

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 62 OF 101
(PAGES 966.7 TO 986.1, INCLUSIVE)

COPY

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WEST C

HON. LAURENCE J. RITTENBAND, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

PLAINTIFF,)

VS.)

NO. A-090435

JOSEPH HUNT,)

DEFENDANT.)

REPORTERS' DAILY TRANSCRIPT

MONDAY, MARCH 9, 1987

VOLUME 62

PAGES 9667 TO 9861, INCL.

APPEARANCES:

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

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

AND

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

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

1 SANTA MONICA, CALIFORNIA; MONDAY, MARCH 9, 1987; 10:37 A.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

5 (THE FOLLOWING PROCEEDINGS WERE HELD
6 IN CHAMBERS:)

7 THE COURT: YOU GENTLEMEN HAVE READ THIS LETTER FROM
8 MR. LACEY?

9 MR. BARENS: YES, YOUR HONOR.

10 MR. WAPNER: I HAVE, YOUR HONOR.

11 THE COURT: WE WILL EXCUSE HIM.

12 MR. WAPNER: IT SEEMS TO ME THAT HE HAS TO BE EXCUSED.
13 I MEAN I DON'T THINK WE CAN REQUIRE HIM TO SERVE ON THE JURY
14 AT THE JEOPARDY OF LOSING HIS JOB.

15 I MEAN HE TOLD US ORIGINALLY THEY WOULD PAY HIM
16 FOR UNLIMITED TIME AND APPARENTLY IN THE MIDDLE OF THE TRIAL
17 THE COMPANY HAS NOW CHANGED THEIR POLICY.

18 MR. BARENS: MAY I COMMENT? TWO THINGS OR THREE THINGS.

19 ONE, I NOTICE THAT THERE IS A CAPTION ON ONE
20 OF THOSE PAGES THAT SAYS "RETROACTIVE TO OCTOBER 1ST."
21 THAT EVIDENTLY THEY HAVE SUDDENLY INITIATED THIS POLICY AND
22 MADE IT RETROACTIVE.

23 WHAT I WOULD LIKE THE OPPORTUNITY TO DO, YOUR
24 HONOR, EITHER MYSELF OR THE COURT OR ANY OTHER PARTY THAT
25 THE COURT FEELS APPROPRIATE, TO CONTACT COUNSEL FOR THE
26 EMPLOYER AND EXPLAIN THE SITUATION.

27 THE COURT: I WON'T DO THAT. I WON'T DO THAT. I AM
28 NOT GOING TO GO IN AND TRY TO FORCE THE EMPLOYERS TO CHANGE

1 THEIR POLICY JUST BECAUSE YOU WANT TO HAVE HIM ON THE JURY.

2 MR. BARENS: YOUR HONOR, I WASN'T SUGGESTING FORCING
3 THEM, YOUR HONOR.

4 THE COURT: I AM NOT GOING TO GET IN TOUCH WITH ANY
5 COUNSEL TO TRY TO HAVE THEM GET IN TOUCH WITH THE EMPLOYER
6 TO HAVE THE EMPLOYER CHANGE THEIR POLICY SO THAT THIS PARTICULAR
7 JUROR MAY BE CONTINUED ON THE JURY.

8 WE HAVE GOT ALTERNATES, ALL OF WHOM ARE ACCEPTABLE
9 TO BOTH SIDES, I SEE NO REASON WHY WE CAN'T CHOOSE ONE OF
10 THE FOUR ALTERNATES AND LET THIS MAN GO.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 MR. WAPNER: FOR THE RECORD, I MEAN, I DON'T HAVE ANY
2 OBJECTION TO EITHER PROCEDURE. IF YOU WANT TO PICK AN
3 ALTERNATE --

4 THE COURT: THIS IS THE PROCEDURE I AM GOING TO DO.
5 I WILL ADOPT THIS PROCEDURE.

6 I DON'T SEE WHY IT SHOULD BE ANY DIFFERENT BECAUSE
7 THIS PARTICULAR JUROR HAS TO BE EXCUSED. WE HAVE FOUR OTHER
8 JURORS WHO ARE QUALIFIED. THERE IS NO REASON THAT THEY CAN'T
9 SIT, EITHER.

10 MR. BARENS: I MIGHT STATE FOR THE RECORD, MY POSITION
11 WOULD HAVE BEEN THE SAME FOR ALL 12.

12 THE COURT: YES. I AM SURE IT WOULD HAVE BEEN. I HAVE
13 NO DOUBT.

14 MR. BARENS: IT WOULD IN FACT, HAVE BEEN.

15 THE COURT: I AM SURE. ALL RIGHT. LET'S GO. I WILL
16 EXCUSE THIS JUROR.

17 MR. BARENS: YOUR HONOR --

18 THE COURT: DO YOU WANT TO HAVE HIM EXCUSED? THERE
19 IS NO SENSE HAVING TO PAY HIM ON A DAILY BASIS AND THEN HAVE
20 HIM BE RELIEVED.

21 MR. WAPNER: THERE IS NO POINT HAVING HIM SIT HERE UNTIL
22 MARCH 20TH OR SOMETHING.

23 THE COURT: THAT IS EXACTLY RIGHT.

24 MR. WAPNER: IF THE COURT IS GOING TO EXCUSE HIM, I
25 THINK IT SHOULD BE DONE NOW.

26 THE COURT: I THINK SO, TOO.

27 MR. BARENS: AS FAR AS THE PROCEDURE IN SELECTING THE
28 REPLACEMENT, YOUR HONOR IS GOING TO FOLLOW WHAT PROCEDURE?

1 THE COURT: THE PROCEDURE IS AS FOLLOWS: THE FOUR NAMES
2 OF THE ALTERNATE JURORS WILL BE PLACED INTO THE BOX. IT WILL
3 BE SHAKEN.

4 THEN, THE CLERK WILL DRAW ONE OF THE FOUR NAMES.
5 THAT JUROR WHOSE NAME IS DRAWN WILL BE THE JUROR TO TAKE THE
6 PLACE OF JUROR NO. 1, MR. LACEY. THIS IS THE USUAL PRACTICE,
7 UNLESS YOU HAVE SOME OTHER SUGGESTION.

8 MR. BARENS: NO. I WAS JUST LOOKING FOR YOUR CONFIRMATION
9 OF --

10 THE COURT: THAT IS WHAT I INTEND TO DO. IT IS THE
11 ONLY WAY IT CAN BE DONE.

12 MR. WAPNER: THE LETTER FROM MR. LACEY WILL BE MARKED
13 AS A COURT'S EXHIBIT AND BECOME A PART OF THE RECORD?

14 THE COURT: YES.

15 MR. CHIER: COULD I ASK YOUR HONOR THE SITUATION ABOUT
16 THE LAW CLERK, PLEASE?

17 THE COURT: HE IS NEVER GOING TO COME INTO THIS
18 COURTROOM AGAIN.

19 MR. CHIER: WHAT IS THE REASON?

20 THE COURT: I WILL REPEAT IT AGAIN FOR THE RECORD.
21 THIS IS WHAT WAS WRITTEN:

22 "A WEEK OR SO AFTER, DURING THE NOON
23 RECESS, I WAS ENGAGED IN SMALL TALK WITH A YOUNG
24 MAN WHO WAS WORKING AS A CLERK FOR THE DEFENSE.
25 I BELIEVE HE ASSUMED ME TO BE A REPORTER. HE MADE
26 INSINUATIONS BY REMARKING AMONG OTHER THINGS, 'WELL,
27 WAPNER'S FATHER AND THE JUDGE ARE OLD FRIENDS.'

28 "I WAS GLAD TO LEARN YOU HAVE IMPOSED

1 A GAG ORDER BECAUSE THAT SORT OF CONDUCT STRIKES
2 ME AS BEING GROSSLY UNETHICAL."

3 MR. CHIER: BUT WHAT DOES THAT INSINUATE?

4 THE COURT: I WON'T PERMIT HIM INTO THE COURTROOM.

5 I WON'T --

6 MR. CHIER: YOU HAVE EVISCERATED THE DEFENSE TEAM.

7 THE COURT: PLEASE GET OUT.

8 MR. CHIER: I CAN'T TALK. MY CLERK CAN'T EVEN COME
9 IN. WE ARE EVISCERATED. I MOVE FOR A MISTRIAL.

10 THE COURT: I DON'T RECOGNIZE YOU AS BEING COUNSEL.

11 DO YOU WANT TO MOVE FOR A MISTRIAL?

12 MR. BARENS: NOT AT THIS TIME.

13 THE COURT: ALL RIGHT. LET'S GO.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

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

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

5 I HAVE A VERY REGRETFUL ANNOUNCEMENT TO MAKE.
6 MR. LACEY, OUR DISTINGUISHED JUROR NO. 1, HAS INFORMED THE
7 COURT THAT HIS EMPLOYER WILL NOT HAVE HIS JOB AVAILABLE IF
8 HE CONTINUES AS A JUROR IN THIS PARTICULAR CASE. SO IT IS
9 WITH GREAT RELUCTANCE, WITH GREAT RELUCTANCE THAT I AM GOING
10 TO EXCUSE YOU, MR. LACEY. THANK YOU VERY, VERY MUCH FOR
11 YOUR SERVICES UP TO THIS POINT. I AM SORRY WE WON'T HAVE
12 YOU THROUGHOUT THE TRIAL.

13 JUROR LACEY: THANK YOU.

14 THE COURT: GOOD MORNING AND THANK YOU.

15 THIS MORNING, WE WILL THEN CHOOSE ONE OF THE
16 FOUR ALTERNATE JURORS AND THIS WILL BE DONE BY LOT.

17 THE CLERK HAS TAKEN EACH OF YOUR NAMES AND WILL
18 RATTLE THE BOX AND THEN COME UP WITH THE LUCKY, OR UNLUCKY
19 ONE, HOWEVER YOU WANT TO CONSIDER IT.

20 THE CLERK: KATHERINE D. RUTHERFORD.

21 THE COURT: WHO?

22 MR. WAPNER: WHAT NAME DID SHE PUT IN THE BOX?

23 (LAUGHTER IN COURTROOM.)

24 THE CLERK: I WROTE THE WRONG NAME DOWN.

25 IT IS KATHERINE D. KEENAN.

26 JUDGE.

27 (UNREPORTED COLLOQUY BETWEEN THE COURT
28 AND THE CLERK.)

2

1 THE COURT: YOU HAD BETTER DO IT AGAIN.

2 THE CLERK: I WILL DO IT AGAIN.

3 (PAUSE WHILE CLERK REDRAWS NAME.)

4 THE CLERK: KATHERINE J. KEENAN.

5 THE COURT: IT LOOKS LIKE YOU ARE FATED TO BE A REGULAR
6 JUROR. COME DOWN AND TAKE SEAT NO. 1, PLEASE. WELCOME TO
7 THE CAST.

8 (ALTERNATE JUROR KEENAN TAKES THE PLACE
9 OF JUROR LACEY IN JURY BOX AS JUROR NO.
10 1.)

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 MR. WAPNER: WE WILL RECALL STEVE TAGLIANETTI.

2 THE CLERK: YOU ARE STILL SWORN. TAKE A SEAT. STATE
3 YOUR NAME FOR THE RECORD.

4
5 STEPHEN TAGLIANETTI,
6 RECALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY
7 SWORN, RESUMED THE STAND AND TESTIFIED FURTHER AS FOLLOWS:

8 THE WITNESS: STEPHEN TAGLIANETTI.

9
10 DIRECT EXAMINATION

11 BY MR. WAPNER:

12 Q MR. TAGLIANETTI, YOU SAID WESTCARS PURCHASED
13 APPROXIMATELY TEN VEHICLES WHILE YOU WERE THERE, IS THAT
14 CORRECT?

15 A THAT'S CORRECT.

16 Q AND THAT THE LAST EIGHT OF THEM WERE ANTHRACITE
17 GRAY IN COLOR AND 700 SERIES OF BMW'S?

18 A THAT'S CORRECT.

19 MR. WAPNER: YOUR HONOR, I HAVE A PHOTOGRAPH I WOULD
20 LIKE TO HAVE MARKED AS PEOPLE'S 204 FOR IDENTIFICATION. IT
21 APPEARS TO BE A GRAY-COLORED BMW AUTOMOBILE.

22 THE COURT: ALL RIGHT. SO MARKED.

23 Q BY MR. WAPNER: MR. TAGLIANETTI, SHOWING YOU
24 204 FOR IDENTIFICATION, DO YOU RECOGNIZE THAT?

25 A YES, I DO. THIS IS ONE OF THE VEHICLES WE
26 PURCHASED THROUGH WESTCARS, NORTH AMERICA.

27 Q ALL RIGHT. THAT WAS THE SAME SERIES OF CAR,
28 700 SERIES?

1 A YES, IT IS.

2 Q IT IS THE SAME COLOR?

3 A CORRECT. IT IS.

4 Q DURING THE TIME THOSE CARS WERE BEING MODIFIED
5 BY WESTCARS, DID THEY JUST SIT IN THE WAREHOUSE?

6 A NO. THEY DID NOT.

7 Q WHAT HAPPENED TO THEM?

8 A THEY WERE DRIVEN BY MEMBERS OF THE BBC.

9 Q HOW OFTEN WOULD THAT OCCUR?

10 A ALMOST DAILY.

11 Q AND WHICH DIFFERENT MEMBERS OF THE BBC WOULD
12 DRIVE THOSE CARS?

13 A JOE HUNT DROVE ONE. DEAN KARNY AND BEN DOSTI,
14 AS WELL AS JIM GRAHAM.

15 Q AND WHO MADE THE DECISION AS TO WHO WAS GOING
16 TO DRIVE WHAT CARS, IF YOU KNOW, OR WERE THEY JUST AVAILABLE
17 FOR ANYBODY TO USE?

18 A I BELIEVE THEY WERE JUST AVAILABLE FOR ANYBODY.

19 Q DID THEY HAVE THE LICENSE PLATE ON THEM?

20 A NO.

21 Q WERE THERE ANY KIND OF PLATES, DEALER PLATES
22 OR ANYTHING LIKE THAT?

23 A YES, THERE WERE. DEALER PLATES WERE PUT ON THE
24 VEHICLES.

25 Q AND SO WESTCARS WAS ABLE TO OBTAIN DEALER PLATES
26 FOR THEIR CARS?

27 A YES.

28 Q YOU TOUCHED A LITTLE BIT ON THURSDAY ON YOUR

1 SALARY. CAN YOU TELL ME HOW IT WAS THAT YOU WERE PAID? WAS
2 IT BY CHECK OR BY CASH?

3 A I WAS ALWAYS PAID BY CHECK.

4 Q AND WERE YOU ALWAYS PAID BY CHECKS ON THE SAME
5 COMPANY?

6 A NO.

7 Q DID YOU EVER GET A PERSONAL CHECK FROM JOE HUNT
8 FOR YOUR SALARY?

9 A YES, I DID.

10 Q HOW OFTEN DID THAT HAPPEN?

11 A I BELIEVE ON ONE OCCASION.

12 Q AND ON THE OTHER OCCASION, DID YOU ALWAYS GET
13 A CHECK FROM THE SAME COMPANY OR WAS IT DIFFERENT COMPANIES
14 WITHIN THE BBC?

15 A I BELIEVE THEY WERE DIFFERENT COMPANIES FROM
16 THE BBC.

17 Q SOMETIMES A CHECK FROM WESTCARS AND SOMETIMES
18 A CHECK FROM THE BBC CONSOLIDATED AND THINGS LIKE THAT?

19 A CORRECT.

20 Q AT SOME POINT AFTER YOU BECAME A MEMBER OF THE
21 BBC, WERE YOU INTRODUCED TO SOMEONE NAMED JIM GRAHAM?

22 A YES.

23 Q TELL US HOW THAT HAPPENED.

24 A I WAS INTRODUCED TO JIM GRAHAM APPROXIMATELY
25 TWO WEEKS AFTER I BECAME A MEMBER OF THE BBC.

26 Q WHO WERE YOU INTRODUCED TO HIM BY?

27 A BY JOE HUNT.

28 Q WHERE WAS IT THAT YOU WERE INTRODUCED TO HIM?

1 A I WAS INTRODUCED TO HIM AT THE THIRD STREET OFFICES.

2 Q WHEN YOU SAY IT WAS APPROXIMATELY TWO WEEKS AFTER

3 YOU BECAME A MEMBER, APPROXIMATELY WHEN WAS THAT?

4 A APPROXIMATELY NOVEMBER 15, MID NOVEMBER.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q THAT YOU MET MR. -- YOU WERE INTRODUCED TO
2 MR. GRAHAM?

3 A THAT'S CORRECT.

4 Q AND YOU WERE INTRODUCED TO HIM BY WHOM?

5 A BY JOE HUNT.

6 Q AND WHEN YOU WERE INTRODUCED TO MR. GRAHAM, WHAT
7 DID MR. HUNT SAY TO YOU BY WAY OF INTRODUCTION?

8 A THE WAY IN WHICH HE WAS INTRODUCED WAS THAT JIM
9 GRAHAM HAD A TITLE THAT OF EITHER A BODYBUILDER OR WEIGHT-
10 LIFTER AS WELL AS BEING A PROFESSIONAL BALL PLAYER.

11 Q WHEN YOU SAY A TITLE BY WAY OF BEING A BODYBUILDER
12 OR WEIGHTLIFTER, WHAT DO YOU MEAN?

13 A A TITLE AS BEING MR. WORLD OR MR. UNIVERSE.

14 Q IT WAS SOMETHING OF THAT NATURE?

15 A CORRECT.

16 Q YOU DON'T REMEMBER THE EXACT TITLE NOW?

17 A NO, I DO NOT.

18 Q I SHOW YOU A PHOTOGRAPH THAT IS MARKED AS 175
19 FOR IDENTIFICATION, DO YOU RECOGNIZE THIS PERSON?

20 A YES, I DO.

21 Q WHO IS THAT?

22 A JIM GRAHAM.

23 Q AND WHEN MR. HUNT INTRODUCED HIM BY SAYING HE
24 HAD A TITLE, DID HE SAY ANYTHING ELSE TO YOU ABOUT MR. GRAHAM?

25 A YES, HE DID.

26 Q WHAT DID HE SAY?

27 A THAT HE WOULD BE WORKING WITH WESTCARS.

28 Q DID HE SAY WHAT HE WOULD BE DOING WITH WESTCARS?

1 A THAT HE WOULD BE OFFERING INPUT TO THE COMPANY.

2 Q DID MR. HUNT SAY WHAT KIND OF INPUT TO THE COMPANY?

3 A NO, HE DIDN'T SPECIFICALLY.

4 Q AND IN FACT -- WELL, DID MR. HUNT SAY ANYTHING
5 ELSE TO YOU EITHER AT THAT TIME OR AROUND THAT TIME ABOUT
6 MR. GRAHAM COMING TO THE BBC AND HIS VALUE, IF ANY, TO THE
7 BBC?

8 A YES, THAT HIS VALUE AS FAR AS WHAT HE COULD INPUT
9 TO WESTCARS.

10 Q WHAT DID HE SAY?

11 A THAT HE WOULD BE QUITE VALUABLE AS FAR AS WHAT
12 INPUT HE COULD OFFER WESTCARS, SINCE HE HAD EXPERIENCE IN
13 THE AUTOMOBILE BUSINESS.

14 Q DID MR. GRAHAM, THE PERSON YOU KNEW AS MR. GRAHAM,
15 GO TO WORK FOR WESTCARS?

16 A YES, HE DID.

17 Q WHAT DID HE DO?

18 A SPECIFICALLY, HE WOULD COME DOWN FROM TIME TO
19 TIME TO OUR GARDENA WAREHOUSE LOCATION AND EITHER SUPERVISE
20 OR HELP FOR A FEW HOURS A DAY.

21 Q WHAT DO YOU MEAN WHEN YOU SAY "SUPERVISE OR HELP
22 FOR A FEW HOURS A DAY"?

23 A HE WOULD COME DOWN TO THE GARDENA FACILITY, IN
24 WHICH THERE WAS A MECHANIC ALONG WITH MYSELF, AND WHERE THE
25 VEHICLES WERE BEING MODIFIED, AND WHAT HE WOULD DO WOULD
26 EITHER HELP WITH A LENDING HAND OR PERHAPS ADVISE.

27 Q WHEN YOU SAY A LENDING HAND, WHAT DO YOU MEAN,
28 ACTUALLY PHYSICAL WORK ON THE CARS?

1 A YES, PERHAPS IF SOMETHING NEEDED TO BE HELD OR
2 MOVED FROM ONE LOCATION TO ANOTHER, HE WOULD HELP OUT.

3 Q WHAT KIND OF ADVICE DID HE GIVE?

4 A THE ADVICE THAT HE GAVE WOULD BE AS FAR AS PERHAPS
5 EQUIPMENT THAT WAS PURCHASED FOR THE SHOP. ADDITIONALLY,
6 ANY REPAIRS THAT WE WERE DOING, HE WOULD OFFER INPUT.

7 Q DID THAT HAPPEN AT THE BEGINNING OF WHEN YOU STARTED
8 TO WORK FOR THE BBC AND WESTCARS?

9 A INITIALLY, NO.

10 Q WHEN YOU SAY INITIALLY? WHAT WAS HE DOING
11 INITIALLY WHEN HE CAME TO THE BBC OR DO YOU KNOW?

12 A I DO NOT KNOW.

13 Q HOW LONG AFTER YOU WERE INTRODUCED TO HIM AT THE
14 THIRD STREET OFFICES WAS IT THAT HE STARTED COMING DOWN TO
15 GARDENA TO DO SOME WORK?

16 A APPROXIMATELY A MONTH OR SO.

17 Q AND WHEN HE GOT DOWN TO GARDENA, DID YOU STILL
18 HAVE JUST THE TWO CARS OR DID YOU HAVE MORE AT THAT TIME?

19 A AT THAT TIME, I BELIEVE WE JUST HAD THE TWO CARS.

20 Q NOW, HOW LONG AFTER YOU FIRST GOT THERE DID YOU
21 GET THESE FIRST TWO VEHICLES?

22 A APPROXIMATELY THREE, TWO WEEKS TO A MONTH.

23 Q HOW LONG AFTER THAT WAS IT THAT YOU GOT THE REST
24 OF THE CARS?

25 A APPROXIMATELY TWO MONTHS THEREAFTER.

26 Q DID ALL EIGHT OF THESE REMAINING BMW'S COME IN
27 AT THE SAME TIME OR DID THEY COME IN GRADUALLY?

28 A I BELIEVE THEY CAME IN GRADUALLY.

1 Q SO IT WAS TWO TO THREE WEEKS AFTER YOU GOT THERE
2 THAT YOU GOT THE FIRST TWO CARS?

3 A CORRECT.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q THEN YOU SAID IT WAS TWO TO THREE MONTHS BEFORE
2 YOU STARTED GETTING THE OTHER BMW'S?

3 A CORRECT.

4 Q HOW LONG DID IT TAKE TO GET ALL EIGHT OF THOSE
5 CARS IN?

6 A APPROXIMATELY THREE OR FOUR MONTHS.

7 Q SO, IF YOU STARTED THERE IN WHAT, NOVEMBER OF '83?

8 A CORRECT.

9 Q SO SOMETIME IN DECEMBER, IS WHEN YOU GOT THE FIRST
10 TWO CARS?

11 A CORRECT.

12 Q AND THEN IT WAS EITHER JANUARY OR -- EXCUSE ME,
13 FEBRUARY OR MARCH WHEN YOU STARTED GETTING OTHER ONES?

14 A CORRECT.

15 Q AND THEN IT WAS INTO MAY OR JUNE BY THE TIME YOU
16 HAD ALL OF THE REMAINING EIGHT OF THEM?

17 A YES.

18 Q I TAKE IT FROM THAT ANSWER, THAT YOU DON'T REMEMBER
19 EXACTLY WHICH CARS CAME IN WHEN AND HOW MANY CARS YOU HAD
20 AT ANY ONE, GIVEN TIME?

21 A I DON'T RECALL THE EXACT DATES UPON WHICH THE
22 VEHICLES ARRIVED IN THE PORT OF LOS ANGELES. BUT APPROXIMATELY,
23 THERE WERE TWO TO THREE CARS AT ANY GIVEN TIME.

24 Q ALL RIGHT. WELL, THE WHOLE POINT OF GOING --
25 LET ME JUST TOUCH ON ONE OTHER THING. THAT IS, THE CARS THAT
26 WERE PROCURED, THE REMAINING BMW'S, WAS THAT DONE THROUGH
27 A CONTACT THAT YOU HAD NAMED KLAUS EISEN?

28 A YES.

1 Q DID YOU INTRODUCE MR. EISEN TO DEAN KARNY?

2 A YES I DID.

3 Q AND WAS THERE SOME PERIOD WHERE MR. EISEN WAS
4 ACTUALLY IN LOS ANGELES AND MR. KARNY MET WITH HIM?

5 A YES THERE WAS.

6 Q AND THESE MEETINGS WERE OVER ABOUT A ONE-WEEK
7 PERIOD?

8 A CORRECT.

9 Q AND WHEN WAS THAT IN POINT OF TIME?

10 A APPROXIMATELY FEBRUARY, MARCH.

11 Q THE WHOLE POINT OF THIS BEING, THAT WHEN
12 MR. GRAHAM FIRST STARTED TO COME DOWN TO WORK FOR WESTCARS,
13 WHAT REALLY WAS THERE TO DO DOWN THERE?

14 A ESSENTIALLY, VERY LITTLE.

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

17 A AT THE TIME, I WAS HELPING MODIFY THE TWO VEHICLES
18 THAT WE DID HAVE IN THE WAREHOUSE.

19 Q DID YOU KNOW WHAT MR. GRAHAM'S SALARY WAS?

20 A NO I DID NOT.

21 Q AND DURING THE TIME THAT MR. GRAHAM WAS COMING
22 DOWN THERE, HOW MANY HOURS A DAY APPROXIMATELY, WOULD HE SPEND
23 AT THE WAREHOUSE?

24 A APPROXIMATELY TWO TO FOUR HOURS.

25 Q DO YOU KNOW WHAT HE DID THE REST OF THE DAY?

26 A NO I DO NOT.

27 Q DURING THE TIME THAT YOU WERE AT THE BBC, WERE
28 YOU ABLE TO OBSERVE MR. GRAHAM'S RELATIONSHIP WITH MR. HUNT?

1 A YES.

2 Q COULD YOU DESCRIBE IT FOR THE JURY, PLEASE?

3 A THAT BOTH MR. GRAHAM AND MR. HUNT WERE ALWAYS
4 TOGETHER.

5 Q WHAT DO YOU MEAN BY THAT?

6 A IT SEEMS THAT AT LEAST THE TIME IN WHICH I SPENT
7 AT THE THIRD STREET OFFICES, THAT BOTH OF THEM WERE ALWAYS
8 TOGETHER EITHER IN CONVERSATION OR IN BUSINESS DEALINGS.

9 Q DID YOU EVER SEE THEM SOCIALIZE TOGETHER?

10 A I DON'T RECALL.

11 Q WHAT WAS YOUR OBSERVATION ABOUT WHETHER OR NOT
12 MR. HUNT AND MR. GRAHAM APPEARED TO YOU TO BE CLOSE FRIENDS
13 AS WELL AS BUSINESS ASSOCIATES OR COULD YOU TELL US?

14 A I REALLY COULDN'T TELL.

15 Q AT SOME POINT AFTER YOU BECAME A MEMBER OF THE BBC,
16 DID YOU GET A MOTORCYCLE?

17 A YES I DID.

18 Q DID YOU PURCHASE IT OR WAS IT GIVEN TO YOU?

19 A IT WAS GIVEN TO MYSELF.

20 Q BY WHOM?

21 A BY JOE HUNT.

22 Q WOULD YOU EXPLAIN TO US HOW THAT HAPPENED? FIRST
23 OF ALL, WERE YOU THERE WHEN THE MOTORCYCLE WAS PURCHASED?

24 A YES I WAS.

25 MR. BARENS: RELEVANCY, YOUR HONOR?

26 MR. WAPNER: THE OFFER OF PROOF HAS TO DO WITH THE --
27 IT GOES TO THE ISSUE OF MOTIVE IN TERMS OF MONEY THAT WAS
28 COMING IN AND MONEY THAT WAS GOING OUT AND HOW MONEY WAS BEING

1 SPENT AT THE BBC.

2 THE COURT: ALL RIGHT. I WILL OVERRULE THE OBJECTION.
3 GO AHEAD.

4 Q BY MR. WAPNER: WHEN YOU WERE WITH MR. HUNT --
5 STRIKE THAT.

6 WERE YOU WITH MR. HUNT WHEN HE PURCHASED THE
7 MOTORCYCLES?

8 A YES I WAS.

9 Q WHO ELSE WAS THERE BESIDES THE TWO OF YOU?

10 A THERE WAS TOM MAY, DAVID MAY, JEFF RAYMOND, JOE
11 ALLEN --

12 Q JON ALLEN?

13 A JON ALLEN, EXCUSE ME. JEFF RAYMOND, I BELIEVE
14 THAT I MENTIONED HIM ALREADY. DEAN KARNY, BEN DOSTI AND JOE.

15 Q AND WHERE WERE THOSE MOTORCYCLES PURCHASED?

16 A FROM A HONDA DEALER IN CULVER CITY.

17 Q HOW MANY MOTORCYCLES WERE PURCHASED AT THAT TIME?

18 A TEN MOTORCYCLES.

19 Q HOW WERE THEY PAID FOR?

20 A I BELIEVE THEY WERE PAID FOR BY CASH.

21 Q WHO PAID FOR THEM IN CASH?

22 A JOE HUNT.

23 Q APPROXIMATELY HOW MUCH DID EACH MOTORCYCLE COST?

24 A APPROXIMATELY \$2,000.

25 Q DID YOU TAKE DELIVERY OF THEM ALL RIGHT THEN,
26 THAT DAY?

27 A YES.

28 Q EACH OF YOU JUST DROVE ONE OFF THE LOT, SO TO

1 SPEAK?

2 A CORRECT.

3 Q WERE THE MOTORCYCLES ALL IDENTICAL?

4 A YES THEY WERE.

5 Q AFTER THE MOTORCYCLES WERE PURCHASED, DID YOU
6 GO SOMEWHERE THE NEXT DAY OR THE NEXT FEW DAYS TO PURCHASE
7 SOME OTHER ACCESSORIES FOR THE MOTORCYCLES?

8 A YES.

9 Q WHEN WAS THAT?

10 A APPROXIMATELY THE FOLLOWING DAY.

11 Q AND AGAIN, WHO WENT AT THAT TIME?

12 A AT THE TIME WE WENT, IT WAS EVERYBODY IN WHICH
13 A MOTORCYCLE WAS PURCHASED FOR (SIC).

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q AND WAS THAT APPROXIMATELY TEN PEOPLE?

2 A CORRECT.

3 Q AND WHERE DID YOU GO?

4 A WE WENT UP TO A DISCOUNT MOTORCYCLE SUPPLY WARE-
5 HOUSE AND I BELIEVE IT WAS UP IN AZUSA.

6 Q HOW DID YOU GET THERE?

7 A WE WENT BY TWO LIMOUSINES.

8 Q AND WHEN YOU WENT IN THESE TWO LIMOUSINES TO
9 THIS PLACE IN AZUSA, WHAT DID YOU GET?

10 A WE PURCHASED RIDING BOOTS FOR EVERY ONE OF US.

11 Q WHO PURCHASED THEM?

12 A JOE PURCHASED THEM.

13 Q AGAIN, WAS THIS WITH CASH?

14 A YES, IT WAS.

15 Q BESIDES RIDING BOOTS, WHAT ELSE?

16 A MOTORCYCLE GLOVES, MOTORCYCLE HELMETS AND A FEW
17 ACCESSORIES.

18 Q AND PER PERSON, CAN YOU GIVE US AN APPROXIMATION
19 OF WHAT THE COST WAS OF THE BOOTS, THE GLOVES, THE HELMETS
20 AND OTHER MISCELLANEOUS ACCESSORIES?

21 A APPROXIMATELY \$300 A PERSON.

22 Q WAS THIS KIND OF SPENDING TYPICAL OR APTYPICAL
23 OF THE KIND OF SPENDING THAT MR. HUNT DID DURING THE TIME
24 YOU WERE AT THE BBC?

25 MR. BARENS: OBJECTION. CALLS FOR AN OPINION TESTIMONY,
26 WHEREAS IT WOULD BE PROPER ONLY FOR HIM TO TESTIFY ABOUT
27 ACTUAL THINGS HE SAW OR DIDN'T SEE.

28 THE COURT: I WILL SUSTAIN THE OBJECTION.

2

1 Q BY MR. WAPNER: I WILL REPHRASE THE QUESTION.
2 ON OCCASIONS WHERE YOU WERE WITH THIS GROUP WHEN
3 THE GROUP WAS OUT, DID YOU EVER SEE HIM SPEND MONEY IN A
4 FASHION SIMILAR TO WHICH HE DID ON THE MOTORCYCLES?

5 MR. BARENS: OBJECTION, YOUR HONOR. VAGUE AND AMBIGUOUS.
6 THE COURT: SUSTAINED.

7 Q BY MR. WAPNER: DID YOU EVER SEE MR. HUNT MAKE
8 LARGE EXPENDITURES OF CASH AT OTHER TIMES WHILE YOU WERE
9 WITH THE BBC?

10 A NOT AS LARGE AS THE PURCHASE OF MOTORCYCLES OR
11 THE EQUIPMENT, NO.

12 Q DID YOU EVER GO WITH HIM TO WESTWOOD AND GO BY
13 A LEATHER STORE?

14 A YES, I DID.

15 Q WHAT HAPPENED ON THAT OCCASION?

16 MR. BARENS: RELEVANCY AGAIN. I SUPPOSE WE ARE GOING
17 TO GO THROUGH EVERY TIME HUNT SPENT MONEY AND SAY THERE IS
18 SOMETHING SINISTER ABOUT THAT.

19 THE COURT: I WILL SUSTAIN THE OBJECTION. I THINK
20 YOU HAVE MADE YOUR POINT WITH RESPECT TO THE MOTORCYCLES
21 AND THE EQUIPMENT.

22 Q BY MR. WAPNER: IN FEBRUARY OF '84, DID YOU
23 INVEST SOME MONEY WITH MR. HUNT?

24 A YES, I DID.

25 Q HOW MUCH DID YOU INVEST?

26 A \$3,000.

27 Q WHY?

28 A AT THE TIME THERE WAS TALK IN THE OFFICE THAT

3

1 THERE WAS A COMMODITY IN WHICH HE WAS GOING TO RETURN OUR
2 INVESTMENT APPROXIMATELY TWO TO THREE TIMES OVER A VERY SHORT
3 PERIOD OF TIME.

4 Q WHO SAID THAT?

5 A I DON'T RECALL EXACTLY WHO SAID THAT.

6 Q WHEN YOU FIRST HEARD THAT, DID YOU MAKE ANY ATTEMPT
7 TO CONFIRM IT?

8 A NO, I DID NOT.

9 Q AFTER YOU HEARD THAT, WHAT DID YOU DO?

10 A THE FOLLOWING DAY, I WROTE A PERSONAL CHECK TO --
11 TO JOE HUNT.

12 Q SO YOU HEARD ABOUT THIS ON ONE DAY AND THE NEXT
13 DAY YOU WROTE A CHECK?

14 A YES.

15 Q DID YOU EVER ASK MR. HUNT ABOUT WHAT WAS GOING
16 ON WITH THIS INVESTMENT?

17 A AT WHICH PERIOD OF TIME?

18 Q BEFORE YOU INVESTED, DID YOU ASK MR. HUNT ABOUT
19 IT?

20 A YES, I DID.

21 Q WHO WERE THE PEOPLE IN THE OFFICE WHO WERE INVOLVED
22 IN THE TRADING OF COMMODITIES?

23 A FROM MY UNDERSTANDING, IT WAS JOE HUNT, BEN DOSTI,
24 STEVE LOPEZ AND TO SOME DEGREE, TOM MAY.

25 Q DO YOU REMEMBER FROM WHOM YOU HEARD ABOUT THIS
26 COMMODITY WHERE YOU COULD DOUBLE OR TRIPLE YOUR MONEY IN
27 A SHORT PERIOD OF TIME?

28 A I BELIEVE -- I BELIEVE IT TO BE JOE WHO SAID

1 IT.

2 Q WHEN YOU HEARD ABOUT THIS AND YOU WENT TO HIM
3 AND ASKED HIM ABOUT IT, WHAT DID HE SAY?

4 A FROM WHAT I RECALL, THAT IT WAS A TERRIFIC
5 OPPORTUNITY DUE TO THE FACT THAT HE KNEW OF A COMMODITY WHICH
6 WOULD HAVE A SUBSTANTIAL RETURN ON ONE'S DOLLAR AND IT WOULD
7 BE AN OPPORTUNE TIME TO INVEST.

8 Q DID HE TELL YOU HOW LONG IT WAS GOING TO TAKE
9 TO MAKE THIS RETURN?

10 A APPROXIMATELY TWO TO THREE DAYS.

11 Q WHAT KIND OF A RETURN DID HE TELL YOU THAT YOU
12 COULD EXPECT?

13 A ALMOST THREE FOLD.

14 Q AND YOU GAVE HIM A CHECK FOR HOW MUCH?

15 A \$3,000.

16 Q WHAT HAPPENED AFTER YOU GAVE HIM A CHECK?

17 A THE FOLLOWING DAY AFTER I DID NOT HEAR ANYTHING
18 WITH REGARD TO MY INVESTMENT ON, I BELIEVE IT WOULD BE THE
19 SECOND OR THIRD DAY, IN WHICH THE RETURN ON THE DOLLAR SHOULD
20 HAVE BEEN ADEQUATE AS FAR AS AN INVESTMENT STANDPOINT, I
21 QUESTIONED HIM WITH REGARDS TO MY INVESTMENT AND FROM WHAT
22 I RECALL, THAT THE MONEYS OR, RATHER, THE COMMODITIES DID
23 NOT -- RATHER, THE COMMODITY DID NOT INCREASE OR DECREASE
24 AS FAR AS TO MAKE THE PROFIT THAT WAS INTENDED.

