

COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

88DA0269

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

SUPERIOR COURT
NO. A-090435

OCT 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 96 OF 101
(PAGES 14511 TO 14715, 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,)
)
) PLAINIFF,)
)
) VS.)
)
) JOSEPH HUNT,)
)
) DEFENDANT.)

NO. A-090435

REPORTERS' DAILY TRANSCRIPT

THURSDAY, MAY 21, 1987

VOLUME 96

PAGES 14511 TO 14715, 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

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1 SANTA MONICA, CALIFORNIA; THURSDAY, MAY 21, 1987; 10:45 A.M.
2 DEPARTMENT C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

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

7 MR. WAPNER: YOUR HONOR, I JUST HAD ONE THING FOR
8 THE RECORD, IT IS A MOTION IN LIMINE TO ASK THE COURT TO
9 ASK COUNSEL TO CAUTION ALL OF THE WITNESSES NOT TO VOLUNTEER
10 OR MENTION ANYTHING ABOUT THIS HOLLYWOOD MURDER AND FOR
11 AN ORDER FROM THE COURT THAT THAT IS NOT RELEVANT OR TO
12 BE BROUGHT UP BY ANY OF THE WITNESSES.

13 THE COURT: WELL, I MADE THE RULING ON IT THAT IT
14 HAS NOTHING TO DO WITH THIS CASE AND THERE IS NO POSSIBILITY
15 IT WOULD UP TO THIS POINT.

16 MR. WAPNER: I TALKED TO COUNSEL ABOUT THIS AND HE
17 HAS TALKED TO THE WITNESSES WHO ARE HERE FOR TODAY AND I
18 WOULD ASK THE COURT TO REQUEST COUNSEL TO TALK TO AND CAUTION
19 ALL OF THE WITNESSES BEFORE THEY TESTIFY, INCLUDING THE
20 DEFENDANT IF HE SHOULD CHOOSE TO TESTIFY.

21 THE COURT: WELL, WHY WOULD OTHER WITNESSES HAVE ANY-
22 THING TO DO WITH THAT OR KNOW ANYTHING ABOUT IT?

23 MR. WAPNER: I DON'T KNOW. I DON'T KNOW WHO THE
24 WITNESSES ARE.

25 THE COURT: HE UNDERSTANDS HIS DUTY AND HE WILL PERFORM
26 THE DUTY BECAUSE I RULED THAT HAS NOTHING TO DO WITH THIS
27 CASE NOR SHOULD IT BE MENTIONED OR INDICATED.

28 MR. WAPNER: THANK YOU.

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MR. BARENS: I AM ADVISED, YOUR HONOR.

THE COURT: NOW LET'S GET THE JURORS IN, PLEASE.

1 (THE JURY ENTERS THE COURTROOM.)

2 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN. YOU
3 MAY CALL YOUR FIRST WITNESS.

4

5 D E F E N S E

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7 MR. BARENS: THANK YOU. WE CALL OFFICER MALIK.

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9 RUDOLF JOHN MALIK, JR.,

10 CALLED AS A WITNESS BY THE DEFENDANT, WAS SWORN AND TESTIFIED
11 AS FOLLOWS:

12 THE CLERK: YOU DO SOLEMNLY SWEAR THE TESTIMONY YOU
13 MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL
14 BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO
15 HELP YOU GOD?

16 THE WITNESS: I DO.

17 THE CLERK: PLEASE BE SEATED. STATE AND SPELL YOUR
18 NAME FOR THE RECORD.

19 THE WITNESS: RUDOLF JOHN MALIK, M-A-L-I-K, JR.

20

21 DIRECT EXAMINATION

22 BY MR. BARENS:

23 Q HOW ARE YOU EMPLOYED?

24 A AS A POLICE OFFICER.

25 Q FOR WHICH POLICE AGENCY ARE YOU WORKING?

26 A THE CITY OF IRVINE.

27 Q WHERE WERE YOU EMPLOYED DURING APRIL OF 1984?

28 A WITH THE CITY OF IRVINE POLICE DEPARTMENT.

1 Q AND WHAT GENERALLY, WERE YOUR DUTIES AS A POLICE
2 OFFICER AT THAT POINT IN TIME?

3 A CRIME SCENE INVESTIGATION.

4 Q AND DID YOU HAVE A CRIME SCENE INVESTIGATION ON
5 APRIL 13, 1984, WHICH TOOK YOU TO 1372 MC GRAW?

6 A YES. I WENT TO -- THE STREET NAME IS MC GAW.

7 Q SORRY. MC GAW?

8 A YES.

9 Q AND DID YOU GO THERE WITH ANYONE?

10 A THERE WAS AT LEAST ONE OTHER OFFICER PRESENT WHEN
11 I ARRIVED.

12 Q AND WHY WERE YOU SUMMONED TO THAT LOCATION, TO
13 YOUR KNOWLEDGE?

14 A TO CONDUCT CRIME SCENE INVESTIGATION AT THE SCENE
15 OF A REPORTED CRIME.

16 Q AND WHEN YOU GOT TO THAT SCENE, DID YOU MEET AN
17 ALLEGED VICTIM?

18 A I WAS INTRODUCED TO SOMEONE, YES.
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1 Q WHAT WAS THE NAME OF THAT PERSON THAT YOU
2 MET THERE?

3 A LAST NAME WAS SWARTOUT -- OR SWARTOUT.

4 Q MR. SWARTOUT?

5 AND DID YOU SPEAK TO MR. SWARTOUT ON THAT
6 OCCASION?

7 A JUST BRIEFLY, ASKING QUESTIONS.

8 Q AND WHEN YOU GOT THERE, YOU WERE ASSIGNED TO
9 TAKE POSSESSION OF CERTAIN ITEMS?

10 A YES.

11 Q DO YOU RECALL WHAT THOSE ITEMS WERE?

12 A A STYROFOAM COFFEE CUP, A WHITE SHIRT AND THE
13 CONTENTS THAT WERE IN THE COFFEE CUP.

14 Q AND DID YOU TAKE POSSESSION OF A WHITE SHIRT?

15 A YES, I DID.

16 Q COULD YOU DESCRIBE THE SHIRT FOR US, PLEASE?

17 A MAY I REFER TO MY NOTES?

18 Q PLEASE.

19 I UNDERSTAND YOU MADE A REPORT RELATIVE TO
20 THIS INCIDENT, SIR?

21 A YES.

22 Q AND YOU HAVE THE REPORT WITH YOU?

23 A YES.

24 Q AND PLEASE FEEL FREE TO REFER TO IT TO REFRESH
25 YOUR RECOLLECTION.

26 A IT WOULD BE A MAN'S WHITE LONG-SLEEVED SHIRT.

27 Q WHO GAVE YOU THAT SHIRT?

28 A AS I RECALL, I COLLECTED IT FROM MR. SWARTOUT.

1 Q AND DID HE INDICATE THAT THAT WAS THE SHIRT
2 HE WAS WEARING AT THE TIME OF THE ALLEGED INCIDENT?

3 A YES.

4 Q DID YOU LOOK AT THE SHIRT?

5 A YES.

6 Q DID YOU SEE ANYTHING WRONG WITH THE SHIRT?

7 A I DON'T RECALL ANYTHING OUTWARDLY VISIBLE THAT
8 WAS REALLY NOTICEABLE.

9 Q ALL RIGHT. YOU DIDN'T SEE, FOR INSTANCE, SIR,
10 ANY SORT OF A BURN OR HOLE IN THE BACK OR NECK OF THE SHIRT,
11 SIR?

12 A NO.

13 Q WAS THE SHIRT DISCOLORED BY ANY SUBSTANCE?

14 A I DO NOT RECALL.

15 Q WAS THE SHIRT TORN OR -- WAS THE SHIRT TORN
16 OR DAMAGED IN ANY MANNER THAT YOU CAN RECALL?

17 A NO.

18 Q NOW, DID YOU ALSO RECOVER A COFFEE CUP?

19 A YES.

20 Q COULD YOU DESCRIBE THE CUP YOU RECOVERED?

21 A IT WAS A STYROFOAM CUP THAT HAD CARL'S JUNIOR
22 LABEL OR EMBLEM ON THE OUTER SIDE OF IT.

23 Q WHERE DID YOU RECOVER THE COFFEE CUP?

24 A FROM ON TOP OF MR. SWARTOUT'S VEHICLE.

25 Q IT WAS LAYING ON TOP OR HAD BEEN SET ON TOP
26 OF HIS CAR?

27 A IT WAS SITTING ON TOP OF THE CAR.

28 I DON'T KNOW HOW IT GOT THERE.

1 Q OKAY. BY THE WAY, WHEN YOU RECEIVED THE SHIRT,
2 WAS THE SHIRT WET?

3 A I DON'T RECALL.
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1 Q WITH REFERENCE TO THE COFFEE CUP, DID SOMEONE
2 TELL YOU TO TAKE POSSESSION OF THE COFFEE CUP?

3 A YES.

4 Q WERE YOU ADVISED TO USE ANY PARTICULAR CARE OR
5 CAUTION IN OBTAINING THE COFFEE CUP?

6 A JUST TO MAKE SURE THAT THE LIQUID SAMPLE IN THE
7 BOTTOM WAS COLLECTED SO THAT IT COULD BE ANALYZED AT A LATER
8 TIME.

9 Q OKAY. WAS THAT ALL YOU WERE TOLD PRIOR TO YOUR
10 TOUCHING THE COFFEE CUP, JUST TO BE CAREFUL ABOUT ITS CONTENTS?

11 A AS I RECALL, THERE WAS A DISCUSSION THAT THERE --
12 IT MAY CONTAIN SOMETHING OTHER THAN WHAT YOU WOULD USUALLY
13 FIND IN A COFFEE CUP. AND FOR THAT REASON, TO TAKE CARE IN
14 COLLECTING IT.

15 Q DID YOU LOOK INSIDE THE COFFEE CUP?

16 A YES.

17 Q DID THE CONTENTS OF THE COFFEE CUP LOOK LIKE
18 ANYTHING YOU HAD SEEN BEFORE?

19 A YES.

20 Q WHAT DID IT LOOK LIKE?

21 A A BROWNISH LIQUID THAT RESEMBLED SOMETHING LIKE
22 COFFEE OR TEA.

23 Q NOW, HOW MUCH LIQUID WAS THERE IN THE COFFEE CUP?

24 A A VERY SMALL AMOUNT.

25 Q WOULD YOU DESCRIBE THE AMOUNT THAT WAS IN THE
26 COFFEE CUP? WAS IT JUST SOLELY WHAT I WILL CALL DROPLETS
27 OR WAS THERE ANY LIQUID GATHERED OR COLLECTED AT THE BOTTOM
28 OF THE CUP?

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1 A I WOULD DESCRIBE IT AS LIQUID THAT HAD GATHERED
2 AT THE BOTTOM, LIKE IN THE SEAM OF THE CUP. IT WAS A SMALL
3 AMOUNT.

4 Q BUT AN AMOUNT THAT WOULD BE LARGER IN YOUR
5 DESCRIPTION THAN MERE DROPLETS, LET'S SAY?

6 MR. WAPNER: OBJECTION, VAGUE.

7 THE COURT: DO YOU UNDERSTAND THE QUESTION?

8 THE WITNESS: YES.

9 THE COURT: YOU MAY ANSWER IT.

10 MR. BARENS: THANK YOU, SIR.

11 THE WITNESS: I WOULD DEFINE IT AS SEVERAL DROPS AS
12 FAR AS QUANTITY OR AMOUNT.

13 Q BY MR. BARENS: NOW, WITH REFERENCE TO THAT LIQUID,
14 WAS THE LIQUID ACTIVE OR INERT? DID IT APPEAR TO BE BUBBLING
15 OR FUMING OR DOING ANYTHING OF AN ACTIVE NATURE OR WAS IT
16 INERT?

17 A BASED UPON YOUR DESCRIPTION, IT WAS INERT.

18 Q DID THE LIQUID APPEAR TO HAVE BURNED OR DAMAGED
19 THIS STYROFOAM CUP?

20 A I DON'T RECALL SEEING ANYTHING LIKE THAT, NO.

21 Q WAS THERE A HOLE IN THE BOTTOM OF THE CUP THAT
22 HAD APPARENTLY BEEN CAUSED BY THIS LIQUID?

23 A NOPE.

24 Q THE CUP WAS INTACT, WAS IT NOT, SIR?

25 A YES.

26 Q WHAT DID YOU DO WITH THE SHIRT?

27 A THE SHIRT WAS EVENTUALLY TRANSPORTED TO THE IRVINE
28 POLICE DEPARTMENT WHERE IT WAS PACKAGED AND SECURED IN OUR

3
1 PROPERTY DIVISION, AS EVIDENCE.

2 Q WAS THE SHIRT EVER TESTED?

3 A TO THE BEST OF MY KNOWLEDGE, NO.

4 Q WERE THE CONTENTS OF THE CUP TESTED?

5 A YES.

6 Q AND DO YOU KNOW THE RESULTS OF THAT?

7 A THERE WAS NOT ENOUGH LIQUID SUBSTANCE FOR A TEST
8 TO BE PERFORMED.

9 Q DID THE CONTENTS OF THE CUP APPEAR TO YOU TO BE
10 ACID?

11 MR. WAPNER: OBJECTION, CALLING FOR A CONCLUSION ON
12 THE PART OF THE WITNESS.

13 THE COURT: SUSTAINED.
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1 Q BY MR. BARENS: DID YOU EVER SEE WHETHER THE
2 CONTENTS OF THAT CUP HAD CAUSED ANY DAMAGE EITHER TO THE
3 CUP OR TO THE SHIRT?

4 A I DIDN'T SEE ANY DAMAGE TO THE CUP.
5 I DON'T KNOW THAT WHAT WAS IN THE CUP WAS ON
6 THE SHIRT, SO I DON'T --

7 Q SO YOU DIDN'T SEE ANY DAMAGE TO THE SHIRT EITHER,
8 DID YOU?

9 A NO.

10 Q WHEN YOU WERE SPEAKING TO MR. SWARTOUT AT THAT
11 OCCASION, HOW DID HE SEEM TO BE TO YOU?

12 A EXCITED. UPSET. HE GAVE THE APPEARANCE THAT
13 HE WAS -- THAT OBVIOUSLY SOMETHING HAD OCCURRED.

14 Q DID HE SEEM PHYSICALLY INJURED?

15 A I DON'T RECALL ANYTHING LIKE THAT, NO.

16 Q DID HE COMPLAIN TO YOU OF ANY PHYSICAL INJURY?

17 A NOT TO ME DIRECTLY, NO.

18 Q DID YOU SUMMONS THE PARAMEDICS?

19 A NO.

20 Q WOULD YOU HAVE DONE SO AS PART OF YOUR OCCUPATION
21 HAD YOU THOUGHT THE MAN WAS INJURED?

22 A YES.

23 Q DID YOU SEE ANYONE RENDER ANY MEDICAL AID OR
24 ATTENTION TO MR. SWARTOUT?

25 A NO.

26 Q DID YOU OBSERVE MR. SWARTOUT TO ASK FOR ANY
27 MEDICAL ATTENTION OR ASSISTANCE FROM ANYONE?

28 A NO.

1 Q DID YOU SEE ANY OTHER SURFACES, ITEMS OR
2 OBJECTS WHICH HAD ALLEGEDLY BEEN CONTACTED BY THE LIQUID
3 IN THE CUP?

4 A I DON'T RECALL.

5 Q HAD ANYONE TOLD YOU THAT ANY OF THE LIQUID
6 HAD TOUCHED ANY OF THE PAINT ON MR. SWARTOUT'S CAR OR THE
7 INTERIOR OF THE VEHICLE?

8 A I DON'T RECALL THAT EITHER.

9 Q NOTHING WAS BROUGHT TO YOUR ATTENTION THAT
10 WOULD SHOW YOU ANY DAMAGE FROM ANY ASPECT OF THE LIQUID
11 TOUCHING ANY OTHER SURFACE, SIR?

12 A CORRECT.

13 Q HOW ABOUT MR. SWARTOUT'S PANTS OF HIS SUIT,
14 WAS THERE ANY DISCUSSION OF THAT?

15 A NOT TO MY KNOWLEDGE, NO.

16 Q WHILE YOU WERE LOOKING AT OR SPEAKING TO MR.
17 SWARTOUT, DID YOU PERSONALLY OBSERVE ANY PHYSICAL INJURY
18 OF ANY KIND OR DESCRIPTION TO MR. SWARTOUT?

19 A NOTHING, NO.

20 MR. BARENS: THANK YOU, SIR.

21 THE COURT: ANY CROSS?

22 MR. WAPNER: NO, I HAVE NO QUESTIONS.

23 THE COURT: ALL RIGHT, THANK YOU VERY MUCH, YOU WILL
24 BE EXCUSED.

25 NEXT WITNESS.

26 MR. BARENS: CALL MICHELLE BERANEK.

27 THE CLERK: WOULD YOU RAISE YOUR RIGHT HAND, PLEASE
28 TO BE SWORN?

1 MICHELLE PATRICE BERANEK,
2 CALLED AS A WITNESS BY THE DEFENSE, WAS SWORN AND TESTIFIED
3 AS FOLLOWS:

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

8 THE WITNESS: I DO.

9 THE CLERK: BE SEATED, PLEASE.

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

11 (UNREPORTED COLLOQUY BETWEEN DEFENSE
12 COUNSEL.)

13 THE CLERK: WOULD YOU TELL US YOUR FULL NAME AND SPELL
14 YOUR LAST NAME?

15 THE WITNESS: THE NAME IS MICHELLE PATRICE BERANEK,
16 B-E-R-A-N-E-K.

17 THE COURT: B-E-R --

18 THE WITNESS: B-E-R-A-N-E-K.

19 THE CLERK: AND MICHELLE IS WITH ONE L OR TWO?

20 THE WITNESS: TWO.

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DIRECT EXAMINATION

23

BY MR. BARENS:

24

Q GOOD MORNING, MISS BERANEK.

25

A GOOD MORNING.

26

Q MISS BERANEK, HOW OLD ARE YOU?

27

A ALMOST 26.

28

1 Q WHERE DO YOU LIVE?

2 A LOS ANGELES, WESTWOOD.

3 Q AND DO YOU LIVE AT THAT ADDRESS WITH SOMEONE?

4 A YES I DO.

5 Q WHO DO YOU LIVE WITH?

6 A TODD ROBERTS.

7 Q IS TODD ROBERTS THE SON OF BOBBY AND LYNNE ROBERTS?

8 A YES.

9 Q DO YOU HAVE A RELATIONSHIP WITH TODD ROBERTS?

10 A YES I DO. WE ARE ENGAGED.

11 Q HOW LONG HAVE YOU KNOWN TODD ROBERTS?

12 A ALMOST FOUR YEARS.

13 Q AND WHAT IS YOUR EDUCATIONAL BACKGROUND?

14 A I HAVE ALMOST THREE YEARS OF COLLEGE.

15 Q AND WHAT DID YOU MAJOR IN?

16 A ENGLISH.

17 Q AND ARE YOU PRESENTLY EMPLOYED?

18 A YES I AM. I WORK FOR AN ACCOUNTING FIRM.

19 Q HERE IN LOS ANGELES?

20 A YES.

21 Q HOW LONG HAVE YOU WORKED AT THAT JOB?

22 A TWO AND A HALF YEARS.

23 Q WHAT ARE YOUR DUTIES IN THAT JOB?

24 A BUSINESS MANAGEMENT.

25 Q HAVE YOU EVER MET JOE HUNT, THE DEFENDANT IN THIS
26 CASE?

27 A YES I HAVE.

28 Q AND WHEN DID YOU FIRST MEET HIM?

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1 A I MET HIM FOR THE FIRST TIME OCTOBER OR NOVEMBER
2 OF 1984.

3 Q AND BEFORE YOU MET HIM, HAD YOU HEARD ANYTHING
4 ABOUT JOE HUNT?

5 A YES I HAD.

6 Q OKAY. WHAT GENERALLY, HAD YOU HEARD ABOUT JOE
7 HUNT?

8 A AT THE TIME, I DIDN'T KNOW VERY MUCH OTHER THAN
9 THE FACT THAT BROOKE, MY FUTURE SISTER-IN-LAW WAS LIVING WITH
10 JOE AND THEY HAD BEEN TOGETHER FOR SOME TIME.

11 Q DID YOU HAVE AN UNDERSTANDING AS TO WHAT HE DID
12 FOR A LIVING?

13 A ONLY THAT IT DEALT WITH STOCKS, BONDS.

14 Q AND DID YOU KNOW WHAT THE ROBERTS FAMILY FELT
15 ABOUT THE FACT THAT JOE AND BROOKE WERE LIVING TOGETHER AT
16 THAT TIME?

17 A SURE. I THINK IN THE BEGINNING, YEAH.

18 Q AND WHAT WAS YOUR SENSE OR UNDERSTANDING ABOUT
19 THAT?

20 A I CAN ONLY GO FROM THE STANDPOINT PROBABLY OF
21 WHAT ANY PARENT WOULD HAVE, YOU KNOW.

22 IT WAS AN 18-YEAR-OLD DAUGHTER, THE BABY OF THE
23 FAMILY AND SHE WENT OUT TO STRIKE IT ON HER OWN.

24 Q AND IT WOULD BE A FAIR STATEMENT THAT THEY WERE
25 NOT REAL PLEASED THAT SHE HAD MOVED OUT AND WAS LIVING WITH
26 SOMEONE?

27 A SURE.

28 Q AND IN ANY EVENT, WHERE WAS IT THAT YOU FIRST

3
1 MET HIM?

2 A I MET JOE FOR THE FIRST TIME WHILE HE WAS IN JAIL.

3 Q AND WAS THAT HERE IN LOS ANGELES COUNTY?

4 A YES.

5 Q AND DID YOU GO TO THE JAIL TO VISIT WITH HIM?

6 A YES, TODD AND I WENT.

7 Q TODD ROBERTS WENT WITH YOU?

8 A UH-HUH.

9 Q WHY DID YOU GO WITH TODD ON THAT OCCASION?

10 A BY THAT TIME, SINCE JOE HAD BEEN ABLE TO MAKE
11 PHONE CALLS AND THINGS, WE REALLY HAD ESTABLISHED A RELATIONSHIP
12 BETWEEN THE TWO OF US AND HAD BECOME FRIENDS OVER THE
13 TELEPHONE.

