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COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT

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

SUPERIOR COURT  
NO. A-090435

OCT 09 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 95 OF 101  
(PAGES 14350 TO 14510 , INCLUSIVE)

COPY

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WEST C

HON. LAURENCE J. RITTENBAND, JUDGE

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

NO. A-090435

REPORTERS' DAILY TRANSCRIPT

WEDNESDAY, MAY 20, 1987

VOLUME 95

PAGES 14350 TO 14510, INCL.

APPEARANCES:

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

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

AND

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

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

COPY

2 A.M. 14350  
3 P.M. 14411

4 -----  
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14 EISENBERG, JEROME J.	14417	14431-B	14444		
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19 EISENBERG, JEROME J.	14417	14431-B	14444	
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25 LEGEND: B - MR. BARENS

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BUT NOT RECEIVED INTO EVIDENCE ARE RECEIVED INTO  
EVIDENCE AT PAGE 14510 EXCEPT FOR P-31 WHICH  
WAS NOT RECEIVED.)

1 SANTA MONICA, CALIFORNIA; WEDNESDAY, MAY 20, 1987; 10:37 A.M.  
2 DEPARTMENT C HON. LAURENCE J. RITTENBAND, JUDGE  
3 (APPEARANCES AS NOTED ON TITLE PAGE.)  
4

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

8 MR. WAPNER: I JUST NEED TO TELL YOU THAT I HAVE THREE  
9 MORE WITNESSES, TWO OF THEM ARE HERE AND THEY ARE POLICE  
10 OFFICERS AND ONE, I GOT A CALL THIS MORNING FROM THE  
11 SECRETARY, WHO SAYS THAT HE CALLED HER AND HIS CAR IS BROKEN  
12 DOWN ON THE FREEWAY SO I DON'T KNOW WHEN HE IS GOING TO  
13 GET HERE.

14 BUT I WILL START WITH THE TWO THAT I HAVE.  
15 I GAVE THE SECRETARY THE TELEPHONE NUMBER FOR  
16 THE COURTROOM.

17 THEN I AM GOING TO BE FINISHED TODAY AND I  
18 THINK THAT IT WILL PROBABLY TAKE THE MORNING MAYBE AND  
19 DEPENDING UPON WHAT TIME HE GETS HERE, EITHER THE EARLY  
20 AFTERNOON.

21 I CALLED COUNSEL -- I TOLD MR. CHIER YESTERDAY  
22 BEFORE HE LEFT THE COURTHOUSE AND THEN I CALLED MR. BARENS  
23 LAST NIGHT TO TELL HIM THAT I MIGHT BE FINISHING AT SOME  
24 POINT TODAY.

25 MR. BARENS: YOUR HONOR, I WOULD NOT HAVE A WITNESS  
26 AVAILABLE TODAY.

27 THE COURT: ARE YOU CALLING -- IS THE DEFENDANT GOING  
28 TO TAKE THE STAND?

1 MR. BARENS: NO, SIR, NOT TO MY KNOWLEDGE, SIR.

2 THE COURT: ARE YOU TELLING ME HE IS NOT GOING TO  
3 TAKE THE STAND?

4 MR. BARENS: IT IS STILL BEING DISCUSSED WITH THE  
5 DEFENDANT.

6 THE COURT: WELL, ALL RIGHT, DISCUSS IT WITH HIM AND  
7 LET HIM KNOW BEFORE WE GET FINISHED THIS MORNING.

8 MR. BARENS: MAY I HAVE THE NOON HOUR TO SPEAK TO  
9 HIM?

10 THE COURT: SURELY.

11 MR. BARENS: THE ONLY THING I AM POINTING OUT TO THE  
12 COURT IS THAT BASED UPON THE STATEMENT WE HAD, THAT WE HAD  
13 SCHEDULED OUR WITNESSES FOR TUESDAY AND WE HAVE NOW TRIED  
14 TO MOVE THEM BACK TO TOMORROW, BECAUSE OF BEING NOTIFIED  
15 YESTERDAY THAT MR. WAPNER COULD FINISH THIS WEEK.

16 I JUST DIDN'T HAVE THE OPPORTUNITY TO GET ANYBODY  
17 FOR TODAY, JUDGE. IT JUST WAS NOT A PRAGMATIC POSSIBILITY.  
18 THE SUBPOENAS WE HAD ISSUED FOR TUESDAY, WE HAVE NOW  
19 TELEPHONED THE PEOPLE DILIGENTLY TO HAVE AS MANY OF THEM  
20 HERE TOMORROW AS WE CAN.

21 HALF OF OUR WITNESSES ARE OUT OF THE CITY TYPE  
22 PEOPLE THAT HAD TO MAKE PLANE ARRANGEMENTS, ET CETERA, AND  
23 I AM BEING AS CANDID AS I CAN BE WITH THE COURT. THE WITNESSES,  
24 THE LOCAL PEOPLE SUCH AS WE HAVE AVAILABLE, WE HAVE NOW  
25 RESCHEDULED TO HAVE THEM HERE TOMORROW.

26 THERE IS NO WAY THE DEFENSE COULD HAVE ANYBODY  
27 HERE TODAY. I DIDN'T KNOW ABOUT THIS UNTIL LAST NIGHT.  
28 I SPOKE TO MR. WAPNER, WHO COURTEOUSLY CALLED ME AT 6:30 LAST NIGHT.

2-  
1 THE COURT: WELL, IF THE DEFENDANT IS GOING TO TAKE  
2 THE STAND, WE WILL FILL IN ALL OF THAT TIME WITH HIM. YOU  
3 LET ME KNOW BY NOON.

4 MR. BARENS: WELL, I COULDN'T NOTIFY YOU BY NOON.  
5 I COULD NOTIFY YOU BY 1:30, SIR.

6 THE COURT: ALL RIGHT.

7 MR. WAPNER: THAT IS ALL I HAVE.

8 MR. BARENS: NOT TO MENTION JUST FOR THE RECORD, IF  
9 I WERE GOING TO CALL THE DEFENDANT, YOUR HONOR, MY ORIENTATION  
10 HAS ALWAYS BEEN THAT I WOULD CALL HIM AS THE LAST WITNESS,  
11 NOT AS THE FIRST WITNESS, SIR.

12 MR. WAPNER: IN ANY EVENT, IF MY WITNESS DOESN'T SHOW  
13 UP, I ASSUME THAT HE CAN BE HERE THIS AFTERNOON. IT WON'T  
14 TAKE THAT LONG, ONCE HE GETS HERE. THE WITNESS IS JERRY  
15 EISENBERG, WHO HAD THE CAR PROBLEM. SO I MIGHT NEED UNTIL --

16 THE COURT: HE WAS THE LAWYER, WASN'T HE?

17 MR. WAPNER: RIGHT.

18 MR. CHIER: YOUR HONOR, THERE IS SOME OTHER MATTERS  
19 I WOULD LIKE TO TAKE UP WHILE WE ARE HERE. IT IS IN THE NATURE  
20 OF A MOTION IN LIMINE RESPECTING SOME DOCUMENTS MR. WAPNER  
21 SHOWED ME AT THE CLOSE OF LAST NIGHT'S SESSION. THOSE ARE  
22 DOCUMENTS WHICH WERE FOR THE MOST PART, CONFISCATED FROM  
23 THE DEFENDANT AT THE TIME OF HIS ARREST AND ARE DOCUMENTS,  
24 SOME OF WHICH ARE HOLOGRAPHIC AND SOME OF WHICH ARE TYPEWRITTEN,  
25 WHICH RELATE TO THE ESLAMINIA CONSERVATORSHIP AND TO THE  
26 SWARTOUT -- NOT ANYTHING -- NOTHING CRIMINAL ABOUT SWARTOUT.

27 THEY RELATE TO DEALINGS WITH MR. SWARTOUT. THESE  
28 DOCUMENTS WERE CONFISCATED FROM MR. HUNT IN OCTOBER OF 1984

1 AND AS I GLEAN FROM TALKING TO MR. WAPNER, HE INTENDS TO OFFER  
2 THEM IN EVIDENCE AS SOME SORT OF CORROBORATION I SUPPOSE OF  
3 MR. HUNT'S ALLEGED INTENT IN JUNE AND AUGUST OF 1984.

4 I WOULD LIKE TO HAVE A HEARING OF SOME KIND BOTH  
5 AS TO THE ADMISSIBILITY OF THESE DOCUMENTS AS EVIDENCE AND  
6 EVEN MORE FUNDAMENTAL THAN THAT, THE ADMISSIBILITY OF THEM  
7 AS THE RESULT OF THE MANNER OF THEIR SEIZURE.

8 IT IS NOT CLEAR EXACTLY HOW THE POLICE --

9 THE COURT: YOU MEAN THE ARREST WAS UNLAWFUL? IS THAT  
10 WHAT YOU ARE GOING TO SAY? THEREFORE, THE SEIZURE OF THE  
11 PAPERS WAS IMPROPER?

12 MR. CHIER: THE SEARCH MAY BE UNLAWFUL.

13 THE COURT: PARDON ME?

14 MR. CHIER: THE SEARCH MAY HAVE BEEN IMPROPER. I DON'T  
15 KNOW UNTIL WE HAVE SOME SORT OF A HEARING.

16 THE COURT: WE ARE NOT GOING TO HAVE A HEARING.

17 MR. WAPNER: WELL, THE SEARCH WAS PURSUANT TO A SEARCH  
18 WARRANT. THERE WAS A SEARCH WARRANT ISSUED THAT WAS THE BASIS  
19 FOR THE SEARCH OF THE OFFICE ON THIRD STREET, THE CONDOMINIUM  
20 ON WILSHIRE AND IT WAS USED ALSO TO SEARCH THE BRIEFCASE.

21 THE BRIEFCASE WAS SEIZED FROM MR. HUNT AT THE  
22 TIME OF HIS ARREST, KEPT IN A LOCKED, SEALED CONDITION FROM  
23 SEPTEMBER 28 WHEN IT WAS TAKEN, UNTIL OCTOBER 3RD WHEN IT  
24 WAS SEARCHED PURSUANT TO A WARRANT AT THE BEVERLY HILLS POLICE  
25 STATION.

26 THE COURT: WHAT IS THE PROBLEM?

27 MR. CHIER: WELL, THE PROBLEM IS PRIMARILY ONE OF  
28 ADMISSIBILITY, YOUR HONOR, UNDER 352.



1 THE COURT: WELL, IT WAS PROPERLY SEIZED. THEY CAN  
2 USE IT IF IT PERTAINS TO RELEVANT EVIDENCE.

3 MR. CHIER: I AM NOT SURE THE SEARCH WARRANT DESCRIBED  
4 THE BRIEFCASE AS IT WAS.

5 THE COURT: DON'T YOU HAVE THE SEARCH WARRANT?

6 MR. CHIER: I DON'T HAVE IT HERE.

7 THE COURT: NOT HERE? BUT DID YOU EVER SEE IT?

8 MR. CHIER: I AM NOT SURE.

9 THE COURT: YOU ARE NOT SURE THAT YOU SAW IT?

10 MR. CHIER: NO. I SAW --

11 THE COURT: DID YOU SEE THE SEARCH WARRANT?

12 MR. BARENS: NO. I NEVER HAVE SEEN THE SEARCH WARRANT  
13 AT ANY TIME INCLUDING AT THE PRELIMINARY HEARING. I DID HAVE  
14 A DISCUSSION ABOUT IT.

15 BUT I HAVE NOT SEEN IT. I AM NOT FAMILIAR WITH --

16 THE COURT: WELL AT ANY RATE --

17 MR. WAPNER: THIS IS ANOTHER --

18 THE COURT: THIS IS ANOTHER ONE, I KNOW.

19 MR. WAPNER: THIS IS ANOTHER ONE OF THOSE DILEMMAS  
20 BECAUSE I KNOW THE SEARCH WARRANT WAS PART OF THE ORIGINAL  
21 DISCOVERY MATERIALS THAT WERE TURNED OVER TO COUNSEL AT THE  
22 TIME THAT THE CASE WAS FILED. AND THEY WERE IN THE CASE AND  
23 IT WAS BEFORE THE PRELIMINARY HEARING. SO THIS IDEA THAT  
24 WE -- I KNOW THAT WE GAVE IT TO THEM.

25 SO NOW THE IDEA THAT THEY HAVE NOT READ IT I THINK,  
26 PRESENTS THE SAME DILEMMA I SUGGESTED YESTERDAY. AND IN  
27 ADDITION, I THINK WE HAVE ALREADY HAD LITIGATION MUCH EARLIER  
28 ON IN THIS CASE ABOUT THE VALIDITY OF THESE SEARCHES.

1                   AND IN ANY EVENT, SINCE IT IS THE SAME WARRANT  
2 AUTHORIZING THE SEARCH OF THE OFFICES AND THE APARTMENT AND  
3 THERE WAS NO OBJECTION BEFORE -- I MEAN, I AM NOT SURE THAT  
4 THAT NECESSARILY MEANS IT IS WAIVED. BUT SINCE --

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1 THE COURT: I THINK IT IS A LITTLE LATE TO TALK ABOUT  
2 A SEARCH WARRANT THAT WAS ISSUED TWO YEARS AGO THAT IS BEING  
3 BROUGHT UP AT THIS PARTICULAR MOMENT.

4 MR. BARENS: YOUR HONOR, I AM NOT EVEN SEEKING TO  
5 FOCUS ON THAT RIGHT NOW.

6 LET ME BE MORE SPECIFIC WHAT I AM FOCUSING  
7 ON, THAT I DO HAVE AN ISSUE ABOUT AND PERHAPS THE DISTRICT  
8 ATTORNEY COULD DISCUSS WITH THE COURT NOW.

9 YESTERDAY, AT THE END OF THE DAY, I WAS SHOWN  
10 FOR THE FIRST TIME EVER A HANDWRITING ATTRIBUTED TO REZA  
11 ESLAMINIA REFERENCING, ALLEGEDLY, THE ACTIVITIES CONCERNING  
12 HIS FATHER. I DON'T KNOW WHEN THIS WAS WRITTEN. I JUST  
13 SAW IT.

14 AND MR. WAPNER AND MR. BREILING SAID TO ME,  
15 "WELL, THIS IS SOMETHING WE GOT AND THIS IS IN REZA'S  
16 HANDWRITING," ET CETERA, ET CETERA.

17 EVEN ASSUMING, ARGUENDO, THAT THAT IS TRUE,  
18 THAT IT IS SOMETHING THAT IS IN REZA'S HANDWRITING, I DON'T  
19 KNOW HOW THAT HEARSAY DOCUMENT CAN BE ADMITTED AS AGAINST  
20 JOE HUNT IN A PENALTY PHASE, AS I SUPPOSE, SOME CORROBORATION  
21 ABOUT SOMETHING IN REZA'S MIND VIS A VIS HIS FATHER. KNOWING  
22 REZA IS A CO-DEFENDANT IN THE SAN FRANCISCO CASE, HIS  
23 STATEMENT, I DO NOT BELIEVE THAT TO THE EXTENT THAT YOUR  
24 HONOR WANTS TO SUBSCRIBE TO A BELIEF THAT IT IS A STATEMENT  
25 MADE BY REZA IN HIS HANDWRITING, CAN BE INTRODUCED AS AGAINST  
26 MR. HUNT IN THIS FORUM.

27 MR. WAPNER: MR. BARENS IS TALKING ABOUT A BLUE SPIRAL  
28 NOTEBOOK FOUND AT THE WILSHIRE MANNING DURING THE SEARCH

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1 THAT DETECTIVE ZOELLER CONDUCTED. HE WILL TESTIFY THAT  
2 IT WAS FOUND IN THE BEDROOM THAT, IT IS HIS UNDERSTANDING  
3 AT ONE TIME WAS OCCUPIED BY JEFF RAYMOND, AND THERE HAS  
4 BEEN TESTIMONY IN THE GUILT PHASE AND I THINK IN THE PENALTY  
5 PHASE, THAT THAT BEDROOM WAS LATER OCCUPIED BY REZA  
6 ESLAMINIA.

7 IN ANY EVENT, THIS BOOK CONTAINS WRITING IN  
8 IT IN ENGLISH AND ALSO IN FARSI. AND I TOLD MR. BARENS  
9 YESTERDAY THAT IT WAS MY BELIEF THAT SINCE THERE WAS WRITING  
10 IN FARSI, AS WELL AS ENGLISH, THAT THAT BOOK, BASED ON THAT  
11 AND ITS LOCATION, BELONGED TO REZA ESLAMINIA. WE HAVE NOT  
12 ANALYZED THE HANDWRITING.

13 THE PEOPLE DO NOT CONTEND THAT MR. HUNT EITHER  
14 READS OR WRITES IN FARSI OR THAT ANYONE ELSE CONNECTED WITH  
15 THE BBC DOES. WE ARE NOT SAYING THAT THIS IS A STATEMENT  
16 OF MR. HUNT.

17 THE BOOK WILL HAVE ENTRIES IN IT THAT HAVE  
18 CERTAIN DATES ON THEM. THE PARTICULAR ENTRY IN QUESTION  
19 IS NOT DATED. BUT BASED ON ITS LOCATION IN THE BOOK, IT  
20 IS BETWEEN ENTRIES THAT ARE IN JUNE AND ENTRIES THAT ARE  
21 LATER IN JULY, SO THAT BY CIRCUMSTANTIAL EVIDENCE REASONING,  
22 THIS ENTRY WOULD HAVE BEEN MADE SOMETIME AT THE BEGINNING  
23 OF JULY.

24 THE ONE PARTICULAR ENTRY THAT I AM INTERESTED  
25 IN INTRODUCING SAYS "PROJECT SAM" AND THEN IT SAYS -- THEN  
26 IT HAS A BRIEF ONE-SENTENCE STATEMENT, AND I DON'T REMEMBER  
27 EXACTLY WHAT IT IS BUT IT IS SOMETHING ABOUT -- I THINK  
28 IT SAYS "HADAYET AND I SHOULDN'T BE KNOWN TO HIM" OR SOMETHING

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1 OF THAT NATURE.

2 BUT THE IMPORTANCE, AS FAR AS THE PROSECUTION  
3 IS CONCERNED, IS THAT IT SAYS "PROJECT SAM," WHICH CONNECTS  
4 UP WITH MR. KARNY'S TESTIMONY THAT THIS WAS THE NAME OF  
5 THE PROJECT.

6 AND WITH A DOCUMENT THAT WE WILL SEEK TO INTRODUCE  
7 THAT WAS TAKEN FROM THE BELLAGIO ROAD HOUSE DURING A SEARCH  
8 IN JANUARY OF THIS YEAR, BELIEVED TO BE IN MR. HUNT'S HAND-  
9 WRITING, THAT ALSO --

10 THE COURT: BELLAGIO ROAD, IS THAT WHERE HE LIVED  
11 BEFORE?

12 MR. WAPNER: NO. THAT IS THE ROBERTS' HOUSE.

13 THE COURT: OH, YES, THAT'S RIGHT.

14 MR. WAPNER: WHERE MR. HUNT WAS LIVING DURING THIS  
15 TRIAL.

16 AND THAT NOTE SAYS, I THINK "SAM EXPENSES"  
17 AND HAS THREE DIFFERENT ENTRIES ON IT.

18 MR. BARENS: YOUR HONOR, I CAN'T BELIEVE THAT YOUR  
19 HONOR IS GOING TO ALLOW THEM TO ADMIT INTO EVIDENCE A  
20 STATEMENT WHERE THEY CANNOT CONFIRM FOUNDATIONALLY WHO THE  
21 WRITER OF THE DOCUMENT IS, THAT THEY ARE GOING TO GET THIS  
22 IN ON SOME CIRCUMSTANTIAL EVIDENCE BASIS. WE HAVE NO  
23 AUTHENTICATION AS TO WHO WROTE THIS DOCUMENT.

24 IT ALSO OCCURS TO ME THAT IF THE PERSON THAT  
25 LIVED THERE WAS FARSI, MOST LIKELY HE HAD FAMILY AND FRIENDS  
26 THAT WERE FARSI AND THAT PROBABLY SPOKE AND WROTE IN FARSI  
27 AND I THINK IT WOULD BE THE THINNEST OF REEDS.

28 WE CAN'T CROSS-EXAMINE THE WRITER OF THIS

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1 INSTRUMENT AND THEY CAN'T SHOW WHO WROTE IT BUT, YET, SINCE  
2 IT IS FOUND THERE, WE ARE GOING TO INTRODUCE THAT AND THEN  
3 SAY CIRCUMSTANTIALY, BECAUSE THIS GUY LIVED THERE, HE MUST  
4 HAVE WRITTEN IT. I DON'T THINK THERE IS ADEQUATE PRECEDENT  
5 FOR THAT TYPE OF PROCEEDINGS IN A DEATH PENALTY PHASE WHERE  
6 WE HAVE GOT THESE SERIOUS KINDS OF CONSIDERATIONS HERE.

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1           MR. WAPNER: MY RESPONSE TO THE IDENTIFICATION OF WHO  
2 IS THAT SINCE IT IS FOUND IN A ROOM KNOWN TO BE OCCUPIED  
3 BY THIS PERSON, THAT IT HAS FARSI WRITING IN IT, THAT I  
4 THINK IT CAN BE REASONABLY INFERRED THAT AND FURTHER THAT --

5           THE COURT: I WILL PERMIT YOU TO INTRODUCE IT.

6           MR. BARENS: YOUR HONOR, THE OTHER ISSUE APPLICABLE  
7 TO THAT, JUST SO THAT I CAN EXPRESS MYSELF, YOUR HONOR,  
8 NOT ONLY DON'T WE KNOW WHO WROTE THE INSTRUMENT, WE DON'T  
9 KNOW WHETHER IT IS FURTHERANCE OF THE CONSPIRACY OR NOT.

10           WE DON'T KNOW HOW TO TRANSLATE THE REST OF  
11 THAT FARSI STUFF THAT COULD GO TOWARD EITHER EXPLAINING  
12 IT OR MITIGATING IT.

13           THEY HAVE HAD POSSESSION OF THIS AND HAVEN'T  
14 TRANSLATED IT THEMSELVES.

15           I JUST SAW IT FOR THE FIRST TIME, NOR DID I  
16 HAVE A COPY OF IT. I SAW IT FOR THE FIRST TIME LAST NIGHT.

17           YOUR HONOR, AGAIN, I THINK THAT I HAVE NEVER  
18 SEEN A SETTING BEFORE, YOUR HONOR, WHERE THE PEOPLE COULD  
19 INTRODUCE A WRITING AS AGAINST THE DEFENDANT IN A HOMICIDE  
20 SETTING WHERE THE PEOPLE CAN'T AUTHENTICATE THE WRITER OF  
21 THE INSTRUMENT.

22           THE FACT THAT IT IS FOUND IN A PLACE WHERE  
23 PEOPLE LIVE, YOUR HONOR, THERE ARE HUNDREDS OF THINGS  
24 WRITTEN IN THE ENGLISH LANGUAGE IN MY OFFICE THAT WERE NOT  
25 WRITTEN BY MYSELF THAT CERTAINLY ARE ANALOGOUS TO THIS  
26 SITUATION. SIMPLY BECAUSE THEY ARE THERE AND THEY ARE IN  
27 THE LANGUAGE I SPEAK, THEY CAN'T BE, TO USE MR. WAPNER'S  
28 EXPRESSION, INFERRED THAT I WROTE THEM.

1 THE COURT: THEY WERE FOUND IN THE POSSESSION OF THE  
2 DEFENDANT, WERE THEY?

3 MR. BARENS: NO, SIR.

4 THE COURT: THEY WERE FOUND WHERE HE WAS LIVING?  
5 WASN'T THERE A SEARCH WARRANT? IS THAT WHERE YOU GOT IT?

6 MR. WAPNER: IT WAS FOUND IN THE WILSHIRE MANNING,  
7 APARTMENT NUMBER 1505 WHERE THE DEFENDANT WAS LIVING AT  
8 ANOTHER TIME. AT THE IMMEDIATE TIME OF THE SEARCH, HE WAS  
9 IN CUSTODY, HAVING BEEN ARRESTED ON SEPTEMBER THE 28TH.  
10 HE WAS LATER RELEASED AND LIVED THERE AGAIN UNTIL OCTOBER  
11 THE 22ND, WHEN HE WAS ARRESTED THE SECOND TIME.

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1 MR. BARENS: YOUR HONOR, WE HAVE TESTIMONY THAT A LOT  
2 OF OTHER PEOPLE LIVED ON THE SAME PREMISES, THAT REZA LIVED  
3 THERE AND KARNY LIVED THERE AND BROOKE ROBERTS LIVED THERE  
4 AND THE RAYMOND BOY LIVED THERE AND THEY HAD STREAMS OF PEOPLE  
5 THERE. WE HAVE HEARD TESTIMONY THAT THE PEOPLE CONSTANTLY  
6 WERE COMING IN AND OUT OF THEIR HOUSE. THERE IS NO  
7 CONTENTION BY THE PEOPLE THAT --

8 THE COURT: I THINK THAT CIRCUMSTANTIALLY -- ALL OF  
9 THE CIRCUMSTANCES THAT THE DISTRICT ATTORNEY HAS OUTLINED,  
10 I THINK THAT WOULD BE ADMISSIBLE TO --

11 MR. BARENS: WE HAVE NO RIGHT OF CONFRONTATION AND --

12 THE COURT: I DON'T KNOW HOW YOU CAN CONFRONT IT. YOU  
13 HAVE ACCESS TO REZA. ASK HIM ABOUT IT.

14 MR. BARENS: HE IS IN CUSTODY SOMEWHERE IN NORTHERN  
15 CALIFORNIA, YOUR HONOR. I DIDN'T EVEN KNOW ABOUT THIS UNTIL  
16 LAST NIGHT. THERE IS NO -- THIS IS NOT FAIR, YOUR HONOR.

17 THIS IS JUST ONE OF THOSE NOT FAIR SITUATIONS  
18 THAT WE CAN'T JUST PUT DOWN OUR THROATS AT A TIME LIKE THAT,  
19 YOUR HONOR.

20 MR. WAPNER: AS FAR AS THE BOOK IS CONCERNED, ALTHOUGH  
21 THE CONTENTS AREN'T REFERRED TO, THE BOOK IS LISTED IN AN  
22 EVIDENCE REPORT THAT WAS WRITTEN ON OCTOBER THE 3RD THAT AGAIN,  
23 WAS PART OF THE ORIGINAL DISCOVERY TURNED OVER PRIOR TO THE  
24 PRELIMINARY HEARING.

25 ALL OF THE ITEMS HAVE BEEN AVAILABLE FOR  
26 INSPECTION FOR TWO AND HALF YEARS AT THE BEVERLY HILLS  
27 POLICE DEPARTMENT.

28 MR. CHIER: THERE IS NO NOTICE GIVEN OF THEIR INTENT

4-0  
1 TO USE THIS, YOUR HONOR.

2 THE COURT: ALL RIGHT. LET'S GO ON. YOU CAN --

3 MR. CHIER: WE HAVE NOT FINISHED THE IN LIMINE MOTION  
4 WITH RESPECT TO THE FILES TAKEN FROM THE BRIEFCASE. YOU DENIED  
5 THE MOTION TO SUPPRESS.

6 THE COURT: I AM DENYING YOUR MOTION IN LIMINE.

7 MR. BARENS: WELL, WE HAVE NOT MADE IT YET.

8 THE COURT: THE MOTION WAS TO SUPPRESS EVERYTHING TAKEN  
9 OUT OF THE BRIEFCASE, IS THAT RIGHT?

10 MR. BARENS: WELL, NOW THAT IT IS GOING TO BE ADMITTED,  
11 I BELIEVE THAT WE WOULD LIKE TO RESTRICT SOME OF THE CONTENTS.

12 THE COURT: WHAT IS IT THAT YOU WANT TO INTRODUCE FROM  
13 THE CONTENTS OF THAT?

14 MR. WAPNER: THERE ARE -- I WAS NOT PREPARED THAT YOU  
15 WERE GOING TO DO THIS NOW. BUT THERE IS A FILE THAT SAYS  
16 "SWARTOUT" ON IT THAT CONTAINS SEVERAL OF WHAT APPEAR TO BE  
17 DRAFTS OF A LETTER THAT MR. HUNT WAS GOING TO SEND TO -- WELL,  
18 IT WAS APPARENTLY IN MR. HUNT'S HANDWRITING TO MR. SWARTOUT,  
19 TALKING ABOUT HIS FEELINGS ABOUT THE RELATIONSHIP BETWEEN  
20 HIS COMPANY AND MR. SWARTOUT'S COMPANY. AND MR. SWARTOUT  
21 HAD CONNED THEM. AND I CAN SHOW THE COURT THE LETTER.

22 BUT I DON'T HAVE IT IN FRONT OF ME.

23 MR. CHIER: THERE IS NOT EVEN A DATE ON THAT LETTER,  
24 AS I RECALL. SO THE PROBATIVE VALUE OF IT IS DE MINIMIS.

25 THE COURT: YOU MEAN THAT IT IS NOT ADMISSIBLE BECAUSE  
26 THERE IS NO DATE ON IT? IS THAT WHAT YOU ARE TRYING TO TELL  
27 ME? IF IT IS IN HIS HANDWRITING AND IT RELATES TO SWARTOUT,  
28 IT IS --

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MR. CHIER: IF YOU WOULD JUST LET ME --

THE COURT: COME ON, LET'S GO IN.

THE DEFENDANT: COULD I MAKE A FEW COMMENTS --

THE COURT: NO. LET'S GO IN. COME ON, I HAVE HAD ENOUGH  
OF THIS NONSENSE.

4-1  
1 (THE FOLLOWING PROCEEDINGS WERE HELD  
2 IN OPEN COURT IN THE PRESENCE AND  
3 HEARING OF THE JURY:)

4 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN.  
5 OUR USUAL APOLOGIES.

6 CALL YOUR NEXT WITNESS.

7 MR. WAPNER: YES. WE CALL DETECTIVE ZOELLER.

8  
9 LESLIE H. ZOELLER,  
10 RECALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY  
11 SWORN, RESUMED THE STAND AND TESTIFIED FURTHER AS FOLLOWS:

12 THE CLERK: STATE YOUR FULL NAME FOR THE RECORD, PLEASE.

13 THE WITNESS: LESLIE H. ZOELLER, Z-O-E-L-L-E-R.

14  
15 DIRECT EXAMINATION

16 BY MR. WAPNER:

17 Q DETECTIVE ZOELLER, AT THE TIME THAT YOU DID A  
18 SEARCH OF THE WILSHIRE MANNING CONDOMINIUM NUMBER 1505, DID  
19 YOU GO INTO ALL OF THE BEDROOMS THERE?

20 A YES.

21 Q WHO WAS THERE DURING THE SEARCH, CIVILIANS AS  
22 OPPOSED TO POLICE OFFICERS?

23 A EVAN DICKER AND BROOKE ROBERTS.

24 Q WERE YOU ABLE TO IDENTIFY WHOSE BEDROOMS -- WHICH  
25 BEDROOMS BELONGED TO WHICH PEOPLE?

26 A YES.

27 Q HOW MANY BEDROOMS WERE THERE?

28 A THREE BEDROOMS.

1 Q AND DID YOU GO INTO A BEDROOM -- DID YOU GO INTO  
2 ALL OF THE BEDROOMS?

3 A YES.

4 Q AND WHO DID THE VARIOUS BEDROOMS BELONG TO, AS  
5 FAR AS YOU KNOW?

6 A THE CONDO WAS SITUATED ON THE NORTHEAST CORNER  
7 OF THE BUILDING. AND ON THE EAST SIDE OF THE CONDO ITSELF,  
8 WERE THE BEDROOMS.

9 AND TOWARD THE NORTH WAS THE MASTER BEDROOM WHICH  
10 WAS DETERMINED TO HAVE BROOKE AND JOE'S BELONGINGS INSIDE.

11 THE MIDDLE BEDROOM GOING SOUTH WAS VIRTUALLY EMPTY  
12 AT THAT TIME. I BELIEVE THAT DEAN KARNY HAD HAD THAT ROOM.

13 THEN TO THE SOUTH, WAS A ROOM WHICH WAS OCCUPIED  
14 BY REZA ESLAMINIA AND BEFORE HIM, IT WAS JEFFREY RAYMOND.  
15 AND IN THAT ROOM, DID YOU FIND A NOTEBOOK OF SOME SORT?

16 A IN THE THIRD BEDROOM, THE SOUTH BEDROOM, YES.

17 Q AND DID YOU SEIZE IT?

18 A YES.

19 MR. WAPNER: I WANT TO SHOW YOU WHAT APPEARS TO BE A  
20 BLUE NOTEBOOK AND ALSO A DOCUMENT THAT I WOULD LIKE TO HAVE  
21 MARKED AS 30.

22 THE COURT: YES.

23 Q BY MR. WAPNER: DO YOU RECOGNIZE THE NOTEBOOK?

24 A YES I DO.

25 Q WHAT IS IT?

26 A THIS IS THE NOTEBOOK THAT WAS FOUND IN THE THIRD  
27 BEDROOM. IT WAS LOCATED ON A NIGHTSTAND NEXT TO THE BED.

28 Q WHAT DID YOU DO WITH IT AFTER YOU TOOK IT FROM

1 THE APARTMENT?

2 A BOOKED IT INTO EVIDENCE AT THE BEVERLY HILLS POLICE  
3 DEPARTMENT AND SUBSEQUENTLY RELEASED IT TO BUD BENNETT OF THE  
4 DEPARTMENT OF JUSTICE.

5 Q AND DID YOU RELEASE THE ORIGINAL TO MR. BENNETT?

6 A YES, THE NOTEBOOK ITSELF.

7 Q WAS MR. BENNETT THE INVESTIGATOR FOR THE ATTORNEY  
8 GENERAL'S OFFICE THAT WAS HANDLING THE MATTER AT THE TIME,  
9 IN THE ABSENCE OF MR. BREILING?

10 A THAT'S CORRECT.

11 Q PURSUANT TO THE SAME SEARCH WARRANT THAT YOU HAD  
12 FOR THE HOUSE, DID YOU ALSO GO THROUGH THE BRIEFCASE OF  
13 MR. HUNT?

