

DOCKET
No. <b>88DA0269</b>
Entered by _____
Date _____

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
 SECOND APPELLATE DISTRICT

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

SUPERIOR COURT  
 NO. A-090435

OCT 09 1987

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

APPEARANCES:

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

FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME <sup>04</sup> OF 101  
 (PAGES <sup>10080</sup> TO <sup>10258</sup>, INCLUSIVE)

COPY

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WEST C

HON. LAURENCE J. RITTENBAND, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA, )  
 )  
 ) PLAINTIFF, )  
 )  
 ) VS. )  
 )  
 ) JOSEPH HUNT, )  
 )  
 ) DEFENDANT. )

NO. A-090435

REPORTERS' DAILY TRANSCRIPT  
WEDNESDAY, MARCH 11, 1987  
VOLUME 64

PAGES 10080 TO 10258 INCL.

APPEARANCES:

FOR THE PLAINTIFF: IRA REINER, DISTRICT ATTORNEY  
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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 WEDNESDAY, MARCH 11, 1987 VOLUME 64 PAGES 10080 - 10258  
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 3 P.M. 10147

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1 SANTA MONICA, CALIFORNIA; WEDNESDAY, MARCH 11, 1987; 10:45 A.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: GOOD MORNING, LADIES AND GENTLEMEN.  
7

8 JEROME EISENBERG,  
9 CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY SWORN,  
10 RESUMED THE WITNESS STAND AND TESTIFIED FURTHER AS FOLLOWS:

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

13 IF YOU WOULD JUST HAVE A SEAT AND STATE YOUR NAME  
14 AGAIN FOR THE RECORD.

15 THE WITNESS: JEROME J. EISENBERG.  
16

17 CROSS-EXAMINATION (RESUMED)

18 BY MR. BARENS:

19 Q GOOD MORNING.

20 A GOOD MORNING, MR. BARENS.

21 Q WE HAD LEFT OFF YESTERDAY TALKING ABOUT THE APRIL  
22 MEETING AND THE ATTITUDE OF THE BBC PEOPLE AFTER THAT.

23 AFTER THE APRIL MEETING WHERE HUNT WAS TRYING  
24 TO INSTALL THESE NEW BUSINESS PROCEDURES WAS THERE, SAY, BETWEEN  
25 THAT AND JUNE, EVER ANOTHER SIMILAR MEETING TO THAT OR A  
26 FOLLOW-UP MEETING?

27 A NOT THAT I REMEMBER OR NOT THAT I WAS AT.

28 Q WERE THERE ANY MEMORANDA ISSUED OR DOCUMENTATION

1 ISSUED BY WAY OF A SUMMARY OR AN INTERNAL MEMO AFTER THE  
2 APRIL MEETING?

3 A NOT ON A CONSTANT BASIS. THERE WERE ALWAYS MEMOS,  
4 YOU KNOW, AS TO SECURITY, AS TO THE BUSINESSES. IT WAS A  
5 CONSTANT FLOW OF MEMORANDA.

6 Q BUT SPECIFICALLY REFERABLE TO THE APRIL MEETING  
7 THAT YOU MADE MENTION OF, DID HUNT OR YOURSELF OR ANY OTHER  
8 PERSON DRAFT UP A SUMMARY SAYING "WELL, FROM NOW ON THIS IS  
9 THE WAY WE ARE GOING TO OPERATE"?

10 A IT IS POSSIBLE.

11 I DON'T REMEMBER.

12 Q YOU NEVER SAW ANY OF THE MEMBERS SUBMIT SUGGESTIONS  
13 AFTER THAT ABOUT THEIR RESPONSES OR THEIR ATTITUDE ABOUT THAT?

14 A SPECIFICALLY, I DON'T REMEMBER. BUT IT IS POSSIBLE.  
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1 Q I THINK THE SUBSTANCE OF YOUR TESTIMONY WAS THAT,  
2 ALTHOUGH THAT MEETING HAD OCCURRED, THERE REALLY WAS NO  
3 FUNDAMENTAL CHANGE IN THE ORIENTATION OF THE MEMBERS OF THE  
4 BBC, AS FAR AS HOW THEY CONDUCTED THEIR BUSINESS?

5 A TO MY IMPRESSION, YES.

6 Q DID HUNT EVER CONTACT YOU AFTER THAT, THAT HE  
7 REMAINED FRUSTRATED ABOUT THAT SUBJECT AS FAR AS HOW BUSINESS  
8 WAS BEING CONDUCTED?

9 A SPECIFICALLY, THAT HE WAS FRUSTRATED THAT THE  
10 BUSINESS WAS NOT GOING ON, I CAN'T SAY FOR SURE.

11 BUT IN GENERAL, IT WAS AN ATTITUDE THAT HE WAS  
12 NOT HAPPY WITH THE WAY THINGS WERE GOING IN THE BUSINESSES.  
13 IF HE WAS FRUSTRATED SPECIFICALLY, I DON'T THINK SO.

14 Q WHEN YOU SAY THAT HE WAS NOT HAPPY ABOUT THE  
15 WAY BUSINESS WAS GOING, ARE YOU TALKING TO ME NOW IN TERMS  
16 OF PROFITABILITY OF THE BUSINESS OR THE WAY THE MEMBERS WERE  
17 SUPPORTING THE NEW PROCEDURES OR ARE YOU SAYING BOTH?

18 A BOTH.

19 Q HE WOULD SAY TO YOU FROM TIME TO TIME?

20 A HE SAID IT TO ME ON MORE THAN ONE OCCASION, YES.

21 Q ALL RIGHT. NEXT, IN YOUR TESTIMONY, YOU TALKED  
22 ABOUT THAT -- I BELIEVE YOU SAID IN APRIL -- AND CORRECT  
23 ME IF AM WRONG -- THAT YOU SAW MR. PITTMAN WITH A GUN?

24 A THE SPECIFIC MONTH, I AM NOT SURE. BUT YES,  
25 IN THAT TIME FRAME.

26 Q NOW, PREVIOUS TO THAT, HAD YOU SEEN HIM IN  
27 POSSESSION OF GUNS, HAD YOU NOT?

28 A ON ONE OTHER OCCASION.

1 Q WHEN WAS THAT?

2 A I THINK IT WAS THE TIME WHEN JOE AND I THINK  
3 IT WAS JOHN ALLEN AND A COUPLE OF OTHER MEMBERS, STEVE  
4 TAGLIANETTI, WERE GOING TO THE BEVERLY HILLS GUN CLUB TO  
5 PRACTICE SHOOTING.

6 Q AND WERE YOU FAMILIAR THAT FROM TIME TO TIME,  
7 MR. HUNT AND SOME OF THE MEMBERS WOULD BE SHOOTING IN THE  
8 COUNTRYSIDE?

9 A NO.

10 Q OKAY. HAD YOU EVER SEEN ANYBODY ELSE WITH GUNS  
11 IN THE OFFICE?

12 A I THINK I HAD SEEN JOE WITH A GUN AND JOHN ALLEN  
13 WITH A GUN.

14 W WHAT SORT OF GUNS DID YOU SEE THEM WITH?

15 A I THINK IT WAS A NORMAL TYPE OF DETECTIVE --  
16 .359 OR WHATEVER. I AM NOT TOO SURE OF THE LINGO.

17 IT WAS NOT THE SAME KIND OF A GUN THAT HE HAD  
18 WITH THE SILENCER ON IT THAT HE SHOWED ME.

19 Q OKAY. WE'LL COME TO THAT IN A MOMENT. ON THIS  
20 OCCASION WHEN PITTMAN SHOWED YOU THE GUN, HOW DID THAT  
21 SUBJECT COME UP ON THAT OCCASION? LET'S JUST SAY THAT IT  
22 WAS IN APRIL BECAUSE THAT IS THE BEST I RECALL FROM YOUR  
23 TESTIMONY YESTERDAY.

24 A JIM LIKED TO TALK AND LIKED TO SHOW THINGS OFF.  
25 IT WAS LIKE HE JUST RECEIVED IT. HE WAS KIND OF EXCITED.

26 STEVE TAGLIANETTI WAS IN THE OFFICE. IT WAS  
27 A NEW TOY. HE WAS SHOWING OFF A NEW TOY.

28 Q HE WAS NOT BEING CLANDESTINE OR HIDING IT? HE



1 WAS KIND OF SHOWING IT OFF?

2 A RIGHT.

3 Q HAD HE EVER TOLD YOU THAT HE HELD HIS LICENSE  
4 AS A PRIVATE INVESTIGATOR?

5 A NO.

6 Q HAD HE EVER TOLD YOU THAT HE WORKED AS A PRIVATE  
7 INVESTIGATOR?

8 A NO.

9 Q WHAT HAD HE TOLD YOU ABOUT HIMSELF, MR. PITTMAN  
10 AND MR. GRAHAM?

11 A THAT HE PLAYED FOOTBALL FOR THE UNIVERSITY OF  
12 PENNSYLVANIA, THAT HE WAS A MR. UNIVERSE, THAT HE PLAYED  
13 PROFESSIONAL FOOTBALL FOR THE BALTIMORE COLTS AND THAT HE  
14 HAD A WIDE AND VARIED AMOUNT OF CONNECTIONS IN DIFFERENT  
15 AREAS IN THE EAST COAST.

16 Q DID YOU GET AN IMPRESSION THAT PITTMAN TENDED  
17 TO EXAGGERATE?

18 A GREATLY.

19

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1 Q WHEN YOU SAW HIM WITH THE GUN, YOU WERE NOT  
2 SURPRISED, WERE YOU?

3 A NO.

4 Q OKAY. IT SEEMED LIKE SOMETHING ONE COULD EXPECT  
5 FROM HIM?

6 A IT SEEMED A STEP ABOVE WHAT ONE WOULD EXPECT FROM  
7 HIM. THAT IS WHY HE WENT AND SHOWED IT AROUND.

8 Q HAD YOU EVER HEARD THAT HE HAD BEEN SHOWING PEOPLE,  
9 ON VARIOUS PRIOR OCCASIONS, GUNS UP THERE IN THE OFFICE THAT  
10 HE HAD, SIR?

11 A NO.

12 Q YOU HAD NEVER HEARD FROM BBC MEMBERS, LIKE RAYMOND  
13 OR THE MAY BOYS OR KARNY OR DOSTI, THAT PITTMAN HAD SHOWED  
14 THEM, OR EVEN LORIE LEIS, THAT THESE PEOPLE HAD ALL BEEN  
15 SHOWN GUNS ON VARIOUS OCCASIONS, THAT HE HAD?

16 A NOT TO MY RECOLLECTION.

17 Q AT LEAST YOU HADN'T SEEN THEM?

18 A NO.

19 Q NOW YOU MENTIONED ON THIS OCCASION THAT HE SHOWED  
20 YOU A GUN WITH A SILENCER IN PLACE?

21 A YES.

22 Q HOW DID YOU KNOW THAT WAS NOT A BARREL EXTENDER?

23 A HE TOLD ME IT WAS A SILENCER.

24 Q HE USED THOSE WORDS WITH YOU?

25 A YES.

26 Q BEFORE HE TOLD YOU THAT, COULD YOU HAVE BEEN SURE  
27 WHETHER IT WAS A BARREL EXTENDER OR A SILENCER?

28 A ABSOLUTELY SURE, NO.

1 Q YOU HAD NO HANDS-ON KNOWLEDGE OF SILENCERS AT  
2 THAT POINT, DID YOU?

3 A NO.

4 Q DID YOU GET THE FEELING THAT GRAHAM OR PITTMAN  
5 WAS TRYING TO IMPRESS YOU AT THAT POINT WITH THIS?

6 A NO.

7 Q JUST THAT HE WAS SHOWING IT JUST TO SHOW IT?

8 A RIGHT, AND THAT HE WAS ABOUT TO GO TO TRY OUT  
9 THE SILENCER IN THE ALLEY.

10 Q IS THAT WHAT YOU WERE TOLD ABOUT THAT?

11 A YES.

12 Q WHO WENT TO TRY IT OUT WITH HIM?

13 A NICK.

14 Q DID YOU HEAR ANYTHING THAT SUGGESTED THEY TRIED  
15 IT OUT?

16 A NO, I DIDN'T.

17 Q OKAY. DID YOU SEE ANYTHING THAT SUGGESTED THEY  
18 TRIED IT OUT?

19 A NO, I DIDN'T.

20 Q DID HE EVER COME BACK UP AND SAY TO YOU, "WELL,  
21 WE JUST WERE IN THE ALLEY AND WE TRIED IT OUT"?

22 A YES, HE DID.

23 Q WHAT DID HE SAY ABOUT THAT?

24 A IT WORKED FINE.

25 Q ALL RIGHT. DID HE SHOW YOU ANYTHING TO CONFIRM  
26 THAT?

27 A NO.

28 Q NOW WHEN THEY WENT DOWN IN THE ALLEY, WERE YOU

2  
1 WITH STEVE TAGLIANETTI IN THE LAW ROOM?

2 A I DON'T REMEMBER.

3 Q WAS STEVE TAGLIANETTI PRESENT IN THE OFFICES ON  
4 THAT OCCASION?

5 A YES, HE WAS.

6 Q YOU DIDN'T HEAR ANY THUDS IN THE OFFICE ON THIS  
7 OCCASION?

8 A NO, I DIDN'T.

9 Q DID YOU SEE ANY PHONE BOOKS ON THAT OCCASION?

10 A NO, I DID NOT.

11 Q NOW, YOU FURTHER MENTIONED ABOUT VOICE ACTIVATED  
12 TAPES?

13 A YES.  
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1 Q AS A MATTER OF FACT, DID YOU EVER SEE ANY VOICE  
2 ACTIVATED TAPES IN THE OFFICE?

3 A I SAW THE ONE THAT JIM HAD ON HIM.

4 Q OKAY. WHAT DID THAT LOOK LIKE?

5 A SMALL TAPE RECORDER WITH A MICROPHONE. IT LOOKED  
6 LIKE A STANDARD-TYPE TAPE RECORDER.

7 Q WAS IT SILVER?

8 A I DON'T REMEMBER.

9 Q DID IT LOOK LIKE THE TYPE OF RECORDER THAT YOU  
10 AND I MIGHT USE TO DICTATE OUR MEMORANDA ON OUR CASES?

11 A I -- I USE -- I DON'T KNOW WHAT YOU USE.  
12 IT WAS NOT --

13 Q LIKE A NORELCO?

14 A IT WAS A SMALL POCKET-SIZE RECORDER.

15 Q CASSETTE RECORDER?

16 A YES, MICROCASSETTE, I THINK.

17 Q OKAY, MICROCASSETTE RECORDER?

18 WAS THERE ANYTHING ABOUT ITS APPEARANCE THAT TO  
19 YOU WOULD CONFIRM THAT IT WAS A VOICE ACTIVATED TAPE?

20 A NO.

21 Q OKAY. YOU MENTIONED THAT HE TOLD YOU THAT AND  
22 THAT IS WHY YOU HAVE THIS BELIEF?

23 A CORRECT.

24 Q YOU NEVER SAW IT OPERATE, DID YOU, SIR?

25 A I DID -- ONLY THROUGH THE POINT OF FACT THAT I  
26 KNEW WHAT I HAD TOLD HIM HAD BEEN VERBATIM REPLAYED TO  
27 MR. HUNT.

28 Q GETTING TO THAT POINT, YOU MENTIONED YOU HAD BEEN

1 IN THE CAR WITH HIM AND YOU HAD SOME PRESUMPTION OR ASSUMPTION  
2 ON YOUR PART THAT THERE HAD BEEN A TAPE RECORDING OF YOUR  
3 DIALOGUE WITH MR. GRAHAM AT THAT TIME?

4 A AND MR. TAGLIANETTI, CORRECT.

5 Q THEN YOU CAME BACK TO THE OFFICE AND THEN 30 OR  
6 40 MINUTES ELAPSED AND YOU HAD A CONVERSATION WITH MR. HUNT  
7 THAT MADE YOU BELIEVE THIS?

8 A CORRECT.

9 MR. HUNT, ALSO, IN FACT HAD SAID THAT WE HAD BEEN  
10 TAPED.

11 Q SURE.

12 ISN'T IT POSSIBLE IN YOUR MIND THAT DURING THE  
13 30 OR 40 MINUTES THAT GRAHAM OBVIOUSLY COULD HAVE TOLD HUNT  
14 WHAT YOU GENTLEMEN DISCUSSED IN THE CAR?

15 A HE WASN'T THAT GOOD.

16 Q YOU ARE TELLING ME THAT YOU DIDN'T THINK -- ARE  
17 YOU MAKING A COMMENT ON THE INTELLECTUAL CAPABILITIES OF  
18 MR. GRAHAM?

19 A THE RECOLLECTION CAPABILITIES OF MR. GRAHAM.

20 Q IN OTHER WORDS, YOU ARE TELLING US THAT YOUR SENSE  
21 OR IMPRESSION OF HIM WAS THAT HE COULDN'T GO BACK AND  
22 ACCURATELY RELATE A CONVERSATION IN DETAIL?

23 A NOT TO THE EXTENT THAT THE CONVERSATION WAS THEN  
24 REGIVEN TO ME IN DETAIL AND THERE WAS -- THERE WAS A LARGE  
25 TIME LAPSE BETWEEN THE TIME THE CONVERSATION TOOK PLACE AND  
26 WE GOT BACK TO THE OFFICE.

27

28

1 Q AND THAT TIME ELAPSE WAS AROUND 30 TO 40 MINUTES?

2 A NO, BETWEEN WHEN HE TAPED US AND WHEN WE GOT  
3 BACK TO THE OFFICE, IT WAS AN HOUR TO AN HOUR AND A HALF.

4 Q IT WAS ALTOGETHER, GROSS TIME, AN HOUR AND A  
5 HALF BEFORE YOU HAD THE MEETING WITH HUNT?

6 A MAYBE TWO HOURS.

7 Q OTHER THAN THAT OCCASION, WAS THERE EVER  
8 ANOTHER INSTANCE WHERE THERE WAS SOME EVIDENCE TO YOU THAT  
9 THERE HAD BEEN A TAPE RECORDING OF VOICE IMPRESSION?

10 A OF ME OR OF OTHER PEOPLE?

11 Q OF YOU, SIR.

12 A NO.

13 Q NO, SIR?

14 A NO.

15 THE COURT: HOW ABOUT OTHER PEOPLE?

16 THE WITNESS: TO MY RECOLLECTION, I HAD HEARD FROM  
17 STEVE TAGLIANETTI -- HE HAS SAID TO ME ON ANOTHER OCCASION  
18 THAT HE HAD BEEN TAPED BY JIM, WITHOUT KNOWING IT AND IT  
19 HAD GOTTEN BACK TO MR. HUNT.

20 BUT ME PERSONALLY, FROM THAT POINT ON, ANYTHING  
21 I HAD TO SAY, I SAID IT IN THE HALLWAY.

22 Q BY MR. BARENS: OKAY. OTHER THAN TAGLIANETTI  
23 SAYING THAT TO YOU, DID ANYBODY ELSE MAKE ANY REMARKS?

24 A NO.

25 Q THE SUBSTANCE OF WHAT I GET OUT OF YOUR  
26 TESTIMONY YESTERDAY, WAS THAT IF YOU WERE SAYING SOMETHING  
27 PEJORATIVE ABOUT THE WAY THE BUSINESS WAS OPERATING, THAT  
28 WAS THE TYPE OF THING THAT WAS BEING REPORTED?

1 A CORRECT.

2 Q IT DIDN'T SEEM TO BE OBSERVING ANYTHING ABOUT  
3 BUSINESS INPUT, DID IT?

4 A SAME THING. IT WAS THE WAY THINGS WERE BEING  
5 RUN OR WHO IN FACT, WAS RUNNING THEM.

6 Q OKAY. NOW, YOU DID NOT IN FACT, PREPARE ALL  
7 OF THE CONTRACTS IN THE BUSINESS, DID YOU?

8 A NO.

9 Q SPECIFICALLY REFERABLE TO THE MICROGENESIS  
10 TRANSACTIONS, IT IS MY UNDERSTANDING THAT YOU DID NOT PREPARE  
11 THE MORTON AGREEMENT, DID YOU?

12 A PART OF IT OR PARTS OF IT. I DID WORK ON THE  
13 CONTRACT, AS WELL.

14 Q HOW DID THAT WORK WHEN THAT WOULD BE PRESENTED  
15 TO YOU? WAS THERE A PREVIOUS DRAFT OR A FORMAT FOR THE  
16 CONTRACTS SUBMITTED TO YOU AND THEN YOU WOULD BE ASKED TO  
17 REVISE IT?

18 A ON THAT SPECIFIC OCCASION, I HAD A FORM  
19 AGREEMENT. IT WAS BASICALLY A SUPPLIER'S TYPE AGREEMENT,  
20 WHICH I HAD USED IN A PREVIOUS TRANSACTION, NOT RELATED TO  
21 THE BBC.

22 BUT I MADE THAT AVAILABLE AND THEY MODIFIED IT  
23 AND YOU KNOW, IT WAS A JOINT EFFORT I WOULD SAY BETWEEN  
24 MR. KARNY, MR. ADELMAN AND I WORKED ON IT. JOHN ALLEN  
25 WORKED ON IT. JOE HUNT WORKED ON IT.

26 Q DID YOU WORK WITH THE CLIENT IN THE PREPARATION  
27 OF THE TERMS, CONDITIONS AND PARAMETERS OF THE AGREEMENT?

28 A NO. THOSE TERMS HAD ALREADY BEEN ESTABLISHED



3

1       BEFORE.

2           Q       BY THE TIME YOU GET THE AGREEMENT THEN, YOU  
3       HAVE THE INPUT FROM THE COMPANY AND YOU ARE ASKED TO DO  
4       DRAFTING OF THE MODIFICATIONS?

5           A       TO AN EXTENT. MY INPUT WAS ALSO REQUESTED  
6       SOMETIMES ON FORMAT.

7           Q       WHAT ABOUT THE KILPATRICK AGREEMENT? DID YOU  
8       PARTICIPATE IN THE DRAFTING OF THAT AGREEMENT?

9           A       THE DRAFTING OF THE AGREEMENT, NO.

10          Q       WHAT DID YOU DO IN TERMS OF THAT AGREEMENT?

11          A       I HAD SUBSEQUENT MEETINGS WITH MR. KILPATRICK.  
12       BUT THAT AGREEMENT TO MY RECOLLECTION, WAS DRAFTED BY MR.  
13       HUNT WITH MR. KILPATRICK.

14          Q       OKAY. WAS IT YOUR SENSE OF THINGS, THAT HUNT  
15       WOULD SOMEHOW PREPARE THOSE AGREEMENTS HIMSELF AND THEN  
16       SUBMIT THEM TO YOU TO DO SOME REFINEMENT ON THEM?

17          A       TO AN EXTENT, YES. SOMETIMES. SOMETIMES, NO.

18          Q       HOW DID THE COGENCO AGREEMENT -- DID YOU  
19       PARTICIPATE IN THE DRAFTING OF THAT?

20          A       NO.

21          Q       THAT ALSO APPLIED TO THE ATTRITION MILL?

22          A       WELL, THAT WAS PRIOR TO THE TIME I STARTED WITH  
23       THE BBC.

24          Q       OKAY. LET ME ASK YOU THIS. WE'LL GET BACK  
25       TO THAT IN A MOMENT.

26                   YOU MENTIONED, FOLLOWING THE ORDER OF YOUR  
27       TESTIMONY, THAT FRANK MINGARELLA AND RYAN HUNT HAD BEEN  
28       WORKING IN THE OFFICES ON THE FIRE SAFETY PROJECT?

4

1 A YES.

2 Q AND THAT WAS DURING A PART OF THE TIME THAT YOU  
3 WERE THERE?

4 A YES.

5 Q AND THEN YOU UNDERSTOOD THAT THEY WERE FIRED?

6 A CORRECT.

7 Q WHO FIRED THEM?

8 A JOE.

9 Q AND WAS THERE A ROW AS A RESULT OF THAT, BETWEEN  
10 JOE AND THEM?

11 A NO.

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1 Q DO YOU KNOW?

2 A IT DIDN'T SEEM LIKE IT. FRANK MINGARELLA WAS  
3 VISIBLY UPSET AT THE TIME.

4 BUT RYAN HUNT WAS NOT AS UPSET. IN FACT, HE  
5 HAD COME BACK INTO THE OFFICE SUBSEQUENT TO HIS TERMINATION.

6 Q OKAY. MINGARELLA WAS UPSET?

7 A HE SEEMED UPSET AT THE TIME THAT HE WAS FIRED,  
8 YES.

9 Q THAT WAS ROUGHLY IN I BELIEVE YOU SAID, MARCH  
10 OF '84?

11 A FEBRUARY OR MARCH.

12 Q AND AFTER THAT, THE OFFICES CONTINUED IN THE  
13 PURSUIT OF THAT PROJECT?

14 A OFF AND ON. THERE WAS REALLY NO ONE PERSON  
15 THAT WAS SET IN CHARGE UNTIL I WOULD SAY, APRIL OR MAY,  
16 WHERE STEVE TAGLIANETTI WAS PUT IN CHARGE OF THAT PROJECT.  
17 THEY CONTINUED TO TRY TO DEVELOP THE PROCESS,  
18 THOUGH.

19 Q DO YOU KNOW IF THERE WAS SOME SOLICITATION  
20 MADE OF HAVING STEVE LOPEZ TRY TO FIND INVESTORS FOR THAT  
21 ACTIVITY?

22 A EVERYBODY TRIED TO FIND INVESTORS FOR THAT  
23 ACTIVITY.

24 Q THAT WAS GOING ON INTO THE SUMMER?

25 A YES.

26 Q NOW, YOU ALSO MENTIONED THAT YOU HAD DONE SOME  
27 REDRAFTING ON THE RELATIONSHIP CONTRACT BETWEEN MR. HUNT  
28 AND THE INVESTORS IN TERMS OF THEIR INVESTMENTS IN BBC

1 RELATED ACTIVITIES, IS THAT CORRECT?

2 A SPECIFICALLY THE COMMODITIES?

3 Q YES.

4 A YES.

5 Q AND THE THRUST OF THAT WAS TO INSULATE HUNT  
6 ON AN INDIVIDUAL BASIS, AS OPPOSED TO A CORPORATE SHIELD?

7 A CORRECT.

8 Q THERE WAS NOTHING UNUSUAL OR UNIQUE ABOUT  
9 THAT ADVICE TO A CLIENT IN THAT SETTING, WAS THERE?

10 A NO.

11 Q THAT WAS RATHER TYPICAL LAWYERING WE MIGHT DO  
12 FOR A CLIENT IN AN ANALOGOUS SETTING?

13 A CORRECT.

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1 Q NOW, AS THE RESULT OF THAT ADVICE, WHICH IN FACT  
2 WAS CARRIED OUT, AND DOCUMENTS WERE PREPARED TO THAT EFFECT?

3 A CORRECT.

4 Q IN FACT, THAT THEN DID INSULATE HUNT FROM  
5 PERSONAL LIABILITY VIS-A-VIS THE INVESTORS?

6 A YES.

7 Q THEREFORE, HUNT'S FEARS IN TERMS OF WHAT THE  
8 INVESTORS COULD DO TO HIM ON AN INDIVIDUAL BASIS FOR LOSSES  
9 SUSTAINED IN COMMODITIES TRADING, I ASSUME, WOULD HAVE TO  
10 BE ALLAYED TO SOME DEGREE?

11 A I WOULD ASSUME SO, YES. I WOULD HAVE ASSUMED  
12 SO.

13 Q THE FINANCIAL FUTURES DOCUMENTATION YOU PREPARED,  
14 IN FACT ADVISED THE INVESTORS THAT THERE WERE RISKS ATTENDANT  
15 TO THOSE INVESTMENTS?

16 A CORRECT.

17 Q AND THERE WERE NO GUARANTEES MADE THAT THEY WOULD  
18 EITHER MAKE OR LOSE MONEY OR ANYTHING ELSE?

19 A CORRECT.

20 Q AND YOU HAD THE STANDARD SERIES OF CAVEATS PROVIDED  
21 INVESTORS FOR THE SAME OR SIMILAR SITUATIONS?

22 A WELL, THERE WAS NO DISCLOSURE STATEMENTS IN THE  
23 NORMAL SECURITIES BASIS AND, FURTHER, DISREGARDING MY ADVICE,  
24 THE PARTNERSHIPS WERE NEVER FORMALLY EFFECTUATED BECAUSE THEY  
25 WERE NEVER REGISTERED WITH THE STATE OF CALIFORNIA.

26 Q RIGHT, WE DIDN'T GO THROUGH ALL OF THOSE OTHER  
27 PROCESSES.

28 WHAT I AM TALKING ABOUT NOW IS THE FACT THAT THERE

1 WAS LANGUAGE, IRRESPECTIVE OF WHAT WE MIGHT CALL THE  
2 CONFORMING PROCEDURES FOR THOSE DOCUMENTS, I AM TALKING ABOUT  
3 INTERNALLY, IT IS TRUE THAT THOSE DOCUMENTS ADVISED THE  
4 INVESTOR THAT THERE WAS NEITHER A GUARANTEE -- THERE WAS NOT  
5 A GUARANTEE ON THEIR INVESTMENT.

6 A YES, EXCEPT -- I WILL LEAVE IT YES, EXCEPT IT  
7 WAS NOT A FORMAL WAIVER AND DISCLOSURE LIKE STANDARD MATERIALS.

8 Q SURE, THERE WAS LANGUAGE, HOWEVER, TELLING THEM  
9 THE INVESTMENT WAS SPECULATIVE, RISKY AND THEY COULD LOSE  
10 THEIR MONEY?

11 A CORRECT.

12 Q YOU MENTIONED THAT HUNT NEVER MENTIONED TO YOU  
13 OR ANYONE ELSE, TO YOUR KNOWLEDGE, THAT A LOT OF MONEY HAD  
14 BEEN LOST IN COMMODITIES TRADING?

15 A CORRECT.

16 Q AND THAT WAS THE WAY HE ALWAYS CARRIED ON, WASN'T  
17 IT?

18 A AS FAR AS I KNOW, YES.

19 Q DID YOU GET A SENSE HE WAS ALWAYS TRYING TO LOOK  
20 GOOD?

21 A YES.

22 Q IN SPITE OF REALITY?

23 A AT THAT TIME, I DON'T KNOW WHAT REALITY WAS.

24 Q BUT YOU HAD SOME SENSE HE WAS TRYING TO LOOK GOOD?

25 A YES.

26 Q OKAY, LET'S DIRECT YOUR ATTENTION TO JUNE OF 1984,  
27 WHEN YOU WERE ASKED TO HELP IN THE PREPARATION OF THE AGREEMENT  
28 THAT WAS EXECUTED, OSTENSIBLY BETWEEN MR. HUNT AND MR. LEVIN,

1 AND LET'S GO THROUGH THAT.

2 A SURE.

3 Q AT THAT POINT WHEN HUNT FIRST WALKED IN TO SEE  
4 YOU IN THAT REGARD, IT WAS WHAT TIME IN THE AFTERNOON, SIR?

5 A I WOULD SAY BETWEEN 3:00 AND 4:00.

6 Q AND DID HE HAVE ANY PAPERWORK WITH HIM ON THAT  
7 OCCASION?

8 A JUST THE CONTRACT.

9 Q HE HAD WITH HIM DOCUMENTATION THAT APPEARED LIKE  
10 PEOPLE'S 80, THAT I AM HANDING YOU, AND WE ARE GOING TO GO  
11 THROUGH THIS AGAIN.

12 ISN'T THAT YOUR DOCUMENT THAT HE WAS TALKING ABOUT,  
13 THAT IS THE MICROGENESIS AGREEMENT?

14 A CORRECT.

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1 Q AND THIS IS THE ONE THAT HAS --

2 THE COURT: IT WAS 58 THAT WAS INTRODUCED, WASN'T IT?

3 MR. BARENS: I DON'T KNOW. LET ME MAKE SURE. I CAN  
4 USE EITHER ONE OF THEM FOR THIS PURPOSE.

5 THE COURT: ALL RIGHT.

6 MR. BARENS: LET ME TAKE A MOMENT AND CONFIRM ON THAT.

7 (PAUSE IN PROCEEDINGS.)

8 Q BY MR. BARENS: I THINK 58 IS THE ORIGINAL AND  
9 80 IS A COPY, SO LET'S REFER TO 58, IF WE COULD, SIR.

10 A FINE.

11 Q IS THIS THE AGREEMENT HE WALKED IN WITH?

12 MR. WAPNER: REFERRING TO 58?

13 MR. BARENS: YES, IF THAT IS THE ORIGINAL.

14 THE WITNESS: EXCEPTING TO MY RECOLLECTION, THERE WERE  
15 NOT THREE BLANK LINES IN THE MIDDLE.

16 THE COURT: THAT IS WHAT YOU TOLD US YESTERDAY?

17 THE WITNESS: RIGHT.

18 Q BY MR. BARENS: RIGHT.

19 WHAT WAS IN THE MIDDLE?

20 A IT WAS COMPACTED AND I DO NOT REMEMBER VERBATIM  
21 THE TERMINOLOGY.

22 Q ALL RIGHT. SO WHAT YOU ARE SEEING HERE WAS TYPED  
23 SUBSEQUENT TO THE DOCUMENT THAT YOU SAW THEN?

24 A OR MODIFIED.

25 Q OKAY. WHAT DID HUNT SAY TO YOU WHEN HE WALKED  
26 IN?

27 A HE WOULD LIKE ME TO LOOK THIS OVER, CHECK IT FOR  
28 COHERENCE AND JAZZ IT UP WITH A FEW LEGAL WORDS.



1 Q AND HE TOLD YOU THAT HE WAS DOING THAT BECAUSE  
2 HE WAS ENTERING A CONTRACT WITH MR. LEVIN?

3 A HE WAS MEETING RON LEVIN.  
4 HE NEEDED THIS IN A HURRY.

5 Q AND DID HE TELL YOU WHAT THE TERMS OF THE DEAL  
6 WERE?

7 A THEY WERE ALREADY LAID OUT.

8 Q AND TYPED?

9 A TYPED.

10 Q DID HE HAVE ANY HANDWRITTEN NOTES WITH HIM, HE  
11 MEANING MR. HUNT?

12 A I DON'T REMEMBER.

13 Q WAS HE REFERRING TO ANY NOTES WHEN HE SPOKE TO  
14 YOU?

15 A NO.

16 Q WHEN YOU MADE YOUR AMENDMENTS OR ADDITION TO THE  
17 CONTRACT, WOULD YOU PLEASE TAKE ME THROUGH WHAT WORK YOU DID  
18 ON IT.

19 A TO MY RECOLLECTION, I ADDED THE FOURTH PARAGRAPH  
20 TALKING ABOUT DIRECT LABOR COSTS AND, TRUTHFULLY, JUST CHANGED  
21 A FEW OF THE WORDS. THE PRECISE MEANING AND THE PRECISE WORDS,  
22 I DON'T REMEMBER.

23 I KNOW I MADE A FEW MODIFICATIONS AND I KNOW I  
24 ADDED THIS PARAGRAPH IN BECAUSE I WAS TAKING THAT AT THAT  
25 TIME AT MANAGEMENT SCHOOL SO I INCORPORATED THAT IN.

26 Q OKAY. THERE WAS NO MENTION IN THIS CONTRACT AS  
27 TO THE OPTION PRICE, SIR?

28 A AT THE TIME I RECEIVED IT IN?

1 Q YES.

2 A YES, THE FIGURE EIGHT AND A HALF MILLION DOLLARS  
3 WAS IN THE CONTRACT WHEN I -- IT MAY HAVE BEEN EIGHT OR EIGHT  
4 AND A HALF MILLION DOLLARS AT THE TIME I GOT THE CONTRACT.

5 Q HOW ABOUT A FIGURE OF \$1.5 MILLION IN TERMS OF  
6 AN INITIAL PAYMENT TO BE MADE, WAS THAT THERE?

7 A TO MY RECOLLECTION, YES, THAT WAS THERE.

8 Q AND THAT WAS ALREADY TYPED IN?

9 A AT THE FIRST TIME, YES, THAT WAS THERE.

10 Q OKAY. WHEN HE GAVE YOU THE AGREEMENT, TO DO YOUR  
11 WORK, DID HE LEAVE AT THAT POINT?

12 A HE WENT BACK TO HIS OFFICE AND A FEW MINUTES LATER --  
13 I MEAN THERE WAS NOT MUCH TO DO --

14 MY ADVICE WAS TO REDRAFT THE WHOLE AGREEMENT AND  
15 MAKE IT A MORE COHERENT LEGAL DOCUMENT, AND HE SAID THAT WASN'T  
16 NECESSARY.

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1 Q AND HE LEFT AND THEN YOU DID YOUR WORK AND HOW  
2 LONG WAS HE GONE BEFORE YOU GAVE HIM BACK THE WORK?

3 A TEN OR FIFTEEN MINUTES.

4 Q WHO TYPED IT?

5 A TO MY RECOLLECTION, JOANN MELTZER TYPED IT.  
6 IT MAY HAVE BEEN EVAN DICKER WHO MODIFIED IT. I DON'T  
7 KNOW.

8 Q IN OTHER WORDS, THE WORK THAT YOU PREPARED IN  
9 ADDING THE FOURTH PARAGRAPH, YOU -- DID YOU LONGHAND IT AND  
10 HAND IT TO SOMEBODY TO TRANSCRIBE OR HOW DID YOU DO THAT?

11 A I MADE THE CHANGES ON THE AGREEMENT.

12 Q IN HANDWRITING?

13 A IN HANDWRITING.

14 Q WHO DID YOU HAND THAT TO?

15 A I THINK I HANDED IT BACK TO JOE.

16 Q NOW, DID YOU HAVE AN ORIGINAL, TYPEWRITTEN  
17 AGREEMENT THAT YOU MADE YOUR NOTATIONS ON?

18 A TO MY RECOLLECTION, YES. I AM NOT SURE.

19 Q AND THEN YOU HANDED IT IN THAT FORMAT BACK TO  
20 HUNT, RATHER THAN IN A FORMAT WHERE A SECRETARY HAD  
21 PREPARED IT OR SOMEONE ELSE?