14 AND I REALLY WANTED TO GO DOWN THERE TO MEET HIM
15 AND OFFER SUPPORT AND ANY TYPE OF MORALE THAT I COULD.
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1 Q WHERE WERE YOU LIVING AT THAT PARTICULAR TIME
2 IN NOVEMBER OF '84?

3 A AT THAT PARTICULAR TIME, I WAS LIVING WITH THE
4 ROBERTS FAMILY.

5 Q AT THEIR HOME?

6 A YES.

7 Q AND SO, DID YOU KNOW WHY JOE WAS IN JAIL BEFORE
8 YOU MET HIM THE FIRST TIME?

9 A YES I DID.

10 Q WHAT DID YOU THINK HE WAS IN JAIL FOR?

11 A HE WAS IN JAIL OR A SUSPECT IN A MURDER CHARGE.

12 Q AND DID YOU UNDERSTAND HE HAD COURT PROCEEDINGS
13 GOING ON AT THAT TIME?

14 A YES.

15 Q NOW, WERE YOU LIVING AT THE ROBERTS' HOUSE WHEN
16 THE SUBJECT OF JOE HAVING A PROBLEM FIRST CAME UP?

17 A YES I WAS.

18 Q AND WHAT HAPPENED ON THAT OCCASION? WHAT DO YOU
19 REMEMBER?

20 A I ONLY REMEMBER THE EVENING THAT BROOKE CALLED.
21 I ACTUALLY WAS THE ONE WHO ANSWERED THE PHONE. SHE WAS SAYING
22 SHE NEEDED TO TALK TO HER MOTHER.

23 LYNNE GOT ON THE PHONE WITH BROOKE. WHEN THEY
24 WERE FINISHED, SHE JUST SAID THAT BROOKE NEEDED TO COME OVER
25 AND SEE HER. SHE DIDN'T KNOW WHY, AT THAT POINT.

26 SHE WOULD BE COMING. WE WENT AHEAD AND WENT TO
27 BED.

28 Q OKAY. SO WHEN SHE CAME OVER, WHEN LYNNE MET WITH

5
1 BROOKE ROBERTS THAT FIRST NIGHT, YOU WERE NOT PRESENT DURING
2 THAT CONVERSATION?

3 A NO.

4 Q AND DID YOU HEAR SOMETHING ABOUT IT THE NEXT DAY?

5 A ONLY THAT BROOKE HAD COME TO HER PARENTS AND SHE
6 DID NEED THEIR HELP.

7 SHE EXPLAINED THAT JOE WAS IN JAIL AND COULD THEY
8 ASSIST HER. AND THEY HAD SAID THAT THEY WOULD IN ANY WAY
9 THEY COULD.

10 Q OKAY. AFTER THAT WAS WHEN YOU WENT FOR THE FIRST
11 TIME TO VISIT JOE IN JAIL?

12 A YES.

13 Q WHAT WAS THE ATTITUDE OF THE ROBERTS' FAMILY TOWARD
14 JOE, AS YOU COULD DETERMINE IT AT THAT TIME WHEN YOU FIRST
15 WENT TO VISIT HIM IN JAIL?

16 A A UNITED FRONT.

17 Q THEY WERE SUPPORTIVE OF HIM?

18 A VERY MUCH SO.

19 Q THEY SEEMED INTERESTED IN GIVING WHATEVER ASSISTANCE
20 THEY COULD TO HIM AT THAT TIME?

21 A VERY MUCH SO.

22 Q NOW, WHEN YOU FIRST SAW JOE IN JAIL WAS IN
23 NOVEMBER OF 1984?

24 A YES.

25 Q AND WHAT HAPPENED ON THAT FIRST OCCASION? WHAT
26 DID YOU TALK ABOUT WITH JOE HUNT WHEN YOU FIRST MET HIM?

27 A WELL, BY THAT TIME, YOU HAVE TO REMEMBER THAT
28 THERE WAS AN ESTABLISHED RELATIONSHIP. BUT IT WAS NICE FOR

1 THE FIRST TIME --. THAT WAS THE FIRST TIME WE HAD EVER SEEN
2 EACH OTHER FACE TO FACE AND I HAD GOTTEN ENGAGED TO TODD THAT
3 SUMMER.

4 THERE WAS THE SILLINESS OF SHOWING HIM THE RING
5 WHEN YOU ARE GETTING MARRIED AND WHAT WE WOULD BE DOING.
6 WE HAD BOTH, TODD AND I STARTED JOBS AND HE WAS VERY
7 INTERESTED IN WHAT I DID AND SO ON.

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1 Q HE ASKED YOU ABOUT WHAT YOU DID FOR A LIVING?

2 A YES.

3 Q AND HE SEEMED MAINLY TO TALK ABOUT WHAT YOU
4 DID AND WHAT YOUR LIFE WAS ABOUT THAT TIME?

5 A YES.

6 HE WAS JUST VERY INQUISITIVE, YOU KNOW, TO
7 GET AS MUCH INFORMATION AS HE COULD AS TO US.

8 Q AND YOU TALKED ABOUT YOUR RELATIONSHIP WITH
9 TODD?

10 A YES.

11 Q AND DID HE SAY ANYTHING ABOUT YOUR RELATIONSHIP
12 WITH TODD?

13 A AT THAT POINT, NO, OTHER THAN THE FACT THAT
14 HOW NICE WE LOOKED TOGETHER AND HOW FUN IT WAS TO SEE US
15 IN PERSON AND SPENT SOME TIME TALKING TO TODD ABOUT TODD'S
16 JOB AS WELL.

17 UNFORTUNATELY, WE DIDN'T HAVE MUCH TIME ON
18 THAT FIRST VISIT.

19 Q THEN YOU WERE TO SEE JOE AGAIN IN JAIL?

20 A YES.

21 Q WOULD YOU EXPLAIN TO THE JURY WHAT THE SETTING
22 WAS; IN OTHER WORDS, WHEN YOU ARE HAVING THAT CONTACT WITH
23 HIM IN JAIL, ARE YOU IN A ROOM TOGETHER?

24 COULD YOU DESCRIBE FOR US THE PHYSICAL SETTING
25 THAT IS PRESENT AS YOU ARE TRYING TO HAVE A CONTACT AT THAT
26 POINT?

27 A I THINK, UNFORTUNATELY, THE SAD PART IS WHEN
28 YOU ARE IN THAT KIND OF SITUATION, IT IS VERY SMALL. IT

2

1 IS A PARTITION THERE. THERE IS NO TOUCHING. YOU ARE DEALING
2 ON THE TELEPHONE THAT NEVER EVER WORKED THE WHOLE TIME.
3 I MEAN YOU CONSTANTLY HAVE TO WRITE LITTLE MESSAGES OR HAND
4 SIGNALS, YOU KNOW.

5 WE WOULD OFTEN -- WE COULDN'T TOUCH BUT WE
6 WOULD RAISE OUR HANDS TO, YOU KNOW, THE GLASS AND, YOU KNOW,
7 DEAL A LOT WITH EYE CONTACT AND --

8 Q SO THERE IS A THICK WINDOW THAT SEPARATES YOU
9 FROM THE PERSON YOU ARE TALKING TO?

10 A VERY THICK.

11 Q AND YOU CAN'T TALK DIRECTLY; YOU ARE REALLY
12 TALKING THROUGH A TELEPHONE RECEIVER, THAT YOU AND THE OTHER
13 PERSON HAVE EACH A TELEPHONE RECEIVER?

14 A YES.

15 Q SO YOU ARE NOT REALLY IN A ROOM TOGETHER BUT
16 YOU ARE, RATHER, SPEAKING THROUGH THIS GLASS OVER A TELEPHONE?

17 A WELL, ACTUALLY, YOU HAVE GOT PEOPLE BEHIND
18 YOU TRYING TO CARRY OUT CONVERSATIONS WITH PEOPLE THEY ARE
19 IN THERE TO SEE AND YOU HAVE GOT PEOPLE TO THE LEFT AND
20 TO THE RIGHT OF YOU AS WELL.

21 Q NOW, DID YOU FORM AN IMPRESSION OF JOE HUNT
22 AFTER YOU FIRST MET HIM IN PERSON?

23 A MY IMMEDIATE THOUGHT WAS, WHAT IS A GREAT PERSON
24 LIKE THIS DOING IN A PLACE LIKE THIS?

25 Q WHAT DID YOU THINK ABOUT HIM, WHAT WAS YOUR
26 ASSESSMENT OF HIM? COULD YOU ASCRIBE ANY SENSE YOU HAD
27 OF HIM AT THAT TIME?

28 A WELL, HE HAD BEEN IN THERE FOR A SHORT TIME

3

1 ALREADY. HE WAS JUST AS ARTICULATE AND IF YOU CLOSED YOUR
2 EYES, YOU COULD IMAGINE HIM IN A BUSINESS SUIT. GREAT
3 SPIRITS, YOU KNOW, VERY CALM.

4 Q DID HE DISCUSS THIS CASE WITH YOU AT ALL ON
5 THAT FIRST OCCASION?

6 A NO, NOT AT ALL.

7 Q DID HE TALK ANYTHING ABOUT HIMSELF AND HOW
8 HE WAS DOING, BEING IN JAIL ON THAT OCCASION?

9 A ONLY A SHORT ANSWER THAT IF WE WOULD SAY, "HOW
10 ARE YOU?" WE WOULD GET, "FINE."

11 HE WAS REALLY MORE INQUISITIVE AS TO WHAT WE
12 WERE DOING AND WHAT WE WOULD TALK ABOUT AS FAR AS WHAT WE
13 DID OR MOVIES WE SAW OR SOMETHING LIKE THAT.

14 Q DID YOU SEE HIM AGAIN WHILE HE WAS IN JAIL?

15 A YES, I DID.

16 Q AND HOW OFTEN DID YOU SEE HIM?

17 A NOT QUITE AS OFTEN AS THE REST OF THE FAMILY.
18 I MAYBE AVERAGED ONCE A MONTH WHILE HE WAS IN THERE.

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1 Q WHEN YOU WENT DOWN TO SEE HIM ON THOSE OCCASIONS,
2 BE IT ONCE A MONTH OR HOWEVER FREQUENT IT WAS, WOULD YOU
3 GO WITH TODD OR OTHER PEOPLE?

4 A ALWAYS WITH TODD.

5 Q AND WHAT WOULD YOU TALK ABOUT ON THOSE OCCASIONS?

6 A PRETTY MUCH THE SAME THING: MOVIES, BOOKS,
7 LITERATURE, CLOTHES, WHAT I WAS DOING AT WORK, HOW IT WAS
8 GOING.

9 Q AND HE DISCUSSED YOUR RELATIONSHIP AGAIN WITH
10 TODD AND HOW THAT WAS COMING ALONG?

11 A YES.

12 Q AND DID HE TALK ABOUT BROOKE ROBERTS?

13 A YES.

14 Q AND WHAT DID HE SAY IN THAT REGARD?

15 A JUST ALWAYS ASKED THAT WE, YOU KNOW, TAKE GOOD
16 CARE OF HER WHILE HE WAS THERE AND KEEP HER BUSY AND SPEND
17 TIME WITH HER. JUST NORMAL QUESTIONS AS TO HOW SHE WAS
18 GETTING ALONG.

19 Q DID HE DESCRIBE WHAT HIS FEELINGS WERE TOWARDS
20 BROOKE?

21 A OH, VERY MUCH IN LOVE WITH HER.

22 Q AND DID HE TELL YOU WHAT HIS ASPIRATIONS WERE
23 AS FAR AS BROOKE WAS CONCERNED?

24 A NO, NOT WHILE HE WAS IN JAIL.

25 Q DID HE SEEM IMPRESSED BY THE CLOSENESS OF YOUR
26 RELATIONSHIP WITH TODD ROBERTS?

27 A OH, ALWAYS HAS BEEN.

28 Q DID HE COMMENT ON THAT?

1 A OFTEN.

2 Q DID HE TALK ABOUT HIS RELATIONSHIP -- NOW WE
3 ARE AT THE POINT WHERE HE IS STILL IN CUSTODY -- DID HE
4 TALK ABOUT HIS RELATIONSHIP WITH BOBBY AND LYNNE ROBERTS?

5 A VERY MUCH SO. I MEAN, HE HAD ADOPTED THEM
6 JUST AS MUCH AS THEY HAD ADOPTED HIM.

7 Q AND WAS HE APPRECIATIVE ABOUT THE ROBERTS?

8 A ALWAYS, ALWAYS. HE WAS QUICK TO SAY HOW MUCH
9 HE CARED FOR THEM AND HOW LUCKY WE BOTH WERE.

10 MIND YOU, WE WERE, THE TWO THAT WERE COMING
11 INTO THE FAMILY, AND HOW FORTUNATE WE WERE TO BE A PART
12 OF SUCH A GREAT FAMILY.

13 Q DID YOU DISCUSS EDUCATION WITH HIM?

14 A AFTER -- AFTER THE BOTTOM LINE OF HOW FAR MY
15 EDUCATION HAS GONE, HOW FAR HAS HIS, JUST CLASSES HE HAS TAKEN
16 OR I HAVE TAKEN. WE BOTH LIKED TO READ.

17 Q DID JOE SEEM INTERESTED IN EDUCATION PER SE?

18 A OH, VERY MUCH SO.

19 Q AND WHAT DID HE SAY IN THAT REGARD?

20 A OH, WHAT DID HE NOT SAY?

21 JOE LOVES KNOWLEDGE, ANYTHING TO DO WITH ANY
22 LEARNING PROCESS AT ALL, SO THE MORE HE COULD FEED SOMEONE
23 OR THEY COULD FEED HIM, ANY BIT OF TIDBITS ABOUT ANYTHING.

24 Q DID HE EVER DISCUSS ANY PHILOSOPHY WITH YOU?

25 A NO.

26 Q NOW, THERE CAME A TIME, DID THERE, WHEN JOE
27 HUNT WAS RELEASED FROM CUSTODY ON BAIL?

28 A YES.

1 Q AND DO YOU RECALL APPROXIMATELY WHEN THAT WAS?

2 A I THINK IT WAS AROUND NOVEMBER OF '85.

3 Q AND DID HE COME HOME TO THE ROBERTS' HOUSE?

4 A YES, HE DID.

5 Q AND WHAT HAPPENED WHEN HE CAME HOME?

6 A THAT FIRST NIGHT, WE HAD A LOT OF BALLOONS
7 AND STREAMERS, AS IF IT WERE A BIRTHDAY, AND HE REALLY LIKES
8 A RESTAURANT IN WESTWOOD AND WE WENT THERE FOR DINNER, THE
9 WHOLE FAMILY.

10 Q AND YOU ALL HAD A FAMILY DINNER?

11 A UH-HUH.

12 Q WAS THERE ANOTHER CELEBRATION?

13 A TWO DAYS LATER, BECAUSE IN THE INTERIM WE DIDN'T
14 KNOW WHEN JOE WOULD BE RELEASED AND WE MADE IT A POINT THAT
15 WITH TURKEY BEING JOE'S FAVORITE, WE HAD A BIG THANKSGIVING
16 DINNER.

17 WE HAD A LOT TO BE GRATEFUL FOR.

18 Q DID YOU HAVE AN EARLY THANKSGIVING DINNER?

19 A IT WAS OCTOBER, SO IT WAS PRETTY EARLY.

20 Q OKAY. WHO WAS PRESENT FOR THAT DINNER?

21 A THE WHOLE FAMILY.

22 Q AND THE WHOLE FAMILY WOULD CONSIST OF?

23 A MR. AND MRS. ROBERTS, TODD, MYSELF, DARRON,
24 BROOKE, JOE AND CURTIS.

25 Q AND WHAT WAS JOE'S ATTITUDE OR Demeanor WHEN
26 HE CAME HOME?

27 A JOE IS A LITTLE ON THE RESERVED SIDE, BUT,
28 YOU KNOW, THE ROBERTS ARE A PRETTY GREGARIOUS CLAN SO HE

1 DID OKAY. BUT VERY WARM, VERY FRIENDLY, VERY THOUGHTFUL
2 ABOUT EVERYBODY. YOU KNOW, VERY EAGER TO BE A PART OF THE
3 FAMILY.
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1 Q NOW, WHAT DID YOU UNDERSTAND THAT JOE WAS GOING
2 TO BE DOING ONCE HE CAME HOME TO LIVE AT THE ROBERTS' HOUSE?

3 A HE WOULD BE PREPARING FOR THE UPCOMING TRIAL.

4 Q AND WORKING ON HIS CASE?

5 A YES.

6 Q DID HE AT THAT POINT WHEN HE CAME HOME FROM BEING
7 IN CUSTODY, DISCUSS HIS CASE WITH YOU?

8 A NO. JOE AND I HAVE NEVER REALLY TALKED ABOUT
9 IT.

10 Q OKAY. YOU MENTIONED THE MEMBERS OF THE FAMILY
11 THAT WERE PRESENT. YOU ALSO MENTIONED ANOTHER BROTHER NAMED
12 DARRON ROBERTS?

13 A YES.

14 Q AND DOES DARRON ROBERTS HAVE ANY PARTICULAR TYPE
15 OF A PROBLEM?

16 A DARRON DOES HAVE DYSLEXIA.

17 Q AND AS FAR AS YOU UNDERSTAND, WHATEVER CONDITION
18 RESULTS FROM HAVING DYSLEXIA -- WHAT IS YOUR UNDERSTANDING
19 ABOUT WHAT IMPACT THAT HAS ON DARRON'S LIFE?

20 A FROM THE STANDPOINT OF -- HE DOES NEED TO BE TAKEN
21 CARE OF A LITTLE BIT MORE THAN SOMEONE ELSE HIS AGE. IT IS
22 GOOD TO SPEND A LOT OF TIME WITH HIM. A LITTLE BIT OF
23 SUPERVISION.

24 Q AND HAD THAT CONDITION IN SOME RESPECTS PERHAPS
25 RETARDED DARRON'S LEARNING ABILITY?

26 A SOMEWHAT, YES.

27 Q AND DID DARRON HAVE A LOT OF FRIENDS?

28 A NOT TOO MANY. THAT WAS ONE OF THE NICE THINGS

2
1 WITH JOE.

2 JOE REALLY TOOK AN AVID INTEREST IN DARRON AND
3 SPENT A LOT OF TIME WITH HIM, MADE IT A POINT TO ADD ON AS
4 ANOTHER BROTHER, WHICH WAS NICE.

5 DARRON REALLY TOOK QUITE WELL TO JOE.

6 Q DID THEY DEVELOP A SPECIAL RELATIONSHIP WITHIN
7 THE FAMILY?

8 A SURE.

9 Q HOW OLD WAS DARRON AT THAT POINT IN TIME IN 1984?

10 A 22.

11 Q AND DARRON WAS LIVING AT HOME?

12 A YES.

13 Q DID DARRON HAVE A JOB?

14 A ON AND OFF, YOU KNOW. USUALLY VERY, VERY LIGHT,
15 PART-TIME WORK.

16 Q HE HAD A PROBLEM WITH HIS EMPLOYMENT?

17 A SURE.

18 Q HE HAD PROBLEMS WITH HIS FRIENDS AND SOCIALIZING,
19 DID HE?

20 A UH-HUH.

21 Q AND JOE SEEMED TO TAKE AN INTEREST IN TRYING TO
22 HELP DARRON?

23 A VERY MUCH SO.

24 Q WHAT SORTS OF THINGS WOULD DARRON AND JOE DO
25 TOGETHER?

26 A THEY BOTH LOVED VIDEO GAMES. I DON'T THINK IT
27 IS IN WESTWOOD ANY LONGER BUT THEY WOULD GO TO THE ARCADE
28 OFTEN.

3

1 THEY WOULD GO TO THE MOVIES TOGETHER. THE FAMILY
2 HAS A GERMAN SHEPARD. THEY WOULD GO FOR WALKS TOGETHER. HE
3 JUST SPENT SOME REALLY GOOD, QUALITY TIME WITH DARRON.

4 Q SO THEY WOULD HAVE ACTIVITIES, JUST THE TWO OF
5 THEM, AS OPPOSED TO SETTINGS INVOLVING THE WHOLE FAMILY?

6 A SURE.

7 Q DID DARRON SEEM TO APPRECIATE THAT?

8 A VERY MUCH SO. I THINK FROM THE STANDPOINT OF
9 MAYBE NOT ACTUALLY BEING A FAMILY MEMBER, IT WAS REALLY GOOD
10 TO HAVE SOMEONE THAT HE COULD KIND OF RELATE TO.

11 Q DID DARRON IN HIS ABILITY TO RELATE TO PEOPLE
12 AND PARTICIPATE ON A SOCIAL BASIS WITH PEOPLE, SEEM TO IMPROVE
13 AS A RESULT OF JOE BEING THERE?

14 A DEFINITELY.

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1 Q COULD YOU DESCRIBE TO ME WHAT IMPACT JOE IN THE
2 HOUSE SEEMED TO HAVE RELATIVE TO DARRON?

3 A DARRON BECAME MUCH MORE EASYGOING. HE WAS A LOT
4 CALMER.

5 YOU KNOW, HE SPENT A LOT MORE TIME THEN, BEING
6 INTEGRATED WITHIN THE FAMILY VERSUS NOT.

7 SO IF JOE WAS GOING SOMEWHERE, DARRON WANTED TO
8 GO.

9 Q DID DARRON COME OUT OF HIS SHELL A LITTLE BIT
10 AFTER JOE GOT THERE?

11 A SURE.

12 Q DARRON STARTED DOING MORE THINGS, DIDN'T HE?

13 A UH-HUH.

14 Q DID THE CLOSENESS OF THE RELATIONSHIP BETWEEN
15 JOE AND DARRON LAST THE WHOLE TIME JOE WAS LIVING AT THE HOUSE,
16 TO YOUR KNOWLEDGE?