14 A YES.

15 Q WHERE HAD YOU GOTTEN THAT BRIEFCASE FROM?

16 A THE BRIEFCASE WAS IN THE POSSESSION OF MR. HUNT  
17 ON THE ARREST OF SEPTEMBER 28, 1984.

18 Q THAT IS THE MAROON BRIEFCASE IN THE JEEP THAT  
19 YOU TOLD US ABOUT DURING THE GUILT PHASE OF THE TRIAL?

20 A THAT'S CORRECT.

21 Q AND WHEN YOU TOOK IT FROM MR. HUNT AT THE TIME  
22 THAT HE WAS ARRESTED, WHERE DID YOU TAKE THE BRIEFCASE?

23 A I BOOKED THE BRIEFCASE INTO EVIDENCE AND KEPT  
24 IT IN THE EVIDENCE ROOM AT THE BEVERLY HILLS POLICE DEPARTMENT.

25 Q AND DID YOU SEARCH IT AT SOME TIME?

26 A I OBTAINED A SEARCH WARRANT ON THE 1ST AND SEARCHED  
27 THE BRIEFCASE ON THE 3RD OF OCTOBER, 1984.

28 Q AND IN SEARCHING THE BRIEFCASE ON THE 3RD OF

1 OCTOBER OF 1984, DID YOU FIND A MAROON LEATHER OR LEATHERETTE  
2 PLANNING DIARY IN THERE?

3 A YES.

4 MR. WAPNER: YOUR HONOR, MAY THIS DOCUMENT BE MARKED  
5 AS 31 BY REFERENCE AND MAY I HAVE THE STIPULATION THAT A COPY  
6 OF AN ITEM FOUND IN HERE MAY BE SUBSTITUTED IN EVIDENCE IN  
7 LIEU OF THE ORIGINAL?

8 MR. BARENS: JUST A MOMENT.

9 (PAUSE.)

10 Q BY MR. WAPNER: DID THE ITEM THAT YOU TOOK FROM  
11 THE BRIEFCASE THAT WAS A PLANNING DIARY, HAVE MR. HUNT'S NAME  
12 IN IT?

13 A YES.

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1 Q DID IT ALSO HAVE A PLACE FOR ADDRESSES AND  
2 TELEPHONE NUMBERS AND THINGS LIKE THAT?

3 A YES, IT DID.

4 Q DID YOU TAKE SEVERAL DIFFERENT ITEMS FROM THAT  
5 BRIEFCASE?

6 A I BOOKED IN ALL OF THE ITEMS FROM THE BRIEFCASE.

7 Q AND IN FACT, KEPT THE BRIEFCASE AND STILL HAVE  
8 THE BRIEFCASE IN EVIDENCE AT THE BEVERLY HILLS POLICE  
9 DEPARTMENT?

10 A THAT'S CORRECT.

11 Q DID YOU FIND A FILE FOLDER IN THERE THAT SAID --  
12 THAT HAD TO DO WITH MR. ESLAMINIA?

13 A YES.

14 Q WAS THERE ALSO A FILE FOLDER IN THERE WITH  
15 REGARD TO MR. SWARTOUT?

16 A YES.

17 Q AND ALSO IN THAT BRIEFCASE, DID YOU FIND AN  
18 ENVELOPE WITH CERTAIN PAPERS IN IT?

19 A YES.

20 Q WHO DID THOSE PAPERS PERTAIN TO?

21 A TO MR. ESLAMINIA.

22 Q AND WHEN WE SAY "MR. ESLAMINIA," WHICH ESLAMINIA  
23 ARE WE TALKING ABOUT?

24 A THERE WAS A FOLDER IN THERE THAT SAID, "REZA'S  
25 ASSETS" AND THEN THERE IS, I BELIEVE, A FOLDER THAT STATED  
26 "HADAYET ESLAMINIA".

27 MR. WAPNER: I HAVE A MANILA ENVELOPE HERE THAT HAS  
28 A MANILA FILE FOLDER IN IT, YOUR HONOR, AND THE FILE FOLDER



1 SAYS "REZA: ASSETS RE CONSERVATORSHIP" AND THEN IT HAS SOME  
2 PAPERS IN IT, I WOULD LIKE TO MARK A COPY OF THAT AS 31  
3 FOR IDENTIFICATION.

4 THE COURT: 32.

5 THE CLERK: WE HAVE 31.

6 THE COURT: 32.

7 MR. WAPNER: 32, THANK YOU.

8 THE COURT: THE DIARY WAS 31.

9 Q BY MR. WAPNER: THANK YOU.

10 DETECTIVE ZOELLER, SHOWING YOU A FOLDER THAT  
11 HAS GOT A BEVERLY HILLS POLICE DEPARTMENT PROPERTY TAG ON  
12 IT, DO YOU RECOGNIZE THAT?

13 A YES, I DO.

14 Q WHAT IS IT?

15 A THIS IS THE -- A FILE THAT WAS, WITH CONTENTS  
16 THAT WERE FOUND IN THE BRIEFCASE ON THE SEARCH WARRANT BEING  
17 SERVED.

18 Q AND WHAT DOES IT SAY ON THE FILE TAB, WHAT  
19 DOES IT SAY?

20 A IT WAYS "REZA: ASSETS RE CONSERVATORSHIP."

21 Q WHAT HAS IT GOT ON THE INSIDE OF THAT FILE?

22 A IT HAS EIGHT AND A HALF BY FOURTEEN YELLOW  
23 LEGAL PAPER, FOUR SHEETS OF WHICH THE TOP ONE STATES "NUMBER  
24 I, REZA'S BARCLAYS" AND IT HAS VARIOUS BANK NAMES.

25 Q DURING THE COURSE OF YOUR INVESTIGATION OF  
26 THIS CASE OVER THE LAST TWO AND A HALF, GOING ON THREE YEARS  
27 NOW, HAVE YOU BECOME FAMILIAR WITH MR. HUNT'S HANDWRITING?

28 A VERY MUCH SO, YES.

5-3

1 Q THE FIRST SHEET, WOULD YOU JUST TAKE THAT OUT  
2 AGAIN?

3 THAT FIRST SHEET THAT REFERS TO --

4 MR. BARENS: I PRESUME YOUR HONOR IS GOING TO PERMIT  
5 MR. ZOELLER TO EXPRESS AN EXPERT OPINION AS AN EXPERT IN  
6 HANDWRITING NOW, SIR?

7 THE COURT: HE DOESN'T HAVE TO BE AN EXPERT.

8 MR. BARENS: THE RULING IS --

9 THE COURT: THE RULING IS THAT HE MAY TESTIFY WITH  
10 RESPECT TO IT, IF IT LOOKS LIKE THE HANDWRITING, HE HAS  
11 A RIGHT TO DO SO.

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1 MR. BARENS: THANK YOU FOR THE RULING, SIR.

2 Q BY MR. WAPNER: IN ANY EVENT, THIS WAS IN MR.  
3 HUNT'S BRIEFCASE, RIGHT?

4 A THAT'S CORRECT.

5 Q AND DO YOU FEEL THAT IN THE COURSE OF YOUR  
6 INVESTIGATION OF THIS CASE, THAT YOU HAVE BECOME FAIRLY  
7 FAMILIAR WITH MR. HUNT'S HANDWRITING?

8 A YES, VERY MUCH SO.

9 Q THERE ARE FOUR PIECES OF YELLOW PAPER THERE;  
10 IS THAT RIGHT?

11 A THAT'S CORRECT.

12 Q ON HOW MANY OF THOSE DOES IT APPEAR TO YOU,  
13 DOES THERE APPEAR WRITING THAT YOU FEEL COMFORTABLE IN  
14 ATTRIBUTING TO MR. HUNT?

15 A THEY ALL APPEAR TO HAVE MR. HUNT'S PRINTING  
16 ON IT.

17 THE SECOND PAGE, I AM NOT SURE OF, JUST BY  
18 LOOKING AT IT.

19 MR. WAPNER: YOUR HONOR, MAY A COPY OF THAT BE MARKED  
20 32?

21 THE CLERK: WE HAVE 32.

22 THE COURT: WE HAVE 32, THE WHOLE FOLDER WE HAVE IS  
23 32.

24 NOW WHAT DO YOU WANT, 32-A OR SOMETHING LIKE  
25 THAT?

26 MR. WAPNER: 32 IS THE ITEM THAT HE IS LOOKING AT,  
27 THAT IS IN LIEU OF THE ORIGINAL.

28 THE COURT: 32 IS THE FOLDER?

1 MR. WAPNER: CORRECT. BUT WHAT I WOULD LIKE TO DO  
2 IN LIEU OF MARKING THE ORIGINAL, IS MARK THE COPY.

3 THE COURT: ALL RIGHT, SUBSTITUTE THAT, WE HAVE 32  
4 THEN.

5 Q BY MR. WAPNER: SHOWING YOU PEOPLE'S 32, DOES  
6 THAT APPEAR TO BE A COPY OF THE ORIGINAL DOCUMENT THAT YOU  
7 SEIZED?

8 A YES.

9 Q THE FIRST PAGE ON THAT COPY, WHAT IS THAT A  
10 COPY OF?

11 A THE FIRST PAGE IS JUST A COPY OF THE WRITING  
12 OF THE FOLDER ITSELF.

13 Q WAS IT THE MANILA, THE OUTSIDE FOLDER?

14 A THAT IS CORRECT, THAT IS CORRECT.

15 Q AND THEN THE SECOND PAGE OF THAT DOCUMENT,  
16 WHAT IS THAT?

17 A IT IS A COPY OF ONE OF THE PAGES THAT STARTS  
18 OFF "JOE" DATED 9-24-84.

19 Q AND THE THIRD PAGE OF THAT DOCUMENT, WHAT IS  
20 THAT?

21 A THIS IS THE PAGE I STATED EARLIER, "NUMBER  
22 1, REZA'S," AND THEN IT HAS NAMES OF BANK ESTABLISHMENTS.

23 Q AND DOES THAT APPEAR TO YOU TO BE IN MR. HUNT'S  
24 HANDWRITING?

25 A YES.

26 MR. WAPNER: MAY THAT PAGE BE MARKED 32-A FOR IDENTIFI-  
27 CATION, YOUR HONOR?

28 THE COURT: JUST THAT ONE PAGE?

1 MR. WAPNER: I GUESS THAT IS THE NUMBER.

2 THE CLERK: WERE YOU PUTTING NUMBERS ON ONE?

3 THE COURT: JUST THAT ONE PAGE?

4 MR. WAPNER: JUST THAT ONE PAGE, YES.

5 I INTEND TO SEEK TO HAVE THE ENTIRE ITEM  
6 RECEIVED AT SOME POINT BUT JUST FOR THE PURPOSES OF IDENTIFYING  
7 THAT PAGE SEPARATELY, I WOULD LIKE TO HAVE IT MARKED AS  
8 32-A.

9 THE COURT: 32 IS THE FOLDER CONTAINING ALL OF THE  
10 PAGES AND NOW YOU WANT 32A SPECIFICALLY MARKED FOR THAT ONE  
11 PAGE?

12 MR. WAPNER: CORRECT.

13 THE COURT: ALL RIGHT.

14 MR. BARENS: COULD WE BE SHOWN ON OUR COPY WHAT 32-A  
15 IS? BECAUSE I AM NOT ABLE TO FOLLOW.

16 Q BY MR. WAPNER: IT SAYS AT THE TOP "NUMBER  
17 1" AND THEN IT SAYS, "REZA'S"?

18 A THAT'S CORRECT.

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6A- 1 Q AND ARE THERE SEVERAL NUMBERED ITEMS ON THAT PAGE?

2 A YES. IT IS 1 THROUGH 7 ON THE LEFT SIDE. THEN  
3 IT STARTS AGAIN, 1 AND 2 ON THE RIGHT SIDE.

4 Q AND UNDER REZA ESLAMINIA, WHAT DOES IT SAY?

5 A IT SAYS, "BARCLAYS, GLENDALE FEDERAL, CENTRAL,  
6 SANTA ROSA EXCHANGE AND WELLS FARGO."

7 Q AND WHAT IS NUMBER 4 ON THAT LIST?

8 A NUMBER 4 STATES "SWITZERLAND" AND THEN THERE IS  
9 A DASH AND "MARTIN LEVIN".

10 Q ALSO FROM THE BRIEFCASE, YOU TOOK A FILE FOLDER  
11 THAT HAD SOMETHING TO DO WITH MR. SWARTOUT?

12 A YES.

13 MR. WAPNER: YOUR HONOR, MAY A COPY OF THAT, THE CONTENTS  
14 OF THAT FOLDER BE 33 FOR IDENTIFICATION?

33ID 15 THE COURT: SO MARKED.

16 Q BY MR. WAPNER: SHOWING YOU A MANILA ENVELOPE --  
17 ACTUALLY, MAYBE WE WILL JUST INTRODUCE THE ORIGINAL OF THAT  
18 DOCUMENT.

19 DO YOU RECOGNIZE THAT DOCUMENT, 33 FOR IDENTIFICATION?

20 A YES.

21 Q ALL RIGHT. WHAT IS IT?

22 A IT IS A FOLDER WHICH ON THE FOLDER, IT STATES  
23 "SWARTOUT." AND IT CONTAINS NINE PAGES OF HANDWRITTEN NOTES.

24 AND THE FIRST PAGE STATES WHICH IS SCRATCHED OUT  
25 "TRUTH MR. SWARTOUT," AND IT CONTINUES --

26 THE COURT: IT SAYS WHAT?

27 THE WITNESS: "TRUTH MR. SWARTOUT," AND IT CONTINUES  
28 ON FROM THERE.

6A- 1 Q BY MR. WAPNER: DID THE HANDWRITING ON THOSE APPEAR  
2 TO YOU TO BE FAMILIAR?

3 A YES.

4 Q WHOSE DID IT APPEAR TO BE, TO YOU?

5 A IT APPEARS TO BE JOE HUNT'S.

6 Q DID YOU SUBMIT THAT TO --

7 MR. BARENS: EXCUSE ME, YOUR HONOR. FOR THE SAKE OF  
8 CLARITY, IN MY KNOWLEDGE OF THE EVIDENCE CODE, WE ARE NOW  
9 SAYING THAT "APPEARS TO BE" IS SUFFICIENT FOR FOUNDATION FOR  
10 THIS WITNESS?

11 THE COURT: YES, VERY MUCH SO.

12 MR. BARENS: "IT APPEARS TO BE" IS SUFFICIENT?

13 THE COURT: YES.

14 MR. BARENS: THANK YOU, YOUR HONOR.

15 THE COURT: IT IS YOUR OPINION IT APPEARS TO BE IN HIS  
16 HANDWRITING, IS THAT CORRECT?

17 THE WITNESS: THAT'S CORRECT.

18 Q BY MR. WAPNER: DID YOU SUBMIT THAT TO MR. CLASON  
19 OF THE HANDWRITING -- THE HANDWRITING EXPERT FROM THE POLICE  
20 DEPARTMENT FOR VERIFICATION?

21 A YES I DID.

22 MR. WAPNER: MAY I HAVE A MOMENT?

23 (PAUSE.)

24 Q BY MR. WAPNER: ALL OF THOSE ITEMS THAT ARE  
25 CONTAINED IN THE FOLDER THAT IS 33 FOR IDENTIFICATION WERE  
26 TAKEN BY YOU FROM THE BRIEFCASE THAT WAS IN JOE HUNT'S CAR  
27 AT THE TIME HE WAS ARRESTED?

28 A THAT'S CORRECT.

6A- 1 Q AND THE FILE FOLDER ITSELF, DOES THAT HAVE A TAB  
2 ON IT THAT HAS SOMETHING WRITTEN ON IT?

3 A YES.

4 Q WHAT IS WRITTEN ON THERE?

5 A "SWARTOUT."

6 Q DID MOST OF THESE PAGES APPEAR TO BE DRAFTS OF  
7 A LETTER OF SOME SORT?

8 A IT APPEARS TO BE, YES.

9 Q AND SOMEWHERE IN THE MIDDLE OF THOSE, IS THERE  
10 A PAGE THAT SAYS "SWARTOUT" ON THE TOP?

11 A THERE ARE THREE PAGES THAT START OUT WITH  
12 "SWARTOUT." ONE HAS "SWARTOUT" UNDERLINED.

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1 Q AND THE SWARTOUT THAT IS UNDERLINED, WHAT IS ON  
2 THERE?

3 A IT IS A LIST OF FOUR ITEMS. NUMBER 1 IS "MAILING  
4 LIST" AND NUMBER 2 --

5 THE COURT: WHY DON'T YOU INTRODUCE IT BEFORE IT GETS  
6 BEFORE THE JURY? IT ISN'T IN EVIDENCE YET.

7 MR. WAPNER: MAY WE APPROACH THE BENCH?

8 THE COURT: YES.

9 (THE FOLLOWING PROCEEDINGS WERE HELD  
10 AT THE BENCH:)

11 MR. WAPNER: PERHAPS WHAT I WILL DO, INSTEAD OF ASKING  
12 HIM TO READ IT IS TO JUST DEFER THIS. I WILL LET COUNSEL  
13 CROSS-EXAMINE HIM ON IT.

14 THEN IF THEY HAVE ANY MOTIONS TO EXCLUDE IT, BASED  
15 ON THE CONTENTS, WE CAN LITIGATE IT AT THAT TIME. IF IT COMES  
16 IN, THEN I WILL USE IT IN ARGUMENT. IF IT DOESN'T, I WON'T.

17 MR. BARENS: I AM CONFUSED.

18 THE COURT: I DON'T UNDERSTAND? YOU DON'T WANT TO --  
19 YOU DON'T WANT HIM TO TESTIFY WHAT IS IN IT NOW? DON'T YOU  
20 WANT TO ASK HIM AND GET IT BEFORE THE JURY?

21 MR. WAPNER: WELL, WHAT I THINK I WILL DO IS, FOR THE  
22 PURPOSE OF PROTECTING THE RECORD --

23 THE COURT: LET'S NOT WORRY ABOUT THE RECORD. IF YOU  
24 WANT TO MOVE TO INTRODUCE THIS INTO THE RECORD, I WILL  
25 RECEIVE IT. THEN IT IS IN EVIDENCE. AND IT IS HIS OPINION  
26 THAT IT IS THE HANDWRITING OF THE DEFENDANT. IT WAS FOUND --

27 MR. WAPNER: MAY I HAVE A MOMENT?

28 (PAUSE.)

1 MR. WAPNER: OKAY. FOR THE RECORD --

2 THE COURT: DID YOU TRY TO GET A STIPULATION FROM THEM?  
3 THAT IS, THAT THE HANDWRITING IS OF THE DEFENDANT?

4 MR. WAPNER: WE ARE JUST ASKING --

5 THE COURT: THEY DIDN'T WANT A STIPULATION?

6 MR. WAPNER: THEY ARE THINKING ABOUT IT. SO IN ANY  
7 EVENT, I AM SURE THE JURY CAN CONCLUDE, BASED ON THE HANDWRITING  
8 THAT THEY HAVE SEEN ON THE LIST OF SEVEN PAGES --

9 THE COURT: WELL, IF YOU WANT TO DO SO, I WOULD RECEIVE  
10 IT.

11 MR. WAPNER: I WOULD LIKE TO RECEIVE IT IN EVIDENCE.

12 THE COURT: I WILL RECEIVE IT IN EVIDENCE.

13 MR. BARENS: WE OBJECT. I JUST WANTED TO SAY THAT,  
14 BECAUSE I AM STANDING HERE, ANYHOW. BUT I THINK THAT YOU  
15 ARE BEING HELPFUL TO MR. WAPNER AND --

16 THE COURT: IT IS NOT A QUESTION OF BEING HELPFUL TO  
17 HIM. IT IS WHAT IS ADMISSIBLE AND WHAT IS NOT.

18 MR. BARENS: I AM CONFUSED ABOUT IT. I HAVE BEEN  
19 CONFUSED SINCE WE CAME UP HERE. WHAT IS IT YOU ARE TALKING  
20 ABOUT?

21 MR. WAPNER: THIS DOCUMENT.

22 THE COURT: DID YOU GIVE HIM A COPY OF IT?

23 MR. WAPNER: YES. I SHOWED IT TO THEM YESTERDAY AFTER  
24 COURT, ALSO. I THINK WE PROVIDED THEM WITH A COPY OF THIS  
25 EARLIER --

26 MR. BARENS: NO, NO. NOW, THAT IS JUST NOT THE TRUTH.  
27 I DON'T HAVE THIS.

28 THE COURT: LET'S NOT HAVE ANY ARGUMENTS ABOUT IT. DO

1 YOU WANT TO INTRODUCE IT INTO EVIDENCE? I WILL RECEIVE IT.

2 MR. BARENS: NOTABLY, OVER OUR OBJECTION?

3 THE COURT: YES. THAT IS UNDERLINED.

4 MR. BARENS: AND WHAT IS THIS THING OFFERED TO PROVE?

5 THE COURT: I DON'T KNOW YET.

6 MR. BARENS: WELL, WE ASK FOR AN OFFER OF PROOF.

7 THE COURT: WHAT IS IT IN THAT THAT IS MATERIAL AND --

8 MR. WAPNER: IT HAS TO DO WITH THE RELATIONSHIP BETWEEN

9 MR. HUNT AND MR. SWARTOUT. SPECIFICALLY, THERE IS IN HERE

10 ON SEVERAL OF THE LETTERS INCLUDING ONE THAT SAYS FOR EXAMPLE

11 "MR. SWARTOUT" IS ON IT AND THEN THERE IS A LETTER AND THE

12 WORDING LOOKS LIKE IT SAYS "INCARNATED" AND "WRATH OF THE GODS

13 MADE FLESH, SENT TO SCOURGE THE WORLD OF MY FOUL SCHEME AND

14 TREACHEROUS, VIOLENT SOUL."

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1 THE COURT: YOU WANT TO SHOW HIS ATTITUDE, THE FACT  
2 OF THE WHOLE INCIDENT INVOLVING SWARTOUT AND HIS ANIMUS  
3 AGAINST HIM, IS THAT WHAT YOU ARE TRYING TO SHOW?

4 MR. WAPNER: THAT IS THE WHOLE IDEA.

5 THE COURT: ALL RIGHT, THAT IS ALL RIGHT, I WILL PERMIT  
6 YOU TO DO THAT.

7 MR. BARENS: MAY I RESPOND TO THAT?

8 THE COURT: SURELY, YOU MAY. I HAVE NEVER NOT WANTED  
9 TO LET YOU BE HEARD. I HAVE NOT DENIED YOU SAYING ANYTHING.

10 MR. BARENS: THERE IS NO SHOWING THAT HE SAID IT TO  
11 ANYBODY.

12 THE COURT: IT DOESN'T HAVE TO BE SENT TO ANYBODY.

13 MR. BARENS: ALSO, THE FACT THAT HE WROTE A NOTE HIM-  
14 SELF, SOMEWHAT POETICALLY, ALTHOUGH WE MIGHT DISAGREE WITH  
15 THE SENTIMENTS EXPRESSED, I DON'T SEE HOW THAT CAN BE USED  
16 IN ANY PENALTY PHASE TO SHOW A VIOLENT ACT WAS COMMITTED.

17 THE FACT THAT HE HAD WRITTEN A LETTER, WHICH  
18 IS VERY SUBJECT TO INTERPRETATION EITHER WAY, BECAUSE THIS  
19 DOESN'T REFER TO -- ACTUALLY, IF YOU LOOK AT THIS, LITERALLY  
20 IT IS A CRITICISM OF MR. HUNT, NOT OF MR. SWARTOUT.  
21 THE CRITICISM GOES INTERNALLY HERE.

22 THE COURT: ARE YOU OFFERING THIS TO SHOW WHAT THE  
23 ANIMUS AND ATTITUDE HE HAD TOWARDS MR. SWARTOUT WAS?

24 MR. WAPNER: YES.

25 THE COURT: ALL RIGHT. I WILL PERMIT YOU TO DO THAT.

26 MR. BARENS: THANK YOU, YOUR HONOR.

27 THE CLERK: IS THAT IN EVIDENCE?

28 MR. BARENS: IT WILL BE MOMENTARILY.

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

4 MR. WAPNER: ONE OF THE ITEMS THAT IS IN THERE IS  
5 APPARENTLY A LIST, IS THAT RIGHT, THAT HAS MR. SWARTOUT'S  
6 NAME AND THEN A LINE UNDER IT?

7 A THAT'S CORRECT.

8 Q AND THERE IS ANOTHER PAGE ON THERE THAT STARTS  
9 OUT WITH THE WORDS, THAT LOOKS LIKE "FLY FLY," CROSSED OUT  
10 AND THEN IT SAYS "MR. SWARTOUT" UNDERNEATH.

11 A YES.

12 MR. WAPNER: YOUR HONOR, MAY THIS ENTIRE DOCUMENT,  
13 WHICH IS 33, BE RECEIVED IN EVIDENCE?

14 THE COURT: I HAD INDICATED THAT.

15 Q BY MR. WAPNER: THANK YOU.

16 DETECTIVE ZOELLER, COULD YOU READ THAT PORTION  
17 OF THE DOCUMENT THAT YOU CAN IN FACT READ AND UNDERSTAND  
18 THE WORDS OF, INCLUDING ANY PORTIONS THAT MIGHT BE CROSSED  
19 OUT AND TELL US WHEN YOU ARE READING WORDS THAT APPEAR TO  
20 BE CROSSED OUT.

21 A IT STARTS OUT "FLY FLY," WHICH IS CROSSED OUT.

22 "MR. SWARTOUT. IT APPEARS THAT MR. SWARTOUT  
23 IS THE -- IT LOOKS LIKE "INCARNATED" WHICH IS CROSSED OUT --  
24 "WRATH OF GODS MADE FLESH, SENT TO SCOURGE --

25 Q IS THAT "SCOURGE"?

26 A "SCOURGE THE WORLD OF MY FOUL SCHEMING, TREACHER-  
27 OUS, LYING, VIOLENT SOUL."

28 AND THEN THE "HOW" IS CROSSED OUT AND I CAN'T

1 READ THE SECOND WORD WHICH IS CROSSED OUT. AND THEN COMMA,  
2 AND THEN IT SAYS "HOW DOES HE FIND SUCH VEHEMENCE" -

3 Q V-E-H-E-M-E-N-C-E?

4 A YES, WHICH IS CROSSED OUT.

5 AND "FROM WHAT POISONED WELL DOES HE DRAW HIS  
6 VEHEMENCE."

7 Q VEHEMENCE MENTIONED AGAIN?

8 A WHICH IS AGAIN CROSSED OUT.

9 AND THEN THE REST OF IT IS ALL CROSSED OUT.

10 "MR. SWARTOUT APPEARS" CROSSED OUT.

11 "THOUGH" IT LOOKS LIKE "ADDRESSES MR. SWARTOUT,  
12 IT IS, OF COURSE, IN THIS LETTER" AND THEN ABOVE THAT WHOLE  
13 THING IS "THIS LETTER" AND IT IS ALL CROSSED OUT.

14 Q THANK YOU.

15 AND THAT AGAIN, WAS TAKEN FROM MR. HUNT'S BRIEF-  
16 CASE?

17 A THAT'S CORRECT.

18 Q DID HE ALSO TAKE AN ENVELOPE WITH SOME PAPERS  
19 REGARDING HADAYET ESLAMINIA FROM HIS BRIEFCASE?

20 A YES.

21 Q AND DID YOU KEEP THOSE AT THE BEVERLY HILLS  
22 POLICE DEPARTMENT AT THE TIME -- STRIKE THAT.

23 WHEN YOU TOOK THE BRIEFCASE, WAS THERE AN  
24 ENVELOPE WITH SOME PAPERS IN IT WITH THE NAME OF HADAYET  
25 ESLAMINIA ON IT?

26 A YES.

27 Q DID YOU KEEP THOSE IN THE BRIEFCASE AT THE  
28 BEVERLY HILLS POLICE DEPARTMENT?

1 A YES.

2 Q DID YOU EVENTUALLY TURN THEM OVER TO SOMEONE?

3 A YES.

4 Q WHO DID YOU TURN THEM OVER TO?

5 A TO OSCAR BREILING OF THE DEPARTMENT OF JUSTICE.

6 Q WHEN WAS THAT DONE?

7 A ON THE 6TH OF FEBRUARY 1985.

8 Q DID YOU ARREST JOE HUNT AGAIN SOMETIME LATER

9 IN 1984 AFTER THE 28TH OF SEPTEMBER?

10 A YES.

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1 Q WHEN WAS THAT DONE?

2 A THE 22ND OF OCTOBER.

3 Q OF 1984?

4 A THAT'S CORRECT.

5 Q WHERE WAS HE ARRESTED AT THAT TIME?

6 A IN THE HALLWAY OF THE BEVERLY HILLS MUNICIPAL  
7 COURT BUILDING.

8 Q AFTER HE WAS ARRESTED IN THE HALLWAY OF THE  
9 MUNICIPAL COURT, WHERE DID YOU TAKE HIM?

10 A TO THE BEVERLY HILLS POLICE DEPARTMENT.

11 Q AND WAS HE BOOKED AT THAT TIME?

12 A YES.

13 Q WHAT DOES THAT MEAN?

14 A IT MEANS THAT THERE IS A RECORD MADE OF HIS  
15 ARREST, HIS BOOKING PROCEDURE, ALL OF HIS PERSONAL PROPERTY  
16 BASICALLY GONE THROUGH AND ANY EVIDENCE IS THEN TAKEN AND  
17 BOOKED IN.

18 Q AND WHO DID THE BOOKING IN IN THIS CASE?

19 A I DID.

20 Q AND WHEN YOU DO THAT, DO YOU DO SOMETHING TO  
21 ATTEMPT TO GET ANY IDENTIFICATION?

22 A YES.

23 Q WHAT DID YOU DO IN THIS CASE?

24 A IN THIS CASE, HE HAD A DRIVER'S LICENSE.

25 Q AND WHAT WAS THE NAME ON THE DRIVER'S LICENSE?

26 A THE DRIVER'S LICENSE WAS JOSEPH HENRY GAMSKY.

27 Q DID YOU NOTE DOWN THE FACT THAT HE HAD A DRIVER'S  
28 LICENSE IN THAT NAME IN YOUR REPORT?



1 A YES.

2 Q AND DID YOU NOTE DOWN ALSO THE NUMBER ON THE  
3 DRIVER'S LICENSE IN YOUR REPORT?

4 A YES.

5 Q AND DO YOU HAVE THAT REPORT IN FRONT OF YOU?

6 A I DON'T HAVE THE REPORT IN FRONT OF ME, NO.

7 Q IF YOU SAW IT, WOULD YOU REMEMBER WHAT THE  
8 DRIVER'S LICENSE NUMBER WAS?

9 A YES.

10 Q DOES THIS APPEAR TO BE A COPY OF THE REPORT  
11 THAT YOU PREPARED OF THE ARREST OF MR. HUNT ON OCTOBER 22,  
12 1984?

13 A YES.

14 Q WHAT WAS THE NUMBER ON THE DRIVER'S LICENSE  
15 THAT HE HAD?

16 A N6969502, IT IS A STATE OF CALIFORNIA DRIVER'S  
17 LICENSE.

18 Q THAT WOULD BE IN THE NAME OF JOSEPH HENRY  
19 GAMSKY?

20 A THAT'S CORRECT.

21 Q YOU ACTUALLY SAW THAT IN HIS POSSESSION ON  
22 THAT DATE?

23 A ON THAT DATE AND ON THE 28TH, HE PRODUCED IT  
24 THEN ALSO.

25 Q ON THE 22ND OF OCTOBER, AFTER MR. HUNT WAS  
26 ARRESTED, DID YOU GO THROUGH HIS PERSONAL PROPERTY?

27 A YES.

28 Q WHAT, IF ANYTHING, DID YOU FIND IN HIS WALLET?

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A I FOUND A DEPOSIT SLIP FOR MRS. OR MS. MINA  
HAKIMI.

A-1  
1 Q WHO DID YOU KNOW HER TO BE OR LATER FIND HER OUT  
2 TO BE?

3 A THE MOTHER OF REZA ESLAMINIA, THE EX-WIFE OF  
4 HADAYET ESLAMINIA.

5 Q WHAT DID YOU DO WITH THAT ITEM?

6 A I PUT IT INTO EVIDENCE.

7 MR. WAPNER: MAY A COPY OF THAT BE MARKED AS 34 FOR  
8 IDENTIFICATION?

9 THE COURT: YES.

10 Q BY MR. WAPNER: SHOWING YOU PEOPLE'S 34 FOR  
11 IDENTIFICATION, DO YOU RECOGNIZE THAT?

12 THE COURT: WHAT IS IT, A CHECK?

13 THE WITNESS: IT IS A DEPOSIT SLIP OUT OF A CHECKBOOK.  
14 YES, I DO RECOGNIZE IT.

15 Q BY MR. WAPNER: WHAT IS IT?

16 A IT IS A DEPOSIT SLIP TO THE ACCOUNT OF MINA  
17 HAKIMI AND IT GIVES A PHONE NUMBER AND AN ADDRESS.

18 Q SHOWING WHAT APPEARS TO BE THE ORIGINAL OF THE  
19 DOCUMENT IN A PLASTIC SLEEVE, DO YOU RECOGNIZE THAT?

20 A YES. IT IS THE ORIGINAL OF PEOPLE'S 34.

21 Q IS THAT AN ITEM THAT YOU FOUND ON MR. HUNT AT  
22 THE TIME HE WAS ARRESTED?

23 A YES.

24 THE COURT: IS THERE AN AMOUNT ON IT INDICATED?

25 THE WITNESS: NO. IT IS BLANK, YOUR HONOR.

26 THE COURT: ALL RIGHT.

27 Q BY MR. WAPNER: WHAT ELSE DID YOU FIND ON  
28 MR. HUNT? EXCUSE ME. WHAT DID YOU DO WITH THE ITEM,

8A-2  
1       EVENTUALLY?

2           A        I BOOKED IT INTO EVIDENCE.

3           THE COURT:   JUST HOLD ON A SECOND.  WE HAVE SOME  
4   SCHOOLCHILDREN COMING IN WITH JUDGE ROTHMAN.  HE WANTED TO  
5   HAVE THEM HERE.

6                   (PAUSE.)

