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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. ) SUPERIOR COURT  
 ) NO. A-090435  
 )  
 JOE HUNT, AKA JOSEPH HUNT, )  
 AKA JOSEPH HENRY GAMSKY, )  
 )  
 DEFENDANT-APPELLANT. )  
 \_\_\_\_\_ )

OCT 09 1987

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

APPEARANCES:

FOR PLAINTIFF-RESPONDENT: JOHN K. VAN DE KAMP  
STATE ATTORNEY GENERAL  
3580 WILSHIRE BOULEVARD  
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FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 73 OF 101  
(PAGES 11436 TO 11647, 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 30, 1987

VOLUME 73

PAGES 11436 TO 11641, INCL.

APPEARANCES:

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

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

AND

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

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

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3 P.M. 11485

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28

1 SANTA MONICA, CALIFORNIA; MONDAY, MARCH 30, 1987; 10:35 A.M.  
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE  
3 (APPEARANCES AS NOTED ON TITLE PAGE.)  
4

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

8 THE COURT: I SUPPOSE WE OUGHT TO TAKE THESE MOTIONS  
9 WHICH HAVE BEEN MADE FIRST.

10 MR. WAPNER: YOUR HONOR, WE SHOULD. AND ADDITIONALLY,  
11 I WAS LED TO BELIEVE WHEN WE WERE LAST IN COURT THAT THERE  
12 WOULD BE ADDITIONAL WRITTEN OBJECTIONS FILED TO SOME OF THE  
13 PEOPLE'S EXHIBITS AND I UNDERSTAND THAT THAT HAS NOT BEEN  
14 DONE.

15 MR. CHIER: WHAT HAPPENED IS I LOST ALL OF MY NOTES.  
16 I TRIED TO TRACK THEM DOWN AT THE COURTHOUSE AND I DIDN'T FIND  
17 OUT UNTIL FRIDAY AFTERNOON THEY ENDED UP HERE. I JUST GOT  
18 THEM BACK.

19 THE COURT: WHAT I AM GOING TO DO, AS I INDICATED,  
20 I WILL ADMIT ALL OF THE PEOPLE'S EXHIBITS AND IF, PRIOR TO  
21 THE SUBMISSION TO THE JURY, YOU HAVE SOME MEMORANDUM, THEN  
22 I WILL RECONSIDER IT AT THAT TIME.

23 MR. CHIER: THAT WOULD BE FINE, YOUR HONOR.

24 THE COURT: ALL RIGHT.

25 MR. CHIER: WE HAVE A COUPLE OF OTHER HOUSEKEEPING  
26 MATTERS.

27 THE COURT: YES.

28 MR. CHIER: PROBABLY STARTING WITH THE SMALLEST THING

1 FIRST.

2 YOUR HONOR ELICITED AND ALLOWED MR. WAPNER TO  
3 ELICIT TESTIMONY CONCERNING MR. HUNT'S INVOLVEMENT IN ANOTHER  
4 CRIMINAL MATTER IN ANOTHER JURISDICTION AND WE ARE ASKING  
5 PURSUANT TO INSTRUCTION NUMBER 2.50 OF THE CALJIC INSTRUCTIONS  
6 THAT THE JURY BE PRESENTLY INSTRUCTED CONCERNING THE LIMITED  
7 PURPOSE FOR WHICH SUCH EVIDENCE WAS ADMITTED, IN THAT IT  
8 WOULD NOT BE FAIR, IN MY JUDGMENT, TO WAIT UNTIL THE END  
9 OF THE TRIAL TO MAKE SUCH AN INSTRUCTION. THAT THE DEFENDANT  
10 IS ENTITLED TO AN INSTRUCTION AT THE TIME SUCH EVIDENCE IS  
11 RECEIVED AND AT THE TIME THAT THE JURY IS FINALLY CHARGED.

12 I PERSONALLY LOOKED AT 2.50 AND I CAN FIND NO  
13 PARAGRAPH IN THAT INSTRUCTION UNDER WHICH THIS EVIDENCE WOULD  
14 BE RECEIVED IN THIS CASE, BUT PERHAPS YOUR HONOR, HAVING  
15 ADMITTED THE EVIDENCE, WOULD HAVE A THEORY ON WHICH THE  
16 EVIDENCE IS PROPERLY BEFORE THIS JURY.

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1 MR. WAPNER: WELL, SINCE I JUST RECEIVED THIS MOTION,  
2 I WOULD LIKE AN OPPORTUNITY TO LOOK AT THAT PARTICULAR  
3 SECTION AND IF IT CAN BE TAILORED TO THE PARTICULAR  
4 EVIDENCE IN THIS CASE, THEN PERHAPS IT IS APPROPRIATE,  
5 ALTHOUGH THIS MOTION IS STILL A LITTLE BELATED BECAUSE WE  
6 ARE TALKING ABOUT SEVERAL DAYS NOW, AFTER THE FACT.

7 THE COURT: WELL, I WILL TAKE IT UNDER SUBMISSION.  
8 IF YOU HAVE A MEMORANDUM TO SUBMIT IN OPPOSITION, YOU DO  
9 THAT, PLEASE.

10 ALL RIGHT. WHAT IS THE NEXT ONE? A MOTION FOR  
11 JUDGMENT OF ACQUITTAL? IS THAT IT?

12 DO YOU WANT TO ARGUE THAT ONE? WHICH ONE DO  
13 YOU WANT TO TAKE UP NEXT?

14 MR. CHIER: YES, THE ACQUITTAL MOTION, YOUR HONOR.

15 THE COURT: ALL RIGHT. THE RECORD WILL INDICATE THAT  
16 I HAVE READ ALL THE MOTIONS WHICH HAVE BEEN MADE. I HAVE  
17 NOT HAD ANY OPPOSITION PAPERS FROM YOU. DO YOU WANT TO SUBMIT  
18 IT ON THE PAPERS?

19 MR. CHIER: YES.

20 THE COURT: YOU CAN ARGUE ORALLY.

21 MR. WAPNER: YES.

22 MR. CHIER: MAY I RESERVE FOR REBUTTAL, IF ANY?

23 THE COURT: YES.

24 MR. WAPNER: AS FAR AS THE MOTION UNDER SECTION 1118  
25 TO DISMISS THE CHARGES, I THINK AS FAR AS THE EVIDENCE, THE  
26 ARGUMENT IS THAT THERE IS NO EVIDENCE OF CORPUS DELICTI OF  
27 THE MURDER THAT HAS BEEN ARGUED AD NAUSEAM IN THIS CASE.  
28 I WILL SUBMIT IT ON THE PREVIOUS ARGUMENTS THAT WERE MADE.

1 AS FAR AS THE MOTION TO DISMISS OR FOR JUDGMENT  
2 OF ACQUITTAL BECAUSE THERE IS NO CORPUS DELICTI OF THE  
3 ROBBERY, THERE ARE SEVERAL THINGS THAT I WOULD POINT THE  
4 COURT'S ATTENTION TO IN TERMS OF THE CORPUS DELICTI OF THE ROBBERY.

5 ONE IS THE FACT THAT THE SAME DAY THAT MR. LEVIN  
6 DISAPPEARED IS THE DATE THAT MR. HUNT SHOWS UP WITH THE SIGNED  
7 CHECK AND THE CONTRACT AND DEMONSTRATES TO EVERYONE CONCERNED,  
8 HOW HAPPY HE IS OVER GETTING THIS CONTRACT AND CHECK LEADING  
9 TO THE CLEAR INFERENCE THAT HE WAS DEMONSTRATING THE CHECK  
10 AND CONTRACT AS SOON AS HE GOT IT.

11 I WOULD FURTHER INDICATE THAT IF AS HE CLAIMS  
12 OR WANTS TO SUGGEST, HE HAD GOTTEN IT THE DAY BEFORE, THAT  
13 HE WOULD HAVE IN FACT, SHOWN IT TO PEOPLE THE DAY BEFORE  
14 AND BEEN HAPPY ABOUT IT THE DAY BEFORE.

15 IF MR. LEVIN HAD SIGNED THE CONTRACT AND IT WAS  
16 A LEGITIMATE CONTRACT AND HE HAD SIGNED IT IN THE OFFICE  
17 ON JUNE 5, THEN HE WOULD HAVE EXPLAINED IT AND SHOWED IT  
18 TO PEOPLE IN THE OFFICE ON JUNE 5, WHICH WE KNOW IN FACT,  
19 HE DID NOT DO.

20 ALSO, THE FACT THAT THIS WAS NOT A LEGITIMATE  
21 CONTRACT, IT IS KIND OF BOLSTERED BY THE FACT THAT JERRY  
22 EISENBERG TESTIFIED THAT AT THE VERY LAST MINUTE, BEFORE  
23 MR. HUNT WAS OUT THE DOOR ON THE NIGHT OF JUNE THE 6, THAT  
24 JOE HUNT SAYS, "HERE'S THE CONTRACT. SPICE IT UP WITH A  
25 LITTLE LEGAL LANGUAGE," WHICH IS NOT EXACTLY HOW A LEGITIMATE  
26 BUSINESSMAN WOULD PROCEED WITH WHAT COULD AMOUNT TO AN  
27 EIGHT AND A HALF MILLION DOLLAR CONTRACT.

28 ALL OF THAT IS GOING TO PROVE OF COURSE, THAT

1 THIS WAS NOT A LEGITIMATE BUSINESS TRANSACTION AND THEREFORE,  
2 MR. LEVIN DID NOT PART WITH THIS MILLION AND A HALF DOLLARS  
3 VOLUNTARILY.

4 FURTHER, THAT THERE WAS NO MONEY IN MR. LEVIN'S  
5 ACCOUNT AND FROM THE FACT THAT HE HAD THE CHECKS FOR HALF  
6 A MILLION DOLLARS AND \$980,000 AND HE USED TO FLASH THEM  
7 AROUND ALL OF THE TIME, SHOWING PEOPLE OR TRYING TO SHOW  
8 PEOPLE THAT HE HAD ALL THIS MONEY, HE WOULDN'T WANT IT  
9 DISCOVERED THAT IN FACT, HE ONLY DID HAVE \$40 IN THE ACCOUNT.  
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1                   AND FOR THOSE REASONS ALSO, I THINK IT GOES TO  
2 SHOW THIS CHECK WAS OBTAINED FROM HIM, NOT VOLUNTARILY, BUT  
3 IN FACT BY FORCE.

4           THE COURT:   HOW ABOUT THE CREDIT CARD?

5           MR. WAPNER:   THE POSSESSION BY MR. PITTMAN OF THE CREDIT  
6 CARDS IN NEW YORK LIKewise THAT SAME DAY, ALTHOUGH BE IT  
7 ALMOST MIDNIGHT OF THAT DAY, IS FURTHER EVIDENCE THAT THE  
8 PLAN --

9           THE COURT:   YOU MEAN OF JUNE 7?

10          MR. WAPNER:   RIGHT, OF JUNE 7.

11                   -- THAT THE PLAN WAS CARRIED OUT AS ANTICIPATED  
12 AND ALL THAT IS REQUIRED IN TERMS OF THE CORPUS OF ANY CRIME  
13 IS THAT THERE BE SLIGHT EVIDENCE AND ONCE THERE IS SLIGHT  
14 EVIDENCE OF THE CORPUS OF THE CRIME, THE STATEMENTS ARE  
15 ADMISSIBLE TO AID IN THE PROOF OF THE CORPUS OF THE CRIME.  
16 IT DOESN'T SAY -- OR THE RULE ISN'T THAT STATEMENTS CAN'T BE  
17 USED TO BOLSTER THE CORPUS. IT IS JUST THAT THERE MUST BE  
18 SOME EVIDENCE, HOWEVER SLIGHT, OF THE CORPUS, INDEPENDENT OF  
19 ANY STATEMENT AND I THINK THAT THERE IS MORE THAN AMPLE  
20 EVIDENCE OF THAT IN THIS CASE.

21                   IT WILL BE SUBMITTED.

22          MR. CHIER:   JUST BRIEFLY, YOUR HONOR, THE CREDIT CARD,  
23 OF COURSE, DOES NOT TEND TO CONNECT MR. PITTMAN AND MR. HUNT  
24 PRIOR TO THAT TIME WHICH IS NECESSARY, OF COURSE, IF WE ARE  
25 GOING TO USE THIS FOR THE CORPUS, THESE ARE THINGS THAT  
26 HAPPENED AFTER THE ALLEGED ROBBERY, WHICH WOULD BE THE TAKING  
27 OF THE CHECK AND ABSENT THAT, IF YOU ELIMINATE THE STATEMENTS  
28 OF THE DEFENDANT, WHICH I SUBMIT INCLUDE AND SUBSUME THE

2  
1 SEVEN PAGES, THE 6-24 MEETING, THE STATEMENT ALLEGEDLY TO  
2 MR. MAY, THE ALLEGED STATEMENT TO MR. KARNY, ALL OF THOSE  
3 STATEMENTS IN THEIR VARIOUS FORMATS, IF YOU ELIMINATE THOSE,  
4 YOU ARE LEFT WITH THE NECESSITY OF SPECULATING AS TO HOW THE  
5 CHECK WAS OBTAINED.

6 THE CLEAR REQUIREMENT BEING THAT THERE WOULD BE  
7 A CORPUS SHOWING THAT THERE WAS A TAKING BY FORCE OR FEAR  
8 AGAINST THE WILL OF THE ALLEGED VICTIM.

9 THE FACT THAT THERE WERE -- IT IS TRUE THAT WE  
10 HAD ARGUED THIS CORPUS MATTER BEFORE, BUT I THINK AT THE CLOSE  
11 OF THE PEOPLE'S EVIDENCE, THEIR POSITION HAS ACTUALLY  
12 DETERIORATED RATHER THAN IMPROVED SINCE THE BEGINNING OF THIS  
13 TRIAL, YOUR HONOR, AND I DON'T THINK IT IS APPROPRIATE TO  
14 ARGUE COMMON BUSINESS PRACTICES WHEN WE ARE TALKING ABOUT  
15 MR. RON LEVIN, WHOSE OWN BUSINESS PRACTICES WOULD NECESSARILY  
16 REQUIRE DOING BUSINESS WITH HIM IN LESS THAN ORTHODOX  
17 METHODS, SHORT OF, OF COURSE, ROBBERY.

18 THERE IS A LARGE CHASM OR GAP THAT HAS TO BE  
19 JUMPED THERE BETWEEN UNORTHODOX BUSINESS PRACTICES AND AN  
20 ARMED ROBBERY AND I THINK IT IS QUITE CLEAR THAT THE ELEMENTS  
21 THAT ARE NECESSARY FOR THE ROBBERY ARE NOT PRESENT HERE AND  
22 ARE ONLY PRESENT IF ONE ENGAGES IN SPECULATION.

23 AGAIN, THE CREDIT CARDS ARE NOT AT ISSUE BECAUSE  
24 THE ONLY EVIDENCE TENDING TO CONNECT MR. HUNT TO MR. PITTMAN  
25 INSOFAR AS THESE OFFENSES ARE CHARGED, YOUR HONOR, ARE AGAIN,  
26 STATEMENTS. YOU CANNOT PROVE THE ROBBERY BY STATEMENTS,  
27 ANY MORE THAN YOU COULD PROVE THE CONSPIRACY, THE EXISTENCE  
28 OF THE CONSPIRACY BY STATEMENTS.

3  
1 THE FACT THAT MR. HUNT GOES TO THE AID OF  
2 MR. PITTMAN SOME SEVERAL DAYS LATER IS, OF COURSE, NOT  
3 EVIDENCE THAT A CONSPIRACY EXISTED AT THE TIME THAT THE CHECK  
4 WAS OBTAINED FROM MR. LEVIN.

5 THE EVIDENCE WILL REFLECT, I THINK, YOUR HONOR,  
6 THAT THERE WAS AN INNOCENT REASON FOR MR. HUNT GOING TO  
7 MR. PITTMAN'S AID AT THAT LATER TIME.

8 BUT IF WE ELIMINATE AGAIN THE STATEMENTS  
9 CONCERNING MR. PITTMAN AND STATEMENTS OF MR. HUNT CONCERNING  
10 MR. PITTMAN'S COMPLICITY IN THIS ALLEGED ADVENTURE, THERE IS  
11 NO INDEPENDENT EVIDENCE TENDING TO SHOW THE EXISTENCE OF THE  
12 CONSPIRACY OR THAT THESE CREDIT CARDS WERE TAKEN PURSUANT TO  
13 OR WAS A MEANS OF FURTHERING THE OBJECTIVES OF THAT CONSPIRACY,  
14 YOUR HONOR.

15 AND FOR THAT REASON, I THINK THAT BOTH OF THESE  
16 COUNTS ARE INFIRM AND I ASK THE COURT TO GRANT THE MOTION  
17 PURSUANT TO 1118.1.

18 THE COURT: I THINK THERE IS SUFFICIENT EVIDENCE TO  
19 SUPPORT THE CORPUS DELICTI OF THE MURDER AND OF THE ROBBERY.

20 MR. CHIER: THE OTHER ONE I AM SUBMITTING ON THE MOVING  
21 PAPERS.

22 THE COURT: WHICH ONE?

23 MR. CHIER: THE MOTION FOR MISTRIAL.

24 THE COURT: IF YOU DESIRE TO HAVE A HEARING CONCERNING  
25 BARRING YOUR LAW CLERK, WHO THOUGHT HE WAS HAVING A  
26 CONVERSATION OUT THERE--IF YOU WANT TO HAVE A HEARING, YOU  
27 MAY HAVE ONE.

28 MR. CHIER: I THINK THAT WOULD BE APPROPRIATE.

1 THE COURT: ALL RIGHT. I WILL ARRANGE FOR IT.

2 MR. CHIER: THANK YOU.

3 THE COURT: HOW ABOUT THE ATTENDANCE OF WITNESSES?

4 MR. CHIER: YES, YOUR HONOR. WE HAD SUBMITTED YOUR  
5 HONOR, A REQUEST FOR THE ISSUANCE OF A CERTIFICATE OF  
6 ATTENDANCE, TOGETHER WITH SUPPORT DECLARATIONS FOR TWO  
7 WITNESSES WHO RESIDE OUTSIDE THE JURISDICTION OF THIS COURT  
8 AND SPECIFICALLY, IN TUCSON, ARIZONA.

9 THE IDENTITY OF THE WITNESSES HAS BEEN DISCLOSED  
10 TO YOUR HONOR, AS WELL AS THEIR OCCUPATIONS. AND --

11 THE COURT: WHAT ARE THEIR OCCUPATIONS?

12 MR. CHIER: ONE OF THEM IS A POLICE OFFICER EMPLOYED  
13 BY THE TUCSON POLICE DEPARTMENT.

14 THE COURT: AND YOU WANT HIM TO TESTIFY AS TO WHAT  
15 REACTIONS HE GOT FROM HEARING THE STORIES OF THESE TWO  
16 WITNESSES YOU ARE GOING TO PRODUCE?

17 MR. CHIER: HIS REACTION? NO. HE IS THE FIRST PERSON  
18 WHO TALKED TO THE WITNESSES AND --

19 THE COURT: WHAT DIFFERENCE DOES IT MAKE? I THINK  
20 IT IS FOR THE JURY TO DETERMINE WHETHER OR NOT THE STORIES  
21 THEY ARE GOING TO TELL ON THE STAND ARE BELIEVABLE.

22 AND HIS IMPRESSION AS TO WHETHER OR NOT THEY  
23 ARE TELLING THE TRUTH, IS NOT EVIDENCE IN THIS CASE.

24 MR. CHIER: WELL, FOR ONE THING, IT IS CORROBORATIVE  
25 EVIDENCE --

26 THE COURT: IT IS NOT CORROBORATIVE EXCEPT HIS  
27 REACTIONS TO THE STORY THAT WAS TOLD TO HIM. LET THE JURY  
28 DETERMINE.

1                   THEIR REACTIONS ARE MORE IMPORTANT OR ARE THE  
2 ONLY CRITERION IN THIS CASE.

3           MR. CHIER: YOUR HONOR, THERE ARE OTHER REASONS FOR --

4           THE COURT: ALL RIGHT. WILL YOU STATE THEM, PLEASE?

5           MR. CHIER: UNDER THE CASE OF PEOPLE VERSUS COLLIE,  
6 30 CAL.3D, I AM REALLY NOT ABLE IN A CASE INVOLVING ATTORNEY'S  
7 WORK PRODUCT AND TO SOME EXTENT ATTORNEY/CLIENT PRIVILEGE --  
8 I AM NOT ABLE TO AND I CANNOT UNDER THE STRICTURES OF THE  
9 CANONS OF ETHICS, DISCLOSE TO THE COURT THE NATURE OF THE  
10 OTHER REASONS.

11                   SUFFICE IT TO SAY THAT I THINK THAT --

12           THE COURT: YOU HELD OPEN THE DOOR. YOU TOLD HIM ONE  
13 OF THE REASONS WHY YOU WANTED HIM TO CORROBORATE THE  
14 TESTIMONY IS THAT HE WOULD HAVE A FAVORABLE REACTION TO THE  
15 STORIES TOLD TO HIM BY THESE TWO PEOPLE.

16           MR. CHIER: THE DOOR IS REALLY A GLASS DOOR IN THAT  
17 SENSE, BECAUSE THAT IS SELF-EVIDENT.

18                   IF WE CONCEDE THAT MR. MYERS IS THE FIRST PERSON  
19 TO WHOM THESE WITNESSES SPOKE, THEN OF COURSE, THAT ASPECT  
20 OF IT IS SELF-EVIDENT AND I DON'T FEEL I HAVE REVEALED ANY-  
21 THING NOT GLARINGLY EVIDENT ON ITS FACE.

22           THE COURT: AND THE OTHER WITNESS?

23           MR. CHIER: THE OTHER WITNESS IS A POLYGRAPHER, YOUR  
24 HONOR AND ALTHOUGH I CONCEDE NOW THAT THE EVIDENCE, THE  
25 INFORMATION THAT I HAD FROM ANOTHER COUNSEL, WHILE SCHMOOZING  
26 IN THE HALLWAY, SO TO SPEAK, CONCERNING THIS WITHERSPOON  
27 CASE, TURNED OUT TO BE ACTUALLY SUPERCEDED BY THE EVIDENCE  
28 CODE WHICH --

3  
1 THE COURT: THAT'S RIGHT. THE LAW WHICH WAS PASSED,  
2 SAID THAT --

3 MR. CHIER: AND I READ THE HISTORY OF IT IN WITKIN  
4 AND WITKIN SAYS THAT AS A RESULT OF PROPOSITION 8 AND AS  
5 A RESULT OF WITHERSPOON, 351.1 OF THE --

6 THE COURT: 351.1? IT IS 351.1A--

7 MR. CHIER: 351.1A. 351.1B IS A HORSE OF A DIFFERENT  
8 COLOR. THAT SAYS THAT NOTSTANDING THE PROVISIONS OF SECTION  
9 351.1A WHICH PROHIBITS THE INTRODUCTION OF POLYGRAPH EVIDENCE  
10 OR ANYTHING INDICATING THAT THERE IS A PASS OR FAIL ON A  
11 LIE DETECTOR TEST, B ALLOWS -- ALLOWS THE PERSON TO WHOM  
12 THE STATEMENTS WERE MADE, WHO IN THIS CASE WAS TO BE THE  
13 POLYGRAPHER, TO TESTIFY CONCERNING THE STATEMENTS AND ALSO  
14 HE WOULD BE PERMITTED TO TESTIFY CONCERNING THE Demeanor  
15 OF PERSONS MAKING THE STATEMENT.

16 THE COURT: THAT WOULD BE THE CLEAREST KIND OF HEARSAY.

17 MR. CHIER: PARDON ME?

18 THE COURT: THEY ARE GOING TO TESTIFY HERE. WHY DO  
19 WE NEED SOMEBODY ELSE TO TESTIFY THAT THIS IS WHAT THEY SAID  
20 BEFORE?

21 MR. CHIER: WELL, I AM CONFIDENT THAT THE PEOPLE ARE  
22 GOING TO MAKE SOME SORT OF ATTACK ON EITHER THE IDENTITY  
23 OF THESE PEOPLE OR THEIR VERACITY OR BOTH OF THE ABOVE.

24 I THINK THAT IT IS IMPORTANT FOR US TO HAVE THIS  
25 PERSON TESTIFY AS TO THEIR Demeanor --

26 THE COURT: ISN'T THAT THE CLEAREST HEARSAY TO HAVE  
27 SOMEBODY TESTIFY AS TO WHAT THEY WERE TOLD BY THOSE TWO  
28 WITNESSES WHO ARE GOING TO BE HERE IN COURT?

4

1 THE ONLY TIME YOU WOULD USE TESTIMONY OF THAT  
2 KIND, WOULD BE TO CONTRADICT TESTIMONY GIVEN BY THE WITNESSES,  
3 NOT TO SUPPORT IT, TO IMPEACH THE TESTIMONY AND NOT TO  
4 SUPPORT IT.

5 MR. CHIER: YOU COULD ACTUALLY USE THE POLYGRAPHER  
6 AS A WITNESS WITHOUT EVER GETTING TO THE STATEMENTS THEM-  
7 SELVES, WHICH OF COURSE, IS NOT HEARSAY. YOU COULD SAY,  
8 "DID YOU TALK TO THE DEFENDANTS CONCERNING THEIR OBSERVATIONS  
9 ON A CERTAIN DATE AND AT A GAS STATION IN TUCSON?" "YES, I  
10 DID." "AND COULD YOU DESCRIBE THEIR Demeanor AND SO FORTH?"  
11 THOSE ARE APPROPRIATE QUESTIONS. YOU NEVER HAVE TO GET INTO  
12 THE CONTENT OF THEIR STATEMENTS.

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1 MR. WAPNER: WELL, FIRST OF ALL, IT DEPENDS ON WHAT  
2 THEY SAY ON THE STAND IN TERMS OF WHETHER THEY CAN BE IMPEACHED  
3 WITH PRIOR CONSISTENT OR INCONSISTENT STATEMENTS. I ASSUME  
4 THAT THE DEFENSE DOESN'T WANT TO SUBPOENA A WITNESS TO IMPEACH  
5 OTHER WITNESSES THEY ARE PLANNING TO CALL IN TERMS OF PRIOR  
6 INCONSISTENT STATEMENTS.

7 AND THEN THE QUESTION BECOMES WHETHER THERE ARE  
8 PRIOR CONSISTENT STATEMENTS THAT WERE MADE EARLIER IN TIME  
9 TO THE ONES THAT WERE INCONSISTENT AND IF THEY WERE, PROBABLY  
10 WHETHER OR NOT IT WAS MADE TO THESE OFFICERS.

11 BUT THE WHOLE POINT OF THIS, IS TO BACK-DOOR  
12 THE FACT THAT THERE WAS A POLYGRAPH EXAMINATION. BECAUSE  
13 TO GET THE OFFICER HERE FROM TUCSON AND GET HIM ON THE STAND  
14 AND THEN ASK HIM, WHAT DID HE DO AND AMONG YOUR DUTIES DO  
15 YOU TAKE POLYGRAPH EXAMINATIONS BUT TO TRY NOT TO MENTION  
16 IT IN THIS CASE, TO ME, THAT IS THE WHOLE POINT OF IT, IS  
17 TO GET SOMEHOW -- GET INTO THE FACT THAT THERE WAS A POLYGRAPH  
18 EXAMINATION GIVEN, WHICH IS SPECIFICALLY PROHIBITED BY THE  
19 EVIDENCE CODE.

20 AND TO THE EXTENT THAT THERE ARE, AFTER THE  
21 WITNESS TESTIFIES -- IF THERE ARE CERTAIN STATEMENTS THAT  
22 COUNSEL CAN THEN POINT TO AND SAY THAT WE NEED THIS OFFICER  
23 TO TESTIFY ABOUT THE STATEMENTS, THEN THAT IS SOMETHING ELSE  
24 ALTOGETHER.

25 MR. CHIER: YOUR HONOR, COULD I SAY SOMETHING WITH  
26 RESPECT TO THE --

27 THE COURT: WELL, THE ISSUE IN THIS CASE IS NOT GOING  
28 TO BE WHETHER OR NOT THEY MADE ANY STATEMENTS TO OTHER PEOPLE.



1 THERE WON'T BE ANY TESTIMONY OF THAT -- CONTRADICTING THAT.

2 THE PEOPLE WON'T INTRODUCE ANY TESTIMONY TO SHOW  
3 THAT THEY MADE DIFFERENT STATEMENTS THAN SOMEBODY ELSE. IF  
4 THEY DID, THEN YOU CAN SHOW PRIOR CONSISTENT STATEMENTS.

5 UNTIL THAT POINT IS REACHED, THERE IS NO SENSE  
6 IN PERMITTING ANYBODY TO COME IN HERE TO TESTIFY THAT THEY  
7 CONSISTENTLY MADE THE SAME STATEMENTS.

8 IT IS ONLY WHERE IT IS CONTRADICTED, WHERE THE  
9 STATEMENTS THEMSELVES -- WHERE THE PEOPLE FOR EXAMPLE, SAY  
10 THEY MADE CONTRARY STATEMENTS TO WHAT THEY ARE TESTIFYING  
11 TO IN COURT. THEN YOU CAN SHOW PRIOR CONSISTENT STATEMENTS.

12 MR. CHIER: COULD I SAY TWO THINGS, YOUR HONOR? FIRST  
13 OF ALL, I THINK WITH ALL DUE RESPECT TO MR. WAPNER AND THE  
14 COURT, IT IS IMPROPER FOR MR. WAPNER TO BE INVOLVED IN A  
15 MATTER THAT IS ESSENTIALLY BETWEEN DEFENSE COUNSEL AND THE  
16 COURT, NAMELY, THE ISSUANCE OF THE SUBPOENA.

17 FOR THIS REASON, IF THERE WERE A LOCAL MATTER,  
18 I COULD JUST SIMPLY GO THE CLERK'S OFFICE AND GET A SUBPOENA  
19 AND HAVE THE SUBPOENA SERVED. BECAUSE OF THE FACT THESE  
20 WITNESSES ARE OUT OF THE JURISDICTION, IT IS NECESSARY FOR  
21 ME TO GO TO YOU TO HAVE YOU DO THAT. BUT HE HAS NO INPUT.

22 THE COURT: OF COURSE. THERE IS NO BASIS FOR YOUR  
23 SEEKING THAT BECAUSE THAT TESTIMONY, ASSUMING THAT THEY WERE TO  
24 TESTIFY AND TO BE HERE, WOULDN'T BE ADMISSIBLE.

25 MR. CHIER: WELL YOUR HONOR, HERE IS THE PROBLEM.  
26 SUPPOSE THAT THERE IS SOMETHING THAT COMES UP DURING THE  
27 COURSE OF THE TRIAL --

28 THE COURT: THEN I WILL CONSIDER IT AT THAT TIME.

1 MR. CHIER: IT TAKES APPROXIMATELY A WEEK AND A HALF  
2 TO TWO WEEKS TO GET THIS DONE.

3 THE COURT: WHAT DONE?

4 MR. CHIER: FOR ALL OF -- TO HAVE YOUR HONOR SIGN THE  
5 ORDER AND --

6 THE COURT: IT WILL TAKE ME TEN SECONDS TO SIGN THE  
7 ORDER, IF I THINK IT IS NECESSARY.

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1 MR. CHIER: THEN WHAT HAPPENS, YOUR HONOR, IS IT GOES  
2 TO COUNSEL IN TUCSON, WHO THEN HAS AN ORDER TO SHOW CAUSE  
3 ISSUED BY THE PRESIDING JUDGE AND THEN SERVES THE WITNESSES,  
4 THE INTENDED WITNESSES WITH THE ORDER TO SHOW CAUSE, WHO THEN  
5 HAVE A RIGHT TO COME AND BE HEARD AS TO WHETHER OR NOT THEY  
6 SHOULD BE COMPELLED TO ATTEND HERE IN LOS ANGELES. THAT TAKES  
7 QUITE A BIT OF TIME AND IF WE WAIT UNTIL WE ARE ON THE BRINK,  
8 SO TO SPEAK, AND IT TURNS OUT THAT THESE WITNESSES ARE  
9 NECESSARY, WE HAVE OBVIOUSLY AN UNINVITED AND UNWANTED HIATUS  
10 HERE, YOUR HONOR.

11 THE COURT: LET'S SEE WHAT DEVELOPS IN THE TRIAL FIRST  
12 AND THEN WE WILL MAKE TIME FOR IT.

13 I AM GOING TO DENY IT WITHOUT PREJUDICE.

14 ALL RIGHT, READY FOR THE JURY?

15 MR. WAPNER: I AM READY, YOUR HONOR.

16 MR. BARENS: ALL RIGHT. WE ARE READY TO PROCEED, YOUR  
17 HONOR.

18 THE COURT: ALL RIGHT, GET THE JURORS IN, PLEASE.

19 MR. BARENS: YOUR HONOR, I AM AT DEFENSE EXHIBIT LL,  
20 AM I NOT?

21 THE COURT: I THINK SO. LET ME LOOK AGAIN. I HAVE KK.  
22 WHAT WAS LL AGAIN?

23 MR. BARENS: MY NEXT IN ORDER WILL BE AT LL.

24 THE COURT: LL.

25 MR. BARENS: THAT IS WHAT I PLAN TO PROCEED WITH.

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

1 THE COURT: ALL RIGHT, GOOD MORNING, LADIES AND  
2 GENTLEMEN. I AM SORRY TO KEEP YOU. WE HAD, AGAIN, SOME  
3 MATTERS TO TAKE UP OUTSIDE THE PRESENCE OF THE JURY.

4 CALL YOUR WITNESS, PLEASE.

5  
6 DEFENSE  
7

8 MR. BARENS: YES, YOUR HONOR, PURSUANT INITIALLY TO  
9 SECTION 1507 OF THE EVIDENCE CODE, THE DEFENSE WILL OFFER INTO  
10 EVIDENCE AT THIS POINT AS LL, A LETTER IN THE HANDWRITING OF  
11 RON LEVIN AND BEARING HIS SIGNATURE, DATED APRIL 10TH, 1979,  
12 WHICH WE HAVE OBTAINED THROUGH THE NATIONAL ARCHIVES AND  
13 RECORDS ADMINISTRATION, THAT BEING A LETTER WRITTEN WHILE  
14 MR. LEVIN WAS IN CUSTODY, ADDRESSED TO JUDGE ALBERT LEE  
15 STEVENS, JR., UNITED STATES DISTRICT JUDGE, UNITED STATES  
16 DISTRICT COURT, ET CETERA.

17 I BELIEVE THERE WAS A COPY OF THE SUBPOENAED  
18 LETTER THAT WAS NOT CERTIFIED BUT WE HAVE NOW A PROPERLY  
19 CERTIFIED ONE.

20 THE COURT: LET ME SEE IT.

21 MR. WAPNER: MAY IT BE MARKED FOR IDENTIFICATION AT THIS  
22 TIME?

23 THE COURT: YES.

24 MR. WAPNER: SUBJECT TO RECEIPT AT SOME LATER TIME?

25 MR. BARENS: YOUR HONOR, I WISH TO READ THE LAST PART  
26 OF THE LETTER AT THIS POINT.

27 THE COURT: THEN WE HAD BETTER HAVE A CONFERENCE AT THE  
28 BENCH.

1 MR. BARENS: THANK YOU, YOUR HONOR.

2 (THE FOLLOWING PROCEEDINGS WERE HELD  
3 AT THE BENCH:)

4 THE COURT: YES, THIS LETTER IS DATED APRIL 10TH, 1979?

5 MR. BARENS: THAT IS CORRECT, YOUR HONOR.

6 THE COURT: WHAT IS IT YOU WANT TO READ?

7 MR. BARENS: I WANTED TO READ THE LAST PARAGRAPH, IF  
8 YOU WOULD LIKE TO READ IT.

9 THE COURT: (READING:)

10 "IN ADDITION, I AM NOT BEING GIVEN CREDIT  
11 FOR --"

12 MR. BARENS: I THINK IT IS THE NEXT PAGE, SIR.

13 THE COURT: (READING:)

14 "I HAVE DEFINITELY LEARNED MY LESSON  
15 FROM THIS EXPERIENCE. I AM IN A CONSTANT STATE OF  
16 FEAR AND I DO NOT KNOW HOW MUCH LONGER I CAN COPE  
17 WITH THE PEOPLE HERE IN JAIL. ANYTHING YOU CAN DO  
18 TO HELP ME WILL BE GREATLY APPRECIATED."

19 I DON'T SEE THE RELEVANCY OF THIS.

20 MR. BARENS: MAY I BE HEARD, SIR?

21 THE COURT: GO AHEAD, ON THE RECORD.

22 MR. BARENS: YOUR HONOR, THERE HAS BEEN A CONSIDERABLE  
23 AMOUNT OF TESTIMONY PRIOR TO THIS TIME FROM PROSECUTION  
24 WITNESSES CONCERNING MR. LEVIN'S STATE OF MIND OVER THE YEARS,  
25 GOING BACK TO PRIOR TO THE TIME HE WENT TO JAIL ON THE  
26 OFFENSE HERE, AFTER THE TIME HE WENT TO JAIL AND EVEN PHONE  
27 CALLS THAT WERE TESTIFIED ABOUT WHILE HE WAS IN JAIL.

28 MR. WAPNER: EXCUSE ME, COUNSEL. CAN I ASK YOU TO KEEP

1 YOUR VOICE DOWN?

2 THE COURT: KEEP YOUR VOICE DOWN, WILL YOU, PLEASE?

3 MR. BARENS: I AM SORRY, SIR.

4 YOUR HONOR, THERE WERE SEVERAL WITNESSES WHO  
5 TESTIFIED ABOUT MR. LEVIN'S STATE OF MIND ABOUT THIS  
6 EXPERIENCE. THIS IS IN THE HANDWRITING OF MR. LEVIN PER SE.

7 THE COURT: THE MAN SAYS HERE HE IS IN FEAR OF BEING  
8 IN JAIL, IS THAT WHAT YOU ARE CONCERNED WITH?

9 MR. BARENS: THAT IS CORRECT, YOUR HONOR, AND YOUR  
10 HONOR --

11 THE COURT: ANYBODY IS IN FEAR WHEN THEY ARE IN JAIL.  
12 I AM NOT GOING TO ADMIT IT.

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1 MR. BARENS: IT IS TOTALLY CONSISTENT WITH PREVIOUS  
2 EVIDENCE.

3 THE COURT: I AM NOT GOING TO ADMIT IT.

4 ALL RIGHT, LET'S GO ON.

5 MR. BARENS: YOUR HONOR, SIR, ASIDE FROM TELLING ME THAT  
6 YOU ARE NOT GOING TO PERMIT ME TO READ THE PARAGRAPH --

7 THE COURT: NO, I WILL NOT.

8 MR. BARENS: EXCUSE ME, SIR. IF I COULD JUST FINISH  
9 SO THAT I UNDERSTAND THIS.

10 YOU ARE ALSO SAYING WE CANNOT SUBMIT THE LETTER  
11 FOR INTRODUCTION INTO EVIDENCE?

12 THE COURT: THAT IS CORRECT, NO.

13 IT WILL BE MARKED FOR IDENTIFICATION.

14 MR. BARENS: ALL RIGHT, AND WE WILL ARGUE LATER ITS  
15 ADMISSIBILITY, I PRESUME?

16 THE COURT: YES.

17 MR. BARENS: YOUR HONOR IS MAKING A RULING BASED ON LACK  
18 OF RELEVANCY?

19 THE COURT: I DON'T HAVE TO TELL YOU. I AM JUST SAYING  
20 I AM NOT GOING TO PERMIT IT IN BECAUSE, NUMBER ONE, I DON'T  
21 THINK IT IS RELEVANT AND TWO, I DON'T THINK IT HAS ANYTHING  
22 TO DO WITH ANY ISSUE IN THIS CASE.

23 MR. BARENS: YOUR HONOR, WITHOUT GIVING ME A BASIS FOR  
24 YOUR HONOR'S STRIKING IT --

25 THE COURT: I DON'T HAVE TO GIVE YOU ANY BASIS. I AM  
26 JUST SAYING IT IS NOT ADMISSIBLE.

27 WE WILL ARGUE IT LATER.

28 MR. BARENS: YOUR HONOR, THE PROBLEM IS IN ORDER FOR

1 ME TO PROPERLY ARGUE WITH YOUR HONOR, I NEED TO HAVE A  
2 RESEARCH BASIS UPON WHICH I CAN --

3 THE COURT: I DON'T HAVE TO RESEARCH ANYTHING. I DON'T  
4 THINK IT IS MATERIAL OR RELEVANT TO ANY ISSUE IN THIS CASE.

5 MR. WAPNER: IT WILL BE MARKED FOR IDENTIFICATION AND  
6 WE CAN ARGUE IT LATER?

7 THE COURT: YES.

8 MR. WAPNER: THANK YOU.

9 (THE FOLLOWING PROCEEDINGS WERE HELD  
10 IN OPEN COURT:)

11 MR. BARENS: MAY THAT BE MARKED LL FOR IDENTIFICATION?

12 THE COURT: IT WILL BE MARKED LL FOR IDENTIFICATION.

13 MR. BARENS: THANK YOU. WE WILL SUBMIT THAT TO THE COURT  
14 CLERK.

15 THE DEFENSE WOULD CALL BROOKE ROBERTS, YOUR HONOR.

17 BROOKE ROBERTS,  
18 CALLED AS A WITNESS BY THE DEFENDANT, WAS SWORN AND TESTIFIED  
19 AS FOLLOWS:

20 THE CLERK: WOULD YOU RAISE YOUR RIGHT HAND TO BE  
21 SWORN?

22 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU MAY  
23 GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE  
24 TRUTH, THE WHOLE TRUTH --

25 THE WITNESS: I DO.

26 THE CLERK: -- AND NOTHING BUT THE TRUTH, SO HELP YOU  
27 GOD?

28 THE WITNESS: YES.



7  
1 THE CLERK: IF YOU WOULD BE SEATED THERE AT THE WITNESS  
2 STAND.

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

5 THE WITNESS: BROOKE ROBERTS.

6 THE CLERK: AND YOUR FIRST NAME ENDS WITH AN E, DOES  
7 IT?

8 THE WITNESS: YES.  
9

10 DIRECT EXAMINATION

11 BY MR. BARENS:

12 Q GOOD MORNING.

13 A GOOD MORNING.

14 Q WHERE WERE YOU BORN?

15 A LOS ANGELES.  
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1 Q WHERE DID YOU GROW UP?

2 A LOS ANGELES.

3 Q WHERE DID YOU GO TO SCHOOL?

4 A IN LOS ANGELES.

5 Q AND WHAT HIGH SCHOOL DID YOU GO TO?

6 A I ATTENDED MARYMOUNT AND I WENT TO BOARDING  
7 SCHOOL IN TENTH GRADE, IN ARIZONA. AND I CAME BACK AND  
8 I GRADUATED FROM THE LYCEE FRANCAIS.