17 A YES.

18 Q AND THEY CONTINUED IN THAT TYPE OF RELATIONSHIP?

19 A UH-HUH.

20 Q DID JOE IN FACT -- STRIKE THAT.

21 DID DARRON IN FACT, SEEM TO BE CLOSER WITH JOE
22 ALMOST THAN ANY OF THE OTHER BROTHERS?

23 A YES.

24 Q NOW, DID THE FAMILY ON OCCASION, EVER GO DOWN
25 TO THE DESERT?

26 A YES.

27 Q AND WOULD JOE GO WITH THE FAMILY DOWN THERE?

28 A UH-HUH.

5
1 Q WOULD THERE BE SOCIAL OCCASIONS WITH OTHER FAMILIES
2 IN THE DESERT?

3 A YES. WE OFTEN WOULD COME DOWN AND THERE WOULD
4 BE OTHER FAMILIES THERE THAT WE KNEW.

5 Q AND HOW WOULD JOE RELATE WITH THOSE OTHER PEOPLE
6 THAT YOU WOULD COME INTO CONTACT WITH?

7 A I CAN REMEMBER ONE INSTANCE THAT WAS TOWARD THE
8 HOLIDAYS WHERE A COUPLE BROUGHT THEIR TWO YOUNG GIRLS AND
9 THE GIRLS BROUGHT ALONG ANOTHER GIRLFRIEND.

10 IT WAS KIND OF CUTE TO SEE BECAUSE THEY DEVELOPED
11 AN IMMEDIATE CRUSH ON HIM, ALL THREE, TOWARD JOE.

12 AND WE SPENT THE DAY TAKING THE TRAM UP AND SPENT
13 THE DAY IN THE WOODS AND QUITE A FEW OF US HAD GONE.

14 IT WAS FUN TO SEE HIM BECAUSE HE TENDS TO BE A
15 LITTLE BIT MORE RESERVED. THE LITTLE GIRLS KIND OF GOT IT
16 OUT OF HIM. THEY WERE CLIMBING TREES AND RUNNING AROUND.
17 VERY GOOD RAPPORT WITH LITTLE ONES.

18 Q HOW OLD DID THESE LITTLE CHILDREN SEEM TO BE TO
19 YOU?

20 A ONE IS 10 AND I THINK THE OTHERS ARE 13. BOTH
21 OF THEM.

22 Q AND JOE SEEMED TO -- DID HE SEEM TO BE PATIENT
23 WITH CHILDREN?

24 A VERY PATIENT.

25 Q AND HOW WAS HE WITH DARRON? WAS HE PATIENT WITH
26 DARRON?

27 A VERY PATIENT.

28 Q DARRON FROM TIME TO TIME WOULD HAVE A PROBLEM

1 BOTH READING AND SPEAKING, WOULD HE NOT?

2 A UH-HUH.

3 Q AND WAS JOE PATIENT IN LETTING HIM TRY TO EXPRESS
4 HIMSELF AND WORKING WITH HIM IN THAT REGARD?

5 A ALWAYS.

6 Q DID YOU SEE EVIDENCES OF JOE HUNT AS A TEACHER?

7 A I THINK JOE HAD A LOT TO TEACH EACH OF US THERE,
8 YES.

9 Q DID HE APPEAR TO HAVE A WEALTH OF KNOWLEDGE
10 INTELLECTUALLY ABOUT THE WORLD HE LIVED IN?

11 A IT NEVER STOPS. HE IS PRETTY GOOD AT THAT.

12 Q SOMEWHAT LIKE AN ENCYCLOPEDIA AT YOUR DISPOSAL?

13 A A WALKING ENCYCLOPEDIA.

14 Q THERE WOULD BE A LOT OF TIMES WHEN HE WOULD SHARE
15 THE KNOWLEDGE WITH THE FAMILY?

16 A SURE, BEING A GROUP DISCUSSION OR A ONE-ON-ONE,
17 HE WAS ALWAYS VERY QUICK, VERY INTERESTED IN THE NEWS AND
18 LITERATURE AND SCIENCE FICTION.

19 I MEAN, YOU COULD TALK TO JOE ABOUT ABSOLUTELY
20 ANYTHING. YOU WILL RECEIVE SOME INFORMATION THAT YOU DIDN'T
21 HAVE.

22 Q DID YOU EVER SEE JOE LOSE HIS TEMPER?

23 A NEVER.

24 Q DID YOU EVER SEE HIM ANGRY?

25 A NEVER.

26 Q HOW WOULD YOU DESCRIBE HIS TEMPERMENT OR
27 DISPOSITION?

28 A HE IS VERY EVEN-TEMPERED, BORDERING ON STOIC.

1 Q AND HE NEVER GOT PARTICULARLY UPSET?

2 A NO.

3 Q DID HE SEEM ON AN EVEN KEEL MOST OF THE TIME?

4 A VERY.

5 Q WOULD YOU SAY THAT IN THE HOUSEHOLD, THERE WAS
6 SOMEONE HE WAS VERY CLOSE WITH ASIDE FROM BROOKE?

7 A YES.

8 Q WHO WAS THE PERSON NEXT CLOSEST?

9 A PROBABLY LYNNE.

10 Q AND THAT WOULD BE MRS. ROBERTS?

11 A UH-HUH.

12 Q AND COULD YOU DESCRIBE THEIR RELATIONSHIP?

13 A THEY WERE JUST VERY, VERY GOOD FRIENDS. THEY
14 STILL ARE.

15 THEY HAD A GREAT RELATIONSHIP ON ALL KINDS OF
16 DIFFERENT LEVELS. I THINK THAT HE WAS A MOTHER TO HER AND
17 A FRIEND.

18 Q SHE WAS A MOTHER TO HIM, YOU MEAN?

19 A EXCUSE ME.

20 Q I HOPE. OKAY, DID SHE IN ALL RESPECTS TREAT HIM
21 AS ONE OF THE SONS?

22 A JOSEPH IS A PART OF OUR FAMILY.

23 Q AND HE WAS TREATED ON A PARITY WITH THE REST OF
24 THE MEMBERS OF THE FAMILY?

25 A THE SAME.

26 Q DID JOE GENERALLY PARTICIPATE IN THE DOMESTIC
27 SCHEME OF THINGS IN THE ROBERTS' HOUSE?

28 A NOT PARTICULARLY. YOU KNOW, I MEAN NONE OF THE

1 BOYS REALLY DO.

2 Q THAT WAS MORE OF A THING THAT THE GIRLS WERE DOING?
3 OKAY.

4 HOW WOULD HE EXPRESS HIS FEELINGS ABOUT THE ROBERTS'
5 FAMILY AS YOU WOULD SEE HIM ON A DAILY BASIS LIVING THERE?

6 A AGAIN, I THINK THE TIE BETWEEN JOE AND MYSELF
7 ARE TWO PEOPLE THAT CAME INTO THAT FAMILY AT DIFFERENT TIMES.
8 SO WE HAD A NICE, LITTLE BOND IN THE RESPECT THAT YOU KNOW,
9 HOW FORTUNATE WE WERE AND HOW APPRECIATIVE HE WAS AND, "GOD,
10 MICHELLE, AREN'T WE LUCKY? ISN'T THIS GREAT?"

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1 Q DID HE SEEM SINCERE IN HIS APPRECIATION?

2 A ALWAYS.

3 Q DID YOU EVER SEE HIM TRY TO TAKE ADVANTAGE
4 OF HIS RELATIONSHIP IN THE HOUSEHOLD OR WITH ANY MEMBER
5 OF THE FAMILY?

6 A NOT ONCE.

7 Q NOW, WAS THE FAMILY INVOLVED IN A PROGRAM CALLED
8 LIFE SPRINGS?

9 A LIFE SPRING, YES.

10 Q AND AS YOU UNDERSTAND THAT PROGRAM, WHAT IS
11 THAT PROGRAM ALL ABOUT?

12 A FOR ME PERSONALLY, I HAD TAKEN WHAT IS KNOWN
13 AS THE BASIC COURSE AND LIFE SPRING IS JUST A FORM -- I
14 AM SURE THERE ARE OTHERS THAT ARE OUT THERE -- OF A COURSE
15 THAT IS DESIGNED FOR SELF-GROWTH, SELF-MOTIVATION, SELF-
16 LOVE, DEALING WITH OTHERS, LEARNING TO DEAL WITH YOURSELF.

17 Q AND IT INVOLVED AN ASPECT OF TRYING TO GET
18 IN TOUCH WITH ONE'S FEELINGS?

19 A EXACTLY.

20 Q DID JOE PARTICIPATE IN THAT?

21 A YES, HE DID.

22 IN FACT, HE TOOK SEVERAL MORE CLASSES THAN
23 I DID.

24 Q DID HE SEEM INTERESTED IN THAT?

25 A VERY MUCH SO.

26 Q DID HE EVER DISCUSS HIS FEELINGS ABOUT THAT
27 EXPERIENCE AS A RESULT OF PARTICIPATING WITH LIFE SPRING?

28 A WITH ME, WE ONLY HAD ONE SERIOUS TALK AND THAT

2
1 WAS THE FACT THAT HE WAS AWARE AT TIMES THAT HE WAS VERY
2 RESERVED AND HOW NICE THAT, YOU KNOW, HE HAD GOTTEN IN TOUCH
3 WITH HIMSELF MORE AS FAR AS FEELINGS AND VULNERABILITY AND
4 MORE IN TOUCH WITH HIMSELF.

5 Q DID YOU SEE ANY CHANGE IN JOE'S MANNERISMS
6 OR PERSONALITY AFTER HE HAD BEEN INVOLVED WITH LIFE SPRING?

7 A MAYBE NOT DIRECTLY. IT IS SOMETHING THAT YOU
8 JUST REALLY DON'T WALK OFF BEING A CHANGED PERSON.

9 BUT THROUGH DAILY LIFE LITTLE BY LITTLE, YOU
10 KNOW, I NOTICED HE HAD BECOME MUCH MORE SENTIMENTAL, A LOT
11 MORE OPEN.

12 Q DID HE SEEM TO EXPRESS HIS EMOTIONS ON A GREATER
13 LEVEL, THE LONGER HE LIVED AT THE ROBERTS' HOUSE?

14 A YES, THAT HAPPENS VERY EASILY WITH THEM.

15 Q AND WHAT INCIDENTS DID YOU SEE WHERE HE WOULD
16 EXPRESS EMOTION?

17 A PROBABLY AS BEST--AS THERE IS USUALLY AROUND
18 BIRTHDAYS WE HAVE A FAMILY TOAST AND EACH MEMBER OF THE
19 FAMILY, THAT INDIVIDUAL WHOSE BIRTHDAY IT IS OR SOMETHING
20 REALLY NICE HAS HAPPENED TO THEM AND JOE IS VERY, VERY PROLIFIC
21 AND IT REALLY, REALLY CAME FROM THE HEART WHENEVER HE HAD
22 A TOAST, IT HAD A LOT OF EXTRA MEANING FOR HIM.

23 Q WERE THERE EVERY OCCASIONS WHEN YOU WOULD SEE
24 JOE CRY?

25 A STRANGELY ENOUGH, NOT AT FIRST. I THINK THE
26 RESERVE WAS IN.

27 BUT AS TIME WENT ON, YES, I HAVE SEEN HIM CRY.

28 Q WHAT SORT OF OCCASION WOULD THERE BE EXISTENT

3

1 WHEN YOU WOULD SEE HIM CRY?

2 A BIRTHDAYS, HOLIDAYS.

3 Q WERE THOSE AS A RESULT OF, YOU BELIEVE, SINCERE
4 EMOTION ON HIS PART?

5 A ONLY SINCERE, WITH HIM.

6 Q YOU MOVED OUT ON MARCH 1ST?

7 A OF '86.

8 Q AND YOU MOVED OUT WITH TODD ROBERTS?

9 A UH-HUH.

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1 Q AND YOU GOT AN APARTMENT HERE IN WESTWOOD?

2 A YES.

3 Q DID YOU EVER SEE JOE DO ANYTHING -- I MEAN
4 HERE YOU ARE LIVING WITH HIM ALL THAT TIME IN THE SAME HOUSE-
5 HOLD, DID YOU EVER SEE HIM DO ANYTHING BAD?

6 A NO, NOT ONE THING.

7 Q DID YOU COME TO COURT DURING THE TRIAL?

8 A NO.

9 I ONLY CAME ON THE DAY OF THE SENTENCING.

10 Q WHY DIDN'T YOU COME TO COURT DURING THE TRIAL?

11 A I DO WORK FULL TIME 8:00 TO 5:00.

12 Q DID YOU EVER SEE JOE HUNT DRINK ALCOHOL?

13 A JOE DOESN'T DRINK OR SMOKE.

14 Q DID HE EVER EXPRESS HIS FEELINGS ABOUT DRINKING
15 OR SMOKING OR USING DRUGS TO YOU?

16 A NO. IT WAS JUST --

17 NO ONE REALLY IN THE FAMILY DOES, SO IT WASN'T
18 AS IF HE WAS THE ODD MAN OUT LIKE "JOSEPH DOESN'T DRINK."

19 I DON'T EITHER.

20 Q HOW DO YOU FEEL ABOUT JOE HUNT, YOU KNOW?

21 LET ME PUT IT TO YOU ANOTHER WAY: YOU KNOW
22 JOE HUNT HAS BEEN CONVICTED BY A JURY OF HIS PEERS OF HAVING
23 COMMITTED A FIRST DEGREE MURDER?

24 A YES.

25 Q HE SITS IN THIS COURTROOM AND IN OUR SOCIETY
26 AS A CONVICTED MURDERER.

27 WHAT DO YOU FEEL ABOUT JOE HUNT?

28 A IT IS VERY DIFFICULT TO SIT HERE (WITNESS CRYING)

1 I WOULD DO ANYTHING FOR JOSEPH BUT IT IS --. BUT TO SIT HERE
2 IN HIS DEFENSE, TO KNOW THAT HE DIDN'T COMMIT THAT CRIME,
3 IT IS VERY DIFFICULT.

4 I LIVED WITH HIM, YOU KNOW, SO IT IS DIFFICULT
5 FOR PEOPLE WHO HAVE NOT EVEN KNOWN HIM OR KNOW ANYTHING
6 ABOUT HIM, TO COME UP WITH AN ANSWER THAT IS GOING TO
7 ABSOLUTELY ALTER HIS LIFE. IT IS UNJUST.

8 Q WELL, IRRESPECTIVE OF THAT, I DON'T DISMISS
9 THAT. BUT HOW WOULD YOU FEEL AS A PERSON IF JOE WERE
10 EXECUTED?

11 MR. WAPNER: OBJECT. RELEVANCE.

12 THE COURT: SUSTAINED.

13 MR. BARENS: ISN'T THAT WHAT WE ARE HERE ABOUT?

14 THE COURT: SUSTAINED.

15 MR. BARENS: I WOULD LIKE TO APPROACH TO ARGUE.

16 THE COURT: NO, YOU DON'T HAVE TO.

17 MR. BARENS: I THINK I WOULD LIKE TO MAKE A RECORD.

18 THE COURT: THERE IS NOTHING YOU CAN SAY THAT IS GOING
19 TO CHANGE MY OPINION THAT THAT PARTICULAR QUESTION IS NOT
20 PROPER.

21 MR. BARENS: YOUR HONOR, I WOULD LIKE TO MAKE MY
22 ARGUMENT FOR THOSE OTHER PEOPLE.

23 THE COURT: YOU CAN MAKE IT LATER ON.

24 MR. BARENS: AT THE END OF THE WITNESS, SIR?

25 THE COURT: YES.

26 MR. BARENS: THANK YOU, YOUR HONOR.

27 Q YOUR FEELINGS ABOUT JOE HUNT ARE BASED ON YOUR
28 PERSONAL EXPERIENCES WITH HIM?

1 A MY PERSONAL EXPERIENCES FIRST AND FOREMOST.

2 Q IF I ASKED YOU TO SUMMARIZE JOE HUNT AS YOU
3 KNOW HIM, HOW WOULD YOU SUMMARIZE THE PERSON YOU KNOW?

4 A AS AN INDIVIDUAL, HE IS WARM, HE IS CARING,
5 HE IS THOUGHTFUL AND HE IS ARTICULATE. HE IS INTELLIGENT.
6 HE IS VERY GIVING AND HE IS A GENTLEMAN.

7 Q AND THAT IS HOW YOU KNEW HIM TO BE ALL OF THE
8 TIME THAT YOU SAW HIM?

9 A YES.

10 Q DID YOU CONTINUE SEEING JOE AFTER YOU MOVED
11 OUT OF THE ROBERTS' HOUSE?

12 A SURE.

13 Q HOW OFTEN DID YOU SEE HIM AFTER YOU MOVED OUT?

14 A JUST -- WE VISITED THE FAMILY OFTEN SO WE WERE
15 THERE A COUPLE OF TIMES A WEEK.

16 Q AND YOUR FEELINGS TOWARD HIM HAD STAYED THE
17 SAME?

18 A OF COURSE.

19 Q EVEN THOUGH -- THROUGHOUT THIS TRIAL PROCEDURE?

20 A ABSOLUTELY.

21 Q AND YOU REMAIN COMMITTED TO HIM AS A PERSON?

22 A ABSOLUTELY.

23 MR. BARENS: THANK YOU.

24

25

CROSS-EXAMINATION

26

BY MR. WAPNER:

27

Q MISS BERANEK, WHEN MR. HUNT GOT OUT OF JAIL

28

AND MOVED INTO THE ROBERTS' RESIDENCE, DID HE HAVE A GIRLFRIEND

7
1 AT THAT TIME?

2 A YES.

3 Q WHO WAS HIS GIRLFRIEND AT THAT TIME?

4 A BROOKE ROBERTS.

5 Q AND TO YOUR KNOWLEDGE, HOW LONG DID SHE CONTINUE
6 TO BE HIS GIRLFRIEND?

7 A THERE WERE A FEW MONTHS, I THINK THEY WERE
8 CLOSE AND THEN, I DO BELIEVE THAT THE RELATIONSHIP BECAME
9 PLATONIC.

10 THE COURT: PLATONIC, YOU SAY?

11 THE WITNESS: YES, PLATONIC.
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1 Q YOU WERE LIVING AT THE HOUSE AT THAT TIME?

2 A YES.

3 Q DURING THESE FAMILY GATHERINGS AND BIRTHDAYS THAT
4 YOU DESCRIBED, DID BROOKE ROBERTS HAVE ANYONE ACCOMPANY HER?

5 A NO. IT WAS ALWAYS FAMILY MEMBERS.

6 Q AND WOULD THAT INCLUDE BOYFRIENDS OR GIRLFRIENDS
7 OF FAMILY MEMBERS?

8 A NO. ON OCCASION, CURTIS, THE OLDER BROTHER, WOULD
9 BRING A GIRLFRIEND. HE HAS BEEN SEEING SOMEONE FOR A COUPLE
10 OF YEARS.

11 Q TO YOUR KNOWLEDGE, DURING ANY OF THIS TIME THAT
12 YOU WERE LIVING AT THE HOUSE, WAS BROOKE SEEING ANYONE ELSE?

13 A YES.

14 Q WHO WAS THAT?

15 A TO BE HONEST, I DON'T REMEMBER HIS NAME. I WOULD
16 HAVE TO REALLY THINK ABOUT IT.

17 I ONLY MET HIM ONCE AND THAT WAS ON THE STREET.

18 Q AND WHAT WAS YOUR INFORMATION IN TERMS OF THE
19 RELATIONSHIP BETWEEN BROOKE AND JOE BECOMING PLATONIC? WHERE
20 DID THAT COME FROM?

21 A JUST THAT THEY WERE STILL TOGETHER BUT THAT SHE
22 WAS SEEING OTHER PEOPLE.

23 Q IS SHE SEEING ANYONE IN PARTICULAR NOW?

24 A NO.

25 Q HAS SHE BEEN SEEING ANYONE STEADILY DURING THE
26 LAST YEAR THAT YOU KNOW OF?

27 A OTHER THAN JOSEPH, NO.

28 Q IS SHE STILL CONTINUING TO SEE JOSEPH?

1 A YES.

2 Q DURING THE TRIAL, DO YOU KNOW WHETHER THE
3 RELATIONSHIP BETWEEN BROOKE ROBERTS AND JOE HUNT WAS PLATONIC?

4 A THAT, I DON'T KNOW. I TOO LIVE MY OWN LIFE. SO
5 I WAS NOT AWARE OF WHO WAS SLEEPING WITH WHOM. BUT --

6 Q WHEN IS YOUR BIRTHDAY?

7 A JULY 4TH.

8 Q SO YOU ARE 25?

9 A I WILL BE 26, YES, THIS SUMMER.

10 Q ON JULY 4TH?

11 A YES.

12 Q WHAT DID MR. HUNT TELL YOU ABOUT HIS EDUCATIONAL
13 BACKGROUND?

14 A ACTUALLY, WE NEVER SAT AND TALKED ABOUT SCHOOL,
15 PER SE. I ONLY KNOW THAT HE HAD GONE, YOU KNOW. WE NEVER
16 DISCUSSED UNIVERSITIES OR SCHOOLS IN SPECIFIC.

17 Q HE DIDN'T TELL YOU WHERE HE WENT TO SCHOOL?

18 A NO.

19 Q DID HE TELL YOU WHETHER HE GRADUATED?

20 A NO. I DID KNOW HE WAS ON THE DEBATE TEAM. I
21 KNEW THAT.

22 Q ON WHAT DEBATE TEAM WAS THAT?

23 A I BELIEVE IT WAS IN HIGH SCHOOL.

24 Q DO YOU KNOW WHERE YOU GOT THAT INFORMATION FROM,
25 HIM OR SOMEBODY ELSE?

26 A TO BE HONEST, I CAN'T REMEMBER.

27 Q YOU WORK FOR AN ACCOUNTING FIRM?

28 A YES.

1 Q DID MR. HUNT EVER TELL YOU HE WAS A CPA?

2 A NO.

3 Q DID HE EVER TELL YOU THAT HE WAS THE YOUNGEST
4 PERSON EVER IN CALIFORNIA TO PASS THE CPA EXAM?

5 A NO.

6 Q DID HE EVER TELL YOU ABOUT THIS ACCOUNTING FIRM
7 AT ALL THAT HE WORKED FOR?

8 A FROM THE STANDPOINT OF WHO I WAS WORKING FOR,
9 WHAT WENT ON IN REGARDS TO MY DAILY WORKLOAD.

10 Q WHAT IS THE NAME OF THE FIRM YOU WORK FOR?

11 A DUBAN ACCOUNTANCY.

12 Q CAN YOU SPELL THAT?

13 A D-U-B-A-N, ACCOUNTANCY.

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1 Q WHAT DID MR. HUNT TELL YOU ABOUT HIS HAVING BEEN
2 INVOLVED WITH STOCKS AND BONDS?