7           Q        BY MR. WAPNER:  DID YOU FIND ANYTHING ELSE ON  
8   MR. HUNT'S PERSON AT THE TIME THAT HE WAS ARRESTED ON  
9   OCTOBER THE 22ND, 1984?

10          A        YES I DID.

11          Q        WHAT WAS THAT?

12          A        A BANK STATEMENT WITH THE NAME OF HADAYET  
13   ESLAMINIA ON IT.

14          Q        SHOWING YOU AN ITEM WHICH APPEARS TO BE A WHITE  
15   AND GREEN PIECE OF PAPER IN A PLASTIC SLEEVE, DO YOU  
16   RECOGNIZE THAT?

17          A        IT APPEARS TO BE A BANK STATEMENT FROM A SWISS  
18   BANK WITH THE NAME OF HADAYET ESLAMINIA AND 4000 DAVEY GLEN  
19   ROAD, BELMONT, CALIFORNIA.

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1 MR. WAPNER: MAY THAT BE MARKED AS 35 FOR IDENTIFICATION?

2 THE COURT: SO MARKED.

3 MR. WAPNER: YOUR HONOR, MAY A COPY OF THAT BE MARKED  
4 AS 35 FOR IDENTIFICATION?

5 THE COURT: YES.

6 Q BY MR. WAPNER: DOES THE DOCUMENT WE HAVE MARKED  
7 AS 35, WHICH IS A COPY, APPEAR TO BE IN FACT, A COPY OF THE  
8 ORIGINAL THAT YOU HAVE IN FRONT OF YOU?

9 A YES.

10 Q DID YOU GO UP WITH DEAN KARNY TO SOLEDAD CANYON?

11 A YES.

12 Q WHEN WAS THAT DONE?

13 A THE 30TH OF NOVEMBER, 1984.

14 Q WHAT WAS THE PURPOSE OF GOING UP THERE?

15 A TO POSSIBLY LOCATE THE REMAINS OF HADAYET  
16 ESLAMINIA.

17 Q WHEN YOU WENT TO SOLEDAD CANYON WITH MR. KARNY,  
18 WHO ELSE WENT ALONG?

19 A DETECTIVE DECUIR, IDENTIFICATION TECHNICIAN KURT  
20 KUHN FOR PHOTOGRAPHS AND SERGEANT JIM MC ELMAN, ALONG WITH  
21 DEAN KARNY.

22 Q SPELL THE LAST NAME.

23 A M-C-E-L-M-A-N.

24 Q WHEN YOU WENT THERE, WERE YOU IN A VEHICLE WITH  
25 MR. KARNY?

26 A YES.

27 Q DID HE DIRECT YOU AS TO WHERE TO GO?

28 A YES.

8B-2

1 Q WHERE DID YOU IN FACT, GO?

2 A WENT TO SOLEDAD CANYON AREA OF CANYON COUNTRY,  
3 TRAVELED EAST TO AN AREA WHERE HE POINTED OUT THE DIRT ROAD  
4 WHICH I ALREADY KNEW AS INDIAN CANYON.

5 Q I WANT TO SHOW YOU A PICTURE WE HAVE MARKED AS  
6 PEOPLE'S 17 FOR IDENTIFICATION. DO YOU RECOGNIZE THAT?

7 A YES I DO.

8 Q WHERE IS IT?

9 A THAT IS THE AREA I JUST STATED AS SOLEDAD CANYON.  
10 THE ROAD IS APPROXIMATELY IN THE LOWER MIDDLE  
11 HERE AND INDIAN CANYON GOES THROUGH THE CENTER OF IT, UP TO  
12 THE TOP.

13 Q WOULD THIS BE SOLEDAD CANYON ROAD WHICH IS  
14 APPARENTLY THE PAVED ROAD THAT GOES ALL OF THE WAY FROM HERE,  
15 THE RIGHT-HAND PORTION THROUGH THE MIDDLE OF THE PHOTOGRAPH  
16 AND ENDS UP IN THE APPROXIMATE MIDDLE OF THE LEFT-HAND PORTION  
17 OF THE PHOTOGRAPH?

18 A YES.

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1 Q AND THE ROAD THAT YOU DESCRIBED AS INDIAN CANYON,  
2 WHICH ROAD IS THAT?

3 A IT IS THIS ROAD HERE THAT WINDS UP TO THE TOP  
4 OF THE PAGE AND CONTINUES OFF THE PAGE (INDICATING).

5 Q DOES THE AREA WHERE YOU WENT WITH DEAN KARNY  
6 APPEAR ON THAT PHOTOGRAPH?

7 A YES.

8 Q WOULD YOU SHOW US WHERE THAT IS, PLEASE?

9 A THE AREA THAT HE SHOWED US WAS THIS CUTOFF  
10 RIGHT HERE (INDICATING).

11 Q WHAT DO YOU MEAN WHEN YOU SAY A CUTOFF?

12 A WELL, THE ROAD WINDS AROUND AND THERE IS A  
13 LITTLE PULL-OFF AREA THAT IS OFF THE ROAD.

14 Q AND DID HE DIRECT YOU TO GO TO THAT AREA?

15 A YES.

16 Q AND WHEN YOU GOT TO THAT AREA, DID HE DIRECT  
17 YOU TO ANY SPECIFIC SPOT?

18 A YES.

19 Q ALL RIGHT. AND WHERE WAS THAT?

20 A IT WAS A -- OFF THE TURNOFF. IT A SPOT DIRECTLY  
21 BELOW INTO THE CANYON.

22 Q AT THAT POINT, DID HE INDICATE THAT THAT IS  
23 WHERE HE AND MR. HUNT HAD PUT THE BODY OF MR. ESLAMINIA?

24 A YES.

25 Q AFTER HE TOLD YOU THAT, WHAT DID YOU DO?

26 A I, ALONG WITH DETECTIVE DECUIR AND KURT KUHN,  
27 WENT DOWN INTO THE CANYON TO LOOK FOR ANY REMAINS OF MR.  
28 ESLAMINIA.

1 Q DID YOU ACTUALLY WALK DOWN OR HIKE DOWN THE  
2 HILL?

3 A YES.

4 Q AND AS YOU HIKE DOWN THE HILL, WHAT DID YOU  
5 FIND?

6 A I FIRST FOUND A SMALL WHITE BONE.

7 Q AND WHAT DID YOU DO WHEN YOU SAW THAT BONE  
8 THERE?

9 A I JUST LEFT IT THERE.

10 MR. BARENS: EXCUSE ME, YOUR HONOR. COULD I SPEAK  
11 TO MR. WAPNER FOR A MINUTE?

12 (UNREPORTED COLLOQUY BETWEEN MR. BARENS  
13 AND MR. WAPNER.)

14 THE COURT: ALL RIGHT, JUST THE TWO OF YOU.

15 MR. WAPNER: YOUR HONOR, MAY I HAVE JUST A MOMENT  
16 TO TAKE A PHONE CALL REGARDING A WITNESS?

17 THE COURT: YES.

18 (PAUSE IN PROCEEDINGS.)

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

21 MR. BARENS: YOUR HONOR, I ASKED TO APPROACH THE BENCH --

22 THE COURT: YOU HAVE EXCESSIVE CONCERN ABOUT THE  
23 CHILDREN IN THE COURTROOM?

24 MR. BARENS: SIR, IF I MIGHT BE HEARD. I DON'T BELIEVE  
25 AS A PARENT AND AS A CITIZEN, I HAVE AN EXCESSIVE CONCERN  
26 ABOUT THE CHILDREN. I HAVE A HUMAN BEING'S CONCERN THAT  
27 THERE ARE FIVE-YEAR-OLDS APPARENTLY IN THE COURTROOM, FIVE  
28 AND SIX-YEAR-OLDS, AND I HAVE SOME CONCERN THAT THEIR TEACHER



1 SHOULD BE ASKED IF SHE THOUGHT IT WAS APPROPRIATE THAT THEY  
2 REMAIN HERE BECAUSE THERE MIGHT BE SOME PARENT WHO WOULD  
3 OBJECT.

4 THE COURT: ALL RIGHT, I WILL SEE WHAT SHE SAYS.

5 MR. BARENS: THERE MIGHT BE SOME PARENTS THAT WOULD  
6 SHOW SOME DISFAVOR ABOUT THAT LATER ON. THAT IS THE ONLY  
7 REASON I ASKED.

8 (UNREPORTED COLLOQUY BETWEEN MR. WAPNER  
9 AND JUDGE ROTHMAN.)

10 MR. WAPNER: I INQUIRED OF JUDGE ROTHMAN, WHO APPARENTLY  
11 ASKED THE CHILDREN TO COME IN, AND HE IS TALKING TO THE  
12 TEACHER NOW.

13 THE COURT: HE IS FINISHED TALKING TO HER.

14 (UNREPORTED COLLOQUY BETWEEN MR. WAPNER  
15 AND JUDGE ROTHMAN.)

16 MR. WAPNER: ACCORDING TO JUDGE ROTHMAN, AFTER  
17 CONFERRING WITH THE TEACHER, THE TEACHER SAYS THE TEACHER  
18 DOESN'T MIND AND IF IT DOESN'T AFFECT THE TRIAL, THEN IT  
19 IS OKAY WITH HIM.

20 MR. BARENS: THAT IS FINE WITH ME.

21 THE COURT: THANK YOU FOR YOUR EXCESSIVE CONCERN.  
22 I APPRECIATE IT.

23 MR. BARENS: THANK YOU, SIR.

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

27 THE COURT: IS THERE A PENDING QUESTION?

28 MR. WAPNER: I DON'T KNOW IF THERE IS ONE.

1 (THE COURT REPORTER READ THE RECORD.)

2 Q BY MR. WAPNER: DETECTIVE ZOELLER, DO YOU  
3 RECOGNIZE THE AREA THAT IS DEPICTED ON THE DIAGRAM THAT  
4 IS PEOPLE'S 18 FOR IDENTIFICATION?

5 A YES.

6 Q WHAT IS IT?

7 A THAT IS THE CANYON WHERE I INDICATED WE LOOKED  
8 FOR THE REMAINS.

9 Q AND WHEN YOU SAW THIS FIRST BONE THERE AND  
10 YOU SAID YOU LEFT IT THERE, WHY WAS THAT?

11 A IT IS NOT -- IT IS NOT MY JOB TO PICK UP BONES  
12 OF REMAINS.

13 THE CORONER'S OFFICE IS THEN CALLED, ONCE WE  
14 DETERMINE THAT THERE ARE HUMAN REMAINS.

15 AT THAT POINT, WE HADN'T EVEN DETERMINED IF  
16 THAT BONE WAS ANYTHING AT ALL.

17 Q AFTER YOU SAW THAT BONE, WHAT DID YOU DO?

18 A WE CONTINUED DOWN THE CANYON.

19 Q AND AS YOU CONTINUED DOWN THE CANYON, WHAT  
20 DID YOU SEE?

21 A I SAW ANOTHER BONE WHICH WAS A BROWNISH COLOR,  
22 NOT WHITE LIKE THE FIRST BONE.

23 Q WHEN YOU SAW THAT BONE, WHAT DID YOU DO?

24 A IN BETWEEN THE THREE OF US, WE STARTED LOCATING  
25 MORE BONES OF THE SAME BROWN COLOR.

26 Q THE THREE OF YOU BEING YOU, DETECTIVE DECUIR --

27 A AND KURT KUHN.

28 Q HE IS THE GENTLEMAN FROM THE IDENTIFICATION

1 DIVISION OF THE BEVERLY HILLS POLICE DEPARTMENT WHO TESTIFIED  
2 ABOUT SOME FINGERPRINTS EARLIER IN THE GUILT PHASE OF THIS  
3 TRIAL?

4 A THAT IS CORRECT.

5 Q WHEN YOU AND DETECTIVE DECUIR AND KURT KUHN  
6 FOUND THESE REMAINS, DID YOU FORM ANY OPINION IN YOUR MIND  
7 AS TO WHAT THEY WERE?

8 A AT THAT TIME, I AM NOT SURE.

9 AS SOON AS A SKULL AND JAWBONE WERE FOUND,  
10 THEN AN OPINION WAS MADE THAT THEY WERE HUMAN REMAINS.

11 Q AND WHEN WAS IT, AS YOU CONTINUED TO WALK DOWN  
12 THE HILL, THAT YOU FOUND THIS SKULL AND THE JAWBONE, HOW  
13 FAR DOWN THE HILL DID YOU GET?

14 A IT WAS APPROXIMATELY HALFWAY DOWN THE HILL,  
15 EVEN A LITTLE BIT BEFORE THAT. I BELIEVE THE SKULL WAS FOUND  
16 IN POSITION OR SITE NUMBER 6 (INDICATING).

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0- 1 Q WHEN YOU FIRST WENT DOWN THE HILLSIDE, DID YOU  
2 MAKE ANY NOTATIONS AS TO SITE NUMBERS?

3 A AT THAT TIME WHEN WE FIRST WENT DOWN THE HILL,  
4 NO.

5 Q WHEN YOU FIRST WENT DOWN, AFTER YOU GOT DOWN THE  
6 HILL, WHAT DID YOU DO?

7 A WHAT WE DID INITIALLY IS, WE WENT DOWN TO TRY  
8 TO IDENTIFY ANY REMAINS THAT WE COULD, WHICH WE DID. AND  
9 WE LEFT THEM THERE AND THEN I RESPONDED TO A TELEPHONE AND  
10 CALLED THE CORONER'S OFFICE.

11 Q DID SOMEBODY FROM THE CORONER'S OFFICE ARRIVE?

12 A YES.

13 Q WHO WAS THAT?

14 A LYNN HEROLD AND SCOTT CARRIER, THE INVESTIGATOR  
15 FROM THE CORONER'S OFFICE.

16 Q WERE SOME PHOTOGRAPHS TAKEN OF THE ITEMS THAT  
17 YOU RECOVERED?

18 A YES.

19 Q ONE SET OR TWO SETS?

20 A ACTUALLY, THREE SETS. INITIALLY WHEN THEY WERE  
21 OBSERVED, PHOTOGRAPHS WERE TAKEN. THEY WERE NUMBERED AS FAR  
22 AS THE SITE POSITIONS. PHOTOS WERE TAKEN AGAIN AND THEN UPON  
23 COLLECTION, THEY WERE TAKEN.

24 Q AND WERE YOU THERE WHEN THE PHOTOGRAPHS WITH THE  
25 SITE NUMBERS WERE TAKEN?

26 A YES.

27 Q WHAT WAS THE PURPOSE OF NUMBERING THOSE VARIOUS  
28 SITES AND WHAT DID THE NUMBERS REPRESENT?

10- 1 A JUST THE LOCATION. IF I COULD BACK UP, WHEN THE  
2 CORONER'S REPRESENTATIVES ARRIVED, THEY GAVE NAMES TO THE  
3 BONES, THE REMAINS THAT WERE FOUND.

4 AND THE DIFFERENT SITES WERE NOTHING MORE THAN  
5 THE AREAS WHERE THESE REMAINS WERE LOCATED.

6 Q DID YOU MAKE A REPORT INDICATING THE VARIOUS SITES  
7 WHERE THE REMAINS WERE LOCATED?

8 A YES.

9 Q AND DID YOU INCLUDE IN THAT REPORT, A DIAGRAM  
10 OF THE SITES?

11 A YES.

12 Q AND IS THE DIAGRAM THAT IS ON THE BOARD AS  
13 PEOPLE'S 18, AN ENLARGEMENT OF THE DIAGRAM THAT YOU PREPARED?

14 A IT IS.

15 Q WHAT CAN YOU TELL US THAT DIAGRAM SHOWS?

16 A THE DIAGRAM, THE TOP IS NORTH. IN THIS CASE,  
17 THE PHOTO BEING THE TOP -- THAT WOULD BE SOUTH. SO IT IS  
18 INVERTED.

19 IT SHOWS THE ROAD, SOLEDAD CANYON. IT SHOWS INDIAN  
20 CANYON ROAD TO THE TURNOUT AND THEN THE CANYON FROM THE  
21 TURNOUT GOING NORTH.

22 Q WHERE IS THE TURNOUT LOCATED ON THIS DIAGRAM?

23 A THE TURNOUT IS INDICATED BY LINES AND THE BROKEN  
24 LINE.

25 Q AT THE BOTTOM LEFT-HAND CORNER?

26 A THAT'S CORRECT.

27 Q AS FAR AS THIS DIAGRAM IS CONCERNED, WHERE IT  
28 SAYS NUMBER "1" WOULD THAT BE AT THE TOP OF THE HILLS?

1 A YES.

2 Q AND THEN AS YOU PROCEED DOWN 2, 3, 4 ALL OF THE  
3 WAY DOWN TO 16, IS THAT GOING DOWN THE HILL?

4 A YES.

5 Q AND DO YOU HAVE YOUR REPORT IN FRONT OF YOU AS  
6 FAR AS INDICATING WHERE THE SKULL WAS RECOVERED?

7 A I DO.

8 Q WHERE WAS THAT?

9 A IT SAYS THAT THE SKULL WAS FOUND IN POSITION  
10 NUMBER OR SITE NUMBER 7.

11 Q SHOWING YOU A PHOTOGRAPH WE HAVE MARKED AS 19-B,  
12 DO YOU RECOGNIZE THAT?

13 A YES.

14 Q WHAT IS IT?

15 A THAT IS THE SKULL AND A LARGE BONE WITH A NUMBER  
16 7 AND THIS IS AS WE FOUND IT.

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0B-  
1 Q THAT IS THE PHOTOGRAPH OF THE SKULL AS IT APPEARS  
2 THE WAY THAT YOU FOUND IT?

3 A THAT'S CORRECT.

4 Q WAS IT PHOTOGRAPHED AGAIN LATER THAT DAY?

5 A YES.

6 Q SHOWING YOU A PHOTOGRAPH WE HAVE MARKED AS 19-C  
7 FOR IDENTIFICATION, DO YOU RECOGNIZE THAT?

8 A YES.

9 Q IS THERE A HAND IN THAT PICTURE HOLDING THE TOP  
10 OF A SKULL?

11 A YES.

12 Q WHOSE HAND IS THAT?

13 A MY HAND.

14 Q I TAKE IT THAT THAT MEANS THAT YOU WERE THERE  
15 WHEN THE PICTURE WAS TAKEN?

16 A THAT'S CORRECT.

17 Q THAT WAS TAKEN AS A PHOTOGRAPH TO REPRESENT WHAT,  
18 THE SKULL LOCATED AFTER IT WAS REMOVED FROM SITE NUMBER 7?

19 A THAT'S CORRECT. IT WAS UPON COLLECTION.

20 Q AND DO YOU HAVE AN INDICATION IN YOUR REPORT AS  
21 TO WHERE A PORTION OF THE JAW WAS RECOVERED?

22 A YES.

23 Q WHERE IS THAT?

24 A THE JAW WAS FOUND AT SITE NUMBER 6.

25 Q SHOWING YOU A PHOTOGRAPH MARKED AS 19-G FOR  
26 IDENTIFICATION, DO YOU RECOGNIZE THAT?

27 A YES.

28 Q WHAT IS THAT?

OR  
1 A THIS IS THE JAW AS WE FOUND IT WITH AN INDICATOR  
2 NUMBER 6.

3 Q CAN YOU JUST HOLD UP THE PICTURE WITH THE NUMBER  
4 7, THE SKULL AS IT WAS FOUND TO SHOW SO THE JURY CAN SEE THAT?

5 THANK YOU.

6 WERE SOME BLACK PANTS RECOVERED?

7 A YES.

8 Q WHERE WERE THEY RECOVERED?

9 A IF I CAN REFER TO MY REPORT --

10 Q WOULD YOU PLEASE.

11 A THE BLACK PANTS WERE FOUND IN SITE NUMBER 5.

12 Q WERE THERE SOME UNDERPANTS RECOVERED?

13 A YES.

14 Q WHERE WERE THEY RECOVERED?

15 A THE UNDERWEAR THAT WAS FOUND WAS AT SITE NUMBER 13.

16 Q SHOWING YOU TWO PHOTOGRAPHS THAT ARE 19-D AND -E  
17 FOR IDENTIFICATION, DO YOU RECOGNIZE THOSE?

18 A YES.

19 Q WHAT ARE THEY?

20 A THE PHOTO 19-D SHOWS THE PANTS AS I FOUND THEM.  
21 AND THE PHOTO 19-E IS THE UNDERWEAR AS WE FOUND THEM.

22 Q I WANT TO SHOW YOU THREE OTHER PHOTOGRAPHS THAT  
23 ARE 19-F, -I AND -A. DO YOU RECOGNIZE THOSE?

24 A YES.

25 Q WHAT ARE THEY?

26 A THOSE ARE PHOTOS OF -- IF I COULD REFER TO MY --

27 Q I DON'T THINK IT IS NECESSARY TO KNOW SPECIFICALLY  
28 WHAT THE BONES WERE.



10B 1 BUT ARE THERE OTHER BONES THAT WERE RECOVERED  
2 AS WELL AS THE TAGS WITH THE SITE NUMBERS WHERE THEY WERE  
3 FOUND?

11F 4 A YES.  
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1 Q AND SHOWING YOU A PHOTOGRAPH THAT WE HAVE  
2 MARKED 19-F FOR IDENTIFICATION, DO YOU RECOGNIZE THAT?

3 A YES, I DO.

4 Q WHAT IS THAT?

5 A IT IS A PHOTO OF THE SKULL INVERTED, SHOWING  
6 THE TEETH.

7 Q DO ALL OF THOSE PHOTOGRAPHS THAT ARE MARKED  
8 19 ACCURATELY REFLECT THE BONES AND THE SITE WHERE THEY  
9 WERE RECOVERED AS THEY APPEARED THAT DAY ON NOVEMBER THE  
10 30TH OF 1984?

11 A YES, THEY DO.

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

13

14 CROSS-EXAMINATION

15 BY MR. BARENS:

16 Q DETECTIVE ZOELLER, FIRST WITH REFERENCE TO  
17 THAT BLUE NOTEBOOK YOU FOUND; YOU FOUND THAT IN ONE OF THE  
18 BEDROOMS AT THE MANNING?

19 A THAT'S CORRECT.

20 Q AND YOU HAVE HAD POSSESSION OF THAT NOTEBOOK  
21 SINCE WHEN, SIR?

22 A SINCE THE TIME OF THE SEARCH WARRANT, WHICH  
23 WAS THE 2ND OF OCTOBER, I BOOKED IT INTO EVIDENCE AND IT  
24 WAS RELEASED TO THE DEPARTMENT OF JUSTICE.

25 Q SO LAW ENFORCEMENT FOLKS, IN ADDITION TO YOUR-  
26 SELF, HAD ACCESS TO THIS SINCE NOVEMBER OF '84; IS THAT  
27 CORRECT, SIR?

28 A HOW DO YOU MEAN HAD ACCESS TO IT?

1 Q WELL, SOMEBODY HAS HAD POSSESSION OF IT, I  
2 PRESUME?

3 A THAT'S CORRECT.

4 Q OKAY. YOU KNOW WHO WROTE THIS NOTEBOOK?

5 A PERSONALLY, NO.

6 Q DID YOU EVER HAVE THE HANDWRITING IN THIS NOTE-  
7 BOOK ANALYZED?

8 A I DID NOT, NO.

9 Q DID YOU EVER COMPARE ANY HANDWRITING TO ANY OF THE  
10 HANDWRITING WE KNOW OF THAT MIGHT HAVE HAD ANYTHING TO DO  
11 WITH THIS CASE?

12 A NO.

13 Q SO WOULD IT BE A FAIR STATEMENT TO SAY THAT  
14 YOU HAVE TESTIFIED THIS MORNING ABOUT A NOTEBOOK YOU FOUND  
15 BUT WE DON'T KNOW WHO WROTE IT; IS THAT CORRECT?

16 A THAT'S CORRECT.

17 Q OKAY. DO YOU KNOW WHETHER IT WAS WRITTEN BY  
18 ONE OR MORE THAN ONE PERSON?

19 A I DON'T, NO.

20 Q DO YOU KNOW WHEN IT WAS WRITTEN?

21 A THERE IS DATES IN THERE.

22 Q I SEE DATES IN THERE THAT REFER -- THERE ARE  
23 SOME DATES AND THEN THERE ARE SOME DATES BUT THEY ARE NOT  
24 EXACTLY CONSECUTIVE, ARE THEY, SIR, AND CONSISTENT?

25 A THEY APPEAR TO BE CONSECUTIVE, NOT ONE AFTER  
26 ANOTHER BUT AS FAR AS --

27 Q ARE THEY ALL THERE OR ARE SOME MISSING?

28 A SOME DATES THAT ARE NOT HERE.

1 Q UH-HUH. DOES IT APPEAR TO YOU, SINCE YOU HAVE  
2 TESTIFIED FOR US TODAY AS TO WHAT HANDWRITING LOOKS LIKE,  
3 DOES IT APPEAR TO YOU THAT IT IS ALL THE HANDWRITING OF  
4 THE SAME PERSON?

5 (PAUSE IN PROCEEDINGS WHILE WITNESS  
6 EXAMINES AN EXHIBIT.)

7 THE WITNESS: MOST OF IT APPEARS TO BE WRITTEN BY  
8 THE SAME PERSON.

9 Q BY MR. BARENS: DOES IT ALL APPEAR TO BE WRITTEN  
10 BY THE SAME PERSON?

11 A WELL, THERE IS SOME, IT APPEARS TO BE FARSI  
12 IN THERE, WHICH I WOULDN'T KNOW.

13 Q YOU JUST CAN'T TELL, SIR?

14 THE COURT: YOU MEAN THOSE PAGES WHICH ARE WRITTEN  
15 IN FARSI, YOU CAN'T TELL IF THEY ARE WRITTEN BY THE SAME  
16 PERSON AS THOSE PAGES WRITTEN IN ENGLISH?

17 THE WITNESS: THAT'S CORRECT.

18 THE COURT: THOSE PAGES WRITTEN IN ENGLISH, THEY APPEAR  
19 TO BE WRITTEN BY THE SAME PERSON?

20 THE WITNESS: THEY SURE APPEAR TO BE.

21 Q BY MR. BARENS: AT LEAST MOST OF THEM, SIR?

22 A YES.

23 Q DO YOU BELIEVE THAT THE PERSON WHO WROTE THE  
24 PAGE, AND IT LOOKS TO ME LIKE THE LETTERS "SAED", IT IS PRINTED  
25 AND THEN IT LOOKS LIKE -- WE CAN EITHER PROBABLY AGREE IT  
26 IS EITHER "KHK" OR "KAK". DOES IT APPEAR THAT THE SAME  
27 PERSON WROTE EVERYTHING ELSE IN THE ENGLISH PORTION IN THAT  
28 BOOK?



1 A I CAN'T ANSWER THAT. I DON'T KNOW.

2 Q WAS THAT EVER SENT TO MR. SWARTOUT?

3 A I DON'T KNOW.

4 Q DO YOU KNOW WHY IT WAS WRITTEN?

5 A NO, I DON'T.

6 Q DO YOU KNOW WHETHER IT WAS EVER COMMUNICATED

7 TO MR. SWARTOUT IN ANY FASHION OR MANNER?

8 A NOT TO MY KNOWLEDGE.

9 Q I SEE.

10 DO YOU KNOW WHEN IT WAS WRITTEN?

11 A NO.

12 Q DO YOU KNOW IF IT WAS IN RESPONSE TO ANYTHING?

13 A NO.

14 Q ARE YOU FAMILIAR WITH MR. KARNY'S HANDWRITING?

15 A I WOULD SAY NO.

16

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2-  
1 Q DID YOU SEE ANYTHING IN THOSE PAGES THAT YOU  
2 REMOVED FROM MR. HUNT'S BRIEFCASE, THAT DIDN'T APPEAR TO BE  
3 IN HIS HANDWRITING?

4 A I DON'T KNOW. I DON'T RECALL EVERYTHING THAT  
5 WAS IN THERE, RIGHT OFFHAND.

6 IF YOU SHOW ME SOMETHING, I COULD POSSIBLY TELL  
7 YOU.

8 Q ALL RIGHT. AND THE DEPOSIT SLIP THAT YOU SAW  
9 AS PEOPLE'S 34, DID YOU TALK TO MINA HAKIMI?

10 A NO.

11 Q YOU NEVER SPOKE TO HER?

12 A NO.

13 Q YOU NEVER ASKED HER HOW MR. HUNT WOULD HAPPEN  
14 TO HAVE A DEPOSIT SLIP OF HERS?

15 A NO.

16 Q DID YOU EVER MAKE ANY EFFORTS TO FIND OUT ANYTHING  
17 ABOUT THAT?

18 A NO.

19 Q THE BANK STATEMENT OF MR. ESLAMINIA THAT WAS FOUND  
20 IN THE BRIEFCASE, DO YOU KNOW HOW THAT HAPPENED TO BE THERE?

21 A WHICH ITEM IN THE BRIEFCASE?

22 Q ITEM PEOPLE'S 35, A BANK STATEMENT OF  
23 MR. ESLAMINIA. DO YOU KNOW HOW THAT HAPPENED TO BE IN THE  
24 BRIEFCASE?

25 MR. WAPNER: OBJECTION. THAT MISSTATES THE EVIDENCE,  
26 THAT IT WAS IN THE BRIEFCASE.

27 MR. BARENS: STRIKE THAT.

28 Q INSIDE THE INSIDE FLAP OF THE PLANNING DIARY

1 IDENTIFIED AS PEOPLE'S 31, HOW THAT --

2 A THE BANK STATEMENT I FOUND WITH MR. ESLAMINIA'S  
3 NAME, WAS FOUND ON MR. HUNT WHEN HE WAS ARRESTED ON THE 22ND  
4 OF OCTOBER.

5 Q ALL RIGHT. I DON'T KNOW WHY I THOUGHT WE SAW  
6 IT ON THE INSIDE FLAP OF --

7 THE COURT: NO. HE TESTIFIED HE FOUND IT ON HIS PERSON.

8 MR. BARENS: IT MIGHT HAVE JUST SHOWN UP HERE SOMEHOW,  
9 BEING CONFUSED IN THE NOTES, YOUR HONOR.

10 Q IN ANY EVENT, DO YOU KNOW HOW IT HAPPENED TO BE  
11 THERE, HOW HE HAPPENED TO HAVE POSSESSION OF THAT?

12 THE COURT: I THOUGHT I SAW YOUR COLLEAGUE PUT IT IN  
13 THERE.

14 MR. BARENS: NOW, NOW. THAT ISN'T ACCURATE.

15 THE COURT: I SAW HIM PUT IT IN THERE I THOUGHT.

16 MR. BARENS: THAT ISN'T ACCURATE. BUT BE THAT AS IT  
17 MAY, ACTUALLY, IT WAS NOT IN THERE.

18 BUT, YOU WOULDN'T KNOW. WHAT WAS INSIDE THERE,  
19 IS A TYPEWRITTEN THING. I WAS MISTAKEN ALTOGETHER.

20 WHAT IS INSIDE HERE IS WHAT WE CAN ALL SEE. SO  
21 WHETHER MR. CHIER DID SOMETHING BAD OR NOT, IT IS A TYPEWRITTEN  
22 THING THAT HAS SOMETHING TO DO WITH THE POWER OF ATTORNEY  
23 AND --

24 THE COURT: ALL RIGHT.

25 MR. BARENS: NO BANK SLIP AT ALL.

26 Q BUT AS TO THE BANK SLIP, DO YOU KNOW HOW MR. HUNT  
27 HAPPENED TO HAVE POSSESSION OF THAT?

28 A NO.



12- 1 Q DID YOU EVER TALK TO THE BANK WHERE THAT STATEMENT  
2 GENERATED FROM TO SEE IF THEY KNEW ANYTHING ABOUT HOW MR. HUNT  
3 MIGHT HAVE HAD THAT OR NOT, SIR?

4 A NO.

5 Q NOW WITH REFERENCE TO YOUR GOING OVER TO  
6 SOLEDAD CANYON AND LOOKING AT AND LOCATING THE BONES, HOW  
7 MANY BONES DID YOU LOOK AT THERE?

8 A I DIDN'T COUNT THEM.

9 Q WE HAVE 16 SITES OF BONES, HEY?

10 A THAT'S CORRECT.

11 Q SO WE DO HAVE AT LEAST 16 BONES?

12 A YES.

13 THE COURT: I THINK WE ARE NOW ONTO A NEW SUBJECT.  
14 LET'S TAKE OUR BREAK.

15 MR. BARENS: ALL RIGHT, YOUR HONOR.

16 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE WILL  
17 TAKE OUR RECESS AT THIS TIME UNTIL 1:30 THIS AFTERNOON.  
18 THE SAME ADMONITION THAT I GAVE YOU STILL APPLIES. HOPEFULLY,  
19 IT WILL BE 1:30 THIS AFTERNOON.

20 (AT 12 NOON A RECESS WAS TAKEN UNTIL  
21 1:30 P.M. OF THE SAME DAY.)  
22  
23  
24  
25  
26  
27  
28

1 SANTA MONICA, CALIFORNIA; WEDNESDAY, MAY 20, 1987; 1:40 P.M.  
2 DEPARTMENT C HON. LAURENCE J. RITTENBAND, JUDGE  
3 (APPEARANCES AS NOTED ON TITLE PAGE.)  
4

5 THE COURT: ALL RIGHT, GOOD AFTERNOON.  
6

7 LESLIE H. ZOELLER,  
8 THE WITNESS ON THE STAND AT THE TIME OF THE RECESS, RESUMED  
9 THE STAND AND TESTIFIED AS FOLLOWS:

10 MR. BARENS: I HAVE NO FURTHER QUESTIONS, YOUR HONOR.

11 THE COURT: THANK YOU. ANY REDIRECT?

12 MR. WAPNER: YES, I THINK I JUST HAVE A COUPLE OF  
13 QUESTIONS.

14 YOUR HONOR, I HAVE A DOCUMENT THAT I WOULD  
15 LIKE TO HAVE MARKED AS PEOPLE'S 36 FOR IDENTIFICATION.  
16 IT APPEARS TO BE A CERTIFIED COPY OF A CALIFORNIA DRIVER'S  
17 LICENSE IN THE NAME OF JOSEPH HENRY GAMSKY.  
18

19 REDIRECT EXAMINATION

20 BY MR. WAPNER:

21 Q DETECTIVE ZOELLER, DOES PEOPLE'S 36 APPEAR  
22 TO YOU TO BE A COPY OF THE DRIVER'S LICENSE YOU SAW IN  
23 MR. HUNT'S POSSESSION ON THE TWO DATES THAT YOU ARRESTED  
24 HIM, ON SEPTEMBER THE 28TH AND OCTOBER THE 22ND, 1984?

