOU WERE WORKING AT THE BBC,
7 DID THEY HAVE -- THE BBC HAVE SEVERAL PHONES AND TELEPHONE
8 NUMBERS?

9 A YES IT DID.
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2-5 1 Q SHOWING YOU A DOCUMENT THAT WE HAVE MARKED AS
2 PEOPLE'S 176 FOR IDENTIFICATION, LOOKING AT PAGE 2 AT THE
3 BOTTOM, DO YOU RECOGNIZE THAT DOCUMENT WHERE IT SAYS, "TOM
4 MAY, DBA" AND THEN SOMETHING ELSE?

5 A DO I RECOGNIZE THIS DOCUMENT?

6 Q DO YOU RECOGNIZE IT, FIRST OF ALL?

7 A IT IS FROM EYE CONTACT ADVERTISING.

8 Q IT SAYS ON HERE, "TOM MAY DBA ECA," AND THEN IT
9 SAYS, "ADVTSNG" AND THEN IT SAYS "301", CORRECT?

10 A YES.

11 Q WHAT DOES THAT STAND FOR?

12 A IT STANDS FOR EYE CONTACT ADVERTISING.

13 Q AND WHAT IS EYE CONTACT ADVERTISING?

14 A IT WAS A SHELL CORPORATION THAT NEVER DID ANY
15 BUSINESS.

16 Q WAS IT ONE OF THE CORPORATIONS THAT WAS FORMED
17 AS A PART OF THE BBC?

18 A NO IT WAS NOT.

19 Q WHAT WAS IT?

20 A IT WAS SOMETHING I HAD FORMED PREVIOUS TO JOINING
21 THE BBC, TO PUT IN AN ADVERTISING CAMPAIGN THAT I THOUGHT
22 OF. I WANTED TO START A BUSINESS USING THAT NAME.

23 Q WERE YOU WORKING ON THAT WHEN YOU WERE WORKING
24 AT THE THIRD STREET OFFICES?

25 A NO. I PUT IT ASIDE. IT WAS JUST THERE.

26 MR. BARENS: YOUR HONOR, WE OBJECT. I CAN'T FIND THE
27 RELEVANCY TO THAT.

28 MR. WAPNER: I AM GETTING THERE, COUNSEL. IT IS TAKING

1 A LITTLE LONGER THAN I THOUGHT.

2 THE COURT: GO AHEAD.

3 Q BY MR. WAPNER: MR. MAY, IS THAT DOCUMENT THAT
4 YOU HAVE IN FRONT OF YOU, A PHONE BILL?

5 A YES IT IS.

6 Q IS THAT A PHONE BILL FOR A BUSINESS LOCATED AT
7 8425 WEST THIRD STREET?

8 A YES IT IS.

9 Q AND THE TELEPHONE NUMBER ON THIS BILL IS
10 658-5566?

11 A YES IT IS.

12 Q WAS THAT ONE OF THE TELEPHONE NUMBERS AMONG OTHERS,
13 THAT YOU HAD AT THE OFFICES OF THE BBC?

14 A YES IT WAS.

15 Q AS FAR AS THESE PHONE NUMBERS THAT CAME INTO THOSE
16 OFFICES, DID ANY PARTICULAR INDIVIDUAL HAVE ANY PARTICULAR
17 PHONE NUMBER OR DID ALL OF THE OFFICES SHARE ALL OF THE
18 PHONE NUMBERS?

19 A IT HAD A ROTATING PHONE NUMBER SYSTEM ON IT. SO
20 IF YOU CALL UP ONE LINE, IT WOULD ROTATE OVER TO THE NEXT
21 LINE.

22 Q THIS NUMBER, 658-5566, IS ONE OF THE NUMBERS THAT
23 WAS AT THE BBC OFFICES IN JUNE OF 1984?

24 A YES IT IS.

25 Q DURING THE TIME THAT YOU WERE WORKING AT THE BBC,
26 DID MR. HUNT APPEAR TO HAVE AND SPEND LOTS OF MONEY?

27 A HE ALWAYS HAD LOTS OF CASH ON HIM.

28 Q WHAT DO YOU MEAN BY THAT?

- 7

1 A HE WOULD HAVE \$100 BILLS IN THIS WALLET MOST OF
2 THE TIME. VERY RARELY, HE DIDN'T HAVE A LOT OF MONEY ON HIM.

3 Q WAS THERE A LOT OF MONEY SPENT ON FURNISHING THE
4 OFFICES OF THE BBC?

5 A AN EXTREMELY LOT OF MONEY.

6 MR. BARENS: WE HAVE AN OBJECTION. NO FOUNDATION.

7 THE COURT: ALL RIGHT. OVERRULED.

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1 Q DID YOU SEE EVIDENCE THAT --

2 FIRST OF ALL, THE OFFICE WAS NICELY FURNISHED?

3 A EXTREMELY NICELY FURNISHED.

4 Q WHEN THE OFFICES WERE FIRST MOVED INTO, WAS THERE
5 ANY FURNITURE?

6 A NO, THERE WASN'T.

7 Q AND THEN AFTER THAT, THERE WAS LOTS OF NICE, AND
8 WHAT APPEARED TO BE, EXPENSIVE FURNITURE?

9 A YES.

10 Q DID THE OFFICES HAVE ANY SOUND EQUIPMENT?

11 A YES, IT DID.

12 Q WHERE WAS THAT LOCATED?

13 A IN THE CONFERENCE ROOM.

14 Q WAS THERE LIKE A WHOLE WALL UNIT FULL OF AUDIO
15 AND VIDEO EQUIPMENT?

16 A A WALL ABOUT THE SIZE OF THIS WALL RIGHT HERE
17 (WITNESS INDICATING).

18 Q THE ONE THAT IS BEHIND THE JURORS?

19 A YES.

20 Q YOU ARE TALKING ABOUT THE ENTIRE WALL?

21 A THE ENTIRE WALL.

22 Q WHAT DID IT HAVE ON IT?

23 A SEVERAL VIDEO MACHINES, VIDEO RECORDING
24 EQUIPMENT, LASER DISKS, STEREO, THREE TELEVISION SETS.

25 I THINK JUST ABOUT ANY PIECE OF STATE OF THE ART
26 ELECTRONIC EQUIPMENT WAS ON THIS WALL.

27 Q AND DID THE PEOPLE OF THE BBC EVER RENT MOVIES
28 AND WATCH THEM ON THE VIDEO?

1 A OH, YES.

2 MR. BARENS: COULD WE GET THE RELEVANCY OF THE FACT
3 THAT THE GENTLEMEN WERE WATCHING MOVIES?

4 THE COURT: HE JUST WANTS TO SHOW HOW THE OPERATION
5 WAS OF THE BBC AND I THINK IT IS PERFECTLY PROPER.

6 Q BY MR. WAPNER: DID YOU EVER SEE MR. HUNT WATCHING
7 A MOVIE CALLED "RAMBO FIRST BLOOD" OR SOMETHING LIKE THAT?

8 A YES, I DID.

9 Q AND DID YOU EVER SEE HIM MAKE REFERENCE TO A
10 CERTAIN PASSAGE IN THAT MOVIE, POINTING IT OUT TO SOMEBODY?

11 A YES, I DID.

12 Q WHO WAS THAT?

13 A THERE WAS A SEQUENCE IN THE FILM --

14 MR. BARENS: YOUR HONOR, WE WOULD HAVE AN OBJECTION.

15 THE COURT: YOU OBJECTED TO IT BEFORE AND I HAVE
16 OVERRULED YOUR OBJECTION. YOU WILL HAVE A CONTINUING
17 OBJECTION TO IT.

18 MR. BARENS: WE HAVE A NEW, FOR THE RECORD, OBJECTION,
19 YOUR HONOR.

20 THE COURT: LET'S GO ON. GO AHEAD.

21 MR. BARENS: CAN I SAY IT FOR THE RECORD?

22 THE COURT: YOUR OBJECTION IS OVERRULED.

23 MR. BARENS: BUT I HAVEN'T MADE IT.

24 THE COURT: ALL OF THE GROUNDS YOU CAN THINK OF.

25 MR. BARENS: I THINK THAT I MUST SAY IT FOR THE RECORD.

26 THE COURT: YOU DON'T HAVE TO SAY IT FOR THE RECORD.

27 I AM SAYING IT FOR YOU.

28 GO AHEAD.

1 MR. BARENS: THANK YOU.

2 Q BY MR. WAPNER: DID YOU SEE THAT RAMBO MOVIE ON
3 THE VIDEO SCREEN AT THE BBC OFFICES?

4 A YES, I DID.

5 I WALKED INTO THE CONFERENCE ROOM ONE DAY WHEN
6 THEY WERE WATCHING IT.

7 Q AND WHO WAS "THEY"?

8 A DEAN KARNY AND JOE AND BEN.

9 Q AND DID YOU HEAR JOE HUNT SAY ANYTHING AT THAT
10 TIME?

11 A YES.

12 HE SAID "COULD YOU PICK OUT THE PLACE AT WHICH
13 RAMBO LOSES THIS WAR -- LOSES HIS ADVANTAGE?"

14 Q AND AT SOME POINT, WAS THE TAPE STOPPED AND RUN
15 BACK OR SOMETHING?

16 A YES, IT WAS.

17 Q EXPLAIN THAT TO ME.

18 A WELL, WHEN NOBODY COULD FIGURE OUT WHERE IT WAS,
19 HE RAN THE TAPE BACK TO A POINT WHERE A YOUNG BOY SAW RAMBO
20 IN THE WOODS AND REPORTED HIM TO OTHER HUNTERS, WHO THEN
21 TURNED HIM OVER TO THE MILITIA WHO CAUGHT HIM OR WHO CHASED
22 RAMBO AND LATER, IT WAS AT THAT POINT THAT HUNT SAID THAT
23 THIS INNOCENT CHILD SHOULD HAVE BEEN KILLED.

24 Q WHEN YOU WORKED FOR THE BBC, WERE YOU PAID A
25 SALARY?

26 A NO, I WASN'T.

27 Q HOW WERE YOU SUPPOSED TO BE COMPENSATED?

28 A WELL, WHEN SOMETHING THAT I HAD DONE CAME INTO

1 MONEY, THEN I WOULD BE COMPENSATED FOR THAT.

2 Q DID IT EVER?

3 A NO.

4 Q DID YOU GET ANY COMPENSATION DURING THE TIME THAT
5 YOU WORKED THERE AT ANY TIME?

6 A OCCASIONALLY WHEN I NEEDED A LITTLE BIT OF MONEY,
7 HE WOULD GIVE IT TO ME.

8 Q WHAT DID YOU USE TO LIVE OFF?

9 A I HAD A DISTRIBUTION FROM MY TRUST FUND THAT I
10 WAS LIVING ON.

11 Q DURING THE TIME THAT YOU WORKED AT THE BBC, DID
12 MR. HUNT EVER EXPLAIN HIS -- THE PARADOX PHILOSOPHY TO YOU?

13 A YES, HE DID.

14 Q AND WHERE WOULD YOU PUT YOURSELF ON A SPECTRUM
15 OF BELIEVING IT OR FOLLOWING IT?

16 A WELL, HE BELIEVED IT, I THINK.

17 WHETHER I BELIEVED IT OR UNDERSTOOD IT TO THE
18 EXTENT THAT HE DID, I DON'T THINK I EVER DID.

19 HE THOUGHT THAT BLACK WAS WHITE AND WHITE WAS
20 BLACK AND ALL OF THE SHADINGS IN BETWEEN MEANT THAT -- AT
21 LEAST I TOOK IT TO MEAN THAT WHATEVER MEANS TO THE END THAT
22 YOU GO THROUGH WOULD BE ACCEPTABLE.

23 Q SORT OF LIKE THE ENDS JUSTIFY THE MEANS?

24 A YES.

25 Q AT SOME POINT, DID JOE HUNT TELL YOU THAT YOU
26 WERE A SHADING?

27 A HE DID ONE DAY AND THEN THE NEXT DAY, I WASN'T.

28 Q WHEN WAS THAT?

1 A AFTER HE LOST ALL OF MY MONEY.

2 Q AFTER HE LOST ALL OF YOUR MONEY, WHAT HAPPENED?

3 A HE NOT ONLY SAID "I WILL GIVE YOU BACK \$300,000"
4 BUT HE ALSO SAID THAT "BECAUSE YOU ARE TAKING THIS SO WELL,
5 I WILL MAKE YOU A SHADING" AND --

6 Q AND WHAT HAPPENED AFTER THAT?

7 A AND AFTER THAT, HE JUST SAID, "SORRY, TOM. YOU
8 ARE REALLY NOT A SHADING."

9 Q HOW LONG AFTER HE DECLARED YOU A SHADING, DID
10 HE TELL YOU THAT YOU WEREN'T?

11 A OH, DAYS.

12 IT WAS ALSO QUITE OBVIOUS THAT I WASN'T A SHADING
13 BECAUSE --

14 Q DID YOU EVER GET INCLUDED IN THE MEETINGS WITH
15 MR. HUNT AND MR. DOSTI AND MR. KARNY?

16 A NO.

17 Q WHEN OTHER PEOPLE WERE THERE, I AM TALKING ABOUT.

18 A YES.

19 Q SO THE ONLY TIME THAT YOU WOULD BE -- WHAT YOU
20 ARE SAYING IS, YOU WERE NOT PART OF THE INNER CIRCLE?

21 A ABSOLUTELY.

22 Q DURING THE TIME THAT --

23 BEFORE YOU STARTED PARTICIPATING IN THE BBC, WERE
24 YOU AND YOUR BROTHER PRETTY CLOSE?

25 A YES, WE WERE.

26 Q WOULD YOU SAY VERY CLOSE?

27 A WE ARE IDENTICAL TWINS. WE WERE VERY CLOSE.

28 MR. BARENS: YOUR HONOR, MIGHT WE APPROACH ON THE

1 SUBJECT ABOUT TO BE PURSUED?

2 THE COURT: ALL RIGHT.

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1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 AT THE BENCH, OUTSIDE THE HEARING OF
3 THE JURY:)

4 MR. BARENS: YOUR HONOR, I ANTICIPATE THE TESTIMONY
5 WILL GO TO THE SUBJECT THAT MR. HUNT HAD CAUSED A RIFT
6 BETWEEN THE BROTHERS, THAT HE HAD DONE SOMETHING OR ANOTHER
7 TO CAUSE SOME ALIENATION BETWEEN THE MAY BROTHERS.

8 ALTHOUGH THAT MAY BE OF SOME INTEREST IN TERMS
9 OF MR. HUNT'S CHARACTER, I WILL SUBMIT, I DON'T SEE HOW THAT
10 HAS ANYTHING TO DO WITH THE ALLEGED KILLING OF RON LEVIN
11 OR THE EXECUTION OF THE MICROGENESIS OPTION AGREEMENT.

12 MR. WAPNER: WELL, IT HAS TO DO WITH THE IDEA THAT
13 MR. HUNT INTENTIONALLY CAME BETWEEN PEOPLE IN THE BBC AND
14 TRIED TO MAKE --

15 MR. BARENS: COULD YOU KEEP YOUR VOICE DOWN A BIT?

16 MR. WAPNER: TRIED TO MAKE HIMSELF CLOSE TO ONE AND
17 PULL ON ONE AND PUSH THE OTHER, THE OTHER WAY AS A MEANS AGAIN,
18 OF CONTROLLING PEOPLE, IN ESSENCE.

19 MR. BARENS: JUDGE, I DON'T SEE WHAT OFFER OF PROOF
20 THAT COULD POSSIBLY LEAD TO IN TERMS OF THE ALLEGED KILLING
21 OF RON LEVIN.

22 MR. WAPNER: I WILL TELL YOU WHAT, YOUR HONOR, I WILL
23 DEFER THIS UNTIL POSSIBLE REBUTTAL. LET'S SEE WHAT DEVELOPS
24 ON CROSS-EXAMINATION.

25 THE COURT: ALL RIGHT.

26 MR. BARENS: THERE ARE OTHER AREAS OF THE TRIAL WHERE
27 IT MIGHT BE MORE RELEVANT.

28 THE COURT: AS LONG AS WE ARE HERE, THERE IS A LADY

1 BACK THERE, AMONG THE --

2 MR. BARENS: THE ONE WITH THE TOUGH NAME, MRS. --

3 THE COURT: THE LADY OF THE PRESS WHO AFTER THE
4 ADJOURNMENT AT LUNCH TODAY, CAME OVER AND TOLD ME SEVERAL
5 WEEKS AGO WHEN YOU WERE TALKING WITH THE PRESS, THAT YOU
6 MADE IT A POINT TO TELL THEM, "YOU BETTER WATCH THE JUDGE. /
7 HE IS OUT TO GET THIS GUY."

8 MR. BARENS: SHE SAID THAT?

9 THE COURT: YES, THAT THEY SHOULD WATCH MY CONDUCT.

10 MR. BARENS: WHY DON'T WE --

11 THE COURT: I WILL GET HER FOR YOU.

12 MR. BARENS: IF I --

13 THE COURT: ALL OF WHICH POINTS UP THE FACT THAT WHEN
14 I IMPOSED THE SO-CALLED GAG ORDER, I DID IT FOR A VERY GOOD
15 REASON. THAT IS ONE OF THE REASONS I DID IT.

16 MR. BARENS: I UNDERSTAND, YOUR HONOR.

17 (THE FOLLOWING PROCEEDINGS WERE HELD IN
18 OPEN COURT IN THE PRESENCE AND HEARING
19 OF THE JURY:)

20 MR. BARENS: THANK YOU, YOUR HONOR.

21 THE COURT: ALL RIGHT.

22 Q BY MR. WAPNER: MR. MAY, BEFORE YOU SAW THE CHECK
23 FROM MR. LEVIN FOR A MILLION AND A HALF DOLLARS AND THE
24 CONTRACT THAT HE PURPORTEDLY SIGNED, HAD YOU HEARD ANY
25 DISCUSSION WHATSOEVER AT THE OFFICES ABOUT MR. LEVIN'S
26 OPTING INTO MICROGENESIS?

27 A NO.

28 (PAUSE.)

1 THE WITNESS: ACTUALLY, IF I COULD CORRECT MYSELF?

2 THE COURT: YES.

3 THE WITNESS: PRIOR TO THE MEETING, JOE HAD MENTIONED
4 A COUPLE OF TIMES THAT HE WAS WORKING ON A BIG DEAL WITH
5 LEVIN.

6 Q BY MR. WAPNER: PRIOR TO WHICH MEETING?

7 A PRIOR TO HIM SHOWING US THE CHECK.

8 Q WHEN DID HE SAY THAT?

9 A IN MAY OF 1984.

10 Q WAS IT EVER DISCUSSED AT THE SHAREHOLDERS'
11 MEETING ON MAY 29?

12 A NO, IT WAS NOT.

13 MR. WAPNER; NOTHING FURTHER.

14 THE COURT: CROSS-EXAMINATION.

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CROSS-EXAMINATION

17

BY MR. BARENS:

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Q JUST PICKING UP ON YOUR LAST POINT, THEN WE'LL
GO BACK TO THE BEGINNING.

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MR. MAY, YOU SAY THAT IN MAY OF 1984, HUNT HAD
SAID A COUPLE OF TIMES HE WAS WORKING ON A BIG DEAL WITH
LEVIN. WHO DID HE SAY THAT TO?

23

A HE SAID IT TO ME.

24

Q NOW, WAS ANYBODY ELSE PRESENT WHEN HE SAID THAT?

25

A I DON'T REMEMBER.

26

Q WHERE WAS THAT SAID TO YOU, SIR?

27

A IN THE OFFICES.