22 A YES.

23 Q OKAY. AND THE ENTIRE FOURTH PARAGRAPH WAS  
24 ADDED?

25 A TO MY RECOLLECTION, YES. IT MIGHT HAVE BEEN  
26 ON A SEPARATE SHEET OF PAPER THAT I PUT A LITTLE ASTERISK  
27 ON THE AGREEMENT AND WROTE SOMETHING LIKE THAT FOURTH  
28 PARAGRAPH ON A SMALL PIECE OF PAPER AND SAID TO INSERT IT

1           HERE.    I DON'T REMEMBER.

2           Q           WHAT TIME WAS IT WHEN YOU HANDED THAT PRODUCT  
3           BACK TO HUNT?

4           A           A QUARTER TO 4:00.   IT WAS 15 OR 20 MINUTES  
5           AFTER.

6           Q           OKAY.   DID YOU SEE HUNT LEAVE THE OFFICE AFTER  
7           THAT?

8           A           YES, I DID.

9           Q           AND HOW LONG AFTER THAT?

10          A           I WOULD SAY ANOTHER HALF HOUR AFTER THAT, 15  
11          MINUTES AFTER THAT.

12          Q           SO NO MORE THAN THAT, SIR?

13          A           I WOULDN'T THINK SO, NO.

14          Q           SO HE LEFT SOMEWHERE AROUND A QUARTER AFTER  
15          4:00 OR 4:30?

16          A           TO MY RECOLLECTION, YES.

17          Q           DID YOU SPEAK TO HIM AGAIN BEFORE HE LEFT?

18          A           WELL, ONLY IN THE SENSE OF ASKING HIM WHY HE  
19          DIDN'T WANT A MORE FORMAL CONTRACT.

20          Q           AND WHAT DID HE SAY?

21          A           HE SAID THAT IT WASN'T NECESSARY BECAUSE HE IN  
22          ESSENCE -- WE REALLY DIDN'T GIVE ANYTHING AWAY.   THIS WAS  
23          HIS WAY.   HE HAD RON LEVIN CONVINCED TO GIVE HIM A MILLION  
24          AND A HALF DOLLARS FOR THIS AND WE WEREN'T GOING TO LOSE  
25          ANYTHING.

26                        SO, IT DIDN'T HAVE TO BE THAT FORMAL AND IT  
27          JUST COULD GO OUT AS IS.

28          Q           OKAY.   WERE THERE OTHER OCCASIONS WHEN THERE

1 HAD BEEN LACK OF COMPREHENSIVENESS IN THE DOCUMENTATION  
2 THAT WAS DONE?

3 A I DON'T UNDERSTAND THE QUESTION.

4 Q WELL, A MOMENT AGO, YOU WERE TELLING ME IN  
5 TERMS OF FINANCIAL FUTURES DOCUMENTATION, VIS A VIS THE  
6 INVESTORS, THERE HAD BEEN A LACK OF COMPREHENSIVENESS BY  
7 THE CLIENT IN TERMS OF FULFILLING DOCUMENTATION REQUIRED?

8 A YES.

9 Q AND WE HAVE ANOTHER INSTANCE OF THAT I SUPPOSE,  
10 HERE?

11 A CORRECT.

12 Q NOW, AS HUNT LEAVES THE OFFICE, DID YOU PROOF-  
13 READ THE DOCUMENT?

14 A NO.

15 Q WAS IT NOT YOUR PRACTICE AFTER YOU GAVE SOMETHING  
16 TO THE CLIENT IN THAT INSTANCE, TO PROOFREAD THAT IT HAD  
17 BEEN FAITHFULLY REPRODUCED?

18 A NOT IN THIS INSTANCE.

19 Q NOW, WHEN HUNT LEFT THE OFFICE ON THAT  
20 OCCASION, WAS HE BY HIMSELF?

21 A YES.

22 Q DID YOU HAVE ANY DISCUSSION WITH ANY OTHER  
23 MEMBERS OR SECRETARIES THERE, ABOUT THE PREPARATION OF THE  
24 DOCUMENT HUNT HAD LEFT WITH?

25 A I DON'T RECOLLECT.

26 Q NOW, YOU LEFT THE OFFICE AT WHAT TIME THAT DAY?

27 A I WOULD SAY 5:00, 5:30.

28 Q NOW, YOU TESTIFIED YESTERDAY, ABOUT THE MEANING

4

1 OF AN OPTION, LEGALLY. AND I BELIEVE YOU INDICATED THAT  
2 AN OPTION CREATES IN THE HOLDER THEREOF, A RIGHT OF  
3 EXERCISE FOR THE PAYMENT OF A PRICE.

4 A CORRECT, TO MY UNDERSTANDING.

5 Q ALL RIGHT. IT IS ALSO YOUR UNDERSTANDING THAT  
6 AN OPTION ITSELF, PER SE, IS SALABLE, IS IT NOT?

7 A CORRECT.

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1 Q IF I AM HOLDING AN OPTION, WHETHER IT BE STOCKS,  
2 COMMODITIES OR REAL PROPERTY OR TECHNOLOGY, I COULD SELL  
3 THAT OPTION, COULD I NOT?

4 A AS LONG AS THE AGREEMENT PROVIDES THAT IT IS  
5 FREELY ASSIGNABLE.

6 Q ALL RIGHT. THIS AGREEMENT PROVIDES THAT, DOES  
7 IT NOT?

8 A FROM MY GLANCING AT IT HERE, YES. IT DID.

9 Q OKAY. NOW, WAS THERE AN AGREEMENT OR A PROVISION  
10 IN THAT AGREEMENT, IN THE ORIGINAL VERSION THAT YOU SAW,  
11 THAT IN THE EVENT MICROGENESIS FAILED TO PROVIDE THE HARDWARE  
12 IN TERMS OF THE MACHINERY, THAT LEVIN WOULD TAKE OVER 40  
13 PERCENT OF THE STOCK OF MICROGENESIS?

14 A TRUTHFULLY, I DON'T REMEMBER THE EXACT DETAILS  
15 AND PARTICULARS OF THE AGREEMENT.

16 Q DID YOU SEE WITHOUT HAVING TO REMEMBER THE  
17 PARTICULARS OF IT, AS THAT PROVISION AT LEAST ON ITS FACE  
18 SEEMS TO OCCUPY A LOT OF WORDS ON THE PAGE --

19 A THAT IS TRUE.

20 Q DID YOU REMEMBER SEEING THAT?

21 A NO, I DID NOT.

22 Q AS YOU SEE IT NOW, DOES IT REFRESH YOUR  
23 RECOLLECTION AT ALL?

24 A NO, IT DOES NOT.

25 Q SO, YOU DON'T KNOW WHETHER IT WAS THERE OR NOT?

26 A I COULD JUST ASSUME THAT IT WAS.

27 Q WAS THERE A DEFAULT PROVISION ON THE OPTION?

28 A I DON'T REMEMBER.

1 Q OKAY. WELL, I WILL ASK YOU TO READ THAT AND  
2 SEE IF IT WILL REFRESH YOUR MEMORY AT ALL AS TO THE  
3 DEFAULT PROVISION ON THE CONTRACT.

4 A SURE.

5 (PAUSE.)

6 THE WITNESS: I DON'T SEE WHAT YOU ARE TALKING ABOUT  
7 AS A DEFAULT.

8 Q BY MR. BARENS: THEN YOU DON'T SEE ANYTHING  
9 THERE THAT SUGGESTS TO YOU WHAT HAPPENS IF THE MICROGENESIS  
10 PEOPLE FAIL TO PERFORM ON THEIR END OF THE DEAL?

11 A WELL, TO MY KNOWLEDGE, IT IS NOT A DEFAULT. IT  
12 IS A FAILURE TO PERFORM.

13 AND IT SAYS THAT LEVIN IS THEN ENTITLED TO  
14 40 PERCENT OF THE SHARES THEN ISSUED AND OUTSTANDING STOCKS  
15 FROM TREASURY STOCKS IN EXCHANGE FOR CANCELLATION OF HIS  
16 OPTION.

17 Q DO YOU RECALL SEEING THAT?

18 A I DON'T REMEMBER, NO.

19 Q OKAY. YOU MENTIONED YESTERDAY, THAT WHEN THIS  
20 WAS BROUGHT TO YOU, YOU WERE SURPRISED TO SEE THIS?

21 A RIGHT.

22 Q NOW, DID YOU ALWAYS HEAR ABOUT ALL OF THE  
23 DEALS THAT WERE GOING ON UP THERE?

24 A TO MY UNDERSTANDING, YES. I DID.

25 Q IN OTHER WORDS, THERE WERE NO CONTRACTS  
26 PENDING OR NEGOTIATED WITH ANYBODY THAT YOU DIDN'T HEAR  
27 ABOUT?

28 A TO MY UNDERSTANDING, NO.



1 Q WHEN YOU HEARD ABOUT THE MORTON TRANSACTION,  
2 WERE YOU SURPRISED?

3 A NO.

4 Q WHEN YOU HEARD ABOUT THE KILPATRICK TRANSACTION,  
5 WERE YOU SURPRISED?

6 A NO.

7 Q WHY WERE YOU SURPRISED BY THIS ONE?

8 A BECAUSE OF THE SUM OF MONEY AND THE SUDDENNESS  
9 THAT IT WAS DONE. THE OTHERS HAD STILL BEEN IN DISCUSSION  
10 OR NEGOTIATION STAGES.

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1 Q HOW MUCH DID THE MORTON AGREEMENT PROVIDE FOR?

2 A AN INITIAL \$50,000 AND ANOTHER \$50,000 AFTER THAT,  
3 I REMEMBER THAT.

4 BEYOND THAT, THE PARTICULARS I DON'T REMEMBER.

5 Q HOW MUCH DID THE KILPATRICK AGREEMENT PROVIDE FOR?

6 A THAT AGREEMENT WAS IN THE MILLIONS BUT IT WAS  
7 NOT A FORMALIZED AGREEMENT WHEN I WAS THERE, WHEN I WAS INVOLVED  
8 IN IT.

9 Q WERE THERE A LOT OF DISCUSSIONS OR DRAFTS GOING  
10 ON, PRELIMINARY DRAFTS GOING ON ABOUT OTHER PROJECTS THAT  
11 WERE OF A SIMILAR NATURE TO KILPATRICK?

12 A THERE WAS DISCUSSION WITH A COMPANY CALLED SATURN  
13 ENERGY.

14 THERE WERE DISCUSSIONS GOING ON CONSTANTLY ABOUT  
15 BUSINESS AND TYPES OF BUSINESS AND I HAD SAT IN ON A NUMBER  
16 OF MEETINGS.

17 Q DIDN'T THE KILPATRICK AGREEMENT IN FORM AND IN  
18 SUBSTANCE LOOK LIKE THE AGREEMENT THAT IS IN FRONT OF YOU?

19 A IN FORM AND SUBSTANCE, YES. BUT IT WAS LATER  
20 DECIDED TO MAKE THIS FORMAL AGREEMENT, AND THAT AGREEMENT  
21 WOULD NOT BE LIVED UP -- LIVED UP TO AND USED.

22 Q THAT WAS AFTER THIS?

23 A I DON'T REMEMBER THE CHRONOLOGY.

24 Q SO AT ONE POINT, THEY HAD A DEAL WITH KILPATRICK,  
25 AS I UNDERSTAND IT, THAT LOOKED LIKE THIS.

26 A IT WAS MORE, TO MY RECOLLECTION, THE KILPATRICK  
27 AGREEMENT WAS MORE OF A LETTER OF INTENT VERSUS A FORMAL  
28 CONTRACT.

1 Q AND THEN LATER ON, IT WAS DECIDED TO AMPLIFY THE  
2 TERMS?

3 A OR TO EFFECT THE LETTER OF INTENT.

4 Q OKAY. YOU MENTIONED THEN THAT IT IS YOUR  
5 RECOLLECTION THAT THE NEXT DAY HUNT RETURNED WITH THE CONTRACT  
6 AND THE CHECK?

7 A YES.

8 Q AND YOU SAID HE APPEARED EXCITED OR MORE  
9 ANIMATED, I THINK, WAS THE EXPRESSION YOU USED?

10 A THAT WAS TO -- THAT EXPRESSION I USED WAS TO  
11 PERSONIFY HIS CONDUCT AT THE TIME HE GAVE ME THE CONTRACT  
12 TO WORK ON, NOT ON HIS RETURN. YET HE WAS HAPPY THAT HE HAD  
13 RECEIVED THE CHECK.

14 Q YOU MENTIONED THAT AS HE APPROACHED ON THAT DAY,  
15 YOU ASKED HIM, "WELL, DID YOU GET IT?"

16 A YEAH, YES, I DID.

17 Q WERE YOU YOURSELF EXCITED?

18 A WELL, IT WAS A NICE OCCASION TO SEE \$1,500,000  
19 COME INTO THE OFFICE.

20 Q SURE.

21 HOW DID HUNT LOOK THAT DAY?

22 A HE USUALLY LOOKED THE SAME. HE WORE A SUIT AND --

23 Q HE LOOKED PHYSICALLY PRETTY MUCH THE SAME AS HE  
24 DID EVERY DAY?

25 A YES.

26 Q AND ABOUT WHAT TIME OF THE DAY WAS IT WHEN YOU  
27 SAW HIM?

28 A I'D SAY 10:00, 10:30.

1 Q YOU MENTIONED YESTERDAY THAT IN TERMS OF THIS  
2 CHECK THAT CAME IN FOR A MILLION FIVE, THEY WANTED THE MONEY,  
3 AND YOU STARTED IN YOUR TESTIMONY TALKING ABOUT THE BANK,  
4 ET CETERA; WHO WAS THE "THEY" YOU WERE REFERRING TO?

5 A JOE AND DEAN. IT WAS A MILLION AND A HALF DOLLARS  
6 AND THEY WANTED TO USE IT AS QUICKLY AS POSSIBLE.

7 Q SURE. WOULDN'T "THEY" JUST ABOUT INCLUDE EVERYBODY  
8 UP THERE IN THE BBC?

9 A EVERY -- CORRECT.

10 Q WAS THERE ANYTHING UNUSUAL TO YOU IN RECEIVING  
11 A DRAFT ON THE SWISS BANK FOR A MILLION FIVE THAT THERE WAS  
12 SOME CONCERN BY THE CLIENT ABOUT PROCEDURES ON NEGOTIATING  
13 THE DRAFT?

14 A I UNDERSTAND YOUR QUESTION AND THE ANSWER WOULD  
15 BE YES.

16 Q WHAT WAS UNUSUAL ABOUT THAT?

17 A WELL, NORMAL PROCEDURES, AS FAR AS I REMEMBER  
18 OCCURRING AT THIS TIME, WOULD BE THEY WOULD CALL THE BANK  
19 OF AMERICA TO DEPOSIT THE DRAFT IN THEIR BANK ACCOUNT AND  
20 THE BANK OF AMERICA HAD STATED THAT IT WOULD BE EIGHT TO TEN  
21 WEEKS APPROXIMATELY BEFORE THAT CHECK WOULD CLEAR AND THEY  
22 WOULD GET CREDIT FOR IT.

23 THEY WANTED THE MONEY QUICKER THAN THAT SO THEY  
24 HAD CONTACTED OTHER BANKING SOURCES AND I THINK THEY FINALLY,  
25 THROUGH NEIL ADELMAN, USED A CONTACT AT WORLD BANK.

26 SUBSEQUENTLY, WORLD BANK CHARGED THEM, I THINK,  
27 TEN OR FIFTEEN THOUSAND DOLLARS TO NEGOTIATE THAT CHECK. BUT  
28 THEY WOULD HAVE AN ANSWER IN TWO WEEKS OR TEN DAYS.

-1  
1 Q NOW, THE FACT THAT THEY DID NOT WANT TO WAIT EIGHT  
2 OR TEN WEEKS FOR THE CHECK TO NEGOTIATE, WAS THERE ANYTHING  
3 UNUSUAL ABOUT THAT?

4 A I WOULD SAY NO.

5 Q OKAY. THE WHOLE THING WAS KIND OF UNUSUAL, YOU  
6 HAD NEVER HAD A MILLION FIVE IN A SINGLE DRAFT COME FLOATING  
7 IN THE OFFICE, HAD YOU?

8 A NO.

9 Q EVERYBODY SEEMED TO WANT TO DO WHAT THEY COULD  
10 TO GET THE DRAFT NEGOTIATED THROUGH WHATEVER BANK TO ACCOMMODATE  
11 THAT TRANSACTION MOST PROMPTLY?

12 A CORRECT.

13 Q DID YOU EVER SEE ANY FORMAL BOARD MEETINGS UP  
14 THERE AT THE BBC?

15 A ONE -- OF WHICH ENTITY? THERE WERE --

16 Q ANY OF THEM, WE WILL START WITH THAT.

17 A YES.

18 ONE TIME, THERE WAS A BOARD MEETING OF  
19 MICROGENESIS.

20 THERE MAY HAVE BEEN TWO BOARD MEETINGS OF  
21 MICROGENESIS.

22 Q AND DID YOU PREPARE MINUTES OF THOSE MEETINGS?

23 A NO.

24 EVAN DICKER DID.

25 Q WERE THOSE USUALLY DONE AFTER THE FACT?

26 A I DON'T REMEMBER.

27 Q DO YOU KNOW WHAT PROCEDURE DICKER FOLLOWED IN  
28 AUTHORIZING THE MINUTES?

-2

1 A I CAN SAY I NEVER ATTENDED.

2 I WAS THERE WHEN THOSE MEETINGS STARTED. I NEVER  
3 ACTUALLY SAT IN ON THE MEETINGS.

4 Q DICKER HAD RESPONSIBILITY IN THAT AREA INSTEAD  
5 OF YOURSELF?

6 A YES.

7 Q NOW, DID YOU HAVE A PROCEDURE UP THERE WHERE  
8 TYPICALLY MINUTES WERE JUST PRODUCED IN SOME MECHANICAL OR  
9 FORM MANNER?

10 A AS IN MOST CORPORATE INSTANCES, MINUTES ARE  
11 PRODUCED AS NEEDED.

12 THAT WAS THE ONLY ENTITY THAT I REMEMBER THAT  
13 ACTUALLY EVER HAD A BOARD MEETING OR HAD BOARD MINUTES  
14 PREPARED.

15 Q THEREFORE, THERE WAS NOTHING REALLY UNIQUE OR  
16 UNUSUAL TO YOU AS AN ATTORNEY, SEEING MINUTES PRODUCED AS  
17 NEEDED?

18 A NO.

19 Q ALL RIGHT. THAT IS USUALLY DONE AFTER THE FACT,  
20 IS IT NOT?

21 A CORRECT.

22 Q IS IT NOT ALSO A FACT THAT MANY TIMES FORM  
23 MINUTES ARE PREPARED FOR CLIENTS ABOUT MEETINGS THAT ARE MORE  
24 REPRESENTED ON THE PAPERWORK THAN THEY WERE IN REALITY?

25 A OCCASIONALLY. IT IS DEPENDING ON WHAT IS REQUIRED,  
26 THOSE MINUTES ARE REQUIRED FOR.

27 MR. BARENS: SURE. THANK YOU VERY MUCH.

28 THE COURT: ALL RIGHT.

## REDIRECT EXAMINATION

1  
2 BY MR. WAPNER:

3 Q WHEN YOU CAME TO WORK FOR THE BBC IN OCTOBER,  
4 WAS THE PERSON YOU KNEW AS MR. GRAHAM WORKING THERE?

5 A NO.

6 Q AND WAS HE THERE AT ANY TIME DURING THE THREE  
7 WEEKS THAT YOU SPENT THERE IN OCTOBER?

8 A NOT TO MY RECOLLECTION, NO.

9 Q WAS HE THERE WHEN YOU CAME BACK TO WORK IN JANUARY?

10 A I THINK I CAME BACK TO WORK FIRST AND HE HAD COME  
11 ON A FEW WEEKS AFTER.

12 Q WHEN IN JANUARY DID YOU START BACK TO WORK?

13 A THE BEGINNING OF JANUARY, RIGHT AFTER THE FIRST  
14 OF THE YEAR.

15 Q AND IT WAS A FEW WEEKS AFTER THAT THE PERSON YOU  
16 KNEW AS MR. GRAHAM CAME TO WORK THERE?

17 A YES.  
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1 Q WHAT CAPACITY DID HE WORK AT THE BBC, AS FAR  
2 AS YOU KNOW?

3 A WELL, ONE, THAT HE WAS JOE'S BODYGUARD. TWO,  
4 HE WAS THERE BECAUSE MOST OF THE PEOPLE IN THE BBC HAD NO  
5 STREET SAVVY, AND MR. GRAHAM -- IT WAS THOUGHT MR. GRAHAM  
6 COULD INFUSE SOME OF HIS STREET-WISE TACTICS ON THOSE  
7 MEMBERS.

8 Q OKAY. FIRST OF ALL, YOU SAID THAT HE WAS JOE'S  
9 BODYGUARD. ON WHAT DO YOU BASE THAT STATEMENT?

10 A JOE SAID IT.

11 Q WHEN DID HE TELL YOU THAT?

12 A RIGHT WHEN HE CAME UP.

13 Q DID HE INTRODUCE MR. GRAHAM TO YOU AS HIS  
14 BODYGUARD?

15 A HE SAID, "JIM IS GOING TO BE A MEMBER OF THE  
16 BBC AND HE IS GOING TO BE IN CHARGE OF SECURITY AND HE IS  
17 GOING TO ACT AS MY BODYGUARD."

18 Q AND WHEN YOU FIRST MET MR. PITTMAN, DID HE  
19 APPEAR TO YOU TO HAVE THE PHYSICAL STATURE TO FULFILL THE  
20 ROLE AS A BODYGUARD?

21 A MOST ADEQUATELY.

22 Q AND DID YOU EVER SEE HIM DO ANYTHING WHILE HE  
23 WAS WORKING AT THE BBC, THAT MIGHT BE INTERPRETED AS  
24 SERVING IN THAT CAPACITY AS A BODYGUARD?

25 A WELL, THERE WAS ONE INSTANCE WHERE I THINK A  
26 MARSHAL CAME TO SERVE JOE SOME DOCUMENTS OR IT WAS A  
27 PROCESS SERVER.

28 AND JIM SPOTTED HIM COMING AND HE LOOKED LIKE



1 HE WAS CARRYING A GUN.

2 SO JIM GRABBED JOE AND I WAS THERE WITH JOE  
3 AND WE ALL RAN -- WENT OUTSIDE. THERE WAS A BACK DOOR.  
4 OKAY?

5 AND JIM SHIELDED JOE, SO JOE COULD GO DOWN THE  
6 ELEVATOR.

7 Q AND I ASSUME THAT HE WAS NOT SERVED WITH  
8 PROCESS AT THAT PARTICULAR TIME?

9 A NO.

10 Q CAN YOU EXPLAIN THE SECOND STATEMENT YOU MADE  
11 THAT MR. GRAHAM WAS AT THE BBC BECAUSE HE HAD SOME STREET  
12 SAVVY?

13 A MOST OF THE MEMBERS OF THE BBC, HAD LED A MORE  
14 OR LESS SHELTERED TYPE OF EXPERIENCE OR LIFE AND MR. GRAHAM  
15 HAD SPENT SOME TIME ON THE STREETS.

16 HE HAD GROWN UP IN ROUGH NEIGHBORHOODS WITH A  
17 DIFFERENT ENVIRONMENT. IT WAS FELT THAT HE COULD BE OF  
18 AN ADVISING FACTOR OF HOW TO HANDLE SOME OF THE TRANSACTIONS.  
19 HIS INPUT WOULD GIVE A DIFFERENT VIEWPOINT.

20 Q WHO TOLD YOU THAT?

21 A JOE.

22 Q WHEN DID HE TELL YOU THAT IN RELATION TO WHEN  
23 JIM GRAHAM CAME TO WORK FOR THE BBC?

24 A JIM WAS NOT THE KIND OF A GUY THAT NORMALLY  
25 WAS A MEMBER OF THE BBC. SO THIS WAS HIS REASON FOR BEING.

26 Q WHEN YOU FIRST MET JOE HUNT AND HE TALKED TO  
27 YOU ABOUT THIS CONCEPT OF THE BEST AND THE BRIGHTEST, DID  
28 HE EXPLAIN TO YOU ANYTHING ABOUT BRINGING DIFFERENT PEOPLE

1 TO THE BBC WHO WOULD PERFORM DIFFERENT FUNCTIONS AND EACH  
2 PERSON HAVING SOMETHING TO CONTRIBUTE TO THE GROUP?

3 A IT WAS IN THE SAME GENERAL REALM AS BEING THE  
4 BEST AND THE BRIGHTEST. IT WAS MY UNDERSTANDING OF WHAT  
5 WOULD BE GOING ON, YES.

6 Q AND WHEN MR. HUNT EXPLAINED TO YOU ABOUT MR.  
7 PITTMAN BRINGING THIS STREET SAVVY TO THE BBC, WAS THAT THE  
8 SAME AS IN THE CONTEXT OF SAYING THAT THIS IS GOING TO BE  
9 ONE OF HIS CONSIDERATIONS?

10 A CORRECT.

11 Q WHEN YOU SAW MR. HUNT IN THE OFFICE AND HE  
12 CAME TO YOU WITH A CONTRACT, YOU DESCRIBED HIM AS ANIMATED  
13 AND EXCITED, I BELIEVE.

14 A RIGHT, ANXIOUS.

15 Q HAD YOU EVER SEEN HIM THAT WAY IN RELATION TO  
16 ANY OTHER INDIVIDUAL THAT HE WAS TALKING ABOUT MEETING OR  
17 DOING BUSINESS WITH?

18 A THE ONLY TIME I REMEMBER THAT TYPE OF ANIMATION  
19 WAS WHEN HE HAD A PROBLEM WITH A GENTLEMAN NAMED SWARTOUT.  
20 HE WAS MORE UPSET OVER THE FAILURE OF A TRANSACTION THAT  
21 HE HAD TRIED TO ACCOMPLISH. AND WHEN THAT FAILED, IT WAS  
22 MORE OR LESS ANGER. MOST OF THE TIME HE WAS PRETTY EVEN  
23 TEMPERED, COOL.

24 Q SO, WHAT WAS OUT OF THE ORDINARY THE DAY HE  
25 CAME TO YOU WITH THE CONTRACT, WAS THAT HE SHOWED ANY  
26 EMOTION WHATSOEVER, OTHER THAN BEING ON AN EVEN KEEL?

27 A CORRECT.

28 Q WHEN YOU SAID YESTERDAY THAT THERE WERE TWO

1 THINGS THAT APPEARED TO BE EQUALLY IMPORTANT, MONEY AND  
2 POWER, WHAT DID YOU MEAN BY THE STATEMENT, "POWER"? CAN  
3 YOU EXPLAIN THAT?

4 A THE ABILITY TO CONTROL EVENTS, CIRCUMSTANCES  
5 AND PEOPLE.

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1 Q AS FAR AS THE BBC WAS CONCERNED, DID IT APPEAR  
2 THAT THERE WAS ONE PERSON AT THE BBC WHO WAS IN CONTROL OF  
3 THE OTHERS?

4 A YES.

5 Q AND WHO WAS THAT?

6 A JOE.

7 Q JOE HUNT?

8 A RIGHT.

9 Q IS THERE A QUESTION ABOUT THAT IN YOUR MIND?

10 A NO.

11 Q DID THERE APPEAR TO BE ANY QUESTION ABOUT THAT  
12 IN THE MINDS OF ANYBODY ELSE, AS FAR AS YOU COULD OBSERVE?

13 A IF YOU WANTED SOMETHING -- IF SOMETHING WAS  
14 IMPORTANT, NO MATTER WHAT ANYBODY ELSE SAID, JOE WAS THE  
15 FINAL ARBITER, THE DECISION-MAKER.

16 Q WHAT ABOUT THE CONSENT OF THE SHADINGS? HAD  
17 YOU EVER HEARD THAT TERM?

18 A DIFFERENT PEOPLE WHEN THEY WERE IN POWER, CALLED  
19 THEMSELVES DIFFERENT THINGS. YES. I HEARD THE TERM.

20 Q AND WERE THERE DIFFERENT PEOPLE WHO WERE  
21 SHADINGS AT DIFFERENT TIMES?

22 A NO, THE SAME THREE.

23 Q WHO WERE THEY?

24 A BEN DOSTI, DEAN KARNY AND JOE HUNT.

25 Q WHAT WAS JOE HUNT'S RELATIONSHIP TO MR. DOSTI,  
26 AS FAR AS YOU COULD OBSERVE?

27 A FRIENDS. THEY HAD GONE TO HIGH SCHOOL TOGETHER.  
28 THEY REALLY WEREN'T THAT FRIENDLY IN HIGH SCHOOL BUT HAD

1 A COMMON INTEREST IN TRADING COMMODITIES AND HAD MET AGAIN  
2 IN CHICAGO.

3 Q AND IN TERMS OF HOW CLOSE THEY WERE, WHAT CAN  
4 YOU TELL US ABOUT THAT?

5 A SOCIALLY, I DON'T THINK THEY DID A LOT. JOE  
6 AND BEN'S GIRLFRIEND DIDN'T GET ALONG TOO WELL.

7 Q IN TERMS OF MEETING BEN AGAIN IN CHICAGO, IS  
8 THAT SOMETHING YOU WERE TOLD BY SOMEONE?

9 A BY BEN.

10 Q AND THE IDEA OF THEM GOING TO HIGH SCHOOL  
11 TOGETHER, WERE YOU TOLD THAT BY SOMEONE ELSE?

12 A BEN.

13 Q MR. BARENS ASKED YOU TO LIKEN THIS GROUP TO A  
14 FRATERNITY. IS THERE ANY OTHER ORGANIZATION OR GROUP THAT  
15 YOU THINK MORE APPROPRIATELY DESCRIBES THE TYPE OF  
16 ORGANIZATION THAT THIS WAS?

17 A I GAVE THIS ISSUE SOME THOUGHT. AND I WAS IN  
18 A FRATERNITY IN COLLEGE. AND THIS ORGANIZATION, THE BBC,  
19 DIDN'T HAVE THAT SAME STRUCTURE.

20 WHEN MR. BARENS LIKENED THIS TO -- MR. HUNT TO  
21 A FRATERNITY PRESIDENT, THE SAME REQUIREMENTS OF LOYALTY  
22 TO A FRATERNITY PRESIDENT WERE NOT REQUIRED, WERE NOT --  
23 MR. HUNT HAD A HIGHER SET OF LOYALTY REQUIREMENTS THAN  
24 WOULD A NORMAL FRATERNITY PRESIDENT IN MY IMPRESSION.

25 AT TIMES, THE MEMBERS OF THE BBC LIKENED THEM-  
26 SELVES TO A MAFIA. AND THAT WOULD BE MORE AKIN THAN A  
27 FRATERNITY.

28 Q WHY DO YOU SAY THAT?

1           A       THEY CALLED THEMSELVES THE "BOYS".  AND THEY  
2       WOULD THINK -- THE BOYS WENT AND DID THIS AND THE BOYS  
3       ARE GOING TO GO EN MASSE TO THIS MEETING AND TALK THIS GUY  
4       INTO DOING SOMETHING.  THEY CONSIDERED THEMSELVES A MINI-  
5       MAFIA.

6           Q       IN TERMS OF -- WHAT DO YOU MEAN WHEN YOU SAY,  
7       "THE REQUIREMENTS OF LOYALTY"?

8           A       WELL, IF MR. HUNT FOUND OUT THAT YOU WERE DIS-  
9       LOYAL TO EITHER HIM OR TO THE BBC OR YOU DIDN'T WANT TO DO  
10      WHAT HE TOLD YOU TO DO, THEN YOU WERE OUT OF THE BBC.

11          Q       WERE THERE ANY EXAMPLES OF THAT, THAT YOU CAN  
12      THINK OF?

13          A       WELL, ONE TIME HE WENT OVER -- HE THOUGHT STEVE  
14      TAGLIANETTI WAS NOT BEING A LOYAL MEMBER OF THE BBC.

15                   HE DROVE OUT TO HIS HOUSE AT 6:00 A.M. IN THE  
16      MORNING AND TOOK BACK HIS MINI-BIKE.  HE SAID THAT HE WAS  
17      NO LONGER A MEMBER OF THE BBC.

18          Q       THE MINI-BIKE, IS THAT ONE OF THE MOTORCYCLES  
19      THAT MR. HUNT PURCHASED FOR ALL OF THE MEMBERS?

20          A       YES.

21          Q       AT THE TIME WHEN YOU WENT TO MR. HUNT'S OFFICE  
22      AND HE DISCUSSED WITH YOU, THE CONVERSATION THAT YOU HAD  
23      HAD WITH MR. GRAHAM AND MR. TAGLIANETTI, WAS THERE ANYTHING  
24      IN THAT CONVERSATION THAT EXPRESSED ANY DISAGREEMENT WITH  
25      MR. HUNT OR THE WAY THE BUSINESS WAS BEING RUN?

26          A       IN THAT CONVERSATION, IT WAS PRETTY ONE-SIDED.  
27      IT WAS, "I UNDERSTAND YOU SAID ALL THESE THINGS."  HE  
28      REITERATED WHAT --

1 Q LET ME INTERRUPT YOU FOR A SECOND. I DIDN'T  
2 ASK THE QUESTION -- THE QUESTION THAT I WAS ASKING --  
3 EITHER, MAYBE YOU DIDN'T UNDERSTAND THE QUESTION I WAS  
4 ASKING.

5 FIRST, THE FIRST CONVERSATION THAT I WANT TO  
6 ASK YOU ABOUT IS THE ONE THAT YOU HAD. WAS IT IN THE CAR  
7 WITH MR. GRAHAM AND MR. TAGLIANETTI?

8 A YES.

9 Q OKAY. AND WHAT DID YOU SAY DURING THAT CONVER-  
10 SATION THAT WAS RECORDED?

11 A IT WAS BASICALLY GRUMBLINGS ABOUT YOU KNOW, A  
12 LOT OF THINGS WERE PROMISED, OKAY?

13 AND YOU KNOW, DECISION-MAKING WAS -- A MORE  
14 DEMOCRATIC STYLE WAS PROMISED. IT WAS JUST YOU KNOW, A  
15 GRUMBLING AS TO WHAT WAS GOING ON AND NOT REALLY ANYTHING  
16 IN PARTICULAR BUT DISCONTENT WITH THE EXISTING SYSTEM AT  
17 THE BBC.

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1 Q WHO HAD PROMISED THE DEMOCRATIC STYLE?

2 A IT WAS MORE OF A DESIRE FOR A DEMOCRATIC STYLE  
3 THAN A PROMISE BY ANY ONE PERSON.

4 Q AND YOU WERE EXPRESSING SOME DISSATISFACTION OR  
5 GRUMBLING, AS YOU CALL IT, ABOUT THE WAY THINGS WERE BEING  
6 RUN?

7 A AND THE DOUBT, YOU KNOW, AS TO HOW THINGS WERE  
8 GOING AND WHAT THE SYSTEM WAS GOING LIKE AND JUST GENERAL  
9 GRUMBLINGS.

10 YOU KNOW, ANY TIME, I THINK, YOU BELONG TO AN  
11 ENTITY OR IF YOU ARE NOT REALLY HAPPY WITH WHAT IS GOING ON,  
12 YOU COMPLAIN. IT IS HEALTHY.

13 Q AND WHEN YOU GOT BACK TO THE BBC OFFICES AND THEN  
14 30 OR 40 MINUTES LATER WERE CALLED IN TO MR. HUNT'S OFFICE,  
15 WHAT DID HE SAY TO YOU?

16 A "I UNDERSTAND YOU TWO HAVE SOME COMPLAINTS AND  
17 DON'T LIKE THE WAY THINGS ARE GOING ON." I UNDERSTAND THAT  
18 YOU SAID THIS AND THIS AND THIS AND THIS.

19 "HOWEVER, YOU KNOW, I WILL FORGIVE YOU AND I WILL  
20 GIVE YOU ANOTHER OPPORTUNITY TO SHOW YOUR LOYALTY AND REMAIN  
21 MEMBERS OF THE BBC."

22 Q AND DID YOU FEEL THAT YOU NEEDED TO BE FORGIVEN  
23 FOR WHAT YOU HAD SAID?

24 A SOMETIMES IT WAS EASIER TO LISTEN AND FORGET THAN  
25 TO ARGUE.

26 Q WAS MR. HUNT THE KIND OF PERSON WHO ALLOWED ANY  
27 KIND OF DISAGREEMENT WITH THE RULES OR POLICIES THAT HE HAD  
28 ESTABLISHED?



1           A       OCCASIONALLY, HE WOULD LISTEN TO OTHER IDEAS BUT  
2 USUALLY, IF IT WAS WHAT HE FELT, IT WAS HIS WAY.

3           Q       WELL, WHEN HE CALLED YOU INTO HIS OFFICE AFTER  
4 YOU HAD HAD THIS CONVERSATION WITH MR. TAGLIANETTI AND  
5 MR. GRAHAM, DID HE SAY, OKAY, LET'S SIT DOWN AND DISCUSS IT,  
6 MAYBE WE CAN WORK IT OUT?

7           A       THAT WASN'T AN OPTION, NO.

8           Q       THE OPTION WAS "I WILL FORGIVE YOU, YOU DO IT  
9 MY WAY OR YOU LEAVE"?

10          A       PRETTY MUCH.

11          Q       AS FAR AS THE BUSINESSES AND THE BBC AND THE WAY  
12 THEY WERE RUN, WAS THERE ANY KIND OF A MANAGEMENT STRUCTURE  
13 SET UP?

14          A       ALL FINAL DECISIONS WENT TO JOE.

15          Q       SO IF THE BUSINESSES WEREN'T BEING MANAGED  
16 PROPERLY, WHAT RESPONSIBILITY, IF ANY, DID MR. HUNT HAVE FOR  
17 THAT?

