

COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

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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
3580 WILSHIRE BOULEVARD
ROOM 800
LOS ANGELES, CALIFORNIA 90010

FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME ⁶⁸ OF 101
(PAGES 10801 TO 10963, INCLUSIVE)

COPY

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WEST C

HON. LAURENCE J. RITTENBAND, JUDGE

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

NO. A-090435

REPORTERS' DAILY TRANSCRIPT
WEDNESDAY, MARCH 18, 1987
VOLUME 68

PAGES 10801 TO 10963 INCL.

APPEARANCES:

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

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

AND

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

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

ORIGINAL

1 SANTA MONICA, CALIFORNIA; WEDNESDAY, MARCH 18, 1987; 10:28 A.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE

3 (APPEARANCES AS NOTED ON TITLE PAGE
4 EXCEPT MR. CHIER IS NOT PRESENT.)
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6 (THE FOLLOWING PROCEEDINGS WERE HELD
7 IN CHAMBERS:)

8 THE COURT: ALL RIGHT, THE RECORD WILL SHOW WE ARE
9 PRESENT IN CHAMBERS.

10 MR. WAPNER: I WANT, I GUESS, IN ESSENCE, TO MAKE A MOTION
11 IN LIMINE AND HAVE SOME UNDERSTANDING WITH THE COURT ABOUT
12 WHAT IS PERMISSIBLE AND NOT PERMISSIBLE TO INQUIRE OF
13 MR. KARNY AS FAR AS THE ESLAMINIA THING.

14 AND I AM MOVING THE COURT THAT THERE BE NO INQUIRY
15 PERMITTED ABOUT THE FACT THAT HE HAS IMMUNITY ON EVEN ANOTHER
16 CASE, BECAUSE EVEN TO --

17 THE COURT: HAS HE IMMUNITY IN THIS CASE?

18 MR. WAPNER: YES.

19 THE COURT: WAS IMMUNITY GIVEN HIM IN THIS CASE WITH
20 THE UNDERSTANDING THAT HE TESTIFY IN THIS CASE?

21 MR. WAPNER: YES.

22 THE COURT: IT IS THE POSITION OF THE DEFENDANT, AS I
23 UNDERSTAND IT, IF HE IS GRANTED IMMUNITY THEY HAVE THE RIGHT
24 TO CROSS-EXAMINE HIM ABOUT IT.
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1 MR. WAPNER: THE PROBLEM THAT I SEE WITH THAT IS, THAT
2 INQUIRE ABOUT IMMUNITY IN THE OTHER CASE, WITHOUT MAKING IT
3 CLEAR TO THE JURY THAT THE OTHER ALSO INVOLVES MR. HUNT,
4 PRESENTS A GROSSLY DISTORTED PICTURE OF WHY IT IS THAT THIS
5 WITNESS CAME FORWARD AND WHAT HIS EXPOSURE WAS, VIS-A-VIS
6 MR. HUNT.

7 MR. BARENS: YOUR HONOR, TWO THINGS. ONE, WE HAVE A
8 BRIEF THAT MR. CHIER HAS WITH HIM THIS MORNING ON THIS VERY
9 TOPIC.

10 MR. CHIER IS PRESENTLY IN VAN NUYS, 109 AND IS
11 ON HIS WAY HERE. HE IS ABOUT TEN MINUTES BEHIND SCHEDULE,
12 FROM WHAT HE TOLD ME IN MY CAR THIS MORNING.

13 HE ACTUALLY WAS IN 105 AND 109 ON CRIMINAL MATTERS.

14 IT IS OUR CATEGORY (SIC) POSITION AND HAS BEEN
15 FROM THE START, WE WILL ASK HIM ABOUT THE GENESIS OF HIS
16 IMMUNITY DEAL.

17 AS WE UNDERSTAND THE TRANSACTION, IMMUNITY IN THIS
18 COURT IS KIND OF AN OFFSPRING OR SECONDARY TO THE IMMUNITY
19 GRANTED IN THE NORTHERN CALIFORNIA CASE --

20 THE COURT: HAS THERE BEEN AN IMMUNITY IN THIS CASE
21 GRANTED TO HIM OR WAS THERE AN IMMUNITY IN THE OTHER CASE,
22 THE ESLAMINIA CASE, WITH THE UNDERSTANDING THAT HE WOULD
23 TESTIFY IN THIS CASE TO THE FACTS IN THIS CASE?

24 MR. WAPNER: BOTH. HE FIRST WENT TO THE AUTHORITIES
25 PROSECUTING THE ESLAMINIA CASE. AND THEY SAID WELL, WE WILL
26 GIVE YOU IMMUNITY FOR THIS ESLAMINIA CASE AND WE WILL GIVE
27 YOU IMMUNITY FOR ANY PARTICIPATION YOU MAY HAVE IN THE LEVIN
28 CASE.

1 THE COURT: HOW CAN THEY GRANT HIM IMMUNITY FOR THAT?

2 MR. WAPNER: WELL, IN ESSENCE, THEY DID IT BECAUSE --

3 THE COURT: IT IS A FUTILE ACT. THEY CAN'T GRANT
4 IMMUNITY DOWN HERE TO A CASE THAT YOU HAVE.

5 MR. WAPNER: WELL, I GUESS TO THE EXTENT THE ATTORNEY
6 GENERAL HAS AUTHORITY TO PROSECUTE CASES THROUGHOUT THE STATE,
7 I MEAN, IF NOTHING ELSE --

8 THE COURT: IT WAS THE ATTORNEY GENERAL? I FORGOT ABOUT
9 THAT.

10 MR. WAPNER: IF NOTHING ELSE, ON AN ESTOPPEL THEORY,
11 WE WOULDN'T HAVE BEEN PERMITTED TO SAY WELL, TOO BAD, THEY
12 MADE YOU A PROMISE BUT WE ARE NOT GOING TO HONOR IT.

13 THE COURT: GO AHEAD. ACTUALLY, THE ATTORNEY GENERAL
14 GAVE HIM IMMUNITY IN THIS CASE, TOO?

15 MR. WAPNER: RIGHT. BUT WHAT HAPPENS THEN IS THAT HE
16 ALSO GOT A FORMAL GRANT OF IMMUNITY BY ORDER OF JUDGE LIGHT,
17 PRIOR TO HIS TESTIFYING AT THE PITTMAN PRELIMINARY HEARING
18 IN BEVERLY HILLS.

19 SO, ALTHOUGH IT WAS KIND OF A FAIT ACCOMPLI BY
20 THE TIME IT WAS DONE IN NORTHERN CALIFORNIA, HE ALSO HAS THE
21 FORMAL GRANT OF IMMUNITY IN THIS CASE.

22 THE COURT: ALL RIGHT. NOW, THE QUESTION IS, HAVE THEY
23 A RIGHT TO INQUIRE WHETHER OR NOT HE IS TESTIFYING IN THIS
24 CASE BECAUSE HE GOT IMMUNITY UP THERE.

25 I CAN UNDERSTAND IF HE GOT IMMUNITY HERE, YOU
26 COULD ASK HIM ABOUT THAT. BUT THE ONLY QUESTION IS, CAN YOU
27 QUESTION HIM ABOUT GETTING IMMUNITY IN THE OTHER CASE.

28 MR. BARENS: WELL, YOUR HONOR, WE ARE ABSOLUTELY GOING

1 TO DO THAT. I ABSOLUTELY INTEND TO DO THAT, YOUR HONOR.
2 I WILL TELL YOU WHY.

3 MR. WAPNER: YOU ARE GOING TO DO THAT, ASSUMING THAT
4 THE COURT PERMITS YOU.

5 MR. BARENS: WELL YOUR HONOR, IT GIVES -- WHEN WE WANT
6 TO TALK ABOUT A WHOLLY DISTORTED VIEW, THE ACCURATE VIEW OF
7 WHAT REALLY HAPPENED HERE IS, MR. KARNY MADE HIS DEAL WITH
8 THE PEOPLE UP NORTH AND SECONDARY TO THAT DEAL, AS AN
9 AFTERTHOUGHT, THE WAY IT TURNS OUT, THEY SAID WELL, THE WHOLE
10 FOCUS ON THE IMMUNITY TRANSACTION WAS TO IMMUNIZE HIM IN THE
11 ESLAMINIA THING.

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1 THE WHOLE REASON KARNY WENT TO THE AUTHORITIES --
2 HE DIDN'T GO TO LES ZOELLER. HE WENT TO OSCAR BREILING UP
3 THERE AND MADE AN IMMUNITY DEAL.

4 AS A SECONDARY THOUGHT IN THAT IMMUNITY DEAL, IT
5 WAS ONE OF THOSE, "WELL, YOU KNOW, WHILE WE ARE AT IT, WE WILL
6 GIVE YOU -- WE HAVE MADE OUR DEAL NOW, YOU ARE IMMUNIZED ON
7 THE ESLAMINIA DEAL AND NOW WE WILL ALSO GIVE YOU, FOR YOUR
8 TESTIMONY AGAINST HUNT DOWN IN L.A., WE WILL IMMUNIZE YOU DOWN
9 THERE AS WELL ON THE LEVIN DEAL TO THE EXTENT YOU HAVE
10 CULPABILITY."

11 THE JURY IS GOING TO HAVE A WHOLE DISTORTED VIEW
12 ABOUT MR. KARNY'S MOTIVATION ABOUT HIS TESTIMONY IF THEY ARE
13 NOT SHOWN THAT THE GENESIS, THAT WHOLE NEXUS THAT GIVES RISE
14 TO HIS SEEKING IMMUNITY RESTS ON THAT.

15 THE COURT: YOU SEE, HE IS NOT TESTIFYING UP THERE NOW.
16 HE IS TESTIFYING DOWN HERE AND HIS TESTIMONY HERE CAN BE
17 TAINTED OR INFLUENCED BY THE FACT THAT HE HAS BEEN GIVEN
18 IMMUNITY IN THIS CASE AND HE IS TESTIFYING FREELY WITH RESPECT
19 TO THE FACTS IN THIS CASE.

20 THE FACT THAT HE HAD RECEIVED IMMUNITY IN THIS
21 CASE, YOU HAVE THE RIGHT TO INQUIRE ABOUT. BUT THE FACT THAT
22 HE COLLATERALLY MIGHT HAVE BEEN GIVEN IMMUNITY IN THE CASE --
23 WHERE IS IT, SAN LUIS OBISPO?

24 MR. BARENS: SAN MATEO.

25 MR. WAPNER: SAN MATEO.

26 THE COURT: IN SAN MATEO COUNTY IS SUPERFLUOUS TO
27 CONSIDERATION HERE.

28 MR. BARENS: YOUR HONOR, THE WHOLE THING HISTORICALLY

1 IN IMPEACHING AN IMMUNIZED WITNESS GOES TO HIS BIAS AND MOTIVE.
2 HIS ENTIRE MOTIVE IN COMING FORWARD INVOLVED THE ESLAMINIA
3 CASE.

4 THE COURT: NO, NO. IT INVOLVES THIS CASE.

5 MR. WAPNER: ALSO, HIS ENTIRE MOTIVE IN COMING FORWARD
6 INVOLVED MR. HUNT AND THAT IS PART OF THE PROBLEM. THE TWO
7 CASES ARE SO INTERTWINED THAT IT IS IMPOSSIBLE TO SEPARATE
8 THEM.

9 SO ALL I AM SAYING IS THAT IF THEY WANT TO INQUIRE
10 ABOUT HIS IMMUNITY IN THE NORTHERN CALIFORNIA CASE, THEN IT
11 SHOULD BE CLEAR THAT IT WAS IMMUNITY TO TESTIFY AGAINST
12 MR. HUNT AND THREE OTHER PEOPLE.

13 MR. BARENS: I WILL HAVE TO TAKE THAT CHANCE, YOUR HONOR.

14 NOT THAT I AM SAYING THAT IT IS ACCURATE.

15 AND I DON'T WANT YOUR HONOR, IF YOU WOULD, PLEASE,
16 TO COME TO A CONCLUSION ON THIS UNTIL MR. CHIER ARRIVES WITH
17 OUR VERSION OF THE LAW.

18 THE COURT: NO, I WON'T.

19 MR. WAPNER: MAY WE THEN DEFER THIS? WE ARE JUST GOING
20 TO WASTE TIME IF WE ARE GOING TO DEFER IT UNTIL 1:30. LET'S
21 PUT IT OFF UNTIL 1:30 AND TELL THE JURORS TO COME IN AT
22 1:45, SOMETHING LIKE THAT.

23 THE COURT: ALL RIGHT. HOW LONG DO YOU ANTICIPATE THAT
24 THE DIRECT EXAMINATION WILL TAKE?

25 MR. WAPNER: IT WILL TAKE AT LEAST UNTIL NOON AND
26 PROBABLY --

27 THE COURT: I KNOW THAT. AND AFTER THAT, TOO?

28 MR. WAPNER: YES.

1 MR. BARENS: COULD I SPEAK TO SCHEDULING FOR ONE MINUTE
2 WHILE WE ARE HERE?

3 THE COURT: YES.

4 MR. BARENS: MR. WAPNER, YOU FIGURE IT WILL TAKE YOU
5 TO THE END OF TODAY TO FINISH YOUR DIRECT WITH MR. KARNY?

6 MR. WAPNER: PERHAPS. I JUST DON'T KNOW EXACTLY.
7 I DON'T KNOW. IF I COULD ESTIMATE, I WOULD. I JUST DON'T
8 KNOW.

9 MR. BARENS: BECAUSE, TO BE CANDID WITH EVERYBODY ABOUT
10 WHAT MY THOUGHTS ARE AT THIS POINT, I WAS HOPING I COULD
11 FINISH MR. KARNY BY TOMORROW AT THE END OF CROSS-EXAMINATION
12 AND REDIRECT, IF THAT IS POSSIBLE, AND I AM GOING TO TRY TO
13 MOVE ALONG TO MAKE IT POSSIBLE FOR THE REASON, REMEMBER, I
14 HAD TOLD YOUR HONOR THAT I NEEDED TWO WORKING DAYS HIATUS TO
15 START THE DEFENSE CASE. I HAD HOPED --

16 THE COURT: ARE YOU GOING TO BE FINISHED, ARE YOU GOING
17 TO REST AFTER KARNY'S TESTIMONY?

18 MR. WAPNER: I WILL REST AFTER KARNY, ALTHOUGH THERE
19 MAY BE A COUPLE OF MOP-UP THINGS THAT I AM HOPING I CAN GET
20 SOME STIPULATIONS ON.

21 MR. BARENS: BOY, I WILL SURE TRY TO DO THAT BECAUSE
22 WHAT I WOULD LIKE TO DO IS START ON TUESDAY, BECAUSE I AM GOING
23 TO TRY TO MOVE LIFE ALONG NOW.

24 THE COURT: LET'S SEE HOW WE GO, ALL RIGHT.

25 MR. BARENS: ALL RIGHT. NOW COULD I ASK THE COURT FOR
26 INDULGENCE FOR ABOUT UNTIL A QUARTER OF TO GIVE MR. CHIER A
27 CHANCE TO GET HERE?

28 THE COURT: WELL, YOU DON'T NEED HIM.

1 MR. BARENS: YOUR HONOR, TO BE QUITE CANDID WITH YOU,
2 I AM FEELING INHIBITED DURING THE MAIN PROSECUTION WITNESS,
3 NOT HAVING MR. CHIER IN THE COURTROOM, I WANT TO BE REAL
4 CAREFUL FOR A LOT OF DIFFERENT REASONS, JUDGE.

5 THE COURT: YOU WANT TO WAIT UNTIL QUARTER OF?

6 MR. BARENS: YES, AT LEAST.

7 THE COURT: TELL HER OUTSIDE QUARTER OF PROMPTLY, WE
8 ARE GOING TO CONVENE.

9 MR. WAPNER: BY QUARTER OF, I SHOULD HAVE THE WITNESS
10 ON THE STAND BEFORE THE JURY COMES IN?

11 THE COURT: YES, THAT'S RIGHT.

12 MR. BARENS: YOUR HONOR, WILL RECALL I ASKED IF YOUR
13 HONOR WOULDN'T MIND STAYING ON THE BENCH UNTIL --

14 THE COURT: I WILL DO THAT.

15 MR. BARENS: THANK YOU, YOUR HONOR.

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1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 IN OPEN COURT IN THE PRESENCE AND
3 HEARING OF THE JURY, WITH MR. CHIER NOT
4 BEING PRESENT:)

5 THE COURT: ALL RIGHT. GOOD MORNING, LADIES AND
6 GENTLEMEN. LET'S PROCEED.

7 MR. WAPNER: THANK YOU.

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

12
13 DIRECT EXAMINATION (CONTINUED)

14 BY MR. WAPNER:

15 Q MR. KARNY, JUST AS FAR AS SOME OF THE CHRONOLOGY
16 FROM YESTERDAY IS CONCERNED, WHEN DID YOU GRADUATE FROM
17 HIGH SCHOOL?

18 A 1977.

19 Q IN JUNE?

20 A JUNE.

21 Q AND YOU STARTED UCLA IN THAT FALL?

22 A SEPTEMBER, 1977/78, THE SAME YEAR.

23 Q OKAY. AND WHEN DID YOU GRADUATE FROM UCLA?

24 A DECEMBER, 1980.

25 Q SO IT TOOK YOU LESS THAN THE FULL FOUR YEARS
26 TO FINISH?

27 A THREE AND A HALF.

28 Q IT WAS ALSO AT THE END OF 1980, THAT MR. HUNT

1 WENT TO CHICAGO TO TRADE COMMODITIES, RIGHT?

2 A THAT'S RIGHT.

3 Q DURING THE TIME THAT HE WAS IN CHICAGO, WOULD
4 YOU SPEAK TO HIM ON THE PHONE?

5 A YES, I DID.

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1 Q AND WHAT KIND OF FRIENDSHIP DID YOU HAVE WITH
2 HIM WHEN HE WAS IN CHICAGO AND YOU WERE COMMUNICATING LONG
3 DISTANCE?

4 A IT WAS A CLOSE FRIENDSHIP.

5 Q AND HE WOULD COME PERIODICALLY TO LOS ANGELES?

6 A YES, THAT'S RIGHT.

7 Q ALSO, DID YOU AND BEN DOSTI GO WITH HIM ON A
8 TRIP TO NEW YORK AT SOME POINT?

9 A YES, WE DID.

10 Q AND THAT IS WHILE HE WAS IN CHICAGO?

11 A THAT'S RIGHT.

12 Q WAS THAT AFTER YOU HAD GRADUATED FROM UCLA?

13 A IT WAS JUST AFTER -- IT WAS THE WINTER VACATION
14 OF 1980.

15 Q AND DID MR. HUNT PAY FOR THAT TRIP?

16 A YEAH, HE DID.

17 Q FOR YOU AND MR. DOSTI?

18 A AND RONALD PARDOVITCH ALSO.

19 Q JUST COINCIDENTALLY, WHERE DID YOU STAY, THE
20 FOUR OF YOU STAY WHEN YOU WERE IN NEW YORK?

21 A WE STAYED AT THE PLAZA HOTEL.

22 Q HOW LONG WERE YOU THERE?

23 A ABOUT FOUR DAYS.

24 Q AND MR. HUNT WAS IN CHICAGO ALL DURING THE YEAR
25 OF 1981?

26 A THAT'S RIGHT.

27 Q I MEAN HE WAS LIVING THERE THEN?

28 A AS FAR AS I KNEW, YEAH.

1 Q AND DID YOU START LAW SCHOOL AT SOME POINT?

2 A YES, I DID.

3 Q WHEN WAS THAT?

4 A AUGUST OF 1981.

5 Q AND IN THE WINTER OF 1981, DID YOU TAKE A SKI
6 TRIP?

7 A YEAH, WINTER '81, THAT'S RIGHT.

8 Q AND DO YOU REMEMBER WHEN THAT WAS? WAS IT
9 NOVEMBER, DECEMBER OR WAS IT INTO JANUARY OF THE NEXT YEAR?

10 A IT WAS DURING THE SEMESTER BREAK. I THINK IT
11 WAS IN DECEMBER AND IT MIGHT HAVE CARRIED OVER PAST THE NEW
12 YEAR. I THINK THIS WAS IN DECEMBER.

13 Q WHO WENT ON THE SKI TRIP WITH YOU?

14 A BEN DOSTI WENT. EVAN DICKER WENT. RONALD
15 PARDOVITCH, JOE AND MYSELF.

16 Q NOW, HOW WAS IT THAT EVAN DICKER CAME TO GO ON
17 THIS SKI TRIP?

18 A HE WAS FRIENDS OF BEN AND MYSELF AND WE, FIRST
19 OF ALL, WE WANTED -- WE WANTED HIM TO MEET JOE BECAUSE WE
20 THOUGHT THAT JOE WOULD LIKE HIM AND ALSO, I THINK WE WANTED
21 HIM TO HELP DEFRAY THE EXPENSES ON THE TRIP.

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1 Q HOW HAD YOU MET EVAN DICKER?

2 A HE WAS INTRODUCED TO ME BY BEN DOSTI. I WAS
3 HIS TENNIS TEACHER.

4 Q YOU WERE GIVING EVAN DICKER TENNIS LESSONS?

5 A THAT'S RIGHT.

6 Q WERE YOU THE ONE WHO INTRODUCED MR. DICKER TO
7 MR. HUNT?

8 A I DON'T RECALL IF IT WAS BEN OR MYSELF.

9 Q NOW, AT THE TIME THAT YOU WENT ON THIS SKI TRIP,
10 WERE YOU HAVING ANY PARTICULAR PERSONAL PROBLEMS?

11 A YES. I WAS.

12 Q WHAT KIND OF PERSONAL PROBLEMS?

13 A A GIRLFRIEND THAT I HAD BEEN SEEING FOR A LONG
14 TIME, HAD BROKEN UP WITH ME AND I WAS HAVING A VERY HARD
15 TIME.

16 Q AND WERE THERE ANY PHYSICAL MANIFESTATIONS OF
17 THOSE EMOTIONAL PROBLEMS?

18 A YES.

19 Q WHAT WERE THEY?

20 A I USED TO THROW UP A LOT, EVERY TIME I SAW HER
21 OR THOUGHT ABOUT HER.

22 Q AND WHEN YOU WENT ON THIS SKI TRIP, DID YOU TALK
23 TO SOMEBODY ABOUT YOUR PROBLEMS?

24 A YES, I DID.

25 Q WHO DID YOU TALK TO?

26 A I TALKED TO JOE ABOUT IT.

27 Q AND HOW MANY DAYS WERE YOU GONE ON THIS SKI TRIP?

28 A I THINK ABOUT FOUR DAYS.

1 Q OF THE FOUR DAYS, DID YOU SKI ALL FOUR DAYS?

2 A NO.

3 Q WHAT DID YOU DO THE OTHER TIME?

4 A I WENT FOR WALKS IN THE SNOW AND PLAYED VIDEO
5 GAMES WITH JOE.

6 Q DID HE HELP YOU WITH YOUR PROBLEMS WITH THIS
7 WOMAN?

8 A YES.

9 Q GETTING OVER IT?

10 A YES.

11 Q AND AS A RESULT OF TALKING TO HIM -- WELL, AS
12 A RESULT OF TALKING TO HIM ABOUT THOSE PROBLEMS, WHAT
13 HAPPENED?

14 A I STARTED TO FEEL A LOT BETTER AND I STOPPED
15 HAVING STRONG PHYSICAL REACTIONS.

16 Q WAS HE TALKING TO YOU -- WHAT DID HE TELL YOU
17 SPECIFICALLY ABOUT WHAT IT WAS THAT MIGHT HAVE BEEN CAUSING
18 YOU THE PROBLEM?

19 A HE TOLD ME THAT BECAUSE OF MY PERSONALITY, THAT
20 I HAD BUILT UP A FEELING THAT I NEEDED THIS GIRL'S ACCEPTANCE
21 AND ADMIRATION IN ORDER TO FEEL LIKE A COMPLETE PERSON.

22 AND THEN HE EXPLAINED TO ME ALL OF THE PROBLEMS
23 THAT SHE HAD AND HE CRITICALLY DISSECTED HER. AND AFTER
24 THAT, I DIDN'T FEEL THAT I NEEDED HER ANYMORE.

25 Q AFTER THAT, DID SOMEONE APPEAR TO YOU TO TAKE
26 HER PLACE IN TERMS OF THE NEED THAT SHE PROVIDED IN YOUR
27 LIFE?

28 A WELL, NOT REALLY AT THE TIME.

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1 Q AT SOME TIME AFTER THAT?

2 A WELL, AS I LOOK BACK ON IT NOW, IT SEEMS PRETTY
3 CLEAR TO ME THAT THE ACCEPTANCE AND ADMIRATION THAT I NEEDED,
4 WAS SUPPLIED BY JOE AFTER THAT.

5 Q AS OPPOSED TO THE GIRLFRIEND BEFORE?

6 A THAT'S RIGHT.

7 Q AFTER THE SKI TRIP -- WELL, ON THIS SKI TRIP,
8 DID HE TALK TO YOU ABOUT THIS RELATIONSHIP IN KIND OF
9 GENERAL, PHILOSOPHICAL TERMS?

10 A I DON'T REALLY FOLLOW YOUR QUESTION.
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1 Q LET ME ASK YOU ONE OTHER THING: WHEN YOU GOT BACK
2 FROM THE SKI TRIP, DID YOU GO SOMEWHERE ELSE WITH MR. HUNT?

3 A YES.

4 Q WHERE DID YOU GO?

5 A WE WENT TO MIAMI, FLORIDA.

6 Q WHO WENT?

7 A JUST JOE AND I.

8 Q AND WHAT WAS THE PURPOSE OF YOUR GOING TO FLORIDA?

9 A WE WENT TO SPEND TIME WITH A GUY NAMED STANLEY
10 BLICKER.

11 Q WHO WAS HE?

12 A HE WAS A FRIEND OF MY PARENTS AND HE WAS ALSO --
13 HE AND HIS FRIENDS IN CANADA WERE INVESTORS WITH JOE.

14 Q THEY HAD GIVEN MR. HUNT MONEY TO TRADE COMMODITIES
15 IN CHICAGO?

16 A THAT'S RIGHT.

17 Q APPROXIMATELY HOW MUCH, AS A GROUP?

18 A ABOUT \$250,000.

19 Q SO BETWEEN THE MONEY THAT YOUR PARENTS GAVE HIM
20 AND DR. BLICKER AND HIS FRIENDS GAVE HIM, THAT IS ABOUT
21 \$400,000?

22 A SOMETHING LIKE THAT.

23 Q AND WHEN YOU WENT TO FLORIDA TO TALK TO DR. BLICKER
24 AND TO STAY IN FLORIDA, DID YOU HAVE SOME DISCUSSIONS,
25 CONTINUED DISCUSSIONS WITH MR. HUNT ABOUT THE RELATIONSHIP
26 WITH THE GIRLFRIEND?

27 A YES.

28 Q DID THOSE ALSO EVOLVE IN SOME GENERAL

1 PHILOSOPHICAL DISCUSSIONS?

2 A YES, THEY DID.

3 Q DID HE TALK TO YOU AT THAT TIME IN FLORIDA ABOUT
4 SOMETHING CALLED PARADOX PHILOSOPHY?

5 A YES.

6 Q CAN YOU TELL US HOW IT WAS THAT THAT FIRST CAME
7 UP AND WHAT THE CONTEXT WAS?

8 A IT FIRST CAME UP BY JOE'S EXPLANATION OF AN
9 EXAMPLE.

10 WE WERE TALKING ABOUT -- SOME MORE ABOUT MY
11 RELATIONSHIP WITH THIS GIRLFRIEND AND I WAS -- I WAS STILL
12 HURTING OVER THAT SITUATION AND WHAT HE DID IS, HE GOT ME TO
13 STEP BACK AND LOOK AT THE RELATIONSHIPS BETWEEN MALES AND
14 FEMALES FROM A MUCH DIFFERENT AND LARGER PERSPECTIVE.

15 Q WHAT DID HE SAY?

16 MR. BARENS: OBJECTION AS TO RELEVANCY AS TO RELATIONS
17 BETWEEN BOYS AND GIRLS.

18 MR. WAPNER: ONLY AS IT RELATES TO THE GENESIS OF THE
19 EXPLANATION OF -- THIS IS HOW THE WHOLE EXPLANATION OF THE
20 PARADOX PHILOSOPHY FIRST GOT STARTED.

21 THE COURT: ALL RIGHT, OVERRULED. GO AHEAD. SUBJECT
22 TO A MOTION TO STRIKE.

23 MR. BARENS: THANK YOU.

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

25 A ANYWAY, HE EXPLAINED SOME SORT OF WHAT APPEARED
26 TO BE SCIENTIFIC THEORIES ABOUT THE EVOLUTION OF THE SPECIES
27 AND GENETIC PROGRAMMING AND HE EXPLAINED SOME OF THE -- SOME
28 OF THE THINGS THAT HAVE GONE ON IN MY PERSONAL RELATIONSHIPS

1 FROM THIS LARGER PERSPECTIVE, SO I FELT THAT I UNDERSTOOD THEM
2 FROM A MORE HUMAN ASPECT AND MY PARTICULAR PROBLEMS FELT AND
3 SEEMED MORE MINUSCULE, MORE JUST PART OF EVERYTHING ELSE THAT
4 WAS GOING ON.

5 AND THIS EXAMPLE OF SHIFTING THE FOCUS FROM A
6 PARTICULAR THING OR YOUR FOCUS ON IT, LIKE THIS RELATIONSHIP,
7 TO FOCUS ON THE RELATIONSHIPS THROUGH THE EYE OF HISTORY AND
8 EVOLUTION WAS SOMETHING THAT HE REFERRED TO ME AS AN EXAMPLE
9 OF WHAT LATER WE CALLED THE PARADOX PHILOSOPHY, WHICH WAS THE
10 IDEA THAT BY REORIENTING YOUR PERSPECTIVE ON SOMETHING, YOU
11 CAN HAVE A TOTALLY DIFFERENT RESULT IN THE WAY YOU ANALYZE
12 IT.

13 AT FIRST, I WAS FEELING GREAT -- GREAT PAIN WHEN
14 I THOUGHT OF THIS RELATIONSHIP AND THEN ONCE I LOOKED AT IT
15 FROM A DIFFERENT POINT OF VIEW, I JUST SAW IT AS PART OF
16 EVERYTHING ELSE THAT WAS GOING ON, PART OF THE WHOLE HUMAN
17 CONDITION.

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1 Q DID HE GIVE YOU ANY OTHER EXAMPLES OF -- DID
2 HE USE THE WORDS "PARADOX PHILOSOPHY" AT THAT TIME DURING
3 THAT WEEK THAT YOU WERE IN FLORIDA?

4 A YES.

5 Q DID HE GIVE YOU AN EXAMPLE OF THAT?

6 A WELL, FROM THAT DISCUSSION ON THE SUBJECT OF
7 MALE AND FEMALE RELATIONSHIPS AND HOW IT RELATED TO MY OWN
8 PERSONAL SITUATION, I BELIEVE THAT I ANSWERED, "GEE, DEPENDING
9 UPON HOW YOU LOOK AT IT, I FEEL SO MUCH BETTER."

10 Q WHAT DID HE SAY?

11 A HE RESPONDED SOMETHING TO THE EFFECT THAT IT
12 IS JUST LIKE TURNING BLACK INTO WHITE AND WHITE INTO BLACK,
13 WHICH IS A PARADOX.

14 Q WAS THAT THE FIRST TIME THAT YOU HAD HEARD HIM
15 USE THAT PHRASE, "TURN WHITE INTO BLACK AND BLACK INTO WHITE"?

16 A YES.

17 Q DID HE EXPAND UPON THAT?

18 A HE EXPANDED ON IT TO THE EXTENT OF SAYING THAT
19 JUST LIKE HE HAD DEMONSTRATED IN THIS ONE EXAMPLE RELATED
20 TO MY LIFE, HOW THIS PARADOX ANALYSIS WORKS.

21 HE SAID THAT THAT TYPE OF ANALYSIS AND THINKING
22 PROCESS COULD BE USED, AS YOU THOUGHT ABOUT ANYTHING, THAT
23 IT WAS A UNIFIED PHILOSOPHY AND A UNIFIED POINT OF VIEW THAT
24 COULD BE APPLIED TO ANY SITUATION.

25 Q AND IN THAT SITUATION, BLACK WOULD BE WHITE AND
26 WHITE WOULD BE BLACK?

27 A THAT IS SORT OF THE CATCH PHRASE. BUT IT MEANT
28 THAT THROUGH CHANGING YOUR FOCUS ON A PARTICULAR SITUATION,

1 CHANGING YOUR PERSPECTIVE, YOU COULD SEE IT COMPLETELY A
2 DIFFERENT WAY.

3 Q HOW LONG WERE YOU IN FLORIDA ALTOGETHER?

4 A ABOUT A WEEK.

5 Q AND AFTER THAT WEEK, DID YOU GO BACK TO LOS
6 ANGELES?

7 A YES.

8 Q ALL RIGHT. AND DID HE GO BACK TO CHICAGO, AS
9 FAR AS YOU KNOW?

10 A YES.

11 Q ALL RIGHT. HOW LONG DID JOE HUNT STAY IN CHICAGO
12 BEFORE YOU HEARD THAT HE HAD SOME PROBLEMS WITH THE
13 COMMODITIES EXCHANGE?

14 A I THINK IT WAS A FEW MONTHS, ABOUT MARCH OR APRIL.
15 I AM NOT POSITIVE, THOUGH.

16 (MR. CHIER ENTERS THE COURTROOM.)

17 Q BY MR. WAPNER: OF 1982?

18 A OF 19 --

19 Q '82 OR '81?

20 A EXCUSE ME. WE WENT TO --

21 Q THE SKI TRIP WAS AT THE END OF 1981. THEN THIS
22 WOULD BE MARCH OR APRIL OF THE NEXT YEAR?

23 A OF THE NEXT YEAR, THAT'S RIGHT.

24 Q IT WOULD BE '82?

25 A THAT'S RIGHT.

26 Q OKAY. AND AS A RESULT OF SOME OF THOSE PROBLEMS
27 THAT HE HAD IN CHICAGO WITH THE TRADING OF COMMODITIES, DID
28 SOMEBODY ELSE GO BACK TO CHICAGO?

1 A YES, BEN DOSTI.

2 Q HOW DID IT COME ABOUT THAT IT WAS MR. DOSTI WHO
3 WAS THE ONE WHO WAS TO GO BACK TO CHICAGO?

4 A WELL, THE PURPOSE THAT HE WENT TO CHICAGO FOR,
5 WAS TO TRADE COMMODITIES AND HE WAS THE ONLY ONE BESIDES
6 JOE, WHO REALLY KNEW ANYTHING ABOUT IT.

7 Q HAD YOU HAD ANY TRAINING OR EXPERIENCE WITH THE
8 TRADING OF COMMODITIES BEFORE THAT?

9 A NO.

10 Q HAD MR. DOSTI, TO YOUR KNOWLEDGE?

11 A YEAH. HE HAD TRADED STOCK OPTIONS WHEN HE WAS
12 IN COLLEGE ON HIS OWN AND HE ALSO READ THE FINANCIAL PAGES
13 AND HE WAS VERY CONVERSANT.

14 Q AND SO, MR. DOSTI WENT -- WAS THERE ANY MORE
15 MONEY RAISED FOR TRADING WHEN MR. DOSTI WENT BACK TO
16 CHICAGO?

17 A YES.

18 Q HOW MUCH? AND FROM WHOM?

19 A WELL, THE MONEY THAT I KNOW OF IS, I THINK ABOUT
20 \$30,000 MORE FROM MY PARENTS AND ABOUT \$50,000 MORE FROM
21 THE FRIENDS OF DR. BLICKER, DR. BLICKER IN CANADA.