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Q WAS IT SAID MORE THAN ONCE?

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1 A I THINK SO.

2 Q DID YOU EVER ASK HIM WHAT THE BIG DEAL WAS?

3 A NO. I NEVER DID.

4 Q ALL RIGHT. NOW, YOU COMMENCED BY INDICATING
5 THAT YOU HAD MET MR. HUNT WHILE YOU WERE IN THE HARVARD
6 SCHOOL?

7 A YES.

8 Q WHY WERE YOU GENTLEMEN, IF THERE WAS A REASON,
9 NOT CLOSER IN HIGH SCHOOL?

10 A I CAN'T -- I MEAN, I PLAYED A LOT OF SPORTS AND
11 HUNG OUT WITH DIFFERENT PEOPLE THAN HE DID.

12 Q DID HE APPEAR TO BE FROM A DIFFERENT BACKGROUND
13 THAN YOU WERE?

14 A I NEVER KNEW HIM. I NEVER KNEW HIS BACKGROUND.

15 Q DID YOU KNOW KARNY IN HIGH SCHOOL?

16 A I KNEW KARNY BETTER.

17 Q DID YOU HANG OUT MORE WITH HIM AS BOYS?

18 A NOT REALLY. THE ONLY HANGING OUT KARNY AND I
19 DID, WAS ON THE TENNIS TEAM.

20 Q OKAY. AND YOU REALLY DIDN'T HAVE ANY SOCIAL
21 CONTACT WITH HUNT, TO SPEAK OF, AT THAT POINT IN TIME?

22 A NONE AT ALL.

23 Q DID YOU WATCH HIM ON THE DEBATE TEAM?

24 A I NEVER WATCHED HIM. HE HAD A REPUTATION AS
25 A FINE DEBATER BUT I NEVER WATCHED HIM.

26 Q YOU HAD HEARD THIS FROM OTHER PEOPLE?

27 A YES, THE TEACHER.

28 Q SORRY?

1 A THE TEACHER.

2 Q YOU DIDN'T PERSONALLY ATTEND ANY OF THE DEBATES
3 THAT MR. HUNT PARTICIPATED IN?

4 A NO. I NEVER DID.

5 Q AND YOU DIDN'T HAVE A COMMON EXERCISE IN DEBATE
6 WHERE ALL OF THE MEMBERS OF THE TEAM WOULD KIND OF WORK
7 TOGETHER?

8 A MAYBE. I DON'T REMEMBER.

9 Q OKAY. YOU MENTIONED MOVING ALONG, YOU HAD MET
10 AT THE HARD ROCK CAFE AND YOU SAID THAT THERE WERE GUYS LIKE
11 YOURSELF WITH AMBITIONS THAT WERE GOING TO BE INVOLVED IN
12 THIS BUSINESS GROUP?

13 A I DIDN'T SAY THAT. DEAN KARNY SAID THAT.

14 Q YOU DIDN'T SAY THAT?

15 A NO.

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1 Q DID YOU FEEL THERE WERE GUYS LIKE YOURSELF WITH
2 AMBITIONS THAT WERE GOING TO BE PART OF THIS GROUP?

3 A THAT WAS WHAT WAS TOLD TO ME THAT NIGHT AT THE
4 HARD ROCK.

5 Q DID YOU THINK THERE WERE GUYS IN THIS GROUP WITH
6 AMBITIONS LIKE YOU HAVE?

7 A YES, SURE.

8 Q AND WHAT AMBITION DID YOU HAVE, SIR?

9 A TRYING TO START UP NEW BUSINESSES.

10 Q AND TO THE END OF MAKING A LOT OF MONEY?

11 A WELL, IF THEY WERE PROFITABLE, YEAH.

12 Q NOTHING WRONG WITH THAT, WAS THERE?

13 A I DON'T THINK SO.

14 Q NOT AT ALL.

15 IN ANY EVENT, YOU WENT ON AND SAID THAT YOU
16 FELLOWS WERE GOING TO POOL YOUR RESOURCES TO GET INTO THIS
17 BUSINESS?

18 THE COURT: HE SAID --

19 MR. BARENS: YES, I THINK THAT THIS WAS HIS TESTIMONY,
20 JUDGE.

21 THE COURT: HE SAID SOMEBODY DID, KARNY SAID THAT.

22 THE WITNESS: NO, I NEVER SAID THAT.

23 DEAN KARNY APPROACHED ME AND SAID THESE THINGS
24 TO ME.

25 MR. BARENS: WHEN I SAID "YOU," I AM TALKING ABOUT
26 HIS RESPONSES TO MR. WAPNER'S QUESTIONS ABOUT WHAT HE TOLD
27 MR. WAPNER YESTERDAY.

28 THE COURT: HE REPORTED WHAT KARNY SAID AT THAT

1 PARTICULAR MEETING.

2 MR. BARENS: I AM NOT SURE. I AM ASKING HIM WHAT IT
3 WAS.

4 Q BY MR. BARENS: PART OF YOUR TESTIMONY WAS THAT
5 THERE WAS A DISCUSSION ABOUT THERE WAS GOING TO BE A POOLING
6 OF RESOURCES?

7 A THIS WAS DEAN KARNY'S PITCH, NOT MINE.

8 Q MR. KARNY MADE THOSE COMMENTS?

9 A YES, HE DID.

10 Q THIS WAS BEFORE YOU MADE YOUR INVESTMENT WITH
11 MR. HUNT IN THE COMMODITIES MARKET?

12 A OH, THIS WAS THE FIRST TIME I HAD SEEN MR. HUNT,
13 MR. KARNY SINCE HIGH SCHOOL.

14 Q THERE WAS NO DISCUSSION IN THAT MEETING ABOUT
15 YOUR BECOMING AN INVESTOR IN COMMODITIES WITH JOE HUNT, WAS
16 THERE?

17 A WE ARE SKIPPING TIME.

18 ARE WE STILL TALKING ABOUT THE HARD ROCK OR ARE
19 WE TALKING ABOUT THE MEETING AFTER?

20 MR. BARENS: YES. I UNDERSTAND THAT YOU HAD MET AT
21 KARNY'S CONDOMINIUM IN MAY OF 1983.

22 THE WITNESS: YES.

23 Q BY MR. BARENS: AT THAT MEETING WITH KARNY AT
24 KARNY'S CONDO, DID YOU DISCUSS INVESTING, YOU AS AN INDIVIDUAL,
25 AS OPPOSED TO PARTICIPATING IN THE BBC, WAS THERE ANY
26 DISCUSSION ABOUT YOU AS AN INDIVIDUAL GIVING HUNT MONEY FOR
27 COMMODITIES TRADING?

28 A NO.

1 I WAS SIMPLY THERE TO SEE WHAT WAS GOING ON.

2 Q OKAY. THEN YOU SAID DURING THAT MEETING, I
3 BELIEVE, THERE WAS THIS BUSINESS PHILOSOPHY ARTICULATED
4 THAT WHAT YOU PUT IN, YOU GET OUT IN TERMS OF WHAT YOUR EFFORTS
5 ARE IS WHAT THE REWARDS WILL BE EQUAL TO?

6 A YES.

7 Q AND YOU SAID THAT WAS SOMETHING NEW?

8 A IT SEEMED TO ME SOMETHING NEW.

9 Q IT DIDN'T SEEM LIKE YOU HAD THAT IN SCHOOL, THAT
10 THE HARDER YOU STUDIED THE MORE, SUPPOSEDLY, ONE MIGHT EXPECT
11 IN PERFORMANCE?

12 A WELL, I'D STUDIED HARDER IF THEY HAD GIVEN ME
13 MORE MONEY FOR IT, I WOULD HAVE STUDIED A LOT HARDER.

14 Q WELL, OF COURSE, I AM TALKING ABOUT A CONCEPT,
15 IF YOU FOLLOW ME, IN THIS LITTLE STUDY. WAS THERE SOME
16 CONCEPT IN YOUR LIFE THAT THIS WAS SOMETHING NOVEL TO HEAR,
17 THAT YOU GOT BACK WHAT YOU PUT OUT IN LIFE, WAS THAT NOVEL
18 TO YOU?

19 A CERTAINLY NOT THAT STATEMENT, THAT IS NOT NOVEL
20 TO ME, NO.

21 Q WHAT DID YOU MEAN YESTERDAY WHEN YOU SAID THAT
22 THAT WAS SOMETHING NEW, IT WAS SOMETHING YOU HADN'T HEARD
23 BEFORE?

24 A WELL, MOST BUSINESSES THAT I UNDERSTOOD OF, YOU
25 WERE AN EMPLOYEE, YOU WORKED FOR THAT BUSINESS FOR A SALARY
26 AND WHAT JOE WAS SAYING THAT YOU WEREN'T WORKING FOR A
27 SALARY. YOU WEREN'T WORKING 9:00 TO 5:00. YOUR WORK WOULD
28 GO STRICTLY FOR WHAT THE COMPANY'S POTENTIAL WOULD BE IN

-4

1 THE LONG RUN. YOU WOULD BE REWARDED FOR THAT, FOR YOUR EFFORTS
2 PUT INTO THAT COMPANY.

3 Q RIGHT.

4 THAT THIS BUSINESS WOULD OPERATE ON A BASIS THAT
5 THE MORE YOU PUT IN AND THE HARDER YOU WORKED AND THE MORE
6 YOU WERE DEVOTED TO IT, THE MORE ONE COULD EXPECT TO RECEIVE?

7 A ABSOLUTELY.

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1 Q DID ANYTHING SEEM SINISTER ABOUT THAT?

2 MR. WAPNER: OBJECTION. RELEVANCE.

3 THE COURT: YOU USED THAT WORD SINISTER AGAIN.

4 MR. BARENS: YES, YES, JUDGE.

5 (LAUGHTER IN COURTROOM.)

6 THE COURT: WELL, THEN ON THE COURT'S OWN MOTION, I
7 WILL STRIKE IT.

8 WAS THERE ANYTHING UNUSUAL ABOUT THAT?

9 THE WITNESS: I MEAN UNUSUAL, THAT IT WAS DIFFERENT
10 THAN MOST BUSINESSES AND INTERESTING BECAUSE, YOU KNOW, THERE
11 WAS A POTENTIAL THERE TO ACHIEVE SOMETHING THAT YOU COULDN'T
12 DO BY WORKING YOURSELF UP.

13 Q BY MR. BARENS: WHAT HAPPENED TO THAT NIGHTCLUB
14 THAT YOU AND YOUR BROTHER HAD?

15 A WHAT HAPPENED TO IT?

16 THE PARTNER THAT WE HAD STARTED STEALING \$500
17 IN CASH FROM US ON A WEEKLY BASIS AND WE CAUGHT HIM AND
18 BECAUSE OF THAT, THE WAITRESSES FOUND OUT AND IT STARTED
19 TO COLLAPSE FROM THE INSIDE OUT OF THE CLUB AND WE WENT INTO
20 LAWSUITS AND LITIGATION AGAINST EACH OTHER.

21 Q AND THAT BUSINESS CLOSED?

22 A THE BUSINESS CLOSED.

23 Q AND WAS THAT BUSINESS, THEREFORE, NOT SUCCESSFUL
24 OR WAS IT STILL SUCCESSFUL?

25 MR. WAPNER: OBJECTION. CALLS FOR A CONCLUSION ON
26 THE PART OF THE WITNESS.

27 THE COURT: SUSTAINED.

28 MR. BARENS: AS THE OWNER, HE MIGHT KNOW, YOUR HONOR.

1 MR. WAPNER: THE COURT HAS MADE A RULING. WHAT DO
2 WE NEED SPEECHES FOR NOW?

3 THE COURT: WHAT DIFFERENCE DOES IT MAKE IF IT WAS
4 SUCCESSFUL OR WASN'T SUCCESSFUL?

5 MR. BARENS: I WAS JUST CURIOUS.

6 THE COURT: HOW IS THAT MATERIAL IN ANY RESPECT TO
7 THIS CASE?

8 MR. BARENS: WELL, JUDGE, IN ONE POINT HERE WE ARE
9 IN THE NIGHTCLUB BUSINESS AND NEXT WE ARE IN THE COMMODITIES
10 BUSINESS. I AM WONDERING WHY WE DIDN'T STAY IN THE NIGHTCLUB
11 BUSINESS.

12 THE COURT: HE EXPLAINED TO YOU WHY, THE THING FELL
13 APART BECAUSE ONE OF THE PARTNERS HAD BEEN STEALING.

14 MR. WAPNER: SINCE MR. BARENS SAID "WE WERE IN THE
15 NIGHTCLUB BUSINESS," HE MUST HAVE BEEN THERE SO HE MUST
16 KNOW.

17 MR. BARENS: WE ALL USE THE MOTHER TONGUE SUBJUNCTIVELY,
18 JUDGE.

19 THE COURT: I SUSTAINED THE OBJECTION. LET'S GET ON
20 WITH IT.

21 Q BY MR. BARENS: ALL RIGHT, IN ANY EVENT, WHEN
22 YOU LATER ON HAD A MEETING AT THE CAFE CASINO, THAT WAS ALSO
23 IN MAY OF '83?

24 A YES, IT WAS.

25 Q SO THAT WAS SHORTLY AFTER THE MEETING AT KARNY'S
26 CONDOMINIUM?

27 A A COUPLE OF WEEKS.

28 Q IN ANY EVENT, DURING THAT MEETING HE TALKED ABOUT

1 A TRADING PHILOSOPHY?

2 A YES, HE DID.

3 Q AND HE TOLD YOU THAT TRADING PHILOSOPHY WAS RISK
4 FREE?

5 A YES, HE DID.

6 Q HAD YOU EVER, PRIOR TO THAT POINT OF TIME, BEEN
7 AN INVESTOR IN THE STOCK MARKET?

8 A ONLY ON A VERY MINOR SCALE.

9 Q HAD YOU EVER IN THE PAST HAD COMMODITY INVESTMENTS?

10 A NO.

11 Q SO YOU HAD NO BACKGROUND AT ALL IN COMMODITIES,
12 DID YOU?

13 A NO, I DIDN'T.

14 Q SO YOU HAD SOME RELATIONSHIP WITH YOUR FAMILY
15 AT THAT TIME, DID YOU?

16 A YES.

17 Q DID IT OCCUR TO YOU, BEFORE INVESTING ANY
18 SUBSTANTIAL MONEYS, THAT YOU MIGHT HAVE SPOKEN TO WHOEVER
19 YOUR ADVISORS WERE PRIOR TO THAT DATE IN TERMS OF WHATEVER
20 INVESTMENTS YOU WOULD MAKE?

21 A IT DIDN'T OCCUR TO ME.

22 Q IT DID NOT?

23 A IT DID NOT.

24 Q SO AS A RESULT OF THAT, PRIOR TO INVESTING, YOU
25 NEVER SPOKE TO, FOR INSTANCE, YOUR FATHER OR ANY LAWYERS
26 OR BUSINESS ADVISORS KNOWN TO YOU TO HAVE WORKED WITH YOUR
27 FAMILY?

28 A NO.

1 Q ALL RIGHT. DID YOU MAKE ANY EFFORT TO LEARN
2 ANYTHING ABOUT HOW ONE TRADES COMMODITIES?

3 A I TRIED TO. I TRIED TO READ BOOKS ABOUT IT AND
4 LISTEN TO JOE'S -- JOE WOULD LECTURE YOU WHENEVER YOU WANTED
5 TO BE LECTURED ON IT.

6 Q AND DID YOU, WHEN YOU READ THOSE BOOKS, DID THOSE
7 BOOKS TELL YOU THAT THOSE LECTURES WERE INACCURATE?

8 A NO, THEY DIDN'T, BUT --

9 Q OKAY, GO RIGHT AHEAD, MR. MAY.

10 A I WAS JUST GOING TO SAY THAT WHAT HE WAS TALKING
11 ABOUT WASN'T WRITTEN IN THOSE BOOKS.

12 Q WELL, DID HE SAY ANYTHING THAT THE BOOKS
13 CONTRADICTED IN TERMS OF STRATEGY ABOUT INVESTING IN
14 COMMODITIES?

15 A LIKE I SAID, THEY WEREN'T IN THE BOOKS.
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1 Q OKAY. WHAT WAS HIS STRATEGY FOR INVESTING IN
2 THE COMMODITIES MARKET, MR. MAY?

3 A HE WOULD INVEST SO FAR IN THE FUTURE THAT THE
4 FUTURE WOULD BE UNPREDICTABLE AND HIS STRATEGY WAS TO INVEST
5 A GREAT DEAL OF MONEY IN THE UNPREDICTABLE FUTURE AND
6 HOPEFULLY, IT COMES IN HIS FAVOR.

7 HE WOULD INVEST IN T-BILLS AND EURO-DOLLARS,
8 SPECIFICALLY.

9 THE COURT: WHAT?

10 THE WITNESS: T-BILLS AND EURO-DOLLARS, SPECIFICALLY.

11 THE COURT: KEEP YOUR VOICE UP.

12 Q BY MR. BARENS: WHAT ARE EURO-DOLLARS, MR. MAY?

13 A I WOULD IMAGINE, EUROPEAN CURRENCIES.

14 Q DO YOU KNOW, SIR?

15 A EUROPEAN CURRENCIES, I BELIEVE.

16 Q THAT IS WHAT EURO-DOLLARS ARE?

17 A THAT IS WHAT I THINK THEY ARE, YES.

18 Q YOU ARE NOT SURE?

19 A I AM NOT SURE.

20 Q NOW, MR. MAY, THE IDEA WAS THAT YOU INVESTED A
21 LOT OF MONEY IN AN UNPREDICTABLE FUTURE AND THEREFORE, YOU
22 MAKE A LOT OF MONEY?

23 A WELL, THAT WOULD BE OVERSIMPLIFYING WHAT JOE WAS
24 EXPLAINING.

25 JOE EXPLAINED TO ME A METHOD OF INVESTING IN
26 COMMODITIES THAT WAS RISK-FREE.

27 Q I WOULD JUST LIKE YOU TO TELL ME WHAT THAT WAS
28 ACTUALLY, MR. MAY.

5-2
1 A WELL, IT WAS TWO AND A HALF YEARS AGO. I DON'T
2 THINK I COULD TELL YOU WHAT HE SAID TO ME EXACTLY.

3 BUT IT WAS VERY, VERY IMPRESSIVE AT THE TIME.
4 HE BROUGHT OUT BOOKS AND CHARTS AND ALL KINDS
5 OF VARIOUS PARAPHERNALIA TO FORTIFY HIS CASE.

6 Q WERE THESE BOOKS THAT HE HAD WRITTEN, THAT HE
7 SHOWED YOU THAT HE USED TO SUPPORT HIS POSITION?

8 A YES. NOT PUBLISHED BOOKS, BUT PAPERS AND CHARTS
9 AND THINGS OF THAT NATURE.

10 Q DID HE TELL YOU THIS WAS STUFF HE HAD PREPARED?

11 A HE TOLD ME THAT HE MADE IT -- THAT HE HAD
12 INVENTED THIS PROCESS, YES.

13 Q OKAY. BUT YOU CAN'T REMEMBER THIS PROCESS?

14 A NOT TODAY.

15 Q OKAY. DID YOU EVER DISCUSS WHAT YOU WERE TOLD
16 AS FAR AS THIS UNIQUE APPROACH TO COMMODITIES INVESTING,
17 WITH ANYBODY AFTER THAT MAY, '83 MEETING?

