

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT

DOCKET  
No. 88DA0269  
Entered by \_\_\_\_\_  
Date \_\_\_\_\_

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

SUPERIOR COURT  
NO. A-090435

OCT 09 1987

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

APPEARANCES:

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

FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 94 OF 101  
(PAGES 1439 TO 1439, 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

TUESDAY, MAY 19, 1987

VOLUME 94

PAGES 14189 TO 14349, INCL.

APPEARANCES:

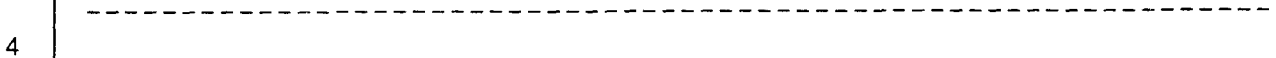
FOR THE PLAINTIFF: IRA REINER, DISTRICT ATTORNEY  
BY: FREDERICK N. WAPNER, DEPUTY  
1725 MAIN STREET  
SANTA MONICA, CALIFORNIA 90401

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  
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1 SANTA MONICA, CALIFORNIA; TUESDAY, MAY 19, 1987; 10:40 A.M.  
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE  
3 (APPEARANCES AS NOTED ON TITLE PAGE.)

4  
5 (THE FOLLOWING PROCEEDINGS WERE HELD  
6 IN CHAMBERS, THE DEFENDANT BEING  
7 PRESENT:)

8 MR. WAPNER: YOUR HONOR, I HAVE ONE THING THAT DIDN'T  
9 HAVE TO BE DONE IN CHAMBERS NECESSARILY. BUT I TALKED WITH  
10 OSCAR BREILING, WHO IS THE AGENT FROM THE DEPARTMENT OF  
11 JUSTICE WHO IS THE INVESTIGATING OFFICER IN THE NORTHERN  
12 CALIFORNIA PROSECUTION, REGARDING DISCOVERY. HE, YESTERDAY,  
13 HAD HIS SECRETARY CHECK HIS NOTES REGARDING THE DISCOVERY  
14 THAT WAS TURNED OVER IN THAT CASE AND ON APRIL THE 10TH OF  
15 1986, THEY WERE IN COURT AND THE DISCOVERY WAS DISCUSSED AND  
16 MR. HUNT'S ATTORNEY, A MR. PARKER KELLY, SAID THAT HE COULD  
17 NOT GET THE DISCOVERY FROM MR. HUNT'S LAWYERS BECAUSE THEY  
18 WERE KEEPING IT, CLAIMING THAT THEY NEEDED IT FOR THIS CASE;  
19 THAT HE HAD TRIED AND THAT HE COULDN'T GET IT AND COULD HE  
20 PLEASE GET ANOTHER SET FROM THE DEPARTMENT OF JUSTICE?

21 AND THE DEPARTMENT OF JUSTICE'S POSITION WAS  
22 "WE TURNED OVER A SET TO MR. HUNT AND IT IS THE RESPONSIBILITY  
23 OF HIS LAWYERS TO PROVIDE IT TO MR. KELLY." THE UPSHOT OF  
24 WHICH WAS THAT JUDGE MILLER ORDERED THE PROSECUTION AT THAT  
25 TIME TO MAKE A SECOND COMPLETE SET OF THE DISCOVERY, WHICH  
26 WAS THEN TURNED OVER TO MR. KELLY ON APRIL THE 18TH OF 1986.  
27 SO AT THAT POINT, THERE WOULD BE NO NEED THEN FOR MR. HUNT  
28 OR HIS COUNSEL HERE TO RELINQUISH ANYTHING THAT THEY HAD.

1                   AND THIS IS JUST TO COMPLETE THE RECORD THAT I  
2                   BEGAN TO MAKE YESTERDAY OF WHAT IN FACT WAS TURNED OVER AND  
3                   THAT THEY DID HAVE THE MATERIALS.

4                   AND IF THE COURT WILL RECALL THE TESTIMONY OF  
5                   MR. BREILING FROM THE HEARING ON THE ATTORNEY-CLIENT PRIVILEGE  
6                   ISSUE REGARDING THE SEARCH AT MR. HUNT'S HOME WHERE HE WAS  
7                   LIVING WITH THE ROBERTS, WHEN HE WAS QUESTIONED REGARDING  
8                   LOOKING AT ANY PRIVILEGED MATERIALS, THERE WERE QUESTIONS  
9                   ABOUT THESE BLACK BINDERS THAT WERE ON ONE OF THE BOOKSHELVES  
10                  AND MR. BREILING'S TESTIMONY WAS TO THE EFFECT THAT HE PICKED  
11                  UP ONE OF THOSE BINDERS, OPENED THE FRONT COVER, LOOKED AT  
12                  IT AND IT HAD A REPORT THAT HE RECOGNIZED AS HAVING WRITTEN  
13                  HIMSELF, THAT IS ONE OF HIS REPORTS FROM NORTHERN CALIFORNIA.

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1                   AND THEREFORE, HE REALIZED THAT THE NOTEBOOKS  
2 PROBABLY CONTAINED MATERIALS, CLOSED IT AND DID NOT LOOK  
3 AT THE REST OF THEM. BUT THAT JUST GIVES FURTHER SUPPORT  
4 TO THE FACT THAT AS OF THE BEGINNING OF THIS YEAR, MR. HUNT  
5 AND THEREFORE, HIS COUNSEL, WERE IN POSSESSION OF REPORTS  
6 FROM THE NORTHERN CALIFORNIA CASE.

7                   SO, I JUST WANTED TO MAKE A RECORD OF THAT.

8           MR. BARENS: CAN WE RESPOND?

9           THE COURT: YES.

10           MR. BARENS: WE HAD IN FACT, TURNED OVER OUR MATERIALS  
11 TO PARKER KELLY, WHETHER IT IS ON THE DATE MR. WAPNER IS  
12 REFERRING TO OR NOT, I DON'T HAVE MY RECEIPT WITH ME TODAY  
13 NOR HAVE I LOOKED AT IT RECENTLY.

14                   I DO RECALL THAT I RETAINED ONLY TO MY  
15 KNOWLEDGE -- THE ONLY THING I RETAINED IN ANTICIPATION OF  
16 THIS TRIAL -- AND I WILL HAVE TO ASK MR. CHIER WHAT HE  
17 RETAINED -- WAS A XEROX OF KARNY'S TESTIMONY AND THE  
18 STATEMENT THAT HE GAVE TO THE A.G.'S OFFICE AND TO VARIOUS  
19 PEOPLE. THAT WAS THE ONLY SECTION OF THAT THAT I RECALL  
20 CONSCIOUSLY MAKING A XEROX OF AND CATALOGING IN SOME  
21 FASHION.

22                   WHEREAS THE REST OF THE WITNESSES' TESTIMONY  
23 WERE TURNED OVER ALONG WITH THE KARNY MATERIALS WITHOUT  
24 MAKING ANY COPIES OR SEEKING TO RETAIN ANYTHING.

25                   SECONDARILY, SUBSEQUENT TO APRIL OF 1986, PARKER  
26 KELLY HAS TOLD ME ON VARIOUS OCCASIONS THAT HE HAS RECEIVED  
27 THOUSANDS OF PAGES OF ADDITIONAL DISCOVERY ON THAT MATTER,  
28 NONE OF WHICH WERE EVER GIVEN US BY THIS PROSECUTOR OR BY

1 THE NORTHERN CALIFORNIA PEOPLE OR INDIRECTLY THROUGH MR.  
2 KELLY OR ANY OTHER SOURCE.

3 MR. WAPNER: AS FAR AS THE THOUSANDS OF PAGES ARE  
4 CONCERNED, AS COUNSEL AND THE COURT NOW KNOW, ALMOST EVERY-  
5 THING THAT HAS BEEN USED IN THE PENALTY PHASE BUT FOR MAYBE  
6 TWO OR THREE REPORTS WERE ALL CONTAINED --

7 THE COURT: AM I NOW CALLED UPON TO MAKE ANY DECISION  
8 OF ANY KIND?

9 MR. WAPNER: NO. I WAS JUST MAKING THE STATEMENTS  
10 ON THE RECORD. LET ME JUST FINISH THIS STATEMENT.

11 ALL OF THE MATERIALS USED BY THE PROSECUTION  
12 IN THE PENALTY PHASE OF THIS CASE, SAVE MAYBE ONE OR TWO  
13 REPORTS, WERE ALL CONTAINED IN THE ORIGINAL MATERIALS, ALL  
14 DATED BEFORE JANUARY OF 1986 WHEN THE PRELIMINARY HEARING  
15 WAS HELD IN THE OTHER CASE.

16 MR. BARENS: LEST YOUR HONOR BE MISLED INNOCENTLY  
17 IN THIS SITUATION, MANY OF THE WITNESSES WE HAVE HAD AT  
18 THIS HEARING NEVER TESTIFIED IN THE PRELIMINARY HEARING  
19 THAT MR. CHIER AND I DID IN SAN MATEO. SO WE NEVER HAD  
20 REPORTS FROM THOSE FOLKS, EITHER.

21 WE JUST HAVE REFERENCES TO MATERIALS THAT YOU  
22 KNOW -- I SEE THEM TESTIFYING ABOUT TODAY, FOR INSTANCE,  
23 MR. BLUE NEVER TESTIFIED UP THERE. THE PEOPLE FROM THE --  
24 THE TWO FOLKS THAT WERE FROM THAT DAVEY GLEN APARTMENT,  
25 THE BELMONT APARTMENTS, NEVER TESTIFIED UP THERE.

26 I FORGET, YOUR HONOR. BUT I DON'T WANT YOUR  
27 HONOR TO BE HERE WITH AN IMPRESSION THAT THIS IS A DUPLICATE  
28 OF THE HEARING THAT WAS CONDUCTED UP THERE BECAUSE IN FACT,

1 IT IS NOT, SAVE THE DENTAL PEOPLE AND KARNY. THAT WAS ALL  
2 WE HAD THERE.

3 IN FACT, THIS WILL BE LONGER THAN THAT WAS  
4 IN TERMS OF GROSS TIME, I WOULD SPECULATE. IN ANY EVENT,  
5 HERE WE ARE.

6 THE COURT: ALL RIGHT. THE RECORD IS CLEAR. ANYTHING  
7 FURTHER?

8 MR. WAPNER: I THINK THAT THE DEFENSE ASKED TO COME  
9 INTO CHAMBERS. I DON'T KNOW WHY.

10 MR. BARENS: YOUR HONOR, I ONLY WANTED TO APPROACH  
11 THIS IN CHAMBERS BECAUSE I FELT YOUR HONOR TOOK EXCEPTION  
12 TO WHAT YOUR HONOR MIGHT HAVE CONSIDERED A RED HERRING DRAWN  
13 ACROSS THE CASE YESTERDAY, WHICH YOUR HONOR MADE COMMENT  
14 TO THE DEFENSE.

15 WE HAVE A FURTHER BASIS ON NEW FACTS FOR A  
16 MOTION THIS MORNING. WE WANTED TO PUT IT ON THE RECORD  
17 FOR THE DISCOVERY OF THE HOLLYWOOD MATERIALS, KEYING OFF  
18 OF THE FACT THAT WE NOW SEE TESTIMONY ABOUT TWO TRUNKS DOWN  
19 HERE.

20 WE SEE MR. BLUE TALKING ABOUT ONE TRUNK AND  
21 SAYING THAT IF IT WAS IN HIS RECORDS, HE WOULD KNOW ABOUT  
22 IT AND HE WOULD PRODUCE A RECEIPT.

23 WE SEE KARNY TALKING ABOUT A SECOND TRUNK  
24 PURCHASED AT THE SAME PLACE ON A SUBSEQUENT DATE. YET,  
25 MR. BLUE IS SAYING THAT THERE IS NO RECORD OF SUCH AN EVENT.

26 WE UNDERSTAND FROM THE NEWSPAPER THAT THERE  
27 IS ALSO A TRUNK SCENARIO IN HOLLYWOOD THAT SEEMS -- IF  
28 THE DEFENSE THEORY IS THAT KARNY OPERATED WITH SOME



1 CONSISTENT M.O. IN BOTH SETTINGS, THE TRUNK WOULD GIVE FURTHER  
2 REASON THAT DEFENSE SHOULD BE ENTITLED TO DISCOVERY OF THOSE  
3 MATERIALS.

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1 THE COURT: I DON'T UNDERSTAND. WHAT DOES THE TRUNK  
2 HAVE TO DO WITH THE THING IN HOLLYWOOD?

3 MR. BARENS: EXCUSE ME ONE SECOND, YOUR HONOR.

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

6 THE COURT: HAVE HIM EXCUSE YOU.

7 MR. BARENS: I MEANT TO SAY EXCUSE MR. HUNT.

8 YOUR HONOR SAID TO ME, I BELIEVE, "I DON'T  
9 UNDERSTAND WHAT THE TRUNK HAS TO DO WITH IT."

10 THE COURT: WHAT DOES THE SECOND TRUNK HAVE TO DO WITH  
11 THE HOLLYWOOD THING?

12 MR. BARENS: I UNDERSTAND.

13 I THINK MR. HUNT WAS COMMENTING ACCORDINGLY IN  
14 MY EAR ABOUT WHAT YOUR HONOR WAS SAYING. I WOULD JUST LIKE  
15 TO RESPOND AS WELL.

16 THE COURT: ALL RIGHT.

17 (FURTHER UNREPORTED COLLOQUY BETWEEN  
18 MR. BARENS AND THE DEFENDANT.)

19 MR. BARENS: COULD MR. HUNT SPEAK TO YOU?

20 THE COURT: NO. LET HIM TALK TO YOU.

21 MR. BARENS: OKAY.

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

24 MR. BARENS: WELL, THE DEFENSE WOULD CONTEND THAT THE  
25 OTHER TRUNK BEING REFERRED TO COULD BE THE TRUNK IN HOLLYWOOD  
26 DESCRIBED IN THE PUBLICATION IN HOLLYWOOD, WHICH WOULD GO  
27 TO IMPEACHING KARNY'S TESTIMONY ABOUT THE DISPOSITION AND  
28 UTILIZATION OF THE TRUNK AND WHAT IT WAS IN FACT PURCHASED

1 PURSUANT TO.

2 SECONDARILY, IF THE TRUNK IN HOLLYWOOD --

3 THE COURT: YOU MEAN THE SECOND TRUNK WAS PURCHASED  
4 WITH THE IDEA THAT SOMETIME IT MIGHT BE USED TO ACCOMMODATE  
5 A BODY OF SOMEBODY THAT HE MET LATER ON IN THE JAIL?

6 MR. BARENS: LET ME TELL YOU WHAT WE REALLY GO TO, YOUR  
7 HONOR. WHAT WE ARE REALLY GOING TO IS, SUPPOSING MR. BLUE  
8 IS RIGHT AND THERE IS ONLY ONE TRUNK AND THE TRUNK DESCRIBED  
9 BY KARNY SUBSEQUENTLY IS ALLEGED TO HAVE HAD CERTAIN HOLES  
10 IN IT AND HAD CERTAIN CHARACTERISTICS ABOUT IT AS A RESULT  
11 OF THE TRANSACTION AND EVENTS THAT HE DESCRIBES. IF THE TRUNK  
12 IN HOLLYWOOD WERE OF A SIMILAR DESCRIPTION WITH SIMILAR  
13 MATCHING CHARACTERISTICS, IT WOULD GO TO IMPEACH KARNY'S  
14 TESTIMONY ABOUT WHAT HAPPENED TO THE TRUNK IN THIS INSTANCE,  
15 IF ANYTHING AT ALL HAPPENED IN THIS INSTANCE.

16 IF IN FACT THE HOLLYWOOD TRUNK HAD A MATCHING  
17 DESCRIPTION, IT WOULD BE EXTREMELY IMPORTANT TO THE DEFENSE.

18 (FURTHER UNREPORTED COLLOQUY BETWEEN  
19 MR. BARENS AND THE DEFENDANT.)

20 THE COURT: DO YOU WANT TO REPLY TO THIS?

21 MR. WAPNER: WELL, I THINK THE LAST PART OF IT IS A  
22 NON SEQUITUR, THAT IF THE TRUNKS ARE SIMILAR, I DON'T KNOW  
23 WHAT DIFFERENCE THAT MAKES.

24 BUT THE BASIC RESPONSE IS, AS THE COURT HAS  
25 INDICATED BEFORE, WHICH IS THAT UNLESS THERE IS SOME  
26 INDICATION THAT MR. KARNY HAS BEEN CONVICTED OF THIS, AND  
27 SINCE THERE HAS BEEN NO CASE FILED, I DON'T SEE HOW THERE  
28 CAN BE A CONVICTION.

1 THE COURT: IF WE HAVE A CATEGORICAL STATEMENT BY THE  
2 RESPONSIBLE POLICE OFFICER IN THIS CASE THAT THERE IS  
3 ABSOLUTELY NOT A SCINTILLA OF EVIDENCE IN CONNECTION WITH  
4 THAT HOLLYWOOD MURDER WHICH CONNECTS IN ANY WAY KARNY'S  
5 PARTICIPATION OR HAVING ANYTHING TO DO WITH IT -- DIDN'T HE  
6 SAY THAT ON THE RECORD?

7 MR. WAPNER: HE DID.

8 THE COURT: THAT IS ALL. I AM SATISFIED WITH THAT.

9 MR. BARENS: YOUR HONOR, AGAIN --

10 THE COURT: I AM NOT GOING TO RESURRECT THIS LITTLE  
11 FIGMENT OF SOMEBODY'S IMAGINATION THAT THERE IS SOME  
12 CONNECTION BETWEEN KARNY AND THE HOLLYWOOD MURDER.

13 MR. BARENS: YOUR HONOR, RESPECTFULLY, IF I COULD JUST,  
14 AGAIN, TRY TO MAKE AN APPROPRIATE DEFENSE RECORD HERE AS WELL.

15 THE COURT: YOU HAVE MADE THE RECORD CLEAR NOW. WE DON'T  
16 NEED ANYTHING MORE ABOUT IT. LET'S GO ON, WILL YOU? LET'S  
17 GET THIS CASE SETTLED.

18 THE DEFENDANT: YOUR HONOR, WE HAVE ANOTHER POINT.  
19 I AM SORRY BUT WE DO.

20 THE COURT: WHAT IS YOUR POINT?

21 THE DEFENDANT: THERE IS A POINT.

22 MR. BARENS: WHAT IS IT?

23 THE DEFENDANT: I BROUGHT IT UP TO YOU EARLIER.

24 (FURTHER UNREPORTED COLLOQUY BETWEEN  
25 MR. BARENS AND THE DEFENDANT.)

26 MR. BARENS: COULD I HAVE A MINUTE? WE WERE DENIED  
27 ACCESS TO THE DEFENDANT, JUST BECAUSE OF THE SYSTEM. IT WASN'T  
28 ANYTHING I AM SAYING THAT ANYBODY DID BAD, YOUR HONOR. IT

1 IS JUST THAT WE HAD A GLITCH THIS MORNING WITH THE DEFENDANT  
2 BEING MADE AVAILABLE TO COUNSEL FOR A CONFERENCE. WE NEED  
3 TO MAKE A RECORD BEFORE THIS WITNESS FINISHES HIS TESTIMONY.

4 THE COURT: YOU CAN MAKE A RECORD SOME OTHER TIME.  
5 LET'S GO ON AND GET THIS TRIAL STARTED.

6 MR. BARENS: WE NEED TO DO IT, AS I UNDERSTAND IT, BEFORE  
7 THE WITNESS FINISHES HIS TESTIMONY.

8 THE COURT: THAT IS ALL RIGHT. YOU CAN DO IT BEFORE  
9 THE WITNESS FINISHES HIS TESTIMONY. LET'S GET ON, WILL YOU?

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

12 MR. BARENS: COULD WE APPROACH? I WILL MAKE THE  
13 CONTINUING POINT WHILE THE JURY IS COMING IN, PLEASE.

14 THE COURT: ALL RIGHT, APPROACH THE BENCH.

15 (THE FOLLOWING PROCEEDINGS WERE HELD  
16 AT THE BENCH:)

17 MR. BARENS: A MOMENT, YOUR HONOR.

18 (FURTHER UNREPORTED COLLOQUY BETWEEN  
19 MR. BARENS AND THE DEFENDANT.)

20 (UNREPORTED COLLOQUY BETWEEN DEFENSE  
21 COUNSEL.)

22 MR. BARENS: LET ME MAKE A STATEMENT PRELIMINARILY.

23 THE COURT: I THOUGHT YOU WERE THE ONE THAT JUST TALKED  
24 TO HIM. IT WAS ON THE BASIS OF THAT CONVERSATION THAT YOU  
25 WANTED TO COME UP HERE.

26 MR. BARENS: YOUR HONOR, MR. CHIER, I BELIEVE, IS  
27 COGNIZANT OF THE ARGUMENT.

28 I AM JUST TRYING TO SAY THAT YOUR HONOR DOES TAKE

1 EXCEPTION TO THE PROCEEDINGS BUT I AM SIMPLY TRYING TO DO  
2 WHAT I BELIEVE I AM BEING OBLIGED TO DO FOR THE RECORD AND  
3 NOW IF WE COULD DEFER AND HAVE MR. CHIER ADDRESS IT.

4 AND I BELIEVE MR. CHIER HAD MORE TIME TO SPEAK  
5 ABOUT IT THAN I DID.

6 THE COURT: OKAY, GO AHEAD.

7 MR. CHIER: MR. HUNT, THE DEFENDANT, SEEKS AN ORDER  
8 EXCLUDING THE TESTIMONY OF MR. KARNY BECAUSE OF THE FAILURE  
9 OF THE PEOPLE TO RETURN A DOCUMENT, EXHIBIT NO. 37.

10 THE COURT: WELL, ARE WE BACK TO THAT AGAIN?

11 MR. CHIER: YOUR HONOR --

12 THE COURT: THAT IS DENIED. LET'S GET ON, WILL YOU,  
13 PLEASE? I DON'T WANT TO HEAR ANYTHING FURTHER. FOUR TIMES,  
14 I HAVE HEARD THAT KIND OF MOTION.

15 MR. BARENS: OKAY.

16 (THE FOLLOWING PROCEEDINGS WERE HELD  
17 IN OPEN COURT:)

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1 THE COURT: GET THE JURORS.

2 (JURORS ENTER THE COURTROOM.)

3 THE COURT: ALL RIGHT. GOOD MORNING, LADIES AND  
4 GENTLEMEN. SORRY ABOUT THE TIME AGAIN.

5 LET'S CONTINUE.

6 MR. WAPNER: ISN'T THIS OUR USUAL STARTING TIME?

7

8 DEAN KARNY,

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

11

12 DIRECT EXAMINATION (CONTINUED)

13 BY MR. WAPNER:

14 Q MR. KARNY, AFTER THE TRUNK WAS PLACED ON THE  
15 BACK OF THE U-HAUL TRUCK AND YOU GOT IN THERE, DID THE TRUCK  
16 START DRIVING?

17 A ALMOST IMMEDIATELY.

18 Q WHO WAS SUPPOSED TO BE DRIVING THE TRUCK?

19 A JIM PITTMAN.

20 Q COULD YOU SEE MR. PITTMAN FROM WHERE YOU WERE  
21 IN THE BACK OF THE TRUCK?

22 A NO, I COULDN'T.

23 Q THE GRAY BMW WITH MR. REZA ESLAMINIA IN IT  
24 WAS SUPPOSED TO HAVE -- WHAT WAS SUPPOSED TO HAVE HAPPENED  
25 TO THAT CAR?

26 A HE WAS SUPPOSED TO REMAIN WITH THE CAR IN THE  
27 BAY AREA.

28 Q BEFORE YOU GOT INTO THE TRUCK, DID YOU SEE

1 HIM GET INTO THE BMW?

2 A I DON'T REMEMBER.

3 Q AND THE YELLOW PICKUP TRUCK THE CAMPER SHELL,  
4 WHO WAS SUPPOSED TO GET INTO THAT TRUCK?

5 A JOE AND BEN.

6 Q AFTER THE U-HAUL TRUCK STARTED DRIVING, DID  
7 SOMETHING HAPPEN?

8 A WELL, THE DOOR HAD NOT BEEN CLOSED.

9 Q WHICH DOOR?

10 A THE REAR DOORS IN THE BACK COMPARTMENT WHERE  
11 I WAS. AND AS SOON AS THE TRUCK TOOK OFF, THE DOOR FLEW  
12 OPEN.

13 AND SO I GRABBED THE DOOR CLOSED AND I HELD  
14 IT CLOSED WITH ONE HAND AND THE OTHER HAND ON THE OTHER  
15 SIDE OF THE TRUCK UNTIL THE TRUCK STOPPED THE NEXT TIME.

16 Q YOU DESCRIBED THE DOORS ON THE BACK OF THE  
17 TRUCK AS SIMILAR TO THE DOORS IN THE BACK OF THE COURTROOM.  
18 WERE BOTH OF THEM SWINGING OPEN OR WAS JUST ONE?

19 A JUST ONE.

20 Q AS YOU WERE HOLDING ONTO THE DOOR AND HOLDING  
21 ONTO THE TRUCK, HOW FAR WERE YOU FROM THE TRUNK THAT WAS  
22 IN THE TRUCK BED?

23 A IT WAS CLEAR ACROSS THE COMPARTMENT.

24 Q WHICH IS APPROXIMATELY HOW FAR IN DISTANCE?

25 A SEVEN FEET OR SO. MAYBE A LITTLE FURTHER.

26 Q AT THE TIME, HOW LONG WAS IT THAT YOU WERE  
27 STANDING THERE HOLDING ONTO THE DOOR BEFORE THE TRUCK  
28 STOPPED?



4-3

1           A           ABOUT 45 MINUTES.

2           Q           DURING THAT TIME, WERE YOU ABLE TO HEAR ANY-  
3 THING, ANY SOUNDS COMING FROM THE TRUCK?

4           A           YES.

5           Q           WHAT DID YOU HEAR?

6           A           KNOCKING AND SCREAMING. IT WAS NOT REALLY  
7 LOUD SCREAMING BUT PLEADING TO LET HIM OUT AND GASPING.

8           Q           GASPING?

9           A           YES.

10          Q           AND THE PERSON INSIDE THE TRUNK SAYING, "PLEASE  
11 LET ME OUT"?

12          A           YES.

13          Q           DID THAT CONTINUE FOR THE ENTIRE 45 MINUTES  
14 THAT YOU WERE HOLDING ONTO THE DOOR?

15          A           YES, BUT SOMETIMES IT STOPPED FOR A FEW MINUTES.

16          Q           AFTER THE TRUCK STOPPED AFTER THAT 45 MINUTES,  
17 WHAT HAPPENED?

18          A           THEN BEN DOSTI GOT INTO THE BACK OF THE TRUCK  
19 WITH ME.

20          Q           WHEN MR. DOSTI CAME TO GET INTO THE BACK OF  
21 THE TRUCK, WAS ANYONE ELSE THERE?

22          A           I DIDN'T GET OUT OF THE TRUCK, SO I CAN'T SAY  
23 FOR SURE.

24          Q           WHEN MR. DOSTI GOT INTO THE TRUCK, DID HE HAVE  
25 SOMETHING WITH HIM?

26          A           YES. HE HAD A BLUE NYLON BAG AND IT HAD A  
27 GUN IN IT AND A TOWEL AND A BOTTLE OF CHLOROFORM AND A  
28 SCREWDRIVER AND A FEW OTHER THINGS.

4-4

1 Q HOW DID YOU HAPPEN TO SEE THOSE THINGS IN THE  
2 BAG?

3 A I LOOKED THROUGH IT AT THE TIME.

4 Q WAS THAT AFTER HE GOT INTO THE TRUCK?

5 A YES.

6 Q THE BLUE NYLON BAG, HAD YOU SEEN THAT BEFORE?

7 A YES.

8 Q WHERE HAD YOU SEEN IT BEFORE?

9 A I HAD BOUGHT THE BAG AS A PRESENT FOR HIM WHEN  
10 I WAS IN MEXICO IN EARLY JUNE.

11 Q DID IT HAVE SOME LOGO ON IT OF SOME SORT?

12 A IT HAD A FILA LOGO ON IT.

13 Q THAT IS A CERTAIN MANUFACTURER OF SPORTS WEAR?

14 A RIGHT. IT IS THE INSIGNIA OF AN F.

15 Q HOW MANY OF THOSE BAGS DID YOU PURCHASE?

16 A I THINK FOUR.

17 Q AND HOW MANY DARK BLUE ONES DID YOU PURCHASE?

18 A TWO.

19 Q THE ONE THAT YOU SAW ON THE TRUCK THAT DAY  
20 WAS DARK BLUE?

21 A RIGHT.

22 Q WHO HAD THE OTHER DARK BLUE ONE?

23 A I DID.

24 Q AND WERE YOU SHOWN THAT DARK BLUE OR A DARK  
25 BLUE FILA BAG DURING THE GUILT PHASE OF THIS CASE, IF YOU  
26 RECALL?

27 A I DON'T RECALL IF I WAS.

28 Q AND INSIDE THAT BAG THAT MR. DOSTI BROUGHT

4-5

1 INTO THE TRUCK THAT DAY, WAS THERE A GUN?

2 A YES.

3 Q WHAT TYPE OF A GUN WAS IT?

4 A IT WAS A .25 CALIBER BERRETTA.

5 Q WAS THERE ANYTHING ATTACHED TO IT?

6 A A SILENCER.

7 Q WHAT ELSE WAS IN THE BAG?

8 A A BROWN BOTTLE WITH WHAT I THOUGHT WAS  
9 CHLOROFORM AND A TOWEL, A LIGHT TOWEL, A PHILLIPS HEAD  
10 SCREWDRIVER. I DON'T REALLY REMEMBER WHAT ELSE WAS IN THERE  
11 BUT I THINK THERE WERE SOME OTHER THINGS IN THERE, TOO.

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1 Q WERE YOU TOLD ANYTHING BY ANYONE ABOUT WHAT TO  
2 DO REGARDING THE CHLOROFORM?

3 A YES.

4 Q WHAT WERE YOU TOLD AND WHO TOLD YOU?

5 A I AM NOT SURE IF IT WAS BEN OR JOE. I THINK IT  
6 WAS JOE. WE WERE SUPPOSED TO OPEN THE TRUNK AND RE-CHLOROFORM  
7 WHO WAS IN THERE SO THAT HE WOULDN'T MAKE ANY MORE NOISE.

8 Q DID YOU DO THAT?

9 A NO.

10 Q DID MR. DOSTI DO THAT?

11 A NO.

12 Q WHY NOT?

13 A WE WERE SCARED.

14 Q AFTER MR. DOSTI GOT IN THE BACK OF THE TRUCK,  
15 WAS THE DOOR SECURED?

16 A YES, IT WAS.

17 Q DID THE TRUCK START DRIVING AGAIN?

18 A YES.

19 Q AND AS THE TRUCK STARTED TO DRIVE AGAIN, WHERE  
20 IN THE TRUCK DID YOU GO?

21 A WE BOTH MOVED CLOSER TO THE FRONT OF THE TRUCK,  
22 NEAR WHERE THE TRUNK WAS.

23 Q WAS THE TRUNK ALL THE WAY UP AT THE FRONT TOWARD  
24 THE CAB?

25 A RIGHT.

26 Q AND AS YOU DID THAT, DID YOU HEAR ANYTHING COMING  
27 FROM THE TRUNK AT THAT TIME?

28 A A CONTINUATION OF THE SAME -- SAME NOISES AND

5-2

1       EVENTUALLY, EVENTUALLY, THEY STOPPED.

2           Q       HOW LONG DID THOSE SAME NOISES CONTINUE?

3           A       ABOUT AN HOUR MAYBE.

4           Q       THAT IS AN HOUR MORE AFTER THE TRUCK STARTED UP  
5 AGAIN?

6           A       I THINK SO BUT IT IS HARD FOR ME TO REMEMBER.

7           Q       AND HOW FREQUENT WERE THESE PROTESTATIONS AND  
8 GASPS AND SCREAMS FROM INSIDE THE TRUNK?

9           A       THEY USUALLY LASTED ABOUT THREE OR FOUR MINUTES,  
10 MAYBE A LITTLE LESS SOMETIMES, AND THEN THEY WOULD STOP FOR  
11 TEN MINUTES, SOMETHING LIKE THAT.

12          Q       AND THEN THEY WOULD START UP AGAIN?

13          A       YES.

14          Q       AND AFTER AN HOUR PASSED, WHAT HAPPENED?

15          A       WELL, AS I SAID, THE NOISE FROM THE TRUNK AND  
16 THE MOVEMENT STOPPED.

17          Q       YOU DIDN'T HEAR ANY BANGING OR ANY SCREAMING FROM  
18 INSIDE?

19          A       NO.

20          Q       AND DID IT STOP -- STRIKE THAT.

21                   FOR WHAT PERIOD OF TIME DID IT STOP?

22          A       FIFTEEN MINUTES OR SO.

23          Q       WHICH WAS LONGER THAN IT HAD BEEN BEFORE?

24          A       YES.

25          Q       WHAT DID YOU DO AFTER THE NOISE STOPPED?

26          A       I TOOK THE PHILLIPS HEAD SCREWDRIVER AND I MADE  
27 ABOUT 15 HOLES IN THE TOP OF THE TRUNK FOR AIR.

28          Q       WHY DID YOU DO THAT?

5-2  
1           A        I WAS CONCERNED THAT THE NOISE HAD STOPPED BECAUSE  
2 THERE WASN'T ENOUGH AIR FOR THE MAN AND IT WASN'T THE PLAN  
3 THAT HE DIE IN THE TRUNK.

4           Q        HOW DID YOU GO ABOUT MAKING THESE HOLES IN THE  
5 TRUNK?

6           A        I TOOK THE POINT OF THE PHILLIPS HEAD SCREWDRIVER  
7 AND I JUST WORKED THEM INTO THE TRUNK. IT IS SORT OF HARD  
8 TO DESCRIBE. I TWISTED IT BACK AND FORTH UNTIL THERE WERE  
9 HOLES MADE.

10          Q        AFTER YOU MADE THOSE HOLES IN THE TRUNK, WHAT  
11 HAPPENED?

12          A        AFTER AWHILE, THE MOVEMENT AND THE KNOCKING AND  
13 THE SOUNDS STARTED AGAIN.

14          Q        AND WERE THEY THE SAME AS BEFORE OR DIFFERENT?

15          A        BASICALLY THE SAME BUT I THINK LESS WORDS AND  
16 MORE GASPING.

17          Q        HOW LONG DID THAT CONTINUE?

18          A        FOR A WHILE. I AM NOT REALLY SURE.

19                    I WAS SORT OF LOSING TRACK OF TIME.

20          Q        WHAT DID YOU DO, IF ANYTHING, AFTER THAT?

21          A        AFTER THAT, WELL, THERE WAS A POINT AT WHICH THE  
22 NOISE FROM THE TRUNK GOT VERY LOUD, THERE WAS MORE SCREAMING,  
23 NOT EXACTLY SCREAMING, I MEAN -- EXCUSE ME -- ANYWAY, BEN  
24 AND I GOT SORT OF SCARED THAT SOMEONE IN A NEARBY CAR WOULD  
25 HEAR THE SOUNDS AND WE DIDN'T REALLY KNOW WHAT TO DO.