25 A YES.

26 MR. WAPNER: I DON'T HAVE ANYTHING FURTHER, AT LEAST  
27 THAT I CAN THINK OF.

28 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU MAY

1 STEP DOWN.

2 MR. WAPNER: CALL RICHARD CLASON TO THE STAND.

3

4 RICHARD CLASON,

5 CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY

6 SWORN, TESTIFIED AS FOLLOWS:

7 THE CLERK: YOU HAVE PREVIOUSLY BEEN SWORN.

8 THE COURT: YOU HAVE BEEN PREVIOUSLY SWORN, MR. CLASON.

9 THE WITNESS: THANK YOU, YOUR HONOR.

10 THE COURT: BE SEATED.

11 THE CLERK: WOULD YOU STATE YOUR FULL NAME FOR THE

12 RECORD?

13 THE WITNESS: RICHARD L. CLASON, C-L-A-S-O-N.

14

15 DIRECT EXAMINATION

16 BY MR. WAPNER:

17 Q MR. CLASON, YOU ARE THE HANDWRITING EXPERT

18 FOR THE BEVERLY HILLS POLICE DEPARTMENT?

19 A YES, SIR.

20

21

22

23

24

25

26

27

28

1 Q AND IN THAT CONNECTION, ON MAY THE 12TH OF THIS  
2 YEAR, DID DETECTIVE ZOELLER ASK YOU TO COMPARE SOME HANDWRITING,  
3 CERTAIN DOCUMENTS TO THE HANDWRITING THAT YOU KNOW TO BE OF  
4 JOE HUNT?

5 A YES, SIR.

6 Q I WANT TO SHOW YOU SOME DOCUMENTS, A GROUP OF  
7 DOCUMENTS WE HAVE MARKED AS PEOPLE'S 33 FOR IDENTIFICATION.  
8 I WILL ASK YOU IF YOU RECOGNIZE THOSE.

9 A YES, SIR. THESE ARE THE DOCUMENTS THAT I  
10 EXAMINED FOR DETECTIVE ZOELLER.

11 Q AND DO YOU REMEMBER WHAT IT WAS THAT YOU COMPARED  
12 THEM TO?

13 A YES. I COMPARED THEM TO SOME NOTES THAT WERE  
14 PURPORTEDLY WRITTEN BY MR. HUNT TO ACQUAINTANCES OF HIS.

15 Q WERE THOSE THE NOTES THAT YOU USED INITIALLY TO  
16 MAKE YOUR HANDWRITING COMPARISONS OF JOE HUNT'S HANDWRITING  
17 THE FIRST TIME YOU EVER COMPARED HANDWRITING IN THIS CASE?

18 A YES IT IS.

19 Q THAT WAS BEFORE YOU ACTUALLY HAD THE EXEMPLAR  
20 OF MR. HUNT?

21 A THAT'S TRUE.

22 Q AND DID YOU AT SOME POINT, COMPARE MR. HUNT'S  
23 KNOWN EXEMPLAR TO THE NOTES PURPORTEDLY WRITTEN BY MR. HUNT  
24 TO HIS FRIENDS?

25 A YES I DID.

26 Q DID YOU DETERMINE THAT IN FACT, THOSE NOTES WERE  
27 MADE BY THE SAME PERSON WHO MADE THE EXEMPLAR?

28 A YES I DID MAKE THAT DETERMINATION.

14 1 Q ALL RIGHT. SO WHEN YOU WERE COMPARING THE  
2 DOCUMENTS, PEOPLE'S 33, YOU WERE THEN COMPARING THEM TO  
3 HANDWRITING YOU HAD ALREADY DETERMINED WAS MADE BY MR. HUNT?

4 A THAT'S CORRECT, YES, SIR.

5 Q AND DID YOU FORM AN OPINION AS TO WHETHER OR NOT  
6 THE DOCUMENTS, THE PAPERS CONTAINED IN PEOPLE'S 33 WERE WRITTEN  
7 BY MR. HUNT?

8 A YES. I DID DETERMINE THAT THEY WERE.

9 Q WAS THERE ANY QUESTION ABOUT THAT IN YOUR MIND?

10 A NO, NONE WHATSOEVER.

11 MR. WAPNER: THANK YOU. NOTHING FURTHER.

12 MR. BARENS: YES, YOUR HONOR.

13  
14 CROSS-EXAMINATION

15 BY MR. BARENS:

16 Q I JUST WANTED TO MAKE SURE THAT YOU AND I ARE  
17 DETERMINING 33 ON THE SAME BASIS AND WHAT ITS COMPOSITION  
18 IS, MR. CLASON.

19 AS I UNDERSTAND IT IN THIS FOLDER, THERE ARE ONE,  
20 TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT, NINE PIECES OF  
21 PAPER?

22 A YES, SIR.

23

24

25

26

27

28

1 Q AND IT WOULD BE YOUR TESTIMONY, SIR, THAT ALL  
2 NINE OF THESE WOULD BE IN MR. HUNT'S HANDWRITING, WITHOUT  
3 EXCEPTION?

4 A THE ONLY DOUBT THAT I HAVE IN MY MIND RIGHT  
5 AT THE PRESENT IS THE NINTH SHEET ON HERE. I DON'T REMEMBER  
6 HOW WELL I STUDIED THAT OVER.

7 THE OTHER EIGHT, I HAVE NO PROBLEM WITH WHATEVER.

8 MR. WAPNER: FOR THE RECORD, THE NINTH SHEET -- WHAT  
9 DOES IT SAY -- FOR THE RECORD, IT IS THE SHEET THAT HAS  
10 THE TELEPHONE NUMBER, EACH CONSISTING OF TEN DIGITS, AS  
11 WELL AS TWO NAMES WRITTEN AFTER TWO OF THE PHONE NUMBERS.

12 THE WITNESS: THAT IS CORRECT.

13 IT IS JUST THAT I DON'T REMEMBER HAVING  
14 THOROUGHLY STUDIED THAT ONE AND I WOULD LIKE TO DO THAT  
15 BEFORE I MADE FURTHER COMMENTS ABOUT IT.

16 MR. BARENS: THANK YOU. I AM SATISFIED. THANK YOU,  
17 SIR.

18 THE COURT: ALL RIGHT, THANK YOU VERY MUCH, MR. CLASON,  
19 YOU WILL BE EXCUSED.

20 THE WITNESS: THANK YOU, YOUR HONOR.

21 MR. WAPNER: JERRY EISENBERG.

22 MR. BARENS: WE HAVE A MOTION IN LIMINE, YOUR HONOR.

23 THE COURT: ON EISENBERG?

24 MR. BARENS: YES, WE SHOULD, SIR.

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

26 (THE FOLLOWING PROCEEDINGS WERE HELD

27 AT THE BENCH:)

28

5-2

1 MR. BARENS: YOUR HONOR, THE MOTION IS, I WOULD  
2 ANTICIPATE THAT DURING THIS TESTIMONY THE PEOPLE WOULD  
3 SOLICIT MR. EISENBERG TO RELATE STATEMENTS ALLEGEDLY MADE  
4 TO HIM BY JIM PITTMAN-GRAHAM SUBSEQUENT TO THE CONDUCT THAT  
5 WOULD BE DISCUSSED.

6 THERE IS NO QUESTION THAT WITH REFERENCE TO  
7 THE SWARTOUT, OR THAT SHOOTING INCIDENT AT -- I WANT TO  
8 SAY FIC, BUT I'M PROBABLY WRONG.

9 MR. CHIER: FCI.

10 MR. BARENS: THAT AS TO THOSE MATTERS, IT WOULD NOT  
11 BE IN FURTHERANCE OF ANY SORT OF CONSPIRACY. IT WOULD BE  
12 WELL AFTER THE INCIDENT ALLEGED AND THERE WAS NO COVER-UP  
13 ALLEGED OF THOSE INCIDENTS, THAT THERE WOULD BE ANY  
14 CONSPIRACY IN THE FIRST INSTANCE. TO THE EXTENT THOSE ARE  
15 BEING DISCUSSED, I WOULD LIKE TO ASK THAT THE PEOPLE IN  
16 RESPONSE TO MY MOTION -- I WOULD ASK FOR AN OFFER OF PROOF  
17 AS TO WHAT THOSE WOULD BE.

18 MR. WAPNER: REGARDING THE STATEMENT OF MR. PITTMAN,  
19 THE ONLY THING THAT I INTEND TO ELICIT FROM THIS WITNESS  
20 IS THE FACT THAT HE IN FACT TALKED TO MR. PITTMAN AND NOT  
21 THE CONTENT OF THE CONVERSATION.

22 THE ONLY REASON THAT IT IS RELEVANT THAT HE  
23 TALKED TO MR. PITTMAN IS BECAUSE MR. EISENBERG WAS INVOLVED  
24 IN THE ATTEMPTS TO OBTAIN THE CONSERVATORSHIP IN BEHALF  
25 OF REZA ESLAMINIA AND AFTER TALKING TO MR. PITTMAN, HE WILL  
26 TESTIFY THAT HE ATTEMPTED TO SABOTAGE THE GAINING OF THAT  
27 CONSERVATORSHIP.

28 BUT I DON'T SEEK TO ELICIT THE CONTENTS OF  
29 THE STATEMENT THAT MR. PITTMAN MADE TO HIM.

16- 1 MR. BARENS: LET ME ASK THEN WHAT THE RELEVANCY WOULD  
2 BE IN TERMS OF PROVING THAT SOMETHING UNTOWARD HAD HAPPENED  
3 TO MR. ESLAMINIA AT THE HANDS OF MY CLIENT ALLEGEDLY WOULD  
4 BE THE FACT THAT THE LAWYER ATTEMPTED TO UNDERMINE THE OBTAINING  
5 OF CONSERVATORSHIP -- WHAT WOULD THE RELEVANCY BE IN THE  
6 CHARGING ELEMENT AS INDICATED IN THE PEOPLE'S ADVICE TO THE  
7 DEFENSE THAT THIS WOULD BE A PART OF THE PENALTY PHASE?

8 MR. WAPNER: THE ONLY RELEVANCY IS THAT IT COMPLETES  
9 THE PICTURE OF WHAT HE DID IN TERMS OF HIS ACTIONS IN  
10 WORKING ON THE CONSERVATORSHIP AND THEN EVENTUALLY LEAVING  
11 THE BBC.

12 IT JUST GIVES A COMPLETE PICTURE OF WHAT IT WAS  
13 THAT HE WAS DOING.

14 THE COURT: WELL, I WILL LET HIM TESTIFY TO IT. GO  
15 AHEAD.

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

19  
20 JEROME J. EISENBERG,  
21 CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY  
22 SWORN, TESTIFIED FURTHER AS FOLLOWS:

23 THE CLERK: STATE YOUR NAME FOR THE RECORD.

24 THE WITNESS: JEROME J. EISENBERG.

25 THE CLERK: SPELL YOUR NAME.

26 THE WITNESS: E-I-S-E-N-B-E-R-G.

27 THE COURT: YOU HAVE BEEN PREVIOUSLY SWORN, HAVE YOU  
28 NOT?



6- 1 THE WITNESS: YES.

2

3

DIRECT EXAMINATION

4

BY MR. WAPNER:

5

Q MR. EISENBERG, IN AUGUST OF 1984, WERE YOU STILL  
6 WORKING FOR THE BBC AS A LAWYER?

7

A UP THROUGH AUGUST 24.

8

Q AND WERE YOU STILL WORKING THERE DURING JUNE AND  
9 JULY OF 1984?

10

A CORRECT.

11

Q AT SOME POINT IN 1984, DID YOU MEET SOMEONE NAMED  
12 REZA ESLAMINIA?

13

A YES I DID.

14

Q HOW DID YOU MEET HIM?

15

A THROUGH MY AUNT'S FIANCE, A GENTLEMAN NAMED LEON  
16 KASSORLA.

17

Q SPELL THAT.

18

A K-A-S-S-O-R-L-A.

19

Q AFTER MEETING REZA ESLAMINIA, DID YOU INTRODUCE  
20 HIM TO ANYONE IN THE BBC?

21

A DIRECTLY, NO. MR. KASSORLA INTRODUCED HIM TO  
22 BEN DOSTI. I HAD INTRODUCED MR. KASSORLA TO BEN AND BEN  
23 INTRODUCED -- NO, LEON INTRODUCED REZA TO BEN.

24

Q DO YOU REMEMBER WHEN IT WAS APPROXIMATELY THAT  
25 MR. KASSORLA INTRODUCED REZA ESLAMINIA TO BEN DOSTI?

26

A THE EXACT DATE, I DON'T REMEMBER. I WOULD SAY  
27 THAT IT WOULD BE LATE SPRING, EARLY SUMMER. AROUND MAY, JUNE.

28

Q IS THERE SOME DATE THAT STICKS OUT IN YOUR MIND

1 IN TERMS OF REZA ESLAMINIA MEETING MOST OF THE MEMBERS OF  
2 THE BBC?

3 A EVAN DICKER'S BIRTHDAY PARTY.

4 Q WAS THAT THE BEGINNING OF JULY, 1984?

5 A YES IT WAS.

6 Q WERE YOU AT THAT PARTY ALSO?

7 A YES. I WAS.

8 Q AND AT SOME POINT AFTER BEING WITH REZA ESLAMINIA,  
9 DID HE MOVE INTO THE WILSHIRE MANNING CONDO, AS FAR AS YOU  
10 KNEW?

11 A YES. HE MOVED IN. STEVE LOPEZ WAS OUT OF THE  
12 COUNTRY. SO REZA MOVED INTO THE CONDO UNIT WITH BEN.

13 Q DID YOU EVER GO THERE TO THE WILSHIRE MANNING  
14 TO VISIT REZA OR TO VISIT JOE AND SEE WHAT ROOM REZA WAS LIVING  
15 IN?

16 A I WAS THERE TO VISIT BEN. REZA WAS IN STEVE  
17 LOPEZ' OLD BEDROOM.

18 Q DID REZA EVENTUALLY MOVE UPSTAIRS TO THE CONDO  
19 JOE AND DEAN KARNY SHARED?

20 A I DON'T REMEMBER. I DON'T KNOW.

21 Q WERE YOU TOLD AT ANY TIME WHO REZA ESLAMINIA'S  
22 FATHER WAS?

23 A REZA HAD STATED THAT HIS FATHER WAS A FAMOUS  
24 OFFICIAL UNDER THE SHAH, THE NUMBER THREE RANKING OFFICIAL  
25 IN ALL OF IRAN AND HAD LEFT THE COUNTRY WITH A GREAT DEAL  
26 OF MONEY AND HAD CONTACTS ALL THROUGH THE ARAB WORLD.

27 Q WHAT DID REZA SAY INITIALLY TO THE MEMBERS OF  
28 THE BBC ABOUT HIS ABILITY TO HAVE CONTACT WITH PEOPLE IN THE

1 MIDDLE EAST AND DO BUSINESS WITH THEM?

2 A WELL, THAT WAS THE BASIS THAT HE WAS INTRODUCED  
3 TO BEN, WAS THAT HE COULD USE HIS EXTENSIVE CONTACTS IN THE  
4 MIDDLE EAST TO PROMOTE THE FIRE SAFETY PRODUCT AND SET UP  
5 DISTRIBUTORSHIPS AND SELL THOSE PRODUCTS.

6 Q DID ANYTHING EVER COME OF THAT?

7 A NOT TO MY KNOWLEDGE.

8 Q AT SOME POINT, DID YOU LEARN THAT REZA'S FATHER  
9 HAD DISAPPEARED OR SOMETHING HAD HAPPENED TO HIM?

10 A YES. IT WAS A MEETING -- OR I THINK I RECEIVED  
11 A TELEPHONE CALL FROM BEN DOSTI THAT REZA'S FATHER HAD BEEN  
12 KIDNAPPED OR WAS MISSING. AND IT WAS EXPRESSED TO ME THAT --

13 THE COURT: WAS HE KIDNAPPED OR MISSING?

14 THE WITNESS: WELL, IT WAS MISSING. BUT IT WAS ASSUMED  
15 HE WAS KIDNAPPED BY THE MOSLEM BROTHERHOOD, EXILES FROM --  
16 NOT EXILES BUT PEOPLE WORKING AT THE DIRECTION OF KHOMENI  
17 HAD KIDNAPPED HIM.

18

19

20

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7-1

1 Q BY MR. WAPNER: WHO TOLD YOU THAT?

2 A THAT WAS BY REZA. THAT PART OF IT WAS BY REZA.

3 Q AND AFTER YOU WERE TOLD THAT, WERE YOU ASKED  
4 TO DO ANYTHING IN REGARDS TO HIS FATHER'S DISAPPEARANCE?

5 A JOE AND REZA WERE UP IN STANFORD, CALIFORNIA,  
6 AND THE POLICE HANDLING IT, I THINK, WAS THE BELMONT POLICE  
7 DEPARTMENT AND I WAS ASKED TO COME UP TO SAN FRANCISCO TO  
8 HELP NEGOTIATE THE ENTRANCE OF JOE AND REZA INTO MR.  
9 ESLAMINIA'S APARTMENT TO SEQUESTER AND OBTAIN HIS PAPERS,  
10 HIS PERSONAL PAPERS.

11 Q WHO ASKED YOU TO DO THAT?

12 A IT WAS A GENERAL REQUEST, I THINK, BEN, AND  
13 WHEN I GOT THERE, THERE WAS A MEETING WITH JOE AND REZA.

14 Q WHEN WAS THAT APPROXIMATELY?

15 A EARLY JULY.

16 Q EARLY JULY OR EARLY AUGUST?

17 A EARLY AUGUST OF '86 -- '84. I AM SORRY.

18 Q WAS IT THE SAME YEAR AS THE OLYMPICS?

19 A IT WAS THE SAME YEAR AS THE OLYMPICS AND IT  
20 WAS THE SAME DAY OF THE FINALS IN THE VOLLEYBALL AT THE  
21 OLYMPICS.

22 Q HOW DO YOU REMEMBER THAT?

23 A BECAUSE I FLEW HOME EARLY TO GO.

24 Q AND SO WE ARE NOW FOR SURE TALKING ABOUT 1984?

25 A 1984.

26 Q THERE WERE NO OLYMPICS IN 1986 THAT YOU  
27 REMEMBER?

28 A NO.

1 Q AND YOU LEFT THE BBC ON THE 24TH OF AUGUST?

2 A RIGHT.

3 Q AND APPROXIMATELY WHEN WAS THIS TRIP TO SAN  
4 FRANCISCO IN RELATION TO WHEN YOU LEFT?

5 A APPROXIMATELY THREE WEEKS BEFORE.

6 Q SO THAT WOULD PUT IT SOMEWHERE IN THE VERY  
7 BEGINNING OF AUGUST?

8 A YES.

9 Q WHEN YOU WENT UP TO THE SAN FRANCISCO BAY AREA,  
10 WHERE DID YOU GO?

11 A WE RENTED A CAR. WE FLEW INTO SAN FRANCISCO  
12 AIRPORT, RENTED A CAR AND DROVE TO THE STANFORD COURT HOTEL  
13 WHERE REZA AND JOE WERE STAYING.

14 Q WHO DID YOU GO WITH?

15 A DEAN KARNY, AND I THINK NEIL ADELMAN WAS THERE,  
16 I AM NOT SURE.

17 BEN DOSTI DID NOT ACCOMPANY US ON THAT TRIP.

18 Q WHEN YOU WENT TO THE STANFORD COURT HOTEL,  
19 WHO WAS THERE?

20 A JOE AND REZA.

21 Q WHEN YOU GOT THERE, WHAT WAS SAID TO YOU?

22 A THAT, YOU KNOW, WE HAD TO HELP OUT REZA, HIS  
23 FATHER WAS MISSING. "WE ASSUMED HE WAS KIDNAPPED. HE HAS  
24 GOT A LOT OF VERY IMPORTANT PAPERS THERE. OLGA VASQUEZ  
25 IS A HORRIBLE PERSON. YOU KNOW, SHE PROBABLY COOPERATED  
26 WITH THEM TO HAVE MR. ESLAMINIA TAKEN AWAY AND IT IS VERY  
27 IMPORTANT TO REZA TO GET ALL OF HIS FATHER'S PAPERS AND  
28 REVIEW THEM AND HOLD THEM BECAUSE THERE IS A LOT OF MONEY

1 AT STAKE AND THERE WAS A LOT OF, YOU KNOW, PERSONAL PAPERS  
2 THAT THEY WANTED TO GET."

3 Q WHO SAID THAT?

4 A REZA SAID IT.

5 JOE -- JOE SPOKE FOR REZA MOST OF THE TIME.

6 Q SO THESE STATEMENTS WERE MADE BOTH BY REZA  
7 ESLAMINIA AND JOE HUNT?

8 A YES.

9 Q AFTER THE MEETING WITH THEM AT THE STANFORD  
10 COURT HOTEL, WHAT DID YOU DO?

11 A IT WAS DECIDED THAT THERE WAS A COUPLE OF OPTIONS  
12 DISCUSSED AND THE OPTION THAT WAS DECIDED AS BEING THE MOST  
13 BENEFICIAL THAT I COULD HANDLE, WAS TO GO TO THE POLICE  
14 DEPARTMENT IN BELMONT AND ATTEMPT TO HAVE THEM LET REZA  
15 INTO THE UNITS, INTO THE APARTMENT UNDER THEIR DIRECTION  
16 SO HE COULD TAKE THE PAPERS AND CONTROL THEM, PUT THEM UNDER  
17 HIS CONTROL.

18

19

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7-4

1 Q DID YOU DO THAT?

2 A PARTIALLY.

3 Q DID YOU GO TO THE POLICE DEPARTMENT?

4 A WE WENT TO THE POLICE DEPARTMENT.

5 Q WHEN YOU WENT TO THE POLICE DEPARTMENT, DO  
6 YOU REMEMBER WHO YOU TALKED TO?

7 A THERE WAS A SERGEANT, I DON'T REMEMBER HIS  
8 NAME. AN OLDER GENTLEMAN, RED HAIR.

9 Q DID YOU TELL THEM WHAT YOU WANTED?

10 A I TOLD HIM WHAT I WANTED.

11 THEY DISCUSSED IT AND THEY SET UP A MEETING  
12 WITH THE F.B.I. THAT SAME DAY.

13 Q DID YOU MEET WITH THE F.B.I.?

14 A YES.

15 Q DID YOU TELL THEM WHAT YOU WANTED?

16 A YES.

17 Q AND DID YOU TELL THEM THAT YOU WANTED TO GET  
18 ACCESS INTO THE APARTMENT?

19 A ACCESS INTO THE APARTMENT.

20 THEY HAD A MEETING, THEY KNEW ALL ABOUT REZA'S  
21 FATHER ALREADY, THEY HAD A WHOLE FILE ON MR. ESLAMINIA.

22 Q AT LEAST, THAT IS WHAT THEY TOLD YOU?

23 A THAT IS WHAT THEY TOLD ME.

24 Q DID YOU OR ANYONE IN THE BBC GET ACCESS TO  
25 MR. ESLAMINIA'S APARTMENT THAT DAY?

26 A MY UNDERSTANDING WAS THAT THE BELMONT POLICE  
27 HAD AGREED TO GO INTO THE APARTMENT AND TAKE THE PAPERS  
28 AND HOLD THEM BUT THEY WERE GOING TO HOLD THEM FOR THEIR

1 PURPOSES, WHICH I HAD FIGURED WAS AT LEAST PARTIAL SUCCESS  
2 BECAUSE THE PAPERS WERE TAKEN FROM OLGA VASQUEZ AT THAT  
3 POINT AND THEY WERE IN NEUTRAL HANDS AND IF WE NEEDED ACCESS  
4 TO THEM, THEN WE COULD USE THEM UNDER THE AUSPICES OF THE  
5 POLICE DEPARTMENT.

6 Q DID YOU COMMUNICATE THAT TO MR. HUNT?

7 A YES, I DID.

8 Q WHAT WAS HIS REACTION, IF ANY?

9 A THERE WAS REALLY NO REACTION.

10 Q AND AT THE END OF THAT DAY YOU WENT BACK TO  
11 LOS ANGELES AND WENT TO THE VOLLEYBALL GAME?

12 A YES, I WENT BACK AND WENT TO THE OFFICE FIRST.

13 Q WHEN YOU WERE AT THE OFFICE, DID YOU TALK WITH  
14 SOMEBODY THERE?

15 A YES, I DID.

16 Q WHO WAS THAT?

17 A JIM GRAHAM.

18 Q THE PERSON YOU KNEW BY THE NAME OF JIM GRAHAM?

19 A JIM PITTMAN.

20 Q AFTER YOU TALKED TO MR. PITTMAN DID --

21 WELL, AFTER YOU TALKED TO MR. PITTMAN YOU WENT  
22 TO THE VOLLEYBALL GAME?

23 A CORRECT.

24 Q AT SOME POINT?

25 A THAT'S CORRECT.

26 Q AND AT SOME POINT AFTER THAT, WERE YOU ASKED  
27 BY ANYONE TO ASSIST IN THE OBTAINING OF A CONSERVATORSHIP  
28 OVER HADAYET ESLAMINIA'S ESTATE?



1           A           SUBSEQUENT TO THAT DATE, I WAS REQUESTED BY  
2 REZA AND JOE TO PREPARE A CONSERVATORSHIP FOR THE ESTATE  
3 OF MR. ESLAMINIA, YES.

4           Q           WERE YOU ASKED BY REZA ESLAMINIA AND JOE HUNT  
5 TO DO THAT?

6           A           YES.

7           Q           WHEN WERE YOU ASKED TO DO THAT?

8           A           IT WAS AFTER THAT DATE I CAME BACK, I THINK  
9 A COUPLE OF DAYS LATER.

10          Q           WHAT DID YOU DO IN THAT REGARD?

11          A           NOT MUCH.

12                   NEIL ADELMAN AND EVAN DICKER PREPARED ALL OF  
13 THE PAPERS.

14          Q           AND AFTER THE PAPERS WERE PREPARED, DID YOU  
15 TAKE THEM UP TO THE COURT IN SAN FRANCISCO?

16          A           YES, I DID.

17          Q           BEFORE YOU DID THAT, HAD YOU TALKED TO ANYBODY  
18 IN LAW ENFORCEMENT?

19          A           I TALKED TO THE F.B.I. AND THE BELMONT POLICE.

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1 Q WAS THAT FOR THE BBC OR ON YOUR OWN?

2 A ON MY OWN.

3 Q WAS THAT BASED ON SOMETHING THAT MR. PITTMAN HAD  
4 TOLD YOU THE DAY THAT YOU CAME BACK FROM SAN FRANCISCO?

5 A YES IT WAS.

6 Q WITHOUT TELLING US THE CONTENT OF THE CONVERSATION,  
7 DID MR. PITTMAN RELATE TO YOU THINGS THAT HAD HAPPENED  
8 SURROUNDING THE EVENTS OF JULY THE 30TH OF 1984?

9 MR. BARENS: OBJECTION. IS THAT AS TO CONTENTS AND  
10 IF SO --

11 THE COURT: OVERRULED.

12 MR. WAPNER: I DON'T WANT WHAT HE TOLD YOU.

13 Q I JUST WANT TO KNOW IF HE TOLD YOU SOMETHNING  
14 ABOUT WHAT HAPPENED AT THAT TIME.

15 A YES.

16 Q ALL RIGHT. AND AFTER THAT, WHEN YOU WENT TO COURT  
17 REGARDING THE CONSERVATORSHIP PAPERS, WHAT IF ANYTHING DID  
18 YOU DO?

19 A I INFORMED LAW ENFORCEMENT THAT IT WAS HAPPENING  
20 AND THAT --

21 THE COURT: WHAT WAS HAPPENING?

22 THE WITNESS: THAT I WAS OBTAINING ON BEHALF OF REZA --  
23 I WAS TO OBTAIN AN EX PARTE ORDER APPOINTING HIM CONSERVATOR  
24 AND WHAT CHAMBERS I WAS IN AND WHO WAS THE JUDGE AND IF THEY  
25 WERE INTERESTED IN SEEING THIS HAPPEN OR SEEING THIS NOT  
26 HAPPEN, THEY COULD EITHER TAKE ACTION OR NOT.

27 Q BY MR. WAPNER: AND DID YOU YOURSELF, DO ANYTHING  
28 WITH RESPECT TO THE CONSERVATORSHIP DOCUMENTS?

8A 1 A I DIDN'T HELP PREPARE THEM. IN FACT, I TRIED  
2 TO PREPARE THEM SO THAT THEY WOULD NOT BE EFFECTIVE.

3 Q AND WHAT DID YOU DO IN THAT REGARD?

4 A USUALLY MOST COURTS MAKE SURE EVERY X IS CROSSED --  
5 THAT IS, THE T'S ARE CROSSED AND THE I'S ARE DOTTED AND THE  
6 BOXES ARE ALL PROPERLY CHECKED. AND AT LEAST WHEN I HAD THE  
7 PAPERS, I TRIED TO MAKE SURE THAT THAT DIDN'T HAPPEN.

8 Q NOTWITHSTANDING THAT, WHAT HAPPENED WITH REGARD  
9 TO THIS CONSERVATORSHIP?

10 A IT WAS GRANTED.

11 Q AND AFTER THE CONSERVATORSHIP WAS GRANTED THAT  
12 DAY, WHAT DID YOU DO?

13 A WELL, A REQUIREMENT WAS TO OBTAIN A BOND FOR THE  
14 CONSERVATORSHIP.

15 WE WENT ACROSS THE STREET FROM THE COURTHOUSE  
16 AND BASED ON A DRIVER'S LICENSE AND NO FINANCIAL STATEMENTS,  
17 A BOND WAS ISSUED IN THE REQUIRED AMOUNT.

18 THEN WE, REZA AND BEN DECIDED TO GO TO LUNCH TO  
19 CELEBRATE AND WE CAME BACK TO LOS ANGELES.

20 MR. WAPNER: YOUR HONOR, I HAVE A GROUP OF PAPERS HERE  
21 THAT APPEAR TO BE CERTIFIED COPIES OF SOME CONSERVATORSHIP  
22 DOCUMENTS.

23 MAY THESE AS A GROUP BE MARKED AS 37 FOR  
24 IDENTIFICATION?

25 THE COURT: SO MARKED.

26 Q BY MR. WAPNER: SHOWING YOU A GROUP OF DOCUMENTS  
27 THAT ARE MARKED AS 37 FOR IDENTIFICATION, DO YOU RECOGNIZE  
28 THOSE?

71D

8A- 1 A TO MY RECOLLECTION, THOSE ARE THE PAPERS THAT  
2 WERE FILED.

3 Q AND IN THE FIRST DOCUMENT THAT YOU LOOKED AT --  
4 WELL, ARE THOSE STAMPED AS FILED BY THE COURT ON A CERTAIN  
5 DATE?

6 A AUGUST 16.

7 Q AND ARE THOSE DOCUMENTS THAT WERE FILED TO OBTAIN  
8 THE CONSERVATORSHIP IN THE FIRST PLACE?

9 A THE TEMPORARY CONSERVATORSHIP, YES.

10 Q WHO WAS APPOINTED CONSERVATOR AT THAT TIME?

11 A REZA ESLAMINIA.

12 Q AND THEN THE NEXT DOCUMENTS OR SET OF DOCUMENTS  
13 THAT YOU HAVE THERE ARE DOCUMENTS -- WELL, IS THAT A  
14 DECLARATION? IS THAT RIGHT?

15 A YES IT IS.  
16  
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18^ " 1 Q ALL RIGHT. WHAT IS THE DATE ON THAT?

2 A AUGUST 21.

3 Q WHO IS IT THE DECLARATION OF?

4 A MR. HUNT, JOSEPH HUNT.

5 Q OTHER THAN SEEING THAT AS A PART OF THE COURT  
6 DOCUMENTS, DO YOU KNOW WHEN IT WAS PREPARED OR BY WHOM?

7 A I DO NOT KNOW BY WHOM. THIS IS NOT ON MY  
8 STATIONERY, WHEREAS THE OTHER DOCUMENTS WERE PREPARED ON MY  
9 LEGAL STATIONERY.

10 THE COURT: WHAT IS THAT DOCUMENT YOU ARE HOLDING IN  
11 YOUR HAND?

12 THE WITNESS: THAT IS THE DECLARATION OF JOSEPH HUNT.

13 Q BY MR. WAPNER: AND THE BALANCE OF THOSE DOCUMENTS  
14 ARE FILED OR STAMPED ON DATES AFTER YOU LEFT THE BBC, IS THAT  
15 RIGHT, STARTING SEPTEMBER 25 AND GOING THROUGH NOVEMBER 7?

16 A YES THEY ARE.

17 Q SO, YOU DID NOT AID IN PREPARING THOSE DOCUMENTS?

18 A NO I DID NOT.

19 Q WHEN YOU WENT TO THE BELMONT POLICE AND THEN TO  
20 THE FBI TO CONVINCING THEM TO TAKE CONTROL OF MR. ESLAMINIA'S  
21 PAPERS, WAS THAT DONE BEFORE THE CONSERVATORSHIP WAS SOUGHT?

22 A YES IT WAS.

23 Q DID JOE HUNT EVER TELL YOU WHAT THE PURPOSE OF  
24 GETTING THE PAPERS OR THE CONSERVATORSHIP WAS?

25 A JUST THAT THEY WERE IMPORTANT DOCUMENTS, THAT  
26 MS. VASQUEZ WAS NOT FRIENDLY TO REZA AND WOULD IF SHE HAD  
27 THE OPPORTUNITY, PROBABLY TAKE ALL MR. ESLAMINIA'S MONEY.