25 Q AND WHAT DID HE SAY ABOUT WHAT WAS GOING TO
26 HAPPEN WITH YOUR MONEY?

27 A THAT THE MONEY -- MONEYS, RATHER, THAT I GAVE
28 HIM WOULD STAY IN THE COMMODITY MARKET AND AT A LATER DATE

5
1 THEY WOULD INCREASE.

2 Q DID YOU EVER SEE ANY RETURN ON YOUR INVESTMENT?

3 A NO, I DID NOT.

4 Q DID YOU EVER GET THE ORIGINAL PRINCIPAL OF THE
5 INVESTMENT BACK?

6 A NO, I DID NOT.

7 Q DO YOU REMEMBER WHEN IN FEBRUARY THAT WAS?

8 A I DON'T RECALL.

9 Q YOU DON'T REMEMBER IF IT WAS THE BEGINNING OR
10 END OF FEBRUARY?

11 A PERHAPS AT THE TAIL END OF FEBRUARY.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q WHEN YOU SAY PERHAPS THE TAIL END OF FEBRUARY,
2 WHAT DO YOU BASE THAT ON?

3 A SURROUNDING EVENTS.

4 Q SUCH AS?

5 A THE ACQUISITION OF THE GARDENA WAREHOUSE.

6 Q HADN'T YOU HAD THE WAREHOUSE MUCH EARLIER THAN
7 THAT, SOMETIME AROUND MAYBE DECEMBER OF '83?

8 A YES.

9 Q WHAT DOES THAT HAVE TO DO WITH THE INVESTMENT
10 IN LATE FEBRUARY?

11 A AT THE TIME, WE HAD TWO VEHICLES IN THE GARDENA
12 FACILITY AND THEY WERE BEING MODIFIED. FROM WHAT I RECALL,
13 WE WERE ALSO ACQUIRING EQUIPMENT, AS WELL. IT WAS THEREAFTER,
14 THE PURCHASE OF EQUIPMENT IN THE GARDENA FACILITY IN WHICH
15 I INVESTED.

16 Q SO, THINGS HAD BEEN GOING ON AT GARDENA FOR A
17 WHILE BY THE TIME YOU MADE YOUR INVESTMENT?

18 A CORRECT.

19 Q AT SOME POINT AFTER -- WELL, AT SOME POINT IN
20 EARLY 1984, MAYBE IN THE SPRING SOMETIME, DID YOU GO SHOOTING
21 WITH JOE HUNT AND JIM GRAHAM?

22 A YES, I DID.

23 Q WHERE DID YOU GO?

24 A TO AN AREA CALLED SOLEDAD CANYON.

25 Q WHO WENT?

26 A JOE HUNT, JIM GRAHAM AND MYSELF.

27 Q WHO DROVE?

28 A JIM GRAHAM DROVE.

1 Q DID HE SEEM TO KNOW WHERE HE WAS GOING OR WAS
2 HE GETTING INSTRUCTIONS FROM SOMEBODY?

3 A HE SEEMED AS THOUGH HE WAS BEING INSTRUCTED BY
4 JOE.

5 Q WHEN YOU GOT TO SOLEDAD CANYON, WHERE IN SOLEDAD
6 CANYON DID YOU GO?

7 A I DON'T KNOW EXACTLY WHERE IN SOLEDAD CANYON
8 WE WENT.

9 Q DID YOU STAY ON A PAVED ROAD THE ENTIRE TIME?

10 A NO, WE DID NOT.

11 Q AND SO AT SOME POINT, YOU GOT ONTO A DIRT ROAD?

12 A THAT'S CORRECT.

13 Q WHEN YOU WENT TO THIS DIRT ROAD, WAS THE DIRT
14 ROAD FLAT OR DID YOU GO UP A HILL FOR SOME PERIOD OF TIME?

15 A WE WENT UP A HILL FOR SOME PERIOD OF TIME.

16 Q DO YOU KNOW HOW FAR UP YOU WENT, HOW HIGH UP
17 YOU WENT OR HOW LONG YOU WERE ON THIS DIRT ROAD?

18 A WE WERE ON THE ROAD FOR APPROXIMATELY TEN MINUTES
19 OR SO.

20 Q AND AFTER THAT TEN MINUTES, DID MR. GRAHAM STOP
21 THE CAR?

22 A YES, HE DID.

23 Q WHAT DID HE DO AFTER THAT TIME?

24 A AT THIS POINT, WE STARTED HIKING UP THE ROAD
25 IN WHICH WE WERE JUST DRIVING ON.

26 Q AND AFTER HIKING UP THE ROAD, WHERE DID YOU GO?

27 A WE WENT DOWN INTO SOME OF THE RAVINES.

28 Q AND WHAT WAS THE AREA LIKE THERE? CAN YOU DESCRIBE

1 THE VEGETATION AND WHETHER IT WAS THICK OR NOT THICK?

2 A IT WAS EXTREMELY THICK, WOODSY, VERY STEEP, LOTS
3 OF LOOSE GRAVEL AND ROCKS.

4 Q AFTER HIKING THROUGH THERE, WHAT DID YOU COME
5 TO?

6 A WE EVENTUALLY CAME TO A WATERFALL.

7 Q AND WHEN YOU GOT TO THAT WATERFALL OR AT SOME
8 TIME DURING THE TIME YOU WERE THERE, DID YOU TALK TO MR.
9 HUNT ABOUT THIS AREA?

10 A YES.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q WHAT DID HE SAY?

2 A HE SAID HE USED TO COME THERE AS A YOUNGSTER
3 AND USED TO GO AND HIKE UP TO THE WATERFALL AND AT THE TOP
4 OF THE WATERFALL, THERE WAS A PART OF A ROCK WHICH WAS ERODED,
5 IN WHICH HE WOULD DIG IT OUT AND SIT THERE AS IF IT WAS
6 SIMILAR TO THAT OF A JACUZZI.

7 Q WHEN YOU WERE WALKING TO GET TO THE WATERFALL,
8 WHO WAS LEADING?

9 A JOE WAS LEADING.

10 Q DID HE SEEM TO KNOW WHERE HE WAS GOING?

11 A YES, HE DID.

12 Q WERE YOU ABLE TO WALK STANDING UP THE ENTIRE
13 TIME?

14 A NO.

15 Q ALL RIGHT. WHAT DID YOU HAVE TO DO AT SOME POINT?

16 A AT SOME POINTS WE HAD TO GET ON OUR STOMACHS
17 OR BACKS AND SLIDE THROUGH THE FOLIAGE THAT WERE OVERHANGING.

18 Q SO I TAKE IT, THAT IT WAS PRETTY THICK FOLIAGE
19 AT THAT POINT?

20 A YES.

21 Q AND WERE YOU -- DID YOU DO ANY SHOOTING WHILE
22 YOU WERE UP THERE?

23 A YES.

24 Q WHAT KIND OF A GUN DID YOU HAVE?

25 A I BROUGHT TWO GUNS WITH ME.

26 Q WHICH WERE?

27 A ONE WAS A .357 MAGNUM AND THE OTHER WAS A .45
28 AUTOMATIC.

1 Q WHAT KINDS OF GUNS DID MR. HUNT HAVE?

2 A HE HAD A SHOTGUN WITH HIM.

3 Q HOW ABOUT MR. GRAHAM? DID HE HAVE ANY GUNS WITH
4 HIM?

5 A NO, HE DID NOT.

6 Q WAS THERE A TIME WHEN YOU WERE IN THE OFFICE
7 OF THE BBC, WHERE YOU SAW MR. GRAHAM WITH SOME KIND OF A
8 GUN?

9 A YES, I DID.

10 Q WHEN WAS THAT?

11 A APPROXIMATELY A MONTH AND A HALF, TWO MONTHS
12 AFTER I WAS EMPLOYED WITH THE BBC.

13 MR. BARENS: COULD WE GET A MONTH, IF WE COULD?

14 THE COURT: GIVE US AS CLOSE AS YOU CAN.

15 THE WITNESS: APPROXIMATELY JANUARY.

16 THE COURT: 1984? THAT'S TRUE?

17 THE WITNESS: CORRECT.

18 Q BY MR. WAPNER: AND WHEN YOU SAW MR. GRAHAM WITH
19 A GUN, WAS IT IN THE OFFICES OF THE BBC?

20 A YES, IT WAS.

21 Q WHAT TYPE OF A GUN -- WELL, COULD YOU TELL US
22 FIRST OF ALL, THE GUN THAT YOU SAW HIM WITH, HAD YOU EVER
23 SEEN IT BEFORE, THE ONE THAT YOU SAW IN THE OFFICE THAT
24 DAY?

25 A NO, I DID NOT.

26 Q WHAT KIND OF A GUN DID YOU SEE?

27 A IT WAS AN AUTOMATIC WEAPON.

28 Q THAT DAY THAT YOU SAW IT IN THE OFFICE, COULD

1 YOU TELL US HOW YOU CAME TO SEE IT?

2 A YES. I HAPPENED TO BE WALKING THROUGH THE OFFICE
3 TOWARDS THE CONFERENCE ROOM. AS I ENTERED THE CONFERENCE
4 ROOM, THERE WAS A METAL BRIEFCASE.

5 Q COULD YOU DESCRIBE THE METAL BRIEFCASE?

6 A YES. IT IS APPROXIMATELY FOUR INCHES IN WIDTH.
7 IT IS APPROXIMATELY TWO FEET OR A FOOT AND A HALF WIDE.

8 THE MANUFACTURER IS ZERO HALIBURTON. IT IS AN
9 ALUMINUM, BRUSHED ALUMINUM STEEL CASE.

10 Q AND WHERE WAS THIS CASE?

11 A IT WAS ON TOP OF THE CONFERENCE TABLE.

12 Q AND WERE YOU WALKING BY THE CONFERENCE TABLE?

13 A CORRECT.

14 Q ALL RIGHT. YOU SAW THE CASE AND WHAT HAPPENED
15 AFTER THAT?

16 A AS I WAS WALKING THROUGH THE CONFERENCE ROOM,
17 THE CASE WAS OPENED. AND I HAPPENED TO LOOK INSIDE.

18 Q SLOW DOWN FOR A SECOND. DOES THAT MEAN AS YOU
19 WERE WALKING THROUGH THE CONFERENCE ROOM, SOMEBODY OPENED
20 THE CASE OR DOES THAT MEAN THAT YOU NOTICED AS YOU WENT
21 THROUGH THAT IT, IN FACT WAS OPENED AND YOU HAD NOT NOTICED
22 THAT BEFORE?

23 A CORRECT, THAT THE CASE WAS OPENED.

24

25

26

27

28

1 Q WE ARE STILL AT THE SAME POINT.

2 A I AM SORRY.

3 Q WHEN YOU FIRST WALKED BY THE CONFERENCE ROOM,
4 COULD YOU TELL WHETHER THE CASE WAS OPENED OR CLOSED?

5 A I COULD TELL THAT THE CASE WAS OPENED.

6 Q WHEN YOU FIRST WALKED BY IT, COULD YOU TELL WHAT
7 WAS INSIDE WHEN YOU FIRST SAW IT?

8 A NO, I COULDN'T.

9 Q DID YOU GO INTO THE CONFERENCE ROOM?

10 A YES, I DID.

11 Q WHEN YOU WENT INTO THE CONFERENCE ROOM, WHAT DID
12 YOU NOTICE?

13 A I NOTICED THAT INSIDE THE BRIEFCASE THERE WAS
14 A PISTOL.

15 Q AND WHAT DID YOU NOTICE ABOUT THAT PISTOL, IF
16 ANYTHING?

17 A THAT IT WAS AN AUTOMATIC PISTOL.

18 Q AND AFTER YOU SAW IT THERE, WHAT DID YOU DO?

19 A I CONTINUED WALKING THROUGH THE CONFERENCE ROOM.

20 Q AND DID YOU SEE MR. GRAHAM AT THAT POINT OR AT
21 SOME POINT LATER IN THE DAY?

22 A YES, I DID.

23 Q WHEN WAS THAT?

24 A I DON'T REALLY RECALL.

25 Q AND AFTER YOU NOTICED THE GUN THERE, DID YOU EVER
26 SEE A PERSON IN THE OFFICE THAT DAY THAT YOU KNEW AS NICK?

27 A ON THAT PARTICULAR DAY?

28 Q YES.

1 A NO, NOT THAT I CAN RECALL.

2 Q DID YOU SEE THAT GUN AND THE PERSON NAMED NICK
3 ON SOME LATER OCCASION?

4 A YES, I DID.

5 Q WHEN WAS THAT?

6 A APPROXIMATELY APRIL.

7 Q OF 1984?

8 A CORRECT.

9 Q AND THE PERSON THAT YOU KNEW THAT WE HAVE IDENTIFIED
10 AS NICK, HAD YOU EVER SEEN HIM BEFORE YOU SAW HIM IN APRIL?

11 A YES, I HAVE.

12 Q WHO WAS NICK?

13 A FROM MY UNDERSTANDING, HE WAS A PRIVATE
14 INVESTIGATOR.

15 Q HOW MANY TIMES --

16 MR. BARENS: OBJECTION. THIS IS HEARSAY.

17 THE COURT: OVERRULED.

18 Q BY MR. WAPNER: HOW MANY TIMES HAD YOU SEEN HIM
19 BEFORE THE DATE THAT YOU SAW HIM IN APRIL OF 1984?

20 A PERHAPS THREE OR FOUR TIMES.

21 Q COMING INTO THE OFFICE?

22 A YES.

23 Q AND THE PREVIOUS THREE OR FOUR TIMES THAT YOU
24 SAW HIM, WAS HE WITH ANYBODY?

25 A YES, HE WAS.

26 Q WHO WAS HE WITH?

27 A WITH JIM.

28 Q JIM GRAHAM?

1 A JIM GRAHAM, CORRECT.

2 Q WHEN YOU SAW NICK IN APRIL OF 1984, WHO WAS HE
3 WITH?

4 A WITH JIM.

5 Q AND WHERE DID YOU SEE HIM? WHEN YOU FIRST SAW
6 HIM ON THIS DATE IN APRIL, WHERE WAS IT?

7 A IT WAS IN THE THIRD STREET OFFICES.

8 Q DID YOU SEE HIM COME INTO THE OFFICES OR WAS HE
9 ALREADY THERE WHEN YOU CAME IN?

10 A HE WAS ALREADY IN THE OFFICES.

11 Q WITH MR. GRAHAM?

12 A YES.

13 Q WHEN THEY CAME IN, WERE JUST THE TWO OF THEM
14 TOGETHER?

15 A YES, THEY WERE.
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q WHAT DID THEY DO?

2 A I SAW THEM PROCEED THROUGH -- PAST, RATHER, THE
3 LEGAL ROOM TOWARDS THE CONFERENCE ROOM.

4 Q AND WHEN THEY GOT TO THE CONFERENCE ROOM, WHAT
5 DID THEY DO?

6 A THEY WENT INTO, ENTERED MR. HUNT'S OFFICE.

7 Q WAS MR. HUNT IN THERE, IF YOU COULD TELL?

8 A FROM WHAT I COULD TELL OR I REMEMBER, I DON'T
9 BELIEVE SO.

10 Q AND SO IT WAS JUST MR. GRAHAM AND THIS PERSON
11 YOU KNEW AS NICK THAT WENT INTO HUNT'S OFFICE?

12 A CORRECT.

13 Q WHEN THEY WENT INTO MR. HUNT'S OFFICE, WHAT DID
14 THEY DO?

15 A THE DOOR WAS SHUT AND FROM THAT POINT, I WENT
16 INTO THE CONFERENCE ROOM -- RATHER, INTO THE LEGAL ROOM.

17 Q YOU WERE IN THE LEGAL ROOM?

18 A EXCUSE ME. EXCUSE ME. I WAS IN THE CONFERENCE
19 ROOM AND I RETURNED TO THE LEGAL ROOM.

20 Q WHERE WAS THE LEGAL ROOM IN RELATION TO MR. HUNT'S
21 OFFICE?

22 A IT WAS RIGHT BEHIND MR. HUNT'S OFFICE.

23 Q WHAT SEPARATED THE LEGAL ROOM FROM MR. HUNT'S
24 OFFICE?

25 A JUST A WALL.

26 Q DURING THE TIME THAT YOU WERE IN THE LEGAL ROOM,
27 DID YOU HEAR ANYTHING FROM MR. HUNT'S OFFICE?

28 A YES, I DID.

1 Q WHAT DID YOU HEAR?

2 A I HEARD TWO SOMEWHAT MUTED THUDS.

3 Q DID YOU THINK ANYTHING OF THAT AT THAT TIME?

4 A AT THE TIME I DID, YES.

5 Q WHAT DID YOU THINK AT THE TIME?

6 A THAT SOMETHING WAS GOING ON BEHIND THE WALL.

7 Q DID YOU MAKE ANY CONCLUSION IN YOUR MIND AT THAT
8 TIME ABOUT WHAT THAT SOMETHING WAS?

9 MR. BARENS: OBJECTION. CALLS FOR -- NO FOUNDATION
10 AS TO THE CONCLUSION THAT HE COMES TO.

11 THE COURT: DESCRIBE AS BEST YOU CAN AS TO WHAT YOU
12 THINK IT WAS AT THAT TIME.

13 MR. BARENS: SPECULATION, YOUR HONOR.

14 THE COURT: HE MAY ANSWER.

15 Q BY MR. WAPNER: AT THAT TIME WHEN YOU HEARD THESE
16 THUDS AND YOU THOUGHT TO YOURSELF SOMETHING WAS GOING ON,
17 WHAT DID YOU THINK WAS GOING ON OR DID YOU JUST THINK IT WAS
18 SOMETHING?

19 A I THOUGHT IT WAS SOMETHING. I DIDN'T KNOW
20 EXACTLY AT THAT TIME WHAT.

21 Q AFTER YOU HEARD THESE THUDS, WHAT HAPPENED?

22 A A FEW MOMENTS PASSED, MR. EISENBERG, WHO WAS LEGAL
23 COUNSEL IN THE THIRD STREET OFFICES, ALSO MADE MENTION TO
24 ME THAT HE HEARD THE THUDS AS WELL AND I IN TURN THEN, MOMENTS
25 LATER, WALKED TOWARD, OR RATHER, THROUGH THE LEGAL ROOM INTO
26 THE CONFERENCE ROOM.

27 Q WHAT HAPPENED WHEN YOU GOT INTO THE CONFERENCE
28 ROOM?

1 A I JUST CONTINUED WALKING THROUGH TOWARDS LORE
2 LEIS' -- WHO WAS THE SECRETARY -- DESK AND AS I WALKED THERE,
3 I SAW NICK EXIT THE DOOR CLOSEST TO HER.

4 Q IS THAT THE DOOR FROM JOE HUNT'S OFFICE THAT IS
5 CLOSEST TO LORE LEIS' DESK?

6 A YES.

7 Q WHERE DID NICK GO?

8 A NICK EXITED THAT DOOR AND I DON'T KNOW WHERE HE
9 WENT FROM THERE.

10 Q DID HE LEAVE THE OFFICE?

11 A YES, HE DID.

12 Q WHAT DID YOU DO AFTER YOU SAW NICK COME OUT?

13 A I WALKED INTO -- PAST LORE LEIS' DESK AND INTO
14 JOE'S OFFICE.

15 Q WHY DID YOU DO THAT?

16 A BECAUSE AT THE TIME I SAW JIM STANDING BY THE
17 DOOR INSIDE.

18 Q WERE YOU AT ALL CURIOUS ABOUT WHAT WAS GOING ON
19 INSIDE?

20 A YES, I WAS.

21 Q WHEN YOU WENT INSIDE, WHERE WAS MR. GRAHAM
22 STANDING?

23 A WHEN I ENTERED THE OFFICE HE WAS STANDING BEHIND
24 JOE'S DESK.

25 Q AND WHAT HAPPENED WHEN YOU WENT INTO THE OFFICE?

26 A WHEN I ENTERED THE OFFICE, HE WAS BEHIND THE DESK
27 AND I SAW THERE WAS A -- I ASKED WHAT HAPPENED.

28 Q AND DID MR. GRAHAM TELL YOU WHAT HAPPENED?

7
1 A NO.

2 IN FACT, I BELIEVE HE PICKED UP A BOOK, TELEPHONE
3 BOOK AND EXITED THE OFFICE.

4 Q DID YOU SEE THE TELEPHONE BOOK AT THE TIME HE
5 PICKED IT UP?

6 A YES, I DID.

7 Q WHAT DID YOU NOTICE ABOUT IT?

8 A THAT THERE WAS TWO HOLES IN THE BOOK.

9 Q WHAT DID YOU NOTICE ABOUT THOSE HOLES, IF ANYTHING?

10 A THAT THEY WERE BULLET HOLES.

11 Q WHAT IS YOUR FAMILIARITY WITH GUNS AND BULLET
12 HOLES THAT ALLOWS YOU TO SAY THAT THESE WERE BULLET HOLES?

13 A IN HIGH SCHOOL, I USED TO SHOOT JUST A SMALL .22
14 RIFLE THROUGH SOME BOOKS AND I RECOGNIZED THAT.

15 Q PHONE BOOKS OR SCHOOL BOOKS YOU DIDN'T LIKE?

16 A THE BOOKS IN PARTICULAR, I DON'T RECALL.

17 Q DID YOU OBSERVE THE KIND OF HOLES THAT WERE MADE
18 IN THOSE BOOKS BY THE .22?

19 A YES.

F
20

21

22

23

24

25

26

27

28

1 Q AND HAVE YOU HAD ANY OTHER EXPERIENCE WITH
2 RECOGNIZING BULLET HOLES?

3 A JUST FROM SHOOTING AT RANGES BUT THAT IS NOT
4 THROUGH BOOKS.

5 Q AT TARGETS?

6 A AT TARGETS, YES.

7 Q AND WHEN YOU SAW THOSE TWO HOLES IN THE TELEPHONE
8 BOOK, THEY APPEARED TO YOU TO BE BULLET HOLES?

9 A YES, THEY DID.

10 Q WHAT HAPPENED AFTER YOU SAW THE BULLET HOLES
11 IN THE BOOK?

12 A I SAW JIM HAND THE BOOKS, TELEPHONE BOOK IN HIS
13 ARM AND PROCEED OUT THE EXIT OF THE OFFICE.

14 Q AND DID HE COME BACK?

15 A YES, HE DID.

16 Q WHAT HAPPENED AFTER HE GOT BACK?

17 A WHEN HE RETURNED LATER, HE ENTERED THE OFFICE
18 AND WENT INTO JOE'S OFFICE.

19 Q AND DID YOU GO BACK IN THERE ALSO?

20 A YES, I DID.

21 Q WHAT DID YOU SEE IF ANYTHING, WHEN YOU WENT BACK
22 INTO JOE'S OFFICE?

23 A THERE WAS A DRAWER, TOP DRAWER THAT WAS OPEN.

24 Q TOP DRAWER TO WHAT?

25 A JOE'S DESK.

26 Q JOE HUNT'S DESK?

27 A YES.

28 Q WHAT DID YOU SEE THERE?

1 A I SAW AN AUTOMATIC GUN.

2 Q WHERE HAD YOU SEEN THAT AUTOMATIC GUN BEFORE?

3 A JIM GRAHAM'S BRIEFCASE.

4 Q THAT IS THE SAME ONE THAT YOU SAW IN THE METAL
5 BRIEFCASE IN JANUARY, APPROXIMATELY, OF 1984?

6 A THAT'S CORRECT.

7 Q AND WHAT DID YOU NOTICE ABOUT THE GUN WHEN YOU
8 SAW IT IN THE DRAWER IN JOE HUNT'S OFFICE?

9 A THERE WAS A SILENCER ATTACHED TO THE WEAPON.

10 Q AND CAN YOU DESCRIBE WHAT THAT LOOKED LIKE, PLEASE,
11 THE SILENCER?

12 A IT WAS ROUND, APPROXIMATELY FOUR INCHES. IT
13 WAS BLACK.

14 Q WHAT HAPPENED WHEN YOU SAW THE GUN THERE WITH
15 THE SILENCER ON IT?

16 A I SAW JIM UNSCREW IT FROM THE PISTOL.

17 Q DID YOU NOTICE ANYTHING ABOUT THE PISTOL AT THAT
18 TIME?

19 A YES, I DID.

20 Q WHAT DID YOU NOTICE?

21 A THAT THE BARREL OF THE PISTOL WAS TAPPED.

22 Q CAN YOU EXPLAIN WHAT THAT MEANS, PLEASE?

23 A TAPPING OF THE BARREL IS SO SOMETHING CAN BE
24 SCREWED ON OR ADAPTED TO THE FRONT OF IT.

25 Q SO TAPPING, BASICALLY MEANS THAT THERE WERE
26 SOME --

27 A THREADS.

28 Q THREADS PUT IN THE BARREL SO YOU COULD SCREW

1 THE SILENCER INTO IT?

2 A CORRECT.

3 Q WHEN YOU FIRST SAW THE GUN IN APPROXIMATELY
4 JANUARY OF 1984, DID YOU NOTICE WHETHER IT HAD ANY -- WHETHER
5 THE BARREL HAD BEEN TAPPED?

6 A AT THAT TIME, I DON'T BELIEVE THE BARREL WAS
7 TAPPED.

8 Q AND AFTER MR. GRAHAM TOOK THE SILENCER OFF THE
9 GUN, WHAT HAPPENED?

10 A HE EXITED THE OFFICE. WE BOTH EXITED THE OFFICE.

11 Q AND BASED ON YOUR KNOWLEDGE OF GUNS, DO YOU HAVE
12 ANY IDEA OF APPROXIMATELY WHAT CALIBER OF WEAPON THAT MIGHT
13 HAVE BEEN?

14 A APPROXIMATELY EITHER A .32 OR A .38.

15 Q WHAT DO YOU BASE THAT ON?

16 A ON WEAPONS THAT I HAVE OWNED PERSONALLY AND ALSO
17 HAVE SEEN OF OTHERS.

18 Q BUT OTHER THAN THAT, YOU CAN'T BE MORE SPECIFIC
19 AS TO PRECISELY WHAT IT WAS?

20 A CORRECT.

21 Q AT ANY POINT WHILE YOU WERE WORKING AT THE BBC,
22 DID YOU HAVE A DISCUSSION WITH MR. HUNT ABOUT -- OR DID HE
23 EVER MENTION TO YOU THE IDEA OF HAVING A HIT LIST?

24 A YES, HE DID.

25 Q ALL RIGHT. WHEN AND WHERE DID THAT COME UP?

26 MR. BARENS: RELEVANCY, YOUR HONOR, UNLESS WE ARE GOING
27 TO SHOW THAT MR. LEVIN --

28 THE COURT: WELL, LET'S HEAR IT SO I WILL KNOW WHETHER

1 IT IS RELEVANT.

2 MR. BARENS: COULD WE APPROACH THE BENCH?

3 THE COURT: IF YOU WANT TO, COME ON.

4 (THE FOLLOWING PROCEEDINGS WERE HELD
5 AT THE BENCH OUTSIDE THE HEARING OF
6 THE JURY:)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 MR. WAPNER: THE OFFER OF PROOF IS THAT MR. HUNT WILL
2 SAY THAT IN THE CONTEXT OF HAVING A DISCUSSION ABOUT BUSINESS
3 PROBLEMS THAT THIS WAS A WAY HE HAD OF -- THAT HE HAD A LIST
4 OF PEOPLE THAT IF --

5 THE COURT: WHAT?

6 MR. WAPNER: THAT HE HAD A LIST OF PEOPLE THAT, IF
7 THINGS DIDN'T WORK OUT, HE WAS GOING TO HAVE THEM TAKEN CARE
8 OF OR HE WAS GOING TO TAKE CARE OF THEM.

9 MR. BARENS: IS MR. LEVIN ON THAT LIST?

10 MR. WAPNER: NO. THERE IS NO MENTION OF MR. LEVIN
11 BEING ON THAT LIST.

12 MR. BARENS: THEN, I ASK YOU, WHAT THE RELEVANCY IS
13 IN THIS SETTING, OTHER THAN CHARACTER ASSASSINATION?

14 THE COURT: YES? ASSASSINATION?

15 MR. BARENS: THAT IS A CHOICE OF PERHAPS -- CHARACTER
16 DESTRUCTION, JUDGE.

17 THE COURT: GO AHEAD.

18 MR. BARENS: THE RELEVANCY IS BEING THAT --

19 THE COURT: THAT IF ANYBODY DISPLEASED HIM, HE WOULD
20 GET A LIST AND HE WOULD DO AWAY WITH THEM IF HE WAS DISPLEASED?

21 MR. WAPNER: YES. THAT IS BASICALLY IT.

22 THE COURT: ALL RIGHT. OVERRULED.

23 MR. BARENS: YOUR HONOR, WE DON'T HAVE ANY EVIDENCE
24 THAT MR. HUNT -- THAT THERE EXISTS A LIST AND THAT HE GOES
25 AROUND KNOCKING OFF DOZENS OF PEOPLE THAT MIGHT BE ON THE
26 LIST.

27 ALSO, THE PROBLEM WE HAVE WITH THIS PURPORTED
28 LIST YOUR HONOR, WE CAN'T SEE THIS LIST. AND WE GET INTO

1 THIS HEARSAY PROBLEM WITH THIS LIST. IT IS --

2 THE COURT: IS THE LIST IN EXISTENCE?

3 MR. BARENS: WELL, IT VIOLATES THE BEST EVIDENCE RULE,
4 JUDGE.

5 THE COURT: HE IS LAUGHING AT YOU.

6 MR. BARENS: WELL, I AM SURE YOUR HONOR IS, TOO.
7 BUT THE PROBLEM IS, I AM DOING THE DEFENSE CASE AND --

8 THE COURT: OF COURSE. YOU HAVE EVERY RIGHT TO MAKE
9 ALL OF THE OBJECTIONS YOU THINK ARE --

10 MR. BARENS: EVERYBODY CAN LAUGH AT ME. I, EVERY DAY
11 GET LAUGHED AT. IT IS OKAY.

12 MR. WAPNER: YOUR HONOR, I AM NOT LAUGHING AT COUNSEL.
13 I THINK THAT IT IS VERY CREATIVE LAWYERING TO SUGGEST THAT
14 IT IS A BEST EVIDENCE PROBLEM.

15 BUT IN ANY EVENT, PERHAPS WHAT I WILL DO, THIS
16 WITNESS OBVIOUSLY IS GOING TO BE ON THE STAND UNTIL AFTER
17 THE NOON HOUR. I THINK WHAT I WILL DO, IS JUST TO DEFER
18 THIS SO THAT I CAN MAKE SURE OF A MORE PRECISE ANSWER FROM
19 THE WITNESS AHEAD OF TIME, AS TO WHAT HE IS GOING TO SAY.
20 I AM NOT WITHDRAWING THIS OFFER AT ALL.

21 MR. BARENS: DO YOU KNOW WHAT THE PROBLEM IS? HE IS
22 TRYING TO MAKE THIS JURY BELIEVE THAT MR. HUNT IS SOMEHOW
23 RICHARD NIXON. IT IS BAD. THANK YOU.

24 (THE FOLLOWING PROCEEDINGS WERE HELD
25 IN OPEN COURT IN THE HEARING AND PRESENCE
26 OF THE JURY:)

27 Q BY MR. WAPNER: MR. TAGLIANETTI, WE WILL COME
28 BACK TO THIS PART OF IT A LITTLE BIT LATER. DURING THE TIME

1 THAT YOU STARTED WORKING IN THE OFFICES, DID YOU EVER HEAR
2 MR. HUNT TALK ABOUT HAVING MADE MONEY FOR A PERSON NAMED
3 RON LEVIN?

4 A YES, I HAVE.

5 Q DID YOU IN FACT, EVER MEET MR. LEVIN?

6 A YES, I DID.

7 Q DO YOU RECOGNIZE THE PERSON DEPICTED HERE?

8 A YES, I DO.

9 Q WHO IS THAT?

10 A RON LEVIN.

11 Q WHEN YOU FIRST MET MR. LEVIN, WHEN WAS THAT?

12 A APPROXIMATELY A MONTH PRIOR TO BECOMING ASSOCIATED
13 AND EMPLOYED WITH WESTCARS, NORTH AMERICA.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q IS THAT A MONTH BEFORE YOU ACTUALLY STARTED WORKING
2 THERE?

3 A YES, IT IS.

4 Q AND YOU STARTED WORKING SOMETIME IN NOVEMBER OF
5 1983?

6 A CORRECT.

7 Q SO THAT WOULD BE APPROXIMATELY OCTOBER OF 1983,
8 RIGHT?

9 A CORRECT.

10 Q AND IN OCTOBER OF 1983, HOW WAS IT THAT YOU CAME
11 TO MEET MR. LEVIN?

12 A I WAS INVITED TO ATTEND A DINNER AT HIS RESIDENCE.

13 Q MR. LEVIN'S RESIDENCE?

14 A THAT'S CORRECT.

15 Q WHO INVITED YOU?

16 A I BELIEVE IT WAS DAVE AND TOM MAY.

17 Q AND WHO WENT TO THIS DINNER?

18 A IT WAS DAVE AND TOM MAY AND JOE HUNT AND DEAN
19 KARNY AND I BELIEVE EVAN DICKER.

20 Q SO ALL PEOPLE WHO ARE MEMBERS OF THE BBC AT THAT
21 TIME?

22 A CORRECT.

23 Q AND WAS THAT BASICALLY JUST A SOCIAL DINNER AT
24 MR. LEVIN'S HOUSE?

25 A YES, IT WAS.

26 Q AND AFTER GOING TO THAT --
27 WELL, BEFORE YOU WENT TO THAT DINNER, HAD YOU
28 EVER HEARD OF MR. LEVIN?

-2
1 A NO, I HAD NOT.

2 Q AFTER YOU WENT TO THE DINNER, DID YOU EVER HEAR
3 MR. HUNT TALK ABOUT MR. LEVIN AND WHETHER OR NOT HE HAD EVER
4 HAD ANY BUSINESS DEALINGS WITH HIM?

5 A YES, I HAD.

6 Q AND WHAT DID MR. HUNT SAY?

7 A THAT HE WAS GOING TO INVEST A SUBSTANTIAL AMOUNT
8 OF MONEY FOR MR. LEVIN.

9 Q IS THIS THAT HE WAS GOING TO DO IN THE FUTURE
10 OR THAT -- THAT HE WAS PLANNING --

11 A PLANNING TO.

12 Q WHO WAS INVESTING MONEY WITH WHO, WAS JOE HUNT
13 GIVING RON LEVIN MONEY OR WAS RON LEVIN GIVING JOE HUNT MONEY?

14 A RON LEVIN WAS GIVING JOE HUNT MONEY TO INVEST.

15 Q AND DID JOE HUNT SAY WHAT FORM THAT MONEY WAS
16 TO TAKE, WAS IT GOING TO BE CASH OR WAS IT GOING TO BE --

17 A HE DID NOT SAY.

18 Q DID YOU EVER HEAR MR. HUNT TALK ABOUT MAKING MONEY,
19 THE FACT THAT HE HAD MADE MONEY FOR MR. LEVIN?

20 A YES, I DID.

21 Q WHEN WAS THAT?

22 A APPROXIMATELY JANUARY, FEBRUARY.

23 Q AND WHAT DID THE DEFENDANT SAY ABOUT MAKING MONEY
24 FOR MR. LEVIN?

25 A THAT HE MADE A SUBSTANTIAL AMOUNT OF MONEY, PROFIT
26 FOR MR. LEVIN.

27 Q DID HE SAY WHAT SUBSTANTIAL AMOUNT OF MONEY MEANT?

28 A FROM WHAT I RECALL, SOMEWHERE IN THE NEIGHBORHOOD

1 OF AROUND \$9 MILLION.

2 Q DID HE TELL YOU HOW MUCH OF THAT MONEY HE WAS
3 ENTITLED TO OR SUPPOSEDLY WAS ENTITLED TO?

4 A NO, HE DID NOT.

5 Q WHEN YOU HEARD HIM SAY THAT, WAS THIS IN THE OFFICE
6 ON THIRD STREET?

7 A YES, I BELIEVE THAT WAS.

8 Q HOW DID HE SAY IT? DID HE SEEM HAPPY, EXCITED?

9 A HE SEEMED VERY EXCITED THAT HE HAD MADE THAT MUCH
10 MONEY FOR MR. LEVIN.

11 Q AND DURING THAT PERIOD OF TIME, DID HE TALK ABOUT
12 LEVIN FAIRLY FREQUENTLY?

13 A YES.

14 Q IN JANUARY OF 1984?

15 A YES, HE DID.

16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q AND WAS THERE A PERIOD OF TIME AFTER THAT, THAT
2 TALK ABOUT MR. LEVIN WAS EITHER DIFFERENT OR NONEXISTENT?

3 A YES, THERE WAS.

4 Q WHAT HAPPENED?

5 A FROM A PERIOD OF TIME AFTER THE POINT IN WHICH
6 I WAS TOLD THAT A SUBSTANTIAL AMOUNT OF MONEY WAS MADE FOR
7 MR. LEVIN, THAT THERE WAS NO -- NO MENTION OF RON LEVIN'S
8 NAME AMONGST THE OFFICE.

