

COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

88DA0269

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

SUPERIOR COURT
NO. A-090435

OCT 10 1988

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

APPEARANCES:

FOR PLAINTIFF-RESPONDENT: JOHN K. VAN DE KAMP
STATE ATTORNEY GENERAL
3580 WILSHIRE BOULEVARD
ROOM 800
LOS ANGELES, CALIFORNIA 90010

FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 93 OF 101
(PAGES 14027 TO 14188, 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, MAY 18, 1987

VOLUME 93

PAGES 14027 TO 14188, INCL.

APPEARANCES:

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

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

AND

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

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

2 A.M.

14027

3 P.M.

14080

4 -----

5 CHRONOLOGICAL INDEX OF WITNESSES

6

7

8 PEOPLE'S WITNESSES:

	DIRECT	CROSS	REDIRECT	RE-CROSS
9 VALE, GERALD	14035			
10 WILKENING, FRED	14041	14053-C	14061	
11 RAPPAPORT, BERNICE (CONTINUED)	14063 14083	14084-B	14093	14094-B
12 BLUE, BERNARD	14095	14103-C		
13 KARNY, DEAN	14107			

14

15 ALPHABETICAL INDEX OF WITNESSES

16

17

18

19

20

21

22

BLUE, BERNARD	14095	14103-C
KARNY, DEAN	14107	
RAPPAPORT, BERNICE (CONTINUED)	14063 14083	14084-B 14093 14094-B
VALE, GERALD	14035	
WILKENING, FRED	14041	14053-C 14061

26

27 LEGEND:

C - MR. CHIER

B - MR. BARENS

EXHIBITS FOR VOLUME 93

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PEOPLE'S EXHIBITS:	FOR IDENTIFICATION	IN EVIDENCE
P-20 DOCUMENTS FROM ATTORNEY GENERAL'S OFFICE	14032	
P-21 LETTER AND ATTACHMENT FROM ATTORNEY GENERAL'S OFFICE	14032	
P-22-A U-HAUL CONTRACT	14044	14062
P-22-B U-HAUL CONTRACT	14044	14062
P-22-C BLOWUP OF U-HAUL DOCUMENTS	14044	14062
P-23 12 PHOTOGRAPHS OF A HOUSE	14068	
P-24 RENTAL AGREEMENT	14077	
P-25-A COPY OF LUGGAGE RECEIPT	14097	14107
P-25-B ENLARGEMENT OF LUGGAGE RECEIPT	14097	14107
P-26-A - C THREE PHOTOGRAPHS OF TRUNK	14097	14107
P-27-A INVOICE FROM WESTERN COSTUME COMPANY (FIRST PAGE)	14162	
P-27-B INVOICE FROM WESTERN COSTUME COMPANY (SECOND PAGE)	14162	
P-28 COPY OF CHECK	14164	

1 SANTA MONICA, CALIFORNIA, MONDAY; MAY 18, 1987; 10:50 A.M.
2 DEPARTMENT C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

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

8 MR. WAPNER: YOUR HONOR, A FEW THINGS BEFORE WE GET
9 THE JURY.

10 THE COURT: ALL RIGHT, YES.

11 MR. WAPNER: FIRST OF ALL, I WANT TO MAKE SURE THAT
12 THE ORDER THAT THE COURT MADE REGARDING MR. KARNY --

13 THE COURT: THAT IS STILL IN FORCE AND EFFECT.

14 MR. WAPNER: -- IS STILL IN FULL FORCE AND EFFECT
15 REGARDING ANY CAMERAS IN THE COURTROOM.

16 THE COURT: YES, THERE WON'T BE ANY.

17 AND THERE ARE NONE PRESENT.

18 MR. WAPNER: I UNDERSTAND THAT.

19 ALSO, I FINALLY RECEIVED AT THE BEVERLY HILLS
20 POLICE DEPARTMENT, THE DOCUMENTS FROM THE MANATEE COUNTY
21 SHERIFF'S OFFICE IN FLORIDA REGARDING THIS PERSON WHO WAS
22 ALLEGEDLY IN CUSTODY IN KENTUCKY, AS SOMEONE HAD CALLED
23 AND SAID THEY HAD SEEN THE SHOW ON 20-20 AND THEY THOUGHT
24 HE WAS IN CUSTODY IN KENTUCKY AND WE TRACED IT DOWN TO FLORIDA.

25 THE COURT: SHOW IT TO COUNSEL.

26 MR. WAPNER: ALTHOUGH I CAN'T RELINQUISH THE DOCUMENT,
27 WE HAVE RECEIVED THE DOCUMENT WITH A PICTURE AND I AM SHOWING
28 IT TO COUNSEL.

1 THE COURT: ALL RIGHT.

2 MR. WAPNER: I WILL SHOW IT TO THE COURT. IT IS NOT
3 MR. LEVIN.

4 THE COURT: VERY GOOD.

5 MR. WAPNER: ALSO, I WANT THE RECORD TO REFLECT THERE
6 IS THE MOST RECENT REPORT THAT WAS PREPARED BY DETECTIVE
7 ZOELLER, A CONVERSATION THAT HE HAD ON THE TELEPHONE WITH
8 MR. KARNY. THE REPORT IS DATED MAY THE 13TH, 1987, ALONG
9 WITH MR. ZOELLER'S NOTES REGARDING MR. COKER AND MR. SWARTOUT
10 AND THAT IS BEING TURNED OVER TO COUNSEL AT THIS TIME.

11 ALSO, SO THE RECORD REGARDING DISCOVERY IS
12 CLEAR, AND I KNOW COUNSEL HAS MADE THEIR POINT CLEAR ABOUT
13 WHAT THEY FEEL MY RESPONSIBILITY WAS, I WOULD LIKE TO FILE
14 WITH THE COURT TWO REPORTS INDICATING RELEASE OF DOCUMENTS TO
15 COUNSEL IN THE NORTHERN CALIFORNIA CASE, DATED BOTH IN
16 OCTOBER, ONE ON THE 16TH AND ONE ON THE 30TH OF OCTOBER,
17 1985 AND APPARENTLY SIGNED BY MR. BARENS, INDICATING
18 DOCUMENTS THAT HE RECEIVED AT THAT TIME, INCLUDING DOCUMENTS
19 THAT ARE RELEVANT TO THE PROCEEDINGS HERE. MAY THAT BE
20 MARKED AS A COURT EXHIBIT AND FILED AT THE TIME?

21

22

23

24

25

26

27

28

1 THE COURT: ALL RIGHT. I DON'T KNOW WHAT THE COURT
2 EXHIBIT NUMBER WOULD BE AT THIS TIME.

3 THE CLERK: I THINK IT IS NUMBER 20.

4 THE COURT: 20? VERY GOOD.

5 MR. BARENS: YOUR HONOR, FOR THE RECORD, I WOULD LIKE
6 TO COMMENT, SIR.

7 THE COURT: YES?

8 MR. BARENS: ALL OF THE DOCUMENTS REFERENCED BY THE
9 PEOPLE IN THE NOW-TO-BE-MADE COURT EXHIBIT, WERE RELINQUISHED
10 BY MY OFFICE TO MR. HUNT'S COUNSEL RIGHT AFTER THE
11 PRELIMINARY HEARING. SO I HAVE NEVER HAD THESE DOCUMENTS
12 EXCEPT FOR PURPOSES OF THAT PRELIMINARY HEARING. SECONDARILY,
13 IN THE DISCOVERY THAT WOULD BE POST-PRELIMINARY HEARING
14 WHICH I UNDERSTAND IS APPROXIMATELY TWO-THIRDS OF THE GROSS
15 DISCOVERY AVAILABLE NOW IN THIS MATTER, HAS NEVER BEEN
16 SUBMITTED TO DEFENSE COUNSEL IN LOS ANGELES.

17 THE OTHER POINT WE HAVE, I DID RECEIVE FROM
18 MR. WAPNER'S OFFICE, WHICH MR. CHIER IS EXHIBITING TO THE
19 COURT RIGHT NOW, THIS DISCOVERY FRIDAY NIGHT THAT APPLIES
20 OR PERTAINS TO I BELIEVE, THE LOS ANGELES MATTER.

21 I OBVIOUSLY HAVE NOT HAD AN OPPORTUNITY TO REVIEW
22 THAT TWO OR THREE INCHES OF MATERIAL EXCEPT IN THE MOST
23 CURSORY MANNER.

24 MR. WAPNER WAS COURTEOUS ENOUGH TO GIVE US AN
25 INDEX AND I LOOKED AT ONLY TWO OR THREE OF THE DECLARATIONS
26 IN THERE TO DATE.

27 BUT OBVIOUSLY, WE HAVE PREPARATION PROBLEMS IN
28 THAT REGARD, YOUR HONOR.

1 MR. CHIER: YOUR HONOR --

2 THE COURT: YES?

3 MR. CHIER: THIS DISCOVERY TURNED OVER BY MR. WAPNER
4 FRIDAY NIGHT PURPORTS TO BE THE PENALTY PHASE DISCOVERY. AND
5 THIS IS THE FIRST TIME MR. WAPNER HAS TURNED OVER ANY DISCOVERY
6 OR HAS SPECIFIED WHAT IT WAS SPECIFICALLY THAT HE INTENDED
7 TO RELY UPON.

8 I WOULD LIKE TO REMIND THE COURT THAT IN THE
9 SAN MATEO COUNTY CASE, THE PRELIMINARY -- THE ORIGINAL
10 DISCOVERY PRIOR TO THE PRELIMINARY HEARING CONSISTED OF SOME
11 12,000 PAGES, YOUR HONOR WHICH IS IMPOSSIBLE TO ASSIMILATE
12 AND GO THROUGH WITHOUT KNOWING SPECIFICALLY WHAT IT IS THAT
13 THE PEOPLE INTEND TO RELY UPON CONTAINED THEREIN.

14 THIS IS FINALLY, AT THE -- AFTER THE PENALTY PHASE
15 IS HALF OVER, THE DISCOVERY WHICH I WOULD ESTIMATE IS AT
16 LEAST THREE INCHES TALL, YOUR HONOR. I WOULD ASK THE COURT
17 TO TAKE SOME JUDICIAL NOTICE OF THE FACT THAT IT IS
18 APPROXIMATELY THREE INCHES IN HEIGHT.

19 MR. WAPNER: YOUR HONOR, MAY I FILE WITH THE COURT,
20 A LETTER THAT I SENT TO MR. BARENS AS WELL AS A LIST OF
21 ATTACHMENTS THAT I SENT ALONG WITH THE LETTER.

22 AND ESSENTIALLY WHAT THE LETTER SAYS IS THAT I
23 AM SENDING THIS NOW ONLY BECAUSE YOU ARE CLAIMING THAT YOU
24 DIDN'T HAVE IT AND IT IS ALL PART OF THE ITEMS, ALMOST ALL
25 OF WHICH ARE INCLUDED IN THE LIST I WOULD ASK TO HAVE MARKED
26 AS A COURT EXHIBIT AND --

27 THE COURT: PREVIOUSLY SUBMITTED TO HIM, YOU MEAN?

28 MR. WAPNER: RIGHT. IN OTHER WORDS, WHAT I GAVE THEM

1 FRIDAY WAS JUST COPIES OF WHAT I BELIEVE THEY PREVIOUSLY HAD.
2 THAT IS WHAT I SAID IN THE LETTER.

3 SO IF THE LETTER AND ATTACHMENT CAN BE MARKED
4 AS THE NEXT COURT EXHIBIT, I WOULD APPRECIATE IT.

5 THE COURT: THAT WILL BE 21.

6 MR. BARENS: YOUR HONOR, AGAIN, I HOPE THE COURT DOES
7 NOT PLACE TOO MUCH EMPHASIS ON THE FACT THAT BY SAYING WELL,
8 IT WAS PREVIOUSLY SUBMITTED TO THEM, SOMETHING THAT WE HAD
9 A YEAR AND A HALF AGO --

10 THE COURT: WHY DON'T YOU LOOK IT OVER AND SEE WHETHER
11 YOU HAVE GOTTEN IT BEFORE? YOU CAN TELL ME WHAT PART OF IT
12 YOU NEVER SAW.

13 MR. BARENS: I AM ATTEMPTING TO DO IT. I MENTIONED
14 TO MR. WAPNER IN THE HALL THIS MORNING THAT SOME OF THE
15 MATERIALS I NOTICED IN THIS FILE, WERE MATTERS I HAD NEVER
16 SEEN REFERENCED BEFORE IN THE PACKAGE WE HAD SEEN UP THERE,
17 AT LEAST BASED ON THE TOPICAL INDEX WE SAW, NOT TO MENTION
18 THAT I WOULD PRESUME YOUR HONOR DOES NOT FEEL THAT I WOULD
19 RETAIN DETAILS OF ALL OF THAT PAPERWORK A YEAR AND A HALF
20 LATER.

21 THE COURT: WELL THEN, IF YOU HAD IT BEFORE, THAT IS
22 THE PRINCIPAL POINT. THE POINT IS, YOU DID HAVE IT LONG BEFORE
23 NOW. THAT IS ALL I WANT TO KNOW.

24
25
26
27
28

1 MR. BARENS: BUT, YOUR HONOR, I SURRENDERED THAT AFTER
2 THE PRELIMINARY HEARING UP THERE. I NEVER BROUGHT IT TO
3 LOS ANGELES FROM THERE.

4 THE COURT: WELL, LOOK IT OVER CAREFULLY AND SEE WHAT
5 THERE IS IN THERE THAT YOU HAVEN'T SEEN BEFORE AND YOU MIGHT
6 CLAIM SURPRISE.

7 MR. WAPNER: DOES THE COURT HAVE A NUMBER FOR THE
8 EXHIBITS THAT WE CAN MARK?

9 THE COURT: 20 AND 21, COURT EXHIBITS.

10 MR. WAPNER: I AM SORRY?

11 THE COURT: COURT EXHIBITS 20 AND 21. 20 IS THE ONE
12 THAT THE CLERK HAS NOW AND 21 IS THE ITEM THAT YOU ARE GOING
13 TO --

14 MR. WAPNER: 20 WOULD BE THE DOCUMENTS FROM THE ATTORNEY
15 GENERAL'S OFFICE AND 21 WOULD BE THE LETTER AND ATTACHMENT
16 THERETO.

17 THE COURT: GET THE JURY IN.

18 MR. WAPNER: I DON'T KNOW WHETHER THEY SHOULD BE
19 RECEIVED. I WOULD ASK THEY BE RECEIVED AS COURT EXHIBITS,
20 FOR THE RECORD.

21 THE COURT: ALL RIGHT.

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

23 (UNREPORTED COLLOQUY BETWEEN MR. WAPNER
24 AND THE CLERK.)

25 THE COURT: DO YOU WANT THOSE BEFORE THE JURY?

26 MR. WAPNER: NO.

27 THE COURT: YOU JUST WANT THEM AS COURT EXHIBITS?

28 MR. WAPNER: I JUST WANT THEM AS COURT EXHIBITS, FOR

1 THE RECORD, TO PROTECT THE RECORD.

2 MR. CHIER: YOUR HONOR, MAY I BE HEARD WITH RESPECT
3 TO THIS DISCOVERY TURNED OVER?

4 THE COURT: LET ME SEE, YES.

5 MR. CHIER: YOUR HONOR, THIS DISCOVERY, I HAVE JUST
6 GLANCED AT IT, BUT WHAT IT APPEARS TO BE IS A STATEMENT
7 BY DEAN KARNY CONCERNING THE TWO FACTORS IN AGGRAVATION
8 CONCERNING WHICH EVIDENCE HAS ALREADY BEEN HEARD BY THE
9 COURT, OF THE F.C.I. MATTER AND THE SWARTOUT MATTER. THIS
10 MATERIAL, ALTHOUGH IN PUTATIVE POSSESSION OF THE PEOPLE
11 FOR OVER TWO YEARS NOW, WAS NEVER TURNED OVER UNTIL THIS
12 MORNING AND UNDER THE PROVISIONS OF SECTION 190.3 OF THE
13 PENAL CODE CONCERNING THE SUFFICIENCY OF NOTICE WITH RESPECT
14 TO PENALTY PHASE MATTERS, WE ARE ENTITLED TO HAVE THIS MATERIAL
15 IN ADVANCE OF THE GUILT PHASE, NOT AFTER THE MOTION PURSUANT
16 TO 1118.1 HAS BEEN MADE AND THE PEOPLE HAVE OBTAINED SOME
17 CONTINUANCE TO GIVE US NEW EVIDENCE.

18 THE CASE OF EDWARDS V. SUPERIOR COURT, YOUR
19 HONOR, AT 158 CAL.APP.3D, 159 -- I AM SORRY. THAT WAS ORDERED
20 NOT PUBLISHED. EXCUSE ME. I DIDN'T MEAN TO --

21 IN ANY EVENT, THERE HAS TO BE A SHOWING OF
22 GOOD CAUSE FOR THE INTRODUCTION OF THIS TYPE OF MATERIAL,
23 WHICH WAS AVAILABLE EARLIER BUT NOT TURNED OVER UNTIL LATER.

24 THE MERE FACT THAT THEY CLAIM THEY DIDN'T KNOW
25 ABOUT IT OR IT WASN'T ASKED ABOUT IS NOT A SUFFICIENT SHOWING
26 OF GOOD CAUSE. THERE HAS TO BE SOME NEWLY DISCOVERED
27 INFORMATION WHICH COULD NOT HAVE, IN THE EXERCISE OF DUE
28 DILIGENCE, BEEN KNOWN TO THEM AND I SUBMIT THAT WE ARE

1 ENTITLED TO, AT THE VERY LEAST, A HEARING FOR THE SUPPRESSION
2 OF THESE STATEMENTS CONTAINED IN THIS LATEST INTERVIEW OF
3 MR. KARNY.

4 THIS IS TERRIBLY UNFAIR, YOUR HONOR.

5 THE COURT: ANYTHING ELSE ABOUT THAT, MR. WAPNER?

6 MR. WAPNER: THE ONLY THING IS, TO STATE FOR THE RECORD,
7 THAT WE NEVER INQUIRED OF MR. KARNY ABOUT ANY OF THESE
8 MATTERS UNTIL WE SPOKE TO -- UNTIL DETECTIVE ZOELLER SPOKE
9 TO HIM ON THE TELEPHONE LAST WEDNESDAY, I BELIEVE IS THE
10 DATE OF THE CONVERSATION, THE 13TH OF MAY.

11 THE COURT: ALL RIGHT, LET'S GET THE JURY IN.

12 THE MOTION WILL BE DENIED, IF IT IS A MOTION
13 TO CONTINUE THE CASE TO HAVE ADDITIONAL DISCOVERY.

14 MR. BARENS: I DON'T BELIEVE IT IS A MOTION TO DENY,
15 YOUR HONOR. I BELIEVE IT IS A MOTION TO EXCLUDE. IT WAS
16 A MOTION FOR, I BELIEVE, IT WAS A MOTION TO EXCLUDE.

17 THE COURT: MOTION DENIED.
18
19
20
21
22
23
24
25
26
27
28

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

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

6 IT SEEMS LIKE AN OFT-TOLD TALE, TELLING YOU
7 WE HAVE OTHER MATTERS TO HANDLE AND THAT IS THE REASON FOR
8 THE DELAY. THANK YOU.

9 WOULD YOU SWEAR THE WITNESS, PLEASE?

10
11 GERALD VALE,
12 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
13 AS FOLLOWS:

14 THE CLERK: RAISE YOUR RIGHT HAND TO BE SWORN.

15 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU
16 MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL
17 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
18 SO HELP YOU GOD.

19 THE WITNESS: I DO.

20 THE CLERK: PLEASE BE SEATED.

21 PLEASE STATE YOUR FULL NAME AND SPELL YOUR
22 LAST NAME.

23 THE WITNESS: MY NAME IS GERALD VALE, V-A-L-E.

24
25 DIRECT EXAMINATION

26 BY MR. WAPNER:

27 Q MR. VALE, WHAT IS YOUR OCCUPATION?

28 A I AM A DENTIST.

1 Q BY WHOM ARE YOU EMPLOYED?

2 A I AM EMPLOYED BY THE COUNTY OF LOS ANGELES
3 AND BY THE UNIVERSITY OF SOUTHERN CALIFORNIA.

4 MR. BARENS: I AM GOING TO STIPULATE, AS I KNOW DR.
5 VALE, YOUR HONOR, THAT HE IS QUALIFIED, AN EMINENTLY
6 QUALIFIED EXPERT IN THIS AREA.

7 THE COURT: DO YOU ACCEPT IT OR DO YOU WANT TO MAKE
8 A RECORD?

9 MR. WAPNER: I WOULD LIKE A BRIEF STATEMENT FOR THE
10 RECORD OF HIS QUALIFICATIONS.

11 MR. BARENS: ALL RIGHT.

12 THE COURT: ALL RIGHT.

13 Q BY MR. WAPNER: WHAT IS YOUR DENTAL SPECIALTY?

14 A FORENSIC DENTISTRY.
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q WHAT DOES THAT MEAN?

2 A FORENSIC DENTISTRY DEALS WITH THE USE OF DENTAL
3 EVIDENCE IN COURTS OF LAW.

4 Q WOULD YOU RELATE TO US BRIEFLY YOUR QUALIFICATIONS
5 AS A FORENSIC DENTIST?

6 A I FIRST BECAME INVOLVED IN FORENSIC DENTISTRY
7 IN APPROXIMATELY 1967 OR '68, IDENTIFYING THE VICTIMS OF A
8 HELICOPTER CRASH.

9 SINCE THEN, I HAVE BEEN THE CHIEF FORENSIC DENTIST
10 WITH THE CORONER'S OFFICE IN LOS ANGELES COUNTY.

11 I HAVE BEEN INVOLVED, WHICH IS TO SAY THAT I HAVE
12 SUPERVISED OR PERSONALLY CONDUCTED APPROXIMATELY 2,000 FORENSIC
13 DENTAL EXAMINATIONS.

14 I TEACH THE SUBJECT AT THE UNIVERSITY OF SOUTHERN
15 CALIFORNIA, THE LOS ANGELES POLICE DEPARTMENT HOMICIDE SCHOOL
16 AND FOR A NUMBER OF OTHER LAW ENFORCEMENT AGENCIES, AS WELL.

17 I HAVE LECTURED TO THE DEFENSE BAR. I HAVE TAUGHT
18 IN A NUMBER OF DENTAL SCHOOLS AND LECTURED ON THE SUBJECT
19 I GUESS, AROUND THE WORLD.

20 Q IS IT POSSIBLE TO MAKE AN IDENTIFICATION OF A
21 PERSON, BASED ON THAT PERSON'S TEETH?

22 A YES IT IS.

23 Q CAN YOU EXPLAIN TO US HOW IT IS THAT IS DONE
24 GENERALLY?

25 A THE TEETH ARE STRICTLY INDIVIDUAL FROM ONE PERSON
26 TO ANOTHER. THERE ARE NO TWO PEOPLE IN THIS ROOM WHOSE TEETH
27 ARE IDENTICAL.

28 EVEN IDENTICAL TWINS CAN BE SEPARATED BY MEANS

2
1 OF THE TEETH. THE BASIS FOR THAT IS THAT THERE ARE SOME
2 CHARACTERISTICS OF TEETH WHICH WILL VARY FROM ONE PERSON TO
3 ANOTHER, EVEN AS I SAID, AMONG IDENTICAL TWINS.

4 THEREFORE, IF SOMEONE IS GIVEN ENOUGH EVIDENCE
5 ABOUT A PERSON'S DENTITION, THAT PERSON CAN BE SEPARATED FROM
6 ANY OTHER INDIVIDUAL IN THE WORLD.

7 Q AND WERE YOU ASKED IN THIS CASE TO MAKE AN
8 EXAMINATION OF SOME DENTAL REMAINS THAT WERE FOUND BY THE
9 CORONER'S OFFICE?

10 A YES, SIR.

11 Q WHEN YOU WERE ASKED TO MAKE THAT EXAMINATION,
12 WERE YOU GIVEN A CERTAIN CORONER'S CASE NUMBER?

13 A YES I WAS.

14 Q WHAT WAS THAT CORONER'S CASE NUMBER?

15 A THAT CORONER'S CASE NUMBER WAS 84-15230.

16 Q AND IN THAT REGARD, WHAT WERE YOU ASKED TO DO?

17 A ON DECEMBER 4, 1984, I WAS GIVEN A SKULL AND SOME
18 POST-MORTEM RADIOGRAPHS OR X-RAYS.

19 AT THAT TIME, THERE WAS NO MATERIAL TO COMPARE
20 THIS WITH AND SO I SIMPLY WENT AHEAD AND DID THE EXAMINATION
21 OF THE SKULL. I MADE MY CHARTS AND AWAITED THE ANTEMORTEM
22 INFORMATION, WHICH IS TO SAY, THE INFORMATION ON THE SUSPECTED
23 VICTIM.

24 Q WHEN YOU SAY THAT YOU EXAMINED POST-MORTEM X-RAYS,
25 DO YOU KNOW WHO TOOK THOSE X-RAYS?

26 A YES I DO.

27 Q THOSE X-RAYS WERE TAKEN BY WHO?

28 A JAMES TAYLOR ON THE CORONER'S STAFF.

3
1 Q WERE THOSE X-RAYS TAKEN OF THE DENTITION LOCATED
2 IN THE SKULL THAT WAS ASSIGNED THE CORONER'S CASE NUMBER THAT
3 YOU HAVE GIVEN TO US?

4 A THAT'S CORRECT.

5 Q AT SOME POINT, DID YOU COMPARE THOSE X-RAYS TO
6 X-RAYS THAT YOU WERE PROVIDED WITH LATER?

7 A YES, SIR.

8 Q WHERE DID YOU GET THE LATER X-RAYS?

9 A THOSE X-RAYS WERE ALSO PROVIDED TO ME BY THE
10 CORONER'S OFFICE.

11 Q AND DID THEY HAVE SOME LABEL ON THEM OF SOME SORT?

12 A YES THEY DID.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q WHAT WAS THE LABEL THEY HAD ON THEM?

2 A THEY WERE LABELED WITH THE NAME, IF I CAN PRONOUNCE
3 IT CORRECTLY, OF HADAYET ESLAMINIA.

4 Q SHOWING YOU AN EXHIBIT THAT WE HAVE MARKED AS
5 PEOPLE'S 11 FOR IDENTIFICATION, WOULD YOU LOOK AT THAT AND
6 TELL ME IF YOU CAN COMPARE THAT TO THE X-RAYS THAT YOU HAVE
7 THAT WERE IDENTIFIED AS THE X-RAYS OF MR. ESLAMINIA?

8 A YES, SIR. THE X-RAYS THAT I HAVE ARE A COPY OF
9 THE ONES THAT YOU HANDED ME.

10 Q SO IT IS ESSENTIALLY, TWO COPIES OF THE SAME
11 X-RAYS TAKEN AT THE SAME TIME?

12 A WELL, I DON'T KNOW IF THE ONE THAT YOU HAVE GIVEN
13 ME -- WELL, YES. THE ONE YOU HAVE GIVEN ME IS A COPY, ALSO.
14 THE ANSWER TO YOUR QUESTION IS YES.

15 Q OKAY. AND IN COMPARING THE X-RAYS THAT YOU HAD
16 OF MR. ESLAMINIA TO THE POST-MORTEM X-RAYS TAKEN UNDER
17 CORONER'S CASE NUMBER 15230, DID YOU FORM AN OPINION AS TO
18 WHETHER THOSE X-RAYS WERE FROM THE SAME PERSON?

19 A YES I DID.

20 Q WHAT IS THAT OPINION?

21 A MY OPINION WAS THAT THERE IS A STRONGLY POSITIVE
22 MATCH AND BOTH X-RAYS WERE INDEED, FROM THE SAME INDIVIDUAL.

23 Q WHAT DO YOU MEAN WHEN YOU SAY A "STRONGLY POSITIVE
24 MATCH"?

25 A BY THAT I MEAN THAT THERE WAS A VERY LARGE NUMBER
26 OF MATCHING POINTS WITH NO EXPLAINABLE DISCREPANCIES. SO
27 THERE WAS MORE THAN ENOUGH EVIDENCE TO CONCLUDE BOTH X-RAYS
28 REPRESENTED THE SAME PERSON.

5
1 Q WHEN YOU EXAMINED THOSE X-RAYS, WAS THERE ANY
2 DOUBT IN YOUR MIND WHATSOEVER THAT BOTH X-RAYS REPRESENTED
3 THE SAME PERSON?

4 A ABSOLUTELY NONE.

5 MR. WAPNER: THANK YOU. NOTHING FURTHER.

6 THE COURT: ANY QUESTIONS?

7 MR. BARENS: NO QUESTIONS, YOUR HONOR.

8 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL
9 BE EXCUSED.

10 MR. WAPNER: WE CALL FRED WILKENING.

11 MAY I HAVE A MOMENT, YOUR HONOR?

12 THE COURT: YES.

13 (PAUSE.)

14
15 FRED WILKENING,
16 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
17 AS FOLLOWS:

18 THE CLERK: DO YOU SOLEMNLY SWEAR THAT THE TESTIMONY
19 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL
20 BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO
21 HELP YOU GOD?

22 THE WITNESS: I DO.

23 THE COURT: PLEASE TAKE THE STAND. BE SEATED. STATE
24 AND SPELL YOUR NAME FOR THE RECORD.

25 THE WITNESS: FRED WILKENING, W-I-L-K-E-N-I-N-G.
26
27
28

DIRECT EXAMINATION

1
2 BY MR. WAPNER:

3 Q MR. WILKENING, BY WHOM ARE YOU EMPLOYED?

4 A U-HAUL COMPANY.

5 Q WHAT DO YOU DO?

6 A I AM VICE PRESIDENT OF U-HAUL OF LOS ANGELES.

7 Q U-HAUL IS A COMPANY THAT RENTS EQUIPMENT AND TRUCKS
8 FOR PEOPLE TO USE TO MOVE THINGS AND STUFF LIKE THAT?

9 A YES WE DO.

10 Q ALL RIGHT. HOW LONG HAVE YOU WORKED FOR U-HAUL?

11 A MY TOTAL ASSOCIATION WITH U-HAUL GOES BACK TO
12 1968.

13 Q BEFORE YOU CAME DOWN TO LOS ANGELES TO WORK, WERE
14 YOU WORKING SOMEWHERE FOR U-HAUL?

15 A I WAS COMPANY PRESIDENT OF U-HAUL COMPANY OF
16 SAN FRANCISCO FOR SIX AND A HALF YEARS.

17
18
19
20
21
22
23
24
25
26
27
28

1 Q AND AS AN EMPLOYEE OF THE U-HAUL COMPANY, ARE
2 YOU FAMILIAR WITH HOW THE RECORDS OF U-HAUL ARE KEPT AND
3 MAINTAINED?

4 A YES, I AM.

5 Q ARE YOU FAMILIAR WITH HOW THE RECORDS ARE
6 MADE WHEN A TRUCK IS RENTED?

7 A YES, I AM.

8 Q DO THE VARIOUS U-HAUL RENTAL CENTERS HAVE NUMBERS
9 THAT ARE ASSIGNED THAT TO THEM FOR RECORD-KEEPING PURPOSES?

10 A YES, THEY ARE.

11 Q BY LOOKING AT A U-HAUL BILL, CAN YOU IDENTIFY
12 THAT BILL AS REPRESENTING THE PARTICULAR STORE, HAVING BEEN
13 WRITTEN AT A PARTICULAR U-HAUL LOCATION?

14 A YES, SIR.

15 MR. WAPNER: YOUR HONOR, I HAVE TWO EXHIBITS HERE
16 THAT I WOULD LIKE TO HAVE MARKED AS PEOPLE'S -- NEXT.

17 THE COURT: TWENTY WHAT?

18 THE CLERK: 22.

19 MR. WAPNER: WE HAD SOME COURT EXHIBITS THIS MORNING.

20 THE COURT: 20 AND 21.

21 MR. WAPNER: FOR THE COURT EXHIBITS, I THOUGHT WE
22 WERE USING DIFFERENT NUMBERS?

23 THE CLERK: WHATEVER YOU WANT TO DO.

24 MR. WAPNER: LET'S MAKE THESE 22.

25 THE COURT: ALL RIGHT.

26 MR. WAPNER: THAT IS COLLECTIVELY AND WE CAN DEAL
27 WITH THE REST OF IT.

28 ONE IS 22-A, A PAGE THAT IS A U-HAUL CONTRACT

1 AND ON TOP OF THE RIGHT-HAND CORNER IT SAYS "WHITE" AND
2 AS 22-B, A COPY OF A U-HAUL CONTRACT THAT ON THE TOP RIGHT-
3 HAND CORNER SAYS "YELLOW."

4 THE COURT: ALL RIGHT.

5 Q BY MR. WAPNER: MR. WILKENING, IN 1984, WHEN
6 A TRUCK WAS RENTED AT A U-HAUL LOCATION, WHAT DOCUMENTS
7 WERE FILLED OUT IN THE ORDINARY COURSE OF BUSINESS FOR THE
8 PURPOSE OF RENTING A TRUCK?