22 Q HOW WAS IT THAT YOUR PARENTS CAME TO INVEST MORE
23 MONEY?

24 A WELL, THEY STILL BELIEVED IN JOE'S ABILITY TO
25 MAKE MONEY AND IN HIS SINCERITY AND IN HIS INTENTIONS TO
26 PAY BACK WHAT HAD ALREADY BEEN LOST.

27 IT WAS A QUESTION OF GIVING HIM ANOTHER CHANCE
28 TO GET STARTED.

1 Q SO, \$30,000 FROM YOUR PARENTS AND ANY MONEY FROM
2 ANY OTHER SOURCES?

3 THE COURT: YOU MENTIONED ANOTHER FIFTY, DIDN'T YOU?

4 THE WITNESS: I ALSO MENTIONED THE MONEY FROM THE
5 CANADIAN PEOPLE, WHICH WAS ABOUT 50,000.

6 Q BY MR. WAPNER: AND WHAT WAS YOUR UNDERSTANDING
7 IN TERMS OF MR. DOSTI GOING BACK TO CHICAGO, HOW THE TRADING
8 WAS GOING TO BE DONE?

9 A BEN WAS GOING TO RENT A SEAT ON THE FLOOR OF
10 THE EXCHANGE AND ACTUALLY DO THE PHYSICAL TRADING. AND HE
11 WAS GOING TO BE IN CONSTANT PHONE CONTACT WITH JOE, WHO WOULD
12 BE AT HOME WATCHING A QUOTRON MACHINE.

13 AND AT ONE TIME, I WENT AND VISITED THEM DURING
14 THAT PERIOD IN CHICAGO AND THAT IS WHAT HAPPENED.

15 Q ALL RIGHT. SO, JOE HUNT WAS CALLING THE SHOTS
16 IN TERMS OF WHAT TRADES WERE TO BE MADE AND BEN DOSTI WAS
17 EXECUTING THEM?

18 A THAT'S RIGHT.

19 Q AND HOW LONG DID MR. HUNT AND MR. DOSTI STAY
20 BACK IN CHICAGO TOGETHER?

21 A I THINK ABOUT FIVE MONTHS.
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1 Q AND DID THEY COME BACK TO LOS ANGELES TOGETHER?

2 A NO.

3 Q WHO CAME BACK FIRST?

4 A BEN CAME BACK FIRST.

5 Q AND DURING THE TIME AFTER FLORIDA, WHILE JOE HUNT
6 WAS IN CHICAGO, DID YOU CONTINUE TO BE FRIENDLY WITH HIM AND
7 TALK TO HIM ON THE TELEPHONE?

8 A YES.

9 Q HOW OFTEN WOULD YOU TALK TO HIM DURING THAT PERIOD?

10 A I TALKED TO HIM A LOT, STARTING MOSTLY IN THE --
11 MOSTLY IN THE SUMMER OF 1982, WE STARTED TO TALK ALMOST EVERY
12 NIGHT ON THE PHONE.

13 Q AND EVERY NIGHT BEING ALMOST SEVEN NIGHTS A WEEK?

14 A JUST ABOUT.

15 Q AND WELL, WHEN MR. DOSTI CAME BACK TO LOS ANGELES,
16 WAS JOE HUNT STILL TRADING COMMODITIES IN CHICAGO, DO YOU KNOW?

17 A NO.

18 Q WHAT WAS GOING ON AT THAT TIME?

19 A I AM NOT EXACTLY SURE WHAT WAS GOING ON AT THAT
20 TIME, BUT BY THAT TIME BOTH JOE AND BEN HAD BEEN SUSPENDED
21 FROM TRADING.

22 Q WHAT HAPPENED WITH THE ADDITIONAL MONEY THAT YOUR
23 PARENTS AND THE PEOPLE FROM CANADA HAD PUT IN?

24 A IT WAS LOST ALSO.

25 Q WHEN DID JOE HUNT COME BACK TO LOS ANGELES?

26 A RIGHT NEAR THE END OF 1982 AND --

27 Q WHERE WERE YOU LIVING WHEN HE CAME BACK TO
28 LOS ANGELES?

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1 A I WAS LIVING IN A CONDOMINIUM IN ENCINO.

2 Q WAS THAT A CONDOMINIUM THAT WAS OWNED BY YOUR
3 PARENTS AND THEY WERE ALLOWING YOU TO LIVE THERE?

4 A MY DAD HAD BUILT IT AND IT WASN'T OCCUPIED, SO
5 I WAS SORT OF KEEPING AN EYE ON THE PLACE AND LIVING THERE.

6 Q AND WHEN MR. HUNT CAME BACK TO LOS ANGELES AT THE
7 END OF 1982, WHERE DID HE LIVE?

8 A HE LIVED WITH ME.

9 Q IN THE CONDO?

10 A THAT'S RIGHT.

11 Q HOW MUCH MONEY DID HE HAVE IN HIS POCKET WHEN HE
12 CAME BACK TO LOS ANGELES AT THE END OF 1982?

13 A HE SAID THAT HE HAD ABOUT FOUR DOLLARS.

14 Q AND WHEN HE CAME BACK TO LOS ANGELES, WHAT
15 HAPPENED -- WELL, STRIKE THAT.

16 WHEN HE LEFT TO GO TO CHICAGO, THE IDEA WAS THAT
17 HE WAS GOING TO RAISE MONEY SO YOU COULD START THIS GROUP OF
18 PEOPLE WITH A COMMON PHILOSOPHY, CORRECT?

19 A THAT'S RIGHT.

20 Q WHAT HAPPENED TO THAT IDEA WHEN HE CAME BACK TO
21 LOS ANGELES AT THE END OF 1982?

22 A WELL, THE IDEA WAS THAT THE GROUP SHOULD BE
23 STARTED IN A DIFFERENT WAY.

24 RATHER THAN HAVING THE FINANCING FOR IT BEFOREHAND,
25 IT SHOULD BE STARTED MERELY BY THE EFFORTS AND ENERGY OF THE
26 PEOPLE INVOLVED AND THAT AS LONG AS WE TRIED HARD ENOUGH AND
27 WE DEVOTED OUR ENERGIES TO WHAT WE WERE TRYING TO DO, THE
28 THINGS WE WERE TRYING TO ACHIEVE WOULD CRYSTALIZE AROUND US.

1 Q WHEN HE CAME BACK FROM CHICAGO, WHAT WAS HIS
2 EMOTIONAL STATE?

3 MR. BARENS: OBJECTION. THERE ARE NO QUALIFICATIONS
4 FOR THIS WITNESS TO TESTIFY ABOUT ANYBODY'S EMOTIONAL STATE,
5 EXCEPT HIS OWN.

6 THE COURT: I WILL SUSTAIN THE OBJECTION.

7 Q BY MR. WAPNER: DID HE APPEAR TO BE DOWN WHEN HE
8 GOT BACK FROM CHICAGO?

9 MR. BARENS: OBJECTION. CALLS FOR A CONCLUSION BY THE
10 WITNESS.

11 THE COURT: OVERRULED.

12 THE WITNESS: YEAH, HE WAS A LITTLE DOWN.

13 Q BY MR. WAPNER: AND THIS IDEA OF STARTING THE GROUP
14 IN A DIFFERENT WAY, WHOSE IDEA WAS THAT?

15 A WE DISCUSSED IT TOGETHER.

16 I WAS VERY INTERESTED IN HAVING THIS GROUP
17 CONTINUE AS WELL.

18 Q DID YOU EVER HAVE ANY DISCUSSIONS WITH HIM WHEN
19 HE FIRST CAME BACK FROM CHICAGO ABOUT THE IDEA THAT MAYBE YOU
20 WERE JUST GOING TO HAVE TO GIVE UP ON THIS WHOLE GROUP
21 ALTOGETHER BECAUSE HE LOST THE MONEY IN CHICAGO?

22 A WE TALKED ABOUT THAT POSSIBILITY.

23 BUT THROUGH OUR DISCUSSION, WE DECIDED THAT WE
24 WANTED TO GIVE IT A TRY.

25 Q AND AFTER HAVING THAT DISCUSSION, WHAT DID YOU
26 DO IN ORDER TO TRY AND GET THIS GROUP STARTED?

27 A WE TRIED TO GET A GROUP OF PEOPLE INVOLVED AND
28 PARTICIPATING SO THAT DIFFERENT SORT OF ABILITIES AND

4
1 RESOURCES WOULD BE SURROUNDING US AS A CORE AND THAT WAS
2 SUPPOSED TO BE THE STARTING POINT.

3 Q HOW DID YOU GO ABOUT DOING THAT IN PRACTICAL
4 REALITY?

5 A IN PRACTICAL REALITY, WE SOCIALIZED. WE WENT OUT.
6 WE MET PEOPLE. BEN AND I AND RONALD BROUGHT OUR FRIENDS
7 AROUND AND WE TRIED TO EXPOSE AS MANY PEOPLE TO JOE AS POSSIBLE.

8 Q AND IN POINT OF TIME, WHEN WAS THIS?

9 A THIS WAS THE BEGINNING OF 1983 AND THE END OF 1982,
10 AND AS I RECALL, AND CONTINUED THEREAFTER.

11 Q DID YOU DEVELOP ANY NAME -- DID YOU DECIDE ON
12 ANY NAME FOR THIS GROUP?

13 A YES, WE DID.
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1 Q WHO MADE THAT DECISION?

2 A IT IS SOMETHING THAT BEN AND JOE AND I DECIDED.

3 Q SPEAKING OF WHICH, AT THE TIME YOU WERE DECIDING
4 TO FORM THIS GROUP, WAS BEN DOSTI INVOLVED IN THE DISCUSSIONS,
5 ALONG WITH YOU AND THE DEFENDANT?

6 A YES.

7 Q AND WHAT WAS THE NAME THAT YOU AND THE DEFENDANT
8 AND BEN DOSTI SETTLED ON FOR THIS GROUP?

9 A WE WERE GOING TO CALL IT THE BBC.

10 Q AND WHERE DID THAT NAME COME FROM?

11 A IT WAS THE NAME OF A BAR AND NIGHTCLUB IN CHICAGO
12 THAT JOE USED TO GO TO SOMETIMES.

13 Q DID THOSE INITIALS ACTUALLY STAND FOR THE NAME
14 OF THIS CLUB?

15 A THAT'S RIGHT.

16 Q WHAT WAS THE NAME OF THE CLUB?

17 A IT WAS CALLED THE BOMBAY BICYCLE CLUB.

18 Q AND IN SOCIALIZING WITH PEOPLE, IN GETTING PEOPLE
19 TO BE PART OF THIS GROUP, HOW MANY PEOPLE DID YOU START TO
20 GET INVOLVED BY THE BEGINNING OF 1983?

21 A AS I RECALL, ABOUT TEN OR SO.

22 Q AND THESE PEOPLE, DID YOU HAVE ANY KIND OF A
23 MEETING OR FORMALIZED OPENING OF THIS GROUP AT THAT TIME?

24 A WELL, WE CONSIDERED OURSELVES A GROUP BEFORE
25 WE EVER HAD A MEETING.

26 BUT, THERE WAS ONE PARTICULAR MEETING WHERE WE
27 FORMALIZED SOME THINGS.

28 Q WHEN WAS THAT?

1 A I THINK SOMETIME IN EARLY 1983.

2 Q ALL RIGHT. AND WHERE WAS IT?

3 A IT WAS AT THE CONDOMINIUM WHERE WE LIVED.

4 Q WHAT HAPPENED AT THAT MEETING?

5 A WELL, THE GROUP OF US SAT AROUND A TABLE, A COUCH
6 AND WE DISTRIBUTED SOME LITTLE BOOKLETS THAT HAD ALL KINDS
7 OF PHRASES AND ORGANIZATIONAL CHARTS AND SOME DETAILS ABOUT
8 THE BBC, AS IT WAS SUPPOSED TO BE ORGANIZED.

9 Q WHO WAS AT THE MEETING AT THAT TIME, DO YOU
10 REMEMBER?

11 A WELL, JOE AND BEN AND I WERE THERE. I THINK
12 EVAN WAS THERE. CARY BREN WAS THERE. ALEX GAON WAS THERE.

13 MICKEY FINE WAS THERE. TOM AND DAVE MAY WERE
14 THERE. AND I DON'T REALLY REMEMBER WHO ELSE.

15 Q SHOWING YOU A DOCUMENT WE HAVE PREVIOUSLY MARKED
16 AS 182 FOR IDENTIFICATION, DO YOU RECOGNIZE THAT?

17 A YES. I RECOGNIZE THAT.

18 Q WHAT IS IT?

19 A THIS IS AT LEAST PART OF THAT BOOKLET THAT WAS
20 DISTRIBUTED, ALTHOUGH THIS IS A VERSION THAT WAS TYPED LATER
21 ON.

22 Q THE INITIAL BOOKLET -- WELL, STRIKE THAT.
23 IS THE INFORMATION THAT IS OBTAINED IN THAT
24 DOCUMENT 182, INFORMATION THAT WAS IN THE ORIGINAL BOOKLET
25 THAT WAS PASSED OUT AT THE MEETING?

26 A YEAH, IT SEEMS TO BE IDENTICAL.

27 Q AND WHO WROTE THAT DOCUMENT?

28 A MOSTLY JOE AND I HELPED WITH SOME OF IT.

1 Q WHERE DID THE IDEAS COME FROM THAT ARE CONTAINED
2 IN THAT DOCUMENT?

3 A THEY CAME FROM JOE.

4 Q ALL RIGHT. AND THERE IS A PAGE ON THERE THAT
5 SAYS "OBJECTIVES OF THE BBC"?

6 A RIGHT.

7 Q AND WAS THERE SOME PHILOSOPHY THAT WAS TO KIND
8 OF HOLD THIS GROUP TOGETHER?

9 A YES.

10 Q WHAT WAS THAT?

11 A PARADOX PHILOSOPHY.

12 Q AND HAD JOE HUNT CONTINUED TO TALK TO YOU ABOUT
13 PARADOX PHILOSOPHY FROM THE TIME THAT HE INITIALLY MENTIONED
14 IT IN FLORIDA, UP UNTIL THE TIME OF THE MEETING?

15 A YES.

16 Q AND THE STRUCTURE THAT IS CONTAINED IN THIS
17 HANDBOOK, THAT HAS TO DO WITH SHADES AND CELLS AND THORAXES
18 AND AXIS, WHO CAME UP WITH THAT?

19 A JOE AND I DISCUSSED IT. IT CAME UP IN THE COURSE
20 OF A DISCUSSION THAT WE HAD. SO, I GUESS JOE AND I DID.

21 Q AND WHAT WAS TO BE THE FUNCTION OF PARADOX
22 PHILOSOPHY IN THIS GROUP?

23 A PARADOX PHILOSOPHY WAS SUPPOSED TO BE THE UNDER-
24 LYING PHILOSOPHY OF SUCH A GROUP, SORT OF THE FLUID THAT
25 BOUND THE GROUP TOGETHER.

26 Q WAS THAT DISCUSSED AT THIS FIRST MEETING THAT
27 YOU HAD IN MARCH OF 1983 -- EXCUSE ME, EARLY IN 1983?

28 A YES.

1 Q AND WERE THERE ANY DECISIONS MADE AT THAT TIME
2 ABOUT WHETHER THE GROUP WAS GOING TO DO ANYTHING FROM THAT
3 MEETING FORWARD?

4 A YES. THERE WERE. ONE OF THE MOST IMPORTANT
5 PURPOSES OF THAT MEETING, WAS TO MOTIVATE PEOPLE TO BRING
6 THEIR ENERGY, THEIR TIME AND RESOURCES AVAILABLE TO THEM
7 TO THE GROUP SO THAT WE COULD GET TO WORK.

8 Q ALL RIGHT. AND DID THE GROUP HAVE ANY OFFICES
9 AT THAT TIME?

10 A NO.

11 Q ALL RIGHT. WHAT HAPPENED AFTER THAT MEETING
12 WAS HELD IN EARLY 1983?

13 A A LOT OF THINGS HAPPENED. COULD YOU BE MORE
14 SPECIFIC, PLEASE?

15 Q OKAY. AFTER THE MEETING, DID THE GROUP RAISE
16 ANY MONEY FROM ANYBODY?

17 A YES.
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1 Q WERE THERE ANY DECISIONS MADE AT THAT MEETING ABOUT
2 SPECIFIC --

3 WERE THERE ANY DISCUSSIONS AT THAT MEETING ABOUT
4 SPECIFIC BUSINESSES THAT THE BBC WAS INTERESTED IN GOING INTO?

5 A YES.

6 Q WHAT BUSINESSES WERE THOSE?

7 A ONE OF THEM WAS INVESTING IN COMMODITIES.

8 THE OTHER WAS DEVELOPING THIS CYCLATRON TECHNOLOGY.

9 AND THERE WAS A THIRD ONE WHICH WE CALLED THE
10 ARBITRAGE, THE BUSINESS --

11 Q WHICH WAS THAT?

12 A -- WHICH RELATED TO SOMETHING THAT BEN WAS WORKING
13 ON, WHICH WAS BASICALLY BUYING PRODUCTS OVERSEAS AT ONE
14 PARTICULAR PRICE AND SELLING THEM IN AMERICA AT A BETTER
15 PRICE, SIMPLY BECAUSE OF THE DIFFERENCES IN CURRENCY VALUES
16 OR VICE VERSA, SELLING AMERICAN PRODUCTS OVERSEAS.

17 Q WHEN THE COMMODITIES TRADING WAS DISCUSSED AT THAT
18 MEETING, WAS THERE ANY COMMODITIES TRADING ACTUALLY GOING ON
19 BY JOE HUNT OR ANYBODY ELSE INVOLVED IN THE BBC AT THE TIME
20 OF THE MEETING?

21 A I DON'T THINK SO.

22 Q AND THE CYCLATRON TECHNOLOGY HAD TO DO WITH A
23 MACHINE THAT GENE BROWNING WAS DEVELOPING, RIGHT?

24 A THAT'S RIGHT.

25 Q SO THAT MUST MEAN THAT SOMETIME BEFORE THAT MEETING,
26 YOU AND OTHER PEOPLE IN THE BBC HAD BEEN INTRODUCED TO
27 MR. BROWNING?

28 A THAT'S RIGHT.

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1 Q AND APPROXIMATELY WHEN WAS IT THAT YOU MET
2 MR. BROWNING?

3 A WELL, IT WAS EITHER TOWARDS THE END OF '82 OR THE
4 BEGINNING OF '83. I AM REALLY NOT POSITIVE.

5 Q AND AS A RESULT OF THAT MEETING, IMMEDIATELY
6 THEREAFTER DID ANY OF THOSE BUSINESSES, ANY OF THE THREE OF
7 THEM GET OFF THE GROUND?

8 A WHAT DO YOU MEAN BY OFF THE GROUND?

9 Q WAS THERE ANY COMMODITIES TRADING STARTED AFTER
10 THAT MEETING, IMMEDIATELY?

11 A WELL, I KNOW THAT ALEX GAON, ONE OF THE GUYS AT
12 THE MEETING, HAD AN ACCOUNT ALREADY OPEN, I THINK AND --

13 Q DO YOU KNOW WHERE THAT WAS?

14 A THAT WAS AT CANTOR-FITZGERALD BROKERAGE HOUSE.

15 Q THAT IS A BROKERAGE HOUSE IN BEVERLY HILLS?

16 A RIGHT.

17 Q AND THERE WAS NOTHING DONE ON THE CYCLATRON
18 IMMEDIATELY AFTER THE MEETING, WAS THERE?

19 A I DON'T THINK SO.

20 WE WERE TRYING TO DEVELOP SOME MARKETING PAPERWORK,
21 SOME DESCRIPTIONS AND SUMMARIES OF THE VARIOUS ADVANTAGES OF
22 THAT INVENTION, SO THAT WE COULD MARKET IT FURTHER AND GET
23 INVESTMENTS.

24 Q AND AT SOME POINT, DID THE MAY TWINS, TOM AND DAVID
25 MAY INVEST MONEY WITH JOE HUNT FOR THE TRADING OF COMMODITIES?

26 A YES.

27 Q WAS THAT APPROXIMATELY IN MAY OF 1983?

28 A I THINK SO.

1 Q AND AROUND THE TIME THAT THE MAYS INVESTED IN
2 COMMODITIES, DID THE BBC OBTAIN SOME OFFICES ON THIRD STREET?

3 A YES.

4 Q AND THAT WAS APPROXIMATELY JUNE OF 1983?

5 A THAT SOUNDS ABOUT RIGHT.

6 Q AND DID THE BBC OPEN UP ANY OF ITS OWN COMMODITY
7 TRADING ACCOUNTS AT THE CANTOR-FITZGERALD BROKERAGE HOUSE?

8 A NONE UNDER THE NAME OF BBC.

9 Q WERE THERE TWO ACCOUNTS THAT WERE OPENED?

10 A YES.

11 Q IN WHOSE NAME?

12 A ONE WAS IN TOM MAY'S NAME AND ONE WAS IN MY NAME.

13 Q AND DID YOU EVER HAVE ANYTHING TO DO WITH THE
14 TRADING OF THE COMMODITIES ON THE ACCOUNT THAT WAS OPENED IN
15 YOUR NAME?

16 A NO, I DIDN'T.

17 Q WHO DID THE TRADING OF COMMODITIES AT CANTOR-
18 FITZGERALD?

19 A IT WAS JOE HUNT.

20 Q AND DID HE DO THE TRADING OF COMMODITIES BOTH ON
21 THE ACCOUNT WITH YOUR NAME AND THE ACCOUNT IN THE NAME OF THE
22 MAYS?

23 A THAT'S RIGHT.

24 Q AND DO YOU HAVE ANY KNOWLEDGE OF WHETHER OR NOT
25 MR. HUNT USED THE ENTIRE MONEY THAT HE WAS GIVEN BY THE MAYS
26 TO INVEST IN COMMODITIES FOR THAT PURPOSE OR WHETHER SOME OF
27 IT WAS USED FOR SOME OTHER PURPOSE?

28 A I AM NOT POSITIVE.

-4

1 Q DID YOU GIVE ANY OF YOUR OWN MONEY OR YOUR PARENTS
2 MONEY TO MR. HUNT AT THAT TIME TO INVEST?

3 A I DON'T THINK RIGHT AT THAT TIME, NO.

4 Q WHILE THIS TRADING OF COMMODITIES AT CANTOR-
5 FITZGERALD WAS GOING ON, WHAT DID MR. HUNT DO ON A DAILY BASIS
6 AS FAR AS THE TRADING WAS CONCERNED?

7 A HE WENT TO THE BROKERAGE HOUSE ON A DAILY BASIS.

8 Q WOULD HE GO FAIRLY EARLY IN THE MORNING?

9 A YES.

10 Q AND STAY MOST OF THE DAY?

11 A UNTIL THE AFTERNOON WHEN THE MARKET CLOSED.

12 Q AND WHAT WAS MR. DOSTI DOING WITH RESPECT TO THE
13 TRADING, IF ANYTHING?

14 A HE WENT TO THE BROKER'S HOUSE SOMETIMES, I THINK.
15 I DON'T REALLY -- I DON'T REALLY RECALL EXACTLY WHAT HE WAS
16 DOING, THOUGH.

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1 Q NOW, AT THE TIME THAT THE TRADING WAS GOING ON,
2 ON THESE TWO ACCOUNTS, WAS MR. HUNT ALSO TRADING COMMODITIES
3 FOR -- OSTENSIBLY TRADING COMMODITIES FOR SOMEBODY ELSE?

4 A YES.

5 Q WHO?

6 A RON LEVIN.

7 Q NOW, WHEN WAS IT THAT MR. HUNT MET RON LEVIN?

8 A IT WAS SHORTLY AFTER THE MEETING, THE FIRST BBC
9 MEETING THAT WE HAD IN EARLY '83.

10 Q WHEN YOU SAY "EARLY '83," CAN YOU BE ANY MORE
11 SPECIFIC IN TERMS OF WHETHER IT WOULD BE JANUARY, FEBRUARY
12 OR MARCH OR EVEN APRIL OF '83?

13 A MY SENSE IS THAT IT WAS CLOSER TO MARCH, AS
14 OPPOSED TO EARLIER. BUT I AM NOT REALLY SURE.

15 Q AND SO, SHORTLY AFTER THAT MEETING WHICH YOU PLACE
16 APPROXIMATELY MARCH OF 1983, MR. HUNT MET MR. LEVIN?

17 A THAT'S RIGHT.

18 Q HOW DID THAT COME ABOUT?

19 A THERE WAS A GUY NAMED SIMI COOPER, WHO INCIDENTALLY,
20 WAS ALSO AT THAT MEETING. I FORGOT HIS NAME.

21 Q WHEN YOU SAY "THAT MEETING," YOU ARE TALKING ABOUT
22 THE FIRST MEETING OF THE BBC?

23 A RIGHT. AND HE HAD KNOWN RON LEVIN FOR SOME TIME.
24 HE TOLD US ABOUT HIM, THAT HE WAS WEALTHY AND THAT HE LIKED
25 HAVING YOUNG GUYS AROUND AND THAT HE OFTEN PAID FOR A LOT OF
26 THE THINGS FOR THEM AND THAT HE MIGHT WANT TO INVEST.

27 Q YOU SAID "HE" TOLD US. WHO DID HE TELL?

28 A I KNOW FOR SURE IT WAS BEN AND JOE AND I. AND I

1 AM NOT SURE IF ANY OF THE OTHER FELLOWS WERE THERE.

2 Q DURING THIS PERIOD, WAS THE DEFENDANT CONSTANTLY
3 LOOKING FOR PEOPLE TO INVEST IN THE BBC?

4 A YES.

5 Q DID MR. COOPER TELL YOU ANYTHING ELSE ABOUT
6 MR. LEVIN WHEN HE FIRST MENTIONED HIM TO YOU AND MR. HUNT AND
7 PERHAPS MR. DOSTI?

8 A HE SAID THAT HE WAS A SCAMMER.

9 Q DID HE ELABORATE ON THAT AT ALL OR WAS HE ASKED
10 ANY QUESTIONS BY ANYBODY ABOUT WHAT THAT MEANT?

11 A HE WAS ASKED QUESTIONS BUT THE ONLY ELABORATION
12 THAT I REMEMBERED THAT HE SAID IS THAT HE WOULDN'T REALLY
13 TRUST HIM, HIMSELF.

14 Q AND DID JOE HUNT REACT AT ALL WHEN HE WAS TOLD
15 THAT RON LEVIN WAS A SCAMMER?

16 A HE BASICALLY SAID THAT HE WANTED TO SEE FOR
17 HIMSELF.

18 Q AND AFTER SIMI COOPER TOLD YOU AND MR. HUNT ABOUT
19 RON LEVIN, DID YOU MEET HIM OR DID MR. HUNT MEET HIM?

20 A YES.

21 Q WHEN DID MR. HUNT MEET HIM?

22 A I THINK IT WAS SOMETIME IN THE SUMMER OF 1983.

23 Q WERE YOU THERE WHEN THE TWO OF THEM WERE
24 INTRODUCED?

25 A NO.

26 Q WERE YOU TOLD ABOUT IT AT SOME POINT AFTERWARDS?

27 A YES.

28 Q WHO TOLD YOU ABOUT IT?

1 A JOE DID.

2 Q AND WHAT DID HE TELL YOU ABOUT THE FIRST MEETING
3 WITH RON LEVIN?

4 A HE SAID THAT HE WAS A VERY INTERESTING GUY, THAT
5 HE APPEARED TO BE VERY SMART AND THAT HE THOUGHT HE WAS GAY
6 AND ALSO THAT HE THOUGHT HE WAS RICH.

7 Q DID HE TELL YOU WHY HE THOUGHT HE WAS RICH?

8 A YEAH. HE DID. BUT I AM NOT POSITIVE IF IT WAS
9 THE FIRST TIME THAT HE SAID HE TALKED TO HIM OR IF IT WAS
10 AFTER SOME OF THE OTHER MEETINGS THAT THEY HAD.

11 Q AND AFTER MR. HUNT MET MR. LEVIN, WAS THERE ANY --
12 DID YOU HAVE ANY UNDERSTANDING ABOUT WHETHER OR NOT MR. HUNT
13 WAS GOING TO DO ANY COMMODITIES TRADING FOR MR. LEVIN?

14 A NOT FOR QUITE SOME TIME. BUT EVENTUALLY, YES.

15 Q AT SOME POINT AFTER MR. HUNT MET MR. LEVIN, WERE
16 YOU EITHER PRESENT OR DID YOU FIND OUT ABOUT MR. HUNT TRYING
17 TO TELL MR. LEVIN ABOUT THE CYCLATRON?

18 A YES.

19 Q AND TELL ME ABOUT THAT.

20 A WELL, WE WERE AS I SAY, IN THE PROCESS OF TRYING
21 TO RAISE MONEY TO DEVELOP THE INVENTION AND RON LEVIN WAS ONE
22 OF THE PEOPLE THAT WE KNEW THAT WAS RICH. AND SO --

23 Q OR SUPPOSEDLY RICH?

24 A OKAY, SUPPOSEDLY RICH. WE THOUGHT HE WAS RICH.

25 AND WE WERE VERY EXCITED ABOUT IT. SO WE TOLD
26 EVERYONE AND IN PARTICULAR RON LEVIN. I REMEMBER THAT WE
27 BROUGHT OVER SOME OF THE MARKETING REPORTS OR PAPERS THAT WE
28 HAD WRITTEN UP AND SOME ARTICLES I THINK THAT HAD BEEN WRITTEN

1 ABOUT THE INVENTION.

2 Q NOW, SLOW DOWN FOR A SECOND. WHEN YOU SAY "WE
3 WERE EXCITED," YOU ARE TALKING ABOUT PEOPLE IN THE BBC BEING
4 EXCITED ABOUT THE CYCLATRON?

5 A RIGHT.

6 Q AND IN TERMS OF BRINGING OVER TO -- OR BRINGING
7 OVER DOCUMENTATION ABOUT THE MACHINE, WAS THAT DOCUMENTATION
8 THAT WAS TAKEN TO MR. LEVIN?

9 A THAT'S RIGHT.

10 Q WAS THAT DONE BY YOU AND SOMEBODY ELSE OR WAS THAT --

11 A I REMEMBER BEING THERE AT ONE TIME. BUT JOE WAS
12 THERE, TOO.

13 Q DO YOU EVER REMEMBER BEING THERE WHEN THE DEFENDANT
14 WAS TALKING TO RON LEVIN ABOUT THE POSSIBILITY OF INVESTING
15 IN THE MACHINE?

16 A ABOUT RON LEVIN INVESTING?
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1 Q RIGHT.

2 A NOT REALLY.

3 Q WERE YOU EVER TOLD BY MR. HUNT THAT HE HAD TRIED
4 TO GET MR. LEVIN TO INVEST IN THE MACHINE?

5 A WELL, I WAS THERE AT A NUMBER OF CONVERSATIONS
6 AND THE CONVERSATIONS WERE MORE ALONG THE LINES OF TRYING
7 TO DESCRIBE, FOR EXAMPLE, WHAT ANOTHER INVESTOR HAD DONE.

8 Q AND WHO WAS THAT INVESTOR?

9 A THERE WAS A GUY NAMED MIKE DOW AND A GROUP OF
10 PEOPLE THAT WERE WORKING WITH HIM.

11 Q WHO WAS DESCRIBING TO MR. LEVIN WHAT MR. DOW
12 WAS DOING?

13 A JOE WAS.

14 Q AND WHAT DID JOE HUNT DESCRIBE TO MR. LEVIN ABOUT
15 THE DOW ARRANGEMENT?

16 A HE DESCRIBED A CONTRACT THAT MR. DOW AND HIS
17 GROUP HAD SIGNED AND THE FACT THAT MR. DOW HAD PAID A
18 HUNDRED FIFTY THOUSAND DOLLARS NON-REFUNDABLE FIRST PAYMENT
19 FOR AN OPTION TO PURCHASE CYCLATRONS IN THE FUTURE.

20 Q WERE YOU THERE TO OBSERVE MR. LEVIN'S REACTION
21 WHEN HE WAS TOLD THAT?

22 A YES.

23 Q HOW DID HE REACT?

24 A HE SAID THAT HE WANTED MR. DOW'S PHONE NUMBER
25 BECAUSE HE THOUGHT HE WAS A REAL FISH AND HE WAS GOING TO
26 GET A MILLION DOLLARS OUT OF HIM.

27 Q NOW, IN WHAT CONTEXT DID HE SAY THAT?

28 A IN THE -- I AM NOT SURE WHAT YOU MEAN IN WHAT

1 CONTEXT.

2 Q DID MR. LEVIN SAY HE WOULD BE WILLING TO INVEST
3 IN THAT MACHINE AT THAT TIME?

4 A NO, HE DIDN'T.

5 Q IN WHAT CONTEXT DID MR. LEVIN SAY THAT MR. DOW
6 WAS A FISH, SO TO SPEAK?

7 A WELL, THAT HE HAD INVESTED WITHOUT -- WITHOUT
8 EVEN HAVING ANY ASSURANCES THAT WE COULD -- THAT WE COULD
9 EVEN BUILD A MACHINE LIKE THAT.

10 Q DID YOU HAVE A PLANT IN GARDENA AT THAT POINT?

11 A NO.

12 Q WERE YOU BUILDING THE MACHINE AT THAT POINT;
13 HAD YOU STARTED ACTUALLY PHYSICALLY ATTEMPTING TO CONSTRUCT
14 THE MACHINE AT THAT POINT?

15 A I DON'T -- I DON'T THINK SO.

16 Q AND IS THAT WHAT MR. LEVIN WAS REFERRING TO WHEN
17 HE SAID "YOU HAVE GOT A REAL FISH"?

18 A WELL, IT WAS -- IT WAS REALLY MORE THAN THAT,
19 BECAUSE THERE HAD BEEN A MACHINE BUILT.

20 THE WHOLE REASON THAT WE GOT INVOLVED IS BECAUSE
21 WE HAD GOT TO SEE A CYCLATRON PREVIOUSLY THAT BROWNING HAD
22 BUILT. I AM NOT SURE WHETHER MR. DOW ACTUALLY GOT TO SEE
23 THAT MACHINE OR NOT. SO IT WASN'T SO MUCH WHETHER HE HAD
24 GOTTEN TO SEE THAT MACHINE THAT WAS SO RIDICULOUS TO RON
25 LEVIN, BUT JUST THAT HE -- THAT HE HAD PAID JOE MONEY.

26 Q WITHOUT ANY ASSURANCE THAT THE --

27 A HE DIDN'T REALLY DISCUSS WHY HE THOUGHT IT WAS
28 JUST SO FUNNY. BUT HE DEFINITELY SAID THAT HE WANTED HIS

1 PHONE NUMBER IN A JOKING MANNER.

2 Q SO THAT HE, MEANING RON LEVIN, WANTED HIS PHONE
3 NUMBER?

4 A THAT'S RIGHT.

5 Q DID HE MAKE ANY COMMENT ABOUT HOW MUCH MONEY
6 HE THOUGHT HE COULD GET OUT OF MR. DOW?

7 A WELL, AS I SAID BEFORE, HE SAID "IF I HAD HIS
8 PHONE NUMBER, I WOULD GET A MILLION DOLLARS FROM HIM."

9 Q AT SOME POINT AFTER THAT, DID YOU BECOME AWARE
10 THAT THERE WAS AN ARRANGEMENT BETWEEN MR. HUNT AND MR. LEVIN
11 REGARDING THE TRADING OF COMMODITIES?

12 A YES.

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1 Q AND WHEN DID THAT TAKE PLACE?