9 Q HOW MANY BROTHERS DO YOU HAVE?

10 A I HAVE THREE OLDER BROTHERS.

11 Q YOU KNOW JOE HUNT, DO YOU NOT?

12 A YES, I DO.

13 Q WHEN DID YOU MEET JOE HUNT?

14 A I MET JOE IN 1982.

15 THE COURT: WHEN?

16 THE WITNESS: 1982.

17 THE COURT: KEEP YOUR VOICE UP, WILL YOU PLEASE?  
18 PUSH YOUR CHAIR A LITTLE BIT CLOSER.

19 THE WITNESS: OKAY.

20 Q BY MR. BARENS: AND HOW OLD WERE YOU IN 1982,  
21 WHEN YOU MET JOE?

22 A I WAS 18.

23 Q AND WHERE WERE YOU LIVING AT THAT TIME?

24 A I WAS LIVING AT HOME WITH MY PARENTS.

25 Q DID YOU INTRODUCE HIM TO YOUR PARENTS?

26 A YES.

27 Q AND WHEN WAS THAT?

28 A IN DECEMBER, WHEN WE FIRST STARTED DATING.

2

1 Q WAS IT AROUND CHRISTMAS OF 1982?

2 A YES. IT WAS CHRISTMAS.

3 Q DID YOU INTRODUCE HIM TO YOUR BROTHERS?

4 A YES. HE ALREADY MET MY BROTHERS BECAUSE WE WENT  
5 TO PARTIES WITH MY BROTHERS A COUPLE OF TIMES.

6 Q AND DID JOE HAVE ACTIVITIES WITH YOUR BROTHERS,  
7 AS WELL?

8 A YES. HE PLAYS TENNIS WITH ONE OF MY BROTHERS.

9 Q AND DID YOU BRING JOE OVER TO YOUR HOUSE WHERE  
10 YOUR PARENTS LIVED?

11 A YES.

12 Q AND HOW DID YOU HAPPEN TO MEET JOE?

13 A I MET JOE FROM EVAN DICKER.

14 Q WAS EVAN DICKER A FRIEND OF YOURS?

15 A YES.

16 Q HOW LONG HAD YOU KNOWN EVAN BEFORE HE INTRODUCED  
17 YOU TO JOE?

18 A APPROXIMATELY A YEAR.

19 Q AND WHERE WERE YOU WHEN EVAN DICKER INTRODUCED  
20 YOU TO JOE?

21 A I WAS AT A PARTY AT EVAN'S HOUSE.

22 Q DO YOU RECALL APPROXIMATELY WHEN THAT WAS?

23 A LATE OCTOBER OR EARLY NOVEMBER.

24 Q AND DID YOU START TO DATE JOE HUNT?

25 A IN DECEMBER, YES.

26 Q DECEMBER OF 1982?

27 A YES.

28 Q IS THAT CORRECT?

1 A YES.

2 Q TRY TO ANSWER OUT LOUD, IF YOU WOULD.

3 A OKAY.

4 Q DO YOU KNOW DEAN KARNY?

5 A YES, I DO.

6 Q WHEN DID YOU FIRST MEET DEAN KARNY?

7 A I MET DEAN IN THE SUMMER OF 1982, BEFORE I MET  
8 JOE.

9 Q HOW DID YOU MEET DEAN KARNY?

10 A I MET DEAN AT THE PARTY ALSO WITH EVAN.

11 Q AND HOW DID YOU GET ALONG WITH DEAN KARNY BEFORE  
12 YOU MET JOE HUNT?

13 A FINE. WE WERE JUST PASSING -- YOU KNOW, HELLO,  
14 JUST -- WE WEREN'T REALLY FRIENDS, MORE OF ACQUAINTANCES.

15 Q NOW, AFTER YOU MET JOE AND HE HAD MET YOUR  
16 PARENTS, DID YOU LATER ON, MOVE INTO A LIVING RELATIONSHIP  
17 WITH JOE HUNT?

18 A YES, I DID.

19 Q AND WHEN WAS THAT?

20 A THAT WAS THE END OF APRIL.

21 Q 1982?

22 A '82 OR '83, RIGHT.

23 Q '83 AT THIS POINT?

24 A YES.

25 Q HOW DID YOUR PARENTS FEEL ABOUT THAT?

26 A THEY DISAPPROVED.

27 Q THEY DISAPPROVED BECAUSE THEY THOUGHT YOU WERE  
28 TOO YOUNG, BROOKE?

1           A       YES.

2           Q       OKAY.  AFTER YOU MOVED OUT WITH JOE HUNT IN 1983,  
3 DID YOU AND YOUR PARENTS --

4           THE COURT:  MOVED OUT?  DID YOU SAY MOVED OUT?

5           MR. BARENS:  SHE MOVED OUT WITH MR. HUNT ACTUALLY,  
6 JUDGE.

7           THE COURT:  ALL RIGHT.

8           MR. BARENS:  MOVED OUT OF HER HOUSE AND WAS RESIDING  
9 IN MR. HUNT'S.

10          THE COURT:  I SEE.  YES.

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1 Q BY MR. BARENS: WHERE WERE YOU LIVING WITH MR.  
2 HUNT AT THAT PARTICULAR TIME?

3 A IN ENCINO.

4 Q WAS ANYONE ELSE LIVING THERE?

5 A YES, DEAN WAS LIVING THERE.

6 Q DEAN KARNY?

7 A YES.

8 Q AFTER YOU MOVED OUT FROM YOUR FOLKS' HOUSE, DID  
9 YOUR PARENTS AND YOURSELF AND JOE EVER GO OUT TOGETHER?

10 A YES.

11 Q AND WHEN WAS THAT?

12 A MY FATHER'S BIRTHDAY IS MAY 9 AND I WAS LIVING  
13 WITH JOE FOR ABOUT TWO WEEKS.

14 AND WE WENT OUT AND HAD A PARTY, WENT OUT TO  
15 DINNER WITH MY FAMILY.

16 Q ALL RIGHT. NOW, AS YOU GOT TO KNOW MR. HUNT,  
17 DID MR. HUNT LIKE TO GO HUNTING?

18 A HUNTING FOR ANIMALS?

19 Q ALL RIGHT. HUNT FOR ANIMALS. WAS HE A HUNTER?

20 A NO. HE TARGET -- WENT TARGET SHOOTING.

21 Q HE WENT TARGET SHOOTING?

22 A YEAH.

23 Q WHERE WOULD HE DO THAT?

24 A SOLEDAD CANYON.

25 Q AND DID HE TELL YOU THAT HE WOULD GO IN TO SOLEDAD  
26 CANYON?

27 A YES.

28 Q AND DID HE TELL YOU HE WENT THERE WITH OTHER

1 YOUNG MEN ABOUT HIS AGE?

2 A YES.

3 Q WHO DID HE TELL YOU HE HAD GONE TO SOLEDAD CANYON  
4 WITH?

5 A HE WENT WITH DEAN, BEN, TOM, DAVE, JEFF RAYMOND  
6 AND EVERYBODY THAT WORKED IN THE OFFICE.

7 THEY WENT DIRT BIKING UP THERE AND THINGS LIKE  
8 THAT.

9 Q THEY WENT DIRT BIKING ASIDE FROM TARGET SHOOTING?

10 A THEY WENT FOUR-WHEELING. JOE HAD A JEEP. AND  
11 THEY USED TO GO FOUR-WHEELING AND STUFF LIKE THAT.

12 Q ALL RIGHT. DID THE TIME COME WHERE JOE TOLD  
13 YOU THAT HE WAS FORMING A BUSINESS TO BE KNOWN AS THE BBC?

14 A YES.

15 Q WHEN WAS THAT?

16 A THAT WAS WHEN I MOVED INTO ENCINO. SO IT MUST  
17 HAVE BEEN IN MAY OR JUNE.

18 Q OF 1983?

19 A '83, YES.

20 Q WHAT DID YOU UNDERSTAND ABOUT THE BBC -- THAT  
21 IT WAS GOING TO BE ABOUT?

22 A WELL, HE WAS WORKING ON PROJECTS. HE WAS TRADING  
23 COMMODITIES AND HE WAS GOING TO HAVE AN OFFICE.

24 Q AND DO YOU KNOW ANY OF THE PEOPLE THAT WERE TO  
25 BE ASSOCIATED WITH HIM IN THE BBC?

26 A YES.

27 Q WHO WAS THAT?

28 A DEAN KARNY, BEN DOSTI, TOM, DAVE MAY, JEFF RAYMOND,

1 JERRY EISENBERG. THERE WERE A FEW PEOPLE.

2 Q AT THAT TIME WHEN THE BUSINESS WAS BEING FORMED  
3 AND YOU WERE LIVING IN ENCINO, HAD MR. HUNT EVER MENTIONED  
4 THE PARADOX PHILOSOPHY TO YOU?

5 A YES.

6 Q AND HAD HE TALKED TO YOU ABOUT IT ON AN INDIVIDUAL  
7 BASIS OR WHEN DID YOU HEAR HIM TALK ABOUT THIS?

8 A WE TALKED ABOUT IT WHEN PEOPLE HAD PROBLEMS AND  
9 THEY WERE TRYING TO YOU KNOW, HAVE A BETTER VIEW OF THEIR  
10 LIVES AND WHAT THEY WANTED TO DO WITH THEIR CAREERS AND GOALS  
11 AND THINGS LIKE THAT.

12 Q WHAT UNDERSTANDING IF ANY, DID YOU HAVE ABOUT  
13 WHAT THE PARADOX PHILOSOPHY MEANT?

14 A WELL, WHAT I UNDERSTOOD IT TO BE, IT WAS JUST  
15 A WAY TO LOOK AT YOUR OBJECTIVES AND VIEW YOUR LIFE AND YOUR  
16 GOALS AND WHAT YOU WANTED OUT OF YOUR LIFE AND BE MORE POSITIVE  
17 ABOUT IT, YOU KNOW.

18 IT WAS LIKE -- JUST HAVE A BETTER -- LET ME SEE  
19 IF I CAN EXPLAIN. THAT IS WHAT I UNDERSTOOD IT TO BE, JUST  
20 A BETTER WAY OF LOOKING AT YOUR LIFE, YOU KNOW.

21 Q WAS IT A WAY TO LOOK AT YOUR PROBLEMS WITH A  
22 NEW PERSPECTIVE?

23 A SURE. ABSOLUTELY.

24 Q WERE YOU TOLD THAT IN ORDER TO BE IN THE BBC,  
25 YOU HAD TO SAY THAT YOU SUBSCRIBED TO A BELIEF IN PARADOX  
26 PHILOSOPHY?

27 A NO.

28 Q ALL RIGHT. TO YOUR KNOWLEDGE, WAS THERE EVER



1 A MANUAL OR A BOOK OR A WRITING MADE UP THAT SPELLED OUT  
2 THE PARADOX PHILOSOPHY?

3 A YES. JOE DID WRITE A LITTLE -- COUPLE OF PAGES  
4 ABOUT IT, YOU KNOW.

5 Q DID HE DO THAT IN CONJUNCTION WITH DEAN KARNY?

6 A YES.

7 Q ALL RIGHT. WHILE YOU WERE LIVING WITH MR. HUNT,  
8 WERE YOU FAMILIAR WITH HIS WARDROBE?

9 A VERY.

10 Q AND DID YOU DO HIS LAUNDRY?

11 A YES, I DID.

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1 Q WHEN YOU MOVED INTO THE CONDO, THE THREE OF YOU  
2 LIVED TOGETHER, IS THAT JOE --

3 A YES.

4 Q -- DEAN KARNY AND YOURSELF LIVED IN ONE CONDOMINIUM?

5 A YES.

6 Q WERE YOU GOOD FRIENDS WITH DEAN WHEN YOU FIRST  
7 MOVED INTO THE CONDO?

8 A NO.

9 THE COURT: NO?

10 THE WITNESS: NO.

11 Q BY MR. BARENS: WAS THERE A REASON WHY YOU WERE  
12 NOT FRIENDS WITH DEAN AT THAT POINT IN TIME?

13 A WELL, DEAN WAS AGAINST ME MOVING IN WITH JOE.

14 Q DID HE TELL YOU THAT?

15 A NO, BUT I FELT IT.

16 Q ALL RIGHT. WAS HE LESS THAN WARM IN HIS  
17 RECEPTION?

18 A YES.

19 Q ALL RIGHT. WERE JOE AND DEAN CLOSE AT THAT TIME?

20 A YES, THEY WERE GOOD FRIENDS.

21 Q DID THEY SPEND A LOT OF TIME TALKING TO EACH OTHER?

22 A YES.

23 Q DID YOU OCCASIONALLY HEAR WHAT THEY TALKED ABOUT?

24 A SURE. THEY TALKED ABOUT EVERYTHING, LIFE,  
25 BUSINESS, RELATIONSHIPS, THE WEATHER, ET CETERA, ET CETERA,  
26 EVERYTHING.

27 Q DID THEY SPEND TIME TALKING ABOUT PROBLEMS THAT  
28 DEAN WOULD HAVE FROM TIME TO TIME?

1 A YES.

2 Q WERE YOU PRESENT IN THE ROOM DURING TIMES THAT  
3 THEY WOULD HAVE DISCUSSIONS?

4 A YES, I WAS.

5 Q AFTER YOU MOVED IN, DID YOU DO THINGS, THE THREE  
6 OF YOU TOGETHER, JOE AND DEAN AND YOURSELF?

7 A NOT VERY OFTEN.

8 I WOULD -- DEAN WOULD --

9 I WASN'T REALLY INVITED VERY OFTEN TO DO THINGS  
10 WITH JOE AND DEAN.

11 Q SO THE RELATIONSHIP AS IT STARTED TO DEVELOP AT  
12 THAT POINT IS THAT THEY WOULD HAVE ACTIVITIES TOGETHER WITHOUT  
13 YOU?

14 A YEAH.

15 Q HOW WOULD YOU CHARACTERIZE THE RELATIONSHIP BETWEEN  
16 DEAN AND JOE?

17 A WELL, AT FIRST WHEN I MET DEAN, I THOUGHT THEY  
18 WERE VERY GOOD FRIENDS AND THEN THE MORE I GOT INVOLVED IN  
19 THE HOUSEHOLD, IT SEEMED LIKE I KNEW THAT DEAN DIDN'T WANT  
20 ME TO BE THERE, BUT IT SEEMED LIKE HE WAS ALMOST IN A WAY  
21 OBSESSED WITH JOE.

22 LIKE HE WAS VERY JEALOUS OF ME AND EVERY LITTLE --  
23 LIKE EVERYTHING I WOULD WANT TO DO FOR JOE, LIKE HIS LAUNDRY  
24 AND THINGS LIKE THAT, HE WOULD ALWAYS GET IN THE WAY. LIKE  
25 HE WOULD DEMAND TO DO EVERYTHING FOR JOE.

26 IF I WANTED TO BUY HIM SOME CLOTHES OR SOMETHING --  
27 HE PICKED OUT JOE'S WARDROBE AND HE MADE IT VERY CLEAR TO ME  
28 THAT THAT WASN'T MY POSITION, YOU KNOW, SO IN A WAY IT WAS

1 A VERY UNCOMFORTABLE RELATIONSHIP. I FELT HE WAS VERY  
2 JEALOUS OF ME AND LIKE IN LOVE WITH JOE.

3 Q WHAT DID JOE SAY TO YOU ABOUT DEAN BUYING HIS  
4 CLOTHES?

5 A WELL, HE SAID THAT DEAN REALLY LIKED HIM AND WANTED  
6 TO DO THINGS FOR HIM AND, YOU KNOW, IT WAS LIKE, FOR EXAMPLE,  
7 IF I CAN GIVE AN EXAMPLE.

8 Q ALL RIGHT.

9 A WHEN I FIRST MOVED IN --

10 MR. WAPNER: OBJECTION, IT IS NOT RESPONSIVE. SHE WAS  
11 ASKED A SPECIFIC QUESTION.

12 THE COURT: I DON'T KNOW WHAT THE RELEVANCE OF THIS IS.  
13 I ASSUME IT WILL HAVE SOME POINT LATER ON.

14 MR. BARENS: IT WILL ALL BE CONNECTED.

15 THE COURT: LET'S GET ON TO SOMETHING. GO AHEAD.

16 MR. BARENS: ARE WE GOING TO PERMIT HER TO GIVE THE  
17 EXAMPLE?

18 THE COURT: I DON'T THINK SO. I WILL SUSTAIN THE  
19 OBJECTION.

20 Q BY MR. BARENS: WHAT DID JOE SAY TO YOU ABOUT DEAN  
21 DOING HIS LAUNDRY?

22 A HE THOUGHT IT WAS A LITTLE STRANGE, BUT HE SAID  
23 IF DEAN WANTS TO DO HIS LAUNDRY, YOU KNOW, WE CAN WORK  
24 SOMETHING OUT.

25 Q DID YOU AND DEAN HAVE ARGUMENTS OVER YOUR  
26 POSITION IN JOE'S LIFE?

27 A YES, WE DID.

28 Q AND CAN YOU TELL ME WHAT HAPPENED DURING THOSE

1 ARGUMENTS?

2 A WELL, DEAN MADE IT VERY CLEAR TO ME THAT MY --  
3 IF I WANTED TO HAVE A RELATIONSHIP WITH JOE, THAT WAS FINE  
4 BUT HE DIDN'T WANT TO SEE IT.

5 Q DID YOU TALK TO JOE ABOUT THOSE CONFRONTATIONS  
6 YOU HAD WITH DEAN?

7 A YES, ALL OF THE TIME.

8 Q AND DID YOU TALK TO YOUR MOTHER ABOUT THEM?

9 A YES.

10 Q AND YOU TOLD YOUR MOTHER YOU WERE HAVING AN  
11 AWKWARD SITUATION THERE?

12 A YEAH.

13 I THOUGHT IT WAS MY PROBLEM. I DIDN'T KNOW WHAT  
14 TO DO. I DIDN'T, YOU KNOW, BUT I KNOW NOW IT WASN'T MY PROBLEM.

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1 Q WHAT DID JOE SAY WHEN YOU TOLD HIM ABOUT THIS  
2 PROBLEM?

3 MR. WAPNER: OBJECTION. CALLS FOR HEARSAY, YOUR HONOR.

4 THE COURT: SUSTAINED.

5 THE WITNESS: DOES THAT MEAN I ANSWER?

6 MR. BARENS: YOU CAN'T ANSWER THAT, BROOKE.

7 THE WITNESS: OH.

8 Q BY MR. BARENS: DID YOU TRY TO MAKE FRIENDS WITH  
9 DEAN TO BUILD A BETTER RELATIONSHIP?

10 A YES.

11 Q WERE YOU SUCCESSFUL IN DOING THAT?

12 A NO.

13 Q DID THERE COME A TIME WHEN THE THREE OF YOU MOVED  
14 OUT OF THE CONDOMINIUM IN ENCINO?

15 A YES, THERE DID.

16 Q APPROXIMATELY WHEN WAS THAT?

17 A THE SUMMER OF '83, I THINK.

18 I AM NOT SURE.

19 Q WERE YOU MOVING SOMEPLACE?

20 A YEAH, WE WERE. WE WENT TO THE BRENTWOOD MOTOR  
21 INN, WE MOVED IN THERE FIRST AND THEN WE MOVED TO THE WILSHIRE  
22 MANNING.

23 Q NOW, WHEN YOU GOT TO THE BRENTWOOD MOTOR INN, HAD  
24 A PLACE ALREADY BEEN FOUND FOR YOU AT THE WILSHIRE MANNING?

25 A NO, NOT AT THE MOMENT.

26 DEAN WAS STILL LOOKING.

27 Q ALL RIGHT. WHO WAS IT THAT WAS ARRANGING WHERE  
28 YOU WERE GOING TO LIVE?

1           A       DEAN.

2           Q       AND WHEN YOU GOT TO THE BRENTWOOD MOTOR INN, WHAT  
3 ARRANGEMENTS WERE MADE THERE?

4           A       DEAN DECIDED THAT WE WOULD ALL STAY IN THE SAME  
5 ROOM, SO IT IS A VERY SMALL MOTEL, WE GOT ONE ROOM WITH TWO  
6 BEDS AND DEAN SLEPT IN ONE AND JOE AND I SLEPT IN THE OTHER.

7           Q       DID YOU HAVE A DISAGREEMENT ABOUT THAT AS WELL?

8           A       YES, I DID.

9           Q       AND HOW LONG DID THAT RELATIONSHIP LAST WHILE YOU  
10 LIVED AT THE BRENTWOOD MOTOR INN?

11          A       WHAT DO YOU MEAN THE RELATIONSHIP?

12          Q       HOW MANY DAYS WERE YOU THERE?

13          A       OH, A WEEK, A WEEK AND A HALF.

14          Q       NOW, DID YOU HAVE A DISCUSSION WITH DEAN ABOUT  
15 MOVING INTO THE WILSHIRE MANNING?

16          A       YES.

17          Q       AND WHAT HAPPENED ON THAT OCCASION?

18          A       HE DIDN'T THINK IT WAS A GOOD IDEA THAT I MOVE  
19 IN WITH JOE AND DEAN.

20          Q       AND WHO MADE THE ARRANGEMENTS AS FAR AS WHO WAS  
21 GOING TO HAVE WHICH ROOM AT THE WILSHIRE MANNING WHEN THE  
22 CONDOMINIUM WAS RENTED?

23          A       I DON'T KNOW.

24          Q       DID THE THREE OF YOU END UP TAKING A CONDOMINIUM  
25 AT THE WILSHIRE MANNING?

26          A       YES.

27          Q       AND WHAT DID THAT CONSIST OF, A MASTER BEDROOM,  
28 COULD YOU DESCRIBE FOR US HOW MANY BEDROOMS THERE WERE?

1           A           THERE WERE THREE BEDROOMS, A MASTER BEDROOM AND  
2 TWO SMALL BEDROOMS.

3           Q           WHO GOT THE MASTER BEDROOM?

4           A           DEAN DID.

5           Q           AND YOU AND JOE ENDED UP IN ANOTHER BEDROOM?

6           A           YES, WE ENDED UP IN A SMALL BEDROOM.

7           Q           HOW ABOUT THE THIRD BEDROOM?

8           A           BEN DOSTI WAS THERE FOR A COUPLE OF DAYS AND THEN  
9 I DON'T RECALL WHO MOVED IN THAT ROOM AT THAT TIME.

10          Q           ALL RIGHT. DID JEFF RAYMOND EVER LIVE THERE?

11          A           YES, HE DID.

12          Q           AND THAT WAS LATER ON?

13          A           YES.

14          Q           OKAY. WHEN JOE -- DID JOE HUNT GO ON VARIOUS TRIPS  
15 WHILE YOU WERE LIVING TOGETHER DURING THAT PERIOD OF TIME?

16          A           YES.

17          Q           AND WHO WOULD PACK HIS SUITCASES WHEN HE WENT ON  
18 TRIPS?

19          A           DEAN KARNY.

20          Q           WHY WAS THAT?

21          A           DEAN, AS I SAID, AGAIN, INSISTED ON PACKING JOE'S  
22 SUITCASES AND PICKING OUT ALL OF THE CLOTHES, SO EVEN WHEN  
23 JOE WOULD CALL ME AND SAY "I AM GOING TO GO ON A TRIP, CAN  
24 YOU GET SOME STUFF TOGETHER?" NO MATTER WHEN, DEAN WOULD  
25 ALWAYS COME HOME, PACK -- REARRANGE THE SUITCASES THAT I HAD  
26 PACKED AND PACK JOE'S CLOTHES FOR HIM.

27          Q           DID THERE COME A TIME AT THE WILSHIRE MANNING WHEN  
28 YOU SAW DEAN KARNY WITH HANDCUFFS?



1           A       YES.

2           Q       WHEN WAS THAT?

3           A       AT THE WILSHIRE MANNING, WE GOT BACK -- LET'S SEE,  
4 WE GOT BACK FROM HAWAII AND I REMEMBER JOE AND I WENT INTO  
5 DEAN'S ROOM.

6           Q       COULD YOU SLOW DOWN JUST A BIT?

7           A       YEAH. I AM SORRY.

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1 Q COULD YOU SLOW DOWN JUST A BIT? FIRST I WILL  
2 ASK YOU, WHEN DID YOU RETURN FROM HAWAII WITH JOE?

3 A MARCH, SOMETIME. IT WAS THE END OF MARCH.

4 Q 1983 OR '84?

5 A I THINK IT WAS '84. I AM NOT SURE. IT IS  
6 EITHER --

7 Q ALL RIGHT. GO AHEAD, THEN, IF YOU WOULD.

8 A OKAY. SO WE JUMPED ON DEAN'S BED. AND WE HEARD  
9 A CLANKING. AND WE DIDN'T KNOW WHAT WAS GOING ON.

10 JOE REACHED UNDER THE BED AND HE PULLED OUT THE  
11 HANDCUFFS. HE SAID, "DEAN, NOT THIS AGAIN." AND --

12 THE COURT: HE SAID WHAT?

13 THE WITNESS: HE SAID, "DEAN, NOT THIS AGAIN."

14 I DON'T KNOW WHAT THEY WERE TALKING ABOUT. BUT  
15 DEAN TURNED WHITE.

16 HE SAID, "GET BROOKE OUT OF HERE." I WAS LIKE,  
17 "WHAT ARE YOU TALKING ABOUT?"

18 YOU KNOW, JOE SAYS, "I WILL GO THROW THOSE AWAY."  
19 JOE WENT OUT. THEY HAD A TRASH CHUTE AT THE MANNING. HE  
20 WENT OUT AND THREW THE HANDCUFFS AWAY.

21 DEAN WAS LIKE SCREAMING. HE SAID, "GET OUT OF  
22 HERE, BROOKE. I DON'T WANT HER TO SEE ME LIKE THIS."

23 MR. WAPNER: OBJECTION TO THE NARRATIVE RESPONSE. THE  
24 ANSWER WAS YES 20 MINUTES AGO.

25 MR. BARENS: HAS IT BEEN 20 MINUTES?

26 THE COURT: I DON'T KNOW WHAT THE MATERIALITY IS.  
27 BUT I AM PERMITTING YOU TO GO AHEAD.

28 MR. BARENS: I DIDN'T KNOW IT WAS 20 MINUTES ALREADY.

2  
1 BUT IN ANY EVENT, MR. WAPNER MADE AN ISSUE OUT OF BRINGING  
2 OUT WITH THE WITNESS ABOUT HIS PURCHASE OF SOME HANDCUFFS.  
3 YOU MIGHT RECALL THAT, YOUR HONOR.

4 Q IN ANY EVENT, YOU SAY MR. HUNT THREW OUT THE  
5 HANDCUFFS?

6 A YES.

7 Q AND AFTER THAT WAS DONE, WERE YOU ASKED TO LEAVE  
8 THE ROOM?

9 A YES. DEAN WAS SCREAMING, "GET OUT OF THE ROOM."

10 Q AND DID JOE PROCEED TO HAVE A CONVERSATION WITH  
11 HIM?

12 A YES, HE DID.

13 Q AFTER THAT CONVERSATION, DID JOE TALK TO YOU?

14 A YEAH. I WAS CONCERNED. I WAS SAYING, "WHAT  
15 IS GOING ON? WHAT IS WRONG? WHAT IS WRONG?"

16 MR. WAPNER: SAME OBJECTION, NON-RESPONSIVE. THE  
17 ANSWER WAS YES.

18 THE WITNESS: WELL, I AM JUST TRYING TO EXPLAIN WHAT  
19 HAPPENED AND --

20 THE COURT: YOU ANSWERED THE QUESTION.

21 THE WITNESS: OKAY.

22 Q BY MR. BARENS: WHAT DID JOE TELL YOU AT THAT  
23 TIME?

24 MR. WAPNER: OBJECTION, CALLING FOR HEARSAY.

25 MR. BARENS: WELL, YOUR HONOR --

26 THE COURT: I WILL OVERRULE IT. GO AHEAD.

27 THE WITNESS: WHAT WAS THE QUESTION?

28 MR. WAPNER: MAY WE APPROACH THE BENCH AND ASK FOR

1 AN OFFER OF PROOF?

2 THE COURT: ALL RIGHT.

3 MR. WAPNER: IF IT IS NOT OFFERED FOR THE TRUTH, I  
4 WOULD LIKE TO KNOW WHAT IT IS OFFERED FOR.

5 THE COURT: ALL RIGHT.

6 (THE FOLLOWING PROCEEDINGS WERE HELD  
7 AT THE BENCH, OUSIDE THE HEARING OF THE  
8 JURY:)

9 THE COURT: WHERE IS ALL OF THIS LEADING TO, TO SHOW  
10 DEAN KARNY WAS THE ONE WHO MURDERED LEVIN OR DID SOMETHING  
11 TO LEVIN? I DON'T UNDERSTAND WHAT IS THE POINT OF THIS  
12 ABOUT THE HANDCUFFS.

13 MR. BARENS: SIR, MR. WAPNER HAS ELICITED EVIDENCE  
14 ON SPECIFIC --

15 (A JUROR BECOMES ILL IN THE COURTROOM.)

16 (THE FOLLOWING PROCEEDINGS WERE HELD IN  
17 OPEN COURT IN THE PRESENCE AND HEARING  
18 OF THE JURY:)

19 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE'LL  
20 TAKE A RECESS AT THIS TIME. THAT WILL BE 15 MINUTES. THANK  
21 YOU.

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1 (THE FOLLOWING PROCEEDINGS WERE HELD  
2 IN CHAMBERS:)

3 THE COURT: TELL US FOR THE RECORD WHAT YOU KNOW OF THIS  
4 INCIDENT.

5 BAILIFF QUINN: OKAY. WELL, THE PARAMEDICS CHECKED HER  
6 OUT AND SHE KIND OF REFUSES MEDICAL TREATMENT. SHE SAYS SHE  
7 IS FINE. HOWEVER, SHE COULDN'T EVEN SIGN AN ORDER OUT THERE  
8 SHE WAS SHAKING TOO BAD.

9 WHAT CONCERNED ME WAS SHE ACTUALLY WENT  
10 UNCONSCIOUS FOR A COUPLE OF SECONDS AND SHE WAS FALLING  
11 BACKWARDS AND THE JURORS BEHIND HER CAUGHT HER AND SHE WAS  
12 LIKE SHE WAS HAVING A SEIZURE, PROBABLY DUE TO SOME KIND OF  
13 CIRCULATORY PROBLEMS SHE HAS AND THE ROOM WAS CLOSE.

14 SHE WANTS TO CONTINUE. SHE IS EMBARRASSED. SHE  
15 WANTS TO GET BACK UP ON THE STAND.

16 THE COURT: BACK ON THE STAND?

17 BAILIFF QUINN: I MEAN BACK IN THE JURY BOX.

18 AND THE PARAMEDICS SAY THERE IS NOTHING THEY CAN  
19 DO BECAUSE SHE IS REFUSING MEDICAL TREATMENT. HER BLOOD  
20 PRESSURE IS OKAY. IF IT HAPPENS AGAIN, TO CALL THEM AGAIN.  
21 THEY RECOMMEND SHE GO AND SEE HER DOCTOR.

22 MR. WAPNER: WELL, IT SOUNDS, FIRST OF ALL, THE RECORD  
23 IS KIND OF BLANK UNTIL NOW AS TO EXACTLY WHAT WE ARE  
24 DISCUSSING BECAUSE THE LAST THING WE DID ON THE RECORD WAS  
25 WE WERE AT THE BENCH SO MAYBE THERE SHOULD BE JUST A  
26 PRELIMINARY STATEMENT.

27 THE COURT: WELL, WHETHER OR NOT SHE SHOULD CONTINUE  
28 ON AND BE EXCUSED AND TAKE ONE OF THE ALTERNATES, THAT IS WHAT

2  
1 WE ARE DISCUSSING.

2 MR. WAPNER: ALL I AM SAYING IS JUST BRIEFLY FOR THE  
3 RECORD, WHEN WE WERE AT THE BENCH, ONE OF THE JURORS  
4 APPARENTLY PASSED OUT AND THAT LED US TO TAKING A RECESS.

5 BAILIFF QUINN: IT IS MISS EMMA BECKING.

6 MR. WAPNER: CORRECT, JUROR BECKING, WHO, DURING THE  
7 RECESS, THE PARAMEDICS CAME AND THAT WAS THE SUBJECT OF THE  
8 DISCUSSION YOU JUST HAD ON THE RECORD WITH THE BAILIFF.

9 IT WAS CLEARLY VERY STUFFY IN THE COURTROOM TODAY,  
10 AS IT HAS BEEN EARLIER ON IN THE TRIAL. WE HAVEN'T HAD A VERY  
11 STUFFY DAY IN THE COURTROOM RECENTLY. WE HAVE HAD SEVERAL  
12 OF THEM, AT LEAST HALF DAYS EARLIER ON IN THE TRIAL.

13 MR. CHIER: I ALMOST PASSED OUT MYSELF IN THERE.

14 THE BAILIFF: IT WAS VERY WARM. I HAVE THE AIR  
15 CONDITIONING ALL OFF. IT IS JUST A HOT DAY. IT IS IN  
16 THE EIGHTY'S.

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1 MR. WAPNER: CERTAINLY WE SHOULDN'T CONTINUE I DON'T  
2 THINK UNTIL AFTER LUNCH. MAYBE WE CAN SEE WHAT CONDITION  
3 SHE IS IN THEN.

4 BUT IF SHE IS SHAKING AND SHE CAN'T WRITE, CERTAINLY  
5 I DON'T THINK THAT SHE SHOULD CONTINUE TODAY. THEN MAYBE  
6 WE CAN TAKE THE DAY OFF AND START TOMORROW.

7 THE BAILIFF: SHE MADE SOME COMMENTS TO ME TOO, WHEN  
8 SHE WAS LYING THERE THAT WERE KIND OF OFF THE WALL, THAT  
9 DIDN'T MAKE ANY SENSE, TALKING ABOUT HER SON AND HOW MANY  
10 PROBLEMS SHE IS HAVING AND HER SON HAS GOT SOME GIRL LIVING  
11 WITH HER. IT WAS JUST STATEMENTS LIKE THAT.

12 MR. BARENS: WELL, IF I MIGHT SPEAK --

13 THE COURT: LET HIM FINISH UP.

14 THE BAILIFF: JUST THAT SHE MADE SOME STATEMENTS THAT  
15 DIDN'T SOUND RATIONAL TO ME WHEN SHE WAS OUT THERE LYING  
16 DOWN.

17 MR. WAPNER: I THINK THAT WE NEED TO GET -- IF SHE  
18 WON'T HAVE ANY MEDICAL TREATMENT, AT THE VERY LEAST, I THINK  
19 THAT WE OUGHT TO GET SOME STATEMENT FROM HER AS TO WHETHER  
20 THIS IS PART OF AN ONGOING MEDICAL PROBLEM THAT WE DON'T  
21 KNOW ABOUT AND WHETHER IT IS LIKELY TO CONTINUE. DON'T YOU  
22 THINK THAT IS REASONABLE?

23 MR. BARENS: MY THOUGHT ON THAT MATTER WAS, I AM  
24 ENCOURAGED BY THE FACT THAT SHE HAS INDICATED SHE WANTS TO  
25 CONTINUE. I AM ENCOURAGED.

26 THE COURT: WELL, THAT DOESN'T MEAN ANYTHING, THAT  
27 SHE WANTS TO. HER WISHES ARE NOT VERY IMPORTANT. IT IS  
28 THE QUESTION OF WHAT HER STATE OF HEALTH IS.

1 MR. BARENS: COULD I CONTINUE MY STATEMENT?

2 THE COURT: GO AHEAD.

3 MR. BARENS: I AM ALSO ENCOURAGED BY THE FACT THAT  
4 THE BAILIFF HAS INDICATED THAT HER BLOOD PRESSURE APPEARED  
5 NORMAL.

6 MYSELF, I WOULD ATTRIBUTE -- I THINK WHAT WE  
7 WITNESSED WAS DUE TO THE CLOSENESS OF THE ROOM, WHICH  
8 CERTAINLY OVER THE LUNCH HOUR, WE CAN HAVE AN OPPORTUNITY  
9 TO SEE HOW SHE IS DOING.

10 IT IS ACCORDING TO MY WATCH AT THIS TIME, SEVEN  
11 OR EIGHT MINUTES BEFORE THE HOUR AT THE MOMENT. I DON'T  
12 SEE ANYTHING WRONG WITH LETTING HER SEE HOW SHE DOES AFTER  
13 SOME LUNCH AND AN OPPORTUNITY TO COMPOSE HERSELF.

14 THE COURT: YES?

15 (THE CLERK ENTERS CHAMBERS.)

16 THE CLERK: I HAVE BEEN OUT WITH THE JUROR. SHE WISHES  
17 TO STAY -- SHE WISHES ME TO TELL YOU THAT SHE IS FINE. SHE  
18 IS READY TO START RIGHT NOW.

19 HOWEVER, SHE IS NOT FINE. SHE IS SHAKING AND  
20 SHE TOLD ONE OF THE OTHER JURORS THAT SHE HAD THIS KIND OF  
21 A PROBLEM SOMETIME AGO, THAT SHE HAD HAD BLOOD PRESSURE PILLS  
22 FOR A WHILE.

23 AND THIS JUROR THAT TOLD ME THAT -- I FORGET  
24 THE ONE, IT WAS THE ONE THAT BROUGHT IN ALL THE PILLOWS --  
25 SAYS THAT SHE DOES NOT THINK THAT THIS WOMAN WOULD EVEN  
26 RECOVER AFTER AN HOUR OF REST.

27 MR. BARENS: WELL YOUR HONOR, IF I MIGHT SIR, THE WOMAN  
28 HAS BEEN HERE FOR OVER FIVE MONTHS WITH US. SHE NEVER



1 DEMONSTRATED ANY INABILITY TO ATTEND TO HER DUTIES AS A JUROR.

2 AGAIN, I DON'T SEE WHAT HARM ANY OF US WOULD  
3 EXPERIENCE BY GIVING HER THE HOUR PLUS FOR LUNCHTIME AND  
4 THEN YOUR HONOR, I THINK THE RESPONSIBILITY SHOULD INVOLVE  
5 YOUR HONOR SPEAKING IN CHAMBERS WITH COUNSEL AND HAVING AN  
6 OPPORTUNITY TO OBSERVE THE DEMEANOR AND RESPONSIVENESS OF  
7 THE JUROR, WHOM WE HAVE ALL HAD AN OPPORTUNITY TO OBSERVE  
8 PREVIOUSLY IN VOIR DIRE AND SEE IF SHE IS CONSISTENT.

9 THE COURT: SHE REFUSES MEDICAL TREATMENT. IS THAT  
10 WHAT YOU SAID?

11 THE BAILIFF: YES. SHE WAS VERY EMBARRASSED BY THE  
12 MATTER. SHE DIDN'T EVEN WANT THE PARAMEDICS TO COME.

13 BUT I FELT THAT SHE SHOULD BE CHECKED OUT.

14 MR. WAPNER: WELL, OBVIOUSLY, AS THE COURT POINTED  
15 OUT, HER WISHES ARE NOT ONLY NOT THAT IMPORTANT, BUT  
16 APPARENTLY, SHE SAYS THAT SHE IS FINE AND READY TO CONTINUE.

17 BUT, BASED ON THE OBSERVATIONS OF THE CLERK AND  
18 THE BAILIFF, SHE IS NOT FINE. THE ISSUE HERE IS NOT WHETHER  
19 THIS IS A GOOD JUROR OR A BAD JUROR FOR EITHER SIDE OF THE  
20 CASE. THERE ARE ONLY TWO THINGS THAT ARE IMPORTANT, THE  
21 FIRST THING IS HER HEALTH BECAUSE IF WE TAKE SOME ACTION  
22 THAT ENDS UP JEOPARDIZING HER HEALTH OUT OF EXPEDIENCY FOR  
23 THE CASE --

24 THE COURT: WELL, THAT IS WHAT I AM CONCERNED ABOUT.  
25 I DON'T WANT HER SUBJECTED TO -- IT IS A STRAIN, EVEN IF  
26 SHE IS JUST A JUROR. IT IS CERTAINLY A STRAIN ON LAWYERS  
27 AND JUDGES AND WITNESSES BUT IT MUST ALSO BE A STRAIN ON  
28

1 JURORS.

2 AND IF HER HEALTH IS PRECARIOUS AND IF SHE HAS  
3 A HISTORY OF HAVING HAD PROBLEMS, I DON'T WANT TO BE IN A  
4 POSITION WHERE I ORDER HER TO STAY ON AS A JUROR AND THEN  
5 SOMETHING HAPPENS TO HER.

6 MR. BARENS: YOUR HONOR, ALL I AM ASKING --

7 MR. CHIER: THERE IS NO COMPETENT EVIDENCE OF ANY KIND  
8 AT THIS POINT --

9 THE COURT: I AM HEARING FROM HIM, NOT FROM YOU.

10 MR. BARENS: MY COMMENT WOULD BE TO A SIMILAR EFFECT,  
11 HOWEVER. THERE HAS BEEN NOTHING OF A TRULY -- OTHER THAN  
12 RUMOR KIND OF --

13 THE COURT: WELL, IF SOMEBODY IS UNCONSCIOUS IN THE  
14 COURTROOM, THAT IS NOTHING? DO YOU WANT TO OVERLOOK IT?

15 MR. BARENS: SIR --

16 MR. CHIER: IT IS 90 PLUS DEGREES IN THERE.  
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1 MR. CHIER: IT IS ABOUT 90 DEGREES.

2 THE COURT: LET'S SEE WHAT HAPPENS AFTER LUNCH, WE WILL  
3 HAVE HER IN HERE AND I WILL ASK HER SOME QUESTIONS.

4 MR. BARENS: THAT IS ALL I WAS GOING TO ASK.

5 THE COURT: I AM GOING TO DO THAT NOW. ALL RIGHT. I  
6 WILL TAKE YOUR SUGGESTION.

7 MR. BARENS: THANK YOU, YOUR HONOR.

8 BAILIFF QUINN: I WILL TELL EVERYBODY THEY ARE EXCUSED  
9 UNTIL 1:30?

10 THE COURT: YES, 1:30.

11 MR. BARENS: GENTLEMEN, WHILE WE ARE IN CHAMBERS, I DID  
12 HAVE A REQUEST OF THE COURT TO MAKE. THE WITNESSES FROM  
13 TUCSON ARE VERY CONCERNED ABOUT BEING OVERWHELMED BY MEDIA  
14 TYPE PEOPLE AND I HAD A REQUEST OF THE COURT TO MAKE AND THAT  
15 IS SIMPLY THAT AFTER THEY TESTIFY, IF I COULD HAVE THEM  
16 PROCEED FROM THE WITNESS BOX TO THE ROOM IN THE BACK WHERE  
17 THE LADIES DO THE TRANSCRIPTION, UNTIL WE FINISH THAT PORTION  
18 OF THE SESSION SO THAT I COULD WALK OUT WITH THEM AND JUST  
19 KIND OF USHER THEM OUT WITHOUT THEM BEING LIKE BERATED BY ALL  
20 OF THESE PEOPLE. SO IF WE COULD HAVE THAT SURETY, YOUR HONOR,  
21 TO HAVE SOME PLACE MADE AVAILABLE FOR THEM.

22 THE COURT: THEY CAN GO FROM THE WITNESS STAND THROUGH  
23 THE HALLWAY AND THEN GO OUT THE BACK DOOR DOWN THERE.

24 THE COURT REPORTER: THERE IS A STAIRWAY OUT THE BACK  
25 THROUGH THE REAR DOOR.

26 THE COURT: THERE IS A STAIRWAY STRAIGHT OUT THE BACK.

27 MR. BARENS: SO IF WE COULD HAVE THAT SO THEY DON'T HAVE  
28 TO STEP BACK OUT TO THE FRONT OF THE COURTHOUSE.

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THE COURT: ALL RIGHT.