9 A THE U-HAUL CONTRACT OR THE ONE-WAY RENTAL
10 CONTRACT WOULD HAVE BEEN FILLED OUT. THE CUSTOMER, AT THE
11 TIME THE TRUCK WAS DISPATCHED, WOULD HAVE BEEN GIVEN THREE
12 COPIES OF THAT, A YELLOW, A PINK AND A HARD COPY OR A BUFF
13 COPY.

14 THE YELLOW COPY, WHICH IS WHAT ULTIMATELY IS
15 TURNED IN ALONG WITH THE TRUCK IN ORDER TO RECEIVE HIS
16 DEPOSIT BACK.

17 THE WHITE COPY WAS RETAINED AND SENT TO OUR
18 HOME OFFICE, ALONG WITH THE MONEY.

19 AND THERE WOULD HAVE BEEN ONE ADDITIONAL COPY,
20 WHICH WAS THE TISSUE COPY WHICH WOULD HAVE BEEN MAINTAINED
21 AT THAT STORE.

22 Q WHERE IS THE HOME OFFICE LOCATED?

23 A THE HOME OFFICE IS IN PHOENIX, ARIZONA.

24 Q ONCE THE TRUCK IS TURNED IN, WHAT HAPPENS?

25 A THEN THE YELLOW COPY, WHICH THE CUSTOMER HAS
26 HAD IN HIS POSSESSION, IS TURNED IN TO THAT RECEIVING STORE
27 OR DEALER FOR REIMBURSEMENT OF HIS DEPOSIT. THEN THAT COPY
28 IS FORWARDED TO THE HOME OFFICE THAT NIGHT TO ACCOUNT FOR

1 THE \$40 OR WHATEVER AMOUNT OF DEPOSIT IS PAID OUT, THUS
2 COMPLETING THE CYCLE.

3 Q DOES THE PLACE WHERE THE TRUCK WAS RENTED,
4 AS WELL AS THE PLACE WHERE IT IS TURNED IN, KEEP ANY COPIES
5 AS PERMANENT RECORDS OR DO THEY SEND WHAT THEY HAVE
6 ULTIMATELY TO THE HOME OFFICE?

7 A THE ONLY COPY THAT WOULD HAVE BEEN KEPT WOULD
8 HAVE BEEN THE DISPATCHING STORE AND THAT WOULD HAVE ONLY
9 BEEN A TISSUE COPY.

10 Q HOW LONG DO THEY KEEP THAT?

11 A SIX MONTHS MAXIMUM.

12 Q WHAT HAPPENS AFTER THAT?

13 A AFTER THAT, THE TISSUE IS DESTROYED.

14 Q AS FAR AS RECORDS THAT ARE KEPT IN THE OFFICE,
15 IT IS IN ARIZONA?

16 A YES.

17 Q AND IT IS IN PHOENIX?

18 A YES.
19
20
21
22
23
24
25
26
27
28

1 Q HOW ARE THOSE RECORDS MAINTAINED?

2 A THOSE ARE MICROFILMED.

3 Q WHAT HAPPENS TO THE ORIGINALS?

4 A THOSE ARE DESTROYED ALSO.

5 Q I WANT TO SHOW YOU RECORDS THAT WE HAVE MARKED
6 AS 22-A AND 22-B, AS WELL AS TWO DOCUMENTS THAT APPEAR TO
7 BE IDENTICAL TO THOSE; WOULD YOU LOOK AT THOSE AND TELL
8 ME IF YOU RECOGNIZE THEM?

9 A THE ONE ON MY LEFT IS A COPY OF THE YELLOW
10 COPY, AFTER THE TOTAL TRANSACTION, AND THE ONE IN MY RIGHT
11 HAND IS THAT SAME CONTRACT, WHICH IS A COPY OF THE WHITE
12 CONTRACT OR THE TRUCK LEAVING ON THE DISPATCH.

13 Q THOSE APPEAR TO BE MICROFILMS OF THE ORIGINAL
14 RECORDS OF THE U-HAUL CORPORATION?

15 A YES, THEY DO.

16 Q AND THE COPIES OF THOSE MICROFILM DOCUMENTS
17 THAT WE HAVE MARKED AS 22-A AND 22-B, DO THOSE APPEAR TO
18 BE TRUE AND EXACT COPIES OF THE MICROFILM RECORDS?

19 A YES, THEY ARE.

20 Q DIRECTING YOUR ATTENTION TO THE DOCUMENT THAT
21 IS 22 -- WELL, BOTH OF THESE, 22-A AND B, ARE THOSE BOTH
22 FILLED OUT AT THE TIME THAT THE TRUCK IS RENTED?

23 A AT THE TIME, THE MAJORITY OF IT IS FILLED OUT
24 AT THE TIME THE TRUCK IS RENTED.

25 REALLY, THE ONLY DIFFERENCE BETWEEN THE WHITE
26 AND THE YELLOW IS THAT THE YELLOW INDICATES THE END MILEAGE,
27 THE TOTAL MILEAGE END DATE AND THE AMOUNT OF MONEY RETURNED
28 TO THE CUSTOMER.

1 Q DO THOSE DOCUMENTS INDICATE ON THEM WHERE THE
2 TRUCK REFLECTED IN THOSE DOCUMENTS WAS RENTED?

3 A YES, IT DOES.

4 Q WHERE IS THAT?

5 A THE CODE NUMBER IS 70-878.

6 Q WOULD YOU SAY THAT A LITTLE SLOWER?

7 A I'M SORRY. 70-878, WHICH IS OUR BELLFLOWER
8 MOVING CENTER -- I AM SORRY -- NOT BELLFLOWER. BELMONT,
9 THE MOVING CENTER IN BELMONT, CALIFORNIA.

10 MR. WAPNER: YOUR HONOR, I HAVE WHAT APPEARS TO BE
11 A BLOWUP OF THAT DOCUMENT; MAY THAT BE MARKED 22-C FOR
12 IDENTIFICATION?

13 THE COURT: IT WILL BE SO MARKED.

14 Q BY MR. WAPNER: MR. WILKENING, DOES THIS APPEAR
15 TO BE A BLOWUP OF THE DOCUMENTS THAT YOU ARE LOOKING AT?

16 A YES, IT DOES.

17 Q AND THE NUMBER THAT YOU ARE REFERRING TO IS
18 LOCATED WHERE ON HERE?

19 A IN THE CENTER ON THE TOP PAGE RIGHT.

20 Q WHICH IS THE DEALER CODE NUMBER?

21 A YES, SIR.

22 Q AND IT IS 70-878?

23 A WELL, IT IS ACTUALLY 708. 708 IS THE COMPANY
24 NUMBER OF THE SAN FRANCISCO AREA.

25 Q YOU ARE FAMILIAR WITH THAT, HAVING WORKED AT
26 THE SAN FRANCISCO OFFICE?

27 A YES.

28 Q WHAT DOES THE 78 REPRESENT AT THE END?

1 A 78 REPRESENTS THE COMPANY'S DEPARTMENT NUMBER
2 FOR THAT STORE.

3 Q SO THAT IS THE STORE IN BELMONT, CALIFORNIA?

4 A YES, IT IS.

5 Q AND WHEN THE TRUCK IS RENTED AND THE DOCUMENT
6 IS FILLED OUT, IN THE ORDINARY COURSE OF BUSINESS WHO FILLS
7 OUT THE TOP OF THE DOCUMENT WHERE IT SAYS, "CUSTOMER NAME"?

8 A IT WOULD HAVE BEEN THE DISPATCHING STORE.

9 Q AND IS THAT SOMEONE AT THE DISPATCHING STORE
10 RESPONSIBLE FOR, A U-HAUL EMPLOYEE RESPONSIBLE FOR FILLING
11 THAT OUT?

12 A YES, SIR.

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

14 A YES, IT IS.

15 Q WHEN IS THAT DONE IN RELATION TO WHEN THE TRUCK
16 IS RENTED?

17 A AT THE TIME.

18 Q IS THE DATE OF THE RENTAL INDICATED ON THE
19 DOCUMENT ITSELF?

20 A YES, IT IS.

21 Q WHERE IS THAT?

22 A IN THE CENTER SECTION ON THE RIGHT-HAND SIDE,
23 7-30-84.

24 Q WHERE IT SAYS "OUT 7-30-84"?

25 A YES.

26 THE COURT: TAKE THE POINTER THERE AND POINT IT OUT
27 FOR US, PLEASE.

28 A THIS WOULD BE THE DISPATCHING DATE AND THE

1 TIME. IN OTHER WORDS, IT IS SHOWING THAT THE TRUCK LEFT
2 ON 7-30-84 AT 11:30 A.M.

3 THE COURT: 7 WHAT?

4 THE WITNESS: 30, THREE ZERO.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q AT WHAT TIME?

2 A 11:30.

3 Q IN THE MORNING?

4 A IN THE MORNING.

5 Q AND IT WAS DUE BACK ON WHAT DATE?

6 A AUGUST THE 4TH OF 1984, 8-4.

7 Q AND WHAT KIND OF A TRUCK WAS IT THAT WAS RENTED?

8 A THIS IS OUR T.C. MODEL, WHICH IS A 14-FOOTER.

9 Q THE TOTAL LENGTH OF THE TRUCK IS 14 FEET?

10 A YES, SIR.

11 Q WHAT CAN YOU DESCRIBE -- CAN YOU DESCRIBE THE
12 BACK OF THE TRUCK IN TERMS OF WHAT IT LOOKS LIKE?

13 A THE TRUCK HAS A TOTAL CUBIC CAPACITY OF 600 CUBIC
14 FEET. IT HAS A THREE-FOOT OVERHANG OVER THE TOP OF THE CAB,
15 MUCH AS A CAMPER DOES.

16 THE BALANCE OF THE BED IS 11 FEET LONG. IT WILL
17 HAVE TWO SWING-OUT DOORS ON THE REAR.

18 Q SO THE WHOLE THING IS ENCLOSED IN THE BACK?

19 A YES, SIR.

20 Q NO WINDOWS IN THE BACK OR ANYTHING LIKE THAT?

21 A NO WINDOWS.

22 Q AND DOES THIS DOCUMENT INDICATE WHEN IN FACT,
23 THIS TRUCK WAS RETURNED AND WHERE?

24 A YES, SIR. IT DOES. IT WAS RETURNED ON 7-31-84,
25 HERE IN SANTA MONICA AT OUR SANTA MONICA STORE 71358.

26 Q WHERE IS THAT LOCATED? IS THAT ALSO ON THE YELLOW
27 COPY?

28 A THAT IS ON THE YELLOW COPY, YES, SIR.

1 Q WOULD YOU TAKE THE POINTER AND POINT TO THE DATE
2 IT WAS RETURNED AND WHAT STORE IT WAS.

3 A OKAY. THE DATE RETURNED AS 7-30-84.

4 Q 7-30 OR 7-31?

5 A 31, SORRY. IT WAS 31.

6 Q DOES IT SAY WHERE IT WAS RETURNED TO?

7 A EXCUSE ME. LET ME LOOK AT THIS. OKAY. ON IT
8 YOU WILL NOTICE 71358 AND THE SIGNATURE BY THIS GENTLEMAN.

9 Q WHAT IS 71358?

10 A 71358 IS OUR SANTA MONICA STORE, HERE IN LOS ANGELES.

11 Q SO THE TRUCK WAS DUE BACK AUGUST 4TH AND IT WAS
12 ACTUALLY RETURNED THREE DAYS EARLY, AUGUST 1ST?

13 A ON JULY 31ST, YES, SIR.

14 Q EXCUSE ME. JULY 31ST?

15 A YES, SIR.

16 Q AND WHO WAS RESPONSIBLE FOR FILLING IN THE
17 NUMBERS, THE SANTA MONICA STORE NUMBER AND THE DATE IT WAS
18 RETURNED?

19 A THE SANTA MONICA STORE. AND THIS PARTICULAR CASE,
20 THE GENTLEMAN THAT SIGNED THE CONTRACT I AM SURE, FILLED IN
21 THE ENTIRE CONTRACT.

22 Q IS IT THE RESPONSIBILITY OF THE U-HAUL EMPLOYEE
23 TO FILL OUT THAT SECTION OF THE AGREEMENT AT THE TIME THE
24 TRUCK IS RETURNED?

25 A YES, SIR.

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

27 A YES IT IS.

28 Q AT THE TIME THE TRUCK IS RETURNED?

3
1 A YES IT IS.

2 Q THANK YOU.

3 AT THE TIME THE TRUCK WAS RENTED, WAS THERE
4 ANYTHING ELSE BESIDES THE TRUCK THAT WAS RENTED?

5 A YES, SIR.

6 Q WHAT WAS THAT?

7 A THE CONTRACT IS INDICATING TWO HAND TRUCKS OR
8 DOLLIES ALONG WITH THE TRUCK.

9 Q ANYTHING ELSE?

10 A NO, SIR. WELL, THERE WERE SOME PURCHASES MADE.

11 Q WHAT?

12 A TWO SMALL BOXES, TWO EXTRA LARGE BOXES AND TWO
13 LARGE BOXES AND A ROLL OF TAPE.

14 Q DO YOU KNOW WHAT KIND OF TAPE THAT WAS?

15 A IT WOULD HAVE BEEN PACKING TAPE.
16
17
18
19
20
21
22
23
24
25
26
27
28

4
1 Q IS THAT INDICATED ON THE DOCUMENT SOMEPLACE?

2 A YES IT IS.

3 Q WOULD YOU TAKE THE POINTER AND POINT OUT WHERE
4 ON THERE IT IS INDICATED?

5 A THESE ITEMS ARE INDICATED IN THE SALES REGION,
6 HERE, TWO SMALL BOXES, TAPE, TWO EXTRA LARGE BOXES, TWO LARGE
7 BOXES.

8 MR. WAPNER: NOTHING FURTHER.

9

10 CROSS-EXAMINATION

11 BY MR. CHIER:

12 Q GOOD MORNING, MR. WILKENING.

13 WHAT IS YOUR TITLE WITH THE U-HAUL PEOPLE?

14 A I AM VICE PRESIDENT OF U-HAUL COMPANY OF LOS
15 ANGELES.

16 Q AND ARE YOU THE CUSTODIAN OF RECORDS OF THE U-HAUL
17 CORPORATION?

18 A NO, SIR.

19 Q ARE THE RECORDS WHICH YOU HAVE BROUGHT TO COURT
20 HERE TODAY, MAINTAINED BY YOU IN THE ORDINARY COURSE OF YOUR
21 BUSINESS AS THE LOS ANGELES PERSON?

22 A NO, SIR. THOSE ARE MAINTAINED BY OUR HOME OFFICE
23 IN PHOENIX, ARIZONA.

24 Q WERE THOSE RECORDS MADE BY YOU OR UNDER YOUR
25 SUPERIVISION AT THE TIME THAT YOU WERE IN BELMONT, CALIFORNIA
26 OR THE SAN FRANCISCO BAY AREA?

27 A NO, SIR.

28 Q HAVE YOU EVER BEEN DESIGNATED AS A CUSTODIAN OF

5
1 RECORDS OF U-HAUL CORPORATION?

2 A NO, SIR.

3 Q ALL RIGHT. NOW, DO THE RECORDS THAT YOU BROUGHT
4 INDICATE WHAT TIME THE TRUCK WAS RETURNED TO LOS ANGELES?

5 A THE TRUCK WAS RETURNED JULY 31ST.

6 Q WHAT TIME, SIR?

7 A I DON'T KNOW, SIR. THE CONTRACT DOESN'T INDICATE
8 THAT.

9 Q DOES THE CONTRACT INDICATE THE PERSON RECEIVING
10 THE TRUCK AT THE RETURNING STATION?

11 A YES IT DOES.

12 Q THAT PERSON'S NAME IS MR. BRADFORD?

13 A YES IT IS.

14 Q AND THE DOCUMENTS THAT YOU HAVE TESTIFIED ABOUT,
15 DO THEY INDICATE WHETHER THERE WAS SOME SPECIAL RATE GIVEN
16 FOR THE AMOUNT OF TIME THAT WAS ORIGINALLY REQUESTED?

17 A NO, SIR.

18 Q WOULD THE FACT THAT THE TRUCK WAS RETURNED EARLIER
19 THAN ORIGINALLY CONTEMPLATED, HAVE MADE A DIFFERENCE? WOULD
20 THAT MAKE A DIFFERENCE IN THE AMOUNT OF MONEY ACTUALLY CHARGED
21 THE CUSTOMER?

22 A NO, SIR.

23 Q IS IT A DAILY RATE OR A WEEKLY RATE OR WHAT?

24 A NO, SIR. ONE DAY RENTAL, THE RATE ALLOWS THE
25 CUSTOMER A CERTAIN NUMBER OF MILES, A SPECIFIC DESIGNATION
26 AND A NUMBER OF DAYS -- UP TO A NUMBER OF DAYS ALLOWED.

27 Q DOES THE CONTRACT INDICATE THE MANNER OF PAYMENT
28 FOR THIS TRUCK RENTAL?

1 A YES, SIR.

2 Q WHAT WAS THAT?

3 A CASH.

4 Q DO YOUR RECORDS INDICATE OR DO YOU KNOW THE NAME
5 OF THE PERSON WHO RETURNED THE TRUCK?

6 A NO, SIR.

7 Q DO YOUR RECORDS INDICATE THE AMOUNT OF MILEAGE
8 THAT WAS PLACED ON THE VEHICLE?

9 A YES, SIR, 415 MILES.

10 Q IT IS NOT CUSTOMARY TO INDICATE THE NAME OF THE
11 PERSON RETURNING THE VEHICLE?

12 A THE CONTRACT DOES NOT CALL FOR THAT FROM THE
13 CUSTOMER, UPON RETURNING THE VEHICLE.

14 Q WAS THERE A REFUND GIVEN AT THE TIME THE TRUCK
15 WAS RETURNED?

16 A YES THERE WAS.

17 Q INDICATING THERE MUST HAVE BEEN A CASH DEPOSIT
18 MADE IN ADVANCE AT THE TIME THE TRUCK WAS RENTED?

19 A THERE WAS A CASH DEPOSIT IN ADDITION TO THE RENTAL
20 PRICE AT THE TIME OF THE RENTAL. THAT CASH DEPOSIT WAS
21 RETURNED.

22 Q DID ANYBODY HAVE TO SIGN FOR THE CASH REFUND AT
23 THE TIME OF THE RETURN?

24 A NO, SIR. THE CASH REFUND IS SIGNED FOR BY OUR
25 PEOPLE IN ACCEPTANCE OF THE YELLOW COPY OF THE CONTRACT ON
26 THE TRUCK.

27

28

1 Q SO THAT THE U-HAUL PEOPLE HAVE NO RECORD OF THE
2 PERSON TO WHOM CASH REFUNDS ARE DISBURSED TO; IS THAT CORRECT?

3 A THE PERSON ON THE CONTRACT IS THE LIABLE PERSON
4 FOR THE TRUCK, YES.

5 Q YES, BUT WHEN THERE IS A CASH REFUND, YOUR COMPANY
6 GAVE MONEY BACK THAT THEY HAD, RIGHT?

7 A YES, SIR.

8 Q IS THE PRACTICE OF YOUR COMPANY TO KEEP RECORDS
9 OF THE NAMES OF PEOPLE THAT YOU GAVE CASH TO IN REFUNDING?

10 A ONLY IN REFERENCE TO THE CONTRACT NUMBER, SIR.

11 Q OKAY. NOW DO YOU KNOW WHO THE AUTHORIZED DRIVERS
12 WERE?

13 A THAT WOULD HAVE BEEN THE INDIVIDUAL WHOSE NAME
14 IS ON THE CONTRACT.

15 Q ANYBODY ELSE?

16 A NO, SIR.

17 THE COURT: WHAT NAME IS ON THE CONTRACT?

18 THE WITNESS: WE HAVE ARBEN, A-R--

19 THE COURT: WHO?

20 THE WITNESS: A-R-B-E-N D-O-S-T-I.

21 THE COURT: ARBEN DOSTI.

22 GO AHEAD.

23 Q BY MR. CHIER: DID YOU TAKE A CREDIT CARD FROM
24 MR. DOSTI?

25 A NO, SIR.

26 THE COURT: I THOUGHT HE SAID IT WAS CASH THAT THEY
27 HAD.

28 Q BY MR. CHIER: DID YOU TAKE A CREDIT CARD NUMBER

1 AS A REFERENCE?

2 A NO, SIR.

3 Q IN ADDITION TO THE DOLLIES -- AND THERE ARE TWO
4 DOLLIES RENTED; IS THAT TRUE?

5 A YES, SIR.

6 Q AND THERE WERE TWO LARGE CARTONS, EXTRA LARGE
7 CARTONS?

8 A YES, SIR.

9 Q SOME PACKING TAPE?

10 A YES, SIR.

11 Q SOME MEDIUM SIZED CARTONS?

12 A YES, SIR.

13 Q AND SOME SMALLER CARTONS?

14 A THERE WAS TWO SMALL BOXES, TWO EXTRA LARGE BOXES
15 AND TWO LARGE BOXES.

16 Q WERE THEY RETURNED AT THE TIME THE TRUCK WAS
17 RETURNED?

18 A NO, SIR.

19 THOSE ARE SALE ITEMS AND THOSE BELONG TO THE
20 CUSTOMER.

21 Q THOSE ARE NONREFUNDABLE?

22 A THOSE ARE NONREFUNDABLE. THOSE ARE PURCHASE ITEMS.

23 Q AT THE TIME THE TRUCK WAS TAKEN OUT, WERE THERE
24 ANY DEFECTS OR PROBLEMS LISTED ON THE RENTAL CONTRACT?

25 A NO, SIR.

26 Q ARE PROBLEMS OR DEFECTS WITH THE VEHICLES TAKEN
27 CARE OF BEFORE THE VEHICLES ARE RENTED OUT, AS FAR AS YOU
28 KNOW?

1 A YES, SIR.

2 Q WHEN THE TRUCK WAS RETURNED, DO YOUR RECORDS
3 INDICATE THAT THERE WERE ANY PROBLEMS OR DEFECTS IN THE
4 VEHICLE?

5 A NO, SIR.

6 Q WERE THERE FURNITURE PADS RENTED AT THE TIME THAT
7 THE TRUCK WAS TAKEN OUT AT BELMONT?

8 A YES, SIR, THERE WAS. THERE WAS HALF A DOZEN.

9 Q AND WERE THEY RETURNED?

10 A THE CONTRACT INDICATES THEY WERE, YES.

11 Q AND WAS THIS THE ONLY TRUCK AVAILABLE AT THE TIME
12 THAT IT WAS RENTED OR ARE THERE SMALLER SIZES AVAILABLE IF
13 REQUESTED?

14 A WE HAVE OTHER SIZES OF TRUCKS.

15 Q SMALLER SIZES AS WELL AS LARGER SIZES?

16 A YES, SIR.

17 Q THIS WOULD BE WHAT, KIND OF MEDIUM-SIZED?

18 A THIS IS A MEDIUM-SIZED TRUCK, YES.

19 Q DO YOU HAVE ANY WAY OF DETERMINING WHETHER OR
20 NOT THERE WERE SMALLER SIZES AVAILABLE AT THE TIME THIS WAS
21 TAKEN OUT?

22 A NO, SIR.

23 MR. CHIER: ONE MOMENT, PLEASE.

24 (UNREPORTED COLLOQUY BETWEEN DEFENSE
25 COUNSEL.)

26 Q BY MR. CHIER: LET ME JUST ESTABLISH SOMETHING
27 OUT OF AN ABUNDANCE OF CAUTION.

28 ALTHOUGH THE RENTER OF THE TRUCK INDICATES IT

1 WAS GOING TO BE TAKEN THROUGH AUGUST 4TH, THE DOCUMENT INDICATES
2 THAT IT WAS IN FACT RETURNED ON THE 31ST?

3 A THAT IS CORRECT.

4 Q IN SANTA MONICA, RIGHT?

5 A THAT IS CORRECT.

6 Q BUT YOU ARE NOT ABLE TO DETERMINE THE TIME THAT
7 IT WAS RETURNED?

8 A NO, SIR. JUST THAT DAY.

9 Q IS IT NOT TYPICAL TO INDICATE THE TIME IN OR OUT?

10 A AS WITH ALL COMPANIES, THINGS SLIDE BY THE
11 WAYSIDE. NO, SIR -- YES, SIR, IT IS OUR PROCEDURE BUT IT
12 IS NOT MANDATORY, EXPECIALLY NOT WHEN THE TRUCK IS TURNED
13 IN AHEAD OF TIME.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q SO THE PROCEDURE IS, THE RECOMMENDED OR DESIRABLE
2 PROCEDURE IS TO STAMP THE TIME IN AND THE TIME OUT?

3 A TO WRITE IT IN.

4 Q TO WRITE IT IN?

5 A YES, SIR.

6 Q IN THIS CASE, THE TIME BACK IN WAS NOT ENTERED;
7 IS THAT CORRECT?

8 A THAT IS CORRECT.

9 Q OKAY, NOW DOES MR. BRADFORD STILL WORK FOR THE
10 COMPANY?

11 A YES, HE DOES.

12 Q AND HE WORKS IN THE SANTA MONICA OFFICE?

13 A YES, HE DOES.

14 Q ARE YOU AWARE OF THE FACT THAT HE WAS UNABLE TO
15 MAKE IDENTIFICATION OF THE PERSON WHO BROUGHT THE TRUCK BACK
16 IN?

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

18 THE COURT: SUSTAINED.

19 MR. CHIER: MAY I HAVE JUST A MOMENT HERE, YOUR HONOR?

20 Q ON THE LOWER RIGHT-HAND CORNER, THERE IS A
21 NOTATION "TO CALL ON ARRIVAL," WHAT DOES THAT MEAN, SIR?

22 A THAT THIS GIVES THE CUSTOMER INFORMATION AS TO
23 HOW TO TURN THE EQUIPMENT IN WHEN HE ARRIVES HERE, IF HE IS
24 NOT FAMILIAR WITH THE AREA.

25 Q THIS IS AN INSTRUCTION TO THE CUSTOMER?

26 A YES.

27 Q AND THE NUMBER TO BE CALLED IS WHAT, A CORPORATE
28 OFFICE HERE IN LOS ANGELES?

1 A YES.

2 MR. CHIER: NOTHING FURTHER, YOUR HONOR.

3

4 REDIRECT EXAMINATION

5 BY MR. WAPNER:

6 Q THE CALL ON ARRIVAL NUMBER WOULD INDICATE THE
7 INTENDED DESIGNATION WAS IN FACT LOS ANGELES, CORRECT?

8 A THAT'S RIGHT.

9 Q IN THE YEARS THAT YOU WORKED FOR THE U-HAUL COMPANY,
10 HAVE YOU BECOME FAMILIAR WITH THE FORMS THAT ARE DEPICTED
11 BY EXHIBITS 22-A-, -B AND -C?

12 A YES, I AM.

13 Q DID YOU START IN THE U-HAUL COMPANY WORKING IN
14 ACTUALLY ONE OF THE COMPANIES RENTING TRUCKS?

15 A I ACTUALLY STARTED MY ASSOCIATION WITH THE U-HAUL
16 COMPANY AS A U-HAUL DEALER.

17 Q AS A U-HAUL DEALER WHERE YOU WERE REQUIRED TO
18 FILL OUT THE SAME FORMS THAT ARE BEFORE YOU IN 22-A, -B AND
19 -C?

20 A YES, SIR.

21 Q SO YOU ARE WELL FAMILIAR WITH HOW THESE FORMS
22 ARE FILLED OUT?

23 A YES.

24 Q AND THE PROCEDURES REQUIRED BY THE COMPANY WHEN
25 THEY ARE FILLED OUT?

26 A YES, SIR.

27 Q IN LOOKING AT THE DOCUMENTS YOU HAVE BEFORE YOU,
28 DO THESE PROCEDURES APPEAR TO HAVE BEEN FOLLOWED?

1 A YES, SIR.

2 MR. WAPNER: I MOVE TO HAVE 22-A, -B AND -C RECEIVED
3 INTO EVIDENCE, YOUR HONOR.

4 THE COURT: ALL RIGHT, THEY WILL BE RECEIVED.

5 MR. WAPNER: I HAVE NOTHING FURTHER.

6 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU MAY
7 STEP DOWN. YOU WILL BE EXCUSED.

8 THE WITNESS: THANK YOU.

9 MR. WAPNER: BERNICE RAPPAPORT.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 BERNICE RAPPAPORT,
2 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
3 AS FOLLOWS:

4 THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY
5 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT
6 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE
7 TRUTH, SO HELP YOU GOD.

8 THE WITNESS: I DO.

9 THE CLERK: PLEASE BE SEATED. STATE AND SPELL YOUR
10 NAME FOR THE RECORD.

11 THE WITNESS: BERNICE RAPPAPORT, R-A-P-P-A-P-O-R-T.
12

13 DIRECT EXAMINATION

14 BY MR. WAPNER:

15 Q MRS. RAPPAPORT, WHAT IS YOUR OCCUPATION?

16 A I AM A REAL ESTATE BROKER.

17 Q WERE YOU A REAL ESTATE BROKER IN JULY OF 1984?

18 A YES.

19 Q AT THE TIME, WERE YOU WORKING FOR A REAL ESTATE
20 COMPANY?

21 A YES.

22 Q WHAT COMPANY WERE YOU WORKING FOR?

23 A MERRILL LYNCH, BEVERLY HILLS.

24 Q AT THEIR BEVERLY HILLS OFFICE?

25 A YES.

26 Q AND AT THAT TIME, DID YOU KNOW A MAN NAMED
27 STEVEN POWERS?

28 A YES.

1 Q DID HE HAVE A HOUSE THAT WAS AVAILABLE FOR
2 RENTAL THAT HE LET YOU KNOW ABOUT?

3 A YES.

4 Q AT SOMETIME TOWARDS THE END OF JULY OF 1984,
5 WERE YOU WORKING AT THE MERRILL LYNCH OFFICE IN BEVERLY
6 HILLS WHEN YOU RECEIVED A PHONE CALL?

7 A YES, I WAS.

8 Q AND DO YOU REMEMBER WHO THAT CALL WAS FROM?

9 A YES, I DO.

10 Q WHO WAS THAT?

11 A DEAN KARNY.

12 Q AND WHAT WAS THE SUBSTANCE OF YOUR TELEPHONE
13 CONVERSATION?

14 A HE TOLD ME THAT HE AND HIS FRIEND WERE LOOKING
15 FOR A HOUSE TO LEASE, THAT THEY WERE WRITERS FOR THE GOVERNMENT
16 AND THEY NEEDED IT FOR ABOUT SIX WEEKS.

17 Q DID HE TELL YOU ANYTHING MORE ABOUT THE TYPE
18 OF HOUSE THAT THEY WERE LOOKING FOR?

19 A YES.

20 Q WHAT DID HE SAY?

21 A HE SAID THEY NEEDED SOMETHING WITH SECLUSION
22 AND QUIET, WHICH WAS THE MOST IMPORTANT.

23 Q WHAT DID YOU TELL HIM?

24 A I TOLD HIM THAT I KNEW OF A HOUSE THAT HAD
25 JUST BEEN CANCELED. THE LEASE HAD BEEN CANCELED BY THE
26 PEOPLE WHO WANTED TO RENT IT FOR THE OLYMPICS AND IT WOULD
27 PROBABLY BE AVAILABLE. I WOULD FIND OUT ABOUT IT FOR HIM.

28 Q WAS THAT MR. POWERS' HOUSE THAT YOU WERE

3

1 REFERRING TO?

2 A YES.

3 Q AFTER YOU TOLD HIM THAT, WHAT HAPPENED?

4 A IT IS A LITTLE DIFFICULT TO REMEMBER. I THINK
5 THAT HE WAS SUPPOSED TO CALL ME BACK OR I WAS SUPPOSED TO
6 CALL HIM BACK WITH THE INFORMATION AS TO THE AVAILABILITY
7 AND THE PRICE AND ET CETERA.

8 Q DID YOU HAVE SOME FURTHER CONTACT WITH HIM
9 OR ONE OF HIS ASSOCIATES?

10 A YES.

11 Q AS A RESULT OF THAT, DID YOU IN FACT, SHOW
12 MR. POWERS' HOUSE TO MR. KARNY?

13 A YES, I DID.

14 Q WAS THAT ON THE SAME DAY AS THE INITIAL PHONE
15 CALL?

16 A IT MIGHT HAVE BEEN. THEY WERE IN A HURRY.
17 I DON'T REMEMBER WHETHER IT WAS THAT DAY OR THE NEXT DAY.

18 MR. CHIER: MOVE TO STRIKE "THEY". THERE IS NO
19 TESTIMONY ABOUT ANYBODY EXCEPT MR. KARNY.

20 THE COURT: OVERRULED.

21 Q BY MR. WAPNER: DID YOU SPEAK WITH SOMEBODY
22 ON THE PHONE BEFORE YOU ACTUALLY SHOWED THE HOUSE?

23 A YES.

24 Q WHO WAS THAT?

25 A JOE HUNT.

26 Q DID YOU SUBSEQUENTLY MEET MR. HUNT?

27 A YES.

28 Q DO YOU SEE MR. HUNT IN THE COURTROOM RIGHT

1 NOW?

2 A RIGHT OVER THERE.

3 Q WHAT IS HE WEARING?

4 A BLUE PRISON SHIRT.

5 MR. WAPNER: INDICATING THE DEFENDANT, FOR THE RECORD,
6 YOUR HONOR?

7 THE COURT: YES.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q BY MR. WAPNER: AND WHEN YOU SPOKE WITH MR.
2 HUNT ON THE PHONE, WHAT DID HE TELL YOU ABOUT THE HOUSE
3 THAT HE WAS INTERESTED IN?

