

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  
3580 WILSHIRE BOULEVARD  
ROOM 800  
LOS ANGELES, CALIFORNIA 90010

FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 61 OF 101  
(PAGES 9199 TO 9666, 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

THURSDAY, MARCH 5, 1987

VOLUME 61

PAGES 9499 TO 9666, INCL.

APPEARANCES:

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

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

AND

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

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

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1 SANTA MONICA, CALIFORNIA; THURSDAY, MARCH 5, 1987; 9:45 A.M.  
2 DEPARTMENT WEST G HON. LAURENCE J. RITTENBAND, JUDGE  
3 APPEARANCES:

4 THE DEFENDANT HUNT AND DEFENDANT PITTMAN WERE  
5 PRESENT REPRESENTED BY JEFF BRODEY, ESQ. STANDING  
6 IN FOR ARTHUR BARENS AND RICHARD CHIER;  
7 FREDERICK WAPNER, DEPUTY DISTRICT ATTORNEY OF  
8 LOS ANGELES COUNTY, REPRESENTING THE PEOPLE OF  
9 THE STATE OF CALIFORNIA.

10  
11 THE COURT: ALL RIGHT, PITTMAN.

12 MR. BRODEY: GOOD MORNING, YOUR HONOR. JEFF BRODEY,  
13 B-R-O-D-E-Y FOR MR. PITTMAN.

14 THE COURT: YOU HAVE TWO MOTIONS, MR. BRODEY?

15 MR. BRODEY: YES, SIR, I DO.

16 THE COURT: THESE TWO SAME MOTIONS ARE EXACTLY THE SAME  
17 MOTIONS THAT WERE HEARD BY ME IN CONNECTION WITH THE CASE  
18 WHICH WE PRESENTLY HAVE ON TRIAL IN THE HUNT CASE.

19 YOUR PAPERS ARE EXACTLY THE SAME EXCEPT IN ONE  
20 INSTANCE. I ASSUME YOU PREPARED THEM FIRST AND GAVE THEM  
21 TO THE OTHER SIDE; IS THAT RIGHT?

22 MR. BRODEY: IF WE ARE TALKING ABOUT SOME JURY SELECTION  
23 PAPERS, YOUR HONOR, THAT IS CORRECT.

24 AND I TOLD YOUR CLERK AND SHE HAS THOSE SEPARATED  
25 IN A FILE.

26 THESE TWO MOTIONS THAT ARE IN FRONT OF YOU, OF  
27 WHICH ONE IS A DISCOVERY MOTION TO DISCOVER ADDITIONAL REPORTS  
28 IN REGARD TO DEAN KARNY, AND I BELIEVE ANOTHER MOTION WAS

1 FILED BY MR. BARENS WHICH WAS SEPARATE THAN MINE.

2 AND THE OTHER MOTION I AM CALENDARING TODAY IS  
3 A MOTION TO DISMISS PURSUANT TO OUR RIGHT TO A SPEEDY TRIAL.

4 WE WERE HERE ON JANUARY 27 AND THE PEOPLE MOVED  
5 TO CONTINUE THE CASE OVER OUR OBJECTION, SO NOW I AM COMING  
6 BACK IN TODAY TO ASK YOU TO DISMISS THE CASE BECAUSE THE  
7 DELAY IS FAR -- IS FAR OVER THE 60-DAY LIMIT AND I HAVE  
8 SUBMITTED POINTS AND AUTHORITIES.

9 I REALLY CAN SUBMIT THE CASE BASED ON THAT.

10 THE COURT: HADN'T YOU BEEN HERE BEFORE WITH MR. PITTMAN  
11 AND HADN'T YOU STIPULATED BEFORE WE STARTED THE HUNT CASE  
12 THAT YOU WOULD WAIT YOUR TURN UNTIL AFTER WE HAD FINISHED  
13 THE HUNT CASE AND THEN YOU WOULD BE GOING TO TRIAL?

14 MR. BRODEY: I AM NOT SURE THAT "STIPULATION" IS THE  
15 RIGHT WORD, BUT I DID MAKE THAT STATEMENT TO THE COURT.

16 THE COURT: IT IS AN ORDER THAT I MADE PURSUANT TO YOUR  
17 STATEMENT, YOUR STIPULATION.

18 MR. BRODEY: AND SINCE THAT TIME, WHAT WE HAVE DONE  
19 IS RECONSIDERED AND WE ARE ASKING --

20 THE COURT: HOW CAN WE RECONSIDER IT AFTER WE HAVE  
21 STARTED THE TRIAL? AND IT IS IMPOSSIBLE TO TRY BOTH OF THEM  
22 AT THE SAME TIME.

23 MR. BRODEY: I BELIEVE UNDER THE CASES, YOUR HONOR,  
24 EVEN THOUGH --

25 THE COURT: IS IT POSSIBLE TO TRY TWO SEPARATE CASES  
26 AT THE SAME TIME?

27 MR. BRODEY: IN THIS COURTROOM IT ISN'T.

28 THE COURT: WELL, SUPPOSE I WERE TO SEND IT OUT, HOW

1 CAN HE GO THERE AND COME IN HERE, RUN OUT THERE AND COME BACK  
2 HERE AGAIN?

3 MR. BRODEY: WELL, I THINK THE ISSUE IS WHETHER OR NOT  
4 THIS CASE IS SUCH THAT THE DISTRICT ATTORNEY'S OFFICE CANNOT  
5 SUPPLY ANOTHER LAWYER TO TRY THE CASE. THAT IS THE ISSUE.

6 THE COURT: WELL, THAT IS NONSENSE. I WILL DENY THE  
7 MOTION.

8 MR. BRODEY: ALL RIGHT. THANK YOU, YOUR HONOR.

9 THE COURT: I NEVER HEARD OF ANYTHING LIKE THAT,  
10 EXPECTING TO HAVE THE DISTRICT ATTORNEY, WHO IS PREPARED IN  
11 BOTH CASES, TO RUN AFTER A WITNESS THERE, RUN BACK IN HERE  
12 AGAIN AND RUN TO ANOTHER COURT AND RUN BACK HERE AGAIN. THAT  
13 IS RIDICULOUS. THAT IS IDIOTIC, MORE THAN RIDICULOUS. I  
14 NEVER HEARD OF ANYTHING LIKE THAT, PARTICULARLY IN VIEW OF  
15 THE FACT THAT YOU STIPULATED THAT WE TRY THIS CASE FIRST AND  
16 YOU WOULD TRY YOUR CASE AT THE CONCLUSION OF THE HUNT CASE.

17 MR. WAPNER: YOUR HONOR, JUST FOR THE RECORD, I THINK  
18 THAT THAT LAST POINT IS IMPORTANT BECAUSE IN A SENSE, BY MAKING  
19 THAT STIPULATION, THAT PUT THE DISTRICT ATTORNEY'S OFFICE  
20 ON NOTICE THAT NO ONE ELSE NEED BE PREPARED TO TRY THE CASE  
21 BECAUSE IT WAS AGREED THAT ONCE MR. HUNT'S CASE WAS FINISHED,  
22 THAT MR. PITTMAN'S CASE WILL GO TO TRIAL.

23 IF THEY HAD SAID, WELL, WHEN THE DAY COMES, WHETHER  
24 HUNT IS IN TRIAL OR NOT, WE WANT TO GO TO TRIAL, THAT IS  
25 ANOTHER STORY AND PERHAPS WE COULD HAVE HAD SOMEONE GEAR UP  
26 FOR IT.

27 THE COURT: ALL RIGHT, THAT IS ONE MOTION.

28 WHAT IS YOUR OTHER MOTION?

MR. BRODEY: THE OTHER MOTION IS A DISCOVERY MOTION.

THE COURT: DISCOVERING WHAT?

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1 MR. BRODEY: WE WISH TO DISCOVER ANY SUPPLEMENTAL  
2 REPORTS INVOLVING ANY OFFENSES IN WHICH DEAN KARNY IS NAMED  
3 AS A SUSPECT.

4 THE COURT: WELL, THERE ISN'T ANY SUCH THING. I HAVE  
5 GONE THROUGH THAT.

6 I HAVE HAD A HEARING ON THAT. THERE IS NOT A  
7 POSSIBILITY OF ANYTHING LIKE THAT EVER HAPPENING.

8 MR. WAPNER: AS THE COURT KNOWS THERE IS AN AFFIDAVIT  
9 FILED WITH THIS COURT PURSUANT TO THE MOTION MADE BY MR.  
10 HUNT AND HIS COUNSEL REGARDING THAT SAME INCIDENT AND THAT  
11 AFFIDAVIT FROM THE DETECTIVE HANDLING THE CASE FOR THE LOS  
12 ANGELES POLICE DEPARTMENT STATES THAT MR. KARNY IS NOT A  
13 SUSPECT IN THE CASE.

14 THE ONLY THING THAT THE COURT DID NOT DO IN THAT  
15 INSTANCE, BECAUSE THE MOTION WAS WITHDRAWN, WAS TO HAVE AN  
16 IN CAMERA HEARING.

17 I DON'T KNOW IF THERE IS A REQUEST FOR THAT NOW  
18 OR NOT.

19 MR. BRODEY: I ASK THAT YOU HAVE AN IN CAMERA HEARING  
20 TO MAKE A DETERMINATION OF WHETHER OR NOT MR. KARNY WAS A  
21 SUSPECT IN ANY OTHER OFFENSES, YOUR HONOR.

22 THE COURT: SUPPOSING HE WAS?

23 MR. BRODEY: SORRY?

24 THE COURT: SUPPOSE HE WAS?

25 MR. BRODEY: IF HE WAS A SUSPECT AND FOR SOME REASON,  
26 HE IS NOT BEING PROSECUTED --

27 THE COURT: WELL, HOW CAN YOU USE THAT? IT IS ONLY  
28 IF HE IS ACTUALLY ACCUSED AND HE IS INDICTED OR THERE IS

1 A COMPLAINT AGAINST HIM AND HE IS CHARGED, THAT YOU MIGHT  
2 POSSIBLY BE ABLE TO USE IT IN CROSS-EXAMINATION, IF HE IS  
3 A WITNESS.

4 MR. BRODEY: WELL, HOW DO WE KNOW THERE IS NOT SOME  
5 SPECIAL CONSIDERATION BEING GIVEN TO HIM AND HE IS --

6 THE COURT: SUPPOSE THERE WAS?

7 MR. BRODEY: IF THERE WAS SOME SPECIAL CONSIDERATION  
8 GIVEN TO HIM AND HE IS NOT BEING PROSECUTED AS A RESULT OF  
9 THAT --

10 THE COURT: WELL, IT SAYS IN THE AFFIDAVIT THAT THERE  
11 WAS NOT ANY CONSIDERATION. THERE WAS NOT THE SLIGHTEST  
12 BREATH OF SUSPICION THAT HE HAD ANYTHING TO DO WITH IT.

13 MR. BRODEY: WELL, I DON'T KNOW --

14 THE COURT: WELL, TAKE A LOOK AT IT.

15 I WILL TAKE JUDICIAL NOTICE OF THE FACT THAT  
16 THERE WAS SUCH AN AFFIDAVIT. THAT MOTION WILL BE DENIED.

17 MR. BRODEY: THAT ONE, TOO?

18 THE COURT: YES.

19 MR. BRODEY: THANK YOU, YOUR HONOR.

20 (PAUSE.)

21 MR. WAPNER: THE TRIAL REMAINS SET IN APRIL?

22 MR. BRODEY: APRIL THE 3RD.

23 THE COURT: IS THAT THE TRIAL DATE?

24 MR. WAPNER: YES.

25 THE COURT: WE HAVE TO HANDLE THIS, ALSO. HAVE THEY  
26 JOINED IN THE MOTION?

27 MR. BRODEY: YOUR HONOR, FOR THE RECORD, LET ME ADD  
28 THIS. MR. BARENS AND MR. CHIER WISH TO JOIN IN THAT DISCOVERY

1 MOTION.

2 THE COURT: WE HAVE GOT NOTICE HERE THAT THEY WERE  
3 JOINED. THAT MOTION WOULD BE DENIED. WHEN THEY COME IN,  
4 I WILL TELL THEM THAT THE MOTION WAS DENIED IN THE SAME WAY.

5 MR. BRODEY: THANK YOU, YOUR HONOR.

6 MR. WAPNER: THANK YOU.

7 THE COURT: ALL RIGHT.

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1 SANTA MONICA, CALIFORNIA; THURSDAY, MARCH 5, 1987; 10:35 A.M.

2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE

3 (APPEARANCES AS NOTED ON TITLE PAGE.)

4

5 (THE FOLLOWING PROCEEDINGS WERE HELD IN

6 CHAMBERS WITH ALL COUNSEL BEING PRESENT.)

7 MR. BARENS: YOUR HONOR, COULD WE HAVE THE DEFENDANT

8 SIT OVER THERE DURING THE MOTION?

9 THE COURT: NO, WE DON'T HAVE TO HAVE HIM.

10 MR. BARENS: ALL RIGHT. COULD I ADVISE HIM?

11 THE COURT: SURE.

12 THE CLERK: MR. PHILLIPS IS WAITING OUT THERE TO BE  
13 INVITED IN, TOO.

14 THE COURT: ALL RIGHT. THE RECORD WILL INDICATE WE  
15 ARE PRESENTLY IN CHAMBERS.

16 THE PEOPLE HAVE MADE A MOTION THAT HASN'T BEEN  
17 FILED BECAUSE THEN IT WOULD BE A MATTER OF RECORD, TO  
18 PROHIBIT THE FILMING OR ELECTRONIC MEDIA COVERAGE, VOICE  
19 RECORDING OF DEAN KARNY. AND THE GROUNDS SET FORTH IN THE  
20 MOTION MIGHT JUSTIFY -- MIGHT JUSTIFY THE COURT MAKING A  
21 RULING TO THE EFFECT THAT SO FAR AS KARNY IS CONCERNED, THAT  
22 THERE BE NO MEDIA.

23 AND BY MEDIA, I MEAN ELECTRONIC COVERAGE OF  
24 HIM OR -- NO TAPE RECORDINGS EITHER, IS THAT THE IDEA?

25 MR. WAPNER: NOT ONLY NO TAPE RECORDINGS BUT NO ARTISTS'  
26 RENDERING OF HIM EITHER.

27 THE COURT: THE REASON FOR IT ARE THE INSTANCES YOU  
28 HAVE SET FORTH IN YOUR MOTION PAPERS THAT THERE ARE THREATS

1 AGAINST HIS LIFE OR POTENTIALLY THERE MAY BE SOMETHING  
2 HAPPENING TO HIM, IS THAT THE IDEA?

3 MR. WAPNER: ABSOLUTELY, THAT IS EXACTLY THE IDEA.  
4 I FIRMLY BELIEVE IF HIS VOICE AND FACE ARE BROADCAST ON  
5 TELEVISION, IF HIS PICTURES APPEAR IN THE NEWSPAPERS, THAT  
6 HIS LIFE IS SERIOUSLY IN DANGER.

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1 MR. BARENS: YOUR HONOR, THE DEFENSE HAS PROBLEMS WITH  
2 THE MOTION FOR THE FOLLOWING REASONS: NUMBER ONE, I BELIEVE  
3 THAT IT IS ALL ACADEMIC BECAUSE I UNDERSTAND FROM COUNSEL  
4 FOR THE MEDIA, THE MEDIA ALREADY HAS PHOTOGRAPHS OF HIM AND  
5 HAS HAD EXPOSURE TO HIM IN THE PAST.

6 WE WERE UP IN SAN MATEO COURT FOR THE PRELIMINARY  
7 HEARING UP THERE. THERE WAS NO CONSTRUCTION OF THAT NATURE.

8 THE OTHER CONCERN I HAVE IS, THE JURY WILL  
9 OBVIOUSLY SEE THAT SUDDENLY, WE HAVE A WITNESS TREATED  
10 DIFFERENTLY THAN ANY OTHER WITNESS IS TREATED. THERE ARE  
11 SEVERAL IMPLICATIONS THAT CAN BE DRAWN FROM THAT.

12 ONE IS, IS HE POSSIBLY MORE BELIEVABLE BECAUSE  
13 HE BECOMES AN "IMPORTANT WITNESS" THAT THEY SHOULD PERHAPS  
14 PAY MORE ATTENTION TO.

15 TWO, THE OBVIOUS IMPLICATION FROM THE ADDITIONAL  
16 SECURITY THAT MIGHT AFFECT OBVIOUSLY -- THESE JURORS ARE NOT  
17 DUMB PEOPLE. THEY ARE GOING TO THINK TO THEMSELVES, WHY IS  
18 THIS GUY'S TESTIMONY BEING TAKEN WITHOUT ANY RECORDING OR  
19 RECORD BEING MADE IN A MEDIA SENSE OR IN AN ELECTRONIC SENSE?

20 I DON'T THINK THAT IT WILL TAKE LONG FOR ONE OR  
21 TWO OF THEM TO START FIGURING OUT WELL, GEE, MAYBE HIS LIFE  
22 WAS IN DANGER AND THE ONLY GUY WHO IS ON TRIAL BEING THE  
23 DEFENDANT, THEY ARE GOING TO OBVIOUSLY IMPLY THAT HIS LIFE  
24 IS IN DANGER AS A RESULT OF SOMETHING THE DEFENDANT ALLEGEDLY  
25 SAID OR DID OR SOME THIRD PERSON ATTRIBUTED TO THE DEFENDANT,  
26 ET CETERA.

27 AGAIN, IT IS TO STRUCTURE AN ARTIFICIAL SETTING  
28 THAT WILL ONLY BE NEGATIVE IN TERMS OF THE DEFENDANT, WHOM

1 I SUBMIT, HAS ENOUGH TROUBLES IN THIS CASE.

2 I DON'T THINK THAT KARNY HAS ANY RIGHT TO ANY  
3 SPECIAL PROTECTION BY THIS COURT, BASED ON WHAT I CONSIDER  
4 TO BE TOTALLY SPECIOUS ALLEGATIONS AGAINST THIS DEFENDANT.

5 CERTAINLY YOUR HONOR, IT IS IMPOSSIBLE TO DISPROVE  
6 THOSE TYPES OF ALLEGATIONS. YOU KNOW, IT IS LIKE THAT OLD  
7 BUSINESS OF CALLING SOMEBODY A COMMUNIST. IT IS VERY DIFFICULT.

8 YOU HAVE A DEFENDANT ON TRIAL FOR MURDER. IS  
9 THE DEFENDANT GOING TO SAY, WELL, I WON'T KILL THE PRIMARY  
10 WITNESS AGAINST ME?

11 THE PROBLEM IS, THE RHETORIC INVOLVED AND THE  
12 DISCUSSION THAT THE D.A. MAKES IS GETTING BACK TO THE BEATING  
13 YOUR WIFE ROUTINE.

14 I DON'T THINK KARNY -- THERE IS NO EVIDENCE IN  
15 THE MOVING PAPERS THAT MR. HUNT HAS EVER TAKEN A SPECIFIC  
16 ACTION AGAINST KARNY, MADE A SPECIFIC REMARK AGAINST KARNY.

17 THERE IS A REFERENCE IN THERE THAT SOMEONE LOCATED  
18 KARNY. THE LOCATION WAS MADE, AS WE UNDERSTAND IT, DIRECTLY  
19 BY AN INVESTIGATOR WORKING FOR A LAWYER REPRESENTING REZA  
20 ESLAMINIA IN THE NORTHERN CALIFORNIA CASE, REZA BEING A  
21 DEFENDANT IN THE NORTHERN CALIFORNIA CASE.

22 AT NO TIME, HAS DEFENSE IN THIS CASE, EVER TRIED  
23 TO LOCATE MR. KARNY. WE HAVE SIMPLY OPERATED OFF HIS  
24 STATEMENTS AND POLICE REPORTS AND PRIOR TESTIMONY AT THE  
25 PITTMAN CASE AND PRIOR TESTIMONY IN THE SAN FRANCISCO CASE.

26 I HAVE -- I BELIEVE THAT COUNSEL UP THERE AT ONE  
27 TIME ARRANGED SOME KIND OF A MEETING WHERE KARNY WAS  
28 INTERVIEWED BY DEFENSE COUNSEL, ET CETERA, ET CETERA, FOR

1 WHATEVER END THAT WENT TO.

2 IT WAS ALL KIND OF CLOAK AND DAGGERISH AND THAT  
3 WAS THE ONLY TIME THAT I KNOW KARNY HAS EVER BEEN PRODUCED.

4 WE NEVER EVEN ASKED FOR THAT TYPE OF THING DOWN  
5 HERE. I DON'T SEE WHY KARNY SHOULD GET ANY MORE SPECIAL  
6 TREATMENT BY THIS COURT THAN HE HAS ALREADY GOTTEN BY THE  
7 GOVERNMENT TO DATE.

8 THE PROBLEM IS, TWO MORE COMMENTS THAT I WOULD HAVE  
9 IF YOUR HONOR GOES FOR THIS MOTION, I BELIEVE IT PICTURES  
10 THIS COURT AS AN ENDORSER OF KARNY AND HIS TESTIMONY, HIS  
11 TESTIMONY TO THE EFFECT THAT HIS LIFE IS ENDANGERED BY THE  
12 DEFENDANT. HIS TESTIMONY IS NOT TO YOUR HONOR, BUT TO --

13 THE COURT: NO. NO, THERE IS NO IMPLICATION BY THIS  
14 DEFENDANT. THE PEOPLE DON'T SAY IT IS BY THIS DEFENDANT.

15 HE SAYS HIS LIFE IS IN DANGER FROM OTHER SOURCES  
16 TOO. IS THAT TRUE?

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1 THE COURT: IS THAT TRUE?

2 MR. WAPNER: THAT IS IT, FROM THIS DEFENDANT AND FROM  
3 OTHER SOURCES.

4 ONCE HIS IDENTITY, HIS PICTURE AND HIS VOICE  
5 ARE BROADCAST, ANYBODY CAN HAVE ACCESS TO HIM.

6 THE COURT: WELL, ISN'T THERE SECURITY, IS IT TO THE  
7 POINT WHERE HE CAN'T EASILY BE FOUND?

8 MR. WAPNER: WELL, AS FAR AS THE PARTICULARS OF HIS  
9 SECURITY, I AM WILLING TO TALK TO THE COURT ABOUT THAT IN  
10 CAMERA. I WON'T TALK TO THE COURT --

11 THE COURT: OF COURSE NOT.

12 MR. WAPNER: -- I WON'T MENTION ANYTHING ABOUT THAT  
13 WITH COUNSEL HERE.

14 THE COURT: PARDON ME. THERE HAVE BEEN DAYS HERE WHERE  
15 WE HAVE HAD NO CAMERAS AT ALL IN THE COURTROOM. WHY SHOULDN'T  
16 THE JURY BE JUST AS SUSPICIOUS OF THAT?

17 MR. BARENS: YOUR HONOR, I THINK ON THE DAYS --

18 THE COURT: IF THERE IS NO CAMERA IN THE COURTROOM  
19 AT THE TIME HE TESTIFIES, THE JURY WON'T DRAW ANY INFERENCES  
20 THAT IT IS DIFFERENT FROM THE DAYS WE HAD NO CAMERA HERE.

21 MR. BARENS: YOUR HONOR. I MIGHT NOTE IT WAS MY  
22 OBSERVATION THAT THE DAYS CAMERAS WEREN'T HERE, WE WERE INTO  
23 A BIT OF WHAT I CALL FINANCIAL DATA TESTIMONY, THAT WE ALL  
24 HAD A BIT -- OR WHICH I HAD A BIT OF DIFFICULTY STAYING  
25 AROUSED FOR.

26 YOUR HONOR, I THINK THE ONLY THING WE HAVE TO  
27 CONSIDER IS HOW IS THIS WITNESS DIFFERENT FROM MR. DICKER  
28 OR MR. MAY. I THINK THOSE GENTLEMEN CERTAINLY, I WILL SUBMIT,

1 THAT YOUR HONOR KNOWS --

2 THE COURT: THE THOUGHT OCCURRED TO ME THAT THEY WEREN'T  
3 CONCERNED ABOUT THEIR EXPOSURE TO THE CAMERAS AND THEY WERE  
4 JUST AS SUBJECT IN THIS CASE, AS WELL AS THE CASE UP IN  
5 SAN FRANCISCO, AREN'T THEY? I MEAN THE CASE IN SAN MATEO,  
6 THEY ARE JUST AS MUCH INVOLVED UP THERE, TOO. WON'T THEY  
7 BE CALLED UP THERE ALSO?

8 MR. WAPNER: I DON'T KNOW WHETHER THEY WILL BE CALLED  
9 UP THERE.

10 THE COURT OBVIOUSLY KNOWS THE GENERAL NATURE  
11 OF THAT CASE AND I WOULD SAY MR. DICKER AND MR. RAYMOND AND  
12 MR. MAY ARE SOMEWHAT LESS INVOLVED.

13 THE COURT: DON'T YOU THINK IF THE POLICE AND YOUR  
14 PROTECTORS, WHOEVER IT IS WHO HAS CONTROL AND KNOW WHERE  
15 HE IS AND HOW TO KEEP HIM AWAY FROM ANYBODY, DON'T YOU THINK  
16 IF THEIR PROTECTION IS SUFFICIENTLY SECURE, THAT IT DOESN'T  
17 MAKE ANY DIFFERENCE WHETHER HIS FACE APPEARS ON TELEVISION  
18 OR OTHERWISE?

19 MR. WAPNER: ABSOLUTELY NOT. IF THE COURT WILL GIVE  
20 ME THE OPPORTUNITY TO DISCUSS WITH THE COURT IN CAMERA  
21 WITHOUT THE PRESENCE OF DEFENSE COUNSEL, SOME OF THE  
22 PARTICULARITIES OF THAT, I WILL BE HAPPY TO LAY THIS OUT  
23 BUT I WON'T DO THAT IN THE PRESENCE OF MR. BARENS.

24 THE COURT: I DON'T EXPECT YOU TO.

25 MR. WAPNER: NO. I CATEGORICALLY DISAGREE WITH THAT.

26 AND THE BASIC REASON FOR THAT IS THAT IF THE  
27 CAMERAS ARE ALLOWED IN THE COURTROOM, THEN THERE IS LIKELY  
28 TO BE, AT LEAST NATIONAL AND PERHAPS INTERNATIONAL COVERAGE

1 OF THIS. I CAN ONLY TELL YOU FROM MY EXPERIENCE DURING THIS  
2 TRIAL THAT MY PARENTS HAVE HAD FRIENDS WHO HAVE COME BACK  
3 FROM AUSTRALIA AND THEY SAID, "GEE, WE READ ABOUT YOUR SON'S  
4 CASE IN THE PAPER IN AUSTRALIA" AND SO IF THERE ARE PICTURES  
5 TAKEN, THEY GO ON THE WIRE SERVICES AND THEY COULD END UP  
6 IN NEWSPAPERS ALL OVER THE WORLD. SIXTY MINUTES IS HERE.  
7 20-20 IS HERE. IT IS GOING TO WIND UP IN NATIONAL COVERAGE.

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1 THE COURT: HOW DO YOU INTEND TO GET HIM INTO THE  
2 COURTROOM?

3 MR. WAPNER: WELL, THAT IS ALSO --

4 THE COURT: IF HE COMES THROUGH THE CORRIDOR, ANY OF  
5 THE PRESS OUT THERE CAN TAKE HIS PICTURE. I CAN'T CONTROL  
6 THAT.

7 MR. WAPNER: JUDGE, THAT IS SOMETHING WE WILL HAVE  
8 TO HANDLE.

9 WE CAN ONLY ASK YOU TO DO WHAT YOU HAVE THE POWER  
10 TO DO.

11 HOW WE INTEND TO GET HIM INTO THE COURTROOM IS,  
12 AGAIN, A MATTER OF SECURITY THAT I AM NOT GOING TO DISCLOSE  
13 TO ANYBODY.

14 I CAN'T GET THIS COURT TO ORDER THE PRESS TO  
15 ACT RESPONSIBLY AND IF THEY WANT TO RUN AROUND TRYING TO  
16 GET PHOTOGRAPHS OF HIM, THAT IS THEIR BUSINESS. I CAN ONLY  
17 ASK THIS COURT TO CONTROL THAT OVER WHICH IT HAS CONTROL.

18 THE COURT: ALL RIGHT, I THINK AT THIS POINT WE OUGHT  
19 TO HEAR FROM THE ATTORNEY FOR THE --

20 MR. BARENS: CAN I MAKE ONE OTHER COMMENT --

21 THE COURT: YES.

22 MR. BARENS: -- THAT BECOMES OBVIOUS.

23 THE COURT: I AM NOT CONCERNED ABOUT THE EFFECT IN  
24 THE JURY SO MUCH.

25 MR. BARENS: JUST ONE OTHER COMMENT, YOUR HONOR.

26 THE COURT: YES.

27 MR. BARENS: IF THE PRESS IS EXCLUDED, THEY ARE GOING  
28 TO MAKE A BIG DEAL OUT OF IT.

1 THE COURT: THE PRESS ISN'T GOING TO BE EXCLUDED.

2 MR. BARENS: I MEAN IF THE ELECTRONIC MEDIA PEOPLE,  
3 WHICH I LOOK AT AS AN ASPECT OF THE PRESS, IS EXCLUDED, THEY  
4 ARE GOING TO MAKE A BIG DEAL OUT OF IT.

5 THE COURT: THEY CAN MAKE ANY KIND OF A DEAL OUT OF  
6 IT THEY WANT. IF I THINK IN THE INTERESTS OF JUSTICE IT  
7 SHOULD BE DONE, I AM GOING TO DO IT IRRESPECTIVE OF HOW THEY  
8 FEEL ABOUT IT.

9 MR. BARENS: I AM CONCERNED ABOUT THE JURY TAINT FROM  
10 THE BIG DEAL, ABOUT DRAWING AN OPINION FROM THEIR ABSENCE,  
11 THAT SOMEBODY CAN SAY TO THE JURY, "GEE, WE READ ABOUT THAT  
12 IN THE PAPER." YOU KNOW HOW IT IS IMPOSSIBLE TO PUT THESE  
13 PEOPLE IN A VACUUM.

14 THE COURT: THUS, USING THAT LOGIC, THEY READ IN THE  
15 NEWSPAPERS ABOUT THE REMARKS YOU MADE TO THE MEDIA BEFORE  
16 I IMPOSED THE GAG ORDER. THAT IS WHY I TOLD YOU AT THAT  
17 TIME THAT THINGS LIKE THAT SHOULD NEVER BE DISCUSSED IN THE  
18 PRESS, IT GETS BACK TO THE JURY IN ANY EVENT AND THAT IS  
19 WHY I TOLD YOU NOT TO DO THINGS LIKE THAT.

20 MR. WAPNER: MAY WE GET BACK TO THE POINTS COUNSEL  
21 MADE?

22 THE COURT: YES.

23 MR. WAPNER: FIRST, THEY SAID IT WAS ACADEMIC BECAUSE  
24 THEY MAY HAVE A PICTURE OF KARNY ALREADY. WELL, EVEN IF  
25 THEY HAD PICTURES, IT DOESN'T MAKE IT ACADEMIC BECAUSE WHAT  
26 WE ARE TALKING ABOUT IS HAVING 60 MINUTES, 20-20, CNN AND  
27 NATIONAL MEDIA COVERAGE AND HAVING THAT PERSON'S PICTURE  
28 AND VOICE ON THE TELEVISION BROADCAST NATIONALLY.

1                   AND WHAT THEY DO OR THEY DON'T DO IF IN FACT  
2                   THEY HAVE HIS PICTURE IS NOT UP TO THIS COURT AND SHOULD  
3                   HAVE NO BEARING ON THIS COURT'S DETERMINATION.

4                   SECOND OF ALL, AS THE COURT HAS POINTED OUT,  
5                   IT IS NOT DIFFERENT THAN ANY OTHER WITNESS BECAUSE WE HAVE  
6                   HAD SEVERAL DAYS DURING THIS TRIAL WHEN WE HAVE HAD NO CAMERAS  
7                   AT ALL.

8                   THIRD OF ALL, THE IDEA THAT SOMEHOW BECAUSE THERE  
9                   ARE NO CAMERAS, THE JURY IS THEREFORE GOING TO INFER THAT  
10                  THERE HAVE BEEN THREATS AGAINST MR: KARNY'S LIFE, THERE IS  
11                  SUCH A LEAVE OF LEAF IN THAT ARGUMENT THAT IT ALMOST DEFEATS  
12                  ITSELF WITHOUT ANYTHING MORE.

13                  DOES THAT MEAN THAT BECAUSE WE DIDN'T HAVE CAMERAS  
14                  WHEN THE PEOPLE TESTIFIED ABOUT BANK RECORDS, THAT THEY  
15                  THOUGHT THOSE BANKERS WERE, THEIR LIVES WERE THREATENED OR  
16                  ANYBODY ELSE WHO TESTIFIED?

17                  AND THERE WERE NOT ONLY FINANCIAL WITNESSES BUT  
18                  OTHER PEOPLE WHO TESTIFIED WHO THERE WERE NO CAMERAS IN THE  
19                  COURTROOM FOR.

20                  ALSO, THIS WITNESS, ALONG WITH SOME OTHER PEOPLE,  
21                  WAS THREATENED BY THE DEFENDANT ALL AT THE SAME TIME AT THAT  
22                  MEETING, "IF YOU GO TO THE POLICE YOU WILL BE DEALT WITH"  
23                  AND IT WAS THE SAME THREAT THAT WAS MADE TO ALL OF THE  
24                  WITNESSES AND WE KNOW IN SPECIFIC INSTANCES, THE DEFENDANT  
25                  DISCUSSED KILLING JEFFREY RAYMOND'S GIRLFRIEND, KILLING THE  
26                  MAYS, AND I DON'T PUT THIS WITNESS IN ANY DIFFERENT CATEGORY  
27                  THAN THAT.  
28

1 THE COURT: WHY WEREN'T THE OTHERS CONCERNED ABOUT IT,  
2 DICKER AND MAY?

3 MR. WAPNER: WELL, FOR THE SAME REASON MR. BARENS IS  
4 GIVING US SUCH A STRENUOUS ARGUMENT -- FOR THE SAME REASON  
5 HE MADE A BIG DEAL ABOUT MR. KARNY IN HIS OPENING STATEMENT  
6 AND FOR THE SAME REASON MR. KARNY AND NONE OF THE OTHER  
7 WITNESSES ARE IN THE WITNESS PROTECTION PROGRAM.

8 THAT IS BECAUSE MR. KARNY IS, AS COUNSEL KNOWS  
9 OR HE WOULD NEVER BE MAKING THIS ARGUMENT, WHICH I FRANKLY  
10 FEEL IS VERY IRRESPONSIBLE, IS THE PRIMARY WITNESS IN THE  
11 CASE AND HE MORE SO THAN ANYBODY ELSE, IS AT RISK IN THIS  
12 CASE.

13 THE OTHER PEOPLE ARE DEFINITELY FEARFUL. THEY  
14 HAVE DONE THINGS TO TAKE CARE OF THEIR OWN SAFETY. THERE  
15 IS NO QUESTION THAT THEY ARE FEARFUL. I CAN GIVE YOU  
16 SPECIFIC INSTANCES IF YOU WANT, OF DISCUSSIONS I HAVE HAD  
17 WITH THEM AND THEIR PARENTS AND THEIR FAMILIES.

