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COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

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

SUPERIOR COURT
NO. A-090435

OCT 09 1997

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

APPEARANCES:

FOR PLAINTIFF-RESPONDENT: JOHN K. VAN DE KAMP
STATE ATTORNEY GENERAL
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FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME ⁷⁰ OF 101
(PAGES 1130 TO 1139 , 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

MONDAY, MARCH 23, 1987

VOLUME 70

PAGES 11130 TO 11297, INCL.

APPEARANCES:

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FOR THE DEFENDANT: ARTHUR H. BARENS, ESQ.
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AND

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

ORIGINAL

1 MONDAY, MARCH 23, 1987 VOLUME 70 PAGES 11130 TO 11297

2 A.M. 11130

3 P.M. 11182

4 -----
5 CHRONOLOGICAL INDEX OF WITNESSES
6

7 PEOPLE'S WITNESS: DIRECT CROSS REDIRECT RE CROSS

8 KARNY, DEAN

9 (RESUMED) 11130

10 (RESUMED) 11182

11
12
13 -----
14 EXHIBITS FOR VOLUME 70

15
16 DEFENDANT'S EXHIBITS: FOR
17 IDENTIFICATION

18 II XEROX OF CHECK 11220

19 JJ DOW AGREEMENT 11232

20 KK GOLD SUN AGREEMENT 11236

21

22

23

24

25

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1 SANTA MONICA, CALIFORNIA; MONDAY, MARCH 23, 1987; 10:50 A.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

5 THE COURT: ALL RIGHT, GOOD MORNING, LADIES AND
6 GENTLEMEN.

7 YOU MAY PROCEED.

8 MR. BARENS: THANK YOU, YOUR HONOR.

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

13 THE CLERK: YOU HAVE PREVIOUSLY BEEN SWORN SO YOU
14 ARE STILL UNDER OATH.

15 IF YOU WOULD JUST STATE YOUR NAME AGAIN FOR THE
16 RECORD.

17 THE WITNESS: DEAN KARNY.

18
19 CORSS-EXAMINATION (RESUMED)

20 BY MR. BARENS:

21 Q MR. KARNY, YOU TESTIFIED THAT JOE HUNT PLANNED
22 TO KILL RON LEVIN; IS THAT CORRECT?

23 A YES.

24 Q AND YOU TESTIFIED THAT MR. HUNT WROTE THIS PLAN
25 DOWN?

26 A I TESTIFIED THAT I SAW A LIST WHICH CONSTITUTED
27 A PLAN, YES.

28 Q AND YOU TESTIFIED THAT YOU SAW HIM WRITING THE

1 PLAN DOWN, DID YOU NOT, SIR?

2 A I SAW HIM WORKING ON THOSE LISTS.

3 Q AND THE PLAN HE WROTE DOWN, YOU DISCUSSED WITH
4 HIM?

5 A YES.

6 Q AND HE TOOK YOU IN HIS CONFIDENCE ABOUT THE PLAN?

7 A YES.

8 Q AND YOU CONTRIBUTED SOME THINGS TO THE PLAN,
9 I BELIEVE?

10 A WHAT I SAID WAS THAT I DISCUSSED IT WITH HIM
11 AND BY BEING A SOUNDINGBOARD AND DISCUSSING CERTAIN THINGS
12 ON THE LISTS, THAT I FELT THAT I HAD CONTRIBUTED TO THIS
13 PLAN, YES.

14 Q THUS, YOU KNEW ABOUT THE PLAN TO MAKE SOME
15 CONTRIBUTION?

16 A I GUESS SO.

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1 Q AND JOE ANSWERED QUESTIONS YOU ASKED HIM ABOUT
2 THE PLAN, DIDN'T HE?

3 A YES.

4 Q AND YOU ASKED ALL THE QUESTIONS THAT CAME TO
5 YOUR MIND ABOUT THE PLAN AS YOU WENT ALONG?

6 A I DON'T REMEMBER EXACTLY IF I ASKED ALL OF THE
7 QUESTIONS THAT CAME TO MY MIND, BUT I ASKED SOME QUESTIONS.

8 Q AND JOE SEEMED TO WRITE LISTS ALL OF THE TIME? I
9 THINK YOU TESTIFIED THAT IN OTHER AREAS OF HIS LIFE, HE WAS
10 ALWAYS A LIST-WRITER?

11 A YES.

12 Q AND IT APPEARED TO YOU AT LEAST, AS MR. HUNT
13 PROCEEDED WITH THE PLAN IN QUESTION HERE, THAT HE WAS VERY
14 CONCERNED ABOUT REMEMBERING ALL OF THE DETAILS OF THE PLAN?

15 A I DON'T REALLY RECALL A PARTICULAR CONCERN ABOUT
16 REMEMBERING ALL OF THE DETAILS.

17 Q WELL FOR INSTANCE, EVEN DOWN TO REMOVING THE
18 HOLE PUNCHES THAT YOU TESTIFIED THAT YOU THOUGHT WAS A
19 NIFTY DETAIL? WEREN'T YOU DOWN TO EXAMINING ALL OF THE DETAILS
20 OF THE PLAN?

21 A YES. WE WERE GOING THROUGH THE DETAILS. BUT
22 I DON'T RECALL HIM EXPRESSING A CONCERN TO ME ABOUT
23 REMEMBERING. I AM JUST TRYING TO BE CLEAR. THAT'S ALL.

24 Q AND YOU TESTIFIED THAT THERE WERE CONTINGENCIES
25 INDICATED IN THE PLAN?

26 A I THINK WHAT I TESTIFIED IS THAT A LOT OF THE
27 THINGS THAT JOE PLANNED HAD CONTINGENCY ASPECTS TO THEM.

28 Q WHAT IS THE ANSWER TO MY QUESTION, SIR?

1 THE COURT: THAT'S THE ANSWER TO YOUR QUESTION. LET'S
2 GET ON TO THE NEXT ONE.

3 MR. BARENS: MY QUESTION YOUR HONOR, IS, WERE THERE
4 CONTINGENCIES INDICATED IN THE SEVEN-PAGE PLAN?

5 THE COURT: WILL YOU READ THE ANSWER, PLEASE?

6 (THE RECORD WAS READ BY THE REPORTER.)

7 Q BY MR. BARENS: AND IN YOUR ANSWER, MR. KARNY,
8 ARE YOU REFERRING TO THE SEVEN PAGES YOU TESTIFIED ABOUT
9 EARLIER?

10 A NO. THAT IS NOT EXACTLY WHAT I AM REFERRING
11 TO. YOU SEE --

12 Q MR. KARNY --

13 THE COURT: LET HIM EXPLAIN HIS ANSWER, IF YOU WILL.

14 MR. BARENS: I WOULD STILL LIKE HIM TO ANSWER MY
15 QUESTION.

16 THE COURT: HE HAS NOT FINISHED HIS ANSWER TO YOUR
17 QUESTION. YOU MAY ANSWER.

18 THE WITNESS: THE PLAN AS DISCUSSED WITH ME WAS NOT
19 DISCUSSED ONLY AT THE TIME THAT I SAW THOSE SEVEN PAGES.

20 IT WAS DISCUSSED AT OTHER TIMES, AS WELL, EARLIER AS I
21 STATED WHEN CERTAIN ASPECTS OF IT WERE CONTINGENCIES.

22 THE TIME THAT I SAW THESE LISTS WAS VERY CLOSE
23 TO THE 6TH OF JUNE AND WHETHER THERE WERE CONTINGENCIES ON
24 THAT LIST OR NOT, I CAN'T TELL YOU.

25 BUT THERE WERE CONTINGENCIES IN THE PLAN AS IT
26 WAS DISCUSSED WITH ME.

27 Q DID JOE EXPLAIN MOST OF THE ITEMS IN THE LIST
28 IN GREAT DETAIL TO YOU?

1 A SOME OF THEM.

2 Q SIR, AT AN EARLIER PROCEEDINGS IN THIS MATTER,
3 MR. WAPNER ASKED YOU --

4 MR. WAPNER: DO YOU HAVE A PAGE AND LINE NUMBER?

5 MR. BARENS: IF I MIGHT FINISH MY SENTENCE, I WILL.

6 HE ASKED YOU AT PAGE 2182, LINE 12:

7 "Q AND DID HE TELL YOU WHAT THE ITEMS ON
8 THE LIST MEANT?"

9 AND THE ANSWER BY KARNY:

10 "A HE EXPLAINED ALMOST ALL OF THEM TO
11 ME IN GREAT DETAIL."

12 Q DO YOU REMEMBER THAT TESTIMONY, SIR?

13 A YES, I DO.

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1 THE COURT: AND YOU ARE SO TESTIFYING NOW, TOO?

2 THE WITNESS: WELL, THE BEST WAY TO CLARIFY WHAT I MEANT
3 AT THE TIME AND WHAT I MEAN NOW IS THAT WHATEVER ITEMS WERE
4 NOT, FROM MY POINT OF VIEW, SELF-EXPLANATORY AS I LOOKED AT
5 THEM ON THE LIST, WERE EXPLAINED TO ME AND SOME OF THOSE
6 EXPLANATIONS WERE IN GREAT DETAIL.

7 Q BY MR. BARENS: ALL RIGHT. HOW MANY DAYS DID JOE
8 SPEND PREPARING THE PLAN, TO YOUR KNOWLEDGE?

9 A I DON'T KNOW.

10 Q OKAY. HOW MANY HOURS DID YOU SPEND CONFERRING,
11 COUNSELING OR REFINING THE PLAN WITH JOE?

12 A IT IS HARD TO SAY.

13 AS I TESTIFIED, WE STARTED TALKING ABOUT IT BACK
14 REALLY WHEN -- WHEN THOSE LETTERS WERE BEING WRITTEN IN MAY
15 AND WE TALKED ABOUT IT SOME AND THEN, OF COURSE, MORE
16 INTENSELY IN EARLY JUNE. I COULDN'T REALLY PUT TOGETHER HOW
17 MANY HOURS WE SPENT.

18 Q MR. KARNY, SIR, WITH REFERENCE TO THE LISTS THAT
19 YOU TESTIFIED ABOUT IN THE COURTROOM, THE SEVEN PAGES --

20 A YES.

21 Q -- HOW MANY HOURS DID YOU SPEND WITH MR. HUNT IN
22 THE PREPARATION OF THOSE LISTS?

23 A I WOULD SAY ABOUT AN HOUR AND A HALF.

24 Q TOTAL?

25 A TO THE BEST OF MY RECOLLECTION.

26 Q ALL RIGHT, MR. KARNY, WE HAVE A PAGE FROM THE LIST
27 ON THE EXHIBIT BOARD HERE THAT I WOULD LIKE TO ASK YOU SOME
28 QUESTIONS ABOUT.

2
1 MR. KARNY, WHAT DOES "JIM DIGS PIT" MEAN?

2 THE COURT: PARDON ME?

3 Q BY MR. BARENS: WHAT DID MR. HUNT TELL YOU "JIM
4 DIGS PIT" MEANT?

5 A HE TOLD ME THAT JIM WAS DIGGING A PIT UP IN
6 SOLEDAD CANYON AND TOLD ME ABOUT HOW HARD THE GROUND WAS UP
7 THERE, THAT SORT OF THING.

8 I THINK I TESTIFIED ABOUT IT THE OTHER DAY.

9 Q I AM NOT ASKING YOU WHAT YOU TESTIFIED ABOUT, SIR.

10 I AM ASKING YOU JUST TO ANSWER MY QUESTIONS.

11 I DO HAVE. DON'T TELL ME WHAT YOU TESTIFIED TO. ANSWER MY
12 QUESTIONS, IF YOU WOULD, SIR.

13 AND HE TOLD YOU THEY WERE DIGGING A PIT UP THERE
14 OR HE WAS DIGGING A PIT.

15 DID HE TELL YOU WHAT THE PIT WAS FOR?

16 A YES, HE DID.

17 Q WHAT DID HE TELL YOU?

18 A IT WAS TO PUT RON LEVIN'S BODY IN.

19 Q OKAY. HE DIDN'T TELL YOU THEY WERE GOING TO PUT
20 THE DOG IN THE PIT, DID HE?

21 A NO.

22 Q OKAY. THAT WAS FOR MR. LEVIN?

23 A YES.

24 Q NOW, WHAT DOES THE REFERENCE HERE TO "R. MICHAEL
25 WETHERBEE" MEAN?

26 A I DON'T KNOW.

27 Q I NOTICE THAT IS THE ONLY THING ON THE PAGE THAT
28 IS UNDERLINED AND THERE IS AN ARROW POINTING TO IT AND THERE

1 APPEARS TO BE SOME EMPHASIS ON THAT; DO YOU NOTICE THAT,
2 MR. KARNY.

3 A I SEE THOSE LINES AND ARROWS.

4 Q WHEN YOU SAW THAT ON THE LIST, DID YOU EVER ASK
5 HIM WHAT THAT MEANT?

6 A NO, I DIDN'T.

7 Q AND DID MR. HUNT EVER MENTION THAT REFERENCE TO
8 YOU AT ALL?

9 A NO.

10 Q I NOTICE THERE IS A LINE ABOVE THE NUMBER 2 AND
11 THROUGH THE NUMBER 1 --

12 THE COURT: I THINK YOU HAD BETTER FACE IT A LITTLE MORE
13 TOWARD THE JURY SO THEY CAN SEE IT.

14 MR. BARENS: THANK YOU, YOUR HONOR.

15 THE COURT: IN ANY EVENT, IF THEY HAVE THEIR OWN LIST,
16 THEY CAN LOOK AT THAT, TOO.

17 MR. BARENS: YES, PERHAPS THAT WILL BE OF ASSISTANCE
18 FOR THEM AND FOR THE WITNESS AND IF SOMEONE IS NOT CERTAIN,
19 IF THEY WILL INDICATE IT, WE WILL TRY TO MAKE IT A LITTLE MORE
20 CLEAR.

21 Q WHAT I AM REFERRING TO IS A LINE DRAWN ABOVE THE
22 NUMBER 2 AND THROUGH THE NUMBER 1 AND IT APPEARS TO GO AROUND
23 "R. MICHAEL WETHERBEE" AND FOLLOW THAT LINE DOWN, IT SEEMS
24 TO GO TO "JH CANCELS HIS RESERVATIONS FROM HIS PHONE."

25 IN REFERENCE TO THE SENTENCE STARTING WITH "JH,"
26 DID MR. HUNT SAY ANYTHING TO YOU ABOUT CANCELING HIS
27 RESERVATIONS FROM HIS OWN PHONE WITH REFERENCE TO R. MICHAEL
28 WETHERBEE?

29 A NO.

1 Q ALL RIGHT. IF YOU SEE, IT SAYS "R. MICHAEL
2 WETHERBEE, HOTEL." WAS PART OF THE PLAN TO MAKE IT APPEAR
3 THAT LEVIN HAD BEEN IN NEW YORK?

4 A YES.

5 Q WAS PART OF THE PLAN TO MAKE IT A PAPER TRAIL
6 OF SOME SORT IN NEW YORK THAT WOULD GIVE SOME VALIDATION
7 TO A CONCEPT LEVIN HAD BEEN THERE?

8 A THE ONLY THING THAT I KNOW WITH REGARD TO THAT,
9 IS THAT IT WAS PART OF THE PLAN TO PERHAPS LEAVE SOME OF
10 RON LEVIN'S I.D. IN NEW YORK.

11 Q HOW ABOUT CHECKING INTO A HOTEL IN NEW YORK USING
12 THE NAME OF RON LEVIN?

13 A YEAH. THAT, TOO.

14 Q IF YOU GENTLEMEN CONSIDERED HAVING R. MICHAEL
15 WETHERBEE CHECK INTO A HOTEL IN NEW YORK, THAT WOULDN'T CREATE
16 A PAPER TRIAL THAT WOULD TELL SOMEONE RON LEVIN WAS THERE,
17 WOULD IT, TO YOUR KNOWLEDGE, SIR?

18 A TO MY KNOWLEDGE, THE NAME R. MICHAEL WETHERBEE
19 DID HAVE SOMETHING TO DO WITH RON LEVIN. AS I SAID, I DIDN'T
20 DISCUSS THAT NOTATION ON THE LIST OR ANY PART THAT THOSE
21 WORDS OR THAT NAME PLAYED IN THE PLAN. SO I DON'T UNDERSTAND
22 WHAT YOU ARE ASKING ME.

23 Q WERE YOU CURIOUS ABOUT THAT REFERENCE?

24 A NO. I WAS NOT.

25 Q DID YOU FEEL THAT REFERENCE WAS SELF-EVIDENT?

26 A IT WAS A FAMILIAR NAME TO ME. I HAD HEARD IT
27 BEFORE. I DIDN'T ASK ABOUT IT.

28 Q ALL RIGHT. DID IT MEAN ANYTHING TO YOU IN

2

1 CONJUNCTION WITH THIS PAGE?

2 A NO. IT DIDN'T.

3 Q DID YOU KNOW THAT JOE HUNT HAD BEEN INVITED TO
4 NEW YORK WITH RON LEVIN?

5 A NO, I DIDN'T.

6 MR. WAPNER: YOUR HONOR, MIGHT I ASK, UNLESS COUNSEL
7 IS GOING TO POINT TO THE LIST, THAT THE EXAMINATION BE
8 CONDUCTED FROM THE COUNSEL TABLE?

9 MR. BARENS: I WILL BE HERE A WHILE WITH THE SEVEN
10 PAGES. OTHERWISE --

11 THE COURT: WHY DON'T YOU STAND TO THE SIDE SO THAT
12 THE JURORS CAN SEE THE WITNESS WHILE HE IS TESTIFYING.

13 MR. BARENS: ALL RIGHT. THAT IS FINE. YOU ARE NOT
14 THE ONLY ONE THAT JUST MADE THAT SUGGESTION. THANK YOU.

15 Q ALL RIGHT, NOW, AS FAR AS THE LINE "J. H.
16 CANCELS HIS RESERVATION FROM HIS PHONE," WAS THAT SUPPOSED
17 TO BE DONE ON RON LEVIN'S PHONE THAT THE RESERVATION WAS
18 GOING TO BE CANCELED?

19 A I DON'T REMEMBER. I REMEMBER THERE WAS SOME
20 DISCUSSION BACK THEN. BUT I REALLY DON'T REMEMBER WHAT THAT
21 MEANT WITH REGARD TO THAT.

22 Q DO YOU HAVE ANY IDEA WHY THERE WAS AN INDICATION
23 THAT THE RESERVATION WAS CANCELED FROM HIS PHONE, WHEN IN
24 THIS INSTANCE MR. KARNY -- I MEAN "HIS PHONE" MEANING LEVIN'S
25 PHONE, AS FAR AS YOU UNDERSTOOD THIS?

26 A AS I SAY, I REALLY DON'T REMEMBER.

27 Q YOU DIDN'T ASK ABOUT THIS?

28 A I TOLD YOU THAT I REMEMBER SOME DISCUSSION ABOUT

3

1 ANSWERING MACHINES AND RESERVATIONS. BUT I DON'T REMEMBER
2 EXACTLY WHAT IT WAS IN THE PLAN. I REALLY DON'T.

3 Q OKAY. WHEN YOU READ THIS, BASED ON YOUR RECOLLEC-
4 TION OF THE DISCUSSIONS YOU HAD WITH MR. HUNT, CAN YOU TELL
5 OR DO YOU HAVE ANY IDEA WHOSE PHONE WE ARE TALKING ABOUT,
6 WHETHER IT IS HUNT'S PHONE OR LEVIN'S PHONE?

7 A I WOULD IMAGINE THAT IT IS NOT JOE HUNT'S PHONE.
8 BUT AS I SAY, I CAN'T EXPLAIN WHAT THAT MEANS BECAUSE I
9 DON'T REMEMBER.

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1 Q ALL RIGHT. NOW, GOING DOWN, IT SAYS, "JOE ARRIVES
2 9:00 O'CLOCK," IT APPEARS TO ME.

3 WAS IT THE PLAN THAT MR. HUNT TOLD YOU THAT HE
4 WAS GOING TO ARRIVE AT LEVIN'S AT 9:00 O'CLOCK?

5 A WHAT WE DISCUSSED WAS THAT HE HAD DINNER PLANS
6 WITH RON AND THAT HE WAS GOING TO LET JIM IN SOMETIME LATER.
7 I DON'T RECALL SPECIFICALLY WHAT TIME HE SAID HE WAS GOING
8 TO ARRIVE.

9 Q DID YOU SEE ON THE LIST THAT IT SAID 9:00 O'CLOCK?

10 A YES, I DID.

11 Q BUT YOU DIDN'T DISCUSS IT WITH HUNT?

12 A I DON'T REMEMBER DISCUSSING EXACTLY THE TIME,
13 NO.

14 Q DID YOU SEE WHETHER IT SAID, "LETS JIM IN 9:45"?

15 A YES.

16 Q AND DID IT APPEAR SELF-EVIDENT TO YOU THAT THE
17 TWO TIMES WERE 9:00 O'CLOCK AND 9:45, WERE THE TIMES THAT
18 THE PLAN WAS TO BE EXECUTED?

19 A IT APPEARED SELF-EVIDENT.

20 Q NOW, AS FAR AS YOU KNOW, DID HUNT EVER TELL YOU
21 THAT HE HAD CHANGED THE TIME SEQUENCE FOR THE PLAN?

22 A I DON'T REMEMBER ANYTHING LIKE THAT.

23 Q SO YOU DON'T REMEMBER HIM EVER SAYING TO YOU
24 THAT WE ARE GOING TO USE DIFFERENT TIMES THAN ARE ON THE
25 LIST OR ANYTHING LIKE THAT?

26 A NO.

27 Q OKAY. NOW, ITEM 5 SAYS, "LEVIN, HIS SITUATION."
28 NOW, WHAT DID THAT SENTENCE MEAN TO YOU, SIR?

1 A BEFORE I ASKED ABOUT IT OR AFTER I ASKED ABOUT
2 IT?

3 A AFTER YOU ASKED ABOUT IT, WHAT HAD YOU BEEN TOLD?

4 A I HAD BEEN TOLD THAT THAT REFERRED TO DESCRIBING
5 TO RON LEVIN A SCENARIO WHICH WOULD ALLOW RON TO BELIEVE
6 THAT HE WAS GOING TO SURVIVE SO THAT HE WOULD BE MORE INCLINED
7 TO COOPERATE.

8 Q AND FROM WHAT MR. HUNT SAID TO YOU, DID HE TELL
9 YOU THAT HE WOULD NEED A NOTE TO REMEMBER TO DESCRIBE TO
10 LEVIN HIS SITUATION?

11 A HE DIDN'T TELL ME THAT.

12 Q DID IT SEEM PECULIAR TO YOU THAT HUNT WOULD
13 NEED A NOTE TO REMIND HIM TO EXPLAIN THE SITUATION TO LEVIN
14 THEN EXISTENT?

15 A IT IS NOT A MATTER OF EXPLAINING THE SITUATION
16 BECAUSE THE SITUATION OF RON LEVIN BEING IN PERIL WOULD
17 BE OBVIOUS. BUT EXPLAINING IN PARTICULAR, THE STORY THAT
18 RON WAS GOING TO BE TOLD, WAS WHAT THAT REFERRED TO.

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1 Q AND THERE DO NOT APPEAR TO BE ANY NOTES ABOUT THE
2 STORY ITSELF, DO THERE?

3 A NO, THERE DO NOT.

4 Q ALL RIGHT. DID YOU EVER SEE THE STORY ITSELF
5 WRITTEN DOWN SO THAT ALL OF THE DETAILS WOULD BE REMEMBERED
6 THAT WERE SUPPOSED TO BE SPOKEN?

7 A I NEVER SAW IT WRITTEN DOWN.

8 Q NOW, THE NEXT ITEM THAT WE COME TO SAYS "SWISS
9 BANK CHECKS," WHAT DID MR. HUNT TELL YOU ABOUT SWISS BANK
10 CHECKS?

11 A I REMEMBER SOME DISCUSSION ABOUT RON LEVIN HAVING
12 A SWISS BANK ACCOUNT. I DON'T SPECIFICALLY REMEMBER WHAT HE
13 TOLD ME ABOUT SWISS BANK CHECKS.

14 Q DOES IT MAKE THAT REFERENCE BECAUSE JOE KNEW THAT
15 RON LEVIN HAD TWO SWISS BANK CASHIER'S CHECKS?

16 A I DON'T KNOW.

17 Q DID HUNT EVER TELL YOU THAT HE KNEW LEVIN HAD TWO
18 SWISS CASHIER'S CHECKS?

19 A NO, I DON'T THINK HE DID.

20 Q YOU HAD NEVER DISCUSSED ANY OF THOSE CHECKS WITH
21 MR. HUNT AT ANY TIME?

22 A AT ONE POINT, JOE TOLD ME THAT HE HAD SEEN A CHECK
23 SITTING ON RON'S DESK FOR, I DON'T REMEMBER EXACTLY, I THOUGHT
24 LIKE \$2 MILLION IS WHAT HE TOLD ME.

25 THAT WAS QUITE SOME TIME BEFORE ANY OF THIS.

26 AS FAR AS TWO SWISS BANK CHECKS, I DON'T RECALL
27 IF HE TOLD ME ANYTHING ABOUT IT.

28 Q ALL RIGHT. DID MR. HUNT EVER TELL YOU THAT HE

2
1 WAS GOING TO TAKE MR. LEVIN'S SWISS BANK CHECKS?

2 A NO, HE DIDN'T.

3 Q NOW, WITH REFERENCE TO THE TIMES AGAIN, BEFORE
4 WE LEAVE THE PAGE, THE 9:00 AND 9:45 TIME, YOU GOT OUT OF THE
5 MOVIE THAT NIGHT, DID YOU NOT, MR. KARNY, PRIOR TO 9:45?

6 A I AM NOT POSITIVE BUT I THINK IT IS PROBABLY AROUND
7 THEN BECAUSE WE DID GO TO AN EARLY SHOW, AS I RECALL.

8 Q AND YOU WENT HOME RIGHT AFTER THE MOVIE, DID YOU
9 NOT?

10 A I THINK SO.

11 Q I BELIEVE YOU TESTIFIED THAT THE WHOLE BUSINESS
12 OF YOUR BEING AT THE MOVIE WAS, AT LEAST IN PART, TO ALIBI
13 MR. HUNT PROSPECTIVELY?

14 A YES.

15 Q EVEN THOUGH YOU WERE OUT OF THE MOVIE BEFORE THE
16 LIST SAYS "LETS JIM IN"; IS THAT CORRECT?

17 A EVEN -- IT IS BEFORE THAT TIME.

18 Q RIGHT; IS THAT CORRECT, SIR?

19 A YES.

20 Q OKAY. IN YOUR DISCUSSIONS WITH MR. HUNT, DID YOU
21 EVER DISCUSS WHY YOU DID NOT MAKE THE SCENARIO "JOE ARRIVES
22 WITH JIM"?

23 A WELL, IT -- WE DIDN'T DISCUSS IT, NO.

24 Q AT ANY TIME?

25 A I DON'T THINK SO.

26 Q WITH REFERENCE TO THESE ITEMS, YOU MENTIONED IN
27 EARLIER TESTIMONY THAT JOE CALLED YOU ON THE NIGHT OF JUNE 6
28 AND TOLD YOU TO TAKE BROOKE TO THE MOVIES, SIR?

3
1 A I DIDN'T TESTIFY THAT HE CALLED ME AND TOLD ME
2 TO DO THAT.

3 HE TOLD ME TO DO THAT.

4 Q WHEN DID HE TELL YOU TO DO THAT?

5 A I THINK IT WAS THAT EVENING.

6 Q ABOUT WHAT TIME?

7 A ABOUT MAYBE 5 O'CLOCK. I AM REALLY NOT POSITIVE.

8 Q WHAT IS YOUR BEST RECOLLECTION OF THAT, BASED ON
9 ANY RECOLLECTION YOU HAVE, SIR?

10 A MY BEST RECOLLECTION IS THAT I WAS TOLD TO TAKE
11 BROOKE TO THE MOVIES AND TO, BASICALLY, CLEAR THE APARTMENT
12 OUT THAT WE LIVED IN, WHICH MEANT TAKING JEFF ALSO AND AT SOME
13 POINT I WAS TOLD TO GO TO A EARLY SHOW.

14 Q AND WHAT TIME WAS THAT, MR. KARNY?

15 A I DON'T REMEMBER WHEN I WAS TOLD THAT. IT HAD
16 TO BE BEFORE I WENT TO THE MOVIES.

17 Q WHAT TIME DID YOU GO TO THE MOVIES?

18 A I THINK IT WAS ABOUT A 7:00 OR 8:00 O'CLOCK SHOW.

19 Q AND YOU TALKED TO MR. HUNT EARLIER, YOU SAID TO
20 ME, THAT YOUR BEST RECOLLECTION IS AROUND 5:00 O'CLOCK?

21 A I SAID THAT BECAUSE I KNEW THAT IT HAD TO BE A
22 COUPLE OF HOURS BEFORE WE WENT TO THE MOVIES.

23 Q OKAY. SO THAT IS YOUR BEST RECOLLECTION?

24 A YES, IT IS.

25 Q OKAY, NOW YOU MENTIONED YOU WENT TO THE MOVIES
26 WITH JEFF RAYMOND AND BROOKE ROBERTS AND I BELIEVE YOU WERE
27 UNCERTAIN AS TO WHETHER JEFF RAYMOND'S GIRLFRIEND WENT.

28 A RIGHT.

1 Q WHAT IS YOUR BEST RECOLLECTION ON THAT SUBJECT?

2 A I AM STILL UNCERTAIN.

3 Q WHAT WAS HER NAME?

4 A RENEE MARTIN.

5 Q WAS RENEE A FRIEND OF JOE HUNT'S?

6 A SHE WAS JEFF'S GIRLFRIEND AND SHE USED TO COME
7 AROUND AND DO THINGS WITH US SOMETIMES.

8 Q WAS SHE A FRIEND OF JOE HUNT'S?

9 A I SUPPOSE THEY WERE FRIENDLY, YEAH.

10 Q WHEN YOU SAY THAT, ARE YOU INDICATING TO ME THEY
11 KNEW EACH OTHER OR DID THEY HAVE A FRIENDSHIP, SIR?

12 A I WOULD SAY THEY WERE FRIENDLY.

13 Q WAS SHE A CONFIDANT OF MR. HUNT'S?

14 A NO.

15 Q NOW, DID YOU BELIEVE IN YOUR DISCUSSIONS WITH
16 MR. -- STRIKE THAT.

17 DID YOU AND MR. HUNT, WHILE YOU WERE PREPARING
18 THESE LISTS, DISCUSS THIS BUSINESS OF TAKING BROOKE TO THE
19 MOVIES OR CREATING AN IMAGE THAT HE HAD BEEN AT THE MOVIES
20 WITH YOU?

21 A WE DISCUSSED IT ONLY BRIEFLY.

22 IT REALLY WASN'T A VERY WELL THOUGHT OUT ASPECT
23 OF THE PLAN.

24 Q DID YOU EVER DISCUSS WITH JOE HOW WELL HE COULD
25 TRUST RENEE?

26 A NO.

27 Q HE NEVER BROUGHT THAT UP WITH YOU?

28 A NO.

1 Q HAD YOU KNOWN HER TO BE A CONFIDANT OF MR. HUNT'S?

2 A NO.

3 Q DID YOU BELIEVE THAT SHE WOULD LIE FOR MR. HUNT?

4 A NO.

5 Q DID YOU BELIEVE THAT JEFF RAYMOND WAS AS CLOSE
6 A FRIEND OF MR. HUNT'S AS EITHER YOU OR MR. BEN DOSTI WAS?

7 A NO, I DIDN'T BELIEVE THAT.

8 Q BUT THOSE WERE THE TWO PEOPLE, ASIDE FROM YOURSELF
9 AND BROOKE, THAT WERE TO PROVIDE THIS ALIBI LATER ON?

10 A AS I SAY, IT WASN'T SPECIFICALLY DISCUSSED WITH
11 REGARD TO JEFF OR RENEE.

12 MY IMPRESSION WAS THAT THE GROUP OF US WENT TO
13 THE MOVIES SO FREQUENTLY THAT MONTHS DOWN THE LINE WHO WOULD
14 REMEMBER IF JOE WAS THERE OR NOT?

15 Q IS THAT WHAT JOE TOLD YOU OR WHAT YOU THOUGHT?

16 A THAT WAS MY IMPRESSION.

17 Q I SEE.

18 BUT YOU NEVER PUT THOSE IMPRESSIONS INTO WORDS
19 WITH JOE HUNT?

20 A I DON'T THINK SO.

21 Q NOW, THE LAST SENTENCE HERE ON THE PAGE SAYS
22 "EXECUTION OF AGREEMENT," DO YOU SEE THAT, MR. HUNT (SIC)?

23 A YES, I DO.
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1 Q WHAT AGREEMENTS DID JOE TELL YOU, YOU WERE TALKING
2 ABOUT THERE?

3 A AS I SAY, I DON'T RECALL SPECIFICALLY DISCUSSING
4 THAT NOTATION ON THE LIST. BUT IT WAS MY UNDERSTANDING THAT
5 AS A PART OF THE PLAN, RON WAS GOING TO BE MADE TO SIGN THE
6 AGREEMENT WITH I GUESS IT WAS, MICROGENESIS THAT JOE HAD
7 WRITTEN UP.

8 Q THAT'S AN AGREEMENT SIR. WHAT I AM CURIOUS
9 ABOUT, IS THE PLURALITY OF THE EXPRESSION "AGREEMENTS".

10 NOW, I SEE THAT STATEMENT AND YOU WERE AN
11 ENGLISH MAJOR. I PRESUME THAT --

12 MR. WAPNER: OBJECTION, ARGUMENTATIVE.

13 THE COURT: SUSTAINED.

14 Q BY MR. BARENS: WHAT AGREEMENTS WERE YOU TALKING
15 ABOUT, MR. KARNY?

16 A WELL, HE ALSO TALKED ABOUT HAVING RON SIGN OVER
17 HIS OPTION ON HIS HOUSE.

18 AND HE ALSO -- AS I SAY, THIS IS ONE OF THE
19 CONTINGENCY ASPECTS. HE DIDN'T KNOW EXACTLY WHAT HE WAS
20 GOING TO MAKE RON SIGN.

21 Q DID HE SAY THAT TO YOU?

22 A YES.

23 Q AND SO NOW, YOU HAVE IDENTIFIED THAT AS A
24 CONTINGENCY. WE DON'T KNOW HOW MANY THINGS WE ARE GOING
25 TO HAVE HIM SIGN?

26 A NOT THAT ITEM. I THINK I MADE MYSELF CLEAR THAT
27 I DON'T RECALL DISCUSSING ITEM NUMBER 7, "DISCUSSION OF
28 AGREEMENTS." BUT I DO RECALL DISCUSSING WHAT JOE SAID THAT

2
1 HE WAS NOT SURE WHAT HE WAS GOING TO BE ABLE TO GET RON
2 LEVIN TO TRANSFER TO HIM. HE DIDN'T KNOW WHAT RON LEVIN
3 HAD AND HE INTENDED TO FIND OUT.

4 Q NOW, YOU MENTIONED THAT A MICROGENESIS AGREEMENT
5 WAS ACTUALLY PREPARED TO TAKE OVER THERE, ACCORDING TO YOUR
6 TESTIMONY, THAT LEVIN WAS GOING TO BE MADE TO SIGN.

7 WHAT AGREEMENT WAS PREPARED TO HAVE HIM SIGN
8 THE OPTION AGREEMENT OVER ON HIS HOUSE?

9 A TO MY KNOWLEDGE, NONE WAS.

10 Q I SEE.

11 MR. WAPNER: YOUR HONOR, AGAIN, I MIGHT RENEW MY
12 REQUEST TO THE EXTENT THAT THERE ARE GOING TO BE QUESTIONS
13 ABOUT THINGS THAT ARE ON THE LIST AND COUNSEL OBVIOUSLY,
14 HAS HIS OWN COPY. THERE IS ONE ON THE BOARD.