4 A WELL, HE SAID THAT HE HAD LOOKED AROUND QUITE
5 A BIT AND THERE WAS NOTHING REALLY THAT SUITABLE AND THEY
6 NEEDED TO HAVE A HOUSE RIGHT AWAY SO THEY COULD GET THEIR
7 BUSINESS TAKEN CARE OF, THEIR WRITING TAKEN CARE OF. AND
8 AVAILABILITY AND SECULSION WERE OF THE UTMOST IMPORTANCE.

9 Q DO YOU RECALL WHETHER YOU SPOKE TO MR. HUNT
10 ON THE SAME DAY YOU SPOKE TO MR. KARNY OR WAS IT THE NEXT
11 DAY OR DO YOU REMEMBER?

12 A I DON'T REMEMBER.

13 Q WAS IT WITHIN THE FIRST EITHER DAY OR THE NEXT
14 DAY OF THE PHONE CALL THAT YOU SHOWED THEM THE HOUSE?

15 A YES.

16 Q WHO DID YOU SHOW THE HOUSE TO?

17 A JOE HUNT, DEAN KARNY AND ANOTHER GIRL.

18 THE COURT: ANOTHER WHAT?

19 THE WITNESS: A GIRL.

20 THE COURT: A GIRL?

21 THE WITNESS: UH-HUH.

22 Q BY MR. WAPNER: IS THAT YES?

23 A YES.

24 Q WHERE WAS THE HOUSE LOCATED?

25 A 155 NORTH BEVERLY GLEN.

26 Q IS THAT IN WEST LOS ANGELES?

27 A YES.

28 Q WHERE IS THAT IN RELATION TO SUNSET BOULEVARD?

1 A IT IS JUST ABOUT A BLOCK NORTH OF SUNSET
2 BOULEVARD. IT IS HARD TO MEASURE A BLOCK. I WOULD SAY IT
3 IS JUST UNDER A MILE.

4 Q UNDER A MILE?

5 A UH-HUH.

6 Q MORE LIKE MAYBE A QUARTER OF A MILE?

7 A A QUARTER OF A MILE, A QUARTER TO A HALF.

8 Q AS YOU GO NORTH ON BEVERLY GLEN FROM SUNSET,
9 IS THERE A PARK OF SOME SORT ON THE RIGHT OR EAST SIDE OF
10 THE STREET?

11 A YES.

12 Q WHERE IS THE HOUSE IN RELATION TO THAT PARK?

13 A IT IS VERY NEAR TO THE PARK.

14 Q AND THE HOUSE IS ON WHICH SIDE OF THE STREET,
15 THE EAST OR WEST?

16 A WEST.

17 MR. WAPNER: YOUR HONOR, I HAVE HERE A BLACK FOLDER
18 THAT IS LABELED ON THE FRONT "BEVERLY GLEN." IT CONTAINS
19 12 COLOR PHOTOGRAPHS. MAY THE BOOK AND CONTENTS BE MARKED
20 AS PEOPLE'S 23 FOR IDENTIFICATION?

21 THE COURT: SO MARKED.

22 MR. WAPNER: I AM PUTTING A SMALL 23 IN BLUE ON THE
23 WHITE TAG ON THE FRONT OF IT.

24 THE COURT: YES.

25 Q BY MR. WAPNER: SHOWING YOU PEOPLE'S 23 FOR
26 IDENTIFICATION, WOULD YOU LOOK THROUGH THERE AND TELL ME
27 IF YOU RECOGNIZE THE PHOTOGRAPHS THAT ARE IN THAT BOOK?

28 A YES.

1 Q WHAT ARE THOSE PHOTOGRAPHS OF?

2 A THE HOUSE ON BEVERLY GLEN. THE ONLY THING
3 THAT I DON'T RECALL HERE IS THE BASEMENT BECAUSE I DID NOT
4 GO DOWN INTO THE BASEMENT.

5 Q WE WILL GET TO THAT IN A MINUTE. DID YOU SHOW
6 SOMEONE THE BASEMENT?

7 A I DID NOT PHYSICALLY GO DOWN THERE. WE OPENED
8 THE DOOR AND WE POINTED OUT THE BASEMENT.

9 Q SO THE PHOTOGRAPHS OF THE INSIDE OF THE BASEMENT,
10 YOU DID NOT SEE THAT PART OF THE HOUSE?

11 A I JUST SAW WHERE IT SHOWS DOWN THE STEPS. I
12 DID NOT GO DOWN THE STEPS.

13 Q OTHER THAN THAT, DO THOSE PHOTOGRAPHS TRULY
14 AND ACCURATELY DEPICT THE HOUSE AS IT APPEARED ON THE DAY
15 YOU SHOWED IT TO MR. HUNT AND MR. KARNY?

16 A YES, EXCEPT FOR A LITTLE BIT OF THE BRICK WORK
17 THAT MIGHT HAVE BEEN FINISHED.

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

19 THE COURT: YES.

20 (PAUSE.)

21 Q BY MR. WAPNER: WHEN YOU TOOK MR. HUNT -- STRIKE
22 THAT.

23 WHEN YOU WENT TO THE HOUSE TO SHOW IT TO MR.
24 HUNT AND MR. KARNY, WAS THERE ANOTHER REAL ESTATE AGENT
25 PRESENT?

26 A YES.

27 Q WHO WAS THAT?

28 A HER NAME IS RUTH OAKLANDER.

1 Q DO YOU RECALL WHETHER YOU AND MISS OAKLANDER
2 ACTUALLY DROVE MR. KARNY AND MR. HUNT TO THE LOCATION OR
3 WHETHER YOU MET THEM THERE?

4 A WE MET THEM THERE.

5 Q WHEN YOU GOT TO THE LOCATION, WHAT HAPPENED
6 AT THE HOUSE ON BEVERLY GLEN?

7 A WELL, I CAN'T RECALL WHO ARRIVED FIRST. BUT
8 A KEY WAS ON THE PREMISES AND I GOT AHOLD OF THE KEY AND
9 OPENED THE DOOR.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q WHEN YOU OPENED THE DOOR, WHAT DID YOU DO?

2 A I TURNED ON THE LIGHTS AND, MORE OR LESS,
3 PREPARED THE HOUSE TO BE SHOWN.

4 Q DID YOU SHOW THE HOUSE TO MR. HUNT AND MR.
5 KARNY AND THE WOMAN THAT WAS WITH THEM?

6 A YES.

7 Q WHAT DID THIS WOMAN LOOK LIKE, IF YOU REMEMBER?

8 A I JUST REMEMBER THAT SHE WAS RATHER THIN AND
9 DIDN'T SAY MUCH AND SHE HAD BLOND HAIR, EITHER IN A PONY
10 TAIL OR A BRAID OR SOMETHING.

11 Q DID SHE APPEAR TO BE WITH MR. HUNT OR MR. KARNY
12 OR JUST --

13 A WITH MR. HUNT.

14 Q WHEN YOU SHOWED THEM THE HOUSE, DID MR. HUNT
15 AND MR. KARNY -- DID YOU TAKE THEM AROUND TO VARIOUS PARTS
16 OF THE HOUSE?

17 A YES.

18 Q AND DO YOU REMEMBER HOW THAT BEGAN, WHAT PART
19 YOU SHOWED THEM FIRST?

20 A WELL, WE WENT INTO THE LIVING ROOM AND I TOLD
21 THEM THAT THE BEDROOMS WERE UPSTAIRS AND ASKED THEM IF THEY --
22 YOU KNOW, I JUST SHOWED THEM THE KITCHEN AND ONE ROOM WAS
23 LOCKED, I BELIEVE IT WAS THE MAID'S ROOM, AND THEY WERE
24 NOT INTERESTED IN THE MAID'S ROOM.

25 AND THEY ASKED IF THERE WAS A BASEMENT AND
26 WE OPENED A FEW DOORS TO FIND OUT WHERE THE BASEMENT WAS,
27 WHICH WAS LIKE A CLOSET DOOR NEAR THE ENTRY.

28 Q WAS THE HOUSE FURNISHED OR UNFURNISHED?

1 A IT WAS FURNISHED, NOT TOTALLY BUT ABOUT 90
2 PERCENT FURNISHED.

3 Q DID IT HAVE LINENS AND DISHES AND ALL OF
4 THOSE --

5 A YES.

6 Q -- THINGS?

7 A UH-HUH.

8 Q WAS IT BEING USED AS A RENTAL PRIMARILY FOR
9 PEOPLE COMING FOR THE OLYMPICS?

10 A YES.

11 Q HAD YOU SEEN THAT HOUSE BEFORE THAT DAY?

12 A YES.

13 MR. WAPNER: YOUR HONOR, I WOULD ASK THAT THESE PHOTO-
14 GRAPHS ALL BE RECEIVED IN EVIDENCE AND THAT THEY BE ALLOWED
15 TO BE CIRCULATED OR PASSED AMONG THE JURORS.

16 THE COURT: ALL RIGHT, THEY WILL BE RECEIVED.

17 MR. BARENS: FOR THE RECORD, THERE HAS ABSOLUTELY
18 BEEN NO FOUNDATION LAID AT ALL ON THE BASEMENT PHOTOGRAPH.
19 SHE NEVER SAW IT. WE DON'T KNOW WHO TOOK THESE.

20 THE COURT: OH, OVERRULED.

21 MR. BARENS: ALL RIGHT.

22 THE COURT: IT WILL TAKE SOME TIME, HAVING THEM LOOK
23 AT EVERY ONE OF THE PHOTOGRAPHS. CAN'T THEY SEE THAT LATER
24 ON?

25 MR. WAPNER: IT WILL TAKE A LITTLE BIT OF TIME.

26 THE COURT: ALL RIGHT.

27 MR. WAPNER: I APOLOGIZE FOR NOT HAVING BLOWUPS SO
28 THEY COULD ALL BE SEEN AT ONCE.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(EXHIBITS WERE PASSED AMONG THE JURY.)

THE COURT: ALL RIGHT.

Q BY MR. WAPNER: MISS RAPPAPORT, WHEN YOU SHOWED MR. HUNT AND MR. KARNY -- WHEN THEY ASKED ABOUT THE BASEMENT AND YOU SHOWED THEM THAT AREA, IS THAT DEPICTED IN ONE OF THE PHOTOGRAPHS THAT IS INCLUDED IN THE EXHIBIT ON PEOPLE'S 23?

A YES.

I REMEMBER THAT THE BAR WAS ACROSS HERE SO IT COULD BE USED AS A CLOSET (INDICATING).

Q AND WHERE IN THE HOUSE IS THIS CLOSET LOCATED?

A AS YOU COME INTO THIS DOOR, IT IS JUST TO THE RIGHT OF THE ENTRY (INDICATING).

1 Q AND IS IT LIKE AN ENTRY HALL CLOSET WHERE YOU
2 COULD HANG COATS AND THINGS LIKE THAT IN IT?

3 A YES.

4 Q AND IN ORDER TO GET TO THE BASEMENT, WHAT DO YOU
5 HAVE TO DO?

6 A WELL, IF THERE WERE CLOTHES, I GUESS YOU HAVE
7 TO MOVE THEM ASIDE OR TAKE THEM OUT SO THAT YOU CAN JUST WALK
8 DOWN THERE.

9 Q WHERE IS THE DOOR TO THE BASEMENT LOCATED?

10 A RIGHT IN THE ENTRY HALL.

11 Q IS THE FLOOR OF THE CLOSET -- DOES THAT ACTUALLY
12 COME UP? DO YOU ACTUALLY HAVE TO LIFT UP THE FLOOR OF THE
13 CLOSET IN ORDER TO GET DOWN THERE?

14 A I THINK SO, YES. YES. I DON'T LIKE TO GO INTO
15 BASEMENTS. I TRY TO AVOID IT.

16 Q IS THERE SOMETHING IN PARTICULAR THAT YOU RECALL
17 ABOUT SHOWING THIS PARTICULAR HOUSE TO MR. HUNT AND MR. KARNY?

18 A WELL, BOTH THE OTHER BROKER AND MYSELF THOUGHT
19 IT WAS VERY UNUSUAL IN THAT THEY WERE NOT REALLY THAT
20 INTERESTED IN THE HOUSE ITSELF.

21 THEY WENT DOWN INTO THE BASEMENT AND SPENT SOME
22 TIME LOOKING AROUND AND WHEN THEY CAME UP, THEY SAID THE HOUSE
23 WAS PERFECT AND THEY WOULD TAKE IT.

24 Q WHAT DO YOU MEAN WHEN YOU SAID THAT THEY WEREN'T
25 INTERESTED IN THE HOUSE ITSELF?

26 A WELL, I PRACTICALLY HAD TO PERSUADE THEM TO GO
27 UPSTAIRS TO LOOK AT THE BEDROOMS AND SHOW THEM THE LINEN AND
28 EVERYTHING ELSE THAT WAS ALSO CONNECTED WITH THE HOUSE.

1 THERE WAS ALSO A REFRIGERATOR THAT WAS MISSING,
2 THAT I HAD ASSURED THEM THE OWNER WOULD EITHER RENT OR
3 REPLACE SO THAT THEY WOULD HAVE A REFRIGERATOR.

4 Q TRY TO KEEP YOUR VOICE UP, ESPECIALLY SINCE THERE
5 IS MORE NOISE OUT IN THE HALLWAY.

6 A SORRY.

7 Q YOU TOLD THEM THAT THERE WAS A REFRIGERATOR MISSING
8 AND ASSURED THEM THAT THE OWNER WOULD REPLACE IT?

9 A WELL, IT WAS OBVIOUSLY MISSING. WE DISCUSSED
10 THE REFRIGERATOR AND I TOLD THEM THAT I WOULD ASK THE OWNER
11 TO EITHER RENT ONE OR GET ONE AND PUT IT IN FOR THEM.

12 Q WHAT WAS THE RESPONSE, IF ANY?

13 A WELL, YOU KNOW, IT WAS OKAY.

14 Q DID THEY SEEM TO BE, MR. KARNY AND MR. HUNT,
15 APPEAR TO BE INTERESTED IN THE BEDROOMS?

16 A NOT REALLY, NO.

17 Q YOU SAID THE MAID'S ROOM WAS LOCKED?

18 A YES.

19 Q DID YOU TELL THEM YOU COULD GET A KEY AND LET
20 THEM IN?

21 A YES.

22 Q WHAT WAS THE RESPONSE?

23 A THEY DIDN'T SEEM TO CARE.

24 Q HOW LONG DID THE TWO OF THEM SPEND IN THE BASEMENT?

25 A WELL, IT WAS MORE TIME THAN THEY SPENT IN THE
26 REST OF THE HOUSE. I DON'T REMEMBER THE EXACT AMOUNT OF TIME.

27 Q HOW LONG AFTER THEY CAME UP FROM THE BASEMENT,
28 DID THEY SAY THE HOUSE WAS PERFECT?

1 A RIGHT AWAY.

2 Q WHO SAID THAT THE HOUSE WAS PERFECT?

3 A I THINK THEY BOTH DID.

4 Q AFTER THEY TOLD YOU THAT, WHAT HAPPENED?

5 A THEY DISCUSSED THE PRICE AND THE PAYMENT AND HOW
6 SOON THEY COULD GET IN.

7 Q DID YOU TELL THEM WHAT THE PRICE WAS?

8 A YES.

9 Q WHAT WAS THE PRICE?

10 A \$9,000 FOR SIX WEEKS.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

-4

1 Q AND WHAT DID THEY SAY WHEN YOU TOLD THEM IT WAS
2 GOING TO BE \$9,000 FOR SIX WEEKS?

3 A THEY SAID THAT WAS FINE.

4 Q WAS THERE ANY HAGGLING OVER THE PRICE?

5 A NO, NOT THAT I RECALL.

6 Q WHAT HAPPENED AFTER YOU DISCUSSED THE PRICE?

7 A I TOLD THEM THAT WE WOULD HAVE TO HAVE A CASHIER'S
8 CHECK, THE OWNER WOULD. I WAS NOT REALLY HANDLING IT FOR
9 THE OWNER.

10 I WAS SUPPOSED TO GET IT FOR SALE. AND THEY WOULD
11 HAVE TO GO OVER AND DO THIS WITH THE OWNER AT HIS OFFICE.
12 AND THEY WOULD NEED A CASHIER'S CHECK AND IT SHOULD BE MADE
13 OUT TO THE OWNER, SINCE THEY WOULD BE DEALING WITH HIM.

14 Q WERE YOU PRESENT WHEN THE AGREEMENT WAS SIGNED
15 WITH THE OWNER?

16 A YES. MR. POWERS ASKED ME TO COME OVER TO SEE
17 IT, TO MAKE SURE IT WAS OKAY.

18 Q AND IN RELATION TO WHEN YOU SHOWED THEM THE HOUSE,
19 WHEN WAS THIS AGREEMENT SIGNED WITH THE OWNER?

20 A I BELIEVE IT WAS THAT AFTERNOON OR WITHIN 24 HOURS.

21 MR. WAPNER: YOUR HONOR, I HAVE A COPY OF A RENTAL
22 AGREEMENT THAT I WOULD LIKE TO HAVE MARKED AS PEOPLE'S 24
23 FOR IDENTIFICATION.

24 THE COURT: SO MARKED.

25 Q BY MR. WAPNER: SHOWING YOU WHAT APPEARS TO BE
26 THE ORIGINAL AS WELL AS THE COPY OF A RENTAL AGREEMENT, DO
27 YOU RECOGNIZE THAT DOCUMENT?

28 A YES I DO.

1 Q WHAT IS IT?

2 A IT IS A RENTAL AGREEMENT, MONTH-TO-MONTH RENTAL
3 AGREEMENT.

4 Q WHERE HAVE YOU SEEN THAT BEFORE?

5 A IN MR. POWERS' OFFICE.

6 Q IS THAT THE DOCUMENT THAT WAS SIGNED BY MR. KARNY
7 AND MR. POWERS?

8 A YES.

9 Q DOES IT HAVE SEVERAL INITIALS THERE ON THE LEFT-
10 HAND MARGIN?

11 A YES.

12 Q WHOSE INITIALS DO THOSE APPEAR TO BE?

13 A DEAN KARNY AND STEVE POWERS.

14 Q AND AFTER THAT DOCUMENT WAS SIGNED, DID YOU HAVE
15 ANY FURTHER CONTACT WITH EITHER MR. KARNY OR MR. HUNT?

16 A YES.

17 Q WHAT WAS THAT?

18 A A COUPLE OF DAYS LATER, MR. KARNY CALLED ME VERY
19 EXCITEDLY THAT THEIR CONTRACT WAS CANCELED AND THEY HAD TO
20 GO BACK TO WASHINGTON AND COULD THEY PLEASE GET A REFUND ON
21 THE MONEY THEY PAID FOR THE LEASE.

22 Q WHAT DID YOU SAY?

23 A I TOLD THEM THAT THAT HAD NOTHING TO DO WITH ME,
24 THAT THEY WOULD HAVE TO CONTACT MR. POWERS DIRECTLY AND WORK
25 IT OUT WITH HIM.

26 Q AND DID YOU GET ANY KIND OF COMMISSION FOR RENTING
27 OF THE PROPERTY?

28 A NO.

)-6

1 Q DID YOU RETURN ANY MONEY, IN FACT, TO MR. KARNY?

2 A NO.

3 MR. WAPNER: THANK YOU. NOTHING FURTHER.

4 THE COURT: IT IS JUST ABOUT THE NOONHOUR. WE'LL TAKE
5 OUR CUSTOMARY RECESS.

6 LADIES AND GENTLEMEN OF THE JURY, WE'LL TAKE OUR
7 RECESS NOW UNTIL 1:30 THIS AFTERNOON.

8 THE SAME ADMONITION THAT I GAVE YOU STILL APPLIES.
9 YOU WILL COME BACK THEN, TOO.

10 (AT 11:57 A.M. A RECESS WAS TAKEN UNTIL
11 1:30 P.M. OF THE SAME DAY.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

-1 1 SANTA MONICA, CALIFORNIA; MONDAY, MAY 18, 1987; 1:35 P.M.

2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE

3 (APPEARANCES AS NOTED ON TITLE PAGE.)

4
5 (THE FOLLOWING PROCEEDINGS WERE HELD
6 IN OPEN COURT OUT OF THE PRESENCE OF
7 THE JURY:)

8 MR. WAPNER: YOUR HONOR, THERE IS JUST ONE THING I
9 WANTED TO PUT ON THE RECORD BEFORE THE JURORS COME BACK AND
10 THAT IS, THAT I DISCUSSED WITH MR. BARENS THE CALENDARING
11 BASICALLY OF HOW LONG I THOUGHT MY PART OF THIS CASE MIGHT
12 TAKE IN TERMS OF WHEN HE SHOULD BE EXPECTED TO START AND
13 ALTHOUGH IT MIGHT TAKE THE BALANCE OF THIS WEEK, I TOLD HIM
14 THAT HE SHOULD ANTICIPATE BEING ABLE TO START CALLING
15 WITNESSES BY THURSDAY.

16 THE COURT: THURSDAY OF THIS WEEK?

17 MR. WAPNER: THURSDAY OF THIS WEEK. IT COULD BE SOONER,
18 MAYBE, BUT I DON'T --

19 THE COURT: WELL, HOW MANY MORE WITNESSES DO YOU HAVE,
20 OTHER THAN THE ONE ON THE STAND?

21 MR. WAPNER: MAYBE SIX.

22 THE COURT: ALL RIGHT.

23 MR. WAPNER: SIX OR SEVEN.

24 MR. BARENS: MAY I RESPOND, YOUR HONOR?

25 THE COURT: YES.

26 MR. BARENS: IN FACT, MR. WAPNER EXPRESSED THIS BELIEF
27 OF HIS TO ME THIS MORNING JUST BEFORE WE STARTED.

28 INITIALLY, MR. WAPNER INDICATED HE WOULD BE TWO

1 WEEKS AS OF LAST MONDAY, WHICH I HAD PRESUMED FROM THAT WOULD
2 GET ME THROUGH THIS WEEKEND.

3 THE COURT: ALL RIGHT, THEN HE MISSTATED THE THING.
4 IT IS A LITTLE LESS THAN TWO WEEKS.

5 MR. BARENS: YOUR HONOR, IF YOU WOULD JUST INDULGE ME
6 FOR A COMMENT HERE.

7 MY ONLY CONCERN WAS THAT I HAD CALLED OUR
8 WITNESSES FOR THE DAY AFTER THE HOLIDAY, NEXT TUESDAY, AND
9 IF MR. WAPNER WERE TO CONCLUDE SOMETIME ON THURSDAY, WE MIGHT
10 REQUEST OF THE COURT THAT WE HAVE UNTIL MONDAY.

11 THE COURT: MONDAY IS A HOLIDAY.

12 MR. BARENS: I AM SORRY. I MEAN UNTIL TUESDAY.
13 I MISSPOKE MYSELF.

14 THE COURT: WE HAVE ANOTHER MURDER CASE, A PENALTY CASE
15 STARTING. WE ASKED THEM TO CONTINUE IT ONE MORE WEEK. THE
16 MORE TIME I CAN SAVE, THE BETTER I LIKE IT, SO WE WILL
17 PROCEED AS SOON AS HE FINISHES, YOU WILL START YOUR TRIAL.

18 MR. BARENS: I UNDERSTAND YOUR HONOR'S CONCERN ABOUT
19 ANOTHER CASE. MY EXCLUSIVE CONCERN, OF COURSE, IS THIS CASE.

20 THE COURT: I AM SURE YOU CAN HAVE A WITNESS OR TWO
21 AVAILABLE FOR THE SHORT PERIOD OF TIME IT WILL TAKE ON
22 THURSDAY TO DO IT. I JUST DON'T WANT TO WASTE THE TIME.

23 MR. BARENS: ALL RIGHT. WE ARE NOT LOOKING TO WASTE
24 TIME.

25 THE COURT: I KNOW THAT IS WHAT HAPPENS IF YOU DON'T
26 PROCEED ON THURSDAY.

27

28

1 MR. CHIER: YOUR HONOR, BEFORE THE JURY COMES BACK,
2 COULD I RENEW A DISCOVERY REQUEST BASED UPON NEWLY
3 DISCOVERED EVIDENCE?

4 YOUR HONOR, THAT IS WITH RESPECT TO THE HOLLYWOOD
5 MOTEL BUSINESS. OUR INVESTIGATOR HAS BEEN CHECKING IT OUT,
6 YOUR HONOR, AND HAS COME UP WITH INFORMATION THAT THE PERSON,
7 THE SUSPECT IN THE CASE WHO RENTED THE MOTEL ROOM IN QUESTION,
8 IS A PERSON OF THIN BUILD AND FIVE FEET TEN INCHES TALL
9 WHICH IS A DESCRIPTION OF MR. KARNY.

10 THIS INFORMATION WAS DERIVED FROM INTERVIEWING
11 PERSONS AT THE SCENE OF THE --

12 THE COURT: I THOUGHT I MADE IT PERFECTLY CLEAR THAT
13 UNLESS YOU GOT A CONVICTION AGAINST A PERSON WHOM YOU CLAIM --
14 IF IT IS JOE BLOW, I DON'T CARE WHO IT IS -- YOU CAN'T BRING
15 THAT UP ON CROSS-EXAMINATION.

16 WHY DO YOU PERSIST IN THIS KIND OF CONDUCT?
17 I WON'T PERMIT YOU TO DO IT.

18 MR. CHIER: WELL, ALL WE ARE ASKING IS --

19 THE COURT: I DON'T CARE WHO YOUR INVESTIGATOR IS
20 OR IF HE SAW THEM IN BED TOGETHER. I DON'T CARE IF --

21 MR. CHIER: ALL WE ARE ASKING FOR IS DISCOVERY.

22 THE COURT: YOU HAVE HAD ALL THE DISCOVERY YOU ARE
23 ENTITLED TO. LET'S GET ON. DENIED. THESE ARE RED HERRINGS
24 THAT YOU PULL ACROSS THE TRAIL ALL OF THE TIME.

25 MR. WAPNER: YOUR HONOR, I HAVE A FEW MORE QUESTIONS
26 OF THIS WITNESS BEFORE SHE IS CROSS-EXAMINED.

27 THE COURT: ALL RIGHT.
28

1 BERNICE RAPPAPORT,
2 THE WITNESS ON THE STAND AT THE TIME OF ADJOURNMENT, RESUMED
3 THE STAND AND TESTIFIED AS FOLLOWS:

4 THE COURT: YOU HAVE BEEN PREVIOUSLY SWORN. PLEASE
5 STATE YOUR NAME ONCE AGAIN FOR THE RECORD.

6 THE WITNESS: BERNICE RAPPAPORT.

7 (THE JURY ENTERS THE COURTROOM.)

8 THE COURT: ALL RIGHT. YOU HAVE SOME FURTHER QUESTIONS?

9 MR. WAPNER: I HAVE JUST A FEW.

10

11

DIRECT EXAMINATION (CONTINUED)

12

BY MR. WAPNER:

13

Q WERE YOU PRESENT WHEN THE PAYMENT FOR THE LEASE
14 WAS MADE?

15

A YES.

16

Q WHO MADE THE PAYMENT?

17

A DEAN KARNY.

18

Q HOW WAS THE PAYMENT MADE?

19

A CASH.

20

Q IT WAS \$9,000 IN CASH?

21

A I DON'T REMEMBER WHETHER THERE WAS \$1,000 FIRST --
22 I BELIEVE THE WHOLE THING WAS IN CASH, YES, THE ENTIRE
23 PAYMENT.

24

Q DO YOU SEE THE PERSON OR THE WOMAN WHO WAS
25 WITH MR. KARNY AND MR. HUNT WHEN THEY WENT TO SEE THE HOUSE,
26 IN THE COURTROOM RIGHT NOW?

27

A YES.

28

Q WOULD YOU POINT THAT PERSON OUT?

1 A OVER THERE (INDICATING).

2 Q WHERE IS SHE SITTING AND WHAT IS SHE WEARING?

3 A THE FRONT ROW WITH A NAVY BLUE TOP.

4 THE COURT: SECOND SEAT FROM THE LEFT?

5 THE WITNESS: FROM THE LEFT.

6 THE COURT: THAT IS INDICATING THE PRIOR WITNESS IN
7 THIS CASE.

8 MR. WAPNER: BROOKE ROBERTS, YOUR HONOR?

9 THE COURT: YES.

10 MR. WAPNER: THANK YOU. NOTHING FURTHER.

11

12

CROSS-EXAMINATION

13 BY MR. BARENS:

14 Q MS. RAPPAPORT, YOU SAY THAT YOU FIRST HAD
15 CONTACT ABOUT THIS THROUGH A TELEPHONE CALL YOU RECEIVED?

16 A YES.

17

18

19

20

21

22

23

24

25

26

27

28

-1

1 Q WASN'T IT A FACT THAT MR. KARNY SAW THE PREMISES
2 MORE THAN ONCE?

3 A I DON'T REMEMBER IF HE DID.

4 Q OKAY. YOU ARE NOT SURE?

5 A I DON'T REMEMBER IF HE SAW IT ONCE OR TWICE.

6 I WENT OVER IT WITH THE --

7 I SPOKE TO THE OTHER BROKER ABOUT IT, TOO, AND
8 FROM WHAT WE BOTH GATHERED, I DON'T KNOW WHETHER I AM
9 INFLUENCED BY WHAT SHE SAID OR WHAT, BUT I, AS FAR AS THE
10 TWO OF US WERE CONCERNED, IT WAS THE ONE TIME.

11 Q OKAY. DO YOU HAVE ANY RECOLLECTION OF BEING THERE
12 WITH MR. KARNY BY HIMSELF PRIOR TO THE TIME YOU MET MR. HUNT?

13 A I DON'T RECALL IT, NO.

14 Q IS IT POSSIBLE, TO YOUR KNOWLEDGE, THAT PERHAPS
15 AN ASSOCIATE OF YOURSELF, EITHER IN YOUR OFFICE OR ANOTHER
16 OFFICE, MIGHT HAVE BEEN OVER THERE WITH KARNY PRIOR TO THAT
17 OCCASION?

18 A NO.

19 Q DID YOU CHECK YOUR APPOINTMENT OR APPOINTMENT
20 BOOK OR ANYTHING IN THAT REGARD BEFORE YOUR TESTIFYING TODAY?

21 A NO, I DIDN'T.

22 Q OKAY. SO YOU DON'T KNOW WHETHER THAT WOULD BE
23 ANY HELP TO US AS TO WHETHER THERE WAS ONE OR TWO VISITS TO
24 THE PREMISES?

25 A I DON'T -- I REALLY DON'T KNOW.

26 Q OKAY. WHEN YOU GOT THE CALL THAT YOU RECALL
27 INTRODUCES THIS SUBJECT TO YOU FROM MR. KARNY, THAT WAS HOW
28 LONG PRIOR TO THE TIME YOU REMEMBERED GOING TO THE HOUSE?

-2

1 A I DON'T KNOW THE EXACT NUMBER OF HOURS, OR WHETHER
2 IT WAS THAT DAY OR THE FOLLOWING DAY. IT WAS ALL WITHIN A
3 SHORT PERIOD OF TIME.

4 Q OKAY. DID MR. KARNY LEAVE YOU A PHONE NUMBER
5 WHERE YOU COULD CALL HIM BACK?

6 A I BELIEVE SO.

7 Q DO YOU REMEMBER WHERE YOU CALLED HIM BACK?

8 A THE TELEPHONE NUMBER?

9 Q DO YOU REMEMBER WHETHER IT WAS THE NAME OF A
10 BUSINESS OR A PRIVATE RESIDENCE OR SOME OTHER PLACE THAT COULD
11 HELP YOU IDENTIFY WHERE YOU CALLED HIM?

12 A I DON'T RECALL.

13 IT SEEMS TO ME THAT IT WAS PROBABLY A PRIVATE
14 RESIDENCE.

15 Q OKAY. DID YOU CALL HIM BACK YOURSELF AT THAT
16 NUMBER?

17 A I BELIEVE SO.

18 Q DID HE ANSWER THE PHONE?

19 A I CAN'T REMEMBER.

20 Q AT THAT POINT WHEN YOU SPOKE TO HIM ON THE
21 TELEPHONE IS WHEN THE MEETING WAS ARRANGED TO GO OVER TO THE
22 HOUSE?

23 A YES.

24 Q DID YOU TELL ME THAT YOU HAD SPOKEN TO MR. HUNT
25 PRIOR TO THE TIME YOU WENT TO THE HOUSE, BY TELEPHONE?

26 A YES.

27 Q WHEN WAS THAT?

28 A WITHIN A SPAN OF HOURS PREVIOUS TO THAT.

3
1 I DON'T REMEMBER THE EXACT -- THE EXACT AMOUNT
2 OF TIME.