18 THERE ARE A LOT OF PEOPLE WHO ARE AFRAID OF THIS  
19 DEFENDANT. MR. HUNT'S RIGHTS AREN'T PREJUDICED ONE IOTA ONE  
20 WAY OR ANOTHER IF THERE ARE NO CAMERAS IN THE COURTROOM.

21 THE ONLY REASON HE OBJECTS TO HAVING THE CAMERAS  
22 IS THAT IT IS SOMEHOW, GOING TO AFFECT MR. KARNY AND MAKE  
23 IT PERHAPS EASIER FOR THEM TO BORE IN ON HIM IN CROSS-  
24 EXAMINATION.

25 IT COULD AFFECT HOW HE FEELS, IF HE FEELS HIS  
26 SECURITY IS THREATENED. THEN IT MIGHT AFFECT HIS DEMEANOR  
27 WHEN HE TESTIFIES. THAT IS THE ONLY PURPOSE FOR OBJECTING  
28 TO THIS.

1 I AM FRANKLY, OUTRAGED THAT THERE WOULD BE ANY  
2 OBJECTION. YESTERDAY, WE HAD A MOTION BY THEM TO DISMISS  
3 THIS CASE BECAUSE THERE IS A MEDIA CIRCUS. NOW, THEY TURN  
4 RIGHT AROUND AND SAY THAT THEY WANT A MEDIA CIRCUS. HE WANTS  
5 THE CAMERAS.

6 THERE IS NO PURPOSE FOR THAT, EXCEPT THAT THEY  
7 WANT TO GET TO MR. KARNY. THAT'S ALL. THEY DON'T CARE ABOUT  
8 ANYTHING ELSE.

9 THEY ARE JUST TRYING TO GET TO HIM. AND I AM  
10 OFFENDED AND OUTRAGED. I CAN'T EXPRESS TO THIS COURT IN  
11 STRONGER TERMS HOW I FEEL ABOUT THIS MOTION.

12 THE COURT: ALL RIGHT. LET'S GET THE --

13 MR. BARENS: MAY I RESPOND TO SOMETHING OF A PERSONAL  
14 NATURE?

15 THE COURT: I WANT TO GET THE LAWYER IN.

16 MR. BARENS: COULD I RESPOND TO ONE POINT OF A PERSONAL  
17 NATURE? I TAKE EXCEPTION TO COUNSEL SAYING THAT I AM BEING  
18 IRRESPONSIBLE IN THE MOTION.

19 I BELIEVE I HAVE RESPONSIBILITIES TO THE DEFENDANT.  
20 I AM OBLIGATED TO FULFILL THEM AS A MATTER OF LAW AND I DON'T  
21 BELIEVE THAT I HAVE COME IN HERE AND --

22 THE COURT: WELL, I THINK THAT YOUR POINT THAT THE JURY  
23 MIGHT IN SOME WAY, DRAW SOME INFERENCES FROM THE FACT THAT  
24 THERE IS NO MEDIA COVERAGE ON THIS WITNESS, IS FLIMSY, AT  
25 BEST.

26 WILL YOU ASK THE LAWYER TO COME IN? I WANT HIS  
27 INPUT.

28 MR. WAPNER: YOUR HONOR, I DID AT MR. PHILLIPS'

1 REQUEST, PROVIDE HIM WITH A COPY OF THE MOTION BECAUSE HE  
2 WANTED TO ARGUE IT. HE WANTED TO BE HEARD.

3 AND HE ONLY HAS ONE COPY. I AM SURE HE HAS NOT  
4 HAD ACCESS TO A XEROX MACHINE. HE WANTED TO BE SURE OF WHAT  
5 IT SAID.

6 WE CAN ASK HIM TO PROVIDE US BACK WITH THAT COPY  
7 OF THE MOTION.

8 THE COURT: YES.

9 (BRADLEY S. PHILLIPS, ESQ., REPRESENTING  
10 CAPITAL CITIES/ABC, INC., CABLE NEWS  
11 NETWORK ENTERED CHAMBERS AND THE FOLLOWING  
12 PROCEEDINGS WERE HELD:)

13 THE COURT: WE HAVE BEEN DISCUSSING THE MOTION WHICH  
14 THE PEOPLE HAVE MADE TO BAR THE ELECTRONIC MEDIA WHEN THE  
15 WITNESS KARNY COMES IN.

16 I WOULD LIKE TO GET YOUR INPUT. YOU HAVE BEEN  
17 FURNISHED A COPY OF THE MOTION PAPERS. I WANT YOU TO KEEP  
18 IT CONFIDENTIAL IF YOU WILL, PLEASE.

19 MR. WAPNER: COULD WE PERHAPS AFTER MR. PHILLIPS IS  
20 FINISHED ARGUING, ASK HIM TO RETURN THE COPY HE HAS BEEN  
21 FURNISHED?

22 THE COURT: YES. THERE IS A REASON FOR IT BECAUSE THE  
23 DEFENSE BELIEVES SOME OF THE STATEMENTS, THE GROUNDS FOR  
24 SEEKING TO HAVE THE ELECTRONIC MEDIA BARRED MIGHT BE  
25 PREJUDICIAL TO THEIR CLIENT.

26 MR. PHILLIPS: WELL FIRST YOUR HONOR, BRAD PHILLIPS  
27 OF MUNGER, TOLLES & OLSON FOR CAPITAL CITIES/ABC, INC. AND  
28 CABLE NEWS NETWORK.

4 1 FIRST OF ALL YOUR HONOR, I DID JUST RECEIVE THE  
2 MOTION THIS MORNING. I WOULD INITIALLY MAKE A REQUEST AS  
3 TO THAT, THAT IF YOUR HONOR HAS ANY INCLINATION TOWARDS  
4 GRANTING THE MOTION, THAT WE WOULD APPRECIATE AN OPPORTUNITY  
5 TO RESPOND IN WRITING THIS MOTION.

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1 THE COURT: I WILL GIVE YOU AN OPPORTUNITY TO DO THAT.

2 MR. PHILLIPS: WE WOULD LIKE TO DO THAT.

3 THE COURT: YES. DO YOU WANT TO SUBMIT IT --

4 MR. PHILLIPS: COULD I FILE SOMETHING TOMORROW MORNING,  
5 IF IT IS ACCEPTABLE?

6 THE COURT: NEXT MONDAY WOULD BE ALL RIGHT.

7 MR. PHILLIPS: MONDAY IS PREFERABLE.

8 THE COURT: WHEN DO YOU EXPECT TO CALL YOUR WITNESS?

9 MR. WAPNER: IF THEY ARE GOING TO RESPOND IN WRITING,  
10 I WANT TO HAVE THE CHANCE TO READ IT.

11 THE COURT: TRY TO FILE IT BY TOMORROW.

12 MR. PHILLIPS: I WILL TRY TO FILE IT BY THE CLOSE OF  
13 BUSINESS TOMORROW.

14 THE COURT: SERVE A COPY ON COUNSEL FOR THE DEFENDANT,  
15 WILL YOU?

16 MR. PHILLIPS: DO YOU WANT ME TO MAKE ANY OTHER POINTS  
17 NOW, IF WE ARE GOING TO RESPOND IN WRITING?

18 THE COURT: AS LONG AS YOU ARE GOING TO RESPOND IN  
19 WRITING, YOU ARE JUST REPEATING NOW WHAT YOU ARE GOING TO  
20 SAY IN YOUR BRIEF, IN ANY EVENT. WHEN DO YOU WANT IT, MONDAY?

21 MR. PHILLIPS: I WOULD LIKE TO FILE IT ON MONDAY, IF  
22 I COULD.

23 THE COURT: SURE. MONDAY BY 4 O'CLOCK.

24 MR. PHILLIPS: FINE. AND IF I CAN, MAYBE YOU COULD  
25 CLARIFY FOR ME YOUR RULING WITH RESPECT TO DISCLOSURE OF THE  
26 MOTION AND ANY OPPOSITION THAT I MIGHT FILE.

27 THE COURT: WELL, COUNSEL FOR THE PEOPLE BELIEVE THERE  
28 ARE SOME STATEMENTS MADE THAT MIGHT REFLECT UNFAVORABLY ON

1 THE DEFENDANT AS TO THE GROUNDS FOR SEEKING TO HAVE THE  
2 MEDIA BARRED, ELECTRONIC MEDIA BARRED.

3 THEY DON'T WANT TO HAVE THAT MADE PUBLIC. IS  
4 THAT TRUE?

5 MR. BARENS: YES, YOUR HONOR.

6 THE COURT: I WOULD WANT YOU TO RESPECT THAT IF YOU  
7 WOULD, PLEASE. I DON'T THINK THAT YOU NEED TO SET FORTH IN  
8 YOUR BRIEFS TO ANYBODY, ANY OF THE GROUNDS UPON WHICH THE  
9 PEOPLE HAVE SOUGHT TO DISCUSS YOUR MEMORANDUM TO BAR THE MEDIA.

10 MR. PHILLIPS: WELL, I SHOULD SAY THAT I HAVE ALREADY  
11 SHOWN A COPY OF THE MOTION THAT MR. WAPNER GAVE ME TO SEVERAL  
12 OTHER REPORTS WHO WERE IN THE COURTROOM THIS MORNING.

13 MR. WAPNER DID NOT ADVISE ME THAT THERE WAS AN  
14 ORDER PREVENTING ME FROM DOING THAT. I HAVE DISCUSSED IT  
15 WITH MY CLIENT ON THE TELEPHONE. I HAVE NO CONTROL OBVIOUSLY,  
16 OVER OTHER REPORTERS WHO DO NOT WORK FOR MY CLIENTS.

17 THE COURT: WELL, MR. WAPNER GAVE IT TO YOU TO FURNISH  
18 A BASIS AND A STRONG REASON WHY THEY SHOULD BE BARRED. THAT  
19 IS PROBABLY WHY HE GAVE IT TO YOU.

20 MR. WAPNER: WELL, IT WAS REQUESTED. HE SAID THAT HE  
21 WAS GOING TO APPEAR ON BEHALF OF THESE PEOPLE.

22 THE COURT: I DON'T KNOW THAT YOU SHOULD HAVE DISCLOSED  
23 IT TO ANYBODY ELSE. THIS IS INTENDED TO BE CONFIDENTIAL.

24 MR. PHILLIPS: THERE WAS NO INDICATION TO ME THAT THERE  
25 WAS ANYTHING MORE CONFIDENTIAL ABOUT THIS PLEADING THAN ANY  
26 OTHER PLEADING IN THE CASE, WHICH HAS BEEN OPEN TO THE PUBLIC  
27 CONSISTENTLY THROUGHOUT THE TRIAL.

28 THE COURT: ALL RIGHT. GET THAT MEMORANDUM, OKAY?

1 MR. PHILLIPS: OKAY. I WILL.

2 THE COURT: SERVE A COPY ON MR. BARENS.

3 MR. PHILLIPS: WILL THERE BE A HEARING THEREAFTER ON  
4 THE MOTION AND AN OPPORTUNITY TO ARGUE THE MOTION?

5 THE COURT: BEFORE KARNY TAKES THE STAND, I WILL LET  
6 YOU KNOW.

7 MR. PHILLIPS: FINE. THANK YOU.

8 THE COURT: ALL RIGHT.

9 MR. WAPNER: EXCUSE ME, MR. PHILLIPS. OBVIOUSLY,  
10 MR. PHILLIPS DOESN'T HAVE MUCH CONTROL OVER HIS CLIENTS. BUT  
11 I THINK THAT IF IT IS NOT CLEAR ALREADY, IT SHOULD BE  
12 COMMUNICATED THAT THE COURT DID NOT ORDER THE MOTION FILED  
13 SO THAT IT WOULD NOT BE MADE PUBLIC TO THE MEDIA.

14 I THINK THAT THAT SHOULD BE COMMUNICATED BY  
15 MR. PHILLIPS TO HIS CLIENTS.

16 THE COURT: IT IS NOT A FILED MOTION. IT IS NOT A MATTER  
17 OF RECORD. YOU BETTER TELL YOUR PEOPLE. BE GUIDED ACCORDINGLY.

18 MR. PHILLIPS: MAYBE I SHOULD CLARIFY JUST EXACTLY WHAT  
19 YOUR HONOR'S ORDER IS WITH RESPECT TO THE MOTION.

20 THE COURT: WELL, THE INFORMATION IN THE MOTION -- THE  
21 REASON WHY THE PEOPLE ARE SEEKING TO BAR THE ELECTRONIC MEDIA  
22 WHEN KARNY IS ON THE STAND -- YOU HAVE READ IT. YOU KNOW  
23 THE VARIOUS REASONS WHY IT IS SET FORTH.

24 WE DON'T WANT TO HAVE THAT MADE PUBLIC. AT LEAST,  
25 THE DEFENDANT DOESN'T WANT TO HAVE IT MADE PUBLIC. I DON'T  
26 CARE.

27 BUT IF THE DEFENSE THINKS THAT IT MIGHT BE  
28 PREJUDICIAL TO THE DEFENDANT, IF THE REASONS STATED THERE

1       SOMEHOW OR OTHER BECOME PUBLIC AND THE JURY MIGHT HEAR ABOUT  
2       IT, IT WOULD BE PREJUDICIAL TO THEIR CASE.   I CAN UNDERSTAND  
3       WHY THEY WOULD WANT THAT.

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1 THE ONLY REASON YOU WERE TOLD ABOUT IT IS SO  
2 YOU WOULD KNOW WHAT THE BASIS IS THAT THE PEOPLE SEEK TO  
3 HAVE THE MEDIA BARRED FOR HIS TESTIMONY. THAT IS THE ONLY  
4 REASON THAT WAS GIVEN.

5 MR. PHILLIPS: YOUR HONOR, I GUESS I AM A LITTLE PUZZLED  
6 ABOUT THE PROCEDURE HERE.

7 YOU ARE SAYING THE MOTION HASN'T BEEN FILED BUT  
8 YOU ARE, NEVERTHELESS, APPARENTLY GOING TO CONSIDER THE  
9 POSSIBILITY OF EXCLUDING CAMERAS FROM THE COURTROOM BASED  
10 UPON THE MOTION?

11 THE COURT: WELL, THE MOTION WILL BE FILED IN CAMERA  
12 IF IT IS FILED -- WHEN IT IS FILED.

13 MR. PHILLIPS: I GUESS MY QUESTION IS, IS YOUR HONOR  
14 MAKING SOME FINDING WITH RESPECT TO THE NEED FOR --

15 THE COURT: I AM NOT MAKING ANY FINDING AT ALL. I  
16 AM WAITING UNTIL I GET YOUR BRIEF.

17 MR. PHILLIPS: NO. MAYBE I AM NOT MAKING MYSELF CLEAR.

18 IS YOUR HONOR MAKING SOME FINDING WITH RESPECT  
19 TO THAT?

20 THE COURT: THIS HAS NOT BEEN FILED YET SO, THEREFORE,  
21 IT IS NOT A MATTER OF COURT RECORD. THEREFORE, I AM SUGGESTING  
22 THAT YOU TELL YOUR PEOPLE, FOR THE BENEFIT OF THE DEFENDANT,  
23 NOT TO DISCLOSE THE GROUNDS UPON WHICH THE PEOPLE ARE SEEKING  
24 TO HAVE THEM BARRED.

25 MR. PHILLIPS: FINE. I AM HAPPY WITH THAT.

26 I OBVIOUSLY CAN'T REPRESENT WHAT PEOPLE WILL  
27 DO WHOM I DON'T REPRESENT OR WHAT INFORMATION HAS ALREADY  
28 BEEN DISCLOSED.

1 THE COURT: ALL RIGHT. YOU DO TELL THE PEOPLE YOU  
2 DO REPRESENT.

3 MR. PHILLIPS: THANK YOU, YOUR HONOR, I WILL BE HAPPY  
4 TO DO IT.

5 I WILL HAVE THE BRIEF FOR YOU MONDAY.

6 MR. CHIER: MAY I SEE YOU BEFORE YOU LEAVE?

7 MR. PHILLIPS: I WILL CERTAINLY HAVE IT BY HAND TO  
8 THE PARTIES. I OBVIOUSLY CAN'T CONTROL WHAT THE OTHERS DO.

9 (MR. PHILLIPS EXITS CHAMBERS.)

10 THE COURT: YOU DON'T HAVE TO SEE ANYBODY. HE IS MEDIA.  
11 I DON'T WANT ANY COMMUNICATIONS BY YOU, BETWEEN YOU OR ANY  
12 OF YOU, BETWEEN ANY OF THE MEDIA OR ANY OF YOU.

13 MR. CHIER: I WANT TO TALK TO HIM.

14 THE COURT: THAT GOES TO YOU. I DON'T WANT YOU TO  
15 TALK TO ANYBODY.

16 MR. CHIER: I WILL SPEAK TO THAT ATTORNEY FOR THE PRESS,  
17 YOUR HONOR. I HAVE A LEGITIMATE RIGHT TO.

18 THE COURT: YOU HAVE NOT, NO. YOU HAVE NO RIGHT TO.  
19 I AM TELLING YOU NOT TO TALK TO ANY OF THE PRESS.

20 MR. CHIER: I AM SORRY. I CAN'T ABIDE BY THAT.

21 THE COURT: THEN I WILL TAKE CARE OF YOU IF I HAVE  
22 TO. I WILL BE HOLDING YOU IN CONTEMPT. I WILL BE HAPPY  
23 TO HOLD YOU IN CONTEMPT OF COURT BECAUSE EVERYTHING ELSE  
24 YOU HAVE DONE IN THIS COURT DESERVES IT.

25 MR. CHIER: I KNOW YOU WILL BE HAPPY TO.

26 THE COURT: I AM ORDERING YOU NOT TO TALK TO ANYBODY  
27 REPRESENTING THE PRESS OR WITH THE PRESS ABOUT ANYTHING HAVING  
28 TO DO WITH THIS AND I WILL SHUT YOU OUT OF THE COURTROOM

1 AND SHUT YOU OUT OF ANY CONFERENCES THAT WE HAVE HERE.

2 MR. BARENS: JUDGE, COULD I ASK A QUESTION?

3 THE COURT: WOULD YOU ORDER YOUR SUBORDINATE HERE TO  
4 LISTEN TO THE COURT'S DIRECTIONS?

5 MR. BARENS: YES, YOUR HONOR.

6 THE COURT: YOU ARE GOING TO BE RESPONSIBLE FOR IT.

7 MR. BARENS: YES, YOUR HONOR.

8 I JUST WANTED TO HAND THE GUY MY CARD ON SERVING  
9 ME ON THE MOTION.

10 THE COURT: GIVE HIM YOUR CARD.

11 MR. BARENS: THAT IS ALL I WANTED TO DO, YOUR HONOR.

12 THE COURT: THAT YOU CAN DO.

13 MR. BARENS: THANK YOU, YOUR HONOR.

14 (THE FOLLOWING PROCEEDINGS WERE HELD IN  
15 OPEN COURT IN THE PRESENCE AND HEARING  
16 OF THE JURY:)

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1 THE COURT: ALL RIGHT.

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HANNELORE LEIS,

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THE WITNESS ON THE STAND AT THE TIME OF ADJOURNMENT, RESUMED

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THE STAND AND TESTIFIED FURTHER AS FOLLOWS:

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THE COURT: YOU HAVE PREVIOUSLY BEEN SWORN. YOU ARE

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STILL UNDER OATH.

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SO IF YOU WOULD JUST STATE YOUR NAME AGAIN FOR

9

THE RECORD.

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THE WITNESS: HANNELORE LEIS.

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THE COURT: GOOD MORNING, LADIES AND GENTLEMEN. I

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AM SORRY FOR THE DELAY. WE HAD MATTERS TO TAKE CARE OF

13

OUTSIDE THE PRESENCE OF THE JURY.

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GO AHEAD.

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CROSS-EXAMINATION (RESUMED)

17

BY MR. BARENS:

18

Q GOOD MORNING.

19

A GOOD MORNING.

20

Q MISS LEIS, DO YOU RECALL BEING PRESENT AT THE

21

MEETING ON, I BELIEVE IT WAS ON OR ABOUT SEPTEMBER 22, 1984,

22

WHEREIN ALL OF OR MOST OF THE INVESTORS IN THIS BUSINESS

23

SETTING WERE PRESENT?

24

A YES.

25

Q DO YOU REMEMBER OR DO YOU KNOW HOW THAT MEETING

26

WAS ARRANGED?

27

A WE SENT OUT LETTERS TELLING THE INVESTORS ABOUT

28

THE MEETING.

1 Q AND THIS WAS A MEETING HELD IN BEVERLY HILLS?

2 A YES.

3 Q DO YOU RECALL WHERE IT WAS?

4 A I THINK IT WAS ON BEVERLY DRIVE, SOUTH BEVERLY  
5 DRIVE.

6 Q AND DO YOU REMEMBER APPROXIMATELY HOW MANY PEOPLE  
7 WERE PRESENT AT THAT MEETING?

8 A ABOUT 80 OR NINETY SOME, I THINK.

9 Q DID MR. HUNT SEEM TO CONDUCT THE MEETING?

10 A YES.

11 Q AND AT THAT MEETING, DID MR. HUNT SAY IN SUM  
12 AND SUBSTANCE THAT THE INVESTORS' MONEY WAS NO LONGER THERE?

13 A RIGHT.

14 Q AND DID HE EXPLAIN TO THEM WHAT HAD HAPPENED  
15 TO THEIR MONEY?

16 A YES.

17 Q DO YOU RECALL WHAT THE NATURE OF THAT EXPLANATION  
18 AMOUNTED TO?

19 A WELL, THEY MADE SOME BAD INVESTMENTS.

20 Q AND THAT THE INVESTMENTS -- WAS THE SENSE YOU  
21 GOT OUT OF THAT, THAT THE MARKET IN WHICH THE INVESTMENTS  
22 HAD BEEN MADE HAD TURNED AGAINST THE INVESTOR AND, THEREFORE,  
23 THE MONEY WAS LOST?

24 A YES.

25 Q DID MR. HUNT PERMIT THE MEETING TO BE TAPE RECORDED?

26 A I DON'T REMEMBER. I DON'T THINK SO.

27 THE COURT: YOU DON'T THINK SO, YOU SAID?

28 THE WITNESS: I DON'T REMEMBER REALLY. I DON'T RECALL.

1 Q BY MR. BARENS: YOU DON'T RECALL ONE WAY OR THE  
2 OTHER?

3 A NO.

4 Q -- WHETHER THE SUBJECT WAS DISCUSSED WITH MR.  
5 HUNT BY ANYBODY THAT WAS THERE?

6 A NO, I DON'T RECALL.

7 Q OKAY. YOU DON'T RECALL HIM SAYING TO SOMEONE,  
8 YOU CAN'T TAPE RECORD THIS MEETING, DO YOU?

9 A NO.

10 Q DURING THAT MEETING, AFTER HE HAD TOLD THE  
11 INVESTORS THAT THE MONEY HAD BEEN LOST, DID MR. HUNT RESPOND  
12 TO QUESTIONS THAT THE INVESTORS HAD?

13 A YES.

14 Q DID MR. HUNT TRY TO, ACCORDING TO WHAT YOU HEARD,  
15 TURN AROUND AND BLAME THE INVESTORS FOR THE LOSS?

16 A BLAME THE INVESTORS?

17 Q YES.

18 A NO.

19 Q HE DIDN'T TRY TO, IN YOUR ESTIMATION OR SENSE  
20 OF IT, TURN THE MEETING AROUND BACK ON THE INVESTORS AND  
21 IT WAS JUST THAT HE SAID, WE LOST THE MONEY, AND THEN HE  
22 ANSWERED QUESTIONS AND THAT WAS ABOUT IT?

23 A YES.

24 Q ALL RIGHT, NOW WHILE YOU WERE WORKING AT THE  
25 BBC, DID YOU BECOME FAMILIAR WITH AN EXPRESSION CALLED  
26 PARADOX PHILOSOPHY?

27 A I DIDN'T BECOME FAMILIAR WITH IT.

28 I HEARD ABOUT IT.

1 Q AND WHO DID YOU HEAR ABOUT THAT FROM?

2 A VARIOUS SOURCES. I DON'T RECALL WHICH PERSON  
3 IN PARTICULAR BUT I, YOU KNOW, IT WAS MENTIONED.

4 Q DID YOU HAVE A SENSE OF WHAT YOU COULD OBSERVE,  
5 THAT EVERYBODY WAS WALKING AROUND THERE MESMERIZED BY SOME  
6 PARADOX PHILOSOPHY?

7 A NO.

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1 Q DID IT SEEM TO BE JUST SOMETHING THAT WAS  
2 DISCUSSED FROM TIME TO TIME AND THE REST OF THE TIME PEOPLE  
3 WERE REALLY JUST DOWN DOING BUSINESS?

4 A IT WASN'T DISCUSSED FROM TIME TO TIME. I MEAN,  
5 I DON'T KNOW. THEY MIGHT HAVE DISCUSSED IT IN THEIR OWN  
6 MEETINGS. I WAS NOT INCLUDED IN THOSE MEETINGS.

7 IN THE OFFICE, IT WAS NOT DISCUSSED, NO.

8 Q ALL RIGHT. YOU MENTIONED AT LEAST -- DID THE  
9 PARENTS OF THESE YOUNG MEN THAT WERE INVOLVED IN THIS, EVER  
10 COME UP TO THE OFFICE?

11 A YES.

12 Q AND WHAT PARENTS DID YOU SEE UP THERE?

13 A I SAW MR. MAY AND I SAW MRS. KARNY.

14 Q AND YOU DIDN'T SEE --

15 THE COURT: WAIT A MINUTE. SHE HAS NOT FINISHED, YET.

16 MR. BARENS: SORRY.

17 THE WITNESS: THAT WAS ABOUT IT.

18 Q BY MR. BARENS: AND THERE WAS NO ATTEMPT TO  
19 ALIENATE OR SEPARATE THE PARENTS FROM THOSE BOYS?

20 MR. WAPNER: OBJECTION, CALLING FOR A CONCLUSION.

21 THE COURT: SUSTAINED.

22 Q BY MR. BARENS: TO YOUR KNOWLEDGE, WERE THE PARENTS  
23 THAT CAME UP THERE READILY ADMITTED TO THE OFFICE?

24 A YES.

25 Q AND THEY WOULD SEE THEIR SONS WHILE THEY WERE  
26 UP THERE?

27 A YES.

28 Q WOULD THEY GENERALLY SOCIALIZE WITH THE OTHER

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1 YOUNG MEN THAT WERE PRESENT?

2 A WHAT DO YOU MEAN BY "SOCIALIZE"?

3 Q TALK?

4 A TALK WITH THEM, YES.

5 Q SAY HELLO?

6 A YES.

7 Q HAVE PLEASANTRIES?

8 A YES.

9 Q WASN'T DR. RAYMOND, JEFF RAYMOND'S FATHER ALSO  
10 PRESENT FROM TIME TO TIME?

11 A I DON'T THINK I HAVE EVER MET HIM. WE WROTE TO  
12 HIM.

13 HE WAS SUPPOSED TO BE A MEMBER OF THE BOARD OR  
14 SOMETHING. BUT I HAVE TALKED TO HIM ON THE PHONE. I DIDN'T  
15 MEET HIM.

16 Q YOU DON'T RECALL --

17 A NO.

18 Q OKAY. WHEN YOU MADE YOUR PERSONAL INVESTMENT  
19 WITH MR. HUNT, DID MR. HUNT EVER TELL YOU THAT YOU CAN'T  
20 LOSE MORE THAN 15 PERCENT OF YOUR INVESTMENT?

21 A NO.

22 Q YOU UNDERSTOOD THAT YOU HAD INVESTED YOUR MONEY  
23 AND THAT IT WAS SPECULATIVE IN NATURE?

24 A YES.

25 Q DID YOU EVER HEAR MR. HUNT TELL ANYBODY ELSE BY  
26 WAY OF AN INVESTOR, THAT HE COULD NEVER LOSE MORE THAN  
27 15 PERCENT OF HIS INVESTMENT?

28 A NO.

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1 Q WHILE YOU WERE WORKING AT THE BBC, DID YOU EVER  
2 SEE ANY CONDUCT GOING ON, THAT YOU FELT WAS ILLEGAL OR SHADY  
3 OR LIKE CHEATING OR STEALING?

4 MR. WAPNER: OBJECTION, COMPOUND. VAGUE. CALLS FOR  
5 CONCLUSION.

6 THE COURT: SUSTAINED. ARE YOU ASKING HER LEGAL ADVICE  
7 AS TO WHETHER OR NOT SHE BELIEVES IT WAS LEGAL? OR WHETHER  
8 SHE BELIEVES IT WAS UNETHICAL?

9 MR. BARENS: I AM ASKING HER --

10 THE COURT: ALL RIGHT. JUST ASK YOUR QUESTIONS, WILL  
11 YOU?

12 Q BY MR. BARENS: DID YOU SEE ANYTHING GOING ON  
13 THAT YOU THOUGHT ANYBODY WAS STEALING?

14 A NO.

15 MR. WAPNER: OBJECTION, CALLING FOR A CONCLUSION ON  
16 THE PART OF THE WITNESS.

17 THE COURT: I WILL LET IT STAND. GO AHEAD.

18 THE WITNESS: NO.

19 Q BY MR. BARENS: DID YOU SEE ANYTHING THAT YOU  
20 THOUGHT WAS SINISTER?

21 MR. WAPNER: WE CAN'T GET THROUGH A DAY WITHOUT ONE  
22 OF THOSE.

23 THE COURT: DO YOU KNOW WHAT SINISTER MEANS?

24 THE WITNESS: NO. CAN YOU EXPLAIN?

25 THE COURT: SHE DOESN'T EVEN KNOW WHAT IT MEANS.

26 Q BY MR. BARENS: WELL, SINISTER WOULD MEAN, DID  
27 YOU SEE ANYTHING GOING ON THAT WAS BAD OR SUBVERSIVE OR EVIL  
28 OR OF BLACKENED HEART?

-4

1 I AM TRYING TO REMEMBER WHAT IT SAID IN THE  
2 DICTIONARY. THAT TYPE OF THING?

3 A NO.

4 Q YOU DIDN'T SEE ANY OF THAT GOING ON? ALL RIGHT.  
5 THANK YOU VERY MUCH.

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## REDIRECT EXAMINATION

BY MR. WAPNER:

Q BEFORE THE 26TH OF SEPTEMBER WHEN THE MEETING WAS HELD WITH THE INVESTORS, DID MR. HUNT EVER TELL ANY OF THE INVESTORS THEY WERE LOSING MONEY?

A NO.

Q AND THE STATEMENTS THAT WERE PREPARED BY YOU OF THE "PROFITS" THAT THE INVESTORS WERE MAKING, WERE DONE AT THE DIRECTION OF MR. HUNT, RIGHT?

A YES.

Q BUT YOU NEVER TOOK ANY COMMODITIES STATEMENTS, DID YOU, AND USED THOSE AS A BASIS TO FIGURE OUT THE PROFITS?

A NO.

Q DID YOU EVER SEE ANY COMMODITY STATEMENTS?

A NO I DID NOT.

Q WHO TOOK CARE OF THAT STUFF? WAS THAT MR. HUNT?

A MR. HUNT, PROBABLY. YES.

Q HOW OFTEN DID YOU SEE MR. MAY, SR. OR MRS. KARNY IN THE OFFICE?

A I SAW MR. MAY I THINK -- I SAW HIM ONLY ONCE. AND MRS. KARNY, I SAW HER VARIOUS TIMES, ABOUT THREE OR FOUR.

Q DID MRS. KARNY -- HAD THE FAMILY INVESTED SOME MONEY?

A YES.

Q MRS. KARNY YOU SAW THREE OR FOUR TIMES IN WHAT SPAN OF TIME?

A I DON'T KNOW. BETWEEN THE TIME I WAS THERE, FROM MARCH UNTIL AUGUST.

1 Q MR. MINGARELLA, DID HE WORK WITH RYAN HUNT ON  
2 THE FIRE RETARDANT CHEMICAL BUSINESS?

3 A YES HE DID.

4 Q THAT BUSINESS EVER GET OFF THE GROUND, TO YOUR  
5 KNOWLEDGE?

6 A I DON'T THINK IT DID, NO.

7 Q AT SOME POINT, DID MR. MINGARELLA AND RYAN HUNT  
8 STOP COMING TO THE OFFICES?

9 A YES. FIRST MR. MINGARELLA AND THEN LATER ON,  
10 MR. HUNT.

11 Q MR. HUNT, SR.?

12 A YES.

13 Q WHEN WAS THAT, THAT MR. MINGARELLA STOPPED COMING  
14 TO THE OFFICES?

15 A MIGHT HAVE BEEN MAY OR SOMETHING LIKE THAT.

16 Q HOW LONG AFTER THAT, DID MR. HUNT, SR., STOP COMING  
17 TO THE OFFICES?

18 A ABOUT A COUPLE OF WEEKS OR A MONTH OR SO.

19 Q DO YOU REMEMBER WHAT PART OF MAY IT WAS THAT  
20 MR. MINGARELLA STOPPED COMING?

21 A NO.

22 Q SO, BEFORE -- WHEN I SAY "STOPPED COMING", AT  
23 ONE POINT HE WAS WORKING AT THE OFFICE AND HE WAS THERE EVERY  
24 DAY, RIGHT?

25 A RIGHT.

26 Q THEN AFTER THAT, IT SEEMED LIKE HE WAS NO LONGER  
27 WORKING THERE?

28 A YES.

1 Q FROM THE TIME WHERE IT APPEARED HE CEASED WORKING  
2 THERE, YOU ONLY SAW HIM -- DID YOU SEE HIM AFTER THAT?

3 A YES, ONCE AFTERWARDS AFTER HE NO LONGER WORKED  
4 THERE, HE CAME TO THE OFFICE.

5 Q WHEN WAS THAT?

6 A IT IS VERY HARD TO REMEMBER. I DON'T REMEMBER.

7 Q DO YOU REMEMBER WHAT TIME OF THE DAY IT WAS THAT  
8 HE WAS THERE OR HOW LONG HE WAS THERE?

9 A IT WAS QUITE A BIT. HE TALKED TO ME AND HE TALKED  
10 TO SOME OTHER PEOPLE, TOO.

11 WE HAD SOME CONVERSATIONS. WE TALKED ABOUT  
12 VARIOUS THINGS.

13 Q DID IT APPEAR THAT HE WAS THERE ON BUSINESS OR  
14 JUST TO SOCIALIZE OR COULD YOU TELL?

15 A I REALLY COULDN'T TELL.

16 Q DID YOU EVER SEE RON LEVIN AT THE OFFICE?

17 A NO I DID NOT.  
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1 Q BY MR. WAPNER: I WANT TO SHOW YOU TWO LETTERS --  
2 I THOUGHT I WAS GOING TO SHOW YOU TWO LETTERS -- I WILL SHOW  
3 THEM TO YOU IN A MINUTE.

4 YOU MADE OUT THE CHECKS THAT WERE SENT TO THE  
5 INVESTORS TO PAY THEM FOR THEIR INVESTMENTS, RIGHT?

6 A YES.

7 Q WHO SIGNED THEM?

8 A JOE HUNT.

9 Q THOSE WERE CHECKS WRITTEN SINCE THE TIME YOU  
10 WERE THERE, ON THE FINANCIAL FUTURES TRADING CORPORATION  
11 ACCOUNT, CORRECT?