18 A I TALKED IT OVER WITH MY BROTHER AND DEAN KARNY
19 AND OTHER PEOPLE.

20 Q DID THOSE PEOPLE SEEM TO UNDERSTAND THIS
21 INVESTMENT STRATEGY?

22 A DEAN DIDN'T, I DON'T THINK. BEN SEEMED TO. AND
23 BOTH OF THEM SAID IT WAS THE GREATEST THING THAT ANYBODY HAD
24 EVER SEEN.

25 Q OKAY. DID YOU EVER TELL ANY INVESTMENT ADVISER
26 OR BROKER OR COMMODITIES BROKER OR SECURITIES BROKER ABOUT
27 THIS CONCEPT?

28 A NO.

1 Q SO YOU DIDN'T SPEAK TO ANY OTHER -- WHAT I WILL
2 CALL A PROFESSIONAL ABOUT THIS? YOU JUST SPOKE TO THE OTHER
3 YOUNG MEN ABOUT THIS APPROACH TO INVESTMENTS?

4 A THEY SEEMED VERY WELL INFORMED. WELL, AT LEAST,
5 JOE SEEMED TO KNOW WHAT HE WAS TALKING ABOUT IN EXPLICIT
6 DETAIL.

7 Q AND THEN THE IDEA WAS, THAT YOU TOLD US EARLIER,
8 THAT YOU WOULD SPLIT FIFTY-FIFTY WITH MR. HUNT. WAS IT ON
9 THE INVESTMENTS THAT YOU MADE?

10 A YES.

11 Q SO FIRST, YOU WOULD GET A RETURN OF PRINCIPAL
12 AND THEN SPLIT FIFTY-FIFTY THE PROFITS?

13 A I DON'T THINK HE WAS GOING TO -- I THINK HE WAS
14 JUST GOING TO SPLIT FIFTY-FIFTY, RIGHT DOWN THE LINE.
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1 Q OKAY. SO YOU DIDN'T, EVEN AS YOU UNDERSTOOD IT --
2 WELL, HE TOOK 50 PERCENT OF THE PRINCIPAL ON THE FIRST HELLO?

3 A YES.

4 Q THAT WAS YOUR UNDERSTANDING?

5 A I THINK SO, YES.

6 Q AND SO YOU REALIZED NOW THAT YOU GO TO A PERSON,
7 YOU MAKE AN INVESTMENT AND YOU GIVE THEM 50 PERCENT OF YOUR
8 MONEY ON THE HELLOS? WAS THAT YOUR UNDERSTANDING, MR. MAY?

9 A NO. I AM NOT GIVING HIM MY PRINCIPAL. IT IS
10 THERE.

11 I CAN WITHDRAW THE PRINCIPAL AT ANY TIME. THAT
12 WAS MY MONEY. I AM NOT GIVING HIM 50 PERCENT OF THE
13 PRINCIPAL.

14 Q YOU ARE NOT?

15 A WE ARE SPLITTING 50 PERCENT OF THE PROFITS. THAT
16 IS WHAT I AM TALKING ABOUT.

17 Q WELL, THAT IS WHAT I ASKED YOU. WASN'T IT THAT
18 YOU WERE SPLITTING 50 PERCENT OF THE PROFITS AND NOT THE
19 PRINCIPAL?

20 A YES.

21 Q OKAY. NOW, IF YOU WERE SPLITTING 50 PERCENT OF
22 THE PROFITS, YOU HAD TOLD US EARLIER THAT YOU HAD BEEN TOLD
23 THAT YOU WOULD GET 30 PERCENT PROFIT ON YOUR MONEY?

24 A YES.

25 Q AND THEN YOU SAID THAT TO GET 30 PERCENT PROFIT
26 ON THE MONEY, HOW WOULD THAT 30 PERCENT BE DIVIDED?

27 A WELL, THE 30 PERCENT WAS TO ME, 30 PERCENT.
28 SO, IT WAS AFTER THE SPLIT.

5-5
1 Q AFTER THE SPLIT, YOU WOULD SEE A 30 PERCENT RETURN
2 ON THE MONEY?

3 A YES.

4 Q AND WHAT ABOUT THE LOSSES, MR. MAY? HOW WOULD
5 YOU HANDLE APPLYING THE LOSSES, IF ANY?

6 A JOE NEVER ANTICIPATED LOSSES.

7 Q DID YOU EVER ASK HIM, LISTEN, IF WE HAVE ANY
8 LOSSES, ARE YOU IN ON THE LOSS WITH ME?

9 A I NEVER DID.

10 Q NEVER DID?

11 A NO.

12 Q WHAT WAS YOUR SENSE OF IT, IF THERE WAS A LOSS,
13 HAD HE SAID TO YOU, LISTEN, ON THE DOWN SIDE, WE SPLIT THE
14 LOSSES WITH THE PROFITS.

15 A JOE SAID IT WAS A RISK-FREE INVESTMENT.

16 Q THEREFORE, IT NEVER OCCURRED TO YOU THAT THERE
17 COULD POSSIBLY BE A LOSS?

18 A THAT'S TRUE.

19 Q YOU HAD ALREADY SPENT A LITTLE TIME AT USC BY
20 THAT TIME, HAD YOU NOT, SIR?

21 A YES.

22 Q AND WHAT WERE YOU TAKING DOWN AT USC?

23 A I WAS AN ECONOMICS MAJOR. ECONOMICS AND BUSINESS.

24 Q AND YOU WERE GOING TO CLASS AND ALL OF THAT STUFF
25 DOWN THERE, WEREN'T YOU?

26 A YES.

27 Q READING THOSE BOOKS THEY GAVE YOU IN ECONOMICS
28 AND BUSINESS?

1 A YES.

2 Q LISTENING TO THE LECTURES?

3 A YES.

4 Q WELL, HOW MUCH HAD YOU HEARD ABOUT RISK-FREE
5 INVESTMENTS IN YOUR CLASSES?

6 A WELL, THERE WEREN'T TOO MANY DISCUSSIONS ON
7 INVESTMENTS AT ALL IN MY ECONOMICS CLASSES.

8 Q AND IN YOUR BUSINESS CLASSES, HAD YOU HEARD ANY
9 OF YOUR PROFESSORS DESCRIBE TO YOU ANYTHING ABOUT RISK-FREE
10 INVESTMENTS?

11 A NO.

12 Q ALL RIGHT. DID YOU UNDERSTAND THAT COMMODITIES
13 INHERENTLY INVOLVED SOME RISK?

14 A NO.

15 Q AT THE TIME THAT YOU HAD THIS DISCUSSION, DID
16 YOU HAVE ANY KNOWLEDGE WHATSOEVER WHAT COMMODITIES TRADING
17 WAS ABOUT?

18 A NO.

19 Q YOU HAD NO IDEA WHAT WAS DONE WHEN YOU -- WHEN
20 A GUY SAID TO YOU, LET'S GO TRADE COMMODITIES? WHAT DID YOU
21 THINK HE MEANT?

22 A TRADING GOODS.

23 Q LIKE WHAT?

24 A WELL, COMMODITIES AS I UNDERSTAND IT, ARE
25 TANGIBLE GOODS, THINGS LIKE GOLD AND WHEAT AND SILVER AND
26 PORK BELLIES.

27 Q DID YOU KNOW THAT AT THE TIME?

28 A I KNEW THAT.

1 Q SO YOU KNEW THAT A COMMODITIES TRADE INVOLVED
2 THE ACQUISITION AND DISPOSITION OF A MATERIAL ASSET, DID YOU
3 KNOW THAT?

4 A YES.

5 Q AND DID YOU THINK THAT WAS A RISK-FREE ACTIVITY
6 WHEN YOU CAME TO THAT DISCUSSION?

7 A I THOUGHT IT WAS, THE WAY JOE HUNT EXPLAINED IT.

8 Q WHAT DID YOU THINK IT WAS BEFORE HE EXPLAINED
9 IT?

10 A I DIDN'T KNOW ABOUT IT UNTIL HE EXPLAINED IT,
11 WHAT THE QUANTITIES WERE AND SO ON.

12 THE COURT: I THINK MAYBE WE WILL TAKE A RECESS AT THIS
13 TIME. LADIES AND GENTLEMEN OF THE JURY, WE'LL TAKE A 15-
14 MINUTE RECESS AT THIS TIME.

15 THE SAME ADMONITION THAT I PREVIOUSLY GAVE YOU
16 APPLIES.

17 MR. WAPNER: YOUR HONOR, BEFORE YOU LEAVE THE BENCH
18 AND AFTER THE JURY IS OUT, JUST ONE THING.

19 (THE JURY EXISTS THE COURTROOM.)
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(THE FOLLOWING PROCEEDINGS WERE HELD
OUTSIDE THE PRESENCE OF THE JURY:)

MR. WAPNER: THE THING I WANT, I TALKED TO MR. BARENS
AND I AM ANTICIPATING THAT THE CROSS-EXAMINATION OF THIS
WITNESS SHOULD TAKE THE BALANCE OF THE DAY.

THE COURT: PROBABLY.

MR. WAPNER: I SHOULD SAY --

THE COURT: DO YOU ANTICIPATE THAT?

MR. BARENS: I WOULD SAY THE SAME TIME, BETWEEN THE
TIME I AM FINISHED AND HE REDIRECTS AND I RECROSS.

THE COURT: ALL RIGHT. DO YOU WANT TO EXCUSE YOUR
WITNESSES, YOU MEAN?

MR. WAPNER: YES, I HAVE A WITNESS HERE I AM GOING TO
EXCUSE ON THAT BASIS.

THE COURT: ALL RIGHT.

(RECESS.)

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(THE FOLLOWING PROCEEDINGS WERE HELD IN
OPEN COURT IN THE PRESENCE OF THE JURY,
MR. CHIER NOT BEING PRESENT:)

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3 THE COURT: ALL RIGHT. YOU MAY CONTINUE.

4 Q BY MR. BARENS: YOU MENTIONED TODAY, THAT SOME
5 FURNITURE WAS BOUGHT FOR THE OFFICES OF THE BBC?

6 A YES.

7 Q TO YOUR KNOWLEDGE, THAT WAS AFTER YOU MADE YOUR
8 INVESTMENT?

9 A IT WAS AFTER MY BROTHER MADE HIS INVESTMENT AND
10 AFTER I MADE MY INVESTMENT.

11 Q AND AFTER YOUR INVESTMENT?

12 A YES.

13 Q THE INNUENDO I PICKED UP IS THAT -- ARE YOU SAYING
14 THAT YOUR MONEY WAS USED TO BUY THAT FURNITURE?

15 A AT THE TIME, I DIDN'T BELIEVE SO.

16 Q DO YOU HAVE ANY EVIDENCE THAT YOU CAN TELL ME
17 ABOUT, THAT SPECIFICALLY PROVES THAT YOUR MONEY WAS USED TO
18 BUY SPECIFIC PIECES OF FURNITURE, SIR?

19 A NO, I DON'T, OUTSIDE OF --

20 Q THAT IS JUST A CONCLUSION THAT --

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

22 THE WITNESS: OUTSIDE OF THE TRADING DOCUMENTS THAT
23 WERE SENT TO MY HOUSE THAT WERE IN \$20,000 AND \$15,000
24 FIGURES, WHEN IN FACT, I HAD INVESTED \$80,000.

25 Q BY MR. BARENS: WELL, WE WILL GET TO THAT IN A
26 BIT. BUT, MY SPECIFIC QUESTION TO YOU MR. MAY IS, DO YOU
27 HAVE ANY DIRECT EVIDENCE THAT YOUR MONEY WAS USED TO BUY
28 FURNITURE?

1 A NO.

2 Q NOW, THE CANTOR-FITZGERALD ACCOUNT WAS WHERE YOUR
3 INVESTMENT WENT INTO, AT LEAST YOU THOUGHT?

4 A THAT IS WHERE IT WAS SUPPOSED TO GO INTO.
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1 Q WHO DID YOU MAKE YOUR CHECKS OUT TO, SIR?

2 A I BELIEVE CANTOR-FITZGERALD.

3 Q SO THE \$70,000 -- I AM SORRY -- WAS IT \$80,000?

4 A 80,000.

5 Q THE \$80,000 CHECKS WERE MADE OUT TO CANTOR-
6 FITZGERALD?

7 A YES.

8 Q NOT TO JOSEPH HUNT?

9 A NO.

10 Q AND AFTER THAT, YOU GOT MONTHLY STATEMENTS FROM
11 CANTOR-FITZGERALD?

12 A YES, I DID.

13 Q AND WHEN DID YOU GET YOUR FIRST STATEMENT FROM
14 CANTOR-FITZGERALD?

15 A THEY WERE WEEKLY STATEMENTS. I GOT IT A WEEK
16 AFTER JOE SAID HE INVESTED IT.

17 Q AFTER YOU PUT UP THE CHECK?

18 A YES, AFTER THE ACCOUNT WAS OPENED.

19 Q WHAT DID YOUR FIRST STATEMENT TELL YOU?

20 A I DON'T REALLY RECALL AT THIS TIME.

21 Q DID IT TELL YOU THAT YOU ONLY HAD \$20,000 AFTER
22 YOU PUT UP \$70,000 A WEEK BEFORE?

23 A YES, IT WAS SUBSTANTIALLY LESS THAN THE AMOUNT
24 I PUT IN.

25 Q AND AFTER THAT VERY FIRST STATEMENT, DID YOU GO
26 TO ANYONE AT CANTOR-FITZGERALD OTHER THAN MR. HUNT?

27 A NO, I DIDN'T.

28 I WENT DIRECTLY TO MR. HUNT.

1 Q AND MR. HUNT EXPLAINED TO YOU THAT A CERTAIN
2 PORTION OF YOUR MONEY HAD BEEN INVESTED AND THAT THE BALANCE
3 OF IT WAS HELD IN A TYPE OF ACCOUNT THERE AT CANTOR-
4 FITZGERALD?

5 A YES.

6 Q DID YOU EVER SEE ANYTHING THAT SHOWED YOU THAT
7 MR. HUNT REMOVED \$50,000 FROM YOUR ACCOUNT THE FIRST WEEK
8 YOU PUT IT IN?

9 A NO.

10 Q DID YOU EVER SEE ANY EVIDENCE THAT SHOWED YOU
11 THAT MR. HUNT TOOK YOUR MONEY AND PUT IT IN HIS POCKET?

12 A NO.

13 Q DID YOU SEE EVIDENCE THAT MR. HUNT HAD SUSTAINED
14 LOSSES IN YOUR ACCOUNT AT CANTOR-FITZGERALD?

15 A YES.

16 Q AND YOU SAW THAT THERE WERE POSITIONS TAKEN IN
17 THE COMMODITIES MARKET THAT PROVED UNSUCCESSFUL, MR. MAY?

18 A I WOULD SAY SO, EXTREMELY.

19 Q WOULD YOU CALL THOSE TRADING LOSSES?

20 A I WOULD CALL THEM TRADING LOSSES, YES.

21 Q NOW AT THIS SAME TIME, YOU ENDED UP EVENTUALLY
22 SEEING SOME PAPERS THAT SUGGESTED TO YOU THAT YOUR INVESTMENT
23 HAD BEEN LOST?

24 A I DON'T KNOW WHICH PAPERS YOU ARE REFERRING TO.
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1 Q DID YOU RECEIVE PAPERS FROM CANTOR-FITZGERALD
2 SAYING THAT YOUR ACCOUNT HAD BEEN UNSUCCESSFULLY TRADED
3 AND THE MONEY WAS GONE?

4 A NO.

5 Q YOU NEVER GOT A STATEMENT FROM CANTOR-FITZGERALD
6 SAYING THAT YOU DIDN'T HAVE A POSITIVE BALANCE IN YOUR
7 ACCOUNT?

8 A NO. I GOT A PHONE CALL FROM CANTOR-FITZGERALD.

9 THE COURT: A WHAT? COULD YOU PLEASE KEEP YOUR VOICE
10 UP?

11 THE WITNESS: A PHONE CALL FROM CANTOR-FITZGERALD.

12 Q BY MR. BARENS: WHAT DID THEY TELL YOU, MR. MAY?

13 A THEY TOLD ME THAT THE ACCOUNT IN MY NAME HAD
14 BEEN LIQUIDATED AND WAS \$80,000 IN THE HOLE.

15 Q DID THEY EXPLAIN TO YOU HOW YOU COULD GET INTO
16 THE HOLE ON AN ACCOUNT LIKE THAT?

17 A NO, THEY DID NOT.

18 Q MR. MAY, IF I TELL YOU IN THE TRADING OF
19 COMMODITIES YOU BUY ON MARGIN, DO YOU KNOW WHAT I MEAN BY
20 THAT?

21 A NOT REALLY.

22 Q MR. MAY, IF I TELL YOU THAT WHEN YOU BUY A
23 COMMODITY, YOU CAN BUY IT WITH A PERCENTAGE OF THE PURCHASE
24 PRICE, IN OTHER WORDS, IF A CONTRACT COSTS \$100, MR. MAY,
25 AND YOU PUT TEN PERCENT DOWN, YOU CAN DO LET'S SAY -- I COULD
26 PUT \$10 DOWN. YOU HAVE A THING CALLED A CALL.

27 IF IT REACHES A CERTAIN POINT, IF THE CONTRACT
28 DEPRECIATES TO A CERTAIN LEVEL, IT COULD BE A CALL ON THE

1 ACCOUNT OR YOU COULD BE CALLED UPON TO MAKE GOOD ON THE
2 PURCHASE PRICE ON THE CONTRACT. DOES THAT MAKE YOU UNDER-
3 STAND THAT?

4 A YES, I CAN.

5 Q AND DID CANTOR-FITZGERALD AT THAT TIME OR ANY
6 OTHER TIME, EVER SUGGEST TO YOU WHY YOU WERE IN A DEFICIT
7 POSITION RELATIVE TO THE ACCOUNT WAS BECAUSE THERE HAD BEEN
8 A CALL ON YOUR ACCOUNT?

9 A NO, THEY DID NOT.

10 Q HAS ANYBODY EVER TOLD YOU THAT IS WHAT HAPPENED
11 IN YOUR ACCOUNT?

12 A YES.

13 Q IS IT YOUR UNDERSTANDING THAT IS WHY THERE WAS
14 SOME LITIGATION THAT HAS FOLLOWED SUBSEQUENT TO THAT, IS
15 BECAUSE THERE WAS A CALL ON THE ACCOUNT, THAT NOT ONLY
16 WIPED OUT THE ACCOUNT, BUT LEFT IT WITH A NEGATIVE BALANCE?

17 A YES.

18 Q IS THAT YOUR UNDERSTANDING SIR, HERE TODAY?

19 A THAT'S MY UNDERSTANDING.

20 Q DID YOU EVER GET A CALL FROM CANTOR-FITZGERALD
21 SAYING LISTEN, JOE HUNT STOLE YOUR MONEY? DID THEY TELL
22 YOU THAT HE HAD TAKEN YOUR \$70,000 AND GONE SOUTH WITH IT,
23 SO TO SPEAK?