3 Q WAS THAT AFTER YOU CALLED MR. KARNY BACK?

4 A NO.

5 I BELIEVE IT WAS INITIALLY.

6 Q WHAT DO YOU MEAN BY THAT, MA'AM? I AM CONFUSED.

7 A WHEN I WAS ASKED IF THERE WAS -- IF THERE WERE
8 ANY HOUSES FOR LEASE AVAILABLE AND THE TYPE THAT THEY WANTED.

9 Q WAS IT MR. KARNY THAT CALLED YOU FIRST?

10 A I REALLY DON'T RECALL WHICH PERSON CALLED ME FIRST.
11 I SPOKE TO BOTH OF THEM.

12 Q THIS MORNING, I BELIEVE YOU TESTIFIED THAT
13 MR. KARNY HAD CALLED YOU, INQUIRING ABOUT A HOUSE THAT MIGHT
14 BE FOR RENT AND YOU TOLD HIM ABOUT THE POWERS' HOUSE, ET CETERA;
15 IS IT YOUR TESTIMONY NOW THAT PERHAPS PRIOR TO THAT, YOU HAD
16 TALKED TO MR. HUNT OR AFTER THAT YOU TALKED TO MR. HUNT?

17 A I DON'T KNOW WHEN I SPOKE TO MR. HUNT. I DON'T
18 KNOW THE EXACT SEQUENCE OF TIME.

19 Q AT ALL?

20 A NO.

21 Q IN ANY EVENT, WHO ARRANGED THE APPOINTMENT TO
22 GO SEE THE HOUSE?

23 A BETWEEN THE TWO OF THEM YOU MEAN?

24 Q YES.

25 A I DON'T REMEMBER.

26 Q WHEN YOU GOT TO THE HOUSE, DID YOU DRIVE THEM
27 UP THERE OR DID THEY MEET YOU THERE?

28 A NO.

4
1 I BELIEVE WE MET THEM THERE.

2 Q THEY WERE TOGETHER WITH THIS YOUNG LADY YOU
3 DESCRIBED FOR US?

4 A YES.

5 Q DID THEY SEEM TO ARRIVE TOGETHER?

6 A I DON'T REMEMBER IF THEY ARRIVED IN THE SAME CAR
7 OR NOT.

8 Q YOU WERE EARLIER INTERVIEWED BY OSCAR BREILING
9 BACK IN FEBRUARY OF 1985 IN THIS MATTER, WERE YOU NOT?

10 A YES.

11 Q DID YOU MENTION TO MR. BREILING THE PRESENCE OF
12 THE YOUNG LADY AT THAT TIME?

13 A YES.

14 Q YOU DID TELL HIM ABOUT THAT?

15 A YES.

16 Q DID YOU DESCRIBE HER THE SAME WAY YOU DID TODAY?

17 A YES.

18 Q WERE YOU SHOWN PICTURES OF THE PEOPLE THAT YOU
19 DESCRIBED?

20 A YES.

21 Q DID YOU IDENTIFY THE THREE PEOPLE?

22 A YES.

23 Q AND IN ANY EVENT, WERE YOU SHOWN ANY OTHER PICTURES
24 ASIDE FROM THE THREE PEOPLE?

25 A YES.

26 Q DO YOU REMEMBER WHOSE PICTURES YOU WERE SHOWN?

27 A NO.

28 Q WHEN YOU GOT TO THE HOUSE, YOU SAY THAT THE THREE

- 5

1 OF THEM ENTERED THE HOUSE?

2 A YES.

3 Q DID ALL THREE OF THEM GO IN THE BASEMENT?

4 A I DON'T REMEMBER IF THE GIRL WENT INTO THE
5 BASEMENT.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q JUST THE GENTLEMAN?

2 A I BELIEVE SO.

3 Q WAS IT UNUSUAL TO HAVE A BASEMENT IN A HOUSE
4 IN THAT LOCATION?

5 A NO.

6 Q IS THERE ANYTHING UNIQUE ABOUT THIS BASEMENT?

7 A I WAS NOT DOWN IN THE BASEMENT SO I DON'T KNOW.

8 Q OKAY. MOST OF THE HOUSES YOU SEE IN BEVERLY
9 HILLS OR BEL AIR OR THE HOMBY AREA HAVE BASEMENTS?

10 A WELL, THERE IS WHAT YOU CALL A STORAGE BASEMENT
11 FOR HEATING SYSTEMS AND THEN THERE ARE FULL BASEMENTS.

12 Q WHAT DO YOU CALL THIS ONE?

13 A I DON'T KNOW. I DIDN'T GO DOWN INTO THE BASEMENT.

14 Q WELL, YOU SAW A PICTURE.

15 A BUT I DID NOT SEE THE ENTIRE BASEMENT. I JUST
16 SAW THE STAIRWELL.

17 Q OKAY. IN ANY EVENT, AFTER THEY CAME OUT OF
18 THE BASEMENT, THAT WAS WHEN THEY SEEMED TO DECIDE TO RENT
19 THE HOUSE?

20 A YES.

21 Q WHEN YOU WERE DISCUSSING THE LEASE OF THE HOUSE,
22 DID SIX WEEKS SEEM AN ODD NUMBER TO YOU, AS OPPOSED TO ONE
23 MONTH OR TWO MONTHS OR THREE MONTHS?

24 A THIS WAS DURING THE PERIOD OF THE OLYMPICS
25 SO THAT IT COULD HAVE BEEN ANY AMOUNT OF TIME.

26 Q SO, WOULD YOUR TYPICAL RENTAL BE BY THE WEEK
27 IN THAT TYPE OF AREA OR BY THE MONTH?

28 A THERE WAS NO TYPICAL RENTAL FOR THE OLYMPICS.

1 Q WHEN YOU HAD TAKEN THE HOUSE TO BE RENTED,
2 WAS THERE A TIME FRAME PLACED ON THE RENTAL BY THE LESSOR?

3 A NO. I DID NOT HAVE A LISTING ON THE PROPERTY.
4 IT WAS JUST -- I HAD BEEN PROMISED THE LISTING FOR SALE
5 ON THE HOUSE, NOT FOR THE LEASE.

6 Q WERE YOU TOLD BY MR. HUNT OR MR. KARNY WHY
7 THEY DESIRED THE PREMISES FOR SIX WEEKS?

8 A YES.

9 Q WHAT WAS THAT?

10 A THEY SAID THAT THEY HAD A WRITING PROJECT FOR
11 THE GOVERNMENT.

12 Q AND THEY ESTIMATED IT WOULD BE A SIX-WEEK TERM
13 FOR THAT?

14 A THAT IS WHAT THEY SAID THEY WANTED THE HOUSE
15 FOR, SIX WEEKS.

16 Q OKAY. THEY SUGGESTED THE SIX-WEEK TIME FRAME
17 AS OPPOSED TO YOU OR YOUR OFFICE SAYING THAT IT WAS AVAILABLE
18 FOR SIX WEEKS?

19 A I REALLY DON'T REMEMBER THAT, EITHER, WHETHER
20 IT WAS AVAILABLE.

21 Q THERE HAD BEEN A CANCELLATION. SOMEONE ELSE
22 LEASED THE HOUSE FOR THE OLYMPICS. IT WAS CANCELED, WHICH
23 WAS THE ONLY REASON IT CAME UP COINCIDENTALLY AT THAT TIME.

24 Q DO YOU KNOW NOW OR DID YOU KNOW HOW LONG THE
25 LEASE PERIOD THAT WAS CANCELED TO MAKE THE PROPERTY AVAILABLE?

26 A I DON'T REMEMBER.

27 Q DID YOU HAVE A RECOLLECTION IT WAS MORE OR
28 LESS THAN THE SIX WEEKS WE ARE TALKING ABOUT HERE?

1 A I DON'T KNOW. I WAS NOT THAT INFORMED ON THE
2 SITUATION OF THE LEASE ON THAT HOUSE.

3 MR. BARENS: THANK YOU.

4 MR. WAPNER: I HAVE NOTHING FURTHER.

5 THE COURT: HAVE YOU GOT THE LEASE?

6 MR. WAPNER: THE CLERK HAS IT, I BELIEVE.

7 THE COURT: THERE IS SOMETHING WRITTEN HERE. WILL
8 YOU READ IT FOR ME, PLEASE? I CAN'T READ IT.

9 THE WITNESS: I BELIEVE THAT IT SAYS "LESSOR WILL
10 NOT --"

11 THE COURT: LESSOR? YES?
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 THE WITNESS: "LESSOR WILL NOT SHOW PREMISES WITHOUT
2 PRIOR PERMISSION." BECAUSE WE WERE GOING TO PUT THE HOUSE
3 ON THE MARKET FOR SALE. I BELIEVE THAT --

4 THE COURT: THE LESSOR WAS NOT GOING TO SHOW THE HOUSE
5 IN ANY WAY WHILE THEY WERE IN POSSESSION? IS THAT IT?

6 THE WITNESS: IT SAYS, "WITHOUT PRIOR PERMISSION,"
7 VERY OFTEN WHEN YOU LEASE A HOUSE AND YOU WANT TO PUT IT
8 UP FOR SALE, YOU WILL HAVE A STIPULATION THAT THE HOUSE
9 CAN BE SHOWN WITH USUALLY A 24-HOUR NOTICE. I BELIEVE THAT
10 WAS DONE HERE BECAUSE IT WAS GOING TO GO ON THE MARKET FOR
11 SALE.

12 THE COURT: ALL RIGHT. THANK YOU.

13 MR. WAPNER: MAY I JUST HAVE A MOMENT?
14

15 REDIRECT EXAMINATION

16 BY MR. WAPNER:

17 Q I WILL SHOW THE ORIGINAL OF THE AGREEMENT.
18 DO YOU SEE IN THE ORIGINAL WRITING THAT SAME STATEMENT?

19 A YES.

20 Q DOES IT SAY "LESSOR WILL NOT SHOW"? OR "ENTER"?

21 A "ENTER."

22 Q SO, "LESSOR WILL NOT ENTER THE PREMISES WITHOUT
23 PRIOR PERMISSION"? DOES THAT MEAN MR. POWERS, WHO OWNED
24 THE HOUSE DURING THE TERM OF THIS LEASE, COULD NOT ENTER
25 UNLESS HE HAD THE PERMISSION OF MR. HUNT AND MR. KARNY?
26 CORRECT?

27 A RIGHT.

28 MR. WAPNER: NOTHING FURTHER.

1
2 RE CROSS-EXAMINATION

3 BY MR. BARENS:

4 Q IS THERE ANYTHING TERRIBLY UNUSUAL ABOUT THAT
5 TYPE OF PROVISION, BASED ON YOUR PRIOR EXPERIENCE AND THE
6 CUSTOM AND USAGE IN THE INDUSTRY?

7 A NO.

8 MR. BARENS: THANK YOU.

9 MR. WAPNER: NOTHING FURTHER.

10 THE COURT: ALL RIGHT. THANK YOU.

11 MR. WAPNER: WE WILL NOW CALL BERNARD BLUE.

12 THE COURT: INCIDENTALLY, WHOSE HANDWRITING IS THAT?

13 THE WITNESS: I BELIEVE IT IS MR. POWERS'.

14 THE COURT: MR. WHO?

15 THE WITNESS: IT LOOKS LIKE IT WOULD BE MR. POWERS'.

16 THE COURT: ALL RIGHT.

17 Q BY MR. BARENS: BY THE WAY, WHILE WE ARE STILL
18 ON THAT, WAS THAT REQUESTED BY THE LESSEE OR WRITTEN IN
19 BY THE LESSOR? HOW DID THAT COME ABOUT?20 A WELL, AS I REMEMBER, IT WAS REQUESTED BY THE
21 LESSEE BECAUSE YOU DON'T ARBITRARILY WALK IN WITHOUT --
22 I MEAN, USUALLY IT IS A 24-HOUR NOTICE.23 THE COURT: IT WOULD NORMALLY BE REQUESTED BY THE LESSEE
24 AND NOT THE LESSOR? WOULD THE LESSOR PUT THAT IN
25 VOLUNTARILY UNLESS HE WAS REQUESTED TO DO SO?

26 THE WITNESS: NO.

27 Q BY MR. BARENS: AND THEN THE LESSOR WROTE IT
28 IN, IS YOUR BEST RECOLLECTION OR UNDERSTANDING?

A YES. I MEAN, IF IT WERE A LONGER LEASE, IT

1 WOULD HAVE BEEN DONE IN A DIFFERENT MANNER.

2 Q WERE YOU THERE WHEN THAT WAS WRITTEN IN BY
3 THE LESSOR?

4 A UH-HUH.

5 Q YOU SAW HIM DO IT?

6 A UH-HUH.

7 MR. WAPNER: IS THAT YES?

8 THE WITNESS: THAT'S YES.

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

10 MR. WAPNER: WE WILL CALL BERNARD BLUE.

11

12

BERNARD BLUE,

13

CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED

14

AS FOLLOWS:

15

THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY
16 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT
17 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE
18 TRUTH, SO HELP YOU GOD.

19

THE WITNESS: I DO.

20

THE CLERK: PLEASE TAKE THE STAND. STATE AND SPELL
21 YOUR NAME FOR THE RECORD.

22

THE WITNESS: BERNARD BLUE, B-L-U-E.

23

24

DIRECT EXAMINATION

25

BY MR. WAPNER:

26

Q MR. BLUE, DO YOU OWN A BUSINESS?

27

A YES, I DO.

28

1 Q WHAT TYPE OF A BUSINESS IS IT?

2 A LUGGAGE AND LEATHERGOODS.

3 Q WHERE IS THE BUSINESS LOCATED?

4 A AT 1642 NORTH VINE STREET IN HOLLYWOOD, CALIFORNIA.

5 Q HOW LONG HAS THE BUSINESS BEEN LOCATED THERE?

6 A SINCE 1956.

7 Q DO YOU WORK AT THE BUSINESS?

8 A I DO.

9 Q BESIDES YOURSELF, WHO WAS WORKING AT THE BUSINESS
10 IN 1984?

11 A MY DAUGHTER, JUDY BLUE.

12 I DON'T RECALL ANYBODY ELSE IN PARTICULAR BUT
13 I DO REMEMBER THAT.

14 Q AND YOU WERE WORKING AT THE BUSINESS IN 1984?

15 A I WAS.

16 Q DID YOU SELL TRUNKS AT YOUR BUSINESS?

17 A YES.

18 Q TRUNKS?

19 A YES, I DO.

20 Q IN CONNECTION WITH THE INVESTIGATION OF THIS CASE,
21 DID AN INVESTIGATOR FROM THE ATTORNEY GENERAL'S OFFICE COME
22 TO YOUR BUSINESS AT SOME TIME IN 1985 AND ASK YOU TO GO
23 THROUGH YOUR SALES RECEIPTS FOR THE PERIOD OF JULY OF 1984?

24 A YES, HE DID.

25 Q AND DID YOU DO THAT?

26 A I DID SO, YES.

27 Q AND IN THE COURSE OF DOING THAT, DID YOU COME
28 ACROSS A RECEIPT FOR THE SALE OF A TRUNK SOMETIME IN TOWARDS

1 THE END OF JULY OF 1984?

2 A YES, I DID.

3 Q AND HAVING COME ACROSS THAT RECEIPT, DID YOU RECALL
4 THE TRANSACTION THAT IT INVOLVED?

5 A I DID.

6 Q DID YOU COME ACROSS THE ORIGINAL RECEIPT?

7 A YES.

8 Q AND DID YOU PROVIDE A COPY OF THAT --

9 A YES.

10 Q -- TO THE INVESTIGATORS FROM THE ATTORNEY GENERAL'S
11 OFFICE?

12 A I DID.

13 MR. WAPNER: YOUR HONOR, I HAVE SEVERAL ITEMS THAT I
14 WOULD LIKE TO HAVE MARKED FOR IDENTIFICATION.

15 FIRST, IS WHAT APPEARS TO BE A COPY OF A LUGGAGE
16 RECEIPT; MAY THAT BE MARKED 24?

17 THE COURT: WE HAVE 24.

18 THE CLERK: 25.

19 THE COURT: 25. 24 WAS THE RENTAL AGREEMENT.

20 MR. WAPNER: MAY THAT BE 25-A FOR IDENTIFICATION?

21 THE COURT: ALL RIGHT.

22 MR. WAPNER: AND A BLOWUP OF THAT OR AN ENLARGEMENT
23 OF THAT RECEIPT; MAY THAT BE 25-B FOR IDENTIFICATION?

24 THE COURT: YES.

25 MR. WAPNER: AND ALSO SEVERAL PHOTOGRAPHS OF WHAT APPEAR
26 TO BE A STEAMER-TYPE TRUNK, THREE PHOTOGRAPHS THAT APPEAR
27 TO DEPICT THE OUTSIDE OF A TRUNK AND THE INSIDE; MAY THAT
28 BE 26-A, -B AND C FOR IDENTIFICATION?

3
1 THE COURT: SO MARKED.

2 Q BY MR. WAPNER: SHOWING YOU AN EXHIBIT THAT WE
3 HAVE MARKED AS 25-A, DO YOU RECOGNIZE THAT?

4 A YES, I DO.

5 Q WHAT IS IT?

6 A IT IS A SALES RECEIPT FOR A BOX TRUNK IN THE AMOUNT
7 OF \$225 PLUS TAX, DATED JULY 21ST, 1984.

8 Q IS THAT A RECEIPT FROM YOUR COMPANY?

9 A THAT IS A RECEIPT FROM MY COMPANY.

10 Q IS THE PIECE OF PAPER THAT WE HAVE MARKED AS 25-A
11 IDENTICAL TO THE ONE THAT IS IN A PLASTIC SLEEVE?

12 A IT IS.

13 Q AND IS THE ONE IN THE PLASTIC SLEEVE THE ONE THAT
14 YOU PROVIDED TO THE ATTORNEY GENERAL'S OFFICE?

15 A YES.

16
17
18
19
20
21
22
23
24
25
26
27
28

4
1 Q ARE THOSE TRUE AND EXACT COPIES OF DOCUMENTS THAT
2 YOU HAVE IN YOUR POSSESSION?

3 A YES.

4 Q AT YOUR BUSINESS?

5 A YES, THEY ARE.

6 Q AND IS 25-B, THAT IS ON THE BOARD, AN ENLARGEMENT
7 OF A DOCUMENT THAT YOU HAVE IN FRONT OF YOU?

8 A YES.

9 Q DOES IT INDICATE ON THE RECEIPT WHO THE SALESPERSON
10 WAS?

11 A YES.

12 Q WHO WAS IT?

13 A THE INITIALS ARE "J.B.", JUDY BLUE.

14 Q WERE YOU WORKING AT THE STORE ON THE DATE OF
15 JULY 21, 1984?

16 A YES.

17 Q DO YOU HAVE ANY RECOLLECTION OF THIS TRANSACTION?

18 A I DO. I SOLD A GENTLEMAN A TRUNK AND IT WAS A
19 PARTICULARLY GOOD ONE.

20 HE WANTED SOMETHING HEAVY-DUTY AND HE DID PURCHASE
21 IT AND JUDY BLUE WROTE THE SALE UP BUT I MADE THE ACTUAL
22 TRANSACTION, I COMPLETED IT.

23 Q IN JULY OF 1984, HOW MANY TRUNKS DID YOU HAVE
24 THAT SOLD FOR THE PRICE OF \$225?

25 A OH, ABOUT THREE APPROXIMATELY.

26 Q WERE THEY ALL THE SAME MAKE AND MODEL?

27 A YES.

28 Q OR THREE DIFFERENT MODELS?

1 A RIGHT.

2 Q LET ME ASK YOU A QUESTION: HOW MANY DIFFERENT
3 MODELS OR STYLES OF TRUNKS, DID YOU HAVE THAT SOLD FOR THAT
4 PRICE?

5 A THAT WAS THE ONLY ONE OF ITS KIND.

6 THERE WERE DIFFERENT GRADES.

7 AND THIS WAS THE BEST GRADE, THE BEST QUALITY.

8 Q SO YOU ARE SAYING THAT YOU HAD THREE IDENTICAL
9 TRUNKS?

10 A THREE LARGE, YES.

11 Q ALL RIGHT, SHOWING YOU PHOTOGRAPHS THAT HAVE BEEN
12 MARKED AS 26-A, -B AND -C; DO YOU RECOGNIZE THOSE?

13 A YES, I DO.

14 Q AND WHAT DO THOSE DEPICT? WHAT ARE THOSE?

15 A THIS IS A BOX TRUNK, THE KIND OF WHICH APPEARS
16 ON THE RECEIPT, THE SAME TYPE, HEAVY-DUTY, REINFORCED AND
17 WHICH IS SHOWN BY THE STEEL BANDS ACROSS THE TOP AND THE HEAVY
18 CORNERS AND THE CENTER DOWELS, WHICH HELP CLOSE THE CASE,
19 THE TRUNK.

20 Q THAT IS THE SAME TYPE OF TRUNK THAT YOU SOLD THAT
21 IS REPRESENTED BY THE RECEIPT OF JULY 21ST, 1984?

22 A YES, SIR, IT IS.

23 Q THAT IS NOT, HOWEVER, THE SAME TRUNK, THE EXACT
24 SAME ITEM?

25 A WELL, IT WOULD BE THE SAME KIND OF TRUNK BUT NOT
26 THE TRUNK THAT I SOLD SINCE -- ALL RIGHT.

27 Q DO YOU RECALL ANYTHING ABOUT THE PERSON THAT
28 PURCHASED THIS TRUNK IN TERMS OF DESCRIPTION OR --

-6

1 A JUST A RELATIVELY YOUNG MAN THAT WANTED SOMETHING
2 THAT WAS VERY STURDY.

3 Q HOW STURDY IS THIS PARTICULAR TRUNK?

4 A WELL, I THINK IT IS ABOUT AN INCH OF PLYWOOD IN
5 THERE AND HEAVY REINFORCED WITH RIVETED BINDINGS OF HARD FIBER
6 AND HEAVY HINGES ON THE REAR AND AS I SAY, HEAVY DOWELS AND
7 RIVETS AND IN THE FRONT I SEE FIVE PARTS, THE CENTER LOCK,
8 TWO SURROUNDING DOWELS WHICH HELD THE CLOSURE AND THE DRAW
9 BOLTS AND THE DESIGN WAS A TONGUE AND GROOVE FITTING WHICH
10 CLOSES THE TOP AND BOTTOM.

11 Q HOW MUCH DOES THAT TRUNK WEIGH WHEN IT IS EMPTY?

12 A APPROXIMATELY 60 POUNDS.

F

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

0-1
1 Q DO THOSE PHOTOGRAPHS ACCURATELY DEPICT THE INSIDE
2 OF THE TRUNK?

3 A YES.

4 Q IS THERE ANY KIND OF AN INSERT THAT ALSO GOES
5 INTO THAT TRUNK?

6 A YES. I SEE IT IS MISSING HERE.

7 BUT IT HAS A SUPPORTING PART IN WHICH -- IN THIS
8 MODEL, IT HAS A COVERED TRAY.

9 Q THAT IS A TRAY THAT --

10 A A TRAY THAT RESTS ON TOP OF THE SUPPORTING PARTS
11 INSIDE THE TRUNK.

12 Q HOW DEEP IS THAT TRAY?

13 A ABOUT SIX INCHES.

14 Q HOW HIGH IS THAT TRUNK ALTOGETHER, APPROXIMATELY?

15 A ABOUT 23½ INCHES.

16 Q AND HOW LONG IS THIS TRUNK?

17 A 39 INCHES.

18 Q AND HOW DEEP IS IT?

19 A ABOUT 22 INCHES.

20 Q AND THAT RECEIPT THAT IS MARKED AS 25, THAT IS
21 MADE IN THE ORDINARY COURSE OF BUSINESS?

22 A YES.

23 Q IS IT MADE AT OR NEAR THE TIME THAT THE ITEM WAS
24 SOLD?

25 A YES.

26 Q AND DOES IT REFLECT THAT IN FACT, ON JULY 21,
27 THAT A TRUNK OF THE KIND DEPICTED IN THE PHOTOGRAPH, PEOPLE'S
28 26, WAS SOLD?

1 A IT DOES, YES.

2 Q DOES IT INDICATE ON THERE HOW PAYMENT WAS MADE
3 FOR THIS TRUNK?

4 A YES. IT WAS PAID IN CASH. \$300 WAS THE AMOUNT,
5 IF I REMEMBER CORRECTLY. IT WAS ABOUT THREE \$100 BILLS.

6 Q AND IS THAT INDICATED ON THE --

7 A YES. THERE IS A CHECK ON THE COLUMN WITH THE
8 WORD "CASH" APPEARING.

9 Q IS THAT HERE ON THE ENLARGEMENT?

10 A YES IT IS.

11 Q WHERE IT SAYS SOLD BY "J.B."? THOSE ARE YOUR
12 DAUGHTER'S INITIALS?

13 A THAT'S CORRECT.

14 MR. WAPNER: THANK YOU. NOTHING FURTHER.

15 THE COURT: ANY QUESTIONS?

16 MR. CHIER: YES.

17

18 CROSS-EXAMINATION

19 BY MR. CHIER:

20 Q MR. BLUE, DO I UNDERSTAND THAT THE CORE MATERIAL
21 OF THIS TRUNK THAT WAS PURCHASED WAS PLYWOOD?

22 A YES, THREE PLY VENEER.

23 Q SO IT IS THREE LAYERS?

24 A THREE LAYERS.

25 Q MAKING IT WHAT? ABOUT THREE-EIGHTHS OF AN INCH
26 THICK?

27 A MAYBE A LITTLE HEAVIER THAN THAT. I DON'T KNOW
28 THE EXACT AMOUNT.

1 IT MIGHT BE CLOSER TO MAYBE AN INCH. IT IS PRETTY
2 HEAVY.

3 Q IT IS COVERED WITH A VENEER OF SOME TYPE, DURABLE
4 PLASTIC?

5 A IT HAS A PLASTIC COVERING AND THE BINDING ON IT
6 IS HARD, VULCANIZED FIBER, WHICH IS VERY TOUGH MATERIAL.

7 Q THE BINDING ON THE EDGES?

8 A RIVETED BINDINGS, YES.

9 Q THE PLASTIC, THAT IS A THICK KIND OF DURABLE
10 PLASTIC OVER THE PLYWOOD?

11 A I DON'T KNOW HOW HEAVY IT IS. BUT IT IS A
12 PROTECTIVE COVERING ON IT THAT SEALS IT.

13 Q IS THIS TRUNK CONSTRUCTED IN SUCH A WAY THAT YOU
14 COULD LIKE, PUNCH HOLES IN IT WITH JUST A PHILLIPS HEAD
15 SCREWDRIVER?

16 A NO.

17

18

19

20

21

22

23

24

25

26

27

28

1 Q COULD YOU TELL ME, DO YOU REMEMBER THE YOUNG MAN
2 THAT PURCHASED THE TRUNK?

3 A I DON'T REMEMBER HIM TO IDENTIFY HIM. BUT I
4 REMEMBER THAT THERE WAS A YOUNG MAN THAT CAME IN AND
5 PURCHASED IT.

6 Q DID HE BUY ONE TRUNK OR WERE THERE TWO TRUNKS,
7 MR. BLUE?

8 A HE BOUGHT ONE ON THAT DAY. THAT IS WHAT I
9 RECOLLECT.

10 Q DO YOU RECALL ANY SUBSEQUENT TRANSACTION WITH
11 THE SAME GENTLEMAN WHERE ANOTHER TRUNK WAS PURCHASED OF A
12 SIMILAR TYPE?

13 A IT IS POSSIBLE. BUT I AM NOT EXACTLY SURE.

14 Q WHEN YOU WERE INTERVIEWED BY THE GENTLEMAN AT
15 THE COUNSEL TABLE WITH THE GRAY BEARD -- HAVE YOU BEEN
16 INTERVIEWED BY THIS GENTLEMAN WITH THE GRAY SUIT AND THE GRAY
17 BEARD?

18 A YES.

19 MR. WAPNER: INDICATING MR. BREILING FOR THE RECORD.

20 THE COURT: YES.

21 Q BY MR. CHIER: DID MR. BREILING GIVE YOU SOME
22 PHOTOGRAPHS OF PEOPLE TO IDENTIFY AS THE PURCHASER OF THIS
23 FIRST TRUNK OR OF THE TRUNK?

24 A I AM NOT SURE ABOUT THAT.

25 Q DO YOU RECALL TELLING MR. BREILING THERE THAT --
26 DO YOU RECALL THAT HE SHOWED YOU A PHOTOGRAPH OF SOMEBODY
27 AND YOU SAID IT MIGHT HAVE BEEN HIM? DOES THAT REFRESH YOUR
28 RECOLLECTION?

1 A IT IS POSSIBLE. BUT I COULDN'T BE PERFECTLY SURE
2 TO IDENTIFY PRECISELY.

3 Q WERE YOU ABLE TO RETRIEVE THE RECEIPT OR THE COPY
4 OF THE SALES RECEIPT FOR THIS TRUNK FROM YOUR RECORDS?

5 A CORRECT.

6 Q THIS WAS APPROXIMATELY SLIGHTLY MORE THAN A YEAR
7 AFTER THE ORIGINAL PURCHASE. IT WAS AROUND AUGUST OF 1985?
8 DO YOU REMEMBER?

9 A I AM NOT SURE ABOUT THE DATE.

10 Q ALL RIGHT.

11 A OKAY.

12 Q IF THERE HAD BEEN TWO TRUNKS PURCHASED BY THE
13 INDIVIDUAL, THE SAME SALES PROCEDURE WOULD HAVE BEEN FOLLOWED
14 ON EACH OCCASION?

15 A YES.

16 Q THE ONLY PEOPLE WORKING IN THE STORE IN THE PERIOD
17 OF TIME WE ARE TALKING ABOUT, JULY OF 1984, WERE YOURSELF
18 AND YOUR DAUGHTER?

19 A THERE WERE OTHER, PART-TIME HELP THERE. I HAVE
20 TO CHECK OUR RECORDS ON THAT.

21 Q BUT THE PROCEDURE TO BE FOLLOWED WOULD HAVE BEEN
22 THE SAME?

23 A IT WOULD HAVE BEEN THE SAME, YES.

24 Q SO THAT IF THERE HAD BEEN ANOTHER TRUNK PURCHASED
25 FROM YOU ON A LATER OCCASION, A WEEK OR SO LATER, BASED UPON
26 THE WAY THAT YOUR BUSINESS IS RUN AND THE RECORDS ARE KEPT,
27 THAT RECEIPT SHOULD HAVE BEEN THERE?

28 A SHOULD HAVE BEEN THERE, RIGHT.

1 MR. CHIER: ALL RIGHT. I HAVE NO FURTHER QUESTIONS,
2 YOUR HONOR.

3 MR. WAPNER: I HAVE NOTHING FURTHER.

4 THE COURT: ALL RIGHT. THANK YOU VERY MUCH, MR. BLUE.
5 YOU MAY STEP DOWN. YOU ARE EXCUSED.

6 MR. WAPNER: YOUR HONOR, MAY 25-A AND B AND 26-A, -B
7 AND -C BE RECEIVED INTO EVIDENCE?

8 THE COURT: YES.

9 MR. WAPNER: WE CALL DEAN KARNY. WHILE WE ARE WAITING
10 FOR MR. KARNY, MAY I PASS 26-A -B AND -C BEFORE THE JURY?

11 THE COURT: YES. YOU WANT HIM BROUGHT IN NOW?

12 MR. WAPNER: SORRY?

13 THE COURT: DO YOU WANT MR. KARNY BROUGHT IN HERE NOW?

14 MR. WAPNER: YES. HE IS COMING IN.

15

16

DEAN KARNY,

17 CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY
18 SWORN, TESTIFIED FURTHER AS FOLLOWS:

19 THE COURT: YOU HAVE BEEN PREVIOUSLY SWORN. JUST STATE
20 YOUR NAME FOR THE RECORD.

21 THE WITNESS: DEAN KARNY.

22

23

DIRECT EXAMINATION

24

BY MR. WAPNER:

25

26

27

28

Q MR. KARNY, I WANT TO ASK YOU SOME QUESTIONS FIRST
OF ALL ABOUT WHAT YOU KNOW IF ANYTHING, ABOUT AN INCIDENT
THAT HAPPENED REGARDING A BUSINESS CALLED F.C.I. INCORPORATED
LOCATED IN SANTA ANA. ARE YOU FAMILIAR WITH WHAT THAT

1 BUSINESS WAS?

2 A F.C.I. INCORPORATED DOESN'T MEAN ANYTHING TO ME.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

F

1 Q DOES THE NAME JERRY COKER MEAN ANYTHING TO
2 YOU?

3 A YES, IT DOES.

4 Q HOW DO YOU KNOW THAT NAME?

5 A JERRY COCKER RAN AN EMISSIONS TESTING
6 FACILITY THAT WE USED TO SEE WHETHER THE CARS THAT WE WERE
7 IMPORTING FROM EUROPE AND MODIFYING, COMPLIED WITH AMERICAN
8 EMISSION STANDARDS.

9 Q AND WERE YOU AWARE OF SOME PROBLEM THAT WESTCARS -
10 STRIKE THAT.

11 DID WESTCARS OF NORTH AMERICA SEND THE CARS
12 THAT THEY HAD IMPORTED TO MR. COKER TO BE TESTED AND
13 CERTIFIED?

14 A YEAH.

15 AS I RECALL, WE HAD A MECHANIC WHO PERFORMED
16 THE ACTUAL MODIFICATIONS AND IN ORDER TO GET THE CERTIFICATION,
17 THEY HAD TO GO TO A GOVERNMENT APPROVED TESTING LAB AND
18 THAT WAS COKER'S PLACE AND WE SENT THEM THERE.