12 A RIGHT.

13 Q WHO WAS IN CHARGE OF THE CHECKBOOKS ON THOSE  
14 ACCOUNTS?

15 A I WAS.

16 Q AND WHEN THE DEPOSITS CAME IN FROM THE INVESTORS,  
17 WHAT WOULD YOU DO?

18 A I MADE -- WELL, I GAVE THEM A RECEIPT, NOTED  
19 IT IN THEIR, YOU KNOW, THEIR FILE, AND MADE A DEPOSIT AT  
20 THE BANK OR PREPARED THE DEPOSIT.

21 THE COURT REPORTER: WHAT WAS THE LAST PART OF YOUR  
22 ANSWER?

23 THE WITNESS: I MADE THE DEPOSIT, I PREPARED THE DEPOSIT  
24 FOR THE BANK.

25 Q BY MR. WAPNER: AFTER PREPARING THE DEPOSIT,  
26 YOU WOULD GIVE IT TO ONE OF THE YOUNG MEN AT THE OFFICE AND  
27 THEY WOULD TAKE IT TO THE BANK, RIGHT?

28 A RIGHT.

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1 Q DID YOU AT SOME TIME NOTIFY MR. HUNT WHEN THE  
2 CHECKS THAT HAD BEEN DEPOSITED, HAD CLEARED?

3 A YES.

4 SOMETIMES THEY PUT A HOLD ON A CHECK, SOMETIMES  
5 IT WAS THREE OR FOUR DAYS AND I WOULD TELL JOE WHEN THEY  
6 WERE READY, WHEN THEY HAD CLEARED.

7 Q DID YOU KEEP TRACK OF THE CHECKS GOING INTO AND  
8 OUT OF THE FINANCIAL FUTURES ACCOUNT?

9 A INTO, OUT OF -- I MEAN I WOULD TELL JOE AND JOE  
10 WOULD MAKE THE WITHDRAWAL.

11 Q AND DID YOU TRY AND KEEP A RECORD OF THE WITH-  
12 DRAWALS?

13 A YES.

14 Q AND WERE YOU AWARE THAT DURING THE TIME THAT  
15 FINANCIAL FUTURES TRADING ACCOUNT WAS OPENED, THAT THERE  
16 WAS CLOSE TO \$400,000 IN CHECKS WRITTEN TO CASH, SIGNED BY  
17 MR. HUNT ON THAT ACCOUNT?

18 A I MUST HAVE BEEN, YES. I SAW IT AT THE END OF  
19 THE MONTH.

20 Q DID YOU EVER MENTION TO MR. HUNT ABOUT THE FACT  
21 THAT THERE WERE LOTS OF CHECKS BEING WRITTEN TO CASH ON THAT  
22 ACCOUNT?

23 A NO.

24 Q DID YOU EVER QUESTION HIM ABOUT THAT?

25 A NO.

26 Q WHY NOT?

27 A WELL, FIRST I DIDN'T THINK ANYTHING OF IT, LET  
28 ME TELL YOU, BECAUSE IT WAS NEVER ANY DIFFERENT DIRECTION,

1 THERE WAS NO CHANGES TAKING PLACE.

2 I WAS UNDER THE ASSUMPTION HE HAD BEEN TRADING  
3 BEFORE I CAME TO THE OFFICE, OKAY, SO HE HAD A SYSTEM THE  
4 WAY HE RAN HIS BUSINESS AND IT SEEMED TO WORK PRETTY WELL.  
5 I MEAN HE SEEMED TO MAKE A LOT OF MONEY.

6 Q FROM WHAT HE SAID?

7 A YES, AND WHAT WE PAID OUT, TOO. I DID MAKE THE  
8 PAYMENTS TO THE INVESTORS. I HAD NO --

9 I SAID, "WELL, THIS IS WORKING VERY NICELY, SO  
10 WHO AM I TO QUESTION HIM, WHAT HE IS DOING? SO IF THIS IS  
11 THE WAY IT IS WORKING, SO BE IT, THIS IS THE WAY IT WORKS."  
12 SO I NEVER ATTEMPTED TO ASK HIM.

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1 Q WAS THERE ANOTHER REASON YOU DIDN'T QUESTION  
2 MR. HUNT?

3 A WELL, YOU DIDN'T, WELL, YOU JUST DID NOT APPROACH  
4 JOE AND QUESTION HIM, I MEAN I DIDN'T.

5 Q WHY NOT?

6 A HE JUST HAD -- YOU COULDN'T. I MEAN I COULDN'T.  
7 IT WAS LIKE, HE WAS VERY -- TO ME, I COULDN'T  
8 PUSH HIM IN ANY WAY, DIRECTION. I MEAN YOU COULDN'T PUSH  
9 HIM OR ANYTHING ELSE.

10 JOE HUNT KNEW WHAT HE WAS DOING AND HE WAS THE  
11 BOSS AND THAT IS THE WAY YOU DEALT WITH HIM.

12 Q HE WAS IN CONTROL OF THE BUSINESS?

13 A RIGHT.

14 Q WAS THERE SOME REASON THAT YOU REMEMBERED THAT  
15 MR. HUNT MADE THIS COMMENT, "YOU JUST MISSED RON LEVIN"?

16 A NO.

17 Q AND YOU DON'T REMEMBER WHEN IT WAS THAT THAT  
18 COMMENT WAS MADE?

19 A NO.

20 Q IN EARLY JUNE OF 1984, DID MR. HUNT GO TO NEW  
21 YORK?

22 A HE WAS IN NEW YORK. HE CALLED ME FROM NEW YORK.

23 Q AND WHEN HE CALLED YOU FROM NEW YORK, WHAT DID  
24 HE CALL ABOUT?

25 A HE WANTED ME TO ARRANGE A PREPAID TICKET FOR  
26 HIM TO GO TO LONDON.

27 Q A PREPAID TICKET?

28 A YES.

1 Q DID YOU MAKE THAT ARRANGEMENT WITH HIM?

2 A YES.

3 Q DID HE CALL YOU BACK TO CONFIRM THAT YOU HAD  
4 MADE IT OR WAS IT JUST ONE TELEPHONE CALL?

5 A I DON'T REMEMBER IF HE CALLED ME BACK, BUT IT  
6 WORKED APPARENTLY. THE TICKET WAS SET UP AND --

7 Q DID YOU ARRANGE FOR THE TICKET THROUGH WINGS  
8 TRAVEL AGENCY?

9 A YES.

10 Q AND THAT IS THE TRAVEL AGENCY THAT THE BBC HAD  
11 DEALT WITH OFTEN?

12 A WE DEALT WITH THEM ALL OF THE TIME. WE HAD AN  
13 ACCOUNT THERE.

14 Q SO YOU ARRANGED A TICKET FOR MR. HUNT TO FLY  
15 TO LONDON?

16 A RIGHT.

17 Q AND DID HE DO THAT, AS FAR AS YOU KNOW?

18 A AS FAR AS I KNOW, YES.

19 Q THE LIST THAT YOU PREPARED THAT YOU HAD IN FRONT  
20 OF YOU YESTERDAY, THAT I BELIEVE WAS 87, HAD THE DATES ON  
21 IT OF WHEN THE PEOPLE INVESTED MONEY; IS THAT RIGHT?

22 A YES.

23 Q DID IT HAVE DATES ON THERE OF WHEN THE MONEY  
24 WAS PAID OUT?

25 A NO.

26 Q ALL RIGHT. SO IT HAD THE MONEY THAT WAS PAID  
27 OUT BUT JUST NOT WHEN IT WAS PAID OUT, CORRECT?

28 A RIGHT.

1 Q I WANT YOU TO TAKE A LOOK AT TWO DOCUMENTS THAT --  
2 MR. WAPNER: FOR THE PRESENT, YOUR HONOR, I WOULD LIKE  
3 TO HAVE MARKED AS 202 FOR IDENTIFICATION. THESE ARE COPIES  
4 AND I INTEND AT SOME LATER POINT TO SUBSTITUTE THE ORIGINALS.

5 THEY ARE HANDWRITTEN LISTS, ONE DATED MARCH THE  
6 1ST AND ONE DATED JUNE THE 20TH. MAY THEY TOGETHER BE 202  
7 FOR IDENTIFICATION?

8 THE COURT: SO MARKED.

9 MR. WAPNER: IT SAYS ACTUALLY "MARCH 1 CHECKS AND JUNE  
10 THE 20TH CHECKS."

11 Q MISS LEIS, SHOWING YOU THESE TWO LISTS THAT ARE  
12 MARKED 202 FOR IDENTIFICATION, DO YOU RECOGNIZE THE NAMES  
13 OF THE PEOPLE ON THOSE TWO LISTS?

14 A YES, I DO.  
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1 Q AND ARE THOSE ALL PEOPLE WHO HAD INVESTED WITH  
2 THE BBC AND WERE PART OF THE STEVE WEISS INVESTMENT GROUP?

3 A YES.

4 Q ON BOTH OF THOSE LISTS?

5 A YES.

6 Q NOW, I WANT TO SHOW YOU TWO LETTERS I WAS MAKING  
7 REFERENCE TO BEFORE. ONE IS DATED MAY THE 29TH. IT SAYS,  
8 "DEAR INVESTOR."

9 AND ONE IS DATED JULY 18TH. THEY ARE BOTH FROM  
10 1984. IT ALSO SAYS, "DEAR INVESTOR."

11 THOSE HAVE BEEN MARKED AS PEOPLE'S 189 AND 192  
12 FOR IDENTIFICATION.

13 DO YOU RECOGNIZE THOSE?

14 A YES I DO.

15 Q DO YOU KNOW WHETHER OR NOT YOU TYPED THOSE LETTERS?

16 A YES I DID. I TYPED THEM.

17 Q AND WERE THOSE LETTERS SENT OUT TO ALL OF THE  
18 INVESTORS?

19 A YES THEY WERE.

20 Q AND THAT IS, TO ALL OF THE INVESTORS IN THE STEVE  
21 WEISS FAMILY ACCOUNT?

22 A YES.

23 Q INCIDENTALLY, COULD YOU PUT A PERCENTAGE ON THE  
24 STEVE WEISS FAMILY ACCOUNT, WHAT PERCENTAGE OF THE TOTAL  
25 INVESTORS OF JOE HUNT, DID THAT REPRESENT, IF YOU KNOW?

26 A WELL, I REALLY DON'T KNOW BECAUSE I ONLY DEALT  
27 WITH THE STEVE WEISS FAMILY ACCOUNT. I DIDN'T DEAL WITH THE  
28 OTHERS.

1                   THERE WERE ONLY A FEW OTHERS. I KNOW A FEW NAMES.

2           Q       WHO WERE THE OTHERS THAT YOU KNOW THE NAMES OF?

3           A       DR. RUBINI.

4           THE COURT REPORTER: PLEASE SPELL THAT.

5           THE WITNESS: R-U-B-I-N-I. AND THEN OF COURSE, DEAN  
6           KARNY'S MOTHER.

7                   THAT WAS IN THE I.M.O., INTERNATIONAL MARKETING  
8           THING.

9           Q       BY MR. WAPNER: DO YOU KNOW HOW MUCH DR. RUBINI  
10          INVESTED?

11          A       I THINK IT WAS ABOUT 50,000.

12          Q       DO YOU KNOW HOW MUCH MRS. KARNY INVESTED?

13          A       NO, NOT REALLY.

14          Q       DID YOU SAY THAT YOU THOUGHT THOSE OTHER MONEYS  
15          WERE INVESTED IN THE I.M.O. ACCOUNT?

16          A       BECAUSE IT WAS A SPECIAL ACCOUNT FOR THE PEOPLE  
17          YOU KNOW, FOR THE OFFICE. LIKE, THE MAY BROTHERS HAD THEIR  
18          MONEY AND MY MONEY WENT IN THERE, TOO, THE MONEY THAT I BROUGHT  
19          IN.

20          Q       WHO TOLD YOU THAT IT WENT IN THERE?

21          A       WELL, I WAS ASKING. I WAS ASKING JOE WHERE I  
22          SHOULD PUT MY MONEY.

23                   HE SAID, "I THINK YOU BETTER PUT IT IN THE I.M.O.  
24          ACCOUNT." THAT IS THE INTERNATIONAL MARKETING OPERATIONS  
25          ACCOUNT.

26          Q       DO YOU KNOW WHERE THE MONEY FROM THE STEVE WEISS  
27          FAMILY ACCOUNT WAS GOING?

28          A       NO.

1 Q JOE DIDN'T TELL YOU?

2 A NO.

3 MR. WAPNER: MAY I HAVE JUST A MOMENT, PLEASE.

4 THE COURT: YES.

5 (PAUSE.)

6 Q BY MR. WAPNER: WERE YOU PAID YOUR SALARY FAIRLY  
7 REGULARLY UP TO A CERTAIN POINT?

8 A YES.

9 Q AND AT WHAT TIME DID THAT STOP?

10 A I THINK THE END OF AUGUST, BEGINNING OF SEPTEMBER.

11 Q WHAT HAPPENED AT THAT TIME?

12 A WELL, WE RAN OUT OF MONEY.

13 Q HOW LONG DID YOU CONTINUE TO WORK THERE?

14 A UNTIL OCTOBER 20TH.

15 Q AND HOW DO YOU KNOW THAT YOU RAN OUT OF MONEY  
16 AT THAT PARTICULAR TIME?

17 A WELL, IT BECAME FAIRLY OBVIOUS BECAUSE I THINK  
18 THAT JOE HUNT AND LAUREN RABB OR SOMEBODY WENT TO THE OWNER  
19 OF THE BUILDING OR THE MANAGER, TRYING TO ARRANGE THAT WE  
20 COULD STAY THERE YOU KNOW, IN THE OFFICES WITHOUT PAYING RENT.

21 Q THIS WAS BY THE END OF AUGUST?

22 A IT WAS SEPTEMBER I THINK, THE BEGINNING OF  
23 SEPTEMBER. IT WAS SOMETHING LIKE THAT.

24 Q SO BY THAT POINT, THERE WAS NO MONEY TO PAY YOUR  
25 SALARY AND THERE WAS APPARENTLY NO MONEY TO PAY THE RENT ON  
26 THE BUILDING?

27 A RIGHT.

28 Q AND WAS THERE A TIME WHEN MR. HUNT USED TO TRADE

-4  
1 OR APPEAR TO ACTIVELY LOOK AT THE QUOTRON MACHINES FOR STOCK  
2 TRADING OR COMMODITY TRADING?

3 A YES.

4 Q AND WAS THERE A TIME AT SOME POINT, WHERE THAT  
5 STOPPED?

6 A YES. IN MAY SOMETIME, I THINK HE SORT OF STOPPED.  
7 HE SAID HE WAS DOING IT AT HOME.

8 Q THAT IS 1984?

9 A RIGHT.

10 Q WOULD MR. HUNT BE THERE WHEN YOU CAME INTO THE  
11 OFFICE IN THE MORNING?

12 A YES. HE WAS THERE QUITE OFTEN. NOT ALL OF THE  
13 TIME.

14 Q AND AFTER THAT ACTIVITY OF LOOKING AT THE QUOTRONS  
15 EVERY DAY STOPPED, DID HE COME INTO THE OFFICE LATER?

16 A YES.

17 Q SO IT WOULD BE MORE COMMON AFTER LOOKING AT THE  
18 QUOTRON ACTIVITIES SLOWED DOWN, THAT YOU WOULD COME IN FIRST  
19 AND THEN HE WOULD COME IN LATER?

20 A RIGHT.  
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1 Q WHEN YOU FIRST HEARD -- WHEN WAS IT THAT YOU  
2 FIRST HEARD ABOUT LEVIN AT THE OFFICE, IF YOU DID?

3 A THE BEGINNING OF MAY, I SUPPOSE.

4 Q AND THAT IS WHEN YOU WERE ASKED TO TYPE THE LETTERS  
5 THAT WE HAVE TALKED ABOUT?

6 A YES.

7 I NOTICED THAT THERE WAS A LETTER THAT I TYPED  
8 IN THE BEGINNING OF MAY BUT I DIDN'T PAY ANY MUCH ATTENTION  
9 TO IT.

10 Q IS THAT ONE OF THESE LETTERS THAT IS ON THE  
11 EXHIBIT THAT IS, I BELIEVE IT IS 94 --

12 THE COURT: A, B AND C.

13 MR. WAPNER: YES, 94, I BELIEVE.

14 Q BY MR. WAPNER: ONE OF THESE LETTERS THAT WAS  
15 IN PEOPLE'S 94, THAT IS DATED MAY THE 3RD; IS THAT RIGHT?

16 A YES.

17 Q THERE WAS ANOTHER LETTER THAT YOU WERE SHOWN  
18 YESTERDAY THAT WAS APPARENTLY DATED MAY 1ST; IS THAT RIGHT?

19 A ONE FROM EARLY MAY.

20 Q OKAY. DO YOU REMEMBER HOW MUCH IT WAS BEFORE  
21 THOSE LETTERS THAT YOU FIRST HEARD ABOUT LEVIN?

22 A I DIDN'T PAY ANY ATTENTION BECAUSE LEVIN, IT  
23 WAS JUST ANOTHER NAME OR WHATEVER.

24 YOU SEE, IT WASN'T STANDING OUT.

25 I ONLY PAID MORE ATTENTION TOWARDS THE END WHEN  
26 WE WERE MAKING THE AGREEMENT, WHEN WE WERE WRITING THESE  
27 OTHER LETTERS BECAUSE IT CAME UP MORE FREQUENTLY.

28 MR. WAPNER: THANK YOU. I DON'T HAVE ANY FURTHER

1 QUESTIONS.

2  
3 RECROSS-EXAMINATION

4 BY MR. BARENS:

5 Q MISS LEIS, DID YOU HEAR A DISCUSSION AT ANY TIME  
6 ABOUT A GENTLEMAN NAMED KIRKPATRICK?

7 A YES.

8 Q AND WHEN --

9 MR. WAPNER: KILPATRICK?

10 MR. BARENS: HIM, TOO.

11 Q AND WHEN DID YOU HEAR A DISCUSSION OF THAT  
12 INDIVIDUAL?

13 A WELL, HE CAME TO THE OFFICE. LIKE I SAID, I  
14 DON'T REMEMBER THE TIME, WHAT DATE IT WAS.

15 Q WOULD IT BE A FAIR STATEMENT TO SAY THAT YOU  
16 SAW HIM IN MAY AND JUNE OF 1984?

17 A COULD BE. COULD BE.

18 Q WAS HE INVOLVED AS A POTENTIAL INVESTOR OR  
19 DEVELOPER WITH MR. HUNT CONCERNING MICROGENESIS?

20 A YES.

21 Q AND DID HE SEEM, THE WAY HE WAS TREATED BY EVERYONE,  
22 TO BE AN IMPORTANT GUY TO THE MEMBERS?

23 A YES.

24 Q DID YOU SEE A LOT OF HIM AT ONE TIME?

25 A YES, HE WAS THERE QUITE A BIT, YES.

26 Q WAS THERE DISCUSSION APPARENT TO YOU, IF YOU  
27 KNOW, ABOUT HIM INVESTING A LOT OF MONEY IN THE DEVELOPMENT  
28 OF THE TECHNOLOGY?

1 A YES.

2 Q IN FACT, YOU HAD LUNCH WITH HIM AT ONE POINT,  
3 DID YOU NOT?

4 A YES.

5 Q AND WHO WAS AT LUNCH WITH YOU AND THIS MR.  
6 KIRKPATRICK?

7 A JIM GRAHAM -- JIM PITTMAN.

8 Q THOSE DISCUSSIONS WITH THAT GENTLEMAN CONTINUED  
9 INTO LATE JULY, TO YOUR KNOWLEDGE?

10 A COULD BE, YES. PROBABLY.

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1 Q DO YOU KNOW WHETHER HE WAS ASSOCIATED WITH A  
2 COMPANY CALLED SATURN RESOURCES?

3 A I DON'T REALLY KNOW.

4 Q HAD YOU HEARD THAT NAME SATURN OR THAT WORD SATURN  
5 USED --

6 A YES.

7 Q -- AT THAT TIME AT THE OFFICE THERE?

8 A I HAVE HEARD THE WORD AND THE NAME USED UP THERE,  
9 YES.

10 Q AND DO YOU ASSOCIATE THE NAME SATURN WITH  
11 ACTIVITIES THAT WERE GOING ON WITH MICROGENESIS?

12 A I SUPPOSE SO.

13 Q YOU WERE ASKED EARLIER IF IN MAY, IT APPEARED  
14 THAT MR. HUNT WAS NO LONGER GETTING IN THERE BEFORE YOU AND  
15 LOOKING AT THE QUOTRON MACHINE, TO WHICH I BELIEVE YOU  
16 ANSWERED YES.

17 ISN'T IT ALSO TRUE THAT DURING MAY AND INTO JUNE  
18 WAS WHEN HUNT APPARENTLY WAS SPENDING MUCH OF HIS TIME  
19 INVOLVING MICROGENESIS AND THE DEVELOPMENT OF THAT TECHNOLOGY?

20 A YES.

21 Q WASN'T IT A FACT THAT AT THAT TIME, INSTEAD OF  
22 DISCUSSING COMMODITIES, THE FOCUS OF HUNT'S ATTENTION AND  
23 APPARENTLY EVERYBODY ELSE IN BBC, WAS ON TRYING TO GET THE  
24 MICROGENESIS INVOLVEMENT GOING?

25 A RIGHT.

26 Q DIDN'T EVERYBODY UP THERE SEEM TO BE CONCERTED  
27 IN THEIR EFFORTS TO GET MICROGENESIS ON THE ROAD?

28 A RIGHT.

1 Q NOW, YOU WERE ALSO ASKED ABOUT TWO LETTERS DATED  
2 MAY 29 AND JULY 18TH, WHICH ARE LETTERS TO INVESTORS, WHICH  
3 YOU MENTIONED WERE MAILED OUT TO THE WEISS FAMILY PEOPLE?

4 A RIGHT.

5 Q MISS LEIS, DID MR. HUNT LONGHAND BOTH OF THOSE  
6 LETTERS?

7 A YES.

8 Q AND HE HANDED THEM TO YOU JUST LIKE ALL OF THE  
9 OTHER LETTERS WE HAVE DISCUSSED?

10 A RIGHT.

11 Q AND THEN YOU WOULD PROCEED WITH TRANSCRIBING  
12 THEM AT THAT POINT?

13 A YES.

14 Q THAT WAS, AGAIN, CONSISTENT WITH HIS TYPICAL  
15 PRACTICE IN GIVING YOU MATERIALS TO PREPARE?

16 A RIGHT.

17 Q NOW YOU MENTIONED THERE CAME A TIME, I THINK  
18 YOU SAID IN AUGUST, WHERE THERE DIDN'T APPEAR TO BE RENT  
19 MONEY?

20 A YES, IT COULD HAVE STARTED --

21 I WAS ON VACATION AT THE BEGINNING OF AUGUST  
22 AND WHEN I GOT BACK THERE WAS A BREAK-IN.

23 Q THERE HAD BEEN A BREAK-IN AT BBC?

24 A THERE WAS A BREAK-IN AT BBC.

25 Q AND AFTER THAT BREAK-IN, THERE WAS AT LEAST,  
26 OR AT LEAST YOU GAINED SOME KNOWLEDGE OF THAT FACT THAT SOME  
27 ARRANGEMENTS WERE TRYING TO BE MADE ABOUT THE RENT ON THE  
28 SUITE?

1           A       RIGHT.

2           Q       WAS MR. HUNT TRYING TO REMAIN IN BUSINESS  
3 APPARENTLY?

4           A       YES.

5           Q       HE WASN'T JUST SAYING, "WE ARE GOING TO FOLD  
6 UP THIS OPERATION AND LEAVE."

7           A       NO, NOT AT ALL.

8           Q       QUITE TO THE CONTRARY.

9                   HE WAS LOOKING TO DO WHAT HE COULD TO KEEP THE  
10 SHIP AFLOAT?

11          A       RIGHT.

12          Q       NOW IS IT NOT A FACT THAT AFTER -- IN THE PERIOD  
13 IN JUNE, AFTER JUNE, YOU KNOW, YOU TESTIFIED THAT IN MAY  
14 AND JUNE THEY WERE PRIMARILY FOCUSED ON THE MICROGENESIS  
15 ACTIVITY.

16                   ISN'T IT A FACT THAT AFTER THAT PERIOD OF TIME  
17 WHEN THE INTEREST STARTED GOING INTO MICROGENESIS, DIDN'T  
18 THEY STOP TAKING IN THE MONEYS FROM INVESTORS THAT WOULD  
19 OTHERWISE HAVE GONE INTO THE COMMODITIES MARKET?

20          A       DID WE STOP TAKING INVESTMENTS, YOU MEAN NEW  
21 INVESTMENTS?

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1 Q INTO THE --

2 A NEW INVESTMENTS.

3 Q YES?

4 A YES, BECAUSE WE HAD WRITTEN THIS LETTER.

5 Q RIGHT.

6 A WE HAD WRITTEN THIS LETTER THAT WE ARE NOT ACCEPTING  
7 ANY MORE INVESTMENTS.

8 Q RIGHT. AND THEN AT THAT PARTICULAR TIME, MR. HUNT  
9 WAS NO LONGER LOOKING AT THE QUOTRONS AND THAT? AND THEY  
10 STOPPED TAKING INVESTMENTS TO GO INTO THE COMMODITIES MARKET?

11 A RIGHT.

12 Q BECAUSE AS YOU KNEW IT, THE FOCUS OF ATTENTION  
13 WAS NOW INTO THE MICROGENESIS RELATED ACTIVITIES?

14 A WELL, I DON'T KNOW BECAUSE OF. I MEAN, THERE  
15 WAS A LETTER SAYING THAT HE IS NOT GOING TO ACCEPT ANY MORE  
16 MONEY. I DON'T KNOW.

17 HE SPENT A LOT OF TIME ON THE MICROGENESIS. I  
18 DON'T KNOW THE REASON BEHIND IT.

19 Q NOW, YOU SAW A LOT OF CHECKS IN A SUMMARY YOU  
20 MADE THERE, WHERE THERE WERE REFERENCES TO I THINK --  
21 MR. WAPNER REFERENCED \$400,000 TO CASH. DO YOU KNOW THAT  
22 MR. HUNT USED THE CASH THERE TO PURCHASE CASHIER'S CHECKS  
23 MADE OUT TO CERTAIN PARTIES?

24 A I DON'T KNOW.

25 Q YOU DON'T KNOW WHAT WAS DONE WITH THOSE MONEYS?

26 A NO.

27 Q ALL RIGHT. NOW, YOU MENTIONED THAT MR. HUNT  
28 SEEMED TO BE THE BOSS UP THERE AND IN CONTROL OF THE BUSINESS.

-2

1 I WOULD LIKE TO DEVELOP A BETTER SENSE OF THE  
2 TYPE OF Demeanor OF THAT, THE IMPLICATION OF THAT TYPE OF  
3 STATEMENT. WAS MR. HUNT ACTING LIKE SOME HITLER UP THERE  
4 OR A TYPE -- THAT TYPE OF PERSON OR WAS HE ACTING LIKE HE  
5 WAS THE KIND OF JUST, THE LAST PERSON RESPONSIBLE? THAT  
6 EVENTUALLY, SOMEONE HAS TO MAKE A DECISION AND HE IS THE ONE  
7 THAT HAS TO MAKE THE FINAL DECISION?

8 MR. WAPNER: OBJECTION. CALLING FOR A CONCLUSION.

9 THE COURT: SUSTAINED.

10 MR. BARENS: ALL RIGHT.

11 Q WHAT DID YOU OBSERVE IN THAT REGARD? DID HE HAVE  
12 BACK AND FORTH DIALOGUES WITH OTHER MEMBERS OF THE BBC?

13 A YES, ABSOLUTELY.

14 Q AND WAS HE WILLING TO LISTEN TO THEIR OPINIONS?

15 A YES.

16 MR. WAPNER: OBJECTION, CALLING FOR A CONCLUSION ON  
17 THE PART OF THE WITNESS.

18 THE COURT: WAIT UNTIL THE OBJECTION IS MADE BEFORE  
19 YOU ANSWER. I WILL OVERRULE THE OBJECTION.

20 I WILL LET THE ANSWER STAND.

21 MR. WAPNER: THANK YOU.

22 Q BY MR. BARENS: AND HOW WAS IT WHEN YOU HAD  
23 ASSIGNMENTS TO BE COMPLETED, YOU MENTIONED THAT YOU COULDN'T  
24 PUSH MR. HUNT. HOW WAS IT WHEN THERE WAS AN ASSIGNMENT TO  
25 BE COMPLETED? DID THERE COME A TIME WHEN YOU WOULD REMIND  
26 HIM SOMETHING NEEDED TO BE DONE?

27 A YES.

28 Q AND WHAT WOULD HAPPEN?

2-3

1           A       HE WOULD EITHER TAKE CARE OF IT OR NOT TAKE CARE  
2 OF IT.

3           Q       DID HE EVER EXPLAIN TO YOU WHAT HIS POLICY WAS  
4 IN THAT REGARD?

5           A       AS IT PERTAINS TO ME?

6           Q       YES.

7           A       WELL, HE WOULD TELL ME -- I THINK ONE TIME RIGHT  
8 IN THE BEGINNING, BECAUSE I HAVE A TENDENCY TO MAKE SURE THAT  
9 THINGS GET DONE. AND I WOULD SAY SOMETHING TO SOMEBODY, "IF  
10 MY BOSS DOESN'T DO IT THE FIRST TIME, I WILL TELL HIM AGAIN."

11                   I WOULD TELL HIM AGAIN.

12                   BUT JOE HUNT TOLD ME RIGHT IN THE BEGINNING, HE  
13 SAID, "LORE, YOU ONLY HAVE TO TELL ME SOMETHING ONCE. IF  
14 I DON'T DO IT, I CHOOSE NOT TO DO IT."

15           Q       ALL RIGHT. ON THE OTHER HAND, IF SOMETHING DIDN'T  
16 GET DONE THEN, WOULD HE BLAME YOU OR OTHER PEOPLE FOR IT?

17           A       NO, NOT ME AT ALL. NO.

18           Q       ALL RIGHT. SO HE SEEMED TO ESTABLISH HIS OWN  
19 PACE OF DOING THINGS AND ONCE HE ESTABLISHED THAT, THAT WAS  
20 JUST THE WAY HE ACTED IT OUT?

21           A       THAT'S IT, YES.

22           Q       NOW, IN FACT TO YOUR KNOWLEDGE, DID MR. HUNT GO  
23 TO LONDON IN JUNE?

24           A       YES.

25           Q       AND DO YOU REMEMBER WHEN IT WAS IN JUNE?

26           A       I THINK IT WAS THE BEGINNING OF JUNE.

27           Q       AND AT THE BEGINNING OF JUNE, AS I UNDERSTAND  
28 IT, HE WENT FIRST TO NEW YORK, CORRECT? AND THEN HE WENT

1 TO --

2 MR. WAPNER: IS THAT YES?

3 THE WITNESS: WELL, HE MUST HAVE GONE BECAUSE I DIDN'T  
4 KNOW, YOU KNOW. HE CALLED ME FROM NEW YORK.

5 HE SAID HE WAS IN NEW YORK. HE CALLED ME FROM  
6 NEW YORK.

7 I DID NOT ARRANGE FOR HIM TO GO TO NEW YORK.

8 THE COURT: YOU DIDN'T KNOW HE WENT TO NEW YORK, DID  
9 YOU?

10 THE WITNESS: NO.

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1 Q BY MR. BARENS: HE CALLED YOU FROM NEW YORK DURING  
2 THE MONTH OF JUNE?

3 A THE BEGINNING OF JUNE, YES.

4 Q RIGHT. WAS HE SECRETIVE ABOUT BEING IN NEW YORK?

5 A NO.

6 Q OKAY. HE CALLED YOU FROM NEW YORK AND ASKED YOU  
7 TO GET A TICKET FROM WHERE TO WHERE?

8 A FROM NEW YORK TO LONDON.

9 Q HE DIDN'T ASK YOU FOR A TICKET FROM L.A. TO LONDON?  
10 HE ASKED YOU FOR A TICKET FROM NEW YORK TO LONDON?

11 A RIGHT.

12 Q AND EVIDENTLY, THAT TICKET GOT USED?

13 A IT MUST HAVE.

14 THE COURT: DO YOU KNOW WHETHER IT WAS USED OR NOT?

15 THE WITNESS: WELL, I DON'T KNOW.

16 THE COURT: GO AHEAD.

17 Q BY MR. BARENS: WELL, DID YOU EVER APPLY FOR A  
18 REFUND ON THAT TICKET?

19 A NO.

20 Q OKAY. NOW BETWEEN THE TIME HE ASKED YOU FOR A  
21 TICKET FROM NEW YORK TO LONDON, DID YOU EVER SEE HIM IN  
22 LOS ANGELES, BEFORE HE SAID TO YOU, "I JUST GOT BACK FROM  
23 LONDON?"

24 A NO.

25 Q OKAY. THEREFORE, FROM THE TIME HE CALLED YOU  
26 FROM NEW YORK, TELLING YOU THAT HE WAS IN NEW YORK AND HE  
27 NEEDED A TICKET TO LONDON AND THAT TICKET IS PURCHASED AND  
28 THEN SOME TIME GOES BY AND THEN AFTER THAT, YOU SEE MR. HUNT

1 IN LOS ANGELES?

2 A YES. IT WAS QUITE A WHILE. IT WAS ABOUT -- ALMOST  
3 TWO WEEKS, I WOULD SAY.

4 Q DURING THAT ENTIRE TWO-WEEK PERIOD, YOU DIDN'T  
5 SEE HIM IN LOS ANGELES?

6 A NO.

7 Q OKAY. THANK YOU VERY MUCH. NOTHING FURTHER.

8

9 FURTHER REDIRECT EXAMINATION

10 BY MR. WAPNER:

11 Q IT WAS MAY OF '84 OR THEREABOUTS THAT THE TRADING  
12 WHICH YOU THOUGHT WAS ACTIVITY OF MR. HUNT COMING IN AND  
13 WORKING ON THE STOCK MARKET, HAD STOPPED; RIGHT?

14 A YES, SOMETIME.

15 Q AND MR. BARENS WAS SUGGESTING TO YOU THAT THAT  
16 IS BECAUSE -- MIGHT BE BECAUSE THEY WERE THEN ACTIVELY INVOLVED  
17 IN MICROGENESIS. DID YOU KNOW WHY HE STOPPED TRADING AT THAT  
18 TIME?