26                    WE DIDN'T WANT TO OPEN THE TRUNK BECAUSE WE WERE  
27 SORT OF SCARED TO DO THAT, SO WE TOOK SOME TAPE AND WE COVERED  
28 THE HOLES IN THE TRUNK FOR A LITTLE WHILE SO THAT THE MAN

5-4

1 INSIDE WOULD FALL UNCONSCIOUS AGAIN.

2 Q DID YOU COVER ALL OF THE HOLES?

3 A I THINK SO.

4 Q WHAT HAPPENED AFTER YOU COVERED THE HOLES?

5 A IN A LITTLE WHILE, THE NOISE STOPPED.

6 Q AND DID YOU LEAVE THEM COVERED FOR THE REST OF  
7 THE JOURNEY?

8 A NO.

9 Q WHY NOT?

10 A BECAUSE OF THE REASON THAT I MADE THE HOLES TO  
11 BEGIN WITH, THAT THERE WAS SUPPOSED TO BE ENOUGH AIR IN THERE  
12 FOR THE MAN TO SURVIVE, SO THE HOLES WERE ONLY COVERED FOR  
13 A LITTLE WHILE AND THEN WE TOOK THE TAPE OFF AND THEN LATER,  
14 WE COVERED THEM AGAIN FOR THE SAME REASON FOR A LITTLE WHILE.

15 Q SO AFTER THE NOISE STOPPED, YOU THEN UNCOVERED  
16 THE HOLES AGAIN; IS THAT RIGHT?

17 A YES.

18 Q DID THE NOISE START AGAIN?

19 A EVENTUALLY, YES.

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1 Q WHEN IT STARTED AGAIN, WHAT DID YOU DO?

2 A AFTER A LITTLE WHILE, WE COVERED THE HOLES  
3 AGAIN.

4 Q HOW MANY TIMES DID THIS PROCESS REPEAT ITSELF  
5 DURING THE TRIP FROM BELMONT TOWARD LOS ANGELES?

6 A I THINK TWO OR THREE TIMES.

7 Q DID THE TRUCK STOP AGAIN ON THE WAY DOWN TO  
8 LOS ANGELES?

9 A YES.

10 Q WHAT HAPPENED WHEN IT STOPPED THE NEXT TIME?

11 A WE GOT OUT. WE WERE OFF THE FREEWAY ON A SIDE  
12 ROAD. IT WAS JUST GETTING DARK.

13 Q WHAT HAPPENED WHEN YOU GOT OUT?

14 A EVERYONE WAS OUTSIDE. THE FOUR OF US, JOE  
15 AND BEN AND JIM AND I AND JOE SAID THAT THE REAR LIGHTS  
16 OF THE U-HAUL WERE NOT FUNCTIONING.

17 WHEN HE TURNED THE LIGHTS ON, THERE WAS SOME  
18 LIGHTS THAT GO ON IN THE BACK. AND HE WAS CONCERNED THAT  
19 HE MIGHT GET PULLED OVER BY A HIGHWAY PATROLMAN OR SOMETHING  
20 LIKE THAT.

21 RATHER THAN RISK THAT, THE TRUNK WAS MOVED  
22 BACK INTO THE REAR OF THE PICKUP TRUCK AGAIN.

23 Q WHO DID THAT?

24 A I DON'T REMEMBER. IT WAS NOT ME. I DON'T  
25 REMEMBER WHO DID IT.

26 Q AFTER THE TRUNK WAS MOVED TO THE BACK OF THE  
27 PICKUP TRUCK, WHAT POSITIONS DID THE PEOPLE TAKE?

28 A JIM DROVE THE U-HAUL. BEN WAS IN THE VERY



1 FAR BACK OF THE PICKUP TRUCK. I WAS IN THE PASSENGER SEAT  
2 AND JOE WAS DRIVING.

3 Q DRIVING THE PICKUP TRUCK?

4 A YES. THREE OF US, JOE AND BEN AND I WERE IN  
5 THE PICKUP TRUCK AND THE TRUNK WAS AT THE FRONT OF THE  
6 STORAGE COMPARTMENT IN THE PICKUP TRUCK.

7 Q WAS THE OTHER EMPTY TRUNK STILL IN THE PICKUP  
8 TRUCK?

9 A YES.

10 THE COURT: WHAT HAPPENED TO THE U-HAUL TRUCK?

11 THE WITNESS: IT FOLLOWED US ALL OF THE WAY DOWN TO  
12 LOS ANGELES.

13 THE COURT: WHO WAS DRIVING THAT?

14 THE WITNESS: JIM PITTMAN.

15 Q BY MR. WAPNER: WHAT SEPARATED THE CAB OF THE  
16 PICKUP TRUCK FROM THE BED?

17 A THERE WAS A WINDOW BEHIND THE CAB OF THE PICKUP  
18 TRUCK WITH A SLIDING GLASS. AND THERE WAS AN OPENING ALMOST  
19 THE ENTIRE WIDTH OF THE WINDOW INTO THE REAR COMPARTMENT.

20 Q SO YOU COULD IF YOU WANTED TO, GET ACCESS BY  
21 CRAWLING THROUGH FROM THE CAB TO THE BED OR VICE VERSA?

22 A THAT'S RIGHT.

23 Q SO YOU CONTINUED TO DRIVE. YOU WERE DRIVING  
24 NOW SOUTH, TOWARDS LOS ANGELES?

25 A RIGHT.

26 Q AS YOU HAD BEEN IN THE U-HAUL TRUCK, THERE  
27 WEREN'T ANY WINDOWS IN THE BACK WHERE YOU WERE AND YOU  
28 COULDN'T SEE WHAT WAS GOING ON, RIGHT?

1           A           THAT'S RIGHT.

2           Q           WHEN YOU GOT INTO THE PICKUP TRUCK AND YOU  
3 STARTED TO DRIVE TOWARD LOS ANGELES, DO YOU HAVE ANY IDEA  
4 APPROXIMATELY WHERE YOU WERE ALONG THE ROUTE?

5           A           I DON'T REMEMBER. IT WAS A FEW HOURS AFTER  
6 LEAVING SAN FRANCISCO AND I KNOW WE WERE ON HIGHWAY 5. I  
7 DON'T REMEMBER EXACTLY WHERE.

8           Q           WHAT WAS GOING ON AFTER YOU GOT INTO THE PICKUP  
9 TRUCK AND STARTED TO DRIVE TO LOS ANGELES?

10          A           WE WERE DRIVING DOWN THERE. BEN WAS ALL OF  
11 THE WAY IN THE BACK, BEHIND TWO TRUNKS. WE DIDN'T REALLY  
12 TALK TO HIM.

13                    AND JOE AND I WERE IN THE FRONT, TALKING. I  
14 DON'T REMEMBER REALLY ABOUT WHAT. AND AT ONE POINT AGAIN,  
15 THE NOISES STOPPED COMING OUT OF THE TRUNK FOR WHAT SEEMED  
16 TO BE A LONG TIME.

17                    AND SO THIS TIME, I CRAWLED BACK INTO THE REAR  
18 COMPARTMENT AND I OPENED THE TRUNK.

19          Q           WHY DID YOU CRAWL INTO THE REAR COMPARTMENT?

20          A           JOE TOLD ME TO. THAT WAS THE ONLY WAY I COULD  
21 REACH THE TRUNK. AND IT WAS CLOSER TO ME THAN IT WAS TO  
22 BEN.

23          Q           DID HE TELL YOU WHY HE WANTED YOU TO CRAWL  
24 IN THERE AND CHECK THE TRUNK?

25          A           TO SEE IF MR. ESLAMINIA WAS STILL ALIVE.

26          Q           WHEN YOU GOT INTO THE BACK OF THE BED OF THE  
27 PICKUP TRUCK, WHAT DID YOU DO?

28          A           I UNLATCHED THE TRUNK FASTENERS AND I OPENED

1 IT REALLY FAST AND CLOSED IT REALLY FAST.

2 Q WERE YOU ABLE TO SEE INSIDE AT THAT TIME?

3 A NOT REALLY. IT WAS DARK.

4 Q HOW LONG DID YOU LEAVE THE TRUNK LID OPEN AT  
5 THAT POINT?

6 A WELL, THE FIRST TIME I OPENED IT, IT WAS JUST  
7 FOR A SECOND. IT WAS JUST TO FAN SOME AIR INSIDE QUICKLY  
8 AND I REALLY WAS PRETTY SCARED. AND I DON'T KNOW WHY EXACTLY  
9 I DID IT THAT WAY. BUT THAT IS HOW I DID IT.

10 Q WHAT DID YOU NOTICE IF ANYTHING AT THAT TIME  
11 THAT YOU DID THAT?

12 A A LOT OF HOT AIR RUSHED OUT AND A SMELL OF  
13 WHAT I THOUGHT WAS URINE.

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1 Q AFTER YOU OPENED THE TRUNK LID VERY QUICKLY AND  
2 CLOSED IT, WHAT DID YOU DO NEXT?

3 A I OPENED IT AGAIN.

4 Q FOR HOW LONG?

5 A WELL, THAT TIME I ACTUALLY FANNED IT A NUMBER  
6 OF TIMES TO TRY AND COOL OFF THE INSIDE OF THE TRUNK AND IT  
7 WAS PROBABLY OVERALL ABOUT 30 SECONDS THAT TIME.

8 Q OF OPENING AND CLOSING THE TRUNK QUICKLY?

9 A YES.

10 Q WERE YOU ABLE TO SEE INSIDE AT THAT TIME?

11 A NOT REALLY.

12 Q AFTER THAT 30 SECONDS OF DOING THAT, WHAT DID  
13 YOU DO?

14 A I GOT A FLASHLIGHT THAT WAS IN THE BACK OF THE  
15 TRUCK AND I LOOKED INSIDE.

16 Q WHY DID YOU DO THAT?

17 A BECAUSE THE MAN INSIDE WASN'T MAKING ANY SOUNDS  
18 AND I WANTED TO SEE WHAT HIS CONDITION WAS.

19 Q UP TO THAT POINT, HAD YOU EVER IN YOUR LIFE SEEN  
20 HADAYET ESLAMINIA?

21 A NO, I HADN'T.

22 Q WHEN YOU LOOKED INSIDE, WHAT DID YOU SEE?

23 A I SAW A MAN INSIDE IN A FETAL POSITION WITH  
24 HANDCUFFS ON.

25 Q I WANT TO SHOW YOU A PHOTOGRAPH THAT WE HAVE  
26 MARKED AS PEOPLE'S 9 FOR IDENTIFICATION AND ASK YOU IF YOU  
27 RECOGNIZE IT.

28 A THAT IS THE MAN.

7-2 1 Q THAT IS THE MAN YOU SAW IN THE TRUNK?

2 A YES.

3 Q WHEN YOU SAW MR. ESLAMINIA IN THE TRUNK IN THE  
4 FETAL POSITION, WHAT DID YOU DO?

5 A I -- I LOOKED AT HIM TO SEE IF THERE WERE SIGNS  
6 OF BREATHING.

7 Q HOW DID YOU TRY AND DETERMINE THAT?

8 A JUST BY LOOKING.

9 Q WHAT DID YOU SEE?

10 A BUT I SAW THAT HIS BODY WAS MOVING SOME. HIS  
11 STOMACH WAS MOVING SORT OF UP AND DOWN AND HE WAS -- HE WAS  
12 DROOLING AND I TOOK THAT TO MEAN HE WAS BREATHING AND SO I  
13 LET THE LID ON THE TRUNK CLOSE BACK AGAIN AND I -- AND I  
14 GOT BACK INTO THE FRONT OF THE CAB.

15 Q AT THIS POINT, WERE THE HOLES TAPED OR UNCOVERED?

16 A THEY HAD BEEN UNCOVERED FOR QUITE SOME TIME.

17 Q HOW LONG DID YOU REMAIN IN THE CAB PORTION OF  
18 THE TRUCK?

19 A ABOUT FIVE OR TEN MINUTES.

20 WELL, ACTUALLY I WAS ALWAYS IN THE CAB PORTION  
21 OF THE TRUCK. I WAS JUST SORT OF HANGING THROUGH THIS  
22 OPENING, I WAS HALF IN AND HALF OUT THE WHOLE TIME.

23 Q KIND OF LEANING FROM LIKE IF YOU HAD YOUR KNEES  
24 ON THE FRONT SEAT, LEANING WITH YOUR BODY INTO THE BACK?

25 A THAT'S RIGHT.

26 Q DURING THIS FIVE OR TEN MINUTES, WERE YOU THEN  
27 TURNED AROUND AND SEATED IN THE FRONT PASSENGER SEAT OF THE  
28 TRUCK?

7-3

1 A YES.

2 Q DURING THAT FIVE OR TEN MINUTES, DID YOU HEAR  
3 ANYTHING COMING FROM INSIDE OF THE TRUNK?

4 A NO.

5 Q AFTER THAT FIVE OR TEN MINUTES, WHAT DID YOU DO?

6 A I CRAWLED BACK INSIDE AND I OPENED THE TRUNK AND  
7 I CHECKED FOR A PULSE.

8 Q HOW DID YOU DO THAT?

9 A I THINK I CHECKED ON HIS NECK AND I ALSO FELT  
10 IN FRONT OF HIS MOUTH FOR BREATHING.

11 Q WHEN YOU CHECKED ON HIS NECK, WHAT DID YOU NOTICE?

12 A I DIDN'T NOTICE A PULSE. I NOTICED THERE WAS  
13 NO PULSE BUT I DIDN'T --

14 I WASN'T SURE IF I EVEN KNEW HOW TO CHECK FOR  
15 A PULSE SO I DID IT A NUMBER OF TIMES.

16 Q DID YOU DO IT A NUMBER OF TIMES ON THE NECK OR  
17 IN OTHER PLACES?

18 A I REALLY DON'T REMEMBER IF I -- IF I CHECKED HIS  
19 PULSE ON HIS WRIST, I DON'T THINK I DID.

20 I THINK IT WAS JUST ON HIS NECK.

21 Q HOW DID YOU CHECK FOR THE BREATHING?

22 A I JUST PUT MY HAND IN FRONT OF HIS LIPS.

23 Q IN ANY OF THE TIMES WHEN YOU CHECKED FOR A PULSE,  
24 WERE YOU ABLE TO FEEL ONE?

25 A NO.

26 Q WHEN YOU PUT YOUR HAND IN FRONT OF HIS LIPS, WHAT  
27 DID YOU NOTICE?

28 A NOTHING.

7- 11 1 Q COULD YOU FEEL ANY BREATHING OR AIR COMING OUT?

2 A NO.

3 Q AFTER YOU DID THAT, WHAT DID YOU DO?

4 A I LOOKED AT HIM SOME MORE AND I NOTICED THAT THERE  
5 WAS STILL THE SAME MOVEMENT THAT I HAD SEEN BEFORE IN HIS  
6 BODY AND I REALIZED THAT IT WAS PROBABLY MOVEMENT FROM THE  
7 ROAD AND THE MOVEMENT OF THE TRUCK, RATHER THAN BREATHING,  
8 WHICH IS WHAT I THOUGHT IT WAS BEFORE.

9 AND THEN I -- I JUST SAID TO JOE THAT I THOUGHT  
10 THAT HE WAS DEAD.

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1 Q JOE HUNT WAS DRIVING AT THAT PARTICULAR TIME?

2 A YES.

3 Q WHAT WAS HIS REACTION WHEN YOU SAID YOU THOUGHT  
4 HE WAS DEAD?

5 A HE SAID TO CHECK AGAIN. AND I THINK HE TOLD  
6 ME TO SEE ABOUT GIVING HIM MOUTH-TO-MOUTH RESUSCITATION.

7 Q DID YOU CHECK AGAIN?

8 A YES.

9 Q WAS THE RESULT THE SAME?

10 A YES.

11 Q DID YOU GIVE HIM MOUTH-TO-MOUTH RESUSCITATION?

12 A NO, I DIDN'T.

13 Q WHY NOT?

14 A WELL, I WAS SCARED. BUT I WAS ALSO SURE HE  
15 WAS DEAD. AND I JUST SAID, "HE IS DEAD, JOE. IT IS NOT  
16 GOING TO DO ANY GOOD."

17 Q WHAT DID MR. HUNT DO OR SAY AT THAT TIME?

18 A HE SAID SOMETHING LIKE, "OH SHIT," KIND OF  
19 QUIETLY. AND --

20 Q THEN WHAT DID HE DO?

21 A WELL, WE JUST SORT OF SAT THERE FOR A MINUTE.  
22 AND I SAID, "I GUESS WE BLEW IT."

23 Q WHAT DID HE DO?

24 A AND HE SAID THAT THERE WAS STILL THINGS THAT  
25 WE COULD DO, THAT WE STILL HAD REZA ESLAMINIA IN OUR CAMP,  
26 IN OUR RANKS AND THAT REZA ESLAMINIA WAS THE OLDEST SON  
27 OF THIS MAN AND THAT WE COULD PROBABLY STILL MANAGE TO GET  
28 WHAT WE WANTED OUT OF THE SITUATION, EVEN THOUGH MR. ESLAMINIA



1 HAD DIED.

2 Q WHEN HE WAS TALKING TO YOU ABOUT GETTING THINGS  
3 FROM MR. ESLAMINIA ANYWAY AND DOING IT THROUGH REZA, HOW  
4 LONG WAS THAT AFTER YOU HAD TOLD HIM THAT MR. ESLAMINIA  
5 WAS DEAD?

6 A WITHIN A COUPLE OF MINUTES.

7 Q WHAT WAS MR. HUNT'S DEMEANOR OR TONE AT THAT  
8 TIME WHEN HE SAID THOSE THINGS?

9 MR. CHIER: OBJECTION, IRRELEVANT.

10 THE COURT: OVERRULED.

11 THE WITNESS: HE WAS CALM. HE WAS KIND OF LIKE --

12 MR. CHIER: ASKED AND ANSWERED, YOUR HONOR.

13 THE COURT: GO AHEAD.

14 THE WITNESS: KIND OF SOOTHING BECAUSE I WAS SORT  
15 OF UPSET. AND IT SEEMED LIKE HE WAS TRYING TO BE POSITIVE  
16 ABOUT THE SITUATION.

17 Q BY MR. WAPNER: DID YOU CONTINUE TO DRIVE TOWARD  
18 LOS ANGELES?

19 A YES.

20 Q WHEN YOU WERE DRIVING TOWARD LOS ANGELES, DID  
21 YOU HAVE ANY DISCUSSIONS ABOUT WHAT TO DO WHEN YOU GOT THERE?

22 A YES.

23 Q AND WHAT WERE THOSE DISCUSSIONS?

24 A WELL SPECIFICALLY, JOE SAID THAT HE DIDN'T  
25 WANT JIM PITTMAN TO FIND OUT.

26 Q DID HE SAY WHY?

27 A WELL, HE DIDN'T WANT HIM TO FIND OUT THAT  
28 MR. ESLAMINIA HAD DIED WHEN HE DID AND HE DID SAY WHY.

1 HE SAID THAT JIM WOULD BE REALLY UPSET THAT  
2 THE PLAN HAD GOTTEN FOULED UP. AND WELL, IT WAS SOMETHING  
3 WE COULD HAVE PREVENTED AND BASICALLY THE IDEA WAS THAT  
4 HE DIDN'T WANT HIM TO KNOW THAT WE HAD FOULED UP OUR PART  
5 OF THE PLAN WHILE JIM WAS IN THE U-HAUL BECAUSE HE WOULD  
6 LOSE CONFIDENCE IN JOE AND IN WHAT WE WERE DOING.

7 SO JOE SAID THAT WHEN WE GOT BACK TO L.A.,  
8 THAT I SHOULD GET OUT OF THE TRUCK WITH JIM -- WELL, LET'S  
9 SEE. I AM GETTING A LITTLE BIT CONFUSED, HERE.

10 THAT I SHOULD TELL JIM TO JUST GO ON HOME AND  
11 THAT WE WOULD TALK TO HIM IN THE MORNING, WHICH I DID.

12 Q WHEN YOU GOT TO L.A., WHERE DID THESE TWO TRUCKS  
13 FIRST GO? TO WHAT LOCATION IN LOS ANGELES?

14 A WE STOPPED ON THE SIDE STREET NEXT TO THE  
15 WILSHIRE MANNING. I THINK IT WAS MANNING DRIVE OR AVENUE.

16 Q WHEN YOU STOPPED ON MANNING, DID YOU GET OUT  
17 OF THE PICKUP TRUCK?

18 A YES.

19 Q DID YOU GO UP AND TALK TO MR. PITTMAN AT THAT  
20 TIME?

21 A YEAH. HE WAS GETTING OUT OF THE U-HAUL AND  
22 I DON'T REMEMBER SPECIFICALLY IF HE CAME TO THE PICKUP.

23 NO -- ACTUALLY, I DO REMEMBER NOW. JOE AND  
24 BEN AS SOON AS I GOT OUT OF THE PICKUP TRUCK, THEY DROVE  
25 OFF BECAUSE AS I SAY, JOE DIDN'T WANT JIM TO KNOW THAT MR.  
26 ESLAMINIA HAD DIED.

27 SO HE TOLD ME TO TELL JIM WHAT I JUST EXPLAINED.  
28 SO I WALKED UP TO JIM AND WE WENT UPSTAIRS TO APARTMENT 1206  
29 AND I TOLD HIM THAT HE MIGHT AS WELL JUST GO HOME.

9-1  
1 Q WHEN YOU -- BEFORE MR. HUNT AND MR. DOSTI LEFT,  
2 DID THEY TELL YOU WHERE THEY WERE GOING TO GO AND WHERE YOU  
3 SHOULD MEET THEM?

4 A YES.

5 THEY SAID THEY WERE GOING TO THE HOUSE THAT WE HAD  
6 RENTED ON BEVERLY GLEN AND THAT I SHOULD MEET THEM THERE LATER.

7 Q WHEN YOU WENT UPSTAIRS TO 1206 WITH MR. PITTMAN,  
8 WHAT DID YOU TELL HIM?

9 A I TOLD HIM -- I TOLD HIM JUST THAT, I TOLD HIM  
10 THAT HE MIGHT AS WELL GO ON HOME AND THAT I WAS GOING TO MEET  
11 JOE AND BEN AND I WOULD BRING THEM SOME FOOD.

12 Q DID MR. PITTMAN LEAVE AND GO HOME, AS FAR AS YOU  
13 KNOW?

14 A HE LEFT AND I THINK HE WENT HOME.

15 Q DID YOU GET SOME FOOD, DID YOU GET SOME FOOD AT  
16 THE WILSHIRE MANNING?

17 A YES.

18 Q AND WHERE DID YOU GO?

19 A I -- THEN I DROVE TO THE HOUSE ON BEVERLY GLEN.

20 Q APPROXIMATELY WHAT TIME OF THE DAY OR NIGHT WAS  
21 IT WHEN YOU GOT TO THE HOUSE ON BEVERLY GLEN?

22 A I THINK IT WAS ABOUT 10:30 AT NIGHT OR SO.

23 Q WHEN YOU GOT THERE, WHAT WAS HAPPENING?

24 A JOE AND BEN WERE IN THE ENTRY HALL OF THE HOUSE  
25 THERE. THEY PICKUP TRUCK WAS PARKED IN FRONT AND THEY HAD  
26 UNLOADED --

27 WELL, I KNOW THEY HAD UNLOADED THE TRUNK WITH  
28 MR. ESLAMINIA IN IT AND --

9-2  
1 Q WHERE HAD THEY TAKEN IT?

2 A -- AND SOME OF THE OTHER ITEMS.

3 AND THEY WERE IN THE ENTRY HALL AS WELL.

4 Q WAS THE TRUNK WITH MR. ESLAMINIA IN IT IN THE  
5 ENTRY HALL?

6 A YES.

7 Q WHAT HAPPENED AT THAT POINT?

8 A WE WENT INTO THE NEXT ROOM AND WE TALKED FOR A  
9 WHILE.

10 Q WHAT DID YOU TALK ABOUT?

11 A ABOUT WHAT WE WERE GOING TO DO NEXT.

12 Q UP TO THAT POINT, HAD THERE BEEN ANY PLANS MADE  
13 ABOUT WHAT TO DO WITH MR. ESLAMINIA'S BODY?

14 A I DON'T THINK SO.

15 Q DO YOU KNOW WHY THAT WASN'T PART OF THE ORIGINAL  
16 PLAN?

17 A BECAUSE, ACCORDING TO THE ORIGINAL PLAN, HE WAS  
18 SUPPOSED TO BE KEPT AND INTERROGATED FOR UP TO A NUMBER OF  
19 WEEKS BEFORE HE WAS GOING TO BE KILLED AND WE DIDN'T PLAN  
20 ANYTHING ABOUT IT BECAUSE WE FIGURED THAT WE HAD TIME TO THINK  
21 ABOUT IT, TO MAKE SOME PLANS.

22 Q AND WHEN YOU WERE IN THE LIVING ROOM, IT WAS YOU,  
23 JOE HUNT AND BEN DOSTI?

24 A RIGHT.

25 Q WHAT DID YOU TALK ABOUT?

26 A WELL, WE TALKED SOME ABOUT HAVING -- HAVING REZA  
27 GET INVOLVED AS HIS FATHER'S ELDEST SON AND PERHAPS EVENTUALLY,  
28 GETTING SOME OF HIS FATHER'S ASSETS.

9-3

1 AND WE ALSO TALKED ABOUT WHAT TO DO WITH THE BODY.

2 Q WAS THERE ANY DECISION MADE --

3 WELL, WHAT DID YOU TALK ABOUT IN TERMS OF WHAT  
4 TO DO WITH THE BODY?

5 A WE TALKED ABOUT WHETHER -- WHETHER IT WAS  
6 NECESSARY FOR THE BODY TO BE DESTROYED OR NEVER FOUND OR WHETHER  
7 IT COULD JUST BE DISPOSED OF IN A WAY THAT -- WELL, IF IT  
8 WAS FOUND, IT WOULDN'T MATTER THAT MUCH.

9 Q DID YOU DISCUSS THE PROS AND CONS OF THAT?

10 A YES.

11 Q WHAT DID YOU TALK ABOUT IN THAT REGARD?

12 A WELL, WE TALKED ABOUT THE FACT THAT ACCORDING  
13 TO REZA, THERE WERE A NUMBER OF PEOPLE OR ENTITIES THAT WOULD  
14 HAVE WANTED HARM TO COME TO MR. ESLAMINIA, SO THAT IF THE  
15 BODY WAS FOUND AND IF IT WERE IDENTIFIABLE AS MR. ESLAMINIA,  
16 IT WOULDN'T NECESSARILY POINT THE FINGER AT US BUT IT COULD  
17 POINT THE FINGER AT ANYONE, SO THAT THERE DIDN'T SEEM TO BE  
18 AS GREAT A NECESSITY IN THIS SITUATION TO DESTROY THE BODY  
19 OR TO, WELL, TO MAKE SURE IT WAS NEVER, EVER FOUND.

20 Q AS GREAT A NECESSITY IN THIS SITUATION AS OPPOSED  
21 TO WHAT?

22 A AS OPPOSED TO THE SITUATION WITH RON LEVIN'S  
23 BODY.

24 Q DID YOU DISCUSS WHO IT WAS THAT THESE PEOPLE WERE  
25 THAT MIGHT WANT TO DO AWAY WITH MR. ESLAMINIA?

26 A I DON'T THINK SO.

27 IT WAS JUST GENERALLY MENTIONED EARLIER IN OUR  
28 DISCUSSIONS AND OUR PLANNING SESSIONS THAT MR. ESLAMINIA WAS  
29 AN ENEMY OF THE AYATOLLAH IN IRAN.

1 Q AND AFTER YOU HAD THIS DISCUSSION IN THE LIVING  
2 ROOM, DID YOU COME TO ANY CONCLUSIONS?

3 A YES. WE CAME TO THE CONCLUSION THAT IT WASN'T  
4 GOING TO BE NECESSARY TO DESTROY THE BODY.

5 Q AND AFTER COMING TO THAT CONCLUSION, WHAT WAS  
6 DONE?

7 A BEN AND JOE TOOK THE TRUNK WITH THE BODY DOWN-  
8 STAIRS INTO THAT BASEMENT.

9 Q DID YOU GO DOWN THERE WITH THEM?

10 A NO, I DIDN'T.

11 Q WERE YOU TOLD BY SOMEONE WHAT HAPPENED WHEN  
12 THEY WENT DOWN THERE?

13 A YES, I WAS.

14 Q WHO TOLD YOU?

15 A IT WAS JOE AND BEN TOGETHER. I DON'T REALLY  
16 REMEMBER.

17 BUT THEY WENT THERE TO TAKE THE BODY OUT AND  
18 TO REMOVE THE HANDCUFFS AND TO SEE WHAT WAS IN HIS POCKETS  
19 AND REMOVE IT.

20 Q AND DID YOU EVER SEE ANYTHING THAT WAS TAKEN  
21 FROM THE BODY AT THAT POINT?

22 A SOMETIME LATER ON, I THINK I DID SEE SOME KIND  
23 OF -- I FORGET EXACTLY WHAT IT WAS, SOME ITEM THAT WAS TAKEN  
24 FROM HIS POCKETS THAT HAD SOME WRITING ON IT LIKE A KIND  
25 OF PLASTIC -- NOT REALLY A PHONE BOOK, BUT SORT OF A NOTE  
26 PAD OF SOME KIND.

27 Q WAS THAT THAT DAY OR SOMETIME LATER?

28 A SOMETIME LATER.

1 Q AFTER JOE AND BEN TOOK THIS TRUNK DOWN TO THE  
2 BASEMENT, WHAT HAPPENED?

3 A WELL, I WAS SUPPOSED TO GO UPSTAIRS AND SORT  
4 OF KEEP A LOOK OUT; OUT THE WINDOW.

5 Q DID YOU DO THAT?

6 A YES, I DID.

7 Q AND AT SOME POINT, DID YOU COME BACK DOWN THE  
8 STAIRS?

9 A TO THE MAIN FLOOR, BUT I DIDN'T GO INTO THE  
10 BASEMENT.

11 Q DID YOU SEE THE TRUNK BACK UPSTAIRS IN THE  
12 MAIN FLOOR AT SOME POINT?

13 A YES.

14 Q WHAT HAPPENED TO IT AFTER THAT?

15 A IT WAS LOADED BACK INTO THE PICKUP TRUCK SO  
16 THAT WE COULD TAKE IT SOMEWHERE.

17 Q HAD YOU DECIDED AT THAT POINT WHERE YOU WERE  
18 GOING TO TAKE IT?

19 A WE TALKED ABOUT TAKING IT UP TO SOLEDAD CANYON.

20 Q AND WAS THAT ALL THREE OF YOU TALKING ABOUT  
21 THAT?

22 A I THINK SO.

23 Q WHAT HAPPENED AFTER THE BODY WAS PUT IN THE  
24 TRUNK?

25 A BEN LEFT. HE WENT HOME.

26 Q WHAT DID YOU DO?

27 A WELL, SINCE BEN HAD GONE DOWNSTAIRS TO THE  
28 BASEMENT WITH JOE, I GOT TO GO AND TAKE THE BODY TO BE

10-3

1 DISPOSED OF WITH JOE.

2 Q AND THE TRUNK WAS NOW IN THE BACK OF THE PICKUP  
3 TRUCK?

4 A YES.

5 Q DID SOMEONE GET INTO THE PICKUP TRUCK TO DRIVE?

6 A JOE DROVE AND I SAT IN THE PASSENGER SEAT.

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1 Q WHERE DID YOU GO?

2 A WE DROVE TO SOLEDAD CANYON.

3 Q WHEN YOU GOT TO SOLEDAD CANYON, WHERE IN SOLEDAD  
4 CANYON DID YOU GO?

5 A WE WENT UP THIS DIRT ROAD WHERE WE HAD BEEN  
6 BEFORE ONE TIME. I HAD BEEN THERE ONE TIME BEFORE WITH  
7 JOE.

8 Q LET ME STOP YOU FOR ONE SECOND. DID YOU HAVE  
9 ANY DISCUSSION WITH MR. HUNT ON THE WAY UP THERE TO SOLEDAD  
10 CANYON, ABOUT WHERE IT WAS THAT YOU WERE GOING TO GO?

11 A YES.

12 Q WHAT WAS THE DISCUSSION?

13 A THAT WE WERE GOING TO GO UP TO THE SAME AREA  
14 WHERE HE HAD LEFT RON LEVIN'S BODY.

15 Q DID HE TELL YOU APPROXIMATELY WHERE THAT WAS?

16 A HE SAID IT WAS ABOUT FIVE MILES UP OFF OF  
17 SOLEDAD CANYON ROAD ON THIS DIRT ROAD. I DON'T KNOW IF  
18 IT IS A FIRE ROAD OR A RANGER'S ROAD OR SOMETHING LIKE THAT.

19 Q WHEN YOU WERE HAVING THIS DISCUSSION, WERE  
20 YOU STILL ON THE FREEWAY?

21 A YES.

22 Q AND WHEN YOU GOT OFF OF THE FREEWAY AND WENT  
23 TO SOLEDAD CANYON, YOU GOT OFF THE FREEWAY AND YOU WERE  
24 DRIVING IN SOLEDAD CANYON. IS THERE FIRST, LIKE A TWO-LANE  
25 PAVED ROAD?

26 A YES.

27 Q AND THEN AT SOME POINT, DID MR. HUNT DRIVE  
28 THE TRUCK OFF OF THE PAVED ROAD AND UP ONTO THIS DIRT OR

1 FIRE ROAD?

2 A YES.

3 Q HOW FAR UP DID YOU GO?

4 A I DON'T THINK IT COULD HAVE BEEN MORE THAN  
5 A MILE. WE WERE INTENDING TO GO UP FARTHER.

6 Q WHAT HAPPENED?

7 A BUT THERE WE WERE IN THE MIDDLE OF THE NIGHT  
8 AND WE WERE DRIVING UP THERE AND THERE WAS A TRUCK PARKED  
9 UP THERE. AND IT WAS SO DARK THAT WE COULDN'T TURN OUR  
10 HEADLIGHTS OFF TO DRIVE PAST IT.

11 BUT WE KNEW IF HE KEPT THE HEADLIGHTS ON, OUR  
12 LICENSE PLATE WOULD BE VISIBLE.

13 AND SO, WE DECIDED RATHER THAN TO CONTINUE  
14 UP PAST THE TRUCK SO THAT IT COULD SEE US GOING UP AND COMING  
15 BACK, WE WOULD JUST TURN AROUND AND LEAVE THE BODY SOMEWHERE  
16 AT A LOWER AREA.

17 Q DID YOU SEE ANY PEOPLE IN THAT TRUCK THAT WAS  
18 PARKED UP THERE?

19 A NO, WE DIDN'T.

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11-1  
1 Q WHAT KIND OF A TRUCK WAS IT, DO YOU KNOW?

2 A I THINK IT WAS A PICKUP TRUCK WITH A, I THINK  
3 IT HAD A CAMPER SHELL ON THE BACK.

4 Q AFTER YOU SAW THAT TRUCK, DID MR. HUNT TURN YOUR  
5 TRUCK AROUND?

6 A YES.

7 Q AND WHERE DID HE GO?

8 A WE DROVE BACK DOWN THE ROAD WHERE THERE WAS A  
9 SORT OF PLATEAU AND WHAT SEEMED TO BE A STEEP HILLSIDE, OFF  
10 OF THE SIDE, I MEAN.