3 A DO YOU KNOW THAT THAT WAS ONE THING AGAIN WE NEVER
4 SPECIFICALLY DISCUSSED. THAT WAS TOLD TO ME I AM SURE BY
5 TODD, WHO HAD KNOWN HIM BEFORE.

6 Q HAD TODD INVESTED WITH HIM?

7 A NO.

8 Q DID YOU EVER TALK TO ANYBODY WHO INVESTED WITH
9 HIM?

10 A NO.

11 Q HAD YOU HEARD THAT HE HAD HAD A GROUP OF
12 APPROXIMATELY 72 PEOPLE WHO HAD INVESTED IN THE NEIGHBORHOOD
13 OF MAYBE A MILLION AND A HALF DOLLARS WITH HIM?

14 A I NEVER KNEW THE FIGURES. I KNEW THAT THERE HAD
15 BEEN WORK THAT HE HAD BEEN INVOLVED IN.

16 Q AND DID YOU KNOW THAT HE, DURING THE TIME HE WAS
17 DOING THAT, TOLD ALL OF THOSE PEOPLE THAT THEY WERE MAKING
18 APPROXIMATELY 17 PERCENT PER MONTH ON THEIR RETURN?

19 MR. BARENS: OBJECTION, IMPROPER CROSS-EXAMINATION.

20 THE COURT: OVERRULED.

21 Q BY MR. WAPNER: HAD YOU HEARD THAT?

22 A NO, NOT AT ALL.

23 Q HAD YOU HEARD THAT DURING THE TIME THAT HE WAS
24 TELLING THEM --

25 MR. BARENS: YOUR HONOR, I OBJECT. THIS IS SUBTERFUGE --

26 THE COURT: YOU MADE YOUR OBJECTION. I HAVE OVERRULED
27 IT.

28 LET COUNSEL CONTINUE, IF YOU WILL.

1 MR. BARENS: HE CONTINUES TO ARGUE HIS CASE, SIR.

2 THE COURT: NO. GO AHEAD.

3 MR. WAPNER: I ASSUME THAT ALL OF THIS IS IN THE NATURE
4 OF CHARACTER EVIDENCE. IT IS THEREFORE, RELEVANT TO KNOW
5 WHAT SHE HEARD.

6 THE WITNESS: BUT TO MAKE IT REALLY SIMPLE, AGAIN, I
7 NEVER NEW JOE OTHER THAN TELEPHONE CONVERSATIONS.

8 I DIDN'T EVEN MEET HIM UNTIL THAT FIRST TIME THAT
9 HE WAS IN JAIL. I REALLY DIDN'T KNOW REALLY ANYTHING ABOUT
10 WHAT HE DID, OTHER THAN WELL, WHAT DOES JOE DO. STOCKS AND
11 BONDS.

12 I DIDN'T -- I CAN HONESTLY SAY THAT I DIDN'T PAY
13 MUCH ATTENTION.

14 Q BY MR. WAPNER: WELL, BASED ON WHAT YOU KNOW OF
15 OR KNEW OF MR. HUNT WHEN YOU KNEW HIM, WOULD IT SURPRISE YOU
16 TO KNOW THAT DURING THE PERIOD OF TIME HE TOLD THESE PEOPLE
17 THAT THEY WERE MAKING 17 PERCENT ON THEIR MONEY, THAT IN FACT,
18 HE HAD LOST OR WAS LOSING THEIR MONEY, WAS IN THE PROCESS
19 OF LOSING A QUARTER OF A MILLION DOLLARS? WOULD THAT SURPRISE
20 YOU TO HEAR THAT?

21 A SURE.

22 Q AND WOULD IT SURPRISE YOU TO HEAR THAT EVEN AFTER
23 THAT MONEY WAS LOST, HE CONTINUED TO TELL THEM THAT THEY WERE
24 MAKING MONEY?

25 A IF THAT WERE THE CASE.

26 THE COURT: THAT WOULDN'T AFFECT YOU IN YOUR JUDGMENT
27 OF HIM, WOULD IT?

28 THE WITNESS: EXCUSE ME?

1 THE COURT: THAT WOULDN'T AFFECT YOU IN YOUR JUDGMENT
2 OF HIM, WOULD IT?

3 THE WITNESS: I DON'T UNDERSTAND.

4 Q BY MR. WAPNER: KNOWING THAT INFORMATION, WOULD
5 THAT CHANGE YOUR OPINION OF HIM AT ALL?

6 A NOT AT ALL.

7 Q WHAT DID YOU MEAN WHEN YOU SAID THAT THE ATTITUDE
8 OF THE ROBERTS FAMILY WAS A "UNITED FRONT"?

9 A IT IS A VERY CLOSE FAMILY.

10 Q DID YOU FEEL THAT ANYONE IN THE FAMILY WOULD DO
11 ANYTHING FOR MR. HUNT?

12 A YOU USE "ANYTHING." I DON'T KNOW WHAT YOU MEAN
13 BY THAT.

14 Q DID YOU THINK THAT PEOPLE IN THE FAMILY WOULD
15 DO ANYTHING --

16 A WOULD THEY DO ANYTHING ILLEGAL OR IMMORAL? NO.

17 Q WOULD YOU DESCRIBE MR. HUNT'S TEMPERMENT AS COOL?

18 A I WOULDN'T SAY COOL. HE IS CALM.

19 Q WOULD THAT INCLUDE NOT DEVIATING MUCH FROM THE
20 NORM, EITHER, BY GETTING EXCITED AND HAPPY ON THE ONE HAND
21 OR UPSET ON THE OTHER?

22 A NOT REALLY. HE SHOWS EMOTION.

23 Q IN WHAT SENSE?

24 A HE SMILES IF SOMETHING IS PLEASANT. HE IS QUIET
25 IF IT IS NOT.

26

27

28

1 Q DURING THE TIME THAT YOU HAVE KNOWN HIM, HAVE
2 YOU EVER HEARD HIM TALK ABOUT HIS REAL FAMILY?

3 A VERY RARELY.

4 Q WHAT HAVE YOU HEARD WHEN HE DID TALK ABOUT
5 THEM?

6 A I KNEW HE HAD A MOTHER AND I KNEW HE HAD SISTERS
7 AND BROTHERS, POSSIBLY.

8 IT IS SOMETHING WE NEVER TALKED ABOUT.

9 Q WELL, WHEN YOU KNEW HE HAD A MOTHER, IS THAT
10 BECAUSE JOE TOLD YOU OR YOU FOUND THAT OUT FROM SOMEBODY
11 ELSE?

12 A WELL, DEDUCTION. YOU KNOW HE HAD TO HAVE SOME-
13 BODY -- SOMEBODY HAD TO HAVE HAD HIM BUT WE NEVER TALKED
14 ABOUT IT.

15 (LAUGHTER IN COURTROOM.)

16 MR. BARENS: COULD WE GET A STIPULATION, YOUR HONOR?

17 THE COURT: DID YOU HEAR HE HAD A FATHER, TOO, STILL
18 LIVING?

19 THE WITNESS; UH-HUH. NEVER -- THAT NEVER CAME UP.

20 THE COURT: ALL RIGHT, THANK YOU.

21 Q BY MR. WAPNER: SO THAT YOU NEVER TALKED WITH
22 JOE HUNT ABOUT HIS REAL MOTHER OR HIS REAL FATHER?

23 A NO.

24 Q OR ANY BROTHERS OR SISTERS THAT HE HAD?

25 A NO.

26 Q DID HE EVER SAY WHAT HE MEANT WHEN HE SAID
27 "AREN'T WE LUCKY TO BE PART OF THIS FAMILY"?

28 A GIVEN OF WHAT I KNOW AND WHAT I HAVE EXPERIENCED

1 OF JOE, ONLY FROM THE STANDPOINT OF HE IS VERY HAPPY AND
2 LOVES AND IS LOVED BY A FAMILY.

A 3 Q WHEN YOU AND MR. HUNT WERE LIVING WITH THE
4 ROBERTS FAMILY, WHERE WAS THAT LOCATED?

5 A LOS ANGELES.

6 Q WHAT PART OF LOS ANGELES?

7 A BEL AIR.

8 Q CAN YOU DESCRIBE THE HOUSE, PLEASE, BRIEFLY
9 IN TERMS OF HOW BIG OF A HOUSE IT IS AND THE PROPERTY THAT
10 IT SITS ON.

11 A I REALLY DON'T KNOW.

12 IT IS --

13 Q HOW MANY BEDROOMS DOES IT HAVE, LET'S START
14 WITH THAT.

15 A FOUR BEDROOMS.

16 Q AND WOULD YOU DESCRIBE --

17 A UPSTAIRS, DOWNSTAIRS.

18 Q WOULD YOU DESCRIBE THIS AS -- WELL, DOES IT
19 HAVE A LARGE GATE IN THE FRONT OF IT AND FAIRLY LARGE GROUNDS
20 AROUND THIS HOUSE?

21 A THERE ARE MUCH LARGER HOMES IN THE AREA BUT,
22 YES, IT HAS A VERY NICE LAWN.

23 Q AND AT THE TIME YOU WERE LIVING THERE, MR.
24 AND MRS. ROBERTS WERE LIVING THERE?

25 A UH-HUH.

26 Q AND YOU AND TODD WERE LIVING THERE?

27 A UH-HUH.

28 Q COULD YOU DO ME A FAVOR AND JUST SAY YES OR

1 NO SO SHE CAN GET IT DOWN.

2 A YES.

3 Q THANK YOU.

4 WAS BROOKE LIVING THERE ALSO?

5 A YES.

6 Q THERE IS A SEPARATE ROOM ATTACHED TO THE GARAGE
7 OF THIS HOUSE; IS THAT RIGHT?

8 A YES.

9 Q WERE YOU INCLUDING THAT IN THE FOUR BEDROOMS
10 OR IS THAT ADDITIONAL?

11 A THAT IS IN ADDITION TO.

12 Q WHO ELSE WAS LIVING -- WAS THE YOUNGER SON,
13 DARRON, LIVING THERE AT THE TIME ALSO?

14 A UH-HUH.

15 Q PLEASE TRY AND SAY YES OR NO.

16 A YES.

17 Q IT IS HARD FOR HER TO WRITE DOWN SOUNDS.

18 DO YOU KNOW WHAT TYPE OF HOME MR. HUNT LIVED
19 IN WHEN HE GREW UP?

20 A NO.

21

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1 Q DID HE EVER TALK ABOUT THAT?

2 A NO.

3 Q DO YOU KNOW WHERE HE WENT TO HIGH SCHOOL?

4 A NO.

5 Q AT THE TIME THAT YOU WERE LIVING WITH THE
6 ROBERTS, DID THEY SEEM TO BE A FAIRLY AFFLUENT FAMILY?

7 MR. BARENS: RELEVANCY, YOUR HONOR.

8 THE COURT: IN THE WHOLE BACKGROUND, I THINK IT IS
9 PROPER. OVERRULED.

10 THE WITNESS: I DON'T KNOW WHAT YOU MEAN BY AFFLUENT.

11 Q BY MR. WAPNER: WEALTHY.

12 A ARE THE BILLS PAID? YES.

13 Q WHAT WAS THE RESTAURANT THAT JOE SEEMED TO
14 LIKE SO MUCH THAT YOU ALL WENT TO FOR DINNER?

15 A IT IS IN WESTWOOD.

16 Q DO YOU KNOW THE NAME OF IT?

17 THE COURT: WHICH ONE?

18 THE WITNESS: IT IS IN WESTWOOD AND IT IS THE OLD
19 WORLD.

20 Q BY MR. WAPNER: WHEN YOU LIVED AT THE ROBERTS
21 HOUSE, I ASSUME YOU DIDN'T PAY ANY RENT THERE?

22 A NO.

23 Q I ASSUME MR. HUNT DID NOT EITHER?

24 A NO.

25 Q DID YOU KNOW THAT MR. ROBERTS HAD PUT UP THEIR
26 HOUSE AS COLLATERAL FOR MR. HUNT'S BAIL?

27 A YES, I DID.

28 Q WHEN YOU TOOK THE BASIC COURSE AT LIFE SPRING,

1 DID YOU DO THAT, TAKE THAT COURSE WITH MR. HUNT?

2 A NO.

3 I TOOK IT BY MYSELF.

4 Q AND THAT WAS THE ONLY COURSE THAT YOU TOOK
5 THERE?

6 A UH-HUH.

7 Q IS THAT ANSWER YES?

8 A YES.

9 I'M SORRY.

10 Q HOW OFTEN DID YOU SEE MR. HUNT GO THERE?

11 A GO WHERE?

12 Q TO LIFE SPRING?

13 A THERE IS A BASIC COURSE THAT ENTAILS FIVE DAYS,
14 SO THAT IS THREE EVENINGS AND A WEEKEND.

15 AND THEN THERE IS AN ADVANCE COURSE, THREE
16 DAYS AND A WEEKEND. IT ROLLS IN FIVE.

17 AND IT WAS IN REGARD -- OTHER THAN THAT, NOT
18 TOO MUCH. IT IS A SEMINAR STYLE SO YOU REALLY GO THERE
19 AND YOU DO IT AND OFF YOU GO.

20 Q THIS IS ONE OF THOSE, AS YOU DESCRIBE IT, SELF-
21 GROWTH OR MOTIVATION COURSES. IS THIS IN THE NATURE OF LIKE
22 EST OR SOMETHING LIKE THAT?

23 A I PERSONALLY HAVE NEVER TAKEN EST BUT THE TACTICS,
24 FROM WHAT I UNDERSTAND, IN THOSE OF EST, THEY ARE VERY
25 DIFFERENT.

26 Q IS THIS LIFE SPRING ORGANIZATION SOMETHING
27 WHERE PEOPLE SIT IN A GROUP AND TALK, DOES IT WORK LIKE
28 THAT?

1 A AT TIMES, YES.

2 Q DID MR. HUNT TAKE ANY OF THOSE LIFE SPRING
3 COURSES WITH BOBBY ROBERTS?

4 A NOT TO MY KNOWLEDGE.

5 WE TEND TO TAKE THEM SEPARATELY, JUST FROM
6 THE STANCE OF BEING ABLE TO BECOME COMFORTABLE AND GO AND
7 DO IT ON YOUR OWN.

8 Q WHAT WAS IT THAT CAUSED YOU TO GO TO THE LIFE
9 SPRING COURSE?

10 A TODD AND I DECIDED THAT WE WOULD LIKE TO CHECK
11 IT OUT FOR OURSELVES AND DO THAT COURSE.

12 Q WAS THERE SOMEONE IN THE FAMILY WHO HAD DONE
13 THIS FIRST AND WAS KIND OF URGING THAT OTHER PEOPLE DO IT
14 BECAUSE THEY THOUGHT IT WAS A GOOD THING?

15 A NOT URGING, BUT WE SAW FROM THE OUTCOME OF
16 A COUPLE OF OTHER MEMBERS OF THE FAMILY WHO HAD DONE IT.

17 Q WHO WERE THOSE PEOPLE?

18 A CURTIS, MRS. ROBERTS, MR. ROBERTS AND I EVEN
19 THINK DARRON.

20 TODD AND I WERE MORE TOWARD THE END.

21 Q DO YOU KNOW WHETHER MR. HUNT WENT TO THESE
22 COURSES AT THE URGING OF THE ROBERTS FAMILY OR AT THE
23 SUGGESTION OF THE ROBERTS FAMILY?

24 A IT -- IT COULD BE LOOKED AT LIKE THAT, SURE.
25 WE HAD DONE IT AND I REALLY GOT GOOD BENEFIT
26 OUT OF IT AND HE WAS INTERESTED.

27

28

A-1

1 Q HAD BROOKE DONE IT ALSO?

2 A UH-HUH.

3 Q IS THAT YES? DOES THAT MEAN YES?

4 A YES.

5 Q HAD SHE DONE IT BEFORE MR. HUNT OR AT THE SAME
6 TIME?

7 A PRIOR TO.

8 Q WAS IT THE KIND OF A THING THAT BY THE TIME JOE
9 HUNT GOT OUT OF JAIL, EVERYBODY IN THE FAMILY HAD DONE THAT
10 AND HE WAS LIKE THE ONLY ONE, WHO HAD NOT? WOULD THAT BE
11 A FAIR STATEMENT?

12 A SURE.

13 Q DURING THE TIME THAT YOU KNEW JOE HUNT EITHER
14 BEFORE OR AFTER HE WENT INTO CUSTODY, DID YOU EVER SEE ANY
15 MEMBERS OF HIS REAL FAMILY?

16 A NO.

17 Q HAVE YOU FOUND OUT WHERE HIS MOTHER IS LIVING?

18 A I DON'T KNOW.

19 Q YOU DIDN'T GET ANY INFORMATION FROM MR. HUNT ABOUT
20 HIS PARENTS, CORRECT?

21 A YES.

22 Q YOU DIDN'T GET ANY INFORMATION FROM HIM ABOUT
23 HIS EDUCATIONAL BACKGROUND?

24 A NO.

25 Q DID YOU GET ANY INFORMATION FROM HIM SPECIFICALLY
26 ABOUT WHAT HE WAS DOING WITH THE STOCKS AND BONDS AND
27 INVESTMENTS?

28 A NO.

A-2
1 Q WAS HE WORKING DURING THE TIME THAT HE WAS LIVING
2 AT THE ROBERTS' HOUSE?

3 A ONCE HE CAME HOME, NO.

4 Q WAS HE BEING SUPPORTED FINANCIALLY AS FAR AS YOU
5 KNEW, BY THE ROBERTS' FAMILY?

6 A I REALLY NEVER MADE IT A POINT TO QUESTION HOW
7 OR WHY OR WAS JOE TAKING CARE OF HIMSELF.

8 Q WHAT DID YOU TELL MR. HUNT ABOUT YOUR OWN
9 EDUCATIONAL BACKGROUND?

10 A WE NEVER REALLY -- WE NEVER REALLY TALKED ABOUT
11 IT AGAIN.

12 AFTER THE FACT, CLASSES MAYBE THAT I HAD TAKEN
13 IN REGARD TO LITERATURE OR I DON'T KNOW, A SCIENCE CLASS THAT
14 I DIDN'T LIKE OR SOMETHING.

15 I MEAN, WE DIDN'T TALK ABOUT THE SPECIFICS OF
16 AN EDUCATION, EVER.

17 MR. WAPNER: THANK YOU. NOTHING FURTHER.

18
19 REDIRECT EXAMINATION

20 BY MR. BARENS:

21 Q MS. BERANEK, ARE THE ROBERTS MULTI-MILLIONAIRES?

22 A NO.

23 Q UP THERE WITH A BUNCH OF MAIDS AND SERVANTS AND
24 ROLLS ROYCES AND BIG GROUNDS AND STUFF LIKE ON DYNASTY? IS
25 THAT WHAT YOU HAVE GOT GOING ON?

26 A NO.

27 Q DID MR. ROBERTS SEEM TO WORK FOR A LIVING?

28 A VERY HARD.

A-3

1 Q THE BOYS WORK FOR A LIVING?

2 A YES.

3 Q DID ANY OF THE BOYS PAY RENT THERE?

4 A NO.

5 Q WAS JOE TREATED AS ONE OF THE SONS?

6 A YES.

7 Q SO AS I UNDERSTAND IT, NONE OF THE SONS PAID RENT?

8 A NO.

9 Q ALL RIGHT. MRS. ROBERTS DIDN'T PAY RENT, DID

10 SHE?

11 A NO.

12 Q HOW ABOUT BROOKE?

13 A NO.

14 Q OKAY. NOBODY PAID RENT THAT LIVED THERE?

15 A NO. THEY WERE TREATED AS EQUALS.

16 Q WHEN YOU HAD CONVERSATIONS AT HOME, DID JOE HUNT
17 TRY TO DOMINATE THE CONVERSATIONS THAT TOOK PLACE?

18 A NEVER. HE IS A VERY GOOD LISTENER. IT IS HARD
19 TO RECANT (SIC) BUT I MEAN, WE ARE A VERY NORMAL FAMILY.

20 WE DIDN'T LOOK TO JOE AS MECCA OR YOU KNOW,
21 EVERYBODY HAD THEIR SAY.

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B-1

1 Q IS THIS FAMILY FAIRLY CLOSE?

2 A VERY CLOSE.

3 Q WOULD THERE BE A LOT OF TIMES WHERE THE WHOLE
4 FAMILY WOULD WATCH TELEVISION TOGETHER OR HAVE DINNER TOGETHER?

5 A YES.

6 Q IS THAT IN FACT, THE WAY THINGS USUALLY ARE AT
7 HOME?

8 A YES.

9 Q AND WOULD JOE ALWAYS BE A PART OF THAT WHEN HE
10 WAS AVAILABLE?

11 A YES.

12 Q WOULD HE ACT JUST LIKE EVERYBODY ELSE DURING
13 THOSE --

14 MR. WAPNER: OBJECTION, VAGUE. "ACT JUST LIKE EVERYONE
15 ELSE DOES"? I MEAN, DOES THAT MEAN EVERYONE ELSE ACTED THE
16 SAME? WHAT DOES THAT MEAN?

17 THE COURT: THIS IS REDIRECT. DO YOU WANT TO REOPEN?

18 Q BY MR. BARENS: DID HE ACT CIVILIZED? DID HE
19 ACT LIKE SOME CRAZED MADMAN, LIKE THE PROSECUTION WANTS US
20 TO BELIEVE?

