

COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

DOCKET
88 DA 0269
Entered by _____
Date _____

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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FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 66 OF 101
(PAGES 10424 TO 10595, INCLUSIVE)

COPY

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WEST C

HON. LAURENCE J. RITTENBAND, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

PLAINTIFF,)

VS.)

NO. A-090435

JOSEPH HUNT,)

DEFENDANT.)

REPORTERS' DAILY TRANSCRIPT

MONDAY, MARCH 16, 1987

VOLUME 66

PAGES 10424 TO 10595, INCL.

APPEARANCES:

FOR THE PLAINTIFF: IRA REINER, DISTRICT ATTORNEY
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FOR THE DEFENDANT: ARTHUR H. BARENS, ESQ.
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AND

RICHARD C. CHIER, ESQ.
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ROSEMARIE GOODBODY, CSR NO. 932
SALLY YERGER, CSR NO. 2008
OFFICIAL REPORTERS

EXHIBITS FOR VOLUME 66

	<u>PEOPLE'S EXHIBITS:</u>	<u>FOR IDENTIFICATION</u>
1		
2		
3		
4	24 PHOTOGRAPH OF KURT KUHN STANDING IN DRIVEWAY OF PECK ROAD	10589
5		
6	25 PHOTOGRAPH OF CARPORT	10589
7	26 PHOTOGRAPH OF EAST PECK ALLEY	10589
8	27 PHOTOGRAPH NORTH OF PECK LOOKING SOUTH	10589
9	62 PHOTOGRAPH OF BROWNING ATTRITION MILL	10568
10	78 DOCUMENT ENTITLED "AGREEMENT RE ASSIGNMENT OF OPTION"	10512
11	79 DOCUMENT ENTITLED "HAND DELIVERED, BOARD OF DIRECTORS, MAY BROTHERS LAND CORP."	10512
12		
13	96 BLACK PLANNING DIARY - MR. LEVIN'S	10506
14	98 TWO SIGNATURE STAMPS	10510
15	99 PIECE OF PAPER WITH TWO STAMPED SIGNATURES	10510
16	102 THREE CHECKBOOKS	10523
17	103-B LETTER FROM SECURITY BANK DATED JUNE 5	10527
18	106 ENVELOPE AND CONTENTS - 12 CREDIT CARDS	10524
19	107 PHOTOGRAPH OF JOE HUNT AND DEAN KARNY	10556
20	202 ORIGINALS SUBSTITUTED FOR COPIES	10483
21	216 FIVE PHOTOGRAPHS, NUMBERED 10, 5, 4, 21	10439
22	217 FOUR PHOTOGRAPHS OF FINGERPRINT LIFTS	10441
23	218 PHOTOGRAPH OF FINGERPRINT LIFT	10443
24	219 PHOTOGRAPH OF PRINT OF MR. HUNT	10445
25	220 PHOTOGRAPH OF PRINT OF INDEX FINGER OF MR. KARNY	10447
26	221 FOUR PHOTOGRAPHS OF FINGERPRINT LIFTS	10450
27	222 STATEMENTS AND ACCOUNT OPENING DOCUMENTS FROM BANK OF AMERICA	10472
28		

(CONTINUED)

EXHIBITS FOR VOLUME 66

(CONTINUED)

	<u>PEOPLE'S EXHIBITS (CONTINUED)</u>	<u>FOR IDENTIFICATION</u>
5	223 RECEIPTS FROM WINGS TRAVEL AGENCY	10558
6	224 PHOTO BILL	10561
7	225 PASSPORT OF JOE HUNT	10561
8	226 DOCUMENTS USED AS HANDWRITING EXEMPLARS	10562
9	227 DRIVER'S LICENSE OF TOM MAY	10563
10	228 FOUR PHOTOGRAPHS - MOUNTAINOUS AREA	10570

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1 SANTA MONICA, CALIFORNIA; MONDAY, MARCH 16, 1987; 10:35 A.M.
 2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
 3 (APPEARANCES AS NOTED ON TITLE PAGE.)
 4

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

8 (THE FOLLOWING PROCEEDINGS WERE HELD
 9 AT THE BENCH:)

10 MR. WAPNER: YOUR HONOR, I JUST WANTED TO TALK TO THE
 11 COURT ABOUT SCHEDULING.

12 FIRST OF ALL, I WAS HOPING THAT WE HAVE -- I
 13 AM GOING TO RECALL THE FINGERPRINT PERSON TODAY BASED ON
 14 SOME THINGS THAT HAVE HAPPENED.

15 I ANTICIPATE WHAT WILL BE RELATIVELY BRIEF
 16 WITNESS FROM THE BANK OF AMERICA AND THEN DETECTIVE
 17 ZOELLER AND I THINK THAT BETWEEN THE DIRECT AND CROSS-
 18 EXAMINATION OF DETECTIVE ZOELLER THAT WILL TAKE US
 19 PROBABLY, MY ESTIMATE IS, PROBABLY TO THE MIDDLE OF THE
 20 AFTERNOON, I DON'T KNOW EXACTLY.

21 AND THEN WHAT I WAS HOPING THAT WE MIGHT DO IS
 22 TAKE CARE OF ANY OTHER DISCUSSIONS REGARDING THE TESTIMONY
 23 OF MR. KARNY AND ANY MOTIONS IN LIMINE REGARDING HIS
 24 TESTIMONY AND BE ABLE TO START WITH HIM TOMORROW MORNING.

25 I DON'T KNOW EXACTLY HOW FAR WE WILL GET TODAY.
 26 I DON'T WANT TO WASTE TOO MUCH OF THE COURT'S TIME BUT IS
 27 THAT SCHEDULE TENTATIVELY PERMISSIBLE, ASSUMING IT LOOKS
 28 LIKE AT NOON WE ARE STILL --

1 THE COURT: THAT IS ALL RIGHT WITH ME.

2 MR. BARENS: YOUR HONOR, THAT IS FINE WITH THE DEFENSE.
3 WE WILL HAVE A MOTION PRIOR TO DETECTIVE ZOELLER'S TESTIMONY,
4 WHICH WE WOULD LIKE YOUR HONOR TO CONSIDER, WHERE WE ARE
5 GOING TO BE ASKING THE COURT IN A MANNER, TO EXCLUDE A
6 PORTION OF TESTIMONY WE ANTICIPATE FROM DETECTIVE ZOELLER,
7 BASED ON A CASE THAT CAME DOWN LAST WEEK.

8 THE COURT: WHAT DO YOU WANT TO EXCLUDE?

9 MR. BARENS: COULD I DEFER TO MR. CHIER, AS IT WAS
10 BROUGHT TO MY ATTENTION BY MR. CHIER.

11 THE COURT: GO AHEAD.

12 MR. CHIER: WE MOVE TO EXCLUDE AND HAVE A HEARING
13 REGARDING THE ADMISSIBILITY OF ALL STATEMENTS AND/OR
14 OBSERVATIONS OF AND REGARDING THE DEFENDANT MADE BY POLICE
15 OFFICERS FOLLOWING HIS FIRST ARREST AND PRIOR --

16 THE COURT: FOLLOWING WHAT?

17 MR. CHIER: HIS FIRST ARREST AND PRIOR TO THE SECOND
18 ARREST ON THE GROUNDS THAT THE FIRST ARREST OCCURRED WITHOUT
19 PROBABLE CAUSE AND THAT THEREFORE, ANYTHING THAT OCCURRED
20 OR FLOWED FROM THAT, BASED UPON WONG SUN, WOULD BE INADMISSIBLE,
21 YOUR HONOR. THERE IS A NEW CASE WHICH HAS JUST COME OUT ON
22 MARCH 10TH IN THE DAILY APPELLATE REPORT WHICH DEALS WITH
23 THE ISSUE OF A FIRST ARREST WITHOUT PROBABLE CAUSE, FOLLOWED
24 BY A SECOND ARREST, WHERE THEY TRY TO USE THE EVIDENCE
25 OBTAINED AS A RESULT OF THE FIRST ARREST, AFTER THE SECOND
26 ARREST. IT WAS NOT ADMITTED.

27 BASED UPON THAT, I THINK WE ARE ENTITLED TO EITHER
28 A 402 TYPE HEARING OR A SUPPRESSION HEARING. HOWEVER THE

1 COURT WANTS TO STYLE IT, PROCEDURALLY, WE --

2 THE COURT: DO YOU KNOW WHAT HE IS TALKING ABOUT?

3 MR. CHIER: WE HAVE A COPY OF THE REPORT THAT JUST CAME
4 OUT. IT IS STILL IN THE NEWSPAPER FORMAT.

5 THE COURT: MAY I SEE IT?

6 MR. BARENS: I AM HANDING YOUR HONOR FROM THE MARCH 10
7 DAILY JOURNAL PUBLICATION, THE CASE WHICH IS CITED AS LOSOYA,
8 L-O-S-O-Y-A.

9 THE COURT: LOSOYA WHAT?

10 MR. BARENS: VERSUS SUPERIOR COURT OF THE STATE OF
11 CALIFORNIA.

12 YOUR HONOR, THE PART THAT I THINK MR. CHIER IS
13 REFERRING TO IS PRIMARILY ON 790, ALTHOUGH YOU SHOULD READ
14 IT FROM 789.

15 THE COURT: WHY DON'T YOU MARK IT?

16 MR. BARENS: THANK YOU. DO YOU WANT TO HIGHLIGHT IT
17 FOR THE JUDGE?

18 MR. CHIER: ALL RIGHT.

19 THE COURT: IS THAT NEW LAW? SOMETHING I HAVE NEVER
20 HEARD OF BEFORE?

21 MR. CHIER: IT IS A NEW FACT PATTERN, THE APPLICATION
22 OF EXISTING PRINCIPLES TO A NEW FACT PATTERN, YOUR HONOR.

23 THE COURT: ALL RIGHT.

24 MR. WAPNER: I HAVE NOT SEEN THAT CASE. IT SEEMS TO
25 ME THAT IT IS A LITTLE LATE TO BE MAKING A 1538.5 MOTION,
26 WHICH THIS IS.

27 BUT I AM HAPPY TO READ THE CASE AND ARGUE IT.
28 I HAVE NO PROBLEM WITH THE FACT THAT THERE WAS MORE THAN

1 AMPLE PROBABLE CAUSE FOR HIS ARREST.

2 I WOULD LIKE COUNSEL ALSO TO SET OUT -- IN ASSUME THAT
3 THE MOTION IS MADE ON THE FACT THAT THERE WAS NO PROBABLE
4 CAUSE FOR THE FIRST ARREST AND THEREFORE, NO STATEMENT THAT
5 HE MADE IS ADMISSIBLE. IS THAT IT?

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1 MR. CHIER: YES.

2 THE COURT: WELL, I WILL READ THIS.

3 MR. CHIER: THE ISSUE IN A NUTSHELL --

4 THE COURT: WHAT IS THAT PAPER?

5 MR. WAPNER: THIS IS SOMETHING ELSE THAT I WAS HANDED
6 JUST NOW.

7 THE COURT: WHAT IS THAT?

8 MR. WAPNER: I THOUGHT IT WAS A MOTION.

9 THERE WERE MOVING PAPERS ON THE MOTION.

10 THE COURT: IS THAT IN THE FILE?

11 WHY DON'T YOU GIVE ME THESE PAPERS WHEN THEY
12 ARE FILED?

13 THE CLERK: I WAS JUST HANDED IT FIVE MINUTES AGO.
14 IT IS ON CLOSING ARGUMENT. IT IS NOT SOMETHING ELSE TO DO
15 RIGHT NOW.

16 MR. CHIER: THE DATE IS WRONG, YOUR HONOR. IT WAS
17 MISDATED.

18 THE COURT: THAT MOTION WILL BE DENIED. ALL RIGHT.

19 MR. BARENS: YOUR HONOR, I JUST WANTED TO COMMENT ON
20 ONE OF THE REASONS THAT WE ONLY BRING THIS CASE TO YOUR
21 HONOR'S ATTENTION THIS MORNING IS THAT IT WAS ONLY BY CHANCE
22 THAT WE WERE READING IT YESTERDAY AND WE HAPPENED TO BE
23 LOOKING AT THE PAPER YESTERDAY IN MY OFFICE.

24 THE COURT: ALL RIGHT, THAT MOTION AS TO CLOSING
25 ARGUMENT BY HIM IS DENIED. I JUST WANT TO EMPHASIZE THAT.

26 MR. BARENS: YOUR HONOR, COULD I MAKE A REFERENCE FOR
27 THE RECORD IN THAT REGARD, YOUR HONOR?

28 THE COURT: THERE IS NO NEED. IT IS FILED. WE DON'T

-2
1 NEED IT.

2 MR. BARENS: I DO UNDERSTAND BUT I WOULD LIKE TO BE
3 HEARD JUST A MOMENT ON THAT, YOUR HONOR.

4 THE COURT: IS THERE ANYTHING THAT ISN'T CONTAINED
5 IN THE MOTION THAT YOU WANTED TO SAY?

6 MR. BARENS: I AM SORRY?

7 THE COURT: EVERYTHING YOU WANT TO SAY IS CONTAINED
8 IN THE MOTION?

9 MR. BARENS: I JUST FEEL THAT I WOULD LIKE TO ASK
10 YOUR HONOR TO PLEASE READ THE DEFENDANT'S DECLARATION
11 ATTACHED TO THAT MOTION.

12 THE COURT: YES, I WILL READ IT.

13 MR. BARENS: BECAUSE IT DOES --

14 THE COURT: THEN I WILL WITHDRAW THE DENIAL AND I WILL
15 READ IT.

16 MR. BARENS: IT DOES CAUSE ME CONCERN.

17 THE COURT: DOES THAT CAUSE YOU CONCERN?

18 MR. BARENS: YES, YOUR HONOR. THANK YOU.

19 THE COURT: ALL RIGHT.

20 (THE FOLLOWING PROCEEDINGS WERE HELD
21 IN OPEN COURT IN THE PRESENCE AND HEARING
22 OF THE JURY:)

23 THE COURT: GOOD MORNING LADIES AND GENTLEMEN.

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JAMES WAGENBRENNER,
CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY
SWORN, RESUMED THE STAND AND TESTIFIED FURTHER AS FOLLOWS:

THE CLERK: YOU HAVE PREVIOUSLY BEEN SWORN. YOU ARE

1 STILL UNDER OATH.

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

4 THE WITNESS: JAMES S. WAGENBRENNER.

5 MR. WAPNER: AND YOU THOUGHT YOU WERE FINISHED, RIGHT?

6 THE WITNESS: YES.

7 MR. BARENS: JUST A MINUTE, MR. WAPNER.

8 COULD WE HAVE A MINUTE BEFORE HE TESTIFIES? I
9 WANT TO MAKE SURE I UNDERSTAND.

10 (UNREPORTED COLLOQUY BETWEEN MR. BARENS
11 AND MR. CHIER.)

12 MR. BARENS: YOUR HONOR, WE NEED TO APPROACH A MINUTE,
13 PLEASE. I AM SORRY.

14 THE COURT: ALL RIGHT.
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1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 AT THE BENCH OUT OF THE PRESENCE OF
3 THE JURY:)

4 MR. BARENS: YOUR HONOR, I AM ADVISED OF AN ISSUE THAT
5 I WOULD LIKE TO ADVISE THE COURT ABOUT.

6 THE COURT: WHAT IS THE ISSUE?

7 MR. BARENS: IT HAS TO DO WITH THIS WITNESS. I UNDERSTAND
8 FROM MR. WAPNER, ABOUT TEN MINUTES AGO, THAT HE IS NOW GOING
9 TO TESTIFY ABOUT CERTAIN PRINTS HE DEVELOPED I GUESS, OVER
10 THE WEEKEND OR FRIDAY. I AM NOT SURE WHICH IT IS.

11 OBVIOUSLY, THEY ARE BOTH EXTREMELY RELEVANT AND
12 MATERIAL TO THIS CASE BUT HAVE A HIGH LEVEL IMPACT ON THE
13 DEFENSE ORIENTATION ON THE STATE OF THE EVIDENCE, TO SAY THE
14 VERY LEAST, AFTER FISHING AROUND WITH THIS. AND COULD I DEFER
15 TO MR. CHIER TO CARRY FORWARD WITH THE DISCUSSION, YOUR HONOR?

16 MR. WAPNER: LET ME MAKE AN OFFER OF PROOF SO THAT THE
17 COURT KNOWS WHAT THE REASON FOR RECALLING THIS WITNESS IS.

18 HE WILL TESTIFY THAT UPON REQUEST OF THE PEOPLE
19 TO EXAMINE THE LIFTS THAT WERE MADE -- THE PRINTS THAT WERE
20 OBTAINED FROM VARIOUS ITEMS AGAINST OTHER PEOPLE WHO THEY
21 MAY NOT HAVE BEEN COMPARED TO, SPECIFICALLY MR. KARNY AND
22 MR. DOSTI, THAT A COMPLETE RE-EXAMINATION OF THE PRINTS
23 INDICATED WAS DONE.

24 AS A RESULT, HE LOOKED AT THE FILE FOLDER, THE
25 GREEN FILE FOLDER AND FOUND SEVERAL PRINTS OF RON LEVIN ON
26 THE FILE FOLDER AND SOME PRINTS OF MARTIN LEVIN.

27 THE COURT: WHAT IS THE FILE FOLDER? IS THAT THE GREEN
28 THING?

1 MR. WAPNER: YES, PEOPLE'S 100, WHICH WAS THE FOLDER
2 THAT CONTAINED THE CONTRACT THAT WAS SIGNED BY MR. LEVIN,
3 AS WELL AS VARIOUS MATERIALS ABOUT THE GRINDING MACHINE AND
4 ALSO THE LETTERS THAT THE SECRETARY MADE REFERENCE TO.

5 AND HE ALSO FOUND ONE PRINT, AN ADDITIONAL PRINT
6 OF MR. HUNT'S ON THE SEVEN-PAGE LIST AND ONE PRINT OF
7 MR. KARNY'S ON THE SEVEN-PAGE LIST.

8 MR. CHIER: WE ARE ASKING THAT THIS WITNESS EITHER BE
9 PRECLUDED FROM TESTIFYING YOUR HONOR, OR IN THE ALTERNATIVE,
10 THAT THE DEFENSE BE GIVEN ABOUT A THREE-DAY CONTINUANCE IN
11 ORDER TO HAVE OUR OWN EXPERT LOOK AT THIS EVIDENCE.

12 TO HAVE THIS HAPPEN AT THIS PARTICULAR TIME, AS
13 A RESULT OF EITHER NEGLIGENCE OR DESIGN, WHICH IS NOT CLEAR
14 AT THIS POINT HOW IT HAPPENED -- BUT TO HAVE IT HAPPEN HERE,
15 MATERIALLY ALTERS OBVIOUSLY, THE DEFENSE STRATEGY IN THE CASE.

16 THE COURT: IN WHAT WAY?

17 MR. CHIER: WELL, I CANNOT --

18 THE COURT: YOU HAVE GOT TO TELL ME. WHAT IS THE
19 STRATEGY? TELL ME WHAT THE STRATEGY IS AND HOW IT HAS BEEN
20 ALTERED.

21 MR. CHIER: MAY I FINISH, PLEASE?

22 MR. WAPNER: WELL, MAYBE I CAN HELP YOU --

23 MR. CHIER: IN ADDITION, WE ARE NOT PREPARED TO CROSS-
24 EXAMINE THIS WITNESS WITHOUT HAVING OUR OWN EXPERT --

25 THE COURT: YOU MAY PROCEED. YOU HAVE HAD OPPORTUNITY
26 CERTAINLY, TO EXAMINE ALL OF THE DOCUMENTS IN THIS PARTICULAR
27 MATTER, PARTICULARLY WITH RESPECT TO FINGERPRINTS OR
28 HANDWRITING OR ANYTHING ELSE.

1 YOU DIDN'T TAKE ADVANTAGE OF IT. YOU CAN'T AT
2 THIS TIME, ASK ME TO CONTINUE THIS CASE FOR THREE DAYS SO
3 THAT YOU CAN HAVE AN OPPORTUNITY TO DO SOMETHING THAT WOULD
4 PROVE NOTHING.

5 MR. CHIER: THE ONLY INFORMATION WE HAD WAS THAT
6 MR. HUNT'S FINGERPRINT WAS ON THIS, YOUR HONOR.

7 THE COURT: ON WHAT?

8 MR. CHIER: ON THE SEVEN PAGES, YOUR HONOR.

9 THE COURT: WELL, SURE. THEY ARE IN THERE. YOU ADMIT
10 THAT, DON'T YOU?

11 MR. CHIER: BUT THE DISCOVERY WE HAD DID NOT INDICATE
12 ANYBODY ELSE'S FINGERPRINTS WERE ON THERE, THAT HAD BEEN
13 IDENTIFIED.

14 THE COURT: PROCEED. GO AHEAD.

15 MR. WAPNER: IF THE COURT WANTS -- WELL, LET ME PUT
16 IT THIS WAY. I AM HAPPY TO DEFER THIS WITNESS'S TESTIMONY
17 UNTIL AFTER DETECTIVE ZOELLER TESTIFIES AND AFTER THE OTHER
18 WITNESSES TESTIFY AND IN THAT PERIOD OF TIME, IF THEY WANT
19 TO AVAIL THEMSELVES OF ANY OPPORTUNITY, THEY CAN HAVE THEIR
20 PEOPLE EXAMINE IT. THAT IS FINE WITH ME.

21 THE COURT: I DON'T UNDERSTAND. YOU ARE THE LAWYER
22 IN THE CASE. TELL ME WHAT THE PURPOSE OF HAVING THIS
23 RE-EXAMINED NOW BY SOME EXPERT -- TO PROVE WHAT? THAT THERE
24 WASN'T A FINGERPRINT ON IT? I DON'T UNDERSTAND THAT.

25 WHAT IS IT THAT YOU WANT?

26 MR. BARENS: I UNDERSTAND THAT WHAT IS GOING ON HERE
27 IS THAT SOME SELECTIVE PRINT COMPARISON BASIS HAS COME UP
28 WITH CERTAIN NAMES AND PEOPLE. I BELIEVE THAT WE WOULD LIKE

1 TO SEE HOW MANY PRINTS ARE ON THERE NOW, THAT ARE --

2 THE COURT: WELL, YOU HAD AN OPPORTUNITY OF HAVING THIS
3 THING EXAMINED ANY NUMBER OF TIMES FOR YEARS WHILE THIS THING
4 WAS PENDING. WHY NOW, AT THIS PARTICULAR TIME? WHY NOW TELL
5 ME THAT YOU WANT TO HAVE YOUR FINGERPRINT EXPERT OR WHAT EXPERT
6 THAT YOU WANT --

7 MR. BARENS: WE HAVE ALWAYS BEEN TOLD SINCE DAY ONE,
8 THAT THE ONLY IDENTIFIABLE AND MATCHABLE PRINT ON THE SEVEN
9 PAGES WAS MR. HUNT'S.

10 THE COURT: WHO TOLD YOU THAT? WHO TOLD YOU THAT?

11 MR. BARENS: THE POLICE OFFICER'S TESTIMONY FROM THE
12 PRELIMINARY HEARING IN THE HUNT CASE.

13 THE COURT: SHOW ME WHERE IT IS.

14 MR. BARENS: I DIDN'T BRING THE TRANSCRIPT HERE TODAY,
15 YOUR HONOR. I DIDN'T REALIZE THAT THIS WITNESS WOULD --

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1 THE COURT: AT THIS LATE DATE I AM NOT GOING TO PERMIT
2 YOU ANY CONTINUANCE IN THIS MATTER. IF YOU WANT TO TAKE
3 UP THESE MATTERS THE NEXT DAY OR THE NEXT TWO DAYS WHILE
4 ALL THE TESTIMONY IS BEING HAD, YOU ARE AT LIBERTY TO DO
5 SO.

6 MR. BARENS: HERE IS WHAT LET'S DO, JUDGE. WHY DON'T
7 WE GO AHEAD WITH THE TESTIMONY THIS MORNING? I CAN ALWAYS
8 RETAIN THE GENTLEMAN ON CALL FOR ANY RECROSS WE HAVE AND
9 THEN GO AHEAD ON THIS BASIS.

10 THE COURT: VERY GOOD. ALL RIGHT.

11 (THE FOLLOWING PROCEEDINGS WERE HELD IN
12 OPEN COURT IN THE HEARING AND PRESENCE
13 OF THE JURY:)

14
15 FURTHER REDIRECT EXAMINATION

16 BY MR. WAPNER:

17 Q MR. WAGENBRENNER, ON FRIDAY OF LAST WEEK, DID
18 YOU DO A REEXAMINATION -- OR ON THURSDAY AND FRIDAY OF LAST
19 WEEK, DID YOU DO A REEXAMINATION OF SOME OF THE FINGERPRINT
20 EVIDENCE THAT WAS DEVELOPED IN THIS CASE?

21 A YES, I DID.

22 Q AND SPECIFICALLY, DID YOU EXAMINE PHOTOGRAPHS
23 OF FINGERPRINTS THAT HAD BEEN DEVELOPED FROM A FILE FOLDER
24 MARKED PEOPLE'S 100 FOR IDENTIFICATION?

25 A YES, I DID.

26 Q AND WERE YOU ABLE TO, FIRST OF ALL, IDENTIFY
27 THOSE FINGERPRINTS AS BEING AVAILABLE FOR COMPARISON, HAVING
28 ENOUGH MARKS IN THEM THAT YOU COULD COMPARE THEM TO SOMEBODY'S

1 FINGERPRINT?

2 A YES.

3 Q AND DID YOU THEN COMPARE THOSE PRINTS TO OTHER
4 PRINTS THAT YOU HAD ON FILE IN THIS CASE?

5 A YES.

6 Q AND WHAT DID YOU FIND OUT?

7 A A NUMBER OF PRINTS THAT WERE OBTAINED ON PEOPLE'S
8 100?

9 THE COURT: YES.

10 Q BY MR. WAPNER: THIS GREEN FILE FOLDER THAT IS
11 MARKED PEOPLE'S 100.

12 A AND THE FINGERPRINTS APPEARING ON A FINGERPRINT
13 CARD WITH THE NAME OF RONALD LEVIN, THE PRINTS MATCHED AND
14 WERE MADE BY ONE AND THE SAME PERSON.

15 Q AND DID YOU COMPARE THE --

16 WELL, FIRST OF ALL, THE FINGERPRINTS THAT YOU
17 MATCHED TO MR. LEVIN, HOW DID YOU KNOW THEY CAME OFF OF THE
18 FILE JACKET THAT IS PEOPLE'S 100?

19 A THIS MORNING, I MADE A -- I GOT THE PHOTOGRAPHS
20 AND COMPARED THEM TO THE MARKS THAT ARE STILL ON THE FOLDER,
21 IN AN EFFORT TO TRY TO CONNECT UP THE PHOTOGRAPHS FROM WHERE
22 THEY CAME FROM ON THE PHOTO AND WAS ABLE TO DETERMINE THAT
23 A FEW OF THE PRINTS, WHERE THEY CAME FROM ON THE FOLDER.

24 Q AND DID YOU MAKE SOME MARKS ON THE FILE FOLDER
25 IN THAT REGARD?

26 A YES, I DID.

27 Q ALL RIGHT. AND THEY ARE MARKS THAT ARE ON THERE
28 NOW THAT WEREN'T ON THERE LAST WEEK WHEN YOU EXAMINED THEM?

1 A THAT'S CORRECT.

2 Q WHAT MARKS ARE THOSE?

3 A THEY ARE CIRCLES, RECTANGLES WITH NUMBERS
4 CIRCLED APPEARING INSIDE OF THEM.

5 Q MAY I HAVE JUST A MOMENT?

6 AND THERE APPEARS TO BE ONE OF THESE PORTIONS
7 OF THE FILE FOLDER THAT IS THE FRONT, OR AT LEAST IT HAS
8 SOME SCRIBBLED WRITING IN INK THAT APPEARS TO BE THE FRONT;
9 IS THAT RIGHT?

10 A YES, SIR.

11 Q ALL RIGHT. AND HAVE YOU PUT SOME NUMBERS, SOME
12 LINES AND SOME NUMBERS ON THERE?

13 A YES.

14 Q LET'S START WITH THE TOP LEFT-HAND CORNER, DID
15 YOU PUT THIS BLUE LINE AND A NUMBER ON THERE?

16 A THE BLUE LINE AND THE NUMBER 10 CIRCLED.

17 Q WHAT WERE YOU TRYING TO INDICATE WHEN YOU PUT
18 THAT THERE?

19 A THIS IS A PHOTOGRAPH THAT HAS A NUMBER 10 ON
20 IT AND THE LATENT PRINTS THAT APPEAR ON THAT PHOTOGRAPH
21 CORRESPOND TO THE LATENT PRINTS THAT ARE WITHIN THE
22 RECTANGLE.

23 Q AND THE SAME WITH THE OTHER PRINTS THAT ARE ON
24 THE FRONT THERE?

25 A CORRECT, EACH NUMBER CORRESPONDS TO A PHOTOGRAPH
26 OF LATENT PRINT MATERIAL.

27 Q CAN YOU TELL WHICH PRINTS ARE WHICH ON THE FRONT
28 THERE BY YOUR REFERRING TO THE LATENT PRINTS THAT YOU HAVE

1 WITH YOU?

2 A YES.

3 MR. WAPNER: COULD I HAVE JUST A MINUTE WITH THE
4 WITNESS?

5 THE COURT: YES.

6 (UNREPORTED COLLOQUY BETWEEN MR. WAPNER
7 AND THE WITNESS.)
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1 THE WITNESS: THE PHOTOGRAPHS THAT I HAVE IN MY HAND
2 NOW HAVE THE NUMBERS WHICH CORRESPOND TO THE NUMBERS WHICH
3 ARE ON THE FRONT OF THE FILE FOLDER, STARTING WITH NUMBER --
4 PHOTOGRAPH --

5 Q BY MR. WAPNER: LET ME INTERRUPT YOU FOR ONE
6 SECOND.

7 HOW MANY PHOTOGRAPHS DO YOU HAVE THAT CORRESPOND
8 TO THE FRONT OF THE FILE FOLDER?

9 A FIVE PHOTOGRAPHS.

10 MR. WAPNER: MAY THOSE FIVE COLLECTIVELY BE MARKED
11 216 FOR IDENTIFICATION?

12 THE COURT: THEY WILL BE SO MARKED.

13 MR. WAPNER: RATHER THAN MAKE THEM 216-A OR B, EACH
14 OF THESE PHOTOGRAPHS HAS A NUMBER. ONE HAS THE NUMBER 10.
15 ONE HAS THE NUMBER 5. ONE HAS THE NUMBER 4. ONE HAS THE
16 NUMBER 2. AND ONE HAS THE NUMBER 1. MAY THAT GROUP OF
17 FIVE PHOTOGRAPHS SELECTIVELY BE MARKED 216 FOR IDENTIFICATION?

18 THE COURT: SO MARKED.

19 MR. WAPNER: ALL RIGHT, DETECTIVE WAGENBRENNER, WOULD
20 YOU TELL US WHAT THOSE PHOTOGRAPHS REPRESENT?

21 A STARTING WITH NUMBER 10? .

22 Q JUST TURN THAT FILE A LITTLE BIT SO THE JURY
23 CAN SEE IT.

24 A ALL RIGHT. STARTING WITH NUMBER 10, WHICH IS
25 THIS CORNER UP HERE, THE TOP LEFT-HAND CORNER AS YOU ARE
26 LOOKING AT IT, THERE IS A LATENT PRINT APPEARING ON THERE
27 WHICH IS THE RIGHT THUMBPRINT OF RONALD LEVIN.

28 NUMBER 5, WHICH IS IN THIS AREA HERE, CONTAINS

1 LATENT PRINTS WHICH ARE THE RIGHT INDEX AND THE RIGHT MIDDLE
2 FINGER OF MR. LEVIN.

3 AREA NUMBER 2, WHICH IS DOWN IN THIS CORNER
4 OVER HERE, CONTAINS LATENT PRINTS WHICH ARE THE RIGHT THUMB-
5 PRINT OF MR. LEVIN, THE LEFT PALMPRINT OF MR. LEVIN AND THE
6 LEFT RING FINGER OF MR. LEVIN.

7 AREA NUMBER 4 CONTAINS THE RIGHT PALMPRINT OF
8 MR. LEVIN.

9 AND AREA NUMBER 1, WHICH IS IN A CIRCLE, IS THE
10 RIGHT THUMBPRINT OF MR. RONALD LEVIN.

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1 Q AND IN ALL OF THAT, WHEN YOU SAID "MR. LEVIN,"
2 YOU ARE REFERRING TO RONALD LEVIN?

3 A MR. RONALD LEVIN, THAT'S CORRECT.

4 Q WERE THERE ANY OTHER PRINTS THAT YOU WERE ABLE
5 TO MATCH UP THE PRINTS THAT ARE ON ANY PORTION OF PEOPLE'S 100?

6 A YES. THERE ARE OTHER AREAS: THE NEXT PORTION
7 IS WHAT APPEARS TO BE THE BACK OF THE COVER. THERE ARE FOUR
8 AREAS INDICATED ON THIS. STARTING WITH NUMBER 7, WHICH IS
9 TOWARD THE TOP ON THE RIGHT-HAND SIDE AS THE JURY IS LOOKING
10 AT IT --

11 Q HOW MANY DIFFERENT PHOTOGRAPHS DO YOU HAVE THAT
12 DEPICT THE LIFTS THAT ARE ON THE BACK PORTION?

13 A FOUR AREAS, FOUR PHOTOGRAPHS.

14 MR. WAPNER: MAY THESE FOUR COLLECTIVELY BE 217 FOR
15 IDENTIFICATION, YOUR HONOR?

16 THE COURT: BE SO MARKED.

17 MR. WAPNER: THEY BEAR THE NUMBERS 3, 13, 14 AND 7.

18 THE WITNESS: OKAY. IN NUMBER 7, IT IS THE UPPERMOST
19 PRINT ON THE RIGHT SIDE. THAT IS THE LEFT MIDDLE FINGER OF
20 MR. RONALD LEVIN.

21 NUMBER 13 WHICH IS ON THE EDGE, JUST UNDER NUMBER 7,
22 IS THE LEFT INDEX FINGER OF RONALD LEVIN.

23 AND IN ADDITION, WITHIN THAT AREA, ARE TWO PRINTS
24 OF MARTIN LEVIN, THE LEFT MIDDLE FINGER AND THE LEFT RING
25 FINGER OF MR. MARTIN LEVIN.

26 Q BY MR. WAPNER: THOSE ARE OVER ON THE EDGE OF
27 THE PAGE WHERE IT SAYS 13, WHICH IS THE RIGHT-HAND EDGE AS
28 WE ARE LOOKING AT IT?

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1 A CORRECT. JUST BELOW THAT AND JUST TO THE LEFT
2 OF THAT, IS AN AREA WHICH IS NUMBER 14. THAT CONTAINS THE
3 LEFT RING FINGER AND LEFT LITTLE FINGER OF DETECTIVE ZOELLER.

4 AND THEN TOWARD THE BOTTOM OF THE PAGE, TOWARD
5 THE LEFT-HAND SIDE, IS AN AREA CIRCLED NUMBER 3 AND IN THERE,
6 IS A LATENT PRINT THAT IS THE RIGHT INDEX FINGER OF RONALD
7 LEVIN.

8 Q AND ON THE CARDS THAT YOU HAVE REFERRED TO AS
9 WE HAVE MARKED THEM AS 216 AND 217, DO THE NUMBERS THAT ARE
10 IN THE LOWER LEFT-HAND CORNER OF THE BACK SIDE OF THESE CARDS,
11 CORRESPOND TO THE AREAS THAT YOU HAVE MARKED ON THE FOLDER?

12 A THAT'S CORRECT.

13 Q AND ALSO, ON THE BACK OF THESE CARDS IN RED INK,
14 ARE NOTATIONS FOR EXAMPLE ON 217, THAT HAS THE NUMBER 7 ON
15 IT AND IT SAYS "L.M." AND THEN, "LEVIN, RONALD."

16 WHAT DOES THAT MEAN?

17 A "L.M." MEANS LEFT MIDDLE FINGER AND THE NAME OF
18 RONALD LEVIN.

19 Q SO IF WE WANT TO GO BACK LATER AND MATCH UP THESE
20 FINGERPRINT CARDS TO THE FILE FOLDER, WE JUST HAVE TO LOOK
21 AT THE NUMBER AT THE LOWER LEFT-HAND CORNER AND THE NOTATION
22 OF WHAT FINGER IT IS AND THEN MATCH IT UP TO WHERE IT IS
23 CIRCLED ON THE FILE FOLDER ITSELF?