15 THE JURORS CAN SEE THAT. I ASK THAT THE
16 EXAMINATION BE CONDUCTED FROM THE AREA OF THE COUNSEL TABLE,
17 RATHER THAN A FEW FEET FROM THE WITNESS.

18 MR. BARENS: THERE ARE TIMES WHEN I AM GOING TO WANT
19 TO DEMONSTRATE THIS, THE WAY MR. WAPNER DID.

20 THE COURT: ALL RIGHT. LET'S GO AHEAD.

21 MR. BARENS: THANK YOU.

22 Q NOW, LOOKING AT THIS PAGE WHICH WE HAVE REFERRED
23 TO AS THE "GET ALARM CODE" PAGE, WHY IS "L. RAYMOND &
24 ASSOCIATES" WRITTEN AT THE VERY TOP OF THIS PAGE WITH A
25 PHONE NUMBER, MR. KARNY?

26 A I DON'T KNOW.

27 Q DID YOU EVER ASK MR. HUNT WHY HE WOULD HAVE,
28 "L. RAYMOND & ASSOCIATES," AND THEIR PHONE NUMBER ON THIS

3

1 PAGE?

2 A I NEVER DID.

3 THE COURT: DID YOU EVER SEE IT ON THERE?

4 THE WITNESS: I DON'T RECALL. IT JUST WAS NOT SOMETHING
5 THAT WAS DISCUSSED.

6 Q BY MR. BARENS: AND WERE YOU CURIOUS ABOUT IT?

7 A NO. I WAS NOT.

8 Q ALL RIGHT. IS THERE A REASON WHY THAT WOULDN'T
9 HAVE MADE YOU CURIOUS? DID IT MEAN SOMETHING SELF-EVIDENT
10 TO YOU, MR. KARNY?

11 MR. WAPNER: OBJECTION. THAT ASSUMES FACTS NOT IN
12 EVIDENCE, THAT HE SAW IT.

13 THE COURT: SUSTAINED. HE SAYS HE DOESN'T REMEMBER
14 IT BEING ON THERE.

15 Q BY MR. BARENS: AS YOU SEE IT THERE NOW, MR.
16 KARNY, DOES IT HAVE A SELF-EVIDENT CONNOTATION TO YOU?

17 MR. WAPNER: OBJECTION, CALLING FOR SPECULATION.

18 THE COURT: SUSTAINED.

19 MR. BARENS: I AM NOT ASKING HIM TO EXPLAIN IT. I
20 AM ASKING HIM, TO HIS KNOWLEDGE --

21 THE COURT: I SUSTAINED THE OBJECTION. ASK ANOTHER
22 QUESTION. I MIGHT NOT SUSTAIN IT.

23 Q BY MR. BARENS: IS THERE ANYTHING ABOUT HAVING
24 "L. RAYMOND & ASSOCIATES," ON THIS PAGE, THAT IN ANY WAY
25 TO YOUR RECOLLECTION, ADVANCED THE PLAN THAT YOU WERE MAKING
26 WITH MR. HUNT IN THE WRITING OF THESE LISTS?

27 A NO.

28 Q ITEM THREE HERE SAYS "XEROXES IN WASTEBASKET."

4

1 WHAT XEROXES DID MR. HUNT TELL YOU WERE BEING
2 DESCRIBED IN THAT SENTENCE, SIR?

3 A I DON'T REMEMBER.

4 Q DID YOU DISCUSS XEROXING WITH MR. HUNT?

5 A I THINK THAT I DID, BUT I DON'T REMEMBER WHAT
6 THAT ASPECT WAS.

7 Q DID MR. HUNT TELL YOU WHAT THAT MEANT?

8 A I AM NOT POSITIVE.

9 Q YOU HAVE NO RECOLLECTION, SIR?

10 A I REMEMBER SOMETHING DISCUSSED ABOUT -- I THINK
11 I REMEMBER SOMETHING DISCUSSED ABOUT XEROXES BECAUSE RON
12 HAD A XEROX MACHINE IN HIS HOME. BUT I DON'T REMEMBER HOW
13 IT FIT IN.

14 Q THE XEROXES DESCRIBED IN ITEM 3, WERE THOSE XEROXES
15 THAT WERE TO HAVE BEEN MADE ON LEVIN'S XEROX MACHINE?

16 A THAT MIGHT HAVE BEEN IT. BUT I AM NOT POSITIVE.

17 Q THE NEXT ITEM SAYS "PACK SUITCASE." NOW, YOU
18 PARTICIPATED IN THAT DISCUSSION WITH MR. HUNT, DID YOU NOT?

19 A YES.

20 Q NOW, ITEMS 4A THROUGH E DESCRIBES A VARIETY OF
21 THINGS THAT WERE TO BE PACKED IN THE SUITCASE, MR. KARNY?

22 A YES.

23 (A SHOW OF HANDS FROM THE JURORS.)

24 THE COURT: KEEP YOUR VOICE UP, WILL YOU PLEASE? THE
25 JURORS CAN'T HEAR YOU.

26 Q BY MR. BARENS: THIS DESCRIBES A VARIETY OF
27 ITEMS. MY QUESTION WAS, BY WAY OF REITERATION -- THE QUESTION
28 WAS, ITEMS 4A THROUGH E DESCRIBE A LIST OF THINGS THAT WERE

1 TO BE PACKED IN THE SUITCASE, IS THAT CORRECT, MR. KARNY?

2 A YES.

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1 Q AND I NOTICE THAT THE FIRST THING SAYS
2 "HALLIBURTON," DID MR. HUNT TELL YOU THAT IT WAS THE
3 HALLIBURTON SUITCASE THAT WAS TO BE PACKED?

4 A NO, HE DIDN'T.

5 Q WHAT DID THAT REFERENCE MEAN THEN, SIR, ABOUT
6 HALLIBURTON?

7 A I DON'T REMEMBER ANY DISCUSSION ABOUT THAT REFERENCE
8 AT ALL.

9 Q AND MR. HUNT NEVER TOLD YOU WHAT THAT MEANT?

10 A NO.

11 Q ALL RIGHT. WAS THERE A DISCUSSION OF TAKING A
12 SUITCASE IN ADDITION TO THE HALLIBURTON?

13 A NOT THAT I CAN RECALL.

14 Q DID YOU EVER DISCUSS HOW MANY SUITCASES WERE TO
15 BE TAKEN?

16 A NO, WE DIDN'T.

17 Q NOW, THE ITEMS DISCUSSED IN B THROUGH E, AND FOR
18 THIS PURPOSE, MR. KARNY, WHERE IT SAYS "SOCKS," I WILL MAKE
19 A PART OF B, OKAY?

20 A OKAY.

21 Q AND THE LINE BELOW IT, AND THEN C, D, AND E, THOSE
22 ITEMS THAT I AM REFERRING TO HERE, MR. KARNY, ARE PRETTY BASIC
23 ITEMS THAT A PERSON WOULD POSSESS, IS THAT NOT TRUE, AS YOU
24 LOOK AT THAT, SIR?

25 A IT SEEMS SO.

26 Q WOULDN'T IT HAVE BEEN PART OF -- WASN'T IT PART
27 OF YOUR PLAN TO TAKE ITEMS THAT SOMEONE WOULD NOTICE WERE
28 MISSING FROM MR. LEVIN'S APARTMENT?

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1 THE COURT: YOU MEAN "YOUR" BEING PLURAL, THE "YOUR"
2 THAT YOU ARE REFERRING TO IS INDEFINITE, HIS PLAN OR BOTH
3 PLANS?

4 MR. BARENS: I SAID YOUR IN A PLURAL SENSE, YOUR HONOR,
5 THE PLAN THAT MR. KARNY DESCRIBES THAT HE CONSULTED, CONFERRED
6 AND REFINED.

7 THE COURT: IT WAS TOGETHER, YOU MEAN?

8 MR. BARENS: QUITE SO.

9 THE COURT: YOUR PLAN MEANS BOTH OF THEM, IS THAT THE
10 IDEA?

11 MR. BARENS: QUITE SO.

12 THE COURT: ALL RIGHT.

13 Q BY MR. BARENS: MR. KARNY, WASN'T IT PART OF THE
14 PLAN THAT YOU WOULD TAKE THINGS THAT SOMEONE WOULD SEE WERE
15 MISSING?

16 MR. WAPNER: OBJECTION. AGAIN ASSUMES FACTS NOT IN
17 EVIDENCE AND MISSTATES THE EVIDENCE BY THE WAY THE QUESTION
18 IS STATED, MEANING THAT HE, THE WITNESS, WOULD TAKE THINGS
19 BECAUSE THAT WAS NOT STATED.

20 THE COURT: SUSTAINED.

21 Q BY MR. BARENS: WASN'T IT PART OF THE PLAN THAT
22 MR. HUNT, OR WHOEVER WAS THERE WITH MR. HUNT, WOULD TAKE THINGS
23 THAT SOMEONE LATER ON WOULD NOTICE WERE MISSING FROM MR. LEVIN'S
24 PROPERTY?

25 A YES.

26 Q THAT WAS PART OF THE PLAN, WASN'T IT?

27 A YES.

28 Q DID YOU GENTLEMEN, AS YOU DISCUSSED THIS, ACTUALLY

1 THINK THAT SOMEONE WOULD NOTICE A MISSING PAIR OF SOCKS OR
2 AN UNDERSHIRT, DID YOU REALLY THINK THAT SOMEONE WOULD NOTICE
3 THAT?

4 A WE DIDN'T DISCUSS IT THAT WAY.

5 WE DISCUSSED THAT IT WAS SUPPOSED TO LOOK LIKE
6 RON LEVIN HAD GONE TO NEW YORK.

7 Q DID YOU THINK REMOVING A PAIR OF SOCKS OR AN
8 UNDERSHIRT WOULD GIVE THAT IMPRESSION?

9 A I DON'T REMEMBER THINKING ABOUT IT.

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1 Q ALL RIGHT. DID YOU DISCUSS WITH MR. HUNT HOW
2 MANY PAIRS OF PANTS RON LEVIN HAD?

3 A NO.

4 Q HOW WOULD YOU KNOW WHICH PAIR OF PANTS TO TAKE
5 THAT WOULD MAKE SOMEONE BELIEVE HE WASN'T THERE, AS YOU
6 PLANNED THIS OUT, MR. KARNY?

7 A IT WASN'T DISCUSSED.

8 Q IT WASN'T DISCUSSED?

9 A NO.

10 Q AS FAR AS THE TOILETRY ITEMS, IN TERMS OF THE
11 DEODORANT AND SHAVING SUPPLIES, DID YOU DISCUSS THAT TAKING
12 A STICK OF DEODORANT WOULD MAKE SOMEONE THINK LEVIN HAD GONE
13 TO NEW YORK?

14 A WE DIDN'T DISCUSS THAT SPECIFICALLY.

15 Q DID YOU SUGGEST ANYTHING AS TO WHAT SHOULD BE
16 INCLUDED IN THESE ITEMS?

17 A I THINK I DID.

18 Q WHAT WAS THAT, SIR?

19 A I DON'T RECALL SPECIFICALLY WHICH ITEMS I SUGGESTED.

20 I JUST REMEMBER -- I JUST REMEMBER LOOKING AT THAT
21 PART OF THE LIST AND SAYING SOMETHING THAT I FELT WAS A
22 CONTRIBUTION. BUT I DON'T REMEMBER SPECIFICALLY WHAT IT WAS.

23 Q WHY WAS IT IMPORTANT TO TAKE A WARM JACKET?

24 A I SAID IT WASN'T DISCUSSED.

25 I CAN GIVE YOU WHAT MY IMPRESSION WAS IF YOU ARE
26 INTERESTED.

27 MR. WAPNER: OBJECTION. CALLS FOR SPECULATION ON THE
28 PART OF THE WITNESS, YOUR HONOR. IF IT WASN'T DISCUSSED, WHAT

1 IS THE POINT OF HAVING HIM SPECULATE AS TO WHY IT MIGHT BE
2 ON THERE OR NOT?

3 THE COURT: SUSTAINED.

4 Q BY MR. BARENS: THERE WAS NO REFERENCE EITHER TO
5 WARM TYPE OF CLOTHING OR A WARM JACKET OR A PARTICULAR
6 JACKET AT ALL, WAS THERE, MR. KARNY?

7 A I DON'T RECALL SPECIFICALLY THAT WE DISCUSSED IT,
8 NO.

9 Q WOULDN'T ONE OF LEVIN'S FAVORITE JACKETS THAT HE
10 MIGHT HAVE TAKEN WITH HIM HAVE BEEN MORE APPROPRIATE AS YOU
11 DISCUSSED THIS? DID YOU DISCUSS THAT WITH JOE ABOUT, LET'S
12 TAKE ONE OF HIS FAVORITE JACKETS, SO THAT SOMEONE WOULD BE
13 FOR SURE THAT WAS MISSING, DID YOU DISCUSS THAT?

14 A NO.

15 I WASN'T SUPPOSED TO BE THERE AT RON LEVIN'S HOUSE
16 SO I DIDN'T GET THAT SPECIFIC ABOUT IT.

17 Q I DON'T BELIEVE THAT ANSWERED MY QUESTION AS FAR
18 AS I ASKED YOU. PERHAPS WE CAN WAIT FOR MR. WAPNER TO HELP
19 YOU WITH THAT.

20 MR. WAPNER: OBJECTION. ARGUMENTATIVE WITH THE WITNESS.

21 THE COURT IS TO INSTRUCT THE WITNESS, NOT COUNSEL.

22 THE COURT: LET'S PROCEED, WILL YOU, PLEASE?

23 MR. BARENS: THANK YOU.

24 Q NOW WITH REFERENCE TO ITEM 7, WE FIND THE WORD
25 "NOTATION"; WHAT NOTATION IS BEING REFERRED TO IN THAT ITEM?

26 A I DON'T RECALL.

27 Q DO YOU KNOW WHAT DOCUMENT THE NOTATION WAS
28 SUPPOSED TO BE ON?

1 A NO, I DON'T.

2 Q DID YOU ASK MR. HUNT WHAT HE MEANT BY THAT
3 EXPRESSION?

4 A I DON'T RECALL ANY DISCUSSION ABOUT IT.

5 Q WAS IT SELF-EVIDENT TO YOU IN SOME MANNER?

6 A NO.

7 Q ITEM 8, WE AGAIN SEE THE REFERENCE "SWISS CASHIER'S
8 CHECKS," AND WE SEE NUMBERS HERE, "\$900,000 AND \$300,000;"
9 WHEN YOU SAW THAT ON THE LIST, MR. KARNY, WHAT DID MR. HUNT
10 TELL YOU ITEM NUMBER 8 WITH THOSE NUMBERS MEANT?

11 A THE THING THAT YOU JUST SAID WAS "\$300,000" --

12 Q \$30,000, I WILL CORRECT MYSELF.

13 A REFERS IN MY UNDERSTANDING TO WHAT HE TOLD ME ABOUT
14 ITEM 9.

15 I DON'T REMEMBER SPECIFICALLY DISCUSSION ABOUT
16 ITEM 8.

17 Q ALTHOUGH YOU DO NOT REMEMBER SPECIFICALLY, DID
18 YOU ASK MR. HUNT WHAT HE MEANT BY ITEM 8?

19 A NO, I DIDN'T ASK HIM.

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1 Q DID THAT MEAN SOMETHING SELF-EVIDENT TO YOU,
2 SIR?

3 A THAT PARTICULAR -- I JUST DIDN'T ASK HIM ABOUT
4 IT. WE TALKED ABOUT GETTING RON TO TRANSFER MONEY FROM HIS
5 SWISS BANK ACCOUNT. I SUPPOSE THAT IS WHAT I MUST HAVE THOUGHT
6 WHEN I READ IT. BUT I DIDN'T ASK HIM ABOUT IT.

7 Q DID "SWISS CASHIER'S CHECKS" MEAN TO YOU TRANS-
8 FERRING MONEY FROM CASHIER'S CHECKS THAT LEVIN ALREADY HAD?

9 A NO. IT DIDN'T MEAN THAT.

10 Q DID IT MEAN SOMETHING SELF-EVIDENT TO YOU, SIR,
11 AS YOU LOOKED AT IT?

12 A AS I JUST EXPLAINED TO YOU, WHEN I SAW "SWISS"
13 I DON'T THINK THAT I REALLY LOOKED MUCH FURTHER BECAUSE I
14 FELT I KNEW WHAT IT MEANT.

15 Q NOW, WHAT PART OF THE PLAN WAS IT MR. KARNY,
16 WHERE IT SAYS ITEM NINE "OPTION ON HIS HOUSE 30,000" WHAT
17 PART OF THE PLAN WAS THAT?

18 A THAT WAS -- THAT REFERRED TO THE POSSIBILITY
19 THAT JOE WAS GOING TO GET RON LEVIN TO SIGN THE OPTION THAT
20 HE HAD OBTAINED FROM THE PREVIOUS OWNER OR THE THEN OWNER
21 OF THE HOUSE, WHICH WOULD PERMIT HIM ACCORDING TO THAT OPTION,
22 TO BUY THE HOUSE FOR \$30,000.

23 AND JOE WANTED TO BE ABLE TO BUY THE HOUSE FOR
24 \$30,000 IF HE SO CHOOSE.

25 Q NOW, MR. HUNT NEVER TOLD YOU THAT HE HAD DONE
26 THAT, DID HE?

27 A THAT WHO HAD DONE WHAT?

28 Q THAT MR. HUNT HAD OBTAINED PAPER WORK TO ENABLE

2
1 HIM TO EXERCISE SOME OPTION ON LEVIN'S HOUSE?

2 A HE TOLD ME SPECIFICALLY THAT HE HADN'T.

3 Q NOW, DID JOE HUNT THINK THAT THE OPTION LEVIN
4 HAD ON THE HOUSE WAS WORTH SOMETHING?

5 A YES. HE DID.

6 Q HE BELIEVED THAT?

7 A AS FAR AS I UNDERSTAND, YES.

8 Q DIDN'T JOE KNOW THERE WAS LITIGATION CONCERNING
9 THE OPTION?

10 A I THINK SO, YES.

11 Q AND THAT THERE WAS FRAUD INVOLVED CONCERNING
12 THE OPTION ON LEVIN'S PART?

13 A ALL THAT I REMEMBER, IS THAT RON SAID THAT HE
14 HAD GOTTEN THIS OPTION AND THAT IT WAS VALID AND RON LEVIN
15 WASN'T AFRAID OF LITIGATION. IT DIDN'T SEEM LIKE A PROBLEM
16 AT THE TIME THAT I DISCUSSED IT WITH HIM.

17 Q RON LEVIN HAD TOLD YOU AND JOE THAT HE HAD
18 OBTAINED THE OPTION THROUGH TRICK AND DECEIT?

19 A HE DIDN'T REALLY SAY SPECIFICALLY. HE JUST SAID
20 THAT HE HAD GOTTEN THE -- SOME OLD WOMAN TO CASH THE CHECK.

21 Q AND THAT HE HAD WRITTEN AN ENDORSEMENT ON THIS
22 CHECK THAT SHE WAS NOT AWARE OF, THAT BY HER SIGNING THIS
23 ENDORSEMENT, HE TRICKED HER INTO CREATING AN OPTION IN FAVOR
24 OF RON LEVIN?

25 A THAT WAS THE IMPLICATION, THAT SHE HAD BEEN
26 TRICKED INTO IT. BUT THERE WASN'T EXTENSIVE DISCUSSION ON
27 THAT.

28 Q DID YOU UNDERSTAND THAT IMPLICATION?

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1 A YES.

2 Q DID HUNT UNDERSTAND THAT IMPLICATION, TO YOUR
3 KNOWLEDGE?

4 A YES. I THINK SO.

5 Q IF LEVIN WERE DEAD, HOW COULD HE TESTIFY IN THE
6 LITIGATION CONCERNING THE OPTION?

7 MR. WAPNER: OBJECTION, ARGUMENTATIVE.

8 THE COURT: SUSTAINED.

9 Q BY MR. BARENS: DID YOU EVER DISCUSS THAT PROBLEM
10 WITH MR. HUNT?

11 A NO.

12 Q DID MR. HUNT EVER EXPRESS TO YOU AN IDEA THAT
13 WE WOULD NEED RON AROUND TO TESTIFY, IF WE WERE GOING TO
14 ENFORCE AN OPTION WITH THIS OLD LADY?

15 A NEVER DISCUSSED IT.

16 Q DID MR. HUNT TELL YOU HOW INVOLVEMENT IN A LAW-
17 SUIT INVOLVING LEVIN AND THE ELDERLY LADY WOULD SOLVE BBC
18 FINANCIAL PROBLEMS?

19 A NO.

20 Q IT WAS NEVER DISCUSSED, EITHER?

21 A NOPE.

22 Q ITEM 11 SAYS "CAUSE HER".
23 WHAT DID MR. HUNT TELL YOU ITEM 11 MEANT?

24 A WE NEVER DISCUSSED IT.

25 Q WERE YOU CURIOUS ABOUT WHAT THAT MEANT WHEN YOU
26 SAW IT?

27 A NO.

28 Q DID YOU ASK HIM WHAT THAT MEANT?

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1 A NO.

2 MR. BARENS: A MOMENT IF I COULD, YOUR HONOR.

3 (PAUSE.)

4 Q BY MR. BARENS: BEFORE WE LEAVE THIS PAGE MR.
5 KARNY, WITH REFERENCE TO "SWISS CASHIER'S CHECKS," WAS THERE
6 ANY PAGE WHERE IT SAID OF THE SEVEN PAGES -- WHERE YOU FELLOWS
7 WROTE DOWN "HAVE LEVIN SIGN CHECK FOR \$1.5 MILLION"?

8 MR. WAPNER: OBJECTION TO THE FORM OF THE QUESTION.
9 HE SAYS, "YOU FELLOWS WROTE DOWN". THERE IS NO TESTIMONY
10 ABOUT THAT. THAT MISSTATES THE EVIDENCE.

11 THE COURT: DID YOU WRITE DOWN ANYTHING ON ANY OF THOSE
12 SHEETS?

13 THE WITNESS: NO, I DIDN'T.

14 THE COURT: JUST SAY WHAT MR. HUNT HAS WRITTEN DOWN,
15 NOT HIM.

16 MR. BARENS: YES.

17 Q DID YOU EVER SEE WHERE MR. HUNT WROTE DOWN, "HAVE
18 RON SIGN CHECK FOR \$1.5 MILLION"?

19 A NO. I DON'T REMEMBER SEEING ANYTHING LIKE THAT.

20 Q YOU KNEW AT THAT POINT IN TIME, IN MAY OR JUNE
21 OF 1984, WHAT A CASHIER'S CHECK WAS, DIDN'T YOU?

22 A YES.

23 Q YOU KNEW ALTERNATIVELY, WHAT A PERSONAL CHECK
24 WAS?

25 A YES.

26 Q DID YOU HAVE A GENERAL FAMILIARITY WITH THE
27 FACT THAT SWISS BANKS WERE SECRETIVE ABOUT THEIR FINANCIAL
28 TRANSACTIONS?

1 A IT WAS MY IMPRESSION.

2 Q ALL RIGHT. YOU WERE IN LAW SCHOOL THEN, WEREN'T
3 YOU, SIR?

4 A YES. I WAS.

5 Q IN MAY OF 1984, AT WHAT LEVEL OF LAW SCHOOL
6 WERE YOU?

7 A I WAS IN MY LAST YEAR.

8 Q A SENIOR IN LAW SCHOOL, ABOUT READY TO GRADUATE
9 AND TAKE THE BAR, MR. KARNY?

10 A YES.

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1 Q NOW, MR. KARNY, DID YOU AND JOE HUNT CONSIDER --
2 STRIKE THAT.

3 DID YOU AND JOE HUNT DISCUSS THAT IF LEVIN WROTE
4 A ONE POINT FIVE MILLION DOLLAR CHECK ON HIS ACCOUNT THAT THE
5 BANK MIGHT WANT TO CALL HIM AND ASK HIM ABOUT SUCH A LARGE
6 CHECK?

7 A WE DIDN'T DISCUSS IT.

8 Q DID YOU DISCUSS WITH JOE HUNT THAT YOU WOULD NEED
9 RON LEVIN TO BE ALIVE TO MAKE SURE THE CHECK WENT THROUGH?

10 A AH, NO, NO.

11 WE TALKED ABOUT -- LET'S SEE, THERE WAS SOME TALK
12 ABOUT TELLING RON IN THAT "LEVIN, HIS SITUATION," REFERENCE
13 THAT WE TALKED ABOUT BEFORE, ABOUT TELLING RON THAT HE WAS
14 GOING TO -- ONCE THE SCENARIO WAS DESCRIBED TO HIM, THAT HE
15 WAS GOING TO BE KEPT SOMEWHERE UNTIL THE CHECK CLEARED.

16 Q WHAT I AM TALKING TO YOU ABOUT, SIR, ABOUT THE
17 REALITY, IF IT WAS THE PLAN THAT YOU DISCUSSED TO KILL LEVIN,
18 THERE WAS NO DISCUSSION AT ALL ABOUT NEEDING HIS PARTICIPATION
19 OR COOPERATION TO INSURE THE CHECK CLEARED IF THE BANK CALLED
20 ABOUT IT?

21 A NO, THERE WAS NO PLAN ABOUT THAT.

22 Q NONE?

23 A NONE THAT I RECALL.

24 THE COURT: WOULD YOU TAKE YOUR PAPERS OFF OF THERE?

25 MR. BARENS: I BEG YOUR PARDON.

26 THE COURT: ANYBODY CAN JUST LEAN OVER ACCIDENTALLY AND
27 READ IT.

28 MR. BARENS: I BEG YOUR PARDON, YOUR HONOR. I AM HAVING

1 ENOUGH TROUBLE READING THEM MYSELF, YOUR HONOR.

2 Q MR. KARNY, REFERRING TO THE PAGE THAT HAS THE WORD
3 "RESERVATION" WRITTEN AT THE TOP, HOW DOES THIS PAGE ADVANCE
4 THE PLAN THAT YOU HAD WORKED ON WITH MR. HUNT?

5 A I DON'T HAVE ANY SPECIFIC RECOLLECTIONS ABOUT THAT
6 PAGE.

7 Q DID YOU EVER DISCUSS THAT PAGE WITH MR. HUNT?

8 A I DON'T THINK SO.

9 Q DID YOU EVER SEE THIS PAGE?

10 A I THINK THAT I SAW IT BUT I DON'T --
11 YOU KNOW, THERE WAS A PILE OF PAGES AND I DON'T
12 REMEMBER DISCUSSING ANYTHING SPECIFIC ABOUT THAT ONE, ALTHOUGH
13 I THINK I SAW IT.

14 Q BUT YOU DON'T RECALL JOE TELLING YOU ANYTHING ABOUT
15 THIS PAGE?

16 A NOT RIGHT NOW, I DON'T RECALL ANYTHING ABOUT THAT.

17 Q SO YOU CAN'T TELL ME ANYTHING ABOUT THIS PAGE AT
18 ALL, OTHER THAN THAT YOU SAW IT?

19 A NOW, THAT'S RIGHT.

20 Q MR. KARNY, YOU HAD BEEN TO LEVIN'S HOUSE BEFORE,
21 HAD YOU NOT?

22 A YES, I HAD.

23 Q ON HOW MANY OCCASIONS?

24 A ABOUT FIVE.

25 Q ON FIVE OCCASIONS?

26 WAS IT MR. LEVIN'S PRACTICE TO LEAVE THE BLINDS
27 THAT FACED ELM OPEN OR CLOSED?

28 MR. WAPNER: EXCUSE ME. THAT MISSTATES THE EVIDENCE.

1 THERE HASN'T BEEN ANY TESTIMONY ABOUT ELM ANYWHERE IN THIS
2 TRIAL THAT I KNOW OF.

3 IT IS PECK, MR. BARENS.

4 MR. BARENS: PECK. THANK YOU.

5 MR. CHIER: PECK'S BAD BOY.

6 MR. BARENS: WELL, ELM IS THE NEXT STREET OVER, ACTUALLY.

7 Q WAS IT MR. LEVIN'S PRACTICE TO LEAVE THE BLINDS
8 CLOSED THAT FACED PECK?

9 A I DON'T REMEMBER WHAT HIS PRACTICE WAS.

10 Q DID YOU EVER NOTICE THE CONDITION OF THE BLINDS
11 FACING PECK ON ANY OCCASION WHEN YOU HAD BEEN TO LEVIN'S?

12 A I DON'T REMEMBER.

13 Q ALL RIGHT. "SCAN FOR TAPE RECORDER," DO YOU
14 REMEMBER MR. HUNT TELLING YOU THAT HE WAS GOING TO SCAN FOR
15 THE TAPE RECORDER?

16 A I REMEMBER HIM SAYING THAT HE HAD SOME SORT OF
17 GADGET THAT COULD DETECT WHETHER THERE WAS A RECORDING DEVICE
18 OPERATING IN THE ROOM.

19 Q DID YOU EVER SEE MR. HUNT IN POSSESSION OF ANY
20 SUCH GADGET?

21 A NO.

22 Q HAVE YOU EVER SEEN IN YOUR LIFETIME ANY SUCH
23 GADGET?

24 A NO, I HAVEN'T.

25 Q DID JOE TELL YOU THAT HE HAD SEEN HIDDEN TAPE
26 RECORDERS AT LEVIN'S?

27 A I DON'T THINK SO.

28 Q FROM THAT TYPE OF A REFERENCE, "SCAN FOR TAPE

1 RECORDER", WAS IT YOUR UNDERSTANDING THAT JOE WAS PARANOID
2 ABOUT SOMEBODY FINDING OUT WHAT HE HAD DONE AT LEVIN'S?

3 A PARANOID?

4 Q WORRIED, CONCERNED?

5 A YES.

6 Q HE WAS CONCERNED ABOUT THAT?

7 A YES.

8 Q IS THAT WHY HE TOLD A ROOMFUL OF PEOPLE ON JUNE 24TH,
9 1984?

10 MR. WAPNER: OBJECTION. ARGUMENTATIVE.

11 THE COURT: SUSTAINED. LET'S GO ON AND FINISH UP THE
12 LIST, WILL YOU?

13 MR. BARENS: IF YOU DON'T MIND, YOUR HONOR.

14 THE COURT: I HAVE SUSTAINED THE OBJECTION TO THAT
15 PARTICULAR QUESTION AS ARGUMENTATIVE.

16 LET'S GO ON TO THE NEXT QUESTION.

17 Q BY MR. BARENS: ALL RIGHT. WHEN YOU HAD THE MEETING
18 ON 6-24, DID YOU HAVE ANY REFERENCE BACK TO THE CARE THAT
19 EVIDENTLY HAD BEEN TAKEN IN PREPARING THE SEVEN PAGES?

20 A I AM SORRY, WHICH MEETING ARE YOU TALKING ABOUT?

21 Q THE MEETING OF 6-24, YOU KNOW, THERE WERE A BUNCH
22 OF PEOPLE THERE, DO YOU REMEMBER THAT?

23 THE COURT: I DON'T THINK HE MENTIONED SPECIFICALLY THE
24 DATE.

25 MR. BARENS: THE OTHERS DID --

26 THE COURT: NO, HE DID NOT.

27 Q BY MR. BARENS: I BELIEVE ON 6-24, YOU ALL HAD
28 A MEETING?

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THE COURT: THAT SUNDAY.

THE WITNESS: I KNOW THE MEETING YOU ARE TALKING ABOUT.

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1 Q ALL RIGHT. PART OF THAT MEETING, WHEN YOU WERE
2 DISCUSSING TO HAVE THE MEETING OR NOT HAVE THE MEETING, DID
3 YOU EVER DISCUSS THE CARE THAT HAD BEEN TAKEN IN THE
4 PREPARATION OF THESE LISTS?

5 A WE DIDN'T DISCUSS THOSE LISTS, NO. WHAT WE
6 DISCUSSED WAS THAT TO HAVE SUCH A MEETING WASN'T GOING TO
7 BE A PROBLEM BECAUSE THERE HAD BEEN ALL OF THE EVIDENCE PLANTED
8 ALL OVER THE PLACE AND IT COULDN'T BE PROVEN AND THAT IS
9 WHY IT WAS FELT THAT THERE WAS LITTLE RISK IN TELLING PEOPLE
10 ABOUT WHAT HAD BEEN DONE.

11 Q WE'LL COME BACK TO THAT, MR. KARNY. I WAS --
12 YOU MORE THAN ANSWERED MY QUESTION.

13 MR. KARNY, "TAPE MOUTH" HAS TO THE LEFT OF IT,
14 NUMBER 1 IN EACH INSTANCE, IS THAT CORRECT, SIR?

15 A YES.

16 Q WAS IT THE PLAN THAT YOU DISCUSSED WITH JOE,
17 TO TAPE LEVIN'S MOUTH THE VERY FIRST THING?

18 A YES.

19 Q AND THAT REMAINED THE SAME, TO YOUR KNOWLEDGE,
20 AS BEING THE PLAN, SIR?

21 A YES.

22 Q WHY WAS THAT THE FIRST THING TO BE DONE?

23 A IT WAS THE FIRST THING TO BE DONE SO THAT THE
24 SITUATION WOULD BE SECURED SO THAT THEN, ONCE THE THING
25 WAS -- THE SITUATION WAS SECURED AND JOE WAS SURE THAT RON
26 WAS NOT GOING TO SCREAM OR RUN AWAY, THAT HE COULD PROCEED
27 WITH THE OTHER ASPECTS OF THIS PLAN.

28 Q YES. DO PEOPLE LIVE UPSTAIRS FROM MR. LEVIN?

1 A TO MY KNOWLEDGE, YES.

2 Q AND HE LIVED IN OBVIOUSLY, A POPULATED AREA,
3 DID HE NOT?

4 A YES.

5 Q AND DID HE HAVE A LOT OF VISITORS FROM TIME TO
6 TIME? TO YOUR KNOWLEDGE?

7 A WHEN I WAS THERE, I HAD THE IMPRESSION THAT
8 PEOPLE WERE FREQUENTLY COMING AND GOING.

9 Q DID THEY SEEM TO JUST DROP BY, TO THE IMPRESSION
10 THAT YOU HAD? DID THEY JUST SEEM TO DROP IN AND DROP OUT
11 OF LEVIN'S PLACE?

12 A IT SEEMED THAT WAY.

13 Q OKAY. DID JOE TELL YOU THAT THEY HAD TAPED
14 LEVIN'S MOUTH?

15 A NO. HE DIDN'T.

16 Q HOW COULD LEVIN FROM WHAT JOE TOLD YOU, DISCUSS
17 HIS FINANCIAL CONDITION WITH JOE, HIS ANSWERING SERVICE CODE,
18 HIS ALARM ACCESS CODE AND THE LIKE, WITH HIS MOUTH TAPED?

19 A THE WAY I UNDERSTOOD WHAT WAS TO BE DONE, IS,
20 HIS MOUTH WAS GOING TO BE TAPED IMMEDIATELY AND THEN, ONCE
21 AS I SAY, THE SITUATION HAD BEEN SECURED AND HE UNDERSTOOD
22 WHAT WAS GOING ON, HIS MOUTH WAS GOING TO BE UNTAPED AND
23 HE WAS GOING TO BE MADE TO DISCLOSE AND TELL ALL OF THOSE
24 THINGS.

25 Q AND THEN JOE TOLD YOU, WAS IT, ONCE HIS MOUTH
26 WAS UNTAPED, THERE WOULD NO LONGER BE ANY CONCERN ABOUT A
27 SCREAM? IS THAT WHAT JOE TOLD YOU?

28 A HE DID NOT SPECIFICALLY TELL ME THAT.

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1 Q HERE, WE SEE "EXPLAIN SITUATION" AS ITEM 3. AT
2 LEAST ON THE NUMBER CLOSEST TO THE ITEM, IT IS WHAT I WILL
3 USE IN THE FIRST INSTANCE, SIR.