24 A NO. THEY NEVER SAID THAT HE WENT SOUTH WITH
25 IT.

26 Q THEY TOLD YOU THAT YOUR MONEY HAD BEEN LOST IN
27 THE ACCOUNT AND THAT YOU OWED THEM A LOT MORE MONEY?

28 A YES.

1 Q NOW, WHILE YOU HAD YOUR MONEY IN CANTOR-FITZGERALD,
2 DID YOU EVER WITHDRAW ANY OF THE FUNDS?

3 A I DID BUY A CAR.

4 Q DID YOU TAKE \$25,000 OUT OF YOUR ACCOUNT AT CANTOR-
5 FITZGERALD?

6 A NO.

7 Q HOW MUCH DID YOU TAKE OUT?

8 A \$1,500.

9 Q \$1,500?

10 A YES.

11 Q WHEN WAS THAT?

12 A A FEW WEEKS AFTER I HAD GIVEN JOE THE MONEY.

13 Q SO, AFTER YOU HAD PUT UP EIGHTY, YOU WITHDREW
14 FIFTEEN OF IT?

15 A YES.

16 Q SO THEN YOUR BALANCE, IF NOTHING IN THE WORLD
17 HAD HAPPENED, WOULD HAVE BEEN SIXTY-FIVE IN THE ACCOUNT?

18 A WELL, ACCORDING TO JOE, MY BALANCE WAS MUCH
19 HIGHER THAN THAT.

20 Q WHATEVER. BUT OF YOUR ORIGINAL PRINCIPAL THAT
21 WE ARE FAMILIAR WITH, YOU HAD RECOVERED SOME \$15,000 OF THAT,
22 AT LEAST IN SOME POINT IN TIME, REFERRING TO YOUR PRINCIPAL,
23 MR. MAY?

24 A YES.

25 Q AND WAS THAT THE ONLY TIME THAT YOU TOOK ANY
26 MONEY OUT?

27 A THAT WAS IT.

28 Q HOW DID YOU MECHANICALLY DO THAT, MR. MAY? HOW

1 DID YOU GET THE \$15,000?

2 A I ASKED JOE FOR \$15,000 AND HE WROTE ME OUT A
3 CHECK FOR IT.

4 THE COURT: HE WROTE YOU OUT A CHECK?

5 THE WITNESS: YES. HE WROTE ME OUT A CHECK.

6 Q BY MR. BARENS: HE SIGNED A CHECK ON THE CANTOR-
7 FITZGERALD ACCOUNT?

8 A NO. HE DID NOT. IT WAS A PERSONAL CHECK.

9 Q HE WROTE A PERSONAL CHECK TO YOU FROM WHAT SOURCE,
10 SIR?

11 A I BELIEVE IT WAS BANK OF AMERICA.

12 Q IT WAS THE BBC ACCOUNT?

13 A YES, IT WAS.

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1 Q OKAY. DID YOU HAVE THE ABILITY TO WRITE OR MAKE
2 A CHECK ON THE CANTOR-FITZGERALD ACCOUNT?

3 A NO, I DID NOT.

4 Q AND MR. HUNT TOLD YOU THAT?

5 A HE -- HE SAID HE WAS HANDLING ALL FINANCIAL
6 MATTERS.

7 Q I SEE. THUS, I ASSUME, MR. MAY, THAT THE RECORDS
8 AT CANTOR-FITZGERALD WOULD NOT SHOW ANY CHECKS TO YOU DURING
9 THAT PERIOD OF TIME, BECAUSE YOU IN FACT NEVER RECEIVED A
10 CHECK FROM CANTOR-FITZGERALD, ACCORDING TO YOUR TESTIMONY?

11 A I NEVER RECEIVED A CHECK DIRECTLY FROM CANTOR-
12 FITZGERALD, NO.

13 Q OR YOU NEVER RECEIVED A CHECK ON THE CANTOR-
14 FITZGERALD ACCOUNT?

15 A NOT THAT I CAN REMEMBER.

16 Q ALL RIGHT, SIR. NOW YOU GOT THESE ACCOUNT RECORDS
17 OR STATEMENTS EVERY WEEK FROM THEM MAILED DIRECTLY TO YOUR
18 HOUSE, WAS IT?

19 A YES.

20 Q AND THEY DIDN'T SEEM TO BE OVER AT CANTOR-
21 FITZGERALD'S HIDING ANYTHING FROM YOU, WERE THEY?

22 A I ASSUME SO, I ASSUME NOT.

23 Q SO YOU GOT THESE REGULARLY?

24 THERE CAME A TIME WHEN MR. HUNT DISCUSSED WITH
25 YOU A LOSS YOU HAD HAD WITH CANTOR-FITZGERALD?

26 A YES.

27 Q AND HE EXPLAINED TO YOU THAT YOUR MONEY HAD ALL
28 BEEN LOST?

1 A YES.

2 Q DID HE TRY TO HIDE FROM YOU THAT YOUR MONEY HAD
3 BEEN LOST?

4 A I DON'T KNOW.

5 Q WELL, WHEN HE SAID TO YOU THE \$70,000 ISN'T THERE
6 ANY MORE, DID HE MAKE THAT CLEAR TO YOU?

7 A YES, SEVERAL DAYS AFTER THE ACCOUNT HAD BEEN
8 LIQUIDATED.

9 Q AND SEVERAL DAYS LATER AFTER YOU GOT THE CALL
10 FROM CANTOR-FITZGERALD --

11 WHO, BY THE WAY, CALLED YOU FROM THERE?

12 A IT WAS THE ACCOUNT EXECUTIVE FOR HUNT'S -- BOB
13 SOMETHING WAS HIS NAME. I CAN'T REMEMBER AT THIS TIME.

14 Q BOB SOMETHING?

15 AFTER YOU GOT THAT CALL, DID YOU CALL MR. HUNT?

16 A YES.

17 Q AND DID YOU REACH HIM?

18 A NO.

19 I SAW HIM THE NEXT DAY.

20 Q THE NEXT DAY YOU SAW HIM?

21 A YES.

22 Q AND WHAT DID YOU SAY TO HIM THE NEXT DAY?

23 A "WHAT IS GOING ON?"

24 Q AND WHAT DID HE SAY?

25 A HE SAID, "I LOST ALL OF THE MONEY IN THE ACCOUNT."

26 Q OH, IT WASN'T SEVERAL DAYS LATER.

27 IT WAS THE NEXT DAY?

28 A I THINK IT WAS THE NEXT DAY.

1 Q I SEE. SO THE NEXT DAY AFTER YOU GOT THE CALL
2 FROM CANTOR-FITZGERALD, MR. HUNT CONFIRMED TO YOU THAT THE
3 MONEY WAS GONE?

4 A YES, HE DID.

5 Q AND HE DIDN'T MAKE ANY ATTEMPT, DID HE, TO SAY
6 TO YOU THAT THE CALL THAT YOU GOT FROM CANTOR-FITZGERALD WAS
7 ERRONEOUS, THE MONEY IS STILL THERE?

8 A NO.

9 Q HE DIDN'T SAY ANYTHING LIKE THAT?

10 A NO.

11 Q NOW, WHEN HE GOT INTO A DISCUSSION WITH YOU ABOUT
12 MAKING UP FOR YOUR LOSS, DID IT HAPPEN IN THE SAME
13 CONVERSATION?

14 A YES, IT DID.

15 Q AND AT THAT POINT IN TIME, BEFORE MR. HUNT SPOKE
16 WITH YOU AFTER YOU GOT THE CALL FROM CANTOR-FITZGERALD, DID
17 YOU IN YOUR OWN MIND BELIEVE THAT HUNT HAD A LEGAL OBLIGATION
18 TO YOU TO MAKE GOOD THE LOSS?

19 A NO, I DON'T THINK SO.

20 Q AND WHEN MR. HUNT TOLD YOU THAT HE WOULD GIVE
21 YOU \$300,000, I BELIEVE YOU SAID, THAT WAS TO COME FROM THE
22 LEVIN TRANSACTIONS?

23 A YES.

24 Q DID THAT APPEAR TO BE A GESTURE TO YOU WHERE HE
25 WAS BEING A GOOD GUY OR TRYING TO SAY TO YOU, LISTEN, I WILL
26 TAKE CARE OF YOUR LOSS, EVEN THOUGH I AM NOT OBLIGED TO, BUT
27 SINCE I GOT YOU INTO THIS, I WILL GET YOU OUT OF IT?

28 A THAT IS WHAT IT SEEMED LIKE.

1 Q IT SEEMED LIKE HE WAS TRYING TO MAKE -- NOT ONLY
2 MAKE YOU WHOLE BUT TO MAKE YOU BETTER THAN WHOLE AT THAT POINT
3 IN TIME, SIR?

4 A YES.

5 Q AND DID YOU FEEL WELL DISPOSED TOWARDS MR. HUNT
6 AT THAT POINT?

7 A YES, I DID.

8 Q AND WERE YOU UPSET WITH HIM BEFORE WHEN YOU FIRST
9 HEARD HE HAD THIS BIG LOSS AND WIPED OUT ALL OF YOUR MONEY,
10 WERE YOU UPSET WITH HIM?

11 A SURE.

12 Q AND AFTER HE TOLD YOU HE WOULD REPLACE ALL OF
13 THIS MONEY, YOU WERE LESS UPSET WITH HIM OR NOT UPSET AT ALL?

14 A THAT'S TRUE.

15 Q HE HAD GAINED YOUR CONFIDENCE AGAIN, HAD HE NOT,
16 SIR?

17 A YES, HE HAD.

18 Q NOW, WHEN YOU SAW THE LEVIN PAPERWORK, WHEN DID
19 THAT OCCUR FOR THE FIRST TIME, THE PAPERWORK FROM LEVIN THAT
20 HE HAD WITH ANOTHER BROKERAGE HOUSE?

21 A CLAYTON BROKERAGE HOUSE?

22 Q YES, SIR.

23 A A COUPLE OF DAYS AFTER THIS MEETING.

24 Q WITH MR. HUNT?

25 A WITH MR. HUNT, CONCERNING THE LOSSES.

26 Q IN OTHER WORDS, THE DAY AFTER YOU GET THE CALL --
27 I BELIEVE YOU LOST YOUR MONEY ON AUGUST 1ST?

28 A YES.

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1 Q IN 1983?

2 AND THEN THE NEXT DAY, AUGUST 2ND, YOU SEE
3 MR. HUNT AND HAVE THIS DISCUSSION ABOUT \$300,000 HE VOLUNTEERED,
4 AND THEN WHAT, TWO DAYS LATER NOW WE ARE AT AUGUST 5TH, YOU
5 SEE THE CLAYTON BROKERAGE ACCOUNT?

6 A I AM NOT SURE ON THE EXACT DATES. BUT IT WAS
7 SOMETIME AFTER THAT WE -- THAT I SAW THE CLAYTON BROKERAGE
8 ACCOUNT FOR THE FIRST TIME, THE XEROX COPIES.

9 Q AND WAS THE PURPOSE THAT YOU WERE ABLE TO
10 DISCERN IN MR. HUNT'S SHOWING THOSE DOCUMENTS TO YOU, TO
11 CONFIRM TO YOU THAT YOU HAD AN EXPECTANCY TO RECEIVE THE
12 \$300,000 THAT HE HAD DISCUSSED WITH YOU?

13 A THAT AND TO LAY A FOUNDATION FOR HIS PERCENTAGE,
14 YOU KNOW, TO PROVE THAT HE HAD ACTUALLY BEEN TRADING LEVIN'S
15 ACCOUNT.

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1 Q RIGHT. AND MR. HUNT BELIEVED AS FAR AS YOU COULD
2 OBSERVE, THAT HE HAD AN EXPECTANCY IN THESE MONEYS FROM LEVIN?

3 A YES.

4 Q AND HE SEEMED TO BE CONFIDENT IN THAT SENSE,
5 SIR?

6 A HE SEEMED POSITIVE HE WAS GOING TO GET THE MONEY.

7 Q RIGHT. DID HE EVER EXPRESS TO YOU HOW LONG IT
8 WOULD TAKE TO GET THAT MONEY?

9 A NO, HE DIDN'T.

10 Q DID YOU ASK HIM?

11 A I ASKED HIM.

12 Q AND WHAT DID HE TELL YOU?

13 A HE SAID HE WAS NOT SURE.

14 Q OKAY. DID YOU EVER ASK HUNT TO CONFIRM THIS
15 \$300,000 REPRESENTATION TO YOU BY MAYBE, PUTTING IT IN A
16 LETTER OR WRITING OR ANYTHING TO THAT EFFECT?

17 A NO.

18 Q WHEN YOU HAD THE MEETING WITH HUNT AND YOU WERE
19 SHOWN PEOPLE'S 83, THIS CLAYTON BROKERAGE DOCUMENTATION,
20 DID YOU ASK HIM ANY QUESTIONS ABOUT THIS DOCUMENT?

21 MR. WAPNER: OBJECTION ONLY IN THAT IT MISSTATES THE
22 EVIDENCE TO THE EXTENT THAT THE WITNESS SAID HE WAS SHOWN
23 A XEROX OF THE DOCUMENTS THAT APPEAR TO BE THE SAME OR
24 SIMILAR TO IT.

25 MR. BARENS: BEGGING YOUR PARDON.

26 Q IT WAS A XEROX RATHER THAN THE ORIGINAL? WHEN
27 YOU WERE SHOWN A XEROX OF THESE DOCUMENTS, DID YOU ASK THEM
28 ANY QUESTIONS ABOUT IT?

1 A WHERE DOES IT START? WHERE DOES IT END? THAT
2 WAS REALLY ABOUT THE ONLY QUESTION I HAD.

3 Q DID HE TELL YOU ANYTHING ABOUT THAT?

4 A HE SAID THAT IT STARTED ON THIS PAGE AND IT ENDS
5 HERE. HERE IS THE FIVE MILLION AND HERE IS THE FOURTEEN
6 MILLION.

7 Q DID YOU LOOK AT THAT?

8 A YES, I DID.

9 Q AND DID THE NUMBERS SHOW YOU THAT?

10 A YES, IT DID.

11 Q WHERE DID THIS MEETING TAKE PLACE?

12 A IN BEN DOSTI'S OFFICE.

13 Q WAS ANYBODY ELSE THERE?

14 A I DON'T REMEMBER.

15 Q YOU DON'T REMEMBER WHETHER IT WAS ANYBODY BESIDES
16 YOU AND MR. HUNT THERE AT THE TIME?

17 A NO. I REMEMBER THAT I WAS WALKING OUT OF
18 DOSTI'S OFFICE AND JOE CAME UP WITH THE PAPER WORK.

19 Q DID HE COME UP TO YOU WITH THIS PAPER WORK AND
20 ATTEMPT TO REASSURE YOU BY SHOWING YOU THAT PAPER WORK?
21 THAT WAS YOUR SENSE OF IT?

22 A YES.

23 Q WERE YOU REASSURED?

24 A YES.

25 Q WAS THAT THE ONLY TIME YOU EVER SAW THOSE DOCU-
26 MENTS?

27 A THERE WERE SEVERAL COPIES OF THEM LYING AROUND
28 THE OFFICE. DEAN KARNY HAD A COPY I BELIEVE AND BEN DOSTI.

1 Q THEN THERE WAS A COPY IN THE FILE THERE AT THE
2 OFFICE, WASN'T THERE?

3 A I DON'T REMEMBER.

4 Q ALL RIGHT. SO THE TWO FELLOWS HAD THE COPIES,
5 DID THEY?

6 A YES.

7 Q AND DID ANYBODY ELSE HAVE A COPY OF THEM?

8 A JOE.

9 Q DID YOU EVER SEE BEN DOSTI OR DEAN KARNY SHOWING
10 THEIR COPIES OF THE CLAYTON BROKERAGE HOUSE DOCUMENTS TO
11 ANYBODY?

12 A YES.

13 Q AND WHO WERE THEY SHOWING THEM TO?

14 A OTHER PEOPLE IN THE BBC.

15 Q OKAY. THIS MORNING, YOU TESTIFIED THAT JOE NEVER
16 LET THOSE OUT OF HIS SIGHT. ARE YOU CHANGING YOUR TESTIMONY
17 NOW, WHEN YOU TELL ME THAT OTHER PEOPLE HAD COPIES OF THE
18 CLAYTON BROKERAGE DOCUMENTATION?

19 A NO. THE COPY THAT HE HAD, HE NEVER LET OUT OF
20 HIS SIGHT.

21 Q BUT OTHER PEOPLE HAD XEROX OF THE SAME THING?

22 A OTHER PEOPLE HAD XEROXES. THE COPY THAT HE HAD
23 WAS NOT WHITED OUT.

24 Q WHITED OUT?

25 A YES. THERE WERE CERTAIN PARTS OF THE COPY THAT
26 WAS WHITED OUT.

27 Q COULD YOU TELL US WHAT PARTS THOSE WERE, SIR?

28 A AT THE TOP. THAT IS ALL I CAN SAY.

1 Q AT THE TOP WHERE THE NAME WOULD BE?

2 A WHERE THE NAME WOULD BE.

3 THE COURT: WHAT DO YOU MEAN BY "WHITED OUT"?

4 THE WITNESS: THEY WERE BLANKED OUT SO YOU COULD NOT
5 READ THEM.

6 THE COURT: WITH SOME CHEMICAL PUT ACROSS IT?

7 THE WITNESS: IT IS CALLED "WHITE OUT."

8 THE COURT: WHITE OUT?
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1 Q BY MR. BARENS: IT IS A THING THAT YOU PAINT
2 ON?

3 A YES.

4 Q WAS THE NAME LEVIN OBSERVABLE TO YOU ON THE TOP
5 OF THE COPY YOU COULD SEE?

6 A YES, IT WAS.

7 Q HOW ABOUT THE TOP OF THE COPY THAT DOSTI AND
8 KARNY HAD?

9 A YES.

10 Q COULD YOU SEE THAT?

11 A SURE.

12 Q COULD YOU TELL US WHAT IT WAS THAT WAS WHITED
13 OUT ON THE TOP? WAS IT MAYBE THE PART THAT SAYS "CLAYTON
14 BROKERAGE COMPANY" WITH THE ADDRESS ON THERE?

15 A YES. THAT WAS THE PART THAT WAS WHITED OUT.

16 Q BUT YOU COULD SEE THE LEVIN PART AND ALL OF THE
17 NUMBERS AND EVERYTHING ELSE ON THERE?

18 A YES.

19 MR. BARENS: COULD I JUST WALK THAT IN FRONT OF THE
20 JURY, JUDGE?

21 THE COURT: SURE. AREN'T YOU GOING TO HAVE SOMEONE
22 TESTIFY AS TO THAT?

23 MR. BARENS: I WOULD LIKE HIM TO SEE IT KIND OF NOW,
24 IF I COULD, JUDGE.

25 THE COURT: GO AHEAD.

26 (PAUSE.)

27 MR. BARENS: ALL RIGHT. I WILL SHOW IT TO THE WITNESS,
28 TOO. PERHAPS HE CAN AFFIRM TO ME BY POINTING TO WHAT APPEARED

1 TO BE WHITED OUT. MR. MAY?

2 THE WITNESS: AS I RECALL, THIS PART (INDICATING).

3 Q BY MR. BARENS: THE PART IN THE BLUE BLOCK, IF
4 WE COULD CALL IT THAT? WOULD THAT BE ACCURATE?

5 A YES.

6 Q OKAY, NOW DID YOU EVER DO ANYTHING TO INDEPENDENTLY
7 INVESTIGATE THE CLAYTON BROKERAGE ACCOUNT?

8 A NO.

9 THE COURT: WHICH ACCOUNT ARE YOU TALKING ABOUT?

10 MR. BARENS: THE ONE I AM REFERRING TO IS --

11 THE COURT: THIS ONE OR HIS?

12 MR. BARENS: THE OTHERS ARE NOT CLAYTON, YOUR HONOR.
13 WE HAVE AN ACCOUNT AT CANTOR-FITZGERALD THAT THE GENTLEMAN
14 WAS INVOLVED WITH. THIS IS THE ONLY CLAYTON ACCOUNT THAT
15 I AM DEALING WITH AT THIS TIME.

16 THE COURT: YES.

17 Q BY MR. BARENS: YOU NEVER DID ANYTHING TO VERIFY
18 THE DEPOSITS OF MR. LEVIN OR THE ACCOUNT ACTIVITIES THERE,
19 SIR?