24 A THAT'S CORRECT.

25 Q AND WAS THERE ANYTHING ELSE ON THE FILE FOLDER
26 THAT YOU IDENTIFIED?

27 A ONE ADDITIONAL PHOTOGRAPH, WHICH IS NUMBERED NUMBER
28 6, WHICH IS ON THE OPPOSITE SIDE OF THE PAGE THAT WE JUST

3
1 DESCRIBED, WHICH WOULD BE THE INSIDE OF THE BACK COVER.

2 MR. WAPNER: MAY THAT BE 218 FOR IDENTIFICATION?

3 THE COURT: YES.

4 Q BY MR. WAPNER: AND WHAT IS THE PHOTOGRAPH NUMBER
5 6?

6 A NUMBER 6 IS THE RIGHT PALM PRINT OF MR. RONALD
7 LEVIN.

8 Q AND HAVE YOU DESIGNATED THAT ON THE BACK OF THE
9 CARD BY "R.P."?

10 A CORRECT.

11 Q AND YOU ARE SAYING THAT IT IS ON THE INSIDE OF
12 THE FILE JACKET?

13 A CORRECT.

14 Q AND THAT WOULD BE ASSUMING THAT THE FILE WAS PUT
15 TOGETHER SO THAT THE TWO BLACK STRIPS WERE FOLDED IN AND THE
16 BLUE WRITING WOULD BE ON THE OUTSIDE OF THE FRONT AND THE
17 MARKINGS WHERE YOU HAVE 7, 13, 14 AND 3 WOULD BE ON THE BACK,
18 RIGHT?

19 A CORRECT. THAT IS THE ASSUMPTION I MADE.

20 Q ARE THERE ANY MARKINGS ON THE FINGERPRINT
21 PHOTOGRAPHS THEMSELVES THAT INDICATE WHERE THE -- STRIKE THAT.

22 LET ME GO BACK. BEFORE YOU WENT BACK AND DID
23 THIS SECOND EXAMINATION, WAS THERE ANY NOTATION ON THE
24 PHOTOGRAPH OF THE FINGERPRINT AS TO WHERE THEY HAD BEEN TAKEN
25 FROM?

26 A NO, SIR.

27 Q SO WHEN YOU MATCHED UP THE NUMBERS ON THE PHOTOGRAPHS
28 TO THE NUMBERS ON THE FILE FOLDER, HOW DID YOU DO THAT?

1 A I EXAMINED THE FINGERPRINTS WHICH APPEAR IN THE
2 PHOTOGRAPHS AND TRIED TO MATCH THEM WITH THE FINGERPRINTS
3 WHICH APPEAR ON THE FILE FOLDER THAT ARE STILL VISIBLE IN
4 THE PURPLISH COLOR.

5 Q SO, THAT WAS ALL DONE THIS MORNING?

6 A CORRECT.

7 Q THE NUMBERS WERE PUT ON THE FILE, PEOPLE'S 100
8 AND ALSO ON THE BACK OF THE CORRESPONDING NUMBERS ON THE BACK
9 OF THE PHOTOGRAPH THIS MORNING?

10 A I PUT THE NUMBERS ON THE BACK OF THE PHOTOGRAPHS
11 FRIDAY. I PUT THE NUMBERS ON THE FILE FOLDER THIS MORNING.

12 Q AND DID YOU ALSO MAKE AN ATTEMPT TO MATCH
13 FINGERPRINTS OF ANYONE ELSE THROUGH ANY OF THE LIFTS THAT
14 WERE TAKEN FROM THE FILE FOLDER OR THE LIST THAT HAS BEEN
15 MARKED AS PEOPLE'S 55?

16 A YES.

17 Q WHAT DID YOU FIND?

18 A I WAS ABLE TO IDENTIFY ADDITIONAL PRINTS.

19 Q WHEN WERE YOU ABLE TO IDENTIFY --

20 THE COURT: YOU WILL HAVE TO IDENTIFY 55. THE JURY
21 MAY NOT REMEMBER. THE SEVEN SHEETS?

22 MR. WAPNER: 55 BEING THE SEVEN PIECES OF YELLOW PAPER,
23 THE FIRST ONE OF WHICH SAYS "AT LEVINS TO DO."

24 THE WITNESS: SOME OF THE PHOTOGRAPHS HAVE LINES ON
25 THEM WHICH I AM ASSUMING COMES FROM NO. 55.

26 Q BY MR. WAPNER: AND ALL OF THE PHOTOGRAPHS THAT
27 YOU HAD WERE PHOTOGRAPHS THAT CAME EITHER FROM THE FILE
28 FOLDER OR FROM THE LIST OF SEVEN PAGES THAT IS PEOPLE'S 55?

29 A THAT'S CORRECT.

1 Q AND SOME HAVE THE LINES ON THEM AND SOME DON'T?

2 A CORRECT.

3 Q SO THE ONES THAT HAVE LINES ON THEM, YOU ASSUME
4 CAME FROM THE LINED SHEETS OF PAPER?

5 A YES, SIR.

6 Q AGAIN, THOSE WERE NOT MARKED ON THE BACK OF THE
7 PHOTOGRAPH TO SAY WHERE THEY WERE TAKEN FROM, RIGHT?

8 A THAT IS CORRECT.

9 Q AND WHAT DID YOU FIND WHEN YOU EXAMINED OTHER
10 IDENTIFIABLE LIFTS TAKEN FROM THE LIST THAT IS PEOPLE'S 55?

11 A FIRST OF ALL, I WAS ABLE TO IDENTIFY A PRINT
12 TO DETECTIVE ZOELLER, THE RIGHT INDEX FINGER.

13 SECOND, I IDENTIFIED THE LEFT THUMBPRINT OF
14 JOSEPH HUNT ON A LINED PIECE OF PAPER.

15 Q NOW, WITHOUT LOOKING AT THE -- STRIKE THAT.

16 ON THE PRINT OF MR. HUNT THAT IS THE LEFT THUMB-
17 PRINT, IS THERE ANY NOTATION ON THE BACK OF THE CARD AS TO
18 WHAT PIECE OF PAPER THAT WAS TAKEN FROM?

19 A NONE WHATSOEVER.

20 Q IS THERE ANY WRITING ON ANY PORTION OF THE PAPER
21 THAT IS IN THE PHOTOGRAPH THAT WOULD INDICATE WHERE IT WAS
22 TAKEN FROM?

23 A NO.

24 MR. WAPNER: MAY THAT PRINT OF MR. HUNT BE 218 FOR
25 IDENTIFICATION -- 219. I AM SORRY.

26 THE COURT: ALL RIGHT.

27 Q BY MR. WAPNER: AND UNLIKE THE FILE FOLDER THAT
28 IS PEOPLE'S 100, THERE WEREN'T ANY PRINTS LEFT ON PEOPLE'S

1 55 THAT YOU COULD ACTUALLY USE TO COMPARE THE PHOTOGRAPH
2 WITH, WERE THERE?

3 A THAT'S CORRECT.

4 Q AND THAT WAS THE LEFT THUMBPRINT OF MR. HUNT?

5 A YES, SIR.

6 Q AND DOES THAT APPEAR TO BE ON A PORTION OF THE
7 PAPER NEAR WHERE THE LINES, THE VERTICAL LINES WOULD BE ON
8 THE MARGIN?

9 A YES, YOU CAN SEE THE LINES THAT ARE RUNNING
10 90 DEGREES TO LINES-- NORMAL PIECES OF PAPER HAVE A MARGIN
11 ON THEM.

12 Q DID YOU FIND ANY OTHER PRINTS ON THE LIST THAT
13 HAD PHOTOGRAPHS OF FINGERPRINTS THAT HAD LINES IN THEM THAT
14 INDICATE THEY PROBABLY CAME FROM A LIST, THAT MATCHED UP
15 TO ANYBODY ELSE?

16 A YES, ONE ADDITIONAL PRINT WAS IDENTIFIED ON A
17 PHOTOGRAPH WITH LINES IN IT.

18 Q AND WHAT DID YOU COMPARE THAT PRINT TO?

19 A IOBTAINED AN EXEMPLAR CARD OF DEAN KARNY AND MADE
20 THAT COMPARISON.

21 Q AND WHAT DID YOU FIND OUT WHEN YOU MADE THAT
22 COMPARISON?

23 A THE LEFT INDEX FINGER THAT APPEARS IN THIS
24 PHOTOGRAPH IS THE LEFT INDEX FINGER OF MR. DEAN KARNY.

25 MR. WAPNER: MAY THAT BE 220 FOR IDENTIFICATION?

26 THE COURT: WHAT WAS 219 AGAIN?

27 MR. WAPNER: 219 WAS THE LAST PHOTOGRAPH OF A PRINT
28 OF THE LEFT THUMB OF MR. HUNT.

1 THE COURT: ALL RIGHT.

2 Q BY MR. WAPNER: MR. WAGENBRENNER, WHICH FINGER
3 IS THAT OF MR. KARNY?

4 THE COURT: INDEX FINGER, HE SAID.

5 THE WITNESS: RIGHT INDEX FINGER.

6 Q BY MR. WAPNER: THE RIGHT INDEX FINGER; IS THAT
7 CORRECT?

8 A YES.

9 Q IT IS MARKED "RI" ON THE BACK?

10 A YES, IT IS. YES, IT IS THE RIGHT INDEX FINGER.
11 I AM SORRY.

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1 Q DID YOU MAKE THAT "RI" NOTATION ON THE BACK WHEN
2 YOU EXAMINED THE PRINT AND COMPARED IT TO A FINGERPRINT
3 CARD OF MR. KARNY?

4 A YES, THAT WAS ON FRIDAY.

5 Q FRIDAY OF LAST WEEK, WHICH WOULD HAVE BEEN MARCH
6 13 OF 1987?

7 A CORRECT.

8 Q IN THE PHOTOGRAPH THAT IS PEOPLE'S 220 FOR
9 IDENTIFICATION, ARE THERE ANY VERTICAL LINES OR ANY WRITING
10 ON THERE TO INDICATE EITHER WHAT PAGE OR WHERE ON THE
11 PAGE THAT PRINT WAS?

12 A NO.

13 Q SO ALL YOU CAN SEE IS A FINGERPRINT AND APPARENTLY
14 IT IS ON SOME PAPER WITH SOME LINES ON IT.

15 A THAT'S CORRECT.

16 (UNREPORTED COLLOQUY BETWEEN MR. WAPNER
17 AND THE WITNESS.)

18 Q BY MR. WAPNER: WERE THERE SOME OTHER FINGERPRINTS
19 THAT YOU HAVE PICTURES OF THAT YOU IDENTIFIED TO RON LEVIN?

20 A YES.

21 Q AND ARE THERE ANY MARKINGS ON THE BACK OF THOSE
22 PHOTOGRAPHS AS TO WHERE THOSE PRINTS WERE TAKEN FROM?

23 A I CANNOT DETERMINE WHERE THEY WERE TAKEN FROM
24 PRECISELY.

25 Q ARE THERE ANY LINES IN ANY OF THESE PHOTOGRAPHS?

26 A NO.

27 Q I SEE. SO IT DOESN'T APPEAR THAT THEY WERE TAKEN
28 FROM PIECES OF PAPER?

1 A NO.

2 Q AND DID YOU IDENTIFY THOSE AS FINGERPRINTS OF
3 RON LEVIN?

4 A THAT'S CORRECT.

5 Q WHICH FINGERS WERE THEY?

6 A I HAVE A PHOTOGRAPH WHICH I HAVE NUMBERED NUMBER
7 8, WHICH HAS THE RIGHT MIDDLE FINGER OF MR. RONALD LEVIN.

8 I HAVE A PHOTOGRAPH WHICH I HAVE NUMBERED NUMBER
9 9, WHICH HAS THE RIGHT INDEX FINGER OF RONALD LEVIN.

10 THE PHOTOGRAPH I HAVE NUMBERED NUMBER 11, WHICH
11 HAS THE RIGHT PALMPRINT OF RONALD LEVIN.

12 AND A PHOTOGRAPH NUMBER 12 WHICH HAS THE LEFT
13 PALMPRINT OF RONALD LEVIN.

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1 Q AND THOSE APPEAR -- DO THOSE APPEAR TO HAVE BEEN
2 TAKEN FROM THE FILE THAT IS PEOPLE'S 100?

3 A ALL I CAN SAY IS THAT THE ONES THAT I HAVE BEEN
4 ABLE TO IDENTIFY THROUGH THE FILE FOLDER, THE TEXTURE AND
5 THE BACKGROUND APPEARS TO BE THE SAME AS THE TEXTURE AND THE
6 BACKGROUND ON THE PHOTOGRAPHS.

7 Q WHEN YOU SAY "THESE PHOTOGRAPHS" YOU ARE REFERRING
8 TO 217 AND 218?

9 A THE LAST FOUR PHOTOGRAPHS WHICH WE HAVE NOT
10 NUMBERED COLLECTIVELY YET, THE TEXTURE THAT IS IN THE BACKGROUND
11 OF THE LATENT PRINT MATERIAL IS THE SAME TEXTURE THAT IS IN
12 THE BACKGROUND OF THE LATENT PRINT MATERIAL IN THE GROUP 217
13 AND 216.

14 MR. WAPNER: AND MAY THOSE COLLECTIVELY BE MARKED AS
15 221 FOR IDENTIFICATION?

16 THE COURT: ALL RIGHT.

17 MR. WAPNER: I HAVE NO FURTHER QUESTIONS.

18 THE COURT: ANY QUESTIONS?

19 MR. BARENS: YES.
20

21 FURTHER RECROSS-EXAMINATION

22 BY MR. BARENS:

23 Q DETECTIVE, YOUR ATTEMPTS TO TELL US WHERE THE
24 PRINTS COME FROM ON THE VARIOUS SURFACES YOU HAVE MADE
25 REFERENCE TO, THE FACT THAT YOU CAN'T BE EXACTLY CERTAIN IS
26 BECAUSE AS I UNDERSTAND IT, THE PHOTOGRAPHS FROM WHICH YOU
27 MADE YOUR EXAMINATION ARE NOT SEQUENCED OR LOGGED OR NUMBERED
28 IN SOME WAY TO CORRESPOND TO THE PHOTOGRAPHS WITH THE PAGE

1 OR SURFACE YOU ARE TRYING TO IDENTIFY?

2 A THAT'S CORRECT.

3 Q IN OTHER WORDS, WE HAVE A BUNCH OF PHOTOGRAPHS
4 HERE SHOWING FINGERPRINTS. BUT, NONE OF THE PHOTOGRAPHS ARE
5 LOGGED AS AGAINST WHERE THEY ARE TAKEN ON EITHER THE SEVEN
6 PAGES OR THE TWO GREEN FILE FOLDERS?

7 A THAT'S CORRECT.

8 Q ISN'T IT YOUR PRACTICE AS A RULE, TO CROSS-INDEX
9 THE PHOTOGRAPHS IN SOME IDENTIFIABLE WAY WITH THE SURFACE
10 FROM WHICH THEY ARE TAKEN?

11 A THEY SHOULD HAVE BEEN, YES.

12 Q IS THERE A REASON WHY THAT WAS NOT DONE IN THIS
13 INSTANCE?

14 A I DIDN'T DO THE WORK. SO I CAN'T GIVE YOU A
15 REASON.

16 Q BUT IT IS CONTRARY TO YOUR NORMAL PRACTICE?

17 A YES.

18 Q ALL RIGHT. COULD I SEE THOSE YOU HAVE IDENTIFIED
19 AS 8, 9, 11 AND 12? I THINK THEY WERE THE NUMBERS YOU
20 ASCRIBED.

21 A YES.

22 (UNREPORTED COLLOQUY BETWEEN MR. BARENS
23 AND THE WITNESS.)

24 Q BY MR. BARENS: DETECTIVE, ADDRESSING YOUR
25 ATTENTION TO PHOTOGRAPH 9 OF PEOPLE'S 221 ON WHICH YOU DESCRIBE
26 I THINK "R.I." REFERENCE TO RIGHT INDEX FINGER OF RON LEVIN?

27 A CORRECT.

28 Q SIR, IN LOOKING AT THAT, I SEE SOMETHING THAT

1 TO MY NAKED EYE, APPEARS TO BE LINES?

2 A CORRECT.

3 Q IT APPEARS TO PRIMARILY -- THERE SEEMS TO BE SOME
4 DARK SMUDGING IN THAT PICTURE, DETECTIVE?

5 A YES.

6 Q WHAT ARE THOSE DARK SMUDGES; FINGERPRINTS?

7 A PROBABLY.

8 Q AND THEN WHERE WE DON'T HAVE THE DARK SMUDGING
9 AND TRYING TO IDENTIFY MORE SPECIFICALLY WHAT I AM DIRECTING
10 YOUR ATTENTION TO, THERE APPEAR TO BE LINES?

11 A YES.

12 Q OKAY. NOW, DIRECTING YOUR ATTENTION TO -- WELL,
13 IN THE GENERAL DISCUSSION, YOU POINTED OUT THAT WHERE YOU
14 FOUND THE KARNY PRINTS AND WHERE YOU FOUND THE HUNT PRINTS,
15 ONE OF THE WAYS YOU COULD SAY WHERE THOSE CAME FROM, IS BECAUSE
16 THERE WAS LINES ON THE PAPER IN THE BACKGROUND?

17 A CORRECT.

18 Q AND ALTHOUGH YOU DIDN'T HAVE SOME LOG ASSOCIATION,
19 YOU WERE THEN ABLE TO SOMEHOW, DO A PROCESS WHERE YOU TRIED
20 TO IDENTIFY MORE SPECIFICALLY WHERE THEY CAME FROM?

21 A YES.

22 Q AND YOU DID THAT THROUGH SOME SORT OF ORIENTATION?

23 A I TRIED TO FIND THE ORIGINAL LATENT PRINTS.

24 Q OKAY. NOW, I NOTICE -- COULD I HAVE 55 FOR A
25 MINUTE?

26 I NOTICE THAT IN LOOKING AT 55 THROUGHOUT, THE
27 TOP OF THE PAGES, WERE I TO BE HOLDING IT LIKE THIS SIR, DO
28 NOT HAVE LINES THERE?

1 A THAT'S CORRECT.

2 Q SO IF I COULD JUST SHOW THE JURY THE TOP OF THE
3 LINES WE ARE REFERRING TO SIR, THEY APPEAR TO START AN INCH
4 OR SO BELOW THE TOP OF THE PAGE AND THEN GO DOWN? BUT THE
5 TOP OF THE PAGE IS NOT LINED?

6 A CORRECT.

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1 Q NOW GOING BACK TO THE LOCATION OF THE LEVIN
2 PRINTS ON THE GREEN FILE FOLDER, SIR, YOU FOUND -- COULD
3 YOU SHOW ME THE PHOTOGRAPH IN WHICH YOU IDENTIFIED FOR 6 AS
4 BEING 6?

5 AND I BELIEVE YOU ARE SAYING 6, SIR, IS LOCATED --
6 IF I OPEN THE FILE FOLDER THUSLY, SIR, IF I OPEN IT THUSLY,
7 WE SEE 6 IN THERE; IS THAT CORRECT?

8 A CORRECT.

9 Q COULD I SEE THAT PHOTOGRAPH?

10 A YES, SIR.

11 Q NOW, SEEING AS THERE IS NO LOG BETWEEN THIS
12 PHOTOGRAPH AND THIS PIECE OF EVIDENCE, ARE YOU TELLING ME
13 THAT --

14 MR. WAPNER: "THIS PHOTOGRAPH" BEING?

15 MR. BARENS: THIS IS 218, NUMBER 6.

16 MR. WAPNER: AND THAT EVIDENCE BEING PEOPLE'S 100?

17 MR. BARENS: AND THIS BEING 100.

18 Q BY MR. BARENS: THAT YOU ARE ABLE TO PLACE --
19 WELL, DESCRIBE TO ME THE PROCESS YOU WENT THROUGH IN PLACING
20 NUMBER 6 WHERE YOU DO, SIR?

21 A IF YOU WILL NOTICE, ON THE FRONT OF THE PHOTO-
22 GRAPH, THERE IS A DIFFERENT COLORED AREA THAT IS LIGHTER
23 THAN THE REST OF THE PHOTOGRAPH AND IT IS KIND OF IN A SQUARE.

24 ALSO, IN THE TOP RIGHT-HAND CORNER OF THAT
25 LIGHTER AREA THERE IS A PORTION OF A PALMPRINT AND THEN NEXT
26 TO IT IS ANOTHER LITTLE PORTION OF PRINT MATERIAL. WHEN
27 I EXAMINED PEOPLE'S 100 TO TRY TO DETERMINE THE LOCATION
28 OF THIS PHOTOGRAPH, I WAS LOOKING FOR THAT LIGHTER COLOR

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1 SQUARE AND THEN THE LATENT PRINTS WHICH APPEAR IN PROXIMITY
2 TO IT.

3 Q OKAY. AND WHICH PRINT IS IT WE FIND IN AREA
4 6?

5 A THIS IS THE RIGHT PALMPRINT OF RONALD LEVIN.

6 Q SO ASSUMING THIS PEOPLE'S 100 WAS FASTENED
7 TOGETHER AS IT WAS WHEN LOCATED, COULD YOU DEMONSTRATE TO
8 ME HOW YOU WOULD BE HOLDING IT IF YOU WERE HOLDING IT IN
9 ORDER TO PLACE THAT PRINT THERE?

10 MR. WAPNER: WELL, OBJECTION. THAT ASSUMES FACTS NOT
11 IN EVIDENCE, THAT IT WAS TOUCHED AT THE TIME THAT IT WAS
12 SEALED, ALREADY BOUND TOGETHER.

13 MR. BARENS: WELL, I AM ASKING FOR PURPOSES OF THIS
14 DEMONSTRATION TO MAKE THAT ASSUMPTION, YES, SIR.

15 THE COURT: ALL RIGHT, GO AHEAD.

16 THE WITNESS: IT WAS MY ESTIMATION, BASED ON THE
17 LOCATION OF THE LATENT PRINT, THAT THE RIGHT HAND WAS
18 PROBABLY PLACED IN PROXIMATE POSITION AS I AM HOLDING IT
19 NOW (WITNESS DEMONSTRATING).

20 Q BY MR. BARENS: AND IF IT WERE FOLDED TOGETHER,
21 THEN IT WOULD BE OVER YOUR RIGHT HAND?

22 A THAT'S CORRECT, AND WHATEVER THE CONTENTS IN
23 IT WOULD ALSO BE OVER MY HAND.

24 Q RIGHT, THE CONTENTS WOULD HAVE TO BE ABOVE YOUR
25 HAND TO BE IN THAT CONFIGURATION, DETECTIVE?

26 A THAT'S CORRECT.

27 Q NOW, YOU DID NOT FIND ANY OF MR. HUNT'S PRINTS
28 ON PEOPLE'S 100, THE GREEN FOLDER?

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1 A NO, SIR.

2 MR. BARENS: WE NEED A MOMENT, YOUR HONOR.

3 (UNREPORTED COLLOQUY BETWEEN MR. BARENS,
4 MR. CHIER AND THE DEFENDANT.)

5 Q NOW, OF THE FILE FOLDER THAT YOU REFER TO IN
6 PEOPLE'S 100, WHAT PERCENTAGE OF THE TOTAL SQUARE INCH AREA
7 OF THE FILE FOLDER DO THE PHOTOGRAPHS YOU REFERENCED REPRESENT?

8 A THE ONES I MARKED?

9 Q NO, SIR.

10 THE ONES THAT YOU REVIEWED; IN OTHER WORDS, OF
11 THE PHOTOGRAPHS AVAILABLE TO YOU, SIR, ENCOMPASSED WHAT
12 PERCENTAGE OF THE TOTAL SURFACE AREA OF PEOPLE'S 100?

13 A I HAVE NO IDEA.

14 Q DO YOU KNOW, AS A MATTER OF FACT OR AS A MATTER
15 OF FACT NOT, THAT THE PHOTOGRAPHS ENCOMPASSED THE ENTIRE
16 AREA?

17 A NO, I DON'T KNOW ONE WAY OR THE OTHER.
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1 Q ALL RIGHT. ASSUMING THE FILE FOLDER DID CONTAIN
2 540 SQUARE INCHES ACCORDING TO OUR CALCULATION, DO YOU HAVE
3 ANY WAY FROM LOOKING AT YOUR PHOTOGRAPHS, TO TELL ME HOW MUCH
4 AREA THE PHOTOGRAPHS REPRESENT?

5 A NO I DO NOT. I CAN'T ANSWER ANY QUESTIONS ON
6 THE PHOTOGRAPHS BECAUSE I DIDN'T TAKE THEM. ALL I DID WAS
7 EXAMINE THEM. I HAVE NO IDEA WHAT AREA THEY COVER.

8 Q OKAY. DID YOU TRY OVER THE WEEKEND, TO GET ANY
9 PRINTS OFF OF THE ACCO CLASPS THAT WERE ASSOCIATED WITH
10 PEOPLE'S 100?

11 A THIS EVIDENCE IS IN THE CUSTODY OF THE COURT.
12 I HAD NO ACCESS TO IT.

13 Q OKAY. THEY DIDN'T TAKE ANY PHOTOGRAPHS TO YOUR
14 KNOWLEDGE, OF THE CLIPS THAT WE USED TO PUNCH IN THE MATERIALS?

15 A NOT TO MY KNOWLEDGE.

16 Q OKAY. HOW MANY PRINTS ON THE SEVEN PAGES REMAIN
17 UNIDENTIFIABLE?

18 A MAY I COUNT THEM?

19 Q YES.

20 A NOW YOU ARE ASKING HAVE NOT BEEN IDENTIFIED?

21 Q THAT'S CORRECT, SIR.

22 A THERE APPEAR TO BE TEN PHOTOGRAPHS CONTAINING
23 PRINT MATERIAL WITH LINES ON IT THAT HAVE NOT BEEN IDENTIFIED.

24 Q SO THESE ARE IDENTIFIABLE PRINTS THAT HAVE NOT
25 BEEN IDENTIFIED?

26 A NOT ALL OF THEM. SOME OF THEM ARE IN MY OPINION,
27 NOT IDENTIFIABLE.

28 Q HOW MANY OF THEM ARE IDENTIFIABLE?

1 A THERE ARE FIVE PHOTOGRAPHS THAT APPEAR TO HAVE
2 LINES ON THEM THAT ARE CONTAINING IDENTIFIABLE PRINTS.

3 Q DO YOU KNOW -- OR I PRESUME YOUR ANSWER TO ME
4 WOULD BE THE SAME AS TO THE PERCENTAGE OF THE SEVEN PAGES
5 THAT THE PHOTOGRAPHS REPRESENT, THAT YOU COULDN'T TELL ME
6 WHAT PERCENTAGE OF THE TOTAL SQUARE INCH SURFACE OF THE SEVEN
7 PAGES IS REPRESENTED IN THE PHOTOGRAPHS?

8 A NO. I COULDN'T.

9 Q NOW, THE FIVE WHAT YOU BELIEVE ARE IDENTIFIABLE
10 FINGERPRINTS ON THE SEVEN PAGES THAT YOU HAVE NOT IDENTIFIED,
11 DID YOU COMPARE ALL OF THOSE PRINTS AGAINST KNOWN PRINTS?

12 A YES, SIR.

13 Q AND THE KNOWN PRINTS YOU COMPARED THEM AGAINST,
14 WERE THE PRINTS OF?

15 A MR. RONALD LEVIN, MR. JOSEPH HUNT, MR. MARTIN
16 LEVIN, STEVEN LEVIN, DEAN KARNY AND DETECTIVE ZOELLER AND
17 DOSTI. WHAT IS HIS FIRST NAME? I DON'T REMEMBER.

18 THE COURT: BEN.

19 THE WITNESS: DOSTI.

20 Q BY MR. BARENS: NOW, FROM LOOKING AT --

21 THE COURT: AND YOU SAY YOU COMPARED ALL OF THOSE PRINTS.
22 BUT THEY DO NOT MATCH UP WITH THE FIVE IDENTIFIABLE PRINTS?
23 IS THAT WHAT YOU ARE SAYING?

24 THE WITNESS: YES, YOUR HONOR.

25 Q BY MR. BARENS: FROM LOOKING AT THE PHOTOGRAPHS
26 OF THE RPINTS AND FROM YOUR GENERAL KNOWLEDGE AS A PHOTOGRAPH
27 EXPERT, YOU CANNOT TELL FROM --

28 MR. WAPNER: EXCUSE ME, COUNSEL. I BELIEVE YOU MISSPOKE

1 YOURSELF. A FINGERPRINT EXPERT?

2 MR. BARENS: DIDN'T I SAY THAT? SORRY. FINGERPRINT
3 PHOTOGRAPH EXPERT.

4 YOU CAN'T TELL WHEN A PRINT IS PUT ON THE SURFACE
5 THAT YOU ARE IDENTIFYING WHEN YOU IDENTIFY THE PRINT?

6 THE WITNESS: I CAN'T TELL YOU WHEN IT WAS PUT ON THERE,
7 NO.

8 Q BY MR. BARENS: NO. AND THESE MATERIALS HAVE
9 BEEN AROUND I SUPPOSE, FOR A COUPLE OF YEARS, TO YOUR KNOWLEDGE?

10 A THOSE PARTICULAR ITEMS OF EVIDENCE, YES.

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

12 (PAUSE.)

13 Q BY MR. BARENS: SIR, YOU WILL RECALL LAST THURSDAY
14 WHEN YOU TESTIFIED, YOU SAID THAT YOU LOOKED ALL OVER PEOPLE'S
15 100 FOR LEVIN'S PRINTS.

16 I BELIEVE THAT THE COURT COULD TAKE NOTICE THAT
17 WE HAD TESTIMONY TO THAT EFFECT. I BELIEVE THAT YOU WILL
18 RECALL SAYING THAT?

19 THE COURT: ON THE COVERS, YOU MEAN?

20 Q BY MR. BARENS: AND YOU TOLD ME AT THAT TIME THAT
21 YOU DIDN'T FIND LEVIN'S PRINTS ON 100, AFTER GOING OVER IT.

22 WHAT CHANGED SINCE I ASKED YOU THOSE QUESTIONS?

23 A THE ONLY THING THAT CHANGED WAS THAT I FOUND THESE
24 PHOTOGRAPHS WHICH I HAD NOT EXAMINED PRIOR TO MY TESTIMONY
25 ON THURSDAY.

26 Q WELL, WHEN YOU TESTIFIED ON THURSDAY, HAD YOU
27 ONLY EXAMINED CERTAIN PHOTOGRAPHS? HOW DID YOU DECIDE WHAT
28 PHOTOGRAPHS TO EXAMINE BEFORE YOUR TESTIMONY AND WHICH

1 PHOTOGRAPHS NOT TO EXAMINE?

2 A I MADE MY PREPARATION BASED UPON WHAT I HAD
3 TESTIFIED TO AT THE PRELIMINARY HEARINGS AND I DID NOT GO
4 BEYOND WHAT I HAD TESTIFIED TO.

5 Q NOW, IN REVIEWING OVER THE WEEKEND, DID YOU TAKE
6 ANY REVIEW AND COMPARE EACH AND EVERY PHOTOGRAPH AVAILABLE?
7 DID YOU GO THROUGH THIS TIME AND SAY, IN THE TOTAL PHOTOGRAPHS
8 AVAILABLE OF PRINT MATERIALS ON THE SEVEN PAGES AND ON
9 PEOPLE'S 100, THE GREEN FOLDER, I AM GOING TO GO NOW BACK
10 THROUGH AND COMPARE EVERY ONE OF THOSE PHOTOGRAPHS NOW?

11 A THAT IS WHAT I DID ON FRIDAY AFTER I DISCOVERED
12 I HAD NOT EXAMINED EVERYTHING.

13 Q REMEMBER THAT WE TALKED ABOUT IN YOUR PREVIOUS
14 TESTIMONY -- I THINK YOU SAID THERE WERE 23 PHOTOGRAPHS
15 AVAILABLE ON PEOPLE'S 55 THAT HAD PRINTS THAT YOU COULDN'T
16 MATCH UP?

17 A YES. I REMEMBER SAYING THAT.

18 Q YOU WENT THROUGH ALL OF THOSE PHOTOGRAPHS NOW?

19 A THAT'S CORRECT. AND WE ARE UP TO 29 PHOTOGRAPHS.

20 Q SORRY. I DON'T UNDERSTAND WHAT YOU MEAN, SIR.

21 A AS OPPOSED TO 23, THERE ARE IN TOTAL REPRESENTED
22 HERE, 29 PHOTOGRAPHS.

23 Q WITH REFERENCE TO PEOPLE'S 55 OR COMBINING THAT
24 WITH PEOPLE'S 100?

25 A COMBINING IT WITH PEOPLE'S 100.

26 Q AND OF THAT TOTAL NOW, HOW MANY PHOTOGRAPHS REMAIN
27 WITH UNIDENTIFIED PRINTS?

28 A WITH UNIDENTIFIED PRINTS?

1 Q YES, SIR.

2 A FIVE.

3 MR. BARENS: THANK YOU, SIR.

4 THE COURT: ALL RIGHT. REDIRECT?

5

6 FURTHER REDIRECT EXAMINATION

7 BY MR. WAPNER:

8 Q COMPARING THE PHOTOGRAPHS OF FINGERPRINTS TAKEN
9 FROM THE FILE FOLDER AND THE LIFT, DID YOU ALSO COMPARE THEM
10 AGAINST PHOTOGRAPHS OF JAMES PITTMAN?

11 A THE FINGERPRINTS OF JAMES PITTMAN?

12 Q THANK YOU. YES.

13 A YES I DID.

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1 Q AND WERE YOU ABLE TO IDENTIFY ANY PRINTS OF MR.
2 PITTMAN EITHER ON THE LIST, WHICH IS 55, OR THE FILE FOLDER,
3 WHICH IS 100?

4 A NO.

5 Q SO NONE OF THE PHOTOGRAPHS -- OR NONE OF THE
6 FINGERPRINTS THAT ARE REPRESENTED BY THE PHOTOGRAPHS ARE
7 FINGERPRINTS OF MR. PITTMAN?

8 A THAT'S CORRECT.

9 Q WAS THERE EVER ANY EXAMINATION DONE SIMILAR TO
10 WHAT YOU DID ON THURSDAY AND FRIDAY, BY ANY OTHER FINGERPRINT
11 EXPERT FROM THE BEVERLY HILLS POLICE DEPARTMENT BEFORE
12 THURSDAY OR FRIDAY OF LAST WEEK?

13 A I DON'T KNOW.

14 Q WAS THERE EVER A REPORT PREPARED BY ANYONE THAT
15 WOULD ALERT SOMEONE TO THE FACT THIS COMPARISON HAD BEEN
16 DONE?

17 A NO -- WELL, LET ME RESTATE THAT --
18 THERE WAS A REPORT WRITTEN IN THE ORIGINAL
19 IDENTIFICATION OF MR. HUNT, BUT NO ADDITIONAL REPORTS
20 INDICATING HOW MANY PRINTS WERE COMPARED AND WHOM THEY
21 BELONGED TO.

22 Q ALL RIGHT. SO THE ORIGINAL REPORT WAS JUST OF
23 THE TWO PRINTS OF MR. HUNT THAT APPEARED ON THE LIST,
24 PEOPLE'S 55, WHICH ARE IDENTIFIED?

25 A YES.

26 Q AND THERE WAS NO REPORT OF ANYTHING ELSE ABOUT
27 THE PRINTS OF MR. LEVIN OR MR. KARNY BEING IDENTIFIED UNTIL
28 THURSDAY OR FRIDAY OF LAST WEEK, THAT BEING MARCH 12TH AND

1 MARCH 13TH?

2 A YES, THAT'S CORRECT.

3 Q ONCE THE PHOTOGRAPHS OF THE FINGERPRINTS ARE
4 TAKEN, WHAT WAS DONE TO PRESERVE THEM?

5 A THE PHOTOGRAPHS WERE PLACED IN A FILE.

6 Q WHERE WAS THE FILE KEPT?

7 A IN THE IDENTIFICATION SECTION.

8 Q AND WHERE DID YOU GET THE PHOTOGRAPHS THAT YOU
9 EXAMINED ON THURSDAY AND FRIDAY?

10 A OUT OF THE FILE.

11 Q AND IT WAS STILL IN THE IDENTIFICATION SECTION?

12 A CORRECT.

13 Q AND THESE ARE ALL PHOTOGRAPHS THAT WERE IN FACT
14 TAKEN IN AUGUST OF 1984, WHEN THE PRINTS WERE ACTUALLY
15 DEVELOPED; IS THAT CORRECT?