19 A I DIDN'T KNOW THAT HE STOPPED TRADING.

20 Q HE JUST DIDN'T COME INTO THE OFFICE?

21 A HE JUST DIDN'T SIT THERE AND YOU KNOW, LOOK AT  
22 HIS -- WHAT DO YOU CALL THAT?

23 THE COURT: QUOTRON.

24 THE WITNESS: QUOTRON?

25 Q BY MR. WAPNER: THE LITTLE MACHINE?

26 A THE LITTLE MACHINE, REUTERS OR WHATEVER.

27 Q HAD THEY STOPPED TAKING MONEY FROM INVESTORS AT  
28 THAT POINT?

1           A       NO. I THINK WE TOOK IT -- ACCORDING TO THOSE  
2       LETTERS, I MEAN, WE SAID --

3           Q       IS THIS THE LIST YOU PREPARED OF ALL THE  
4       INVESTMENTS THAT WERE MADE IN 1984?

5           A       RIGHT.

6           MR. WAPNER: MAY THAT BE MARKED YOUR HONOR? I THINK  
7       IT IS --

8           THE COURT: WASN'T IT MARKED?

9           MR. WAPNER: NO. IT WAS NOT MARKED. MAY IT BE 203?

10          THE COURT: YES.

11          Q       BY MR. WAPNER: AND IN JUNE OF 1984, HOW MUCH  
12       MONEY DID MR. HUNT TAKE IN FROM INVESTORS IN THE STEVE WEISS  
13       FAMILY ACCOUNT?

14          A       \$276,743.58.

15          Q       WHEN WAS IT THAT YOU TOOK YOUR VACATION, WHAT  
16       PART OF AUGUST?

17          A       THE BEGINNING OF AUGUST.

18          Q       A WEEK? TWO WEEKS?

19          A       I HAD PLANNED TWO WEEKS.

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1 Q BY MR. WAPNER: ALL RIGHT. DID YOU ACTUALLY  
2 GO FOR THE TWO WEEKS?

3 A NO.

4 Q HOW LONG WERE YOU ACTUALLY GONE?

5 A I WAS GONE THE FIRST WEEK.

6 Q AND DID YOU COME BACK TO THE OFFICE AFTER THAT?

7 A YES.

8 Q SO YOU CAME BACK TO THE OFFICE BEGINNING -- IS  
9 IT FAIR TO SAY THAT YOU CAME BACK TO THE OFFICE THE BEGINNING  
10 OF THE SECOND WEEK IN AUGUST?

11 A YES, THE MIDDLE OF IT SORT OF.

12 Q AROUND THE 15TH OR SO?

13 A SOMEWHERE LIKE THAT.

14 Q IN 1984, THE 1ST OF AUGUST WOULD HAVE BEEN ON  
15 A WEDNESDAY AND THE NEXT MONDAY WOULD BE THE 6TH AND THE  
16 NEXT, THE FOLLOWING MONDAY WOULD BE THE 13TH OF AUGUST; DOES  
17 THAT HELP YOU AT ALL IN TERMS OF WHEN YOU MIGHT HAVE COME  
18 BACK TO THE OFFICE?

19 A IT WAS AFTER THE 15TH.

20 Q AND DID YOU COME BACK ON A MONDAY?

21 A YES -- YES.

22 Q OKAY. AND WHEN YOU GOT BACK TO THE OFFICE, THEY  
23 WERE ALREADY HAVING PROBLEMS WITH THE RENT?

24 A WHEN I GOT BACK TO THE OFFICE, THE BIG DEAL WAS  
25 THE BREAK-IN.

26 Q BUT WERE THERE SOME DISCUSSIONS AT THAT POINT  
27 ABOUT PROBLEMS WITH THE RENT?

28 A NO, I DON'T THINK SO. I DIDN'T HEAR ANYTHING

1 THEN.

2 Q SO IT WAS THE BEGINNING OF SEPTEMBER?

3 A YES, IT MUST HAVE BEEN.

4 Q AND WHEN WAS THE LAST TIME THAT YOU WERE ACTUALLY  
5 PAID YOUR SALARY?

6 A I DON'T REMEMBER EXACTLY.

7 I WAS PAID, I KNOW THAT I GOT MY CHECK OUT FOR  
8 MY VACATION. AFTER THE VACATION, EVERYTHING WAS FINE THEN  
9 AND AFTER THAT, I DON'T KNOW IF I GOT ANOTHER CHECK BUT THEN  
10 IT STARTED.

11 Q SO THE END OF AUGUST, BEGINNING OF SEPTEMBER?

12 A UH-HUH.

13 THE COURT REPORTER: IS THAT ANSWER YES?

14 THE WITNESS: YES. SORRY.

15 MR. WAPNER: I HAVE NOTHING FURTHER.

16 THE COURT: ALL RIGHT.

17 MR. WAPNER: LET ME JUST ASK ONE THING TO CLEAR UP  
18 THIS LIST THAT IS 203 FOR IDENTIFICATION.

19 Q THE LIST THAT YOU PREPARED THAT IS 203; DID YOU  
20 MAKE THAT BY TAKING FACTS OFF OF WHAT WAS ANOTHER COPY OF  
21 PEOPLE'S 87?

22 A YES.

23 Q AND 87 IS THE LIST THAT YOU ACTUALLY PREPARED  
24 FOR MR. HUNT FOR THE SEPTEMBER MEETING IN 1984, CORRECT?

25 A RIGHT.

26 Q AND IN THE DOCUMENT THAT IS PEOPLE'S 203, DID  
27 YOU -- HOW DID YOU PREPARE THAT DOCUMENT?

28 A THIS ONE?

1 Q YES.

2 A I TOOK THE FIGURES OFF, I WENT THROUGH -- I DID  
3 IT BY DATE RATHER THAN ALPHABETICAL.

4 Q AND SO YOU TOOK THE DOCUMENT THAT IS PEOPLE'S  
5 87?

6 A RIGHT.

7 Q AND YOU WENT DOWN BY DATES AS TO WHEN PEOPLE  
8 HAD INVESTED?

9 A YES.

10 Q AND THEN ON THE DOCUMENT THAT YOU HAVE IN FRONT  
11 OF YOU, DID YOU LIST ALL OF THE PEOPLE WHO HAD INVESTED EACH  
12 MONTH?

13 A YES.

14 Q AND SO THAT YOU GOT ON THAT DOCUMENT FOR EACH  
15 MONTH THE DATE THAT THE PERSON INVESTED, THE NAME OF THE  
16 PERSON AND THE AMOUNT?

17 A YES.

18 Q AND THEN THE TOTAL AT THE END OF EACH MONTH?

19 A RIGHT.

20 Q AND THAT IS HOW YOU ARRIVED AT THE FIGURES YOU  
21 GAVE US YESTERDAY FOR THE INVESTMENTS FOR EACH MONTH?

22 A RIGHT.

23 MR. WAPNER: MAY 203 BE RECEIVED IN EVIDENCE, YOUR  
24 HONOR?

25 THE COURT: ANY PARTICULAR REASON FOR IT?

26 MR. WAPNER: ONLY THAT IF THERE IS AN OBJECTION, IF  
27 THERE IS SOME KIND OF FOUNDATIONAL OBJECTION NOW, I WOULD  
28 LIKE TO CLEAR IT UP WHILE THE WITNESS IS ON THE STAND RATHER

1 THAN HAVE TO BRING HER BACK.

2 THE COURT: ALL RIGHT, I WILL RECEIVE IT.

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

4 MR. BARENS: WE NEED A MOMENT WITH THE EXHIBIT, YOUR  
5 HONOR.

6 THE COURT: GO AHEAD.

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1 FURTHER RECROSS-EXAMINATION

2 BY MR. BARENS:

3 Q ON THE LIST YOU HAVE PREPARED -- AND I AM GOING  
4 TO COME UP AND TAKE A LOOK AT THAT WITH YOU -- ISN'T IT A  
5 FACT THAT ON THE INCOMING MONEYS, THAT THEY STOPPED TAKING  
6 THOSE INVESTMENTS AFTER THE 15TH OF JUNE?

7 A RIGHT.

8 Q AND ISN'T THAT CONSISTENT WITH A LETTER WHICH  
9 WAS SENT OUT TO THE INVESTORS UNDER DATE OF MAY 29, ADVISING  
10 THAT AFTER THE 15TH OF JUNE THEY SIMPLY WEREN'T GOING TO  
11 TAKE ANY MORE INVESTOR MONEY?

12 A THAT'S RIGHT.

13 Q SO AFTER THAT, IT IS STOPPED?

14 A RIGHT.

15 Q OKAY. AND AFTER THAT, THE ONLY INVESTOR MONEY  
16 YOU HEARD BEING DISCUSSED WAS KILPATRICK CONCERNING  
17 MICROGENESIS --

18 THE COURT: THAT IS REPETITIOUS. WE HAVE GONE THROUGH  
19 ALL OF THAT ONCE OR TWICE.

20 Q BY MR. BARENS: -- AND THINGS OF THAT NATURE?

21 THE COURT: SHE HAS TESTIFIED TO THAT.

22 Q BY MR. BARENS: OKAY. NOW LOOKING AT THE EXHIBIT  
23 HERE, YOU HAD USED THIS EXHIBIT, BEING PEOPLE'S 20 -- 87.

24 THE COURT: THIS IS 203 HERE (INDICATING).

25 Q BY MR. BARENS: 87 BECOMES 203 IN YOUR HANDWRITING.

26 LOOKING AT THIS AND DIRECTING YOUR ATTENTION  
27 TO THE -- THERE IS A COLUMN THERE, IS THERE NOT, FOR STEVE  
28 WEISS?

1 A YES.

2 Q AND IN THE FIRST COLUMN STARTING FROM THE LEFT,  
3 DOES IT SHOW ACTUAL REAL WORLD DOLLAR CONTRIBUTIONS BY MR.  
4 WEISS?

5 A YES, IT DOES.

6 MR. WAPNER: THESE ARE EXHIBITS.

7 MR. BARENS: THOSE ARE MINE. TAKE YOURS AND LEAVE  
8 MINE.

9 THE COURT: IF THEY ARE EXHIBITS, THEY BELONG TO THE  
10 COURT AND NOT TO YOU ANYMORE.

11 MR. BARENS: NO. THESE ARE MINE.

12 THE COURT: ARE THEY IN EVIDENCE?

13 MR. BARENS: NO. THESE ARE MINE, JUDGE.

14 THE COURT: OH, ALL RIGHT, YOU CAN KEEP THEM.

15 MR. BARENS: I BROUGHT THESE FROM HOME.

16 (LAUGHTER IN COURTROOM.)

17 Q BY MR. BARENS: IN THAT FIRST COLUMN, ARE THERE  
18 THREE ENTRIES, WHICH I THINK YOU COULD EASILY TOTAL FOR ME,  
19 SHOWING WHAT HIS CAPITAL CONTRIBUTIONS WERE?

20 A RIGHT.

21 Q HOW MUCH DOES IT SHOW?

22 A 80,000.

23 Q AND IN THE NEXT COLUMN, THE NUMBERS THERE WOULD  
24 SHOW WHAT?

25 A THE DATES.

26 Q NO, THE DATES, I AM NOT CONCERNED WITH. I AM  
27 SORRY.

28 THE THIRD COLUMN, WHAT DOES THAT FIGURE SHOW?

1           A       THE MONEYS DISTRIBUTED TO THE INVESTOR.

2           Q       HOW MUCH DOES IT SHOW DISTRIBUTED TO HIM?

3           A       83,470.

4           Q       AND THEN THE NEXT COLUMN, WHAT DOES THAT FIGURE  
5 REPRESENT?

6           A       THE NET INVESTMENT.

7           Q       AND WHAT DOES THE NET SHOW?

8           A       THE NET SHOWS \$3,470.

9           Q       \$3,470? IT LOOKS AS THOUGH HE GOT MORE OUT THAN  
10 HE PUT IN.

11                    OKAY, THE INVESTOR APPEARS TO BE PLUS THIRTY-FOUR  
12 SEVENTY FROM HIS ACTUAL HARD CASH INVESTMENT.

13           A       RIGHT.

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1 Q NOW, AFTER THAT HARD CASH INVESTMENT IS ACCOUNTED  
2 FOR FOR MR. WEISS, DO YOU KNOW OF ANY OTHER HARD CASH  
3 INVESTMENT HE EVER MADE?

4 A I HAVE HEARD THAT HE MADE ANOTHER -- BUT I ONLY  
5 KNOW HE TOLD ME THAT HE PUT IN ANOTHER \$50,000. BUT NOT INTO  
6 THIS.

7 Q WHAT WAS THAT PUT INTO?

8 A IT WAS APPARENTLY SOME INVESTMENT THAT JOE MADE  
9 WITH STEVE WEISS' MONEY AND CHESTER BROWN'S MONEY AND IT WAS  
10 SORT OF MORE RISKY, APPARENTLY. BUT THEY APPARENTLY, MADE  
11 A LOT OF MONEY WITH IT.

12 Q ALL RIGHT. AND IT APPEARED -- THE SENSE YOU GOT  
13 FROM THE DISCUSSIONS ABOUT THIS OTHER INVESTMENT, IS THAT  
14 IT WAS SOMETHING OF A MORE RISKY NATURE EVEN THAN THESE  
15 COMMODITIES THINGS YOU GUYS HAD BEEN DOING?

16 A YES.

17 MR. BARENS: JUST A MOMENT, YOUR HONOR.

18 (PAUSE.)

19 Q BY MR. BARENS: YOU MADE SOME REFERENCE TO AN  
20 OFFICE BREAK-IN BEING DISCUSSED WHEN YOU RETURNED FROM YOUR  
21 HOLIDAY.

22 DID THAT SEEM TO BE A BURGLARY OR WAS IT BEING  
23 DISCUSSED AS AN INSIDE JOB, FROM WHAT YOU HEARD?

24 COULD YOU MAKE AN ASSESSMENT AS TO WHAT THE  
25 PERCEPTION OF THAT WAS?

26 MR. WAPNER: OBJECTION, CALLING FOR HEARSAY AND  
27 SPECULATION ON THE PART OF THE WITNESS.

28 THE COURT: SUSTAINED. SHE DOESN'T KNOW. HOW WOULD:

1 SHE KNOW WHETHER IT WAS A BURGLARY OR AN INSIDE JOB? SHE  
2 IS NOT A DETECTIVE.

3 MR. BARENS: I DON'T KNOW IF SHE KNOWS UNTIL I ASK  
4 HER.

5 THE COURT: I WILL SUSTAIN THE OBJECTION. LET'S GET  
6 ON TO SOMETHING ELSE.

7 Q BY MR. BARENS: DID YOU EVER DEVELOP KNOWLEDGE  
8 AS TO WHAT HAPPENED?

9 MR. WAPNER: SAME OBJECTION, HEARSAY. CALLING FOR  
10 SPECULATION.

11 Q BY MR. BARENS: DID YOU EVER SEE ANY BROKEN DOORS  
12 OR LOCKS?

13 MR. WAPNER: OBJECTION AS TO RELEVANCE.

14 THE COURT: WELL, SHE CAN ANSWER THAT.

15 THE WITNESS: I DON'T KNOW IF IT WAS BROKEN OR NOT.  
16 I REALLY DON'T KNOW.

17 I WAS SO SHOCKED WHEN I GOT IN THERE, WHAT IT  
18 LOOKED LIKE.

19 Q BY MR. BARENS: OKAY. WHAT DO YOU MEAN YOU WERE  
20 SHOCKED?

21 A WELL, I MEAN, IT WAS VERY SHOCKING BECAUSE  
22 EVERYTHING WAS GONE, ALL OF THE TYPEWRITERS, YOU KNOW, ALL  
23 OF THE XEROX MACHINES, ALL OF THE EQUIPMENT, EVERYTHING.

24 IT WAS JUST A VERY SHOCKING THING WHEN YOU WALK  
25 INTO A PLACE LIKE THAT.

26 Q AND MR. HUNT SEEMED UPSET?

27 A WELL, I HAD SPOKEN TO HIM ON THAT SATURDAY AND  
28 HE TOLD ME THERE WAS A BREAK-IN AND EVERYTHING ELSE.

1 I DECIDED I WAS COMING BACK TO WORK ON MONDAY.  
2 AND I WAS NOT SUPPOSED TO BE, I JUST CAME BACK.

3 Q AS FAR AS YOU UNDERSTOOD IT, IT WAS AS A RESULT  
4 OF THE BREAK-IN THAT YOU HAD TO COME BACK FROM YOUR HOLIDAY  
5 EARLY?

6 A WELL AND ALSO THAT I HAD A PHONE CALL FROM AN  
7 INVESTOR. I THINK IT WAS ALPH GORE AND CHESTER BROWN, THAT  
8 THEY WERE APPROACHED BY THE S.E.C.

9 THEY CALLED ME THAT SATURDAY AT HOME. I TALKED  
10 TO THEM AND I CALLED JOE HUNT. BUT I COULDN'T REACH HIM.

11 Q NOW, YOU THEN CONTINUED THERE UNTIL SOMETIME IN  
12 OCTOBER?

13 A YES.

14 Q OKAY. DURING OCTOBER, WAS MR. HUNT AT WORK?

15 A YES.  
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1 Q AND WHAT DID HE SEEM TO BE DOING AS FAR AS AN  
2 ACTIVITY LEVEL IN OCTOBER?

3 A HE WAS WORKING ON DIFFERENT THINGS. HE WAS TRYING  
4 TO DO SOME BUSINESS.

5 Q WAS HE TALKING TO SOME OF THE INVESTORS?

6 A HE WAS TALKING TO SOME INVESTORS.

7 Q AND JUST CARRYING ON SOMEWHAT JUST YOU KNOW, THE  
8 WAY HE ALWAYS ACTED AND THE WAY HE DID BUSINESS, THAT TYPE  
9 OF THING?

10 A YEAH. AND HE WAS TALKING TO SOME NEW PEOPLE I  
11 HAD NEVER SEEN BEFORE.

12 MR. BARENS: THANK YOU.

13 THE COURT: ALL RIGHT. ANYTHING FURTHER?

14 MR. WAPNER: JUST A COUPLE OF THINGS.

15 THE COURT: WELL, THEN YOU WILL START THE WHOLE CYCLE  
16 AGAIN.

17 MR. WAPNER: I HAVE NOTHING FURTHER. IT IS NOT THAT  
18 IMPORTANT.

19 THE COURT: I HAVE A FEW QUESTIONS TO ASK YOU.

20 HOW MANY TIMES DID YOU SAY RON LEVIN WAS AT THE  
21 PREMISES?

22 THE WITNESS: I NEVER SAW HIM THERE.

23 THE COURT: NEVER SAW HIM AT ALL?

24 THE WITNESS: NO.

25 THE COURT: HAVE YOU RECEIVED ANY LETTERS FROM RON LEVIN  
26 ADDRESSED TO THE BBC OR ANYBODY ELSE?

27 THE WITNESS: NOT THAT I RECALL.

28 THE COURT: DID YOU EVER GET ANY REPLY TO THOSE LETTERS

1 THAT YOU SENT OUT TO MR. LEVIN IN MAY?

2 THE WITNESS: I NEVER SAW IT.

3 THE COURT: YOU NEVER SAW ANY ANSWERS OF ANY KIND?

4 THE WITNESS: YES.

5 THE COURT: YOU NEVER SAW ANY ANSWERS TO THOSE LETTERS  
6 FROM MR. LEVIN?

7 THE WITNESS: NO.

8 MR. BARENS: YOUR HONOR, IF I MIGHT?

9 THE COURT: GO AHEAD.

10  
11 FURTHER RECCROSS EXAMINATION

12 BY MR. BARENS:

13 Q WHEN YOU SENT THE LETTERS OUT TO INVESTORS OR  
14 PEOPLE MR. HUNT WAS DEALING WITH --

15 THE COURT: I ONLY REFERRED TO LEVIN. LET'S CONCENTRATE  
16 ON THAT.

17 GO AHEAD. LET'S NOT REOPEN EVERYTHING ELSE.

18 MR. BARENS: I WOULD LIKE YOUR HONOR, TO KNOW IF SHE  
19 ALWAYS GOT A RESPONSE FROM EVERY INVESTOR THAT --

20 THE COURT: WELL, THAT IS SILLY. YOU DON'T GET RESPONSES  
21 TO EVERY LETTER YOU EVER SEND OUT.

22 I AM TALKING ABOUT THOSE LETTERS OF LEVIN'S ONLY.

23 Q BY MR. BARENS: ANYTHING UNUSUAL THAT YOU DIDN'T  
24 GET A RESPONSE TO THOSE LETTERS?

25 A I DIDN'T THINK OF ANYTHING BECAUSE HE SAID HE  
26 WAS HAND DELIVERING THEM. I FIGURED THAT HE GAVE HIM A VERBAL  
27 RESPONSE OR WHATEVER.

28 Q DID ANY OF THOSE LETTERS THAT YOU TYPED ASK LEVIN

1 TO SEND YOU SOME KIND OF WRITTEN RESPONSE?

2 A NO.

3 Q ANY OF THEM SAY TO SIGN HERE AND RETURN THE  
4 ENCLOSURE OR PUT THE X OR SEND YOUR POSTCARDS, FOLKS? NONE  
5 OF THAT WAS IN THOSE LETTERS, WAS THERE?

6 A NO.

7 Q ANY DEADLINES ESTABLISHED OR RESPONSES TO THOSE  
8 LETTERS?

9 THE COURT: THE LETTERS SPEAK FOR THEMSELVES. ALL RIGHT?

10 MR. BARENS: QUITE SO. THANK YOU, YOUR HONOR.

11 THE COURT: ALL RIGHT.

12  
13 FURTHER REDIRECT EXAMINATION

14 BY MR. WAPNER:

15 Q AFTER YOU TYPED THOSE LETTERS TO MR. LEVIN, DID  
16 YOU TYPE ANY LETTER TO MR. LEVIN OTHER THAN THE THREE THAT  
17 ARE IN THE PACKAGE THAT IS PEOPLE'S 94, THE ONES YOU WERE  
18 SHOWN YESTERDAY?

19 A NO, NOT THAT I CAN RECALL.

20 Q SO YOU DON'T RECALL TYPING ANY OTHER LETTERS TO  
21 MR. LEVIN?

22 A NO.

23 Q DID YOU AFTER YOU SAW MR. HUNT IN THE OFFICE WITH  
24 THIS CONTRACT AND THE CHECK, DID YOU EVER TYPE A LETTER TO  
25 MR. LEVIN SAYING, "PLEASE SEND ME THE MONEY," OR "MAKE THE  
26 CHECK GOOD"?

27 A NO.

28 Q DID YOU EVER TYPE A LETTER TO MR. LEVIN SAYING,

1 "PLEASE COME TO THE OFFICE. THERE IS A PROBLEM WITH THE CHECK  
2 OR THE CONTRACT"? ANYTHING LIKE THAT?

3 A NO.

4 Q SO OTHER THAN THESE THREE LETTERS THAT ARE IN  
5 THE PACKAGE AND THE ONE THAT YOU WERE SHOWN YESTERDAY, THAT  
6 WAS IT, AS FAR AS TYPING LETTERS TO LEVIN?

7 A YES.

8 MR. WAPNER: THANK YOU. NOTHING FURTHER.

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1 MR. BARENS: A MOMENT, YOUR HONOR.

2 (UNREPORTED COLLOQUY BETWEEN DEFENSE  
3 COUNSEL.)

4 MR. BARENS: THANK YOU VERY MUCH, YOUR HONOR. THANK  
5 YOU.

6 THE COURT: ALL RIGHT.

7 THE WITNESS MAY BE EXCUSED?

8 MR. BARENS: YES, YOUR HONOR.

9 THE COURT: THANK YOU VERY MUCH.

10 YOU ARE EXCUSED.

11 ALL RIGHT, LADIES AND GENTLEMEN OF THE JURY,  
12 WE WILL TAKE OUT NOON RECESS AT THIS TIME.

13 THE SAME ADMONITION I GAVE YOU WOULD STILL APPLY.

14 MR. BARENS: YOUR HONOR, COULD I MAKE AN INQUIRY?

15 THE COURT: YES.

16 MR. BARENS: WE DON'T NEED THE REPORTER.

17 THE COURT: OFF THE RECORD?

18 MR. BARENS: SURE.

19 (UNREPORTED COLLOQUY AT THE BENCH  
20 BETWEEN THE COURT, MR. BARENS AND  
21 MR. WAPNER.)

22 (PROCEEDINGS WERE ADJOURNED AT 12:00 NOON  
23 TO RESUME AT 1:30 P.M. OF THE SAME DAY.)  
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1 SANTA MONICA, CALIFORNIA; THURSDAY, MARCH 5, 1987; 1:35 P.M.  
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE

3 (APPEARANCES AS NOTED ON TITLE PAGE  
4 EXCEPT MR. CHIER IS NOT PRESENT.)

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

9 MR. BARENS: MR. CHIER WILL NOT ATTEND THIS AFTERNOON.

10 THE COURT: QUEL DOMAGE.

11 MR. BARENS: YOUR HONOR, I NEED FIVE TO 4:00.

12 THE COURT: YES.

13 (BENCH CONFERENCE NOT REPORTED.)

14 (THE JURY ENTERS THE COURTROOM.)

15 THE COURT: INCIDENTALY, LADIES AND GENTLEMEN, IF  
16 BY CHANCE, ANY OF YOU DON'T HEAR ANY QUESTIONS OR ANY ANSWERS,  
17 WILL YOU RAISE YOUR HANDS? I WILL SEE THAT IT IS REPEATED  
18 SO THAT YOU GET IT. ALL RIGHT?

19 CALL YOUR NEXT WITNESS.

20 MR. WAPNER: WE CALL DR. CHOI.

21  
22 JOSEPH H. CHOI,

23 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED  
24 AS FOLLOWS:

25 THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY  
26 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL  
27 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,  
28 SO HELP YOU GOD.

1 THE WITNESS: I DO.

2 THE CLERK: PLEASE BE SEATED. STATE AND SPELL YOUR  
3 NAME FOR THE RECORD.

4 THE WITNESS: JOSEPH CHOI, C-H-O-I.

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6

DIRECT EXAMINATION

7

BY MR. WAPNER:

8

Q DR. CHOI, BY WHOM ARE YOU --

9

MR. BARENS: MAY I HAVE A MOMENT, YOUR HONOR?

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THE COURT: YES.

11

(PAUSE.)

12

MR. BARENS: COULD WE APPROACH THE BENCH FOR A MOMENT?

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THE COURT: YES.

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

3 THE COURT: YES?

4 MR. BARENS: I BELIEVE THAT THIS WITNESS IS CALLED  
5 FOR THE PURPOSES OF CREATING HYPOTHETICALS ABOUT WHAT HAPPENS  
6 IF A PERSON GETS SHOT AND HOW YOU BLEED OR DON'T BLEED OR --

7 THE COURT: YES, WE HAD THAT SAME TESTIMONY IN THE  
8 PITTMAN CASE, DIDN'T WE?

9 MR. BARENS: I BELIEVE YOU HAD THIS TYPE OF TESTIMONY  
10 IN THE PITTMAN CASE.

11 THE COURT: I THINK I ALLOWED IT THEN AND THERE WAS  
12 AN OBJECTION TO IT.

13 I AM GOING TO ALLOW IT NOW.

14 MR. BARENS: I HAVEN'T MADE MY OBJECTION.

15 THE COURT: YOU CAME UP TO MAKE AN OBJECTION, DIDN'T  
16 YOU, I ASSUME?

17 MR. BARENS: YES.

18 THE COURT: ALL RIGHT, MAKE IT FOR THE RECORD.

19 MR. BARENS: I AM OBJECTING AS TO THE PROBATIVE VALUE.  
20 THERE HAS BEEN NO TESTIMONY TO DATE OR ANY FORENSIC EVIDENCE  
21 TO ESTABLISH MR. LEVIN WAS KILLED BY A GUN DEVICE AND NO  
22 ILLUSTRATION MADE OF EVIDENCE FOUND AT THE SCENE THAT WOULD  
23 SUGGEST HE WAS KILLED BY A GUN OR OTHER WEAPON AND THAT UNDER  
24 352, OBVIOUSLY THE INFLAMMATORY SUGGESTIONS CONTAINED IN THIS  
25 WITNESS' TESTIMONY FAR OUTWEIGHS THEIR PROBATIVE VALUE.  
26 PARTICULARLY IN THE SETTING WHEN THERE HAS NOT BEEN ONE  
27 SCINTILLA OF EVIDENCE TO SUPPORT ANY OF THE AREA OF TESTIMONY  
28 THAT HE WOULD BE TESTIFYING ABOUT, SIR.

1 MR. WAPNER: WELL, FIRST OF ALL, IT WILL BE CONNECTED  
2 UP WITH THE TESTIMONY OF A WITNESS IN TERMS OF THE MANNER  
3 IN WHICH THE KILLING WAS ACCOMPLISHED AND THE CALIBER OF  
4 THE GUN THAT WAS USED TO ACCOMPLISH THE KILLING AND SO IN  
5 THAT SENSE, I HAVE NO HESITATION ABOUT SAYING THAT IT IS  
6 RELEVANT TO CONNECT IT UP TO THAT EVIDENCE THAT WILL BE HEARD  
7 LATER.

8 SECOND OF ALL, ALTHOUGH THERE MAY BE SOME  
9 HYPOTHETICAL QUESTIONS INVOLVED, IT CAN ALL BE DONE WITHOUT  
10 THE USE OF HYPOTHETICALS BY JUST ASKING HIM IF, WHAT HAPPENS  
11 WHEN A CERTAIN GUN IS USED, OF A CERTAIN CALIBER, AND WHAT  
12 ARE THE VARIOUS FACTORS THAT WOULD CAUSE A PERSON TO BLEED  
13 OR NOT TO BLEED AND WHEN A BULLET WOULD OR WOULD NOT STAY  
14 IN THE HEAD AND HOW DOES THAT VARY, DEPENDING UPON THE  
15 CALIBER OF THE BULLET THAT IS USED?

16 SECOND OF ALL, LET'S ASSUME THAT THERE WAS NO  
17 WITNESS WHO WILL CONNECT IT UP, AND THERE WILL BE, WHAT IS  
18 THE HARM DONE? THEY HAVE NOW HEARD TESTIMONY THAT IS GOING  
19 TO BE TOTALLY IRRELEVANT TO THEM SO IT DOESN'T MAKE ANY  
20 DIFFERENCE ONE WAY OR THE OTHER. BUT THERE WILL BE A WITNESS  
21 WHO WILL CONNECT IT ALL UP.

22 THE COURT: ALL RIGHT, I WILL PERMIT IT.

23 MR. BARENS: THANK YOU, YOUR HONOR.

24 (THE FOLLOWING PROCEEDINGS WERE HELD IN  
25 OPEN COURT:)

26 Q BY MR. WAPNER: DR. CHOI, WHO DO YOU WORK FOR?

27 A I AM PRESENTLY EMPLOYED AS A CHIEF OF THE MEDICAL  
28 DIVISION AT THE LOS ANGELES COUNTY CORONER'S OFFICE.

1 Q ARE YOU A MEDICAL DOCTOR LICENSED TO PRACTICE  
2 MEDICINE IN THE STATE OF CALIFORNIA?

3 A YES.

4 Q HOW LONG HAVE YOU WORKED FOR THE CORONER'S OFFICE?

5 A ALMOST 18 YEARS.

6 Q DURING THE COURSE OF YOUR EMPLOYMENT WITH THE  
7 CORONER'S OFFICE, HAVE YOU HAD OCCASION TO EXAMINE BODIES  
8 THAT HAVE HAD GUNSHOT WOUNDS?

9 A YES.

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1 Q ARE YOU FAMILIAR WITH HOW THE VARIOUS -- THE  
2 VARIOUS BLEEDING THAT MIGHT RESULT FROM VARIOUS TYPES OF  
3 GUNSHOT WOUNDS AND THE IMPACT ON THE BODY THAT VARIOUS TYPES  
4 OF BULLETS WILL MAKE?

5 A YES.

6 Q AND HAVE YOU HAD IN THE COURSE OF YOUR 18 YEARS  
7 OF WORKING AT THE CORONER'S OFFICE, A CHANCE TO OBSERVE THAT?

8 A YES.

9 Q AND HAVE YOU PREVIOUSLY TESTIFIED IN OTHER COURTS  
10 AS AN EXPERT ON GUNSHOT WOUNDS AND THE MARKS THAT THEY LEAVE  
11 IN THE BODY AND THINGS OF THAT NATURE?

12 A YES.

13 Q AND I WANT TO ASK YOU ABOUT TWO DIFFERENT AREAS.  
14 FIRST OF ALL, IN REGARD TO THE AMOUNT OF BLOOD  
15 THAT MIGHT BE -- OR THE AMOUNT OF BLEEDING THAT MIGHT BE  
16 CAUSED BY A PARTICULAR GUNSHOT WOUND, ARE THERE CERTAIN  
17 FACTORS THAT ARE RELEVANT IN DETERMINING HOW MUCH BLOOD YOU  
18 MIGHT EXPECT FROM A PARTICULAR GUNSHOT WOUND?

19 A WELL, THERE ARE SEVERAL FACTORS INVOLVED.

20 Q OKAY. COULD YOU TELL US WHAT THOSE ARE, PLEASE?

21 A FIRST IS THE SIZE OF THE CALIBER OF THE BULLET  
22 AND ALSO THE TYPE OF GUN, EITHER HANDGUN OR RIFLE, ALSO  
23 DISTANCE BETWEEN THE GUN AND THE SUBJECT AND ALSO THE LOCATION  
24 WHERE THE PERSON WAS SHOT OR IN A PARTICULAR AREA, WAS SHOT.

25 Q LET'S TAKE THOSE ONE BY ONE. WHAT DIFFERENCE  
26 DOES THE SIZE OF THE CALIBER OF THE BULLET MAKE IN DETERMINING  
27 HOW MUCH BLEEDING YOU CAN EXPECT?

28 A IT IS DEFINITELY A LARGER CALIBER BULLET WOULD

1 CAUSE A LARGER HOLE AND IT CAUSES MORE BLEEDING.

2 Q SHOWING YOU AN EXHIBIT THAT I WOULD LIKE TO HAVE  
3 MARKED AS PEOPLE'S 116 FOR IDENTIFICATION, YOUR HONOR, WHICH  
4 IS IN A PLASTIC BAG THAT CONTAINS SEVERAL DIFFERENT BULLETS --  
5 MAY THAT BE MARKED 116?

6 MR. BARENS: OBJECTION STRAIGHT UP AS TO THE RELEVANCY,  
7 YOUR HONOR.

8 THE COURT: OVERRULED.

9 MR. BARENS: YOUR HONOR, MAY WE APPROACH ON THIS?

10 THE COURT: DO WE HAVE TO APPROACH ON EVERY QUESTION  
11 THAT HAS BEEN ASKED?

12 MR. BARENS: WELL, I WILL ARGUE IT FROM HERE.

13 THE COURT: YOU DON'T HAVE TO ARGUE IT. YOU MADE YOUR  
14 OBJECTION. I HAVE OVERRULED IT.

15 MR. BARENS: I WOULD LIKE TO MAKE A STATEMENT FOR THE  
16 RECORD.

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

19 THE COURT: MAKE YOUR STATEMENT.

20 MR. BARENS: THANK YOU, YOUR HONOR. I PRESUME MR.  
21 WAPNER IS GOING TO LAY SOME KIND OF FOUNDATION FOR THE BULLETS.  
22 WE HAVE NO SPECIFIC TESTIMONY AVAILABLE THAT THESE BULLETS  
23 OR BULLETS OF AN EXACT TYPE TO THOSE BULLETS WERE USED  
24 REFERABLE TO MR. LEVIN.