28 AND THERE WERE SOME VERY IMPORTANT PAPERS AND

1 FOR REZA'S PURPOSES, WE NEEDED TO HAVE THE PAPERS OR HE NEEDED  
2 TO HAVE THE PAPERS.

3 MR. WAPNER: THANK YOU. NOTHING FURTHER.  
4

5 CROSS-EXAMINATION

6 BY MR. BARENS:

7 Q MR. EISENBERG, YOU FIRST MET REZA AT THE END OF  
8 JUNE, 1984?

9 A I THINK IT WAS A LITTLE EARLIER. THE EXACT DATES,  
10 I AM NOT SURE OF.

11 Q HAD YOU MET HIM BEFORE ANY OTHER BBC PEOPLE MET  
12 HIM?

13 A RIGHT BEFORE BEN MET HIM.

14 Q SO, YOU WOULD BE THE FIRST ONE IN THAT GROUP TO  
15 YOUR KNOWLEDGE, THAT HAD ANY FAMILIARITY WITH HIM?

16 A CORRECT.

17 Q WHEN YOU WERE INTRODUCED TO HIM BY MR. KASSORLA,  
18 WERE YOU TOLD ANYTHING ABOUT HIM LIKE FOR INSTANCE WHAT HE  
19 MIGHT HAVE DONE FOR A LIVING OR WHO HE WAS, INFORMATION OTHER  
20 THAN HIS NAME?

21 A HE AND MR. KASSORLA HAD ATTEMPTED TO GO INTO  
22 BUSINESS TOGETHER. THAT ATTEMPT NEVER MATERIALIZED. SO I  
23 ONLY KNEW ABOUT REZA FROM CONVERSATION WITH LEON AND JUST  
24 A BRIEF MEETING BEFORE HE MET BEN AND WHAT HE TOLD ME.

25 Q DID HE TELL YOU WHAT REZA DID FOR A LIVING AT  
26 THAT PARTICULAR TIME?

27 A DID REZA TELL ME OR DID MR. KASSORLA?

28 Q EITHER, SIR.

1           A        THAT THEY WERE JUST EXPORTING. REZA WAS AN  
2 EXPORTER OF GOODS TO THIRD WORLD ARAB COUNTRIES.

3           Q        AFTER YOU FIRST MET HIM, WHEN WAS THE SECOND TIME  
4 YOU SAW REZA?

5           A        I SAW HIM ON A REGULAR BASIS AFTER THEN. BUT  
6 THE FIRST TIME THAT HE WAS INTRODUCED I THINK TO THE GENERAL  
7 POPULOUS OR MEMBERSHIP OF THE BBC, WAS AT MR. DICKER'S  
8 BIRTHDAY PARTY.

9           Q        WHERE WOULD YOU SEE HIM REGULARLY AFTER THAT?

10          A        HE CAME INTO THE OFFICE OCCASIONALLY.

11          Q        SO HE WOULD SEE YOU, SIR?

12          A        TO SEE BEN.

13          Q        WHEN WAS THE FIRST TIME YOU EVER DISCUSSED REZA  
14 ESLAMINIA'S FAMILY WITH HIM OR HE WITH YOU, SIR?

15          A        WE HAD LUNCH. HE TOLD ME THE FIRST MEETING THAT  
16 HIS FATHER WAS CAPABLE OF DOING THESE THINGS AND HIS CONTACTS.

17          Q        AND HE TOLD YOU THAT HE HIMSELF, ACTING IN  
18 CONJUNCTION WITH HIS FATHER AND THINGS HIS FATHER COULD  
19 ENTREE FOR HIM, COULD CREATE THESE BUSINESS OPPORTUNITIES  
20 IN PERHAPS, THE MIDDLE EAST?

21          A        HE DIDN'T SAY IN CONJUNCTION WITH HIS FATHER.  
22 HE SAID USING HIS FATHER'S CONTACTS.

23          Q        DID HE TELL YOU ANYTHING ABOUT HIS RELATIONSHIP  
24 WITH HIS FATHER?

25          A        NO HE DID NOT.

26          Q        SUBSEQUENTLY, DID HE TELL YOU ANYTHING ABOUT HIS  
27 RELATIONSHIP WITH HIS FATHER, LET'S SAY, ANY TIME PRIOR TO  
28 AUGUST 1ST, 1984?

1           A       NO. HE DID NOT. I MEAN, OTHER THAN HE DIDN'T  
2 SAY ANYTHING ONE WAY OR THE OTHER.

3           Q       UNDERSTOOD, SIR. DID HE EVER TELL YOU THAT HE  
4 HAD DONE ANY BUSINESS WITH HIS FATHER INVOLVING HIS FATHER'S  
5 BUSINESS RELATIONSHIPS?

6           A       NO HE DID NOT.

7           Q       DID HE TELL YOU THAT HE HAD DONE ANY BUSINESS  
8 ON HIS OWN IN THE MIDDLE EAST?

9           A       NO HE DID NOT.

10          Q       IN ANY EVENT, DURING THAT PERIOD OF TIME, HE SEEMED  
11 TO BE PARTICULARLY CLOSEST WITH MR. DOSTI, TO YOUR KNOWLEDGE?

12          A       YES.

13          Q       AND THE GIST OF THAT WAS THAT SOMEHOW OR ANOTHER,  
14 INTEGRATING WHAT HE COULD DO BUSINESSWISE IN THE MIDDLE EAST  
15 WAS SOMETHING THE BBC COULD DO TO SOMEWHAT ECONOMICALLY LIAISON  
16 THE TWO ENTITIES?

17          A       CORRECT.

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1 Q DID YOU EVER GET A SENSE FOR HOW MR. REZA  
2 ESLAMINIA MAINTAINED HIMSELF FINANCIALLY --

3 A NO.

4 Q -- DURING THAT PERIOD OF TIME?

5 A HE MOVED IN WITH BEN, SO I NEVER REALLY  
6 QUESTIONED WHAT HIS SOURCE OF FUNDS WERE.

7 HE LIVED WELL SO IT WOULD SEEM LIKE HE HAD  
8 MONEY.

9 Q DID YOU GET A SENSE THAT HE WAS BEING SUPPORTED  
10 BY HIS FAMILY?

11 A NO.

12 Q YOU JUST DIDN'T KNOW?

13 A DIDN'T KNOW. IT DIDN'T COME UP.

14 Q DID YOU EVER HEAR THAT HE HAD RECEIVED AT ANY  
15 POINT IN TIME A POWER OF ATTORNEY FROM HIS FATHER?

16 A YES, HE TOLD ME HE HAD THAT.

17 Q WHEN DID HE TELL YOU THAT?

18 A WHEN WE WERE IN SAN FRANCISCO.

19 Q ABOUT WHEN WAS THAT?

20 A THE DAY WE WENT TO THE POLICE, THE BELMONT  
21 POLICE. IT WAS THE FIRST TIME, THE DAY OF THE VOLLEYBALL  
22 GAME.

23 Q DIDN'T I SEE YOU AT THE VOLLEYBALL GAME --  
24 THAT IS A LITTLE JOKE, MR. EISENBERG. LET ME THINK HERE.

25 A THAT IS MY ONLY REFERENCE IN TIME.

26 Q I AM THINKING.

27 MAYBE THE 5TH OR THE 6TH OF AUGUST?

28 A THE EXACT DATE, I DON'T REMEMBER.

1 Q ALL RIGHT. AND IT IS AT THAT POINT IN TIME  
2 THAT HE TOLD YOU HE HAD A POWER OF ATTORNEY FROM HIS FATHER;  
3 DID HE DESCRIBE THE POWER TO YOU?

4 A HE SAID IT WAS GENERAL POWER OF ATTORNEY, THAT  
5 IT WAS SITTING IN A SAFE DEPOSIT BOX IN A BANK IN MIAMI,  
6 FLORIDA.

7 Q DID HE EVER TELL YOU HE HAD UTILIZED THE POWER?

8 A NO, HE DID NOT.

9 Q DID YOU SEE IT?

10 A NO.

11 Q DID YOU TELL HIM THAT AS AN ATTORNEY YOU MIGHT  
12 WISH TO SEE THAT IN ORDER TO FACILITATE THE CONSERVATORSHIP?

13 A I HAD SAID IT WOULD MAKE THINGS A LOT EASIER  
14 TO EVEN GET THE PAPERS, THAT WE WEREN'T AT THE POINT OF  
15 A CONSERVATORSHIP YET. WE WERE OBTAINING THE DOCUMENTS.

16 Q WHAT DID HE TELL YOU IN RESPONSE TO YOUR  
17 INQUIRY?

18 A IT IS IN A SAFE DEPOSIT BOX, FAMILY MEMBERS  
19 ARE HERE AND THERE.

20 IT WAS GENERALLY AN ISSUE THAT WAS MUFFLED  
21 OVER.

22 Q WHEN THE FIRST DISCUSSION OF CONSERVATORSHIP  
23 CAME UP, DO YOU REMEMBER WHEN THAT WAS, THE FIRST TIME YOU  
24 HEARD ABOUT HIM BEING APPOINTED CONSERVATOR?

25 A I THINK IT WAS A COUPLE OF DAYS AFTER WE CAME  
26 BACK FROM -- AFTER I CAME BACK FROM SAN FRANCISCO THE FIRST  
27 TIME.

28 Q DID YOU INQUIRE AS TO THE CANDIDACY OF EITHER

1 HIS MOTHER OR OTHER CITIZENS IN TERMS OF THEIR CANDIDACY  
2 FOR CONSERVATORSHIP?

3 A I REALLY DIDN'T HAVE THAT MUCH TO DO TO PREPARE  
4 THE PAPERS.

5 I TRIED TO STAY OUT OF IT AT THAT POINT.

6 Q THAT IS AFTER YOU SPOKE TO MR. PITTMAN --

7 A YES, IT IS.

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1 Q -- EVIDENTLY?

2 A YES.

3 Q WHEN YOU WENT UP THERE TO GET POSSESSION OF  
4 THOSE PAPERS AND YOU TALKED TO THE BELMONT POLICE, IN WHAT  
5 CAPACITY WAS MR. ESLAMINIA, REZA, DESCRIBED TO THEM; WERE  
6 YOU COUNSEL FOR A CONSERVATOR OR A HOLDER OF A POWER, WHAT  
7 WAS THE STATUS THEN?

8 A IT WAS REZA DESCRIBED TO THEM OR I DESCRIBED  
9 TO THEM?

10 Q YOU DESCRIBED REZA.

11 A AS A DISTRAUGHT SON.

12 Q PERIOD?

13 A PERIOD.

14 Q AND AS A RESULT OF THAT STATEMENT, THEY THEN  
15 TOOK POSSESSION OF ALL OF MR. ESLAMINIA'S PAPERS?

16 A THAT IS THOSE STATEMENTS AND THE STATEMENTS  
17 OF THE F.B.I. CONCERNING MR. ESLAMINIA.

18 Q AND THEY SEEMED TO HAVE A FILE ON HIM, YOU  
19 INDICATED?

20 A THEY KNEW HIM FAIRLY WELL.

21 Q DID YOU GO WITH THE F.B.I. AND THE BELMONT  
22 P.D. TO HIS CONDOMINIUM AND WATCH THEM TAKE POSSESSION?

23 A I DID NOT GO THERE.

24 I WENT HOME.

25 Q BUT YOUR SENSE WAS THAT THEY WERE DISPATCHED  
26 TO THAT LOCATION?

27 WAS THE F.B.I. GOING WITH THE BELMONT PEOPLE?

28 A NO.

1 JUST THE BELMONT PEOPLE.

2 Q DO YOU KNOW WHAT THE BELMONT PEOPLE DID WITH  
3 THOSE PAPERS THEY TOOK POSSESSION OF?

4 A NO.

5 Q YOU DON'T KNOW WHETHER THEY RETAINED THEM OR  
6 GAVE THEM TO THE F.B.I.?

7 A I HAVE NO IDEA.

8 Q YOU NEVER SAW ANY OF THOSE PAPERS, DID YOU,  
9 MR. EISENBERG?

10 A NO, I DID NOT.

11 Q THEN WHEN YOU GET BACK, THERE WAS A DISCUSSION  
12 OF REZA BECOMING CONSERVATOR OR HAVING A CONSERVATORSHIP;  
13 WHO TELLS YOU ABOUT THAT?

14 A IT WAS A DISCUSSION, I THINK, WITH JOE -- IT  
15 WAS A DISCUSSION WITH REZA, JOE AND I THINK DEAN WAS THERE.

16 Q HOW ABOUT WITH THE OTHER LEGAL PERSONNEL IN  
17 THE FIRM, IN THE BBC, DID YOU TALK ABOUT THAT WITH ADELBERG  
18 (SIC) OR DICKER?

19 A BOTH.

20 Q IN WHAT CONTEXT DID YOU DISCUSS IT WITH THEM?

21 A JUST THAT IT HAD TO BE DONE AND JOE DISCUSSED --  
22 IN FACT, THEY MAY HAVE BEEN THERE AT THE SAME TIME WHEN  
23 IT WAS DISCUSSED.

24 AND I WAS NOT TOO ANXIOUS TO PREPARE THESE  
25 PAPERS BUT, NONETHELESS, THE PAPERS WERE PREPARED.

26 Q WAS MR. GRAHAM AROUND AT THAT TIME?

27 A I DON'T REMEMBER.

28 Q WHEN YOU SPOKE TO HIM, I GUESS DICKER AND

1 ADELBERG (SIC) WERE AROUND AT THE SAME TIME?

2 MR. WAPNER: EXCUSE ME. I ASSUME THAT IS NEIL ADELMAN?

3 MR. BARENS: ADELMAN. I STAND CORRECTED, SIR.

4 THE COURT: A-D-E-L-M-A-N.

5 MR. BARENS: I STAND CORRECTED.

6 THE WITNESS: AT THAT TIME, THE ONLY PEOPLE IN THE  
7 OFFICE WAS MYSELF AND MR. PITTMAN.

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1 Q BY MR. BARENS: THOSE OTHER FOLKS, THOUGH,  
2 CAME UP TO THE OFFICE, DID THEY NOT, ON A REGULAR BASIS?

3 A YES.

4 BUT THIS WAS MORE OR LESS AFTER NORMAL BUSINESS  
5 HOURS.

6 Q OKAY. THEN WHEN THEY WERE PREPARING THOSE  
7 PAPERS, TO YOU IT APPEARED THE ULTIMATE CLIENT IN INTEREST  
8 WAS REZA ESLAMINIA?

9 A THE ULTIMATE CLIENT IN INTEREST WAS HADAYET  
10 ESLAMINIA.

11 Q I KNOW, BUT AS A BBC LAWYER, YOUR ULTIMATE  
12 CLIENT WAS WHO THEN, THE CONSERVATOR OR THE CONSERVATEE?

13 A I THINK THE CLIENT AT THE POINT WAS THE BBC,  
14 NOT NECESSARILY REZA. BUT TO BE SPECIFIC THEN, REZA.

15 Q REZA WAS THE CLIENT, I SUPPOSE WE COULD DESCRIBE  
16 HIM.

17 WHAT WAS THE BBC INTEREST, TO YOUR KNOWLEDGE?

18 A THE WHOLE PROJECT WAS THE BBC TO HELP OUT  
19 REZA, THAT IS THE WAY IT WAS PRESENTED INITIALLY, THAT REZA  
20 IS A MEMBER OF THE BBC, IS IN NEED AND THAT WE HAVE TO COME  
21 TO HIS AID.

22 Q SO DID YOU THINK THAT THE BBC STOOD A FINANCIAL  
23 INTEREST, SIR?

24 A THE FIRST TIME I WENT UP?

25 Q YES, LET'S TAKE IT ONE AT A TIME.

26 A NO.

27 Q YOU DID NOT?

28 A NO.

9-8

1 Q YOU THOUGHT THIS WAS SOME SORT OF A PLATONIC  
2 GESTURE TOWARDS A MEMBER OF THE GROUP?

3 A YEAH, IT WAS A SIGN OF GOOD WILL.

4 Q AND THE SECOND TIME YOU HAD A NEW CONCEPT?

5 A YES, I DID.

6 Q AND THE CONCEPT THE SECOND TIME WOULD GENERALLY  
7 BE DESCRIBED AS THAT THE BBC WOULD HAVE A FINANCIAL INTEREST  
8 IN THE SUCCESS OF REZA IN OBTAINING THE CONSERVATORSHIP?

9 A CORRECT.

10 Q AT THAT POINT IN TIME, DID YOU HAVE ANY  
11 DISCUSSIONS WITH ANYONE ABOUT WHETHER OR NOT THE OTHER  
12 MEMBERS OF THE ESLAMINIA FAMILY HAD INVOLVED THEMSELVES  
13 IN THE CONSERVATORSHIP?

14 A I GENERALLY LEFT THAT UP TO MR. DICKER AND  
15 TO MR. ADELMAN TO HANDLE.

16 Q WERE YOU FAMILIAR WITH THE FACT THAT MR.  
17 ESLAMINIA'S FORMER WIFE AND MOTHER OF HIS CHILDREN, INCLUDING  
18 REZA, HAD SIGNED PAPER WORK IN SUPPORT OF REZA BEING  
19 APPOINTED CONSERVATOR?

20 A AFTER -- AFTER I HAD RECEIVED DOCUMENTS WITH  
21 THEIR SIGNATURE ON THEM, YES, I DID.

22 Q AND SHE WAS ENDORSING HIS RECEIPT OF THAT  
23 STATUS BY THE COURT?

24 A MY UNDERSTANDING WAS THAT THE RELATIONSHIP  
25 BETWEEN MR. AND MRS. ESLAMINIA WAS STRAINED AT BEST.

26 Q I AM ACTUALLY NOT TALKING ABOUT MR. AND MRS.  
27 ESLAMINIA.

28 I AM TALKING ABOUT MOTHER AND SON IN THIS CONTEXT,



9-9

1 MR. EISENBERG.

2 A MY UNDERSTANDING FROM REZA WAS THAT HE HAD  
3 A VERY GOOD RELATIONSHIP WITH HIS MOTHER.

4 Q DID YOU UNDERSTAND THAT SHE HAD ENDORSED --  
5 MY QUESTION ACTUALLY IS, MR. EISENBERG, OR WAS: DID YOU  
6 UNDERSTAND THAT SHE HAD ENDORSED HIS RECEIPT OF THE  
7 CONSERVATORSHIP BY THE SUPERIOR COURT?

8 A I AM NOT SURE I UNDERSTAND.

9 IF YOU ARE SAYING DID I RECEIVE A DECLARATION  
10 OR SEE A DECLARATION EXECUTED BY MRS. ESLAMINIA, YES.

11 DO I KNOW WHETHER SHE WOULD HAVE APPROVED  
12 SUBSEQUENTLY AND ENDORSED THE APPOINTMENT OF HIM BEING  
13 EXECUTOR, I DO NOT KNOW.

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DA-1  
1 Q SHE CERTAINLY APPEARED TO BE ENDORSING HIS  
2 APPLICATION TO BECOME EXECUTOR?

3 A AT THAT TIME, YES.

4 Q FOR THE PETITION I SUPPOSE?

5 A AT THAT TIME.

6 Q OKAY. WERE YOU IN COURT WHEN THE CONSERVATORSHIP  
7 WAS GRANTED?

8 A YES I WAS.

9 Q AND THE JUDGE JUST -- WAS THERE ANY OPPOSITION  
10 IN COURT TO THE GRANTING BY ANY LEGAL INSTITUTION?

11 A I NEVER SAW THE JUDGE. IT WAS SUBMITTED BY THE  
12 CLERK TO CHAMBERS AND ABOUT 45 SECONDS LATER, SIGNED AND  
13 BROUGHT BACK OUT.

14 Q WERE YOU AWARE OF THE PRESENCE OF ANYONE WHO WAS  
15 LEGALLY CONTESTING OR DISPUTING THE APPOINTMENT?

16 A NO I WAS NOT.

17 MR. BARENS: JUST A MOMENT, YOUR HONOR.

18 (PAUSE.)

19 MR. BARENS: CAN I JUST HAVE A MOMENT TO APPROACH THE  
20 PAPERWORK WE ARE REFERRING TO, THOSE PLEADING PAPERS? I DON'T  
21 HAVE THEM, YOUR HONOR.

22 COULD I JUST HAVE A MOMENT AT THE COUNSEL TABLE?

23 (PAUSE.)

24 MR. BARENS: THANK YOU, MR. EISENBERG. I WILL RETURN  
25 THE EXHIBITS TO THE PEOPLE.

26 THE COURT: ANYTHING FURTHER?

27 MR. BARENS: NOTHING FURTHER. THANK YOU.

28 THE COURT: ANY REDIRECT?

1 MR. WAPNER: I JUST HAVE ONE QUESTION.

2

3

REDIRECT EXAMINATION

4

BY MR. WAPNER:

5

Q HAD YOU SERVED NOTICE ON ANY OTHER PARTY REGARDING  
6 YOUR INTENT TO SEEK THE APPOINTMENT OF REZA AS THE  
7 CONSERVATOR?

8

A YES, THE FBI AND THE BELMONT POLICE.

9

Q HAD YOU SERVED NOTICE ON OLGA VASQUEZ?

10

A NO.

11

MR. WAPNER: THANK YOU. NOTHING FURHTER.

12

THE COURT: DID YOU SERVE NOTICE ON THE OTHER HEIRS?

13

THE WITNESS: NO.

14

THE COURT: AREN'T YOU REQUIRED TO?

15

THE WITNESS: I DIDN'T PREPARE THE PAPERS.

16

THE COURT: WELL, WHO PREPARED THEM?

17

THE WITNESS: EVAN DICKER AND NEIL ADELMAN.

18

THE COURT: BUT YOU KNOW AS A LAWYER YOU ARE SUPPOSED  
19 TO GIVE NOTICE TO THE WIDOW, IF THERE IS A WIDOW AND --

20

THE WITNESS: THEY SIGNED DECLARATIONS AGREEING TO THE  
21 APPOINTMENT.

22

THE COURT: THEY DID? ALL RIGHT. THANK YOU. YOU MAY  
23 BE EXCUSED, MR. EISENBERG.

24

MR. WAPNER: WE CALL OSCAR BREILING.

25

26

OSCAR BREILING,

27

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

A-3

1 THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY  
2 YOU ARE ABOUT TO GIVE IN THE CAUSE NOW PENDING BEFORE THIS  
3 COURT SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT  
4 THE TRUTH, SO HELP YOU GOD?

5 THE WITNESS: I DO.

6 THE CLERK: PLEASE BE SEATED. STATE AND SPELL IT FOR  
7 THE RECORD.

8 THE WITNESS: OSCAR BREILING, B-R-E-I-L-I-N-G.

9 MR. BARENS: COULD WE PLEASE APPROACH THE BENCH  
10 MOMENTARILY CONCERNING THIS WITNESS?

11 THE COURT: ALL RIGHT.  
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1 (THE FOLLOWING PROCEEDINGS WERE HELD  
2 AT THE BENCH OUT OF THE PRESENCE AND  
3 HEARING OF THE JURY:)

4 MR. BARENS: YOUR HONOR, AS YOUR HONOR IS AWARE,  
5 MR. BREILING IS THE HEAD INVESTIGATOR FOR THE SAN FRANCISCO  
6 CASE. AND I WOULD LIKE TO FIRST ASK FOR AN OFFER OF PROOF  
7 AS TO THE GENERAL AREAS THAT THE PEOPLE SEEK TO EXAMINE, AT  
8 THIS POINT IN TIME.

9 MR. WAPNER: CERTAINLY, THE CHAIN OF CUSTODY OF THE  
10 VARIOUS DOCUMENTS THAT DETECTIVE ZOELLER TESTIFIED HE TURNED  
11 OVER TO MR. BREILING, SOME OF WHICH HAVE BEEN INTRODUCED OR  
12 MARKED FOR IDENTIFICATION IN THIS PROCEEDINGS, SPECIFICALLY  
13 THE DOCUMENT THAT SAYS "REZA ASSETS CONSERVATORSHIP." THE  
14 BANK STATEMENT THAT WAS FOUND ON MR. HUNT AND THE DEPOSIT  
15 SLIP FROM MINA HAKIMI ON MR. HUNT AT THE TIME THAT HE WAS  
16 ARRESTED, AS WELL AS THE NOTEBOOK THAT WAS TAKEN FROM THE  
17 RESIDENCE OF JOE HUNT AND REZA ESLAMINIA, CONDO NUMBER 1505  
18 AT THE WILSHIRE MANNING.

19 AND SPECIFICALLY A PORTION OF THAT BOOK WE SEEK  
20 TO INTRODUCE.

21 THE COURT: THAT WHAT?

22 MR. WAPNER: THE PORTION OF THAT NOTEBOOK THAT WE SEEK  
23 TO INTRODUCE IS A PAGE AS I SAID TO YOU BEFORE THAT HAS  
24 WRITING ON IT, "PROJECT SAM."

25 THE COURT: WHAT? HAS WRITING?

26 MR. WAPNER: HAS A PAGE IN THIS BLUE NOTEBOOK THAT HAS  
27 WRITING ON IT THAT SAYS, "PROJECT SAM."

28 IF YOU WILL GIVE ME JUST A MOMENT, I WILL FIND

1 THAT PARTICULAR PAGE. IT SAYS, "PROJECT SAM," AND THEN IT  
2 SAYS, "I SHOULD NOT BE SEEN TO CREATE ANY MORE FEAR ..." THEN  
3 IT LOOKS LIKE IT HAS THE MARK FOR "AND" AND THEN IT LOOKS  
4 LIKE IT MAY SAY "HADAYET" OR MAYBE "AND HE DIDN'T KNOW."

5 I AM READING FROM THE COPY. AND THE DATE, THE  
6 NEXT DATE IN THE BOOK IS JULY 13TH OF 1984. THAT IS THE NEXT  
7 DATE AFTER THAT.

8 THE MOST RECENT DATE PRECEDING THAT LOOKS LIKE  
9 JULY 1ST, 1984. AND THE DATES IN THIS BOOK APPEAR TO BE IN  
10 CHRONOLOGICAL SEQUENCE.

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1                   AND WELL, THERE IS ONE HERE APPARENTLY THAT  
2 HAS AN EARLIER DATE. IT LOOKS LIKE IT IS 7-23-84.

3                   AND THERE IS ONE PRECEDING THAT 7-20 AND ALSO  
4 ONE THAT IS PRECEDING THAT WHICH IS 7-19 AND THEN 7-16.  
5 SO PERHAPS I WAS READING THE EARLIER DATE WRONG.

6           MR. BARENS: I JUST WANT TO KEEP THE PAGE --

7           THE COURT: WHAT ELSE?

8           MR. WAPNER: THAT IS ALL.

9           MR. BARENS: THAT IS ALL YOU SEEK FROM THIS WITNESS,  
10 MR. WAPNER?

11          MR. WAPNER: OH, NO. I AM SORRY.

12                   AND THERE ARE TWO ITEMS THAT WERE TAKEN OUT  
13 OF MR. HUNT'S RESIDENCE ON BELLAGIO ROAD. ONE IS THE LETTER  
14 THAT SAYS -- THE LIST.

15          THE COURT: WHEN WAS THAT?

16          MR. WAPNER: EXCUSE ME, COUNSEL.

17                   THERE ARE TWO ITEMS THAT WERE TAKEN OUT OF  
18 MR. HUNT'S RESIDENCE ON BELLAGIO ROAD WHERE HE WAS LIVING  
19 WITH THE ROBERTS. ONE IS A LIST THAT SAYS "SAM EXPENSES"  
20 ON IT AND IT HAS CERTAIN NUMBERS. IT SAYS "LEASE \$4800"  
21 AND IT HAS TWO OTHER REFERENCES. IT SAYS SOMETHING ABOUT  
22 "REZA, BAIL," AND IT HAS AN AMOUNT. THEN IT HAS ONE OTHER  
23 ENTRY ON THAT LIST.

24                   AND THE OTHER THING IS OR ARE CHECK BOOKS OF  
25 HADAYET ESLAMINIA THAT WERE FOUND IN MR. HUNT'S ROOM AT  
26 THE ROBERTS' RESIDENCE.

27          MR. BARENS: YOUR HONOR, I BELIEVE IT WOULD BE VERY  
28 POOR LAW TO PERMIT THE INTRODUCTION OF THE BLUE SPIRAL

21-2

1 NOTEBOOK OR THE PAGE THEREOF.

2 WHAT DO YOU WANT TO MARK, ONE THERE?

3 MR. WAPNER: WHAT I WANT TO INTRODUCE IS THE PAGE  
4 THAT SAYS "PROJECT SAM" ON IT AND HAVE HIM REFER TO DATES  
5 BEFORE AND DATES AFTER IN THE BOOK IN TERMS OF TRYING TO  
6 SET IT IN TIME.

7 MR. BARENS: OKAY.

8 MR. WAPNER: AND TO HAVE HIM MAKE REFERENCE TO THE  
9 FACT THAT THERE IS FARSI WRITING IN THIS BOOK, IF THAT HAS  
10 NOT BEEN DONE ALREADY.

11 MR. BARENS: ASSUREDLY, IT HAS BEEN DONE.

12 THE COURT: IT HAS BEEN DONE.

13 MR. BARENS: IN ANY EVENT, AS YOUR HONOR IS WELL AWARE,  
14 WE HAVE NO IDEA WHO THE AUTHOR OF THAT DOCUMENT IS.  
15 WE HAVE NO IDEA WHOSE HANDWRITING IT IS IN.

16 THERE IS NO QUESTION THAT THERE ARE AT LEAST  
17 TWO, IF NOT AT LEAST THREE, I WOULD SUBMIT TO THE COURT,  
18 THREE PERSON'S HANDWRITING PRESENT IN THAT SPIRAL BOOK.

19 THE COURT: I TRIED TO TELL YOU BEFORE THAT THE FACT  
20 IS THAT THIS BOOK WAS FOUND IN HIS ROOM, NUMBER 1.

21 AND NUMBER 2, IN THIS VERY BOOK APPEARS WRITING  
22 IN FARSI AND HE WAS DEMONSTRABLY AN IRANIAN. THAT IS AN  
23 INFERENCE THE JURY CAN DRAW, THAT IS A CONNECTION BETWEEN  
24 THE PERSON WHO OCCUPIED THE ROOM AND REZA. THAT WILL BE  
25 FOR THE JURY TO DETERMINE.

26 IF YOU HAVE ANY EVIDENCE THAT IT WASN'T HIS  
27 HANDWRITING, THAT THE BOOK WASN'T HIS, INTRODUCE IT.

28 MR. BARENS: THE POINT IS THEY DON'T HAVE ANY



21-3

1 HANDWRITING EXPERT NOR WAS THERE ANY EVIDENCE THAT IT WAS  
2 HIS.

3 THE COURT: THE FACT THAT THIS DIARY WAS FOUND IN  
4 HIS ROOM AND THAT THIS DIARY CONTAINED FARSI AND ENGLISH,  
5 ALL RIGHT, WOULD BE ENOUGH TO CREATE AN INFERENCE THAT THE  
6 JURY MAY CONSIDER, THAT THE BOOK BELONGED TO REZA, THAT  
7 IS CLEAR. IT IS CIRCUMSTANTIAL EVIDENCE. THE INFERENCE  
8 CAN CLEARLY BE DRAWN FROM THAT. LET THE JURY DECIDE THAT.

9 I CAN'T MAKE A RULING NOW THAT IT IS NOT HIS  
10 BOOK.

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1 MR. BARENS: IF YOUR HONOR IS COMMITTED THEN TO THE  
2 ADMISSION OF THIS EVIDENCE AS TENDERED, THE DEFENSE WOULD  
3 LIKE THE WHOLE THING PUT IN RATHER THAN THE SINGLE PAGE.

4 THE COURT: WELL, IF THERE IS ANY REASON FOR PUTTING  
5 THE WHOLE THING IN, YOU CAN GO AHEAD AND PUT IT IN.

6 YOU ONLY WANT TO PUT IN THAT ONE PAGE; IS THAT  
7 RIGHT?

8 MR. WAPNER: I WAS PUTTING IN ONE PAGE BECAUSE I  
9 THOUGHT THEY WOULDN'T WANT THE WHOLE BOOK IN WITH THIS WHOLE  
10 BUNCH OF STUFF.

11 THE COURT: IF YOU WANT IT IN, GO AHEAD.

12 MR. BARENS: I THINK IF WE ARE GOING TO DEAL, WE HAD  
13 BETTER DEAL WITH THE WHOLE MATTER BECAUSE NOW THE WHOLE  
14 THING HAS BEEN DISCUSSED IN FRONT OF THE JURY ANYHOW.

15 WHILE I AM UP HERE, I THINK I WOULD LIKE FOR  
16 THE RECORD, RELATIVE TO MR. EISENBERG NOW, TO MAKE MY  
17 MOTION CONCERNING HIS TESTIMONY, TO THE EXTENT THAT YOUR  
18 HONOR PERMITTED A QUESTION AND ANSWER TO TAKE PLACE WHEREIN  
19 MR. EISENBERG TESTIFIED THAT HE HAD HAD A CONVERSATION WITH  
20 MR. PITTMAN, AFTER WHICH HE TOOK ACTION TO NEGATE THE  
21 CONSERVATORSHIP OR ALTERNATIVELY TO DISASSOCIATE HIMSELF.

22 THE COURT: IF YOU WANT TO ASK HIM WHAT THE CONVERSATION  
23 IS, YOU ARE AT LIBERTY TO DO SO.

24 MR. BARENS: YOUR HONOR, OBVIOUSLY THERE IS NO NEED  
25 TO ASK THE WITNESS WHAT THE CONVERSATION WAS. IT WAS AMPLY  
26 CLEAR TO THE JURY AND EVERYONE IN THIS COURTROOM THAT MR.  
27 PITTMAN OBVIOUSLY TOLD HIM SOMETHING OF A BAD NATURE OF  
28 THE GOINGS ON.

1 THE COURT: HE DIDN'T SAY ANYTHING ABOUT A BAD  
2 NATURE OR ANYTHING. IT MIGHT BE SOMETHING COMPLETELY  
3 UNRELATED TO THE KIDNAPPING.

4 MR. BARENS: I DON'T THINK YOUR HONOR COULD BELIEVE  
5 THAT THE JURY COULD BELIEVE THAT.

6 THE COURT: HOW DO I KNOW?

7 IF YOU WANT TO CLEAR IT UP WITH THE JURY, ASK  
8 HIM WHAT THE CONVERSATION WAS THAT MOTIVATED THIS THING.

9 MR. BARENS: YOUR HONOR KNOWS THAT WOULD BE, NUMBER  
10 ONE, TANTAMOUNT TO LEGAL MALPRACTICE FOR MY TO DO SUCH AN  
11 ACT.