MR. BARENS: THANK YOU, YOUR HONOR.

(AT 11:55 A.M. A RECESS WAS TAKEN UNTIL  
1:30 P.M. OF THE SAME DAY.)

1 SANTA MONICA, CALIFORNIA; MONDAY, MARCH 30, 1987; 1:30 P.M.  
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE  
3 (APPEARANCES AS NOTED ON TITLE PAGE.)  
4

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

7 THE COURT: THIS WILL BE A HEARING ON A MOTION FOR  
8 MISTRIAL BECAUSE OF THE FACT I BANISHED THE DEFENDANT'S LAW  
9 CLERK, JOHN CARLSON.

10 MRS. WHITMORE IS COMING IN AND SHE WILL BE SWORN  
11 AND WE CAN ASK HER QUESTIONS.

12 MR. BARENS: YOUR HONOR, COULD WE DELAY THIS A MOMENT,  
13 BECAUSE I DON'T SEE MR. CHIER HERE.

14 THE COURT: I DON'T CARE ABOUT CHIER. YOU ARE THE  
15 LAWYER HERE.

16 (PAUSE IN PROCEEDINGS.)

17 (MRS. WHITMORE ENTERS CHAMBERS.)

18 THE COURT: GOOD AFTERNOON, MRS. WHITMORE.

19 MR. WAPNER: SHOULD THE CLERK BE HERE SO SHE CAN BE  
20 SWORN?

21 THE COURT: YES, GET HER IN.

22 THE COURT REPORTER: HOW DO YOU SPELL THE LAW CLERK'S  
23 LAST NAME, YOUR HONOR?

24 MR. BARENS: IT IS CARLSON, C-A-R-L-S-O-N, ISN'T IT,  
25 YOUR HONOR?

26 THE COURT: JOHN CARLSON, C-A-R-L-S-O-N.

27 WHERE IS YOUR COLLEAGUE?

28 MR. BARENS: I DON'T KNOW. IF WE COULD HAVE A MOMENT,

1 I WOULD APPRECIATE IT.

2 THE COURT: SEE IF HE IS OUT THERE.

3 MR. BARENS: ALL RIGHT.

4 THE CLERK: IF YOU WOULD STAND AND RAISE YOUR RIGHT  
5 HAND TO BE SWORN.

6 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU  
7 MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL  
8 BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH,  
9 SO HELP YOU GOD?

10 THE WITNESS: YES, I DO.

11  
12 MARY LOU WHITMORE,  
13 CALLED AS A WITNESS BY THE COURT, HAVING BEEN DULY SWORN,  
14 TESTIFIED AS FOLLOWS:

15 THE CLERK: OKAY. DO YOU WANT TO STATE YOUR NAME FOR  
16 THE RECORD?

17 THE COURT: DID YOU FIND THE LETTER?

18 THE CLERK: NOT YET, YOUR HONOR.

19 YOU WANT TO STATE YOUR NAME?

20 THE WITNESS: MARY LOU WHITMORE.

21 THE CLERK: MARY LOU IS TWO NAMES?

22 THE WITNESS: YES. W-H-I-T-M-O-R-E.

23 MR. BARENS: LET ME DEFER TO MR. CHIER.

24 MR. CHIER, HIS HONOR HAS CONVENEED A HEARING NOW  
25 FOR THE MOTION FOR DISMISSAL BASED ON THE ISSUE RELATIVE  
26 TO MR. CARLSON.

27 FOR THE RECORD, I WOULD LIKE TO DEFER TO MR.  
28 CHIER, AS I HAVE NOT HAD AN OPPORTUNITY TO READ THE MOTION.

1 I AM GOING TO HAVE MR. CHIER SIT HERE IN MY PLACE, IF HE  
2 WOULD, SIR.

3 THE COURT: MRS. WHITMORE, YOU ARE A FREE-LANCE REPORTER?  
4 WHAT DO YOU DO?

5 THE WITNESS: WELL, I WAS TRYING TO GET AN ASSIGNMENT,  
6 WHICH I HAVEN'T BEEN SUCCESSFUL AT.

7 THE COURT: YES. YOU HAVE BEEN HERE ALL THROUGHOUT  
8 THE TRIAL, HAVE YOU NOT?

9 THE WITNESS: YES, I HAVE.

10 THE COURT: DO YOU REMEMBER SOME CONVERSATION YOU HAD  
11 SOME FEW WEEKS AGO WITH A LAW CLERK OF DEFENSE COUNSEL?

12 THE WITNESS: YES, I DO.

13 THE COURT: YOU DON'T KNOW HIS NAME, DO YOU?

14 THE WITNESS: NO.

15 THE COURT: WELL, FOR THE RECORD, HIS NAME IS SUPPOSED  
16 TO BE JOHN CARLSON.

17 WILL YOU PLEASE TELL US WHAT HE SAID TO YOU?

18 THE WITNESS: WELL, IT WAS DURING AN AFTERNOON BREAK  
19 AND THERE WEREN'T TOO MANY PEOPLE IN ATTENDANCE AT THAT POINT  
20 AND I WAS OUT IN THE HALL AND HE WAS THERE AND WE WERE NEAR  
21 EACH OTHER AND KIND OF NODDED TO EACH OTHER AND HE SAID,  
22 "HOW DO YOU THINK IT IS GOING?"

23 AND I SAID, "WELL, I THINK IT IS PRETTY EARLY  
24 TO TELL ANYTHING."

25 AND HE SAID, "WELL, I CAN'T BELIEVE HOW HE IS  
26 HELPING THAT GUY."

27 THE COURT: HOW WHAT?

28 THE WITNESS: "HOW HE IS HELPING THAT GUY."

1 THE COURT: WHO IS "HE"?

2 THE WITNESS: HE MEANT THE JUDGE.

3 MR. CHIER: OBJECTION TO THAT AS CALLING FOR A CONCLUSION  
4 BY THE WITNESS.

5 THE COURT: GO AHEAD.

6 THE WITNESS: BEFORE THE BREAK, THERE HAD BEEN A  
7 PROSECUTION WITNESS TESTIFYING AND THE JUDGE HAD ASKED HIM  
8 A QUESTION BEYOND, I THINK, WHAT THE DISTRICT ATTORNEY HAD  
9 ASKED AND THAT IS WHAT I ASSUMED HE MEANT.

10 ANYWAY, I SAID, "WHAT DO YOU MEAN?"

11 AND HE SAID, "WELL, YOU KNOW RITTENBAND IS AN  
12 OLD FRIEND OF WAPNER'S FATHER."

13 AND THAT WAS ABOUT THE EXTENT OF THE CONVERSATION.

14 THE COURT: IS THAT ALL HE SAID, DO YOU REMEMBER?

15 THE WITNESS: THAT IS ABOUT ALL I REMEMBER.

16 THE COURT: TELL ME ABOUT YOUR IMPRESSION, DID HE HAVE  
17 THE IMPRESSION YOU WERE PART OF THE PRESS CORPS?

18 THE WITNESS: I DON'T KNOW.

19 MR. CHIER: I OBJECT TO THE IMPRESSION. THE WORDS  
20 SPEAK FOR THEMSELVES.

21 THE COURT: WE HAVE THE OBJECTION NOTED.

22 ALL RIGHT, NOW, TELL US, DID YOU HAVE THE IMPRESSION  
23 THAT HE THOUGHT YOU WERE A REPORTER?

24 THE WITNESS: I THOUGHT HE HAD THE IMPRESSION I WAS  
25 A REPORTER BECAUSE I HAD BEEN THERE TAKING NOTES.

26 THE COURT: SITTING IN THE PRESS SECTION?

27 THE WITNESS: RIGHT BEHIND.

28 MR. CHIER: SITTING BEHIND.



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THE COURT: SITTING IN THE PRESS SECTION; IS THAT RIGHT?

THE WITNESS: THE ROW RIGHT BEHIND THE PRESS SECTION.

A-1

1 THE COURT: ALL RIGHT. YOU CAN ASK QUESTIONS.

2

3

## EXAMINATION

4

BY MR. CHIER:

5

Q WHEN WAS THAT -- IS IT MRS. WHITMORE?

6

A YES.

7

Q WHEN WAS THIS?

8

A IT WAS ABOUT A MONTH OR SIX WEEKS AGO.

9

10 Q WAS THERE SOME -- ARE YOU UNDER THE IMPRESSION  
11 THERE WAS SOME SORT OF RESTRAINT OR RESTRICTION FROM THE  
12 ATTORNEYS SPEAKING OUT TO THE PRESS AT THAT TIME?

12

13

A NO. I JUST THOUGHT IT WAS A VERY IMPROPER SORT  
OF THING.

14

Q DID YOU SAY ANYTHING TO HIM AT THE TIME?

15

A NO.

16

Q DID YOU REPRESENT TO HIM THAT YOU WERE A REPORTER?

17

A NO.

18

19

Q SO THEN YOU DON'T KNOW WHAT HE WAS THINKING WHEN  
YOU SAY THAT HE THOUGHT YOU WERE A REPORTER? YOU ARE  
20 ASSUMING?

21

A NO.

22

23

Q YOU JUST ASSUME THAT HE THOUGHT YOU WERE A REPORTER  
BECAUSE YOU SIT BEHIND THE PRESS AREA AND CARRY AROUND A  
24 STENO PAD?

25

A YEAH.

26

Q DID HE SAY THAT THE JUDGE WAS BEING UNFAIR?

27

A THAT WAS THE INSINUATION.

28

Q THE INSINUATION? DID HE SAY THAT?

A-2

1 A HE DIDN'T SAY THE WORDS, NO.

2 Q DID HE INDICATE TO YOU THAT THE JUDGE WAS HELPING  
3 THE PROSECUTION WITNESSES?

4 A YES.

5 Q AND DID YOU AGREE OR DISAGREE WITH HIS ASSESSMENT  
6 IN THAT REGARD?

7 THE COURT: IT DOESN'T MAKE ANY DIFFERENCE.

8 MR. CHIER: WHY NOT? IT IS A FAIR COMMENT.

9 THE COURT: WILL YOU KEEP QUIET? WHEN I MAKE A RULING,  
10 I MAKE A RULING. DON'T CONTRADICT ME.

11 NOW YOU MAY GO AHEAD. JUST ASK THE QUESTIONS.

12 MR. CHIER: WELL, I AM ASKING THE QUESTIONS THAT I  
13 THINK --

14 THE COURT: IF YOU BEHAVE THAT WAY, LIKE YOU DID IN THE  
15 HOVEY VOIR DIRE, THAT IS WHY YOU ALIENATED ALL OF THE JURORS  
16 THAT CAME BEFORE THE COURT ON THE HOVEY HEARINGS.

17 IT IS THE SAME ATTITUDE THAT YOU JUST DEMONSTRATED,  
18 THIS ANIMOSITY AND THIS ABRASIVENESS.

19 MR. CHIER: WELL, I DON'T HAVE ANY GOOD FEELINGS TOWARD --

20 THE COURT: WHY? BECAUSE SHE IS TELLING THE TRUTH?

21 MR. CHIER: TELLING THE TRUTH? WHAT HAS SHE DONE?

22 WHAT HAS MY LAW CLERK DONE THAT HE DESERVES TO GET KICKED OUT  
23 AND --

24 THE COURT: HE HAD NO BUSINESS TALKING TO THE PRESS AND  
25 MAKING A REMARK THAT I WAS FRIENDLY TO THE PROSECUTOR'S FATHER  
26 AND THAT IS WHY I BEHAVED THE WAY I DID.

27 MR. CHIER: HE DIDN'T SAY THAT, YOUR HONOR.

28 Q THIS IS AN INSINUATION THAT HE SAID IT?

A-3 1 A THAT'S RIGHT, MR. CHIER.

2 Q UH-HUH. AND WHAT DID YOU DO AFTER HE MADE THIS  
3 INSINUATION IN YOUR PRESENCE, IF ANYTHING?

4 A I DIDN'T DO ANYTHING.

5 Q AND DID YOU REPORT IT TO ANYBODY?

6 A NOT AT THAT TIME.

7 Q AND HOW LONG DID YOU WAIT BEFORE REPORTING IT TO  
8 SOMEBODY?

9 A MAYBE A COUPLE OF WEEKS.

10 Q WERE YOU INVITED BY THE COURT TO REPORT IT TO  
11 SOMEBODY OR DID YOU DO IT ON YOUR OWN MOTION?

12 A I DID IT ON MY OWN.

13 Q WHAT WAS IT A COUPLE OF WEEKS LATER THAT CAUSED  
14 YOU TO MAKE THIS REPORT?

15 A I JUST FELT VERY STRONGLY ABOUT IT. I WAS CONCERNED  
16 THAT IT WAS IMPROPER.

17 Q AND WHAT WAS IT THAT CAUSED YOU TO WAIT THE TWO  
18 WEEKS BEFORE GENERATING ENOUGH FEELING ABOUT IT TO MAKE A  
19 REPORT OF SOME KIND? WERE YOUR FEELINGS MORE OR LESS STRONG  
20 AT THE TIME YOU MADE THE REPORT THAN THEY WERE AT THE TIME  
21 THAT IT HAPPENED?

22 A I GUESS THEY WERE STRONGER.

23 Q AT THE TIME THAT IT HAPPENED OR AFTER IT HAD  
24 PERCOLATED FOR A WHILE?

25 A I AM NOT SURE, REALLY.

26 Q YOU ARE NOT SURE? DID THE JUDGE INVITE YOU TO  
27 SEND HIM A LETTER OR --

28 THE COURT: I DIDN'T INVITE ANYBODY TO SEND ANYTHING.

PA-4 1 CAN'T YOU HEAR THE TESTIMONY? SHE DID IT ON HER OWN.

2 YOU ASKED HER THAT, DIDN'T YOU? DIDN'T YOU ASK  
3 HER WHETHER IT WAS PROVOKED BY ANYBODY?

4 SHE SAID NO, SHE DID IT ON HER OWN. THAT WILL  
5 BE ENOUGH. THANK YOU VERY MUCH, MRS. WHITMORE. I DON'T WANT  
6 TO SUBJECT YOU TO ANY MORE OF THIS ABUSE FROM THIS SO-CALLED  
7 LAWYER.

8 (MRS. WHITMORE EXITS CHAMBERS.)

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1 THE COURT: ALL RIGHT. THAT WILL BE ALL. THE MOTION  
2 WILL BE DENIED.

3 MR. BARENS: YOUR HONOR, WHILE WE ARE IN CHAMBERS HERE,  
4 I THOUGHT THAT WE WERE ALSO GOING TO HAVE THE SUBJECT OF THE  
5 JUROR, YOUR HONOR AND --

6 THE COURT: YES, WE'LL GET HER IN.

7 MR. BARENS: ALL RIGHT. YOUR HONOR, SHOULD WE STAY HERE  
8 FOR THAT PURPOSE?

9 THE COURT: DO YOU WANT TO STAY HERE?

10 MR. BARENS: I THOUGHT COUNSEL SHOULD OBSERVE THE  
11 QUESTIONING OF THE JUROR.

12 THE COURT: WHY OF COURSE SHE SHOULD BE HERE. YOU SHOULD  
13 BE HERE. DO YOU WANT TO BE HERE?

14 MR. WAPNER: IF COUNSEL IS GOING TO BE HERE, I THINK  
15 IT IS APPROPRIATE. I WILL BE HERE.

16 MR. BARENS: I WOULD NOT REQUEST TO BE HERE WITHOUT  
17 MR. WAPNER. I DID NOT MEAN TO SUGGEST THAT I SHOULD BE HERE  
18 WITHOUT HIM.

19 THE COURT: OF COURSE NOT. ALL THREE OF US WILL BE HERE.

20 MR. BARENS: THANK YOU, SIR.

21 THE COURT: WE'LL GET THE LADY IN. WHAT IS HER NAME  
22 AGAIN?

23 MR. WAPNER: BECKING, B-E-C-K-I-N-G.

24 MR. BARENS: YOU MIGHT RECALL THAT SHE IS THE WOMAN THAT  
25 SAID SHE WAS A SURFER.

26 MR. WAPNER: I AM CURIOUS AS TO WHETHER WE SHOULD GET  
27 SOME KIND OF MEDICAL OPINION OTHER THAN JUST HER STATEMENTS.

28 THE COURT: WELL, LET'S TALK TO HER FIRST.

-6  
1 MR. WAPNER: I THINK IT IS PROBABLY APPROPRIATE TO  
2 ALLOW JUST THE COURT TO CONDUCT THE INQUIRY.

3 THE COURT: THAT IS WHAT I AM GOING TO DO.

4 MR. BARENS: I HAD NOT PLANNED TO COMMENT. I WOULD LIKE  
5 TO RESERVE COMMENT UNTIL AFTER YOUR HONOR CONCLUDES.

6 THE COURT: ALL RIGHT.

7 MR. WAPNER: ANOTHER THING, DO YOU THINK IT IS APPROPRIATE  
8 TO HAVE THE BAILIFF IN HERE? GOD FORBID SHE SHOULD HAVE A  
9 RECURRENCE OF THE --

10 MR. BARENS: OKAY. I THINK IT IS APPROPRIATE.  
11 MR. WAPNER, SHOULD ONE OF US SUMMON HIM?

12 MR. WAPNER: I WILL BE HAPPY TO DO SO.

13 THE COURT: FOR THE RECORD, YOU OBSERVED THIS LADY, DID  
14 YOU NOT?

15 THE COURT REPORTER YERGER: YES.

16 THE COURT: TELL US WHAT YOU OBSERVED, IF YOU WILL,  
17 PLEASE.

18 MR. WAPNER; IS SHE GOING TO BE ABLE TO REPORT AND --

19 THE COURT: SHE CAN TELL US FIRST AND THEN PUT IT ON  
20 THE RECORD.

21 THE COURT REPORTER YERGER: I APPROACHED THE JUROR AND  
22 SHE WAS BREATHING WELL. I TOUCHED HER TO SEE IF THERE WAS  
23 A PULSE. I CHECKED HER WRIST.

24 AT THAT TIME, I NOTED THAT SHE SEEMED TO BE HAVING  
25 INVOLUNTARY MUSCLE SPASMS, ALMOST LIKE CONVULSIONS.

26 THE COURT: FINE. THANK YOU.

27 MR. WAPNER: THIS IS ONE THING WE CAN TAKE UP WHILE WE  
28 ARE WAITING FOR HER. THAT IS AS I UNDERSTAND IT, THE DEFENSE

- 7

1 HAS ISSUED A SUBPOENA, AN OUT-OF-STATE SUBPOENA FOR JESUS  
2 LOPEZ, WHO IS ONE OF THE PEOPLE FROM ARIZONA.

3 IT IS FURTHER MY UNDERSTANDING THAT HE IS NOT GOING  
4 TO BE CALLED AS A WITNESS. AND I WOULD LIKE TO HAVE HIM  
5 SUBPOENAED.

6 I CAN'T ISSUE AN OUT-OF-STATE SUBPOENA BECAUSE  
7 HE IS NOT THERE NOW. WE CAN DO IT LATER.

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1 (JUROR BECKING ENTERS CHAMBERS.)

2 JUROR BECKING: HELLO.

3 THE COURT: HOW ARE YOU FEELING?

4 JUROR BECKING: WELL, I FEEL BETTER.

5 THE COURT: WE WERE VERY, VERY MUCH UPSET BECAUSE OF  
6 THE FACT YOU -- DO YOU REMEMBER ANYTHING THAT HAPPENED TO  
7 YOU?

8 JUROR BECKING: I JUST PASSED OUT, I GUESS. NOT  
9 COMPLETELY, BUT --

10 THE COURT: DID YOU EVER HAVE ANY SIMILAR EXPERIENCES  
11 BEFORE?

12 JUROR BECKING: A COUPLE OF YEARS AGO.

13 THE COURT: WHAT HAPPENED THEN?

14 JUROR BECKING: WELL, I JUST BLACKED OUT IN MY OWN HOME  
15 AND HAD TO GO TO THE EMERGENCY HOSPITAL.

16 THE COURT: DID YOU SEE A DOCTOR AT ALL?

17 JUROR BECKING: YES, UH-HUH.

18 THE COURT: WHAT DID THE DOCTOR SAY?

19 JUROR BECKING: WELL, HE JUST SAID THAT I HAD HIGH  
20 BLOOD PRESSURE AND GAVE ME SOME PILLS TO TAKE AND THAT WAS  
21 IT.

22 THE COURT: WHY DO YOU THINK YOU PASSED OUT TODAY?

23 JUROR BECKING: WHAT?

24 THE COURT: WHY DO YOU THINK YOU GOT SICK TODAY?

25 JUROR BECKING: I DON'T KNOW. I JUST GOT WARM ALL OF  
26 A SUDDEN, YOU KNOW.

27 THE COURT: ANYTHING WORRYING YOU?

28 JUROR BECKING: WELL, A FEW THINGS, YOU KNOW, BUT --

1 THE COURT: SOMETHING TO DO WITH YOUR SON?

2 JUROR BECKING: YEAH, MY SON.

3 THE COURT: WHAT IS WRONG WITH HIM?

4 JUROR BECKING: WELL, THERE IS NOTHING WRONG WITH HIM.  
5 IT IS JUST HE HAS GOT A WOMAN LIVING IN HIS HOUSE AND SHE  
6 WON'T LEAVE.

7 THE COURT: AND THAT UPSET YOU, DID IT?

8 AND THE FACT THAT YOU HAD AN EXPERIENCE HERE  
9 OF THIS LADY ON THE WITNESS STAND, LIVING IN WITH THE  
10 DEFENDANT, DID THAT IN ANY WAY REMIND YOU OF YOUR SON?

11 JUROR BECKING: OH, NO, NO. IT HAS NO BEARING ON THAT.

12 I WILL BE ALL RIGHT.

13 THE COURT: WE WERE VERY MUCH CONCERNED ABOUT YOU.

14 JUROR BECKING: WELL, I AM ALL RIGHT.

15 THE COURT: YES. BUT YOU SEE, WITHOUT A DOCTOR'S  
16 OPINION AS TO WHAT IS WRONG WITH YOU --

17 JUROR BECKING: WELL, I BELONG TO SECURE HORIZONSGROUP  
18 AND I WILL GO DOWN THIS WEEKEND AND GET CHECKED OUT.

19 MR. CHIER: DID YOU FIND IT WARM IN THERE, MRS. BECKING?

20 JUROR BECKING: OH, IT WAS TERRIBLY WARM. I THINK  
21 IT'S THE PROBLEM.

22 THE COURT: I UNDERSTAND YOU WERE SHAKING LIKE A LEAF.

23 JUROR BECKING: OH, YES, YES.

24 THE COURT: AND THAT YOU COULDN'T WRITE YOUR NAME,  
25 COULD YOU?

26 JUROR BECKING: NO, BUT I AM ALL RIGHT NOW.

27 I DON'T WANT TO GIVE UP NOW. THIS IS MY 40TH  
28 DAY HERE.

1 THE COURT: WELL, WE ARE ALL TERRIBLY CONCERNED, YOU  
2 KNOW. I AM JUST WONDERING WHETHER OR NOT THE STRAIN OF THIS  
3 TRIAL AND THE STRAINFUL SITUATION MIGHT NOT HAVE RESULTED,  
4 MIGHT HAVE CAUSED THIS.

5 JUROR BECKING: NO. I WOULDN'T WANT TO GIVE UP NOW.

6 THE COURT: I KNOW WHAT YOU WANT. I KNOW YOU WANT  
7 TO STAY ON.

8 JUROR BECKING: RIGHT.

9 MR. WAPNER: CAN WE MAYBE JUST ASK MRS. BECKING TO  
10 STEP OUTSIDE AND WE CAN CONFER? IF THERE ARE ANY OTHER  
11 QUESTIONS, THEN HAVE THE COURT ASK HER QUESTIONS. I DON'T  
12 THINK REALLY IT IS APPROPRIATE FOR COUNSEL TO ASK THEM BUT  
13 FOR THE COURT TO.

14 THE COURT: YES. CAN YOU STEP OUT?

15 I WANT TO ASK ANOTHER QUESTION. I HOPE IT ISN'T  
16 TOO PERSONAL. HOW OLD ARE YOU?

17 JUROR BECKING: I AM 73.

18 THE COURT: ALL RIGHT, THANK YOU. YOU ARE STILL A  
19 YOUNG WOMAN.

20 JUROR BECKING: THAT IS BECAUSE I DO A LOT OF YARD  
21 WORK.

22 (JUROR BECKING EXITS CHAMBERS.)

23 MR. BARENS: ONE THING THAT OCCURRED -- I AM SORRY,  
24 MR. WAPNER. DID YOU SPEAK FIRST? I AM SORRY.

25 MR. WAPNER: I DON'T HAVE A CLUE AS TO WHAT THE SECURE  
26 HORIZONS GROUP IS BUT WHAT I THOUGHT MIGHT BE APPROPRIATE  
27 IS SHE SAYS SHE CAN GO DOWN THERE THIS WEEKEND, MAYBE SHE  
28 CAN GO DOWN THERE THIS AFTERNOON. IF WE HAVE HER GO DOWN

1 AND SEE HER DOCTOR AND HAVE HER COME BACK IN THE MORNING  
2 WITH A MEDICAL OPINION, MAYBE WE WILL HAVE A BETTER IDEA.

3 THE COURT: LET'S FIND OUT WHO THE DOCTOR IS AND I  
4 WILL COMMUNICATE WITH THE DOCTOR AND FIND OUT WHAT HER HISTORY  
5 IS AND THEN HAVE THE DOCTOR HERE, IF NECESSARY.

6 MR. CHIER: IT MAY BE IMPROPER WITHOUT PERMISSION.

7 MR. BARENS: OH, I DON'T THINK SO.

8 YOUR HONOR, MIGHT I COMMENT, SIR? THERE ARE  
9 TWO THINGS I NOTICED IN HER TESTIMONY. ONE, SHE SAID THAT  
10 SHE HAD A COUPLE OF YEARS AGO THIS EPISODE AND YOUR HONOR  
11 PROPERLY ASKED HER WHAT IT WAS AND SHE SAID IT WAS SOME KIND  
12 OF HIGH BLOOD PRESSURE THING.

13 I NOTED WE HAD A STATEMENT EARLIER FROM SOMEONE  
14 IN THIS CHAMBERS THAT HER BLOOD PRESSURE WAS NORMAL WITH  
15 THE PARAMEDICS.

16 SECONDARILY, YOUR HONOR OBSERVED SHE WASN'T ABLE  
17 TO WRITE HER NAME, AT LEAST SOMEONE HAD REPORTED TO US THAT  
18 SHE WASN'T ABLE TO WRITE HER NAME EARLIER. I THINK IT IS  
19 OBVIOUS THAT YOUR HONOR COULD ASK HER TO DO THAT EXERCISE  
20 NOW AND SEE IF SHE WERE ABLE TO DO THAT OR NOT.

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1 THE COURT: I THINK THE THING FOR ME TO DO IS  
2 COMMUNICATE WITH THE DOCTOR AND SEE WHAT THE DOCTOR SAYS  
3 THE PROBLEM IS.

4 MR. WAPNER: I AGREE. BUT I THINK MR. CHIER'S POINT  
5 IS WELL TAKEN, THAT SHE SHOULD COMMUNICATE AND SHOULD GET  
6 PERMISSION.

7 MR. BARENS: WHATEVER HE MIGHT KNOW ABOUT HER MEDICALLY,  
8 HE WOULD KNOW ABOUT TWO YEARS AGO WHEN HE LAST SAW HER. IF  
9 THAT BE THE CASE, IF HER CONDITION TODAY IS NOT A PROBLEM  
10 AND IF SHE HAD PROBLEMS TWO YEARS AGO, I DON'T KNOW EXACTLY  
11 WHAT THIS WILL MEAN.

12 THE COURT: I TOLD YOU WHAT MY RESPONSIBILITY IS. I  
13 AM NOT GOING TO SHIRK IT. IF I THINK CONTINUING ON THE JURY  
14 IS A STRESSFUL SITUATION ON HER AND MIGHT RESULT IN A SERIOUS  
15 IMPAIRMENT OF HER HEALTH, I AM GOING TO EXCUSE HER.

16 MR. BARENS: SIR, I AM NOT DISAGREEING WITH YOUR HONOR  
17 AT ALL. I WAS GOING TO ENDORSE MR. WAPNER'S COMMENT, SIR,  
18 THAT HAVING A CURRENT EXAMINATION, IF IT COULD BE ARRANGED,  
19 I HAD A SENSE THE SECURE HORIZONS IS PROBABLY A KAISER-TYPE  
20 DEAL OR ONE OF THOSE GROUP DEALS.

21 THE COURT: WHY DON'T I FIND OUT WHAT IT IS ABOUT?

22 I HAD HEARD THAT SHE HAD NOT CONSULTED A DOCTOR  
23 AND REFUSED TO DO SO, THAT SHE HAS PROBLEMS WITH DOCTORS.

24 MR. BARENS: IT COULD BE, SIR.

25 THE COURT: THAT IS WHAT SHE TOLD SOMEBODY. BUT AT  
26 ANY RATE, I WILL FIND THAT OUT.

27 (JUROR BECKING ENTERS CHAMBERS.)

28 THE COURT: SORRY TO BOTHER YOU. DO YOU MIND TELLING

1 ME THE NAME OF YOUR DOCTOR?

2 JUROR BECKING: JENSEN.

3 THE COURT: DO YOU KNOW HIS FIRST NAME?

4 JUROR BECKING: IT IS DON.

5 THE COURT: JOHN?

6 JUROR BECKING: DON, D-O-N.

7 THE COURT: WHERE IS HE LOCATED?

8 JUROR BECKING: HE IS IN MANHATTAN BEACH BUT I HAVE  
9 JOINED THE SECURE HORIZONS GROUP AND I AM GOING TO START  
10 DOWN THERE.

11 THE COURT: WHAT IS THE SECURE HORIZONS GROUP?

12 MS. BECKING: WELL, IT IS A SENIOR CITIZENS PLAN. WELL,  
13 YOU HAVE HEARD OF FHB, THAT IS SIMILAR TO THAT.

14 THE COURT: DO THEY HAVE HOSPITALS OR DOCTORS?

15 JUROR BECKING: THEY HAVE A CLINIC IN REDONDO BEACH.

16 THE COURT: WHO IS TREATING YOU THERE?

17 JUROR BECKING: I HAVEN'T BEEN. I JUST JOINED IT. I  
18 HAVEN'T BEEN IN THERE YET.

19 THE COURT: HOW LONG AGO HAS IT BEEN SINCE YOU HAVE  
20 SEEN DR. JENSEN?

21 JUROR BECKING: OH, ABOUT A YEAR AGO, A LITTLE OVER  
22 A YEAR.

23 THE COURT: IS HE STILL YOUR DOCTOR?

24 JUROR BECKING: I WENT TO JENSEN BUT I DIDN'T CARE  
25 MUCH FOR HIM SO THAT IS WHY I JOINED THE OTHER GROUP.

26 THE COURT: IF YOU DON'T MIND TELLING US, IS THERE  
27 ANY PARTICULAR REASON YOU DIDN'T CARE FOR HIM?

28 JUROR BECKING: WELL, HE DIDN'T SEEM TO HELP ME ANY.

1 ALL HE DID WAS GIVE ME SOME HIGH BLOOD PRESSURE MEDICINE.

2 THE COURT: THAT IS ALL YOU HAVE, HIGH BLOOD PRESSURE?

3 JUROR BECKING: I DID, BUT I DON'T HAVE IT NOW. NO,  
4 I HAD IT.

5 THE COURT: YOU DON'T HAVE IT NOW?

6 THE WITNESS: NO.

7 I HAD IT TAKEN OUT HERE AND IT WAS LOW, VERY  
8 LOW.

9 THE COURT: ALL RIGHT, THANK YOU VERY, VERY MUCH.

10 DO YOU MIND IF I TALK TO DR. JENSEN?

11 JUROR BECKING: WELL, I JUST -- I WOULD JUST AS SOON,  
12 YOU KNOW, GO TO SECURE HORIZONS AND GO TO MY DOCTOR THERE.

13 THE COURT: IS THERE SOME DOCTOR THERE THAT I COULD  
14 CALL, IF YOU WILL PERMIT ME?

15 JUROR BECKING: WELL, I SUPPOSE SO.

16 LIKE I SAY, THEY HAVE A LOT OF DOCTORS IN THE  
17 CLINIC.

18 THE COURT: YOU DIDN'T SEE ANY PARTICULAR DOCTOR, DID  
19 YOU?

20 JUROR BECKING: NO, NO.

21 I HAVE NEVER BEEN THERE.

22 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. I AM SO  
23 SORRY TO BOTHER YOU. WE ARE ALL CONCERNED ABOUT YOU AND  
24 THAT IS WHY WE WERE ASKING YOU THESE QUESTIONS.

25 JUROR BECKING: I AM FINE NOW.

26 THE COURT: FINE. I HOPE YOU STAY THAT WAY, TOO.

27 JUROR BECKING: THANK YOU VERY MUCH.

28 THE COURT: ALL RIGHT, WE WILL GET TO THE JURY IN JUST

1 A MINUTE.

2 (JUROR BECKING EXITS CHAMBERS.)

3 MR. BARENS: WELL, AGAIN, YOUR HONOR, I DON'T, YOU  
4 KNOW, I THINK YOUR HONOR FEELS I AM BEING AN ADVOCATE AT  
5 THIS POINT, WHEREAS I MERELY AM TRYING TO STATE WHAT MY  
6 OBSERVATIONS ARE.

7 THE COURT: I KNOW, IT IS THE SAME THING THAT HAPPENED  
8 WITH JUROR NUMBER 1 WHEN HE SAID HE WOULD LOSE HIS JOB IF  
9 HE DIDN'T GET BACK THERE. YOU WERE ANXIOUS ABOUT MY CALLING  
10 HIS LAWYER AND SEEING THAT HE STAYED ON.

11 MR. BARENS: YES, YOUR HONOR.

12 THE COURT: YOU HAVE THE SAME REASON FOR HAVING HER  
13 STAY ON, HAVEN'T YOU?

14 MR. BARENS: YOUR HONOR, I DON'T THINK SO.

15 THE COURT: WE HAVE THREE QUALIFIED JURORS. I DON'T  
16 WANT TO TAKE A CHANCE ON ANYTHING HAPPENING TO HER.

17 IN ANY EVENT, SHE DOESN'T MIND IF I WERE TO CALL  
18 UP HER DOCTOR AND FIND OUT WHAT HIS DIAGNOSIS WAS AT THE  
19 TIME THAT SHE WENT TO HIM.

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1 MR. WAPNER: WELL, I DON'T KNOW IF SHE --

2 MR. BARENS: I DIDN'T GET AN IMPRESSION THAT SHE WANTED  
3 YOU TO DO THAT.

4 MR. WAPNER: I THINK SHE DOESN'T WANT YOU TO CALL THE  
5 OLD DOCTOR. THE NEW DOCTOR, SHE HAS NOT SEEN YET.

6 THE COURT: HOW AM I GOING TO FIND OUT WHAT THE MEDICAL  
7 CONDITION IS?

8 MR. WAPNER: WELL, I THINK THAT IT IS APPROPRIATE TO  
9 DO, IF SHE CAN GET DOWN THERE. I THINK MAYBE WITH THE GOOD  
10 AUSPICES OF THIS COURT, WE CAN GET HER AN EXPEDITED APPOINTMENT.

11 SHE CAN GO DOWN THERE THIS AFTERNOON AND HE CAN  
12 REPORT TO US BY THE MORNING, WHAT IS GOING ON.

13 I HATE AS THE COURT DOES, TO WASTE THE BALANCE  
14 OF A COURT DAY. ON THE OTHER HAND, I THINK THAT UNLESS WE  
15 KNOW SOMETHING ABOUT HER MEDICAL CONDITION, WE ARE GOING TO  
16 END UP WASTING MORE TIME.

17 THE COURT: I AM NOT GOING TO INSTRUCT THE JURY TODAY.  
18 WHAT DIFFERENCE DOES IT MAKE IF WE DO IT AT THE END OF THE  
19 DAY? WE DON'T HAVE TO CALL A RECESS OR ADJOURN THE CASE.

20 MR. BARENS: I THINK WHAT MR. WAPNER MIGHT BE SUGGESTING  
21 IS, IT MIGHT BE DIFFICULT FOR HER TO SEE SOMEONE --

22 THE COURT: WE DON'T HAVE TO DO IT TODAY, PARTICULARLY.

23 MR. WAPNER: ASSUMING THAT SHE IS OKAY OVER THE NEXT  
24 COUPLE OF DAYS, SHE COULD DO IT OVER THE WEEKEND.

25 THE COURT: NO. I HAVE A BETTER IDEA. RATHER THAN  
26 GOING TO ONE OF THESE GROUPS THAT SHE SPEAKS ABOUT, WHY DON'T  
27 WE PICK OUT ONE OF THE FINEST, BEST DOCTORS IN TOWN AND HAVE  
28 HER GO DOWN THERE AT COUNTY EXPENSE AND THEN FIND OUT REALLY

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1 WHAT IS WRONG WITH HER.

2 MR. WAPNER: FINE WITH ME, TOO. IF THEY WILL SEE HER.

3 THE COURT: GIVE ME A NAME OF A DOCTOR THAT YOU THINK --

4 MR. BARENS: YOUR HONOR, I DEFER TO YOUR HONOR. I AM  
5 NOT GOING TO -- YOUR HONOR MAY KNOW SOMEONE IN THE SANTA MONICA  
6 AREA THAT SHE COULD SEE OVER THE LUNCH HOUR.

7 THE COURT: WELL, WE CAN'T DO IT OVER THE LUNCH HOUR.  
8 LET'S GO ON WITH THE TRIAL AND SEE WHAT HAPPENS.

9 MAYBE ON THURSDAY AFTERNOON OR FRIDAY BEING A WHOLE  
10 DAY OFF --

11 MR. BARENS: FRIDAY SEEMS, IF YOUR HONOR CAN GET A SENSE  
12 OF IT AND COULD ARRANGE SOMEONE FOR FRIDAY, I AM NOT SURE  
13 WHAT HER TRANSPORTATION SITUATION IS. I MIGHT INQUIRE TO SEE.

14 THE COURT: I WILL SEE THAT SHE IS PICKED UP AND  
15 EVERYTHING.

16 MR. WAPNER: OKAY. THERE ARE A FEW THINGS. ONE, I WOULD  
17 LIKE TO FINISH THE DISCUSSION THAT I STARTED ABOUT THE WITNESS  
18 FROM ARIZONA.

19 THE COURT: LOPEZ?

20 MR. BARENS: MAY I MOVE BACK OVER THERE?

21 THE COURT: YES.

22 MR. WAPNER: LOPEZ -- I BELIEVE HIS NAME IS JESUS LOPEZ.  
23 HERE IS THE PROBLEM. I CAN'T SUBPOENA HIM OUT OF STATE  
24 BECAUSE HE IS NOT THERE NOW.

25 HE IS HERE IN LOS ANGELES. I CAN'T SUBPOENA HIM  
26 HERE BECAUSE I DON'T KNOW WHERE HE IS. THE DEFENSE IS HOUSING  
27 HIM AND THEY ARE HOUSING HIM WHEREVER THEY ARE HOUSING HIM.

28 SO I WOULD ASK THE COURT EITHER, PURSUANT TO THE

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1 SUBPOENA THAT YOU HAVE ISSUED, TO ORDER HIM INTO COURT  
2 TOMORROW SO THAT THE COURT CAN ORDER HIM BACK ON A DATE  
3 SPECIFIED, SO I CAN HAVE HIM TESTIFY, WHICH WOULD ACTUALLY  
4 BE THE BEST THING --

5 THE COURT: WHO IS THIS JESUS LOPEZ?

6 MR. WAPNER: ONE OF THE TWO PEOPLE FROM TUCSON THAT THE  
7 SUBPOENA WAS ISSUED FOR.

8 THE COURT: WELL, SUPPOSE HE IS NOT GOING TO TESTIFY?  
9 DO YOU THINK YOU MIGHT WANT TO HAVE HIM TESTIFY?

10 MR. WAPNER: YES. I THINK THAT --

11 THE COURT: WAS THAT ONE OF THE TWO YOU MENTIONED?

12 MR. BARENS: NO. WE MENTIONED TWO, THE POLICE OFFICER  
13 THIS MORNING AND --

14 THE COURT: YES?  
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1 MR. WAPNER: BUT ORIGINALLY, I BELIEVE UNLESS I AM  
2 MISTAKEN, A SUBPOENA WAS ALSO ISSUED FOR HIM. NOW, I HAVE  
3 NOT SEEN IT. BUT I WAS LED TO BELIEVE THAT HE IS HERE IN TOWN.

4 MR. BARENS: YES, SIR?

5 THE COURT: DO YOU KNOW WHERE HE CAN GET HIM?

6 MR. BARENS: YES, SIR.

7 THE COURT: IS HE COMING DOWN HERE?

8 MR. BARENS: YOUR HONOR, HERE IS THE POINT I WILL MAKE.  
9 I WASN'T SURE FRANKLY, AS TO WHETHER I WAS GOING TO USE HIM  
10 AS A WITNESS UNTIL I SAW -- WAS SURE THAT I WAS GOING TO USE  
11 THE FEMALE WITNESS.

12 I WAS NOT SURE WHETHER I WAS GOING TO USE HIM  
13 UNTIL AFTER I SAW HER TESTIFY.

14 THE COURT: WHAT FEMALE?

15 MR. BARENS: FROM THE TWO PEOPLE FROM ARIZONA, A MALE  
16 AND A FEMALE.

17 THE COURT: I SEE.

18 MR. BARENS: THE FEMALE WITNESS WHO I BELIEVE THE D.A.  
19 AND THE POLICE PEOPLE, AT LEAST ACCORDING TO THEIR RECORDS  
20 AND WHAT I HAVE, SINCE SPENT MORE TIME WITH HER. I WAS SURE  
21 I WAS GOING TO USE HER.

22 THE ONE THEY DIDN'T SPEND SO MUCH TIME WITH, I  
23 WAS NOT SURE WHETHER I WAS GOING TO USE HIM OR NOT.

24 THE COURT: THAT IS LOPEZ?

25 MR. BARENS: YES, SIR.

26 THE COURT: WILL YOU TELL THE PEOPLE WHERE HE IS?

27 MR. BARENS: LET ME DO THIS, SIR.

28 THE COURT: HE IS A COURT WITNESS. YOU ARE PREPARING

Δ-5 1 FOR HIS APPEARANCE?

2 MR. BARENS: YES, SIR.

3 MR. CHIER: HE IS A DEFENSE WITNESS, YOUR HONOR.

4 MR. BARENS: HE IS ACTUALLY A DEFENSE WITNESS, RATHER  
5 THAN A COURT-ORDERED --

6 THE COURT: I ORDERED HIM TO BE HERE.

7 MR. CHIER: WE ASKED FOR HIM TO BE HERE.

8 MR. BARENS: YES.

9 THE COURT: MY ORDER GOT HIM HERE.

10 MR. BARENS: YOUR HONOR, JUST TO CLEAR UP, AS AN OFFICER  
11 OF THE COURT, I FEEL THAT IT IS INCUMBENT THAT I DO CERTAIN  
12 THINGS OUT OF A SENSE OF PROPRIETY. ALL RIGHT?