16 A THERE IS NO DATE ON THEM. I DON'T --
17 THEY ARE PHOTOGRAPHS THAT WERE TAKEN WHEN THE
18 PROCESS WAS -- THE PROCESSING WAS DONE.

19 Q AND THERE IS A REPORT OF THE PROCESSING WHICH
20 INDICATES --

21 WELL, HAVE YOU SEEN THE REPORT OF THE PROCESSING?

22 A NO, I HAVEN'T.

23 Q THESE WEREN'T PHOTOGRAPHS THAT YOU TOOK OVER
24 THE WEEKEND?

25 A NO.

26 Q THESE WEREN'T FINGERPRINTS THAT YOU PUT ON THERE
27 OVER THE WEEKEND?

28 A NO.

1 Q THE PHOTOGRAPHS THAT HAVE LINES ON THEM AND
2 APPEAR TO BE PHOTOGRAPHS OF PIECES OF PAPER, DOES THE BACK-
3 GROUND IN THAT LOOK DIFFERENT THAN THE BACKGROUND OF WHAT
4 APPEARS TO BE PHOTOGRAPHS OF THE FILE FOLDER, THAT IS PEOPLE'S
5 NUMBER 100?

6 A MOST OF THE PHOTOGRAPHS THAT HAVE LINES IN THEM
7 ARE A LITTLE BIT LIGHTER THAN THE PHOTOGRAPHS THAT DO NOT
8 HAVE LINES IN THEM.

9 Q AND THERE IS ONLY ONE FINGERPRINT THAT YOU COULD
10 MAKE TO THE INSIDE OF THIS FILE FOLDER THAT IS PEOPLE'S 100;
11 IS THAT RIGHT?

12 A YES.

13 Q AND CAN YOU SHOW US AGAIN HOW, IN YOUR ESTIMATION,
14 THAT SINGLE SHEET, WHICH IS THE BACKING OF 100, IN YOUR
15 OPINION, WAS HELD TO GET THE PRINT ON THERE IN THAT POSITION?

16 A IT APPEARS THAT THE RIGHT PALMPRINT IS PLACED
17 APPROXIMATELY IN THIS POSITION ON THE PIECE (WITNESS
18 DEMONSTRATING).

19 Q AND IS THERE A RIGHT THUMBPRINT SOMEWHERE ON
20 THE FRONT OF THAT THAT COULD CORRESPOND TO IT BEING HELD
21 IN THAT POSITION?

22 A THERE -- THERE IS AN AREA WHICH IS -- MY PHOTO
23 NUMBER 14 -- IF I CAN FIND PHOTO NUMBER 14 WE WILL SEE WHAT --
24 PHOTO 14 ARE FINGERPRINTS OF DETECTIVE ZOELLER, WHICH IS
25 THE CLOSEST CORRESPONDING AREA TO THE -- ON THE OTHER SIDE
26 OF THE PAPER.

27 Q AND COULD THAT FINGERPRINT THAT YOU CIRCLED WITH
28 A -- WELL, STRIKE THAT. I WILL WITHDRAW THAT QUESTION.

1 MR. WAPNER: I HAVE NOTHING FURTHER.

2 THE COURT: GO AHEAD.

3

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RECROSS-EXAMINATION

5 BY MR. BARENS:

6 Q WHO TOOK THE PHOTOGRAPHS?

7 A IDENTIFICATION TECHNICIAN FOGG.

8 Q OKAY. AFTER YOUR TESTIMONY, DID YOU SPEAK TO
9 DETECTIVE FOGG?

10 A ON FRIDAY?

11 Q YES.

12 A HE WAS IN THE OFFICE ON FRIDAY. I WAS IN THE
13 OFFICE ON FRIDAY.

14 Q DID YOU TALK TO HIM ABOUT THIS EXERCISE YOU
15 THEN PERFORMED?

16 A YOU MEAN DID WE DISCUSS THIS CASE PARTICULARLY?

17 Q NOT THE CASE IN GENERAL.

18 I MEAN ABOUT THE ACTIVITY YOU WERE PERFORMING
19 IN THIS FINGERPRINT COMPARISON YOU UNDERTOOK TO DO?

20 A I TOLD HIM THAT I WAS REEXAMINING THE STUFF TO
21 TRY TO IDENTIFY THESE PRINTS.

22 Q DID HE TRY TO ASSIST YOU, THOUGH, IN THE
23 ORIENTATION?

24 TODAY, YOU HAVE TOLD US THAT AFTER THAT, YOU
25 TRIED TO CORRESPOND PHOTOGRAPHS WITH LOCATIONS ON SURFACES;
26 DID YOU GENTLEMEN WORK TOGETHER IN TRYING TO ACCOMPLISH THAT
27 TASK?

28 A NO.

1 I TRIED TO -- NO, HE DID NOT HELP ME IN TRYING
2 TO IDENTIFY THEM AT ALL.

3 Q SO THAT ENTIRE ACTIVITY IS A RESULT OF WHAT YOU
4 UNDERTOOK BY YOURSELF, OR DID SOMEONE ELSE HELP YOU WITH
5 THAT?

6 A THIS MORNING, I CAME DOWN AND TRIED TO LOCATE
7 ON PEOPLE'S 100 WHERE THEY CAME, BY MYSELF IN THIS COURTROOM.

8 Q OKAY. SO THAT WAS JUST -- THOSE MARKS THAT I
9 SEE ON 100 IS ALL DONE THIS MORNING?

10 A CORRECT.

11 Q OF THE 29 PHOTOGRAPHS YOU MADE REFERENCE TO
12 EARLIER, HOW MANY OF THAT NUMBER ARE REFERABLE TO THE
13 SEVEN PAGES, HOW MANY OF THOSE PHOTOGRAPHS ARE OF THE SEVEN
14 PAGES?

15 A COUNTING THE ONES THAT HAVE BEEN IDENTIFIED?

16 Q YES, SIR, JUST NOW, TRYING TO DIFFERENTIATE THE
17 NUMBER OF PHOTOGRAPHS OF THE SEVEN PAGES VERSUS THE NUMBER
18 OF PHOTOGRAPHS OF PEOPLE'S 100, THE GROSS FIGURES.

19 A LET'S SEE IF I CAN COUNT THEM.

20 THERE APPEARS TO BE 13 PHOTOGRAPHS OF THE 29.
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1 Q OF WHAT, SIR?

2 A 13 OF 29 APPEAR TO HAVE LINES IN THEM.

3 Q SO, THAT WOULD BE SUGGEST TO ME AT LEAST, THAT
4 THE 13 PHOTOGRAPHS YOU BELIEVE OF THE 29, ARE OF THE SEVEN
5 PAGES?

6 A CORRECT.

7 Q AND THEN THE BALANCE OF THE PHOTOGRAPHS, 16 IN
8 NUMBER, WOULD BE OF PEOPLE'S 100, THE GREEN FOLDER?

9 A YES. CORRECT.

10 Q COULD YOU TELL ME IF THE PRINT YOU FOUND OF DEAN
11 KARNY WAS FOUND ON THE SAME PAGE THAT YOU FOUND THE PRINT
12 OF JOSEPH HUNT ON?

13 A I DON'T KNOW. I HAVE NO WAY OF KNOWING.

14 Q THAT IS JUST BECAUSE OF THE LACK OF LOG OR ANY
15 OTHER TYPE OF CROSS INDEX SYSTEM, WE CAN'T TELL, CAN WE?

16 A THAT'S CORRECT.

17 Q WAS THERE EVER A WAY WE COULD HAVE TOLD THAT,
18 SOMEHOW?

19 A IF WE HAD MADE MARKS WHEN THE LATENT PRINTS WERE
20 ORIGINALLY DEVELOPED AND PUT SOME KIND OF NUMBERING SYSTEM
21 ON THEM, YES.

22 MR. BARENS: ALL RIGHT. THANK YOU, SIR. NOTHING FURTHER.

23 MR. WAPNER: NOTHING FURTHER.

24 THE COURT: ALL RIGHT. SO WE CAN AVOID ANY CONFUSION,
25 WHOSE IDENTIFIABLE PRINTS WERE FOUND ON THE SEVEN SHEETS OF
26 PAPER THAT YOU EXAMINED?

27 THE WITNESS: THE ONLY PEOPLE WHOSE PRINTS HAVE BEEN
28 IDENTIFIED ON THE SEVEN SHEETS OF PAPER ARE JOSEPH HUNT AND

-2
1 DEAN KARNY.

2 THE COURT: THAT'S ALL?

3 THE WITNESS: YES, YOUR HONOR.

4 THE COURT: ALL RIGHT. AND THE IDENTIFIABLE PRINTS
5 WHICH ARE ON 100, ARE MR. ZOELLER AND RON LEVIN; IS THAT
6 CORRECT?

7 THE WITNESS: ALSO HIS FATHER.

8 THE COURT: ALSO HIS FATHER?

9 THE WITNESS: MARTIN LEVIN, CORRECT.

10 THE COURT: RIGHT?

11 THE WITNESS: YES.

12 THE COURT: NOW WE HAVE GOT THAT CLEAR.

13 MR. BARENS: CLEAR TO YOUR HONOR. COULD WE JUST HAVE
14 A MOMENT?

15 THE COURT: YES.

16 MR. BARENS: THANK YOU.

17 (PAUSE.)

18 MR. BARENS: WE DO HAVE A QUESTION.

19 THE COURT: AS A RESULT OF WHAT I ASKED HIM?

20 MR. BARENS: YES.

21 THE COURT: GO AHEAD. YOU WANT TO FIND OUT WHETHER
22 THERE ARE OTHER IDENTIFIABLE PRINTS ON EITHER ONE OF THOSE
23 EXHIBITS?

24 MR. BARENS: NO.

25 THE COURT: GO AHEAD.

26 MR. BARENS: THANK YOU.
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1 FURTHER RECROSS-EXAMINATION

2 BY MR. BARENS:

3 Q SIR, YOU TOLD ME AT THE END OF YOUR TESTIMONY --
4 STRIKE THAT -- AT THE BEGINNING OF YOUR TESTIMONY WITH ME,
5 THAT YOU HAD A SERIES OF RON LEVIN PHOTOGRAPHS THAT YOU WEREN'T
6 ABLE TO -- PRINT PHOTOGRAPHS OF RON LEVIN THAT YOU WEREN'T
7 ABLE TO PLACE ANYWHERE IN PARTICULAR. IS THAT CORRECT?

8 A YES, SIR.

9 Q OKAY. PHOTOGRAPH NUMER 9 WHEN I ASKED YOU ABOUT
10 HOW MANY WERE OF THE SEVEN PAGES AND HOW MANY WERE OF PEOPLE'S
11 100, YOU GAVE ME NUMBERS OF 13 AND 16. INTO WHICH OF THOSE
12 GROUPS DID YOU PUT NUMBER 9, YOUR PHOTO NUMBER 9, THE ONE
13 OF LEVIN WHICH APPEARS TO HAVE LINES IN THE BACKGROUND?

14 A YES. I SEE WHAT YOU ARE SAYING. IT IS POSSIBLE
15 THAT IT COULD HAVE LINES IN IT.

16 MY OPINION IS THAT IT CAME FROM 100.

17 THE COURT: THAT IS THE FOLDER?

18 THE WITNESS: YES, YOUR HONOR. BUT THAT IS JUST MY
19 OPINION.

20 Q BY MR. BARENS: EVEN THOUGH SIR, TO THE NAKED
21 EYE, I BELIEVE YOU AND I CAN AGREE THAT THERE APPEAR TO BE
22 LINES?

23 MR. WAPNER: WELL, OBJECTION. THE PHOTOGRAPH WILL SPEAK
24 FOR ITSELF.

25 THE COURT: SUSTAINED.

26 MR. BARENS: I AM ASKING HIM.

27 THE COURT: I SUSTAINED THE OBJECTION. LET'S GET ON,
28 WILL YOU PLEASE? THIS IS TAKING AN AWFUL LOT OF TIME ON THIS.

1 MR. BARENS: WHO IS, YOUR HONOR?

2 THE COURT: BOTH OF YOU.

3 MR. BARENS: I SEE. THANK YOU.

4

5 FURTHER REDIRECT EXAMINATION

6 BY MR. WAPNER:

7 Q ONE THING. DID YOU FIND ONE OF DETECTIVE ZOELLER'S
8 PRINTS ON THAT LIST THAT WAS 55? THE SEVEN PAGES?

9 A THAT'S CORRECT.

10 THE COURT: HIS PRINT TOGETHER WITH KARNY AND TOGETHER
11 WITH THE DEFENDANT AND THOSE WERE THE ONLY PRINTS THAT YOU
12 TOOK FROM 55, THE SEVEN PAGES?

13 THE WITNESS: YES, YOUR HONOR.

14 THE COURT: ALL RIGHT. ANYTHING FURTHER?

15 MR. WAPNER: NO.

16 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU MAY
17 STEP DOWN. YOU WILL BE EXCUSED UNLESS YOU WANT HIM ON CALL.

18 MR. BARENS: YES. SORRY, DETECTIVE.

19 THE COURT: YOU WILL BE ON CALL.

20 MR. BARENS: THANK YOU, YOUR HONOR.

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1 ALL TOGETHER?

2 A EIGHT YEARS.

3 Q AND THE PROCEDURES AT THE BANK OF AMERICA ARE
4 FAIRLY STANDARD FROM ONE BRANCH TO ANOTHER IN TERMS OF HOW
5 THE ACCOUNT RECORDS ARE KEPT AND COPIES OF CHECKS MAINTAINED?

6 A YES THEY ARE.

7 Q AND IS THERE ONE, STANDARD PROCEDURE THAT THE
8 ENTIRE BANK FOLLOWS?

9 A YES THERE IS.

10 Q AND YOU ARE FAMILIAR WITH THAT PROCEDURE?

11 A YES.

12 MR. WAPNER: YOUR HONOR, I HAVE HERE SOME DOCUMENTS
13 THAT WERE RECEIVED BY THE COURT PURSUANT TO SUBPOENA AND THEY
14 APPEAR TO BE DOCUMENTS RECEIVED FROM THE LA BREA/ROSEWOOD
15 BRANCH OF THE BANK OF AMERICA, STATEMENTS AND ACCOUNT OPENING
16 DOCUMENTS FOR AN ACCOUNT CALLED "FINANCIAL FUTURES TRADING
17 CORPORATION" AS WELL AS SOME CANCELED COPIES OF CANCELED
18 CHECKS. MAY THIS EXHIBIT BE MARKED COLLECTIVELY AS 222 FOR
19 IDENTIFICATION?

20 THE COURT: BE SO MARKED.

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1 Q BY MR. WAPNER: MS. HEBERER, SHOWING YOU PEOPLE'S
2 222 FOR IDENTIFICATION, WOULD YOU OPEN THAT ENVELOPE AND
3 TELL US WHAT IS INSIDE, PLEASE?

4 A THESE ARE PHOTOS OF CHECKS THAT HAVE BEEN DRAWN
5 OFF OF DIFFERENT ACCOUNTS.

6 SOME ARE MADE PAYABLE TO CASH AND SOME ARE MADE
7 PAYABLE TO OTHER PEOPLE.

8 THE COURT: KEEP YOUR VOICE UP, PLEASE.

9 Q BY MR. WAPNER: AND ARE THERE SOME STATEMENTS
10 IN THERE AS WELL AS ACCOUNT OPENING DOCUMENTS?

11 A YES, THERE ARE.

12 Q AND WHAT ACCOUNT DO THE CHECKS, AS WELL AS THE
13 ACCOUNT OPENING DOCUMENTS, AND THE STATEMENTS REFER TO?

14 A THEY REFER TO FINANCIAL FUTURES TRADING CORPORATION.

15 Q AND HAVE YOU HAD AN OPPORTUNITY TO EXAMINE THE
16 CHECKS THAT ARE -- COPIES OF THE CHECKS THAT ARE IN FRONT
17 OF YOU?

18 A YES, I HAVE.

19 Q AND THE FINANCIAL FUTURES TRADING CORPORATION
20 ACCOUNT, AT WHAT BRANCH WAS THAT?

21 A THAT IS AT THE LA BREA-ROSEWOOD BRANCH.

22 Q WHEN WAS IT OPENED ACCORDING TO THE DOCUMENTS
23 THAT ARE PEOPLE'S 222?

24 A IT IS DATED MARCH OF 1984.

25 Q AND THE RECORDS THAT YOU HAVE IN FRONT OF YOU
26 ARE THE STATEMENTS AND ACCOUNT OPENING DOCUMENTS?

27 A YES, THEY ARE.

28 Q AND ARE YOU FAMILIAR WITH HOW THOSE RECORDS WERE

1 PREPARED AT THAT TIME?

2 A YES, I AM.

3 Q WERE THEY DONE IN THE ORDINARY COURSE OF BUSINESS?

4 A YES, THEY WERE.

5 MR. BARENS: YOUR HONOR, WE HAVE A RELEVANCY ISSUE
6 THAT WE WOULD LIKE TO APPROACH THE BENCH ON.

7 THE COURT: ALL RIGHT.

8 (THE FOLLOWING PROCEEDINGS WERE HELD
9 AT THE BENCH:)

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1 MR. BARENS: YOUR HONOR, I BELIEVE THE PURPOSE OF
2 THIS WITNESS FOR THE PEOPLE IS TO SHOW A VARIETY OF CHECKS
3 THAT MR. HUNT ISSUED THAT WERE PAYABLE TO CASH.

4 MR. WAPNER: COUNSEL, LET ME MAKE AN OFFER OF PROOF
5 AND THEN YOU CAN RESPOND.

6 MR. BARENS: ALL RIGHT.

7 MR. WAPNER: THAT IS PART OF IT.

8 THE OTHER THRUST OF IT IS THAT, AS THE COURT
9 IS PROBABLY AWARE, BECAUSE WE HAD TESTIMONY FROM LORIE
10 LEIS, THE MONEY THAT WAS PAID OUT TO INVESTORS WAS PAID OUT,
11 AT LEAST IN MARCH AND JUNE, FROM THIS ACCOUNT.

12 THE COURT: MARCH AND JUNE?

13 MR. WAPNER: CORRECT, TWO SEPARATE TIMES.

14 THERE WERE BLOCKS OF CHECKS WRITTEN ON THAT
15 ACCOUNT AND THIS WITNESS LOOKED AT THE CHECKS AND PREPARED
16 LISTS OF THE PEOPLE THE CHECKS WERE WRITTEN TO AND THE TOTAL
17 AMOUNT THAT THEY ARE WRITTEN FOR AND IT IS OFFERED TO SHOW
18 THAT WHEN HE WAS PAYING OUT HIS INVESTORS, THE PEOPLE WHO
19 WERE DEMANDING MONEY FROM HIM, IN MARCH, HE PAID OUT A TOTAL
20 OF \$82,000.

21 AND THEN BY JUNE, HE PAID OUT A TOTAL OF, I
22 THINK IT WAS -- I DON'T HAVE THE FIGURE IN FRONT OF ME BUT
23 APPROXIMATELY A HUNDRED -- I WANT TO SAY \$140,000.

24 THE COURT: BY THAT TIME, YOU MEAN?

25 MR. WAPNER: AT THAT TIME.

26 THE COURT: OR IN ADDITION?

27 MR. WAPNER: IN ADDITION.

28 THE COURT: ALL RIGHT.

1 MR. WAPNER: SO THEN WE WOULD ALSO ENDEAVOR TO SHOW
2 THERE WERE APPROXIMATELY 5400,000 IN CHECKS WRITTEN FOR
3 CASH, SOME OF WHICH WERE IN FACT AFTER MAY THE 31ST, WHICH
4 IS WHEN THE TRADING ON THE ACCOUNT CEASED. ANY FINANCIAL
5 FUTURES ACCOUNT WAS FINISHED BY THE END OF MAY OF 1984, SO
6 THAT IS THE PURPOSE OF IT.

7 MR. BARENS: WELL, YOUR HONOR, THE OBVIOUS IMPLICATION
8 THAT ONE MIGHT SUGGEST TO THE JURY FROM SHOWING THEM CHECKS
9 TO CASH IS TO SUGGEST THAT MR. HUNT IS SOMEHOW CHEATING OR
10 STEALING FROM THE INVESTORS BY WRITING CHECKS TO CASH.

11 THE PURPOSE OF SHOWING MR. HUNT AS BEING A GUY
12 WHO WROTE CHECKS TO CASH, I DON'T SEE THE RELEVANCY IN A
13 HOMICIDE TRIAL.

14 THE COURT: I UNDERSTAND THAT THE PEOPLE ALL THROUGHOUT
15 HAVE BEEN SHOWING THE TYPE OF OPERATIONS AND HAVE BEEN GOING
16 THROUGH THIS, SO THIS IS RELEVANT TO THAT ENTIRE COURSE OF
17 THE OPERATIONS OF THIS BBC AND ALL OF THE OTHER COMPANIES
18 THAT THEY WERE INVOLVED WITH.

19 MR. WAPNER: IT IS OFFERED ON THE ISSUE OF MOTIVE.

20 MR. BARENS: YOUR HONOR, AFTER JUNE 7TH, TO SHOW
21 EXISTENCE OF CHECKS TO CASH AFTER JUNE 7TH, I DON'T THINK
22 IS PROBATIVE AT ALL.

23 THE COURT: WELL, THE THING DIDN'T HAPPEN ON JUNE 7TH
24 WHEN ALLEGEDLY THE DEFENDANT (SIC) DISAPPEARED OR WAS
25 ALLEGEDLY MURDERED.

26 MR. WAPNER: YOU MEAN THE VICTIM.

27 THE COURT: IT GOES ON AND ON AND ON AND THE CONSPIRACY
28 GOES ON AND ON BEYOND THAT DATE.

1 MR. BARENS: I WOULD SAY, YOUR HONOR, THAT I DON'T
2 SEE RELEVANCY ON CHECKS TO CASH.

3 THE COURT: WELL, COUNSEL HAS INDICATED THE FACTS
4 WHICH WOULD SUPPORT IT AND I AM GOING TO PERMIT THAT.

5 MR. BARENS: YOUR HONOR, WHAT WE DO THOUGH IS THEN
6 YOU COMPEL THE DEFENDANT TO HAVE TO MAKE AN EFFORT TO
7 RECONSTRUCT ALL OF THE JUSTIFICATION OF THE CHECKS TO CASH
8 IN TERMS OF WHAT DID THE DEFENDANT DO WITH THE CASH THAT
9 HE GOT OUT OF THAT ACCOUNT.

10 NOW I HAVE GOT TO SIT DOWN AND SAY TO HIM, "OKAY,
11 MR. HUNT, HERE IS ALL OF THESE CHECKS THIS WOMAN BROUGHT
12 IN, WHAT DID YOU DO WITH THE MONEY?"

13 MR. WAPNER: WELL, I DON'T WANT IT TO APPEAR THAT
14 COUNSEL, AS THEY HAVE STATED AT OTHER TIMES DURING THE TRIAL,
15 WERE SURPRISED BY THE TESTIMONY.

16 IT HAS BEEN AT LEAST TWO WEEKS AGO WHEN I TOLD
17 HIM ABOUT THIS.

18 MR. BARENS: I AM NOT SURPRISED.

19 MR. WAPNER: AND GAVE THEM THE LIST THAT THIS WITNESS
20 PREPARED OF THE CHECKS.

21 MR. BARENS: JUDGE, I AM NOT SURPRISED BY THE PROFFERED
22 TESTIMONY IN THE LEAST. WHAT I AM SAYING IS --

23 THE COURT: THAT IS YOUR JOB, TO GO OVER THEM. YOU
24 HAVE BEEN CONFERRING WITH HIM, AT LEAST YOUR CHARGES INDICATE
25 YOU HAVE BEEN EVERY DAY. YOU HAVE BEEN GOING OVER EVERY-
26 THING WITH HIM.

27 MR. BARENS: ABSOLUTELY, JUDGE.

28 THE COURT: CONSEQUENTLY, YOU CAN STILL GO ON CONFERRING.

1 MR. BARENS: IT WOULD BE A PROMETHEAN TASK, YOUR HONOR,
2 FOR ME TO TRY TO GET JUSTIFICATION FOR \$400,000 WORTH OF
3 CASHED CHECKS WHILE I HAVE BEEN TRYING TO PREPARE ON THE
4 DAILY BASIS FOR THE WITNESSES.

5 THE COURT: THIS ISN'T NEWS TO YOU THAT THE PEOPLE
6 FELT HE TOOK \$400,000 WORTH OF CASH, OF UNEXPLAINED CASH.

7 MR. BARENS: SOME OF IT IS EXPLAINED.

8 THE COURT: THEN EXPLAIN THE REST.

9 MR. WAPNER: IS THAT A NEW OBJECTION, PROMETHEAN
10 OBJECTION IN THE EVIDENCE CODE?

11 MR. BARENS: YES.

12 THE COURT: ALL RIGHT, WE WILL TAKE A RECESS.

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

16 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE WILL
17 TAKE OUR NOON RECESS AT THIS TIME.

18 THE SAME ADMONITION WILL STILL APPLY.

19 1:30 THIS AFTERNOON.

20 THE SAME ADMONITION WILL APPLY.

21 (AT 12:00 NOON AN ADJOURNMENT WAS TAKEN
22 UNTIL 1:30 P.M. OF THE SAME DAY.)

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1 SANTA MONICA, CALIFORNIA; MONDAY, MARCH 16, 1987; 1:40 P.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

5 CYNTHIA HEBERER,
6 THE WITNESS AT THE TIME OF ADJOURNMENT, RESUMED THE STAND
7 AND TESTIFIED AS FOLLOWS:

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

11 THE WITNESS: CYNTHIA HEBERER.

12 MR. WAPNER: YOU HAVE TO KEEP YOUR VOICE UP. JUST
13 SPEAK AS THOUGH YOU WERE SPEAKING TO SOMEONE SITTING BACK
14 HERE IN THE CORNER. OKAY? IF I CAN HEAR YOU, THEY SHOULD
15 BE ABLE TO HEAR YOU.
16

17 DIRECT EXAMINATION (CONTINUED)

18 BY MR. WAPNER:

19 Q EXHIBIT 222 CONSISTS OF RECRODS FROM THE LA BREA
20 ROSEWOOD BRANCH OF THE BANK OF AMERICA?

21 A YES.

22 Q THIS IS AN AFFIDAVIT SIGNED BY A WOMAN NAMED
23 TESS MANAPAT, RIGHT?

24 A YES, IT IS.

25 THE COURT REPORTER: HOW DO YOU SPELL THAT?

26 THE WITNESS: T-E-S-S, M-A-N-A-P-A-T.

27 Q BY MR. WAPNER: AND WHO IS SHE?

28 A SHE IS THE PREVIOUS OPERATIONS OFFICER FROM

1 LA BREA ROSEWOOD.

2 Q THAT DOCUMENT IN THERE IS IN ESSENCE, HER
3 CERTIFICATION THAT THOSE RECORDS ARE IN FACT, TRUE AND EXACT
4 COPIES OF THE ORIGINALS?

5 A YES, IT IS.

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1 Q AND THE ACCOUNT THAT WAS OPENED FOR FINANCIAL
2 FUTURES TRADING CORPORATION WAS OPENED IN MARCH OF 1984?

3 A YES, IT WAS.

4 Q THERE ARE SEVERAL CHECKS, OR WHAT APPEAR TO
5 BE COPIES OF CHECKS IN FRONT OF YOU, WHAT ARE THOSE?

6 A THEY ARE CHECKS FROM FINANCIAL FUTURES TRADING
7 CORPORATION.

8 Q AND HOW WERE THOSE COPIES PRODUCED?

9 A HOW WERE THEY PRODUCED?

10 Q WELL, WHEN A CHECK IS WRITTEN -- WHEN A CHECK
11 IS WRITTEN ON THE ACCOUNT, DOES THE BANK, AFTER IT PAYS A
12 CHECK, TAKE A PHOTO -- MAKE A MICROFILM COPY OF THE CHECK?

13 A YES, THEY DO.

14 Q THAT IS DONE IN THE ORDINARY COURSE OF BUSINESS?

15 A YES, IT IS.

16 Q AND THE COPIES THAT YOU HAVE IN FRONT OF YOU,
17 HOW ARE THEY MADE?

18 A THESE WERE ALL PAID AGAINST THE ACCOUNT AND THESE
19 ARE PHOTOGRAPHS FROM THE MICROFILM.

20 Q AND ALL OF THE CHECKS THAT YOU HAVE IN FRONT OF
21 YOU ARE TRUE AND EXACT COPIES OF ORIGINAL CHECKS THAT WERE
22 WRITTEN ON THAT ACCOUNT AND PAID AGAINST THAT ACCOUNT?

23 A YES, THEY ARE.

24 Q DID YOU HAVE A CHANCE SOMETIME EITHER LAST WEEK
25 OR THE WEEK BEFORE TO GO THROUGH COPIES OF THOSE CHECKS AND
26 SEPARATE THEM INTO CERTAIN GROUPS?

27 A YES, I DID.

28 Q FIRST OF ALL, DID YOU LOCATE A GROUP OF CHECKS

1 THAT WERE ALL DATED MARCH THE 1ST AS THE DATE THEY WERE
2 WRITTEN?

3 A YES.

4 Q AND DID YOU PREPARE --

5 DID YOU ALSO LOCATE A SECOND GROUP OF CHECKS THAT
6 WERE CHECKS THAT WERE WRITTEN ON THE DATE OF JUNE THE 20TH?

7 A YES, I DID.

8 Q AND DID YOU PREPARE TWO HANDWRITTEN LISTS OF THOSE
9 CHECKS?

10 A YES.

11 Q AND WHAT DID YOU INCLUDE ON THOSE LISTS?

12 A I INCLUDED THE NUMBER OF PEOPLE THEY WERE WRITTEN
13 TO, THE NAMES OF THE PEOPLE THEY WERE WRITTEN ON, THE CHECK
14 NUMBERS AND THE AMOUNTS.

15 Q AND SHOWING YOU AN EXHIBIT THAT WE HAVE MARKED
16 AS 202, DO THOSE TWO PAGES APPEAR TO BE XEROX COPIES OF THE
17 LIST THAT YOU PREPARED?

18 A YES, THEY ARE.

19 MR. WAPNER: MAY THE TWO ORIGINALS, YOUR HONOR, AT THIS
20 TIME NOW BE MARKED ALSO AS 202 FOR IDENTIFICATION?

21 THE COURT: 202?

22 MR. WAPNER: YES.

23 THE COURT: YES, 202.

24 MR. BARENS: 202?

25 THE COURT: HAVEN'T THEY BEEN PREVIOUSLY MARKED?

26 MR. WAPNER: WELL, THE COPIES WERE PREVIOUSLY MARKED
27 AS 202 WITH THE UNDERSTANDING THAT THEY WERE GOING TO
28 INTRODUCE THE ORIGINALS LATER.

1 THE COURT: ALL RIGHT, WE WILL SUBSTITUTE THE ORIGINALS
2 FOR THE COPIES.

3 MR. WAPNER: MAY WE SUBSTITUTE THEN THE ORIGINALS FOR
4 COPIES?

5 THE COURT: YES.

6 MR. WAPNER: SHALL WE JUST MARK THE COPIES AS 202?

7 THE COURT: LET'S SUBSTITUTE THE ORIGINALS FOR THE COPIES.

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1 Q MS. HEBERER, AS FOR THE CHECKS THAT WERE WRITTEN
2 ON MARCH THE 1ST, HOW MANY CHECKS DID YOU LIST THAT WERE
3 WRITTEN ON MARCH THE 1ST TO THE PEOPLE THAT ARE ON THIS
4 LIST IN FRONT OF YOU?

5 A THERE WERE 21.

6 Q AND WHAT WAS THE TOTAL AMOUNT OF THE TOTAL
7 DOLLARS OF THE CHECKS THAT WERE WRITTEN TO THOSE 21 PEOPLE?

8 A \$84,050.80.

9 Q AND DID YOU MAKE A LIST OF INDIVIDUALS TO WHOM
10 CHECKS WERE WRITTEN ON JUNE 20TH?

11 A YES, I DID.

12 Q AND THAT WOULD BE THE SECOND PAGE OF PEOPLE'S
13 202?

14 A YES.

15 Q AND THOSE WERE ALL WRITTEN TO DIFFERENT
16 INDIVIDUALS, IS THAT CORRECT?

17 A YES, THEY WERE.

18 MR. WAPNER: YOUR HONOR, FOR THE RECORD, SO IT IS
19 CLEAR, THESE ARE THE LISTS THAT WERE PREVIOUSLY IDENTIFIED
20 BY MISS LEIS AS COMPRISING THE LISTS OF INDIVIDUALS WHO
21 HAD INVESTED IN FINANCIAL FUTURES WITH MR. HUNT.

22 THE COURT: ALL RIGHT. THE JURY WILL BE SO INSTRUCTED
23 UNLESS THERE IS AN OBJECTION.

24 MR. BARENS: NO OBJECTION.

25 Q BY MR. WAPNER: AND OF THOSE ON JUNE 20TH,
26 THERE WERE HOW MANY PEOPLE, DIFFERENT INDIVIDUALS?

27 A TWENTY-SEVEN.

28 Q WHAT WAS THE TOTAL DOLLAR AMOUNT OF CHECKS THAT

1 WERE WRITTEN TO THOSE 27 PEOPLE ON JUNE 20TH, 1984?

2 A \$182,823.15.

3 Q AND DID YOU ALSO GO THROUGH A SECOND -- EXCUSE
4 ME, A THIRD GROUP OF CHECKS THAT WERE WRITTEN ON THAT
5 ACCOUNT THAT WERE WRITTEN TO CASH?

6 A YES, I DID.

7 Q AND HAD YOU BEEN PROVIDED BY ME WITH A LIST OF
8 THOSE CHECKS AND THE AMOUNTS?

9 A YES.

10 Q AND DID YOU TAKE THAT LIST AND VERIFY WHETHER
11 OR NOT THESE WERE CHECKS ON THAT ACCOUNT FOR THOSE AMOUNTS
12 ON THE DATES INDICATED?

13 A YES, I DID.

14 Q AND ARE THEY?

15 A YES.

16 Q WOULD YOU INDICATE THE TOTAL AMOUNT OF CHECKS --
17 STRIKE THAT.

18 Q DID YOU GO THROUGH ALL OF THE CHECKS THAT WERE
19 WRITTEN ON THAT ACCOUNT AND THAT ARE INCLUDED IN THE EXHIBIT
20 THAT IS 222?

21 A YES, I DID.

22 Q AND DID YOU IDENTIFY ALL OF THE CHECKS THAT WERE
23 WRITTEN ON THAT ACCOUNT THAT WERE WRITTEN TO CASH?

24 A YES.

25 Q HOW MANY WERE THERE?

26 A FOR THE TOTAL NUMBER?

27 Q RIGHT.

28 A THERE WERE 21.

1 Q AND WHAT WAS THE TOTAL DOLLAR AMOUNT OF THE
2 CHECKS THAT WERE WRITTEN TO CASH ON THAT ACCOUNT?

3 A \$399,014.11.

4 Q AND IF YOU WRITE A CHECK TO OBTAIN A CASHIER'S
5 CHECK, DOES THE BANK PREFER THAT YOU MAKE THAT CHECK OUT
6 TO CASH?

7 A YES, WE DO.

8 Q NOW, OF THE CHECKS THAT WERE WRITTEN TO CASH,
9 WERE ANY OF THOSE WRITTEN ON MAY THE 31ST OR AFTER?

10 A YES, THEY WERE.

11 Q HOW MANY?

12 A THERE WERE TEN.

13 Q WHAT WAS THE TOTAL DOLLAR AMOUNT OF THE CHECKS
14 THAT WERE WRITTEN TO CASH AFTER MAY 31ST?

15 A \$176,114.11.

16 Q AND HAVE YOU ATTEMPTED TO ORGANIZE THE CHECKS
17 THAT ARE IN FRONT OF YOU INTO PILES? THAT IS, THOSE THAT
18 WERE WRITTEN TO CASH AND THOSE THAT WERE WRITTEN MARCH 1ST
19 AND THOSE THAT WERE WRITTEN JUNE 20TH?