19 Q WAS THERE SOME PROBLEM IN GETTING THE CARS
20 TO PASS THE TESTS THEY PERFORMED?

21 A THEY WEREN'T PASSING.

22 Q DID MR. HUNT EVER SAY ANYTHING TO YOU OR IN
23 YOUR PRESENCE, EXPRESS ANY FEELING ABOUT THE FACT THAT
24 THE CARS WEREN'T PASSING?

25 MR. CHIER: OBJECTION AS VAGUE AS TO TIME, YOUR HONOR.

26 THE COURT: WHAT IS VAGUE ABOUT IT?

27 MR. CHIER: "EVER" IS LIKE --

28 THE COURT: OVERRULED. YOU MAY ANSWER.

1 THE WITNESS: WELL, HE WAS KIND OF FED UP THAT WE
2 HAD HIRED A MECHANIC AND WE PAID FOR ALL OF THIS WORK TO
3 BE DONE AND THE CARS WEREN'T PASSING.

4 Q BY MR. WAPNER: AT SOME POINT, DID MR. HUNT
5 EVER MAKE A STATEMENT TO YOU REGARDING SOMETHING THAT HAD
6 HAPPENED AT MR. COKER'S PLANT?

7 A YES.

8 Q WHAT DID HE SAY?

9 A HE SAID THAT HE AND JIM PITTMAN HAD GONE THERE
10 ONE NIGHT AND SHOT A GUN ALL OVER THE PLACE.

11 Q AT SOME POINT AFTER HE MADE THAT STATEMENT,
12 DID YOU GO DOWN WITH MR. HUNT TO MR. COKER'S BUSINESS?

13 A YES, I DID.

14 Q WHEN YOU WENT DOWN THERE, HOW LONG AFTER THE
15 STATEMENT THAT HE AND JIM PITTMAN HAD GONE DOWN AND SHOT
16 A GUN ALL OVER THE PLACE, DID YOU GO DOWN WITH MR. HUNT?

17 A IT WAS WITHIN A FEW DAYS.

18 Q WHO BESIDE YOURSELF AND MR. HUNT WENT DOWN
19 THERE?

20 A I THINK STEVE TAGLIANETTI WENT ALSO AND BEN
21 DOSTI MAY HAVE BEEN THERE BUT I AM NOT POSITIVE.

22 Q WHEN YOU WENT DOWN THERE, WHAT DID YOU SEE?

23 A I SAW A COUPLE OF CARS THAT WE HAD THERE STILL
24 AND I SAW THE BULLET HOLES IN WINDOWS AND THINGS LIKE THAT.

25 Q DID MR. HUNT SAY ANYTHING TO YOU AT THAT TIME?

26 A WELL, HE POINTED OUT THE BULLET HOLES TO ME
27 AND WE HAD KIND OF A SNICKER OVER IT.

28 Q WERE YOU AWARE OF SOMETHING THAT HAPPENED TO

1 A MAN NAMED BRUCE SWARTOUT?

2 A YES.

3 Q HOW DID YOU FIRST COME TO KNOW MR. SWARTOUT?

4 A THERE WERE SOME PRETTY INVOLVED BUSINESS
5 DEALINGS WITH MR. SWARTOUT AND HIS PEOPLE RELATED TO THE
6 CYCLATRON TECHNOLOGY AND SOME TECHNOLOGY THAT MR. SWARTOUT'S
7 COMPANY HAD.

8 Q DID SOME OF THOSE, AT SOME POINT, INVOLVE A
9 MR. KILPATRICK IN DENVER?

10 A YES.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q REGARDING THE POSSIBILITY OF SIGNING A CONTRACT
2 WITH MR. KILPATRICK, DID MR. HUNT EVER SAY ANYTHING TO YOU
3 ABOUT THAT?

4 MR. CHIER: OBJECTION. MAY WE APPROACH, YOUR HONOR?

5 THE COURT: READ THE QUESTION, PLEASE.

6 (THE PENDING QUESTION WAS READ BY THE
7 REPORTER.)

8 MR. CHIER: YOUR HONOR, I THINK IT IS NECESSARY TO
9 APPROACH THE BENCH AT THIS JUNCTURE.

10 THE COURT: ALL RIGHT, APPROACH THE BENCH, PLEASE.

11 (THE FOLLOWING PROCEEDINGS WERE HELD AT
12 THE BENCH OUTSIDE THE HEARING OF THE
13 JURY:)

14 MR. CHIER: I ASKED, OUT OF AN ABUNDANCE OF CAUTION,
15 I THINK IT IS A GOOD TIME TO COME UP HERE BEFORE MR. WAPNER
16 GETS INTO MATTERS THAT APPEAR IN THESE REPORTS HE JUST
17 TURNED OVER TODAY, WHICH WE CONSIDER TOTALLY INADMISSIBLE
18 AND HIGHLY PREJUDICIAL.

19 THE COURT: HE HASN'T OFFERED THE REPORTS.

20 MR. CHIER: NO, NO. I UNDERSTAND. BUT I THINK HE
21 IS PROBABLY GOING TO ATTEMPT TO ELICIT FROM THE WITNESS
22 MATTERS WHICH APPEAR IN THE REPORT.

23 SPECIFICALLY, THERE WAS SOME SORT OF A SWINDLE
24 GOING ON BETWEEN MR. HUNT AND MR. SWARTOUT. THIS SWINDLE
25 IS NOT PROPER EVIDENCE FOR A PENALTY PHASE HEARING, THIS
26 ALLEGED SWINDLE, FIRST OF ALL.

27 SECOND OF ALL --

28 THE COURT: MATTERS OF CHARACTER ARE NOT PERMITTED

1 IN A PENALTY PHASE?

2 MR. CHIER: NO, YOUR HONOR.

3 THE COURT: CHARACTER OF THE DEFENDANT IS NOT IN ISSUE?

4 MR. CHIER: NO, YOUR HONOR.

5 THE COURT: MAYBE I AM MISREADING THE LAW.

6 MR. CHIER: YES.

7 THE COURT: BUT IT SEEMS TO ME THINGS ABOUT THE
8 CHARACTER OF THE DEFENDANT ARE ADMISSIBLE.

9 MR. BARENS: IT IS NOT THE LAW.

10 THE COURT: ALL RIGHT, SO AHEAD AND FINISH UP.

11 MR. CHIER: THERE IS ANOTHER INCIDENT ALLUDED TO IN
12 THIS REPORT, WHICH WE GOT FOR THE FIRST TIME, AND THAT IS
13 A CONVERSATION CONCERNING A MEETING IN THE BBC OFFICES BETWEEN
14 MR. HUNT AND MR. SWARTOUT AND MR. HUNT ALLEGEDLY MAKES A
15 GESTURE WITH HIS HAND ACROSS HIS THROAT, IN A THROAT-CUTTING
16 TYPE OF GESTURE, WHICH IS ALSO NOT THE TYPE OF EVIDENCE
17 CONTEMPLATED BY THE LEGISLATURE IN DRAFTING 190.3.

18 THESE MATTERS, I BRING TO THE COURT'S ATTENTION,
19 OUT OF AN ABUNDANCE OF CAUTION SO THAT WE DON'T HAVE TO
20 BE UP HERE MAKING MOTIONS FOR MISTRIAL AND MOTIONS TO STRIKE
21 AT A SUBSEQUENT TIME.

22 MR. WAPNER: I CAN, HOPEFULLY, ELICIT THE TESTIMONY
23 WITHOUT GETTING INTO THE CONVERSATION ABOUT THE MOTION
24 AROUND THE THROAT. WHETHER IT IS ADMISSIBLE OR NOT, I AM
25 WILLING TO TRY AND ELICIT THE STATEMENT WITHOUT ANY
26 REFERENCE TO THAT CONVERSATION.

27 AS FAR AS THE ALLEGED SWINDLE, THAT IS WHAT
28 I WAS ABOUT TO GET INTO, NOT BECAUSE IT IS SEPARATE EVIDENCE

1 OF A SWINDLE, BUT BECAUSE IN FACT, IT CORROBORATES MR.
2 SWARTOUT'S TESTIMONY THAT IT WAS BECAUSE HE WENT TO MR.
3 KILPATRICK AND SAID, "LOOK, THEY DON'T HAVE THIS. THIS
4 COMPANY HE CLAIMED HAS THE GRINDING TECHNOLOGY DOESN'T HAVE
5 IT."

6 MR. HUNT THEN SENT SOMEONE DOWN TO ATTACK MR.
7 SWARTOUT. AND SINCE IT IS ALL PART OF THE EXPLANATION FOR
8 THIS AND MOTIVE FOR THIS WHOLE INCIDENT IN THE FIRST PLACE --

9 THE COURT: ALL RIGHT, YOU HAVE MADE YOUR RECORD.
10 YOU MAY PROCEED.

11 MR. BARENS: IN OTHER WORDS, YOUR HONOR, JUST TO BE
12 REALLY CAREFUL HERE, YOUR HONOR WILL NOT INSTRUCT THE PEOPLE
13 TO REQUEST THE WITNESS NOT TO REFERENCE THAT HAND GESTURE,
14 THE EAR TO EAR TYPE THROAT GESTURE?

15 MR. WAPNER: I WILL TALK TO HIM. I WILL BE HAPPY
16 TO DO THAT.

17 THE COURT: DO THAT, WILL YOU?
18
19
20
21
22
23
24
25
26
27
28

1 MR. CHIER: WHAT IS YOUR RULING?

2 MR. BARENS: THE RULING IS THAT --

3 THE COURT: YOU CAN ADMONISH HIM NOT TO MAKE THAT
4 GESTURE.

5 MR. WAPNER: I WILL AND --

6 THE COURT: ALL RIGHT.

7 MR. BARENS: BUT ON THE OTHER HAND, YOUR HONOR, YOU
8 ARE RULING THAT THE EVIDENCE CONCERNING AN ALLEGED SWINDLE
9 IS ADMISSIBLE?

10 THE COURT: THAT IS ADMISSIBLE.

11 MR. BARENS: THANK YOU.

12 THE COURT: WAIT A MINUTE, NOW. JUST A MOMENT.

13 PENAL CODE SECTION 190.3 PROVIDES AMONG OTHER THINGS ON
14 THE QUESTION OF AGGRAVATION AND MITIGATION, THAT THEY HAVE
15 THE RIGHT TO SHOW THE DEFENDANT'S CHARACTER, BACKGROUND,
16 HISTORY, MENTAL CONDITION AND PHYSICAL CONDITION.

17 SO, CHARACTER IS --

18 MR. CHIER: WE HAVE THAT RIGHT. I WAS NOT AWARE THE
19 PEOPLE HAD THAT RIGHT.

20 THE COURT: GO AHEAD.

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

24 MR. WAPNER: PURSUANT TO OUR DISCUSSION AT THE BENCH,
25 MAY I HAVE A MOMENT WITH THE WITNESS?

26 THE COURT: YES.

27 (UNREPORTED COLLOQUY BETWEEN THE DISTRICT
28 ATTORNEY AND THE WITNESS.)

1 Q BY MR. WAPNER: WITH RESPECT TO A MAN NAMED
2 KILPATRICK, DID MR. HUNT TELL YOU ANYTHING ABOUT THE CONTRACTS
3 THAT HE WAS GOING TO SIGN WITH MR. KILPATRICK AND HOW THEY
4 RELATED TO COGENCO AND A NEW COMPANY CALLED MICROGENESIS?

5 A YES.

6 Q WHAT DID HE SAY?

7 A IT WAS A PRETTY INVOLVED SITUATION. I GUESS
8 THE MAIN THING IS THAT MR. KILPATRICK HAD CERTAIN FUNDS,
9 MONEY WHICH WAS EARMARKED BECAUSE OF SOME GOVERNMENT
10 REGULATIONS FOR ENERGY RESEARCH AND DEVELOPMENT INVESTMENT.

11 AND THE DISCUSSIONS WITH MR. KILPATRICK WERE
12 RELATED TO HIS INVESTING THAT MONEY FOR THE DEVELOPMENT
13 OF THE CYCLATRON TECHNOLOGY.

14 ORIGINALLY THOUGH, WHEN WE FIRST SPOKE WITH
15 MR. KILPATRICK, PART OF THE INDUCEMENT FOR HIM TO GET
16 INVOLVED WITH US ENTAILED SOME DISCUSSION ABOUT THE COGENCO
17 GROUP, AS WELL.

18 AND WE DISCOVERED AFTER A WHILE, THAT IT WASN'T
19 ESSENTIAL THAT THE COGENCO TECHNOLOGY BE INVOLVED IN THE
20 DEAL.

21 AND SO, THERE WERE SOME ATTEMPTS MADE TO
22 SEPARATE THE CYCLATRON TECHNOLOGY FROM THE COGENCO TECHNOLOGY
23 SO THAT IF AND WHEN MR. KILPATRICK INVESTED, MR. SWARTOUT
24 AND HIS PEOPLE COULD BE KEPT OUT OF THE DEAL AND THE MONEY
25 WOULD JUST GO TO OUR GROUP.

26 Q IN OTHER WORDS, THE BBC WOULD GET ALL OF THE
27 MONEY INSTEAD OF HAVE TO SPLIT HALF OF IT WITH COGENCO AND
28 THE GROUP RELATED TO MR. SWARTOUT?

1 A RIGHT.

2 Q AND DO YOU KNOW IF JOE HUNT DID ANYTHING IN
3 THAT REGARD TO ACCOMPLISH THAT?

4 A WELL, THERE WERE A LOT OF DISCUSSIONS WITH
5 MR. KILPATRICK TO ASSURE HIM THAT MR. SWARTOUT WOULDN'T
6 PRESENT A PROBLEM BECAUSE MR. SWARTOUT WAS INTERPOSING HIM-
7 SELF IN BETWEEN US AND KILPATRICK, BASICALLY SAYING THAT
8 WE DID NOT HAVE THE RIGHT, OUR GROUP, TO CONTRACT WITH MR.
9 KILPATRICK, THAT HE COULD BLOCK IT, THE TRANSACTION, UNLESS
10 HIS GROUP WERE INVOLVED ALSO.

11 SO, ONE OF THE THINGS THAT JOE DID AS I SAID,
12 WAS TO TALK TO KILPATRICK TO ASSURE HIM THAT WE COULD HANDLE
13 THE SITUATION. AND THERE WERE SOME I THINK -- SOME
14 CONVERSATIONS WITH MR. SWARTOUT, AS WELL. AND EVENTUALLY,
15 THERE WAS A PLAN MADE TO KILL MR. SWARTOUT.

16

17

18

19

20

21

22

23

24

25

26

27

28

1 MR. CHIER: MOVE TO STRIKE THE ANSWER AS NON-RESPONSIVE.

2 THE COURT: OVERRULED. GO AHEAD.

3 Q BY MR. WAPNER: WHO MADE THAT PLAN?

4 A WHEN I FIRST HEARD ABOUT IT --

5 MR. CHIER: OBJECTION, NON-RESPONSIVE.

6 THE COURT: OVERRULED. I WOULD SUGGEST THAT YOU MAKE
7 THE OBJECTIONS, MR. BARENS. GO AHEAD.

8 Q BY MR. WAPNER: WHEN WAS IT THAT YOU FIRST
9 BECAME AWARE OF THIS?

10 A IT WAS SOMETIME I THINK DURING THE SUMMER OF
11 1984.

12 WE WERE IN THE PROCESS OF AS I SAID, TRYING
13 TO NEGOTIATE THE DEAL WITH MR. KILPATRICK AND MR. SWARTOUT
14 WAS MAKING PROTESTATIONS TO EVERYONE THAT HE COULD.

15 AND ONE DAY I WAS IN THE OFFICE WITH JOE AND
16 WITH JIM PITTMAN. AND WELL, WE TALKED A NUMBER OF TIMES
17 ABOUT KILLING MR. SWARTOUT.

18 MR. CHIER: MOVE TO STRIKE AS NON-RESPONSIVE, YOUR
19 HONOR.

20 THE COURT: YOU MAY PROCEED. OVERRULED.

21 Q BY MR. WAPNER: WAS THERE SOME DISCUSSION ABOUT
22 HOW THAT WAS GOING TO BE ACCOMPLISHED?

23 A YES.

24 Q HOW WAS THAT?

25 MR. CHIER: OBJECTION, MOVE TO APPROACH.

26 THE COURT: OVERRULED. PROCEED, IF YOU WILL.

27 PLEASE, YOU ARE THE LEAD ATTORNEY. WOULD YOU
28 TAKE THE TASK OF OBJECTING?

1 MR. CHIER: CAN I GIVE YOU PEOPLE V. BOYD, YOUR
2 HONOR --

3 THE COURT: NO. YOU MAY GIVE ME NOTHING.

4 MR. BARENS: JUST FOR THE RECORD, WE WOULD LIKE TO
5 ASSERT BOYD --

6 THE COURT: NO. PROCEED. DO IT AFTERWARDS.

7 MR. CHIER: BUT THIS IS THE APPROPRIATE TIME TO --

8 THE COURT: STOP INTERRUPTING IT. GO AHEAD.

9 MR. CHIER: BUT I HAVE TO OBJECT TO --

10 THE COURT: WILL YOU --

11 MR. BARENS: ALL RIGHT, YOUR HONOR. WE JUST --

12 THE COURT: I AM DIRECTING YOU NOT TO SAY ANYTHING
13 AT THIS POINT. YOU WILL HAVE THE RIGHT TO COME UP AND
14 MAKE ALL OF THE OBJECTIONS.

15 MR. BARENS: I THINK THAT THE BOYD THING HAS TO BE
16 DONE BEFORE HE SPEAKS ABOUT --

17 THE COURT: PROCEED. GO AHEAD.

18 Q BY MR. WAPNER: WAS THERE SOME DISCUSSION
19 DESCRIBING THAT? WHAT WAS THE DISCUSSION ABOUT THE KILLING
20 OF MR. SWARTOUT?

21 A JIM PITTMAN WAS GOING TO GET SOME POISON FROM
22 A GUY NAMED NICK WHO USED TO SELL JOE AND JIM WEAPONS AND
23 EAVESDROPPING DEVICES, SOMETIMES.

24 MR. CHIER: OBJECTION. NO FOUNDATION FOR THE ADMISSION
25 OF THIS. IT IS ALSO HEARSAY, YOUR HONOR.

26 THE COURT: OVERRULED. PROCEED.

27 Q BY MR. WAPNER: AND WHAT WAS IT THE INTENT
28 TO DO WITH THIS POISON?

1 A TO THROW IT AT MR. SWARTOUT. IT WAS SOME KIND
2 OF A CONTACT POISON SUPPOSEDLY THAT WOULD CAUSE A HEART
3 ATTACK OR SOMETHING LIKE THAT WHEN IT TOUCHED HIS SKIN OR
4 AFTER IT GOT INTO HIS BLOODSTREAM OR SOMETHING LIKE THAT.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

-1

1 Q BY MR. WAPNER: WERE YOU EVER IN THE OFFICES WHEN
2 MR. PITTMAN CAME BACK INTO THE OFFICES AND INDICATED HE HAD
3 BEEN SOMEWHERE DOING SOME RECONNAISSANCE?

4 A YES.

5 MR. CHIER: OBJECTION. HEARSAY.

6 THE COURT: PROCEED.

7 Q BY MR. WAPNER: WHAT WAS SAID IN THAT REGARD?

8 A JIM SAID THAT HE HAD BEEN BOTH AT THE COGENCO
9 PLANT FACILITY AND AROUND MR. SWARTOUT'S HOME AND THAT HE
10 HAD DETERMINED THAT HE WOULD BE ABLE TO GET INTO THE PLANT
11 WHEN HE WANTED TO THROW THE POISON ON MR. SWARTOUT.

12 MR. WAPNER: YOUR HONOR FOR THE RECORD, THIS IS OFFERED
13 UNDER SECTION 1223 OF THE EVIDENCE CODE AS A STATEMENT OF
14 A CO-CONSPIRATOR.

15 THE COURT: THAT WILL BE RECEIVED FOR THAT PURPOSE.

16 MR. CHIER: CAN WE APPROACH ON THAT, IF YOUR HONOR PLEASE?
17 THERE IS MORE TO IT THAN THAT, YOUR HONOR.

18 THE COURT: ALL RIGHT.

19 (THE FOLLOWING PROCEEDINGS WERE HELD
20 AT THE BENCH:)

21 THE COURT: YOU ARE PROVING THE WISDOM OF MY EXCLUDING
22 YOU FROM INTERFERING OR MAKING ANY OBJECTIONS AND LEAVING
23 ALL THAT TO THE CAPABLE HANDS OF MR. BARENS. I AM SORRY I
24 PERMITTED YOU TO CROSS-EXAMINE WITNESSES OR HAVE ANYTHING
25 TO DO WITH THEM BECAUSE YOU ARE DOING EXACTLY WHAT I THOUGHT
26 YOU WOULD DO.

27 GO AHEAD.

28 MR. CHIER: I AM DOING WHAT I AM SUPPOSED TO DO.

1 THE COURT: NO, YOU ARE NOT DOING WHAT YOU ARE SUPPOSED
2 TO DO.

3 YOU ARE DISRUPTING THE PROCEEDINGS, THAT IS WHAT
4 YOU WANT TO DO.

5 MR. CHIER: OBJECTIONS SOMETIMES HAVE THAT SIDE EFFECT.

6 THE COURT: LET'S GO ON AND LET'S HEAR WHAT YOU HAVE
7 TO SAY NOW.

8 MR. CHIER: THERE HAS BEEN NO SHOWING HERE BY THE PEOPLE
9 OF A SEPARATE CONSPIRACY PURSUANT TO WHICH THEY ARE OFFERING
10 THESE ALLEGED STATEMENTS.

11 THESE STATEMENTS ARE ALSO IN THE NATURE OF A
12 STATEMENT PROHIBITED BY PEOPLE V. BOYD AND PEOPLE V. LUCKY.

13 YOUR HONOR, THESE ARE IN THE NATURE OF THREATS.
14 THE JURY IS NOT PERMITTED TO CONSIDER ANY MATTERS IN
15 AGGRAVATION WHICH IS NON-STATUTORY. THIS SPECIES OF EVIDENCE
16 DOES NOT COMPORT WITH THE STATUTORY SCHEME FOR AGGRAVATION
17 AND IT SHOULD BE INADMISSIBLE.

18 THE COURT: YOU MEAN THROWING, WHAT PURPORTS TO BE ACID
19 ON SOMEBODY, IS NOT A STATUTORY VIOLATION?

20 MR. CHIER: THERE WAS NO ACID THROWN.

21 THE COURT: WELL, PROVE IT THEN.

22 MR. BARENS: WE HAVE AN UNCORROBORATED THREAT.

23 THE COURT: DO YOU HAVE ANYTHING TO ADD?

24 MR. WAPNER: YES. THE OBJECTION IS MADE AS IF THE
25 STATEMENT WAS JUST OFFERED LOOSELY AND DIDN'T CONNECT WITH
26 ANYTHING.

27 THE WHOLE POINT OF IT IS TO CONNECT MR. HUNT TO
28 THIS INCIDENT, THE SPECIFIC INCIDENT BEING ONE OF THE THREE

1 ACTS OF VIOLENCE THAT WERE SPECIFICALLY MENTIONED IN THE MOTION
2 OF INTENTION TO INTRODUCE AGGRAVATION.

3 WE DIDN'T THROW IT IN THERE AS SOME GRATUITOUS
4 THREAT. IT IS A PIECE OF CONNECTING EVIDENCE TO THE ACT OF
5 VIOLENCE ITSELF.

6 THAT IS ALL I HAVE TO SAY.

7 MR. CHIER: YOUR HONOR, WE WERE NOT PUT ON NOTICE THAT
8 THIS ALLEGED CONDUCT WAS COMMITTED IN THE COURSE OF A
9 CONSPIRACY. THE PEOPLE'S OWN ALLEGATION HERE JUST SAYS --

10 THE COURT: DO YOU HAVE ANYTHING TO ADD?

11 MR. BARENS: YES. I AM CONCERNED, TOO, JUDGE.
12 IRRESPECTIVE OF WHAT HAS TRANSPIRED UP TO THIS MOMENT, THERE
13 IS NO NOTICE ABOUT ANY KIND OF CONSPIRACY HERE AND HERE IS
14 WHERE I THINK MAYBE WE HAVEN'T COMMUNICATED THIS POINT AS
15 ARTICULATELY AS WE MIGHT, YOUR HONOR.

16

17

18

19

20

21

22

23

24

25

26

27

28

A-1

1 THE COURT: GO AHEAD.

2 MR. BARENS: YOUR HONOR, I THINK THAT WHAT WE ARE TALKING
3 ABOUT HERE IS YOU HAVE THIS CONSPIRACY WHERE THIS GUY IS GOING
4 TO, ACCORDING TO THIS WITNESS, HE IS GOING TO THROW SOME KIND
5 OF POISON ON HIM. I DON'T THINK THE WORD "ACID" WAS REALLY
6 USED, BUT SOME KIND OF CONSPIRACY AND THEN SOMEBODY DIES FROM
7 HAVING THIS THROWN ON HIM BUT WE ALL KNOW THAT DIDN'T HAPPEN
8 HERE SO THE CONSPIRACY IS BY WAY OF A THREAT TO DO THIS. IT
9 IS ANTICIPATED CONDUCT THAT IS NEVER BROUGHT TO FRUITION BUT,
10 RATHER, WHAT HAPPENS IS AN INTIMIDATION OF MR. SWARTOUT
11 OCCURS.

12 THE CONVERSATION WE HAVE HERE IS ABOUT A
13 CONSPIRACY TO COMMIT A HOMICIDE, WHEREAS WE KNOW THAT ALL
14 THAT HAPPENS IS THAT INTIMIDATION OF MR. SWARTOUT, IF THAT
15 OCCURS WHATSOEVER, SO THE CONSPIRACY BEING OFFERED THE JURY
16 RIGHT NOW IS A CUL DE SAC TYPE OF CONSPIRACY.

17 ALL YOU GET BEFORE THE JURY IS AN ALLEGED
18 CONSPIRACY AND THAT IS IT. AND I DON'T THINK --

19 THE COURT: YOU HAVE GOT MORE THAN THAT. YOU HAVE
20 ACTUALLY THROWING SOMETHING, HAVEN'T YOU?

21 MR. BARENS: SURE, BUT WE KNOW --

22 THE COURT: SO THAT IS AN OVERT ACT THAT IS COMMITTED.

23 MR. BARENS: BUT THE OVERT ACT IS NOT IN CONFORMITY
24 WITH THE CONSPIRACY.

25 THE COURT: HOW DO I KNOW THAT?

26 MR. BARENS: NOTHING HAPPENED TO THE GENTLEMAN, YOUR
27 HONOR.

28 THE COURT: HE SAID HE HAD A BURNING SENSATION. THAT

A-2 1 IS FOR THE JURY TO DETERMINE, NOT ME AT THIS TIME. I THINK
2 THERE IS A SUFFICIENT LINK SHOWN BETWEEN THE DEFENDANT AND
3 PITTMAN AND THIS WITNESS WITH RESPECT TO THIS PARTICULAR
4 INCIDENT SO IT WILL BE OVERRULED.

5 MR. BARENS: THANK YOU, SIR.

6 (THE FOLLOWING PROCEEDINGS WERE HELD
7 IN OPEN COURT:)

8 Q BY MR. WAPNER: OKAY. I WANT TO MOVE ON TO
9 ANOTHER AREA NOW.

10 IN THE SUMMER OF 1984, DID YOU MEET SOMEONE NAMED
11 REZA ESLAMINIA?

12 A YES, I DID.

13 Q WHEN DID YOU MEET THIS PERSON APPROXIMATELY?

14 A APPROXIMATELY, I THINK IT WAS AROUND -- AROUND
15 MAY BUT IT MAY HAVE BEEN A LITTLE LATER.

F
16
17
18
19
20
21
22
23
24
25
26
27
28

-1
1 Q WHERE DID YOU MEET HIM?

2 A I FIRST MET HIM AT A PARTY AT EVAN DICKER'S HOUSE.

3 Q HOW OLD WAS REZA ESLAMINIA APPROXIMATELY AT THAT
4 TIME?

5 A I THINK HE WAS ABOUT 24 YEARS OLD.

6 Q WHAT WAS THE NATURE OF YOUR MEETING WITH HIM AT
7 THAT TIME?

8 A I WAS JUST BRIEFLY INTRODUCED TO HIM BY BEN DOSTI,
9 JUST AN INTRODUCTION, REALLY.

10 Q DID YOU SPEND ANY TIME AT ALL TALKING TO HIM AT
11 THIS PARTY?

12 A I DON'T THINK I DID.

13 Q WHEN WAS THE NEXT TIME THAT YOU SAW OR TALKED
14 TO HIM?

15 A OVER THE NEXT MONTH OR SO AT THE BBC OFFICES,
16 HE CAME BY TO I THINK, VISIT WITH BEN AND I JUST AGAIN, SAW
17 HIM BRIEFLY THOSE FEW TIMES.

18 Q AND AFTER SEEING HIM A FEW TIMES AT THE BBC
19 OFFICES VISITING WITH BEN, DID YOU AT SOME POINT AFTER THAT,
20 HAVE SOME MEETINGS WHERE HE WAS PRESENT?

21 A YES.

22 Q BEFORE YOU HAD THOSE MEETINGS, DID YOU HAVE SOME
23 DISCUSSIONS WITH MR. HUNT AND MR. DOSTI?

24 A YES I DID.

25 Q WHEN WAS THE FIRST OF THOSE -- EXCUSE ME, WHERE
26 DID THAT FIRST DISCUSSION TAKE PLACE?

27 A IT TOOK PLACE ON THE STREET CORNER OUTSIDE IN
28 FRONT OF OUR OFFICES.

0-2
1 Q ON THIRD STREET?

2 A YES.

3 Q WHO WAS PRESENT AT THAT TIME?

4 A BEN DOSTI AND JOE AND MYSELF.

5 Q APPROXIMATELY WHAT TIME FRAME WAS THAT?

6 A IT WAS AROUND THE VERY BEGINNING OF JULY, IN THE
7 MIDDLE OF THE DAY.

8 Q OF 1984?

9 A YES.

10 Q AND THIS WAS STILL DURING A TIME WHEN THE CHECK
11 THAT HAD BEEN OBTAINED FROM MR. LEVIN HAD NOT BEEN CASHED?
12 IS THAT RIGHT?

13 A THAT'S RIGHT.

14 Q AND WHAT WAS THE DISCUSSION THAT YOU HAD WITH
15 MR. HUNT AND MR. DOSTI AT THAT TIME?

16 A ONE OF THE TWO OF THEM SUGGESTED THAT REZA WANTED
17 TO ENLIST OUR HELP.

18 Q FOR WHAT PURPOSE?

19 A IN FORCING HIS FATHER TO TURN OVER HIS ASSETS
20 TO REZA OR TO US.

21 Q WAS THERE SOME DISCUSSION ABOUT WHAT KIND OF ASSETS
22 THE FATHER HAD?

23 A AT THAT TIME, ALL THAT WAS DISCUSSED IS THAT HE
24 WAS A VERY RICH MAN. LATER ON, WE GOT A LITTLE MORE SPECIFIC
25 ABOUT IT.

26 Q IN TERMS OF THE DISCUSSION THAT YOU HAD OUTSIDE
27 OF THE OFFICES ON THIRD STREET, HOW LONG DID IT LAST?

28 A ABOUT FIVE MINUTES OR SO.

-3

1 Q WHAT WAS SAID IF YOU CAN RECALL ABOUT REZA WANTING
2 TO ENLIST YOUR AID IN OBTAINING HIS FATHER'S ASSETS?

3 A SPECIFICALLY, WHAT WAS SAID IS THAT REZA HAD --
4 REZA'S FATHER WAS SOME KIND OF A MONSTER, ACCORDING TO REZA
5 AND THAT THEY HATED EACH OTHER AND THAT HE HAD CUT REZA OFF
6 OF FINANCIAL SUPPORT. AND THIS WAS WHAT REZA WANTED TO DO
7 AND HE WANTED US TO DO IT WITH HIM.

8 Q WAS THERE SOME DISCUSSION AT THAT TIME AS TO WHAT
9 WOULD BE DONE IN THAT FIRST MEETING?

10 A THERE WAS DISCUSSION AS TO WHAT WE WOULD THINK
11 ABOUT DOING BUT NOT WHAT WAS ACTUALLY GOING TO BE DONE.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

-4
1 Q WHAT WAS THE DISCUSSION IN TERMS OF WHAT YOU WERE
2 THINKING ABOUT DOING?

3 A AS I SAY, TO FORCE HIM. WE DIDN'T REALLY DISCUSS
4 HOW -- BUT TO FORCE HIM TO TURN OVER HIS ASSETS.

5 Q WAS THERE SOME CONSIDERATION GIVEN AT THAT TIME
6 AS TO WHY THE PEOPLE IN THE BBC WOULD WANT TO GET INVOLVED
7 IN THAT?