2 A IN, I THINK, AT THE END OF THE SUMMER OF --
3 SOMETIME DURING THE SUMMER OF '83.

4 Q AND IF AND WHEN WAS IT -- WHAT WAS IT THAT YOU
5 FIRST LEARNED ABOUT THAT?

6 A JOE SAID TO ME THAT RON HAD AGREED TO PUT SOME
7 MONEY IN A BROKERAGE ACCOUNT AND GIVE JOE THE RIGHT TO
8 INSTRUCT THE BROKER HOW TO TRADE IT AND THAT IT WAS ABOUT
9 \$5,000,000 THAT WAS GOING TO ORIGINALLY BE PUT IN THE
10 ACCOUNT AND THAT THEY WOULD SPLIT THE PROFITS.

11 Q AND WHEN AND WHERE -- WHERE DID YOU HAVE THAT
12 CONVERSATION WITH JOE HUNT?

13 A I DON'T REMEMBER WHERE IT WAS.

14 Q THAT WAS A CONVERSATION THAT YOU HAD WITH MR.
15 HUNT?

16 A THAT I HAD AND I WAS, AND OTHER PEOPLE WERE
17 PRESENT ALSO.

18 IT WAS PRETTY BIG NEWS AROUND THE BBC.

19 Q WHO ELSE WAS THERE?

20 A AS I SAY, I DON'T RECALL THE SPECIFIC CONVERSATION,
21 BUT IT WAS DISCUSSED PRETTY FREQUENTLY AS SOON AS THE NEWS
22 WAS OUT.

23 Q DID THE DEFENDANT SEEM PRETTY EXCITED ABOUT
24 THAT?

25 A YES.

26 Q AND WAS HE TRADING THE, OR OSTENSIBLY TRADING
27 COMMODITIES FOR MR. LEVIN AT THE SAME TIME THAT HE WAS DOING
28 TRADING AT CANTOR-FITZGERALD UNDER THE ACCOUNTS THAT HAD

1 YOUR NAME AND THE MAY BROTHERS' NAMES ON THEM?

2 A THAT'S RIGHT.

3 Q AND WAS IT YOUR UNDERSTANDING THAT HE WOULD DO
4 THE ALLEGED TRADING ON THE LEVIN ACCOUNT WHILE HE WAS AT
5 CANTOR-FITZGERALD, ACTUALLY PHYSICALLY THERE AND MAKING THE
6 CALLS FROM THERE?

7 MR. BARENS: OBJECTION. CALLS FOR A CONCLUSION BY
8 THE WITNESS. EITHER HE KNOWS OR HE DOESN'T. HIS UNDER-
9 STANDING ISN'T RELEVANT BUT WHAT DOES HE KNOW.

10 THE COURT: ASK HIM IF HE KNEW THAT.

11 Q BY MR. WAPNER: DID YOU EVER GO TO CANTOR-
12 FITZGERALD WITH JOE HUNT?

13 A A COUPLE OF TIMES.

14 Q AND ON EITHER OF THOSE OCCASIONS, DO YOU KNOW
15 WHETHER HE MADE CALLS TO DO TRADING ON THE SO-CALLED LEVIN
16 ACCOUNT?

17 A I DON'T KNOW.
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4-1 1 Q DID HE EVER TELL YOU WHERE IT WAS THAT HE DID THE
2 TRADING ON THE LEVIN ACCOUNT?

3 A I THINK HE SAID THAT IT WAS AT CLAYTON BROKERAGE
4 HOUSE.

5 Q DID HE TELL YOU WHETHER HE ACTUALLY WENT THERE
6 OR WHETHER THIS WAS ALL DONE ON THE TELEPHONE?

7 A IT WAS DONE ON THE TELEPHONE, HE SAID.

8 Q AND DID HE MAKE REPORTS PERIODICALLY AS TO HOW
9 HE WAS DOING IN THE TRADING WITH MR. LEVIN?

10 A YEAH. HE DID.

11 Q AND WAS IT ALL SMOOTH SAILING FROM THE BEGINNING?

12 A NO. IT WAS NOT.

13 Q WHAT HAPPENED?

14 A AT ONE POINT, HE SAID THAT THE ACCOUNT HAD GONE
15 WAY DOWN TO SOMETHING AROUND A MILLION DOLLARS AND THAT IN
16 ORDER FOR THE BROKERAGE HOUSE TO KEEP THE POSITIONS ON, THAT HE
17 HAD TO GO ASK RON LEVIN TO PUT MORE MONEY IN THE ACCOUNT. AND
18 HE SAID THAT HE HAD TALKED RON INTO DOING THAT.

19 Q AND WHAT EVENTUALLY HAPPENED WITH THE ACCOUNT,
20 AS FAR AS YOU WERE TOLD BY MR. HUNT?

21 A AS FAR AS I WAS TOLD, THE ACCOUNT ULTIMATELY MADE
22 A PROFIT OF SEVEN MILLION DOLLARS.

23 Q AND DID HE EVER SHOW YOU ANY STATEMENTS INDICATING
24 THAT IN FACT, THE ACCOUNT HAD MADE A PROFIT OF APPROXIMATELY
25 SEVEN MILLION DOLLARS?

26 A HE SHOWED ME A PHOTOCOPY OF HIS STATEMENT, I THINK.

27 Q SHOWING YOU WHAT APPEARS TO BE ORIGINALS WHICH
28 HAVE BEEN MARKED AS PEOPLE'S 83 FOR IDENTIFICATION, WOULD YOU

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1 LOOK AT THOSE AND TELL ME IF THEY APPEAR TO BE SIMILAR TO WHAT
2 YOU SAW?

3 A YES THEY DO.

4 Q ALL RIGHT. AND THE CONCLUDING -- THE LAST DATE
5 THAT IS ON THE FRONT PAGE OF PEOPLE'S 83, WHAT IS THE DATE?

6 A IT IS 8-31-83.

7 Q AND DID MR. HUNT TELL OTHER PEOPLE IN THE BBC ABOUT
8 HOW THE PROFITS THAT HE HAD MADE TRADING FOR -- OR ALLEGEDLY
9 TRADING FOR MR. LEVIN --

10 A YES.

11 Q AND WHERE DID HE MAKE THAT STATEMENT? WAS IT IN
12 THE OFFICES?

13 A IT WAS DISCUSSED ALL OVER THE PLACE. I DON'T
14 REALLY REMEMBER ALL OF THE SPECIFIC PLACES.

15 BUT IT WAS A GREAT DEAL OF MONEY AND WE TOLD
16 EVERYONE.

17 Q NOW, WHAT ELSE WAS GOING ON AT THE BBC IN TERMS
18 OF OTHER BUSINESSES AT THE TIME THAT MR. LEVIN WAS TRADING --
19 OR EXCUSE ME, MR. HUNT WAS SUPPOSEDLY TRADING THOSE ACCOUNTS
20 FOR MR. LEVIN?

21 A WELL, THE CYCLATRON CONTINUED TO BE DEVELOPED.
22 AND OF COURSE, THERE WAS THE OTHER COMMODITIES ACCOUNTS AT
23 CANTOR-FITZGERALD AND THERE WAS A BUSINESS THAT WAS STARTED
24 FOR IMPORTING CARS FROM EUROPE AND CONVERTING THEM TO THE U.S.
25 EMISSION STANDARDS AND THEN RESELLING THEM.

26 THERE WERE A COUPLE OF OTHER IDEAS FLOATING AROUND,
27 SOME PROJECTS IN THE EARLY STAGES. NOT MUCH ELSE, REALLY,
28 THOUGH.

1 Q WERE ANY OF THE OTHER BUSINESSES THAT WERE GOING
2 ON AT THE BBC AT THIS TIME IN 1983, MAKING ANY MONEY?

3 A NO. WELL, I SHOULD CORRECT THAT. THAT ONE
4 TRANSACTION WITH THE CYCLATRON, ABOUT A YEAR BEFORE, WITH
5 MR. DOW. THAT IS MAKING MONEY.

6 Q ALL RIGHT. BESIDES THAT TRANSACTION WITH MR. DOW,
7 WAS THERE ANY OTHER MONEY THAT APPEARED TO BE COMING IN AT
8 THAT TIME?

9 A NO.

10 Q AND WAS THIS A PRETTY BIG EVENT IN THE BBC, THE
11 FACT THAT YOU MADE ALL THIS MONEY TRADING OR OSTENSIBLY MADE
12 THIS MONEY TRADING COMMODITIES FOR MR. LEVIN?

13 A IT WAS A VERY BIG EVENT.

14 Q AND AT SOME POINT -- WELL, WERE YOU TOLD BY
15 MR. HUNT WHY IT WAS THAT HE HAD STOPPED TRADING FOR MR. LEVIN?

16 A HE DIDN'T SPECIFY WHY HE HAD STOPPED TRADING.

17 Q AND HAD HE SAID WHAT PORTION OF THE PROFITS HE
18 WAS ENTITLED TO FROM THIS TRADING?

19 A YES.

20 Q WHAT DID HE SAY?

21 A HALF OF THE PROFITS.

22 Q AND WAS THERE ANY MEETING HELD AT THE BBC WITH
23 RESPECT TO WHAT WAS GOING TO BE DONE WITH THESE PROFITS?

24 A THERE WERE A LOT OF DISCUSSIONS. BUT THE IDEA
25 WAS JUST EXPRESSED THAT WE WERE GOING TO HAVE ENOUGH MONEY
26 TO DO ALL OF THE OTHER THINGS WE WANTED TO DO.

27 Q DID YOU EVER SEE ANY OF THAT MONEY?

28 A NO.

1 Q NOW, DID A PERIOD OF TIME PASS AFTER THE TRADING
2 STOPPED WHERE MR. HUNT WAS ATTEMPTING TO GET THAT MONEY FROM
3 MR. LEVIN?

4 A YES.

5 Q WHAT WAS HE DOING?

6 A HE WAS TALKING TO HIM ON THE PHONE. A COUPLE OF
7 TIMES, WE WENT TO RON'S HOUSE.

8 JOE WENT THERE MORE THAN ANYONE ELSE. BUT I
9 REMEMBER BEING THERE SOMETIMES AND --

10 Q WHEN YOU REMEMBER BEING AT RON'S HOUSE WITH JOE
11 HUNT, WHAT DID MR. HUNT ASK RON LEVIN ABOUT THE MONEY?

12 A WHEN WE WERE GOING TO GET IT. RON HAD GIVEN THE
13 EXPLANATION THAT IT WAS IN AN ACCOUNT BACK EAST OR SOMETHING
14 LIKE THAT AND IT WAS GOING TO TAKE SOME TIME TO BE LIQUIDATED
15 AND SENT OVER. THAT WAS THE FIRST THING THAT HE SAID.

16 Q DID HE GIVE ANOTHER EXCUSE AFTER THAT?

17 A AFTER A WHILE, HE SAID THAT A GREAT DEAL CAME UP
18 IN ILLINOIS, TO INVEST IN A SHOPPING CENTER. AND THAT HE HAD
19 USED THE \$13 MILLION TO INVEST IN THE SHOPPING CENTER AND THAT
20 EVEN THOUGH HE COULDN'T GIVE US THE MONEY RIGHT THEN AND THERE,
21 HE SAID THAT WE HAD AN INTEREST WORTH MUCH MORE THAN THE
22 ACTUAL MONEY, IN THE SHOPPING CENTER.

23 Q WERE YOU PRESENT WHEN HE ACTUALLY TOLD JOE HUNT
24 THAT?

25 A AT ONE TIME THAT HE TALKED ABOUT IT, I WAS THERE.
26 YES.

27 Q HOW DID JOE HUNT REACT?

28 A WELL, THE FIRST THING THAT HE DID WAS, HE TOLD
29 ME ABOUT WHEN -- AFTER HE HEARD ABOUT IT FOR THE FIRST TIME.

1 Q WHEN HE TOLD YOU ABOUT IT, WHAT WAS HIS Demeanor?

2 A HE WAS VERY EXCITED.

3 Q AND WHEN YOU SAW RON LEVIN EXPLAIN THIS ABOUT
4 THE SHOPPING CENTER IN THE PRESENCE OF JOE HUNT, HOW DID
5 JOE HUNT REACT?

6 A WE WERE ALL ENTHUSIASTIC. WE WERE ASKING HIM
7 QUESTIONS REALLY ABOUT THIS CENTER, WHERE IT WAS, HOW BIG
8 IT WAS, ET CETERA, SO RON TOLD US SOME THINGS ABOUT THE
9 CENTER.

10 Q WHAT DID HE SAY?

11 A HE SAID THAT IT HAD ALMOST FULL OCCUPANCY, WHICH
12 IS A GOOD THING FOR A SHOPPING CENTER, AND HE SAID THAT --
13 I DON'T REMEMBER EXACTLY HIS EXPLANATION BUT, BASICALLY HE
14 SAID THAT HE HAD BEEN ABLE TO GET A VERY GOOD DEAL ON THE
15 CENTER SO THAT THOUGH A PORTION OF CASH THAT HE HAD INVESTED
16 ON OUR BEHALF, WHICH WAS, I GUESS HALF OF \$7,000,000 PROFIT,
17 THE THREE AND A HALF MILLION DOLLARS THAT OUR INTEREST WAS,
18 WAS ACTUALLY WORTH MORE LIKE \$13,000,000.

19 AND HE SAID THAT -- WE ASKED HIM ABOUT THE PAPER
20 WORK RELATING TO TITLE AND --

21 Q WHO ASKED WHO ABOUT THAT?

22 A I WAS THERE.

23 I DON'T REMEMBER WHETHER I ASKED HIM OR JOE ASKED
24 HIM BUT --

25 Q WHAT DID HE SAY?

26 A HE SAID THAT THOSE WERE BEING GONE OVER BY HIS
27 ATTORNEYS AND THEY WERE ALL IN BOXES AND HE COULDN'T GET
28 TO THEM.

1 Q OVER WHAT PERIOD OF TIME DID YOU HAVE THESE
2 DISCUSSIONS WITH MR. LEVIN ABOUT THE SHOPPING CENTER?

3 A I THINK OVER ABOUT A MONTH, MAYBE MORE, AND THEN
4 LATER --

5 Q WHAT HAPPENED AFTER YOU HAD THE DISCUSSIONS ABOUT
6 THE SHOPPING CENTER?

7 A A LOT OF THINGS HAPPENED.

8 Q WHEN YOU SAY "THEN LATER," WHAT HAPPENED?

9 A WHAT I WAS GOING TO SAY IS THAT LATER, HE SAID
10 THAT THE CENTER HAD BEEN -- THAT THEY HAD ACCEPTED AN
11 OFFER TO BUY THE CENTER FROM SOMEONE ELSE, FROM SOME JAPANESE
12 COMPANY, HE SAID, AND THAT WE WERE GOING TO BE ABLE TO SELL
13 IT AT A GREAT PROFIT SO THAT OUR \$13,000,000 WAS GOING TO
14 BE PERHAPS A \$30,000,000 INTEREST.

15 Q AND HOW ABOUT HUNT, HOW DID HE REACT TO THAT?

16 A WE WERE ALL VERY EXCITED ABOUT IT, INCLUDING
17 JOE.

18 Q AND WAS THIS A WHILE LATER WHEN HE SAID THAT
19 THE SHOPPING CENTER HAD BEEN OR WAS GOING TO BE SOLD AND
20 YOU WERE GOING TO GET \$30,000,000 INSTEAD OF THIRTEEN?

21 A AS I SAY, THE DISCUSSIONS CONTINUED FOR ABOUT
22 A MONTH AND A HALF, MAYBE A LITTLE LONGER.

23 Q AND DID YOU EVER SEE ANY INTEREST IN THE SHOPPING
24 CENTER?

25 A NEVER DID.

26 Q AFTER THAT MONTH AND A HALF OF DISCUSSIONS ABOUT
27 THE SHOPPING CENTER GOING FROM 13,000,000 TO 30,000,000,
28 WHAT HAPPENED WITH RESPECT TO JOE HUNT TRYING TO GET THE

1 INTEREST IN THE SHOPPING CENTER OR THE MONEY FROM MR. LEVIN?

2 A WELL, HE SAID THAT HE FINALLY PINNED RON DOWN
3 AND RON LEVIN -- THAT THERE WAS ACTUALLY NO SHOPPING CENTER
4 AND NO MONEY. BUT HE SAID THAT RON HAD GIVEN HIM A NEW
5 EXPLANATION, WHICH WAS THAT THOUGH THERE WAS NO REAL MONEY
6 IN THE COMMODITIES ACCOUNT THAT HE SAID JOE WAS TRADING,
7 HE SAID THAT HE HAD USED THE STATEMENTS.

8 Q THOSE ARE THE STATEMENTS, PEOPLE'S 83?

9 A YEAH, THOSE STATEMENTS. HE HAD USED THOSE
10 STATEMENTS TO GO TO OTHER BROKERAGE HOUSES AND HAVE CREDIT
11 EXTENDED TO HIM AND THAT HE HAD ACTUALLY MANAGED TO CON ABOUT
12 A MILLION AND A HALF DOLLARS OUT OF THESE OTHER BROKERAGE
13 HOUSES OR BANKS, OR WHATEVER IT WAS.

14 Q IS THIS A CONVERSATION THAT YOU WERE PRESENT
15 AT OR IS THAT WHAT MR. HUNT RELATED TO YOU?

16 A IT IS ONE THAT MR. HUNT RELATED TO ME.

17 Q WHEN HE TOLD YOU THIS, WAS HE RELATING SOMETHING
18 THAT APPARENTLY MR. LEVIN HAD JUST TOLD HIM?

19 A YES.

20 Q AND WHEN JOE HUNT TOLD YOU --

21 MR. BARENS: I MOVE TO STRIKE THAT. IT IS COMPOUND
22 HEARSAY.

23 THE COURT: I DON'T THINK IT IS COMPOUND. I WILL LET
24 IT STAND.

25 MR. BARENS: WE HAVE TWO LEVELS OF HEARSAY AT ONE TIME,
26 SIR.

27 THE COURT: I WILL LET IT STAND.

28 Q BY MR. WAPNER: AND WHEN JOE HUNT SAID THAT LEVIN

1 HAD TOLD HIM THAT HE MANAGED TO SCAM UP A MILLION AND A HALF
2 DOLLARS, DID JOE HUNT APPEAR TO YOU TO BELIEVE THAT?

3 A YES, HE DID.

4 Q AND WHEN HE RELATED THIS CONVERSATION TO YOU,
5 DID HE SAY WHAT MR. LEVIN HAD SAID ABOUT GIVING JOE HUNT
6 OR THE BBC ANY PORTION OF THAT MILLION AND A HALF DOLLARS?

7 A YES, HE DID.

8 Q WHAT DID HE SAY?

9 A HE SAID THAT RON WAS GOING TO STILL GIVE HIM ABOUT
10 \$300,000 OUT OF THAT MILLION AND A HALF.

11 Q AND DID HE SEEM -- WELL, WHAT DID HE SAY TO YOU
12 WHEN HE TOLD YOU THAT LEVIN SAID HE WAS GOING TO GIVE THE
13 BBC ABOUT \$300,000?

14 A OH, HE SAID THAT HE WAS GOING TO TRY AND GET
15 IT.

16 Q AND DID YOU SEE HIM MAKE ANY EFFORT TO ATTEMPT
17 TO GET THAT PORTION OF THE MONEY?

18 A HE JUST TOLD ME THAT HE HAD BEEN BUGGING RON
19 ABOUT IT OVER AND OVER AGAIN.

20 I DIDN'T SEE HIM ACTUALLY -- ACTUALLY TALK TO
21 HIM ABOUT IT.

22 Q ALSO, DURING THIS TIME, DID MR. HUNT TELL YOU
23 ABOUT A CONVERSATION THAT HE HAD WITH JACK FRIEDMAN, THE
24 BROKER AT CLAYTON BROKERAGE?

25 A YEAH, HE DID.

26 Q AND WHAT DID HE TELL YOU ABOUT THAT CONVERSATION?

27 A HE TOLD ME THAT HE HAD -- I AM NOT SURE EXACTLY
28 WHY HE HAD CALLED HIM, BUT THAT HE HAD SOMEHOW GOTTEN IN

1 CONTACT WITH THIS BROKER. AND THE BROKER HAD TOLD HIM THAT --

2 MR. BARENS: OBJECTION. COMPOUND HEARSAY, YOUR HONOR.

3 THE COURT: WELL, THIS IS A CONVERSATION WHICH HE HAS
4 BEEN RELATING WITH THE DEFENANT. EVEN IF IT IS COMPOUND,
5 IF THERE ARE 14 DIFFERENT PEOPLE TALKING ABOUT IT, IT IS
6 THIS ONE CONVERSATION. IT IS NOT COMPOUND HEARSAY. GO AHEAD.

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1 THE WITNESS: HE SAID THAT THE BROKER HAD TOLD HIM THAT
2 THERE WAS NOT REALLY FIVE MILLION DOLLARS IN THE ACCOUNT AND
3 THAT THERE WAS NO MONEY IN THE ACCOUNT AND THAT RON LEVIN HAD
4 TOLD THE BROKER THAT THERE WAS A MOVIE THAT HE WAS MAKING
5 CALLED "THE TRADER" AND THAT THIS FELLOW NAMED JOE HUNT WAS
6 GOING TO CALL HIM UP AND THAT HE SHOULD ACT JUST LIKE THIS
7 WAS A REAL ACCOUNT. OTHERWISE, THE EMOTION WOULDN'T BE REAL
8 OR SOMETHING LIKE THAT.

9 Q BY MR. WAPNER: NOW, THIS CONVERSATION THAT JOE
10 HUNT IS TELLING YOU THAT HE HAD WITH THE COMMODITIES BROKER,
11 WAS THAT BEFORE OR AFTER MR. LEVIN ACTUALLY ADMITTED TO JOE
12 HUNT THAT THERE WAS NO MONEY?

13 A I AM PRETTY SURE IT WAS BEFORE BECAUSE JOE
14 CONFRONTED RON WITH THAT NEWS. HE TOLD ME.

15 Q JOE TOLD YOU THAT HE CONFRONTED RON LEVIN WITH
16 THE NEWS THAT HE HAD GOTTEN FROM THE BROKER?

17 A YES.

18 Q WHAT DID JOE HUNT SAY THAT RON LEVIN TOLD HIM WHEN
19 HE CONFRONTED HIM WITH THE FACT THAT THERE WAS REALLY NO
20 TRADING?

21 A HE SAID THAT RON DENIED IT INITIALLY. AND
22 EVENTUALLY, AS I SAID BEFORE, HE ADMITTED IT.

23 Q WHEN JOE HUNT SAID THAT LEVIN DENIED THE BROKER'S
24 STATEMENT, DID MR. HUNT MAKE ANY STATEMENT TO YOU ABOUT HIS
25 OPINION AS TO WHAT HAD HAPPENED?

26 A YEAH. HE DID.

27 Q WHAT DID HE SAY?

28 A HE SAID THAT HE DIDN'T BELIEVE RON. HE BELIEVED

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1 THAT THERE WAS REALLY THE MONEY THERE AND RON WAS JUST TRYING
2 TO GYP HIM OUT OF HIS PORTION.

3 Q AND IT WAS SOME TIME AFTER THAT CONVERSATION, THAT
4 HE WAS STILL TRYING TO GET THE MONEY OUT OF THE SHOPPING
5 CENTER AND THEN LATER, THE TWO HUNDRED THOUSAND OR THREE
6 HUNDRED THOUSAND DOLLARS, RIGHT?

7 A SORRY. I WAS NOT CONCENTRATING ON YOUR QUESTION.

8 Q OKAY. IT IS ALMOST TIME FOR LUNCH.

9 AFTER THE CONVERSATION THAT JOE HAD WITH FIRST,
10 THE COMMODITIES BROKER AND THEN RON LEVIN, WAS THERE STILL
11 AN ATTEMPT ON MR. HUNT'S PART TO TRY AND GET EITHER HIS PORTION
12 OF THE SHOPPING CENTER OR LATER, THE \$300,000 THAT RON LEVIN
13 PROMISED HIM?

14 A YEAH. HE STILL WAS TRYING TO GET THE MONEY OUT
15 OF RON LEVIN.

16 Q AND IN AN ATTEMPT TO -- WHAT DID MR. HUNT DO OR
17 SAY IN AN ATTEMPT TO GET THE \$300,000?

18 A WELL, AS I SAID BEFORE, I DON'T KNOW EXACTLY WHAT
19 HE DID. I WOULD ASK HIM, "DID RON COME UP WITH THE \$300,000?"

20 HE WOULD SAY, "I HAVE BEEN BUGGING HIM BUT HE IS
21 DELAYING."

22 ALL I COULD SAY IS I GUESS HE WAS BUGGING HIM ABOUT
23 IT.

24 Q AT SOME POINT, DID MR. HUNT TELL YOU THAT HE HAD
25 GIVEN UP ON THE IDEA OF TRYING TO GET THE \$300,000 OR
26 SOMETHING TO THAT EFFECT?

27 A YES.

28 Q WHAT DID HE SAY?

1 A HE SAID TWO THINGS. HE SAID FIRST OF ALL, THAT
2 HE DIDN'T THINK THAT RON WAS REALLY INTENDING TO GIVE HIM
3 \$300,000 OR ANY AMOUNT OF MONEY.

4 AND HE ALSO SAID THAT THE \$300,000 WASN'T A LARGE
5 ENOUGH SUM OF MONEY THAT IT WAS GOING TO SOLVE THE NEEDS OF
6 THE BBC, ANYWAY.

7 SO HE WAS JUST TRYING TO GET TO WORK ON OTHER
8 THINGS AND NOT CONCENTRATE ON THAT SO MUCH ANY MORE.

9 Q THE \$300,000 WASN'T GOING TO SOLVE THE NEEDS OF
10 THE BBC. WHAT DID HE MEAN BY THAT?

11 A WELL, BY THAT TIME, THERE WAS A PRETTY BIG MONTHLY
12 OVERHEAD WITH THE OFFICES AND ALL OF THE PEOPLE THAT WERE
13 WORKING AROUND AND THE GARDENA FACILITY. AND \$300,000 WAS
14 NOT GOING TO SOLVE THAT, AT LEAST NOT FOR VERY LONG.

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1 Q CAN YOU PLACE IN POINT OF TIME, WHEN IT WAS THAT
2 MR. HUNT SAID THAT HE WAS GOING TO GO ON, BECAUSE THE
3 \$300,000 WAS NOT GOING TO HELP ANYWAY? APPROXIMATELY WHEN
4 WAS THAT?

5 A APPROXIMATELY FEBRUARY OF 1984.

6 Q OKAY. AND FROM LET'S SAY, AROUND JULY OF THE
7 PRECEDING YEAR THROUGH FEBRUARY OF '84, HAD THE BBC BEEN TAKING
8 MONEY FROM INVESTORS WHO WERE GIVING JOE HUNT MONEY TO TRADE
9 COMMODITIES?

10 A YEAH. JOE HAD A LOT OF INVESTORS.

11 Q AND WHEN YOU SAY "JOE HAD A LOT OF INVESTORS,"
12 WHAT DO YOU MEAN BY THAT?

13 A WELL, THEY WERE INVESTING WITH JOE, NOT WITH THE
14 BBC.

15 Q WHAT WAS YOUR UNDERSTANDING OF WHAT WAS SUPPOSED
16 TO HAPPEN TO THE PROFITS IN ANY OF THOSE INVESTMENTS?

17 A THE PROFITS WERE SUPPOSED TO BE DIVIDED UP BETWEEN
18 A CERTAIN PERCENTAGE FOR JOE AND A CERTAIN PERCENTAGE FOR THE
19 INVESTORS.

20 Q WHAT WAS JOE SUPPOSED TO DO WITH HIS PART OF THE
21 PROFIT?

22 A WELL, HE WAS PAYING FOR ALL OF THE BBC ACTIVITIES,
23 WHETHER THEY WERE BUSINESSES OR RENTING PLACES AND ET CETERA.

24 Q AND THE MONTHLY OVERHEAD AT THE BBC, DID YOU
25 INCLUDE IN THAT, ANY MONEY THAT MAY HAVE BEEN OWED BY MR. HUNT
26 TO THE INVESTORS, AS PROFITS FROM THE SO-CALLED INVESTMENTS?

27 A NO. THAT IS NOT WHAT I WAS REFERRING TO.

28 Q DURING THE TIME THAT ALL OF THIS WAS GOING ON,

1 WERE YOU WORKING AT THE OFFICES OF THE BBC?

2 A THAT'S RIGHT.

3 Q WERE YOU BEING PAID A SALARY?

4 A NOT REALLY. I WAS JUST GETTING MONEY FROM JOE
5 AS I NEEDED IT.

6 PLUS, HE WAS PAYING THE RENT ON THE PLACE WE
7 LIVED IN. AND I THINK I HAD ALSO GOTTEN A STUDENT LOAN FOR
8 SCHOOL AND I WAS USING THAT ALSO FOR MY MONEY.

9 Q SO, YOU WERE STILL GOING TO SCHOOL AT THAT POINT?

10 A YES.

11 Q WHERE WAS THE PLACE THAT YOU LIVED?

12 A AT THAT POINT, WE MOVED TO THE WILSHIRE MANNING
13 CONDOMINIUMS.

14 Q THAT IS LOCATED ON WILSHIRE AND MANNING IN
15 WESTWOOD?

16 A THAT'S RIGHT.

17 Q AND WHO MOVED IN THERE?

18 A JOE AND I AND BEN DOSTI AND BROOKE ROBERTS, JOE'S
19 GIRLFRIEND.

20 Q AND WAS THIS INTO ONE UNIT OF THE WILSHIRE MANNING?

21 A ORIGINALLY, THAT IS WHAT WE DID, JUST THE FOUR
22 OF US. LATER ON, WE LEASED ANOTHER CONDOMINIUM IN THE SAME
23 BUILDING AND BEN DOSTI MOVED DOWNSTAIRS INTO THAT ONE AND ALSO
24 STEVE LOPEZ LIVED THERE. AND I THINK THEN SOME OTHER PEOPLE
25 MOVED INTO THE ONE THAT WE WERE LIVING IN, A GUY NAMED
26 PHILIPPE CROUZET. JEFF RAYMOND LIVED THERE.

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1 Q THAT IS ON THE DOWNSTAIRS ONE?

2 A ON THE UPSTAIRS ONE.

3 I AM BEING VAGUE.

4 WE HAD TWO CONDOMINIUMS THERE THAT WE SHARED.

5 Q ALL RIGHT. WHEN DID YOU MOVE INTO THE FIRST
6 ONE?

7 A IT WAS, I BELIEVE, OCTOBER OF '82, I THINK --
8 NO.

9 Q LET ME --

10 A LET'S SEE HERE, I GOT TO THINK.

11 OCTOBER '83, I THINK ABOUT THEN.

12 Q AND THE FIRST UNIT THAT YOU MOVED INTO WAS UNIT
13 1505?

14 A THAT'S RIGHT.

15 Q AND IF THE LEASE ON THAT FIRST UNIT SHOWS THAT
16 IT WAS SIGNED ON SEPTEMBER 26 FOR OCCUPANCY ON OCTOBER 15
17 OF '83, WOULD THAT BE ABOUT RIGHT?

18 A THAT IS ABOUT RIGHT.

19 THE COURT: I THINK WE CAN TAKE OUR RECESS AT THIS
20 TIME.

21 MR. WAPNER: THANK YOU.

22 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE WILL
23 TAKE A RECESS NOW.

24 WE HAVE SOMETHING AT 1:30?

25 MR. WAPNER: I THINK WE HAVE SOMETHING OUT OF THE JURY'S
26 PRESENCE AT 1:30.

27 THE COURT: ALL RIGHT. SO AT 1:45 THIS AFTERNOON,
28 LADIES AND GENTLEMEN.

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THE SAME ADMONITION I GAVE YOU WOULD STILL APPLY.
(AT 12:00 NOON A ADJOURNMENT WAS TAKEN
TO RESUME AT 1:30 P.M. OF THE SAME DAY.)

1 SANTA MONICA, CALIFORNIA; WEDNESDAY, MARCH 18, 1987; 1:37 P.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

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

8 THE COURT: ALL RIGHT. I AM IN THE PROCESS OF READING
9 THE MEMORANDUM OF THE DEFENDANT AS TO THE ADMISSIBILITY OF
10 IMMUNITY AGREEMENTS AND SO FORTH. SINCE IT WAS HANDED TO ME
11 WHEN I CAME INTO COURT AT 1:35, I HAVE NOT FINISHED IT.

12 HOWEVER, I WILL LISTEN TO ARGUMENT IF YOU GENTLEMEN
13 WANT TO ARGUE IT.

14 MR. BARENS: MR. CHIER PREPARED THE MOTION, YOUR HONOR.

15 MR. WAPNER: COUNSEL?

16 (UNREPORTED COLLOQUY BETWEEN MR. CHIER
17 AND MR. WAPNER.)

18 MR. CHIER: I THINK THAT IT MIGHT BE BETTER FOR YOU TO
19 FINISH IT YOUR HONOR, SO THAT I CAN ADDRESS MYSELF TO THE
20 POINTS ON IT AND YOU WOULD BE ABLE TO FOLLOW IT.

21 THE COURT: WELL, WE HAVE ASKED THE JURY TO COME BACK
22 AT A QUARTER OF 2:00. I CAN FOLLOW YOUR ARGUMENT WITHOUT
23 HAVING TO READ THE MEMORANDUM. I WILL READ THE MEMORANDUM.

24 I DON'T PROPOSE TO MAKE A RULING AT THIS VERY
25 MOMENT. I WILL MAKE A RULING HOWEVER, BEFORE THE TIME FOR
26 CROSS-EXAMINATION COMES.
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1 MR. CHIER: WELL, YOUR HONOR, I TAKE IT, IT IS THE
2 MOTION OF THE PEOPLE, A MOTION IN LIMINE OF THE PEOPLE TO
3 PRECLUDE CROSS-EXAMINATION OF --

4 THE COURT: WHICH MOTION AM I HEARING? IS IT YOUR
5 MOTION AS TO WHAT SHOULD BE DONE ON CROSS-EXAMINATION OR THE
6 PEOPLE'S MOTION?

7 MR. CHIER: I AM NOT SURE PROCEDURALLY.

8 MR. WAPNER: YOUR HONOR, I PREFER IF THE COURT TOOK THE
9 TIME TO READ THE MOTION. IT IS SOMETHING --

10 THE COURT: I WILL READ IT IN DUE TIME. I CAN LISTEN
11 TO ARGUMENT AT THE SAME TIME, CAN'T I?

12 MR. WAPNER: THE ONLY THING I AM SAYING IS, REGARDLESS
13 OF WHEN YOU READ IT, I WOULD LIKE A RULING BEFORE THE DIRECT
14 EXAMINATION IS CONCLUDED BECAUSE I WOULD LIKE TO EXAMINE THIS
15 WITNESS DURING THE DIRECT EXAMINATION AND I WOULD LIKE TO KNOW
16 WHAT THE PARAMETERS ARE. WHAT IS GOING TO BE PERMITTED ON
17 CROSS-EXAMINATION WILL DETERMINE, OBVIOUSLY, WHAT IS PERMITTED
18 ON DIRECT EXAMINATION IN TERMS OF WHAT I AM GOING TO BE GOING
19 INTO.

20 THE COURT: I DON'T UNDERSTAND. WHAT ARE YOU GOING TO
21 ELICIT ON DIRECT WHICH HAS A BEARING ON THIS PARTICULAR
22 MOTION AS TO WHAT THE DEFENSE IS GOING TO CROSS-EXAMINE THIS
23 WITNESS ABOUT?

24 MR. WAPNER: WELL, I DON'T WANT IT TO APPEAR TO THE JURY
25 THAT THE PROSECUTION IS TRYING TO HIDE SOMETHING FROM THEM
26 ABOUT THE EXTENT OF HIS IMMUNITY AGREEMENT AND TO THE EXTENT
27 THAT THE COURT IS GOING TO SET PARAMETERS ON WHAT HE CAN AND
28 CAN'T BE EXAMINED ON, I WOULD LIKE TO KNOW THOSE WHILE I AM

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1 STILL EXAMINING THE WITNESS.