11 Q WHAT HAPPENED WHEN YOU GOT TO THAT LOCATION?

12 A WE STOPPED THE TRUCK, WE GOT OUT AND WE TOOK THE  
13 TRUNK OUT OF THE TRUCK.

14 Q AFTER YOU GOT THE TRUNK, WAS THAT THE FIRST TIME  
15 THAT YOU HAD ACTUALLY CARRIED THAT TRUNK WITH MR. ESLAMINIA  
16 IN IT?

17 A I THINK SO.

18 Q DID YOU TAKE ONE SIDE OF IT AND MR. HUNT TAKE  
19 ONE SIDE OF IT?

20 A YES.

21 Q WAS IT HEAVY?

22 A YES, IT WAS.

23 Q WHAT DID YOU DO WITH IT?

24 A WE MOVED THE TRUNK ALL THE WAY UP TO THE EDGE  
25 OF THE HILLSIDE AND WE OPENED IT UP AND WE TILTED IT OVER  
26 AND WE ROLLED THE BODY DOWN THE HILL.

27 Q COULD YOU SEE HOW FAR DOWN THE HILL THAT HIS BODY  
28 ROLLED?

1           A       IT WAS KIND OF HARD TO SEE TOO FAR DOWN THE HILL  
2 BUT IT DIDN'T REALLY ROLL TOO FAR DOWN BECAUSE I -- I HEARD  
3 IT STOP PRETTY QUICKLY.

4           Q       AFTER YOU DID THAT, WHAT DID YOU DO?

5           A       WE PACKED UP THE TRUCK AGAIN AND WE PUT THE TRUNK  
6 BACK IN THE REAR COMPARTMENT AND WE DROVE AWAY.

7           Q       WHERE DID YOU GO?

8           A       WE DROVE BACK TOWARD L.A.

9           Q       DID YOU GO DIRECTLY HOME?

10          A       NO.

11                   WE -- WE STOPPED IN, I THINK, SYLMAR AND MAYBE  
12 A COUPLE OF OTHER PLACES TO THROW AWAY THE ITEMS LIKE THE  
13 TRUNK AND SOME OF THE OTHER STUFF THAT WE HAD THAT WE THOUGHT  
14 WAS EVIDENCE.

15                   THERE WAS A BLUE PLASTIC TARP THAT I GUESS WHEN  
16 THE TRUNK WAS OPENED UP DOWN IN THE BASEMENT OF THE HOUSE,  
17 IT WAS DONE ON THE TARP SO THAT THERE WOULDN'T BE ANY EVIDENCE  
18 LEFT BEHIND AND WE THREW THAT AWAY, TOO.

19                   WE JUST THREW STUFF OUT OF THE WINDOWS AND IN  
20 DUMPSTERS THROUGHOUT THE AREA.

21          Q       DID YOU EVENTUALLY THROW AWAY ALL OF THE ITEMS  
22 THAT YOU HAD HAD IN THE BACK OF THE TRUCK?

23          A       YES.

24                   AND THEN WE OPENED UP THE BACK WINDOW ON THE CAMPER  
25 SHELL TO AIR OUT THE BACK OF THE TRUCK SO THAT IT WOULDN'T  
26 SMELL.

27          Q       WHERE DID YOU GO TO WHEN YOU GOT BACK TO  
28 LOS ANGELES?

11 7  
1 A AT THAT TIME, WE WENT BACK TO THE PLACE WHERE  
2 WE LIVED, THE MANNING.

3 Q DID YOU OPEN UP THE BACK WINDOW OF THE CAMPER  
4 AS YOU WERE DRIVING BACK TO THE MANNING?

5 A YES.

6 Q WHAT HAPPENED TO THE SECOND TRUNK THAT YOU HAD  
7 PURCHASED?

8 A THE NEXT DAY, BEN AND I WENT TO THE HOUSE ON  
9 BEVERLY GLEN, SINCE WE HAD RENTED IT FOR SIX WEEKS, AND WE  
10 BROKE IT ALL -- WE BROKE IT ALL UP. WE BROKE THE TRUNK AND  
11 WE THREW IT AWAY.

12 Q WAS IT EASY OR DIFFICULT TO BREAK IT UP?

13 A IT WAS QUITE HARD BECAUSE IT WAS A VERY STURDY  
14 TRUNK.

15 Q WHERE DID YOU THROW IT AWAY?

16 A WE DROVE AROUND, I THINK IT WAS THE WESTWOOD AREA  
17 AND WE THREW PARTS OF IT AWAY IN VARIOUS TRASH DUMPSTERS IN  
18 ALLEYS.

19 Q AFTER DOING THAT, WERE THERE ANY EFFORTS MADE  
20 BY MR. HUNT OR ANYBODY INVOLVED IN THE BBC TO ATTEMPT TO TAKE  
21 CONTROL OF HADAYET ESLAMINIA'S ASSETS?

22 A YES.

23 Q WAS THAT DONE IMMEDIATELY, LIKE THE NEXT DAY?

24 A NO, IT WASN'T.

25 Q I WANT TO GET BACK TO THAT.

26 BUT SOMETHING ELSE IN THE SEQUENCE OF THINGS,  
27 DID YOU CONTINUE TO RENT THE BEVERLY GLEN HOUSE FOR THE SIX  
28 WEEKS?

1           A       WELL, WE ONLY RENTED IT THE ONE TIME. WE DIDN'T  
2 MAKE ANY MORE PAYMENTS.

3                    BUT WHAT WE ACTUALLY TRIED TO DO WAS TO GET OUR  
4 MONEY BACK.

5           Q       AND WHO TRIED TO DO THAT?

6           A       I BELIEVE BEN DOSTI MADE THE PHONE CALLS TO THIS  
7 STEVEN POWERS, OR ELSE TO THE AGENT, I AM NOT SURE. I THINK  
8 HE TALKED TO STEVEN POWERS AND HE TOLD HIM THAT --

9                    WELL, SEE, WE HAD ORIGINALLY RENTED THE PLACE  
10 BY TELLING THE STORY THAT JOE WAS A WRITER AND THAT HE NEEDED  
11 A QUIET SECLUDED PLACE, SO AS OUR EXCUSE FOR ASKING FOR OUR  
12 MONEY BACK, HE TOLD HIM THAT THE FUNDING FOR JOE'S PROJECT  
13 HE WAS WRITING HAD BEEN WITHDRAWN AND THE DEAL HAD FALLEN  
14 THROUGH AND NOW THERE WAS GOING TO BE NO PROJECT AND SO COULD  
15 HE PLEASE GIVE THE MONEY BACK BECAUSE HE WOULD BE ABLE TO  
16 RENT THE HOUSE THE VERY NEXT DAY TO SOMEONE ELSE, IF HE WANTED.

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1 Q DID YOU HEAR MR. DOSTI MAKE THIS PHONE CALL?

2 A YES.

3 Q WHOSE NAME DID HE USE?

4 A HE USED MY NAME BECAUSE I AM THE ONE THAT HAD  
5 MET MR. POWERS AND SIGNED THE LEASE. AND HE DIDN'T KNOW  
6 WHO BEN WAS. BUT I WAS TOO NERVOUS TO CALL.

7 Q DID YOU GET SOME OF THE MONEY BACK FOR THE  
8 HOUSE RENTAL?

9 A YES.

10 Q HOW MUCH?

11 A HALF, IT WAS I THINK, \$3,500 FROM MR. POWERS  
12 AND THEN I THINK THE REAL ESTATE AGENT RETURNED HER PORTION  
13 OF ABOUT \$1,000 THAT WAS THE COMMISSION.

14 Q WAS THAT MONEY GIVEN TO YOU OR TO SOMEONE ELSE?

15 A THE \$3,500 THAT MR. POWERS RETURNED WAS GIVEN  
16 TO JOE.

17 WE WENT TO THE HOUSE TO GET IT AND I WAITED  
18 IN THE CAR AND JOE WENT AND GOT THE MONEY, I THINK.

19 THE COURT: WHAT HOUSE ARE YOU TALKING ABOUT?

20 THE WITNESS: MR. POWERS' HOUSE, SORRY.

21 THE COURT: WHERE WAS THAT?

22 THE WITNESS: IT WAS ON SUNSET BOULEVARD IN HOLMBY  
23 HILLS, I THINK.

24 Q BY MR. WAPNER: DID HE HAVE AN OFFICE AS PART  
25 OF HIS HOUSE?

26 A YES. IT WAS A POOL HOUSE THAT WAS MADE INTO  
27 AN OFFICE. AND THE MONEY FROM THE REAL ESTATE AGENT, I  
28 BELIEVE I WENT AND PICKED UP THAT MONEY MYSELF AFTER IT

1 HAD BEEN PREARRANGED.

2 Q AND AFTER YOU DID THAT, WHAT EFFORTS WERE MADE  
3 TO ATTEMPT TO GAIN CONTROL OF THE ASSETS OF MR. ESLAMINIA?

4 A WELL, WE WAITED A WHILE FIRST OF ALL BECAUSE  
5 THEORETICALLY, WE WEREN'T SUPPOSED TO KNOW ANYTHING AT ALL  
6 ABOUT THE DISAPPEARANCE OF MR. ESLAMINIA.

7 SO WE JUST SAT QUIETLY AND EVENTUALLY, REZA  
8 SAID THAT SOMEONE HAD CONTACTED HIS FAMILY, HIS MOTHER AND  
9 TOLD THEM ABOUT THIS AND --

10 THE COURT: TOLD THEM ABOUT WHAT?

11 THE WITNESS: THAT HIS FATHER HAD DISAPPEARED. SO  
12 APPARENTLY, ONE OF THE PEOPLE HAD SAID THAT, "WELL, REZA,  
13 YOU ARE THE OLDEST, FIRST SON IN THE FAMILY AND YOU BETTER  
14 DO SOMETHING."

15 AND THAT SEEMED TO BE THE PERFECT OPPORTUNITY  
16 FOR REZA TO COME IN AND TAKE CHARGE, AS AN ELDEST SON WOULD  
17 DO IN SUCH A SITUATION.

18 Q BY MR. WAPNER: HOW LONG AFTER JULY 30TH OF  
19 1984 WAS THAT?

20 A I THINK IT WAS NO LONGER THAN A WEEK.

21 Q AND AS A RESULT OF THAT, WHAT WAS DONE?

22 A AS A RESULT OF THAT, THE LAWYERS IN THE OFFICE  
23 WERE TOLD ABOUT THIS. THEY WEREN'T TOLD THAT WE HAD  
24 ANYTHING TO DO WITH THE DISAPPEARANCE OF MR. ESLAMINIA.

25 BUT THEY WERE TOLD, "LOOK, OUR FRIEND REZA,  
26 HAS A PROBLEM. HIS FATHER HAS DISAPPEARED. HE IS OUR  
27 FRIEND. HE IS IN OUR GROUP. LET'S TRY TO HELP HIM OUT."  
28 SO AS A RESULT, THE LAWYERS WENT TO WORK TO GAIN INFORMATION



1 ABOUT GETTING THE CONSERVATORSHIP OF MR. ESLAMINIA'S PROPERTY  
2 OR ESTATE.

3 Q AND HOW DID THEY GO ABOUT DOING THAT?

4 A I DON'T SPECIFICALLY KNOW. BUT I GUESS THEY  
5 APPLIED TO THE COURT TO DO IT AND THERE WERE AFFIDAVITS  
6 AND DECLARATIONS AND THAT SORT OF THING FOLLOWED, I GUESS.

7 Q AND AT SOME POINT, WERE TRIPS MADE BY MEMBERS  
8 IN THE BBC TO SAN MATEO TO TRY TO DETERMINE WHAT KIND OF  
9 ASSETS MR. ESLAMINIA HAD?

10 A YES.

11 Q DID YOU GO ON ANY OF THOSE?

12 A I WENT UP THERE TWO TIMES.

13 Q WHEN WAS THE FIRST TIME THAT YOU WENT UP THERE?

14 A I AM NOT SURE WHAT THE DATE WAS. BUT IT WAS  
15 RIGHT ABOUT THE TIME WHEN REZA HAD EITHER -- HE WAS ABOUT  
16 TO GET THE CONSERVATORSHIP OR HE HAD JUST GOTTEN IT.

17 AND WE WENT TO THE SAN MATEO POLICE STATION  
18 IN ORDER TO GET SOME PAPERS THAT HAD BEEN TAKEN OUT OF THE  
19 APARTMENT.

20 Q WHO WENT TO THE POLICE STATION?

21 A JOE WENT. I WENT. REZA WENT AND I THINK AN  
22 ATTORNEY THAT WAS WORKING FOR OUR GROUP NAMED NEIL ADELMAN  
23 WENT.

24 Q WHAT TYPE OF PAPERS WERE YOU TRYING TO GET  
25 AT THAT POINT?

26 A I REALLY WAS NOT SURE. ALL THAT WE KNEW IS  
27 THAT SOME PAPERS HAD BEEN REMOVED FROM THE HOME IN THE COURSE  
28 OF THE POLICE INVESTIGATION OF THE DISAPPEARANCE.

1                   AND REZA FELT THAT SOME OF THOSE PAPERS MIGHT  
2 HAVE LISTINGS FOR SWISS BANK ACCOUNTS OR SOME OTHER  
3 INFORMATION THAT WOULD BE USEFUL TO US.

4                   SO, WE SOUGHT TO GET THOSE PAPERS PLUS I THINK  
5 EVENTUALLY -- WELL, THAT'S -- I THINK THERE WAS ALSO  
6 PERMISSION SOUGHT FOR REZA TO TAKE A LOOK THROUGH THE APARTMENT  
7 TO SEARCH IT.

8           Q           AND DID YOU GO TO THE APARTMENT AT THAT TIME?

9           A           I AM NOT POSITIVE IF IT WAS THAT DAY. BUT  
10 I THINK IT WAS.

11          Q           DID YOU GET INTO THE APARTMENT?

12          A           NO. WE GOT TO THE BUILDING AND THERE WAS NO  
13 ONE AT THE APARTMENT. BUT WE HAD SOME KIND OF A COURT  
14 ORDER GIVING REZA PERMISSION TO DO THAT, TO SEARCH.

15                   WE WENT TO THE SECURITY GUARD AND TOLD HIM  
16 THAT WE WERE THE AUTHORIZED COURT REPRESENTATIVES AND ET  
17 CETERA. AND HE SAID THAT HE COULDN'T LET US IN.

18                   SO I DON'T REMEMBER EXACTLY WHAT WE DID THERE.  
19 BUT WE WERE TRYING TO GET IN. AND EVENTUALLY, THE POLICE  
20 CAME AND OLGA VASQUEZ CAME AND THAT DAY, WE NEVER GOT IN  
21 THERE.

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1 Q WHEN WAS THE SECOND TIME THAT YOU WENT UP THERE?

2 A I HAVE TO TELL YOU, THAT MIGHT HAVE BEEN THE SECOND  
3 TIME. THE TIME WE WENT TO THE POLICE STATION AND THE TIME  
4 WE WENT TO THE APARTMENT, I AM NOT SURE IF IT WAS ONE TIME  
5 OR TWO TIMES.

6 BUT THE NEXT TIME AND THE LAST TIME THAT I WENT  
7 UP THERE DURING THAT PERIOD WAS SOMETIME WITHIN THE NEXT --  
8 WITHIN THE NEXT FEW WEEKS.

9 WE -- WE HAD GOTTEN THESE CONSERVATORSHIP PAPERS  
10 AND A WHOLE GROUP OF US WENT THERE LITERALLY WALKING THE  
11 STREETS TO VARIOUS BANKS, SHOWING THEM OUR CONSERVATORSHIP  
12 PAPERS, SAYING THAT WE WERE REPRESENTATIVES OF REZA ESLAMINIA  
13 AND THAT WE WERE LOOKING FOR ANY ASSETS THAT HADAYET ESLAMINIA  
14 MIGHT HAVE.

15 Q WERE ANY ASSETS DISCOVERED IN THAT FASHION?

16 A I THINK THERE WERE A COUPLE OF CLOSED BANK ACCOUNTS  
17 FOUND AND ONE BANK ACCOUNT THAT HAD A COUPLE OF HUNDRED DOLLARS  
18 IN IT.

19 Q WHO PARTICIPATED IN THAT?

20 A REZA, BEN, JIM PITTMAN, JOE, MYSELF AND EVAN DICKER,  
21 JOHN ALLEN. I THINK THAT IS ALL.

22 Q WAS THAT ALL DONE IN ONE DAY?

23 A ALL IN ONE DAY.

24 Q DID YOU BREAK UP INTO TEAMS TO DO THAT?

25 A YES.

26 Q HOW MANY DIFFERENT TEAMS WENT OUT TO TRY AND FIND  
27 HIS ASSETS?

28 A I THINK FOUR TEAMS.

13-2  
1 WE WERE COMBING THE AREA.

2 Q AT SOME POINT AFTER THAT, DID YOU SEE MR. HUNT  
3 WITH A POWER OF ATTORNEY FOR HADAYET ESLAMINIA?

4 A YES.

5 Q WHEN WAS THAT?

6 A I FIRST SAW IT WHEN HE WAS TYPING IT AT THE  
7 APARTMENT WE LIVED IN.

8 HE HAD A FORM OF A POWER OF ATTORNEY AND HE WAS  
9 RETYPING IT ONTO A BLANK PIECE OF PAPER.

10 Q MR. HUNT WAS TYPING IT?

11 A YES.

12 Q AFTER HE TYPED IT ON THE BLANK PIECE OF PAPER,  
13 DID HE DO ANYTHING WITH IT MORE AT THE APARTMENT?

14 A NO, I DON'T THINK SO.

15 HE JUST TYPED UP THE FORM WITH THE SPACE AT THE  
16 BOTTOM FOR MR. ESLAMINIA'S SIGNATURE AND A SPACE FOR REZA'S  
17 SIGNATURE.

18 IT WAS A POWER OF ATTORNEY -- MR. ESLAMINIA  
19 GIVING A POWER OF ATTORNEY TO HIS SON, REZA, TO ACT ON HIS  
20 BEHALF.

21 Q WHAT DID YOU SEE JOE HUNT DO WITH IT AFTER THAT?

22 A WELL, A COUPLE OF DAYS LATER IN THE OFFICE, HE  
23 HAD A PILE OF PHOTOCOPIES OF THAT TYPED POWER OF ATTORNEY  
24 AND HE HAD AN EXEMPLAR OF WHAT MR. ESLAMINIA'S SIGNATURE WAS.

25 AS A MATTER OF FACT, THERE WERE TWO DIFFERENT  
26 SIGNATURES, ONE WHICH WAS A SHORT ONE AND ONE WHICH WAS A  
27 LONGER ONE THAT REZA HAD SAID WERE HIS FATHER'S SIGNATURE.

28 AND HE WAS -- HE WAS REPLICATING THE SIGNATURE

13-2  
1 IN THE BLANK SPACES ON THE XEROXES.

2 Q HOW MANY TIMES DID YOU SEE HIM DO THAT OR ATTEMPT  
3 TO DO THAT?

4 A MAYBE A COUPLE OF DOZEN TIMES.

5 Q DID YOU SEE WHAT HE DID WITH ANY OF THOSE  
6 DOCUMENTS AFTER HE PUT THE SIGNATURES ON THEM?

7 A WELL, WE -- WE COMPARED THEM TO THE EXEMPLARS  
8 OF THE ACTUAL SIGNATURES THAT WE HAD, TO SEE WHICH WAS THE  
9 BEST REPLICATION.

10 AND EVENTUALLY, WE DECIDED THAT ONE OR TWO OF  
11 THEM WERE QUITE GOOD COPIES.

12 WHAT HAPPENED TO THE REST OF THEM, I DON'T KNOW.

13 Q AT SOME POINT, DID YOU ASSIST IN TAKING DOCUMENTS  
14 FROM THE BBC OFFICES?

15 A YES.

16 Q AND AS PART OF YOUR GOING TO THE ATTORNEY GENERAL'S  
17 OFFICE IN THIS MATTER, DID YOU TURN OVER TO THEM ONE OF THESE  
18 POWER OF ATTORNEY FORMS?

19 A YES, I DID.

20 Q AT THE TIME THAT YOU TURNED IT OVER TO THEM, DO  
21 YOU KNOW WHERE IT WAS THAT YOU GOT THAT FROM?

22 A I AM NOT -- I AM NOT SURE WHERE I GOT IT FROM.  
23 IT MIGHT HAVE BEEN AT THE MANNING. IT MIGHT HAVE BEEN FROM  
24 THE OFFICE, OR IT MIGHT HAVE -- THERE WAS ALSO A BAG FULL  
25 OF PAPERS THAT HAD BEEN TAKEN ALONG ON THIS CRIME OF THE  
26 VARIOUS FORMS AND BUSINESS TRANSACTIONS THAT WE WERE THINKING  
27 OF SETTING UP. IT MIGHT HAVE BEEN IN WITH THAT STUFF. I  
28 AM REALLY NOT SURE.

13-4 1 Q I WANT TO SHOW YOU A DOCUMENT THAT SAYS "UNLIMITED  
2 POWER OF ATTORNEY" AS WELL AS A COPY OF THAT.

3 MR. WAPNER: MAY THE COPY BE MARKED, YOUR HONOR, AS  
4 29 FOR IDENTIFICATION?

5 THE COURT: SO MARKED.

29ID 6 Q BY MR. WAPNER: SHOWING YOU THE UNLIMITED POWER  
7 OF ATTORNEY AND THE COPY OF IT THAT IS PEOPLE'S 29, DO YOU  
8 RECOGNIZE THOSE?

9 A YES, I DO.

10 I THINK THIS IS THE DOCUMENT THAT I GAVE TO THE  
11 ATTORNEY GENERAL'S INVESTIGATOR.

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1 Q AND LOOKING AT THE SIGNATURE ON THE LINE WHERE  
2 THERE IS TYPING UNDERNEATH THAT SAYS "HADAYET ESLAMINIA,"  
3 DOES THIS APPEAR TO YOU TO BE SIMILAR TO THE WRITING THAT  
4 YOU SAW JOE HUNT PLACE ON THE POWER OF ATTORNEY THAT HE TYPED?

5 A YES.

6 Q AND DOES THAT APPEAR TO YOU TO BE THE POWER OF  
7 ATTORNEY FORM THAT HE IN FACT, TYPED?

8 A I THINK IT IS.

9 MR. WAPNER: YOUR HONOR, I HAVE A FEW MORE QUESTIONS.  
10 MIGHT THIS BE AN APPROPRIATE TIME TO BREAK?

11 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN OF THE  
12 JURY, WE'LL TAKE OUR RECESS AT THIS TIME UNTIL 1:30 THIS  
13 AFTERNOON.

14 THE SAME ADMONITION I GAVE YOU WILL STILL APPLY.  
15 (AT 12 NOON A RECESS WAS TAKEN UNTIL  
16 1:30 P.M. OF THE SAME DAY.)

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1 SANTA MONICA, CALIFORNIA; TUESDAY, MAY 19, 1987; 1:35 P.M.  
2 DEPARTMENT C HON. LAURENCE J. RITTENBAND, JUDGE  
3 (APPEARANCES AS NOTED ON TITLE PAGE.)

4  
5 (THE FOLLOWING PROCEEDINGS WERE HELD  
6 IN CHAMBERS OUTSIDE THE PRESENCE AND  
7 HEARING OF THE JURY:)

8 MR. BARENS: THIS WILL BE VERY BRIEF, JUDGE.  
9 (PAUSE IN PROCEEDINGS.)

10 MR. CHIER: YOUR HONOR, PRIOR TO THE CONVENING OF  
11 COURT THIS AFTERNOON AND THE UNDERTAKING OF THE CROSS-  
12 EXAMINATION OF MR. KARNY, THE DEFENSE WOULD LIKE TO IDENTIFY  
13 BY NAME SOME 16 WITNESSES THAT WE HAVEN'T BEEN ABLE TO BUT  
14 WOULD LIKE THE OPPORTUNITY OF HAVING INTERVIEWED AND  
15 EXAMINED BY AN INVESTIGATOR BEFORE UNDERTAKING THE CROSS-  
16 EXAMINATION OR THE DEFENSE ASPECT OF THE PENALTY PHASE.

17 THESE WITNESSES ARE BELIEVED AT THIS POINT  
18 TO BEAR DIRECTLY ON THE MATTERS THAT HAVE BEEN ADDUCED IN  
19 THE LAST WEEK OF COURT PROCEEDINGS AND THEIR NAMES ARE AS  
20 FOLLOWS:

21 LISA MARIE SOBEL, S-O-B-E-L.

22 MR. ALI BONI, B-O-N-I.

23 MR. SAFARIAN, S-A-F-A-R-I-A-N.

24 MS. MINA, M-I-N-A, HAKIMI, H-A-K-I-M-I.

25 MR. AMIR.

26 MR. MAHMOOD, M-A-H-M-O-O-D.

27 MR. NEIL ADELMAN.

28 THE PRESIDENT OF COEFFICIENT COATING.



1 MR. BRADFORD OF U-HAUL.

2 THE MANAGER OF THE BELMONT APARTMENTS.

3 MR. WAPNER: WHICH MANAGER OF THE BELMONT APARTMENTS,  
4 THE CURRENT ONE OR THE ONE WHO WAS WORKING THERE AT THE  
5 TIME?

6 MR. CHIER: THE ONE WHO WAS WORKING AND APPARENTLY  
7 HAD A RELATIONSHIP WITH MR. PITTMAN.

8 MR. WAPNER: MR. MILLER, JERRY MILLER?

9 MR. CHIER: YES.

10 MR. WAPNER: OKAY.

11 MR. CHIER: IN ADDITION, BECAUSE OF THE NEW TESTIMONY  
12 THAT WE WERE UNAWARE OF BEFORE CONCERNING THE IDENTIFICATION  
13 OF MR. HUNT IN THE SKY ROOM OF THE DAVEY GLEN CONDOMINIUMS,  
14 WE WOULD LIKE TO HAVE THE OPPORTUNITY TO PHOTOGRAPH THAT  
15 PARTICULAR PART OF THE CONDOMINIUM COMPLEX AND TO OBTAIN  
16 A HANDWRITING EXPERT.

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16-1  
1 AND WE UNDERSTAND THAT THE COURT IS UNDER TIME  
2 CONSTRAINTS AND AS A RESULT OF THE PRESS OF OTHER CASES OF  
3 EITHER A CAPITAL NATURE OR A SERIOUS NATURE, YOUR HONOR.

4 BUT NEVERTHELESS, WE FEEL THAT FOR THE REASONS  
5 PREVIOUSLY REITERATED AND NOW ONCE AGAIN URGED UPON THE COURT,  
6 THAT WE SHOULD BE GIVEN SOME ADDITIONAL TIME TO PUT THIS THING  
7 TOGETHER.

8 MR. WAPNER: THIS PRESENTS A REAL DILEMMA BECAUSE FIRST  
9 OF ALL, NONE OF THE PEOPLE ARE NEW. ALL OF THESE PEOPLE ARE  
10 PEOPLE THAT ARE LISTED IN THE REPORTS THAT MR. BARENS AND  
11 MR. CHIER HAVE HAD FOR OVER TWO YEARS.

12 THE NAMES OF LISA MARIE SOBEL WHO WAS AT ONE TIME  
13 APPARENTLY THE GIRLFRIEND OF MR. KARNY AND THESE WITNESSES  
14 IN RELATION TO MR. ESLAMINIA, ALL OF THEM ARE ALL IN THE REPORTS  
15 THAT THEY HAVE HAD FOR TWO YEARS.

16 HERE IS THE DILEMMA. ON THE ONE HAND, THEY ARE  
17 NOT PREPARED BECAUSE THEY HAVE NOT HAD AN OPPORTUNITY TO DO  
18 THIS. WELL, THAT IS NOT CORRECT BECAUSE FOR TWO YEARS IN  
19 THE PREPARATION OF THIS CASE, THEY HAVE HAD THE OPPORTUNITY.

20 EVERY TIME WHEN THIS CASE WAS CONTINUED FOR MONTHS  
21 AT A TIME, THEY SAID THAT IT WAS TO DO FURTHER PREPARATION  
22 WHICH MAKES ONE WONDER WHAT WAS THE FURTHER PREPARATION THAT  
23 WAS BEING DONE.

24 BUT THE DILEMMA THAT COMES IN IS IF IN FACT, THEY  
25 HAD THE TWO YEARS AND IF IN FACT, THEY DIDN'T DO IT, NOW WE  
26 ARE SAYING THAT MR. HUNT IS NOT GETTING COMPETENT  
27 REPRESENTATION. SO THAT IS THE BOX THAT THE COURT IS NOW  
28 BEING PUT IN.

16-2

1 I DON'T KNOW WHY THIS STUFF WAS NOT DONE.

2 THE COURT: HOW DO WE KNOW IT WAS NOT DONE?

3 MR. WAPNER: I DON'T KNOW.

4 THE COURT: BECAUSE THEY ARE GIVING US THESE NAMES MEANS  
5 THEY DON'T KNOW WHAT THE TESTIMONY IS GOING TO BE?

6 MR. WAPNER: WELL, CLEARLY THEY KNOW WHAT THE TESTIMONY  
7 IS. THEY ARE CLAIMING THAT THEY DIDN'T HAVE A CHANCE TO  
8 INTERVIEW THE PEOPLE. I CAN'T BELIEVE THAT.

9 THE COURT: ALL RIGHT. DO THE BEST YOU CAN. THE MOTION  
10 IS DENIED TO CONTINUE THE MATTER ANY FURTHER.

11 MR. BARENS: THANK YOU, YOUR HONOR.

12 THE COURT: ALL RIGHT. IF YOU COME UP WITH SOMETHING  
13 NEW, YOU CAN COME IN AGAIN.

14 MR. CHIER: THERE IS SOMETHING NEW RIGHT ON THE TOP  
15 OF THE LIST.

16 THE COURT: WHAT IS THAT?

17 MR. CHIER: THE REAL ESTATE LADY, BERNICE RAPPAPORT  
18 HAS FOR THE VERY FIRST TIME IDENTIFIED BROOKE ROBERTS AS THE  
19 PERSON WHO ACCOMPANIED MR. HUNT AND MR. KARNY ON THIS SHOPPING  
20 EXPEDITION FOR A HOUSE TO RENT.

21 IN FACT, THE PERSON IS BELIEVED TO BE KARNY'S  
22 GIRLFRIEND, LISA MARIE SOBEL. WE HAVE ABSOLUTELY NO REASON  
23 TO DISBELIEVE THAT THE PERSON WAS NOT BROOKE ROBERTS AND IT --

24 THE COURT: SUBPOENA THIS OTHER WOMAN AND HAVE HER HERE  
25 IN COURT AND HAVE HER TESTIFY THAT SHE WAS THE ONE THAT WAS  
26 THERE. WHAT IS THE DIFFICULTY?

27 MR. CHIER: WE DON'T EVEN KNOW HOW TO FIND HER AT THIS  
28 PARTICULAR TIME.

16-3

1 THE COURT: WELL, YOU DO WHAT YOU CAN TO FIND HER FOR  
2 THEM, WILL YOU PLEASE? YOU CAN ASK KARNY WHETHER OR NOT --  
3 YOU CAN ASK KARNY WHO THE WOMAN WAS THAT CAME OVER THERE AND  
4 IF IT IS HIS GIRLFRIEND, ET CETERA.

5 IF IT IS BROOKE, THEN IT IS BROOKE. THERE IS  
6 NO PROBLEM ABOUT THAT. KARNY WILL KNOW WHETHER SHE WAS THERE  
7 OR NOT.

8 MR. WAPNER: FINE.

9 THE COURT: ALL RIGHT. THANK YOU.

10 MR. WAPNER: JUST BRIEFLY ON THE RECORD WHILE WE ARE  
11 ALL HERE SO WE DON'T HAVE TO DO IT AT THE BENCH, IT IS MY  
12 UNDERSTANDING BECAUSE OF MR. KARNY'S PRESENT CIRCUMSTANCES,  
13 THAT WHEN HE IS FINISHED TESTIFYING, HE IS GOING TO LEAVE  
14 IMMEDIATELY AND HE IS NOT GOING TO BE AVAILABLE TO BE RECALLED  
15 UNLESS IT IS SPECIFICALLY REQUESTED.

16 SO I NEED TO KNOW --

17 MR. BARENS: I THINK THE DEFENSE WOULD OUT OF AN  
18 ABUNDANCE OF CAUTION, REQUEST UNLESS HIS HONOR WAS TO DISAGREE  
19 WITH ME -- UNTIL WE HEAR THE BALANCE OF THE WITNESSES, I THINK  
20 AND EVERYTHING THAT YOU ARE GOING TO PUT ON IN ATTEMPTS TO  
21 CORROBORATE AND CONFIRM HIS TESTIMONY, HE SHOULD BE HELD ON  
22 CALL SUBJECT TO RECALL.

23 THE COURT: WHY DON'T YOU DO THAT?

24 MR. BARENS: UNTIL HE IS FINISHED WITH HIS WITNESSES.

25 THE COURT: HAVE HIM ON CALL.

26 MR. WAPNER: OKAY. THE INDICATION IS TO ME, THAT HE  
27 CAN BE PRODUCED WITHIN A DAY. I HOPE THAT IS SUFFICIENT.  
28

1 MR. BARENS: YES.

2 THE COURT: OKAY.

3 MR. BARENS: I JUST THINK IT WOULD BE IRRESPONSIBLE  
4 FOR ME NOT TO TAKE THAT POSITION, MR. WAPNER.

5 THE COURT: ALL RIGHT, THANK YOU.

6 (THE PROCEEDINGS IN CHAMBERS WERE  
7 RECESSED TO OPEN COURT.)

8 (THE FOLLOWING PROCEEDINGS WERE HELD  
9 IN OPEN COURT IN THE PRESENCE AND  
10 HEARING OF THE JURY:)

11

12

DEAN KARNY,

13

CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN DULY SWORN,

14

TESTIFIED AS FOLLOWS:

15

THE COURT: YOU MAY CONTINUE WITH YOUR DIRECT.

16

MR. WAPNER: THANK YOU, YOUR HONOR.

17

18

DIRECT EXAMINATION (CONTINUED)

19

BY MR. WAPNER:

20

Q MR. KARNY, WE WERE TALKING ABOUT POWER OF

21

ATTORNEY FORMS THAT YOU SAW PRODUCED.

22

I HAVE ANOTHER DOCUMENT, YOUR HONOR, THAT I

23

WOULD LIKE TO MARK AS 29-A FOR IDENTIFICATION.

24

THE COURT: I THOUGHT WE HAD 29, THE POWER OF ATTORNEY

25

FORM WAS 29.

26

MR. WAPNER: ACTUALLY, THIS IS ALSO A PORTION OF IT,

27

THE NOTARIZATION.

28

THE COURT: ALL RIGHT. FINE.

1 MR. WAPNER: THAT GOES WITH THE POWER OF ATTORNEY.

2 THE COURT: ALL RIGHT, 29-A.

3 Q BY MR. WAPNER: SHOWING YOU 29-A AND ANOTHER  
4 DOCUMENT THAT APPEARS TO BE IDENTICAL TO IT IN A PLASTIC  
5 SLEEVE, DO YOU RECOGNIZE THOSE TWO DOCUMENTS?