8 A WHY GET INVOLVED IN ANY OF IT? WE NEEDED MONEY.

9 Q AFTER THAT FIVE-MINUTE DISCUSSION BETWEEN THE
10 THREE OF YOU ON THE STREET, WHAT DECISIION, IF ANY, WAS
11 ARRIVED AT?

12 A THAT WE WOULD MAKE FURTHER INQUIRY INTO THE
13 POSSIBILITY OF DOING THAT AND WE WERE GOING TO GET TOGETHER
14 WITH REZA AND TALK AS A GROUP.

15 Q CAN YOU RECALL WHAT THE NEXT THING WAS THAT WAS
16 DONE IN THAT REGARD?

17 A WE HAD A MEETING WITH REZA.

18 Q WHO HAD THE MEETING WITH REZA?

19 A JOE AND BEN AND MYSELF AND JIM AND REZA.

20 Q JIM PITTMAN?

21 A YES.

22 Q WHERE WAS THAT MEETING?

23 A IT WAS HELD AT THE WILSHIRE MANNING WHERE WE LIVED.
24 I THINK IT WAS IN BEN'S APARTMENT.

25 Q WAS THAT THE APARTMENT NUMBER 1206?

26 A THAT'S RIGHT.

27 Q WHAT WAS DISCUSSED AT THAT MEETING?

28 A THERE WAS A LOT OF QUESTIONS THAT WE ASKED REZA

1 ABOUT HIS FATHER, ABOUT HIS FATHER'S ASSETS.

2 WE TALKED ABOUT HIS FATHER'S HISTORY IN IRAN SOME.
3 AND WE TALKED ABOUT WHAT WE MIGHT HAVE TO DO.

4 Q WHAT DID YOU TALK ABOUT IN TERMS OF WHAT YOU MIGHT
5 HAVE TO DO?

6 A WELL, THAT IT WOULD ENTAIL PROBABLY ABDUCTING
7 THE MAN BECAUSE YOU KNOW, WE WERE GOING TO GO THROUGH -- WE
8 WENT THROUGH ALL SORTS OF IDEAS ABOUT HOW YOU GO ABOUT FORCING
9 SOMEONE TO TURN OVER ALL OF THEIR MONEY TO YOU.

10 AND SINCE WE DISCUSSED THAT, SINCE HE HAD A BAD
11 RELATIONSHIP WITH REZA, IT WAS NOT LIKE HE WAS GOING TO MEET
12 HIM FOR LUNCH. IT WAS THE KIND OF A THING WHERE WE WOULD
13 HAVE TO KIDNAP HIM. AND WE ALSO DISCUSSED THAT WE WOULD HAVE
14 TO KILL HIM AFTERWARDS.

15 Q WAS IT DISCUSSED WHY YOU WOULD HAVE TO DO THAT?

16 A IT SEEMED CLEAR THAT IF YOU DO SOMETHING LIKE
17 THAT, YOU CAN'T LEAVE THE PERSON TO TELL ON YOU AFTERWARDS.

18 Q WHAT WAS DISCUSSED AT THAT MEETING ABOUT HIS
19 ASSETS SPECIFICALLY?

20 A REZA SAID THAT THROUGHOUT HIS FATHER'S TENURE
21 AS AN OFFICIAL IN IRAN, THAT HE HAD SPIRITED AWAY A GREAT
22 DEAL OF MONEY TO VARIOUS PLACES IN THE WORLD AND THAT REZA
23 THOUGHT THAT IT AMOUNTED TO SOME \$30 MILLION.

24 Q WHAT WAS DISCUSSED ABOUT REZA'S FATHER'S HISTORY
25 IN IRAN?

26 A REZA SAID THAT HIS FATHER HAD BEEN A HIGH OFFICIAL
27 IN THE SHAH'S GOVERNMENT AND THAT HE HAD BEEN FORCED TO FLEE
28 THE COUNTRY WHEN THE SHAH'S REGIME FELL. AS A RESULT, HE

1 BECAME AN ENEMY OF THE AYATOLLAH KHOMENI.

2 SO, WHEN HE DISAPPEARED OR DIED, IT WOULD BE EASY
3 TO SUGGEST THAT THE AYATOLLAH HAD GOTTEN HIM AND WE WOULD
4 PROBABLY BE ABLE TO AVOID SUSPICION ON OURSELVES.

F 5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q HOW LONG DID THE FIRST MEETING LAST, THIS FIRST
2 MEETING WITH REZA? I AM SORRY.

3 A EXCUSE ME. AT LEAST AN HOUR, MAYBE AN HOUR
4 AND A HALF.

5 Q AS A RESULT OF THAT MEETING -- AT THE END OF
6 THAT MEETING, DID THE FIVE OF YOU AGREE TO DO ANYTHING ELSE?

7 A WE AGREED TO MEET AGAIN.

8 I THINK THAT -- I THINK WE SAID THAT THE GROUP
9 OF US, BESIDES REZA, WOULD DISCUSS IT AMONG OURSELVES.

10 AND THAT WE TALKED SOME MORE BUT I THINK THAT
11 WE WERE ALL PRETTY MUCH COMMITTED AT THAT POINT.

12 Q WAS THERE ANY DISCUSSION AT THAT POINT AS TO
13 WHAT THE BBC WOULD GET OUT OF THIS, ANY DISCUSSION AT THE
14 FIRST MEETING?

15 A I DON'T REMEMBER. THERE WAS DISCUSSION ABOUT
16 THAT POINT, BUT I DON'T REMEMBER EXACTLY WHEN THE DISCUSSION
17 WAS.

18 Q AFTER THAT FIRST MEETING YOU HAD WITH REZA
19 AT THE MANNING CONDOMINIUMS, DID YOU AND MR. HUNT AND MR.
20 DOSTI AND MR. PITTMAN DISCUSS THIS WITHOUT REZA PRESENT?

21 A AFTER THAT, WE TALKED ABOUT IT A LOT.

22 Q HOW OFTEN?

23 A PROBABLY EVERY DAY, ALTHOUGH THE DISCUSSIONS
24 GOT MORE INVOLVED AS WE GOT MORE INVOLVED IN OUR PLAN.

25 YOU SEE, RIGHT AFTER THAT MEETING, THOUGH WE
26 WERE GOING TO DO IT, WE DIDN'T KNOW EXACTLY WHEN AND HOW
27 AND THERE WERE OTHER THINGS GOING ON.

28 Q WHAT ELSE WAS GOING ON AT THAT TIME?

1 A WELL, THERE WAS, I THINK, THAT WAS ONE OF THE
2 TIME PERIODS WHEN WE WERE DEALING WITH MR. KILPATRICK AND
3 THAT KEPT US BUSY.

4 THERE WAS ALSO THE BUSINESS OF CHECKING FOR
5 RON LEVIN'S MAILBOX, CHECKS TO ARRIVE FROM SWITZERLAND,
6 I THINK THAT WAS STILL GOING ON.

7 AND THE POINT WAS THAT WE HAD NOT --

8 MR. CHIER: OBJECTION, YOUR HONOR, THIS IS GRATUITOUS
9 AND NON-RESPONSIVE. THERE IS NO QUESTION PENDING.

10 THE COURT: PROCEED, WILL YOU?

11 THE WITNESS: I AM AFRAID I DID LOSE TRACK OF THE
12 QUESTION A LITTLE BIT. IF YOU COULD PLEASE TELL ME WHAT
13 QUESTION I AM ANSWERING, I WILL BE MORE SPECIFIC.

14 Q BY MR. WAPNER: OKAY. I WILL JUST ASK YOU
15 ANOTHER ONE.

16 AFTER THE MEETING WHERE YOU GOT TOGETHER WITH
17 MR. HUNT, MR. DOSTI AND MR. PITTMAN AND MR. ESLAMINIA AT
18 THE 1206 CONDOMINIUM, WERE THERE ANY DISCUSSIONS, JUST AMONGST
19 THE BBC PEOPLE, AS TO WHETHER YOU WERE GOING TO PARTICIPATE
20 IN THIS PLAN OR NOT?

21 A YES.

22 Q AND WHAT WERE THOSE?

23 A WE AGREED AMONG OURSELVES THAT WE WOULD PARTICIPATE
24 IN THE PLAN.

25 Q AT THE TIME THAT YOU FIRST HAD THIS MEETING
26 WITH REZA, DO YOU KNOW WHERE HE WAS LIVING?

27 A I KNOW WHERE HE TOLD ME HE WAS LIVING, BUT
28 I NEVER VISITED HIM THERE.

1-3

1 Q WHERE WAS THAT?

2 A AT HIS MOTHER'S HOUSE IN BEVERLY HILLS.

1A 3 Q AT SOME POINT AFTER YOU HAD THIS FIRST MEETING
4 WITH HIM, DID HE MOVE INTO THE WILSHIRE MANNING?

5 A YES, HE DID.

6 Q HOW MUCH LONGER AFTER THAT FIRST MEETING?

7 A APPROXIMATELY A WEEK AND A HALF OR SO.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q WHICH UNIT AT THE WILSHIRE MANNING DID HE MOVE
2 INTO?

3 A AT FIRST, HE MOVED INTO 1206 WHERE BEN WAS
4 LIVING BECAUSE STEVE LOPEZ WAS OUT OF TOWN AND HE WAS
5 STAYING IN STEVE'S ROOM.

6 AND THEN WHEN STEVE CAME BACK, HE MOVED UPSTAIRS
7 WITH JOE AND BROOKE AND MYSELF INTO THE BEDROOM THAT HAD
8 PREVIOUSLY BEEN OCCUPIED BY JEFF RAYMOND.

9 Q JEFF RAYMOND HAD MOVED OUT AT THAT POINT?

10 A YES.

11 Q NOW, AT SOME POINT DID YOU HAVE OTHER DISCUSSIONS
12 WITH REZA REGARDING CARRYING OUT THE PLAN THAT YOU HAD FIRST
13 DISCUSSED?

14 A YES.

15 Q AT SOME POINT, DID THE DISCUSSIONS YOU HAD
16 INTENSIFY?

17 A YES.

18 Q WHEN WAS THAT APPROXIMATELY?

19 A APPROXIMATELY THE MIDDLE OF -- APPROXIMATELY
20 THE MIDDLE OF JULY '84, A LITTLE PAST THAT.

21 Q WAS THERE SOMETHING THAT HAPPENED TO CAUSE
22 THOSE DISCUSSIONS TO INTENSIFY OR BECOME MORE FREQUENT?

23 A YES.

24 Q WHAT?

25 A WELL, REZA HAD DONE A LITTLE BIT OF RECONNAISSANCE
26 WORK, ACCORDING TO WHAT WE HAD TALKED ABOUT AND AGREED UPON,
27 HE WENT UP TO THE BAY AREA AND HE TALKED TO THIS FELLOW,
28 WHO IS A FRIEND OF HIS FATHER'S OR WHO KNEW HIM.

1 ANYWAY, HE FOUND OUT THAT HIS FATHER WAS
2 PLANNING TOWARD THE END OF THE MONTH TO LEAVE ON A TRIP
3 AND --

4 Q WHO WAS THE PERSON THAT HE TALKED TO, DO YOU
5 KNOW?

6 A A MAN NAMED BANI.

7 I DON'T REALLY KNOW ANYTHING OTHER THAN THAT.

8 Q AS PART OF THE PLAN, WAS ANYBODY ELSE SENT
9 UP TO SAN FRANCISCO TO DO ANY RECONNAISSANCE?

10 A JIM PITTMAN WAS AND I THINK BEN WENT UP THERE,
11 TOO.

12 Q WHAT WAS THE PURPOSE OF THEIR GOING UP THERE?

13 A TO FIND OUT, FIRST OF ALL, WHERE MR. ESLAMANIA
14 WAS LIVING AT THE TIME BECAUSE REZA WASN'T SURE AT THE
15 BEGINNING, AND TO FIND OUT JUST HOW HIS HABITS WERE, TO
16 JUST DO RECONNAISSANCE.

17 Q AFTER REZA FOUND OUT FROM MR. BANI THAT HIS
18 FATHER WAS LEAVING TOWARDS THE END OF THE MONTH, WHAT
19 HAPPENED?

20 A WELL, WE DECIDED THAT THAT TIME WOULD BE A
21 GOOD TIME TO CARRY OUT OUR PLAN BECAUSE, ACCORDING TO --
22 ACCORDING TO REZA, HIS FATHER FREQUENTLY TOOK SUDDEN TRIPS.
23 THAT IF HE WERE TO DISAPPEAR AND IF THERE WAS SOME IDEA
24 THAT PEOPLE HAD THAT HE HAD TAKEN ONE OF HIS OWN TRIPS THAT
25 HE HAD PLANNED, THAT PERHAPS AN INVESTIGATION INTO HIS
26 DISAPPEARANCE WOULD BE SOMETIME IN COMING. JUST TO
27 CAMOUFLAGE WHAT WE WERE GOING TO DO.
28

-1
1 Q WAS THERE ANOTHER REASON THAT HIS GOING OUT OF
2 TOWN WAS IMPORTANT TO YOU?

3 A OTHER THAN THAT IT CREATED AN OPPORTUNITY FOR
4 US TO CARRY OUT OUR PLAN, I REALLY CAN'T THINK OF ANY OTHER
5 REASON.

6 Q DID YOU ALSO WANT TO DO IT BEFORE HE LEFT, AS
7 OPPOSED TO WAITING UNTIL AFTER HE CAME BACK?

8 MR. CHIER: OBJECTION, LEADING AND SUGGESTIVE.

9 THE COURT: OVERRULED.

10 THE WITNESS: WELL, WE DID TALK ABOUT IT BECAUSE AS
11 I SAID BEFORE, WE WERE IN PRETTY DESPERATE FINANCIAL CONDITION.
12 AND WE WOULD HAVE HAD NO IDEA WHEN HE WAS GOING TO COME BACK.

13 SO IT WAS A QUESTION OF TAKING THE OPPORTUNITY
14 WHEN WE COULD.

15 Q BY MR. WAPNER: DURING THE SUBSEQUENT DISCUSSIONS,
16 WAS THERE MENTION OF WHAT THE BBC WAS TO GET OUT OF THIS PLAN,
17 IF ANYTHING?

18 A YES. WE WERE GOING TO GET AT LEAST HALF OF WHATEVER
19 RESULTED FROM THAT PLAN. BUT MORE THAN THAT, WE FELT THAT
20 REZA WAS BECOMING PART OF OUR GROUP AND WE FIGURED THAT ALL
21 OF THE STUFF WE GOT WOULD BE SORT OF JOINTLY CONTROLLED.

22 Q WHEN HE MOVED INTO THE MANNING CONDOMINIUMS, WHAT
23 WAS HIS STATUS WITH REGARD TO WHETHER OR NOT HE WAS A MEMBER
24 OF THE BBC?

25 A WELL, HE WAS FRIENDS WITH US. AND HE KNEW QUITE
26 A BIT ABOUT WHAT WE WERE DOING. HE WAS INVOLVED WITH US.

27 I GUESS IN OUR MIND OR IN MY MIND -- BECAUSE THAT
28 IS THE ONLY MIND I CAN SPEAK FOR -- IT SEEMS LIKE HE WAS IN

-2
1 THE BBC.

2 BUT YOU KNOW, HE GOT ENTHUSIASTIC ABOUT THE BBC
3 IDEA. SO IT SEEMED LIKE HE WAS INCORPORATED INTO THE GROUP.

4 Q WERE THERE ANY FURTHER DISCUSSIONS DURING THE
5 SUCCEEDING WEEKS ABOUT SPECIFICALLY HOW THIS PLAN WAS TO BE
6 CARRIED OUT AND WHAT WAS TO BE DONE?

7 A YES.

8 Q WHAT WERE THE DISCUSSIONS?

9 A WELL, WE WENT INTO A GREAT DETAIL OF DISCUSSIONS,
10 STRATEGY SESSIONS, PLANNING SESSIONS -- SORRY.

11 Q WHAT WAS DECIDED IN TERMS OF SPECIFICALLY WHAT
12 THE PLAN WOULD BE?

13 A SPECIFICALLY, THE PLAN WAS TO KIDNAP MR. ESLAMINIA
14 FROM WHEREVER WE FOUND THAT HE RESIDED, TO SECURE A SECLUDED
15 PLACE WHERE WE COULD KEEP HIM, TO KEEP HIM THERE AND GET HIM
16 TO TELL US WHAT HIS ASSETS WERE AND TO TRANSFER THEM TO US.
17 AND THEN HE WAS SUPPOSED TO DIE.

18 Q WHAT WAS MR. HUNT'S PARTICIPATION IN THOSE
19 DISCUSSIONS?

20 A I WOULD SAY THAT HE WAS COORDINATOR OF THE
21 DISCUSSIONS.

22 Q AND WAS THIS PLAN DECIDED AT ONE MEETING, MORE
23 THAN ONE OR DID IT EVOLVE OVER A PERIOD OF TIME?

24 A IT EVOLVED OVER A PERIOD OF TIME.

25 Q IN PREPARATION FOR CARRYING OUT THIS PLAN, DID
26 PEOPLE HAVE CERTAIN TASKS THAT THEY WERE SUPPOSED TO PERFORM?

27 A YES. THERE WAS SOME DIVVYING UP OF THINGS TO
28 DO.

1 Q WHO DID THE DIVVYING UP?

2 A IT WAS DONE I WOULD SAY, AS A COMMITTEE. WE SAT
3 AROUND AND WE TALKED.

4 Q WHO SAT AROUND?

5 A THE FIVE OF US. WE TALKED ABOUT WHAT WAS GOING
6 TO BE DONE AND EITHER SOMEONE SAID, "I WILL DO THIS," OR "I
7 WILL DO THAT."

8 I DON'T REMEMBER EXACTLY BUT IT WAS A COMMITTEE
9 SORT OF DECISION.

10 Q AND IN TERMS OF THE FIVE, YOU ARE TALKING ABOUT
11 YOURSELF, JOE HUNT, ARBEN DOSTI, REZA ESLAMINIA AND JIM PITTMAN?

12 A THAT'S RIGHT.

13 Q AS A RESULT OF THOSE DISCUSSIONS, DID MR. HUNT
14 HAVE CERTAIN RESPONSIBILITIES?

15 A YES.

16 Q WHAT WERE THOSE?

17 A HE WAS GOING TO SPEND -- HE SPENT A LOT MORE TIME
18 IN THE OFFICE THAN WE DID. HE WAS GOING TO PUT A WHOLE BUNCH
19 OF PAPERWORK IN THE NATURE OF BUSINESS TRANSACTIONS, FORMAL
20 AGREEMENTS, STATIONERY AND ALL SORTS OF THINGS TOGETHER SO
21 THAT WHENEVER WE TOOK MR. ESLAMINIA, WE COULD CREATE PHONY
22 BUSINESS TRANSACTIONS AND TRANSFERS OF ASSETS SO THAT THINGS
23 WOULDN'T LOOK SO OUT OF THE ORDINARY WHEN WE SUDDENLY GOT
24 ALL OF HIS ASSETS.

25 THAT IS ONE OF THE THINGS THAT HE WAS GOING TO
26 DO.

27 Q WHAT WERE THE OTHER THINGS HE WAS SUPPOSED TO
28 DO?

1 A WELL, I DON'T REMEMBER REALLY AT THOSE PARTICULAR
2 DISCUSSIONS WHAT ELSE HE WAS SUPPOSED TO DO, IF ANYTHING.
3 BUT HE WOUND UP DOING SOME OTHER THINGS, ANYWAY.

4 Q WHAT OTHER THINGS, IF YOU RECALL?

5 A WELL, HE WENT WITH ME TO LOOK FOR A PLACE TO RENT.
6 AS I SAY, WE DIDN'T NECESSARILY DISCUSS WHO WAS GOING TO DO
7 IT AT THE MEETINGS.

8 BUT THE TWO OF US WOUND UP DOING THAT ON A COUPLE
9 OF DIFFERENT OCCASIONS.

10 Q WHERE DID YOU GO?

11 A WE WENT TO LAKE ARROWHEAD, THE BIG BEAR AREA.
12 WE WENT TO PALM SPRINGS AND AROUND THE LOS ANGELES AREA, TOO.

13 Q DID YOU FIND ANYTHING IN LAKE ARROWHEAD OR
14 PALM SPRINGS THAT INTERESTED YOU?

15 A WE FOUND ONE THING IN ONE PLACE IN LAKE ARROWHEAD
16 THAT WE THOUGHT WOULD BE OKAY.

17 BUT THEN IT TURNED OUT TO BE TOO CLOSE TO OTHER
18 HOMES. AND THEN WE WENT TO PALM SPRINGS WHERE BEN HAD BEEN
19 LOOKING AROUND AND WE DID FIND A PLACE THERE THAT SEEMED
20 PERFECT.

21 Q WAS THAT AT THAT SAME PERIOD?

22 A YES. THE PLACE HAD A WINE CELLAR THAT WAS
23 ACCESSIBLE THROUGH A TRAP DOOR IN THE FLOOR AND WAS HIDDEN
24 BY A FLAP OF CARPET SO THAT YOU WOULD NEVER EVEN KNOW THAT
25 THE ROOM WAS THERE. AND THAT WAS BASICALLY WHAT WE WERE LOOKING
26 FOR.

1 Q WHY WAS IT THAT YOU WERE LOOKING FOR SOMETHING
2 LIKE THAT?

3 A BECAUSE WE THOUGHT THAT WE WOULD -- WE WOULD
4 HAVE A MAN THERE, MR. ESLAMANIA, WHO MIGHT BE SCREAMING
5 OR SOMETHING LIKE THAT FOR PERHAPS A NUMBER OF WEEKS AND
6 THAT IS WHY A PLACE LIKE THAT WAS PERFECT.

7 Q HOW LARGE OF AN AREA WAS THIS BELOW THE GROUND?

8 A IT WAS A SMALL ROOM. I DON'T KNOW, MAYBE
9 EIGHT FEET BY EIGHT FEET, MAYBE A LITTLE BIGGER.

10 Q DID YOU ATTEMPT TO RENT THAT HOUSE?

11 A WE MADE AN INQUIRY ABOUT IT, I MEAN IT WAS
12 FOR RENT, THAT IS WHY WE GOT TO GO SEE THE PLACE BUT WE
13 ONLY WANTED SHORT TERM RENTAL AND WHEN WE ASKED THEM FOR
14 THAT, THEY TURNED US DOWN.

15 Q DID HE GO WITH YOU TO LOOK AT SOME OTHER PLACE
16 IN WEST LOS ANGELES?

17 A YES.

18 Q CAN YOU TELL ME HOW THAT CAME ABOUT?

19 A I AM NOT ACTUALLY SURE HOW IT CAME ABOUT, BUT
20 WE DID -- WE DID HAVE A MEETING WITH A REAL ESTATE AGENT
21 AT THIS HOUSE ON BEVERLY GLEN DRIVE THAT ALSO HAD A SORT
22 OF A HIDDEN BASEMENT AND WE WENT -- WE WENT AND WE TALKED
23 TO THE AGENT AND THEN ULTIMATELY, WE RENTED THAT PLACE.

24 Q WHAT WAS IT ABOUT THAT HOUSE THAT CAUSED YOU
25 TO WANT TO RENT IT?

26 A WELL, IT WAS SET BACK FROM THE STREET. IT
27 HAD A TALL HEDGE IN FRONT OF IT BUT, MOST IMPORTANTLY, IN
28 ONE OF THE CLOSETS THERE WAS A DOOR THAT COULD BE HIDDEN

1 BY CLOTHING, AND IT WAS A TRAP DOOR THAT LED DOWN TO A
2 BASEMENT THAT WOULD OTHERWISE BE REALLY UNDETECTABLE.

3 Q AT THE TIME THAT YOU LOOKED AT THAT HOUSE WITH
4 THE REAL ESTATE AGENT, DID YOU GO INTO THE BASEMENT?

5 A I DON'T THINK WE WENT INTO THE BASEMENT BUT
6 WE LOOKED IN THE BASEMENT.

7 WE DIDN'T WANT TO SEEM TOO EXCITED ABOUT THE
8 BASEMENT IN FRONT OF THE REALTOR.

9 Q AND AFTER LOOKING AT THE BASEMENT, DID YOU
10 MAKE A DECISION TO RENT THAT HOUSE IN FACT?

11 A YES.

12 Q LET ME COME BACK TO THAT IN A LITTLE BIT.

13 THE COURT: MAYBE WE SHOULD TAKE A LITTLE RECESS AT
14 THIS TIME.

15 LADIES AND GENTLEMEN OF THE JURY, WE WILL TAKE
16 A 15-MINUTE RECESS AT THIS TIME.

17 THE SAME ADMONITION I GAVE YOU WILL STILL APPLY.

18 (RECESS.)

19

20

21

22

23

24

25

26

27

28

1 THE COURT: ALL RIGHT. YOU MAY PROCEED.

2 MR. WAPNER: THANK YOU.

3

4 DIRECT EXAMINATION (CONTINUED)

5 BY MR. WAPNER:

6 Q AS FAR AS THE PLANS, THE ASSIGNMENTS THAT EVERY-
7 BODY HAD, WERE THEY DETERMINED AT ONE MEETING OR OVER A
8 COURSE OF TIME?

9 A IT WAS OVER A COURSE OF TIME, AS THE PLAN
10 EVOLVED AND WE HAD MORE AND MORE ASPECTS TO IT. DIFFERENT
11 PEOPLE TOOK DIFFERENT DUTIES.

12 Q WERE THERE LISTS THAT WERE GIVEN TO PEOPLE
13 OF THINGS TO DO?

14 A I THINK PEOPLE MADE THEIR OWN LISTS.

15 Q AND WOULD THAT --

16 A WE HAD -- SORRY. GO AHEAD.

17 Q WOULD YOU EXPLAIN HOW THAT HAPPENED?

18 A WELL, WE WOULD SIT AROUND TALKING ABOUT VARIOUS
19 THINGS, ELEMENTS OF THE PLAN. ONCE ONE PERSON HAD A
20 CERTAIN DUTY, THEY WOULD WRITE IT DOWN. WE EACH HAD PADS.
21 IT WAS JUST TO MAKE SURE THAT EVERYTHING GOT TAKEN CARE
22 OF.

23 Q WAS SOMEONE KEEPING TRACK OF WHO HAD WHAT
24 RESPONSIBILITY AND EVERYTHING THAT WAS TO BE DONE?

25 A WELL, WE WERE ALL KEEPING TRACK OF EACH OTHER.
26 BUT AS I SAID BEFORE, JOE WAS DEFINITELY COORDINATOR OF
27 THE MEETINGS AND I THINK HE HAD A MAIN LIST THAT HAD MOST
28 OF THE STUFF ON IT.

1 Q AS FAR AS THE THINGS THAT MR. HUNT WAS TO DO,
2 BESIDES GETTING TOGETHER THE LEGAL FORMS AND THINGS OF THAT
3 NATURE AND HELPING YOU LOOK FOR HOUSES, DID HE HAVE ANYTHING
4 ELSE THAT HE WAS EITHER TO DO OR SAID THAT HE WAS TO DO?

5 A WELL, AT ONE TIME WE WOULD --
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 MR. CHIER: YOUR HONOR, THAT IS A YES OR NO QUESTION.

2 THE COURT: GO AHEAD.

3 THE WITNESS: SORRY.

4 YES.

5 Q BY MR. WAPNER: WHAT WAS IT?

6 THE COURT: YOU ARE NOT TO TAKE ANY DIRECTIONS FROM
7 THIS GENTLEMAN WHO IS OBJECTING. YOU TAKE YOUR DIRECTIONS
8 FROM THE COURT AND FROM THE DISTRICT ATTORNEY, WILL YOU?

9 THE WITNESS: SORRY. I WILL.

10 Q BY MR. WAPNER: WHAT WAS IT THAT HE WAS TO
11 DO?

12 A WELL, I SHOULD DIVIDE THE THINGS TO BE DONE
13 INTO TWO CATEGORIES WHICH I WAS DESCRIBING BEFORE, WERE
14 THE THINGS THAT WERE TO BE DONE IN PREPARATION OF THE PLAN,
15 GETTING A HOUSE AND GATHERING PAPERS TOGETHER AND
16 PURCHASING CERTAIN ITEMS.

17 BUT ONE OF THE THINGS THAT JOE SAID HE WAS
18 GOING TO DO IN A SEPARATE CATEGORY, WHICH IS WHEN WE WERE
19 ALREADY TAKING PART IN IT, IS THAT WHEN IT CAME TO PERSUADING
20 MR. ESLAMANIA TO COOPERATE, WELL, REZA HAD SAID THAT HIS
21 FATHER WASN'T GOING TO JUST TELL US WHERE ALL HIS MONEY
22 WAS AND THAT EVEN IF HE PURPORTED TO TELL US, THAT HE WOULD
23 PROBABLY LIE TO US, SO WE DISCUSSED THAT HE MIGHT HAVE TO
24 BE TORTURED IN SOME WAY.

25 Q WAS THAT DISCUSSED AMONG THE WHOLE GROUP?

26 A YES, IT WAS.

27 Q AND WHEN IT WAS DISCUSSED THAT HE MIGHT HAVE
28 TO BE TORTURED IN SOME WAY WHAT, IF ANYTHING, DID MR. HUNT

1 SAY?

2 A HE SAID THAT HE WAS GOING TO BE THE MASTER
3 OF TORTURE BECAUSE HE SAID THAT NONE OF US HAD THE EMOTIONAL
4 CONSTITUTION TO BE ABLE TO DO SOMETHING LIKE THAT AND THAT
5 HE COULD HANDLE IT.

6 Q DID HE SAY HOW IT WAS THAT HE WAS GOING TO
7 GO ABOUT TRYING TO ACCOMPLISH THIS?

8 A HE SAID THAT YOU COULD LEARN ANYTHING IN A
9 LIBRARY AND THAT HE WAS GOING TO GO TO THE LIBRARY AND FIND
10 OUT ABOUT IT.

11 Q ABOUT TORTURING PEOPLE?

12 A YEAH.

13 Q IN REGARD TO OTHER THINGS THAT DIFFERENT PEOPLE
14 WERE ASSIGNED TO DO IN PREPARATION FOR THE ABDUCTION, DID
15 MR. DOSTI HAVE ANY DUTIES THAT YOU RECALL?

16 A YES.

17 Q WHAT WERE HIS DUTIES?

18 A HE WAS GOING TO -- WELL, FIRST OF ALL, HE WAS
19 PARTICIPATING IN LOOKING FOR A HOUSE TO RENT.

20 ALSO, HE WAS GOING TO OBTAIN THIS SPRAY-ON
21 BAND-AID PRODUCT, WHICH IT WAS THOUGHT WE COULD SPRAY --
22 WELL, THE PEOPLE THAT WERE GOING TO GO TO MR. ESLAMANIA'S
23 HOUSE AND ABDUCT HIM WERE GOING TO BE ABLE TO SPRAY IT ON
24 THEIR FINGERTIPS SO THAT IT WOULD CREATE A LAYER AND THERE
25 WOULD BE NO FINGERPRINTS LEFT, SO HE WAS GOING TO GET THAT.

26 AND HE WAS ALSO GOING TO GET THIS STUFF CALLED
27 OZIUM.

28 Q WHAT IS THAT?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE COURT REPORTER: WOULD YOU SPELL THAT?

THE WITNESS: O-Z-I-U-M.

IT IS A DEODORANT OR A ROOM FRESHENER.

-1 1 Q WHAT WAS THE PURPOSE OF GETTING THAT?

2 A WELL, AMONG OTHER ASPECTS OF THE PLAN, THE WAY
3 THAT MR. ESLAMINIA WAS GOING TO BE -- IT INVOLVED RENDERING
4 HIM UNCONSCIOUS AND CHLOROFORM WAS GOING TO BE USED.

5 Q HOW WAS THAT GOING TO BE DONE?

6 A AND IN KEEPING WITH THE IDEA THAT MR. ESLAMINIA'S
7 DISAPPEARANCE SHOULD BE SOME KIND OF MYSTERY, THE OZIUM WAS
8 GOING TO BE USED TO GET RID OF THE SMELL THAT CHLOROFORM MIGHT
9 LEAVE BEHIND IN HIS APARTMENT.

10 Q DID MR. DOSTI HAVE ANY OTHER DUTIES THAT YOU CAN
11 RECALL?

12 A I THINK HE WAS ALSO GOING TO GET THE CHLOROFORM.
13 BUT I AM NOT SURE IF THAT WAS HIS RESPONSIBILITY OR REZA'S,
14 TO TELL YOU THE TRUTH.

15 Q AND WHAT RESPONSIBILITIES DID REZA HAVE, IF ANY?

16 A WELL, REZA WAS ACTIVELY INVOLVED IN THE
17 RECONNAISSANCE ACTIVITIES.

18 HE WAS GOING UP AND BACK TO THE BAY AREA. HE
19 WAS TALKING TO MR. BANI, FINDING OUT INFORMATION. HE WAS
20 SUPPOSED TO BUY A BUCKET AND SOME CAT LITTER.

21 Q WHY WAS HE SUPPOSED TO BUY A BUCKET AND SOME CAT
22 LITTER?

23 A BECAUSE IF HIS FATHER WAS GOING TO BE KEPT IN
24 A ROOM FOR WEEKS, HE WOULD HAVE TO HAVE A PLACE TO USE HIS
25 BODILY FUNCTIONS.