21 MR. WAPNER: OBJECTION, ARGUMENTATIVE.

22 Q BY MR. BARENS: DID HE ACT LIKE EVERYBODY ELSE
23 AS FAR AS THE WAY YOU SAW SONS ACTING IN THAT HOUSE?

24 A JOSEPH IS THE EPITOME OF A GENTLEMAN, A NORMAL,
25 HEALTHY, WELL-ADJUSTED HUMAN BEING.

26 Q WERE YOU ASKED IF HE WAS COOL? YOU KNOW, COOL?

27 I GUESS COOL IN THIS COURTROOM MEANS LIKE A COLD-
28 BLOODED KILLER? DID HE SHOW --

P-2

1 MR. WAPNER: OBJECTION, ARGUMENTATIVE.

2 THE COURT: SUSTAINED. JUST ASK THE QUESTION, WILL
3 YOU PLEASE? DO NOT MAKE ANY SPEECHES.

4 MR. BARENS: WELL, I DIDN'T KNOW WHAT COOL MEANT.

5 THE COURT: WELL, ASK HER WHAT SHE THOUGHT IT MEANT.

6 Q BY MR. BARENS: DID HE SHOW EMOTIONS AS TIME WENT
7 BY?

8 THE COURT: I THINK YOU ASKED THAT QUESTION. SHE SAID
9 YES, HE SMILED AND HAD ALL THE NORMAL REACTIONS OF ANYBODY.
10 IS THAT WHAT YOU SAID?

11 THE WITNESS: YES.

12 THE COURT: SHE ALREADY SAID THAT.

13 MR. BARENS: WELL, THE PROSECUTION SAID "COOL." I WANTED
14 TO SEE IF IT WAS DESCRIPTIVE OR NOT.

15 Q NOW, YOU MENTIONED THAT YOU WERE AWARE THAT THE
16 ROBERTS HAD PUT THEIR HOME UP AS BAIL?

17 A YES.

18 Q DO YOU KNOW HOW LONG THEY LIVED IN THAT HOME?

19 A IT HAS BEEN IF NOT 20 YEARS, RIGHT AROUND THAT
20 TIME.

21 Q OKAY. SO THEY HAD LIVED THERE MANY, MANY YEARS
22 BEFORE JOE EVER CAME TO LIVE THERE, HAD THEY NOT?

23 A YES.

24 Q AND IN FACT, HAD NOT THOSE CHILDREN GROWN UP IN
25 THAT HOME?

26 A YES.

27 Q BECAUSE SOME OF THEM WERE BARELY OVER 20, WEREN'T
28 THEY?

B-3

1 A (THE WITNESS NODS HEAD UP AND DOWN.)

2 MR. WAPNER: IS THAT YES?

3 THE WITNESS: YES.

4 Q BY MR. BARENS: NOW TO YOUR KNOWLEDGE, DID JOE
5 HUNT ASK THE ROBERTS TO PUT THAT HOUSE UP AS BAIL OR DID THEY
6 VOLUNTEER?

7 A NO. I AM SURE IT WAS VOLUNTEERED.

8 THE COURT: WHO TOLD YOU THAT?

9 THE WITNESS: MY ONLY DIRECT CONVERSATION WAS --

10 THE COURT: WHO TOLD YOU THAT THEY VOLUNTEERED TO PUT
11 UP THE HOUSE?

12 THE WITNESS: TODD.

13 THE COURT: TODD DID?

14 THE WITNESS: YES.

15 THE COURT: ALL RIGHT.

16

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F

1 Q BY MR. BARENS: THAT IS TODD ROBERTS?

2 A YES.

3 Q ONE OF THE SONS --

4 A YES.

5 Q -- WHO TOLD YOU THAT HIS FOLKS HAD VOLUNTEERED
6 THE HOUSE?

7 A UH-HUH.

8 Q DID YOU EVER, WHEN YOU WERE VISITING JOE, HEAR
9 JOE ASK TODD, YOURSELF OR ANY OTHER PERSON, TO HAVE BAIL
10 ARRANGED FOR HIM?

11 A NEVER.

12 Q NOW MR. WAPNER ASKED YOU IF YOU WERE AWARE
13 THAT PEOPLE WOULD SAY THAT JOE HUNT HAD LOST MONEY THEY
14 HAD INVESTED WITH HIM.

15 ASSUMING THAT JOE HUNT BROKERED COMMODITIES
16 AND SECURITIES, WOULD YOU THINK LESS OF HIM, KNOWING THAT
17 HE HAD LOST PEOPLE'S MONEY?

18 A OF COURSE NOT.

19 Q DO YOU UNDERSTAND THAT PEOPLE MIGHT GET REAL
20 UPSET WITH HIM IF HE LOST THEIR MONEY?

21 A YES.

22 Q THEY MIGHT SAY REAL BAD THINGS ABOUT HIM IF
23 THEY LOST THEIR MONEY?

24 A SURE.

25 Q YOU WOULD STILL MAINTAIN YOUR OPINION ABOUT
26 JOE HUNT BASED ON YOUR PERSONAL EXPERIENCE AND KNOWLEDGE
27 OF HIM, IRRESPECTIVE OF WHAT ANYBODY ELSE SAID?

28 A ABSOLUTELY.

1 Q ISN'T IT TRUE THAT THE ONLY OPINION YOU CAN
2 HAVE OF JOE HUNT IS BASED ON YOUR PERSONAL EXPERIENCE WITH
3 HIM?

4 A YES.

5 MR. BARENS: THANK YOU.

6 THE COURT: ALL RIGHT.

7 MR. WAPNER: I HAVE JUST A COUPLE OF QUESTIONS.

8 THE COURT: YOU HAVE SOME FURTHER QUESTIONS?

9 MR. WAPNER: YES, YOUR HONOR.

10

11

REXCROSS-EXAMINATION

12

BY MR. WAPNER:

13

14

Q WHAT DID MR. ROBERTS, BOBBY ROBERTS DO FOR
A LIVING?

15

A I HAVE KNOWN HIM TO DO VARIOUS THINGS.

16

MR. BARENS: RELEVANCY.

17

MR. WAPNER: SHE SAID HE WORKED VERY HARD.

18

19

THE COURT: WELL, SHE TALKED ABOUT BOTH, THE PARENTS
AND EVERYTHING ELSE. HE HAS A RIGHT TO ASK WHAT HE DOES
FOR A LIVING.

20

21

OVERRULED.

22

23

Q BY MR. WAPNER: HE WORKED VERY HARD AND I WANT TO
KNOW WHAT HE WORKED VERY HARD AT, IF YOU KNOW?

24

25

A WHEN I FIRST MOVED IN WITH THE FAMILY, HE WAS
WITH LORIMAR.

26

27

Q LORIMAR IS A PRODUCTION COMPANY THAT PRODUCES
MOVIES AND TELEVISION PROGRAMS?

28

A YES.

1 MR. BARENS: YOUR HONOR, THE OBJECTION IS IT MISSTATES
2 THE EVIDENCE.

3 THE COURT: HE IS ASKING THE QUESTION.

4 MR. BARENS: HE IS MISSTATING THE EVIDENCE IN THE
5 QUESTION.

6 THE COURT: HE IS MERELY ASKING WHETHER THEY ARE IN
7 THAT BUSINESS, THAT IS ALL HE ASKED.

8 MR. BARENS: IT IS WELL-KNOWN THAT MR. ROBERTS WAS
9 IN THE RECORD BUSINESS.

10 THE WITNESS: IF I CAN FURTHER SAY, I KNOW HE WAS
11 IN THE MUSIC DIVISION OF IT.

12 Q BY MR. WAPNER: FINE. THAT IS FINE.

13 A OKAY.

14 Q THEN AFTER A WHILE, HE DIDN'T WORK FOR LORIMAR
15 ANYMORE; IS THAT RIGHT?

16 A RIGHT.

17 Q WHAT DID HE DO AFTER THAT?

18 A I KNOW HE WAS INVOLVED IN A REAL ESTATE COMPANY
19 AND CD'S, THE COMPACT DISKS, VARIOUS PROJECTS.

20 I DON'T KEEP REAL CLOSE TABS ON HIM.

21 Q WAS HE EVER INVOLVED IN THE PRODUCTION OF MOVIES,
22 AS FAR AS YOU KNEW?

23 A YES.

24 Q WERE THERE ANY DISCUSSIONS AT THE HOUSE, WHILE
25 YOU WERE THERE, OF THE PRODUCTION OF SOME MOVIE BASED ON
26 THIS CASE OR THE RIGHTS TO THE MOVIE BASED ON THIS CASE?

27 A ABSOLUTELY NOT.

28 Q THAT NEVER OCCURRED IN YOUR PRESENCE?

1 A NEVER.

2 Q AND DURING THE TIME THAT YOU VISITED MR. HUNT
3 IN JAIL, WERE THERE EVER ANY DISCUSSIONS ABOUT BAIL?

4 A NO.

5 TODD AND I WENT PURELY AS VISITORS, TO KEEP
6 HIM COMPANY ON DAYS BROOKE COULDN'T GO OR ANOTHER MEMBER
7 OF THE FAMILY. WE LIKED TO BE THERE FOR HIM.

8 Q WAS IT APPROXIMATELY ONCE A MONTH THAT YOU
9 WENT?

10 A IF THAT, YES.

11 Q AT NO TIME DID HE DISCUSS A DESIRE TO GET OUT
12 OF JAIL ON BAIL?

13 A NEVER.

14 I MEAN YOU HAVE GOT TO REMEMBER I WAS WITH
15 TODD. YOU ARE ONLY ALLOWED AT THE MOST LIKE 15 MINUTES,
16 SO OURS WAS ALWAYS TAKEN UP WITH SMALL TALK.

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

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

19 THIS WITNESS MAY BE EXCUSED?

20 MR. BARENS: YES, YOUR HONOR.

21 THE COURT: ALL RIGHT, THANK YOU. I THINK WE ARE
22 JUST ABOUT AT THE NOON HOUR. LADIES AND GENTLEMEN OF THE
23 JURY, WE WILL TAKE OUR CUSTOMARY RECESS AT THIS TIME UNTIL
24 1:30 THIS AFTERNOON.

25 THE SAME ADMONITION I GAVE YOU WOULD STILL
26 APPLY.

27 (AT 11:55 A.M. AN ADJOURNMENT WAS TAKEN
28 TO RESUME AT 1:30 P.M. OF THE SAME DAY.)

1 SANTA MONICA, CALIFORNIA, THURSDAY, MAY 21, 1987; 1:37 P.M.

2 DEPARTMENT C HON. LAURENCE J. RITTENBAND, JUDGE

3 (APPEARANCES AS NOTED ON TITLE PAGE.)

4
5 (THE FOLLOWING PROCEEDINGS WERE HELD
6 IN CHAMBERS:)

7 MR. BARENS: THANK YOU, YOUR HONOR, FOR HAVING US
8 IN BRIEFLY. TWO MATTERS, ONE OF WHICH IS ONLY HOUSEKEEPING.
9 YOUR HONOR, THE OTHER IS A LEGAL QUESTION.

10 THE COURT AND MYSELF HAD A DISAGREEMENT ABOUT
11 THE ABILITY OF THE DEFENSE TO ASK A WITNESS AT THIS JUNCTURE
12 OF THE PROCEEDINGS HOW THEY WOULD FEEL IF THE DEFENDANT
13 WERE EXECUTED.

14 DURING THE BREAK, I HAD A DISCUSSION WITH MR.
15 WAPNER ON THIS SUBJECT. LET ME TELL YOUR HONOR HOW WE HAVE
16 BEEN PROCEEDING, HERE.

17 THE ONLY PUBLICATION I HAVE EVER SEEN IN MY
18 LIFE YOUR HONOR, IS THIS BOOK ENTITLED "CALIFORNIA DEATH
19 PENALTY DEFENSE MANUAL," WHICH IS PUBLISHED IN 1986
20 EDITION, PUBLISHED BY THE CALIFORNIA PUBLIC DEFENDERS'
21 ASSOCIATION AND THE CALIFORNIA ATTORNEYS FOR CRIMINAL JUSTICE.

22 THERE IS DIALOGUE IN THIS BOOK, YOUR HONOR,
23 WHICH I REPRESENT TO THE COURT TALKS ABOUT IN A DEATH PENALTY
24 CASE, THAT A RELATIVE, A BLOOD RELATIVE -- BY THIS I MEAN
25 MOTHER, SISTER, FATHER, BROTHER OR CHILD, COULD BE ASKED
26 THAT QUESTION TO INDICATE TO THE JURY THAT THE DEFENDANT
27 AND HIS CONTINUED EXISTENCE WOULD BE MISSED BY THE FAMILY
28 MEMBER, EVEN MISSED ON THE ABILITY TO SEE HIM IN JAIL, JUST

1 TO YOU KNOW, HAVE A CHANCE TO COMMUNICATE WITH THE RELATIVE.

2 DURING THE LUNCH BREAK, I MENTIONED TO MR.

3 WAPNER THAT IF THE COURT WOULD PERMIT ME TO ASK THAT QUESTION,

4 I WOULD ONLY ASK IT TO A BLOOD RELATIVE, IN THIS INSTANCE,

5 HIS MOTHER OR HIS SISTER AND NOT TO ANY OTHER WITNESS IN

6 ANY FASHION.

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1 MR. WAPNER --

2 THE COURT: DO YOU HAVE ANY CITATION OR AUTHORITY?

3 MR. BARENS: I CAN'T FIND A CASE.

4 IT IS IN THIS DIALOGUE THAT THEY GAVE US, JUDGE,
5 ABOUT THINGS LAWYERS SHOULD DO AND THINGS YOU SHOULD INCLUDE.

6 AND I WOULD BE GLAD TO FIND THESE -- THESE
7 ARE KINDS OF PASSAGES THAT ARE GIVEN TO US, JUDGE.

8 THE COURT: DO YOU HAVE ANY CASE WHICH SANCTIONS THAT
9 TYPE OF QUESTION?

10 MR. BARENS: I CAN'T FIND -- DURING THE LUNCH HOUR,
11 WE TRIED TO FIND A CASE EITHER WAY, THAT EITHER SANCTIONED
12 IT OR PROHIBITED IT AND I COULD NOT FIND A CASE CITATION.

13 BUT THIS BOOK HAS INDICATED PRACTICE TECHNIQUES
14 AS TO WHAT IS SUGGESTED BY THESE AGENCIES TO COUNSEL AS
15 A GENERAL ASSIST TO COUNSEL.

16 AND AGAIN, I AM SURE YOUR HONOR IS AWARE I
17 HAVE NEVER BEEN HERE BEFORE. I DON'T KNOW WHAT AUTHORITY
18 YOUR HONOR WOULD REST UPON IN SAYING THAT THERE IS A
19 PROHIBITION ON THAT QUESTION, SIR.

20 AND I WANTED TO REPRESENT TO THE COURT THAT
21 MR. WAPNER HAS INDICATED THAT THE PEOPLE WOULD NOT OBJECT
22 TO THE QUESTION SO LONG AS IT WAS ONLY ASKED OF A BLOOD
23 RELATIVE, A FIRST LEVEL BLOOD RELATIVE.

24 THE COURT: YOU MEAN LIKE THE MOTHER?

25 MR. BARENS: YES, SIR.

26 MR. WAPNER: THE THEORY IS THAT IT IS RELEVANT BECAUSE
27 IT WILL TEND TO SHOW, ACCORDING TO THE DEFENSE, THAT SOMEONE
28 CARES ABOUT HIM AND, THEREFORE, WILL MISS HIM IF HE IS

1 EXECUTED AND I THINK THE ANSWERS TO THE QUESTIONS ARE GOING
2 TO BE OBVIOUS.

3 THE COURT: OBVIOUS, YES.

4 MR. WAPNER: AS FAR AS THE MOTHER AND SISTER ARE
5 CONCERNED, IF THAT QUESTION IS ASKED I DO NOT INTEND TO
6 OBJECT.

7 THE COURT: ARE YOU GOING TO HAVE THEM TODAY?

8 MR. BARENS: YES, YOUR HONOR.

9 MR. CHIER: WE HAVE THE SISTER TODAY.

10 THE MOTHER IS NOT QUITE PREPARED, YOUR HONOR.

11 THE COURT: NOT QUITE PREPARED FOR WHAT?

12 MR. CHIER: I HAVEN'T HAD THE COMPLETE OPPORTUNITY
13 TO INTERVIEW HER, YOUR HONOR. I HAVE WORKED --

14 THE COURT: YOU HAVEN'T HAD THE OPPORTUNITY TO WHAT?

15 MR. CHIER: I HAVEN'T BEEN ABLE TO COMPLETE THE
16 PREPARATION OF THE MOTHER AND THE INTERVIEWING OF THE MOTHER
17 FOR TESTIFYING.

18 WE HAD TWO WITNESSES THAT DIDN'T SHOW UP TODAY,
19 YOUR HONOR. ONE IS --

20 THE COURT: WELL, ARE THEY SUBPOENAED?

21 MR. CHIER: ONE WAS SUBPOENAED AND ONE WAS NOT
22 SUBPOENAED, YOUR HONOR. SHE IS A VOLUNTARY WITNESS, WHO
23 HAD SOME PROBLEM IN SCHOOL. SHE IS A STUDENT AT UCLA, A
24 GRADUATE STUDENT.

25 I DIDN'T EXPECT THAT WE WOULD GET TO THE MOTHER
26 TODAY AND AS A CONSEQUENCE, WE ARE --

27 THE COURT: HOW MANY WITNESSES DO YOU HAVE TODAY?

28 MR. BARENS: I HAVE THREE MORE WITNESSES TODAY, YOUR

1 HONOR. WE SHOULD BE ABLE TO FILL THE AFTERNOON.

2 THE COURT: I HAVE A NOTE HERE FROM LINDA MICKELL,
3 THE JUROR AND SHE SAYS,

4 "I HAVE A REQUEST TO MAKE."

5 SHE WANTS TO TAKE THE NOTEBOOKS --

6 "TO TAKE THE NOTEBOOKS HOME OVER
7 THE WEEKEND. OVER THE PAST FOUR MONTHS, I HAVE
8 MUCH TESTIMONY IN MY NOTES, I HAVE THE FACTS OF
9 THIS TRIAL AS WELL AS THE NEW ANSWERS, ON THE
10 GESTALT, IF YOU WILL. OUR JURY HAS RENDERED A
11 VERDICT, WE HAVE FOUND JOE HUNT GUILTY AND WE
12 MUST NOW DECIDE WHETHER HE LIVES OR DIES. I AM
13 SURE YOU REALIZE WHAT AN AWESOME RESONSIBILITY
14 THAT IS. I WOULD LIKE TO HAVE MY WRITTEN NOTES
15 AS WELL AS SUFFICIENT TIME TO PRIVATELY REVIEW
16 THEM SO I MAY MAKE A JUST DECISION.

17 "I REALIZE, OF COURSE, THAT I AM
18 STILL UNDER OATH AND SWORN NOT TO DISCUSS THIS
19 CASE.

20 "THANK YOU FOR YOUR CONSIDERATION,
21 LINDA MICKELL."

22 ANY OBJECTION TO HER TAKING THE NOTES HOME
23 OVER THE WEEKEND?

24 MR. BARENS: I HAVE NEVER CONSIDERED IT. COULD I
25 HAVE A MOMENT AMONG US, SIR?

26 THE COURT: SURE.

27 (UNREPORTED COLLOQUY BETWEEN MR. BARENS,
28 MR. CHIER AND THE DEFENDANT.)

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MR. WAPNER: IT HAS COME UP ONCE BEFORE IN A TRIAL
THAT I HAD AND WITH THE AGREEMENT OF COUNSEL, WE PERMITTED
IT.

PA-1

1 MY FEELING IS THAT IF IT IS DONE JUST FOR THE
2 PURPOSE OF KIND OF ORGANIZING THEM AND REVIEWING THEM, IT
3 IS ONE THING. I GUESS THE ADMONITION IS THAT THEY ARE NEITHER
4 TO FORM ANY OPINION NOR EXPRESS IT.

5 SO, NOT ONLY IS SHE NOT SUPPOSED TO TALK TO PEOPLE
6 ABOUT IT, BUT SHE IS NOT SUPPOSED TO FORM ANY OPINION IN GOING
7 OVER THE NOTES HERSELF.

8 SO IF IT COULD BE -- I GUESS IN SOME WAY, LIMITED
9 TO JUST ORGANIZING IT OR REVIEWING IT WITH THE INSTRUCTION
10 THAT THEY ARE NOT TO COME TO ANY CONCLUSION --

11 THE COURT: WHAT DO YOU SUGGEST WE DO? INSTRUCT ALL
12 OF THE JURORS THEY CAN TAKE THEIR NOTEBOOKS HOME WITH THEM
13 AFTER ARGUMENT OF COUNSEL AND REVIEW THESE NOTES BEFORE THEY
14 START THEIR DELIBERATIONS? WOULD THAT BE AGREEABLE?

15 MR. BARENS: WELL, ABSOLUTELY NOT. IT WOULD NOT BE,
16 SIR.

17 THE COURT: WHY NOT?

18 MR. BARENS: YOUR HONOR --

19 THE COURT: WHEN ARE THEY GOING TO REVIEW THE NOTES?
20 WHAT ARE THEY TAKING NOTES FOR, IF THEY DON'T HAVE THE RIGHT
21 TO REVIEW THEM?

22 MR. BARENS: SIR, I HAD ALWAYS UNDERSTOOD THE PROCEEDINGS
23 TO INVOLVE THE DECISION MADE IN THE BUILDING, IN THE COURTROOM,
24 IN THE JURY CHAMBERS, NOT THAT THEY WERE TO BE AT HOME OR
25 ANY TIME INDEPENDENTLY MAKING A DECISION ON THE CASE OUTSIDE
26 OF THE FOUR WALLS OF THIS COURTROOM.

27 THE COURT: WHEN ARE THEY GOING TO REVIEW THEIR NOTES
28 WHICH ARE COPIOUS?

A-2
1 MR. BARENS: I BELIEVE THAT THEY HAVE, AS THEY DID
2 HOPEFULLY, DURING THE PENALTY PHASE --

3 THE COURT: THE GUILT PHASE, YOU MEAN?

4 MR. BARENS: THE GUILT PHASE, THAT THEY REVIEWED WHATEVER
5 MATERIALS THEY NEEDED TO MAKE THEIR DECISION IN THE JURY ROOM,
6 AS PROPERLY INSTRUCTED BY THE COURT.