25 IT GETS US INTO AN AREA OF SPECULATION. WHAT  
26 IS THE RELEVANCY OF THOSE BULLETS?

27 WE COULD HAVE PULLED ANY KIND OF BULLETS OUT,  
28 INCLUDING BULLETS FROM AN ELEPHANT GUN OR A PEA SHOOTER.

1 THE PROBLEM IS THE IMPLICATION TO THE JURY THAT THESE BULLETS  
2 WERE USED TO ASSASSINATE MR. LEVIN.

3 THE COURT: HOW CAN YOU DRAW THAT INFERENCE? YOU MAKE  
4 IT CLEAR THAT THOSE BULLETS WEREN'T TAKEN FROM ANY BODY,  
5 WOULD YOU?

6 MR. WAPNER: FIRST OF ALL --

7 MR. BARENS: DID YOUR HONOR SAY ANY BODY?

8 MR. WAPNER: FIRST OF ALL, THESE BULLETS ARE PURELY --

9 THE COURT: THE SAME CALIBER?

10 MR. WAPNER: PURELY FOR DEMONSTRATIVE PURPOSES. THEY  
11 WERE USED IN THE PITTMAN TRIAL. IT IS THE SAME BULLETS THAT  
12 WERE USED IN THE PITTMAN TRIAL.

13 IT IS CLEAR THAT THEY ARE USED FOR A DEMONSTRATIVE  
14 PURPOSE.

15 HOW CAN THIS BULLET BE USED ON ANYBODY? THEY  
16 ARE INTACT. THEY ARE NOT SPENT.

17 THE COURT: ALL RIGHT. YOU MADE YOUR RECORD.

18 MR. BARENS: I THINK I HAVE MADE MY POINT. THANK YOU.

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1 (THE FOLLOWING PROCEEDINGS WERE HELD  
2 IN OPEN COURT:)

3 MR. WAPNER: CAN I HAVE JUST A MOMENT?

4 (PAUSE IN PROCEEDINGS.)

5 Q BY MR. WAPNER: DR. CHOI, SHOWING YOU THIS EXHIBIT  
6 THAT IS MARKED PEOPLE'S 116, WHAT ARE THOSE IN THAT PACKAGE?

7 A THESE ARE VARIOUS SIZES OF AMMUNITION.

8 Q AND WHAT IS THE SMALLEST --

9 WHEN YOU SAY "VARIOUS SIZES," DOES THE CALIBER  
10 OF A BULLET REFER TO THE SIZE ACTUALLY OF THE BULLET?

11 A YES.

12 Q AND WHAT IS THE SMALLEST SIZE OR CALIBER THAT  
13 YOU HAVE CONTAINED IN THAT EXHIBIT?

14 A IT SEEMS TO BE .22 CALIBER IS THE SMALLEST ONE  
15 HERE.

16 Q AND THE NEXT ONE THEN IN THAT PACKAGE IS WHAT  
17 CALIBER?

18 A IT APPEARS TO BE A .25 CALIBER.

19 Q AND WHAT IS THE NEXT ONE?

20 A IT APPEARS TO BE .32 CALIBER BULLET.

21 Q AND THE NEXT ONE IN ORDER?

22 A THE NEXT ONE IN ORDER IS .380 AUTOMATIC.

23 Q WHAT IS THE NEXT ONE IN ORDER IN THAT PACKAGE?

24 A 9 MILLIMETER.

25 Q AND THE NEXT ONE IN ORDER?

26 A NEXT IN ORDER IS .38 SPECIAL.

27 THE COURT REPORTER: .38 SPECIAL?

28 THE WITNESS: YES.

- 2

1 Q BY MR. WAPNER: AND WHAT IS THE NEXT ONE THAT  
2 IS THE ONE ON THE TOP?

3 A YES, A .357 MAGNUM.

4 MR. WAPNER: CAN I WALK THOSE IN FRONT OF THE JURY  
5 BRIEFLY?

6 THE COURT: YES.

7 MR. BARENS: COULD I ASK FOR A STIPULATION THAT THESE  
8 BULLETS CAME FROM THE POLICE DEPARTMENT SUPPLY OF BULLETS?

9 MR. WAPNER: MAY I SHOW THESE JUST A MOMENT?

10 MR. BARENS: SO WE HAVE SOME COMMENT THAT THESE CAME  
11 FROM THE POLICE DEPARTMENT SUPPLY OF BULLETS?

12 THE COURT: WHAT DIFFERENCE DOES IT MAKE WHERE THEY  
13 CAME FROM?

14 MR. BARENS: I JUST DON'T WANT A MISTAKE MADE.

15 THE COURT: NO MISTAKE WILL BE MADE. IT WILL BE PERFECTLY  
16 CLEAR.

17 MR. BARENS: DO YOU MIND STIPULATING?

18 MR. WAPNER: NO, I DON'T. I WOULD APPRECIATE YOUR  
19 ASKING ME THESE THINGS BEFORE YOU ASK THE COURT.

20 THERE IS NO QUESTION THAT THESE BULLETS WERE  
21 BROUGHT TO COURT AT ANOTHER PROCEEDING APPROXIMATELY A YEAR  
22 AND A HALF AGO BY DETECTIVE ZOELLER FOR THE PURPOSES OF USING  
23 THEM AS A DEMONSTRATION OF THE SIZES OF VARIOUS SIZES OF  
24 BULLETS.

25 MR. BARENS: THANK YOU, YOUR HONOR.

26 Q BY MR. WAPNER: DR. CHOI, ARE THEY NOW IN THE  
27 ORDER YOU HAVE TOLD US ABOUT?

28 A YES.

1 Q WHICH IS THE SMALLEST ONE IN THE PACKAGE, WHICH  
2 CALIBER?

3 A THE LEFT ONE IS -- THE LEFT-MOST ONE IS THE  
4 SMALLEST CALIBER, WHICH IS .22 CALIBER.

5 (MR. WAPNER SHOWS EXHIBIT TO JURORS.)

6 Q BY MR. WAPNER: AND THE EFFECT OF THE CALIBER  
7 OF THE BULLET ON THE AMOUNT OF BLEEDING YOU MIGHT EXPECT IS  
8 THAT THE SMALLER BULLET, IT IS GOING TO MAKE A SMALLER HOLE  
9 AND THERE IS GOING TO BE LESS BLEEDING, RIGHT?

10 A YES, BASICALLY.

11 Q AND THE BIGGER THE BULLET IS GOING TO MAKE A  
12 BIGGER HOLE AND THERE IS GOING TO BE MORE BLEEDING?

13 A YES.

14 Q OKAY, THE NEXT FACTOR YOU TOLD US ABOUT WAS THE  
15 TYPE OF GUN.

16 WHAT EFFECT WOULD THE TYPE OF A GUN HAVE ON THE  
17 AMOUNT OF BLEEDING YOU MIGHT EXPECT?

18 A YES, SUCH AS THE SAME .22 CALIBER BULLET WHICH  
19 IS USED WITH RIFLE, EITHER IT WILL PRODUCE A LARGER  
20 DESTRUCTION AND THEY DO CAUSE MORE BLEEDING THAN WITH A  
21 HANDGUN.

22 Q WHY IS THAT?

23 A USUALLY, IT HAVE MORE PROPELLING ACTION SO DAMAGE  
24 IS GREATER.

25 Q SO THAT A BULLET SHOT FROM A RIFLE HAS MORE  
26 PROPELLING ACTION OR IT IS SHOT WITH MORE FORCE?

27 A YES, HIGH VELOCITY. THE VELOCITY WILL MAKE A  
28 LARGER DAMAGE, SO WHILE PROPELLING LONGER PERIOD, IT WILL

CREATE THE MORE VELOCITY AND YOU DIG UP MUCH MORE HOLES AND  
MUCH LARGER DAMAGES TO THE ORGAN.

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1 Q SO YOU COULD EXPECT A SMALLER WOUND FROM A HANDGUN  
2 THAN YOU COULD FROM A RIFLE?

3 A THAT'S RIGHT.

4 Q AND AS FAR AS THE DISTANCE FROM THE WOUND OR  
5 FROM THE GUN TO THE SUBJECT, WHAT EFFECT DOES THAT HAVE ON  
6 THE AMOUNT OF BLEEDING THAT YOU COULD EXPECT?

7 A USUALLY, CLOSER, THE LARGER DAMAGES. LIKE A  
8 CONTACT WOUND, WOULD CAUSE LARGER EXPLOSIVE WOUND COMPARING  
9 TO A DISTANT SHOT.

10 Q SO A BULLET THAT IS FIRED FROM A CLOSER RANGE,  
11 IS GOING TO CAUSE MORE -- A LARGER WOUND AND THEREFORE, MORE  
12 BLEEDING THAN ONE SHOT FROM A FARTHER DISTANCE, CORRECT?

13 A YES. WELLL ACTUALLY, IF IT IS BEYOND TWO FEET,  
14 YOU DON'T MAKE A BIG DIFFERENCE. BUT A CLOSER DISTANCE SUCH  
15 AS A CONTACT WOUND WOULD CAUSE A MUCH LARGER GAS EXPLOSION  
16 DAMAGE BECAUSE IT IS CONTACTED AND GAS WILL BE COMING OUT  
17 FROM THE GUN BARREL IN A MUCH LARGER AMOUNT.

18 ON THE OTHER HAND, BEYOND TWO FEET, THEN THERE  
19 WOULDN'T BE ANY REAL GAS EFFECT VERY MUCH, THAT DISTANCE  
20 BEYOND TWO FEET. IT WILL BE A BIG DIFFERENCE.

21 THEY WOULD BE ABOUT THE SAME OR MUCH FARTHER  
22 SITUATION, MAYBE MAKING A HOLE FOR THIS AT ABOUT 50 YARDS  
23 OR SOMETHING LIKE THAT. THEN IT WILL MAKE A SMALLER HOLE,  
24 TOO.

25 Q WHEN YOU TALK ABOUT A CONTACT WOUND, ARE YOU  
26 TALKING ABOUT A WOUND THAT IS PRODUCED BY ACTUALLY PLACING  
27 THE GUN AGAINST THE SKIN AND SHOOTING IT?

28 A YES.

1 Q ALL RIGHT. WHEN YOU DO THAT, THERE IS A LARGE  
2 EXPLOSION OF GASES FROM THE BARREL OF THE GUN WHICH CAUSES  
3 A LARGER WOUND, CORRECT?

4 A YES.

5 Q WHAT HAPPENS AS YOU START TO PLACE THINGS IN BETWEEN  
6 THE BARREL OF THE GUN AND THE WOUND? WHAT EFFECT DOES THAT  
7 HAVE ON THE TYPE OF WOUND THAT IS MADE?

8 A THAT WOULD ACT LIKE A DISTANCE WOUND. SO EVEN  
9 IF IT WERE SIX INCHES BUT IF YOU HAVE SOME ATTACHMENT OR  
10 ANYTHING TO MUFFLE IT, THEN THE WOUND WOULD LOOK LIKE MAYBE  
11 BEYOND TWO FEET AND SMALLER.

12 Q WHAT YOU ARE SAYING IS, IF YOU PUT SOMETHING  
13 IN BETWEEN THE BARREL OF THE GUN AND THE SKIN, THAT IT CREATES  
14 A SITUATION WHERE A WOUND WOULD LOOK LIKE ONE THAT WAS SHOT  
15 FROM FARTHER AWAY? IS THAT RIGHT, WHERE THE HOLE WOULD  
16 ACTUALLY BE SMALLER?

17 A YES, SOMETHING LIKE A MUFFLER OR SILENCER OR  
18 ANYTHING LIKE THAT. IT WOULD BE LIKE THAT.

19 Q WHAT EFFECT WOULD PUTTING A SILENCER ON THE GUN  
20 HAVE ON THE TYPE OF WOUND THAT YOU COULD EXPECT TO FIND?

21 A THAT IS WHAT I MEAN. FOR YOU TO HAVE A SILENCER  
22 IN IT, THEN IF FOR CLOSE RANGE, IT MAY APPEAR DISTANT. IT  
23 WOULD MAKE A SMALLER HOLE.

24 Q WHY IS IT THAT YOU PUT A SILENCER ON IT AND IT  
25 WOULD CREATE A SMALLER GUNSHOT WOUND ON THE BODY?

26 A BECAUSE IT MUFFLES AND THE GAS LEAKS MEANTIME,  
27 SO IN BETWEEN THE MUZZLE OF THE GUN TO THE CYLINDER, THERE  
28 IS A SMALL DISTANCE. THIS DISTANCE WILL BUFFER A GREAT DEAL.

1 Q ALL RIGHT. SO THE GASES THAT YOU WOULD EXPECT  
2 TO COME OUT OF THE MUZZLE, IF IT WAS A CONTACT WOUND, ARE  
3 GOING TO BE FARTHER AWAY FROM THE SKIN, CORRECT?

4 A YES.

5 Q AND WHAT HAPPENS IF IN ADDITION TO A SILENCER,  
6 YOU INTRODUCE ANOTHER FACTOR SUCH AS A PILLOW IN BETWEEN  
7 THE WOUND AND THE GUN? WHAT EFFECT WOULD THAT HAVE ON THE  
8 TYPE OF WOUND THAT WOULD BE PRODUCED AND HOW MUCH BLEEDING  
9 COULD YOU EXPECT IN THAT INSTANCE?

10 A WELL, IT WOULD AFFECT -- IF THERE IS ANY EFFECT,  
11 IT WOULD BE LESS BLEEDING.

12 Q WHY IS THAT?

13 A WELL, ONE OF THE THINGS, A PILLOW, IT ABSORBS  
14 THE BLOOD. AND THE OTHER FACTOR IS OF COURSE, IS THE BULLET  
15 GOES IN BETWEEN THE PILLOW SECTIONS. SO IT HAS TO BE LESS  
16 FORCEFUL.

17 Q WOULD THE PILLOW ALSO TEND TO ABSORB SOME OF  
18 THE GASES THAT WERE COMING OUT OF THE BARREL OF THE GUN AND  
19 THE SILENCER?

20 A YES.

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1 Q SO THE PILLOW WOULD ACT TO PLACE EVEN MORE DISTANCE  
2 FROM WHERE THE BULLET COMES OUT OF THE BARREL OF THE GUN AND  
3 THE WOUND ITSELF, CORRECT?

4 A YES.

5 Q AND YOU STILL SAID THAT IT WOULD ACT TO ABSORB  
6 ANY BLOOD THAT MIGHT BE THERE?

7 A YES.

8 Q AND WHAT EFFECT DOES THE LOCATION OF THE WOUND  
9 ON THE BODY HAVE ON HOW MUCH BLEEDING YOU MIGHT EXPECT FROM  
10 IT?

11 A WELL, DEPENDING ON THE BLOOD VESSELS ARE REACHED.  
12 SUPPOSE IF BUTTOCK IS SHOT, THE BUTTOCK AREA IS SHOT, IT MAY  
13 NOT BE VERY MUCH BLEEDING.

14 ON THE OTHER HAND, MAYBE HEART AREA IS SHOT, YOU  
15 WOULD HAVE A LARGE AMOUNT OF BLOOD, SUCH AS IF AORTA WAS SHOT,  
16 IT WOULD CAUSE MASSIVE BLEEDING.

17 Q IF YOU WERE SHOT IN THE HEART?

18 A HEART OR LUNGS CAUSE MASSIVE BLEEDING.

19 Q WHAT ABOUT IN THE HEAD?

20 A HEAD ALSO PRODUCE SUBSTANTIAL AMOUNT OF BLEEDING.

21 Q WHAT EFFECT, IF ANY, DOES THE LOCATION OF THE  
22 WOUND HAVE ON THE LIKELY TIME OF DEATH BETWEEN THE INFLECTION  
23 OF THE WOUND AND THE TIME OF DEATH?

24 A YES. IF THE HEART STOPS, THEN BLEEDING WILL BE  
25 STOPPED AND ONLY PASSIVE DRAINAGE MAY COME OUT.

26 BUT IF HEART IS STILL POUNDING, EVEN IF SOME OTHER  
27 AREA IS NOT FUNCTIONING, BUT HEART IS STILL FUNCTIONING, THEN  
28 THE ACTIVE BLEEDING WILL STILL CONTINUE.

1 Q SO IF YOU ARE SHOT IN THE AREA OF THE BODY THAT  
2 IS GOING TO KILL YOU FAIRLY QUICKLY, THEN THE HEART WILL STOP  
3 FAIRLY QUICKLY, CORRECT?

4 A YES.

5 Q AND ONCE THE HEART STOPS, THERE IS NO ACTIVE  
6 PUMPING OF BLOOD, CORRECT?

7 A THAT IS RIGHT.

8 Q AND IF THERE IS NO ACTIVE PUMPING OF BLOOD BY  
9 THE HEART, CAN THERE STILL BE BLEEDING FROM THE WOUND?

10 A IT MAY. IT DEPENDS ON CIRCUMSTANCES.

11 Q CAN YOU EXPLAIN THAT, PLEASE.

12 A THE HEART -- THE HEART IS SHOT -- RESTATE YOUR  
13 QUESTION.

14 Q THE QUESTION IS, ASSUMING THAT A PERSON IS SHOT  
15 AND THE SHOT KILLS THEM FAIRLY QUICKLY AND, THEREFORE, THE  
16 HEART HAS STOPPED PUMPING BLOOD, ARE THERE INSTANCES WHERE  
17 YOU CAN STILL EXPECT SOME TYPE OF BLOOD TO COME OUT OF THE  
18 WOUND?

19 A YES, THAT IS WHAT I SAID ABOUT THE DRAINAGE.

20 Q ALL RIGHT. SO AT THAT POINT, YOU HAVE GOT A HOLE  
21 IN THE BODY WHERE THE BLOOD COULD DRAIN OUT OF IT; IS THAT  
22 CORRECT?

23 A YES.

24 Q IS THE BLOOD FLOWING OUT AT THAT POINT, BASICALLY,  
25 BY THE FORCE OF GRAVITY?

26 A THAT'S RIGHT.

27 Q SO IF A PERSON IS LYING PRONE ON HIS STOMACH AND  
28 IS SHOT FROM THE BACK IN A PLACE THAT KILLS HIM FAIRLY QUICKLY,

1 WOULD THE BLOOD TEND TO DRAIN TOWARDS THE GROUND, CORRECT?

2 A DEFINITELY.

3 Q SO IT PROBABLY WOULD NOT BLEED OUT OF HIS BODY,  
4 IT WOULD JUST GO DOWN TOWARD THE FRONT OF HIM?

5 A THAT'S CORRECT.

6 COMPARING TO THE PERSON SHOT IN FOREHEAD AND LYING  
7 FORWARD AND THE BLOOD WILL CONTINUE TO DRAIN OUT, BUT IF SHOT  
8 IN THE BACK OF THE HEAD AND LYING FORWARD, THEN BLOOD MAY  
9 DRIP UP OR CLOT, DEPENDS ON THE CALIBER.

10 IF IT IS A BIG HOLE, THEN IT MAY STILL DRAIN OUT  
11 BUT IF IT IS SMALL CALIBER, THEN SOMETIMES IT IS SEAL OFF  
12 WITH A CLOT.

13 Q SO IF YOU ARE SHOT IN THE BACK OF THE HEAD AND  
14 YOU DIE IN A POSITION WHERE YOU ARE ESSENTIALLY FACE DOWN,  
15 THE BLOOD IS GOING TO BE FLOWING DOWN TOWARD YOUR FRONT AND  
16 NOT OUT OF THE WOUND?

17 A YES, THAT IS POSSIBLE.

18 Q IT WILL BE DRAINING INTO THE BODY BUT IT WOULDN'T  
19 BE COMING OUT OF THE BODY?

20 A SOME MAY COME OUT, BUT NOT VERY MUCH.

21 Q AND THE SMALLER THE CALIBER OF THE WOUND, THE  
22 MORE LIKELY IT IS THAT THERE IS GOING TO BE SOME CLOTTING  
23 AND THAT THE BLOOD WILL NOT COME OUT AS MUCH?

24 A THAT'S RIGHT. A LOT DEPENDS ON THE CALIBER.

25 Q DOES THE CALIBER OF THE BULLET AFFECT WHETHER  
26 OR NOT YOU COULD EXPECT A GUNSHOT WOUND TO THE HEAD -- LET  
27 ME STRIKE THAT. LET ME BACK UP JUST FOR A SECOND.

28 WOULD YOU EXPECT THAT A GUNSHOT WOUND TO THE HEAD

1 WOULD PRODUCE DEATH FAIRLY QUICKLY?

2 A WELL, DEPENDS ON WHERE THE BULLET PERFORATE  
3 THROUGH.

4 IF -- USUALLY, THE UPPER PART OF THE HEAD, A  
5 PERSON DOESN'T DIE THAT QUICK. SOMETIMES BECOME COMATOSE  
6 AND REMAIN UNCONSCIOUS FOR A WHILE AND THE BLOOD BUILD UP,  
7 THEN WILL DIE LATER.

8 BUT IF LOWER PART, SUCH AS BRAIN STEM AREA IS  
9 SHOT, THEN THE PERSON WOULD DIE VERY QUICKLY, IMMEDIATELY  
10 OR MATTER OF MINUTES.

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1 Q AND IF A PERSON IS SHOT IN THE HEAD, WHAT FACTORS  
2 WOULD DETERMINE WHETHER THE BULLET THAT THEY WERE SHOT WITH,  
3 WOULD STAY IN THE HEAD OR WOULD COME OUT?

4 A THAT ALSO HAS TO DO WITH THE SIZE OF THE BULLET  
5 AND RIFLE OR HANDGUN.

6 Q AND WHAT EFFECT DOES THE SIZE OF THE BULLET HAVE  
7 ON WHETHER OR NOT THE BULLET WOULD ACTUALLY STAY IN THE  
8 PERSON'S HEAD OR WHETHER YOU WOULD EXPECT IT TO COME OUT  
9 OF THE HEAD AFTER THEY WERE SHOT?

10 A USUALLY -- IT IS NOT ALWAYS, BUT USUALLY, A LARGER  
11 BULLET WILL GO THROUGH THE HEAD.

12 OF COURSE, IT HAS TO BE -- WE HAVE TO TALK ABOUT --  
13 EITHER WE ARE TALKING ABOUT A BABY OR AN ADULT, WE ARE TALKING  
14 ABOUT.

15 Q ASSUMING WE ARE TALKING ABOUT AN ADULT.

16 A OKAY. ASSUMING WE ARE TALKING ABOUT AN ADULT  
17 HEAD, THE LARGER CALIBER BULLET MAY USUALLY GO THROUGH BOTH  
18 SIDES OF THE HEAD.

19 ON THE OTHER HAND, A SMALLER CALIBER BULLET WILL  
20 USUALLY STAY INSIDE.

21 Q WITH THE 22 CALIBER BULLET, WOULD YOU EXPECT  
22 IT TO STAY INSIDE THE HEAD OR COME OUT THE OTHER SIDE?

23 A USUALLY IN MY EXPERIENCE, THEY WILL STAY INSIDE.

24 Q WHAT ABOUT A .25 CALIBER BULLET?

25 A THEY MOSTLY STAY INSIDE ALSO.

26 Q AND A .32 CALIBER BULLET?

27 A .32 CALIBER BULLET SOMETIMES IT GOES OUT. SOME-  
28 TIMES IT STAYS IN.

1 Q AND A .38 CALIBER BULLET?

2 A USUALLY A .38 CALIBER BULLET WILL GO OUT AND  
3 GO THROUGH THE HEAD FROM SIDE -- ONE SIDE TO THE OTHER.

4 Q ALL RIGHT. AND I THINK I SKIPPED A COUPLE. WHAT  
5 ABOUT A .380 BULLET AND 9 MILLIMETER BULLET?

6 A THOSE .380 AND 9 MILLIMETER, THEY ALSO USUALLY  
7 GO THROUGH BOTH SIDES.

8 Q SO, IN THIS PACKAGE HERE, THE TWO SMALLEST ONES  
9 THAT YOU HAVE IN HERE WOULD USUALLY STAY IN THE HEAD, IS  
10 THAT RIGHT?

11 A YES.

12 Q AND THE NEXT ONE WHICH IS THE .32 CALIBER BULLET,  
13 SOMETIMES WOULD GO IN ONE SIDE AND OUT THE OTHER AND SOME-  
14 TIMES IT WOULD STAY IN?

15 A YES.

16 Q AND THE REST OF THEM THAT ARE IN HERE, MOSTLY  
17 YOU WOULD EXPECT BASED ON YOUR EXPERIENCE, THAT THEY WOULD  
18 ACTUALLY COME OUT OF THE HEAD. IS THAT RIGHT?

19 A YES.

20 THE COURT: WHAT WOULD BE THE EFFECT OF HAVING A  
21 SHOT THROUGH A CUSHION OR A PILLOW?

22 THE WITNESS: ON THE BULLET ITSELF, SIR?

23 THE COURT: YES.

24 THE WITNESS: WELL, THE BULLET ITSELF --

25 THE COURT: WOULD IT LESSEN THE VELOCITY MORE AND TEND  
26 TO STAY IN THE HEAD?

27 THE WITNESS: YES.

28 Q BY MR. WAPNER: WHAT ABOUT THE EFFECT OF A SILENCER

1 ON THE GUN? WHAT EFFECT WOULD THAT HAVE ON WHETHER THE BULLET  
2 WOULD STAY IN THE HEAD OR GO OUT?

3 A THAT MAY AFFECT IT SOME, BUT USUALLY, IT DOESN'T  
4 SEEM TO REALLY AFFECT IT VERY MUCH. THEY DO, BUT THEY DO  
5 NOT AFFECT IT IS GREATEST CALIBER.

6 Q IF YOU ARE USING A .32 CALIBER BULLET FOR EXAMPLE  
7 AND IT IS SHOT THROUGH A CUSHION OF SOME SORT, WOULD IT BE  
8 MORE LIKELY TO STAY IN THE HEAD THAN TO COME OUT?

9 A WELL, IT MAY AFFECT IT A LITTLE BIT. BUT REALLY,  
10 THE INFLUENCE BY THE SILENCER OR PILLOW ALONE, WON'T AFFECT  
11 IT THAT MUCH.

12 USUALLY, IF ANYTHING AFFECTS IT, USUALLY IT WILL  
13 BE SLOW. SO YOU DON'T USUALLY -- IT WILL STAY INSIDE THE  
14 HEAD BUT NOT DEFINITELY. I CANNOT SAY DEFINITELY IT WILL  
15 STAY INSIDE THE HEAD.

16 Q WOULD ONE SHOT TO THE HEAD WITH A .22 CALIBER  
17 BULLET KILL SOMEBODY?

18 A YES, DEPENDS ON WHERE IT WAS SHOT.

19 Q AND CAN ONE SHOT TO THE HEAD WITH A .25 CALIBER  
20 BULLET KILL SOMEBODY?

21 A YES.

22 Q I ASSUME THAT IT IS THE SAME FOR ALL OF THE BULLETS  
23 WE HAVE IN THIS PACKAGE THAT IS 116 FOR IDENTIFICATION?

24 A YES.

25 Q YOU SAID THAT IF THERE WAS SOME KIND OF A PILLOW  
26 OR CUSHION BETWEEN THE GUN AND THE WOUND, THAT THAT WOULD  
27 ACT LIKE A SPONGE TO HELP COLLECT BLOOD?

28 A YES.

1 Q WHAT EFFECT WOULD THE THICKNESS OF SOMEBODY'S  
2 HAIR HAVE ON HOW MUCH BLEEDING YOU COULD --

3 A WELL, HAIR ALSO ABSORBS AND SOAKS IN, DEPENDING  
4 ON HOW MUCH HAIR THERE IS. OF COURSE, LIKE MY SITUATION,  
5 IT IS NOT THAT GREAT --

6 (LAUGHTER IN COURTROOM.)

7 Q BY MR. WAPNER: OKAY. AND IF A -- WELL, THANK  
8 YOU. NOTHING FURTHER.

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CROSS-EXAMINATION

11 BY MR. BARENS:

12

1 Q DR. CHOI, YOU HAVE NEVER BEEN TO 144 SOUTH PECK  
13 IN BEVERLY HILLS, HAVE YOU?

14

A NO.

15

Q YOU HAVE NEVER EXAMINED RON LEVIN, DID YOU?

16

A NO.

17

Q YOU DON'T KNOW ANYTHING ABOUT THE ALLEGED MURDER  
18 OF RON LEVIN AT ALL, DO YOU? OR DO YOU?

19

A NO. ACTUALLY --

20

Q OKAY. SO EVERYTHING THAT YOU ARE TALKING TO  
21 US ABOUT TODAY, IS BASED ON ESTIMATIONS AND ANSWERS YOU ARE  
22 GIVING US BASED ON WHAT USUALLY HAPPENS AND WHAT MAY HAPPEN.

23

I HAVE SEEN YOU USE THOSE WORDS A LOT IN YOUR  
24 TESTIMONY. IS THAT CORRECT?

25

A THAT'S RIGHT.

26

Q OKAY. IN TALKING ABOUT BLEEDING FACTORS WHICH  
27 IS WHERE WE STARTED OUT HERE, IT LOOKS LIKE -- WOULD THE  
28 PROXIMITY OF THE FIRING OUTWEIGH THE SIGNIFICANCE OF THE

1 AMOUNT OF BLEEDING THAT WE MIGHT EXPECT -- WOULD THAT OUTWEIGH  
2 THE SIZE OF THE CALIBER OF THE BULLET?

3 A WELL, AS I DISCUSSED ALREADY, THERE ARE VARIOUS  
4 FACTORS INVOLVED. AND THIS COMBINATION OF FACTORS MAKES  
5 A DIFFERENCE.

6 IF IT IS A SMALLER CALIBER, YET A CONTACT WOUND,  
7 IT WOULD MAKE A LARGER WOUND. AND A LARGER CALIBER BUT A  
8 FARTHER DISTANCE, WOULD MAKE LESS DAMAGE. SO IT IS VARIOUS  
9 COMBINATIONS THAT WE HAVE.

10 Q SO, IS A SMALLER BULLET FIRED AT CLOSE PROXIMITY  
11 HITTING YOU IN THE BACK OF THE LOW PART OF YOUR HEAD -- IT  
12 WOULD CAUSE A BIG WOUND, A LOT OF DESTRUCTION?

13 A YES.

14 Q A LOT OF BLEEDING?

15 A YES. IT IS POSSIBLE.

16 Q IT IS POSSIBLE? WHAT PERCENTAGE, DO YOU THINK?

17 A RIGHT, YES.  
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1 Q WHAT PERCENTAGE DO YOU THINK?

2 YOU KNOW, YOU HAVE GOT A POINTBLANK BULLET TO  
3 THE BACK OF THE HEAD, .22, LET'S TAKE THE SMALLEST REAL  
4 LOOKING HYPOTHETICAL BULLET YOU HAVE THERE, AND YOU HAD THAT  
5 SHOT OCCUR, WHAT IS GOING TO HAPPEN IN TERMS OF DESTRUCTION  
6 AND BLEEDING?

7 A THAT IS, WE HAVE TO -- IT IS A HYPOTHETICAL, YOU  
8 SEE, AND I REALLY --

9 Q HASN'T ALL OF THIS BEEN HYPOTHETICAL SO FAR?

10 A DEFINITELY, IT IS A HYPOTHETICAL.

11 Q OKAY.

12 A ANYWAY, SUPPOSE LOCATION WAS WHERE --

13 OKAY, IT IS AN ADULT HEAD OF A SMALL CALIBER  
14 BULLET AND THE LOCATION IS LOWER BACK OF HEAD AND MAYBE IN  
15 LOW BACK, BUT IF IT IS IN NAP AREA, IT COULD BE MUSCLE IS  
16 THERE, SO EVEN IF IT MAY BE A CONTACT WOUND, IT MAY CLOSE  
17 UP LITTLE BIT.

18 ON THE OTHER HAND, A LITTLE BIT ABOVE, IF IT IS  
19 A LITTLE BIT ABOVE THE NAPE, NO MUSCLE AREA, THEN IT MAY MAKE  
20 A LARGER HOLE AND MAKE MORE BLEEDING.

21 Q WELL, A MATTER OF AN INCH COULD MAKE A BIG  
22 DIFFERENCE IN THIS HYPOTHETICAL, COULDN'T IT?

23 A YES.

24 Q TOTAL DIFFERENCE IN WHAT WE COULD EXPECT TO FIND  
25 IN TERMS OF BLOOD EVERYWHERE, THE MATTER OF AN INCH COULD  
26 MAKE A DIFFERENCE?

27 A YES.

28 Q INCH LOWER, MAYBE A LITTLE AMOUNT OF BLOOD OR

1 NOT SO MUCH BLOOD, AN INCH HIGHER, BLOOD EVERYWHERE?

2 A YES, AND THE INCH DISTANCE ALONE, CONTACT TO  
3 ONE INCH DISTANCE MAKES A BIG DIFFERENCE, TOO.

4 Q BIG DIFFERENCE.

5 NOW ASSUMING A HYPOTHETICAL THAT YOU HAVE --  
6 NOW I WILL PUT THIS ONE: LET'S USE A SITUATION  
7 WHERE IT IS UP AN INCH OUT OF THE MUSCLE AREA, OUT OF THE  
8 NAPE OF THE NECK AND WE HAVE A POINTBLANK BULLET SHOT, BIG  
9 BLEEDING, RIGHT?

10 A YES -- THIS IS BIG BLEEDING BUT WHERE --

11 Q WELL, IS THERE A PLACE WHERE YOU GET BIG BLEEDING  
12 IF THIS HAPPENS, IS IT POSSIBLE?

13 A OKAY, LET'S SAY ABOVE THE MUSCLE OF THE NAPE OF  
14 THE NAPE AREA OF THE HEAD, WE WILL HAVE --

15 Q LET ME INTERRUPT YOU, DOCTOR.

16 A YES.

17 Q DURING YOUR DIRECT TESTIMONY, YOU TOLD US ALL  
18 THE KIND OF STUFF WHERE YOU DON'T GET BIG BLEEDING. YOU TOLD  
19 ME ALL OF THOSE HYPOTHETICALS OF NO BIG BLEEDING, NO BIG  
20 BLEEDING FROM.

21 TELL ME ONE WHERE YOU GET BIG BLEEDING, GIVE ME  
22 THE OTHER SIDE OF THAT.

23 CAN YOU EVER HAVE BIG BLEEDING OR ARE YOU GOING  
24 TO TELL ME YOU CAN NEVER HAVE BIG BLEEDING FROM THAT?

25 A YES.

26 MR. WAPNER: OBJECTION. IT IS ARGUMENTATIVE.

27 Q BY MR. BARENS: GIVE ME THE BIG BLEEDING SCENARIO,  
28 DOCTOR.

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1 THE COURT: I DON'T KNOW WHAT THAT HAS TO DO WITH THIS.  
2 WHERE ARE WE GOING? WHERE ARE THESE QUESTIONS GOING?

3 MR. BARENS: I WANT MY SIDE OF THIS.

4 THE COURT: DOCTOR, YOU TOLD US IT DEPENDS UPON WHERE  
5 YOU ARE SHOT AND WHAT THE CALIBER OF THE BULLET IS, IT DEPENDS  
6 UPON THE CALIBER OF THE BULLET WHETHER THERE WILL BE A LOT  
7 OF BLEEDING OR A LITTLE?

8 THE WITNESS: YES.

9 THE COURT: ALL RIGHT. WHAT ELSE?

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1 Q BY MR. BARENS: TELL ME HOW A SHOT WOULD HAVE  
2 TO OCCUR WHERE YOU GET MAXIMUM BLEEDING, BLOOD AND TISSUE  
3 EVERYWHERE, BIG PROTOPLASM FLASH.