20 A NO.

21 Q ALL RIGHT. DID YOU EVER TELL ANYBODY THAT HUNT
22 HAD PROMISED TO GIVE YOU \$300,000 FROM THE CLAYTON ACTIVITY
23 WHEN LEVIN'S MONEY WAS CASHED IN?

24 A WELL, MY BROTHER AND I DISCUSSED IT.

25 Q YOU TOLD YOUR BROTHER THAT HUNT HAD TOLD YOU
26 THIS ABOUT COVERING YOUR LOSS?

27 A YES.

28 Q DID YOU TELL HIM THAT YOU THOUGHT HUNT WAS A

1 GOOD GUY BECAUSE HE WAS GOING TO DO THAT?

2 A YES.

3 Q AND DID YOUR BROTHER THINK HE WAS A GOOD GUY
4 BECAUSE HE WAS GOING TO DO THAT?

5 A YES.

6 Q AND WHEN WAS THAT IN POINT OF TIME, SIR?

7 A LATE AUGUST.

8 Q 1983?

9 A OF 1983.

10 Q NOW, TIME WENT BY. YOU NEVER SAW THE COMING
11 TO FRUITION OF THE \$300,000 PROFIT. DID YOU EVER ASK MR.
12 HUNT ABOUT WHERE IS MY \$300,000?

13 A I NEVER DID IN TERMS OF "WHERE IS MY \$300,000?"
14 I ASKED HIM WHAT WAS GOING ON WITH RON LEVIN.

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1 Q AND HE SAID?

2 A AND HE SAID HE IS WORKING ON IT. NOT TO WORRY.

3 Q AND HE SAID NOT TO WORRY, AND YOU DIDN'T WORRY,
4 DID YOU?

5 A NO, I DIDN'T.

6 Q AND HE WAS REASSURING AGAIN?

7 A UH-HUH.

8 MR. WAPNER: IS THAT YES?

9 THE WITNESS: YES.

10 Q BY MR. BARENS: AND HOW MUCH LATER THAN AUGUST
11 OF '83 DID YOU FIRST HEAR ABOUT A SHOPPING CENTER IN THIS
12 CONTEXT, SIR?

13 A HOW MUCH LATER?

14 Q YES, SIR.

15 A THE EXACT DATE, IT WAS ABOUT A MONTH, A LITTLE
16 OVER A MONTH AFTER, AFTER THE AUGUST INCIDENT.

17 Q IN SEPTEMBER OF 1983?

18 A YES, SEPTEMBER.

19 Q DO YOU KNOW WHETHER YOU WERE THE FIRST ONE TO
20 HEAR ABOUT THE SHOPPING CENTER DEAL OR DID SOMEBODY HEAR ABOUT
21 IT BEFORE YOU DID?

22 A I DON'T REMEMBER.

23 Q OKAY, BY THE WAY, FROM THE LEVIN MONEY THAT WAS
24 GOING TO BE REALIZED FROM THE CLAYTON TRADES, YOU WEREN'T
25 THE ONLY GUY ASSOCIATED WITH BBC THAT WAS GOING TO RECEIVE
26 SOMETHING FROM THAT, WERE YOU?

27 A NO.

28 Q WHO ELSE WAS GOING TO BENEFIT FROM THE MONEYS

3A-2
1 TO BE REALIZED FROM THE CLAYTON BROKERAGE HOUSE?

2 A PROBABLY EVERYBODY WHO WAS INVOLVED IN THE BBC.

3 Q RIGHT.

4 SO EVERYBODY AT THE BBC COUNTED ON RECEIVING SOME
5 MONEY OUT OF THAT LEVIN ACCOUNT AT CLAYTON; IS THAT TRUE,
6 SIR?

7 A I DON'T KNOW IF YOU COULD SAY THAT THEY COUNTED
8 ON IT.

9 Q WELL, WAS EVERYONE EXPECTING TO RECEIVE SOME MONEY
10 OUT OF THAT?

11 A WELL, JOE WAS EXPECTING.

12 MR. WAPNER: OBJECTION. CALLS FOR SPECULATION ON THE
13 PART OF THIS WITNESS.

14 THE COURT: WE ARE TALKING ABOUT YOU ONLY. WERE YOU
15 EXPECTING IT?

16 THE WITNESS: I THOUGHT IT MIGHT COME TRUE, YES.

17 Q BY MR. BARENS: DO YOU KNOW IF ANYONE ELSE, TO
18 YOUR KNOWLEDGE, SIR, THOUGHT THEY WERE GOING TO GET MONEY
19 OUT OF THAT?

20 MR. WAPNER: OBJECTION. AGAIN --

21 MR. BARENS: I SAID, "TO HIS KNOWLEDGE."

22 MR. WAPNER: HE IS ASKING THIS WITNESS TO SPECULATE
23 WHAT WAS IN SOMEBODY ELSE'S MIND.

24 MR. BARENS: I DIDN'T ASK HIM TO SPECULATE. I ASKED
25 HIM IF HE KNEW.

26 THE COURT: LET HIM ANSWER THE QUESTION.

27 THE WITNESS: JOE HUNT.

28 Q BY MR. BARENS: NO.

1 I AM ASKING, SIR, TO YOUR KNOWLEDGE, DO YOU KNOW
2 IF ANYBODY ELSE AT THE BBC GROUP OF PEOPLE EXPECTED TO
3 RECEIVE MONEYS FROM THE CLAYTON ACCOUNT WHEN THE MONEYS WERE
4 REALIZED?

5 A YES.

6 Q WHO ELSE WAS IT?

7 A BEN DOSTI, DEAN KARNY. EVERYBODY -- JUST
8 EVERYBODY THAT WAS INVOLVED, LIKE I SAID.

9 Q SO EVERYONE WAS EXPECTING MONEY, SIR?

10 A YES.

11 Q NOW, IN SEPTEMBER YOU HEARD ABOUT A SHOPPING
12 CENTER --

13 PRIOR TO YOUR HEARING ABOUT THE SHOPPING CENTER,
14 HAD YOU HEARD ANYBODY ASK MR. HUNT "WHAT IS GOING ON WITH
15 THE MONEY WE ARE SUPPOSED TO GET FROM THE LEVIN PROCEEDS AT
16 CLAYTON?"

17 A HAD I HEARD ANYBODY ASK ABOUT IT?

18 Q YES.

19 A NOT THAT I REMEMBER.

20 Q HAD ANYONE TOLD YOU THAT THEY HAD DISCUSSED IT
21 WITH MR. HUNT, AS FAR AS WHAT WAS HAPPENING ON GETTING THE
22 MONEY OUT OF CLAYTON?

23 A YES.

24 Q WHO TOLD YOU THAT?

25 A DEAN AND BEN.

26 Q WHAT DID THEY TELL YOU?

27 A THEY TOLD ME THAT LEVIN HAD INVESTED THAT MONEY
28 INTO A SHOPPING CENTER.

A-4
1 Q ALL RIGHT. SO YOU FIRST HEARD THE SHOPPING
2 CENTER STORY FROM DEAN AND BEN BEFORE YOU HEARD IT FROM
3 MR. HUNT?

4 A YES.

5 Q OKAY. AND WHAT DID THEY TELL YOU?

6 A THEY TOLD ME THAT THE MONEY HAD BEEN INVESTED
7 INTO A SHOPPING CENTER AND THAT IT WAS WORTH MUCH MORE THAN
8 THE ORIGINAL PROFIT DISTRIBUTION THAT HUNT WAS GOING TO GET
9 WAS WORTH.

10 Q AND DID YOU EVER GO AND TALK TO MR. HUNT ABOUT
11 THAT?

12 A I ASKED HIM ABOUT IT, SURE.
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1 Q AND DID HE PRETTY WELL CONFIRM TO YOU OR
2 CORROBORATE WHAT DEAN AND BEN HAD TOLD YOU?

3 A YES.

4 Q NOW, WAS THERE EVER ANY, TO YOUR KNOWLEDGE,
5 ACTIVITY UNDERTAKEN BY THE FELLOWS AT THE BBC TO TRY TO
6 DOCUMENT OR PROVE THE EXISTENCE OF A SHOPPING CENTER?

7 A THERE WAS TALK OF IT.

8 Q WHO TALKED ABOUT IT?

9 A JOE AND BEN AND DEAN.

10 Q WHAT DID JOE HUNT SAY ABOUT PROVING THE EXISTENCE
11 OF THE SHOPPING CENTER?

12 A THERE WAS SUPPOSEDLY SOME ATTORNEY WHO HAD FILES
13 OF ALL OF THE TRANSACTIONS WITH THE SHOPPING CENTER AND HE
14 WANTED TO GET ACCESS TO THOSE FILES.

15 Q HUNT WANTED TO GET ACCESS TO THEM?

16 A HUNT WANTED TO GET ACCESS TO THEM.

17 Q WHAT DID HE TELL YOU HE WAS GOING TO DO TO GET
18 ACCESS TO THEM?

19 A HE SAID HE WAS GOING TO TALK TO LEVIN ABOUT IT.

20 Q WHO WAS THE LAWYER, BY CHANCE?

21 A I HAVE NO IDEA.

22 Q WAS THE LAWYER PERHAPS A FELLOW NAMED WEATHERBY?

23 A I HAVE NO IDEA.

24 Q YOU DON'T RECALL?

25 A I DON'T RECALL.

26 Q NOW, THIS ACTIVITY ABOUT TRYING TO FIND SOME
27 PROOF ON THE EXISTENCE OF THE SHOPPING CENTER TOOK PLACE WHEN?

28 A IN SEPTEMBER.

1 Q OF 1983?

2 HOW LONG DID THAT GO ON FOR?

3 A IT WENT ON FOR QUITE A WHILE.

4 Q MONTHS?

5 A YEAH.

6 Q AND DID PEOPLE AT THE BBC ALL HAVE SOME CONCERN
7 ABOUT VERIFYING THE EXISTENCE OF THIS SHOPPING CENTER?

8 A JOE, BEN AND DEAN DID.

9 Q HOW ABOUT ANYBODY ELSE?

10 A THE REST OF US WERE BUSY DOING OTHER THINGS.

11 Q HAD YOU MET RON LEVIN BY THEN?

12 A I MET HIM ONCE OR TWICE, YES.

13 Q ONCE OR TWICE?

14 WHEN DID YOU MEET HIM?

15 A ONE TIME I WENT OVER TO HIS HOUSE WITH JOE AND
16 I THINK MY BROTHER.

17 Q WHEN WAS THAT?

18 A LET'S SEE, I CAN'T REMEMBER THE EXACT DATE.

19 Q YOU DON'T RECALL WHEN YOU WERE OVER AT LEVIN'S
20 PLACE WITH JOE AND YOUR BROTHER?

21 A NO, I DON'T RECALL THE EXACT DATE.

22 Q IT WAS BEFORE THIS SHOPPING CENTER STORY, WASN'T
23 IT?

24 A LIKE I SAID, I CAN'T REMEMBER.

25 Q AND YOU HAD BEEN OVER THERE ON OTHER OCCASIONS?

26 A I THINK IN MY ENTIRE LIFE, I HAVE ONLY BEEN TO
27 HIS PLACE A COUPLE OF TIMES.

28 Q YOU HAD SEEN HIM MORE THAN A COUPLE OF TIMES IN

1 YOUR ENTIRE LIFE, HAVEN'T YOU?

2 A THREE OR FOUR, I THINK.

3 Q THREE OR FOUR?

4 A I WENT TO LUNCH WITH HIM ONCE.

5 Q YOU WENT TO LUNCH WITH HIM ONCE?

6 A (WITNESS NODS HEAD UP AND DOWN.)

7 Q OKAY. WAS JOE THERE WHEN YOU WENT TO LUNCH WITH
8 HIM?

9 A YES.

10 Q AND WHO ELSE WAS THERE WHEN YOU WENT TO LUNCH
11 WITH HIM?

12 A BEN AND DEAN.

13 Q OKAY. A TIME CAME WHEN YOU HEARD THERE WAS NO
14 SHOPPING CENTER?

15 A YES.

16 Q AND WHEN WAS THAT?

17 A APRIL-MAY, 1984.

18 Q IN APRIL AND MAY OF 1984, HOW DID YOU FEEL WHEN
19 YOU HEARD THAT?

20 THE COURT: OVERJOYED.

21 THE WITNESS: WAS I OVERJOYED?

22 (LAUGHTER IN COURTROOM.)

23 THE COURT: THAT IS AN OBVIOUS ANSWER. HE FELT TERRIBLE.

24 LET'S GET ON TO THE NEXT QUESTION, WILL YOU,
25 PLEASE?

26 MR. BARENS: I NONETHELESS THANK YOUR HONOR FOR THE
27 HELP ON THAT.

28 Q YOU WERE UNHAPPY WHEN YOU HEARD THAT, WERE YOU

3A-8
1 NOT, SIR?

2 A SURE. I FELT JOE HAD GOTTEN CONNED.

3 Q YOU FELT JOE HAD GOTTEN CONNED?

4 HOW DID YOU FEEL TOWARDS MR. HUNT AS A RESULT
5 OF THE FACT THAT JOE HAD GOTTEN CONNED?

6 A HOW DID I FEEL TOWARDS HIM?

7 Q YES, HOW DID YOU FEEL PERSONALLY TOWARD MR. HUNT?

8 A I DON'T REALLY RECALL MY STATE OF MIND AT THAT
9 TIME.

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1 Q WELL, MR. HUNT HAD LOST YOUR MONEY IN THE
2 COMMODITIES ACCOUNT AND TOLD YOU THAT YOU WERE GOING TO GET
3 THE \$300,000 OUT OF THE LEVIN MONEY, WHICH YOU DIDN'T GET.

4 THEN THE \$300,000 BECAME PART OF THE SHOPPING
5 CENTER WHICH YOU FEEL HE GETS CONNED ON THAT DEAL.

6 HOW DID YOU FEEL ABOUT HIM AS A BUSINESSMAN AT
7 THAT PARTICULAR TIME?

8 A I DIDN'T THINK HE WAS A VERY SMART BUSINESSMAN.

9 Q ALL RIGHT. YOU HAD LOST CONFIDENCE IN HIM AS
10 A BUSINESSMAN AT THAT TIME, SIR?

11 A AS A BUSINESSMAN OR A COMMODITY TRADER.

12 Q WELL, WE WEREN'T IN COMMODITIES AT THIS POINT,
13 WE ARE IN A SHOPPING CENTER?

14 A YES. BUT HE WAS STILL TRADING COMMODITIES AT
15 THAT POINT. THAT WAS THE ONLY THING HE EVER DID.

16 Q IN MAY OF 1984, HE WAS STILL TRADING COMMODITIES?

17 A SURE.

18 Q I SEE. AND HE WAS TRADING COMMODITIES UP THERE
19 AT THE OFFICE IN MAY OF 1984?

20 A SURE.

21 Q THAT IS WHY YOU GAVE HIM \$10,000 IN MAY OF 1984
22 TO INVEST FOR YOU?

23 A YES.

24 Q ALL RIGHT. NOW, HOW DID YOU FEEL ABOUT HIM AS
25 A BUSINESSMAN AT THAT POINT? I DON'T BELIEVE YOU HAVE
26 ANSWERED ME, SIR.

27 A WELL, I STILL THOUGHT THAT HE WAS A REAL SHARP
28 GUY AS A BUSINESSMAN. I SUPPOSE THAT I STILL THOUGHT HE

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1 WAS A GOOD BUSINESSMAN.

2 Q WHAT EVIDENCE DID YOU HAVE THAT HE WAS STILL
3 A GOOD BUSINESSMAN?

4 A TO BE ABLE TO PUT TOGETHER WESTCARS AND KEEP
5 THAT GOING. HE WAS ABLE TO STILL KEEP HIS COMMODITIES
6 BUSINESS GOING. HE SEEMED TO BE ABLE TO ORGANIZE THINGS
7 VERY WELL AND MOTIVATE PEOPLE. HE WAS A VERY SHARP FELLOW.

8 Q HE SEEMED LIKE HE WAS USING HIS BEST EFFORTS
9 TO KEEP THINGS AFLOAT AND MOVING FORWARD, TO YOU?

10 A YES.

11 Q THAT WAS IN MAY OF 1984?

12 A YES.

13 Q NOW, HE TOLD ALL THOSE FELLOWS THERE AT THE BBC,
14 THAT THEY WERE GOING TO PARTICIPATE IN THE SHOPPING CENTER?

15 A YES.

16 Q AND WAS THAT KIND OF SIMILAR TO EVERYBODY GETTING
17 SOME MONEY THAT HAD BEEN REALIZED FROM THE CLAYTON BROKERAGE
18 ACCOUNT FROM LEVIN?

19 A YES.

20 Q SO IT WAS KIND OF A SIMILAR THING, EXCEPT INSTEAD
21 OF ALL OF THE GUYS EXPECTING TO GET MONEY FROM THIS COMMODITIES
22 ACCOUNT, ALL YOU ARE GOING TO GET PERCENTAGES IN A SHOPPING
23 CENTER?

24 A YES.

25 Q IT SEEMED TO BE A PARALLEL TYPE REPRESENTATION?

26 A YES.

27 Q AT THAT POINT, YOU KNOW THIS MONEY FROM THE
28 SHOPPING CENTER AS FAR AS YOU KNOW -- DID HUNT HAVE SOME

1 LEGAL OBLIGATION TO USE THE MONEY FROM THE SHOPPING CENTER
2 TO YOU?

3 A AS FAR AS I KNEW, NO.

4 Q HOW ABOUT TO ANYBODY ELSE UP THERE? DID YOU
5 KNOW?

6 A NO. IT WAS HIS PHILOSOPHY TO DO THAT.

7 Q AND THAT PHILOSOPHY WAS THAT SINCE ALL OF YOU
8 GENTLEMEN HAD APPARENTLY HELPED WITH THE BUSINESS, THAT YOU
9 SHOULD ALL PARTICIPATE TO SOME DEGREE IN ITS SUCCESS?

10 A YES.

11 Q AND IT MADE HIM SEEM LIKE ONCE AGAIN, LIKE A
12 GOOD GUY?

13 A IT CERTAINLY DID.

14 Q SO, THESE DIALOGUES THAT HE HAS WITH YOU
15 GENTLEMEN ABOUT PARTICIPATING IN MONEY FROM LEVIN AND NOW
16 AGAIN FROM PARTICIPATING IN THE SHOPPING CENTER, AND HE ENDS
17 UP LOOKING LIKE A GOOD GUY?

18 A SURE.

19 Q OKAY. YOU MENTIONED EARLIER THAT YOU ACTUALLY
20 SAW HIM HANDING OUT MONEY TO PEOPLE FROM TIME TO TIME, WHICH
21 YOU SAID WAS BASED ON THEIR EFFORTS AND THAT HE WAS GIVING
22 THEM SOMETHING FOR THEIR EFFORTS?

23 A I DON'T THINK I EVER SAID THAT IT WAS BASED ON
24 THEIR EFFORTS. I SAID HE JUST HANDED OUT MONEY.

25 Q YOU DIDN'T KNOW WHY HE HANDED OUT THE MONEY TO
26 PEOPLE?

27 A USUALLY IT WAS REWARDS.

28 Q REWARDS FOR WHAT, SIR?

1 A FOR EFFORTS.

2 Q HE PASSED OUT MONEY TO PEOPLE AS REWARDS FOR
3 THEIR EFFORTS?

4 A YES. BUT I HAD NOT STATED THAT PREVIOUSLY.

5 Q I THANK YOU FOR STATING IT NOW. MY QUESTION IS,
6 WHEN THAT HAPPENED, DID THAT SEEM CORRUPT TO YOU AT THE TIME?
7 THE COURT: SINISTER?