7 I BELIEVE THAT THAT HAS ALWAYS BEEN THE WAY THINGS
8 HAVE BEEN DONE, TO MY KNOWLEDGE.

9 THE COURT: WELL, LET ME LOOK AND SEE WHAT THE PRACTICE
10 IS AND WHETHER OR NOT IT IS PERMITTED.

11 MR. WAPNER: BUT AS FAR AS THIS WEEKEND IS CONCERNED,
12 WE ARE JUST GOING TO TELL THEM THAT THEY SHOULD LEAVE THEIR
13 NOTES HERE?

14 THE COURT: YES.

15 MR. WAPNER: THANK YOU.

16 MR. BARENS: BEFORE I GO TO THE SECOND REASON WHY WE
17 CAME IN, I AM NOT SURE I KNOW WHERE WE STAND ON THE FIRST
18 REQUEST WE MADE, THAT THE PEOPLE WOULD NOT OBJECT TO THE
19 REQUEST TO ASK A BLOOD RELATIVE --

20 THE COURT: I THINK I REMEMBER READING SOMETHING ABOUT
21 THAT. I THINK THAT I HAVE GOT SOME PRINTED MATERIAL ON THE
22 BENCH WHICH DEALS WITH THIS SUBJECT, I THINK.

23 SO, LET ME REFRESH MY RECOLLECTION WHETHER OR
24 NOT THERE IS ANY AUTHORITY FOR OR AGAINST IT.

25 MR. CHIER: WOULD YOUR HONOR CONSIDER GIVING THE JURY
26 A COUNTERMANDING INSTRUCTION AT THIS JUNCTURE, TELLING THEM
27 THAT THEY MAY CONSIDER SYMPATHY FOR THE DEFENDANT?

28 THE COURT: WHAT ARE YOU TRYING TO DO, GET ME IN A TRAP

A-3
1 AGAIN? ARE YOU? I KNOW THAT THE JURY HAS THE RIGHT TO
2 CONSIDER SYMPATHY BECAUSE THERE IS A SUPREME COURT DECISION
3 ON THAT.

4 I DON'T HAVE TO GIVE IT AT ALL. NO. I WILL GIVE
5 IT TO THEM AT THE APPROPRIATE TIME.

6 MR. BARENS: I TELL YOU WHY IT CAME UP. JUST ACADEMICALLY,
7 WE HAD A DISCUSSION DURING LUNCH WHERE I SAID TO MR. CHIER
8 THAT IT OCCURS TO ME THAT THE JURY MIGHT BE SITTING THERE
9 THINKING THAT ALTHOUGH WE ARE PUTTING ISSUES ON ABOUT SYMPATHY,
10 THEY MIGHT BE THINKING THAT THE JUDGE INSTRUCTED US THAT WE
11 CAN'T CONSIDER SYMPATHY.

12 I WONDER IF THE JURY IS THINKING THAT I AM GIVING
13 THEM STUFF THAT THEY CAN'T CONSIDER.
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1 THE COURT: AS LONG AS THEY HAVE NOT ALREADY MADE A
2 DECISION, THEN THEY CAN CONSIDER IT.

3 MR. CHIER: SOMETIMES PEOPLE TUNE OUT AND --

4 THE COURT: I DON'T HAVE TO GIVE THEM ANY CAUTIONARY
5 INSTRUCTIONS. I WILL INSTRUCT THEM AT THE CONCLUSION OF THE
6 CASE, ALONG THE LINES OF -- INCLUDING THE ONE ABOUT SYMPATHY.
7 I THINK THAT IT WOULD BE INAPPROPRIATE TO GIVE ANYONE THE
8 PARTICULAR INSTRUCTION AT THIS TIME. OF COURSE NOT.

9 MR. BARENS: I MEANT TO SAY THAT I UNDERSTOOD IT. THE
10 SECOND REASON WE CAME IN, YOUR HONOR, I HAD HAD SOME DISCUSSIONS
11 WITH MR. WAPNER ON SEQUENCING. ASSUMING THAT -- AND AGAIN,
12 I HAVE TO BE SOMEWHAT LOOSE IN MY TIME ESTIMATES. IT IS HARD
13 TO PREDICT THE DURATION. ASSUMING THAT WE FINISHED EITHER
14 AT THE CLOSE OF THE DAY TUESDAY, KNOWING THAT THERE IS NO
15 COURT MONDAY OR MID-AFTERNOON WEDNESDAY OR SOMETHING, YOU
16 KNOW, KIND OF IN THAT AREA WHICH I CANNOT ANTICIPATE AT THIS
17 JUNCTURE -- WOULD THE PROSECUTION AND THE DEFENSE HAVE ONE
18 DAY TO PREPARE CLOSING ARGUMENTS?

19 THE COURT: WELL, IT ALL DEPENDS UPON WHEN THE CLOSING
20 ARGUMENTS --

21 MR. BARENS: THE NEXT DAY?

22 THE COURT: YOU UNDERSTAND THAT I HAVE GOT THIS OTHER
23 DEATH PENALTY SCHEDULED WITH 127 JURORS COMING IN, WAITING
24 AROUND TO BE IMPANELED -- I MEAN, THEY HAVE ALREADY BEEN SWORN,
25 BUT NOT SELECTED YET.

26 I WOULD LIKE TO FINISH THIS IF IT POSSIBLY CAN
27 BE FINISHED BY THE END OF NEXT WEEK.

28 MR. BARENS: WE WILL FINISH PRESENTING OUR CASE.

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HOPEFULLY, AS I SAID, IT WILL BE BY THE END OF TUESDAY OR ON WEDNESDAY. I AM JUST ASKING THAT WE BE GIVEN -- I WOULD JUST LIKE A DAY TO PREPARE THE CLOSING.

THE COURT: WELL THEN WE ARE GOING TO HAVE CLOSING ARGUMENTS. IT IS GOING TO TAKE SOME TIME. SO IT IS IMPOSSIBLE THEN FOR ME TO PROCEED WITH THE OTHER CASE.

MR. BARENS: I WOULD REPRESENT THAT MY CLOSING ARGUMENT IN THIS CASE WOULD NOT EXCEED AN HOUR AND A HALF. TO BE CANDID, I WOULD ANTICIPATE --

THE COURT: WELL, WHY DON'T WE ANTICIPATE THEN HAVING ARGUMENTS AND I CAN INSTRUCT THE JURY --

BF

1 MR. BARENS: THE SAME DAY, PERHAPS?

2 THE COURT: I CAN INSTRUCT THE JURY. WE WILL HAVE A
3 SESSION ON FRIDAY.

4 MR. BARENS: I WOULD BE AGREEABLE TO THAT, YOUR HONOR.

5 THE COURT: ALL RIGHT.

6 MR. BARENS: I WOULD LIKE AT THE CLOSE OF THE TESTIMONY --

7 THE COURT: LET ME SEE HOW WE STAND AFTER THE TESTIMONY.
8 THEN THERE MIGHT BE REBUTTAL ALSO, I IMAGINE. SO, LET'S WAIT
9 UNTIL WE SEE WHAT IS GOING ON.

10 MR. WAPNER: MY ONLY CONCERN ABOUT THAT IS THAT SHOULD
11 THE DEFENSE FINISH ON TUESDAY AT NOON, I WOULD NOT BE PREPARED
12 TO ARGUE TUESDAY AFTERNOON.

13 THE COURT: NO.

14 MR. WAPNER: AS LONG AS IT IS ANY TIME AFTER THAT.

15 THE COURT: YES, ALL RIGHT. YOU ARE GOING TO HAVE --
16 IS YOUR PRESENT THINKING -- DO YOU THINK YOU ARE GOING TO
17 HAVE ANY REBUTTAL?

18 MR. WAPNER: MY PRESENT THINKING IS THAT NO, I WILL
19 NOT HAVE ANY.

20 THE COURT: ALL RIGHT.

21 MR. WAPNER: THAT IS BASED ON WHAT I HAVE HEARD SO FAR.

22 THE COURT: CERTAINLY, IF WE FINISH ON TUESDAY MORNING,
23 YOU WILL HAVE TUESDAY AFTERNOON OFF.

24 MR. WAPNER: THANK YOU.

25 THE COURT: IF YOU FINISH ON WEDNESDAY AT NOON, YOU
26 HAVE THE REST OF THE AFTERNOON OFF.

27 AGAIN, ARE BOTH OF YOU GOING TO PREPARE
28 INSTRUCTIONS? I DON'T THINK YOU NEED VERY MANY JURY

R-2

1 INSTRUCTIONS BECAUSE ON THE PENALTY PHASE, THERE ARE VERY
2 FEW JURY INSTRUCTIONS.

3 I HAVE ALREADY PREINSTRUCTED THE JURY.

4 IF THERE ARE SOME JURY INSTRUCTIONS OTHER THAN
5 WHAT IS CONTAINED IN CALJIC, I WANT YOU TO GIVE THEM TO ME
6 IN --

7 MR. BARENS: WE'LL DO THAT, SIR. SIR, I HAD ONE OTHER
8 LEGAL QUESTION FOR YOUR HONOR. THAT GOES TO THE SUBJECT OF,
9 IF THE DEFENDANT WERE TO TAKE THE STAND HYPOTHETICALLY YOUR
10 HONOR, AND HIS TESTIMONY WAS LIMITED SOLELY TO THE SWARTOUT
11 AND F.C.I. MATTERS ON DIRECT, THAT THERE WOULD BE NO FACTUAL
12 INQUIRY OUTSIDE OF THE REALM OF THAT. WOULD YOUR HONOR
13 COUNTENANCE AND PERMIT LIMITED TESTIMONY BY THE DEFENDANT?

14 MR. WAPNER: MY SENSE OF IT RIGHT NOW IS THAT IF THERE
15 IS NO MENTION MADE OF EITHER -- IN ANY WAY -- OF EITHER THE
16 LEVIN OR ESLAMINIA MATTERS, THAT THAT IS PROBABLY A
17 PERMISSIBLE -- IT IS PERMISSIBLE TO LIMIT THE SCOPE OF THE
18 CROSS-EXAMINATION ONLY TO THOSE TWO INCIDENTS. THAT IS MY
19 GUT REACTION.

20 THE COURT: WELL THEN, YOU ARE FREE TO COMMENT TO THE
21 JURY ON THE FACT THAT HE SAID NOTHING ABOUT THE OTHER MATTERS.

22 MR. BARENS: PARDON ME, SIR? IS THAT YOUR UNDERSTANDING
23 OF THE LAW?

24 THE COURT: THE QUESTION IS WHETHER OR NOT HE HAS A
25 RIGHT TO COMMENT ON THE FACT --

26 MR. BARENS: ARE YOU TELLING HIM THAT -- YOU ARE NOT
27 TELLING HIM THAT YOU BELIEVE HE DOES?

28 THE COURT: I AM NOT TELLING HIM ANYTHING. I AM THROWING

1 IT OUT AS A POSSIBILITY.

2 MR. BARENS: I DON'T THINK -- YOU ARE NOT -- DOES YOUR
3 HONOR BELIEVE THAT THAT IS THE STATE OF THE LAW?

4 THE COURT: I DON'T KNOW.

5 MR. WAPNER: I AM NOT SURE, EITHER.

6 THE COURT: I AM NOT SURE. FOR THAT REASON, I AM
7 THROWING IT OUT AS A POSSIBILITY.

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1 MR. BARENS: I DON'T BELIEVE THAT ANY OF THE CASES
2 TALK IN TERMS OF IF A DEFENDANT TESTIFIES, YOU CAN COMMENT.

3 THE COURT: WELL, NORMALLY, HE MUST BE CROSS-EXAMINED
4 WITHIN THE BOUNDS OF THE DIRECT EXAMINATION, THAT IS THE
5 GENERAL RULE.

6 MR. BARENS: YES, SIR.

7 THE COURT: I DON'T KNOW WHAT THE RULE IS WITH RESPECT
8 TO A DEFENDANT WHO TAKES THE STAND, WHETHER HE SUBJECTS
9 HIMSELF -- AND DECIDES TO TESTIFY -- WHETHER HE SUBJECTS
10 HIMSELF TO QUESTIONING ABOUT OTHER MATTERS OTHER THAN WHAT
11 HE HAS TESTIFIED TO. THAT IS WHY I THINK YOU OUGHT TO
12 EXAMINE THAT BEFORE YOU DO IT AND THEN I WILL GIVE YOU MY
13 ASSURANCE, IF THAT IS ALL HE IS GOING TO TESTIFY, I WILL
14 TELL THE D.A. HE CAN'T CROSS-EXAMINE HIM ON ANY OTHER MATTERS.

15 MR. BARENS: I AM NOW MORE CONCERNED ABOUT THE COMMENT
16 FOR FAILURE TO TESTIFY AS A PENALTY.

17 THE COURT: I DON'T KNOW. I HAVE TO EXAMINE THAT,
18 TO SEE WHETHER OR NOT THEY HAVE A RIGHT TO COMMENT ON IT.

19 MR. WAPNER: I DON'T KNOW THE ANSWER TO THAT OFF THE
20 TOP OF MY HEAD, EITHER.

21 THE COURT: ALL RIGHT, YOU RESEARCH IT, WILL YOU?
22 AND I WILL SEE WHAT I CAN FIND ON THE SUBJECT.

23 IN OTHER WORDS, I WANT TO COVER EVERY BASE.
24 I WANT TO BE SURE THAT NOBODY IS GOING TO BE IN A BIND.

25 ALL RIGHT, SO I WILL TELL MRS. MICKELL --

26 MR. WAPNER: THAT FOR THIS WEEKEND AT LEAST SHE CANNOT
27 TAKE HER NOTES HOME.

28 THE COURT: YES, ALL RIGHT.

1 MR. WAPNER: AND WE WILL GIVE HER A MORE DEFINITE
2 ANSWER ON TUESDAY.

3 THE COURT: ALL RIGHT, OKAY, FINE.

4 MR. WAPNER: THANK YOU, YOUR HONOR.

5 (PROCEEDINGS WERE ADJOURNED TO OPEN
6 COURT.)

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

10 THE COURT: ALL RIGHT, CALL YOUR NEXT WITNESS.

11 MR. BARENS: TODD ROBERTS, YOUR HONOR.

12
13 TODD MATTHEW ROBERTS,
14 CALLED AS A WITNESS BY THE DEFENSE, WAS SWORN AND TESTIFIED
15 AS FOLLOWS:

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

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

21 THE WITNESS: I DO.

22 THE CLERK: PLEASE BE SEATED.

23 WOULD YOU STATE YOUR NAME AND SPELL YOUR LAST
24 NAME?

25 THE WITNESS: TODD MATTHEW ROBERTS, R-O-B-E-R-T-S.

26 THE CLERK: AND DOES TODD HAVE TWO D'S?

27 THE WITNESS: YES, MA'AM.

28

1 DIRECT EXAMINATION

2 BY MR. BARENS:

3 Q MR. ROBERTS, YOU ARE THE SON OF LYNNE AND BROOKE
4 ROBERTS?

5 A LYNNE AND BOBBY.

6 Q I AM SORRY.

7 LYNNE AND BOBBY ROBERTS?

8 A BROOKE IS MY SISTER.

9 Q WE ARE OFF WINGING, OKAY, YES INDEED.

10 AND HOW OLD ARE YOU, TODD?

11 A I'M 26.

12 Q WHAT DO YOU DO FOR A LIVING?

13 A I AM A LIFE AND DISABILITY INSURANCE AGENT.

14 Q WHEN DID YOU FIRST MEET JOE HUNT?

15 A I MET JOSEPH HUNT IN THE FALL OF 1982.

16 Q AND WHERE WERE YOU LIVING AT THAT TIME?

17 A AT MY PARENTS' HOUSE ON BELLAGIO.

18 Q BY THE WAY, HOW LONG HAVE YOUR PARENTS LIVED
19 AT THAT RESIDENCE?

20 A TWENTY-TWO YEARS.

21 Q AND THAT WAS BOUGHT AT THE TIME YOUNGER SISTER,
22 BROOKE, WAS BORN?

23 A YES.

24 Q SHE IS THE YOUNGEST OF THE --

25 A OF THE FOUR, YES.

26 Q -- FOUR CHILDREN?

27 WHERE DID YOU MEET JOE HUNT?

28 A I MET HIM THROUGH MY SISTER AND HER GOOD FRIEND,

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1 EVAN DICKER, AT A NIGHTCLUB IN HOLLYWOOD CALLED "AT SUNSET,"
2 WHICH IS NO LONGER IN EXISTENCE.

3 Q HOW DID YOU HAPPEN TO BE THERE THAT NIGHT?

4 A I USED TO GO OUT WITH MY SISTER ALL THE TIME,
5 I STILL DO. BACK THEN, WE WERE BOTH, AS YOU COULD SAY,
6 SINGLE AND WE WERE NOT DATING ANYBODY AND WE HUNG OUT A
7 LOT AND WE USED TO GO OUT ALL THE TIME.

8 AND MY PARENTS LIKED IT BECAUSE MY SISTER WAS
9 MUCH YOUNGER THAN I AM, SO SHE HAD WHAT YOU WOULD CALL A
10 CHAPERON.

11 Q SO WHEN YOU WENT THAT NIGHT TO THIS CLUB, JOE
12 HUNT DID NOT GO WITH YOU THAT NIGHT?

13 A NO.

14 HE WAS BROUGHT THERE BY SOME MUTUAL FRIENDS
15 OF EVAN DICKER'S.

16 Q AND MR. HUNT APPEARED TO BE WITH THOSE PEOPLE?

17 A OH, YEAH, HE WAS BROUGHT IN BY THEM. HE WALKED
18 IN THE DOOR WITH THEM. HE WENT HOME WITH THEM.

19 Q DID YOU SPEAK TO HIM ON THAT OCCASION?

20 A YES.

21 Q WHAT DID YOU TALK ABOUT THAT NIGHT?

22 A JUST IN GENERAL, ABOUT MY SISTER, BROOKE, AND
23 ABOUT EVAN.

24 WE LAUGHED A LOT ABOUT EVAN.

25 Q WAS YOUR SISTER DATING JOE HUNT AT THAT TIME?

26 A NO.

27 AS I SAID, WE WERE BOTH SINGLE AT THAT TIME.

28 Q AND SO SHE WAS JUST SORT OF MEETING HIM AT

1 THAT TIME?

2 A IN FACT, THAT WAS PROBABLY THE FIRST TIME SHE
3 EVER MET HIM. I MET HIM WITH HER.

4 SHE HAD BEEN TELLING ME A LOT ABOUT THIS GUY
5 THAT SHE WAS GOING TO MEET, THAT EVAN WAS BRINGING TO SET
6 HER UP WITH, IN A WAY, WHO WAS JOE HUNT, THROUGH MUTUAL
7 FRIENDS.

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1 Q NOW, THIS IS IN THE FALL OF 1982.

2 DID JOE TELL YOU WHAT HE DID FOR A LIVING WHEN
3 YOU MET HIM?

4 A YES.

5 HE TOLD ME HE WAS IN THE STOCK AND COMMODITIES
6 MARKET.

7 Q AND DID YOU DISCUSS ANYTHING ELSE WITH HIM
8 WHEN YOU FIRST MET HIM?

9 A WE TALKED A LOT ABOUT STOCKS AND COMMODITIES,
10 SOMETHING THAT I AM INTERESTED IN, AND WE TALKED A LOT ABOUT
11 MY SISTER AND THE USUAL CONVERSATION.

12 Q OKAY. DOES THAT HAVE ANYTHING TO DO WITH "HAVE
13 I GOT A GIRL FOR YOU"?

14 A NO.

15 Q WE WILL LEAVE THAT ALONE.

16 WHAT WAS YOUR IMPRESSION OF JOE HUNT THE FIRST
17 TIME YOU MET HIM?

18 A I LIKED HIM VERY MUCH, AS I STILL DO TODAY.

19 Q AND YOU HAD A FAVORABLE IMPRESSION OF HIM FROM
20 THE START?

21 A VERY MUCH SO, VERY MUCH SO.

22 HE WAS NICE, CONGENIAL. HE WAS VERY -- HE
23 WAS JUST A REGULAR PERSON.

24 Q DID YOU SEE HIM AFTER THAT?

25 A I SAW HIM MANY TIMES FOLLOWING THAT NIGHT AT
26 THE SAME PLACE, MANY TIMES.

27 AND I SAW HIM MANY TIMES AT THE HARD ROCK CAFE
28 WITH MY SISTER. WE WOULD MEET THE GROUP OF PEOPLE THERE.

1 THERE WAS A GROUP OF PEOPLE CONSISTING MAYBE OF TEN, TWELVE
2 PEOPLE.

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1 Q OF YOUNG PEOPLE YOUR AGE?

2 A YOUNG PEOPLE. JOE AND I WERE THE TWO OLDEST,
3 IN FACT.

4 Q AND WHEN YOU WOULD MEET HIM ON THOSE OCCASIONS --
5 AND NOW WE ARE INTO DECEMBER, 1982 IN JANUARY, 1983 -- WAS
6 THIS ALWAYS IN A GROUP TYPE OF SETTING?

7 A MOSTLY. OCCASIONALLY, IT WAS MY SISTER, MYSELF --
8 BROOKE AND EVAN DICKER AND JOSEPH.

9 Q THOUGH THEY WERE DATING AT THAT TIME?

10 A THEY STARTED -- NO. THEY STARTED DATING ABOUT
11 TWO MONTHS AFTER THEY FIRST MET.

12 Q OKAY. DID YOU HAVE ANY SOCIAL OCCASIONS OR
13 ACTIVITIES WITH JOE HUNT?

14 A YES. AFTER I HAD MET HIM, HE THEN STARTED COMING
15 TO SEE ME AT MY WORK. BEFORE I WAS IN THE INSURANCE BUSINESS,
16 I WORKED FOR A HABERDASHERY, A CLOTHING STORE IN WESTWOOD.