9 Q HOW LONG DID THAT GO ON?

10 A APPROXIMATELY THREE MONTHS, TWO TO THREE MONTHS.

11 Q THEN DID YOU AT SOME POINT HEAR MR. LEVIN'S NAME
12 AGAIN?

13 A YES I DID.

14 Q WHERE WERE YOU WHEN YOU HEARD THAT?

15 A I WAS IN THE THIRD STREET OFFICES.

16 Q AND WHOM DID YOU HEAR IT FROM?

17 A I DON'T RECALL.

18 Q WHAT DID YOU HEAR?

19 A THAT RON WAS GOING TO BE INVESTING IN MICROGENESIS
20 OF NORTH AMERICA.

21 Q DID YOU HEAR ANYTHING MORE SPECIFIC OTHER THAN
22 HE WAS GOING TO BE INVESTING IN MICROGENESIS?

23 A NOT SPECIFICALLY.

24 Q AND WHEN YOU SAY THAT YOU DON'T RECALL WHO YOU
25 HEARD THAT FROM, WAS IT JUST KIND OF GENERAL TALK AROUND THE
26 OFFICE AT THAT POINT?

27 A YES, IT WAS.

28 Q AND AT SOME POINT AFTER YOU HEARD THAT, DID YOU

A-2

1 EVER SEE MR. LEVIN?

2 A I AM SORRY?

3 Q AT SOME POINT AFTER YOU HEARD THIS GENERAL TALK
4 IN THE OFFICE THAT HE MIGHT BE INVESTING IN MICROGENESIS,
5 DID YOU EVER SEE MR. LEVIN IN THE OFFICE?

6 A YES, I DID.

7 Q ALL RIGHT. CAN YOU TELL US ABOUT THAT?

8 A THE LAST TIME IN WHICH I SAW MR. LEVIN IN OUR
9 OFFICES, I SAW HIM ENTER THE OFFICE WITH JOE HUNT.

10 Q WHAT DID HE DO AFTER HE ENTERED THE OFFICE WITH
11 JOE HUNT?

12 A HE PROCEEDED INTO, I BELIEVE HIS OFFICE, JOE'S
13 OFFICE.

14 Q AND WAS IT JUST THE TWO OF THEM THAT CAME IN?

15 A YES, IT WAS.

16 Q JOE HUNT AND RON LEVIN?

17 A YES, IT WAS.

18 Q HOW DID THEY WALK INTO MR. HUNT'S OFFICE, WAS
19 IT A NORMAL PACE, QUICKLY OR SLOWLY?

20 A I REALLY DON'T RECALL.

21 Q WHEN THEY WENT INTO MR. HUNT'S OFFICE, WHAT
22 HAPPENED?

23 A I DON'T RECALL WHAT HAPPENED WITH THEM.

24 Q WAS THE DOOR CLOSED, DO YOU KNOW?

25 A I DON'T KNOW.

26 Q WHAT HAPPENED AFTER THAT?

27 A I SAW RON LEVIN EXIT THE OFFICES.

28 Q HOW LONG WAS MR. LEVIN THERE ALTOGETHER?

A-3

1 A APPROXIMATELY NO MORE THAN 15, 20 MINUTES.

2 THE COURT: DO YOU KNOW WHEN THIS WAS, YOUR BEST

3 ESTIMATE AS TO THE TIME AND DATE, THE MONTH?

4 THE WITNESS: APPROXIMATELY MAY.

5 THE COURT: MAY?

6 THE WITNESS: AROUND THERE.

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

8 HONOR?

9 THE COURT: ALL RIGHT.

10 Q BY MR. WAPNER: AND AFTER MR. LEVIN LEFT THE.
11 OFFICE AT THAT TIME, DID ANYTHING UNUSUAL HAPPEN OR DID HE
12 JUST LEAVE?

13 A NO. HE JUST LEFT, AS I RECALL.

14 Q AT THE TIME HE CAME INTO THE OFFICE, DID YOU NOTICE
15 THAT FOR ANY PARTICULAR REASON?

16 A YES, I DID.

17 Q WHY?

18 A I WAS SURPRISED THAT RON LEVIN WAS IN OUR OFFICES.

19

20

21

22

23

24

25

26

27

28

F

-A-1

1 Q WHY?

2 A FROM WHAT I OVERHEARD AMONGST THE OFFICES --
3 WITHIN THE OFFICES RATHER, THAT THERE WAS A DEAL IN WHICH
4 RON LEVIN INVESTED MONEY TO GIVE JOE TO INVEST, THAT EITHER
5 RON LEVIN DID NOT PAY A COMMISSION OR JOE HAD NEVER RECEIVED
6 SOME TYPE OF A PROFIT FROM THAT TRANSACTION THAT HE WAS DUE.
7 AND I WAS QUITE SURPRISED TO SEE RON LEVIN'S APPEARANCE IN
8 OUR OFFICE.

9 Q WERE YOU TOLD OR DID YOU KNOW HOW MR. HUNT
10 REACTED TO THAT WHOLE SITUATION OF NOT BEING PAID THE MONEY
11 THAT HE WAS DUE?

12 A I DON'T KNOW.

13 Q AND DID YOU REMARK AT THAT TIME THAT MR. LEVIN
14 WAS IN THE OFFICE? DID YOU SAY ANYTHING TO ANYBODY?

15 A YES I DID.

16 Q WHAT DID YOU SAY?

17 A I AGAIN, WAS IN THE LEGAL ROOM. AND JERRY
18 EISENBERG WAS IN THAT ROOM. AND I MADE MENTION, I SAYS, "DID
19 YOU SEE WHO JUST ENTERED THE OFFICE?"

20 Q AND WHAT DID YOU SAY THAT?

21 A BECAUSE ALL OF US HAD HEARD OF THAT TRANSACTION
22 THAT OCCURRED BETWEEN RON LEVIN AND JOE HUNT WITH REGARD TO
23 THE MONEYS THAT WERE DUE JOE AND WERE QUITE SURPRISED TO SEE
24 RON LEVIN IN OUR OFFICES WITHOUT HAVING, FROM OUR UNDERSTANDING,
25 REPAID JOE.

26 Q AND DID MR. LEVIN SPEND HIS TIME IN MR. HUNT'S
27 OFFICE?

28 A I BELIEVE HE DID.

A-2

1 Q THE TIME THAT HE WAS THERE?

2 A YES.

3 Q OKAY. NOW AT SOME POINT IN TIME, DID YOU SEE
4 MR. HUNT WITH A CHECK? DID HE EVER COME INTO THE OFFICE WITH
5 A LARGE CHECK?

6 A YES HE DID.

7 Q ALL RIGHT. AND THAT WAS AT THE THIRD STREET
8 OFFICES?

9 A YES IT WAS.

10 Q YOU WERE THERE AT THE TIME?

11 A YES I WAS.

12 Q WHAT HAPPENED WHEN HE CAME IN WITH THE CHECK?

13 A HE ENTERED THE OFFICES WITH A CHECK AND WAS SHOWING
14 EVERYBODY THE CHECK ITSELF. AND THEN HE MADE COPIES OF THE
15 CHECK AND DISTRIBUTED THEM.

16 Q AND WHEN HE CAME INTO THE OFFICE WITH THE CHECK,
17 HE SHOWED IT TO EVERYONE?

18 A YES HE DID.

19 Q SHOWING YOU AN ITEM WE HAVE MARKED AS 57 FOR
20 IDENTIFICATION, DO YOU RECOGNIZE THAT?

21 A YES I DO.

22 Q WHAT IS IT?

23 A IT IS A CHECK IN WHICH RON LEVIN GAVE TO JOE.

24 Q AND IS THAT THE CHECK THAT YOU SAW MR. HUNT WITH
25 IN THE OFFICE THAT DAY?

26 A I BELIEVE IT TO BE.

27 Q AT THE DATE -- AT THE TIME THAT YOU SAW IT, DID
28 YOU PAY ANY PARTICULAR ATTENTION TO THE DATE ON THE CHECK?

1 A NO I DID NOT.

2 Q DID YOU NOTICE WHETHER OR NOT THE DATE ON THE
3 CHECK WAS CLOSE IN POINT OF TIME TO THE DATE YOU WERE SEEING
4 IT OR DID YOU PAY ANY ATTENTION?

5 A I DIDN'T PAY MUCH ATTENTION TO IT.

6 Q DID MR. HUNT HAVE ANYTHING ELSE WITH HIM BESIDES
7 THE CHECK?

8 A NO HE DID NOT.

9 Q WHEN HE HAD THE CHECK, WHAT DID HE DO OR SAY?

10 A HE MADE COPIES OF THE CHECK.

11 Q WHAT DID HE DO WITH THE COPIES?

12 A HE DISTRIBUTED THEM AMONG THE MEMBERS OF THE BBC.

13 Q DID YOU GET A COPY OF IT?

14 A NO I DID NOT.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q AND DID MR. HUNT SEEM EXCITED ABOUT GETTING THIS
2 CHECK?

3 A YES HE DID.

4 Q DO YOU KNOW HOW MUCH TIME PASSED IN TERMS OF DAYS,
5 WEEKS OR MONTHS BETWEEN THE TIME THAT YOU SAW MR. LEVIN IN
6 THE OFFICE AND THE TIME THAT YOU SAW MR. HUNT WITH THIS CHECK?

7 A I BELIEVE IT TO BE THE SAME DAY.

8 Q THE SAME DAY?

9 A OR A FEW DAYS THEREAFTER. I DON'T REALLY RECALL THE
10 TIME FRAME BUT IT WAS A VERY SHORT PERIOD OF TIME.

11 THE COURT: YOU SAW LEVIN FIRST AND THEN YOU SAW THE
12 CHECK? IS THAT IT?

13 THE WITNESS: CORRECT.

14 THE COURT: ALL RIGHT. IT WAS A SHORT PERIOD OF TIME?

15 THE WITNESS: YES.

16 THE COURT: ALL RIGHT.

17 Q BY MR. WAPNER: WHEN MR. LEVIN LEFT THE OFFICE,
18 YOU DIDN'T SEE MR. HUNT COME BACK OUT WAVING THE CHECK AROUND,
19 DID YOU?

20 A NOT THAT I RECALL, NO.

21 Q THERE WAS NO BIG HOOPLA IN THE OFFICE WHEN
22 MR. LEVIN LEFT?

23 A NO.

24 Q AND DO YOU HAVE ANY RECOLLECTION OF APPROXIMATELY
25 HOW MUCH TIME IT WAS BETWEEN THE DATE THAT MR. LEVIN WAS IN
26 THE OFFICE AND THE TIME THAT MR. HUNT CAME IN WITH THE CHECK?

27 A I DON'T RECALL.

28 Q MR. HUNT DIDN'T BRING MR. LEVIN OUT OF THE OFFICE

1 AND INTRODUCE HIM TO THE GROUP AND SAY THAT HE IS NOW OPTING
2 INTO MICROGENESIS OR SOMETHING, DID HE?

3 A NO HE DID NOT.

4 Q DO YOU REMEMBER TESTIFYING IN ANOTHER PROCEEDINGS
5 RELATING TO THIS CASE AND BEING ASKED HOW LONG A PERIOD OF
6 TIME IT WAS THAT MR. LEVIN SPENT IN THE OFFICE?

7 A YES.

8 Q AND DO YOU RECALL THESE QUESTIONS BEING ASKED
9 AND THESE ANSWERS BEING GIVEN? COUNSEL, THIS IS AT PAGE 1499
10 STARTING AT LINE 5:

11 "Q DID IT SURPRISE YOU THEN, TO SEE THE TWO
12 OF THEM TOGETHER?

13 "A YES IT DID.

14 "Q AND WOULD YOU SAY THAT MR. LEVIN WAS
15 IN THE OFFICE FOR A VERY SHORT TIME, A VERY LONG
16 TIME OR SOMETHING IN BETWEEN?

17 "A A SHORT TIME.

18 "Q AFTER MR. HUNT AND LEVIN WENT, DID THEY
19 GO INTO HUNT'S OFFICE OR JUST TOWARD IT?

20 "A TOWARD IT. I DIDN'T FOLLOW THEM.

21 "Q ALL RIGHT. DID YOU SEE MR. LEVIN IN
22 THE OFFICE AFTER HE WALKED THROUGH VERY QUICKLY?

23 "A I SAW THEM EXIT.

24 "Q WHEN DID THEY EXIT IN RELATION TO WHEN
25 THEY CAME IN?

26 "A IT WAS NO MORE THAN POSSIBLY FIVE MINUTES
27 OR SO."

28 DO YOU REMEMBER BEING ASKED THOSE QUESTIONS AND

1 GIVING THOSE ANSWERS?

2 A YES.

3 Q IN MAY OF 1985?

4 A YES.

5 Q YOU TOLD US TODAY THAT YOU THOUGHT IT WAS LIKE
6 15 OR 20 MINUTES. DO YOU REMEMBER WHETHER IT WAS FIVE MINUTES
7 OR 15 OR 20 MINUTES?

8 THE COURT: WAS YOUR MEMORY BETTER IN MAY OF 1985 THAN
9 IT IS TODAY?

10 THE WITNESS: NO. I THINK MY MEMORY IS A LITTLE LAPSED
11 SINCE THEN.

12 THE COURT: IN OTHER WORDS, IT WAS BETTER THEN THAN
13 IT IS NOW?

14 THE WITNESS: YES.
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q BY MR. WAPNER: AND AT THAT TIME, YOU SAID THAT
2 THEY WERE WALKING VERY QUICKLY THROUGH THE OFFICE, IS THAT
3 ACCURATE?

4 A YES, IT WOULD BE ACCURATE.

5 Q AND AGAIN AT PAGE 1498, DO YOU RECALL BEING ASKED
6 THESE QUESTIONS AND GIVING THESE ANSWERS AT LINE 7:

7 "Q ALL RIGHT. DID YOU SEE RON LEVIN
8 AT
9 IN THE OFFICES OF THE BBC/SOMETIME JUST BEFORE
10 JOE HUNT HAD THE CHECK?

11 "A YES, I DID.

12 "Q WHEN WAS THAT IN RELATION TO WHEN
13 HE HAD THE CHECK, WHEN WAS RON LEVIN --

14 "A A FEW DAYS, A WEEK."

15 DO YOU REMEMBER BEING ASKED THOSE QUESTIONS AND
16 GIVING THOSE ANSWERS?

17 A YES, I DO.

18 Q WOULD YOU SAY IT WAS SOMEWHERE BETWEEN A FEW
19 DAYS TO A WEEK BETWEEN THE TIME THAT YOU SAW MR. LEVIN IN
20 THE OFFICES AND THE TIME THAT JOE HUNT SHOWED UP WITH THE
21 CHECK?

22 A YES.

23 Q AT SOME POINT AFTER YOU SAW JOE HUNT WITH THE
24 CHECK FOR A MILLION AND A HALF DOLLARS, DID YOU ATTEND A
25 MEETING OF SOME MEMBERS OF THE BBC --

26 A YES, I DID.

27 Q -- AT THE WILSHIRE MANNING CONDOMINIUM?

28 A YES, I DID.

Q OKAY. WAS THAT APPROXIMATELY JUNE THE 24TH OF

1 1984?

2 A YES, IT WAS.

3 Q HOW WAS IT THAT YOU GOT TOLD ABOUT THAT MEETING?

4 A I WAS TOLD BY JOE.

5 Q WHAT DID HE TELL YOU?

6 A EARLIER THAT WEEK, THAT WE WERE TO ATTEND A
7 MEETING AND THE MEETING WAS INITIALLY TO BE HELD ON A FRIDAY
8 AND SUBSEQUENTLY, IT WAS CHANGED TO A SUNDAY.

9 Q DID HE TELL YOU WHAT THE MEETING WAS GOING TO
10 BE ABOUT?

11 A NO, HE DID NOT.

12 Q AND WHEN YOU WENT TO THE MEETING ON SUNDAY, THAT
13 WAS AT THE WILSHIRE MANNING CONDOMINIUM, NUMBER 1505 THAT
14 MR. HUNT LIVED IN?

15 A THAT IS CORRECT.

16 Q WHAT HAPPENED WHEN YOU GOT THERE?

17 A OTHER MEMBERS OF THE BBC WERE ALREADY PRESENT
18 AND WE WAITED UNTIL OTHER MEMBERS JOINED US.

19 Q SO THERE WERE SOME PEOPLE THERE WHEN YOU GOT
20 THERE AND OTHER PEOPLE CAME IN AFTER YOU GOT THERE?

21 A CORRECT.

22 Q WHAT HAPPENED AFTER EVERYONE WHO WAS CALLED TO
23 THE MEETING GOT THERE?

24 A WE SAT DOWN IN A SEMI-CIRCLE FORMATION, IN WHICH
25 JOE, DEAN AND BEN WERE FACING US AND --

26 Q THAT IS JOE HUNT, DEAN KARNY AND BEN DOSTI?

27 A CORRECT.

28 Q AND AFTER YOU SAT IN THAT FORMATION, WHAT HAPPENED?

1 A JOE COMMENCED THE MEETING.

2 Q WHAT DID HE SAY?

3 A HE STARTED TO SAY, OR RATHER, TELL US OF THE
4 FINANCIAL CONDITION OF THE BBC.

5 Q WHAT DID HE SAY ABOUT THAT?

6 A THAT THE CONDITION OF THE MEETING ITSELF -- RATHER,
7 MEANING THE CONDITION, THE FINANCIAL CONDITION OF THE
8 ORGANIZATION IS POOR AND HE WENT INTO BASICALLY EACH
9 COMPANY AND TOLD US OF ITS FINANCIAL CONDITION, THAT EACH
10 OF THE COMPANIES IS NOT DOING WELL.

11 Q WHEN HE SAID THAT, WAS THAT A SURPRISE TO YOU
12 OR HAD YOU HAD SOME INKLING OF THAT BEFORE?

13 A I HAD SOME INKLING.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q ALL RIGHT. WHAT WAS THAT INKLING?

2 A THAT I HAD, OR WAS AWARE THAT THE FINANCIAL
3 CONDITIONS OF THE COMPANY WEREN'T AS WELL AS THEY OUGHT TO.

4 Q WHAT DID YOU BASE THAT ON, WHAT WAS GOING ON
5 THAT MADE YOU THINK THAT BEFORE THE MEETING?

6 A OH, REQUESTS EITHER FROM MYSELF IN MY ORGANIZATION
7 OR FROM DAVE AND -- RATHER, TOM MAY AND DAVE MAY'S REQUESTS
8 FOR FUNDS TO BE GIVEN TO THEM FOR THEIR MICROGENESIS
9 DEVELOPMENT.

10 Q WHAT HAPPENED WHEN YOU HAD BEEN REQUESTING MONEY
11 FOR WESTCARS?

12 A MONEY WAS TIGHT AT THE END.

13 Q ALL RIGHT. WHEN YOU FIRST STARTED TO WORK FOR
14 WESTCARS, DID THERE SEEM TO BE PLENTY OF MONEY AVAILABLE
15 TO DO WHAT YOU NEEDED TO DO?

16 A YES, THERE WAS.

17 Q WHEN WAS IT THAT IT SEEMED THAT MONEY STARTED
18 GETTING TIGHT?

19 A APPROXIMATELY THREE TO FOUR MONTHS.

20 Q THREE TO FOUR MONTHS WHEN?

21 A AFTER I STARTED.

22 Q SO IF YOU STARTED IN NOVEMBER, THAT WOULD BE
23 MARCH --

24 A MARCH.

25 Q -- OR APRIL?

26 A CORRECT.

27 Q HOW DID YOU NOTICE THAT MONEY WAS STARTING TO
28 GET TIGHT?

1 A AT TIMES WHEN PURCHASES WERE NECESSARY, THEY
2 WERE DELAYED PERHAPS A FEW DAYS OR A WEEK.

3 Q AND WHOM DID YOU HAVE TO GO TO TO GET THE MONEY
4 FOR THINGS?

5 A I HAD TO GO TO JOE HUNT.

6 Q SO THERE WAS A DELAY IN GETTING MONEY FOR PARTS
7 TO REFIT THESE WESTCAR AUTOMOBILES?

8 A YES.

9 Q ALSO, THERE WAS A DELAY IN GETTING MONEY FOR
10 PARTS FOR BROWNING FOR MICROGENESIS?

11 A THAT'S CORRECT.

12 Q ANYTHING ELSE YOU NOTICED IN TERMS OF MONEY GETTING
13 TIGHT?

14 A NO.

15 Q AFTER JOE HUNT SAID AT THIS MEETING THAT THE
16 FINANCIAL CONDITION WAS POOR AND THE MONEY WAS GETTING TIGHT,
17 WHAT HAPPENED THEN?

18 A THE MEETING, PRIOR TO IT BREAKING, JOE SAID,
19 "I HAVE A LOT MORE TO TELL YOU. I WOULD LIKE IF YOU COULD,
20 IF YOU COULD STAY. IF YOU DO NOT WISH TO STAY, YOU ARE
21 WELCOME TO LEAVE."

22 AND ADDITIONALLY, "THAT THERE IS A TIME IN EVERY-
23 BODY'S LIFE THAT ONE CROSSES THE LINE, TO STEP BEYOND" AND
24 THAT IS WHERE IT WAS LEFT.

25 Q IN WHAT CONTEXT WAS THIS SAID THAT THERE IS A
26 TIME IN EVERYBODY'S LIFE THAT ONE CROSSES THE LINE?

27 A IN THE CONTEXT IN WHICH THAT SOMETHING -- IT
28 SEEMED AS THOUGH SOMETHING HAD TO BE DONE TO CORRECT A SITUATION.

A-3

1 Q AND AFTER HE MADE THIS STATEMENT ABOUT THERE
2 COMES A TIME IN EVERYBODY'S LIFE WHEN THEY HAVE TO CROSS
3 THE LINE, WHAT HAPPENED AT THAT POINT?

4 A THE MEETING THEN BROKE.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

-1

1 Q WHAT DO YOU MEAN?

2 A JOE ENDED HIS CONVERSATION AND SAID WE WERE GOING
3 TO TAKE A BREAK. THEN JOE, DEAN AND BEN AND JIM EXITED AND
4 WENT INTO I BELIEVE IT WAS, JIM'S -- EXCUSE ME, JOE'S BEDROOM.

5 Q AND WHEN THEY WENT INTO JOE'S BEDROOM, HOW LONG
6 WERE THEY THERE?

7 A APPROXIMATELY 15 MINUTES TO HALF AN HOUR.

8 Q AND DURING THAT TIME, DID ANYBODY ELSE WHO HAD
9 BEEN AT THE MAIN PART OF THE MEETING, LEAVE?

10 A NO, THEY DID NOT.

11 Q WHAT HAPPENED AFTER THAT 15 MINUTES TO HALF AN
12 HOUR?

13 A JOE, DEAN, BEN AND JIM CAME OUT OF THE BEDROOM.

14 Q WHEN THEY WERE IN THE BEDROOM, LET ME JUST ASK
15 YOU THIS. WAS THE DOOR CLOSED?

16 A YES, IT WAS.

17 Q SO YOU DIDN'T KNOW WHAT WAS GOING ON IN THE BED-
18 ROOM?

19 A NO.

20 Q WHEN YOU CAME OUT OF THE BEDROOM, WHAT HAPPENED?

21 A WHEN THEY CAME OUT OF THE BEDROOM, JOE STOOD
22 UP AND REINSTATED THE FINANCIAL CONDITION OF THE BBC.

23 Q REINSTATED OR RESTATED?

24 A RESTATED. EXCUSE ME.

25 Q IT WAS REPEATING WHAT HE HAD SAID BEFORE?

26 A CORRECT.

27 Q OKAY. AND WAS THAT PRETTY MUCH THE SAME THING,
28 THAT THE COMPANIES WERE NOT DOING WELL?

1 A THAT'S RIGHT.

2 Q AND WHAT ELSE DID HE SAY?

3 A HE WENT INTO A LITTLE MORE IN DEPTH IN THE
4 FINANCIAL CONDITION OF THE BBC, STATING THAT HE HAD LOST
5 ALL OF THE INVESTORS' MONEY AND THAT THERE IS NO MORE MONEY
6 AT THIS POINT FOR US TO SURVIVE, RATHER, AS A GROUP. AND
7 HE CONTINUED STATING RATHER, THAT -- THERE WAS A QUESTION
8 ASKED AT THAT PARTICULAR TIME.

9 Q WHO ASKED THE QUESTION?

10 A JEFF RAYMOND.

11 Q WHAT DID HE ASK?

12 A HE ASKED WHAT HAPPENED TO HIS MONEY THAT HE
13 INVESTED.

14 Q WHAT DID MR. HUNT SAY?

15 A JOE'S REPLY WAS THAT WE WERE JUST FEEDING OFF
16 OF ONE ANOTHER.

17 Q FEEDING OFF OF ONE ANOTHER, MEANING?

18 A WHATEVER MONEYS WE MIGHT HAVE BROUGHT IN ON OUR
19 OWN, WE WERE BASICALLY PAYING THE SALARIES OF THE OTHER
20 EMPLOYEES OR THE LEASES, OUT OF OUR OWN POCKETS.

21 Q AND AFTER HE SAID THAT, WHAT HAPPENED?

22 A FROM WHAT I RECALL, AT THAT POINT, HE WENT INTO
23 STATING HOW, IN ORDER TO SURVIVE FOR THE BBC, THAT HE HAD
24 TO DO AWAY WITH RON LEVIN.

25 Q WHAT WERE THE WORDS, AS YOU CAN RECALL, THAT
26 HE USED?

27 A THAT HE HAD TO DO AWAY WITH RON LEVIN.

28 Q DID HE SAY HE -- OR WELL, WHAT DID HE SAY AFTER

1 HE SAID THAT?

2 A HE SAID AFTER THAT, "WE HAD TO DO THIS."

3 Q AT THE TIME WHEN HE SAID, "WE HAD TO DO THIS,"
4 DID ANYONE ELSE SAY ANYTHING? DID MR. GRAHAM SAY ANYTHING,
5 MR. KARNY OR MR. DOSTI?

6 A NO. THEY DID NOT AT THAT POINT.

7 MR. WAPNER: WOULD THIS BE AN APPROPRIATE BREAK, YOUR
8 HONOR?

9 THE COURT: YES. LADIES AND GENTLEMEN OF THE JURY,
10 WE'LL TAKE OUR RECESS NOW UNTIL 1:30 THIS AFTERNOON. THE
11 SAME ADMONITION THAT I GAVE YOU STILL APPLIES.

12 (AT 12:00 NOON PROCEEDINGS WERE ADJOURNED
13 TO RESUME AT 1:30 P.M. OF THE SAME DAY.)
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 SANTA MONICA, CALIFORNIA; MON DAY, MARCH 9, 1987; 1:40 P.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE,
4 EXCEPT MR. CHIER IS NOT PRESENT.)
5

6 THE COURT: ALL RIGHT.
7

8 STEPHEN TAGLIANETTI,
9 THE WITNESS ON THE STAND AT THE TIME OF ADJOURNMENT, RESUMED
10 THE STAND AND TESTIFIED FURTHER AS FOLLOWS:

11 THE CLERK: YOU HAVE PREVIOUSLY BEEN SWORN SO YOU ARE
12 STILL UNDER OATH.

13 IF YOU WOULD JUST STATE YOUR NAME AGAIN FOR THE
14 RECORD.

15 THE WITNESS: MY NAME IS STEPHEN TAGLIANETTI.

16 THE COURT: ALL RIGHT.
17

18 REDIRECT EXAMINATION (RESUMED)

19 BY MR. WAPNER:

20 Q MR. TAGLIANETTI, I WANT TO TAKE YOU AWAY FROM
21 THE MEETING FOR ONE MOMENT AND COME BACK TO IT IN A LITTLE
22 BIT.

23 DURING THE TIME YOU WORKED AT THE BBC, WERE YOU
24 EVER TOLD ABOUT SOMETHING CALLED PARADOX PHILOSOPHY?

25 A YES, I WAS.

26 Q WHO TOLD YOU ABOUT THAT?

27 A IT WAS EXPLAINED TO ME BY DEAN KARNY.

28 Q HOW LONG AFTER YOU WENT TO WORK FOR THE BBC WAS

1 PARADOX PHILOSOPHY EXPLAINED TO YOU BY DEAN KARNY?

2 A APPROXIMATELY TWO WEEKS AFTERWARDS.

3 Q AND WAS THERE ANYTHING ELSE SAID TO YOU ABOUT

4 IT BY ANYONE ELSE AS YOU CONTINUED TO WORK FOR THE BBC?

5 A YES.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

-1
1 Q WHEN MR. KARNY EXPLAINED THE PARADOX PHILOSOPHY
2 TO YOU, WAS THAT ALL AT ONE TIME AT ONE MEETING?

3 A YES IT WAS.

4 Q IT WAS JUST YOU AND MR. KARNY?

5 A NO.

6 Q WHO ELSE WAS THERE?

7 A TOM MAY WAS PRESENT.

8 Q WHEN DEAN KARNY EXPLAINED THE PARADOX PHILOSOPHY
9 TO YOU, WHEN HE FINISHED, DID HE ASK YOU WHETHER YOU UNDERSTOOD
10 IT?

11 A YES HE DID.

12 MR. BARENS: OBJECTION. KARNY'S STATEMENT -- DID HE
13 ASK YOU IF YOU UNDERSTOOD IT, IS OBVIOUSLY A HEARSAY QUOTATION
14 AND --

15 THE COURT: OVERRULED. GO AHEAD.

16 MR. BARENS: -- IT IS NOT A QUESTION AND --

17 THE COURT: GO AHEAD.

18 Q BY MR. WAPNER: AND WHAT DID YOU TELL HIM?

19 A THAT I DID UNDERSTAND IT.

20 Q DID YOU UNDERSTAND IT?

21 A NO I DID NOT.

22 Q WHY DID YOU TELL HIM THAT YOU DID?

23 A IN ORDER TO PACIFY HIM.

24 Q AND DID YOU HAVE AS YOU CONTINUED TO WORK AT THE
25 BBC -- DID YOU BELIEVE IN THE PARADOX PHILOSOPHY?

26 A NO I DID NOT.

27 Q DID YOU KNOW WHAT ANY OF IT WAS ALL ABOUT? DID
28 YOU HAVE ANY UNDERSTANDING OF IT AT ALL, WHAT MR. KARNY

-2
1 EXPLAINED TO YOU OR ANYBODY ELSE, AS YOU CONTINUED TO WORK
2 THERE?

3 A NO I DID NOT.

4 Q DID YOU EVER TALK OR HEAR JOE HUNT TALKING ABOUT
5 THE PARADOX PHILOSOPHY AT SOME POINT AT HIS CONDOMINIUM AT
6 THE MANNING?

7 A YES I DID.

8 Q WHEN WAS THAT?

9 A APPROXIMATELY A MONTH OR SO PRIOR TO THE MEETING
10 ON JUNE 24.

11 Q AND IN WHAT CONTEXT WAS HE TALKING ABOUT?

12 A IT CAME ABOUT IN DISCUSSION THROUGH A CHESS GAME
13 IN WHICH JOE HUNT AND JEFF RAYMOND WERE ENGAGED.

14 Q AND WHAT WAS THE DISCUSSION?

15 A JOE WAS EXPLAINING TO JEFF CERTAIN STRATEGIES
16 OF CHESS AND AMONG THAT GAME, EVOLVED DISCUSSION OF PARADOX
17 PHILOSOPHY.

18 Q WHAT WAS THAT DISCUSSION ABOUT?

19 A PARADOX, JOE WAS EXPLAINING, COULD -- WELL, THROUGH
20 PARADOX, ALMOST ANYTHING IS POSSIBLE.

21

22

23

24

25

26

27

28

-1

1 (MR. CHIER ENTERS COURTROOM.)

2 Q BY MR. WAPNER: SUCH AS?

3 A SUCH AS WINNING A CHESS GAME, STRATEGICALLY PLANNING
4 THE CHESS GAME OR ANYTHING. WHAT ONE WANTS TO DO, WHATEVER
5 ONE'S ENDEAVORS ARE.

6 Q AND DID HE TALK ABOUT THE PARADOX PHILOSOPHY IN
7 TERMS OF WHAT IT MEANT TO THE GROUP OF THE BBC AND STAYING
8 TOGETHER?

9 A YES, HE DID.

10 Q WHAT DID HE SAY?

11 A THAT THROUGH PARADOX PHILOSOPHY, WE ALL CAN GROW
12 WITH IT.

13 ADDITIONALLY, HE SAID THAT NO MATTER WHAT HAPPENS
14 PERHAPS TO ONE OF US, WITH PARADOX PHILOSOPHY WE COULD ALL
15 UNITE AND JOIN TOGETHER AND BECOME AS AN ENTIRE GROUP, EVEN
16 THOUGH ONE MIGHT FALL BY THE WAYSIDE.

17 Q AND DID HE GIVE YOU ANY INDICATION OF WHAT THE
18 GROUP'S RESPONSE SHOULD BE IF THERE WAS ONE PERSON IN TROUBLE?

19 A THAT WE WOULD ALL, I BELIEVE, HELP.

20 Q KIND OF UNITE AND STAND BEHIND THAT PERSON?

21 A CORRECT.

22 Q IN THE CONTEXT NOW OF GOING BACK TO THE MEETING,
23 GOING BACK TO THE MEETING OF JUNE THE 24TH WHEN JOE HUNT,
24 DEAN KARNY AND BEN DOSTI AND JIM GRAHAM CAME OUT OF THE
25 BEDROOM, WHAT WAS IT THAT JOE HUNT SAID?

26 A HE SAID THAT -- INITIALLY, HE SPOKE WITH REGARDS
27 TO THE FINANCIAL CONDITION OF THE BBC AND WENT INTO HOW HE
28 HAD TO DO AWAY WITH RON LEVIN.

1 Q HAD TO DO AWAY WITH, FOR WHAT REASON?

2 A IN ORDER TO HAVE THE BBC SURVIVE AND ITS
3 CONTINUANCE.

4 Q WHEN HE SAID THAT, DO AWAY WITH RON LEVIN, FIRST
5 OF ALL, WHAT DID YOU UNDERSTAND THAT TO MEAN, WHAT DID IT
6 MEAN TO YOU WHEN HE SAID IT?

7 A I UNDERSTOOD IT TO MEAN THAT HE KILLED RON LEVIN.

8 Q WELL, WHEN HE SAID THAT, WHAT WAS YOUR REACTION?

9 MR. BARENS: WELL, YOUR HONOR, WE WOULD OBJECT. I BELIEVE
10 THE CONCLUSION OF THE WITNESS IS BOTH IRRELEVANT AND OPINION
11 EVIDENCE.

12 THE COURT: OVERRULED.

13 Q BY MR. WAPNER: HAVING REACHED THAT CONCLUSION
14 IN YOUR MIND THAT THIS IS WHAT HE MEANT, HOW DID YOU REACT?

15 A I WAS SHOCKED.

16 Q WHAT DID YOU DO OR SAY AT THAT TIME?

17 A AT THAT TIME, I DID NOT DO ANYTHING AT ALL.

18 WHILE I WAS AT THAT MEETING, I WAS JUST VERY SILENT.

19 Q DID YOU SAY ANYTHING TO ANYBODY ELSE AT THE MEETING?

20 A NOT THAT I RECALL.

21 Q AND AFTER HE SAID THAT THEY HAD TO DO AWAY WITH
22 RON LEVIN, DID HE SAY ANYTHING ELSE?

23 A YES, HE DID.

24 Q WHAT DID HE SAY?

25 A HE SAID THAT IT WAS A PERFECT CRIME.

26 Q AND WHAT ELSE DID HE SAY?

27 A THAT -- I BELIEVE HE SAID THAT "THERE IS NO WAY
28 IN WHICH WE WOULD BE CAUGHT."

1 Q DID HE GIVE YOU ANY OF THE DETAILS OF THE CRIME
2 AT THAT TIME?

3 A NO, HE DIDN'T.

4 Q DID HE SAY ANYTHING ABOUT WHETHER OR NOT YOU
5 COULD KNOW THE DETAILS OF THE CRIME?

6 A YES, HE DID.

7 Q WHAT DID HE SAY?

8 A HE SAID IF WE WANTED TO KNOW THE PARTICULARS
9 SURROUNDING RON LEVIN, THAT HE WOULD BE MORE THAN WILLING
10 TO TELL US, IF WE ASKED.

11 Q DID ANYONE ASK HIM AT THAT TIME?

12 A NO, THEY DID NOT.

13 Q DID YOU EVER ASK HIM?

14 A NO, I DID NOT.

15 Q AFTER HE SAID HE WOULD BE WILLING TO TELL YOU
16 THE PARTICULARS, WHAT DID HE SAY?

17 A HE SAID IT WAS SOMETHING WE HAD TO DO.

18 Q WHEN HE SAID IT WAS SOMETHING WE HAD TO DO, DID
19 MR. GRAHAM REACT IN ANY WAY?

20 A NOT THAT I RECALL.

21 Q AND DID MR. DOSTI SAY ANYTHING AT THAT TIME?

22 A YES, HE DID.

23 Q WHAT DID HE SAY?

24 A HE STOOD UP AND RESTATED WHAT JOE HAD SAID, THAT
25 WAS --

26 Q WHAT DID HE SAY?

27 A THAT WE HAD TO DO THIS.

28 Q DID HE SAY ANYTHING MORE THAN, "WE HAD TO DO

1 THIS"?

2 A I DON'T RECALL.

3 Q AFTER MR. DOSTI SAID THAT, DID MR. HUNT SAY
4 ANYTHING ELSE?

5 A YES, HE DID.

6 Q WHAT DID HE SAY?

7 A HE WENT ON TO SAY THAT WE SHOULD NOT TELL ANYBODY
8 OUTSIDE OF THE GROUP WHAT HAD HAPPENED OR ANY AUTHORITIES
9 AND IF WE DECIDED TO EVER LEAVE THE GROUP, THAT NO MATTER
10 WHERE WE WERE, THAT HE WOULD COME AFTER US. AND ADDITIONALLY,
11 THAT WHEREVER WE WOULD BE, THAT WE WOULD BECOME FISH BAIT.