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1 THE BARENS: SINISTER INDEED. THANK YOU, YOUR HONOR.
2 THANKING THE COURT.

3 Q DID IT APPEAR SINISTER, MR. MAY?

4 A NO. IT DIDN'T APPEAR SINISTER.

5 Q DID NOT? ALL RIGHT. YOU MENTIONED SOMETHING
6 ABOUT MR. HUNT AND OTHER PEOPLE APPEARED TO BUYING CLOTHES?

7 A YES.

8 Q A LOT OF CLOTHES?

9 A A LOT OF CLOTHES.

10 Q ANYTHING SEEM CORRUPT ABOUT THE FACT THAT THEY
11 WERE BUYING CLOTHES?

12 A NO AND CLOTHES AND THE OFFICE AND CARS AND
13 EVERYTHING.

14 Q NOTHING SEEMED --

15 A AT THE TIME, THAT SEEMED VERY LOGICAL FOR A
16 PERSON WHO IS MAKING SO MUCH MONEY IN COMMODITIES.

17 Q YOU MENTIONED EARLIER, THAT MR. KARNY PICKED
18 OUT MR. HUNT'S CLOTHES?

19 A YES.

20 Q WHY WAS THAT?

21 A I GUESS YOU WILL HAVE TO ASK MR. KARNY.

22 Q YOU NEVER GOT A SENSE OF WHAT THAT WAS ALL ABOUT
23 BETWEEN THEM?

24 MR. WAPNER: OBJECTION, ASSUMES A FACT NOT IN EVIDENCE.

25 THE COURT: I WILL LET HIM ANSWER.

26 MR. BARENS: THANK YOU.

27 THE WITNESS: FROM WHAT I UNDERSTOOD, JOE FELT DEAN
28 HAD A GOOD SENSE OF DRESSING PEOPLE, I GUESS.

1 Q BY MR. BARENS: AND THAT HE SEEMED TO HAVE SOME
2 CONFIDENCE THAT KARNY MIGHT HAVE BETTER TASTE OR JUDGMENT
3 IN THAT AREA THAN HE DID?

4 A YES.

5 Q NOW, YOU MENTIONED THAT YOU MET GRAHAM AT A
6 KARATE CLASS?

7 A YES.

8 Q WHO SEEMED TO BE PARTICIPATING IN THE KARATE
9 CLASS?

10 A JOE AND DEAN.

11 Q ANYBODY ELSE EVER GET INTO THE KARATE ACTIVITY?

12 A A LOT OF PEOPLE EVENTUALLY DID.

13 Q OKAY. NOTHING SINISTER I SUPPOSE ABOUT THOSE
14 KARATE LESSONS?

15 A I DIDN'T THINK SO AT THE TIME.

16 Q OKAY. NOW, AT THE TIME YOU DIDN'T THINK SO?

17 A NO.

18 Q IS THERE PRESENTLY SOMETHING SINISTER THAT EVERY-
19 BODY DID THAT WAS IN THE KARATE LESSONS?

20 A NO.

21 Q ALL RIGHT. YOU HAVE BEEN TOLD CERTAIN THINGS
22 ABOUT MR. GRAHAM AT THE TIME THAT YOU KNEW HIM. YOU WERE
23 TOLD THAT HE WAS A FOOTBALL PLAYER.

24 A YES.

25 Q DID HE EVER TELL YOU THAT?

26 A NO.

27 Q WHO TOLD YOU THAT?

28 A JOE DID.

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Q DID ANYBODY ELSE TELL YOU THAT?

A NO.

Q JOE SEEMED TO BELIEVE THAT?

A YES.

Q DID YOU EVER TALK FOOTBALL WITH HIM?

A NO.

5 ' 1 Q WHO TOLD YOU THAT HE WAS A SEVENTH DEGREE TAI
2 KWAN DO PERSON?

3 A JOE DID.

4 Q DID ANYBODY ELSE TELL YOU THAT?

5 A I SUPPOSE DEAN DID.

6 Q ANYBODY ELSE?

7 A NOT THAT I CAN REMEMBER.

8 Q GRAHAM EVER TELL YOU THAT?

9 A I NEVER ASKED HIM DIRECTLY BUT HE WAS A VERY GOOD
10 TEACHER, SO --

11 Q HE SEEMED TO KNOW SOMETHING ABOUT IT?

12 A HE SEEMED TO KNOW QUITE A BIT ABOUT IT, YEAH.

13 Q ABOUT THAT PARTICULAR ACTIVITY?

14 DID HUNT SEEM TO BELIEVE THAT ABOUT MR. GRAHAM?

15 A HE MADE CONVINCING ARGUMENTS TO ME.

16 Q THAT HE BELIEVED THAT GRAHAM WAS A SEVENTH DEGREE
17 PERSON?

18 A YES.

19 Q ALL RIGHT. NOW, YOU MENTIONED THAT HUNT HIRED
20 GRAHAM AS A BODYGUARD; IS THAT TRUE?

21 A WELL, HE BECAME A BBC MEMBER AND EVENTUALLY HUNG
22 AROUND JOE.

23 Q OH, I KNOW YOU SAID THAT.

24 YOU SAID THAT HUNT HIRED HIM AS A BODYGUARD.

25 A I BELIEVE SO, YES, I DID SAY THAT.

26 Q DID YOU SAY THAT?

27 A YES.

28 Q DID HE IN FACT HIRE HIM AS A BODYGUARD?

1 A WELL, HE WORKED ON SEVERAL DIFFERENT CAPACITIES
2 BUT I THINK GENERALLY, HE WAS KNOWN AS JOE'S BODYGUARD.

3 Q WELL, YOU TESTIFIED EARLIER TODAY THAT HE SPENT
4 MOST OF HIS TIME WORKING IN GARDENA; IS THAT WHAT YOU TOLD
5 US EARLIER?

6 A WHEN HE FIRST STARTED WORKING FOR JOE, HE WAS
7 SPENDING MOST OF THE TIME IN GARDENA.

8 Q WELL, HUNT'S BODY WAS UP HERE ON THIRD STREET,
9 WAS IT NOT?

10 A YES.

11 EVENTUALLY, HE SPENT MORE TIME AROUND HUNT'S BODY.

12 Q BUT INITIALLY, THE RELATIONSHIP IS THAT HE COMES
13 IN AND HE IS DOWN IN GARDENA?

14 A YES.

15 Q WELL, HE IS NOT A BODYGUARD THEN IN YOUR OPINION,
16 OR IS HE?

17 A NO.

18 HE WORKED FOR WESTCARS FIRST.

19 Q HOW LONG DID HE WORK FOR WESTCARS?

20 A I DON'T REMEMBER.

21 Q YOU HAD SOME RELATIONSHIP WITH WESTCARS, DID
22 YOU NOT?

23 A VERY LITTLE.

24 Q WHAT DID YOU DO AT WESTCARS?

25 A OCCASIONALLY SOLD A CAR.

26 Q DID YOU EVER DRIVE A CAR THAT WAS OWNED BY
27 WESTCARS?

28 A NO.

5-3 1 Q AND DID ANYBODY IN THE BBC DRIVE WESTCARS'
2 VEHICLES?

3 A YES.

4 Q WHO?

5 A JOE DID. BEN DID.

6 Q ANYONE ELSE?

7 A I AM SURE THERE WERE SEVERAL OTHER PEOPLE THAT
8 DID.

9 Q SEVERAL OTHER GENTLEMEN ASSOCIATED WITH THE BBC
10 IN FACT WERE DRIVING WESTCARS VEHICLES, WERE THEY NOT?

11 A BEFORE THEY WERE SOLD OR CONVERTED.

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1 Q AND HOW ABOUT CONVERTED? IN THIS INSTANCE,
2 CONVERTED MEANS THAT IT GOES THROUGH A PROCEDURE WHERE IT
3 HAS A SMOG DEVICE OF SOME TYPE OR WHATEVER IS LEGAL IN THE
4 AMERICAN MARKET?

5 A EPA/DOD.

6 Q THAT IS -- YOU AND I ARE BOTH SAYING THE SAME
7 THING?

8 A YES, THEY HAD TO CHANGE THE BUMPERS AND PUT ON
9 SMOG DEVICES AND DO OTHER THINGS.

10 MR. BARENS: JUST A MOMENT, YOUR HONOR.

11 (PAUSE IN PROCEEDINGS.)

12 Q BY MR. BARENS: AT A POINT IN TIME, IN ANY EVENT,
13 YOU THINK THAT GRAHAM IS HUNT'S BODYGUARD?

14 A I DOUBT THERE WAS ANYTHING FORMAL BUT I THINK
15 HE PROBABLY WAS.

16 Q THAT IS KIND OF AN ASSESSMENT YOU MAKE OF WHAT
17 WAS GOING ON?

18 A YEAH.

19 Q WELL, WHO WAS GRAHAM GUARDING HIS BODY FROM?

20 A I HAVE NO IDEA.

21 Q OKAY. THERE DIDN'T SEEM TO BE ANYBODY AFTER
22 HUNT'S BODY, DID THERE?

23 A I AM DYING TO SAY BROOKE BUT --

24 (LAUGHTER IN COURTROOM.)

25 Q THAT IS OKAY.

26 OTHER THAN BROOKE ROBERTS, NO ONE ELSE WE KNOW,
27 WAS THERE?

28 WELL, THERE MAY BE OTHERS PRESENT AFTER THE BODY.

5A-2

1 BUT ANYBODY AT THAT POINT IN TIME?

2 A NO, NOT THAT I KNEW OF.

3 Q ALL RIGHT. SO WE HAVE AN APPARENT BODYGUARD
4 WITHOUT A REASON, I GUESS AT THIS POINT IN TIME.

5 MR. WAPNER: OBJECTION AS ARGUMENTATIVE.

6 THE COURT: SUSTAINED.

7 LET'S GET ON, WILL YOU, PLEASE?

8 Q BY MR. BARENS: ALL RIGHT. NOW YOU MENTIONED
9 THAT YOU THOUGHT IT WAS UNUSUAL THAT YOU SAW MR. GRAHAM
10 ACCOMPANYING HUNT TO THE MOVIES?

11 A I DIDN'T SAY THAT WAS UNUSUAL.

12 I SAID IT HAPPENED A LOT.

13 Q WAS THERE ANYTHING UNUSUAL ABOUT THAT?

14 A WELL, PREVIOUSLY, HE HADN'T DONE ANYTHING WITH
15 JOE AND ALL OF A SUDDEN, THEY WERE BEST OF FRIENDS SO --

16 Q AND ISN'T IT A FACT THAT THE REASON YOU KNOW HE
17 WAS AT THE MOVIES WITH GRAHAM IS BECAUSE YOU WERE THERE, TOO?

18 A NOT ALL OF THE TIME.

19 Q SOME OF THE TIME?

20 A ONCE IN A WHILE, I WOULD GO TO THE MOVIES.

21 Q AND SO YOU ARE THERE AND GRAHAM IS THERE AND HUNT
22 IS THERE AND YOU ARE ALL AT THE MOVIES TOGETHER, IS THERE
23 ANYTHING UNUSUAL ABOUT THAT?

24 A NOT THAT I CAN THINK OF.

25 Q OKAY. AND YOU SAID THAT HUNT HAD OTHER SOCIAL
26 ACTIVITIES WITH GRAHAM?

27 A YES.

28 Q AND YOU WERE A PARTICIPANT IN THOSE SOCIAL

1 ACTIVITIES, WERE YOU NOT, MR.MAY?

2 A NOT ALL OF THEM.

3 Q NOT ALL OF THEM?

4 SOME OF THEM?

5 A THAT'S RIGHT.

6 Q WAS THERE ANYTHING UNUSUAL ABOUT ANY OF THEM?

7 A WELL, I WASN'T A PARTICIPANT IN THE MEETINGS THAT
8 WERE BEHIND CLOSED DOORS.

9 Q NO, I WILL GET TO THOSE IN A MOMENT, MR. MAY,
10 IF YOU WILL JUST GIVE ME TIME, WE WILL LET YOU GET THAT IN.

11 BUT WHEN YOU WENT TO SOCIAL ACTIVITIES THAT
12 MR. GRAHAM WAS PRESENT AT, WAS THERE ANYTHING UNUSUAL ABOUT
13 HIM BEING AT A SOCIAL ACTIVITY AS FAR AS YOU COULD TELL?

14 A NO.

15 Q OKAY, NOW YOU LATER SAID THIS MORNING THAT
16 GRAHAM SEEMED LIKE A NICE GUY TO YOU?

17 A YES.

18 Q WHAT MADE HIM SEEM LIKE A NICE GUY?

19 A HE WAS FRIENDLY.

20 Q FRIENDLY?

21 A YES.

22 Q DID HE SEEM ENERGETIC IN THE PERFORMANCE OF HIS
23 DUTIES?

24 A YES, HE DID.

25 Q DID HE SEEM LIKE HE WAS KIND OF A HUSTLER FOR
26 THE BBC AND ALL OF THAT?

27 A HE WOULD DO ANYTHING FOR JOE.

28 Q OKAY. HOW ABOUT THE BBC, DID HE SEEM TO BE

1 WORKING HARD FOR WESTCARS?

2 A I DON'T KNOW. I DIDN'T SEE HIM WORK FOR WESTCARS.

3 Q DID YOU EVER SEE HIM DO ANY WORK AT ALL?

4 A VERY LITTLE.

5 Q WHAT WAS HE DOING?

6 A MOSTLY RUNNING IN AND OUT OF THE OFFICES FOR JOE.

7 Q HOW DO YOU KNOW IT WAS FOR JOE?

8 A BECAUSE HE WOULD GO RIGHT INTO JOE'S OFFICE AND
9 RUN OUT OF JOE'S OFFICE.

10 Q YOU MOSTLY WERE IN THE OFFICE ON THIRD STREET,
11 WERE YOU NOT?

12 A YES.

13 Q AND SO YOU WOULDN'T BE IN A POSITION TO KNOW WHAT
14 GRAHAM WAS DOING DOWN IN GARDENA WHILE HE WAS WORKING THERE,
15 WOULD YOU, OR WOULDN'T YOU?

16 A NO, I WOULDN'T.

17 Q WHEN GRAHAM WAS -- WHEN HE WOULD RUN IN AND OUT
18 OF JOE'S OFFICE, DID HE ACTUALLY COME RUNNING IN AND RUNNING
19 OUT?

20 A BRISK WALK, I WOULD SAY WOULD MORE ACCURATELY
21 DESCRIBE IT.

22 Q HE WALKED ON OCCASION?

23 A YES.

24 IT WAS A VERY BUSY, YOU KNOW "I HAVE GOT TO GO.
25 I HAVE GOT TO GO DO SOMETHING. I HAVE GOT A FAVOR TO DO OR
26 I HAVE TO DO THIS AND DO THAT."

27 NEVER ENOUGH TIME TO SIT AROUND AND TALK.

28

1 Q EVERYBODY ELSE SEEMED TO HAVE TIME TO SIT AROUND
2 AND TALK, DIDN'T THEY?

3 A SURE.

4 Q EXCEPT GRAHAM?

5 A EXCEPT GRAHAM.

6 Q GRAHAM IS RUNNING? DID GRAHAM EVER APPEAR TO
7 DO ERRANDS?

8 A YES.

9 Q AND KIND OF A GO-FER AT TIMES FOR YOU GENTLEMEN?

10 A NOT FOR ME. BUT DEFINITELY FOR JOE.

11 Q OKAY. HE SEEMED TO BE RUNNING AROUND A LOT.
12 DID YOU EVER SEE HIM DO ANY FAVORS OR ACCOMMODATIONS FOR
13 ANYBODY ELSE BESIDES JOE?

14 A ONE TIME HE GOT LIMOUSINES ON A CHRISTMAS DAY
15 PARTY.

16 Q OKAY.

17 A HE DID THAT FOR -- I MEAN, I DIDN'T ASK HIM TO
18 DO IT.

19 Q OKAY. NOW, THAT GETS US TO A POINT WHERE YOU
20 TESTIFIED ABOUT A HUNTING ACTIVITY OR A SHOOTING ACTIVITY
21 THAT YOU HAD WITH MR. HUNT IN SOLEDAD CANYON.

22 A YES.

23 Q AND HOW DID YOU HAPPEN TO GO TO SOLEDAD CANYON?
24 DID YOU INVITE MR. HUNT OR DID HE INVITE YOU?

25 A HE INVITED ME.

26 Q AND HAD THERE EVER BEEN ANY PRIOR OCCASIONS ON
27 WHICH BOYS ASSOCIATED WITH THE BBC WENT SHOOTING?

28 A YES. I BELIEVE STEVE TAG WENT UP WITH THEM ONCE

1 AND OTHER PEOPLE HAD GONE A COUPLE OF TIMES.

2 THE COURT: TAGLIANETTI YOU ARE TALKING ABOUT?

3 THE WITNESS: TAGLIANETTI.

4 MR. BARENS: TAGLIANETTI.

5 THE COURT: YES. BUT THAT IS NOT THE WAY IT IS
6 PRONOUNCED.

7 MR. BARENS: I DON'T KNOW.

8 THE COURT: IT IS TAGLIANETTI. THE G IN ITALIAN, THE
9 G-L-I IS LIKE -- IT IS SILENT. IT IS LIKE THE Q IN --

10 MR. BARENS: YOU LEARN SOMETHING EVERY DAY.

11 Q WELL, STEVE HAD GONE AND WHO ELSE HAD GONE UP
12 AND SHOT GUNS WITH HIM?

13 A JIM HAD.

14 Q JIM HAD? ANYBODY ELSE?

15 A NOT THAT I REMEMBER.

16 Q DID ANYTHING SEEM PECULIAR TO YOU WHEN YOU HEARD
17 THAT THOSE BOYS HAD GONE TO SHOOT GUNS WITH HIM AND SHOT
18 GUNS WITH HIM?

19 A SEEMED LIKE SOME KIND OF A HUNTING RITUAL, I
20 THINK.

21 Q DID YOU FEEL WHEN YOU WENT TO SOLEDAD CANYON,
22 THAT YOU WERE GOING THROUGH A RITUAL, SIR?

23 A NOT A RITUAL. BUT IT WAS YOU KNOW, TAKING YOU
24 TO A PLACE THAT HE REALLY REVERED QUITE A BIT.

25 Q AND DID ANYTHING SEEM AMISS ABOUT THAT WITH YOU?
26 THERE ARE ALL KINDS OF WORDS FOR THIS?

27 A AMISS?

28 Q AMISS OR SINISTER?

1 A SINISTER? NO. IT SEEMED TO ME TO BE A PLACE
2 THAT HE THOUGHT A LOT ABOUT.

3 Q DID YOU KNOW AS A FACT -- YOU MENTIONED EARLIER
4 TODAY THAT HE HAD GROWN UP NEAR SOLEDAD CANYON?

5 MR. WAPNER: OBJECTION. I BELIEVE THAT MISTATES THE
6 EVIDENCE.

7 THE COURT: I WILL SUSTAIN IT.

8 Q BY MR. BARENS: DID YOU SAY SOMETHING LIKE THAT
9 THIS MORNING, SIR?

10 A YES.

11 THE COURT: THAT HE SAID THAT IS WHAT HE TOLD YOU?

12 THE WITNESS: YES.

13 THE COURT: HE SAID THAT HE HAD GROWN UP THERE.

14 MR. BARENS: I THOUGHT THAT IS WHAT I ASKED THE WITNESS.

15 THE COURT: NO. AT ANY RATE, LET'S NOT --

16 MR. BARENS: ALL RIGHT.

17 Q HAD YOU BEEN TOLD THAT HE SAID HE HAD GROWN UP
18 NEAR SOLEDAD CANYON?

19 A YES.

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1 Q AND IN ANY EVENT, YOU WENT UP THERE. DID YOU
2 TAKE A GUN OF YOUR OWN?