17 AND HE CAME IN THERE AND SHOPPED WITH ME
18 CONSTANTLY. I WAITED ON HIM AND SOLD HIM A LOT OF CLOTHES.

19 Q WAS THAT STORE CALLED AT EASE?

20 A AT EASE IN WESTWOOD ON WESTWOOD BOULEVARD.

21 Q HOW WAS HE ABOUT HIS WARDROBE AT THAT PARTICULAR
22 TIME?

23 A WE USED TO JOKE ABOUT IT. MY SISTER AND I USED
24 TO LAUGH A LOT ABOUT IT BECAUSE WE USED TO KID HIM SOMETIMES
25 THAT HE GOT DRESSED IN THE MORNING IN THE DARK.

26 Q OKAY. HE DIDN'T PARTICULARLY HAVE --

27 A HE DIDN'T HAVE A GREAT SENSE OF IT, NO.

28 Q OKAY.

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1 A SO HE ENJOYED BEING ABLE TO COME INTO A STORE
2 WHERE HE KNEW SOMEBODY WHO WOULD HELP HIM OUT AND KIND OF
3 GUIDE HIM THROUGH, AS DID MY SISTER.

4 Q DID YOUR SISTER SEEM A BIT MORE CONCERNED ABOUT --
5 IN A SARTORIAL SENSE ABOUT HIS GETTING HIS ACT TOGETHER THAN
6 HE DID?

7 A NO. JOE WAS MORE INTERESTED IN GETTING HIS ACT
8 TOGETHER IN OTHER WAYS, OTHER THAN HIS WARDROBE.

9 THAT WAS PROBABLY ONE OF THE MORE INSIGNIFICANT
10 THINGS. IT IS LIKE, GET THE ENGINE WORKING BEFORE YOU PAINT
11 THE CAR. I THINK THAT IS THE BETTER TERMINOLOGY FOR IT. HE
12 WAS -- HE IS NOT REALLY IN MY EXPERIENCE OF HIM -- I HAVE
13 KNOWN HIM CLOSE TO FIVE YEARS -- NOT AT ALL A MATERIALISTIC
14 INDIVIDUAL.

15 Q OKAY. WAS YOUR SENSE OF HIM -- BECAUSE WE HAVE
16 HEARD A LOT OF TESTIMONY ABOUT MONEY. WHAT WAS YOUR SENSE
17 OF HIM ABOUT HOW HE FELT ABOUT MATERIAL THINGS AND ACQUIRING
18 MATERIAL THINGS?

19 A IT WASN'T -- OUT OF THE GROUP AS I SAID, THE GROUP
20 THAT WE ORIGINALLY GOT INTRODUCED TO HIM BY, IT KIND OF
21 DWINDLED DOWN EVENTUALLY BECAUSE I REALLY DIDN'T CARE FOR
22 THAT MANY OF THE OTHER INDIVIDUALS IN THE GROUP.

23 AND JOE WAS KIND OF THE ODD MAN OUT BECAUSE HE
24 IS NOT AS MATERIALISTIC AS THE REST OF THEM, INTO AS MANY
25 THINGS. HE WAS ONE OF THE ONLY ONES IN THE GROUP I REMEMBER,
26 WHO DID NOT HAVE A ROLEX LIKE ALL OF THE REST OF THEM DID.

27 Q OKAY. IF HE WAS NOT AS MATERIAL (SIC) AS THE
28 BALANCE OF THE YOUNG MEN HE WAS SURROUNDED BY, WHAT WAS HE

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1 INTERESTED IN?

2 A IN EDUCATION OF HIMSELF AND FURTHERING HIMSELF,
3 SELF-- YOU KNOW, BEING ABLE TO ENRICH HIMSELF.

4 IN A WAY, HE WAS KIND OF SETTING AN EXAMPLE FOR
5 THE REST OF THEM BECAUSE HE READ A LOT OR HE DOES READ A LOT.
6 AND HE WAS ABLE TO DISCUSS SOMETHING OTHER THAN THE SIMPLE,
7 MATERIALISTIC, SUPERFICIAL THINGS.

8 Q DID YOU EVER HAVE ANY SPORTS ACTIVITIES WITH JOE?

9 A JOE AND I USED TO PLAY TENNIS TOGETHER.

10 Q AND WHO WOULD PLAY TENNIS WITH YOU?

11 A WE WOULD PLAY WITH ANOTHER INDIVIDUAL BY THE NAME
12 OF BEN DOSTI, WHO I ALWAYS LIKED.

13 AND WE WOULD PLAY WHAT YOU CALL CUT-THROAT. IT
14 IS THREE MEN, IT IS KIND OF AN ODD-MAN-OUT GAME.

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1 Q AND SO, JUST THE THREE OF YOU WOULD PLAY?

2 A UH-HUH.

3 Q AND HOW WAS JOE AS A TENNIS PLAYER?

4 A JOE WAS BETTER THAN I WAS BUT THAT IS REALLY NOT
5 SAYING VERY MUCH. REALLY, THE BEST TENNIS PLAYER IN THE GROUP
6 WAS BEN. AND HE KIND OF WAS -- WE WERE HIS PROTEGES, HE WAS
7 GIVING US LESSONS WHEN WE PLAYED TOGETHER.

8 Q WHEN YOU WOULD PLAY TENNIS, HOW WAS JOE HUNT AS
9 A LOSER?

10 A HE WAS A VERY GOOD LOSER. WELL, REMEMBER, HE
11 DIDN'T -- IS REALLY NOT COMPETITIVE, YOU KNOW, THAT KIND OF
12 KILLER ON THE COURT, ATHLETIC KIND OF ATTITUDE, WHEREAS, I
13 AM A LITTLE MORE SO.

14 WE JUST PLAYED FOR FUN, ESSENTIALLY.

15 Q HE SEEMED --

16 A AND EXERCISE.

17 Q AND HE SEEMED TO BE CONTENT JUST PLAYING TENNIS
18 AS AN END IN ITSELF, WITHOUT LOSING HIS TEMPER?

19 A ABSOLUTELY. I HAVE NEVER KNOWN JOE TO LOSE HIS
20 TEMPER.

21 Q DIDN'T THROW HIS RACQUET?

22 A NO.

23 Q OKAY. SO, YOU WERE PLAYING TENNIS WITH HIM AND
24 SEEING HIM AND AT THAT TIME, WHAT WAS GOING ON WITH HIM AND
25 YOUR SISTER?

26 A THEY HAD BEEN DATING FOR QUITE A WHILE.

27 Q OKAY. WHEN JOE CAME INTO AT EASE, DID HE EVER
28 COME IN THERE WITH ANYBODY ELSE?

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1 A HE USED TO BRING HIS FATHER IN A LOT.

2 AND I WAITED ON RYAN HUNT, HIS FATHER AND JOE
3 AND SOME OTHER FRIENDS, TOO. RYAN USED TO BRING HIS FRIENDS
4 IN AND THEY WOULD SHOP.

5 Q DID JOE BUY CLOTHES FOR HIS FATHER?

6 A SOMETIMES THEY BOUGHT CLOTHES FOR EACH OTHER.
7 SOMETIMES RYAN BOUGHT CLOTHES FOR HIM. IT WAS YOU KNOW, A
8 VERY USUAL SITUATION.

9 Q DID JOE EVER DISCUSS WITH YOU AT THAT POINT IN
10 TIME, HIS ASPIRATIONS OR HIS HOPES OR DREAMS?

11 A HE WANTED TO BECOME A SUCCESSFUL ENTREPRENEUR,
12 WITH INVESTMENTS IN STOCKS AND COMMODITIES AND SO FORTH.

13 Q DID HE EVER TALK TO YOU ABOUT HIS ASPIRATIONS
14 IN TERMS OF YOUR SISTER?

15 A YES. HE LOVES HER VERY MUCH. AT THAT TIME, HE
16 LOVED HER VERY MUCH. HE USED TO TELL ME HOW HE WISHED AND
17 HE HOPED THAT SOME DAY, FOR THE FACT OF BEING ABLE TO MARRY
18 HER AND START A FAMILY AND HAVE A NORMAL, YOU KNOW, CONVENTIONAL
19 LIFE WITH A WHITE PICKET FENCE AND A DOG AND SO FORTH.

20 Q DID JOE DURING THAT PERIOD OF TIME, EVER TALK
21 TO YOU ABOUT THE BBC?

22 A YES. I HAD BEEN INTRODUCED TO IT AS THE BOMBAY
23 BICYCLE CLUB, WHICH IS REALLY THE ORIGINAL NAME. THAT IS
24 THE ONLY NAME THAT I HAVE EVER KNOWN OF IT.

25 Q DID JOE EVER TELL YOU WHAT IT WAS ALL ABOUT?

26 A IT WAS A GROUP OF YOUNG GUYS LIKE HIMSELF, OF
27 ALL GUYS THAT HE MET AND THEY STARTED AN INVESTMENT COMPANY
28 TOGETHER.

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1 Q WAS THAT ALL YOU WERE TOLD ABOUT?

2 A THAT IS ESSENTIALLY WHAT I WAS TOLD.

3 Q WERE YOU EVER ASKED TO BECOME A PART OF THAT?

4 A NO.

5 Q A TIME CAME WHEN HE STARTED DATING YOUR SISTER
6 ON A MORE CONSISTENT BASIS?

7 A UH-HUH.

8 Q I AM GOING TO ASK YOU TO TRY TO SAY YES OR NO
9 TO MY QUESTIONS BECAUSE THE REPORTER CAN'T REALLY REPORT THAT.

10 A YES.

11 Q DID THE TIME COME -- WERE THERE TIMES WHEN YOU
12 WERE ALONE WITH JOE AND HAD DISCUSSIONS WITH HIM?

13 A YES, VERY MUCH SO.

14 Q WHEN WOULD THOSE TIMES OCCUR?

15 A WHEN HE WOULD COME BY THE HOUSE AND MY SISTER
16 WOULD NOT BE THERE OR SHE WOULD BE THERE AND SHE MIGHT BE
17 DOING HER HOMEWORK OR WORKING ON SOMETHING OR OTHER TIMES
18 WHEN HE WOULD COME TO SEE ME AT EASE AND WE WOULD GO TO LUNCH.

19 Q WHAT DID JOE SEEM TO BE INTERESTED IN TALKING
20 ABOUT?

21 A WE USED TO TALK A LOT ABOUT - OUR MOST COMMON
22 INTERESTS WERE AMERICAN LITERATURE, LITERATURE IN GENERAL
23 AND HISTORY, WORLD HISTORY.

24 Q ARE THOSE TWO SUBJECTS OF INTEREST TO YOU?

25 A VERY MUCH SO.

26 Q AND WAS THERE A PARTICULAR ASPECT OR TIME OF
27 HISTORY THAT JOE PREFERRED TALKING ABOUT?

28 A WE USED TO TALK A LOT ABOUT GREEK MYTHOLOGY, GREEK

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1 HISTORY AND THE EFFECTS THAT IT HAD ON THE WORLD TODAY AND
2 SOME OF THE THINGS THAT THE WORLD STILL HAS FROM THAT PERIOD
3 OF TIME.

4 WE USED TO TALK ABOUT OTHER PARTS OF HISTORY,
5 AMERICAN HISTORY, YOU KNOW, THE CIVIL WAR, PRE-REVOLUTIONARY,
6 INDUSTRIAL REVOLUTION AND SO FORTH.

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1 Q DID YOU HAVE ANY DISCUSSIONS ABOUT ANY PARTICULAR
2 CONTEMPORARY HISTORICAL FIGURE?

3 A YES.

4 WE USED TO -- WE USED TO TALK A LOT ABOUT,
5 AS FAR AS WORLD HISTORY, WE USED TO TALK VERY MUCH ABOUT
6 NAPOLEON AND THE FACT HOW HE WAS AN INDIVIDUAL WHO LOST
7 HIMSELF IN HIS OWN -- IN HIS OWN -- IN THE IMAGE THAT HE
8 HAD OF HIMSELF AND OTHER PEOPLE DID, TOO.

9 AND THE FACT THAT, WHICH WAS A CONGRUENT RUNNING
10 THROUGH THEM, OF HOW THAT YOUR ENDS DO NOT JUSTIFY YOUR
11 MEANS, WHICH IS SOMETHING THAT NAPOLEON LOST HIMSELF IN
12 DOING.

13 Q NOW, THE QUESTION OF THE END JUSTIFYING THE
14 MEANS, YOU HAD OTHER DISCUSSIONS WITH JOE ABOUT THAT, DID
15 YOU NOT?

16 A YES.

17 IT IS MUCH MORE PREVALENT IN A LOT OF THE
18 AMERICAN LITERATURE, WHICH IS MY FAVORITE -- WHICH WE WOULD
19 TALK ABOUT.

20 Q WAS THERE A PARTICULAR BOOK THAT BOTH OF YOU
21 HAD READ THAT YOU HAD DISCUSSED?

22 A YES, THE BOOK BY ROBERT PENN WARREN "ALL OF
23 THE KINGS MEN."

24 Q COULD YOU JUST BRIEFLY, FOR THE JURY, TRY TO
25 JUST SUMMARIZE WHO THAT WAS ABOUT?

26 A IT WAS ABOUT THE GOVERNOR OF THE SOUTH, HUEY
27 LONG, AND HOW HE LOST HIMSELF IN THE FACT OF HIS IMAGE AND
28 HOW HE BECAME IMMersed IN THE FACT THAT HIS ENDS WERE GREATER

1 THAN ANYTHING HE COULD HAVE EVER COMMITTED AS A CRIME OR
2 ANYTHING IN HIS ENDS, AND WE USED TO TALK ABOUT WHAT A TERRIBLE
3 THING THAT WAS.

4 Q DID JOE HUNT HAVE A PHILOSOPHY THAT THE ENDS
5 JUSTIFIED THE MEANS?

6 A NO.

7 WE USED TO TALK ABOUT HOW -- HOW TERRIBLE THAT
8 WAS AND FROM THAT POINT ON, IT WAS JUST, IT WAS A DOWNHILL
9 BATTLE.

10 Q DID JOE EXPRESS A CONTRARY THEORY TO YOU, SIMILAR
11 TO ONE OF "WHAT YOU REAP IS WHAT YOU SOW?"

12 A OH, ABSOLUTELY. AND THAT YOUR ENDS DO NOT
13 JUSTIFY YOUR MEANS.

14 THAT YOUR MEANS HAVE TO BE AS MORAL AND RIGHT
15 AND STRAIGHTFORWARD AS YOUR ENDS, TO GET TO THAT POINT,
16 AND ALSO THAT YOU DO REAP WHAT YOU SOW, WHATEVER YOU PUT
17 OUT IN THE WORLD IS SOMETHING THAT IS GOING TO COME BACK
18 TO YOU.

19 Q WAS THAT THE SUBJECT OF ANY GREEK TRAGEDIES
20 OR WRITINGS THAT JOE HUNT READ?

21 A MANY OF THE GREEK TRAGEDIES DEAL WITH THAT.

22 JOE AND I TALKED A LOT ABOUT HOMER, THE ILIAD,
23 OEDIPUS REX, THE TRILOGY AND SO FORTH.

24 Q WHAT DID YOU THINK OF JOE HUNT INTELLECTUALLY
25 AFTER YOU HAD BEEN TALKING TO HIM?

26 A I LOVED AND ENJOY TALKING WITH HIM BECAUSE
27 HE IS SO KNOWLEDGEABLE AND I USED TO GET A LOT FROM IT.

28 BUT HE NEVER MADE ME FEEL LIKE HE WAS -- HE

1 WAS DOING ME A FAVOR BY TALKING TO ME.

2 HE USED TO PICK MY BRAIN ABOUT A LOT OF DIFFERENT
3 SUBJECTS, BECAUSE HE WAS INTERESTED IN SOME OF THE THINGS
4 THAT I KNEW ABOUT THAT HE DIDN'T KNOW ABOUT OR WAS NOT
5 AS INTERESTED IN AND THEN HE GATHERED PIECES -- OR BITS
6 OF INFORMATION FROM THAT. WE TRADED OFF. IT WAS A MUTUAL --

7 IT IS A RELATIONSHIP OF MUTUAL RESPECT AND
8 GIVING.

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1 Q DID YOU FEEL HE WAS -- PROBABLY I WILL ASK
2 YOU, BOTH THEN AND NOW, DID YOU FEEL HE WAS A VALUABLE AND
3 WORTHWHILE PERSON?

4 A HE IS A VALUABLE MEMBER OF MY FAMILY, AS A
5 MEMBER OF MY FAMILY. I THINK HE IS A VALUABLE PERSON, A
6 VALUABLE INDIVIDUAL TO ANYONE WHO KNOWS HIM.

7 Q NOW, DID THERE COME A TIME WHEN YOUR SISTER
8 MOVED OUT OF THE BELLAGIO ADDRESS?

9 A YEAH, SHE MOVED OUT WITH JOE AND THEY MOVED
10 OUT INTO THE VALLEY.

11 Q AND HOW DID THE FAMILY FEEL ABOUT THAT?

12 A WELL, AS ANY FAMILY WOULD, ESPECIALLY MY MOTHER,
13 SHE FELT THAT IT WAS NOT, YOU KNOW, THE RIGHT THING FOR
14 ANY 18-YEAR-OLD OR 17½-YEAR-OLD, GOING ON 18, TO BE MOVING
15 OUT AND MOVING IN WITH SOMEBODY.

16 BUT THAT REALLY DIDN'T AFFECT MY RELATIONSHIP
17 WITH JOE. HE AND I WOULD STILL -- HE WOULD STILL COME TO
18 SEE ME AT "AT EASE" CONSTANTLY.

19 I WORKED THERE SIX DAYS A WEEK AND HE WOULD
20 SHOP WITH ME AND WE WOULD GO OUT AND HAVE LUNCH OR GO TO
21 THE MOVIES AFTERWARD.

22 I REALLY DIDN'T SEE MY SISTER AS MUCH BUT I
23 USED TO SEE JOE A LOT.

24 Q WOULD YOU STILL SEE JOE IN THE COMPANY OF OTHER
25 YOUNG MEN HE WAS EITHER ASSOCIATED WITH --

26 A HERE AND THERE, YES.

27 EVERY ONCE IN A WHILE, HE WAS WITH BEN DOSTI,
28 DEAN KARNY, EVAN DICKER, REZA.

1 Q DID JOE APPEAR TO HAVE A SIMILAR BACKGROUND
2 TO THE OTHER YOUNG MEN THAT YOU MET HIM WITH?

3 A THE ONLY THING I KNEW THAT HE HAD IN COMMON
4 OR KNEW THESE GUYS FROM, WAS THE FACT THAT HE HAD GONE TO
5 HARVARD BOYS SCHOOL, HIGH SCHOOL, TOGETHER WITH THEM. THAT
6 IS THE ONLY WAY I KNEW THAT HE KNEW THEM.

7 Q WHO TOLD YOU THAT HE WENT TO THE HARVARD SCHOOL?

8 A HE TOLD ME HE WENT TO HARVARD SCHOOL.

9 I HAVE A LOT OF FRIENDS THAT GRADUATED FROM
10 THERE AND WE USED TO TRY TO FIGURE OUT IF WE HAD ANY MUTUAL
11 FRIENDS FROM THERE.

12 Q WAS IT YOUR SENSE OF THINGS THAT JOE HAD A
13 SIMILAR SOCIO-ECONOMIC BACKGROUND TO THE OTHER YOUNG MEN?

14 A NOT AT ALL.

15 Q WHAT DIFFERENCE WAS THERE?

16 A I THINK -- WELL, JOE IS NOT SOMEONE WHO REALLY
17 CAME FROM ANY MONEY IN HIS LIFE.

18 Q AND HE HAD, LET'S SAY, AT LEAST IN AN ECONOMIC
19 SENSE, A MORE HUMBLED BACKGROUND --

20 A ABSOLUTELY.

21 Q -- THAN HIS ASSOCIATES?

22 A ABSOLUTELY.

23 Q WAS JOE MORE OF A SELF-MADE PERSON?

24 A WELL, HE -- WE USED TO TALK ABOUT HOW, IT IS
25 INTERESTING HOW A LOT OF PEOPLE MAKE IT ON WHO THEIR FATHER
26 IS OR WHO THEY KNOW OR WHO THEIR FATHER KNOWS, OR AS OPPOSED
27 TO BEING ABLE TO FURTHER YOURSELF THROUGH YOUR OWN DOINGS,
28 THROUGH EDUCATION OR GETTING TO KNOW PEOPLE AND WORKING

1 HARD.

2 Q DID JOE SEEM TO BE THE KIND OF GUY WHO WAS
3 INTERESTED IN DOING THAT?

4 A THAT IS WHAT HE DID WANT TO DO AND STILL DOES.

5 Q NOW, AFTER JOE MOVED OUT -- I AM SORRY -- AFTER
6 BROOKE MOVED OUT WITH JOE, YOU CONTINUED TO SEEING HIM AT
7 "AT EASE" AND WERE YOU STILL LIVING AT HOME THEN?

8 A YES, I WAS.

9 Q YOUR FAMILY IS A VERY CLOSE-KNIT FAMILY?

10 A A VERY, VERY CLOSE FAMILY.
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1 Q DID THERE COME A TIME WHEN YOUR SISTER, BROOKE,
2 CALLED THE HOUSE TO SAY THAT A PROBLEM HAD DEVELOPED?

3 A IT WAS LATE ONE NIGHT AND MY FIANCEE, MICHELLE
4 AND I WERE IN THE KITCHEN WITH MY MOTHER AND THE PHONE RANG
5 AND MICHELLE PICKED IT UP AND SPOKE TO BROOKE FOR A MOMENT
6 AND THEN HANDED THE PHONE OVER TO MY MOTHER.

7 AND MY MOTHER SPOKE TO HER FOR ABOUT A MINUTE
8 OR SO, GOT OFF THE PHONE AND SAID, "BROOKE IS COMING OVER."

9 AND WE WENT TO BED AND EARLY THAT NEXT MORNING,
10 ABOUT 7:00 O'CLOCK, WE WENT INTO THE KITCHEN AND MY MOTHER
11 TOLD US WHAT BROOKE AND SHE HAD DISCUSSED ALL NIGHT LONG.