26 AND REZA WAS GOING TO GET THAT STUFF.

27 Q AND DID REZA HAVE ANY OTHER RESPONSIBILITIES THAT
28 YOU KNOW OF?

-2

1 A WELL, HE SAID THAT HIS FATHER WAS AN OPIUM USER
2 AND AN ADDICT ACTUALLY, HE SAID.

3 AND THAT IF WE WERE GOING TO KEEP HIM FOR A NUMBER
4 OF WEEKS, AGAIN, HE MIGHT HAVE WITHDRAWAL SYMPTOMS OF SOME
5 KIND DURING THAT TIME. AND SO IN ORDER TO FACILITATE WHAT
6 WE WERE GOING TO DO, HE WAS GOING TO GET SOME OPIUM, TOO,
7 SO WE COULD GIVE IT TO HIS FATHER OR WITHHOLD IT FROM HIS
8 FATHER, WHICHEVER WAS THE MOST EFFECTIVE.

9 Q AND WAS MR. REZA ESLAMINIA GIVEN SOME MONEY FOR
10 THAT PURPOSE?

11 A I THINK HE WAS.

12 Q HOW MUCH WAS HE GIVEN, IF YOU KNOW?

13 A I THINK IT WAS A COUPLE OF THOUSAND DOLLARS.

14 Q DID MR. PITTMAN HAVE ANY RESPONSIBILITIES AS FAR
15 AS THIS PLAN?

16 A HE WAS SPENDING A LOT OF TIME UP IN THE BAY AREA,
17 WATCHING MR. ESLAMINIA'S ACTIVITIES AND HIS PLACE.

18 I DON'T REALLY REMEMBER WHAT ELSE HE WAS SUPPOSED
19 TO DO, ACCORDING TO THOSE DELEGATIONS.

20 Q AND DID YOU HAVE ANY RESPONSIBILITIES AS A PART
21 OF THIS PLAN?

22 A YES I DID.

23 Q WHAT WERE THEY?

24 A MOSTLY, I HAD TO BUY A NUMBER OF ITEMS, ACQUIRE
25 A LOT OF ITEMS AS WELL AS LOOKING FOR THE HOUSE. SO --

26 Q WHAT WAS THE REASON THAT YOU HAD TO BUY A NUMBER
27 OF ITEMS?

28 A WELL, IN THE PLAN THAT WE HAD, JUST LIKE THE

6-3 1 SPRAY-ON BAND-AIDS AND OZIUM WERE ELEMENTS OF THE PLAN, THERE
2 WERE OTHER THINGS, TOO.

3 Q SUCH AS?

4 A WELL, I WAS SUPPOSED TO BUY SOME LARGE TRUNKS.
5 MR. CHIER: OBJECTION, NONRESPONSIVE. THE QUESTION
6 WAS WHY HE WAS SUPPOSED TO BUY THINGS.

7 THE COURT: GO AHEAD.

8 THE WITNESS: AS MY PART IN THE PREPARATORY ASPECTS
9 OF THE PLAN, I WAS GOING TO BUY THESE LARGE TRUNKS, TWO OF
10 THEM. ONE WAS TO PUT MR. ESLAMINIA IN WHEN HE WAS ABDUCTED
11 AND ONE WAS MAYBE GOING TO BE USED TO PUT HIS GIRLFRIEND INTO
12 IF SHE WAS THERE AT THE TIME.

F 13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

-1

1 Q AND DID YOU IN FACT PURCHASE SOME TRUNKS?

2 A YES.

3 Q HOW MANY?

4 A TWO.

5 Q AT THE SAME TIME?

6 A NO.

7 I BOUGHT ONE WITH BEN DOSTI ON ONE DAY AND THEN
8 A DAY OR TWO LATER, I BOUGHT THE SECOND ONE.

9 THE COURT: AT THE SAME PLACE?

10 THE WITNESS: AT THE SAME PLACE.

11 Q BY MR. WAPNER: WHERE WERE THEY PURCHASED?

12 A AT THE PLACE CALLED BERNARD'S LUGGAGE IN HOLLYWOOD.

13 Q DID YOU SUBSEQUENTLY TAKE AGENTS FROM THE DEPARTMENT
14 OF JUSTICE AND -- AGENTS FROM THE DEPARTMENT OF JUSTICE IN
15 SAN FRANCISCO TO BERNARD'S LUGGAGE?

16 A YES, I DID.

17 Q HOW COME BOTH TRUNKS WEREN'T PURCHASED ON THE
18 SAME DAY?

19 A WELL, WE BOUGHT THE FIRST ONE AND GOT IT -- WHEN
20 WE WERE IN THE STORE, WE COULDN'T REALLY TELL IF A MAN COULD
21 FIT INSIDE IT AND REALLY HOW STRONG IT WAS FOR THAT PURPOSE.
22 IT IS NOT -- IT IS NOT THE KIND OF THING THAT YOU EXPLAIN
23 TO A KEEPER OF A STORE.

24 SO WE BOUGHT ONE AND WE TOOK IT HOME AND WE --
25 I THINK BEN OR JIM GOT IN THE TRUNK TO SEE HOW THEY WOULD
26 FIT AND THEN SOME OTHER PEOPLE PICKED UP THE TRUNK TO SEE
27 IF IT COULD BE CARRIED AND IT WOULDN'T BREAK AND THE HANDLES
28 WERE STRONG ENOUGH, AND ONCE WE DETERMINED THAT IT WOULD WORK,

7-2

1 I WENT BACK AND GOT ANOTHER ONE.

2 Q CAN YOU DESCRIBE THE TRUNK, WAS THE SECOND TRUNK
3 IDENTICAL TO THE FIRST ONE?

4 A YES.

5 Q CAN YOU DESCRIBE THE TRUNK THAT YOU PURCHASED?

6 A YES. IT WAS A NAVY BLUE IN COLOR AND IT HAD GOLD
7 METAL CORNERS ON IT, LEATHER HANDLES ON THE SIDE AND INSIDE
8 IT, IT HAD A SORT OF A TRAY THAT COULD BE PULLED IN AND OUT
9 THAT LAID ACROSS THE TOP OF THE TRUNK FOR STORING SMALLER
10 ITEMS.

11 Q DID YOU AT SOME POINT TAKE OSCAR BREILING TO
12 BERNARD'S LUGGAGE AND POINT OUT AN IDENTICAL TRUNK TO HIM?

13 A YES, I DID.

14 Q WAS ONE PURCHASED BY THE DEPARTMENT OF JUSTICE,
15 TO YOUR KNOWLEDGEE?

16 A I DON'T KNOW.

17 Q I WANT TO SHOW YOU A PHOTOGRAPH AND ASK YOU IF
18 YOU RECOGNIZE WHAT IS DEPICTED IN THAT PHOTOGRAPH.

19 A THAT LOOKS LIKE THE TRUNKS THAT I BOUGHT.

20 Q WHAT WAS THE PURPOSE OF HAVING THE TRUNK, WHAT
21 PART IN THE PLAN WAS THAT GOING TO PLAY?

22 A WELL, AS I SAID BEFORE, MR. ESLAMINIA WAS GOING
23 TO BE ABDUCTED AND HE WOULD HAVE TO BE TRANSPORTED TO THE
24 PLACE THAT WE HAD DECIDED TO TAKE HIM TO AND THAT WAS DEEMED
25 TO BE THE WAY THAT WE WERE GOING TO DO IT, SO THAT WE WOULDN'T
26 GET CAUGHT RIGHT IN THE MIDDLE.

27 Q WHAT ELSE DID YOU PURCHASE AS PART OF YOUR
28 ASSIGNMENT IN THE PLAN?

1 A I PURCHASED SOME HANDCUFFS TO BE USED TO KEEP
2 MR. ESLAMINIA, AND MAYBE HIS GIRLFRIEND, AS I SAY, IF NECESSARY,
3 FROM MOVING AROUND.

4 Q HOW MANY PAIRS OF HANDCUFFS DID YOU PURCHASE?

5 A FOUR OF THEM.

6 Q WHY FOUR?

7 A ONE PAIR FOR THE HANDS AND ONE PAIR FOR THE FEET.

8 Q FOR TWO DIFFERENT PEOPLE POSSIBLY?

9 A FOR TWO DIFFERENT PEOPLE.

10 I ALSO BOUGHT THE MOUTH GAG. I BOUGHT DELIVERY
11 UNIFORMS.

12 Q LET'S SLOW DOWN FOR A SECOND.

13 AS FAR AS THE HANDCUFFS ARE CONCERNED, HOW DID
14 YOU KNOW WHERE TO GO TO GET THOSE?

15 A JOE TOLD ME.

16 Q WHAT DID HE SAY IN THAT REGARD?

17 A HE TOLD ME TO GO TO THIS PLACE ON HOLLYWOOD
18 BOULEVARD CALLED "THE INTERNATIONAL LOVE BOUTIQUE" BECAUSE
19 THAT IS WHERE HE HAD BOUGHT THE HANDCUFFS THAT HE USED FOR
20 RON LEVIN.

21
22
23
24
25
26
27
28

1 Q AND DID YOU IN FACT, GO TO THE INTERNATIONAL
2 BOUTIQUE?

3 A YES.

4 Q AND DID THEY HAVE HANDCUFFS THERE?

5 A YES, THEY DID.

6 Q IS THAT WHERE YOU PURCHASED THEM?

7 A YES.

8 Q AND WHAT ELSE BESIDES -- YOU SAY YOU PURCHASED
9 SOME MOUTH GAGS?

10 A RIGHT.

11 Q AND YOU ALSO SAID YOU PURCHASED SOME DELIVERY
12 UNIFORMS. WHAT WAS THE REASON FOR DOING THAT?

13 A AS A PART OF OUR PLAN, WE HAD TO GAIN ENTRY
14 TO MR. ESLAMANIA'S BUILDING, FIRST OF ALL.

15 SECOND OF ALL, TO HIS APARTMENT. AND REZA
16 HAD SAID THAT HIS FATHER WAS A VERY SUSPICIOUS MAN, ESPECIALLY
17 BECAUSE HE FELT THAT THE AYATOLLAH'S AGENTS WERE TRYING
18 TO KILL HIM.

19 AND WE THOUGHT THAT IT WOULDN'T NECESSARILY
20 BE SO EASY TO GET INTO HIS APARTMENT. SO THE DELIVERY UNIFORMS
21 WERE A DISGUISE THAT WAS GOING TO BE USED BY THE PEOPLE
22 WHO WENT INTO HIS APARTMENT, SO THAT HE WOULD OPEN THE DOOR
23 FOR THEM.

24 Q AND WHAT KIND OF -- WHAT DID YOU PURCHASE?

25 A I BOUGHT THREE SHORT-SLEEVED BROWN SHIRTS,
26 THREE PAIR OF BROWN PANTS AND THREE BROWN BELTS.

27 Q WHY THREE?

28 A ONE FOR JOE, ONE FOR BEN AND ONE FOR JIM.

1 Q AND DID YOU PURCHASE ANY SHOES?

2 A YES. I BOUGHT TWO PAIR OF THOSE BLACK, RUBBER
3 SOLED SHOES THAT DELIVERY MEN WEAR.

4 Q WHY ONLY TWO?

5 A BECAUSE JOE ALREADY HAD A PAIR.

6 Q DID YOU PURCHASE OR RENT ANY OTHER TYPE OF UNIFORMS?

7 A YES.

8 Q WHAT?

9 A I RENTED POLICE COSTUMES.

10 Q WHERE DID YOU RENT THEM FROM?

11 A FROM I THINK IT IS CALLED WESTERN COSTUME COMPANY
12 IN HOLLYWOOD.

13 Q WERE THEY POLICE UNIFORMS?

14 A YES. THAT IS WHAT THEY WERE.

15 Q WHAT ELSE DID YOU RENT BESIDES JUST THE UNIFORMS?

16 A I RENTED EQUIPMENT BELT THAT POLICE WEAR AS
17 A PART OF THEIR UNIFORM AND THE HAT, THE TIES, THE WHOLE
18 COSTUME.

19 AND THEN I WENT TO A DIFFERENT PLACE THAT RENTS
20 PROPS AND I RENTED REPLICAS POLICE REVOLVERS.

21 Q DID YOU GET ANY BADGES?

22 A YES. THE COSTUME PLACE HAD METAL BADGES THAT
23 PINNED ONTO THE HATS AND THE CHEST OF THE SHIRT, THE POLICE
24 SHIRT AND ALSO SOME CLOTH PATCHES THAT YOU SEW ONTO THE
25 SLEEVE, ONTO THE SHOULDER, THAT SAID, "POLICE".

26 Q DID YOU ATTEMPT TO GET ANY OTHER KINDS OF BADGES
27 OR PATCHES?

28 A YES, I DID.

1 Q WHAT WAS THAT?

2 A I ASKED AT THE COSTUME COMPANY IF I COULD
3 SPECIFICALLY GET SAN FRANCISCO POLICE BADGES.

4 Q AND WHAT WAS THE RESPONSE?

5 A I WAS TOLD THAT YOU HAVE TO GET OFFICIAL
6 CLEARANCE TO HAVE AN OFFICIAL COSTUME.

7 FOR EXAMPLE, THE FELLOW TOLD ME THAT THE POLICE
8 TV SHOWS GET THE OKAY FROM THE VARIOUS DEPARTMENTS TO HAVE
9 REAL BADGES AND PARAPHERNALIA FROM THE LOCATIONS THAT THEY
10 ARE SHOOTING IN.

11 AND SO I WAS GIVEN INSTEAD, BADGES THAT JUST
12 SAY "POLICE" ON THEM.

13 Q WHAT THEY CALL COSTUME POLICE BADGES?

14 A YES.

15 Q THEY DIDN'T HAVE ANY JURISDICTION MENTIONED?

16 A RIGHT.

17 Q THE REPLICA POLICE REVOLVERS, WOULD THOSE
18 ACTUALLY SHOOT BULLETS OR NOT?

19 A NO. THEY JUST LOOKED LIKE A .38 POLICE SPECIAL.

20 Q WHAT WAS THE PURPOSE OF GETTING ALL OF THESE
21 POLICE UNIFORMS?

22 A IT WAS A CONTINGENCY. IT WAS AN OPTION THAT --
23 WELL, THE IDEA FOR THE DISGUISE WAS FIRST OF ALL, TO BE
24 IN THE BUILDING. SECOND OF ALL, TO GET INTO MR. ESLAMANIA'S
25 APARTMENT.

26 AND WE WERE SURE THAT MR. ESLAMANIA WOULD OPEN
27 HIS DOOR IF THE POLICE KNOCKED. BUT WE WEREN'T SO SURE
28 IF A DELIVERY PERSON KNOCKED.

1 ON THE OTHER HAND, IF WE WANTED TO HAVE IT
2 HAPPEN SORT OF QUIETLY, THE FACT THAT PEOPLE IN POLICE UNIFORMS
3 WOULD BE WALKING AROUND THE BUILDING WOULD BE A LOT MORE
4 NOTICEABLE AND CONSPICUOUS THAN SOME GUYS IN DELIVERY UNIFORMS.

5 SO, I GOT BOTH OF THOSE KINDS OF DISGUISES
6 SO THAT WHEN WE ULTIMATELY DECIDED WHAT TO DO, WE WOULD
7 HAVE A CHOICE.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

-1
1 Q DID YOU HAVE ANY OTHER RESPONSIBILITY OF PURCHASING
2 ANYTHING ELSE?

3 A I AM NOT SURE WHAT ELSE I GOT. I MIGHT HAVE
4 BOUGHT A COUPLE OF OTHER THINGS.

5 Q AFTER ALL OF THESE ITEMS WERE PURCHASED OR RENTED
6 BY THE VARIOUS PEOPLE, WHAT WAS DONE WITH THEM?

7 A THEY WERE TAKEN TO APARTMENT 1206 WHERE BEN AND
8 REZA WERE STAYING AND THAT IS WHERE THE TRUNKS WERE, AND WE
9 JUST PILED THEM UP THERE AND THE UNIFORMS WERE TRIED ON BY
10 THE PEOPLE THAT THEY WERE SUPPOSED TO FIT, THAT SORT OF THING.

11 Q DID THEY IN FACT ALL FIT?

12 A NO, THEY DIDN'T.

13 Q WHAT DID YOU DO IN THAT REGARD?

14 A WELL, THE POLICE UNIFORMS FIT JOE AND BEN AND
15 JIM.

16 BUT THE DELIVERY PANTS, I THINK THE PAIR THAT
17 I GOT FOR JIM WERE THE WRONG SIZE.

18 Q DID YOU TAKE THEM BACK?

19 A YEAH, JOE AND I TOOK THEM BACK THAT WEEKEND.

20 Q WHEN YOU TOOK THEM BACK DID MR. HUNT PURCHASE
21 ANYTHING ELSE AT THE PLACE WHERE YOU HAD GOTTEN THEM?

22 A HE BOUGHT A BIG METAL FLASHLIGHT LIKE SECURITY
23 GUARDS AND POLICE USE, A SPECIAL REPLACEMENT BULB FOR THE
24 FLASHLIGHT, AND HE ALSO BOUGHT A KNIFE THAT YOU KEEP IN A
25 SHEATH THAT YOU WEAR ON YOUR ANKLE.

26 Q WHILE YOU WERE AT THE CONSTUME RENTAL PLACE, DID
27 YOU GET ANYTHING ELSE BESIDES COSTUMES?

28 A THE COSTUME PLACE?

1 WELL, I SAY I GOT THOSE BELTS AND I THINK I GOT
2 THE NIGHTSTICK.

3 THE COURT: GO AHEAD.

4 Q BY MR. WAPNER: AS PART OF YOUR DUTIES IN PICKING
5 UP THINGS, AT ONE OF THESE VARIOUS LOCATIONS DID YOU EVER
6 GET A STRAIT JACKET?

7 A I GOT THAT AT A PROP RENTAL PLACE WHERE I RENTED
8 THE GUNS, BECAUSE THE COSTUME PLACE DIDN'T HAVE REAL LOOKING
9 POLICE GUNS. THEY JUST HAD PLASTIC ONES OR ELSE THEY WERE
10 OUT, I DON'T REMEMBER EXACTLY, BUT THEY REFERRED ME TO THIS
11 PROP PLACE AND THERE, I RENTED A STRAIT JACKET ALSO BECAUSE
12 WE THOUGHT WE MIGHT USE THAT.

13 Q AT THESE VARIOUS LOCATIONS, HOW DID YOU PAY FOR
14 THE ITEMS THAT YOU EITHER PURCHASED OR RENTED?

15 A I PAID CASH WHERE I COULD.

16 THERE AT THE COSTUME RENTAL, THOUGH, AND THE PROP
17 RENTAL, CASH WASN'T SUFFICIENT BECAUSE THE ITEMS THAT I WAS
18 RENTING WERE VALUABLE AND SO I LEFT A CHECK, MY PERSONAL CHECK
19 AS A DEPOSIT.

20 Q AND DID YOU AT SOME POINT LATER PROVIDE A COPY
21 OF THAT CANCELED CHECK TO THE DEPARTMENT OF JUSTICE?

22 A YES.

23 Q DID YOU TAKE THE DEPARTMENT OF JUSTICE PEOPLE
24 AROUND ALL OF THESE VARIOUS PLACES THAT YOU HAVE REFERRED
25 TO WHERE THESE ITEMS WERE EITHER PURCHASED OR RENTED?

26 A YES, I DID.

27 Q AFTER ALL OF THESE ITEMS WERE TAKEN AND PUT IN
28 APARTMENT 1206, DID ALL OF THE PEOPLE GATHER THERE?

- 3
1 A YES.

2 Q DID YOU SEE ALL OF THE PEOPLE AS WELL AS THE ITEMS
3 BEING IN APARTMENT 1206?

4 A WELL, I SAW ALL OF THE ONES THAT I SAW.

5 I DON'T KNOW EXACTLY WHAT YOU MEAN.

6 Q DID YOU SEE THE CHLOROFORM THERE, FOR EXAMPLE?

7 A YES.

8 Q AND HOW ABOUT THE CAT LITTER AS WELL AS THE
9 BUCKET?

10 A YES.

11 Q AND ALL OF THE ITEMS THAT YOU HAD PURCHASED WERE
12 ALL THERE ALSO?

13 A YES.

14 Q AND AS FAR AS THE RENTAL -- WELL, LET ME GET TO
15 ONE THING BEFORE I FORGET IT: DID THIS OPERATION HAVE SOME
16 KIND OF A NAME THAT WAS USED TO REFER TO IT?

17 A YES, THERE WAS A NAME.

18 IT WAS "SAM."

19 Q AND WHO FIRST MENTIONED THAT WORD OR THAT NAME
20 AS REFERRING TO THIS OPERATION?

21 A I AM NOT REALLY POSITIVE.

22 IT WAS BROUGHT UP IN A DISCUSSION AT THE OFFICE.
23 I KNOW I WAS THERE AND I KNOW JOE WAS THERE. I THINK BEN
24 WAS, TOO.

25 AND, YOU KNOW, LIKE IN THE OTHER SITUATION WITH
26 RON LEVIN, WE WANTED TO BE ABLE TO TALK ABOUT THIS SORT OF
27 THING AND NOT HAVE ANYONE KNOW WHAT WE WERE TALKING ABOUT,
28 SO WE JUST USED THE WORD "SAM" TO REFER TO MR. ESLAMINIA
29 PERSONALLY AS WELL AS TO THE OPERATION IN GENERAL.

1 Q IN THE SAME WAY THAT MAC WAS USED TO REFER
2 TO MR. LEVIN AND WHAT HAPPENED TO HIM?

3 A EXACTLY.

4 Q AS FAR AS THE RENTAL OF THE HOUSE ON BEVERLY
5 GLEN, I WANT TO SHOW YOU AN ITEM WE HAVE MARKED AS PEOPLE'S
6 23 FOR IDENTIFICATION. I WILL ASK YOU TO LOOK AT THE
7 PICTURES IN THAT BOOK AND TELL ME IF YOU RECOGNIZE THEM.

8 A THIS IS THE PICTURES OF THE HOUSE THAT WE RENTED.

9 Q AND WITH RESPECT TO THE LAST SEVERAL PICTURES,
10 WHAT DO THOSE DEPICT?

11 A THAT IS THE TRAP DOOR IN THE CLOSET AND THE
12 BASEMENT.

13 Q DO THOSE PICTURES APPEAR TO YOU TO ACCURATELY
14 DEPICT THE BASEMENT AND TRAP DOOR AS YOU SAW IT WHEN YOU
15 WENT THERE TO RENT THE HOUSE?

16 A YES.

17 Q AFTER DECIDING TO RENT THE HOUSE, DID YOU IN
18 FACT, SIGN A LEASE WITH MR. POWERS, THE OWNER OF THE HOUSE?

19 A YES.

20 Q DID YOU PAY HIM SOME MONEY FOR THE RENTAL OF
21 THE HOUSE?

22 A YES.

23 Q HOW MUCH MONEY DID YOU PAY HIM?

24 A I THINK IT WAS \$9,000.

25 Q HOW WAS THAT PAYMENT MADE, WHAT FORM?

26 A CASH.

27 Q WHERE DID YOU GET THE MONEY FROM, IF YOU RECALL?

28 A I THINK I GOT IT FROM JOE. I MIGHT HAVE GONE

1 TO THE BANK MYSELF TO GET IT. BUT I DON'T REALLY REMEMBER.

2 Q WAS IT BBC MONEY OR YOUR PERSONAL MONEY OR
3 MR. HUNT'S PERSONAL MONEY?

4 A I GUESS YOU WOULD CALL IT BBC MONEY, ALTHOUGH --
5 I MEAN, IT WAS NOT MY MONEY. IT WAS JUST BBC MONEY, I GUESS
6 IS WHAT I WOULD CALL IT.

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

8 (PAUSE.)

9 Q BY MR. WAPNER: DID YOU SIGN SOME KIND OF AN
10 AGREEMENT OR FORM AT THE WESTERN COSTUME COMPANY IN TERMS
11 OF THE RENTING OUT OF THE ITEMS?

12 A I THINK I DID. THEY HAD SOME KIND OF AN INVOICE
13 THAT ENUMERATED ALL OF THE ITEMS THAT I WAS RENTING. I
14 THINK I SIGNED IT.

15 Q AND WAS THAT OBTAINED BY THE AGENTS OF THE
16 DEPARTMENT OF JUSTICE AT THE TIME THAT YOU TOOK THEM BACK?

17 A YEAH. I THINK HE GOT A COPY AT THE TIME.

18 MR. WAPNER: YOUR HONOR, I HAVE TWO PIECES OF PAPER
19 THAT I WOULD LIKE TO HAVE MARKED.

20 MR. CHIER: NO FOUNDATION FOR THE DOCUMENTS, YOUR
21 HONOR.

22 MR. WAPNER: MARKED AS PEOPLE'S NEXT IN ORDER, WHICH
23 IS 27 FOR IDENTIFICATION --

24 THE COURT: 27 FOR IDENTIFICATION.

25 MR. WAPNER: APPARENTLY, THERE ARE TWO PARTS TO THIS.

26 THE COURT: IT IS FOR IDENTIFICATION SO FAR.

27 MR. WAPNER: 27-A AND 27-B, YOUR HONOR, TWO SEPARATE
28 PIECES OF PAPER.

1 THE COURT: YES.

2 Q BY MR. WAPNER: SHOWING YOU WHAT APPEAR TO
3 BE SOME ORIGINALS IN A PLASTIC SLEEVE AND THEN TWO DOCUMENTS
4 WE HAVE MARKED 27-A AND 27-B, DO YOU RECOGNIZE THOSE?

5 A THESE SEEM TO BE THE INVOICES FROM THE WESTERN
6 COSTUME COMPANY FOR THE COSTUMES THAT I RENTED THERE.

7 Q AND THOSE WERE THE POLICE TYPE UNIFORMS?

8 A YES.

9 Q AND YOU PAID FOR THOSE WITH A CHECK?

10 A WELL, I KNOW THAT I LEFT THE CHECK AS A DEPOSIT.
11 WHETHER I GOT THE CHECK BACK AND THEN PAID CASH OR WHAT,
12 I AM NOT SURE.

13 I THINK I PAID WITH A CHECK THOUGH, BECAUSE
14 I KNOW I GOT THE CHECK CANCELED. SO I MUST HAVE.

15 YEAH, I DO RECALL, ACTUALLY. I PAID THEM AND
16 THEN THEY SENT ME A CHECK BACK.

17 I PAID THEM THE AMOUNT OF THE CUSTOM RENTAL
18 PLUS AN AMOUNT EQUAL TO THAT AS A DEPOSIT. THEY CASHED
19 MY CHECK AND THEN A COUPLE OF WEEKS LATER, THEY SENT ME
20 BACK A CHECK FOR HALF, WHICH WAS THE RETURN OF MY DEPOSIT.

21

22

23

24

25

26

27

28

-1
ID 1 MR. WAPNER: YOUR HONOR, I HAVE HERE WHAT APPEARS TO
2 BE A COPY OF A CHECK; MAY THAT BE 28 FOR IDENTIFICATION

3 THE COURT: SO MARKED.

4 Q BY MR. WAPNER: MR. KARNY, SHOWING YOU WHAT
5 APPEARS TO BE AN ORIGINAL CHECK IN A PLASTIC SLEEVE AND WHAT
6 APPEARS TO BE A COPY, DO YOU RECOGNIZE THAT?

7 A YES.

8 Q WHAT IS IT?

9 A THAT IS THE CHECK THAT I WROTE TO THE WESTERN
10 COSTUME COMPANY.

11 Q WHEN DID YOU RENT THOSE COSTUMES?

12 A IT WAS A FEW DAYS BEFORE WE WENT UP NORTH, THE
13 END OF JULY.

14 Q WHAT IS THE DATE ON THE CHECK?

15 A JULY 27, 1984.

16 Q AND THE DATE ON THE RECEIPT FROM THE COSTUME
17 COMPANY?

18 A IT IS THE SAME DATE.

19 Q WHEN YOU SAY IT WAS A FEW DAYS BEFORE YOU WENT
20 UP NORTH, DID YOU RENT THE HOUSE ALSO BEFORE YOU WENT UP NORTH?

21 A YES.

22 Q DID SOME OTHER PEOPLE GO UP NORTH BEFORE YOU?

23 A YES.

24 Q WHO WERE THOSE PEOPLE?

25 A BEN, JOE, REZA AND JIM WENT UP THE NIGHT BEFORE.

26 Q THEY WENT UP THE DAY BEFORE YOU DID?

27 A I THINK THEY LEFT IN THE EVENING BUT, YES, IT
28 WAS THE DAY BEFORE.

-2

1 Q WHAT WAS THE PLAN AS FAR AS THEM GOING UP BEFORE
2 AND YOU STAYING BEHIND?

3 A WELL, I WAS GOING TO STAY BEHIND IN ORDER TO
4 COMPLETE THE RENTAL TRANSACTION ON THE HOUSE BECAUSE WE HADN'T
5 RENTED IT YET, SO THAT IS WHAT HAPPENED. THEY WENT UP THE
6 NIGHT BEFORE AND I RENTED THE HOUSE THE FOLLOWING MORNING
7 AND THEN I FLEW UP TO JOIN THEM.

8 Q HOW DID THEY GET UP THERE?

9 A THEY DROVE.

10 Q ONE VEHICLE OR TWO?

11 A TWO VEHICLES.

12 Q WHAT VEHICLES WERE THEY?

13 A A GRAY FOUR-DOOR BMW THAT WE HAD GOTTEN FOR THE
14 WESTCARS BUSINESS AND A YELLOW PICKUP TRUCK WITH A CAMPER
15 SHELL THAT JOE'S FATHER OWNED.

16 Q WAS THE CAMPER SHELL -- WAS THE PICKUP TRUCK WITH
17 THE CAMPER SHELL CAPABLE OF BEING CLOSED OFF IN THE BACK SO
18 YOU COULDN'T SEE INTO IT?

19 A I THINK SO. I THINK IT HAD THE DARK WINDOWS OR
20 SOMETHING LIKE THAT. I AM NOT REALLY POSITIVE, THOUGH.

21 I DON'T EVEN KNOW IF IT HAD WINDOWS.

22 Q ON JULY THE 30TH OF 1984, DID YOU COMPLETE THE
23 RENTAL OF THE HOUSE?

24 A I DON'T KNOW IF IT WAS THE 30TH EXACTLY BUT IT
25 WAS RIGHT AT THE END OF JULY AND IT WAS THE SAME DAY THAT
26 WE ABDUCTED MR. ESLAMINIA.

27 Q I SHOW YOU A CONTRACT AND A COPY OF THAT WHICH
28 WE HAVE MARKED AS PEOPLE'S 24 FOR IDENTIFICATION AND ASK IF

- 3
1 YOU RECOGNIZE THAT?

2 A YES, I DO.

3 Q WHAT IS IT?

4 A IT IS A COPY OF THE RENTAL AGREEMENT THAT -- LET'S
5 SEE HERE -- I THINK THIS IS A COPY OF THE RENTAL AGREEMENT
6 THAT I SIGNED TO RENT THE HOUSE, YES.

7 Q AND WHAT IS THE DATE ON THE TOP OF IT?

8 A THE 30TH OF JULY, 1983.

9 THE COURT: '83?

10 Q BY MR. WAPNER: IS IT CORRECT?

11 A THAT IS WHAT IT SAYS.

12 NO, IT IS A TYPO.

13 Q IT DOES IN FACT SAY '83 ON THERE?

14 A IT DOES.

15 Q YOU RENTED THIS HOUSE IN 1984?

16 A YES.

17 Q THE SAME YEAR AS THE OLYMPICS?

18 A THAT IS THE SAME YEAR.

19 AS A MATTER OF FACT, THAT IS WHY THE HOUSE WAS
20 SO EXPENSIVE.

21 Q IS IT ALSO WHY IT WAS AVAILABLE FOR SUCH A SHORT
22 PERIOD OF RENTAL?

23 A THAT'S RIGHT.

24 Q AND THE SIGNATURE AT THE BOTTOM WHERE IT SAYS
25 "DEAN L. KARNY," WHO PUT THAT ON THERE?

26 A I DID.

27 Q AND ON THE LEFT-HAND MARGIN WHERE IT SAYS APPARENTLY
28 "D.L.K." AND THEN A CIRCLE AROUND THAT, WHO PLACED THOSE

1 INITIALS THERE?

2 A I DID.

3 Q AND DO YOU REMEMBER WHAT TIME OF THE DAY IT WAS
4 THAT THIS TRANSACTION WAS FINALIZED?

5 A IT WAS IN THE MORNING, I THINK AROUND 10:00.

6 Q AFTER YOU SIGNED THIS AGREEMENT, WERE YOU GIVEN
7 THE KEYS TO THE HOUSE?

8 A I AM NOT SURE IF I WAS GIVEN THE KEYS THEN OR
9 WHETHER THEY WERE UNDER THE -- LEFT UNDER THE MAT, I REALLY
10 DON'T REMEMBER.

11 BUT I WAS EITHER TOLD WHERE THE KEYS WERE OR I
12 WAS GIVEN THEM THEN. I DON'T REALLY REMEMBER.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q AFTER YOU COMPLETED THE TRANSACTION FOR THE
2 RENTAL OF THE HOUSE, WHAT DID YOU DO?