18          A       HE TOOK FINAL RESPONSIBILITY.

19          Q       AND WHEN THEY DID NOT APPEAR TO BE DOING WELL,  
20 DID HE APPEAR TO TAKE RESPONSIBILITY FOR THE FACT THAT THEY  
21 WEREN'T GOING WELL?

22          A       WELL, HE WOULD BASICALLY, YOU KNOW, TALK TO THE  
23 PERSON OR HE WOULD -- MR. HUNT WOULD BE THE FINAL  
24 RESPONSIBILITY. IT WOULD BE SOMEONE ELSE -- SOMEONE ELSE  
25 WOULD BE INITIALLY RESPONSIBLE FOR THE OVERSEEING OF THE  
26 BUSINESS OR WOULD TRY TO OPERATE THAT BUSINESS ON A PROFITABLE  
27 BASIS AND WHEN THAT BUSINESS FAILED, THAT PERSON WOULD BE  
28 BLAMED. MR. HUNT WOULD EITHER STEP IN AND REMOVE THAT PERSON

1 FROM THAT POSITION AND TRY TO TAKE IT OVER HIMSELF AND/OR  
2 PUT SOMEONE ELSE IN IT.

3 Q DID YOU EVER SEE HIM ASSUME OR TAKE ANY  
4 RESPONSIBILITY FOR THE FACT THAT THESE BUSINESSES WERE NOT  
5 BEING PRODUCTIVE?

6 A DIRECT RESPONSIBILITY?

7 Q CORRECT.

8 A NO, NO.

9 Q DID IT APPEAR THAT IT WAS ALWAYS SOMEONE ELSE  
10 IN THE GROUP TO BE BLAMED FOR FAILURE OF THE BUSINESSES?

11 A YES.

12 Q DID HE EVER SAY "WELL, MAYBE THERE IS SOMETHING  
13 WRONG WITH THE WAY THIS BUSINESS IS BEING MANAGED FROM THE  
14 TOP THAT SHOULD BE CHANGED"?

15 A NEVER.

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1 Q SO IT WASN'T LIKE A FOOTBALL TEAM WHERE THEY ARE  
2 LOSING AND THEY DECIDE TO FIRE THE COACH, THAT WAS NEVER AN  
3 OPTION?

4 A IN THIS INSTANCE, THE COACH WAS THE OWNER SO YOU  
5 CAN'T FIRE YOURSELF.

6 Q THERE WERE LOTS OF MEMOS GENERATED IN THE OFFICE,  
7 RIGHT?

8 A CORRECT.

9 Q WERE THERE EVER LISTS WRITTEN?

10 A I DON'T -- A LIST IN WHICH SENSE?

11 Q DID YOU EVER SEE MR. HUNT WRITING LISTS?

12 A OH, YES, HE WRITES -- EVERYBODY GOT A LIST.

13 Q WAS THAT A COMMON OCCURRENCE?

14 A YES.

15 Q HOW COMMON?

16 A WHENEVER HE HAD SOMETHING FOR YOU TO DO, IT WAS  
17 EVERYBODY GOT A LIST. THAT WAS HIS STYLE.

18 Q AND HOW OFTEN WOULD THAT HAPPEN, ON A DAILY BASIS?

19 A WHEN YOU EVER HAD TO SIT AND TALK WITH HIM OR  
20 MEET HIM.

21 THE COURT: WHAT DO YOU MEAN BY A LIST?

22 THE WITNESS: IT WOULD BE LIKE "JERRY, THINGS TO DO,"  
23 AND A 1, 2, 3, 4, 5 THING.

24 OR, YOU KNOW, STEVE TAGLIANETTI, THINGS TO TAKE  
25 CARE OF, 1, 2, 3, 4 AND HE LISTED THE THINGS HE WANTED STEVE  
26 TO DO OR LOOK INTO.

27 AND EVERYTHING WAS ORGANIZED IN THAT LIST FORMAT.  
28 ALMOST AN OUTLINE-TYPE OF FORMAT.

1 Q BY MR. WAPNER: WAS THAT MR. HUNT'S STYLE?

2 A YES.

3 Q JUST OUT OF CURIOSITY, DID YOU EVER GET A LIST  
4 THAT HAD NUMBERS ON IT AND THEN IT WAS RENUMBERED,  
5 REPRIORITIZED, FOR EXAMPLE?

6 A SOMETIMES. I MEAN IT WOULD NOT BE OUT OF THE  
7 NORMAL COURSE OF THE WAY THINGS WERE DONE.

8 Q YOU MENTIONED THAT MR. PITTMAN SAID HE HAD  
9 CONNECTIONS ON THE EAST COAST. DO YOU REMEMBER WHAT HE SAID  
10 IN THAT REGARD?

11 A WELL, LIKE MAFIA CONNECTIONS. HE HAD A FRIEND  
12 WHO PROMOTED CONCERTS.

13 MR. BARENS: HEARSAY, YOUR HONOR.

14 THE COURT: PARDON ME?

15 MR. BARENS: HEARSAY.

16 THE COURT: OVERRULED.

17 MR. BARENS: THANK YOU, YOUR HONOR.

18 THE WITNESS: HE HAD THOSE TYPE OF CONNECTIONS.

19 Q BY MR. WAPNER: ON THE DAY THAT YOU WERE IN THE  
20 OFFICE AND JIM CAME IN WITH NICK AND HE HAD THE GUN WITH THE  
21 SILENCER, HE TOLD YOU HE WAS GOING TO GO OUTSIDE AND TEST  
22 IT?

23 A YES.

24 Q HAD YOU EVER HEARD GUNSHOTS BEFORE?

25 A YES.

26 Q DID YOU SEE MR. GRAHAM AND NICK LEAVE THE OFFICE?

27 A I DON'T REMEMBER.

28 Q DO YOU EVER REMEMBER SEEING THEM OR MR. GRAHAM

1 AGAIN AFTER HE WAS IN YOUR OFFICE WITH THE SILENCER ON THAT  
2 SAME DAY?

3 A YES.

4 Q ABOUT HOW MUCH LATER?

5 A I WOULD SAY AN HOUR LATER, HALF AN HOUR LATER.

6 Q AND WHEN HE SAID THAT HE WAS GOING TO GO AND TEST  
7 THE GUN, DID HE LEAVE YOUR OFFICE WITH NICK?

8 A YES.

9 THEY HAD COME IN MY OFFICE FROM ONE DOOR AND LEFT  
10 IN ANOTHER DOOR.

11 Q WHEN HE CAME BACK, WHEN YOU SAW HIM AGAIN ABOUT  
12 AN HOUR LATER, DID YOU ASK HIM ABOUT HOW THE TEST HAD GONE?

13 A I DON'T REMEMBER.

14 Q DID YOU TELL US SOMETHING ABOUT THAT HE SAID IT  
15 HAD GONE OKAY OR THAT EVERYTHING HAD GONE ALL RIGHT, OR  
16 SOMETHING LIKE THAT?

17 A I THINK -- I MEAN PRECISELY, WHETHER HE CAME BACK  
18 AND AFTER HE TESTED IT, DID HE SAY WHETHER IT WORKED -- I  
19 REMEMBER HIM TELLING ME SUBSEQUENT TO THAT DAY, YES, IT HAD  
20 WORKED. WHETHER IT WAS RIGHT AFTER HE HAD, WITHIN THAT HOUR  
21 FRAME, I DON'T REMEMBER.

22 Q OKAY. BUT AFTER HE LEFT YOUR OFFICE WITH THE  
23 GUN WITH THE SILENCER, DID YOU HEAR ANY LOUD GUNSHOTS?

24 A NO, I DIDN'T.

25 Q AT ANY TIME THAT DAY?

26 A NO, I DIDN'T.

27

28

1 Q OTHER THAN SEEING IT ON TELEVISION OR WATCHING  
2 THE MOVIES, HAVE YOU EVER HEARD A GUN BEING FIRED WITH A  
3 SILENCER?

4 A NO.

5 Q HAVE YOU EVER SEEN OR HEARD JIM GRAHAM FIRING  
6 A GUN AT SOME PLACE NEAR THE OFFICES ON OTHER OCCASIONS?

7 A NO.

8 Q DID HE EVER TELL YOU THAT HE HAD FIRED OR TESTED  
9 ANY OF HIS GUNS NEAR THE BUILDING IN AN ALLEY OR DOWNSTAIRS  
10 OR SOMETHING?

11 A NO.

12 Q THE CONTRACT THAT MR. HUNT HAD WITH MR. MORTON,  
13 DO YOU REMEMBER WHAT THE SUBSTANCE OF THAT WAS?

14 A FOR THE PURCHASE OF ONE ATTRITION MILL AND I THINK,  
15 SUBSEQUENT ATTRITION MILLS. TO MY RECOLLECTION, MOST OF THE  
16 DOCUMENT DEALT WITH THE SECRECY INVOLVED, THE TRAINING  
17 PROCEDURES FOR THE AGREEMENT, PROPRIETARY RIGHTS.

18 MR. WAPNER: MAY I HAVE JUST A MOMENT TO TRY TO FIND  
19 SOME EXHIBITS, YOUR HONOR?

20 THE COURT: YES.

21 (PAUSE.)

22 MR. WAPNER: MAYBE WE WILL GET BACK TO THAT, IF I CAN  
23 FIND THAT LATER ON.

24 Q WHEN MR. TAGLIANETTI YOU SAY WAS PUT IN CHARGE  
25 OF FIRE SAFETY, WHO DID THAT?

26 A JOE.

27 Q AND DID YOU SEE WHETHER OR NOT MR. TAGLIANETTI  
28 ACTUALLY DID ANYTHING FOR FIRE SAFETY OR WAS THAT JUST BY

1 TITLE ONLY?

2 A NO. HE DEVELOPED A MANUAL FOR FIRE SAFETY.

3 Q DID THAT BUSINESS -- DO YOU KNOW HOW MUCH MONEY  
4 WAS SPENT TRYING TO GET THAT BUSINESS OFF THE GROUND?

5 A I THINK TO MY RECOLLECTION, AT THE TIME THAT  
6 MR. HUNT HAD -- MR. MINGARELLA AND RYAN HUNT WERE TERMINATED,  
7 IT WAS IN EXCESS OF \$100,000 AT THAT TIME.

8 Q AND DID FIRE SAFETY EVER MAKE ANY MONEY?

9 A NO.

10 Q WAS THERE MORE MONEY BESIDES THE \$100,000 SPENT  
11 ON FIRE SAFETY AFTER RYAN HUNT AND MR. MINGARELLA WERE  
12 TERMINATED?

13 A YES.

14 Q HOW MUCH?

15 A PRECISELY, I DON'T KNOW. BUT MR. TAGLIANETTI  
16 RECEIVED A SALARY AND THERE WAS SOME MONEY SPENT WITH A COMPANY  
17 CALLED ALTAWOOD TO DEVELOP THE PROCESS.

18 Q YOU SAID THAT IN THE CONTRACT FOR THE LIMITED  
19 PARTNERSHIP AGREEMENTS WITH THE INVESTORS, THERE WAS NO  
20 DISCLOSURE STATEMENT. CAN YOU EXPLAIN WHAT THAT MEANS, PLEASE?

21 A NORMALLY WHEN YOU INVEST IN A SECURITY, YOU  
22 RECEIVE -- WHICH HAS RISK, YOU RECEIVE A DISCLOSURE, A SEPARATE  
23 DISCLOSURE STATEMENT SAYING THAT THIS ITEM IS RISKY AND YOU  
24 COULD LOSE YOUR MONEY --

25 MR. BARENS: OBJECTION, YOUR HONOR. A SECURITY IS A  
26 DETERMINATION THAT HAS TO BE MADE WHETHER A DOCUMENT  
27 REPRESENTS THE SALE OR INVESTMENT OF --

28 THE COURT: WELL, YOU HAVE A RIGHT TO CROSS-EXAMINE

1 HIM ON IT IF YOU DISAGREE WITH WHAT HE SAYS. JUST LET COUNSEL  
2 PROCEED.

3 Q BY MR. WAPNER: WOULD YOU GO AHEAD?

4 A NORMALLY, IF THE INVESTMENT OR SECURITY IS A RISKY  
5 INVESTMENT, IT IS REQUIRED TO HAVE A DISCLOSURE WHICH IS A  
6 SEPARATE FORM DELINEATING THE FACT THAT THIS IS A RISKY  
7 INVESTMENT AND YOU ARE A KNOWLEDGEABLE INVESTOR AND YOU ARE  
8 IN FACT, TAKING YOUR OWN INVESTMENT INTO YOUR OWN HANDS AND  
9 PUTTING IT AT RISK.

10 Q THAT WAS NOT INCLUDED IN THESE AGREEMENTS?

11 A NO IT WAS NOT.

12 Q WHAT IS THE EFFECT IF ANY OF THE FACT THAT THESE  
13 WERE NOT REGISTERED WITH THE STATE?

14 A EFFECTIVELY, THEY WERE NOT VALID PARTNERSHIPS,  
15 ACCORDING TO THE STATE OF CALIFORNIA.

16 Q WHAT EFFECT --

17 THE COURT: BY LAW, THEY ARE SUPPOSED TO BE REGISTERED,  
18 ARE THEY?

19 THE WITNESS: CORRECT.

20 Q BY MR. WAPNER: WHOSE RESPONSIBILITY IS IT TO  
21 REGISTER THEM WITH THE STATE?

22 A THE GENERAL PARTNER.

23 Q IN THIS CASE INITIALLY, IT WOULD BE MR. HUNT'S  
24 ON THE FIRST AGREEMENT AND THEN FINANCIAL FUTURES TRADING  
25 CORPORATION ON THE SECOND SET OF AGREEMENTS?

26 A CORRECT.

27

28



1 Q IF THEY WEREN'T VALID IN THE EYES OF THE STATE,  
2 WHAT AFFECT WOULD THAT HAVE HAD IF SOMEONE DECIDED TO BRING  
3 A LAWSUIT BASED ON THOSE AGREEMENTS, IF YOU KNOW?

4 A TO MY UNDERSTANDING, THE LIMITED PARTNERS  
5 WOULD ALSO BE SUBJECT TO THE SAME PARAMETERS AS THE GENERAL  
6 PARTNER AND A LOT OF THE PROTECTION OF A LIMITED PARTNER  
7 WOULD BE MISSING.

8 Q I WANT TO TALK TO YOU ABOUT THE AGREEMENT THAT  
9 WE HAVE MARKED AS PEOPLE'S 58 -- MAY I SEE --

10 A I HAVE 80 HERE.

11 Q BY MR. WAPNER: ALL RIGHT, FIRST OF ALL, 58 AND  
12 80 APPEAR TO BE IN TERMS OF THE SUBSTANCE, THE LANGUAGE  
13 OF THE AGREEMENTS, IDENTICAL AGREEMENTS?

14 A CORRECT.

15 Q AND 80 APPEARS TO BE, AS FAR AS THE TYPING IS  
16 CONCERNED, A XEROX, CORRECT?

17 A CORRECT.

18 THE COURT: PARDON ME. MAY I SEE THAT 58, PLEASE?

19 MR. WAPNER: YES.

20 Q BY MR. WAPNER: IN ANY EVENT, THE AGREEMENTS  
21 THAT ARE IN SUBSTANCE IDENTICAL, WHICH ARE PEOPLE'S 58 AND  
22 PEOPLE'S 80, DO THEY CONTAIN IN ANY TYPEWRITTEN LANGUAGE  
23 IN THERE THE AMOUNT THAT IS TO BE PAID FOR THE OPTION?

24 A THE INITIAL DOWN PAYMENT, NO.

25 BUT IT TALKS ABOUT AN ADDITIONAL SEVEN MILLION  
26 DOLLAR PAYMENT.

27 Q BUT AS WE DISCUSSED YESTERDAY, THIS AGREEMENT  
28 THAT YOU HAVE IN FRONT OF YOU IS AN OPTION OR GIVES SOMEONE

1 THE PRIVILEGE OF SPENDING THE SEVEN OR EIGHT MILLION DOLLARS  
2 LATER, CORRECT?

3 A CORRECT.

4 Q BUT IS THERE ANYTHING IN THE TYPEWRITTEN  
5 PORTION OF THE OPTION DOCUMENT THAT INDICATES HOW MUCH IS  
6 TO BE PAID FOR THE PRIVILEGE OF SPENDING THE SEVEN OR EIGHT  
7 MILLION?

8 A NO.

9 Q AND YOUR RECOLLECTION IS THAT WHEN YOU FIRST  
10 SAW THE DOCUMENT, THAT THERE WAS SOME TYPEWRITTEN PORTION  
11 IN THERE, CORRECT?

12 A CORRECT.

13 Q WAS THAT TYPEWRITTEN AMOUNT THAT WAS TO BE PAID  
14 FOR THE OPTION LEFT OUT AT YOUR SUGGESTION OR DO YOU KNOW?

15 A IT WAS NOT LEFT OUT AT MY SUGGESTION, NO.

16 Q SO IN ESSENCE, WHAT HAPPENS WHEN THE AGREEMENT  
17 WENT OUT IN BLANK BEFORE IT WAS SIGNED, THE AMOUNT TO BE  
18 PAID FOR THE OPTION WAS LEFT OPEN, RIGHT?

19 A CORRECT.

20 Q SO THAT WAS TO BE FILLED IN IN THE THREE LINES  
21 THAT WERE LEFT BLANK ON THE CONTRACT?

22 A I ASSUME.

23 I DIDN'T SEE IT GO OUT WITH THE THREE LINES.

24 Q AND IN FACT, AS YOU SEE THOSE TWO AGREEMENTS  
25 NOW THAT ARE PEOPLE'S --

26 A 58 AND 80.

27 Q -- 58 AND 80, THERE STILL IS NOTHING IN TYPE  
28 THAT SAYS HOW MUCH IS TO BE PAID FOR THE OPTION, RIGHT?

1 A CORRECT.

2 Q SO, THAT AGREEMENT THE WAY IT IS NOW, AS IT WAS  
3 BEING AGREED ON, THE PRICE COULD CHANGE?

4 A CORRECT.

5 Q AND YOU WOULDN'T HAVE TO SCRATCH OUT ANYTHING  
6 IN THE CONTRACT?

7 A NO.

8 Q SO IF YOU CHANGED YOUR MIND AT THE LAST MINUTE  
9 AND SAID, "WELL, INSTEAD OF A MILLION AND A HALF, PAY ME  
10 A MILLION SEVEN OR A MILLION TWO," THAT COULD BE DONE BASED  
11 ON THE FORM THAT YOU HAVE IN FRONT OF YOU?

12 A I WOULD ASSUME SO.

13 Q AND IN FACT, IS THERE ANYTHING ON THERE THAT  
14 YOU CAN READ THAT INDICATES WHAT THE AMOUNT WAS THAT WAS  
15 TO BE PAID?

16 A 1,500,000 AND I CAN'T MAKE OUT THE SECOND LINE.

17 Q AND THE \$1,500,000 THAT YOU ARE REFERRING TO  
18 IS THE FIRST LINE OF -- IT IS ACTUALLY WRITTEN ON THE  
19 SECOND OF THE THREE BLANK LINES THAT ARE THERE?

20 A CORRECT.

21 MR. WAPNER: MAY I PASS THIS IN FRONT OF THE JURY JUST  
22 BRIEFLY, YOUR HONOR?

23 THE COURT: ALL RIGHT.

24 (MR. WAPNER SHOWING EXHIBIT TO THE  
25 JURY.)

26 THE COURT: LET ME SEE THAT AGAIN.

27 THE WITNESS: SURE.

28 Q BY MR. WAPNER: IF YOU HADN'T SEEN THE CHECK

1 THE NEXT DAY FOR A MILLION FIVE HUNDRED THOUSAND DOLLARS,  
2 DO YOU KNOW WHETHER YOU WOULD BE ABLE TO READ THIS WRITING  
3 ON HERE THAT SAYS \$1,500,000?

4 A PRETTY MUCH THE FIRST LINE, YOU CAN READ.

5 AS I LOOK AT IT, YOU CAN KIND OF MAKE OUT THE  
6 SECOND LINE. I THINK IT TALKS ABOUT THE SWISS BANK CHECK  
7 I THINK, OR -- IT IS NOT THAT CLEAR.

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1 Q SO IF YOU EVER HAD TO GO TO LITIGATION ON THAT  
2 CONTRACT ABOUT WHAT THE AMOUNT WAS, IT IS NOW GOING TO DEPEND  
3 UPON WHAT IS WRITTEN IN HERE ON THESE TWO LINES, RIGHT?

4 A NO.

5 MR. BARENS: OBJECTION. IT CALLS FOR A CONCLUSION AND  
6 SPECULATION.

7 THE COURT: I WILL SUSTAIN THE OBJECTION. I WILL STRIKE  
8 THE ANSWER.

9 MR. WAPNER: THANK YOU.

10 Q WHAT WOULD IT MEAN OR WHAT DOES IT MEAN WHEN  
11 SOMEONE ASSIGNS THEIR RIGHTS TO THIS OPTION TO SOMEONE ELSE?  
12 CAN YOU EXPLAIN WHAT HAPPENS IF THAT IS DONE?

13 A YOU EFFECTIVELY SUBSTITUTE THAT OTHER PERSON FOR  
14 YOURSELF AND YOU GIVE THAT OTHER PERSON ALL OF THE RIGHTS,  
15 IF YOU IN FACT, ASSIGN ALL OF YOUR RIGHTS THAT YOU STARTED  
16 OFF WITH.

17 Q OKAY. AND IF MR. LEVIN IN THIS CASE, HAD GIVEN  
18 HIS RIGHTS UNDER THIS CONTRACT TO SOMEONE ELSE, WHAT WOULD  
19 THAT OTHER PERSON GET?

20 A THE SAME THING THAT HE WOULD HAVE GOTTEN.

21 Q AND THAT WOULD BE THE RIGHTS TO PURCHASE MACHINES  
22 FOR USE IN SILICA AND CERAMICS FOR \$7 MILLION?

23 A CORRECT.

24 Q AND IN ORDER FOR THAT OTHER PERSON TO GET HIS  
25 RIGHTS AND GET THESE MACHINES, WHO DOES HE HAVE TO GO TO?

26 A MICROGENESIS.

27 Q ALL RIGHT. AND SO IF A PERSON HAD GOTTEN THE  
28 RIGHTS FROM MR. LEVIN AND HE WANTED THE MACHINES, HE WOULD

1 HAVE TO COME BACK TO MICROGENESIS AND SAY, "OKAY. GIVE ME  
2 THE MACHINES"?

3 A CORRECT.

4 Q DURING THE TIME THAT YOU WERE THERE, DID ANYBODY  
5 COME BACK TO MICROGENESIS AND SAY, "I GOT THESE RIGHTS FROM  
6 LEVIN AND NOW I WANT THE MACHINES"?

7 A NO.

8 Q YOU DIDN'T HAVE ANY ARABS COMING IN FROM NEW YORK  
9 SAYING, "OKAY. I JUST MET LEVIN IN NEW YORK AND I GOT THESE  
10 RIGHTS AND NOW I WANT THE MACHINE"?

11 A NO.

12 Q AND IN FACT, THERE WAS ONLY ONE MACHINE EVER  
13 PRODUCED AND OPERATING DURING THE TIME YOU WERE THERE, RIGHT?

14 A IT WAS PRODUCED.

15 Q WHETHER IT WAS OPERATING IS ANOTHER STORY?

16 A CORRECT.

17 Q THE BOARD MEETING THAT YOU WERE AT WITH THE  
18 MEMBERS OF MICROGENESIS, WAS THAT IN THE OFFICES OF THE BBC?

19 A YES.

20 Q WAS IT DURING THE DAY OR NIGHT?

21 A AT NIGHT.

22 Q WERE THERE OTHER PEOPLE THERE BESIDES JUST THE  
23 BOARD MEMBERS?

24 A I DON'T REMEMBER.

25 Q DO YOU REMEMBER IF THERE WERE PARENTS THERE OF  
26 ANY OF THE MEMBERS?

27 A AT THAT BOARD MEETING -- WELL, MR. RAYMOND, I  
28 THINK WAS A MEMBER OF THE BOARD AND --

2-3

1 Q THAT'S JEFF RAYMOND'S FATHER?

2 A JEFF RAYMOND'S FATHER. I THINK THAT THERE WERE  
3 A COUPLE OF OTHER OLDER PEOPLE. I DON'T REMEMBER.

4 I REMEMBER SEEING MR. RAYMOND AT THAT MEETING  
5 AND THEN OTHER PEOPLE. I DIDN'T STAY FOR THE FINAL MEETING.

6 Q OKAY. WHEN YOU SAY "OLDER PEOPLE," MOST OF THE  
7 MEMBERS OF THE BBC WERE IN THEIR EARLY TWENTIES?

8 A RIGHT. CORRECT.

9 Q OKAY. BE CAREFUL WITH THIS "OLDER PEOPLE" STUFF.  
10 I THINK THAT MR. DICKER REFERRED TO THEM AS "GROWN-UPS".  
11 WOULD THAT BE A FAIR STATEMENT?

12 A TO AN EXTENT.

13 Q AND THAT IS THE ONLY MEETING THAT YOU RECALL  
14 SPECIFICALLY AND YOU SAID THERE MAY HAVE BEEN ONE OTHER ONE?

15 A I THINK THERE WAS ONE OTHER BOARD MEETING OF  
16 MICROGENESIS. I WAS NOT AT THAT MEETING. I DON'T REMEMBER  
17 THAT.

18 Q WERE YOU AT THIS LARGER ONE?

19 A I WAS THERE BEFORE THE MEETING STARTED AND I LEFT  
20 BEFORE IT STARTED.

21 Q DID YOU EVER SEE MR. GRAHAM WITH ANY TYPE OF BOOKS  
22 THAT HAD ON IT "HIT MAN" OR SOMETHING LIKE THAT?

23 MR. BARENS: OBJECTION AS TO RELEVANCY. I THINK WE  
24 WENT THROUGH THIS AND GOT A RULING ON IT.

25 MR. WAPNER: NOT THAT I RECALL.

26 THE COURT: NOT THAT I RECALL, EITHER.

27 MR. BARENS: RELEVANCY, YOUR HONOR AS TO BOOKS.

28 THE COURT: OBJECTION OVERRULED.

- 4  
1 MR. WAPNER: MAY I HAVE A MOMENT?

2 MR. BARENS: COULD WE APPROACH?

3 THE COURT: NO.

4 THE WITNESS: THE ANSWER IS NO.

5 MR. BARENS: OKAY.

6 MR. WAPNER: THANK YOU.

7 MR. BARENS: FOR THE RECORD --

8 THE COURT: I ANTICIPATED THAT.

9 MR. BARENS: THANK YOU.

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1 Q OF THE PEOPLE IN THE BBC GENERALLY, DID MR.  
2 HUNT APPEAR TO BE TIGHTER WITH ANYONE OR CLOSER WITH  
3 ANYONE OR TWO INDIVIDUALS THAN HE DID WITH THE REST?

4 A WELL, HE WAS CLOSER WITH MR. KARNY.

5 AND I WOULD SAY THAT THEY KNOWN TO BE BEST  
6 FRIENDS AND THEY LIVED TOGETHER, SO I WOULD SAY THEY WERE  
7 THE CLOSEST.

8 Q BESIDES LIVING TOGETHER, WHAT DO YOU BASE THE  
9 FACT THAT HE WAS CLOSEST TO MR. KARNY ON?

10 A THEY WORKED OFF OF EACH OTHER. IF MR. HUNT  
11 HAD AN IDEA OR PHILOSOPHY OR JUST WANTED TO TALK ABOUT  
12 BUSINESS, HIS FIRST POINT IN FACT WOULD BE MR. KARNY. I  
13 THINK HE USED MR. KARNY, IN MY IMPRESSION, AS A SOUNDING  
14 BOARD QUITE A BIT.

15 Q DID YOU EVER INVEST ANY OF YOUR OWN MONEY IN  
16 THE BBC?

17 A NEVER.

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

19 MR. BARENS: THANK YOU, YOUR HONOR.

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RE-CROSS-EXAMINATION

22

BY MR. BARENS:

23

Q ISN'T IT A FACT THAT MR. GRAHAM-PITTMAN SPENT  
24 MOST OF HIS TIME DOWN IN GARDENA?

25

A NOT TO MY KNOWLEDGE, NO.

26

Q WAS HE EVER DOWN IN GARDENA?

27

A I AM SURE HE WAS.

28

Q WELL, WHAT DO YOU KNOW? DO YOU KNOW WHETHER

1 HE WAS IN GARDENA OR NOT?

2 THE COURT: HE SAID HE WAS.

3 Q BY MR. BARENS: HE WAS DOWN IN GARDENA?

4 A YES.

5 Q IF HE WAS DOWN IN GARDENA, HE WAS WORKING ON  
6 WESTCARS AND HE WAS HELPING OUT ON MICROGENESIS, WASN'T  
7 HE?

8 A I CAN ASSUME SO.

9 I DON'T KNOW WHAT HE DID.

10 Q HOW IS HE GUARDING HUNT'S BODY WHEN HE IS DOWN  
11 IN GARDENA?

12 A YOU KNOW, I DON'T KNOW.

13 BUT INITIALLY, HIS JOB AND ROLE WAS INTRODUCED  
14 AS BEING A BODYGUARD FOR MR. HUNT.

15 Q AND AFTER HE IS GIVEN THAT ROLE, HE DOESN'T ACT  
16 OUT THAT ROLE IF HE IS IN GARDENA, DOES HE?

17 A MAYBE AT THOSE TIMES, MR. HUNT DECIDED HE DIDN'T  
18 NEED HIS BODY GUARDED.

19 Q WHOSE BODY WERE WE GUARDING? I MEAN IF HUNT  
20 IS BEING GUARDED, WHO ARE WE GUARDING HIM FROM AT THIS  
21 POINT?

22 A THAT WAS MY QUESTION, TOO.

23 Q RIGHT. IT DIDN'T SEEM TO YOU, DID IT, THAT HE  
24 REQUIRED A BODYGUARD?

25 A IT LOOKED GOOD.

26 Q IT LOOKED GOOD, DIDN'T IT?

27 A RIGHT.

28 Q IT WAS PART OF MR. HUNT'S POSTURE, WAS IT NOT?

1 A CORRECT.

2 Q IT WAS PART OF THE ENHANCEMENT OF PLAYING THE  
3 ROLE, ONCE AGAIN, FOR ALL OF THESE BOYS, WASN'T IT?

4 A OR THE INVESTORS.

5 BUT IT WAS PART OF IT LOOKED GOOD --

6 A RIGHT.

7 Q -- ACT THE PART.

8 A PLAY THE PART.

9 Q TO PLAY THE PART?

10 SO WE HAVE GOT PITTMAN, HE HAS BECOME AN  
11 ACCESSORY FOR PLAYING THE PART, DOESN'T HE?

12 A CORRECT.

13 Q ALL RIGHT. NOW THERE WAS NOTHING UNIQUE ABOUT  
14 THAT, WAS THERE?

15 A NO.

16 THE COURT: OR SINISTER.

17 (LAUGHTER IN COURTROOM.)

18 THE COURT: OR SINISTER?

19 THE WITNESS: NO.

20 MR. BARENS: THANK YOU FOR ANTICIPATING, YOUR HONOR.

21 Q SO WE HAVE A BODYGUARD THAT DOESN'T REALLY ACT  
22 LIKE A BODYGUARD BUT HELPS IN THE ROLE, HE IS GOING TO  
23 BRING IN SOME KNOWLEDGE ABOUT STREET SAVVY FOR ALL OF THOSE  
24 BOYS, EH?

25 A IDEALLY.

26 Q IDEALLY, DOES HE DO THAT?

27 A I DOUBT IT.

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Q AND THAT WAS ALSO SOMETHING THAT WAS MORE SAID  
THAN DONE?

A IT IS DIFFICULT TO TEACH PEOPLE THAT IS OUT OF  
THEIR COURSE OF NATURE.

Q RIGHT.

SO WE HAVE ALL OF THESE SHELTERED BOYS AND NOW  
WE HAVE THIS BIG, TOUGH BLACK GUY WHO IS GOING TO TEACH THEM  
TO DO WHAT, ACT LIKE HIM?

A NO.

MAYBE GIVE HIS PERSPECTIVE ON SITUATIONS AS THOSE  
ARISE.

Q DID YOU EVER HEAR HIM DO THAT?

A YES.

Q LIKE WHAT, WHAT DOES HE TELL THEM?

A HE WOULD GIVE HIS -- HIS PSYCHOLOGICAL VIEWPOINT  
OF HOW, YOU KNOW, HE WOULD ACT OR HOW, YOU KNOW, WHAT SOMEBODY  
WOULD BE THINKING OR HOW TO DEAL WITH SOMEBODY ON OCCASION.

Q OKAY, NOW WE GET A SITUATION, YOU TELL ME, WHERE  
MR. HUNT IS ACTING REAL AUTOCRATICALLY WHERE HE HAS GOT THE  
POWER FOCUSED IN HIM, WHERE HE IS TAPING PEOPLE AND ALL OF  
THIS AND THAT, WHY DOES EVERYBODY STAY?

A IF YOU WOULD GIVE ME INDIVIDUALS, I COULD PROBABLY  
GIVE YOU REASONS WHY THEY STAYED.

LACK OF OTHER PLACE --

Q WHY DID YOU STAY?

A I WAS IN SCHOOL AND I WAS WAITING TO SEE IF IT

1 GOT BETTER.

2 IF IT DIDN'T GET BETTER, I WAS GOING TO BE GONE  
3 ANYWAYS.

4 Q WELL, YOU STAYED THERE.

5 I MEAN YOU GO IN AND YOU HAVE SOME SENSE THAT  
6 YOU HAVE BEEN SURREPTITIOUSLY TAPE RECORDED BY THE BIG, TOUGH  
7 BLACK GUY.

8 THE COURT: WILL YOU ELIMINATE THAT PARTICULAR PHRASE?  
9 I KNOW WHY YOU ARE DOING IT, TOO.

10 MR. BARENS: YOU BET.

11 THE COURT: JUST DON'T DO IT NOW. I AM ADMONISHING  
12 YOU NOW.

13 Q BY MR. BARENS: WELL, IN ANY EVENT, HERE YOU HAVE  
14 BEEN SURREPTITIOUSLY TAPED, YOU GO IN AND HUNT DRESSES YOU  
15 DOWN ON THIS.

16 A I WASN'T DRESSED DOWN.

17 Q YOU WEREN'T DRESSED DOWN?

18 A IT WASN'T, NO. IT WAS A FORGIVING ATTITUDE.

19 Q HE DOESN'T GET HOSTILE WITH YOU, DOES HE?

20 A NO.

21 Q HE DOESN'T SAY THAT, LISTEN, I AM GOING TO FIRE  
22 ALL OF YOU GUYS. YOU GUYS ARE DISLOYAL AND I HEARD YOU SAID  
23 BAD THINGS AND GET OUT OF HERE, I AM NOT GOING TO PAY YOU.  
24 GET OUT OF HERE.

25 A THAT WASN'T HIS STYLE.

26 Q NOT AT ALL.

27 WHAT ABOUT THE REST OF THE PEOPLE UP THERE, HERE  
28 IS THIS AUTOCRAT, DOES HE ACT LIKE AN AUTOCRAT, DOES HE

1 THREATEN PEOPLE?

2 A WHAT TIME FRAME ARE YOU TALKING ABOUT?

3 Q WHAT HAPPENS IF SOMEBODY DISAGREES WITH HIM, YOU  
4 TELL ME THAT THE CHOICE IS EITHER YOU DO IT HIS WAY OR YOU  
5 HAVE TO LEAVE?

6 A CORRECT.

7 Q OKAY, IS THAT THE PENALTY, EITHER YOU AGREE WITH  
8 THE BOSS OR YOU GET FIRED?

9 A THAT'S RIGHT.

10 Q IS THERE SOMETHING UNUSUAL ABOUT THAT?

11 A NO.

12 Q IN OTHER WORDS, IF HE IS THE GUY RUNNING THE  
13 BUSINESS AND HE TAKES THE RESPONSIBILITY FOR IT, HE IS BRINGING  
14 IN THE INVESTORS AND HE IS SUPPOSED TO HIT THE HOMERUN FOR  
15 EVERYBODY, WHAT IS UNIQUE THAT WE ARE GOING TO DO IT HIS WAY?

16 A EXCEPT IN THE SENSE THAT HE RELIED ON THESE OTHER  
17 PEOPLE. I MEAN HE COULD NOT HAVE DONE IT HIMSELF, ALL BY  
18 HIMSELF.

19 Q RIGHT.

20 A OKAY.

21 Q HE NEEDED PEOPLE TO HELP RUN THE BUSINESS?

22 A RIGHT.

23 Q HE COULDN'T FIRE EVERYBODY?

24 A NO.

25 Q BECAUSE THERE WOULD BE NOBODY TO DO IT?

26 THE COURT: SO LET'S TAKE OUR NOON RECESS AT THIS TIME.

27 LADIES AND GENTLEMEN OF THE JURY, WE WILL TAKE

28 A RECESS NOW UNTIL 1:30 THIS AFTERNOON.

1 THE SAME ADMONITION WOULD STILL APPLY. THANK  
2 YOU.

3 (AT 12 NOON A RECESS WAS TAKEN UNTIL  
4 1:30 P.M. OF THE SAME DAY.)  
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1 SANTA MONICA, CALIFORNIA; WEDNESDAY, MARCH 11, 1987; 1:40 P.M.  
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE  
3 (APPEARANCES AS NOTED ON TITLE PAGE.)  
4

5 THE COURT: ALL RIGHT. YOU MAY PROCEED.

6 MR. BARENS: THANK YOU.  
7

8 JEROME EISENBERG,  
9 THE WITNESS ON THE STAND AT THE TIME OF THE ADJOURNMENT,  
10 RESUMED THE STAND AND TESTIFIED AS FOLLOWS:  
11

12 RECROSS-EXAMINATION (RESUMED)

13 BY MR. BARENS:

14 Q IN TERMS OF THE RELATIONS BETWEEN THE BBC  
15 MEMBERS THAT WERE UP THERE, WAS THERE A LOT OF SOCIALIZING  
16 AS FAR AS YOU HEARD ABOUT, BETWEEN HUNT AND THE OTHER  
17 MEMBERS OF THE BBC?