2 AND ALSO, I WOULD LIKE TO HAVE SOME TIME TO BE
3 ABLE TO DISCUSS THIS WITH THE WITNESS BEFORE WE GET INTO IT.

4 MR. CHIER: YOUR HONOR, AS I UNDERSTAND THE MATTER
5 PROCEDURALLY, IT IS THE PEOPLE'S MOTION. THEREFORE, IT WOULD
6 BE UP TO THEM TO MAKE THEIR POSITION KNOWN ON THIS ISSUE AND
7 THIS IS A --

8 THE COURT: HAVE YOU GOT ANY MEMORANDUM AT ALL FOR ME
9 TO READ?

10 MR. WAPNER: NO, I DON'T, YOUR HONOR.

11 THE COURT: ALL RIGHT, IT WOULD BE HELPFUL IF YOU DID.

12 ALL RIGHT, JUST LET ME READ THIS, IF YOU WOULD.

13 MR. CHIER: PARDON ME, YOUR HONOR?

14 THE COURT: LET ME GO THROUGH IT NOW.

15 MR. CHIER: YES. THANK YOU, YOUR HONOR.

16 (PAUSE IN PROCEEDINGS.)

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1 THE COURT: ALL RIGHT. I HAVE READ THE MEMORANDUM.
2 I WILL NOW HEAR ARGUMENT. IT IS YOUR MOTION.

3 MR. WAPNER: WELL, I AM NOT EXACTLY SURE WHOSE MOTION
4 IT IS AT THIS POINT. BUT I GUESS THERE ARE TWO THINGS THAT
5 ARE BEFORE THE COURT.

6 ONE IS TO PRECLUDE EXAMINATION OF MR. KARNY ON
7 THE IMMUNITY AGREEMENT REGARDING THE OTHER CASE AND TWO IS,
8 IF THE COURT IS GOING TO ALLOW THAT, THEN IT SHOULD BE
9 ALLOWED IN THE CONTEXT OF PRESENTING THE FULL PICTURE.

10 THAT IS, HE WAS GIVEN IMMUNITY IN EXCHANGE FOR
11 TESTIMONY AGAINST MR. HUNT AND OTHER PEOPLE REGARDING THEIR
12 INVOLVEMENT IN THAT CASE. AND IF THE COURT IS GOING TO
13 PERMIT HIM TO BE EXAMINED ABOUT HIS IMMUNITY IN THAT CASE,
14 THEN I THINK THAT THE COURT SHOULD PERMIT THE FULL PICTURE
15 OF WHAT IS GOING ON IN THAT CASE, TO COME OUT.

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1. BECAUSE, ONE, IT PRESENTS -- BECAUSE NOT TO DO
2 SO PRESENTS A TOTALLY DISTORTED PICTURE.

3 WHAT COUNSEL WANTS TO DO IN EXAMINING THIS WITNESS
4 IS NOT TO EXAMINE HIM TO SHOW THE EXTENT OF HIS IMMUNITY
5 AGREEMENT AND, THEREFORE, TO MAKE HIM OUT A LIAR.

6 WHAT THEY WANT TO DO IS TO MAKE HIM OUT AN
7 INDEPENDENT MURDERER, ACTING INDEPENDENTLY OF MR. HUNT AND,
8 THEREFORE, THAT IF THE JURY SHOULD BELIEVE THAT MR. LEVIN WAS
9 KILLED, THEY WANT TO PUT IT ON MR. KARNY, THAT IS PLAIN AND
10 SIMPLE WHAT THEY WANT TO DO IS TO MAKE THIS WITNESS OUT TO
11 BE A MURDERER.

12 TO ADDRESS THE ISSUES RAISED IN MR. CHIER'S
13 BRIEF, FIRST OF ALL, THE MAIN THRUST OF THE POINTS AND
14 AUTHORITIES THEY PRESENTED TO YOU SAY THAT TO ALLOW TESTIMONY
15 OF MR. HUNT'S PARTICIPATION IN THE CRIME IN NORTHERN CALIFORNIA
16 DOESN'T TEND TO REHABILITATE MR. KARNY.

17 AND I TAKE EXCEPTION TO THAT ON TWO GROUNDS: FIRST
18 OF ALL, EXPLAINING THE CONTEXT IN WHICH MR. KARNY GOT IMMUNITY
19 AND THE PARTICIPATION OF MR. HUNT WILL ALLOW THE JURY TO
20 EVALUATE FULLY WHAT MR. KARNY'S CREDIBILITY IS.

21 THE DEFENSE SAYS, "WELL, YOU HAVE TO DISCREDIT --
22 DISBELIEVE MR. KARNY BECAUSE, AFTER ALL, HE HAS GOT IMMUNITY
23 AND HE IS WILLING TO LIE TO YOU TO GET OUT OF THIS MURDER RAP."

24 BUT THEY ALSO, TO HAVE THE TOTAL PICTURE, ARE GOING
25 TO BE ASKED TO BELIEVE THAT HE HAS MADE UP TWO STORIES SO THAT
26 HE WILL PUT MR. HUNT BEHIND BARS ON TWO MURDER CASES AND NOT
27 JUST ONE, AND THAT IS GOING TO BE MUCH MORE TOUGH FOR THE
28 DEFENSE TO SELL AS THOUGH -- BUT TO ALLOW COUNSEL TO DO THAT,

1 DOES IN FACT TEND TO REHABILITATE MR. KARNY BECAUSE IT IS GOING
2 TO BE MUCH MORE DIFFICULT FOR THE JURY TO BELIEVE THAT HE WOULD
3 PRESENT TWO LIES ABOUT TWO DIFFERENT MURDER CASES, BOTH
4 INVOLVING MR. HUNT, JUST TO SAVE HIS OWN SKIN AND,
5 THEREFORE, PUT MR. HUNT IN JAIL ON THESE TWO MURDERS, WHICH,
6 OF COURSE, HE CLAIMS HE DIDN'T DO.

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1 SECOND OF ALL, IT TENDS TO REHABILITATE MR.
2 KARNY BECAUSE THE TESTIMONY IN THIS CASE, IS GOING TO BE
3 LARGELY, THAT DURING THE TIME THAT MR. KARNY PARTICIPATED
4 IN THE BBC, HE ACTED AND DID THINGS ON MR. HUNT'S DIRECTION.
5 AND THAT IT WAS ONLY AFTER MR. HUNT WAS IN JAIL THE SECOND
6 TIME AND MR. KARNY WAS WITHDRAWING FROM THE INFLUENCE OF
7 MR. HUNT, THAT HE DECIDED IN FACT, TO GO TO THE POLICE HERE
8 AND IN NORTHERN CALIFORNIA.

9 AND TO ALLOW TESTIMONY OF THIS OTHER MURDER THAT
10 OCCURS BEFORE MR. KARNY GOES TO THE POLICE, THE DEFENSE WANTS
11 THAT IN TO SHOW THAT HE ACTS INDEPENDENTLY OF MR. HUNT AND
12 HE IS A MURDERER, NOT JUST TO IMPEACH HIS CREDIBILITY.

13 I THINK THAT IT DOES TEND TO REHABILITATE HIS
14 TESTIMONY WHEN YOU ALLOW THE JURY TO SEE THAT IN FACT, IN
15 THAT CASE ALSO, HE WAS PARTICIPATING ONLY WITH MR. HUNT AND
16 NOT ACTING INDEPENDENTLY.

17 AND FOR THOSE REASONS, I THINK THAT THE COURT
18 SHOULD PERMIT IN, IF IT IS GOING TO PERMIT THE EXAMINATION
19 OF MR. KARNY ON THE FULL EXTENT OF HIS IMMUNITY, EXAMINATION
20 OF THE FACT THAT MR. HUNT WAS INVOLVED IN THE SECOND MURDER.

21 THE COURT: WELL, HOW WOULD THAT AFFECT YOU IN YOUR
22 DIRECT EXAMINATION?

23 MR. WAPNER: WELL, IF THE COURT IS GOING TO ALLOW THE
24 DISCUSSION OF THE TOTAL EXTENT OF HIS IMMUNITY, THEN IT WILL
25 AFFECT WHAT I ASK HIM IN TERMS OF EXACTLY WHAT HAPPENED WHEN
26 HE WENT TO THE POLICE.

27 THE COURT: HOW IS THAT A PART OF THE DIRECT CASE IN
28 THIS CASE? WOULDN'T THAT BE CROSS-EXAMINATION AND NOT DIRECT

1 TESTIMONY?

2 WHY DON'T YOU WAIT UNTIL AFTER THE CROSS-
3 EXAMINATION? THEN YOU CAN REHABILITATE HIM BY REDIRECT?

4 MR. WAPNER: WELL, I DON'T WANT TO MAKE IT APPEAR TO
5 THIS JURY THAT I AM PRESENTING A WITNESS WHO IS NOT
6 IMMUNIZED.

7 THE COURT: WELL, DO YOU WANT TO ASK HIM WHETHER HE
8 WAS IMMUNIZED? IS THAT WHAT YOU WANT TO DO?

9 MR. WAPNER: I INTEND TO ASK HIM --

10 THE COURT: IN BOTH CASES?

11 MR. WAPNER: I DIDN'T KNOW WHAT I WAS GOING TO ASK
12 HIM UNTIL THIS COURT GAVE ME SOME RULING.

13 THE COURT: I WILL HEAR FROM COUNSEL.

14 MR. CHIER: WELL YOUR HONOR, WHETHER BY DESIGN OR
15 INADVERTENCE ON THE PART OF THE PEOPLE, THEY HAVE MISSTATED
16 THE FACTS. AND BEFORE I BRIEFLY SUMMARIZE THE FACTS AS
17 THEY RELATE TO THIS MOTION --

18 THE COURT: WELL, HOW HAVE THEY MISSTATED IT?

19 MR. CHIER: THE FACT THAT YOUR HONOR, THAT THE IMMUNITY
20 THAT WE ARE TALKING ABOUT, WAS A TRANSACTION ON -- SORRY,
21 A TRANSACTIONAL IMMUNITY.

22 (NOISE IN THE COURTROOM.)

23 THE COURT: WILL YOU PLEASE? DON'T INTERRUPT THE
24 ARGUMENT.

25 JUST LET HIM SIT WHEREVER HE WANTS TO SIT. LET
26 HIM SIT IN THE BACK, THERE.

27 GO AHEAD. SORRY FOR THE INTERRUPTION.

28 MR. CHIER: MR. KARNY WAS GIVEN COMPLETE, BLANKET

1 IMMUNITY BY THE DEPARTMENT OF JUSTICE, STATE OF CALIFORNIA.
2 MR. WAPNER INHERITED AN IMMUNITY DEAL THAT WAS MADE BETWEEN
3 THE WITNESS, KARNY, JOHN VANCE AND THE DEPARTMENT OF JUSTICE.

4 THE ISSUE THEREFORE, IS ONE OF CONSTITUTIONAL
5 DIMENSION, THE RIGHT OF THE DEFENDANT TO CONFRONT AND TO
6 CROSS-EXAMINE THE WITNESSES AGAINST HIM.

7 AND IT DEALS ALSO, YOUR HONOR, WITH THE MEANING
8 OF SECTION 780, SUBSECTION F OF THE CALIFORNIA EVIDENCE CODE,
9 WHICH PERMITS THE INQUIRY OF A WITNESS TO ESTABLISH THE
10 EXISTENCE OR NON-EXISTENCE OF BIAS, INTEREST OR OTHER MOTIVE.

11 INASMUCH AS THE WITNESS KARNY, WENT TO FIRST,
12 THE STATE OF CALIFORNIA WHO OFFERED HIM FIRST, IMMUNITY IN
13 CONNECTION WITH SAN MATEO AND SECOND, IMMUNITY IN CONNECTION
14 WITH THE LOS ANGELES MATTER, MR. KARNY AT THIS PARTICULAR
15 TIME, WAS IMMUNIZED FOR A SERIES OF CRIMINAL ACTIONS WHICH
16 SUBJECTED HIM, IF PROVEN AND CONVICTED, TO THE DEATH PENALTY.

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1 A WITNESS WHO TESTIFIES UNDER A GRANT OF IMMUNITY
2 WHICH SAVES HIM FROM THE GAS CHAMBER, I THINK, IS HIGHLY
3 PROBATIVE AND TENDS GREATLY TO INFLUENCE A WITNESS'S TESTIMONY
4 IN THAT REGARD.

5 THE PEOPLE HAVE NOT CITED A SINGLE CASE WHERE A
6 DEFENDANT IN SUCH A FACT PATTERN WAS EVER PROHIBITED FROM
7 INQUIRING AS TO THE VERY GRANT OF IMMUNITY UNDER WHICH THE
8 WITNESS TESTIFIED AND CONCERNING PENDING CASES, ALL OF WHICH
9 ARE ENTIRELY RELATED INSOFAR AS THE DEAL MADE WITH THE WITNESS
10 WHO IS CONCERNED.

11 THIS IS A DEAL BETWEEN THE WITNESS AND THE STATE
12 OF CALIFORNIA.

13 MR. WAPNER --

14 THE COURT: PARDON ME. THE DEAL WAS THAT HE WOULD BE
15 IMMUNIZED FOR THE OFFENSE THAT WAS COMMITTED HERE AND ALSO
16 FOR THE OFFENSE WHICH WAS COMMITTED IN SAN MATEO.

17 MR. CHIER: THE REVERSE, HOWEVER.

18 THE COURT: THEY ARE COMPLETELY INTERRELATED. HOW CAN
19 YOU SEPARATE THEM?

20 MR. CHIER: THE CONSIDERATION TO THE WITNESS WAS ALL
21 ONE CONSIDERATION.

22 HIS BENEFIT, ON THE OTHER HAND, WAS IN TWO PLACES:
23 FIRST -- AND IT WAS THE OTHER WAY AROUND -- FIRST IN SAN MATEO
24 AND SECOND, LOS ANGELES.

25 THE LOS ANGELES IMMUNITY WAS VIRTUALLY GRAFTED
26 ON ALMOST AS AN AFTERTHOUGHT OR AN ADDED BONUS TO THE WITNESS.

27 THE FIRST IMMUNITY WHICH GAVE HIM IMMUNITY FOR
28 BOTH OFFENSES WAS ORIGINATED WITH THE STATE OF CALIFORNIA IN

1 CONNECTION WITH THE SAN MATEO CASE.

2 THERE IS NO REQUIREMENT OF SYMMETRY IN SHOWING
3 THAT A WITNESS HAS A MOTIVE OR A BIAS TO TESTIFY IN A
4 PARTICULAR WAY.

5 THE FACT THAT MR. HUNT IS A DEFENDANT IN THE
6 SAN MATEO CASE IS NOT A FACT WHICH IS PROBATIVE OF ANY ISSUE
7 IN THIS CASE. THAT EVIDENCE, IF ADMITTED, WOULD BE VIOLATIVE
8 OF SECTION 1101, WHICH PROHIBITS THE ADMISSION OF UNPROVED
9 ACTS OF MISCONDUCT AGAINST A DEFENDANT EXCEPT IN SPECIFIED
10 CIRCUMSTANCES SUCH AS TO PROVE MOTIVE, PLAN, INTENT, IDENTITY
11 OR THE LIKE.

12 THE ADMISSION, TO BALANCE IT OUT, WHICH THE PEOPLE
13 ARE REQUESTING, OF THE FACT THAT THE DEFENDANTS IN THE NORTHERN
14 CALIFORNIA MURDER CASE INCLUDE THE DEFENDANT, WOULD IN NO WAY
15 TEND TO AMELIORATE OR TAKE AWAY FROM THE FACT THAT THE WITNESS'S
16 BIAS OR MOTIVE IN TESTIFYING MAY BE TO CONFORM TO THE WISHES
17 OF THE PEOPLE, IN ORDER TO AVOID THE GAS CHAMBER.

18 THE FACT THAT MR. HUNT HIMSELF, YOUR HONOR, MAY
19 BE A DEFENDANT IN THAT CASE, IF PROVEN, IF ESTABLISHED IN FRONT
20 OF THIS JURY, WOULD NOT IN ANY WAY REHABILITATE MR. KARNY.

21 THE QUESTION IS: DOES MR. KARNY HAVE A MOTIVE
22 TO GIVE TESTIMONY THAT IS FAVORABLE TO THE PEOPLE THAT IS
23 ADVERSE TO THE DEFENDANT?

24 YES, HE DOES HAVE SUCH A MOTIVE. THAT MOTIVE
25 EXISTS BECAUSE OF THE FACT THAT HE WOULD HAVE, BUT FOR THIS
26 GRANT OF IMMUNITY WHICH COVERS -- AND THEY DON'T WANT THE JURY
27 TO KNOW THAT -- THEY DON'T WANT THE JURY TO KNOW THAT THIS
28 MAN IS TESTIFYING FROM THAT STAND IN ORDER TO SAVE HIMSELF

1 FROM THE GAS CHAMBER, WHICH IS PRECISELY WHAT IS HAPPENING.

2 AND WE ARE NOT TRYING TO HIDE ANYTHING. AND IF
3 MR. WAPNER SUGGESTS THAT HE DOESN'T WANT THE JURY TO THINK
4 THEY ARE TRYING TO HIDE SOMETHING, THEN HE SHOULDN'T TRY TO
5 HIDE IT BECAUSE THAT IS EXACTLY WHAT IS HAPPENING.

6 THIS "OPEN THE DOOR" CONCEPT IS THOROUGHLY
7 DISCREDITED BY MR. WITKIN IN HIS SECOND AND MOST RECENT
8 TREATISE ON EVIDENCE, AND IT IS DISCREDITED BY THE CASES WHICH
9 WE HAVE CITED IN A MEMORANDUM AS BEING KIND OF A NON SEQUITUR.

A 10 THE FACT THAT IN THIS CASE, THE FACT THAT THE
11 DEFENDANT WOULD ELICIT FROM THE WITNESS TESTIMONY CONCERNING
12 THE FACT THAT HE WAS GRANTED IMMUNITY AND THAT HE WAS
13 CONCERNED THAT HE BE CONVICTED IN NORTHERN CALIFORNIA AND
14 POSSIBLY SOUTHERN CALIFORNIA AND BECAUSE OF HIS CONCERN OF
15 BEING CONVICTED AND BEING THEREBY SUBJECTED TO THE GAS CHAMBER,
16 HE IS GIVING THIS TESTIMONY.

17 NOW THAT IS CERTAINLY AN INFERENCE WHICH COULD
18 BE REASONABLY DRAWN FROM THE FACTS.

19 THE FACT THAT MR. HUNT MAY BE A DEFENDANT IN THAT
20 CASE DOESN'T ADD ANYTHING. IT DOESN'T ADD -- IT DOESN'T MAKE
21 KARNY ANY LESS LIKELY TO BE TESTIFYING IN ACCORDANCE WITH THE
22 DESIRES OF THE PROSECUTION WHO GRANTED HIM IMMUNITY AND,
23 THEREFORE, IT IS NOT CORRECT TO SAY THAT BECAUSE THE DEFENDANT
24 ASKED ABOUT A WITNESS'S MOTIVE OR BIAS, THE WITNESS THEREFORE,
25 THROUGH THE PROSECUTION, HAS A CO-RELATIVE RIGHT TO SUDDENLY
26 BRING IN UNCHARGED ACTS OF MISCONDUCT AGAINST THE DEFENDANT.
27 THERE IS NO SYMMETRY THERE AND ONE DOESN'T NECESSARILY GIVE
28 RISE TO THE OTHER. THESE ARE TWO SEPARATE AND DISCRETE

1 MATTERS.

2 (UNREPORTED COLLOQUY BETWEEN MR. CHIER
3 AND MR. BARENS.)

4 MR. CHIER: AND I WOULD JUST SAY, YOUR HONOR, THAT WE
5 HAVE CITED THE LATEST CALIFORNIA CASES FROM THE CALIFORNIA
6 SUPREME COURT AND THE GRANDDADDY OF ALL CROSS-EXAMINATION
7 CASES IS DAVIS V. ALASKA, WHEREIN THE MAJORITY OPINION, WHICH
8 WAS WRITTEN BY CHIEF JUSTICE BERGER, AND I WILL JUST QUOTE
9 PARTIALLY FROM IT BECAUSE IT IS SO IMPORTANT.

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1 THE COURT: I HAVE READ IT. WE DISCUSSED THAT CASE
2 A LONG TIME AGO.

3 MR. CHIER: ALL RIGHT. BUT IT IS SO IMPORTANT, I WOULD
4 LIKE TO UNDERSCORE IT BECAUSE THAT ONE SENTENCE IS WHAT THE
5 CRUX OF THIS WHOLE MATTER IS ABOUT. "WE HAVE RECOGNIZED
6 THAT THE EXPOSURE OF A WITNESS' MOTIVATION IN TESTIFYING,
7 IS A PROPER AND IMPORTANT FUNCTION OF THE CONSTITUTIONALLY
8 PROTECTED RIGHT OF CROSS-EXAMINATION." AND THAT IS WHAT
9 THIS IS ALL ABOUT, YOUR HONOR. IT IS NOT ABOUT KEEPING SCORE,
10 HERE.

11 THE DEFENDANT GETS TO ASK THIS AND THEN HE GETS
12 TO PROVE THAT HE HAS ANOTHER CASE IN NORTHERN CALIFORNIA.
13 THAT IS NOT WHAT IT IS ABOUT, YOUR HONOR.

14 IT IS ABOUT SHOWING THAT THIS WITNESS HAS A MOTIVE
15 AND A BIAS AGAINST THE DEFENDANT IN FAVOR OF THE PROSECUTION.
16 MR. BARENS WOULD JUST LIKE TO ADDRESS THE COURT BRIEFLY ON
17 THIS ONE ISSUE, IF THE COURT WILL PERMIT IT.

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

19 THE COURT: ALL RIGHT.

20 MR. BARENS: YOUR HONOR, JUST ON A DIFFERENT MATTER,
21 TO LOOK AT HOW PREPOSTEROUS THIS IS GOING TO END UP, IF WE
22 ARE NOT PERMITTED TO CROSS-EXAMINE ON THE FULL SCOPE OF THE
23 IMMUNITY, IF WE LEAVE THIS JURY WITH THE --

24 THE COURT: I THOUGHT MR. CHIER WAS ARGUING ALL MOTIONS
25 OF LAW AND THAT YOU WOULD TAKE CARE OF THE REST OF IT?

26 MR. BARENS: I HAVE A MATTER OF PASSION FOR YOU, JUDGE.

27 THE COURT: ALL RIGHT. GO AHEAD.

28 MR. BARENS: YOUR HONOR, IF WE LEAVE THE JURY WITH

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1 THE IMPRESSION THAT KARNY IS ONLY IMMUNIZED ON A MURDER THAT
2 WE SAY NEVER OCCURRED, THE DEFENSE SAYS THIS GUY IS GONE
3 OF HIS OWN VOLITION.

4 IF THE JURY GETS A SENSE THAT HE IS IMMUNIZED
5 ON A MURDER THAT NEVER OCCURRED, THEY ARE GOING TO WALK OUT
6 SAYING, "WHAT IS THIS ALL ABOUT?" IF THE DEFENSE SAYS IT
7 NEVER OCCURRED, IT INDICATES A SITUATION WHERE THE DEFENDANT
8 COULD NEVER GET A FAIR SHAKE IN THE JURY'S MIND ON THIS WHOLE
9 IMMUNITY CONCEPT.

10 THE TRUTH OF THE MATTER IS, YOUR HONOR, KARNY'S
11 MOTIVE IN GOING TO THE POLICE TO TELL HIS STORY INVOLVED --
12 HE DIDN'T GO TO LES ZOELLER. HE WENT TO THE STATE. HE WENT
13 TO THE ESLAMINIA POLICE PEOPLE AND TOLD THEM HIS STORY, TO
14 BARGAIN FOR A DEAL ON THAT CASE. HIS INITIATING --

15 THE COURT: WELL, WAS THAT BECAUSE HE MIGHT HAVE THOUGHT
16 HE WAS ONLY REMOTELY INVOLVED IN THIS PARTICULAR MURDER AND
17 FOR THAT REASON, HE DIDN'T THINK IT WAS NECESSARY TO GET
18 IMMUNIZATION?

19 MR. BARENS: PRECISELY. THAT IS WHAT I DO BELIEVE.

20 THE COURT: WELL, CERTAINLY.

21 MR. BARENS: AND HE GOES UP THERE. BUT IF HE GETS
22 UP THERE, THE JURY MUST BE ALLOWED TO CONSIDER THE POSSIBILITY
23 THAT KARNY MAY HAVE CONSTRUCTED HIS STORY IN THIS CASE, TO
24 ADD SOMETHING TO HIS BARGAIN FOR IMMUNITY ON THE ESLAMINIA
25 CASE, TO ADD SOMETHING IN A CRIME THAT HE MIGHT HAVE BEEN
26 IN AND WE HAVE NOT HAD A TRIAL -- THAT HE MIGHT HAVE BEEN
27 THE SOLE PERPETRATOR, IN SAN FRANCISCO.

28 IF YOU DON'T WASH THIS CASE INTO THE NEXUS OF

1 THAT CASE AND MR. WAPNER LAUGHS BUT MR. WAPNER WAS NOT --
2 HE HAS NOT SEEN THAT TRIAL ANY MORE THAN I HAVE, JUDGE. AT
3 LEAST AT THE PRELIM, I DIDN'T SEE MR. WAPNER THERE.

4 NOW, THE EVIDENCE AND THE ISSUES THAT ARE GOING
5 TO BE INVOLVED IN THAT CASE ARE GOING TO HAVE TO STAND ON
6 THEIR OWN. WHAT I AM SAYING HERE, TO GIVE THE JURY A FALSE,
7 COVERED-UP IMPRESSION AND THIS ARTIFICIAL LOOK THAT THIS
8 IMMUNITY TRANSACTION ONLY INVOLVES THE LEVIN CASE, IS TO
9 GIVE THEM THE TIP OF THE ICEBERG AND SAY THAT IT IS THE
10 ENTIRE ICEBERG.

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1 WHEREAS, KARNY'S SOLE MOTIVATION WHEN HE CAME
2 FORWARD, WASN'T TO COME CLEAN IN BEVERLY HILLS. IT WAS TO
3 SAVE HIS REAREND IN SAN FRANCISCO. THAT IS WHAT THIS AMOUNTED
4 TO. OTHERWISE, WE ARE GOING TO LEAVE THE JURY WITH THAT
5 IMPRESSION ON THIS ENTIRE IMMUNITY DEAL THAT IS SO JAUNDICED
6 AND SO ONE-SIDED THAT THE DEFENDANT WILL NEVER GET A FAIR
7 TRIAL ON THAT IMMUNITY ISSUE.

8 MR. WAPNER: I AM OUTRAGED THAT THE DEFENSE WOULD
9 SUGGEST THAT ONE, THEY ARE NOT TRYING TO HIDE ANYTHING AND
10 TWO, THAT THEY WANT THE TRUE FACTS TO COME OUT.

11 I AM HAPPY TO HAVE THE WITNESS EXAMINED ON THE
12 FULL EXTENT OF HIS IMMUNITY AGREEMENT, AS LONG AS IT IS
13 CLEAR THAT THAT WILL ENTAIL THEM ASKING HIM WHETHER OR NOT
14 HE GOT IMMUNITY IN NORTHERN CALIFORNIA IN EXCHANGE FOR
15 TESTIMONY AGAINST THIS DEFENDANT AND OTHERS.

16 THE COURT: YOU MEAN, NECESSARILY INVOLVED IN THE
17 IMMUNITY UP THERE, WAS IMMUNITY FROM PROSECUTION IN A CASE
18 WHERE THE DEFENDANT IS ONE OF THE PRINCIPAL DEFENDANTS?

19 MR. WAPNER: SORRY. WOULD YOU REPEAT THAT? I DIDN'T
20 QUITE CATCH ALL OF THAT.

21 THE COURT: THE IMMUNITY WHICH HAS BEEN GRANTED UP
22 IN SAN MATEO COUNTY IN A CASE WHICH OF NECESSITY, INVOLVES
23 THIS DEFENDANT?

24 MR. WAPNER: CORRECT.

25 THE COURT: THE EXTENT OF IMMUNITY IS THAT HE WILL
26 TESTIFY IN THAT CASE AGAINST THE DEFENDANT, ALL OF THE
27 DEFENDANTS WHO WERE IN THAT PARTICULAR CASE?

28 MR. WAPNER: THAT'S CORRECT.

1 THE COURT: SO IN ORDER TO HAVE THE ENTIRE IMMUNITY
2 EXPLAINED, HE HAS GOT TO TELL WHAT IT IS THAT HE IS GETTING
3 IMMUNIZED FROM?

4 MR. WAPNER: THAT IS ALSO CORRECT. AND MR. BARENS
5 NOW SUGGESTS DIRECTLY THAT HE WANTS TO MAKE IT CLEAR THAT
6 MR. KARNY WENT UP TO NORTHERN CALIFORNIA; KILLED SOMEBODY
7 AND NOW WENT TO THE POLICE THERE AND SAID "OKAY, I DID IT,
8 JUST LET ME OFF AND I WILL COME DOWN TO LOS ANGELES AND
9 TESTIFY ABOUT THIS." THAT IS THE IMPRESSION THEY WANT TO
10 GIVE THE JURY. THEY DON'T WANT THE TRUTH TO COME OUT.

11 IT IS A BUNCH OF HOKUM THAT THEY WANT THE TRUTH
12 TO COME OUT. SO I AM HAPPY TO HAVE ALL THE DIRTY LAUNDRY
13 AIRED, AS LONG AS --

14 THE COURT: ARE YOU WILLING TO HAVE THE QUESTION OF
15 IMMUNITY JUST TO THIS PARTICULAR CASE, WHATEVER THE JURY --
16 WHATEVER THE IMPRESSION AND REACTIONS ARE THAT THE JURY GETS
17 FROM THE FACT THAT HE HAS BEEN IMMUNIZED IN THIS PARTICULAR
18 CASE AND LET IT REST THERE AND NOTHING AT ALL ABOUT SAN MATEO?
19 IS THAT IT?

20 MR. WAPNER: I AM WILLING TO DO IT EITHER WAY THE COURT
21 WANTS.

22 THE COURT: IF THEY TALK ABOUT IMMUNIZING AND IF THE
23 DEFENSE INTENDS TO GO INTO THE IMMUNIZATION IN SAN MATEO
24 COUNTY, THEN WHAT YOU WANT IS TO HAVE ALL THE FACTS IN
25 CONNECTION WITH THAT IMMUNITY THAT HE GOT IN SAN MATEO
26 COUNTY BROUGHT OUT BEFORE THE JURY?

27 MR. WAPNER: THAT'S CORRECT. THAT IS EXACTLY CORRECT.

28 THE COURT: MR. BARENS?

1 MR. BARENS: YES.

2 THE COURT: AN OFFER HAS BEEN MADE THAT THE FACT THAT
3 MR. KARNY HAS BEEN IMMUNIZED IN THIS PARTICULAR CASE, BEEN
4 GRANTED IMMUNITY FROM PROSECUTION IN THIS PARTICULAR CASE,
5 IF IT WAS TO REST THERE, HE WOULD BE SATISFIED.

6 IF YOU ARE GOING TO BRING THE QUESTION OF
7 IMMUNITY AS TO SAN MATEO AND TO QUOTE YOUR COLLEAGUE, HE
8 SAID, "TWO SEPARATE AND DISTINCT MATTERS" AND THEY AREN'T
9 RELATED.

10 SO THAT CONSEQUENTLY, THEY ARE COMPLETELY
11 UNRELATED. IF THEY ARE UNRELATED, WHY GO INTO THE QUESTION
12 OF IMMUNITY UP THERE?

13 MR. BARENS: YOUR HONOR, OBVIOUSLY THE IMMUNITY DEAL
14 HERE WHICH THE PEOPLE DON'T DISAGREE WITH AND THE DEFENSE
15 STIPULATES TO, THIS IS SECONDARY THAT HIS MOTIVE IN GETTING
16 IMMUNIZED WAS ON THE CASE UP THERE.

17 THE COURT: THE IMMUNITY THAT WE ARE DEALING WITH IN
18 THIS CASE IS DOWN HERE. WE ARE NOT TRYING THAT CASE UP
19 THERE. AS FAR AS THIS JURY IS CONCERNED, THEY ONLY KNOW
20 ABOUT THIS PARTICULAR CASE.

21 AND ALL THEY ARE SUPPOSED TO KNOW IS WHETHER
22 OR NOT THERE HAS BEEN ANY IMMUNITY GRANTED TO MR. KARNY FOR
23 ANY ACTS OR ANYTHING THAT HE HAD DONE IN CONNECTION WITH
24 THIS CASE. THEY ARE NOT CONCERNED WITH THE CASE UP THERE.
25 THEY ARE NOT TRYING THAT ONE.

26 BUT IF YOU WANT TO GO INTO THE QUESTION OF
27 IMMUNITY IN A SEPARATE CASE, WHICH IS SEPARATE AND DISTINCT,
28 TO USE AGAIN THE EXPRESSION OF YOUR COLLEAGUE, IF YOU WANT

1 TO USE THAT, THEN COUNSEL HAS A RIGHT TO SAY, "WHAT HAS HE
2 BEEN IMMUNIZED FOR AND WHAT IS IT THAT HE GOT IMMUNITY FOR?"

3 THEY WOULD HAVE THE RIGHT TO GO INTO THE QUESTION
4 OF WHAT THAT CASE IS ALL ABOUT AND WHO IS INVOLVED IN IT.

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1 MR. BARENS: SIR, THERE IS NO DOUBT, I THINK, IN ANYONE'S
2 MIND THAT IMMUNITY GRANTS GO TO MOTIVE. I DON'T THINK THERE
3 IS ANY ISSUE THAT HIS IMMUNITY GOES TO HIS MOTIVE IN
4 TESTIFYING.

5 YOUR HONOR, HOW MANY TIMES HAVE WE SEEN DRUG CASES
6 THE COURT: YES, THAT IS WHY THE IMMUNITY GOES TO MOTIVE
7 TO TESTIFYING IN THIS CASE, IT ONLY GOES TO MOTIVE IN THIS
8 CASE.

9 I AM NOT TALKING ABOUT THE CASE UP THERE. JUST
10 BECAUSE HE HAS BEEN SEPARATELY IMMUNIZED IN THE CASE UP THERE
11 HAS NOTHING TO DO WITH THIS CASE.

12 MR. BARENS: HE WAS NOT SEPARATELY IMMUNIZED IN THAT CASE.

13 IF YOU LOOK AT THE TRANSCRIPT OF THE DIALOGUE
14 BETWEEN MR. BREILING AND MR. KARNY UP THERE --

15 THE COURT: DIDN'T THEY GO THROUGH TWO SEPARATE
16 IMMUNIZATIONS?

17 MR. CHIER: NO, SIR.

18 THE COURT: IS THAT TRUE?

19 MR. WAPNER: THE ORIGINAL GRANT OF IMMUNITY COVERED THAT
20 CASE AND THIS CASE ALSO, YOUR HONOR.

21 MR. BARENS: THEY WERE NOT SEPARATE AT ANY TIME.

22 THE COURT: IT COVERED BOTH OF THEM?

23 MR. BARENS: AS AN AFTERTHOUGHT, HE IS TALKING TO
24 BREILING ON THE RECORD AND THERE IS A TRANSCRIPT OF THIS, JUDGE,
25 WHERE HE TALKS TO BREILING. HE IS MAKING ALL OF THIS DIALOGUE,
26 DIALOGUE, DIALOGUE ABOUT ESLAMINIA AND THEY GET TO THE END
27 OF THAT AND THEN THEY START TO SAY "WE ARE ALSO GOING TO
28 IMMUNIZE YOU DOWN IN L.A."

1 MR. WAPNER: WAIT A MINUTE.

2 MR. BARENS: IT IS SECONDARY BOTH IN TIME AND IN
3 EMPHASIS TO WHAT IS THE TRUE MOTIVE OF THE WITNESS IN TALKING
4 ABOUT IT.