12 THE COURT: MALPRACTICE?

13 MR. BARENS: I WOULD NOT INVITE UPON MYSELF A BLIGHT  
14 THAT THE LAW WOULD IMPOSE.

15 AND THE PROBLEM I HAVE HERE IS THAT THROUGH  
16 THE DEVICE OF MR. WAPNER ASKING HIM ABOUT -- YOU SEE, THERE  
17 WAS NO RELEVANCY FOR MR. WAPNER TO ASK HIM ABOUT A CONVER-  
18 SATION HE HAD WITH MR. PITTMAN, OTHER THAN TO SUGGEST TO  
19 THE JURY THAT MR. PITTMAN TOLD HIM SOMETHING OF A MYSTERIOUS  
20 NATURE THAT HAD OCCURRED IN SAN FRANCISCO. NOW THAT IS  
21 REAL OBVIOUS TO THE COURT AND IT IS REAL OBVIOUS TO ME.

22 WHAT OTHER RELEVANCE WAS THERE TO THE JURY  
23 ABOUT THE PITTMAN CONVERSATION?

24 THE COURT: WELL, IT WILL EXPLAIN THE FACT THAT HE  
25 DID NOT -- IT WILL EXPLAIN WHY HE DIDN'T CROSS ALL OF THE  
26 T'S AND DOT ALL OF THE I'S.

27 MR. BARENS: RIGHT. BUT YOU SEE, THAT WASN'T PERMISSIBLE  
28 IN THE FIRST INSTANCE. IN THE DEFENSE OPINION, YOU CAN'T

1 DO THAT.

2 THE COURT: WE HAVE GONE OVER THAT IN CONNECTION WITH THE  
3 PREVIOUS ARGUMENT THAT YOU HAVE MADE AND I PERMITTED HIM  
4 TO ASK THE QUESTIONS WHICH HE INTENDED TO ASK AND YOU HAVE  
5 GOT THE RECORD MADE AND IF I WAS IN ERROR, THEN IF HE IS --  
6 IF ANYTHING HAPPENS, YOU CAN ALWAYS AFTER THAT ARGUE IT  
7 WITH THE SUPREME COURT.

8 MR. BARENS: AGAIN, I JUST WANTED -- I DON'T DO APPEALS,  
9 JUDGE, BUT I JUST WANTED TO MAKE SURE THE RECORD WAS CLEAR.

10 THE COURT: THE RECORD IS PERFECTLY CLEAR THAT YOU  
11 HAD OBJECTED TO IT BEFORE.

12 MR. BARENS: THANK YOU, YOUR HONOR.

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

16  
17 DIRECT EXAMINATION

18 BY MR. WAPNER:

19 Q MR. BREILING, BY WHOM ARE YOU EMPLOYED?

20 A THE STATE OF CALIFORNIA, DEPARTMENT OF JUSTICE.

21 Q WHAT DO YOU DO FOR THE DEPARTMENT OF JUSTICE?

22 A I AM A SPECIAL AGENT.

23 Q HOW LONG HAVE YOU WORKED FOR THEM AS A SPECIAL  
24 AGENT?

25 A THIRTEEN YEARS.

26 Q IN YOUR CAPACITY AS A SPECIAL AGENT FOR THE  
27 DEPARTMENT OF JUSTICE, ARE YOU AN INVESTIGATING OFFICER  
28 IN THE CASE IN SAN MATEO COUNTY THAT INVOLVES MR. HUNT,

1 REZA ESLAMINIA, BEN DOSTI AND JAMES PITTMAN?

2 A I AM.

3 Q HOW LONG HAVE YOU BEEN ASSIGNED TO WORK ON  
4 THAT CASE?

5 A SINCE APPROXIMATELY AUGUST 16, 1984.

6 Q AND WAS THERE A PERIOD OF TIME BETWEEN THEN  
7 AND NOW THAT YOU DID NOT WORK ON THE CASE?

8 A YES.

9 Q WHEN WAS THAT?

10 A I BELIEVE IT WAS THE LATTER PART OF FEBRUARY,  
11 1985 UNTIL SEPTEMBER, 1985.

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1 Q WHY WERE YOU OFF THE CASE?

2 A I BROKE MY BACK IN A HIGH SPEED AUTO CRASH.

3 Q AND DURING THAT TIME, WHAT WAS THE NAME OF THE  
4 AGENT THAT REPLACED YOU?

5 A CORWIN BUD BENNETT.

6 Q IN CONNECTION WITH YOUR DUTIES AS THE INVESTIGATING  
7 OFFICER IN THIS CASE, DID YOU PICK UP CERTAIN EVIDENCE FROM  
8 LES ZOELLER OF THE BEVERLY HILLS POLICE DEPARTMENT?

9 A YES I DID.

10 Q DID YOU AMONG OTHER THINGS, PICK UP FROM HIM SOME  
11 DOCUMENTS THAT WE HAVE MARKED THE ORIGINAL OF THE DOCUMENTS  
12 AND THEY HAVE BEEN MARKED AS 34 AND 35 FOR IDENTIFICATION  
13 WHICH WOULD BE 34, THE DEPOSIT SLIP OF MINA HAKIMI AND 35,  
14 THE BANK STATEMENT OF HADAYET ESLAMINIA?

15 A THE ORIGINALS OF THOSE TWO DOCUMENTS WERE TURNED  
16 OVER TO ME BY DETECTIVE ZOELLER.

17 Q AND DID YOU KEEP THOSE IN YOUR POSSESSION?

18 A YES I DID.

19 Q DID YOU BRING THEM DOWN TO COURT WITH YOU?

20 A YES I DID.

21 Q ALL RIGHT. WE WILL COME BACK TO THOSE IN A MINUTE.  
22 AND DID YOU AS A PART OF YOUR DUTIES -- WELL, I WANT TO SHOW  
23 THE ORIGINALS OF 34 AND 35 AND ASK YOU IF THOSE ARE THE ITEMS  
24 THAT YOU COLLECTED FROM DETECTIVE ZOELLER.

25 A YES THEY ARE.

26 Q AND THOSE ARE THE ITEMS THAT YOU KEPT IN YOUR  
27 POSSESSION AND THEN BROUGHT TO COURT FOR USE IN THIS PHASE  
28 OF THE PROCEEDINGS?

22A ?  
1 A THAT'S CORRECT.

2 Q DID YOU ALSO AS A PART OF YOUR DUTIES IN ASSISTING  
3 ME IN THIS CASE, GO TO THE SUPERIOR COURT IN SAN MATEO COUNTY  
4 TO OBTAIN THE CERTIFIED COPIES OF THE CONSERVATORSHIP  
5 DOCUMENTS THAT HAVE BEEN MARKED AS 37 FOR IDENTIFICATION?

6 A I PICKED UP SOME CONSERVATORSHIP DOCUMENTS AND  
7 HAD THEM CERTIFIED LAST FRIDAY FOR YOU, YES.

8 Q SHOWING YOU THE DOCUMENTS THAT WE HAVE MARKED  
9 COLLECTIVELY AS 37 FOR IDENTIFICATION, DO YOU RECOGNIZE THOSE?

10 A YES I DO.

11 Q ARE THOSE THE DOCUMENTS THAT YOU PICKED UP?

12 A YES THEY ARE.

13 Q IN CONNECTION WITH YOUR INVESTIGATION OF THE CASE  
14 IN NORTHERN CALIFORNIA, DID YOU HAVE CONTACT WITH BOTH LYNN  
15 HEROLD AND SCOTT CARRIER FROM THE CORONER'S OFFICE?

16 A YES I HAVE.

17 Q AND IN YOUR CAPACITY AS THE INVESTIGATING OFFICER,  
18 ARE YOU AWARE OF HOW MUCH OF THE SKELETON OF HADAYET  
19 ESLAMINIA WAS IN FACT, RECOVERED?

20 A I WAS ADVISED AND HAVE SEEN PICTURES WHICH INDICATE  
21 MOST OF THE SKELETAL REMAINS WERE RECOVERED, ALL OF THE MAJOR  
22 BONES, ESSENTIALLY.

23 Q THERE WAS -- WERE YOU HERE WHEN MR. KARNY  
24 TESTIFIED AND MR. DICKER TESTIFIED ABOUT A POWER OF ATTORNEY  
25 WE HAVE MARKED AS PEOPLE'S 29 FOR IDENTIFICATION?

26 A YES.

27 Q SHOWING YOU A DOCUMENT THAT IS 29 FOR  
28 IDENTIFICATION, DID YOU IN FACT OBTAIN THE ORIGINAL OF THAT

22A 7  
1 FROM MR. KARNY?

2 A THE ORIGINAL OF THIS I OBTAINED FROM MR. KARNY  
3 THROUGH A PRIVATE INVESTIGATOR THAT HAD BEEN EMPLOYED BY HIS  
4 ATTORNEY TO REPRESENT MR. KARNY.

5 Q WHAT WAS MR. KARNY'S INVESTIGATOR'S NAME?

6 A I BELIEVE IT IS IF I RECALL CORRECTLY, BOB HELDER,  
7 H-E-L-D-E-R, I BELIEVE. THEY WERE CONFIRMED BY MR. KARNY  
8 AS COMING FROM HIM, HOWEVER.

9 Q AND WAS THAT IN THE CONVERSATION THAT YOU  
10 SUBSEQUENTLY HAD WITH MR. KARNY?

11 A YES.

12 Q AND IN YOUR CAPACITY AS THE INVESTIGATOR IN THE  
13 CASE IN NORTHERN CALIFORNIA, DID YOU DO ANYTHING WITH RESPECT  
14 TO THE CONSERVATORSHIP THAT HAD BEEN GRANTED REZA ESLAMINIA  
15 OVER HIS FATHER'S ESTATE?

16 A YES I DID.  
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2- 1 Q WHAT WAS THAT?

2 A I TOOK STEPS TO HAVE IT WITHDRAWN.

3 Q WAS SOMEONE ELSE SUBSEQUENTLY APPOINTED AS THE  
4 CONSERVATOR?

5 A YES.

6 Q WHO WAS THAT?

7 A THE COUNTY OF SAN MATEO.

8 Q DID YOU ALSO TAKE -- EXCUSE ME FOR BEING A LITTLE  
9 DISJOINTED. BUT SHOWING YOU WHAT APPEARS TO BE THE ORIGINAL  
10 PEOPLE'S 29, DO YOU RECOGNIZE THAT?

11 A YES. IT WAS THE ORIGINAL OF 29 THAT I USED TO  
12 PRODUCE THE COPY THAT IS MARKED AS PEOPLE'S 29.

13 Q AND DID YOU KEEP THE ORIGINAL IN YOUR POSSESSION  
14 AND CUSTODY FROM THE TIME IT WAS TURNED OVER TO YOU BY  
15 MR. HELDER?

16 A YES.

17 Q SHOWING YOU A DOCUMENT, THE COPY OF WHICH WE HAVE  
18 MARKED AS PEOPLE'S 30 FOR IDENTIFICATION, DO YOU RECOGNIZE  
19 THAT?

20 A YES I DO.

21 Q WHERE HAVE YOU SEEN THAT BEFORE?

22 A THAT WAS A DOCUMENT THAT WAS OBTAINED FROM THE  
23 BEVERLY HILLS POLICE DEPARTMENT BY AGENT BENNETT DURING THE  
24 PERIOD OF MY ABSENCE ON DISABILITY LEAVE.

25 Q AND WAS THAT RETAINED BY YOU BECAUSE YOU FELT  
26 IT HAD SOME SIGNIFICANCE IN YOUR CASE?

27 A YES.

28 Q SPECIFICALLY, IS THERE A NOTATION IN THAT DOCUMENT

22. -  
1 THAT YOU FEEL IS OF SIGNIFICANCE?

2 A YES.

3 MR. BARENS: OBJECTION, IF YOU DON'T MIND. OBJECTION,  
4 IT IS CONCLUSIONARY AND ARGUING THE EVIDENCE FOR HIM TO SAY  
5 WHAT IS OF SIGNIFICANCE IN THIS. WE OBJECT. IT IS CLEARLY  
6 CONCLUSIONARY --

7 THE COURT: THAT IT MAY BE PERTINENT TO THIS  
8 INVESTIGATION. ALL RIGHT?

9 MR. BARENS: THAT IS INVITING ARGUMENT, SIR.

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1 THE COURT: WELL, THEN I WILL KEEP THE SAME RULING  
2 PERTINENT TO HIS INVESTIGATION.

3 MR. BARENS: SIR?

4 THE COURT: I AM OVERRULING YOUR OBJECTION.

5 MR. BARENS: SIR, I KNOW WE OUGHT TO DO THAT AFTER WE  
6 MAKE IT MORE COMPREHENSIVE.

7 THE COURT: YOU HAVE MADE IT AT THE BENCH ALREADY.  
8 YOU DON'T HAVE TO HAVE IT EVEN MORE COMPREHENSIVELY.

9 MR. BARENS: I KNOW, BUT NOW YOU ARE ASKING THE WITNESS  
10 TO ARGUE THE PROSECUTION'S CASE.

11 THE COURT: LET'S GO ON. YOU ARGUED NOW CONSIDERABLY  
12 AT THE BENCH.

13 Q BY MR. WAPNER: SPECIFICALLY AT THE BACK OF THAT  
14 NOTEBOOK, IS THERE A REFERENCE TO SOMETHING CALLED "PROJECT  
15 SAM"?

16 A YES.

17 THE COURT: HASN'T THAT ALREADY BEEN TESTIFIED IN THIS  
18 CASE AS TO WHAT THAT WAS, "PROJECT SAM"?

19 MR. BARENS: YOUR HONOR MIGHT WISH TO --

20 THE COURT: WE KNOW ABOUT THAT NOW, DON'T WE?

21 MR. WAPNER: I AM JUST SEEKING TO OBTAIN THE REFERENCE  
22 THAT IS IN THIS BOOK.

23 THE COURT: YES.

24 Q BY MR. WAPNER: IS THERE A DATE ON THE PARTICULAR  
25 PAGE WHERE THAT REFERENCE APPEARS?

26 A NO.

27 Q CAN YOU FIND, ARE THERE DATES IN THAT BOOK ON  
28 OTHER PAGES?

3-  
1 A YES.

2 Q CAN YOU FIND THE CLOSEST DATES ON EITHER SIDE  
3 OF THAT REFERENCE, BOTH BEFORE AND AFTER?

4 A THE PRECEDING PAGE HAS A DATE OF 7-9-84.

5 THE NEXT PAGE HAS NO DATE.

6 THE FOLLOWING PAGE HAS NO DATE.

7 THE PAGE AFTER THAT HAS A DATE OF 7-13-84.

8 Q WOULD YOU GO BEFORE THE PAGE THAT HAS 7-9, AND  
9 SEE IF THERE ARE OTHER PAGES THAT HAVE DATES THAT APPEAR TO  
10 BE ACTUALLY LATER THAN THAT?

11 A THE PAGE THAT SAYS "7-9," THE FACING PAGE, HAS  
12 7-9-84.

13 TURNING THE PAGE BACK THE NEXT TWO PAGES HAVE  
14 NO DATES.

15 THE NEXT TWO PAGES ARE BLANK.

16 THE NEXT TWO PAGES HAVE NO DATE.

17 THE NEXT TWO PAGES HAVE NO DATE.

18 THE NEXT TWO PAGES ARE BLANK.

19 THE NEXT TWO PAGES HAVE NO DATE.

20 THE NEXT TWO PAGES ARE BLANK.

21 THE NEXT TWO PAGES, ONE HAS WRITING, AND ONE BLANK.  
22 NEITHER HAVING A DATE.

23 THE NEXT PAGE HAS A DATE OF 7-23-84.

24 Q THANK YOU.

25 DID YOU PERFORM A SEARCH OF MR. HUNT'S RESIDENCE,  
26 JOE HUNT'S RESIDENCE, SOMETIME THIS YEAR?

27 A YES.

28 Q WHEN DID YOU PERFORM THAT SEARCH?

1 A I BELIEVE THE DATE WAS JANUARY THE 8TH OF 1987.

2 Q WAS THAT PURSUANT TO A SEARCH WARRANT?

3 A YES, IT WAS.

4 Q WHEN YOU PERFORMED THAT SEARCH, WHAT WAS THE  
5 LOCATION THAT YOU SEARCHED?

6 A IT WAS AN ADDRESS ON BELLAGIO, THE EXACT NUMBERS  
7 OF WHICH I DON'T INDEPENDENTLY RECALL AT THIS MOMENT.

8 Q DO YOU RECALL WHO WAS LIVING AT THAT HOUSE BESIDES  
9 MR. HUNT?

10 A MR. BOBBY ROBERTS, MRS. LYNNE ROBERTS AND MISS  
11 BROCKE ROBERTS.

12 Q AND WHEN YOU WENT TO THE HOUSE TO SERVE THE SEARCH  
13 WARRANT, WHO WAS THERE?

14 A ALL OF THE PEOPLE THAT I HAVE MENTIONED.

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3A 1 Q WERE YOU SPECIFICALLY GOING TO THE RESIDENCE FOR  
2 THE PURPOSE OF SEARCHING FOR ITEMS RELATED TO JOE HUNT?

3 A I WAS.

4 Q WERE YOU DIRECTED TO A PORTION OF THAT LOCATION  
5 WHERE YOU WERE TOLD HE RESIDED?

6 A I WAS.

7 Q WHERE WAS THAT?

8 A UPSTAIRS.

9 Q AND WHEN YOU WENT UPSTAIRS, WHAT PORTION OF THE  
10 UPSTAIRS DID YOU GO TO?

11 A I EXAMINED THE ENTIRE HOME AND THE FOCUS OF MY  
12 SEARCH WAS NARROWED TO TWO BEDROOMS ON THE SECOND FLOOR, WHICH  
13 WERE IDENTIFIED TO ME BY MR. BOBBY ROBERTS AS BEING THOSE  
14 OCCUPIED BY JOSEPH HUNT.

15 Q DID YOU SEE ITEMS IN THERE THAT WOULD CONFIRM  
16 THAT IN FACT THEY WERE OCCUPIED BY MR. HUNT?

17 A I DID.

18 Q DID YOU, PURSUANT TO THE WARRANT, SEIZE SEVERAL  
19 ITEMS FROM THE RESIDENCE?

20 A I DID.

21 Q DID YOU BRING A COUPLE OF THOSE HERE WITH YOU  
22 TODAY?

23 A I DID.

24 Q FIRST OF ALL, HOW MANY OF THOSE DID YOU BRING,  
25 THOSE ITEMS?

26 A I BELIEVE, IF I RECALL CORRECTLY, I BROUGHT FOUR  
27 CHECKBOOKS, A HANDWRITTEN NOTE AND A RENTAL AGREEMENT.

28 Q THE CHECKBOOKS, WHERE WERE THEY FOUND?

1           A        THE CHECKBOOKS WERE FOUND SPECIFICALLY IN A LARGE  
2 CARDBOARD BOX BEHIND A KIND OF HIGHBOY CLOSET, AN ANTIQUE  
3 CLOSET THAT WAS MOVABLE.

4           Q        SO YOU HAD TO MOVE THE CLOSET TO GET TO THIS BOX?

5           A        THAT IS CORRECT.

6           Q        AND WHEN YOU MOVED THE CLOSET AND LOOKED IN THE  
7 BOX, WHY DID YOU TAKE THOSE PARTICULAR CHECKBOOKS?

8           A        BECAUSE I RECOGNIZED THE NAME AND THE ADDRESS  
9 THAT WAS ON THE FACE OF THE CHECKS.

10          Q        WHAT WAS THE NAME THAT WAS ON THE FACE OF THE  
11 CHECKS?

12          A        IT IS HADAYET ESLAMINIA.

13                   HOWEVER, THEY HAVE MISSPELLED HIS LAST NAME.  
14 INSTEAD OF USING AN "E" FOR THE BEGINNING OF HIS LAST NAME,  
15 IT SAYS IT IS AN "F" SO IT ACTUALLY SAYS HADAYET FSLAMINIA.

16          Q        DID YOU RECOGNIZE THE ADDRESS ON THOSE CHECKS?

17          A        YES, IT WAS A HILLSBOROUGH ADDRESS THAT HE HAD  
18 ONCE OCCUPIED.

19          Q        THAT MR. ESLAMINIA HAD ONCE OCCUPIED?

20          A        THAT IS CORRECT.

21          Q        I WANT TO SHOW YOU A FOLDER THAT APPARENTLY HAS  
22 FOUR CHECKBOOKS IN IT AND ASK YOU IF YOU RECOGNIZE THOSE  
23 CHECKBOOKS.

24          A        THESE ARE THE CHECKBOOKS THAT I TOOK FROM THE  
25 RESIDENCE OF JOSEPH HUNT ON JANUARY THE 8TH, 1987.

26          Q        DID YOU MAKE COPIES OF THE FIRST CHECK IN EACH  
27 ONE OF THOSE BOOKS?

28          A        I DID.

1 MR. WAPNER: YOUR HONOR, MAY THOSE COPIES BE MARKED  
2 AS 38 FOR IDENTIFICATION?

3 THE COURT: THEY WILL BE SO MARKED.

4 Q BY MR. WAPNER: MR. BREILING, WHAT IS THE ADDRESS  
5 ON THE CHECKS THAT ARE MARKED 38 FOR IDENTIFICATION?

6 A 3300 RALSTON, R-A-L-S-T-O-N, AVENUE, HILLSBOROUGH,  
7 H-I-L-L-S-B-O-R-O-U-G-H, CALIFORNIA, ZIP CODE 94010.

8 Q IS THAT AN ADDRESS THAT YOU CAME TO REALIZE  
9 THROUGH THE COURSE OF YOUR INVESTIGATION THAT MR. ESLAMINIA  
10 HAD OCCUPIED AT ONE TIME?

11 A YES.

12 Q THE RENTAL AGREEMENT THAT YOU SEIZED, WHERE WAS  
13 THAT TAKEN FROM, IF YOU REMEMBER?

14 A THAT WAS TAKEN, ALONG WITH SEVERAL MISCELLANEOUS  
15 PAPERS, FROM A CARDBOARD BOX SITTING ON THE FLOOR NEAR A  
16 FIREPLACE.

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1 Q WHY DID YOU TAKE THAT PARTICULAR RENTAL  
2 AGREEMENT?

3 A BECAUSE IT RELATED TO THE RENTAL OF THE HOME  
4 LOCATED AT 155 BEVERLY GLEN.

5 Q SHOWING YOU THE DOCUMENT --  
6 THE COURT: 155 NORTH BEVERLY GLEN?

7 THE WITNESS: I STAND CORRECTED, YES. I AM NOT  
8 FAMILIAR WITH YOUR AREA, HERE.

9 Q BY MR. WAPNER: SHOWING YOU A DOCUMENT WE HAVE  
10 MARKED AS PEOPLE'S 24 AND WHAT APPEARS TO BE THE ORIGINAL  
11 OF THAT DOCUMENT, DO YOU RECOGNIZE THAT?

12 A PEOPLE'S 24 IS THE COPY THAT I PRODUCED FROM  
13 THE ORIGINAL OF THE RENTAL AGREEMENT.

14 Q AND THAT IS THE RENTAL AGREEMENT FOR THE HOUSE  
15 AT 155 NORTH BEVERLY GLEN IN LOS ANGELES?

16 A THE ADDRESS LISTED ON THE ORIGINAL DOCUMENT  
17 IS 155 BEVERLY GLEN.

18 Q AT SOME POINT DURING THE COURSE OF YOUR  
19 INVESTIGATION --

20 THE COURT: PARDON ME. IT MIGHT VERY WELL BE BEVERLY  
21 GLEN.

22 MR. BARENS: SORRY?

23 THE COURT: IT MIGHT VERY WELL BE THAT THE NUMBERS  
24 START OUT AT 100 UP THERE AND THEN COME DOWN.

25 MR. BARENS: THEY DO, SIR.

26 THE COURT: YES, AS YOU GO SOUTH.

27 MR. BARENS: RIGHT, SOUTH OF SUNSET, ACTUALLY.

28 Q BY MR. WAPNER: DID YOU GO TO THAT HOUSE?

4-2

1 A YES, I DID.

2 Q DID YOU CAUSE PICTURES TO BE TAKEN OF THE HOUSE?

3 A YES, I DID.

4 Q DID YOU GO INTO THE BASEMENT OF THE HOUSE?

5 A YES, I DID.

6 Q SHOWING YOU THE BOOK OF PHOTOGRAPHS THAT IS  
7 MARKED AS PEOPLE'S 23 FOR IDENTIFICATION, DO YOU RECOGNIZE  
8 THOSE PICTURES?

9 A YES, I DO.

10 Q HOW DO YOU RECOGNIZE THOSE?

11 A I TOOK THEM.

12 Q SPECIFICALLY WITH REGARD TO THE PICTURE TOWARD  
13 THE BACK OF THE BOOK THAT INVOLVED THE BASEMENT, CAN YOU  
14 TELL US HOW ACCESS IS GAINED TO THE BASEMENT AND WHAT THOSE  
15 PHOTOGRAPHS DEPICT?

16 A THERE IS A BRICK ENTRYWAY LEADING TO A WOODEN  
17 DOOR. THAT DOOR IS THE FRONT DOOR OF THE HOME. IT OPENS  
18 TO A SMALL FOYER OR ENTRY HALL.

19 IMMEDIATELY TO THE RIGHT OF THAT ENTRY DOOR,  
20 THERE IS WHAT APPEARS TO BE CLOSET DOOR. THAT DOOR IS  
21 OPENED AND THERE IS WHAT APPEARS TO BE A CLOSET THERE.

22 YOU TAKE THE CLOSET POLE OUT, THE BACK OF THE  
23 CLOSET FOLDS AWAY, THE FLOOR LIFTS UP AND EXPOSED IS A  
24 STAIRWAY LEADING DOWN TO A SMALL LANDING. YOU WALK DOWN  
25 TO THAT LANDING, MAKE AN IMMEDIATE RIGHT AND DOWN A FLIGHT  
26 OF STAIRS INTO A SMALL BASEMENT WITH CONCRETE FLOOR.

27 Q HAVE YOU ATTEMPTED TO DEPICT THAT IN THE PHOTO-  
28 GRAPHS THAT YOU TOOK?

4-3

1 A I HAVE.

2 Q AND DO THE PHOTOGRAPHS THAT ARE IN THE BOOK  
3 OF PEOPLE'S 23, DEPICT THE BASEMENT ACCURATELY, THE BASEMENT  
4 OF THAT HOUSE?

5 A TO THE BEST OF MY ABILITY, YES.

6 Q WHEN WERE THOSE PHOTOGRAPHS TAKEN?

7 A THE EXACT DATE OF ME TAKING THOSE PHOTOGRAPHS  
8 IS NOT RECALLED BY ME INDEPENDENTLY AT THIS TIME.

9 Q REGARDING THE FURTHER SEARCH OF MR. HUNT'S  
10 RESIDENCE, YOU SAID THAT YOU ALSO TOOK A LETTER OF SOME  
11 SORT OUT OF THERE. WHY DID YOU DO THAT?

12 A THAT NOTES MAKES REFERENCE TO "SAM" AND IT  
13 APPEARED TO BE A LIST.

14 Q SHOWING YOU THE ORIGINAL OF A DOCUMENT THAT  
15 IS ON A YELLOW PIECE OF PAPER, A COPY OF WHICH YOUR HONOR,  
16 I WOULD LIKE TO HAVE MARKED AS 39 FOR IDENTIFICATION --

17 THE COURT: BE SO MARKED.

18 Q BY MR. WAPNER: DO YOU RECOGNIZE THAT?

19 A THE COPY YOU JUST MARKED, PEOPLE'S 39 IS A  
20 COPY I MADE MYSELF FROM THE ORIGINAL.

21 Q AND WHERE WAS THE ORIGINAL TAKEN FROM?

22 A THIS WAS IN THE MISCELLANEOUS PAPERS IN THE  
23 CARDBOARD BOX ON THE FLOOR.

24 Q IN THE BEDROOM OF THE BELLAGIO ROAD HOUSE?

25 A IN ONE OF THE TWO BEDROOMS OCCUPIED BY JOSEPH  
26 HUNT.

27 Q AND WHAT DOES IT SAY ON THAT LIST?

28 A AT THE TOP IT SAYS "SAM," AND UNDERNEATH THAT

4-4  
1 IT HAS THE NUMBER 5,000 FOLLOWED BY THE WORDS "SUPPLIES  
2 SETUP," AND UNDERNEATH THAT IS THE FIGURE 4800 FOLLOWED  
3 BY THE WORD "LEASE".

4 UNDER THAT IS THE NUMBER 6,000 FOLLOWED BY  
5 THE WORDS, "CASH, TRIPS, BAIL AND REZA."

4-B  
6 Q DID YOU ACCOMPANY DEAN KARNY TO VARIOUS LOCATIONS  
7 IN THE LOS ANGELES AREA WHERE HE TOLD YOU THAT HE PURCHASED  
8 ITEMS THAT WERE USED IN THIS ABDUCTION OF MR. ESLAMINIA?

9 A I DID.

10 Q SHOWING YOU THREE PHOTOGRAPHS THAT HAVE BEEN  
11 MARKED AS 25-A, B AND C, DO YOU RECOGNIZE THOSE?

12 A YES, I DO.

13 Q WHAT ARE THEY?

14 A PHOTOGRAPHS TAKEN BY ME OF A STEAMER TYPE TRUNK.

15 Q AND WOULD YOU JUST HOLD THOSE UP SO THE JURY  
16 CAN SEE THEM?

17 (THE WITNESS COMPLIES.)

18 Q WHERE DID YOU GET THAT TRUNK?

19 A I PERSONALLY DID NOT GET THIS TRUCK. IT WAS  
20 OBTAINED BY AGENT BENNETT WHILE I WAS ON DISABILITY LEAVE.

21 Q AND DID YOU TAKE THE PHOTOGRAPHS OR DID HE?

22 A I TOOK THEM.

23 Q WHERE IS THAT TRUNK NOW?

24 A IT IS IN THE EVIDENCE LOCKER AT THE SPECIAL  
25 PROSECUTIONS UNIT OF THE DEPARTMENT OF JUSTICE IN SAN  
26 FRANCISCO.

27 Q AND HAVE YOU PUT SOME KIND OF A RULER OR  
28 MEASURING DEVICE TO THOSE PHOTOGRAPHS TO TRY TO DEPICT THE

1 SIZE OF THAT?

2 A YES.

3 Q AND IS THAT A ONE-FOOT LONG RULER OR --

4 A IT IS A 12-INCH RULER.

5 Q AND APPROXIMATELY WHAT IS THE SIZE OF THAT  
6 TRUNK?

7 A IT APPEARS TO BE APPROXIMATELY TWO FEET IN  
8 HEIGHT AND SLIGHTLY OVER THREE FEET IN LENGTH.

9 MR. WAPNER: THANK YOU. NOTHING FURTHER.

10 THE COURT: ALL RIGHT. WE'LL TAKE A RECESS AT THIS  
11 TIME. LADIES AND GENTLEMEN OF THE JURY, WE'LL TAKE A 15-  
12 MINUTE RECESS AT THIS TIME. THE SAME ADMONITION THAT I  
13 GAVE YOU STILL APPLIES.

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

4 MR. BARENS: YOUR HONOR, I BELIEVE MR. WAPNER HAS NOW  
5 ADVISED ME THAT THIS WILL BE HIS LAST WITNESS AT THIS JUNCTURE  
6 OF THE PROCEEDINGS.

7 AS I ADVISED THE COURT PRIOR, NOT BEING AWARE  
8 OF THIS UNTIL LAST NIGHT, I DO NOT HAVE ANYBODY TODAY, ALTHOUGH  
9 I HAVE DONE MY BEST TELEPHONICALLY.

10 THE COURT: YOU TOLD ME THAT AT 1:30, YOU WOULD KNOW  
11 WHETHER OR NOT THE DEFENDANT IS TO BE A WITNESS.

12 MR. BARENS: YOUR HONOR, TO COMMENT ON THAT, ONE, THERE  
13 WAS AN INCIDENT NOT INVOLVING MY CLIENT, I BELIEVE, IN THE  
14 FACILITY DOWNSTAIRS TODAY AND THEY WOULD NOT ACCESS ME.

15 I SPOKE TO THREE DIFFERENT PEOPLE AND THEY WOULD  
16 NOT ACCESS HIM TO ME.

17 THE COURT: IF YOU HAVE ANY DIFFICULTIES AT ANY TIME,  
18 YOU ASK ME ABOUT ANYTHING DOWN THERE.

19 MR. BARENS: WELL, THERE WAS DIFFICULTY. THEY WOULD  
20 NOT ACCESS ME TO THE DEFENDANT.

21 THE COURT: DID YOU TALK TO THE BAILIFF?

22 MR. BARENS: I DID NOT SEE MR. QUINN TODAY AT THE  
23 NOON HOUR.

24 I SPOKE TO A FEMALE AND TO TWO MALE GENTLEMEN.

25 THE COURT: GO AHEAD AND TALK TO HIM NOW.

26 MR. BARENS: I COULD NOT IN FIVE MINUTES PREPARE HIM  
27 FOR CROSS-EXAMINATION, SIR.

28 THE COURT: I ASKED YOU THIS MORNING. DIDN'T YOU TALK

5-2  
1 TO HIM SINCE I TOLD YOU ABOUT IT THIS MORNING?

2 MR. BARENS: YES, AND HE TOLD ME QUITE POINTEDLY --

3 THE COURT: YOU TOLD ME THAT IT WAS GOING TO BE AT 1:30,  
4 YOU WOULD LET ME KNOW.

5 MR. BARENS: SIR, I DIDN'T GET A CHANCE.

6 THE COURT: WELL, YOU HAVE ACCESS TO HIM NOW. TALK  
7 TO HIM.

8 MR. BARENS: JUDGE, I AM TRYING TO BE --

9 THE COURT: DON'T PLAY GAMES WITH ME.

10 MR. BARENS: I AM NOT PLAYING GAMES WITH YOU.

11 THE COURT: DO YOU INTEND TO CALL HIM OR DON'T YOU INTEND  
12 TO CALL HIM?

13 MR. BARENS: SIR, THAT IS A DECISION THE DEFENDANT HAS  
14 TO MAKE.

15 THE COURT: YOU SHOULD HAVE MADE THE DECISION LONG BEFORE  
16 THIS.

17 MR. BARENS: I INQUIRED OF THE DEFENDANT BOTH YESTERDAY  
18 AND TODAY, SIR, IF HE HAD MADE A FINAL DECISION AND THE  
19 DEFENDANT HAS NOT TOLD ME HE HAS MADE A FINAL DECISION.