4 A YES.

5 Q DO YOU SEE THAT?

6 A YES.

7 Q NOW AGAIN, ARE YOU REFERRING TO THE SAME SITUATION
8 THAT YOU REFERRED TO IN EARLIER TESTIMONY TODAY?

9 A YES.

10 Q DID THE EXPLANATION OF THE SITUATION HAVE SOMETHING
11 TO DO WITH MR. HUNT'S BIG TOE?

12 A YES.

13 Q TELL US WHAT THAT IS ABOUT?

14 A HE SAID AS HE WAS DESCRIBING THIS SCENARIO TO
15 RON LEVIN ABOUT HIM HAVING GOTTEN IN TROUBLE WITH UNDERWORLD
16 FIGURES, HE SAID THAT HE WAS GOING TO THROW IN A TOUCH, THAT
17 HE WAS GOING TO SAY TO RON, "WELL, RON, YOU HAVE NEVER SEEN
18 ME WITHOUT MY SHOES. THAT'S BECAUSE I AM MISSING A TOE THAT
19 THESE GUYS ALREADY CUT OFF FOR ME." AND HE WAS GOING TO
20 TRY TO SCARE HIM THAT WAY.

21 Q AND WHAT WAS TO HAPPEN IF RON LEVIN ASKED TO
22 SEE HIS BIG TOE?

23 A HE DIDN'T DISCUSS IT. THAT IS JUST WHAT HE TOLD
24 ME WHEN HE WAS GOING TO DESCRIBE TO LEVIN HIS SITUATION.
25 HE DIDN'T SAY THAT HE WAS GOING TO DO IT.

26 BUT HE DESCRIBED THE STORY AND THAT WAS PART
27 OF WHAT HE DESCRIBED TO ME.

28 Q TO YOUR KNOWLEDGE, IS JOE LACKING A BIG TOE?

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1 A TO MY KNOWLEDGE, HE HAS ALL OF HIS TOES.

2 THE COURT: HE HAS WHAT?

3 THE WITNESS: HE HAS ALL OF HIS TOES, TO MY KNOWLEDGE.

4 Q BY MR. BARENS: I NOTICE ON ITEM NUMBER FOUR,
5 WITH A CHECK MARK TO THE LEFT, SO YOU WILL KNOW WHAT I AM
6 TALKING ABOUT, MR. KARNY, THERE IS SOMETHING THAT IS
7 XED OUT, HERE. DO YOU SEE THAT?

8 A YES, I DO.

9 Q OR WHETHER IT IS XED OUT, IT IS OBLITERATED.
10 IS THAT CORRECT?

11 A YES.

12 Q DID MR. HUNT TELL YOU WHY HE WOULD OBLITERATE
13 SOMETHING FROM VIEW LIKE THAT, IF NO ONE WAS TO SEE THE
14 LISTS?

15 A NO. HE NEVER DISCUSSED IT.

16 Q DID YOU NOTICE THAT WHEN YOU SAW THE LIST?

17 A I DON'T HAVE A SPECIFIC RECOLLECTION OF THAT
18 BLOTCH APPEARING ON THERE, NO.

19 Q YOU NEVER ASKED HIM ABOUT THAT?

20 A NO. I DIDN'T.

21 Q DID MR. LEVIN TO YOUR KNOWLEDGE, HAVE AN ANSWERING
22 MACHINE?

23 A HE HAD SOME KIND OF PHONE -- THAT WAS A PART
24 OF KIND OF A PLACEMAT THAT YOU HAVE IN AN OFFICE THAT
25 PROTECTS THE DESK.

26 I DON'T REMEMBER IF THERE WAS A MACHINE ATTACHED
27 TO IT FOR ANSWERING PHONES. BUT I THINK HE HAD AN ANSWERING
28 SERVICE.

1 Q AN ANSWERING SERVICE?

2 A I THINK SO.

3 Q DID JOE HUNT EVER TELL YOU THAT LEVIN HAD AN
4 ANSWERING MACHINE AS OPPOSED TO AN ANSWERING SERVICE?

5 A I DON'T RECALL HEARING THAT.
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1 Q BY MR. BARENS: ITEM 7, "DATE STAMP DOCUMENTS,"
2 WHAT DOCUMENTS WERE TO BE DATE STAMPED, SIR?

3 A I THINK THAT REFERRED TO THE DOCUMENTS THAT JOE
4 WAS GOING TO MAKE IT LOOK LIKE RON HAD RECEIVED PRIOR TO THE
5 6TH OF JUNE, THE THINGS HE WAS GOING TO PLANT AT HIS HOUSE,
6 AND HE WANTED TO DATE STAMP THEM SO IT LOOKED LIKE RON HAD
7 RECEIVED THEM EARLIER WHEN JOE PRETENDED TO HAVE SENT THEM.

8 THE COURT: YOU MEAN THOSE MICROGENESIS LETTERS WHICH
9 WERE SUPPOSEDLY --

10 THE WITNESS: THAT SORT OF THING, YES.

11 THE COURT: -- PICKED UP?

12 Q BY MR. BARENS: AND HE WAS GOING TO DATE STAMP
13 ALL OF THOSE MICROGENESIS LETTERS, SIR; IS THAT CORRECT?

14 A WE DIDN'T DISCUSS HOW MANY HE WAS GOING TO DATE
15 STAMP BUT THAT WAS AN ELEMENT OF THE PLAN, AS I UNDERSTOOD
16 IT.

17 Q OKAY. ANYTHING ELSE THAT WAS TO BE DATE STAMPED,
18 MR. KARNY?

19 A NOT THAT I CAN RECALL.

20 Q AND BELOW THAT IS A REFERENCE "DATE STAMPED
21 LETTERS," NOW THE JUDGE JUST ASKED YOU, DIDN'T YOU MEAN IN
22 YOUR LAST ANSWER THE LETTERS ON MICROGENESIS, TO WHICH I
23 BELIEVE YOU ANSWERED POSITIVELY.

24 A YES.

25 Q IF THAT IS YOUR ANSWER ON NUMBER 8, COULD YOU PLEASE
26 TELL ME WHAT DOCUMENTS ARE BEING DESCRIBED IN NUMBER 11.

27 A OH, I SEE WHAT YOU ARE SAYING.

28 WELL, IT WASN'T JUST LETTERS THAT WERE GOING TO

1 BE PLANTED IN THIS FILE, BUT I BELIEVE ALSO, AS I SAID, SOME
2 MARKETING AND PROFESSIONAL THINGS WERE GOING TO BE LEFT THERE
3 AS WELL AND I DON'T HAVE A SPECIFIC RECOLLECTION OF WHAT THAT
4 MEANT BEYOND WHAT I HAVE JUST EXPLAINED TO YOU.

5 Q DIDN'T YOU TESTIFY PREVIOUSLY THAT MUCH EARLIER
6 THAN MAY OR JUNE OF 1984, YOU GENTLEMEN HAD SUPPLIED RON LEVIN
7 WITH A VARIETY OF MARKETING AIDS OR MARKETING MATERIALS FOR
8 THE MICROGENESIS EQUIPMENT?

9 A I THINK WE DID GIVE HIM SOME THINGS, YES.

10 Q THAT WAS MUCH EARLIER THAN THIS POINT IN TIME,
11 WASN'T IT?

12 A YEAH, I THINK SO.

13 Q AND THAT WOULD BE WHAT, MARKETING LITERATURE ABOUT
14 THE DEVICE, THE CYCLATRON DEVICE?

15 A THAT SORT OF THING, AS WELL AS SOME DESCRIPTIONS
16 OF -- YES, THAT SORT OF THING.

17 I DON'T REMEMBER EXACTLY WHAT IT WAS.

18 WE WERE ALSO DEVELOPING THAT SORT OF PAPER SO WE
19 COULD SUPPLY INFORMATION TO PEOPLE WHO WERE INTERESTED.

20 Q DO YOU KNOW IF THAT PAPERWORK WAS DATE STAMPED
21 WHEN IT WAS RECEIVED BY LEVIN?

22 A I DON'T KNOW.

23 Q DO YOU KNOW IF IT WAS DATE STAMPED WHEN IT WAS
24 SENT BY YOU GENTLEMEN?

25 A I DON'T THINK THAT -- I DON'T THINK ANYTHING WAS
26 EVER SENT TO RON.

27 I THINK IT WAS JUST GIVEN TO HIM.

28 Q HAND DELIVERED?

1 A I THINK SO.

2 Q WAS IT A PRACTICE OF YOU FOLKS AT BBC TO HAND
3 DELIVER THINGS TO LEVIN WHEN SOMETHING WAS TO BE GIVEN TO HIM?

4 A RON LEVIN DIDN'T REALLY HAVE A RELATIONSHIP WITH
5 THE BBC.

6 HIS RELATIONSHIP WAS WITH JOE AND JOE WENT TO HIS
7 HOUSE OFTEN AND I DON'T REMEMBER HIM EVER SENDING ANYTHING
8 TO HIM.

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1 Q SO IF HE HAD SOMETHING FOR LEVIN, HE WOULD GIVE
2 IT TO HIM, MR. KARNY?

3 A I THINK SO.

4 Q NUMBER 10, "KILL DOG, (EMPHASIS)," WAS IT PART
5 OF THE PLAN TO KILL THE DOG?

6 A I THINK THAT WAS MORE OF A CONTINGENCY BUT IT WAS
7 PART OF THE PLAN, IF THAT IS WHAT NEEDED TO BE DONE IN ORDER
8 FOR RON TO BE PERSUADED TO COOPERATE.

9 Q NOW, IN ATTENDING TO THE DETAILS OF THE PLAN, HOW
10 DID JOE AND YOU DECIDE TO DISPOSE OF THE DOG'S BODY IF THAT
11 WAS NECESSARY?

12 A WE NEVER DISCUSSED IT.

13 Q HOW WERE YOU GOING TO MASK THE NOISE THE DOG WERE
14 MAKING IF THE DOG WERE KILLED IN SOME FASHION?

15 MR. WAPNER: OBJECT AS ASSUMING FACTS NOT IN EVIDENCE.
16 THAT IS ASSUMING THIS WITNESS WAS GOING TO DO ANYTHING.

17 HE HAS TESTIFIED SEVERAL TIMES THE PLAN WAS
18 MR. HUNT'S.

19 THE COURT: YOU HAVE ASKED HIM AS THOUGH THEY BOTH WERE
20 GOING TO DO IT. ARE YOU TALKING NOW ABOUT THE THINGS JOE HUNT
21 WOULD DO?

22 MR. BARENS: I AM TALKING NOW ABOUT THE DISCUSSIONS THAT
23 WERE HAD.

24 Q WHAT DISCUSSION DID YOU HAVE ABOUT MASKING THE
25 NOISE THE DOG WOULD MAKE THAT WOULD ALERT THE NEIGHBORS,
26 POSSIBLY?

27 A WE HAD NO DISCUSSION ABOUT IT.

28 Q WHAT DISCUSSION DID YOU HAVE ABOUT MAKING SURE

1 THERE WAS NO BLOOD OF THE DOG EVERYWHERE AFTER THE DOG WERE
2 KILLED.

3 A THERE WAS NO DISCUSSION ABOUT THAT.

4 Q WHAT DISCUSSION DID YOU HAVE ABOUT PRECISELY HOW
5 THE DOG WOULD BE KILLED?

6 A THERE WAS NO DISCUSSION ABOUT IT.

7 Q DID JOE EVER TELL YOU HE THREATENED RON LEVIN WITH
8 KILLING THE DOG?

9 A NO.

10 Q WHAT IS WRITTEN AFTER ITEM 10, "KILL DOG," THAT
11 IS CROSSED OUT?

12 A I DON'T KNOW.

13 Q DID YOU SEE JOE CROSS THAT OUT?

14 A I DON'T THINK SO.

15 Q YOU NEVER DISCUSSED THAT WITH HIM?

16 A CORRECT.

17 Q DID JOE EVER TELL YOU WHY AT THIS POINT AFTER
18 ITEM 10 AND ABOVE ITEM 4, HE WOULD SO CAREFULLY CROSS THINGS
19 OUT ON THE LIST, IF NO ONE ELSE WAS GOING TO SEE THE LIST?

20 A HE NEVER TOLD ME ANYTHING ABOUT IT.

21 Q YOU NEVER ASKED HIM ANYTHING ABOUT IT?

22 A NOPE.

23 Q NOTHING SEEMED SELF-EVIDENT TO YOU ABOUT EITHER
24 OF THOSE CROSSING OUTS, DID THEY, SIR?

25 A NO.

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1 Q THEN ITEM NUMBERED 11, THE NUMBER CLOSEST TO
2 THE WORD, SAYS "XEROX AUTHORIZATIONS IF ANY". WHAT
3 AUTHORIZATIONS DID JOE TELL YOU WERE BEING REFERRED TO ON
4 ITEM 11?

5 A I DON'T THINK WE DISCUSSED THAT AT THE TIME.

6 Q WAS THERE ANYTHING SELF-EVIDENT ABOUT
7 AUTHORIZATIONS WHEN YOU READ THOSE WORDS?

8 A NOT AT THE TIME, NO.

9 Q WERE AUTHORIZATIONS REQUIRED FOR THE EXECUTION
10 OF THE MICROGENESIS AGREEMENT IN THE NAME OF RON LEVIN?

11 A I AM NOT SURE WHAT YOU ARE ASKING ME.

12 Q WELL, WERE YOU AWARE OF ANY AUTHORIZATIONS THAT
13 WERE PREPARED PRIOR TO JUNE 6, THAT JOE HUNT SAID HE WAS
14 TAKING WITH HIM TO RON'S?

15 A I DON'T RECALL DISCUSSING OR BEING AWARE OF ANY
16 AUTHORIZATIONS AT THAT TIME, NO.

17 Q WHEN YOU SAW THIS ON THE LIST, DID YOU ASK JOE
18 WHAT THAT MEANS?

19 A I DON'T THINK I DID.

20 Q DID YOU HAVE THE IMPRESSION WHEN YOU SAW THAT,
21 THAT THE XEROXING REFERRED TO IN ITEM 11, WAS TO BE DONE
22 AT LEVIN'S?

23 A I DON'T RECALL ANY IMPRESSION ABOUT THAT AT ALL.

24 Q DID YOU EVER ASK JOE IF HE WAS GOING TO DO ANY
25 TYPING OR XEROXING AT LEVIN'S?

26 A THERE WAS SOME DISCUSSION ABOUT IT. I DIDN'T
27 ASK HIM. BUT I REMEMBER HIM SAYING THAT ONE OF THE
28 POSSIBILITIES FOR THINGS THAT HE WOULD DO, IS TO TYPE UP

1 CERTAIN THINGS AT RON'S, ONCE HE DETERMINED WHAT THEY WERE.

2 Q BUT YOU ARE TELLING ME THAT YOU HAD A SENSE THAT
3 HE WAS GOING OVER THERE IN THIS SITUATION AND ONCE HE WAS
4 THERE, DETERMINE WHAT HE WAS GOING TO THEN TYPE UP?

5 A DEPENDING UPON WHAT HE FOUND OUT FROM RON, THAT
6 RON WAS ABLE TO TRANSFER TO HIM, YES.

7 Q SO HE WOULD STAY THERE AND TYPE THE FORMATS AND
8 WHATEVER DOCUMENTS WERE NEEDED TO LEGALLY TAKE CARE OF
9 THESE TRANSFERS?

10 A HE DIDN'T SPECIFY WHAT IT WAS THAT HE WAS GOING
11 TO TYPE. BUT WHAT I AM RECOUNTING TO YOU IS, FROM WHAT I
12 REMEMBER ABOUT OUR DISCUSSION AND HE SAID THAT ONE OF THE
13 THINGS HE MIGHT DO, IS TYPE SOME THINGS UP OVER THERE.

14 Q DID JOE HUNT REFER TO COUNSEL THAT WORKED AT
15 THE BBC IN THE PREPARATION OF CONTRACTS?

16 A YES.

17 Q DID JOE HUNT MAKE IT A PRACTICE TO TALK TO MR.
18 EISENBERG OR TO ANY OTHER LAWYERS YOU WERE AWARE OF IN THE
19 FINALIZATION OF CONTRACTS?

20 A ONCE WE HAD LAWYERS, YES.

21 Q AND WHEN YOU SAY "YES," WHAT WOULD HE DO IN THAT
22 REGARD, MR. KARNY?

23 A USUALLY, HE WOULD WORK UP THE PRELIMINARY VERSION
24 OF A CONTRACT, WORK OUT WHAT THE ESEENTIAL TERMS OF THE
25 CONTRACT WERE AND THEN THE ATTORNEY WOULD PUT IT INTO LEGAL
26 LANGUAGE AND ADD SOME STANDARD LANGUAGE TO THE CONTRACT SO
27 THAT IT WOULD BE LIKE OTHER CONTRACTS.

28 Q SO THAT IT WOULD BE LEGALLY SUFFICIENT, MR. KARNY?

1 A YES.

2 Q AND IN THIS INSTANCE, WHILE HE WAS OVER THERE
3 TO KILL LEVIN, HE WAS GOING TO AS YOU UNDERSTOOD IT FROM
4 HIM, TYPE THESE THINGS UP TO CAUSE THE TRANSFER OF LEVIN'S
5 ASSETS AND PROPERTIES WITHOUT BENEFIT OF COUNSEL?

6 A WELL, HE SAID THAT HE MIGHT TYPE SOME THINGS
7 UP. HE DIDN'T SAY THAT THEY WERE GOING TO BE CONTRACTS.
8 HE DIDN'T SAY WHAT THEY WERE.

9 HE JUST SAID THAT HE MIGHT DO SOME TYPING. THAT'S
10 ALL I CAN TELL YOU. HE DIDN'T DISCUSS IT BEYOND THAT.

11 Q BUT HE NEVER TOLD YOU TYPING WHAT?

12 A WELL, HE SAID IT WOULD RELATE TO WHAT HE WAS
13 GIONG TO MAKE RON TRANSFER TO HIM. THAT WAS WHAT THE
14 DISCUSSION WAS ABOUT. BUT HE DIDN'T SAY WHAT IT WAS.

15 Q DID YOU EVER DISCUSS WITH HIM THE NEED FOR
16 COUNSEL TO MAKE THE DOCUMENTS LEGALLY EFFECTIVE? WAS THERE
17 ANY CONCERN THAT EITHER ONE OF YOU EXPRESSED AT THE TIME?

18 A NO.

19 MR. BARENS: ALL RIGHT.

20 THE COURT: WE'LL TAKE OUR RECESS AT THIS TIME.

21 LADIES AND GENTLEMEN OF THE JURY, WE'LL TAKE
22 OUR RECESS UNTIL 1:30 THIS AFTERNOON. THE SAME ADMONITION
23 I GAVE YOU STILL APPLIES.

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

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1 SANTA MONICA, CALIFORNIA; MONDAY, MARCH 23, 1987; 1:40 P.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

5 THE COURT: ALL RIGHT, YOU MAY RESUME YOUR CROSS-
6 EXAMINATION.

7 MR. BARENS: THANK YOU, YOUR HONOR.
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 CROSS-EXAMINATION (RESUMED)

14 BY MR. BARENS:

15 Q THE NEXT POINT WE COME TO ON THE PAGE --

16 A IS IT ALL RIGHT IF I TURN MY CHAIR AROUND?

17 THE COURT: SURE. FACE THE MICROPHONE A LITTLE BIT
18 MORE SO YOU CAN FACE INTO IT.

19 THE WITNESS: OKAY.

20 Q BY MR. BARENS: THE NEXT POINT WE COME TO ON
21 THIS PAGE SAYS "USE CORPORATE SEAL," NEXT TO ITEM 12; DID
22 MR. HUNT TELL YOU THAT WAS GOING TO BE UTILIZED AT LEVIN'S?

23 A HE DID NOT SPECIFY.

24 Q DID YOU ASK HIM WHAT THAT REFERENCE MEANT?

25 A I DON'T RECALL DOING SO.

26 Q WAS THERE A DOCUMENT THAT YOU KNEW HUNT WAS TAKING
27 TO LEVIN WHICH REQUIRED A CORPORATE SEAL?

28 A I DIDN'T REALLY THINK ABOUT WHAT REQUIRED A

1 CORPORATE SEAL AND WHAT DIDN'T.

2 Q AS YOU THINK OF IT NOW, DID THE MICROGENESIS
3 AGREEMENT, TO YOUR KNOWLEDGE, REQUIRE THE USE OF A CORPORATE
4 SEAL?

5 A I DON'T KNOW ONE WAY OR THE OTHER.

6 Q THE NEXT REFERENCE NEXT TO THE NUMBER 13 SAYS
7 "HAVE LEVIN SIGN AGREEMENTS AND FILL IN BLANKS"; ON ITEM
8 13, WHAT AGREEMENTS DID MR. HUNT TELL YOU HE WAS REFERRING
9 TO THAT MR. LEVIN WAS GOING TO SIGN?

10 A WHEN WE WERE DISCUSSING THESE LISTS, I DON'T
11 BELIEVE WE SPECIFIED AGREEMENTS.

12 THE SAME -- THE SAME QUESTION REALLY YOU WERE
13 ASKING ME BEFORE ABOUT AGREEMENTS. MY UNDERSTANDING GREW
14 OUT OF DISCUSSIONS THAT WE HAD, NOT JUST THAT NIGHT, BUT
15 THE WAY I UNDERSTOOD THE PLAN BEFORE THAT AND SPECIFICALLY,
16 THE AGREEMENTS THAT THIS LIST REFERRED TO, I DON'T KNOW WHAT
17 THEY ARE BECAUSE WE DIDN'T DISCUSS THEM THAT NIGHT.

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1 Q DID YOU DISCUSS THE AGREEMENTS ANY NIGHT?

2 A YES, WE DID.

3 Q WHICH AGREEMENTS DID YOU DISCUSS?

4 A FIRST, THE ONE I TOLD YOU ABOUT, THE MICROGENESIS
5 AGREEMENT, THAT OPTION AGREEMENT AND AS I SAY, I DON'T KNOW
6 ABOUT ANY OTHER ONES ASIDE FROM THE OPTION AGREEMENT AND
7 THE CONTINGENCY ASPECT OF THE PLAN.

8 Q AND I BELIEVE YOU TOLD ME THAT YOU NEVER SAW
9 ANY AGREEMENT THAT MR. HUNT HAD PREPARED REFERABLE TO THE
10 OPTION ON MR. LEVIN'S HOUSE?

11 A RIGHT.

12 Q DID YOU ASK MR. HUNT WHAT BLANKS WERE TO BE FILLED
13 IN?

14 A I DIDN'T ASK HIM. BUT SOMEHOW, IT CAME UP THAT --

15 Q AND WHAT DID HE TELL YOU IN THAT REGARD, SIR?

16 A THAT RATHER THAN JUST HAVING RON SIGN THE AGREE-
17 MENT OR AGREEMENTS, TO HAVE HIM FILL IN THE BLANKS IN HIS
18 OWN HANDWRITING, AS WELL, WOULD BE BETTER FOR THE PLAN.

19 Q AND WHAT WAS TO BE FILLED IN, IN THE BLANKS?

20 A IT WAS NOT SPECIFIED.

21 Q DID MR. HUNT TELL YOU WHAT MR. LEVIN WAS GOING
22 TO FILL IN, IN THE BLANKS IN HIS HANDWRITING?

23 A WHAT SPECIFICALLY HE WAS GOING TO WRITE?

24 Q YES, SIR.

25 A NO. HE DIDN'T.

26 Q DID HE TELL YOU WHAT HE WANTED HIM TO WRITE OR
27 PLANNED TO HAVE HIM WRITE IN THE BLANKS?

28 A THAT ALL DEPENDED ON WHAT THE INTERROGATION OF

1 MR. LEVIN YIELDED.

2 Q YOU MEAN AS FAR AS BLANKS ON THE MICROGENESIS
3 CONTRACT, THERE NEEDED TO BE SOME INTERROGATION TO DETERMINE
4 WHAT MR. LEVIN WAS GOING TO WRITE IN THE BLANKS ON THAT
5 AGREEMENT?

6 A AS I SAY, WE DIDN'T SPECIFY. THE DISCUSSION
7 THAT I HAD WITH HIM, WHILE THERE WAS SOME GREAT DETAIL
8 INVOLVED, DIDN'T SPECIFY ALL OF THE DETAILS.

9 Q TO YOUR KNOWLEDGE, WAS THERE MORE THAN ONE BLANK
10 TO BE FILLED IN ON THE MICROGENESIS AGREEMENT?

11 A BESIDES A SIGNATURE? THERE WAS A SIGNATURE AND
12 THERE WAS SOME OTHER BLANK SPACE BUT I DON'T REMEMBER
13 IN PARTICULAR.

14 Q DID YOU EVER HAVE ANY DISCUSSION WITH MR. HUNT
15 AS TO WHAT BLANKS HAD BEEN LEFT ON THE PAGE, TO BEGIN WITH?

16 A WHAT I JUST EXPLAINED TO YOU. THAT IT WAS LEFT
17 IN SO THAT RON COULD FILL SOMETHING IN, IN HIS OWN HANDWRITING.

18 Q DID HUNT TELL YOU THAT HE WAS GOING TO PREPARE
19 AGREEMENTS AT LEVIN'S HOUSE OTHER THAN THE AGREEMENT HE TOOK
20 WITH HIM?

21 A HE DIDN'T TELL ME THAT.

22 Q DID YOU EVER SEE HUNT PREPARING ANY AGREEMENTS
23 OTHER THAN THE MICROGENESIS AGREEMENT, IF YOU SAW --
24 STRIKE THAT.

25 DID YOU SEE HUNT PREPARING THE MICROGENESIS
26 AGREEMENT?

27 A YES.

28 Q ALL RIGHT. OTHER THAN PREPARING THAT AGREEMENT

1 WHICH WE WILL GET BACK TO, DID YOU SEE HIM PREPARING ANY
2 OTHER AGREEMENTS TO TAKE TO LEVIN'S HOUSE?

3 A NO.

4 Q THE LAST EXPRESSION, "XEROX EVERYTHING SO HE
5 HAS A COPY," WHAT DID HUNT TELL YOU THAT MEANT?

6 A I DON'T REMEMBER TALKING ABOUT THAT WITH HIM.
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1 Q DID YOU ASK HIM ANYTHING ABOUT THAT?

2 A I DON'T THINK I DID.

3 IT SEEMED PRETTY SELF-EVIDENT.

4 Q THAT WAS SELF-EVIDENT?

5 A IT SEEMED SO.

6 Q ALL RIGHT. NEXT, WE HAVE THE PAGE CAPTIONED
7 "DEBTOR"; MR. KARNY, AS A RESULT OF GOING TO LAW SCHOOL, DO
8 YOU KNOW WHAT A DEBTOR AGREEMENT IS?

9 A A DEBTOR AGREEMENT?

10 Q YES, SIR.

11 A AS FAR AS I UNDERSTAND IT, IT IS AN AGREEMENT WHICH
12 DESCRIBES A DEBT THAT SOMEBODY OWES TO SOMEBODY ELSE.

13 Q IT CREATES A RELATIONSHIP OF CREDITOR AND CREDIT
14 BETWEEN TWO PARTIES?

15 A THAT IS THE WAY I UNDERSTAND IT.

16 Q DID YOU DISCUSS WITH MR. HUNT MAKING RON LEVIN
17 A DEBTOR TO A CORPORATION OR PERSON?

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

19 THERE WAS, YOU KNOW, A LOT OF DISCUSSION, A LOT
20 OF THINGS CAME UP AND WITH REGARD TO WHAT EXACTLY RON WAS GOING
21 TO SIGN OR TRANSFER, A NUMBER OF THINGS CAME UP BUT I DON'T
22 SPECIFICALLY REMEMBER RIGHT NOW.

23 Q IF YOUR PLAN, BEING THE PLAN THAT YOU AND JOE HUNT
24 WERE DISCUSSING, WAS TO KILL RON LEVIN --

25 MR. WAPNER: SAME OBJECTION AS TO THE CHARACTERIZATION
26 OF "YOUR PLAN," YOUR HONOR.

27 THE COURT: SUSTAINED.

28 Q BY MR. BARENS: IF THE PLAN THAT JOE HUNT WAS

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1 DISCUSSING WITH YOU WAS TO KILL RON LEVIN, HOW WOULD MAKING
2 RON LEVIN A DEBTOR TO THE CORPORATION ASSIST IN THAT PLAN?

3 MR. WAPNER: OBJECTION. ASSUMES FACTS NOT IN EVIDENCE.
4 ALSO ARGUMENTATIVE, YOUR HONOR.

5 THE COURT: SUSTAINED.

6 Q BY MR. BARENS: ARE YOU TELLING US THAT YOU NEVER
7 DISCUSSED MAKING RON LEVIN A DEBTOR WITH JOE HUNT?

8 A THAT IS NOT WHAT I AM TELLING YOU.

9 Q WHAT ARE YOU TELLING US?

10 A THAT A NUMBER OF THINGS WERE DISCUSSED WITH REGARD
11 TO HOW TO GET RON'S ASSETS. SOME OF THEM, I HAVE DESCRIBED
12 SPECIFICALLY.

13 THE OTHERS ARE JUST SORT OF A BLUR RIGHT NOW.
14 I DON'T REMEMBER WHAT THEY WERE OR HOW SPECIFICALLY THEY WERE
15 DISCUSSED, SO I AM NOT SAYING THAT IT WASN'T IN THE PLAN BUT
16 I DON'T REMEMBER SPECIFICALLY IF IT WAS.

17 Q TO YOUR KNOWLEDGE, DOES A DEBTOR AGREEMENT SPEAK
18 TO A PAYMENT OF AN OBLIGATION IN THE FUTURE?

19 A I SUPPOSE SO, AT LEAST IN THE FUTURE FROM WHEN
20 THE AGREEMENT WAS SIGNED.

21 Q IS EXECUTED, SIR?

22 A YES, SO FAR AS I UNDERSTAND IT.

23 Q THE NEXT ITEM AFTER THE NUMBER 4 SAYS "NAME
24 MICROGENESIS OF NORTH AMERICA, 8425 WEST THIRD STREET, L.A.
25 CALIFORNIA OR CA 90068"; WHY DID MR. HUNT -- STRIKE THAT --
26 WHAT DID MR. HUNT TELL YOU THE SIGNIFICANCE OF NUMBER 4 WAS?

27 A HE DIDN'T DISCUSS IT WITH ME THAT I REMEMBER.

28 Q DID YOU ASK MR. HUNT WHY HE WOULD NEED, IN THE

1 PLANNING LIST, TO WRITE HIS OWN BUSINESS ADDRESS ON THE LIST?

2 MR. WAPNER: OBJECTION. ASSUMES FACTS NOT IN EVIDENCE.
3 THERE HASN'T BEEN ANY FOUNDATION THAT THE WITNESS SAW THIS
4 PARTICULAR PIECE OF PAPER. HE IS ASKING HIM QUESTIONS ABOUT
5 THIS, ASSUMING THIS FACT.

6 THE COURT: DID YOU SEE THAT PIECE OF PAPER AT ALL, IF
7 YOU REMEMBER IT?

8 THE WITNESS: I DON'T REMEMBER ANYTHING SPECIAL ABOUT
9 THAT PIECE OF PAPER.

10 IT MIGHT HAVE BEEN IN THE PILE OF PAPERS THAT I
11 SAW BUT I DON'T RECALL DISCUSSING THIS OR ASKING ANY QUESTIONS
12 ABOUT THAT PAPER IN PARTICULAR.

13 THE COURT: ALL RIGHT, LET'S GO ON TO SOMETHING ELSE.

14 Q BY MR. BARENS: MR. KARNY, YOU TESTIFIED THAT YOU
15 ARE NOT SURE WHETHER YOU SAW THIS PAGE OR NOT IN THE PAPERWORK

16 THE COURT: HE SAYS HE DOESN'T REMEMBER SEEING IT. HE
17 DIDN'T SAY ANYTHING ABOUT NOT BEING SURE HE SAW IT.

18 Q BY MR. BARENS: I ASSUME, IF YOU DON'T REMEMBER
19 SEEING IT, YOU DON'T REMEMBER NOT SEEING IT, MR. KARNY?

20 A I THINK THAT IS A FAIR CHARACTERIZATION.

21 Q MR. KARNY, WHERE THE STATEMENT "UNDER MY SIGNATURE,
22 TYPE MICROGENESIS OF NORTH AMERICA," DO YOU KNOW WHO THIS WOULD
23 BE A DIRECTION TO, AS FAR AS TO TYPE MY NAME OR TYPE MY --
24 TYPE MICROGENESIS, WHO WOULD THAT BE A DIRECTION TO, SIR?

25 A I DON'T KNOW.
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1 THE COURT: IT COULD BE A DIRECTION TO HIMSELF, COULDN'T
2 IT?

3 MR. BARENS: YOUR HONOR, IT COULD BE A DIRECTION --

4 THE COURT: A DIRECTION TO HIMSELF?

5 MR. BARENS: OR PERHAPS A SECRETARY, SIR.

6 Q MR. KARNY, DO YOU KNOW WHAT SIGNIFICANCE, IF
7 ANY, THESE NUMBERS IN THE LEFT-HAND COLUMN HAVE?

8 A NO, I DON'T.

9 Q DO YOU KNOW WHETHER YOU FIND THESE TYPES OF
10 NUMBERING SEQUENCES OR THESE NUMBERS AT ALL, ON THE
11 MICROGENESIS AGREEMENT?

12 A NOT OFFHAND.

13 MR. BARENS: ALL RIGHT. JUST A MOMENT, YOUR HONOR.

14 (PAUSE.)

15 Q BY MR. BARENS: MR. KARNY, I SHOW YOU EXHIBITS
16 80 AND 95 WHICH I SUBMIT, ONE IS A COPY AND ONE IS THE
17 ORIGINAL. I BELIEVE 95 IS REFERRED TO AS BEING THE ORIGINAL.

18 IN ANY EVENT, THEY ARE THE SAME. COULD YOU TELL
19 ME AS YOU LOOK AT THOSE TWO PAGES, IF ANYWHERE ON EITHER
20 OF THE PAGES, YOU FIND ANY NUMBERING SUGGESTIVE OF THE
21 NUMBERING ON THE BOARD?

22 A I DON'T SEE ANYTHING SUGGESTIVE OF THE NUMBERS
23 ON THESE PAPERS.

24 Q THANK YOU. WE NOW COME TO A PAGE WITH THE NUMBER
25 1, FOLLOWED BY THE WORD "AUTHORIZATION". THIS PAGE WAS
26 AMONG THE PAGES THAT YOU SAW, WAS IT NOT, MR. KARNY?

27 A I AM NOT POSITIVE. IT MAY HAVE BEEN.

28 Q MR. KARNY, I SEE THE LIST HERE, IT SAYS "WITNESSES

1 (2)".

2 WHO WERE THE WITNESSES TO THE AGREEMENTS TO HAVE
3 BEEN?

4 MR. WAPNER: OBJECTION, ASSUMING FACTS NOT IN EVIDENCE,
5 THAT THAT ITEM REFERS TO THAT. THERE IS NO FOUNDATION FOR
6 THAT.

7 THE COURT: JUST ASK HIM TO EXPLAIN IT, IF HE CAN.

8 Q BY MR. BARENS: MR. KARNY, WERE THERE TO HAVE
9 BEEN WITNESSES TO THE MICROGENESIS AGREEMENT?

10 A NOT THAT I KNOW OF.

11 Q WERE THERE TO HAVE BEEN WITNESSES TO THE PURPORTED
12 AGREEMENT TO BE PREPARED CONCERNING THE --

13 THE COURT: WHY DON'T YOU ASK HIM IF HE CAN EXPLAIN
14 THE WORDS, "WITNESSES (2)". DO YOU KNOW ANYTHING ABOUT THAT?
15 DO YOU KNOW ANYTHING ABOUT THAT?

16 THE WITNESS: NO. I DON'T.

17 THE COURT: ALL RIGHT.

18 Q BY MR. BARENS: SIR, DID YOU AT ANY TIME DISCUSS
19 WITH MR. HUNT, ANYBODY, PERSONS WITNESSING ANY DOCUMENTS
20 AT LEVIN'S?