20 A YES.

21 MR. WAPNER: THANK YOU. NOTHING FURTHER.

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1 THE COURT: ALL RIGHT, MR. BARENS.

2 MR. BARENS: JUST ONE MOMENT.

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CROSS-EXAMINATION

5 BY MR. BARENS:

6 Q GOOD AFTERNOON.

7 THE CASHIER'S CHECKS -- I AM SORRY -- THE CHECKS

8 TO CASH THAT YOU MADE REFERENCE TO TOTALING SOME \$399,000,

9 THOSE WERE OVER WHAT TIME FRAME?

10 A THESE WERE FROM MARCH THROUGH AUGUST.

11 Q AND YOU MENTIONED THAT AFTER MAY 31, \$176,000 WORTH

12 OF CHECKS ARE DRAWN AND OBVIOUSLY THE BALANCE OF SOME \$225,000

13 WOULD BE INDICATED PRIOR TO THAT DATE?

14 A IT WOULD SEEM SO, YES.

15 Q NOW YOU MENTIONED THAT THE BANK PREFERS THAT YOU

16 DRAW A CHECK TO CASH IN ORDER TO DRAW A CASHIER'S CHECK.

17 COULD YOU TELL ME HOW MANY CASHIER'S CHECKS WERE

18 PURCHASED DURING THE PERIOD OF TIME BETWEEN MARCH AND AUGUST

19 BY THE CUSTOMER?

20 A I DO NOT HAVE THAT INFORMATION.

21 Q WHY IS THAT?

22 A I DON'T HAVE IT IN FRONT OF ME.

23 Q I SEE. SO YOU CAN'T -- YOU HAVE MADE NO ATTEMPT

24 TO CORRESPOND FOR YOUR TESTIMONY TODAY THE AMOUNTS OF CHECKS

25 WRITTEN TO CASH AND THE CASHIER'S CHECKS THAT MAY HAVE BEEN

26 PURCHASED WITH THOSE CHECKS?

27 A NO.

28 Q I PRESUME YOU COULD DO THAT IF ASKED?

-2
1 A YES.

2 Q OKAY. DO YOU MAINTAIN AT YOUR BANK A C.T.R. FILE,
3 A CURRENCY TRANSACTION REGISTRATION?

4 A YES, WE DO.

5 Q COULD YOU TELL ME WHEN YOU PREPARE THOSE TYPES
6 OF INSTRUMENTS?

7 A IF THERE IS A LARGE CURRENCY TRANSACTION EXCEEDING
8 \$10,000, EITHER COMING ACROSS THE COUNTER IN CASH OR GOING
9 ACROSS THE COUNTER TO THE CUSTOMER IN CASH.

10 Q SO THE PERSON DRAWING THESE CHECKS TO CASH ACTUALLY
11 RECEIVED GREENBACK DOLLARS, SO TO SPEAK, AND THERE WOULD BE
12 A C.T.R. IN THAT INSTANCE?

13 A IF IT EXCEEDS \$10,000.

14 Q RIGHT.

15 AND HOW MANY OF THOSE CHECKS EXCEED \$10,000?

16 A MAYBE ABOUT SIX OF THEM.

17 Q I SEE.

18 DO YOU HAVE ANY C.T.R.'S THAT WOULD SUGGEST THAT
19 THE PERSON THAT WROTE THOSE CHECKS ACTUALLY GOT CASH AS OPPOSED
20 TO CASHIER'S CHECKS?

21 A I DON'T KNOW.

22 Q YOU DON'T KNOW?

23 A I DON'T HAVE THE INFORMATION WITH ME.

24 Q OKAY. I PRESUME YOU COULD FIND THAT OUT.

25 A YES, WE COULD.

26 Q HAVE YOU SEEN ANY C.T.R.'S AT ALL IN CONJUNCTION
27 WITH THIS ACCOUNT?

28 A I MYSELF HAVE NOT, NO.

7-3 1 Q YOU COULD LOOK, I SUPPOSE, AND BE ABLE TO DO SOME
2 CORRESPONDING ACTIVITY?

3 A YES.

4 MR. BARENS: WE WOULD LIKE TO RETAIN THE WITNESS ON
5 CALL, YOUR HONOR. THANK YOU.

6 THE COURT: ALL RIGHT.
7

8 REDIRECT EXAMINATION

9 BY MR. WAPNER:

10 Q JUST VERY BRIEFLY. YOU SAID THE CHECKS TO CASH
11 WERE MARCH THROUGH AUGUST. WHAT WAS THE DATE THAT THIS ACCOUNT
12 WAS CLOSED?

13 A I DON'T HAVE AN ACTUAL DATE BUT IT APPEARS 1984.

14 Q WHEN IN 1984?

15 A I DON'T HAVE A STATEMENT REFLECTING THE CLOSING
16 ONE.

17 Q WHAT IS THE LAST STATEMENT YOU HAVE?

18 A THE LAST STATEMENT IS DATED 10-31-84.

19 Q IS THERE ANY NOTATION ON THE SIGNATURE CARD OR
20 ANY OF THE ACCOUNT OPENING DOCUMENTS AS TO WHEN IT WAS CLOSED?

21 A OH, I AM SORRY.

22 4-4-86 IT WAS CLOSED.
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1 Q AND THE RECORDS OF ANY CASHIER'S CHECKS THAT
2 MIGHT HAVE BEEN OBTAINED WERE CHECKS WRITTEN ON THAT ACCOUNT
3 TO CASH, ARE THEY KEPT WITH THIS ACCOUNT OR ARE THEY KEPT
4 SEPARATELY SOME PLACE ELSE?

5 A THE CHECKS ARE KEPT ON MICROFILM AND THE CHECKS,
6 THE ACTUAL CASHIER'S CHECKS ARE ALSO KEPT ON MICROFILM.

7 Q BUT THEY WOULDN'T BE KEPT WITH THE RECORDS OF
8 THAT ACCOUNT?

9 A NO. THEY ARE MAINTAINED AT ANOTHER LOCATION.

10 Q YOU WERE NOT ASKED TO BRING THEM TO COURT?

11 A NO, I WAS NOT.

12 MR. WAPNER: THANK YOU. NOTHING FURTHER.

13 THE COURT: ALL RIGHT. THANK YOU. IF WE NEED YOU,
14 WE WILL ASK YOU TO COME BACK AGAIN. YOU WILL BE EXCUSED
15 AT THIS TIME.

16 THE WITNESS: THANK YOU.

17 MR. BARENS: ON CALL, YOUR HONOR?

18 THE COURT: YES.

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

20 THE COURT: YES.

21 (THE FOLLOWING PROCEEDINGS WERE HELD AT
22 THE BENCH OUTSIDE THE HEARING OF THE
23 JURY:)

24 THE COURT: YES?

25 MR. WAPNER: YES. I AM GOING TO CALL DETECTIVE ZOELLER
26 NOW. I WANT TO KNOW IF WE ARE GOING TO HAVE A MOTION TO
27 KEEP HIS STATEMENTS OUT BEFORE HE TESTIFIES.

28 THE COURT: THEY KNOW ALL ABOUT THAT. WHY DIDN'T YOU

1 MAKE A MOTION UNDER 1538.5 BEFORE THIS?

2 MR. BARENS: I PERSONALLY, WAS NOT AWARE OF THIS CASE
3 UNTIL --

4 THE COURT: WHETHER YOU WERE PERSONALLY AWARE OR NOT,
5 THIS MOTION SHOULD HAVE BEEN MADE A LONG TIME AGO. YOU CAN'T
6 TAKE TIME OUT NOW TO HEAR A MOTION OF THIS KIND.

7 MR. BARENS: WELL YOUR HONOR, THE LAW RECITED WAS NOT
8 PUT DOWN BY THE APPELLATE COURT UNTIL LAST --

9 THE COURT: WHAT LAW RECITED?

10 MR. BARENS: THE LAW THAT WE SEEK TO ADDRESS IN THIS
11 MOTION.

12 THE COURT: WELL, I DON'T THINK THAT THAT CASE YOU
13 GAVE ME IS AT ALL PERSUASIVE. YOU MEAN THIS CASE YOU GAVE
14 ME, HERE?

15 MR. BARENS: YES, YOUR HONOR.

16 THE COURT: IT IS NOT AT ALL PERSUASIVE. LET'S GO
17 AHEAD AND HAVE HIM TESTIFY.

18 IF IT COMES TO A POINT WHERE SOMETHING MIGHT
19 BE RELEVANT, YOU CAN APPROACH.

20 MR. BARENS: WELL, LET ME TELL YOU EXACTLY WHY I THINK
21 IT IS GOING TO BE RELEVANT. BECAUSE THIS IS WHAT WE ARE
22 GOING TO HEAR.

23 AFTER MR. HUNT WAS ARRESTED ON THE FIRST OCCASION,
24 HE WAS SHOWN THE SEVEN PAGES. AND I BELIEVE THIS OFFICER
25 IS NOW GOING TO TESTIFY ABOUT HIS Demeanor IN RESPONSE TO
26 THE SEVEN PAGES. THAT IS SPECIFICALLY WHAT LOSOYA TALKS
27 ABOUT.

28 THE OBSERVATIONS AND THE STATEMENTS THAT AN

1 OFFICER CAN RELATE TO THAT OCCUR BETWEEN A FIRST CUSTODIAL
2 SETTING FOR A DEFENDANT AND A SECOND ARREST, WHICH IS
3 SPECIFICALLY ANALOGOUS TO WHAT WE HAVE IN THIS CASE. AND
4 THE APPELLATE COURT HAS SPOKEN ON THAT SUBJECT.

5 THE COURT: WELL, DON'T THEY TALK ABOUT PROBABLE
6 CAUSE, TOO? THIS CASE TALKS ABOUT PROBABLE CAUSE, DOES IT
7 NOT? THAT IS, THIS PARTICULAR CASE.

8 THERE WAS NO PROBABLE CAUSE FOR HIS ARREST IN
9 QUESTIONING --

10 MR. BARENS: WELL, THE COURT I BELIEVE CONCLUDES THAT
11 SINCE THEY COULD NOT MAKE THE FIRST ARREST STAND UP --

12 THE COURT: WELL, THAT DOESN'T MEAN THAT THERE WAS
13 NOT PROBABLE CAUSE, IF HE WAS NOT HELD TO ANSWER AND --

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1 MR. BARENS: COULD I HAVE A MOMENT, YOUR HONOR, PLEASE?

2 (PAUSE.)

3 MR. BARENS: WITH YOUR LEAVE, I WOULD LIKE MR. CHIER
4 TO ADDRESS THE COURT ON THIS SPECIFIC ISSUE, AS WE STARTED
5 OUT THIS MORNING.

6 THE COURT: ALL RIGHT.

7 MR. CHIER: THE MOTION IS ADDRESSED TO SECTION 402
8 THROUGH 405 OF THE EVIDENCE CODE AND 1538.5 OF THE PENAL CODE,
9 TO DETERMINE BY WAY OF AN EVIDENTIARY HEARING, THE
10 ADMISSIBILITY OF STATEMENTS AND OBSERVATIONS OF A PERSON
11 IN CUSTODY PURSUANT TO AN ARREST MADE WITHOUT PROBABLE CAUSE.

12 THE ONLY WAY I CAN DETERMINE WHETHER THERE WAS
13 OR WAS NOT PROBABLE CAUSE IS TO HAVE A HEARING --

14 THE COURT: WHY DIDN'T WE HAVE A 1538.5 MOTION AND
15 HEARING?

16 MR. CHIER: BECAUSE THE SPECIFIC CASE, THE SPECIFIC
17 FACT PATTERN WAS NOT AVAILABLE BEFORE NOW.

18 THE COURT: IT DOESN'T MAKE ANY DIFFERENCE. IF YOU
19 WANT TO QUESTION THE SEARCH AND SEIZURE OR ANY INTERROGATION
20 AND SO ON AND SO FORTH, THE STATUTE HAS EXISTED FOR A LONG
21 TIME. YOU COULD HAVE MADE IT AT THAT TIME.

22 MR. CHIER: WELL, 405 DOESN'T REQUIRE THAT. IT REQUIRES
23 THAT AT ANY TIME BEFORE THE WITNESS TESTIFIES --

24 THE COURT: ALL RIGHT. MOTION DENIED. LET'S GO AHEAD
25 WITH THE WITNESS. GO AHEAD. YOU CALL HIM.

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

1 MR. WAPNER: WE CALL LES ZOELER.

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4 LESLIE H. ZOELLER,
5 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
6 AS FOLLOWS:

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8 THE CLERK: RAISE YOUR RIGHT HAND TO BE SWORN.
9 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU
10 MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL
11 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
12 SO HELP YOU GOD.

13 THE WITNESS: I DO.

14 THE CLERK: BE SEATED IN THE WITNESS STAND. PLEASE
15 STATE AND SPELL YOUR NAME FOR THE RECORD.

16 THE WITNESS: LESLIE H. ZOELLER, Z-O-E-L-L-E-R.

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18 DIRECT EXAMINATION

19 BY MR. WAPNER:

20 Q BY WHOM ARE YOU EMPLOYED?

21 A THE CITY OF BEVERLY HILLS POLICE DEPARTMENT.

22 Q HOW LONG HAVE YOU WORKED FOR THE BEVERLY HILLS
23 POLICE DEPARTMENT?

24 A ELEVEN YEARS.

25 Q AND ARE YOU A DETECTIVE WITH THE POLICE DEPART-
26 MENT?

27 A THAT'S CORRECT.

28 Q HOW LONG HAVE YOU BEEN A DETECTIVE WITH THE
POLICE DEPARTMENT?

A EIGHT YEARS.

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1 Q AND ARE YOU THE INVESTIGATING OFFICER IN THIS
2 CASE?

3 A I AM.

4 Q WHEN DID YOU FIRST BECOME ONE OF THE INVESTIGATING
5 OFFICERS IN THIS CASE?

6 A WHEN THE REPORT CAME IN, PROBABLY THE DAY AFTER
7 THE 21ST OF JUNE OF 1984, IT CAME TO MY PARTNER AND MY TABLE,
8 THE MISSING PERSONS TABLE.

9 Q AND WHO WAS YOUR PARTNER AT THAT TIME?

10 A DETECTIVE KING.

11 Q AND WHEN YOU SAY THE REPORT CAME IN, YOU ARE
12 REFERRING TO THE MISSING PERSONS REPORT THAT WAS MADE BY
13 MARTIN LEVIN AND SCOTT FURSTMAN ON JUNE 21ST OF 1984?

14 A THAT'S CORRECT.

15 Q WHAT DO YOU MEAN WHEN YOU SAY "CAME TO YOUR TABLE"?

16 A IT IS ASSIGNED TO A TABLE OF DETECTIVES AND IN
17 THAT CASE, IT WAS MY TABLE AND DETECTIVE KING'S TABLE.

18 Q AND DID YOU DO ANYTHING WITH RESPECT TO THE MISSING
19 PERSONS REPORT?

20 A I DID NOT, NO.

21 Q DID DETECTIVE KING?

22 A YES.

23 Q WHAT DID HE DO, IF YOU KNOW?

24 A THE ONLY THING THAT I KNOW THAT HE DID WAS WITHIN
25 THE 30 DAYS, HE OBTAINED THE DENTAL CHARTS OF THE VICTIM AND
26 SENT THEM TO THE DEPARTMENT OF JUSTICE. OTHER THAN THAT,
27 I DON'T KNOW OF ANYTHING ELSE HE DID.

28 Q AND WHAT WAS THE NEXT THING YOU HAD TO DO IN THE

2
1 PARTICIPATION OF THIS CASE?

2 A THE NEXT ACTIVITY I HAD IN REFERENCE TO THE MISSING
3 OF RON LEVIN WAS ON THE 6TH OF JULY OF 1984, DETECTIVE EDHOLM
4 GAVE ME A SLIP OF PAPER WITH NANCY UNDERWOOD'S NAME, WHO WAS
5 AN FBI AGENT, THAT STATED THAT SHE HAD INFORMATION IN
6 REFERENCE TO RONALD LEVIN.

7 Q DID YOU CALL AND TALK TO NANCY UNDERWOOD?

8 A I DID.

9 Q AND THAT WAS IN REFERENCE TO AN INVESTIGATION
10 THAT SHE WAS DOING?

11 A THAT'S CORRECT.

12 Q AND AFTER THAT, DID YOU TALK TO -- DID YOU HAVE
13 SOME CONTACT WITH SOMEONE REGARDING THIS CASE AROUND THE
14 BEGINNING OF AUGUST OF 1984?

15 A YES.

16 Q WHO WAS THAT?

17 A THAT WAS A PAUL TOBIN, WHO WAS THE ATTORNEY FOR
18 DAVE AND TOM MAY.

19 Q DID YOU CALL MR. TOBIN OR DID HE CALL YOU?

20 A NO.

21 ON THE 8TH OF AUGUST OF 1984, HE CALLED OUR OFFICE.

22 Q AND WHEN HE CALLED YOUR OFFICE, DID YOU TALK TO
23 HIM ABOUT MEETING WITH HIS CLIENTS?

24 A YES.

25 Q DID YOU MEET WITH THEM?

26 A YES, THE FOLLOWING DAY.

27 Q AUGUST 9TH OF 1984?

28 A THAT'S CORRECT.

1 Q WHOM DID YOU MEET WITH?

2 A DETECTIVE KING AND I WENT TO THAT OFFICE, WE MET
3 WITH TOM AND DAVE MAY, JEFF RAYMOND, GENE BROWNING AND THE
4 ATTORNEY WAS THERE.

5 Q DID THE MAYS AND MR. RAYMOND AND MR. BROWNING
6 TELL YOU IN SUBSTANCE WHAT THEY HAVE RELATED HERE IN COURT?

7 A YES.

8 Q AND DID THEY PROVIDE YOU WITH CERTAIN DOCUMENTS
9 AT THAT TIME?

10 A YES, THEY DID.

11 Q WHAT DID THEY GIVE YOU?

12 A THEY GAVE ME A COPY OF THE \$1.5 MILLION CHECK,
13 A COPY OF THE OPTION AGREEMENT WHEREUNDER THE SIGNATURE OF
14 RONALD LEVIN WAS DATED 6-5-84 AND A COPY OF A LETTER TO, I
15 BELIEVE IT WAS THE SWISS BANK IN SWITZERLAND, AUTHORIZING
16 BEN DOSTI TO DEAL WITH THE CHECK.

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1 Q AND WHAT DID YOU DO WITH THOSE DOCUMENTS THAT
2 THEY GAVE YOU?

3 A I TOOK THE DOCUMENTS AND I MADE A REPORT OF THEM,
4 LISTING THOSE AS PAGES WITHIN THE REPORT.

5 Q SHOWING YOU DOCUMENTS THAT ARE MARKED PEOPLE'S 80,
6 81 AND 82, DO YOU RECOGNIZE THOSE?

7 A YES.

8 PEOPLE'S 80 IS THE COPY OF THE OPTION AGREEMENT.
9 PEOPLE'S 81 IS THE COPY OF THE \$1.5 MILLION CHECK.
10 PEOPLE'S 82 IS THE LETTER TO THE SWISS BANK.

11 Q ARE THOSE THE DOCUMENTS THAT THEY GAVE YOU?

12 A YES.

13 Q AND AFTER TAKING THEM TO THE POLICE STATION AND
14 MAKING YOUR REPORT, DID YOU ASSIGN CERTAIN NUMBERS TO THESE
15 DOCUMENTS?

16 A YES, I DID.

17 Q AND WHAT WERE THOSE?

18 A I PUT ON THOSE DOCUMENTS OUR CASE NUMBER WHICH
19 IS 84-05436, WHICH IS UP ON THE TOP RIGHT-HAND CORNER ON EACH
20 DOCUMENT AND THEN THE PAGE NUMBERS ON THE BOTTOM, PAGE 9 OF
21 13 ON PEOPLE'S 82; PAGE 12 OF 13 ON PEOPLE'S 81 AND PAGES
22 7 OF 13 ON THE FIRST PAGE OF PEOPLE'S 80 AND 8 OF 13 ON THE
23 SECOND PAGE OF PEOPLE'S 80.

24 Q DID YOU AT SOME POINT BRING THOSE DOCUMENTS TO
25 COURT WITH YOU?

26 A YES.

27 Q WHEN WAS THAT?

28 A AT THE --

1 Q WAS THAT AT ONE OF THE PRELIMINARY HEARINGS?

2 A ONE OF THEM, THAT'S CORRECT.

3 Q WAS THAT TO THE BEVERLY HILLS MUNICIPAL COURT?

4 A THAT'S CORRECT.

5 Q TO YOUR KNOWLEDGE, THAT WAS THEN TRANSPORTED --
6 STRIKE THAT --

7 WERE THEY LEFT IN THE CUSTODY OF THE CLERK OF
8 THE BEVERLY HILLS MUNICIPAL COURT?

9 A YES.

10 Q AND THEN TO YOUR KNOWLEDGE, THEY ARE TRANSPORTED
11 BY THE CLERK'S OFFICE TO THE CLERK OF THE SUPERIOR COURT IF
12 AND WHEN THE CASE GOES TO SUPERIOR COURT?

13 A YES.

14 Q AND AFTER LEAVING THOSE DOCUMENTS IN COURT, THE
15 NEXT TIME THAT YOU SAW THOSE PARTICULAR COPIES OF THE DOCUMENTS
16 WAS AT VARIOUS TIMES WHERE YOU WERE IN COURT ON THIS CASE?

17 A THAT'S CORRECT.

18 Q AND AFTER TALKING TO TOM AND DAVE MAY, WHAT DID
19 YOU DO--AND TO GENE BROWNING AND JEFF RAYMOND, WHAT DID YOU
20 DO?

21 A FROM THAT TIME, I DON'T BELIEVE THAT I PERSONALLY
22 DID ANYTHING ON THE CASE UNTIL APPROXIMATELY THE 14TH OR 15TH
23 OF AUGUST, AT WHICH TIME I CONTACTED MARTIN LEVIN, EXPRESSING
24 A DESIRE TO GO INSIDE OF RONALD'S APARTMENT.

25 Q THAT IS RONALD LEVIN'S APARTMENT?

26 A THAT'S CORRECT.

27 Q WHEN YOU TALKED TO MR. MARTIN LEVIN, DID HE TELL
28 YOU THAT HE WOULD ALLOW YOU TO GO INTO THE APARTMENT?

1 A INITIALLY, THERE WAS CONCERN BECAUSE RONALD LEVIN
2 HAD A CRIMINAL CASE PENDING. THERE WAS CONCERN ABOUT THE
3 POLICE DEPARTMENT GOING IN AND JUST SEARCHING THE APARTMENT
4 CARTE BLANCHE.

5 AND HE, I ASSUME SPOKE WITH MR. FURSTMAN AND IT
6 WAS GRANTED FOR US TO GO INSIDE THE APARTMENT.

7 Q AND DID YOU IN FACT GO TO THE APARTMENT ON
8 AUGUST THE 16TH OF 1984?

9 A THAT'S CORRECT.

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1 Q WHEN YOU WENT TO MR. LEVIN'S APARTMENT, DID YOU
2 TAKE A PHOTOGRAPHER WITH YOU?

3 A YES.

4 Q DID HE TAKE SOME PICTURES WHILE YOU WERE THERE?

5 A YES.

6 Q DID YOU ALSO REMOVE SOME ITEMS FROM THE APARTMENT
7 THAT YOU BELIEVED HAD CERTAIN EVIDENTIARY VALUE?

8 A YES, I DID.

9 Q WHEN YOU WENT INTO THE APARTMENT, WHAT IS THE
10 FIRST THING THAT YOU DID?

11 A I MET RONALD LEVIN'S FATHER, MARTIN LEVIN. AND
12 THE FIRST THING THAT WE DID, WE GO INTO THE LARGE OFFICE
13 AREA.

14 I WAS STANDING THERE TALKING TO HIM AND HE STATED
15 THAT HE SAW SOME PAPERS INSIDE THE APARTMENT, WHICH HE
16 DIDN'T UNDERSTAND.

17 AND AT THAT PARTICULAR TIME, HE RETRIEVED THEM
18 FROM A SMALL CLOSET IN THAT OFFICE THAT WAS CONVERTED INTO
19 A LITTLE FILE ROOM.

20 Q WHEN YOU FIRST TALKED TO MR. LEVIN AND HE
21 MENTIONED THIS TO YOU, WERE YOU IN THIS AREA THAT IS
22 DESIGNATED AS OFFICE?

23 A THAT'S CORRECT.

24 Q AND THE AREA THAT HE POINTED OUT TO YOU WHERE
25 THESE ITEMS WERE, WHERE WAS THAT?

26 A HE ACTUALLY WENT IN THE SMALL OFFICE AND
27 RETRIEVED THE PAPERS. THE SMALL OFFICE IS INDICATED "SMALL
28 OFFICE" THERE.

1 Q AND WHEN YOU WENT IN AND RETRIEVED THE PAPERS,
2 WHAT DID YOU DO?

3 A I REMAINED AT THE DESK.

4 Q AND WHEN HE GOT THE PAPERS, DOES HE COME BACK
5 TO WHERE YOU WERE?

6 A YES.

7 Q WHAT HAPPENED?

8 A HE HANDED ME THE STACK OF PAPERS. THEY WERE
9 FOLDED IN HALF WITH ANY WRITINGS ON THE INSIDE.

10 SO I TOOK THE PAPERS, OPENED THEM AND OBSERVED
11 THE FIRST PAGE, WHICH WAS ENTITLED AT THE TOP "AT LEVIN'S
12 TO DO."

13 Q SHOWING YOU DOCUMENTS THAT WE HAVE MARKED AS
14 PEOPLE'S 55 FOR IDENTIFICATION, DO YOU RECOGNIZE THOSE?

15 A YES.

16 Q AND WHAT ARE THEY?

17 A THESE ARE THE PAPERS THAT MARTIN LEVIN HANDED
18 TO ME.

19 THE COURT: THEY WEREN'T IN THOSE --

20 THE WITNESS: NO. THEY WEREN'T. THEY WERE JUST THE
21 PAPERS THEMSELVES IN A FOLDED CONDITION.

22 THE COURT: ALL RIGHT.

23 Q BY MR. WAPNER: AND WHEN HE GAVE THE PAPERS TO
24 YOU, WHAT DID HE DO OR SAY?

25 A HE STATED THAT HE DIDN'T UNDERSTAND THESE.

26 Q WHEN HE GAVE THEM TO YOU, WHAT DID YOU DO?

27 A WELL, I STARTED READING THE FIRST PAGE OF THEM,
28 "AT LEVIN'S TO DO," AND I IMMEDIATELY NOTICED THAT THE ITEMS

1 HAD SOME EVIDENTIARY VALUE TO THEM.

2 THEN I PUT THEM IN A FOLDER TO PRESERVE THEM
3 FOR ANY FINGERPRINTS.

4 Q WHEN YOU FIRST WERE GIVEN THESE PAPERS BY MR.
5 LEVIN AND BEFORE YOU HAD A CHANCE TO READ THEM, DID YOU KNOW
6 WHETHER THEY HAD ANY EVIDENTIARY VALUE?

7 A NOT AT ALL.

8 Q ALL RIGHT. SO, YOU TOUCHED THEM WITH YOUR HANDS
9 WITHOUT BEING PROTECTED AT THAT PARTICULAR TIME?

10 A THAT'S CORRECT.

11 Q AND I GUESS WE KNOW BY NOW, THAT ONE OF YOUR
12 FINGERPRINTS ENDED UP ON THAT LIST. I ASSUME THAT IT WAS
13 APPROXIMATELY AT THAT TIME?

14 A THAT IS THE ONLY TIME THAT I RECALL TOUCHING
15 THEM. SO THAT IS PROBABLY THE TIME THAT I LEFT THE FINGER-
16 PRINTS.

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1 Q WHEN YOU SAY YOU PUT THEM IN A FOLDER, WHAT KIND
2 OF A FOLDER DID YOU PUT THEM IN?

3 A IT WAS JUST A MANILA FOLDER, JUST A TWO-SIDED
4 FOLDER.

5 Q LIKE A FILE FOLDER?

6 A THAT'S CORRECT.

7 Q WHAT DID YOU DO WITH THOSE SEVEN PIECES OF PAPER
8 AFTER YOU PUT THEM IN THE MANILA FILE FOLDER?

9 A BECAUSE I HAD THE BUREAU WITH ME, I USED A PAIR
10 OF TWEEZERS AND READ EACH PAGE.

11 Q AND SO YOU WENT THROUGH, PAGE BY PAGE, READING
12 EACH ONE AT THAT PARTICULAR TIME?

13 A THAT'S CORRECT.

14 Q ALL RIGHT. AND AFTER READING EACH PAGE, WHAT
15 DID YOU DO?

16 A I LEFT THEM IN THE FOLDER AND BASICALLY TURNED
17 CUSTODY OVER TO THE IDENTIFICATION BUREAU, WHO WAS THERE.

18 Q AND WERE THEY TAKEN AWAY FROM THE SCENE ALONG
19 WITH LOTS OF OTHER EVIDENCE THAT DAY?

20 A YES. LATER THAT DAY, THEY WERE TAKEN AND BOOKED
21 INTO EVIDENCE AT THE BEVERLY HILLS POLICE DEPARTMENT.

22 Q DID YOU AT SOME POINT, PICK THOSE UP FROM THE
23 EVIDENCE ROOM OF THE POLICE DEPARTMENT AND TAKE THOSE TO
24 COURT?

25 A YES.

26 Q DID YOU ALSO TAKE THOSE TO THE BEVERLY HILLS
27 MUNICIPAL COURT?

28 A YES.

1 Q AND WHEN YOU FIRST SAW THOSE PAGES AT MR. LEVIN'S
2 HOUSE, DID THEY HAVE ALL OF THE WRITING ON IT THAT THEY HAVE
3 NOW?

4 A YES.

5 Q AND THE ONLY DIFFERENCE BETWEEN THE WAY THEY
6 WERE THEN AND THE WAY THEY ARE NOW IS THE PLASTIC SLEEVES?

7 A THAT'S CORRECT. THERE ARE SOME NOTATIONS ON
8 THE SIDE ALSO THAT WERE NOT THERE, THAT HAVE THE INITIALS
9 "RLC" AND THE DATE OF 10/4/84. I SEE IT ON THIS, TOO.

10 THEY ARE ON EACH PAGE. THEY ARE THE INITIALS
11 OF MR. CLASON, WHO TESTIFIED EARLIER. HE DID THE HAND-
12 WRITING COMPARISON.

13 Q AND YOU LEFT THOSE IN THE CUSTODY OF THE CLERK
14 OF THE BEVERLY HILLS MUNICIPAL COURT AFTER YOU BROUGHT THOSE
15 TO COURT?

16 A THAT'S CORRECT.

17 Q AND AFTER FINDING THESE PIECES OF PAPER, WHAT
18 DID YOU DO NEXT?

19 A FROM THERE, I SEARCHED THE ENTIRE APARTMENT.
20 I SEARCHED IT ALONG WITH DETECTIVE KING, INITIALLY. HE ONLY
21 STAYED APPROXIMATELY AN HOUR. HE SEARCHED ONLY THE SMALL
22 OFFICE.

23 DETECTIVES EDHOLM AND I BELIEVE DETECTIVE
24 CARLIN WAS THERE.

25 Q AND YOU MOVED CERTAIN ITEMS OF EVIDENCE FROM
26 THE APARTMENT?

27 A YES.

28 Q DID YOU IN THE LARGE OFFICE, FIND ANYTHING ON

1 THE DESK THAT YOU THOUGHT WAS OF PARTICULAR VALUE?

2 A YES.

3 Q DID YOU FIND A PLANNING DIARY FOR MR. LEVIN?

4 A YES, I DID.

5 MR. WAPNER: YOUR HONOR, I HAVE AN ENVELOPE PREVIOUSLY
6 MARKED AS PEOPLE'S 96. MAY IT BE MARKED AGAIN AS 96 FOR
7 IDENTIFICATION?

8 THE COURT: YES.

9 MR. WAPNER: THE ENVELOPE AND CONTENTS?

10 THE COURT: YES.

11 Q BY MR. WAPNER: SHOWING YOU PEOPLE'S 96 FOR
12 IDENTIFICATION, DO YOU RECOGNIZE THAT?

13 A YES.

14 Q WHAT IS IT?

15 A THIS IS A PLANNING DIARY. IT STATES SO ON THE
16 FIRST PAGE OF MR. LEVIN'S, THAT I FOUND ON THE DESK IN THE
17 LARGE OFFICE.

18 Q AND ON THAT PLANNING DIARY WHEN YOU FOUND IT,
19 HOW DID YOU FIND IT? WHAT CONDITION WAS IT IN? WAS IT OPEN
20 TO A CERTAIN PAGE I GUESS, IS WHAT I AM ASKING YOU?

21 A YES.

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1 Q WHAT PAGE WAS IT OPEN TO?

2 A IT WAS OPEN TO THE PAGE WHICH INDICATES "MONDAY,
3 JUNE 4TH" AND ENDS ON THE OPPOSITE PAGE, "SATURDAY, JUNE 9TH."

4 Q AND IN THAT PLANNING DIARY, DOES IT HAVE A PLACE
5 AT THE EDGE OF THE PAGES WHERE YOU CAN TEAR OFF A LITTLE
6 PIECE SO YOU CAN TELL WHAT WEEK YOU ARE ON?

7 A THAT IS CORRECT. ON THE CORNER OF EACH PAGE IS
8 AN AREA WHERE IT CAN BE TORN OFF TO INDICATE THAT THAT TIME
9 HAS PASSED.

10 Q WERE THEY TORN OFF ON EVERY WEEK UP UNTIL THE
11 WEEK OF AND INCLUDING THE WEEK OF JUNE 4TH?

12 A YES.

13 ALTHOUGH EACH PAGE IS NOT A WEEK, IT IS ONLY FIVE
14 DAYS.

15 BUT, YES, THE LAST TIME THAT IT WAS TORN ON THE
16 PAGE INDICATING MONDAY, JUNE 4TH THROUGH THURSDAY, JUNE 7TH.

17 Q AND AFTER THAT, THE PAGES ON THE CORNERS ARE NOT
18 TORN?

19 A THAT'S CORRECT.

20 Q IS THERE SOME NOTATION IN THAT PLANNING DIARY
21 OF A DATE IN OCTOBER, AROUND THE 9TH OF OCTOBER?

22 A YES.

23 Q AND WHAT DOES IT SAY THERE ON THE DATE OF OCTOBER
24 9TH?

25 A ON THE TOP IT STATES "PRELIM," I ASSUME
26 PRELIMINARY HEARING, AND THEN IT HAS ALSO, IT HAS TIME
27 INDICATORS ON HERE, "7:00, 7:30, 8:00, 8:30." AND IT HAS
28 "8:00" CIRCLED AND IT SAYS "PRELIMINARY, BHPD VERSUS LEVIN."

1 Q AND TO YOUR KNOWLEDGE, HAD THE PRELIMINARY HEARING
2 IN MR. LEVIN'S CASE IN FACT BEEN SET FOR OCTOBER 9TH?

3 A YES.

4 Q AND THAT PLANNING DIARY WAS ON MR. LEVIN'S DESK?

5 A THAT'S CORRECT.

6 Q IN THE LARGE OFFICE?

7 A THAT'S CORRECT.

8 Q AND DID YOU ALSO FIND SOME DATE STAMP -- EXCUSE
9 ME. MAY I HAVE JUST A MOMENT?

10 THE COURT: MAY I SEE THAT?

11 THE WITNESS: YES.

12 Q BY MR. WAPNER: DID YOU FIND A DATE STAMP AT
13 MR. LEVIN'S HOUSE IN THE OFFICE?

14 A YES, I DID, ALSO ON THE DESK.

15 Q SHOWING YOU AN ITEM THAT I WOULD ASK TO BE MARKED
16 AS PEOPLE'S 97 FOR IDENTIFICATION, DO YOU RECOGNIZE THIS?

17 A YES.

18 Q AND WHAT IS IT?

19 A IT IS THE DATE STAMP THAT WAS FOUND ON THE DESK.

20 Q AND DID YOU STAMP THE DATE AT THAT TIME TO SEE
21 WHAT DATE IT WAS SET FOR?

22 A YES.

23 Q WHAT WAS THAT?

24 A THE 6TH OF JUNE, 1984.

25 Q DOES IT APPEAR TO STILL BE SET ON THAT DATE?

26 A YES.

27 Q INCIDENTALLY, IN THE PLANNING DIARY, DURING THE
28 DAYS OF JUNE THE 4TH THROUGH JUNE 7TH THAT IT WAS OPENED TO,

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1 ARE THERE SOME NOTATIONS ALSO ABOUT A PRELIMINARY HEARING
2 AT THAT TIME?