3 A I WENT TO THE AIRPORT AND I FLEW UP TO SAN
4 FRANCISCO.

5 Q AFTER YOU GOT TO SAN FRANCISCO, WHAT DID YOU
6 DO?

7 A I TOOK A TAXI CAB.

8 Q WHERE TO?

9 A TO THE VILLA MOTEL.

10 Q HOW DID YOU KNOW TO GO TO THE VILLA MOTEL?

11 A THAT WAS WHERE IT WAS DECIDED THAT THE FOUR
12 GUYS WHO WERE UP THERE WERE GOING TO STAY.

13 Q WHEN YOU WENT THERE, DID YOU MEET UP WITH THE
14 OTHER FOUR PEOPLE?

15 A YES, I DID.

16 Q WAS THAT IN ONE OF THE ROOMS OF THE MOTEL?

17 A YES.

18 Q AND WHAT TIME WAS IT WHEN YOU FINALLY GOT UP
19 THERE AND MET THEM IN THE HOTEL?

20 A ABOUT 2:00 O'CLOCK IN THE AFTERNOON.

21 Q WHEN YOU GOT THERE, WHAT HAPPENED?

22 A WELL, I WENT TO THE FRONT DESK AND I DIDN'T
23 KNOW WHICH ROOM THEY WERE STAYING IN. I ASKED.

24 Q WHO DID YOU ASK FOR?

25 A I ASKED FOR BEN DOSTI.

26 Q WHAT HAPPENED WHEN YOU ASKED FOR BEN DOSTI?

27 A I WAS TOLD THAT THERE WAS NO BEN DOSTI STAYING
28 THERE.

1 Q WHAT DID YOU ASK YOU NEXT?

2 A NEXT, I ASKED FOR BEN DAVIS.

3 Q WHY DID YOU ASK FOR BEN DAVIS?

4 A BECAUSE I KNEW FROM MY PRIOR EXPERIENCE WITH
5 BEN, THAT HE USED THE NAME DAVIS WHEN HE DIDN'T WANT HIS
6 REAL NAME TO BE KNOWN.

7 WHEN HE WOULD CALL SOMEBODY MAKING AN INQUIRY
8 AND HE WANTED THEM TO CALL HIM BACK BUT HE WANTED TO KNOW
9 WHO WAS CALLING HIM BACK, HE WOULD LEAVE THAT NAME.

10 SO I JUST THOUGHT THAT HE MIGHT HAVE USED THAT
11 NAME AT THAT HOTEL. SO I ASKED AND THEY GAVE ME A ROOM
12 NUMBER.

13 Q WHEN THEY GAVE YOU A ROOM NUMBER, WHAT DID
14 YOU DO?

15 A I WENT TO THE ROOM.

16 Q TO THE ROOM NUMBER THAT HE HAD GIVEN YOU?

17 A YES.

18 Q WHAT DID YOU FIND WHEN YOU GOT TO THAT ROOM?

19 A I FOUND JOE AND BEN AND JIM AND REZA AND ALL
20 OF THE ITEMS THAT THEY BROUGHT WITH THEM.

21 Q DID YOU SEE THE YELLOW PICKUP TRUCK WITH THE
22 CAMPER SHELL?

23 A YES.

24 Q WHERE WAS THAT?

25 A IT WAS PARKED IN ONE OF THE SPACES OUTSIDE
26 OF THE ROOM.

27 Q DID YOU SEE THE GRAY BMW?

28 A YES.

1 Q WHERE WAS THAT?

2 A ALSO IN THE SAME GENERAL AREA.

3 Q AFTER YOU WENT INTO THE MOTEL ROOM, YOU SAW
4 ALL OF THE ITEMS THAT HAD PREVIOUSLY BEEN IN APARTMENT 1206
5 AT THE MANNING, THAT HAD BEEN COLLECTED BY ALL OF THE PEOPLE
6 YOU TOLD US ABOUT?

7 A I DON'T KNOW IF I SAW THEM ALL. BUT I SAW
8 SOME OF THEM.

9 Q WERE THE TRUNKS THERE?

10 A AT LEAST ONE OF THE TRUNKS WAS THERE. I AM
11 NOT SURE BOTH OF THEM WERE.

12 Q BUT THE TRUNK, WHEN YOU FIRST SAW IT, WHAT
13 CONDITION WAS IT IN?

14 A IT WAS JUST SITTING THERE, JUST A BLUE TRUNK.

15 Q DID IT GET WRAPPED UP AT SOME POINT LATER?

16 A YES. WE WRAPPED IT UP IN BROWN PAPER SO THAT
17 IT WOULD LOOK LIKE A DELIVERY PACKAGE AND THEN I WROTE MR.
18 ESLAMANIA'S NAME AND ADDRESS ON IT SO THAT IT COULD BE SHOWN
19 TO HIM AT THE TIME OF KNOCKING ON HIS DOOR.

20 Q WERE THERE ANY DISCUSSIONS IN THE MOTEL AMONG
21 THE FIVE OF YOU AS TO WHAT YOU WERE GOING TO DO AT THAT
22 PARTICULAR TIME?

23 A YES. WE BRIEFLY RECAPPED WHAT OUR PLAN WAS
24 AND EVERYONE GOT DRESSED IN WHATEVER THEY WERE SUPPOSED
25 TO BE WEARING AND WE LEFT.

26 Q WHO GOT DRESSED IN DIFFERENT CLOTHES?

27 A JOE AND BEN WERE WEARING BROWN DELIVERY OUTFITS.
28 I THINK JIM STAYED IN WHAT HE WAS WEARING.

1 Q DO YOU KNOW WHY JIM STAYED IN WHAT HE WAS
2 WEARING?

3 A YEAH. IT WAS DECIDED THAT THEY DIDN'T NEED
4 THREE DELIVERY BOYS TO GO UP TO THE GUY'S DOOR.

5 AND JIM HAD A DIFFERENT FUNCTION, AS WELL,
6 WHICH WAS TO GAIN ACCESS TO THE BUILDING FROM ONE SIDE AND
7 THEN OPEN UP THE SIDE GATE TO LET BEN AND JOE IN.

8 AND IN ORDER TO JUST WALK AROUND UNNOTICED
9 IN THE BUILDING, TO DO THAT, JIM DECIDED THAT HE DIDN'T
10 NEED TO WEAR THE DELIVERY UNIFORM.

11 Q DO YOU KNOW WHEN IT WAS DECIDED TO USE THE
12 DELIVERY UNIFORMS AS OPPOSED TO POLICE UNIFORMS?

13 A I THINK WE DECIDED THAT BEFORE EVERYONE WENT
14 UP TO SAN FRANCISCO.

15 Q WERE THE POLICE UNIFORMS TAKEN ALONG WITH YOU,
16 IN ANY EVENT?

17 A YES, THEY WERE.

18 Q AFTER THE PEOPLE, MR. HUNT AND MR. DOSTI GOT
19 DRESSED IN THE DELIVERY UNIFORMS, WHAT HAPPENED AFTER THAT?

20 A WE PUT EVERYTHING IN THE VEHICLES. WE GOT
21 IN THE VEHICLES AND WE DROVE OVER TO MR. ESLAMANIA'S HOUSE.

22

23

24

25

26

27

28

-1

1 Q WHO GOT INTO WHICH CARS?

2 A REZA WAS DRIVING THE BMW AND JIM WAS IN THE
3 PASSENGER SEAT.

4 Q JIM PITTMAN?

5 A YES.

6 Q AND WHO WAS IN THE CAB?

7 A AND JOE AND I AND BEN WERE IN THE CAB OF THE TRUCK.
8 JOE WAS DRIVING AND I WAS IN THE MIDDLE.

9 Q HOW LONG DID IT TAKE YOU TO GET FROM THE MOTEL
10 TO THE APARTMENTS ON DAVEY GLEN ROAD?

11 A JUST A FEW MINUTES.

12 IT WAS VERY CLOSE BY.

13 Q AND WHEN YOU GOT TO THE APARTMENTS ON DAVEY GLEN
14 ROAD, WHERE DID THE VEHICLES STOP?

15 A WE STOPPED IN -- WELL, FIRST -- FIRST, THE GRAY
16 BMW STOPPED, I THINK, NEAR THE DRIVEWAY.

17 SHALL I WAIT UNTIL HE FINISHES?

18 THE COURT: GO AHEAD.

19 THE WITNESS: FIRST, THE GRAY BMW STOPPED AND JIM GOT
20 OUT. THEN CONTINUED ON UP THE HILL.

21 AND WE IN THE YELLOW TRUCK STOPPED TOWARD THE
22 TOP OF THE APARTMENT COMPLEX AND THE BMW MADE A U-TURN AND
23 PARKED FACING DOWN THE HILL, ACROSS THE STREET FROM WHERE
24 THE TRUCK WAS PARKED.

25 Q BY MR. WAPNER: AS YOU WERE DRIVING UP DAVEY GLEN
26 ROAD TO GET TO THE APARTMENTS, WHICH VEHICLE IS DRIVING UP
27 THE ROAD FIRST, THE TRUCK OR THE BMW?

28 A THE BMW.

1 Q AND AT SOME POINT --

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

3 (PAUSE IN PROCEEDINGS.)

4 MR. WAPNER: DOES ANYBODY HAVE ANY PREFERENCE ONE WAY
5 OR THE OTHER WHETHER THAT IS RIGHT SIDE UP, UPSIDE DOWN OR
6 SIDEWAYS?

7 THE COURT: WE ARE USED TO IT EITHER WAY.

8 Q BY MR. WAPNER: MR. KARNY, DO YOU RECOGNIZE WHAT
9 IS DEPICTED BY THIS DIAGRAM?

10 A IT -- I MEAN DAVEY GLEN ROAD IS THE STREET THAT
11 MR. ESLAMINIA'S APARTMENT WAS ON AND IT LOOKS LIKE THE
12 BUILDING COMPLEX.

13 Q THE BUILDING COMPLEX THAT MR. ESLAMINIA LIVED
14 IN?

15 A I -- I NEVER REALLY SAW IT FROM AN AERIAL VIEW.
16 I AM NOT SURE, REALLY, IF THAT IS IT.

17 Q ASSUMING THAT THIS IS IN FACT THE COMPLEX WHERE
18 HE LIVED AND ASSUMING THAT THESE TWO LINES AT THE BOTTOM LEFT,
19 TOWARD THE LEFT-HAND PORTION OF THE DIAGRAM REPRESENT THE
20 ENTRANCE INTO THE UNDERGROUND GARAGE, CAN YOU TELL US, FIRST
21 OF ALL, WHERE IT WAS?

22 AND I WILL JUST LET YOU USE THIS POINTER.

23 WHERE WAS IT THAT THE BMW STOPPED TO LET
24 MR. PITTMAN OFF?

25 A IT WAS RIGHT ABOUT HERE (WITNESS INDICATING).

26 MR. WAPNER: I AM GOING TO INDICATE THAT BY AN "X" AND
27 A "1" ON THE DIAGRAM, YOUR HONOR.

28 THE COURT: YES.

- 3

1 Q BY MR. WAPNER: AND THEN WHAT DID THE BMW DO AFTER
2 THAT?

3 A THE BMW CONTINUED UP THE HILL, MADE A U-TURN,
4 CAME BACK AND PARKED FACING DOWN THE HILL RIGHT ABOUT THERE
5 (WITNESS INDICATING).

6 Q THIS AREA HERE (COUNSEL INDICATING)?

7 A THAT'S RIGHT.

8 MR. WAPNER: I AM GOING TO INDICATE WITH AN "X" AND
9 A "2" IN THAT AREA, YOUR HONOR.

10 THE COURT: YES.

11 Q BY MR. WAPNER: AND THE YELLOW PICKUP TRUCK THAT --
12 WAS THE PICKUP TRUCK YELLOW? I DON'T KNOW IF
13 YOU SAID THAT OR NOT.

14 A I THINK I DID.

15 AND IT WAS.

16 Q THE YELLOW PICKUP TRUCK THAT MR. HUNT WAS DRIVING,
17 WHERE DID THAT STOP?

18 A THAT STOPPED RIGHT HERE DIRECTLY ACROSS -- ACROSS
19 THE STREET FROM THE BMW AND IN FRONT OF THIS WALKWAY HERE
20 (WITNESS INDICATING).

21 MR. WAPNER: I WILL USE AN "X" AND A "3" AT THAT
22 LOCATION, YOUR HONOR.

23 THE COURT: YES.

24 MR. WAPNER: THANK YOU. YOU CAN RESUME YOUR SEAT.

25 (WITNESS COMPLIES.)

26 Q BY MR. WAPNER: AFTER THE TRUCK STOPPED AT THE
27 LOCATION THAT YOU HAVE INDICATED, WHAT HAPPENED?

28 A JOE AND BEN GOT OUT, WENT TO THE BACK OF THE TRUCK

1 AND REMOVED THE WRAPPED TRUNK.

2 I MOVED INTO THE DRIVER'S SEAT.

3 WELL, ACTUALLY, THE FIRST THING WE DID IS WE WAITED
4 FOR A FEW MINUTES, SITTING IN THE TRUCK.

F
5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q WHAT DID YOU WAIT FOR?

2 A WELL, WE WERE WAITING FOR JIM TO GO AROUND
3 AND OPEN THE SIDE GATE THAT WAS DOWN THE PATH RIGHT NEAR
4 WHERE WE PARKED.

5 Q AND WOULD YOU TAKE THE POINTER AND INDICATE
6 WHERE IT WAS THAT GATE WAS LOCATED?

7 A IT WAS ACTUALLY MORE AS I RECALL, LIKE A METAL
8 DOOR. IT WAS THE KIND OF THING THAT WAS VERY SECURE.

9 IT WAS I THINK, RIGHT HERE, DOWN A PATH AT
10 THE END OF THE BUILDING.

11 Q THANK YOU. DID YOU SEE THAT DOOR OPEN?

12 A YES.

13 Q AFTER THAT DOOR WAS OPENED, WHAT HAPPENED?

14 A JOE AND BEN TOOK THE TRUNK INSIDE.

15 Q WHERE DID YOU STAY?

16 A I STAYED IN THE TRUCK.

17 Q WHAT HAPPENED AFTER THEY TOOK THE TRUNK INSIDE
18 OF THE APARTMENT? DID YOU HEAR ANYTHING AT THAT TIME?

19 A I WAITED. I THOUGHT I HEARD SOMETHING THAT
20 SOUNDED LIKE SHRIEKS, SCREAMS.

21 Q SHRIEKS OR SCREAMS?

22 A THEY WERE KIND OF HIGH PITCHED. THAT IS WHY
23 I CALLED THEM MORE SHRIEKS.

24 Q HOW LONG DID YOU WAIT OUT IN THE TRUCK?

25 A I THINK IT MUST HAVE BEEN ABOUT TEN MINUTES,
26 MAYBE A LITTLE BIT MORE. ABOUT THAT.

27 Q AFTER THAT TEN MINUTES, WHAT HAPPENED?

28 A THE GATE OPENED AGAIN.

1 Q AND WHAT HAPPENED?

2 A AND JIM AND JOE AND BEN CAME OUT.

3 Q WERE THEY CARRYING ANYTHING?

4 A YEAH. I THINK JOE AND BEN WERE. THEY WERE
5 CARRYING THE TRUCK WHICH NOW HAD NO PAPER ON IT.

6 Q AND WHERE DID THEY TAKE THIS TRUNK?

7 A TO THE BACK OF THE YELLOW PICKUP TRUCK.

8 Q WHEN THEY TOOK THE TRUNK IN THE BACK OF THE
9 YELLOW PICKUP TRUCK, WHAT HAPPENED?

10 A JOE TOLD ME TO GET OUT OF THE TRUCK AND HELP
11 THEM LOAD THE TRUNK.

12 Q DID YOU GET OUT OF THE TRUCK?

13 A YES, I DID.

14 Q WHERE DID YOU GO?

15 A I WALKED AROUND TO THE BACK OF THE TRUCK.

16 Q WHAT DID YOU DO WHEN YOU GOT THERE?

17 A I JUST KIND OF STOOD THERE. THEY MANAGED TO
18 LOAD IT WITHOUT ME.

19 Q AT THAT PARTICULAR TIME, DID YOU HEAR ANYTHING?

20 A OTHER THAN OUR CONVERSATION, NO.

21 Q WHAT WAS THE CONVERSATION AT THAT TIME?

22 A I REALLY DON'T SPECIFICALLY REMEMBER. IT WAS
23 STUFF LIKE, "GET IN THE CAR. LET'S GO."

24 Q AFTER THE TRUNK WAS PLACED IN THE BACK OF THE
25 PICKUP TRUCK, WHERE DID YOU GO?

26 A I GOT BACK INTO THE PASSENGER SEAT OF THE TRUCK.

27 Q WHERE DID MR. HUNT GO?

28 A HE GOT IN THE DRIVER'S SEAT.

1 Q WHERE DID MR. DOSTI GO?

2 A HE GOT INTO THE PASSENGER SEAT OF THE BMW.

3 Q AND WAS REZA STILL DRIVING THE BMW?

4 A YES.

5 Q WHAT ABOUT MR. PITTMAN?

6 A HE GOT INTO THE BACK OF THE TRUCK WITH THE
7 TRUNK.

8 Q WHERE DID YOU GO?

9 A WE MADE A U-TURN A LITTLE HIGHER UP THE HILL
10 AND THEN WE FOLLOWED THE BMW DOWN DAVEY GLEN ROAD, TURNED
11 RIGHT AT THE END OF THE BLOCK.

12 Q LET ME STOP YOU FOR ONE SECOND. WHEN THE TRUNK
13 WAS LOADED INTO THE TRUCK, WAS THE TRUCK STILL PARKED HERE
14 WHERE IT SAYS "X-3" ON THE DIAGRAM?

15 A YES.

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q AND DID THE TRUCK MOVE WHEN IT STARTED TO GO --
2 DID IT COME FORWARD, WHICH WOULD BE GOING UP THE HILL?

3 A YES.

4 Q AND AT SOME POINT, DID IT MAKE LIKE A THREE-
5 POINT TURN?

6 A THAT IS WHAT IT WAS. IT WAS A THREE-POINT
7 TURN.

8 Q SOMEWHERE IN THE GENERAL AREA TO THE LEFT OF
9 WHERE THE "X-2" AND "X-3" ARE?

10 A YES.

11 Q AND THEN DID YOU GO BACK DOWN DAVEY GLEN ROAD?

12 A YES, RIGHT.

13 Q WERE YOU ABLE TO SMELL ANYTHING AT THAT TIME?

14 A I THOUGHT I SMELLED THE CHLOROFORM.

15 Q WHEN WAS THAT?

16 A AS SOON AS I GOT NEAR JOE AND THE TRUNK.

17 Q OKAY. NOW, I AM GOING TO PUT UP ANOTHER
18 DIAGRAM IN A MINUTE. BUT AS YOU WERE DRIVING BACK DOWN
19 DAVEY GLEN ROAD AND YOU GOT TO THE CORNER, YOU SAY YOU MADE
20 A RIGHT TURN?

21 A YES.

22 Q AS YOU WERE DRIVING DOWN THE BLOCK AND THEN
23 TURNING RIGHT, DID MR. HUNT SAY ANYTHING TO YOU AT THAT
24 TIME?

25 A YES.

26 Q WHAT DID HE SAY?

27 A HE TOLD ME SOMETHING THAT HAD HAPPENED INSIDE.

28 Q WHAT DID HE SAY?

1 A HE SAID THAT -- WELL, HE WAS CRITICIZING BEN
2 BECAUSE HE SAID THAT RIGHT IN THE MIDDLE OF EVERYTHING THAT
3 WAS GOING ON INSIDE, THAT BEN HAD --

4 MR. CHIER: OBJECTION. MAY WE APPROACH, YOUR HONOR?
5 PLEASE?

6 THE COURT: NO. NOT AT THIS TIME. GO AHEAD.

7 THE WITNESS: I WILL. HE SAID THAT BEN HAD WASHED
8 HIS HANDS AND HE THOUGHT THAT WAS KIND OF A SORT OF SYMBOLIC
9 GUILTY GESTURE THAT WAS DEMONSTRATIVE OF A KIND OF WEAKNESS.
10 I MEAN AT THAT MOMENT TO DO THAT, HE WAS JUST KIND OF
11 CRITICAL ABOUT IT. BUT HE ALSO SAID THAT BEN HAD BEEN SMART
12 ABOUT ONE THING, THAT HE HAD TAKEN THE KEYS OFF OF THE TABLE
13 SO THAT IF WE EVER WANTED TO GET BACK IN OR USE THEM FOR
14 SOME REASON, WE WOULD HAVE THEM.

15
16
17
18
19
20
21
22
23
24
25
26
27
28

-1

1 Q BY MR. WAPNER: DID HE SAY ANYTHING ABOUT ANYTHING
2 THAT HAPPENED TO MR. PITTMAN INSIDE THE RESIDENCE?

3 A YES, HE DID ALSO.

4 Q WHAT DID HE SAY?

5 A HE SAID THAT IN ADMINISTERING THE CHLOROFORM TO
6 MR. ESLAMINIA THAT JIM HAD GOTTEN A LITTLE BIT WOOLY, A LITTLE
7 FAINT, AND THAT HE -- JIM HAD ALMOST PASSED OUT HIMSELF, SO
8 HE AND BEN HAD TO -- HE HAD TO FINISH IT.

9 Q I WANT TO SHOW YOU THIS OTHER DIAGRAM THAT HAS
10 BEEN MARKED PEOPLE'S 15 FOR IDENTIFICATION AND ASK YOU IF
11 YOU RECOGNIZE THE GENERAL AREA DEPICTED BY THAT DIAGRAM?

12 A YES, I DO.

13 Q WHAT IS IT?

14 A THAT IS THE AREA WHERE THIS ALL HAPPENED.

15 Q AFTER YOU LEFT THE APARTMENTS ON DAVEY GLEN ROAD,
16 DID YOU GO DOWN TO THE CORNER AT EL CAMINO?

17 A THAT'S RIGHT.

18 Q AND YOU MADE A RIGHT TURN?

19 A RIGHT.

20 Q WHAT DID YOU DO AFTER YOU MADE THE RIGHT TURN?

21 A WE DROVE DOWN A SHORT WAY TO WHERE THE U-HAUL
22 RENTAL PLACE WAS AND WE -- WE MADE A U-TURN IN THE MIDDLE
23 OF THE STREET AND PARKED ON THE DIRT SHOULDER THAT WAS ON
24 THE OTHER SIDE OF THE STREET BEHIND A U-HAUL TRUCK THAT HAD
25 BEEN RENTED.

26 Q NOW, SO WHAT YOU DID IS TO COME WHAT WOULD BE
27 TOWARDS THE TOP OF THIS DIAGRAM ON DAVEY GLEN ROAD AND THEN
28 MADE A RIGHT TURN, WHICH WOULD BE GOING TO THE RIGHT-HAND

1 SIDE OF THIS DIAGRAM; IS THAT RIGHT?

2 A THAT'S RIGHT.

3 Q DOES THE DIAGRAM APPEAR TO YOU TO ACCURATELY
4 REFLECT THE PROPORTIONS OF DISTANCES BETWEEN THE CONDO ON
5 DAVEY GLEN ROAD AND EL CAMINO AND THAT INTERSECTION AT
6 EL CAMINO AND DAVEY GLEN AND THE U-HAUL PLACE?

7 A YES, IT SEEMS PRETTY CLOSE.

8 Q AND WHAT IS YOUR RECOLLECTION OF ABOUT HOW FAR
9 IT WAS FROM DAVEY GLEN ROAD AND EL CAMINO TO THE U-HAUL PLACE?

10 A IT ONLY TOOK -- IT DIDN'T TAKE VERY LONG AT ALL,
11 JUST A MINUTE OR SO, TO GET THERE. IT WAS VERY CLOSE.
12 I DON'T KNOW WHETHER IT WAS A MILE OR LESS.

13 I REALLY COULDN'T APPROXIMATE.

14 Q AS YOU WERE DRIVING TOWARD THE U-HAUL PLACE, AT
15 SOME POINT YOU MADE A U-TURN?

16 A RIGHT.

17 Q AND ON THE SHOULDER OF THE ROAD, WHICH WOULD BE
18 AT THE TOP OF EL CAMINO ON THIS DIAGRAM, WHAT IS THERE?

19 A THERE WAS A U-HAUL TRUCK PARKED.

20 Q WAS THERE LIKE A DIRT SHOULDER THERE?

21 A YEAH, I THINK SO, DIRT SHOULDER.

22 Q AND CAN YOU DESCRIBE THE U-HAUL TRUCK THAT WAS
23 PARKED THERE?

24 A IT HAD A CAB THAT WAS SEPARATE FROM THE STORAGE
25 PORTION, IN OTHER WORDS, IT WASN'T LIKE -- LIKE A VAN. IT
26 WAS A TRUCK WITH A SEPARATE STORAGE PORTION THAT HAD TWO TALL
27 DOORS IN THE BACK THAT OPENED, SWINGING STYLE, LIKE THE DOORS
28 OF THIS COURTROOM. AND INSIDE WAS A KIND OF A SQUARE

1 COMPARTMENT THAT HAD A SHELF UP AT THE FRONT NEAR THE CAB.

2 Q HAD YOU SEEN THAT TRUCK BEFORE?

3 A NO.

4 Q HAD YOU DISCUSSED WITH ANY OF THE OTHER PEOPLE
5 THE IDEA OF OBTAINING THAT TRUCK?

6 A I DISCUSSED THE IDEA OF OBTAINING A TRUCK. NOT
7 THAT ONE IN PARTICULAR, THOUGH.

8 Q WHAT WAS DISCUSSED?

9 A IT WAS DISCUSSED THAT TO TRY TO MOVE MR. ESLAMINIA
10 ALL THE WAY FROM THE BAY AREA TO LOS ANGELES IN THE BACK OF
11 JOE'S FATHER'S PICKUP TRUCK WOULD BE RISKIER THAN RENTING
12 A LARGER, MORE CLOSABLE MOVING TRUCK SO THAT IS WHY WE GOT
13 THE OTHER TRUCK.

14 Q AND WHERE DID YOU STOP THE PICKUP TRUCK IN RELATION
15 TO THE U-HAUL PLACE?

16 A ABOUT TEN FEET BEHIND IT.

17 Q ON THE OTHER SIDE OF THE STREET?

18 A YES.

19 Q AND DID YOU STOP TEN FEET BEHIND THE TRUCK THAT
20 WAS RENTED OR TEN FEET BEHIND THE U-HAUL STORE?

21 A THE U-HAUL STORE WAS ON THE OTHER SIDE OF THE
22 STREET.

23 Q ALL RIGHT.

24 A AND WE STOPPED TEN FEET BEHIND THE TRUCK, AS THOUGH
25 WE WERE PARKED ABOUT TEN FEET BEHIND IT.

26 Q WHERE DID THE BMW STOP?

27 A ABOUT TEN FEET BEHIND THE YELLOW TRUCK.

28 Q SO NOW THERE ARE THREE VEHICLES IN LINE, THERE

-4

F

1 IS THE RENTED U-HAUL TRUCK, THE YELLOW PICKUP TEN FEET BEHIND
2 IT AND THEN THE BMW TEN FEET BEHIND THAT?

3 A THAT'S RIGHT.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Q ALL RIGHT. AND CAN YOU JUST PUT OR POINT TO
2 THE GENERAL AREA ON EL CAMINO WHERE THOSE THREE VEHICLES
3 WERE PARKED?

4 A RIGHT AROUND HERE (INDICATING).

5 MR. WAPNER: I AM GOING TO PUT AN X AT THAT LOCATION,
6 YOUR HONOR.

7 THE COURT: YES.

8 MR. WAPNER: INDICATING ON THE DIAGRAM, THE TOP
9 PORTION OF EL CAMINO REAL BOULEVARD, MAYBE A THIRD OF THE
10 WAY FROM THE RIGHT-HAND PORTION OF THE DIAGRAM.

11 THE WITNESS: YES, CORRECT.

12 Q BY MR. WAPNER: NOW, WHEN YOU GOT TO THAT
13 LOCATION, WHAT DID YOU DO?

14 A I GOT OUT OF THE PASSENGER SIDE OF THE PICKUP
15 TRUCK AND I WENT AROUND BEHIND THE TRUCK WHERE THE FIVE
16 OF US WERE KIND OF GATHERED.

17 Q WHAT HAPPENED WHEN YOU GOT THERE?

18 A WE TALKED FOR A COUPLE OF MINUTES.

19 Q WHAT DID YOU TALK ABOUT?

20 A BASICALLY WHAT WE TALKED ABOUT WAS THAT REZA
21 SHOULD STAY IN THE AREA WITH THE BMW FOR A COUPLE OF REASONS.

22 FIRST OF ALL, TO SEE IF ANY REPORTS OF THE
23 DISAPPEARANCE OF MR. ESLAMANIA CIRCULATED, WHETHER ANY NEWS
24 OF IT CAME OUT QUICKLY AND WHO ALSO PERHAPS -- WELL, WE
25 WEREN'T REALLY SURE WHAT TO DO ABOUT MR. ESLAMANIA'S GIRL-
26 FRIEND. AND REZA STAYED BACK SO THAT WE WOULD STILL HAVE
27 SOME OPTIONS ABOUT HER.

28 Q WHEN YOU WENT UP TO THE APARTMENT ON DAVEY

1 GLEN ROAD, WERE BOTH TRUNKS TRANSPORTED IN THE TRUCK?

2 A YES.

3 Q AND ONE OF THE TRUNKS WAS TAKEN IN IN THE
4 WRAPPING PAPER, IS THAT CORRECT?

5 A YES.

6 Q AND THEN BROUGHT BACK OUT WITHOUT WRAPPING
7 PAPER?

8 A YES.

9 Q WHAT HAPPENED TO THE SECOND TRUNK WHILE YOU
10 WERE UP THERE ON DAVEY GLEN ROAD?

11 A I THINK IT STAYED IN THE BACK OF THE PICKUP
12 TRUCK.

13 Q IT WAS NEVER USED UP THERE, AS FAR AS YOU KNOW?

14 A NO, IT WAS NOT.

15 Q WHEN YOU DISCUSSED -- AFTER YOU DISCUSSED REZA
16 STAYING UP THERE, WHAT HAPPENED THEN?

17 A THE TRUNK WAS MOVED FROM THE BACK OF THE PICKUP
18 TRUCK INTO THE STORAGE COMPARTMENT OF THE U-HAUL TRUCK.

19 Q WHO MOVED IT?

20 A I AM NOT SURE, EXCEPT THAT I TELL YOU I KNOW
21 IT WAS NOT ME AND I KNOW IT WAS NOT REZA.

22 SO IT WAS ANY TWO OR THREE OF THE COMBINATION
23 OF BEN, JOE AND JIM.

24 Q AND WHERE WAS IT PUT?

25 A IT WAS PUT ALL THE WAY UP AT THE FRONT, PUSHED
26 UP AGAINST THE DRIVER'S COMPARTMENT.

27 Q AT THE TIME THAT IT WAS MOVED, WEHRE WERE YOU?

28 A I WAS JUST STANDING AROUND THE AREA.

1 Q DID YOU HEAR ANYTHING AT THAT TIME?

2 A YES.

3 Q WHAT WAS IT THAT YOU HEARD?

4 A I HEARD KNOCKING FROM THE INSIDE OF THE TRUNK,
5 SCRATCHING AND A VOICE SAYING, "PLEASE, SIR. LET ME OUT,"
6 OVER AND OVER AGAIN.

7 Q "PLEASE, SIR, LET ME OUT"?

8 A YES.

9 Q DO YOU KNOW HOW MANY TIMES THAT WAS REPEATED?

10 A SEVERAL TIMES.

11 Q AND WAS THAT DURING THE TIME THAT THIS TRUNK
12 WAS BEING MOVED FROM THE PICKUP TRUCK TO THE U-HAUL TRUCK?

13 A YES.

14 Q AND WHEN IT GOT OUT TO THE U-HAUL TRUCK, WHAT
15 DID YOU DO?

16 A I HAD TO GET IN THE BACK OF THE U-HAUL TRUCK
17 AND RIDE WITH THE TRUNK AND THE MAN INSIDE.

18 Q AND AS YOU GOT INTO THE BACK OF THE TRUCK WITH
19 THE TRUNK, DID YOU CONTINUE TO HEAR THESE NOISES FROM INSIDE?

20 A YES, MOSTLY KNOCKING AND "LET ME OUT."

21 MR. WAPNER: WOULD THIS BE AN APPROPRIATE TIME TO
22 BREAK, YOUR HONOR?

23 THE COURT: ALL RIGHT.

24 LADIES AND GENTLEMEN OF THE JURY, WE'LL TAKE
25 OUR CUSTOMARY ADJOURNMENT AT THIS TIME UNTIL TOMORROW
26 MORNING.

27 COURT IS STILL IN SESSION, PLEASE.

28 THAT WILL BE UNTIL TOMORROW MORNING AT 10:30.

1 THE SAME ADMONITION THAT I GAVE YOU STILL APPLIES. GOOD
2 NIGHT.

3 (AT 4:26 P.M. AN ADJOURNMENT WAS TAKEN
4 TO RESUME TUESDAY, MAY 19, 1987 AT
5 10:30 A.M.)
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28