12 Q IF YOU HAD TOLD SOMEONE?

13 A YES, THAT'S CORRECT.

14 Q AFTER HE SAID THAT, WHAT HAPPENED?

15 A I BELIEVE AT THAT POINT, THE MEETING DISPERSED.

16 Q WHEN THE MEETING DISPERSED, DID YOU LEAVE BY
17 YOURSELF OR WITH ANYONE?

18 A I BELIEVE I LEFT BY MYSELF.

19 Q WHERE DID YOU GO?

20 A I WENT DIRECTLY HOME.

21 Q APPROXIMATELY WHAT TIME WAS IT WHEN YOU GOT HOME?

22 A AROUND 6:00 O'CLOCK, 7:00 O'CLOCK.

23 Q AND WERE YOU LIVING BY YOURSELF OR WITH SOMEONE
24 AT THAT TIME?

25 A I WAS LIVING WITH SOMEONE AT THAT TIME.

26 Q AND WAS THAT A GIRLFRIEND THAT YOU WERE LIVING
27 WITH?

28 A THAT'S CORRECT.

1 Q SHE HAS SINCE BECOME YOUR WIFE?

2 A THAT'S CORRECT.

3 Q WHEN YOU GOT HOME, WAS SHE HOME?

4 A YES, SHE WAS.

5 Q AND WHAT DID YOU DO WHEN YOU GOT HOME?

6 A IMMEDIATELY UPON MY ARRIVAL, I TOLD HER WHAT
7 HAPPENED AT THE MEETING THAT I HAD JUST ATTENDED.

8 Q AND WHAT WAS YOUR EMOTIONAL STATE WHEN YOU WERE
9 TELLING HER WHAT HAPPENED?

10 A I WAS EXTREMELY NERVOUS --
11 MR. BARENS: RELEVANCY, YOUR HONOR?

12 THE COURT: OVERRULED.

13 Q BY MR. WAPNER: GO AHEAD. YOU CAN TELL US.

14 A I WAS EXTREMELY NERVOUS, RESTLESS. I WAS UNABLE
15 TO REST.

16 Q AND DID YOU TELL HER EVERYTHING THAT HAPPENED
17 AT THE MEETING?

18 A YES, I DID.

19 Q DID YOU ATTEMPT TO SLEEP THAT NIGHT?

20 A I ATTEMPTED TO, YES.

21 Q WERE YOU ABLE TO SLEEP THAT NIGHT?

22 A NOT AT ALL.

23 Q BEFORE YOU WENT TO SLEEP, DID YOU DO ANYTHING?

24 A YES. I DID.

25 Q WHAT DID YOU DO?

26 A I DID HAVE THREE PISTOLS THAT I OWNED AT THE
27 TIME, WHICH I LOADED AND PLACED IN THREE DIFFERENT AREAS
28 OF MY APARTMENT.

1 Q WHY?

2 A I WAS IN FEAR.

3 Q BASED ON WHAT?

4 A ON THE MEETING I HAD JUST ATTENDED.

5 Q AND YOU DIDN'T SLEEP AT ALL THAT NIGHT, IS THAT
6 CORRECT?

7 A THAT'S CORRECT.

8 Q WHAT HAPPENED THE NEXT MORNING?

9 A THE FOLLOWING MORNING, APPROXIMATELY 7:00 O'CLOCK
10 OR 8:00, I TELEPHONED MY FATHER.

11 Q WHY DID YOU DO THAT?

12 A I WANTED TO TELL HIM WHAT I JUST LEARNED ABOUT.

13 Q DID YOU TELL HIM?

14 A YES, I DID.

15 Q WHAT HAPPENED AFTER YOU TOLD YOUR FATHER WHAT
16 HAD HAPPENED?

17 A HE INSTRUCTED ME TO MEET WITH HIM LATER THAT
18 MORNING.

19 Q AND AFTER TELLING HIM, WHAT DID YOU DO?

20 A I TELEPHONED THE MAYS.

21 Q THAT IS DAVID AND TOM MAY?

22 A CORRECT.

23 Q THEY WERE LIVING TOGETHER AT THAT TIME?

24 A THAT'S CORRECT.

25 Q WHY DID YOU CALL THEM?

26 A AT THE TIME, I WANTED TO SPEAK WITH THEM AND
27 INSTRUCT DAVID MAY AS TO WHAT I FOUND OUT THE FOLLOWING
28 EVENING.

1 Q THE FOLLOWING EVENING OR THE EVENING BEFORE?

2 A THE EVENING BEFORE. EXCUSE ME.

3 Q AFTER YOU TALKED TO -- DID YOU TALK TO DAVID
4 MAY?

5 A YES, I DID.

6 THE COURT: DAVID MAY WAS NOT AT THE MEETING, WAS HE?

7 THE WITNESS: NO, HE WAS NOT.

8 Q BY MR. WAPNER: HAD DAVID MAY CONTINUED TO BE
9 A CLOSE FRIEND OF YOURS DURING THE TIME THAT YOU BELONGED
10 TO THE BBC?

11 A YES, HE WAS.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

-1 1 Q AND WHEN YOU TALKED TO DAVID MAY, WHAT DID YOU
2 TALK TO HIM ABOUT?

3 A OH, WE SPOKE BRIEFLY ON THE TELEPHONE AND SET
4 UP A TIME WHICH WE WOULD MEET LATER THAT SAME DAY.

5 Q WHO WERE YOU GOING TO MEET WITH?

6 A BOTH DAVE AND TOM AND MY FATHER.

7 Q AND DID YOU MEET WITH THEM AT SOME POINT THAT
8 DAY?

9 A YES, WE DID.

10 Q WITH DAVID MAY AND TOM MAY AND YOUR FATHER?

11 A YES, THAT'S CORRECT.

12 Q WHAT DID YOU DECIDE TO DO AT THAT POINT?

13 A AT THAT POINT, DAVID AND TOM MAY HAD ALREADY BEEN
14 IN CONTACT WITH THEIR FATHER.

15 Q AND WHAT HAPPENED?

16 A AND THEY WERE INSTRUCTED BY THEIR FATHER TO SEEK
17 COUNSEL AT THAT POINT.

18 MR. BARENS: HEARSAY, YOUR HONOR, AS TO THAT REMARK.

19 THE COURT: OH, I WILL LET IT STAND. WE HAVE HEARD
20 THAT BEFORE ANYWAY.

21 MR. BARENS: IT WAS HEARSAY BEFORE, YOUR HONOR.

22 THE COURT: IT IS DOUBLE HEARSAY.

23 Q BY MR. WAPNER: DID YOU MAKE SOME ARRANGEMENT
24 WITH THEM ABOUT WHETHER OR NOT THE AUTHORITIES WERE GOING
25 TO BE NOTIFIED?

26 A YES.

27 Q THE POLICE WERE GOING TO BE NOTIFIED?

28 A YES, THAT'S CORRECT.

-2

1 Q WHAT WAS THE ARRANGEMENT YOU MADE WITH THEM?

2 A THAT BOTH DAVE AND TOM, THROUGH THEIR COUNSEL,
3 WERE TO INFORM THE AUTHORITIES.

4 Q WAS IT YOUR UNDERSTANDING THAT DAY AFTER THE MEETING
5 THAT THEY IN FACT WERE GOING TO DO THAT?

6 A YES.

7 Q DID YOU CONTINUE TO BE IN CONTACT WITH THEM ABOUT
8 WHETHER THEY HAD IN FACT GONE TO THE POLICE?

9 A YES, I WAS.

10 Q AND AT SOME POINT YOU BECAME AWARE OF THAT FACT
11 THROUGH THEIR LAWYER THEY HAD CONTACTED THE POLICE DEPARTMENT?

12 A THAT'S CORRECT, YES.

13 Q DID YOU DO ANYTHING WITH REGARD TO YOUR STATUS
14 IN THE BBC THE DAY AFTER THE MEETING?

15 A YES, I DID.

16 Q WHAT DID YOU DO?

17 A I TYPED A RESIGNATION RESIGNING FROM WESTCARS
18 AND AS WELL AS THE BBC AND I SENT IT THE FOLLOWING DAY OF
19 THE MEETING, REGISTERED RETURN RECEIPT, TO THE THIRD STREET
20 OFFICES.

21 Q DID YOU EVER GET A RECEIPT BACK?

22 A YES, I DID.

23 Q AND THAT WAS THE RESIGNATION FROM THE BBC AND
24 FROM WESTCARS?

25 A CORRECT.

26 Q AND AFTER YOU SENT THAT LETTER, DID YOU EVER GET
27 ANY CALLS FROM MR. HUNT?

28 A YES, I DID.

1-3
1 Q WHEN WAS THAT?

2 A APPROXIMATELY A WEEK AFTER THE MEETING.

3 Q AND WHAT WAS THE CALL ABOUT?

4 A JOE CALLED, WISHING FOR MYSELF TO JOIN HIM IN
5 A TRIP TO ARIZONA.

6 Q AND DID HE TELL YOU WHY HE WANTED YOU TO GO TO
7 ARIZONA?

8 A IT WAS WITH REGARD TO WHAT, AS I RECALL, IT WAS
9 SOMETHING REVOLVING AROUND GENE BROWNING'S ATTRITION MILL.

10 Q AND WHAT DID YOU TELL HIM?

11 A I TOLD HIM AT THAT POINT THAT I WOULD GET BACK
12 WITH HIM.

13 Q AND WHAT DID YOU DO AFTER TALKING TO HIM?

14 A IMMEDIATELY AFTER I SPOKE WITH JOE, I CALLED DAVE
15 AND TOM MAY.

16 Q AND WHEN YOU CALLED THEM, WHAT DID YOU TALK ABOUT?

17 A WE SPOKE --

18 MR. BARENS: HEARSAY, YOUR HONOR, AS TO WHAT THE MAYS
19 SAID.

20 MR. WAPNER: IT IS ONLY OFFERED TO EXPLAIN HIS
21 SUBSEQUENT CONDUCT.

22 THE COURT: OVERRULED. IT WILL BE LIMITED FOR THAT
23 PURPOSE.

24 MR. WAPNER: THANK YOU.

25 MR. BARENS: NOW WE ARE ADMITTING THE HEARSAY ONLY TO
26 EXPLAIN WHAT THE WITNESS DOES?

27 THE COURT: YES.

28 MR. BARENS: THEN WHY DON'T WE LIMIT IT TO WHAT HE SAID?

1 THE COURT: YOU MAY PROCEED.

2 Q BY MR. WAPNER: WHAT WAS THE CONVERSATION THAT
3 YOU HAD AT THAT POINT?

4 A I TOLD DAVE AND TOM THAT JOE HAD JUST BEEN IN
5 CONTACT WITH ME AND WISHED FOR MY PRESENCE TO GO OUT WITH
6 THEM -- RATHER, WITH JOE AND A GROUP OF OTHERS.

7 DAVE AND TOM TOLD ME THAT THEY, AS WELL, WERE
8 CONTACTED WITH REGARDS TO JOINING JOE IN THE SAME TRIP.

9 Q DID THEY SAY THEY WERE GOING TO GO?

10 A YES, THEY DID.

11 Q AND AFTER TALKING TO THEM, DID YOU MAKE SOME
12 DECISION ABOUT WHAT YOU WERE GOING TO DO?

13 A YES, I DID.

14 Q WHAT WAS THAT DECISION?

15 A I DECIDED TO GO AS WELL.

16 Q WHY?

17 A I WAS FEARFUL FOR MY OWN LIFE AND I WENT.

18 Q ALL RIGHT. WHY WOULD FEAR FOR YOUR LIFE MAKE
19 YOU GO AS OPPOSED TO NOT GOING?

20 A WELL, AT THE TIME WE HAD CONTACTED THE
21 AUTHORITIES SO -- WHICH JOE DID NOT KNOW ABOUT AT THE TIME,
22 AND IN ORDER SO AS NOT TO GIVE OURSELVES AWAY OR JEOPARDIZE
23 OUR OWN LIVES, WE LEFT ON THAT TRIP.

24 Q AND HAD YOU BEEN TOLD BY MR. HUNT WHY IT WAS HE
25 WANTED YOU TO GO TO ARIZONA?

26 A JUST TO HELP, I RECALL.

27 Q HELP WITH WHAT?

28 A DR. BROWNING'S ATTRITION MILL, EITHER THE REMOVAL

1 OF IT, I BELIEVE.

2 Q AND DID YOU GO TO ARIZONA?

3 A YES, I DID.

4 Q WHOM DID YOU GO WITH?

5 A I FLEW OUT WITH THE ENTIRE GROUP OF INDIVIDUALS.

6 Q SO THAT WAS DAVID AND TOM MAY?

7 A CORRECT.

8 Q YOURSELF AND WHO ELSE?

9 A I BELIEVE JERRY EISENBERG, JOE HUNT, JIM GRAHAM,

10 AND I DON'T RECALL WHOM ELSE.

F

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q WHAT HAPPENED WHEN YOU GOT THERE?

2 A WHEN WE GOT THERE, WE RENTED A VEHICLE AND DROVE
3 OUT TO THE SITE IN WHICH THE MACHINE WAS THERE.

4 Q HOW LONG DID YOU STAY THERE?

5 A I WAS THERE FOR APPROXIMATELY HALF OF THE DAY.

6 Q AND WHAT DID YOU DO AFTER THAT?

7 A SINCE I WAS NOT NEEDED, WHAT I DID IS, THAT I
8 KNEW THAT THERE WAS AN EXTRA RENTAL VEHICLE AT OUR ACCESS.
9 DAVID AND TOM AND JERRY EISENBERG WAS PLANNING TO LEAVE EARLY
10 THAT AFTERNOON.

11 SINCE I HAD NOTICED I WAS NOT NEEDED, I DECIDED
12 JUST TO LEAVE, AS WELL, WITH THEM.

13 Q DID YOU LEAVE WITH DAVID MAY, TOM MAY AND JERRY
14 EISENBERG?

15 A YES, I DID.

16 Q WHERE DID YOU GO?

17 A WE DROVE BACK TO THE AIRPORT, RETURNED THE RENTAL
18 CAR AND RETURNED BACK TO LOS ANGELES.

19 Q DID YOU EVER GO BACK TO THE BBC OFFICES AFTER
20 THE JUNE 24TH MEETING?

21 A NO, I DID NOT.

22 Q DID YOU EVER GO TO CLEAN OUT YOUR DESK OR ANYTHING
23 LIKE THAT?

24 A NO, I DID NOT.

25 MR. WAPNER: THANK YOU. NOTHING FURTHER, YOUR HONOR.

26 THE COURT: ALL RIGHT. CROSS-EXAMINATION?

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

28 (PAUSE.)

CROSS-EXAMINATION

1
2 BY MR. BARENS:

3 Q LET'S INITIALLY GO THROUGH THE TESTIMONY
4 CHRONOLOGICALLY, AS YOU DID. THEN WE'LL GET INTO SOME OTHER
5 MATTERS.

6 YOU SAID THAT YOU HAD MET HUNT INITIALLY AT
7 HARVARD HIGH SCHOOL BUT YOU WEREN'T FRIENDS WITH HIM THERE?

8 A THAT'S CORRECT.

9 Q WHY WAS THAT?

10 A I JUST NEVER AFFILIATED WITH JOE.

11 Q HE WAS IN A DIFFERENT GROUP THAN YOU WERE IN
12 OR --

13 A CORRECT.

14 Q OKAY. YOU WERE MORE FRIENDS WITH THE MAYS THERE?

15 A THAT'S CORRECT.

16 Q DID YOU KNOW MR. KARNY THERE?

17 A I KNEW OF HIM.

18 Q YOU WEREN'T FRIENDS WITH HIM, EITHER?

19 A NO, I WAS NOT.

20 Q OKAY. WHEN YOU MET JOE AGAIN, I BELIEVE YOU
21 SAID THAT IT WAS IN OCTOBER OF 1983?

22 A CORRECT.

23 Q AND DID THE MAYS TELL YOU THAT BY THEN, THEY
24 HAD LOST A LOT OF MONEY, HE HAD LOST A LOT OF MONEY OF THEIRS?

25 A NO. HE DID NOT.

26 Q THE MAYS DIDN'T TELL YOU THAT?

27 A NO. THEY DID NOT.

28 Q WHAT DID THEY TELL YOU AS OF THEN HAD BEEN THEIR

1 FINANCIAL EXPERIENCE WITH MR. HUNT?

2 A IN OCTOBER OF '83?

3 Q UH-HUH.

4 A THAT AT THE TIME, THEY WERE INVESTING MONEY WITH
5 JOE.

6 Q AND DID THEY TELL YOU THEY WERE DOING WELL WITH
7 HIM?

8 A YES, THEY DID.

9 Q AND DID THEY EVER TELL YOU THAT THEY LOST MONEY
10 WITH MR. HUNT?

11 A ONLY AT A LATER DATE, THEY DID.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q A MUCH LATER DATE?

2 A CORRECT.

3 Q SO, YOU ARE NOT AWARE OF WHETHER THEY KNEW THAT
4 HE HAD LOST \$80,000 THEY HAD DISCUSSED WITH MR. HUNT BY THEN?

5 A NO. I WAS UNAWARE.

6 Q OKAY. NOW, YOU MENTIONED GOING INTO THIS
7 IMPORTING CARS, THIS WESTCARS BUSINESS. WAS THAT A PRETTY
8 HOT BUSINESS AT THE TIME IN 1983?

9 A YES. IT WAS.

10 Q IT WAS KIND OF JUST IN ITS INITIAL STATUS IN
11 THE UNITED STATES, WHERE THEY WERE BRINGING IN GRAY MARKET
12 CARS AND A LOT OF GUYS WERE DOING IT FOR THE FIRST TIME?

13 A CORRECT.

14 Q IT WAS A PRETTY EXCITING ATMOSPHERE SURROUNDING
15 THE BUSINESS?

16 A I WOULD SAY SO.

17 Q YOU WERE AWARE OF THAT, FROM EXPERIENCE THAT
18 YOU HAD?

19 A YES. THAT'S CORRECT.

20 Q HAD YOU DONE ANY IMPORTING OF CARS YOURSELF,
21 BEFORE YOU DISCUSSED IT WITH MR. HUNT?

22 A YES.

23 Q HOW MANY CARS HAD YOU BROUGHT IN?

24 A A FEW CARS.

25 Q AND DID YOU AGREE THAT THE 733I BMW'S WOULD
26 PROBABLY BE GOOD CARS TO MARKET?

27 A DID I AGREE?

28 Q YES. DID YOU THINK THAT IT WOULD BE SUCCESSFUL

1 WITH THOSE VEHICLES?

2 A AT THE TIME, I DON'T REALLY RECALL ANY DISCUSSIONS
3 WITH DEAN KARNY, SINCE HE DECIDED UPON WHICH VEHICLES WERE
4 TO BE PURCHASED.

5 Q KARNY PICKED THE VEHICLES?

6 A YES.

7 Q I SEE. WHEN THOSE VEHICLES CAME IN, DID YOU
8 EVER INSPECT THEM?

9 A MYSELF? NO.

10 Q DID YOU EVER SEE THEM?

11 A YES, I DID.

12 Q HOW DID THEY SEEM TO COME THROUGH THEIR TRANS-
13 PORTATION TO THE UNITED STATES? WERE THEY IN GOOD SHAPE?

14 A YES, THEY WERE.

15 Q DID THEY REMAIN IN GOOD SHAPE WHILE THEY WERE
16 BEING MODIFIED OR ATTEMPTED TO BE MODIFIED?

17 A AS FAR AS I AM AWARE, YES.

18 Q DID THEY EVER GET BANGED UP AT ALL?

19 A NOT THAT I RECALL.

20 Q OKAY. YOU MENTIONED I BELIEVE, THAT EVERYONE
21 COULD USE THE CARS FROM TIME TO TIME. WAS THAT A CORRECT
22 STATEMENT?

23 A THAT'S CORRECT.

24 Q THAT WOULD INCLUDE WHAT, SIX OR EIGHT OF THEM?

25 A YES.

26 Q NOW, YOU DIDN'T KEEP ANY LOG OF WHO USED WHICH
27 CARS WHEN, DID YOU?

28 A NO, WE DID NOT.

1 Q YOU DIND'T KEEP ANY MAINTENANCE RECORDS, DID
2 YOU, ON THE CARS?

3 A WE DID, TO SOME EXTENT.

4 Q WHAT SORT OF A RECORD DID YOU KEEP?

5 A THE RECORDS WHICH WE KEPT WERE THE TYPES OF PARTS
6 WE ADDED TO EACH VEHICLE, IN SPECIFIC.

7 Q I AM TALKING ABOUT MAINTENANCE IN TERMS OF,
8 DID ANYONE HAVE AN ASSIGNMENT TO INSPECT THE CARS AFTER THEY
9 WERE USED BY THE SIX OR EIGHT GUYS, TO SEE WHAT KIND OF SHAPE
10 THEY WERE BROUGHT BACK IN?

11 A NO.

12 Q SO THERE WAS NO POLICING METHOD TO SEE IF THE
13 CARS WERE AT ALL ABUSED OR BANGED UP OR DENTED OR WHATEVER,
14 BY THE PEOPLE THAT USED THEM?

15 A NO, THERE WAS NOT.

16 Q SO YOU WOULD HAVE NO WAY OF KNOWING, IF THERE
17 WAS ANY DENT OR CREAMING OF A CAR, WHO DID IT OR WHAT TIME
18 OR ANYTHING ELSE, WOULD YOU?

19 A NO.

20 Q NOW, YOU MENTIONED THAT JIM GRAHAM WAS SUPPOSED
21 TO ASSIST YOU AT LEAST INITIALLY AT WESTCARS?

22 A THAT'S CORRECT.

23 Q AND WASN'T HE ALSO IN THE SAME FACILITY YOU WERE
24 DOWN IN GARDENA WITH THE MICROGENESIS PEOPLE?

25 A YES, HE WAS.

26 Q SO HIS JOB SEEMED TO STRADDLE YOUR ACTIVITIES
27 AT WESTCARS AND THEIR ACTIVITIES AT MICROGENESIS, IS THAT
28 CORRECT?

1 A TO SOME DEGREE, YES.

2 Q WERE YOU PAYING ATTENTION TO WHAT THEY WERE DOING
3 OVER AT MICROGENESIS?

4 A SOMEWHAT.

5 Q WHAT DID THEY SEEM TO BE DOING AT THAT POINT
6 IN TIME?

7 A PARDON ME?

8 Q WHAT DID THEY SEEM TO BE DOING OVER AT MICROGENESIS
9 AT THAT PARTICULAR TIME?

10 A THEY WERE IN THE STAGES OF CONSTRUCTION OF THEIR
11 MILLING DEVICE.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

-1 1 Q DID THEY SEEM FAIRLY BUSY WITH THAT?

2 A YES.

3 Q AND DID GRAHAM SEEM BUSY WITH THOSE PEOPLE?

4 A IN WHICH STAGE, THE TIME IN WHICH I DID SEE HIM
5 THERE?

6 Q THE TIME WHEN YOU SUGGESTED THIS MORNING THAT
7 ALTHOUGH GRAHAM WAS OVER THERE WORKING WITH YOU, THERE WASN'T
8 REALLY MUCH TO DO.

9 ISN'T IT TRUE THAT WHILE THERE WASN'T MUCH TO
10 DO WITH YOU, HE WAS OVER THERE WORKING WITH THE MICROGENESIS
11 PEOPLE?

12 A I DON'T KNOW IF HE WAS WORKING BUT HE WAS OVER
13 THERE.

14 Q WHAT DID YOU THINK HE WAS DOING OVER THERE?
15 WHAT DID YOU SEE HIM DOING OVER THERE?

16 A WHEN I DID SEE HIM OVER THERE, I WOULD BE WALKING
17 BY OR PERHAPS I WOULD JUST SEE HIM OBSERVING, WATCHING WHAT
18 WAS GOING ON.

19 Q DID YOU EVER SEE HIM WORKING DURING ANY OF THIS
20 TIME?

21 A PERHAPS LENDING A HAND FROM TIME TO TIME.

22 Q NOW YOU SAID THAT GRAHAM SEEMED CLOSER WITH JOE;
23 WAS HE CLOSER WITH JOE THAN KARNY SEEMED TO BE WITH JOE?

24 A NO, HE WAS NOT.

25 Q WAS HE CLOSER WITH JOE THAN DOSTI SEEMED TO BE?

26 A I DON'T KNOW.

27 Q OKAY. HE JUST SEEMED CLOSER WITH JOE THAN PERHAPS
28 YOU WERE?

-2

1 A YES.

2 Q AS A MATTER OF FACT, YOU WEREN'T CLOSE WITH JOE
3 AT ALL, WERE YOU?

4 A NO, I WAS NOT.

5 Q OKAY. YOU WEREN'T SOCIALLY ACTIVE WITH HIM, WERE
6 YOU?

7 A NO, I WAS NOT.

8 Q AND YOU NEVER TOLD HIM YOU WERE A BELIEVER IN
9 THE PARADOX PHILOSOPHY, DID YOU?

10 A NO, I DID NOT.

11 Q AND YOU WEREN'T A CONFIDANT OF HIS, WERE YOU?

12 A NO, I WAS NOT.

13 Q YOU THOUGHT ALL OF THAT PARADOX PHILOSOPHY STUFF
14 WAS KIND OF STUPID, DIDN'T YOU?

15 A I DON'T KNOW IF I WOULD USE THAT WORD BUT --

16 Q GARBAGE?

17 A PERHAPS, YEAH.

18 Q YOU THOUGHT IT WAS GARBAGE, I THOUGHT WAS THE
19 WORD YOU WOULD USE.

20 A (WITNESS NODS HIS HEAD UP AND DOWN.)

21 Q IS THAT A YES, SIR?

22 A YES, IT IS, SIR.

23 Q OKAY. YOU TOLD ME YOU WEREN'T HUNT'S CONFIDANT.
24 YOU TOLD ME YOU DIDN'T BELIEVE IN THE PARADOX PHILOSOPHY,
25 YOU WEREN'T CLOSE WITH HIM, YOU DIDN'T SOCIALIZE WITH HIM.

26 DID YOU THINK IT WAS STRANGE YOU WERE AT THE
27 6-24 MEETING?

28 A YES, IT WAS.

3
1 Q YOU THOUGHT IT WAS STRANGE, DIDN'T YOU?
2 DID YOU THINK IT WAS STRANGE WHEN THIS GUY TOLD
3 YOU HE HAD COMPLETED THE PERFECT CRIME, THAT HE IS HERE
4 TELLING EVERYBODY IN THE WORLD, "I JUST COMMITTED THE PERFECT
5 CRIME"?

6 THE COURT: EVERYBODY IN THE WORLD?

7 JUST THE PEOPLE THERE, YOU MEAN? THEY CONSTITUTED
8 THE WORLD, DID THEY?

9 MR. BARENS: WELL, THE WHOLE UNIVERSE THAT WE KNOW OF
10 IN THIS CASE IS PRESENT AT THAT TIME EXCEPT FOR ONE OF THE
11 MAYS AND THAT UNIVERSE HAS COMMITTED THE PERFECT CRIME.

12 MR. WAPNER: OBJECTION AS ARGUMENTATIVE.

13 THE COURT: I WILL STRIKE EVERYTHING THAT YOU HAVE SAID.
14 IT IS NOT A QUESTION. IT IS A LITTLE SPEECH.

15 MR. BARENS: I WAS LEADING UP TO A QUESTION BEFORE I
16 WAS INTERRUPTED.

17 THE COURT: YES, BUT LET'S NOT MAKE ANY SPEECHES, WILL
18 YOU?

19 MR. BARENS: I WAS ACTUALLY LEADING UP TO MY QUESTION,
20 JUDGE.

21 THE COURT: GO AHEAD.

22 Q BY MR. BARENS: IN ANY EVENT, YOU WERE THERE WITH
23 HIM TELLING EVERYBODY HE HAD COMMITTED THIS PERFECT CRIME;
24 DID THAT SEEM A BIT PECULIAR TO YOU THAT WE ARE TELLING
25 EVERYBODY WE HAVE DONE THIS PERFECT CRIME?

26 MR. WAPNER: SAME OBJECTION THAT THE COURT MADE, WHICH
27 IS TO THE USE OF THE WORD "EVERYBODY," BASICALLY AS VAGUE
28 AND ALSO MISSTATING THE TESTIMONY.

-4

1 THE COURT: WILL YOU REPHRASE THE QUESTION, PLEASE?
2 MAKE IT UNRHETORICAL.

3 Q BY MR. BARENS: DID YOU THINK IT STRANGE -- WELL,
4 YOUR STATE OF MIND, SIR, DID YOU THINK IT INCONSISTENT THAT
5 HE WAS TELLING YOU HE COMMITTED THE PERFECT CRIME BUT WE ARE
6 DISSEMINATING THAT INFORMATION TO EVERYONE IN EARSHOT, BEING
7 EVERYONE IN THAT ROOM AND YOU WOULD PROBABLY TELL ME THE SAME
8 NAMES THAT WE WENT OVER?

9 A I THOUGHT I BELIEVED WHAT HE SAID IN THAT.

AF

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A

1 Q I DIDN'T ASK YOU IF YOU BELIEVED IT. I THINK
2 YOU SAID THAT.

3 DID YOU FIND IT, MIGHT WE SAY, PARADOXICAL THAT
4 HE IS TELLING US THAT HE HAS COMMITTED THE PERFECT CRIME
5 BUT WE ARE TELLING EVERYONE ABOUT IT; IT DIDN'T SEEM STRANGE
6 OR UNUSUAL TO YOU?

7 A IT DID SEEM STRANGE THAT HE DID SAY IT.

8 Q IN THE SETTING OF ALL OF THESE PEOPLE, INCLUDING
9 WHO HE IS NOT CLOSE WITH OR A CONFIDANT. DID THAT SEEM STRANGE
10 TO YOU?

11 A IT DID SEEM STRANGE.

12 Q WE WILL COME BACK TO THAT AS WE GO ALONG.
13 YOU MENTIONED LATER IN YOUR TESTIMONY -- EXCUSE
14 ME --

15 YOU MENTIONED THAT IN FEBRUARY OF 1984, YOU HAD
16 INVESTED \$3,000 IN COMMODITIES WITH MR. HUNT?

17 A THAT'S CORRECT.

18 Q ISN'T IT A FACT THAT YOU ACTUALLY WROTE A CHECK
19 OUT ON MARCH 5, 1984, AND NOT TO MR. HUNT BUT RATHER TO IMO?

20 A I DON'T REALLY RECALL.

21 Q OKAY. YOU DON'T REALLY RECALL?

22 I THOUGHT YOU SAID THIS MORNING THAT YOU WROTE
23 THE CHECK OUT TO MR. HUNT?

24 A I BELIEVED IT TO BE MR. HUNT AT THE TIME WHEN
25 I WROTE THE CHECK.

26 Q MIGHT IT HAVE BEEN TO IMO, SIR?

27 A WITHOUT LOOKING AT THE CHECK --

28 Q YOU ARE NOT SURE --

1 A -- I AM NOT CERTAIN.

2 Q NOW, YOU UNDERSTOOD THAT THAT WAS GOING INTO
3 A COMMODITIES INVESTMENT?

4 A YES.

5 Q DID YOU UNDERSTAND THAT WAS A SPECULATIVE INVEST-
6 MENT?

7 A YES.

8 Q AND DID YOU UNDERSTAND BY SPECULATIVE, IT MIGHT
9 INVOLVE SOME RISK? I THINK YOU SAID YOU COULD MAKE THREE
10 TIMES THE AMOUNT OF YOUR MONEY?

11 A YES.

12 Q DID ANYBODY EVER GUARANTEE YOU THAT IT IS A CAN'T-
13 MISS TYPE OF INVESTMENT?

14 A NOT IN WRITING, NO.

15 Q OKAY. YOU SAID THERE WERE A BUNCH OF PEOPLE,
16 I THINK THAT WAS YOUR EXPRESSION, OR SEVERAL GUYS THAT WERE
17 TALKING ABOUT DOING THIS; DID ANY OF THEM SAY TO YOU THAT
18 WERE DISCUSSING IT, "WE WILL UNDERWRITE YOUR INVESTMENT IN
19 THIS" OR "WE WILL GUARANTEE YOUR INVESTMENT IN THIS"?

20 A NO, THEY DID NOT.

21 Q DID MR. HUNT LOAN YOU \$2,500 TO MOVE INTO YOUR
22 APARTMENT?

23 A YES, HE DID.

24 Q AND WHEN WAS THAT?

25 A APPROXIMATELY, I BELIEVE, IN MARCH.

26 Q IT WAS ABOUT WITHIN A COUPLE OF WEEKS OF YOUR
27 INVESTMENT IN THIS \$3,000 MATTER?

28 A YES.

1 Q IT WAS A COUPLE OF WEEKS AFTER THAT, WASN'T IT?

2 A APPROXIMATELY.

3 Q OKAY. DID YOU EVER PAY THAT BACK?

4 A NO, I DID NOT.

5 Q WHEN YOU MADE THE \$3,000 INVESTMENT, WAS YOUR
6 INVESTMENT SOLICITED BY MR. HUNT; DID HE SAY TO YOU, "LISTEN,
7 I WANT YOU TO DO THIS, IT IS IMPORTANT, YOU NEED TO DO THIS
8 FOR ME"?

9 A IT WAS SOLICITED AMONGST THE OFFICE.

10 Q AMONGST THE OFFICE, WHO WOULD THOSE PEOPLE HAVE
11 BEEN?

12 A JOE HUNT, DEAN KARNY AND BEN DOSTI.

13 Q THEY WERE ALL SAYING THEY WERE DOING IT, IT WOULD
14 BE A GOOD IDEA FOR YOU TO DO IT?

15 A YES.

16 Q THAT TYPE OF THING?

17 A YES.

18 Q WE HAVE GOT A TIP, SO TO SPEAK?

19 A YES, THAT'S CORRECT.

20 Q LIKE A TIP, IT IS LIKE HEARING ABOUT A TIP IN
21 THE STOCK MARKET, "WE HEARD ABOUT A STOCK THAT IS GOING TO GO
22 UP AND WE ARE ALL GETTING INTO IT, WHY DON'T YOU, TOO"; WAS
23 IT THAT KIND OF A SETTING?

24 A YES, IT WAS.

25 Q OKAY. NOW THE NEXT THING YOU TESTIFIED ABOUT
26 WAS THAT IN THE SPRING YOU WENT SHOOTING, I BELIEVE YOU SAID
27 WITH MR. HUNT AND MR. GRAHAM UP IN SOLEDAD CANYON?

28 A YES.

-1

1 Q AND HAD YOU HEARD THAT OTHER GUYS FROM THE BBC
2 HAD GONE SHOOTING WITH MR. HUNT?

3 A YES I HAD.

4 Q WHO ELSE DID YOU HEAR WENT SHOOTING WITH HIM OUT
5 THERE?

6 A I HEARD THAT I BELIEVE IT WAS DAVE AND TOM MAY
7 AND JEFF RAYMOND HAD GONE SHOOTING WITH JOE.

8 Q THERE WAS NOTHING SECRETIVE ABOUT THAT TYPE OF
9 A SPORT, WAS THERE?

10 A NO THERE WAS NOT.

11 Q IT WAS KIND OF A COMMON KNOWLEDGE THAT HE DID
12 THAT TYPE OF THING?

13 A YES.

14 Q NOW, YOU WENT UP THERE AND GRAHAM DROVE?

15 A YES.

16 Q AND WHEN YOU WENT UP THERE, YOU TOOK SOME GUNS
17 WITH YOU?

18 A YES.

19 Q AND YOU TOOK WHAT WITH YOU, SIR?

20 A TWO GUNS OF MY OWN.

21 Q TWO PISTOL GUNS?

22 A YES.

23 Q WHAT DID MR. HUNT TAKE?

24 A A SHOTGUN.

25 Q HE DIDN'T TAKE A PISTOL?

26 A NOT THAT I RECALL, NO.

27 Q OKAY. SO YOU GOT TWO AND THEN HUNT HAS GOT A
28 SHOTGUN AND WHAT HAS GRAHAM GOT?

A-2

1 A HE DIDN'T HAVE A WEAPON WITH HIM.

2 Q DID IT SEEM STRANGE TO YOU THAT HE IS SHOWING
3 EVERYBODY ALL HIS GUNS AND TOYS AND THINGS, HOW COME HE DIDN'T
4 HAVE HIS GUN WITH HIM THAT DAY?

5 A I DON'T KNOW.

6 Q DID YOU ASK HIM?

7 A NO I DID NOT.

8 Q DID HE DO ANY SHOOTING WHILE YOU WERE UP THERE?

9 A YES HE DID.

10 Q WHAT DID HE SHOOT?

11 A HE SHOT ONE OF MY GUNS.

12 Q DID YOU GUYS LOOK LIKE THE FIRST HUMANS THAT HAD
13 EVER BEEN THERE? WERE THERE ANY CANS OR REFUSE OR ANYTHING
14 UP THERE?

15 A YES.

16 MR. WAPNER: NEVER MIND.

17 MR. BARENS: PARDON ME?

18 MR. WAPNER: I WAS GOING TO MAKE AN OBJECTION. HOW
19 DOES HE KNOW WHAT THE FIRST HUMANS UP THERE LOOKED LIKE AND
20 WHETHER HE LOOKED LIKE THEM?

21 Q BY MR. BARENS: DID YOU SEE ANY CAVE PEOPLE OR
22 INDIANS? DID YOU SEE ANY HUMAN-LOOKING EVIDENCE THAT HUMANS
23 HAD VISITED THAT SCENE?