21 A NO.

22 Q DID YOU ASK MR. HUNT WHAT THAT REFERENCE,
23 "WITNESSES (2)" MEANT?

24 A NO. I DIDN'T.

25 Q WERE YOU CONCERNED ABOUT THERE BEING ANY WITNESSES
26 SHOWING ON THE DOCUMENTS TO BE EXECUTED AT LEVIN'S?

27 A NO. IT WAS GENERALLY UNDERSTOOD THAT I WAS GOING
28 TO BACK UP JOE ON OUR STORY WITH REGARD TO THIS OCCURRENCE.

1 Q DID MR. HUNT EVER ASK YOU TO WITNESS ANY DOCUMENTS
2 THAT WERE CREATED AT RON LEVIN'S?

3 A NO.

4 Q DID MR. HUNT EVER ASK ANYONE TO WITNESS ANY
5 DOCUMENTS SIGNED AT RON LEVIN'S?

6 MR. WAPNER: OBJECTION, CALLING FOR A CONCLUSION AND
7 SPECULATION ON THE PART OF THE WITNESS.

8 Q BY MR. BARENS: THAT YOU KNOW OF, MR. KARNY?

9 A NOT THAT I KNOW OF.

10 Q NOT THAT YOU KNOW OF?

11 A RIGHT.

12 Q MR. KARNY, IF THESE DOCUMENTS HAD BEEN WITNESSED
13 AFTER THE DOCUMENTS LEFT MR. LEVIN'S HOUSE, HOW COULD A COPY,
14 A WITNESSED COPY HAVE BEEN LEFT AT LEVIN'S?

15 MR. WAPNER: OBJECTION, ARGUMENTATIVE.

16 THE COURT: SUSTAINED.

17 Q BY MR. BARENS: DO YOU KNOW WHY THE WORDS "JEFF
18 LIST" ARE FOUND ON THIS PAGE?

19 A NO, I DON'T.

20 Q DOES THAT HAVE ANY SELF-EVIDENT MEANING TO YOU?

21 A NO, IT DOESN'T.

22 Q DO YOU KNOW WHICH DOCUMENT IF ANY, ANY OF THE
23 REFERENCES ON THIS PAGE REFER TO?

24 A NO. I DON'T.

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1 Q NOW, YOU HAD BEEN TO SOLEDAD CANYON, HAD YOU NOT,
2 WITH JOE HUNT?

3 A YES, I HAD.

4 Q AND WHO ELSE, TO YOUR KNOWLEDGE, HAD BEEN TO
5 SOLEDAD CANYON WITH JOE HUNT?

6 A I WAS THERE WITH JIM PITTMAN AND JOE AT THE TIME
7 THAT I HAD BEEN THERE.

8 Q YOU HAD NEVER LEARNED ON OTHER OCCASIONS, EITHER
9 BEFORE THE TIME YOU WERE THERE OR AFTER THE TIME YOU WERE THERE,
10 THAT JOE HUNT HAD GONE TO SOLEDAD CANYON WITH OTHER BBC
11 GENTLEMEN?

12 A YES.

13 Q WHICH GENTLEMEN?

14 A TO THE BEST THAT I CAN RECOLLECT, STEVE LOPEZ AND
15 STEVE TAGLIANETTI.

16 Q ANYONE ELSE?

17 A NOT THAT I CAN REMEMBER RIGHT NOW.

18 Q DID JOE HUNT ATTEMPT TO MAKE IT A SECRET THAT HE
19 WENT TO SOLEDAD CANYON?

20 A NO.

21 Q DID JOE HUNT OPENLY DISCUSS IN FRONT OF PEOPLE
22 THAT HE HAD SPENT A LOT OF TIME AT SOLEDAD CANYON AS A BOY?

23 A YES.

24 Q DID JOE HUNT, TO YOUR KNOWLEDGE, USUALLY TAKE PEOPLE
25 TO THE SAME PLACE WHEN THEY WENT TO SOLEDAD CANYON?

26 A I DON'T UNDERSTAND YOUR QUESTION.

27 Q AS FAR AS YOU KNEW, WHEN JOE WOULD GO TO SOLEDAD
28 CANYON, WOULD THE BOYS THAT HE WOULD GO UP WITH, GO SHOOTING

7-2
1 WITH HIM?

2 A AT THE TIME THAT I WAS THERE, THAT IS WHAT WE DID.

3 Q DID YOU EVER HEAR HE HAD DONE THAT WITH OTHER OF
4 THE GENTLEMEN?

5 A I DON'T REMEMBER HEARING ABOUT IT.

6 I REMEMBER ONCE THEY WENT MOTORCYCLE RIDING, THAT
7 IS ALL I REALLY REMEMBER, THERE.

8 Q DID YOU KNOW THEY USUALLY WENT TO THE SAME
9 LOCATION IN SOLEDAD CANYON WHEN THEY WENT THERE?

10 A I DON'T HAVE ANY KNOWLEDGE OF IT ONE WAY OR THE
11 OTHER.

12 Q HAD BEN DOSTI BEEN TO SOLEDAD CANYON WITH JOE?

13 A I DON'T KNOW.

14 THE COURT: ARE YOU THROUGH WITH THIS OR DO YOU WANT
15 TO GO BACK THERE?

16 MR. BARENS: I AM NOT QUITE THROUGH WITH THIS, JUDGE.

17 THE COURT: AS LONG AS YOU ARE STANDING UP THERE, LET'S
18 FINISH UP.

19 MR. BARENS: I AM QUITE WELL STILL ON THE MAP, JUDGE.

20 THE COURT: YOU ARE ON THE MAP NOW?

21 MR. BARENS: THAT IS ACTUALLY WHAT I HAVE UP HERE, JUDGE,
22 THE ALLEGED MAP, INDEED.

23 THE COURT: OH, ALL RIGHT.

24 Q BY MR. BARENS: WAS JOE HUNT SUPPOSED TO BE AN
25 EXPERT ON SOLEDAD CANYON?

26 A HE SAID THAT HE KNEW HIS WAY AROUND THERE VERY
27 WELL, THAT HE HAD BEEN THERE A LOT OF TIMES.

28 Q AND WHEN HE WENT THERE A LOT OF TIMES, DID HE EVER

1 TELL YOU HE NEEDED A MAP TO GET THERE?

2 A HE NEVER TOLD ME THAT.

3 Q DID YOU EVER HEAR THAT HE TOOK A MAP WHEN HE WENT
4 UP WITH THE OTHER BOYS TO FIND OUT HOW TO GET FROM YOUR OFFICES
5 OR THE WILSHIRE MANNING TO WHERE HE WAS GOING?

6 A NO, I NEVER HEARD THAT.

7 Q WHEN JOE HUNT WENT TO SOLEDAD CANYON WITH YOU,
8 DID HE HAVE ANY PROBLEM FINDING HIS WAY THERE?

9 A DIDN'T APPEAR TO, NO.

10 Q HAD JOE TAKEN JIM GRAHAM TO SOLEDAD CANYON?

11 A AT THE TIME I WAS THERE, JIM WAS WITH US.

12 Q YOU SEEMED TO GET THERE WITHOUT GETTING LOST?

13 A YES.

14 Q DID YOU TELL US THAT JOE TOLD YOU THAT HE WENT
15 TO SOLEDAD CANYON WITH JIM TO PUT MR. LEVIN IN A PIT?

16 A YES, I DID TELL YOU THAT.

17 Q AND BASED ON YOUR KNOWLEDGE, HE HAD NEVER TAKEN
18 A MAP TO SOLEDAD CANYON ON PREVIOUS OCCASIONS WHEN HE WENT
19 THERE, DID HE?

20 A I NEVER SAW HIM TAKE A MAP.

21 Q MR. KARNY -- WE ARE JUST WARMING UP, JUDGE --
22 MR. KARNY, ISN'T IT TRUE THAT THE SEVEN PAGES ARE
23 IN FACT NOT A MURDER PLAN AT ALL?

24 A I DON'T THINK THAT IS TRUE.

25 Q YOU DON'T THINK THAT IS TRUE?

26 MR. KARNY, DID YOU SEE ANYWHERE ON THE SEVEN PAGES
27 WHERE IT SAID KILL RON LEVIN?

28 A I DON'T RECALL SEEING THAT.

1 Q DID YOU SEE ANYWHERE ON THE SEVEN PAGES WHERE IT
2 SAID SHOOT RON LEVIN?

3 A NO.

4 Q DID YOU SEE ANYWHERE ON THE SEVEN PAGES WHERE THERE
5 WAS ANY DESCRIPTION OF THE TYPE OR CALIBER OF GUN TO BE USED?

6 A NO.

7 Q ANY REFERENCE TO THE UTILIZATION OF A SILENCER?

8 A NO.

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1 Q IS THERE ANY PLANNING ON THE SEVEN PAGES TO
2 INDICATE THAT RON LEVIN IS TO BE SHOT IN THE BEDROOM?

3 A NO.

4 Q IS THERE ANY PLAN TO INDICATE HE IS TO BE SHOT
5 FACE DOWN?

6 A NO.

7 Q ANY PLANNING TO SEE THAT THERE IS ANYTHING TO
8 SAFEGUARD THE SPILLING OF BLOOD OR THE LEAVING OF BLOOD
9 EVIDENCE?

10 A NO.

11 Q ANYTHING TO SHOW SAFEGUARDING AGAINST THE LEAVING
12 OF FORENSIC EVIDENCE --

13 THE COURT: I THINK THAT THE SEVEN PIECES SPEAK FOR
14 THEMSELVES. THERE IS NO POINT IN ASKING ALL OF THE QUESTIONS.
15 YOU CAN GO ON ENDLESSLY WHAT IS IN THERE AND WHAT ISN'T.

16 LET'S TALK ABOUT WHAT IS IN IT.

17 MR. BARENS: I AM TRYING TO --

18 THE COURT: THAT SPEAKS FOR ITSELF. LET'S NOT GO INTO
19 ALL OF THIS, WILL YOU?

20 MR. BARENS: I AM TRYING TO SEE IF HE CAN HELP ME BY
21 FINDING ANYTHING ABOUT A MURDER PLAN THAT --

22 THE COURT: NO, NO. YOU CAN ARGUE TO THE JURY LATER
23 ON.

24 THESE ARE SILLY QUESTIONS.

25 MR. BARENS: SILLY, YOUR HONOR? I MUST TAKE EXCEPTION
26 TO --

27 THE COURT: THESE THINGS SPEAK FOR THEMSELVES. ANYTHING
28 ELSE THAT IS NOT IN THERE, WON'T BE IN THERE.

1 MR. BARENS: NEGATIVES DON'T HAVE A VOICE, JUDGE.

2 THE COURT: LET'S GO ON. WILL YOU PLEASE?

3 Q BY MR. BARENS: MR. KARNY, DID MR. HUNT DISCUSS
4 WITH YOU, ANY PLANS THAT WERE BEING MADE TO MAKE SURE THAT
5 LEVIN'S BLOOD WAS NOT FOUND AT THE SCENE?

6 A NO.

7 Q DID HE EXPRESS ANY PLANS WITH YOU ON PRECISELY
8 HOW MR. LEVIN WAS TO BE SHOT?

9 A NO.

10 Q DID HE DISCUSS WITH YOU, ANY PLANS ABOUT WHERE
11 THE CAR WAS TO BE PARKED WHEN THE TRIP WAS MADE TO MR. LEVIN'S?

12 A NO.

13 Q DID HE DISCUSS WITH YOU, A ROUTE TO BE PLANNED
14 TO REMOVE MR. LEVIN'S BODY FROM THE SCENE?

15 A NO.

16 Q DID HE DISCUSS WITH YOU, WHO WAS TO DRIVE TO
17 THE PIT?

18 A NO. HE DIDN'T.

19 Q DID HE DISCUSS WITH YOU ANY PLANS FOR MUFFLING
20 THE GUN NOISE?

21 A NO.

22 Q DID HE DISCUSS WITH YOU, ANY PLANS TO MAKE SURE
23 THAT THERE WAS NO ONE AT LEVIN'S WHEN HE ARRIVED?

24 A NO. HE DIDN'T.

25 Q DID HE DISCUSS WITH YOU, ANY WAY THEY COULD MAKE
26 SURE THAT NO VISITOR DROPPED BY TO SEE LEVIN WHILE HE WAS
27 THERE?

28 A NO. HE DIDN'T.

1 Q DID HE DISCUSS WITH YOU, ANY PLANS FOR GETTING
2 RID OF ANY WEAPON THAT WAS USED AT LEVIN'S?

3 A NO, HE DIDN'T.

4 Q NOW MR. KARNY, YOU TESTIFIED EARLIER, THAT HUNT
5 TOLD YOU TO REMOVE FROM THE OFFICE, CERTAIN LETTERS WRITTEN
6 TO MAKE IT APPEAR THAT THERE WAS MICROGENESIS CORRESPONDENCE
7 WITH LEVIN. IS THAT TRUE?

8 A I TESTIFIED ABOUT ONE LETTER IN PARTICULAR I
9 WAS TOLD TO REMOVE.

10 Q WAS THERE MORE THAN ONE LETTER?

11 THE COURT: THAT HE ASKED HIM TO REMOVE?

12 MR. BARENS: YES.

13 THE WITNESS: NO. I WAS JUST ASKED TO REMOVE THE ONE.

14 Q BY MR. BARENS: THAT ONE LETTER WAS DURING WHAT
15 DAY, SIR?

16 A I THINK IT WAS THE MAY 3RD LETTER.

17 Q YOU ARE NOT SURE?

18 A AT THIS INSTANT, I AM NOT SURE.

19 Q NOW MR. KARNY, DO YOU RECALL MR. HUNT TELLING
20 YOU THAT HE WAS GOING TO GIVE LORI LEIS, HIS SECRETARY, THE
21 LETTERS BACK AFTER HE PROOFED THEM SO THAT SHE WOULD THINK
22 HE WAS GOING TO MAIL THE LETTERS, LIKE IN NORMAL BUSINESS
23 CORRESPONDENCE?

24 A COULD YOU REPEAT THAT QUESTION?

25 Q YES. MR. KARNY, DO YOU RECALL CLEARLY MR. HUNT
26 TELLING YOU THAT HE WAS GOING TO GIVE LORI LEIS, HIS
27 SECRETARY, THE LETTERS BACK AFTER HE PROOFED THEM SO THAT
28 SHE WOULD THINK HE WAS GOING TO MAIL THEM LIKE NORMAL BUSINESS

1 CORRESPONDENCE?

2 A THAT WAS WHAT WE DISCUSSED, YES.

3 Q MR. KARNY, DO YOU RECALL MR. HUNT ASKING YOU
4 TO INTERCEPT THOSE LETTERS?

5 A I JUST TOLD YOU THAT I RECALL BEING ASKED TO
6 INTERCEPT ONE LETTER.

7 Q DO YOU RECALL THAT YOU TOLD LORI LEIS THAT YOU
8 WOULD TAKE THE MAIL IN ONE OR ALL OF THE DAYS IN QUESTION,
9 WHEN THOSE LETTERS WERE PREPARED?

10 A YES. I RECALL.

11 Q AND DID SHE HAND YOU THE LETTERS SPECIFICALLY,
12 SIR?

13 A I THINK I PICKED THEM UP. I DON'T THINK SHE
14 HANDED THEM TO ME.

15 Q INDEED, RATHER THAN HER HANDING THEM TO YOU,
16 YOU RETRIEVED THE LETTERS FROM A MAIL TRAY?

17 A I DON'T REMEMBER IF IT WAS FROM A MAIL TRAY OR
18 OFF OF HER DESK. I JUST REMEMBER WHAT I DID.

19 I STOPPED THE LETTER FROM BEING MAILED BY GIVING
20 HER THAT EXCUSE FOR WHY I WAS GOING TO TAKE THE MAIL AND
21 WHY SHE SHOULDN'T.

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1 Q AND DID YOU DO THAT ON MORE THAN ONE OCCASION OR
2 A SINGLE OCCASION?

3 A I THINK JUST A SINGLE OCCASION.

4 Q AND DO YOU RECALL PHYSICALLY PICKING THE LETTER
5 UP FROM SOMEPLACE, EITHER HER DESK OR A MAIL TRAY, AND REMOVING
6 IT?

7 A YES.

8 Q DID YOU GIVE THE LETTER BACK TO MR. HUNT?

9 A YES, I DID.

10 Q NOW, I SHOW YOU PEOPLE'S 94-C, ON MICROGENESIS
11 STATIONERY, BEARING THE DATE MAY 3RD, 1984; DOES THAT REFRESH
12 YOUR RECOLLECTION ON WHICH LETTER YOU HAVE BEEN TESTIFYING
13 ABOUT?

14 A WHAT I PICKED UP FROM THE DESK WAS AN ENVELOPE
15 AND IN IT, I BELIEVE, WAS THIS LETTER.

16 Q WELL, DID YOU SEE THE LETTER?

17 A I SAW THE LETTER AFTER IT HAD BEEN TYPED, BEFORE
18 IT HAD BEEN PUT INTO THE ENVELOPE, AND I SAW THE ROUGH DRAFT
19 OF THE LETTER WHEN IT WAS BEING COMPOSED.

20 Q MR. KARNY, WHEN YOU PICKED THE ENVELOPE UP EITHER
21 FROM LORIE LEIS'S DESK OR FROM THE MAIL TRAY, DID YOU OPEN
22 THE ENVELOPE AND LOOK IN THE LETTER?

23 A NO, I DIDN'T.

24 Q SO YOU HAVE BEEN TESTIFYING THAT YOU PRESUME THIS
25 LETTER WAS IN THE ENVELOPE, SIR?

26 MR. WAPNER: OBJECTION. ASSUMES FACTS NOT IN EVIDENCE
27 AND ALSO ARGUMENTATIVE.

28 MR. BARENS: WELL, I DON'T SEE HOW.

1 THE COURT: ALL RIGHT, HE CAN ANSWER.

2 TELL US HOW YOU KNOW IT WAS THAT LETTER IN THE
3 ENVELOPE.

4 THE WITNESS: I PRESUMED THAT WAS THE ONE.

5 Q BY MR. BARENS: WAS THE LETTER I JUST SHOWED YOU
6 THE LETTER YOU SAW THE DRAFT OF?

7 A I SAW THE DRAFTS OF MORE THAN ONE LETTER.

8 BUT THAT IS ONE OF THE LETTERS I SAW A DRAFT OF.

9 MR. BARENS: ALL RIGHT, EXCUSE ME, YOUR HONOR.

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

12 Q BY MR. BARENS: DID YOU TESTIFY THAT THE LETTER
13 I JUST SHOWED YOU WAS THE FIRST LETTER THAT MR. HUNT PREPARED
14 IN THIS REGARD?

15 A I THINK THAT IS WHAT I TESTIFIED, YES.

16 Q HOW MANY LETTERS DID JOE PREPARE IN TOTAL IN THIS
17 REGARD?

18 A TO MY KNOWLEDGE, I THINK THREE.

19 Q WAS THE MAY 3 LETTER TO BE THE FIRST IN A SERIES?

20 A YES.

21 Q WHEN YOU FISHED THE MAY 3RD LETTER OUT OR WHAT
22 YOU PRESUMED WAS THE MAY 3RD LETTER OUT OF THE MAIL, WAS THAT
23 THE FIRST TIME YOU HAD BEEN ASKED TO DO THAT?

24 A YES.

25 Q DIRECTING YOUR ATTENTION TO YOUR TESTIMONY ABOUT
26 RETRIEVING SOMETHING FROM LEVIN'S POST OFFICE BOX FOR A MOMENT,
27 DID YOU TESTIFY THAT JIM GRAHAM WAS UNABLE TO RETRIEVE A PACKAGE
28 FROM LEVIN'S POST OFFICE BOX BECAUSE HE COULD NOT IDENTIFY

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1 HIMSELF AS RON LEVIN; IS THAT YOUR STATEMENT?

2 A I TESTIFIED THAT THAT IS WHAT I WAS TOLD.

3 I WASN'T THERE TO SEE IT.

4 Q DID YOU BELIEVE THAT IT WAS THE POST OFFICE'S
5 PROCEDURE TO ASK SOMEONE FOR I.D. IN REQUIRING THEM -- IN
6 ADDITION TO REQUIRING THEM TO PRESENT THE STUB, TO RETRIEVE
7 A BOX FROM THE POST OFFICE BOX.

8 MR. WAPNER: OBJECTION. ARGUMENTATIVE AND ALSO
9 IRRELEVANT.

10 THE COURT: SUSTAINED.

11 Q BY MR. BARENS: YOU WERE PRESENT DURING A
12 CONVERSATION WHEN PITTMAN OR GRAHAM SAID THAT HE COULD NOT
13 GET SOMETHING FROM LEVIN'S BOX?

14 A RIGHT.

15 Q AND THE REASON HE COULD NOT GET IT WAS GIVEN AS
16 WHAT, SIR?

17 A THAT HE SAID THAT THERE WAS A SLIP IN THE BOX
18 DESIGNATING THAT A LARGER PACKAGE HAD ARRIVED AND THAT HE HAD
19 TO GO UP TO THE WINDOW TO GET IT, AND THAT HE HAD GONE UP TO
20 THE WINDOW TO CLAIM IT BUT WHEN HE WAS NOT ABLE TO IDENTIFY
21 HIMSELF AS RON LEVIN, THAT HE WAS REFUSED AND HE SAID THAT
22 HE WOULD GO BACK AND GET HIS I.D.

23 I THINK HE WAS IN A SWEATSUIT AT THE TIME SO HE
24 HAD AN EXCUSE FOR WHY HE WASN'T CARRYING I.D.

25 Q WAS TOM MAY EVER ASKED TO SEE IF HE COULD IMITATE
26 JOE HUNT'S SIGNATURE?

27 A JOE HUNT'S SIGNATURE?

28 Q YES, SIR.

1 A NOT THAT I RECALL.

2 Q WAS TOM MAY EVER ASKED TO WRITE THE WORDS "JOE
3 HUNT" BEFORE HE WAS ASKED TO IMITATE RON LEVIN'S SIGNATURE?

4 A NOT THAT I CAN RECALL.

5 Q WAS THERE A TIME WHEN AN ATTEMPT WAS MADE TO TRY
6 TO FORGE THE SIGNATURE OF RON LEVIN?

7 A YES.

8 Q WERE YOU EVER PRESENT AT THE WILSHIRE MANNING WHEN
9 RON LEVIN'S SIGNATURE WAS BEING SIGNED?

10 A YES. .

11 Q NOW, WHEN MR. HUNT CAME BACK FROM LONDON, YOU MET
12 WITH HIM TO DISCUSS THE FACT THAT RON LEVIN'S CHECK DID NOT
13 GO THROUGH; IS THAT CORRECT?

14 A WE DIDN'T MEET FOR THAT PURPOSE. BUT WHEN WE
15 ENCOUNTERED ONE ANOTHER, I TOLD HIM THAT.

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1 Q AND YOU TOLD THEM THAT THE CHECK DID NOT GO
2 THROUGH?

3 A RIGHT.

4 Q AND DO YOU REMEMBER APPROXIMATELY WHAT DATE THAT
5 CAME ON?

6 A I THINK ABOUT THE MIDDLE OF JUNE.

7 Q WHO TOLD YOU THAT THE CHECK DID NOT GO THROUGH?

8 A BEN DOSTI.

9 Q WHAT WAS THE REASON SO FAR AS YOU KNEW, THAT
10 THE CHECK DID NOT GO THROUGH?

11 A I DON'T RECALL THE REASON.

12 Q DO YOU REMEMBER TESTIFYING IN ANOTHER MATTER
13 ON JUNE 4, 1985, AT PAGE 2158 THEREOF --

14 MR. WAPNER: MAY I HAVE A MOMENT, COUNSEL?

15 (PAUSE.)

16 MR. WAPNER: WHAT LINE ARE YOU ON?

17 MR. BARENS: LINES 17 AND 18:

18 "Q WHAT DID YOU FIND OUT?

19 "A WELL, THEY INFORMED HIM THAT THE CHECK
20 HADN'T CLEARED, THAT IT HAD BEEN DENIED FOR LACK
21 OF SUFFICIENT FUNDS."

22 Q WERE YOU ASKED THAT QUESTION AND WAS THAT YOUR
23 ANSWER?

24 A I BELIEVE IT WAS.

25 Q NOW MR. KARNY, TO YOUR KNOWLEDGE, DID JOE HUNT
26 EVER CONTACT THE WORLD TRADE BANK DIRECTLY TO VERIFY WHAT
27 YOU SAID ABOUT THE CHECK?

28 A I DON'T KNOW.

1 Q DID HE EVER TELL YOU THAT HE HAD?

2 A I DON'T REMEMBER IF HE DID.

3 Q NOW MR. KARNY, I SHOW YOU EXHIBIT NUMBER 112
4 AND I BELIEVE THAT IS DATED JUNE 15TH?

5 A YES.

6 Q AND ROUGHLY IN THE MIDDLE OF IT, DOES IT
7 INDICATE THE WORDS -- WORDS TO EXPLAIN WHY THE CHECK IS
8 DISHONORED?

9 A YES.

10 Q WHAT ARE THOSE WORDS?

11 A "INSUFFICIENT FUNDS AND SIGNATURE MISSING."

12 Q I SHOW YOU EXHIBIT 113 --

13 THE COURT: PARDON ME. IS THAT FROM THE WORLD TRADE
14 BANK?

15 THE WITNESS: I DON'T KNOW.

16 MR. BARENS: THE DOCUMENT THAT I AM SHOWING HIM,
17 PREVIOUSLY MARKED 112, APPEARS TO BE A TELEX ADDRESSED TO
18 THE -- WELL, IT WAS WORLD BANK. I CAN'T SEE WHETHER THEY
19 ARE SENDING OR RECEIVING ON THIS. BUT I PRESUME THEY ARE
20 RECEIVING ON IT, JUDGE.

21 THE COURT: ALL RIGHT.

22 Q BY MR. BARENS: I SHOW YOU ANOTHER DOCUMENT ON
23 THE CREDIT SUISSE BANK PREVIOUSLY MARKED EXHIBIT 113 THAT
24 HAS THE WORD "REGISTERED" AND THEN DOES IT HAVE THE WORDS
25 "WORLD TRADE BANK" BELOW IT AND AN ADDRESS IN BEVERLY HILLS?

26 A YES, IT DOES.

27 Q ARE THERE WORDS ON THERE NEXT TO A BOX WITH AN
28 X MARKED ON IT THAT GIVE REASONS FOR WHY A CHECK HAS BEEN

1 RETURNED?

2 A YES.

3 Q WHAT REASONS DOES IT GIVE?

4 A "INSUFFICIENT FUNDS AND SIGNATURE MISSING."

5 Q NOW, IS YOUR RECOLLECTION PRESENTLY REFRESHED
6 TO WHAT YOUR UNDERSTANDING WAS ABOUT THIS DISHONORING OF
7 THE CHECK?

8 A WELL, YOU ASKED ME WHAT WAS I TOLD BY BEN DOSTI.
9 WHAT I HEARD LATER ABOUT WHY THE CHECK WAS DISHONORED, YOU
10 DIDN'T ASK ME.

11 ARE YOU ASKING ME NOW WHAT IS THE ENTIRE UNDER-
12 STANDING THAT I HAVE ABOUT WHY IT WAS NOT PAID?

13 Q WELL, HAD BEN DOSTI SPOKEN TO THE WORLD TRADE
14 BANK, TO YOUR KNOWLEDGE?

15 A I THOUGHT HE HAD. HE DIDN'T TELL ME SPECIFICALLY.

16 Q DID YOU TESTIFY THAT YOU REALIZED WHEN JOE HUNT
17 CAME BACK FROM LONDON, THAT THE BANK HAD BEEN -- THAT THE
18 CHECK HAD BEEN RETURNED FOR LACK OF SUFFICIENT FUNDS?

19 A THAT IS WHAT I TESTIFIED.

20 Q NOW MR. KARNY, HOW COULD YOU SUBSEQUENTLY CASH
21 AN NSF CHECK -- AND YOU KNOW WHAT I MEAN BY NSF CHECK? NON-
22 SUFFICIENT FUNDS CHECK, BY SENDING THROUGH A NEW, FORGED
23 CHECK WITH RON LEVIN'S SIGNATURE ON IT?

24 A HOW COULD I DO IT?

25 Q HOW COULD ANYONE DO IT, SIR? HOW CAN THAT
26 ACCOMPLISH THAT PURPOSE?

27 A IF SOMEONE WRITES YOU A CHECK AND YOU SUBMIT
28 IT FOR CASHING, YOU ASSUME IT WILL BE CASHED.

1 Q BUT IF THE CHECK IS RETURNED AND EXCEPT --
2 THE COURT: DID YOU FINISH YOUR ANSWER?

3 Q BY MR. BARENS: GO RIGHT AHEAD, MR. KARNY.

4 A I SEE. NOT SUFFICIENT FUNDS? I DON'T KNOW.

5 Q WELL, IT IS NOT BELIEVABLE TO YOU, IS IT MR.
6 KARNY, THAT IF WE GOT A CHECK BACK MARKED "NSF" AS THESE
7 DOCUMENTS SHOW, IF WE LATER SEND THROUGH A NEW CHECK WITH
8 THE SAME GUY'S FORGED SIGNATURE, CAN WE THEN MAKE IT NON-
9 NSF?

10 A I DON'T KNOW. I MEAN, IF THERE WAS MONEY IN
11 THE ACCOUNT THAT HADN'T CLEARED YET, OR SOMETHING LIKE THAT.
12 IT WAS NOT SOMETHING THAT I REALLY RECALL DISCUSSING.

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1 Q AND AN IMPROVED SIGNATURE ON THE CHECK WOULD NOT
2 PUT MONEY IN THE ACCOUNT, WOULD IT?

3 A AN IMPROVED SIGNATURE?

4 Q YES, AN IMPROVED SIGNATURE, A BETTER SIGNATURE.

5 A THE IDEA WAS TO WRITE ANOTHER CHECK WITH A
6 SIGNATURE, PERIOD, AND SINCE RON WASN'T AROUND TO SIGN IT
7 HIMSELF, IT WAS GOING TO BE FORGED.

8 Q IF HE IS NOT AROUND TO SIGN IT HIMSELF AND WE SEND
9 IT THROUGH AN ACCOUNT THAT HAS BEEN MARKED N.S.F., WHAT
10 INFORMATION DID YOU HAVE, MR. KARNY, TO MAKE YOU BELIEVE THAT
11 IT WOULD THEN CLEAR?

12 A I DIDN'T HAVE ANY INFORMATION ABOUT THE ACCOUNT.

13 I TOLD YOU WHAT I HEARD, I TOLD YOU WHAT I DID.

14 THE COURT: DID YOU INITIATE THIS BUSINESS OF TRYING
15 TO SEND THE CHECK THROUGH ON ANOTHER CHECK?

16 THE WITNESS: NO, I DID NOT INITIATE THAT BUSINESS.

17 THE COURT: WHO DID?

18 THE WITNESS: JOE DID.

19 THE COURT: GO AHEAD.

20 MR. BARENS: YOUR HONOR HAS A POINT?

21 THE COURT: GO AHEAD, SURE, GO AHEAD.

22 YOU ARE ASKING HIM QUESTIONS AS IF HE WAS THE ONE
23 THAT INITIATED THE WHOLE THING AND IT IS HIS PLAN DOING IT
24 THAT WAY, THAT IS THE IMPRESSION YOU WANT TO LEAVE. BUT THAT
25 IS NOT THE CORRECT IMPRESSION.

26 MR. BARENS: YOUR HONOR, I BELIEVE TO CREATE THE
27 IMPRESSION I AM TRYING TO LEAVE IS THE JOB OF COUNSEL AT THIS
28 POINT.

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1 THE COURT: WELL, I AM ALSO THE COURT AND HERE TO SEE THAT
2 THE JURY GETS THE FACTS.

3 MR. BARENS: I DID NOT SUGGEST THAT HE INITIATED THIS,
4 YOUR HONOR.

5 THE COURT: WELL, YOU ARE SEEMING TO SO INDICATE; HOW
6 CAN YOU DO THIS AND THINGS LIKE THAT, ONCE IT CAME BACK
7 MARKED INSUFFICIENT FUNDS, HOW COULD YOU DRAW ANOTHER CHECK
8 AND THEN EXPECT THE CHECK TO GO THROUGH? YOU ARE ASKING HIM
9 THESE QUESTIONS AS IF HE WAS DOING ALL OF THESE THINGS.

10 MR. BARENS: QUITE SO. HE WAS A PARTICIPANT, YOUR HONOR.

11 THE COURT: WELL, TO THE EXTENT HE HAS BEEN A
12 PARTICIPANT, THEN HE WAS TRYING TO PRACTICE THE SIGNATURE.

13 MR. BARENS: QUITE SO. I AM JUST ASKING HIM ABOUT HIS
14 PARTICIPATION.

15 THE COURT: ALL RIGHT, LET'S GET ON, WILL YOU, PLEASE?

16 Q BY MR. BARENS: YOU TESTIFIED ABOUT MR. GRAHAM
17 SAYING THAT HE HAD SOME FRIENDS THAT WOULD ASSIST IN SOMEHOW
18 ACCESSING FUNDS IN LEVIN'S ACCOUNT; IS THAT TRUE?

19 A YES.

20 Q DID YOU EVER MEET ANY FRIENDS OF MR. GRAHAM'S THAT
21 MADE YOU BELIEVE THEY HAD ACCESS TO SWISS BANK ACCOUNTS?

22 A NO, I NEVER DID.

23 Q DID YOU BELIEVE THAT JIM GRAHAM HAD FRIENDS THAT
24 COULD ACCESS SWISS BANK ACCOUNTS?

25 MR. WAPNER: OBJECTION. RELEVANCE, WHAT HE BELIEVED.

26 MR. BARENS: WELL, HE HAS TESTIFIED TO ALL OF THIS.

27 I AM ASKING HIM IF HE BELIEVED WHAT HE SAID.

28 THE COURT: GO AHEAD. IF YOU CAN ANSWER THAT QUESTION,

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1 ANSWER IT.

2 THE WITNESS: I BELIEVED WHAT HE SAID.

3 Q BY MR. BARENS: ALL RIGHT. AND WHAT BASIS IN FACT
4 DID YOU HAVE UPON WHICH YOU CONSTRUCTED YOUR BELIEF?

5 A BECAUSE JOE APPEARED TO BELIEVE IT.

6 Q AND THEREFORE, IF JOE HUNT BELIEVED IT, YOU
7 BELIEVED IT?

8 A THAT'S RIGHT.

9 Q TO YOUR KNOWLEDGE, DID JIM GRAHAM SEEM TO KNOW
10 ANYTHING ABOUT ACCOUNTING OR THE BANKING SYSTEM?

11 A I NEVER DISCUSSED IT WITH HIM.

12 Q TO YOUR KNOWLEDGE, DID HE KNOW ANYTHING ABOUT THOSE
13 MATTERS?

14 A TO MY KNOWLEDGE?

15 I DON'T HAVE ANY KNOWLEDGE ABOUT IT.

16 Q WHEN YOU BECAME AWARE OF THE CHECK BEING
17 NONSUFFICIENT FUNDS, DID YOU EVER GO BACK TO THE WORLD TRADE
18 BANK TO PICK UP THE CHECK?

19 A DID I PERSONALLY?

20 Q YES, SIR.

21 A NO.

22 Q DID ANYONE FROM THE BBC, TO YOUR KNOWLEDGE, GO
23 AND SECURE THE CHECK?

24 A I THINK SO.

25 Q WHO WAS THAT, MR. KARNY?

26 A I DON'T REMEMBER.

27 Q WHY DO YOU THINK SO, THEN?

28 A BECAUSE I KNOW THAT WE GOT THE CHECK BACK BUT I

1 DON'T KNOW WHO WENT AND GOT IT.

2 Q WHEN DID YOU GET THE CHECK BACK?

3 A I DON'T RECALL.

4 Q WHERE WAS JOE WHEN YOU GOT THE CHECK BACK?

5 A I DON'T KNOW.

6 I DON'T REMEMBER WHERE I WAS.

7 I DON'T REMEMBER WHERE HE WAS.

8 Q WHEN YOU GOT THE CHECK BACK, DID YOU SEE IT?

9 A AT SOME POINT, I THINK I DID.

10 Q WHEN WAS THAT?

11 A I DON'T HAVE A SPECIFIC RECOLLECTION.

12 Q AND WHAT DID YOU DO WITH THE CHECK? AND WHEN I
13 SAY YOU, I MEAN YOU COLLECTIVELY AT THE BBC, WHAT DID YOU DO
14 WITH THE CHECK WHEN YOU GOT IT BACK?