20 THE COURT: WELL, TELL HIM THIS IS THE TIME FOR A  
21 DECISION.

22 MR. BARENS: SIR, EVEN IF HE HAD MADE A DECISION, I  
23 CANNOT COMPEL HIM TO TAKE THE STAND.

24 THE COURT: WHO ASKED YOU TO COMPEL HIM?

25 MR. BARENS: SIR, I AM SAYING THAT IF HE HAS DECIDED  
26 TO TAKE THE STAND, HE HAS A CHOICE TO BE HIS LAST DEFENSE  
27 WITNESS, RATHER THAN HIS FIRST DEFENSE WITNESS.

28 THE COURT: NO, I AM NOT GOING TO WASTE DAYS AND DAYS

5-7  
1 UNTIL HE MAKES UP HIS MIND, UNTIL YOU GET YOUR WITNESSES AND  
2 PROCEED AT YOUR LEISURE.

3 MR. BARENS: I HAVE NOT PROCEEDED AT MY LEISURE AT ANY  
4 TIME DURING THIS TRIAL.

5 THE COURT: WHERE ARE THE WITNESSES YOU MIGHT HAVE IF  
6 HE RESTS NOW?

7 MR. BARENS: SIR, MY WITNESSES WILL BE AVAILABLE  
8 COMMENCING TOMORROW MORNING.

9 I WAS NOT AWARE THAT I WOULD NEED A WITNESS UNTIL  
10 LAST NIGHT.

11 THE COURT: ALL RIGHT, I WILL TELL YOU WHAT WE WILL  
12 DO, TOMORROW MORNING YOU ARE GOING TO START WITH YOUR WITNESSES  
13 UNINTERRUPTED.

14 HOWEVER, WHAT YOU ARE GOING TO DO -- YOU ARE GOING  
15 TO CROSS-EXAMINE HIM A BIT?

16 MR. BARENS: IT WILL ONLY BE BRIEF.

17 THE COURT: AFTER THAT YOU ARE GOING TO REST AND THEN  
18 WE WILL DISCUSS THE QUESTION OF THE EXHIBITS WHICH ARE TO  
19 BE INTRODUCED AND WHICH YOU WANT TO HAVE RECEIVED AND THOSE  
20 WHICH HAVE NOT ALREADY BEEN RECEIVED. I WILL EXCUSE THE JURY  
21 AND TELL THEM WE ARE GOING TO START AGAIN TOMORROW MORNING  
22 WITH THE DEFENSE.

23 MR. BARENS: I WOULD APPRECIATE IT IF YOUR HONOR WOULD  
24 NOT EMBARRASS ME IN FRONT OF THE JURY FOR NOT BEING READY  
25 THIS AFTERNOON TO PURSUE THIS.

26 THE COURT: I AM NOT GOING TO EMBARRASS YOU. I WILL  
27 TELL THEM THAT THE REST OF THE AFTERNOON, WE WILL TAKE UP  
28 THE REST OF THE AFTERNOON WITH GOING OVER THE EXHIBITS AND



1 THEN WE WILL START WITH THE DEFENSE IN THE MORNING.

2 MR. BARENS: YOUR HONOR, I WANT TO INDICATE FOR THE COURT  
3 TO SAY I AM PROCEEDING AT MY LEISURE, THAT IS JUST NOT THE  
4 TRUTH AND FOR YOUR HONOR TO GIVE THAT IMPRESSION --

5 THE COURT: THE RECORD WILL SPEAK FOR ITSELF.

6 MR. BARENS: I HAVE BEEN DILIGENT AND STUDIOUS THROUGHOUT  
7 THIS CASE IN TRYING TO BE PREPARED.

8 THE COURT: ALL RIGHT, YOU HAVE MADE YOUR STATEMENT.

9 WHAT I WILL TELL THE JURY IS THAT WE WILL RECESS  
10 THIS AFTERNOON AFTER WE GET THROUGH WITH YOUR CROSS-EXAMINATION,  
11 WE WILL TAKE THE REST OF THE AFTERNOON GOING OVER THE EXHIBITS.  
12 YOU WILL ANNOUNCE THAT YOU ARE RESTING AFTER THE EXHIBITS  
13 ARE GOING TO BE INTRODUCED AND I WILL TELL THE JURY THAT WE  
14 HAVE TO GO OVER THE EXHIBITS TO SEE WHICH ARE GOING TO BE  
15 RECEIVED AND WHICH ARE NOT AND THAT WILL TAKE THE REST OF  
16 THE AFTERNOON AND WE WILL PROCEED WITH THE DEFENSE TOMORROW  
17 MORNING.

18 MR. BARENS: YES, SIR.

19 THE COURT: YOU HAVE MADE YOUR OPENING QUOTE STATEMENT  
20 END QUOTE ALREADY, DID YOU?

21 MR. BARENS: YES, I DID, SIR.

22 THE COURT: ALL RIGHT.

23 (RECESS.)

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

4 MR. WAPNER: I HAVE NO FURTHER QUESTIONS.

5 THE COURT: ANY CROSS-EXAMINATION OF THIS WITNESS?

6 MR. BARENS: JUST A LITTLE, YOUR HONOR.

7

8 CROSS-EXAMINATION

9 BY MR. BARENS:

10 Q MR. BREILING, YOU HAD SOME INTERVIEWS WITH  
11 A REAL ESTATE LADY NAMED RAPPAPORT CONCERNING A RENTAL ON  
12 BEVERLY GLEN?

13 A YES, I DID.

14 Q THOSE WERE ON A COUPLE OF OCCASIONS, SIR?

15 A I BELIEVE SO.

16 Q DID SHE EVER TELL YOU THAT A FEMALE HAD BEEN  
17 PRESENT WITH MESSRS. KARNY AND HUNT WHEN THOSE RENTALS WERE  
18 MADE?

19 A I BELIEVE WHEN I ORIGINALLY INTERVIEWED HER,  
20 SHE DID. I DON'T KNOW THAT I INCLUDED IT IN A FORMAL REPORT,  
21 HOWEVER. I MAY HAVE INCLUDED IT IN MY NOTES.

22 Q I DIDN'T NOTICE THAT IN YOUR REPORT. WAS THERE  
23 A REASON WHY?

24 A NO PARTICULAR REASON, IT PROBABLY JUST DIDN'T  
25 SEEM AS IMPORTANT TO ME AT THE TIME AS HAVING JOE HUNT AND  
26 DEAN KARNY IN THAT LOCATION.

27 Q OF COURSE. I UNDERSTAND. BUT IN ANY EVENT,  
28 YOU NEVER FOLLOWED UP ON IDENTIFYING THAT PERSON THAT WAS

1 WITH THEM?

2 A BROOKE ROBERTS WHO I HAVE SUBSEQUENTLY LEARNED  
3 WAS THE YOUNG LADY, HAS NEVER BECOME THE FOCUS OF ATTENTION  
4 AS FAR AS A SUSPECT IN THAT CASE IN NORTHERN CALIFORNIA.  
5 I DID NOT FOLLOW IT UP BECAUSE OF THAT REASON.

6 Q ALL RIGHT. YOU DIDN'T IDENTIFY HER AS A POSSIBLE  
7 WITNESS AT THAT TIME?

8 A WITNESS TO WHAT?

9 Q ANYTHING, SIR? A WITNESS IF SHE WERE THERE  
10 AT THE BEVERLY GLEN RESIDENCE OR ANYTHING?

11 A WELL, IF SHE HAD BEEN THERE, SHE OBVIOUSLY  
12 WOULD HAVE BEEN A WITNESS TO IT, YES. BUT SHE HAS NEVER  
13 BEEN INTERVIEWED.

14 I BELIEVE AT ONE POINT, I ASKED YOU IF I COULD  
15 INTERVIEW HER AND YOU SAID YOU WOULD GET BACK TO ME. YOU  
16 NEVER DID.

17 Q CORRECT. ALL RIGHT. DID YOU HAVE A LINEUP  
18 WITH HER PICTURE AVAILABLE?

19 A BROOKE ROBERTS? NO, I DID NOT.

20 Q ON THE BINDER IN FRONT OF YOU, THE BLUE BINDER,  
21 YOU HAVE TALKED ABOUT A PAGE THAT SAYS "PROJECT SAM," AND  
22 I GUESS YOU EVEN HAVE THE BOOK OPEN TO THAT PAGE.

23 A YES, I HAVE IT CLIPPED TO THAT PAGE.

24 Q ON THE FOLDER ITSELF, WHAT IS THE WORD ON THE  
25 TOP, THERE?

26 A I CAN'T MAKE OUT THE FULL WORD. THE FIRST  
27 THREE LETTERS ARE DEFINITELY "S-A-M."

28 Q AND THEN AFTER THAT, ANYTHING?

1           A           IT LOOKS LIKE IT MIGHT POSSIBLY BE CONNECTED  
2 TO THE M AND S-U-R, BUT I CAN'T SAY FOR CERTAIN.

3           Q           DOES THAT APPEAR TO YOU, BASED ON JUST YOUR  
4 OPINION AS A PERSON, TO BE IN THE SAME HANDWRITING AS THE  
5 PERSON WHO WROTE "PROJECT SAM," INSIDE THE BOOK? WE ARE  
6 DOWN TO THAT, MR. BREILING.

7           A           IN MY OPINION AS A PERSON, I HAVE NO OPINION  
8 AS TO WHO WROTE IT OR WHETHER IT IS THE SAME PERSON.

9           Q           CAN YOU GIVE ME YOUR BEST ESTIMATE, JUST LOOKING  
10 AT THE TWO?

11          A           SINCE THE WORD "SAM" ON THE PAGE THAT I HAVE  
12 MARKED SEEMS TO BE WRITTEN AND THE WORD "SAM" ON THE FRONT  
13 IS PRINTED, THERE IS NOTHING FOR ME TO COMPARE.

14                   (CLAUGHTER IN THE COURTROOM.)

15          THE COURT: DO YOU GIVE UP?

16          MR. BARENS: WELL, SOME POLICE OFFICERS ARE BETTER  
17 AT THIS THAN OTHERS, I SUPPOSE. ARE YOU WAITING FOR US  
18 TO GIVE UP?

19          THE COURT: NO, I SAID AFTER YOU GOT THROUGH, "DO  
20 YOU GIVE UP?"

21          MR. BARENS: BETWEEN THE TWO OF YOU, SIR, SHOULD I  
22 GIVE UP NOW AFTER ALL OF THIS TIME?

23          THE COURT: NO.

24          MR. BARENS: THANK YOU, SIR.

25          THE COURT: ANYTHING FURTHER?

26          MR. BARENS: I AM RESTING BUT NOT GIVING UP.

27          THE COURT: ARE YOU GIVING UP?

28          MR. BARENS: NOT GIVING UP.

1 THE COURT: ALL RIGHT. ANY REDIRECT?

2 MR. WAPNER: NO, YOUR HONOR.

3 THE COURT: ALL RIGHT. THANK YOU VERY MUCH, MR.  
4 BREILING.

5 MR. WAPNER: THE PEOPLE REST, YOUR HONOR, SUBJECT  
6 TO THE RECEIPT OF THE EXHIBITS.

7 THE COURT: I THINK WHAT WE OUGHT TO DO IS GO OVER  
8 THE EXHIBITS WHICH WILL TAKE A LITTLE WHILE AND SEE WHICH  
9 ARE ADMISSIBLE AND WHICH ARE NOT.

10 THERE IS NO SENSE KEEPING THE JURY WAITING  
11 FOR THAT. YOU WILL START YOUR DEFENSE TOMORROW MORNING,  
12 WILL YOU?

13 MR. BARENS: YES. THANK YOU.

14 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE  
15 HAVE FINISHED WITH THE PEOPLE'S CASE. NOW WE NEED FOR COUNSEL  
16 TO GO OVER THE EXHIBITS. THERE ARE A NUMBER OF THEM. AND  
17 THAT WILL TAKE, I THINK, THE BALANCE OF THE AFTERNOON.

18 WHAT I WILL ASK YOU TO DO IS TO COME BACK  
19 TOMORROW MORNING AT 10:30 AND THE DEFENSE WILL START THEIR  
20 CASE. THANK YOU. GOOD NIGHT. THE SAME ADMONITION THAT  
21 I PREVIOUSLY GAVE YOU STILL APPLIES.

22 (THE JURY EXITS THE COURTROOM.)  
23  
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1 (THE FOLLOWING PROCEEDINGS WERE HELD  
2 IN OPEN COURT OUT OF THE PRESENCE OF  
3 THE JURY:)

4 THE COURT: THE RECORD WILL INDICATE THAT THE JURORS  
5 HAVE LEFT THE COURTROOM.

6 MR. BARENS, DO YOU HAVE ANY OBJECTION TO ANY OF  
7 THE EXHIBITS WHICH HAVE BEEN MARKED FOR IDENTIFICATION, EXCEPT  
8 THOSE, OF COURSE, WHICH HAVE ALREADY BEEN MARKED IN EVIDENCE?

9 MR. BARENS: I THINK PROCEDURALLY, YOUR HONOR, AN 1118  
10 MOTION IS PENDING BEFORE THE COURT AT THIS TIME THAT WAS MADE  
11 AT THE BENCH DURING THE PROCEEDINGS AS TO THE F.C.I. AND  
12 SWARTOUT MATTERS, THAT IS.

13 THE COURT: I WILL LET YOU ARGUE THAT IF YOU WISH.

14 MR. BARENS: I COULD DEFER, YOUR HONOR, AND HAVE  
15 MR. CHIER JUST ARTICULATE THAT AND CONCLUDE. I THINK HE HAD  
16 STARTED THAT MOTION AT THE BENCH AND SHOULD CONCLUDE, SIR.

17 THE COURT: ALL RIGHT.

18 MR. CHIER: ALL RIGHT, I WOULD RENEW THAT MOTION, YOUR  
19 HONOR, AND REMIND THE COURT THAT THERE IS NOW, AS THERE WAS  
20 THEN, NO NEXUS TENDING TO CONNECT MR. HUNT, OTHER THAN AND  
21 EXCEPT FOR THESE ALLEGED STATEMENTS BY MR. HUNT, WHICH FOUND  
22 THEIR WAY INTO EVIDENCE AS A RESULT OF AN INTERVIEW OF  
23 MR. KARNY ON MAY 17. PRIOR TO THIS AND ASIDE FROM THAT, THERE  
24 IS STILL NO EVIDENCE INDEPENDENT OF THESE ALLEGED STATEMENTS  
25 TENDING TO CONNECT MR. HUNT TO EITHER OF THOSE ALLEGED  
26 OFFENSES.

27 AND THERE IS CERTAINLY NOT EVIDENCE BEYOND A  
28 REASONABLE DOUBT FROM WHICH IT COULD BE ARGUED THAT MR. HUNT

7-  
1 DID WHAT WAS --

2 THE COURT: WAIT A MINUTE. A MOTION UNDER 1118 IS NOT  
3 BEYOND A REASONABLE DOUBT, IS IT?

4 MR. CHIER: IT IS A MOTION FOR ACQUITTAL, YOUR HONOR,  
5 IT IS IN THE NATURE OF A MOTION FOR AN ACQUITTAL. I DON'T  
6 KNOW QUITE HOW IT WOULD, WITH RESPECT TO THE STATEMENTS IN  
7 AGGRAVATION.

8 THE COURT: WELL, A MOTION UNDER SECTION 1118 SHOULD  
9 NOT BE GRANTED BECAUSE BEYOND A REASONABLE DOUBT IT HASN'T  
10 BEEN DEMONSTRATED.

11 MR. CHIER: NO APPELLATE COURT COULD APPROVE THAT IT  
12 WAS PROVED, I BELIEVE IS THE STANDARD, YOUR HONOR.

13 THE COURT: GO AHEAD, YOU MAY PROCEED.

14 MR. CHIER: AND AS WE HAVE SEEN, YOUR HONOR, THAT  
15 ALLEGATION IS WITH RESPECT TO MR. COKER THAT MR. HUNT ORDERED  
16 MR. PITTMAN TO DRIVE BY AND SHOOT THE PREMISES UP.

17 THERE IS INSUFFICIENT EVIDENCE THEN AS A MATTER  
18 OF LAW THAT WOULD TEND TO SHOW THAT MR. HUNT IS GUILTY OF  
19 A VIOLATION OF SECTION 246 OF THE PENAL CODE, I BELIEVE IS  
20 THE STATUTORY SECTION.

21 THE COURT: PARDON ME. WASN'T THERE EVIDENCE THAT  
22 MR. HUNT WAS THERE AT THE TIME AND DID THE SHOOTING?

23 MR. CHIER: NO, THERE WAS NO EVIDENCE OF THAT.

24 MR. WAPNER: THE EVIDENCE WAS THAT MR. KARNY SAID THAT  
25 MR. HUNT HAD TOLD HIM THAT HE AND MR. PITTMAN DID IT.

26 MR. CHIER: THOSE ARE --

27 THE COURT: THAT IS WHAT I THOUGHT WAS THE TESTIMONY  
28 HERE.

7-7  
1 MR. CHIER: THERE WAS TESTIMONY CONSISTING OF STATEMENTS.

2 ONCE AGAIN, YOUR HONOR, THERE WAS NO EVIDENCE  
3 TENDING TO SHOW MR. HUNT'S PRESENCE THERE. THERE WAS NO  
4 EVIDENCE SHOWING HE ORDERED MR. PITTMAN TO DO THAT, AS  
5 ALLEGED BY THE PEOPLE.

6 AND THE PEOPLE OUGHT TO BE HELD TO THE ALLEGATIONS  
7 IN THEIR NOTICE OF ALLEGATION AND THAT IS WHAT THEY ALLEGED  
8 AND THAT IS WHAT THEY FAILED TO PROVE.

9 THE COURT: AS I READ 1118.1:

10 "THE COURT SHALL ORDER THE ENTRY OF A  
11 JUDGMENT OF ACQUITTAL ON ONE OR MORE OF THE OFFENSES  
12 CHARGED IN THE ACCUSATORY PLEADING IF THE EVIDENCE  
13 THEN BEFORE THE COURT IS INSUFFICIENT TO SUSTAIN  
14 A CONVICTION OF SUCH OFFENSE."

15 IT DOESN'T SAY BEYOND A REASONABLE DOUBT.

16 MR. CHIER: WELL, THAT IS THE STANDARD, YOUR HONOR.

17 THE COURT: THAT IS THE FIRST TIME I HAVE HEARD THAT.

18 MR. CHIER: THIS IS A CRIMINAL CASE, YOUR HONOR.

19 THE COURT: WHICH CASE --

20 MR. CHIER: THE PEOPLE'S BURDEN HAS ALWAYS BEEN THAT.

21 THE COURT: GIVE ME A CASE THAT SAYS UNDER 1118, IF  
22 THERE IS A REASONABLE DOUBT AS TO WHETHER THE DEFENDANT IS  
23 GUILTY, THE COURT MUST GRANT THE MOTION.

24

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7-4  
1 MR. CHIER: I DON'T HAVE A CASE AT MY FINGERTIPS. IT  
2 IS A FAIRLY --

3 THE COURT: ALL RIGHT, GO AHEAD AND FINISH YOUR  
4 ARGUMENT.

5 MR. CHIER: IT IS NOT A MATTER SUBJECT TO DISPUTE.

6 (UNREPORTED COLLOQUY BETWEEN DEFENSE  
7 COUNSEL.)

8 MR. BARENS: YOUR HONOR, I AM ONLY SAYING THAT MY  
9 UNDERSTANDING FOR MY WHOLE LIFE WAS THAT THE STANDARD IN  
10 ALL CRIMINAL PROCEEDINGS WAS BEYOND A REASONABLE DOUBT, SIR.

11 THE COURT: WELL, YES. BUT ON THE QUESTION OF THE  
12 DISMISSAL BEFORE IT GOES TO THE JURY, THE MOTION IS DIRECTED  
13 TO THE COURT.

14 MR. BARENS: HOW COULDN'T YOU DISMISS IF IT WASN'T BEYOND  
15 A REASONABLE DOUBT?

16 THE COURT: ALL RIGHT. DO YOU KNOW ANYTHING ABOUT THAT?  
17 HAVE YOU RESEARCHED THAT?

18 MR. WAPNER: MY UNDERSTANDING IS ALWAYS THAT THE STANDARD  
19 WAS WHETHER THE EVIDENCE WAS SUSTAINED -- WAS SUFFICIENT TO  
20 SUSTAIN A CONVICTION ON APPEAL.

21 THE COURT: THAT IS CORRECT.

22 HE SAYS THAT YOU HAVE TO PRODUCE EVIDENCE BEYOND  
23 A REASONABLE DOUBT AND NOT HAVE THE JURY DETERMINE IT BUT  
24 THE COURT DISMISS IT BECAUSE THERE IS A REASONABLE DOUBT AS  
25 TO WHETHER OR NOT THE CRIME HAS BEEN COMMITTED.

26 MR. WAPNER: I UNDERSTAND WHAT COUNSEL IS SAYING. I  
27 GUESS I NEVER GOT INTO IT FARTHER THAN THINKING ABOUT --  
28 I NEVER GOT INTO IT FAR ENOUGH TO THINK ABOUT WHAT IT MEANS

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1 TO SAY THE EVIDENCE IS SUFFICIENT TO SUSTAIN A CONVICTION  
2 ON APPEAL. I MEAN I ASSUME -- ALTHOUGH, TO ME, THE WHOLE  
3 DISCUSSION IS MOOT BECAUSE I THINK THE EVIDENCE HAS PROVED  
4 THAT MR. HUNT WAS INVOLVED.

5 THE WAY MR. CHIER ARGUES IT IS AS IF STATEMENTS  
6 ARE NOT EVIDENCE AND, THEREFORE, IT DOESN'T MATTER THAT  
7 MR. HUNT SAID TO MR. KARNY, "I DID IT" BECAUSE SOMEHOW, THAT  
8 BECOMES NONEVIDENCE IN HIS VIEW.

9 MR. CHIER: THAT IS NOT SUFFICIENT EVIDENCE, YOUR HONOR,  
10 IF THAT IS THE EVIDENCE TENDING TO CONNECT MR. HUNT.

11 THE COURT: DO YOU THINK THAT IS SUFFICIENT EVIDENCE  
12 TO SUSTAIN A CONVICTION IN THIS CASE?

13 MR. WAPNER: YES.

14 THE COURT: ALL RIGHT, YOU TELL US WHAT YOU THINK THE  
15 EVIDENCE IS.

16 MR. WAPNER: AS FAR AS MR. COCKER IS CONCERNED, THE  
17 EVIDENCE AS TO THE SHOOTING IS PRETTY OBVIOUS THAT SOMEBODY  
18 WENT DOWN THERE AND SHOT UP THIS BUILDING WITH AN AUTOMATIC  
19 OR SEMI-AUTOMATIC RIFLE AND THE RIFLE WAS OBVIOUSLY CONNECTED  
20 TO MR. PITTMAN BECAUSE THE BULLETS MATCHED THE SAME BULLETS  
21 THAT WERE TAKEN FROM THE RIFLE THAT MR. PITTMAN USED FOR  
22 TRAGET PRACTICE IN GARDENA.

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1 THE EVIDENCE FROM THE GUILT PHASE IS AMPLE  
2 TO SHOW THE CONNECTION BETWEEN MR. HUNT AND MR. PITTMAN.  
3 AND THEN YOU HAVE THE STATEMENT BY MR. HUNT TO MR. KARNY  
4 THAT "JIM AND I WENT DOWN THERE AND DID THIS."

5 SO WHEN YOU PUT ALL THOSE THINGS TOGETHER,  
6 IT SEEMS TO ME THAT IT PROVES BEYOND A REASONABLE DOUBT  
7 THAT HE IS INVOLVED IN THE SHOOTING UP OF THE PLANT.

8 THE COURT: HOW ABOUT THE OTHER INCIDENT?

9 MR. WAPNER: MR. SWARTOUT?

10 THE COURT: YES.

11 MR. WAPNER: WE HAD SOME EVIDENCE INTRODUCED ABOUT  
12 MR. HUNT'S FEELINGS ABOUT MR. SWARTOUT AND HIS ANIMUS TOWARDS  
13 MR. SWARTOUT AND LIKEWISE, HE MAKES A STATEMENT TO MR. KARNY  
14 INDICATING THAT HE WAS RESPONSIBLE AND HE HAD SET MR. PITTMAN  
15 DOWN THERE FOR THE PURPOSE OF DOING THIS AND TO THROW SOME  
16 CONTACT POISON ON HIM.

17 THE FACT THAT THE SUBSTANCE TURNED OUT NOT  
18 TO DO THE JOB THAT THEY ANTICIPATED IT COULD DO, DOESN'T  
19 NEGATE THE FACT THAT HE MADE THE ATTEMPT, WHICH IS WHAT  
20 AN ASSAULT IS, TO INFLICT A VIOLENT INJURY ON THE PERSON  
21 OF MR. SWARTOUT.

22 IT IS NONETHELESS AN ASSAULT, EVEN IF IT WAS  
23 NOT SUCCESSFUL.

24 THE COURT: ALL RIGHT. THE MOTION WILL BE DENIED  
25 UNDER 1181.

26 NOW, LET'S TALK ABOUT THE EXHIBITS.

27 MR. CHIER: DID YOU WANT ME TO ARGUE THAT?

28 THE COURT: ARGUE WHICH?

1 MR. CHIER: SWARTOUT.

2 MR. BARENS: WE DIDN'T ACTUALLY GET TO DO IT.

3 THE COURT: I THOUGHT YOU FINISHED. YOU MAY ARGUE  
4 SWARTOUT.

5 (PAUSE.)

6 MR. CHIER: YOUR HONOR, WITH RESPECT TO MR. SWARTOUT,  
7 EVEN THE STATEMENT OF MR. KARNY DOES NOT CONTAIN AN ASSERTION  
8 OR AN ADMISSION BY MR. HUNT THAT HE ORDERED MR. PITTMAN  
9 TO DO ANYTHING VIS A VIS MR. SWARTOUT.

10 WHILE IT MIGHT BE EVEN ARGUABLE THAT SOMEBODY  
11 DID SOMETING, COMMITTED A BATTERY, A MISDEMEANOR BATTERY  
12 ON MR. SWARTOUT, THERE IS NO EVIDENCE THAT THERE WAS ANYTHING  
13 OF A CAUSTIC, CHEMICAL NATURE PUT ON HIM.

14 THERE IS NO EVIDENCE THAT SUCH A THING AS  
15 CONTACT POISON EXISTS. THERE IS NO EVIDENCE MR. PITTMAN  
16 WAS ACTING EITHER IN CONCERT WITH OR AT THE DIRECTION OF  
17 ANY OTHER PERSON. THERE IS SIMPLY A HIATUS IN THE EVIDENCE  
18 BETWEEN MR. HUNT AND MR. PITTMAN.

19 AND ALL THAT THE PEOPLE HAVE REALLY, IS A  
20 RELIANCE UPON AN ASSOCIATION BETWEEN THESE TWO PEOPLE.  
21 FURTHERMORE, YOUR HONOR, THIS ALLEGED DECLARATION OF  
22 ANIMUS OF MR. HUNT'S IS QUITE A MYSTERY.

23 NOT EVEN THE GENTLEMAN WHO TESTIFIED, MR.  
24 ZOELLER, COULD EVEN DIVINE WHAT IT POSSIBLY MEANT OR WHAT  
25 THE CIRCUMSTANCES WERE OF ITS BEING WRITTEN, WHETHER IT  
26 WAS SENT, WHETHER IT WAS YOU KNOW, A POOR ATTEMPT AT  
27 POETRY OR WHATEVER IT WAS, YOUR HONOR.

28 CERTAINLY, THOSE MUSINGS DO NOT RISE TO THE

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1 LEVEL OF OR THE DIGNITY OF INTENT OR EVIDENCE OF INTENT  
2 REQUIRED IN A CASE WHERE THE JURY IS BEING ASKED TO CONSIDER  
3 THESE ITEMS AS A BASIS FOR TAKING A MAN'S LIFE.

4 THIS IS THE PENALTY PHASE. THERE IS A HEIGHTENED  
5 STANDARD OF PROOF WITH RESPECT TO THESE OFFENSES IN  
6 AGGRAVATION AND TO ALLOW THE JURY TO SPECULATE OR TO  
7 INFER THAT MR. HUNT HAD SOMETHING TO DO WITH THIS, IN THE  
8 ABSENCE OF ANY REAL EVIDENCE, IS SIMPLY NOT CONTEMPLATED  
9 BY THE LEGISLATURE NOR DUE PROCESS, YOUR HONOR.

10 AND I WOULD SUBMIT THAT THERE IS ABSOLUTELY  
11 NO EVIDENTIARY BASIS FOR THE JURY TO BE ALLOWED TO SPECULATE  
12 AS TO MR. HUNT'S INVOLVEMENT IN THIS PECCADILLO.

13 THERE IS CERTAINLY NO EVIDENCE THERE WAS ANYTHING  
14 EVER BAD PUT ON MR. SWARTOUT OR THAT IT WAS AN ATTEMPT TO  
15 COMMIT GREAT BODILY HARM. AND THE EVIDENCE IS SOMEWHAT  
16 IN DISPUTE AS TO THE IDENTITY OF THE PERSON WHO DID IT.

17 MR. SWARTOUT, THE ALLEGED VICTIM IN THIS CASE,  
18 WAS UNABLE TO IDENTIFY MR. PITTMAN EITHER IN A LINEUP OR  
19 IN PERSON.

20 AND THE FACT THAT A PERSON WAS DESCRIBED, WAS  
21 IDENTIFIED AS MR. PITTMAN, WHO WAS SEEN IN THE VICINITY,  
22 AGAIN, DOES NOT RISE TO THE LEVEL OF EVIDENCE REQUIRED TO  
23 HAVE THE JURY GO IN THERE AND TOTE THESE THINGS UP AS  
24 OFFENSES IN AGGRAVATION.

25 THAT IS WHAT IS HAPPENING HERE, JUDGE. I THINK  
26 THAT IT IS UP TO YOU TO SORT OF DERAIL THOSE THINGS AND  
27 IF IT IS CLEAR THAT THEY DO NOT RISE TO THE LEVEL OF BEYOND  
28 A REASONABLE DOUBT, AND MR. HUNT CERTAINLY COULD NOT BE

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1 CONVICTED ON APPEAL FOR COMPLICITY IN EITHER OF THOSE  
2 OFFENSES, IF HE WERE CHARGED WITH THOSE INDEPENDENTLY AND  
3 NOT A PART OF A CABOOSE TO A DEATH PENALTY CASE.

4 HE CERTAINLY COULDN'T BE CONVICTED OF THESE  
5 ON APPEAL, YOUR HONOR. SO UNDER THOSE CIRCUMSTANCES, I  
6 THINK IT IS INCUMBENT UPON THE COURT TO TAKE IT AWAY FROM  
7 THE JURY AND TO NOT ALLOW THEM TO PLAY WITH THESE OFFENSES  
8 WHICH HAVE NOT BEEN PROVED, YOUR HONOR.

9 THE EVIDENCE WITH RESPECT TO MR. SWARTOUT IS  
10 THAT THERE IS NOTHING CAUSTIC. THERE IS NO EVIDENCE THAT  
11 IT WAS CAUSTIC MATERIAL. THERE IS NO EVIDENCE ABOUT ANYTHING  
12 THAT WAS PUT ON MR. SWARTOUT WAS HARMFUL.

13 AND IT DOESN'T MATTER THAT THERE WAS GOSSIP  
14 CONCERNING THIS MATTER THAT WAS PUT ON HIS CLOTHING. THE  
15 FACT OF THE MATTER IS, THERE IS NO EVIDENCE.

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1                   AND THE ACTUAL, PHYSICAL REACTION TO MR.  
2 SWARTOUT IS CERTAINLY ENTITLED TO GREATER WEIGHT THAN IS  
3 MR. KARNY'S HEARSAY TESTIMONY CONCERNING MR. HUNT'S ALLEGED  
4 STATEMENT.

5           THE COURT: DO YOU HAVE ANYTHING?

6           MR. WAPNER: I SUBMIT IT, YOUR HONOR.

7           THE COURT: WELL, 190.3 SAYS WHAT MUST BE CONSIDERED  
8 BY THE JURY IS, "THE PRESENCE OR ABSENCE OF OTHER CRIMINAL  
9 ACTIVITIES BY THE DEFENDANT WHICH INVOLVED USE OR ATTEMPTED  
10 USE OF FORCE OR VIOLENCE OR WHICH INVOLVED THE EXPRESS OR  
11 IMPLIED THREAT TO USE FORCE OR VIOLENCE."

12                   DO YOU THINK THAT IT FALLS WITHIN THAT CATEGORY?

13           MR. WAPNER: I THINK BOTH OF THEM FALL WITHIN THAT  
14 CATEGORY.

15           MR. BARENS: DO YOU WANT TO ASK DEFENSE THE SAME  
16 QUESTION?

17           THE COURT: WELL, I HAVE ALREADY HEARD FROM THE  
18 DEFENSE. I AM NOW ASKING HIM. BECAUSE HE HAS NOT SPOKEN  
19 UP AT LENGTH.

20                   I THINK I HAVE HEARD AT LENGTH FROM YOU. I  
21 AM GOING TO DENY THE MOTION. I WILL LET THE JURY CONSIDER  
22 IT. IT INVOLVES THE USE OR ATTEMPTED USE OF FORCE, VIOLENCE  
23 OR THE OTHER SECTION OF 190.3 WHICH WOULD BE APPLICABLE  
24 HERE.