24 THE COURT: YOU MEAN DEAD INDIANS?

25 MR. BARENS: NO, LIVE PEOPLE THAT DRINK BEER AND COKE,
26 YOUR HONOR.

27 THE COURT: DID YOU SEE ANYBODY ELSE? DID YOU SEE
28 ANYTHING THERE THAT WOULD LOOK LIKE PEOPLE HAD BEEN THERE?

A-3

1 THE WITNESS: YES I DID.

2 MR. BARENS: OKAY.

3 Q WHAT DID YOU SEE THAT SUGGESTED THAT TO YOU?

4 A I SAW BROKEN BOTTLES AND SHOT-UP TIN CANS AND
5 DEBRIS.

6 Q DEBRIS?

7 A YES.

8 Q DID IT LOOK LIKE AN AREA WHERE PEOPLE WENT AND
9 DID SPORT SHOOTING AT TIN CANS OR DEBRIS OR WHATEVER UP THERE?

10 A YES IT DID.

11 Q OKAY. AND THEN YOU DESCRIBED AFTER THAT, YOU
12 LEFT THE ROAD FOR A WHILE AND THEN CAME TO A WATERFALL?

13 A YES.

14 Q AND HOW LONG DID IT TAKE YOU TO GET FROM THE DIRT
15 ROAD TO THE WATERFALL?

16 A I DON'T REALLY RECALL THE EXACT TIME. I WOULD
17 SAY APPROXIMATELY 40 MINUTES OR SO, 45 MINUTES.

18

19

20

21

22

23

24

25

26

27

28

^ - 4

1 Q FORTY-FIVE MINUTES ONE WAY?

2 A YES.

3 Q THAT IS IN DAYLIGHT, IS IT NOT, SIR?

4 A YES IT WAS.

5 Q OKAY. THEN I AM GOING TO PRESUME FROM THAT, IT
6 TOOK YOU 45 MINUTES TO GO BACK THE OTHER WAY, SIR?

7 A YES, BUT --

8 Q AND --

9 THE COURT: WAIT A MINUTE. BUT WHAT?

10 THE WITNESS: BUT WE DIDN'T EXIT THE SAME WAY WE
11 ENTERED.

12 Q BY MR. BARENS: HOW DID YOU EXIT?

13 A FROM ANOTHER TRAIL WHICH JOE KNEW OF.

14 Q DID THAT TRAIL SOMEHOW GET YOU BACK TO WHERE YOU
15 STARTED?

16 A NO. IT LED TO ANOTHER DIRT ROAD.

17 Q WELL, HOW DID YOU GET BACK TO WHERE YOU STARTED?

18 A WE FOLLOWED THE DIRT ROAD DOWN TO WHERE WE
19 ORIGINATED FROM.

20 Q HOW LONG DID IT TAKE YOU ON THE RETURN LAP?

21 A APPROXIMATELY AN HOUR.

22 Q OKAY.

23 A IF NOT MORE.

24 Q SO IT TOOK YOU 45 MINUTES TO GO ONE WAY AND IT
25 TOOK YOU AN HOUR TO GET BACK THE OTHER WAY, CORRECT?

26 A CORRECT.

27 Q NOW, YOU MENTIONED IN EARLIER TESTIMONY, THAT
28 ON THE WAY THERE, IT WAS KIND OF A DIFFICULT TREK TO GET THERE?

^ - 5

1 A YES.

2 Q YOU DESCRIBED THAT AS YOUR HAVING TO GET DOWN
3 ON YOUR HANDS AND KNEES AT TIMES?

4 A CORRECT.

5 Q YOU HAD TO GET ON YOUR BACK AT TIMES?

6 A CORRECT.

7 Q YOU HAD TO DO SOME CRAWLING AT TIMES?

8 A YES, THAT'S CORRECT.

9 Q DO YOU THINK THAT YOU COULD HAVE DONE THAT, HAD
10 YOU BEEN CARRYING A 200-POUND OBJECT?

11 A I WOULDN'T BELIEVE SO.

12 Q OKAY. WHILE YOU WERE UP THERE, DID YOU DO ANY
13 SHOOTING?

14 A YES WE DID.

15 Q YOU SHOT TIN CANS AND THINGS OF THAT NATURE?

16 A CORRECT.

17 Q OKAY. NOW, YOU THEN MENTIONED THAT IN JANUARY
18 OF 1984, YOU SAW MR. GRAHAM WITH A GUN AT THE OFFICE?

19 A CORRECT.

20 Q AND HOW DID THAT HAPPEN?

21 A I WAS IN THE OFFICE AND I WAS WALKING THROUGH
22 THE OFFICE, PASSED OUR LEGAL ROOM, INTO THE CONFERENCE ROOM.

23 Q UH-HUH?

24 A AND WITHIN THE CONFERENCE ROOM, THERE WAS JIM
25 GRAHAM'S BRIEFCASE AND IT WAS OPEN.

26 AS I WAS WALKING BY, I NOTICED THAT THERE WAS
27 A PISTOL IN THE BRIEFCASE.

28 Q DID YOU WALK OVER AND LOOK IN THE BRIEFCASE?

^ - 6

1 A I DIDN'T WALK PHYSICALLY WITHIN A FOOT OF THE
2 BRIEFCASE, NO. BUT I WAS WITHIN A DISTANCE IN WHICH I COULD
3 NOTICE THAT THERE WAS A GUN IN THE BRIEFCASE.

4 Q PITTMAN DIDN'T SEEM TO BE HIDING THAT, DID HE?
5 HE LEFT IT OUT THERE IN PLAIN VIEW, SO TO SPEAK?

6 A YES.

7 Q AND THE FACT OF THE BRIEFCASE BEING OPENED WAS
8 IN PLAIN VIEW?

9 A YES.

10 Q WHAT ELSE WAS IN THE BRIEFCASE, THAT YOU COULD
11 SEE?

12 A THERE WERE OTHER PAPERS.

13 Q WHEN YOU WERE WALKING PAST, YOU WERE IN A HALL
14 OUTSIDE THE CONFERENCE ROOM?

15 A YES.

16 Q AND DID YOU GO INSIDE THE CONFERENCE ROOM TO MAKE
17 YOUR OBSERVATION?

18 A I PASSED THROUGH THE CONFERENCE ROOM AND MADE
19 MY OBSERVATION.

20 Q BEFORE YOU ENTERED THE CONFERENCE ROOM, COULD
21 YOU SEE THE OPEN BRIEFCASE?

22 A YES I DID.

23 Q AND THEN YOU WENT IN TO FURTHER EXAMINE IT?

24 A CORRECT.

25 Q AND WHEN YOU SAW IT, WHERE WAS MR. GRAHAM?

26 A I DON'T KNOW.

27 Q OKAY. HOW LONG DID YOU REMAIN IN THERE LOOKING
28 AT THIS STUFF?

1 A I DID NOT STOP TO SEE WHAT IT WAS. I JUST WALKED
2 THROUGH.

3 Q OKAY. SO IN ACTUALITY, YOU ARE MAKING YOUR
4 OBSERVATION AS YOU ARE WALKING BY, SIR. YOU DON'T BREAK STRIDE
5 AND STOP AND EXAMINE ANYTHING? IT IS AS THOUGH I AM WALKING
6 BY LOOKING AT THAT PAD, AS I AM DOING NOW? WAS THAT ABOUT
7 IT?

8 A THAT'S CORRECT.

9 Q OKAY. AFTER YOU SAW THAT, DID YOU MENTION IT
10 TO ANYONE?

11 A NOT THAT I RECALL.

12 Q OKAY. DID YOU SEE WHAT CALIBER GUN IT WAS?

13 A NO I DID NOT.

14 Q OKAY. SO, WERE YOU SURPRISED AT THAT AT ALL?

15 A SOMEWHAT, YES.

16 Q DID YOU EVER SAY TO MR. GRAHAM, "BY THE WAY, I
17 SAW YOUR GUN IN THE CONFERENCE ROOM TODAY"?

18 A I DON'T RECALL IF I DID OR NOT.

19 Q YOU NEVER MENTIONED IT TO ANYONE?

20 A YES I HAVE, LATER.

21 Q I AM TALKING ABOUT SAY, WITHIN 30 DAYS OF THE
22 OBSERVATION THAT YOU ALLEGED?

23 A NOT THAT I RECALL.

24 Q OKAY. DID YOU EVER BY THE WAY, BRING ANY OF YOUR
25 GUNS TO THE OFFICE?

26 A YES I DID.

27 Q WHEN DID YOU BRING YOUR GUNS TO THE OFFICE?

28 A ON TWO OCCASIONS ONLY.

1 Q OKAY. DID YOU ATTEMPT TO HIDE YOUR GUNS AT THE
2 OFFICE?

3 A NO I DID NOT.

4 Q YOU BROUGHT YOUR GUNS TO THE OFFICE BECAUSE YOU
5 WERE GOING TO GO HAVE A SHOOTING ACTIVITY, SIR?

6 A THAT'S CORRECT.

7 Q AND WHAT TWO OCCASIONS WERE THEY?

8 A THE EXACT DATES, I DON'T RECALL.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

F

1 Q ON THE DAYS YOU BROUGHT YOUR GUNS TO THE OFFICE,
2 DIDN'T THE OTHER BOYS BRING THEIR GUNS TO THE OFFICE
3 OCCASIONALLY?

4 A YES.

5 Q WHO ELSE BROUGHT GUNS TO THE OFFICE?

6 A I BELIEVE EVAN DICKER BROUGHT HIS GUN.

7 Q WHERE DID HE KEEP HIS GUN?

8 A I BELIEVE HE HAD HIS IN A POUCH.

9 THE COURT REPORTER: IN A WHAT?

10 THE WITNESS: IN A POUCH.

11 Q BY MR. BARENS: WHERE WAS THE POUCH WITH THE
12 GUN?

13 A I BELIEVE IT WAS ON HIS DESK.

14 Q WHO ELSE BROUGHT GUNS UP THERE BESIDES YOURSELF
15 AND DICKER?

16 A I BELIEVE WE WERE THE ONLY ONES.

17 Q DID THE MAYS EVER BRING GUNS UP THERE?

18 A NO, THEY DID NOT.

19 Q NOW, DID YOU FELLOWS EVER HAVE ANY INSTRUCTIONS
20 ABOUT TAKING PRECAUTIONS ABOUT ALL OF THESE GUNS THAT ARE
21 COMING INTO THE OFFICE AS FAR AS HOW YOU KEPT THEM THERE
22 OR WHERE YOU SHOULD KEEP THEM, DID YOU EVER DISCUSS THAT
23 TYPE OF THING?

24 A NO.

25 Q NO GUN SAFETY DISCUSSION?

26 A NO.

27 Q OKAY. NOW, DID HUNT EVER TELL YOU GENTLEMEN
28 THAT YOU SHOULD KEEP THE GUNS IN HIS OFFICE?

1 A NOT THAT I RECALL, NO.

2 Q YOU NEVER HAD ANY DISCUSSIONS ABOUT NOT LEAVING
3 GUNS ALL OVER THE OFFICE?

4 A MINE WERE CONCEALED IN A BRIEFCASE BUT I DON'T
5 RECALL ANY DISCUSSION, NO.

6 Q OKAY. YOU LATER MENTIONED THAT, LET'S SEE, IN
7 APRIL YOU SEE THIS FELLOW NICK IS UP AT THE OFFICE?

8 A CORRECT.

9 Q YOU KNEW NICK BEFORE THAT, DIDN'T YOU?

10 A CORRECT.

11 Q IN FACT, YOU HAD BEEN TO NICK'S HOUSE ON THREE
12 OCCASIONS, HAD YOU NOT?

13 A NO, THAT IS NOT CORRECT.

14 Q HAD YOU EVER BEEN TO NICK'S HOUSE?

15 A YES, I WAS.

16 Q ON HOW MANY OCCASIONS WERE YOU AT NICK'S HOUSE?

17 A ON ONE OCCASION.

18 Q WHY WERE YOU THERE?

19 A I WENT WITH JIM ONE TIME.

20 Q WHY DID YOU GO THERE?

21 A THE REASON I WENT IS JIM WANTED COMPANIONSHIP,
22 JUST TO GO OVER TO HIS HOUSE.

23 Q DID YOU EVER DISCUSS WITH NICK THE PURCHASE OF
24 A SILENCER?

25 A NO.

26 Q NOT AT ANY TIME?

27 A NOT AT ANY TIME.

28 Q DID YOU EVER BUY ANYTHING FROM NICK?

1 A I NEVER PURCHASED.

2 Q DID HE EVER ARRANGE ANY PURCHASES FOR YOU OF
3 ANYTHING, SIR?

4 A NOT FOR ANYTHING.

5 Q OKAY. AND YOU SAY YOU WENT TO NICK'S HOUSE WITH
6 JIM, AND WHAT DID YOU DO THERE?

7 A I SAT IN -- AS WE ENTERED NICK'S APARTMENT, IT
8 WAS AT HIS APARTMENT, HE HAD ONE ROOM IN WHICH WAS A DEN
9 IN WHICH HE CONDUCTED HIS BUSINESS AND HIM AND JOE SPOKE
10 AND I WAITED IN THE ADJACENT ROOM.

11 Q DID YOU ASK JIM WHAT THAT WAS ALL ABOUT?

12 A THE MOST I RECALL IS THAT HE WAS A PRIVATE
13 INVESTIGATOR AND THAT IS --

14 Q IS THAT WHAT JIM TOLD YOU?

15 A CORRECT.

16 Q DID JIM EVER TELL YOU HE WAS A PRIVATE INVESTIGATOR?

17 A I DON'T RECALL.

18 Q DID ANYBODY EVER TELL YOU THAT THAT IS WHAT JIM
19 DID FOR A LIVING OR HAD DONE IN FACT FOR A LIVING?

20 A SOMEONE HAD TOLD ME.

21 Q YOU DON'T RECALL WHO?

22 A NO, I DON'T.

23 Q NOW YOU MENTIONED THAT ON THE OCCASION IN, YOU
24 THINK IT WAS APRIL, HOW DO YOU FIX THAT DATE?

25 A IN WHICH I -- CAN YOU REPEAT THE QUESTION?

26 Q SURE.

27 HOW DO YOU FIX THE DATE AS BEING APRIL WHEN YOU
28 SEE JIM AND NICK IN THE OFFICE?

1 A PROBABLY FROM WHAT WAS GOING ON AT THE TIME DOWN
2 IN GARDENA AND THE ENTIRE ACTION -- RATHER, THE ACTIVITY
3 THAT WAS GOING ON.

4 Q HAD YOU EVER SEEN NICK IN THE OFFICE BEFORE?

5 A PRIOR TO APRIL?

6 Q YES.

7 A I BELIEVE ONCE BEFORE OR TWICE BEFORE.

8 Q NOW, HAD YOU EVER SAID ON PRIOR TESTIMONY THAT
9 THE EVENT YOU WITNESSED ABOUT THE THUDS WAS IN MARCH?

10 A I AM SORRY?

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q DID YOU EVER TESTIFY PREVIOUSLY THAT THE THUDS
2 WERE IN MARCH AT THE TIME YOU HEARD THE TWO THUDS?

3 A I DON'T RECALL, PERHAPS.

4 Q WE WILL TRY AND FIND THAT PERHAPS AND COME BACK
5 TO IT --

6 IT STARTS OUT ON PAGE 1487:

7 "Q WERE YOU IN THE BBC OFFICES ON THIRD
8 STREET AROUND MARCH OR APRIL OF 1984" --

9 MR. WAPNER: EXCUSE ME, COUNSEL. COULD YOU GIVE ME
10 THE LINE NUMBER?

11 MR. BARENS: I AM SORRY. AT THE TOP OF THE PAGE
12 ACTUALLY WITH LINE 1. WE ARE INTO LINE 2 NOW.

13 MR. WAPNER: THANK YOU.

14 Q BY MR. BARENS: (READING:)

15 --"MARCH OR APRIL OF 1984 AN OCCASION
16 WHERE YOU SAW THE DEFENDANT AND A PERSON NAMED
17 NICK FROM SOME DETECTIVE AGENCY?

18 "A YES, I WAS.

19 "Q APPROXIMATELY WHEN WAS THAT IF YOU
20 REMEMBER?

21 "A I DON'T REMEMBER THE EXACT DATE.
22 AROUND MARCH, I WOULD SAY."

23 DO YOU RECALL THAT TESTIMONY?

24 A I RECALL IT, YEAH.

25 Q AND WAS YOUR MEMORY BETTER THEN?

26 A YES, IT WAS.

27 Q IT WAS BETTER THEN THAN NOW?

28 SO IN ANY EVENT, ASSUMING THAT WAS A BETTER

1 RECOLLECTION, THIS EVENT IN MARCH WE ARE NOW TALKING ABOUT,
2 YOU SAY THAT YOU SAW HIM COME IN THE OFFICE, NICK WITH JOE --
3 I MEAN WITH JIM?

4 A YES.

5 Q YOU DIDN'T SEE JOE THERE AT THAT TIME?

6 A NO, I DID NOT.

7 Q HOW DID THEY COME INTO THE OFFICE?

8 A THEY ENTERED THROUGH OUR BACK ENTRANCE.

9 Q THROUGH THE BACK ENTRANCE?

10 A YES.

11 MR. BARENS: ALL RIGHT, I AM GOING TO NEED THIS DIAGRAM,
12 JUDGE, IN ORDER TO WORK THROUGH THIS.

13 THE COURT: GO AHEAD.

14 MR. BARENS: I HAVE A DIAGRAM HERE THAT I AM GOING
15 TO PUT UP HERE SO WE CAN ALL TRY TO FOLLOW YOU, IF YOU WOULD.

16 MR. WAPNER: MAY THAT BE MARKED AS DEFENDANT'S NEXT
17 IN ORDER?

18 MR. BARENS: YES. WHERE AM I, FOLKS?

19 THE COURT: YOU ARE X, -- Y, RATHER AND NOW WE WILL
20 HAVE Z, I THINK.

21 THE CLERK: YES.

22 MR. BARENS: Z, ALL RIGHT. THIS IS DEFENDANT'S Z.

23 IN ANY EVENT, PRIMITIVE THOUGH IT IS, HERE WE
24 HAVE Z.

25 IF THIS ISN'T CORRECT, WE CAN CORRECT THIS
26 TOGETHER, OKAY?

27 WE HAVE THE FRONT DOOR HERE. WE HAVE AN OFFICE
28 HERE THAT SAYS "FRANK" AND WE HAVE AN OFFICE THAT SAYS

1 "LAW OFFICES."

2 THE COURT: I DON'T THINK THEY CAN SEE IT BACK THERE.
3 WHY DON'T YOU PULL IT OVER A LITTLE?

4 MR. BARENS: HE CAN'T SEE IT, JUDGE.

5 THE COURT: HE CAN GET OFF THE STAND.

6 MR. BARENS: ALL RIGHT.

7 THE COURT: PULL IT AROUND SO THE JURORS CAN SEE IT.

8 MR. BARENS: OKAY.

9 THE COURT: THAT WILL BE BETTER.

10 MR. BARENS: CAN YOU SEE THAT, LADIES AND GENTLEMEN?

11 THE COURT: YOU HAVE A POINTER THERE, HAVEN'T YOU?

12 MR. BARENS: I BEG YOUR PARDON?

13 THE COURT: YOU CAN USE THE POINTER.

14 MR. BARENS: I DGN'T SEE THE POINTER ACTUALLY, JUDGE.

15 THE COURT: WHAT DID YOU DO WITH THE POINTER IN THIS
16 COURTROOM?

17 MR. BARENS: COULD YOU HAND ME THE POINTER?
18
19
20
21
22
23
24
25
26
27
28

1 Q BY MR. BARENS: IN ANY EVENT, HERE WE HAVE THE
2 FRONT DOOR, ASSUMING THAT THERE IS AN ELEVATOR HERE AND ONE
3 CAN WALK DOWN THERE TO THE MAIN ENTRANCE TO THE OFFICE?

4 A CORRECT.

5 Q THIS WOULD BE THE FRONT DOOR AND OVER HERE, THE
6 LAW OFFICES WHICH IS WHERE YOU WORKED WITH MR. EISENBERG?

7 A NO. I DIDN'T WORK IN THAT OFFICE.

8 Q THIS IS WHERE YOU HAPPENED TO BE?

9 A THAT'S CORRECT.

10 Q YOU WERE IN THERE ON THIS OCCASION?

11 A CORRECT.

12 Q AND NOW, TO GET FROM THERE TO MR. HUNT'S OFFICE,
13 WE HAVE GONE DOWN THIS CORRIDOR THROUGH THE CONFERENCE ROOM.
14 YOU GO THROUGH THIS DOOR. HERE IS LORIE LEIS' DESK, HERE?

15 A THAT'S CORRECT.

16 Q WE THEN WALK THROUGH THIS DOOR INTO MR. HUNT'S
17 OFFICE?

18 A CORRECT.

19 Q OKAY. AND THAT IS OUR PATH OF TRAVEL DOWN THIS
20 WAY. AND THEN THERE IS A BACK DOOR HERE?

21 A THAT'S CORRECT.

22 Q THIS BACK DOOR WOULD GIVE ME DIRECT ACCESS IF
23 I WISHED, FROM THE BACK DOOR STRAIGHT TO HUNT'S OFFICE?

24 A CORRECT.

25 Q OKAY. THUS, CONCEPTUALLY IF I AM USING THE BACK
26 DOOR, I COULD ENTER THE BACK DOOR AND ENTER HUNT'S OFFICE,
27 WITHOUT EVER SEEING ANYONE IN THIS AREA OF THE OFFICE OR THE
28 CONFERENCE ROOM?

1 A THAT'S CORRECT.

2 Q NOW, ON THIS OCCASION, WHERE DID YOU OBSERVE NICK
3 AND JIM TO ENTER THE OFFICE?

4 A MAY I USE THE POINTER?

5 Q PLEASE.

6 A THANK YOU. I WAS RIGHT IN THIS SURROUNDING AREA,
7 HERE. THERE IS A DESK WHICH JERRY EISENBERG SAT AT.

8 I WAS TALKING WITH HIM AND JIM AND NICK ENTERED
9 THIS DOOR, HERE.

10 Q THE FRONT DOOR, SIR?

11 A THE FRONT DOOR, YES. AND THEN PROCEEDED DOWN
12 PAST THE FILE CABINETS.

13 MR. WAPNER: YOUR HONOR, JUST FOR THE RECORD, WHEN HE
14 SAID, "I WAS IN THIS AREA, HERE," THE RECORD SHOULD REFLECT
15 THAT HE HAS POINTED TO THE UPPER LEFT-HAND CORNER OF THAT
16 RECTANGLE LABELED "LAW OFFICES."

17 THE COURT: YES.

18 Q BY MR. BARENS: AND IN ANY EVENT, HOW FAR DID
19 YOU FOLLOW THEM AS THEY STARTED FROM THE FRONT DOOR TO THE
20 CONFERENCE ROOM AREA?

21 A WHAT I DID, I PROCEEDED FROM WHERE I WAS STANDING
22 HERE AND EXITED THIS DOOR, HERE.

23 Q UH-HUH.

24 A THE REAR DOOR OF THE LAW OFFICES AND BEGAN TO
25 ENTER THE CONFERENCE ROOM AND THAT IS WHERE I BELIEVE I
26 STOPPED, ABOUT RIGHT IN HERE.

27 Q WERE YOU CHATTING WITH THEM AS YOU WALKED FROM
28 THE DOOR OF THE LAW OFFICE TOWARD THE CONFERENCE ROOM?

A-3

1 A NOT THAT I RECALL.

2 Q DO YOU KNOW WHY YOU WERE FOLLOWING THEM AT THAT
3 PARTICULAR TIME?

4 A JUST TO SEE WHERE THEY WERE GOING.

5 Q CURIOSITY? OKAY. SO YOU COULDN'T TELL AT THAT
6 PARTICULAR TIME, WHICH OFFICES THEY WENT INTO, COULD YOU?

7 A WELL, I WAS CLOSE ENOUGH TO THE DOOR IN WHICH
8 I SAW THEM BOTH ENTER JOE'S OFFICE.

9 Q SO, YOU COULD ACTUALLY -- YOU ARE TELLING ME THAT
10 FROM THIS VANTAGE POINT, YOU CAN SEE THIS VANTAGE POINT?

11 A YES.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

F

P-1

1 MR. WAPNER: FROM THE DOOR TO THE --

2 MR. BARENS: CONFERENCE ROOM, TO THE DOOR OF HUNT'S
3 OFFICE.

4 THE COURT: YES.

5 MR. WAPNER: THANK YOU.

6 MR. BARENS: ACTUALLY, THERE ARE TWO DOORS. WE'LL CALL
7 THIS DOOR CLOSER THE BACK DOOR.

8 Q IS THAT CORRECT?

9 A THAT'S CORRECT.

10 Q NOW, DID YOU LATER SEE THEM LEAVE?

11 A I LATER SAW FROM WHAT I RECALL, JIM LEAVE AND
12 ALSO NICK, I BELIEVE.

13 Q AND WHO LEFT FIRST?

14 A I BELIEVE NICK LEFT FIRST.

15 Q AND WHERE DID HE LEAVE?

16 A FROM WHAT I RECALL, HE LEFT FROM WHAT WE ARE CALLING
17 THE FRONT DOOR.

18 Q HOW DID YOU HAPPEN TO SEE THAT?

19 A I WAS AGAIN, IN THE LAW OFFICES.

20 Q AND JUST HAPPENED TO SEE HIM GO OUT?

21 A YES.

22 Q AND WHAT DID HE HAVE WITH HIM WHEN HE LEFT?

23 A HE HAD A BLACK BAG.

24 Q A BLACK BAG?

25 A A BLACK BAG, SMALL, FOOTLOCKER TYPE BAG.

26 Q DID HE HAVE THAT WHEN HE CAME IN?

27 A YES HE DID.

28 Q OKAY. AND HE LEFT BY HIMSELF?

R-2

1 A YES HE DID.

2 Q OKAY. AND THEN WHEN DID MR. PITTMAN LEAVE?

3 A APPROXIMATELY FIVE MINUTES AFTERWARDS.

4 Q AND HOW DID HE LEAVE?

5 A AT THAT PARTICULAR TIME, I WALKED INTO DAVE AND
6 TOM'S OFFICE AND IN DOING SO, I SAW HIM EXIT THIS BACK DOOR,
7 HERE.

8 Q OKAY. SO YOU WOULD HAVE HAD TO HAVE COME BACK
9 HERE TO WHERE IT SAYS "TOM AND DAVID" AND YOU ARE STANDING
10 HERE. WHAT ARE YOU DOING OVER THERE, BY CHANCE?

11 A I DON'T RECALL.

12 Q OKAY. AND FROM THIS AREA HERE, YOU SAW GRAHAM
13 LEAVE THROUGH THE BACK DOOR?

14 A YES. BUT PRIOR TO THAT, I WAS -- AFTER I HEARD
15 THE THUDS, I WALKED OVER THROUGH THIS CORRIDOR HERE, THROUGH
16 THE CONFERENCE ROOM AND THROUGH THIS DOOR, PAST LORE LEIS
17 AND OVER BY TOM AND DAVE.

18 AT THAT TIME, NICK HAD ALREADY LEFT AND JIM WAS
19 EXITING THE OFFICE.

20 Q OKAY. ABOUT WHAT TIME WAS THAT?

21 A IT WOULD BE AFTERNOON SOMETIME.

22 Q OKAY. DID LORE HEAR THE THUDS?

23 MR. WAPNER: OBJECTION, CALLING FOR SPECULATION ON THE
24 PART OF THE WITNESS.

25 THE COURT: HOW WOULD HE KNOW? HE WOULDN'T KNOW.

26 MR. BARENS: I WILL ASK HIM IF HE KNOWS.

27 THE COURT: HOW COULD HE TELL THAT?

28 MR. BARENS: I WILL ASK HIM.

1 Q DID SHE EVER SAY SHE HEARD HIM?

2 MR. WAPNER: OBJECTION, SPECULATION.

3 THE COURT: DID SHE EVER TELL YOU THAT SHE HEARD THUDS?

4 THE WITNESS: NO.

5 THE COURT: ALL RIGHT.

6 Q BY MR. BARENS: DID ANYBODY ELSE TELL YOU THAT

7 THEY HEARD THUDS?

8 A YES.

9 Q WHO ELSE TOLD YOU THEY HEARD THE THUDS?

10 A JERRY EISENBERG.

11 Q HE WAS OVER HERE WITH YOU?

12 A THAT'S CORRECT.

13 Q WHO ELSE?

14 A HE WAS THE ONLY OTHER INDIVIDUAL.

15 MR. BARENS: OKAY. ALL RIGHT. I WILL GET MY NOTES

16 AND THEN WE CAN SIT DOWN AND GET BACK TO THIS DRAWING.

17 (PAUSE.)

18

19

20

21

22

23

24

25

26

27

28

F

1 Q OKAY, YOU SAID AT A POINT IN TIME YOU SAW AN
2 AUTOMATIC PISTOL IN MR. HUNT'S DESK?

3 A YES.

4 Q AND WHEN WAS THAT RELATIVE TO THIS EVENT?

5 A THAT WAS THE SAME DAY.

6 Q THE SAME DAY YOU SAW A PISTOL IN MR. HUNT'S DESK,
7 AND HOW DID YOU HAPPEN TO SEE THAT?

8 A THE TOP DRAWER TO JOE'S DESK WAS OPEN.

9 Q AND HOW DID YOU HAPPEN TO BE IN HUNT'S OFFICE?

10 A I WALKED IN AFTER NICK HAD LEFT AND JIM -- I
11 KNEW JIM WAS STILL IN THERE. HE RETURNED ALREADY FROM LEAVING
12 THE OFFICE. AND I WALKED IN THERE TO ASK HIM WHAT HAD
13 HAPPENED, WHAT WAS GOING ON.

14 Q WHO WAS IN THERE FIRST, YOU OR MR. GRAHAM?

15 A MR. GRAHAM WAS ALREADY IN THE OFFICE.

16 Q WHERE WAS MR. GRAHAM?

17 A HE WAS TO THE -- RATHER, BEHIND THE DESK.

18 Q AND YOU WALKED IN AND DID YOU GLANCE DOWN AND
19 SEE THIS GUN THEN?

20 A YES, I DID.

21 Q AND DID YOU WALK OVER TO THAT SIDE OF THE DESK
22 TO LOOK AT IT?

23 A NO, I DID NOT.

24 Q YOU LOOKED AT IT FROM ACROSS THE DESK?

25 A YES.

26 Q SO IN OTHER WORDS, IF I AM ON THE SAME SIDE
27 OF THE DESK YOU ARE ON AND I AM LOOKING OVER THERE ON THE
28 OTHER SIDE AND THERE IS A DRAWER PULLED OPEN, THAT IS HOW

1 YOU ARE LOOKING AT IT, CORRECT, SIR?

2 A CORRECT.

3 Q SO I AM LOOKING OVER LIKE THAT?

4 AND WAS THE GUN UPSIDE DOWN OR RIGHT SIDE UP
5 FROM YOUR VANTAGE POINT, SIR?

6 MR. WAPNER: OBJECTION. VAGUE.

7 THE COURT: DO YOU UNDERSTAND THE QUESTION?

8 Q BY MR. BARENS: WELL, WAS THE GUN, THE BUTT OF
9 THE HANDLE OF THE GUN FACING TOWARD YOU OR AWAY FROM YOU, SIR?

10 A I DON'T RECALL.

11 Q OKAY. DO YOU KNOW WHAT CALIBER GUN THAT WAS?

12 A IT APPEARED TO BE EITHER A .32 OR .38 AUTOMATIC.

13 Q YOU TESTIFIED EARLIER TODAY THAT THAT WAS THE
14 SAME GUN THAT YOU HAD SEEN IN PITTMAN'S BRIEFCASE EARLIER --

15 A YES.

16 Q -- SIR?

17 A YES.

18 Q HOW DO YOU KNOW THAT?

19 A FROM WHAT OBSERVATION I HAVE MADE JUST IN PASSING.

20 Q DO YOU KNOW IT AS A FACT?

21 A NO, I DO NOT.

22 Q YOU ARE TELLING ME THAT YOU HAVE NOW COME TO
23 A CONCLUSION THAT SINCE A GUN THAT YOU GLANCED AT AS YOU
24 WERE WALKING BY IT IN THE CONFERENCE ROOM, YOU BELIEVED LOOKED
25 LIKE A GUN YOU GLANCED AT ACROSS A DESK FROM YOU IN A TOP
26 DRAWER, FROM THOSE TWO GLIMPSE OBSERVATIONS, YOU BELIEVE
27 IT WAS THE SAME GUN; IS THAT TRUE, SIR?

28 A YES.

1 Q BUT THAT IS ABOUT THE ONLY SUPPORT YOU HAVE GOT
2 FOR IT ARE TWO GLANCES, SIR?

3 A YES.

4 Q OKAY, THUS YOU CANNOT TELL ME WITH ANY ABSOLUTE
5 SENSE OF CERTAINTY THAT THEY WERE THE SAME GUN?

6 A NO, I CANNOT.

7 Q NOW YOU TOLD US EARLIER THAT THE GUN YOU SAW
8 IN THE DRAWER IN HUNT'S OFFICE HAD BEEN TAPPED; IS THAT
9 CORRECT?

10 A YES.

11 Q YOU ARE TELLING ME THAT THAT IS THE SAME GUN
12 THAT YOU SAW THAT GRAHAM HAD EARLIER THAT HAD NOT BEEN TAPPED?

13 A CORRECT.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q HOW DO YOU KNOW THAT?

2 A I BELIEVE THERE WAS AN OCCASION IN WHICH, I DON'T
3 RECALL WHEN, THAT I DID SEE MR. GRAHAM'S GUN.

4 Q WHICH GUN?

5 A A GUN.

6 Q A GUN?

7 NOW, WHEN DID YOU SEE A GUN?

8 A I DON'T RECALL AT WHAT INSTANCE I DID SEE IT.

9 Q WELL, MR. TAGLIANETTI, YOU ARE SURE THAT YOU
10 SAW A GUN THAT HAD BEEN TAPPED ON AN OCCASION IN HUNT'S OFFICE?

11 A CORRECT.

12 Q NOW EARLIER ON, YOU HAD SEEN A GUN THAT WASN'T
13 TAPPED IN A BRIEFCASE?

14 A CORRECT.

15 Q WHEN YOU LOOKED IN HUNT'S DESK ON THIS OCCASION,
16 HOW LONG DID YOU STARE AT THE GUN --

17 DID YOU STARE AT ALL AT THE GUN?

18 A YES, I DID.

19 Q WHAT ELSE DID YOU SEE?

20 A IN THE DRAWER -- IN THE DESK SPECIFICALLY?

21 Q YES.

22 A I SAW THERE WAS PAPERS AMONG THE DESK AND THAT
23 THERE WAS A SILENCER ATTACHED TO THE GUN.

24 Q IT WAS ACTUALLY ATTACHED, AFFIXED TO THE GUN?

25 A YES, IT WAS AFFIXED TO THE GUN.

26 Q JUST A MOMENT.

27 (UNREPORTED COLLOQUY BETWEEN MR. BARENS,
28 MR. CHIER AND THE DEFENDANT.)

1 Q NOW, DID YOU KNOW IT WAS A SILENCER?

2 A I PRESUMED IT WAS A SILENCER.

3 Q PRESUMED IT WAS A SILENCER?

4 SIR, HOW MANY TIMES PRIOR TO THIS HAD YOU SEEN
5 A SILENCER?

6 A NEVER BEFORE.

7 Q IN YOUR WHOLE LIFE?

8 A NEVER BEFORE IN MY WHOLE LIFE.

9 Q YOUR WHOLE LIFE, YOU HAD NEVER SEEN A SILENCER?
10 THE COURT: YOU HAVE STATED IT THREE TIMES. HE SAID IT
11 ONCE.

12 MR. BARENS: WELL, I WANTED TO MAKE SURE WE ALL ARE
13 SAYING IT. IT IS A BIG POINT, I GUESS, EH?

14 Q WELL, YOU SAW SOMETHING YOU BELIEVED TO BE A
15 SILENCER.

16 DID ANYBODY SAY TO YOU "THIS IS A SILENCER"?

17 A NO, THEY DID NOT.

18 Q NOW, YOU HAD PREVIOUSLY SEEN A BARREL THAT HAD
19 BEEN TAPPED, HAD YOU NOT, SIR?

20 A NO, I NEVER DID.

21 Q IN YOUR WHOLE LIFE, YOU HAD NEVER SEEN A TAPPED
22 BARREL?

23 A NO, I HAVE NOT.

24 Q HOW DID YOU KNOW WHAT A TAPPED BARREL WAS?

25 A FROM -- ONE, FROM PHOTOGRAPHS I HAVE SEEN, PICTURES
26 OF TAPPED BARRELS, AS WELL AS KNOWING BASIC AUTO REPAIR,
27 I KNOW WHAT TAPPING DOES TO STRAIGHT METAL AND FROM MY
28 OBSERVATIONS FROM TAPPING OF STRAIGHT METAL, THAT ANALOGY

1 CAN BE USED IN THE TAPPING OF A BARREL.

2 Q WHEN WE TAP STRAIGHT METAL, SIR, WHAT DO WE DO
3 WITH THOSE SURFACES? DO WE DO IT FOR EXTENSION DEVICES?

4 A I DON'T KNOW WHAT THE EXACT APPLICATIONS WOULD
5 BE.

6 Q WELL, IF I TAP A PIPE, SIR, AND I AM A PLUMBER,
7 DON'T I USUALLY PUT ANOTHER PIPE ON IT THAT MAKES IT LONGER
8 IN LENGTH?