3 A YES.

4 ON THE TUESDAY THE 5TH, IT HAS IT CIRCLED AT
5 9 O'CLOCK, "PEOPLE VERSUS LEVIN" AND I CAN'T READ IT, SOME
6 TYPE OF A MOTION.

7 Q AND ALSO IS THERE SOME NOTATION ON THERE REGARDING
8 JUNE THE 7TH?

9 A YES.

10 Q WHAT IS THAT NOTATION?

11 A AT THE TOP OF THE DATE OF JUNE THE 7TH, IT HAS
12 "N.Y.," NEW YORK.

13 Q THOSE TWO ITEMS, THE DATE STAMP, THAT IS MARKED
14 97, I BELIEVE, AND THE BLACK DIARY THAT IS 96, WHAT DID YOU
15 DO WITH THOSE TWO ITEMS?

16 A I TOOK CUSTODY OF THEM, BROUGHT THEM TO THE
17 BEVERLY HILLS POLICE DEPARTMENT AND BOOKED THEM INTO EVIDENCE.

18 Q DID YOU BRING BOTH OF THOSE ITEMS TO THE SUPERIOR
19 COURT WITH YOU AT SOME POINT AND DEPOSIT THEM WITH THE CLERK
20 OF THE SUPERIOR COURT?

21 A YES.

22 Q DID YOU ALSO SEE STAMPS WITH RON LEVIN'S OR WHAT
23 APPEARED TO BE RON LEVIN'S SIGNATURE ON THEM?

24 A YES.

25 MR. WAPNER: YOUR HONOR, I HAVE HERE TWO DOCUMENTS,
26 ONE IS AN ENVELOPE THAT APPEARS TO CONTAIN TWO STAMPS; MAY
27 THAT BE MARKED AS 98 FOR IDENTIFICATION?

28 AND ANOTHER IS A PIECE OF PAPER THAT APPEARS TO

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1 HAVE TWO STAMPED SIGNATURES ON IT; MAY THAT BE 99 FOR
2 IDENTIFICATION?

3 THE COURT: SO MARKED.

4 Q BY MR. WAPNER: SHOWING YOU 98, DO YOU RECOGNIZE
5 THAT?

6 A YES.

7 Q WHAT IS IT?

8 A THESE ARE THE TWO DATE STAMPS THAT I LOOKED --
9 FOUND AT RON LEVIN'S -- NOT DATE STAMPS -- TWO SIGNATURE STAMPS
10 THAT I FOUND AT RON LEVIN'S HOUSE.

11 Q AT SOME OTHER TIME WHEN YOU WERE IN COURT, WERE
12 YOU ASKED TO PLACE THOSE STAMPS ON AN INK PAD AND MAKE THE
13 IMPRESSIONS ON THOSE STAMPS ON A PIECE OF PAPER?

14 A YES.

15 Q DID YOU DO THAT?

16 A YES, I DID.

17 Q IS THAT THE PIECE OF PAPER THAT IS 99 FOR
18 IDENTIFICATION?

19 A IT IS.

20 Q SO 99 REFLECTS THE SIGNATURES THAT ARE INDICATED
21 ON THOSE STAMPS?

22 A THAT'S CORRECT.

23 MR. WAPNER: MAY I PASS THAT QUICKLY BEFORE THE JURY,
24 YOUR HONOR?

25 THE COURT: YES.

26 (MR. WAPNER SHOWING EXHIBIT TO JURY.)

27 Q BY MR. WAPNER: DID YOU ALSO FIND A FILE AT
28 MR. LEVIN'S HOUSE THAT HAD SOMETHING TO DO WITH MAY BROTHERS'

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1 LAND CORPORATION?

2 A YES.

3 Q WAS THAT ON THE SAME DATE, AUGUST 16?

4 A YES, IT WAS.

5 Q AND INSIDE OF THAT FILE, WHAT DID YOU FIND?

6 A I FOUND LETTERS FROM DAVE AND TOM MAY WITH REFERENCE
7 TO THE MAY BROTHERS LAND CORPORATION AND ALSO, I FOUND THE
8 STATEMENTS -- WHAT I THOUGHT WERE ORIGINAL STATEMENTS OF
9 CLAYTON BROKERAGE.

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1 Q ALL RIGHT. SHOWING YOU WHAT WE HAVE MARKED AS
2 PEOPLE'S 83 FOR IDENTIFICATION, DO YOU RECOGNIZE THAT?

3 A YES. THESE ARE THE STATEMENTS.

4 Q THOSE ARE THE CLAYTON BROKERAGE STATEMENTS THAT
5 YOU FOUND WITH THE MAY BROTHERS LAND CORPORATION FILE?

6 A YES.

7 MR. WAPNER: MAY I HAVE JUST A MOMENT?

8 THE COURT: YES.

9 (PAUSE.)

10 (UNREPORTED COLLOQUY BETWEEN THE WITNESS
11 AND MR. WAPNER.)

12 Q BY MR. WAPNER: AND WAS THE FILE LABELED "MAY
13 BROTHERS LAND CORPORATION" LABELED WITH A TYPEWRITTEN LABEL?

14 A YES.

15 Q AND I WANT TO SHOW YOU TWO OTHER DOCUMENTS THAT
16 HAVE BEEN PREVIOUSLY MARKED AS 78 AND 79 FOR IDENTIFICATION.
17 I ASK THAT THEY AGAIN BE SO MARKED, YOUR HONOR.

18 THE COURT: 78 AND 79.

19 MR. WAPNER: YES. 78 SAYS, "AGREEMENT RE ASSIGNMENT
20 OF OPTION," AND 79 SAYS, "HAND DELIVERED, BOARD OF DIRECTORS,
21 MAY BROTHERS LAND CORPORATION."

22 AND IT IS SIGNED BY TOM AND DAVE MAY IN DECEMBER
23 OF 1983.

24 Q DO YOU RECOGNIZE THOSE TWO DOCUMENTS?

25 A YES, I DO.

26 Q ALL RIGHT. WHERE HAVE YOU SEEN THEM BEFORE?

27 A IN THAT FILE LABELED "MAY BROTHERS LAND
28 CORPORATION."

1 Q AND ONE OF THEM APPEARS TO BE AN ASSIGNMENT OF
2 AN OPTION TO PURCHASE THE DUPLEX ON PECK DRIVE THAT MR. LEVIN
3 LIVED IN?

4 A THAT'S CORRECT.

5 Q AND IS IT STAMPED ON THE SECOND PAGE WITH SOME
6 STAMP OR ON THE SECOND OR THIRD PAGE?

7 A IT IS STAMPED ON EACH PAGE "VOID". AND THEN
8 THAT IS THE ONLY ORIGINAL STAMP THAT THERE IS.

9 Q SO, ON EACH OF THE THREE PAGES IT IS STAMPED,
10 "VOID"?

11 A THAT'S CORRECT.

12 Q AND THE OTHER LETTER THAT YOU FOUND WAS ALSO
13 ON THE MAY BROTHERS LAND CORPORATION FILE?

14 A YES.

15 Q AND WAS THAT -- THAT IS DATED IN DECEMBER OF
16 1983?

17 A THERE ARE TWO SIGNATURES, ONE APPEARING TO BE
18 OF TOM FRANK MAY THE 2ND AND DATED DECEMBER 2ND, 1983 AND
19 THE OTHER IS DAVID HERBERT MAY THE 3RD, DATED 12/5/83 AND
20 THEN ON THE BOTTOM, IT IS DATED RECEIVED 12/6/83.

21 Q AND IS THIS APPARENTLY A LETTER SAYING IN
22 ESSENCE, WE ARE WITHDRAWING FROM THE MAY BROTHERS LAND
23 CORPORATION? DON'T USE OUR NAMES?

24 A YES.

25 Q AND DID YOU ALSO FIND AT THE HOME OF MR. LEVIN,
26 SOME OTHER DOCUMENTS?

27 A YES.

28 Q WHAT DID YOU FIND?

1 A AT ONE POINT, ONE OF THE REASONS WE WENT THERE
2 ORIGINALLY, WAS TO LOOK FOR THE ORIGINAL OF THE OPTION
3 AGREEMENT.

4 AND AT ONE POINT, I DIDN'T FIND IT AND I TOLD
5 MR. LEVIN BASICALLY, THE NAMES THAT I WAS LOOKING FOR --

6 THE COURT: MR. LEVIN?

7 THE WITNESS: MARTIN LEVIN, THE NAMES THAT I WAS LOOKING
8 FOR AND HE DIRECTED ME TO THE SMALL OFFICE ON THE WEST WALL.
9 THERE WAS A BOOKCASE AND I RETRIEVED A FILE FOLDER WITH
10 GREEN COVERS, WHICH THE TOP DOCUMENT WAS THE OPTION
11 AGREEMENT.

12 Q BY MR. WAPNER: AND WHEN THERE WERE PHOTOGRAPHS
13 BEING TAKEN, DID YOU HAVE A PHOTOGRAPH TAKEN OF WHERE IT
14 WAS THAT THE SEVEN PAGES THAT ARE PEOPLE'S 55 WERE RECOVERED?

15 A YES.

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1 Q DID YOU ALSO ATTEMPT TO TAKE A PHOTOGRAPH OF
2 WHERE IT WAS THAT THIS FILE HOLDER WITH THE DOCUMENTS WAS
3 FOUND?

4 A YES.

5 Q ALL RIGHT. AND I WANT TO SHOW YOU THREE ITEMS
6 THAT HAVE ALL BEEN PREVIOUSLY MARKED AS 94, 95 AND 100 FOR
7 IDENTIFICATION. DO YOU RECOGNIZE THOSE ITEMS?

8 A YES, I DO.

9 Q ALL RIGHT. WHAT ARE THEY?

10 A 100 IS THE COVERS TO THE FILE THAT WAS FOUND.
11 THE FIRST DOCUMENT THAT I SAW WAS PEOPLE'S 95, WHICH
12 APPEARS TO BE AN ORIGINAL OPTION AGREEMENT WITH A DATE UNDER
13 WHAT APPEARS TO BE RON LEVIN'S SIGNATURE OF 6/6/84 AND THEN
14 PEOPLE'S 94 IS THE REMAINDER OF THAT FILE.

15 Q WHO SEPARATED THEM INTO THESE THREE DIFFERENT
16 ITEMS?

17 A THE IDENTIFICATION BUREAU SEPARATED PEOPLE'S
18 100 OR 94 FROM 100, TO GET THE PRINTS OFF OF THE ITEM 100.
19 AND THEN THE COURT I BELIEVE, SEPARATED 94 FROM
20 95.

21 Q ALL RIGHT. DID YOU BRING -- WELL, 94 IS THE
22 PACKAGE -- IS MOST OF THE PACKAGE THAT WAS INSIDE OF THE
23 FILE FOLDER, IS THAT RIGHT?

24 A WITH THE EXCEPTION OF 95, THAT'S CORRECT.

25 Q OKAY. DID YOU BRING THAT ENTIRE FILE -- STRIKE
26 THAT.

27 LET'S BACK UP. THERE IS AN ENVELOPE THAT 95
28 IS CONTAINED IN. IS THAT A BEVERLY HILLS POLICE DEPARTMENT

1 PROPERTY ENVELOPE?

2 A YES.

3 Q DID YOU PUT THE ITEMS IN THAT ENVELOPE?

4 A YES. I DID.

5 Q NOW, WHEN YOU FIRST PUT IT IN THERE, WAS 95 WHICH
6 IS THE CONTRACT, PART OF THAT?

7 A YES. IT WAS.

8 Q AND DID YOU TAKE OUT 95 AT SOME POINT WHEN YOU
9 BROUGHT IT TO COURT?

10 A YES. I DID.

11 Q AND YOU LEFT THE TOP PIECE OF PAPER, THE CONTRACT
12 IN THE COURT, IS THAT RIGHT?

13 A THAT'S CORRECT.

14 Q NOW, IF YOU CAN JUST SHOW US WHAT THIS WHOLE
15 DOCUMENT LOOKED LIKE WHEN IT WAS ASSEMBLED WHEN YOU FIRST
16 SAW IT.

17 A PEOPLE'S 94 HAD 95 ATTACHED TO IT AND PEOPLE'S
18 100, THE COVERS, SURROUNDED IT, TOP AND BOTTOM, THUSLY
19 (INDICATING), AND ON THE OUTSIDE, IT HAD WRITINGS ON IT.

20 Q THE SAME WRITING THAT APPEARS TO BE THERE NOW?

21 A YES.

22 Q AND THAT WAS FOUND IN THE SMALL OFFICE?

23 A THAT'S CORRECT, ON THE WEST WALL. THE WEST
24 BEING --

25 Q NORTH WOULD BE THE TOP OF THE DIAGRAM?

26 A NO. EAST IS AT THE TOP OF THE DIAGRAM.

27 Q OKAY.

28 A NORTH BEING TO YOUR SIDE.

1 Q SO, EAST IS AT THE TOP AND WEST IS AT THE BOTTOM
2 OF THE DIAGRAM?

3 A THAT'S CORRECT.

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1 Q AND WERE THERE SOME SHELVES THERE IN THAT OFFICE?

2 A YES.

3 Q SHOWING YOU A PHOTOGRAPH THAT HAS BEEN PREVIOUSLY
4 MARKED AS 34 FOR IDENTIFICATION --

5 MR. WAPNER: I WOULD ASK AGAIN THAT IT BE MARKED AS 34,
6 YOUR HONOR?

7 THE COURT: HAS IT BEEN MARKED 34 IN THIS PROCEEDING
8 YET?

9 MR. WAPNER: I DON'T THINK IT HAS BEEN MARKED AS 34
10 IN THIS PROCEEDING.

11 THE COURT: YES.

12 Q BY MR. WAPNER: DO YOU RECOGNIZE THAT?

13 A THIS IS A PHOTOGRAPH LOOKING INTO THE SMALL OFFICE.
14 YOU CAN SEE TO THE LEFT OF THE PHOTO, YOU CAN SEE THE BOOKCASE
15 WITH FILES IN IT.

16 Q AND DOES THAT SHOW WHERE IT WAS THAT YOU FOUND
17 THIS FILE FOLDER WITH THE CONTRACT AND THE OTHER ITEMS IN
18 IT?

19 A YES.

20 Q WHERE WAS THAT?

21 A THAT WAS LAYING FLAT ON TOP OF THE BLACK BINDERS.

22 Q DO YOU REMEMBER ON WHICH SHELF IT WAS?

23 A I BELIEVE IT WAS THE TOP SHELF.

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

26 THE COURT: YES.

27 (MR. WAPNER SHOWS EXHIBIT TO JURY.)

28 Q BY MR. WAPNER: YOU TOOK ALL OF THAT ENTIRE FILE

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1 AND IT WAS ALL BOOKED INTO EVIDENCE; IS THAT RIGHT?

2 A THAT'S CORRECT.

3 Q AND YOU HAD SEVERAL PHOTOGRAPHS TAKEN THAT DAY,
4 RIGHT?

5 A THAT'S CORRECT.

6 Q SHOWING YOU A PHOTOGRAPH THAT WE HAVE MARKED AS
7 16 FOR IDENTIFICATION, DO YOU RECOGNIZE THAT?

8 A YES, I DO.

9 Q WHAT IS IT?

10 A IT IS A PHOTOGRAPH THAT WE TOOK OF WHERE THE SEVEN
11 PAGES OF NOTES WERE FOUND BY MR. MARTIN LEVIN.

12 Q DOES IT SHOW IN THERE WHERE IT WAS THAT THE SEVEN
13 PAGES WERE ACTUALLY FOUND?

14 A YES, RIGHT THERE (WITNESS INDICATING).

15 Q AND THERE IS SOME YELLOW, WHAT APPEAR TO BE YELLOW
16 PIECES OF PAPER ON THE FLOOR NEXT TO THE WASTEBASKET?

17 A THAT'S CORRECT.

18 MR. WAPNER: YOUR HONOR, MAY I WALK THAT BRIEFLY IN
19 FRONT OF THE JURY?

20 THE COURT: YES.

21 (MR. WAPNER SHOWS EXHIBIT TO JURY.)

22 Q BY MR. WAPNER: ARE THE PIECES OF PAPER THAT ARE
23 SHOWN ON THIS PICTURE THE SAME SEVEN PIECES OF PAPER THAT
24 ARE PEOPLE'S 55?

25 A NO.

26 Q WHAT ARE THEY?

27 A THEY ARE JUST BLANK PIECES OF PAPER THAT I HAD
28 THAT I FOLDED IN HALF AND REQUESTED MR. MARTIN LEVIN TO PLACE

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1 THEM IN THE APPROXIMATE AREA WHERE HE FOUND THE SEVEN PAGES.

2 Q THERE ARE SEVERAL PICTURES HERE THAT ARE NUMBERED
3 PEOPLE'S 9 THROUGH 15 AND 18 THROUGH 20; DO THOSE APPEAR TO
4 BE THE PHOTOGRAPHS THAT WERE TAKEN WHEN YOU WERE THERE ON
5 AUGUST THE 16TH OF 1984, AND LIKEWISE THE PHOTOGRAPH THAT
6 IS ALSO 16 FOR IDENTIFICATION?

7 A YES.

8 Q AND ALSO THE PHOTOGRAPHS THAT ARE 118 AND 119,
9 WERE THOSE TAKEN ON THE SAME DATE?

10 A YES, THEY WERE.

11 Q AND DO THEY ALL ACCURATELY REPRESENT HOW THE PLACE
12 EXCUSE ME -- RON LEVIN'S APARTMENT LOOKED ON AUGUST 16TH WHEN
13 YOU WERE THERE?

14 A YES.

15 Q IN ONE OF THOSE PHOTOGRAPHS, IS THERE A PICTURE
16 OF THE BACK OF YOUR HEAD?

17 A YES.

18 Q IN THE PICTURE THAT HAS YOU IN THE PHOTOGRAPH,
19 THERE ARE APPARENTLY SOME GLASSES AND SOME KEYS ON THE FRONT
20 OF THE DESK; IS THAT RIGHT?

21 A THAT'S CORRECT.

22 Q AND DO YOU KNOW WHAT THESE WERE?

23 A MR. MARTIN LEVIN'S GLASSES AND KEYS.

24 Q DID YOU LOOK THROUGHOUT THE APARTMENT TO FIND
25 HOUSE AND CAR KEYS OF RON LEVIN?

26 A YES.

27 Q DID YOU FIND ANY?

28 A NO.

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1 Q DID YOU LOOK THROUGHOUT THE APARTMENT TO TRY AND
2 FIND THE DRIVER'S LICENSE OF RON LEVIN?

3 A YES.

4 Q DID YOU FIND IT?

5 A NO.

6 Q AND AFTER YOU LEFT THE APARTMENT ON THAT DAY AND
7 TOOK THE ITEMS WITH YOU AND BOOKED THEM INTO EVIDENCE, DID
8 YOU ALSO HAVE OCCASION TO RECEIVE CERTAIN ITEMS FROM MR. MARTIN
9 LEVIN WHEN YOU WERE AT THE POLICE STATION?

10 A YES.

11 Q FIRST OF ALL, CAN YOU RESEAL 100 AND THE OTHER
12 ITEMS SO WE CAN GET THOSE OUT OF THE WAY?

13 A (WITNESS COMPLIES.)

14 Q BEFORE WE GET INTO RECEIVING THINGS FROM MR. MARTIN
15 LEVIN, DID YOU LOOK AROUND THE APARTMENT ON AUGUST THE 16TH
16 TO TRY AND FIND ANY EVIDENCE, ANY PHYSICAL EVIDENCE IN TERMS
17 OF BULLETS OR BLOOD OR THINGS LIKE THAT?

18 A I DID A CURSORY SEARCH OF THE APARTMENT AT THAT
19 TIME, LOOKING FOR WHAT, I DIDN'T KNOW, BUT YES.

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1 Q AND DID YOU SEE ANY BULLET HOLES AT THAT TIME?

2 A NO.

3 Q DID YOU SEE ANY BLOOD AT THAT TIME?

4 A NO.

5 Q DID YOU GO BACK AT SOME POINT AFTER THAT, TO DO
6 ANY MORE THOROUGH SEARCH FOR THAT?

7 A YES.

8 Q WHEN WAS THAT?

9 A IT WAS ON THE 27TH OF NOVEMBER, 1984.

10 Q DID YOU FIND ANY BULLET HOLES OR ANYTHING OF THAT
11 SORT OF AT THAT TIME?

12 A NO.

13 Q DID YOU FIND ANY BLOOD AT THAT TIME?

14 A NO.

15 Q WHEN YOU WENT BACK ON THE 27TH OF NOVEMBER, WHAT
16 KIND OF A SEARCH DID YOU DO FOR THE PRESENCE OF BLOOD?

17 A BASICALLY, JUST VISUAL SEARCH. AT ONE TIME, THERE
18 WAS SOMETHING IN THE BATHTUB IN THE MASTER BEDROOM OR OFF
19 OF THE MASTER BEDROOM. THERE WAS A STAIN THAT I WAS NOT SURE
20 WHAT IT WAS THAT COULD HAVE BEEN BLOOD.

21 AND I HAD IDENTIFICATION PEOPLE AT THAT TIME,
22 CHECK IT FOR BLOOD, WHICH THEY SAID IT WAS NOT. IT WAS MOST
23 LIKELY, JUST A RUST STAIN.

24 Q AND AT SOME POINT LATER, DID MARTIN LEVIN BRING
25 TO YOU CERTAIN ITEMS THAT HE HAD TAKEN FROM THE RESIDENCE?

26 A YES.

27 MR. BARENS: OBJECTION, HEARSAY, AS TO WHERE THEY CAME
28 FROM, YOUR HONOR.

1 THE COURT: SORRY. WOULD YOU READ THE ANSWER, PLEASE?

2 MR. WAPNER: I WILL REPHRASE THE QUESTION, YOUR HONOR.

3 THE COURT: ALL RIGHT.

4 Q BY MR. WAPNER: DID MARTIN LEVIN BRING YOU CERTAIN
5 ITEMS IN NOVEMBER OF 1984?

6 A YES.

7 Q AND WHAT DID YOU DO WITH THOSE ITEMS?

8 A I BOOKED THOSE INTO EVIDENCE, ALSO.

9 MR. WAPNER: ALL RIGHT. SHOWING YOU TWO ENVELOPES,
10 THEY BOTH BEAR THE BEVERLY HILLS POLICE DEPARTMENT'S PROPERTY
11 TAGS. MAY THEY BE COLLECTIVELY 102 FOR IDENTIFICATION?

12 THE COURT: SO MARKED.

13 Q BY MR. WAPNER: DO YOU RECOGNIZE 102 FOR
14 IDENTIFICATION?

15 A YES I DO.

16 Q WHAT IS IT?

17 A THESE ARE CHECKBOOKS, THREE FROM OLYMPIC NATIONAL
18 BANK, ONE OF WHICH IS OF THE ACCOUNT OF THE JOURNAL OF
19 INVESTIGATIVE REPORTING.

20 THE SECOND ONE IS GENERAL NEWS CORPORATION.

21 AND THE THIRD ONE IS GENERAL PRODUCERS CORPORATION.

22 Q DO EACH OF THOSE HAVE A CHECKBOOK REGISTER AT
23 SOME POINT IN EITHER THE FRONT OR THE BACK OF THE BOOK?

24 A YES.

25 Q ALL RIGHT. AND ON ANY OF THOSE, IS THERE ANY
26 INDICATION OF ANY CHECKS WRITTEN AFTER THE DATE OF JUNE THE
27 6TH?

28 A THE 6TH IS THE LAST DATE ON EACH CHECKBOOK WHERE

1 A CHECK WAS WRITTEN.

2 Q AND AFTER MR. LEVIN GAVE YOU THOSE BOOKS, DID
3 YOU PUT THEM IN THE ENVELOPES THAT BEAR THE BEVERLY HILLS
4 POLICE DEPARTMENT PROPERTY TAGS AND KEEP THEM AS EVIDENCE?

5 A YES.

6 Q AND DID YOU BRING THEM TO COURT AT AN EARLIER
7 PROCEEDINGS IN THIS CASE?

8 A YES.

9 Q AND THEY WERE LEFT IN THE CUSTODY OF THE CLERK?

10 A THAT'S CORRECT.

11 Q DID MR. LEVIN ALSO BRING YOU SOME CREDIT CARDS?

12 A YES HE DID.

13 Q AND WHAT DID YOU DO WITH THOSE?

14 A I BOOKED THOSE INTO EVIDENCE, ALSO.

15 MR. WAPNER: YOUR HONOR, I HAVE HERE ANOTHER ENVELOPE
16 PREVIOUSLY MARKED 106 FOR IDENTIFICATION. I ASK THAT IT AGAIN
17 BE MARKED 106. IT BEARS THE DATE OF 11-12-84 AND IT SAYS
18 "12 CREDIT CARDS" AND "VICTIM'S NAME" ON IT.

19 MAY THE ENVELOPE AND CONTENTS COLLECTIVELY BE
20 MARKED AS 106 FOR IDENTIFICATION?

21 THE COURT: SO MARKED.

22 MR. BARENS: OBJECTION TO THE USE OF THE WORD "VICTIM".
23 I BELIEVE THAT IS THE ISSUE, JUDGE.

24 THE COURT: OF THE DECEDENT?

25 MR. BARENS: PARDON ME?

26 THE COURT: SORRY. THE MISSING PERSON. ALL RIGHT.

27 MR. WAPNER: I AM NOT TRYING TO EDITORIALIZE. I AM
28 TRYING TO IDENTIFY THE ITEM FOR THE RECORD. THAT IS WHAT

1 IT SAYS ON THERE.

2 MR. BARENS: YOUR HONOR --

3 THE COURT: THE PURPORTED DECEASED.

4 MR. BARENS: ALLEGED, YOUR HONOR.

5 THE COURT: YES, PURPORTED IS THE SAME THING.

6 MR. WAPNER: WELL, FOR THE RECORD, SO THAT THE ITEM
7 CAN BE IDENTIFIED, THE TAG ON THE FRONT SAYS "IN THE VICTIM'S
8 NAME" AND THAT IS ALL I WAS TRYING TO DO, WAS IDENTIFY THE
9 ITEM FOR THE RECORD.

10 THE COURT: ALL RIGHT.

11 Q BY MR. WAPNER: DETECTIVE ZOELLER, WHAT ARE THE
12 ITEMS THAT ARE INSIDE OF 106 FOR IDENTIFICATION?

13 A 12 CREDIT CARDS.

14 Q ALL RIGHT. AND WHERE DID YOU GET THOSE FROM?

15 A FROM MR. LEVIN, MARTIN LEVIN.

16 Q ON WHAT DATE?

17 A ON THE 12TH OF NOVEMBER, 1984.

18 Q AND DID YOU KEEP THOSE IN THE ENVELOPE UNTIL YOU
19 BROUGHT THEM TO COURT AT ANOTHER PROCEEDINGS IN THE SUPERIOR
20 COURT IN THIS CASE?

21 A YES.

22 Q AND INCLUDED IN THAT ARE THREE AMERICAN EXPRESS
23 GOLD CARDS?

24 A YES.

25 MR. BARENS: EXCUSE ME. I WOULD LIKE TO APPROACH, YOUR
26 HONOR.

27 THE COURT: WELL, LET'S FINISH UP. GO AHEAD.

28 MR. BARENS: I THINK I AM REQUIRED TO DO SO WHEN I HAVE

1 NOTICE, YOUR HONOR.

2 THE COURT: GO AHEAD.

3 Q BY MR. WAPNER: WHAT ARE THE NAMES OR NUMBERS
4 ON THE CARDS?

5 A THE NAMES ON THE THREE AMERICAN EXPRESS CARDS --
6 ONE IS PRESLEY REED, GENERAL PRODUCERS. R. LEVIN, SHEARSON.
7 R. LEVIN, GENERAL PRODUCERS.

8 THE NUMBERS ON R. LEVIN, GENERAL PRODUCERS IS
9 271351200181020.

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1 Q HOLD ON, I CAN'T EVEN WRITE THAT FAST.

2 ALL RIGHT, THAT IS ON THE RON LEVIN GENERAL
3 PRODUCERS CARD?

4 A THAT'S CORRECT.

5 Q DO YOU WANT TO READ THAT NUMBER AGAIN A LITTLE
6 MORE SLOWLY?

7 A 371351200181020.

8 Q AND ON THE PRESLEY REED, GENERAL PRODUCERS?

9 A 371351200181012.

10 Q AND THERE IS ONE OTHER?

11 A R. LEVIN, AND THAT NUMBER IS 371351200182028.

12 Q AFTER MR. LEVIN GAVE YOU THOSE CARDS, THEY WERE
13 KEPT IN EVIDENCE AND THEN BROUGHT TO COURT?

14 A THAT'S CORRECT.

15 Q AND DID MR. LEVIN AT SOME POINT BRING YOU A
16 LETTER THAT HAD BEEN -- THAT WAS ADDRESSED TO RONALD LEVIN?

17 A YES.

18 Q ALSO ON NOVEMBER 12 OF 1984?

19 A YES.

20 MR. WAPNER: I HAVE HERE AN ENVELOPE, YOUR HONOR, THAT
21 HAS BEEN MARKED PEOPLE'S 103, I WOULD LIKE TO REMOVE FROM
22 THE ENVELOPE A LETTER FROM SECURITY BANK DATED JUNE THE 5TH;
23 MAY THAT BE MARKED AS PEOPLE'S -- IT HAS PREVIOUSLY BEEN
24 MARKED AS 103-B; MAY IT REMAIN MARKED AS 103-B FOR
25 IDENTIFICATION?

26 THE COURT: YES.

27 Q BY MR. WAPNER: DETECTIVE ZOELLER, WHAT IS THAT
28 LETTER?

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1 A IT IS A LETTER FROM SECURITY PACIFIC NATIONAL
2 BANK DATED JUNE 5, 1984, TO MR. RONALD LEVIN, GENERAL
3 PRODUCERS CORPORATION, GIVING THE ADDRESS ON WILSHIRE AND --

4 MR. BARENS: OBJECTION, YOUR HONOR, AS TO FOUNDATION
5 AND WE ALSO HAVE A HEARSAY ISSUE.

6 THE COURT: WHERE WAS THIS LETTER FOUND?

7 MR. WAPNER: WELL, THERE HAS BEEN PREVIOUS TESTIMONY
8 BY PAT TOWERS FROM THE BANK, FROM SECURITY BANK ABOUT THIS
9 LETTER AND I DON'T KNOW IF WE HAVE HAD TESTIMONY ABOUT WHERE
10 IT WAS FOUND.

11 I CAN MAKE AN OFFER OF PROOF IF YOU WANT.

12 THE COURT: ALL RIGHT, APPROACH THE BENCH AND WE WILL
13 HEAR YOUR OFFER ALSO.

14 MR. BARENS: THANK YOU, YOUR HONOR.

15 (CTHE FOLLOWING PROCEEDING WERE HELD AT
16 THE BENCH OUTSIDE THE HEARING OF THE
17 JURY:)

18 THE COURT: WHAT IS THE SIGNIFICANCE OF THIS LETTER?

19 MR. WAPNER: YOUR HONOR, IT IS JUST TO SHOW THAT THE
20 LETTER THAT THEY MAILED FROM SECURITY BANK ON THE 5TH ABOUT
21 WHICH WE HAVE ALREADY HAD TESTIMONY, WAS ACTUALLY RECEIVED
22 BY MR. LEVIN ON THE 6TH AND THOSE FUNDS WERE TAKEN BY MR.
23 LEVIN, PUT IN THE OLYMPIC BANK ACCOUNT AND BECAME PART OF
24 THE \$14,000 AT OLYMPIC BANK THAT HE EVENTUALLY USED TO OPEN
25 THE ACCOUNT AT PRUDENTIAL-BACHE.

26 ALL OF THIS IS BY WAY OF SAYING HE GOT THE LETTER
27 AND HE GOT THE MONEY.

28 MR. BARENS: I DON'T KNOW HOW WE COULD PROVE MR. LEVIN

1 GOT THE LETTER OR HE DIDN'T GET THE LETTER BASED ON THE FACT
2 THAT --

3 THE COURT: WHERE WAS IT ADDRESSED TO?

4 MR. BARENS: IT IS ADDRESSED TO GENERAL PRODUCERS
5 CORPORATION, 9701 WILSHIRE BOULEVARD.

6 THE COURT: THERE IS A PRESUMPTION IT WAS RECEIVED.

7 MR. WAPNER: IT IS ALSO STAMPED "RECEIVED, JUNE 6."

8 THE COURT: I WILL RECEIVE IT.

9 WHAT OBJECTION DID YOU HAVE ABOUT THE CREDIT
10 CARDS?

11 MR. BARENS: I DIDN'T HAVE AN OBJECTION TO THE CREDIT
12 CARDS, YOUR HONOR. I WAS TAKEN ABACK, JUDGE, BY THE
13 IMPRESSION THE JURY MIGHT HAVE FROM A COMMENT YOUR HONOR
14 MADE.

15 THE COURT: YOU WANT ME TO CLEAR IT UP FOR YOU? IT
16 WILL ONLY EMPHASIZE IT.

17 MR. BARENS: THE PROBLEM I AM LEFT WITH, YOUR HONOR,
18 IS THAT A JUROR MIGHT FEEL THE COMMENT BY YOUR HONOR MIGHT
19 HAVE REFLECTED YOUR HONOR'S STATE OF MIND.

20 THE COURT: DO YOU WANT ME TO TELL THEM -- DO YOU WANT
21 ME TO SAY THE PURPORTED VICTIM? WHAT DO YOU WANT ME TO SAY?

22 MR. BARENS: I WOULD JUST LIKE YOU TO SAY THAT THAT
23 COMMENT WAS MADE INADVERTENTLY AND DID NOT REFLECT A JUDGMENT
24 THAT YOUR HONOR HAS MADE.

25 THE COURT: ALL RIGHT, I WILL TELL THEM THAT.

26 MR. BARENS: I WOULD APPRECIATE THAT, YOUR HONOR. THANK
27 YOU. I AM SATISFIED WITH THAT.

28 THE COURT: ALL RIGHT.

1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 IN OPEN COURT IN THE HEARING AND PRESENCE
3 OF THE JURY:)

4 THE COURT: LADIES AND GENTLEMEN, INADVERTENTLY I USED
5 THE WORD "DECEASED", WHEN THAT IS THE QUESTION AS TO WHETHER
6 HE IS OR ISN'T DECEASED, SO YOU JUST UNDERSTAND THAT IT HAS
7 BEEN INADVERTENTLY SAID. ALL RIGHT?

8 MR. BARENS: THANK YOU, YOUR HONOR.

9 Q BY MR. WAPNER: DETECTIVE ZOELLER, DO YOU
10 RECOGNIZE 103-B FOR IDENTIFICATION?

11 A YES, I DO.

12 Q WHAT IS IT?

13 A IT IS A LETTER GIVEN TO ME BY MARTIN LEVIN ON
14 THE 12TH OF NOVEMBER, 1984.

15 Q AND DID YOU KEEP THAT IN EVIDENCE AND AT SOME
16 POINT LATER BRING IT TO COURT?

17 A YES.

18 Q NOW, THIS IS A LITTLE BIT GOING BACK IN TIME,
19 BUT AFTER YOU WERE AT RON LEVIN'S PLACE ON AUGUST THE 16TH OF
20 1984, WHAT WAS THE NEXT THING THAT YOU DID WITH RESPECT TO
21 THE CASE?

22 A BASICALLY, THE NEXT THING THAT I DID WAS ARREST
23 JOSEPH HUNT.

24 Q AND THAT WAS WHEN?

25 A THAT WAS THE 28TH OF SEPTEMBER OF 1984.

26 Q DID YOU OBTAIN A WARRANT FOR HIS ARREST?

27 A I DID NOT, NO.

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1 Q HAD YOU FOUND OUT WHERE HE WAS LIVING AT THAT
2 TIME?