13 OUT OF A SENSE OF PROPRIETY, I WANT TO ASSURE  
14 MR. WAPNER THAT I WILL MAKE SURE THAT THE WITNESS IS AVAILABLE  
15 TO THE PEOPLE. I WILL BRING HIM TO COURT ONE DAY THIS WEEK  
16 AT THE TIME WHEN THE FEMALE TESTIFIES AND I WILL ADVISE  
17 MR. WAPNER NOW THAT I WILL MAKE SURE THAT HE EITHER TESTIFIES  
18 AS A DEFENSE WITNESS NEXT IN ORDER OR THAT HE BE MADE AVAILABLE  
19 FOR SERVICE OF PROCESS, SHOULD I DECIDE NOT TO CALL HIM.

20 THE COURT: WELL, HE IS UNDER PROCESS NOW, ISN'T HE?

21 MR. BARENS: YES, SIR. BUT IF THEY WANT TO ISSUE ANOTHER  
22 SUBPOENA TO HAVE HIM HERE --

23 THE COURT: WELL, HE IS STILL UNDER SUBPOENA. THEY  
24 DON'T NEED ANOTHER SUBPOENA.

25 MR. WAPNER: I JUST NEED AN ORDER FROM THE COURT THAT  
26 HE SHOULD RETURN.

27 MR. BARENS: I WILL MAKE IT MY RESPONSIBILITY.

28 THE COURT: MAKE HIM AVAILABLE, WILL YOU?

-6

1 MR. BARENS: RIGHT. WHAT I AM SAYING IS THAT YOUR HONOR,  
2 I DON'T BELIEVE THAT IT IS NECESSARY OR PROPER FOR THE COURT  
3 TO ISSUE AN ORDER TO THE WITNESS BEFORE I HAVE MADE A  
4 DECISION AS TO WHETHER --

5 THE COURT: HE IS ALREADY HERE ON A SUBPOENA ISSUED.  
6 HE IS SUBPOENAED.

7 MR. WAPNER: MR. BARENS' REPRESENTATION IS SATISFACTORY.  
8 AS LONG AS HE IS HERE IN --

9 MR. BARENS: I WILL MAKE SURE THAT HE IS.

10 MR. WAPNER: -- IN THE COURTHOUSE, AVAILABLE TO BE  
11 ORDERED BACK BY THE COURT.

12 THE COURT: COUNSEL SAYS THAT SINCE HE IS NOT YOUR  
13 WITNESS, I CAN'T ORDER HIM TO DO ANYTHING.

14 MR. BARENS: WELL, IT ISN'T NECESSARY TO ORDER HIM.  
15 I AM SAYING AS AN OFFICER OF THIS COURT THAT I WILL ACT IN  
16 A RESPONSIBLE MANNER WITH THE PEOPLE AND THE COURT TO MAKE  
17 SURE THAT IF THE PEOPLE WANT HIM HERE, THAT HE IS AVAILABLE  
18 TO THE PEOPLE.

19 THE COURT: I UNDERSTAND THAT THE PEOPLE WANT HIM HERE.

20 MR. BARENS: THEN I WILL MAKE SURE THAT HE IS HERE  
21 PURSUANT TO THE SUBPOENA THAT HAS ALREADY BEEN ISSUED AND  
22 SERVED.

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1 THE COURT: ALL RIGHT.

2 MR. WAPNER: THANK YOU.

3 THE COURT: OKAY.

4 MR. WAPNER: THE OTHER THING IS, WE LEFT OFF THIS  
5 MORNING BEFORE OUR JUROR HAD A PROBLEM, WITH A DISCUSSION AT  
6 THE BENCH THAT WE MIGHT AS WELL FINISH HERE BEFORE WE GO BACK  
7 INTO THE COURTROOM. THAT WAS THE REQUEST BY ME FOR AN OFFER  
8 OF PROOF AS TO THE HEARSAY OR WHAT APPEARS TO BE A HEARSAY  
9 STATEMENT OF THE DEFENDANT ABOUT THOSE HANDCUFFS THAT BROOKE  
10 ROBERTS ALLEGEDLY FOUND IN THE BED.

11 AND SHE IS NOW -- SHE SAYS THAT THE DEFENDANT SAID  
12 SOMETHING LIKE, "NOT THIS AGAIN," OR SOMETHING LIKE THAT.

13 THERE WAS SOME OTHER QUESTION AND ANSWER ABOUT,  
14 "WHAT DID HE SAY THEN?" AND THERE WAS A HEARSAY OBJECTION.

15 I AM ASKING FOR AN OFFER OF PROOF AS TO WHAT THE  
16 ANSWER TO THAT QUESTION IS GOING TO BE.

17 MR. BARENS: SIR, THE INFORMATION IS NOT BEING  
18 INTRODUCED FOR THE TRUTHFULNESS OF THE MATTER BUT RATHER TO  
19 SHOW THE RELATIONSHIP OF THE PARTIES HERE.

20 THERE WAS EXTENSIVE TESTIMONY, ON AND ON FOR DAYS,  
21 WITH THE WITNESS KARNY ABOUT THE RELATIONSHIP OF THE PARTIES.  
22 WE ARE SEEKING TO EXAMINE THE VERY SAME AREA THAT HAS BEEN  
23 PERMITTED EXTENSIVE TESTIMONY BY --

24 THE COURT: HE WANTS TO KNOW ABOUT THE HANDCUFFS. MAKE  
25 YOUR OFFER OF PROOF AS TO THE HANDCUFFS.

26 MR. BARENS: THE PEOPLE IN THEIR TESTIMONY WITH THE  
27 WITNESS GOT HIM -- STRIKE THAT. THEY DIDN'T GET HIM. HE  
28 ELICITED TESTIMONY FROM MR. KARNY TO THE EFFECT THAT HE HAD

1 GONE OUT EITHER AT THE DIRECT REQUEST OF MR. HUNT OR AT HIS OWN  
2 INITIATIVE AND I AM NOT SURE WHICH, JUDGE. THE RECORD WOULD  
3 SPEAK FOR ITSELF ON THAT AND GO OUT AND HE BOUGHT HANDCUFFS  
4 AT A PLACE CALLED THE LOVE BOUTIQUE OR SOMETHING LIKE THAT  
5 IN MAY I BELIEVE OF 1984.

6 WHEREAS THE POSSESSION OF HANDCUFFS BY THE WITNESS  
7 KARNY, PREDATES THAT AND IT WAS NOT AT THE REQUEST OF HUNT  
8 AT ALL, ACCORDING TO THIS WITNESS BUT RATHER HIS OWN  
9 INSTANCE.

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1                   THIS DIRECTLY IMPEACHES THE TESTIMONY OF THE  
2 WITNESS, AND LET ME ASSURE YOUR HONOR THAT IN EVERY INSTANCE,  
3 IN EVERY INSTANCE WHERE I CAN IMPEACH KARNY'S TESTIMONY,  
4 IT IS MY ABSOLUTE DUTY TO DO SO.

5           THE COURT: ABSOLUTELY. I AM NOT SAYING THAT YOU  
6 SHOULDN'T.

7           MR. WAPNER: HE STILL HASN'T MADE AN OFFER OF PROOF  
8 AS TO WHAT THE WITNESS WILL SAY IN RESPONSE TO THIS QUESTION  
9 ABOUT THE DEFENDANT'S STATEMENT ABOUT THE HANDCUFFS. HE  
10 IS GOING TO GO INTO, NOT THE POSSESSION OF THE HANDCUFFS,  
11 BECAUSE IF THAT IS THE ONLY PURPOSE, THEN HE HAS ALREADY  
12 ESTABLISHED THAT, BUT SHE SAW SOME HANDCUFFS PURPORTEDLY  
13 IN A BED AND THE DEFENDANT SAID SOMETHING LIKE "NOT THIS  
14 AGAIN," MEANING THE WITNESS, MR. KARNY HAD THE HANDCUFFS  
15 FOR SOME OTHER PURPOSE OBVIOUSLY.

16           THE COURT: AND THAT HE HAD IT ON SOME OTHER OCCASION  
17 TO KILL SOMEBODY ELSE.

18           MR. BARENS: I DID NOT SAY THAT, SIR.

19           THE COURT: WHAT WAS IT FOR?

20           MR. WAPNER: WELL, WE CAN BRING MR. KARNY BACK AND  
21 WE CAN ASK HIM TO EXPLAIN WHY IT WAS HE HAD THE HANDCUFFS  
22 THE LAST TIME WHICH WAS, OF COURSE, AT THE END OF JULY.

23           THE COURT: WHAT IS YOUR OFFER OF PROOF AT THIS TIME?

24           MR. WAPNER: WE NEED AN OFFER OF PROOF.

25           MR. BARENS: I HAVE ALREADY BEEN THROUGH THAT, YOUR  
26 HONOR, WE ARE SHOWING BY WAY OF IMPEACHMENT THAT THESE HAND-  
27 CUFFS THAT KARNY SAYS HE WENT OUT AT A CERTAIN POINT TO BUY,  
28 WE SHOW HIM WITH HANDCUFFS PREDATING THAT, HAVE NOTHING TO

1 DO WITH MURDERS OR ANYTHING ELSE. I DIDN'T BRING THAT UP.

2 THE COURT: YOU WANT TO STOP HERE THEN?

3 MR. BARENS: I ALREADY FINISHED THIS.

4 THE COURT: ALL RIGHT, THEN NO FURTHER REFERENCE TO  
5 HANDCUFFS THEN, IS THAT IT?

6 MR. BARENS: YES, I DID HAVE ANOTHER REFERENCE COMING  
7 UP.

8 THE COURT: WHAT WAS THAT?

9 MR. BARENS: WELL, IT WAS THE LAST TIME THAT SHE SAYS  
10 TO HIM -- COULD I HAVE A MOMENT, YOUR HONOR, WITH MR. CHIER,  
11 UNLESS I GO ASTRAY OF MY RESPONSIBILITY?

12 THE COURT: I THINK YOU KNOW WHAT YOU ARE DOING, DON'T  
13 YOU?

14 MR. BARENS: I KNOW, BUT THERE IS A PROBLEM ALONG HERE  
15 THAT I WANT TO MAKE SURE I AM CORRECT ON, YOUR HONOR.

16 (UNREPORTED COLLOQUY BETWEEN DEFENSE  
17 COUNSEL.)

18 MR. BARENS: LET ME TELL YOU THE PROBLEM I AM GETTING  
19 INTO, JUDGE, THAT WE GOT INTO A LITTLE BIT LAST WEEK AND  
20 WE MIGHT AS WELL GET IT ON THE TABLE NOW BECAUSE THIS IS  
21 GOING TO COME UP AGAIN.

22 YOU KNOW, I WAS CONSTRAINED WITH SEVERAL DAYS  
23 OF MR. KARNY TO SIT THERE WHILE KARNY MADE EVERY PREJUDICIAL  
24 REMARK POSSIBLE CONCERNING MR. HUNT'S BACKGROUND, HIS  
25 RELATIONSHIPS WITH PEOPLE, HIS CHARACTER, THIS AND THAT,  
26 AND WE SAT THERE AND HAD TO TAKE IT BECAUSE THAT IS JUST  
27 THE WAY OF THE LAND THAT WAS WHAT WAS GOING ON.

28 NOW I AM GOING TO SEEK TO INTRODUCE EVIDENCE

1 TO REFUTE THE COMMENTS MADE ABOUT MR. HUNT BUT ALSO TO  
2 IMPEACH MR. KARNY'S TESTIMONY.

3 I FEEL THAT IT IS INAPPROPRIATE FOR THE DISTRICT  
4 ATTORNEY OR THE COURT TO REQUEST THAT I PREVIEW FOR THE  
5 CENSORSHIP OF THE D.A. A LINE OF QUESTIONING.

6 THE COURT: I JUST ASKED YOU A SPECIFIC QUESTION: WHAT  
7 FURTHER ABOUT HANDCUFFS ARE YOU GOING TO OFFER TO PROVE?

8 MR. BARENS: THERE IS -- ALTHOUGH I AM GOING TO ANSWER  
9 YOUR QUESTION, JUDGE, I WANT TO SAY FOR THE RECORD I OBJECT  
10 TO HAVING TO ANSWER THE QUESTION, BUT I WILL DO SO AT THE  
11 COURT'S REQUEST.

12 THERE IS A PRIOR INCIDENT OF SIGNIFICANCE WHICH  
13 EXPLAINS WHY MR. KARNY HAD POSSESSION OF THE HANDCUFFS, TO  
14 BEGIN WITH, THAT ALSO INVOLVES OTHER MEMBERS OF THE BBC THAT  
15 HAVE TESTIFIED IN THIS COURTROOM.

16 MR. WAPNER: WHAT IS IT? THAT IS SO VAGUE YOU CAN'T  
17 MAKE THE OFFER OF PROOF.

18 THE OBJECTION IS THAT HE IS ELICITING OR ATTEMPTING  
19 TO ELICIT A HEARSAY STATEMENT FROM THE DEFENDANT ON ITS FACE,  
20 HE SAID "WHAT DID THE DEFENDANT SAY?" ON HIS FACE, THAT  
21 IS GOING TO BE A HEARSAY RESPONSE UNLESS WE CAN HAVE AN OFFER  
22 OF PROOF TO PROVE, TO SAY WHY IT IS NOT.

23 MR. CHIER: THERE IS AN OBJECTION CALLED HEARSAY FOR  
24 HEARSAY.

25 MR. WAPNER: SO WE HAVE BEEN HERE BACK AND FORTH AND  
26 THEY ARE STILL VAGUE AS TO WHAT THIS PRIOR INCIDENT IS.

27 MR. BARENS: THE PRIOR INCIDENT THAT DOES NOT INVOLVE  
28 HEARSAY.

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1 MR. WAPNER: HOW DO WE KNOW THAT?

2 MR. CHIER: YOU HAVE TO WAIT FOR THE WITNESS TO TESTIFY.

3 MR. BARENS: YOU HAVE TO WAIT TO ASK THE QUESTION AND  
4 YOU HAVE TO WAIT TO HEAR THE ANSWER.

5 THE COURT: THERE IS GOING TO BE A QUESTION?

6 MR. BARENS: RIGHT, THERE WILL BE A QUESTION.  
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1 MR. WAPNER: THE SENSE I GET IS IT INVOLVES SOME PRIOR  
2 ALLEGATION OF SEXUAL CONDUCT BETWEEN MR. KARNY AND ONE OF  
3 THE OTHER MEMBERS OF THE BBC OR MR. HUNT, WHICH IS WHY THE  
4 HANDCUFFS WERE IN THE BED AREA AND WHY MR. KARNY GOT UPSET  
5 AND FOR THE LIFE OF ME, I CAN'T SEE HOW THAT IS RELEVANT  
6 IN THIS CASE.

7 THE COURT: WHY DIDN'T YOU ASK THOSE QUESTIONS OF KARNY  
8 WHEN HE WAS ON THE STAND SO HE WOULD HAVE AN OPPORTUNITY  
9 OF EXPLAINING IT? WHY DID YOU WAIT AND NOT SAY ANYTHING  
10 TO HIM? THEN YOU PUT THIS GIRL ON, WHO KNOWS NOTHING ABOUT  
11 IT, AND HAVE HER TESTIFY TO ANY KIND OF CONDUCT?

12 MR. BARENS: SIR, WHAT I AM GOING TO ASK HER ABOUT  
13 IN THIS REGARD WILL GO TO HER DIRECT KNOWLEDGE.

14 THE COURT: THAT HE WANTED TO HANDCUFF HER AND GO TO  
15 BED WITH HER?

16 MR. CHIER: OBSERVATION.

17 THE COURT: ALL RIGHT, LET'S GO.

18 MR. BARENS: SIR, I DON'T KNOW WHY YOU ARE SAYING THAT  
19 BECAUSE THE WITNESS IS NOT SAYING THAT.

20 THE COURT: YOU ARE NOT TELLING US WHAT IT IS.

21 MR. BARENS: THE WITNESS IS NOT --

22 THE COURT: EVERY TIME THAT YOU ASK A QUESTION, YOU  
23 HAVE TO COME UP TO THE BENCH AGAIN.

24 MR. BARENS: I DID NOT SUGGEST TO THE COURT THAT HE  
25 WANTED TO HANDCUFF THIS WITNESS.

26 THE COURT: WELL, MAKE YOUR OBJECTIONS IN DUE COURSE.

27 (RECESS.)

28 (THE FOLLOWING PROCEEDINGS WERE HELD IN

1 OPEN COURT IN THE PRESENCE AND HEARING  
2 OF THE JURY:)

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

5  
6 BROOKE ROBERTS,  
7 CALLED AS A WITNESS BY THE DEFENDANT, HAVING BEEN PREVIOUSLY  
8 SWORN, TESTIFIED AS FOLLOWS:

9 THE CLERK: YOU HAVE PREVIOUSLY BEEN SWORN SO YOU ARE  
10 STILL UNDER OATH.

11 THE WITNESS: YES.

12 THE CLERK: IF YOU WOULD JUST STATE YOUR NAME FOR THE  
13 RECORD.

14 THE WITNESS: BROOKE ROBERTS.

15 THE COURT: THANK YOU.

16 MR. BARENS: ALL RIGHT, YOUR HONOR.

17 THE COURT: YES.

18

19 DIRECT EXAMINATION (RESUMED)

20 BY MR. BARENS:

21 Q BY THE WAY, HOW OLD ARE YOU, BROOKE?

22 A I AM 22.

23 Q BROOKE, BEFORE YOU LEFT THE ROOM, AFTER THE  
24 INCIDENT YOU HAD DESCRIBED BEFORE THE BREAK, DID ANYTHING  
25 ELSE HAPPEN?

26 A YES.

27 Q WHAT ELSE HAPPENED?

28 A DEAN --

1 MR. WAPNER: OBJECTION. CALLS FOR A NARRATIVE, YOUR  
2 HONOR.

3 MR. BARENS: WELL, HOW ELSE CAN SHE SAY WHAT HAPPENED?

4 THE COURT: GO AHEAD.

5 MR. WAPNER: WELL, BASED ON THE DISCUSSION WE HAD --

6 THE COURT: SPECIFICALLY ON WHICH OCCASION?

7 MR. BARENS: THE QUESTION HAD BEEN, SIR, BEFORE SHE  
8 LEFT THE ROOM ON THE OCCASION THAT SHE LAST TESTIFIED ABOUT,  
9 DID ANYTHING ELSE HAPPEN?

10 MR. WAPNER: THE OBJECTION IS THAT IT CALLS FOR A  
11 NARRATIVE BECAUSE, AS WE DISCUSSED, THERE ARE SUPPOSED TO  
12 BE SPECIFIC OBJECTIONS TO SPECIFIC QUESTIONS AND THERE IS  
13 NO WAY TO KNOW UNTIL IT IS ASKED.

14 MR. BARENS: WELL, I CAN BE MORE SPECIFIC IF IT IS  
15 YOUR PLEASURE.

16 THE COURT: GO AHEAD.

17 MR. BARENS: WOULD YOU LIKE ME TO BE MORE SPECIFIC,  
18 SIR?

19 THE COURT: NO, THAT IS ALL RIGHT. I WILL OVERRULE  
20 THE OBJECTION.

21 Q BY MR. BARENS: DID ANYTHING ELSE HAPPEN, BROOKE?

22 A YES.

23 DEAN RAN TO THE BATHROOM AND STARTED VOMITING.  
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A-1

1 Q ALL RIGHT. HAD DO YOU SEEN HIM THROW UP ON OTHER  
2 OCCASIONS?

3 A I HAD HEARD HIM THROW UP. I HAVE NEVER SEEN HIM,  
4 LIKE I DID THAT DAY.

5 Q ALL RIGHT. NOW, WHEN MR. HUNT CAME BACK INTO THE  
6 ROOM AFTER HE HAD TALKED WITH DEAN, DID HE TELL YOU WHAT THEY  
7 TALKED ABOUT?

8 A NO.

9 Q DID HE DECLINE TO TELL YOU WHAT THEY HAD TALKED  
10 ABOUT?

11 A YES. HE DID. HE SAID THAT HE PROMISED DEAN HE  
12 WAS NOT GOING TO SAY ANYTHING BUT HE WAS HAVING SOME PROBLEMS.

13 Q ALL RIGHT. BY THE WAY, IN YOUR RELATIONSHIP WITH  
14 JOE, DID HE GOSSIP ABOUT OTHER PEOPLE'S BUSINESS?

15 A NO. HE WAS VERY -- I USED TO ASK HIM ABOUT YOU  
16 KNOW, PEOPLE AND WHAT IS GOING ON AND ESPECIALLY WITH THIS  
17 THING WITH DEAN, IT WAS LIKE, WHAT IS HAPPENING?

18 HE SAID, "NO. LISTEN, BROOKE, YOU KNOW I DON'T  
19 GOSSIP ABOUT PEOPLE. SO JUST DON'T. YOU KNOW, I DON'T WANT  
20 TO TALK ABOUT IT."

21 Q ALL RIGHT. DID YOU SEE DEAN KARNY WITH HANDCUFFS  
22 ON ANY OTHER OCCASION?

23 A YES. I SAW HIM IN A PHOTOGRAPH WITH THEM.

24 Q WITH HANDCUFFS?

25 A YEAH. IT WAS AT -- I SAW THEM IN DEAN'S DRAWERS  
26 AND ALSO EVAN DICKER HAD A PHOTOGRAPH ON HIS WALL, WHEN HE  
27 LIVED ON SOUTH SWALL IN HIS APARTMENT.

28 Q AND THE PHOTOGRAPH DEPICTED DEAN AND EVAN DICKER?



5A-2 1 A YES. DEAN AND EVAN DICKER AND ANOTHER GIRL.

2 MR. BARENS: ALL RIGHT. WE'LL GO ON FROM THAT AT THIS  
3 POINT.

4 THE COURT: GO AHEAD. GO AHEAD.

5 Q BY MR. BARENS: WERE YOU A MEMBER OF THE BBC?

6 A YES.

7 Q WAS THERE AN INITIATION?

8 A NO.

9 Q WAS IT A VERY SERIOUS THING TO BECOME A MEMBER  
10 OF THE BBC?

11 A NO.

12 Q WAS IT ANY BIG DEAL THAT YOU HAD TO GO THROUGH  
13 TO BECOME A MEMBER?

14 A NONE.

15 Q ALL RIGHT. COULD A PERSON LEAVE THE BBC WHENEVER  
16 THEY WANTED?

17 A YES.

18 Q ALL RIGHT. WAS THERE ANY PENALTY ASCRIBED TO YOUR  
19 KNOWLEDGE, IF SOMEONE WANTED TO LEAVE THE BBC?

20 A NO THERE WAS NOT.

21 Q DID YOU GO TO THE BBC MEETINGS?

22 A YES.

23 Q ALL RIGHT. HOW MANY BBC MEETINGS DID YOU GO TO?

24 A TWO.

25 Q ALL RIGHT. WHEN WAS THE FIRST BBC MEETING?

26 A THE FIRST MEETING WAS AT JOE'S OFFICE.

27 Q THAT IS THE OFFICES OF THE BBC ON THIRD STREET  
28 IN LOS ANGELES?

A-3

1 A YES.

2 Q AND DO YOU RECALL APPROXIMATELY WHEN THAT MEETING  
3 TOOK PLACE?

4 A NO I DON'T.

5 Q WHO WAS PRESENT AT THAT MEETING?

6 A EVERYONE, DEAN, BEN, TOM, DAVE, JEFF. THERE WAS  
7 A LOT OF PEOPLE THERE.

8 Q AND WHAT WAS THE SUBJECT OF THAT MEETING?

9 A THEY WERE TALKING ABOUT THEIR MACHINES, THE  
10 CYCLATRONS AND IT WAS KIND OF GENERAL, WHAT WAS GOING ON, WHAT  
11 WAS HAPPENING, WHAT THEY WERE DOING.

12 THEY WERE TALKING ABOUT THIS SHOPPING CENTER. AND  
13 JOE WAS GIVING PEOPLE SHARES OF THE SHOPPING CENTER AND  
14 SAYING THAT A CERTAIN AMOUNT OF PEOPLE HAD CONTRIBUTED SO MUCH  
15 MONEY SO THAT THEY SHOULD HAVE A FAIR SHARE AND ET CETERA,  
16 ET CETERA.

17 THE COURT: PARDON ME. WHEN WAS THAT MEETING?

18 THE WITNESS: IT MUST HAVE BEEN IN THE SUMMER.

19 THE COURT: SUMMER OF WHAT YEAR?

20 THE WITNESS: WHEN HE FIRST MOVED INTO THE OFFICE. '83.

21 THE COURT: SUMMER OF '83?

22 THE WITNESS: YEAH. IT WAS AUGUST OR SOMETHING.

23 I DON'T REMEMBER CORRECTLY.

24 Q BY MR. BARENS: ALL RIGHT. AND THIS MEETING, ONE  
25 OF THE SUBJECTS WAS DIVISIONS OF INTEREST IN THE SHOPPING  
26 CENTER?

27 A YES.

28 Q DO YOU KNOW WHAT SHOPPING CENTER IT WAS?

6A-4

1 A NO.

2 Q DID YOU GET A SHARE?

3 A NO. I DID NOT.

4 Q OKAY.

5 A I WANTED ONE BUT I DIDN'T GET ONE.

6 Q OKAY. DID YOU KNOW AT THE TIME WHO JOE WAS

7 DEALING WITH IN TERMS OF -- IN RELATIONSHIP TO THE SHOPPING

8 CENTER?

9 A NO. I DIDN'T.

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1 Q ALL RIGHT. DID YOU KNOW A PERSON NAMED RON LEVIN?

2 A YES.

3 Q ALL RIGHT. BY THE WAY, YOU SAY THERE WAS A SECOND  
4 MEETING OF THE BBC THAT YOU ATTENDED?

5 A YES.

6 Q WHEN WAS THAT?

7 A THE JUNE 24TH MEETING.

8 Q 1984?

9 A YES.

10 Q WE WILL COME BACK TO THAT IN A MOMENT. HOW OFTEN  
11 WERE THERE MEETINGS?

12 A EVERY COUPLE OF MONTHS OR SIX MONTHS. SOMETHING  
13 LIKE THAT.

14 Q WERE YOU TOLD WHAT THE BBC STOOD FOR?

15 A YES.

16 Q WHAT DID IT STAND FOR?

17 A THE BOMBAY BICYCLE CLUB.

18 Q WAS IT EVER CALLED THE BILLIONAIRE BOYS CLUB?

19 A NEVER.

20 Q ALL RIGHT. DID YOU WORK AT THE OFFICE?

21 A YES.

22 Q AND APPROXIMATELY WHAT TIME DID YOU WORK AT THE  
23 OFFICE?

24 A LET'S SEE -- SOMETIME MAYBE IN MARCH OF '83 OR  
25 SOMETHING LIKE THAT. I HAVE NO IDEA WHAT THE TIME WAS.  
26 I WORKED FOR ABOUT A MONTH AND A HALF.

27 Q ALL RIGHT. WHAT APPEARED TO BE THE ATMOSPHERE  
28 AT THE OFFICE WHEN YOU WORKED THERE?

1           A       WELL, JOE WAS IN CHARGE OF THE OFFICE. HE WORKED  
2 LIKE, 12 HOURS A DAY. AND IT SEEMED LIKE -- WELL, ACTUALLY,  
3 WHAT WAS HAPPENING WAS THAT EVERYONE WOULD KIND OF STROLL IN  
4 AROUND 11:00 AND GO TO LUNCH AROUND 12:00 AND THEN COME BACK  
5 FROM LUNCH AROUND 3:00 AND THEN GO HOME.

6           THE COURT: EVERYBODY?

7           THE WITNESS: YEAH. DEAN OR BEN WOULD WORK A LITTLE  
8 BIT LONGER BUT THE MAYS AND EVERYBODY AND IT WAS VERY SOCIAL.

9           Q       BY MR. BARENS: AND JOE SEEMED TO WORK?

10          A       CONSTANTLY. HE WOULD BE THERE LIKE, AT 6 O'CLOCK  
11 IN THE MORNING ON HIS COMPUTER, WORKING ALL DAY.

12          THE COURT: WHAT WAS YOUR JOB THERE?

13          THE WITNESS: WELL, I WAS ANSWERING THE TELEPHONES AND  
14 HELPING PUT THE OFFICE TOGETHER BECAUSE THEY WERE PAINTING  
15 AND YOU KNOW, BUILDING THINGS, LIKE THAT.

16                 SO I KIND OF -- I WAS SUPERVISING THAT.

17          THE COURT: YOU WERE THE TELEPHONE OPERATOR?

18          THE WITNESS: PART-TIME.

19          THE COURT: THEY DIDN'T HAVE A TELEPHONE OPERATOR?

20          THE WITNESS: YES. THEY HAD A SECRETARY.

21          THE COURT: OCCASIONALLY YOU ANSWERED THE PHONE?

22          THE WITNESS: AT LUNCHTIME THE BOYS WOULD ALL GO OUT  
23 TO LUNCH AND I WOULD ANSWER THE PHONE.

24          THE COURT: BY THE WAY, HOW MUCH DID YOU GET PAID?

25          THE WITNESS: I DIDN'T GET PAID ANYTHING.

26          THE COURT: YOU NEVER GOT ANY MONEY FROM THE BBC?

27          THE WITNESS: NO. UNFORTUNATELY.

28          THE COURT: YOU ARE SURE ABOUT THAT?

1 THE WITNESS: I AM POSITIVE. I WOULD HAVE REMEMBERED  
2 THAT ONE.

3 MR. BARENS: ALL RIGHT, SIR?

4 THE COURT: GO AHEAD.

5 MR. BARENS: THANK YOU, SIR.

6 THE COURT: WELL, I THINK IT IS YOU SEE -- GO AHEAD.

7 MR. BARENS: OKAY. WE ALL HAVE OUR OPPORTUNITIES, HERE.

8 Q DID YOU EVER HEAR JOE DISCUSS THE PARADOX  
9 PHILOSOPHY WITH THE PEOPLE THAT WORKED AT THE BBC?

10 A YES.

11 Q AND DID YOU HEAR HIM DISCUSS THE PARADOX PHILOSOPHY  
12 AT HOME WITH PEOPLE WHO WORKED AT THE BBC?

13 A YES.

14 Q COULD YOU GIVE ME AN EXAMPLE OF THAT?

15 A SURE. LET'S SEE -- OKAY. I REMEMBER JOE HAD A  
16 MEETING AT THE HOUSE ONCE WITH EVAN, JEFF RAYMOND, TOM AND  
17 DAVE MAY AND THAT WAS BECAUSE AT THE TIME, TOM AND DAVE MAY  
18 WERE DEALING COCAINE AND JOE FOUND OUT ABOUT IT AND --

19 MR. WAPNER: OBJECTION. MOTION TO STRIKE. I ASK THAT  
20 WE APPROACH THE BENCH.

21 THE COURT: HE DIDN'T ASK YOU ABOUT THAT, DID HE?

22 THE WITNESS: HE ASKED ME FOR AN EXAMPLE WHY THEY HAD  
23 A MEETING.

24 MR. WAPNER: MAY WE APPROACH THE BENCH, PLEASE, YOUR  
25 HONOR?

26 THE COURT: YES.  
27  
28

1 (THE FOLLOWING PROCEEDINGS WERE HELD  
2 AT THE BENCH OUTSIDE THE HEARING OF  
3 THE JURY:)

4 THE COURT: DID YOU KNOW ABOUT THIS CONVERSATION, THIS  
5 EVIDENCE THAT SHE JUST GAVE?

6 YOU ARE THE ONE THAT TELLS ME ABOUT CHARACTER  
7 ASSASSINATION. IS THAT WHAT YOU TOLD ME?

8 MR. BARENS: YOUR HONOR, WOULD YOUR HONOR LIKE TO BEAT  
9 ME IN FRONT OF THE JURY?

10 THE COURT: NO, I DON'T WANT TO BEAT YOU IN FRONT OF  
11 THE JURY.

12 YOU JUST BEHAVE YOURSELF AND YOU KNOW ASKING  
13 QUESTIONS OF THIS KIND, SHE LOOKS AT YOU AS IF SHE HAS BEEN  
14 COMPLETELY COACHED.

15 MR. BARENS: I BEG YOUR PARDON. THAT IS A GOOD COMMENT  
16 IN FRONT OF THE JURY THAT THE JURY HEARD.

17 HOW ABOUT MR. KARNY BEING COACHED?

18 THE COURT: YES.

19 MR. WAPNER: YOUR HONOR, COUNSEL KNOWS THAT IS CLEARLY  
20 IMPERMISSIBLE EVIDENCE. IT IS ABSOLUTELY NOT PERMITTED BY  
21 THE EVIDENCE CODE.

22 AND BESIDES ASKING THE COURT TO STRIKE IT RIGHT  
23 NOW, I WOULD ASK THE COURT TO, FIRST OF ALL, ADMONISH COUNSEL  
24 AND, SECOND OF ALL, ADMONISH THE WITNESS EITHER OUT OF THE  
25 PRESENCE OF THE JURY OR ASK COUNSEL TO ADMONISH THE WITNESS  
26 TO REFRAIN FROM FURTHER OUTBURSTS OF THAT KIND. IT IS CLEARLY  
27 A PREPARED ANSWER TO A PREPARED QUESTION.

28 THE COURT: SHE IS UP THERE FOR THE PURPOSE OF CHARACTER

1 ASSASSINATION OF EVERY SINGLE WITNESS THAT WAS ON THE STAND.

2 MR. WAPNER: OF COURSE.

3 THE COURT: LIKE TOM MAY. MENTIONING COKE, THERE IS  
4 NO REASON WHY THAT SHOULD COME IN. THERE WAS NO REASON FOR  
5 THAT COMING IN ABOUT DEALING COKE.

6 MR. BARENS: IF I GET TO SPEAK HERE, I COULD PROBABLY  
7 SAY SOMETHING.

8 THE COURT: GO AHEAD.

9 MR. BARENS: THANK YOU. YOUR HONOR, IF YOU WOULD GO  
10 BACK TO THE QUESTION, THE QUESTION WAS FOR HER TO GIVE ME  
11 AN EXAMPLE OF WHAT HE TALKED ABOUT PARADOX PHILOSOPHY WITH  
12 THESE BOYS AND WHAT WAS GOING ON WHEN THEY TALKED ABOUT IT.

13 THE OFFER OF PROOF IS THAT WHEN THE PARADOX  
14 PHILOSOPHY CAME UP, THEY ARE IN THE MIDDLE OF ALL OF THESE  
15 PROBLEMS UP THERE, ONE OF WHICH INVOLVES THE CONDUCT OF THE  
16 PARTIES AND HE IS -- HE WAS GOING TO GET INTO THE PARADOX  
17 PHILOSOPHY AS A WAY OF TRYING TO EXPLAIN TO THEM THE POSITION  
18 THEY WERE ALL IN VIS A VIS THIS PROBLEM, WHICH WAS A GROWING  
19 PROBLEM UP THERE, IN THESE OFFICES.

20 THE COURT: WHAT HAS THAT GOT TO DO WITH HER OFFERING  
21 THIS GRATUITOUS REMARK ABOUT BOTH OF THEM BEING ON COCAINE?  
22 WHAT HAS THAT GOT TO DO WITH THE PARADOX PHILOSOPHY? NOT  
23 A WORD HAS BEEN MENTIONED ABOUT COCAINE ALL THROUGHOUT THIS  
24 TRIAL IN CONNECTION WITH THE PARADOX PHILOSOPHY.

25 MR. BARENS: SIR, IF I MIGHT RESPOND. SIR, THE ISSUE  
26 OF THE PARADOX PHILOSOPHY IN THIS SETTING WAS BROUGHT UP,  
27 SHE TESTIFIED EARLIER, THAT TYPICALLY HE DISCUSSED PARADOX  
28 PHILOSOPHY IN TERMS OF HELPING THEM RESOLVE PROBLEMS, AS



1 WE HEARD EARLIER TESTIMONY TO THAT EFFECT.

2 MR. WAPNER: COUNSEL SAYS THAT IF BECAUSE THEY HAD  
3 A PROBLEM, THEREFORE, IT MAKES IT ADMISSIBLE EVIDENCE, WHICH  
4 IT IS NOT. HE KNOWS IT IS NOT ADMISSIBLE. THE FACT THAT  
5 HE SAYS IT IS ADMISSIBLE DOES NOT MAKE IT ADMISSIBLE.  
6 THIS IS RIDICULOUS. HE KNEW IT WAS COMING AND IT IS COMPLETELY  
7 INAPPROPRIATE. I ASK THE COURT TO ADMONISH COUNSEL.

8 THE COURT: WHAT IS THE USE? HE WILL KEEP ON DOING  
9 IT IF HE WANTS TO DO IT, THEN HIS ASSOCIATE WILL.

10 MR. WAPNER: THAT IS ONE OF THE SLEAZIEST THINGS IN  
11 THE BOOK TO TRY TO GET INTO SOMETHING THAT IS GROSSLY IMPROPER.

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1 THE COURT: I WANT NONE OF THIS. I WANT YOU TO ADMONISH  
2 THIS WITNESS TO STAY AWAY FROM ANY OF THESE CHARACTERIZATIONS,  
3 WHICH ARE ONLY FOR THE PURPOSE OF PREJUDICING EVERY WITNESS  
4 WHO HAS BEEN CALLED BY THE PROSECUTION.

5 MR. CHIER: THAT IS OUR JOB.

6 THE COURT: I WON'T USE HER AS A HATCHET WOMAN AND  
7 THAT IS WHAT YOU INTEND TO DO IT FOR.

8 MR. BARENS: MAY I COMMENT, SIR?

9 THE COURT: NO. THAT IS ENOUGH. YOU TELL HER, WHISPER  
10 TO HER TO STAY AWAY FROM THINGS LIKE THAT.

11 MR. BARENS: YES, SIR. LET'S ALL SPEAK TO THE JURY  
12 SO THEY CAN HEAR THIS.

13 MR. WAPNER: THERE IS A MOTION TO STRIKE THAT AND ASK  
14 THE JURY TO DISREGARD THAT ONE LAST COMMENT.

15 THE COURT: THAT WILL BE GRANTED.

16 (THE FOLLOWING PROCEEDINGS WERE HELD IN  
17 OPEN COURT IN THE HEARING AND PRESENCE OF  
18 THE JURY:)

19 MR. BARENS: MAY I APPROACH THE WITNESS, YOUR HONOR?

20 THE COURT: YES.

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

23 THE COURT: THE JURY WILL BE INSTRUCTED TO DISREGARD  
24 THE VOLUNTEERED TESTIMONY OF THIS WITNESS WITH RESPECT TO  
25 THE USING OF COCAINE BY TOM AND DAVID MAY. IT IS CLEARLY  
26 IMPROPER AND THE COURT HAS STRICKEN IT.

27 GO AHEAD.

28 MR. BARENS: THANK YOU, YOUR HONOR.

1 Q IN ANY EVENT --

2 A YES.

3 Q -- WAS THERE A DISCUSSION WITH THE PEOPLE YOU  
4 REFERENCED ABOUT THE PARADOX PHILOSOPHY, THAT YOU HEARD?

5 A YES, THERE WAS.

6 Q AND WHAT WAS MR. HUNT SAYING?

7 A HE WAS TELLING THEM -- OR HE WAS SAYING THAT  
8 THEY HAD BEEN GIVEN A LOT OF OPPORTUNITY TO, YOU KNOW, TO  
9 MAKE, BUILD A CAREER FOR THEMSELVES AND TO TAKE ADVANTAGE  
10 OF IT AND TO REEVALUATE THEIR GOALS AND WHAT THEY WANTED  
11 TO DO WITH THEIR LIFE.

12 Q HOW DID YOU HEAR THAT CONVERSATION, WHERE WERE  
13 YOU?

14 A THE DOOR WAS RIGHT OPEN IN MY BEDROOM AND THEY  
15 WERE SITTING IN THE LIVING ROOM, WHICH WAS A COUPLE OF FEET  
16 AWAY.

17 Q SO YOU OVERHEARD THAT FROM THE BEDROOM?

18 A YES.

19 Q DID JOE DISCUSS PARADOX PHILOSOPHY WITH DEAN  
20 KARNY SPECIFICALLY?

21 A YES.

22 Q AND IN WHAT CONTEXT, WITHOUT GIVING ME THE SUBJECT  
23 OF IT, WHAT TYPES OF SETTINGS WOULD THERE BE WHEN JOE WOULD  
24 TALK TO DEAN ABOUT PARADOX PHILOSOPHY?

25 A OH, THEY WOULD TALK, IF WHEN DEAN WAS GOING  
26 THROUGH SOME EMOTIONAL PROBLEMS, THEY WOULD TALK ABOUT IT  
27 PRIVATELY A LOT.

28 Q EARLIER, YOU TESTIFIED THAT MOST OF THE TIME

1 THIS WOULD BE REFERRED TO IN TERMS OF PROBLEM-SOLVING IN  
2 THESE PERSONAL RELATIONSHIPS OR PERSONAL PROBLEMS THESE  
3 PEOPLE HAD?

4 A YES.

5 Q WAS THAT WHEN YOU WOULD HEAR THIS SUBJECT COME  
6 UP?

7 A YEAH, MOSTLY.

8 I MEAN JOE AND I TALKED ABOUT IT. IF HE WAS  
9 HAVING A PROBLEM, YOU KNOW, IT WASN'T LIKE A BIG DEAL. LIKE  
10 THIS WHOLE THING IT WAS JUST, YOU KNOW, REEVALUATING.

11 Q THE WAY TO DEAL WITH PROBLEMS?

12 A YEAH.

13 Q WAS JOE THE ONLY ONE THAT DISCUSSED PARADOX  
14 PHILOSOPHY?

15 A NO, HE WAS NOT.

16 Q WHO ELSE WOULD DISCUSS THAT CONCEPT?

17 A EVERYONE. TOM, DAVE, JEFF, DEAN, BEN, JOHN ALLEN,  
18 LAUREN RABB. EVERY SINGLE PERSON THAT WORKED AT THE BBC,  
19 PRACTICALLY.

20 Q DID JOE TALK ABOUT PARADOX PHILOSOPHY ALL THE  
21 TIME?

22 A NO.

23 Q WAS IT JUST SOMETHING THAT CAME UP ONCE IN A  
24 WHILE? WHAT WAS IT? WAS IT SOMETHING THAT YOU HEARD ABOUT  
25 EVERY DAY OR SOMETHING LIKE THAT?

26 A NO, NO. IT WASN'T LIKE THIS WHOLE THING WAS  
27 A PHILOSOPHY THING. IT WAS JUST, YOU KNOW, DIFFERENT WAYS  
28 OF LOOKING AT THINGS AND IF YOU ARE HAVING A BAD DAY, YOU

1 KNOW, AND YOU THINK -- IT WAS LIKE THAT EXPRESSION -- WHAT  
2 IS THAT EXPRESSION? BLACK IS WHITE, WHITE IS BLOCK.

3 Q ALL RIGHT.

4 A CAN I --

5 Q ACTUALLY, I WAS GOING TO ASK YOU ABOUT THAT:  
6 HAD YOU HEARD ABOUT THE EXPRESSION BLACK IS WHITE AND WHITE  
7 IS BLACK?