9 A PERHAPS YOU COULD, SURE.

10 Q DO YOU KNOW OF ANY OTHER USES IT WOULD HAVE EXCEPT
11 FOR LENGTHENING FOR TAPPING METAL?

12 A PERHAPS PLUGGING THE DEVICE UP, THE BARREL UP
13 WITH A TYPE OF PLUG, A THREADED PLUG.

14 Q IN OTHER WORDS, WHAT WOULD WE USE A THREADED
15 PLUG FOR?

16 A STOPPAGE OF SOME KIND.

17 Q YES.

18 A STOPPAGE OF A DRAIN, IN YOUR ANALOGY.

19 Q YES.

20 NOW MOVING FROM THAT, YOU TESTIFIED THAT YOU
21 HAD MET LEVIN INITIALLY IN OCTOBER OF 1983 AT HIS HOME?

22 A THAT'S CORRECT.

23

24

25

26

27

28

-1

1 Q THAT WAS AT 144 SOUTH PECK IN BEVERLY HILLS?

2 A I DON'T KNOW THE EXACT ADDRESS.

3 Q IT WAS IN BEVERLY HILLS?

4 A YES.

5 Q AND THIS WAS PRIMARILY A SOCIAL OCCASION?

6 A YES, IT WAS.

7 Q EVERYBODY -- WAS HUNT FRIENDLY WITH LEVIN?

8 A YES. HE WAS.

9 Q DID THEY SEEM IN YOUR OPINION, PRIMARILY SOCIAL
10 FRIENDS AT THAT PARTICULAR TIME?

11 A YES.

12 Q WHAT DID YOU GENTLEMEN TALK ABOUT THAT NIGHT AT
13 DINNER?

14 A THE DISCUSSION -- RON LEVIN WAS DISCUSSING HIS
15 INVESTMENTS IN REAL ESTATE.

16 Q AND WHAT WAS HE SAYING?

17 A FROM WHAT I RECALL, THAT HE HAD INVESTED QUITE
18 HEAVILY IN REAL ESTATE IN CERTAIN AREAS.

19 Q DID HE SAY -- DID HE TALK ABOUT ANY OTHER
20 INVESTMENTS HE HAD?

21 A PERHAPS. I DON'T REALLY RECALL.

22 Q AND AFTER THAT, DID YOU HEAR MR. HUNT MAKE REFERENCE
23 TO LEVIN AGAIN, AFTER THE OCTOBER DINNER?

24 A YES I DID.

25 Q AND WHEN WAS THAT THE VERY NEXT TIME?

26 A THE NEXT TIME WAS PERHAPS IN DECEMBER SOMETIME.

27 Q OF 1983?

28 A CORRECT.

1 Q AND WHAT WAS THE NATURE OF THE DISCUSSION THEN?

2 A AT THAT TIME, THAT MR. LEVIN WAS GOING TO INVEST
3 SOME MONEY.

4 Q AND MR. HUNT WAS GOING TO MANAGE THAT FOR HIM?

5 A CORRECT.

6 Q DID THEY DISCUSS WITH YOU THAT BY DECEMBER, 1983,
7 THEY HAD ALREADY HAD AN INVESTMENT IN CLAYTON BROKERAGE?

8 A NO THEY DID NOT.

9 Q BUT IN ANY EVENT, IN DECEMBER, '83, YOU ARE TOLD
10 THAT HUNT IS GOING TO INVEST MONEY FOR LEVIN?

11 A CORRECT.

12 Q WAS THAT IN A SHOPPING CENTER?

13 A I DON'T REALLY RECALL TO WHAT EXTENT THE MONEY
14 WAS GOING TO BE INVESTED IN.

15 Q WHEN IS IT THAT YOU ARE TOLD THAT HUNT MADE
16 \$9 MILLION FOR HIM?

17 A I HEARD THAT APPROXIMATELY IN FEBRUARY OR MARCH
18 OF THE SAME YEAR.

19 Q FEBRUARY OR MARCH OF 1984?

20 A '84, RATHER.

21 Q SO, IN JANUARY OR DECEMBER, I THINK YOU SAID THEY
22 WERE STILL TALKING ABOUT MAKING INVESTMENTS BUT THEN IN MARCH
23 OR APRIL, IT HAS COME TO FRUITION?

24 A SORRY? COME TO FRUITION?

25 Q COME TO FRUITION? HE MADE \$9 MILLION BY THEN?

26 A CORRECT.

27 Q THAT IS THE SEQUENCE YOU REMEMBER?

28 A CORRECT.

^ - 3
1 Q OKAY. NOW, LATER ON, YOU SAY THAT YOU HEARD TALK
2 IN THE BBC OFFICES I BELIEVE YOU SAID, DURING MAY, THAT LEVIN
3 WAS CONSIDERING AN INVESTMENT IN THE MICROGENESIS TECHNOLOGY?

4 A THAT'S CORRECT.

5 Q AND THEN AFTER HEARING THAT IN MAY, YOU SAY THAT
6 YOU SAW LEVIN IN THE OFFICES, SIR?

7 A YES, I DID SEE HIM.

8 Q NOW, I BELIEVE YOUR TESTIMONY IS THAT YOU SAW
9 LEVIN IN THE OFFICES A COUPLE OF DAYS, UP TO ONE WEEK PRIOR
10 TO THE TIME THAT YOU SAW HUNT WITH THE MILLION FIVE CHECK?

11 A THAT'S CORRECT.

12 Q OKAY. NOW, WHEN LEVIN COMES IN THE OFFICE, WHY
13 DON'T WE WALK THAT THROUGH? MR. LEVIN AND MR. HUNT COME IN
14 THROUGH THE FRONT DOOR?

15 A CORRECT.
16
17
18
19
20
21
22
23
24
25
26
27
28

-1

1 Q WHAT TIME IS IT?

2 A I DON'T RECALL THE TIME.

3 Q OKAY. THE ONLY TIME WE CAN ESTABLISH IS THE
4 DAYTIME?

5 A YES.

6 Q IS IT BEFORE LUNCH?

7 A IT COULD HAVE BEEN.

8 Q DURING BUSINESS HOURS, SIR?

9 A YES. IT WAS DURING BUSINESS HOURS.

10 Q OKAY. AND IT WAS ON A WEEKDAY, A BUSINESS
11 WEEKDAY, NOT SATURDAY OR SUNDAY, OF COURSE?

12 A CORRECT.

13 Q OKAY. AND THEY WALK THROUGH THE FRONT DOOR?

14 A CORRECT.

15 Q WHERE ARE YOU WHEN YOU FIRST OBSERVE THEM?

16 A HERE AGAIN, I WAS IN THE LEGAL OFFICES.

17 Q WERE YOU GENERALLY WHERE YOU DESCRIBED BEFORE
18 WHEN YOU OBSERVED NICK AND MR. GRAHAM COME IN?

19 A YES, SAME VICINITY.

20 Q OKAY. AND DOES MR. HUNT AND MR. LEVIN -- DO THEY
21 STOP HERE SO THAT MR. HUNT INTRODUCES HIM TO MR. EISENBERG
22 AT THAT POINT?

23 A NOT THAT I RECALL, NO.

24 Q OKAY. WHERE DID YOU SEE THEM GO AT THAT PARTICULAR
25 TIME?

26 A I SEE THEM GO PAST OR RATHER JUST PAST THE DOOR
27 AND THEN FROM THE VANTAGE POINT IN WHICH I HAD, I COULD SEE
28 THEM PASS THE SECOND DOOR IN THE LEGAL OFFICE.

-2

1 Q TOWARD THE CONFERENCE ROOM?

2 A CORRECT.

3 Q DID THEY PASS THROUGH THE CONFERENCE ROOM?

4 A YES. I WOULD IMAGINE SO.

5 Q IMAGINE, SIR?

6 A YES.

7 Q WELL, YOU DIDN'T SEE THEM?

8 A I DON'T RECALL EXACTLY.

9 Q SO, YOU DON'T KNOW WHERE THEY WENT AFTER THAT?

10 A NO.

11 Q OKAY. AT THAT PARTICULAR TIME, YOU LOSE SIGHT
12 OF THEM, SIR?

13 A YES.

14 Q WHERE DO YOU GO?

15 A I STAYED IN FACT, IN THE LEGAL OFFICES AND SPOKE
16 TO A FEW COLLEAGUES THAT WERE IN THAT OFFICE.

17 Q WHO ELSE WAS IN THERE?

18 A I BELIEVE THAT IT WAS EVAN DICKER IN THAT ROOM.

19 Q I BELIEVE YOUR COMMENT WAS TO THE EFFECT THAT
20 YOU WERE SURPRISED TO SEE MR. LEVIN IN THE OFFICE AT THAT
21 TIME?

22 A THAT'S CORRECT.

23 Q WHO DID YOU SAY THAT TO?

24 A TO JERRY EISENBERG.

25 Q DO YOU KNOW WHAT HE SAID?

26 A I DON'T RECALL HIS COMMENT.

27 Q WAS THAT YOUR ONLY COMMENT, SIR?

28 A I BELIEVE SO.

P-3 1 Q DID YOU THEN DROP THAT SUBJECT AND PROCEED WITH
2 SOMETHING ELSE?

3 A YES WE DID.

4 Q ALL RIGHT. NOW, I ASK, SINCE YOU HAVE BEEN HEARING
5 DURING MAY, GENERAL TALK UP AT THE BBC OFFICES THAT LEVIN
6 WAS GOING TO BECOME AN INVESTOR IN MICROGENESIS, WHY WERE
7 YOU SURPRISED TO SEE HIM IN THE OFFICE ON THAT OCCASION?

8 A PRIOR TO SEEING HIM, THERE WAS TALK AMONGST THE
9 OFFICE, THAT RON LEVIN IN FACT -- SINCE HE MADE OR RATHER
10 JOE MADE MONEY FOR RON LEVIN, THAT RON LEVIN DID NOT PAY HIM
11 EITHER A COMMISSION OR SOME TYPE OF MONEY WAS NOT GIVEN TO
12 JOE IN RETURN FOR SERVICES.

13 Q SO YOU HAD HEARD THIS STORY THAT LEVIN HAD FAILED
14 TO REMIT ON SOME MONEY THAT HUNT HAD EITHER EARNED OR HAD
15 A COMMISSION COMING FROM FROM BUSINESS?

16 A CORRECT.

17 Q YET ON THE OTHER HAND, YOU ARE ALSO HEARING
18 GENERAL SCUTTLEBUTT OF A SIMILAR NATURE THAT LEVIN IS GOING
19 TO BECOME AN INVESTOR IN MICROGENESIS?

20 A CORRECT.

21 Q NOW THEN, WHEN YOU SEE HIM THERE, DID HUNT AND
22 LEVIN AGAIN APPEAR TO BE CLOSE?

23 A I DON'T REALLY KNOW.

24 Q DID YOU ON A PREVIOUS OCCASION, TESTIFY THAT WHEN
25 YOU SAW --

26 MR. WAPNER: PAGE AND LINE, COUNSEL?

27 MR. BARENS: 1542.

28 MR. WAPNER: MAY I HAVE A MOMENT, PLEASE?

1 MR. BARENS: I BETTER FIND THAT, TOO. I WILL SET IT
2 UP FOR HIM.

3 OKAY. AT THE BOTTOM OF -- I WILL START AT PAGE
4 1542, LINE 23. IT SAYS -- WELL, I WILL START WITH THE ANSWER
5 TO THE QUESTION PRECEDING IT, WHICH IS YES.

6 BUT THE QUESTION IS AND THE ANSWER ATTRIBUTED
7 TO YOU SIR IS:

8 "WHEN THEY MET, IT SEEMED LIKE THEY WERE
9 MORE QUASI-FRIENDS AS BUSINESS CONNECTIONS. LATER
10 ON, THEY SEEMED LIKE THERE WAS DISTANCE. HIS NAME
11 WASN'T HEARD IN THE OFFICE. THEN WHEN I SAW THEM
12 IN THE OFFICE, IT SEEMED LIKE THEY WERE ONCE AGAIN,
13 CLOSE."

14 Q DO YOU REMEMBER SAYING THAT PREVIOUSLY, SIR?

15 A PERHAPS. I CAN'T RECALL.

F
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q IS THAT NOT WHAT YOU TESTIFIED TO?

2 THE COURT: IT WILL BE STIPULATED HE SO TESTIFIED.
3 LET'S GET ON, WILL YOU PLEASE?

4 MR. WAPNER: SO STIPULATED, YOUR HONOR.

5 Q BY MR. BARENS: OKAY. NOW AFTER THAT, YOU ARE
6 UNCERTAIN, I BELIEVE, AS TO HOW LONG THEY WERE TOGETHER ON
7 THAT OCCASION BUT AT A POINT IN TIME, YOU SEE THEM LEAVE?

8 A YES.

9 Q AND JOE AND LEVIN EXIT THROUGH THE SAME DOOR
10 THEY COME IN?

11 A YES.

12 Q SO DID THEY TELL YOU WHERE THEY WERE GOING?

13 A NO, THEY DID NOT.

14 Q SO YOU ARE STILL IN THE LAW OFFICES AREA?

15 A CORRECT.

16 Q AND YOU SEE THEM EXIT THROUGH THE FRONT DOOR?

17 A CORRECT.

18 Q AND THEY ARE GONE?

19 A CORRECT.

20 Q WELL, AT THAT POINT HUNT IS NOT IN THE OFFICE,
21 LEVIN IS NOT IN THE OFFICE AND THERE IS NO ANNOUNCEMENT BEING
22 MADE ABOUT ANYTHING BECAUSE, EVIDENTLY, NO ONE IS THERE IN
23 TERMS OF LEVIN AND HUNT, ARE THEY?

24 A NO, THEY ARE NOT.

25 Q DID YOU EVER DISCUSS THE FACT THAT LEVIN WAS
26 THERE WITH MR. HUNT?

27 A NO, I DID NOT.

28 Q DID YOU EVER MENTION TO ANYONE, ASIDE FROM I

1 THINK YOU TOLD ME THAT YOU MENTIONED IT -- I AM NOT SURE
2 WHETHER YOU SAID TO DICKER --

3 THE COURT: TO EISENBERG.

4 THE WITNESS: TO JERRY.

5 Q BY MR. BARENS: WAS DICKER NOT IN THE ROOM WHEN
6 YOU MENTIONED THAT TO EISENBERG?

7 A I DON'T REALLY RECALL.

8 Q YOU MENTIONED IT TO EISENBERG. BUT ASIDE FROM
9 EISENBERG, DID YOU MENTION IT TO ANYONE ELSE?

10 A ON THAT SAME DAY OR THAT SAME --

11 Q WELL, LET'S GO WITHIN THE NEXT TWO WEEKS.

12 A YES, I DID.

13 Q WHO DID YOU MENTION IT TO?

14 A TO DAVE AND TOM MAY.

15 Q YOU TOLD THEM YOU HAD SEEN LEVIN UP IN THE OFFICE?

16 A CORRECT.

17 Q NOW, WAS THAT AFTER OR BEFORE THE 6-24 MEETING?

18 A WHEN I SAW LEVIN, THAT WAS BEFORE THE 6-24 MEETING.

19 Q NO. WHEN YOU MENTIONED IT TO, I BELIEVE YOU
20 SAID THE MAYS --

21 A YES, THAT IS BEFORE.

22 Q BEFORE THE 6-24 MEETING?

23 NOW, THEN A FEW DAYS LATER YOU SAW THE CHECK
24 AND MR. HUNT SEEMED TO BE GENERALLY SHOWING THE CHECK TO
25 EVERYONE IN THE OFFICE?

26 A CORRECT.

27 Q DO YOU KNOW IF IT EVER ENDED UP IN A FILE, A
28 COPY OF IT, AT LEAST?

1 A NOT THAT I AM AWARE OF.

2 Q WERE YOU TOLD WHY MR. LEVIN HAD WRITTEN THE CHECK,
3 SIR?

4 A TO INVEST IN MICROGENESIS.

5 Q AND WAS THAT THE GENERAL UNDERSTANDING THAT FOLKS
6 UP IN THE OFFICE HAD AT THAT POINT IN TIME?

7 MR. WAPNER: OBJECTION. CALLS FOR SPECULATION ABOUT
8 WHAT ANYONE ELSE THOUGHT.

9 Q BY MR. BARENS: AS FAR AS YOU KNOW?

10 THE COURT: ALL RIGHT, IF YOU KNOW.

11 Q BY MR. BARENS: TO THE EXTENT YOU KNOW, IN ANSWER
12 TO MY QUESTION, SIR?

13 A AS FAR AS I KNEW AT THE TIME, YES, IT WAS TO
14 GO TOWARDS MICROGENESIS.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q THERE WAS NO SECRET BEING MADE OF THIS TRANSACTION,
2 WAS THERE?

3 A NO, THERE WAS NOT.

4 Q OKAY. LATER YOU TESTIFIED ABOUT THE 6-24 MEETING
5 AND YOU HAVE TOLD ME THAT YOU WERE NEITHER A CONFIDANT,
6 ET CETERA, OF HUNT OR BELIEVER IN THE PARADOX PHILOSOPHY
7 AND YOU DID TESTIFY THEN IN REFERENCE TO THE PARADOX PHILOSOPHY,
8 YOU DID TELL US IT CAME UP IN CONJUNCTION WITH A CHESS GAME.

9 HOW DOES THE PARADOX PHILOSOPHY HELP YOU SUCCEED
10 IN A CHESS GAME, SIR?

11 A I WOULDN'T KNOW, SINCE I DIDN'T UNDERSTAND THE
12 PARADOX PHILOSOPHY.

13 Q WHEN YOU TOLD ME IT WAS BEING DISCUSSED AROUND
14 SOMETHING TO DO WITH A CHESS GAME, YOU DON'T KNOW HOW IT
15 WOULD APPLY AT ALL TO A CHESS GAME OTHER THAN YOU MIGHT HAVE
16 BLACK OR WHITE PLAYERS?

17 A CORRECT, BUT TO THE EXTENT OF THE WAY IN WHICH
18 IT WAS BEING DESCRIBED, PARADOX PHILOSOPHY WAS BEING DESCRIBED.

19 Q BEING DESCRIBED HOW, SIR?

20 A BY JOE TO JEFF, IN THAT NO MATTER WHETHER YOU
21 WIN OR LOSE, YOU CAN STILL -- STILL BENEFIT.

22 Q YOU MEAN FROM THAT, THAT THERE IS VIRTUE EVEN
23 IN LOSING, SIR?

24 A I WOULDN'T KNOW IN THAT CONTEXT OF THE PHILOSOPHY.

25 Q BUT DID YOU HAVE SOME SENSE THAT WINNING AND
26 LOSING WERE THE SAME THING, IS THAT WHAT WAS BEING SAID?

27 A IT SEEMS AS THOUGH THROUGH PARADOX PHILOSOPHY,
28 WHAT WAS BEING SAID, THAT ANYTHING IS POSSIBLE.

1 Q MEANING ANYTHING IS POSSIBLE?

2 YOU DIDN'T JOIN IN THAT DISCUSSION?

3 A NO, I DID NOT.

4 Q WAS IT DURING THAT DISCUSSION THAT YOU HEARD
5 THIS REFERENCE BEING MADE TO UNITING BEHIND A FALLEN MEMBER?

6 A YES, IT WAS.

7 Q DID ANYTHING SEEM UNIQUE ABOUT THAT?

8 A YES, IT DID.

9 Q WHY?

10 YOU HAD NEVER HEARD THAT IN BOY SCOUTS OR CUB
11 SCOUTS OR ANYTHING? DID YOU EVER HEAR THAT BEFORE? NEVER
12 HEARD THAT BEFORE?

13 A NO, I HAVEN'T.

14 Q WERE YOU IN A FRATERNITY IN COLLEGE?

15 A YES, I WAS.

16 Q DID YOU EVER HEAR THAT DISCUSSION BY ANY OF YOUR
17 MEMBERS, IF THEY GET IN TROUBLE WE WILL TRY TO HELP THEM
18 OUT?

19 A YES, I DID.

20 Q YOU NEVER HEARD THAT?

21 A YES, I HAVE.

22 Q DOES IT SOUND SINISTER TO YOU, SIR?

23 A NO, IT DOES NOT.

24 Q YOU KNOW, BY THE WAY, REFERABLE TO MR. LEVIN,
25 YOU MENTIONED YOU HAD SEEN HIM AT HIS HOUSE AT A DINNER PARTY
26 AND YOU MENTIONED YOU HAD SEEN HIM IN THE OFFICES A FEW DAYS
27 BEFORE YOU GOT THE CHECK, BEFORE MR. HUNT HAD THE CHECK;
28 HOW MANY OTHER TIMES HAD YOU SEEN HIM AT THE BBC OFFICES?

1 A PERHAPS ONE OR TWO OTHER TIMES.

2 Q SO YOU HAD SEEN LEVIN, ASIDE FROM THE OCCASIONS
3 YOU HAVE TESTIFIED ABOUT SO FAR, ON ONE OR TWO OTHER TIMES;
4 WHEN WAS THAT?

5 A AROUND DECEMBER OR JANUARY --

6 Q DECEMBER OR JANUARY?

7 A -- PERHAPS.

8 Q DECEMBER OF '83, JANUARY '84, YOU ALSO SAW
9 HIM UP THERE?

10 A CORRECT.

11 Q IN THE COMPANY OF MR. HUNT?

12 A CORRECT.

13 Q AND WHAT DID THEY APPEAR TO BE DOING ON THOSE
14 OCCASIONS?

15 A DOING BUSINESS.

16 Q WOULD THEY GO INTO MR. HUNT'S OFFICE?

17 A I DON'T KNOW.

18 Q WHERE WOULD YOU SEE THEM?

19 A I WOULD JUST SEE THEM IN PASSING, EITHER WALKING
20 PAST OR PERHAPS SITTING AT JOE'S, ACROSS FROM JOE IN HIS
21 OFFICE.

22

23

24

25

26

27

28

-1

1 Q IN JOE'S OFFICE?

2 A YES.

3 Q TALKING?

4 A YES.

5 Q OKAY. WHEN YOU SAW MR. HUNT -- MR. LEVIN -- STRIKE
6 THAT. I WILL GO BACK TO THAT.

7 WHEN YOU WERE IN THE 6-24 MEETING, YOU MENTIONED
8 THAT THERE WAS A PERIOD OF TIME THAT YOU SAID OF 15 TO 30
9 MINUTES WHEN I BELIEVE MESSRS. DOSTI, GRAHAM, KARNY AND HUNT
10 WERE IN HUNT'S BEDROOM?

11 A CORRECT.

12 Q AND THEN THE REST OF THE PEOPLE THAT ARE THERE,
13 WHAT ARE YOU ALL DOING?

14 A WE ARE JUST MINGLING IN THE LIVING ROOM.

15 Q WHAT DID YOU TALK ABOUT?

16 A I DON'T RECALL WHAT WE WERE SPEAKING ABOUT.

17 Q WERE THERE ANY PARTICULAR TOPICS BEING DISCUSSED
18 AT THAT TIME, LIKE, "I WONDER WHAT WE ARE HERE FOR?"

19 A I DON'T RECALL.

20 Q OKAY. WAS THERE AN AIR OF CURIOSITY OR EXCITEMENT?

21 A YES THERE WAS.

22 Q DID ANYBODY THERE SEEM TO KNOW WHAT WAS GOING
23 ON?

24 A NO.

25 Q OKAY. AND THEN HUNT COMES OUT AND IS SKIPPING
26 AROUND TO WHERE WE GET TO SOME POINT, HUNT SAYS TO YOU FOLKS,
27 WE OR I -- WHAT DID HE SAY? "I TOOK CARE OF LEVIN"?

28 A INITIALLY FROM WHAT I RECALL, HE SAID, "I TOOK

1 CARE OF LEVIN."

2 THEN, THIS SECOND SENTENCE IS THAT "WE TOOK CARE
3 OF LEVIN."

4 Q OKAY. AND WERE YOU SHOCKED?

5 A YES.

6 Q SIR, DID IT SEEM STRANGE TO YOU THAT HUNT DID
7 NOT USE THE KILL WORD?

8 A AT THE TIME, I DIDN'T QUESTION IT.

9 Q OKAY. YOU DREW A CONCLUSION, DID YOU NOT, BASED
10 ON WHAT WAS SAID AND THE CONTEXT IT WAS BEING SAID, THAT IT
11 MEANT THAT WE KILLED HIM?

12 A YES.

13 Q DID ANYBODY SAY TO HIM, "WELL, DID YOU KILL HIM?"

14 A NOT THAT I RECALL.

15 Q OKAY. NOW AFTER THAT, YOU SAY THAT DURING THIS
16 TIME, PITTMAN IS -- GRAHAM IS JUST SITTING THERE?

17 A CORRECT.

18 Q DID THAT SEEM UNUSUAL TO YOU?

19 A NO IT DID NOT.

20 Q OKAY. BECAUSE ACCORDING TO WHAT YOU ARE TELLING
21 ME, MR. HUNT SAID, "WE TOOK CARE OF HIM, LEVIN." BUT THAT
22 IS ALL HE SAID THE SECOND TIME AROUND?

23 A CORRECT.

24 Q AND THEN KARNY JUMPED UP AND HE SAID --

25 MR. WAPNER: OBJECTION, MISSTATES THE EVIDENCE.

26 MR. BARENS: SORRY. NOT JUMPED UP.

27 Q DID KARNY SPEAK UP?

28 MR. WAPNER: SAME OBJECTION.

1 Q BY MR. BARENS: KARNY UTTERED THE WORDS --

2 MR. WAPNER: MAYBE I AM GETTING IT WRONG. BUT I BELIEVE
3 THAT HE SAID IT WAS MR. DOSTI.

4 MR. BARENS: SORRY.

5 Q DOSTI UTTERED THE WORDS WHERE HE SAID, "WE HAD
6 TO DO IT"?

7 A THAT'S CORRECT.

8 Q DID ANYBODY ELSE SAY, "WE HAD TO DO IT"?

9 A AS FAR AS I RECALL, NO. THAT WAS JUST JOE AND
10 BEN.

11 Q BEN WAS SAYING THAT THEY HAD TO DO IT?

12 A UH-HUH.

13 MR. BARENS: A MOMENT.

14 (PAUSE.)

15 Q BY MR. BARENS: OKAY. NOW AS I UNDERSTAND IT,
16 YOU WERE SITTING IN SOME -- YOU, MEANING THE GROUP OF YOU,
17 WERE SITTING IN SOME SORT OF A CONFIGURATION IN THE ROOM?

18 A YES.

19 Q AND HOW WERE YOU SEATED?

20 A A SEMI-CIRCLE.

21 Q AND DID THAT CIRCLE AT A POINT IN IT, HAVE OPENINGS?

22 A YES.

23 THE COURT: I THINK WE BETTER GIVE THE JURY A LITTLE
24 REST, HERE. LADIES AND GENTLEMEN OF THE JURY, WE'LL TAKE
25 A 15-MINUTE RECESS AT THIS TIME.

26 THE SAME ADMONITION THAT I HAVE GIVEN YOU PREVIOUSLY
27 APPLIES.

28 (RECESS.)

-1

1 THE COURT: ALL RIGHT. YOU MAY FINISH YOUR CROSS-
2 EXAMINATION.

3 MR. BARENS: THANK YOU.

4 Q SIR, AT ANY TIME PRIOR TO THE 6-24 MEETING, HAD
5 YOU EVER HEARD MR. HUNT SAY THAT FOR ANY REASON HE PLANNED
6 TO GET EVEN WITH MR. LEVIN OR WANTED TO DO SOMETHING BAD TO
7 MR. LEVIN?

8 A NO, I DID NOT.

9 Q OKAY. ALTHOUGH YOU HAD HEARD THAT LEVIN
10 SUPPOSEDLY OWED HUNT SOME MONEY, IN DISCUSSION WITH MR. HUNT
11 EITHER WITH YOURSELF OR WHERE YOU COULD OVERHEAR, YOU HAD
12 NEVER HEARD HIM SAY HE WANTED TO GET EVEN WITH HIM?

13 A THAT'S CORRECT.

14 Q IN TALKING ABOUT THE 6-24 MEETING, OTHER PEOPLE
15 THAT WERE PRESENT WERE JEFF RAYMOND AND ONE OF THE -- WHICH
16 MAY WAS THERE?

17 A TOM MAY WAS THERE.

18 Q AND YOU NEVER HEARD THEM SAY THEY BELIEVED IN
19 THE PARADOX PHILOSOPHY, DID YOU?

20 A I HEARD TOM MAY SAY THAT HE WAS -- HE BELIEVED
21 IN PARADOX.

22 Q YOU SAY THAT HE BELIEVED IN IT?

23 HOW ABOUT JEFF RAYMOND?

24 A NO, HE DID NOT.

F

25
26
27
28

-1
1 Q DID YOU EVER HEAR JIM SPEAK ABOUT THE PARADOX
2 PHILOSOPHY?

3 A NO, NOT THAT I RECALL.

4 Q OKAY. YOU DIDN'T HEAR JIM ESPOUSING THIS BELIEF
5 SYSTEM?

6 A NO.

7 Q OKAY. NOW, WE WERE DESCRIBING BEFORE THE BREAK,
8 THE SETTING DURING THE 6-24 MEETING AND THERE WAS A SEMI-
9 CIRCLE THAT WAS BROKEN AND AT THE TOP OF THE NON-CIRCULAR
10 EDGE OF THE AREA, WHO WAS SEATED?

11 A THERE WAS JOE HUNT, BEN DOSTI, JIM GRAHAM AND
12 DEAN KARNY.

13 Q AND WHO WAS SITTING NEXT TO WHO IN THAT FOURSOME,
14 SIR?

15 A I BELIEVE NEXT TO JOE HUNT TO MY RIGHT, WAS DEAN
16 KARNY. THEN BEN DOSTI AND THEN ON A SEPARATE COUCH OR
17 CUSHION, WAS JIM GRAHAM.

18 Q THAT WAS TO MR. HUNT'S LEFT, SIR?

19 A CORRECT.

20 Q AND WHO WAS SEATED NEXT TO OR FLANKING YOU, SIR?

21 A I BELIEVE IT WAS EVAN DICKER AND JON ALLEN.

22 Q AND DID JON ALLEN BELIEVE IN PARADOX PHILOSOPHY?

23 A I BELIEVE HE DID, YES.

24 Q AND IS IT YOUR TESTIMONY THAT SOME OF THE PEOPLE
25 THERE BELIEVED IN IT AND SOME OF THEM DIDN'T AND SOME OF THEM
26 YOU JUST DIDN'T KNOW?

27 A YES.

28 Q OKAY. NOW, YOU SAY AFTER THAT, YOU WENT HOME

1 IN THIS STATE OF FEAR AND ARMED YOURSELF AS BEST YOU COULD
2 AND SUMMARILY RESIGNED?

3 A CORRECT.

4 Q AND YOU NEVER WENT BACK TO THE OFFICES?

5 A NO, NOT THAT I RECALL.

6 Q OKAY. ISN'T IT A FACT, THAT THE INCIDENT WHERE
7 YOU GENTLEMEN BOUGHT THOSE MOTORCYCLES CAME AFTER THE 6-24
8 MEETING?

9 A NOT THAT I RECALL, NO.

10 Q YOU MENTIONED THAT THOSE MOTORCYCLES WERE BOUGHT
11 IN CULVER CITY?

12 A YES.

F
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q I SHOW YOU A DOCUMENT THAT SAYS "HONDA DEL REY"
2 THERE. COULD YOU TELL ME THE ADDRESS THEY ARE AT?

3 A 4421 SOUTH SEPULVEDA BOULEVARD.

4 Q IN WHAT CITY?

5 A CULVER CITY.

6 Q WHAT DOES THAT APPEAR TO BE, SIR, WHAT TYPE OF
7 A DOCUMENT DOES THAT APPEAR TO BE?

8 A A RECEIPT.

9 Q PURCHASE RECEIPT?

10 A YES, DEPOSIT RECEIPT.

11 Q AND A DEPOSIT ON WHAT, SIR?

12 A ON TEN MOTORCYCLES.

13 Q AND WHAT IS THE DATE OF THAT, SIR?

14 A 6-26.

15 Q AND DOES THAT SHOW TWO DIFFERENT PAYMENTS BEING
16 DESCRIBED THERE?

17 A YES, IT DOES.

18 Q AND WHAT PAYMENTS DOES IT SHOW BEING DESCRIBED?

19 A THAT THERE WAS A DEPOSIT OF \$10,000 AND THE BALANCE
20 OWING.

21 Q SO FROM THAT, IT DOES NOT LOOK LIKE \$20,000 IS
22 BEING PAID AT ONE TIME, SIR?

23 A CORRECT.

24 Q NOW I SHOW YOU NEXT --

25 MR. BARENS: A MOMENT, PLEASE. COULD WE MARK THAT
26 LAST DOCUMENT? AND I WILL DO IT WHEN I GO BACK UP -- I THINK
27 WE ARE AT AA.

28 THE COURT: AA, YES.

1 Q BY MR. BARENS: YOU MENTIONED THAT YOU WERE
2 PRESENT AT THE TIME WHEN THESE BIKES WERE BEING PICKED UP,
3 SIR, AND YOU DROVE THEM OFF THE LOT WITH THE OTHER GENTLEMEN?

4 A CORRECT.

5 Q I SHOW YOU A SERIES OF DOCUMENTS; COULD YOU TELL
6 ME WHAT THOSE SAY THEY ARE?

7 A THIS IS A -- IT LOOKS LIKE A DEALER CHECK LIST.

8 Q FOR WHAT SORT OF A PRODUCT, SIR?

9 A FOR MOTORCYCLE, HONDA PRODUCT.

10 Q DOES IT LOOK LIKE THAT IS LIKE A PREP THING BEFORE
11 THE BIKES ARE PICKED UP AND DRIVEN AWAY?

12 A YES.

13 Q IT DOES, SIR?

14 A YES, IT DOES PERHAPS.

15 Q WHAT IS THE DATE ON THAT, SIR?

16 A ON 7-6 ON THE FIRST ONE HERE, '84.

17 Q JULY 6, '84 IT APPEARS TO BE WHEN THE BIKES ARE
18 CHECKED OUT, FOR THE PICK UP OF THE BIKES, SIR?

19 A CORRECT.

20 MR. BARENS: AND YOUR HONOR, THIS WOULD NOW BE
21 DEFENDANT'S BB CONSISTING OF FIVE SHEETS MARKED AT THE TOP,
22 YOUR HONOR, "SET-UP AND PREDELIVERY CHECK LIST," ALL BEARING
23 WITH ONE EXCEPTION, BECAUSE IT SEEMS TO BE COVERED BY THE
24 COPY SIR, WHAT APPEARS TO BE A LOGO FOR HONDA.

25 THE COURT: ALL RIGHT.

26 Q BY MR. BARENS: NOW SEEING THOSE DOCUMENTS, DOES
27 IT REFRESH YOUR RECOLLECTION AS TO WHEN YOU GENTLEMEN ACQUIRED
28 THESE BIKES?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A I CAN ONLY GO BY THE DATE IN WHICH IT IS REFLECTED
ON THOSE DOCUMENTS THERE AS TO THE DATES THE MOTORCYCLES
WERE ACQUIRED.

-1

1 Q AND THE DATES ARE ALL WELL AFTER 6-24, ARE THEY
2 NOT, SIR?

3 A YES THEY ARE.

4 Q NOW, YOU HAVE TESTIFIED FURTHER, THAT SUBSEQUENTLY,
5 YOU NEVER RETURNED TO THE OFFICES OF THE BBC. AND I SHOW
6 YOU A LETTER HERE SIR, ON MICROGENESIS STATIONERY. WHAT IS
7 THE DATE OF THAT LETTER?