3 A THAT'S CORRECT.

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

5 THE COURT: YES.

6 (THE FOLLOWING PROCEEDINGS WERE HELD
7 AT THE BENCH:)

8 MR. WAPNER: YOUR HONOR, I KNOW THE COURT HAS ALREADY
9 RULED ON THIS. BUT AS FAR AS I AM CONCERNED, THERE IS
10 ABSOLUTELY NO PROBLEM WITH THE PROBABLE CAUSE FOR THIS --

11 THE COURT: I DON'T THINK THERE IS ANY PROBLEM EITHER.
12 HE INTERVIEWED TOM MAY. HE INTERVIEWED HIM AND A NUMBER OF
13 OTHERS OF THE BBC. AND DIDN'T HE HAVE THE SEVEN SHEETS OF PAPER?

14 MR. WAPNER: RIGHT. HE HAD COLLECTED THE EVIDENCE.

15 THE COURT: THERE WAS PROBABLE CAUSE TO MAKE AN ARREST.

16 MR. WAPNER: WELL --

17 THE COURT: WHAT IS YOUR PROBLEM?

18 MR. WAPNER: I DON'T HAVE ANY PROBLEM. MY ONLY PROBLEM
19 IS -- THAT WAS A NON SEQUITUR. I DON'T HAVE A PROBLEM.
20 THE ONLY REASON I ASKED TO APPROACH THE BENCH WAS THAT ALTHOUGH
21 ONE, I BELIEVE THERE WAS MORE THAN ADEQUATE PROBABLE CAUSE;
22 AND TWO, I BELIEVE THAT ANY MOTION TO SUPPRESS EVIDENCE SHOULD
23 HAVE BEEN MADE LONG BEFORE TODAY'S DATE.

24 THE COURT: I ALREADY INDICATED THAT TO COUNSEL. I
25 THINK UP TO THIS POINT, YOU ARE JUSTIFIED IN ASKING HIM WHAT
26 CONVERSATIONS HE HAD WITH THE DEFENDANT AFTER HE ARRESTED
27 HIM. IS THAT WHAT YOU WANT TO DO?

28 MR. WAPNER: WELL, IN ESSENCE, THAT IS WHAT I WANT TO

-2
1 DO.

2 MR. BARENS: COULD WE BE HEARD, SINCE WE ARE HERE?

3 THE COURT: GO AHEAD.

4 MR. BARENS: THANK YOU. MR. CHIER IF YOU WOULD,
5 YOUR HONOR?

6 MR. CHIER: THERE IS ANOTHER MOTION BASED UNDER
7 SECTION 401 ET SEQ. OF THE EVIDENCE CODE, WHICH REQUIRES AN
8 EVIDENTIARY HEARING ON THE ADMISSIBILITY OF STATEMENTS OF
9 THE DEFENDANT, WHICH MOTION IS TYPICALLY AND TRADITIONALLY
10 MADE AT THE TIME THE STATEMENTS ARE ABOUT TO BE INTRODUCED.

11 WE ARE SEEKING ALTERNATIVE RELIEF UNDER 1538.5
12 AND 401 ET SEQ. OF THE EVIDENCE CODE.

13 THE COURT: I THINK IT HAS BEEN DEMONSTRATED THERE IS
14 PROBABLE CAUSE TO MAKE THE ARREST AND I WILL MAKE A RULING
15 AS A MATTER OF LAW THAT THERE IS.

16 SO YOU CAN PROCEED. WE DON'T HAVE TO HAVE AN
17 INDEPENDENT HEARING.

18 MR. CHIER: YOUR HONOR'S RULING AS A MATTER OF LAW IS
19 BASED ON WHAT EVIDENCE?

20 THE COURT: I DON'T HAVE TO TELL YOU WHAT EVIDENCE.
21 I JUST TOLD YOU FOUR TIMES.

22 I WILL TELL IT TO YOU AGAIN. THE EVIDENCE WHICH
23 I HAVE HEARD FROM ALL OF THE WITNESSES WHICH YOU KNEW ABOUT,
24 THE STATEMENTS THAT HE HAD GOTTEN FROM THE MAYS, FROM JEFFREY
25 (SIC) AND FROM OTHER WITNESSES PRIOR TO THE TIME OF THE ARREST,
26 IS ALMOST CONCLUSIVE EVIDENCE AS TO THE STATEMENTS, THE SEVEN
27 PAGES. IT IS ALMOST CONCLUSIVE IN THE SENSE THAT IT IS
28 CONCLUSIVE ON THE QUESTION OF PROBABLE CAUSE, IS SUFFICIENT

1 FOR HIM TO MAKE THE ARREST AT THAT TIME.

2 MR. CHIER: I RESPECTFULLY POINT OUT THAT THE SOLE
3 EVIDENCE THAT YOU HAVE REFERRED TO IS STATEMENTS OF THE
4 DEFENDANT, WHICH CANNOT CONSTITUTE A CORPUS AND CANNOT THEREFORE,
5 CONSTITUTE PROBABLE CAUSE.

6 THE COURT: THE STATEMENTS GIVEN TO THIS POLICE OFFICER
7 BY ALL OF THE WITNESSES WHO ARE FELLOW MEMBERS OF THIS CLUB
8 AND --

9 MR. BARENS: THESE ARE ALL STATEMENTS OF THE DEFENDANT.

10 MR. CHIER: THAT IS WHAT WAS REPORTED TO THE OFFICER,
11 STATEMENTS MADE BY THE DEFENDANT.

12 THE SEVEN PAGES ARE ALSO STATEMENTS MADE BY THE
13 DEFENDANT. SO THEREFORE, ALL WE HAVE ARE STATEMENTS MADE
14 BY THE DEFENDANT, WHICH IS NOT PROBABLE CAUSE.

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1 THE COURT: WELL, COULD YOU PUT YOUR REFLECTIONS ON
2 THE RECORD?

3 MR. WAPNER: WELL, I DON'T KNOW WHERE THEY GET THIS
4 RULE THAT STATEMENTS BY THE ACCUSED AREN'T PROBABLE CAUSE.

5 IT IS NOT STATEMENTS TO A POLICE OFFICER, AFTER
6 THE FACT. IF A PERSON MAKES STATEMENTS TO SOMEONE ELSE, YOU
7 MEAN TO TELL ME THAT THEY CAN'T BE USED FOR PURPOSES OF
8 PROBABLE CAUSE? I DON'T THINK THERE IS ANY AUTHORITY FOR
9 THAT.

10 THE COURT: I DON'T KNOW THERE IS ANY AUTHORITY FOR
11 IT, EITHER.

12 MR. WAPNER: AND IN ADDITION TO WHICH, HE HAD AVAILABLE
13 TO HIM, ALL OF THE EVIDENCE, THE PHYSICAL EVIDENCE THAT WAS
14 FOUND AT THE HOUSE ABOUT ALL OF THE THINGS THAT WERE MISSING
15 FROM THE HOUSE, THAT WENT TO ESTABLISH THE CORPUS OF THE CRIME.

16 IN ESSENCE -- PLUS, HE HAD THIS LIST THAT WAS
17 WRITTEN BY THE DEFENDANT. YOU MEAN TO SAY BECAUSE HE FINDS
18 A LIST IN THE DEFENDANT'S HANDWRITING, THAT HE CAN'T CONSIDER
19 THAT, JUST BECAUSE IT IS SUPPOSEDLY WRITTEN BY THE ACCUSED?
20 WHO IS HE GOING TO ARREST? SOMEBODY ELSE?

21 THE COURT: I MADE THE RULING.

22 (THE FOLLOWING PROCEEDINGS WERE HELD
23 IN OPEN COURT:)

24 Q BY MR. WAPNER: WHEN YOU MADE A DECISION TO ARREST
25 MR. HUNT, DID YOU HAVE KNOWLEDGE OF THE FIRST MISSING PERSONS
26 REPORT THAT WAS MADE BY MARTIN LEVIN AND SCOTT FURSTMAN?

27 A YES.

28 Q WELL, WHAT INFORMATION DID YOU HAVE ABOUT THE

1 CONDITION OF THE APARTMENT? HAD YOU BEEN TOLD ABOUT THE CON-
2 DITION OF MR. LEVIN'S APARTMENT AS IT WAS FOUND ON THE MORNING
3 OF JUNE 7?

4 A YES.

5 Q IS THAT IN ESSENCE, THE INFORMATION THAT
6 MISS STURKEY AND DEAN FACTOR AND MICHAEL BRODER RELAYED TO
7 US IN COURT?

8 A THAT'S CORRECT.

9 Q AND YOU HAD TALKED TO JEFF RAYMOND, TOM MAY AND
10 DAVE MAY AND GENE BROWNING?

11 A THAT'S CORRECT.

12 Q AND DID JEFF RAYMOND AND TOM MAY AND GENE BROWNING
13 RELATE TO YOU WHAT THEY RELATED TO THE JURY IN COURT?

14 A YES.

15 MR. BARENS: YOUR HONOR, WE OBJECT TO THE FORM OF THAT
16 QUESTION AS A GENERALIZATION AND UNINTELLIGIBLE QUESTION FOR
17 HIM TO MAKE A BLANKET STATEMENT THAT EVERYTHING THAT THEY
18 SAID IN THIS COURT IS EVERYTHING THAT THEY SAID TO HIM.
19 I DON'T THINK THE WITNESS CAN MAKE THAT STATEMENT AND --

20 THE COURT: IT IS STILL ON THE QUESTION OF PROBABLE
21 CAUSE ONLY.

22 MR. BARENS: NO, ON THE QUESTION OF -- HE ASKED HIM
23 IF -- HE ASKED HIM STRAIGHT UP, LIKE HE DID ON THIS OTHER
24 STATEMENT, ABOUT WHAT MAY AND BROWNING AND ET CETERA, ALL
25 COMBINED IN ONE QUESTION -- IF EVERYTHING THEY SAID HERE IS
26 EVERYTHING THEY SAID THEN. AND I THINK THAT WE ALL KNOW THAT
27 THAT ISN'T ACCURATE, JUDGE.

28 MR. WAPNER: WELL, I THOUGHT I INCLUDED THE WORDS "IN

1 ESSENCE" IN THE STATEMENT. IF I DIDN'T, I WILL.

2 MR. BARENS: BUT, EVEN IF HE SAYS "IN ESSENCE," AND --

3 THE COURT: YOU MAY PROCEED.

4 MR. BARENS: IT IS MISLEADING, JUDGE.

5 THE COURT: OBJECTION OVERRULED.

6 MR. BARENS: THANK YOU.

7 MR. WAPNER: HAD THAT LAST QUESTION AND ANSWER -- WAS
8 IT ANSWERED? I DON'T REMEMBER, JUDGE.

9 THE COURT: WILL YOU ANSWER THE QUESTION?

10 THE WITNESS: YES.

11 THE COURT: THE SHAKING OF YOUR HEAD IS NOT ON THE RECORD.
12 DO YOU WANT TO HAVE THE RECORD SHOW THAT YOU HAVE BEEN SHAKING
13 YOUR HEAD AS A RESULT OF MY RULINGS? WELL, DON'T SHAKE YOUR
14 HEAD. DO ME A FAVOR, WILL YOU?

15 MR. BARENS: WELL, SOMETIMES I CAN'T AVOID IT.

16 THE COURT: YES YOU CAN. YOU PUT ON A LITTLE ACT FOR
17 ME AND THE JURY AND EVERYBODY ELSE. NOW, YOU STOP IT.

18 MR. BARENS: YOUR HONOR, I TAKE EXCEPTION TO THAT TYPE
19 OF COMMENTARY.

20 THE COURT: GO AHEAD.

21 Q BY MR. WAPNER: HAD YOU ALSO BY THE TIME YOU MADE
22 A DECISION TO ARREST MR. HUNT, COLLECTED EVIDENCE THAT YOU
23 JUST RELATED TO US, THAT YOU GOT ON AUGUST 16 AT RON LEVIN'S
24 APARTMENT?

25 A YES.

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1 Q HAD YOU BEEN TOLD WHERE JOE HUNT HAD BEEN LIVING
2 IN 1984?

3 A YES, I DID.

4 Q WHO TOLD YOU THAT?

5 A THE MAY BROTHERS, PLUS JEFF RAYMOND, WHO HAD
6 RESIDED WITH MR. HUNT.

7 Q AND WHEN WAS IT THAT YOU WENT TO ARREST MR. HUNT?

8 A ON THE 28TH OF SEPTEMBER OF 1984.

9 Q AND WHERE DID YOU GO FOR THE PURPOSE OF TRYING
10 TO MAKE THAT ARREST?

11 A OUTSIDE OF THE BUILDING AT 10660 WILSHIRE
12 BOULEVARD, THE WILSHIRE MANNING.

13 Q WHEN YOU WENT THERE, WERE YOU IN A VEHICLE?

14 A AN UNMARKED POLICE VEHICLE, YES.

15 Q I AM STARTING TO TALK LIKE A POLICE OFFICER.

16 THAT WAS A POLICE CAR?

17 A THAT'S CORRECT.

18 Q DID YOU HAVE A PICTURE OF MR. HUNT AT THAT TIME
19 OR HAD YOU SEEN ONE?

20 A YES.

21 Q AND AS YOU WERE OUTSIDE OF THE WILSHIRE MANNING
22 IN YOUR CAR, WHAT DID YOU SEE?

23 A I SAW MR. HUNT LEAVE THE WILSHIRE MANNING ON
24 TO WILSHIRE BOULEVARD AND PROCEED.

25 Q WAS HE DRIVING A CAR?

26 A HE WAS DRIVING A BLACK JEEP.

27 Q AND WHEN HE WAS IN THE JEEP, WAS HE BY HIMSELF?

28 A YES.

1 Q AND WHERE DID HE GO?

2 A HE PROCEEDED EASTBOUND ON WILSHIRE BOULEVARD.

3 Q WHAT DID YOU DO?

4 A TRIED TO CATCH HIM AND FINALLY DID SO AT BEVERLY
5 GLEN AND WILSHIRE BOULEVARD.

6 Q WAS HE DRIVING QUICKLY?

7 A YES.

8 MR. BARENS: OBJECTION AS TO RELEVANCY, YOUR HONOR,
9 OTHER THAN IF WE ARE TO PROSECUTE HIM FOR A TICKET.

10 THE COURT: WELL, I WILL STRIKE THE LAST ANSWER.

11 GO AHEAD.

12 Q BY MR. WAPNER: AND WHAT HAPPENED WHEN YOU GOT
13 TO WILSHIRE AND BEVERLY GLEN?

14 A I PULLED NEXT TO MR. HUNT'S VEHICLE, BLOCKING
15 HIM IN AND DETECTIVE HOPKINS, WHO WAS A PASSENGER, HE JUMPED
16 OUT AND BETWEEN HE AND I, EFFECTED THE ARREST OF MR. HUNT.

17 Q AND WHEN YOU PLACED MR. HUNT UNDER ARREST --

18 THE COURT: LET'S GIVE THE JURY A 15-MINUTE RECESS.

19 I AM SORRY TO INTERRUPT AT THIS POINT.

20 LADIES AND GENTLEMEN, WE WILL TAKE A 15-MINUTE
21 RECESS AT THIS TIME.

22 THE SAME ADMONITION I GAVE YOU WOULD STILL APPLY.

23 (RECESS.)

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1 Q BY MR. WAPNER: DETECTIVE ZOELLER, THE ARREST
2 OF MR. HUNT WAS ON SEPTEMBER 28, 1984?

3 A THAT'S CORRECT.

4 Q AT THE TIME THAT HE WAS ARRESTED ON THE STREET,
5 DID YOU TAKE ANYTHING FROM HIM OR OUT OF HIS CAR OR JEEP?

6 A WHEN HE WAS PLACED UNDER ARREST IN HANDCUFFS,
7 HE REQUESTED THAT WE SECURE A BRIEFCASE THAT HE HAD WITH
8 HIM IN THE CAR, WHICH WE DID.

9 Q ALL RIGHT. HE ASKED YOU TO SECURE A BRIEFCASE
10 THAT HE HAD WITH HIM IN THE CAR?

11 A THAT'S CORRECT.

12 Q AND WHEN YOU SAY YOU DID THAT, WHAT DO YOU MEAN?

13 A WE TOOK POSSESSION OF THE BRIEFCASE, WHICH WE
14 IN TURN, PLACED INTO EVIDENCE.

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1 Q AT THE BEVERLY HILLS POLICE STATION?

2 A THAT'S CORRECT.

3 Q AND SO WE ARE CLEAR, WHEN YOU SAY "PLACED INTO
4 EVIDENCE," THAT IS DIFFERENT THAN ACTUALLY PUTTING IT INTO
5 HIS PERSONAL PROPERTY, RIGHT?

6 A THAT'S CORRECT.

7 Q WHEN YOU PUT SOMETHING INTO EVIDENCE, THAT MEANS
8 THAT YOU ARE RETAINING IT AWAY FROM THE POSSESSION OF THE
9 PERSON ARRESTED SO THAT YOU MIGHT USE IT FOR SOME PURPOSES
10 IN THE FUTURE?

11 A THAT'S CORRECT.

12 Q AND AT SOME POINT LATER, YOU DID IN FACT GO AND
13 LOOK AT THAT BRIEFCASE WITH A SEARCH WARRANT; IS THAT RIGHT?

14 A YES.

15 Q ALL RIGHT, WE WILL GET TO THAT IN A LITTLE BIT.
16 AFTER YOU TOOK THE BRIEFCASE AND SECURED IT,
17 WHAT DID YOU DO WITH MR. HUNT?

18 A MR. HUNT WAS TRANSPORTED TO THE BEVERLY HILLS
19 POLICE DEPARTMENT WHERE HE WAS BOOKED INTO THE BEVERLY HILLS
20 JAIL.

21 Q AND DID YOU SPEAK WITH MR. HUNT AT THAT TIME?

22 A NO.

23 WE SPOKE TO HIM LATER.

24 Q HOW MUCH LATER?

25 A I BELIEVE WE CAME INTO THE STATION BETWEEN 10:00
26 AND 11:00 ON THE MORNING OF THE 28TH AND WE SPOKE TO HIM
27 ABOUT 2:00 IN THE AFTERNOON.

28 Q WHO SPOKE WITH HIM?

1 A I SPOKE TO HIM.

2 Q YOU SAID "WE," BEFORE, WAS THERE SOMEBODY ELSE
3 THERE?

4 A DETECTIVE DECUIR WAS ALSO THERE WITNESSING THE
5 INTERVIEW.

6 Q DID YOU ADVISE MR. HUNT OF HIS RIGHTS BEFORE
7 YOU TALKED TO HIM?

8 A YES.

9 Q WAS THAT FROM A CARD THAT YOU CARRY WITH YOU?

10 A YES.

11 Q DO YOU HAVE THAT CARD WITH YOU TODAY?

12 A I BELIEVE SO.

13 YES.

14 Q AND WOULD YOU READ THE RIGHTS TO THE JURY AS
15 YOU DID TO THE DEFENDANT ON THE DATE THAT YOU ARRESTED HIM?

16 A I STATED: "YOU HAVE THE RIGHT TO REMAIN SILENT.
17 IF YOU GIVE UP THE RIGHT TO REMAIN SILENT,
18 ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT
19 OF LAW."

20 Q WILL YOU SLOW DOWN JUST A LITTLE BIT?

21 A I AM SORRY.

22 Q I KNOW THAT YOU KNOW THIS PRETTY WELL BY NOW.
23 BUT SLOW DOWN JUST A LITTLE BIT. START OVER AND DO IT A
24 LITTLE BIT MORE SLOWLY.

25 A I STATED:

26 "YOU HAVE THE RIGHT TO REMAIN SILENT.

27 "IF YOU GIVE UP THE RIGHT TO REMAIN
28 SILENT, ANYTHING YOU SAY CAN AND WILL BE USED

1 AGAINST YOU IN A COURT OF LAW.

2 "YOU HAVE THE RIGHT TO TALK TO AN
3 ATTORNEY BEFORE WE TALK TO YOU AND TO HAVE HIM
4 PRESENT WHILE WE TALK TO YOU.

5 "IF YOU SO DESIRE AND CANNOT AFFORD
6 ONE, AN ATTORNEY WILL BE APPINTED FOR YOU WITH-
7 OUT CHARGE BEFORE QUESTIONING."

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1 Q DID YOU ASK HIM ANY QUESTIONS ABOUT THOSE RIGHTS?

2 A YES.

3 Q WHAT DID YOU ASK HIM?

4 A I ASKED IF HE UNDERSTOOD HIS RIGHTS, TO WHICH
5 HE STATED "YES."

6 Q AND WHAT ELSE DID YOU ASK HIM?

7 A I ASKED HIM IF HE WISHED TO SPEAK TO US, TO WHICH
8 HE STATED, "YES."

9 Q AND WHAT ELSE DID YOU ASK HIM?

10 A I ASKED HIM IF HE WISHED TO SPEAK TO US, TO WHICH
11 HE STATED, "ABOUT CERTAIN THINGS, YES."

12 Q WHAT ELSE DID YOU ASK HIM?

13 A I ASKED HIM IF HE WISHED AN ATTORNEY PRESENT
14 WHILE HE SPOKE TO US. HE STATED "NO." HE SAID THAT HE WOULD
15 SPEAK TO US ABOUT CERTAIN THINGS.

16 Q AND THIS IS GOING BACK, JUST SLIGHTLY. WHEN
17 YOU ARRESTED HIM, DID YOU TELL HIM WHAT HE WAS BEING ARRESTED
18 FOR?

19 A YES.

20 Q WHAT DID YOU TELL HIM?

21 A I STATED THAT HE WAS UNDER ARREST FOR SUSPICION
22 OF MURDER, THE MURDER OF RON LEVIN.

23 Q AFTER YOU ADVISED HIM OF HIS RIGHTS AND YOU ASKED
24 HIM QUESTIONS ABOUT THE RIGHTS THAT YOU TOLD US, WHAT DID
25 YOU ASK HIM AS FAR AS TRYING TO GET A STATEMENT FROM HIM?
26 WHAT DID YOU SAY AND WHAT DID HE SAY?

27 A AFTER THE RIGHTS WERE GIVEN AND WE RECEIVED A
28 WAIVER?

1 Q RIGHT. AFTER THE WAIVER, HE SAID HE WOULD TALK
2 TO YOU ABOUT CERTAIN THINGS, CORRECT?

3 A THAT'S CORRECT.

4 Q AFTER HE TOLD YOU THAT HE WOULD TALK TO YOU
5 ABOUT CERTAIN THINGS, WHAT HAPPENED?

6 A THEN I PROCEEDED TO ASK HIM QUESTIONS.

7 Q WHAT DID YOU ASK HIM?

8 A I ASKED HIM WHEN WAS THE LAST TIME HE HAD SEEN
9 RONALD LEVIN.

10 Q WHAT DID HE SAY?

11 A HE STATED THAT IT WAS SOMETIME IN EARLY JUNE,
12 THAT HE COULDN'T REMEMBER THE EXACT DATE WITHOUT HAVING HIS
13 CALENDAR IN FRONT OF HIM.

14 Q AND WHAT DID YOU ASK HIM AFTER THAT?

15 A I ASKED HIM IF HE HAD ANY -- WHAT KIND OF DEALINGS
16 HE HAD WITH RON LEVIN AT THAT TIME.

17 Q WHAT DID HE TELL YOU?

18 A HE STATED THAT HE HAD A CONTRACT, AN OPTION DEALING
19 WITH RONALD LEVIN WITH THE COMPANY MICROGENESIS.

20 Q AND WHAT ELSE DID YOU ASK HIM AT THAT POINT?

21 A I ASKED HIM IF HE RECEIVED A CHECK FROM RON LEVIN,
22 TO WHICH HE STATED THAT HE DID.

23 AND HE FURTHER STATED THAT HE DIDN'T WANT TO
24 TELL ME THE DATE OF THE CHECK BECAUSE HE HAD LITIGATION
25 AGAINST THE MAY BROTHERS AND JEFF RAYMOND.

26 Q AND WHAT ELSE DID YOU ASK HIM?

27 A I ASKED HIM ABOUT THE COMPANY, MICROGENESIS.

28 Q AND WHAT DID HE TELL YOU?

1 A HE DIDN'T SAY TOO MUCH AT THAT TIME. AND HE
2 CONTINUED WITH SMALL TALK. I DON'T RECALL WHAT IT WAS.
3 BUT IT WAS OFF THE SUBJECT.

4 APPROXIMATELY TEN MINUTES LATER, HE CAME BACK
5 TO MICROGENESIS AND THE ATTRITION MILL.

6 Q WHAT DID HE SAY ABOUT IT?

7 A HE JUST STATED THAT HAVING THE 1.5 MILLION DOLLAR
8 CHECK WOULD BASICALLY BAIL THAT COMPANY OUT BECAUSE IT WAS
9 LOSING MONEY, THAT HE COULD BUY A HOUSE FOR GENE BROWNING,
10 THAT WAS DISCUSSED WITH GENE BROWNING.

11 Q AND DID YOU --

12 MR. BARENS: COULD YOU ASK THE QUESTION --

13 MR. WAPNER: DO YOU HAVE AN OBJECTION?

14 MR. BARENS: I WANT TO ASK YOU BECAUSE IT WILL SAVE
15 US TIME.

16 MR. WAPNER: MAY WE?

17 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

18 THE COURT: YOU MAY PROCEED. IF THERE IS ANY OBJECTION,
19 MAKE THE OBJECTION.

20 MR. BARENS: I WAS ANTICIPATING A QUESTION THAT WE
21 ARE GOING TO COME TO, YOUR HONOR.

22 MR. WAPNER: WELL THEN, I WOULD APPRECIATE ANY
23 OBJECTION. IT IS HARD TO BE INTERRUPTED AND --

24 MR. BARENS: I DON'T WANT THE QUESTION ASKED UNTIL
25 WE HAVE GOTTEN AN UNDERSTANDING OR RULING FROM YOUR HONOR.

26 THE COURT: ALL RIGHT.

27 MR. WAPNER: WELL THEN, LET'S APPROACH THE BENCH.
28

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

3 THE COURT: YES?

4 MR. BARENS: WE ARE ON THE VERGE, YOUR HONOR, OF WHERE
5 THE WITNESS IS GOING TO TESTIFY THAT THE DEFENDANT CHOSE TO,
6 EITHER ELECTED TO UTILIZE THE FIFTH AMENDMENT OR HE ELECTED
7 TO UTILIZE HIS MIRANDA RIGHT TO COUNSEL. I DON'T BELIEVE
8 A POLICE OFFICER IS PERMITTED TO TESTIFY BEFORE A JURY THAT
9 A DEFENDANT CHOSE TO EXERCISE A MIRANDA RIGHT OR A FIFTH
10 AMENDMENT RIGHT, THAT AN OFFICER BE PERMITTED TO COMMENT TO
11 THAT EFFECT.

12 MR. WAPNER: I AGREE AND I DON'T INTEND TO ELICIT THAT
13 FROM HIM.

14 MR. BARENS: THAT IS ALL I CAME UP HERE, TO CAUTION
15 HIM, JUDGE.

16 THE COURT: ALL RIGHT.

17 MR. BARENS: THANK YOU.

18 (THE FOLLOWING PROCEEDINGS WERE HELD
19 IN OPEN COURT:)

20 Q BY MR. WAPNER: DID HE TELL YOU THAT HE HAD SOME
21 TROUBLE GETTING THE CHECK, THE \$1.5 MILLION CHECK CASHED?

22 A YES.

23 Q DID YOU ASK HIM ABOUT A WATCH THAT HE HAD
24 SUPPOSEDLY RECEIVED FROM MR. LEVIN?

25 A YES.

26 Q AND WHY DID YOU HAPPEN TO ASK HIM ABOUT THAT?

27 A BECAUSE AT THE TIME THAT HE WAS BOOKED IN EARLIER
28 IN THE DAY, HE HAD A SILVER ROLEX WATCH -- AND WITH ALL OF

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1 THE PRISONERS, THEIR PROPERTY IS TAKEN FROM THEM AND AT THAT
2 TIME WHEN THE WATCH WAS TAKEN FROM MR. HUNT, HE STATED, "OH,
3 THAT IS THE WATCH THAT RON LEVIN GAVE ME."

4 SO AT THE TIME OF THE INTERVIEW, I INQUIRED ABOUT
5 THE WATCH.

6 Q WHEN HE FIRST TOLD YOU WHEN HE WAS ARRESTED "OH,
7 THAT IS THE WATCH RON LEVIN GAVE ME," WAS THAT IN RESPONSE
8 TO ANY QUESTION --

9 A IT WAS NOT.

10 Q -- THAT YOU HAD ASKED?

11 A NO, IT WAS NOT.

12 Q WHEN YOU ASKED HIM AT THE TIME OF HIS STATEMENT
13 ABOUT THE WATCH, WHAT DID HE SAY?

14 A HE STATED THAT RON LEVIN HAD GIVEN HIM THE WATCH,
15 THAT IT COST \$600. THAT HE GOT IT APPROXIMATELY A YEAR AGO
16 ON HIS BIRTHDAY, OR SOME OTHER, I BELIEVE HE SAID, IMPORTANT
17 DATE.

18 Q DID HE MENTION TO YOU HOW HE HAD MET RON LEVIN?

19 A HE STATED APPROXIMATELY A YEAR AND A HALF PRIOR
20 TO THIS INTERVIEW, HE HAD MET RON LEVIN THROUGH AN INDIVIDUAL
21 BY THE NAME OF SIMI COOPER.

22 Q WHEN YOU WERE TALKING TO MR. HUNT AT THIS TIME,
23 CAN YOU DESCRIBE HIS Demeanor?

24 A HE TRIED TO TAKE CONTROL OF THE CONVERSATION.
25 HE WOULD CONTINUE ON WITH STATEMENTS AND STATEMENTS AND I
26 WOULD INTERJECT WITH QUESTIONS.

27 Q DID HE APPEAR TO YOU TO BE CONFIDENT?

28 A VERY CONFIDENT. VERY SURE OF HIMSELF.

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1 Q DID YOU CONTINUE TO TALK TO HIM AFTER YOU ASKED
2 HIM ABOUT SIMI COOPER?

3 A YES.

4 Q AND DID DETECTIVE DECUIR AT THAT POINT ASK HIM
5 IF HE HAD EVER GOTTEN A MILLION AND A HALF DOLLARS BEFORE?

6 A YES.

7 Q WHAT DID MR. HUNT SAY?

8 A HE STATED, "NOT ALL IN ONE LUMP SUM."

9 Q DID YOU ASK HIM ABOUT FINANCIAL FUTURES TRADING
10 CORPORATION?

11 A YES, I DID.

12 Q WHAT DID HE SAY?

13 A HE SAID THAT IS A COMPANY HE HAD WHERE HE WAS
14 TRADING COMMODITIES, WHERE HE HAD LOST MONEY IN THE COMMODITY
15 TRADES, STATING THAT HE LOST ONE POINT ONE PLUS MILLION DOLLARS.
16 THAT HE WAS ABLE TO RETURN \$455,000 TO INVESTORS.

17 HE FURTHER STATED THAT WITHIN THE TRADING OF
18 COMMODITIES THAT HE IS UNDER NO OBLIGATION AS FAR AS THE LOSSES,
19 THAT THE LOSS IS PART OF THE COMMODITIES TRADING.

20 Q AND DID HE TELL YOU THAT HE HAD MET WITH THE
21 INVESTORS?

22 A I ASKED HIM IF HE HAD TOLD THE INVESTORS OF THE
23 LOSS AND HE STATED, YES, THE WEEKEND PRIOR.

24 Q AND DID HE APPEAR TO YOU AT THAT TIME TO STILL
25 BE CONFIDENT AND, IN YOUR WORDS, TRY TO TAKE CONTROL OF THE
26 INTERVIEW?

27 MR. BARENS: OBJECTION AS TO THAT CHARACTERIZATION,
28 TRYING TO TAKE CONTROL OF THE INTERVIEW, AS BEING A CONCLUSION.

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1 THE COURT: TELL US WHAT HIS APPEARANCE AND DEMEANOR
2 WAS, WILL YOU PLEASE.

3 THE WITNESS: HE THROUGHOUT THE INTERVIEW, HAD QUICK,
4 SNAPPY ANSWERS. HE WOULD EXPOUND ON SUBJECTS THAT I BROUGHT
5 TO HIM AND CONTINUE WITH THOSE SUBJECTS AND WOULD CHANGE THE
6 SUBJECTS UNTIL I INTERJECTED WITH DIFFERENT QUESTIONS.

7 AND THEN AGAIN, HE WOULD EXPOUND ON THOSE QUESTIONS
8 OR ANSWERS TO THOSE QUESTIONS.

9 THE COURT: ALL RIGHT.

10 Q BY MR. WAPNER: DID HE APPEAR TO BE CONFIDENT?

11 A YES.

12 Q DID HE APPEAR TO BE IN CONTROL?

13 A YES.

14 Q AND THIS WAS THROUGHOUT THE INTERVIEW UP TO THIS
15 POINT?

16 A THAT'S CORRECT.

17 Q HOW LONG HAD THE INTERVIEW LASTED UP TO THIS POINT?

18 A APPROXIMATELY 30 MINUTES.

19 Q WHERE DID THE INTERVIEW TAKE PLACE, BY THE WAY?

20 A IT TOOK PLACE ON THE JAIL FLOOR OF THE BEVERLY
21 HILLS POLICE DEPARTMENT, IN THE INTERVIEW ROOM.

22 Q CAN YOU DESCRIBE FOR US WHAT THE INTERVIEW ROOM
23 LOOKED LIKE?

24 A IT IS A ROOM APPROXIMATELY SEVEN FEET BY TEN FEET
25 WITH A DESK AND ON EITHER SIDE OF THE DESK, IS TWO OR THREE
26 CHAIRS.

27 Q AND YOU AND DETECTIVE DECUIR WERE SITTING ON ONE
28 SIDE AND MR. HUNT ON THE OTHER?

1 A THAT'S CORRECT.

2 Q AND DID ANYTHING THREATENING -- WAS THERE ANYTHING
3 THREATENING OR FOREBODING ABOUT THE ROOM ITSELF?

4 A NOT IN THE LEAST, NO.

5 MR. BARENS: THAT CALLS FOR A CONCLUSION, YOUR HONOR.

6 THE COURT: WELL, HE HAS DESCRIBED THAT ROOM. THAT
7 WOULD BE SUFFICIENT.

8 MR. WAPNER: THANK YOU..

9 Q AND AFTER YOU GOT -- AFTER ABOUT HALF AN HOUR
10 HAD PASSED AND YOU HAD TALKED TO MR. HUNT ABOUT THE SUBJECTS
11 THAT YOU TALKED ABOUT, WHAT DID YOU DO AT THAT POINT?

12 A I HAD A COPY OF THE SEVEN PAGES THAT ARE PEOPLE'S
13 55, THAT WERE FOUND IN RON LEVIN'S HOUSE.

14 Q THAT IS THESE PAGES HERE?

15 A THAT'S CORRECT.

16 Q YOU SAY YOU HAD A COPY?

17 A I HAD XEROX COPIES OF THEM, YES.

18 Q ALL RIGHT. UP UNTIL THAT POINT, WHERE WERE THE
19 XEROX COPIES?

20 A I HAD A FILE WITH ME AND I HAD IT WITHIN THE FILE.

21 Q WERE THEY IN A PLACE WHERE MR. HUNT COULD HAVE
22 SEEN THEM UP TO THAT POINT?

23 A NO.

24 Q ALL RIGHT. AND YOU HAD A XEROX OF THE LIST WITH
25 YOU. WHAT DID YOU DO AT THAT POINT?

26 A AT THAT POINT, I TOOK THE LIST OUT.

27 Q ARE YOU TALKING ABOUT A COPY OF PEOPLE'S 55?

28 A IT IS A COPY OF PEOPLE'S 55, RIGHT.

1 Q WHAT DID YOU DO?

2 A I PUT IT IN FRONT OF MR. HUNT AND I ASKED HIM
3 WHAT HE KNEW ABOUT THE LIST.

4 Q WHEN YOU PUT THE LIST IN FRONT OF MR. HUNT AND
5 ASKED HIM WHAT HE KNEW ABOUT IT, HOW DID HE REACT?

6 A WELL, HE LOOKED AT THEM AND IMMEDIATELY STOPPED
7 TALKING. HE HAD A BLANK LOOK ON HIS FACE, A VERY STRAIGHT
8 FACE AND HE STARTED GOING THROUGH THE LIST PAGE BY PAGE, LOOKING
9 AT IT.