8 A YES, I HAVE.

9 Q AND WHO DID YOU HEAR USE THAT EXPRESSION?

10 A EVERYONE. DEAN, JOE, BEN, THE MAYS.

11 Q WHAT DID THAT MEAN TO YOU WHEN THAT WAS USED?

12 A IT MEANS, IT IS LIKE -- LET ME GIVE YOU AN  
13 EXAMPLE -- LIKE IF YOU ARE HAVING A BAD DAY, YOU KNOW, OH  
14 GOD, MY LIFE IS OVER, IT IS THE WORST DAY OF MY LIFE AND  
15 THE NEXT DAY, IT IS FINE. IT IS NOT A BAD DAY ANYMORE. THINGS  
16 ARE BRIGHTER. OR VICE VERSA, ONE DAY, YOUR LIFE, EVERYTHING  
17 IS GOING GREAT AND THE NEXT DAY YOU'RE TOTALLY -- YOU CAN  
18 LOOK AT THINGS AND WEIGH THEM AND BE OBJECTIVE ABOUT IT.

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A-1

1 Q SO THE SENSE THAT THINGS LOOKED DIFFERENTLY FROM  
2 DIFFERENT PERSPECTIVES AT DIFFERENT TIMES?

3 A YES, YEAH.

4 Q WERE THERE PEOPLE THAT JOE NEVER TALKED ABOUT THE  
5 PARADOX PHILOSOPHY WITH?

6 MR. WAPNER: OBJECTION. FOUNDATION. HOW WOULD SHE KNOW  
7 THAT?

8 Q BY MR. BARENS: TO YOUR KNOWLEDGE.

9 THE COURT: IF SHE KNOWS.

10 THE WITNESS: I DON'T KNOW.

11 Q BY MR. BARENS: SO YOU ARE NOT SURE IF HE TALKED  
12 ABOUT IT WITH EVERYONE OR NOT?

13 A NO.

14 Q HAVE YOU EVER HEARD THE TERM "SHADING"?

15 A YES.

16 Q WHO WAS A SHADING?

17 A JOE, BEN AND DEAN.

18 Q AND IN YOUR OWN WORDS, WHAT DID YOU THINK A SHADING  
19 WAS?

20 A WELL, WHAT A SHADING WAS, THEY WERE LIKE AT THE  
21 OFFICE, THEY WERE ONLY SHADINGS AT THE OFFICE.

22 THEY WERE LIKE A VICE PRESIDENT OR THE PRESIDENT  
23 OF THE ORGANIZATION. YOU KNOW, THEY WERE CALLED THE SHADING,  
24 LIKE IF YOU HAD TO GO AND CLEAR SOMETHING OR GET SOMETHING  
25 FOR THE OFFICE OR YOU WANTED TO DO A BUSINESS DEAL, YOU NEEDED  
26 SOME CONSULTING AND YOU WOULD GO TO BEN, DEAN OR JOE.

27 Q SO A SHADING WAS A PERSON WHO APPEARED TO HAVE  
28 SOME ADMINISTRATIVE OR MANAGERIAL --

A-2

1 A YES, LIKE ADMINISTRATORS OR MANAGERS OF THE BBC.

2 Q ALL RIGHT. WAS THAT ALL THE TERM MEANT TO YOU?

3 A YES.

4 Q DID IT HAVE ANY OTHER MEANING THAT YOU KNOW OF?

5 A NO.

6 Q ALL RIGHT.

7 A I KNOW THAT OTHER PEOPLE WANTED TO BE SHADINGS

8 IN THE OFFICE. BUT THAT WAS ABOUT IT.

9 Q OKAY. THANK YOU.

10 DID YOU EVER MEET A PERSON NAMED JIM GRAHAM?

11 A YES.

12 Q WHEN DID YOU FIRST MEET JIM?

13 A I MET JIM WHEN WE WERE LIVING AT THE WILSHIRE

14 MANNING. HE WAS VALETING CARS (SIC).

15 Q AND WHEN DID YOU FIRST SEE JOE AND JIM TOGETHER?

16 A WHEN?

17 Q YES.

18 A I DON'T REMEMBER.

19 Q WAS IT SHORTLY AFTER YOU MOVED INTO THE WILSHIRE

20 MANNING OR QUITE SOME TIME?

21 A A COUPLE OF MONTHS. HE STARTED WORKING THERE A

22 COUPLE OF MONTHS AFTER --

23 Q AFTER YOU MOVED IN?

24 A YEAH.

25 Q THAT WOULD BE AFTER THE FALL OF 1983?

26 A YEAH, YES.

27 Q WERE YOU FRIENDS WITH JIM GRAHAM?

28 A YES. I HELPED DELIVER HIS BABY.

A-3 1 Q ALL RIGHT. DID JIM GRAHAM GIVE KARATE LESSONS  
2 AT THE WILLSHIRE MANNING?

3 A YES.

4 Q AND WHO PARTICIPATED IN THOSE LESSONS?

5 A MOSTLY ALL OF THE BOYS THAT WORKED IN THE OFFICE,  
6 TOM, DAVE, JOE, BEN.

7 WE HAD THIS FRENCH GUY THAT WAS WITH US FOR A WHILE.  
8 I DON'T REMEMBER HIS NAME. A LOT OF GUYS, EVERY GUY THAT THEY  
9 KNEW WERE OVER IN THE LIVING ROOM WITH THIS (INDICATING).

10 Q THEY WOULD ALL DO THAT IN THE LIVING ROOM OF THE  
11 WILSHIRE MANNING THERE?

12 A YES.

13 Q DID YOU PARTICIPATE IN THE LESSONS FROM TIME TO  
14 TIME?

15 A NO. I NEVER DID.

16 Q YOU DID NOT?

17 A NO.

18 Q DID YOU EVER HEAR JIM GRAHAM WAS BECOMING A MEMBER  
19 OF THE BBC?

20 A YEAH. HE WAS GOING TO START WORKING THERE.

21 Q DO YOU RECALL APPROXIMATELY WHEN THAT OCCURRED?

22 A NO I DON'T.

F 23

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R-1 1 Q TO YOUR KNOWLEDGE, WHAT WAS JIM'S JOB AT THE BBC?

2 A WELL, HE FIRST STARTED WORKING THERE AND HE  
3 INSTALLED A SECURITY SYSTEM, ON THE ALARM SYSTEM FOR THE  
4 OFFICE.

5 Q ON THIRD STREET?

6 A YES.

7 Q WHAT ELSE DID HIS JOB ENTAIL?

8 A THEN HE STARTED WORKING WITH WESTCARS.

9 Q DO YOU KNOW WHAT HE DID AT WESTCARS?

10 A NO.

11 Q DID JOE SEEM TO BE PLEASED THAT JIM WAS JOINING  
12 THE BBC?

13 A I SUPPOSE SO.

14 Q WAS JIM JOE'S BODYGUARD?

15 A NO. HE WAS NOT.

16 Q DID JIM EVER TELL YOU THAT HE WAS HIS BODYGUARD?

17 A NO.

18 Q DID JOE EVER TELL YOU THAT HE WAS HIS BODYGUARD?

19 A NO. JOE NEVER HAD A BODYGUARD. HE DOESN'T NEED  
20 A BODYGUARD AND HE NEVER HAD ONE.

21 Q DID YOU SEE JIM GRAHAM WITH A LOT OF DIFFERENT --  
22 WHAT I WOULD CALL GADGETS?

23 A I SAW HIM ONCE WITH A PAIR OF SUNGLASSES THAT HAVE  
24 MIRRORS ON THE BACK OF THEM.

25 Q AND WHAT DID THOSE SUNGLASSES SEEM TO ACCOMPLISH?

26 A WELL, YOU CAN SEE PEOPLE COMING IN BACK OF YOU.

27 Q THAT IS CLEVER. ALL RIGHT. DID YOU SEE HIM WITH  
28 ANY OTHER GADGETS?

B-2

1 A NO.

2 Q DID JIM TELL YOU WHAT KIND OF WORK HE DID PREVIOUSLY?

3 A HE OWNED -- WELL, HE SAID HE HAD A CAR LOT. HE  
4 HAD A CAR LOT.

5 MR. WAPNER: OBJECTION, HEARSAY. I MEAN, ANOTHER  
6 PERSON'S STATEMENTS OFFERED TO PROVE THE TRUTH OF WHAT HE DID?

7 MR. BARENS: I AM JUST HAVING -- WE HAVE HAD HIM SAYING  
8 EVERYTHING UNDER THE SUN IN THIS TRIAL AND --

9 THE COURT: GO AHEAD.

10 Q BY MR. BARENS: WHAT DID HE SAY?

11 A WELL, HE HAD A CAR LOT. HE DID BODYGUARD WORK  
12 FOR LIKE, AT CONCERTS AND STUFF LIKE THAT.

13 Q WORKED AT CONCERTS?

14 A YEAH.

15 Q FOR --

16 A FOR FAMOUS PEOPLE. HE WOULD HELP THEM OUT.

17 Q ALL RIGHT. DID JIM HAVE A SILVER BRIEFCASE?

18 A YES.

19 Q DO YOU KNOW WHAT KIND OF BRIEFCASE IT WAS?

20 A IT WAS A HALIBURTON. MAYBE IT WAS NOT. IT LOOKED  
21 LIKE ONE.

22 Q DID YOU ACTUALLY SEE HIM IN POSSESSION OF IT?

23 A YES.

24 Q DID JOE AT A TIME, GIVE JIM A BLACK BMW CAR?

25 A YES. HE GAVE HIM ONE TO DRIVE.

26 Q HE GAVE IT TO HIM TO DRIVE?

27 A YES.

28 Q DO YOU KNOW WHETHER OR NOT HE ACTUALLY GAVE HIM

2-3 1 OWNERSHIP OF THE BMW?

2 A I DON'T KNOW FOR SURE. BUT I DON'T THINK SO.

3 Q ALL RIGHT. WERE MOST OF THE GUYS WHO WORKED AT  
4 THE BBC OFFICES GIVEN BMW'S TO DRIVE?

5 A NO. THEY COULD DRIVE THE BMW'S. BUT THEY ALREADY  
6 HAD THEIR OWN CARS.

7 Q WERE PEOPLE DRIVING DIFFERENT BMW'S THAT WERE OWNED  
8 BY WESTCARS OR THE BBC?

9 A YES. AND THEY ALSO HAD A PORSCHE.

10 Q WERE JOE AND JIM CLOSE FRIENDS?

11 A THEY WERE FRIENDS, YEAH.

12 Q DID THEY APPEAR TO BE CLOSE FRIENDS TO YOU?

13 A JUST LIKE ANYBODY ELSE, ALL OF THE OTHER ONES.

14 Q ALL RIGHT. WAS DEAN A CLOSER FRIEND TO JOE THAN  
15 JIM APPEARED TO BE?

16 A YEAH. BECAUSE I THINK -- WELL, HE KNEW DEAN MUCH  
17 LONGER THAN JIM. SO THEY HAD HAD YOU KNOW, A PAST TOGETHER.

18 Q WHO APPEARED TO BE JOE'S CLOSEST FRIEND AMONG THOSE  
19 BOYS THAT HE WORKED WITH?

20 A BEN FIRST AND THEN DEAN.

21 Q DID HE SEEM AT LEAST TO YOUR SENSE OF THINGS, TO  
22 BE A CLOSER FRIEND OF BEN DOSTI THAN HE WAS TO DEAN KARNY OR  
23 JIM PITTMAN, JIM GRAHAM?

24 A WELL, I KNEW THAT HE WAS BECAUSE HE TOLD ME.

25 Q WHY WAS DEAN LIVING WITH YOU AT THE WILSHIRE  
26 MANNING THEN RATHER THAN BEN? WAS THERE SOME REASON FOR THAT?

27 A WELL, THERE WAS, YEAH.

28 Q WHY WAS THAT?

3B-4  
1           A           DEAN WANTED TO LIVE WITH JOE. AND HE WANTED TO  
2 LIVE WITH BEN ALSO. AND DEAN FOUND THE MANNING. HE FOUND  
3 WHERE WE WERE GOING TO LIVE. AND HE DID THIS WHOLE THING.

4                   AND BEN DIDN'T WANT TO LIVE WITH DEAN. AND SO  
5 I WAS LIVING THERE ALSO. AND SO IT WAS KIND OF CONFUSED, THE  
6 PLANS, A LITTLE BIT.

7                   AND I REMEMBER SAYING, YOU KNOW, "WHY DON'T WE  
8 JUST LIVE WITH BEN, THEN?"

9                   IT WAS REALLY IMPORTANT TO DEAN THAT WE LIVE WITH  
10 DEAN. JOE TOLD ME, HE SAID, "THIS IS PART OF ME, WHERE I FEEL  
11 OBLIGATED," BECAUSE JOE HAD TRADED DEAN'S PARENTS' MONEY AND  
12 HE LOST IT IN THE MARKET.

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1 Q LET ME INTERRUPT YOU --

2 A OKAY.

3 Q -- TO ASK YOU ABOUT THAT.

4 WERE YOU AWARE THAT JOE HUNT HAD LOST MONEY OF  
5 DEAN'S PARENTS IN THE COMMODITIES TRADING?

6 A YES, I WAS.

7 Q DID JOE TELL YOU THAT HE HAD LOST THAT MONEY?

8 A YES.

9 Q DID JOE TELL YOU HOW HE FELT ABOUT THAT?

10 A TERRIBLE.

11 MR. WAPNER: OBJECTION. CALLS FOR HEARSAY AND I HAVE  
12 A MOTION TO STRIKE, YOUR HONOR.

13 THE COURT: LET HIM GO ON. GO AHEAD.

14 MR. BARENS: THANK YOU, SIR.

15 Q WHAT DID JOE TELL YOU ABOUT THE MONEY HE HAD  
16 LOST AND HOW HE FELT ABOUT IT?

17 A HE FELT TERRIBLE ABOUT IT AND HE WANTED TO PAY  
18 THEM BACK.

19 Q HAD YOU HEARD HIM TELL THAT TO DEAN AS WELL?

20 A OH, YEAH, YEAH. HIM AND DEAN DISCUSSED IT A  
21 LOT.

22 DEAN DIDN'T FEEL AS BAD AS JOE DID, AS I RECALL.

23 Q HAD YOU EVER HEARD OF RON LEVIN PRIOR TO THE  
24 SUMMER OF 1984?

25 A YES.

26 Q DID RON LEVIN FREQUENTLY CALL IN THE MORNING?

27 A YES, ALL THE TIME.

28 Q WHEN DID YOU FIRST START GETTING PHONE CALLS

-2

1 FROM RON LEVIN?

2 A WELL, WHEN I FIRST MOVED IN WITH JOE, JOE WAS  
3 TRADING COMMODITIES AND JOE WOULD ALWAYS CALL RON IN THE  
4 MORNING, LIKE, BECAUSE IF YOU WAKE UP LIKE 5:00 O'CLOCK TO  
5 START TRADING OR 6:00 O'CLOCK, IT IS ONE OF THOSE, SO HE  
6 WOULD ALWAYS CALL RON AND TALK TO RON AND TELL HIM WHAT HE  
7 WAS DOING AND THINGS LIKE THAT, SO I HAD HEARD OF RON AS  
8 SOON AS I MOVED IN.

9 Q THAT WAS WHEN YOU FIRST MOVED INTO THE CONDOMINIUM  
10 IN THE VALLEY?

11 A IN THE VALLEY, YES.

12 Q DID THAT CONTINUE AFTER YOU MOVED TO THE  
13 CONDOMINIUM AT THE WILSHIRE MANNING?

14 A YES.

15 Q AND AGAIN, MOST OF THESE CALLS WOULD TAKE PLACE  
16 IN THE MORNING?

17 A WELL, WHEN HE WAS TRADING, THEY WOULD.

18 BUT, YOU KNOW, HE WOULD CALL RON OR RON WOULD  
19 CALL HIM IN THE DAY AND LEAVE MESSAGES ON THE MACHINE AND  
20 STUFF AND THEN WHILE I WAS WORKING IN THE OFFICE, RON WOULD  
21 CALL AT THE OFFICE.

22 Q DID YOU GET MESSAGES ON YOUR ANSWERING MACHINE  
23 AT HOME FROM RON LEVIN?

24 A YES.

25 Q WHEN HE WAS CALLING, WAS HE CALLING FOR JOE  
26 OR DEAN ON THOSE OCCASIONS?

27 A ALWAYS JOE, YEAH -- PRETTY MUCH -- NO -- JOE,  
28 JOE.

1 Q DID YOU EVER MEET RON LEVIN?

2 A YES.

3 Q WHEN DID YOU FIRST MEET RON LEVIN?

4 A I MET RON LEVIN WHEN WE WERE LIVING AT THE WILSHIRE  
5 MANNING AT AROUND CHRISTMAS TIME. IT WAS CHRISTMAS TIME,  
6 DECEMBER.

7 Q WAS IT 1983?

8 A OH, YEAH, I THINK SO.

9 Q AND HE CAME TO THE WILSHIRE MANNING?

10 A YES, HE SURPRISED US.

11 Q DID HE COME BY HIMSELF OR IN THE COMPANY OF  
12 ANOTHER PERSON?

13 A HE CAME WITH ANOTHER MAN, A PERSON THAT WAS MY  
14 AGE. I WAS 19 AT THE TIME SO THIS GUY WAS 19.

15 Q COULD YOU DESCRIBE TO ME WHAT YOU REMEMBER HE  
16 LOOKED LIKE?

17 A HE WAS BEAUTIFULLY DRESSED, I REMEMBER, AND HAD  
18 SILVER HAIR, YOU KNOW, VERY NEAT, METICULOUS, PERFECT.  
19 HANDSOME, SLIM AND TALL.

20 Q ABOUT HOW OLD WAS HE?

21 A OH, 40 MAYBE.

22 Q DID YOU THINK HE WAS A GOOD-LOOKING MAN?

23 A YES.

24 Q DID YOU THINK HE WAS STRIKING IN HIS APPEARANCE?

25 A YES.

26 Q IN HIS APPEARANCE?

27 A YES.

28 Q ON THE OCCASION WHEN HE DROPPED BY THAT CHRISTMAS

1 EVENING, WHO ELSE WAS AT THE WILSHIRE MANNING THAT NIGHT?

2 A DEAN, JEFF RAYMOND, I THINK WAS THERE, AND JOE  
3 AND MYSELF AND THIS OTHER GUY.

4 Q DO YOU REMEMBER THE NAME?

5 A OH, I THINK RENEE, JEFF'S GIRLFRIEND WAS THERE,  
6 TOO.

7 Q DO YOU REMEMBER RENEE'S LAST NAME?

8 A RENEE MARTIN, I THINK.

9 YOU WILL HAVE TO LOOK THAT UP. I AM NOT SURE.

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1 Q DO YOU KNOW THE NAME OF THE OTHER PERSON THAT  
2 WAS WITH LEVIN ON THAT OCCASION?

3 A NO.

4 BUT I KNOW HE WAS WORKING AT FRED SEGAL. HE  
5 WAS BLACK.

6 Q FRED SEGAL IS A CLOTHING STORE, TO YOUR KNOWLEDGE?

7 A YEAH.

8 Q DID JOE AND RON GET INTO AN ARGUMENT THAT NIGHT?

9 A YES.

10 Q DID YOU HEAR THE ARGUMENT?

11 A YES.

12 Q WHAT WERE THEY ARGUING ABOUT?

13 A WELL, RON CAME OVER AND HE WAS BEING OBNOXIOUS.

14 I HAD NEVER MET HIM SO I WASN'T --

15 AND HE WAS BEING OBNOXIOUS AND HE STARTED  
16 INSULTING TOM AND DAVE MAY. HE WAS SAYING THEY WERE A BUNCH  
17 OF GOONS AND HE WAS LIKE DESCRIBING WITH JOE WHAT HIS OFFICE  
18 WAS LIKE, HIS FRIENDS, AND JOE SAID, "LISTEN, YOU COME OVER  
19 TO MY HOUSE AND IT IS CHRISTMAS TIME AND YOU START INSULTING  
20 ME? I'M GOING TO ASK YOU TO LEAVE. I JUST DON'T WANT TO  
21 HEAR THAT."

22 SO RON LEFT.

23 IT WAS MORE OF A CONFRONTATION. NO SCREAMING  
24 OR ANYTHING.

25 Q DID LEVIN LEAVE AT THAT TIME?

26 A YEAH.

27 HE SAID, "WELL, I WILL LEAVE WHEN I WANT TO LEAVE."  
28 BUT HE ENDED UP LEAVING.

A

1 Q LATER ON, DO YOU RECOLLECT JOE GOING TO SAN  
2 FRANCISCO WITH RON LEVIN?

3 A YES, I DID.

4 Q DO YOU REMEMBER APPROXIMATELY WHEN THAT WAS?

5 A WHEN THAT WAS? NO.

6 I REMEMBER RON CALLED US IN THE MORNING AND HE  
7 SAID -- YOU KNOW -- AND JOE AND I HAD BEEN PLANNING ON THE  
8 WEEKEND TOGETHER AND HE SAID, "LET'S GO TO SAN FRANCISCO".

9 AND I WENT LIKE NO, YOU KNOW, STAY WITH ME.  
10 LET'S STAY THIS WEEKEND TOGETHER.

11 AND HE SAID, "WELL, I HAVE TO GO BECAUSE I AM  
12 DOING SOME BUSINESS WITH RON," SO HE WENT.

13 Q JOE TOLD YOU HE WAS GOING TO SAN FRANCISCO TO  
14 CONDUCT BUSINESS WITH RON LEVIN?

15 A YES.

16 Q HOW LONG WERE THEY GONE?

17 A JUST THE WEEKEND. JOE CAME BACK LIKE SUNDAY  
18 AFTERNOON.

19 Q SO THEY WERE GONE APPROXIMATELY TWO DAYS OR SO?

20 A YEAH.

21 I THINK THEY LEFT LIKE SATURDAY MORNING AND CAME  
22 BACK SUNDAY.

23 Q ALL RIGHT. DID JOE EVER TELL YOU THAT RON LEVIN  
24 HAD BOUGHT HIM A GIFT?

25 A YES.

26 Q AND WHAT GIFT WAS THAT?

27 A HE BOUGHT HIM A WATCH FOR HIS BIRTHDAY.

28 Q WHICH BIRTHDAY WAS THAT OF JOE'S?

1           A           I DON'T KNOW. I DON'T REMEMBER. I JUST REMEMBER  
2           JOE WAS AT THE OFFICE, THE BBC'S OFFICE AND HIS BIRTHDAY  
3           IS IN OCTOBER AND IT WAS LIKE NOVEMBER AND RON WAS LATE AND  
4           HE WENT IN THE OFFICE ONE DAY AND HE SAID, "I DIDN'T BUY  
5           YOU A BIRTHDAY PRESENT. LET'S GO TO TIFFANY'S AND I WANT  
6           YOU TO PICK OUT A ROLEX."

7                        AND SO JOE PICKED OUT A ROLEX.

8           Q           DID YOU EVER SEE THE WATCH?

9           A           YEAH.

10          Q           AND WHAT TYPE OF WATCH WAS IT?

11          A           OH, IT WAS STAINLESS STEEL.

12                        I EVEN KNOW HOW MUCH IT COST.

13                        OF COURSE, I WENT TO TIFFANY'S, AROUND TOWN.

14          Q           WAS IT A STAINLESS STEEL ROLEX WATCH?

15          A           YES.

16          Q           DID LEVIN BUY JOE ANY OTHER GIFTS?

17          A           YES, HE BOUGHT HIM A TRENCH COAT.

18          Q           WHAT COLOR WAS THAT?

19          A           IT WAS NAVY BLUE.

20          Q           AND HOW DID YOU KNOW THAT RON BOUGHT HIM THAT  
21          COAT?

22          A           HE TOLD ME.

23          Q           WHO TOLD YOU?

24          A           JOE TOLD ME.

25                        HE BROUGHT IT HOME IN A BOX AND IT WAS FROM  
26          MAXFIELDS ON SANTA MONICA BOULEVARD.

27                        AND HE LOVED IT.

28          Q           JOE LOVED IT?

1           A        YEAH, SO DID RON, I AM SURE. HE PICKED IT OUT,  
2           PROBABLY.

3           Q        DID YOU KNOW THAT JOE WAS TRADING COMMODITIES  
4           FOR RON LEVIN?

5           A        YES.

6           Q        HOW DID YOU KNOW THAT?

7           A        JOE TOLD ME.

8           Q        ALL RIGHT. DID JOE EVER TELL YOU THAT HE PLANNED  
9           TO KILL RON LEVIN?

10          A        NO.

11          Q        DID JOE EVER TELL YOU THAT HE KILLED RON LEVIN?

12          A        NO.

13          Q        NOW, DID THERE COME A TIME IN THE SPRING OF  
14          1984 WHEN YOUR PARENTS WERE GOING TO ALASKA?

15          A        YES, MY PARENTS WENT TO ALASKA.

16          Q        AND DID THEY TELL YOU THAT --

17                    DID EITHER OF YOUR PARENTS TELL YOU THEY WERE  
18          GOING TO GO TO ALASKA?

19          A        THEY BOTH -- I KNEW THEY HAD BEEN PLANNING THIS  
20          TRIP FOR LIKE A YEAR, TO GO TO ALASKA.

21          Q        AND YOU RECALL APPROXIMATELY WHEN THEY WERE  
22          LEAVING?

23          A        LET'S SEE, THEY WERE GOING TO GO FOR THREE WEEKS  
24          AND THEY WENT LIKE, LET'S SEE, IN MAY SOMETIME. I DON'T  
25          KNOW THE EXACT DATE.

26

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-1  
1 Q DID YOU WRITE DOWN WHEN YOUR PARENTS WERE SUPPOSED  
2 TO RETURN FROM ALASKA?

3 A YES.

4 Q WHERE DID YOU WRITE THAT DOWN?

5 A IN MY DAYTIMER.

6 Q WAS IT A NORMAL PRACTICE OF YOURS TO WRITE DOWN  
7 CERTAIN DATES AND EVENTS IN YOUR DAYTIMER BOOK?

8 A YES.

9 Q DO YOU HAVE THAT DAYTIMER BOOK AVAILABLE?

10 A NO. I DON'T.

11 Q WHEN DID YOU MISPLACE THAT, IF YOU DID MISPLACE  
12 IT?

13 A IT WAS MISSING WHEN I MOVED OUT OF THE WILSHIRE  
14 MANNING.

15 Q WHEN DID YOU MOVE OUT OF THE WILSHIRE MANNING?

16 A LET'S SEE -- OCTOBER, NOVEMBER.

17 Q OF 1984?

18 A YES. JOE WAS IN JAIL AT THE TIME WHEN I MOVED  
19 OUT.

20 Q ALL RIGHT. NOW, DID YOU EVER GO TO SEE A MOVIE  
21 CALLED "STREETS OF FIRE"?

22 A YES I DID.

23 Q DO YOU REMEMBER FROM INQUIRY YOU MAY HAVE MADE  
24 SUBSEQUENT TO THAT, WHAT DAY YOU SAW "STREETS OF FIRE"?

25 A I DIDN'T REMEMBER AT THE TIME. I KNOW NOW JUST  
26 BECAUSE THERE HAS BEEN FACTS AND STUFF LIKE THAT.

27 Q DID YOU GO TO SEE "STREETS OF FIRE" WITH ANYONE  
28 ELSE?

-2

1           A        YES.  I WENT WITH DEAN AND JEFF RAYMOND AND  
2 RENEE MET US AT THE MOVIE.

3           Q        ALL RIGHT.  BEFORE YOU WENT TO "STREETS OF FIRE,"  
4 DID YOU SEE JOE HUNT AT ANY TIME?

5           A        YES I DID.

6           Q        ALL RIGHT.  LET ME BACK UP A MINUTE.  WAS THAT  
7 DURING THE FIRST WEEK OF JUNE, 1984?

8           A        YES.

9           Q        WERE YOU LIVING AT THE WILSHIRE MANNING THEN?

10          A        YES.

11          Q        ALL RIGHT.  BEFORE YOU WENT TO SEE THE MOVIE, AT  
12 WHAT TIME DID YOU SEE JOE HUNT?

13          A        5:00 OR 6:00.  HE CAME HOME FROM THE OFFICE AT  
14 5:00 OR 6:00.  IT WAS DAYTIME OUTSIDE.

15          Q        IN THE LATE AFTERNOON?

16          A        YEAH, LATE AFTERNOON.

17          Q        WHEN HE CAME HOME, WHAT DID YOU OBSERVE HIM TO  
18 DO?

19          A        GOT SOMETHING TO EAT, GOT CHANGED OUT OF HIS SUIT.  
20 AND HE SAID THAT HE WAS GOING TO HAVE DINNER WITH RON LEVIN.

21                THE COURT:  GOING TO DO WHAT?

22                THE WITNESS:  HE WAS GOING TO HAVE DINNER WITH RON.

23          Q        BY MR. BARENS:  LEVIN?

24          A        YES, LEVIN.

25          Q        DID HE TELL YOU WHY HE WAS GOING TO HAVE DINNER  
26 WITH RON LEVIN?

27          A        HE SAID THAT HE WAS WORKING ON A BUSINESS DEAL  
28 AND HE WAS SUPPOSED TO GET SOME MONEY FROM RON.

-3

1 Q ALL RIGHT. DID MR. HUNT CHANGE HIS CLOTHES AT  
2 THAT TIME?

3 A YES.

4 Q ALL RIGHT. HOW DID IT HAPPEN THAT YOU WERE GOING  
5 TO THE MOVIE?

6 A WELL, I WAS SICK THAT WEEK. AND I WAS GOING CRAZY.  
7 I WANTED TO GET OUTSIDE.

8 AND DEAN WAS DECIDING ON GOING TO A MOVIE. SO  
9 HE SAID HE WAS GOING TO SEE "STREETS OF FIRE." I SAID THAT  
10 I HAD REALLY WANTED TO SEE THAT MOVIE.

11 I SAID, "WELL, I WANT TO GO." SO THAT IS HOW I  
12 DECIDED TO GO SEE THAT MOVIE.

13 Q YOU INVITED YOURSELF?

14 A YES.

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-4

1 Q DID YOU GO WITH DEAN AND JEFF TO THE MOVIE OR DID  
2 YOU DRIVE YOURSELF TO THE MOVIE?

3 A I DROVE MYSELF TO THE MOVIE.

4 Q SO YOU WENT BY YOURSELF?

5 A YES.

6 Q YOU DROVE YOURSELF HOME AFTER THE MOVIE?

7 A YES.

8 Q NOW, WHAT TIME DID YOU LEAVE TO GO TO THE MOVIE?

9 A I DON'T REMEMBER. WE WENT TO GET SOMETHING TO  
10 EAT BEFORE THE MOVIE.

11 Q BEFORE THE MOVIE STARTED? IN OTHER WORDS, YOU  
12 DIDN'T GO STRAIGHT FROM THE WILSHIRE MANNING TO THE MOVIE?

13 A NO.

14 THE COURT: WHO IS WE?

15 THE WITNESS: DEAN, JEFF RAYMOND -- WE WERE SUPPOSED  
16 TO GO TO THE MOVIE WITH A LOT OF PEOPLE. WE WENT TO HAVE  
17 SUSHI FIRST.

18 AND JON ALLEN AND LAUREN RABB WERE SUPPOSED TO  
19 MEET US OVER AT THE SUSHI PLACE BECAUSE THEY LIVED RIGHT  
20 ACROSS THE STREET.

21 SO JON ALLEN CAME OVER TO THE SUSHI BAR. AND HE  
22 SAID THAT HE DIDN'T FEEL LIKE GOING TO THE MOVIE.

23 LISA MARIE, DEAN'S GIRLFRIEND, HAD TO WORK. SO  
24 IT ENDED UP THAT IT WAS JUST THE THREE OF US. SO WE SAID THAT  
25 WE WOULD GO ANYWAY.

26 THE COURT: THE THREE OF YOU WENT TOGETHER?

27 THE WITNESS: YEAH.

28 THE COURT: THEN THE THREE OF YOU WENT TO THE MOVIES



-5  
1 TOGETHER?

2 THE WITNESS: YES. WELL, JEFF'S GIRLFRIEND MET US AT  
3 THE MOVIE.

4 THE COURT: FOUR OF YOU WERE AT THE MOVIE?

5 THE WITNESS: YEAH, FOUR OF US.

6 Q BY MR. BARENS: AT THE MOVIE THEATER THERE WERE  
7 FOUR PEOPLE. LET ME BACK UP. YOU WENT TO THE SUSHI BAR AND  
8 YOU SAY JON ALLEN APPEARED AT THE SUSHI BAR?

9 A YES.

10 Q HAD YOU ARRANGED TO MEET HIM THERE?

11 A YES.

12 Q ALL RIGHT. SO YOU WENT TO THE SUSHI BAR AND THEN  
13 YOU WENT TO THE MOVIE?

14 A RIGHT.

15 Q AT WHICH TIME YOU RECALL RENEE MEETING YOU AT THE  
16 MOVIE?

17 A YES. I AM ALMOST POSITIVE SHE WAS THERE. BUT  
18 I AM NOT ACTUALLY SURE.

19 BUT I AM PRETTY POSITIVE. WE WERE SUPPOSED TO  
20 MEET A LOT OF PEOPLE AND WE WERE SURPRISED THAT JUST THE  
21 THREE OF US WERE GOING TO GO TO THE MOVIE BECAUSE EVERYBODY  
22 WAS -- ON THE PHONE, EVERYONE WAS GOING TO GO TO THE MOVIE.

23 Q ALL RIGHT. THE ONLY ONES YOU ARE POSITIVE ABOUT  
24 BEING AT THAT MOVIE WERE THE THREE OF YOU?

25 A YEAH.

26 Q THAT IS WHOM?

27 A DEAN AND JEFF, FOR SURE.

28 Q AND YOURSELF?

-F  
1 A AND ME.

2 Q ALL RIGHT. JOE HUNT WAS NOT AT THE MOVIE, WAS  
3 HE?

4 A NO.

5 Q ALL RIGHT. HAD JOE HUNT TOLD YOU THAT HE WAS GOING  
6 TO THE MOVIE?

7 A NO.

8 Q AND YOUR TESTIMONY IS THAT YOU ARE NOT POSITIVE  
9 WHETHER OR NOT RENEE MET YOU AT THE MOVIE?

10 A YES. SHE EITHER MET US THERE OR MET JEFF AFTER  
11 THE MOVIE BECAUSE I KNOW THEY WERE GOING TO MEET THEIR  
12 GIRLFRIENDS. IT WAS A LONG TIME AGO. I DON'T REMEMBER  
13 EXACTLY, BUT I REMEMBER THAT PART.

14 Q ALL RIGHT. TO THE BEST OF YOUR RECOLLECTION, WHAT  
15 TIME DID THE MOVIE END?

16 A NIGHTTIME.

17 Q ALL RIGHT.

18 A IT WAS ABOUT -- IT WAS NOT LATE, THOUGH. IT WAS  
19 ABOUT 9:30 OR 10:00.

20 Q ALL RIGHT. BETWEEN 9:30 AND 10:00, YOU BELIEVE?

21 A YEAH.

22 Q YOU DROVE YOURSELF HOME FROM THE MOVIE?

23 A YES.

24 Q HOW LONG DID IT TAKE YOU TO DRIVE HOME FROM THE  
25 MOVIE? WAS IT AT THE AVCO CINEMA IN WESTWOOD?

26 A I DON'T KNOW. I DON'T REMEMBER. IT WAS IN  
27 WESTWOOD BUT I DON'T KNOW WHAT THEATER.

28 MR. BARENS: WE HAD UP HERE YOUR HONOR, THE LIST OF THE

1 MOVIE THAT WAS INTRODUCED AS A PROSECUTION EXHIBIT. JUST A  
2 MOMENT, YOUR HONOR.

3 (PAUSE.)

4 Q BY MR. BARENS: I SHOW YOU PEOPLE'S 229, WHICH  
5 IS A COPY OF THE LOS ANGELES TIMES OF JUNE 6, 1984. THERE  
6 IS AN ADVERTISEMENT HERE FOR "STREETS OF FIRE," A MOVIE. AND  
7 IT SHOWS THAT IT IS IN WESTWOOD AND THE STARTING TIMES. CAN  
8 YOU SEE THE STARTING TIMES THERE?

9 A YEAH.

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-1 1 Q OKAY. WHAT ARE THE STARTING TIMES IT INDICATES?

2 A 1 O'CLOCK, 3:15, 5:30, 9:45 OR 10 O'CLOCK.

3 Q WHAT IS AFTER 5:30, WHAT TIME IS THAT?

4 A 7:45.

5 Q AND LOOKING AT THIS NEWSPAPER, DOES THAT HELP  
6 REFRESH YOUR RECOLLECTION AS TO THE TIME --

7 A YEAH.

8 Q -- OF THE MOVIE YOU WENT TO SEE?

9 A YES, IT DOES.

10 Q AND WHAT TIME DID THE MOVIE START THAT YOU WENT  
11 TO SEE?

12 A 7:45.

13 Q ALL RIGHT. TO THE BEST OF YOUR RECOLLECTION, THEN  
14 WHAT TIME DID YOU FOLKS GET OUT OF THE MOVIE; DID YOU SAY IT  
15 WAS BETWEEN 9:30 AND 10:00?

16 A SAY WHAT DO YOU MEAN? WHAT TIME DID I GET OUT?

17 Q YES, DID THE MOVIE BREAK?

18 A IT MUST HAVE BROKED AT 10 O'CLOCK OR SOMETHING,  
19 10 O'CLOCK, I GUESS.

20 Q OR EARLIER, AS YOU TESTIFIED?

21 A YES, SURE.

22 Q BETWEEN 9:30 AND 10:00?

23 A YES.

24 Q DID YOU GO DIRECTLY HOME FROM THE MOVIE?

25 A YES, I DID.

26 Q AND WHEN YOU WENT HOME, DID YOU RIDE UP IN THE  
27 ELEVATOR ALONE?

28 A YES.

-2

1 Q DID YOU KNOW WHERE DEAN KARNY WAS AFTER YOU LEFT  
2 THE MOVIE?

3 A NO, I DIDN'T.

4 Q WHEN YOU GOT HOME, WAS JOE THERE?

5 A YES.

6 Q AND WHERE WAS MR. HUNT WHEN YOU GOT HOME?

7 A HE WAS IN THE BATHROOM BRUSHING HIS TEETH.

8 THE COURT: HE WAS BACK WHAT?

9 THE WITNESS: HE WAS IN THE BATHROOM BRUSHING HIS TEETH.

10 Q BY MR. BARENS: AND WHEN YOU GOT HOME AND HE WAS  
11 BRUSHING HIS TEETH, DID YOU HAVE A CONVERSATION WITH HIM?

12 A YES.

13 Q WHAT DID HE SAY TO YOU?

14 MR. WAPNER: OBJECTION AS HEARSAY.

15 MR. BARENS: WELL, YOUR HONOR, YOU HAVE HAD EVERY WORD  
16 MR. HUNT HAS EVER SPOKEN IN HIS LIFE.

17 THE COURT: GO AHEAD. IT DOESN'T MAKE ANY DIFFERENCE.  
18 GO AHEAD. TELL US WHAT HE TOLD YOU.

19 THE WITNESS: HE WAS REALLY EXCITED AND I HAD -- I WAS  
20 IN THE BATHROOM, TOO, AND HE SAID, "OH"-- HE WAS TALKING WITH  
21 HIS MOUTH FULL OF TOOTHPASTE, SO HE SAID, "I GOT THIS CHECK.  
22 RON GAVE ME THIS CHECK."

23 SO HE WENT -- I SAID "WELL, SLOW DOWN, SLOW DOWN."

24 AND HE RAN TO THE ROOM AND HE GOT THIS BIG CHECK  
25 AND HE SAID "LOOK, LOOK, LOOK WHAT RON, HE GAVE ME THIS CHECK"  
26 AND I LOOKED AT THE CHECK.

27 Q BY MR. BARENS: WHEN YOU LOOKED AT THE CHECK, DID  
28 YOU SEE THE AMOUNT WRITTEN ON THE CHECK?

-3  
1 A IT WAS FOR A MILLION AND A HALF DOLLARS.

2 THE COURT: HOW MUCH WAS IT?

3 THE WITNESS: A MILLION AND A HALF.

4 Q BY MR. BARENS: A MILLION FIVE?

5 A YEAH, SAME THING.

6 Q DID JOE -- BY THE WAY, HOW WAS MR. HUNT DRESSED  
7 WHEN YOU GOT HOME?

8 A HE WAS WEARING HIS ROBE.

9 Q NOW, DID HE SHOW YOU A CONTRACT THAT RON LEVIN  
10 HAD SIGNED?

11 A YEAH, HE SHOWED ME A COUPLE OF PAGES OF PAPER.  
12 I DIDN'T READ IT BUT IT WAS RON LEVIN HAD SIGNED IT AND IT  
13 WAS A CONTRACT.

14 Q WAS HE EXCITED?

15 A YEAH, HE WAS ECSTATIC. HE WAS THRILLED.

16 Q DID YOU ASK HIM ANYTHING ABOUT THE CHECK OR THE  
17 CONTRACT?

18 A YES.

19 I SAID "WELL, WE WILL SEE IF IT IS GOOD."  
20 I JOKED ABOUT IT. I MEAN I JUST MADE A JOKE ABOUT  
21 IT.

22 Q YOU JOKED WITH JOE AS TO WHETHER OR NOT THE CHECK  
23 WAS GOOD?

24 A YEAH.

25 I SAID, "WELL, WE WILL SEE IF IT IS GOOD."

26 AND HE GOES, "WHAT DO YOU MEAN IF IT IS GOOD? IT  
27 IS GOOD. I KNOW IT IS GOOD. HE GAVE ME HIS WORD ON IT. I  
28 KNOW IT IS GOOD."

1 Q DID YOU LOOK AT THE DATE ON THE CHECK?

2 A DID I?

3 Q YES.

4 A NO, NOT AT THE TIME.

5 Q AFTER JOE SHOWED YOU THE CHECK, DID YOU SAY  
6 ANYTHING ABOUT DEAN?

7 THE COURT: SAY ANYTHING ABOUT WHOM?

8 MR. BARENS: DEAN KARNY, SIR.

9 THE WITNESS: HE WANTED TO SHOW DEAN THE CHECK.

10 Q BY MR. BARENS: DID HE GO SHOW DEAN THE CHECK?

11 A NO.

12 HE -- I SAID "I DON'T THINK DEAN IS HOME."

13 I GO "I DIDN'T HEAR ANYBODY HOME. I DON'T THINK  
14 HE IS HOME. LET'S JUST GO TO SLEEP AND YOU CAN SHOW IT TO  
15 HIM IN THE MORNING."

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1 Q DID YOU DO ANYTHING ELSE BEFORE YOU WENT TO BED?

2 A YES, I DID.

3 Q WHAT DID YOU DO?

4 A WELL, I WAS WRITING ON MY CALENDAR A FEW THINGS  
5 AND I SAW THAT MY PARENTS GOT BACK FROM ALASKA SO I CALLED  
6 MY MOM.