6 A I DON'T THINK I DO.

7 Q DO YOU KNOW WHETHER YOU PROVIDED COPIES OF  
8 THOSE TO OSCAR BREILING?

9 A I AM NOT POSITIVE.

10 I GAVE HIM A LOT OF PAPER WORK THAT WAS IN  
11 MY POSSESSION AT THE TIME THAT I TALKED TO HIM AND I KNOW  
12 THAT -- I DON'T KNOW FOR SURE IF I GAVE HIM THAT.

13 I DIDN'T REALLY INVENTORY IT BEFORE I GAVE  
14 IT TO HIM.

15 Q AT SOME POINT WAS IT DISCUSSED ABOUT SENDING  
16 SOMEBODY TO SWITZERLAND TO ATTEMPT TO OBTAIN MR. ESLAMINIA'S  
17 ASSETS?

18 A YES.

19 MR. CHIER: OBJECTION TO THE FORM OF THE QUESTION,  
20 WITHOUT IDENTIFYING WHOM THE FORM OF SPEAKERS WERE.

21 THE COURT: I AM SORRY. I WAS INTERRUPTED. READ  
22 THE QUESTION, WILL YOU, PLEASE?

23 (THE PENDING QUESTION WAS READ BY THE  
24 REPORTER.)

25 THE COURT: OVERRULED.

26 Q BY MR. WAPNER: WHO DISCUSSED IT?

27 A I BELIEVE ALL FIVE OF US, BEN, JIM, JOE, REZA  
28 AND MYSELF.

1 Q WHAT WAS DISCUSSED?

2 A AT ONE POINT WHEN REZA WAS ABLE TO GET SOME --  
3 THROUGH THE CONSERVATORSHIP OR WHATEVER IT WAS, HE WAS ABLE  
4 TO GET SOME OF THE PAPERS AND PROPERTY FROM HIS FATHER'S  
5 APARTMENT AND THROUGH THAT, HE GOT INFORMATION THAT THERE  
6 WAS SOME SWISS BANK ACCOUNTS OR AN ACCOUNT, I AM NOT POSITIVE,  
7 IN HIS FATHER'S NAME, SO AT THAT POINT IT WAS DECIDED THAT  
8 IT WOULD BE A GOOD IDEA FOR SOMEONE IN THE GROUP TO GO TRY  
9 TO GAIN CONTROL OVER WHATEVER WAS IN THOSE ACCOUNTS.

10 Q AND WHO WENT, IF ANYBODY?

11 A BEN DOSTI AND REZA ESLAMINIA.

12 Q DO YOU KNOW APPROXIMATELY WHEN IT WAS THAT  
13 THEY WENT?

14 A I THINK IT WAS THE END OF AUGUST, SOMETIME  
15 AT THE END OF THE SUMMER, I AM REALLY NOT POSITIVE.

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18-1  
1 Q WERE ANY DOCUMENTS SENT TO THEM TO AID THEM IN  
2 ATTEMPTING TO GET THESE ASSETS, IF YOU KNOW?

3 A AS FAR AS I KNOW, A NUMBER OF DOCUMENTS WERE SENT  
4 TO THEM, MOSTLY DOCUMENTS HAVING TO DO WITH PROVING WHAT REZA'S  
5 CAPACITY WAS, WHAT HIS LEGAL POWER WAS TO ACT FOR HIS FATHER  
6 AND TO TAKE CONTROL OVER THE ASSETS.

7 Q DID YOU SEND ANY OF THOSE DOCUMENTS?

8 A NO, NOT PERSONALLY.

9 Q DO YOU KNOW WHETHER THEY DID ANYTHING AT THE TIME  
10 THEY WERE THERE REGARDING ANY OF THE ACCOUNTS OF MR. LEVIN?

11 A I DON'T HAVE ANY KNOWLEDGE ABOUT THAT.

12 Q AT THE TIME WHEN YOU WENT TO LOOK AT THE HOUSE  
13 ON BEVERLY GLEN IN PREPARATION FOR RENTING IT, WAS THERE ANY  
14 TIME WHEN THERE WAS ANYONE ALONG WITH YOU AND JOE?

15 A I THINK BROOKE ROBERTS CAME WITH US ONE OF THE  
16 TWO TIMES.

17 Q DID YOU LOOK AT IT TWICE BEFORE YOU DECIDED TO  
18 RENT IT?

19 A I THINK WE DID. WE WENT TO A NUMBER OF HOUSES.  
20 IT IS HARD FOR ME TO REMEMBER RIGHT NOW.

21 Q DURING THE GUILT PHASE, YOU TOLD US THAT AT SOME  
22 POINT AFTER MR. HUNT WAS ARRESTED, YOU OBTAINED SOME OF THE  
23 POLICE REPORTS IN THE RON LEVIN MATTER?

24 A YES.

25 Q AND THERE WAS A PICTURE IN THOSE REPORTS THAT  
26 CAUSED YOU SOME CONCERN, IF THAT IS THE RIGHT WORD OR CAUSED  
27 YOU TO BE KIND OF UPSET?

28 A THAT'S RIGHT.



18 °  
1 Q WHOSE PICTURE WAS THAT?

2 A IT WAS HADAYET ESLAMINIA'S PICTURE.

3 Q AT THE TIME THAT YOU MADE YOUR FIRST STATEMENT  
4 TO PROSECUTORS AND INVESTIGATORS FROM THE ATTORNEY GENERAL'S  
5 OFFICE, DID YOU TELL THEM WHERE MR. ESLAMINIA'S BODY HAD BEEN  
6 PLACED?

7 A I TOLD THEM THAT I KNEW WHERE IT WAS. I AM NOT  
8 POSITIVE IF I TOLD THEM WHERE.

9 Q AND ON NOVEMBER THE 30TH, 1984, DID YOU GO TO  
10 SOLEDAD CANYON?

11 A ON WHAT DATE, SIR?

12 Q NOVEMBER 30?

13 THE COURT: 1984?

14 MR. WAPNER: YES.

15 THE WITNESS: I KNOW I WENT THERE AROUND THAT TIME PERIOD.  
16 I CAN'T SAY WHAT DATE IT WAS EXACTLY.

17 Q BY MR. WAPNER: DID YOU GO WITH DETECTIVE LES  
18 ZOELLER OF THE BEVERLY HILLS POLICE DEPARTMENT?

19 A YES.

20 Q WHAT WAS THE PURPOSE OF GOING UP THERE?

21 A THE PURPOSE WAS TO SHOW HIM WHERE JOE AND I HAD  
22 PUT MR. ESLAMINIA'S BODY.

23 Q AND DID YOU TAKE HIM UP TO THE SPOT WHERE YOU  
24 IN FACT, HAD PUT MR. ESLAMINIA'S BODY?

25 A YES I DID.

26 Q WHEN YOU TOOK HIM UP TO THAT SPOT, DID SOMEONE  
27 START TO GO DOWN THE HILLSIDE?

28 A YES.

18-3  
1 Q WHO WAS THAT?

2 A DETECTIVE ZOELLER AND THERE WERE A COUPLE OF OTHER  
3 OFFICERS WITH HIM.

4 Q I WILL SHOW YOU A PICTURE THAT WE HAVE MARKED  
5 AS 17 FOR IDENTIFICATION. DO YOU RECOGNIZE WHAT IS DEPICTED  
6 IN THAT PHOTOGRAPH?

7 A IT IS A MOUNTAINOUS AREA. I DON'T RECOGNIZE IT  
8 IN PARTICULAR.

9 Q CAN YOU TELL BY LOOKING AT THE PICTURE WHETHER  
10 IT IS SOLEDAD CANYON OR NOT?

11 A I CAN'T REALLY TELL.

12 Q AND DID YOU TAKE DETECTIVE ZOELLER TO THE ONE  
13 LOCATION OR MORE THAN ONE ON THAT DATE?

14 A WELL, I TOOK HIM TO THE PLACE WHERE WE WOUND UP  
15 PUTTING MR. ESLAMINIA. AND I THINK I ALSO TOOK HIM A LITTLE  
16 FURTHER UP THE HILL TO SHOW HIM WHERE WE HAD TURNED THE TRUCK  
17 AROUND.

18 Q DID YOU EVER SEE MR. HUNT PREPARE A LIST OF  
19 EXPENSES REGARDING THE ESLAMINIA ABDUCTION?

20 A HE PREPARED A NUMBER OF LISTS WHEN WE WERE MAKING  
21 OUR PLANS. I DON'T REMEMBER A PARTICULAR ONE THAT HAD TO  
22 DO WITH EXPENSES. BUT I DID SEE HIM PREPARING A NUMBER OF  
23 LISTS.

24

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28

1 Q WERE YOU EVER AWARE THAT MR. REZA ESLAMINIA'S  
2 BROTHER WAS IN CUSTODY FOR SOME REASON?

3 A YEAH, I BELIEVE HIS, THE ELDEST OF HIS YOUNGER  
4 BROTHERS HAD BEEN ARRESTED.

5 AS A MATTER OF FACT, I THINK WE GAVE HIM SOME  
6 MONEY TO GET HIM OUT OF JAIL.

7 Q DO YOU REMEMBER WHAT HIS NAME WAS?

8 A ALI, I THINK.

9 MR. WAPNER: THANK YOU. I HAVE NOTHING FURTHER.

10 THE COURT: ALL RIGHT, DO YOU INTEND TO TAKE CROSS-  
11 EXAMINATION?

12 MR. BARENS: MR. CHIER WILL TAKE IT.

13 THE COURT: YOU ARE FAMILIAR WITH THE MATTER, I SUGGEST  
14 YOU TAKE IT.

15 MR. BARENS: FOR THE PENALTY PHASE, MR. CHIER WILL  
16 CROSS-EXAMINE, YOUR HONOR.

17 MR. CHIER: IS SOMETHING WRONG, YOUR HONOR?

18 THE COURT: DO YOU WANT ME TO PUT IT ON THE RECORD?

19 MR. BARENS: WHY DON'T --

20 MR. CHIER: I CAN APPROACH IF YOU LIKE.

21 THE COURT: GO ON AHEAD.

22

23

CROSS-EXAMINATION

24

BY MR. CHIER:

25

26

Q MR. KARNY, HOW IS YOUR APPLICATION FOR  
ADMISSION TO THE STATE BAR COMING?

27

28

A I WAS REJECTED WHEN I ORIGINALLY SUBMITTED  
IT AND I HAVEN'T TRIED TO GET IN TO THE BAR SINCE THEN,

1 SO AS IT STANDS, I AM REJECTED.

2 Q THERE IS NOTHING NEW SINCE THE LAST TIME YOU  
3 WERE HERE?

4 A NO, THERE ISN'T.

5 Q NOW PRIOR TO TODAY, HOW MANY DIFFERENT TIMES  
6 WOULD YOU SAY THAT YOU HAVE BEEN INTERVIEWED BY LAW  
7 ENFORCEMENT OFFICERS CONCERNING YOUR KNOWLEDGE OF THESE  
8 EVENTS INVOLVING THE DISAPPEARANCE OF MR. LEVIN AND MR.  
9 ESLAMINIA?

10 MR. WAPNER: OBJECTION. RELEVANCE.

11 THE COURT: SUSTAINED.

12 MR. CHIER: THIS GOES TO --

13 THE COURT: WELL, DON'T ARGUE WITH ME. I SUSTAINED  
14 THE OBJECTION. GO ON TO ANOTHER QUESTION.

15 Q BY MR. CHIER: ALL RIGHT. NOW YESTERDAY, MR.  
16 KARNY, YOU TESTIFIED CONCERNING STATEMENTS ALLEGEDLY MADE  
17 BY MR. HUNT CONCERNING MR. SWARTOUT AND CONCERNING A SHOOT-  
18 OUT AT THE JACK COKER FACTORY.

19 MR. WAPNER: IS THAT JERRY COKER?

20 MR. CHIER: JERRY COKER. I AM SORRY.

21 Q DO YOU REMEMBER THAT, SIR?

22 A YES.

23 Q NOW PRIOR TO YESTERDAY, DID YOU RECEIVE A  
24 PHONE CALL FROM EITHER MR. ZOELLER OR MR. WAPNER ASKING  
25 YOU ABOUT THOSE MATTERS IN PARTICULAR?

26 A I DON'T BELIEVE I RECEIVED A PHONE CALL BUT  
27 I SPOKE ON THE PHONE WITH HIM ABOUT IT.

28 I THINK I CALLED HIM.

1 Q THEN I STAND CORRECTED AS TO HOW OR WHAT THE  
2 ORIGIN OF THE CALL WAS.

3 BUT YOU HAD A TELEPHONE CALL CONCERNING THOSE  
4 MATTERS, RIGHT?

5 A YES.

6 Q DID MR. ZOELLER TELL YOU THAT THE EVIDENCE  
7 HAD THUS FAR BEEN INSUFFICIENT TO CONNECT MR. HUNT TO THOSE  
8 ALLEGED ACTS OF MISCONDUCT, MR. KARNY?

9 A NO.

10 HE JUST ASKED ME WHAT I KNEW ABOUT EITHER OF  
11 THESE TWO SITUATIONS.

12 THE COURT: JUST A MINUTE. WILL YOU APPROACH THE  
13 BENCH, PLEASE?

14 (THE FOLLOWING PROCEEDINGS WERE HELD  
15 AT THE BENCH OUTSIDE THE HEARING OF THE  
16 JURY:)

17 THE COURT: ARE YOU GOING TO INTRODUCE ANY EVIDENCE  
18 THAT MR. ZOELLER TOLD HIM THAT THERE WAS INSUFFICIENT  
19 EVIDENCE TO PROSECUTE ON THESE PARTICULAR CHARGES, ARE YOU  
20 GOING TO PRODUCE ANY EVIDENCE THAT HE TOLD HIM THAT?

21 MR. CHIER: I WAS ABOUT TO ELICIT --

22 THE COURT: ARE YOU GOING TO PRODUCE ANY EVIDENCE  
23 THAT MR. ZOELLER TOLD HIM THAT THEY HAD INSUFFICIENT  
24 EVIDENCE IN ORDER TO JUSTIFY THAT PARTICULAR PROSECUTION?

25

26

27

28

20-1  
1 MR. CHIER: IF I MAY BE PERMITTED TO CONTINUE EXAMINING --  
2 THE COURT: NO. I WANT TO FIND OUT FROM YOU WHETHER  
3 OR NOT YOU HAVE ANY EVIDENCE TO SUBSTANTIATE THAT PARTICULAR  
4 QUESTION.

5 MR. CHIER: ONLY CIRCUMSTANTIAL EVIDENCE.

6 THE COURT: WHAT CIRCUMSTANTIAL EVIDENCE DO YOU HAVE  
7 TO --

8 MR. CHIER: CIRCUMSTANTIAL EVIDENCE THAT HE IN TWO --

9 THE COURT: THAT MR. ZOELLER TOLD HIM THERE WAS  
10 INSUFFICIENT EVIDENCE?

11 MR. CHIER: YOUR HONOR, I CAN'T --

12 THE COURT: I ASKED YOU WHETHER OR NOT YOU --

13 MR. CHIER: I CAN'T ANSWER YOU IF YOU DON'T LET ME SPEAK.

14 THE COURT: DON'T YOU EVER DARE ASK ANY QUESTIONS WHICH  
15 YOU KNOW THERE IS NO BASIS FOR IT TO ANY WITNESS. THERE IS  
16 NO BASIS FOR IT. YOU HAVE NO EVIDENCE TO JUSTIFY THE  
17 STATEMENT THAT YOU MADE.

18 THAT IS WHY I ASKED YOU PARTICULARLY ABOUT THIS  
19 STATEMENT.

20 DO YOU HAVE ANY EVIDENCE THAT MR. ZOELLER TOLD  
21 HIM THAT THEY HAVE INSUFFICIENT EVIDENCE?

22 MR. CHIER: THERE IS CIRCUMSTANTIAL EVIDENCE --

23 THE COURT: WHAT CIRCUMSTANTIAL EVIDENCE? THERE CAN'T  
24 BE CIRCUMSTANTIAL EVIDENCE. THERE MUST BE DIRECT EVIDENCE  
25 THAT MR. ZOELLER TOLD HIM THAT. DID MR. ZOELLER TELL HIM  
26 THAT?

27 MR. CHIER: THERE MUST BE DIRECT EVIDENCE?

28 THE COURT: YOU SAID THAT --

20-2  
1 MR. CHIER: I STAND CORRECTED.

2 THE COURT: DON'T YOU EVER ASK ANY QUESTIONS UNLESS  
3 YOU ARE ABLE TO BACK IT UP WITH LATER TESTIMONY. YOU  
4 UNDERSTAND THAT?

5 DON'T BE THROWING OUT QUESTIONS AND ASSUMING THAT  
6 THAT IS A FACT WHEN IT ISN'T A FACT. THAT IS WHY I DIDN'T  
7 WANT YOU HERE IN THIS CASE. YOU ARE UNSCRUPULOUS. THAT IS  
8 WHY I DIDN'T WANT YOU TO QUESTION HIM.

9 THAT IS WHY I WANTED HIM TO QUESTION THE WITNESS.

10 MR. BARENS: YOUR HONOR, THE JURY CAN HEAR YOU.

11 THE COURT: THE JURY CAN'T HEAR ME. THAT IS WHY I WANTED  
12 HIM TO DO IT BECAUSE OF THE SLEAZY WAYS YOU HAVE ASKING  
13 QUESTIONS.

14 MR. BARENS: YOUR HONOR, IF YOU --

15 THE COURT: I WANT YOU TO BE CAREFUL. I WILL HOLD YOU  
16 IN CONTEMPT.

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

20 Q BY MR. CHIER: MR. KARNY, IN THE APPROXIMATELY  
21 TWO AND A HALF YEARS SINCE YOU GAVE YOUR FIRST STATEMENT,  
22 DID YOU PRIOR TO MAY 17, 1987, EVER GIVE ANY LAW ENFORCEMENT  
23 PERSON A STATEMENT CONCERNING YOUR KNOWLEDGE, ALLEGED KNOWLEDGE  
24 OF MR. HUNT'S STATEMENT CONCERNING MR. SWARTOUT AND MR. COKER?

25 A YES.

26 Q AND WHEN DID YOU DO THAT FOR THE FIRST TIME, SIR?

27 A I DON'T REMEMBER WHEN I DID IT FOR THE FIRST TIME  
28 ALTHOUGH I KNOW THAT I MADE MENTION AT LEAST THAT I HAD KNOWLEDGE

20-3  
1 REGARDING THE INCIDENT WITH MR. SWARTOUT BEFORE I EVER WENT  
2 AND SAW OSCAR BREILING FOR THE FIRST TIME.

3 Q HAD YOU EVER MADE MENTION OF A MEETING IN THE  
4 BBC OFFICES BETWEEN MR. HUNT AND MR. SWARTOUT CONCERNING OR  
5 JUST PRIOR TO THIS ALLEGED ACID THROWING INCIDENT?

6 A I AM -- WHEN I SAID WHAT I KNEW, I DIDN'T ALWAYS  
7 DESCRIBE THINGS IN TERMS OF SPECIFIC MEETINGS. I SAID WHAT  
8 HAPPENED TO MY KNOWLEDGE.

9 I DON'T REMEMER IF I DESCRIBED AN ACTUAL  
10 CONVERSATION OR A MEETING. I JUST SAID THAT I KNEW ABOUT  
11 IT.

12 Q PRIOR TO TESTIFYING HERE IN THESE PROCEEDINGS,  
13 HAVE YOU REVIEWED ANY POLICE REPORTS OR INTERVIEWS OF YOURSELF  
14 AS GIVEN TO ANY LAW ENFORCEMENT PERSON TO REFRESH YOUR  
15 RECOLLECTION?

16 A YES I HAVE.

17 Q AND DO YOU RECALL HAVING REVIEWED ANY INTERVIEWS  
18 WHEREIN YOU GAVE THE DETAILS THAT YOU OFFERED IN THE  
19 TELEPHONE CONVERSATION OF MAY 17?

20 A ALL I REALLY REVIEWED WAS TRANSCRIPTS OF PRIOR  
21 COURT PROCEEDINGS AND I DON'T THINK IT EVER CAME UP.

22 Q OKAY. YOU HAVE NOT THEN AS I UNDERSTAND IT,  
23 REVIEWED ANY INTERVIEWS BETWEEN YOURSELF AND MR. BREILING  
24 FOR EXAMPLE?

25 A NO. I DID -- ACTUALLY, TO TELL YOU THE TRUTH,  
26 THERE WAS A STATEMENT THAT I MADE THE VERY FIRST DAY THAT  
27 I MET HIM IN FRONT OF A COURT REPORTER.

28 Q RIGHT.



20-4  
1           A           AND ALTHOUGH THERE WAS SOME MENTION MADE ABOUT  
2 THE SWARTOUT INCIDENT, I DON'T THINK HE ASKED ME ANY QUESTIONS  
3 ABOUT IT.

4           Q           WELL, IF I MIGHT ASK YOU A COUPLE OF QUESTIONS  
5 NOW, AS YOU RECALL IT, THE INCIDENT INVOLVING MR. SWARTOUT  
6 OCCURRED IN THE MONTH OF JULY OR AUGUST?

7           A           THE BEST RECOLLECTION I HAVE IS THAT IT WAS OVER  
8 THE SUMMER OF 1984. I REALLY DON'T REMEMBER WHICH MONTHS.

9           Q           YOU ARE FAIRLY CLEAR IN YOUR RECOLLECTION THAT  
10 IT WAS OVER THE SUMMER AS DISTINGUISHED FROM THE SPRING, THE  
11 EARLY SPRING?

12          A           I AM MOST CLEAR ABOUT IT IN RELATION TO WHEN IT  
13 OCCURRED WITH REGARD TO OUR NEGOTIATIONS WITH MR. KILPATRICK.

14                    IT WAS DURING THAT TIME. AND I CAN'T PINPOINT  
15 WHEN DURING THE YEAR WE WERE HAVING THE NEGOTIATIONS WITH  
16 BILL KILPATRICK.

17                    IF THAT WAS IN THE SUMMER, IT HAPPENED IN THE  
18 SUMMER. IF THAT WAS IN THE SPRING, IT HAPPENED IN THE SPRING.  
19 SO I CAN'T TELL YOU WITH REGARD TO THE DATE BUT ONLY WITH  
20 REGARD TO WHAT ELSE WAS HAPPENING.

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1 Q WELL NOW AS I UNDERSTAND IT, THERE HAD BEEN  
2 A FAILED MERGER BETWEEN MR. SWARTOUT AND THE BBC PEOPLE,  
3 CORRECT?

4 A A FAILED MERGER?

5 Q A MERGER OF THE TWO COMPANIES THAT DIDN'T --  
6 THAT WAS ABORTED OR RESCINDED.

7 A YES.

8 Q IS THAT CORRECT?

9 A YES.

10 Q AND THERE WAS A DISCUSSION ABOUT GOING AHEAD  
11 WITH SOME OF THE PLANS WITH MR. KILPATRICK AND MAKING AN  
12 END RUN, SO TO SPEAK, AROUND MR. SWARTOUT FOR REASONS BASED  
13 UPON MISREPRESENTATIONS, CORRECT?

14 A BASED ON MISREPRESENTATIONS?

15 Q OF MR. SWARTOUT TO THE BBC PEOPLE?

16 A I DON'T REALLY KNOW ANYTHING ABOUT THE MIS-  
17 REPRESENTATIONS.

18 THERE WAS DISCUSSION ABOUT AN END RUN BUT TO  
19 BE HONEST, ANY TALK ABOUT MISREPRESENTATIONS WAS JUST A  
20 POSTURE THAT WE WOULD HAVE ASSUMED TO GET OUT OF IT LEGALLY.

21 Q YOU ARE NOT AWARE OF THE FACT THAT MR. SWARTOUT'S  
22 COMPANIES WERE FOUND TO HAVE MASSIVE DEBT FAR IN EXCESS  
23 OF THAT DISCLOSED TO THE BBC PEOPLE?

24 A I AM NOT AWARE OF THAT, NO.

25 Q NOW, WOULD IT STILL MAKE THE CLAIM OF  
26 MISREPRESENTATION AS POSTURING, IF IN FACT THERE HAD BEEN  
27 UNDISCLOSED MASSIVE DEBT, MR. KARNY?

28 MR. WAPNER: OBJECTION. CALLS FOR SPECULATION.

1 THE COURT: SUSTAINED.

2 Q BY MR. CHIER: NOW, THE TIME THAT THIS ALLEGED  
3 ATTACK ON MR. SWARTOUT OCCURRED, THERE WAS NO PARTICULAR  
4 MOTIVE TO BE GAINED BY HARASSING HIM, WAS THERE? WAS THERE  
5 ANY END TO BE ACHIEVED?

6 A AT THE TIME OF THE INCIDENT THAT HE DESCRIBED?

7 Q YES.

8 A YES, THERE WAS.

9 Q WHAT WAS THE END TO BE ACHIEVED BY THIS?

10 A TO STOP HIM FROM GETTING IN THE WAY OF A  
11 CONTRACT THAT WE HOPED TO PUT TOGETHER WITH MR. KILPATRICK.

12 Q AND WERE YOU ADVISED ABOUT THIS ATTACK ON  
13 MR. SWARTOUT BEFORE IT TOOK PLACE?

14 A YES.

15 Q AND DID YOU CONCUR IN THE WISDOM OF DOING THIS?

16 A I GUESS I DID.

17 Q WHAT DO YOU MEAN YOU GUESS YOU DID?

18 A I WENT ALONG WITH IT.

19 Q AND WHO WAS IT THAT EXPLAINED IT TO YOU?

20 A IT WAS DISCUSSED BETWEEN JOE AND MYSELF AND  
21 JIM AND, AS I SAID BEFORE, I THINK BEN DOSTI AS WELL.

22 Q DID YOU HAVE A MEETING SPECIFICALLY TO DISCUSS  
23 THIS INTENDED -- WELL, AS FAR AS YOU KNEW, IT WAS ELIMINATION  
24 OF MR. SWARTOUT, WASN'T IT?

25 A YES, IT WAS.

26 Q AND MR. PITTMAN HAD ACQUIRED THIS CONTACT POISON,  
27 AS IT WERE?

28 A THAT IS WHAT HE SAID.

21-3

1 Q AND WAS PREPARED TO GO DOWN THERE AND PUT IT  
2 ON MR. SWARTOUT AND TO ELIMINATE HIM AS A BUSINESS COMPETITOR?

3 A THAT'S RIGHT.

4 Q AND THIS WAS CONDUCT WHICH YOU SAY NOT ONLY  
5 OCCURRED WHICH WAS SANCTIONED BY YOU AT A MEETING WHERE  
6 IT WAS FULLY DISCLOSED?

7 A I WAS PRESENT AT A MEETING.

8 IT WASN'T A MEETING THAT WAS CALLED SPECIFICALLY  
9 FOR THAT PURPOSE.

10 AND I WENT ALONG WITH THE IDEA. I LISTENED.  
11 BY MY PRESENCE AND MY ATTITUDE, I GAVE MY ENCOURAGEMENT,  
12 YES.

13 Q WHEN YOU SAY YOU WENT ALONG WITH IT, WERE YOU  
14 UNDER THE INFLUENCE OF ANY TYPE OF SUBSTANCE OR DURESS OR  
15 COERCION?

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1 A NO.

2 Q HAD ANYBODY THREATENED YOU?

3 A NO.

4 Q WERE YOU HYPNOTIZED?

5 A NO.

6 Q AND MR. PITTMAN HAD REPRESENTED HIMSELF AS  
7 A BLACK BELT IN SOME TYPE OF MARTIAL ARTS?

8 A THAT'S RIGHT.

9 Q WAS THAT TRUE?

10 A I DON'T KNOW.

11 Q DID MR. PITTMAN TELL YOU THAT HE HAD STUDIED  
12 MARTIAL ARTS IN OKINAWA UNDER A MASTER KONG?

13 THE COURT: I DON'T GET THE MATERIALITY OF THIS. ON  
14 THE COURT'S OWN OBJECTION, I WILL SUSTAIN IT.

15 YOU GO AHEAD ONTO SOMETHING ELSE.

16 MR. CHIER: MAY I APPROACH AND MAKE AN OFFER OF PROOF?

17 THE COURT: NO, YOU MAY NOT APPROACH, NO. JUST GET  
18 ON TO SOMETHING ELSE, WILL YOU?

19 MR. CHIER: LET ME GO BACK A MINUTE. EXCUSE ME, PLEASE.

20 (PAUSE.)

21 Q BY MR. CHIER: NOW, DID YOU HAVE A LADY FRIEND  
22 IN THE SUMMER OF 1984 BY THE NAME OF RENEE?

23 A NO.

24 THAT WAS JEFF RAYMOND'S GIRLFRIEND.

25 Q DID YOU HAVE A GIRLFRIEND WHOSE LAST NAME WAS  
26 GOBEL?

27 A YES, SOBEL.

28 Q DID SHE LOOK SOMETHING LIKE BROOKE ROBERTS,

1 THE SAME TYPE?

2 A YES.

3 Q WAS SHE WITH YOU ON ONE OF THE OCCASIONS THAT  
4 YOU WERE EXAMINING HOMES ON BEVERLY GLEN?

5 A NO.

6 Q AT NO TIME WAS SHE WITH YOU DURING THE COURSE  
7 OF THAT SEARCH?

8 A ABSOLUTELY NOT.

9 Q WAS THE HOME YOU LOOKED AT IN LAKE ARROWHEAD  
10 FURTHER AWAY FROM THE NEIGHBORING HOUSES THAN THE ONE ON  
11 BEVERLY GLEN?

12 A WE LOOKED AT SEVERAL HOMES IN ARROWHEAD. SOME  
13 WERE CLOSER. SOME WERE FARTHER.

14 Q DID YOU SEE ONE IN PARTICULAR WHICH WAS MORE  
15 SECLUDED THAN THE ONE IN THE MIDDLE OF WEST LOS ANGELES?

16 A YES.

17 Q NOW IT IS YOUR TESTIMONY, MR. KARNY, THAT MR.  
18 HUNT ASSIGNED A NUMBER OF TASKS TO THE PEOPLE WHO WERE GOING  
19 TO PARTICIPATE IN THIS ESLAMINIA ABDUCTION, CORRECT?

20 A WHAT I SAID WAS THAT WE ASSIGNED THE TASKS  
21 IN A COMMITTEE AND THAT JOE COORDINATED THAT COMMITTEE  
22 ACTIVITY.

23 Q DID YOU ASSUME THE RESPONSIBILITY FOR PURCHASING  
24 HANDCUFFS?

25 A YES.

26 Q WERE YOU TOLD TO DO THAT BY ANYBODY?

27 A I REALLY DON'T REMEMBER WHETHER I WAS TOLD  
28 TO DO IT OR WHETHER IT CAME UP AS SOMETHING THAT HAD TO  
29 BE DONE AND I SAID I WOULD DO IT, I DON'T REMEMBER.

22-1  
1 Q DID YOU ASSUME THE RESPONSIBILITY FOR PURCHASING  
2 THE FOOTLOCKERS, TRUNKS?

3 A YES.

4 Q DID ANYBODY TELL YOU TO DO THAT?

5 A I TOLD YOU HOW THE DECISIONS WERE MADE. I WAS  
6 NOT TOLD TO DO THINGS. BUT WE DECIDED AS A GROUP WHO WOULD  
7 DO WHAT.

8 Q YOUR ANSWER WOULD BE THE SAME WITH RESPECT TO  
9 THE DELIVERY UNIFORMS?

10 A YES.

11 Q AND THE MOUTH GAGS?

12 A RIGHT.

13 Q AND WHAT ELSE WAS IT THAT YOU PURCHASED, SIR?

14 A WELL, I RENTED THE POLICE UNIFORMS.

15 Q ALL RIGHT.

16 A AND --

17 Q WHATEVER HAPPENED TO THE HANDCUFFS?

18 A I DON'T KNOW.

19 Q WHATEVER HAPPENED TO THE DELIVERY UNIFORMS?

20 A BEN AND I THREW THEM AWAY THE NEXT DAY.

21 Q WHATEVER HAPPENED TO ALL OF THESE DOCUMENTS THAT  
22 MR. HUNT PREPARED FOR THE TRANSFER OF THESE UNKNOWN ASSETS?

23 A THEY SAT AROUND IN A BAG. AND AT SOME POINT,  
24 I GAVE THE BAG TO OSCAR BREILING ON THE DAY I WENT TO SEE  
25 HIM.

26 Q AND THAT WAS ON THE 28TH OF NOVEMBER, 1984?

27 A I THINK THAT IS WHEN IT WAS.

28 Q AND THAT WAS AFTER MR. HUNT HAD BEEN ARRESTED

1 IN CONNECTION WITH THE LEVIN CASE?

2 A YES.

3 Q AND IT WAS AFTER YOU SAW THE PICTURE OF  
4 MR. ESLAMINIA WHICH CAUSED YOU TO HAVE REGRETS ABOUT THINGS  
5 THAT YOU CLAIM TO HAVE DONE?

6 A YES.

7 Q AND IS IT YOUR TESTIMONY SIR, THAT YOU NEVER  
8 TOUCHED THE TRUNK, UNTIL THE TIME THAT IT WAS IN SOLEDAD  
9 CANYON?

10 MR. WAPNER: OBJECTION. THAT MISSTATES THE EVIDENCE.

11 THE COURT: SUSTAINED. HE TESTIFIED TO WHAT HE DID  
12 TO THE TRUNK WHEN HE WAS IN THE BACK OF THE PICKUP TRUCK.

13 MR. CHIER: JUST A MOMENT, PLEASE.

14 (PAUSE.)

15 Q BY MR. CHIER: LET ME COME BACK TO THAT IN A MINUTE.  
16 MR. KARNY, YOU SAY THAT YOU MET MR. REZA  
17 ELAMINIA FOR THE FIRST TIME IN 1984?

18 A THAT'S RIGHT.

19 Q DO YOU RECALL WHAT MONTH IT WAS?

20 A I REALLY DON'T.

21 Q DO YOU RECALL WHETHER YOU MET HIM BEFORE JOE  
22 MET HIM?

23 A NO I DON'T.

24 Q DO YOU RECALL THE CIRCUMSTANCES OF YOUR MEETING  
25 HIM?

26 A YES.

27 Q AND WHO INTRODUCED YOU TO HIM?

28 A BEN DOSTI.



2? - 3  
1 Q AND WHAT DID MR. BEN DOSTI TELL YOU ABOUT WHO  
2 HE WAS?