3 A NO.

4 Q WHERE DID YOU GET THE GUNS THAT YOU GENTLEMEN
5 TOOK?

6 A JOE HAD THEM.

7 Q HE HAD HOW MANY GUNS?

8 A THREE.

9 Q AND WHERE DID HE GET THE GUNS?

10 A I DON'T KNOW.

11 Q WERE THEY RIFLES?

12 A TWO RIFLES AND ONE SHOTGUN.

13 Q TWO RIFLES AND A SHOTGUN. BY THE WAY, DID YOU
14 EVER BORROW THAT SHOTGUN FROM HUNT?

15 A YES, I DID. I DIDN'T BORROW IT. MY BROTHER
16 BORROWED IT.

17 Q YOUR BROTHER BORROWED IT SOMEWHERE IN AUGUST
18 OF 1984?

19 A WHEN WE ALL WENT UP TO THE GRIND SITE, WE HAD
20 IT UP THERE.

21 Q ALL RIGHT. WHEN YOU WENT UP TO GO MOVE THE
22 STUFF TO BAKER, YOU KIND OF ENDED YOUR PREVIOUS DISCUSSION
23 OR PREVIOUS TESTIMONY ABOUT YOU HAD HUNT'S SHOTGUN WITH YOU,
24 YOU BORROWED IT?

25 A YEAH.

26 Q HUNT DIDN'T HESITATE TO LOAN YOU THAT SHOTGUN
27 AT THAT TIME, DID HE?

28 A NOT AT ALL. HE JUST SAID TO GO AHEAD GO UP THERE

1 AND SHOOT TIN CANS.

2 Q YOU GOT IT. OKAY.

3 THE COURT: SHOOT TIN CANS, YOU SAY?

4 THE WITNESS: YES.

5 Q BY MR. BARENS: HE SEEMED TO BE BIG ON SHOOTING
6 TIN CANS. ALL RIGHT.

7 IN ANY EVENT, YOU GO UP TO SOLEDAD CANYON. DID
8 YOU GO ON A WEEKDAY OR A WEEKEND?

9 A I THINK IT WAS A WEEKEND.

10 Q AND YOU WENT UP THERE IN HUNT'S JEEP?

11 A YES.

12 Q AND HAD YOU EVER BEEN IN THE JEEP BEFORE?

13 A I SUPPOSE THAT HE HAD PROBABLY GIVEN ME RIDES
14 IN THE JEEP BEFORE.

15 Q OKAY. AND YOU WENT UP THERE AND SHOT TIN CANS
16 FOR A WHILE. YOU SAID YOU PARKED ON A DIRT ROAD?

17 A YES.

18 Q AND YOU LEFT THE CAR ON THE DIRT ROAD AND YOU
19 WENT ABOUT -- YOU WENT DOWN TO A RIVERBED AND YOU WENT FROM
20 THE RIVERBED UP TO A WATERFALL?

21 A YES.

22 Q I WILL BET THAT YOU COULD FIND THAT AGAIN,
23 COULDN'T YOU?

24 A IF I FOUND THE PLACE WE STOPPED AT, I COULD
25 PROBABLY FIND IT.

26 Q HAVE YOU EVER TRIED TO FIND THAT LOCATION AGAIN?

27 A ONCE I TOOK DETECTIVE ZOELLER OUT TO THAT
28 LOCATION.

1 Q AND DID YOU LOOK AROUND FOR BODIES THERE, SIR?

2 A I DIDN'T LOOK FOR BODIES.

3 Q WELL, THE WHOLE REASON OF YOU WINDING UP IN
4 SOLEDAD CANYON WAS -- DIDN'T IT HAVE SOMETHING TO DO WITH
5 TRYING TO FIND A BODY UP THERE?

6 THE COURT: WILL YOU TELL US ABOUT THE CONVERSATION
7 THAT YOU HAD WHICH IS SIGNIFICANT WITH HIM?

8 MR. BARENS: WELL, I WILL GET TO THE CONVERSATION IN
9 A MINUTE. BUT, LET'S SEE IF THERE IS ANYTHING ELSE. THE
10 IMPLICATION WAS TO ME THAT YOU WERE UP IN SOLEDAD HIDING
11 BODIES OR FINDING BODIES.

12 Q CAN YOU TELL ME ANYTHING ABOUT THAT?

13 A WELL, HE SAID THAT YOU COULD HIDE ANYTHING UP
14 THERE. SO THAT CLICKED IN MY MIND.

15 Q ANYTHING? WHEN HE SAID ANYTHING, DID HE SAY
16 YOU COULD HIDE DEAD BODIES UP HERE? DID HE SAY THAT TO YOU?

17 A NO. HE DIDN'T SAY "DEAD BODIES".

18 Q OKAY. WHEN YOU WENT UP THERE WITH DETECTIVE
19 ZOELLER, DID YOU FIND ANY DEAD BODIES?

20 A NO. WE DIDN'T FIND ANY DEAD BODIES.

21 Q ALL RIGHT. NOW, HE TOLD YOU THAT HE COULD HIDE
22 ANYTHING UP THERE. WAS THERE EVER A DISCUSSION WITH HIM
23 DURING THAT PERIOD OF TIME, THAT WHEN HE HAD BEEN THERE ON
24 PREVIOUS OCCASIONS, HE HAD LEFT CERTAIN PROVISIONS FOR HIMSELF
25 THERE?

26 A NO. HE NEVER SAID THAT.

27 Q HE NEVER SAID THAT HE HAD LEFT ANY SORT OF --

28 THE COURT: YOU KEEP REPEATING EVERY TIME HE ANSWERS.

1 THEN YOU REPEAT EVERYTHING THAT HE JUST SAID. WE ARE
2 WASTING A LOT OF TIME WITH THESE QUESTIONS WHICH ARE
3 DUPLICATIVE.

4 MR. BARENS: IF I MAY REFRESH HIS RECOLLECTION --
5 THE COURT: NO, NO.

6 MR. BARENS: ABOUT GIVING HIM A SPECIFIC CONVERSATION
7 AND --

8 THE COURT: GO AHEAD.

9 MR. BARENS: THANK YOU.

10 Q MR. MAY, DID HE EVER TELL YOU THAT HE HAD ON
11 OCCASION, LEFT A FOOD LOCKER OF SORTS THERE, THAT HE KNEW
12 HOW TO LOCATE AFTER HE HAD BEEN SHOOTING?

13 A NOT THAT I REMEMBER.

14 THE COURT: DID YOU EVER FIND ANY FOOD LOCKERS THERE
15 AT THE TIME YOU WENT WITH HIM?

16 THE WITNESS: NO.

17 Q BY MR. BARENS: ALL RIGHT. NOW, DID OTHER PEOPLE
18 SEEM TO GO SHOOTING IN THAT AREA?

19 A YOU MEAN, WAS IT A PLACE PEOPLE WENT TO GO
20 SHOOT?

21 Q YES.

22 A YES.

23 Q AND FROM WHAT YOU COULD DETERMINE, WERE THERE
24 ANY TIN CANS OR DIFFERENT THINGS AROUND THERE THAT YOU COULD
25 SEE THAT SEEMED TO SUGGEST TO YOU THAT OTHER PEOPLE WERE
26 HAVING THE SAME SORT OF ACTIVITY YOU WERE THERE?

27 A YES.

28 Q THIS DIDN'T APPEAR TO BE SOME SECRET PLACE THAT

1 ONLY HUNT KNEW ABOUT, DID IT?

2 A THE WATERFALL SEEMED TO BE. BUT --

3 Q THE WATERFALL?

4 A YES.

5 Q THAT WAS SECRET?

6 A IT WAS A SPECIAL PLACE.

7 Q WELL, I AM NOT ASKING YOU ABOUT SPECIAL TO HIM.

8 I AM ASKING YOU IF THIS WATERFALL IS SECRET, LIKE NOBODY
9 COULD FIND IT BUT HIM?

10 A WELL, I DON'T KNOW IF ANYBODY COULD FIND IT BUT
11 HIM. BUT IT WAS A SPECIAL PLACE TO HIM.

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1 Q OKAY, IN ANY EVENT, DO YOU KNOW IF HE HAD TAKEN
2 THESE OTHER FELLOWS TO RELATIVELY THE SAME PLACE WHEN THEY
3 WENT SHOOTING WITH HIM?

4 A I DON'T KNOW.

5 Q DID YOU EVER DISCUSS WITH STEVE TAG WHERE HE HAD
6 GONE SHOOTING WITH HIM?

7 A YES, STEVE ACCOMPANIED ME AND LES WHEN WE DROVE
8 UP THERE.

9 Q RIGHT.

10 DID YOU EVER KIND OF WHEN YOU WERE GOING UP THERE,
11 I GUESS YOU GENTLEMEN DIDN'T GO UP THERE TO SHOOT TIN CANS,
12 I SUPPOSE WHEN YOU WENT UP THERE, YOU TALKED A LOT ABOUT WAS
13 THIS THE SAME PLACE STEVE TAG HAD GONE SHOOTING WITH HUNT?

14 A YES.

15 Q WHAT DID HE SAY?

16 A HE SAID IT WAS RELATIVELY THE SAME PLACE.

17 Q OKAY. NOW DID ANYBODY ELSE GO UP THERE TO THAT
18 PLACE WITH HUNT?

19 A JIM GRAHAM HAD GONE UP THERE.

20 Q HOW DID YOU KNOW THAT?

21 A JOE SAID HE HAD TAKEN JIM UP THERE.

22 Q SURE, JOE TOLD YOU THAT JIM GRAHAM HAD BEEN TO
23 THE SAME PLACE YOU HAD BEEN TO?

24 A YES.

25 Q AND STEVE HAD BEEN TO THE SAME PLACE AND YOU HAD
26 BEEN TO THE SAME PLACE?

27 ANYBODY ELSE FROM THE BBC BEEN TO THE SAME PLACE
28 THAT YOU KNOW OF?

-2
1 A NOT THAT I KNOW OF.

2 Q ALL OF YOU GUYS HAD BEEN TO THE SAME PLACE PRIOR
3 TO 6-24-84; IS THAT CORRECT?

4 A YES.

5 Q AND HUNT, OBVIOUSLY, WAS AWARE ALL OF YOU HAD
6 BEEN TO THAT SAME PLACE BEFORE 6-24; IS THAT CORRECT?

7 A I WOULD THINK SO. HE WAS THERE.

8 Q OKAY. YOU ONLY MADE ONE TRIP WITH DETECTIVE
9 ZOELLER UP THERE?

10 A YES.

11 Q DID ANYBODY ELSE YOU KNOW GO UP THERE?

12 A NOT THAT I KNOW OF.

13 Q EXCEPT FOR STEVE?

14 A STEVE.

15 Q OKAY. WHEN YOU MENTIONED EARLIER THAT JOE HAD
16 LET PITTMAN DRIVE A CAR, WAS IT A WESTCARS?

17 A NO, I DON'T THINK SO.

18 Q WHOSE CAR WAS IT?

19 A IT WAS STEVE LOPEZ' -- IT WAS JOE HUNT'S CAR.

20 Q AND HE LET PITTMAN DRIVE HIS CAR?

21 A I THINK HE GAVE HIM THE CAR.

22 Q WELL, DID HE TRANSFER TITLE TO THE CAR?

23 A NOT THAT I KNOW OF. I DON'T KNOW.

24 Q SO AS FAR AS YOU KNOW, HE APPEARED TO JUST BE
25 DRIVING THE CAR?

26 A YEAH, I THINK --

27 AS A MATTER OF FACT, I RECALL JIM SAYING A COUPLE
28 OF TIMES THAT IT WAS HIS CAR NOW AND I RECALL JOE SAYING THAT

1 IT WAS HIS CAR.

2 Q SURE, BUT YOU DIDN'T EVER SEE ANYBODY PASS TITLE
3 TO THAT CAR, DID YOU?

4 A NO.

5 Q OKAY. NOW, YOU MADE A REFERENCE EARLIER WHEN
6 THE SHOPPING CENTER THING DIDN'T COME THROUGH, YOU SAID THAT
7 HUNT REALIZED LEVIN HAD CONNED HIM AND YOU USED THE
8 EXPRESSION, QUOTE "FINALLY ADMITTED THIS" CLOSE QUOTES. WHAT
9 DID YOU MEAN "FINALLY ADMITTED THIS."

10 A IT JUST SEEMED LIKE HE WAS CONVINCED THAT IT WAS
11 ALL REAL, THAT THE SHOPPING CENTER WAS REAL, THAT THE MONEY
12 WAS REAL, THAT EVERYTHING WAS REAL. AND IT SEEMED LIKE HE
13 FINALLY CAME TO GRIPS THAT IT MIGHT NOT BE.

14 Q YOU MEAN THAT HE FINALLY BECAME WILLING TO ADMIT
15 TO HIMSELF THAT HE HAD BEEN CONNED?

16 A THAT IS WHAT IT APPEARED TO BE.

17 Q HAD HE BEEN PRESSED ON THIS POINT BY ANY OF THE
18 BBC PEOPLE, TO YOUR KNOWLEDGE, PRIOR TO THE TIME HE FINALLY
19 ADMITTED THAT HE HAD BEEN CONNED?

20 A NO.

21 Q DID ANYBODY AT BBC EVER SAY TO HIM, "COULD BE LEVIN
22 IS CONNING YOU" OR WORDS TO THAT EFFECT?

23 A NOT THAT I RECALL.

24 Q NONE OF YOU --

25 WHAT DID ALL OF YOU FELLOWS THINK ABOUT PRIOR
26 TO APRIL OR MAY OF '84, WHAT DID YOU THINK ABOUT MR. LEVIN?

27 A I HAD READ A NEWSPAPER ARTICLE STATING THAT HE
28 WAS A CON MAN SO I DIDN'T THINK HE WAS THE MOST REPUTABLE

-4
1 GUY IN THE WORLD.

2 Q YOU DIDN'T?

3 A NO.

4 Q WHY NOT, OTHER THAN THE NEWSPAPER ARTICLE.

5 A THAT WAS MY FOUNDATION.

6 Q JUST THAT?

7 A JUST THAT.

8 Q WHAT ABOUT THE FACT THAT YOU HADN'T GOTTEN ANY
9 MONEY OUT OF THE BROKERAGE ACCOUNT ON THE COMMODITIES, YOU
10 DIDN'T THINK ANYTHING ABOUT HIM AS A RESULT OF THAT, DID YOU?

11 A JOE WAS HANDLING THAT ENTIRELY. HE WAS VERY CLOSE
12 TO RON.

13 Q WHAT DID THEIR RELATION, TO YOU, SEEM TO BE
14 DURING MAY OF 1984?

15 A WELL, THEY SEEMED VERY CLOSE. HE WOULD GO OVER
16 THERE A LOT, TALK WITH HIM.

17 AFTER HE FOUND OUT THAT THE SHOPPING CENTER WASN'T
18 REAL, HE SWORE UP AND DOWN HE WOULD STILL GET THE MONEY OUT
19 OF RON. HE SAID "NO MATTER" --

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1 Q WHEN --

2 THE COURT: LET HIM FINISH UP.

3 MR. BARENS: I AM SORRY.

4 THE WITNESS: NO MATTER WHAT IT TOOK, HE WOULD GET THIS
5 MONEY BECAUSE HE FELT THAT THAT MONEY STILL BELONGED TO HIM.

6 Q BY MR. BARENS: BELONGED TO HIM OR BELONGED TO
7 BBC PEOPLE?

8 A BELONGED TO HIM.

9 Q SO EVEN THOUGH HE SAID TO YOU THAT YOU GUYS WERE
10 ALL GOING TO GET THIS MONEY AT THE BBC, LATER ON HE WOULD
11 SAY "ALL OF THAT MONEY REALLY BELONGS TO ME."

12 A WELL, HE SAID HE EARNED IT.

13 Q WELL, YOU SAID HE SAID TO YOU THAT ALL OF THAT
14 MONEY BELONGS TO YOU.

15 A WELL, HE SAID HE EARNED IT AND HE WAS ENTITLED
16 TO IT.

17 Q BUT HAD HE NOT ALSO SAID THAT THE MONEY WAS GOING
18 TO GO TO ALL OF YOU BBC PEOPLE IN RELATIVE PROPORTIONS?

19 A THAT WAS MONTHS BEFORE, MONTHS BEFORE.

20 Q AND WHEN HE SAID "ALL THAT MONEY BELONGS TO ME,"
21 DID YOU SAY ANYTHING TO HIM, "WELL, WHAT ABOUT ME"?

22 A NO.

23 Q WHY NOT?

24 A I WAS WORKING ON THE CYCLATRON AND IF HE WAS GOING
25 TO GET MONEY OUT OF LEVIN, HE WAS GOING TO GET MONEY OUT OF
26 LEVIN.

27 Q IF HE GOT MONEY OUT OF LEVIN, WERE YOU GOING TO
28 PARTICIPATE IN THAT, DID YOU BELIEVE, SIR?

1 A I DON'T KNOW.

2 Q YOU DIDN'T KNOW?

3 A AT THAT TIME, I DIDN'T KNOW.

4 Q BUT IT NEVER OCCURRED TO YOU TO ASK HIM, "WHAT
5 IS GOING TO HAPPEN TO MY MONEY"? YOU ARE OUT EITHER EIGHTY
6 OR THREE HUNDRED OR SEVEN HUNDRED THOUSAND DOLLARS, A LOT,
7 AND YOU NEVER ASKED WHAT IS GOING TO HAPPEN TO MY MONEY?

8 A I ASSUMED THAT IF HE --

9 WELL, HE KEPT PROMISING THAT HE WAS GOING TO GET
10 THE MONEY OUT OF LEVIN.

11 Q AND GIVE IT TO ALL OF YOU PEOPLE?

12 A SO I ASSUMED HE WAS, YOU KNOW, GOING TO MAKE GOOD
13 HIS PREVIOUS --

14 THE COURT: GIVE ALL OF IT TO YOU?

15 THE WITNESS: NOT GIVE, NO.

16 HE WAS GOING TO KEEP A PRETTY GOOD CHUNK OF IT
17 FOR HIMSELF, I AM SURE.

18 THE COURT: COUNSEL'S QUESTION WAS, GIVE IT ALL TO YOU.

19 THE WITNESS: NO.

20 MR. BARENS: NO. I SAID GIVE IT TO ALL OF THE PEOPLE,
21 ACTUALLY, SIR.

22 THE COURT: GO AHEAD.

23 Q BY MR. BARENS: IN ANY EVENT, AS WE GO ALONG HERE,
24 HE SAYS TO YOU "I WILL DO ANYTHING", TELL ME THAT SENTENCE
25 AGAIN, WHAT DOES HE SAY ABOUT GETTING THE MONEY FROM LEVIN?

26 A "I WILL GET THE MONEY OUT OF LEVIN, NO MATTER
27 WHAT IT TAKES."

28 Q DID HE SAY THAT TO A BUNCH OF YOU GENTLEMEN?

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1 A HE SAID IT TO ME.

2 Q ANYBODY ELSE?

3 A HE SAID IT TO ME AND HIM -- WHEN WE WERE STANDING
4 IN THE ROOM AND THEN I THINK AT LEAST DOSTI AND KARNY MUST
5 HAVE OVERHEARD IT.