18 A FROM TIME TO TIME THERE WERE CLIQUES OF PEOPLE  
19 WHO SOCIALIZED TOGETHER.

20 Q AND THOSE CLIQUES WHAT DID THEY DO? GO TO THE  
21 MOVIES TOGETHER?

22 A A LOT OF MOVIES, SORT OF -- CLIQUES WENT TO THE  
23 HARD ROCK CAFE. OTHERS WENT OUT TO DINNER. YOU KNOW,  
24 MOVIES AND THOSE TYPES OF THINGS.

25 Q DID THEY HAVE ANY PARTIES?

26 A A COUPLE OF TIMES.

27 Q WAS THERE MORE TO IT THAN JUST A RELATIONSHIP  
28 OF PEOPLE WORKING FOR HUNT IN THIS SETTING AND SOME BUSINESS



1       SETTING? WAS THERE A SOCIAL NEXUS, AS WELL?

2               A       YES AND NO. THE TWO OF THEM WORKED AT THE  
3 TIME, INTERCHANGEABLY.

4                       I THINK THERE WAS QUITE A BIT OF INTERPLAY  
5 BETWEEN THE BUSINESS AND THE SOCIAL AND I THINK TO AN  
6 EXTENT THAT HAD NOT THESE PEOPLE BEEN INVOLVED IN A BUSINESS  
7 SENSE, THEY MIGHT NOT HAVE BEEN INVOLVED IN A SOCIAL  
8 SENSE.

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1 Q WHY DO YOU SAY THAT?

2 A THEY WERE QUITE DIVERSE PEOPLE WHO HAD NOT BEEN  
3 FRIENDS IN THE PAST, WHO NOW BECAME FRIENDLY IN THE PRESENT  
4 THROUGH THEIR BUSINESS RELATIONSHIP.

5 Q THAT SEEMED TO CROSS WHAT MIGHT HAVE OTHERWISE  
6 BEEN DIFFERENT SOCIOECONOMIC BACKGROUNDS THAT SOMEHOW GETS  
7 PUT TO THE SIDE BECAUSE WE ARE INVOLVED IN THIS BUSINESS  
8 SETTING?

9 A DIFFERENT PERSONALITIES.

10 Q PERSONALITIES ARE DIFFERENT?

11 A NO, I DON'T THINK THE ECONOMIC STATUS HAD ANYTHING  
12 TO DO WITH IT AT THIS POINT, BECAUSE IF YOU ARE TALKING IN  
13 A MONETARY SENSE, JOE OUTWEIGHED MOST OF THEM ALREADY AT --  
14 OR IN A SENSE AT THAT TIME OUTWEIGHED THEM.

15 Q OKAY. IN THIS SITUATION, DID ANYBODY QUIT THAT  
16 YOU KNOW OF?

17 A NO.

18 Q AND SO ALTHOUGH ALL OF THIS IS GOING ON, NOBODY  
19 QUILTS.

20 YOU MENTIONED YESTERDAY THAT THE MENTALITY SEEMED  
21 TO BE THAT EVERYONE WAS WAITING FOR A BIG SCORE, AT LEAST  
22 HAVING AN INTEREST IN SEEING A BIG SCORE DEVELOP?

23 A AND A LOT OF THEM HAD NOWHERE TO GO.

24 Q AND THIS IS KIND OF WHERE THEY WERE.

25 DO SOME OF THEM SEEM TO PAL AROUND TOGETHER NOW,  
26 EXCLUSIVE OF HUNT, WERE THERE SOME OF THESE CLIQUES THAT WERE  
27 ON THEIR OWN, EXCLUSIVE OF HUNT?

28 A YEAH, YES, THERE WERE.

1 Q THOSE GUYS WOULD WHAT, GO TO LUNCH TOGETHER?

2 A OH, GO OUT DRINKING. SOME OF THEM LIVED TOGETHER.  
3 I MEAN THE MAY BROTHERS HAD THEIR OWN GROUP OF FRIENDS.

4 OF COURSE, THEY WERE ALSO FRIENDS OF JOE BUT THEY  
5 HAD THEIR OWN SET OF FRIENDS, WHICH I THINK PREDATED THEIR  
6 ASSOCIATION WITH MR. HUNT.

7 Q SO IRRESPECTIVE OF THE FACT THAT HUNT HAS THIS  
8 AUTOCRATIC TYPE OF Demeanor IN THE WAY THE BUSINESS, AT LEAST  
9 ACCORDING TO WHAT YOU ARE TELLING ME, WAS RUNNING, NOBODY  
10 QUILTS.

11 I PRESUME THAT PEOPLE STILL ACTED IN A CONVIVIAL  
12 MANNER, LET'S SAY IN MARCH, APRIL AND MAY?

13 A TO, YES, TO AN EXTENT.

14 SOME PEOPLE DISASSOCIATED THEMSELVES MORE, LIKE  
15 DAVE MAY AND JEFF RAYMOND VERY SELDOM CAME UP TO THE MAIN  
16 OFFICE BUT SPENT MOST OF THEIR TIME INDEPENDENTLY WITH  
17 DR. BROWNING WORKING ON THE MACHINE.

18 Q WAS TAGLIANETTI FIRED?

19 A YES, TO MY UNDERSTANDING.

20 Q AND WHEN WAS THAT?

21 A I THINK IT WAS AFTER EVAN DICKER'S BIRTHDAY.

22 Q EVAN DICKER'S BIRTHDAY WAS DURING THE FIRST WEEK  
23 OF JULY?

24 A I ASSUME. I DON'T --

25 I WAS AT THAT PARTY. I DON'T REMEMBER EXACTLY  
26 WHEN IT WAS.

27 IT SOUNDS RIGHT.

28 Q AND YOU ARE MENTIONING A PARTY THAT WAS AT EVAN'S

1 HOUSE IN JULY?

2 A YES.

3 Q AND WHO WAS THERE?

4 A ALL -- ALL OF THE THEN EXISTING MEMBERS OF THE  
5 BBC.

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1 Q CAN YOU REMEMBER THEM BY NAME, WHO WAS THERE  
2 THAT NIGHT?

3 A JOHN ALLEN WAS THERE. I WAS THERE. MICHAEL  
4 FELDMAN WAS THERE. EVAN DICKER WAS THERE. JOE WAS THERE.  
5 BEN WAS THERE.

6 DEAN KARNY WAS THERE. AND REZA ESLAMINIA WAS  
7 THERE.

8 Q THIS WOULD BE IN WHAT, AN EVENING SETTING?

9 A IT WAS A BLACK TIE PARTY.

10 Q OKAY. IT SEEMED TO BE FAIRLY CONVIVIAL THAT  
11 NIGHT?

12 A YES. IT WAS THE NIGHT THAT JOE GAVE EVAN  
13 DICKER A DIRT BIKE AS A BIRTHDAY PRESENT AND HAD INTRODUCED  
14 MR. ESLAMINIA AS A NEW MEMBER OF THE BBC.

15 Q OKAY. PRIOR TO THE LEVIN CONTRACT, HAD THERE  
16 BEEN ANY MEMBERS OF THE BOARD ESTABLISHED FOR MICROGENESIS?

17 A YES. THAT WAS WHEN -- AT THAT TIME, I THINK  
18 RIGHT PRIOR TO IT, THEY HAD HAD MR. RAYMOND, JEFF  
19 RAYMOND'S FATHER AND A FEW GROWNUPS ON THE BOARD.

20 Q SO THEY HAD OSTENSIBLY -- HUNT HAD ADDED SOME  
21 MATURITY TO THE MICROGENESIS BOARD?

22 A THERE WAS A MEETING AT THE MICROGENESIS PLANT  
23 FOR PARENTS AND FOR POTENTIAL INVESTORS WHERE THEY SHOWED  
24 THEM HOW THE MACHINE WORKED.

25 I THINK AT THAT TIME, HE TRIED TO ADD THEIR  
26 INFLUENCE IN SELLING THEIR MACHINES AND THOSE WHO COULD  
27 SELL THEM, BECAME A PART OF THE BOARD.

28 Q DID MR. RAYMOND, JEFF RAYMOND'S FATHER, HAVE

1 SOME PARTICULAR EXPERTISE OR BACKGROUND THAT WAS THE REASON  
2 WHY HE WAS PUT ON THE BOARD?

3 A HE WAS AN ENGINEER.

4 Q AND WAS HE DOING SOME TECHNICAL WORK IN TERMS  
5 OF THE EQUIPMENT, AS WELL?

6 A YES. I THINK HE WAS PAID \$10,000 TO DO SOME  
7 TECHNICAL WORK.

8 Q OKAY. WHEN WAS THAT? APRIL?

9 A IT MAY BE MAY.

10 Q OKAY. WHO ELSE WAS ADDED TO THE BOARD, IF YOU  
11 REMEMBER?

12 A I THINK TOM MAY'S STEPFATHER, NOT THE SECOND  
13 STEPFATHER. WHATEVER HIS NAME IS.

14 Q THIS IS CALIFORNIA. WHO KNOWS? OKAY. WERE  
15 THERE MINUTES DONE OF THAT MEETING?

16 A I ASSUME THERE WERE. I DON'T REMEMBER SEEING  
17 THEM.

18 Q AND AGAIN, THAT WOULD HAVE BEEN MR. DICKER THAT  
19 DID THOSE MINUTES?

20 A MR. DICKER WOULD HAVE DONE THOSE.

21 MR. BARENS: ONE MOMENT, YOUR HONOR.

22 THE COURT: YES.

23 (PAUSE.)

24 Q BY MR. BARENS: WAS MR. TAGLIANETTI AT THAT  
25 PARTY AT DICKER'S HOUSE?

26 A I DON'T RECALL.

27 MR. BARENS: THANK YOU.

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FURTHER REDIRECT EXAMINATION

BY MR. WAPNER:

Q WHERE DID YOU GET YOUR UNDERSTANDING FROM,  
THAT MR. TAGLIANETTI WAS FIRED?

A HE TOLD ME.

Q WHEN WAS THAT?

A RIGHT AFTERWARDS. HE HAD CALLED ME AND SAID  
THAT JOE HAD SHOWED UP I THINK WITH DEAN -- IT MAY HAVE  
BEEN WITH JIM. I AM NOT SURE, AT HIS HOUSE IN MALIBU.  
IT WAS LIKE, 6:00 O'CLOCK IN THE MORNING TO TELL HIM THAT  
HE WAS NO LONGER A LOYAL MEMBER OF THE BBC, THAT HE WAS  
INDEFINITELY SUSPENDED AND THAT HE WAS TAKING BACK THE  
MINI-BIKE.

Q YOU WERE ASKED ABOUT MR. HUNT THREATENING PEOPLE  
AND YOU SAID "AT WHAT TIME"? WHAT DID YOU MEAN BY THAT?

A WELL, STARTING IN JULY, THERE WAS ANOTHER  
MARKED CHANGE IN PERSONALITIES. IT WAS A LITTLE BIT MORE  
OF A DESPERATE SITUATION. MONEY WAS VERY TIGHT AT THAT  
TIME.

Q EVEN TIGHTER THAN IT HAD BEEN EARLIER IN THE  
SPRING?

A MUCH TIGHTER. SO IT WAS AT THAT TIME HE GOT  
MORE FORCEFUL IN HIS BEING UPSET IF PEOPLE WERE FAILING TO  
DO THINGS PROPERLY OR FAILING TO GENERATE BUSINESS.

Q AFTER HE FIRST GOT THE CONTRACT FROM MR. LEVIN  
AND THE CHECK, WAS THERE SOME EUPHORIA BASED ON THE FEELING  
THAT THERE WAS GOING TO BE THIS MILLION AND A HALF DOLLARS?

A YES, THERE WAS AN UP FEELING AT THE OFFICE.

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1 Q WHAT HAPPENED AS THE WEEKS PASSED?

2 A THE FEELING DISSIPATED.

3 Q AND THE FUNDS AS FAR AS YOU KNOW, NEVER CAME?

4 A YES. THEY NEVER CAME IN.

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1 Q AND THAT IS, AS THE WEEKS PASSED, THEN IT BECAME  
2 APPARENT THAT THE FUNDS WEREN'T GOING TO COME BACK IN; IS  
3 THAT WHEN YOU HAD THE FEELING HE WAS GETTING MORE DESPERATE?

4 A RIGHT.

5 Q IS THERE A DIFFERENCE IN YOUR MIND BETWEEN THE  
6 KIND OF STATEMENTS THAT -- STRIKE THAT. LET ME START OVER  
7 AGAIN.

8 MR. HUNT HAD MR. PITTMAN AS A BODYGUARD, YOU  
9 THOUGHT, PARTLY FOR EFFECT?

10 A YEAH.

11 IT WAS ONE OF THE SAME REASONS HE HAD ME AS A  
12 TITLE OF GENERAL COUNSEL AND IS THE SAME TYPE OF REASON HE  
13 HAD A LARGE CONFERENCE ROOM, A MAP OF THE WORLD ON THE  
14 CONFERENCE ROOM. WE WERE LIKE THE STEREO EQUIPMENT, NICE  
15 FEATURES.

16 Q WHAT WAS YOUR OPINION OF ABOUT WHO THAT WAS DONE  
17 TO IMPRESS.

18 A THE INVESTORS.

19 Q AND IS THERE A DIFFERENCE IN YOUR MIND IN THE  
20 NATURE OF THAT TYPE OF AN ATTEMPT TO MAKE AN IMPRESSION ON  
21 SOMEONE AS OPPOSED TO SOMEONE SAYING TO A GROUP OF PEOPLE  
22 HE KNOWS, I JUST KILLED SOMEBODY?

23 A DAY AND NIGHT.

24 MR. BARENS: OBJECTION. WHAT SORT OF AN OPINION ARE  
25 WE CALLING FOR NOW?

26 MR. WAPNER: THE SAME TYPE THAT COUNSEL HAS BEEN  
27 ELICITING FOR THE LAST DAY AND A HALF.

28 MR. BARENS: OBJECTION.

1 THE COURT: THE OBJECTION IS OVERRULED. THE ANSWER  
2 WILL STAND.

3 MR. BARENS: HE HASN'T ANSWERED, I DON'T THINK.

4 THE COURT: READ THE ANSWER, PLEASE.

5 (THE RECORD WAS READ BY THE REPORTER.)

6 Q BY MR. WAPNER: WOULD YOU EXPLAIN YOUR STATEMENT.

7 A WELL, THE REST OF THE ITEMS, INCLUDING MYSELF  
8 AND MR. PITTMAN AND THE FANCY FURNITURE AND THE NICE OFFICES,  
9 WERE INTENDED TO ELICIT A CERTAIN RESPONSE FROM THE INVESTORS,  
10 I.E., TO HAVE THEM PUT MONEY INTO THE ENTITY.

11 I WASN'T AT THE MEETING WHERE MR. HUNT MADE THE  
12 STATEMENTS SO --

13 MR. BARENS: YOUR HONOR, IN LIGHT OF THAT, WE HAVE A  
14 FOUNDATION ARGUMENT.

15 YOUR HONOR, HOW CAN WE HAVE A FOUNDATION FOR THIS  
16 OPINION IF HE IS NOT AT THE MEETING IN THE FIRST INSTANCE?

17 MR. WAPNER: IF HE KNOWS THAT THE STATEMENT WAS MADE.

18 IS THERE SOME CLAIM THAT THE STATEMENT WASN'T  
19 MADE NOW?

20 THE COURT: WAS THE STATEMENT MADE?

21 THE WITNESS: I HAVE HEARD ABOUT IT.

22 THE COURT: ALL RIGHT, LET IT STAND. GO AHEAD.

23 MR. BARENS: YOUR HONOR, EXCUSE ME. BUT TO COMPLETE  
24 THIS, YOUR HONOR, WE HAVE A HEARSAY OBJECTION MADE TO THE  
25 STATEMENT THAT HE IS NOW GOING TO MAKE.

26 THE COURT: ALL RIGHT, IF IT WILL MAKE YOU HAPPY, IN  
27 ORDER TO TERMINATE THE DISCUSSION, I WILL STRIKE THE ANSWER.  
28 GO AHEAD.

1 MR. WAPNER: I AM NOT SURE WHAT THE COURT JUST DID.

2 THE COURT: I JUST STRUCK THE ANSWER.

3 MR. WAPNER: WHICH ANSWER?

4 THE COURT: THE LAST ANSWER TO WHICH ALL OF THE  
5 OBJECTIONS WERE GOING. HE WILL KEEP ON GOING ENDLESSLY.

6 Q BY MR. WAPNER: HAVING THE IN-HOUSE COUNSEL AND  
7 HAVING THE MAP ON THE WALL AND THE STEREO EQUIPMENT AND THE  
8 BODYGUARD, IN YOUR OPINION WAS DONE TO IMPRESS THE INVESTORS?

9 A STRICTLY THE INVESTORS.

10 Q AND DURING THE ENTIRE TIME THAT YOU WERE THERE,  
11 DID IT APPEAR TO YOU THAT THE PEOPLE WHO WERE IN THE BBC LOOKED  
12 TO MR. HUNT FOR LEADERSHIP?

13 A A LOT OF THEM HAD A GAP OR A VOID AND MR. HUNT  
14 FILLED THAT GAP OR VOID, SO, YES.

15 Q WHAT DO YOU MEAN BY THAT?

16 A LIKE I SAID EARLIER, A LOT OF THEM SEEMED TO HAVE  
17 NOWHERE ELSE TO GO. THEY WERE NOT -- A LOT OF THEM WERE NOT  
18 SCHOOL-TYPES. A LOT OF THEM HAD WANTED TO MAKE THEIR OWN  
19 STAMP ON THE WORLD AND MR. HUNT HAD OSTENSIBLY PROVIDED THEM  
20 WITH A VEHICLE TO DO THAT.

21 MR. WAPNER: I HAVE NOTHING FURTHER.

22 THE COURT: ALL RIGHT.

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

24  
25 FURTHER RE-CROSS-EXAMINATION

26 BY MR. BARENS:

27 Q MR. EISENBERG, WAS ANYBODY DESPERATE IN MAY?

28 A DESPERATE IN MAY?

1 Q YES.

2 A IN WHAT WAY DESPERATE?

3 Q WAS THERE FINANCIAL DESPERATION UP THERE?

4 A ANY INVESTOR OR ANY PERSON WORKING FOR THE BBC?

5 Q THE WAY EVERYBODY IS ACTING IN THE BBC, YOU WERE  
6 ASKED, YOU WERE TESTIFYING A LITTLE WHILE AGO THAT THINGS  
7 APPEARED TO BE DESPERATE AND IT APPEARED TO YOU IN JULY, I  
8 THINK YOU SAID, MORE DESPERATE.

9 A CORRECT.

10 Q WAS IT DESPERATE IN APRIL?

11 A NO, BUT THERE WAS A LACK. THE MONEY HAD STOPPED  
12 BECOMING AS FREE-FLOWING, IN MY IMPRESSION, AFTER APRIL, AND  
13 BECAME EVEN MORE CONSTRICTED STARTING IN JULY.

14 Q WELL, YOU USED THE WORD "DESPERATE" IN YOUR  
15 TESTIMONY.

16 A OKAY.

17 Q WERE YOU DESPERATE IN APRIL UP THERE?

18 A NO, THERE WAS NOT A STIGMA OF DESPERATION IN  
19 APRIL, NO.

20 Q WERE YOU DESPERATE IN MAY?

21 A THINGS STARTED GETTING TIGHTER.

22 Q I UNDERSTAND WHAT YOU ARE SAYING IN THAT REGARD,  
23 SIR.

24 WAS THERE A SENSE OF DESPERATION GOING ON IN MAY?

25 A NO, THERE WAS NOT.

26 Q OKAY. BUT THEN BY JULY, YOU WOULD USE THE WORD  
27 DESPERATION?

28 A THINGS BECAME MORE DESPERATE AND I WOULD USE THAT  
29 WORD FOR JULY AND THE BEGINNING OF AUGUST.

1 Q OKAY. BUT WE DON'T HAVE THE SAME GESTALT  
2 FEELING OR THE SAME SETTING IN APRIL AND MAY THAT YOU ARE  
3 DESCRIBING IN JULY AND AUGUST?

4 A NO. BUT YOU COULD SEE A PATTERN DEVELOPING AT  
5 THOSE EARLIER STAGES TO LEAD TO THE WORD "DESPERATION" IN  
6 THE LATER STAGES.

7 Q OKAY. NOW, WHEN THIS BIG SCORE GOES DOWN IN  
8 EARLY JUNE WITH THE LEVIN TRANSACTION, DID HUNT'S STOCK OR  
9 STATUS WITH THE PEOPLE AT THE BBC SEEM TO INCREASE?

10 A I THINK IT WAS BOUYED TO SOME EXTENT, YES.

11 Q IT SEEMED LIKE WE HAD THE APPEARANCE WHERE  
12 HUNT FINALLY CAME THROUGH?

13 A I THINK IT WAS THE SAME APPEARANCE WHEN I FIRST  
14 HAD MET THEM, MET MR. HUNT AFTER THEY HAD DONE THIS  
15 COGENCO TRANSACTION WITH U. S. FLYWHEELS THAT THEY AGAIN,  
16 HAD A SHOT AT CONQUERING THE WORLD.

17 Q ALL RIGHT. NOW, SO WE HAVE A REPEAT OF THAT  
18 TYPE OF THING WHERE HUNT'S STATUS SEEMS TO BE BOUYED UP,  
19 TO USE YOUR WORD. WHAT DID HUNT'S STATE OF MIND SEEM TO  
20 BE SAY, IN APRIL AS FAR AS HOW HE WAS VIEWING THINGS THERE?

21 A WELL, THAT IS WHEN WE HAD THAT MEETING TO  
22 BECOME MORE LIKE A BUSINESS OR OPERATE MORE EFFICIENTLY.

23 Q HE SEEMED TO HAVE THE SAME ATTITUDE IN MAY?

24 A YEAH. IT WAS ALONG THE SAME LINES.

25 Q TRYING TO GET PEOPLE TO DO WHAT? ACT IN A  
26 MORE CONVENTIONAL MANNER AS FAR AS DAY-TO-DAY TYPE  
27 BUSINESS?

28 A I THINK MR. HUNT WOULD HAVE LIKED TO HAVE

1 SEEN THE ENTITIES OPERATE IN A MORE BUSINESS-LIKE  
2 SETTING.

3 I THINK THE INITIAL IMPETUS STARTED IN APRIL  
4 AND LIKE, THE REST OF THE MEMBERS KIND OF DIED OUT BECAUSE  
5 HE WAS WORKING ON HIS OTHER THINGS. HE HAD A LOT OF  
6 THINGS TO DO. HE WORKED ON A LOT OF THINGS.

7 Q NOW, HUNT WOULD HAVE HAD TO COUNT ON QUITE A  
8 FEW PEOPLE TO KEEP ALL THIS OPERATIONAL, WOULD HE NOT?

9 A THAT'S CORRECT.

10 Q AND HE WHAT? TRIED TO IN APRIL, LAY DOWN THE  
11 LAW TO THESE PEOPLE OR SOME KIND OF OUTLINE DICTATING  
12 OUT THE POLICIES HE HAD?

13 A CORRECT.

14 Q AND DID ANYTHING SEEM INAPPROPRIATE OR UNUSUAL  
15 TO YOU AS COUNSEL, AT THAT TIME?

16 A NO.

17 Q IT SEEMED SOMEWHAT PREDICTABLE IN THAT SITUATION?

18 A IT SEEMED WELCOME.

19 Q OKAY. NOW, ALTHOUGH IT WAS WELCOME -- WELCOME  
20 TO WHOM? YOURSELF, SIR?

21 A AND TO OTHER PEOPLE INVOLVED.

22 Q THEY SEEMED LIKE THEY WERE LOOKING FOR SOME  
23 DIRECTION IN THAT REGARD FROM MR. HUNT?

24 A OR AT LEAST A BREAK OF THE SLIDE.

25 Q OKAY. BUT THEN WE DON'T HAVE FOLLOW-THROUGH,  
26 AT LEAST ACCORDING TO YOUR TESTIMONY?

27 A RIGHT.

28 Q DID YOU TALK TO ANY OF THE MEMBERS AT THAT

1 PARTICULAR TIME ABOUT, "HEY, HOW COME YOU GUYS AREN'T  
2 FOLLOWING THROUGH ON THE NEW SYSTEMS APPROACH THAT WE  
3 HAVE DISCUSSED?"

4 A ON OCCASION.

5 Q WHO WOULD YOU TALK TO?

6 A DAVE MAY. I TALKED TO STEVE TAGLIANETTI, TOM  
7 MAY.

8 Q WHAT HAPPENED? WERE YOU SHINED ON OR WHAT  
9 HAPPENED TO YOU AT THAT PARTICULAR TIME?

10 A "TOMORROW. WE ARE WORKING ON IT. WE'LL DO  
11 IT."

12 Q SO AGAIN, IT BECOMES SOMEWHAT OF AN -- I WILL  
13 USE THE EXPRESSION, IT WAS LIKE A SLIP-AND-SLIDE OR  
14 AVOIDANCE TYPE RESPONSE?

15 A IT WAS LIKE HAVING HOMEWORK AND SAYING THAT  
16 YOU ARE GOING TO DO IT TOMORROW.

17 Q BUT THE HOMEWORK DIDN'T GET DONE?

18 A NOT TO MY IMPRESSION, NO.

19 Q WHAT HAPPENED WITH HUNT? HE IS STILL JUST  
20 NOW --

21 A HE IS WORKING ON HIS OWN AREAS OF EXPERTISE.

22 Q PRETTY MUCH THE SAME AREA HE HAD BEEN WORKING  
23 ON BEFORE?

24 A AS TO MY UNDERSTANDING, YES.

25 MR. BARENS: THANK YOU.  
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FURTHER REDIRECT EXAMINATION

BY MR. WAPNER:

Q WHAT EFFECT DID THIS HAVE ON THE MEMBERS OF  
THE GROUP?

A MORE PEOPLE STARTED TO GO THEIR OWN WAYS.  
IT WOULD BE NOTICEABLE FOR THE MAYS AND FOR MR. RAYMOND  
TO SPEND LESS TIME AT THE OFFICE. THERE WAS JUST A LITTLE  
MORE FRAGMENTATION, TO MY IMPRESSION.

Q SO, IS IT FAIR TO SAY THAT THE GROUP WAS  
STARTING TO COME APART AT THAT TIME?

A STARTING TO ACT A LITTLE MORE INDEPENDENT.



1 MR. WAPNER: NOTHING FURTHER.

2 THE COURT: ALL RIGHT. MR. EISENBERG, HANNELORE LEIS  
3 WAS THE SECRETARY, WAS SHE?

4 THE WITNESS: CORRECT.

5 THE COURT: AND SHE HAD TESTIFIED BEFORE YOU BEGAN  
6 TO TESTIFY -- SHE TESTIFIED THAT WITH RESPECT TO THIS  
7 OPTION AGREEMENT WITH MR. LEVIN OF JUNE 6, THAT SHE WAS  
8 GIVEN A LONGHAND MEMORANDUM WRITTEN OUT IN LONGHAND BY  
9 MR. -- BY THE DEFENDANT IN THIS CASE.

10 AND SHE WAS ASKED TO COPY IT, TYPE IT. DID YOU  
11 HAVE ANY INPUT AT ALL ON THE DRAFTING OF THAT PARTICULAR  
12 AGREEMENT?

13 THE WITNESS: NO. I DID NOT, NOT THE LONGHAND  
14 VERSION.

15 THE COURT: I KNOW YOU TOLD US THAT AFTER IT WAS DONE,  
16 YOU WERE ASKED TO ADD A COUPLE OF LEGAL WORDS TO IT. IS  
17 THAT RIGHT?

18 THE WITNESS: YES.

19 THE COURT: BUT PRIOR TO THAT TIME ON THIS EIGHT AND  
20 A HALF MILLION DOLLAR DEAL AND AGREEMENT, YOU AS A LAWYER,  
21 WEREN'T CONSULTED ABOUT IT AT ALL, WERE YOU?

22 THE WITNESS: NO, I WAS NOT.

23 THE COURT: AND ALL YOU WERE ASKED TO DO IS WHAT WAS  
24 DONE, TO ADD A COUPLE OF WORDS TO IT, LEGAL WORDS; IS THAT  
25 RIGHT?

26 THE WITNESS: CORRECT.

27 THE COURT: AND YOU SAID THAT ALL YOU DID WAS TO ADD  
28 PARAGRAPH 4, ABOUT THREE LINES?

1 THE WITNESS: I THINK I CHANGED A FEW --

2 THE COURT: A COUPLE OF OTHER WORDS?

3 THE WITNESS: YES.

4 THE COURT: ALL RIGHT. NOW, DID YOU EVER BEFORE  
5 THIS AGREEMENT THAT YOU KNOW WAS SIGNED, DID YOU EVER GET  
6 ANY CALL FROM MR. LEVIN'S LAWYER TO DISCUSS THIS AGREE-  
7 MENT WITH YOU?

8 THE WITNESS: NO.

9 THE COURT: DID YOU NOTICE THIS AGREEMENT DIDN'T HAVE  
10 A SINGLE CORRECTION ON IT, NOT A COMA THAT WAS CHANGED?  
11 DID YOU NOTICE THAT?

12 THE WITNESS: YES, I DID. MR. LEVIN HAD NOT CHANGED  
13 IT AT ALL.

14 THE COURT: WAS IT PECULIAR THAT NOTHING WAS CHANGED  
15 ON THAT AGREEMENT?

16 THE WITNESS: I NEVER GAVE IT MUCH THOUGHT. THE  
17 AGREEMENT CAME TO ME. I PUT IT IN MY DESK.

18 ABOUT HALF AN HOUR OR AN HOUR LATER, IT WAS  
19 TAKEN FROM ME WITH THE CHECK.

20 THE COURT: FROM WHAT YOU KNEW OF BEFORE OF MR. LEVIN,  
21 DID YOU THINK THAT HE WOULD JUST SIGN IT WITHOUT MAKING  
22 ANY CORRECTIONS?

23 THE WITNESS: I NEVER MET HIM. MR. HUNT TOLD ME  
24 HE GOT RON LEVIN TO AGREE TO DO THIS. HE WAS RUSHING OVER.  
25 THAT IS WHY HE WAS IN A HURRY TO MEET HIM TO HAVE HIM SIGN  
26 THIS.

27 THE COURT: BUT DID YOU NOTICE THERE WAS NOT A SINGLE  
28 CHANGE ON THERE, DIDN'T YOU?

1 THE WITNESS: YES. THERE ARE NO CHANGES.

2 THE COURT: AND YOU WERE GIVEN NO EXPLANATION FOR  
3 THAT BY MR. HUNT, WERE YOU?

4 THE WITNESS: NO.

5 THE COURT: THE SPACE HERE FOR THE PAYMENT OF THE  
6 OPTION MONEY, CAN YOU REALLY READ THAT?

7 THE WITNESS: WELL, THE TOP PART, ONE MILLION FIVE  
8 HUNDRED THOUSAND IS KIND OF ALL ONE WORD. IF YOU ARE  
9 LOOKING TO TRY TO MAKE IT OUT, I THINK IT CAN BE MADE OUT.

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1 THE COURT: AND IT SAYS WHAT ELSE ABOUT SWISS WHAT?

2 THE WITNESS: IT LOOKS LIKE THIS SAYS "CHECK SWISS  
3 CREDIT BANK" OR -- OR "SWISS" -- I DON'T KNOW WHAT THAT WORD  
4 IS, THE FIRST WORD IS IN THE SECOND LINE, THOUGH.

5 WHEN I GOT THE DOCUMENT IN AFTER IT WAS SIGNED,  
6 I NEVER REALLY LOOKED AT IT. IT WAS JUST GIVEN TO ME AND  
7 I PUT IT IN THE DESK.

8 THE COURT: ALL RIGHT. I JUST WANTED TO GET THIS THING  
9 CLEARED UP.

10 AT ANY RATE, YOU HAD NEVER BEEN CONSULTED BEFORE  
11 THIS AGREEMENT WAS EVER DRAWN?

12 THE WITNESS: NO, I WAS NOT.

13 THE COURT: ALL RIGHT.

14 MR. BARENS: I HAVE A QUESTION OR TWO.

15 THE COURT: GO AHEAD.

16 MR. BARENS: THANK YOU, YOUR HONOR.

17

18 FURTHER RECROSS-EXAMINATION

19 BY MR. BARENS:

20 Q SIR, MR. HUNT HAD TOLD YOU THAT HE HAD MET AND  
21 CONFERRED WITH MR. LEVIN AND WHAT THAT DOCUMENT REPRESENTED  
22 WAS THE PRODUCT OF THOSE DISCUSSIONS?

23 A NO.

24 HE SAID THAT HE HAD TALKED TO RON LEVIN.

25 I DID NOT GET THE WORDS "MET AND CONFERRED." HE  
26 HAD --

27 THE COURT: I DON'T REMEMBER HIM SAYING "MET AND  
28 CONFERRED."

1 MR. BARENS: I ASKED HIM THE QUESTION, JUDGE, AND HE  
2 IS NOW TELLING ME HE DIDN'T HEAR THAT EXPRESSION USED.

3 THE COURT: DID YOU HEAR THAT EXPRESSION USED?

4 THE WITNESS: NO, I DID NOT HEAR THAT EXPRESSION USED.

5 THE COURT: YOU DIDN'T USE IT?

6 THE WITNESS: NO, I DIDN'T USE IT EITHER.

7 BUT THAT HE HAD TALKED TO MR. LEVIN AND GOT  
8 MR. LEVIN TO AGREE TO THIS DOCUMENT.

9 Q BY MR. BARENS: AND THEY HAD A PRIOR UNDERSTANDING,  
10 YOUR SENSE WAS, AS TO THE TERMS AND CONDITIONS OF THE  
11 DOCUMENT?

12 A THAT WAS MY GENERAL FEELING, YES.

13 Q HAD YOU EVER HAD AN EXPERIENCE AS A LAWYER WHERE  
14 A CLIENT AND ANOTHER PARTY MET AND CAME TO TERMS AND  
15 CONDITIONS OF AN AGREEMENT THAT YOU PREPARED AND IT THEN GETS  
16 EXECUTED WITHOUT FURTHER CHANGES?

17 A IT IS POSSIBLE.

18 THE COURT: BUT PROBABLE?

19 THE WITNESS: SLIGHTLY. PROBABLY NOT.

20 I MEAN THERE IS ALWAYS CHANGES. THERE IS ALWAYS  
21 BARGAINING GOING BACK AND FORTH.

22 BUT I AM NOT GOING TO MAKE ANY CONJECTURE ABOUT  
23 THIS DOCUMENT HERE (INDICATING).

24 Q BY MR. BARENS: OKAY, WELL I THINK YOU WERE ASKED  
25 TO GIVE AN OPINION HERE AND THAT IS WHAT YOU WERE BEING --  
26 THE OPINION YOU WERE BEING SOLICITED TO SAY, IS THERE SOMETHING  
27 REMARKABLE, PECULIAR, STRANGE, SINISTER OR WHATEVER, THAT  
28 THIS CONTRACT COMES BACK TO YOU WITH NO CHANGES ON IT?

1           A           I DIDN'T THINK OF ANY AT THE TIME AND I DON'T  
2 THINK OF ANY RIGHT NOW, NO.

3           Q           OKAY. NOW WHEN THE JUDGE ASKED YOU, DID  
4 MR. HUNT GIVE YOU AN EXPLANATION AS TO WHY THERE ARE NO CHANGES  
5 ON THE INSTRUMENT AND I BELIEVE YOU ANSWERED NO, BECAUSE I  
6 BELIEVE IT WAS YOUR STATE OF MIND AT THE TIME THAT THERE WERE  
7 NO EXPLANATIONS DUE FROM MR. HUNT FOR THAT REASON BECAUSE  
8 IT DIDN'T SEEM PECULIAR TO YOU IN THE FIRST INSTANCE, SIR.

9           THE COURT: DID YOU HAVE A STATE OF MIND OF THAT KIND?

10          THE WITNESS: I NEVER ASKED THE QUESTION.  
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1 Q BY MR. BARENS: WHAT I AM ASKING YOU IS, BECAUSE  
2 I BELIEVE YOU JUST SAID TO ME, AND I AM NOT SEEKING TO ARGUE  
3 WITH THE JUDGE, BUT TO GET INFORMATION FROM YOU.

4 WHEN IT WAS GIVEN BACK TO YOU, THERE WAS NO ISSUE  
5 IN YOUR MIND AS TO WHETHER THERE HAD BEEN CHANGES MADE OR  
6 CHANGES NOT MADE OR A COMMA CHANGED OR NOT CHANGED, WAS THERE  
7 AN ISSUE IN YOUR MIND ABOUT THAT?

8 A I DIDN'T EVEN LOOK AT THE DOCUMENT. IT WENT INTO  
9 A FILE AND WENT INTO MY DESK AND THAT WAS IT.

10 MR. BARENS: OKAY. THANK YOU, SIR.

11 THE COURT: ANYTHING FURTHER?

12 MR. WAPNER: NO.

13 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU MAY  
14 STEP DOWN.