3 A AT THAT TIME? I DON'T RECALL HIM TELLING ME  
4 ANYTHING ABOUT HIM.

5 Q DID MR. DOSTI TELL YOU ANYTHING ABOUT WHO HIS  
6 FATHER WAS AT THE TIME YOU MET HIM?

7 A I DON'T THINK SO.

8 Q AND HOW WAS HE DESCRIBED OR CHARACTERIZED TO YOU  
9 BY MR. DOSTI AT THE TIME?

10 A I DON'T THINK THERE REALLY WAS A CHARACTERIZATION.  
11 IT WAS A PARTY. THIS IS A FRIEND THAT BEN BROUGHT.

12 Q AND DID MR. DOSTI AT THAT INITIAL MEETING, PROPOSE  
13 THAT THE BBC PEOPLE TAKE MR. ESLAMINIA IN AS A MEMBER?

14 A I DON'T THINK SO ALTHOUGH IT WAS SOMETHING WE  
15 TALKED ABOUT EVENTUALLY.

16 Q ON THE FIRST OCCASION OF YOUR MEETING HIM?

17 A NO.

18 Q WHEN WAS THE SECOND OCCASION THAT YOU MET HIM  
19 OR SAW MR. ESLAMINIA?

20 A I SAY THAT I THINK IT WAS ONE TIME SHORTLY AFTER  
21 THAT WHEN HE CAME TO VISIT BEN AT THE OFFICE.

22 Q AND EITHER AT THAT TIME OR AFTER HIS DEPARTURE,  
23 DID MR. DOSTI TELL YOU ANYTHING ABOUT MR. REZA ESLAMINIA?

24 A EVENTUALLY, YEAH. HE DID TELL US THAT HIS FATHER  
25 HAD BEEN AN IMPORTANT PERSON IN IRAN.

26 THE COURT: WHO IS "US"?

27 THE WITNESS: JOE AND MYSELF, AS I RECALL. WE SPENT  
28 A LOT OF TIME TOGETHER. AND AT SOME POINT BEFORE WE STARTED

22-11  
1 PLANNING THIS CRIME BUT AFTER MY FIRST MEETING, BEN DID TELL  
2 SOME MORE INFORMATION ABOUT WHO REZA WAS AND WHO HIS FATHER  
3 WAS.

4 Q BY MR. CHIER: WHAT SPECIFICALLY DID REZA TELL  
5 YOU ABOUT WHAT REZA'S RELATIONSHIP WITH HIS FATHER WAS?

6 THE COURT: DO YOU MEAN BEN DOSTI?

7 MR. CHIER: SORRY.

8 Q WHAT DID BEN DOSTI TELL YOU ABOUT REZA'S  
9 RELATIONSHIP WITH HIS FATHER?

10 A HE SAID THAT IT WAS A VERY BAD RELATIONSHIP AND  
11 THAT HIS FATHER HAD A LOT OF MONEY BUT HE WAS NOT HELPING  
12 REZA AT ALL. AND IT WAS A BAD RELATIONSHIP.

13 Q DID MR. DOSTI TELL YOU ABOUT A STATEMENT MADE  
14 BY REZA ESLAMINIA CONCERNING ALLEGED ACTS OF TORTURE COMMITTED  
15 BY REZA ESLAMINIA?

16 THE COURT: BY REZA?

17 MR. CHIER: YES.

18 THE WITNESS: ACTS OF TORTURE COMMITTED BY REZA?

19 Q BY MR. CHIER: YES, IN IRAN.

20 A NO.

21 Q YOU NEVER HEARD THAT?

22 A BY REZA ESLAMINIA?

23 MR. CHIER: SORRY. IT WAS HADAYET ESLAMINIA.

24 THE COURT: YOU ARE GETTING A LITTLE CONFUSED. THINK  
25 OVER YOUR QUESTIONS BEFORE YOU ASK THEM.

26 THE WITNESS: NO, NOTHING ABOUT ACTS OF TORTURE. BUT  
27 HE DID SAY THAT HE HAD BEEN A HIGH RANKING OFFICIAL IN THE  
28 SHAH'S GOVERNMENT. THAT WAS REALLY WHAT HE SAID.

1 Q BY MR. CHIER: DO YOU KNOW WHETHER WHEN REZA  
2 ESLAMINIA WAS INTRODUCED TO YOU, THE IDEA OF ABDUCTING HIS  
3 FATHER WAS ALREADY HIS OWN?

4 A I HAVE NO IDEA.

5 Q DO YOU KNOW WHERE THAT IDEA CAME FROM?

6 A I ONLY KNOW WHERE I FIRST HEARD IT. I DON'T KNOW  
7 WHO ORIGINATED THE IDEA.

8 Q DID YOU EVER TALK TO REZA ESLAMINIA ABOUT HIS  
9 FATHER?

10 A YES.

11 Q WHAT DID HE SAY ABOUT HIS FATHER?

12 A HE SAID A LOT OF THINGS OVER THE COURSE OF OUR  
13 DISCUSSIONS. HE TALKED ABOUT HIS FATHER'S WEALTH.

14 HE TALKED ABOUT HOW HIS FATHER TREATED HE AND  
15 HIS MOTHER BADLY.

16 HE TALKED ABOUT A DRUG HABIT THAT HE SAID HIS  
17 FATHER HAD.

18 Q WHAT DID HE SAY ABOUT THE TREATMENT RECEIVED BY  
19 HIM AND HIS MOTHER?

20 A WELL BASICALLY, THAT HIS FATHER HAD CUT THEM OFF  
21 FINANCIALLY IN THE COURSE OF THE DIVORCE.

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1 Q AND ANYTHING WORSE THAN THAT THAT YOU RECALL?

2 A NOT THAT HE SAID TO ME.

3 Q DID HE SAY ANYTHING IN THE COURSE OF YOUR  
4 CONVERSATIONS WITH HIM THAT MOTIVATED YOU TO BE THE PERSON  
5 WILLING TO TAPE THE HOLE, THE AIR HOLES IN THE FOOT LOCKER  
6 IN THE BACK OF THE TRUCK?

7 A THAT WAS DONE FOR A COMPLETELY DIFFERENT REASON,  
8 UNDER COMPLETELY DIFFERENT CIRCUMSTANCES.

9 THERE WAS NO MOTIVATION THAT WAS BORNE FOR  
10 THAT BEFOREHAND.

11 Q OKAY, ALL RIGHT. SO THE MOTIVATION OPERATIVE  
12 AT THAT TIME WAS FINANCIAL GAIN AND NOT REVENGE ON --

13 A I --

14 MR. WAPNER: OBJECTION. ASSUMES FACTS NOT IN EVIDENCE.  
15 MISSTATES THE EVIDENCE, YOUR HONOR.

16 THE COURT: YOU ANSWER THE QUESTION, IF YOU CAN, WILL  
17 YOU, PLEASE?

18 THE WITNESS: I HAD -- I DIDN'T KNOW MR. ESLAMINIA  
19 AND THE FACT THAT REZA MAY HAVE BEEN MISTREATED BY HIM  
20 DIDN'T -- DIDN'T MAKE ME ESPECIALLY UPSET SO I DIDN'T HAVE  
21 A REVENGE MOTIVATION.

22 THE REASON FOR FIRST INVOLVING MYSELF IN THAT  
23 PLAN TO BEGIN WITH WAS WHAT I FELT WAS -- SURE, IT WAS FOR  
24 FINANCIAL GAIN SO THAT THE BBC COULD REBUILD ITSELF AND  
25 WE COULD GET ON WITH WHAT WE WERE TRYING TO DO.

26 Q BY MR. CHIER: SO YOU IN NO WAY ATTEMPTED TO  
27 JUSTIFY WHAT YOU DID BY THE BAD CONDUCT OF MR. HADAYET  
28 ESLAMINIA?

1 A NO.

2 Q NOW, MR. HUNT ASSIGNED HIMSELF THE TASK OF  
3 RESEARCHING THE TORTURE METHODS?

4 A YES.

5 Q AND DID HE DO THAT?

6 A I THINK HE DIDN'T.

7 Q YOU THINK HE DID NOT?

8 A RIGHT.

9 Q YOU KNOW THAT HE DID NOT, RIGHT?

10 A I DON'T KNOW THAT HE DID NOT, BUT I DON'T THINK  
11 HE DID.

12 Q DID HE EVER TELL YOU THAT HE DID IT?

13 A HE NEVER TOLD ME THAT HE DID.

14 Q SO YOU ASSUME THAT HE DID NOT?

15 A RIGHT.

16 Q NOW, DID YOU HAVE ANY SPECIFIC UNDERSTANDING  
17 WITH REZA ESLAMINIA AS TO WHAT THE DIVISION OF THE PROCEEDS  
18 WOULD BE IF YOU WERE SUCCESSFUL IN COMMANDEERING HIS ASSETS?

19 THE COURT: WHAT DO YOU MEAN BY "YOU", HIMSELF OR  
20 DO YOU MEAN THE WHOLE GROUP?

21 MR. CHIER: THE GROUP.

22 THE COURT: INCLUDING MR. HUNT?

23 MR. CHIER: WHOEVER WAS PART AND PARTY TO THIS  
24 AGREEMENT, YOUR HONOR.

25 THE COURT: ALL RIGHT.

26 THE WITNESS: THERE WAS AN UNDERSTANDING, ALTHOUGH  
27 I NEVER -- I NEVER REALLY DISCUSSED THAT WITH REZA MYSELF.

28 I WAS TOLD BY JOE THAT THERE WOULD BE SOME

1 KIND OF A SPLIT AND I KNOW THERE WAS A PERCENTAGE MENTIONED  
2 BUT I DON'T REMEMBER WHAT IT WAS.

3 AND AS I SAY, WE WERE TRYING TO INTEGRATE REZA  
4 INTO OUR GROUP ANYWAY SO THE ISSUE OF THE PARTICULAR  
5 DIVISION WASN'T THAT IMPORTANT.

6 Q BY MR. CHIER: THE AMOUNT OF MONEY THAT YOU  
7 WOULD REALIZE FROM THIS TRANSACTION WAS NOT IMPORTANT?

8 A NO.

9 THE ISSUE OF A DIVISION WASN'T THAT IMPORTANT  
10 BECAUSE WE FELT THAT REZA WAS ONE OF US ANYWAY AND WE USED  
11 TO SHARE WHATEVER WE HAD.

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1 Q SO AS I UNDERSTAND THAT, THIS THING WAS UNDER-  
2 TAKEN WITHOUT ANY CLEAR UNDERSTANDING AS TO WHAT AND HOW  
3 MUCH THE BENEFIT WAS GOING TO BE IN A SPECIFIC SENSE?

4 A AS I TOLD YOU, THERE WAS A PERCENTAGE MENTIONED  
5 BUT IT WASN'T GIVEN A GREAT DEAL OF IMPORTANCE AND EMPHASIS  
6 BECAUSE WE FELT THAT AS A RELATIONSHIP HAD DEVELOPED BETWEEN  
7 US AND REZA, IT DIDN'T MATTER THAT MUCH.

8 Q NOW, THE PLAN, AS YOU HAVE DESCRIBED IT,  
9 EVOLVED OVER A PERIOD OF TIME, RIGHT?

10 A RIGHT.

11 Q A PERIOD OF WEEKS?

12 A A FEW WEEKS.

13 Q AND EACH OF THOSE WHO WERE INVOLVED IN THIS  
14 PLAN CONTRIBUTED SOMETHING TO THE PLAN, CORRECT, BY WAY  
15 OF CONCEPT OR --

16 A AS I SAID, WE TALKED ABOUT IT AS A GROUP  
17 AND --

18 Q YOUR ANSWER IS YES?

19 A YES.

20 Q ALL RIGHT. AND HAVE YOU THOUGHT ABOUT, AND  
21 CAN YOU TELL US TODAY WHAT YOUR SPECIFIC CONTRIBUTION WAS  
22 TO THIS PLAN, OTHER THAN GOING SHOPPING FOR THESE PEOPLE,  
23 IN A CONCEPTUAL SENSE?

24 A I PARTICIPATED IN DISCUSSIONS REGARDING  
25 VIRTUALLY EVER ASPECT OF THE PLAN.

26 Q OKAY. THE PLAN WAS TO KIDNAP HADAYET ESLAMINIA,  
27 RIGHT?

28 A THAT'S RIGHT.

1 Q AND TO SECURE A SECLUDED PLACE TO KEEP HIM,  
2 RIGHT?

3 A THAT'S RIGHT.

4 Q AND TO GET HIM TO TELL WHAT HIS ASSETS WERE?

5 A THAT'S RIGHT.

6 Q AND TO TRANSFER HIS ASSETS TO THE BBC?

7 A EITHER TO THE BBC OR TO REZA OR TO SOME ENTITY  
8 WHICH WE WERE GOING TO CREATE FOR THAT PURPOSE.

9 Q SO IT IS MY UNDERSTANDING THAT MR. HUNT HAD  
10 DRAWN UP A NUMBER OF PAPERS IN ANTICIPATION OF THE TRANSFER  
11 OF THESE ASSETS; I ASSUME THAT THESE PAPERS ASSUMED SOME  
12 SPECIFIC STRUCTURE FOR THIS TRANSFER?

13 A NOT REALLY.

14 WHAT HE DID WAS, HE JUST GOT TOGETHER A  
15 BUNCH OF STUFF. IT WAS DONE KIND OF HURRIEDLY. NOTHING  
16 WAS MADE UP SPECIFICALLY AT THAT TIME.

17 YOU SEE, THIS WAS DONE BEFORE THE ABDUCTION.

18 Q I UNDERSTAND.

19 A SO THESE AREN'T -- THESE AREN'T PAPERS LIKE  
20 THE POWER OF ATTORNEY WHICH HAD MR. ESLAMINIA'S NAME ON  
21 THEM PER SE. BUT THEY WERE JUST MODELS AND FORMATS, JUST  
22 ANYTHING THAT COULD BE USED LATER DURING THE COURSE OF THE  
23 SEVERAL WEEKS THAT WE INTENDED TO KEEP MR. ESLAMINIA.

24 Q CAN YOU TELL US WHAT THESE PAPERS WERE THAT  
25 WERE PREPARED IN ADVANCE OF THE ABDUCTION OF MR. ESLAMINIA?

26 A I DIDN'T REALLY LOOK TOO CAREFULLY AT THEM.

27 Q WHAT WAS IT ABOUT THEM THAT ENABLES YOU TO  
28 CHARACTERIZE THEM AS DOCUMENTS PREPARED IN ANTICIPATION



1 OF THE TRANSFER OF THESE ASSETS?

2 A I WOULD HAVE TO TELL YOU THAT THEY WERE MORE  
3 GATHERED AND COMPILED THAN PREPARED.

4 AT THE OFFICE, WE HAD A LIBRARY OF BUSINESS  
5 FORMS IN OUR LAW ROOM, THESE BLUE, I THINK THEY ARE CALLED  
6 MATTHEW BENDER BOOKS, WHICH CONTAINED FORMS OF BUSINESS  
7 CONTRACTS AND TRANSACTIONS. A NUMBER OF THOSE BOOKS, JOE  
8 BROUGHT. HE BROUGHT A TYPEWRITER. HE BROUGHT A BUNCH OF  
9 CONTRACTS THAT WE HAD WRITTEN FOR OTHER PURPOSES, JUST THINGS  
10 THAT WOULD BE USEFUL AS FORMS OR AS IDEAS ONCE WE STARTED  
11 EVEN THINKING ABOUT HOW AND WHAT WE WERE GOING TO OBTAIN  
12 FROM MR. ESLAMINIA.

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1 Q SO THAT IN FACT, THERE WERE NO SPECIFIC DOCUMENTS  
2 PREPARED AS A MATTER OF SPEAKING?

3 A BEFORE THE ABDUCTION, I DON'T THINK THERE WERE.

4 Q OKAY. NOW, DID YOU AS A GROUP COLLECTIVELY HAVE  
5 ANY IDEA WHAT THESE ASSETS CONSISTED OF OR WHAT FORM THEY  
6 WERE IN?

7 A REZA HAD MADE MENTION OF CASH, OF COURSE. AND  
8 HE SAID THAT HIS FATHER MAY HAVE OWNED VARIOUS RESIDENCES.

9 BUT IT WAS MORE THE FACT THAT HE HAD A GREAT DEAL  
10 OF ASSETS. THAT WAS STRESSED, NOT EXACTLY WHAT FORM THEY  
11 WERE IN.

12 Q WELL, THE GREAT DEAL OF ASSETS WERE BELIEVED TO  
13 BE IN THE FORM OF CASH?

14 A IT WAS ONE OF THE THINGS THAT WAS DISCUSSED IN  
15 PARTICULAR.

16 Q CASH?

17 A MONEY, YES.

18 Q A LOT OF CASH?

19 A YES.

20 Q ALL RIGHT. AND DID YOU UNDERSTAND WHY IT TOOK  
21 A LOT OF LEGAL DOCUMENTS AND OTHER ELABORATE PREPARATIONS  
22 FOR THE TRANSFER OF CASH FROM ONE ENTITY TO ANOTHER?

23 A WELL, THE PLAN WAS THAT IT CONSIDERED THAT IT  
24 WOULD APPEAR VERY UNUSUAL IF A MAN SUDDENLY TRANSFERS ALL  
25 OF HIS NET WORTH TO SOMEBODY ELSE.

26 Q HIS SON?

27 A HIS SON.

28 THE COURT: DID YOU FINISH YOUR ANSWER? FINISH YOUR

24 ?  
1 ANSWER.

2 THE WITNESS: WELL, OKAY. AND THE IDEA OF PERHAPS MAKING  
3 SOME PHONY TRANSACTIONS WHERE SOMETHING THAT COULD APPEAR AS  
4 AN INVESTMENT OR IT WAS EVEN CONSIDERED THAT MR. ESLAMINIA, SR.  
5 WOULD BE PHONIED UP AS AN INVESTOR IN ONE OF OUR COMPANIES.

6 THE IDEA BEING THAT IT WOULD BE DIFFICULT TO TRACE  
7 AND IT WOULD BE DIFFICULT TO DISPROVE. A LOT OF CONFUSION  
8 COULD BE CREATED SO THAT THINGS WOULDN'T LOOK AS STRANGE.

9 Q BY MR. CHIER: BUT THERE WERE NO SUCH DOCUMENTS  
10 DRAFTED TO YOUR KNOWLEDGE?

11 A I TOLD YOU THAT THERE WAS.

12 Q ALL RIGHT. OTHER THAN THE COLLECTION OF A  
13 TYPEWRITER AND SOME BOOKS FROM THE LAW LIBRARY, COULD YOU  
14 TELL US EACH PREPARATION THAT WAS MADE BY MR. HUNT FOR THE  
15 PREPARATION -- FOR THE TRANSFER OF ASSETS TO HIS SON OR TO  
16 THE BBC NOMINEE?

17 A PREPARATION OF THINGS PRIOR TO THE ABDUCTION?

18 Q YES.

19 A PREPARATORY TO TRANSFERRING ASSETS?

20 Q YES.

21 A I DON'T REMEMBER ANY OTHERS.

22 Q AND WAS THE PLAN FOR THE TRANSFER OF THESE ASSETS  
23 TO BE THE IDEA OF MR. HUNT OR WAS IT TO BE A CONSENSUS OF  
24 A GROUP THAT WAS EMBARKED UPON THIS BUSINESS?

25 A HOW IT WAS ACTUALLY GOING TO HAPPEN OR --

26 Q WHO WAS GOING TO MAKE THE DECISION ABOUT HOW THE  
27 ASSETS WERE TO BE TRANSFERRED?

28 A WELL, WE WERE DOING THINGS AS A GROUP.

24-3

1                   IN REALITY, JOE WAS THE LEADER OF OUR GROUP AND  
2 NOTHING WAS DECIDED THAT HE DIDN'T EITHER SUGGEST OR AGREE  
3 WITH.

4           Q        WAS IT TO BE MR. HUNT'S PLAN OR A GROUP PLAN?

5           A        A GROUP PLAN.

6           Q        OKAY. WAS THERE ANY SPECIFIC PLAN DEvised BY  
7 THE GROUP FOR THE TORTURE OF MR. HADAYET ESLAMINIA?

8           A        NO.

9           Q        WAS THERE ANY SPECIFIC PLAN DEvised BY THE GROUP  
10 FOR THE MURDER OF MR. ESLAMINIA?

11          A        NO THERE WAS NOT.

12          Q        AND AS OF THE DATE OF JULY 30, WAS THERE A SPECIFIC  
13 PLAN IN EFFECT FOR THE TRANSFER OF ASSETS OF MR. ESLAMINIA?

14          A        NO.

15          Q        NOW, HOW MANY DIFFERENT LOCALS DID YOU INVESTIGATE  
16 THAT WERE IN YOUR OPINION, SUITABLE FOR THIS ABDUCTION AND  
17 KIDNAPPING OF MR. ESLAMINIA?

18          A        FOR THE RENTAL OF THE HOUSE, YOU MEAN?

19          Q        PALM SPRINGS, LAKE ARROWHEAD AND LOS ANGELES?

20          A        RIGHT.

21          Q        AND HOW MANY DIFFERENT DWELLINGS OR HOUSES DID  
22 YOU LOOK AT IN THE COURSE OF THIS SEARCH OF YOURS?

23          A        PERHAPS SEVEN.

24          Q        AND ON THE SEVEN OR SO OCCASIONS THAT YOU INSPECTED  
25 THE FACILITIES, HOW MANY OCCASIONS WAS MR. HUNT WITH YOU?

26          A        HE WAS WITH ME EVERY TIME.

27          Q        WAS HE WITH YOU THE FIRST -- DID YOU SEE THE BEVERLY  
28 GLEN HOUSE ONCE OR MORE THAN ONCE?

24-4

1 A I THINK I SAW IT TWICE.

2 Q WAS HE WITH YOU ON BOTH OCCASIONS?

3 A AS I RECALL, YES.

4 Q AND WHAT WAS YOUR BEST RECOLLECTION AS TO HOW  
5 YOU LEARNED OF 155 BEVERLY GLEN?

6 A I KNOW WE WERE LOOKING THROUGH THE REAL ESTATE  
7 SECTION OF THE WESTSIDE CLASSIFIEDS OF THE L.A. TIMES.

8 WE WERE LOOKING PARTICULARLY FOR HOMES THAT WERE  
9 BEING RENTED FOR THE OLYMPICS BECAUSE UNDER THOSE  
10 CIRCUMSTANCES, WE COULD RENT IT FOR A SHORT PERIOD OF TIME.

11 Q WHEN YOU SAY "WE" YOU WERE SHARING THE CLASSIFIED  
12 SECTION WITH SOMEBODY ELSE OR ALTERNATING OR WHAT?

13 A I REMEMBER LOOKING AT THEM. I REMEMBER BEN DOSTI  
14 LOOKING AT THEM.

15 Q ALL RIGHT. IN ANY EVENT, ARE YOU THE PERSON THAT  
16 MADE THE CONTACT WITH THE BROKER?

17 A I DON'T THINK SO. I DON'T REMEMBER, THOUGH.

18 Q IF YOU DON'T REMEMBER MAKING THE CONTACT, DO YOU  
19 REMEMBER HOW IT WAS THAT YOU ENDED UP LOOKING AT THE PROPERTY?

20 A WE HAD MADE AN APPOINTMENT.

21 Q YOU JUST SHOWED UP?

22 A WELL, WE HAD AN APPOINTMENT. WE WERE MET THERE  
23 BY THE REAL ESTATE AGENTS. BUT I DON'T REMEMBER HOW WE GOT  
24 TO THAT APPOINTMENT.

25 Q OKAY. IN ANY EVENT, YOU SIGNED THE LEASE?

26 A ULTIMATELY, YES.

27 Q YOU PAID THE MONEY?

28 A YES.

24--5

1 Q AND YOU ANTICIPATED IN INSPECTING THESE HOUSES  
2 FOR THEIR SUITABILITY, THAT YOU MIGHT BE DEALING WITH A HUMAN  
3 BEING WHO WOULD BE SCREAMING FOR WEEKS?

4 A YES .

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1 Q AND WITHOUT PHYSICALLY INSPECTING THE BASEMENT  
2 OF THIS BEVERLY GLEN HOUSE, HOW DID YOU DETERMINE THAT WOULD  
3 BE SUITABLE FOR THESE PURPOSES?

4 A IT SEEMED -- FIRST OF ALL, WE INSPECTED IT TO  
5 THE EXTENT THAT WE COULD, WITHOUT APPEARING OBVIOUS THAT WE  
6 WERE REALLY INTERESTED IN THE BASEMENT, SO WE LOOKED IN THE  
7 CLOSET AND WE SAID, "GEE, WHAT IS DOWN THERE?"

8 AND WE DID OPEN THE DOOR AND WE -- I KNOW WE  
9 NOTICED THAT IT WAS CEMENT DOWN THERE.

10 BUT WE WERE ALSO FIGURING THAT WE COULD USE GAGS  
11 AND THINGS LIKE THAT SO THAT IT WOULDN'T BE TOO LOUD.

12 AND WE JUST MADE OUR DETERMINATION AS BEST WE  
13 COULD AT THE TIME.

14 Q NOW YOU SAY THAT MR. HUNT WROTE OUT A MASTER LIST  
15 INCORPORATING THIS ENTIRE PLAN AND EVERYBODY'S DELEGATED  
16 FUNCTION?

17 A HE COORDINATED THE PLANNING AND EVERYONE ELSE  
18 HAD LITTLE LISTS AND HE HAD A BIG LIST.

19 Q DO YOU KNOW WHAT HAPPENED TO THAT LIST?

20 A NO, I DON'T.

21 Q DID YOU EVER SEE HIS LIST, I MEAN ACTUALLY READ  
22 IT?

23 A NO, I DIDN'T.

24 Q HOW DO YOU KNOW HE HAD SUCH A LIST?

25 A BECAUSE HE WAS MAKING IT DURING THE TIME THAT  
26 WE WERE SITTING AROUND TOGETHER AND PLANNING.

27 Q HOW DO YOU KNOW HE WAS MAKING SUCH A LIST?

28 A HE WAS WRITING ON HIS YELLOW PADS OF PAPER AND

1 IT SEEMED TO CORRESPOND WITH THE TIMES THAT WE SAID VARIOUS  
2 THINGS, THAT IS ALL I CAN TELL YOU.

3 Q SO IT IS JUST AN ASSUMPTION ON YOUR PART THAT  
4 HE WAS MAKING A MASTER LIST?

5 MR. WAPNER: OBJECTION. ARGUMENTATIVE.

6 THE COURT: SUSTAINED.

7 Q BY MR. CHIER: YOU DIDN'T ACTUALLY SEE THE LIST,  
8 DID YOU, MR. KARNY?

9 A I SAW WRITING, I SAW THE PAPER AND I WAS THERE.

10 Q YOU DIDN'T SEE THE CONTENT?

11 A NO, I DIDN'T.

12 Q SO YOU CAN'T SAY OF YOUR OWN PERSONAL KNOWLEDGE  
13 THAT THERE WAS SUCH A LIST OR HE HAD MADE ONE, CAN YOU?

14 A I TOLD YOU EVERYTHING I CAN SAY OF MY OWN PERSONAL  
15 KNOWLEDGE.

16 Q NOW, MR. HUNT TOLD YOU THAT TO LEAVE THE TORTURE  
17 TO HIM BECAUSE HE FELT YOU DIDN'T HAVE THE EMOTIONAL GRIT  
18 TO DO SUCH A THING; WAS THAT YOUR TESTIMONY YESTERDAY?

19 A THAT IS THE GIST OF IT.

20 Q ESSENTIALLY?

21 A HE DIDN'T TELL ME PERSONALLY BUT HE TOLD IT TO  
22 THE GROUP OF US WHEN WE WERE DISCUSSING THAT.

23 Q HE SAID THAT TO AN ENTIRE GROUP?

24 A YES.

25 Q ALL RIGHT. AND WAS MR. HUNT IN THE REAR OF THE  
26 TRUCK WITH YOU WHEN THE VOICE FROM THE TRUNK WAS ASKING TO  
27 BE LET OUT?

28 A NO.



1 Q WAS MR. HUNT WITH YOU WHEN THE HOLES WERE TAPED  
2 OVER?

3 A NO.

4 Q AND IT WAS YOU THAT TAPED OVER THE HOLES, WASN'T  
5 IT, MR. KARNY AND NOT MR. DOSTI?

6 A IT MIGHT HAVE BEEN BOTH OF US BUT I RECALL DOING  
7 IT A COUPLE OF TIMES.

8 Q DO YOU RECALL GIVING A STATEMENT -- I AM SORRY --  
9 DO YOU RECALL TESTIFYING ON JANUARY 23, 1986 IN  
10 SAN MATEO COUNTY?

11 A YES.

12 MR. CHIER: MAY I HAVE JUST A MOMENT?

13 THE WITNESS: I AM SORRY. COULD I GET SOME MORE WATER,  
14 PLEASE?

15 THE COURT: YES.

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

17 THE COURT: SHE IS GETTING WATER FOR YOU.

18 (PAUSE IN PROCEEDINGS.)

19 Q BY MR. CHIER: YOU RECALL TALKING TO  
20 MR. BREILING ON NOVEMBER 28, 1984, RIGHT?

21 THE COURT: I THOUGHT YOU WERE ON THAT SUBJECT OF THE  
22 TESTIMONY WHICH HE HAD GIVEN.

23 MR. CHIER: I AM WITHDRAWING THAT QUESTION, YOUR HONOR.

24 THE COURT: ALL RIGHT.

25 THE WITNESS: YES.

26 Q BY MR. CHIER: DO YOU RECALL TALKING TO  
27 MR. BREILING?

28 A YES.

1 Q ROUGHLY TWO MONTHS OR SO AFTER THIS SUPPOSEDLY  
2 HAPPENED, RIGHT?

3 A RIGHT.

4 Q AND DO YOU REMEMBER --

5 THE COURT: PART OF THE QUESTION IS "THAT SUPPOSEDLY  
6 HAPPENED" AND YOU ANSWERED "RIGHT" TO THAT, YOU SAY IT  
7 SUPPOSEDLY HAPPENED?

8 THE WITNESS: IT HAPPENED.

9 THE COURT: ALL RIGHT.

10 Q BY MR. CHIER: DO YOU REMEMBER BEING ASKED WHO  
11 ACTUALLY MADE THE TAPE APPLICATION, YOU OR BEN, HE BEING  
12 MR. BREILING?

13 A I THINK I WAS ASKED.

14 Q DO YOU REMEMBER WHAT YOUR ANSWER WAS?

15 A I AM SURE THAT I SAID THAT I HAD DONE IT.

16 AS I SAY, IT WAS DONE A NUMBER OF TIMES AND I  
17 AM REPEATING THAT I KNOW I DID IT SOME OF THOSE TIMES.

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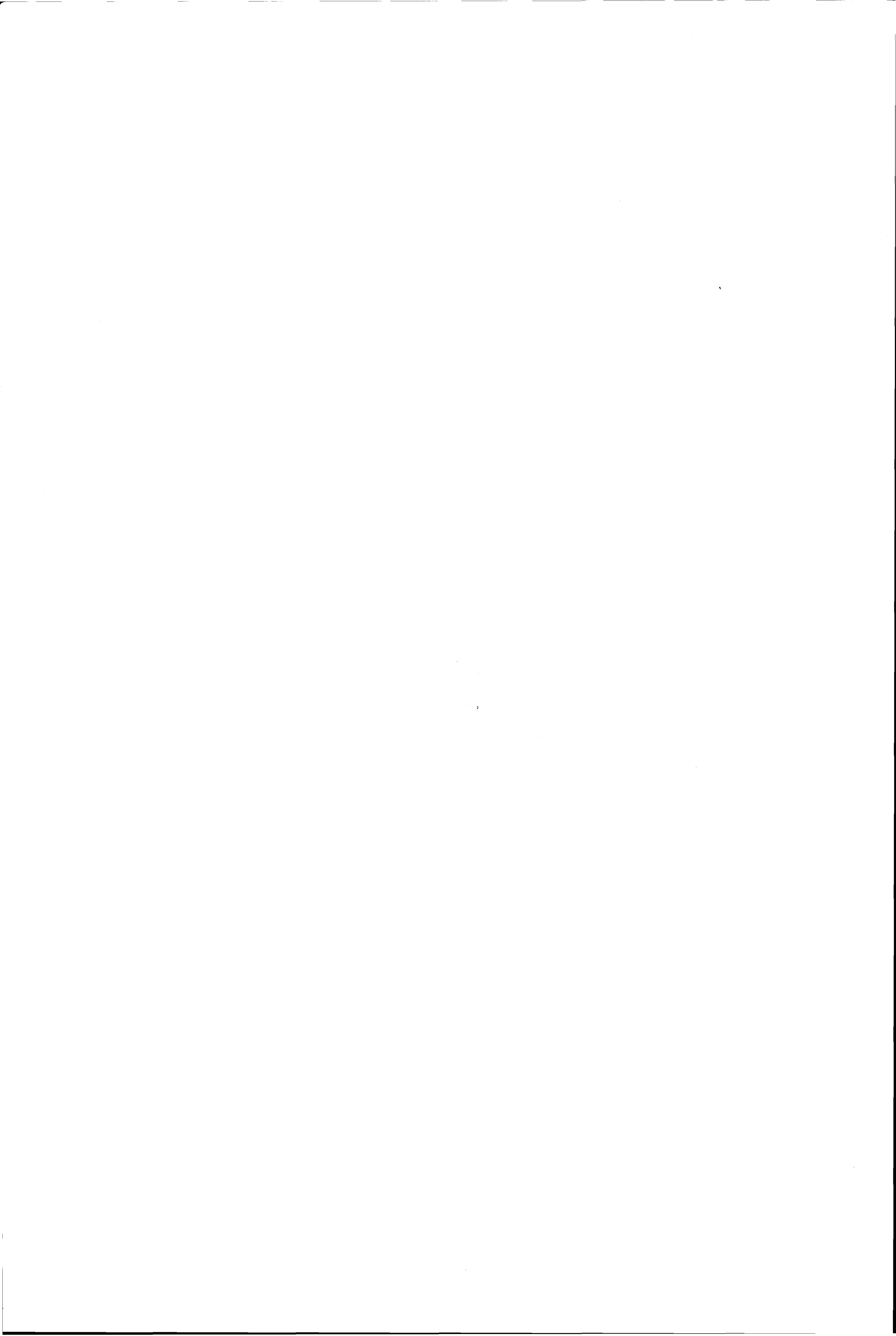
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1 Q DO YOU RECALL WHOSE IDEA IT WAS TO PURCHASE  
2 OR TO HAVE MOUTH GAGS?

3 A NO, I DON'T.

4 THE COURT: YOU ARE THE ONE THAT GOT THEM HOWEVER,  
5 DIDN'T YOU?

6 THE WITNESS: I BOUGHT THEM, YES.

7 Q BY MR. CHIER: HAD YOU HAD EXPERIENCE IN BUYING  
8 BONDAGE PARAPHERNALIA PRIOR TO THIS?

9 MR. WAPNER: OBJECTION, RELEVANCE.

10 THE COURT: SUSTAINED.

11 MR. CHIER: MAY WE APPROACH?

12 THE COURT: NO YOU MAY NOT. THAT IS CLEARLY AN IMPROPER  
13 QUESTION.

14 Q BY MR. CHIER: DO YOU KNOW A PERSON NAMED  
15 DEBRA CORDAY, MR. KARNY?

16 A YES.

17 THE COURT: WHAT WAS THAT NAME AGAIN?

18 THE WITNESS: DEBRA CORDAY.

19 Q BY MR. CHIER: DID YOU USED TO HAVE A PICTURE  
20 OF HER --

21 MR. WAPNER: OBJECTION, RELEVANCE. MAY I APPROACH  
22 THE BENCH? I THINK WE HAVE HAD TESTIMONY ABOUT THIS IN  
23 THE GUILT PHASE. I AM PRETTY SURE I KNOW WHAT IS COMING.