7 Q DID YOU SPEAK TO YOUR MOTHER?

8 A YES.

9 Q WHAT IS YOUR MOTHER'S NAME?

10 A MY MOTHER'S NAME? LYNNE ROBERTS.

11 Q WHY DID YOU CALL YOUR MOTHER?

12 A WELL, I WANTED TO FIND OUT HOW HER TRIP WAS  
13 BECAUSE MY PARENTS WENT CAMPING FOR TWO WEEKS IN ALASKA AND  
14 I WANTED TO SEE IF THEY WERE STILL ALIVE.

15 Q DID YOU ALSO WANT TO TALK TO HER ABOUT THE CHECK?

16 A YEAH.

17 JOE WAS GOING "TELL YOUR MOM ABOUT THE CHECK.  
18 TELL YOUR MOM ABOUT THE CHECK."

19 I TOLD HER, "GUESS WHAT? WE HAVE GREAT NEWS,"  
20 BECAUSE I WANTED MY MOM TO REALLY LIKE JOE.

21 Q OKAY. WHAT TIME DID YOU CALL YOUR MOTHER?

22 A 10:30 MAYBE. I DON'T REMEMBER EXACTLY. 10:30,  
23 11:00, AROUND THERE.

24 Q WHEN YOU CALLED YOUR MOTHER AND YOU SPOKE WITH  
25 HER, WHAT DID YOU SAY TO HER?

26 A I SAID, "HOW WAS YOUR TRIP? I DIDN'T KNOW YOU  
27 WERE COMING BACK TODAY."

28 SHE SAID, "NO, WE GOT BACK LAST WEEK."



1 AND I SAID, "WHY?"

2 AND SHE SAID THAT SHE HAD JURY DUTY AND HAD TO  
3 GO THERE.

4 AND JOE WAS THERE AND HE SAID, "TELL HER," YOU  
5 KNOW.

6 AND I SAID, "GUESS WHAT? WE HAVE GOT GREAT NEWS.  
7 JOE GOT A BIG CHECK FROM THIS GUY."

8 AND SHE ASKED HOW MUCH IT WAS AND I TOLD HER.  
9 SHE SAID, "LET ME TALK TO JOE."

10 Q DID YOU HAND THE PHONE TO JOE TO SPEAK TO YOUR  
11 MOTHER AT THAT TIME?

12 A YES, I DID.

13 Q COULD YOU HEAR WHAT JOE WAS SAYING TO YOUR MOTHER?

14 A NOT SPECIFICALLY. THEY WERE TALKING. THEY WERE  
15 LAUGHING AND HE WAS ALL EXCITED AND THAT WAS ABOUT ALL I HEARD.

16 I WASN'T LISTENING.

17 Q DID JOE GIVE YOU THE PHONE BACK AFTER HE SPOKE  
18 TO YOUR MOTHER?

19 A YES, HE DID.

20 Q DID YOU THEN SPEAK TO YOUR MOTHER AGAIN?

21 A YES.

22 Q THEN YOU RANG OFF WITH YOUR MOTHER?

23 A YES. WE TALKED A LITTLE AND THEN THAT WAS IT,  
24 AND I WENT TO SLEEP.

25 Q HOW LONG WAS IT FROM THE TIME YOU GOT HOME FROM  
26 THE MOVIE UNTIL YOU CALLED YOUR MOTHER ON THE PHONE?

27 A I DON'T KNOW. FORTY-FIVE MINUTES, AN HOUR. NOT  
28 VERY LONG.

1 Q WHAT WAS THE RELATIONSHIP BETWEEN YOU AND YOUR  
2 PARENTS AT THAT TIME IN YOUR LIFE?

3 A WELL, MY PARENTS DIDN'T REALLY WANT ME TO LIVE  
4 WITH JOE. THEY FELT I WAS TOO YOUNG. AND I WAS KIND OF GOING  
5 THROUGH MY OWN -- I WAS TRYING TO BE INDEPENDENT BUT WE SAW  
6 EACH OTHER AND MY MOM, YOU KNOW, SAID THAT SHE WANTED -- IF  
7 I EVER NEEDED ANY HELP AND WHEN I NEEDED HER, TO CALL HER AND  
8 THEY WERE THERE FOR ME.

9 Q ALL RIGHT. WERE YOU SPEAKING TO YOUR MOTHER VERY  
10 OFTEN AT THAT TIME?

11 A YEAH. NOT A LOT. NOT -- BUT AT LEAST ONCE A MONTH  
12 OR TWICE A MONTH.

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1 Q SHORTLY AFTER THAT, DID THERE COME A TIME WHEN  
2 JOE WENT TO NEW YORK?

3 A YES.

4 Q DO YOU RECALL HOW LONG AFTER YOU FIRST SAW JOE  
5 WITH THE CHECK IT WAS THAT HE WENT TO NEW YORK?

6 A I DON'T UNDERSTAND THAT QUESTION.

7 Q HOW MANY DAYS WAS IT, IF IT WAS DAYS? HOW MUCH  
8 TIME ELAPSED IN TERMS OF DAYS OR WEEKS OR WHATEVER, BETWEEN  
9 THE TIME YOU GOT THE CHECK AND YOU CALLED YOUR MOTHER AND  
10 THE TIME THAT HE WENT TO NEW YORK?

11 A HE WENT TO NEW YORK? I DON'T KNOW. I REALLY  
12 DON'T REMEMBER. I DON'T KNOW.

13 Q WAS IT A MATTER OF DAYS?

14 A YEAH. IT WASN'T A LONG TIME, I DON'T THINK.  
15 I DON'T REMEMBER. SORRY.

16 Q DID YOU GET A PHONE CALL AT YOUR HOME FROM JIM  
17 GRAHAM?

18 A YES.

19 Q YOU GOT A PHONE CALL AT THE WILSHIRE MANNING?

20 A WELL, WE GOT A PHONE CALL COLLECT FROM RON LEVIN  
21 AND IT TURNED OUT TO BE JIM.

22 THE COURT: YOU GOT A CALL FROM RON LEVIN?

23 THE WITNESS: YEAH. IT TURNED OUT TO BE JIM, THOUGH.  
24 THAT IS WHEN JIM WAS IN NEW YORK.

25 THE COURT: OKAY. I SEE.

26 MR. BARENS: I THINK WE HEARD ABOUT THAT BEFORE, YOUR  
27 HONOR, AS WELL.

28 THE COURT: BUT I WANTED TO KNOW IF SHE GOT A CALL

1 FROM RON LEVIN.

2 MR. BARENS: IF SHE DOES, I AM SURE SHE WILL LET ME  
3 KNOW.

4 THE WITNESS: YES. I WILL LET YOU ALL KNOW.

5 Q BY MR. BARENS: IN ANY EVENT, HE GOT A CALL FROM  
6 A PERSON SAYING THAT HE WAS RON LEVIN AND HE CALLED COLLECT.  
7 DID YOU ANSWER THE PHONE?

8 A YES, I DID.

9 Q DID YOU SPEAK TO THE CALLER AT THAT TIME?

10 A NO. IT WAS NOT RON LEVIN. I SAID, "JOE, RON  
11 IS ON THE PHONE."

12 Q YOU DID NOT SPEAK TO HIM, WHOMEVER IT WAS THAT  
13 CALLED?

14 A NO.

15 Q AFTER THE CALL WAS CONCLUDED, DID JOE TELL YOU  
16 WHO HAD CALLED?

17 A YES. HE SAID IT WAS JIM.

18 Q GRAHAM?

19 A YES.

20 Q WHAT DID HE TELL YOU WAS GOING ON IN THIS PHONE  
21 CALL?

22 A HE SAID JIM WAS IN JAIL.

23 Q DID HE TELL YOU WHY JIM WAS IN JAIL?

24 A ALL HE SAID WAS THAT JIM WAS SUPPOSED TO MEET  
25 RON LEVIN IN NEW YORK AND RON LEVIN GAVE HIM SOME CREDIT  
26 CARDS AND THEY WERE BAD.

27 AND SO, JIM WAS IN JAIL.

28 Q JIM HAD GOTTEN INTO TROUBLE?

1 A YES.

2 Q DID JOE TELL YOU HE WAS GOING TO NEW YORK?

3 A YES.

4 Q BEFORE THAT CAME UP, HAD THERE BEEN SOME DISCUSSION  
5 BEFORE THAT PHONE CALL ABOUT JOE GOING SOMEWHERE?

6 A HE WAS GOING TO GO TO LONDON AND MEET STEVE LOPEZ.

7 THE COURT: WHO?

8 THE WITNESS: STEVE LOPEZ.

9 THE COURT: ALL RIGHT.  
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1 Q BY MR. BARENS: NOW, AT THE TIME AS I UNDERSTAND  
2 IT THEN, THAT THE CALL COMES IN FROM JIM, WAS JOE PLANNING  
3 TO GO TO LONDON BEFORE THE CALL COMES IN?

4 A YEAH. WELL, HE DIDN'T KNOW WHAT TIME HE WAS  
5 GOING TO GO. BUT HE HAD BEEN PLANNING.

6 HE WAS GOING TO MEET STEVE LOPEZ IN LONDON, FOR  
7 SURE.

8 Q DID JOE THEN TELL YOU THAT HE WAS GOING TO GO  
9 TO NEW YORK AND LONDON?

10 A HE SAID THAT HE MIGHT AS WELL GO TO LONDON BECAUSE  
11 HE WILL BE IN NEW YORK. HE WILL JUST GO TO LONDON FOR A  
12 LITTLE BIT AND THEN COME BACK.

13 Q DID JOE THEN GO TO NEW YORK?

14 A YES.

15 Q ALL RIGHT. WHEN JOE WENT TO NEW YORK, DID HE  
16 CALL YOU FROM NEW YORK?

17 A YES.

18 Q HOW MANY TIMES DID HE CALL YOU FROM NEW YORK?

19 A FOUR TIMES.

20 Q WHAT DID JOE TELL YOU WHEN HE CALLED YOU ON THE  
21 FIRST OCCASION FROM NEW YORK, IF YOU CAN REMEMBER?

22 A WELL, HE SAID NOT TO WORRY. I WAS A LITTLE  
23 WORRIED. HE SAID THAT HE GOT A LAWYER AND THAT HE WAS GOING  
24 TO TRY TO GET JIM OUT ON BAIL.

25 I SAID, "WHAT HAPPENED? WHAT THE HELL DID HE  
26 DO?"

27 AND HE SAID THAT JIM --

28 MR. WAPNER: OBJECTION, CALLING FOR HEARSAY.

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1 Q BY MR. BARENS: WHAT --

2 THE COURT: ALL RIGHT. GO AHEAD.

3 THE WITNESS: OKAY. HE SAID THAT JIM TRIED TO BEAT  
4 THE BILL.

5 THE COURT: JIM WHAT?

6 THE WITNESS: TRIED TO BEAT THE BILL.

7 Q BY MR. BARENS: TRIED TO GET OUT OF PAYING THE  
8 BILL?

9 A YES. HE WAS ANNOYED, LIKE HE SHOULD HAVE CALLED  
10 ME AND I WOULD HAVE GIVEN HIM THE MONEY. HE WAS ANNOYED  
11 AT JIM. AND HE WAS ANNOYED AT RON LEVIN.

12 Q ALL RIGHT. AND HE TOLD YOU THAT HE WAS TRYING  
13 TO GET JIM SOME HELP BACK THERE?

14 A YES. HE SAID THAT HE GOT A LAWYER AND HE WAS  
15 GOING TO TRY TO GET HIM OUT OF JAIL.

16 Q DID HE TELL YOU ANYTHING ABOUT THE CIRCUMSTANCES  
17 OF JIM'S ARREST OR WHAT JIM WAS -- WHAT WAS GOING ON WITH  
18 JIM?

19 A NO. HE JUST SAID THAT HE THOUGHT THAT IT WAS  
20 JUST VERY IMMATURE OF JIM TO DO AND HE WAS YOU KNOW -- THAT  
21 WAS IT.

22 Q ALL RIGHT.

23 A AND HE DID GET JIM OUT ON BAIL.

24 Q DO YOU KNOW WHETHER OR NOT HE PAID THE HOTEL  
25 BILL AT THAT TIME?

26 A WHO, JOE?

27 Q DID JOE TELL YOU THAT HE PAID THE HOTEL BILL?

28 A I HAVE NO IDEA.

1 Q ALL RIGHT. YOU MENTIONED THAT JOE WAS MAD AT  
2 LEVIN WHEN HE CALLED YOU FROM NEW YORK CITY?

3 A HE WAS ANNOYED. HE WAS VERY ANNOYED.

4 Q AND WHY WAS THAT?

5 A HE SAID HE CAN'T BELIEVE THIS GUY. HE TELLS  
6 JIM TO MEET HIM IN NEW YORK AND EVEN HIS CREDIT CARDS BOUNCE.

7 I CAN REMEMBER HIM SAYING THAT. THAT WAS ALL  
8 I CAN REMEMBER.

9 Q DID JOE GO TO LONDON?

10 A YES.

11 Q ALL RIGHT. BY THE WAY, HAD YOU ASKED TO GO?

12 A YES. I VERY MUCH WANTED TO GO.

13 Q AND YOU DID NOT GO. DO YOU KNOW WHY YOU DIDN'T  
14 GO?

15 A YEAH. DEAN DIDN'T THINK I SHOULD GO TO LONDON.

16 Q ALL RIGHT. WERE YOU STILL ASKING TO GO TO LONDON  
17 WHEN JOE WAS IN NEW YORK?

18 A YEAH. I WAS. I WANTED TO GO. BUT JOE SAID  
19 THAT IT WAS JUST BUSINESS AND IT WAS GOING TO BE A SHORT  
20 TRIP. HE WAS JUST GOING TO MEET STEVE AND COME BACK. THAT  
21 WAS IT.

22 Q DID JOE CALL YOU FROM LONDON?

23 A YES.

24 Q DID HE DISCUSS ANYTHING FURTHER ABOUT JIM OR  
25 RON FROM LONDON?

26 A NOT THAT I CAN REMEMBER, NO.

27 Q ALL RIGHT. JOE CAME BACK FROM LONDON I PRESUME,  
28 THEREAFTER?



1 A YES.

2 THE COURT: PARDON ME. WE'LL TAKE A RECESS. LADIES  
3 AND GENTLEMEN OF THE JURY, WE'LL TAKE A 15-MINUTE RECESS  
4 AT THIS TIME. THE SAME ADMONITION APPLIES.  
5 (RECESS.)

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1 THE COURT: ALL RIGHT, YOU MAY CONTINUE.

2 MR. BARENS: MAY WE APPROACH BRIEFLY, YOUR HONOR?

3 THE COURT: YES.

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

6 MR. BARENS: SIR, ALTHOUGH I HAVE THE GREATEST RESPECT  
7 FOR MR. WAPNER AND YOUR HONOR, IT WAS BROUGHT TO MY ATTENTION  
8 THAT DURING THE WITNESS'S TESTIMONY, THAT THE DISTRICT  
9 ATTORNEY HAD BEEN MAKING PEJORATIVE FACES TOWARDS THE JURY,  
10 AND I MIGHT SAY, YOUR HONOR, ALTHOUGH I DO THIS WITH THE  
11 GREATEST OF RESPECT, THAT IT OCCURRED TO ME AT LEAST THAT  
12 PERHAPS YOUR HONOR HAD LOOKED EITHER AMUSED OR AMISS AT SOME  
13 OF THE TESTIMONY.

14 ALL I AM HERE TO ASK, YOUR HONOR, IS THAT WE  
15 PROCEED WITH SOME RESTRAINT UNTIL ALL OF THE EVIDENCE IS IN.

16 THE COURT: RESTRAIN YOURSELF, WILL YOU?

17 MR. BARENS: WE WOULD APPRECIATE THAT, YOUR HONOR. WELL,  
18 YOUR HONOR, AGAIN --

19 THE COURT: I NOTICED THAT YOUR FACIAL EXPRESSION ALL  
20 THROUGHOUT THIS TRIAL, WHICH WOULD INDICATE SOMETHING LESS  
21 THAN --

22 MR. BARENS: THROUGHOUT KARNY'S TESTIMONY, I MADE AN  
23 EFFORT TO BE AS STOIC AS I COULD BE.

24 THE COURT: YOU DID NOT SUCCEED.

25 LET'S GO ON.

26 MR. BARENS: WE APPRECIATE THAT. THANK YOU.

27 (THE FOLLOWING PROCEEDINGS WERE HELD  
28 IN OPEN COURT:)

1 Q BY MR. BARENS: HOW LONG WAS JOE HUNT IN LONDON?

2 A A COUPLE OF WEEKS, I GUESS. I DON'T KNOW. I DON'T  
3 REMEMBER. A WEEK, TWO WEEKS.

4 Q ALL RIGHT. WHEN HE CAME BACK, DID YOU SEE HIM?

5 A YES.

6 Q WHERE DID YOU FIRST SEE JOE HUNT WHEN HE RETURNED  
7 FROM LONDON?

8 A HE WAS IN OUR BEDROOM.

9 Q AT THE WILSHIRE MANNING?

10 A YEAH.

11 Q WHAT WAS HE DOING?

12 A HE WAS LAYING FACE DOWN ON THE BED AND HE WAS  
13 CRYING.

14 Q DID YOU SPEAK TO HIM ON THAT OCCASION?

15 A YES, I DID.

16 Q DID YOU ASK HIM WHAT WAS GOING ON?

17 A YES.

18 Q WHAT DID HE TELL YOU?

19 MR. WAPNER: SAME OBJECTION. CALLS FOR HEARSAY, YOUR  
20 HONOR.

21 THE WITNESS: WELL --

22 THE COURT: GO AHEAD. OVERRULED.

23 YOU MAY TELL US.

24 THE WITNESS: HE WAS CRYING AND HE TOLD ME THAT -- FIRST,  
25 HE SAID, "I DON'T WANT YOU TO SEE ME LIKE THIS," BECAUSE THAT  
26 WAS THE FIRST TIME I HAD EVER SEEN JOE CRY AND I WAS STUNNED.

27 AND HE SAID, YOU KNOW, "PLEASE JUST LEAVE ME ALONE.  
28 I HAVE GOT TO GET MYSELF TOGETHER."

1                   AND I PLEADED WITH HIM, YOU KNOW, TELL ME WHAT  
2 IS WRONG.

3                   AND SO HE SAID THAT THE CHECK DIDN'T GO THROUGH  
4 AND HE SAID -- HE SAID "HOW COULD RON BE SO CRUEL?" AND "WHAT  
5 AM I GOING TO DO ABOUT THE INVESTORS?"

6                   AND HE WAS LIKE RAMBLING AND HE WAS SAYING ABOUT  
7 THE BBC, "ALL OF THE BOYS ARE GOING TO LAUGH AT ME. WHAT AM  
8 I GOING TO DO?"

9                   HE WAS LIKE HE WAS HYSTERICAL.  
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1 Q ALL RIGHT. FROM THAT CONVERSATION, YOU GOT IT  
2 THAT HE WAS -- HE TOLD YOU THAT THE CHECK DID NOT CLEAR?

3 A YES.

4 Q NOW, THAT WAS IN JUNE?

5 A YES.

6 Q AND HE FURTHER TOLD YOU THAT HE WAS CONCERNED  
7 ABOUT WHAT THE BOYS IN THE BBC WERE GOING TO THINK?

8 A YEAH. HE WAS VERY CONCERNED. I CAN REMEMBER  
9 SAYING, "DON'T WORRY. THEY ARE YOUR FRIENDS."

10 HE IS LIKE, "THEY ARE GOING TO LAUGH AT ME. I  
11 DON'T KNOW WHAT I AM DOING AND--" YOU KNOW.

12 Q DID HE TELL YOU THAT HE HAD CONTACTED OR ATTEMPTED  
13 TO CONTACT RON LEVIN?

14 A I SAID TO HIM, "HAVE YOU CALLED RON?" HE SAID,  
15 "I HAVE. I HAVE DRIVEN BY HIS HOUSE. I CAN'T GET AHOLD OF  
16 HIM." THAT IS WHAT HE SAID.

17 Q DID HE TELL YOU SPECIFICALLY HE CALLED HIM ON  
18 THE PHONE?

19 A YES.

20 Q DID HE TELL YOU THAT HE HAD GONE BY HIS HOUSE?

21 A YES.

22 THE COURT: SHE ALREADY TESTIFIED. DO YOU WANT HER  
23 TO TESTIFY TWICE TO EVERYTHING?

24 MR. BARENS: SIR, I WANTED TO MAKE SURE ON THOSE ISSUES  
25 THAT WE WERE SPECIFIC.

26 THE COURT: ONCE IS ENOUGH. YOU DON'T HAVE TO HAVE  
27 IT MORE THAN ONCE.

28 Q BY MR. BARENS: WAS THE MEETING ARRANGED WITH

1 THE BBC FOR LATE JUNE OF 1984?

2 A YES.

3 Q DID YOU HEAR CONVERSATIONS CONCERNING THE PREPARATION  
4 OF THAT MEETING?

5 A YES, I DID.

6 Q WHO DID YOU HEAR DISCUSSING THE MEETING BEFORE  
7 THE MEETING TOOK PLACE?

8 A JOE AND DEAN.

9 Q WHERE?

10 A IN DEAN'S BEDROOM.

11 Q HOW WERE YOU ABLE TO HEAR IT?

12 A I WAS LISTENING AT THE DOOR.

13 Q WHAT DID YOU HEAR JOE AND DEAN TALKING ABOUT?

14 A I WAS WALKING TO THE KITCHEN. I HEARD THEM  
15 LAUGHING AND PLANNING SOMETHING.

16 AND I HEARD -- IT WAS ALL MUFFLED. BUT THE FIRST  
17 THING I HEARD WAS -- I WAS LISTENING BECAUSE I HEARD DEAN  
18 TALKING, SAYING, "WELL, WHO COULD WE SAY WHO DID IT? COULD  
19 I SAY I DID IT?" AND JOE SAID LIKE, "YEAH. BUT THEY  
20 WOULDN'T BELIEVE THAT." I WAS LISTENING BECAUSE I WAS LIKE --  
21 WHAT ARE THEY TALKING ABOUT? WHO DID WHAT?

22 AND THEN THEY WERE SAYING -- THEN I CAN REMEMBER  
23 DEAN SAYING, "I KNOW. I KNOW. YOU COULD SAY THAT YOU KILLED  
24 RON."

25 JOE SAYS, "COULD I HAVE DONE IT WITH YOU?" AND  
26 THEY WERE LIKE, NO, NO.

27 THEN, THEY WERE LAUGHING, LIKE WALKING BECAUSE  
28 THEY HAD LIKE A HALLWAY. THEY WERE WALKING BACK AND FORTH,

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1 TO DO THIS THING.

2 I DIDN'T WANT THEM TO HEAR ME. SO THEN I REMEMBER  
3 HEARING THEM SAY -- DEAN SAID, "I KNOW. I KNOW. I KNOW.  
4 YOU COULD SAY YOU AND JIM DID IT."

5 AND THEN I GOT REALLY LIKE, YOU KNOW -- WHAT  
6 THE HELL IS GOING ON HERE? AND THEN I HEARD THEM SAY, "YEAH.  
7 BUT YOU CAN'T JUST TELL THEM. THEY WILL NEVER BELIEVE THAT.  
8 THEY WILL NEVER BELIEVE THAT. YOU HAVE GOT TO MAKE DETAILS,  
9 DETAILS."

10 I DIDN'T KNOW WHAT THEY WERE TALKING ABOUT. THEN  
11 JOE OPENED THE DOOR WHEN I WAS LISTENING AND HE GOES, "YES?"  
12 AND I SAID -- I WAS EMBARRASSED.

13 I SAID YOU KNOW, "JOE, WHAT ARE YOU DOING?"

14 Q DID YOU CONFRONT JOE ABOUT WHAT YOU HAD HEARD?

15 A YES.

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1 Q IN THE BEDROOM?

2 A YES, I DID.

3 Q DID YOU TALK TO HIM AT THAT TIME OR AT A LATER  
4 TIME?

5 A I TALKED TO HIM. I SAID, "I WANT TO TALK TO  
6 YOU IN THE BEDROOM."

7 HE SAID, "OKAY. I WILL BE IN IN A MINUTE. DON'T  
8 WORRY." HE WAS LIKE, "DON'T WORRY." HE SAID, "I WILL BE  
9 THERE IN A LITTLE BIT."

10 LIKE HALF AN HOUR LATER, I WAS IN THE BEDROOM  
11 WAITING FOR HIM.

12 Q WERE YOU UPSET ABOUT WHAT YOU HAD HEARD?

13 A YES, VERY.

14 Q WERE YOU CONCERNED ABOUT IT?

15 A YES.

16 Q WHAT DID YOU SAY TO JOE HUNT WHEN HE CAME INTO  
17 THE BEDROOM?

18 A I TOLD HIM NOT TO SAY THAT.

19 Q ALL RIGHT. DID YOU HAVE AN ARGUMENT WITH HIM?

20 A YES. WE DID.

21 Q WHAT DID HE SAY TO YOU ON THAT OCCASION?

22 A HE SAID NOT TO WORRY, THAT HE IS ONLY GOING TO  
23 SAY IT FOR EFFECT.

24 HE DOESN'T WANT TO LOSE HIS BUSINESS. HE DOESN'T  
25 WANT THE BOYS TO KNOW THERE WERE -- THEY WERE PLANNING TO  
26 DO SOMETHING TO THE OFFICES. JOE HAD FOUND SOME NOTES AND  
27 THERE WAS GOING --

28 MR. WAPNER: OBJECTION, NON-RESPONSIVE.



1 THE COURT: ARE YOU GOING TO BREAK IN?

2 MR. WAPNER: MOTION TO STRIKE.

3 THE WITNESS: I SAID, "BUT YOU CAN'T SAY THAT ABOUT  
4 SOMEBODY. YOU CAN'T MAKE SOME THINGS LIKE THAT UP."

5 HE SAID, "I JUST WANT TO KEEP EVERYTHING TOGETHER  
6 SO, YOU KNOW, I DON'T LOSE THE BUSINESS. I CAN PAY BACK  
7 THE MONEY BECAUSE I HAVE ANOTHER DEAL GOING THROUGH. IT  
8 WILL JUST BE FOR EFFECT."

9 I SAID THAT I WAS AGAINST IT. I SAID, "WELL,  
10 LISTEN, IF YOU ARE GOING TO SAY SOMETHING LIKE THAT, I WANT  
11 TO BE THERE."

12 Q DID YOU THREATEN TO LEAVE JOE?

13 THE WITNESS: COULD I HAVE A KLEENEX, YOUR HONOR?

14 THE COURT: SURE.

15 (LAUGHTER IN THE COURTROOM.)

16 Q BY MR. BARENS: DID YOU THREATEN TO LEAVE HIM  
17 AT THAT TIME?

18 A PARDON ME?

19 Q DID YOU THREATEN TO LEAVE JOE AT THAT TIME?

20 A YES, I DID.

21 Q AND DID YOU CONTINUE TO PROTEST THAT CONVERSATION?

22 A YES.

23 Q NOW, DID JOE TELL YOU CONCERNS HE HAD ABOUT THE  
24 MICROGENESIS PROJECT AT THAT TIME?

25 A YES, HE DID.

26 Q WHAT CONCERNS DID HE EXPRESS TO YOU?

27 A HIS CONCERNS WERE THAT HE HAD FOUND NOTES WRITTEN  
28 BY TOM AND DAVE OR JEFF THAT I GLUED TOGETHER MYSELF IN THE

1 TRASH CAN SAYING -- IT WAS A PLAN THAT THEY WERE GOING TO  
2 SEAL THE CYCLATRON MACHINES.

3 Q HAD THERE BEEN -- HAD HE BEEN CONCERNED THAT  
4 THEY WERE GOING TO GO THEIR OWN WAY, SO TO SPEAK, CONCERNING  
5 THE CYCLATRON?

6 A YES.

7 Q WAS THERE ANOTHER SIGNIFICANT OR BIG DEAL THAT  
8 YOU WERE HEARING ABOUT THAT JOE WAS WORKING ON AT THAT TIME  
9 CONCERNING THAT TECHNOLOGY?

10 A YES. THERE WAS. THE GUY -- WHAT IS THE MAN'S  
11 NAME? THE MAN'S NAME WAS KILPATRICK.

12 Q AND WAS JOE LOOKING TO THAT DEAL, BASED ON WHAT  
13 HE TOLD YOU, TO BAIL HIM OUT?

14 A I DON'T UNDERSTAND.

15 Q WELL, WHAT I MEAN BY THAT, BROOKE, IS, WAS JOE  
16 LOOKING TO THIS OTHER DEAL PENDING WITH KILPATRICK TO PROVIDE  
17 MONEY TO TAKE CARE OF THE FINANCIAL --

18 A YES. HE SAID IT WAS GOING TO BE A COUPLE OF  
19 MONTHS. I KNOW THE DEAL IS GOING TO GO THROUGH FOR SURE.  
20 I CAN PAY BACK ALL THEIR MONEY. I WON'T LOSE THE BBC AND  
21 EVERYTHING.

22 Q ALL RIGHT. DID A MEETING PROCEED TO TAKE PLACE  
23 ON THE 24TH OF JUNE, 1984?

24 A YES.

25 Q WERE YOU PRESENT?

26 A YES, I WAS.

27 Q ALL RIGHT. WAS THERE SUPPOSED TO HAVE BEEN A  
28 MEETING OF THIS NATURE EARLIER THAT WAS CANCELED?

1           A       YES.

2           Q       HOW MANY DAYS EARLIER WAS THAT MEETING SUPPOSED  
3 TO HAVE OCCURRED?

4           A       THE MEETING WAS ON SUNDAY. IT WAS SUPPOSED TO  
5 BE ON A FRIDAY -- IT WAS A THURSDAY OR A FRIDAY.

6           Q       DO YOU KNOW WHY THE MEETING DIDN'T TAKE PLACE  
7 ON THURSDAY OR FRIDAY?

8           A       BECAUSE JIM WAS OUT OF TOWN.

9           Q       AND SO, THEY WANTED TO WAIT FOR JIM TO RETURN  
10 BEFORE THE MEETING OCCURRED?

11          A       RIGHT.

12          Q       NOW, THE MEETING TOOK PLACE ON SUNDAY WHERE?

13          A       AT OUR HOUSE, THE WILSHIRE MANNING.

14          Q       THE WILSHIRE MANNING? WHO WAS PRESENT?

15          A       YES. I WAS THERE.

16          Q       I KNOW THAT YOU WERE THERE, BUT WHO ELSE?

17          A       TOM MAY, BEN, DEAN, JOE, MYSELF, STEVE TAGLIANETTI,  
18 JOHN ALLEN, JEFF RAYMOND.

19          Q       WAS JIM GRAHAM THERE?

20          A       YES.

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1 Q WAS JIM GRAHAM THERE?

2 A OH, YES, JIM.

3 Q DO YOU KNOW HOW THE PEOPLE WERE PICKED THAT WERE  
4 TO BE AT THE MEETING OR NOT AT THE MEETING?

5 A NO.

6 Q YOU DIDN'T DISCUSS ANY OF THAT?

7 A NO.

8 Q ALL RIGHT. DO YOU RECALL ANYTHING YOU DID TO GET  
9 READY FOR THE MEETING?

10 A YEAH.

11 I WENT AND GOT LUNCH FOR EVERYONE BEFORE.

12 Q DO YOU KNOW, WHAT WAS THE MOOD AT THE MEETING WHEN  
13 EVERYONE FIRST ARRIVED?

14 A HAPPY. IT WAS A SUNDAY AND SOME OF THEM HAD GONE  
15 TO THE BEACH AND STUFF LIKE THAT. IT WAS JUST NORMAL.

16 Q WAS IT RELAXED --

17 A VERY, YEAH.

18 Q -- TYPE OF ATMOSPHERE?

19 A RELAXED.

20 Q WHEN EVERYONE WAS GATHERED TOGETHER, WERE THERE  
21 A COUPLE OF OCCASIONS WHEN JOE LEFT THE ROOM AND WENT INTO  
22 ONE OF THE BEDROOMS?

23 A YES.

24 Q AND WITH WHOM DID HE GO INTO THE OTHER BEDROOM?

25 A JIM, DEAN AND BEN.

26 Q AND WAS THAT ON ONE OR MORE THAN ONE OCCASION THAT  
27 THEY LEFT THE GENERAL GROUP AND WENT OFF BY THEMSELVES?

28 A MORE THAN ONE.

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1 Q DO YOU KNOW HOW MANY TIMES?

2 A TWO.

3 Q AND ON THOSE TWO OCCASIONS, HOW MUCH TIME WERE  
4 THEY GONE?

5 A FIVE, TEN MINUTES -- NO, TEN, FIFTEEN MINUTES.  
6 THE FIRST TIME THEY WERE GONE FOR A LOT, LIKE FIFTEEN MINUTES,  
7 AND THEN THEY WERE ALL SITTING AROUND AND THEN JIM SAID HE  
8 WANTED TO GO TALK AGAIN AND SO IT WAS LIKE FIVE MINUTES.

9 Q WHEN THEY LEFT THE ROOM THE SECOND TIME, WAS IT  
10 BECAUSE JIM HAD ASKED TO LEAVE THE ROOM?

11 A YEAH.

12 Q DID YOU HEAR HIM SAY THAT?

13 A YES.

14 Q JIM SAID HE WANTED TO SPEAK TO THE OTHER GENTLEMEN?

15 A YES.

16 Q AND WHEN THEY CAME OUT AFTER BEING IN THE BEDROOM  
17 THE SECOND TIME, DID JOE MAKE AN ANNOUNCEMENT?

18 A AN ANNOUNCEMENT?

19 THE COURT: WHAT DID HE SAY?

20 Q BY MR. BARENS: WELL, WHAT DID HE SAY?

21 A WELL, HE TALKED ABOUT BUSINESS STUFF AND THEN HE  
22 SAID "AND I KNOCKED OFF RON LEVIN."

23 THE COURT: I KNOCKED OFF RON LEVIN?

24 THE WITNESS: JIM AND I.

25 Q BY MR. BARENS: ALL RIGHT. NOW DO YOU REMEMBER  
26 THE BUSINESS STUFF HE TALKED ABOUT?

27 A HE TALKED ABOUT CYCLATRONS, THE KILPATRICK DEAL.  
28 I DON'T REMEMBER IF HE TOLD THEM THAT THE CHECK

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1 DIDN'T GO THROUGH OR NOT. I DON'T -- I WAS SO TENSE, I DON'T  
2 REMEMBER A LOT OF IT.

3 Q DID YOU KNOW FOR SURE WHETHER JOE WAS GOING TO  
4 TELL THEM AT THAT MEETING THAT THE CHECK DIDN'T CLEAR OR DID  
5 YOU KNOW -- STRIKE THAT.

6 DID YOU KNOW THAT JOE WAS GOING TO MAKE THIS  
7 STATEMENT ABOUT RON AT THAT MEETING?

8 A YEAH, I KNEW. I HEARD HIM PLANNING IT.

9 Q BUT HAD HE TOLD YOU AFTER YOU HAD PROTESTED IT,  
10 THAT HE WAS GOING TO GO AHEAD AND MAKE THAT STATEMENT ANYHOW?

11 A YES.

12 Q THE WORDS YOU HEARD HIM SPEAK WERE WHAT AGAIN?  
13 BECAUSE I HAD SOME CONFUSION ABOUT WHAT YOU SAID TO ME AND  
14 WHAT YOU SAID TO THE JUDGE AND WE DON'T WANT TO BE CONFUSED  
15 ABOUT THAT.

16 WHAT DID HE SAY?

17 A JOE SAID AT THE MEETING THAT JIM AND -- HE SAID  
18 "JIM AND I KNOCKED OFF RON LEVIN."

19 Q NOW, AFTER SAYING THAT, DID ANYBODY ELSE IN THE  
20 ROOM SAY ANYTHING?

21 A YEAH, THEY DID.

22 Q WHO SPOKE?

23 A TOM MAY AND STEVE TAG.

24 THE COURT: AND WHO?

25 THE WITNESS: STEVE TAGLIANETTI.

26 Q BY MR. BARENS: WHAT DID TOM MAY SAY?

27 A HE WAS LIKE, "OH, WOW. THAT IS SO COOL. REALLY  
28 WOW."

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1                   THEY WERE LIKE ENTHUSIASTIC AND, YOU KNOW --

2           Q        DID JIM GRAHAM SAY ANYTHING WHEN JOE SAID THAT?

3           A        NOT A WORD.

4           Q        HE JUST SAT THERE?

5           THE COURT REPORTER:   WHAT IS YOUR ANSWER?

6           THE WITNESS:   YES.

7           Q        BY MR. BARENS:   DID DEAN SAY ANYTHING?

8           A        OH, DID DEAN SAY ANYTHING?

9           Q        YES.

10          A        DEAN SAID SOMETHING ABOUT THE MEETING.

11          THE COURT:   WHAT DID HE SAY?

12          THE WITNESS:   I DON'T REMEMBER.   I DON'T REMEMBER.

13                   EVERYBODY WAS TALKING.   THEY WERE ALL TALKING.

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1 THE COURT: WHAT DID TAGLIANETTI SAY?

2 THE WITNESS: HE WAS ENTHUSIASTIC ABOUT IT, TOO.

3 THE COURT: TELL US WHAT HE SAID.

4 THE WITNESS: I DON'T REMEMBER EXACTLY WHAT HE SAID,  
5 YOUR HONOR. I AM SORRY.

6 Q BY MR. BARENS: ALL RIGHT. AT THAT POINT, DID  
7 JEFF RAYMOND BRING UP ANYTHING ELSE?

8 A THEY WERE TALKING ABOUT -- I DON'T KNOW IF IT WAS  
9 JEFF, BUT HE SAID SOMETHING ABOUT -- SOMEBODY SAID SOMETHING  
10 ABOUT SOME MONEY, LIKE "OH, WHAT ABOUT MY MONEY?"

11 THEY WERE TALKING ABOUT MONEY, WHAT ARE WE GOING  
12 TO DO ABOUT OUR MONEY THAT WE LOST? BUT I DON'T KNOW WHO IT  
13 WAS WHO TALKED ABOUT THAT.

14 Q DID YOU SPEAK TO JIM GRAHAM AFTER THE MEETING?

15 A YES.

16 Q WHAT DID JIM GRAHAM SAY TO YOU?

17 A HE CAME UP TO ME AND HE GOES "YOU KNOW, WE DIDN'T  
18 DO THAT."

19 AND I SAID "I KNOW. I KNOW YOU DIDN'T."

20 AND HE GOES, "I DON'T THINK THEY BELIEVED US  
21 ANYWAY."

22 AND I SAID, "I DON'T THINK SO EITHER."

23 Q NOW, DID YOU GO ANYWHERE OR WHAT DID EVERYBODY  
24 DO AFTER THE MEETING?

25 A AFTER THE MEETING, ALL OF THE BOYS WENT BOWLING.

26 Q TO YOUR RECOLLECTION, OR AT LEAST BASED ON WHAT --  
27 DID YOU GO BOWLING WITH THE BOYS?

28 A NO, I DID NOT.



-6  
1 Q WHO WERE YOU TOLD WENT BOWLING?

2 A WELL, I SAW THEM GO BOWLING. I MEAN THEY WALKED  
3 OUT OF MY DOOR.

4 JIM DIDN'T GO BOWLING. HE WENT TO HIS HOUSE.

5 AND THEN STEVE TAG, I AM NOT SURE IF STEVE  
6 TAGLIANETTI WENT BOWLING EITHER.

7 BUT I KNOW THE MAYS WENT BOWLING, JOE, DEAN, BEN,  
8 JON ALLEN. IT WAS LIKE A WHOLE FUN THING, YOU KNOW, "YEAH,  
9 LET'S GO BOWLING." THEY WENT BOWLING.

10 Q DID A TIME COME WHEN JOE LEARNED THAT HE BECAME  
11 A SUSPECT IN THE EYES OF THE LAW IN THE KILLING OF RON LEVIN?

12 A YES.

13 Q DO YOU RECALL APPROXIMATELY WHEN THAT WAS?

14 A IT WAS IN THE SUMMER. I DON'T KNOW WHAT MONTH  
15 IT WAS, THOUGH.

16 Q IT WAS AFTER THE MEETING YOU DESCRIBED?

17 A OH, YEAH, IT WAS LIKE A MONTH, A MONTH AND A HALF  
18 AT LEAST.

19 Q WHAT DID HE TELL YOU AT THAT TIME?

20 A HE SAID THAT HE WAS A SUSPECT OR THAT RON LEVIN  
21 WAS MISSING AND THAT TOM AND DAVE WENT TO THE POLICE AND TOLD  
22 THEM THAT JOE KILLED RON LEVIN.

23 Q AND DID JOE TELL YOU WHAT HE WAS GOING TO DO?

24 A YEAH.

25 HE SAID HE WAS GOING TO GO TO THE POLICE AND TALK  
26 TO THEM.

27 Q TO YOUR KNOWLEDGE, DID HE GO TO THE POLICE AND  
28 TALK TO THEM?

1 A YES, HE DID.

2 Q WAS THAT PRIOR TO HIS FIRST ARREST?

3 A YEAH, THAT WAS -- THAT WAS BEFORE HE WAS  
4 ARRESTED.

5 Q DID HE GO WITH SOMEONE TO SEE THE POLICE?

6 A YEAH, HE WENT WITH LAUREN RABB.

7 Q DO YOU KNOW WHO LAUREN RABB WAS?

8 A SHE WAS AN ATTORNEY THAT WAS WORKING IN THE BBC  
9 OFFICE.

10 Q DID LAUREN RABB SAY ANYTHING TO YOU ABOUT WHAT  
11 HAD HAPPENED AT THE POLICE STATION?

12 A YES, SHE DID.

13 Q WHAT DID SHE SAY TO YOU?

14 MR. WAPNER; OBJECTION. CALLS FOR HEARSAY. ALSO CALLS  
15 FOR --

16 THE COURT: SUSTAINED.

17 Q BY MR. BARENS: DID JOE COME BACK FROM THE POLICE  
18 STATION WITH LAUREN RABB?

19 A YES -- NO, I DON'T REMEMBER. I DON'T REMEMBER.  
20 BUT I KNOW HE WENT WITH HER. HE TOLD ME HE WENT  
21 WITH HER.

22 Q OKAY. DID JOE TELL YOU HE TALKED TO A DETECTIVE  
23 AT THE POLICE STATION ABOUT THE LEVIN MATTER?

24 A YES.

25 Q DO YOU REMEMBER THE NAME OF THE POLICE DETECTIVE  
26 HE TALKED TO?

27 A NO.

28 Q WHAT DID HE TELL YOU HAPPENED AT THE POLICE STATION?

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1 MR. WAPNER: OBJECTION. CALLS FOR HEARSAY, YOUR HONOR.