10 THE COURT: APPARENTLY READING IT?

11 THE WITNESS: APPARENTLY READING IT BUT GOING THROUGH
12 FAIRLY QUICKLY AND ONCE HE COMPLETED GOING THROUGH THE SEVEN
13 PAGES, HE WOULD START BACKWARDS AND GO THROUGH THEM A LITTLE
14 SLOWER AND CONTINUE GOING THROUGH THEM OVER AND OVER AGAIN
15 WITHOUT SAYING ANYTHING.

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1 Q BY MR. WAPNER: AND AS HE DID THAT, WHAT DID
2 YOU DO?

3 A I SAT THERE AND WATCHED HIM FOR A WHILE.

4 Q HOW LONG?

5 A APPROXIMATELY SEVEN TO TEN MINUTES.

6 Q YOU JUST LET HIM LOOK AT THIS?

7 A I JUST LET HIM LOOK AT THEM.

8 Q DURING THAT SEVEN TO TEN MINUTES, WHAT DID HE
9 SAY?

10 A HE WAS NOT SAYING A THING. HE CONTINUED TO LOOK
11 AT THEM.

12 Q WHAT WAS THE EXPRESSION ON HIS FACE?

13 A JUST A BLANK EXPRESSION. IT WAS ACTUALLY, JUST
14 A SOLEMN EXPRESSION.

15 Q WAS HIS EXPRESSION WHEN HE WAS GOING THROUGH THE
16 LIST, NOTICEABLY DIFFERENT THAN IT HAD BEEN WHEN YOU WERE
17 TALKING TO HIM FOR THE PREVIOUS HALF HOUR?

18 A YES.

19 Q WAS THE LIST THAT YOU GAVE HIM, THE COPY, STAPLED
20 TOGETHER OR WERE THEY LOOSE PAGES?

21 A STAPLED TOGETHER.

22 Q AND WHEN HE WENT THROUGH THEM FORWARD AND
23 BACKWARDS, WHAT DID HE DO?

24 A HE CONTINUED GOING THROUGH THEM FORWARD AND
25 BACKWARDS.

26 Q AND AFTER THAT SEVEN TO TEN MINUTES, DID YOU ASK
27 HIM A QUESTION?

28 A AGAIN --

1 MR. BARENS: OBJECTION TO THE ANSWER ANTICIPATED, AS
2 PER OUR DISCUSSION AT THE BENCH.

3 MR. WAPNER: WELL, COUNSEL HAS A COPY OF THE REPORT
4 THAT I HAVE ASSURED HIM AND THE COURT THAT I DON'T INTEND
5 TO GO INTO THOSE MATTERS WE TALKED ABOUT AT THE BENCH. AND
6 BEFORE HE GETS TO THAT, THERE IS ONE QUESTION AND ONE ANSWER.

7 THE COURT: ALL RIGHT. YOU MAY PROCEED.

8 Q BY MR. WAPNER: DID YOU ASK HIM A QUESTION AFTER
9 THAT SEVEN TO TEN-MINUTE PERIOD?

10 A YES.

11 Q WHAT DID YOU SAY?

12 A AGAIN, I ASKED HIM WHAT HE KNEW ABOUT THE LIST.

13 Q WHEN YOU SAY "AGAIN," HAD YOU ASKED HIM THAT BEFORE?

14 A WHEN I HANDED HIM THE SEVEN PAGES, THE COPY OF
15 THE SEVEN PAGES, I ASKED HIM, "WHAT DO YOU KNOW ABOUT THESE?"
16 AND I WAS REFERRING TO THE LIST.

17 Q AND THAT WAS FOLLOWED BY SEVEN TO TEN MINUTES
18 OF SILENCE?

19 A THAT'S CORRECT.

20 Q THEN YOU ASKED HIM AGAIN, "WHAT DO YOU KNOW ABOUT
21 THESE?"

22 A AND HE STATED -- YES.

23 Q HOLD ON. YOU ASKED HIM AGAIN, "WHAT DO YOU KNOW
24 ABOUT THESE?"

25 A THAT'S CORRECT.

26 Q YOU ASKED HIM THAT QUESTION?

27 A YES.

28 Q AND WHAT WAS HIS RESPONSE?

1 A HE STATED, "I DON'T KNOW ANYTHING ABOUT THESE."

2 Q HE STATED, "I DON'T KNOW ANYTHING ABOUT THESE"?

3 A THAT'S CORRECT.

4 Q AND THE INTERVIEW WAS ENDED AT THAT POINT?

5 A THAT'S CORRECT.

6 Q NOW, AFTER TALKING TO MR. HUNT AT THE END OF

7 SEPTEMBER OF 1984, DID YOU OBTAIN A SEARCH WARRANT FOR

8 MR. HUNT'S HOUSE, HIS OFFICE AND ALSO HIS BRIEFCASE?

9 A YES.

10 Q AND DID YOU SERVE THAT SEARCH WARRANT?

11 A YES I DID.

12 Q WHEN WAS THAT?

13 A I SERVED THE SEARCH OF HIS RESIDENCE AND HIS OFFICE

14 ON THE 2ND OF OCTOBER, WHICH WAS THE FOLLOWING TUESDAY.

15 Q AND THE BRIEFCASE WAS DONE WHEN?

16 A THE BRIEFCASE WAS DONE THE FOLLOWING DAY, THE

17 3RD OF OCTOBER.

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1 Q AND WHEN YOU SEARCHED, WHERE WAS IT THAT YOU
2 SEARCHED FIRST, THE RESIDENCE OR THE OFFICE?

3 A THE RESIDENCE.

4 Q WERE THERE TWO TEAMS OF OFFICERS FROM THE BEVERLY
5 HILLS POLICE DEPARTMENT THAT WERE GOING, ONE TO EACH LOCATION?

6 A YES.

7 Q AND DID YOU GO TO ONE PLACE FIRST AND THEN GO
8 OVER TO, YOURSELF, GO TO THE OTHER LOCATION?

9 A YES.

10 Q AND WHEN YOU WENT TO THE RESIDENCE OF MR. HUNT,
11 DID YOU, AMONG OTHER THINGS, FIND SOME FILM?

12 A YES.

13 Q AND WHAT CONDITION WAS THE FILM IN WHEN YOU
14 FOUND IT?

15 A IT WAS JUST THE FILM CANISTER OR THE ROLL OF
16 FILM ITSELF THAT APPEARED TO BE EXPOSED OR PICTURES TAKEN
17 ON IT.

18 Q DID YOU HAVE THAT ROLL OF FILM DEVELOPED?

19 A YES, I BOOKED THE ROLL INTO EVIDENCE AND THEN
20 DEVELOPED THE ROLL OF FILM.

21 Q DID YOU BRING ONE OF THE PICTURES FROM THAT ROLL
22 OF FILM TO COURT WITH YOU AT ONE OF THE OTHER TIMES WHEN
23 YOU WERE HERE?

24 A YES.

25 MR. WAPNER: YOUR HONOR, I HAVE A PHOTOGRAPH THAT
26 I WOULD LIKE TO HAVE MARKED AS 107 FOR IDENTIFICATION.

27 THE COURT: 107, HAS THAT BEEN MARKED AT ALL?

28 MR. WAPNER: I DON'T THINK IT HAS BEEN MARKED IN THIS

1 PROCEEDING.

2 THE COURT: ALL RIGHT.

3 MR. WAPNER: IT IS A PICTURE OF THE DEFENDANT
4 IN THIS CASE AND ANOTHER MALE INDIVIDUAL; MAY THAT BE 107
5 FOR IDENTIFICATION?

6 THE COURT: YES.

7 Q BY MR. WAPNER: SHOWING YOU 107 FOR IDENTIFICATION,
8 WHAT IS THAT, DETECTIVE ZOELLER?

9 A IT IS A PHOTO THAT WE RECEIVED BACK FROM THE
10 PHOTO COMPANY OF THAT ROLL OF FILM, ONE OF THE PHOTOS FROM
11 THE FOLL OF FILM THAT --

12 Q THAT WAS TAKEN FROM THE SEARCH OF MR. HUNT'S
13 HOUSE?

14 A THAT'S CORRECT.

15 Q WHO ARE THE PEOPLE IN THAT PICTURE.

16 A MR. HUNT IS THE TALL ONE ON THE LEFT AND MR.
17 KARNY IS THE SHORTER ONE ON THE RIGHT OF THE PHOTO.

18 MR. WAPNER: MAY I JUST WALK BRIEFLY IN FRONT OF THE
19 JURY WITH THIS, YOUR HONOR?

20 THE COURT: YES.

21 (MR. WAPNER SHOWS THE EXHIBIT TO JURY.)

22 Q BY MR. WAPNER: DETECTIVE ZOELLER, WHEN I ASKED
23 YOU IF YOU SEARCHED HIS RESIDENCE, WAS THAT ONE OF THE
24 CONDOMINIUMS AT THE WILSHIRE MANNING?

25 A THAT'S CORRECT.

26 Q WHAT NUMBER WAS THE UNIT THAT YOU SEARCHED?

27 A 1505, I BELIEVE.

28 Q DOES THAT PHOTOGRAPH THAT IS 107 APPEAR TO HAVE

1 BEEN TAKEN INSIDE 1505?

2 A WHEN WE SEARCHED THE APARTMENT ON THE 2ND OF
3 OCTOBER, THE SECTIONAL COUCH THAT YOU SEE IN THE PHOTO WAS
4 GONE, BUT OTHERWISE, IT LOOKS LIKE THE SAME LOCATION, YES.

5 Q ALL RIGHT. WHEN YOU SEARCHED HIS RESIDENCE,
6 WERE THERE ANY SHOTGUN SHELLS FOUND THERE?

7 A THERE WAS A BOX OF SHOTGUN SHELLS, YES.

8 MR. BARENS: RELEVANCY, YOUR HONOR?

9 THE COURT: OVERRULED.

10 Q BY MR. WAPNER: DID YOU FIND A SHOTGUN THERE
11 AT THAT LOCATION?

12 A I DID NOT, NO.

13 Q AND WHEN YOU DID THE SEARCH OF MR. HUNT'S OFFICE,
14 THAT WAS LATER THE SAME DAY?

15 A YES.

16 I WENT FROM THE WILSHIRE MANNING LOCATION TO
17 THE OFFICE.

18 THE COURT: ON THIRD STREET?

19 THE WITNESS: THAT'S CORRECT, YOUR HONOR.

20 Q BY MR. WAPNER: AND AT THE OFFICE ON THIRD STREET,
21 DID YOU FIND SOME PAPERS RELATING TO TRAVEL AGENCY RECEIPTS?

22 A YES.

23 MR. WAPNER: YOUR HONOR, I HAVE AN ENVELOPE THAT HAS
24 A BEVERLY HILLS POLICE DEPARTMENT EVIDENCE TAG ON IT AND
25 IT ALSO SAYS "FILE FOLDER."

26 Q BY MR. WAPNER: DETECTIVE ZOELLER, DO YOU
27 RECOGNIZE THIS ENVELOPE?

28 A YES.

5-4

1 Q WHAT IS THAT?

2 A IT IS AN ENVELOPE WITH A BEVERLY HILLS EVIDENCE
3 TAG, WHICH I FILLED OUT, INDICATING THAT INSIDE IS A FILE
4 FOLDER.

5 Q AND WHERE DID YOU GET THAT FILE FOLDER FROM?

6 A FROM THE OFFICES OF THE BBC.

7 Q WHICH WERE LOCATED WHERE?

8 A 8425 WEST THIRD STREET IN THE CITY OF LOS ANGELES
9 AND THE OFFICES WERE NUMBER 301.

10 Q AND DID YOU TAKE FROM THE OFFICES, THAT FILE?

11 A YES.

12 Q AND IN THAT FILE, ARE THERE SOME RECEIPTS FROM
13 WINGS TRAVEL AGENCY?

14 A YES, QUITE A FEW.

15 Q AND SPECIFICALLY, ON THE TOP OF THAT PILE ARE
16 THERE SOME DOCUMENTS DATED JUNE THE 12TH AND 13TH?

17 A YES.

18 Q AND THEN IS THERE A SECOND DOCUMENT THAT BEARS
19 THE DATE OF JUNE 13TH?

20 A YES.

21 Q AND A THIRD ONE THAT BEARS THE DATE OF JUNE THE
22 19TH AND ALSO JUNE THE 21ST?

23 A YES.

24 Q COULD YOU JUST REMOVE THOSE THREE DOCUMENTS?

25 MR. WAPNER: AND MAY THEY BE MARKED YOUR HONOR, AS
26 NEXT IN ORDER, 223, I BELIEVE.

27 THE COURT: ALL RIGHT, SO MARKED.

28 Q BY MR. WAPNER: DETECTIVE ZOELLER, THE FIRST

1 OF THOSE DOCUMENTS, WHAT IS IT?

2 A IT IS A TRAVEL RECEIPT FROM WINGS TRAVEL TO BBC
3 CONSOLIDATED WITH THE ADDRESS AND IT SAYS "TRAVELER, HUNT,
4 JOE, MR."

5 Q AND WHERE DOES IT PURPORT TO BE A TRAVELER RECEIPT
6 FOR?

7 A TRAVEL RECEIPT FOR ON JUNE 12, LEAVING NEW YORK,
8 KENNEDY AIRPORT AT 7:15, 7:15 P.M., GIVES A PLANE, AND TO
9 ARRIVE IN LONDON, HEATHROW ON THE 13TH.

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1 Q OF JUNE OF -- OR JUST JUNE OF 1984?

2 A THAT'S CORRECT.

3 Q ALL RIGHT. AND THE SECOND ONE THAT IS THERE,
4 DOES IT GIVE -- IS IT ALSO PRESENTED TO THE BBC CONSOLIDATED,
5 8425 THIRD STREET?

6 A YES.

7 Q WHO IS THE TRAVELER ON THAT ONE?

8 A GRAHAM, JIM, MR.

9 Q AND WHAT IS THE FLIGHT INFORMATION THAT IS
10 INDICATED ON THAT TRAVEL RECEIPT?

11 A JUNE 13TH IS THE DATE AND THE FLIGHT IS LEAVING
12 NEW YORK, KENNEDY AIRPORT AT 9:00 A.M. AND ARRIVING AT LOS
13 ANGELES AT 11:35 A.M.

14 Q AND THE LAST OF THOSE, IS THAT ALSO FOR BBC
15 CONSOLIDATED AND A MR. J. GRAHAM?

16 A YES.

17 Q AND WHERE IS THAT FOR?

18 A IT GIVES THE DATE OF JUNE 19, LEAVING LOS ANGELES,
19 ARRIVING SALT LAKE CITY, 9:35 A.M. AND THEN LEAVING SALT
20 LAKE CITY AT 10:15 A.M. AND ARRIVING WASHINGTON, NATIONAL
21 AIRPORT, 4:47 P.M. THAT IS ALL ON THE 19TH.

22 THEN ON THE 21ST, LEAVING WASHINGTON AT 5:44 P.M.
23 AND ARRIVING AT LOS ANGELES AT 8:00 P.M.

24 Q AND DID YOU KEEP THAT, AS WELL AS THE ENTIRE
25 FOLDER AS EVIDENCE IN THE CASE?

26 A YES.

27 Q AND YOU BROUGHT THAT WITH YOU TO COURT TODAY?

28 A THAT'S CORRECT.

1 Q AND WHILE YOU WERE AT THE OFFICES, DID YOU ALSO
2 TAKE SOME PHONE COMPANY BILLS THAT WERE AT THE BBC OFFICES?

3 A YES.

4 Q ALL RIGHT. SHOWING YOU AN ENVELOPE THAT BEARS
5 THE DATE OF 10/2/84, DO YOU RECOGNIZE THAT?

6 A YES. IT IS BEVERLY HILLS EVIDENCE TAG WITH FILE
7 FOLDERS DESCRIBED AS THE CONTENTS.

8 Q WOULD YOU REMOVE THE FILE FOLDER AND TELL ME
9 IF YOU FIND IN THERE, A PHONE BILL THAT INDICATES A COLLECT
10 CALL FROM 374-5000, THE NEW YORK POLICE DEPARTMENT NUMBER?

11 A YES.

12 MR. WAPNER: ALL RIGHT. MAY THAT ENTIRE BILL BE 224
13 FOR IDENTIFICATION?

14 THE COURT: SO MARKED.

15 Q BY MR. WAPNER: DID YOU ALSO TAKE MR. HUNT'S
16 PASSPORT DURING ONE OF THESE SEARCHES?

17 A YES.

18 Q AND WHERE WAS THAT TAKEN FROM?

19 A I LOCATED HIS PASSPORT FROM WHAT APPEARED TO
20 BE THE MASTER BEDROOM OF THE WILSHIRE MANNING APARTMENT,
21 NUMBER 1505, FROM A DRESSER DRAWER.

22 Q AND DID YOU ALSO TAKE SOME PAPERS FROM THE WILSHIRE
23 MANNING TO BE USED AS HANDWRITING EXEMPLARS?

24 A YES.

25 MR. WAPNER: YOUR HONOR, I HAVE TWO ENVELOPES. ONE
26 CONTAINS A PASSPORT. MAY THAT BE MARKED AS 225 FOR IDENTIFICA-
27 TION?

28 THE COURT: SO MARKED.

1 MR. WAPNER: AND ANOTHER ENVELOPE THAT FOR THE TIME
2 BEING, I WOULD LIKE TO HAVE MARKED AS 226 FOR IDENTIFICATION
3 ABOUT WHICH WE HAVE HAD SOME DISCUSSION BEFORE. I DON'T
4 FRANKLY, REMEMBER WHETHER IT WAS MARKED.

5 IT IS THE DOCUMENTS THAT WERE TAKEN FROM THE
6 WILSHIRE MANNING THAT WERE USED AS HANDWRITING EXEMPLARS.

7 MAY IT JUST BE MARKED FOR PURPOSES OF IDENTIFICA-
8 TION AT THIS TIME AS 226?

9 THE COURT: SO MARKED.

10 Q BY MR. WAPNER: SHOWING YOU 225 AND 226, DO YOU
11 RECOGNIZE THOSE?

12 A 225 IS JOE HUNT'S PASSPORT.

13 Q THAT WAS TAKEN FROM A BEDROOM AT THE WILSHIRE
14 MANNING?

15 A THAT'S CORRECT. 226 IS PIECES OF YELLOW AND
16 WHITE PAPER WITH HANDWRITING AND PRINTING ON IT.

17 Q AND WERE THOSE ITEMS TAKEN BY YOU FROM THE
18 WILSHIRE MANNING?

19 A YES.

20 Q WHAT WAS THE PURPOSE FOR YOUR TAKING THOSE?

21 A FOR COMPARISON OF THE HANDWRITING ON THE SEVEN
22 PAGES OF NOTES.

23 Q INCIDENTALLY, HOW MANY ENTRIES ARE THERE IN THE
24 PASSPORT IN TERMS OF STAMPS FROM PEOPLE COMING AND GOING?

25 A TWO ENTRIES. ONE STAMP IS DATED THE 13TH OF
26 JUNE, 1984, HEATHROW AND RIGHT BELOW IT IS A SECOND STAMP
27 DATED JUNE 16, 1984, U. S. IMMIGRATION AT 106, LOS, L-O-S.

28 Q SO IT APPEARS THAT HE ARRIVED IN LONDON ON THE

1 13TH OF JUNE AND RETURNED TO LOS ANGELES ON THE 16TH?

2 A YES.

3 Q PURSUANT TO THE SEARCH WARRANT, DID YOU ALSO
4 SEARCH MR. HUNT'S BRIEFCASE?

5 A YES, ON THE FOLLOWING DAY, THE 3RD OF OCTOBER.

6 Q AND WHAT DID YOU FIND IN THE BRIEFCASE?

7 A THE BRIEFCASE WAS FILLED WITH FILES, HAD PICTURES
8 IN IT PLUS OTHER ITEMS.

9 Q SHOWING YOU FIRST OF ALL, AN ITEM WE HAVE MARKED
10 AS PEOPLE'S 58 FOR IDENTIFICATION WHICH IS ONE OF THE ORIGINALS
11 OF THE OPTION AGREEMENT WITH MR. LEVIN, DO YOU RECOGNIZE
12 THAT?

13 A YES. THIS APPEARS TO BE AN ORIGINAL, AS FAR
14 AS TYPING AND SIGNATURES.

15 Q WHERE DID YOU FIND THAT?

16 A IN THE BRIEFCASE.

17 MR. WAPNER: YOUR HONOR, I HAVE ANOTHER DOCUMENT THAT
18 APPEARS TO BE -- EXCUSE ME. IT IS ACTUALLY THREE DOCUMENTS
19 BUT INCLUDED IN WHICH, IS THE DRIVER'S LICENSE OF TOM MAY.
20 MAY THAT BE MARKED, THOSE THREE DOCUMENTS, COLLECTIVELY AS
21 227 FOR IDENTIFICATION?

22 THE COURT: SO MARKED

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1 Q AND A GROUP OF PHOTOGRAPHS THAT APPEAR TO BE OF
2 CARS AND ALSO OF CERTAIN MACHINERY.

3 MR. BARENS: OBJECTION AS TO RELEVANCY.

4 IF WE MIGHT APPROACH, YOUR HONOR.

5 THE COURT: I DON'T KNOW WHAT THEY ARE. I CAN'T RULE
6 ON IT.

7 MR. BARENS: I KIND OF THINK I DO.

8 THE COURT: I DON'T KNOW WHAT YOU DO. ALL RIGHT.

9 (THE FOLLOWING PROCEEDINGS WERE HELD

10 AT THE BENCH:)

11 MR. BARENS: YOUR HONOR, THE REFERENCE TO THE DRIVER'S
12 LICENSE THAT WAS FOUND IN MR. HUNT'S POSSESSION TENDS TO GIVE
13 A SINISTER CAST TO SOMETHING ARGUABLY NOT SINISTER.

14 I DON'T SEE ANY PROBATIVE OR RELATIVE VALUE TO
15 THE FACT THAT MR. HUNT HAS THAT IN HIS POSSESSION.

16 THE COURT: WHAT HAS THE DRIVER'S LICENSE GOT TO DO
17 WITH THE CASE?

18 MR. WAPNER: IT IS ONLY CORROBORATIVE EVIDENCE OF WHAT
19 MR. MAY SAID, THAT HE LEFT HIS WALLET AND HIS DRIVER'S LICENSE
20 IN HIS DESK WHEN HE LEFT TO GO, I THINK, TO ARIZONA OR TO
21 THE DESERT.

22 THE COURT: AND HE TOOK THOSE?

23 MR. WAPNER: AND NOW THE DEFENDANT HAS GOT IT.

24 THERE WAS TESTIMONY --

25 THE COURT: IT SHOWS HIS STATE OF MIND TOWARDS MAY,
26 YOU MEAN?

27 MR. WAPNER: RIGHT.

28 AND ALSO, THERE WAS TESTIMONY --

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1 THE COURT: SUPPOSE HE DID, SUPPOSE HE DID TAKE IT,
2 WHAT OF IT? WHAT IS THE RELEVANCY?

3 MR. BARENS: UNDER 1100 OR 1101, WHAT OF IT?

4 THE COURT: I STILL DON'T SEE THE RELEVANCE OF THAT.
5 WHAT IS THE RELEVANCE OF THOSE PHOTOGRAPHS?

6 MR. WAPNER: I AM NOT GOING TO PUSH IT WITH THE
7 DRIVER'S LICENSE, IT DOESN'T MAKE MUCH DIFFERENCE.

8 MR. BARENS: NOW WE HAVE PHOTOGRAPHS OF SOME MERCEDES
9 BENZES. WE DON'T HAVE A MERCEDES IN THIS CASE.

10 THE COURT: WHAT ARE THESE PHOTOGRAPHS HERE?

11 MR. BARENS: WE HAVE PHOTOGRAPHS OF AN UNKNOWN PERSON
12 HERE. DO YOU KNOW WHO THAT IS?

13 THE COURT: WHAT ARE THESE PHOTOGRAPHS?

14 MR. WAPNER: MR. BARENS, THIS PERSON WAS A WITNESS IN
15 THIS CASE.

16 MR. BARENS: IS THAT DR. BROWNING? IT IS HARD TO TELL.

17 THE COURT: THAT IS WHO?

18 MR. BARENS: WE HAVE PHOTOGRAPHS OF DR. BROWNING WORKING
19 ON THE CYCLATRON AND WE HAVE GOT A PHOTOGRAPH OF MR. PITTMAN
20 STANDING IN THE DESERT, LOOKING BIG AGAINST THE EQUIPMENT.

21 MR. WAPNER: THE PHOTOGRAPHS, FIRST OF ALL, WERE IN
22 THE DEFENDANT'S POSSESSION.

23 AND SECOND --

24 THE COURT: YES, THERE WERE LOTS OF THINGS IN HIS
25 POSSESSION IN THE APARTMENT AND IN THE OFFICE. DOES THAT
26 MEAN EVERYTHING IS RELEVANT?

27 MR. BARENS: THE ONLY THING HE DIDN'T HAVE THAT DAY
28 IS MY CARD.

1 MR. WAPNER: THE PHOTOGRAPH OF THE CARS AT WESTCARS
2 INCLUDES A PHOTOGRAPH OF THE BMW THAT MR. PITTMAN DROVE,
3 AMONG OTHER THINGS.

4 BUT THE MAIN IMPORTANCE OF THESE PHOTOGRAPHS IS
5 TO SHOW THE PHOTOGRAPHS OF THE MACHINERY AS IT WAS IN THE
6 DESERT.

7 COUNSEL FOR THE DEFENSE HAVE INTRODUCED SOME SHINY,
8 WONDERFUL PHOTOGRAPHS.

9 THE COURT: WHICH IS THE MACHINE?

10 MR. BARENS: IT IS ALL THE MACHINE.

11 MR. WAPNER: ALL OF IT, THAT IS THE WHOLE POINT.

12 THE COURT: ALL OF IT IS THE MACHINE? ALL OF THAT STUFF
13 THERE?

14 MR. WAPNER: THE POINT IS, JUDGE, THAT THE DEFENSE
15 INTRODUCED PICTURES TO SHOW THE SHINY QUALITY OF THIS MACHINE,
16 IT WAS ALL ASSEMBLED AND EVERYTHING IS GREAT AND HERE ARE
17 PICTURES THE DEFENDANT HAS TO SHOW WHAT REALLY THE THING LOOKED
18 LIKE.

19 I MEAN WHEN WE GET RIGHT DOWN TO IT, THESE PICTURES
20 THAT YOU SEE ARE WHAT YOU GET.

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1 MR. BARENS: BUT, JUDGE, IF YOU WOULD, WE KNOW THAT
2 IN AUGUST JUST BEFORE THIS ARREST, THE MACHINE HAD BEEN MOVED
3 FROM ONE PLACE TO ANOTHER AND HERE, WE HAVE PHOTOGRAPHS OF
4 THE MACHINE.

5 THE COURT: WHAT IS THIS, IS THIS THE MACHINE?

6 MR. WAPNER: THAT IS PART OF IT.

7 MR. BARENS: IT IS PART OF IT. THERE ARE LOTS OF PARTS.

8 THE COURT: SO THE JURY WILL HAVE A VAGUE IDEA OF WHAT
9 WE ARE TALKING ABOUT REGARDING MICROGENESIS, THE MACHINE ITSELF,
10 I THINK MIGHT BE ADMISSIBLE.

11 MR. WAPNER: AND ALSO THE PHOTOGRAPH OF DR. BROWNING,
12 THEY MIGHT GET A VAGUE IDEA OF HOW IT WAS WHEN THIS MACHINE --
13 WHEN IT IS BEING PUT TOGETHER.

14 THE COURT: I DON'T THINK THAT IS RELEVANT.

15 MR. BARENS: JUDGE, I THINK THE PROBLEM WE GET INTO
16 ON THAT MACHINE BUSINESS, YOU KNOW, WE HAD LOTS OF TESTIMONY
17 THAT THIS MACHINE WAS CARTED UP TO SHADOW MOUNTAIN OR BAKER,
18 CALIFORNIA, OBVIOUSLY, IN A DISASSEMBLED FORMAT.

19 THE COURT: I DON'T THINK WE NEED ALL OF THOSE FORMATS.
20 IT IS CONFUSING.

21 MR. WAPNER: YOUR HONOR, IF WE ARE GOING TO ALLOW THE DEFENSE
22 TO PUT IN PHOTOGRAPHS OF THE SHINY NEW MACHINE, I THINK THE
23 PHOTOGRAPHS THE DEFENSE HAS --

24 THE COURT: WHICH DID HE PUT IN?

25 MR. BARENS: I PUT IN PHOTOGRAPHS OF WHEN IT WAS HERE
26 IN L.A.

27 MR. WAPNER: I THINK WE OUGHT TO SEE WHAT IT REALLY
28 LOOKS LIKE.

-5 1 MR. BARENS: WHAT DOES HE MEAN WHAT IT REALLY LOOKS
2 LIKE?

3 THE PROBLEM WE GET INTO, IT IS VERY MISLEADING.

4 THE COURT: I DON'T THINK WE NEED THAT IN.

5 IF YOU WANT TO HAVE A PICTURE OF THE MILL, WE
6 WILL TAKE THAT ONE IN AND THAT WILL BE ENOUGH.

7 WHICH ONE DO YOU WANT?

8 MR. WAPNER: IT IS HARD FOR ME TO KNOW, JUDGE, BUT THIS
9 ONE IS THE ONE THAT HAS BEEN MARKED 62.

10 THE COURT: YOU WANT TO MARK IT WHAT?

11 MR. WAPNER: 62.

12 THE COURT: 62?

13 MR. WAPNER: RIGHT.

14 THE COURT: HAS IT PREVIOUSLY BEEN MARKED?

15 MR. WAPNER: NOT IN THIS PROCEEDING, BUT AT MR. PITTMAN'S
16 LAST TRIAL.

17 THE COURT: ALL RIGHT, I WILL MARK IT 62.

18 MR. WAPNER: THANK YOU.

19 (THE FOLLOWING PROCEEDINGS WERE HELD
20 IN OPEN COURT:)

21 Q BY MR. WAPNER: AFTER ALL OF THAT, LET ME SHOW
22 YOU A PICTURE THAT WE HAVE MARKED PREVIOUSLY AS 62 AND WE
23 ARE MARKING AGAIN AS 62; DO YOU RECOGNIZE THAT?

24 A YES.

25 Q WHAT IS IT?

26 A THIS IS A PHOTO OF IT THAT I GOT FROM THE
27 BRIEFCASE ON THE MORNING OF THE 3RD OF OCTOBER.

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1 Q AND DOES THAT APPEAR TO SHOW PARTS OF WHAT WE
2 LATER CAME TO KNOW AS THE BROWNING ATTRITION MILL?

3 A YES.

4 MR. WAPNER: CAN I JUST WALK THAT BRIEFLY IN FRONT OF
5 THE JURY, YOUR HONOR?

6 THE COURT: ALL RIGHT.

7 (PAUSE.)

8 Q BY MR. WAPNER: AND DID YOU ALSO DO A SEARCH OF
9 MR. PITTMAN'S RESIDENCE?

10 A YES I DID.

11 Q AND DID YOU FIND SOME -- WAS THAT PURSUANT TO
12 A SEARCH WARRANT ALSO?

13 A YES. IT WAS.

14 Q DID YOU FIND SOME PHOTOGRAPHS AT MR. PITTMAN'S
15 RESIDENCE?

16 A YES.

17 Q WHEN WAS THAT SEARCH DONE?

18 A IT WAS ON THE 15TH OF OCTOBER, 1984.

19 Q AND WERE THE PHOTOGRAPHS THAT YOU FOUND IN
20 MR. PITTMAN'S RESIDENCE -- WHAT DID THEY APPEAR TO BE
21 PHOTOGRAPHS OF?

22 A TWO OF THE PHOTOS ARE OF MR. HUNT AND OTHER
23 INDIVIDUALS WHO I DON'T BELIEVE I RECOGNIZED IN THE FRONT
24 OF A CAR. IT WAS AT SOME UNKNOWN LOCATION.

25 THE OTHER TWO PHOTOS ARE WHAT APPEAR TO BE
26 MR. HUNT'S JEEP ON AN INCLINE OF A REMOTE, MOUNTAINOUS AREA.

27 Q AND AT THAT POINT, DID YOU KNOW WHERE THAT INCLINE
28 OR THAT REMOTE, MOUNTAINOUS AREA WAS?

1 A AT THAT TIME, NO.

2 Q THAT WAS ON THE 15TH OF OCTOBER, RIGHT?

3 A THAT'S CORRECT.

4 Q SHOWING YOU TWO PHOTOGRAPHS -- WELL, YOUR HONOR,
5 MAY THE RECORD REFLECT THAT I HAVE REMOVED THESE TWO PHOTOGRAPHS
6 FROM THE ENVELOPE THAT IS MARKED 10-15-84, BEVERLY HILLS
7 POLICE DEPARTMENT PROPERTY TAG AND IT SAYS "ITEM 11 PHOTOS."

8 THAT THESE TWO PHOTOGRAPHS BE 228 FOR IDENTIFICATION?

9 THE COURT: BE SO MARKED.

10 MR. BARENS: COULD WE HAVE ALL OF THEM MARKED AT THIS
11 TIME.

12 THE COURT: DO YOU WANT TO MARK ALL OF THEM?

13 MR. WAPNER: NO OBJECTION.

14 THE COURT: ALL RIGHT. FOUR PHOTOGRAPHS.

15 MR. BARENS: CALL THEM 228.

16 MR. WAPNER: FINE.

17 Q SHOWING YOU THE PHOTOGRAPHS THAT ARE 228 FOR
18 IDENTIFICATION, WHAT ARE THEY?

19 A TWO OF THEM ARE PHOTOGRAPHS OF MR. HUNT IN FRONT
20 OF A VEHICLE AND OTHER PEOPLE, WHO I DO NOT RECOGNIZE IN AN
21 AREA I DO NOT RECOGNIZE.

22 AND THE OTHER TWO ARE PHOTOS OF WHAT APPEAR TO
23 BE MR. HUNT'S JEEP ON AN INCLINE OF A MOUNTAINOUS AREA. AT
24 THE TIME I DID NOT KNOW WHERE IT WAS, EITHER.

25 Q INCIDENTALLY, IN THE FIRST TWO PICTURES THAT ARE
26 228, DOES THERE APPEAR TO BE SOME RIFLES IN THAT PICTURE NEAR
27 ONE OF THE WHEELS OF THE CAR?

28 A YES.

1 MR. BARENS: OBJECTION, RELEVANCY ON THAT.

2 THE COURT: WELL, THEY WILL BE RECEIVED INTO EVIDENCE.
3 IT WILL BE OBVIOUS THAT THERE ARE RIFLES THERE.

4 YOU IDENTIFY THEM AS RIFLES, DO YOU?

5 THE WITNESS: YES. I DO.

6 MR. WAPNER: THOSE PHOTOS WERE THE ADDITIONAL TWO THAT
7 COUNSEL WANTED TO HAVE MARKED.

8 MR. BARENS: RELEVANCE AS TO THE HIGHLIGHTING.

9 THE COURT: OVERRULED.
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1 Q BY MR. WAPNER: AFTER YOU SEARCHED MR. PITTMAN'S
2 APARTMENT ON THE 15TH OF OCTOBER, DID YOU AT SOME POINT, GO
3 SOMEWHERE WITH TOM MAY AND STEVE TAGLIANETTI?

4 A YES.

5 Q ALL RIGHT. WHEN DID YOU TALK TO STEVE TAGLIANETTI?

6 A THE 17TH OF OCTOBER, I BELIEVE.

7 Q AND THE 17TH OF OCTOBER, 1984, WAS THAT A
8 WEDNESDAY?

9 COULD I ASK THE COURT TO TAKE JUDICIAL NOTICE
10 OF THAT? IF I COULD SHOW YOU A CALENDAR.

11 MR. BARENS: I WILL SO STIPULATE.

12 THE COURT: I HAVE GOT THE CALENDAR. YOU WILL STIPULATE?
13 ALL RIGHT.

14 MR. WAPNER: ALL RIGHT.

15 Q DID YOU GO --

16 THE COURT: WHAT DATE WAS THAT?

17 MR. WAPNER: OCTOBER 17, A WEDNESDAY, 1984.

18 THE COURT: ALL RIGHT.

19 Q BY MR. WAPNER: AND AFTER TALKING TO STEVE
20 TAGLIANETTI, DID YOU ON THE FOLLOWING FRIDAY, THE 19TH, GO
21 WITH MR. TAGLIANETTI AND TOM MAY SOME PLACE?