6 Q WHEN HE SAID THAT TO YOU, DID THAT SEEM SOMETHING
7 FEROCIOUS TO YOU, SOMETHING UNUSUAL TO HEAR SOMEBODY USE THE
8 EXPRESSION "I WILL GET IT NO MATTER WHAT IT TAKES"?

9 A IT DIDN'T OCCUR TO ME AT THE TIME. IT SEEMED
10 LIKE HE WAS JUST TENACIOUS ABOUT GETTING THE MONEY OUT OF
11 LEVIN.

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1 Q SO AT THAT PARTICULAR POINT IN TIME AT LEAST SIR,
2 THAT COMMENT SEEMED LIKE SOMETHING SOMEONE WOULD SAY UNDER
3 THOSE CIRCUMSTANCES? THAT IS, THAT WAS TENACIOUSLY ORIENTED?

4 A YES. YOU WANTED TO GET -- HE WAS GOING TO GET
5 CLOSER TO LEVIN. HE WAS GOING TO DO WHATEVER IT TOOK TO GET
6 THE MONEY OUT OF HIM.

7 Q OKAY. WHEN WAS THAT COMMENT MADE TO YOU, SIR?

8 A MAY.

9 Q MAY? AND AFTER THAT, HE KEPT SEEING LEVIN?

10 A YES.

11 Q NOW, YOU MENTIONED THAT TO YOUR KNOWLEDGE, THAT
12 LEVIN WAS NOT A WEALTHY CON MAN. IT WAS A STATEMENT THAT
13 YOU MADE EARLIER TODAY. YOU HAD SEEN --

14 A I SAID THAT I THOUGHT THAT LEVIN WAS NOT A
15 WEALTHY MAN.

16 Q IT WAS AN OPINION OF YOURS?

17 A IT WAS AN OPINION.

18 Q AFTER YOU HAD SEEN THE CLAYTON ACCOUNT THAT SHOWED
19 HE HAD \$14 MILLION --

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

21 THE COURT: SUSTAINED. YOU MEAN THE APOCRYPHAL
22 \$14 MILLION?

23 MR. BARENS: WHY DO YOU SAY APOCRYPHAL? I THINK THAT
24 IS WHAT COUNSEL SAID IN HIS OPENING AND --

25 THE COURT: WELL, IN ANY EVENT, ALL THAT WE HAVE NOW
26 IS A PAPER WITH SOME NUMBERS ON IT. UNTIL THERE IS OTHER
27 EVIDENCE --

28 MR. BARENS: WE DON'T HAVE ANY FACTS --

1 THE COURT: WELL, LET'S GET ON, WILL YOU PLEASE? YOU
2 ARE ASSUMING THERE IS \$14 MILLION. THAT IS WHY I OBJECTED
3 TO THE QUESTION. BECAUSE THERE IS NO SUCH PROOF HERE THAT
4 THERE WAS \$14 MILLION IN THE ACCOUNT.

5 MR. BARENS: WELL, THERE IS BY THE SAME TOKEN, NO
6 CONTRARY PROOF OF --

7 THE COURT: WELL THEN, COUNSEL WILL SHOW YOU WHAT IT
8 IS LATER ON. OR YOU WILL.

9 MR. BARENS: SOMEONE WILL, IN ANY EVENT.

10 Q WHAT I AM ASKING YOU SIR IS, ABOUT YOUR STATE
11 OF MIND. HAVE YOU SEEN PAPERS ON THE FACE OF WHICH, SHOWED
12 THAT LEVIN HAD AT THAT TIME, A PURPORTED \$14 MILLION
13 IN A CLAYTON BROKERAGE ACCOUNT? HAD YOU NOT, SIR?

14 A YES.

15 Q AND WAS YOUR STATE OF MIND THAT YOU BELIEVED THAT
16 HE DID AT THAT PARTICULAR TIME?

17 A I THOUGHT SO.

18 Q LATER, YOU CHANGED YOUR MIND?

19 A IT SEEMED LIKE HE WAS GIVING JOE THE RUNAROUND.

20 Q AND DO YOU KNOW WHY HE WAS GIVING HIM THE
21 RUNAROUND?

22 A NO IDEA.

23 Q OKAY. THAT RUNAROUND SEEMED TO CONTINUE INTO
24 MAY OF 1984?

25 A YES.

26 Q NOW, IN JUNE OF 1984, YOU TESTIFIED I BELIEVE
27 THAT ON THE 7TH OF JUNE, YOU SAW MR. HUNT IN POSSESSION OF
28 AN OPTION AGREEMENT AND A CHECK IN THE AMOUNT OF \$1.5 MILLION?

1 A YES.

2 Q AND THAT WAS AT ABOUT WHAT TIME OF THE DAY, SIR?

3 A IT WAS IN THE MORNING.

4 Q 8 A.M.?

5 A I AM NOT SURE OF THE EXACT TIME. BUT IT WAS IN
6 THE EARLY MORNING.

7 Q THIS MORNING, YOU SUGGESTED 8 A.M., MR. MAY. ARE
8 YOU NOW TELLING ME THAT IT WAS EARLIER OR LATER THAN THAT?
9 OR ARE YOU TELLING ME IT WAS 8 A.M.?

10 A AROUND 8 A.M.

11 Q WERE YOU UP WHEN HE GOT TO YOUR HOUSE?

12 A I DON'T REMEMBER. I WAS PROBABLY ASLEEP.

13 Q WHERE DID YOU LIVE AT THAT TIME, WITHOUT GIVING
14 ME THE STREET ADDRESS, SIR?

15 A IN BRENTWOOD.

16 Q AND IT WAS JUST A FEW MOMENTS AWAY FROM WHERE
17 MR. HUNT LIVED?

18 A YES. IT WAS VERY CLOSE.

19 Q WAS IT A WEEKDAY, SIR?

20 A YES IT WAS.

21 Q AND WHEN MR. HUNT APPEARED, WAS HE DRESSED LIKE
22 HE NORMALLY DRESSED FOR WORK?

23 A SUIT AND TIE.

24 Q YES, SIR.

25 A YES, SUIT AND TIE.

26 Q YES, SIR. AND WHEN HE CAME UP, YOU DESCRIBED
27 THAT HE WAS EXCITED?

28 A EXTREMELY EXCITED.

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Q HE SEEMED HAPPY?

A YES.

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1 Q AND WHEN YOU SAW THIS CHECK AND OPTION AGREEMENT,
2 DID YOU BECOME EXCITED AND HAPPY?

3 A HE WAS EXCITED AND HAPPY. I THINK I BECAME
4 EXCITED AND HAPPY, TOO.

5 Q WHY?

6 A BECAUSE HE HAD CLOSED WHAT LOOKED LIKE A BIG
7 DEAL.

8 Q WOULD THAT IN SOME MANNER, HAVE BENEFITED YOU,
9 MR. MAY?

10 A NO.

11 Q YOU WERE JUST HAPPY FOR MR. HUNT, I SUPPOSE?

12 A YES.

13 Q AND AT THAT PARTICULAR TIME, DO YOU KNOW WHY
14 HE WAS SHOWING YOU THIS DOCUMENTATION?

15 A TO SHOW ME THAT HE HAD CLOSED A BIG DEAL.

16 Q WAS HE DOING IT TO IMPRESS YOU, MR. MAY?

17 MR. WAPNER: OBJECTION, CALLING FOR SPECULATION AS
18 TO WHY HE --

19 Q BY MR. BARENS: WHAT DID YOU OBSERVE? WHAT WAS
20 YOUR STATE OF MIND? WAS HE SHOWING YOU THIS TO IMPRESS YOU?

21 A I DON'T KNOW.

22 Q WELL, DID IT APPEAR HE WAS TRYING TO IMPRESS
23 YOU, SHOWING YOU THIS CHECK IN WHICH YOU HAD NOTHING TO GAIN?

24 A YES. I THINK SO.

25 Q ALL RIGHT. AND WAS ANYBODY ELSE THERE AT YOUR
26 PLACE WHEN HE CAME OVER WITH THIS CHECK AND OPTION AGREEMENT?

27 A MY BROTHER WAS.

28 Q DID HE SHOW YOUR BROTHER?

1 A SURE.

2 Q AND DID YOUR BROTHER SEEM IMPRESSED BY THIS,
3 AS FAR AS YOU COULD OBSERVE?

4 A YES.

5 Q DID YOU FELLOWS AFTER HUNT LEFT, HAVE A DISCUSSION
6 ABOUT MR. HUNT?

7 A NOTHING IN PARTICULAR. WE FOUND IT HARD TO BELIEVE
8 THAT RON WOULD SIGN OVER A CHECK FOR 1.5 MILLION DOLLARS.

9 Q DID YOU FIND ANYTHING ELSE HARD TO BELIEVE?

10 A THAT WE HAD NOT HEARD ABOUT THIS DEAL BEFORE.
11 I MEAN, IT WAS MICROGENESIS AND WE WERE WORKING ON THE
12 MACHINES.

13 Q DIDN'T YOU TELL ME EARLIER THAT DURING MAY, HUNT
14 HAD BEEN DISCUSSING SOME DEALS HE HAD PENDING WITH LEVIN?

15 A YES.

16 Q AND IN ANY EVENT, YOU HAD NOT HEARD THIS DEAL
17 MENTIONED SPECIFICALLY, SIR?

18 A NOT THE DETAILS.

19 Q OKAY. DID YOU AND YOUR BROTHER SAY ANY
20 COMPLIMENTRY THINGS ABOUT MR. HUNT'S APPARENT ACHIEVEMENT
21 HERE?

22 A WELL, IF IT WAS REAL, IT WAS A WONDERFUL THING.

23 Q HUNT HAD FINALLY PULLED ONE OFF, HEY?

24 A LIKE I SAID, IT WAS A WONDERFUL THING IF HE HAD
25 DONE IT.

26 Q DID HUNT'S STATURE APPEAR TO HAVE BEEN ENHANCED
27 BY THIS, MR. MAY?

28 A I WOULD ASSUME SO, YES.

1 Q ALL RIGHT. NOW, AFTER THAT, YOU WENT TO LUNCH
2 AND -- SORRY. AFTER THAT, YOU WENT TO THE BBC OFFICES LATER
3 IN THE DAY OF 6/7/84?

4 A I THINK I DID.

5 Q DID THERE SEEM TO BE -- STRIKE THAT.
6 DID EVERYBODY ELSE AT THE BBC OFFICE SEEM TO
7 BE AWARE OF THE MATTER OF THE CHECK AND THE OPTION AGREEMENT?

8 A WELL, IF THEY WEREN'T THEY SOON BECAME AWARE
9 OF IT.

10 Q SURE. HUNT DIDN'T GO AROUND TRYING TO HIDE IT
11 FROM ANYBODY, DID HE?

12 A NO.

13 Q HE WAS TELLING EVERYBODY THAT WOULD LISTEN?

14 A HE WAS TELLING ALL THE BBC MEMBERS.

15 Q THERE WAS A GENERAL AIR OF EXCITEMENT AND
16 EXPECTANCY AT THE BBC AS A RESULT OF THIS NEWS?

17 A YES.
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1 Q AND DID HUNT'S STOCK -- IF YOU WILL EXCUSE THE
2 EXPRESSION -- SEEM TO BE ON THE RISE THAT DAY?

3 A STOCK ON THE RISE?

4 IF YOU MEAN WERE PEOPLE BELIEVING MORE IN JOE
5 HUNT?

6 Q YES.

7 A I WOULD ASSUME SO.

8 Q AND DID PEOPLE SEEM RATHER WELL DISPOSED TOWARD
9 HUNT AT THAT TIME?

10 A YES.

11 Q ALL RIGHT. NOW YOU MENTIONED EARLIER IN
12 DESCRIBING THIS DEMEANOR OF MR. HUNT THAT MORNING -- WELL,
13 STRIKE THAT.

14 YOU MENTIONED THIS MORNING IN TESTIMONY THAT
15 EVERYTHING SEEMED TO BE GOING REALLY WELL UP AT THE BBC UP
16 TO THIS MAY-APRIL, YOU KNOW, MARCH, APRIL, MAY, THAT
17 EVERYTHING SEEMED TO BE GOING ALONG, ET CETERA; DID YOU SAY
18 THAT THIS MORNING?

19 A YES.

20 Q THEN YOU SAID, BASED ON MR. HUNT'S DEMEANOR ON
21 THE MORNING OF THE 7TH, THAT ALL HIS PROBLEMS SEEMED TO BE
22 TAKEN CARE OF; DO YOU REMEMBER SAYING THAT THIS MORNING?

23 A YES.

24 Q WHAT PROBLEMS WERE YOU REFERRING TO, MR. MAY?

25 A WELL, NOTHING. THAT WAS A STATE OF MIND AT THAT
26 POINT. WHAT I WAS REFERRING TO WAS THE PROBLEMS THAT
27 HE PROBABLY HAD, WITHOUT MY KNOWLEDGE, UP TO THAT POINT.

28 Q OKAY. BUT YOU WEREN'T AWARE OF ANY PROBLEMS

1 EXISTENT, WERE YOU?

2 A NO.

3 Q SO THIS IS TESTIMONY YOU ARE GIVING BASED ON
4 REFLECTION THAT YOU ARE HAVING AS OF NOW?

5 A YES.

6 Q NOW, SEVERAL WEEKS LATER YOUR FIRST STATEMENT,
7 YOU USED THE EXPRESSION "SEVERAL WEEKS LATER HE SAID HE KILLED
8 LEVIN IN NEW YORK"; DID YOU SAY THAT THIS MORNING?

9 A I DID NOT SAY SEVERAL WEEKS LATER HE KILLED RON
10 LEVIN IN NEW YORK.

11 I SAID I WAS RIDING IN A CAR WITH HIM WHERE HE
12 TOLD ME THAT HE HAD KILLED RON LEVIN.

13 Q ACTUALLY NOT MEANING TO BE ARGUMENTATIVE WITH
14 YOU, SIR, BUT I BELIEVE THE FIRST TWO TIMES YOU SAID IT YOU
15 USED THE WORDS "SEVERAL WEEKS" AND LATER ON, YOU SAID TO US THAT
16 IT HAPPENED AT A DIFFERENT TIME FRAME, AND WHAT I WOULD LIKE
17 TO DO IS GET STRAIGHT WITH YOU ON THE TIME FRAME, MR. MAY --

18 AND I SUBMIT TO YOUR HONOR THAT THE RECORD WILL
19 SHOW WHAT I NOTE.

20 MR. WAPNER: CAN WE NOT HAVE AN ARGUMENT BUT JUST A
21 QUESTION?

22 THE COURT: YOU MISUNDERSTOOD IT.

23 MR. BARENS: I AM SORRY?

24 THE COURT: HE SAID "SEVERAL WEEKS AFTER THAT, HE TOLD
25 HIM ABOUT THEFACT THAT THERE HAD BEEN A KILLING IN NEW YORK."

26 THE WITNESS: YES.

27 MR. BARENS: YES, THAT IS THE EXPRESSION YOU USED, SIR.

28 THE COURT: IS THAT RIGHT?

1 THE WITNESS: YES.

2 Q BY MR. BARENS: NOW, AFTER THINKING ABOUT THAT,
3 DOES YOUR ESTIMATION AS TO WHEN THAT TOOK PLACE CHANGE?

4 A IT WAS A ROUGH ESTIMATION.

5 NO, IT DOESN'T.

6 Q OKAY, IT DOES NOT? ALL RIGHT.

7 HOW LONG AFTER 6-7 DID IT OCCUR?

8 THE COURT: WHAT OCCURRED?

9 MR. BARENS: THIS CONVERSATION ABOUT THE ALLEGED KILLING
10 IN NEW YORK CITY, YOUR HONOR.

11 THE WITNESS: AS I SAID, SEVERAL WEEKS.

12 Q BY MR. BARENS: WELL, WAS IT BEFORE 6-24?

13 A YES, IT WAS ABOUT A WEEK BEFORE 6-24.

14 Q ABOUT A WEEK BEFORE.

15 AND I BELIEVE HIS HONOR HELPED YOU DEFINE THAT
16 THAT WAS THE 17TH OF JUNE?

17 A YES.

18 Q OKAY, SO IT WAS ON THE 17TH OF JUNE THAT THAT
19 OCCURRED?

20 A I CAN'T SAY THAT THAT WAS THE SPECIFIC DATE.

21 I CAN SAY THAT IT WAS AROUND THAT TIME.

22 THE COURT: I THINK WE HAD BETTER TAKE OUR ADJOURNMENT
23 AT THIS TIME.

24 MR. BARENS: THANK YOU, YOUR HONOR.

25 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE WILL
26 TAKE OUR ADJOURNMENT AT THIS TIME AGAIN -- THE COURT IS STILL
27 IN SESSION --

28 THE CLERK: PLEASE SIT DOWN UNTIL THE COURT IS OVER.

1 THE COURT: WE WILL TAKE OUR ADJOURNMENT NOW UNTIL
2 TOMORROW MORNING AT 10:30.

3 YOU GO TO THE JURY ASSEMBLY ROOM OR WHEREVER AND
4 WHEN WE ARE READY HERE, WE WILL ASK YOU TO COME IN.

5 AND THE SAME ADMONITION I HAVE BEEN GIVING YOU
6 WOULD STILL APPLY AND GOOD NIGHT.

7 (THE FOLLOWING PROCEEDINGS WERE HELD
8 OUTSIDE THE PRESENCE OF THE JURY:)

9 THE COURT: YES?

10 MR. WAPNER: I JUST -- I THOUGHT I HAD SOMETHING
11 REGARDING SCHEDULING THAT HAD TO DO WITH THE POSSIBILITY OF
12 INTERRUPTING THE EXAMINATION OF THIS WITNESS TO PUT ON SOMEONE
13 ELSE, WHO I TOLD I WOULD ACCOMMODATE AT 10:30 BUT I HAVE
14 TALKED TO MR. BARENS AND OUT OF FAIRNESS TO HIM AND IN TERMS
15 OF NOT BREAKING UP THE CROSS-EXAMINATION, I WILL JUST HAVE
16 TO MAKE ARRANGEMENTS SOMEHOW WITH THE WITNESS TO --

17 THE COURT: WELL, IS IT SOMEBODY THAT IS GOING OUT OF
18 TOWN OR ANYTHING LIKE THAT?

19 MR. WAPNER: NO, NO. IT IS JUST A MEDICAL DOCTOR WHO
20 HAS INTERRUPTED HIS PRACTICE NOW, I THINK, FOR THE SECOND
21 TIME BECAUSE I THOUGHT ORIGINALLY I WAS GOING TO HAVE HIM
22 HERE YESTERDAY.

23 THE COURT: HOW LONG WILL HIS TESTIMONY TAKE?

24 MR. WAPNER: NOT VERY LONG BUT I WILL TALK WITH HIM
25 AND SEE WHAT ARRANGEMENTS I CAN MAKE.

26 THE COURT: IS THAT DR. CHOI, C-H-O-I?

27 MR. BARENS: NO, NO.

28 MR. WAPNER: NO, NO.

1 THIS IS DR. PASKAN, WHO IS ONE OF THE PEOPLE WHO
2 INVESTED IN THE COMMODITIES.

3 THE COURT: I SEE, WELL, THAT MIGHT TAKE SOME TIME.
4 YOU ASK THE DOCTOR TO COME BACK THEN.

5 MR. WAPNER: I WILL TALK TO HIM.

6 THE COURT: ALL RIGHT.

7 MR. BARENS: THANK YOU, YOUR HONOR.

8 (AT 4:33 P.M. AN ADJOURNMENT WAS TAKEN
9 UNTIL THURSDAY, FEBRUARY 26, 1987, AT
10 10:30 A.M.)

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