2 THE COURT: OVERRULED.

3 MR. BARENS: WE HAVE HAD THE SAME TESTIMONY, YOUR HONOR.

4 Q WHAT HAPPENED? WHAT DID HE TELL YOU HAPPENED AT  
5 THE POLICE STATION?

6 A WELL, HE SAID HE WENT IN AND HE WANTED TO TALK  
7 TO THEM AND HE TOLD THEM HE KNEW THIS WAS GOING ON AND HE SAID  
8 THAT THE DETECTIVE, OR WHOEVER WAS ON THE CASE, SAID THAT HE  
9 DIDN'T WANT TO TALK TO HIM ABOUT IT AND HE THREW HIM OUT OF  
10 THE OFFICE.

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1 THE COURT: PHYSICALLY THREW HIM OUT OF THE OFFICE?

2 THE WITNESS: BUT NO, WITH HIS WORDS. HE SAID, "I  
3 CAN'T HELP YOU, YOU KNOW, JOE." AND LAUREN TOLD ME THAT  
4 THEY COULDN'T BELIEVE IT. THEY GO --

5 THE COURT: DID HE GIVE YOU THE NAMES OF THE DETECTIVE?

6 THE WITNESS: NO.

7 THE COURT: DO YOU KNOW WHERE THE POLICE STATION WAS?

8 THE WITNESS: IT WAS THE BEVERLY HILLS POLICE STATION.

9 THE COURT: ALL RIGHT.

10 Q BY MR. BARENS: ALL RIGHT. WHAT DID JOE PROCEED  
11 TO DO AFTER THAT, AS FAR AS YOU COULD OBSERVE?

12 A WELL, HE DIDN'T KNOW WHAT TO DO. HE SAID, "I  
13 DON'T KNOW WHAT TO DO. SO I AM GOING TO GO BACK TO WORK."  
14 SO HE WENT BACK TO WORK.

15 Q HE CONTINUED WORKING AT THE OFFICES ON THIRD STREET?

16 A YES.

17 Q DID A TIME COME THEREAFTER WHEN JOE WAS ARRESTED?

18 A YES. HE WAS ARRESTED.

19 Q HOW DO YOU KNOW HE WAS ARRESTED?

20 A WELL, I WAS DRIVING ABOUT EIGHT OR TEN CARS IN  
21 BACK OF HIS JEEP. HE LEFT ABOUT FIVE MINUTES BEFORE I DID.  
22 IT WAS IN THE MORNING. IT WAS 10:00 O'CLOCK, ABOUT.

23 AND I SAW THEM PULL HIM OVER. IT WAS ON WILSHIRE  
24 AND BEVERLY GLEN. THEY PULLED HIM OVER, A BUNCH OF POLICEMEN,  
25 POLICE GUYS JUMPED OUT OF THE CAR AND CAUGHT HIM.

26 I HAVE A CONVERTIBLE. MY TOP WAS UP, SO I WAS  
27 TRYING TO SEE WHAT WAS GOING ON.

28 AND IT WAS TRAFFIC. JAMMED. AND I PULLED UP

1 AND I JUST SAW JOE'S JEEP. THEY WERE PUTTING JOE IN THE  
2 CAR.

3 YOU KNOW, THEY DROVE AWAY. I SAW JOE'S KEYS  
4 IN THE CAR. THEY WERE SEARCHING THE CAR. AND THEY, TWO  
5 POLICEMEN -- THEY WEREN'T IN POLICE CLOTHES BUT THEY WERE  
6 IN SUITS. AND THEY PULLED ME OVER BECAUSE I SAID, "WHAT  
7 IS GOING ON?" THEY PULLED ME OVER. THEY SAID, "PULL OVER."  
8 SO I PULLED OVER.

9 AND THEY QUESTIONED ME, "WHO ARE YOU?" AND THEN  
10 THE GUY REACHES IN MY CAR AND SAYS, "DO YOU HAVE A GUN IN  
11 THE CAR?" I SAID, "WHAT?" I GOT OUT OF MY CAR. THEY SEARCHED  
12 MY CAR.

13 MR. WAPNER: OBJECTION, NON-RESPONSIVE. ALSO RELEVANCE.

14 Q BY MR. BARENS: IN ANY EVENT, AFTER THE POLICE  
15 STOPPED JOE, THEY THEN CAME OVER AND STOPPED YOU?

16 A YES.

17 Q WERE YOU ARRESTED?

18 A NO. BUT THEY TOLD ME I WAS GOING TO BE ARRESTED.

19 THE COURT: FOR INTERFERING WITH A POLICEMAN IN HIS  
20 DUTY?

21 THE WITNESS: I DIDN'T DO ANYTHING. ACTUALLY, ALL  
22 I WAS DOING WAS DRIVING BY. I WAS IN THE CAR PASSING.

23 I SAID, "WHAT IS GOING ON?" THEY GO, "PULL OVER."  
24 SO I PULLED OVER.

25 I SAID, "WHAT DID I DO?" YOU KNOW, I DIDN'T  
26 KNOW WHAT I DID.

27 Q OKAY. THEREAFTER, WHILE JOE -- WERE YOU CONCLUDED  
28 WITH THAT?

1 THE COURT: YES.

2 Q BY MR. BARENS: THEREAFTER, WHILE JOE WAS IN  
3 JAIL AFTER THE ARREST, DID SOMEONE COME OVER AND REMOVE THINGS  
4 FROM THE WILSHIRE MANNING?

5 A YES.

6 Q WHO WAS THAT?

7 A JOHN ALLEN.

8 Q AND WHAT SORT OF THINGS WERE REMOVED FROM THE  
9 WILSHIRE MANNING?

10 A BOXES.

11 THE COURT: PARDON ME?

12 THE WITNESS: BOXES.

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1 THE COURT: YOU SAY JOHN ALLEN DID THAT?

2 THE WITNESS: YES.

3 Q BY MR. BARENS: DO YOU KNOW WHAT SORTS OF  
4 MATERIALS WERE IN THE BOXES, AT LEAST THAT YOU WERE ABLE  
5 TO OBSERVE?

6 A NO. I NEVER LOOKED IN THE BOXES.

7 Q ALL RIGHT. DID ANYONE ACCOMPANY JOHN ALLEN IN  
8 THAT ACTIVITY?

9 A THERE WERE LOTS OF PEOPLE THAT CAME OVER.

10 Q ALL RIGHT. BUT AS FAR AS REMOVING ANYTHING,  
11 JOHN ALLEN --

12 A YES, JOHN ALLEN IS THE ONLY ONE.

13 Q DID JIM GRAHAM HAVE THINGS AT THE WILSHIRE MANNING?

14 A YES.

15 Q DO YOU KNOW WHAT SORTS OF THINGS HE HAD THERE?

16 A NO. CAN I -- I NEED TO ANSWER THAT A LITTLE  
17 BIT MORE.

18 HE WAS -- JIM WAS --

19 MR. WAPNER: OBJECTION. THIS IS A NARRATIVE. IT IS  
20 ALSO NON-RESPONSIVE. THE QUESTION WAS ASKED. IT WAS  
21 ANSWERED. THAT IS THE END OF IT.

22 MR. BARENS: SORRY?

23 THE COURT: ASK ANOTHER QUESTION.

24 THE WITNESS: BUT JIM DID HAVE STUFF AT OUR HOUSE.

25 Q BY MR. BARENS: THAT IS WHAT I AM ASKING. THE  
26 QUESTION WAS, DID JIM HAVE ANYTHING AT YOUR HOUSE, TO WHICH  
27 YOU RESPONDED YES?

28 A YES.

1 Q I AM ASKING YOU IF YOU KNOW WHAT HE HAD AT YOUR  
2 CONDO?

3 A NO.

4 Q OKAY. DID JIM COME OVER TO THE HOUSE AND REMOVE  
5 ANYTHING?

6 A YES.

7 Q DO YOU KNOW WHAT HE REMOVED?

8 A NO.

9 Q ALL RIGHT. DO YOU KNOW WHY JIM GRAHAM HAD THINGS  
10 AT YOUR CONDOMINIUM?

11 A YES.

12 Q WHY DID HE HAVE THINGS STORED THERE?

13 A WELL, HE HAD AN ARGUMENT WITH HIS WIFE. AND  
14 JOE SAID THAT HE COULD STAY AT OUR HOUSE FOR A LITTLE WHILE,  
15 JUST A COUPLE OF DAYS. HE BROUGHT SOME BOXES OF STUFF OVER.

16 Q DID HE BRING ANY SUITCASES OVER OR BAGS?

17 A YEAH. WITH HIS CLOTHES AND STUFF.

18 Q DID HE BRING A GYM BAG OVER?

19 A I DON'T REMEMBER.

20 Q OKAY. DID YOU ASK JOHN OR JIM TO REMOVE -- JOHN  
21 ALLEN OR JIM GRAHAM TO REMOVE ANYTHING FROM THE WILSHIRE  
22 MANNING?

23 A YES.

24 Q WHAT DID YOU ASK THEM TO REMOVE?

25 A I TOLD THEM TO MOVE JIM'S STUFF OUT OF THE HOUSE.

26 Q WHY?

27 A BECAUSE THAT DAY I WAS PULLED OVER BY THE POLICE.  
28 AND THE POLICE SAID, "IF YOU DON'T COOPERATE, YOU ARE GOING



1 TO BE ARRESTED."

2 I WAS SCARED. I WAS REALLY SCARED. I CAME HOME  
3 AND I SAID, "I WANT ALL OF THIS STUFF OUT OF HERE." BECAUSE  
4 JIM HAD JUST GOTTEN OUT OF JAIL, OUT ON BAIL. I SAID, "I  
5 WANT EVERYTHING OUT OF THIS HOUSE." SO THEY MOVED IT OUT.

6 Q WAS THERE A TIME WHEN DETECTIVE ZOELLER SEARCHED  
7 YOUR HOUSE?

8 A YES.

9 Q AT THE WILSHIRE MANNING?

10 A YES.

11 Q DO YOU REMEMBER APPROXIMATELY WHEN IT WAS?

12 A ABOUT A MONTH -- NO, NO. THE FIRST TIME? I  
13 DON'T REMEMBER. WHEN JOE WAS IN JAIL THE FIRST TIME.

14 Q THE FIRST OCCASION?

15 A YEAH.

16 Q ALL RIGHT. WHEN DETECTIVE ZOELLER CAME TO YOUR  
17 HOUSE, WAS ANYONE ELSE AT THE WILSHIRE MANNING WITH YOU?

18 A YES, EVAN DICKER.

19 Q NOW, ABOUT WHAT TIME DID DETECTIVE ZOELLER ARRIVE?

20 A AT 7:00 O'CLOCK IN THE MORNING, I THINK IT WAS.

21 Q DID HE ARRIVE BY HIMSELF?

22 A NO.

23 Q WHO CAME WITH HIM, TO YOUR KNOWLEDGE?

24 A ABOUT 20 POLICEMEN.

25 Q AND DID YOU OPEN THE DOOR AND LET THEM IN OR  
26 WHAT HAPPENED ON THAT OCCASION?

27 A NO. I REMEMBER TOTAL CONFUSION. ALL OF A SUDDEN,  
28 I WOKE UP. THERE WAS TOTAL CONFUSION.

1 EVAN AND -- I WAS KEEPING LAUREN RABB'S DOG.

2 THE COURT: DOG?

3 THE WITNESS: DOG. I WAS KEEPING LAUREN RABB'S DOG.

4 I HEARD THE DOG BARKING. THEN THE NEXT THING I KNOW, I WAS  
5 IN THE BEDROOM AND THEY WERE IN MY BEDROOM LIKE BEES SWARMING.

6 THAT WAS ALL I KNEW. I DIDN'T KNOW WHAT WAS  
7 HAPPENING.

8 Q HAD YOU DRESSED FOR THE DAY AT THAT TIME?

9 A NO. I WAS STILL IN BED. I HAD A T-SHIRT ON AND  
10 STUFF.

11 Q ALL RIGHT. WERE YOU ASKED TO DO SOMETHING WHEN  
12 THE POLICE CAME?

13 A YES. THEY SAID I HAD TO GO SIT ON THE LIVING  
14 ROOM FLOOR. WE DIDN'T HAVE A COUCH. SO I WENT AND SAT DOWN  
15 ON THE FLOOR. HE AND I SAT ON THE LIVING ROOM FLOOR.

16 Q EVAN DICKER SAT ON THE LIVING ROOM FLOOR WITH  
17 YOU?

18 A YES.

19 Q WERE YOU SCARED?

20 A YEAH.

21 Q DID ANYONE CALL ON THE TELEPHONE WHILE THIS WAS  
22 GOING ON?

23 A YES.

24 Q HOW MANY CALLS WERE THERE?

25 A ABOUT APPROXIMATELY TWO.

26 Q AND DID YOU ANSWER THE PHONE?

27 A NO.

28 Q WHO ANSWERED THE PHONE?

1           A       DETECTIVE ZOELLER.

2           Q       AND DID HE LET YOU SPEAK TO THE CALLER?

3           A       NO.

4           Q       WHAT DID HE SAY TO THE PEOPLE THAT CALLED, AS  
5 BEST YOU COULD HEAR?

6           A       I WAS RIGHT THERE. HE SAID HELLO. AND THEN  
7 I GUESS THEY ASKED IF BROOKE IS HOME. HE SAID, "NO. BROOKE  
8 CAN'T TALK RIGHT NOW." AND HE HUNG UP THE PHONE.

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1 Q HOW LONG WERE THE POLICE IN YOUR HOUSE AT THAT  
2 TIME?

3 A OH, A LONG TIME. AT LEAST A COUPLE OF HOURS, AT  
4 LEAST.

5 Q DID SOMEONE GET A BLANKET FOR YOU AT SOME TIME?

6 A EVENTUALLY, YEAH.

7 I REMEMBER I WAS FREEZING AND I SAID "I NEED A  
8 BLANKET," AND THEY SEARCHED THAT FIRST, YOU KNOW.

9 Q DID DETECTIVE ZOELLER TALK TO YOU?

10 A YES.

11 Q DID HE TELL YOU ANYTHING ABOUT JOE HUNT AT THE  
12 TIME HE QUESTIONED YOU?

13 A YES, HE DID.

14 Q WHAT WERE YOU TOLD?

15 A HE TOLD ME "DID YOU KNOW THAT JOE KILLED RON LEVIN?"

16 Q WHAT DID YOU SAY?

17 A I SAID NO, HE DIDN'T.

18 Q DID HE TELL YOU ANYTHING?

19 A HE ASKED ME IF I KNEW TOM AND DAVE --

20 THE COURT: WHAT?

21 THE WITNESS: TOM AND DAVID.

22 HE ASKED ME HOW OLD I WAS, THINGS LIKE THAT.

23 HE SAID, "IF YOU LIE TO ME, YOU KNOW, YOU CAN GO  
24 TO JAIL."

25 AND HE SAID, YOU KNOW, THINGS LIKE THAT.

26 Q BY MR. BARENS: DID DETECTIVE ZOELLER ASK YOU,  
27 AND AS WELL AS MR. DICKER, AT LEAST AS FAR AS YOU COULD HEAR --  
28 STRIKE THAT. THAT IS A COMPOUND QUESTION.

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1 DID DETECTIVE ZOELLER ASK YOU IF THERE HAD EVER  
2 BEEN A MEETING WHERE JOE HUNT SAID HE HAD KILLED RON LEVIN?

3 A YES.

4 Q AND DID YOU ANSWER HIM?

5 A I SAID NO.

6 Q YOU SAID THERE HAD NOT BEEN SUCH A MEETING?

7 THE COURT REPORTER: WHAT WAS YOUR ANSWER PLEASE?

8 THE WITNESS: YES, THAT IS WHAT I SAID.

9 Q BY MR. BARENS: YOU DENIED THAT?

10 A I SAID NO, YES.

11 I AM SORRY.

12 THE COURT: YOU MEAN YES, I SAID NO; IS THAT RIGHT?

13 THE WITNESS: YES, I SAID NO.

14 MR. BARENS: THANK YOU.

15 THE WITNESS: I AM SORRY.

16 Q BY MR. BARENS: DID YOU HEAR DETECTIVE ZOELLER  
17 ASK THIS SAME QUESTION OF EVAN DICKER?

18 A I DID NOT HEAR HIM, NO.

19 IT WAS SEPARATE QUESTIONING.

20 Q NOW, WHEN YOU TOLD HIM NO, BASED ON THE TESTIMONY  
21 YOU HAVE GIVEN HERE TODAY, THAT WAS NOT A TRUTHFUL STATEMENT,  
22 WAS IT?

23 A NO, IT WAS NOT.

24 Q WHY DID YOU MAKE AN UNTRUTHFUL STATEMENT ON THAT  
25 OCCASION?

26 A I WAS SCARED TO DEATH. I DIDN'T TRUST HIM.  
27 I THOUGHT --

28 FIRST, YOU KNOW, A COUPLE OF DAYS 'AGO, THEY HAD

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1 TOLD ME THAT I AM GOING TO GO TO JAIL. DO I HAVE GUNS? DO  
2 I DO ALL OF THESE THINGS? AND I WAS SCARED TO DEATH. I DIDN'T  
3 KNOW WHAT TO SAY.

4 Q WHEN THE SEARCH OCCURRED AT YOUR HOUSE, DID YOU  
5 KNOW WHETHER OR NOT RON LEVIN HAD DISAPPEARED?

6 A NO, I DIDN'T.

7 Q DID YOU LATER FIND OUT THAT RON LEVIN ALLEGEDLY  
8 HAD DISAPPEARED?

9 A YES.

10 Q DO YOU KNOW WHEN THAT WAS?

11 A WHEN JOE WAS ARRAIGNED, THEY SAID THE DATE.

12 Q WHEN YOU WERE IN COURT IN BEVERLY HILLS?

13 A YEAH.

14 I WASN'T AT THE ARRAIGNMENT. THE ATTORNEY TOLD  
15 ME.

16 Q ALL RIGHT. HAD JOE GOTTEN A LAWYER AT THAT TIME?

17 A YES.

18 Q DO YOU REMEMBER WHAT HIS NAME WAS?

19 A OH, AT THE ARRAIGNMENT, I DON'T KNOW HIS ATTORNEY.  
20 HE THEN GOT ED MASRY, THAT IS WHO I SPOKE TO.

21 Q DID YOU RECEIVE ANY POLICE REPORTS CONCERNING THE  
22 REASONS FOR WHICH JOE HAD BEEN ARRESTED?

23 A YES.

24 Q WHOM DID YOU RECEIVE THEM FROM?

25 A THEY MUST HAVE BEEN JOE'S ATTORNEY. I DON'T  
26 REMEMBER SPECIFICALLY.

27 Q NOW, BETWEEN THE FIRST TIME --

28 MR. HUNT WAS ARRESTED ON TWO OCCASIONS, WAS HE

1 NOT?

2 A YES.

3 Q AFTER HIS FIRST ARREST, DID JOE TELL YOU THAT  
4 DETECTIVE ZOELLER HAD SHOWN HIM SOME PAPERS?

5 A NO.

6 Q DID JOE TELL YOU ANYTHING AFTER HIS FIRST ARREST  
7 ABOUT THE SITUATION HE WAS IN?

8 A WELL, HE TOLD -- I WAS VERY WORRIED. I WAS REALLY  
9 WORRIED AND HE SAID, "DON'T WORRY," YOU KNOW. "THEY DON'T HAVE  
10 ENOUGH EVIDENCE TO CONVICT ME. AND YOU KNOW I DIDN'T DO IT,  
11 SO DON'T WORRY."

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1 Q WHAT DID HE SAY HE WAS GOING TO DO WITH HIMSELF  
2 AT THAT POINT IN TIME?

3 A HE SAID ALL HE COULD DO WAS CONDUCT HIMSELF THE  
4 WAY HE NORMALLY DID, HE WENT BACK TO WORK.

5 Q AND HE CONTINUED GOING BACK TO WORK AT THE THIRD  
6 STREET OFFICES AND DOING THE SAME TYPE OF BUSINESS, TO YOUR  
7 KNOWLEDGE --

8 A YES.

9 Q -- THAT HE HAD BEEN DOING PREVIOUSLY?

10 DID HE SAY ANYTHING TO YOU AFTER HIS FIRST ARREST  
11 ABOUT RON LEVIN?

12 A HE SAID -- I CAN REMEMBER SAYING, "WHERE IS HE?"  
13 AND HE SAID, "WELL, YOU KNOW, MAYBE"-- HE SAID,  
14 "I THINK MAYBE HE HAD SOME PROSECUTION PROBLEMS AND HE PROBABLY  
15 FLED," AND I GOES LIKE "OH."

16 Q WAS JOE WORRIED ABOUT BEING REARRESTED AFTER HE  
17 WAS FIRST ARRESTED?

18 A NO.

19 Q HE NEVER BROUGHT THAT UP TO YOU?

20 A NO.

21 Q AFTER JOE'S FIRST ARREST, DID HE HIRE A CRIMINAL  
22 LAWYER, TO YOUR KNOWLEDGE, AT THAT TIME?

23 A I THINK, NO.

24 I THINK LAUREN RABB WAS ACTING AS HIS ATTORNEY,  
25 BUT I DON'T KNOW FOR SURE.

26 HE MIGHT HAVE. I DON'T KNOW.

27 Q DID HE TELL YOU WHY HE HAD BEEN RELEASED AFTER  
28 THE FIRST TIME?



A-2

1 THE COURT: DO YOU OBJECT TO THAT, DO YOU?

2 MR. WAPNER: YES, CALLS FOR SPECULATION ON THE PART OF  
3 THIS WITNESS, YOUR HONOR.

4 THE COURT: SUSTAINED.

5 MR. WAPNER: THANK YOU. I WAS LATE.

6 MR. BARENS: HE WAS A LITTLE SLOW THAT TIME, JUDGE.

7 THE COURT: I KNOW HE WAS.

8 MR. BARENS: YOU WON'T LET HIM DO THAT.

9 Q DID JOE CALL YOU -- STRIKE THAT.

10 AFTER JOE WAS ARRESTED THE SECOND TIME, DID YOU  
11 SPEAK TO DEAN KARNY?

12 A YES.

13 Q WHAT DID YOU TALK TO DEAN KARNY ABOUT?

14 A ABOUT COMING FORWARD AND TELLING THE TRUTH.

15 Q AND DID YOU LATER HAVE A MEETING WITH DEAN KARNY?

16 A YES.

17 Q WHERE DID THAT MEETING TAKE PLACE?

18 A AT RYAN HUNT'S OFFICE.

19 Q AND RYAN HUNT, TO YOUR KNOWLEDGE, IS JOE HUNT'S  
20 FATHER?

21 A YES.

22 Q WHO WAS WITH DEAN KARNY WHEN HE CAME TO THAT  
23 MEETING?

24 A HIS MOTHER.

25 Q HOW LONG HAD JOE BEEN IN JAIL ABOUT THE TIME THAT  
26 YOU HAD THAT MEETING?

27 A OH, TWO OR THREE WEEKS.

28 Q AND HAD YOU AGREED TO PROVIDE DEAN KARNY WITH SOME

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1 MATERIALS AT THAT MEETING?

2 A YES.

3 Q WHAT DID YOU AGREE TO PROVIDE HIM WITH?

4 A THE POLICE REPORTS.

5 Q DID YOU GIVE HIM THE POLICE REPORTS AT THAT MEETING?

6 A YES.

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1 Q DO YOU KNOW WHETHER THE PAPERS YOU GAVE DEAN KARNY  
2 AT THAT TIME, INCLUDED DOCUMENTS CONSISTING OF SEVEN PAGES  
3 ALLEGEDLY WRITTEN BY JOE HUNT?

4 A WELL, IF THAT WAS IN THE POLICE REPORT, YEAH.  
5 I GAVE IT TO HIM. I GAVE HIM EVERYTHING OUR LAWYER HAD.

6 Q YOU HAD GOTTEN IT FROM THE LAWYER AND TOOK IT TO  
7 A MEETING YOU HAD WITH DEAN KARNY, IF I UNDERSTAND YOU?

8 A RIGHT.

9 Q ALL RIGHT. DID YOU ASK DEAN KARNY ANYTHING WHEN  
10 YOU GAVE HIM THE PAPERS?

11 A I SAID, "WHY HAVE YOU NOT CALLED ME? WHY HAVE  
12 YOU NOT CALLED JOE'S LAWYER?"

13 Q WHAT DID DEAN RESPOND?

14 A HE WAS ANNOYED AT FIRST. HE SAID -- I KEPT  
15 PUSHING HIM AND PUSHING HIM AND SAYING, "YOU HAVE GOT TO TELL  
16 US. YOU HAVE GOT TO COME FORWARD AND TELL THE TRUTH."

17 I SAID, "IF YOU DON'T WANT TO TALK TO ME, CALL  
18 JOE'S ATTORNEY. BUT YOU HAVE TO COME FORWARD."

19 HE GOT REALLY ANNOYED. HE SAID, "LOOK, I CAN'T  
20 SAY ANYTHING ABOUT WHAT I AM GOING TO DO RIGHT NOW UNTIL I  
21 READ THE POLICE REPORTS."

22 AND I SAID, "THE POLICE REPORTS MEAN NOTHING.  
23 THEY DON'T MEAN ANYTHING. YOU HAVE GOT TO COME FORWARD."

24 AND HE GOES, "LISTEN, I HAVE A LOT OF PROBLEMS."  
25 HE STARTED YELLING AT ME.

26 WE WERE IN A PARKING LOT WHILE THIS WAS GOING  
27 ON. "I HAVE A LOT OF PROBLEMS. I HAVE A PROBLEM IN  
28 SAN FRANCISCO NOBODY CAN HELP ME WITH."

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1 I SAID, "WHAT ARE YOU TALKING ABOUT? DO YOU HAVE  
2 FAMILY IN SAN FRANCISCO?"

3 MR. WAPNER: OBJECTION, CALLING FOR HEARSAY. I WOULD  
4 ASK FOR AN OFFER OF PROOF.

5 MR. BARENS: WE'LL CONCLUDE THE TESTIMONY AT THIS TIME,  
6 YOUR HONOR.

7 Q AFTER THAT CONVERSATION, DID DEAN KARNY TELL YOU  
8 HE WOULD CALL YOUR LAWYER?

9 A HE SAID, "I CAN'T SAY ANYTHING UNTIL I READ THE  
10 POLICE REPORTS."

11 MR. BARENS: THANK YOU. NOTHING FURTHER.

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13 CROSS-EXAMINATION

14 BY MR. WAPNER:

15 Q WHAT IS YOUR CURRENT PROFESSION, MS. ROBERTS?

16 A I WORK IN A RESTAURANT.

17 Q AND IS THAT A FULL-TIME JOB AT THE MOMENT?

18 A NO. IT IS PART-TIME.

19 Q AND WHAT IS YOUR ACTUAL OCCUPATION?

20 A WELL, CURRENTLY I AM EMPLOYED AT THE RESTAURANT.  
21 SO I AM A COCKTAIL WAITRESS.

22 Q ARE YOU KIND OF BETWEEN JOBS WITH ANOTHER  
23 OCCUPATION?

24 A YES.

25 Q WHAT IS THAT?

26 A ACTING.

27 Q ALL RIGHT. HAVE YOU STUDIED ACTING FOR A WHILE?

28 A YES.

1 Q FOR HOW LONG?

2 A APPROXIMATELY A YEAR.

3 Q AND HAVE YOU BEEN IN ANY FILMS OR MOVIES OR  
4 ANYTHING LIKE THAT?

5 A YES.

6 Q DID YOU DO ANY REHEARSING IN PREPARATION FOR YOUR  
7 TESTIMONY TODAY?

8 A NO I DID NOT.

9 Q YOU DIDN'T PRACTICE AT ALL, DID YOU?

10 A PRACTICE?

11 Q RIGHT.

12 A NO.

13 Q IN FACT, YOU DIDN'T EVEN KNOW WHAT THE QUESTIONS  
14 WERE THAT YOU WERE GOING TO BE ASKED, RIGHT?

15 A I KNEW SOME OF THE QUESTIONS.

16 Q AND WHERE ARE YOU PRESENTLY LIVING?

17 A AT MY HOME, WITH MY PARENTS.

18 Q AND WHO ELSE LIVES AT THAT HOME WITH YOUR PARENTS?

19 A MY PARENTS, JOE, MY BROTHERS.

20 Q JOE HUNT IS LIVING THERE NOW, IS THAT RIGHT?

21 A YES.

22 Q HE HAS BEEN LIVING THERE FOR ABOUT A YEAR?

23 A ALMOST TWO YEARS. SINCE HE GOT OUT OF JAIL.

24 Q AND THAT IS ALMOST TWO YEARS NOW?

25 A HOW LONG HAS HE BEEN OUT OF JAIL? A YEAR.

26 Q WOULD IT BE FAIR TO SAY --

27 A AS SOON AS HE GOT OUT OF JAIL, HE MOVED INTO MY  
28 HOUSE. A YEAR.

1 WELL, THIS CASE HAS GONE ON FOR TWO YEARS. SORRY.

2 Q WOULD IT BE FAIR TO SAY THAT YOU ARE NOT REAL GOOD  
3 ON DATES?

4 A YES.

5 Q AND DOES HE PAY YOUR PARENTS RENT, THERE?

6 A NO.

7 Q AND DID YOUR PARENTS HAVE ANYTHING TO DO WITH  
8 PAYING THE BILL FOR MR. HUNT'S DEFENSE?

9 A YES.

10 Q THEY PAID MOST OF THE BILL FOR HIS DEFENSE, HAVE  
11 THEY NOT?

12 A YEAH.

13 MR. BARENS: RELEVANCY OF THAT, YOUR HONOR?

14 THE COURT: IT SHOWS THE RELATIONSHIPS OF THE PARTIES.  
15 INTEREST.

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1 MR. WAPNER: THANK YOU.

2 MR. BARENS: ALL RIGHT. I WILL STIPULATE, AS YOUR HONOR  
3 KNOWS.

4 THE COURT: ALL RIGHT.

5 Q BY MR. WAPNER: HE HAS BEEN LIVING AT YOUR HOUSE  
6 SINCE HE GOT OUT OF JAIL?

7 A YES.

8 Q RIGHT?

9 A YES.

10 THE COURT: YOUR PARENTS PUT UP THE BAIL FOR HIM TO GET  
11 OUT? THEY PUT UP THEIR HOUSE?

12 THE WITNESS: THEY PUT UP THEIR HOUSE.

13 THE COURT: TWO HOUSES?

14 MR. BARENS: IT IS ACTUALLY ONE HOUSE.

15 THE WITNESS: THEIR ONE AND ONLY HOUSE.

16 THE COURT: ALL RIGHT.

17 Q BY MR. WAPNER: THEY ALSO PUT UP THE BAIL FOR HIM  
18 IN ANOTHER CASE THAT HE HAS?

19 A YES.

20 Q ALL RIGHT. THEY HAVE ANOTHER HOUSE, DON'T THEY,  
21 IN PALM SPRINGS? THAT IS A SECOND HOUSE?

22 A I DON'T KNOW IF IT WAS PART OF THE BAIL. I AM  
23 NOT SURE. I KNOW THE HOUSE THAT I LIVE IN WAS.

24 Q BUT THEY DO HAVE A SECOND HOUSE IN PALM SPRINGS?

25 A YES.

26 Q THE STATEMENT ABOUT THE ONE AND ONLY HOUSE THAT  
27 THEY HAVE WAS NOT EXACTLY ACCURATE, WAS IT?

28 A THEIR ONE AND ONLY -- WELL, THEY HAVE HAD THAT

1 HOUSE FOR TWENTY YEARS. THAT IS WHAT I MEANT. SORRY.

2 Q AND WHEN YOU WERE LIVING WITH MR. HUNT AT THE  
3 WILSHIRE MANNING, WOULD IT BE FAIR TO SAY THAT YOU WERE IN  
4 LOVE WITH HIM?

5 A YES I WAS.

6 Q AND WOULD IT BE FAIR TO SAY THAT THAT RELATIONSHIP  
7 OR THESE FEELINGS CONTINUE TO THIS DAY?

8 A NO. I AM NOT IN LOVE WITH JOE ANY MORE.

9 Q YOUR FEELINGS CHANGED SOMEWHERE ALONG THE LINE,  
10 RIGHT?

11 A YES.

12 Q AND WHEN MIGHT THAT HAVE BEEN?

13 A A YEAR AGO.

14 Q AND YOU HAD FAIRLY STRONG FEELINGS FOR HIM I TAKE  
15 IT, AT THE TIME THAT YOU WERE LIVING WITH HIM AT THE WILSHIRE  
16 MANNING, RIGHT?

17 A YES.

18 Q WHO IS THE EMPRESS FALGON?

19 A ME.

20 Q WHAT WAS THAT A REFERENCE TO?

21 A IT IS SOME GREEK MYTHOLOGY PRINCESS.

22 Q THAT IS HOW YOU REFERRED TO YOURSELF WHEN YOU WERE  
23 TALKING TO HIM?

24 A IT WAS MORE OF LIKE, A JOKE. LIKE IF I COULDN'T  
25 HANDLE THINGS, HE WOULD JUST GO, "DON'T WORRY. YOU ARE THE  
26 EMPRESS FALGON. YOU CAN DO IT."

27 IT WAS KIND OF LIKE THAT. I REFER TO MYSELF AS  
28 BROOKE ROBERTS, NOT REALLY THE EMPRESS FALGON.



1 Q WHEN DETECTIVE ZOELLER WAS AT YOUR HOUSE, DID HE  
2 TAKE SOME PAPERS OUT OF THE HOUSE?

3 A YES.

4 Q ALL RIGHT.

5 A WHICH TIME? HE WAS AT MY HOUSE TWO TIMES.

6 Q WELL, THE FIRST TIME WHEN HE DID THE SEARCH AT  
7 THE WILSHIRE MANNING?

8 A YES. THEY TOOK PAPERS.

9 Q OKAY. AND DID HE TAKE -- REFERRING TO A DOCUMENT  
10 THAT IS A PART OF 210, DO YOU SEE THIS YELLOW PIECE OF PAPER  
11 WHERE IT SAYS, "DEAR BROOKE," AT THE BOTTOM?

12 A YES.

13 Q WHOSE HANDWRITING IS THAT?

14 A THAT'S JOE'S.

15 Q YOU RECOGNIZE HIS HANDWRITING, RIGHT?

16 A YES.

17 Q AND DO YOU KNOW WHEN THAT WAS WRITTEN?

18 A I HAVE TO READ IT FIRST. SHALL I READ IT?

19 Q WELL, "SINCE I WON'T HAVE A CLEAR IDEA OF MY  
20 SITUATION FOR ABOUT A WEEK --"

21 MR. BARENS: OBJECTION, YOUR HONOR. WE HAD A  
22 CONFERENCE AT THE BENCH ABOUT THOSE LETTERS AS YOU MIGHT RECALL,  
23 ABOUT THEIR ADMISSIBILITY. THERE WAS SOME DISCUSSION ABOUT  
24 THAT.

25 THE COURT: WELL, THIS IS CROSS-EXAMINATION. GO AHEAD.

26 THE WITNESS: HE WAS IN JAIL FOR THE FIRST TIME.

27 Q BY MR. WAPNER: NOW, WAS THIS PIECE OF PAPER THAT  
28 IS 210 THAT WAS FOUND AT THE MANNING, HOW DID THAT PIECE OF

1 PAPER GET TO THE WILSHIRE MANNING IF IT WAS WRITTEN BY JOE  
2 HUNT WHEN HE WAS IN JAIL? DO YOU REMEMBER?

3 A WELL, THE FIRST TIME -- YES. HE GAVE IT TO LAUREN  
4 RABB.

5 Q SHE BROUGHT IT BACK TO THE WILSHIRE MANNING AND  
6 GAVE IT TO YOU?

7 A YES.

8 Q OKAY. AND WAS THAT IN THE BOTTOM PORTION THAT  
9 HE WROTE, AN INSTRUCTION TO YOU, KIND OF GUIDANCE TO YOU FROM  
10 WHEN HE WAS IN JAIL?

11 A THIS PART?

12 Q YES. WHERE IT SAYS, "DEAR BROOKE"?

13 A YEAH. UH-HUH.

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1 Q AND DO YOU WANT TO READ THAT OUT LOUD JUST SO  
2 THE JURORS KNOW WHAT WE ARE TALKING ABOUT?

3 A SURE. IT IS LIKE A P.S. THING ON THE SIDE. IT  
4 SAYS "DON'T MAKE YOURSELF AVAILABLE TO MY INVESTORS TOO MUCH".

5 THE COURT: DID EVERYBODY HEAR THAT?

6 MR. BARENS: JUST TO MAKE SURE EVERYBODY HEARD THAT,  
7 WE COULD DO THAT AGAIN.

8 THE COURT: YES, DO IT AGAIN, WILL YOU PLEASE?

9 THE WITNESS: DO IT AGAIN?

10 THE COURT: READ IT FOR THE RECORD, I DIDN'T HEAR IT.

11 MR. WAPNER: THE ENTIRE THING IS: "DEAR BROOKE, I  
12 WON'T HAVE A CLEAR IDEA OF MY SITUATION FOR A WEEK. I  
13 UNDERSTAND YOU HAVE BEEN VERY STRONG AND I AM PROUD OF YOU.  
14 I CARRY A STRONG REMEMBRANCE OF YOU. MY LOVE GOES WITH YOU.

15 "JOSEPH."

16 RIGHT?

17 A YES.

18 Q AND THEN IT SAYS, "DON'T MAKE YOURSELF AVAILABLE  
19 TO MY INVESTORS TOO MUCH."

20 A YES.

21 Q OKAY. AND JUST ABOVE THAT, IS A LETTER THAT  
22 YOU WROTE TO HIM, RIGHT?

23 A YES.

24 Q DO YOU WANT TO READ THAT TO THE JURY?

25 A SURE.

26 "HELLO, MY DARLING JOSEPH.

27 "I WANTED TO BE CLOSE TO YOU SO I AM  
28 HERE WITH LAUREN. I WENT TO VISIT -- SHE WENT TO

1 VISIT HIM AT THE BEVERLY HILLS POLICE STATION AND  
2 I STAYED IN THE CAR.

3 "I LOVE YOU, JOE. LAST NIGHT I HAD  
4 SWEET DREAMS OF YOU. I WORE ONE OF YOUR SHIRTS  
5 SO I COULD SMELL YOU AND FEEL YOU.

6 "THIS IS DIFFICULT TO WRITE BECAUSE  
7 I AM DRIVING IN THE CAR.

8 "I LOVE YOU SO MUCH, JOE. I WILL BE  
9 WITH YOU FOREVER.

10 "WE HAVE BEEN DOING TERRIFIC WORK.  
11 EVERYONE IS STAYING TOGETHER.

12 "DON'T WORRY ABOUT ME. I AM THE  
13 EMPRESS FALGON AND YOU ARE THE GREAT RAZULI."

14 THIS IS EMBARRASING.

15 "I WILL SEE YOU SOON IN THE WINDOW."

16 HE HAD A WINDOW THAT HE COULD LOOK OUT ON THE  
17 STREET AND HE WANTED ME TO STAND THERE.

18 "I LOVE YOU AND SLEEP WELL."

19 Q AND THAT WAS A TRUE REFLECTION OF YOUR FEELINGS  
20 AT THAT TIME?

21 A YES.

22 Q AND WHEN YOU FIRST FOUND OUT THAT HE WAS, THAT  
23 JOE HUNT WAS GOING TO REVEAL THIS TERRIBLE SECRET TO THE  
24 PEOPLE AT THIS MEETING AND IT WASN'T TRUE, WHAT DID YOU SAY?

25 A I SAID HE SHOULDN'T DO THIS.

26 Q WHAT DID HE SAY?

27 A HE SAID, "DON'T WORRY. IT IS OKAY. I DIDN'T  
28 DO IT, BUT DON'T WORRY. WE ARE JUST GOING TO DO IT SO WE

1 CAN DO IT FOR EFFECT."

2 Q AND WHAT DID YOU SAY WHEN HE SAID THAT?

3 A I WAS CRYING AND I SAID, "THIS IS RIDICULOUS.  
4 YOU CAN'T SAY THAT ABOUT PEOPLE. YOU CAN'T. YOU CAN'T SAY  
5 THOSE KINDS OF THINGS."

6 Q WHAT WAS HIS RESPONSE?

7 A HE SAID, "DON'T WORRY. YOU KNOW I DIDN'T DO  
8 IT. BUT I HAVE JUST GOT TO SAY IT. I'VE GOT TO DO IT BECAUSE  
9 I NEED TO HOLD THE BOYS SO WE GET THIS MONEY IN AND THE BBC  
10 DOESN'T -- I DON'T LOSE THE BBC AND I CAN PAY BACK MY  
11 INVESTORS."

12 Q AND THEN LATER ON, HE GETS ARRESTED ONCE AND  
13 RELEASED AND THEN HE GETS ARRESTED AGAIN AND HE WAS IN JAIL  
14 FOR A LONG TIME, RIGHT?

15 A YES, A YEAR.

16 Q AND DURING THAT ENTIRE YEAR, DID YOU GO TO THE  
17 POLICE AND SAY, "THIS IS A BIG MISTAKE, YOU HAVE GOT THE  
18 WRONG GUY, THIS WAS ALL A JOKE AND I KNOW ALL ABOUT THIS?"

19 A NO, I DIDN'T.

20 Q AT THE TIME DETECTIVE ZOELLER WAS AT YOUR APARTMENT  
21 DOING THE SEARCH, DID YOU SAY TO HIM IT WAS ALL A MISTAKE,  
22 IT WAS A JOKE?

23 A NO, NO, I DIDN'T.

24 Q AND IN FACT, AS LATE AS SEPTEMBER 19TH OF THIS  
25 YEAR, YOU WERE INVITED TO COME TO THE POLICE AND MAKE A  
26 STATEMENT ABOUT THIS; IS THAT RIGHT?

27 A INVITED TO COME TO THE POLICE? I DON'T RECALL  
28 THIS INVITATION.

-4

1 Q LET ME SHOW YOU A LETTER DATED SEPTEMBER 19,  
2 1986; DO YOU RECOGNIZE THAT? THAT APPEARS TO BE A COPY.  
3 DO YOU RECOGNIZE THAT?

4 A NO, I DON'T.

5 Q DID YOU GET THIS LETTER HAND DELIVERED TO YOU  
6 BY DETECTIVE ZOELLER AT YOUR HOUSE ON BELLAGIO?

7 A DID YOU GIVE THIS TO MY DAD?

8 Q NO, YOU DON'T UNDERSTAND. THAT IS NOT HOW IT  
9 WORKS. YOU DON'T ASK HIM QUESTIONS. I ASK YOU QUESTIONS  
10 AND YOU GIVE ME ANSWERS.

11 A I AM SORRY. I APOLOGIZE.

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1 THE COURT: YOU MEAN YOU DIDN'T GO OVER THAT WITH  
2 COUNSEL AT ALL, YOU DIDN'T DISCUSS THAT WITH HIM?