15 THE WITNESS: THANK YOU.

16 MR. WAPNER: ANIL VARMA.

17  
18 ANIL VARMA,

19 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED  
20 AS FOLLOWS:

21 THE CLERK: IF YOU WOULD RAISE YOUR RIGHT HAND TO BE  
22 SWORN.

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

27 THE WITNESS: I DO.

28 THE CLERK: IF YOU WOULD BE SEATED THERE AT THE WITNESS

1 STAND.

2 NOW WOULD YOU STATE YOUR NAME FOR THE RECORD,  
3 PLEASE.

4 THE WITNESS: ANIL VARMA, A-N-I-L V-A-R-M-A.

6 DIRECT EXAMINATION

7 BY MR. WAPNER:

8 Q MR. VARMA, SHOWING YOU A PHOTOGRAPH WE HAVE  
9 PREVIOUSLY MARKED AS PEOPLE'S 204 FOR IDENTIFICATION, DO YOU  
10 RECOGNIZE WHAT IS IN THIS PICTURE?

11 A IT LOOKS LIKE THE CAR, IT LOOKS LIKE A BMW THAT  
12 WAS PURCHASED FROM WESTCARS.

13 Q WHO PURCHASED THAT BMW FROM WESTCARS?

14 A A COMPANY CALLED WEST HAMPTON GROUP BUT I DID  
15 THE PURCHASING FOR THEM.

16 Q DID YOU WORK FOR WEST HAMPTON GROUP?

17 A YES, I DID.

18 Q DO YOU STILL?

19 A YES, I DO.

20 Q AND WHEN DID -- WELL, DID YOU ARRANGE FOR THE  
21 PURCHASE OF THAT CAR ON BEHALF OF WEST HAMPTON GROUP?

22 A UH-HUH, I DID.

23 Q SO THE WEST HAMPTON GROUP WAS GOING TO BUY IT  
24 BUT YOU WERE ACTUALLY GOING TO BE THE PERSON WHO WAS GOING  
25 TO USE IT AND DRIVE IT?

26 A RIGHT.

27 Q HOW WAS IT THAT YOU CAME TO PURCHASE THAT  
28 PARTICULAR VEHICLE?



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1           A        I KNEW THAT BEN DOSTI WAS INVOLVED WITH IMPORTING  
2 GRAY MARKET CARS FROM EUROPE AND --

3           Q        IS THAT BEN DOSTI?

4           A        BEN DOSTI.

5           Q        HOW HAD YOU KNOWN BEN DOSTI?

6           A        I HAD MET HIM ON SEVERAL OCCASIONS, HE IS ALWAYS  
7 IN THE BARS, AND I MET HIM THERE AND HAD A DRINK WITH HIM  
8 SOMETIMES.

9           Q        AND YOU KNEW HE WAS IN THE BUSINESS OF IMPORTING  
10 GRAY MARKET CARS?

11          A        YES.

12          Q        DO YOU RECALL WHEN IT WAS THAT YOU MET MR. DOSTI?

13          A        OH, YOU MEAN THE FIRST TIME?

14          Q        YES.

15          A        SOMETIME IN '83.

16          Q        AND WHEN WAS IT THAT YOU DECIDED --

17                    WELL, DID YOU EVER DISCUSS WITH MR. DOSTI DURING  
18 YOUR FRIENDSHIP THE FACT THAT YOU WERE INTERESTED IN PURCHASING  
19 A CAR?

20          A        TOWARDS MAY, I GUESS, MAY IN '84, I TOLD HIM THAT  
21 I WAS INTERESTED IN BUYING POSSIBLY A BMW IF HE HAD ONE, YOU  
22 KNOW.

23                    SO HE CALLED ME AND SAID THERE WAS ONE AVAILABLE,  
24 A 735, IN THE FIRST WEEK, SECOND WEEK OF JUNE.

25          Q        OF 1984?

26          A        OF '84.

27          Q        AND WHEN HE CALLED YOU AND HE SAID THAT THERE  
28 WAS A CAR AVAILABLE, WHAT DID YOU DO?

1 A I SAID I WOULD LIKE TO HAVE A LOOK AT THE CAR  
2 AND --

3 Q WHAT ARRANGEMENTS DID YOU MAKE WITH HIM?

4 A WELL, THE CAR WAS BROUGHT OVER TO MY OFFICE.

5 Q WHO BROUGHT IT OVER?

6 A I THINK BEN AND ANOTHER GUY, I CAN'T REMEMBER  
7 HIS NAME, AHRON SOMETHING LIKE THAT.

8 Q DO YOU HAVE AHRON'S NAME SOMEWHERE IN SOME  
9 DOCUMENTS THAT YOU BROUGHT WITH YOU TO COURT?

10 A OH, YES.

11 AHRON ZILBERSTEIN.

12 THE COURT REPORTER: WOULD YOU SPELL THAT, PLEASE?

13 THE WITNESS: Z-I-L-B-E-R-S-T-E-I-N.

14 THE COURT REPORTER: IS AARON A-A-R-O-N?

15 THE WITNESS: A-H-R-O-N.

16 MR. WAPNER: MR. ZILBERSTEIN AND MR. DOSTI BROUGHT THE  
17 CAR TO SOMEPLACE?

18 A YES, TO CULVER CITY.

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1 Q AND WHEN THEY BROUGHT THE CAR TO YOUR OFFICE,  
2 WHAT DID YOU DO?

3 A TOOK IT FOR A TEST DRIVE.

4 Q AND AFTER YOU TEST DROVE THE CAR, WHAT HAPPENED?

5 A THE CAR DROVE FINE. I MEAN, IT WAS VERY --  
6 IT WAS A NICE CAR. IT WAS IN GOOD SHAPE. IT DROVE VERY  
7 WELL.

8 AND SO I SAID I WOULD BUY THE CAR.

9 Q AND WHAT DATE WAS IT THAT THEY BROUGHT THE CAR  
10 OVER TO YOU?

11 A WELL, I IN FACT, SIGNED THE PAPER, THE CONSENT  
12 TO PURCHASE IF YOU LIKE AND GAVE A DEPOSIT ON THE SAME DAY  
13 THE CAR WAS BROUGHT OVER.

14 Q WHICH WAS WHAT DATE?

15 A THE 19TH OF JUNE, 1984.

16 Q AND AT THAT TIME, DID YOU NOTICE WHETHER THERE  
17 WAS -- DID YOU PAY ANY ATTENTION TO WHETHER THERE WAS  
18 ANY DAMAGE ON THE CAR?

19 A I WOULD HAVE. I DON'T REMEMBER.

20 Q ALL RIGHT. YOU DON'T KNOW WHETHER THERE WAS  
21 ANY DAMAGE TO THE CAR OR NOT?

22 A I DON'T REMEMBER AT ALL BECAUSE I PUT THE  
23 DEPOSIT DOWN ON THAT DAY.

24 Q HOW MUCH MONEY?

25 A \$3500.

26 Q AND ON THAT DAY --

27 A BUT I JUST DON'T REMEMBER WHETHER THERE WAS  
28 ANY DAMAGE OR NOT.

1 Q OKAY. NOW, WHAT WAS THE TOTAL PURCHASE PRICE  
2 OF THE CAR TO BE?

3 A IT WAS \$27,500 PLUS SALES TAX.

4 Q AND WAS THERE SOMETHING THAT YET HAD TO BE  
5 DONE TO THE CAR BEFORE YOU COULD ACTUALLY TAKE DELIVERY  
6 OF IT?

7 A YES. THE CAR HAD NOT BEEN CONVERTED YET FOR  
8 EPA AND SMOG. THERE ARE CERTAIN EPA CONTROLS THAT YOU HAVE  
9 TO HAVE ON THE CARS. IT HAS TO BE CONVERTED FOR DRIVING  
10 IN THE UNITED STATES.

11 Q WHAT UNDERSTANDING, IF ANY, DID YOU HAVE WITH  
12 MR. DOSTI ABOUT WHAT WOULD BE DONE ABOUT THE CONVERSION OF  
13 THE CAR?

14 A WELL, THE CONVERSION WAS INCLUDED IN THE SALES  
15 PRICE. IT WAS UP TO WESTCARS TO GET THE CONVERSION DONE.

16 (NOISE IN THE COURTROOM.)

17 THE COURT: TRY TO ELIMINATE THAT NOISE, PLEASE.  
18 GO AHEAD.

19 Q BY MR. WAPNER: AND DID MR. DOSTI TELL YOU HOW  
20 LONG THAT WAS GOING TO TAKE?

21 A YES. ACCORDING TO THE CONTRACT, IT WAS TO BE  
22 DONE WITHIN 35 DAYS.

23 Q AND IT WAS ON JUNE 19 WHEN YOU FIRST TALKED TO  
24 THEM? WAS IT GOING TO BE DONE WITHIN 35 DAYS OF JUNE 19?

25 A JUNE 19.

26 Q AND WAS THE CAR RETURNED TO YOU AT SOME POINT?

27 A YES, AROUND THE 1ST OF AUGUST.

28 Q OF 1984?

1 A RIGHT.

2 Q WHO RETURNED THE CAR TO YOU?

3 A I THINK AARON DID.

4 Q DID YOU TAKE THE CAR AT THAT TIME?

5 A NO, I DIDN'T.

6 Q WHY?

7 A THERE WAS A DENT IN THE BOOT, IN THE TRUNK.

8 Q OKAY. AND WHERE IN THE TRUNK WAS THIS DENT?

9 A DO YOU HAVE A PHOTOGRAPH? ON THE RIGHT-HAND  
10 SIDE.

11 MR. WAPNER: YOUR HONOR, I HAVE ANOTHER PHOTOGRAPH  
12 THAT I WOULD LIKE TO HAVE MARKED AS 208 FOR IDENTIFICATION.

13 THE COURT: IS THERE A MATERIALITY OF THIS TESTIMONY?

14 MR. WAPNER: YES.

15 THE COURT: ALL RIGHT.

16 MR. WAPNER: DO YOU WANT AN OFFER OF PROOF AT THE  
17 BENCH?

18 THE COURT: NO. GO ON. GET TO IT.

19 MR. WAPNER: ALL RIGHT.

20 MR. BARENS: WE HAVE A DIFFERENT VIEW, OF COURSE.

21 (LAUGHTER IN THE COURTROOM.)

22 Q BY MR. WAPNER: SHOWING YOU A PHOTOGRAPH WE  
23 HAVE MARKED AS 208 FOR IDENTIFICATION, DO YOU RECOGNIZE  
24 THAT?

25 A YES. THAT IS MY HAND.

26 Q OKAY. AND WERE YOU OBVIOUSLY -- THEN YOU WERE  
27 THERE WHEN THE PICTURE WAS TAKEN?

28 A YES. IT WAS TAKEN BY A POLICE PHOTOGRAPHER.

1 Q BY A PHOTOGRAPHER FROM THE BEVERLY HILLS  
2 POLICE DEPARTMENT?

3 A YES. I THINK SO.

4 Q ALL RIGHT. AND WHAT WERE YOU POINTING TO IN  
5 THAT PICTURE?

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1           A        A SPOT WHERE THE DENT -- THERE WAS A DENT.  
2 BECAUSE THERE WAS A DENT IN THERE, I WOULDN'T TAKE  
3 DELIVERY OF THE CAR.

4           Q        AND WAS THE DENT -- THE DENT IN THE CAR WAS  
5 AT THE SPOT THAT YOU WERE POINTING TO IN THE PICTURE THAT  
6 IS 208?

7           A        RIGHT.

8           Q        ARE PICTURES 204 AND 208 PICTURES OF THE SAME CAR?

9           A        I WOULD ASSUME SO. I CAN'T SEE THE  
10 REGISTRATION NOW OF THE HEAD-ON SHOT. BUT IT LOOKS THE  
11 SAME.

12           THE COURT: KEEP YOUR VOICE UP SO WE CAN HEAR YOU.

13           THE WITNESS: CERTAINLY, SIR.

14           Q        BY MR. WAPNER: DO YOU RECOGNIZE THE BACKGROUND  
15 OF PICTURE 204?

16           A        YES. IT IS IN THE CAR PARKING LOT OF THE  
17 OFFICE.

18           Q        OF YOUR OFFICE?

19           A        YES.

20           Q        DOES IT APPEAR TO BE TAKEN THE SAME DAY BY THE  
21 SAME POLICE PHOTOGRAPHER THAT TOOK THE PHOTOGRAPH, 208?

22           A        YES. I WOULD THINK SO.

23           Q        CAN YOU DESCRIBE THE DENT THAT WAS IN THE CAR?

24           A        IT WAS A DENT IN THE METAL.

25           Q        HOW BIG WAS IT?

26           A        PROBABLY THE TOTAL LENGTH WAS PROBABLY I WOULD  
27 SAY ABOUT THIS LONG (INDICATING).

28           Q        INDICATING THREE OR FOUR INCHES?

1 A TWO OR THREE INCHES.

2 THE COURT: TWO OR THREE INCHES. ALL RIGHT.

3 Q BY MR. WAPNER: AND CAN YOU DESCRIBE THE  
4 CONFIGURATION OF THE DENT?

5 A IT WAS ALMOST -- THE DENT, IF YOU LOOK FROM  
6 THE SIDE TOWARD THE INTERIOR, TO THE INSIDE OF THE DENT,  
7 THERE APPEARED TO LOOK LIKE IT HAD BEEN PINCHED.

8 IT WAS LIKE A PINCH. IT WAS AS IF A GIANT  
9 HAD PINCHED THE METAL, SOMETHING LIKE THAT, IF YOU CAN  
10 IMAGINE.

11 Q DID THE DENT GO INTO THE CAR, INTO THE TRUCK  
12 OR DID IT COME OUT?

13 A IT WAS EXTRUDING FROM THE REST OF THE TRUNK.

14 Q IF I GIVE YOU THIS PIECE OF PAPER, CAN YOU  
15 JUST DEMONSTRATE FOR THE JURY APPROXIMATELY THE CONFIGURATION  
16 OF THE DENT?

17 A SOMETHING LIKE THAT (INDICATING).

18 Q SO THE DENT WAS COMING OUT?

19 A SAY THIS IS THE TRUNK. THE DENT WAS LIKE  
20 THAT (INDICATING).

21 MR. WAPNER: JUST TURN IT SO THAT THE JUDGE CAN  
22 DESCRIBE IT FOR THE RECORD. DO YOU WANT ME TO DO THAT,  
23 YOUR HONOR?

24 THE COURT: YOU DO IT FOR THE RECORD.

25 MR. WAPNER: OKAY. THE WITNESS HAS INDICATED ON THE  
26 PIECE OF PAPER, BY TAKING THE END OF IT AND PINCHING IT  
27 WITH THE THUMB AND THE FOREFINGER SO THAT A PORTION OF  
28 THE PAPER IS THEN RAISED. HE WAS DEMONSTRATING THAT THE



1 FLAT PORTION OF THE PAPER WOULD THEN REPRESENT THE OTHER  
2 PORTIONS OF THE TRUNK OF THE CAR.

3 THE COURT: ALL RIGHT. SO INDICATED. WHERE DO WE  
4 GO FROM HERE?

5 MR. WAPNER: JUST A LITTLE WAYS, YOUR HONOR.

6 Q AND DID YOU REQUEST THAT THAT BUMP BE FIXED?

7 A UH-HUH, YES. I DID.

8 Q AND DID YOU TELL THEM THAT YOU WANTED IT FIXED  
9 BEFORE YOU WOULD TAKE DELIVERY OF THE CAR?

10 A YES, I DID.

11 Q ALL RIGHT. WAS IT FIXED?

12 A YES, IT WAS.

13 Q HOW LONG DID THAT TAKE?

14 A WELL, I WOULD SAY ABOUT A WEEK. I HAD THE CAR  
15 BACK IN A WEEK'S TIME. IT WAS THE 6TH OR 7TH OF AUGUST,  
16 1984.

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1 Q AND DID YOU PAY, WHEN YOU GOT THE CAR BACK, FOR  
2 THE BALANCE OF THE CAR?

3 A YES.

4 Q AND THAT WAS TO WESTCARS OF NORTH AMERICA?

5 A YES.

6 Q AND THIS WAS THE FIRST TIME THAT YOU MADE THIS  
7 REQUEST TO HAVE THE DENT FIXED, ON AUGUST THE 1ST?

8 A YES, IT WAS.

9 Q YOU DIDN'T MAKE THAT REQUEST ON JUNE 19?

10 A NO, I DIDN'T.

11 Q AND IT TOOK WHAT, FOUR OR FIVE DAYS TO FIX THE  
12 CAR, FIX THE DENT?

13 A I DON'T KNOW HOW LONG IT TOOK TO FIX THE CAR.

14 I JUST TOLD THEM AT THE BEGINNING OF AUGUST TO  
15 FIX IT AND THE CAR WAS BROUGHT TO ME ON THE 7TH OF AUGUST,  
16 THE 6TH OR 7TH.

17 Q YOU TOLD THEM ON THE 1ST AND YOU GOT IT BACK AND  
18 IT WAS REPAIRED BY THE 7TH?

19 A YES, IT WAS.

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

21 THE COURT: WELL --

22 MR. BARENS: WE WANT TO APPROACH THE BENCH, PLEASE?

23 THE COURT: SURE.

24 MR. BARENS: I DO HAVE QUESTIONS.

25 (THE FOLLOWING PROCEEDINGS WERE HELD  
26 AT THE BENCH:)

27 THE COURT: WHAT IS THE MATERIALITY OF THIS TESTIMONY?

28 MR. WAPNER: YOUR HONOR --

1 MR. BARENS: CAN WE KEEP THE VOICE DOWN ON THIS ONE?

2 THE COURT: YES.

3 MR. WAPNER: THE MATERIALITY OF THIS TESTIMONY IS THAT  
4 MR. KARNY WILL TESTIFY THAT MR. HUNT TOLD HIM THAT WHEN THEY  
5 PUT MR. LEVIN'S BODY IN THE TRUNK OF A BMW THAT WAS OWNED  
6 BY WESTCARS, THAT IT DIDN'T FIT AND THEY HAD TO FORCE IT IN  
7 THERE AND THEN WHEN THEY FORCED IT IN THERE AND THEY CLOSED  
8 THE CAR, THE TRUNK, THERE WAS A DENT ON THE LID OF THE TRUNK  
9 AND NOW HERE IS A CAR OWNED BY WESTCARS THAT IS A GRAY BMW  
10 THAT HAS GOT A DENT IN THE TRUNK.

11 THE COURT: ALL RIGHT.

12 MR. BARENS: MAY I RESPOND?

13 MR. WAPNER: I BELIEVE I MADE THOSE REMARKS --

14 THE COURT: I CAN SEE THE CONNECTION.

15 MR. WAPNER: -- IN MY OPENING STATEMENT TO THE JURY.

16 I WONDER IF THE COURT -- I HAVEN'T BEEN DOING  
17 THIS ALL ALONG, OBVIOUSLY, BUT THIS TESTIMONY IS SOMEWHAT  
18 OUT OF ORDER BECAUSE OF THE SCHEDULING OF THE WITNESSES AND  
19 I WONDER IF IT MIGHT BE APPROPRIATE JUST TO MAKE A STATEMENT  
20 THAT THE TESTIMONY CAME IN OUT OF ORDER BECAUSE OF SCHEDULING  
21 DIFFICULTIES.

22 THE COURT: YOU SHOULD HAVE TOLD US THAT FROM THE VERY  
23 BEGINNING THAT HE WAS COMING OUT OF ORDER AND WILL BE  
24 CONNECTED LATER ON. I WILL LET YOU MAKE A STATEMENT THAT  
25 WE WILL CONNECT IT LATER ON.

26 MR. BARENS: COULD I SAY SOMETHING?

27 THE COURT: WHAT DO YOU WANT TO ASK HIM ABOUT?

28 MR. BARENS: I WILL PROBABLY FIND SOMETHING, JUDGE.

1 THE COURT: I KNOW. DO YOU THINK YOU WILL BE MORE THAN  
2 TWO HOURS, DO YOU THINK?

3 MR. BARENS: NO.

4 THE COURT: ALL RIGHT, GO AHEAD.

5 YOU CAN MAKE A STATEMENT FOR THE RECORD.

6 MR. WAPNER: DID YOU WANT TO ASK THE COURT A QUESTION  
7 WHILE YOU WERE HERE?

8 MR. BARENS: I JUST WANTED TO MAKE A COMMENT AT THE  
9 OPPORTUNE TIME THAT I SEEM TO RECALL MR. LOPEZ SAYING THAT  
10 ALL OF THOSE CARS GOT BANGED UP. THANK YOU.

11 THE COURT: ALL RIGHT, GO AHEAD.

12 MR. BARENS: WE DON'T KNOW WHICH IS WHICH, DO WE?

13 THE COURT: NO.

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

16  
17 CROSS-EXAMINATION

18 BY MR. BARENS:

19 Q SIR, WHEN YOU SPOKE TO MR. DOSTI ABOUT BUYING  
20 ONE OF THOSE CARS, DID HE TELL YOU THAT THEY HAD EIGHT OF  
21 THEM THAT WERE ALL THE SAME COLOR?

22 A OH, NO, HE DIDN'T.

23 Q HE DIDN'T TELL YOU THAT?

24 A NO.

25 HE DID SAY HE HAD ONE OR TWO OTHER CARS. HE HAD  
26 A MERCEDES, I THINK. I AM NOT SURE WHAT ELSE HE HAD.

27 I CAN'T REMEMBER THE EXACT DETAILS BUT HE DID  
28 TELL ME HE HAD A COUPLE OF OTHER CARS.

1 Q DID HE TELL YOU THAT PEOPLE THAT WORKED WITH HIM  
2 IN HIS OFFICES HAD FROM TIME TO TIME, DIFFERENT OF THESE PEOPLE  
3 HAD BEEN DRIVING ALL OF THESE CARS?

4 A I AM SORRY. I COULDN'T HEAR YOU.

5 Q DID HE TELL YOU THAT PEOPLE UP THERE HAD BEEN  
6 DRIVING THESE CARS, YOU KNOW, THAT WORKED WITH HIM?

7 A NO, HE DIDN'T.

8 A :

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1 Q WHEN JUNE 19 CAME AROUND, DID YOU HAPPEN TO, ON  
2 THE 19TH, WRITE DOWN THE LICENSE PLATE OF THE CAR THAT WAS  
3 THERE ON THE 19TH?

4 A OH, THERE WASN'T A LICENSE PLATE ON THE CAR.

5 Q THERE WASN'T?

6 A NO.

7 Q WAS THERE A PLATE ON THE CAR WHEN IT CAME BACK  
8 ON AUGUST 1ST?

9 A NO.

10 Q WHEN YOU HAD THE CAR ON JUNE 19, I SUPPOSE YOU  
11 INSPECTED IT BEFORE YOU PUT DOWN THE DEPOSIT?

12 A I DON'T REMEMBER. I WOULD ASSUME SO. I JUST  
13 DON'T REMEMBER.

14 Q DID YOU WALK AROUND WHILE YOU WERE LOOKING AT  
15 THE CAR?

16 A I DON'T REMEMBER.

17 Q DO YOU THINK IT IS LIKELY, KNOWING YOURSELF AS  
18 A PERSON, THAT YOU PROBABLY TOOK A LOOK AT THE CAR BEFORE  
19 YOU PUT YOUR MONEY DOWN?

20 A I THINK THAT IS LIKELY.

21 Q THEN AFTER THAT, THE ONLY SUBJECT DISCUSSED AT  
22 THAT TIME WAS TO GET THIS CONVERSION ACTIVITY COMPLETED?

23 A RIGHT.

24 Q THAT CONVERSION ACTIVITY, SIR, TO YOUR KNOWLEDGE  
25 INVOLVES WHAT?

26 A I THINK IT IS A CERTAIN CATALYTIC CONVERTER YOU  
27 HAVE TO PUT INTO THE CAR TO CONVERT IT FROM LEADED TO UNLEADED  
28 GAS AND I THINK THERE ARE OTHER THINGS, LIKE STRENGTHENING

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1 YOUR DOOR STRUCTURES TO CONFORM.

2 THERE ARE CERTAIN REGULATIONS AND I AM NOT FAMILIAR  
3 WITH ALL OF THAT. BUT THERE IS A CERTAIN AMOUNT OF WORK YOU  
4 HAVE TO DO TO CONVERT THE CAR TO MAKE IT LEGAL.

5 Q RIGHT, TO MAKE IT LEGAL INCLUDED A VARIETY OF  
6 THINGS NEEDING TO BE DONE TO THE CAR?

7 A OH, SURE.

8 Q THE DOORS HAVE TO BE REINFORCED ACCORDING TO  
9 AMERICAN STANDARDS?

10 A YES.

11 Q AND THE BUMPER HAVE TO CONFORM WITH AMERICAN  
12 BUMPER STANDARDS, SIR?

13 A I DON'T KNOW.

14 Q HOW ABOUT THE LIGHTS, DID THAT REQUIRE SOME WORK?

15 A I UNDERSTAND THAT LIGHTS ALSO DO NEED SOMEWHAT  
16 OF MODIFICATION.

17 Q SOMEONE HAS TO EITHER HOIST UP THE CAR OR GET  
18 UNDERNEATH IT SOMEHOW AND FIX THIS CATALYTIC CONVERTER?

19 THE COURT: THIS IS ALL VERY INTERESTING BUT THIS WAS  
20 ONLY ADMITTED FOR A LIMITED PURPOSE. YOU KNOW WHAT THE LIMITED  
21 PURPOSE IS. THE JURY WAS INSTRUCTED IT WAS FOR A LIMITED  
22 PURPOSE. THE JURY LATER ON WILL HEAR TESTIMONY, YOU KNOW  
23 WHAT IT IS. THERE IS NO SENSE GOING ON.

24 MR. BARENS: JUST THERE ARE THINGS THAT HAD TO BE DONE  
25 TO THIS.

26 THE COURT: EVERYBODY KNOWS THAT.

27 Q BY MR. BARENS: AND YOU DIDN'T HAVE THE CAR AT  
28 ALL, AS I UNDERSTAND, BETWEEN 6-19-84 AND AUGUST 1ST, 1984?

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1 A RIGHT.

2 Q WHEN IT COMES BACK AUGUST 1ST, 1984, WHO BROUGHT  
3 THE CAR?

4 A THIS AHRON ZILBERSTEIN.

5 Q DID YOU INSPECT THE CAR WHEN HE BROUGHT IT TO  
6 YOU?

7 A YES, I DID.

8 Q WERE YOU TOLD THAT IT CONFORMED WITH ALL OF THESE  
9 THINGS THAT NEEDED TO BE DONE TO MAKE IT LEGAL?

10 A RIGHT.

11 Q AND DID YOU IMMEDIATELY NOTICE SOMETHING WRONG  
12 WITH THE CAR?

13 A IMMEDIATELY, YOU MEAN LIKE WHEN I LOOKED AROUND  
14 THE CAR I NOTICED IT, SURE.

15 Q WHAT DID YOU NOTICE THEN ON AUGUST 1ST?

16 A I NOTICED THE DENT, THE BUMP IN THE TRUNK.

17 Q SO WHEN THE CAR IS RETURNED TO YOU, YOU MENTIONED  
18 TO MR. ZILBERSTEIN THAT YOU WOULD LIKE THAT ATTENDED TO?

19 A CORRECT.

20 Q AND IT WAS DONE SO?

21 A RIGHT.

22 MR. BARENS: ALL RIGHT, THANK YOU.

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## 1 REDIRECT EXAMINATION

2 BY MR. WAPNER:

3 Q WHEN YOU FIRST DISCUSSED WITH MR. DOSTI, THE  
4 PURCHASE OF THE CAR, DID YOU DISCUSS WHETHER IT WAS A  
5 BRAND NEW CAR OR WHETHER IT HAD SOME MILES?6 A I KNEW IT HAD SOME MILES. HE GAVE ME THE  
7 DETAILS. HE SAID THAT IT HAD DONE SOME MILES.8 Q DID YOU MAKE A NOTATION IN THE NOTES THAT YOU  
9 HAVE ABOUT --

10 A YES.

11 Q WOULD YOU JUST TAKE A LOOK TO SEE IF THERE IS  
12 ANY NOTATION IN YOUR NOTES ABOUT HOW MANY MILES WERE ON THE  
13 CAR WHEN --

14 A 5,600 MILES.

15 Q THAT IS WHAT YOU WERE TOLD BY MR. DOSTI?

16 A RIGHT.

17 Q AND DID YOU ATTEMPT TO CONFIRM THAT WHEN YOU  
18 FIRST DROVE THE CAR?19 A NOT NECESSARILY THE PRECISE NUMBER. I MEAN,  
20 WHEN I SAW THE CAR -- WHEN I SAW IT IN JUNE --

21 Q RIGHT.

22 A YES, IT HAD EIGHT THOUSAND SOME ODD KILLOMETERS.

23 MR. WAPNER: THANK YOU. NOTHING FURTHER.

24 THE COURT: ALL RIGHT. THANK YOU. YOU MAY STEP DOWN.

25 MAY THE WITNESS BE EXCUSED?

26 MR. WAPNER: NO OBJECTION.

27 THE COURT: ALL RIGHT. CALL YOUR NEXT WITNESS, PLEASE.

28 MR. WAPNER: IF I MAY HAVE A MOMENT, PLEASE, YOUR

1 HONOR?

2 THE COURT: YES.

3 (PAUSE.)

4 MR. WAPNER: WE CALL DETECTIVE EDMONDS.

5

6 THOMAS WARREN EDMONDS,

7 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED

8 AS FOLLOWS:

9 THE CLERK: RAISE YOUR RIGHT HAND TO BE SWORN.

10 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU  
11 MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL  
12 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,  
13 SO HELP YOU GOD.

14 THE WITNESS: I DO.

15 THE CLERK: PLEASE TAKE THE WITNESS STAND. STATE AND  
16 SPELL YOUR NAME FOR THE RECORD.

17 THE WITNESS: THOMAS WARREN EDMONDS, E-D-M-O-N-D-S.

18

19 DIRECT EXAMINATION

20 BY MR. WAPNER:

21 Q BY WHOM ARE YOU EMPLOYED?

22 A THE CITY OF BEVERLY HILLS POLICE DEPARTMENT.

23 Q IN WHAT CAPACITY?

24 A DETECTIVE SERGEANT.

25 Q HOW LONG HAVE YOU WORKED FOR THE BEVERLY HILLS  
26 POLICE DEPARTMENT AS A DETECTIVE SERGEANT?

27 A WELL, I HAVE WORKED SEVERAL DIFFERENT TIMES.

28 I HAVE BEEN A DETECTIVE ABOUT 11 YEARS. AND I WAS A

1 SERGEANT PROBABLY FIVE OR SIX.

2 MR. WAPNER: MAY I HAVE A MOMENT, PLEASE?

3 (PAUSE.)

4 Q BY MR. WAPNER: AS A DETECTIVE IN BEVERLY HILLS  
5 POLICE DEPARTMENT IN 1984, DID YOU PARTICIPATE IN THE  
6 ARREST OF A PERSON DEPICTED IN THIS PHOTOGRAPH THAT IS  
7 PEOPLE'S 175 FOR IDENTIFICATION?

8 A NOT AS A DETECTIVE.

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1 Q WHAT WAS YOUR CAPACITY AT THAT TIME?

2 A I WAS ASSIGNED TO THE CRIME SUPPRESSION UNIT.

3 Q WHAT WAS THE CRIME SUPPRESSION UNIT?

4 A IT WAS AN UNDERCOVER, PLAIN CLOTHES DETAIL.

5 MR. BARENS: YOUR HONOR, COULD WE APPROACH, PLEASE?

6 THE COURT: SURE.

7 (THE FOLLOWING PROCEEDINGS WERE HELD AT  
8 THE BENCH OUTSIDE THE HEARING OF THE  
9 JURY:)

10 MR. BARENS: YOUR HONOR, I COULD BE WRONG. HOWEVER,  
11 I SURMISE THAT I WILL BET THAT THERE ARE A BUNCH OF BOOKS  
12 IN THAT BAG THAT MR. WAPNER --

13 MR. WAPNER: MR. BARENS, GET TO THE POINT.

14 MR. BARENS: WELL, I AM GETTING THERE JUST LIKE  
15 YOU DO, MR. WAPNER. IN ANY EVENT, WE HAVE HAD A PRIOR  
16 DISCUSSION ABOUT THIS.

17 NOW, THESE ARE BOOKS THAT WERE TAKEN FROM MR.  
18 PITTMAN. THEY HAVE NEVER BEEN ASSOCIATED WITH THE  
19 DEFENDANT IN THIS CASE.

20 THEY ARE INFLAMMATORY. I BELIEVE THAT UNDER  
21 352, THEIR PROBATIVE VALUE IS REMOTE.

22 WE HAVE NO TESTIMONY THAT THE DEFENDANT EVER  
23 READ THOSE BOOKS OR POSSESSED THOSE BOOKS OR HAD THEM IN  
24 A PART OF HIS LIBRARY.

25 THE FACT THAT THE DEFENDANT -- SORRY, THE FACT  
26 THAT MR. PITTMAN MAY HAVE HAD AN INTEREST IN SOME EXOTIC  
27 STUFF, SHOULD NOT BE ATTRIBUTED TO MR. HUNT.

28 THIS HAS A HEAVY IMPLICATION THAT MR. HUNT IS

1 ANOTHER BAD GUY AND COMMITS MURDERS HERE BECAUSE MR. PITTMAN  
2 IS ARRESTED OR FOUND IN POSSESSION OF CERTAIN BOOKS.

3 NOW, WHY PITTMAN HAD THOSE BOOKS OR WHY HE  
4 DIDN'T HAVE THOSE BOOKS, I DON'T KNOW. BUT I DON'T SEE  
5 THAT THOSE BOOKS HAVE ANY KIND OF --

6 MR. WAPNER: YOUR HONOR, THE BOOKS ARE ON THE ORDER  
7 OF A CO-CONSPIRATOR BEING ARRESTED WITH A GUN. IT IS AN  
8 ALLEGED MEANS OF COMMITTING A CRIME.

9 THERE HAS BEEN AND THERE WILL CONTINUE TO BE  
10 DEVELOPED --

11 (NOISE IN THE COURTROOM.)

12 THE COURT: GO AHEAD.

13 MR. WAPNER: YOUR HONOR, CAN I ASK THE COURT TO ASK  
14 THE BAILIFF NOT TO HAVE IDLE CONVERSATIONS WITH THE  
15 DEFENDANT WHILE WE ARE HERE. IT IS VERY IMPROPER. I THINK  
16 IT IS PREJUDICIAL. I WOULD ASK THE COURT TO INSTRUCT HIM  
17 NOT TO DO IT ANYMORE.

18 THE COURT: MR. BAILIFF?

19 (THE BAILIFF APPROACHES THE BENCH.)

20 THE COURT: MR. WAPNER DOESN'T THINK YOU OUGHT TO  
21 BE TALKING TO THE DEFENDANT.

22 THE BAILIFF: I DIDN'T SAY A WORD TO THE DEFENDANT.  
23 HE WAS TALKING TO ME. I DIDN'T SAY A WORD TO HIM.

24 THE COURT: WELL, DON'T TALK TO HIM.

25 THE BAILIFF: I WON'T TALK TO HIM. I DON'T LIKE TO  
26 BE ACCUSED OF THAT, EITHER.

27 THE COURT: ALL RIGHT.

28 MR. BARENS: WELL, IN ANY EVENT, LET'S GET BACK TO

1 THE POINT.

2 MR. WAPNER: THE POINT IS YOUR HONOR, THAT IN THE NATURE  
3 OF A CO-CONSPIRATOR BEING ARRESTED WITH THE MEANS AND  
4 INSTRUMENTALITIES USED TO COMMIT A CRIME -- AND FOR THAT  
5 REASON, I THINK THAT IT IS OBVIOUSLY RELEVANT.

6 352 DOESN'T EXCLUDE EVIDENCE BECAUSE IT IS NOT  
7 RELEVANT. 352 ONLY EXCLUDES EVIDENCE BECAUSE IT IS TOO  
8 RELEVANT AND SO, I DON'T SEE HOW THERE IS --

9 THE COURT: WELL, 352 IMPLIES RELEVANT TESTIMONY  
10 BUT THE WEIGHT OF IT --

11 MR. WAPNER: THE PREJUDICIAL NATURE OF IT, TO EXCLUDE  
12 IT BY THE COURT --

13 THE COURT: RIGHT. YOUR THEORY AS I UNDERSTAND IT,  
14 YOUR EVIDENCE WILL INDICATE -- YOUR THEORY IS THAT BOTH  
15 THE DEFENDANT AND PITTMAN WERE THE ONES WHO PERPETRATED  
16 THIS CRIME, RIGHT?

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1 MR. WAPNER: ABSOLUTELY.

2 THE COURT: ONE OR THE OTHER USED THE GUN TO SHOOT THE  
3 VICTIM; IS THAT RIGHT?

4 MR. WAPNER: THAT'S CORRECT.

5 AND ALSO THE EVIDENCE WILL SHOW --

6 THE COURT: YOUR EVIDENCE WILL SHOW THAT IT WAS PITTMAN,  
7 SUPPOSEDLY, WHO DID THE SHOOTING; IS THAT RIGHT?

8 MR. WAPNER: THAT'S CORRECT.

9 THE COURT: ALL RIGHT, IF HE HAD THESE BOOKS AND IF  
10 HE WAS ONE OF THE CONSPIRATORS, I THINK IT WOULD BE ADMISSIBLE.  
11 I AM GOING TO ADMIT IT.

12 MR. BARENS: MAY WE HAVE A MOMENT?

13 MR. WAPNER: IN ADDITION, BY MEANS OF AN OFFER OF PROOF,  
14 YOUR HONOR, THERE WILL BE ITEMS FOUND IN THIS BAG THAT WERE  
15 FILES FROM WESTCARS THAT CONTAINED DOCUMENTS THAT NOT ONLY  
16 BELONGED TO MR. PITTMAN BUT TO MR. HUNT. SOME OF MR. HUNT'S  
17 THINGS WERE FOUND IN THIS BAG.

18 MR. BARENS: COULD WE HAVE TIME? COULD I HAVE JUST  
19 A MOMENT, YOUR HONOR?

20 (UNREPORTED COLLOQUY BETWEEN MR. BARENS  
21 AND MR. CHIER.)