8 A JULY 5, 1984.

9 Q AND THAT IS A LETTER FROM WHOM TO WHO, SIR?

10 A TO MR. LOPEZ.

11 Q AND IT IS DRAFTED BY WHOM?

12 A BY MYSELF.

13 Q IS IT SIGNED?

14 A YES IT IS.

15 Q DID YOU WRITE THAT LETTER?

16 A I DON'T RECALL.

17 Q BUT DO YOU SEE YOUR SIGNATURE ON IT?

18 A DO I SEE MY SIGNATURE ON IT? YES.

19 Q AND DO YOU KNOW WHERE THAT LETTER WAS WRITTEN?

20 A NO I DO NOT.

21 Q OKAY. BUT IT IS DATED JULY 5, IS IT?

22 A CORRECT.

23 MR. BARENS: THAT'S DEFENDANT'S C.

24 THE COURT: CC.

25 MR. BARENS: CC, ACTUALLY, YES.

26 Q AND NOW I SHOW YOU A DOCUMENT ON BBC STATIONERY
27 SIR. WHAT IS THE DATE ON THAT?

28 A JULY 6.

1 Q AND THAT IS -- WHAT IS THE CAPTION ON THAT, SIR?

2 A BBC CONSOLIDATED OF NORTH AMERICA.

3 Q AND THAT IS SIGNED BY WHOM?

4 A NOT BY ME.

5 Q WHO DOES IT ATTRIBUTE THE SIGNATURE TO?

6 A I DON'T KNOW.

7 Q IS YOUR NAME TYPED AT THE BOTTOM?

8 A MY NAME IS TYPED ON THE BOTTOM.

9 Q BUT YOU ARE SAYING YOU DIDN'T SIGN THAT?

10 A THAT IS NOT MY SIGNATURE.

11 MR. WAPNER: MAY I SEE IT?

12 MR. BARENS: YES.

13 Q I SHOW YOU ANOTHER LETTER DATED -- IT IS ON THE
14 STATIONERY OF FIRE SAFETY ASSOCIATION.

15 THE COURT: DO YOU KNOW ANYTHING AT ALL ABOUT THAT LETTER?
16 HAVE YOU EVER SEEN IT?

17 THE WITNESS: NO, ALONG WITH THE OTHER ONE HE PRESENTED
18 ME. I HAVE NEVER SEEN ANY OF THESE BEFORE.

19 Q BY MR. BARENS: BUT DO YOU SAY THAT THIS APPEARS
20 TO BE YOUR SIGNATURE ON THIS DOCUMENT?

21 A IT APPEARS TO BE.

22 THE COURT: YOU DON'T REMEMBER HAVING READ IT OR DICTATED
23 IT?

24 THE WITNESS: NO, NEVER.

25 Q BY MR. BARENS: IT JUST APPEARS TO BE YOUR
26 SIGNATURE?

27 A CORRECT.

28 Q OKAY. NOW, THE NEXT DOCUMENT HAS NO SIGNATURE

1 ON IT?

2 A CORRECT.

3 Q AND DO YOU REMEMBER THAT LETTER AT ALL?

4 A NO. I DO NOT.

5 Q OKAY.

6 THE COURT: DOES THAT BEAR YOUR SIGNATURE?

7 THE WITNESS: NO IT DOES NOT.

8 MR. BARENS: I SAID THAT IT DOES NOT BEAR HIS SIGNATURE.

9 THERE IS TYPING ON HERE. BUT IT IS NOT SIGNED.

10 THE COURT: IS THERE A SIGNATURE TYPED THERE?

11 THE WITNESS: YES IT IS.

12 THE COURT: DID YOU EVER SEE THAT LETTER?

13 THE WITNESS: NO.

14 MR. BARENS: WHICH LETTER ARE YOU REFERRING TO?

15 THE COURT: THE ONE ABOUT THE FIRE SAFETY.

16 MR. BARENS: HE IS SAYING HE HAS NEVER SEEN THIS ONE,
17 IT IS NOT SIGNED.

18 THE COURT: ALTHOUGH HIS NAME APPEARS AS HAVING
19 DICTATED IT?

20 MR. BARENS: I DON'T KNOW.

21 THE COURT: DID YOU EVER DICTATE THAT LETTER?

22 THE WITNESS: NO.

23 THE COURT: DID YOU EVER AUTHORIZE ANYONE TO PUT YOUR
24 NAME ON IT?

25 THE WITNESS: NO.

26 MR. BARENS: IT ISN'T SIGNED ON THERE AND --

27 THE COURT: BUT IT IS TYPED ON THERE?

28 MR. BARENS: YES AND --

1 THE COURT: I AM ASKING HIM IF HE EVER AUTHORIZED ANYBODY
2 TO PUT HIS NAME ON IT.

3 MR. BARENS: HE DOESN'T SEEM TO KNOW ANYTHING ABOUT
4 IT. I JUST ASKED HIM ABOUT IT, YOUR HONOR.

5 THE COURT: ALL RIGHT.

6 Q BY MR. BARENS: NOW, YOU CONTINUED DOING SOME
7 WORK UNTIL YOU WENT ON THIS TRIP TO ARIZONA, SIR?

8 A CORRECT.

9 Q WHEN WAS THAT?

10 A APPROXIMATELY FROM WHAT I RECALL, WEEK AFTER THE
11 MEETING.

12 Q WAS THAT BEFORE OR AFTER YOU GOT THE MOTORCYCLES?

13 A I RECALL IT TO BE AFTER THE POINT IN WHICH WE
14 ACQUIRED THE MOTORCYCLES.

15 Q SO, WE WOULD BE SOMEWHERE IN THE SECOND WEEK IN
16 JULY, SIR?

17 A PERHAPS.

18 Q AND WHAT DID YOU ASIDE FROM THE TRIP TO ARIZONA --
19 DID YOU DO ANYTHING ELSE DURING JULY IN CONJUNCTION WITH THE
20 BBC OR ANY OF ITS AFFILIATED ACTIVITIES?

21 A NO, NOT THAT I RECALL AT ALL.

22 Q DID YOU CONTINUE DOING ANY WORK AT ALL?

23 A NO I DID NOT.

24 MR. BARENS: A MOMENT, IF YOU WOULD.

25 (PAUSE.)

26 MR. BARENS: THANK YOU VERY MUCH.
27
28

-1

1 THE COURT: ALL RIGHT, REDIRECT.

2

3 REDIRECT EXAMINATION

4 BY MR. WAPNER:

5 Q MR. TAGLIANETTI --

6 IF I MAY HAVE A MOMENT WITH COUNSEL, BECAUSE I
7 DON'T THINK HE HAS PUT NUMBERS ON ALL OF THESE EXHIBITS AND
8 I DON'T REMEMBER WHICH --

9 MR. BARENS: I ONLY NUMBERED CC AS BEING THE ONLY ONE
10 THE WITNESS RECOGNIZED THE SIGNATURE ON.

11 THE COURT: THE REST IS DD, THE LETTER DD.

12 MR. BARENS: I DIDN'T USE A DD, YOUR HONOR. PERHAPS
13 IF MR. WAPNER --

14 THE COURT: DO YOU WANT THAT MARKED?

15 MR. BARENS: THE ONLY ONES I MARKED WERE THE ONES HE
16 SAID HE RECOGNIZED THE SIGNATURE ON, JUDGE.

17 THE COURT: ALL RIGHT.

18 MR. WAPNER: OKAY. MAY I HAVE A MOMENT?

19 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

20 MR. WAPNER: YOUR HONOR, I WOULD WANT TO MARK THESE
21 OTHER TWO LETTERS.

22 THE COURT: ALL RIGHT.

23 MR. WAPNER: DOES THE COURT WANT THEM MARKED --

24 THE COURT: MARK THE LAST ONE EE AND THE ONE BEFORE
25 THAT DD.

26 MR. WAPNER: ALL RIGHT, AS DD, I AM GOING TO MARK THESE --
27 THEY ARE BOTH DATED JULY 6 AND ONE IS SHORT AND SAYS ON THE
28 TOP, "BBC, CONSOLIDATED OF NORTH AMERICA" AND THEN IT SAYS

1 "INVOICE FOR CUSTOMS PURPOSES ONLY." AND THAT IS DATED
2 JULY 6 AND I AM GOING TO MARK THAT DD.

3 AND THEN THE SECOND LETTER DATED JULY THE 6TH
4 THAT SAYS AT THE TOP OF IT "FIRE SAFETY ASSOCIATION," AND
5 IT IS TO MR. STEVE LOPEZ; MAY THAT BE EE FOR IDENTIFICATION?

6 THE COURT: SO MARKED.

7 Q BY MR. WAPNER: MR. TAGLIANETTI, FIRST OF ALL,
8 WHAT, IF ANY, CONNECTION DID YOU HAVE WITH THE FIRE SAFETY
9 COMPANY WHILE YOU WERE WORKING THERE?

10 A THE ONLY ASSOCIATION THAT I HAD WITH FIRE SAFETY
11 WAS THAT I WAS TO PUT TOGETHER A PROGRAM OR A BOOKLET
12 ENCOMPASSING THE FIRE SAFETY MATERIALS, ON THE REQUEST OF
13 JOE.

14 Q AND DID YOU EVER DO THAT?

15 A YES, I DID.

16 Q AT SOME POINT, DID THE BBC ESSENTIALLY GIVE UP
17 ON THE IDEA OF FIRE SAFETY, DEVELOPING A PRODUCT THAT THIS
18 FIRE SAFETY ASSOCIATION WAS GOING TO DEVELOP?

19 A YES, AS FAR AS I UNDERSTOOD, YES.

20 Q WAS THAT A COMPANY THAT WAS STARTED FOR THE PURPOSE
21 OF DEVELOPING SOME TYPE OF FIRE RETARDANT CHEMICAL THAT WAS
22 GOING TO BE SPRAYED ON ROOFS?

23 A THAT IS CORRECT.

24 Q AND THAT COMPANY WAS ONE THAT MR. HUNT HIRED HIS
25 FATHER TO WORK FOR?

26 A CORRECT.

27 Q AND ALSO A MAN NAMED FRANK MINGARELLA?

28 A THAT IS CORRECT.

1 Q AT SOME POINT, DID MR. HUNT FIRE HIS FATHER AND
2 MR. MINGARELLA AND ESSENTIALLY CLOSE DOWN THE COMPANY?

3 MR. BARENS: OBJECTION. THAT GOES TO HEARSAY.

4 THE COURT: OVERRULED. IF HE KNOWS HE MAY ANSWER.

5 Q BY MR. WAPNER: IF YOU KNOW.

6 MR. BARENS: IT ALSO GOES TO CHARACTERIZATION. WE
7 OUGHT TO HAVE A FOUNDATION FOR IT. I AM SURE IT WILL ALL
8 COME IN BUT WE OUGHT TO HAVE A FOUNDATION FIRST.

9 Q BY MR. WAPNER: DO YOU KNOW WHETHER HE DID?

10 A I DO KNOW FOR A FACT HE DID FIRE FRANK MINGARELLA.
11 AS FAR AS HIS FATHER, I DON'T KNOW.

12 Q AT SOME POINT AFTER HE FIRED MINGARELLA, DID
13 MR. HUNT, SR. STOP WORKING THERE EITHER AT THAT SAME TIME
14 OR SOME TIME SHORTLY THEREAFTER?

15 A YES, HE DID.

16 Q SO WHAT YOU ARE SAYING IS, YOU DON'T KNOW WHETHER
17 HE STOPPED WORKING THERE BECAUSE HE WAS FIRED OR BECAUSE THE
18 BUSINESS JUST CEASED?

19 A CORRECT.

20 Q BY THE TIME MR. FRANK MINGARELLA AND MR. HUNT, SR.
21 HAD LEFT, HAD THAT MANUAL YOU HAD BEEN ASSIGNED TO WRITE
22 ALREADY BEEN WRITTEN?

23 A FROM WHAT I RECALL, YES.

24 Q DO YOU REMEMBER HOW LONG THAT WAS BEFORE --
25 WELL, DO YOU REMEMBER WHEN THAT WAS APPROXIMATELY?

26 A NO, I DON'T.

27 Q IN POINT OF TIME, RELATIVE TO WHEN YOU CAME TO
28 WORK FOR WESTCARS, DO YOU KNOW WHEN IT WAS THAT

1 MR. MINGARELLA AND MR. HUNT, SR. LEFT?

2 A APPROXIMATELY APRIL.

3 Q DID YOU HAVE A KEY TO THE BBC OFFICES?

4 A YES, I DID.

5 Q WERE YOU GIVEN A NEW ONE?

6 WERE THE LOCKS EVER CHANGED ON THE OFFICES?

7 A YES, THEY WERE CHANGED.

8 Q WAS THAT AFTER MR. MINGARELLA AND MR. HUNT, SR.
9 WERE FIRED OR LEFT, AS THE CASE MAY BE?

10 A THAT'S CORRECT.

11 Q AND WHO DID YOU GET THE KEY FROM?

12 A I BELIEVE IT WAS GIVEN TO ME BY EITHER JIM
13 GRAHAM OR DEAN.

14 Q AND AS OF JULY THE 6TH THEN OF 1984, YOU WOULDN'T
15 HAVE HAD ANYTHING TO DO WITH THE FIRE SAFETY ASSOCIATION AT
16 ALL, CORRECT?

17 A CORRECT.

18 Q AND SO THIS LETTER MARKED EE, WHICH WAS TYPED
19 WITH YOUR NAME AT THE BOTTOM OSTENSIBLY AS THE PERSON WHO
20 WROTE IT; IT WASN'T DICTATED OR WRITTEN BY YOU, WAS IT?

21 A NO, IT WAS NOT.

22 THE COURT: DID YOU AUTHORIZE ANYBODY TO PUT YOUR NAME
23 DOWN ON THAT LETTER?

24 THE WITNESS: NO, I DID NOT.

25 I WOULD NOT.

26 Q BY MR. WAPNER: LIKEWISE, THIS INVOICE DATED JULY
27 THE 6TH OF 1984, DID YOU AUTHORIZE ANYBODY TO, FIRST OF ALL,
28 TYPE IN YOUR NAME ON THAT LETTER?

1 A NO, I DID NOT.

2 Q DID YOU AUTHORIZE ANYBODY TO SIGN "STEVE" ABOVE
3 WHERE IT SAYS "STEPHEN TAGLIANETTI"?

4 A NO, I DID NOT.

5 Q WHEN YOU WENT TO ARIZONA TO -- WELL, STRIKE THAT.
6 LET ME COME BACK TO THAT IN A MOMENT.

7 DURING THE TIME THAT YOU WORKED AT THE BBC, WHAT
8 WAS YOUR CONNECTION WITH MICROGENESIS?

9 A I HAD NO CONNECTION AT ALL WITH MICROGENESIS.

10 Q DID YOU EVER DO ANY WORK FOR MICROGENESIS OTHER
11 THAN PERHAPS WALKING NEXT DOOR TO LEND A HELPING HAND OR
12 SOMETHING LIKE THAT?

13 A NO, I DID NOT.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q DID YOU KNOW HOW THE MACHINE WORKED?

2 A YES, I DID.

3 Q DID YOU EVER SEND ANY PICTURES OF THE MACHINE
4 AND EXPLAIN TO THEM THE APPLICATION OF THE MACHINE?

5 A NO, I DID NOT.

6 Q COULD YOU EXPLAIN -- I MEAN DURING THAT TIME,
7 WERE YOU ABLE TO OR CAPABLE OF EXPLAINING THE WORKINGS OF
8 THE MACHINE TO SOMEBODY?

9 A NOT IN ITS ENTIRETY, NO.

10 Q AND THAT SIGNATURE ON THE BOTTOM OF THIS LETTER,
11 THIS CC, IS IN FACT, NOT YOUR SIGNATURE, CORRECT?

12 A YES. IT APPEARS TO BE MY SIGNATURE.

13 Q THE ONE ON THE CC DOES APPEAR TO BE YOUR SIGNATURE?

14 A IT APPEARS TO BE.

15 THE COURT: DO YOU KNOW WHETHER IT IS?

16 THE WITNESS: IT LOOKS VERY SIMILAR EXCEPT FOR THE
17 LAST NAME IS SIGNED A BIT DIFFERENT.

18 THE COURT: YOU SIGN IT DIFFERENTLY?

19 THE WITNESS: YES, I DO.

20 THE COURT: AT ANY RATE, YOU DIDN'T DICTATE THAT LETTER,
21 DID YOU?

22 THE WITNESS: NO.

23 THE COURT: YOU DIDN'T DRAFT IT IN ANY WAY IN LONGHAND
24 OR OTHERWISE?

25 THE WITNESS: NO.

26 Q BY MR. WAPNER: HAVE YOU SEEN THESE DEFENSE
27 EXHIBITS ABOUT THE MOTORCYCLES, HOW DOES THAT AFFECT YOUR
28 RECOLLECTION ABOUT WHEN THAT HAPPENED?

1 A AFTER SEEING THEM NOW, I STILL TEND TO BELIEVE
2 THAT THE MEETING AS FAR AS WHEN THE MEETING TOOK PLACE, THE
3 MOTORCYCLES WERE GIVEN PRIOR TO THE MEETING.

4 THE COURT: DID YOU EVER HAVE ANY ADVANCE NOTICE OR
5 WERE YOU TOLD THAT THOSE MOTORCYCLES WERE GOING TO BE GIVEN
6 TO CERTAIN MEMBERS OF THE BBC?

7 THE WITNESS: NO. THERE WAS TALK, ALTHOUGH, THAT THEY
8 WERE PLANNING TO MAKE PURCHASES OF THE MOTORCYCLES.

9 THE COURT: AND WAS THAT BEFORE THIS MEETING OF THE
10 24TH OF JUNE?

11 THE WITNESS: YES.

12 THE COURT: AT ANY RATE, YOU KNEW ABOUT THAT BEFORE
13 THAT MEETING TOOK PLACE, THAT YOU WERE GOING TO GET MOTORCYCLES?

14 THE WITNESS: YES, CORRECT.

15 THE COURT: ALL RIGHT.

16 Q BY MR. WAPNER: NOW, HOW LONG AFTER THIS MEETING
17 WAS IT, THAT MR. HUNT CALLED YOU AND ASKED YOU TO GO TO
18 ARIZONA?

19 A FROM WHAT I RECALL, IT WAS APPROXIMATELY A WEEK
20 AFTER THE MEETING IN WHICH HE TELEPHONED MYSELF.

21 Q WHEN MR. HUNT TOLD YOU AT THE LATTER PART OF
22 FEBRUARY, ABOUT THIS INVESTMENT IN COMMODITIES, WAS
23 THERE ANY SUGGESTION MADE THAT IT WOULD BE A GOOD IDEA FOR
24 YOU OR ANYONE ELSE IN THE BBC TO INVEST?

25 A YES, THERE WAS.

26 Q WHAT WAS THAT?

27 A THAT THIS WOULD BE AN OPPORTUNE TIME TO INVEST,
28 DOE TO THE FACT THAT HE KNEW OF A COMMODITY OR STOCK WHICH

1 WAS GIONG TO TRIPLE IN A SHORT PERIOD OF TIME AND GIVEN THAT
2 FACT, THIS WOULD BE THE BEST TIME TO INVEST.

3 Q HAD HE TOLD YOU OR HAD YOU HEARD IN THE OFFICE
4 HOW THE COMMODITIES TRADING WAS GOING UP TO THAT POINT?

5 A I DID HEAR THAT IN THE OFFICE, THAT THE TRADING
6 WAS GOING QUITE WELL.

7 Q DID HE TELL YOU THAT IN THE INTERNATIONAL MARKETING
8 ACCOUNT AT SHEARSON, BY THE END OF FEBRUARY, THAT HE HAD
9 LOST ABOUT A QUARTER OF A MILLION DOLLARS?

10 A NO, HE DID NOT.

11 MR. BARENS: I BELIEVE THAT MISSTATES THE EVIDENCE,
12 AS I RECALL IT, YOUR HONOR. I BELIEVE WE HAD THERE AN OPEN
13 EQUITY POSITION WITH OPTIONS. I DON'T BELIEVE THE EVIDENCE
14 DEMONSTRATED WHAT MR. WAPNER JUST SAID.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 THE COURT: THE JURY WILL EVALUATE THAT AND REACH THEIR
2 OWN CONCLUSIONS.

3 MR. BARENS: THUS WE ARE NOT ACCEPTING THAT AS A FACTUAL
4 STATEMENT, SIR?

5 THE COURT: I DON'T RECALL IT. DO YOU?

6 MR. WAPNER: DO YOU WANT ME TO ARGUE IT RIGHT NOW?
7 I WILL BE HAPPY TO.

8 THE STATE OF THE EVIDENCE AS I RECALL IT, IS
9 THAT COMMODITIES TRADING IS SUBJECT -- THAT REGARDLESS OF
10 WHAT THE POSITIONS ARE OPEN OR NOT, MONEYS ARE DEDUCTED EVERY
11 DAY FROM THE ACCOUNT, BASED ON LOSSES THAT ARE THERE.

12 MR. BARENS: I DISAGREE, YOUR HONOR.

13 THE COURT: WELL, WE WILL LET THE JURY DECIDE THAT.
14 YOU CAN ARGUE IT TO THE JURY AT THE CONCLUSION OF THE CASE
15 AND LET'S NOT DO IT NOW.

16 Q BY MR. WAPNER: WHEN YOU WENT DOWN TO NICK'S
17 HOUSE WITH JIM GRAHAM, DID YOU KNOW WHY MR. GRAHAM WAS GOING
18 THERE?

19 A NO, I DID NOT.

20 Q THE GUN THAT YOU SAW IN THE OFFICE APPROXIMATELY
21 IN APRIL OF 1984, WHAT MADE YOU THINK THAT IT WAS THE SAME
22 GUN THAT YOU HAD SEEN IN MR. GRAHAM'S BRIEFCASE?

23 A FROM THE SIZE OF THE GUN AND ALSO THE STYLE OF
24 THE GUN.

25 Q BUT, COULD IT HAVE BEEN MR. HUNT'S GUN, SINCE
26 IT WAS IN HIS OFFICE? RIGHT?

27 A IT COULD HAVE BEEN.

28 Q AND CAN YOU DESCRIBE THE OBJECT THAT YOU SAW

-5
1 ON THE FRONT OF THIS GUN AS YOU LABELED A SILENCER?

2 A YES. IT WAS ROUND, APPROXIMATELY FOUR INCHES
3 IN LENGTH AND IT APPEARED TO BE APPROXIMATELY AN INCH IN
4 DIAMETER.

4B 5 Q AND --

6 A IT WAS AFFIXED TO THE GUN SOMEHOW.

7 Q DID YOU SEE MR. GRAHAM ACTUALLY TAKE IT OFF OF
8 THE GUN?

9 A YES, I DID.

10 Q HOW DID HE DO THAT?

11 A HE HAD THE PISTOL IN HIS RIGHT HAND AND WITH
12 HIS LEFT HAND, UNSCREWED IT.

13 Q IN THE SAME FASHION THAT YOU WOULD JUST UNSCREW
14 A SCREW THAT WAS SCREWED INTO SOMETHING?

15 A CORRECT, ALTHOUGH HE USED ALL OF HIS ENTIRE HAND,
16 AS OPPOSED TO JUST TWO FINGERS.

17 Q WHAT MADE YOU THINK, BASED ON YOUR SEEING IT,
18 THAT IT WAS IN FACT, A SILENCER?

19 A FROM WHAT I HAVE SEEN ON MOST PICTURES AND
20 TELEVISION.

21 Q IT LOOKED TO YOU LIKE THE SAME TYPE OF THING
22 YOU HAD SEEN ON TV AND IN THE MOVIES THAT IS A SILENCER?

23 A CORRECT.
24
25
26
27
28

1 Q AND IN POINT OF TIME, HOW LONG WAS IT AFTER YOU
2 HEARD THE TWO THUDS THAT YOU SAW THIS ITEM THAT LOOKED LIKE
3 THINGS THAT YOU HAVE SEEN THAT WERE CALLED SILENCERS?

4 A PERHAPS A HALF AN HOUR, NO MORE.

5 Q WAS THERE ANY WAY FOR YOU TO DETERMINE ONE WAY
6 OR THE OTHER WHETHER THE GUN THAT YOU SAW WITH THE SILENCER
7 ON IT HAD JUST BEEN FIRED?

8 A NO, THERE WAS NOT.

9 Q YOU COULDN'T TELL WHETHER IT HAD BEEN OR HADN'T
10 BEEN?

11 A THAT'S CORRECT.

12 THE COURT: DID YOU MAKE ANY TESTS FOR ANTIMONY AND
13 BARIUM? DID YOU MAKE ANY TESTS FOR THE PRESENCE OF ANTIMONY
14 AND BARIUM?

15 THE WITNESS: NO, I DIDN'T.

16 MR. BARENS: IS YOUR HONOR MAKING A POINT ABOUT THE
17 DEFENSE POSITION, YOUR HONOR?

18 THE COURT: NO, NO. I AM MAKING A POINT ABOUT ANYBODY
19 EXAMINING IT AFTERWARD FOR ANY EVIDENCE OF ANTIMONY OR
20 BARIUM.

21 MR. BARENS: AND DID HE HAVE REASON TO DO SO?

22 THE COURT: OH, NO. PLEASE. LET'S ASK THE QUESTION
23 YOU WANT TO ASK ON FURTHER RECROSS.

24 MR. BARENS: I JUST THINK YOUR HONOR, IT IS AN OBVIOUS
25 PUT-DOWN TO THE DEFENSE BY YOUR HONOR.

26 THE COURT: COME ON NOW, WILL YOU?

27 MR. BARENS: WELL, YOUR HONOR, I DON'T UNDERSTAND THAT
28 QUESTION.

1 THE COURT: WILL YOU BE QUIET? YOU CAN ASK ANY QUESTIONS
2 THAT YOU WANT TO OF THIS WITNESS.

3 MR. BARENS: YOUR HONOR, COULD I APPROACH?

4 THE COURT: I DON'T WANT TO HEAR ANYTHING FURTHER FROM
5 YOU.

6 MR. BARENS: I WOULD LIKE TO ASK FOR FURTHER INSTRUCTION.

7 THE COURT: YOU MAY COMPLETE YOUR EXAMINATION.

8 YOU MAY START YOUR RECROSS IF YOU WANT TO, AFTER
9 HE IS FINISHED.

10 I WANT TO LET THE JURY KNOW THE JUDGE
11 DOESN'T SIT HERE JUST AS A REFEREE. HE HAS GOT TO SEE THAT
12 JUSTICE IS DONE AND HE CAN PARTICIPATE IN THE CASE AS MUCH
13 AS HE THINKS THAT JUSTICE DEMANDS. SO IF I HAVE A QUESTION,
14 I HAVE A RIGHT TO ASK THAT QUESTION. IT IS MY DUTY TO DO
15 SO.

16 GO AHEAD.

17 Q BY MR. WAPNER: WHEN YOU WENT WITH THE OTHER
18 MEMBERS OF THE BBC TO MR. LEVIN'S HOUSE TO HAVE DINNER, THAT
19 WAS BEFORE YOU WERE ACTUALLY A MEMBER OF THE GROUP, RIGHT?

20 A THAT IS CORRECT.

21 Q SO WE ARE NOW TALKING ABOUT SOMETIME IN SEPTEMBER,
22 RIGHT?

23 A CORRECT.

24 Q AND MR. GRAHAM WAS NOT PART OF THE BBC AT THAT
25 POINT, WAS HE?

26 A NO, HE WAS NOT.

27 Q WAS HE AT THAT DINNER AT MR. LEVIN'S HOUSE?

28 A NO, HE WAS NOT.

1 Q AND THE TWO TIMES YOU SAW MR. LEVIN IN THE OFFICE
2 IN, I BELIEVE YOU SAID JANUARY, WHAT IS YOUR RECOLLECTION
3 AS TO WHETHER THAT WAS BEFORE OR AFTER MR. GRAHAM BECAME
4 A MEMBER OF THE BBC?

5 A I BELIEVE THAT TO BE RIGHT ABOUT THE TIME IN
6 WHICH HE BECAME A MEMBER.

7 Q ON ANY OF THE TIMES WHEN YOU SAW MR. LEVIN AT
8 THE OFFICE, DID YOU SEE MR. GRAHAM THERE?

9 A NO, I DID NOT.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q THERE WAS A PERIOD OF TIME IN 1984 WHERE YOU
2 DIDN'T HEAR LEVIN'S NAME TOO MUCH AT ALL, RIGHT?

3 A THAT'S CORRECT.

4 Q AND IF HE HAD SHOWED UP AT THE OFFICE DURING
5 THAT TIME, WOULD IT HAVE BEEN EVEN MORE SURPRISING THAN IT
6 WAS WHEN YOU SAW HIM AT THE TIME YOU DID?

7 A YES, IT WOULD BE.

8 Q WHY IS THAT?

9 A THE FACT THAT SINCE -- AT THE POINT IN WHICH I
10 DIDN'T SEE HIM, I KNEW OF A TRANSACTION WHICH OCCURRED BETWEEN
11 MR. HUNT AND MR. LEVIN AND FROM WHAT I OVERHEARD OR HEARD
12 THROUGH THE OFFICE, THAT THE TRANSACTION DID NOT GO WELL
13 FOR JOE. THAT I WAS QUITE SURPRISED -- I WOULD BE MORE
14 SURPRISED TO SEE HIM IN OUR OFFICES AS OPPOSED TO JUST HEARING
15 IT.

16 Q ALSO, BY THE TIME YOU ACTUALLY SAW HIM, SOMEBODY
17 HAD PASSED THE WORD THAT LEVIN MIGHT BE INVESTING IN
18 MICROGENESIS, RIGHT?

19 A CORRECT.

20 Q SO THAT WAS A LITTLE LESS SURPRISING THAN JUST
21 SEEING HIM OUT OF THE BLUE, RIGHT?

22 A CORRECT.

23 Q AND WHEN YOU HEARD MR. HUNT AT THE MEETING SAY
24 THAT HE HAD DONE AWAY WITH RON LEVIN, WAS THERE ANY QUESTION
25 IN YOUR MIND WHAT HE MEANT?

26 A NO, THERE WAS NOT.

27 Q DID YOU HAVE ANY REASON TO ASK HIM WHAT HE MEANT?

28 A NO, THERE WAS NOT.

1 Q WHEN HE MADE THAT FIRST STATEMENT, WHAT DID YOU
2 THINK HE MEANT?

3 A THAT HE HAD KILLED RON LEVIN.

4 Q THE DAY THAT YOU WERE IN THE OFFICE AND HEARD
5 THE THUDS, DID YOU EVER GO TO LORIE LEIS AND SAY, "LORIE,
6 DID YOU HEAR THOSE"?

7 A NO, I DID NOT.

8 Q DID YOU EVER GO TO LORIE AND SAY, "WELL, WHAT
9 DO YOU THINK THAT WAS"?

10 A NO, I DID NOT.

11 Q SO YOU DON'T KNOW WHETHER SHE HEARD IT OR NOT,
12 DO YOU?

13 A NO, I DO NOT.

14 MR. WAPNER: MAY I HAVE A MOMENT, PLEASE?

15 I HAVE NOTHING FURTHER.

16 THE COURT: ALL RIGHT, RE-CROSS.

17

18 RE-CROSS-EXAMINATION

19 BY MR. BARENS:

20 Q SIR, DID YOU EVER, ASIDE FROM YOUR TESTIMONY
21 IN COURT, AFTER YOU SAW MR. LEVIN IN THE OFFICE A COUPLE
22 OF DAYS BEFORE MR. HUNT HAS THE CHECK, DID YOU EVER COMMENT
23 TO ANYONE ELSE THAT IT SEEMED SURPRISING TO YOU THAT THEY
24 APPEAR CLOSE AT THAT TIME, THAT THEY WERE ONCE AGAIN, I THINK
25 YOU USED THE WORDS, TO USE THEIR WORDS "THEY WERE ONCE AGAIN
26 CLOSE"?

27 MR. WAPNER: OBJECTION AS MISSTATING THE TESTIMONY.
28 THE TESTIMONY WAS ANYWHERE FROM A FEW DAYS TO A WEEK.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNSEL HAS ASSUMED IN THE QUESTION THAT IT WAS
A COUPLE OF DAYS.

THE COURT: ALL RIGHT, PLEASE REPHRASE YOUR QUESTION
THEN.

6

A-1

1 MR. BARENS: WE HAVE HAD TWO VERSIONS OF THAT, JUDGE.
2 WE HAD A COUPLE OF DAYS TO A WEEK. WE HAD THE SAME DAY. IT
3 IS ONE OF THOSE.

4 BUT IN ANY EVENT, IRRESPECTIVE OF THOSE, THE THURST
5 OF MY QUESTION DOESN'T GO TO THAT AS MUCH AS IT DOES THIS.

6 Q DID YOU EVER COMMENT TO ANYONE ELSE, THAT YOU
7 WERE SURPRISED OR ANY OTHER FEELING THAT MR. HUNT AND MR. LEVIN
8 ONCE AGAIN APPEARED CLOSE?

9 A TO ANYBODY OUTSIDE OF THE OFFICE?

10 Q OR IN THE OFFICE?

11 A YES I DID.

12 Q WHO DID YOU TELL THAT TO?

13 A TO DAVE AND TOM MAY.

14 Q WHEN DID YOU TELL THEM THAT?

15 A SOMETIME THEREAFTER.

16 Q SO, YOU HAD MADE MENTION OF THAT. IT WAS PRIOR
17 TO THE 6-24 MEETING?

18 A YES IT WAS.

19 Q OKAY. AND YOU USED AN EXPRESSION OR WORDS TO
20 THE EFFECT THAT THEY APPEARED TO HAVE BEEN CLOSE WHEN YOU
21 SAW THEM IN THE OFFICE, SIR?

22 A NO. IT WAS MORE TO THE EFFECT THAT I DID SEE
23 THEM TOGETHER.

24 Q OKAY.

25 A IN THE OFFICE.

26 Q I AM ASKING YOU ABOUT THE SPECIFIC STATEMENT THAT
27 YOU MADE IN YOUR TESTIMONY, SIR, THAT THEY APPEARED TO BE
28 CLOSE. DID YOU USE THAT LANGUAGE WITH ANYONE ELSE?

^ - 2
1 A NOT THAT I RECALL.

2 Q OKAY. WHEN YOU WENT INTO THE ROOM AFTER HEARING
3 THE THUDS -- BY THE WAY, WHEN YOU HEARD THE THUDS, IT WAS
4 ABOUT WHAT TIME OF DAY?

5 A DURING DAYLIGHT HOURS.

6 Q BUSINESS HOURS, SIR?

7 A YES IT WAS.

8 Q WERE YOU THE ONLY ONE IN THE OFFICE, SIR?

9 A NOT THAT I RECALL, NO.

10 Q WERE THERE OTHER PERSONNEL IN THE OFFICE?

11 A YES THERE WERE.

12 Q WHEN YOU WENT INTO THAT ROOM, ASIDE FROM
13 MR. EISENBERG, I THINK YOU MADE MENTION, HAD HEARD THOSE THUDS,
14 HAD ANYONE ELSE TO YOUR KNOWLEDGE, HEARD THE THUDS?

15 A NOT THAT I AM AWARE OF, NO.

16 Q WHEN YOU WENT INTO THE ROOM, SIR, DID YOU SMELL
17 GUN POWDER?

18 A NO I DID NOT.

19 Q SIR, NO ONE HAD TOLD YOU THAT A MURDER HAD TAKEN
20 PLACE IN THAT ROOM, HAD THEY?

21 A NO. THEY DID NOT.

22 Q AND YOU ARE NOT A POLICEMAN, ARE YOU, SIR?

23 A NO I AM NOT.

24 Q YOU HAD NO REASON TO DO ANY SORT OF INVESTIGATION
25 THERE, PARTICLE TRACES, DID YOU, SIR?

26 A NO I DID NOT.

27 MR. BARENS: THANK YOU.

28 MR. WAPNER: NOTHING.

3 1 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU MAY
2 BE EXCUSED.

3 ALL RIGHT?

4 MR. WAPNER: WE CALL STEVE LOPEZ.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A-4

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

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

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

9 THE WITNESS: I DO.

10 THE CLERK: PLEASE BE SEATED. STATE AND SPELL YOUR
11 NAME FOR THE RECORD.

12 THE WITNESS: STEVE LOPEZ.

13 THE CLERK: SPELL LOPEZ.

14 THE WITNESS: L-O-P-E-Z.

15

16

DIRECT EXAMINATION

17 BY MR. WAPNER:

18 Q MR. LOPEZ, DO YOU KNOW THE DEFENDANT IN THIS CASE?

19 A I DO.

20 Q AND WHEN DID YOU FIRST MEET THE DEFENDANT IN THIS
21 CASE?

22 A I BELIEVE IT WAS IN THE BEGINNING OF OCTOBER.

23 Q OF WHAT YEAR?

24 A 1983.

25 Q AND HOW WAS IT THAT YOU CAME TO MEET MR. HUNT?

26 A I WAS INTRODUCED TO HIM BY A FRIEND OF MINE.

27 Q WHAT WAS YOUR FRIEND'S NAME?

28 A STEVE STOCKTON.

1 THE COURT: KEEP YOUR VOICE UP.

2 MR. WAPNER: THE LADY WHO YOU ARE SUPPOSED TO BE TALKING
3 TO IN THE CORNER DOESN'T SIT THERE ANY MORE. SEE THIS EMPTY
4 CHAIR BACK THERE? JUST TALK TO THAT CHAIR.

5 THE WITNESS: OKAY.

6 MR. WAPNER: THE IMAGINARY PERSON IN THAT CHAIR WILL
7 BE ABLE TO HEAR YOU AND THEN EVERYBODY ELSE WILL BE ABLE TO
8 HEAR YOU.

9 Q YOU HAD A FRIEND AT THAT TIME BY THE NAME OF STEVE
10 STOCKTON?

11 A RIGHT.

12 Q AND MR. STOCKTON INTRODUCED YOU TO MR. HUNT?

13 A THAT'S RIGHT.

14 Q HOW DID THAT COME ABOUT?

15 A HE TOLD ME THAT HE HAD A FRIEND THAT WAS A GREAT
16 TRADER IN COMMODITIES AND HE THOUGHT THAT I SHOULD MEET WITH
17 HIM AND TALK TO HIM ABOUT SOME INVESTMENTS AND I SAID THAT
18 IT WOULD BE FINE.

19 SO, HE GOT A HOLD OF A FRIEND THAT KNEW MR. HUNT.
20 HIS NAME WAS RONALD PARDOVITCH.

21 AND STEVE AND RONALD PARDOVITCH SET UP A MEETING
22 ONE NIGHT ABOUT 9 O'CLOCK AT THE BISTRO GARDENS.

23 Q OKAY. NOW, STOP FOR ONE SECOND. IN WHAT CONTEXT
24 DID YOU KNOW STEVE STOCKTON?

25 A AS A FRIEND.

26 Q AND DID YOU AT THAT TIME, HAVE SOME MONEY TO INVEST?

27 A YES.

28 Q ALL RIGHT. WAS THAT YOUR MONEY OR YOUR FAMILY'S

1 MONEY OR WHOSE MONEY WAS IT?

2 A IT WAS FAMILY MONEY.

3 Q ALL RIGHT. AND WAS YOUR FAMILY LIVING IN THE
4 UNITED STATES AT THAT TIME?

5 A NO.

6 Q WHERE WERE THEY LIVING?

7 A SINGAPORE.

8 Q DID MR. STOCKTON KNOW ANYTHING OR HAD YOU TOLD
9 HIM ANYTHING ABOUT YOUR FINANCIAL CONDITION?

10 A I TOLD HIM THAT IF WE DID WELL IN THE MARKET,
11 THAT WE COULD PROBABLY BRING IN A FEW LARGE INVESTORS FROM
12 SOUTHEAST ASIA. AND HE SAID OKAY, FINE.