5 THE COURT: YOU CAN PROVE MOTIVE BY SHOWING HE HAS GOT
6 IMMUNITY IN THIS PARTICULAR CASE. SO FAR AS THIS JURY IS
7 CONCERNED, THAT IS SUFFICIENT TO SHOW A MOTIVE. YOU DON'T
8 HAVE TO GO INTO QUESTIONING OF IMMUNIZATION IN SOME OTHER
9 JURISDICTION FOR SOME OTHER CRIME THAT HE COMMITTED.

10 MR. CHIER: YOUR HONOR, IT IS JUST --

11 THE COURT: WE ARE TALKING ABOUT THE MOTIVE IN TESTIFYING
12 IN THIS CASE.

13 HE IS NOT TESTIFYING IN THE OTHER CASE.

14 MR. BARENS: YOUR HONOR, HIS MOTIVE IN TESTIFYING IN THIS
15 CASE IS TO GET FREED IN THE ESLAMINIA CASE AND THAT IS EXACTLY
16 WHAT HAPPENED. THAT IS THE TRUTH OF THE MATTER.

17 THE COURT: THE TRUTH OF THE MATTER IS HE HAS GOT IMMUNITY
18 IN BOTH CASES.

19 MR. CHIER: YOUR HONOR, THE TRUTH OF THE MATTER IS --

20 THE COURT: PARDON ME. SUPPOSE HE RECEIVED IMMUNITY
21 IN THE ESLAMINIA CASE AND NOT IN THIS CASE, WOULD YOU HAVE
22 A RIGHT TO SHOW THAT HE HAS GOT IMMUNITY IN ANOTHER CASE WHICH
23 HAS NOTHING TO DO WITH THIS ONE?

24 MR. BARENS: ABSOLUTELY, YOUR HONOR.

25 THE COURT: OH, NO, NOT AT ALL.

26 MR. BARENS: YOUR HONOR, AS LONG AS HE IS A WITNESS --

27 THE COURT: NOT AT ALL, NO.

28 MR. BARENS: AS LONG AS HE IS A WITNESS.

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1 THE COURT: THE MOTIVE IN HAVING HIM TESTIFY HERE WOULD
2 NOT APPLY IF HE GOT IMMUNITY UP THERE.

3 MR. CHIER: IF HE IS AN IMMUNIZED WITNESS, WE KNOW HE
4 IS IMMUNIZED SECONDARILY TO THAT SAN FRANCISCO CASE, WE CAN'T
5 IGNORE THAT.

6 THE COURT: DO YOU HAVE ANYTHING FURTHER TO ADD?

7 MR. WAPNER: JUST I HAVE --

8 MR. CHIER: WILL YOU GIVE US THE COURTESY OF CONFERRING?

9 MR. BARENS: WE ARE HAVING A MOMENT, THAT IS.

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

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1 MR. BARENS: PROCEDURALLY, YOUR HONOR, IF YOUR HONOR
2 WANTS TO HEAR FROM THE PEOPLE AGAIN AND WE WILL TAKE A MOMENT
3 AND FINISH UP WITH THE DEFENDANT.

4 THE COURT: THAT IS ALL RIGHT.

5 MR. BARENS: I WOULD LIKE MR. CHIER TO FINISH UP WHAT
6 HE STARTED.

7 MR. CHIER: THE FACT OF THE MATTER IS THAT THE PEOPLE
8 OF THIS STATE, BY ACTING THROUGH FRED WAPNER, INHERITED THE
9 DEAL THAT WAS STRUCK BETWEEN THE WITNESS AND THE DEPARTMENT
10 OF JUSTICE.

11 THE WITNESS KARNY HAS MADE A JUDICIAL ADMISSION
12 OF IMPLICATING HIMSELF IN A MURDER IN NORTHERN CALIFORNIA.

13 THE COURT: LET ME INTERRUPT YOU. SUPPOSE THERE HAD
14 BEEN NO IMMUNITY GRANTED IN THIS CASE AND IMMUNITY WAS GRANTED
15 ONLY IN THAT CASE UP THERE, WOULD YOU HAVE A RIGHT TO ASK THIS
16 WITNESS ABOUT THE FACT THAT HE HAD IMMUNITY GRANTED IN A
17 SEPARATE CASE WHICH IS NOT ON TRIAL HERE?

18 MR. CHIER: IF THERE IS ANY CONNECTION BETWEEN WHAT
19 HAPPENED THERE AND HERE.

20 THE COURT: I AM NOT TALKING ABOUT CONNECTION.

21 I AM ASKING YOU A SIMPLE QUESTION.

22 MR. CHIER: IT DEPENDS. THERE IS NO CLEAR ANSWER TO
23 IT.

24 THE COURT: DEPENDS ON WHAT?

25 MR. CHIER: IT DEPENDS UPON WHAT THE CONNECTION IS BETWEEN
26 THE TWO AND WHAT HIS MOTIVES ARE IN TESTIFYING HERE. IF THAT
27 BEARS ON HIS MOTIVE, WE ARE ENTITLED TO GO INTO IT.

28 THE COURT: WE ARE NOT TRYING THE OTHER ONE.

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1 IN ORDER TO SHOW MOTIVE, SHOWING A GRANT OF
2 IMMUNITY IS PROPER, BUT IF HE HAS NO IMMUNIZATION HERE,
3 THEREFORE, THERE IS NO MOTIVE.

4 MR. CHIER: BUT HE WAS GIVEN IMMUNITY FOR TWO THINGS
5 AT ONE TIME.

6 THE COURT: I ASKED A QUESTION OF MR. BARENS. WHAT WOULD
7 HAPPEN IF HE GOT IMMUNITY ONLY HERE?

8 MR. CHIER: I DON'T KNOW WHY, JUDGE, WE SHOULD HAVE TO.

9 THE COURT: WE HAVE TO BECAUSE THE FACT IS IF HE GOT
10 IMMUNITY HERE, IT MAKES THE IMMUNITY HE GOT IN ANOTHER CASE
11 COMPLETELY IMMATERIAL.

12 MR. CHIER: WE ARE DEALING WITH THE ACTUAL FACT THAT
13 HE GOT IMMUNITY IN NORTHERN CALIFORNIA FOR THIS CASE AND THAT
14 CASE AT THE SAME TIME. IT WAS ONE -- HE WAS GRANTED IMMUNITY
15 WHICH IMMUNIZED HIM FOR BOTH MURDERS.

16 THE COURT: IF THERE HAD BEEN TWO OR THREE OTHERS, THAT
17 IMMUNITY WOULD ALSO BE RELEVANT HERE?

18 MR. CHIER: WHATEVER THEY OFFERED HIM IN EXCHANGE FOR
19 HIS TESTIMONY IS WHAT WE SHOULD BE ABLE TO ESTABLISH. THAT
20 IS WHAT THEY GAVE HIM. WHY CAN'T WE SHOW THAT?

21 THE COURT: IF YOU WANT TO SHOW IT, I WILL PERMIT YOU
22 TO DO THAT ON ONE CONDITION.

23 MR. CHIER: BUT THE DEFENDANT --

24 THE COURT: ON ONE CONDITION AND THAT ONE CONDITION IS
25 THEY WOULD HAVE THE RIGHT TO GO INTO THE NATURE OF THE IMMUNITY
26 HE HAD GOTTEN AND WHAT HE GOT IMMUNITY FOR, WHAT HE GOT
27 IMMUNITY FOR SO THAT THEY CAN GO INTO THE ESLAMINIA CASE, TOO.

28 MR. BARENS: A MOMENT, YOUR HONOR. LET'S MAKE A DEAL.

1 (UNREPORTED COLLOQUY BETWEEN MR. BARENS,
2 MR. CHIER AND THE DEFENDANT.)

3 THE COURT: YOU CAN'T HAVE YOUR CAKE AND EAT IT, TOO.

4 (LAUGHTER IN COURTROOM.)

5 THE COURT: ALL RIGHT, MR. BARENS.

6 MR. BARENS: MR. CHIER WILL CONTINUE.

7 THE COURT: WELL, I WANT THE COMMITMENT FROM YOU.

8 MR. BARENS: YOU ARE GOING TO GET A COMMITMENT THAT I
9 STAND BEHIND, JUDGE.

10 THE COURT: ALL RIGHT, WHAT IS THE COMMITMENT?

11 MR. CHIER: AT THE VERY LEAST, IF YOUR HONOR IS GOING
12 TO PERMIT A TRIAL OF THE ESLAMINIA CASE IN THIS CASE, AS A
13 COST TO THE DEFENDANT, FOR BRINGING OUT --

14 COULD I FINISH, PLEASE, YOUR HONOR?

15 -- AS A COST TO THE DEFENDANT OF ESTABLISHING THE
16 TRUE CONSIDERATION RECEIVED BY THE WITNESS FOR HIS TESTIMONY,
17 THEN WE ARE ENCROACHING UPON SECTION 352 OF THE EVIDENCE CODE
18 TESTIMONY.

19 WE ARE DEPRIVING THE DEFENDANT OF HIS FIFTH
20 AMENDMENT RIGHT AND THE PRESUMPTION OF INNOCENCE IN THAT HE
21 IS NOW FORCED IN A CASE INVOLVING ALLEGATIONS, LOCALLY, TO
22 DEFEND HIMSELF IN CONNECTION WITH ANOTHER CASE MERELY BECAUSE
23 HE IS SHOWING THAT THE WITNESS IS AVOIDING THE GAS CHAMBER
24 BY GIVING TESTIMONY IN TWO CASES IN EXCHANGE FOR A GRANT OF
25 IMMUNITY SO THAT HE WILL NEVER GO TO PRISON, HE WILL BE
26 ADMITTED TO THE CALIFORNIA STATE BAR AND ALL OF THE OTHER --

27 THE COURT: WHERE DO YOU GET THAT NONSENSE FROM?

28 MR. CHIER: THAT WAS PART OF THE DEAL.

1 THE COURT: YOU MEAN THE POLICE CAN MAKE A DEAL AND SAY,
2 WE WILL GET YOU ADMITTED TO THE BAR IF YOU ARE A MURDERER?
3 IS THAT THE KIND OF DEAL YOU THINK THAT CAN BE MADE?

4 MR. CHIER: THE STATE OF CALIFORNIA --

5 THE COURT: YOU ARE A LAWYER.

6 MR. CHIER: CAN I BE HEARD?

7 THE COURT: YOU AS A LAWYER, WOULD YOU EVER DREAM THAT
8 THE STATE BAR WOULD ADMIT A MAN WHO IS AN ADMITTED MURDERER
9 AND ADMIT HIM TO THE BAR BECAUSE THE POLICE SAY THAT HE HELPED
10 THEM ON A CASE? THAT IS NONSENSE.

11 MR. CHIER: COULD I RESPOND, YOUR HONOR? YOU ASKED A
12 QUESTION.

13 AND AS JOHN VANCE TOLD US THAT, AND THAT WAS --
14 THAT IS WHAT MR. KARNY TOLD US.

15 THE COURT: COME OFF OF THAT. WHAT DOES JOHN VANCE HAVE
16 TO DO WITH THE STATE BAR?

17 MR. CHIER: MAY I PLEASE SAY, MR. KARNY TESTIFIED TO
18 THAT ON THE STAND HIMSELF IN SAN MATEO, HE SAID THAT ON THE
19 RECORD UNDER OATH, THAT ONE OF THE THINGS HE WAS OFFERED WAS
20 THE ASSISTANCE OF THE STATE OF CALIFORNIA IN BEING ADMITTED
21 TO THE STATE BAR. THAT IS ON THE RECORD. I WAS THERE AND
22 I HEARD IT.

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1 THE COURT: THAT KIND OF ASSISTANCE ISN'T WORTH TWO
2 CENTS. SUPPOSE THE STATE BAR IS AN INDEPENDENT AGENCY AND
3 IT'S GOING TO ADMIT SOMEBODY TO THE BAR BECAUSE SOMEBODY
4 SAYS THAT HE HELPED US IN A MURDER CASE, IN A MURDER THAT
5 HE COMMITTED?

6 MR. CHIER: I DON'T KNOW.

7 THE COURT: WELL, NO.

8 MR. CHIER: THAT IS THE INDUCEMENT. THAT MAY NOT BE
9 A FACT WHEN IT GETS DOWN TO THE BAR EXAMINERS.

10 THE COURT: HAVE YOU ANYTHING FURTHER TO SAY? WELL,
11 TELL ME WHAT YOU ULTIMATELY WANT. I GAVE YOU A CHOICE. YOU
12 WILL BE PERMITTED TO CROSS-EXAMINE THIS WITNESS ON THE
13 QUESTION OF HIS IMMUNITY IN THIS CASE OR IF YOU WANT TO CROSS-
14 EXAMINE HIM ALSO ABOUT HIS IMMUNITY THERE IN THE ESLAMINIA
15 CASE, THE PEOPLE WILL HAVE A RIGHT TO INQUIRE INTO THE FACTS
16 OF THE ESLAMINIA CASE.

17 MR. CHIER: WELL, I DON'T WANT TO BE IN A PLACE BETWEEN
18 SCYLLA AND CHARYBDIS. THAT MIGHT MAKE IT --

19 THE COURT: IT IS CHARYBDIS.

20 MR. CHIER: IT IS A MATTER OF LAW. WE WILL NOT NEGOTIATE
21 IT.

22 THE COURT: YOU DON'T WANT TO NEGOTIATE IT?

23 MR. CHIER: IT IS NOT NEGOTIABLE.

24 THE COURT: ALL RIGHT, THEN. WHAT IS IT THAT YOU WANT
25 TO DO? IF THEY INQUIRE, I WILL TELL YOU NOW -- IF THEY
26 INQUIRE INTO THE IMMUNITY WHICH IS GRANTED IN SAN MATEO,
27 I WILL PERMIT YOU TO GO INTO THE FACTS WITH RESPECT TO WHAT
28 THE IMMUNITY IS FOR AND THE BASIS OF THE IMMUNITY HE WAS

1 SUPPOSED TO GET, THE FACTS OF THAT PARTICULAR CASE.

2 MR. WAPNER: ALL RIGHT. MAY I HAVE A FEW MOMENTS WITH
3 THE WITNESS? ALSO, WE HAVE TO BRING HIM IN BEFORE THE
4 JURY.

5 THE COURT: YES.

6 MR. WAPNER: I WILL JUST TALK TO HIM.

7 MR. BARENS: COULD WE TAKE FIVE MINUTES?

8 THE COURT: SURE.

9 (RECESS.)

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

4 (THE FOLLOWING PROCEEDINGS WERE HELD
5 AT THE BENCH:)

6 THE COURT: WHAT IS IT YOU PROPOSE TO DO ON DIRECT
7 EXAMINATION AS TO THE IMMUNITY?

8 MR. WAPNER: I PROPOSE ON DIRECT EXAMINATION ONLY TO
9 ASK HIM IF HE HAS GOTTEN IMMUNITY IN THIS CASE.

10 THE COURT: THAT'S RIGHT.

11 MR. WAPNER: AND I ALSO PROPOSE TO ASK THE COURT ON
12 THE RECORD AT THAT POINT, FOR LEAVE TO REOPEN THE DIRECT,
13 BASED ON THE EXTENT OF THE CROSS-EXAMINATION, SINCE COUNSEL
14 WON'T NOW --

15 THE COURT: WELL, I TOLD YOU, I INDICATED IF THEY ON
16 CROSS-EXAMINATION ASK HIM ABOUT IMMUNITY IN THE OTHER CASE,
17 YOU CAN GO INTO THE FACTS OF THE OTHER CASE.

18 MR. WAPNER: RIGHT.

19 I JUST WANT TO, IN ESSENCE, MAKE IT CLEAR TO
20 THE JURY THAT I AM NOT TRYING TO HIDE ANYTHING.

21 THE COURT: YOU DON'T HAVE TO DO THAT. YOU CAN DO
22 THAT IN ARGUMENT.

23 MR. BARENS: COULD I MAKE SURE I UNDERSTAND SOMETHING,
24 JUDGE?

25 THE COURT: YES.

26 MR. BARENS: YOUR HONOR TALKED DURING YOUR COLLOQUY
27 BEFORE ABOUT PERMITTING MR. WAPNER, IF THE QUESTION WAS ASKED,
28 TO GO INTO THE FACT THAT THE IMMUNITY ENCOMPASSED A CASE

1 IN WHICH MR. HUNT WAS A DEFENDANT. YOUR HONOR JUST MADE
2 THE STATEMENT THAT YOU WOULD ENABLE HIM TO GO INTO THE FACTS
3 OF THE CASE.

4 THE COURT: NO, NO, NO. WAIT A MINUTE.

5 HE IS GOING TO ASK THE WITNESS, AS I UNDERSTAND,
6 WHETHER HE HAS BEEN GRANTED IMMUNITY FROM PROSECUTION IN
7 THIS PARTICULAR CASE.

8 NOW IN THE EVENT YOU ASK IF HE HAS BEEN GRANTED
9 IMMUNITY IN THE OTHER CASE, WHICH IS NOT RELATED TO THIS
10 CASE, AS YOUR COLLEAGUE SAID, THEN HE HAS THE RIGHT TO ASK
11 THIS WITNESS WHAT THE FACTS OF THAT PARTICULAR CASE ARE.
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1 MR. BARENS: WELL, YOUR HONOR, I AM TRYING TO UNDERSTAND
2 THE PARAMETERS OF WHAT YOUR HONOR MEANS BY FACTS.

3 THE COURT: THE FACTS ABOUT HIS BEING PROSECUTED IN THE
4 OTHER CASE.

5 MR. BARENS: BUT, HE WOULD NOT BE GOING INTO THE STORY?

6 THE COURT: NO. HE WOULD NOT GO INTO THE STORY. JUST
7 ASK HIM ABOUT WHAT THE FACTS ARE, WHO THE DEFENDANTS ARE IN
8 THAT PARTICULAR CASE.

9 MR. BARENS: ALL RIGHT. THANK YOU. I WAS TRYING --

10 THE COURT: YOU WON'T GO INTO THOSE FACTS EITHER?

11 MR. BARENS: I HAD NOT PLANNED TO, NO. I DIDN'T THINK
12 IT SERVED ANY INTEREST.

13 THE COURT: ALL RIGHT.

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

17 THE COURT: LADIES AND GENTLEMEN, I APOLOGIZE FOR THE
18 DELAY.

19
20 DEAN KARNY,

21 THE WITNESS ON THE STAND AT THE TIME OF THE ADJOURNMENT, RESUMED
22 THE WITNESS STAND AND TESTIFIED FURTHER AS FOLLOWS:

23 THE CLERK: YOU ARE STILL UNDER OATH. STATE YOUR NAME
24 ONCE AGAIN FOR THE RECORD.

25 THE WITNESS: DEAN KARNEY.
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1 DIRECT EXAMINATION (CONTINUED)

2 BY MR. WAPNER:

3 Q MR. KARNY, IN FEBRUARY OF 1984, WHEN MR. HUNT SAID
4 THAT HE DECIDED NOT TO GO AFTER THE \$200,000 OR \$300,000 --
5 I BELIEVE YOU SAID \$300,000 THAT MR. LEVIN SAID HE WOULD GIVE
6 TO MR. HUNT, DID HE SAY ANYTHING ELSE TO YOU ABOUT GETTING
7 THE MONEY OUT OF MR. LEVIN?

8 A AS I SAID BEFORE, THE ANSWER TO THE QUESTION IS
9 YES.

10 Q WHAT DID HE SAY?

11 A WHAT HE SAID WAS THAT -- WELL, IT WAS IN THE
12 CONTEXT OF A DISCUSSION THAT WE HAD.

13 Q WHERE WAS THAT DISCUSSION?

14 A I AM NOT POSITIVE WHERE IT WAS.

15 Q WHO WAS PRESENT AT THE DISCUSSION?

16 A JUST JOE AND I.

17 Q AND WHAT WAS THE DISCUSSION THAT YOU HAD?

18 A WELL, I ASKED HIM IF I THOUGHT THAT RON LEVIN
19 REALLY HAD GOTTEN THE \$1.5 MILLION THAT JOE SAID THAT HE HAD
20 TOLD HIM ABOUT --

21 Q YOU ASKED HIM IF YOU THOUGHT OR YOU ASKED HIM IF
22 JOE THOUGHT?

23 A I ASKED JOE IF HE THOUGHT THAT RON LEVIN REALLY
24 HAD THE MONEY.

25 Q AND THAT MONEY --

26 (NOISE IN THE COURTROOM.)

27 MR. WAPNER: HOLD ON JUST A SECOND.

28 Q YOU ASKED HIM IF HE THOUGHT THAT RON LEVIN HAD

1 REALLY GOTTEN THE \$1.5 MILLION THAT HE CLAIMS TO HAVE SCAMMED
2 UP FROM BROKERAGE HOUSES AS A RESULT OF THE CLAYTON BROKERAGE
3 STATEMENTS?

4 A THAT'S RIGHT.

5 Q WHEN YOU ASKED HIM THAT IN CONVERSATIONS, WHERE
6 JUST THE TWO OF YOU WERE PRESENT, WHAT DID HE SAY?

7 A HE SAID THAT HE THOUGHT HE HAD.

8 Q WHAT ELSE DID HE SAY?

9 A HE SAID THAT HE WAS GOING TO FIND A WAY OF GETTING
10 THE MONEY FROM HIM.

11 Q AND WHAT ELSE DID HE SAY?

12 A HE SAID THAT LEVIN IS GOING TO DIE ONE DAY.

13 Q HE SAID THAT TO YOU?

14 A THAT'S RIGHT.
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1 Q WHAT DID YOU DO OR SAY WHEN HE SAID THAT?

2 A I DIDN'T REALLY DO OR SAY ANYTHING. I JUST LISTENED
3 LIKE I LISTENED TO ALL OF THE OTHER THINGS THAT HE SAID.

4 Q WHAT DO YOU MEAN, "LIKE YOU LISTENED TO ALL OF
5 THE OTHER THINGS THAT HE SAID"?

6 A WELL, JUST THE NATURE OF THE RELATIONSHIP THAT
7 I HAD WITH JOE, WAS ONE WHERE I SORT OF HUNG ON EVERY WORD
8 THAT HE SAID.

9 I LOOKED TO HIM AS A WISE PERSON WITH FAR GREATER
10 UNDERSTANDING OF THINGS THAN I HAD AND I DIDN'T NECESSARILY
11 HAVE A REACTION TO THE THINGS THAT I HEARD FROM HIM. I JUST
12 LISTENED AND I TALKED.

13 Q FROM THE TIME THAT YOU FIRST DISCUSSED WITH HIM,
14 THE NOTION OF PARADOX PHILOSOPHY IN FLORIDA AT THE END OF 1981
15 AND THE BEGINNING OF 1982, HAD HE CONTINUED TO DISCUSS THAT
16 WITH YOU?

17 A YES.

18 Q AND HAD YOU HAD AN EMOTIONAL REACTION SIMILAR TO
19 THE THROWING UP THAT YOU DESCRIBED TO ANY -- SAY AFTER YOU
20 HAD THOSE CONVERSATIONS, THOSE FIRST CONVERSATIONS WITH
21 MR. HUNT ON THE SKI TRIP AND IN FLORIDA IN THE END OF 1981
22 AND THE BEGINNING OF 1982?

23 A I HAVE HAD SINCE THEN. BUT DURING THE TIME THAT
24 THE BBC WAS GOING ON AND THAT I HAD A RELATIONSHIP WITH JOE
25 OF ANY KIND, NO. I DIDN'T.

26 Q WHEN HE SAID THAT LEVIN IS GOING TO DIE ONE DAY,
27 WHAT DID YOU TAKE THAT TO MEAN?

28 MR. BARENS: OBJECTION. "TAKE IT TO MEAN"?

1 THE COURT: STATE OF MIND. I WILL OVERRULE THE
2 OBJECTION.

3 THE WITNESS: I TOOK IT TO MEAN THAT HE INTENDED TO KILL
4 HIM ONE DAY.

5 Q BY MR. WAPNER: AND EVEN TAKING IT TO MEAN THAT,
6 YOU DIDN'T REACT?

7 A THAT'S RIGHT.

8 Q AND DO YOU REMEMBER HOW LONG THAT DISCUSSION WAS
9 THAT YOU HAD WITH MR. HUNT, HOW LONG YOU TALKED TO HIM AT THAT
10 PARTICULAR TIME?

11 A NO I DON'T.

12 Q DID JOE HUNT EVER TELL YOU THAT THERE WERE OTHER
13 INDICATIONS THAT RON LEVIN HAD MONEY?

14 A YES HE DID.

15 Q WHAT DID HE SAY?

16 A HE SAID VARIOUS THINGS THAT RON HAD TOLD HIM LED
17 HIM TO BELIEVE THAT, AS WELL AS SOME THINGS THAT HE HAD SEEN
18 AT RON'S HOUSE.

19 Q WHAT DID HE SAY THAT HE HAD SEEN AT RON'S HOUSE?

20 A HE SAID THAT HE SAW BANK PASSBOOKS WITH STACKS
21 OF BANK PASSBOOKS WITH LOTS OF MONEY LISTED AND DEPOSITS IN
22 THEM.

23 Q HAD YOU EVER SEEN ANY OF THOSE BANK PASSBOOKS?

24 A ONE TIME I DID.

25 Q DID YOU SEE THE INSIDE OR JUST THE OUTSIDE?

26 A I JUST SAW A GROUP OF THEM SORT OF RUBBER BANDED
27 TOGETHER. I DIDN'T SEE THE INSIDE.

28 Q SHOWING YOU EXHIBITS THAT WE HAVE MARKED AS 167,

1 168 AND 169, DO THOSE APPEAR TO BE THE TYPES OF BANK PASSBOOKS
2 THAT YOU SAW?

3 A YES THEY DO.

4 Q ALL RIGHT. AND WHAT ELSE DID MR. HUNT SAY THAT
5 HE HAD SEEN AT MR. LEVIN'S, THAT MIGHT INDICATE HE HAD MONEY?

6 A HE SAID THAT HE HAD SEEN A CHECK WRITTEN TO RON
7 LEVIN IN THE AMOUNT OF SOMETHING LIKE \$2 MILLION, JUST A HUGE
8 AMOUNT FOR ONE CHECK.

9 Q DID YOU EVER SEE ANY CHECKS AT RON LEVIN'S?

10 A I THINK I DID SEE ONE CHECK AT RON LEVIN'S.

11 Q DO YOU REMEMBER HOW MUCH?

12 A NO. BUT I GUESS IT WAS SEVERAL HUNDRED THOUSAND
13 DOLLARS, AT LEAST.

14 Q HOW DID YOU COME TO SEE IT?

15 A RON USED TO BRAG ABOUT THINGS LIKE THAT. AND HE
16 JUST LEFT IT AROUND. IT WAS ON HIS DESK.

17 Q DID HE BRAG ABOUT THE PASSBOOKS ALSO?

18 A NO. THE ONLY THING I HEARD ABOUT THE PASSBOOKS
19 WAS FROM JOE.

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1 Q DO YOU, BY ANY CHANCE, RECOGNIZE EITHER OF THESE
2 TWO CHECKS WE HAVE MARKED AS THE PEOPLE'S 4, THAT ARE THE
3 SUISSE CREDIT BANK CHECKS FOR \$500,000 AND A SECOND ONE FOR
4 \$980,877.83?

5 A NO, I DON'T.

6 Q SO NEITHER OF THOSE IS THE CHECK THAT YOU SAW
7 AT HIS HOUSE?

8 A IT MIGHT BE. I REALLY DON'T REMEMBER MUCH ABOUT
9 THAT CHECK, OTHER THAN IT WAS FOR A VERY LARGE AMOUNT.

10 Q AND WHAT ELSE DID MR. HUNT SAY TO YOU THAT CAUSED
11 HIM TO TELL YOU -- TO TELL YOU THAT CAUSED HIM TO BELIEVE
12 THAT MR. LEVIN HAD MONEY?

13 A WELL, ORIGINALLY WHEN SIMI COOPER HAD INTRODUCED
14 JOE TO RON LEVIN, JOE CAME BACK FROM RON'S HOUSE ONE TIME
15 SAYING THAT HE FELT THAT HE WAS WORTH \$50 MILLION OR SO.

16 Q DID HE TELL YOU WHERE HE GOT THAT INFORMATION
17 FROM?

18 A FROM RON.

19 Q AND --

20 A AND THEN LATER ON, WHEN JOE HAD CONFRONTED RON
21 WITH THE QUESTION OF WHETHER THERE WAS REALLY \$5 MILLION
22 IN THAT COMMODITIES ACCOUNT OR NOT, JOE TOLD ME THAT RON
23 HAD ADMITTED THAT HE DOESN'T HAVE \$50 MILLION BUT HE SAID
24 HE REALLY DOES HAVE \$10 MILLION.

25 Q JOE HUNT SAID THAT TO YOU?

26 A THAT'S RIGHT.

27 Q DID HE TELL YOU WHAT THE BASIS FOR THIS WAS?

28 A WHAT RON HAD TOLD HIM.

1 Q WELL, THE STATEMENT THAT JOE HUNT MADE TO YOU
2 REGARDING RON LEVIN AND WHAT WAS GOING TO HAPPEN TO HIM AND
3 GETTING MONEY, WHEN WAS THAT MADE?

4 A IN FEBRUARY OR SO OF --

5 MR. BARENS: OBJECTION TO THE QUESTION. MR. WAPNER
6 SAYS "AND WHAT WAS GOING TO HAPPEN TO HIM?" WE DIDN'T HAVE
7 A "WHAT WAS GOING TO HAPPEN TO HIM" ANSWER.

8 THE COURT: WOULD YOU REPHRASE YOUR QUESTION, PLEASE?

9 Q BY MR. WAPNER: THE PREVIOUS STATEMENT THAT YOU
10 RELATED TO US WHERE HE SAID HE WAS GOING TO GET THE MONEY
11 FROM LEVIN AND MR. LEVIN WAS GOING TO DIE ONE DAY, WHEN WAS
12 THAT MADE?

13 A IN FEBRUARY OF '84, I THINK.

14 Q AND DID YOU HEAR ANY TALK ABOUT MR. LEVIN AFTER
15 FEBRUARY OF 1984, FROM FEBRUARY, SAY, INTO MARCH OF '84?

16 A YES.

17 Q AND WHAT DID YOU HEAR AT THAT POINT?

18 A JOE SAID THAT HE WAS GOING TO CONTINUE TO SOCIALIZE
19 WITH RON AND TO SPEND SOME TIME WITH HIM IN ORDER TO LOOK
20 FOR A GOOD TIME TO SEE WHAT HE COULD DO.

21 Q LOOK FOR A GOOD TIME FOR WHAT, OR DID HE SAY?

22 A WELL, WHAT HE SAID WAS THAT, YOU KNOW, PEOPLE
23 WERE WONDERING, THEY WERE ASKING WHY DOES HE CONTINUE TO
24 EVEN SPEND ANY TIME WITH RON LEVIN, SOME OF THE GUYS AROUND
25 THE GROUP REALLY DIDN'T -- WELL, THEY THOUGHT A LOT OF BAD
26 THINGS ABOUT RON AFTER IT HAD COME OUT THAT HE HAD LIED TO
27 US.

28 AND JOE SAID THAT TO ME, THAT HE WAS GOING TO

1 CONTINUE TO MAINTAIN A RELATIONSHIP WITH HIM SO THAT --
2 SO HE COULD FIND A GOOD OPPORTUNITY TO KILL HIM.

3A 3 Q AND WHEN WAS IT THAT HE TOLD YOU THAT IN
4 RELATION TO THE FEBRUARY STATEMENT YOU HAVE RELATED TO US?

5 A IT WAS SOMETIME IN MARCH.
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1 Q AND WERE YOU AWARE -- WELL, DID YOU -- STRIKE
2 THAT.

3 DID MR. HUNT CONTINUE TO MAINTAIN CONTACT WITH
4 MR. LEVIN?

5 A YES, HE DID.

6 Q AND WHAT KIND OF THINGS DID MR. HUNT AND MR.
7 LEVIN DO TOGETHER, WHAT WAS THE NATURE OF THE CONTACT THEY
8 HAD?

9 A I ONLY SAW THEM TOGETHER ONCE, BUT JOE USED TO
10 GO OVER THERE AND VISIT HIM FROM TIME TO TIME, JUST MAINTAIN-
11 ING REGULAR CONTACT.

12 Q WHEN WAS THAT ONE TIME THAT YOU SAW THEM TOGETHER?

13 A I -- I PICKED THEM UP FROM THE AIRPORT ONE
14 TIME. THEY HAD TAKEN A TRIP TO SAN FRANCISCO TOGETHER.

15 Q AND WHEN WAS THAT?

16 A I THINK IT MIGHT HAVE BEEN IN MAY OF '84.

17 Q AND AFTER NOTICING THE CONTINUED CONTACT BETWEEN
18 MR. HUNT AND MR. LEVIN, DID JOE HUNT EVER DO OR SAY ANYTHING
19 ELSE TO YOU IN CONNECTION WITH WHAT HE HAD TOLD YOU IN
20 FEBRUARY?

21 A YES.

22 Q WHAT?

23 A AT ONE POINT, HE STARTED TO, AT ONE POINT HE
24 STARTED WRITING SOME LETTERS AND HE TOLD ME ABOUT HOW THOSE
25 LETTERS FIT INTO A PLAN THAT HE HAD MADE.

26 Q PLACE THAT IN POINT OF TIME FOR US, IF YOU CAN.

27 A AROUND THE END OF APRIL, BEGINNING OF MAY.

28 Q AND WHERE WAS HE WRITING THOSE LETTERS?

1 A AT THE BBC OFFICES.

2 Q AND HOW WAS IT THAT YOU BECAME AWARE THAT HE
3 WAS WRITING THE LETTERS?

4 A HE SHOWED ME HIS DRAFTS, HIS HANDWRITTEN DRAFTS
5 OF THEM. HE DISCUSSED THEM WITH ME.

6 THAT IS A GOOD WAY TO KNOW.

7 Q SHOWING YOU AN EXHIBIT THAT HAS BEEN PREVIOUSLY
8 MARKED AS PEOPLE'S 94 FOR IDENTIFICATION AND REFERRING TO
9 THREE LETTERS THERE DATED MAY THE 24TH, MAY THE 15TH AND
10 MAY THE 3RD, DO YOU RECOGNIZE THOSE LETTERS AND THE SUBSTANCE
11 OF THOSE LETTERS?

12 A YES, I DO.

13 Q AND WHEN YOU SAW JOE HUNT WRITING THE LETTERS
14 IN HIS OFFICE TOWARD THE END OF APRIL OF 1984, WERE THEY
15 SIMILAR TO THE LETTERS THAT ARE CONTAINED IN PEOPLE'S 94?

16 A YES.

17 Q AND SPECIFICALLY, HOW MANY LETTERS DID YOU SEE
18 HIM WRITING AT THAT TIME?

19 A THREE THAT I CAN REMEMBER.

20 THE COURT: THESE WERE WRITTEN AT THE SAME TIME?

21 THE WITNESS: I KNOW THAT TWO OF THEM WERE WRITTEN
22 THE SAME NIGHT. I AM NOT SURE ABOUT THE THIRD ONE.

23 Q BY MR. WAPNER: DID YOU READ THE LETTERS THAT
24 HE WROTE?

25 A YES.

26 Q AT THAT POINT, THEY WERE WRITTEN IN LONGHAND?

27 A YEAH, THEY WERE WRITTEN IN LONGHAND, AS WELL
28 AS HE HAD SOME NOTES ABOUT THEM ALSO THAT I READ.

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1 Q WHEN YOU FIRST NOTICED THAT HE WAS WRITING THE
2 LETTERS, WAS HE IN HIS OFFICE?