15 A I DON'T KNOW WHAT WAS DONE WITH IT.

16 Q DID YOU EVER DISCUSS WITH ANYONE WHAT WAS DONE
17 WITH IT?

18 A I DON'T THINK SO.

19 Q DID YOU DISCUSS WITH ANYONE TAKING THE CHECK OUT
20 OF CIRCULATION ONCE IT WAS RECOVERED?

21 A NO.

22 Q WERE YOU CONCERNED OR DID YOU DISCUSS WITH ANYONE
23 CONCERNED THAT IT MIGHT LOOK SUSPICIOUS TO PUT A NEW FORGED
24 CHECK OF LEVIN'S IN FOR COLLECTION AFTER HE HAD ALLEGEDLY
25 DISAPPEARED?

26 A I THINK THERE WAS SOME CONCERN ABOUT THAT.

27 Q AND WHAT WAS SAID TO YOU IN THAT REGARD?

28 A I DON'T REMEMBER.

1 WE WERE SORT OF TAKING IT ONE DAY AT A TIME AT
2 THAT POINT AND THE FIRST THING TO DO WAS TO CHECK THE MAILBOX
3 TO SEE IF THE CHECKS ARRIVED. WHAT WAS GOING TO HAPPEN AFTER
4 THAT WASN'T CLEAR.

5 Q YOU TESTIFIED EARLIER THAT JOE HUNT APPEARED TO
6 GO TO SOME CONSIDERABLE EFFORT TO LEAVE CLUES OR SUGGESTIONS
7 THAT HIS LAST CONTACT WITH LEVIN HAD BEEN A LEGITIMATE ONE;
8 IS THAT NOT CORRECT?

9 A YES.

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1 Q AND I BELIEVE YOU ALSO DESCRIBED FOR THE COURT,
2 THAT LATER ON, HUNT HAD A LECTURE WITH YOU ABOUT THE CONCEPT
3 OF REASONABLE DOUBT. IS THAT NOT CORRECT?

4 MR. WAPNER: OBJECTION, MISSTATES THE EVIDENCE AS TO
5 THE WORD "LECTURE".

6 Q BY MR. BARENS: A DISCUSSION, THEN?

7 THE COURT: DID MR. HUNT DISCUSS WITH YOU -- EXPLAIN
8 ANYTHING ABOUT REASONABLE DOUBT OR SOMETHING LIKE THAT?

9 THE WITNESS: IT WAS A DISCUSSION ABOUT REASONABLE
10 DOUBT INSOFAR AS THAT A REASONABLE DOUBT WOULD BE CREATED
11 BY ALL THE ITEMS THAT HAD BEEN PLANTED AND THE HINTS THAT
12 HAD BEEN DROPPED AND THE INFERENCES THAT HAD BEEN MADE.

13 Q BY MR. BARENS: I BELIEVE THE ANSWER TO MY
14 QUESTION IS YES?

15 A YES.

16 Q HOW DID YOU GENTLEMEN PROPOSE TO EXPLAIN A
17 SECOND CHECK SIGNED IN A DIFFERENT PLACE THAN THE FIRST CHECK
18 WAS?

19 MR. WAPNER: OBJECTION, MISSTATING THE EVIDENCE, THAT
20 THIS WITNESS PROPOSED IT.

21 THE COURT: SUSTAINED.

22 Q BY MR. BARENS: WAS THERE ANY DISCUSSION --

23 THE COURT: DID MR. HUNT HAVE ANY DISCUSSION WITH YOU,
24 SPECIFICALLY?

25 THE WITNESS: I DON'T REMEMBER ANY DISCUSSION ABOUT
26 IT.

27 Q BY MR. BARENS: WELL, TO YOUR KNOWLEDGE, THE
28 ONLY SUPPORT THERE WAS IN TERMS OF THE DOCUMENTS YOU HAVE

1 SAID THAT WERE LEFT, WAS SUPPORT FOR A 6/6/84 CHECK, ISN'T
2 THAT CORRECT?

3 A TO MY KNOWLEDGE, I GUESS SO. YEAH.

4 Q NOW, THE 6/6/84 CHECK THAT HAD BEEN SHOWN ABOUT
5 TO EVERYONE, THIS IS WHAT YOU SPOKE TO HUNT ABOUT UP IN THE
6 OFFICES, HADN'T YOU?

7 A YES.

8 Q NOW, WHAT PLAN WAS DISCUSSED WITH YOU ON HOW
9 YOU WERE GOING TO EXPLAIN OR MR. HUNT WAS GOING TO EXPLAIN
10 A NEW CHECK?

11 A I DON'T REMEMBER.

12 Q ANY DISCUSSION ABOUT THAT, MR. KARNY?

13 A NO. I DON'T.

14 Q NOW MR. KARNY, YOU SAW THAT THE BANK HAD SOME
15 QUESTIONS ABOUT THE -- OR A QUESTION AT LEAST, ABOUT THE
16 SIGNATURE ON THE CHECK THAT WAS SUBMITTED TO THEM, ISN'T
17 THAT TRUE?

18 A DID I SEE --

19 Q I JUST SHOWED YOU, ACTUALLY. LANGUAGE OR WORDS
20 WHERE THE BANK SAID THE SIGNATURE WAS MISSING?

21 A YES.

22 Q AND HAD YOU EVER HEARD THE BANK WAS QUESTIONING
23 THE SIGNATURE AS BEING IRREGULAR?

24 A YES. I HEARD THAT.

25 Q WELL, WEREN'T YOU PRACTICING AT THE WILSHIRE
26 MANNING ON THIS SAME SIGNATURE THAT THE BANK SAID WAS
27 IRREGULAR?

28 A YES.

1 Q COULD YOU EXPLAIN TO ME WHAT YOU WERE TOLD YOU
2 WOULD ACCOMPLISH BY PRACTICING THE SAME SIGNATURE THAT HAD
3 BEEN DISHONORED?

4 A WELL, WHAT JOE TOLD ME WAS THAT THROUGH JIM'S
5 CONTACTS, HE HAD LEARNED THAT THE SIGNATURE THAT RON SIGNED
6 ON THE CHECK, WAS SIGNED IN THE WRONG PLACE. THERE WAS A
7 SPECIFIC INSTRUCTION ON THE ACCOUNT THAT CHECKS SHOULD BE
8 SIGNED ON ONE PORTION OF THE CHECK IN ORDER TO BE LEGITIMATE
9 AND IF THEY WERE SIGNED ANYWHERE ELSE, THAT WOULD NOT BE
10 LEGITIMATE. SO IT IS NOT SO MUCH THE SIGNATURE THAT I WAS
11 TOLD WAS IRREGULAR, AS THE PLACE WHERE THE CHECK WAS SIGNED.

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1 Q SO, THE THOUGHT WAS DISCUSSED WITH YOU, TO TENDER
2 THROUGH A NEW CHECK SIGNED IN A DIFFERENT PLACE?

3 A THAT WAS WHAT WAS DISCUSSED, RIGHT.

4 Q AND THAT CHECK WOULD BE DIFFERENT THAN THE CHECKS
5 YOU HAD COPIES OF AT THE BBC OFFICE?

6 A WHICH CHECK?

7 Q MR. KARNY?

8 A I AM NOT SURE WHICH CHECK YOU ARE TALKING ABOUT.

9 Q WELL, HE HAD SHOWN YOU A CHECK OF A MILLION,
10 FIVE HUNDRED THOUSAND DOLLARS AROUND JUNE 7TH, HAD HE NOT?

11 A YES.

12 Q NOW, THE NEW CHECK THAT WAS GOING TO BE PUT
13 THROUGH, WAS GOING TO BE THE SAME CHECK OR A NEW CHECK?

14 A A DIFFERENT CHECK.

15 Q OKAY. THAT CHECK WAS GOING TO BE SIGNED IN A
16 DIFFERENT PLACE?

17 A RIGHT.

18 Q NOW, I SHOW YOU A XEROX WHICH I REPRESENT TO
19 THE COURT, IS A XEROX OF THE MILLION FIVE CHECK --

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

21 THE COURT: YES.

22 (PAUSE.)

23 THE COURT: ALL OF THOSE EXHIBITS SHOULD BE RETURNED
24 TO THE CLERK. IF YOU NEED ANY IN THE FUTURE, YOU CAN GO
25 TO HER FOR THEM. TAKE ALL THOSE EXHIBITS BACK, WILL YOU
26 PLEASE?

27 MR. BARENS: WELL, WE NEED THEM AS I GO THROUGH IT,
28 JUDGE.

1 THE COURT: THEN ASK FOR IT HERE. I WANT TO BE SURE
2 THE EXHIBITS REMAIN WITH THE CLERK.

3 MR. BARENS: WELL, BOTH SIDES HAVE BEEN PILING UP THE
4 EXHIBITS WE NEED FOR THE TESTIMONY.

5 THE COURT: LEAVE IT WITH THE CLERK. IF THERE IS ANY-
6 THING YOU NEED, SHE WILL GIVE IT TO YOU .

7 MR. BARENS: I PRESUME THAT IS A BILATERAL INSTRUCTION?

8 THE COURT: YES, IT IS. I WANT TO BE SURE ALL OF THE
9 EXHIBITS ARE PRESENT AT ALL TIMES.

10 (PAUSE.)

11 Q BY MR. BARENS: TO MAKE THIS AS SIMPLE AS
12 POSSIBLE, I AM SHOWING YOU PEOPLE'S 57 AND ABOVE IT I HAVE
13 XEROXED, WHICH I HAVE SHOWN MR. WAPNER. COULD YOU WITH THIS
14 RED PEN ON THE XEROX I HAVE PROVIDED HERE, SHOW ME WHERE
15 YOU DISCUSSED WITH MR. HUNT OR ANYONE ELSE, THE NEW SIGNATURE
16 WAS GOING TO BE MADE ON THE CHECK?

17 A I THINK IT WAS IN THE UPPER RIGHT-HAND CORNER.
18 I DON'T SPECIFICALLY -- I AM NOT SURE IF THAT WAS WHERE IT
19 IS.

20 Q COULD YOU JUST MARK FOR ME WITH THE PEN WHERE
21 YOU THINK IT WAS GOING TO BE DONE?

22 A I THINK IT WAS THERE (MARKING).

23 Q INDICATING AFTER THE Z IN A WORD WITH THE WORD
24 PLATZ.

25 YOUR HONOR MIGHT DO BETTER THAN I CAN. IT APPEARS
26 TO BE RATHAUSPLATZ WITH A Z.

27 THE WITNESS: I MARKED IT BECAUSE YOU ASKED ME TO MARK
28 IT WHERE IT OCCURS TO ME NOW. BUT I DON'T REALLY REMEMBER

1 EXACTLY WHERE I WAS TOLD THE PROPER PLACE TO SIGN THE CHECK
2 WAS.

3 MR. BARENS: WE WILL MARK THAT AS DEFENDANT'S NEXT,
4 YOUR HONOR, THIS XEROX WITH MR. KARNY'S X ON THE SPOT.

5 THE COURT: ALL RIGHT.
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1 THE COURT: HH.

2 MR. WAPNER: II.

3 THE COURT: HH WAS THE LAST ONE.

4 MR. BARENS: II.

5 Q MR. KARNY, ON PEOPLE'S 57, THAT IS ON THE XEROX
6 WHERE THE "R" IS PLACED THAT IS ON THERE NOW, THERE IS A LINE
7 THAT APPEARS TO BE LIKE A SIGNATURE LINE, WHERE IS THAT?

8 MR. WAPNER: "R" REFERRING TO THE SIGNATURE.

9 MR. BARENS: YES.

10 THE WITNESS: WHERE THE SIGNATURE IS NOW?

11 MR. BARENS: WAIT A MINUTE. WE CAN MAKE THIS SIMPLE.
12 I HAD ONE LEFT. LET'S SEE IF THIS IS IT. IT IS, ALL RIGHT.

13 Q WHAT I AM REFERRING TO, MR. KARNY, IS OVER HERE
14 WHERE WE SEE THE "R" SCRIPT, THERE APPEARS TO BE A SIGNATURE
15 LINE, DOES THERE NOT, SIR?

16 A YES.

17 Q ALL RIGHT, NOW HERE IS THAT P-L-A-T-Z WORD AND
18 TO THE RIGHT OF THAT, I BELIEVE ON DEFENDANT'S II, IS WHERE
19 YOU PLACED YOUR RED X, SIR?

20 A YES.

21 Q WE DO NOT FIND A SIGNATURE LINE OF ANY SORT, DO
22 WE, SIR, IN THAT AREA OF THIS CHECK, DO WE, SIR?

23 A I DON'T SEE ONE.

24 Q DID JOE HUNT DISCUSS WITH YOU THAT SINCE THE CHECK
25 IN QUESTION WAS RETURNED N.S.F. ON THE FIRST OCCASION, THAT
26 THERE PROBABLY WAS LESS THAN ONE POINT FIVE MILLION DOLLARS
27 IN THE ACCOUNT?

28 A HE DIDN'T DISCUSS IT WITH ME.

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1 Q DID YOU DISCUSS THAT TYPE OF A CONCEPT WITH ANYONE
2 OR DID ANYONE DISCUSS THAT TYPE OF A CONCEPT WITH YOU?

3 A NO.

4 Q WAS THERE EVER A DISCUSSION THAT YOU HEARD ABOUT
5 CONCERNING ABOUT HOW MUCH MONEY WAS OR WAS NOT IN THE ACCOUNT
6 AT ALL?

7 THE COURT: ACCOUNT AT WHAT?

8 MR. BARENS: AT ALL.

9 THE COURT: I THINK HE DID TESTIFY ABOUT A MILLION
10 SEVEN HUNDRED THOUSAND DOLLARS ALREADY, DIDN'T HE?

11 THE WITNESS: THAT'S RIGHT.

12 MR. BARENS: RIGHT. AND NOW I AM ASKING --

13 Q YOU THOUGHT THERE WAS PERHAPS MORE THAN ONE FIVE
14 IN THE ACCOUNT?

15 THE COURT: THE TESTIMONY WAS THAT MR. HUNT TOLD HIM
16 THAT WHEN HE WAS OVER AT LEVIN'S, LEVIN SAID HE HAD A MILLION
17 SEVEN HUNDRED THOUSAND DOLLARS, SO HE DECIDED TO MAKE IT
18 A MILLION FIVE HUNDRED THOUSAND DOLLARS; AM I CORRECT ABOUT
19 THAT?

20 MR. BARENS: YES, QUITE SO.

21 THE COURT: THERE WAS A TIME WHEN THE AMOUNT WAS IN
22 EXCESS.

23 MR. BARENS: WHERE I AM AT, YOUR HONOR, NOW THAT WE KNOW
24 THAT WE HAVE ONE FIVE COMES BACK, I AM WONDERING IF THERE WAS
25 SOME SENSE IF THEY COULD PASS ONE FOR SOMETHING LESS THAN
26 ONE FIVE.

27 THE COURT: NO, THERE WASN'T.

28 MR. WAPNER: THERE WASN'T.

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1 Q BY MR. BARENS: ALL RIGHT, GENTLEMEN, I WILL NOW
2 ASK YOU, WAS THERE EVER A DISCUSSION --

3 THE COURT: BY WHOM?

4 MR. BARENS: BY ANYONE IN THE WORLD THAT HE IS AWARE
5 OF.

6 Q WAS THERE EVER AN ATTEMPT TO PASS A CHECK FOR LESS
7 THAN ONE FIVE?

8 THE COURT: HOW WOULD HE KNOW THAT, ANYBODY IN THE WORLD?

9 MR. BARENS: THAT HE SPOKE TO. HE KNOWS WHO IN THE WORLD
10 HE SPOKE TO.

11 THE COURT: ALL RIGHT.

12 THE WITNESS: I DIDN'T SPEAK TO ANYBODY ABOUT CASHING
13 A CHECK ON RON LEVIN'S ACCOUNT FOR LESS THAN THAT, NO.

14 Q BY MR. BARENS: WAS IT YOUR SENSE THEN THAT THIS
15 PURPORTED SECOND CHECK THAT WAS GOING TO BE FLOATED UP, SO
16 TO SPEAK, WAS GOING TO BE FOR ONE FIVE?

17 A WAS THAT MY SENSE?

18 Q YES.

19 A THAT WAS MY SENSE, YES.

20 Q OKAY. THAT IS WHAT YOU PRESUMED?

21 A I DON'T REALLY REMEMBER THINKING ABOUT IT AT ALL.
22 AS I TOLD YOU, WE WERE WAITING FOR THE CHECKS TO
23 ARRIVE AND DISCUSSION OF HOW MUCH THE SECOND WAS GOING TO BE
24 MADE OUT FOR WAS -- THERE WAS NO DISCUSSION ABOUT IT.

25 FIRST THINGS FIRST.

26 Q ALL RIGHT. WAS THERE ANY DISCUSSION GIVEN AT ALL
27 EITHER TO YOU OR ANY DISCUSSION YOU OVERHEARD OR HEARD ABOUT
28 AS TO HOW A SUBSEQUENT DRAFT WAS GOING TO BE EXPLAINED?

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1 A NOT THAT I CAN REMEMBER.

2 MR. BARENS: A MOMENT, YOUR HONOR. MAY WE JUST HAVE
3 A MOMENT, YOUR HONOR?

4 THE COURT: SURELY.

5 (UNREPORTED COLLOQUY BETWEEN MR. BARENS
6 AND MR. CHIER AND THE DEFENDANT.)

7 Q BY MR. BARENS: ALL RIGHT. WHAT WAS THE GENERAL
8 REASON THAT MR. PITTMAN WAS GOING TO NEW YORK AFTER 6-6, WHAT
9 WAS THAT ABOUT AGAIN?

10 A TO MAKE IT LOOK LIKE RON LEVIN HAD GONE THERE.

11 Q AND BY THE WAY, DID GRAHAM EVER TELL YOU HE HAD
12 A PRIVATE INVESTIGATOR'S LICENSE?

13 A I DON'T REMEMBER IF HE EVER TOLD ME THAT.

14 Q DID HE EVER SHOW YOU ONE?

15 A NOT THAT I CAN REMEMBER.

16 Q AND WAS IT TO BE A PART OF THIS, PART OF THE PLAN
17 THAT JIM GRAHAM WOULD USE RON LEVIN'S CREDIT CARDS TO RENT
18 THE ROOM?

19 A I THINK SO.

20 IN THE DISCUSSION THAT I HAD, IT WASN'T SPECIFIED --
21 NOT TOO MUCH WAS SPECIFIED OTHER THAN THAT IT WAS SUPPOSED
22 TO LOOK LIKE RON LEVIN HAD GONE THERE AND THAT ONE POSSIBILITY
23 IS THAT HIS I.D. WAS GOING TO BE LEFT THERE LIKE IN A BAR OR
24 IN A BATHROOM OR SOMETHING LIKE THAT.

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1 Q DID JOE DISCUSS WITH YOU OR DID SOMEONE ELSE
2 DISCUSS WITH YOU PERHAPS, THE CONCEPT OF LEAVING A PAPER
3 TRIAL TO MAKE IT LOOK LIKE RON LEVIN HAD BEEN IN NEW YORK?

4 A THAT WAS THE IDEA.

5 Q A PART OF THAT IDEA WOULD BE -- YOU KNOW WHAT
6 I MEAN BY THE EXPRESSION "A PAPER TRIAL"?

7 A YES, I DO.

8 Q ALL RIGHT. WAS THERE DISCUSSION WITH GRAHAM
9 BY EITHER YOURSELF OR HUNT, ABOUT PRACTICING BY GRAHAM TO
10 FORGE LEVIN'S SIGNATURE SO THAT WHEN HE CHECKED INTO THE
11 HOTEL, THE SIGNATURE WOULD LOOK LIKE LEVIN'S?

12 A NO TALK ABOUT IT.

13 Q THAT WAS NOT PLANNED, TO YOUR KNOWLEDGE?

14 A JIM FORGING RON'S SIGNATURE?

15 Q YES.

16 A NO.

17 Q ALL RIGHT. AND WAS IT PART OF THE PLAN THAT
18 PITTMAN WOULD WRITE DOWN LEVIN'S CORRECT ADDRESS WHEN HE
19 REGISTERED AT THE HOTEL, SO THAT IT WOULD LOOK LIKE LEVIN
20 HAD BEEN THERE?

21 A AS I TOLD YOU, THERE WAS NO SPECIFIC DISCUSSION
22 OF WHAT JIM WAS GOING TO DO, OTHER THAN WHAT I TOLD YOU.

23 Q WELL, IF PART OF THE PLAN WAS TO HAVE BEEN A
24 PAPER TRIAL, WAS PART OF THE PLAN TO MAKE THE PAPER TRIAL
25 REALLY LOOK LIKE LEVIN HAD BEEN THERE?

26 A I SUPPOSE SO.

27 Q AND WOULDN'T YOU SUPPOSE MR. KARNY, THAT GRAHAM
28 WOULD AT LEAST, GET THE ADDRESS RIGHT WHERE LEVIN LIVED IN

1 LOS ANGELES?

2 A I DON'T KNOW. I DIDN'T REALLY DISCUSS THAT.

3 Q I SEE. AND YOU ARE SURE THAT THERE WAS NEVER
4 ANY TIME AT LEAST THAT YOU SAW OR HEARD ABOUT, WHERE LEVIN
5 PRACTICED -- SORRY, WHERE GRAHAM PRACTICED RON LEVIN'S
6 SIGNATURE?

7 A NOT THAT I SAW OR HEARD ABOUT.

8 Q DID JOE SAY THAT JIM HAD LEVIN'S WALLET?

9 A I THINK HE DID SAY THAT.

10 Q COULD JIM NOT HAVE GOTTEN LEVIN'S CORRECT
11 ADDRESS FROM HIS WALLET?

12 MR. WAPNER: OBJECTION. CALLING FOR SPECULATION AND
13 CONCLUSION ON THE PART OF THIS WITNESS.

14 THE COURT: SUSTAINED.

15 Q BY MR. BARENS: DO YOU KEEP YOUR CORRECT ADDRESS
16 IN YOUR WALLET?

17 MR. WAPNER: OBJECTION, RELEVANCE.

18 THE COURT: DID HE SUGGEST THAT QUESTION?

19 MR. BARENS: QUITE SO.

20 THE COURT: OBJECTION SUSTAINED.

21 MR. WAPNER: IS THE RULING THE SAME REGARDLESS OF WHO
22 IT CAME FROM?

23 THE COURT: THAT'S RIGHT.

24 MR. BARENS: WELL, I AM GLAD IT WAS HIS QUESTION, JUDGE.
25 ALL RIGHT.

26 Q DO YOU KNOW WHETHER JIM GRAHAM HAD A BUSINESS
27 CARD OF RON LEVIN'S WHEN HE WENT TO NEW YORK?

28 A I DON'T KNOW.

1 Q DID JOE TELL YOU THAT JIM PITTMAN TOOK A LIMOUSINE
2 DRIVER IN NEW YORK TO DINNER WITH JIM AND HIS SON?

3 A NO. HE DIDN'T TELL ME THAT.

4 Q DID JOE TELL YOU THAT JIM HAD A LIMOUSINE DRIVER
5 TAKE HIM TO VISIT RELATIVES OF HIS IN NEW YORK CITY?

6 A NO. HE DIDN'T.

7 Q DID JIM TELL YOU THAT?

8 A NO. I DON'T THINK HE DID, EITHER.

9 Q HE DIDN'T TELL YOU THAT HE HAD VISITED HIS MOTHER
10 AND SOME OTHER FRIENDS WHILE HE WAS IN NEW YORK?

11 MR. WAPNER: OBJECTION, ASSUMING FACTS NOT IN EVIDENCE.

12 MR. BARENS: I AM ASKING IF HE TOLD HIM THAT.

13 THE COURT: WELL, WHAT IS THE IMPORTANCE OF THAT?

14 MR. BARENS: WELL, YOU KNOW WHAT THE IMPORTANCE IS,
15 YOUR HONOR.

16 THE COURT: I THINK THE IMPORTANCE IS THAT IT HAS NO
17 IMPORTANCE.

18 MR. BARENS: NOW YOUR HONOR, IF HE IS IMPERSONATING
19 MR. LEVIN IN NEW YORK --

20 MR. WAPNER: CAN WE STOP ARGUMENTS IN FRONT OF THE
21 JURY?

22 THE COURT: LET'S GO ON, WILL YOU PLEASE?

23 MR. BARENS: WELL, PERHAPS IT WAS RON'S MOTHER.

24 Q DID JIM TELL YOU HE HIRED A LIMOUSINE DRIVER?

25 A I DON'T REMEMBER.

26 Q YOU ARE NOT SURE?

27 A I AM NOT SURE.

28 THE COURT: WELL, DO YOU KNOW THAT PART OF THE CHARGES

1 AT THE PLAZA HOTEL WAS A VERY SUBSTANTIAL SUM, FOR ABOUT
2 \$800, FOR HIRING A LIMOUSINE?

3 THE WITNESS: NO. I DIDN'T KNOW THAT.

4 THE COURT: ALL RIGHT.

5 Q BY MR. BARENS: IF THE IDEA WAS TO HAVE IT SO
6 THAT IT WOULD APPEAR THAT GRAHAM IN THE PERSONAGE OF LEVIN
7 HAD BEEN IN NEW YORK, WHY WAS IT PART OF THE PLAN THAT JIM
8 STAY IN NEW YORK FOR FIVE DAYS?

9 A I DON'T KNOW. I DON'T KNOW IF THAT WAS PART
10 OF THE PLAN. ALL I KNOW -- WELL, GO AHEAD.

11 ASK A QUESTION. SORRY.
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1 Q THANK YOU. DID YOU OR JOE EVER DISCUSS THE FACT
2 THAT A BLACK PERSON OF JIM'S SIZE AND APPEARANCE COULD BE
3 EASILY REMEMBERED BY HOTEL PERSONNEL AND THE LIMOUSINE DRIVER?

4 A NO. WE NEVER DISCUSSED THAT.

5 Q DID YOU AND JIM HAVE ANY DISCUSSION THAT A PERSON
6 OF MR. GRAHAM'S APPEARANCE, MIGHT HAVE DIFFICULTY IN IM-
7 PERSONATING A FORTYISH JEWISH FELLOW --

8 THE COURT: YOU CAN ARGUE THAT TO THE JURY.

9 MR. WAPNER: OBJECTION, ASSUMES FACTS NOT IN EVIDENCE.

10 THE COURT: I SUSTAIN THE OBJECTION.

11 MR. BARENS: I AM ASKING HIM IF THEY DISCUSSED IT IN
12 THE PLAN.

13 THE COURT: IN THE FORM OF "DID YOU DISCUSS ANYTHING"
14 YOU CANNOT BRING THIS UP. WE KNOW WHAT YOUR PURPOSE IS.
15 THE OBJECTION IS SUSTAINED.

16 MR. BARENS: WHO IS "WE"?

17 THE COURT: THE WORLD AND I.

18 MR. BARENS: YOU KNOW? I DON'T KNOW. IF I THOUGHT
19 I SAW A DIFFERENT -- WELL, WE WILL LEAVE IT AT THAT.

20 THE COURT: LET'S GET ON. ARGUE THIS TO THE JURY LATER.

21 MR. BARENS: ACTUALLY JUDGE, I WOULD LIKE TO APPROACH
22 ON IT. I BELIEVE THAT I CAN ASK HIM ABOUT PLANNING.

23 THE COURT: NO. GO AHEAD, PLEASE. GO ON.

24 MR. BARENS: JUST A MOMENT.

25 (PAUSE.)

26 Q BY MR. BARENS: MR. KARNY, WAS IT PART OF THE
27 PLAN FOR GRAHAM TO CALL HIS WIFE FROM THE PHONE IN HIS ROOM?

28 MR. WAPNER: OBJECTION, ASSUMES FACTS NOT IN EVIDENCE.

1 THE COURT: SUSTAINED.

2 MR. BARENS: WELL, LET'S GET THE TELEPHONE RECORDS.
3 THAT IS THE ONLY WAY I CAN DO IT, JUDGE.

4 JUDGE, WE KNOW WHAT IS ON THE TELEPHONE RECORDS --

5 THE COURT: LET'S GET ON WITH IT, PLEASE. UNDER THE
6 GUISE OF "WAS IT A PART OF THE PLAN," YOU ARE ARGUING YOUR
7 ENTIRE CASE.

8 NOW, LET'S STAY AWAY FROM THAT, WILL YOU PLEASE?
9 YOU CAN ARGUE IT LATER TO THE JURY, AS LONG AS YOU LIKE.

10 MR. BARENS: WE HAVE A SIXTH AMENDMENT ISSUE I WOULD
11 LIKE TO APPROACH ON.

12 THE COURT: NO. YOU DON'T HAVE TO APPROACH. JUST
13 GET ON WITH IT.

14 I AM ADMONISHING YOU NOT TO, IN THE GUISE OF
15 QUESTIONS OF THE KIND THAT YOU ARE, TO ARGUE TO THE JURY
16 SOMETHING THAT SHOULD BE ARGUED TO THEM AT THE CONCLUSION
17 OF THE CASE.

18 MR. BARENS: YOUR HONOR, HOW CAN I KNOW? YOU HAVE
19 NEVER --

20 THE COURT: YOU KNOW EXACTLY WHAT I MEAN. LET'S GET
21 ON. WILL YOU?

22 MR. BARENS: I WOULD LIKE TO APPROACH. I DON'T WANT
23 TO BE CONTENTIOUS, JUDGE, BUT --

24 THE COURT: WELL, THANK YOU.

25 MR. BARENS: JUDGE, I HAVE THE RIGHT OF CROSS-EXAMINATION
26 AND --

27 THE COURT: YES. YOU SURE HAVE. YOU HAVE TO MAKE
28 IT CROSS-EXAMINATION, NOT ARGUMENT.

1 MR. BARENS: I AM DOING IT --

2 THE COURT: NO, NO. YOU ARE ARGUING IT.

3 MR. BARENS: JUDGE, THEY ASKED UNTOLD, "DID YOU DISCUSS,"
4 QUESTIONS OF THIS WITNESS AND --

5 THE COURT: UNDER THE GUISE OF, "DID YOU DISCUSS,"
6 YOU ARE ARGUING YOUR ENTIRE CASE WITH THE JURY. NOW, LET'S
7 GET ON WITH IT.

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1 Q BY MR. BARENS: MR. KARNY, WAS MR. GRAHAM SUPPOSED
2 TO CALL EITHER THE WILSHIRE MANNING OR THE BBC OFFICES TO REPORT
3 WHAT WAS GOING ON IN NEW YORK CITY?

4 A I DON'T KNOW.

5 Q ALL RIGHT. YOU DIDN'T HEAR ANY PLANNING INVOLVING
6 THAT?

7 A NO, I DIDN'T.

8 MR. BARENS: I NEED AN EXHIBIT, JUDGE.

9 HE SAVES ME STEPS ACTUALLY.

10 THE COURT: LET YOUR ASSISTANT THERE GET THE EXHIBIT
11 FOR YOU, IF YOU WOULD.

12 MR. BARENS: MR. CHIER IS OVER THERE DOING IT.

13 THE COURT: DON'T SEND THE DEFENDANT FOR IT.

14 MR. BARENS: OKAY. JUDGE, IT IS EASIER FOR BOTH SIDES
15 TO KEEP THE EXHIBITS ON COUNSEL TABLE, IT SAVES TIME.

16 THE COURT: SHE IS RESPONSIBLE FOR THE EXHIBITS.

17 MR. BARENS: OKAY. COULD I HAVE 80?

18 THE DEFENDANT: 80 AND 95.

19 Q BY MR. BARENS: MR. KARNY, YOU TESTIFIED THAT THE
20 MICROGENESIS AGREEMENT, WHICH CONSISTS OF 80 AND 95, WHICH
21 WE HAVE SHOWN YOU EARLIER, AND I WILL PUT ON COUNSEL TABLE
22 BECAUSE I AM SURE IT WILL ASSIST YOU IN THIS ANSWER --

23 THE COURT: COUNSEL TABLE?

24 MR. BARENS: I AM SORRY. THE WITNESS BOX, WITNESS TABLE.

25 Q WAS THAT PUT TOGETHER AS A CUT AND PASTE OPERATION?

26 MR. WAPNER: YOUR HONOR, I WANT TO OBJECT ONLY TO THE
27 FORM OF THE QUESTION IN THE SENSE THAT HE HAS SHOWN HIM TWO
28 DIFFERENT EXHIBITS.

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1 Q BY MR. BARENS: THE ORIGINAL, WHICH IS 95 AND
2 FORGET THE SECOND ONE, MR. KARNY, FORGET 80.

3 A WHAT I MEANT WHEN I SAID THAT, I TAKE IT YOU ARE
4 REFERRING TO SOMETHING I SAID BEFORE THIS?

5 Q I AM REFERRING TO YOUR WORDS, SIR.

6 A YES, THAT IS WHAT I THOUGHT.

7 WHAT I MEAN WAS THAT CERTAIN ELEMENTS OF A CONTRACT
8 THAT HAD EXISTED PREVIOUSLY WERE TAKEN SO THAT THE FORMAT WOULD
9 HAVE SOMETHING TO REFER BACK TO IN TERMS OF --

10 THE COURT: IN OTHER WORDS, IT WAS NOT A CUT AND PASTE
11 BUSINESS, WAS IT?

12 THE WITNESS: WELL, I CALLED IT THAT BUT WHAT I MEANT
13 WAS SOME OF THE ELEMENTS OF THE PRIOR AGREEMENTS WERE
14 INCORPORATED INTO THIS ONE SO IT WOULD SHOW SOME CONTINUITY
15 OF ITS STYLE OF TRANSACTION.

16 Q BY MR. BARENS: WHAT PREVIOUS AGREEMENT COULD YOU
17 HAVE BEEN REFERRING TO THAT WAS INCORPORATED INTO THIS ONE,
18 MR. KARNY?

19 A WELL, I WAS TALKING ABOUT THE IDEA OF AN AGREEMENT
20 BETWEEN US AND MICHAEL DOW AND HIS GROUP OF ASSOCIATES.

21 Q I SHOW YOU, MR. KARNY, WHAT WILL NOW BECOME JJ,
22 WHICH IS THE DOW AGREEMENT; DO YOU REMEMBER THAT?

23 A THERE WERE -- LET'S SEE.

24 Q AND I START WITH THE LAST PAGE TO SEE WHOSE
25 AGREEMENT IT IS.

26 A YES, BUT THIS WHOLE SITUATION, I THINK, WENT THROUGH
27 KIND OF A TRANSFORMATION.

28 THERE WERE A NUMBER OF DIFFERENT PRELIMINARY

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AGREEMENTS, THINGS THAT WE WROTE AND THEN THEY SENT US BACK
SOMETHING DIFFERENT AND THERE WAS A WHOLE BUNCH OF DIFFERENT
LANGUAGE.

A-1 1 Q WHY DON'T WE TALK ABOUT THE ONE THAT IS IN FRONT
2 OF YOU, MR. KARNY.

3 A OKAY.

4 Q MR. KARNY, IS THAT AN AGREEMENT BETWEEN CYCLATRONICS
5 OF NORTH AMERICA AND THAT LATER ON BECAME WHO, MR. KARNY?

6 A MICORGENESIS OF NORTH AMERICA.

7 Q AND IS THIS AN AGREEMENT BETWEEN THAT GROUP AND
8 GOLD SUN LIMITED?

9 A THAT IS WHAT IT SAYS.

10 Q AND DOES THAT INVOLVE MR. DOW?

11 A I THINK SO, YES.

12 THE COURT: ARE YOU REFERRING TO SOME OTHER DRAFTS AND
13 NOT THAT ONE FROM WHICH YOU GOT THE LANGUAGE THAT YOU USED
14 IN THE MICROGENESIS AGREEMENT?