13 Q HAD YOU HAD ANY FINANCIAL DEALINGS WITH
14 MR. STOCKTON BEFORE?

15 A YES.

16 Q AND DID THOSE INVOLVE YOU OR MEMBERS OF YOUR
17 FAMILY PUTTING IN FAIRLY LARGE AMOUNTS OF MONEY?

18 A YES.

19 Q WHEN THIS MEETING WAS SET UP AT THE BISTRO GARDENS,
20 WHO WAS THERE?

21 A STEVE STOCKTON, RONALD PARDOVITCH, JOE HUNT, BEN
22 DOSTI, DEAN KARNY.

23 Q WHEN YOU WENT THERE, WHAT HAPPENED?

24 A THEY PROCEEDED TO TELL ME WHAT THEY COULD DO IN
25 TERMS OF COMMODITY INVESTMENTS AND THE KINDS OF PROFITS THAT
26 COULD BE REALIZED.

27 Q WHO TOLD YOU THIS?

28 A BASICALLY, IT WAS TOLD TO ME BY JOE HUNT AND

1 BEN DOSTI.

2 Q AND WHAT WERE YOU TOLD BY MR. HUNT ABOUT
3 COMMODITY INVESTMENTS?

4 A HE TOLD ME THAT THERE WAS A SECURE WAY OF
5 INVESTING IN COMMODITIES WHERE IT WOULD ELIMINATE -- TAKE
6 OUT SOME OF THE RISKS THAT MOST PEOPLE ASSOCIATE WITH
7 COMMODITIES BECAUSE I HAD SOME IDEA THAT COMMODITIES WAS VERY
8 RISKY.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q DID YOU EXPRESS TO HIM THE THOUGHT THAT COMMODITIES
2 WERE KIND OF RISKY?

3 A I THINK I DID.

4 Q DID HE EXPLAIN TO YOU HIS WAY THAT HE HAD OF
5 TAKING OUT THE RISK?

6 A HE DID.

7 Q WHAT DID HE SAY?

8 A I CAN'T REALLY REMEMBER, YOUKNJW, THE ACTUAL
9 SPECIFICS OF HOW THE RISK WOULD BE TAKEN OUT OF THE TRADING.

10 IT WAS SORT OF GREEK TO ME ANYWAY SO I --

11 Q SORT OF GREEK TO YOU?

12 A I DIDN'T UNDERSTAND IT.

13 I MEAN THEY WERE TALKING AND I WAS LISTENING,
14 YOU KNOW.

15 I DIDN'T UNDERSTAND THE MECHANICS OF HOW EVERYTHING
16 WOULD WORK.

17 AND HE WENT ON TO SAY THAT IT WOULD TAKE TIME
18 FOR ME TO UNDERSTAND AND HE WOULD TAKE THE TIME TO EXPLAIN
19 TO ME HOW IT COULD BE SECURE AND LUCRATIVE AT THE SAME TIME.

20 Q DID HE TELL YOU THE KIND OF PROFITS THAT YOU
21 COULD EXPECT?

22 A HE DID.

23 Q WHAT DID HE SAY?

24 A HE SAID YOU COULD REALIZE, YOU KNOW, VERY
25 SIGNIFICANT PROFITS.

26 Q THIS IS MR. HUNT SAYING THAT?

27 A AND MR. DOSTI.

28 Q AND DID THEY TELL YOU WHAT THEY MEANT BY SIGNIFICANT

1 PROFITS?

2 A IT IS NOT UNUSUAL TO REALIZE A COUPLE OF HUNDRED
3 PERCENT ON YOUR INVESTMENT.

4 Q OVER WHAT PERIOD OF TIME?

5 A SHORT PERIODS OF TIMES, MONTHS, YOU KNOW, WEEKS.
6 SOMETIMES DAYS EVEN IF, YOU KNOW, IF THE MARKET IS AT THE
7 RIGHT TIME AND, AND SO ON AND SO FORTH.

8 I CAN'T REMEMBER ALL OF THE SPECIFICS.

9 Q YOU CAN'T REMEMBER ALL OF THE SPECIFICS?

10 A NO.

11 Q AND DID YOU COME AWAY FROM THAT MEETING MAKING
12 ANY DECISION AS TO WHAT YOU WERE GOING TO DO IN TERMS OF
13 INVESTING OR NOT?

14 A I WAS GOING TO THINK ABOUT IT AND WE WERE TO
15 MEET SO THAT HE COULD GET INTO, YOU KNOW, INTO MORE DEPTH
16 AS TO --

17 BECAUSE I WANTED TO GET SOME IDEA OR TRY TO GET
18 SOME IDEA, IF I COULD, OF WHAT HE WAS TALKING ABOUT. SO
19 I AGREED THAT I WOULD MEET WITH HIM A FEW DAYS AFTER THAT.

20 Q DID YOU MEET WITH SOMEBODY A FEW DAYS AFTER THAT?

21 A I DID.

22 Q WHO?

23 A I MET WITH JOE HUNT AND BEN DOSTI.

24 Q WHERE?

25 A AT THEIR OFFICE ON THIRD STREET.

26 Q WAS SOMETHING EXPLAINED TO YOU AT THIS POINT?

27 A IT WAS.

28 Q WHAT WAS THAT?

1 A THEY EXPLAINED TO ME ABOUT THE SPREADS IN THE
2 INTEREST RATES AND HOW AS THE MARKET MOVED AND THE DOLLAR
3 FLUCTUATED, AND SO ON AND SO FORTH, HOW -- HOW IT WAS, HOW
4 I COULD --

5 THEY WERE TRYING TO EXPLAIN TO ME ON HOW PROFITS
6 COULD BE MADE BECAUSE OF THE MOVES IN THE INTEREST RATES.

7 Q DID YOU UNDERSTAND IT?

8 A NO.

9 Q WHAT DID YOU DO AFTER TALKING TO THEM THEN, WHAT
10 DID YOU DO?

11 A WELL, I TOLD THEM THAT, YOU KNOW, THAT EITHER
12 I WAS STUPID OR SOMETHING, MAYBE HE COULD TALK TO ME MORE
13 AND TYPE SOMETHING UP SO I COULD READ IT, I WOULD BE
14 INTERESTED, BUT I STILL NEED TO KNOW MORE.

15 AND HE SAID, "FINE." DON'T BE HARD ON MYSELF
16 BECAUSE THESE THINGS TAKE TIME AND I SAID, "FINE".

17 Q DID MR. HUNT TYPE SOMETHING UP FOR YOU?

18 A AS TIME WENT ON, YES.

19 Q AT SOME POINT, DID YOU MAKE A DECISION TO INVEST
20 WITH MR. HUNT?

21 A YES.

22 I THINK IT WAS MAYBE THE SECOND MEETING -- MAYBE THE
23 THIRD MEETING FROM THE FIRST TIME THAT I MET HIM.

24 Q WHY DID YOU MAKE A DECISION TO INVEST WITH HIM?

25 A BECAUSE MY FRIEND, STEVE STOCKTON, ASSURED ME
26 THAT, YOU KNOW, HE WAS -- YOU KNOW, HE WAS UP AND UP AND
27 HE KNEW WHAT HE WAS DOING.

28 AND JOE HUNT HAD SHOWN ME A PREVIOUS TRACK RECORD

1 OF HIS TRADING PERFORMANCE WITH RON LEVIN.

2 Q WHAT DID HE SAY ABOUT THAT?

3 A AND HE SAID, "I WANT TO SHOW YOU AN EXAMPLE OF
4 THE KINDS OF PROFITS THAT CAN BE MADE IN THE COMMODITY
5 MARKET."

6 Q WHEN YOU SAW THAT, WHAT DID YOU THINK?

7 A WELL, NEEDLESS TO SAY, I WAS VERY IMPRESSED.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q WHAT KIND OF PROFITS WERE THERE ON THAT STATEMENT
2 THAT YOU SAW?

3 A 200 -- 250 PERCENT PROFIT.

4 Q AND WHAT PART, IF ANY, DID THAT PLAY IN YOUR
5 DECISION TO INVEST WITH HIM?

6 A WELL, I WAS -- I WAS IMPRESSED ENOUGH THAT I
7 SAID TO MYSELF, "OKAY, I WILL INVEST."

8 Q SO THERE WAS STEVE STOCKTON ASSURING YOU THAT
9 IT WAS A GOOD THING, RIGHT?

10 A UH-HUH.

11 Q IS THAT YES?

12 A YES.

13 Q AND THERE WAS JOE HUNT SHOWING YOU STATEMENTS
14 HE HAD OBTAINED FROM TRADING WITH MR. LEVIN, RIGHT?

15 A CORRECT.

16 Q WAS THERE ANYTHING ELSE THAT WENT INTO YOUR
17 DECISION?

18 A WELL, I LIKED THEM BECAUSE, YOU KNOW, WE WERE
19 ALL CLOSE ENOUGH TO THE SAME AGE AND I THOUGHT IT WOULD BE
20 GREAT IF WE COULD FORM A LITTLE, YOU KNOW, PARTNERSHIP AND
21 DO BUSINESS.

22 AND I KNEW THAT I HAD CONNECTIONS IN SOUTHEAST
23 ASIA AND I COULD BRING IN MONEY INTO THE UNITED STATES FOR
24 INVESTMENTS AND IF WE COULD SHOW PROFITS LIKE WHAT MR. HUNT
25 SHOWED ME, THEN, YOU KNOW, I KNEW WHAT I COULD DO.

26 Q AND AT THAT POINT, HAD YOU TOLD MR. HUNT THAT
27 IF YOU SHOWED PROFIT, IF HE COULD DEMONSTRATE PROFITS LIKE
28 WHAT HE WAS SHOWING YOU, THAT YOU WOULD BRING IN INVESTORS?

1 A YES, I DID.

2 Q DID YOU TELL HIM HOW MUCH MONEY POTENTIALLY YOU
3 MIGHT BE ABLE TO BRING IN FOR HIM?

4 A I BELIEVE I DID.

5 Q WHAT KIND OF THINGS DID YOU TELL HIM IN THAT
6 REGARD?

7 A I TOLD HIM THAT IF HE COULD SHOW ME THAT HE COULD
8 BRING IN -- IF HE --

9 I TOLD HIM IF HE COULD DO A FEW TRADES, YOU KNOW,
10 LIKE WHAT HE HAD SHOWED ME HE HAD DONE PREVIOUSLY, I COULD
11 BRING IN A LOT OF MONEY INTO THE UNITED STATES. I WASN'T
12 SURE HOW MUCH. BUT I COULD BRING IN, YOU KNOW, I COULD
13 PROBABLY BRING IN A COUPLE OF MILLION DOLLARS, IF NOT MORE.

14 Q DID YOU TALK TO HIM ABOUT THOSE KINDS OF NUMBERS?

15 A YES.

16 Q AND AFTER MAKING YOUR DECISION TO INVEST WITH
17 HIM, WHAT DID YOU DO IN FACT TO GO AND ACTUALLY SET UP AN
18 ACCOUNT SO THAT YOU COULD DO SOME TRADING?

19 A HE MENTIONED THAT HE HAD A FRIEND CALLED GENE
20 VACTOR. AT THAT TIME GENE WAS AT CONTI COMMODITIES. AND
21 I SAID OKAY, FINE, I DIDN'T REALLY CARE WHERE WE WENT. SO
22 AN ACCOUNT WAS SET UP THERE INITIALLY.

23 Q THAT WAS TRADED FOR A WHILE?

24 A I DON'T BELIEVE THAT THAT WAS TRADED AT ALL BECAUSE
25 I THINK THE COMMISSIONS WERE SLIGHTLY HIGH AT THAT PARTICULAR
26 BROKERAGE HOUSE --

27 Q DID YOU SET UP ANOTHER ACCOUNT SOMEWHERE ELSE?

28 A YES, WE DID.

1 A ALL RIGHT -- STEVE -- I AM SORRY.

2 Q LET ME JUST ASK YOU SOMETHING: WAS THERE ANY
3 TRADING AT ALL AT CONTI?

4 A I CAN'T REMEMBER.

5 Q DID YOU PERSONALLY MAKE ANY TRADES AT CONTI,
6 AUTHORIZE ANY TRADES AT CONTI IN A COMMODITIES ACCOUNT?

7 A NO.

8 Q DID YOU KNOW ANYTHING AT ALL ABOUT THE TRADING
9 OF COMMODITIES?

10 A NO.

11 Q HAD YOU EVER DONE IT BEFORE?

12 A NO.

13 Q AND AFTER CONTI COMMODITIES, DID YOU GO TO
14 SHEARSON AMERICAN EXPRESS OR SHEARSON LEHMAN BROTHERS OF
15 BEVERLY HILLS ON CANON DRIVE?

16 A YES.

17 STEVE STOCKTON HAD KNOWN LARRY MAIZE FOR, I DON'T
18 KNOW HOW LONG, AND HE TOLD ME HE WAS A GOOD BROKER AND GOOD --
19 WHAT IS THE WORD -- THE TRANSACTION CHARGES WOULD BE MUCH
20 LESS, AND, THEREFORE, WE WOULD HAVE -- MARGIN CALLS WOULD
21 BE NOT AS FREQUENT.

22 I CAN'T REMEMBER. SOMETHING ABOUT THE MARGIN
23 CALL WOULD MAKE A DIFFERENCE.

24 Q IN ANY EVENT --

25 A IN ANY EVENT.

26 Q -- YOU WENT TO SHEARSON IN BEVERLY HILLS, RIGHT?

27 A RIGHT.

28 Q AND WAS THERE AN ACCOUNT SET UP AT SHEARSON?

1 A YES.

2 Q WHAT WAS THE NAME OF THE ACCOUNT?

3 A IT STARTED OUT AS "EYE CONTACT," WHICH WAS A
4 COMPANY THAT I GUESS JOE OR DEAN HAD IN THE PAST AND THAT
5 TURNED -- AND THEN THEY DIDN'T LIKE THAT NAME, SO IT WENT
6 TO INTERNATIONAL MARKETING, WHICH WAS A COMPANY THAT BEN DOSTI'S
7 FATHER, I BELIEVE, PREVIOUSLY HAD.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q ALL RIGHT. YOU TOOK THE NAME FROM A COMPANY THAT
2 MR. DOSTI'S FATHER HAD AT ONE TIME?

3 A YES.

4 Q AND WHAT WAS YOUR UNDERSTANDING OF THAT
5 INTERNATIONAL MARKETING OPERATIONS ACCOUNT, WHAT IT WAS GOING
6 TO BE USED FOR?

7 A WELL, BEN WOULD TRADE THE ACCOUNT. BEN AND JOE
8 WOULD TRADE THE ACCOUNT AND MY JOB WAS TO BRING IN -- THEY
9 WOULD TEACH ME THE ACCOUNT WHENEVER I WAS IN LOS ANGELES.
10 THEY WOULD TRY TO SHOW ME AS MUCH AS THEY CAN ABOUT HOW IT
11 WAS TRADED.

12 Q OKAY. LET ME INTERRUPT YOU FOR A MINUTE BECAUSE
13 I DON'T THINK I ASKED YOU A PRECISE ENOUGH QUESTION.

14 DID YOU HAVE AN UNDERSTANDING WITH MR. HUNT AND
15 MR. DOSTI, ABOUT WHERE THE MONEY WOULD COME FROM TO GO INTO
16 THIS INTERNATIONAL MARKETING OPERATIONS ACCOUNT?

17 A IT WOULD COME FROM INVESTORS I WOULD BRING IN.

18 Q AND WHAT IF ANY, OF YOUR PERSONAL MONEY WAS GOING
19 TO GO IN THERE?

20 A WELL, IT WAS LIKE, MY FAMILY'S MONEY THAT WENT
21 IN THERE.

22 Q DID YOU PUT SOME OF YOUR FAMILY'S MONEY IN THERE?

23 A YES I DID.

24 Q SO IT WOULD BE INVESTORS THAT YOU BROUGHT IN,
25 WHETHER IT WAS FAMILY OR FRIENDS OR OTHERS, CORRECT?

26 A RIGHT. EXACTLY.

27 Q DID MR. HUNT TELL YOU ANYTHING ABOUT OTHER
28 INVESTORS THAT HE HAD, SUCH AS STEVE WEISS?

^ - 2
1 A WELL, HE SAID THAT HE HAD INVESTORS. THERE WERE
2 BASICALLY TWO INVESTORS. ONE WERE THE AMERICAN INVESTORS
3 AND ONE WAS THE ASIAN INVESTORS.

4 AND JOE WAS -- JOE TALKED TO THE AMERICAN
5 INVESTORS I GUESS, ALL OF THE TIME.

6 I WOULD FREQUENTLY TALK TO THE SOUTHEAST ASIAN
7 INVESTORS AND TRY TO GET MORE INVESTORS.

8 Q BUT WHAT WAS YOUR UNDERSTANDING FROM MR. HUNT
9 AS TO THE MONEY THAT WAS TO GO INTO THE INTERNATIONAL MARKETING?
10 WAS THIS ALL TO BE FROM YOU AND THE ASIAN GROUP OF INVESTORS?

11 A YES. AND HE SAID FROM TIME TO TIME, IF I WANTED
12 TO TRY A CERTAIN POSITION THAT HE WOULD PUT MONEY INTO
13 INTERNATIONAL MARKETING AND THEN YOU KNOW, FROM TIME TO TIME,
14 PUT MONEY IN AND TAKE MONEY RIGHT OUT AGAIN. I SAID IT WAS
15 FINE. BUT PRIMARILY, IT WAS ASIAN INVESTORS.

16 Q OKAY. AND DID YOU UNDERSTAND FROM TALKING TO
17 MR. HUNT, THAT THE MONEY THAT HE RAISED FROM HIS OWN AMERICAN
18 GROUP OF INVESTORS, WAS SOMEHOW GOING TO BE SEPARATE FROM
19 THE MONEY YOU WERE GOING TO PUT IN?

20 A THAT'S RIGHT.

21 Q IT WAS GOING TO BE IN A SEPARATE ACCOUNT?

22 A YES.

23 Q WHEN YOU OPENED INTERNATIONAL MARKETING OPERATIONS,
24 DID YOU PUT SOME MONEY IN THERE INITIALLY?

25 A YES.

26 Q AND WAS THERE ALSO AT THE SAME TIME AT SHEARSON
27 AN ACCOUNT OPENED IN YOUR NAME THAT WAS A SECURITIES ACCOUNT
28 INTO WHICH YOU PUT SOME BONDS?

1 A YES.

2 Q AND DID YOU MAKE A LOAN ON THOSE BONDS, GET A
3 LOAN ON THOSE BONDS?

4 A THE BONDS CAME FROM A MAN CALLED NICK STARR, WHO
5 WAS A FRIEND. AND AMERICAN EXPRESS LENT US MONEY, BASED ON
6 THOSE BONDS, AS SECURITY.

7 Q WHAT DID YOU DO WITH THAT MONEY THAT WAS LENT
8 TO YOU AS SECURITY? DID THAT GO INTO THE COMMODITIES ACCOUNT?

9 A IT DID.

10 THE COURT: WAS THAT THE SUM OF NINETY-SOME-THOUSAND
11 DOLLARS?

12 THE WITNESS: THAT'S RIGHT, YOUR HONOR.

13 Q BY MR. WAPNER: MR. LOPEZ, INCIDENTALLY, AT THE
14 TIME THIS WAS GOING ON IN OCTOBER OF 1983, WHERE WERE YOU
15 LIVING?

16 A ON BEVERWIL DRIVE. I RENTED A ROOM FROM SOME
17 PEOPLE ON BEVERWIL DRIVE.

18 Q AND AFTER THE INTERNATIONAL MARKETING OPERATIONS
19 ACCOUNT WAS OPENED, DID YOU RAISE OTHER MONEY TO GO INTO THIS
20 ACCOUNT?

21 A I DID.

22 Q FROM WHAT SOURCES?

23 A INVESTORS AND FRIENDS.

24 Q DID YOU GO SHEARSON OCCASIONALLY TO TRADE ON THAT
25 ACCOUNT?

26 A I TRIED TO GET --

27 Q LET ME REPHRASE THAT QUESTION. DID YOU GO WITH
28 BEN DOSTI TO SHEARSON AMERICAN EXPRESS WHEN TRADING ON THAT

2A-4
1 ACCOUNT WAS OCCURRING?

2 A WHENEVER I WAS IN TOWN, I WENT EVERY MORNING.

3 Q AND WHEN YOU WENT WITH MR. DOSTI, WHAT PART OF
4 SHEARSON DID YOU GO TO?

5 A WE MET -- WE SAT RIGHT IN FRONT OF BOB TAYLOR'S
6 OFFICE.

7 Q DID YOU EVER SIT IN LARRY MAIZE'S OFFICE OR SEE
8 BEN SIT IN LARRY MAIZE'S OFFICE?

9 A WELL, WE WOULD GO IN THERE TO TALK TO HIM ONCE
10 IN A WHILE ON A TRADE OR A TRANSACTION THAT BEN WANTED TO
11 DO OR IF HE HAD A PROBLEM WITH THE TRADER IN NEW YORK, THEN
12 HE WOULD GO INTO LARRY MAIZE'S OFFICE. WE WERE IN THERE NOT
13 OFTEN BUT WE HAVE BEEN IN THERE A FEW TIMES.

14

15
S F

16

17

18

19

20

21

22

23

24

25

26

27

28

R-1

1 Q DURING THE TIME THAT YOU WERE THERE, DID YOU EVER
2 DO ANY OF THE TRADES, AUTHORIZE ANY OF THE TRADES OR MAKE
3 ANY OF THE TRADES YOURSELF?

4 A WELL, BEN KIND OF FOUND IT HARD TO GET UP REAL
5 EARLY IN THE MORNING. SO I WOULD GET UP ABOUT 5 O'CLOCK.
6 I WOULD GO TO SHEARSON. I WAS MANY TIMES, THE FIRST ONE THERE.

7 SO I WOULD TALK TO BEN OVER THE TELEPHONE AND
8 HE WOULD TELL ME YOU KNOW, WHAT IS GOING ON WITH A PARTICULAR
9 LINE.

10 AND I WOULD READ HIM THE FIGURES AND HE WOULD
11 SIT THERE WITH A CALCULATOR AND HE WOULD TELL ME THAT HE WANTED
12 ME TO DO THIS OR THAT.

13 I WOULD IN TURN, TELL LARRY MAIZE TO DO THIS.

14 IF LARRY DIDN'T UNDERSTAND IT, HE WOULD CALL BEN.
15 SO YOU KNOW, IN THAT RESPECT, I GUESS I TALKED TO LARRY TO
16 MAKE A TRANSACTION FROM BEN.

17 Q DID YOU EVER MAKE ANY INDEPENDENT DECISIONS ABOUT
18 WHAT TRADES TO MAKE?

19 A NO. I DIDN'T KNOW HOW.

20 Q AND DID YOU SEE MR. DOSTI ON THE PHONE WHEN HE
21 WAS AT SHEARSON AMERICAN EXPRESS?

22 A YES.

23 Q AND WOULD HE CONSULT WITH SOMEONE ABOUT WHAT TRADES
24 TO MAKE?

25 A YES.

26 Q WHO DID HE CONSULT WITH?

27 A HE TALKED TO JOE.

28 Q JOE HUNT?

R-2

1 A JOE HUNT.

2 Q HOW DO YOU KNOW IT WAS JOE HUNT HE WAS TALKING
3 TO?

4 A WELL, HE WOULD SAY, "JOE, WHAT DO YOU THINK ABOUT
5 THIS? JOE, WHAT DO YOU THINK ABOUT THAT?"

6 Q IT WAS NOT ANY OTHER JOE THAT YOU COULD THINK
7 OF THAT HE WOULD BE CONFERRING WITH?

8 A NO, NOT THAT I KNOW.

9 Q AND YOU SAID THAT YOU WOULD GO THERE WHEN YOU
10 WERE IN TOWN. WERE THERE TIMES WHEN YOU WOULD GO OUT OF TOWN?

11 A DURING THE LAST PART OF 1983 AND THE FIRST SIX
12 MONTHS OF 1984, I THINK I WENT OUT OF TWO -- WELL, I FLEW
13 AROUND THE WORLD, MAYBE NINE OR TEN TIMES.

14 Q WHAT WAS YOUR PURPOSE IN LEAVING LOS ANGELES TO
15 GO AROUND THE WORLD?

16 A WELL, TO BRING IN MORE INVESTORS AND TO TRY TO
17 SET UP COMMODITY ACCOUNTS WITH AMERICAN EXPRESS IN SINGAPORE
18 AND YOU KNOW, MAYBE IN HONG KONG, IF I COULD.

19 Q WAS THERE A CHECKING ACCOUNT FOR THE INTERNATIONAL
20 MARKETING OPERATIONS BUSINESS, SO TO SPEAK?

21 A YES, WITH BANK OF AMERICA.

22 Q AND HOW WAS IT YOUR UNDERSTANDING THAT MONEY WOULD
23 GET FROM YOUR INVESTORS INTO THE COMMODITIES TRADING OF
24 INTERNATIONAL MARKETING OPERATIONS?

25 A WELL, BANK OF AMERICA HAD A BRANCH IN SINGAPORE.
26 EITHER I WOULD COME BACK TO THE UNITED STATES WITH A CERTIFIED
27 CHECK OR THE MONEY WOULD BE WIRED. OR YOU KNOW, ANY NUMBER
28 OF WAYS. SOMETIMES A CERTIFIED CHECK WOULD BE GIVEN TO THE

1 BROKERAGE HOUSE DIRECTLY, AS HAPPENED IN A FEW CASES.

2 Q AND DO YOU HAVE ANY IDEA ABOUT HOW MUCH MONEY
3 YOU RAISED AND PUT INTO INTERNATIONAL MARKETING OPERATIONS'
4 ACCOUNT?

5 A APPROXIMATELY IN THE MONEY THAT ALL WENT IN, IT
6 WAS APPROXIMATELY ABOUT \$700,000.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q DO YOU KNOW WHAT HAPPENED TO THAT?

2 A WE LOST THAT IN THE TRADES, AS GENE VACTOR
3 EXPLAINED TO ME.

4 Q WHEN YOU GOT THIS MONEY FROM INVESTORS, IF YOU
5 GOT CHECKS FROM INVESTORS, WHAT WOULD YOU DO WITH THEM?

6 A I WOULD MAKE A DEPOSIT.

7 Q WHERE TO?

8 A EITHER THE BROKERAGE HOUSE OR THE BANK DIRECTLY.

9 Q TO THE BANK OF AMERICA IN THE INTERNATIONAL
10 MARKETING OPERATIONS ACCOUNT?

11 A YES.

12 Q AND IN TERMS OF THE CONTROL OVER THE TRADING
13 AND THE MONEY ONCE IT WAS DEPOSITED, WHO HAD THAT?

14 A BEN DOSTI.

15 Q AS FAR AS WRITING CHECKS ON THE INTERNATIONAL
16 MARKETING ACCOUNT, CHECK ACCOUNT IN THE BANK OF AMERICA, WHO
17 WAS AUTHORIZED TO WRITE THE CHECKS?

18 A BEN DOSTI.

19 Q AND WHO ELSE?

20 A AND MYSELF.

21 IT WAS -- THERE WAS TWO SIGNATURES ON THE CHECKS.

22 Q DURING THE TIME THAT YOU WENT OUT OF TOWN, DID
23 YOU EVER DO ANYTHING WITH REGARD TO ALLOWING MR. DOSTI
24 ACCESS TO THE MONEY IN THE ACCOUNT?

25 A YES.

26 Q WHAT?

27 A I USUALLY SIGNED.

28 I TRUSTED HIM.

1 I SIGNED APPROXIMATELY TEN CHECKS PRIOR TO
2 LEAVING THE U.S., EVERY TIME I DID LEAVE THE U.S.

3 Q BLANK CHECKS?

4 A BLANK CHECKS.

5 Q AND SO IF YOU PUT IN MONEY INTO THE ACCOUNT WHILE
6 YOU WERE GONE, IT COULD BE TAKEN OUT BY MR. DOSTI BY WRITING
7 A CHECK?

8 A THAT'S CORRECT.

9 Q AT SOME POINT, DID YOU MOVE OUT OF A PLACE ON
10 BEVERWIL AND MOVE SOMEWHERE ELSE?

11 A YES, I DID.

12 Q WHERE DID YOU MOVE TO?

13 A I MOVED TO AN APARTMENT ON BEVERLY GLEN.

14 Q AND DID YOU EVENTUALLY MOVE INTO A CONDOMINIUM
15 ON WILSHIRE BOULEVARD?

16 A I DID.

17 Q AND WHAT WAS THE NAME OF THE CONDOMINIUM BUILDING
18 THAT YOU MOVED INTO?

19 A THE WESTWOOD MANOR.

20 Q WESTWOOD MANOR?

21 A RIGHT.

22 Q DID YOU EVER MOVE INTO THE WILSHIRE MANNING
23 CONDOMINIUM WITH BEN DOSTI?

24 A YES, I DID.

25 Q WHEN WAS THAT?

26 A SHORTLY -- PROBABLY ABOUT A MONTH AFTER I GOT
27 TO KNOW BEN DOSTI.

28 Q AND WHO WAS LIVING THERE IN THAT CONDOMINIUM?

1 A AT THE TIME?

2 Q YES.

3 A WELL, THE CONDOMINIUM I WAS LIVING IN, NOBODY
4 WAS LIVING.

5 BEN WAS LIVING ON THE 15TH FLOOR.

6 Q AND HOW WAS IT THAT YOU CAME TO LIVE AT THE
7 WILSHIRE MANNING?

8 A WELL, BEN AND JOE AND I WERE TALKING AND THEY
9 SAID, YOU KNOW, WHY DON'T YOU ROOM WITH BEN?

10 AND I THOUGHT IT WAS A GOOD IDEA AND I THOUGHT
11 AT THAT TIME PERHAPS IT WAS A LITTLE EXPENSIVE, BUT THEY
12 ASSURED ME THAT WE COULD MAKE THE PROFITS IN THE MARKET SO
13 I SAID, "OKAY, IN THAT CASE I WILL, YOU KNOW, I WILL ROOM
14 WITH BEN."

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q AND DID YOU MOVE INTO ANOTHER CONDOMINIUM AT
2 THE WILSHIRE MANNING WITH BEN DOSTI?

3 A YES, ON THE 12TH FLOOR.

4 Q THAT WAS 1206?

5 A 1206.

6 Q WHO WAS PAYING THE RENT FOR THAT CONDOMINIUM?

7 A WELL, I PAID A COUPLE OF MONTHS WHEN I WAS AROUND
8 AND IN TOWN.

9 THE TIMES WHEN I WASN'T AROUND AND IN TOWN, THEN
10 BEN PAID IT.

11 Q DID YOU LEAVE THE UNITED STATES IN THE EARLY
12 PART OF JUNE OF 1984?

13 A I DID.

14 Q WHERE DID YOU GO?

15 A MY FIRST STOP WAS BOSTON FOR A COUPLE OF HOURS
16 AND AFTER THAT, I WENT TO CHARLES DE GAULLE.

17 Q CHARLES DE GAULLE AIRPORT IN PARIS?

18 A YES.

19 Q WAS THAT ON JUNE 2ND THAT YOU LEFT LOS ANGELES?

20 A YES.

21 Q AND APPROXIMATELY JUNE THE 13TH, DID YOU SEE
22 MR. HUNT?

23 A YES, I DID.

24 Q WHERE?

25 A IN LONDON.

26 Q AND WERE YOU STAYING IN LONDON AT THE TIME?

27 A I WAS.

28 Q WHERE WERE YOU WHEN YOU SAW MR. HUNT?

1 A I WAS AT THE INTERCONTINENTAL HOTEL ON PARK LANE.

2 Q DID HE COME AND SEE YOU IN YOUR ROOM?

3 A YES, HE DID.

4 Q DID HE STAY WITH YOU FOR A PERIOD OF TIME?

5 A HE DID.

6 Q FOR HOW LONG?

7 A IT WAS A SHORT PERIOD OF TIME. I THINK MAYBE
8 FOUR OR FIVE DAYS.

9 Q WHEN HE CAME TO YOUR HOTEL ROOM IN LONDON, DID
10 HE SHOW YOU ANYTHING?

11 A HE SHOWED ME SOME DOCUMENTS THAT HE BROUGHT WITH
12 HIM FROM LOS ANGELES OF THE MICROGENESIS ATTRITION MILL THAT
13 THEY WERE BUILDING IN GARDENA AND HE SHOWED ME THE DIFFERENT
14 APPLICATIONS THAT HE HAD, WAS ABLE TO SELL TO VARIOUS PEOPLE
15 AND HE SHOWED ME THE CHECKS AND THE CONTRACTS.

16 Q DID HE SHOW YOU A CHECK FROM MR. LEVIN?

17 A YES, HE DID.

18 Q FOR A MILLION AND A HALF DOLLARS?

19 A YES, THAT'S RIGHT.

20 Q AND A CONTRACT THAT PURPORTEDLY WAS SIGNED BY
21 MR. LEVIN?

22 A YES.

23 Q AND WHAT DID HE TELL YOU ABOUT THAT?

24 A HE SAID WELL, YOU KNOW, GOOD LUCK AND GOOD
25 FORTUNE AND, YOU KNOW, THINGS HAVE WORKED OUT WELL FOR THE
26 MILL FOR ALL OF THE MONEY WE SPENT ON MICROGENESIS.

27 AND DO YOU -- HE ASKED ME IF, YOU KNOW, I THOUGHT
28 THAT THERE WAS A FAST WAY OF EXPEDITING TO CASH THAT CHECK

1 IN SINGAPORE.

2 Q WHAT DID YOU SAY TO HIM AT THAT TIME?

3 A I SAID I DIDN'T SEE A PROBLEM BECAUSE THERE WAS
4 A CREDIT SUISSE OFFICE IN SINGAPORE.

5 Q HAD HE ASKED YOU TO TRY AND RAISE MONEY FROM
6 SOUTHEAST ASIAN INVESTORS FOR THE ATTRITION MILL?

7 A YES, THAT'S RIGHT.

8 Q DID HE SHOW YOU THE CHECK AND CONTRACT KIND OF
9 AS AN INCENTIVE TO SAY, "LOOK HOW GREAT WE ARE DOING, WHY
10 DON'T YOU TRY AND RAISE MORE MONEY"?

11 A RIGHT.

12 Q AFTER YOU TOLD HIM THERE WOULDN'T BE A PROBLEM --
13 STRIKE THAT.

14 AND WHEN YOU LEFT LONDON, WHERE DID YOU GO?

15 A I WENT TO SINGAPORE -- I STOPPED IN ABU DHABI.
16 AND THEN I WENT TO SINGAPORE.

17 Q HOW LONG DID YOU REMAIN OUT OF THE UNITED STATES?

18 A PROBABLY FOR ANOTHER MONTH AFTER THAT. I AM
19 GUESSING, BECAUSE I REMEMBER WATCHING THE OLYMPICS IN INDIA
20 THAT WERE IN LOS ANGELES, SO IT WAS PAST THAT TIME. IT WAS
21 TWO WEEKS IN INDIA, I REMEMBER FOR SURE.

22 Q SO YOU WERE OUT OF THE COUNTRY SOMETIME FROM
23 JUNE THE 2ND THROUGH MAYBE THE END OF THE SUMMER OR JULY,
24 AUGUST, SOMETHING LIKE THAT?

25 A YES.

26

27

28

-1

1 Q THIS IS KIND OF BACK IN TIME. BUT AT SOME POINT
2 WHEN YOU EARLY ON GOT INVOLVED WITH MR. HUNT, DID YOU OWN
3 A BLACK BMW?

4 A YES I DID.

5 Q WAS THAT AN OLDER BMW THAT HAD BEEN RESTORED?

6 A IT WAS. IT WAS I THINK, A 1970 BMW.

7 Q AND WERE YOU SELLING THAT CAR OR INTENDING TO
8 SELL IT?

9 A NOT REALLY.

10 Q DID YOU SELL IT TO SOMEBODY?

11 A YES. I SOLD IT TO JOE HUNT.

12 Q AND DID YOU SEE WHAT HE DID WITH IT?

13 A WELL AT THAT POINT, I THINK THAT HE LET JIM PITTMAN
14 DRIVE IT, JIM GRAHAM DRIVE IT.

15 Q ALL RIGHT. THAT WAS THE PERSON WHO YOU KNEW BY
16 THE NAME OF JIM GRAHAM AT THAT TIME, THAT YOU LATER CAME TO
17 FIND OUT WAS NAMED PITTMAN?

18 A YEAH. HE WORKED IN OUR BUILDING, IN THE MANNING.

19 Q AT THE TIME THAT YOU MOVED INTO THE MANNING, WHAT
20 WAS MR. PITTMAN DOING?

21 A HE WAS THE SECURITY GUARD IN THE BUILDING.

22 Q DO YOU KNOW WHAT KIND OF A CAR HE DROVE BEFORE
23 JOE HUNT GAVE HIM THE BMW?

24 A NO. I NEVER SAW THE KIND OF A CAR HE DROVE.

25 Q HOW LONG AFTER YOU SOLD THIS BMW TO JOE HUNT,
26 WAS IT THAT MR. PITTMAN STARTED DRIVING IT?

27 A I ONLY REMEMBER HIM DRIVING THAT CAR AFTER I SOLD
28 IT. I DON'T REMEMBER ANYBODY ELSE DRIVING IT.

-2

1 Q DO YOU REMEMBER HOW MUCH JOE HUNT PAID YOU FOR
2 THE CAR?

3 A \$14,500.

4 MR. WAPNER: MIGHT THIS BE AN APPROPRIATE TIME TO BREAK?

5 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN OF THE
6 JURY, WE'LL TAKE OUR CUSTOMARY ADJOURNMENT AT THIS TIME UNTIL
7 TOMORROW MORNING AT 10:30.

8 THE SAME ADMONITION I HAVE GIVEN YOU PREVIOUSLY
9 STILL APPLIES. THANK YOU VERY MUCH.

10 (AT 4:28 P.M. AN ADJOURNMENT WAS TAKEN
11 UNTIL TUESDAY, MARCH 10, 1987, AT
12 10:00 A.M.)

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28