3 A YES.

4 Q HOW WAS IT THAT YOU CAME TO COME IN THERE AND
5 NOTICE THESE THINGS AND DISCUSS IT WITH HIM?

6 A WELL, IT WAS AFTER HOURS AT THE BBC OFFICES. AND
7 JOE AND I WERE THE ONLY ONES THERE.

8 AND WE USED TO FREQUENTLY JUST HANG OUT IN ONE
9 ANOTHER'S OFFICE, THOUGH I DIDN'T HAVE AN OFFICE AT THE TIME.

10 Q WAS THIS IN HIS OFFICE?

11 A YES.

12 Q WHEN YOU WENT IN THERE, WHAT HAPPENED?

13 A WE TALKED ABOUT THESE LETTERS AND WE TALKED ABOUT
14 THE PLAN THAT THEY HAD TO DO WITH.

15 Q WHAT WERE THE LETTERS THAT HE HAD WRITTEN AT THAT
16 TIME?

17 A THE LETTERS THAT YOU ARE SHOWING ME. SPECIFICALLY,
18 I REMEMBER THE ONE DATED MAY 3RD.

19 Q IS THERE SOMETHING ABOUT THAT LETTER THAT YOU
20 REMEMBER?

21 A WELL, I REMEMBER READING IT, THE LANGUAGE AND
22 EVERYTHING ABOUT IT.

23 Q WHAT DID YOU DISCUSS ABOUT THAT LETTER?

24 A THAT THE LETTER COULD BE LEFT AT RON LEVIN'S HOUSE
25 AS PART OF AN EXPLANATION, ONCE RON LEVIN HAD BEEN MADE TO
26 TURN OVER SOME MONEY. THIS WOULD BE AN EXPLANATION WHICH WOULD
27 APPEAR LEGITIMATE AS TO WHY HE HAD DONE SO.

28 Q WAS THAT SOMETHING THAT HE SAID TO YOU OR YOU SAID

1 TO HIM?

2 A WELL, HE SAID IT TO ME.

3 Q AND WHEN HE SAID THAT, WHAT DID YOU DO?

4 A I GOT INVOLVED IN THE CONVERSATION.

5 Q AND WHAT WAS THE CONVERSATION AT THAT POINT?

6 A WELL, IT WAS A CONVERSATION ABOUT SOME OF THE
7 NUANCES OF THE LETTERS AND ABOUT SOME OF THE OTHER ASPECTS
8 OF THE PLAN TO KILL RON LEVIN.

9 Q ALL RIGHT. FIRST OF ALL, TELL US ABOUT THE OTHER
10 ASPECTS OF THE PLAN TO KILL RON LEVIN.

11 A WELL, AT THAT POINT --

12 Q I AM JUST NOW TALKING ABOUT THE ONES THAT WERE
13 DISCUSSED THAT DAY WHEN YOU WERE IN THE OFFICE WITH HIM AND
14 HE IS WRITING THE LETTER.

15 A I UNDERSTAND THAT. AT THE TIME, WHAT JOE TALKED
16 ABOUT, WAS PREPARING THE PEOPLE AROUND THE OFFICE BEFORE HE
17 EVER DID ANYTHING TO RON, SO THAT THERE WOULD BE SORT OF A
18 FEELING THAT RON PERHAPS, WAS GOING TO GET INVOLVED IN
19 BUSINESS WITH JOE AND THE BBC, SO THAT ULTIMATELY, WHEN SOME
20 MONEY WAS TRANSFERRED, IT WOULDN'T BE A BIG SURPRISE.

21 AND THAT IS WHY THESE LETTERS HAD TO BE WRITTEN
22 IN MAY BECAUSE JOE DIDN'T SAY ANYTHING ABOUT WHEN HE WAS GOING
23 TO DO IT. HE JUST WANTED TO HAVE THOSE SORTS OF THINGS READY
24 AND HAVE THE SECRETARY TYPE THEM, SO THAT LATER ON, THEY WOULD
25 ALL BE ABLE TO HONESTLY TESTIFY THAT THEY HAD DONE -- HAD
26 TYPED THE LETTERS AND ET CETERA ON THE DAYS THAT ARE
27 DESIGNATED.

28 Q WAS THERE SOME OTHER DISCUSSION ABOUT THE REASON

1 . FOR THE LETTERS AND PART OF THE PLAN?

2 A WELL, FOR A WHILE, WE DISCUSSED THE POSSIBILITY
3 OF WRITING SOME OTHER LETTERS WHICH WOULD PURPORTEDLY BE
4 RETURNED MAIL FROM RON LEVIN, TO MAKE IT LOOK LIKE THERE WAS
5 REAL, ACTUAL CORRESPONDENCE GOING ON.

6 Q DID JOE HUNT ASK YOU TO DO SOMETHING IN THAT REGARD?

7 A YEAH. HE ASKED ME TO TAKE THE LETTER DATED
8 MAY 3RD AND WRITE A RESPONSE THAT WOULD BE WRITTEN AS THOUGH
9 IT WERE FROM RON LEVIN.

10 Q DID YOU DO THAT?

11 A I DRAFTED WHAT I THOUGHT WAS SUCH A LETTER, YES.

12 Q WHAT HAPPENED?

13 A JOE REALLY DIDN'T LIKE IT. AND WE TALKED ABOUT
14 IT SOME MORE AND THEN WE DECIDED THAT IT WOULDN'T EVEN SEEM
15 APPROPRIATE TO HAVE RETURN CORRESPONDENCE FROM RON LEVIN
16 BECAUSE HE WASN'T THE KIND OF GUY THAT WROTE LETTERS. HE WAS
17 THE KIND OF GUY THAT MADE TELEPHONE CALLS.

18 Q AND WHAT OTHER THINGS DID YOU DISCUSS WITH
19 MR. HUNT AS FAR AS THE REASONS FOR WRITING THESE LETTERS OTHER
20 THAN PREPARING PEOPLE IN THE OFFICE?

21 A WELL, ALSO THAT THEY WOULD BE LEFT AT RON'S HOUSE
22 IN A FILE THAT WOULD LOOK LIKE RON LEVIN'S OWN FILE.

23 Q WHAT WAS THE REASON FOR THAT?

24 A SO THAT IF AND WHEN RON LEVIN WERE KILLED AND IF
25 SUSPICION WOULD COME UPON JOE, THAT THOSE LETTERS WOULD BE
26 THERE IN ORDER TO SUGGEST SOME OTHER EXPLANATION.

27 Q AND DID YOU AT THAT TIME, HAVE ANY DISCUSSION
28 WITH JOE HUNT ABOUT BURDENS OF PROOF OR ANYTHING LIKE THAT?

1 A YES.

2 Q AND WHAT DISCUSSION DID YOU HAVE WITH HIM?

3 A WELL, WHEN THAT PART OF THE PLAN WAS CLEAR, I
4 RECALL SAYING THAT -- WELL, THAT MEANS THERE IS GOING TO HAVE
5 TO BE A REASONABLE DOUBT WITH ALL OF THOSE LETTERS FLOATING
6 AROUND.

7 Q AND WHAT DID HE SAY?

8 A AND JOE SAID THAT NO COURT IN THE LAND COULD
9 CONVICT HIM WITH ALL OF THIS CONFUSING STUFF AROUND.

10 Q DID MR. HUNT APPEAR TO YOU TO BE FAMILIAR WITH
11 THE CONCEPT OF BURDEN OF PROOF FROM THE TIME THAT HE SPENT
12 DEBATING?

13 A YES. HE APPEARED TO BE FAMILIAR WITH IT.

14 Q AND YOU SAID YOU JUST MENTIONED IF AND WHEN
15 MR. LEVIN WAS TO BE KILLED, WAS THERE SOME DISCUSSION AT THAT
16 TIME ON THE FIRST WRITING OF THE LETTERS ABOUT WHETHER THEY
17 WERE IN FACT GOING TO BE USED?

18 A YEAH. WELL, THE DISCUSSION WAS MORE ALONG THE
19 LINES OF SETTING IT UP FOR WHEN JOE FOUND HIS OPPORTUNITY,
20 ALONG THE LINES OF A CONTINGENCY PLAN.

21 Q SPEAKING OF WHICH, DURING THE TIME THAT YOU SPENT
22 WITH JOE HUNT AT THE BBC, DID HE OFTEN HAVE PLANS AND
23 CONTINGENCY PLANS?

24 A CONSTANTLY.

25 Q WAS THAT A COMMON PATTERN WITH HIM THAT HE WOULD
26 MAKE DIFFERENT CONTINGENCY PLANS FOR EACH SITUATION?

27 A YES. ONE OF THE THINGS THAT HE TALKED ABOUT OFTEN
28 WAS TO BE READY TO CAPITALIZE ON ANY SITUATION AS IT PRESENTED

ITSELF AND THAT INVOLVED PREPARING THINGS WITH AN OPEN MIND,
SO THAT IF AN OPPORTUNITY AROSE, YOU WOULD BE READY FOR IT.

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1 Q AND WHAT WAS THE NEXT THING THAT HAPPENED THAT
2 YOU BECAME AWARE OF WITH REGARD TO A PLAN REGARDING MR. LEVIN?

3 A WELL, THERE WAS A -- THERE WAS ALSO A CONTRACT
4 THAT JOE WAS DRAFTING THAT WAS SUPPOSED TO LOOK LIKE THE
5 CONTRACT FOR THE TRANSACTION THAT HAD TAKEN PLACE BEFORE
6 WITH MICHAEL DOW. IT HAD SOME OF THE SAME FEATURES AND THIS
7 WAS A CONTRACT BETWEEN MICROGENESIS AND RON LEVIN AND IT
8 WAS -- IT WAS PART OF THE PLAN THAT RON LEVIN WOULD SIGN
9 THIS CONTRACT AND, CORRESPONDINGLY, TRANSFER MONEY IN THE
10 SAME AMOUNT THAT WAS WRITTEN ON THE CONTRACT.

11 Q WHEN DID YOU SEE THAT CONTRACT DRAFTED?

12 A SOMETIME DURING MAY, I THINK.

13 Q OF 1984?

14 A RIGHT.

15 Q DID YOU SEE IT IN ITS HANDWRITTEN FORM?

16 A I SAW IT -- I SAW IT IN -- I DON'T THINK THE
17 WHOLE THING WAS IN HANDWRITING.

18 I THINK SOME OF IT WAS USED -- SOME OF IT WAS
19 HANDWRITTEN NOTATIONS ON AN OLD CONTRACT FROM A MICHAEL DOW
20 TRANSACTION. SORT OF A CUT-AND-PASTE JOB.

21 Q AND THE MICHAEL DOW TRANSACTION IS THE ONE YOU
22 TOLD US ABOUT THIS MORNING WHERE MR. DOW PAID A NON-REFUNDABLE
23 \$150,000 FOR THE PRIVILEGE OF PURCHASING SOME RIGHTS IN
24 MICROGENESIS AT SOME FUTURE TIME?

25 A RIGHT.

26 Q AND YOU ARE SAYING THAT THAT WAS IN THE CONTRACT
27 THAT HE WAS USING AS THE CUT-AND PASTE MODEL AS THE BASIS
28 FOR THE AGREEMENT WITH MR. LEVIN?

1 A RIGHT.

2 Q DO YOU KNOW WHEN IN MAY THAT WAS THAT YOU SAW
3 THAT?

4 A NO, I AM NOT POSITIVE WHEN.

5 Q AND WITH REGARD TO THE PLAN TO KILL MR. LEVIN,
6 WHAT IS THE NEXT THING THAT YOU SAW OR HEARD IN THE OFFICE?

7 A WELL, THERE WAS AT THE SAME TIME AS JOE AND I
8 WERE GOING OVER THESE LETTERS LATE AT NIGHT WHEN NO ONE ELSE
9 WAS AROUND, THERE WAS ALSO A PART OF WHAT WE WERE SUPPOSED
10 TO DO WAS TO DROP LITTLE HINTS AND SUGGESTIONS AROUND THE
11 OFFICE DURING WORKING HOURS SO THAT, AGAIN, PEOPLE WOULDN'T
12 HAVE THIS NOTION OF A LARGE SUM OF MONEY PAID BY RON LEVIN
13 COME UPON THEM AS A BIG SURPRISE, BUT JUST SORT OF LITTLE
14 HINTS ABOUT MAYBE RON LEVIN IS GOING TO INVEST IN MICROGENESIS
15 AND SO THAT WAS ALWAYS SOMETHING THAT WAS DONE AROUND THE
16 SAME TIME.

17 Q AT SOME POINT TOWARD THE END OF MAY, DID YOU
18 GO TO MEXICO?

19 A YES, I DID.

20 Q DO YOU REMEMBER WHEN THAT WAS?

21 A I AM NOT POSITIVE BUT IT WAS, I THINK, THE LAST
22 COUPLE OF DAYS OF MAY AND THE FIRST FEW DAYS OF JUNE.

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1 Q HOW LONG DID YOU SPEND IN MEXICO?

2 A I THINK IT WAS SIX DAYS, BUT I AM NOT POSITIVE.

3 Q WHEN YOU CAME BACK --

4 WELL, DID MR. HUNT GO WITH YOU TO MEXICO?

5 A NO.

6 Q DID YOU GO WITH A GIRLFRIEND TO MEXICO?

7 A YES.

8 Q AND WHEN YOU CAME BACK FROM MEXICO, DID YOU COME
9 BACK TO THE OFFICES OF THE BBC?

10 A YES, I DID.

11 Q AND WHEN YOU GOT BACK TO THE OFFICES OF THE BBC,
12 WHAT DID YOU SEE?

13 WELL, LET ME ASK YOU THIS: DID YOU TALK TO MR.
14 HUNT WHEN YOU CAME BACK TO THE OFFICES OF THE BBC?

15 A YES, I DID.

16 Q AND DID YOU SEE HIM DOING OR PREPARING ANYTHING
17 IN THE FURTHERANCE OF THIS PLAN THAT HAD STARTED TO EVOLVE
18 AT THE END OF APRIL AND BEGINNING OF MAY?

19 A YES, I DID.

20 Q WHAT WAS HE DOING?

21 A HE WAS WORKING ON SOME LISTS THAT HAD TO DO WITH
22 THIS PLAN.

23 Q WHEN YOU SAY "LISTS," CAN YOU DESCRIBE WHAT IT
24 WAS THAT HE WAS WORKING ON?

25 A THEY WERE YELLOW LEGAL SIZED PAGES.

26 Q WHERE WAS HE WHEN HE WAS DOING THAT?

27 A HE WAS AT HIS DESK IN HIS OFFICE.

28 Q HOW WAS IT THAT YOU CAME TO SEE HIM DOING THAT

1 AT THAT LOCATION?

2 A AS I HAVE SAID BEFORE, I USED TO GO INTO HIS
3 OFFICE FREQUENTLY AND JUST SEE WHAT HE WAS DOING, AND THAT
4 WAS ONE OF THOSE TIMES.

5 Q AND WHEN YOU WALKED IN, WHAT HAPPENED?

6 A I DON'T RECALL EXACTLY. I THINK I SAT DOWN AND
7 WE STARTED TALKING.

8 Q WERE YOU ABLE TO SEE AT THAT TIME WHAT HE WAS
9 DOING OR DID YOU FIRST TALK ABOUT WHAT HE WAS DOING?

10 A I AM NOT POSITIVE.

11 I KNOW THAT AT ONE POINT, I GOT UP AND I LOOKED
12 OVER HIS SHOULDER FROM BEHIND AND I SAW VERY CLEARLY WHAT
13 HE WAS DOING AND WE TALKED ABOUT IT.

14 Q SHOWING YOU SEVEN PIECES OF YELLOW PAPER THAT
15 HAVE BEEN MARKED AS PEOPLE'S 55 FOR IDENTIFICATION, DO YOU
16 RECOGNIZE THOSE?

17 A YES, I DO.

18 Q WHERE HAVE YOU SEEN THOSE PIECES OF PAPER BEFORE,
19 WHEN WAS THE FIRST TIME THAT YOU SAW THEM?

20 A THAT SAME NIGHT IN JUNE OF 1984 IN JOE'S OFFICE.

21 Q DO YOU REMEMBER THE SPECIFIC DATE?

22 A WELL, I SAW HIM WORKING ON THEM A COUPLE OF TIMES.
23 I AM NOT POSITIVE IF THEY WERE BOTH ON THE SAME NIGHT OR
24 ON TWO SUCCESSIVE NIGHTS.

25 Q AND DO YOU RECALL WHICH OF THOSE PAGES THAT YOU
26 HAPPENED TO NOTICE FIRST?

27 A YEAH, I DO.

28 IT WAS THIS ONE HERE (INDICATING).

1 Q WHAT DOES IT SAY AT THE TOP?

2 A IT SAYS "JIM DIGS PIT."

3 Q IS THAT THE ONE THAT IS DEPICTED BY THE BLOW-UP
4 THAT I HAVE JUST PLACED ON THE BOARD?

5 A YES.

6 Q AND IS THERE ANYTHING ON THAT PARTICULAR PIECE
7 OF PAPER THAT ALLOWS YOU TO RECALL THAT THAT IS THE ONE THAT
8 YOU SAW FIRST?

9 A YES. IT IS THE PART WHERE IT SAYS "LEVIN HIS
10 SITUATION".

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1 Q AND WHAT IS IT ABOUT THAT THAT YOU REMEMBER?

2 A I REMEMBER THAT I DIDN'T UNDERSTAND WHAT IT MEANT.

3 Q AND WHAT DID YOU DO WHEN YOU DIDN'T UNDERSTAND
4 WHAT IT MEANT?

5 A I ASKED JOE ABOUT IT.

6 Q AND THAT IS WHEN YOU WERE TALKING ABOUT LEVIN,
7 HIS SITUATION AND THAT IS TOWARD THE BOTTOM, MAYBE TWO-THIRDS
8 OF THE PAGE WHERE IT SAYS "NUMBER 5"?

9 A THAT'S RIGHT.

10 Q AND WHEN YOU ASKED JOE WHAT IT MEANT, WHAT DID
11 HE SAY?

12 A WELL, JUST TO CLARIFY ONE THING, I DIDN'T KNOW --
13 THAT WAS NOT THE FIRST THING THAT I ASKED HIM. BUT THAT IS
14 THE FIRST THING THAT I REMEMBER SEEING.

15 Q OKAY.

16 A THAT IS WHY I KNOW THAT I SAW THIS PAGE FIRST.

17 Q WHAT IS THE FIRST THING THAT YOU ASKED HIM?

18 A I DON'T REMEMBER WHAT THE FIRST THING WAS I ASKED
19 HIM. WE TALKED ABOUT A LOT OF THINGS ON THOSE LISTS.

20 Q ALL RIGHT. AND WHEN YOU ASKED HIM ABOUT WHAT THAT
21 WAS, WHAT DID HE SAY?

22 A HE SAID THAT THAT WAS TO REMIND HIM TO EXPLAIN
23 TO RON LEVIN -- WELL, LET'S PUT IT THIS WAY -- HE SAID THAT
24 WHEN HE WAS IN RON LEVIN'S HOUSE, WHEN HE WAS GOING TO FORCE
25 HIM TO SIGN THESE TRANSFERS OF ASSETS, HE WASN'T EXACTLY SURE
26 WHAT THEY WERE GOING TO DO YET.

27 HE WANTED TO HAVE AN EXPLANATION TO GIVE TO RON
28 AS HE IS BEING THREATENED, SO THAT RON WOULD BELIEVE THAT HE

A-2 1 WAS GOING TO SURVIVE THE ORDEAL AND THAT HE WOULD COOPERATE,
2 BECAUSE HE FELT THAT RON WOULD, IF HE THOUGHT THAT HE WAS JUST
3 GOING TO BE KILLED, THAT HE WOULDN'T BE COOPERATIVE IN SAYING
4 WHAT MONEY HE HAD TO GIVE TO JOE.

5 Q SO, THIS WAS A WAY OF EXPLAINING TO LEVIN, A
6 SITUATION IN SUCH A WAY, THAT MR. LEVIN WOULD BE CONVINCED
7 THAT HE WAS GOING TO LIVE THROUGH THE ORDEAL?

8 A THAT'S RIGHT.

9 Q AND THEREFORE, WOULD AGREE TO SIGN OVER THE
10 ASSETS IN ESSENCE, IN EXCHANGE FOR HIS LIFE?

11 A THAT'S RIGHT. THERE WAS A WHOLE SCENARIO THAT
12 HE DESCRIBED.

13 Q AND WHAT WAS THE SCENARIO THAT HE DESCRIBED?

14 A WHAT HE SAID HE WAS GOING TO TELL HIM, IS THAT --
15 WELL, FIRST OF ALL AS A PART OF THE PLAN, AT ONE TIME, JIM
16 PITTMAN WAS SUPPOSED TO COME INTO RON'S HOUSE AND THREATEN
17 RON WITH A GUN.

18 Q NOW, IS THAT ON OTHER PORTIONS OF THE LIST,
19 SOMEWHERE NOT NECESSARILY ON THAT PAGE BUT OTHER PAGES?

20 A YES. THAT IS REFERRED TO AT A DIFFERENT PAGE.

21 Q WE'LL GET BACK TO THAT IN A MINUTE. GO AHEAD.

22 A ANYWAY, AT THAT POINT, JOE WAS GOING TO TELL RON
23 THAT WHEN HE WAS BACK IN CHICAGO THAT HE HAD LOST A LOT OF
24 MONEY, AS RON KNEW, BUT THAT HE OWED A LOT OF MONEY TO THE
25 MAFIA OR UNDERWORLD GROUPS AND THAT THEY HAD BEEN COMING AFTER
26 HIM FOR A LONG TIME FOR THE MONEY.

27 AND JOE WAS GOING TO SAY THAT HE HAD BEEN PUTTING
28 THESE GROUPS OFF BY TELLING THEM THAT HE WAS EXPECTING A LOT

1 OF MONEY FROM RON LEVIN, A MAN THAT HE INVESTED COMMODITIES
2 FOR.

3 SO THEN, HE WAS GOING TO TELL RON THAT HE COULDN'T
4 PUT THESE PEOPLE OFF ANY MORE AND THAT HE HAD TO TELL THEM
5 WHO RON WAS AND THAT THIS GUY JIM, WAS ACTUALLY REPRESENTING
6 THESE UNDERWORLD PEOPLE WHO WANTED MONEY OUT OF JOE.

7 SO, THE ESSENCE OF IT WAS THAT JOE WAS GOING TO
8 TELL RON THAT HE WAS AS MUCH UNDER THE GUN AS RON HIMSELF,
9 WAS AND THAT IF HE WOULD JUST TURN OVER THE MONEY, THAT THEY
10 WOULD BOTH LIVE THROUGH IT.

11 Q AND THIS WAS THE EXPLANATION HE WAS GOING TO GIVE
12 TO MR. LEVIN?

13 A RIGHT.

14 Q SO THE IDEA WAS TO MAKE IT APPEAR THAT MR. PITTMAN
15 WAS HOLDING THE GUN AS MUCH ON MR. HUNT AS HE WAS ON MR. LEVIN?

16 A WELL, NOT EXACTLY HOLDING THE GUN ON JOE. BUT
17 THAT IF JOE DIDN'T GET THE MONEY FROM RON, THAT HE WAS IN
18 TROUBLE, TOO.

19 Q THAT JOE WAS IN TROUBLE, TOO?

20 A YEAH.

21 Q AND DID YOU ASK HIM ANYTHING ELSE ABOUT OTHER THINGS
22 THAT WERE ON THAT PAGE?

23 A I REMEMBER TALKING TO HIM ABOUT THE PART THAT
24 SAYS "JIM DIGS PIT."

25 Q AND WHAT DID YOU TALK TO HIM ABOUT IN THAT REGARD?

26 A WELL, HE TOLD ME THAT JIM WAS UP IN SOLEDAD
27 CANYON DIGGING A PIT TO TAKE RON LEVIN TO AFTER HE WAS
28 KILLED.

R 1 Q DID HE SAY ANYTHING ELSE AT THAT TIME ABOUT
2 MR. PITTMAN DIGGING THE PIT AND WHETHER HE HAD DONE IT ALONE
3 OR WHETHER HE HAD HAD ANY HELP?

4 A YEAH. HE SAID THAT THE DAY BEFORE, HE HAD BEEN
5 HELPING HIM AND THAT HE JUST SAID IT IN ORDER TO SOMEHOW,
6 EXPLAIN THAT THE GROUND WAS REALLY HARD AND THAT IT WAS
7 TOUGH TO DIG IN THAT PART OF THE TERRAIN.

8 Q AND THAT WOULD BE THE GROUND IN SOLEDAD CANYON?

9 A RIGHT.

10 Q AND JIM REFERS TO WHO?

11 A JIM PITTMAN.

12 Q WHAT ELSE AS FAR AS THAT PARTICULAR PAGE OF THE
13 LIST, DID MR. HUNT TELL YOU?

14 A WELL, HE SAID WITH REGARD TO WHERE IT SAYS
15 "JOE ARRIVES AT 9 O'CLOCK" AND THEN HE WAS PLANNING TO HAVE
16 DINNER WITH RON.

17 HE HAD MADE AN ARRANGEMENT SO THAT HE WOULD BE
18 OVER AT RON'S HOUSE AND THEN HE WAS GOING TO CALL JIM, WHO
19 WAS SUPPOSED TO BE WAITING AT THE WILSHIRE MANNING, WHERE WE
20 LIVED, AND TELL HIM TO COME OVER.

21 Q AND DID HE EXPLAIN TO YOU OR DID YOU HAVE ANY
22 DISCUSSION ABOUT WHETHER OR NOT IT WAS A COMMON OCCURRENCE
23 AT MR. LEVIN'S HOUSE?

24 A WELL, THAT WAS THE WHOLE POINT, WHICH IS THAT RON
25 ALWAYS HAD A LOT OF PEOPLE AT HIS HOUSE, YOUNG GUYS COMING
26 AND GOING AND THEIR FRIENDS AND IT WAS SORT OF A NORMAL
27 OCCURRENCE TO BRING YOUR FRIENDS OVER TO SEE RON.

28 Q AND SO, DID HE DISCUSS WITH YOU, HOW HE WAS GOING

1 TO HAVE JIM COME IN AT 9:45 AND HOW THAT WAS GOING TO BE
2 ACCOMPLISHED?

3 A HE WAS JUST GOING TO CALL HIM UP AND JIM WAS GOING
4 TO COME OVER AND HE WOULD JUST LET HIM IN.

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1 Q. AND THAT IS JUST ANOTHER ONE OF THE PEOPLE WHO
2 CAME OVER TO VISIT?

3 A RIGHT.

4 Q AND INCIDENTALLY, TO YOUR KNOWLEDGE, DID RON
5 LEVIN KNOW JIM PITTMAN?

6 A HE DIDN'T KNOW JIM PITTMAN.

7 Q HOW DO YOU KNOW THAT?

8 A AH, WELL, LET'S SAY, TO MY KNOWLEDGE, HE DIDN'T
9 KNOW JIM PITTMAN.

10 Q IN ANY OF THE TIMES WHERE YOU MET MR. LEVIN,
11 WAS MR. PITTMAN EVER PRESENT?

12 A NO.

13 YOU KNOW SOMETHING, WHEN JOE WAS EXPLAINING LEVIN,
14 HIS SITUATION TO ME, THAT ACTUALLY CAME UP. THAT WAS THE
15 REASON THAT THAT WHOLE SCENARIO WAS GOING TO WORK, BECAUSE
16 JIM WAS A PERSON THAT RON DIDN'T KNOW AND IF HE SHOWS UP,
17 AN ENORMOUS -- AN ENORMOUS BLACK MAN HOLDING A GUN, THAT
18 IF IT WERE OBVIOUS THAT IT WERE ONE OF JOE'S FRIENDS, THEN
19 THE WHOLE SCENARIO WOULDN'T WORK.

20 Q SO THE POINT WAS THAT MR. PITTMAN WAS GOING TO
21 BE USED BECAUSE MR. LEVIN DID IN FACT NOT KNOW HIM?

22 A THAT'S RIGHT.

23 Q WAS THERE ANYTHING ELSE IN THAT PARTICULAR PAGE
24 THAT YOU DISCUSSED?

25 A WHERE IT SAYS "DETERMINATION OF CONSIDERATION."

26 Q AND THEN BELOW THAT IT SAYS WHAT?

27 A "SWISS BANK CHECKS."

28 Q WHAT WAS YOUR DISCUSSION WITH MR. HUNT ABOUT

1 THAT?

2 A WELL, WHAT THAT REFERS TO WAS THAT ONCE THE GUN
3 WAS ON RON, THEY WOULD HAVE TO DETERMINE WHAT IT WAS THAT
4 RON WAS ABLE TO TRANSFER TO JOE, ASK HIM HOW MUCH MONEY HE
5 HAD AND STUFF LIKE THAT.

6 Q WAS THERE ANY DISCUSSION BETWEEN YOU AND MR.
7 HUNT AT THAT POINT ABOUT THE FACT THAT THE SECTION OF THE
8 CONTRACT THAT PROVIDES FOR THE AMOUNT OF THE OPTION WAS LEFT
9 BLANK?

10 A I DON'T THINK WE DISCUSSED IT AT THAT TIME, NO.

11 Q BUT IN FACT, THERE WAS A DISCUSSION BETWEEN YOU
12 AND MR. HUNT AT THAT TIME ABOUT THE FACT THAT WHAT JOE HUNT
13 COULD GET OUT OF MR. LEVIN WAS GOING TO BE DETERMINED WHEN
14 HE GOT TO THE APARTMENT AND NOT BEFOREHAND?

15 A THAT'S RIGHT, ANOTHER CONTINGENT PART OF THE
16 PLAN.

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1 Q IS THERE ANYTHING ELSE ON THAT PAGE THAT YOU
2 DISCUSSED WITH HIM?

3 A I DON'T RECALL DISCUSSING ANY OF THE OTHER
4 ASPECTS WHEN I WAS LOOKING AT THIS PAGE.

5 Q DO YOU KNOW WHETHER MR. HUNT WAS FAMILIAR WITH
6 A PERSON NAMED R. MICHAEL WEATHERBY OR THE NAME R. MICHAEL
7 WEATHERBY THAT APPEARS ON THE LEFT-HAND MARGIN OF THAT PAGE?

8 A YEAH, WE WERE BOTH FAMILIAR WITH THAT NAME.

9 Q HOW WERE YOU FAMILIAR WITH THAT NAME?

10 A IT WAS A NAME THAT RON LEVIN USED.

11 Q DID MR. HUNT KNOW THAT THAT WAS A NAME THAT RON
12 LEVIN USED?

13 A YEAH, THAT IS HOW WE KNEW ABOUT THAT NAME.

14 Q WAS MR. HUNT FAIRLY FAMILIAR WITH OTHER NAMES
15 THAT MR. LEVIN USED?

16 A I DON'T KNOW.

17 Q IS THERE ANYTHING ELSE ON THAT PARTICULAR PAGE
18 THAT YOU CAN RECALL THAT YOU TALKED ABOUT?

19 A NOT RIGHT NOW, NO.

20 Q WHAT WAS THE NEXT PAGE THAT YOU REMEMBER SEEING
21 ON THAT LIST THAT DAY?

22 A I THINK THE NEXT ONE I SAW, I THINK I ACTUALLY
23 SAW TWO TOGETHER, WHICH IS THESE TWO HERE (INDICATING).

24 Q WHICH IS THE ONE AT THE TOP THAT HAS "GET ALARM
25 ACCESS CODE" AND THE OTHER ONE THAT SAYS "AT LEVIN'S TO DO"?

26 A RIGHT.

27 Q WERE THEY BOTH FULLY WRITTEN OR WAS HE WRITING
28 ON ONE OR THE OTHER OF THEM AT THE TIME?

1 A WELL, HE WAS -- HE WAS WORKING ON THE LISTS WHEN
2 I CAME IN THERE. HE WAS -- HE WAS WRITING ON THEM FROM TIME
3 TO TIME. SOME OF THEM -- MOST OF THEM WERE ALREADY WRITTEN,
4 THOUGH.

5 Q AND WITH RESPECT TO THE LIST THAT SAYS "GET ALARM
6 CODE" AT THE TOP, DID YOU HAVE ANY DISCUSSION WITH
7 HIM IN PARTICULAR ABOUT SOME OF THE ITEMS ON THAT LIST?

8 A YES.

9 Q ALL RIGHT. WHAT, IN PARTICULAR, DO YOU RECALL
10 DISCUSSING WITH HIM AT THAT TIME?

11 A I REMEMBER DISCUSSING THE PART ABOUT THE ALARM
12 CODE, LIKE THESE ITEMS NUMBERS 1 AND 2.

13 Q WHAT WAS THE DISCUSSION YOU HAD ABOUT THE ALARM
14 CODE?

15 A HE WAS GOING TO, SINCE RON LEVIN HAD MADE PLANS
16 TO LEAVE FOR NEW YORK, PART OF THIS PLAN AND THE REASON THAT
17 THESE LISTS WERE BEING WORKED ON AT THE TIME THEY WERE, IS
18 TO MAKE IT LOOK LIKE RON HAD JUST LEFT ON HIS TRIP AND THAT
19 WAY, HIS DISAPPEARANCE WOULD TAKE LONGER TO DISCOVER, SO
20 GETTING THE ALARM CODE FROM HIM AND SETTING THE ALARM WAS
21 JUST A WAY OF LOOKING -- MAKING IT LOOK LIKE RON HAD JUST
22 LEFT AS PLANNED.

23 Q WAS MR. HUNT FAIRLY FAMILIAR WITH MR. LEVIN'S
24 PERSONAL HABITS IN THAT REGARD AS FAR AS THE ALARM IS CONCERNED?

25 A AS FAR AS I KNOW, HE WAS.

26 Q AND WHEN DID MR. HUNT, IF YOU KNOW, FIND OUT
27 THAT MR. LEVIN WAS GOING TO NEW YORK?

28 A IT WAS, I THINK, A LITTLE BIT BEFORE I LEFT FOR

1 MEXICO, SOMETIME TOWARD THE END OF MAY.

2 A AND SO THE IDEA WAS TO SET THE ALARM TO MAKE
3 IT LOOK LIKE MR. LEVIN HAD GONE TO NEW YORK; IS THAT RIGHT?

4 A RIGHT.

5 Q AND WITH RESPECT TO CERTAIN OTHER ITEMS ON THAT
6 PAGE THAT SAY "PACK SUITCASE," WHAT DID THAT HAVE TO DO WITH
7 THE PLAN?

8 A WELL, TO PACK A SUITCASE WITH RON'S THINGS IN
9 IT AND TO TAKE THAT WHEN THEY LEFT WOULD JUST FURTHER THE
10 SAME PART OF THE PLAN, MAKE IT LOOK LIKE RON HAD LEFT SO
11 THERE WOULD BE SOME DOUBT AS TO WHETHER HE HAD LEFT OF HIS
12 OWN FREE WILL OR NOT.

13 Q AND DID YOU MAKE ANY SUGGESTIONS TO MR. HUNT
14 AT THAT TIME ABOUT THE SUITCASE AND WHAT SHOULD BE IN IT?

15 A I THINK I DID.

16 Q WHAT DO YOU RECALL IN THAT REGARD?

17 A WELL, WHERE IT SAYS SOME OF THE ITEMS THAT ARE
18 SUPPOSED TO BE IN THE SUITCASE, I AM NOT SURE IF ALL OF THEM
19 WERE THERE WHEN I FIRST LOOKED ON THE LIST, AND I THINK I
20 SAID THAT SOMEONE WHO IS LEAVING WOULD ALSO TAKE, FOR EXAMPLE,
21 SHOES AND SOCKS AS WELL AS PANTS AND SHIRTS.