22 MR. BARENS: YOUR HONOR, WHAT WE HAVE HERE IS AN  
23 ATTRIBUTION OF BAD BEHAVIOR TO MR. HUNT BY THESE BOOKS.

24 NOW HEAR ME OUT ON THIS, PLEASE, YOUR HONOR.

25 THERE IS NO SPECIFIC CONNECTION TO MR. HUNT.

26 YOU WILL RECALL THAT MR. RAYMOND AND ONE OTHER  
27 WITNESS, TWO OF THE WITNESSES, I BELIEVE, PRIOR TESTIMONY  
28 IS THAT NEITHER MR. KARNY NOR MR. RAYMOND EVER SAID THAT HUNT

2  
1 HAD THESE BOOKS BUT SAID TO THE CONTRARY ABOUT HUNT HAVING  
2 THESE BOOKS.

3 THE COURT: WASN'T THERE SOME TESTIMONY ABOUT THESE  
4 BOOKS -- OR WAS THAT JUST IN YOUR OPENING?

5 MR. WAPNER: ALSO, THERE WAS TESTIMONY BY MR. DICKER  
6 THAT HE HAD MAGAZINES THAT HAD ADVERTISED IN THE BACK CATALOGS  
7 THAT HAD BOOKS LIKE THIS IN THEM AND THAT HE GAVE ONE OF THOSE  
8 MAGAZINES TO THE DEFENDANT.

9 THE COURT: ALL RIGHT, I REMEMBER THAT.

10 MR. BARENS: YOUR HONOR KEPT IT OUT LAST TIME WHEN THIS  
11 WHOLE BUSINESS CAME UP.

12 THE COURT: I DON'T REMEMBER THAT.

13 MR. BARENS: YOUR HONOR, LET ME BE SPECIFIC. IF THE  
14 PROSECUTION CAN SAY THIS WAS ONE OF THOSE BOOKS THAT HAD A  
15 DESCRIPTION IN IT, I DIRECTLY ANALOGIZE THIS TO WHAT THE  
16 PROSECUTION'S THEORY IS ON WHAT HAPPENED TO MR. LEVIN AND  
17 THEY USE THAT AS A FORMAT FOR A TEACHING DEVICE FOR HOW TO,  
18 YOU KNOW, COMMIT THE CRIME ALLEGED IN THIS CASE, THEN I COULD  
19 SEE IT.

20 BUT WHAT WE HAVE GOT HERE IS BOOKS THAT ARE  
21 ANTHOLOGIES OF CRIMINAL CONDUCT THAT NONE OF WHICH ARE ON  
22 SPECIFICALLY TEMPLATES OR DESCRIPTIVE DEVICES FOR THIS.

23 MR. WAPNER SAID A FEW MINUTES AGO, WELL HE HAS --  
24 I AM NOT SURE IF HE SAID IT -- BUT SOMEONE AT THIS MEETING  
25 NOW JUST SAID THAT HE HAD POSSESSION OF THE TOOLS OF THE CRIME  
26 HERE, THE TOOLS FOR THE CRIME, TO COMMIT THE CRIME THERE.  
27 I AM SUBMITTING THAT YOUR HONOR COULD READ THOSE BOOKS COVER  
28 TO COVER AND WOULD NOT FIND THAT FACT SETTING IN THOSE BOOKS.



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1 THE COURT: WHAT ARE THE FACTS WHICH MIGHT BE RELEVANT  
2 HERE IN THE BOOKS?

3 MR. WAPNER: SPECIFICALLY, THERE ARE PORTIONS IN SOME  
4 OF THESE BOOKS THAT HAD TO DO WITH TECHNIQUES TO DO WITH  
5 DISPOSING, OF HOW TO DISPOSE OF BODIES.

6 THE COURT: I WILL PERMIT IT.

7 YOU HAVE YOUR OBJECTION ON THE RECORD.

8 MR. BARENS: THANK YOU.

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

3 Q BY MR. WAPNER: DETECTIVE EDMONDS, DID YOU  
4 PARTICIPATE IN THE ARREST OF MR. PITTMAN ON OCTOBER THE 22ND  
5 OF 1984?

6 A YES, SIR.

7 Q AND WAS THERE A WARRANT THAT WAS ISSUED FOR  
8 MR. PITTMAN'S ARREST?

9 A YES, SIR.

10 Q WHAT DID YOU DO FOR THE PURPOSE OF SERVING THAT  
11 WARRANT?

12 A WE WENT THERE TO HIS RESIDENCE AT 1394 MIDVALE  
13 IN LOS ANGELES AT ABOUT 7 O'CLOCK, THE NIGHT OF THE 22ND.

14 Q OF OCTOBER?

15 A YES.

16 Q AND YOU SAID THAT "WE WENT THERE," WHO ARE YOU  
17 REFERRING TO?

18 A I BELIEVE THERE WAS A TOTAL OF SEVEN OF US: MYSELF,  
19 BUD MOODY, DEXTER CUMMINS, OFFICER STEVE MILLER, OFFICER WALTER  
20 JORDAN AND I CAN'T RECALL THE OTHER OFFICERS RIGHT NOW.

21 THERE WERE A TOTAL OF SEVEN OF US.

22 Q AND WHEN YOU GOT THERE TO THAT LOCATION, HOW WERE  
23 THE OFFICERS DEPLOYED?

24 A WE HID IN THE BUSHES AND BEHIND A COUPLE OF PARKED  
25 CARS IN THE THIRTEEN HUNDRED BLOCK OF MIDVALE AND WE WAITED  
26 TWO HOURS.

27 Q WERE YOU IN THE BUSHES?

28 A I WAS SITTING ON A PLANTER KITTY-CORNER FROM THE

1 APARTMENT HOUSE WHERE MR. PITTMAN RESIDED.

2 Q THAT WAS IN THE WESTWOOD VILLAGE AREA OF LOS ANGELES?

3 A IT IS SOUTH OF THE VILLAGE AREA. IT IS SOUTH  
4 OF WILSHIRE AND WEST OF SEPULVEDA, I BELIEVE, OR WEST OF  
5 WESTWOOD BOULEVARD.

6 Q WHAT TIME OF THE DAY OR NIGHT WAS IT THAT YOU  
7 ARRIVED THERE?

8 A ABOUT 7 P.M.

9 Q AND AFTER APPROXIMATELY TWO HOURS HAD PASSED,  
10 WHAT HAPPENED?

11 A WE OBSERVED - WE HAD INFORMATION THAT HE MIGHT  
12 BE DRIVING A BLACK BMW. WE SAW A '70 MODEL, I BELIEVE A 1973  
13 BMW COME OUT ON THE STREET THAT IS NEXT TO HIS BUILDING, I  
14 DON'T RECALL THE NAME OF IT, THE VEHICLE MADE A RIGHT TURN  
15 AND HEADED NORTHBOUND AND AS IT DID, WE GOT A GOOD LOOK AT  
16 THE OPERATOR OF THE AUTOMOBILE AND DETERMINED IT WAS A VERY  
17 GOOD CHANCE IT WAS HIM.

18 Q FIRST YOU SAID THE CAR WAS GOING SOUTH AND THEN  
19 YOU SAID IT TURNED RIGHT AND WENT NORTH?

20 A WELL, IT WAS GOING WEST -- I AM SORRY -- AND THEN  
21 IT WENT NORTH.

22 Q OKAY. AND HAD YOU BEEN GIVEN A PHOTOGRAPH OF  
23 MR. PITTMAN BEFORE YOU --

24 A YES.

25 Q -- WERE TO SERVE THE WARRANT?

26 A YES, SIR.

27 Q AND WHEN YOU SAW THE PERSON IN THE BMW AND THOUGHT  
28 IT WAS MR. PITTMAN, WHAT HAPPENED?

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1           A        WE WATCHED THE CAR VISUALLY, WATCHED IT AND IT  
2 PULLED INTO ABOUT THE MID-BLOCK OF THE THIRTEEN HUNDRED BLOCK  
3 AND PARKED, PARALLEL PARKED.

4                    THE OCCUPANT EXITED THE VEHICLE AND WALKED SOUTH  
5 TOWARD THE ADDRESS, ON THE EAST SIDEWALK.

6           Q        LET ME STOP YOU FOR ONE SECOND.  
7                    DO YOU RECOGNIZE THE CAR THAT IS DEPICTED IN THIS  
8 PHOTOGRAPH, IT IS 205 FOR IDENTIFICATION?

9           A        YES, IT LOOKS LIKE THE CAR.

10          Q        IT LOOKS LIKE WHICH CAR?

11          A        THE CAR THAT MR. PITTMAN WAS DRIVING.

12          Q        AND AFTER YOU SAW THIS CAR, DID YOU RECOGNIZE  
13 THE PERSON WHO GOT OUT OF THE CAR?

14          A        YES.

15                    AS WE GOT CLOSER, WE WERE SURE THAT IT WAS HIM.

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1 Q ALL RIGHT. WHAT HAPPENED THEN?

2 A WE CONVERGED ON HIM JUST NORTH OF THE  
3 APARTMENT BUILDING WHERE HE LIVED. THERE WAS A WIDE DRIVE-  
4 WAY AND THAT IS WHERE WE HAD PLANNED TO TAKE HIM DOWN.

5 AND WE ORDERED HIM TO FREEZE. AND WE  
6 IDENTIFIED OURSELVES AND PRONED HIM OUT FLAT ON HIS STOMACH.

7 Q AT THE TIME THAT HE GOT OUT OF THE CAR, WAS HE  
8 CARRYING ANYTHING?

9 A YES. HE WAS CARRYING A BLUE GYM BAG.

10 MR. WAPNER: YOUR HONOR, I HAVE HERE A BLUE FILA  
11 GYM BAG AND I WOULD LIKE TO HAVE THE BAG AND THE CONTENTS  
12 COLLECTIVELY MARKED AS PEOPLE'S 85 FOR IDENTIFICATION.

13 THE COURT: BE SO MARKED.

14 Q BY MR. WAPNER: SHOWING YOU PEOPLE'S 85 FOR  
15 IDENTIFICATION, DO YOU RECOGNIZE THAT?

16 A YES. IT LOOKS LIKE THE BAG.

17 Q AND WHEN YOU SAY THAT YOU PRONED MR. PITTMAN  
18 OUT, WHAT DOES THAT MEAN?

19 A WE ORDERED HIM DOWN ON HIS BELLY AND SPREAD-  
20 EAGLED HIM.

21 Q WHAT HAPPENED WITH THE BAG AT THAT PARTICULAR  
22 TIME?

23 A HE DROPPED IT OR LAID IT DOWN. I BELIEVE THAT  
24 HE TOOK IT DOWN WITH HIM AND THEN WE HAD HIM SPREAD HIS  
25 ARMS AWAY FROM THE BAG.

26 Q AND AFTER HE WAS PUT ON THE GROUND, WAS HE  
27 ARRESTED AT THAT PARTICULAR TIME?

28 A YES, SIR.

1 Q AND DID HE RESIST AT ALL?

2 A NO.

3 Q WHAT HAPPENED WITH THE BAG AFTER HE WAS  
4 ARRESTED?

5 A I TOOK POSSESSION OF THE BAG.

6 Q WHAT DID YOU DO WITH IT?

7 A I LOOKED IN IT TO SEE IF THERE WERE ANY VISIBLE  
8 GUNS IN IT.

9 Q DID YOU SEE ANY AT THAT TIME?

10 A NO.

11 Q WHAT DID YOU DO WITH IT AFTER THAT?

12 A I TOOK IT TO THE STATION WITH MR. PITTMAN.

13 Q THEN WHAT DID YOU DO?

14 A AT THE STATION, I WANTED TO CONDUCT AN INVENTORY  
15 BECAUSE WE ARE REQUIRED TO TAKE IT UP AND BOOK IT ON THE  
16 SECOND FLOOR WHERE THERE IS BOOKED PROPERTY.

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1 I WANTED TO DETERMINE THAT THERE WERE NO  
2 FIREARMS IN ANY OF THE -- THERE OBVIOUSLY, WERE BOOKS IN  
3 IT WHEN I LOOKED AT IT. I HAVE SEEN BOOKS THAT ARE CUT OUT  
4 AND HAVE GUNS INSIDE OF THEM. SO I WENT THROUGH THE  
5 BOOKS TO MAKE SURE THERE WEREN'T ANY CONTRABAND ITEMS  
6 TO DETERMINE IF IT SHOULD GO IN HIS PERSONAL PROPERTY OR  
7 INTO EVIDENCE.

8 Q WOULD YOU EXPLAIN TO THE JURY THE DIFFERENCE  
9 BETWEEN AN ITEM GOING INTO A PERSON'S PERSONAL PROPERTY OR  
10 GOING INTO EVIDENCE?

11 A A PERSON'S PERSONAL PROPERTY IS STUFF THAT YOU  
12 MIGHT HAVE ON YOU WHEN YOU ARE TAKEN INTO CUSTODY THAT IS  
13 YOUR PERSONAL PROPERTY, SUCH AS A WEDDING BAND AND YOUR  
14 DRIVER'S LICENSE AND PERSONAL PAPERS THAT YOU WOULD EXPECT  
15 TO RECEIVE BACK WHEN YOU GOT RELEASED FROM CUSTODY.

16 AND IT COULD BE A WOMAN'S NYLONS OR ANYTHING,  
17 A HAT YOU MIGHT BE WEARING THAT GOES INTO PERSONAL PROPERTY.

18 IF IT IS CONTRABAND, IT DOESN'T GO INTO THE  
19 PROPERTY THAT YOU EXPECT TO GET BACK. IT IS BOOKED INTO  
20 EVIDENCE ON A EVIDENCE REGISTER AND USED IN A CRIME  
21 PROCEEDINGS IF THERE IS ONE.

22 Q WHEN YOU SAY THAT IT IS CONTRABAND, YOU ARE  
23 TALKING ABOUT PERHAPS NARCOTICS OR WEAPONS OR SOMETHING  
24 LIKE THAT?

25 A RIGHT, OR STOLEN PROPERTY.

26 Q ALL RIGHT. AND ALSO, DO YOU PLACE INTO  
27 EVIDENCE, ITEMS THAT MIGHT NOT BE CONTRABAND BUT MIGHT  
28 HAVE SOME EVIDENTIARY VALUE TO THE CASE?

1           A        YES, SIR.

2           Q        AND WHEN YOU SAY "BOOKED" AN ITEM INTO EVIDENCE,  
3           WHAT DOES THAT MEAN?  WHAT DOES THAT PHRASE MEAN?

4           A        I DON'T EXACTLY KNOW WHAT THE PHRASE -- IT HAS  
5           BEEN AROUND SINCE I HAVE BEEN A POLICEMAN, 25 YEARS.  THEY  
6           WERE SAYING IT WHEN I GOT THERE.

7                    BUT, IT IS FROM THE LEDGER IN THE OLD DAYS  
8           WHEN THEY HAD A PROPERTY BOOK AND THEY WROTE IT IN A BOOK.

9                    NOW WE MAKE EVIDENCE SHEETS.  BUT WE STILL  
10          BOOK IT INTO EVIDENCE.

11          Q        YOU DON'T CALL IT "SHEETED" INTO EVIDENCE?

12          A        NO.

13          Q        ALL RIGHT.  AND IT IS JUST A TERM THAT IS USED  
14          THAT MEANS THAT THE POLICE DEPARTMENT KEEPS IT AND MAKES  
15          SOME RECORD OF IT, CORRECT?

16          A        RIGHT.  SO IF IT TURNS OUT THAT IT IS NOT  
17          EVIDENCE, THE PERSON CAN RETRIEVE IT AT A LATER DATE OR  
18          IT GOES BACK TO ITS RIGHTFUL OWNER OR TO THE COURT.

19          Q        NOW, WHAT HAPPENED WHEN YOU WENT THROUGH THIS  
20          BAG TO TRY TO FIGURE OUT WHETHER THERE WAS ANY CONTRABAND?

21          A        I OBSERVED THE TITLES OF SOME BOOKS THAT WERE  
22          IN THE BAG AS BEING I FELT, RELEVANT TO A HOMICIDE CASE.

23          Q        AND WHAT IS YOUR RECOLLECTION NOW OF THE TITLES  
24          THAT YOU MIGHT HAVE OBSERVED?

25          A        ONE THAT STRUCK MY IMMEDIATE INTEREST WAS  
26          "HIT MAN", SOMETHING TO DO WITH BEING A HIT MAN.  ONE  
27          WAS --

28                    MR. BARENS:  YOUR HONOR, DON'T WE HAVE A BEST EVIDENCE



1 SITUATION HERE?

2 THE COURT: WELL, HE IS KEEPING IT A SECRET FROM  
3 US. SHOW IT TO HIM.

4 MR. BARENS: YEAH.

5 Q BY MR. WAPNER: WHEN YOU TOOK THIS BAG --  
6 AFTER LOOKING AT THE ITEMS, DID YOU PUT -- YOU ACTUALLY  
7 PLACED IT INTO EVIDENCE AND PUT A TAG ON IT?

8 A YES. I EITHER PUT THE TAG ON HERE AND THEN I  
9 DROPPED IT INTO A CARDBOARD BOX OR I PUT THE TAG ON THE  
10 CARDBOARD BOX.

11 Q ALL RIGHT. AND WOULD YOU OPEN THAT AND TELL  
12 US IF YOU RECOGNIZE THE CONTENTS, PLEASE?

13 A YES, I DO.  
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1 Q AND DO THOSE BOOKS THAT ARE IN THERE NOW --  
2 ARE THOSE THE BOOKS THAT WERE THERE?

3 A YES.

4 Q WOULD YOU JUST TAKE THEM OUT, PLEASE?

5 A ALL AT ONCE OR ONE AT A TIME?

6 THE COURT: TAKE THEM OUT ONE AT A TIME AND EXPLAIN  
7 WHAT YOU ARE TAKING OUT.

8 THE WITNESS: THIS IS A BOOK ENTITLED "SURVIVAL IN  
9 THE SLAMMER" BY CARL DORSKI.

10 IT HAS A GROCERY PRICE TAG ON IT, \$9.95.

11 Q WHAT ELSE DID YOU FIND IN THERE?

12 A IT HAS MY INITIALS ON THE BACK AND IT IS CALLED  
13 ITEM 11 ON OUR PROPERTY LIST OR EVIDENCE LIST. I WROTE  
14 THE INITIALS ON IT.

15 THERE IS "THE COMPLETE SPY" BY ROBERT  
16 MC GARVEY AND ELISA CAITLIN.

17 THE COURT REPORTER: PLEASE SPELL THOSE NAMES.

18 THE WITNESS: MC. GARVEY, M-C G-A-R-V-E-Y, AND ELISA  
19 CAITLIN, E-L-I-S-A, C-A-I-T-L-I-N.

20 MR. BARENS: THAT ONE SEEMS REALLY RELEVANT. WE HAVE  
21 A MOTION ON THAT ONE.

22 THE COURT: YES. I CAN UNDERSTAND THAT. NOT  
23 EVERYTHING WILL BE ADMITTED.

24 THE WITNESS: THAT WAS MARKED ITEM 14 BY ME. IT HAS  
25 MY INITIALS ON IT.

26 Q BY MR. WAPNER: SHOWING YOU AN ITEM THAT HAS  
27 BEEN PREVIOUSLY MARKED AS 85-B, WHICH I WOULD ASK BE MARKED  
28 85-B AGAIN, DO YOU RECOGNIZE THAT?

1 A YES.

2 Q ALL RIGHT. WHAT IS IT?

3 A IT IS A BOOK "THE HIT MAN, A TECHNICAL MANUAL  
4 FOR INDEPENDENT CONTRACTORS" BY REX FERAL, F-E-R-A-L.

5 Q THOSE AREN'T THE KINDS OF INDEPENDENT  
6 CONTRACTORS THAT BUILD HOUSES, ARE THEY?

7 A NO. I DON'T THINK SO.

8 Q OKAY. AND WHAT WAS THAT BOOK, "THE HIT MAN" --  
9 THAT WAS IN THE BAG THAT MR. PITTMAN HAD WHEN YOU ARRESTED  
10 HIM?

11 A YES, IT WAS. IT IS ITEM 12 ON OUR EVIDENCE  
12 SHEET, WITH MY INITIALS.

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-1 1 Q SHOWING YOU ANOTHER BOOK THAT IS APPARENTLY IS  
2 BLANK ON THE COVER AND HAS BEEN MARKED PREVIOUSLY 85-A, AND  
3 I WOULD ASK TO HAVE MARKED 85-A AGAIN.

4 THE COURT: ALL RIGHT.

-A 5 Q BY MR. WAPNER: WHAT IS THAT?

6 A IT IS THE BLACK BAG OWNER'S MANUAL PART 2, THE  
7 HIT PARADE.

8 Q WAS THAT IN THE BAG ALSO WHEN YOU --

9 A YES, SIR.

10 Q -- TOOK IT FROM MR. PITTMAN?

11 A YES.

12 WE CALLED IT ITEM NUMBER 15 AND I HAVE MY INITIALS  
13 ON IT.

14 Q WERE THERE SOME ITEMS IN THAT BAG ALSO THAT WERE  
15 LIKE FILES OF DIFFERENT COMPANIES AND THINGS?

16 A YES, THERE WERE LIKE AUTOMOBILE TRANSACTIONS ON,  
17 I THINK, POSSIBLY THREE MANILA FOLDERS AND HAD TO DO WITH  
18 A BMW AND A MERCEDES AND ANOTHER CAR.

19 Q ALL RIGHT. DO YOU SEE THOSE IN THE BAG NOW?

20 A THIS ENVELOPE HAS MY -- WE CALLED IT ITEM 5 AND  
21 IT HAS MY INITIALS ON IT.

22 Q ALL RIGHT. WHAT IS IN THERE?

23 A IT HAS A "J. O. HUNT" WRITTEN ON THE COVER.

24 THE COURT: J. O. HUNT?

25 THE WITNESS: YES, SIR.

26 THE COURT: J. O., JOE HUNT?

27 THE WITNESS: THIS IS A CIRCUIT COURT DOCUMENT, IT IS  
28 A SUBPOENA FOR DEPOSITION.

1 MR. BARENS: RELEVANCY ON THE SUBPOENA.

2 THE COURT: I DON'T KNOW YET WHAT IT IS.

3 MR. BARENS: I DON'T THINK ANY LITIGATION WOULD BE  
4 RELEVANT HERE.

5 THE COURT: I DON'T KNOW WHAT IT IS YET.

6 MR. BARENS: WELL, IT STARTS WITH A SUBPOENA. IT PROBABLY  
7 HAS SOME LAWYER STUFF THAT FOLLOWS.

8 Q BY MR. WAPNER: ARE THERE SOME DOCUMENTS IN THIS  
9 FILE THAT HAVE TO DO WITH APPARENTLY COMMODITY TRADING THAT  
10 HAPPENED IN ILLINOIS, DO YOU SEE THAT?

11 A OH, I DIDN'T KNOW YOU WERE SPEAKING TO ME.

12 THE COURT: WHAT IS THE RELEVANCY OF THAT IN THIS MATTER?

13 MR. WAPNER: ONLY THAT THEY HAVE MR. HUNT'S NAME ON  
14 THEM, YOUR HONOR.

15 THE COURT: OH, I DON'T THINK THAT HAS ANY RELEVANCY.  
16 IF THERE IS AN OBJECTION TO IT, I WILL SUSTAIN THE OBJECTION.

17 MR. BARENS: I OBJECT TO THAT BOTH ON RELEVANCY AND  
18 ON HEARSAY ON THE DOCUMENTS.

19 MR. WAPNER: MAY I MAKE AN OFFER OF PROOF BRIEFLY?

20 THE COURT: YES.

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1 MR. BARENS: WHY NOT BRING THE PAPERS AROUND SO WE CAN  
2 SEE?

3 MR. WAPNER: ALL RIGHT. ANOTHER GOOD SUGGESTION.

4 MR. BARENS: I THOUGHT SO, A GOOD ONE.

5 (THE FOLLOWING PROCEEDINGS WERE HELD  
6 AT THE BENCH:)

7 THE COURT: YES. WHAT IS YOUR OFFER OF PROOF?

8 MR. WAPNER: YOUR HONOR, THERE WAS A PREVIOUS OBJECTION  
9 THAT THERE WAS NO CONNECTION BETWEEN MR. HUNT AND THIS BAG  
10 SO NOW -- WAIT A MINUTE, PLEASE, COUNSEL --

11 MAY THE RECORD REFLECT THAT COUNSEL, AS I AM TRYING  
12 TO SPEAK, PULLED OUT A PAPER AND IS TRYING TO SHOW IT TO THE  
13 COURT? AND THAT PAPER, OF COURSE, HAS MR. DOSTI'S NAME ON  
14 IT.

15 THE POINT IS THAT THERE ARE SEVERAL THINGS IN  
16 HERE THAT BEAR MR. HUNT'S NAME.

17 I DON'T CARE IF THE CONTENTS OF THESE DOCUMENTS  
18 ARE ADMITTED AND I DON'T EVEN CARE IF THE DOCUMENTS ARE  
19 ADMITTED.

20 THE POINT IS THAT IT IS TO CONNECT UP MR. HUNT  
21 WITH THESE BOOKS, WHICH IT IS NOW GOING TO BE ALLEGED HAD  
22 NOTHING TO DO WITH HIM AND IF THEY ARE NOW IN A BAG THAT,  
23 AMONG OTHER THINGS, HAS DOCUMENTS WITH MR. HUNT'S NAME ON  
24 THEM, THEN I THINK THAT THAT IS RELEVANT TO CONNECT IT.

25 IT MAY NOT BE GROSSLY PROBATIVE IN TERMS OF HOW  
26 IT CONNECTS IT UP BUT THE FACT THAT IN THE SAME ITEM HE HAS  
27 THINGS WITH MR. HUNT'S NAME ON IT, I THINK IS RELEVANT.

28 THE COURT: I THINK THE EVIDENCE HAS CONCLUSIVELY

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1 ESTABLISHED THAT PITTMAN HAD CONNECTIONS WITH THIS BBC, DIDN'T  
2 HE? WE HAVE ALREADY HAD ABUNDANT TESTIMONY THAT THEY WERE  
3 ASSOCIATED TOGETHER, THEY WERE SEEN TOGETHER IN THE OFFICE  
4 AND EVERYTHING ELSE. I DON'T KNOW THAT WE NEED THIS  
5 PARTICULARLY.

6 MR. WAPNER: YOUR HONOR, I ANTICIPATE THAT COUNSEL WILL  
7 MAKE THE SAME ARGUMENT TO THE JURY THAT HE HAS MADE TO THE  
8 COURT IN THIS LAST OBJECTION, WHICH IS, "GEE, PITTMAN HAS  
9 THIS BAG AND POOR MR. HUNT HAD NO CONNECTION WITH THIS AT  
10 ALL."

11 AND SO TO THE EXTENT THAT THERE ARE ITEMS IN HERE  
12 THAT HAVE MR. HUNT'S NAME ON THEM AND THINGS LIKE THAT, I  
13 THINK THAT THEY ARE RELEVANT.

14 MR. BARENS: YOUR HONOR --

15 THE COURT: WHY CLUTTER UP THE ENTIRE RECORD WITH A  
16 BUNCH OF PAPERS THAT YOU HAVE ALREADY CHARACTERIZED ONE  
17 OF THE FOLDERS AS A TRADING -- YOU SAID TRADING IN ILLINOIS  
18 BY MR. HUNT, HAVEN'T YOU ALREADY TOLD US THAT?

19 MR. BARENS: YOUR HONOR, NOT TO MENTION, YOUR HONOR,  
20 THE FACT THAT I HAVE SOME PAPERWORK IN MY BRIEFCASE RIGHT  
21 NOW FROM A LAW FIRM THAT I HAVE NOTHING TO DO WITH. IT DOESN'T  
22 MEAN TO PROVE THAT THAT LAW FIRM EVEN KNOWS I AM ALIVE.

23 I DON'T SEE HOW THE FACT THAT HE HAD PAPERWORK  
24 THAT HAS HUNT'S NAME ON IT IS --

25 THE COURT: I PERMITTED THESE BOOKS WHICH PITTMAN HAD  
26 AND SO FORTH. I CAN UNDERSTAND THE RELEVANCY OF THAT BUT  
27 I DON'T THINK, BECAUSE HE HAS SOME PAPERS BELONGING TO HUNT,  
28 THAT ALL OF THESE PAPERS SHOULD GO INTO EVIDENCE.

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1 MR. WAPNER: I AM NOT SUGGESTING THAT THEY SHOULD  
2 NECESSARILY GO INTO EVIDENCE. BUT I DO THINK THAT THERE IS  
3 SOME RELEVANCY TO AT LEAST TO BE ABLE TO EXAMINE THE WITNESS  
4 ABOUT THAT.

5 THE COURT: WHICH WITNESS DO YOU WANT TO EXAMINE? DO  
6 YOU WANT TO EXAMINE HIM ABOUT PAPERS THAT WERE FOUND BELONGING  
7 TO THE DEFENDANT, BELONGING TO HUNT?

8 MR. BARENS: WE DON'T KNOW HOW HE COMES INTO POSSESSION  
9 OF THESE PAPERS.

10 THE COURT: IS THERE ANYTHING AMONGST THESE PAPERS WHICH  
11 HAS ANY BEARING ON ANY ELEMENT OF THE OFFENSE HERE?

12 I CAN UNDERSTAND THE "HIT MAN" BUT I CAN'T  
13 UNDERSTAND THE RELEVANCY OF THE OTHER STUFF.

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1 MR. WAPNER: THE ONLY OFFER OF PROOF WAS A CONNECTION  
2 BETWEEN MR. HUNT AND THE DEFENDANT. THE MATTER IS  
3 SUBMITTED.

4 THE COURT: WELL, WE KNOW THERE IS A CONNECTION  
5 BETWEEN THE TWO OF THEM. OBVIOUSLY, HE IS AROUND THE  
6 OFFICE ALL THE TIME, TOO. HE IS ONE OF THE BBC BOYS.

7 MR. WAPNER: WELL, I WILL SUBMIT THE MATTER, YOUR  
8 HONOR.

9 THE COURT: ALL RIGHT. I WILL SUSTAIN THE OBJECTION.

10 MR. BARENS: THANK YOU, YOUR HONOR.

11 (THE FOLLOWING PROCEEDINGS WERE HELD IN  
12 OPEN COURT IN THE PRESENCE AND HEARING OF  
13 THE JURY:)

14 Q BY MR. WAPNER: YOU TOOK THE BAG AND ALL THE  
15 BOOKS THAT WERE CONTAINED IN THAT AND BOOKED IT INTO  
16 EVIDENCE AT THE POLICE DEPARTMENT, CORRECT?

17 A YES, SIR.

18 Q AND DID YOU BRING THAT BAG AND ITS CONTENTS  
19 WITH YOU TO COURT WHEN YOU WERE HERE FOR ANOTHER -- TO  
20 TESTIFY IN ANOTHER OCCASION?

21 A NO. I TOOK IT TO BEVERLY HILLS MUNICIPAL COURT.

22 Q AND IT WAS LEFT IN THE CUSTODY OF THE COURT  
23 THERE?

24 A YES, SIR.

25 Q AND IS IT YOUR UNDERSTANDING THAT IN THE NORMAL  
26 COURSE OF -- WELL, WAS THERE A PRELIMINARY HEARING HELD?

27 A YES.

28 Q AND THEN, ONCE THE EVIDENCE WAS ADMITTED IN

1 THE PRELIMINARY HEARING, IT IS TRANSFERRED FROM THE  
2 MUNICIPAL COURT OVER TO THE CUSTODY OF THE SUPERIOR COURT?

3 A YES, SIR.

4 Q DID MR. PITTMAN HAVE A WALLET ON HIM AT THE  
5 TIME HE WAS ARRESTED?

6 A YES, HE DID.

7 Q WHAT DID YOU DO, IF ANYTHING, WITH THAT WALLET?

8 A I THINK I INSPECTED IT AND REMOVED CERTAIN  
9 ITEMS FROM IT THAT I FELT MIGHT BE RELEVANT.

10 Q AND DID YOU PUT THOSE INTO EVIDENCE AT THE  
11 BEVERLY HILLS POLICE DEPARTMENT ALSO?

12 A YES, I DID.

13 Q AND AT THE TIME THAT YOU HAD THIS ARREST WARRANT,  
14 IT WAS FOR A PERSON BY THE NAME OF PITTMAN?

15 A JAMES PITTMAN.

16 Q AND WHEN YOU TOOK THE CONTENTS OF HIS WALLET,  
17 DID HE HAVE CARDS AND IDENTIFICATION IN SOME OTHER NAME?

18 A YES, SIR. I BELIEVE HE HAD SOME ITEMS IN THE  
19 NAME OF GRAHAM.

20 HE HAD A GASOLINE CARD IN ANOTHER NAME.

21 Q WAS IT IN THE NAME OF DEAN KARNY?

22 A YES.

23 Q IT WAS A GASOLINE CREDIT CARD?

24 A YES, SIR.

25 Q SHOWING YOU AN ITEM THAT WE HAVE PREVIOUSLY MARKED  
26 AS 68 FOR IDENTIFICATION --

27 MR. BARENS: I HAVE A RELEVANCY OBJECTION, YOUR HONOR,  
28 TO THE CONTENTS OF MR. PITTMAN'S WALLET, OTHER THAN THAT

1           THEY ARE THE CONTENTS OF HIS WALLET.

2                       I DON'T KNOW WHERE WE ARE GOING WITH IT.

3           THE COURT:   WHAT ARE YOU TRYING TO INTRODUCE?

4           MR. WAPNER:   JUST ONE CARD OF MR. GRAHAM'S THAT HAS  
5           SOME WRITING ON IT.

6           THE COURT:   ALL RIGHT.

7           MR. WAPNER:   THAT I BELIEVE IS RELEVANT TO THE CASE.

8           THE COURT:   ALL RIGHT.

9           MR. BARENS:   WE WILL WITHDRAW THE OBJECTION TO THE  
10          CARD THAT IS IN QUESTION.

11          Q           BY MR. WAPNER:   SHOWING YOU PEOPLE'S 86, DO  
12          YOU RECOGNIZE WHAT THAT IS?

13          A           YES.   IT IS A WHITE, BUSINESS-SIZE ENVELOPE OF  
14          THE BEVERLY HILLS POLICE DEPARTMENT THAT THEY MAIL LETTERS  
15          IN.

16                       I PLACED THE ITEMS FROM MR. PITTMAN'S WALLET  
17          OF EVIDENTIAL VALUE THAT WERE IN IT.   IT IS CALLED ITEMS 20  
18          TO 34. IT HAS GOT MY NAME AND BADGE NUMBER ON IT OR INITIALS  
19          AND BADGE NUMBER ON IT.

20          Q           IS THERE A CARD IN THERE OF MR. PITTMAN'S THAT  
21          HAS THE NAME "JIM GRAHAM" ON IT?

22          A           YES, SIR.

23          Q           ALL RIGHT.   AND WHAT DOES IT SAY ON THERE?

24          A           IT SAYS, "FOR PERSONAL SERVICE OR COMMERCIAL  
25          SERVICE.   YOU ARE IN GOOD HANDS.   JIM GRAHAM, PROFESSIONAL  
26          BODYGUARD.   FOR APPOINTMENT CALL 213 397-4112, 9:00 A.M.  
27          TO 8:00 P.M., MARINA DEL REY, CALIFORNIA.   GUN PERMIT.  
28          FIFTH DEGREE BLACK BELT, TAE KWON DO.   SECOND DEGREE BLACK

1 BELT, KEMPO." ON THE REAR, IT HAS GOT SEVERAL PHONE  
2 NUMBERS.

3 MR. WAPNER: THANK YOU. I DON'T HAVE ANYTHING FURTHER.  
4 WOULD THIS BE AN APPROPRIATE TIME?

5 THE COURT: I THINK WE'LL TAKE A RECESS.

6 LADIES AND GENTLEMEN, WE WILL TAKE A 15-MINUTE  
7 RECESS. THANK YOU.

8 (RECESS.)

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1 (THE FOLLOWING PROCEEDINGS WERE HELD  
2 IN CHAMBERS WITH MR. BARENS AND  
3 MR. WAPNER BEING PRESENT:)

4 MR. BARENS: A COUPLE OF THINGS, YOUR HONOR. IN  
5 ANTICIPATION OF MR. KARNY'S TESTIMONY, I WANTED TO GET A CLEAR  
6 UNDERSTANDING ABOUT SOMETHING IN MY MIND, YOUR HONOR.

7 YOUR HONOR, ASSUMING THE DEFENSE DOES NOT GET  
8 INTO THE SAN FRANCISCO IMMUNITY SETTING, IS IT MY UNDERSTANDING  
9 THEN THAT YOUR HONOR IS NOT GOING TO PERMIT TESTIMONY ABOUT  
10 THAT CASE? IF I DON'T GET INTO IT?

11 THE COURT: I DON'T KNOW WHAT YOU MEAN.

12 MR. BARENS: WELL, OBVIOUSLY, I DON'T WANT THIS JURY  
13 TOLD ABOUT THAT CASE.

14 THE COURT: WELL, YOU DID TELL THEM ABOUT IT ALREADY.

15 MR. BARENS: DO YOU MEAN TO SAY THAT IN MY OPENING  
16 ARGUMENT I MADE REFERENCE TO THE FACT THAT MR. KARNY HAS  
17 IMMUNITY ON ANOTHER MATTER?

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1 MR. WAPNER: HE CALLED HIM A MURDERER, I BELIEVE.

2 THE COURT: THAT'S RIGHT.

3 MR. BARENS: I DID CALL HIM A MURDERER, YOUR HONOR,  
4 THERE IS NO QUESTION.

5 I DON'T BELIEVE I GOT INTO DEFINING THE PARAMETERS  
6 OF THAT, YOUR HONOR.

7 THE COURT: HE SAID, "KARNY IS A WELL-REHEARSED,  
8 PROFESSIONAL WITNESS. A WITNESS WHO IS HERE PURSUANT TO AN  
9 IMMUNITY GRANT."