22 A YES.

23 THE COURT: WHAT DATE WAS THAT AGAIN? OCTOBER WHAT?

24 MR. WAPNER: THE INITIAL DATE WAS THE 17TH.

25 THE COURT: THAT IS A WEDNESDAY?

26 MR. WAPNER: RIGHT.

27 THE COURT: YES.

28 MR. WAPNER: THANK YOU.

1 Q AND THE FOLLOWING FRIDAY, DID YOU GO WITH STEVE
2 TAGLIANETTI AND TOM MAY SOME PLACE?

3 A YES.

4 Q WHERE DID YOU GO?

5 A WENT AT THEIR DIRECTION, TO THE SOLEDAD AREA OF
6 THE ANGELES NATIONAL FOREST.

7 Q WHEN YOU SAY "THE SOLEDAD AREA," IS THAT THE
8 SOLEDAD CANYON AREA?

9 A YES.

10 Q AND HOW DID YOU KNOW HOW TO GET UP THERE?

11 A BY THEM DIRECTING ME TO THAT LOCATION.

12 Q AND DID THEY PROVIDE YOU WITH A MAP OF THE
13 LOCATION?

14 A NO. IN THE SAME TRIP BUT PRIOR TO GOING TO THAT
15 PARTICULAR AREA, I WENT BY A FORESTRY STATION AND OBTAINED
16 A FORESTRY MAP.

17 Q AND IN GOING UP THERE, DID YOU GO FROM THE POLICE
18 DEPARTMENT OF BEVERLY HILLS?

19 A YES.

20 Q WAS THAT DONE DURING THE DAY ON A WEEKDAY?

21 A YES.

22 Q AND WAS THERE MUCH TRAFFIC AT THAT TIME?

23 A ON THE FREEWAYS OR --

24 Q RIGHT. ON THE FREEWAY.

25 A THERE WAS NOT MUCH TRAFFIC, NO.

26 Q AND TO GET UP TO SOLEDAD CANYON, HOW DID YOU GO?

27 A WENT ON THE 405 FREEWAY NORTH.

28 Q THAT IS THE SAN DIEGO FREEWAY?

1 A THAT'S CORRECT, TO WHERE IT INTERSECTS AND
2 BASICALLY ENDS AT THE 5 FREEWAY, WHICH IS THE SANTA ANA
3 FREEWAY, STILL TRAVELING NORTH TO WHERE I TOOK THE 14 TURNOFF,
4 WHICH GOES INTO CANYON COUNTRY, TOWARD PALMDALE AND LANCASTER.

5 I GOT OFF THE FREEWAY AT THE SHADOWPINES/
6 SOLEDAD CANYON OFFRAMP, TO WHICH I PROCEEDED EAST ON
7 SOLEDAD CANYON.

8 Q AND HOW FAR EAST ON SOLEDAD CANYON ROAD DID YOU
9 GO?

10 A APPROXIMATELY 7.1 MILES.

11 Q HAVE YOU BEEN BACK THERE ON OTHER OCCASIONS SINCE
12 THEN?

13 A YES.

14 Q AND WHEN YOU FIRST WENT, WERE YOU CLOCKING THE
15 MILEAGE OR DID YOU CLOCK IT SOME TIME LATER?

16 A I BELIEVE I CLOCKED IT SOME TIME LATER.

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1 Q HOW LONG DID IT TAKE YOU TO GET FROM THE BEVERLY
2 HILLS POLICE STATION TO WHERE YOU GOT OFF OF THE FREEWAY?

3 A APPROXIMATELY 50 MINUTES TO AN HOUR.

4 Q AND HOW LONG DID IT THEN TAKE YOU TO GO THE 7.1
5 MILES ON SOLEDAD CANYON ROAD?

6 A ANOTHER 10 TO 12 MINUTES.

7 Q WHAT KIND OF A ROAD IS SOLEDAD CANYON ROAD?

8 A IT IS A PAVED TWO-LANE ROAD, A LITTLE BIT WINDY.

9 Q ONE LANE IN EACH DIRECTION?

10 A THAT'S CORRECT.

11 Q AND WHAT HAPPENED AT THE END OF THE 7.1 MILES?

12 A THAT IS WHEN I WAS DIRECTED TO TURN OFF OF
13 SOLEDAD CANYON INTO A FIRE ROAD, A DIRT ROAD AND THAT
14 PARTICULAR DIRT ROAD OR THE CANYON THAT IT FOLLOWS IS CALLED
15 INDIAN CANYON.

16 Q AND DID THEY DIRECT YOU TO TURN INTO INDIAN
17 CANYON?

18 A YES.

19 Q WHAT DID YOU DO AFTER YOU WENT UP AND TURNED
20 ON INDIAN CANYON?

21 A I DROVE SOUTHBOUND, WHICH IS UP THE MOUNTAINS.

22 Q HOW FAR?

23 A AT THAT POINT, I WENT ALL THE WAY TO THE TOP,
24 WHICH IS APPROXIMATELY 6.5 MILES.

25 Q WHAT KIND OF A ROAD IS THAT THAT GOES TO THE
26 TOP OF THE MOUNTAIN?

27 A IT IS A ONE LANE DIRT ROAD. I BELIEVE IT IS
28 A FIRE ROAD.

1 Q AND WHEN YOU GOT TO THE TOP OF THE MOUNTAIN,
2 WHAT KIND OF AN AREA DID YOU FIND THERE?

3 A THE TOP OF A MOUNTAIN, WHEN YOU REACH THE TOP OF
4 THE MOUNTAIN, IT BECOMES -- THERE IS TREES, MORE SO THAN
5 DOWN AT THE BOTTOM, BUT AT THE TOP OF THE ROAD IS BASICALLY
6 THE TOP OF THE MOUNTAIN, WHICH BECOMES A T-INTERSECTION GOING
7 FROM SOUTH TO EAST AND WEST.

8 Q IS THE PLACE WHERE YOU WERE THAT DAY INDICATED
9 ON THE PHOTOGRAPH THAT IS 211?

10
11 A YES.

12 Q ALL RIGHT. CAN YOU POINT IT OUT SO THE JURY
13 MIGHT BE ABLE TO SEE IT?

14 A THIS AREA DOWN HERE, YOU COULD SEE A ROAD AND
15 THAT IS SOLEDAD CANYON AND INDIAN CANYON STARTS AT THIS CLEAR
16 SPOT RIGHT HERE AND I WAS DIRECTED TO TRAVEL UP THIS ROAD,
17 WHICH I FOLLOWED ALL THE WAY UP TO THE TOP, WHICH IS INDICATED
18 RIGHT HERE (WITNESS INDICATING).

19 Q NOW, WHEN YOU FIRST LEFT SOLEDAD CANYON ROAD
20 TO START UP THE MOUNTAIN, CAN YOU DESCRIBE OR DEMONSTRATE,
21 IF IT APPEARS ON THAT PICTURE, WHAT THE ROAD IS LIKE FIRSTLY
22 ON SOLEDAD CANYON AND AS IT BEGINS TO GO UP THE MOUNTAIN?

23 A AS IT BEGINS TO GO UP, IT HAS AN INCLINE AND
24 IT APPEARS TO BE CURVED BUT VIRTUALLY STRAIGHT.

25 AND THEN IT STARTS WINDING AND IT WINDS, BASICALLY
26 GOING UP THE MOUNTAIN, FOLLOWING THE TERRAIN OF THE MOUNTAIN
27 ALL THE WAY UP.

28 Q AND SO AT THE BEGINNING, IS THE BEGINNING PORTION

1 OF THAT ROAD FAIRLY WINDING?

2 A YES.

3 Q FOR APPROXIMATELY HOW LONG IN TERMS OF MILES,
4 IF YOU KNOW?

5 A I WOULD ESTIMATE APPROXIMATELY ONE MILE.

6 Q YOU MIGHT HAVE TO JUST TURN THAT SLIGHTLY SO
7 THE JURY CAN SEE.

8 AND AFTER IT WINDS FOR THAT APPROXIMATE ONE MILE,
9 WHAT HAPPENS TO THE ROAD AT THAT POINT?

10 A IT DOESN'T APPEAR TO BE AS WINDY BECAUSE IT IS
11 FOLLOWING THE CURVATURE OF THE MOUNTAINS OR TERRAIN.

12 Q AND IT MAY BE A LITTLE HARD TO SEE, BUT IS THIS
13 THE ROAD RIGHT HERE WE ARE TALKING ABOUT (COUNSEL INDICATING)?

14 A YES.

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1 Q AND THIS WINDY PORTION IS IN THE BEGINNING HERE?

2 A YES.

3 Q THEN WHAT HAPPENED TO THE ROAD AFTER IT STOPS
4 BEING WINDY?

5 A THEN AS I SAID, IT TAKES MORE OR LESS THE CURVATURE
6 OF THE MOUNTAINS, THE MOUNTAINOUS RANGE. THE MOUNTAINS
7 DOESN'T APPEAR TO BE AS CHOPPY, SO THE ROAD ALMOST SMOOTHS
8 OUT, ALTHOUGH IT CERTAINLY ISN'T STRAIGHT.

9 Q AND IS THE WINDING PART, IS THAT DEPICTED IN
10 HERE AND DOES IT THEN FOLLOW AROUND THIS WAY (COUNSEL
11 INDICATING)?

12 A THAT'S CORRECT.

13 Q IS A PORTION OF IT NOT THEN JUST VISIBLE IN THIS
14 PICTURE, KIND OF BEHIND THE MOUNTAIN?

15 A YES.

16 Q SO DOES IT KIND OF CURVE AROUND BEHIND THIS
17 MOUNTAIN HERE (COUNSEL INDICATING)?

18 A YES.

19 Q AND THEN IT PICKS UP AGAIN AT WHAT LOOKS LIKE
20 THE TOP OF A RIDGE?

21 A YES.

22 Q AND AS YOU DRIVE -- AFTER YOU CURVE AROUND THE
23 MOUNTAIN AND GET TO A POINT THAT APPEARS TO BE AT THE TOP
24 OF THE RIDGE ON THAT PICTURE, DO YOU THEN DRIVE UP THIS WAY
25 TO GET TO THE T INTERSECTION (COUNSEL INDICATING)?

26 A THAT'S CORRECT.

27 Q AND AS YOU DRIVE UP THAT ROAD TO GET TO THE T
28 INTERSECTION, IS IT FAIRLY -- IS THERE A FAIRLY STEEP DROP

1 ON ONE SIDE?

2 A YES.

3 Q AND WHEN YOU FIRST WENT UP THERE WITH STEVE
4 TAGLIANETTI AND TOM MAY, DID YOU TAKE ANY PICTURES THAT DAY?

5 A NO.

6 Q DID YOU SUBSEQUENTLY GO UP THERE WITH KURT KUHN
7 AND HAVE HIM TAKE SOME PICTURES?

8 A YES.

9 Q AND SHOWING YOU A PHOTOGRAPH THAT WE HAVE MARKED
10 AS 108, DO YOU RECOGNIZE THAT?

11 A YES, I DO.

12 Q WHAT IS IT?

13 A THIS IS AN AREA AT THE TOP OF THE MOUNTAINS WHICH
14 IS --

15 Q IF YOU CAN HOLD IT SO THE JURY CAN SEE IT.

16 A IT IS AN AREA AT THE TOP OF THE MOUNTAIN RIDGE
17 JUST VIRTUALLY AT THAT INTERSECTION, A LITTLE BIT SOUTH
18 OF IT, AND THIS IS THE AREA WHERE I FOUND THE LOCATION WHERE
19 THIS PICTURE OF THE JEEP WAS TAKEN (INDICATING).

20 Q IS THAT WHY YOU ASKED KURT KUHN TO TAKE A PICTURE
21 OF THAT AREA?

22 A YES.

23 Q SO THAT IS THE AREA WHERE THE PHOTOGRAPHS OF
24 THE JEEP THAT ARE 228 WERE TAKEN?

25 A YES.

26 Q AND IS THAT APPROXIMATELY HERE IN THE PHOTOGRAPH
27 221?

28 A A LITTLE BIT HIGHER THAN THAT.

1 RIGHT ABOUT THERE. (WITNESS INDICATING.)

2 Q WHEN YOU WENT UP THERE THE FIRST TIME WITH STEVE
3 TAGLIANETT AND TOM MAY, WHAT WAS YOUR PURPOSE IN GOING THERE?

4 A JUST TO -- THE PURPOSE WAS BECAUSE THEY HAD
5 GONE UP WITH JOE HUNT AND STATED THAT JOE HUNT WAS VERY
6 FAMILIAR WITH THE AREA, SO I WANTED TO GO UP AND LOOK AT
7 THE AREA.

8 Q AND AT THAT TIME, DID YOU DO ANY DIGGING OR LOOKING
9 FOR BONES OR ANYTHING?

10 A NO.

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1 Q ALL RIGHT. AND HAVE YOU BEEN UP THERE SEVERAL
2 TIMES SINCE THEN?

3 A YES.

4 Q ALL RIGHT. HAVE YOU ON SEVERAL OCCASIONS, LOOKED
5 FOR THE REMAINS OF RON LEVIN?

6 MR. BARENS: OBJECTION AS TO THE CHARACTERIZATION.
7 ASSUMING FACTS NOT IN EVIDENCE, THAT THERE ARE BONES OR
8 ANYTHING ELSE THERE.

9 THE COURT: SUSTAINED.

10 MR. WAPNER: WELL, THE QUESTION IS WHAT HE LOOKED FOR.

11 THE COURT: LOOKING FOR BONES? WE DON'T HAVE TO
12 CHARACTERIZE WHOSE IT IS.

13 MR. WAPNER: WELL, BASED ON --

14 THE COURT: WELL, HE DIDN'T FIND ANYTHING ANYWAY, DID
15 HE?

16 MR. WAPNER: THE CHARACTERIZATION --

17 THE COURT: THE NET RESULT IS THAT NOTHING WAS FOUND
18 BY HIM, WAS IT?

19 MR. WAPNER: CAN WE APPROACH THE BENCH BRIEFLY?

20 THE COURT: YES.

21 (THE FOLLOWING PROCEEDINGS WERE HELD

22 AT THE BENCH:)

23 MR. WAPNER: THE NET RESULT IS THAT NOTHING WAS FOUND
24 OF MR. LEVIN. BUT THE QUESTION WAS PHRASED THAT WAY FOR A
25 PARTICULAR REASON.

26 THE COURT: WHAT WAS THAT QUESTION AGAIN? DID HE FIND
27 ANY BONES OF MR. LEVIN?

28 MR. WAPNER: OF MR. LEVIN. THE ANSWER IS NO. WHAT

1 DIFFERENCE DOES IT MAKE THE WAY THE QUESTION IS PHRASED?

2 THE COURT: WELL, IT ASSUMES THAT HE WAS BURIED THERE
3 AND THERE WERE BONES --

4 MR. WAPNER: WELL, THE QUESTION IS, WHAT HE --

5 THE COURT: THE QUESTION IS NOT PROPER.

6 MR. WAPNER: THE QUESTION IS, WHAT HE WAS LOOKING FOR
7 AND WHAT HE THOUGHT.

8 THE COURT: HE WAS LOOKING FOR SOME REMAINS OF -- LOOKING
9 FOR REMAINS OF SOMEBODY.

10 MR. WAPNER: THE POINT IS, THAT IT IS PHRASED IN THIS
11 PARTICULAR MANNER BECAUSE HE DID FIND REMAINS OF SOMEBODY
12 UP THERE, IF YOU WILL RECALL.

13 MR. BARENS: I DON'T WANT TO GET INTO THAT.

14 MR. WAPNER: I DON'T EITHER. BUT, THE PHRASING --

15 THE COURT: ESLAMINIA?

16 MR. WAPNER: I PHRASED THE QUESTION VERY SPECIFICALLY,
17 SO AS NOT TO GET INTO IT.

18 THE COURT: SO AS TO EXCLUDE THAT, YOU MEAN?

19 MR. BARENS: BUT, WHAT ARE WE DOING HERE? THE JUDGE
20 ASKED IF THEY FOUND LEVIN'S BONES --

21 THE COURT: WHEN -- DID YOU SAY, "DID YOU FIND ANY BONES
22 WHICH PURPORTED TO BE MR. LEVIN," IS THAT RIGHT?

23 MR. WAPNER: BY ME ASKING HIM THE QUESTION OR BY HIM
24 GOING UP THERE LOOKING FOR IT, IT IS NOT A STATEMENT THAT
25 THERE ARE ANY. IT IS ONLY WHAT HIS BELIEF IS.

26 MR. BARENS: WHY ARE WE DOING THIS?

27 THE COURT: I DON'T KNOW.

28 MR. WAPNER: BECAUSE WE HAVE HAD TESTIMONY ABOUT

1 SOLEDAD CANYON AND THE JURY WANTS TO KNOW --

2 THE COURT: ASK HIM IF HE FOUND ANYTHING. GO UP TO
3 HIM AND TALK TO HIM PRIVATELY SO THAT IT IS NOT ABOUT
4 ESLAMINIA. ASK HIM IF HE FOUND ANYTHING AND THE ANSWER WOULD
5 BE NO.

6 MR. BARENS: ASK HIM IF HE FOUND ANY LEVIN BONES. ASK
7 HIM WHAT THE JUDGE WANTS YOU TO ASK HIM.

8 THE QUESTION THAT HE ASKED YOUR HONOR, DEFINED
9 LEVIN'S BONES UP THERE. DID HE --

10 THE COURT: LEVIN'S BONES, YOU MEAN?

11 MR. BARENS: NO. NO, THE DEFINED BONES WERE PURPORTEDLY
12 POSSESSED BY LEVIN.

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1 THE COURT: DID YOU FIND ANY BONES PURPORTEDLY OF LEVIN?
2 THE ANSWER IS NO. ASK HIM THAT.

3 MR. WAPNER: RIGHT. I ASKED HIM VIRTUALLY THE SAME
4 QUESTION.

5 MR. BARENS: NO. YOU DIDN'T.

6 THE COURT: NO. YOU ASSUMED HE WAS BURIED THERE AND
7 YOU WERE LOOKING FOR HIS BONES. COUNSEL IS RIGHT.

8 MR. BARENS: THANK YOU.

9 (THE FOLLOWING PROCEEDINGS WERE HELD
10 IN OPEN COURT:)

11 Q BY MR. WAPNER: THE TIMES THAT YOU HAVE BEEN UP
12 THERE, HAVE YOU EVER FOUND THE REMAINS OF MR. LEVIN UP THERE?

13 A NO.

14 MR. BARENS: ASSUMING A FACT NOT IN EVIDENCE, THAT THE
15 REMAINS --

16 THE COURT: PURPORTING TO BE THE REMAINS OF MR. LEVIN?
17 YOUR ANSWER IS NO? IS THAT RIGHT?

18 THE WITNESS: THAT'S CORRECT, YOUR HONOR.

19 Q BY MR. WAPNER: AND HOW MANY TIMES SINCE YOU FIRST
20 WENT UP THERE WITH MR. MAY AND MR. TAGLIANETTI, DID YOU GO
21 UP TO THAT PARTICULAR LOCATION AT THE TOP OF THE MOUNTAIN?

22 MR. BARENS: OBJECTION, RELEVANCY.

23 THE COURT: OVERRULED.

24 THE WITNESS: AT THE TOP OF THE MOUNTAIN? PROBABLY
25 THREE TIMES, MAYBE FOUR.

26 Q BY MR. WAPNER: DID YOU BECOME FAIRLY FAMILIAR
27 WITH THE ROAD AND THE WAY THAT ROAD GOES AT THAT POINT?

28 A YES.

1 Q THE MANNER THAT THE ROAD TWISTS AND TURNS AS IT
2 TAKES ITS WAY UP TO THE TOP OF THE MOUNTAIN?

3 A YES.

4 Q AND SHOWING YOU A PAGE OF PEOPLE'S 55, THAT
5 APPARENTLY HAS A HAND-DRAWN DIAGRAM ON THERE, AFTER HAVING
6 GONE TO THE MOUNTAIN SEVERAL TIMES, DID THAT PIECE OF PAPER
7 MEAN ANYTHING TO YOU?

8 A YES.

9 Q AND DOES THAT APPEAR TO YOU TO BE SOME KIND OF
10 A ROUGH DEPICTION OF SOMETHING THAT LOOKED FAMILIAR TO YOU?

11 A YES.

12 Q WHAT WAS THAT?

13 A IT APPEARS TO BE A ROUGH DEPICTION OF THE INDIAN
14 CANYON AREA UP TO THE T-INTERSECTION AND ACROSS THE T-
15 INTERSECTION EAST, TOWARD THE RANGER STATION.

16 Q IS THERE A RANGER STATION UP THERE?

17 A YES.

18 Q IN WHAT AREA? WOULD YOU POINT IT OUT, PLEASE?

19 A THE RANGER STATION IS APPROXIMATELY RIGHT THERE
20 (INDICATING).

21 MR. BARENS: INDICATING WEST OF THE ROAD, YOUR HONOR.

22 THE COURT: IS IT WEST OF THE ROAD?

23 Q BY MR. WAPNER: WELL, DETECTIVE ZOELLER, WE HAVE
24 PREVIOUS TESTIMONY FROM KURT KUHN ABOUT THAT PHOTOGRAPH. AT
25 THE TOP OF THE PHOTOGRAPH, WHICH DIRECTION DOES IT LOOK?

26 A IT GOES FROM -- THIS BEING NORTH, SOUTH UP THE
27 MOUNTAIN AND THIS BEING EAST AND THIS BEING WEST.

28 Q AND INCIDENTALLY, I ASKED MR. KUHN IF HE KNEW

1 WHAT WAS APPARENTLY DEPICTED IN THIS FOGGY PORTION AT THE
2 VERY TOP AND HE DIDN'T. DO YOU KNOW WHAT IS UP THERE?

3 A IT IS THE VALLEY. IT IS EITHER SYLMAR OR IF IT
4 IS A LITTLE EAST OF SYLMAR, IT IS TUJUNGA/SUNLAND AREA.

5 Q THAT IS SOME PORTION OF THE SAN FERNANDO VALLEY?

6 A THAT'S CORRECT.

7 MR. WARNER: MAY I HAVE A MOMENT?

8 THE COURT: YES.

9 (PAUSE.)
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1 Q ARE THERE CERTAIN THINGS ABOUT THAT DIAGRAM THAT
2 APPEAR NOT TO BE ACCURATE?

3 A YES.

4 Q WHAT IS THAT?

5 A THE ROAD WHERE IT IS INDICATED "ROAD", IF YOU
6 ARE FOLLOWING THE PHOTO, THE ROAD IS GOING IN THE WRONG
7 DIRECTION.

8 Q WHICH DIRECTION SHOULD THE ROAD BE GOING BASICALLY?
9 WOULD YOU BE GOING ALONG THE SIDE OF THIS PAPER?

10 A IT WOULD BE GOING ALONG THE SIDE, BEING SOLEDAD
11 ROAD.

12 Q AND THE ROAD, AS YOU DESCRIBED IT, AS IT GOES
13 UP THE MOUNTAIN, WHEN IT FIRST STARTS OUT, IT TAKES THIS
14 SERIES OF TWISTS AND TURNS; IS THAT RIGHT?

15 A THAT'S CORRECT.

16 Q THEN AT SOME POINT IT KIND OF GOES AROUND ONE
17 OF THE HILLS AND THEN KIND OF BACK UP THE MOUNTAIN --

18 A YES.

19 Q -- AND STRAIGHTENS OUT?

20 AND AS YOU LOOKED AT THIS, DID IT APPEAR TO YOU
21 THAT THIS COULD BE A ROUGH DEPICTION OF WHERE THE T
22 INTERSECTION WAS WHERE IT MEETS THE MOUNTAINS AT SOME POINT
23 OR DID YOU BELIEVE THAT TO BE SOMEWHERE ELSE?

24 A JUST TOOK IT TO CONTINUE OVER AND THEN WHERE
25 IT HAS THOSE JAGGED ANGLES THERE, DEPICTED THAT TO BE
26 THE TOP OF THE MOUNTAINS AND THEN THE T INTERSECTION BEING
27 THE LINE THAT HAS THE ARROW TO THE END OF IT.

28 Q INDICATING THIS LINE HERE (COUNSEL INDICATING)?

1 A YES, AND TOWARDS THE RANGER STATION.

2 Q YOU ARE NOT A MAP-MAKER, ARE YOU?

3 A NO.

4 Q THERE IS NOTHING ON THIS MAP THAT PURPORTS TO
5 BE THE DIAGRAM, THAT PURPORTS TO BE TO SCALE, IS THERE?

6 A NO.

7 MR. WAPNER: THERE ARE A COUPLE OF OTHER THINGS.

8 FIRST OF ALL, WE HAD TWO PICTURES, YOUR HONOR,
9 I COULDN'T FIND THEM BEFORE, THAT WE HAD MARKED AS 166-A
10 AND B, THAT I THINK ARE THE SAME THINGS AS ARE DEPICTED IN
11 THE SMALLER PICTURE THAT I THOUGHT WAS MAYBE 34.

12 Q IN ANY EVENT, DO YOU RECOGNIZE 166-A AND B?

13 A YES.

14 Q ALL RIGHT. ARE THOSE BLOW-UP PHOTOGRAPHS OF
15 THE SHELVES IN THE SMALL OFFICE AT MR. LEVIN'S HOUSE?

16 A YES, THEY ARE.

17 Q AND DID YOU ALSO CAUSE SOME PICTURES TO BE TAKEN
18 OF THE OUTSIDE OF MR. LEVIN'S HOUSE?

19 A YES.

20 Q AND WAS THAT FOR THE PURPOSE OF SHOWING --
21 WHAT WAS THE PURPOSE OF HAVING THOSE PHOTOGRAPHS
22 TAKEN?

23 A JUST DEPICTING THE REAR DRIVEWAY OF THE
24 RESIDENCE PLUS THE GARAGE, PLUS THE CARPORT AND ALLEY.

(25 MR. WAPNER: YOUR HONOR, I HAVE FOUR PHOTOGRAPHS THAT
26 I WOULD LIKE TO HAVE MARKED AS 24, 25, 26 AND 27 THAT APPEAR
27 TO DEPICT PHOTOGRAPHS OF THE ALLEY, CARPORT, BACK DRIVEWAY
28 AREA AND ANOTHER PICTURE OF THE ALLEY BEHIND 144 SOUTH PECK;

3
1 MAY THEY BE SO MARKED?

2 THE COURT: YES.

3 Q BY MR. WAPNER: SHOWING YOU THESE PICTURES,
4 DETECTIVE ZOELLER, WHAT ARE THEY?

5 A PEOPLE'S 26 IS A PHOTO LOOKING NORTH UP THE
6 WEST -- I AM SORRY -- THE EAST PECK ALLEY AND THEN IN THE
7 PHOTO, I AM STANDING IN THE CARPORT OF 144 SOUTH PECK,
8 PEOPLE'S 25 IS THE CARPORT.

9 Q HOLD THAT UP A LITTLE HIGHER.

10 A PEOPLE'S 25 IS A PHOTO OF THE CARPORT. LOOKING
11 THROUGH THE CARPORT, YOU CAN SEE THE BACK OF 144 SOUTH PECK.

12 PEOPLE'S 24 IS A PHOTO OF THE PHOTOGRAPHER, BEING
13 KURT KUHN, STANDING AT THE NORTH END OF THE DRIVEWAY WHERE
14 IT COMES IN FROM PECK, LOOKING SOUTH TOWARDS 144 SOUTH PECK,
15 SHOWING THE DISTANCE FROM THE REAR DOOR ACROSS THE DRIVEWAY
16 TO THE CARPORT AREA.

17 Q ABOUT HOW FAR IS THAT?

18 A I AM GOING TO ESTIMATE AND SAY 30 FEET.

19 THE LAST PHOTO IS A PHOTO JUST NORTH OF 144 SOUTH PECK
20 IN THE ALLEY, LOOKING SOUTH.

21 Q AND WHEN WERE THESE PICTURES TAKEN, DO YOU RECALL?

22 A I THINK MAY 1ST OF 1985.

23 MR. WAPNER: MAY I JUST PASS THESE BRIEFLY BY THE JURY,
24 YOUR HONOR?

25 THE COURT: YES.

26 (MR. WAPNER SHOWS EXHIBIT TO JURY.)

27 Q BY MR. WAPNER: DETECTIVE ZOELLER, YOU MADE
28 REFERENCE TO A DRIVEWAY THAT RUNS ALONG THE NORTH SIDE OF

1 THE APARTMENT BUILDING; DOES THAT DRIVEWAY GO OUT TO PECK
2 DRIVE?

3 A THAT'S CORRECT.

4 Q SO IF YOU DROVE OUT -- IF YOU DRIVE IN IN THAT
5 DRIVEWAY FROM PECK DRIVE, COULD YOU DRIVE THE CAR ALL THE
6 WAY INTO THIS AREA THAT IS KIND OF A DRIVEWAY AREA BEHIND
7 THE RESIDENCE OF 144 SOUTH PECK?

8 A YES, THAT IS THE GARAGE TO THE LEFT OF THE
9 PICTURE.

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1 Q AND THE STAIRS THAT ARE HERE IN PEOPLE'S 24, DID
2 THEY GO INTO THE RESIDENCE AT 144 SOUTH PECK?

3 A YES. THAT DOOR ACTUALLY LEADS INTO A REAR
4 BEDROOM.

5 Q WHEN MARTIN LEVIN CAME TO BRING YOU SOME THINGS
6 ON NOVEMBER THE 12TH OF 1984, DID HE ALSO BRING YOU SOME
7 AMERICAN EXPRESS CARD RECEIPTS?

8 A YES.

9 Q THAT WERE TAKEN FROM THE RESIDENCE?
10 MR. BARENS: OBJECTION. WERE TAKEN FROM THE RESIDENCE?
11 WE DON'T HAVE ANY FOUNDATION FOR THAT. IT IS HEARSAY, YOUR
12 HONOR.

13 THE COURT: ALL RIGHT. SUBJECT TO CONNECTION.

14 Q BY MR. WAPNER: DID HE BRING YOU SOME AMERICAN
15 EXPRESS CARD RECEIPTS?

16 A YES.

17 Q DID YOU PLACE THOSE IN EVIDENCE?

18 A YES I DID.

19 MR. WAPNER: ALL RIGHT. YOUR HONOR, MAY THEY BE MARKED,
20 IF THEY HAVE NOT BEEN ALREADY, AS PEOPLE'S 51 FOR IDENTIFICATION?

21 THE COURT: YES.

22 Q BY MR. WAPNER: SHOWING YOU PEOPLE'S 51 FOR
23 IDENTIFICATION, ARE THOSE THE AMERICAN EXPRESS CARD RECEIPTS
24 THAT HE BROUGHT?

25 A YES THEY ARE.

26 Q AND WHAT MONTHS ARE THEY FOR?

27 A WELL, THEY ARE OUT OF ORDER. THE DATES ON THEM
28 ARE 7-11-84, 5-8-84, 4-10-84, 9-11-84. THERE IS A DELINQUENCY

1 CHARGE ON THE SLIP THAT IS DATED 8-10-84.

2 THERE IS A STATEMENT OF 8-10-84, ANOTHER
3 DELINQUENCY CHARGE DATED 10-10-84 AND THEN THE BILLING FOR
4 10-10-84.

5 THERE IS ANOTHER DELINQUENCY CHARGE FOR 9-11-84
6 AND ONE RECEIPT WITH IT TORN OFF AND STAPLED, DATED 2-9-84.

7 Q SO, STARTING IN FEBRUARY, THE MARCH ONE IS MISSING
8 AND THEN IT GOES TO APRIL, MAY, JULY, AUGUST, SEPTEMBER AND
9 OCTOBER?

10 A THAT'S CORRECT.

11 MR. WAPNER: MIGHT THIS BE THE APPROPRIATE TIME TO BREAK?

12 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN OF THE
13 JURY, WE'LL TAKE OUR ADJOURNMENT NOW UNTIL TOMORROW MORNING
14 AT THE USUAL TIME OF 10:30. THE SAME ADMONITION THAT I HAVE
15 BEEN GIVING YOU STILL APPLIES. GOOD NIGHT.

16 (THE JURY EXITED THE COURTROOM.)

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

3 MR. BARENS: YOUR HONOR, I WANTED TO HAVE A HEARING
4 ON THAT MOTION THAT WAS FILED BY MR. CHIER THIS MORNING, THAT
5 1095 MOTION.

6 THE COURT: 1095?

7 MR. BARENS: THAT MOTION FROM THIS MORNING.

8 THE COURT: YES.

9 MR. BARENS: I WOULD LIKE TO HAVE A HEARING ON THAT
10 MOTION.

11 THE COURT: WHAT DO YOU MEAN, A HEARING?

12 MR. BARENS: I WOULD LIKE TO HAVE A HEARING.

13 THE COURT: I DON'T KNOW WHAT YOU MEAN BY A "HEARING".
14 YOU WANT ARGUMENT?

15 MR. BARENS: YES. I WOULD LIKE TO ARGUE IT, YOUR HONOR.
16 AND IF NECESSARY, I WOULD LIKE TO, IF THE COURT WOULD, FOR
17 THE DEFENDANT TO BE ABLE TO ADDRESS THE COURT ON THAT.

18 THE COURT: NO. I WON'T HEAR FROM HIM.

19 MR. BARENS: ALL RIGHT.

20 THE COURT: WE HAVE THE AFFIDAVIT. HE HAS AN
21 AFFIDAVIT.

22 MR. BARENS: YES HE DOES, YOUR HONOR. I WOULD LIKE
23 TO BE HEARD TO ARGUE THE MOTION, YOUR HONOR.

24 THE COURT: I WILL HEAR IT TOMORROW.

25 MR. BARENS: WHEN, SIR?

26 THE COURT: AT 10 O'CLOCK.

27 MR. BARENS: WELL, I DON'T THINK IT WILL TAKE THAT LONG.

28 THE COURT: 10:15?

1 MR. BARENS: THAT WOULD BE FINE. 10:15.

2 THE COURT: TOMORROW AT 10:15.

3 MR. WAPNER: THE OTHER THING THAT I HAVE THE ORDER FOR
4 THE COURT TO SIGN REGARDING THE CAMERAS AND THE TESTIMONY
5 OF MR. KARNY. THERE IS SOME CONCERN THAT I HAVE THAT I
6 DISCUSSED WITH THE COURT, ABOUT THE POSSIBILITY OF TAKING
7 PICTURES OF THE MONITORS. I JUST WANTED TO EXPRESS THAT --

8 THE COURT: WELL, YOU ARE GOING TO HAVE SOMEBODY OUT
9 THERE WATCHING IT.

10 MR. WAPNER: I TALKED TO THE BAILIFF ABOUT THAT BRIEFLY
11 AND --

12 THE COURT: HE WILL TAKE CARE OF IT.

13 MR. WAPNER: HE SAID THAT HE WOULDN'T HAVE SOMEONE STAND
14 THERE FOR FOUR DAYS. I JUST WANTED TO PUT MY CONCERN ON THE
15 RECORD.

16 I WILL TRY TO WORK IT OUT WITH THE TV PEOPLE.
17 IF I CAN'T, I WILL BRING IT UP TO THE COURT.

18 MR. BARENS: WHILE WE ARE HERE, WE HAVE NEVER GOTTEN
19 A COPY OF THE IMMUNITY AGREEMENT THAT I AM AWARE OF.

20 THE COURT: WHAT IMMUNITY AGREEMENT?

21 MR. BARENS: MR. KARNY'S.

22 MR. WAPNER: THERE WAS NO FORMAL AGREEMENT WITH US,
23 OTHER THAN THE IMMUNITY PAPERS THAT WERE FILED AND SHOULD
24 BE IN THE FILE. THEY WERE FILED WITH THE BEVERLY HILLS
25 MUNICIPAL COURT. SHOULD HAVE COME THROUGH WITH THEIR --

26 MR. BARENS: WE HAVE GONE THROUGH THE FILE EXTENSIVELY
27 AND CAN FIND NO SUCH DOCUMENTS.

28 MR. WAPNER: WELL, I DON'T KNOW.

1 THE COURT: HAVE YOU GOT A COPY OF IT?
2 MR. WAPNER: I MIGHT.

3 THE COURT: WELL, IF YOU HAVE A COPY OF IT, GIVE IT
4 TO THEM. THANK YOU.

5 (AT 4:32 P.M. A RECESS WAS TAKEN UNTIL
6 TUESDAY, MARCH 17, 1987, AT 10:15 A.M.)
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