15 THE WITNESS: YOU KNOW, IT WAS SO LONG AGO, I DON'T
16 REMEMBER. WE HAD A LOT OF DIFFERENT DRAFTS AND A LOT OF
17 DIFFERENT FORMATS.

18 AND I REMEMBER WHEN I SAW JOE DRAFTING THIS
19 AGREEMENT, WE DISCUSSED THAT IT WOULD IN SOME WAY ECHO THESE
20 PRIOR AGREEMENTS.

21 I DON'T REMEMBER WHICH DRAFT I SAW IN FRONT OF
22 HIM AND I THINK HE WAS EDITING FROM A PRIOR DRAFT.

23 Q BY MR. BARENS: WELL, ALL I HAVE THIS OUT FOR,
24 AND MY QUESTION TO YOU, MR. KARNY, IS JUST SHOW ME WHERE IN
25 THE DOW AGREEMENT YOU FIND LANGUAGE THAT IS SOMEHOW REITERATED
26 IN THE MICROGENESIS AGREEMENT CONSTITUTING EXHIBIT 95.

27 MR. WAPNER: THE DOW AGREEMENT, REFERRING ONLY TO THE
28 AGREEMENT THAT HE HAS MARKED, THE PIECE OF PAPER --

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1 MR. BARENS: JJ.

2 MR. WAPNER: -- THAT HAS BEEN MARKED AS JJ?

3 THE COURT: BUT HE HAS TESTIFIED THERE WERE OTHER DRAFTS.

4 MR. BARENS: HE HAS TESTIFIED HE IS NOT SURE WHICH WAS
5 WHICH, JUDGE.

6 NOW ALL I AM ASKING HIM TO DO, YOUR HONOR, IS I
7 HAVE A --

8 THE COURT: WOULD YOU ADMIT THERE IS DUPLICATED LANGUAGE
9 IN THE MICROGENESIS AGREEMENT AND IN THE FINAL DRAFT OF THE
10 DOW AGREEMENT SO WE DON'T HAVE TO PURSUE THIS MUCH LONGER AND
11 WASTE A LOT OF TIME?

12 MR. WAPNER: I HAVEN'T SEEN IT.

13 MR. BARENS: NOT ONLY DON'T WE ADMIT IT, BUT THE
14 OPPOSITE IS TRUE. YOU CAN'T FIND THIS IN THE OTHER AGREEMENT.

15 THE COURT: WHERE ARE THE OTHER AGREEMENTS?

16 HE IS TALKING ABOUT THE OTHER DRAFTS.

17 MR. BARENS: I CULLED OUT THE ONLY DOCUMENT I COULD,
18 AS A LAWYER, BETWEEN SUN AND THESE OTHER PEOPLE.

19 THE COURT: HE SAID THERE WERE A NUMBER OF OTHER
20 DRAFTS FROM WHICH THIS LANGUAGE WAS TAKEN.

21 MR. BARENS: YOUR HONOR, THAT IS NOT WHAT HE SAID.

22 THE COURT: DID YOU SAY THERE WERE A NUMBER OF OTHER
23 DRAFTS?

24 THE WITNESS: YES, THAT IS WHAT I SAID.

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1 THE COURT: AND THAT YOU SAW HUNT, WORKING ON, FROM WHICH
2 HE COPIED LANGUAGE? IS THAT WHAT YOU ARE TELLING US?

3 THE WITNESS: YES. SEE, I HAVE IN MY MEMORY, SOME VERY
4 SHORT AGREEMENTS. AND I AM GOING TO HAVE TO READ THIS AND
5 WHATEVER OTHER ONES THERE ARE, TO REMEMBER EXACTLY WHAT IT
6 WAS THAT I SAW HIM USING AS A MODEL FOR THIS AGREEMENT. IT
7 HAS BEEN THREE OR FOUR YEARS. I DON'T REMEMBER.

8 Q BY MR. BARENS: WELL, I WILL SHOW YOU A SHORT
9 AGREEMENT, TOO. ACTUALLY, I JUST HAPPEN TO HAVE IT.

10 ALL RIGHT. I WILL SHOW YOU ANOTHER THING. LET
11 ME, WHILE I AM HERE, MARK SOME OF THIS.

12 THIS LONG ONE WE'LL CALL JJ. AND THE SHORT ONE
13 WE'LL CALL KK.

14 IN KK, IS THAT AGREEMENT HERE ON GOLD SUN LIMITED
15 STATIONERY OR AT LEAST, THAT IS THE LETTERHEAD AT THE TOP?

16 A YES.

17 Q AND THE OTHER PART IT REFERRED TO IN THE AGREEMENT,
18 AS IT IS ADDRESSED TO, IS?

19 A JOE HUNT.

20 Q AND WHAT IS RIGHT BELOW JOE HUNT?

21 A CYCLATRONICS OF NORTH AMERICA.

22 Q ALL RIGHT. NOW, I AM ASKING YOU SIR, WHEN YOU
23 COMPARE AND CONTRAST -- AND PERHAPS YOU COULD DO THIS DURING
24 THE BREAK, KK AND JJ, ALONG WITH 95, JUST TO SHOW ME WHERE
25 95 INCORPORATES LANGUAGE FOUND IN EITHER OF THESE, EITHER THE
26 LONG ONE OR THE SHORT ONE, BETWEEN THOSE PARTIES.

27 DO YOU WANT TO TAKE A BREAK NOW, JUDGE?

28 THE COURT: YES. WE'LL TAKE A BREAK.

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1 MR. BARENS: ALL RIGHT.

2 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE'LL TAKE
3 A 15-MINUTE BREAK AT THIS TIME.

4 THE SAME ADMONITION I HAVE BEEN GIVING YOU STILL
5 APPLIES.

6 (THE JURY EXITS THE COURTROOM AND THE
7 FOLLOWING PROCEEDINGS WERE HELD AT THE
8 BENCH:)

9 THE COURT: MAYBE I AM GETTING CONFUSED. YOU TELL ME
10 WHAT THE POINT IS OF ALL THIS.

11 MR. BARENS: I AM DOING TWO THINGS. I AM SPECIFICALLY
12 IMPEACHING MR. KARNY'S TESTIMONY, IF POSSIBLE, AND I AM --

13 THE COURT: OF WHAT? IN WHAT WAY IS IT IMPEACHING HIM?

14 MR. BARENS: WELL, WHEN HE TESTIFIED FOR INSTANCE, LET'S
15 TAKE THE LAST DOCUMENT --

16 THE COURT: I DON'T CARE ABOUT THE LAST DOCUMENT. I
17 AM TALKING ABOUT THE MICROGENESIS AGREEMENT. YOU ARE ASKING
18 HIM WHERE HUNT GOT THAT. IN WHAT WAY IS THAT MATERIAL TO THE
19 FACTS OF THE CASE?

20 MR. BARENS: SURE. HE IS SAYING THAT THE MICROGENESIS
21 AGREEMENT TAKEN TO LEVIN WAS REALLY NOT TAILORED FOR LEVIN
22 BUT RATHER, WAS A BYPRODUCT OF SOME LANGUAGE THAT HAD BEEN
23 GRAFTED OUT OF PRIOR AGREEMENTS. THE IMPLICATION BEING, THERE
24 IS NOTHING SPECIAL ABOUT THE LEVIN ONE, WE ARE JUST CREATING
25 ANYTHING WE CAN.

26 BUT, TO VALIDATE THAT, HE MADE REFERENCE IN EARLIER
27 TESTIMONY THAT IT WAS TAKEN FROM A DOW AGREEMENT. HE DIDN'T
28 SAY AGREEMENTS, LAST TIME AROUND.

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1 BUT THIS TIME AROUND, WE NOW HEAR ABOUT A LONG
2 ONE AND A SHORT ONE AND I AM SAYING THAT THIS WAS JUST NOT
3 TRUE.

4 THE COURT: WELL, SUPPOSE IT ISN'T TRUE? WHAT IS THE
5 MATERIALITY OF IT?

6 MR. BARENS: THE MATERIALITY IS SIR, THAT THE AGREEMENT
7 PRESENTED TO MR. LEVIN WAS THE PRODUCT OF A PARTICULARIZED
8 AGREEMENT NEGOTIATED WITH MR. LEVIN, PREPARED BY MR. EISENBERG.

9 THE COURT: GO AHEAD. I HAVE HEARD ALL I WANT TO HEAR
10 ABOUT THIS.

11 (RECESS.)

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

4 MR. BARENS: COULD WE APPROACH?

5 THE COURT: YES.

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

8 THE COURT: ALL RIGHT.

9 MR. BARENS: YOUR HONOR, IT REPRESENTS, I BELIEVE,
10 AN INCONVENIENCE FOR BOTH SIDES NOT TO HAVE, AS WE HAVE DONE
11 IN THE PAST, THE EXHIBITS ON THE COUNSEL TABLE.

12 THE COURT: I WANT TO BE SURE THAT THEY ARE NOT LOST
13 OR ALTERED IN ANY WAY.

14 MR. BARENS: WELL, YOUR HONOR, I CAN ASSURE YOU THAT
15 I HAVE AT ALL TIMES, AND SO HAS MR. CHIER --

16 THE COURT: I WILL TAKE YOUR WORD FOR IT AS FAR AS YOU
17 ARE CONCERNED AND THAT IS AS FAR AS I WILL GO.

18 MR. BARENS: THE THING I AM GOING TO DO, REALLY WHAT
19 I AM GOING TO, WHEN I DO HUNT BEFORE THE JURY, I HAVE TO
20 GO BACK TO JUST LIKE TONS OF EXHIBITS AND I AM GOING TO GO
21 CRAZY RUNNING BACK AND FORTH WITH DIANE FOR THE EXHIBITS.

22 I HAVE REPRESENTED TO THE COURT, AND ALL ALONG,
23 I HAVE HUNT ASSISTING ME THROUGHOUT IN THIS CASE, SEEING
24 AS I DON'T KNOW HOW TO USE A COMPUTER, AND I WOULD LIKE
25 PERMISSION AND I WILL USE EVERY SAFEGUARD I POSSIBLY CAN
26 TO DO THAT.

27 THE COURT: WELL, I WILL MAKE YOU PERSONALLY RESPONSIBLE.
28 THEY WILL BE ALL THE TIME IN YOUR CUSTODY AND NOBODY ELSE'S.

1 MR. BARENS: YES. I WANT YOUR HONOR TO CONSIDER --

2 THE COURT: YOUR CUSTODY AND NOBODY ELSE'S.

3 MR. BARENS: YOUR HONOR, I WANT YOU TO CONSIDER THAT --

4 THE COURT: YES. THE COURT HAS. AND THE DEFENDANT
5 IS NOT AT ALL TO TOUCH THEM. ALTHOUGH PURPORTEDLY, YOUR
6 ASSOCIATE IS --

7 MR. BARENS: YES, YOUR HONOR. I WANT YOU TO CONSIDER
8 THAT IF IT IS ON THE COUNSEL TABLE --

9 THE COURT: IT HAS GOT TO BE IN FRONT OF YOU SO SHE
10 CAN WATCH US ALL OF THE TIME.

11 MR. BARENS: ALL RIGHT. I WILL MAKE IT A POINT TO --

12 THE COURT: WELL, THE DEFENDANT HAS BEEN FOOLING AROUND
13 WITH THESE EXHIBITS ALL OF THE TIME. I AM LOOKING AT HIM.

14 SHE CAN'T WATCH HIM EVERY MINUTE OF THE TIME.

15 MR. BARENS: I CAN ASSURE YOUR HONOR THAT I HAVE NEVER
16 SEEN --

17 THE COURT: BUT YOU SHOULD HAVE THEM.

18 MR. BARENS: I HAVE NEVER SEEN ANY MOMENT WHEN I THOUGHT
19 THEY WERE BEING MISHANDLED AND --

20 THE COURT: YOU CAN HANDLE THEM. NOBODY ELSE.

21 MR. BARENS: ALL RIGHT. THANK YOU.

22 YOUR HONOR, THERE WOULD BE THE SAME COURTESY
23 EXTENDED TO MR. WAPNER, OF COURSE?

24 THE COURT: SURE.

25 MR. BARENS: THANK YOU.

26 THE COURT: WE BOTH TRUST HIM, DON'T WE?

27 MR. BARENS: QUITE SO, YOUR HONOR.

28 MR. WAPNER: THANK YOU.

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

3 THE COURT: YOU MAY PROCEED.

4 Q BY MR. BARENS: MR. KARNY, DID YOU HAVE A CHANCE
5 TO LOOK AT THE DOW AGREEMENTS? THE SHORT ONE AND THE LONG
6 ONE AND THE MICROGENESIS CONTRACT?

7 A I DID BRIEFLY, YES.

8 Q AND COULD YOU TELL ME WHERE ONE REFLECTS THE
9 OTHER?

10 A YES.

11 Q AND WHERE DOES THAT HAPPEN, SIR?

12 A IT IS THE WHOLE IDEA OF THE TRANSACTION IN THE
13 SHORT, ONE-PAGE AGREEMENT THAT YOU GAVE ME, IT DISCUSSES
14 THERE WHERE A NON-REFUNDABLE OPTION --

15 THE COURT: DO YOU WANT TO LISTEN TO HIM?

16 MR. BARENS: YES. I HEARD WHAT HE SAID, SIR. "NON-
17 REFUNDABLE OPTION," I THINK WERE YOUR WORDS.

18 THE WITNESS: EXCUSE ME. A NON-REFUNDABLE PAYMENT
19 WILL BE MADE IN ORDER TO GET THE RIGHT OR THE OPTION TO --
20 WELL, IT IS NOT IN FRONT OF ME RIGHT NOW.

21 THE POINT BEHIND IT WAS, THAT MONEY WOULD BE
22 PAID FOR THE RIGHT TO DO SOMETHING. BUT IN ORDER TO ACTUALLY
23 DO THAT, ADDITIONAL MONEY WOULD HAVE TO BE PAID.

24 WHEN MICHAEL DOW AND HIS ASSOCIATES PAID \$150,000
25 IT DIDN'T ENTITLE THEM TO DO ANYTHING OTHER THAN TO PAY AN
26 ADDITIONAL SUM OF MONEY, SO THAT THEY COULD ACTUALLY GET
27 WHAT THEY WANTED. LIKewise IN THE AGREEMENT, IN THE AGREE-
28 MENT --

1 THE COURT: MICROGENESIS?

2 THE WITNESS: THE MICROGENESIS AGREEMENT, THERE IS
3 A SUM OF A MILLION AND A HALF DOLLARS THAT IS PAID. BUT
4 IT IS ONLY UPON PAYMENT OF THE ADDITIONAL \$7 MILLION THAT
5 RON LEVIN CAN ACTUALLY DO ANYTHING, SUPPOSEDLY.

6 SO THE POINT WAS, THAT IT WAS A WAY OF GETTING
7 MONEY BUT NOT HAVING TO DO ANYTHING IN RETURN FOR IT UNTIL
8 ADDITIONAL SUMS OF MONEY WAS PAID. THAT IS THE SIMILARITY
9 IN THE FORMAT.

10 Q BY MR. BARENS: I BELIEVE THAT YOU TOLD US MR.
11 KARNY, THAT THE CONCEPTS BETWEEN THE TWO DOCUMENTS BEAR
12 SIMILARITIES. IS THAT TRUE, MR. KARNY?

13 A THAT'S TRUE.

14 Q ALL RIGHT. WHAT I AM ASKING YOU MR. KARNY, IS,
15 GOING BACK TO YOUR WORDS "CUT AND PASTE," DO WE FIND THAT
16 IN THE AGREEMENT HERE, WHICH I THINK THE ONE YOU HAVE
17 DESCRIBED TO ME MR. KARNY, IS THE SHORT AGREEMENT WITH
18 MICHAEL DOW?

19 A YES.

20 MR. WAPNER: INDICATING KK?

21 MR. BARENS: RIGHT.

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1 Q BY MR. BARENS: DO YOU FIND IN HERE LANGUAGE THAT
2 WOULD BE CUT AND PASTE LANGUAGE?

3 PERHAPS, MR. KARNY, IF I COULD BACK UP.

4 WHEN YOU SAY "CUT AND PASTE," AS WE SAY IN LAW
5 SCHOOL, FOR INSTANCE, WHAT DO YOU MEAN BY THAT?

6 A WE DON'T SAY IT IN LAW SCHOOL.

7 Q YOU DON'T?

8 A IT IS A TERM I ACTUALLY USED FROM DEBATE.

9 Q OKAY, IN DEBATE THEN.

10 WHAT DO YOU MEAN BY "CUT AND PASTE," MR. KARNY?

11 A IT REFERRED TO CUTTING OUT A PORTION OF AN ARTICLE,
12 FOR EXAMPLE, TO BE USED AS EVIDENCE IN A DEBATE AND YOU PASTE
13 IT ON AN EVIDENCE CARD OR YOU TAKE PORTIONS OF TWO DIFFERENT
14 ARTICLES OR TWO DIFFERENT ARGUMENTS AND YOU PASTE THEM
15 TOGETHER AND THEN YOU USE THEM AS ONE.

16 AND WHEN I USED THE WORDS "CUT AND PASTE," I WASN'T
17 SO MUCH REFERRING TO THE LANGUAGE, ALTHOUGH THERE IS CERTAIN
18 LANGUAGE THAT IS SIMILAR, I THINK.

19 BUT I WAS REFERRING TO THE IDEA OF TAKING ONE
20 AGREEMENT AND DISTILLING FROM THAT AN IDEA AND USING IT IN
21 ANOTHER AGREEMENT.

22 Q CUT AND PASTE, TO YOUR KNOWLEDGE, MR. KARNY, CAN
23 ALSO MEAN IF WE ARE DRAFTING A CONTRACT THAT WE LIFT A STOCK
24 PROVISION OR A KEY SENTENCE FROM ONE DOCUMENT, PUT IT DOWN
25 AND THEN LIFT THAT VERBATIM INTO THE NEXT DOCUMENT?

26 A THAT'S RIGHT.

27 Q SIMILAR TO WHAT WE MIGHT DO IN CONTRACTS OR
28 PROVIDING OR PREPARING A REGISTRATION STATEMENT?

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1 A REGISTRATION STATEMENT?

2 Q LIKE IN REG. 1, S.E.C. REG. 1, ARE YOU FAMILIAR
3 WITH THAT?

4 A NO, I AM NOT.

5 Q IN YOUR TESTIMONY LAST WEEK, AT PAGE 10907, YOU
6 STATE -- AND YOU HAD BEEN REFERRING ABOVE TO THE MICHAEL DOW
7 CONTRACT -- YOU STATE:

8 "I THINK SOME OF IT WAS USED, SOME OF
9 IT WAS HANDWRITTEN NOTATIONS FORM AN OLD CONTRACT
10 FROM THE MICHAEL DOW TRANSACTION, SORT OF A CUT
11 AND PASTE JOB."

12 WHAT HANDWRITTEN NOTATIONS DO YOU FIND HERE?

13 A WHAT I AM TALKING ABOUT THERE IS WHEN I SAW JOE
14 COMPOSING WHAT ULTIMATELY BECAME THIS MICROGENSIS AGREEMENT,
15 I SAW THAT HE HAD THE MICHAEL DOW AGREEMENT OUT AND I SAW SOME
16 HANDWRITTEN NOTES BEYOND JUST THE TEXT OF WHAT IS WRITTEN HERE.
17 I JUST SAW SOME NOTES THERE AT THE SAME TIME.

18 (WITNESS INDICATING.)

19 Q YOU DON'T SEE ANY HANDWRITTEN MARGINALIA ON EITHER
20 OF THOSE TWO DOW AGREEMENTS, DO YOU?

21 A NO.

22 THESE ARE FINAL DRAFTS.

23 Q I SEE.

24 MR. KARNY, DO THE DOW AGREEMENTS REFER TO A
25 40 PERCENT CLAUSE, IN OTHER WORDS, THAT IF THERE IS A LACK
26 OF PERFORMANCE, THE HOLDER OF THE OPTION CAN ACQUIRE 40 PERCENT
27 OF THE STOCK OF THE OPTIONOR?

28 A I DON'T KNOW.

1 Q YOU DON'T KNOW?

2 A NO, I DON'T.

3 Q YOU DIDN'T FIND THAT WHEN YOU REVIEWED THE DOCUMENT,
4 DID YOU, SIR?

5 A NO, I DIDN'T.

6 Q WERE THERE ANY CLAUSES ABOUT COST OF GOODS SOLD,
7 AS YOU FIND IN THE MICROGENESIS AGREEMENT, IN THE DOW AGREEMENT
8 THAT YOU FOUND?

9 A NO.

10 Q DO YOU RECALL SEEING RON LEVIN ON JUNE 5, 1984
11 AT THE BBC OFFICES?

12 A I AM NOT POSITIVE IF IT WAS THAT DATE BUT I DO
13 RECALL SEEING HIM EITHER THE 6TH OR THE 5TH.

14 Q EITHER THE 6TH OR THE 5TH?

15 A YEAH, AT THE OFFICES.

16 Q WHO ELSE WAS IN THE OFFICE AT THAT TIME?

17 A I THINK -- WELL, JOE WAS THERE. I WAS THERE.
18 I THINK BEN WAS THERE AND I THINK JON ALLEN WAS THERE AND I
19 AM NOT SURE WHO ELSE.

20 I WAS JUST SITTING IN ONE PARTICULAR LOCATION OF
21 THE OFFICE.

22 Q WAS STEVE TAGLIANETTI THERE?

23 A I DON'T KNOW.

24 Q WAS MR. EISENBERG THERE?

25 A I DON'T KNOW.

26 Q YOU SAY JON ALLEN WAS THERE FOR SURE, THOUGH?

27 A I SAID I THINK SO. I AM NOT POSITIVE.

28 Q DID YOU GO TO LUNCH THAT DAY?

1 A I DON'T REMEMBER.

2 Q YOU WOULDN'T RECOLLECT, WOULD YOU, THAT YOU WERE
3 AT LUNCH WHEN MR. LEVIN CAME TO THE OFFICE ON THAT OCCASION
4 AND YOU WERE ONLY TOLD LATER THAT HE HAD BEEN THERE?

5 A NO.

6 I WAS THERE. I SAW HIM THERE.

7 Q AND WHAT DID YOU SEE HIM DOING?

8 A HE WALKED PAST ME AND SAID HI AND HE WAS JUST THERE
9 FOR A BRIEF VISIT.

10 Q WHEN HE WALKED PAST YOU AND SAID HI, WHERE WERE
11 YOU PHYSICALLY IN THE OFFICE, SIR?

12 A I THINK I WAS SITTING IN A PART OF THE OFFICE WHERE
13 THE COMPUTERS WERE LOCATED, KIND OF A LITTLE ALCOVE NEAR WHERE
14 THE SECRETARY WORKED.

15 Q NEAR WHERE LORIE LEIS WORKED?

16 A THAT'S RIGHT.

17 Q AND WHERE HAD MR. LEVIN -- DO YOU KNOW WHICH DOOR
18 HE EVIDENTLY CAME IN THROUGH AT THAT POINT?

19 A THE DOOR COMING OUT OF THE CONFERENCE ROOM.

20 Q AND THE LINE OF TRAVEL WOULD HAVE BEEN FROM THE
21 FRONT DOOR, ASSUMING HE HAD JUST ENTERED THE OFFICE THEN?

22 A I AM NOT SURE WHAT YOU ARE ASKING ME.

23 Q SIR, THERE WERE TWO DOORS THAT ACCESSED TO YOUR
24 OFFICE, WERE THERE NOT?

25 A THAT ACCESSED THE HALL INTO THE OFFICES, YES.

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1 Q THE ONE WHICH YOU MIGHT CALL THE FRONT DOOR AND
2 WHICH WAS MORE OF A REAR DOOR?

3 A YEAH. THAT'S RIGHT. IT IS JUST THAT THE ONE THAT
4 BECAME THE REAR DOOR, USED TO BE THE FRONT DOOR. SO I AM
5 GETTING A LITTLE CONFUSED.

6 Q AS OF JUNE 5, WHAT WE CALLED THE FRONT DOOR?

7 A OKAY.

8 Q DID IT APPEAR TO YOU THAT LEVIN HAD COME THROUGH
9 THAT DOOR?

10 A YES.

11 Q WHEN HE CAME THROUGH THE CONFERENCE ROOM, THEN
12 HE ENTERED AN AREA WHICH REALLY HOUSED OFFICES FOR YOURSELF,
13 MR. DOSTI AND MR. HUNT?

14 A YES.

15 Q WERE YOU IN THAT AREA WHEN HE CAME IN?

16 A I WAS IN THE OPEN AREA THAT IS OUTSIDE OF
17 JOE HUNT'S OFFICE. IT IS NOT ANYONE'S OFFICE IN PARTICULAR.

18 IT IS JUST AN OPEN AREA WHERE THE SECRETARY WORKED
19 AND WHERE WE HAD A COUCH AND WHERE THE COMPUTERS WERE SITTING.

20 Q AND WHEN HE CAME BY YOU ON THIS OCCASION, WAS HE
21 BY HIMSELF OR WITH SOMEONE?

22 A HE WAS WITH JOE.

23 Q AND WERE THEY THE ONLY TWO THAT APPEARED TO BE
24 TOGETHER?

25 A THAT I REMEMBER, YES.

26 Q ALL RIGHT. JUST TO MAKE SURE WHERE WE ARE HERE,
27 THIS IS DEFENDANT'S Z AS IN ZEBRA. MR. KARNY, COULD YOU SIR,
28 POINT TO THE JURY WHERE YOU WERE WHEN MR. LEVIN CAME IN?

1 A HERE.

2 Q OKAY. AND I NOTICE THAT THERE IS A BACK DOOR IN
3 THAT PICTURE, HERE?

4 A YES.

5 Q DID YOU ACTUALLY SEE HIM COMING THROUGH THIS DOOR
6 THAT I AM INDICATING THAT SEEMS TO ACCESS THE CONFERENCE ROOM
7 TO THE AREA YOU ARE DESCRIBING?

8 A YES.

9 Q SO, ALTHOUGH YOU ARE HERE, YOU SEE HIM APPROACH
10 THROUGH THIS DOOR?

11 A I DON'T KNOW IF I SAW HIM APPROACH THROUGH THE
12 DOOR. I JUST SAW HIM WHEN I WAS IN THAT ROOM AND HE CAME IN
13 FROM THE CONFERENCE ROOM.

14 Q ALONG WITH MR. HUNT?

15 A YEAH.

16 Q AND WAS THERE ANYONE ELSE PRESENT IN THIS AREA,
17 ASIDE FROM YOURSELF AND THE OTHER TWO GENTLEMEN YOU HAVE
18 DESCRIBED, HUNT AND LEVIN, AT THAT POINT?

19 A I AM NOT SURE. JON ALLEN MIGHT HAVE BEEN THERE
20 BUT I AM NOT POSITIVE.

21 Q DID HE HAVE AN OFFICE IN THIS AREA?

22 A NO.

23 Q WHERE WOULD HE HAVE AN OFFICE?

24 A HE DIDN'T REALLY HAVE AN OFFICE.

25 Q OKAY. WHERE WOULD HE DO HIS WORK?

26 A IT USUALLY DEPENDED. SOMETIMES IN THE SECTION
27 WHERE IT SAYS "LAW OFFICES."

28 Q UH-HUH.

1 A SOMETIMES WHERE IT SAYS "TOM AND DAVID'S OFFICE."

2 Q UH-HUH?

3 A BECAUSE THEY WERE OFTEN DOWN IN THE GARDENA PLANT
4 AND SO THEIR DESKS WERE USED BY OTHER PEOPLE.

5 Q WHEN MR. LEVIN CAME TO THE OFFICE ON THIS OCCASION,
6 WHERE DID HE GO AS HE WALKED PAST YOU?

7 A I THINK INTO JOE'S OFFICE.

8 Q DID THEY CLOSE THE DOOR?

9 A I DON'T REMEMBER.

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1 Q WHERE DID YOU GO?

2 A I THINK I STAYED WHERE I WAS.

3 Q AND DID YOU SEE HIM LEAVE?

4 A I DON'T REMEMBER.

5 Q WELL, DO YOU KNOW HOW LONG HE WAS THERE ON THAT
6 OCCASION?

7 A TO THE BEST OF MY RECOLLECTION, IT WAS A BRIEF
8 VISIT. I DON'T REMEMBER. I AM REPLAYING IN MY MIND EXACTLY
9 WHAT I SAW. I REMEMBER SEEING HIM COME IN BUT I DON'T HAVE
10 A SPECIFIC RECOLLECTION OF WHEN HE LEFT.

11 Q SO, HOW IS IT THAT YOU SAY IT WAS A BRIEF VISIT,
12 IF YOU DON'T KNOW WHEN HE LEFT?

13 A IT IS JUST MY SENSE, FROM WHAT I REMEMBER.

14 Q ALL RIGHT. IN TERMS OF JOE'S RELATIONSHIP WITH
15 LEVIN, WHEN JOE SAW THE SAVINGS PASSBOOKS THAT YOU REFERRED
16 TO IN EARLIER TESTIMONY, DID HE APPEAR TO YOU TO THINK THAT
17 THEY WERE REAL OR LEGITIMATE?

18 A YES. HE DID.

19 Q AND WHEN JOE SAW THESE SWISS CASHIER'S CHECKS OF
20 LEVIN'S DID HE THINK THOSE WERE REAL OR LEGITIMATE?

21 A YES. HE DID.

22 Q AND WHEN RON TOLD HIM THAT HE HAD PUT FIVE MILLION
23 DOLLARS INTO AN ACCOUNT AND LET JOE TRADE IT IN THE SUMMER
24 OF 1983, JOE BELIEVED THIS, DIDN'T HE?

25 A I THINK SO.

26 Q AND WHEN RON SAID THAT HE WOULD GIVE JOE
27 50 PERCENT OF THE PROFITS FROM THAT TRADING, JOE SEEMED TO
28 BELIEVE THAT TOO, DIDN'T HE?

1 A YES. HE DID.

2 Q AND WHEN RON TOLD JOE THAT HE HAD INVESTED THE
3 MONEY IN A SHOPPING CENTER, HUNT SEEMED TO BELIEVE THAT?

4 A YES. HE DID.

5 Q AND WHEN HE SAID THAT -- WHEN RON TOLD HIM THEY
6 WERE GOING TO GET A SHOPPING CENTER INTEREST WORTH THIRTEEN
7 MILLION DOLLARS AND THEN MAYBE THIRTY MILLION DOLLARS, HUNT
8 SEEMED TO BELIEVE THAT, TOO, DIDN'T HE?

9 A YES.

10 Q AND WHEN RON SAID THAT THE TRADING WASN'T REAL
11 BUT THAT HE GOT CREDIT OF ONE POINT FIVE MILLION EXTENDED FROM
12 OTHER SOURCES BECAUSE OF THIS STATEMENT THAT HE WAS ABLE TO
13 SHOW PEOPLE, JOE BELIEVED THAT TOO, DIDN'T HE?

14 A I THINK SO.

15 Q WHY DID JOE HUNT STOP BELIEVING RON LEVIN, IF HE
16 DID STOP BELIEVING HIM?

17 MR. WAPNER: OBJECTION, CALLING FOR SPECULATION.

18 Q BY MR. BARENS: IF YOU KNOW.

19 THE COURT: SUSTAINED.

20 Q BY MR. BARENS: TO THE EXTENT THAT YOU KNOW.

21 MR. WAPNER: SAME OBJECTION, CALLING FOR SPECULATION
22 ABOUT WHY SOMEBODY ELSE WOULD BELIEVE OR DO SOMETHING.

23 THE COURT: WELL, PUT IT IN THE FORM OF A QUESTION.
24 DIDN'T JOE TELL YOU --

25 MR. BARENS: QUITE SO.

26 THE COURT: GO AHEAD.

27 Q BY MR. BARENS: DID MR. HUNT EVER TELL YOU WHY
28 HE STOPPED BELIEVING RON LEVIN?

1 A HE DIDN'T ACTUALLY SAY THAT HE STOPPED BELIEVING
2 RON LEVIN. SO THEREFORE, HE DIDN'T EXACTLY TELL ME WHY HE
3 STOPPED.

4 Q DID YOU THINK THAT JOE HUNT SEEMED TO BE GULLIBLE
5 IN TERMS OF RON LEVIN?

6 A YEAH. HE DID. I THINK SO.

7 Q DID JOE HUNT HAVE A POOR MEMORY?

8 THE COURT: HAVE A WHAT?

9 Q BY MR. BARENS: DID JOE HUNT HAVE A POOR MEMORY?

10 THE COURT: DO YOU KNOW?

11 THE WITNESS: I DON'T KNOW ABOUT THE STATE OF HIS MEMORY.

12 Q BY MR. BARENS: DID YOU EVER OBSERVE HIM IN WHAT
13 YOU THOUGHT THAT HE WAS SOMEWHAT OF A FORGETFUL -- WAS HE
14 FORGETFUL OR WOULD YOUR ASSESSMENT BE THAT HE HAD A GOOD
15 MEMORY?

16 A I THINK HE HAD A GOOD MEMORY.

17 Q YOU TESTIFIED I BELIEVE THAT AT SOME POINT, HUNT
18 WENT BACK TO LEVIN'S APARTMENT AFTER 6-6-84?

19 A I THINK I TESTIFIED THAT HE TOLD ME HE HAD GONE
20 BACK.

21 Q YOU DIDN'T KNOW THAT AS A FACT?

22 A I DIDN'T GO WITH HIM. I JUST OPERATED ON WHAT
23 HE TOLD ME.

24 Q AND YOU WERE TOLD THAT HUNT DIDN'T HAVE THE DOOR
25 CODE ACCESS SCENARIO FOR THAT APARTMENT, DID HE?

26 A RIGHT.

27 Q DID HE TELL YOU THAT HE HAD GONE IN?

28 A YEAH. HE DID TELL ME THAT HE HAD GONE IN.

1 Q UH-HUH. AND DID YOU ASK HIM HOW HE WAS ABLE TO
2 ENTER WITHOUT HAVING THE CODE?

3 A NO. I DIDN'T. ALTHOUGH HE HAD TOLD ME THAT HE
4 HADN'T LOCKED THE PLACE BECAUSE HE DIDN'T HAVE THE CODE TO
5 LOCK IT OR GET IN.

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1 Q WHEN DID HE TELL YOU HE WENT BACK IN?

2 A ABOUT, OH, SOMETIME BEFORE THE END OF -- THE
3 END OF JUNE, I THINK.

4 Q AFTER THE 6-24 MEETING?

5 MR. WAPNER: OBJECTION AS VAGUE AS TO THE QUESTION,
6 ASKING WHEN DID HE GO BACK IN. WAS THIS AT THE SAME TIME
7 HE MADE IT OR WAS THE STATEMENT WHEN --

8 MR. BARENS: ALL RIGHT. I AM SURE HE DIDN'T UNDERSTAND
9 IT TO MEAN THAT.

10 THE COURT: THE QUESTION IS: WHEN DID HE TELL YOU
11 HE WENT BACK THERE?

12 THE WITNESS: THE WAY I ANSWERED IT AND THE THE WAY
13 I UNDERSTOOD THE QUESTION IS NOT WHEN DID HE PHYSICALLY TELL
14 ME OR WHEN DID HE TELL ME WHEN HE HAD PHYSICALLY GONE IN;
15 IS THAT CORRECT?

16 MR. BARENS: WE ARE GOING TO THE SAME QUESTION AND
17 ANSWER HERE.

18 THE WITNESS: IT WAS WITHIN A FEW WEEKS OF THE 6TH,
19 AND I DON'T REMEMBER IF IT WAS BEFORE OR AFTER THE MEETING
20 OF THE 24TH, IF YOU WANT TO CALL IT THAT.