10 AND THEN YOU DESCRIBE WHAT AN IMMUNITY GRANT IS.

11 "NOW, THEY HAVE LET DEAN KARNY GO  
12 FROM A MURDER HE ADMITS HE COMMITTED IN THE BAY  
13 AREA."

14 HOW ARE THEY GOING TO WIPE THAT OUT OF THEIR MINDS?

15 MR. BARENS: OKAY --

16 THE COURT: (READING:)

17 "THE EVIDENCE WILL SHOW THAT DEAN KARNY  
18 WOULD NEVER TELL THE TRUTH TO THE POLICE FOR ANY  
19 REASON UNTIL FIRST, HE GETS HIS LAWYER TO GO TO THE  
20 POLICE AND THEN RUNS THIS STORY BY THE POLICE ON  
21 JOE HUNT AND SAYS LET'S MAKE A DEAL. IF YOU  
22 WILL LET ME OFF THE MURDER IN SAN FRANCISCO, I WILL  
23 GO AS MANY PLACES AS YOU WANT AND TELL THIS STORY,  
24 TELL IT EXACTLY.

25 "AND THEY SAY TO HIM, NOT ONLY ARE WE  
26 GOING TO" --

27 I DON'T KNOW WHERE YOU GET THIS FROM.

28 "AND THEY SAY TO HIM, NOT ONLY ARE WE

1 GOING TO LET YOU GO, BUT WE ARE GOING TO MAKE SURE  
2 YOU GET ADMITTED TO THE STATE BAR OF CALIFORNIA, SO  
3 YOU CAN BE A LAWYER."

4 MR. BARENS: CAN I RESPOND TO THAT?

5 THE COURT: HOW CAN THE POLICE DO ANYTHING ABOUT GETTING  
6 HIM ADMITTED TO -- IN CALIFORNIA AS A LAWYER?

7 MR. BARENS: THE DEAL UP THERE, WHICH JUDGE MILLER EVEN  
8 RAISED UP AND FOUND UNBELIEVABLE DURING KARNY'S TESTIMONY,  
9 AND MR. VANCE CONFIRMED THAT PART OF THE PACKAGE WAS THAT  
10 THEY WOULD TAKE CERTAIN ACTION ON BEHALF OF MR. KARNY IN TERMS  
11 OF THE STATE BAR.

12 THE COURT: I DON'T KNOW HOW THEY CAN, HOW THE STATE  
13 BAR WOULD PAY ANY ATTENTION TO THEM.

14 MR. BARENS: I THOUGHT IT WAS INCREDIBLE MYSELF.

15 THE COURT: (READING:)

16 "NOT ONLY DID YOU GET OFF A MURDER  
17 YOU ADMIT YOU DID, BUT YOU GET TO BECOME A LAWYER,  
18 A REWARD."

19 THAT IS IN YOUR OPENING STATEMENT.

20 MR. BARENS: IN SAN FRANCISCO, I DID COMMENT DURING  
21 THE PROCEEDINGS UP THERE THAT I FOUND THAT UNBELIEVABLE.

22 THE COURT: HOW CAN YOU ELIMINATE THAT FROM THE MINDS  
23 OF THE JURY?

24 MR. WAPNER: YOUR HONOR, I HAVEN'T ACTUALLY EVEN ATTEMPTED  
25 TO ADDRESS IN MY OWN MIND HOW WE ARE GOING TO ELIMINATE THAT  
26 FROM THE MINDS OF THE JURY.

27 THE COURT: WHAT IS IT YOU SUGGEST?

28 MR. WAPNER: MR. BARENS CAUGHT ME COMPLETELY OFF GUARD.

1 HE SAID "WOULD YOU COME INTO CHAMBERS? I HAVE SOMETHING I  
2 WANT TO DISCUSS."

3 AND AS THE COURT NOTED YESTERDAY, IN PREPARING  
4 FOR WITNESSES WHO COME IN DAY AFTER DAY, THERE IS NOT A WHOLE  
5 LOT OF EXTRA TIME SO I DON'T HAVE A SUGGESTION AT THIS POINT.  
6 I PROBABLY --

7 MR. BARENS: LET'S DELAY THIS. I AM HAPPY TO DELAY  
8 IT. I AM SORRY I DID NOT GIVE MR. WAPNER THE APPROPRIATE  
9 COURTESY PRIOR TO THIS DISCUSSION AND I FEEL WE SHOULD DELAY  
10 THE DISCUSSION UNTIL WE HAVE A CHANCE TO DISCUSS THE MECHANICS.

11 THE COURT: ALL RIGHT.

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1 MR. BARENS: LET'S BELAY THIS.

2 THE COURT: AS LONG AS WE ARE HERE, I DON'T KNOW WHEN  
3 WE ARE GOING TO CALL KARNY. BUT WE HAVE GOT TO MAKE SOME  
4 DISPOSITION OF THAT ORDER WITH RESPECT TO BLOCKING OUT HIS  
5 FACE.

6 MR. WAPNER: I KNOW, YOUR HONOR, AND I HAVE TRIED  
7 YESTERDAY AFTERNOON AT THE COURT'S REQUEST AND THIS MORNING,  
8 TO DO WHAT I COULD DO TO GET AS MUCH INFORMATION ABOUT HOW  
9 THE PROCEDURE WORKS AND THEN DRAFT AN APPROPRIATE ORDER.

10 MY OBJECTIONS TO THE ORDER THAT WAS PROPOSED ARE  
11 IN THE NATURE OF IT NOT PROVIDING SUFFICIENT SAFEGUARDS BECAUSE  
12 IT IS NOT DETAILED ENOUGH.

13 I WILL TELL YOU THE GENERAL THINGS THAT I HAVE  
14 IN MIND. THE PROCEDURE INITIALLY WAS EXPLAINED TO ME THAT  
15 WE TAKE A VIDEOTAPE AND THEN WE GO TO THE STATION AND THEY  
16 COPY THE VIDEOTAPE AND THEN ON THE COPY, THEY TAKE WHATEVER  
17 ELECTRONIC MEANS THEY THEN ALTER THE COPY.

18 AND ALSO, THE COURT IS AWARE THAT THEY HAVE BEEN  
19 DOING A POOL FEED, WHICH MEANS THAT ALTHOUGH THERE IS ONE  
20 CAMERA IN THE COURTROOM, THE WIRES GO OUT INTO THE HALL AND  
21 THEY HAVE A LITTLE BOX THERE WITH SEVERAL JACKS IN IT, AS  
22 MANY DIFFERENT STATIONS AS WANT TO, CAN PLUG IN THEIR JACKS  
23 TO THIS BOX.

24 INSTEAD OF PRODUCING ONE, ORIGINAL TAPE EVERY  
25 DAY, IT PRODUCES SEVEN ORIGINAL TAPES OR EIGHT, DEPENDING  
26 UPON HOW MANY PEOPLE WANT IT.

27 I THINK IN THE INSTANCE OF THIS WITNESS, THAT  
28 PROCEDURE CREATES A SECURITY PROBLEM BECAUSE IF YOU HAVE

2-2 1 SEVEN OR EIGHT ORIGINALS FLOATING AROUND, IT IS A PROBLEM.

2 THE COURT: WHAT DID THEY TELL YOU HOW THEY COULD TAKE  
3 CARE OF IT?

4 MR. WAPNER: WELL, THEY -- THERE HAVE BEEN A COUPLE  
5 OF DIFFERENT WAYS PROPOSED. THE PROBLEM IS, YOU HAVE TO GET  
6 ALL OF THE DIFFERENT NEWS MEDIA TO AGREE.

7 ONE WAY, PERHAPS THE BEST WAY TO TAKE CARE OF  
8 IT, I THINK THERE IS A PROCEDURE WHERE THEY CAN PUT A  
9 SCRAMBLING DEVICE BETWEEN THE CAMERA WHICH TAKES THE IMAGE  
10 AND THE TAPE WHICH RECORDS IT.

11 SO THAT THE ACTUAL, ORIGINAL THAT THEY GET, IS  
12 ALTERED AND THERE NEVER IS A GOOD ORIGINAL.

13 IF THAT CAN BE DONE TO MY SATISFACTION, THEN I  
14 THINK THAT IS THE BEST WAY. BUT AS I TOLD THE COURT YESTERDAY,  
15 I WANT TO SEE WHAT THAT MEANS. I DISCUSSED THE PROCEDURE  
16 WITH THE WITNESS AND --

17 THE COURT: WELL, SUPPOSE THEY DO WHAT YOU SUGGEST?  
18 SUPPOSE THEN THAT THEY TAKE HIS PICTURE ONLY FROM THE NECK  
19 DOWN.

20 MR. WAPNER: WELL, TO TELL THE TRUTH, I THINK THAT THE  
21 SCRAMBLING IDEA IS BETTER, ONLY BECAUSE IF THEY ARE TAKING  
22 IT ONLY FROM THE NECK DOWN, THEN WE ARE KIND OF RELYING ON  
23 HUMAN ERROR.

24 ALTHOUGH, I GUESS THAT WE WILL HAVE TO HAVE THAT  
25 MONITORED. EVEN WITH THIS STUFF, WE HAVE TO BE MONITORING  
26 IT.

27 THE COURT: WELL, IF THEY SAY THEY CAN DO IT, WHY DON'T  
28 YOU DO IT THAT WAY?

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1 MR. WAPNER: TO TAKE IT ONLY FROM THE NECK DOWN OR  
2 THE SCRAMBLING?

3 THE COURT: WELL, LET THEM SCRAMBLE IT, THEN.

4 MR. WAPNER: WELL, WHAT I HAVE TRIED TO DO IS, GET THE  
5 PEOPLE FROM CNN, CABLE NEWS NETWORK, TO COME IN TOMORROW  
6 MORNING, EARLY, LIKE MAYBE 9:30 AND TRY TO DEMONSTRATE THIS  
7 PROCEDURE FOR ME SO THAT --

8 THE COURT: YOU MEAN THE SCRAMBLING?

9 MR. WAPNER: RIGHT, PUT A WITNESS ON THE WITNESS STAND  
10 AND TAKE HIS PICTURE WITH THE SCRAMBLING DEVICE THERE AND  
11 LET ME SEE WHAT IT LOOKS LIKE.

12 AND IF THAT IS SATISFACTORY, THEN I WILL DRAFT  
13 AN ORDER TO THAT EFFECT. IF IT IS NOT, THEN THE OTHER  
14 PROCEDURE -- THERE MIGHT HAVE TO BE SOME OTHER PROCEDURE.

15 THE COURT: AND THEN GET AN AGREEMENT FROM ALL OF THE  
16 MEDIA, ELECTRONIC MEDIA THAT THEY WILL NOT SHOW HIS FACE.

17 MR. WAPNER: THIS IS WHAT I AM CONCERNED ABOUT JUDGE.  
18 IF WE GET AN UNALTERED -- I MEAN, AN ALTERED ORIGINAL, SO  
19 THERE NEVER IS A GOOD COPY AND THEY ALTER IT IN SUCH A WAY  
20 THAT I AM SATISFIED AND THE COURT IS SATISFIED THAT THEY ARE  
21 REALLY DOING WHAT THEY SAY -- IN OTHER WORDS, I AM SORRY.  
22 I HAVE TOO MANY THOUGHTS IN MY HEAD AT ONE TIME.

23 IF WE CAN DO THAT AND GET A SCRAMBLED ORIGINAL,  
24 THEN I DON'T THINK WE HAVE TOO MUCH OF A PROBLEM. BUT, LET'S  
25 SAY THAT THEY DEMONSTRATE THIS TECHNIQUE AND ALTHOUGH THEY  
26 SAY THEY ALTER IT, WHEN YOU LOOK AT IT, YOU CAN REALLY TELL  
27 A LOT ABOUT THE PERSON. THEN --

28 THE COURT: WELL, YOU SEE IT. IF IT IS TO YOUR

8-4

1 SATISFACTION, IT WILL BE ALL RIGHT WITH ME.

2 MR. WAPNER: OKAY. THE SECURITY PROBLEM I AM WORRIED  
3 ABOUT JUDGE, IS WHAT HAPPENS IF THERE IS A GOOD COPY FLOATING  
4 AROUND OUT THERE AND SOMEBODY DECIDES THEY CAN MAKE A BUCK  
5 OFF OF THIS AND THEY SOMEHOW DISHONESTLY GET AHOLD OF THIS.  
6 THEN THERE IS A BIG PROBLEM.

7 SO WHAT I WAS TRYING TO DO IS, DRAFT AN ORDER  
8 THAT WOULD COVER THOSE TYPES OF CONTINGENCIES.

9 UNTIL I KNOW WHAT THE PROCEDURE IS THAT THEY ARE  
10 GOING TO USE, I CAN'T REALLY DRAW UP THE ORDER. SO, THIS  
11 IS WHAT I AM SUGGESTING --

12 THE COURT: WHEN DOES THIS HAVE TO BE DONE? DON'T TELL  
13 ME NOW, THEN. GIVE ME AN IDEA AS TO WHEN THIS THING WILL  
14 BE ACCOMPLISHED.

15 MR. WAPNER: WELL, WHAT I AM HOPING TO DO, IS TO HAVE  
16 THE DEMONSTRATION TOMORROW AND HAVE AN ORDER PREPARED SO THAT  
17 THE COURT CAN DO IT ON FRIDAY.

18 THE COURT: ALL RIGHT.

19 MR. WAPNER: IT WON'T BE NECESSARY TO HAVE IT DONE BY  
20 THIS AFTERNOON.

21 THE COURT: ALL RIGHT. THEY CAN WORK ON IT. WE CAN  
22 HAVE A DEMONSTRATION IN HERE ON FRIDAY.

23 MR. WAPNER: WELL, THE BEST THING TO DO --

24 THE COURT: COUNSEL DON'T HAVE TO BE HERE.

25 MR. WAPNER: WELL, THE BEST THING WOULD BE TO DO THE  
26 DEMONSTRATION ON THURSDAY, SO THAT I CAN SEE IT AND THEN ON  
27 THURSDAY PERHAPS --

28 THE COURT: DO IT ANY TIME. I DON'T CARE. ALL RIGHT.  
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LET'S GO OFF THE RECORD.

(OFF THE RECORD DISCUSSION WAS  
HELD.)

1 (THE FOLLOWING PROCEEDINGS WERE HELD  
2 IN OPEN COURT IN THE HEARING AND  
3 PRESENCE OF THE JURY:)

4 THE COURT: ALL RIGHT. ANY FURTHER QUESTIONS?

5 MR. WAPNER: NO.

6 MR. BARENS: DO YOU WANT TO APPROACH?

7 MR. WAPNER: AND FIGURE OUT HOW TO DO IT?

8 MR. BARENS: COULD WE APPROACH FOR A MOMENT?

9 (THE FOLLOWING PROCEEDINGS WERE HELD  
10 AT THE BENCH OUTSIDE THE HEARING OF  
11 THE JURY:)

12 THE COURT: YES?

13 MR. BARENS: YOUR HONOR, WITH REFERENCE TO THE TESTI-  
14 MONEY THAT CAME OUT ABOUT THAT ENVELOPE THAT SAID "JOE  
15 HUNT" ON IT, I WOULD LIKE -- I AM CONCERNED ABOUT THE  
16 JURY'S IMPRESSION ON THAT. I BELIEVE MR. WAPNER WOULD BE  
17 WILLING TO STIPULATE WITH ME THAT THAT WAS NOT IN MR. HUNT'S  
18 HANDWRITING.

19 THE COURT: ALL RIGHT.

20 MR. WAPNER: SURE, THAT IS FINE.

21 THE COURT: ALL RIGHT.

22 MR. BARENS: THANK YOU.

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

26 THE COURT: IT WILL BE STIPULATED THAT THE ENVELOPE  
27 WHICH WAS EXHIBITED WHICH HAD THE WORDS JOE HUNT ON THERE,  
28 IT WILL BE STIPULATED IT WAS NOT IN JOE HUNT'S HANDWRITING?

1 MR. WAPNER: SO STIPULATED.

2 THE COURT: SO STIPULATED?

3 MR. BARENS: SO STIPULATED, EXCEPT I BELIEVE IT IS  
4 "J. O."

5 THE COURT: "J. O.," NOT JOE.

6 MR. BARENS: THAT IS CORRECT, YOUR HONOR.

7

8

CROSS-EXAMINATION

9

BY MR. BARENS:

10

Q OFFICER EDHOLM, DO YOU HAVE AN AREA OF  
11 SPECIALIZATION?

12

MR. WAPNER: EXCUSE ME, COUNSEL. IT IS EDMONDS.

13

14

Q BY MR. BARENS: EDMONDS, ALL RIGHT, DO YOU HAVE  
AN AREA OF SPECIALIZATION, SIR?

15

A NOT ACTUALLY.

16

17

I AM A SUPERVISOR AND A DETECTIVE. IN THE  
DETECTIVES, I HAVE WORKED EVERYTHING EXCEPT FORGERY.

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Q NOW, PRIOR TO THE TIME YOU WENT TO TAKE MR.  
PITTMAN INTO CUSTODY, DID YOU HAVE SOME DISCUSSION WITH  
PEOPLE ABOUT WHAT YOU WOULD LIKELY ENCOUNTER WITH THIS  
INDIVIDUAL?

22

A YES.

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Q AND WERE YOU TOLD THAT, YOU KNOW, HE WOULD  
LIKELY PUT UP A FIGHT AND BE A ROUGH CUSTOMER OR WORDS TO  
THAT EFFECT?

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A WE WERE TOLD THAT HE WAS TRAINED IN MARTIAL  
ARTS AND THAT THERE WAS LIKELIHOOD THAT HE MIGHT BE ARMED.

1 Q AND WHEN YOU TOOK HIM INTO CUSTODY SIR, HE  
2 DID NOT RESIST OR FIGHT WITH YOU?

3 A NO, SIR.

4 Q HE DIDN'T WITH YOU OR ANY OTHER OFFICERS THAT  
5 WERE PRESENT?

6 A NO, SIR.

7 Q AND AT THAT TIME, DID YOU OR ANY OTHER OFFICER  
8 TO YOUR KNOWLEDGE, PERFORM A FRISK ON MR. PITTMAN?

9 A YES. WE DID.

10 Q COULD YOU DESCRIBE WHAT HAPPENS WHEN YOU FRISK  
11 SOMEBODY, SIR?

12 A HE WAS -- THIS INDIVIDUAL WAS PRONED OUT ON HIS  
13 STOMACH WITH HIS ARMS OUT AND HIS LEGS OUT AT ROUGHLY A  
14 45-DEGREE ANGLE, WITH HIS HEAD TURNED I BELIEVE TO HIS LEFT.  
15 AND THE OFFICERS SLIGHTLY STRADDLED HIM AND FELT THE  
16 OBVIOUS AREAS WHERE A GUN MIGHT BE CONCEALED LIKE IN THE  
17 SHOULDER, IF IT WERE TO BE A SHOULDER RIG OR THE WAISTBAND,  
18 IF IT WERE TO BE A HANDGUN IN THE WAISTBAND, WHICH IS USUALLY  
19 WHERE GUNS ARE CONCEALED.

20 IT COULD BE THE SMALL OF THE BACK OR THE LEFT  
21 OR THE RIGHT SIDE OF THE ABDOMEN. SO THEY HAVE CHECKED THAT  
22 AND THE ANKLES, IN THE EVENT SOMEBODY IS CARRYING AN ANKLE  
23 HOLSTER OR THE GROIN AREA IN CASE THEY HAVE THE GUN INSIDE  
24 THEIR PANTS.

25 Q SO, IT IS BASICALLY A PAT-DOWN ON BOTH SIDES  
26 OF THE BODY, THE LEGS AND ET CETERA, LOOKING FOR WEAPONS,  
27 SIR?

28 A IT IS A LITTLE MORE THAN A PAT-DOWN. IT IS AN



1 ACTUAL -- YOU JUST RUN YOUR HANDS DOWN AND MAKE SURE THERE  
2 IS NOTHING THERE. YES, SIR.

3 Q DID YOU FIND MR. PITTMAN'S WALLET DURING THAT  
4 ACTIVITY?

5 A WE FELT IT.

6 Q AND SO, IT WOULD BE NOTICEABLE WHEN I AM DOING  
7 A FRISK, WOULD IT NOT, SIR, THAT THERE WAS A BULGE OF A  
8 WALLET AND THAT I WOULD REMOVE IT IF I WERE AN OFFICER?

9 A NOT NECESSARILY.

10 Q DID YOU, IN THIS INSTANCE?

11 A NO.

12 Q HOW DID THAT HAPPEN?

13 A BECAUSE WE COULD TELL THAT IT WAS NOT A HANDGUN.  
14 IT WAS A WALLET.

15 Q DID YOU HAVE IT REMOVED AT THAT TIME?

16 A I DON'T BELIEVE SO.

17 Q HOW DID YOU GET POSSESSION OF THE WALLET, SIR?

18 A WELL, AFTER HE WAS PATTED DOWN, HE WAS HANDCUFFED  
19 AND HE WAS STOOD UP. AND THE WALLET I BELIEVE, WAS REMOVED  
20 AT THAT TIME.

21 Q AND SO, THE WALLET HAD BEEN DISCOVERED AND  
22 REMOVED BY THAT POINT AND THEN IT WAS REMOVED?

23 A YES. IT WAS PULLED OUT AND EXAMINED TO MAKE  
24 SURE THAT IT WAS NOT A WALLET GUN, WHICH I AM SURE YOU  
25 ARE FAMILIAR WITH, A WALLET HOLSTER.

26 Q RIGHT. OKAY. NOW, YOU THEN HAD THIS BAG AT  
27 THE SCENE THAT YOU TOOK POSSESSION OF?

28 A YES, SIR.

1 Q AND DID YOU EVER CAUSE THE BOOKS THAT YOU HAVE  
2 MADE REFERENCE TO THAT WERE FOUND IN THE BAG, TO BE  
3 FINGERPRINTED, SIR?

4 A NO, SIR.

5 Q WAS THERE ANY PARTICULAR REASON WHY YOU DIDN'T  
6 FINGERPRINT THE BOOKS?

7 A NO. ACTUALLY, THERE WAS NOT. I FELT THAT  
8 THEY PROBABLY WERE -- SINCE THEY WERE IN THE BAG, I THOUGHT  
9 THAT THEY WERE PITTMAN'S BOOKS. SO I JUST DIDN'T --

10 THE COURT: YOU DIDN'T THINK THERE WAS ANY NECESSITY  
11 FOR FINGERPRINTING THEM? IS THAT IT?

12 THE WITNESS: NO.

13 THE COURT: ALL RIGHT. LET'S GET ON WITH IT.

14 Q BY MR. BARENS: ALL RIGHT. NOW, DID YOU NOTICE  
15 THAT IN NONE OF THOSE BOOKS YOU MADE REFERENCE TO, THERE  
16 IS ANY UNDERLINING TO BE FOUND AS TO ANY OF THE WORDS,  
17 SENTENCES, PASSAGES OR PARAGRAPHS?

18 A I NEVER READ THE BOOKS. I JUST THUMBED THROUGH  
19 THEM AND LOOKED IN THEM. I HAVE NO IDEA WHETHER THERE IS  
20 ANY HIGHLIGHTING OR NOT.

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1 Q AND LOOKING THROUGH THOSE BOOKS, WHY DON'T YOU  
2 FOR A MOMENT, SIR, AND TELL ME IF THERE IS ANY UNDERLYING  
3 AND HIGHLIGHTING?

4 THE COURT: WELL, HAVE HIM LOOK THROUGH IT, IT WILL  
5 SAVE A LOT OF TIME THAT WAY.

6 Q BY MR. BARENS: THANK YOU, YOUR HONOR.

7 DOES IT APPEAR TO YOU THAT AT LEAST TWO OF THE  
8 BOOKS APPEAR TO YOU TO BE NEW?

9 A THIS, I HAVE NO WAY OF KNOWING.

10 Q OKAY. AND LOOKING AT --

11 THE COURT: YOU MEAN NEW NOW OR NEW TWO YEARS AGO?

12 MR. BARENS: ACTUALLY NEW NOW. SO I PRESUME IF THEY  
13 ARE NEW NOW, THEY MUST HAVE BEEN NEWER THEN.

14 (LAUGHTER IN COURTROOM.)

15 THE COURT: AND TWO YEARS BEFORE THAT, TOO, IT MUST  
16 HAVE BEEN NEW ALSO.

17 MR. BARENS: IF ACTUALLY THEY WERE PUBLISHED THEN.

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

19 MR. BARENS: ALL RIGHT. I JUST THOUGHT WE SHOULD ALL  
20 NOTICE THE CONDITION OF THESE BOOKS.

21 Q THEY DON'T HAVE ANY PAGES FOLDED OR DOG-EARED  
22 OR ANYTHING, DO THEY?

23 A NO, THEY APPEAR TO BE IN GOOD CONDITION.

24 THE COURT: YOU CAN'T TELL WHETHER THEY HAVE BEEN READ  
25 OR NOT, CAN YOU?

26 THE WITNESS: NO, NO.

27 Q BY MR. BARENS: ACTUALLY, YOU CAN'T TELL IF THEY  
28 HAVE BEEN READ, CAN YOU?

1 THE COURT: IF THEY HAVEN'T BEEN READ, YOU CAN'T TELL,  
2 CAN YOU?

3 THE WITNESS: I CAN'T TELL IF THEY WERE OR WEREN'T.

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

5 Q BY MR. BARENS: IN ANY EVENT, DID YOU SEARCH  
6 PITTMAN'S HOUSE AT THAT POINT?

7 A NO, SIR.

8 Q DID ANYBODY?

9 A NOT TO MY KNOWLEDGE.

10 Q SO YOU DIDN'T HAVE A SEARCH WARRANT FOR HIS HOUSE?

11 A NO.

12 Q OKAY. DID YOU SEARCH THE VEHICLE?

13 A I DON'T BELIEVE SO.

14 I DIDN'T.

15 I DON'T HAVE ANY KNOWLEDGE OF THAT.

16 Q OKAY. NOW WITH REFERENCE TO WHAT WAS FOUND IN  
17 MR. PITTMAN'S WALLET, WHICH IS PART OF PEOPLE'S EXHIBIT 86,  
18 THERE IS A MASTERCARD HERE, SIR?

19 A YES, THERE IS.

20 Q AND WHOSE NAME IS THAT IN?

21 A JIM GRAHAM.

22 Q WHAT IS THE EXPIRATION DATE ON THAT?

23 A 4 OF '85.

24 Q AND GOING BACK TO THE CARD THAT YOU READ INTO  
25 EVIDENCE FOR US THAT SAYS "JIM GRAHAM, PROFESSIONAL BODYGUARD,"  
26 SIR?

27 A YES, SIR.

28 Q ON THAT, IS THERE AN ADDRESS OR LOCATION REFERRED

1 TO THERE?

2 A MARINA DEL REY, CALIFORNIA.

3 Q DID YOU HAVE ANY INFORMATION THAT LED YOU TO  
4 BELIEVE THAT AT THIS TIME MR. PITTMAN EITHER RESIDED IN  
5 MARINA DEL REY OR HAD AN OFFICE THERE?

6 A NO, I DIDN'T.

7 I KNEW THAT HE RESIDED IN 1394 MIDVALE, WAS THE  
8 ONLY ADDRESS I KNEW OF.

9 Q AND NO ONE HAD EVER TOLD YOU THAT AT ANY TIME  
10 DURING ALL OF THIS MATTER THAT HE LIVED IN OR WORKED IN  
11 MARINA DEL REY, DID THEY?

12 A WELL, I HEARD SUBSEQUENTLY THAT HE LIVED AT THE  
13 CITY -- MARINA CITY CLUB.

14 Q WHEN DID HE LIVE THERE?

15 A I DON'T KNOW.

16 I HEARD THAT AFTER HE WAS IN CUSTODY.

17 Q I SEE.

18 BUT NO ONE TOLD YOU HE LIVED IN THE MARINA DEL  
19 REY AT ANY OF THE TIME HE WAS INVOLVED WITH THE BBC, DID THEY?

20 A NO.

21 Q A MOMENT, YOUR HONOR.

22 OFFICER EDMONDS, ARE YOU ONE OF THE OFFICERS WHO  
23 WENT TO ARIZONA WITH REFERENCE TO SOME ASPECT OF THIS CASE?

24 A YES, SIR.

25 MR. BARENS: I THANK YOU, SIR.

26

27

28

1 THE COURT: ALL RIGHT. ANYTHING FURTHER?

2 MR. WAPNER: NO. I DON'T THINK I HAVE ANYTHING  
3 FURTHER. I HAD A DISCUSSION WITH THE WITNESS. I AM NOT  
4 SURE WE GOT THIS ON THE RECORD.

5

6 REDIRECT EXAMINATION

7 BY MR. WAPNER:

8 Q DID YOU ACTUALLY PLACE MR. PITTMAN UNDER ARREST?

9 A YES, SIR.

10 MR. WAPNER: ALL RIGHT. THANK YOU.

11 MR. BARENS: YOUR HONOR, THE DEFENSE WOULD REQUEST  
12 THAT THE WITNESS BE RETAINED, AS HE WOULD BE A PART OF THE  
13 DEFENSE CASE.

14 THE COURT: YES. YOU WILL BE ON CALL.

15 THE WITNESS: THANK YOU.

16 MR. BARENS: COULD I JUST ASK HIM A QUESTION ON HIS  
17 WAY OUT?

18 THE COURT: SURE.

19 MR. BARENS: I DON'T NEED TO DO IT ON THE RECORD. I  
20 JUST WANTED --

21 THE COURT: YOU WANT TO ASK IT OFF THE RECORD?  
22 THAT'S ALL RIGHT. GO AHEAD.

23 MR. BARENS: WE ARE THROUGH WITH HIM, YOUR HONOR.

24 THE COURT: YES.

25 MR. BARENS: I JUST ON THE WAY OUT, WAS GOING TO ASK  
26 HIM A QUESTION.

27 THE COURT: NOT IN FRONT OF THE JURY.

28 MR. BARENS: SORRY.

1 (UNREPORTED COLLOQUY BETWEEN MR. BARENS  
2 AND THE WITNESS.)

3 MR. WAPNER: WE CALL OFFICER DECUIR.

4  
5 DENNIS DECUIR,  
6 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED  
7 AS FOLLOWS:

8 THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY  
9 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL  
10 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,  
11 SO HELP YOU GOD.

12 THE WITNESS: I DO.

13 THE CLERK: BE SEATED. STATE AND SPELL YOUR NAME FOR  
14 THE RECORD.

15 THE WITNESS: DENNIS DECUIR, D-E-C-U-I-R.

16 MR. BARENS: YOUR HONOR, WHILE MR. WAPNER IS DOING  
17 THAT, WE HAVE ANOTHER PHOTOGRAPH OF A BMW. WE HAVE MARKED  
18 IT AS DEFENDANT'S FF. I WILL GIVE IT BACK TO THE CLERK.

19 BUT I WANTED TO NOTE FOR THE RECORD THAT IT HAS  
20 BEEN MARKED AND WILL BE USED.

21 THE COURT: ALL RIGHT.

22 MR. BARENS: THANK YOU. I THINK I AM AT FF, JUDGE.

23

24

DIRECT EXAMINATION

25

BY MR. WAPNER:

26

Q MR. DECUIR, BY WHOM ARE YOU EMPLOYED?

27

A THE CITY OF BEVERLY HILLS AS A POLICE OFFICER.

28

Q HOW LONG HAVE YOU BEEN A POLICE OFFICER WITH

1 THE CITY OF BEVERLY HILLS?

2 A THIRTEEN YEARS.

3 Q AND WERE YOU STILL WORKING WITH THE BEVERLY  
4 HILLS POLICE DEPARTMENT IN 1984?

5 A THAT'S CORRECT.

6 Q AND AS A PART OF YOUR DUTIES AS A POLICE  
7 OFFICER, WERE YOU ASSIGNED TO GO TO NEW YORK TO INVESTIGATE  
8 CERTAIN ASPECTS OF THIS CASE?

9 A YES, SIR.

10 Q AND YOU PREPARED -- DID YOU PREPARE A REPORT  
11 OF YOUR TRIP TO NEW YORK?

12 A I ASSISTED IN THE PREPARATION OF THE REPORT,  
13 YES.

14 Q ALL RIGHT. AND THAT REPORT IS DATED DECEMBER  
15 6, IS THAT RIGHT?

16 A I BELIEVE SO, YES.

17 Q WHEN WAS THE REPORT PREPARED IN RELATION TO  
18 WHEN YOU WENT TO NEW YORK?

19 A WE LEFT FOR NEW YORK ON DECEMBER THE 2ND. AND  
20 I BELIEVE THAT WE RETURNED ON THE 5TH.

21 THE COURT: WHAT YEAR?

22 THE WITNESS: 1984.

23 THE COURT: ALL RIGHT.

24 Q BY MR. WAPNER: AND WHAT WAS THE PURPOSE OF  
25 YOUR BEING IN NEW YORK?

26 A WE HAD TO SUBSTANTIATE INFORMATION WE HAD  
27 DEVELOPED REGARDING SOME ACTIVITIES BY MR. PITTMAN IN  
28 NEW YORK CITY.



1 Q ALL RIGHT. AND IN THAT CONNECTION, DID YOU  
2 GET SOME RECORDS FROM THE PLAZA HOTEL?

3 A YES, SIR. I DID.

4 Q SHOWING YOU DOCUMENTS THAT WE HAVE MARKED AS  
5 68 FOR IDENTIFICATION, DO YOU RECOGNIZE THOSE?

6 A YES, SIR. I DO.

7 Q WHAT ARE THEY?

8 A THOSE APPEAR TO BE COPIES OF THE DOCUMENTS THAT  
9 I RECEIVED FROM THE PLAZA HOTEL IN NEW YORK CITY.

10 Q AND DID YOU ALSO ATTEMPT TO GET COPIES OF SOME  
11 OF -- OF A FINGERPRINT CARD THAT MR. PITTMAN MADE IN NEW  
12 YORK?

13 A YES, SIR.

14 Q ALL RIGHT. SHOWING YOU ANOTHER DOCUMENT WE  
15 HAVE MARKED AS 76 FOR IDENTIFICATION, DO YOU RECOGNIZE THAT?

16 A YES, SIR. I DO.

17 Q WHAT IS IT?

18 A THIS IS MR. PITTMAN'S FINGERPRINT CARD THAT I  
19 GOT FROM THE NEW YORK CITY POLICE DEPARTMENT IN NEW YORK,  
20 A COPY OF THE FINGERPRINT CARD.

21 Q AND DID YOU TALK TO THE PEOPLE AT THE PLAZA  
22 HOTEL, AS WELL AS THE PEOPLE IN THE NEW YORK CITY POLICE  
23 DEPARTMENT?

24 A YES, SIR.

25 Q AND YOU BROUGHT BOTH OF THOSE DOCUMENTS 68 AND  
26 76 BACK WITH YOU?

27 A YES, SIR. THAT'S CORRECT.

28 Q WHEN YOU GOT BACK, DID YOU SEE MR. PITTMAN?

1 A YES, SIR.

2 Q WHERE WAS HE?

3 A AT THE BEVERLY HILLS MUNICIPAL COURT IN THE  
4 LOCKUP.

5 Q WHEN YOU SAW HIM IN THE LOCKUP, WHAT WAS YOUR  
6 PURPOSE IN GOING THERE?

7 A HE HAD BEEN ORDERED BY ONE OF THE JUDGES IN THE  
8 COURT TO COMPLETE A HANDWRITING EXEMPLAR AND I WAS ASKED  
9 TO HAVE HIM COMPLETE THE HANDWRITING EXEMPLAR.

10 Q AND DID YOU ASK HIM TO COMPLETE THE EXEMPLAR?

11 A YES, I DID.

12 Q AND HE DID THAT IN YOUR PRESENCE?

13 A YES, SIR.

14 THE COURT: TELL US WHAT AN EXEMPLAR IS.

15 THE WITNESS: IT IS A FORM WITH KNOWN SAMPLES OF  
16 HANDWRITING. IN OTHER WORDS, THE PERSON IS ASKED TO WRITE  
17 CERTAIN WORDS THAT WE KNOW IS HIS HANDWRITING, SOMETHING  
18 THAT WE CAN COMPARE WITH ANOTHER HANDWRITING TO DETERMINE  
19 IF IT WAS MADE BY ONE AND THE SAME PERSON.

20 Q BY MR. WAPNER: AND YOU DID THAT WITH MR.  
21 PITTMAN?

22 A YES, SIR.

23 Q WHAT DATE WAS THAT DONE?

24 A I BELIEVE IT WAS ON DECEMBER THE 7TH, 1984.  
25  
26  
27  
28

-1

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

2 I WAS MORE EFFICIENT THAN I THOUGHT. I JUST SENT  
3 THE CLERK ON A FISHING EXPEDITION.

4 YOUR HONOR, I HAVE A DOCUMENT THAT HAS PREVIOUSLY  
5 BEEN MARKED AS 91 FOR IDENTIFICATION. I WOULD ASK THAT IT  
6 AGAIN BE MARKED AS 91 FOR IDENTIFICATION.

7 THE COURT: SO MARKED.

8 Q BY MR. WAPNER: SHOWING YOU 91 FOR IDENTIFICATION,  
9 MR. DECUIR, WHAT IS THAT?

10 A THIS IS THE HANDWRITING EXEMPLAR THAT I HAD  
11 MR. PITTMAN PREPARE.

12 Q AND SPECIFICALLY, WERE THERE CERTAIN WORDS OR  
13 NAMES THAT YOU WERE INTERESTED IN HAVING HIM WRITE?

14 A YES, SIR.

15 Q WHAT WERE THOSE?

16 A I ASKED HIM TO WRITE "RONALD LEVIN, 105 PECK  
17 STREET, WESTWOOD, CALIFORNIA, 90048 G PRODUCERS" AND THEN  
18 HAVE HIM ACTUALLY SIGN THE NAME "RON LEVIN."