3 THE WITNESS: NO, I DIDN'T DISCUSS THAT.

4 MR. BARENS: IS YOUR HONOR MAKING A SUGGESTION, SIR?

5 THE COURT: GO AHEAD.

6 Q BY MR. WAPNER: WERE YOU AT THE HOUSE WHEN  
7 DETECTIVE ZOELLER DELIVERED A LETTER UP THERE?

8 A YES, I WAS.

9 Q DIDN'T YOU OPEN IT UP?

10 A I GAVE IT TO MY FATHER.

11 Q AND HE NEVER GAVE IT BACK TO YOU?

12 A NO.

13 I NEVER READ THAT.

14 Q YOU NEVER SAW THIS BEFORE?

15 A NO. I SWEAR.

16 MR. WAPNER: MAY THIS BE MARKED 230 FOR IDENTIFICATION?

17 THE COURT: IT WILL BE SO MARKED.

18 Q BY MR. WAPNER: DO YOU WANT TO READ THIS?

19 A SURE.

20 Q JUST BRIEFLY READ THAT TO THE JURY SO THEY KNOW  
21 WHAT WE ARE TALKING ABOUT.

22 MR. BARENS: WELL, WHAT IS THE RELEVANCY OF READING  
23 IT, YOUR HONOR? IF THE WITNESS IS SAYING SHE NEVER READ  
24 IT BEFORE OR EVER GOT IT?

25 THE COURT: WELL, THERE WILL BE TESTIMONY THAT SHE  
26 DID GET IT, I SUPPOSE.

27 MR. BARENS: SHE SAID SHE NEVER SAW IT, JUDGE. I THINK  
28 THAT UNTIL A FOUNDATION IS LAID THAT SHE RECEIVED IT ON A

1 PRIOR OCCASION FROM A PERSON --

2 THE COURT: ALL RIGHT, SUBJECT TO CONNECTION, YOU CAN  
3 READ IT.

4 THE WITNESS: DO YOU WANT ME TO READ IT?

5 MR. BARENS: COULD WE HAVE THE DATE OF THAT AGAIN?

6 THE COURT: I THINK MAYBE YOU HAD BETTER READ IT  
7 BECAUSE HER VOICE --

8 MR. BARENS: IT WILL SOUND BETTER.

9 THE COURT: IT SOUNDS BETTER.

10 MR. BARENS: THERE YOU GO.

11 MR. WAPNER: IT IS ADDRESSED TO BROOKE ROBERTS AND  
12 IT GIVES AN ADDRESS IN LOS ANGELES AND IT SAYS:

13 "DEAR MS. ROBERTS.

14 "IN RE PEOPLE VERSUS JOE HUNT."

15 AND IT GIVES THE CASE NUMBER.

16 THE COURT: WHO IS THE LETTER FROM?

17 MR. WAPNER: IT IS FROM ME.

18 "YOU ARE A WITNESS IN THE ABOVE-  
19 ENTITLED CASE. I WOULD LIKE TO INTERVIEW YOU  
20 REGARDING YOUR KNOWLEDGE OF THE FACTS SURROUNDING  
21 THE DEATH OF RON LEVIN.

22 "PLEASE CALL DETECTIVE ZOELLER OF  
23 THE BEVERLY HILLS POLICE DEPARTMENT TO SET UP  
24 AN APPOINTMENT."

25 IT GIVES HIS TELEPHONE NUMBER AND THEN IT SAYS:

26 "IF YOU DO NOT WISH TO GIVE A STATE-  
27 MENT, PLEASE CALL AND LET HIM KNOW."

28 Q YOU NEVER RECALL SEEING OR HEARING ANYTHING ABOUT



1 THAT?

2 A NO.

3 Q AND YOUR FATHER DIDN'T SHOW YOU THIS LETTER  
4 EITHER?

5 A NO.

6 Q AND IN FACT, IN ALL OF THIS TIME SINCE YOU FOUND  
7 OUT THIS WAS A TERRIBLE MISTAKE, A BIG HOAX, YOU NEVER TOLD  
8 ANYBODY ABOUT THIS UNTIL YOU CAME TO COURT HERE TODAY SOME  
9 TWO AND A HALF YEARS LATER?

10 A NO.

11 I TOLD MY PARENTS.

12 Q AND DID YOU SAY TO THEM, "I AM AFRAID TO GO TO  
13 THE POLICE, MAYBE YOU CAN GO FOR ME, DADDY?"

14 A NO, I NEVER SAID THAT.

15 MR. BARENS: OBVIOUSLY, JUDGE --

16 Q BY MR. WAPNER: WHEN DID YOU TELL YOUR PARENTS  
17 ABOUT THAT?

18 MR. BARENS: OBVIOUSLY, THERE IS ATTORNEY-CLIENT-  
19 WITNESS MATERIAL WITH THIS PARTY AS WELL.

20 THE COURT: THIS IS THE LETTER FROM THIS ATTORNEY,  
21 NOT FROM YOU.

22 MR. BARENS: I THINK WE HAVE GONE BEYOND THAT.

23 THE COURT: HE IS TALKING ABOUT HER FATHER. ISN'T  
24 THAT WHAT THE LAST QUESTION WAS?

25 MR. BARENS: THE WITNESS HAS BEEN PRESENT DURING  
26 ATTORNEY-CLIENT CONFERENCES WITH HUNT WHERE SHE WOULD BE  
27 PRIVY TO INFORMATION THAT WE HAVE INSTRUCTED HER NOT TO  
28 DISCUSS, ALTHOUGH SHE HAS DISCUSSED THINGS WITH ME, UNLESS

1 YOU WANT TO GO INTO THIS NOW MORE SPECIFICALLY --

2 THE COURT: NO, I DON'T.

3 MR. BARENS: -- WHAT SHE TOLD ME.

4 THE COURT: YOU MAY PROCEED.

5 MR. BARENS: THANK YOU, YOUR HONOR.

6 Q BY MR. WAPNER: DID YOU EVER ASK YOUR MOTHER  
7 TO GO TO THE POLICE DEPARTMENT ON YOUR BEHALF?

8 A NO.

9 Q AND IN FACT, WHEN YOU WERE GIVEN THE OPPORTUNITY  
10 BY DETECTIVE ZOELLER TO SAY SOMETHING ABOUT IT YOU LIED,  
11 DIDN'T YOU?

12 A YEAH.

13 HE TOLD ME I WAS GOING TO GO TO JAIL. I DON'T  
14 WANT TO GO TO JAIL.

15 Q IS THAT WHEN YOU WERE DRIVING YOUR CAR ON THE  
16 STREET THAT SOMEONE TOLD YOU YOU WERE GOING TO GO TO JAIL?

17 A YEAH.

18 Q WHEN DETECTIVE ZOELLER WAS AT THE APARTMENT DURING  
19 THE SEARCH, HE NEVER TOLD YOU THAT YOU WERE GOING TO GO TO  
20 JAIL, DID HE?

21 A HE SAID, "YOU KNOW, THERE'S A POSSIBILITY YOU  
22 COULD BE ARRESTED" AND I SAID --

23 Q AND YOU KNEW YOU HADN'T DONE ANYTHING WRONG,  
24 RIGHT?

25 A RIGHT.

26 Q AND THAT THE ONLY THING YOU HAD HEARD WAS THIS  
27 THING ABOUT SOME KIND OF A JOKE, THEY WERE GOING TO SAY THIS  
28 BUT IT DIDN'T HAPPEN?

29 A RIGHT.

A-1  
1 Q WELL, DIDN'T YOU THINK THAT THE BEST THING TO DO  
2 WAS TELL THEM THE TRUTH, SO THEY WOULD KNOW WHAT WAS GOING  
3 ON AND THEREFORE OF COURSE, THEY WOULDN'T ARREST YOU?

4 MR. BARENS: YOUR HONOR, WE OBJECT TO MR. WAPNER'S  
5 SOMEWHAT HEIGHTENED AND THEATRICAL TONE OF VOICE. I THINK  
6 THAT HE CAN TALK TO HER LIKE WE TALKED TO MR. KARNY, YOUR HONOR,  
7 IN SOME SORT OF A RESPECTFUL MANNER. WE DID IT WITH THEIR  
8 WITNESSES, SIR.

9 THE COURT: ALL RIGHT. ARE YOU FINISHED WITH YOUR  
10 SPEECH?

11 MR. BARENS: COULD WE ALSO HAVE AN INSTRUCTION THAT HE  
12 SHOULD RESERVE HIS MANNER?

13 THE COURT: THIS IS CROSS-EXAMINATION. THERE IS A  
14 CERTAIN AMOUNT OF LATITUDE. YOU WILL BE GIVEN IT, TOO.

15 MR. BARENS: THE QUESTION IS INHERENTLY ARGUMENTATIVE,  
16 SIR.

17 THE COURT: OVERRULED. SHALL WE REPEAT THE QUESTION?

18 THE WITNESS: NO. I REMEMBER WHAT YOU SAID. YEAH.  
19 I WAS SCARED BECAUSE THEY TOLD ME THAT JOE -- I THOUGHT JOE  
20 TALKED TO DETECTIVE ZOELLER.

21 AND HE SAID THAT THEY DIDN'T WANT TO TALK TO HIM  
22 AND THAT THEY WERE NOT INTERESTED IN WHAT HE HAD TO SAY.

23 SO, I KNEW THAT THEY WEREN'T GOING TO BE  
24 INTERESTED IN WHAT I HAD TO SAY.

25 THEY COME TO MY HOUSE AT 7 O'CLOCK IN THE MORNING,  
26 20 MILLION COPS, SAYING, "DO YOU HAVE GUNS?" AND THEY WERE  
27 TAKING APART EVERY, SINGLE -- I DIDN'T KNOW WHAT WAS  
28 HAPPENING. AND HE SAID, "DO YOU KNOW JOE KILLED RON LEVIN?"

A-2  
1 WELL, JOE DIDN'T KILL RON LEVIN.

2 Q YOU DIDN'T TELL HIM THAT, DID YOU?

3 A I DID. I SAID, "JOE DIDN'T KILL RON LEVIN."

4 HE SAID, "WELL, DO YOU KNOW THE MAYS?" I SAID, "YES I DO."

5 Q LET ME ASK YOU THIS QUESTION.

6 A I AM SORRY. I SAID THAT. I DID SAY THAT.

7 Q WHEN DETECTIVE ZOELLER WAS THERE AT THE CONDO,  
8 THE WILSHIRE MANNING, HE ASKED YOU IF YOU KNEW ANYTHING ABOUT  
9 THE FACT THAT RON LEVIN WAS MISSING, RIGHT?

10 A I DON'T REMEMBER IF HE ASKED ME THAT OR NOT.

11 Q DO YOU REMEMBER SAYING THAT YOU HAD ONLY HEARD  
12 ABOUT HIM BEING MISSING WHEN JOE WAS ARRESTED FOR HIS MURDER?

13 A I DON'T REMEMBER IF I SAID THAT.

14 THE COURT: WELL, DO YOU DENY THAT YOU SAID IT?

15 THE WITNESS: PARDON ME?

16 THE COURT: DO YOU DENY THAT YOU SAID IT?

17 THE WITNESS: NO. I DON'T DENY IT. I JUST DON'T  
18 REMEMBER.

19 Q BY MR. WAPNER: DIDN'T YOU HAVE SOME DISCUSSION  
20 WITH JOE HUNT BEFORE HE WENT TO JAIL THAT THE PARTY LINE,  
21 IF ANYTHING GOT TOUGH, WAS THAT THE MAYS STOLE THE CYCLATRON  
22 AND THAT THEY WERE RESPONSIBLE FOR THIS WHOLE BUSINESS?

23 MR. BARENS: OBJECTION. "PARTY LINE" IS PEJORATIVE  
24 AND ARGUMENTATIVE. NOT EVEN ON CROSS-EXAMINATION --

25 THE COURT: REPHRASE YOUR QUESTION.

26 Q BY MR. WAPNER: DID YOU HAVE A DISCUSSION WITH  
27 JOE HUNT BEFORE HE WENT TO JAIL ABOUT IF YOU SHOULD GET  
28 QUESTIONED, THAT YOU WERE SUPPOSED TO SAY THAT IT WAS THE MAYS

A-3

1 THAT HAD STOLEN THE CYCLATRON AND THAT IS WHAT WAS CAUSING  
2 ALL OF THE PROBLEMS?

3 A I DROVE TO ARIZONA WITH JOE. THE CYCLATRONS WERE  
4 STOLEN. THE MAN UP THERE SAID TOM, DAVE AND A BLOND-HAIRED  
5 GUY CAME UP AND TOOK THE MACHINES.

6 Q WHAT I WANT TO KNOW IS, DID YOU HAVE A DISCUSSION  
7 WITH MR. HUNT ABOUT THAT?

8 A YES. WE TALKED ABOUT IT. WE TALKED TO THIS GUY  
9 ABOUT IT, WHO WAS WATCHING THE LOT.

10 Q ALL RIGHT. AND DID MR. HUNT EVER TELL YOU THAT  
11 IF THE POLICE SHOULD ASK ABOUT THE MURDER OF RON LEVIN, ONE  
12 OF THE THINGS YOU WERE SUPPOSED TO SAY WAS THAT ALL OF THIS  
13 STUFF, ALL OF THE PROBLEMS WERE CAUSED BY THE MAYS TRYING TO  
14 GET THE CYCLATRON?

15 A NO. HE NEVER TOLD ME TO SAY THAT.

16 Q YOU TALKED A LOT ABOUT THE PARADOX PHILOSOPHY.  
17 DID JOE HUNT EVER TELL YOU THAT IT WAS A WAY OF REORIENTING  
18 YOUR PERSPECTIVE ON THINGS?

19 A NO.

20 Q DID HE EVER USE THAT WORD WITH YOU?

21 A PERSPECTIVE?

22 Q PERSPECTIVE.

23 A YES, SURE. HE USED THAT WORD WITH ME.

24 Q DID HE SAY THAT BY PARADOX PHILOSOPHY, YOU COULD  
25 CHANGE YOUR FOCUS AND LOOK AT DIFFERENT THINGS FROM DIFFERENT  
26 WAYS?

27 A YES.

28 Q AND THEREFORE, IN THE EXAMPLE OF PERSONAL PROBLEMS,

1 THAT YOU HAD TO TAKE SOMETHING THAT OBVIOUSLY WAS BAD AND TURN  
2 IT AROUND, YOU COULD MAKE IT LOOK GOOD, RIGHT?

3 A SURE.

4 Q DID JOE HUNT EVER DISCUSS WITH YOU, DEEP,  
5 PHILOSOPHICAL PROBLEMS?

6 A YEAH.

7 Q SUCH AS?

8 A I SUPPOSE SO. PHILOSOPHICAL PROBLEMS?

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1 Q DID HE EVER DISCUSS --

2 A WHAT SORT OF PROBLEMS?

3 Q DID HE EVER DISCUSS WITH YOU THE PARADOX  
4 PHILOSOPHY IN ANY OTHER CONTEXT OTHER THAN PERSONAL PROBLEMS,  
5 YOUR PERSONAL PROBLEMS?

6 A HE TALKED ABOUT DEAN'S PERSONAL PROBLEMS.

7 Q OTHER THAN PEOPLE'S PERSONAL PROBLEMS, WHETHER  
8 IT IS YOURS OR DEAN'S, DID HE EVER TALK TO YOU ABOUT USING  
9 THE PARADOX PHILOSOPHY IN ANY BUSINESSES?

10 A I DON'T KNOW. I DON'T REALLY UNDERSTAND WHAT YOU  
11 ARE SAYING.

12 Q IN FACT, YOU DIDN'T KNOW MUCH ABOUT HIS BUSINESSES  
13 AT ALL, DID YOU?

14 A JUST GENERAL THINGS.

15 Q HE HAD THE CYCLATRON AND HE HAD WESTCARS, RIGHT?

16 A RIGHT.

17 Q DID YOU KNOW ANYTHING ABOUT HIS INVESTING  
18 BUSINESS?

19 A I KNEW HE LOST THE MONEY.

20 Q DID YOU KNOW THAT HE WAS CONSTANTLY LYING TO THE  
21 INVESTORS AND TELLING THEM THAT THEY WERE MAKING MONEY, EVEN  
22 THOUGH THEY IN FACT, WERE LOSING?

23 A NO. I DIDN'T KNOW.

24 Q HE DIDN'T TELL YOU THAT?

25 A NO.

26 Q WHEN HE TALKED TO YOU ABOUT GETTING MONEY -- WE'LL  
27 GET BACK TO THAT LATER.

28 YOU SAID THAT YOU WERE A MEMBER OF THE BBC. WHAT

1 DID THAT MEAN?

2 A NOTHING.

3 Q HOW MANY OTHER WOMEN WERE THERE THAT WERE MEMBERS  
4 OF THE BBC?

5 A I THINK LISA MARIE, DEAN'S GIRLFRIEND AT THE TIME.  
6 THE COURT: WHO WAS?

7 THE WITNESS: LISA MARIE.

8 THE COURT: WHO IS SHE?

9 THE WITNESS: SHE DATED DEAN KARNY.

10 Q BY MR. WAPNER: WHO ELSE?

11 A LAUREN RABB.

12 Q LISA MARIE, HOW LONG DID SHE DATE DEAN KARNY  
13 DURING THE TIME YOU WERE INVOLVED WITH JOE AND THE BBC?

14 A SEVEN, EIGHT, NINE MONTHS. EIGHT MONTHS, MAYBE.  
15 I DON'T KNOW.

16 Q QUITE A WHILE?

17 A YEAH. YEAH, THEY WERE DATING QUITE A WHILE.

18 MR. BARENS: THAT IS A LONG TIME IN CALIFORNIA, JUDGE.

19 Q BY MR. WAPNER: WHEN YOU FIRST MOVED IN WITH JOE  
20 HUNT, HE WAS LIVING IN A CONDO IN THE VALLEY?

21 A YES.

22 Q AND THAT WAS OWNED BY MR. KARNY'S PARENTS, RIGHT?

23 A YES.

24 Q AND HOW MANY BEDROOMS WERE THERE IN THAT CONDO?

25 A THREE.

26 Q AND WERE YOU LIVING WITH MR. HUNT AT THAT TIME?

27 A PART-TIME. I MOVED DOWNSTAIRS. I MOVED MY THINGS  
28 DOWNSTAIRS.



1 Q WERE YOU WORKING AT THAT TIME?

2 A NO.

3 Q AND WHO WAS SUPPORTING YOU AT THAT TIME?

4 A JOE.

5 Q DURING THE TIME THAT YOU LIVED AT THE WILSHIRE  
6 MANNING, WERE YOU WORKING?

7 A NO.

8 Q WHO WAS SUPPORTING YOU THEN?

9 A JOE.

10 Q WHO PAID THE RENT?

11 A JOE.

12 Q WHEN YOU NEEDED THE MONEY FOR SPENDING, WHERE DID  
13 YOU GET IT FROM?

14 A JOE.

15 Q WHEN YOU NEEDED MONEY FOR ANY KIND OF -- WHAT ABOUT  
16 CLOTHES? WHO DID YOU GET THIS MONEY FROM?

17 A JOE.

18 Q FOR YOUR ENTIRE LIVING EXPENSES, DID HE PROVIDE  
19 ALL YOUR EXPENSES?

20 A YES.

21 Q AND IF YOU NEEDED MONEY, WHAT WOULD YOU DO?

22 A I WOULD ASK HIM IF I COULD HAVE SOME MONEY.

23 Q DID HE GIVE YOU SOME?

24 A YES.

25 Q DID HE USUALLY HAVE A LOT OF MONEY?

26 A SOMETIMES.

27 Q DURING THE TIME THAT THE BBC WAS IN OPERATION,  
28 DIDN'T HE AND OTHER MEMBERS OF THE BBC LIVE A PRETTY HIGH

1 LIFESTYLE?

2 MR. BARENS: OBJECTION. WHAT MAY BE A HIGH LIFESTYLE  
3 TO HER MIGHT NOT BE TO ANY OTHER PERSON.

4 MR. WAPNER: I WILL BE MORE SPECIFIC.

5 Q DID YOU OFTEN GO OUT TO DINNER WITH THE ENTIRE  
6 GROUP OF THE BBC AND MR. HUNT WOULD PICK UP THE TAB?

7 A YES.

8 Q WOULD IT BE UNUSUAL TO SPEND SEVERAL HUNDRED  
9 DOLLARS ON DINNERS FOR THE BBC?

10 A I NEVER LOOKED AT THE CHECK. I COULDN'T ANSWER  
11 YOU.

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1 Q DID MR. HUNT OFTEN SEEM TO HAVE QUITE A SUBSTANTIAL  
2 AMOUNT OF CASH ON HIM?

3 A YES.

4 Q WHEN HE WENT TO NEW YORK TO GET MR. PITTMAN OUT  
5 OF JAIL, DID HE HAVE A LOT OF CASH WITH HIM THEN?

6 A I DON'T KNOW.

7 Q DID YOU EVER ASK MR. HUNT WHERE HE GOT ALL OF  
8 THIS CASH FROM?

9 A NO.

10 Q DID HE TELL YOU THAT HIS BUSINESS WITH THE  
11 INVESTORS WAS GOING VERY WELL?

12 A I DON'T REMEMBER. WE DIDN'T TALK ABOUT IT.

13 Q DID YOU EVER ASK HIM ABOUT BUSINESSES AND HOW  
14 THEY WERE GOING?

15 A NO.

16 Q DID YOU EVER ASK HIM WHERE HE GOT ALL OF HIS  
17 MONEY FROM?

18 A NO.

19 Q WAS IT UNUSUAL FOR -- DID IT SEEM UNUSUAL TO  
20 YOU THAT HE HAD ALL OF THIS MONEY?

21 A NO.

22 Q DID IT SEEM LIKE A LOT OF MONEY?

23 A YES.

24 Q BUT YOU NEVER THOUGHT TO ASK HIM ABOUT IT?

25 A I CAN'T REMEMBER SPECIFICALLY, YOU KNOW.

26 Q WOULD IT BE PRETTY FAIR TO SAY THAT HE KEPT HIS  
27 BUSINESS AND FINANCIAL AFFAIRS AWAY FROM YOU, KEPT YOU  
28 SEPARATED FROM THEM?

1           A        YEAH, EXCEPT WHEN HE WAS HAVING PROBLEMS, HE  
2        WOULD TALK, YOU KNOW, HE WOULD COME HOME AND TALK ABOUT IT.  
3        AND I ALSO WORKED IN THE OFFICE FOR ABOUT A MONTH AND A HALF  
4        SO I LEARNED ABOUT A FEW OF THE BUSINESSES.

5           Q        BUT REALLY, YOU DIDN'T KNOW MUCH ABOUT THE BUSINESS?

6           A        BUT I WASN'T ACTUALLY INVOLVED, NO.

7           Q        YOU DIDN'T KNOW WHICH ONES WERE MAKING MONEY  
8        AND WHICH ONES WEREN'T, FOR EXAMPLE?

9           A        I DON'T RECALL WHICH ONES WERE BUT AT THAT TIME  
10       I DID, BUT I DON'T REMEMBER NOW, I CAN'T REALLY REMEMBER.

11          Q        AND SPEAKING OF THE WILSHIRE MANNING, YOU MOVED  
12        INTO A BEDROOM AT THE WILSHIRE MANNING, YOU SAID, THAT WAS  
13        ONE OF THE SMALL BEDROOMS?

14          A        YES.

15          Q        DID YOU STAY IN THAT BEDROOM, YOU AND JOE, THE  
16        SAME BEDROOM THE ENTIRE TIME YOU WERE AT THE WHILSHIRE  
17        MANNING?

18          A        NO.

19          Q        WHEN DID YOU MOVE?

20          A        ABOUT FIVE MONTHS AFTER WE WERE LIVING THERE.

21          Q        AND WHY DID YOU MOVE?

22          A        JOE DECIDED THAT SINCE HE WAS PAYING THE RENT  
23        AND WE WERE CRAMPED, LITERALLY, HE SAID, "I AM GOING TO TELL  
24        DEAN I WANT TO MOVE IN THAT BEDROOM."

25          Q        AND DID HE DO THAT?

26          A        YEAH.

27          Q        AND DID DEAN MOVE OUT?

28          A        YEAH.

1 Q YOU SAID JOE HUNT WAS THE LEADER OF THE BBC;  
2 IS THAT TRUE?

3 A THE LEADER? I DON'T KNOW.

4 Q WAS HE?

5 A HE DID MOST OF THE WORK.

6 Q DID HE MAKE MOST OF THE DECISIONS?

7 A DEAN AND BEN AND JOE WOULD CONSULT EACH OTHER.

8 Q AND JOE WAS A SHADING ALSO, RIGHT?

9 A YES.

10 Q SO HE WAS ONE OF THE PEOPLE WHO WAS AT THE TOP  
11 OF THE ADMINISTRATIVE LADDER, SO TO SPEAK, RIGHT?

12 A CORRECT.

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1 Q DID THIS TERM "SHADING" MEAN ANYTHING TO YOU  
2 OTHER THAN AN ADMINISTRATOR?

3 A NO.

4 Q DID IT APPEAR TO MEAN ANYTHING TO JOE OTHER THAN  
5 BEING AN ADMINISTRATOR?

6 A NO.

7 Q DID YOU EVER SEE ANY STATIONERY THAT HE HAD THAT  
8 WAS PRINTED OUT THAT SAID, "JOE HUNT SHADING" ON IT?

9 A YES.

10 Q DID HE HAVE MORE THAN ONE SET OF STATIONERY WITH  
11 THAT?

12 MR. BARENS: EXCUSE ME, FOLKS.

13 THE COURT: WAIT A MINUTE. THERE IS AN OBJECTION.

14 MR. BARENS: IT MISSTATES THE EVIDENCE.

15 ACTUALLY, THE EVIDENCE WAS THAT ALPH GORE HAD  
16 THE STATIONERY PRINTED.

17 THE WITNESS: RIGHT, IT WAS A GIFT.

18 MR. BARENS: NOT MR. HUNT.

19 THE COURT: DO YOU KNOW, THIS STATIONERY THAT HAD THE  
20 WORD "SHADING" ON IT, COUNSEL SAYS --

21 MR. BARENS: YOUR HONOR, THERE IS NO EVIDENCE --

22 THE COURT: YOU MEAN THERE IS NO STATIONERY WITH  
23 "JOE HUNT, SHADING" ON IT?

24 MR. BARENS: SIR, IF YOU WOULD LISTEN TO ME.

25 THE COURT: I AM LISTENING TO YOU.

26 MR. BARENS: THANK YOU, SIR.

27 THE COURT: I WANT TO KNOW WHETHER YOU SAID THAT THERE  
28 ISN'T ANY STATIONERY WITH THE NAME "SHADING" ON IT.

1 MR. BARENS: YOUR HONOR, COUNSEL SAID TO THE WITNESS  
2 "STATIONERY THAT HAD JOE HUNT" PRINTED ON IT. THAT WASN'T  
3 THE STATEMENT AT ALL. THE EVIDENCE SHOWED THAT THIS FELLOW  
4 GORE HAD THE STATIONERY PRINTED ON HIS OWN AND HAD IT GIVEN  
5 TO JOE HUNT AS A GIFT.

6 WASN'T THAT THE TESTIMONY, SIR?

7 THE COURT: GO AHEAD. THAT IS PART OF IT.

8 Q BY MR. WAPNER: WERE YOU AWARE THAT MR. GORE  
9 HAD GIVEN JOE HUNT SOME STATIONERY THAT SAID, "SHADING" ON  
10 IT?

11 A I KNOW IT WAS A GIFT.

12 I DIDN'T KNOW IT WAS FROM MR. GORE.

13 Q THAT WAS ALMOST LIKE CALLIGRAPHY THAT SAID,  
14 "SHADING" ON IT?

15 A I RECALL HEARING IT BUT I DON'T REMEMBER SEEING  
16 IT. I COULDN'T DESCRIBE IT.

17 Q DID YOU KNOW HE ALSO HAD SOME OTHER STATIONERY  
18 THAT HAD "JOE HUNT, SHADING" AND IT WAS PRINTED IN BLACK  
19 LETTERS?

20 A YES.

21 Q DO YOU KNOW WHERE HE GOT THAT FROM?

22 A PROBABLY THE STORE, YOU KNOW, THE STATIONERY  
23 STORE.

24 Q LIKE THE REST OF THE STATIONERY THEY HAD PRINTED?

25 A WELL, THERE WAS A STATIONERY STORE ACROSS THE  
26 STREET SO SOMEBODY PROBABLY PRINTED MORE. I DON'T KNOW.

27 Q ACROSS THE STREET FROM THE BBC OFFICES?

28 A UH-HUH, YES.

1 Q AND THOSE OFFICES WERE ON THIRD STREET, RIGHT?

2 A YES.

3 Q AND WHEN DO YOU THINK THAT IT WAS THAT YOU WENT  
4 TO WORK THERE?

5 A I DON'T REMEMBER, I REALLY DON'T. I CAN'T THINK.

6 Q YOU WORKED THERE WITHOUT BEING PAID, RIGHT?

7 A YES.

8 Q IF YOU NEEDED MONEY, YOU GOT IT FROM THE DEFENDANT?

9 A YES.

10 THE COURT: DID HE PAY YOU IN CASH, HE PAID YOU IN  
11 MONEY, IN CASH?

12 THE WITNESS: HE WROTE ME A CHECK.

13 THE COURT: HE WROTE YOU A CHECK?

14 THE WITNESS: YES, OR GAVE ME CASH. I DON'T --  
15 NO CREDIT CARD, THOUGH.

16 (LAUGHTER IN THE COURTROOM.)

17 THE COURT: WHAT DO YOU MEAN, NOBODY ELSE'S CREDIT  
18 CARD; IS THAT RIGHT?

19 THE WITNESS: RIGHT.

20 Q BY MR. WAPNER: DID YOU LIVE IN THE WILSHIRE  
21 MANNING --

22 WHEN DID YOU MOVE OUT OF THE WILSHIRE MANNING?

23 A WHEN JOE WAS ARRESTED THE SECOND TIME.

24 Q AND SO THAT WAS SOMETIME AFTER OCTOBER 22ND OF  
25 1984, RIGHT?

26 A NOVEMBER, AROUND THEN.

27 I MOVED OUT REAL FAST AFTERWARDS.

28 Q AND YOU HAD BEEN LIVING THERE CONTINUOUSLY FROM



1 THE TIME THEY RENTED THE WILSHIRE MANNING UNTIL HE WAS  
2 ARRESTED FOR THE SECOND TIME?

3 A YES.

4 Q OKAY. AND THE DIFFERENCE BETWEEN HIS BEING  
5 ARRESTED THE FIRST TIME AND THE SECOND TIME, WAS THAT THE  
6 FIRST TIME HE WAS RELEASED AFTER A FEW DAYS, RIGHT?

7 A YES.

8 Q AND THE SECOND TIME HE WAS IN FOR ALMOST A YEAR  
9 OR SO?

10 A YES, HE WAS IN FOR A YEAR.

11 Q AND HE GOT OUT BECAUSE YOUR FATHER POSTED HIS  
12 HOUSE AS BAIL; IS THAT RIGHT?

13 A YES.

14 MR. BARENS: OBJECTION. MR. HUNT GOT OUT AS A RESULT  
15 OF MY LEVERAGE.

16 THE COURT: THERE IS A BAIL UP.

17 MR. BARENS: I KNOW, BUT YOU JUST CAN'T SAY HE GOT  
18 OUT BECAUSE --

19 THE WITNESS: IT TOOK US FOREVER TO GET HIM OUT ON  
20 BAIL, FOREVER.

21 Q BY MR. WAPNER: THAT MEANS IF YOU WERE THERE  
22 FROM THE TIME HE MOVED INTO THE WILSHIRE MANNING UNTIL SOME-  
23 TIME AFTER HE WAS ARRESTED THE SECOND TIME --

24 A YES.

25 Q -- YOU WERE THERE THROUGH JUNE AND JULY OF 1984,  
26 RIGHT?

27 A RIGHT.

28 Q OKAY, AND SPECIFICALLY, TOWARDS THE END OF JULY

1 OF 1984, DID YOU SEE SOME OTHER HANDCUFFS AT THE WILSHIRE  
2 MANNING?

3 A NO.

4 Q YOU WEREN'T AWARE THAT MR. HUNT HAD ASKED MR.  
5 KARNY TO GO TO THE INTERNATIONAL LOVE BOUTIQUE AND BUY ANOTHER  
6 SET OF HANDCUFFS AROUND THE END OF JULY, 1984.

7 MR. BARENS: YOUR HONOR, HE IS TESTIFYING NOW.

8 THE WITNESS: THE WHERE?

9 THE COURT: HE IS ASKING WHETHER OR NOT SHE WAS TOLD  
10 THAT. OBJECTION OVERRULED.

11 MR. BARENS: I HAVEN'T MADE THE OBJECTION YET.

12 THE COURT: OBJECTION OVERRULED.

13 MR. BARENS: I HAVEN'T MADE IT YET. IT WOULD BE BETTER  
14 IF YOU LET ME MAKE IT.

15 THE COURT: WHAT IS YOUR GROUND?

16 MR. BARENS: MY GROUND IS THAT HE HAS MISSTATED THE  
17 EVIDENCE.

18 THE COURT: OVERRULED.

19 MR. BARENS: BUT YOUR HONOR, I REALLY THINK WE SHOULD  
20 MAKE THE OBJECTION.

21 THE COURT: YOU HAVE MADE YOUR OBJECTION.

22 MR. BARENS: BUT I HAVEN'T MADE THE OBJECTION.

23 IT IS A MISSTATEMENT OF THE EVIDENCE. I SHOULD  
24 BE ABLE TO ARTICULATE IT, SIR.

25 THE COURT: ALL RIGHT, THEN ON REDIRECT EXAMINATION  
26 YOU CAN CLEAR IT UP.

27 GO AHEAD.

28 Q BY MR. WAPNER: WERE YOU AWARE THAT AT THE END

1 OF JULY, TOWARDS THE END OF JULY OF 1984, MR. HUNT ASKED  
2 MR. KARNY TO GO TO THE INTERNATIONAL LOVE BOUTIQUE --

3 MR. BARENS: I AM OBJECTING. IT MISSTATES THE EVIDENCE.

4 THE COURT: HE IS ASKING THE QUESTION.

5 MR. BARENS: HE IS ASSUMING FACTS NOT IN EVIDENCE THAT  
6 DIDN'T OCCUR.

7 THE COURT: PLEASE LET HIM GO AHEAD WITH HIS CROSS-  
8 EXAMINATION. I KNOW IT DISTRESSES YOU BUT LET HIM GO AHEAD.

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1-1 1 MR. BARENS: SIR, I DON'T WANT TO DISPLEASE YOU, SIR.

2 THE COURT: I KNOW.

3 MR. BARENS: BUT MY POINT IS --

4 THE COURT: DON'T ARGUE ANY FURTHER, WILL YOU PLEASE?

5 MR. BARENS: BUT HE IS MISSTATING THE EVIDENCE.

6 THE COURT: GO AHEAD.

7 MR. BARENS: BUT I DON'T GET TO DO THAT?

8 (LAUGHTER IN THE COURTROOM.)

9 THE COURT: THAT IS THE UNDERSTATEMENT OF THE ENTIRE  
10 TRIAL.

11 MR. BARENS: ALL RIGHT.

12 THE COURT: IN THE MEANTIME, WE'LL LET HIM DO IT.

13 MR. WAPNER: IF THE COURT RECALLS THE TESTIMONY OF  
14 MR. KARNY, IT HAD TO DO WITH HANDCUFFS. THAT WAS TOWARD THE  
15 END OF THE JULY.

16 MR. BARENS: THAT IS WHAT KARNY SAYS HAPPENED, JUDGE.

17 THE COURT: HE IS ASKING THE QUESTION WHETHER OR NOT  
18 THE DEFENDANT HAD SAID ANYTHING TO HER ABOUT IT. GO AHEAD.

19 Q BY MR. WAPNER: DID MR. HUNT SAY ANYTHING TO YOU  
20 ABOUT TELLING THE FACT THAT HE HAD TOLD KARNY TO GO TO THIS  
21 PLACE CALLED THE INTERNATIONAL LOVE BOUTIQUE, TOWARD THE END  
22 OF JULY, 1984 AND PURCHASE A SET OF HANDCUFFS?

23 A NO. HE DIDN'T.

24 Q OKAY. AND WERE YOU AT THE WILSHIRE MANNING THAT  
25 ENTIRE SUMMER OF 1984, RIGHT?

26 A YES.

27 Q OKAY. INCIDENTALLY, WHEN DETECTIVE ZOELLER CAME  
28 TO YOUR HOUSE AT THE WILSHIRE MANNING AND DID A SEARCH THERE,

A-2

1 AFTER HE LEFT, DID YOU THINK THAT IT MIGHT BE IMPORTANT TO  
2 COLLECT SOME THINGS LIKE YOUR DATE BOOK, TO MAKE SURE THAT  
3 YOU HAD CERTAIN DATES IN MIND FOR 1984?

4 A NO.

5 Q HOW ABOUT AFTER JOE WAS ARRESTED THE SECOND TIME?

6 A I DIDN'T KNOW WHEN THE DATE WAS UNTIL THE SECOND  
7 TIME JOE WAS ARRESTED.

8 Q BUT AT THAT TIME, DID YOU THINK THAT MAYBE IT WAS  
9 IMPORTANT TO GET YOUR DATE BOOK TOGETHER?

10 A NO.

11 Q AND SO, IT WASN'T -- HOW OFTEN DID YOU USE THIS --  
12 THIS IS A DAY RUNNER BOOK THAT YOU HAD?

13 A NO. IT WAS TO RECORD MY CYCLE.

14 Q AND SO, THAT IS KIND OF IMPORTANT? YOU WANT TO  
15 KEEP THAT BOOK WITH YOU, RIGHT? I MEAN, THAT IS PRETTY  
16 IMPORTANT?

17 A YES.

18 Q IF YOU USE IT FOR THAT, RIGHT?

19 A YES.

20 Q OKAY. AND SO, DIDN'T YOU KIND OF KEEP TRACK OF  
21 WHERE THAT BOOK WAS GOING TO BE?

22 A I KNEW WHERE IT WAS UNTIL WE MOVED OUT OF THE  
23 MANNING. I WAS LOOKING FOR IT AND IT WAS GONE.

24 Q ALL OF A SUDDEN, YOU MOVED OUT AND NOW IT IS GONE?

25 A YEAH.

26 Q SO, IF IT WAS FOR THAT PURPOSE, YOU MUST HAVE  
27 GOTTEN ANOTHER BOOK?

28 A I HAVE ONE NOW, YES.

A-3

1 Q AND SO, YOU CONTINUE TO -- DID YOU TRY TO REMEMBER  
2 THE LAST TIME YOU HAD SEEN IT?

3 A YEAH. I WAS LOOKING.

4 Q WHEN YOU MOVED OUT OF THE MANNING, WAS EVERYBODY  
5 ELSE MOVING OUT, TOO?

6 A JEFF RAYMOND HAD MOVED OUT ALREADY. AND DEAN --  
7 THE LAST DAY I WAS THERE, DEAN CAME IN AND GOT HIS REFRIGERATOR.  
8 HE WAS KIND OF PICKING UP A LOT OF THINGS, BOOKS AND STUFF.

9 Q IN FACT, THE RENT HAD NOT BEEN PAID FOR A WHILE,  
10 HAD IT?

11 A I DON'T KNOW.

12 Q BECAUSE JOE ALWAYS PAID THE RENT AND YOU DIDN'T  
13 KNOW ABOUT THAT?

14 A I KNEW JOE PAID THE RENT. I DIDN'T KNOW IF IT  
15 HAD BEEN PAID OR NOT.

16 Q AND SO, EVERYBODY IS MOVING OUT BUT YOU  
17 MYSTERIOUSLY COULDN'T FIND YOUR BOOK, RIGHT?

18 A RIGHT.

19 Q THE MEETING ABOUT THE SHOPPING CENTER WHERE  
20 MR. HUNT WAS DISTRIBUTING THE SHARES OF THE SHOPPING CENTER --

21 A YES?

22 Q DO YOU REMEMBER THAT?

23 A YES.

24 Q WAS THAT BEFORE OR AFTER YOU HAD HEARD ABOUT RON  
25 LEVIN?

26 A AFTER I HEARD ABOUT RON LEVIN.

27 Q HAD YOU EVER HEARD MR. HUNT HAD MADE ANY MONEY  
28 TRADING FOR RON LEVIN BEFORE YOU HEARD ABOUT THE SHOPPING

A-4

1 CENTER?

2 A YES.

3 Q HOW MUCH WAS HE SUPPOSED TO HAVE MADE?

4 A I DON'T KNOW. A LOT.

5 Q HE DIDN'T TELL YOU?

6 A A LOT OF MONEY. I DON'T REMEMBER EXACTLY HOW MUCH.

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1 Q DID HE SEEM EXCITED ABOUT IT?

2 A YEAH.

3 Q WHEN YOU SAY "A LOT OF MONEY," IS THAT MORE THAN  
4 HE USED TO CARRY AROUND EVERY DAY IN HIS POCKET? WHAT IS A  
5 LOT OF MONEY?

6 A IT WAS LIKE A COUPLE OF MILLION DOLLARS. IT WAS  
7 IN THE MILLIONS. I KNOW THAT.

8 Q AND WHEN HE HAD THIS MEETING TO DISTRIBUTE THE  
9 SHARES OF THE SHOPPING CENTER, WHO WAS PRESIDING AT THE MEETING?

10 A WHO WAS THERE?

11 Q NO, WHO WAS RUNNING THE MEETING?

12 A JOE AND DEAN AND BEN, I THINK.

13 Q THEY WERE THE THREE WHO WERE KIND OF ALWAYS IN  
14 CHARGE, RIGHT?

15 A YES.

16 Q BUT IN TERMS OF PASSING OUT THE PIECES OF THE PIE,  
17 JOE HUNT WAS DOING THAT, WASN'T HE?

18 A WELL, THEY ALREADY DISCUSSED IT, THE THREE OF THEM,  
19 HOW MUCH EVERYBODY WAS GOING TO GET. SO HE WAS JUST READING  
20 IT.

21 Q WHO MADE THE FINAL DECISIONS ABOUT HOW MUCH  
22 EVERYBODY WAS GOING TO GET?

23 A THEY ALL DID.

24 Q WERE YOU THERE WHEN THAT WAS BEING DISCUSSED?

25 A NO.

26 Q SO YOU DON'T KNOW WHO MADE THE FINAL DECISIONS?

27 A WELL, IT WAS -- YEAH. WELL, NO. THEY ALL THREE  
28 WOULD DECIDE LIKE ON EVERYTHING.



1                   THEY ALL THREE WOULD DECIDE. I WAS NOT THERE BUT  
2 THAT IS WHAT WENT ON.

3           MR. WAPNER: MIGHT THIS BE AN APPROPRIATE TIME?

4           THE COURT: YES.

5                   LADIES AND GENTLEMEN OF THE JURY, WE'LL TAKE OUR  
6 ADJOURNMENT. YOU CAN COME BACK HERE AT 10:30 TOMORROW.

7           THE WITNESS: OKAY.

8           THE COURT: WE'LL TAKE OUR ADJOURNMENT AT THIS TIME  
9 UNTIL TOMORROW MORNING AT 10:30.

10                   THE SAME ADMONITION THAT I HAVE GIVEN YOU WILL  
11 STILL APPLY. I HOPE THAT YOU ARE BETTER, MRS. BECKING.

12           JUROR BECKING: THANK YOU. I FEEL A LOT BETTER NOW.

13           THE COURT: ALL RIGHT.

14                   (AT 4:28 P.M. A RECESS WAS TAKEN UNTIL  
15 TUESDAY, MARCH 31, 1987, AT 10:30 A.M.)  
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