22 I DON'T REALLY REMEMBER EXACTLY WHAT I SUGGESTED,
23 BUT I THINK I DO REMEMBER SUGGESTING SOMETHING THERE.

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1 Q AND WHAT ABOUT THE NEXT ITEM THAT IS ON THAT LIST
2 THAT SAYS "KEYS"? DID YOU HAVE SOME DISCUSSION ABOUT THAT?

3 A YES.

4 Q WHAT WAS THAT DISCUSSION?

5 A THAT WHEN THEY LEFT RON'S HOUSE, THEY SHOULD TAKE
6 HIS KEYS SO THAT THEY COULD COME BACK IN IF THEY WANTED TO.

7 Q AT SOME POINT AFTER JUNE THE 6TH OF 1984, DID YOU
8 SEE KEYS TO RON LEVIN'S HOUSE AND HIS CAR?

9 A I SAW SOME KEYS THAT WERE TOLD TO ME BY JOE, WERE
10 RON'S KEYS.

11 Q AND DID YOU EVER -- WAS THERE A POST OFFICE BOX
12 KEY AS A PART OF THOSE KEYS?

13 A AGAIN, I DON'T REMEMBER IF EXACTLY THOSE KEYS HAD
14 THE POST OFFICE BOX KEY. BUT I AT ONE TIME, ALSO SAW RON'S
15 POST OFFICE BOX KEY.

16 Q AND WHO HAD IT WHEN YOU FIRST SAW IT?

17 A JOE HAD IT.

18 Q WHAT ABOUT THE NOTATION ON THAT PORTION OF THE
19 LIST WHERE IT SAYS, "CREATE A FILE"?

20 DID YOU HAVE DISCUSSION ABOUT THAT?

21 A YES.

22 Q WHAT WAS THE DISCUSSION ABOUT THAT?

23 A WELL, JOE SAID THAT HE HAD SPENT SO MUCH TIME
24 AROUND RON'S HOME AND RON KEPT HIS OFFICE IN HIS HOME TOO.

25 AND THAT HE HAD SEEN HOW HE MADE UP HIS FILING
26 SYSTEM AND THAT HE WAS GOING TO, IN PLANTING THE VARIOUS
27 LETTERS AND DOCUMENTATION AND CONTRACTS, HE WAS GOING TO MAKE
28 IT LOOK LIKE RON ALSO HAD SET UP THE FILE, SO THAT WHEN IT

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1 WAS LATER FOUND, IT WOULD SUPPORT THE CONCLUSION THAT JOE
2 WANTED PEOPLE TO DRAW, WHICH WAS THAT THERE HAD BEEN AN
3 ACTUAL BUSINESS TRANSACTION BETWEEN JOE AND RON.

4 Q HAD YOU EVER BEEN IN RON LEVIN'S APARTMENT
5 YOURSELF?

6 A YES.

7 Q AND THE FILING SYSTEM THAT WAS AT THE BBC, DID
8 THAT INVOLVE THE USE OF ANY KIND OF GREEN, CARDBOARD-TYPE
9 FILES?

10 A WE USED MANILA FOLDERS AND PENTAFLEX THINGS THAT
11 HANG IN DRAWERS. I DON'T REMEMBER WHAT COLOR THE PENTAFLEX
12 THINGS WERE.

13 Q THE PENTAFLEX REFERS TO JUST SOMETHING THAT IS
14 IN THE DRAWER ITSELF, CORRECT?

15 A YEAH. IT IS SOMETHING THAT YOU BUY AT A
16 STATIONERY STORE. IT HAS GOT METAL EDGES AND IT HANGS ON A
17 TRACK IN THE DRAWER AND YOU PUT THE MANILA FILES IN IT.

18 Q ALL RIGHT. DID YOU TALK TO HIM AT ALL ABOUT THAT
19 PART OF THE LIST THAT SAYS "NOTATION"?

20 A I DON'T THINK I DID.

21 Q AND WHERE IT SAYS "SWISS CASHIER'S CHECKS 900,000"?

22 A I DON'T THINK THAT I TALKED TO HIM ABOUT THAT
23 EITHER.

24 Q AND WHAT ABOUT THE OPTION ON HIS HOUSE? WAS THERE
25 ANY DISCUSSION ABOUT THAT?

26 A YES THERE WAS.

27 Q ALL RIGHT. WHAT WAS THAT?

28 A WELL, RON LEVIN HAD GOTTEN THE RIGHT TO LIVE WHERE

1 HE LIVED BY ACTUALLY GETTING AN OPTION FROM THE OWNER OF IT.
2 AND HE BRAGGED ABOUT THIS.

3 HE HAD WRITTEN A CHECK FOR A VERY SMALL AMOUNT
4 TO THE OLD WOMAN WHO OWNED THE HOUSE. AND ON THE BACK OF THE
5 CHECK, THERE WAS A TYPED ENDORSEMENT. AND ONCE SHE DEPOSITED
6 THE CHECK, SHE WAS LEGALLY BOUND BY THE ENDORSEMENT ON THE
7 BACK.

8 THAT APPARENTLY GAVE RON LEVIN THE RIGHT TO BUY
9 THAT HOUSE FOR \$30,000. AND WHAT JOE WANTED TO DO --

10 (NOISE IN THE COURTROOM.)
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1 MR. WAPNER: HOLD ON FOR JUST ONE SECOND.

2 THE COURT: OKAY. JOE WANTED TO DO WHAT?

3 THE WITNESS: WHAT HE WANTED TO DO, WAS TO AMONG OTHER
4 THINGS, THAT HE WAS GOING TO TRY TO GET RON TO TRANSFER TO HIM,
5 TO SEE IF HE COULD GET RON TO SIGN OVER TO JOE, THE OPTION
6 TO THE HOUSE BECAUSE THE HOUSE WAS WORTH SOMETHING LIKE A
7 MILLION DOLLARS.

8 AND IF JOE HAD THE OPTION, WELL, HE COULD JUST
9 GET IT FOR 30,000, JUST AS RON WAS ABLE TO.

10 Q BY MR. WAPNER: HOW DID JOE HUNT KNOW ABOUT THE
11 OPTION RON LEVIN HAD ON HIS HOUSE?

12 A RON BRAGGED ABOUT IT BECAUSE HE THOUGHT IT WAS
13 A REALLY GREAT THING THAT HE HAD DONE, TO TRICK THIS OLD LADY
14 INTO CASHING THAT CHECK.

15 Q DID HE BRAG ABOUT IT IN YOUR PRESENCE?

16 A YES.

17 Q DID HE EVER BRAG ABOUT IT IN YOUR PRESENCE WHEN
18 MR. HUNT WAS THERE?

19 A I DON'T THINK I WAS EVER IN RON LEVIN'S PRESENCE
20 WITHOUT MR. HUNT BEING THERE.

21 Q AND WITH RESPECT TO THE OTHER LIST --

22 MR. WAPNER: YOUR HONOR, ARE WE GOING TO TAKE A BREAK
23 THIS AFTERNOON?

24 THE COURT: WOULD THE LADIES AND GENTLEMEN OF THE JURY
25 LIKE A BREAK, SINCE WE STARTED LATE?

26 THE JURY: NO.

27 THE COURT: GO AHEAD.

28 Q BY MR. WAPNER: WITH RESPECT TO THE OTHER LIST

1 THAT SAYS AT THE TOP OF IT, "AT LEVINS TO DO," WAS THAT ON
2 THE DESK -- YOU SAID YOU THOUGHT IT WAS ON THE DESK AT THE
3 SAME TIME AS THE ONE WE HAVE JUST BEEN TALKING ABOUT?

4 A RIGHT.

5 Q AND DID YOU TALK TO HIM ABOUT CERTAIN THINGS THAT
6 WERE ON THAT LIST?

7 A YES I DID.

8 Q AND DID THAT LIST APPEAR TO BE --

9 (NOISE IN THE COURTROOM.)

10 THE COURT: GO AHEAD.

11 Q BY MR. WAPNER: AND DID THAT LIST APPEAR TO BE
12 A COMING TOGETHER OF LOTS OF ITEMS THAT WERE ON THE PREVIOUS
13 TWO PAGES THAT YOU SAW AND OTHER PAGES THAT ARE THERE OF THE
14 SEVEN?

15 A THAT'S RIGHT. IT WAS COMMON FOR JOE TO MAKE
16 PRELIMINARY LISTS AND THEN UPDATE THEM AND THEN REVISE THEM
17 AND MAKE NEW LISTS AND THAT SORT OF THING.

18 Q AND DID YOU TALK TO HIM ABOUT THE ITEMS THAT WERE
19 ON THIS LIST THAT SAID, "AT LEVINS TO DO"?

20 A YES, SOME OF THEM.

21 Q ALL RIGHT. WHICH ONES DID YOU TALK TO HIM ABOUT?

22 A WELL, IN ONE REGARD, I TALKED TO HIM ABOUT ALL
23 OF THEM BECAUSE --

24 Q WHAT REGARD IS THAT?

25 A WELL, THE REGARD OF THE ORDER THAT THESE THINGS
26 WERE SUPPOSED TO BE DONE. THERE ARE A BUNCH OF NUMBERS ON
27 THE SIDE THAT SOME OF THEM HAD BEEN CROSSED OUT AND SOME OF
28 THEM HAD BEEN CHANGED.

1 THAT WAS THAT ONCE JOE GOT TO RON'S AND JIM GOT
2 THERE AND THEY STARTED DOING THIS PLAN, HE HAD AN ORDER
3 WRITTEN DOWN WHICH WAS SUPPOSED TO BE THE BEST WAY TO DO THESE
4 THINGS, ONE AFTER ANOTHER. SO WE TALKED ABOUT JUST ABOUT ALL
5 OF THEM, AT LEAST WITH REGARD TO WHAT SHOULD BE DONE BEFORE
6 WHAT.

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1 Q AND WITH REGARD TO SOME OF THESE, ARE THEY THE
2 SAME AS THE ITEMS THAT HE HAD PUT ON PREVIOUS DRAFTS, SO
3 TO SPEAK, OF THE LIST?

4 A YES, SOME OF THESE ITEMS REFER TO SOME OF THE
5 ITEMS ON THE OTHER LIST.

6 Q FOR EXAMPLE "EXPLAIN SITUATION"?

7 A THAT IS ONE.

8 Q AND THERE WAS A REFERENCE ON ONE OF THE OTHER
9 PIECES OF PAPER TO TAPES, I BELIEVE, AND CUFFS?

10 A THAT'S RIGHT.

11 Q AND "EXPLAIN SITUATION," WAS THE SAME, IT WAS
12 ANOTHER -- STRIKE THAT.

13 "EXPLAIN SITUATION" WAS A REFERENCE ON THIS LIST
14 TO THE ITEM ON THE OTHER LIST THAT SAYS "LEVIN, HIS SITUATION"?

15 A THAT'S RIGHT.

16 Q WHAT ELSE DID YOU DISCUSS WITH HIM ON THIS
17 PARTICULAR LIST?

18 A BEYOND MERELY WITH REGARD TO THE ORDER?

19 Q BEYOND THE ORDER, CORRECT.

20 A WE TALKED ABOUT THE ANSWERING SERVICE.

21 Q WHAT DID HE SAY ABOUT THAT?

22 A HE SAID THAT HE WANTED TO SET THE MACHINE ALMOST
23 AS SOON AS HE GOT THERE. RON HAD AN ANSWERING MACHINE SO
24 THAT BECAUSE RON WOULD SOMETIMES SCREEN HIS CALLS, I THINK --

25 Q WAS IT A MACHINE OR A SERVICE?

26 A I AM REALLY NOT EXACTLY SURE WHAT HE SAID.

27 BUT HE WANTED TO SET THE ANSWERING SERVICE WHEN
28 HE GOT THERE. I REALLY CAN'T TELL YOU ANY MORE ABOUT IT.

1 I HAVE FORGOTTEN RIGHT NOW.

2 Q DO YOU KNOW WHERE HE HAD GOTTEN THAT NUMBER,
3 668 FROM?

4 A NO, I DON'T -- ACTUALLY, I DO.

5 HE SAID THAT IN THE TIME THAT HE HAD BEEN
6 HANGING OUT WITH RON IN THE MONTHS BEFORE, THAT WAS ONE OF
7 THE THINGS THAT HE WAS DOING, WAS CHECKING OUT HOW HIS SERVICE
8 WORKED AND WHAT HIS FILING SYSTEM WAS LIKE AND THAT SORT
9 OF THING.

10 Q AND IN THE COURSE OF DOING THAT, WOULD HE BE
11 ABLE THEN TO OBTAIN THIS NUMBER 668?

12 A I'M ASSUMING THAT. I DON'T REALLY KNOW FOR SURE.

13 Q AND "GET ALARM ACCESS CODE AND ARM CODE," THIS
14 STATEMENT ON THIS LIST WAS SOMETHING HE HAD PUT ON THE
15 PREVIOUS LIST?

16 A RIGHT.

17 Q DID HE DISCUSS WITH YOU WHERE IT SAYS "DATE STAMP
18 DOCUMENTS AND DATE STAMP LETTERS"?

19 A I DON'T THINK WE DISCUSSED THAT.

20 Q WHAT ABOUT "MAKE A FILE OF THE LETTERS, TAKE
21 HOLES WITH YOU"?

22 A WE TALKED ABOUT THAT.

23 Q WHAT DID YOU TALK ABOUT THAT?

24 A WELL, I ALREADY KNEW WHAT "MAKE A FILE OF LETTERS
25 AND OTHER MATERIAL" MEANT AND I ASKED HIM ABOUT "TAKE HOLES
26 WITH YOU".

27 Q WHAT DID HE SAY?

28 A AND HE SAID THAT WHEN YOU MAKE A FILE, YOU HAVE

1 TO PUNCH HOLES IN THE PAPER SO HE WANTED TO MAKE SURE THAT
2 HE DIDN'T LEAVE ANY OF THE HOLES THAT HE HAD JUST PUNCHED
3 THAT NIGHT IN RON'S HOUSE SO THAT IT WOULD LOOK LIKE THESE
4 ITEMS HAD BEEN PUT IN A FILE PREVIOUSLY TO THAT.

5 Q DID YOU SAY OR DO ANYTHING WHEN HE MADE THAT
6 EXPLANATION TO YOU?

7 A I COMMENTED THAT THAT WAS A VERY NIFTY TOUCH.

8 THE COURT: WHAT?

9 THE WITNESS: I SAID THAT WAS A NIFTY TOUCH.

10 Q BY MR. WAPNER: HE DIDN'T PUT ANYTHING ON THE
11 LIST, DID HE, ABOUT "TAKE LIST WITH YOU"?

12 A NO, HE DIDN'T.

13 MR. WAPNER: YOUR HONOR, MAY WE APPROACH JUST BRIEFLY?

14 THE COURT: YES.

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

18 MR. WAPNER: I JUST WONDER IF WE CAN TAKE A RECESS.
19 IT APPEARS TO ME THE WITNESS IS GETTING PRETTY TIRED. I
20 DON'T KNOW IF WE ARE GOING TO GO STRAIGHT THROUGH ALL THIS
21 AFTERNOON.

22 THE COURT: WHY NOT?

23 MR. BARENS: I WOULD LIKE A BREAK, TOO, YOUR HONOR.

24 THE COURT: ALL RIGHT. A LITTLE BREAK. WHAT DO YOU
25 WANT, 15 MINUTES?

26 MR. WAPNER: THAT IS FINE. THANK YOU.

27 MR. BARENS: THANK YOU.

28 (THE FOLLOWING PROCEEDINGS WERE HELD

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IN OPEN COURT:)

THE COURT: ALL RIGHT, I THINK THE ATTORNEYS ARE
GETTING A LITTLE TIRED SO WE WILL TAKE A 15-MINUTE RECESS.

(RECESS.)

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1 THE COURT: ALL RIGHT. YOU MAY PROCEED.

2 MR. WAPNER: THANK YOU.

3 Q OKAY. WE WERE AT A POINT OF THIS LIST AFTER THE
4 "TAKE HOLES WITH YOU."

5 AND INCIDENTALLY, ON THAT SAME LINE, IT SAYS,
6 "MAKE FILE OF LETTERS AND OTHER MATERIAL." DO YOU KNOW WHAT
7 THE "OTHER MATERIAL" REFERRED TO?

8 A YES.

9 Q WHAT?

10 A IT REFERRED TO A BUNCH OF MARKETING DOCUMENTATION
11 THAT HAD BEEN MADE UP FOR THE CYCLATRON PROJECT. WE HAD ALL
12 KINDS OF RESEARCH AND PROMOTIONAL THINGS THAT WE HAD DONE FOR
13 THAT AND HE WANTED THAT TO BE IN THE FILE, AS WELL. AGAIN,
14 TO MAKE IT LOOK LIKE --

15 THE COURT: WOULD YOU RECOGNIZE IT IF YOU SAW IT?

16 THE WITNESS: MOST OF IT.

17 THE COURT: THAT IS 94, ISN'T IT?

18 Q BY MR. WAPNER: IN -- SHOWING YOU 94 FOR
19 IDENTIFICATION, DO YOU RECOGNIZE ANY ITEMS THAT ARE IN THERE?

20 A YEAH. I RECOGNIZE A LOT OF THIS STUFF.

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1 Q AS WHAT?

2 A AS THINGS THAT -- WELL, SOME OF IT ARE THINGS
3 THAT WE HAD, AS I SAID, WE HAD WRITTEN UP TO -- TO DESCRIBE
4 WHAT THE ADVANTAGES OF THIS INVENTION WERE AND SOME OF THE
5 POSSIBILITIES FOR IT.

6 MOSTLY, THINGS THAT WE HAD WRITTEN UP A LONG
7 TIME BEFORE IN 1984 AND MOST OF IT LOOKS FAMILIAR.

8 OTHER CONTRACTS HERE THAT --

9 WELL, I HAVE TO LOOK AT IT MORE CAREFULLY. I
10 HAVEN'T SEEN THIS IN A LONG, LONG TIME.

11 CONTRACTS -- THERE IS ONE CONTRACT HERE THAT
12 WAS, I THINK, HAD TO DO WITH A GUY NAMED BILL MORTON, TO
13 HAVE ONE CYCLATRON ON HIS GOLD MINING SITE FOR USE IN HELPING
14 HIM EXTRACT ORE.

15 THE COURT: WAS THAT THE FILE THAT WAS TENTATIVELY
16 MADE UP?

17 THE WITNESS: I DIDN'T ACTUALLY SEE THESE DOCUMENTS
18 ON THE NIGHT OF THE -- THAT I SAW THESE LISTS, BUT WHEN IT
19 SAID "AND OTHER MATERIALS," IT REFERRED TO THIS TYPE OF
20 THING THAT YOU WOULD SEND OUT TO SOMEONE WHO IS CONTEMPLATING
21 INVESTING IN YOUR COMPANY.

22 Q BY MR. WAPNER: AND INCIDENTALLY, THIS IS JUST
23 REGRESSING TO A CERTAIN EXTENT IN TIME, DO YOU KNOW WHY IT
24 WAS THAT THE LETTERS THAT WERE PURPORTEDLY BEING WRITTEN
25 TO MR. LEVIN WERE WRITTEN BY MR. HUNT ON THE SAME DAY?

26 A WELL --

27 Q WAS IT DISCUSSED WITH YOU?

28 A IT WAS DISCUSSED WITH ME.

1 HE WANTED, AS I SAID, FOR THERE TO APPEAR TO
2 BE SOME KIND OF RUNNING CORRESPONDENCE AND, YOU KNOW, THE
3 TWO THAT I AM SURE WERE WRITTEN ON THE SAME DAY, IT WAS JUST
4 WHEN HE WAS THINKING ABOUT IT HE WROTE, HE WROTE THEM AND
5 HE WAS GOING TO GIVE THEM TO THE SECRETARY TO SEND WHENEVER
6 HE DECIDED THEY SHOULD BE SENT OR OSTENSIBLY SENT.

7 Q AND AGAIN, THIS IS A CERTAIN REGRESSION, BUT
8 IN TERMS OF THE LETTERS BEING OSTENSIBLY SENT, WHAT DID HE
9 DO IN THAT REGARD?

10 A WELL, HE HAD THE SECRETARY TYPE UP, FOR EXAMPLE,
11 THE FIRST LETTER WHICH WAS DATED, I THINK, THE 3RD OF MAY,
12 HE HAD HER TYPE IT UP ABOUT THE 2ND OF MAY OR SOMETHING LIKE
13 THAT. AND THEN SHE GAVE IT BACK TO HIM FOR PROOFREADING
14 ONCE SHE HAD TYPED IT UP AND FOR SIGNATURE, AND THEN IT WAS
15 PUT IN THE PILE TO BE MAILED.

16 BUT IT WASN'T PART OF THE PLAN TO ACTUALLY MAIL
17 THE LETTERS.

18 IT WAS ONLY THE PLAN TO MAKE THE PEOPLE AT THE
19 OFFICE THINK THAT THE LETTERS HAD BEEN MAILED. SO I WENT
20 AND I TOLD THE SECRETARY THAT I WAS GOING TO TAKE THE MAIL
21 DOWN TO THE MAILBOX THAT DAY -- OR I THINK I SAID I WAS
22 GOING TO GO TO THE POST OFFICE ANYWAY SO I WOULD TAKE THE
23 MAIL, AND I REMOVED THAT ONE LETTER AND I GAVE IT BACK TO
24 JOE SO THAT IT WOULD NEVER BE SENT.

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1 Q DID YOU DO IT WITH JUST THE ONE LETTER OR MORE
2 THAN ONE?

3 A JUST THAT ONE LETTER.

4 Q AND DO YOU REMEMBER WHICH ONE THAT WAS OF THE THREE?

5 A IT WAS THE FIRST ONE.

6 Q THE FIRST ONE IN POINT OF TIME, WHICH WOULD BE
7 MAY THE 3RD?

8 A RIGHT.

9 Q GETTING BACK TO THE LIST, THE NEXT ITEM THAT IS
10 ON THERE SAYS, "KILL DOG (EMPHASIS)". WAS THAT DISCUSSED WITH
11 YOU?

12 A YES. IT WAS.

13 Q AND WHAT DID MR. HUNT SAY ABOUT IT?

14 A WELL, IN KEEPING WITH HIS IDEA THAT MAYBE LEVIN
15 WASN'T GOING TO BE SUCH AN EASY CUSTOMER, HE SAID THAT ONE
16 OF THE POSSIBILITIES WAS THAT HE WAS GOING TO KILL RON'S
17 DOG AND "EMPHASIS," MEANT THAT HE WAS GOING TO DO IT IN A
18 GROTESQUE KIND OF WAY SO THAT LEVIN WOULD BE SHAKEN UP AND
19 MORE INCLINED TO COOPERATE.

20 Q DID HE INDICATE TO YOU ANY FAMILIARITY WITH RON
21 LEVIN AND HOW HE FELT ABOUT THAT DOG?

22 A NOT AT THAT TIME. BUT IT WAS PRETTY CLEAR FROM
23 ANYONE WHO KNEW RON, THAT HIS RELATIONSHIP WITH HIS DOG WAS
24 A CLOSE ONE.

25 Q HE LIKED THE DOG A LOT?

26 A YEAH. HE TOOK GOOD CARE OF THE DOG. I THINK HE
27 EVEN SAID THAT HE TOOK HIM IN THE SHOWER WITH HIM.

28 Q AND THE "KILL DOG (EMPHASIS)", WAS THAT ONE OF

-2
1 THE CONTINGENCIES THAT WAS PART OF THIS LIST?

2 A RIGHT.

3 Q SO THAT IT WOULD ONLY BE DONE IF IT WAS NECESSARY
4 TO CONVINCING MR. LEVIN TO GO ALONG WITH THE PLAN?

5 MR. BARENS: LEADING AND SUGGESTIVE, JUDGE.

6 THE COURT: HE TESTIFIED ABOUT THAT. HE JUST SUMMARIZED
7 IT.

8 MR. BARENS: NO. I THINK IT WAS LEADING AND SUGGESTIVE
9 TO THE NEXT QUESTION WE ARE BRIDGING TO --

10 THE COURT: WELL, LET'S HEAR THE NEXT QUESTION.

11 MR. BARENS: ALL RIGHT.

12 Q BY MR. WAPNER: WAS THE "KILL DOG (EMPHASIS)" ONE
13 OF THE CONTINGENCIES IN THE PLAN?

14 A WELL, THE BEST WAY FOR ME TO ANSWER THIS IS WITH
15 A LITTLE EXPLANATION. MANY OF THE THINGS IN THAT PLAN WERE
16 CONTINGENCIES.

17 JOE DIDN'T SPECIFICALLY TELL ME THAT THAT WAS A
18 CONTINGENCY. HE JUST TOLD ME WHAT IT MEANT BECAUSE I DIDN'T
19 ASK HIM WHAT "KILL DOG" MEANT. I KNEW WHAT THAT MEANT. I
20 ASKED HIM WHAT "EMPHASIS" MEANT AND ABOUT DOING IT IN FRONT
21 OF RON.

22 AND HE DIDN'T SPECIFICALLY TELL ME THAT IT WAS
23 A CONTINGENCY OR NOT.

24 Q ALL RIGHT. DID HE SAY THAT WHEN YOU ASKED HIM
25 WHAT "EMPHASIS" MEANT, THOUGH?

26 A RIGHT.

27 Q OKAY. DID YOU DISCUSS ANY OF THE REMAINING ITEMS
28 ON THAT LIST WITH HIM?

1 A I DON'T THINK I ASKED HIM ABOUT THEM. I FELT THAT
2 THEY WERE SELF-EXPLANATORY. I DON'T THINK WE DISCUSSED THEM.

3 Q AND WHEN YOU WERE DISCUSSING THESE PIECES OF PAPER
4 WITH HIM, YOU KNEW AT THAT TIME THAT THIS WAS -- THESE PIECES
5 OF PAPER COMPRISED A PLAN FOR HIM TO KILL RON LEVIN?

6 A YES I DID.

7 Q WHY DIDN'T YOU GO TO THE POLICE RIGHT THEN?

8 A BECAUSE I WAS A PART OF WHAT WAS GOING ON WITH
9 JOE AT THAT TIME. AND IT DIDN'T EVEN OCCUR TO ME TO GO TO
10 THE POLICE.

11 Q WHAT DO YOU MEAN WHEN YOU SAY YOU WERE A PART OF
12 WHAT WAS GOING ON WITH JOE AT THAT TIME?

13 A I WAS BACKING HIM UP ON WHAT HE HAD DECIDED TO
14 DO. I WAS RUNNING INTERFERENCE AT THE OFFICE. I WAS
15 LISTENING. I WAS HIS SOUNDING BOARD. AND I WENT ALONG WITH
16 IT.

17 Q WHY WOULD HE TELL YOU ABOUT THAT, AS OPPOSED TO
18 LET'S SAY, TOM MAY OR STEVE TAGLIANETTI OR SOMEBODY LIKE THAT?

19 A WELL, MY BELIEF IS THAT I WAS --

20 MR. BARENS: OBJECTION. THAT IS CALLING FOR A CONCLUSION,
21 JUDGE. IT IS NOT RESPONSIVE.

22 THE COURT: SUSTAINED.

23 Q BY MR. WAPNER: WE'LL GET BACK TO THAT IN A MINUTE.
24 THE PEOPLE THAT STARTED THIS GROUP WERE YOU, BEN DOSTI AND
25 JOE HUNT, RIGHT?

26 A THAT'S RIGHT.

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1 Q AND AT THE TIME THAT THESE LISTS WERE BEING
2 PREPARED, HOW WOULD YOU DESCRIBE YOUR RELATIONSHIP WITH MR.
3 HUNT AS OPPOSED TO HIS RELATIONSHIPS WITH OTHER MEMBERS IN
4 THE BBC, EXCLUSIVE OF MR. DOSTI FOR THE PURPOSES OF THIS
5 QUESTION?

6 A I WAS MORE TRUSTED AND A CLOSER FRIEND.

7 Q WOULD YOU SAY THAT -- WELL, I WILL WITHDRAW THAT.
8 DURING THE TIME THAT YOU WERE IN THE OFFICE
9 DISCUSSING THESE LISTS WITH MR. HUNT, DO YOU KNOW WHETHER
10 YOU EVER TOUCHED ANY OF THESE PIECES OF PAPER?

11 A WHETHER I DID?

12 Q YES.

13 A I AM NOT SURE.

14 I WAS IN THERE FOR A WHILE.

15 Q IN DISCUSSING WITH HIM THE ITEMS TO PUT ON THE
16 LIST, FOR EXAMPLE, TO BE TAKEN IN THE SUITCASE, DO YOU KNOW
17 WHETHER YOU EVER, FOR EXAMPLE, POINTED OUT THINGS OR TOUCHED
18 THE PAPER AT THAT TIME?

19 A I MAY HAVE. I AM NOT POSITIVE.

20 Q AND AFTER YOU FINISHED DISCUSSING THIS LIST,
21 DID MR. HUNT TELL YOU WHEN IT WAS THAT HE PLANNED TO CARRY
22 OUT THIS PLAN?

23 A ON THE NIGHT BEFORE RON LEVIN WAS SUPPOSED TO
24 GO TO NEW YORK.

25 Q AND DID MR. HUNT SAY ANYTHING TO YOU ABOUT WHAT
26 HE WANTED YOU TO DO AT THAT POINT?

27 A WELL, YES, AT THE --

28 ON ONE NIGHT, IT WAS THE NIGHT THAT HE SAID HE

1 WAS GOING TO DO IT, HE TOLD ME TO TAKE BROOKE, HIS GIRLFRIEND,
2 AND JEFF RAYMOND, WHO WAS THE OTHER GUY WHO WAS LIVING IN
3 THE SAME CONDOMINIUM AS WE LIVED IN, TO THE MOVIES THAT NIGHT.

4 Q AND DID YOU GO TO THE MOVIES THAT NIGHT?

5 A -- YES.

6 Q AND WAS THAT THE NIGHT OF JUNE 6TH OF 1984?

7 A I THINK THAT IS THE NIGHT THAT IT WAS.

8 Q IS THERE SOME WAY THAT YOU CAN PLACE THAT IN
9 POINT OF TIME IN TERMS OF THINGS THAT HAPPENED THE NEXT DAY
10 AFTER YOU WENT TO -- WELL, LET ME GET BACK TO THAT.

11 WHEN HE ASKED YOU TO GO TO THE MOVIES, DID YOU
12 DO THAT?

13 A YES.

14 Q WHOM DID YOU GO WITH?

15 A I WENT WITH BROOKE, WITH JEFF, AND I AM NOT
16 SURE, MAYBE JEFF'S GIRLFRIEND ALSO.

17 THE COURT: DO YOU REMEMBER WHAT TIME THAT WAS?

18 THE WITNESS: IT WAS AN EARLY SHOW, ABOUT 7:00, I THINK.

19 THE COURT: DID YOU HAVE DINNER BEFORE THAT?

20 THE WITNESS: I DON'T RECALL.

21 Q BY MR. WAPNER: AND AFTER GOING TO THE MOVIES,
22 WHAT DID YOU DO?

23 A I WENT HOME.

24 Q DID YOU HAVE ANY DISCUSSION WITH MR. HUNT ABOUT
25 WHY IT WAS HE WANTED YOU TO GO TO THE MOVIES?

26 A YES.

27 Q WHAT WAS THAT?

28 A SO THAT AT A LATER TIME, WE COULD SAY THAT HE

1 HAD BEEN WITH US.

2 Q DID HE TELL YOU THAT SPECIFICALLY BEFORE HE ASKED
3 YOU TO GO TO THE MOVIES?

4 A YES.

5 Q AND AFTER YOU CAME HOME, WHAT DID YOU DO?

6 A I THINK I WENT TO SLEEP.

7 Q DID YOU SEE JOE --

8 WELL, BEFORE YOU WENT TO THE MOVIES, WERE YOU
9 AT THE MANNING?

10 A YES.

11 Q AND DO YOU REMEMBER WHETHER YOU SAW JOE HUNT
12 AT THE MANNING BEFORE YOU WENT TO THE MOVIES?

13 A YES, I DO.

14 Q AND WHERE IN THE WILSHIRE MANNING DID YOU SEE
15 HIM AND WHAT WAS HE DOING?

16 A HE WAS AT HIS DESK IN HIS BEDROOM AND HE WAS
17 LOOKING AT THESE LISTS.

18 Q THE LISTS THAT ARE PART OF PEOPLE'S 55?

19 A THAT'S RIGHT.

20 Q AND WAS HE STILL THERE WHEN YOU LEFT TO GO TO
21 THE MOVIES?

22 A YES.

23 Q WAS HE THERE WHEN YOU CAME BACK FROM THE MOVIES?

24 A I DON'T THINK SO.

25 Q WHEN YOU SAY YOU DON'T THINK SO, WHAT DOES THAT
26 MEAN?

27 A IT MEANS THAT I DIDN'T BOTHER TO GO INTO HIS
28 ROOM AND SEE IF HE WAS THERE.

1 I JUST WENT INTO MY ROOM.

2 Q AND HIS GIRLFRIEND, BROOKE ROBERTS, WAS WITH
3 YOU AT THE MOVIES?

4 A RIGHT.

5 Q AFTER YOU WENT INTO YOUR ROOM, DID YOU SEE MR.
6 HUNT AT ALL AGAIN THAT NIGHT?

7 A NO.

8 Q THE NEXT MORNING, DID YOU SEE MR. HUNT?

9 A YES, I DID.

10 Q WHERE?

11 A AT OUR HOUSE.

12 Q AND THAT IS AT THE WILSHIRE MANNING COMDOMINIUM?

13 A THAT'S RIGHT.

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-1 1 Q WHERE IN THE WILSHIRE MANNING DID YOU SEE HIM?

2 A I THINK HE CAME INTO MY ROOM AND WOKE ME UP AND
3 THEN WE WENT AND TALKED IN THE LIVING ROOM.

4 Q APPROXIMATELY WHAT TIME?

5 A EARLY IN THE MORNING, BETWEEN 7:00 AND 8:00
6 SOMETIME.

7 Q AND HOW WAS MR. HUNT DRESSED AT THAT TIME?

8 A IN A BUSINESS SUIT.

9 Q WHEN HE WOKE YOU UP, WHAT DID HE DO OR SAY?

10 A WELL, WE WENT TO THE COUCH IN THE LIVING ROOM AND
11 HE OPENED HIS BRIEFCASE AND HE SHOWED ME A CHECK THAT RON
12 LEVIN HAD SIGNED. AND HE TOLD ME THAT HE HAD DONE IT, THAT
13 RON WAS DEAD.

14 Q SHOWING YOU THE CHECK THAT IS MARKED PEOPLE'S 57
15 FOR IDENTIFICATION, DO YOU RECOGNIZE THAT?

16 A THAT LOOKS LIKE IT.

17 Q AND DID HE SHOW YOU ANYTHING ELSE THAT MORNING?

18 A HE ALSO SHOWED ME THE CONTRACT THAT HAD BEEN SIGNED
19 AND THE PORTION OF IT HAD BEEN FILLED IN HE SAID, IN RON'S
20 OWN HANDWRITING.

21 Q SHOWING YOU 58 FOR IDENTIFICATION, DID YOU
22 RECOGNIZE THAT?

23 A THAT LOOKS LIKE IT.

24 Q IT LOOKS LIKE THE CONTRACT THAT HE SHOWED YOU?

25 A RIGHT.

26 Q AND AFTER HE SHOWED YOU THAT CHECK AND THE CONTRACT,
27 WHAT HAPPENED?

28 A I ASKED HIM IF THAT WAS ALL HE HAD GOTTEN.

1 Q WHAT DID HE SAY?

2 A WELL, I ASKED HIM SPECIFICALLY IF HE HAD GOTTEN
3 THE OPTION ON THE HOUSE THAT HE TALKED ABOUT AND HE SAID NO
4 BUT THAT HE WOULD TELL ME ABOUT IT LATER.