21 Q BY MR. BARENS: IS IT YOUR TESTIMONY THAT
22 APPARENTLY HUNT FORGOT THE SEVEN PAGES WE HAVE TESTIFIED
23 ABOUT AT LEVIN'S?

24 A THAT WAS APPARENT TO ME.

25 Q IT IS YOUR STATEMENT THAT IT WAS APPARENT TO
26 YOU, YES, BUT WAS IT APPARENT TO YOU THAT HE HAD FORGOTTEN
27 THE SEVEN PAGES?

28 MR. WAPNER: OBJECTION AS TO TIME.

1 Q BY MR. BARENS: OH, LET'S SAY PRIOR TO SEPTEMBER
2 1, 1984.

3 A PRIOR TO SEPTEMBER 1, 1984?

4 Q YES, SIR.

5 A IS THAT BEFORE JOE WAS ARRESTED FOR THE FIRST
6 TIME?

7 Q I AM ASKING YOU THE DATE, SIR.

8 A WELL, UNTIL JOE HAD BEEN ARRESTED, I DIDN'T KNOW --
9 I DIDN'T -- I DIDN'T KNOW ANYTHING ABOUT THE SEVEN PAGES
10 OTHER THAN WHAT I HAD SEEN ON THE NIGHT THAT WE HAD DISCUSSED
11 THEM.

12 Q WHEN DID YOU FIRST READ THE POLICE REPORT?

13 A I READ IT THE DAY THAT I GOT IT FROM JOE'S DAD,
14 WHICH WAS THE -- I THINK THE MIDDLE OF OCTOBER.

15 Q AND YOU HADN'T THOUGHT ABOUT THOSE SEVEN PAGES
16 AGAIN BETWEEN, SAY, 6-6-84 AND THAT DATE?

17 A I HAD, BECAUSE IN THE TIME BETWEEN JOE'S FIRST
18 ARREST AND THE SECOND ARREST, HE TOLD ME THAT HE HAD BEEN
19 CONFRONTED BY DETECTIVE ZOELLER WITH THOSE LISTS.

20 Q EXCUSE ME. BEFORE JOE'S ARREST THEN, TO GIVE
21 THAT A TIME FRAME?

22 A RIGHT.

23 Q HAD YOU EVER THOUGHT ABOUT THE SEVEN PAGES OR
24 HOW MANY PAGES, OR HOWEVER MANY YOU MAY HAVE THOUGHT THEY
25 WERE AT THAT POINT, BEFORE HIS FIRST ARREST?

26 A AND EXCLUDING THE TIME THAT I DISCUSSED THEM
27 WITH JOE?

28 Q YES, SIR.

1 A NO, I NEVER THOUGHT OF THEM.

2 Q IT HAD NEVER COME UP AS A TOPIC OF CONVERSATION
3 BETWEEN YOU AND MR. HUNT, HAD IT?

4 A NO.

5 Q AND JOE JUNT NEVER TOLD YOU PRIOR TO THAT TIME
6 THAT HE HAD LOST THEM, HAD HE?

7 A NO.

8 Q MR. KARNY, ARE YOU AFFLICTED WITH MEUNIERES
9 SYNDROME?

10 THE COURT REPORTER: REPEAT THAT.

11 MR. WAPNER: OBJECTION. RELEVANCE.

12 MR. BARENS: OH, WE WILL GET INTO IT.

13 THE COURT: SUSTAINED.

14 MR. WAPNER: MAY WE APPROACH THE BENCH?

15 THE COURT: YES.

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

19 MR. BARENS: M-E-U-N-I-E-R-E-S.

20 THE COURT: WHAT IS IT?

21 MR. BARENS: MY OFFER OF PROOF IS THAT: I BELIEVE
22 WE ARE ENTITLED IN CROSS-EXAMINATION TO INQUIRE INTO FALSE
23 TESTIMONY GIVEN UNDER OATH PREVIOUSLY; IS THAT NOT CORRECT,
24 YOUR HONOR?

25 THE COURT: LET'S GET ON, WILL YOU?

26 I WILL SUSTAIN THE OBJECTION.

27 MR. BARENS: SIR, IF I COULD MAKE AN OFFER OF PROOF.

28 THE COURT: I WILL SUSTAIN THE OBJECTION.

1 MR. BARENS: SIR, COULD I PLEASE CONTINUE FOR THE RECORD,
2 SIR?

3 THE OFFER OF PROOF IS THIS: THAT THE WITNESS
4 LIED UNDER OATH IN HIS DRAFT REGISTRATION -- OR HE DID NOT
5 LIE UNDER OATH -- BUT LIED CONCERNING HAVING THIS CONDITION
6 AS A REASON FOR NOT BEING INDUCTED IN THE MILITARY SERVICE.

7 MR. WAPNER: IT IS IMPEACHMENT ON A COLLATERAL MATTER.

8 THE COURT: I ASKED YOU WHAT MEUNIERES SYNDROME IS.

9 MR. BARENS: MAEUNIERES SYNDROME IS A TYPE OF DISEASE
10 ONE HAS AND THE SYMPTOMS OF IT ARE, YOUR HONOR, THAT IT AFFECTS
11 MEMORY, AFFECTS THE ABILITY TO PERCEIVE ACCURATELY. IT
12 AFFECTS THE ABILITY TO ARTICULATE THE PERCEPTION OF TRUTH
13 ACCURATELY.

14 THOSE ARE THE CHARACTERISTIC SYMPTOMS.

15 AND IT ALSO AFFECTS HEARING THE SPOKEN WORD.

16 THE COURT: SO FAR, HE HASN'T EXHIBITED DIFFICULTY
17 IN HEARING. SO FAR, HE HASN'T EXHIBITED ANY DIFFICULTY WITH
18 RESPECT TO RECOLLECTION. SO FAR, HE HASN'T EXHIBITED ANY-
19 THING WHICH YOU SAY CONSTITUTEDS THOSE SYMPTOMS.

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1 MR. WÄPNER: THE OFFER OF PROOF APPARENTLY IS GOING
2 TO BE THAT THEY HAVE SOME REGISTRATION FOR THE DRAFT THAT
3 THEY NOW WANT TO IMPEACH HIM WITH WHICH IS, FIRST OF ALL,
4 IMPEACHING ON A COLLATERAL MATTER.

5 AND SECOND OF ALL, IT IS IMPEACHMENT ON SPECIFIC
6 ACTS OF PRIOR CONDUCT THAT DON'T AMOUNT TO A FELONY
7 CONVICTION, WHICH THE EVIDENCE CODE SPECIFICALLY PROHIBITS.

8 THE COURT: I WILL SUSTAIN THE OBJECTION.

9 DON'T WASTE MY TIME WITH THIS. I WILL SUSTAIN
10 THE OBJECTION.

11 MR. BARENS: I DON'T MEAN TO WASTE YOUR TIME BUT I
12 BELIEVE YOU CAN IMPEACH WITH PRIOR ACTS OF PERJURY WHETHER
13 THEY ARE RELATED OR NOT.

14 THE COURT: I SAID I WILL SUSTAIN THE OBJECTION.

15 LET'S GET ON.

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

19 MR. BARENS: OBJECTION SUSTAINED AND WE WILL GET ON
20 TO ANOTHER TOPIC.

21 Q WHAT EXACTLY DID HUNT SAY TO YOU ABOUT THE TRUNK
22 LID BEING DAMAGED WHEN LEVIN WAS ALLEGEDLY TAKEN OUT OF HIS
23 HOUSE?

24 A HE TOLD ME THAT SINCE HE AND JIM WERE SO NERVOUS
25 AND PHYSICALLY EXHAUSTED FROM CARRYING RON OUT TO HIS CAR,
26 THAT THEY HAD SOME TROUBLE GETTING HIM INTO THE TRUNK OF
27 THE CAR AND THAT THE TRUNK HAD GOTTEN DAMAGED AT THE TIME
28 THEY TRIED TO SLAM IT SHUT.

1A-2

1 Q HOW WAS IT DAMAGED, MR. KARNY?

2 A AND HOW -- A DENT?

3 Q WHAT SORT OF A DENT?

4 A HE DIDN'T TELL ME SPECIFICALLY AT THE TIME,
5 ALTHOUGH I SAW THE DENT LATER.

6 Q WHAT DID THE DENT LOOK LIKE TO YOU?

7 A IT WAS A SMALL DENT, KIND OF NEAR THE MIDDLE
8 OF THE TRUNK, I THINK.

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1 Q I SEE. AND DID YOU BELIEVE THAT THAT DENT WAS
2 MADE BY MR. LEVIN?

3 A YES. I DID. THAT'S WHAT I WAS TOLD AND I BELIEVED
4 IT.

5 Q YOU REALIZED OF COURSE, THAT THE BBC CARS
6 FROM TIME TO TIME, WERE USED BY DIFFERENT PEOPLE THAT WORKED
7 AT THE BBC?

8 A YES. I REALIZED THAT.

9 Q AND THERE WAS NO LOG, AS FAR AS YOU KNOW, KEPT
10 ON WHO USED WHICH CAR ON WHICH OCCASION?

11 A NO, THERE WASN'T.

12 Q AND DID ANYBODY TAKE ANY CARE TO TRACK THE WEAR
13 AND TEAR ON THE CAR PROVIDED BY ANY PARTICULAR USER?

14 A NOT THAT I KNOW OF.

15 Q AND YOU TESTIFIED THAT A PHONE CALL CAME TO THE
16 BBC OFFICES FOR MR. PITTMAN WHILE HE WAS IN NEW YORK?

17 A YEAH.

18 Q AND WHEN WAS THE FIRST CALL?

19 A I GUESS ABOUT THE 10TH OR SO.

20 Q ABOUT THE 10TH?

21 A I AM -- THAT IS JUST -- YOU KNOW, I AM GIVING
22 YOU DATES WITHIN HOW MANY DAYS OF THE 6TH THAT I REMEMBER
23 THE OCCURRENCE. AND I THINK IT WAS ABOUT FIVE OR SIX DAYS
24 AFTER THAT.

25 Q COULD IT HAVE BEEN THE 11TH?

26 A IT COULD HAVE BEEN.

27 Q WHAT TIME DID THE CALL COME IN?

28 A I AM NOT POSITIVE.

1 Q WHAT IS YOUR BEST RECOLLECTION, SIR?

2 A SOMETIME DURING BUSINESS HOURS.

3 Q DID MR. HUNT GO TO NEW YORK ON THE 11TH?

4 A I AM NOT POSITIVE WHAT DATE HE WENT TO NEW YORK.

5 Q DID MR. HUNT GO TO NEW YORK?

6 A YES.

7 Q WHAT TIME OF THE DAY DID HE LEAVE?

8 A I DON'T KNOW.

9 Q DO YOU KNOW WHETHER IT WAS MORNING OR AFTERNOON?

10 A I AM AFRAID NOT.

11 Q DID YOU TAKE HIM TO THE AIRPORT?

12 A I DON'T THINK SO.

13 Q DO YOU KNOW HOW HE GOT TO THE AIRPORT?

14 A NO. I DON'T.

15 Q MR. KARNY, I SHOW YOU PEOPLE'S 176, REPRESENTING
16 LONG DISTANCE PHONE CALLS FROM NEW YORK CITY TO LOS ANGELES
17 TO THE NUMBER 658-5566. WHOSE PHONE NUMBER WAS THAT, TO
18 YOUR RECOLLECTION?

19 A I THINK THAT IS THE PHONE -- I AM NOT SURE. BUT
20 IF YOU WANT TO ASK ME WHAT PHONE I TOOK THE CALL ON, I CAN
21 ANSWER THAT.

22 I DON'T REMEMBER THAT NUMBER SPECIFICALLY.

23 Q YOU TOOK THE CALL, DID YOU NOT, SIR?

24 A YES, I DID.

25 Q THEN YOU TESTIFIED WHEN YOU TOOK THE CALL, YOU
26 GAVE THE CALL TO MR. HUNT?

27 A YEAH.

28 Q AND WAS THE PHONE NUMBER OVER THERE 658-5566?

1 A I DON'T REMEMBER RIGHT NOW.

2 Q OKAY. IN ANY EVENT, I SHOW YOU A PHONE RECORD
3 OF CALLS FROM NEW YORK CITY TO PHONE 658-5566.

4 AND THERE IS A DATE. AND WHAT IS THE FIRST DATE
5 THAT SHOWS ON THE LONG DISTANCE CALLS?

6 A I DON'T KNOW WHERE YOU ARE POINTING.

7 (PAUSE.)

8 THE WITNESS: 6/11, JUNE 11.

9 Q BY MR. BARENS: AND WHAT TIME DOES IT SHOW THE
10 CALL WAS MADE, SIR?

11 A 5:52 P.M.

12 Q IS THAT THE TIME THAT YOU TOOK THE FIRST CALL
13 FROM MR. GRAHAM FROM NEW YORK CITY?

14 A I AM NOT POSITIVE. I AM NOT SURE.

15 Q ALTHOUGH YOU ARE NOT POSITIVE, DOES THAT REFRESH
16 YOUR RECOLLECTION AT ALL AS TO WHEN THAT CAL MIGHT HAVE BEEN
17 RECEIVED BY YOURSELF, SIR?

18 A IT REALLY DOESN'T.

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1 Q ALL RIGHT. DID YOU LISTEN TO MR. HUNT'S END
2 OF THAT PHONE CONVERSATION?

3 A YES. I THINK I DID.

4 Q HOW MANY CALLS DID YOU TAKE FROM PITTMAN AT THE
5 OFFICE ON THAT OCCASION?

6 A ON THAT DAY?

7 Q YES, SIR.

8 A I JUST REMEMBER ONE. BUT I AM NOT SURE.

9 Q HOW ABOUT THE NEXT DAY? DID HE CALL THE NEXT
10 DAY?

11 A I DON'T REMEMBER.

12 Q DID YOU TAKE A CALL THE NEXT DAY?

13 A I DON'T REMEMBER.

14 Q DID YOU TAKE ANY CALLS FROM MR. GRAHAM AFTER
15 THE 11TH?

16 A I DON'T REMEMBER. I REMEMBER THE ONE CALL AND
17 I HANDED THE PHONE TO JOE.

18 THEN, I USED TO ANSWER THE PHONES SOMETIMES.
19 I DON'T REMEMBER TAKING ANY OTHER CALLS. BUT I DON'T REMEMBER
20 THAT I DIDN'T. I JUST DON'T REMEMBER.

21 Q DID YOU AT ANY TIME CALL MR. GRAHAM BACK?

22 A NO.

23 MR. BARENS: ONE MOMENT, YOUR HONOR.

24 (PAUSE.)

25 Q BY MR. BARENS: MR. KARNY, DURING YOUR TESTIMONY,
26 YOU DISCUSSED A CONVERSATION YOU HAD AS BETWEEN YOURSELF,
27 MR. LEVIN AND MR. HUNT ABOUT MICHAEL DOW. DO YOU RECALL
28 THAT TESTIMONY?

-5

1 A YES, I DO.

2 Q DO YOU RECALL THAT LEVIN IN THAT CONVERSATION
3 DESCRIBED HIM AS A FISH?

4 THE COURT: WHAT? I DIDN'T HEAR THAT.

5 MR. BARENS: THAT MR. LEVIN DESCRIBED DOW AS BEING
6 A FISH. I THOUGHT THAT WAS THE WORD USED BY THE WITNESS,
7 SIR.

8 THE COURT: ALL RIGHT.

9 THE WITNESS: I THINK THAT WAS THE WORD I USED.

10 Q BY MR. BARENS: IS THAT WHAT LEVIN SAID?

11 A I THINK THAT WAS WHAT HE SAID. BUT I AM NOT
12 POSITIVE.

13 THE MEANING OF WHAT HE SAYS WAS THAT HE WAS A
14 SUCKER. EXACTLY WHICH WORD HE USED, THAT IS THE ONE THAT
15 COMES TO MIND. BUT I AM NOT POSITIVE.

16 Q AND THE CLEAR IMPLICATION OF IT WAS THAT HE HAD
17 BEEN A SUCKER?

18 A YES.

19 Q WHAT DID YOU SAY WHEN LEVIN SAID THAT?

20 A I DON'T THINK I SAID ANYTHING.

21 Q WHAT DID JOE SAY WHEN LEVIN SAID THAT?

22 A I DON'T REMEMBER.

23 Q WAS THERE ANY DENIAL THAT HE WAS A SUCKER?

24 A NO. AS A MATTER OF FACT, AT THE TIME, JOE WAS
25 TRYING TO GIVE RON THE IMPRESSION THAT THE CYCLATRON WAS
26 A WORTHWHILE INVENTION.

27 AND IF RON HAD SUGGESTED THAT ANYONE WHO INVESTED
28 IN IT WAS SOME KIND OF A FOOL, JOE WAS TRYING TO DISSUADE

1 HIM OF THAT IDEA.

2 Q AND WHEN RON WENT ON TO SAY THAT HE COULD TAKE
3 A BUNCH OF MONEY OFF OF DOW OR WORDS TO THAT EFFECT IF HE
4 HAD ACCESS TO HIM, DID YOU GENTLEMEN PROTEST THAT KIND OF
5 TALK ON HIS PART?

6 A I DON'T THINK SO. I THINK IT WAS TAKEN AS A
7 JOKE OR WE LAUGHED ALONG WITH IT. I DON'T REALLY REMEMBER
8 ANY PROTEST IN PARTICULAR.

9 Q THERE WAS NO SENSE OF MORAL REVULSION DURING
10 THAT DISCUSSION ANY TIME, WAS THERE, MR. KARNY?

11 A I AM NOT SURE WHAT YOU MEAN BY "MORAL REVULSION."

12 Q IN OTHER WORDS, LEVIN WAS THE SORT OF A FELLOW
13 WHO COULD HAVE SOMEWHAT OF AN OFF-COLOR DISCUSSION WITH HUNT
14 AND HUNT WOULDN'T PROTEST?

15 MR. WAPNER: OBJECTION, VAGUE.

16 THE COURT: SUSTAINED.

17 MR. BARENS: WELL, TALKING ABOUT THE RELATIONSHIP BETWEEN
18 HUNT AND LEVIN, AT LEAST TO THE EXTENT YOU WERE FAMILIAR
19 WITH IT, SIR, WAS IT SUCH THAT LEVIN COULD SAY SOMETHING
20 ABOUT SCAMMING OR CONNING AND HUNT WUOLDN'T PROTEST THAT
21 TYPE OF DIALOGUE AS FAR AS YOU COULD OBSERVE, SIR?

22 A YES, AS FAR AS I COULD OBSERVE.
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1 Q THAT HUNT WOULD GO ALONG WITH THAT, WOULD HE, WHEN
2 HE TALKED TO HIM, HUMOR HIM?

3 A YEAH.

4 MR. WAPNER: OBJECTION. VAGUE AS TO TIME. HE IS ASKING
5 FOR A CONCLUSION AND HE IS ASKING HIM TO SUMMARIZE.

6 THE COURT: OBJECTION OVERRULED. GO ON TO THE NEXT
7 QUESTION.

8 MR. BARENS: I'M SORRY. I DIDN'T GET THE LAST ANSWER
9 TO THE LAST QUESTION.

10 THE COURT: HIS LAST ANSWER WAS YES.

11 Q BY MR. BARENS: YOUR ANSWER WAS THAT HUNT WOULD
12 SOMEHOW HUMOR HIM WITH THAT?

13 A IT SEEMED THAT WAY.

14 Q AND HUNT DIDN'T SEEM OR APPEAR AT ALL ABOVE HAVING
15 A DISCUSSION LIKE THAT?

16 A APPEAR ABOVE IT?

17 Q TALKING ABOUT SCAMMING OR CONNING?

18 MR. WAPNER: OBJECTION AS TOO VAGUE, YOUR HONOR, AND
19 ALSO CALLS FOR A CONCLUSION BY THE WITNESS AND IT ALSO CALLS
20 FOR SPECULATION ON THE PART OF THE WITNESS. LEADING.

21 THE COURT: ASK HIM IF HE CAN REMEMBER ANYTHING OF THAT.
22 ASK IF HE REMEMBERS ANY OF THAT.

23 MR. BARENS: I AM TRYING TO GET TO THAT, JUDGE.

24 Q WOULD HUNT HIMSELF IN TALKING WITH LEVIN, TALK
25 ABOUT CONNING OR SCAMMING?

26 A I DON'T HAVE ANY SPECIFIC RECOLLECTIONS OF IT.

27 BUT I DO REMEMBER VARIOUS TIMES WHEN RON LEVIN
28 WOULD DESCRIBE HOW HE HAD ACQUIRED CERTAIN OF HIS PROPERTY

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1 THROUGH MEANS OF A SCAM AND I REMEMBER HEARING ABOUT IT AND
2 I REMEMBER BEING TOLD ABOUT IT.

3 BUT SPECIFICALLY WHAT JOE WOULD SAY AT THOSE TIMES,
4 I REALLY DON'T REMEMBER.

5 Q BUT YOU ARE CONFIDENT THAT YOU RECALL THAT LEVIN
6 FELT FREE TO TALK ABOUT THAT TYPE OF A SUBJECT IN FRONT OF
7 HUNT?

8 A LEVIN TALKED ABOUT THAT SORT OF THING IN FRONT
9 OF EVERYONE. HE HAD THIS RUNNING JOKE ABOUT IF PEOPLE TOOK
10 AWAY ALL OF THE FURNITURE THAT HE ACQUIRED BY SCAM, THAT HE
11 WOULD HAVE NO FURNITURE AT ALL.

12 Q RIGHT --

13 A I MEAN IT WAS JUST LEVIN.

14 Q RIGHT. THERE WAS NOTHING ABOUT JOE HUNT, AS FAR
15 AS YOU COULD SEE, THAT WOULD KEEP LEVIN FROM TALKING THAT WAY
16 IN THE PRESENCE OF HUNT?

17 A NOT THAT I COULD SEE.

18 Q WHEN DID -- STRIKE THAT.

19 YOU TESTIFIED THAT AFTER FEBRUARY OF 1984 AND
20 BETWEEN MARCH OF 1984, THAT JOE HAD CONTINUED TO HAVE SOCIAL
21 CONTACT, AT LEAST, WITH LEVIN.

22 MR. WAPNER: OBJECTION. VAGUE. AFTER FEBRUARY AND
23 BETWEEN MARCH OF WHAT?

24 THE COURT: WHAT DOES THAT MEAN?

25 MR. BARENS: I AM SORRY?

26 THE COURT: REPHRASE YOUR QUESTION.

27 MR. BARENS: OKAY.

28 THE COURT: BETWEEN MARCH AND THEN YOU ONLY GAVE ONE

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1 DATE.

2 Q BY MR. BARENS: BETWEEN FEBRUARY AND MARCH OF 1984,
3 DID HUNT CONTINUE TO HAVE CONTACTS WITH LEVIN?

4 A I THINK SO.

5 Q AND YOU TESTIFIED THAT PEOPLE WERE WONDERING WHY
6 HUNT HAD THOSE CONTACTS WITH LEVIN, WAS THAT NOT YOUR
7 TESTIMONY?

8 A YES.

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1 Q WHICH PEOPLE WERE THOSE?

2 A I THINK IT WAS PEOPLE LIKE -- LIKE THE MAY BROTHERS
3 AND JEFF RAYMOND, PEOPLE WHO FELT KIND OF STUNG BY THE WHOLE
4 SITUATION THAT HAD TRANSPIRED BETWEEN RON AND JOE BEFORE.

5 Q AND WAS HUNT AWARE OF THEIR, LET'S SAY, CURIOSITY
6 OR SKEPTICISM, IF THAT BE THE CASE, ABOUT HUNT HAVING THOSE
7 CONTACTS WITH LEVIN?

8 A YEAH, I THINK HE WAS.

9 Q DID HE EVER SEEM EMBARRASSED ABOUT THAT?

10 A NO.

11 Q DID THEY EVER SAY ANYTHING, TO YOUR KNOWLEDGE,
12 OR AT LEAST THAT YOU OVERHEARD, IN CONJUNCTION WITH JOE HAVING
13 CONTACTS WITH LEVIN?

14 A WELL, AS I SAY, I HAD THE IMPRESSION THAT THEY
15 WERE WONDERING ABOUT IT AND I THINK IT WAS BECAUSE OF THINGS
16 THAT THEY SAID. I DON'T REMEMBER SPECIFICALLY WHAT THOSE
17 THINGS WERE.

18 Q BUT YOU DON'T RECALL ANY SPECIFIC CONVERSATIONS
19 WHERE ANY OF THE PEOPLE YOU TALKED ABOUT OR WHOSE NAMES YOU
20 JUST MENTIONED CONFRONTED JOE AND SAID, WHY ARE YOU SEEING
21 LEVIN OR HAVING CONTACT WITH LEVIN?

22 A NO, I DON'T.

23 Q WAS IT EVER THE TOPIC OF A BBC MEETING?

24 A I DON'T THINK SO.

25 MR. BARENS: JUST A MOMENT, YOUR HONOR, I AM JUST TRYING
26 TO REVIEW SOMETHING SO WE CAN FINISH OFF HERE.

27 THE COURT: ALL RIGHT.

28 (PAUSE IN PROCEEDINGS.)

1 Q BY MR. BARENS: BETWEEN JUNE 6TH AND JUNE 24, HAD
2 JEFF RAYMOND EVER BEEN TOLD ABOUT WHAT ALLEGEDLY HAPPENED AT
3 LEVIN'S HOUSE?

4 A NOT TO MY KNOWLEDGE.

5 Q HAD HIS GIRLFRIEND?

6 A NO.

7 Q HAD THERE BEEN ANY DISCUSSION WITH HIM, EITHER
8 OF THOSE PEOPLE, TO YOUR KNOWLEDGE, ABOUT CREATING AN ALIBI
9 FOR HUNT THAT HE WAS AT THE MOVIES THAT NIGHT WITH THEM?

10 A NOT TO MY KNOWLEDGE.

11 Q DID YOU EVER DISCUSS BETWEEN JUNE 6 AND JUNE 24
12 WITH ANYONE, ABOUT CREATING AN ALIBI FOR HUNT'S WHEREABOUTS
13 ON THAT NIGHT?

14 A BESIDES WITH JOE?

15 Q YOU MENTIONED A CONVERSATION, I BELIEVE THAT YOU
16 ARE INDICATING OCCURRED ON JUNE 6 ABOUT A CALL TO GO TO THE
17 MOVIES AND I AM ASKING YOU WERE THERE ANY OTHER PERSON
18 BETWEEN THAT TIME AND THE 6-24 MEETING, AND THAT IS THE
19 MEETING I AM SAYING OCCURRED ON THAT DATE, BETWEEN YOU AND
20 THE VARIETY OF OTHER PEOPLE, DID YOU DISCUSS WITH ANYONE
21 ALIBIING HUNT'S WHEREABOUTS BEFORE 6-24?

22 A I DON'T THINK SO.

23 Q WERE YOU AWARE THAT JOE HAD SUPPOSEDLY TOLD TOM
24 MAY PRIOR TO THE 6-24 MEETING THAT HE HAD KNOCKED OFF OR TAKEN
25 CARE OF LEVIN IN NEW YORK CITY?

26 A I WASN'T AWARE OF THAT.

27 Q YOU HAD NEVER HEARD ANYONE IN THE BBC SAY THAT
28 TOM MAY HAD HEARD THAT STORY PRIOR TO 6-24?

1 A I WAS PRESENT AT A CONVERSATION WHERE JOE TOLD
2 ME, TOM MAY WAS THERE, AND JOE TOLD ME "TOM KNOWS."

3 Q WHEN WAS THAT?

4 A THAT WAS THE WEEK JUST PRIOR TO THIS JUNE 24
5 MEETING AND IT WAS JUST -- JUST PRECEDENT TO US HAVING OUR
6 DISCUSSION ABOUT HOW WAS GOING TO COME TO THE MEETING BECAUSE
7 I --

8 Q AND --

9 A I AM SORRY.

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1 Q AND TOM WAS PRESENT WHEN THAT COMMENT WAS MADE?

2 A YEAH. I THINK SO.

3 Q AND DID YOU SAY ANYTHING TO TOM?

4 A WELL, OVER THE NEXT DAY OR SO, I THINK WE DISCUSSED
5 WHO WOULD BE AT THAT MEETING.

6 Q WAS TOM PART OF THE PLANNING FOR WHO WAS GOING
7 TO BE AT THE 6/24 MEETING?

8 A TO THE BEST OF MY RECOLLECTION HE WAS.

9 Q HE MADE SUGGESTIONS, DID HE, ABOUT WHO SHOULD
10 BE AT THE MEETING?

11 A I DON'T REMEMBER SPECIFICALLY WHAT HIS
12 PARTICIPATION WAS. BUT I REMEMBER WHAT HE TOLD US.

13 Q WHAT DID HE SAY ABOUT HIS BROTHER NOT BEING THERE
14 AS ONE OF THE SELECTED PERSONS?

15 A I REALLY DON'T REMEMBER.

16 Q DID HE SAY ANYTHING ABOUT IT?

17 A AS I SAY, I REALLY DON'T REMEMBER.

18 Q AND WASN'T IT YOUR IDEA PRIMARILY OR YOUR
19 INITIATIVE, MR. KARNY, TO HAVE THE 6/24 MEETING?

20 A YES. I THINK IT WAS.

21 Q AND COULD YOU TELL ME, SIR, WHY YOU WANTED TO
22 HAVE THE 6/24 MEETING?

23 A WELL, MY REASONING AT THE TIME, WAS THAT FOR
24 THE BBC, AS I ENVISIONED IT, TO CONTINUE TO FUNCTION AND
25 TO GROW, THAT THIS DISPARITY IN THE HIERARCHY BETWEEN THE
26 MEMBERS OF THE GROUP AS TO WHO KNEW WHAT, WAS GOING TO BE
27 A PROBLEM.

28 AND I FELT THAT THE MISTRUST OF SOME OF THE OTHER

1 GUYS THAT WEREN'T AWARE OF WHAT HAD HAPPENED TO RON LEVIN --
2 AND IT MADE ME VERY UNCOMFORTABLE. I JUST FELT THAT FOR
3 THE BENEFIT OF THE GROUP AND GIVEN MY UNDERSTANDING OF THE
4 PRINCIPLES THAT WE WERE OPERATING ACCORDING TO, THAT THIS
5 WAS THE BEST THING TO DO.

6 Q AND DID YOU THINK THAT ALL OF THE PEOPLE THAT
7 YOU HAD SUGGESTED GO TO THAT MEETING, WERE TRUSTWORTHY?

8 A I DID.

9 Q AND YOU DIDN'T THINK ANY OF THE PEOPLE THAT WERE
10 INVITED TO THAT MEETING WOULD NEED TO BE THREATENED, DID
11 YOU?

12 A IT DIDN'T OCCUR TO ME.

13 Q IT DID NOT OCCUR TO YOU?

14 A NO.

15 Q ALL RIGHT. AND MR. KARNY, WHAT DID YOU SAY AT
16 THE MEETING?

17 A AT WHICH MEETING?

18 Q 6/24?

19 A I DON'T REMEMBER EXACTLY. I JUST DON'T REMEMBER.

20 Q DO YOU REMEMBER WHAT HUNT SAID?

21 A YEAH. I DO. SOME OF THE THINGS. I DON'T REMEMBER
22 EVERYTHING THAT HE SAID.

23 Q DO YOU REMEMBER ANYTHING YOU SAID?

24 A WHEN THE TOPIC SHIFTED FROM RON LEVIN TO OTHER
25 TOPICS, SUCH AS WHAT WE WERE GOING TO BE ABLE TO DO WITH
26 THE OTHER BUSINESSES AND ET CETERA, I AM SURE THAT I BACKED
27 UP WHATEVER IT WAS THAT JOE WAS TRYING TO ACCOMPLISH AT THE
28 TIME. I DON'T REMEMBER SPECIFICALLY WHAT HE SAID, THOUGH.

1 Q DID YOU SAY ANYTHING ABOUT "GUYS, I THOUGHT IT
2 WAS A GOOD IDEA THAT WE HAVE THIS MEETING TO TELL YOU WHAT
3 HAPPENED TO RON LEVIN?"

4 A NO. I DON'T THINK I DID.

5 Q DID YOU SAY ANYTHING TO THE EFFECT THAT YOU HAD
6 BEEN INSTRUMENTAL IN ARRANGING THAT MEETING?

7 A I DON'T THINK SO.

8 Q DID YOU SAY ANYTHING ABOUT RON LEVIN?

9 A I DON'T REMEMBER.

10 Q YOU DON'T REMEMBER?

11 A IF I SAID ANYTHING ABOUT RON LEVIN?

12 Q UH-HUH.

13 A I DON'T REMEMBER.

14 Q DO YOU REMEMBER WHAT JOE SAID ABOUT RON LEVIN?

15 A I REMEMBER SOME OF THE THINGS HE SAID. I DON'T
16 REMEMBER EVERYTHING HE SAID.

17 Q YOU DON'T REMEMBER WHAT YOU MIGHT HAVE SAID ABOUT
18 RON LEVIN?

19 THE COURT: THAT IS ASSUMING THAT HE SAID SOMETHING
20 ABOUT RON LEVIN.

21 MR. BARENS: HE SAID THAT HE DOESN'T REMEMBER.

22 THE COURT: WELL, THAT IS ASSUMING THAT HE SAID SOME-
23 THING ABOUT RON LEVIN.

24 MR. BARENS: WELL, HAS HE DENIED SAYING SOMETHING ABOUT
25 RON LEVIN?

26 THE COURT: HE SAYS THAT HE DOESN'T REMEMBER SAYING
27 ANYTHING AT ALL ABOUT HIM.

28 MR. BARENS: WELL, I SUPPOSE THAT IS WHAT WE ARE

1 TESTING.

2 THE COURT: DID YOU SAY ANYTHING AT ALL ABOUT RON LEVIN
3 THAT YOU RECALL?

4 THE WITNESS: I DON'T REMEMBER.

5 MR. BARENS: IT ANSWERS MY QUESTION, I GUESS.

6 THE COURT: I GUESS IT DOES.
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1 Q BY MR. BARENS: INSTEAD OF HAVING THE 6/24 MEETING,
2 DID IT EVER OCCUR TO YOU THAT YOU COULD JUST CLOSE THE
3 BUSINESS?

4 A CLOSE THE BUSINESS?

5 Q YEP, CLOSE THE BBC?

6 A NO. IT DIDN'T.

7 Q THE THOUGHT WAS NEVER DISCUSSED BY YOURSELF WITH
8 ANYONE?

9 A I DON'T RECALL IF IT WAS. BUT AS I SAID, I SAW
10 WHAT I THOUGHT WAS THE DISINTEGRATION OF THE BBC. AND THAT
11 IS WHY I WANTED TO HAVE THAT MEETING, SO --

12 Q AND IT NEVER --

13 THE COURT: EXCUSE ME. HE WAS NOT FINISHED. DID YOU
14 FINISH YOUR ANSWER?

15 THE WITNESS: I WAS JUST SAYING THAT --

16 MR. BARENS: WELL --

17 MR. WAPNER: HE STILL HAS NOT BEEN ALLOWED TO FINISH
18 HIS ANSWER.

19 THE COURT: HE HAS NOT FINISHED.

20 THE WITNESS: I DON'T REMEMBER WHAT I WAS GOING TO
21 SAY.

22 MR. BARENS: WITH EVERYBODY TALKING, IT IS DIFFICULT,
23 JUDGE, THE D.A. AND THE WITNESS, FOR ME TO KNOW.

24 Q HAVE YOU FINISHED?

25 A YES.

26 Q ALL RIGHT. DID ANYONE EVER BRING UP THAT WE
27 ARE SHORT OF MONEY AND BUSINESS ISN'T GOOD AND MAYBE WE OUGHT
28 TO CLOSE SHOP?