19 Q DID YOU ASK HIM TO WRITE OUT THE NAME "RON LEVIN"  
20 WITH ALL OF THE LETTERS OR DID YOU ASK HIM TO SIGN A  
21 PARTICULAR SIGNATURE?

22 A I BELIEVE THAT I ASKED HIM TO DO BOTH.

23 Q AND IS THE DOCUMENT THAT IS IN FRONT OF YOU AS  
24 91 ACTUALLY THE EXEMPLAR THAT HE PREPARED?

25 A YES, SIR.

26 Q AND YOU WITNESSED IT?

27 A YES, SIR.

28 Q AND AT THE TIME THAT YOU HAD HIM PREPARE THIS

1 EXEMPLAR, WERE THE NUMBERS ON THERE THAT ARE IN RED ON THE  
2 MARGIN?

3 A NO, SIR.

4 Q DO YOU KNOW HOW THOSE GOT HERE?

5 A NO, SIR, I DON'T.

6 Q DID YOU PUT YOUR NAME ON HERE AS WITNESSING IT  
7 AT ANY PLACE?

8 A YES, SIR, I DID.

9 Q WHERE IS THAT?

10 A IT IS IN A SPACE TO THE LEFT OF THE CENTER OF  
11 THE FRONT SHEET WHERE IT SAYS "WITNESSED BY" NAME.

12 Q AND DOES IT HAVE A DATE ON THERE?

13 A YES, SIR, IT DOES.

14 Q WHAT DATE IS THAT?

15 A DECEMBER THE 6TH, 1984.

16 MR. WAPNER: THANK YOU. I DON'T HAVE ANYTHING FURTHER.

17 MR. BARENS: COULD I JUST COME UP AND SEE THE DOCUMENTS  
18 BEFORE I MAKE A DECISION? I WILL BE RIGHT BACK.

19 THE COURT: WHAT EXHIBIT IS THAT AGAIN?

20 MR. WAPNER: WHICH ONE?

21 THE COURT: THIS ONE.

22 MR. WAPNER: THE FINGERPRINTS ARE 76.

23 THE COURT: ALL RIGHT.

24  
25 CROSS-EXAMINATION

26 BY MR. BARENS:

27 Q OFFICER DEQUIR, CALLING YOUR ATTENTION TO PEOPLE'S  
28 91, WHICH IS THE HANDWRITING EXEMPLAR YOU HAD MR. PITTMAN

1 DO FOR YOU, AND THEN PLACING THAT NEXT TO PEOPLE'S 68-A, WHICH  
2 HAS ON THE FIRST SHEET OF WHICH IS "WESTIN HOTELS," IT JUST  
3 SAYS THE "PLAZA IN NEW YORK," ET CETERA, WHICH APPEARS TO  
4 BE THE CARD MR. PITTMAN FILLED OUT WHEN HE CHECKED INTO THE  
5 PLAZA; THEY BOTH LOOK IDENTICAL, DON'T THEY?

6 A THEY LOOK VERY SIMILAR.

7 Q SO WHEN PITTMAN DID THE WRITING IN NEW YORK,  
8 IT DOESN'T APPEAR, AT LEAST TO MY EYE, THAT HE APPEARED TO  
9 DISGUISE HIS HANDWRITING IN NEW YORK, DOES IT TO YOU?

10 A IT DOESN'T APPEAR THAT WAY, NO.

11 Q OKAY. NOW IN THAT PACKET BEFORE YOU THAT YOU  
12 SECURED IN NEW YORK, THERE ARE SOME TELEPHONE RECORDS?

13 A YES, SIR, THERE ARE.

14 Q AND DO THEY SHOW THE PHONE NUMBERS THAT WERE  
15 CALLED OF A LONG DISTANCE NATURE FROM THE ROOM IN NEW YORK  
16 TO SOME OTHER PLACES?

17 A THESE PHONE RECORDS SHOW ALL OF THE LONG DISTANCE  
18 CALLS PLACED FROM THE HOTEL FOR A PERIOD OF SEVERAL DAYS.

19 I CAN'T -- WE WERE NOT ABLE TO DETERMINE WHAT  
20 CALLS WERE PLACED FROM WHAT ROOM. THEY WERE ALL OF THE CALLS  
21 MADE FROM THE HOTEL.

22

23

24

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1 Q FROM BOTH ROOMS THAT MR. PITTMAN OCCUPIED WHILE  
2 HE WAS IN NEW YORK?

3 MR. WAPNER: OBJECTION. THIS MISSTATES THE EVIDENCE.  
4 HE SAID ALL OF THE CALLS FROM THE HOTEL.

5 THE COURT: ALL OF THE CALLS FROM THE HOTEL, HE SAID.

6 MR. BARENS: YES?

7 THE COURT: YOU MEAN ALL OF THE LONG DISTANCE CALLS  
8 THAT WERE MADE THROUGH THE HOTEL? IS THAT THE IDEA? ALL  
9 OF THE ROOMS?

10 THE WITNESS: THAT'S CORRECT, YOUR HONOR.

11 THE COURT: YOU DON'T KNOW WHICH OF THOSE WERE MADE  
12 FROM ANY PARTICULAR ROOM, IS THAT RIGHT?

13 Q BY MR. BARENS: YOU MEAN, IF I WANT TO ATTRIBUTE  
14 CERTAIN PHONE NUMBERS THAT MIGHT HAVE BEEN CALLED TO THIS  
15 LIST, I AM GOING TO HAVE TO GO THROUGH THE WHOLE LIST TO FIND  
16 IT?

17 A THEY WEREN'T ABLE TO BREAK IT DOWN. I DON'T KNOW  
18 WHAT YOU WILL FIND OUT -- HOW YOU WILL FIND OUT WHAT CALLS  
19 WERE MADE FROM WHAT ROOM.

20 MR. BARENS: WELL, I SUPPOSE I KNOW CERTAIN PHONE NUMBERS.  
21 AND NOW I CAN GO THROUGH ALL THIS.

22 THE COURT: LET'S GET ON. I DON'T KNOW WHAT THE  
23 MATERIALITY OR THE RELEVANCY IS THAT THESE QUESTIONS HAVE.

24 MR. BARENS: WE WILL DO IT DURING THE DEFENSE CASE.

25 THE COURT: ALL RIGHT.

26 Q BY MR. BARENS: OFFICER DECUIR, WERE YOU ONE OF  
27 THE OFFICERS THAT MADE A TRIP TO ARIZONA FOR ANY REASON HAVING  
28 TO DO WITH THIS CASE?

1 A NO, SIR.

2 MR. BARENS: OKAY. YOUR HONOR, WE WOULD LIKE TO RETAIN  
3 THE WITNESS FOR THE DEFENSE CASE.

4 THE COURT: FINE.

5 MR. BARENS: THANK YOU. WHAT WAS THE EXHIBIT NUMBER  
6 THAT I JUST HANDED YOU WITH ALL THOSE PAPERS?

7 THE WITNESS: 68.

8 MR. BARENS: OKAY. THANK YOU.

9 THE COURT: ALL RIGHT. YOU MAY STEP DOWN. WE'LL CALL  
10 YOU IN CASE WE NEED YOU.

11 THE WITNESS: THANK YOU, YOUR HONOR.

12 MR. WAPNER: MAY I HAVE A MOMENT?

13 MY SECRETARY HAS JUST ARRIVED.

14 WE CALL RICHARD CLASON.

15 MR. BARENS: YOUR HONOR, I CAN SAVE A LOT OF TIME.

16 MR. WAPNER: COUNSEL --

17 MR. BARENS: IF WE COULD JUST APPROACH?

18 THE COURT: ALL RIGHT.

19 (THE FOLLOWING PROCEEDINGS WERE HELD  
20 AT THE BENCH:)

21 MR. BARENS: YOUR HONOR, I HAVE REASON TO BELIEVE THAT  
22 THIS IS THE HANDWRITING EXPERT. AND I AM WILLING NOW TO  
23 STIPULATE THAT THE HANDWRITING ON THE SEVEN PAGES IS  
24 MR. HUNT'S.

25 MR. WAPNER: THAT STIPULATION IS NOT ACCEPTABLE TO THE  
26 PEOPLE BECAUSE I WANT TO BE ABLE TO PROVE IT UP.

27 THE COURT: ALL RIGHT. HE HAS A RIGHT TO PROVE IT UP.

28 MR. BARENS: BUT WAIT A MINUTE, JUDGE. WHAT I CAN'T

1 UNDERSTAND IS, WHEN THE DEFENSE IS WILLING TO STIPULATE THAT  
2 IT IS A PROVEN FACT, WHAT ARE WE ACCOMPLISHING?

3 THE COURT: I DON'T KNOW. HE HAS REASONS THAT HE WANTS  
4 TO HAVE THIS MAN TESTIFY RATHER THAN HAVE A STIPULATION. HE  
5 IS ENTITLED TO DO IT.

6 MR. BARENS: WELL, I WILL TELL YOU WHAT. I THINK WE  
7 ARE NOW GOING TO GO THROUGH THIS. I DON'T SEE THE POINT OF  
8 IT WITH THIS WITNESS. WE ARE GOING TO GO WORD BY WORD THROUGH  
9 THE SEVEN PAGES AND SAY, DOES THAT LOOK LIKE HIS HANDWRITING  
10 AND --

11 THE COURT: HE HAS GONE THROUGH ALL OF THEM.

12 MR. WAPNER: HE HAS GONE THROUGH THEM BEFORE.

13 THE COURT: WORD BY WORD.

14 MR. WAPNER: BUT THAT IS MY RIGHT TO PROVE IT UP. AND  
15 I WON'T ENTER INTO A STIPULATION.

16 THE COURT: IF HE DOESN'T WANT TO DO IT, I CAN'T TELL  
17 HIM HOW TO TRY HIS CASE.

18 MR. BARENS: OKAY.  
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1 (THE FOLLOWING PROCEEDINGS WERE HELD  
2 IN OPEN COURT IN THE PRESENCE AND HEARING  
3 OF THE JURY:)

4  
5 RICHARD L. CLASON,  
6 CALLED AS WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED AS  
7 FOLLOWS:

8 THE CLERK: RAISE YOUR RIGHT HAND TO BE SWORN, PLEASE.

9 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU MAY  
10 GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE  
11 TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP  
12 YOU GOD.

13 THE WITNESS: I DO.

14 THE CLERK: PLEASE BE SEATED. STATE AND SPELL YOUR  
15 NAME FOR THE RECORD.

16 THE WITNESS: RICHARD L. CLASON, C-L-A-S-O-N.

17

18 DIRECT EXAMINATION

19 BY MR. WAPNER:

20 Q BY WHOM ARE YOU EMPLOYED?

21 A BY THE CITY OF BEVERLY HILLS AS A HANDWRITING  
22 EXAMINER.

23 Q WHAT DOES A HANDWRITING EXAMINER DO?

24 A A HANDWRITING EXAMINER DOES NORMALLY, A COMPARING  
25 OF HANDWRITING, TO DIFFERENT SPECIMENS OF HANDWRITING OR TWO  
26 OR MORE DIFFERENT SPECIMENS OF HANDWRITING FOR THE PURPOSE  
27 OF DETERMINING WHETHER THEY WERE WRITTEN BY THE SAME PERSON  
28 OR NOT.

1 Q DO YOU HAVE SOME QUALIFICATIONS THAT ALLOW YOU  
2 TO SERVE IN THE CITY OF BEVERLY HILLS IN THAT CAPACITY?

3 A YES, SIR. I DO. I JOINED THE BEVERLY HILLS POLICE  
4 DEPARTMENT IN 1956.

5 AND IN 1965, I TOOK A COURSE AT LONG BEACH STATE  
6 COLLEGE IN QUESTIONED DOCUMENT TRAINING. THIS IS TRAINING  
7 TO TEACH YOU HOW TO INSPECT AND EXAMINE DOCUMENTS THAT FOR  
8 SOME REASON, COME UNDER THE SCRUTINY OF THE POLICE DEPARTMENT  
9 AND ARE IN QUESTION. AND IT ALSO TEACHES YOU THE PRINCIPLES  
10 OF COMPARING HANDWRITING.

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1           IN 1966, I COMPLETED A COURSE IN CRIMINAL  
2 INVESTIGATION GIVEN BY THE INSTITUTE OF THE APPLIED  
3 SCIENCES, AT THAT TIME IT WAS IN CHICAGO, ILLINOIS. THIS  
4 COURSE WAS A CORRESPONDENCE TYPE COURSE AND ABOUT SIX OF  
5 THE LESSONS WER DEVOTED TO TECHNIQUES OF PREPARING HAND-  
6 WRITING.

7           IN 1960 -- IN 1970 -- EXCUSE ME -- I COMPLETED  
8 A 21-HOUR COURSE GIVEN BY A HANDWRITING EXAMINER IN ORANGE  
9 COUNTY BY THE NAME OF HAROLD ELY, E-L-Y.

10           TWO YEARS LATER, MR. ELY TAUGHT A FULL COURSE  
11 AT THE GOLDEN WEST COLLEGE. I THEN TOOK THAT COURSE.

12           IN 1977 AND '78, I TAUGHT THE TECHNIQUES OF  
13 COMPARING HANDWRITING AT THE UNITED STATES SCHOOL OF LAW  
14 ENFORCEMENT, WHICH IS A PRIVATE SCHOOL LOCATED IN DOWNTOWN  
15 LOS ANGELES.

16           I HAVE BEEN WORKING REGULARLY WITH COMPARING  
17 HANDWRITING SINCE 1965 AND I HAVE TESTIFIED IN MUNICIPAL  
18 COURT AND SUPERIOR COURT IN EXCESS OF A HUNDRED FIFTY TIMES.

19           Q       AS AN EXPERT IN HANDWRITING?

20           A       THAT'S CORRECT, SIR.

21           Q       AND OVER THE COURSE OF YOUR EXPERIENCE WITH  
22 THE EXAMINING QUESTIONED DOCUMENTS, HOW MANY DOCUMENTS DO  
23 YOU THINK YOU HAVE EXAMINED FOR HANDWRITING?

24           A       IT WOULD BE WAY UP IN THE THOUSANDS OF DOCUMENTS.

25           MR. WAPNER: YOUR HONOR, DOES THE COURT HAVE 68,  
26 WHICH WAS THE RECORDS FROM THE HOTEL?

27           THE COURT: HE HAS THEM.

28           MR. BARENS: THE DEFENSE HAS THEM.

1 DO YOU WANT THEM?

2 Q BY MR. WAPNER: HAVE YOU EXAMINED CERTAIN DOCU-  
3 MENTS IN THIS CASE TO DETERMINE WHETHER THE HANDWRITING ON  
4 THOSE DOCUMENTS WAS MADE BY ONE AND THE SAME PERSON?

5 A YES, I HAVE.

6 Q SHOWING YOU DOCUMENTS THAT WE HAVE MARKED AS  
7 91 FOR IDENTIFICATION, WHICH IS AN EXEMPLAR GIVEN BY MR.  
8 PITTMAN, AND 68 FOR IDENTIFICATION, DO YOU RECOGNIZE THOSE  
9 DOCUMENTS?

10 A YES, I RECOGNIZE THE TOP ONE HERE AND --

11 Q WHICH IS MARKED 68-A, I BELIEVE?

12 A THAT IS CORRECT, YES.

13 THE COURT: THOSE ARE FROM THE RECORDS AT THE PLAZA  
14 HOTEL?

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

16 THE WITNESS: AND I RECOGNIZE THE ONE THAT SAYS,  
17 "THE PALM COURT," IT APPEARS TO BE A TICKET FOR EATING, A  
18 BREAKFAST TICKET OR SOMETHING.

19 Q BY MR. WAPNER: A RESTAURANT BILL OF SOME SORT?

20 A YES.

21 Q IT APPEARS TO BE SIGNED BY THE CUSTOMER AT THE  
22 HOTEL?.

23 A THAT'S TRUE, YES.

24 Q AND WHAT DID YOU DO WITH RESPECT TO THE DOCUMENTS  
25 THAT ARE 68 AND 91, DID YOU COMPARE THOSE?

26 A YES, I DID.

27 Q I COMPARED THEM. I COMPARED 68 AND THE  
28 RESTAURANT BILL WITH PEOPLE'S 91, THE HANDWRITING EXEMPLAR,

1 AND I FOUND THAT THERE WAS WRITING ON THE TWO QUESTIONED  
2 DOCUMENTS, THAT IS 68-A, AND THE RESTAURANT BILL WHICH WAS  
3 DONE BY THE SAME PERSON WHOSE HANDWRITING APPEARED ON  
4 PEOPLE'S NUMBER 91, THE EXEMPLAR.

5 Q ALL RIGHT. HOW DID YOU GO ABOUT DOING THAT  
6 COMPARISON?

7 A WELL, COMPARISON IS DONE BY LOOKING AT THE  
8 INDIVIDUALITIES IN HANDWRITING.

9 IT IS ACTUALLY A DIVERGENCE FROM THE COPY BOOK  
10 STANDARD. WHEN WE WERE LITTLE CHILDREN IN SCHOOL, THE  
11 TEACHER WILL PUT BEFORE US A DRAWING OF A LETTER OR WHAT  
12 WE CALL A COPY BOOK, CONTAINING THE ALPHABET AND THE LETTERS  
13 AND TELL US TO MAKE THE LETTERS IN THAT MANNER AND WE DO  
14 AND WE TRY, BUT WE ARE NOT ALL THE SAME. WE HAVE DIFFERENT  
15 EYESIGHT. WE HAVE DIFFERENT MUSCULAR CONTROL. WE HAVE  
16 DIFFERENT AESTHETIC DESIRES. CONSEQUENTLY, WE START RIGHT  
17 OUT SOMETIMES ON THE WRONG FOOT IN HANDWRITING AND BY THE  
18 TIME WE ARE ADULTS, WE HAVE OUR OWN INDIVIDUAL STYLE OF  
19 WRITING, OUR OWN INDIVIDUAL CHARACTERISTICS APPEAR WITHIN  
20 THE WRITING.

21 SO HANDWRITING IS COMPARED BY LOOKING AT THOSE  
22 INDIVIDUALITIES AND SEEING IF THEY BOTH EXIST IN SUFFICIENT  
23 IN NUMBERS IN BOTH SPECIMENS TO DETERMINE IDENTIFICATION  
24 OF THE WRITING.

25 Q AND WHAT DID YOU DO WITH REGARD TO THE BILLS  
26 FROM THE PLAZA HOTEL AND THE EXEMPLAR THAT MR. PITTMAN  
27 SUBMITTED TO TRY AND COMPARE THEM?

28 A WELL, I SEE THAT THE TOP LINE OF 68-A SAYS

1 "RONALD LEVIN" AND I THEN -- I LOOKED AT THE WAY THAT THE  
2 WORD IS WRITTEN, IN OTHER WORDS, HOW CLOSE THE LETTERS ARE  
3 TO EACH OTHER AND HOW MUCH OF A SPACE THERE WOULD BE BETWEEN  
4 THE TWO WORDS, AND THEN I LOOKED AT THE ABILITY -- TO SEE  
5 ABOUT WHETHER THE ABILITY MIGHT BE THE SAME.

6 I THEN LOOK AT THE EXEMPLARY AND ON THE YELLOW  
7 SHEET OF THE EXEMPLAR, THE GENTLEMAN HAS WRITTEN "RONALD  
8 LEVIN".

9 Q DID YOU PREPARE FOR ONE OTHER APPEARANCE IN THIS  
10 COURT A BLOWUP OF SOME OF THE THINGS THAT WERE ON THE  
11 EXEMPLAR AND ON THE HOTEL REGISTRATION?

12 A YES SIR, I DID.  
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1 Q SHOWING YOU AN EXHIBIT THAT I WOULD ASK BE  
2 MARKED AS PEOPLE'S 92 FOR IDENTIFICATION, DO YOU RECOGNIZE  
3 THAT?

4 A YES. THIS IS THE DISPLAY THAT I PREPARED.

5 Q ALL RIGHT. IS THAT A BLOWUP OF THE ITEMS THAT  
6 YOU WERE JUST POINTING TO AND THE DOCUMENTS?

7 A YES, IT IS.

8 Q WOULD YOU EXPLAIN TO THE JURY WHAT THAT IS?

9 A THE TOP ONE IS FROM THE HOTEL REGISTER. THAT  
10 IS 68-A. AND THE MIDDLE ONE IS FROM THE PALM COURT  
11 RESTAURANT TICKET. AND THE BOTTOM ONE IS FROM THE EXEMPLAR.

12 Q AND IN COMPARING THOSE, WHAT DID YOU CONCLUDE?

13 A WELL, WE CAN SEE THAT WE START RIGHT OUT HERE  
14 AND THE PERSON HAS A LITTLE PROBLEM WITH THE R, HERE.

15 IT IS BASICALLY THE SAME TYPE OF AN R. IT  
16 SETS DIRECTLY ON THE BASE LINE.

17 THE O IS ABOUT THE SAME SIZE IN PROPORTION TO  
18 THE N AND PROPORTION IS ONE OF THE THINGS THAT IS PRETTY  
19 IMPORTANT.

20 THE N AS YOU CAN SEE, IS MADE JUST ABOUT THE  
21 SAME WAY.

22 NOW, WE DON'T HAVE EXACT DUPLICATION, HERE. YOU  
23 NEVER DO WRITE THE SAME WAY TWICE. YOU NEVER MAKE YOUR  
24 SIGNATURE THE SAME WAY TWICE.

25 IT IS JUST THAT NATURE NEVER DUPLICATES ANYTHING  
26 EXACTLY THE SAME TWICE.

27 AND CONSEQUENTLY, YOU DON'T WRITE THE SAME WAY  
28 TWICE. SO HERE, YOU HAVE WHAT WE CALL VARIATION. THERE

1 IS A LITTLE VARIATION.

2 THE N IS NOT MADE EXACTLY THE SAME WAY IN ALL  
3 THREE PHASES BUT THEY ARE MADE IN THE SAME MANNER. AND THEY  
4 ARE VERY SIMILAR. THEY HAVE THE SAME INDIVIDUAL  
5 CHARACTERICS.

6 NOTABLY HERE, THE L IS IN UPPER CASE WHEREAS  
7 THERE IS A LOWER CASE N. THE D IN TURN, IS A LOWER CASE  
8 D.

9 SO, THIS PERSON MIXES HIS LETTERS UP WITH UPPER  
10 CASE AND LOWER CASE, WHICH IS AN INDIVIDUAL TRAIT OF HIS.

11 THE SPACING BETWEEN THE WORDS IS PRETTY LARGE.  
12 HERE, THE E INTERSECTS ITSELF.

13 I WONDER IF THE JURY CAN SEE IT OR SHOULD I  
14 APPROACH THE JURY A LITTLE CLOSER?

15 MR. WAPNER: I WILL WALK IT BY.

16 (PAUSE.)

17 THE WITNESS: IF YOU JUST FOLLOW ON DOWN, YOU WILL  
18 SEE OTHER SIMILARITIES THERE THAT I PROBABLY WOULDN'T EVEN  
19 HAVE TO POINT OUT TO YOU.

20 REMEMBER THAT THE BOTTOM ONE IS THE EXEMPLAR.  
21 THE OTHER TWO ARE QUESTIONED DOCUMENTS.

22 Q BY MR. WAPNER: AFTER EXAMINING THE EXEMPLAR  
23 OF MR. PITTMAN AND THE RECORDS OF THE REGISTRATION CARD OF  
24 THE PLAZA HOTEL AND THE PALM COURT BILL FROM THE PLAZA HOTEL,  
25 DID YOU FORM AN OPINION AS TO WHETHER OR NOT THEY WERE ALL  
26 WRITTEN BY ONE AND THE SAME PERSON?

27 A YES. I FORMED THE OPINION THAT THEY WERE.

28 Q WRITTEN BY THE SAME PERSON?



1 A YES, SIR.

2 Q ALL RIGHT. AND WERE YOU ALSO ASKED TO EXAMINE  
3 CERTAIN DOCUMENTS THAT WERE AN EXEMPLAR THAT WAS WRITTEN  
4 BY THE DEFENDANT IN THIS CASE, MR. HUNT?

5 A YES, SIR.

6 MR. WAPNER: YOUR HONOR, I HAVE AN ENVELOPE THAT HAS  
7 PREVIOUSLY BEEN MARKED AS 90 FOR IDENTIFICATION. MAY IT  
8 BE MARKED AS 90 FOR IDENTIFICATION?

9 THE COURT: SO MARKED.

10 MR. WAPNER: IT APPEARS TO BE A HANDWRITING EXEMPLAR  
11 OF THE DEFENDANT IN THIS CASE.

12 Q SHOWING YOU DOCUMENTS THAT WE HAVE MARKED AS  
13 PEOPLE'S 90 FOR IDENTIFICATION, DO YOU RECOGNIZE WHAT IS  
14 CONTAINED IN THAT DOCUMENT?

15 A YES. THIS IS A HANDWRITING EXEMPLAR WITH A  
16 TOTAL OF FIVE PAGES SUBMITTED BY A JOSEPH HUNT AND IN THE  
17 PRESENCE OF DETECTIVE ZOELLER.

18 THE FIRST TWO PAGES ARE TWO-SIDED, STANDARD  
19 BEVERLY HILLS POLICE DEPARTMENT WRITING EXEMPLAR FORMS.

20 AND THE OTHER THREE ARE FROM A LEGAL TABLET.  
21 ONE OF THE STANDARD FORMS BEARS HANDPRINTING. THIS IS MARKED  
22 E-3 ON THE EDGE, WHICH I MARKED.

23 THE OTHER ONE CONTAINS HANDWRITING, AS OPPOSED  
24 TO PRINTING AND IT IS MARKED E-4 AND INCIDENTALLY, HAND-  
25 WRITING AND HANDPRINTING ARE BOTH IDENTIFIABLE. HANDPRINTING  
26 IS IDENTIFIABLE, AS IS HANDWRITING.

27 Q FOR EXAMPLE, THE ITEMS THAT YOU TALKED ABOUT  
28 WITH MR. PITTMAN IN NEW YORK, WAS HANDPRINTING, CORRECT?

1 A THAT'S CORRECT. YES, SIR.

2 Q AND DID YOU COMPARE THAT EXEMPLAR WITH THE  
3 ITEMS CONTAINED IN THE EXHIBIT THAT WE HAVE PREVIOUSLY  
4 MARKED AS PEOPLE'S 55 FOR IDENTIFICATION?

5 A YES, SIR. I DID.

6 Q ALL RIGHT. AND WHAT WAS THE MANNER IN WHICH  
7 YOU MADE THAT COMPARISON?

8 A WELL, I PROCEEDED IN JUST ABOUT THE SAME MANNER  
9 AS I DID FOR THE PITTMAN MATTER.

10 Q AND DID YOU COMPARE THE EXEMPLAR WITH THE TOP  
11 PAGE OF THAT LIST WHICH SAYS, "AT LEVIN'S TO DO"?

12 A YES, I DID.

13 Q ALL RIGHT. AND ON THE EXEMPLAR, DID YOU COMPARE --  
14 WELL, WHAT DID YOU FIND OUT WHEN YOU COMPARED THE EXEMPLAR  
15 WITH THE LIST "AT LEVIN'S TO DO"?

16 A I FOUND OUT THAT BOTH DOCUMENTS WERE WRITTEN  
17 BY THE SAME PERSON.

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1 Q AND WHAT DO YOU BASE THAT ON?

2 A WELL, I BASE THAT ON, AGAIN, INDIVIDUALITIES.  
3 NOW, THIS IS HAND PRINTING. HAND PRINTING IS  
4 INDIVIDUAL.

5 AND I BASE IT UPON HOW THE LETTERS ARE MADE AND  
6 THE SPACE BETWEEN THEM AND THE WAY THEY ARE MADE TOGETHER,  
7 HOW SOME OF THEM WILL RUN TOGETHER AND SO FORTH.

8 Q WHEN YOU MAKE YOUR COMPARISON OF THE EXEMPLAR  
9 WITH THE LIST, DO YOU GO WORD BY WORD, DO YOU COMPARE THE  
10 EXEMPLAR WITH SOME OF THE WORDS ON THE LIST AND NOT OTHERS?  
11 HOW DO YOU DO IT?

12 A ANYTHING OF THIS MAGNITUDE OF THIS MUCH WRITING,  
13 I WILL USUALLY JUST PICK OUT THE WORDS.

14 YOU CAN USUALLY TELL PRETTY MUCH AT A GLANCE IF  
15 THERE IS A FOREIGN WORD IN THERE WRITTEN BY SOMEBODY ELSE.

16 ONCE YOU START TO STUDY THE HANDWRITING, IT  
17 BECOMES QUITE FAMILIAR TO YOU.

18 AND SO I PICKED OUT WORDS.

19 Q AND WERE THERE ANY PARTICULAR WORDS ON THAT PAGE  
20 THAT YOU PICKED OUT THAT YOU USED FOR THE COMPARISON?

21 A YES, I DID PICK OUT SOME.

22 I DON'T RECALL EXACTLY WHICH ONES THEY WERE  
23 OFFHAND.

24 "ANSWERING" WAS ONE OF THE WORDS. I BELIEVE  
25 "STAMP" WAS ANOTHER ONE.

26 I MADE AN ENLARGED DISPLAY SO THAT I COULD --  
27 IT WOULD HELP ME EXPLAIN HOW I MADE MY EXAMINATION.

28 Q THAT IS SIMILAR TO THE ONE THAT YOU MADE FOR

1 MR. PITTMAN'S EXAMPLAR IN NEW YORK; IS THAT RIGHT?

2 A IT IS SIMILAR.

3 IT IS A LITTLE LARGER.

4 MR. WAPNER: MAY THAT BE 209 FOR IDENTIFICATION, YOUR  
5 HONOR?

6 THE COURT: SO MARKED.

7 Q BY MR. WAPNER: IS THIS THE DEMONSTRATION BOARD  
8 THAT YOU MADE?

9 A YES, SIR, IT IS.

10 Q WHAT HAVE YOU ATTEMPTED TO SHOW US BY THAT?

11 A WELL, I HAVE TAKEN CERTAIN WORDS FROM THE FIRST  
12 PAGE OF THE SEVEN PAGES OF QUESTIONED DOCUMENTS AND I PASTED  
13 THEM ONTO THIS PIECE OF POSTERBOARD. I HAVE MARKED THEM Q,  
14 MEANING QUESTIONED.

15 HERE WE HAVE THE WORD "ANSWERING" WITH A "Q" AND  
16 THE WORD "RECORDER" WITH A "Q" SITUATION AND THE WORD "STAMP"  
17 TWICE.

18 AND THEN I PICKED OUT THE SAME WORD WHICH APPEARED  
19 IN THE EXMPLAR DOCUMENTS, THAT IS THE DOCUMENTS THAT WERE  
20 SUBMITTED BY THE DEFENDANT IN THE PRESENCE OF DETECTIVE  
21 ZOELLER, AND I PICKED OUT THOSE SAME WORDS AND THEN I ATTACHED  
22 THEM TO THIS PIECE OF CARDBOARD JUST BELOW AND I MARKED THEM  
23 WITH AN "E", MEANING EXEMPLAR.

24 SO YOU CAN LOOK AT THESE AND SEE THE SIMILARITIES,  
25 SEE THE INDIVIDUALITIES IN THEM SUCH AS THE "A", USUALLY  
26 CONNECTS TO THE "N" IN ANSWERING. IN OTHER WORDS, THE BAR  
27 THROUGH THE CENTER OF THE "A" CONNECTS RIGHT TO THE "N" IN  
28 THE WORD "ANSWERING."

1           THERE IS A LITTLE SPACE BETWEEN THE "S" AND THE  
2 "W." IT VARIES.

3           "R", YOU CAN SEE THE WAY THE "R" IS MADE. IT  
4 IS VERY SIMILAR.

5           LET'S SEE, THE WORD "D" IN RECORDER IS MADE WITH  
6 A DOWN STROKE FIRST AND THEN BACK UP AND THEN FORMS THE BODY  
7 OF THE "D" AND THAT IS DONE THE SAME WAY IN ALL THREE  
8 INSTANCES.

9           ON THE WORD "STAMP," THE MIDDLE THREE LETTERS  
10 ARE AS IF THE "TA" AND "M" ARE ALL CONNECTED TOGETHER,  
11 ALTHOUGH IT IS PRINTING. THIS IS AN IMPORTANT INDIVIDUALITY.

12           Q       AND AFTER MAKING THE COMPARISONS BETWEEN THE  
13 EXEMPLAR AND THE WORDS, THOSE CERTAIN WORDS ON PEOPLE'S 55,  
14 THE FIRST PAGE OF WHICH IS "AT LEVIN'S TO DO," WHAT WAS THE  
15 OPINION THAT YOU FORMED?

16           A       WELL, THAT THE TWO WERE WRITTEN BY THE SAME PERSON.

17           Q       THE BOARD THAT YOU HAVE IN FRONT OF YOU THAT IS  
18 209, THAT WAS MADE FOR DEMONSTRATION PURPOSES, CORRECT?

19           A       YES, SIR, IT WAS.

20           Q       WERE THERE ALSO OTHER WORDS FROM THE EXEMPLAR  
21 THAT YOU COMPARED WITH WORDS THAT ARE IN THE LIST?

22           A       YES, THERE WERE AND I FOUND THEM TO BE WRITTEN  
23 BY THE SAME PERSON.

24           Q       AND DID YOU ALSO COMPARE THE EXEMPLAR WITH THE  
25 SECOND PAGE THAT YOU HAVE OF THIS LIST IN FRONT OF YOU WHERE  
26 IT SAYS "JIM DIGS PIT"?

27           A       YES, SIR, I DID.

28           Q       AND WHEN YOU DID THAT, WHAT DID YOU DETERMINE?

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1           A        I FOUND THAT THE WRITING HERE ALSO WAS DONE BY  
2 THE SAME PERSON WHO SUBMITTED THE EXEMPLARS.

3           Q        WHICH OF THE WRITING?

4           A        LET ME SEE HERE.

5                    WELL, ALL OF THE WRITING THAT IS ON THERE, WITH  
6 THE EXCEPTION OF ONE THING WITH WHICH I WASN'T COMPLETELY  
7 CERTAIN, AND THAT WAS THE WRITING IN THE MARGIN.

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1 Q THAT IS WHERE IT SAYS -- BY MARGIN, YOU ARE  
2 REFERRING TO THE UPPER LEFT-HAND PORTION, HERE?

3 A YES.

4 Q IT SAYS "R. MICHAEL WETHERBEE"?

5 A YES.

6 Q AND THERE IS ANOTHER WORD OF SOME SORT UNDER THERE.  
7 AND DO YOU HAVE ANY OPINION ONE WAY OR THE OTHER, WHETHER  
8 OR NOT THAT IS WRITTEN BY THE SAME PERSON?

9 A YOU MEAN THE WRITING IN THE MARGIN?

10 Q CORRECT.

11 A I FEEL THAT IT WAS BUT I AM NOT CERTAIN.

12 Q ALL RIGHT. AS FAR AS THE REST OF THE WRITING  
13 THAT IS ON THAT PAGE, YOUR OPINION IS THAT IT WAS WRITTEN  
14 BY THE SAME PERSON WHO MADE THE EXEMPLAR?

15 A YES, EXCEPT THERE IS A LITTLE PIECE OF WRITING  
16 ON THE RIGHT SIDE, JUST TO THE RIGHT OF THE NUMBER 9:45.  
17 IT DOESN'T SHOW ON THAT DRAWING.

18 Q ALL RIGHT.

19 A BUT IT LOOKS LIKE MAYBE A "JM" OR SOMETHING LIKE  
20 THAT. I CAN'T QUITE READ IT. SO I AM NOT SURE ABOUT IT.

21 Q IN ORDER TO DO AN ANALYSIS OF HANDWRITING, THERE  
22 ARE CERTAIN REQUIREMENTS THAT YOU HAVE TO HAVE THAT HAVE TO  
23 HAVE CERTAIN LETTERS OR NUMBERS, AS OPPOSED TO SAY, SQUIGGLES  
24 OR SOMETHING LIKE THAT?

25 A WELL, WHETHER THE SPECIMENS OF HANDWRITING ARE  
26 IDENTIFIABLE DEPEND ENTIRELY UPON EACH INDIVIDUAL CASE.

27 SOMETIMES A SIGNATURE WILL APPEAR THAT IN MY  
28 OPINION, THERE IS JUST -- IT IS NOT COMPARABLE BECAUSE IT

1 IS NOT REALLY WRITING SO TO SPEAK. IT IS KIND OF A SQUIGGLE  
2 OR A SCRIBBLE.

3 SOME OF THOSE, I JUST SIMPLY CANNOT DO BECAUSE  
4 IT PROBABLY WOULD BE EASIER TO FORGE AND I COULDN'T TELL  
5 WHETHER IT WAS FORGED OR NOT.

6 Q DOES THE WRITING ON THIS PAGE IN THE -- AND THE  
7 WRITING IN THE MARGIN, THAT DOESN'T APPEAR ON THE BLOW-UP,  
8 DOES THAT FALL INTO THAT CATEGORY OR NOT?

9 A I DON'T THINK SO. I THINK IT IS JUST SOMETHING  
10 WRITTEN VERY HURRIEDLY WITHOUT ANY CARE. AND THUS, IT DIDN'T  
11 COME OUT VERY LEGIBLY.

12 MR. WAPNER: MIGHT THIS BE AN APPROPRIATE TIME TO BREAK,  
13 YOUR HONOR?

14 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN OF THE  
15 JURY, WE'LL TAKE OUR ADJOURNMENT NOW AGAIN UNTIL TOMORROW  
16 MORNING AT 10:30.

17 THE SAME ADMONITION I GAVE YOU ABOUT TALKING  
18 AMONG YOURSELVES OR READING ANYTHING ABOUT THE CASE WILL STILL  
19 APPLY. GOOD NIGHT. THANK YOU.

20 (AT 4:30 P.M. AN ADJOURNMENT WAS TAKEN  
21 UNTIL THURSDAY, MARCH 12, 1987 AT  
22 10:30 A.M.)

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