5 Q DID HE EVER TELL YOU WHETHER HE HAD GOTTEN THE
6 OPTION ON THE HOUSE?

7 A HE SAID NO, AS I SAID.

8 Q AND WHAT ELSE DID HE SAY AT THAT POINT?

9 A HE SAID THAT NOW IS THE TIME TO JUST ACT NATURAL
10 AROUND THE OFFICE AND WE WERE JUST GOING TO PROCEED WITH WHAT
11 WE TALKED ABOUT BEFORE, WHICH IS FOR ME TO JUST BACK UP THE
12 SITUATION, AS WE WANTED IT TO APPEAR.

13 Q DID YOU SEE JEFF RAYMOND THAT MORNING?

14 A YES.

15 Q WHERE WAS HE WHEN YOU SAW HIM?

16 A WE WOKE HIM UP. I AM NOT SURE IF SAW HIM IN HIS
17 BEDROOM OR IF HE CAME OUT INTO THE LIVING ROOM. BUT IT WAS
18 AT HOME, THERE.

19 Q AND WAS THAT AFTER JOE HUNT HAD TOLD YOU THAT HE
20 HAD KILLED RON LEVIN?

21 A YES.

22 Q DID YOU HEAR JOE HUNT MAKE ANY DISCLOSURES TO JEFF
23 RAYMOND ABOUT GETTING THE CHECK AND THE CONTRACT?

24 A HE SHOWED THE CHECK TO JEFF AND THE CONTRACT.

25 Q DID HE TELL JEFF THAT HE HAD KILLED RON LEVIN?

26 A NO.

27 Q AND DID YOU IN FACT, GO TO THE OFFICE THAT DAY?

28 A YES.

1 Q AND AT THE OFFICE, WAS THERE ANY DISCUSSION ABOUT
2 WHAT TO DO TO GET THE CHECK CASHED?

3 A YES THERE WAS.

4 Q WHAT WAS THAT?

5 A WELL, JOE SAID THAT HE HAD CONTACTED THE BANK WHERE
6 THE BBC HAD ITS BANK ACCOUNTS.

7 Q WAS THAT THE BANK OF AMERICA, LA BREA/ROSEWOOD
8 BRANCH?

9 A I THINK THERE WERE SOME OTHER BANKS, TOO. I AM
10 NOT SURE WHICH BANK HE CONTACTED.

11 HE JUST TOLD ME THAT HE HAD CHECKED WITH THE BANK
12 AND THE BANK SAID IT WOULD TAKE ABOUT A MONTH TO CASH A SWISS
13 BANK CHECK. SO WE TRIED TO FIGURE OUT TO CASH IT MORE
14 QUICKLY THAN THAT.

15 Q AND DID SOMEONE AT THE OFFICE MAKE A SUGGESTION
16 ABOUT GOING TO THE WORLD TRADE BANK?

17 A YES.

18 Q WAS THAT NEIL ADELMAN THAT MADE THAT SUGGESTION?

19 A THAT'S RIGHT.

20 Q AND IN THAT REGARD, DID SOME PEOPLE GO TO THE
21 WORLD TRADE BANK THAT DAY?

22 A YES.

23 Q WHO WENT?

24 A JOE WENT, NEIL WENT AND I WENT.

25 Q NOW, THE DAY THAT YOU WENT TO THE WORLD TRADE BANK
26 TO OPEN AN ACCOUNT THERE, WAS THE DAY, THE SAME DAY THAT HE
27 SHOWED UP WITH THE CHECK IN THE MORNING AND THE CONTRACT?

28 A THAT'S RIGHT.

1 Q AND IT WAS THE NIGHT BEFORE THAT, THAT YOU WENT
2 TO THE MOVIES. IS THAT RIGHT?

3 A THAT'S RIGHT.

4 Q AND SO, IF THE DAY THAT YOU WENT TO THE BANK
5 INITIALLY TO INQUIRE ABOUT THE ACCOUNT WAS JUNE THE 7TH, THEN
6 THAT WOULD BE THE DAY THAT JOE SHOWED UP IN THE MORNING IN YOUR
7 BEDROOM AND IN THE LIVING ROOM OF THE WILSHIRE MANNING WITH
8 THE CHECK, RIGHT?

9 A THAT'S RIGHT.

10 Q WHICH WOULD PUT THE DATE OF YOUR GOING TO THE
11 MOVIES AT THE NIGHT BEFORE, AT JUNE 6, CORRECT?

12 A THAT'S RIGHT.

13 Q AND WHEN YOU WENT TO THE BANK, DID YOU LEAVE THE
14 CHECK THAT DAY TO BE CASHED?

15 A I DON'T THINK SO. WE HAD TO OPEN UP AN ACCOUNT
16 FIRST AND IN ORDER TO DO THAT, IT WAS A CORPORATE ACCOUNT THAT
17 THEY WERE GOING TO OPEN UP, SINCE THE CHECK HAD BEEN WRITTEN
18 TO ONE OF THE CORPORATIONS AND WE HAD TO TAKE THE SIGNATURE
19 CARDS BACK TO THE OFFICE AND HAVE SOME CORPORATE DOCUMENTATION
20 SUPPLIED TO THE BANK BEFORE WE COULD SUBMIT THE CHECK FOR
21 CASHING.

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1 Q AND AT SOMETIME AFTER GOING TO THE BANK AND
2 THEN OPENING UP THE ACCOUNT, DID YOU PUT IN THE CHECK FOR
3 COLLECTION?

4 A I DIDN'T PERSONALLY, BUT AS FAR AS I KNOW, THE
5 CHECK WAS SUBMITTED FOR COLLECTION.

6 Q A FEW DAYS AFTER MR. HUNT CAME AND WOKE YOU UP
7 IN YOUR BEDROOM AND SAID, "RON LEVIN IS DEAD," DID HE HAVE
8 ANY FURTHER DISCUSSION WITH YOU ABOUT THE DETAILS OF WHAT
9 HAD HAPPENED IN MR. LEVIN'S APARTMENT ON THE NIGHT OF JUNE
10 6TH?

11 A YES.

12 Q WHEN DID THAT DISCUSSION TAKE PLACE AND WHERE?

13 A A FEW DAYS LATER, WE WENT FOR A WALK IN THE
14 NEIGHBORHOOD.

15 Q NEIGHBORHOOD OF WHAT?

16 A OF WESTWOOD. WE WALKED OUT OF THE PLACE WE LIVED.
17 I THINK WE WALKED TO WESTWOOD VILLAGE OR WE WALKED AROUND
18 SOME OF THE RESIDENTIAL AREAS THERE AND HE TOLD ME ALL ABOUT
19 IT.

20 Q WHAT DID HE TELL YOU?

21 FIRST OF ALL, WHO WAS THERE BESIDES JUST YOU
22 AND JOE HUNT?

23 A JUST THE TWO OF US.

24 Q AND WHAT DID HE SAY?

25 A HE SAID THAT --

26 MR. BARENS: YOUR HONOR, MAY WE APPROACH THE BENCH?

27 THE COURT: ALL RIGHT.

28 MR. BARENS: THANK YOU, YOUR HONOR.

1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 AT THE BENCH OUTSIDE THE HEARING OF
3 THE JURY:)

4 MR. BARENS: MAY I DEFER TO MR. CHIER?

5 THE COURT: YES, YOU WANT TO SAY SOMETHING. GO AHEAD.

6 MR. CHIER: THE DEFENDANT WANTS TO OBJECT TO THE
7 INTRODUCTION OF THE STATEMENTS THAT ARE ABOUT TO BE ELICITED
8 ON THE GROUNDS THAT THE PEOPLE HAVE FAILED TO ESTABLISH THE
9 CORPUS OF A HOMICIDE.

10 THE COURT: YOU HAVE MADE THAT SAME OBJECTION, DON'T
11 YOU REMEMBER, WHEN OTHER WITNESSES WERE ON THE STAND AND
12 TESTIFIED AS TO THE STATEMENTS WHICH WERE MADE?

13 THE OBJECTION WILL BE OVERRULED. GO AHEAD.

14 MR. BARENS: DO YOU THINK, YOUR HONOR, THAT WE OUGHT
15 TO COMPLETE MR. CHIER'S STATEMENT FOR THE RECORD?

16 THE COURT: WELL, IT IS THE SAME STATEMENT THAT HE
17 MADE BEFORE AT THE TIME HE SAID THAT THEY HAVEN'T PROVED
18 THE CORPUS YET; ISN'T THAT WHAT HE TOLD US BEFORE?

19 MR. BARENS: I BELIEVE THERE IS A SENSE OF LEGAL
20 TIMING THAT IS OBLIGATORY ON THE DEFENSE AT THIS POINT.

21 THE COURT: HE IS TO STATE THE SAME GROUNDS HE MADE AT
22 THE OTHER MOTIONS?

23 MR. BARENS: IT IS DIFFERENT.

24 THE COURT: ALL RIGHT, JUST COMPLETE IT FOR THE
25 RECORD, GO AHEAD.

26 MR. CHIER: THIS IS A DIFFERENT WITNESS, YOUR HONOR,
27 AND THE GROUNDS ARE THE SAME BUT THE WITNESS IS DIFFERENT
28 AND I BELIEVE THAT IT IS --

1 THE COURT: I DON'T KNOW WHAT DIFFERENCE THAT MAKES
2 IF IT IS A DIFFERENT WITNESS.

3 MR. CHIER: IT MIGHT BE CONSIDERED AS A WAIVER IF WE
4 DON'T OBJECT.

5 THE COURT: NO, THERE IS NO WAIVER. WE WILL HAVE YOUR
6 OBJECTION CONTINUING, ALL RIGHT?

7 MR. BARENS: YOUR HONOR --

8 THE COURT: THAT GOES FOR ANY WITNESS THAT MAY BE
9 TESTIFYING AS TO WHAT HE SAID.

10 MR. BARENS: THANK YOU, YOUR HONOR.

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

14 THE COURT: IS THERE A PENDING QUESTION?

15 MR. WAPNER: YES.

16 Q BY MR. WAPNER: WHAT WAS IT THAT MR. HUNT SAID
17 TO YOU AS YOU WERE WALKING AROUND THE NEIGHBORHOOD IN
18 WESTWOOD NEAR THE WILSHIRE MANNING?

19 A HE DESCRIBED TO ME IN DETAIL WHAT ALL HAPPENED
20 AT RON LEVIN'S THE NIGHT BEFORE.

21 Q WAS IT THE NIGHT BEFORE?

22 A NO.

23 I MEAN WHEN HE WAS THERE.

24 Q OKAY. I AM JUST TRYING TO FIX THE CONVERSATION
25 IN POINT OF TIME.

26 A THE CONVERSATION WAS A FEW DAYS AFTER HE
27 ORIGINALLY CAME INTO MY ROOM IN THE MORNING WITH THE CHECK.

28 Q AND WHAT DID HE TELL YOU THAT HAPPENED AT

1 RON LEVIN'S ON THE NIGHT OF JUNE 6?

2 A HE TOLD ME THAT HE HAD GOTTEN SOME DINNERS, THEY
3 HAD SOME DINNER AT RON'S HOUSE AND THEN --

4 Q DID HE TELL YOU WHERE HE HAD GOTTEN THE DINNERS
5 FROM?

6 A THE NAME LA SCALA STICKS IN MY MIND BUT I AM
7 NOT SURE IF HE TOLD ME THAT HE HAD GOTTEN THEM THEN OR
8 WHETHER HE TOLD ME THE NIGHT HE DID IT THAT HE WAS GOING
9 TO GET THEM.

10 THAT IS JUST THE NAME OF A RESTAURANT THAT STICKS
11 IN MY MIND.

12 Q AND THEY WERE DINNERS THAT HE HAD GOTTEN AT THE
13 RESTAURANT AND BROUGHT TO RON LEVIN'S HOUSE?

14 A WELL, THEY ATE AT RON'S HOUSE, HE SAID.

15 I DON'T REMEMBER EXACTLY WHERE THE DINNERS CAME
16 FROM.

17 Q ALL RIGHT. WHAT ELSE DID HE SAY?

18 A HE SAID THAT WHEN THE TIME CAME, THAT HE LET
19 JIM IN AS PLANNED, AND THAT JIM PULLED A GUN ON RON AND
20 THAT RON IMMEDIATELY SAID, "I WILL DO ANYTHING YOU WANT."

21 Q DID HE TELL YOU WHAT KIND OF A GUN IT WAS?

22 A I DON'T THINK HE TOLD ME WHAT KIND OF A GUN AT
23 THE TIME THAT WAS PULLED, NO.

24 Q DID HE TELL YOU SOMETIME LATER?

25 A WELL, HE WAS TALKING ABOUT THE GUN THAT WAS USED
26 TO SHOOT RON AND HE TOLD ME THEN WHAT GUN IT WAS.

27 Q THAT WAS NOT IN THE SAME CONVERSATION BUT ANOTHER
28 ONE?

29 A IT WAS LATER ON IN THE SAME CONVERSATION.

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1 Q OKAY. WHY DON'T YOU CONTINUE WITH WHAT IT WAS
2 THAT HE SAID?

3 A HE SAID THAT RON HAD AS I SAID, SAID THAT HE WOULD
4 DO ANYTHING THAT JOE WANTED. AND HE SAID THAT HE TOLD HIM
5 THIS SCENARIO.

6 Q THE SAME ONE THAT WAS EXPLAINED IN THE LIST?

7 A YEAH, THE SAME ONE THAT WAS EXPLAINED IN THE LIST.

8 THE COURT: YOU MEAN ABOUT THE MAFIA, YOU MEAN?

9 THE WITNESS: YEAH. THAT'S RIGHT. AND THAT HE ASKED
10 RON HOW MUCH MONEY HE COULD BE SURE WOULD CLEAR HIS ACCOUNT.

11 Q BY MR. WAPNER: WHAT DID HE SAY ABOUT THAT?

12 A RON SAID SOMETHING ABOUT A MILLION SEVEN. AND
13 SO THEN JOE TOLD ME THAT THAT IS WHY HE HAD HIM SIGN A CHECK
14 FOR A MILLION FIVE, JUST TO MAKE SURE THAT IT WOULD CLEAR.

15 Q AND --

16 A AND HE SAID THAT, I ASKED HIM IF HE HAD KILLED THE
17 DOG AND HE SAID THAT HE HAD NOT HAD TO BECAUSE RON COOPERATED
18 SO QUICKLY.

19 Q WHAT ELSE HAPPENED AFTER YOU ASKED HIM ABOUT THAT?

20 A HE SAID THAT HE WAS GOING TO TRY TO GET SOME OTHER
21 ASSETS OUT OF HIM, AS WELL, BUT THAT THE ROLE THAT JIM WAS
22 SUPPOSED TO PLAY, THAT OF A MAFIA ENFORCER OF SOME KIND, THAT
23 JIM MESSED UP.

24 Q WHAT DID HE SAY?

25 A JOE SAYS THAT HE TURNED TO JIM AND HE SAID, "IS
26 THAT ENOUGH?"

27 AND JIM WAS SUPPOSED TO SAY, "NO. WHAT ELSE HAVE
28 YOU GOT?"

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1 BUT INSTEAD, JIM SAID, "YEAH, THAT'S FINE."

2 AND SO JOE WAS KIND OF UPSET THAT JIM HAD BLOWN
3 IT. AND THEN HE SAID THAT RON STARTED TO WHIMPER BECAUSE HE
4 FELT THAT RON HAD GIVEN UP THE POSSIBILITY THAT HE WAS GOING
5 TO SURVIVE.

6 AND THEY TOOK HIM INTO RON'S BEDROOM AND PUT HIM
7 FACE DOWN ON HIS BED AND JIM SHOT HIM IN THE BACK OF THE HEAD.

8 Q DID HE SAY HOW MANY TIMES JIM SHOT HIM IN THE BACK
9 OF THE HEAD?

10 A HE DIDN'T SAY.

11 Q DID HE SAY WHAT THEY DID? WHAT HAPPENED AFTER THEY
12 SHOT RON IN THE BACK OF THE HEAD?

13 A YEAH. HE SAID THAT HE REMEMBERED THE SOUNDS OF
14 A MAN'S LAST BREATH LEAVING HIS BODY AND HE MADE THE SOUND
15 FOR ME.

16 Q CAN YOU DESCRIBE THE SOUND THAT HE MADE FOR YOU?

17 A IT WAS KIND OF LIKE AN EXPLOSIVE GASP.

18 AND THEN HE SAID THAT THE BLOOD STARTED SEEPING
19 OUT AND THEY QUICKLY WRAPPED HIM IN THE BEDSPREAD AND TOOK
20 HIM OUT TO THE CAR.

21 Q AND DID HE SAY WHAT THEY DID WHEN THEY GOT HIM
22 OUT TO THE CAR?

23 A HE SAID THAT THEY PUT HIM IN THE TRUNK AND THAT
24 THEY WERE KIND OF NERVOUS AND THAT THE BODY FELT REAL HEAVY
25 TO CARRY AND THEY WERE REALLY EXHAUSTED AND THAT THE TRUNK
26 LID GOT DAMAGED WHEN THEY TRIED TO PUT RON INSIDE.

27 Q DID HE TELL YOU WHAT CAR IT WAS THAT THEY WERE
28 USING?

1 A HE TOLD ME THAT IT WAS ONE OF THE GRAY, FOUR-DOOR
2 BMW'S THAT WE HAD BROUGHT OVER FROM EUROPE TO SELL.

3 Q AND DID HE TELL YOU HOW IT WAS THAT THE TRUNK LID
4 CAME TO BE DENTED?

5 A THAT THEY HAD NOT PUT -- GOTTEN RON ALL OF THE
6 WAY INSIDE THE TRUNK AND THAT IN THEIR KID OF HASTE TO GET
7 THE TRUNK CLOSED, THEY CLOSED IT ON A PART OF HIS BODY AND
8 THAT IT JUST GOT DENTED THAT WAY.

9 Q GOT DENTED FROM THE INSIDE GOING OUT?

10 A YEAH.

11 Q DO YOU RECOGNIZE THE CAR THAT IS DEPICTED IN 204
12 FOR IDENTIFICATION?

13 A THAT'S THE SAME KIND OF CAR.

14 Q IS THAT THE SAME KIND OF CAR AS THE ONES THAT
15 WESTCARS HAD?

16 A RIGHT.

17 Q AND DID HE TELL YOU WHAT HAPPENED AFTER THEY PUT
18 MR. LEVIN'S BODY IN THE TRUNK?

19 A HE SAID THAT THEY WENT AND DISPOSED OF THE BODY
20 UP IN SOLEDAD CANYON.

21 Q AND DID HE TELL YOU WHERE IN SOLEDAD CANYON THEY
22 DISPOSED OF THE BODY?

23 A NOT SPECIFICALLY. BUT HE TOLD ME THAT IT WAS ABOUT
24 FIVE MILES UP THIS DIRT ROAD THAT I HAD BEEN ON WITH HIM
25 BEFORE.

26 Q WHEN HAD YOU BEEN ON THE DIRT ROAD WITH HIM BEFORE?

27 A I AM NOT EXACTLY POSITIVE. IT WAS SOMETIME ABOUT
28 THREE MONTHS BEFORE. IT WAS THREE MONTHS BEFORE, I THINK.

1 Q HAD YOU GONE UP THERE WITH JOE HUNT AND ANYBODY
2 ELSE OR JUST THE TWO OF YOU?

3 A I WENT UP WITH JIM AND JOE.

4 Q DID YOU GO -- WHEN YOU GOT UP TO SOLEDAD CANYON,
5 DID YOU GO FIRST ON THE MAIN ROAD OF SOLEDAD CANYON, WHICH
6 IS A PAVED ROAD AND THEN LATER ON, ONTO A DIRT ROAD?

7 A THAT'S RIGHT.

8 Q HOW FAR UP THE DIRT ROAD DID YOU GO, THE TIME THAT
9 YOU WERE WITH JOE HUNT ON THE PREVIOUS OCCASION?

10 A I WOULD SAY ABOUT TWO MILES OR TWO AND A HALF MILES.

11 Q AND AFTER HE TOLD YOU THAT THEY TOOK THE BODY UP
12 TO SOLEDAD CANYON, WHAT DID HE SAY?

13 A HE TOLD ME ABOUT WHAT THEY DID WHEN THEY PUT THE
14 BODY IN THE PIT.

15 Q DID HE SAY THAT THEY HAD PUT THE BODY IN THE PIT?

16 A YES.

17 Q DID HE REFER TO THE PIT THAT HAD BEEN ON THE LIST
18 OR WAS THAT APPARENTLY UNDERSTOOD BETWEEN THE TWO OF YOU, THAT
19 THAT IS WHAT HE WAS TALKING ABOUT?

20 A THAT WAS WHAT I UNDERSTOOD IT TO MEAN.

21 Q WHAT DID HE SAY?

22 A HE SAID THAT HE HAD DISFIGURED THE BODY WITH A
23 SHOT GUN, THAT HE HAD SHOT IT SO THAT IT WOULDN'T BE
24 RECOGNIZABLE, EVEN IF IT WAS FOUND.

25 Q DID HE SAY HOW MANY TIMES HE SHOT IT?

26 A HE SAID THAT HE JUST KEPT SHOOTING. HE SAID A
27 LOT OF TIMES.

28 Q AND DID JOE HUNT OWN A SHOTGUN?

1 A YES.

2 Q DO YOU KNOW HOW MANY SHOTS THAT GUN WAS CAPABLE
3 OF FIRING WITHOUT BEING RELOADED?

4 A SEVERAL. I DON'T KNOW HOW MANY SPECIFICALLY.
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1 Q DID HE DESCRIBE IN ANY MORE DETAIL WHAT HAPPENED?

2 A YEAH, HE DID.

3 HE SAID THAT, THAT AT ONE POINT RON LEVIN'S BRAIN
4 JUMPED OUT OF HIS SKULL AND FELL ON HIS CHEST.

5 Q AND WHEN HE MADE THAT STATEMENT TO YOU, WHAT
6 WAS THE MANNER IN WHICH MR. HUNT TOLD YOU THAT?

7 A HE SEEMED -- HE SEEMED LIKE HE THOUGHT IT WAS
8 KIND OF NEAT IN A WEIRD WAY.

9 IT WAS JUST IT SURPRISED HIM AND THAT IS WHY
10 HE TOLD ME.

11 THE COURT: WHAT SURPRISED HIM?

12 THE WITNESS: WELL, THAT THE BRAIN HAD JUMPED OUT.

13 Q BY MR. WAPNER: DURING THIS ENTIRE STATEMENT
14 THAT HE WAS RELATING TO YOU AS YOU WERE WALKING, WHAT WAS
15 HIS ATTITUDE OR Demeanor?

16 A HE WAS VERY CASUAL, JUST TELLING ME WHAT HAPPENED.

17 THE COURT: DID HE EXHIBIT ANY EMOTION OF ANY KIND?

18 THE WITNESS: NO, MORE JUST MATTER-OF-FACT EMOTION.

19 HE DIDN'T REALLY EXHIBIT ANY EMOTION OTHER
20 THAN SAYING SOME THINGS WERE KIND OF FUNNY.

21 Q BY MR. WAPNER: SUCH AS?

22 A WELL, THAT I RECALL HIM LAUGHING WHEN HE TOLD
23 ME ABOUT THE BRAIN.

24 Q AND AFTER TELLING YOU ABOUT THE BRAIN, WHAT ELSE
25 DID HE TELL YOU?

26 A I DON'T REALLY REMEMBER WHAT ELSE HE --

27 OH, HE TOLD ME THAT HE TOOK RON LEVIN'S WATCH
28 FROM HIM BECAUSE IT WAS A DISTINCTIVE WATCH AND HE DIDN'T

1 WANT THAT TO BE FOUND IN THE AREA BECAUSE IT HAD A SERIAL
2 NUMBER. IT WAS THE KIND THAT CAME FROM A SPECIAL JEWELER
3 IN NEW YORK.

4 AND THAT HE SAID THAT HE HAD TAKEN THAT WATCH
5 AND THROWN IT IN A STORM DRAIN IN WESTWOOD.

6 Q DID HE MAKE ANY COMMENT ABOUT HAVING TO THROW
7 THE WATCH IN THE STORM DRAIN IN WESTWOOD?

8 A I AM NOT SURE WHICH ONE OF US, BUT ONE OF US
9 SAID THAT IT SEEMED LIKE A SHAME BECAUSE IT WAS SUCH A NICE
10 WATCH.

11 Q DID HE MAKE ANY REFERENCE AT ANY POINT DURING
12 THAT STATEMENT TO THE TYPE OF GUN THAT WAS USED TO KILL MR. LEVIN?

13 A YES.

14 Q WHAT DID HE SAY?

15 A THAT IT WAS A .25 CALIBER --
16 ACTUALLY, HE DIDN'T SPECIFICALLY SAY .25 CALIBER.
17 BUT HE SAID THAT IT WAS WITH JIM'S SILENCED
18 PISTOL AND IT WAS WITH A PISTOL THAT I HAD SEEN BEFORE AND
19 I KNEW WHICH ONE HE WAS TALKING ABOUT.

20 Q WHERE HAD YOU SEEN THAT PISTOL BEFORE?

21 A I HAD SEEN IT AT THE OFFICE AND AT OUR PLACE
22 IN THE MANNING.

23 Q AND DID YOU KNOW WHAT CALIBER THAT GUN WAS?

24 A YES.

25 Q WHAT CALIBER WAS IT?

26 A IT WAS A .25 CALIBER.

27 Q AND WHEN YOU SAY "SILENCER," WHAT DO YOU MEAN?

28 A IT HAD A SILENCER THAT WAS BOUGHT AND FITTED

1 TO THE FRONT OF THE GUN.

2 Q DID YOU EVER SEE OR HEAR THAT GUN FIRED AT THE
3 MANNING?

4 A YES.

5 Q WHEN?

6 A SOMETIME IN ABOUT THE FIRST QUARTER OF 1984, A
7 COUPLE OF MONTHS BEFORE.

8 Q WHO FIRED IT AT THAT TIME?

9 A JOE FIRED IT AND I FIRED IT.

10 Q WHAT DID YOU FIRE IT INTO?

11 A WE FIRED IT INTO SOME BOOKS, SOME OLD BOOKS,
12 JUST TO SEE WHAT A SILENCER SOUNDED LIKE.

13 Q WHAT DID IT SOUND LIKE?

14 A IT SOUNDED MUCH LOUDER THAN I THOUGHT. IT SOUNDED
15 LIKE A CLAP OF A HAND.

16 Q LOUDER THAN YOU THOUGHT BASED ON WHAT EXPERIENCE?

17 A WELL, MY EXPERIENCE WITH SILENCERS WAS WITH THE
18 MOVIES AND YOU HEAR THIS SORT OF POOF. AND IT WAS MORE LIKE
19 A CLAP.

20 Q AND AFTER YOU HAD THIS CONVERSATION WITH HIM,
21 WALKING AROUND THE BLOCK, DID HE EVER AGAIN HAVE OCCASION
22 TO TELL YOU ABOUT ANY OF THE DETAILS OF WHAT HAD HAPPENED?

23 A I KNOW WE TALKED ABOUT IT A FEW OTHER TIMES.

24 I DIDN'T REALLY -- I DIDN'T REALLY LIKE TO TALK
25 ABOUT IT, THOUGH.

26 Q WHEN HE ASKED YOU TO GO FOR THIS WALK AROUND
27 THE BLOCK, DID YOU KNOW IT WAS FOR THE PURPOSE OF HIS TELLING
28 YOU ABOUT WHAT HAD HAPPENED WHEN HE KILLED RON LEVIN?

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1 A I DON'T REALLY RECALL.

2 IT JUST WAS WHAT WE STARTED TALKING ABOUT.

3 Q IN ANY OF THE FOLLOWING CONVERSATIONS WITH HIM
4 ABOUT WHAT HAD HAPPENED, DID HE MENTION ANYTHING ABOUT A
5 TV CHANNEL CHANGER?

6 A YES.

7 Q WHAT DID HE SAY?

8 A AT ONE POINT LATER ON, HE SAID THAT WHEN THEY
9 WERE WRAPPING UP RON'S BODY IN THE BEDSPREAD, THAT THEY HAD
10 ACCIDENTALLY WRAPPED UP THE TV REMOTE CONTROL AS WELL AND
11 TAKEN IT WITH THEM.

12 Q AND WHAT DID HE SAY HAPPENED TO THAT?

13 A HE SAID THAT HE THREW IT AWAY.

14 Q DID HE EVER TELL YOU OR DID YOU EVER ASK HIM
15 IN ANY OF THESE CONVERSATIONS ABOUT THE ALARM CODE?

16 A YES, I DID.

17 I DON'T REMEMBER IF I ASKED HIM, BUT THAT WAS
18 ANOTHER THING THAT HE TOLD ME.

19 Q WHAT DID HE SAY?

20 A HE SAID THAT WHEN -- WHEN THEY HAD RON IN HIS
21 HOUSE, THAT HE HAD ASKED RON TO TELL HIM WHAT THE ALARM CODE
22 WAS AND THAT RON WAS VERY SCARED AND NERVOUS AND HE
23 COULDN'T -- THAT HE COULDN'T REMEMBER, BECAUSE THE ALARM
24 SYSTEM THAT RON HAD AT HIS HOUSE WAS A TOUCH, YOU TOUCHED
25 THE BUTTONS ON THE OUTSIDE OF THE HOUSE AND THEY DIDN'T HAVE
26 NUMBERS ON THEM. THEY WERE JUST BLANK BUTTONS. AND HE SAID
27 THAT RON HAD BEEN SO NERVOUS THAT HE COULDN'T REMEMBER THE
28 SEQUENCE IN WHICH HE TOUCHED THEM.

1 AND HE SAID THAT HE HAD GIVEN HIM A SEQUENCE
2 BUT IT TURNED OUT TO BE THE WRONG ONE.
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1 Q AT ANY TIME DURING THE SUBSEQUENT CONVERSATIONS
2 THAT YOU HAD WITH JOE HUNT ABOUT THIS, DID HE MAKE ANY
3 REFERENCE TO RETURNING TO SOLEDAD CANYON?

4 A YES HE DID.

5 Q DO YOU REMEMBER WHEN THAT CONVERSATION WAS?

6 A SOMETIME ABOUT THE END OF JUNE. HE SAID THAT HE
7 HAD GONE BACK THERE, JUST TO SEE THE SPOT, TO SEE IF COYOTEES
8 HAD DUG UP THE BODY OR SOMETHING LIKE THAT.

9 Q AND WHAT DID HE SAY?

10 A THAT THERE WAS NO TRACE OF IT.

11 Q DID YOU EVER TAKE DETECTIVE ZOELLER UP TO
12 SOLEDAD CANYON?

13 A YES I DID.

14 Q AND DID YOU SHOW HIM THE AREA THAT YOU BELIEVED
15 TO BE THE APPROXIMATE PLACE THAT WAS ABOUT FIVE MILES UP THE
16 ROAD WHERE MR. HUNT HAD DESCRIBED TO YOU?

17 A WHEN I WENT UP THERE WITH DETECTIVE ZOELLER, I
18 SHOWED HIM THE ROAD AND WE WENT ABOUT A MILE AND A HALF UP
19 THE ROAD. I DIDN'T GO ALL OF THE WAY UP BECAUSE I HAD NEVER
20 BEEN THAT FAR UP, ANYWAY, SO I DIDN'T KNOW.

21 Q AND DID YOU TELL HIM AT THAT TIME WHERE IT WAS
22 THAT YOU BELIEVED THAT MR. HUNT HAD TOLD YOU THAT HE HAD PUT
23 THE BODY?

24 A YES.

25 Q IN TERMS OF HOW MUCH FARTHER UP THE ROAD THAN YOU
26 WERE?

27 A YES.

28 Q DID JOE HUNT DISCUSS WITH YOU OR EVER TELL YOU

-2

1 ANYTHING ABOUT ANOTHER PORTION OF THE PLAN INVOLVING JIM
2 PITTMAN?

3 A YES.

4 Q WHAT DID HE SAY?

5 A WELL, A PART OF THE PLAN INVOLVING JIM WAS THAT
6 HE WAS SUPPOSED TO GO TO NEW YORK, WHERE RON HAD PLANNED TO
7 GO AND THAT HE WAS GOING TO MAKE IT LOOK AS THOUGH RON HAD
8 GONE TO NEW YORK AND PERHAPS LEAVE SOME OF RON'S IDENTIFICATION
9 IN A BAR OR IN AN ALLEY OR SOMETHING LIKE THAT, BACK IN
10 NEW YORK, SO THAT IF ANYONE EVER SUSPECTED THAT RON HAD MET
11 WITH FOUL PLAY, THAT IT WOULD APPEAR THAT IT HAPPENED IN
12 NEW YORK RATHER THAN IN LOS ANGELES.

13 Q DID HE TELL YOU THAT WHEN HE WAS FIRST DISCUSSING
14 THE PLAN WITH YOU AND THE PAGES?

15 A YEAH. THAT'S WHEN IT WAS.

16 Q AND DID YOU KNOW THAT MR. PITTMAN HAD LEFT FOR
17 NEW YORK OR DID YOU FIND OUT SOME TIME LATER THAT HE HAD
18 ACTUALLY GONE?

19 A WELL, I FOUND OUT AT SOME POINT WITHIN A COUPLE
20 OF DAYS AFTER THE 6TH, THAT HE WAS GONE. JOE SAID THAT HE
21 HAD GONE TO NEW YORK.

22 Q AND AFTER JOE SAID THAT HE HAD GONE TO NEW YORK,
23 WERE YOU EVER IN THE OFFICE WHEN A LONG DISTANCE CALL CAME
24 IN?

25 A YES.

26 Q AND APPROXIMATELY WHEN WAS THAT?

27 A I DON'T KNOW, SOMETHING ABOUT THE 10TH, I THINK,
28 A FEW DAYS AFTER THE 6TH.

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1 Q AND WHEN THE CALL CAME IN, WHO ANSWERED IT
2 INITIALLY?

3 A I DID.

4 Q WHO WAS IT?

5 A IT WAS JIM.

6 Q AND WAS THAT A COLLECT CALL?

7 A I THINK IT WAS, YES.

8 Q AND DID HE ASK TO SPEAK TO SOMEONE?

9 A HE ASKED TO SPEAK TO JOE.

10 Q OTHER THAN MR. PITTMAN ASKING TO SPEAK TO MR. HUNT,
11 DID YOU EVER HAVE ANY CONVERSATIONS WITH HIM AT THAT TIME?

12 A NO.

13 Q WERE YOU ABLE TO HEAR MR. HUNT'S HALF OF THE
14 CONVERSATION WITH MR. PITTMAN?

15 A YES.

16 Q AND WHAT WAS THAT?

17 A I REALLY DON'T REMEMBER EXACTLY WHAT HE SAID.
18 BUT HE SPOKE TO ME ABOUT IT AFTERWARDS.

19 Q AND WHEN HE SPOKE TO YOU ABOUT IT AFTERWARDS, WHAT
20 DID HE SAY?

21 A HE TOLD ME THAT JIM HAD BEEN ARRESTED IN NEW YORK
22 AND THAT HE HAD TO GO TO BAIL HIM OUT.

23 Q AND DID HE DO ANYTHING IN THAT REGARD?

24 A HE MADE PLANS TO LEAVE ALMOST IMMEDIATELY.

25 Q AS FAR AS YOU KNOW, DID HE GO TO NEW YORK?

26 A YES.

27 THE COURT: DO YOU WANT TO STOP AT THIS POINT?

28 MR. WAPNER: I THINK IT IS AN APPROPRIATE TIME.

1 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE'LL TAKE
2 OUR ADJOURNMENT AT THIS TIME UNTIL TOMORROW MORNING AT 10:30.
3 THE SAME ADMONITION I GAVE YOU STILL APPLIES. GOOD NIGHT.

4 (AT 4:30 P.M. AN ADJOURNMENT WAS TAKEN
5 UNTIL THURSDAY, MARCH 19, 1987, AT
6 10:30 A.M.)
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