4 (LAUGHTER IN COURTROOM.)

5 MR. BARENS: A LITTLE SOMETHING NEW.

6 THE WITNESS: SUPPOSE .357 MAGNUM WAS JUST CONTACT IN  
7 THE BACK?

8 Q BY MR. BARENS: YES.

9 A AND THEN EITHER -- THEN PROBABLY THEN YOU HAVE  
10 A BIG BLEED.

11 Q BIG BLEED?

12 TAKE ME DOWN TO A .22 SHOT, IN THE WORST CASE,  
13 IN THE BACK OF THE HEAD, AT POINTBLANK, ARE WE GOING TO HAVE  
14 BLOOD?

15 A ARE WE GOING TO HAVE BLOOD, YES.

16 MR. WAPNER: OBJECTION. WHERE IS THE WORST CASE PLACE?

17 THE COURT: I DON'T KNOW.

18 Q BY MR. BARENS: YOU TELL ME, DOCTOR, WHERE IS  
19 THE WORST CASE PLACE IN THE BACK OF THE HEAD YOU CAN BE SHOT  
20 FOR BLOOD.

21 A IF WORSE CASE MEANT SOMEBODY WOULD BE DEAD,  
22 NOTHING WORSE THAN DEAD, SO WORST CASE IS --

23 (LAUGHTER IN COURTROOM.)

24 Q BY MR. BARENS: I NEED WORST CASE FOR MY  
25 HYPOTHETICAL IN TERMS OF BLOOD EMISSION. WHAT I AM LOOKING  
26 FOR IS BLOOD EMISSION, BECAUSE YOU COULD DIE WITH LESS BLOOD  
27 OR DIE WITH MORE BLOOD, ACCORDING TO WHAT YOU ARE TELLING  
28 ME.

1 I WANT TO GET INTO THE DIE WITH MOST BLOOD CASE.

2 A YES.

3 Q WHERE DO YOU HAVE TO BE SHOT TO DIE WITH THE MOST  
4 BLOOD CASE?

5 A OKAY. ACTUALLY, IF WE ARE TALKING ABOUT BACK,  
6 THEN IT WILL BE THIS, BACK OF HEAD WHERE PROTRUDING AREA  
7 (WITNESS INDICATING).

8 Q YES, THE ANTERIOR POINT OF THE SKULL?

9 A POSTERIOR.

10 Q POSTERIOR?

11 A POSTERIOR.

12 Q POSTERIOR POINT OF THE SKULL AREA?

13 A YES.

14 Q NOW, IN THAT SITUATION EVEN WITH A .22, WE GET  
15 A LOT OF BLOOD?

16 A IF THERE IS A CONTACT WOUND, IT COULD CAUSE LOTS  
17 BLOOD, BUT IF IT IS ONE-INCH AWAY, YOU DON'T LOSE VERY MUCH  
18 BLOOD.

19 Q DO YOU MEAN TO TELL ME THAT WITH A .22 I AM NEVER  
20 GOING TO HAVE VERY MUCH BLOOD?

21 A YOU SEE, YOU DON'T BECAUSE BLEEDING INSIDE THE  
22 HEAD. BUT OUTSIDE THE HEAD, THE HOLE WILL STILL BE SMALL,  
23 LIKE ABOUT ONE-SIXTEENTH OF AN INCH, SOME LARGE SYRINGE NEEDLE  
24 OR HOLE, SO THAT KIND OF HOLE CAN SEAL IT UP, SO SOMETIMES  
25 IN MY EXPERIENCE, SOMETIMES I HAVE SEEN BLOOD CLOT THAT HAS  
26 COVERED IT UP, THAT AREA, AND IT IS DIFFICULT TO FIND THE  
27 WOUND ITSELF BECAUSE IT IS AWAY FROM THE CONTACT -- AWAY FROM  
28 THE HEAD AND IT WAS NOT CONTACT WOUND.

1                   BUT IF WE JUST, AS YOU SAY, CONTACT REALLY  
2 TOUCHING, THEN GUESS WILL MAKE A LARGER HOLE.

3           Q        OKAY, IF WE MOVE UP TO A .38 CALIBER BULLET, I  
4 PRESUME WE HAVE A LARGER HOLE?

5           A        YES.

6           Q        AND WE HAVE A LARGER EXPLOSION FROM THE CONTACT  
7 OF THE BULLET?

8           A        YES.

9           Q        AND IN THAT INSTANCE, DO WE HAVE; ASSUMING YOU  
10 HAVE A SHOT FROM A COUPLE OF INCHES AWAY FROM A .38, WOULD  
11 YOU HAVE AN EXPLOSION OF PROTOPLASM AND BLOOD?

12          A        YES.

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1 Q AND WOULD NOT THE RESULT OF THAT PROTOPLASM FLASH  
2 LEAVE A GAS RESIDUE IN THE AREA AROUND THE ROOM OR THE PLACE  
3 WHERE THIS TOOK PLACE IN THE ENVIRONMENT?

4 A YES.

5 Q WOULD IT NOT LEAVE BARIUM AND ANTIMONY IN THE  
6 ROOM?

7 A IT MAY IN THE ROOM. YOU ARE TALKING ABOUT A  
8 ROOM WHERE THE --

9 Q IN THE ENVIRONMENT WHERE THIS HORROR STORY OCCURS.

10 A WHERE IT IS A CLOSE RANGE, WHERE THE MUZZLE WAS,  
11 THEN BASICALLY, ANTIMONY AND BARIUM ARE PRIMER ELEMENTS.

12 Q SO, THESE ARE GUNSHOT RESIDUE AND THESE WILL  
13 BE AROUND A DISTANCE OF UP TO TWO FEET?

14 YES?

15 A WHEREVER AROUND A TWO-FOOT AREA, EITHER YOU FEEL  
16 OR YOU CAN GATHER, FIND FROM THE SURFACE.

17 Q AND SO YOU ARE TELLING ME, THAT FOR A TWO-FOOT  
18 AREA RADIUS, I COULD FIND THOSE -- WHAT ARE WE DESCRIBING?  
19 ARE WE TALKING ABOUT THIS BARIUM AND ANTIMONY ARE TRACE  
20 ELEMENTS IN GUN POWDER, AREN'T THEY?

21 A YES.

22 Q AND YOU ARE TELLING ME THAT YOU WOULD FIND THOSE  
23 TRACE ELEMENTS POSSIBLY IN A TWO-FOOT RADIUS OF A WOUND SITE?

24 A YES.

25 Q AND DON'T YOU HAVE TESTS YOU CAN DO TO DEMONSTRATE  
26 THE PRESENCE OF THOSE TRACE ELEMENTS?

27 A YES. THAT IS ONE OF THE GUNSHOT RESIDUE TESTS.

28 Q YOU HAVE ALL THOSE FORENSIC TESTS YOU CAN DO

1 AT THE SCENE TO DETERMINE THE PRESENCE OR LACK OF PRESENCE  
2 OF THESE ELEMENTS, SIR?

3 A YES. IF THEY ARE STUCK ON A SURFACE.

4 Q WHAT SORT OF TESTS CAN YOU DO?

5 A THAT IS ONE OF THE WAYS TO TEST WHO FIRED THE  
6 GUN BECAUSE THE PERSON WHO HELD THE GUN AND THE TRIGGER,  
7 THEN THAT POWDER RESIDUE WILL BE ALL AROUND TO THE TOUCH,  
8 USUALLY MAYBE ONE FOOT.

9 BUT SOMETIMES YOU MAY BE ABLE TO PICK UP IN A  
10 TWO-FEET DISTANCE AND YOU MAY SEE SOME IN THE HAND.

11 THEN, THOSE WERE PICKED UP BY SOME STICKY SUBSTANCE  
12 LIKE SCOTCH TAPE OR SOMETHING LIKE THAT. YOU CAN PICK IT  
13 UP AND THEN WE CAN LOOK AT IT UNDER A ELECTRON MICROSCOPE.

14 Q YOU HAVE SOME SORT OF NEUTRON TEST YOU CAN DO?

15 A ELECTRON MICROSCOPE, YES.

16 Q OKAY. WE TALKED A BIT ABOUT WHETHER THE HEART  
17 CONTINUES TO PUMP AFTER RECEIVING ONE OF THESE TYPES OF  
18 WOUNDS.

19 ASSUMING A WOUND TO THE MIDDLE OR UPPER PART  
20 OF THE SKULL, ASSUMING A TRAJECTORY FROM THE POINT OF THE  
21 SKULL, THE BACK OF THE SKULL, GOING TOWARD THE TOP FRONT  
22 OF THE SKULL, SIR, IS IT NOT POSSIBLE THAT THE HEART WOULD  
23 CONTINUE TO BEAT UPON RECEIPT OF THAT TYPE OF A WOUND FOR  
24 A CERTAIN PERIOD OF SOME MOMENTS?

25 A WELL ACTUALLY, THIS IS A HYPOTHETICAL THING.  
26 IF IT WERE SLIGHTLY LOWER, THEN IT WILL GO THROUGH THE BRAIN  
27 STEM AND IT CAN BE VERY IMMEDIATELY FATAL.

28 ON THE OTHER HAND, IF IT GOES UP HERE, IT IS

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1 JUST AN INCH HIGHER, THEN IT COULD BE FATAL BUT NOT INSTANTLY  
2 FATAL.

3 Q IF IT IS NOT INSTANTLY FATAL, WHAT IS GOING TO  
4 HAPPEN IN TERMS OF THE HEART PUMPING BLOOD OUT OF THE WOUND,  
5 DOCTOR?

6 A THEN THERE WILL BE LOTS OF BLEEDING COME OUT.

7 Q LOTS OF BLEEDING?

8 A DEPENDS UPON THE SIZE OF THE BULLET. IF THE  
9 WOUND IS BIG, THEN LOTS OF BLEEDING. IF IT IS SMALL, IT  
10 MAY NOT COME OUT BUT MAYBE INSIDE YOU WILL HAVE LOTS OF BLEED-  
11 ING.

12 Q ARE YOU FAMILIAR WITH THE TYPE OF SKULL WOUNDS  
13 THAT PRESIDENT KENNEDY RECEIVED WHEN HE WAS ASSASSINATED?

14 A I HAVE READ THE AUTOPSY REPORT ON PRESIDENT  
15 KENNEDY'S WOUND.

16 Q AND DO YOU KNOW WHAT KIND OF A BULLET HE WAS  
17 SHOT WITH?

18 MR. WAPNER: OBJECTION, RELEVANCE.

19 THE COURT: SUSTAINED.

20 MR. BARENS: IT IS PART OF THE HYPOTHETICAL.

21 THE COURT: SUSTAINED. WE ARE NOT GOING TO GO INTO  
22 EVERY KIND OF ASSASSINATION THERE IS. WE WOULD BE HERE  
23 FOR WEEKS AND WEEKS.

24 MR. BARENS: NOT EVERY KIND, JUDGE.

25 THE COURT: WELL, THIS IS CLEARLY IMPROPER AND  
26 IRRELEVANT.

27 Q BY MR. BARENS: YOU ARE FAMILIAR WITH A .22 CALIBER  
28 BULLET, AN ENTRY WOUND THAT CAN PRODUCE MASSIVE HEAD DAMAGE

1 AND BLEEDING WHILE THE VICTIM CONTINUES TO SURVIVE FOR SOME  
2 MOMENTS?

3 A WELL, THAT IS A LITTLE BIT -- IT IS POSSIBLE.  
4 BUT IT IS NOT LIKELY BECAUSE THERE IS A CONTRADICTORY  
5 SITUATION.

6 BECAUSE ANYBODY WILL LIVE LONG AND THEN THAT  
7 MEANS PROBABLY A HOLE IS SMALL OR IS NOT THAT FATAL.

8 Q I AM NOT INTO LIVE LONG, DOCTOR. I AM INTO ONLY  
9 LIVE LONG ENOUGH WHERE THE HEART CONTINUES TO BEAT FOR A  
10 FEW MOMENTS TO PRODUCE A SIGNIFICANT AMOUNT OF BLOOD. YOU  
11 DON'T HAVE TO LIVE VERY LONG FOR THAT TO OCCUR, DO YOU?

12 A YES, DEPENDS UPON THE SIZE.

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1 IF IT WAS SMALL AND SEALED OFF, EVEN IF THE PERSON  
2 MAY DIE VERY QUICK OR IF A BIG HOLE BUT THE PERSON MAY NOT  
3 DIE RIGHT AWAY. MAYBE HAS A CHANCE TO GO TO THE HOSPITAL  
4 OR SOMETHING LIKE THAT.

5 Q SURE. NOW, TO KNOW ANY OF THOSE THINGS OR GIVE  
6 OPINIONS ABOUT ANY OF THOSE THINGS, WE WOULD HAVE TO HAVE  
7 THEM -- SOME PRETTY DEFINITE KNOWLEDGE ABOUT A WHOLE BUNCH  
8 OF THINGS TO KNOW WHAT WOULD HAPPEN IN ANY PARTICULAR INSTANCE,  
9 WOULDN'T WE?

10 A THAT'S TRUE.

11 Q WE WOULD HAVE TO KNOW THE SIZE OF THE CALIBER  
12 OF THE BULLET. WE WOULD HAVE TO KNOW THE PROXIMITY OF THE  
13 SHOOTING. WE WOULD HAVE TO KNOW WHETHER THERE IS A SILENCER  
14 OR NOT A SILENCER.

15 WE WOULD HAVE TO KNOW WHETHER THERE IS A PILLOW  
16 AND IF THERE IS A PILLOW, I GUESS WE WOULD HAVE TO KNOW SOME-  
17 THING ABOUT THE PILLOW, WOULDN'T WE?

18 A YES.

19 Q WHETHER PERHAPS IT WAS A DOWN PILLOW OR A PILLOW  
20 CONSTRUCTED FROM FOAM, I GUESS?

21 A YES.

22 Q SOME PEOPLE EVEN SLEEP ON A WOOD PILLOW?

23 A YES.

24 Q THERE ARE ALL KINDS OF INFORMATION WE NEED TO  
25 KNOW BEFORE WE CAN MAKE ANY CONCLUSIONS, ISN'T THAT CORRECT?

26 A THAT'S CORRECT. IT IS DIFFICULT TO SAY EXACTLY.  
27 IT IS JUST WHAT I AM SAYING SO FAR, IS WITH MY EXPERIENCE  
28 ON THE BASIS OF EXPERIENCE, THE MOST LIKELY COULD HAPPEN,

1 RULE OF THUMB. IT IS NOT SPECIFIC. I CANNOT SAY EXACTLY  
2 WHAT WOULD HAPPEN BECAUSE I HAVE NOT EXAMINED.

3 BUT, WHAT COULD MOST LIKELY COULD HAPPEN IS ON  
4 THE BASIS OF HYPOTHESES YOU GIVE ME. THEN I ANSWER. THAT  
5 IS ALL.

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1 Q OKAY, SO WHEN I GIVE YOU MY HYPOTHETICAL ABOUT  
2 WHAT IS GOING TO PRODUCE THE MOST BLOOD-TYPE SCENARIO, YOU  
3 GIVE ME ONE THAT IS THE GREATEST PERCENTAGE IN YOUR MIND THAT  
4 THAT IS GOING TO HAPPEN.

5 THEN WHEN YOU ARE GIVING THE LEAST BLOOD  
6 HYPOTHETICAL, YOU GIVE THE HIGHEST PERCENTAGE YOU CAN ON THAT  
7 ONE.

8 MR. WAPNER: OBJECTION. THAT IS ARGUMENTATIVE. THAT  
9 IS NOT A QUESTION. THAT IS A SPEECH.

10 Q BY MR. BARENS: I AM ASKING WHAT YOU ARE DOING.

11 THE COURT: ALL RIGHT, I WILL OVERRULE THE OBJECTION.

12 Q BY MR. BARENS: SIR?

13 A WELL, BASICALLY THAT IS RIGHT.

14 Q YES.

15 A YOU ARE GIVING ME MOST OF -- TALKING ABOUT LARGER  
16 CALIBER OF MASSIVE DAMAGE AND MR. WAPNER IS GIVING ME MOST  
17 OF SMALLER CALIBER AND IN THE LESSER HEMORRHAGE SITUATION.

18 Q OKAY NOW --

19 THE COURT: DO YOU WANT TO HAVE A QUESTION ON THE EFFECT  
20 OF A CANNON BALL IF IT IS SHOT?

21 (LAUGHTER IN COURTROOM.)

22 THE COURT: HE GAVE YOU EVERYTHING. IF YOU WANT THAT,  
23 TOO, YOU CAN HAVE IT.

24 THE WITNESS: YES, THERE IS NO END.

25 MR. BARENS: WE CAN DO A NUCLEAR BOMB.

26 Q WHEN YOU TALK ABOUT A LOT OF BLOOD OR A LITTLE  
27 BLOOD, I DON'T KNOW HOW TO QUANTIFY WHAT YOU ARE SAYING,  
28 DOCTOR.

1           IS A LOT OF BLOOD A QUART OR A CUP? HOW MUCH  
2 IS A LITTLE BLOOD; WHAT DO YOU MEAN BY YOUR REFERENCES IN  
3 THOSE TERMS IN THIS TESTIMONY?

4           A       YES. THAT, ALSO, OF COURSE, IS A RELATIVE TERM,  
5 LARGE AND SMALL AMOUNT.

6           BUT WHEN WE TALKING ABOUT LARGE IS BASICALLY WHEN  
7 WE TALKING ABOUT IS SUBSTANTIALLY, WE CAN IMAGINE IMMEDIATELY  
8 VISIBLE AMOUNT OF BLOOD AND A SMALL AMOUNT MEANT PROBABLY  
9 YOU HAVE NOT MASSIVE HEMORRHAGE. PROBABLY BLOOD IS THERE  
10 BUT IT COULD DRY UP.

11          Q       AND THE OTHER SIDE OF THAT IS, HOW MUCH BLOOD  
12 COULD YOU LOSE ON ONE OF THOSE MAJOR HEMORRHAGE SITUATIONS,  
13 DOCTOR?

14          A       WELL, BLOOD LOSS ALSO IMPORTANT BUT IN THE HEAD  
15 SHOT SITUATION, LOSS OF BLOOD IS NOT THAT CRITICAL FOR THE  
16 PERSON'S DEATH.

17                DEATH IS MOSTLY DUE TO THE FUNCTIONS STOPPED BECAUSE  
18 A VITAL MASTER PART OF THE BODY IS SHUT OFF.

19          Q       NOT, THAT IS NOT MY QUESTION ACTUALLY, DOCTOR.

20                I AM ASKING YOU ABOUT HOW MUCH BLOOD DO YOU LOSE --  
21 I AM NOT ASKING ABOUT WHAT KILLS YOU.

22                I AM ASKING ABOUT HOW MUCH BLOOD YOU LOSE IN A  
23 MAJOR HEMORRHAGE SITUATION INVOLVING AN IMPACT TO THE HEAD  
24 IN CLOSE PROXIMITY WITH, SAY, A .38, HOW MUCH BLOOD DO YOU  
25 LOSE WHEN IT HITS THAT WORSE CASE SITUATION, IT IS AN INCH  
26 UP AND IT IS IN THAT MAXIMUM BLOOD LOSS.

27          A       SO A .38 CALIBER BULLET OF A CLOSE PROXIMITY,  
28 YOU MEANT THAT CONTACT WOUND POSSIBLY YOU ARE TALKING ABOUT?

2  
1 Q YES, SIR.

2 A THEN PROBABLY LARGEST HOLE IT CAN PRODUCE --

3 Q YES, SIR.

4 A -- IN SUCH A CASE, PROBABLY LARGE AMOUNT OF  
5 HEMORRHAGE.

6 Q YES, SIR.

7 A THAT I REALLY, I CANNOT TELL YOU ENTIRE BLOOD  
8 WILL COMPLETELY COME OUT OR JUST BEFORE COME OUT, MAY BE  
9 ABOUT ONE METER OF BLOOD COME OUT AND FUNCTION WILL STOP,  
10 THEN HEART FUNCTION WILL STOP AND IT MAY COME OUT. BUT AT  
11 LEAST I WOULD SAY JUST A ROUGH ESTIMATE TO HAVE SOME FIGURE  
12 IN YOUR HEAD, MAYBE YOU WOULD HAVE AT LEAST ONE LITER WILL  
13 BE OUT THERE.

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1 Q AND A LITER WOULD BE A FEW CUPS?

2 A LITER IS QUITE A BIT.

3 Q QUITE A BIT?

4 A I THINK IT IS FOUR QUARTS.

5 Q I DON'T KNOW -- BUT A LOT OF BLOOD?

6 A YES.

7 Q NOW, WE HAD A HYPOTHETICAL WHERE YOU ARE TOLD

8 SOMEBODY LAYING FACE DOWN IS SHOT POINTBLANK IN THE BACK OF

9 THE HEAD AND WE TALK ABOUT A GRAVITY BLEED WHERE THE BLOOD

10 RUSHES OR DOESN'T RUSH ANYWHERE AT ALL, DOES IT, IN THAT

11 HYPOTHETICAL, IT STAYS RIGHT IN THE HEAD NEATLY AND NO BLOOD

12 IS LOST, RIGHT; DO YOU REMEMBER THAT ONE YOU TALKED ABOUT?

13 A YES.

14 Q WELL, WHAT HAPPENS, GIVEN THE SAME SITUATION,

15 IF I TELL YOU THAT I PUT YOU IN A SHEET, TURN YOU UPSIDE DOWN

16 AND CARRY YOU OUT, I PUT THE VICTIM IN A SHEET, TURN HIM OVER --

17 A YES.

18 Q -- AND CARRY HIM OUT.

19 A YES.

20 Q WHAT DOES GRAVITY DO NOW?

21 A WHICH WAY, FACE DOWN?

22 Q WHATEVER HELPS ME THE MOST, DOCTOR.

23 A FACE DOWN OR HEAD BACK?

24 Q HEAD BACK, IN OTHER WORDS, WOULD GRAVITY HAVE --

25 A HEAD BACK?

26 Q WELL, GIVE ME THE OTHER SIDE OF THAT HYPOTHETICAL,

27 IS WHAT I AM ASKING YOU.

28 A HEAD DOWN AND MASSIVE WOUND AND MASSIVE HEMORRHAGE

1 AND WRAP IT UP WITH A --

2 Q SHEET.

3 A -- SHEET.

4 WELL, GRAVITY WILL BE IN THAT AREA, SHEET WILL  
5 BE SOAKED WITH BLOOD.

6 Q AND COULD SOME OF IT DRIP ON THE FLOOR, PERHAPS,  
7 IF WE ARE HAVING A LOT OF DRAINAGE AT THAT POINT?

8 A WELL, IT DEPENDS ON HOW THICK THE SHEET IS.

9 Q INDEED.

10 (LAUGHTER IN COURTROOM.)

11 Q BY MR. BARENS: SHEETS, I BELIEVE ARE LIKE PILLOWS  
12 IN THIS INSTANCE, RIGHT?

13 A RIGHT, IF IT IS A PLASTIC SHEET OR A COTTON SHEET,  
14 YOU SEE.

15 Q WE HAVE TO KNOW A LOT ABOUT THAT, TOO, WOULD BE  
16 NOT, DOCTOR?

17 A RIGHT.

18 I CANNOT -- ALL I CAN GIVE YOU IS WHATEVER YOU  
19 GIVE ME, THE INFORMATION, THEN I CAN INTERPRET FOR YOU.

20 Q THAT IS THE POINT. ALL OF THIS TESTIMONY YOU  
21 ARE GIVING REALLY RELATES TO THE HYPOTHETICAL INFORMATION  
22 YOU HAVE TO BASE YOUR STATEMENTS ON; ISN'T THAT TRUE?

23 A YES, AS AN EXPERT, I GIVE THE ANSWER TO YOUR  
24 QUESTION.

25 Q RIGHT.

26 AND SO BY THE WAY I ASK YOU THE QUESTION, I CAN  
27 MAKE THE ANSWER COME OUT; IS THAT TRUE?

28 A THAT'S RIGHT, YEAH, DEPENDING ON WHAT YOU ARE

1 AIMING AT.

2 Q AIMING, DOCTOR.

3 A YES.

4 MR. BARENS: OKAY, A MOMENT IF YOU WOULD.

5 THANK YOU, DOCTOR.

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## REDIRECT EXAMINATION

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2 BY MR. WAPNER:

3 Q WHAT EFFECT IF ANY DOES THE PRESENCE OF THOSE  
4 CUSHIONING AGENTS SUCH AS A PILLOW, HAVE ON THE SPREAD OF  
5 THESE TRACE ELEMENTS YOU HAVE BEEN REFERRING TO AS BARIUM  
6 AND ANTIMONY?

7 A EITHER CUT DOWN GREATLY, PRACTICALLY NONE WILL  
8 GO OUTSIDE.

9 Q SO IF THE GUN IS FIRED THROUGH A PILLOW FOR  
10 EXAMPLE, WHAT HAPPENS TO THESE TRACE ELEMENTS?

11 A MOST OF THE TRACE EVIDENCE WILL BE SOAKED INTO  
12 THE PILLOW.

13 Q WHAT EFFECT IF ANY, WOULD THE PRESENCE OF A  
14 SILENCER HAVE ON WHETHER YOU WOULD EXPECT TO FIND TRACE  
15 ELEMENTS OF GUNSHOT RESIDUE?

16 A EITHER IT CUTS DOWN BUT THERE WILL BE.

17 Q SO IF THERE WAS A PILLOW AND A SILENCER, THAT  
18 WOULD --

19 A THEN GREATLY CUT DOWN.

20 Q AND THE DIFFERENCE -- DOES EVEN THE DISTANCE  
21 OF ONE INCH MAKE BETWEEN A CONTACT WOUND AND A NON-CONTACT  
22 WOUND IN TERMS OF THE SIZE OF THE WOUND THAT YOU CAN EXPECT --

23 A THIS IS A BIG DIFFERENCE. A REAL, TIGHT CONTACT  
24 WOUND, YOU EXPECT TO HAVE A LARGER HOLE.

25 BUT EVEN HALF AN INCH AWAY, IT WILL BE A SMALLER  
26 WOUND.

27 Q WHY IS THAT?

28 A BECAUSE THERE WILL BE A SPACE FOR THE GAS TO

1 LEAD OUT, SO THE GAS DOESN'T HAVE TO TEAR UP THE TISSUE.

2 Q SO, WHAT YOU ARE SAYING IS, WHEN THERE IS A CONTACT  
3 WOUND, THERE ARE OTHER THINGS BESIDES JUST THE BULLET THAT  
4 ARE CAUSING THE WOUND, CORRECT?

5 A YES.

6 Q THERE ARE GASES AND THINGS?

7 A YES.

8 Q BUT AS YOU MOVE FARTHER AWAY AND THERE IS MORE  
9 SPACE FOR THE GASES TO GO OUT, THE LESS DAMAGE THAT IT WILL  
10 DO IN PRODUCING THE SIZE OF THE WOUND, CORRECT?

11 A YES. THAT'S RIGHT.

12 MR. WAPNER: THANK YOU. NOTHING FURTHER.

13  
14 RECROSS-EXAMINATION

15 BY MR. BARENS:

16 Q OKAY. DOCTOR, I AM GOING TO TRY TO HELP ON THIS  
17 HYPOTHETICAL A LITTLE BIT. I WILL SHOW YOU PEOPLE'S EXHIBIT  
18 9, A BEDROOM SCENE.

19 I WILL SHOW YOU THAT SO WE CAN ALL KNOW WHAT  
20 WE ARE TALKING ABOUT HERE, A BEDROOM SCENE. NOW, LET'S ASSUME  
21 FOR PURPOSES OF MY HYPOTHETICAL, THAT YOU HAVE A SIX-FOOT  
22 PERSON LYING ON THE BED WITH HIS HEAD UP TOWARD THE PILLOWS  
23 AND YOU HAVE A CONTACT WOUND. OKAY?

24 A YES.

25 Q AND YOU HAVE A CONTACT WOUND FROM ANY CALIBER  
26 BULLET WE ARE TALKING ABOUT. NOW, ISN'T IT TRUE NUMBER ONE,  
27 THAT IN TERMS OF ANTIMONY AND BARIUM AND THESE TRACE ELEMENTS,  
28 THAT TENS OF MILLIONS OF THOSE TRACE ELEMENTS ARE EMITTED

1 FROM THAT SHOT?

2 A WELL, IN TIGHT CONTACT WOUNDS SUCH AS MUZZLE-  
3 TO-SKIN, IT IS TIGHTLY CONTACTED, THEN PRACTICALLY ALL OF  
4 THE GAS WILL GO IN AND BUST UP THE WOUND AREA. THAT IS  
5 THE REASON THE WOUND IS BIGGER.

6 BUT IF IT IS A LITTLE BIT AWAY, THEN YOU WILL  
7 HAVE SOME GAS GOING OUT AND YOU WILL HAVE ANTIMONY AND BARIUM  
8 OUTSIDE IN THE AIR.

9 BUT, NOT IN THE TIGHT SITUATION. IF IT WAS A  
10 TIGHT SITUATION, YOU WOULD GO ALL INSIDE AND IT IS DIFFICULT  
11 TO GET ANY POWDER RESIDUE OUTSIDE THE AREA.

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1 Q LET'S TAKE THAT SITUATION NOW WHERE YOU EXPLAINED  
2 IN YOUR SECOND EXAMPLE WHERE THAT THING IS NOT PUSHED UP  
3 THERE BUT IT IS BACK A SPACE AND THEN IF IT HAPPENS IN THE  
4 AREA OF THESE TOOLS HERE, IS IT NOT A FACT, THAT THERE WOULD  
5 BE TRACES OF ELEMENTS OF ANTIMONY AND BARIUM PRESENT,  
6 PARTICULARLY FOUND IN THOSE PILLOWS HERE?

7 A WELL, THE PILLOW ITSELF WOULD HAVE A HOLE OF  
8 THE BULLET AND THEN THE POWDER RESIDUE WOULD BE RIGHT --

9 THE COURT: HE DOESN'T MEAN PUTTING A PILLOW BETWEEN  
10 THE HEAD AND THE GUN. HE MEANS --

11 Q BY MR. BARENS: I MEAN IF THE OCCASION I AM  
12 DESCRIBING TO YOU OCCURS IN FRONT OF THOSE PILLOWS, I DON'T --  
13 YOU SEE, THE PILLOWS IN THESE PICTURES, I DON'T NOTICE THAT  
14 THEY HAVE ANY BULLET HOLES IN THEM. DO YOU SEE BULLET HOLES?

15 A WELL, SO FAR, THE SURFACE, I DON'T SEE. I DON'T  
16 KNOW.

17 Q I AM ASKING YOU WHAT YOU CAN SEE. I BET IF THERE  
18 IS A BULLET HOLE IN ONE OF THEM, IT WOULD BE HERE AND THEY  
19 WOULD SHOW IT TO YOU.

20 BUT, SINCE IT IS NOT, LET'S JUST GO WITH WHAT  
21 WE HAVE GOT. ASSUMING --

22 MR. WAPNER: CAN WE STRIKE THE SPEECH AS NOT A PART  
23 OF THE QUESTION?

24 THE COURT: WELL, IT IS PART OF THE WAY HE CROSS-EXAMINES.

25 MR. BARENS: I HAVE GOT TO GO WITH WHAT I CAME HERE  
26 WITH. ALL RIGHT?

27 Q ASSUMING THAT WE HAVE THE BODY THERE AND THE  
28 BULLET -- THE SHOOTING HAPPENS IN FRONT OF THAT AND THERE

1 IS A RELEASE OF THIS BARIUM AND ANTIMONY IN THERE, IT WOULDN'T  
2 PREDICTABLY -- YOU WOULDN'T FIND THOSE TRACE ELEMENTS ON  
3 THOSE PILLOWS, ASSUMING THE HYPOTHETICAL, THE GUN IS BACK  
4 A SPACE WHEN THE SHOT OCCURS? AND I BELIEVE YOU HAVE EXPLAINED  
5 THAT THERE WOULD BE THEN AN ESCAPE OF THE TRACE ELEMENTS,  
6 WOULD THERE NOT?

7 A AND THERE IS NO PILLOW OR SILENCER IN BETWEEN?

8 Q THAT'S CORRECT.

9 A WELL, THEN YOU WOULD EXPECT. IT DEPENDS UPON  
10 ONE, HOW FAR IT WAS, IF IT IS BEYOND TWO FEET, THE AREA IT  
11 HAPPENS. IF THE PERSON WAS SITTING OR STANDING, IT WOULD  
12 BE BEYOND TWO FEET.

13 BUT IF A PERSON -- THIS IS THE THING YOU DIDN'T  
14 GIVE ME ALL. THE PERSON IS LYING DOWN?

15 Q YES.

16 A LYING DOWN?

17 Q LYING DOWN, HEAD FIRST, WITH THE HEAD UP.

18 A HEAD TOUCHING THE PILLOW, THEN THERE SHOULD BE  
19 SOME POWDER.

20 Q YEAH?

21 A POWDER RESIDUE.

22 Q NOW, IN THAT INSTANCE, DON'T WE HAVE THE ESCAPE  
23 OF MILLIONS OF THOSE TRACE ELEMENTS?

24 A WELL, DEPENDS ON IF --

25 Q IN THE HYPOTHETICAL?

26 A IF IT IS VERY CLOSE AND IT WAS NOT CONTACT WOUND,  
27 RIGHT.

28 Q NO. THERE IS A SPACE THERE.

1           A       LET'S SAY ABOUT HOW FAR?

2           Q       TWO INCHES.

3           A       TWO INCHES? THEN PROBABLY WILL HAVE LOTS OF  
4 GAS TO GO OUT. SO IN THE GAS, THERE WILL BE SOME BARIUM  
5 AND SOME ANTIMONIES FOR SPREADING UP TO PROBABLY ALMOST TWO  
6 FEET.

7           Q       OKAY. WHAT I AM TRYING TO DO NOW WITH YOU, IS  
8 QUANTIFY HOW MUCH OF THAT TYPE OF TRACE ELEMENT WOULD BE  
9 PRESENT? I HAVE BEEN ASKING YOU SEVERAL TIMES.

10           A       ARE THERE NOT MILLIONS OF THOSE TRACE ELEMENTS  
11 EMITTED THAT WE CAN LOOK AT, AT LEAST A PART OF THEM THAT  
12 ARE RECOVERABLE UNDER A NEURON MICROSCOPE?

13           A       WELL, FIRST WE HAVE TO PICK IT OUT TO LOOK AT  
14 IT. SO, SAMPLING IS IMPORTANT.

15           Q       YES. WE CAN'T PUT THE WHOLE PILLOW UNDER THE  
16 MICROSCOPE, I ASSUME. WE WILL TAKE A SAMPLE?

17           A       YES.

18           Q       AND THEN WE HAVE A SAMPLE OF THOSE PARTICLES,  
19 DO YOU NOT?

20           A       YES, IF IT WAS A SAMPLE.

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1 Q ALL RIGHT, IF THERE WAS A SITUATION WHERE THERE  
2 WAS A PILLOW BETWEEN THE FIREARM AND THE HEAD WAS IN  
3 PROXIMITY TO THE PILLOW; IN OTHER WORDS, WE ARE GOING TO TRY  
4 TO DO IT ANOTHER WAY.