1 MR. WAPNER: OBJECTION, VAGUE AS TO TIME.

2 Q BY MR. BARENS: PRIOR TO 6/24?

3 MR. WAPNER: STILL THE SAME OBJECTION. WHAT DOES THAT
4 MEAN? 1983? 1982 --

5 THE COURT: YOU MEAN BETWEEN JUNE 6TH AND JUNE 24TH?

6 MR. BARENS: QUITE SO.

7 THE COURT: ALL RIGHT.

8 THE WITNESS: I REMEMBER AT SOME POINT, I HAD A DISCUSSION
9 WITH JOE WHERE HE BROUGHT UP --

10 Q BY MR. BARENS: COULD YOU TELL --

11 MR. WAPNER: EXCUSE ME.

12 THE COURT: WILL YOU LET HIM FINISH?

13 MR. BARENS: JUDGE, WE HAVE BEEN --

14 MR. WAPNER: HE HAS NOT FINISHED ANSWERING THE PRESENT --

15 MR. BARENS: WAIT JUST A MINUTE. WITH EVERYBODY
16 PROTESTING, ALL I AM SAYING IS BETWEEN 6/6 AND 6/24 --

17 THE COURT: WILL YOU PLEASE LET HIM FINISH HIS ANSWER?
18 IF THERE IS ANYTHING YOU WANT TO HAVE STRICKEN, WE WILL HAVE
19 IT STRICKEN. ALL RIGHT?

20 GO AHEAD. FINISH YOUR ANSWER, PLEASE.

21 MR. BARENS: I KNOW. BUT I WOULD JUST LIKE HIS ANSWER
22 TO RELATE TO BETWEEN 6/6 AND 6/24, IF HE IS TELLING ME THAT
23 IS WHEN IT IS. THEN I WANT THE ANSWER.

24 IF IT IS NOT, I DON'T WANT THE ANSWER TO --

25 MR. WAPNER: YOUR HONOR, HE ASKED A QUESTION. THE
26 COURT HAS TO SAY WHETHER HE CAN ANSWER IT OR NOT. MR. BARENS
27 WANTS TO CONTROL WHAT COMES OUT OF THE WITNESS' MOUTH, AND
28 AS MUCH AS HE WOULD LIKE TO --

1 MR. BARENS: YOUR HONOR, WE MADE A BIG POINT OF SAYING --

2 THE COURT: ALL RIGHT. BETWEEN JUNE 6 AND JUNE 24,
3 WERE THERE ANY DISCUSSIONS ABOUT GIVING UP THE BUSINESS?

4 THE WITNESS: I DON'T RECALL.

5 THE COURT: GO AHEAD.

6 MR. BARENS: PARDON ME, MR. WAPNER.

7 THE COURT: DON'T MAKE ANY REMARKS.

8 MR. BARENS: I WANT TO HEAR HIS REMARKS.

9 THE COURT: I TOLD HIM NOT TO MAKE ANY REMARKS.

10 MR. BARENS: OH.

11 Q NOW, YOU WERE CONCERNED WERE YOU SIR, PRIOR TO
12 THE 6/24 MEETING, ABOUT WHAT APPEARED TO YOU TO BE A
13 DECEPTION OF YOUR FRIENDS IN THE BBC?

14 A THAT WAS PART OF IT. IT WAS MORE THAT I JUST
15 FELT LIKE THE GROUP WAS DISINTEGRATING AND OF COURSE, IT
16 INVOLVED SOME DECEPTION OF MY FRIENDS. AT THAT POINT, IT
17 WAS ESPECIALLY UNCOMFORTABLE FOR ME.

18 Q SO, YOU DECIDED YOU WOULD NOT DECEIVE THEM BY
19 TELLING THEM WHAT HAPPENED TO MR. LEVIN?

20 A IT WASN'T A MATTER OF NOT DECEIVING THEM OR
21 DECEIVING THEM. IT WAS A MATTER OF MAKING THAT DISCLOSURE
22 AT THAT TIME SO THAT THE GROUP COULD CONTINUE TO MOVE FORWARD.

23 Q AND DID YOU TELL THEM THAT YOU HAD PARTICIPATED
24 WITH JOE IN THE SEVEN PAGES?

25 A NO, I DIDN'T.

26 Q DID YOU TELL THEM THAT YOU HAD PARTICIPATED AT
27 ALL IN THE PLANNING OF THIS MATTER?

28 A I DON'T THINK SO.

1 Q YOU JUST LET JOE DO THE TALKING?

2 A YEAH.

3 Q ABOUT HIMSELF AND HIS FRIENDS?

4 A THAT'S RIGHT.

5 Q DID YOU TELL ANY OF THE BBC PEOPLE THAT YOU HAD
6 ANYTHING TO DO WITH THE MATTER?

7 A I THINK I INDICATED THAT I HAD KNOWN ABOUT IT
8 BEFOREHAND BUT I DIDN'T OUTLINE SPECIFICALLY WHAT MY
9 PARTICIPATION WAS.

10 Q WAS IT YOUR FEELING THAT SOMEHOW -- AND CORRECT
11 ME IF I AM WRONG -- THAT SHARING THIS TERRIBLE SECRET WOULD
12 SOMEHOW BIND THE GROUP TOGETHER?

13 A THAT WAS SOMETHING LIKE MY FEELING, YES.

14 Q AND THAT WOULD CREATE A CONTINUATION OF THE STATUS
15 QUO AS FAR AS THE EXISTENCE AND CONTINUITY OF THE BBC?

16 A I AM NOT EXACTLY SURE WHAT I FELT WAS GOING TO
17 RESULT FROM IT, BUT I JUST FELT THAT AS THINGS WERE, THE GROUP
18 WOULD FALL APART IF WE DIDN'T DO SOMETHING.

19 Q AND IF THE GROUP CONTINUED, WOULD NOT MR. HUNT
20 CONTINUE IN HIS ROLE WITH THE BBC?

21 A I AM NOT UNDERSTANDING YOU.

22 Q IF THE BBC CONTINUED AND DID NOT DISINTEGRATE,
23 WOULD NOT HUNT CONTINUE WITH HIS ROLE IN THE BBC?

24 A I STILL DON'T UNDERSTAND WHAT YOU ARE ASKING ME.

25 Q IF THE BBC DID NOT CONTINUE, IF THE BBC DID NOT
26 DISINTEGRATE AND INSTEAD CONTINUED AFTER 6-24, WAS IT YOUR
27 SENSE THAT HUNT WOULD CONTINUE IN HIS ROLE WITH THE BBC?

28 A YEAH.

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1 ON AT THE MEETING?

2 A THAT IS WHAT I THOUGHT.

3 Q WAS THE USE OF THIS NEWS NOT ONLY GOING TO BIND
4 THE GROUP TOGETHER BUT WAS IT GOING TO GALVANIZE THEM INTO
5 SOME SORT OF ACTION, MR. KARNY?

6 A I DON'T RECALL ANY NEW ACTION THAT WAS SUPPOSED
7 TO RESULT FROM THIS, BUT MORE A RENEWED -- RENEWED EFFORTS
8 WERE SUPPOSED TO RESULT.

9 Q RENEWED EFFORTS ABOUT WHAT, MR. KARNY?

10 A TO MAKE SOME OF THE OTHER BUSINESS PROJECTS WORK
11 AND ALSO, TO STOP A LOT OF THE QUESTIONS THAT WE HADN'T BEEN
12 ABLE TO ANSWER AND THAT WERE CAUSING SOME OF THE GUYS TO GROW,
13 I THINK, DISTRUSTFUL OR TO QUESTION.

14 Q NOW, WHERE WERE YOU SEATED RELATIVE TO JOE DURING
15 THE MEETING?

16 A I THINK I WAS SEATED TWO SEATS AWAY FROM HIM ON
17 THE COUCH.

18 Q YOU WERE ABLE TO HEAR WHAT HE SAID, WEREN'T YOU?

19 A YES.

20 Q YOU NEVER HEARD HIM USE THE EXPRESSION "FISH BAIT"?

21 A I DON'T THINK SO.

22 Q AFTER THE MEETING, DID YOU GO BOWLING?

23 A I DON'T THINK SO.

24 Q DID ANY OF THE GUYS THERE GO BOWLING?

25 A NOT THAT I KNOW OF.

26 Q YOU JUST WENT BACK TO YOUR ROOM?

27 A I DON'T REMEMBER WHAT I DID AFTER THE MEETING.

28 Q OKAY. DID YOU GO TO WORK THE NEXT DAY?

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

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

4 THE COURT: GO AHEAD.

5 Q BY MR. BARENS: HOW MANY DAYS WERE CONSUMED IN
6 SELECTING THE PEOPLE THAT WERE SELECTED TO ATTEND THE MEETING?

7 A I THINK JUST A COUPLE OF DAYS.

8 Q TWO, THREE?

9 MR. WAPNER: OBJECTION. VAGUE. ALSO, AS TO THE FORM
10 OF THE QUESTION. DOES THAT MEAN BY THE ENTIRE QUESTION, THAT
11 THE TWO ENTIRE DAYS WERE SPENT DISCUSSING THAT?

12 THE COURT: I AM SORRY. I WAS TALKING TO THE CLERK.
13 WOULD YOU READ THAT?

14 MR. BARENS: I WILL RESTATE IT, JUDGE, TO SAVE YOU THE
15 TIME.

16 THE COURT: ALL RIGHT.

17 Q BY MR. BARENS: OVER HOW MANY DAYS WAS THE
18 SELECTION PROCESS FOR PEOPLE THAT WERE GOING TO BE AT THE 6-24
19 MEETING?

20 A I REMEMBER DISCUSSIONS ABOUT IT, I THINK ON TWO
21 SEPARATE DAYS, BUT WE DIDN'T SPEND TWO WHOLE DAYS TALKING ABOUT
22 IT.

23 Q DID YOU THINK THAT THE PEOPLE THAT WERE AT THE
24 6-24 MEETING WOULD NOT SHARE THE INFORMATION THEY HAD WITH
25 OTHER BBC PEOPLE?

26 A THAT IS WHAT I THOUGHT.

27 Q AND YOU THOUGHT THAT YOUR RELATIONSHIP WITH TOM
28 MAY WAS SUCH THAT HE WOULDN'T TELL HIS BROTHER WHAT HAD GONE

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1 A I DON'T REMEMBER.

2 Q THE NEXT DAY WAS A MONDAY, I OFFER YOU, MR. KARNY?

3 A I WAS IN THE OFFICE MOST DAYS AND I DON'T
4 SPECIFICALLY REMEMBER IF I WENT TO THE OFFICE THAT DAY.

5 Q IT WAS NOTHING REMARKABLE ON THE 25TH, THAT MONDAY;
6 WAS IT A SOMEWHAT BUSINESS AS USUAL DAY, MR. KARNY?

7 A TO THE BEST OF MY RECOLLECTION.

8 Q TO THE BEST OF YOUR RECOLLECTION WHAT, SIR?

9 A TO THE BEST OF MY RECOLLECTION -- WELL, I DON'T
10 REALLY HAVE ANY RECOLLECTION ABOUT WHAT HAPPENED THE NEXT DAY,
11 THAT IS IT.

12 Q SO THERE WAS NOTHING REALLY REMARKABLE ABOUT THE
13 25TH THAT WOULD CALL IT TO YOUR MIND, WAS THERE?

14 A NOTHING THAT CALLS -- THAT COMES TO MIND, NO.

15 Q YOU MENTIONED THAT YOU HAD GOTTEN A CALL FROM THE
16 POLICE STATION FROM MR. HUNT AFTER HE WAS IN CUSTODY?

17 A YES.

18 Q AND THAT YOU WERE WORRIED ABOUT THE CONVERSATION
19 BEING TAPE RECORDED?

20 A YES.

21 Q HUNT DIDN'T SEEM TO BE WORRIED ABOUT IT BEING
22 TAPED?

23 A HE DID ALSO. IT WAS THE WAY HE WAS TALKING THAT
24 CAUSED ME TO WORRY ABOUT IT.

25 Q THAT HE WAS TAPING IT OR THE POLICE? WHO WAS
26 TAPING IT?

27 A THAT THE POLICE WERE TAPING IT.

28 Q I SEE. AND YOU THOUGHT THAT HUNT WAS AWARE OF

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1 THAT, TOO?

2 A I THOUGHT THAT HE WAS WORRIED ABOUT THAT, TOO,
3 BY THE WAY HE WAS TALKING.

4 Q WERE YOU WORRIED ABOUT THAT?

5 A YES.

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A-1 1 Q WERE YOU AFRAID THAT MR. HUNT IN SOME WAY, WAS
2 GOING TO TAKE A POSITION TO TESTIFY AGAINST YOU?

3 A THAT HE WAS GOING TO TAKE A POSITION TO TESTIFY
4 AGAINST ME?

5 Q YES, SOMEWHAT THE REVERSE OF WHAT WE HAVE HERE.

6 A I DIDN'T OCCUR TO ME.

7 Q IT NEVER OCCURRED TO YOU?

8 A NO.

9 Q NOT UP UNTIL -- NOT BETWEEN HIS FIRST AND SECOND
10 ARREST, SIR?

11 A THE BEST WAY TO ANSWER YOU IS THAT I FELT THAT
12 HIS EXPOSURE WAS MUCH GREATER THAN MINE. AND I DIDN'T THINK
13 THAT HE WAS GOING TO TESTIFY AGAINST ME.

14 Q AT ANY TIME, YOU NEVER THOUGHT THAT, DID YOU?

15 A NO. I DIDN'T.

16 Q HE NEVER SAID TO YOU, "LISTEN, I AM GOING TO
17 TESTIFY AGAINST YOU"?

18 A NO. HE DIDN'T.

19 MR. BARENS: MAY WE APPROACH THE BENCH BEFORE MY NEXT
20 QUESTION, JUDGE?

21 THE COURT: SURE.

22 (THE FOLLOWING PROCEEDINGS WERE HELD
23 AT THE BENCH OUT OF THE PRESENCE AND
24 HEARING OF THE JURY:)

25 THE COURT: YES?

26 MR. BARENS: JUDGE, LET ME MAKE SURE WHERE WE ARE NOW
27 ABOUT THE IMMUNITY QUESTION BEFORE I GO ON TO MY NEXT QUESTION.
28 MY CLEAR UNDERSTANDING --

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1 THE COURT: I THOUGHT WE WENT THROUGH THE IMMUNITY
2 THING BEFORE. YOU ALREADY ASKED HIM ABOUT IT, HAVE YOU NOT?

3 MR. BARENS: A QUESTION OR TWO. I HAVE A DIFFERENT
4 QUESTION THAT I WANT TO TAKE UP WITH YOU JUDGE, BECAUSE I WANT
5 TO MAKE SURE WHERE I AM.

6 THE COURT: YES?

7 MR. BARENS: BECAUSE I DON'T WANT TO BE -- I AM JUST
8 SAYING IT FOR THE RECORD. I DON'T WANT IT SAID THAT I HAVE
9 MADE SOME KIND OF A WAIVER AS TO THIS QUESTION --

10 THE COURT: WELL, YOU HAVE ALREADY WAIVED IT.

11 MR. BARENS: SIR, IF I COULD JUST TELL YOU WHAT IS ON
12 MY MIND, I --

13 THE COURT: GO AHEAD.

14 MR. BARENS: IT WAS MY UNDERSTANDING THAT YOUR HONOR
15 HAD RULED SOME TIME AGO, THAT IF I BROUGHT UP THE QUESTION
16 OF MR. KARNY BEING IMMUNIZED IN SAN FRANCISCO OR THE
17 SAN MATEO MATTER, THAT YOUR HONOR RULED THAT YOU WOULD PERMIT
18 THE PEOPLE TO ASK HIM --

19 THE COURT: WHAT THAT CASE WAS ALL ABOUT?

20 MR. BARENS: NO, YOUR HONOR.

21 THE COURT: WELL, I SAID AT THAT TIME THAT HE HAS A RIGHT
22 TO ASK WHO THE OTHER DEFENDANTS IN THE CASE ARE.

23 MR. BARENS: OKAY. THAT WAS CLEARLY YOUR HONOR'S RULING,
24 THAT THE PEOPLE WOULD BE ENTITLED TO INQUIRE AS TO WHETHER
25 OR NOT MR. HUNT WAS A DEFENDANT IN THAT CASE? WAS THAT NOT
26 YOUR RULING?

27 THE COURT: THAT IS ONE OF THE RULINGS I MADE. I DON'T
28 KNOW HOW FAR THE PEOPLE WANT TO GO UNTIL THEY -- I CAN'T TELL

A-3

1 YOU HOW FAR IT WILL GO. I WON'T KNOW WHAT KIND OF ADDITIONAL
2 RULINGS I WILL MAKE UNTIL THAT TIME.

3 MR. BARENS: BRIEFLY, YOUR HONOR ALSO MADE A RULING ON
4 THIS SAME OCCASION, THAT ALTHOUGH THAT INFORMATION COULD BE
5 INQUIRED INTO, THAT YOUR HONOR WOULD NOT PERMIT ANY TESTIMONY
6 TO THE FACTS OF THAT CASE.

7 MR. WAPNER: WELL, WAIT A SECOND. I THINK I KNOW WHERE
8 WE ARE GOING. MR. BARENS ALREADY IN MY OPINION, WHEN HE FIRST
9 ASKED MR. KARNY ABOUT THIS, ASKED AN IMPROPER QUESTION WHICH
10 WAS, "DIDN'T YOU GET IMMUNITY FOR A MURDER THAT YOU
11 CONFESSED TO?"

12 THAT IS FIRST OF ALL -- I DON'T THINK IT IS A PROPER
13 FORM OF THE QUESTION. AND SECOND OF ALL, IT PUTS THE FACTS
14 BACKWARDS BECAUSE HE GOT IMMUNITY FIRST AND THEN HE MADE A
15 STATEMENT, SECOND.

16 THE PROPER QUESTION TO HAVE BEEN ASKED WHICH WAS
17 NOT ASKED, WAS, "DID YOU GET IMMUNITY ON A CHARGE OF MURDER
18 IN NORTHERN CALIFORNIA?"

19 IF HE IS NOW, ATTEMPTING TO GET THE COURT TO PUT
20 ME INTO A BOX AND NOW HE WANTS TO ASK THE WITNESS SOME MORE
21 QUESTIONS ABOUT HIS OWN PARTICIPATION IN THAT CRIME --

22 MR. BARENS: NOT AT ALL AND --

23 MR. WAPNER: -- THEN THE MORE DETAILS THAT HE ASKS, THE
24 MORE DETAILS OF THAT CRIME ARE GOING TO COME OUT.

25 THE COURT: WELL, HE ALREADY ASKED DETAILS ABOUT IT.
26 DIDN'T HE ASK HIM QUESTIONS ABOUT A PRELIMINARY HEARING HELD
27 IN THAT CASE?

28 MR. WAPNER: YES.

6A-4

1 MR. BARENS: BUT DID I ASK HIM --

2 THE COURT: HE DID THAT, TOO.

3 MR. BARENS: DID I ASK HIM ANY FACTS?

4 THE COURT: YOU ASKED HIM --

5 MR. WAPNER: WHY DON'T YOU MAKE AN OFFER OF PROOF?

6 THE COURT: YOU ASKED ABOUT THE PRELIMINARY HEARING AND --

7 MR. BARENS: WELL, YOU GENTLEMEN TEND TO PRESUME WHAT

8 I AM DOING, WITHOUT ANY KNOWLEDGE THAT --

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1 THE COURT: IT IS NOT A QUESTION OF PRESUMING. WE KNOW
2 WHAT YOU DID DO.

3 MR. BARENS: MR. WAPNER IS PRESUMING THAT I AM NOW GOING
4 TO ASK HIM FACTS ABOUT THAT CASE.

5 THE COURT: WHAT IS THE OFFER OF PROOF?

6 MR. WAPNER: MAY I ASK FOR AN OFFER OF PROOF?

7 THE COURT: YES. WHAT IS IT THAT YOU WANT TO DO?

8 MR. BARENS: MY NEXT QUESTION, JUDGE, IS GOING TO BE
9 TO ASK HIM, "IS JOE HUNT THE DEFENDANT IN THAT CASE?" ALL
10 I WANTED TO DO WAS MAKE THE RECORD CLEAR THAT YOUR HONOR HAD
11 MADE A RULING THAT THE PEOPLE WOULD BE ENTITLED TO DO THAT,
12 SO THAT WHEN I DO THAT, IT DOES NOT APPEAR THAT I HAVE,
13 WITHOUT ANY BACKGROUND, TAKEN IT UPON MYSELF TO ASK HIM THAT
14 QUESTION.

15 THE COURT: WELL, IF YOU WANT TO ASK HIM WHETHER HE IS
16 THE DEFENDANT IN THAT MURDER CASE, YOU CAN GO AHEAD AND DO
17 IT, IF YOU WANT TO.

18 MR. BARENS: I AM DOING IT ONLY WITH THE BACKGROUND IN
19 MIND, THAT YOUR HONOR HAS RULED --

20 THE COURT: NO. YOU DO IT ON YOUR OWN. I AM NOT TELLING
21 YOU. I DON'T CARE WHAT THE BACKGROUND MAY BE.

22 IT MAY BE THAT HE WON'T ASK HIM ABOUT IT. HOW
23 DO I KNOW?

24 IF YOU WANT TO TAKE THE RESPONSIBILITY FOR IT,
25 GO AHEAD AND DO IT.

26 MR. BARENS: YOUR HONOR, I AM TRYING --

27 THE COURT: IF YOU WANT TO ASK HIM, GO AHEAD AND DO IT.

28 MR. BARENS: IF YOUR HONOR HAD NOT RULED TO THAT EFFECT,

B-2
1 I WOULD NOT ASK THE QUESTION.

2 THE COURT: DO WHATEVER YOU WANT. DO YOU WANT TO ASK
3 HIM THAT QUESTION? GO AHEAD. ASK HIM.

4 MR. BARENS: SIR, AS COUNSEL WITH RESPONSIBILITY IN THIS
5 CASE, I WOULD NOT ASK THAT QUESTION IF YOUR HONOR HAD NOT
6 RULED THAT YOUR HONOR WOULD PERMIT THE PEOPLE TO ASK THAT
7 QUESTION.

8 THE COURT: WELL, THE PEOPLE HAVE NOT ASKED THE QUESTION
9 YET. SO THEREFORE, HE MAY NOT ASK THE QUESTION. BUT IF YOU
10 WANT TO GO AHEAD AND ASK IT, GO AHEAD AND DO IT.

11 MR. BARENS: IF THE PEOPLE SEEK TO ASK THAT QUESTION,
12 WILL YOUR HONOR PERMIT IT?

13 THE COURT: I DON'T KNOW. IT DEPENDS ENTIRELY UPON HOW
14 MR. WAPNER WANTS TO ASK IT OR --

15 MR. BARENS: WELL, ASSUMING THAT WE ARE CONFRONTED WITH
16 THE ISSUE AT THIS POINT JUDGE, I WOULD LIKE A RULING.

17 THE COURT: YOU WOULD LIKE A RULING? I WON'T GIVE YOU
18 ANY RULING. IF YOU WANT TO ASK THAT QUESTION, YOU GO AHEAD
19 AND DO IT.

20 MR. BARENS: BUT, IS YOUR HONOR SAYING THAT AS OF THIS
21 MOMENT IN TIME, NO RULING EXISTS ON THIS QUESTION?

22 THE COURT: NO. I JUST INDICATED THAT THEY HAVE A RIGHT
23 IF THEY WANT TO -- IF HE WANTED TO -- SO FAR, THERE IS NO
24 INDICATION THAT HE WANTS TO.

25 BUT IF HE WANTS TO, HE HAS THE RIGHT TO ASK WHETHER
26 THAT --

27 MR. BARENS: I WOULD LIKE TO ASK THE PEOPLE IF THEY
28 INTEND TO ASK THAT QUESTION.

1 THE COURT: THEY DON'T HAVE TO TELL YOU THAT, IF THEY
2 DON'T WANT TO TELL YOU.

3 MR. WAPNER: WE ARE NOW PLAYING A GAME OF CAT AND MOUSE.
4 BECAUSE I WAS LIMITED IN MY DIRECT EXAMINATION BECAUSE THE
5 DEFENSE WOULDN'T MAKE AN ELECTION. THEY SAID THAT THEY
6 WOULDN'T BE FORCED INTO THAT POSITION.

7 THAT IS EXACTLY THE SAME POSTURE THAT I WILL TAKE.
8 THE COURT MADE A RULING. COUNSEL CAN DECIDE FOR HIMSELF
9 WHETHER HE THINKS I AM GOING TO ASK THE QUESTION OR NOT.

10 MR. BARENS: I JUST WANTED THE RECORD TO REFLECT THAT
11 I IN MY MIND, AM PROCEEDING IN LIGHT OF A RULING I AM AWARE
12 OF. I AM PROCEEDING IN LIGHT OF A RULING THAT I HAVE BEEN
13 ADVISED OF.

14 THE COURT: ALL YOU HAVE GOT IS THAT THE PEOPLE INTEND
15 TO REDIRECT BECAUSE OF THE FACT THAT YOU HAVE BEEN ASKING HIM
16 ABOUT IMMUNITY. YOU BROUGHT UP THE FACT THAT HE GOT IMMUNITY
17 IN ANOTHER CASE FOR A MURDER WHICH HE CONFESSED TO.

18 I DON'T KNOW THAT HE CONFESSED TO ANY MURDER.
19 THEY WOULD HAVE A RIGHT TO GO INTO THE QUESTION AS TO WHAT
20 THAT CASE WAS ABOUT. BUT THAT DOESN'T MEAN THAT I KNOW
21 EXACTLY WHAT THEY INTEND TO DO.

22 SO, IF YOU WANT TO GO AHEAD AS A PART OF YOUR
23 CASE AND ASK HIM ABOUT THAT OTHER THING, YOU MAY DO SO.

24 MR. BARENS: YOUR HONOR, I THINK IT IS VERY IMPORTANT
25 THAT ALL OF US AT THE BENCH NOW BE CAREFUL ABOUT THE
26 LANGUAGE THAT WE ARE USING.

27 YOU SAID THAT IF ON REDIRECT THE PEOPLE CHOSE TO
28 INQUIRE, THAT THEY COULD ASK WHAT THAT CASE WAS ABOUT. THAT

1 IS NOT MY UNDERSTANDING OF YOUR HONOR'S ORDER. I BELIEVE THAT
2 YOUR HONOR SAID THAT HE COULD ASK IF MR. HUNT WAS A DEFENDANT
3 IN THAT CASE, NOT WHAT IT WAS ABOUT.

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1 THE COURT: YES?

2 MR. WAPNER: MY UNDERSTANDING OF THE COURT'S ORDER,
3 AND I HAVE THE TRANSCRIPT FROM LAST THURSDAY IF WE NEED IT,
4 IS THAT AT THE VERY LEAST, THE FULL EXTENT OF HIS IMMUNITY
5 AGREEMENT CAN BE INQUIRED INTO, WHICH WOULD INCLUDE AT THE
6 VERY LEAST WHO THE OTHER DEFENDANTS WERE IN THAT CASE, NOT
7 JUST MR. HUNT, BUT ALSO --

8 THE COURT: THAT'S CORRECT.

9 MR. WAPNER: BUT ALSO MR. DOSTI.

10 THE COURT: THAT'S WHAT I SAID.

11 MR. WAPNER: MR. PITTMAN AND MR. ESLAMINIA.

12 THE COURT: THAT IS WHAT I SAID.

13 MR. BARENS: THERE IS NO QUESTION THAT IS WHAT YOUR
14 HONOR SAID.

15 THE COURT: DO YOU WANT TO GO FROM THERE, GO AHEAD,
16 LET HIM FINISH.

17 MR. WAPNER: I DON'T KNOW TO WHAT EXTENT IT COVERS
18 OTHER THINGS AND I WILL BE HAPPY TO TAKE THIS UP EITHER NOW
19 OR IN THE MORNING.

20 THERE ARE CERTAIN OTHER THINGS THAT I THINK NEED
21 TO BE CLARIFIED.

22 ONE, FOR EXAMPLE, IS THAT THAT CRIME OCCURRED
23 EARLIER IN POINT OF TIME AND WHEN IT ACTUALLY OCCURRED,
24 OBVIOUSLY, IF HE GOT IMMUNITY FOR IT, IT OCCURRED BEFORE
25 HE WENT TO GET IMMUNITY BUT THE DATE --

26 THE COURT: HE GOT THE IMMUNITY BEFORE THE COMMISSION
27 OF THE CRIME?

28 MR. WAPNER: NO, NO.

1 MR. BARENS: NO, NO. OBVIOUSLY, HE GOT THE IMMUNITY
2 AFTER THE CRIME HAD BEEN COMMITTED.

3 THE COURT: THAT CRIME HAPPENED AFTER THIS ONE
4 ALLEGEDLY?

5 MR. BARENS: YES.

6 MR. WAPNER: RIGHT.

7 BUT IT IS IMPORTANT TO KNOW WHEN THAT CRIME WAS
8 COMMITTED, FOR EXAMPLE, AND WHETHER IT WAS DURING THE PERIOD
9 OF TIME THAT MR. KARNY AND MR. HUNT WERE STILL TOGETHER OR
10 WERE THEY NOT TOGETHER, WHICH I THINK SHOULD BE FAIRLY
11 OBVIOUS, SINCE IT IS A FACT THAT MR. HUNT IS A DEFENDANT
12 IN THAT CASE AND THAT THEY WERE TOGETHER.

13 BUT I THINK THE DATE OF THAT OCCURRENCE IS OF
14 SOME IMPORTANCE. I DON'T THINK THAT IS INQUIRING INTO THE
15 FACTS OF THE CASE.

16 THE COURT: HADN'T I INDICATED TO YOU AT SOME TIME
17 THAT IN YOUR OPENING STATEMENT TO THE JURY YOU INDICATED
18 THAT HE HAD COMMITTED ANOTHER CRIME AND HE WAS A MURDERER,
19 SELF-CONFESSED MURDERER AND HE HAD GOTTEN IMMUNITY FOR THAT
20 CRIME; ISN'T THAT TRUE?

21 MR. BARENS: YOUR HONOR, PLEASE HEAR ME. OUT OF AN
22 ABUNDANCE OF CAUTION, AFTER THE LUNCHEON BREAK LAST WEEK
23 WHEN I WAS ATTEMPTING TO START MY CROSS-EXAMINATION WITH
24 THE SUBJECT OF THE IMMUNITY, I ASKED TO APPROACH THE BENCH,
25 WHICH WE DID.

26 THE COURT: YES, YES. I WILL TELL YOU EXACTLY WHAT
27 HAPPENED. YOU SAID THAT YOU WANTED TO GO INTO THE QUESTION
28 OF IMMUNITY; ISN'T THAT RIGHT?

1 MR. BARENS: YES.

2 THE COURT: I SAID THAT YOU HAVE A RIGHT TO INQUIRE
3 AS TO WHETHER HE WAS GRANTED IMMUNITY IN THIS CASE AND I
4 CITED THE LANGUAGE OF YOUR ASSOCIATE HERE, WHICH HE SAID
5 THAT THEY ARE COMPLETELY SEPARATE, UNRELATED MATTERS AND
6 ONE HAD NOTHING TO DO WITH THE OTHER, ALL RIGHT?

7 MR. BARENS: YES.

8 THE COURT: AND I AM TAKING HIM AT HIS WORD, THE
9 IMMUNITY GIVEN IN ONE CASE HAS NOTHING TO DO WITH IMMUNITY
10 IN THE OTHER CASE BECAUSE THEY ARE WHOLLY UNRELATED, SAYS
11 HE, SO I AM TAKING HIM AT HIS WORD. AND NOW YOU WENT INTO
12 IT.

13 MR. CHIER: YOU ARE PLAYING WITH MY WORDS, SIR.
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1 THE COURT: THE GENTLEMAN, THE ONE I AM TALKING TO --
2 TELL HIM TO BE QUIET -- YOU ARE DOING VERY WELL.

3 MR. BARENS: COULD I RESPOND?

4 THE COURT: YOU ARE DOING VERY WELL.

5 MR. WAPNER: COULD I BE HEARD JUST BRIEFLY?

6 THE COURT: YES.

7 MR. WAPNER: IT IS 4:30 AND IT IS OBVIOUS WE ARE NOT
8 GOING TO GET TO THIS.

9 THE COURT: WE WILL TALK ABOUT IT TOMORROW.

10 MR. BARENS: COULD WE SEE YOUR HONOR FIRST THING IN
11 THE MORNING TO GO OVER THE TRANSCRIPT OF THAT MATTER?

12 THE COURT: SURE. MAKE IT QUARTER AFTER 10:00.

13 MR. BARENS: THANK YOU, YOUR HONOR.

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

17 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE HAVEN'T
18 QUITE COMPLETED OUR DISCUSSION SO WHAT WE WILL DO IS, COUNSEL
19 AND I, WE WILL CONTINUE OUR DISCUSSION TOMORROW MORNING BEFORE
20 YOU COME IN, SO I WILL ASK YOU ALL TO COME BACK AT 10:30
21 TOMORROW MORNING AS USUAL.

22 ALL RIGHT, WE WILL SEE YOU THEN. AND THE SAME
23 ADMONITION I GAVE YOU WOULD STILL APPLY.

24 MR. WAPNER: YOUR HONOR, MAY WE DO ONE OTHER THING
25 ON THE RECORD?

26 THE COURT: YES.

27 MR. WAPNER: AT THE BENCH AGAIN?

28 THE COURT: THAT IS ALL RIGHT.

1. YOU CAN ALL LEAVE AND GOOD NIGHT.
2. (THE FOLLOWING PROCEEDINGS WERE HELD
3. OUTSIDE THE PRESENCE AND HEARING OF THE
4. JURY AT THE BENCH:)

5. MR. WAPNER: WITNESSES HAVE BEEN EXCLUDED AND SINCE
6. I SEE MR. BOBBY ROBERTS AND HIS SON IN THE COURTROOM, I
7. ASSUME THEY WILL NOT BE WITNESSES AND SINCE I HAVE NOT SEEN
8. MISS ROBERTS IN THE COURTROOM, I CAN ONLY INFER THAT SHE
9. MIGHT BE A WITNESS. I WOULD ASK THE COURT TO ADMONISH BOTH
10. MR. ROBERTS AND HIS SON NOT TO DISCUSS WITH THEIR DAUGHTER
11. OR THE SISTER --

12. THE COURT: THE DEFENDANT IS GOING TO DISCUSS IT WITH
13. HER ANYWAY.

14. MR. BARENS: CAN I COMMENT ON SOMETHING, TOO, JUDGE?
15. YOU KNOW, RON LEVINS' BROTHER HAS BEEN IN THE
16. COURTROOM THROUGHOUT THE TRIAL.

17. THE COURT: YES.

18. MR. BARENS: I HAVE NEVER MADE AN ISSUE OUT OF THAT.
19. I NEVER MADE AN ISSUE THAT SOME OF THEIR FRIENDS HAVE BEEN
20. HERE.

21. THE COURT: IT IS SILLY. HE IS GOING TO DISCUSS IT
22. WITH HER ANYHOW, SO WHAT DIFFERENCE DOES IT MAKE?

23. MR. WAPNER: THANK YOU, YOUR HONOR.

24. THE COURT: I CAN'T PREVENT HIM FROM TALKING TO HIS
25. GIRLFRIEND AND TELLING HER EVERYTHING THAT IS GOING ON.

26. MR. BARENS: YOUR HONOR, THERE IS ONE OTHER TOPIC THAT
27. WE TOOK EXCEPTION TO. I HOPE IT WON'T COME UP AGAIN. BUT
28. I NOTICED AT ONE CONFERENCE AT THE BENCH THAT MR. MORROW

7A-6

1 CAME UP TO THE BENCH WITH US.

2 THE COURT: HE HAS NO BUSINESS. I AM SORRY. I DIDN'T
3 SEE HIM. I WOULD HAVE TOLD HIM TO SIT DOWN.

4 MR. BARENS: THANK YOU, YOUR HONOR.

5 (AT 4:33 P.M. AN ADJOURNMENT WAS TAKEN
6 TO RESUME TUESDAY, MARCH 24, 1987, AT
7 10:15 A.M.)

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