25           MR. CHIER: WELL, THE STATEMENT ABOUT THE ATTEMPTED  
26 USE -- IN PEOPLE V. BOYD, THAT CASE AS YOUR HONOR KNOWS,  
27 EXCLUDES FROM THE TYPE OF EVIDENCE THAT CAN BE CONSIDERED  
28 IN A CASE, SUCH THREATS OF VIOLENCE. AND SO, I WOULD SAY

1 THAT THAT SECTION HAS BEEN CUT BACK SOMEWHAT BY THE DECISIONAL  
2 LAW, YOUR HONOR.

3 THE COURT: ALL RIGHT, I WILL DENY IT AT THIS TIME  
4 WITHOUT PREJUDICE TO RENEW IT AT THE CONCLUSION OF THE CASE  
5 BEFORE THE JURY IS INSTRUCTED.

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1 I WANT TO THINK ABOUT IT. IT IS JUST A MATTER  
2 OF THE LAST OFFENSE WHICH WE HAVE BEEN TALKING ABOUT.

3 ALL RIGHT, HOW ABOUT THE EXHIBITS?

4 MR. CHIER: WE WOULD OBJECT TO ITEMS P-3 THROUGH P-7.

5 THE COURT: JUST A MINUTE NOW. P-3?

6 MR. CHIER: THESE ARE THE COKER -- THIS IS THE COKER  
7 EVIDENCE, IF WE CAN CALL IT THAT.

8 MR. WAPNER: AS WELL AS THE SWARTOUT EVIDENCE.

9 7 IS THE DIAGRAM OF THE LOCATION WHERE THE --

10 THE COURT: LET ME SEE NOW, P-3, THAT IS THE BAG OF  
11 BULLETS, IS THAT WHAT IT WAS?

12 MR. WAPNER: YES.

13 THE COURT: DO YOU OBJECT TO THAT?

14 MR. CHIER: PARDON ME, YOUR HONOR? I AM SORRY.

15 THE COURT: P-3 IS THE BAG OF BULLETS.

16 MR. CHIER: YES, I AM OBJECTING IN ACCORDANCE WITH MY  
17 MOTION TO HAVE THE 1118.1 MOTION GRANTED AND IT IS MY BELIEF --

18 THE COURT: IT HAS BEEN DENIED.

19 DO YOU STILL OBJECT TO THOSE?

20 MR. CHIER: YES, FOR THE RECORD, YES, YOUR HONOR.

21 THE COURT: ALL RIGHT, 3, 4, 5, 6 AND 7, THAT IS DENIED.

22 MR. CHIER: THE GUN, THERE IS NO EVIDENCE TENDING TO  
23 CONNECT THIS GUN TO MR. PITTMAN, YOUR HONOR.

24 THE COURT: THERE IS NO EVIDENCE CONNECTING THE GUN?

25 MR. CHIER: THE GUN TO MR. HUNT.

26 THE COURT: THE PEOPLE'S THEORY IS THAT HE IS ONE OF  
27 THE CONSPIRATORS.

28 ALL RIGHT, NOW WHAT OTHERS?

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1 THE OBJECTION TO THOSE WILL BE OVERRULED.

2 MR. CHIER: I DON'T RECALL WHAT THE ITEMS P-14 AND P-15,  
3 THE DIAGRAM, WHAT WERE THEY DIAGRAMS OF?

4 MR. WAPNER: 14 WAS OF THE BELMONT APARTMENT COMPLEX  
5 AND 15 WAS THE OVERALL VIEW OF THE APARTMENT COMPLEX, THE  
6 7-ELEVEN STORE, THE U-HAUL STORE.

7 MR. CHIER: WE WITHDRAW THAT.

8 MR. BARENS: YOUR HONOR, WE HAVE AN OBJECTION TO  
9 PEOPLE'S 16. 16 WAS NEVER TIED IN TO DEFENDANT HUNT IN ANY  
10 WAY.

11 THE COURT: 16-A, -B AND -C?

12 MR. BARENS: YES, YOUR HONOR.

13 THE COURT: THE REGISTER, YOU MEAN?

14 MR. BARENS: YES, SIR, ALL OF THE VILLA MOTEL IN  
15 SAN MATEO MATERIALS. THERE WAS NEVER AN IDENTIFICATION MADE  
16 BY MR. SWIERSTRA.

17 THE COURT: THE HOTEL REGISTRATION, WHAT WAS THAT?

18 MR. WAPNER: 16 WAS THE HOTEL REGISTRATION FROM THE  
19 VILLA HOTEL AND IF THE COURT EXAMINES IT, YOU WILL FIND ON  
20 THERE A DRIVER'S LICENSE NUMBER.

21 THE COURT: OH, YES, THAT IS THE DRIVER'S LICENSE WHICH  
22 CORRESPONDS TO THE DEFENDANT'S; IS THAT IT?

23 MR. WAPNER: IT CORRESPONDS TO THE DEFENDANT'S DRIVER'S  
24 LICENSE, THE CERTIFIED COPY OF WHICH --

25 THE COURT: THAT IS IN THE NAME OF GAMSKY, CORRECT.

26 MR. CHIER: CORRECT, IN THE NAME OF GAMSKY AND A  
27 CERTIFIED COPY OF THAT DRIVER'S LICENSE HAS BEEN MARKED 36  
28 FOR IDENTIFICATION.

9- 1 THE COURT: ISN'T THERE TESTIMONY AS TO THE PERSON WHO  
2 PRESENTED THAT?

3 MR. BARENS: I ASKED HIM, I ASKED THE GENTLEMAN.

4 THE COURT: WHO PRESENTED THAT LICENSE?

5 MR. BARENS: I WENT INTO THAT WITH HIM, SIR, AND I ASKED  
6 HIM IF MY CLIENT WAS THE GUY THAT TURNED IN THAT LICENSE AND  
7 HE SAID NO, HE COULD NOT IDENTIFY MR. HUNT AT THAT TIME.

8 THE COURT: MERELY BECAUSE HE COULDN'T IDENTIFY HIM  
9 DOESN'T MEAN ANYTHING.

10 MR. BARENS: I ASKED HIM IF IT WAS A REAL TALL PERSON  
11 WHO CAME UP AND HE COULDN'T SAY THAT.

12 AS A MATTER OF FACT, HE COULDN'T REMEMBER SEEING  
13 THE PICTURE ON THE LICENSE OF THE PERSON WHO HANDED IN THE  
14 LICENSE.

15 THE COURT: ALL RIGHT, IT MAKES SOME EXPLANATION AS  
16 TO WHOEVER PRESENTED IT HAD THE LICENSE OF THE DEFENDANT.

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1 MR. BARENS: SIR, THE FACT THAT THE DEFENSE CAN'T EXPLAIN  
2 THAT DOESN'T MEAN IT IS TRUE. I DON'T HAVE THE BURDEN ON  
3 THAT, SIR.

4 MR. WAPNER: LET'S PUT THE WHOLE PUZZLE TOGETHER. THE  
5 REGISTRATION, FIRST OF ALL, IS IN THE NAME OF BEN DAVIS.

6 SECOND OF ALL, THE HOTEL CLERK SAID THAT THE  
7 PURPOSE OF GETTING THE DRIVER'S LICENSE IS SO THAT THEY CAN  
8 MAKE SURE THAT THEY HAVE SOME SECURITY, IF THEY HAVE ANY  
9 DAMAGES TO THE ROOM, THEY CAN GO AFTER THE PERSON SO WHEN  
10 THEY GET THE DRIVER'S LICENSE, THEY WANT TO MAKE SURE THAT  
11 THE PERSON THAT IS THERE GIVING THEM THE LICENSE IS IN FACT  
12 THE SAME PERSON ON THE LICENSE. THAT IS THE FIRST ONE.  
13 THAT IS SO THEY HAVE SOMEONE TO GO AFTER, INSTEAD OF HAVING  
14 MR. DAVIS PRESENTING SOME DRIVER'S LICENSE WITH THE PICTURE  
15 THAT LOOKS LIKE SOMEBODY ELSE. SO THAT IS THE FIRST THING.

16 THEN YOU PUT THAT TOGETHER WITH THE TESTIMONY  
17 OF DEAN KARNY, WHO SAYS "I WENT UP THERE TO THE MOTEL AND  
18 I SAID, 'DO YOU HAVE A BEN DOSTI REGISTERED HERE?'"

19 AND THEY LOOKED AT HIM AND THEY SAID, "NO."  
20 HE SAID, "WELL, HOW ABOUT BEN DAVIS?" AND THEY SAID "YES,  
21 GO TO ROOM 145."

22 AND HE GOES TO ROOM 145, HE KNOCKS ON THE DOOR  
23 AND HE OPENS THE DOOR AND GUESS WHO IS THERE? PITTMAN, HUNT,  
24 DOSTI AND ESLAMINIA.

25 THE COURT: ALL RIGHT, THAT WILL BE OVERRULED.

26 WHAT IS YOUR NEXT ONE?

27 MR. CHIER: ARE THE BONE PHOTOGRAPHS, THE PHOTOGRAPHS  
28 19-A THROUGHT -I?

1 MR. WAPNER: CORRECT.

2 MR. CHIER: WE WOULD OBJECT TO THE BONE PHOTOGRAPHS,  
3 YOUR HONOR.

4 THE COURT: WHY?

5 MR. CHIER: UNDER 352, YOUR HONOR.

6 THE COURT: PREJUDICIAL?

7 MR. CHIER: YES.

8 THE COURT: IS THAT WHAT YOU ARE SAYING, UNNECESSARILY  
9 INFLAMMATORY, IS THAT WHAT YOU WANT TO SAY?

10 MR. CHIER: YES, UNDER PEOPLE V. LOVE AT 53 CAL.2D.

11 THE COURT: THAT WILL BE DENIED. I DON'T THINK IT IS  
12 INFLAMMATORY.

13 THESE LITTLE KINDERGARTEN, SCHOOL KIDS WERE HERE  
14 AND THEY DIDN'T SEEM TO BE REVOLTED BY IT. THEY SAW IT.

15 MR. CHIER: I DIDN'T KNOW THAT WAS THE STANDARD, YOUR  
16 HONOR.

17 THE COURT: WELL, THAT WAS AN EXTREME EXAMPLE.

18 IF YOU HAVE AN ADULT SITTING ON A JURY, THEY HAVE  
19 SEEN IT BEFORE, THEY HAVE NOT BEEN REVOLTED BY IT.

20 MR. BARENS: ALL RIGHTY, YOUR HONOR.

21 ALL RIGHT, THE BLUE NOTEBOOK, YOUR HONOR, ALTHOUGH  
22 I FEEL I AM DEFINITELY WASTING MY TIME, THE BLUE NOTEBOOK  
23 WAS NEVER IDENTIFIED AS TO WHO WROTE IT, HOW MANY PEOPLE WROTE  
24 IT, WHY IT WAS WRITTEN, WHEN IT WAS WRITTEN. THERE WAS NO  
25 FOUNDATION WHATSOEVER. BUT I BELIEVE YOUR HONOR THINKS IT  
26 IS SUFFICIENT SIMPLY BECAUSE IT WAS FOUND IN REZA'S ROOM AND  
27 THAT THAT IS A TICKET ON THAT ONE.

28 THE COURT: AND WRITTEN PARTLY IN FARSI. THE ONLY ONE

9A -  
1 IN THIS CASE WHO KNOWS ANYTHING ABOUT FARSI IS REZA AND HE  
2 WAS IN THAT ROOM, SO THE INFERENCE IS EASILY DRAWN BY A JURY,  
3 IF THEY WANT TO DRAW THAT INFERENCE.

4 MR. BARENS: WELL, YOUR HONOR, I JUST ALSO THOUGHT THAT  
5 IF WE ARE GOING TO ATTRIBUTE SOMETHING TO SOMEBODY, THAT MERELY  
6 BECAUSE IT WAS WRITTEN IN THE LANGUAGE THEY SPEAK, THEY REALLY  
7 DIDN'T MAKE IT. I WILL BET REZA ESLAMINIA PROBABLY HAD THESE  
8 FARSI-WRITING PEOPLE IN HIS FAMILY AND IN HIS SOCIAL LIFE  
9 AND VISITING HIM.

10 THE COURT: NOT OCCUPYING THAT SPECIFIC ROOM.

11 MR. BARENS: I WILL BET THEY WERE IN AND OUT OF THERE.

12 THE COURT: IN THE APARTMENT COMPLEX?

13 MR. BARENS: I THINK IN THIS COURT IT IS SUFFICIENT  
14 THAT HE WROTE FARSI. IT IS A GOOD THING HE DIDN'T WRITE  
15 HEBREW.

16 THE COURT: HOW FAR HAVE YOU GONE DOWN NOW?

17 MR. BARENS: AS FAR AS WE CAN.

18 THE COURT: IN OTHER WORDS, ARE THERE ANY OTHER PARTICULAR  
19 EXHIBITS YOU WANT TO OBJECT TO?

20 MR. CHIER: MAY WE HAVE A MOMENT, PLEASE?

21 (UNREPORTED COLLOQJY BETWEEN DEFENSE  
22 COUNSEL.)

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1 MR. CHIER: THE MATERIALS IN MR. HUNT'S BRIEFCASE  
2 WHICH I BELIEVE HAVE BEEN IDENTIFIED AS EXHIBITS 32, 32-A,  
3 33, 34 AND 35, THESE ARE NOT STATEMENTS IN FURTHERANCE OF  
4 THE CONSPIRACY. IF THEY ARE BEING OFFERED ON THE ISSUE  
5 OF MR. HUNT'S INTENT OR STATE OF MIND, IT IS NECESSARY THAT  
6 THE EVIDENCE BE RELEVANT TO ESTABLISH HIS STATE OF MIND  
7 ON A PARTICULAR DATE IN QUESTION, AS OF THE DATE THIS  
8 PARTICULAR ACT WAS ALLEGED TO HAVE BEEN COMMITTED BY MR.  
9 HUNT.

10 ABSENT SOME TYPE OF CONNECTION OF THAT SORT  
11 THAT THESE DOCUMENTS WHICH ARE FOUND IN HIS POSSESSION,  
12 MERE POSSESSION OF THOSE DOCUMENTS DOES NOT ESTABLISH ANY --  
13 IS NOT PROBATIVE IN THIS CASE.

14 IT DOES NOT PROVE ANY ELEMENT NECESSARY TO  
15 BE PROVED. I WOULD OBJECT TO THE RECEIPT OF THOSE DOCUMENTS  
16 BECAUSE THERE IS NO -- THERE IS NO PROBATIVE VALUE.

17 THE PEOPLE HAVE NOT MADE, ARTICULATED A THEORY  
18 UNDER WHICH THEY SHOULD COME IN OTHER THAN THE FACT THAT  
19 HE HAD THEM AND THERE IS A CASE MENTIONED -- THE EVIDENCE  
20 MENTIONS THE NAMES ESLAMINIA AND SWARTOUT. THAT IS THEIR  
21 THEORY OF ADMISSIBILITY.

22 MR. WAPNER: THE 32 IS A DOCUMENT THAT CONTAINS A --  
23 IT IS A FILE FOLDER. IT IS A XEROX OF A FILE FOLDER. IT  
24 CONTAINS FOUR HANDWRITTEN PAGES.

25 ONE OF THE PAGES CLEARLY IS IN MR. HUNT'S HAND-  
26 WRITING. AND THE LABEL ON THE FILE FOLDER SAYS "REZA ASSETS  
27 RE CONSERVATORSHIP."

28 AND THEN ONE OF THESE PAGES THAT HAS BEEN MARKED

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1 AS 32-A, SAYS "REZA" AND THEN IT SAYS "BARCLAYS, GLENDALE  
2 FEDERAL, CENTRAL, SANTA ROSA EXCHANGE, WELLS FARGO, AND  
3 THEN IT LISTS BASICALLY A LIST OF THINGS.

4 CLEARLY, THIS IS IN MR. HUNT'S HANDWRITING.  
5 AND IT IS THE PEOPLE'S CONTENTION THAT THIS IS ONE OF THE  
6 ITEMS.

7 AND THE FACT THAT THE DEFENDANT POSSESSED A  
8 FILE FOLDER THAT SAYS "REZA ASSETS RE CONSERVATIONSHIP,"  
9 TENDS TO CORROBORATE THE TESTIMONY OF MR. KARNY IN TERMS  
10 OF IDENTIFYING AND TYING MR. HUNT IN WITH THE PARTICIPATION  
11 IN THE ATTEMPT TO OBTAIN THE ASSETS OF HADAYET ESLAMINIA.

12 THE COURT: ALL RIGHT. THAT OBJECTION WILL BE OVERRULED.

13 MR. CHIER: AND FINALLY, 38 AND 39, YOUR HONOR. THESE  
14 ARE MATERIALS THAT WERE TAKEN FROM MR. HUNT'S TRIAL RESIDENCE  
15 ON BELLAGIO ROAD UNDER A RUSE SEARCH.

16 THE COURT: I THOUGHT I RULED ON THE FACT THAT THAT  
17 PARTICULAR WARRANT -- SEARCH WARRANT WAS PROPER. THE SEARCH  
18 WARRANT WAS PROPER. I DON'T WANT TO GO OVER THAT AGAIN.

19 MR. CHIER: WE DIDN'T HAVE A HEARING ON THE SEARCH  
20 WARRANT.

21 THE COURT: WE DID, TOO. I MADE A DISTINCT FINDING  
22 AT THE TIME AND WE HAD A FULL HEARING ON THE QUESTION OF  
23 THE SEARCH AND SEARCH WARRANT.

24 MR. CHIER: YOU DID MAKE A FINDING BUT WE NEVER HAD  
25 A HEARING.

26 THE COURT: A HEARING? WHAT DO YOU SUPPOSE WE DID  
27 AT THAT TIME?

28 MR. CHIER: WE NEVER HAD A HEARING ON THE SUFFICIENCY



1 OF THE SEARCH WARRANT, YOUR HONOR. THAT IS MY RECOLLECTION.

2 THE COURT: WELL, I MADE A RULING. I WILL STICK WITH  
3 THAT RULING AS TO THE SEARCH WARRANT. AND THE EVIDENCE  
4 REVEALED WAS PERFECTLY PROPER. IT WAS DONE IN CONFORMANCE  
5 WITH ALL OF THE RULES APPLICABLE TO SEARCH WARRANTS AND  
6 YOU WERE THERE AT THE TIME.

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1                   YOU APPROVED OR AT LEAST DIDN'T OBJECT TO ALL  
2 OF THE PIECES OF EVIDENCE WHICH WERE SEIZED. AT LEAST ACCORD-  
3 ING TO THE EVIDENCE IN THE CASE AND CONSEQUENTLY EVERYTHING  
4 THAT WAS SEIZED PURSUANT TO THE WARRANT WAS A PROPER SEIZURE  
5 AND THE WARRANT WAS PROPER ON ITS FACE.

6           MR. CHIER: YOUR HONOR KNOWS I DIDN'T LOOK AT ALL  
7 OF THE EVIDENCE.

8           THE COURT: LET'S NOT GO OVER THAT AGAIN. I MADE  
9 A RULING. I AM CONFIRMING THAT RULING AT THIS TIME.

10          MR. CHIER: IT WAS WORK PRODUCT, YOUR HONOR. IF I  
11 COULD JUST GET THOSE WORDS INTO THE RECORD, 38 AND 39 WERE  
12 DEFENSE WORK PRODUCT.

13                   THE INVASION OF THESE THINGS AND THE CONFISCATION  
14 OF THEM --

15          THE COURT: 38 AND 39 ARE WORK PRODUCT?

16          MR. CHIER: THEY WERE BEING --

17          THE COURT: COPIES OF THE CHECKS WERE WORK PRODUCT?

18          MR. CHIER: THEY WERE BEING HELD --

19          THE COURT: ESLAMINIA CHECKS YOU SAY WERE WORK PRODUCT?

20          MR. CHIER: THEY WERE GOING TO BE EXHIBITS. THEY  
21 WERE DEFENSE EXHIBITS BEING HELD FOR A TRANSFER TO DEFENSE  
22 COUNSEL.

23          THE COURT: MAYBE YOU CAN EXPLAIN HOW HE CAN POSSIBLY  
24 CONCEIVE OF ANYTHING LIKE THAT BEING A WORK PRODUCT.

25          MR. WAPNER: WELL, IT IS MY UNDERSTANDING OF WORK  
26 PRODUCT THAT IT IS ITEMS THAT ARE PRODUCED EITHER BY COUNSEL  
27 OR SOMEONE ELSE FOR COUNSEL FOR THE USE IN THE CASE.

28                   NOW, HOW ARE THEY GOING TO -- SINCE THE CHECKS

1 SAY "FESLAMINIA," INSTEAD OF "ESLAMINIA" THAT THEY HAD BEEN  
2 PRODUCED AS A SAMPLE? BUT THEY DIDN'T GET THE NAME RIGHT,  
3 SO REALLY THEY WEREN'T CHECKS OF MR. ESLAMINIA? THAT IS  
4 WORK PRODUCT?

5 I DO THINK THAT IS PRETTY FAR-FETCHED. BUT  
6 THAT IS WHAT YOU HAVE TO GET TO TO PUT THAT --

7 MR. CHIER: WELL, IF THEY ARE RENDERED NUGATORY BY THE  
8 MISSPELLING, THEY SHOULDN'T BE IN THE CASE.

9 THE COURT: I WILL OVERRULE THE OBJECTION. I WILL  
10 PERMIT THIS TO GO IN, TOO. DO YOU WANT TO HAVE DEFENDANT'S  
11 EXHIBIT P-A INTRODUCED AT THIS TIME, THE STATEMENT?

12 MR. BARENS: DARE I, YOUR HONOR?

13 THE COURT: WELL --

14 MR. BARENS: DARE I SAY THAT? WHAT IS P-A?

15 THE COURT: YOU DON'T KNOW WHAT YOUR OWN EXHIBIT IS?

16 MR. BARENS: WHAT WAS IT?

17 THE COURT: IT WAS A STATEMENT.

18 MR. BARENS: A STATEMENT?

19 THE CLERK: I HAVE P-A AS A PHOTO I.D. SHEET FROM  
20 IRVINE P.D.

21 MR. BARENS: RIGHT. THAT IS WHAT IT WAS.

22 MR. WAPNER: NO OBJECTION, YOUR HONOR. AS FAR AS  
23 PEOPLE'S 31 --

24 THE COURT: NOW, DO YOU WANT IT IN?

25 MR. BARENS: WELL, AS LONG AS MR. WAPNER DOESN'T  
26 OBJECT, I AM SURE IT WILL BE.

27 THE COURT: ALL RIGHT. DO YOU OBJECT TO IT? DO YOU  
28 OBJECT TO IT, MR. WAPNER? I WILL ADMIT IT, ANYWAY. ALL

1 RIGHT?

2 MR. BARENS: THAT IS A -- WELL, I AM GLAD TO SEE THAT  
3 THE DEFENSE HAS HAD A CLEAN SWEEP.

4 MR. WAPNER: WELL, REGARDING PEOPLE'S 31, IT WAS MARKED --

5 THE COURT: THERE IS A QUESTION AS TO WHAT PART OF  
6 THAT YOU WANT TO HAVE.

7 MR. WAPNER: WHAT HAPPENED WAS THAT I GAVE IT TO  
8 DEFENSE COUNSEL TO LOOK AT IT. I NEVER GOT BACK TO  
9 QUESTIONING THE WITNESS ABOUT IT.

10 I SUBSEQUENTLY DECIDED NOT TO PRODUCE ANY  
11 TESTIMONY ABOUT IT. SO I AM NOT ASKING TO HAVE THAT RECEIVED.

12 MR. CHIER: 31 IS MORON? WHAT IS THAT?

13 THE COURT: 31? THAT IS THE DIARY OF THE DEFENDANT.

14 MR. CHIER: MAROON.

15 THE COURT: SOME KIND OF A DIARY.

16 MR. BARENS: THAT IS THE DAY PLANNER.

17 THE COURT: DO YOU WANT IT IN OR NOT?

18 MR. WAPNER: I DON'T.

19 THE COURT: YOU DON'T WANT IT IN OR DO YOU WANT IT  
20 IN?

21 MR. BARENS: NO.

22 THE COURT: ALL RIGHT. THEN IT WON'T BE RECEIVED.  
23 31 WILL NOT BE RECEIVED.

24 THE CLERK: IS THAT I.D. FOR REFERENCE -- BY REFERENCE  
25 ONLY?

26

27

28

1-1  
1 MR. BARENS: IT WAS DESCRIBED AS A DAY PLANNER DIARY,  
2 THAT WAS A MAROON LEATHER-TYPE BINDER THAT WAS FROM MR. HUNT'S  
3 BRIEFCASE.

4 THE COURT: ALL RIGHT, THAT WON'T BE RECEIVED.

5 MR. WAPNER: THANK YOU.

6 THE COURT: I THINK THAT ABOUT COVERS EVERYTHING, DOESN'T  
7 IT?

8 SEE YOU ALL TOMORROW.

9 MR. BARENS: YOUR HONOR, ONE SECOND.

10 MR. CHIER: YOUR HONOR, IN GOING OVER THE TRANSCRIPT  
11 FROM YESTERDAY, WE NOTICED THAT WE DIDN'T -- WE WOULD LIKE  
12 TO MAKE JUST ONE STATEMENT, A ONE-SENTENCE STATEMENT FOR THE  
13 RECORD WITH RESPECT TO MR. HUNT'S EXHIBIT NO. 37, WHICH WE  
14 WANTED A HEARING ON.

15 THE COURT: MR. HUNT'S 37, WHAT ARE YOU TALKING ABOUT?  
16 YOU MEAN SOME EXHIBIT YOU TALKED ABOUT THAT WAS SEIZED?

17 MR. CHIER: AT THE BELLAGIO SEARCH, YES, YOUR HONOR.

18 THE COURT: YES. FOR THE RECORD, WHY DON'T YOU INDICATE  
19 WHAT THAT EXHIBIT IS?

20 MR. CHIER: THAT IS THE LETTER FROM --

21 MR. BARENS: YOUR HONOR, THAT WAS A SUBJECT IN CAMERA  
22 THAT YOU MIGHT RECALL, SIR?

23 MR. CHIER: YOU TOOK AN IN CAMERA PROFFER.

24 THE COURT: REFRESH MY MEMORY, WILL YOU?

25 MR. CHIER: A COMMUNICATION BETWEEN --

26 MR. BARENS: THAT IS A LETTER THAT IS OF SIGNIFICANCE  
27 TO THE DEFENSE INVOLVING MR. KARNI, PERHAPS THAT MIGHT  
28 REFRESH YOUR RECOLLECTION, YOUR HONOR.

1 THE COURT: DIDN'T I MAKE RULINGS ON THAT?

2 MR. BARENS: YOU HAVE JUST LEFT IT IN CAMERA, YOUR HONOR,  
3 AND WHAT WE WANT TO DO NOW IS --

4 THE COURT: WHAT IS IT YOU WANT TO DO?

5 MR. BARENS: WE DON'T WANT YOU TO DO ANYTHING EXCEPT  
6 LET US PUT ON THE RECORD THE STATUS OF THE MATTER, SIR.

7 THE COURT: GO AHEAD, PUT IT ON THE RECORD.

8 MR. CHIER: WITHOUT A HEARING, WHERE MR. HUNT COULD  
9 QUESTION THE WITNESSES, YOUR HONOR, MR. HUNT IS IN THE  
10 DILEMMA OF HAVING TO FORESAKE HIS FIFTH AMENDMENT RIGHT IN  
11 ORDER TO ASSERT EITHER A FOURTH AMENDMENT RIGHT OR DUE PROCESS  
12 RIGHT WITH RESPECT TO THAT EXHIBIT, AND IT PUTS HIM ON THE  
13 HORNS OF A TERRIBLE DILEMMA.

14 MR. WAPNER: YOUR HONOR, THE PEOPLE'S POSITION IS THAT  
15 THIS DOCUMENT NEVER DID EXIST, THAT IT WAS NEVER TAKEN BY  
16 AGENT BREILING.

17 WE TURNED OVER TO THE DEFENSE EVERY ITEM THAT  
18 WAS TAKEN FROM THAT HOUSE. THERE WAS NEVER ANY DEFENSE 37  
19 AND IF THERE WAS, THEN THEY LOST IT BECAUSE WE CERTAINLY DIDN'T  
20 TAKE IT BECAUSE IT WAS NEVER TAKEN. EVERYTHING THAT WAS TAKEN  
21 WAS TURNED OVER NOT ONLY TO THE DEFENSE BUT COPIES OF  
22 EVERYTHING WERE MADE FOR THE COURT AND WE PROVIDED THEM TO  
23 THE COURT HERE.

24 THE COURT: I DON'T REMEMBER ANY SUCH EXHIBIT AMONG  
25 THE PAPERS I GOT. I DON'T REMEMBER SUCH AN EXHIBIT.

26 MR. CHIER: WELL, WE WANTED TO ADDUCE SOME EVIDENCE ON  
27 ITS EXISTENCE BY CIRCUMSTANTIAL EVIDENCE, YOUR HONOR, WHICH  
28 WE HAVE WITNESSES.

1 THE COURT: WHAT IS IT SUPPOSED TO BE, A LETTER FROM  
2 KARNY TO THE DEFENDANT?

3 MR. BARENS: YOUR HONOR, THAT WAS A CONFIDENTIAL  
4 COMMUNICATION TO THE COURT, SIR.

5 THE COURT: I HAVEN'T THE REMOTEST IDEA WHAT YOU ARE  
6 TALKING ABOUT, A CONFIDENTIAL COMMUNICATION TO ME?

7 MR. CHIER: YES, YOUR HONOR.

8 MR. BARENS: YOUR HONOR, REMEMBER, WE DID THIS IN CAMERA  
9 AT THE SIDE BAR?

10 THE COURT: I MADE A RULING AT THAT TIME, DIDN'T I?

11 MR. BARENS: THE ONLY RULING I AM AWARE WAS THAT THERE  
12 WAS GOING TO BE A FURTHER HEARING ON IT AT THAT TIME.

13 THE COURT: IF YOU WANT TO HAVE A FURTHER HEARING, LET'S  
14 HAVE IT AND I WILL MAKE A RULING.

15 MR. WAPNER: THE RULING WAS, I UNDERSTAND THEY COULD  
16 QUESTION THE WITNESS ABOUT IT AND APPARENTLY THE WITNESS WAS  
17 QUESTIONED BRIEFLY.

18 THE COURT: WHO ARE YOU TALKING ABOUT, KARNY?

19 MR. WAPNER: YES, THERE WAS A QUESTION TO MR. KARNY  
20 ABOUT A NOTE OF JULY 27, 1984 INDICATING A MEETING THAT HE  
21 HAD WITH MR. ESLAMINIA. "DID YOU WRITE SUCH A NOTE?" AND  
22 AFTER HE SAID NO, AND AFTER HE HAD BEEN QUESTIONED ABOUT WHETHER  
23 HE HAD SEEN MR. ESLAMINIA AT ANY TIME BEFORE HE SAW HIM DEAD  
24 IN THE TRUNK, AND HE WAS ASKED SEVERAL QUESTIONS "HAD YOU  
25 SEEN HIM BEFORE THAT DATE" AND HE SAID "NO, THE FIRST TIME  
26 I SAW HIM WAS WHEN I OPENED THE TRUNK AND HE WAS DEAD."

27 THE COURT: THAT IS NOT WHAT THEY ARE TALKING ABOUT.

28 MR. WAPNER: WELL, I DON'T KNOW IF THAT IS WHAT THEY

31 " 1 ARE TALKING ABOUT BUT THE COURT'S RULING ON THIS ISSUE WAS,  
2 AFTER THE IN CAMERA HEARING, THAT THE DEFENSE WOULD BE  
3 ENTITLED TO QUESTION THE WITNESS ABOUT THIS PARTICULAR  
4 DOCUMENT THAT THEY CLAIM WAS LOST, EVEN THOUGH THE DOCUMENT  
5 WAS NOT THERE. SO THAT WAS THE EXTENT OF THE COURT'S  
6 RULING.

7 WHETHER COUNSEL AVAILED THEMSELVES OF THAT OR  
8 NOT, THAT IS UP TO THEM BUT THE COURT PERMITTED THEM TO  
9 EXAMINE HIM ABOUT THE CONTENTS OF THIS AS IF THEY HAD IT.

10 THE COURT: THEY SAID THAT THAT IS ONE OF THE DOCUMENTS  
11 THAT WAS SEIZED BY THE ATTORNEY GENERAL PURSUANT TO THE SEARCH  
12 WARRANT.

13 MR. WAPNER: I KNOW WHAT THEY ARE CLAIMING.

14 THE COURT: AND THEY CATEGORICALLY CLAIM THAT ANY SUCH  
15 DOCUMENT WAS NOT AMONG THE DOCUMENTS THEY SEIZED. WHAT AM  
16 I GOING TO DO?

17 MR. WAPNER: WELL, WHAT THEY ARE SAYING IS THAT THE  
18 COURT DID NOT MAKE A RULING AND MY RECOLLECTION IS THE COURT  
19 MADE A VERY CLEAR RULING AS TO THE REMEDY THEY COULD SEEK.

20 THE COURT: MR. BARENS, IS THIS LETTER OF JULY 27TH,  
21 IS THAT RELATED TO THE ESLAMINIA CASE?

22 MR. BARENS: YES, SIR.

23 THE COURT: AND IT IS A LETTER FROM WHOM?

24 MR. BARENS: IT WAS, AS HAS BEEN EXPLAINED TO ME --

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

27 MR. BARENS: MAY WE APPROACH THE BENCH AND HAVE THE  
28 DEFENDANT APPROACH THE BENCH ALSO, YOUR HONOR?



1 (PAGES 14506 THROUGH 14509 WERE ORDERED SEALED  
2 BY THE COURT AND ARE NOT INCLUDED IN THE  
3 TRANSCRIPT.)  
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2B 1 (THE FOLLOWING PROCEEDINGS WERE HELD  
2 IN OPEN COURT IN THE PRESENCE AND  
3 HEARING OF ALL COUNSEL:)

4 MR. WAPNER: YOUR HONOR, ARE ALL OF THE EXHIBITS  
5 RECEIVED?

6 THE COURT: YES, EXCEPT FOR 31.

7 MR. WAPNER: THANK YOU.

8 (AT 4:12 P.M. AN ADJOURNMENT WAS TAKEN  
9 UNTIL THURSDAY, MAY 21, 1987, AT 10:30 A.M.)  
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