5 WE HAVE GOT THE SAME SCENE WITH THE HEAD UP HERE  
6 OF THE ALLEGED VICTIM AND THERE IS A PILLOW BETWEEN THE GUN  
7 AND -- WELL, BETWEEN THE VICTIM AND THE GUN AND A SHOT IS  
8 FIRED, ALL RIGHT?

9 A YES.

10 Q CAN YOU TELL ME UNDER THOSE CIRCUMSTANCES THAT  
11 AS A MATTER OF FACT THERE WOULD ABSOLUTELY BE NO TRACE  
12 ELEMENTS RECOVERABLE IN ANY OF THE PILLOWS OVER THERE?

13 A IF A PILLOW IS IN BETWEEN THE HEAD AND GUN AND  
14 TIGHTLY SHOT, THEN ALL OF THE RESIDUE WILL GO INTO THE  
15 PILLOW.

16 Q UH-HUH AND --

17 A SO YOU DON'T BLEED OUTSIDE.

18 Q AND YOU ARE TELLING ME THERE IS NO WAY POSSIBLE  
19 THEN THAT ANYTHING COULD ESCAPE HERE THAT WE COULD EVEN --

20 A IN A TIGHT SITUATION, IT WOULD BE PRACTICALLY  
21 IMPOSSIBLE TO HAVE THOSE POWDER -- POWDER TO BE OUTSIDE.

22 Q FOR THAT TO HAPPEN, YOU HAVE TO HAVE A PRETTY  
23 TIGHT SITUATION, WOULDN'T YOU?

24 A YES.

25 Q BECAUSE THE PROBABILITIES ARE THAT IN TERMS OF  
26 WHAT IS OBSERVABLE UNDER A NEURON MICROSCOPE, YOU DON'T NEED  
27 MUCH OF AN APERTURE IN THE EVENT TO OCCUR FOR THERE TO BE  
28 AN ESCAPE OF THOSE TRACE ELEMENTS, DO YOU?

1 A THAT'S RIGHT.

2 Q I MEAN THE LEAST BIT OF APERTURE AT ALL IS GOING  
3 TO ALLOW AN ESCAPE OF A FAIRLY SIGNIFICANT AMOUNT OF TRACE  
4 ELEMENTS; IS THAT NOT CORRECT?

5 A WELL, ANYTHING THAT WAS PICKED UP AND WE LOOK  
6 AT, WE CAN SEE IT. BUT IF ANYTHING -- BUT EVERYTHING HAS  
7 GONE IN, THEN NOBODY COULD SAMPLE IT, THEN WE CANNOT SEE IT.

8 Q MY QUESTION WAS NOT EITHER OF THOSE.

9 MY QUESTION GOES TO THE LEAST AMOUNT OF APERTURE  
10 WHATSOEVER STILL WOULD PERMIT A SIGNIFICANT ESCAPE OF TRACE  
11 ELEMENTS, WOULD IT NOT?

12 A APERTURE BETWEEN THE GUN AND THE PILLOW YOU ARE  
13 TALKING ABOUT?

14 Q YES, SIR.

15 A WELL, IF THERE WAS SOME SPACE AND THE GAS LEAKED,  
16 SURE, THERE WILL BE SOME ESCAPE OF GAS.

17 Q IN TERMS OF --

18 THE COURT: PARDON ME. YOU MEAN IT WOULD ESCAPE IN  
19 THE ATMOSPHERE, IS THAT WHAT YOU MEAN?

20 THE WITNESS: YES.

21 THE COURT: NOT INTO THE OTHER PILLOWS LYING ON THE  
22 BED; IS THAT RIGHT?

23 THE WITNESS: THAT'S RIGHT, THE GAS WILL GO OUTSIDE.

24 Q BY MR. BARENS: EXCUSE ME, DOCTOR --

25 THE COURT: GO AHEAD.

26 Q BY MR. BARENS: EXCUSE ME. THESE PILLOWS APPEAR  
27 TO BE IN THE ATMOSPHERE, OR IN THE ENVIRONMENT OF MY  
28 HYPOTHETICAL, DO THEY NOT, DOCTOR, OF THE HYPOTHETICAL I

1 GAVE YOU?

2 A PLEASE SAY THAT AGAIN.

3 Q IN THE HYPOTHETICAL I GAVE YOU, YOU KNOW WHEN  
4 I HEAR THE WORD ATMOSPHERE, MY EYES GO UP AND I THINK ABOUT  
5 HEAVEN. WHEN I SAY HERE IN THE ATMOSPHERE, ARE NOT THE  
6 PILLOWS IN THIS PICTURE, IF A PERSON'S HEAD WAS HERE, AREN'T  
7 THESE PILLOWS PART OF THE ATMOSPHERE OF THAT AREA THAT YOU  
8 ARE REFERRING TO; WHEN YOU SAY ATMOSPHERE, ISN'T THE WORD  
9 ENVIRONMENT INTERCHANGEABLE?

10 A YEAH, BUT THE DISTANCES, YOU HAVE TO CONSIDER,  
11 YES.

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1 Q AND IF THE HEAD IS RIGHT NEXT TO THOSE PILLOWS,  
2 SIR, IS THAT NOT THE ATMOSPHERE WITHIN WHICH THE SCENE IS  
3 OPERATIVE?

4 A YOU SEE, THIS IS THE PROBLEM, HOW TIGHT IT IS.  
5 IF IT IS VERY TIGHT, THERE WON'T BE ANY -- BUT  
6 A LITTLE BIT AWAY, SOME WILL LEAK OUT TO THE AIR, BUT QUITE  
7 FAR AWAY, THEN YOU WILL HAVE LARGE AMOUNT, AND EVEN UP TO  
8 TWO FEET.

9 Q OKAY. LET'S TALK ABOUT THE TRAJECTORY OF  
10 PARTICLES, THEN, DOCTOR.

11 AS I UNDERSTAND PHYSICS, THE RESULT OF A PARTICLE'S  
12 DISCHARGE, IF I AM SHOOTING IN THE DIRECTION OF THESE  
13 PILLOWS, ASSUMING THE VICTIM'S OR TARGET'S HEAD IS HERE AND  
14 I HAVE A PARTICLE ESCAPE FROM THE GUNSHOT, WHICH DIRECTION  
15 DO THE PARTICLES GO IN TERMS OF MOLECULAR PHYSICS, WHICH WAY  
16 DO THE PARTICLES GO?

17 A OKAY, MAYBE -- I WILL TELL YOU BASICALLY THAT  
18 HAS TO DO WITH MOLECULAR WEIGHT.

19 Q YES.

20 A LIKE BULLETS ITSELF WILL GO STRAIGHT.

21 Q YES.

22 A THEN THERE WILL BE A METAL SHAVING FROM THE --  
23 BETWEEN BULLET AND THE GUN ITSELF GOING THROUGH THOSE LENS  
24 AND THE GROOVES OF THE GUN, THEY WILL MAKE METAL SHAVING AND  
25 THOSE WILL GO ALSO STRAIGHT.

26 SO NEXT TO HEAVY METAL WILL BE POWDER ITSELF,  
27 POWDER PARTICLE, IF BALL-SHAPED POWDER -- BALL-SHAPED POWDER  
28 WILL GO RELATIVELY STRAIGHT. MAYBE FLAKY POWDER WILL

1 RELATIVELY DEVIATE AND THEN FINE PARTICLES LIKE SMOKE --

2 Q LIKE BARIUM AND ANTIMONY?

3 A YES, SMOKE, BARIUM AND ANTIMONY WILL BE IN THE  
4 SMOKE.

5 SMOKE IS MOSTLY CARBON PARTICLES.

6 Q YES.

7 A THEY WILL NOT GO VERY MUCH FRONTWARD.

8 THEY WOULD, MANY TIMES, SOME OF THEM, THE HEAVY  
9 ONES WILL GO FRONTWARDS BUT MOST OF THEM GO SIDEWAYS AND SOME  
10 WILL GO -- SOME IN THE BACK.

11 Q SO WHEN WE TALK ABOUT THE TRAVEL OF CARBON  
12 PARTICLES, DOCTOR, IN TERMS OF PHYSICS, IS IT NOT THE FACT  
13 THAT UNDER PRESSURE, CARBON PARTICLES TEND TO TRAVEL IN A  
14 SUNBURST FASHION, GIVEN THE HYPOTHETICAL OF A SHOOTING?

15 A I THINK YOU LOST ME.

16 Q ASSUMING YOU HAVE A SHOOTING AND WE ARE GOING  
17 TO CALL THE TRAJECTORY OF THE SHOOTING A HORIZON, OKAY?

18 A YES.

19 Q ASSUME WE HAVE A HORIZON AND THE HORIZON IS  
20 IMMEDIATELY IN FRONT OF THE DISCHARGE OF A FIREARM AND WE  
21 REALIZE THAT OUR HEAVIER PARTICLES IN THIS INSTANCE WILL  
22 PROBABLY TRAVEL STRAIGHT FORWARD.

23 A YES.

24 Q AND AS WE GET INTO OUR LIGHTER TRACE ELEMENTS,  
25 CARBON TRACE ELEMENTS, ISN'T IT TRUE THAT CONTAINED IN A  
26 GASEOUS SETTING THAT THOSE TRACE ELEMENTS WILL EXPRESS  
27 THEMSELVES MORE IN A SUNBURST FASHION AS OPPOSED TO TRAVELING  
28 IN A PREDICTABLE TRAJECTORY?

29 A YES.

1 Q OKAY. AND IN THAT INSTANCE, THAT WOULD MAKE  
2 A LARGER SPREAD OF THOSE PARTICLES? IS THAT NOT CORRECT?

3 A YES, RIGHT.

4 Q THAT LARGER SPREAD WOULD OBVIOUSLY BE IN TERMS  
5 OF PHYSICS COVERING A LARGER AREA?

6 A RIGHT. YOU HAVE TO HAVE QUITE A DISTANCE TO  
7 HAVE THAT EFFECT.

8 MR. BARENS: QUITE SO. THANK YOU, SIR.

9 THE COURT: WILL YOU LEAVE THAT, PLEASE?

10 MR. BARENS: YES, SIR.

11

12 FURTHER REDIRECT EXAMINATION

13 BY MR. WAPNER:

14 Q THIS TWO-FOOT AREA, DOES THAT STILL HOLD, REGARDLESS  
15 OF HOW FAR -- IS IT TWO FEET FROM THE BARREL OF THE GUN?

16 A YES, MUZZLE AREA, TWO FEET IS MAXIMUM I AM TALKING  
17 ABOUT. MAXIMUM.

18 IT COULD BE SPREAD A MAXIMUM OF AS MUCH AS --  
19 A MAXIMUM CALIBER, LARGER BULLETS. BUT SMALLER CALIBER,  
20 WHEN THE MINIMUM SITUATION, IT CAN VARY GREATLY. PRACTICALLY  
21 SOMETIMES NOTHING.

22 Q SO THE SMALLER THE CALIBER OF THE BULLET, THE  
23 LESS POWDER AND GAS YOU CAN EXPECT?

24 A THAT'S RIGHT.

25 Q AND THEREFORE, IT WOULD SPREAD OVER A SMALLER  
26 AREA?

27 A YES.

28 Q IN THE SITUATION WHERE YOU WERE TALKING ABOUT

1 A TWO-FOOT RADIUS OF THE MUZZLE OF THE GUN, YOU COULD EXPECT  
2 TO FIND SOME --

3 A YES, MAXIMUM SITUATION YOU CAN EXPECT.

4 MR. WAPNER: NOTHING ELSE.

5 THE COURT: JUST A MINUTE, DOCTOR. LET ME HAVE THAT  
6 FOR A MOMENT.

7 MR. BARENS: I WAS NOT THROUGH MYSELF, ACTUALLY.

8 THE COURT: I THOUGHT YOU HAD FINISHED?

9 MR. BARENS: I WAS FOLLOWING MR. WAPNER IN THIS INSTANCE.  
10 BUT I AM HAPPY TO FOLLOW YOUR HONOR.

11 THE COURT: WELL, LET ME KNOW WHEN YOU ARE FINISHED  
12 BECAUSE I MIGHT HAVE A QUESTION OR TWO.

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FURTHER RECROSS-EXAMINATION

15 BY MR. BARENS:

16 Q NOW SIR, IS IT NOT TRUE THAT IN INSTANCES WITH  
17 CONTACT WOUNDS, YOU ARE ABLE TO FIND TRACE ELEMENTS IN THE  
18 ENVIRONMENT ADJACENT TO THE WOUND SITE?

19 A IT HAPPENS OCCASIONALLY. THAT IS CALLED SIDE  
20 DISCHARGE. IT IS PARTICULARLY IF THE GUN IS A REVOLVER LIKE  
21 THAT AND THEN BETWEEN THE CYLINDER, THE SMOKE WILL LEAK OUT.

22 Q ALL RIGHT. NOW, WHAT ABOUT ON THE DISCHARGE  
23 OF THE CASING? WHAT HAPPENS TO THE CASING, HERE?

24 A SO, WHAT HAPPENS TO THE CASING?

25 Q I DON'T KNOW.

26 THE COURT: WHAT HAS THE CASING GOT TO DO WITH IT?

27 THE WITNESS: WHAT ARE YOU TALKING ABOUT?

28 MR. BARENS: I JUST THOUGHT I WOULD ADD MORE TO THE

1       PIE, YOUR HONOR. I WILL GO INTO ANOTHER QUESTION TO GET  
2       US WHERE WE WANT TO GO.

3               Q       ARE THERE INSTANCES WHERE A SILENCER WAS USED,  
4       WHERE YOU COULD STILL FIND TRACE ELEMENTS PRESENT IN THE  
5       ENVIRONMENT ADJACENT TO THE SITE OF THE WOUND?

6               A       YES. THIS IS THE SAME AS WE DISCUSSED BEFORE.

7               Q       QUITE SO. NOW, IF YOU WERE TOLD THAT WE WEREN'T  
8       SURE IN THE EXHIBIT I PROVIDED YOU WITH, WHETHER A GUNSHOT  
9       OCCURRED IN THE POSITION THAT I GAVE YOU IN THAT PICTURE --

10              A       IN OTHER WORDS, THE HEAD ON THE PILLOW, YOU MEAN?  
11       SUPPOSEDLY LYING SIDEWAYS, YOU MEAN?

12              Q       WELL, LET'S --

13              THE COURT: WELL, WHICH ARE YOU TALKING ABOUT?

14              MR. BARENS: WELL, I WOULD LIKE TO GET MY QUESTION  
15       IN.

16              THE COURT: GO AHEAD.

17              Q       BY MR. BARENS: MY QUESTION IS, IF I WERE TO  
18       TELL YOU IN A HYPOTHETICAL SENSE THAT A SHOOTING TOOK PLACE  
19       IN THAT SETTING THAT I DESCRIBED TO YOU, DO YOU HAVE THINGS --  
20       BUT, LET'S SAY YOU FOUND NOTHING. I JUST WALK INTO THAT  
21       ROOM. THERE IS NO BODY. EXCUSE THE EXPRESSION.

22                     AND I SAY TO YOU, A SHOOTING TOOK PLACE HERE  
23       AND I WILL TELL YOU THAT IT TOOK PLACE ON THIS BED.

24                     DO YOU HAVE THINGS THAT YOU COULD DO TO TRY TO  
25       DETERMINE WHETHER A SHOOTING HAD IN FACT, TOOK PLACE ON THAT  
26       BED, SIR?

27              A       YES.

28              Q       WHAT DO YOU DO?

1           A       WELL FIRST, LOOK FOR ANY HOLES AROUND THERE.

2           Q       YES. YOU WOULD LOOK FOR HOLES ON THE BED. OKAY.

3                   NOW, ASSUMING THAT WE DON'T FIND ANY HOLES, WHAT

4 CAN WE DO? WE ARE NOT AT A LOSS, ARE WE? WE CAN STILL DO

5 THINGS, CAN WE NOT?

6           A       YES, SURE.

7           Q       WHAT ELSE CAN WE DO?

8           A       IF THE BULLET DIDN'T GO THROUGH THE HEAD AND

9 THE BULLET REMAINS INSIDE, A HOLE WON'T BE THERE.

10          Q       NO.

11          A       NO.

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1 Q NOW, IF WE DON'T HAVE A HOLE, I AM TELLING YOU  
2 THAT THERE IS NOTHING TO THE NAKED EYE THAT WE CAN OBSERVE  
3 WHEN WE GET INTO THIS ENVIRONMENT.

4 WE ARE IN THE ENVIRONMENT THAT IS DESCRIBED IN  
5 THAT PICTURE AND I DON'T SEE ANYTHING. BUT I SAY TO YOU,  
6 LISTEN, THERE IS NO BODY HERE, BUT I AM GOING TO TELL YOU  
7 THAT A SHOOTING TOOK PLACE HERE.

8 IT IS ONE OF THOSE PROXIMITY SHOOTINGS AND I  
9 AM GOING TO ASK YOU, WHAT CAN YOU DO TO HELP ME OUT TO FIND  
10 OUT WHETHER THIS OCCURRED OR NOT.

11 A WELL, TRY TO SEE ANY POWDERS AROUND THERE.

12 Q TRY TO SEE ANY POWDERS AROUND THERE?

13 A YES.

14 Q NOW, TO DO THAT, I SUPPOSE YOU WOULD HAVE TO  
15 TAKE SOME SAMPLES OF MATERIALS FOUND IN THAT ENVIRONMENT  
16 AND TEST THEM?

17 A YES, THE PILLOW OR ANYTHING LIKE THAT.

18 Q WELL, WE GOT A LOT I GUESS, THAT WE COULD LOOK  
19 AT, HERE. LET'S LOOK AT THE PICTURE TOGETHER AND SEE WHAT  
20 WE CAN FIND.

21 NOW, I AM SAYING TO YOU THAT HE IS LYING ON THE  
22 BED ON THE PILLOWS AND HIS HEAD ON THE SIDE OR THE FOOT  
23 OR THE CORNER. WHAT ARE WE GOING TO DO?

24 IS THERE A LOT OF STUFF WE CAN LOOK AT?

25 A WELL, EVEN IF THERE IS NO POWDER OR ANYTHING  
26 LIKE THAT THERE, IT DOES NOT MEAN IT DIDN'T HAPPEN HERE.  
27 BECAUSE IF THE PILLOW AND EVERYTHING WAS TAKEN OFF OR EVEN  
28 THIS --

1 Q SIR, YOU ARE NOT --

2 THE COURT: WELL, LET HIM FINISH UP.

3 THE WITNESS: IF THE COVERS ARE PLACED ON HERE, SEE --

4 Q BY MR. BARENS: I DIDN'T ASK YOU TO PLEAD THEIR  
5 CASE. WHAT I ASKED YOU TO DO WAS TO ANSWER MY QUESTION.  
6 MY QUESTION WAS --

7 THE COURT: DO YOU WANT HIM TO ANSWER THE QUESTION  
8 THE WAY YOU WANT IT TO BE ANSWERED? LET HIM ANSWER IT THE  
9 WAY HE WANTS TO ANSWER IT.

10 MR. BARENS: WELL THEN, I WILL ASK MY QUESTION AGAIN.

11 THE COURT: GO AHEAD.

12 Q BY MR. BARENS: NOW, I WILL ASK YOU -- THE DEFENSE  
13 QUESTION IS, IRRESPECTIVE OF ANY DIRECTION IN WHICH THE  
14 ALLEGED VICTIM WAS LYING ON THAT SURFACE SIR AND I ASKED  
15 YOU IF THERE WAS SOMETHING YOU COULD DO TO HELP ME FIND OUT  
16 WHETHER A SHOOTING TOOK PLACE, ARE THERE CERTAIN MICROSCOPIC  
17 TESTS THAT WE COULD CONDUCT TO SEE WHETHER OR NOT A SHOOTING  
18 TOOK PLACE? I AM NOT ASKING YOU TO TELL ME YOUR VIEW OF  
19 WHETHER ONE TOOK PLACE OR NOT. I AM ASKING IF YOU ARE FAMILIAR  
20 WITH TESTS THAT COULD BE DONE TO HELP RESOLVE THE ISSUE.

21 A YES. WELL, AS I SAID, FIRST VISUALLY, THE  
22 POSSIBILITY OF A SHOOTING TAKING PLACE, BY LOOKING AT ANY  
23 SOOT.

24 BUT OF COURSE --

25 THE COURT REPORTER: ANY WHAT?

26 THE WITNESS: SOOT. BUT OF COURSE, IT DOESN'T RULE  
27 OUT THE POSSIBILITY. BUT ANOTHER THING IS, YOU CAN TRY AN  
28 ENTIRE AREA OF CEILINGS AND THE BOTTOM AND THE FLOORS AND

1 WHEREVER. YOU HAVE TO LOOK FOR THIS WITH STICKUM AND CHECK  
2 EVERYTHING AND LOOK AT IT.

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1 Q OKAY, THAT IS WHAT I AM TALKING ABOUT.

2 A YES, YES.

3 Q IN ORDER FOR US TO GET REAL SURE, I GUESS YOU  
4 WOULD HAVE TO DO ALL OF THOSE TESTS, WOULDN'T WE?

5 A OF COURSE, IT IS TEDIOUS THING BUT IF FOR -- JUST  
6 LIKE IN LOOKING FOR NEEDLE --

7 Q IN THE HAYSTACK?

8 A -- IN HAYSTACK.

9 Q YOU BET.

10 A YOU CAN THOROUGHLY, REALLY, IF YOU WANT TO DO  
11 IT, YOU CAN CHECK ALL OF THIS AND STUDY ANYTHING, ANY TRACE,  
12 EVEN IF IT SPREAD AND MOST OF IT GONE, BUT IF THERE IS  
13 ANYTHING THERE.

14 Q YOU BET.

15 BUT I GUESS IF WE REALLY WANTED TO KNOW, WE WOULD  
16 HAVE TO DO THOSE TESTS, WOULDN'T WE?

17 A WELL, EVEN IF YOU DO, YOU DON'T SEE.

18 Q RIGHT.

19 A IT DOESN'T MEAN IT IS NOT DONE THERE.

20 Q YES.

21 A THAT IS WHAT I AM TELLING YOU.

22 Q EVEN IF YOU DON'T SEE IT, IT DOESN'T MEAN IT IS  
23 NOT THERE?

24 A NO, THE SHOOTING WAS DONE, EVEN IF YOU DON'T SEE  
25 IT.

26 Q RIGHT.

27 A BECAUSE MANY REASONS POWDER OR THIS RESIDUE MAY  
28 NOT BE AROUND BECAUSE ALL SOAKED INTO THE PILLOW.

1 Q OH, SURE, I KNOW THAT STUFF, DOCTOR.

2 BUT WHAT I AM ASKING YOU IS: IF WE WANT TO MAKE  
3 SURE WHETHER OR NOT WE CAN FIND THOSE TRACE ELEMENTS, I GUESS  
4 WE WOULD HAVE TO FIRST RUN THE TEST BEFORE WE CAME TO THE  
5 CONCLUSION THEY WEREN'T THERE?

6 A WELL, IT ISN'T JUST ACADEMIC.

7 REALLY, IF WE ARE GOING TO STUDY THEM AND CHECK  
8 ALL OF THIS, EVEN IF SOMEBODY SHOT HERE IN OPEN AIR, IF YOU  
9 WANT ME TO CHECK EVERY FLOOR AND THIS WILL BE LOTS TIME AND  
10 MONEY INVOLVED.

11 Q LOTS OF TIME AND MONEY?

12 A AND EVEN IF YOU PICK IT UP, INTERPRETATION WOULD  
13 BE REALLY DIFFICULT.

14 SUPPOSE YOU GOT SOME BARIUM AND SUPPOSE YOU GOT  
15 ANTIMONY, NOW HOW ARE YOU GOING TO EVALUATE THIS?

16 IF THERE IS SOME DENSE AREA, THEN IT IS EASY.  
17 IF BLACK AREA AND THAT AREA, YOU LIKE TO KNOW THIS IS JUST  
18 THE SOOT OR ANTIMONY IN IT, THAT IS THE DIFFERENCE, THAT IS  
19 DIFFERENT MATTER.

20 BUT IF YOU VAGUELY PICKED OUT HERE IN THOSE HEATING  
21 DUCT AREA, YOU FOUND SOME ANIMONY AND SOOT, HOW YOU GOING  
22 TO INTERPRET THIS THING?

23 Q SURE.

24 WHAT I AM ASKING IS --

25 A SO IT IS REALLY -- REALLY ASKING FOR LIKE CATCH  
26 ONE PARTICLE FISH IN THE OCEAN, PACIFIC OCEAN.

27 Q I AM GOING TO NARROW IT DOWN FOR YOU, DOCTOR.  
28 I AM NOT GOING TO ASK YOU TO TEST THE WHOLE ROOM.

-3

1                   HOW ABOUT THE BED?

2                   A       AS I SAID, THE BED, REASONABLY WOULD ASK FORENSIC  
3                   PATHOLOGIST, CRIMINALIST TO DO IS VISUALLY, YOU HAVE TO HAVE  
4                   SOMETHING TO WORK WITH BECAUSE IT IS VERY DIFFICULT, TRACE  
5                   EVIDENCE WE ARE GOING TO WORK WITH AND IF WE DON'T SEE ANY  
6                   VISUAL EVIDENCE REALLY, TRACE EVIDENCE DOESN'T MEAN VERY MUCH  
7                   BECAUSE SUPPOSE --

8                   Q       TRACE EVIDENCE DOESN'T MEAN VERY MUCH IS YOUR  
9                   TESTIMONY?

10                  A       EVEN IF WE DON'T SEE ANY EVIDENCE THERE -- SUPPOSE  
11                  THIS BLANKET WAS, AS I SAID, BROUGHT IN LATER, JUST TOOK  
12                  EVERYTHING OUT AND PUT THE NEW PILLOWS AND TOOK OLD PILLOWS  
13                  AND PUT IT ON THERE, THEN HOW ARE YOU GOING TO KNOW?

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1 Q I DIDN'T SAY THAT.

2 I SAID, SIR, IF I TAKE YOU TO THAT SCENE AND I  
3 TELL YOU THAT A SHOOTING TOOK PLACE ON THAT BED AND  
4 WE HAVE NO VISUAL ON IT AT ALL, BUT I AM TELLING YOU I HAVE  
5 GOT WITNESSES THAT WILL COME IN AND OUT AND THEY WILL SAY  
6 "YEAH, YEAH, YEAH, THE SHOOTING TOOK PLACE ON THAT BED,"  
7 AND I AM ASKING YOU TO GIVE ME SOME HELP TO TRY TO  
8 CORROBORATE THAT UNPROVABLE TESTIMONY OTHERWISE, YOU ARE  
9 TELLING ME THAT YOU WOULD NEVER DO A SAMPLING ON THE MATERIAL  
10 ON THAT BED TO SEE IF YOU COULD FIND --AND THIS ISN'T A  
11 WHOLE OCEAN OF THE WHOLE WORLD -- THIS IS ON A BED -- YOU  
12 WOULD NEVER DO A MATERIAL SAMPLING FOR TRACE ELEMENTS?

13 A WELL, WE CAN TRY THIS BED AREA, THE PILLOW AREA,  
14 IF WE SUSPECTED THAT IT IS THE AREA, YOU CAN TRY ALL OF THE  
15 PILLOWS AND ALL OF THE BED AND SEE.

16 Q YOU COULD DO THAT?

17 A IT IS A LARGE VOLUME OF WORK BUT --

18 Q SO IT GUESS IF THERE IS A LARGE VOLUME OF WORK  
19 INVOLVED, WE JUST DON'T DO IT?

20 MR. WAPNER: OBJECTION. ARGUMENTATIVE.

21 THE COURT: SUSTAINED.

22 Q BY MR. BARENS: IS THAT IT? I WOULD LIKE TO KNOW  
23 WHETHER WE DO IT OR NOT?

24 THE COURT: SUSTAINED. LET'S GET ON, WILL YOU?

25 Q BY MR. BARENS: OKAY. WELL, AT LEAST WE KNOW --

26 A THIS IS JUST MY OPINION.

27 Q THIS IS JUST YOUR OPINION?

28 A AS AN EXPERT, I AM TELLING YOU I DIDN'T GO TO

A-2  
1 INVESTIGATE THIS OR ANYTHING.

2 Q YOU DIDN'T INVESTIGATE THIS AT ALL?

3 A IT IS JUST AN OPINION. YOU DON'T HAVE TO ATTACK  
4 ME. I AM NOT DOING THAT.

5 MR. BARENS: I DON'T KNOW WHO DID IT OR DIDN'T DO IT.  
6 I GUESS WE WILL HAVE TO FIND THAT OUT LATER. THANK YOU.

7 THE COURT: FINALLY FINISHED?

8 MR. BARENS: FINALLY, INDEED, YOUR HONOR.

9 THE COURT: ANYTHING FURTHER?

10 MR. WAPNER: I DO.

11 THE COURT: INCIDENTALY, LADIES AND GENTLEMEN, WE WILL  
12 HAVE TO ADJOURN AT FIVE MINUTES OF 4:00 BECAUSE OF AN  
13 ENGAGEMENT OF COUNSEL AND THEN WE WILL TAKE OUR ADJOURNMENT  
14 AT FIVE TO 4:00 SO WE WON'T TAKE ANY RECESS. IS THAT ALL  
15 RIGHT WITH YOU?

16 ALL RIGHT, GO AHEAD.

17  
18 FURTHER REDIRECT EXAMINATION

19 BY MR. WAPNER:

20 Q DO THESE BARIUM AND ANTIMONY PARTICLES, IF THEY  
21 WERE EVER PRESENT THERE, LAST INDEFINITELY OR DO THEY  
22 EVAPORATE? HOW LONG DO THEY STAY AROUND IF THEY WERE THERE  
23 IN THE FIRST PLACE?

24 A I -- I DON'T KNOW.

25 YOU SEE, MOST OF THE THINGS DETERIORATE SO IT  
26 MAY LAST FOR A WHILE, I THINK, BUT I DON'T KNOW THAT -- THAT  
27 FOR A WHILE IS -- HOW MANY DAYS I AM TALKING ABOUT. I MYSELF,  
28 I DON'T KNOW REALLY HOW LONG IT WILL LAST.

1 Q SO, YOU DON'T KNOW IF IT IS DAYS OR WEEKS OR --

2 A RIGHT. I DON'T.

3 Q HOW BIG ARE THESE PARTICLES THAT WE ARE TALKING  
4 ABOUT THAT YOU ARE LOOKING FOR, THOSE GUNSHOT RESIDUE PARTICLES?

5 A AS I SAID, THAT COUNSEL AND I HAVE BEEN TALKING  
6 ABOUT, THIS IS SMALL.

7 THE PARTICLES IS A CARBON PARTICLE LIKE CIGARETTE  
8 SMOKE, WHEN YOU SMOKE A CIGARETTE AND YOU HAVE SMOKE COMING  
9 OUT. IT IS SUCH A PARTICLE.

10 THE COURT: HOW MUCH LONGER? I THINK MAYBE WE'LL REALLY  
11 NEED ABOUT A TEN-MINUTE RECESS. WE WILL TAKE A TEN-MINUTE  
12 RECESS, LADIES AND GENTLEMEN. THANK YOU.

13 (RECESS.)

14 THE CLERK: YOU HAVE PREVIOUSLY BEEN SWORN. YOU ARE  
15 STILL UNDER OATH, DOCTOR.

16 STATE YOUR NAME ONCE AGAIN FOR THE RECORD.

17 THE WITNESS: MY NAME IS JOSEPH CHOI.

18 Q BY MR. WAPNER: DR. CHOI, THE PARTICLES THAT  
19 YOU ARE LOOKING FOR THAT YOU DESCRIBED IN THE SMOKE, HOW  
20 BIG ARE THEY?

21 A AS I SAID, LIKE CIGARETTE SMOKE. SO IF YOU HAVE  
22 SMOKE BLOWING UNDER YOUR HAND OR PAPER, THEN YOU MAY BE ABLE  
23 TO SEE IT.

24 BUT IF YOU BLOW AIR, YOU CAN'T SEE IT YET.  
25 INDIVIDUALLY, WE CANNOT SEE IT. ALL YOU CAN SEE IS THE GROUP.

26 Q SO IF YOU DON'T KNOW WHERE IN A PARTICULAR ROOM  
27 SOMEBODY WAS SHOT, HOW IS IT THAT YOU GO ABOUT TRYING TO  
28 FIND PARTICLES, IF THERE WERE ANY THERE IN THE FIRST PLACE?

1 A YES. THIS IS MORE DIFFICULT.

2 Q AND IS THIS PROCESS DONE BY TAKING SOME KIND  
3 OF A MAGNETIC DISK AND YOU DAB AROUND TO SEE IF YOU PICK  
4 UP THOSE THINGS?

5 A YES, MOSTLY A SCOTCH TAPE COVERED DISK OF ABOUT  
6 THUMBNAIL SIZE. YOU PICK OUT MOSTLY -- THIS IS DONE FOR  
7 HAND AREAS. BUT --

8 Q MOSTLY IT IS DONE ON PEOPLE -- ON THE PEOPLE'S  
9 HANDS TO SEE IF THEY HAVE ACTUALLY FIRED A GUN, IS THAT  
10 CORRECT?

11 A YES.

12 MR. WAPNER: NOTHING FURTHER.

13

14 FURTHER RECROSS-EXAMINATION

15 BY MR. BARENS:

16 Q IN THE TYPE OF STUDIES, THESE ARE NEUTRON ACTIVATION  
17 ANALYSES, DOCTOR?

18 A WELL, WE CAN DO IT NEUTRON ACTIVATED STUDIES.  
19 BUT OUR OFFICE IS -- WE DO ELECTRON MICROSCOPIC  
20 STUDY.

21 Q YOU HAVE LOTS OF EQUIPMENT DOWN THERE FOR DOING  
22 THESE KINDS OF TESTS, DOWN AT YOUR OFFICE?

23 A YES.

24 Q AND DOCTOR, I STARTED TO ASK YOU ABOUT CASINGS  
25 AND I FORGET.

26 IN AN AUTOMATIC WEAPON SIR, AUTOMATIC WEAPON,  
27 AUTOMATIC PISTOL WEAPON, IS IT NOT THE CASE THE PIN COMES  
28 DOWN, HITS THE PROJECTILE, THE GAS GOES IN TWO DIRECTIONS

1 NOW AT THIS POINT AND THE GASES ESCAPE FROM THE SIDE OF  
2 THE WEAPON? IS THAT NOT THE CASE?

3 A YES.

4 Q AND IN THIS INSTANCE, IRRESPECTIVE OF WHETHER  
5 THE HEAD OR MUZZLE OF THE GUN -- WHERE IT IS, YOU HAVE AN  
6 APERTURE OR ESCAPE OF THE GASEOUS MATERIAL FROM THE SIDE  
7 OF THE WEAPON, SIR?

8 A YES.

9 Q AND THERE IS ACTUALLY AN OPENING THAT WOULD ALLOW  
10 THE DISPERSEMENT OF GASEOUS MATERIALS, SIR?

11 A YES.

12 MR. BARENS: THANK YOU VERY MUCH.

13 MR. WAPNER: NOTHING FURTHER.

14 THE COURT: WELL, JUST ONE QUESTION. MR. BARENS WAS  
15 ASKING YOU A QUESTION ON THE ASSUMPTION THAT THE HEAD IS  
16 LYING HERE ON THE PILLOW AND THE LEGS GO TOWARD THE END OF  
17 THE BED.