24 THE COURT: ALL RIGHT. I AM, TOO. I WILL SUSTAIN  
25 THE OBJECTION.

26 MR. CHIER: I WOULD LIKE TO BE HEARD.

27 THE COURT: NO. YOU WERE HEARD IN THE GUILT PHASE  
28 OF IT OR AT LEAST WE HEARD --

1 MR. CHIER: NOT I.

2 THE COURT: YOUR DISTINGUISHED ASSOCIATE.

3 Q BY MR. CHIER: NOW AS I UNDERSTAND IT, YOU  
4 WENT OUT AND FETCHED A NUMBER OF REPLICA WEAPONS TO BE USED  
5 WITH YOUR UNIFORM?

6 A RIGHT.

7 Q AND HAD YOU SEEN A NUMBER OF REAL FIREARMS  
8 EITHER IN THE WILSHIRE MANNING OR THE BBC OFFICES PRIOR  
9 TO THIS?

10 A YES.

11 Q AND IS IT YOUR TESTIMONY THAT THERE WAS IN  
12 FACT, A REAL FIREARM IN THE FILA BAG THAT WAS IN THE BACK  
13 OF THE TRUCK WITH YOU?

14 A YES.

15 Q AND THE FIREARMS THAT YOU GOT TO COMPLIMENT  
16 THE UNIFORMS WERE REPLICA FIREARMS?

17 A RIGHT.

18 Q AND WHEN YOU LEFT YOUR PERSONAL CHECK FOR THE  
19 DEPOSIT ON THE COSTUMES AT THE WESTERN COSTUME --

20 A RIGHT.

21 Q -- DID ANYBODY TELL YOU TO LEAVE A PERSONAL  
22 CHECK?

23 A NO, EXCEPT THE PERSON AT THE COSTUME PLACE.  
24 I COULDN'T HAVE RENTED THE COSTUMES WITHOUT IT.

25 Q MR. HUNT DID NOT ADVISE YOU TO DO THAT?

26 A NO.

27 Q OR INSTRUCT YOU OR ORDER YOU?

28 A NO. MY JOB WAS TO GET THE COSTUMES.

1 THE COURT: HAVE YOU FINISHED THE ANSWER?

2 THE WITNESS: WELL, IT IS OKAY. I MEAN, I WAS NOT  
3 GIVEN INSTRUCTIONS ON HOW TO GO ABOUT RENTING COSTUMES.  
4 I COULD FIGURE THAT OUT.

5 Q BY MR. CHIER: WAS THERE SOME REASON THAT YOU  
6 COULDN'T HAVE COME BACK AND LEFT A CASH DEPOSIT THE NEXT  
7 DAY?

8 A I OFFERED TO LEAVE A CASH DEPOSIT. I DON'T  
9 BELIEVE THEY ACCEPTED IT AT THE TIME.

10 Q DO YOU HAVE ANY IDEA WHERE THE \$9,000 CAME  
11 FROM FOR THE POWERS' BEVERLY GLEN LEASE.

12 A I REALLY DON'T.

13 MR. CHIER: MAY I HAVE A MOMENT?

14 THE COURT: YES.

15 (PAUSE.)

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1 Q NOW I BELIEVE YOUR DIRECT TESTIMONY WAS,  
2 MR. KARNY, THAT THE BROWN WRAPPING PAPER THAT THE TRUNK WAS  
3 IN ON THE WAY IN WAS NOT ON THE TRUNK WHEN IT WAS ON THE WAY  
4 OUT, CORRECT?

5 A THAT IS CORRECT.

6 Q DO YOU KNOW WHERE THAT BROWN PAPER WAS?

7 A NO, I DON'T.

8 Q DID YOU EVER SEE IT AGAIN?

9 A NO, I DIDN'T.

10 Q IT WASN'T IN THE TRUNK; YOU LOOKED IN THERE, RIGHT?

11 A IT MAY HAVE BEEN IN THE TRUNK.

12 I DESCRIBED WHEN IT WAS THAT I LOOKED IN THE TRUNK,  
13 ALL I SAW WAS MR. ESLAMINIA.

14 IF THE PAPER WAS IN THERE, TOO, I DIDN'T SEE IT.

15 Q IT WASN'T LEFT IN THE CONDO, WAS IT?

16 A I DON'T KNOW.

17 Q DID YOU SEE ANYBODY CARRYING IT?

18 A I NEVER SAW THE PAPER AFTER THE TRUNK WAS CARRIED  
19 INTO THE CONDOMINIUM BY BEN AND JOE.

20 THE COURT: YOU WEREN'T THERE AT THE TIME, WERE YOU?

21 THE WITNESS: NO.

22 I WAS IN THE TRUCK.

23 Q BY MR. CHIER: NOW WHEN THE TRUNK WAS BROUGHT  
24 OUT OF THE CONDO, I BELIEVE YOU SAID YESTERDAY IT WAS LOADED  
25 WITHOUT YOU, WITHOUT YOUR ASSISTANCE?

26 A LOADED ONTO THE TRUCK, YES.

27 Q YOU DIDN'T HELP LOAD THAT TRUCK -- I MEAN THE  
28 TRUNK INTO THE TRUCK?

1           A        I GOT OUT TO HELP.  IF I PUT MY HAND ON THE SIDE  
2 OF IT AND GAVE IT A PUSH, THAT IS POSSIBLE.  BUT I RECALL  
3 THAT I DIDN'T REALLY PICK UP THE WEIGHT OF IT.

4           Q        DO YOU RECALL WITH MR. BREILING, YOUR INTERVIEW,  
5 DON'T YOU?

6           A        YES.

7           Q        DO YOU RECALL AT PAGE 47, LINE 20 TO 23 --

8 MR. WAPNER:  MAY I HAVE A MOMENT?

9 MR. CHIER:  I AM SORRY.  18 TO 23:

10           "Q       WHAT TRANSPIRED FROM THIS POINT ON  
11 FROM YOUR INDEPENDENT RECOLLECTION?

12           "A        OKAY.  THEY CAME OUT OF THE SIDE GATE  
13 AND WHEN THEY GOT UP TO THE TRUCK, JOE TOLD ME TO  
14 GET OUT OF THE TRUCK AND HELP THEM PUT THE TRUNK  
15 IN THE BACK, WHICH I DID."

16           Q        DO YOU REMEMBER GIVING THAT ANSWER?

17           A        YES, I DO.

18           Q        SO THAT IS IN FACT WHAT HAPPENED?

19           A        JUST AS I DESCRIBED IT, I GOT OUT OF THE TRUCK  
20 AND I THINK WHAT I REMEMBER RIGHT NOW IS THAT, THOUGH I WAS  
21 OUT OF THE TRUCK TO HELP LOAD IT, I WAS MORE JUST STANDING  
22 THERE, THE WAY YOU STAND WHEN YOU ARE WATCHING SOMEONE ELSE  
23 DO SOMETHING AND YOU FEEL LIKE YOU ARE HELPING.

24           Q        LET ME ASK YOU SOMETHING ELSE.  NOW LET ME ASK  
25 YOU IF YOU MADE THE FOLLOWING, IF YOU WERE ASKED THE FOLLOWING  
26 QUESTIONS AND GAVE THE FOLLOWING ANSWERS AT THE SAME  
27 INTERVIEW BY MR. BREILING ON PAGE 48, LINES 16 THROUGH 19:

28           "Q        ALL RIGHT, NOW YOU ARE OUT OF THE



1 TRUCK, YOU ARE ASSISTING THEM LOAD THE TRUNK INTO  
2 THE REAR OF THE PICKUP TRUCK; IS THAT CORRECT?

3 "A RIGHT."

4 A I GUESS THAT IS WHAT I SAID.

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1 Q OKAY. NOW, IN ADDITION TO THE RENTAL OF THE  
2 U-HAUL TRUCK, THERE WERE SOME OTHER PARAPHERNALIA RENTED  
3 SUCH AS BOXES AND DOLLIES, CORRECT?

4 A THERE WAS SOME OF THOSE SORT OF BLANKETS THAT  
5 YOU WRAP BREAKABLE FURNITURE IN, MOVING BLANKETS. I THINK  
6 THAT THERE WAS A DOLLY AND PERHAPS SOME BOXES THAT WERE  
7 ALSO IN THE TRUCK.

8 Q DO YOU KNOW WHAT HAPPENED TO THE CARDBOARD  
9 BOXES?

10 A NO, I DON'T.

11 Q DO YOU KNOW WHY THEY WERE RENTED IN THE FIRST  
12 PLACE?

13 A I DON'T HAVE ANY SPECIFIC KNOWLEDGE. I CAN  
14 SPECULATE.

15 Q WAS THERE A SPECIFIC PLAN WHICH INCORPORATED  
16 THE USE OF THOSE BOXES?

17 A NO.

18 MR. CHIER: COULD WE TAKE OUR RECESS AT THIS TIME?

19 THE COURT: YES.

20 LADIES AND GENTLEMEN OF THE JURY, WE'LL TAKE  
21 OUR CUSTOMARY 15-MINUTE RECESS AT THIS TIME. THE SAME  
22 ADMONITION STILL APPLIES.

23 (RECESS.)

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1 THE COURT: ALL RIGHT, YOU MAY CONTINUE.

2 Q BY MR. CHIER: MR. KARNY, AS SOMEONE WHO WAS  
3 CONVERSANT AND FAMILIAR WITH THE PLANS, DID THE PLAN  
4 CONTEMPLATE MR. HUNT GOING TO BELMONT PRIOR TO THE ACTUAL  
5 ABDUCTION DURING THE WEEK PRIOR, LET'S SAY?

6 A NOT TO MY KNOWLEDGE.

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

8 A HIM GOING?

9 Q YES.

10 A NO.

11 Q CAN YOU THINK OF ANY REASON WHY IT WOULD HAVE  
12 BEEN NECESSARY FOR MR. HUNT TO GO THERE THE WEEK PRIOR TO  
13 THIS?

14 A WE WERE DOING RECONNAISSANCE AT THE TIME, FINDING  
15 OUT WHERE MR. ESLAMINIA LIVED AND THAT SORT OF THING.

16 IT WAS PART OF THE PLAN FOR SOMEONE TO GO,  
17 WHETHER JOE PERSONALLY --

18 Q WELL --

19 THE COURT: GO AHEAD AND FINISH YOUR ANSWER.

20 THE WITNESS: NOT NECESSARILY JOE PERSONALLY.

21 Q BY MR. CHIER: WOULD YOU HAVE BEEN AWARE IF  
22 MR. HUNT WENT THERE?

23 A PROBABLY.

24 IF HE STAYED OVERNIGHT, I WOULD HAVE.

25 Q CAN YOU THINK OF ANY REASON WHY MR. HUNT WOULD  
26 HAVE BEEN IN A RECREATION ROOM OF THE BELMONT PRIOR TO THE  
27 ABDUCTION?

28 A OF THE BELMONT CONDOMINIUMS?

1 Q YES.

2 A NO, I CAN'T.

3 Q DID THE PLAN CONTEMPLATE THE USE OF AN ALARM  
4 CLOCK?

5 A NOT TO MY KNOWLEDGE.

6 Q DID THE PLAN CONTEMPLATE MR. HUNT BEING IN  
7 A PART OF THE BELMONT CONDOMINIUM COMPLEX GOING OVER A SERIES  
8 OF PAPERS?

9 A NO.

10 Q CAN YOU THINK OF ANY REASON THAT WOULD HAVE  
11 BEEN SERVED BY HIS DOING THAT?

12 A PRIOR TO THE ABDUCTION?

13 Q YES.

14 A NO, SIR.

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1 Q ALL RIGHT. WERE THERE ANY CONTACTS BETWEEN  
2 MR. JOE HUNT AND REZA ESLAMINIA THAT YOU WERE NOT AWARE OF?

3 A YES.

4 Q WERE THERE CONTACTS BETWEEN JOE HUNT AND HADAYET  
5 ESLAMINIA YOU MAY NOT HAVE BEEN AWARE OF?

6 A I DON'T THINK SO.

7 Q DID YOU SEE PITTMAN ON THE 31ST OF JULY?

8 A THE DAY AFTER? YES.

9 Q WAS HE IN LOS ANGELES?

10 A YEAH. HE WAS IN LOS ANGELES ALTHOUGH HE DID GO  
11 BACK UP TO BELMONT.

12 I THINK IT WAS THE NEXT DAY.

13 Q WHO TURNED THE TRUCK IN?

14 A BEN AND I.

15 Q DO YOU KNOW PITTMAN DID GO BACK TO THE BAY AREA?

16 A I THINK HE DID GO BACK TO THE BAY AREA. I AM  
17 A LITTLE CONFUSED AS TO THE SPECIFIC DATES RIGHT NOW, THOUGH.

18 Q DID MR. PITTMAN EVER TELL YOU THAT HE HAD MADE  
19 FRIENDS AT THE BUILDING, THE CONDOMINIUM COMPLEX?

20 A FRIENDS? NO.

21 Q WAS OVERT SOCIALIZING PART OF THE OVERALL PLAN?

22 A NO, NOT NECESSARILY.

23 Q DID MR. PITTMAN TELL YOU THAT HE HAD MET THE  
24 MANAGER OF THE CONDO COMPLEX?

25 A I THINK HE DID.

26 Q DID MR. HUNT TELL YOU THAT HE HAD BEEN UP TO THE  
27 TOP OF THE CONTIGUOUS BUILDING THE PREVIOUS WEEK, THE SO-CALLED  
28 SKY ROOM?

30-2  
1 A NO HE DIDN'T.

2 Q DID HE TELL YOU THAT HE HAD A KEY TO THE SKY ROOM?

3 A NO.

4 Q DO YOU KNOW WHETHER OR NOT HIS HAVING A KEY FIT  
5 INTO THE PLANNING AS YOU UNDERSTOOD IT, MR. KARNY?

6 A SIR, I DON'T EVEN KNOW WHAT THE SKY ROOM IS. IT  
7 DOES NOT MEAN ANYTHING TO ME.

8 Q DO YOU HAVE ANY IDEA WHAT MR. HUNT WOULD HAVE  
9 BEEN DOING THERE IN THE WEEK PRIOR TO THE ABDUCTION?

10 A NO IDEA. OTHER THAN AS I SAY, THERE WAS  
11 RECONNAISSANCE GOING ON.

12 Q DID MR. HUNT TO YOUR KNOWLEDGE, PRIOR TO THE 30TH  
13 OF JULY, HAVE A KEY TO ANY DOORS IN THE CONDO COMPLEX?

14 A NOT THAT I KNOW OF.

15 Q DID HE EVER MENTION THE KEY TO THE RECREATION  
16 ROOM TO THE CONDO COMPLEX?

17 A HE NEVER DID.

18 Q DID JOE OR ANYONE ELSE THAT WAS INVOLVED IN THIS  
19 PLAN HAVE A KEY TO THE STAIRWAY DOORS OF THE CONDOMINIUM  
20 COMPLEX AT 400 DAVEY GLEN?

21 A NOT THAT I KNOW OF.

22 Q AND ACCORDING TO YOUR TESTIMONY, THE PLAN  
23 CONTEMPLATED OPENING OF THE DOORS FROM THE INSIDE BY  
24 MR. PITTMAN?

25 A RIGHT.

26 Q AND DO YOU KNOW WHETHER AT ANY TIME PRIOR TO THE  
27 30TH OF JULY, ANYONE MANAGED TO OBTAIN A KEY TO ANY PORTION  
28 OF THE BUILDING?

1           A           JIM SAID THAT HE HAD OBTAINED A GARAGE, AN  
2 ELECTRONIC GARAGE DOOR OPENER. THAT IS AN ELECTRONIC KEY,  
3 I SUPPOSE. BUT OTHER THAN THAT, I DON'T HAVE ANY KNOWLEDGE.

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1 Q DID MR. PITTMAN ADVISE YOU THAT THE ELECTRONIC  
2 GARAGE DOOR OPENER WAS ALSO ABLE TO UNLOCK THE INTERIOR  
3 DOORS, OTHER THAN DOORS OF THE COMPLEX, THE PASSAGE DOORS?

4 A NO.

5 Q NOW, LET ME SEE IF I CAN JUST RECAPITULATE  
6 HERE, MR. KARNY.

7 YOU WERE APPARENTLY WILLING TO KIDNAP THIS  
8 PERSON FOR FINANCIAL GAIN, MR. ESLAMINIA?

9 A AT THE TIME, YES.

10 Q AND YOU WERE WILLING TO ALLOW THAT PERSON TO  
11 BE TORTURED?

12 A YES.

13 Q AND YOU WERE WILLING TO CUT OFF THAT PERSON'S  
14 AIR SUPPLY TO RENDER HIM UNCONSCIOUS?

15 A YES.

16 Q AND HOW DID YOU FEEL WHEN YOU DISCOVERED THAT  
17 PERSON WAS DEAD, MR. KARNY?

18 A I WAS UPSET.

19 Q AND YOU WERE AFRAID TO OPEN THE TRUNK WHEN  
20 YOU FEARED HE MIGHT BE DEAD OR WHETHER HE MIGHT BE ALIVE?

21 A I WAS AFRAID THE WHOLE TIME, SIR.

22 THE COURT: WHAT DID YOU SAY BEFORE HE INTERRUPTED  
23 YOU? WHAT DID YOU SAY?

24 MR. CHIER: I WASN'T FINISHED WITH THE QUESTION.

25 THE COURT: HE HASN'T FINISHED HIS ANSWER.

26 MR. CHIER: I HADN'T FINISHED THE QUESTION.

27 THE COURT: WILL YOU PLEASE ANSWER THE QUESTION?

28 THE WITNESS: I JUST SAID I WAS AFRAID THE WHOLE TIME.



1 Q BY MR. CHIER: WERE YOU AFRAID TO OPEN THE  
2 TRUNK BECAUSE HE MIGHT BE DEAD OR MIGHT BE ALIVE?

3 A I DON'T REALLY KNOW.

4 Q WHEN YOU WERE PUNCHING HOLES IN THE SURFACE  
5 OF THIS FOOT LOCKER, WERE YOU AFRAID THAT YOU MIGHT STRIKE  
6 THE PERSON INSIDE?

7 A I WAS NOT PUNCHING HOLES, SIR.

8 Q YOU WERE DRILLING HOLES?

9 A I DON'T KNOW HOW TO DESCRIBE IT, OTHER THAN  
10 THE WAY I HAVE DESCRIBED IT.

11 Q YOU WERE MAKING HOLES?

12 A I WAS MAKING HOLES.

13 Q WHICH INVOLVED THE INTRUSION OF A POINTED OBJECT  
14 INTO THE INTERIOR OF THE FOOT LOCKER?

15 A THAT'S RIGHT.

16 Q DID ANYONE EVER TELL YOU THAT IT WAS A GOOD  
17 IDEA FOR YOU TO CUT OFF THE AIR SUPPLY IF YOU HEARD THE  
18 PERSON INSIDE THE TRUNK MAKING NOISES?

19 A NO.

20 Q DID ANYBODY ORDER YOU TO DO THAT?

21 A NO.

22 Q DID YOU EVER TELL THE PERSON INSIDE TO BE QUIET?

23 A NO.

24 Q DID YOU EVER HAVE ANY COMMUNICATION AT ALL  
25 WITH THE PERSON INSIDE THE TRUNK?

26 A NO, I DIDN'T.

27 Q WERE THERE CUFF LINKS AROUND THE ANKLES OF  
28 THIS PERSON?

1 MR. WAPNER: OBJECTION TO THE FORM OF THE QUESTION.  
2 "CUFF LINKS"?

3 THE COURT: WHAT IS THAT?

4 MR. CHIER: YOU SAY THERE WERE HANDCUFFS ON MR.  
5 ESLAMINIA, HADAYET ESLAMINIA?

6 A YES.

7 Q DID YOU NOTICE HANDCUFFS AROUND HIS ANKLES?

8 A NO, I DIDN'T.

9 Q DID ANYONE EVER TELL YOU NOT TO LET MR.  
10 ESLAMINIA OUT OF THE TRUNK?

11 A DID ANYONE EVER TELL ME NOT TO LET HIM OUT?

12 Q YES.

13 A IT WASN'T DISCUSSED.

14 IT WAS PRETTY WELL UNDERSTOOD THAT HE WAS IN  
15 THE TRUNK SO THAT HE COULD BE KEPT THERE UNTIL WE GOT HIM  
16 WHERE WE WERE GOING TO TAKE HIM.

17 Q DID YOU HAVE AMPLE OPPORTUNITY TO LET HIM OUT  
18 AT ANY TIME BETWEEN THE TIME YOU LEFT SAN FRANCISCO AND  
19 ARRIVED IN LOS ANGELES?

20 A OF COURSE.

21 Q AND DID YOU HAVE AMPLE OPPORTUNITY TO LET HIM  
22 OUT AND LEAVE THE TRUCK YOURSELF?

23 A AND WHAT?

24 Q AND LEAVE THE TRUCK YOURSELF, AND YOURSELF  
25 LEAVE THE TRUCK?

26 A WHILE IT WAS DRIVING?

27 Q WHEN IT WAS STOPPED.

28 A TO LET HIM OUT OF THE TRUCK AND TO LEAVE? OF

1 COURSE.

2 Q EITHER/OR?

3 A OF COURSE.

4 Q YES. AND YOU WERE ACTUALLY THE ONE MANAGING  
5 THE SITUATION IN THE BACK OF THE TRUCK, WEREN'T YOU?

6 A BEN AND I WERE.

7 Q AND THERE WERE AT SOME POINTSWHERE YOU WERE  
8 THE PERSON MANAGING THE SITUATION, CORRECT?

9 A THERE WAS A 45-MINUTE PERIOD WHERE I WAS THE  
10 ONLY ONE BACK THERE. AS I DESCRIBED, I WAS OCCUPIED  
11 EXCLUSIVELY HOLDING THE DOOR SHUT.

12 Q AND THE DECISIONS MADE IN THE BACK OF THOSE  
13 TRUCKS WERE YOUR DECISIONS, CORRECT?

14 A THINGS THAT I DID WERE, YES.

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32-1  
1 Q YES. AND WHEN MR. HUNT SUGGESTED THAT YOU GIVE  
2 MOUTH-TO-MOUTH RESUSCITATION TO MR. ESLAMINIA, DID YOU DO  
3 THAT?

4 A NO I DIDN'T.

5 Q DID THE THOUGHT DISGUST YOU?

6 A I WAS SCARED.

7 THE COURT: DO YOU KNOW HOW TO GIVE MOUTH-TO-MOUTH  
8 RESUSCITATION?

9 THE WITNESS: NO I DON'T.

10 THE COURT: IS THAT ONE OF THE REASONS WHY YOU DIDN'T  
11 GIVE IT?

12 THE WITNESS: I SUPPOSE I WOULD HAVE BEEN LESS SCARED  
13 IF I KNEW HOW TO DO IT.

14 Q BY MR. CHIER: IS IT YOUR TESTIMONY THAT YOU NEVER  
15 MET OR SAW HADAYET ESLAMINIA BEFORE JULY 30, 1984?

16 A YES.

17 Q YOU ARE ENTIRELY POSITIVE OF THAT?

18 A YES.

19 Q THE FIRST TIME YOU HAD EVER LAID EYES ON HADAYET  
20 ESLAMINIA WAS ON JULY 31ST, 1984?

21 MR. WAPNER: OBJECTION. THAT MISSTATES THE EVIDENCE,  
22 YOUR HONOR, AS TO THE --

23 Q BY MR. CHIER: WAS THAT THE FIRST TIME YOU HAD  
24 EVER SEEN HIM?

25 A IT WAS THE DAY OF THE ABDUCTION.

26 Q ALL RIGHT.

27 A I GUESS THAT IS THE 30TH.

28 Q DID YOU HAVE ANY REASON TO WRITE A NOTE ON JULY 27,

32-2  
1 1984, REFERRING TO A MEETING YOU HAD WITH HADAYET ESLAMINIA  
2 PRIOR TO JULY 30, 1984?

3 A TO A MEETING THAT I HAD HAD?

4 Q YES.

5 A NO.

6 Q SO MR. KARNY, THEN WE CAN ASSUME OR ACCEPT FROM  
7 YOUR TESTIMONY THAT YOU WERE AN AIDER OR ABETTOR IN THE  
8 MURDER AND ROBBERY OF RON LEVIN, IS THAT CORRECT?

9 MR. WAPNER: OBJECTION, CALLING FOR A CONCLUSION.

10 THE COURT: RON LEVIN? WHAT HAS THAT GOT TO DO WITH  
11 ESLAMINIA?

12 MR. WAPNER: IT CALLS FOR A LEGAL CONCLUSION. HE ALREADY  
13 TESTIFIED AS TO WHAT HE KNEW ABOUT THAT.

14 THE COURT: SUSTAINED.

15 MR. CHIER: MAY I APPROACH?

16 THE COURT: NO.

17 MR. CHIER: THIS IS THE PENALTY PHASE IN THE ALLEGED --

18 THE COURT: NO.

19 Q BY MR. CHIER: YOU CONSCIOUSLY AIDED IN THE PROCESS  
20 THAT RESULTED IN --

21 THE COURT: HE TESTIFIED FULLY AS TO WHAT HE DID. THOSE  
22 ARE CONCLUSIONS THAT YOU ARE ASKING HIM.

23 THAT IS WHY THE DISTRICT ATTORNEY OBJECTED. THAT  
24 IS WHY I SUSTAINED THE OBJECTION. THEY ARE LEGAL CONCLUSIONS  
25 AS TO WHETHER HE IS OR IS NOT.

26 DO YOU UNDERSTAND THAT? MAYBE?

27 MR. CHIER: THANK YOU, YOUR HONOR.

28 Q DO YOU UNDERSTAND MR. KARNY THAT BUT FOR THE FACT

1 YOU HAVE AN IMMUNITY DEAL, YOU WOULD HAVE BEEN PUNISHED FOR  
2 YOUR PARTICIPATION IN THE RON LEVIN --

3 MR. WAPNER: OBJECTION, ARGUMENTATIVE.

4 THE COURT: ALSO TESTIFIED TO ON THE GUILT PHASE.  
5 SUSTAINED.

6 Q BY MR. CHIER: YOU WERE AN ACTIVE PARTICIPANT  
7 AND PLOTTED IN THE KIDNAPPING OF HADAYET ESLAMINIA?

8 A YES.

9 Q ARE YOU AWARE OF THE PENALTY FOR THAT?

10 A NOT SPECIFICALLY. BUT IT IS SEVERE.

11 Q YOU ARE NOT AWARE OF THE SPECIFIC PENALTY FOR  
12 THAT BECAUSE YOU WILL NEVER HAVE TO SUFFER ANY PENALTY, IS  
13 THAT RIGHT?

14 MR. WAPNER: OBJECTION, ARGUMENTATIVE.

15 THE COURT: SUSTAINED. LET'S GET ON TO SOMETHING ELSE  
16 IF YOU HAVE GOT SOMETHING ELSE TO GO ON TO. ALL OF THIS IS  
17 ARGUMENTATIVE.

18 YOU ARE NOT ADDUCING ANY EVIDENCE HERE.

19 MR. CHIER: MAY I APPROACH?

20 THE COURT: NO YOU MAY NOT..

21 MR. CHIER: THERE IS A SPECIFIC AUTHORIZATION --

22 THE COURT: YOU CAN DO IT AT THE CONCLUSION OF THE  
23 EXAMINATION.

24 MR. CHIER: WELL, I AM WINDING DOWN TO THAT.

25 THE COURT: WELL, WIND DOWN.

26 Q BY MR. CHIER: MR. KARNY, AS A RESULT OF YOUR  
27 IMMUNITY, YOU WILL NEVER BE PUNISHED FOR ANYTHING YOU DID  
28 IN CONNECTION WITH MR. ESLAMINIA, IS THAT CORRECT?

1 THE COURT: IS THERE AN OBJECTION?

2 MR. WAPNER: OBJECTION, ARGUMENTATIVE.

3 THE COURT: SUSTAINED.

4 Q BY MR. CHIER: DID MR. ESLAMINIA DIE AS A RESULT  
5 OF BEING SHOT BY MR. HUNT?

6 A NO.

7 Q HE DIED IN THE TRUNK, RIGHT?

8 A THAT'S RIGHT, SIR.

9 Q AND WHERE WAS THE TRUNK?

10 MR. WAPNER: OBJECTION, ASKED AND ANSWERED.

11 THE COURT: SUSTAINED.

12 Q BY MR. CHIER: DID MR. HUNT HEAR THE SCREAMS OF  
13 MR. ESLAMINIA?

14 THE COURT: YOU ASKED HIM THAT BEFORE, DIDN'T YOU?

15 MR. CHIER: I DON'T THINK I DID.

16 THE COURT: WELL, I THOUGHT YOU DID. YOU CAN ASK IT  
17 AGAIN, THEN.

18 THE WITNESS: WHILE WE WERE TRANSFERRING THE TRUNK FROM  
19 VEHICLE TO VEHICLE, MR. HUNT WAS THERE AND WE ALL HEARD THE  
20 NOISES THAT CAME FROM THE TRUNK.

21 Q BY MR. CHIER: WAS MR. ESLAMINIA PLEADING WITH  
22 MR. HUNT?

23 A HE WAS PLEADING WITH ANYONE WHO WOULD LET HIM  
24 OUT.

25 Q WAS HE PLEADING WITH MR. HUNT?

26 A SIR, I DON'T KNOW WHO HE WAS PLEADING WITH. THE  
27 MAN WAS BEGGING TO GET OUT OF THERE.

28 Q WAS IT MR. HUNT THAT TAPED OVER THE AIR HOLES?

1 A NO. IT WAS ME.

2 Q DID MR. ESLAMINIA DIE BECAUSE THE AIR WAS CUT  
3 OFF?

4 MR. WAPNER: OBJECTION, CALLING FOR A CONCLUSION ON  
5 THE PART OF THE WITNESS.

6 THE COURT: SUSTAINED.

7 Q BY MR. CHIER: AT THE TIME THAT HE DIED, HIS LIFE  
8 WAS IN YOUR HANDS, WAS IT NOT, MR. KARNY?

9 MR. WAPNER: OBJECTION, CALLING FOR A CONCLUSION. ALSO  
10 ARGUMENTATIVE.

11 THE COURT: SUSTAINED.

12 MR. CHIER: NO FURTHER QUESTIONS.

13 THE COURT: DO YOU HAVE ANY FURTHER QUESTIONS? ALL  
14 RIGHT.

15 REDIRECT, PLEASE.

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1 MR. WAPNER: JUST BRIEFLY, YOUR HONOR.

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REDIRECT EXAMINATION

4

BY MR. WAPNER:

5

Q THE PLAN REGARDING MR. ESLAMINIA, DID THAT  
6 CONTEMPLATE THAT AT THE END HE WOULD BE KILLED?

7

A YES.

8

Q WERE THE SPECIFICS OF HOW THAT WAS TO BE  
9 ACCOMPLISHED DISCUSSED BEFORE HE WAS ABDUCTED?

10

A NO, THEY WERE NOT.

11

Q DO YOU KNOW WHY MR. PITTMAN WENT BACK UP TO  
12 THE SAN MATEO AREA AFTER THE ABDUCTION?

13

A FOR A COUPLE OF REASONS.

14

HE WAS GOING TO, I THINK HE WAS GOING TO REGROUP  
15 WITH REZA IN CASE ANYTHING WAS GOING TO BE DONE TO MR.  
16 ESLAMINIA'S GIRLFRIEND AND --

17

DO YOU MEAN RIGHT AFTERWARD OR AT ANY OTHER  
18 TIMES? BECAUSE HE WENT UP SEVERAL TIMES AND FOR DIFFERENT  
19 REASONS.

20

Q I AM TALKING ABOUT THE FIRST TIME THAT HE WENT  
21 UP AFTERWARDS, WHICH YOU SAID MAY HAVE BEEN THE NEXT DAY.

22

A IT WAS FOR HIM TO BE THERE IN CASE WE DECIDED  
23 TO DO SOMETHING. IT WAS SORT OF A CONTINGENCY TO HAVE HIM  
24 THERE.

25

I DON'T SPECIFICALLY KNOW WHAT HE WAS GOING  
26 TO DO.

27

Q ALL RIGHT. THE POWER OF ATTORNEY THAT YOU  
28 SAW MR. HUNT TYPE, WAS THAT TYPED AT THE MANNING?

1           A           YES.

2           Q           AND DID HE TYPE ANYTHING -- WHAT FORM DID IT  
3 END UP IN WHEN HE FINISHED TYPING IT AT THE MANNING? IN  
4 OTHER WORDS, WAS THERE THE POWER OF ATTORNEY LANGUAGE AND  
5 SPECIFIC LINES AND NAMES ON THE BOTTOM TYPED IN OR WAS IT  
6 JUST THE LANGUAGE ITSELF?

7           A           I WOULD HAVE TO SAY THAT I DON'T REMEMBER SEEING  
8 THE WHOLE DOCUMENT FINISHED. WHETHER I SAW NAMES ON THE  
9 BOTTOM OR NOT, I REALLY DON'T REMEMBER.

10          MR. WAPNER: THANK YOU. I HAVE NOTHING FURTHER.

11          MR. BARENS: YOUR HONOR, IF I MIGHT JUST BRIEFLY --

12          THE COURT: SORRY. HE WILL HAVE TO.

13          MR. BARENS: COULD I TALK TO MR. CHIER?

14                    (UNREPORTED COLLOQUY BETWEEN DEFENSE  
15                    COUNSEL.)

16          MR. CHIER: I HAVE NOTHING FURTHER.

17          THE COURT: ANYTHING FURTHER?

18          MR. CHIER: NOTHING.

19          THE COURT: ALL RIGHT, THANK YOU.

20          MR. WAPNER: JUST ONE THING. I JUST MOVE TO HAVE  
21 PEOPLE'S 24, WHICH IS THE RENTAL AGREEMENT FOR THE BEVERLY  
22 GLEN HOUSE, RECEIVED AT THIS TIME.

23          THE COURT: ALL RIGHT, IT WILL BE RECEIVED.

24          MR. WAPNER: BEFORE THE WITNESS LEAVES THE STAND,  
25 MAY I APPROACH IT JUST BEFORE ABOUT SCHEDULING?

26          THE COURT: PARDON ME?

27          MR. WAPNER: BEFORE HE LEAVES THE STAND, MAY WE APPROACH  
28 THE BENCH BRIEFLY ABOUT SCHEDULING?

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

3 THE COURT: FIRST, AS LONG AS WE ARE AT THE BENCH,  
4 I TOLD COUNSEL THAT HE HAS A RIGHT AFTER HE FINISHES THE  
5 EXAMINATION, TO PUT SOMETHING ON THE RECORD THAT HE WAS  
6 ANXIOUS TO DO SO I WILL LET HIM PUT IT ON THE RECORD.

7 MR. BARENS: DO YOU REMEMBER BEFORE, YOU SAID THAT  
8 YOU WERE INTENDING --

9 (UNREPORTED COLLOQUY BETWEEN DEFENSE  
10 COUNSEL.)