18 SUPPOSE THE BODY WAS PLACED THIS WAY, WITH THE  
19 FEET HERE AND THE HEAD TOWARD THE SIDE OF THE BED.

20 THE WITNESS: YES. SIDE TO SIDE?

21 THE COURT: SIDE TO SIDE. WOULD YOU EXPECT ANY RESIDUE  
22 IN THE PILLOWS?

23 THE WITNESS: NO.

24 THE COURT: SUPPOSE THE COMFORTER, THE TOP AND THE  
25 SHEET WAS MISSING, TAKEN AWAY, WOULD YOU HAVE ANY EVIDENCE  
26 ANYWHERE TO SEE THAT MIGHT BE RESIDUE?

27 THE WITNESS: THAT'S RIGHT, NO. THAT IS WHAT I WAS  
28 TELLING MR. BARENS.

29 THE COURT: ALL RIGHT.

1 Q BY MR. BARENS: SIR, LET'S GO WITH THE JUDGE'S  
2 HYPOTHETICAL NOW AND LET'S PUT THE HEAD OVER THE SIDE OF THE  
3 BED AND SAY IT IS FACE DOWN AND THE SHOT TAKES PLACE WITH  
4 AN AUTOMATIC WEAPON AND WE ARE GOING TO HAVE A DISPERSEMENT  
5 OF GAS, ARE WE NOT, SIR?

6 A YES.

7 Q ISN'T IT LIKELY THAT WHEN THAT DISPERSEMENT OF  
8 GAS SETTLES, THAT WE ARE GOING TO FIND MOLECULAR PARTICLES  
9 ON THE CARPET?

10 A I DON'T KNOW. IT IS TOO FAR.

11 I FIGURE THE BED HEIGHT IS ABOUT TWO FEET, AND  
12 ACADEMICALLY SPEAKING, MOLECULE SHOULD GRAVITATE AND GO DOWN.

13 BUT PRACTICALLY, IT WOULD BE VERY DIFFICULT TO  
14 PICK UP SMOKE FROM THE CARPET.

15 Q DIFFICULT?

16 A YES, BECAUSE LIKE WE BLOW THE SMOKE ON THE AIR,  
17 SMOKE CARBON WILL LOGICALLY EITHER GO DOWN TO THE GROUND BUT  
18 HOW MANY PEOPLE REALLY IN THE WORLD, THEY COULD PRACTICALLY  
19 PICK UP THAT CARBON OF SMOKE FROM THE CARPET, SEE? THIS IS  
20 JUST ACADEMICALLY. IT IS PROBABLY TRUE TO HAVE ALL OF THE  
21 WEIGHT-BEARING ATOM WOULD GO DOWN ON THE BASIS WE TALK ABOUT,  
22 SEE, BUT OTHERWISE, THEY WOULDN'T GO UPWARD DIRECTION, SEE.

23 Q WELL, I AM POINTING OUT AS AN ACADEMIC QUESTION,  
24 SINCE YOU HAVE BEEN ASKED ONE ACADEMIC QUESTION, NOW YOU HAVE  
25 GOT MINE SINCE YOU HAVE GOT THE JUDGE'S.

26 NOW PARTICLES IN MOTION JUST DON'T JUST GO UP,  
27 TRACE PARTICLES HAVING ATOMIC WEIGHT GOES, END UP DOING WHAT?

28 A THAT IS WHAT I MEAN, YES.

1 Q ATOMIC-WEIGHTED PARTICLES GO --

2 A DOWN.

3 Q -- TO THE FLOOR?

4 A DOWN TO EITHER CARPET OR PILLOW OR ON THIS BED  
5 SHEET.

6 MR. BARENS: OKAY, THANK YOU.

7 THE COURT: ANYTHING FURTHER?

8 MR. BARENS: A MOMENT, YOUR HONOR, FOR THE DEFENSE AS  
9 WELL.

10 MR. WAPNER: NO, I HAVE NOTHING FURTHER.

11 (UNREPORTED COLLOQUY BETWEEN MR. BARENS  
12 AND DEFENDANT.)

13 Q BY MR. BARENS: JUST SO I CAN MAKE SURE OF THIS  
14 DISCIPLINE WE ARE IN HERE.

15 THE TYPE OF TEST BACKGROUND THAT YOU MADE REFERENCE  
16 TO IS ELECTRON MICROSCOPE ANALYSIS; IS THAT CORRECT?

17 A YES, SCANNING ELECTRON MICROSCOPE ANALYSIS.

18 Q AND THAT IS MORE OF A VISUALIZED ORIENTED-TYPE  
19 TESTING SERVICE?

20 A WELL, WHAT WE DO IS WE LOOK AT AND WE PICK OUT  
21 THROUGH THE ELECTRON MICROSCOPE AND THEN WE USE THE E.D.X.,  
22 WHICH IS THE ELECTRON DISPERSING GADGET, WHICH WILL TELL WHAT  
23 ELEMENT THAT PARTICLE IS, THAT IS WHAT WE HAVE. THAT IS VERY  
24 SOPHISTICATED, SO WE CAN TELL ANY PARTICLE, THEN WHAT ELEMENT  
25 THAT IS.

26 Q THE OTHER GENERALIZED DISCIPLINE FORENSICALLY  
27 THAT WE MIGHT MAKE REFERENCE TO IS NEURON ACTIVATION ANALYSIS;  
28 IS THAT CORRECT?

1 A YES, IT WAS USED BEFORE.

2 Q THAT IS A DIFFERENT THING THAN THE TYPE OF THING  
3 YOU ARE DESCRIBING YOUR OFFICE DOES, OR IS IT?

4 A THAT IS RIGHT, IT IS DIFFERENT.

5 PREVIOUSLY, WE USED THE ATOM, EACH TUBE HAS A  
6 SEPARATE ATOM AND SUSPECTED ATOM, WE SHOOT AND THEN WE WILL  
7 PICK IT OUT, BUT IT WAS CUMBERSOME SO WE DON'T DO THAT ANY  
8 MORE.

9 Q A DIFFERENT GADGET?

10 A YES.

11 MR. BARENS: THANK YOU.

12 THE COURT: ALL RIGHT.

13 MR. WAPNER: CAN I JUST ASK -- I KNOW IT BOUNCES BACK  
14 AND FORTH.

15

16 FURTHER REDIRECT EXAMINATION

17 BY MR. WAPNER:

18 Q ALL OF THESE FANCY TERMS ABOUT MICROSCOPES AND  
19 EVERYTHING, BEFORE YOU GET TO THAT STUFF, YOU HAVE TO HAVE  
20 SOMETHING TO ANALYZE, RIGHT?

21 A YES.

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1 Q AND IN ORDER TO GET SOMETHING TO ANALYZE IN A  
2 CASE LIKE THIS, SOMEBODY HAS TO GET ON THEIR HANDS AND KNEES  
3 WITH A PIECE OF SCOTCH TAPE AND START DABBING AROUND ON THE  
4 CARPET, RIGHT?

5 A YES.

6 Q IN HOPES THAT MAYBE YOU WILL PICK UP SOME PARTICLE  
7 YOU CAN'T SEE WITH THE NAKED EYE?

8 A YES.

9 Q SO WHEN YOU PUT THE SCOTCH TAPE ON THE CARPET,  
10 YOU CAN'T LOOK AT IT AND SEE IF THERE IS ANYTHING ON IT?

11 A THAT'S RIGHT.

12 Q ALL RIGHT. SO BEFORE YOU GET TO THE MICROSCOPES  
13 AND STUFF LIKE THAT, YOU HAVE TO SEND SOMEBODY INTO THE BEDROOM  
14 AND IF YOU DON'T KNOW WHERE THE SHOT WAS ACTUALLY FIRED,  
15 YOU HAVE TO GO THROUGH THE WHOLE ROOM, RIGHT?

16 A THAT'S RIGHT.

17 Q AND IS THAT WHAT YOU DESCRIBED AS LOOKING FOR  
18 A NEEDLE IN A HAYSTACK?

19 A YES. IT IS MAYBE HARDER BECAUSE MAYBE EVEN IF  
20 YOU FIND IT, IT IS DIFFICULT TO INTERPRET BECAUSE THAT PARTICLE  
21 WAS THERE BEFORE, MANY DAYS BEFORE OR LATER, YOU KNOW WHEN  
22 THAT PARTICLE WAS THERE.

23 Q OR WHETHER IT CAME FROM OTHER SOURCE?

24 A SOMEBODY'S SHOE, FROM SHOES. YOU NEVER KNOW.

25 IT IS VERY DIFFICULT TO INTERPRET, EVEN IF YOU  
26 FIND IT.

27 MR. WAPNER: THANK YOU. NOTHING FURTHER.

28 THE COURT: WAIT A MINUTE. GO AHEAD.



1           A           YES. THE CHANGES ARE STRONGER BECAUSE IF YOU  
2           SEE BARIUM AND ANTIMONY CAME TOGETHER AND THE INCREASED THE  
3           NUMBER, THEN IT CHANGES THAT ARE STRONG.

4           MR. BARENS: THAT WAS MY QUESTION. THANK YOU.

5           THE COURT: ARE WE FINISHED? THANK YOU VERY MUCH,  
6           DOCTOR. YOU WILL BE EXCUSED.

7           MR. WAPNER: PEOPLE CALL STEVE TAGLIANETTI.

8  
9                                 STEPHEN TAGLIANETTI,  
10          CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED  
11          AS FOLLOWS:

12           THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY  
13           YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL  
14           BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,  
15           SO HELP YOU GOD.

16           THE WITNESS: I DO.

17           THE CLERK: BE SEATED. STATE AND SPELL YOUR NAME FOR  
18           THE RECORD.

19           THE WITNESS: STEVE TAGLIANETTI.

20           THE CLERK: SPELL BOTH NAMES.

21           THE WITNESS: STEPHEN, S-T-E-P-H-E-N, TAGLIANETTI,  
22           T-A-G-L-I-A-N-E-T-T-I.

23           THE COURT: YOU DON'T PRONOUNCE IT AS THE ITALIANS  
24           DO? THE "G" IS SILENT?

25           THE WITNESS: YES.  
26  
27  
28

## DIRECT EXAMINATION

1  
2 BY MR. WAPNER:

3 Q DO YOU KNOW THE DEFENDANT IN THIS CASE?

4 A YES.

5 Q HOW DO YOU KNOW HIM?

6 A I KNOW MR. HUNT FROM HIGH SCHOOL.

7 Q WHERE DID YOU GO TO HIGH SCHOOL?

8 A HARVARD HIGH SCHOOL.

9 Q WERE YOU IN THE SAME GRADUATING CLASS AS MR.  
10 HUNT?

11 A YES, I WAS.

12 Q HOW WELL DID YOU KNOW MR. HUNT IN HIGH SCHOOL?

13 A NOT WELL AT ALL.

14 Q WERE YOU ON THE DEBATE TEAM IN HIGH SCHOOL?

15 A YES, I WAS.

16 Q YOU WERE THE OTHER HALF OF THAT FAMOUS TEAM WE  
17 HAVE ALREADY HEARD ABOUT, CALLED THE MAY-TAG TEAM?

18 A YES. THAT'S CORRECT.

19 Q AND OTHER THAN TAKING THE DEBATE WITH MR. HUNT,  
20 DID YOU SOCIALIZE WITH HIM AT ALL AT THAT TIME?

21 A NO, I DID NOT.

22 Q YOU GRADUATED WHAT YEAR FROM HIGH SCHOOL?

23 A 1977.

24 Q WHEN YOU LEFT HARVARD HIGH SCHOOL, DID YOU HAVE  
25 ANY CONTACT WITH MR. HUNT IMMEDIATELY AFTER YOU LEFT?

26 A NO, I DID NOT.

27 Q WHEN DID YOU NEXT SEE HIM AFTER YOU LEFT HIGH  
28 SCHOOL?

1 A SAW HIM BACK IN 1983.

2 Q AND WHEN YOU FIRST SAW HIM, WHERE WAS THAT?

3 A AT THE HARD ROCK CAFE.

4 Q WHEN YOU WERE IN HIGH SCHOOL, DID DAVE AND TOM  
5 MAY BOTH GO TO HIGH SCHOOL WITH YOU?

6 A YES.

7 Q AND WERE YOU FRIENDLY WITH EITHER OR BOTH OF  
8 THEM IN HIGH SCHOOL?

9 A YES, I WAS.

10 Q BOTH DAVE AND TOM?

11 A BOTH DAVE AND TOM.

12 Q AFTER HIGH SCHOOL, DID YOU REMAIN FRIENDLY WITH  
13 THEM?

14 A YES, I DID.

15 Q AND HOW WAS IT THAT YOU CAME TO MEET MR. HUNT  
16 AT THE HARD ROCK CAFE IN 1983?

17 A INITIALLY, IT WAS SET UP JUST AS A SOCIAL EVENT,  
18 JUST TO GO OUT.

19 Q WHO SET IT UP?

20 A DAVE AND TOM MAY.

21 Q HAVE YOU BEEN IN TOUCH WITH THEM AFTER HIGH SCHOOL  
22 AND BEFORE THIS MEETING?

23 A YES.

24 Q WHAT WAS THE NATURE OF YOUR FRIENDSHIP AND DAVE  
25 AND TOM MAY BEFORE YOU MET MR. HUNT?

26 A STRICTLY SOCIAL.

27 Q HOW OFTEN WOULD YOU SEE THEM?

28 A I WOULD GO OUT ONCE A WEEK OR TWICE A WEEK.

1 Q WHO SET UP THIS MEETING AT THE HARD ROCK CAFE?

2 A I REALLY DON'T RECALL.

3 Q WHO DID YOU GO THERE WITH?

4 A DAVE MAY.

5 Q AND WHEN YOU WENT THERE, WAS IT PREARRANGED THAT  
6 YOU WOULD MEET MR. HUNT OR DID YOU JUST HAPPEN TO RUN INTO  
7 HIM?

8 A NO.

9 I JUST HAPPENED TO RUN INTO HIM.

10 Q WHAT HAPPENED WHEN YOU SAW HIM THERE?

11 A WE ALL SPOKE TO ONE ANOTHER, JUST BEING ALUMNIS  
12 FROM THE SAME HIGH SCHOOL OR UNIVERSITY -- HIGH SCHOOL, RATHER.

13 Q AFTER YOU TALKED TO MR. HUNT AT THE HARD ROCK  
14 CAFE, DID YOU SEE --

15 WHAT DID YOU TALK TO HIM ABOUT, DO YOU REMEMBER?

16 A WE SPOKE IN GENERAL WITH REGARDS TO JOE'S  
17 PARTICIPATION IN COMMODITIES TRADING AND HOW WELL THAT WAS  
18 GOING FOR HIM.

19 Q HAD DAVID MAY INVESTED WITH MR. HUNT IN  
20 COMMODITIES UP TO THAT POINT?

21 A AT THAT POINT, I REALLY DON'T RECALL.

22 Q AND WHEN IN 1983 WAS THIS THAT YOU MET HIM AT  
23 THE HARD ROCK CAFE?

24 A AROUND OCTOBER.

25 Q DID MR. HUNT TELL YOU ABOUT HIS INVESTMENTS IN  
26 COMMODITIES AT THAT TIME?

27 A THAT HE WAS DOING EXTREMELY WELL.

28 Q AND WHAT ELSE DID HE TELL YOU ABOUT ANY BUSINESSES

-2  
1 THAT HE MAY HAVE BEEN INVOLVED IN?

2 A THAT HE IS LOOKING TO EXPAND HIS BUSINESSES OUTSIDE  
3 OF COMMODITIES INTO OTHER GROWTH POTENTIAL AREAS.

4 Q AND DID YOU HAVE ANY PARTICULAR DISCUSSION ABOUT  
5 WHAT OTHER AREAS AT THAT TIME?

6 A NO, NOT AT THAT TIME.

7 Q AND HOW DID YOU LEAVE IT WITH MR. HUNT AFTER THE  
8 MEETING AT THE HARD ROCK CAFE?

9 A WE LEFT THAT EVENING, SPEAKING -- RATHER, SPEAKING  
10 ABOUT THE AUTOMOBILE BUSINESS, SOMETHING.

11 Q DID YOU TALK TO MR. HUNT ABOUT THE AUTOMOBILE  
12 BUSINESS AT THE FIRST TIME YOU GOT REACQUAINTED WITH HIM IN  
13 OCTOBER OF 1983?

14 A YES, I RECALL.

15 Q AND WHAT DID YOU TALK TO HIM ABOUT SPECIFICALLY  
16 ABOUT THE AUTOMOBILE BUSINESS?

17 A ABOUT THE IMPORTATION OF EUROPEAN AUTOMOBILES.

18 Q HOW DID THAT COME UP, IF YOU KNOW?

19 A IT CAME ABOUT JUST, I BELIEVE, JOE MAKING INQUIRY  
20 AS TO WHAT I KNOW ABOUT -- OR, RATHER, WHAT BUSINESSES I KNOW  
21 OF WHICH COULD GENERATE POTENTIAL INCOME.

22 Q WAS THIS IN THE CONTEXT OF HIM WANTING TO DO OTHER  
23 BUSINESSES BESIDES THE COMMODITIES TRADING?

24 A YES, THAT'S CORRECT.

25 Q AND WHEN HE ASKED YOU ABOUT OTHER BUSINESSES THAT  
26 COULD GENERATE POTENTIAL INCOME, WHAT DID YOU SAY?

27 A I TOLD HIM THAT I KNOW OF ONE IN PARTICULAR WHICH  
28 I HAD IN MIND AND --

2-3 1 Q WHAT WAS THAT BUSINESS?

2 A IMPORTING AUTOMOBILES FROM EUROPE.

3 Q HAD YOU EVER DONE THAT BEFORE?

4 A YES.

5 Q AFTER HAVING THIS CONVERSATION WITH HIM AT THE  
6 HARD ROCK, DID YOU AGREE TO MEET HIM AGAIN? WHAT HAPPENED?

7 A YES, AT THE END OF THAT MEETING IT WAS AGREED  
8 THAT I WOULD LATER BE IN TOUCH WITH JOE HUNT AND OTHER  
9 INDIVIDUALS AND DISCUSS FURTHER THE IMPORTATION OF EUROPEAN  
10 AUTOMOBILES.

11 Q WERE YOU WORKING AT THAT TIME?

12 A YES, I WAS.

13 Q WHERE WERE YOU WORKING?

14 A I WAS EMPLOYED WITH THE MAY COMPANY.

15 Q KIND OF KEEPING IT IN THE FAMILY, SO TO SPEAK?

16 A YES.

17 Q AND DID YOU GET IN TOUCH WITH MR. HUNT AGAIN?

18 A YES.

19 Q WHEN WAS THAT?

20 A APPROXIMATELY A WEEK AFTER, A WEEK OR SO AFTER.

21 Q WHERE WAS IT THAT YOU GOT IN TOUCH WITH HIM AT  
22 THAT TIME?

23 A THAT WAS AT THE THIRD STREET OFFICES.

24 Q WHEN YOU WENT TO THE THIRD STREET OFFICES AND  
25 YOU WALKED IN, WERE THERE ANY INITIALS ON THE WALL OR ANYTHING  
26 LIKE THAT?

27 A NOT AT THAT TIME, NO.

28 Q DID THAT COME SOMETIME LATER?

29 A YES.

-4  
1 Q WERE THERE SOME LARGE INITIALS THAT SAID BBC THAT  
2 WERE PUT UP?

3 A CORRECT.

4 Q AT THE TIME THAT YOU TALKED TO MR. HUNT AT THE  
5 HARD ROCK CAFE HAD HE MENTIONED ANYTHING ABOUT BBC OR HIS  
6 PHILOSOPHY OR ANYTHING LIKE THAT?

7 A YES, HE DID.  
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1 Q WHAT DID HE SAY?

2 A HE -- FROM THE BEST I CAN RECALL, THAT HE WAS  
3 FORMING A GROUP CALLED THE BBC.

4 Q AND WHAT DID HE SAY ABOUT THAT?

5 A THAT IT WAS -- I TENDED TO UNDERSTAND IT AS MORE  
6 OF A FRATERNAL ORGANIZATION.

7 Q THEY WERE JUST A BUNCH OF GUYS THAT WOULD DO SOCIAL  
8 THINGS TOGETHER?

9 A YES, SOCIAL EVENTS, ADDITIONALLY, BUSINESS  
10 ENDEAVORS.

11 Q WHAT HAPPENED WHEN YOU WENT TO HIS OFFICE ON THIRD  
12 STREET?

13 A I MET WITH JOE, AGAIN, AND WE SPOKE WITH REGARD  
14 TO THE AUTOMOBILE BUSINESS.

15 Q AND SPECIFICALLY, DID YOU TALK ABOUT ESTABLISHING  
16 SOME TYPE OF A BUSINESS?

17 A YES, WE DID.

18 Q ALL RIGHT. WHAT DID YOU TALK TO HIM ABOUT DOING?

19 A WE SPOKE ABOUT THE ENTIRE PROCEDURES FOR IMPORTING  
20 A EUROPEAN AUTOMOBILE WITH NONCONFORMING STANDARDS, IMPORTING  
21 A VEHICLE TO THE STATES HERE AND RESELLING IT.

22 Q THAT IS A CAR THAT IS MANUFACTURED IN EUROPE THAT  
23 IS NOT MANUFACTURED UP TO CALIFORNIA EMISSION STANDARDS,  
24 AMONG OTHER THINGS, AND HAS TO BE IMPORTED AND THEN MODIFIED  
25 SO IT CAN BE SOLD IN CALIFORNIA?

26 A CORRECT.

27 Q ARE THOSE CARS THAT HAVE COMMONLY COME TO BE  
28 REFERRED TO AS GREY MARKET CARS?

1 A THAT'S CORRECT.

2 Q WHEN YOU TALKED TO MR. HUNT ABOUT THAT, DID HE  
3 SEEM TO BE INTERESTED IN DOING SOMETHING LIKE THAT?

4 A YES, HE WAS.

5 Q WHAT DID HE TELL YOU ABOUT THAT?

6 A THAT HE WANTED ME TO PUT TOGETHER A COMPLETE  
7 PACKAGE, AS IT WAS, REFLECTING PROFITABILITY AND BREAKING  
8 DOWN ANALYSIS AS FAR AS COSTS WOULD BE CONCERNED TO GO INTO  
9 THAT TYPE OF BUSINESS.

10 Q AND DID YOU DO THAT?

11 A YES, I DID.

12 Q AFTER YOU DID THAT, DID YOU MEET WITH HIM AGAIN?

13 A YES, I DID.

14 Q WHEN WAS THAT?

15 A APPROXIMATELY A WEEK AND A HALF THEREAFTER.

16 Q AND WHEN YOU MET WITH HIM AT THAT TIME, WHAT DID  
17 YOU TALK ABOUT?

18 A I PRESENTED THE PACKAGE AND IT WAS LEFT THAT JOE  
19 WOULD LOOK INTO IT.

20 Q SO YOU DIDN'T HAVE ANY WORKING ARRANGEMENT WITH  
21 HIM AT THAT TIME?

22 A AT THAT POINT, NO.

23 Q AFTER YOU PRESENTED THE PACKAGE AND HE SAID HE  
24 WOULD LOOK INTO IT, DID YOU HEAR FROM HIM AGAIN AFTER THAT?

25 A YES, I DID.

26 Q HOW LONG AFTER THAT WAS THIS?

27 A APPROXIMATELY A WEEK.

28 Q AND WHEN HE NEXT TALKED TO YOU, WHAT HAPPENED?

1           A       WE -- HE CALLED AND WE SET UP A MEETING AT THE  
2 THIRD STREET OFFICES, IN WHICH I CAME DOWN AND SAT DOWN WITH  
3 JOE.

4           Q       AND WHEN YOU MET WITH HIM AT THAT TIME, DID YOU  
5 DISCUSS WHETHER OR NOT YOU WERE GOING TO ESTABLISH THIS  
6 BUSINESS?

7           A       YES.

8           Q       WHAT HAPPENED WHEN YOU TALKED ABOUT IT?

9           A       WE SPOKE AND HE WAS VERY MUCH INTERESTED IN  
10 ESTABLISHING A BUSINESS.

11                    ADDITIONALLY, WE ALSO SPOKE WITH REGARD TO  
12 CONFIRMATION OF SALARY FOR MYSELF.

13           Q       WHEN YOU TALKED ABOUT ESTABLISHING A BUSINESS,  
14 WAS THERE SOME DISCUSSION ABOUT HOW THIS BUSINESS WAS GOING  
15 TO BE FUNDED, WHERE THE MONEY WAS GOING TO COME FROM TO BUY  
16 THE CARS, FOR EXAMPLE?

17           A       YES.

18           Q       ALL RIGHT. WHAT WAS THAT DISCUSSION?

19           A       THAT DISCUSSION ENDED THAT JOE HAD THE FINANCIAL  
20 BACKING TO FUND THE ENTIRE OPERATION.

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1 DID HE EVER SAY WHERE THAT FINANCIAL BACKING  
2 CAME FROM?

3 A NO, HE DID NOT.

4 Q SO AS FAR AS YOU UNDERSTOOD, MR. HUNT WAS GOING  
5 TO PROVIDE THE MONEY?

6 A CORRECT.

7 Q YOU DIDN'T INQUIRE INTO THE SOURCE OF HIS FUNDS?

8 A NO, I DID NOT.

9 Q AS FAR AS SALARY THAT YOU DISCUSSED WITH HIM,  
10 DID YOU ARRIVE AT A SALARY THAT YOU WERE TO BE PAID?

11 A YES.

12 Q HOW MUCH WERE YOU TO BE PAID?

13 A I BELIEVE IT TO BE BETWEEN 1500 AND 1750 PER  
14 MONTH.

15 Q ARE YOU SAYING THAT IT WAS GOING TO BE A VARIABLE  
16 SALARY OR YOU CAN'T REMEMBER?

17 A I CAN'T REMEMBER THE EXACT AMOUNT.

18 Q WAS THERE SOME DISCUSSION OF WHEN IT WAS THAT  
19 YOU WERE GOING TO GO TO WORK THERE?

20 A YES.

21 Q ALL RIGHT. AND WHEN WERE YOU GOING TO START?

22 A TWO WEEKS THEREAFTER.

23 Q AND DID YOU IN FACT, START TWO WEEKS THEREAFTER?

24 A YES, I DID.

25 Q WHEN WAS THAT IN POINT OF TIME ON THE CALENDAR  
26 APPROIXMATELY?

27 A I BELIEVE APPROXIMATELY NOVEMBER.

28 Q SOMETIME IN NOVEMBER OF '83?

1 A YES, THAT'S CORRECT.

2 Q DID THE ORGANIZATION OR THE BUSINESS THAT YOU  
3 WERE GOING TO START HAVE A NAME?

4 A YES, IT DID.

5 Q WHAT WAS THE NAME?

6 A WESTCARS OF NORTH AMERICA.

7 Q WHO CAME UP WITH THE NAME?

8 A I BELIEVE IT TO BE JOE AND DEAN KARNY.

9 Q WHEN YOU WENT TO WORK IN NOVEMBER OF 1983, DID  
10 THEY GIVE YOU AN OFFICE?

11 A NO, THEY DID NOT.

12 Q WHERE DID YOU WORK OUT OF?

13 A I WORKED OUT OF -- I SHARED AN OFFICE WITH TOM  
14 MAY AND DAVE MAY.

15 Q EVENTUALLY, WERE THE OFFICES EXPANDED?

16 A YES, THEY WERE.

17 Q DID YOU EVENTUALLY GET YOUR OWN OFFICE?

18 A NO, I DID NOT.

19 Q ALL RIGHT. YOU ACTUALLY WERE SHARING WITH TOM  
20 AND DAVE?

21 A THAT'S CORRECT.

22 Q AT THAT TIME WHEN YOU FIRST STARTED WORKING THERE,  
23 DID THE BBC HAVE OFFICES OR -- EXCUSE ME, HAVE A WAREHOUSE  
24 IN GARDENA?

25 A NO, THEY DID NOT.

26 Q AT SOME POINT LATER, THEY PURCHASED A WAREHOUSE  
27 OR -- EXCUSE ME. THEY RENTED A WAREHOUSE AND DAVID MAY SPENT  
28 MOST OF HIS TIME WORKING DOWN THERE?

29 A CORRECT.

1 Q WHEN YOU STARTED WORKING FOR WESTCARS, WHO WAS  
2 WORKING WITH YOU AT THAT TIME OR WERE YOU BASICALLY DOING  
3 IT ON YOUR OWN?

4 A MOSTLY DOING IT ON MY OWN.

5 Q WERE THERE ANY -- DID YOU START OUT WITH ANY  
6 INVENTORY OR DID YOU HAVE TO PROCURE THAT ALL YOURSELF?

7 A NO. IT HAD TO BE PROCURED.

8 Q HOW DID YOU GO ABOUT DOING THAT?

9 A I HAD A CONTACT IN FRANKFORT, GERMANY.

10 Q DID YOU PURCHASE SOME CARS?

11 A YES, WE DID.

12 Q INITIALLY, HOW MANY DID YOU PURCHASE?

13 A WE PURCHASED TWO VEHICLES.

14 Q WHEN WAS THAT DONE?

15 A APPROXIMATELY -- THE PURCHASE OF THE VEHICLES  
16 WAS -- THEY WERE PURCHASED I BELIEVE THREE WEEKS AFTER I  
17 STARTED.

18 Q AND WHERE DID THE MONEY COME FROM TO PURCHASE  
19 THOSE VEHICLES?

20 A FROM JOE HUNT.

21 Q WAS THAT IN THE FORM OF A CHECK OR DID HE WRITE  
22 IT TO YOU OR DID HE WRITE IT TO SOMEBODY IN EUROPE, OR DO  
23 YOU KNOW?

24 A NO. IT I RECALL, THE BEST I REMEMBER IS THAT  
25 WE WIRED THE MONEY. JOE WROTE A CHECK AT THE BANK AND WE  
26 WIRED THE MONEY ABROAD.

27 Q WESTCARS, THIS BUSINESS CALLED WESTCARS ACTUALLY  
28 HAD A NAME AT THAT TIME?

1           A        I BELIEVE IT DID.

2           Q        DID YOU HAVE YOUR OWN CHECKING ACCOUNT OR WAS  
3 THIS -- DID THIS MONEY COME OUT OF MR. HUNT'S FUNDS?

4           A        AT THAT TIME, I DON'T RECALL IF THEY HAD A CHECKING  
5 ACCOUNT.

6           Q        AND WHAT TYPE OF CARS DID YOU BUY AND -- WELL,  
7 HOW MUCH DID YOU SPEND ON THE VEHICLES AT THAT TIME?

8           A        APPROXIMATELY \$8,000 PER VEHICLE.  
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1 Q WHEN YOU GOT THEM TO THE UNITED STATES, DID YOU  
2 HAVE THE WAREHOUSE IN GARDENA AT THAT TIME?

3 A AT THAT POINT, YES. WE DID.

4 Q AND DID YOU CONTINUE TO WORK IN THE OFFICE OR  
5 DID YOU WORK PRIMARILY IN THE WAREHOUSE?

6 A AT THE WAREHOUSE.

7 Q AFTER THOSE FIRST FEW VEHICLES, WERE THERE OTHER  
8 CARS THAT WERE ALSO PURCHASED BY WESTCARS?

9 A YES, THERE WERE.

+B 10 Q AND HOW MANY CARS IN TOTAL DID YOU PURCHASE DURING  
11 THE TIME THAT YOU WORKED THERE, IF YOU KNOW?

12 A I BELIEVE IT TO BE AROUND TEN IN TOTAL.

13 Q AND DO YOU KNOW HOW MUCH MONEY WAS LAID OUT FOR  
14 THE PURCHASE OF THOSE TEN VEHICLES ALTOGETHER?

15 A APPROXIMATELY \$110,000.

16 Q THE FIRST TWO VEHICLES THAT YOU PURCHASED FOR  
17 8,000 EACH, WHAT TYPE OF VEHICLES WERE THOSE?

18 A THE FIRST WAS A 1972 MERCEDES CONVERTIBLE. THE  
19 SECOND WAS A 1978, I BELIEVE, 911 PORSCHE.

20 Q AND THE OTHER VEHICLES THAT YOU PURCHASED, WHAT  
21 TYPES WERE THOSE?

22 A THEY WERE ALL BRAND NEW BMW'S.

23 Q WHAT BODY STYLE NUMBER, IF YOU KNOW?

24 A IT WAS IN THE SEVEN SERIES, 728, I BELIEVE.

25 Q ARE THOSE FOUR-DOOR SEDANS, ESSENTIALLY?

26 A YES, CORRECT.

27 Q WERE THEY ALL THE SAME COLOR OR DIFFERENT COLORS?

28 A THEY WERE ALL THE SAME COLOR.

1 Q WHAT COLOR?

2 A ANTHRACITE GRAY.

3 Q IS THAT KIND OF A METALLIC GRAY?

4 A YES.

5 Q OF THE TEN CARS THAT WERE PURCHASED IN TOTAL  
6 BY WESTCARS, HOW MANY WERE EVER SOLD?

7 A NONE.

8 Q DID THE BUSINESS OF WESTCARS EVER MAKE ANY MONEY?

9 A NO, IT DID NOT.

10 Q DID THE BUSINESS OF WESTCARS EVER SPEND ANY MONEY  
11 IN ADDITION TO THE PURCHASE OF THE VEHICLES, TRYING TO MODIFY  
12 THE VEHICLES FOR SALE IN THE UNITED STATES?

13 A YES.

14 Q AND WHEN YOU SAY -- WELL, HOW MUCH WAS SPENT  
15 TRYING TO GET THE VEHICLES MODIFIED SO THAT THEY COULD BE  
16 SOLD HERE?

17 A APPROXIMATELY PER VEHICLE, IT WAS AROUND \$2,500  
18 IF NOT MORE.

19 Q SO THAT IS \$25,000, IF THERE WERE TEN VEHICLES,  
20 CORRECT?

21 A CORREC.

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1 Q AND THERE WAS NO VEHICLE SOLD DURING THE TIME  
2 THAT YOU WORKED AT THE BBC, CORRECT?

3 A THAT'S CORRECT.

4 Q AND THAT EMPLOYMENT -- WELL, AT SOME POINT YOU  
5 RESIGNED FROM THE BBC, CORRECT?

6 A THAT'S CORRECT.

7 Q I WILL GET BACK TO THAT PROBABLY MONDAY.

8 THE COURT: DO YOU WANT THE ADJOURNMENT NOW?

9 MR. BARENS: IF YOU WOULD, YOUR HONOR.

10 MR. WAPNER: I THINK IT IS PROBABLY APPROPRIATE.

11 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE WILL  
12 TAKE AN ADJOURNMENT NOW UNTIL MONDAY MORNING AT 10:30.

13 AND THE SAME ADMONITION I GAVE YOU WOULD STILL  
14 APPLY.

15 GOOD NIGHT AND HAVE A PLEASANT WEEKEND.

16 (AT 3:55 P.M. AN ADJOURNMENT WAS TAKEN  
17 UNTIL MONDAY, MARCH 9, 1987, AT 10:30 A.M.)

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