11 MR. CHIER: ONE OF THE MATTERS, WHICH IS RECOGNIZED  
12 AS BEING IN MITIGATION IN A PENALTY PHASE, IS THE NOTION  
13 OF FAIRNESS BETWEEN TWO INDIVIDUALS WHO CO-EQUALLY ARE  
14 CULPABLE IF ONE OF THEM HAS IMMUNITY AND ONE OF THEM IS  
15 THE DEFENDANT IN A CASE WHERE THE DEATH PENALTY IS BEING  
16 SOUGHT, THE FACT THAT THERE IS BUT FOR THE FACT OF AN  
17 IMMUNITY AGREEMENT, CO-EQUAL CULPABILITY OF BLAME-WORTHINESS,  
18 IS A FACT WHICH CAN BE CONSIDERED BY THE JURY. THE LINE  
19 OF QUESTIONS I WAS ASKING WAS DESIGNED TO UNDERSCORE THEIR  
20 CO-EQUALNESS IN TERMS OF THE PARTICIPATION AND THE EXECUTION  
21 OF THIS ALLEGED PLAN AND I FEEL --

22 THE COURT: YOU HAVE ALREADY ESTABLISHED THE FACT  
23 THAT HE IS AN ACTIVE PARTICIPANT IN IT AND HE ADMITTED IT.  
24 WHAT MORE DO YOU WANT?

25 MR. CHIER: I FEEL --

26 THE COURT: THE EXTENT TO WHICH HE PARTICIPATED, HE  
27 TESTIFIED FULLY. HE TESTIFIED FULLY TO THE EXTENT WHICH  
28 MR. HUNT PARTICIPATED AND HE TESTIFIED FULLY TO HIS

1 PARTICIPATION. WHAT ELSE IS IT YOU WANT TO ESTABLISH?

2 MR. CHIER: I WORKED OUT A SERIES OF QUESTIONS.

3 THE COURT: I KNOW, A LOT OF CONCLUSIONS THAT IS WHY  
4 THERE WERE OBJECTIONS ON THE PART OF THE PEOPLE.

5 MR. BARENS: CAN WE KEEP OUR VOICES DOWN?

6 THE COURT: YES, WE ARE KEEPING IT DOWN. THE CLERK --

7 MR. BARENS: EVERYBODY TELLS ME THEY HEARD THE LAST  
8 COLLOQUY AT THE BENCH.

9 MR. CHIER: THE ENTIRE PRESS HEARD YOU SAY I WAS  
10 SLEAZY.

11 THE COURT: YOU ARE SLEAZY, YOU KNOW.

12 MR. BARENS: SOMEBODY MENTIONED THAT TO ME, JUDGE  
13 THAT THEY HEARD, I AM SURE, BY ACCIDENT. WE JUST SHOULD  
14 AVOID IT.

15 I GUESS WE ARE HERE TO DECIDE ABOUT SCHEDULING  
16 AND WE SHOULD AVOID GETTING INTO ANYTHING THAT --

17 THE COURT: I HOPE YOU ARE GOING TO TAKE OVER THE  
18 REST OF THIS, AREN'T YOU?

19 MR. BARENS: WELL, WE HAVE DIVIDED UP RESPONSIBILITY,  
20 YOUR HONOR, SOMEWHAT AD HOC AS WE ARE PROCEEDING HERE THE  
21 BEST WE CAN.

22 WHAT WAS THE ISSUE ABOUT SCHEDULING WE HAVE  
23 BEFORE US?

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3 1 1 THE COURT: DO YOU HAVE MORE WITNESSES?  
2 MR. WAPNER: I DO HAVE SOME MORE WITNESSES TODAY.  
3 THE COURT: WELL, FINE. LET'S HAVE THEM.  
4 MR. WAPNER: I WOULD BE HAPPY TO PRODUCE THEM.  
5 MR. KARNY, BECAUSE OF THE SITUATION AS A PROTECTED WITNESS --  
6 UNELSS THERE IS ANY REALISTIC POSSIBILITY THAT HE IS GOING  
7 TO BE RECALLED, I WOULD LIKE TO HAVE HIM EXCUSED AT THIS TIME  
8 AND --  
9 THE COURT: IF YOU WANT HIM AGAIN, JUST GIVE HIM 24  
10 HOURS NOTICE.  
11 MR. BARENS: I GUESS THAT IS THE DEAL. THE ONLY REASON  
12 THAT I SAID THAT AND I WILL REPEAT WHAT I SAID IN CHAMBERS,  
13 IS OUT OF AN ABUNDANCE OF CAUTION, I AM PRESUMING THAT THE  
14 BALANCE OF THE PEOPLE'S WITNESSES WOULD SEEK TO CORROBORATE  
15 THE TESTIMONY THAT THE WITNESS HAS SPOKEN SO FAR.  
16 AND TO THE EXTENT THAT WE MIGHT BE ABLE TO SHOW  
17 AN INCONSISTENCY IN THAT TESTIMONY, THAT MIGHT WELL IMPEACH  
18 THE WITNESS OR SUBSEQUENT WITNESSES TO A DEGREE --  
19 THE COURT: DO YOU WANT TO RECALL THIS WITNESS? IS  
20 THAT IT?  
21 MR. BARENS: IF THERE WAS SOMETHING THAT THE DEFENSE --  
22 THE COURT: WELL, I AM NOT FORECLOSING YOU FROM DOING  
23 IT THAT WAY.  
24 MR. BARENS: I CAN'T DECIDE THAT NOW.  
25 THE COURT: JUST GIVE HIM NOTICE BECAUSE YOU KNOW WHAT  
26 HIS CONDITION IS.  
27 MR. BARENS: I WANT TO BE AS COURTEOUS AS I CAN BE TO  
28 BOTH THE WITNESS AND THE PROSECUTOR. I JUST DON'T KNOW. THAT

34^ - 2  
1 IS WHAT MY PROBLEM IS.

2 MR. WAPNER: THANK YOU.

3 THE COURT: ALL RIGHT. DO THE BEST YOU CAN, WILL YOU?

4 SO, THIS WITNESS MAY BE EXCUSED?

5 MR. BARENS: MAYBE I COULD JUST HAVE A MOMENT WITH

6 MR. WAPNER.

7 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

8 MR. BARENS: THAT IS THE WAY IT STANDS.

9 THE COURT: THAT WOULD BE ALL RIGHT?

10 MR. WAPNER: YES.

11 THE COURT: SO, HOW WILL WE GET HIM OFF THE SEAT, THERE?

12 MR. BARENS: PLEASE TAKE A FIVE-MINUTE RECESS. I WOULD

13 LIKE A FIVE-MINUTE BREAK. OTHERWISE THE JURY IS GOING TO

14 HAVE THE INEVITABLE CONCLUSION THAT THIS GUY THINKS HE IS

15 THREATENED BY HUNT. NOW, I DON'T WANT THEM THINKING THAT.

16 THE COURT: WELL, I HAVE GOT AN IDEA. HE CAN WALK TOWARD

17 THE EXIT DOOR.

18 MR. WAPNER: MAY I HAVE JUST A MOMENT BEFORE YOU DO

19 THAT? I HAVE TO --

20 (THERE WAS A BRIEF PAUSE.)

21 MR. WAPNER: IF IT IS ALL RIGHT WITH THE COURT AND

22 COUNSEL, IF HE CAN JUST LEAVE THE WITNESS STAND BY THE BACK

23 DOOR WITHOUT ANYBODY APPROACHING, IT WILL BE ALL RIGHT. IF

24 NOT --

25 THE COURT: YOU MEAN OUT THIS DOOR?

26 MR. WAPNER: YES.

27 THE COURT: ALL RIGHT. HE CAN GO OUT THAT WAY.

28 MR. WAPNER: IS THERE ANY OBJECTION, COUNSEL?

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MR. BARENS: NO.

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

THE COURT: YOU WILL BE EXCUSED. DO YOU HAVE ANY OTHER  
WITNESSES?

MR. WAPNER: YES. WE CALL EVAN DICKER.

1                                   EVAN GEORGE DICKER,  
2 CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY  
3 SWORN, TESTIFIED AS FOLLOWS:

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

6           THE WITNESS: EVAN GEORGE DICKER.

7

8                                   DIRECT EXAMINATION

9 BY MR..WPANER:

10           Q       MR. DICKER, DURING THE TIME THAT YOU WERE EMPLOYED  
11 BY THE BBC AND A MEMBER OF THE BBC, WERE YOU ALSO A NOTARY  
12 PUBLIC?

13           A       I BECAME A NOTARY PUBLIC I BELIEVE IN JANUARY  
14 OF 1984.

15           Q       IN OCTOBER OF 1984, DID MR. HUNT ASK YOU TO PERFORM  
16 SOME SERVICE FOR HIM REGARDING NOTARIZING SOME DOCUMENTS?

17           A       YES HE DID.

18           Q       AND WHERE DID THAT TAKE PLACE?

19           A       AT MY APARTMENT ON SWALL DRIVE.

20           Q       WHAT WAS THE ADDRESS ON SWALL DRIVE?

21           A       143 SOUTH SWALL.

22           Q       DID MR. HUNT COME OVER THERE OR DID HE CALL YOU  
23 FIRST OR DID HE JUST ARRIVE?

24           A       I BELIEVE HE JUST ARRIVED.

25           Q       WHAT HAPPENED WHEN HE GOT THERE?

26           A       HE ARRIVED AND HE HAD APPROXIMATELY SOMEWHERE  
27 BETWEEN SIX AND TWELVE POWERS OF ATTORNEY, WHICH WERE EXECUTED  
28 IN FAVOR OF -- EXCUSE ME -- IT WAS IN FAVOR OF REZA ESLAMINIA



1 AND THEY WERE SIGNED BY HADAYET ESLAMINIA.

2 AND HE INFORMED ME THAT THE SIGNATURE ON THE POWER  
3 OF ATTORNEYS WAS IN FACT, NOT HADAYET'S BUT THAT HE HAD  
4 FORGED IT FROM AN IDENTICAL OR SIMILAR POWER OF ATTORNEY THAT  
5 HAD IN FACT, BEEN EXECUTED BY HADAYET IN FAVOR OF REZA BUT  
6 HAD BEEN LOST.

7 Q WHEN HE TOLD YOU THAT, WHAT DID HE ASK YOU TO  
8 DO, IF ANYTHING?

9 A HE ASKED ME TO EXAMINE THE FORGED POWER OF  
10 ATTORNEYS AGAINST WHAT WAS HE TOLD ME, AN ACTUAL SIGNATURE  
11 CARD OR SOME OTHER BANK DOCUMENT ACTUALLY EXECUTED BY  
12 HADAYET ESLAMINIA AND DETERMINE WHICH SIGNATURE I BELIEVED  
13 WAS THE CLOSEST.

14 Q DID YOU IN FACT, DO THAT?

15 A YES I DID. THIS MAY BY THEN, HAVE MOVED OVER  
16 TO THE OFFICE.

17 BECAUSE AT SOME POINT IN TIME, WE DID MOVE OVER  
18 TO THE OFFICE FROM MY APARTMENT.

19 Q THAT IS, LEAVE YOUR APARTMENT AND GO TO THE OFFICES  
20 ON THIRD STREET?

21 A THAT'S CORRECT.

22 Q WAS THERE ANYONE THERE BESIDES YOU AND MR. HUNT?

23 A BROOKE ROBERTS WAS THERE.

24 Q WHEN YOU WENT OVER TO THE OFFICE, DID YOU IN FACT,  
25 EXAMINE THE SIGNATURES?

26 A YES I DID.

27 Q DID YOU MAKE A DETERMINATION OF WHICH ONE YOU  
28 FELT WAS THE CLOSEST TO THE EXEMPLAR YOU HAD BEEN PROVIDED

1 WITH?

2 A YES I DID.

3 Q AFTER DOING THAT, WHAT DID YOU DO?

4 A MR. HUNT TOOK THAT ONE AND TYPED THE WORDINGS  
5 OF THE DOCUMENTS FOR MY SIGNATURE AND FOR MY STAMP.

6 Q CAN YOU EXPLAIN TO US WHAT THAT IS?

7 A WHAT HE DID WAS, HE TYPED ON THE WORDS THAT  
8 BASICALLY HADAYET ESLAMINIA APPEARED PERSONALLY IN FRONT OF  
9 ME AND ACKNOWLEDGED THAT HE EXECUTED THE DOCUMENT.

10 AND THEN THERE WAS A PLACE FOR THE DATE ALSO.  
11 AND IT SAYS WITHIN THE COUNTY OF LOS ANGELES AND THEN SS,  
12 STATE OF CALIFORNIA AND THEN A PLACE FOR THE NOTARY TO SIGN.

13 Q DID YOU IN FACT, SIGN IT?

14 A YES I DID.

15 Q DID YOU PLACE YOUR NOTARY STAMP ON IT?

16 A YES I DID.

17 Q HAD HADAYET ESLAMINIA IN FACT, SIGNED THAT  
18 DOCUMENT IN FRONT OF YOU?

19 A HE HAD NOT SIGNED THE DOCUMENT IN FRONT OF ME.

20 Q HAD YOU EVER MET HADAYET ESLAMINIA IN YOUR LIFE?

21 A NO I HAVE NOT.

22 Q CAN YOU EXPLAIN WHAT THE DOCUMENT THAT YOU  
23 NOTARIZED SAID, IN ESSENCE?

24 A IT WAS A POWER OF ATTORNEY GRANTING TO REZA  
25 ESLAMINIA ALL OF THE RIGHTS TO TRANSACT ALL OF THE POWERS  
26 TO DEAL WITH HADAYET'S PROPERTY AS REZA SAW FIT.

27 Q AFTER NOTARIZING THIS DOCUMENT, WHAT DID YOU DO  
28 WITH IT?

1           A           THE DOCUMENT WAS KEPT BY MR. HUNT. THEN AT SOME  
2 TIME SUBSEQENT TO THAT DATE, I WENT WITH THAT DOCUMENT TO  
3 THE SWISS EMBASSY TO HAVE MY SIGNATURE AUTHENTICATED.

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1 Q DID YOU GET YOUR SIGNATURE AUTHENTICATED AT  
2 THE SWISS EMBASSY?

3 A YES, I DID.

4 Q WHAT WAS THE PURPOSE OF GOING TO THE SWISS  
5 EMBASSY TO GET THE SIGNATURE AUTHENTICATED?

6 A THAT AUTHENTICATION WAS NEEDED SO THE DOCUME  
7 COULD BE USED OVERSEAS.

8 Q DID YOU GO TO THE SWISS EMBASSY ONCE OR MORE  
9 THAN ONCE?

10 A I WENT THERE MORE THAN ONCE.

11 THE COURT: IS THAT THE EMBASSY OR THE CONSULATE?

12 THE WITNESS: THE CONSULATE.

13 MR. WAPNER: THANK YOU, YOUR HONOR.

14 Q WAS IT CONTEMPLATED THAT THAT DOCUMENT WAS  
15 GOING TO BE USED OVERSEAS?

16 A IT WAS MY UNDERSTANDING FROM THE TIME I  
17 NOTARIZED IT, THAT IT WOULD BE.

18 Q AND WHAT WAS YOUR UNDERSTANDING THAT IT WOULD  
19 BE USED FOR?

20 A TO BASICALLY BOLSTER THE CONSERVATORSHIP PAPER  
21 THAT HAD ALREADY BEEN RECEIVED.

22 Q BEEN RECEIVED WHERE?

23 A THEY HAD BEEN ISSUED BY THE SUPERIOR COURT,  
24 I BELIEVE, IN SAN MATEO COUNTY.

25 Q HAD THEY BEEN SENT BY SOMEONE IN THE BBC SOME  
26 PLACE?

27 A I BELIEVE THAT THE CONSERVATORSHIP PAPERS WERE  
28 EITHER SENT TO OR WERE TAKEN WITH BEN DOSTI AND REZA ESLAM.

1 WHEN THEY WENT TO EUROPE.

2 Q AND WHEN YOU WENT TO THE SWISS CONSULATE THE  
3 SECOND TIME, WAS IT WITH THE SAME POWER OF ATTORNEY IN HAND?

4 A IT WAS EITHER WITH THE POWER OF ATTORNEY OR  
5 WITH THE CONSERVATORSHIP PAPERS POSSIBLY ALSO, I THINK,  
6 TO GET THOSE DOCUMENTS CERTIFIED.

7 Q AND AFTER YOU GOT THE POWER OF ATTORNEY AND  
8 THE CONSERVATORSHIP DOCUMENT CERTIFIED, WHAT DID YOU DO  
9 WITH THEM?

10 A I RETURNED THEM TO THE OFFICE AND IT IS MY  
11 UNDERSTANDING THEY WERE COURIERED TO BEN AND REZA IN EUROPE.

12 Q DID YOU EVER HAVE ANY DISCUSSION WITH MR. HUNT  
13 ABOUT WHAT THE INTENTION WAS TO DO WITH THOSE DOCUMENTS  
14 IN EUROPE?

15 A AT ONE TIME, MR. HUNT INFORMED ME THAT THEY  
16 HAD DISCOVERED A BANK WITH, I BELIEVE, APPROXIMATELY A HUNDRED  
17 TWENTY THOUSAND DOLLARS IN IT IN AN ACCOUNT HELD BY HADAYET  
18 ESLAMINIA AND THE DOCUMENTS WERE TO BE USED TO GET THAT  
19 MONEY.

20 Q I WANT TO SHOW YOU AN EXHIBIT THAT WE HAVE  
21 MARKED AS PEOPLE'S 29 FOR IDENTIFICATION, WHICH IS A XEROX,  
22 AS WELL AS WHAT APPEARS TO BE THE ORIGINAL OF THAT, WHICH  
23 IS IN A PLASTIC SLEEVE, AND ASK YOU IF YOU RECOGNIZE THAT  
24 DOCUMENT?

25 A I DON'T RECALL THIS AS BEING THE DOCUMENT THAT  
26 I SIGNED.

27 THERE IS A NOTARY ACKNOWLEDGEMENT ATTACHED  
28 TO IT AND AS I SAID EARLIER, I BELIEVE THAT ON THE POWER

1 OF ATTORNEY THAT WE WERE DISCUSSING, THE ONE DURING OCTOBER  
2 OF 1984, THAT ACTUALLY THE ACKNOWLEDGEMENT HAD BEEN TYPED  
3 ON IT.

4 BUT THE SIGNATURE AND THE WRITING ON THE ACKNOW-  
5 LEDGEMENT DOES APPEAR TO BE MINE.

6 Q THERE IS AN ACKNOWLEDGEMENT THAT IS ACTUALLY  
7 TYPED ONTO A SEPARATE PIECE OF PAPER THAT HAS BEEN THEN  
8 AFFIXED TO THE ORIGINAL OF PEOPLE'S 29; IS THAT RIGHT?

9 A THIS IS PRINTED AND THE WORDS, THE SPECIFIC  
10 ACKNOWLEDGEMENT ARE WRITTEN OR TYPED ON IT AND THEN, YES,  
11 IT IS AFFIXED TO THE POWER OF ATTORNEY.

12 Q DO ME TWO FAVORS. FIRST OF ALL, TALK A LITTLE  
13 SLOWER.

14 A OKAY.

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1 Q SECOND OF ALL, HOLD THE PAPER UP, THE PIECE  
2 OF PAPER WHICH IS THE ORIGINAL OF PEOPLE'S 29 AND POINT  
3 TO THAT PART OF THE DOCUMENT THAT YOU REFERRED TO AS THE  
4 ACKNOWLEDGEMENT, JUST SO THE JURY CAN SEE IT.

5 A THIS PART, IT IS A YELLOW CARD (WITNESS  
6 INDICATING.)

7 Q ON THE BOTTOM PORTION OF THE DOCUMENT?

8 A YES.

9 Q AND DOES THAT DOCUMENT, PEOPLE'S 29, PURPORT  
10 TO BE A POWER OF ATTORNEY SIGNED BY HADAYET ESLAMINIA, GRANTING  
11 HIS SON REZA, POWER OF ATTORNEY OVER HIS AFFAIRS?

12 A TO THE BEST OF MY KNOWLEDGE, IT DOES PURPORT  
13 TO BE THAT, YES.

14 Q DID MR. ESLAMINIA SIGN THAT DOCUMENT IN YOUR  
15 PRESENCE AS IT SAYS?

16 A IT JUST -- JUST TO CLARIFY IT, FOR AN  
17 ACKNOWLEDGEMENT HE DOESN'T HAVE TO SIGN IT IN YOUR PRESENCE  
18 BUT HE MUST ACKNOWLEDGE IN YOUR PRESENCE THAT HE DID SIGN  
19 IT.

20 Q DID HE IN FACT ACKNOWLEDGE IN YOUR PRESENCE  
21 THAT HE DID SIGN IT?

22 A HE DID NOT.

23 Q DOES THAT DOCUMENT IN FACT SAY THAT MR. HADAYET  
24 ESLAMINIA MADE THIS ACKNOWLEDGEMENT TO YOU ON APRIL 16 OF  
25 1984?

26 A YES, IT DOES.

27 Q DID YOU SEE MR. HADAYET ESLAMINIA ON APRIL  
28 16TH OR ON ANY DATE?

1 A NO, I DID NOT.

2 Q DOES THE SIGNATURE ON THAT DOCUMENT AS A NOTARY  
3 APPEAR TO BE YOUR SIGNATURE?

4 A IT DOES APPEAR TO BE MY SIGNATURE.

5 Q AND ON THE DOCUMENT WHERE THERE ARE WRITTEN  
6 IN THE WORDS "LOS ANGELES, 16, APRIL 1984, HADAYET ESLAMINIA  
7 AND REZA ESLAMINIA," DOES THAT APPEAR TO BE YOUR WRITING?

8 A THAT DOES APPEAR TO BE MY WRITING.

9 Q DO YOU RECALL, OTHER THAN RECOGNIZING IT AS  
10 YOUR WRITING, DO YOU RECALL PLACING IT ON THERE?

11 A NO, I DO NOT.

12 Q DID YOU EVER GO TO SAN MATEO COUNTY WITH ANYONE  
13 IN THE BBC FOR THE PURPOSE OF TRYING TO LOCATE ASSETS OF  
14 HADAYET ESLAMINIA?

15 A YES, I DID.

16 Q WHOM DID YOU GO WITH?

17 A I KNOW REZA WAS AMONG THE GROUP AND SO WAS  
18 JOE AND I BELIEVE THERE WERE OTHER MEMBERS AMONG THE GROUP  
19 THAT DAY ALSO.

20 Q WAS IT ONE DAY THAT THE WHOLE GROUP OF PEOPLE  
21 WENT UP?

22 A THERE WAS ONE DAY I WENT UP.

23 I DON'T KNOW IF THERE WERE OTHER DAYS THAT  
24 OTHER PEOPLE WENT UP.

25 Q WHEN YOU WENT UP TO SAN MATEO COUNTY, DID YOU  
26 SPECIFICALLY GO TO THE TOWN OF BELMONT?

27 A YES, I DO RECALL GOING TO THE TOWN OF BELMONT.

28 Q DID YOU SPLIT INTO TEAMS OR GROUPS OF PEOPLE?



1 A YES, WE DID.

2 Q WHO DID YOU SPEND MOST OF YOUR TIME WITH THAT  
3 DAY?

4 A DURING THE PORTION OF THE DAY THAT WE WERE  
5 GOING FROM BANK TO BANK, I SPENT IT MOSTLY WITH JOE.

6 Q JOE HUNT?

7 A YES.

8 Q WHAT DID YOU MEAN, YOU WERE GOING FROM BANK  
9 TO BANK?

10 A WE WENT TO DIFFERENT BANKS WITH THE CONSERVATOR --  
11 I BELIEVE IT WAS THE CONSERVATORSHIP PAPERS AND WE ATTEMPTED  
12 TO ASCERTAIN WHETHER OR NOT HADAYET ESLAMINIA HAD ANY ACCOUNTS  
13 AT THOSE BANKS.

14 Q OF THE BANKS THAT YOU WENT TO WITH JOE HUNT,  
15 DID YOU LOCATE ANY ACCOUNTS THAT HADAYET ESLAMINIA HAD?

16 A I BELIEVE -- I DON'T RECALL IF IT WAS OUR  
17 SPECIFIC GROUP THAT LOCATED IT, BUT I BELIEVE ONE GROUP  
18 DID LOCATE A BANK WITH A NOMINAL AMOUNT OF MONEY IN THE  
19 ACCOUNT.

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36A-1

1 Q DID YOU HAVE A BIRTHDAY PARTY IN JULY OF 1984?

2 A YES I DID.

3 Q WAS THAT PARTY ACTUALLY ON YOUR BIRTHDAY?

4 A I BELIEVE IT WAS THE SATURDAY EITHER PREVIOUS  
5 OR FOLLOWING.

6 Q ALL RIGHT. WHEN IS YOUR BIRTHDAY?

7 A JULY 9TH.

8 MR. WAPNER: THANK YOU. NOTHING FURTHER.

9

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CROSS-EXAMINATION

11 BY MR. BARENS:

12 Q MR. DICKER, WHEN WAS IT THAT THAT REQUEST TO DO  
13 THIS NOTARIZATION FIRST CAME TO YOUR ATTENTION?

14 A I BELIEVE IT WAS OCTOBER OF 1984.

15 Q AND PRIOR TO THE TIME THAT YOU WERE ACTUALLY ASKED  
16 TO NOTARIZE THIS DOCUMENT, HAD THERE BEEN ANY DISCUSSION ABOUT  
17 THE NEED FOR SUCH AN INSTRUMENT?

18 A I BELIEVE THAT JOE HAD DISCUSSED A WEEK EARLIER  
19 THAT HADAYET HAD EXECUTED A POWER OF ATTORNEY IN FAVOR OF  
20 REZA AND THE ORIGINAL OF THAT -- ACTUALLY, THAT THE DOCUMENT  
21 HAD BEEN LOST.

22 Q AND HAD YOU EVER TALKED TO REZA ABOUT HIS  
23 RELATIONSHIP WITH HIS FATHER?

24 A NO I DID NOT.

25 Q DID YOU KNOW REZA ESLAMINIA?

26 A YES. I DID KNOW REZA ESLAMINIA.

27 Q WHEN DID YOU FIRST MEET HIM?

28 A IT WOULD HAVE BEEN SOMETIME IN JULY OF 1984. IT

36A-2  
1 MIGHT HAVE BEEN A COUPLE OF WEEKS YOU KNOW, INTO JUNE OR A  
2 COUPLE OF WEEKS INTO AUGUST.

3 Q DID REZA GET INVOLVED WITH THE BBC?

4 A HE WAS CERTAINLY AROUND MEMBERS OF THE BBC. AND  
5 HE WAS IN THE OFFICE. BUT HE WAS NOT WORKING IN THE OFFICE  
6 ON A DAILY BASIS.

7 Q DID ANYBODY AMONG THE PEOPLE THAT YOU KNEW AT  
8 THE BBC EVER TELL YOU WHAT HIS RELATIONSHIP WAS?

9 A I RECALL BEING TOLD BUT I DID NOT RECALL WHAT  
10 IT WAS UNTIL I WAS TOLD ABOUT HIS RELATIONSHIP WITH HIS FATHER.

11 Q DO YOU REMEMBER WHO IT WAS THAT SPOKE TO YOU ON  
12 THAT OCCASION?

13 A NO I DO NOT.

14 Q OKAY. DID YOU UNDERSTAND THAT REZA WAS SUPPOSED  
15 TO CONTRIBUTE SOMETHING OF BENEFIT TO THE BBC?

16 A AFTER HIS FATHER -- I DON'T KNOW -- AFTER HIS  
17 FATHER DISAPPEARED, IT WAS MY UNDERSTANDING THAT WHEN HE BECAME  
18 IN CHARGE I GUESS OF HIS FATHER'S FUNDS THROUGH THE  
19 CONSERVATORSHIP, THAT HE WOULD ALLOW THE FUNDS TO BE USED  
20 FOR COMMODITIES TRADING AND THAT THE PROFIT WOULD BE SPLIT  
21 HALF BETWEEN THE BBC AND HALF BETWEEN THE ESLAMINIAS.

22 Q WHEN DID YOU FIRST HAVE ANY KNOWLEDGE THAT HIS  
23 FATHER DISAPPEARED?

24 A I DON'T RECALL. IT WOULD HAVE BEEN -- MY FATHER  
25 DIED AT THE END OF JULY, 1984. AND AT SOME POINT IN TIME  
26 WITHIN A COUPLE OF WEEKS OF MY FATHER'S DEATH, REZA'S FATHER  
27 DISAPPEARED.

28 AND WE HAD A DISCUSSION, YOU KNOW, SOMETHING DEALING

36 ^ 7  
1 WITH THAT. I HAD BEEN INFORMED THAT HIS FATHER DISAPPEARED.  
2 HE HAD BEEN INFORMED THAT MY FATHER DIED. AND WE EXCHANGED  
3 CONDOLENCES.

4 Q IT WAS REZA THAT TOLD YOU HIS FATHER DISAPPEARED?

5 A MY RECOLLECTION WAS THAT IT WAS NOT REZA WHO TOLD  
6 ME HIS FATHER DISAPPEARED BUT SOMEBODY ELSE HAD AND HE HAD  
7 KNOWN MY FATHER PASSED AWAY. SO THAT IS WHY WE EXCHANGED --

8 Q DO YOU RECALL WHO IT WAS THAT TOLD YOU THAT HE  
9 DISAPPEARED?

10 A NO I DO NOT.

11 Q AND OTHER THAN TELLING YOU THAT HE DISAPPEARED,  
12 DID YOU HEAR ANYTHING ELSE ABOUT HIS FATHER AT THAT PARTICULAR  
13 TIME, LIKE WHERE HE MIGHT BE OR WHAT MIGHT HAVE HAPPENED TO  
14 HIM?

15 A I THINK SOMEBODY INFORMED ME THAT HIS FATHER HAD  
16 BEEN INVOLVED POLITICALLY IN IRAN AND THAT SOMETHING MIGHT  
17 HAVE HAPPENED TO HIM DEALING WITH THAT.

18 Q WOULD THAT HAVE BEEN DURING AUGUST OR SEPTEMBER  
19 THAT YOU WERE TOLD THAT?

20 A THAT WOULD HAVE BEEN THE MOST LIKELY PERIOD OF  
21 TIME, YES.

22 Q BETWEEN AUGUST AND OCTOBER OF 1984, DID ANYBODY  
23 TELL YOU DIRECTLY OR INDIRECTLY OR SUGGEST TO YOU IN ANY MANNER,  
24 THAT ANYONE INVOLVED WITH THE BBC HAD ANYTHING TO DO WITH  
25 THE DISAPPEARANCE OF HADAYET ESLAMINIA?

26 A NO.

27 Q NO ONE DID AT ALL, DID THEY?

28 A NO ONE DID AT ALL.

36A-4  
1 Q YOU SAW DURING THAT PERIOD OF TIME ON A REGULAR  
2 BASIS, PITTMAN, DID YOU NOT?

3 A YES.

4 Q AND BEN DOSTI?

5 A BEN AT SOME POINT IN TIME, LEFT FOR EUROPE. SO  
6 THEN OBVIOUSLY, I STOPPED SEEING HIM THEN. BUT UP UNTIL HE  
7 DID, I SAW HIM REGULARLY.

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1 Q JOE HUNT?

2 A YES.

3 Q REZA ESLAMINIA?

4 A I DON'T RECALL HOW REGULARLY I SAW REZA BECAUSE  
5 HE WAS NOT IN THE OFFICE ON A DAILY BASIS.

6 BUT I DID SEE HIM CERTAINLY MORE THAN HALF A DOZEN  
7 TIMES.

8 Q DEAN KARNY?

9 A YES.

10 Q YOU SAW HIM A LOT?

11 A YES.

12 Q OKAY. DURING THAT PERIOD OF TIME, WHAT IF ANYTHING,  
13 DID ANY OF THOSE FIVE PEOPLE TELL YOU ABOUT REZA ESLAMINIA  
14 OR HADAYET ESLAMINIA?

15 MR. WAPNER: OBJECTION, CALLING FOR HEARSAY.

16 THE COURT: OVERRULED.

17 THE WITNESS: JUST GENERALLY. I MEAN, DEALING WITH  
18 THE FACT THAT WE WERE GOING TO ATTEMPT TO HAVE REZA OR HAD  
19 HAD REZA APPOINTED AS THE CONSERVATORSHIP OF HIS FATHER'S  
20 ESTATE. AND THERE REALLY WAS NOT A GREAT DEAL MORE THAN JUST  
21 SIMPLY EFFECTUATING THAT PROCESS.

22 A BY MR. BARENS: SO THUS, IT WAS YOUR UNDERSTANDING  
23 THAT THERE WAS A DISAPPEARANCE OF A PARTY AND WE ARE GOING  
24 TO HAVE A CONSERVATORSHIP OF THE ESTATE OF THAT PERSON, WHICH  
25 IS GOING TO BE REPRESENTED BY REZA ESLAMINIA? WAS THAT YOUR  
26 BODY OF KNOWLEDGE, SIR?

27 A WITH THE EXCEPTION OF DEALING WITH THE NOTARY  
28 STUFF WE HAVE PREVIOUSLY DISCUSSED IN OCTOBER OF 1984, YES.

1 Q BUT THAT WAS YOUR BODY OF KNOWLEDGE, SIR, PRIOR  
2 TO OCTOBER OF 1984?

3 A YES.

4 Q WHO DID YOU UNDERSTAND THE ATTORNEY FOR THE  
5 CONSERVATOR TO BE?

6 A AT THAT PARTICULAR TIME, THERE WERE I GUESS,  
7 THREE ATTORNEYS IN THE OFFICE. I THINK THEY ALL WORKED ON  
8 IT.

9 Q DID YOU EVER MAKE INQUIRY AS TO WHETHER OR NOT  
10 MR. ESLAMINIA'S WIFE OR OTHER CHILDREN WERE REPRESENTED BY  
11 COUNSEL?

12 A I DID NOT MAKE ANY INQUIRIES WHETHER OR NOT THEY  
13 WERE REPRESENTED BY COUNSEL.

14 Q HAVE YOU EVER HEARD THAT THERE HAD BEEN ANY  
15 CONFERENCES AS BETWEEN YOUR STAFF COUNSEL AND THE BALANCE  
16 OF THE ESLAMINIA FAMILY?

17 A I HAVE NO KNOWLEDGE OF THAT.

18 Q AND YOU HAD SOME LEGAL TRAINING AT THAT POINT  
19 IN TIME, DID YOU NOT, SIR?

20 A IN OCTOBER OF 1984 I GUESS I WOULD HAVE COMPLETED  
21 I BELIEVE, MY FIRST YEAR OF LAW SCHOOL. I THINK I COMPLETED  
22 ONE FULL YEAR OF LAW SCHOOL.

23 Q THAT PROBABLY QUALIFIES AS LEGAL TRAINING. IN  
24 ANY EVENT, DID YOU HAVE -- LET'S SEE. DURING THE FIRST AND  
25 SECOND YEAR, DID YOU TAKE ANY CLASSES ON WILLS AND TRUSTS?

26 A I BELIEVE I TOOK WILLS AND TRUSTS IN THE SECOND  
27 SEMESTER OF MY SECOND YEAR. SO I BELIEVE IF IT ENDED IN 1984,  
28 I HAD COMPLETED MY FIRST YEAR. SO I HAD NOT HAD WILLS AND

1 TRUSTS.

2 Q DID YOU HAVE A GENERAL UNDERSTANDING MAYBE FROM  
3 YOUR CONTRACTS COURSE WHICH INEVITABLY OCCURS IN THE FIRST  
4 YEAR AS I RECALL IT, ANYTHING ABOUT CONSERVATORSHIPS OR WHAT  
5 A CONSERVATOR IS ABOUT AT ALL OR WHAT THAT MEANS?

6 A THAT WAS IN THE FIRST YEAR, CONTRACTS.

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1 Q LET ME ASK YOU THIS: DID YOU UNDERSTAND AND  
2 APPRECIATE THE SIGNIFICANCE OF SOMEONE BEING APPOINTED A  
3 CONSERVATOR TO HAVE, WHAT IT MEANT IN A PRACTICAL SENSE,  
4 IF NOT A LEGAL SENSE?

5 A I THINK I DID UNDERSTAND, YES.

6 Q DID YOU UNDERSTAND THAT THAT WAS A RESULT THAT  
7 IS ORDAINED OR SANCTIONED BY A SUPERIOR COURT JUDGE ISSUING  
8 AN ORDER?

9 A YES, I DO.

10 Q HAD YOU EVER SEEN THAT ORDER?

11 A I BELIEVE I HAD.

12 Q WHO SHOWED YOU THE ORDER?

13 A I DON'T RECALL.

14 Q DO YOU KNOW HOW SUCH AN ORDER IS OBTAINED FROM  
15 A COURT?

16 A I BELIEVE I DO, YES.

17 Q AND HOW IS THAT OBTAINED FROM A COURT?

18 A I BELIEVE YOU FILE A PETITION WITH THE COURT  
19 AND ALONG WITH THE PETITION, THERE ARE CERTAIN DECLARATIONS  
20 AND AFFIDAVITS. IF THE COURT CONSIDERS IT TO BE IN THE  
21 BEST INTEREST OF THE MISSING PERSON, THEN THE COURT WILL  
22 APPOINT THAT PERSON.

23 Q AND HAD THAT OCCURRED IN FACT PRIOR TO OCTOBER  
24 OF 1984?

25 A IT IS MY RECOLLECTION IT HAD, YES.

26 Q DID YOU UNDERSTAND THAT THE DOCUMENT THAT YOU  
27 WERE ASKED TO NOTARIZE COULD MISLEAD A COURT?

28 A EXCUSE ME?

1 THE COURT: WHAT?

2 Q BY MR. BARENS: DID YOU UNDERSTAND THAT THE  
3 DOCUMENT YOU WERE ASKED TO NOTARIZE COULD BE MISLEADING  
4 TO A SUPERIOR COURT JUDGE?

5 A I DON'T UNDERSTAND YOUR QUESTION.

6 Q WELL, DID YOU REALIZE OR CONCEIVE THAT THE  
7 POWER OF ATTORNEY THAT YOU WERE NOTARIZING PROBABLY WOULD  
8 BE SUBMITTED TO A SUPERIOR COURT JUDGE FOR REVIEW?

9 A UNDER WHAT BASIS AND WHAT PURPOSE?

10 Q I AM ASKING YOU IF YOU HAD ANY INTIMATION  
11 SIR, THAT SOMETHING LIKE THAT WITH A CONSERVATORSHIP PENDING  
12 IN A SUPERIOR COURT, THAT THAT KIND OF DOCUMENT MIGHT FIND  
13 ITS WAY BEFORE THE JUDGE HANDLING THE CONSERVATORSHIP?

14 A IT WAS MY UNDERSTANDING THAT THE CONSERVATORSHIP  
15 HAD ALREADY BEEN ORDAINED UPON REZA, AS YOU SAID, BY THAT  
16 POINT IN TIME.

17 Q SO IT NEVER OCCURRED TO YOU THAT THIS INSTRUMENT  
18 COULD BE SHOWN TO A COURT?

19 A NO --

20 WELL, I WOULDN'T SAY IT NEVER OCCURRED THAT  
21 THE INSTRUMENT COULD BE SHOWN TO A COURT BUT BY THAT PERIOD  
22 OF TIME, IT WOULD BE KIND OF MOOT TO SHOW IT TO A COURT.

23 Q SO BY OCTOBER WHEN YOU WERE ASKED TO SIGN THIS,  
24 YOUR STATEMENT IS THAT NOTHING YOU HAD HEARD OR SEEN AT  
25 THE BBC WHATSOEVER WOULD GIVE OCCASION FOR YOU TO BELIEVE  
26 THAT ANYTHING UNTOWARD HAD HAPPENED TO MR. ESLAMINIA?

27 A WELL, THERE WAS -- I DON'T UNDERSTAND THE LAST  
28 WORD "UNTOWARD".

1 Q LET ME ADD TO THAT THE FOLLOWING PHRASE: AS  
2 A RESULT OF ANY ACTIONS BY ANY MEMBER OF THE BBC OR ANYONE  
3 ASSOCIATED THEREWITH.

4 A THAT IS CORRECT, BY OCTOBER OF 1984, THAT IS  
5 CORRECT.

6 Q THAT WAS YOUR BELIEF SYSTEM?

7 A YES.

8 Q DID THAT APPEAR TO BE THE BELIEF SYSTEM OF  
9 EVERYONE ELSE YOU KNEW AT THE BBC?

10 MR. WAPNER: OBJECTION. IT IS COMPOUND AND VAGUE  
11 AND CALLS FOR A CONCLUSION. HOW DOES HE KNOW WHAT EVERYBODY  
12 ELSE THINKS OR WHAT THEY BELIEVED?

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37-4

1 MR. BARENS: I ASKED, YOUR HONOR, IF IT APPEARED TO  
2 HIM SOLELY.

3 MR. WAPNER: OBJECTION ON THE GROUNDS IT IS COMPOUND.

4 THE COURT: REPHRASE YOUR QUESTION, PLEASE.

5 Q BY MR. BARENS: HAD YOU EVER HEARD ANYONE SAY  
6 OR COMMIT ANY ACT AT THE BBC THAT WOULD SUGGEST TO YOU THAT  
7 THEY HAD DONE ANYTHING UNTOWARD TOWARD MR. ESLAMINIA PRIOR  
8 TO OCTOBER OF 1984?

9 A COULD YOU DEFINE "UNTOWARD" FOR ME?

10 Q ALL RIGHT. THAT THEY HAD KIDNAPPED HIM, KILLED  
11 HIM, EXTORTED FROM HIM OR ROBBED HIM.

12 A NO.

13 I AM NOT SURE IF YOUR QUESTION WAS PHRASED  
14 IN THE AFFIRMATIVE OR THE NEGATIVE.

15 Q I THINK WE COMMUNICATED ON THAT, MR. DICKER.

16 A OKAY.

17 Q IN ANY EVENT, WHEN YOU ARE ASKED TO SIGN THE  
18 UNLIMITED POWER OF ATTORNEY, YOU ARE TOLD, YOU ARE ASKED  
19 TO DO THAT BECAUSE THE ORIGINAL OF IT HAS BEEN LOST OR  
20 MISPLACED?

21 A NOT -- THAT WASN'T WHY I WAS ASKED TO DO IT,  
22 BUT I HAD BEEN TOLD THAT THE ORIGINAL HAD BEEN LOST OR  
23 MISPLACED.

24 Q WHY DID YOU BELIEVE YOU WERE BEING ASKED TO  
25 DO THAT?

26 A BECAUSE JOE HAD SAID THAT CERTAIN OF THE FUNDS  
27 IN OTHER BUSINESSES THAT MIGHT BE LOCATED OVERSEAS, IT WOULD  
28 TAKE A GREATER -- IT WOULD TAKE LONGER AND MORE TIME TO

37A

1 TRY AND EFFECTUATE REZA'S RIGHT TO CONTROL THESE FUNDS WITH  
2 THE CONSERVATORSHIP DOCUMENTS THAN WOULD A POWER OF ATTORNEY.

3 Q HAD ANYONE EVER TOLD YOU WHY MR. ESLAMINIA  
4 WOULD HAVE EXECUTED THE POWER OF ATTORNEY IN FAVOR OF  
5 REZA IN THE FIRST INSTANCE DURING APRIL OF 1984?

6 A NO.

7 Q DID YOU ASK?

8 A NO, I DID NOT.

9 Q IF, IN FACT, THE DOCUMENT HAD BEEN EXECUTED  
10 IN APRIL OF 1984, WOULD A CONSERVATORSHIP, IN YOUR MIND,  
11 HAVE BEEN NECESSARY TO BEGIN WITH?

12 MR. WAPNER: OBJECTION. CALLS FOR A LEGAL CONCLUSION  
13 ON THE PART OF THE WITNESS.

14 THE COURT: SUSTAINED.

15 Q BY MR. BARENS: HAS REZA ESLAMINIA OR ANYONE  
16 ELSE IN THE BBC TOLD YOU THAT REZA ESLAMINIA HAD EVER MADE  
17 USE TO ANY EXTENT OF THE POWER OF ATTORNEY BETWEEN APRIL  
18 AND OCTOBER OF '84?

19 A NO, THEY DID NOT.

20 Q DID YOU ASK?

21 A NO, I DID NOT.

22 Q WHEN YOU EXECUTED THE POWER OF ATTORNEY, DID  
23 YOU HAVE ANY DISCUSSION WITH REZA?

24 A I DID NOT EXECUTE THE POWER OF ATTORNEY.  
25 I ACKNOWLEDGED IT.

26 Q I UNDERSTAND THAT.

27 WHEN I SAY EXECUTE, I MEAN YOU SIGNED IT. I  
28 AM USING THE WORD PERHAPS INAPPROPRIATELY.

1                   BUT WHEN YOU SIGNED IT, WAS IT YOUR BELIEF  
2                   THAT IT WAS SOLELY FOR A SPECIFIC TRANSACTION OR FOR A  
3                   SERIES OF TRANSACTIONS?

4                   A           I HAD NO SPECIFIC BELIEF AT THAT TIME, YOU  
5                   KNOW, IN REGARD TO THAT.

6                   MY BELIEF -- I DON'T THINK I REALLY CONSIDERED  
7                   IT BUT I PROBABLY WOULD HAVE BELIEVED THAT IT WOULD HAVE  
8                   BEEN USED FOR A SERIES OF TRANSACTIONS.

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1 Q WHY DID YOU BELIEVE, AT LEAST BASED ON YOUR  
2 JUDGMENT AT THAT TIME, WHY WOULD YOU BELIEVE SOMEONE WOULD  
3 NEED A POWER OF ATTORNEY EXECUTED IN APRIL, IF YOU HAD  
4 A CONSERVATORSHIP GRANTED AFTER AUGUST, WHAT DID YOU THINK  
5 ABOUT THAT?

6 A WELL, PROBABLY -- I PROBABLY KNOW BETTER NOW  
7 BECAUSE, YOU KNOW, OF CIVIL PROCEDURE AND FULL FAITH.

8 Q I COULD JUST ASK -- I DON'T MEAN TO INTERRUPT --  
9 BUT JUST WHAT WAS YOUR MIND-SET IN OCTOBER OF '84?

10 A MR. WAPNER: OBJECTION ON THE GROUNDS OF  
11 RELEVANCE.

12 THE COURT: I WILL OVERRULE THE OBJECTION. YOU CAN  
13 ANSWER THAT.

14 MR. BARENS: I APPRECIATE THAT. THANK YOU.

15 THE WITNESS: PROBABLY THAT IT WOULD BE SINCE THE  
16 CONSERVATORSHIP WAS -- REZA WAS APPOINTED BY THE COURT AS  
17 CONSERVATOR, A BANK DEALING WITH REZA MIGHT DEAL EASIER  
18 WITH HIM IF THERE WAS A DOCUMENT WHICH WAS SIGNED BY HIS  
19 FATHER GIVING HIM THE POWER THAT THE COURT HAD NOW GIVEN  
20 HIM ALSO.

21 IT WOULD JUST PUT PEOPLE DEALING WITH HIM OVER-  
22 SEAS AT EASE.

23 Q BY MR. BARENS: WHO GAVE YOU THE DATE OF APRIL  
24 OF '84?

25 A THE DATE OF APRIL OF '84 IS ON THE POWER OF  
26 ATTORNEY AND THAT IS --

27 Q ISN'T THAT IN YOUR HANDWRITING, MR. DECKER?

28 A OH, YES, IT IS IN MY HANDWRITING ON THE

1 ACKNOWLEDGEMENT.

2 Q YES. AND --

3 A BUT THAT WAS SIMPLY THE SIGNATURE DATE AND  
4 I ADOPTED IT FROM THERE, I GUESS.

5 I DON'T RECALL WHO TOLD ME SPECIFICALLY TO  
6 WRITE THAT DATE DOWN.

7 Q SO YOU JUST ADOPTED IT?

8 A I WAS TOLD TO ADOPT IT.

9 Q WHEN YOU DID THAT, DID YOU EVER SPEAK TO REZA  
10 ESLAMINIA AND TELL HIM YOU WERE SIGNING THIS ON HIS BEHALF?

11 A I DON'T BELIEVE I WAS SIGNING IT ON HIS BEHALF.  
12 I DON'T UNDERSTAND.

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38A-1

1 Q ON WHOSE BEHALF WERE YOU SIGNING IT, SIR?

2 A WELL, I WAS NOT SIGNING IT ON ANYONE'S BEHALF.  
3 I WAS ACKNOWLEDGING IT.

4 Q SO OSTENSIBLY, THE BENEFITED PARTY BY YOUR  
5 NOTARIZATION, WAS TO BE REZA ESLAMINIA?

6 A YES.

7 Q AND DID YOU EVER SPEAK TO HIM AND SAY, "REZA,  
8 I SIGNED THIS NOTARIZED DOCUMENT ON YOUR BEHALF"?

9 A NOT TO MY RECOLLECTION.

10 Q DID YOU EVER DISCUSS THIS DOCUMENT WITH REZA?

11 A NOT TO MY RECOLLECTION.

12 Q DID YOU EVER DISCUSS THIS DOCUMENT WITH ANY OTHER  
13 PERSON THAN JOE HUNT PRIOR TO OCTOBER, 1984?

14 A I ONLY DISCUSSED THE DOCUMENT WITH JOE HUNT  
15 DEALING WITH THE LOST COPY OF THE ONE THAT HAD BEEN EXECUTED  
16 BY HADAYET. AND I DIDN'T DISCUSS IT WITH ANYONE ELSE.

17 Q HAVE YOU EVER BEFORE THIS OCCASION, NOTARIZED  
18 A POWER OF ATTORNEY THAT YOU KNEW NOT TO BE TRUE?

19 A TO THE BEST OF MY RECOLLECTION, I HAD NOT NOTARIZED  
20 ANY PREVIOUS POWER OF ATTORNEYS I KNEW TO BE NOT TRUE BEFORE  
21 THIS DATE.

22 Q AND WHEN YOU NOTARIZED THIS ONE, DID YOU BELIEVE  
23 IT TO BE TRUE?

24 A I BELIEVED THAT HE HAD GRANTED THE POWER OF  
25 ATTORNEY TO REZA. I DID NOT BELIEVE THAT THIS ACTUAL SIGNATURE  
26 ON THIS DOCUMENT WAS HADAYET'S. I KNEW IT TO NOT BE.

27 Q MORE IMPORTANTLY FOR MY QUESTION THOUGH, MR. DICKER,  
28 IS THAT YOU BELIEVE AND HAD REASON TO BELIEVE I PRESUME, THAT

30^ 2  
1 IN FACT, HADAYET ESLAMINIA IN APRIL OF 1984, HAD IN FACT AND  
2 IN TRUTH, GRANTED A POWER OF ATTORNEY IN FAVOR OF HIS SON,  
3 REZA?

4 MR. WAPNER: OBJECTION, COMPOUND. ALSO THE RELEVANCE  
5 OF WHAT HE BELIEVED OR HAD REASON TO BELIEVE.

6 MR. BARENS: I THINK THAT IS WHAT WE ARE TALKING ABOUT.

7 THE COURT: DO YOU UNDERSTAND THE QUESTION?

8 THE WITNESS: I BELIEVE I DO.

9 THE COURT: YOU MAY ANSWER IT. OVERRULED.

10 THE WITNESS: I HAD BEEN TOLD BY MR. HUNT THAT  
11 MR. ESLAMINIA HAD EXECUTED A POWER OF ATTORNEY IN FAVOR OF  
12 HIS SON AND BASED UPON THAT, I BELIEVED IT.

13 Q BY MR. BARENS: WHAT DID YOU UNDERSTAND THE  
14 RELATIONSHIP BETWEEN REZA AND JOE HUNT TO BE?

15 A SIMPLY THAT JOE WAS GOING TO ASSIST REZA IN  
16 BECOMING -- JOE THROUGH THE BBC WAS GOING TO ASSIST REZA IN  
17 BECOMING CONSERVATORSHIP OF HIS FATHER'S ESTATE, THEREBY,  
18 ONCE REZA BECAME IN CONTROL OF HADAYET'S FUNDS, CERTAIN OF  
19 THOSE FUNDS I GUESS WOULD BE INVESTED IN MICROGENESIS AND  
20 CERTAIN OF THE FUNDS WOULD BE INVESTED IN THE COMMODITIES  
21 AND THEN HE WOULD SPLIT THE PROFITS EVENLY BETWEEN THE BBC  
22 AND THE ESLAMINIAS.

23 Q BETWEEN MAY OF 1984 AND AUGUST OF 1984, WHAT DID  
24 YOU UNDERSTAND REZA'S RELATIONSHIP WITH THE BBC TO BE, SIR?

25 A UP UNTIL THIS, I DIDN'T -- THAT WOULD HAVE REALLY  
26 FROM MY RECOLLECTION, WOULD BE ENCOMPASSING THE MONTH OF JULY.

27 BECAUSE I DON'T RECALL REZA BECOMING INVOLVED  
28 MUCH EARLIER THAN THAT. AND I HAD NO KNOWLEDGE OF HIS

38-3  
(  
1 RELATIONSHIP EXCEPT MAYBE IT WAS SIMPLY SOMEBODY WHO MIGHT  
2 WANT TO BECOME A MEMBER OF THE BBC.

3 Q I SEE. AS FAR AS THE APRIL 16TH DATE ON THE POWER  
4 OF ATTORNEY, DID YOU KNOW WHERE THAT DATE CAME FROM?

5 A NO IDEA.

6 Q DID YOU EVER ASK?

7 A NO I DID NOT.

8 Q AND IS IT YOUR TESTIMONY THAT AT NO TIME -- STRIKE  
9 THAT.

10 YES, AT NO TIME DID YOU EVER MENTION OR REFERENCE  
11 THIS DOCUMENT WITH REZA ESLAMINIA?

12 A THAT IS MY BELIEF.

13 Q DID YOU EVER DISCUSS THIS DOCUMENT WITH THE HOUSE  
14 COUNSEL THAT WORKED FOR YOU FOLKS AT THE BBC?

15 A I DON'T RECALL.

16 Q YOU DIDN'T FEEL IT APPROPRIATE OR DID YOU FEEL  
17 IT APPROPRIATE TO DISCUSS THIS DOCUMENT WITH THE LAWYERS WHO  
18 WERE WORKING ON THE CONSERVATORSHIP?

19 A I DIDN'T FEEL IT NECESSARY.  
20  
21  
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23  
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38B-1

1 Q WERE THE LAWYERS AWARE OF THE DOCUMENT?

2 A I DON'T RECALL.

3 Q DID YOU EVER ASK TO SEE ANY OF THE DOCUMENTS  
4 PERTAINING TO THE CONSERVATORSHIP AT ANY TIME?

5 A I DID SEE THEM.

6 Q WHEN DID YOU SEE THOSE?

7 A I JUST SAW A COUPLE OF DECLARATIONS PRIOR TO THEM  
8 BEING FILED WITH THE COURT. I ALSO SAW I AM SURE, NUMEROUS  
9 DOCUMENTS. I MIGHT HAVE EVEN -- I DON'T RECALL -- I DON'T  
10 BELIEVE I WAS THE ONE WHO WENT TO THE COURT TO GET THE FORMS.  
11 BUT I AM SURE I SAW THEM.

12 I MEAN AT SOME POINT IN TIME, I MAY HAVE EVEN  
13 ASSISTED IN THE TYPING OR FILLING IN OF SOME OF THEM BUT I  
14 DON'T BELIEVE SO.

15 Q DID YOU SEE ANY OTHER POWERS OF ATTORNEY ASSOCIATED  
16 WITH MR. HADAYET ESLAMINIA?

17 A USING "ASSOCIATED" VERY BROADLY, I BELIEVE THAT  
18 THERE WERE OTHER POWERS OF ATTORNEYS WITH REGARDS TO GRANTING  
19 SOME RIGHTS AMONG THE ESLAMINIA CHILDREN OR POSSIBLY THE  
20 SPOUSE.

21 Q AND WERE THOSE POWERS OF ATTORNEY EXECUTED BY  
22 MR. ESLAMINIA?

23 A HADAYET?

24 Q YES, SIR.

25 A NO. IT IS MY RECOLLECTION THAT THEY WERE AMONG  
26 THE CHILDREN AND POSSIBLY THE SPOUSE. I DON'T RECALL. BUT  
27 I DO REMEMBER SOME POWERS OF ATTORNEYS.

28 Q I DON'T QUITE FOLLOW, SIR. WERE THOSE POWERS

38  
1 OF ATTORNEY BY CONTRAST ISSUED AS AMONG THE BALANCE OF THE  
2 LINEAL FAMILY OR ARE THESE AS BETWEEN MR. HADAYET ESLAMINIA  
3 AND MEMBERS OF HIS FAMILY?

4 A IT WAS AMONG OTHER MEMBERS OF HIS FAMILY.

5 Q ONE TO THE OTHER?

6 A YES. I BELIEVE SO, THOUGH I DON'T RECALL.

7 Q HOW DID YOU HAPPEN TO SEE THAT SORT OF INSTRUMENT?

8 A I DON'T RECALL.

9 Q WHERE DID YOU SEE THAT?

10 A I BELIEVE AT THE OFFICE. I SIMPLY RECALL SEEING  
11 THEM. I DON'T RECALL THE CONTEXT OF IT.

12 Q ALL RIGHT. DID YOU UNDERSTAND IT THEN WHEN YOU  
13 ISSUED THIS POWER OR NOTARIZED THIS POWER OF ATTORNEY THEN,  
14 IT WAS YOUR STATE OF MIND AND BELIEF THAT AS A RESULT OF YOU  
15 DOING THIS, SOMETHING OF A FINANCIAL BENEFICIAL INTEREST  
16 COULD OCCUR TO THE BBC?

17 A YES.

18 Q DID ANYONE EVER SAY THAT THE ORIGINAL OF THE LOST  
19 POWER OF ATTORNEY WAS DATED APRIL 16, 1984?

20 A SOMEBODY MIGHT HAVE. I DON'T RECALL THEM SAYING  
21 IT, THOUGH.

22 Q WHEN YOU WENT TO THE SWISS -- WHERE DID WE DECIDE  
23 YOU WENT? TO THE CONSULATE?

24 WHEN YOU WENT TO THE SWISS CONSULATE, WHAT DID  
25 YOU DO THERE TO AUTHENTICATE YOUR SIGNATURE, SIGN SOMETHING  
26 UNDER OATH AND MAKE A STATEMENT OR SOMETHING?

27 A I THINK YOU COUNTERSIGN IT AND THEN SHOW  
28 IDENTIFICATION.

38B-3  
1 Q THAT WAS ALL?

2 A YES, TO MY RECOLLECTION.

3 Q HAD HADAYET ESLAMINIA EVER TOLD YOU -- STRIKE  
4 THAT.

5 HAD REZA ESLAMINIA EVER TOLD YOU ANYTHING ABOUT  
6 HIS BUSINESS DEALINGS OR THE LACK THEREOF WITH HIS FATHER?

7 A NOT TO MY RECOLLECTION.

8 Q OTHER THAN THE TIME YOU TOLD US THAT YOU EXCHANGED  
9 CONDOLENCES WITH REZA, DID YOU EVER HAVE ANY CONVERSATION  
10 WITH HIM ABOUT ANYTHING IN THE WORLD?

11 A I HAD MANY CONVERSATIONS WITH HIM. BUT THE  
12 SUBSTANCE OF THEM, I DON'T RECALL.

13 Q DO YOU REMEMBER ANYTHING ABOUT WHAT YOU GENTLEMEN  
14 TALKED ABOUT?

15 A WE GENERALLY TALKED MORE IN SOCIAL SETTINGS THAN  
16 IN BUSINESS SETTINGS. SO, THEY WOULD HAVE BEEN YOU KNOW,  
17 SOCIAL CONVERSATIONS WHICH I GUESS ARE QUICKLY FORGOTTEN.

18 Q DID YOU EVER MEET ANY MEMBERS OF HIS FAMILY?

19 A I BELIEVE I MET HIS MOTHER. THAT IS MY  
20 RECOLLECTION.

21 Q WHEN WAS THAT?

22 A DURING SOMETIME IN THE SECOND HALF OF 1984.

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28

1 Q AFTER OCTOBER, SIR?

2 A IT IS MY BELIEF THAT IT WAS BEFORE, BUT I DO  
3 NOT RECALL.

4 Q COULD IT HAVE BEEN AFTER AS WELL, SIR?

5 A IT COULD HAVE BEEN.

6 Q DID YOU HAVE ANY UNDERSTANDING ABOUT HIS MOTHER  
7 WHO WOULD BE, I PRESUME, HIS MOTHER WAS IN FACT THE FORMER  
8 WIFE OF HADAYET ESLAMINIA?

9 A THAT WAS MY UNDERSTANDING.

10 Q DID YOU HAVE AN UNDERSTANDING THAT SHE ENDORSED  
11 AND APPROVED REZA ESLAMINIA ACTING AS CONSERVATOR IN THIS  
12 SETTING?

13 A IT IS MY UNDERSTANDING SHE MIGHT HAVE SUBMITTED  
14 A DECLARATION, ALONG WITH THE CONSERVATORSHIP, ENDORSING  
15 HIM.

16 Q THAT THE MOTHER IN FACT HAD ENDORSED REZA AS  
17 THE CONSERVATOR, IN FACT?

18 A THAT IS MY RECOLLECTION.

19 Q WHEN YOU WENT TO SAN FRANCISCO, WHEN WAS THAT?

20 A WE DIDN'T GO TO SAN FRANCISCO.

21 Q ALL RIGHT. YOU WENT TO BELMONT, WHICH IS ADJACEMENT  
22 TO SAN FRANCISCO, I BELIEVE.

23 A WELL, IT IS CLOSE.

24 Q WELL, ALL RIGHT. DIDN'T YOU GO TO SAN FRANCISCO  
25 AND THEN DRIVE TO BELMONT?

26 A NO, WE DIDN'T.

27 Q HOW DID YOU GET THERE?

28 A I THINK WE FLEW TO AN AIRPORT, WHICH I DON'T

1 RECALL WHERE, BUT I DON'T BELIEVE IT WAS SAN FRANCISCO.

2 Q AND YOU WENT TO BELMONT WHEN?

3 A I DON'T RECALL THE EXACT DAY.

4 Q WAS IT BEFORE OR AFTER OCTOBER?

5 A I BELIEVE IT WAS BEFORE OCTOBER.

6 Q AND WHEN YOU WENT UP THERE, YOU WERE NOT ARMED  
7 WITH THE POWER OF ATTORNEY?

8 A I DON'T BELIEVE SO.

9 I BELIEVE WE WERE JUST ARMED WITH CONSERVATOR-  
10 SHIP DOCUMENTS.

11 Q AND WHEN YOU WENT UP THERE THAT WOULD BE SOMETIME  
12 BETWEEN, WAS IT, SIR, AUGUST AND OCTOBER?

13 A THAT WOULD SEEM APPROPRIATE, YES.

14 Q AND WAS REZA ESLAMINIA ACTING AS A CONSERVATOR  
15 ON THAT OCCASION?

16 A I BELIEVE HE WAS, YES.

17 Q WHEN YOU WENT INTO THE BANKS, WHAT DID YOU  
18 SAY TO PEOPLE?

19 A WE INFORMED THEM THAT WE WERE EITHER -- I GUESS  
20 I WAS WITH JOE -- AND THAT WE WERE ACTING ON BEHALF OF THE  
21 CONSERVATORSHIP AND WE WERE SIMPLY TRYING TO LOCATE WHETHER  
22 THERE WERE ANY ASSETS HELD IN THE BANK IN THE NAME OF HADAYET  
23 ESLAMINIA.

24 Q WHEN YOU MADE THOSE STATEMENTS, YOU BELIEVED  
25 THEM TO BE TRUE?

26 A YES.

27 Q AND MR. HUNT MADE SIMILAR STATEMENTS?

28 A YES.



1 Q DID YOU BELIEVE AT THAT TIME THAT MR. HUNT  
2 BELIEVED THOSE STATEMENTS TO BE TRUE?

3 A DID I BELIEVE THAT HE BELIEVED THE STATEMENTS  
4 TO BE TRUE?

5 MR. WAPNER: OBJECTION. CALLS FOR SPECULATION ON  
6 THE PART OF THE WITNESS.

7 THE COURT: HOW WOULD HE KNOW THAT?

8 MR. WAPNER: ALSO IRRELEVANT, YOUR HONOR.

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39-4

1 MR. BARENS: I AM ONLY ASKING YOUR STATE OF MIND,  
2 SIR.

3 THE COURT: I WILL SUSTAIN THE OBJECTION.

4 Q BY MR. BARENS: ALL RIGHT, NOW DID YOU HAVE  
5 ANY MEETINGS WITH DEAN KARNY AFTER JOE HUNT WAS ARRESTED?

6 A YES, I DID.

7 Q OKAY. WHEN WOULD THAT HAVE OCCURRED?

8 A THAT WOULD HAVE OCCURRED IN THE PERIOD OF TIME  
9 AFTER HE WAS ARRESTED, I MEAN CONTINUING, I GUESS, UNTIL  
10 NOVEMBER OF 1984.

11 Q AND DURING THOSE MEETINGS, DID YOU DISCUSS  
12 WITH DEAN WHAT WAS TO BE DONE?

13 MR. WAPNER: OBJECTION. VAGUE.

14 Q BY MR. BARENS: WELL, DID YOU HAVE SOME CONCERN  
15 ABOUT YOUR FUTURE AT THAT TIME, SIR?

16 A YES, I DID.

17 Q AND DID MR. KARNY EVIDENTLY HAVE SIMILAR  
18 CONCERN?

19 A YES, HE DID.

20 Q AND DID MR. KARNY TELL YOU THAT HE WAS GOING  
21 TO GO AND MAKE AN IMMUNITY DEAL WITH THE POLICE?

22 A HE TOLD ME AT SOME POINT IN TIME THAT HE WAS  
23 TALKING WITH THE POLICE AND I DON'T KNOW IF THE EXACT TERM  
24 "IMMUNITY" CAME UP BUT HE WAS CERTAINLY ATTEMPTING TO WORK --  
25 I GUESS WORK A DEAL OR COME TO AN UNDERSTANDING WITH THE  
26 POLICE.

27 Q AND DID YOU EVER HAVE SIMILAR NEGOTIATIONS?

28 A I HAD -- OR MY ATTORNEY HAD A DISCUSSION WITH

39.

1 OSCAR BREILING IN, I GUESS IT WAS NOVEMBER, MOST LIKELY  
2 DECEMBER OF 1984 WHERE IMMUNITY WAS DISCUSSED.

3 MR. BARENS: ALL RIGHT. A MOMENT IF YOU WOULD, YOUR  
4 HONOR.

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

7 Q BY MR. BARENS: SIR, DID YOU HAVE ANY MEETINGS  
8 WITH MR. KARNY AFTER DECEMBER OF '84?

9 A I DO RECALL AT SOME POINT IN TIME, WE STOPPED  
10 SEEING EACH OTHER AND IT IS MY RECOLLECTION THAT WE DID  
11 SEE EACH OTHER AFTER NOVEMBER OF 1984.

12 Q YOU DID?

13 A YES.

14 Q DO YOU REMEMBER WHEN YOU STOPPED SEEING EACH  
15 OTHER SUBSEQUENT THERETO?

16 A NO, I DON'T.

17 Q DO YOU KNOW HOW MANY MONTHS OR WEEKS OR YEARS,  
18 OR WHATEVER WE MIGHT DESCRIBE IT BY, THAT RELATIONSHIP  
19 CONTINUED?

20 A APPROXIMATELY SIX MONTHS, BUT THE LAST TIME  
21 I MIGHT HAVE SEEN HIM MIGHT HAVE IN FACT BEEN IN NOVEMBER  
22 OF 1984 BUT I BELIEVE I SAW HIM AFTER, BUT I AM NOT SURE  
23 ABOUT THE DATES.

24 Q OR A PERIOD OF SIX MONTHS SUBSEQUENT TO NOVEMBER  
25 1984 PERHAPS?

26 A PERHAPS.

27 MR. BARENS: THANK YOU, SIR.

28 THE COURT: ANY REDIRECT?

39-6

1 MR. WAPNER: I JUST HAVE A FEW QUESTIONS.

2  
3 REDIRECT EXAMINATION

4 BY MR. WAPNER:

5 Q YOU STATED "WE WERE GOING TO GET REZA APPOINTED  
6 AS CONSERVATOR OF THE ESTATE," WHO WAS "WE"?

7 A I GUESS THE ATTORNEYS OF THE BBC.

8 Q AT THE TIME THAT YOU NOTARIZED THE DOCUMENT  
9 OSTENSIBLY GIVING REZA THE POWER OF ATTORNEY, YOU HAD  
10 ALREADY BEEN TO BELMONT LOOKING FOR THE ASSETS OF MR.  
11 ESLAMINIA; IS THAT RIGHT?

12 A IT IS MY RECOLLECTION, YES.

13 Q AND WHEN YOU WENT TO BELMONT LOOKING FOR THE  
14 ASSETS, THE CONSERVATORSHIP HAD ALREADY BEEN ESTABLISHED  
15 IN FAVOR OF REZA FOR HIS FATHER'S ESTATE, CORRECT?

16 A YES, IT HAD.

17 Q WHERE DID YOU GET YOUR UNDERSTANDING OF HOW  
18 THE BBC WAS GOING TO BENEFIT FINANCIALLY FROM THIS TRANS-  
19 ACTION IN TERMS OF MONEY GOING INTO THE COMMODITIES AND  
20 MICROGENESIS?

21 A I BLEIEVE I WAS TOLD BY JOE HUNT.

22  
23  
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40 1 MR. WAPNER: THANK YOU. NOTHING FURTHER.

2 MR. BARENS: THANK YOU, YOUR HONOR.

3 THE COURT: THANK YOU VERY MUCH. YOU MAY STEP DOWN.

4 THIS WITNESS MAY BE EXCUSED?

5 MR. WAPNER: NO OBJECTION.

6 MR. BARENS: NO OBJECTION.

7 THE COURT: ALL RIGHT.

8 MR. WAPNER: YOUR HONOR, MAY PEOPLE'S 29 BE RECEIVED  
9 INTO EVIDENCE? IT IS THE POWER OF ATTORNEY.

10 THE COURT: YES. YOU HAVE NOTHING FURTHER?

11 MR. WAPNER: NO.

12 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE'LL  
13 TAKE OUR ADJOURNMENT AT THIS TIME UNTIL TOMORROW MORNING AT  
14 10:30. THE SAME ADMONITION GIVEN YOU PREVIOUSLY APPLIES.  
15 GOOD NIGHT.

16 (AT 4:29 P.M. AN ADJOURNMENT WAS TAKEN  
17 UNTIL WEDNESDAY, MAY 20, 1987, AT 10:30 A.M.)

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