12 Q DID YOU COME TO UNDERSTAND THAT JOE HAD BEEN
13 ARRESTED?

14 A HE HAD BEEN, YES, HE HAD BEEN ARRESTED.

15 Q DID YOU KNOW WHERE HE HAD BEEN ARRESTED OR
16 WHY HE WAS IN JAIL?

17 A YES, MY MOTHER TOLD ME THAT HE HAD BEEN ARRESTED
18 FOR MURDER.

19 Q AND WHAT WAS THE -- STRIKE THAT.
20 DID YOU LATER GO TO SEE JOE WHILE HE WAS IN
21 JAIL?

22 A YES. WE WENT MANY TIMES. MY SISTER AND I
23 WENT MANY TIMES TOGETHER AND MICHELLE AND I WOULD GO WITH
24 MY MOTHER OCCASIONALLY.

25 I WENT A LOT WITHOUT MICHELLE. I WOULD JUST
26 GO WITH MY SISTER OR WITH MY FATHER.

27 WE WOULD ALTERNATE AS A FAMILY.

28 Q WHY WERE YOU, TODD, GOING TO THE JAIL?

1 A BECAUSE I CARE FOR HIM AND BECAUSE I BELIEVE
2 IN HIM AND I BELIEVE IN HIS INNOCENCE.

3 Q DID YOU GO TO JAIL TO BE OF MORAL SUPPORT TO
4 HIM?

5 A ABSOLUTELY.

6 Q WHEN YOU WOULD GO TO THE JAIL, DID HE EVER
7 DISCUSS HIS CASE WITH YOU DURING THOSE INTERVIEWS OR
8 OPPORTUNITIES?

9 A WE TALKED ABOUT DAY-TO-DAY THINGS THAT HAD
10 GONE ON BUT SPECIFICS, NO, JUST BECAUSE OF THE CIRCUMSTANCES,
11 BEING IN THAT ENVIRONMENT.

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1 Q NOW, WHILE HE WAS IN JAIL, WHAT WOULD YOU TALK
2 ABOUT ON THE OCCASIONS YOU WOULD GO DOWN THERE?

3 A WE WOULD TALK ABOUT OTHER THAN THE SURFACE VALUES,
4 WHAT HAVE YOU DONE TODAY IN JAIL OR YOU KNOW, HOW WAS COURT
5 TODAY, WHETHER OR NOT I HAD BEEN THERE AND THEN WE WOULD TALK
6 ABOUT WHAT I HAD DONE DURING THE DAY AND SO FORTH.

7 I WOULD TELL HIM ABOUT HOW THE MARKET HAD GONE
8 UP OR DOWN AND WHAT WAS GOING ON IN THE MARKET.

9 Q DID HE SEEM INTERESTED IN REMAINING CURRENT WITH
10 THE WORLD?

11 A ABSOLUTELY. I USED TO ALWAYS TRY TO BRING THE
12 PAPER WITH ME AND GO THROUGH IT BEFORE I HAD GONE IN TO SEE
13 HIM, IN THE WAITING ROOM AND WOULD HAVE READ JUST THE TOP
14 STORIES SO I COULD GIVE HIM BITS AND PIECES OF INFORMATION
15 ON WORLD AFFAIRS.

16 Q HOW OFTEN WOULD YOU SEE JOE?

17 A I PROBABLY SAW HIM AT LEAST FOUR TIMES A MONTH,
18 MAYBE THREE. THREE TO FOUR TIMES A MONTH, MAYBE MORE. IT
19 DEPENDED.

20 Q ON ANY OCCASION WHEN YOU WERE AT THE JAIL, DID
21 JOE EVER ASK YOU TO HAVE YOUR PARENTS ARRANGE BAIL FOR HIM?

22 A NO. WE NEVER BROUGHT IT UP.

23 IN FACT, WE NEVER BROUGHT UP THE FACT OF BAIL.
24 JOE AND I NEVER DISCUSSED IT UNTIL AFTER HE HAD ALREADY BEEN
25 LET OUT ON BAIL.

26 Q NOW, DID THERE COME A TIME WHEN YOUR PARENTS PUT
27 UP THEIR FAMILY RESIDENCE AS BAIL, COLLATERAL FOR JOE?

28 A WELL, IT WAS AN IDEA THAT CAME FROM MY MOTHER

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1 AND FATHER.

2 THEY FELT THAT THE FACT THAT THEY CARED FOR HIM
3 SO MUCH AS A MEMBER OF THE FAMILY AND THEY FELT SO ABSOLUTELY
4 COMMITTED TO GETTING HIS INNOCENCE SEEN, THAT THEY FELT IT
5 WAS SOMETHING THAT THEY SHOULD DO.

6 THEY TALKED ABOUT IT AS A FAMILY. WE TALKED ABOUT
7 A LOT OF THINGS. WE HAD A LITTLE BIT OF A FAMILY MEETING.
8 WE CAME TO A CONSENSUS WITH MY MOM AND DAD THAT THEY WERE
9 GOING TO DO IT.

10 ALL OF US DECIDED THAT WE WOULD BE BEHIND THEM
11 AND GIVE SUPPORT. THERE WERE MANY THINGS THAT AS A FAMILY,
12 WE WERE SUBJECTED TO ABOUT GIVING HIM BAIL.

13 MANY OF MY FRIENDS WHO DO NOT KNOW JOE, DID NOT
14 UNDERSTAND. MANY OF THEM WHO DID KNOW JOE DID UNDERSTAND.

15 BUT MANY OF THE PEOPLE THAT DIDN'T, CRITICIZED
16 US AND SO FORTH, YOU KNOW, RIDICULED US, PRIVATE PEOPLE WHO
17 STOPPED CALLING YOU AND PEOPLE STOP TALKING TO YOU ON THE
18 STREET.

19 PEOPLE AVOID YOU. PEOPLE RIDICULE YOU IN PUBLIC.
20 A LOT OF PEOPLE SAID WELL, YOU GUYS WILL BE MOVING OUT SOON
21 BECAUSE HE IS GOING TO GO BECAUSE HE IS GUILTY.

22 BUT THE FACT THAT WE BELIEVED IN HIS INNOCENCE
23 AND THAT HE IS INNOCENT, SO MUCH, WE ALL SAID THAT HE WOULDN'T
24 GO ANYWHERE. HE WAS STILL HERE ON THE DAY WHEN HE WAS GIVEN
25 THE VERDICT BECAUSE HE IS TRUTH. (SIC)

26 Q NOW, AFTER HE WAS RELEASED, HE CAME TO LIVE AT
27 YOUR HOME WITH YOUR PARENTS AND YOUR FAMILY?

28 A YES.

A-3 1 Q DO YOU RECALL WHAT HAPPENED WHEN HE FIPST CAME
2 HOME?

3 A WELL, WE HAD BEEN HOPING THAT HE WAS GOING TO
4 BE ABLE TO BE RELEASED ON OCTOBER 26TH, WHICH WAS HIS
5 BIRTHDAY, WHICH IS A MONTH DIRECTLY AFTER MINE. MINE IS ON
6 SEPTEMBER 26TH.

7 AND WE HAD HAD THE HOUSE IN THE KITCHEN -- THE
8 KITCHEN IN THE HOUSE ALL SET UP WITH BALLOONS AND A WELCOME
9 HOME BANNER AND A HAPPY BIRTHDAY JOE BANNER.

10 THEN HE WAS NOT RELEASED UNTIL SOMETIME IN THE
11 FIRST WEEK IN NOVEMBER. AND WHEN HE DID COME HOME, THAT NIGHT
12 WE HAD A BIG CELEBRATION AND IT WAS A VERY JOYFUL TIME, ALMOST
13 AS IF HE HAD COME HOME FROM THE WAR, THE ONE SON HAD COME
14 HOME FROM WAR.

15 A FEW DAYS LATER, WE HAD A TURKEY DINNER FOR JOE
16 BECAUSE HE LOVES TURKEY AND DRESSING. THEN THANKSGIVING WE
17 HAD ANOTHER ONE FOR HIM.

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3-1 1 Q HOW WAS JOE TREATED BY THE FAMILY WHEN HE FIRST
2 CAME HOME AND INTEGRATED WITH THE FAMILY?

3 A BY THAT TIME -- WHEN HE WAS IN JAIL, WE USED TO
4 ALL GO AND SEE HIM. HE HAD ALREADY BEEN BROUGHT INTO THE
5 FAMILY AS A MEMBER OF THE FAMILY, AS A SON AND LIKE I SAID,
6 IT WAS LIKE A LONG LOST BROTHER THAT CAME HOME FROM THE WAR.

7 HE WAS ABSOLUTELY INTEGRATED INTO THE FAMILY,
8 WITHOUT A STEP. AT FIRST, HE WAS A LITTLE RESERVED, OF COURSE.
9 HE WAS IN JAIL AND IN THAT ENVIRONMENT FOR SO LONG.

10 BUT AS FAR AS THE WAY THE FAMILY TREATED HIM,
11 IT WAS NOT ANY DIFFERENT THAN IF ANYBODY -- IF MY BROTHER,
12 CURTIS OR I WOULD HAVE COME HOME AFTER A LONG STINT.

13 Q NOW, DO YOU HAVE ANOTHER BROTHER, DARRON?

14 A YES. I HAVE ANOTHER BROTHER DARRON, WHO IS 24
15 YEARS OLD. HE IS TWO YEARS YOUNGER THAN MYSELF AND TWO YEARS
16 OLDER THAN BROOKE. HE IS THE SECOND YOUNGEST. HE HAS
17 DYSLEXIA.

18 Q ALL RIGHT. I WANTED TO ASK YOU ABOUT WHAT EFFECT
19 HIS DYSLEXIA HAD HAD ON DARRON DURING HIS LIFE.

20 A WELL, DARRON IS NOT -- HE IS NOT WHAT YOU WOULD
21 CALL OF THE NORMAL. HE HAS DYSLEXIA, A EXTREMELY SEVERE CASE
22 OF IT.

23 IT WAS NOT REALLY UNTIL HE WAS ABOUT SIX YEARS
24 OLD, THAT HE REALLY PUT A FULL SENTENCE TOGETHER. HE WAS
25 ALWAYS VERY MUCH OF A HERMIT, IN A WAY. HE IS NOT VERY
26 OUTSPOKEN. HE IS NOT AN EXTROVERT, MORE OF AN INTROVERT.

27 AND THE FAMILY TOGETHER, WORKED WITH HIM A LOT.
28 OF COURSE, MY PARENTS HAVE WORKED WITH HIM.

1 BUT WHEN JOE CAME HOME, IT WAS ALMOST LIKE SOMEONE
2 WHO HAD NOT BEEN THERE BEFORE. SO JOE CAME INTO IT WITH A
3 BIT OF ALMOST A FRESHER, NEWER KIND OF ATTITUDE ABOUT IT.

4 JOE AND DARRON SPENT A LOT OF TIME TOGETHER. AND
5 SINCE THEN, SINCE JOE WAS OUT FOR A YEAR AND FOUR MONTHS OR
6 THREE MONTHS, WHICHEVER IT WAS, HE BROUGHT DARRON OUT OF HIS
7 SHELL, VERY MUCH SO.

8 Q WHAT SORT OF -- DID DARRON HAVE A LOT OF FRIENDS?

9 A NO. DARRON DOESN'T REALLY HAVE ANY FRIENDS. HIS
10 FRIENDS ARE THE FAMILY.

11 Q DARRON REALLY KIND OF MOSTLY AS I UNDERSTAND IT,
12 STAYED IN HIS ROOM BEFORE JOE CAME AROUND?

13 A DARRON IS USUALLY IN HIS ROOM OR OUT IN THE
14 GARAGE PLAYING WITH THINGS AND SO FORTH, WITH BICYCLES AND
15 SO FORTH.

16 Q AND DID JOE DEVELOP WITHIN THE FAMILY, A SPECIAL
17 RELATIONSHIP WITH DARRON?

18 A HE SPENT A LOT OF TIME WITH DARRON, AS I SAID.
19 THEY USED TO GO DOWN TO WESTWOOD A LOT AND THEY BOTH HAVE
20 A COMMON INTEREST OF ARCADE GAMES.

21 AND THEY WOULD GO WALKING AROUND WESTWOOD. THEY
22 WOULD GO SEE MOVIES TOGETHER A LOT AND SO FORTH, JUST IN
23 GENERAL AND SPEND TIME TOGETHER, LIKE AN OLDER BROTHER. HE
24 BECAME DARRON'S THIRD OLDER BROTHER.

25 Q WAS JOE PRETTY PATIENT WITH DARRON?

26 A YES. HE WAS ONE OF THE MORE PATIENT INDIVIDUALS
27 I HAVE EVER KNOWN IN MY LIFE.

28 Q HOW DID THE FAMILY FEEL ABOUT THE RELATIONSHIP

1 BETWEEN DARRON AND JOE?

2 A IT WAS A RELIEF, IN A WAY BECAUSE HE BROUGHT THINGS
3 OUT OF DARRON THAT NOT A LOT -- THAT NOT A LOT OF THE OTHER
4 PART OF THE FAMILY COULD DO.

5 YOU KNOW, WE ALL HAD OUR OWN LIVES AND SO FORTH
6 AND I KNOW THAT WE HAD BEEN WITH DARRON OUR WHOLE LIVES AND
7 WE HAD ALL SPENT TIME WITH HIM.

8 BUT JOE KIND OF TOOK A DIFFERENT APPROACH TO IT,
9 A FRESHER, KIND OF A MORE PATIENT APPROACH IN A WAY.

10 Q HOW WAS JOE AROUND THE HOUSE ON A DAILY BASIS
11 AS A MEMBER OF THE FAMILY?

12 A HE WAS JUST AS ANY OTHER ONE OF THE CHILDREN WOULD
13 HAVE BEEN. HE HAD RESPONSIBILITIES LIKE ANYBODY ELSE, TAKE
14 OUT YOUR TRASH, CLEAN UP YOUR MESS, CLEAN UP YOUR ROOM AND
15 SO FORTH.

16 Q AND DURING THIS PERIOD OF TIME, DID YOU SEE ANY
17 PROBLEMS WITH JOE AT HOME? DID HE EVER HAVE ARGUMENTS WITH
18 THE OTHER FAMILY?

19 A NO, NOT AT ALL.

20 Q DURING THAT PERIOD OF TIME, WAS JOE WORKING?

21 A NO. HE REALLY, MOSTLY WORKED ON HIS CASE AND
22 SPENT TIME WITH DARRON.

23 Q HOW WAS JOE -- HOW DID JOE EXPRESS HIMSELF ABOUT
24 THE FAMILY?

25 A HE WAS ETERNALLY GRATEFUL AND STILL TO THIS DAY,
26 IS OF THE FACT OF HOW MUCH WE HAVE BROUGHT HIM INTO THE FAMILY
27 AS A MEMBER OF THE FAMILY AND GIVEN HIM SUPPORT AND LOVE AND
28 SO ON AND SO FORTH.

1 Q DID YOU SEE A CHANGE IN JOE'S ABILITY TO EXPRESS
2 HIS EMOTIONS DURING THE PERIOD OF TIME HE LIVED AT THE HOUSE?

3 A WELL, YEAH.

4 AS I SAID, HE WAS EXTREMELY RESERVED WHEN HE
5 CAME HOME IN THE BEGINNING AND THE LONGER HE WAS THERE IN
6 THE FAMILY ENVIRONMENT --

7 MY FAMILY IS A VERY EXTROVERTED, CONGENIAL,
8 GREGARIOUS FAMILY. WE HUG AND KISS A LOT IN MY FAMILY.
9 I AM NOT OPPOSED OR EMBARRASSED TO HUG AND KISS MY FATHER
10 IN PUBLIC NOR ANY OF THE SONS, ALONG WITH MY SISTER AND
11 MY MOTHER, AND JOE REALLY WAS NOT LIKE THAT WHEN HE CAME
12 HOME.

13 AND THE LONGER HE WAS PART OF THE FAMILY, HE
14 HAS BECOME PART OF THAT HUGGING AND KISSING. I MEAN I HAVE
15 HUGGED HIM VERY MANY TIMES, AS HAVE MY BROTHERS.

16 Q DID JOE SPEAK TO YOU ABOUT THE ISSUE OF THE
17 BAIL AND BOND SUPPORT THE FAMILY HAD GIVEN HIM WHEN HE WAS
18 RELEASED?

19 A HE SPOKE REALLY JUST ABOUT THANKING US, HOW
20 HE WAS ETERNALLY GRATEFUL.

21 HE DID THAT WITH EACH MEMBER OF THE FAMILY,
22 INCLUDING MICHELLE, OF THE FACT OF HOW APPRECIATIVE HE WAS
23 THAT WE USED TO COME DOWN AND SEE HIM AND HOW APPRECIATIVE
24 HE WAS OF THE FACT THAT WE ALL KIND OF JUST REALLY RALLIED
25 AROUND HIM, DISPUTE EVERYTHING THAT WAS BEING SAID AND DONE
26 ABOUT HIM.

27 Q DID YOU COME TO COURT DURING THE TRIAL?

28 A VERY MANY TIMES.

1 Q TODD, GIVEN THAT JOE HUNT HAS BEEN CONVICTED
2 BY A JURY OF HIS PEERS OF FIRST DEGREE MURDER, HOW DO YOU
3 FEEL ABOUT JOE HUNT TODAY?

4 A I LOVE HIM PROBABLY MORE THAN I EVER HAVE.

5 I FEEL THAT IT IS A TRAGEDY BECAUSE IT IS --
6 IT IS A TERRIBLE MISCARRIAGE OF JUSTICE, I THINK, THE FACT
7 THAT HE IS INNOCENT.

8 Q I UNDERSTAND YOU FEEL THAT WAY.

9 YOU STILL RESPECT JOE HUNT?

10 A ABSOLUTELY, BECAUSE I KNOW HE IS INNOCENT.
11 I KNOW THAT HE DID NOT DO ANY OF THE THINGS THAT THEY TRIED
12 TO SAY HE HAS DONE.

13 Q IF I WERE TO ASK YOU TO SUMMARIZE FOR ME YOUR
14 IMPRESSIONS AND FEELING ABOUT JOE HUNT AS AN INDIVIDUAL,
15 HOW COULD YOU DESCRIBE HIM FOR ME?

16 A I LOVE HIM LIKE MY BROTHER, AS IF HE IS MY
17 BROTHER, BECAUSE HE IS MY BROTHER. HE IS A MEMBER OF MY
18 FAMILY.

19 IF HE WAS -- GOD FORBID -- PUT AWAY OR IF SOME-
20 THING EVEN WORSE HAPPENED TO HIM, I THINK IT WOULD BE A
21 GREAT TRAGEDY TO ANYONE OR EVERYONE HE HAS EVER MET IN HIS
22 LIFE, INCLUDING PEOPLE HE SHOULD MEET IN HIS LIFE, INCLUDING
23 MY FAMILY, BECAUSE IT WOULD BE SOMETHING OF A GREAT LOSS.

24 I THINK HE HAS A LOT TO CONTRIBUTE.

25 Q WHEN JOE LIVED AT THE HOUSE THERE, DO YOU KNOW
26 HOW HE WAS ABLE TO SUPPORT HIMSELF FINANCIALLY OR HOW HE
27 WAS TAKEN CARE OF?

28 A I REALLY NEVER GOT INTO MONEY OR ANYTHING WITH

1 JOE.

2 I KNOW HE USED TO -- AS I SAID, HE USED TO
3 SPEND A LOT OF TIME AT THE LIBRARY STUDYING LAW, AND SO
4 FORTH, ABOUT HIS OWN CASE.

5 Q WHAT DOES YOUR FATHER DO FOR A LIVING?

6 A MY FATHER IS IN REAL ESTATE AND THE ENTERTAINMENT
7 INDUSTRY.

8 Q HAS THERE EVER BEEN A DISCUSSION AT YOUR HOUSE
9 AT ANY TIME CONCERNING ANY THEATRICAL OR MOTION PICTURE
10 OR ANY TYPE OF PUBLICATION CONCERNING JOE'S LIFE OR JOE'S
11 CASE OR ANYTHING OF THAT NATURE?

12 A NO.

13 MY FATHER AND MOTHER ALWAYS SAID THAT THEY
14 WERE ONLY IN THIS TO BE ABLE TO SEE THAT JOE IS ABLE TO
15 HAVE JUSTICE AND A FAIR -- A FAIR SHAKE IN LIFE, AND THAT
16 HE WOULD NEVER WANT TO BE INVOLVED IN ANY OF THE PUBLICATION
17 OF A BOOK OR A PLAY OR A MOVIE OR TELEVISION OR ANYTHING
18 FOR ANY MEANS OF PROFIT OR THEREOF.

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1 Q NOW, DID YOU MEET ANY MEMBERS OF JOE'S FAMILY
2 BEFORE?

3 A WELL, YES. AS I SAID, I HAVE KNOWN RYAN FOR
4 AS LONG AS I HAVE KNOWN JOE, HIS FATHER.

5 AND I HAVE MET HIS SISTER AND HIS MOTHER, KAY
6 AND KATHY.

7 Q DID JOE EVER TALK TO YOU VERY MUCH ABOUT HIS
8 FAMILY?

9 A NOT REALLY.

10 Q DID HE TALK TO YOU ABOUT HIS EDUCATION?

11 A A LITTLE BIT, THAT HE HAD BEEN EDUCATED, AS
12 I SAID, AT THE HARVARD BOYS SCHOOL AND THAT HE HAD THEN
13 GONE TO USC.

14 THE COURT: HE WHAT?

15 THE WITNESS: HE HAD GONE TO THE UNIVERSITY OF SOUTHERN
16 CALIFORNIA.

17 MR. BARENS: THANK YOU, SIR.

18

19

CROSS-EXAMINATION

20 BY MR. WAPNER:

21 Q WHAT DID HE TELL YOU ABOUT GOING TO USC?

22 A THAT HE LIKED IT.

23 Q DID HE TELL YOU HOW LONG HE WENT THERE?

24 A NO.

25 Q DID HE TELL YOU WHETHER HE HAD GRADUATED?

26 A WE REALLY NEVER GOT INTO IT.

27 Q WELL, BESIDES TELLING YOU THAT HE LIKED IT,

28 WHAT WAS THE CONTENT OF THE CONVERSATION YOU HAD WITH HIM

1 ABOUT SC?

2 A ESSENTIALLY, ALL OF THE DIFFERENT FRATERNITIES
3 THAT I KNOW AND HAVE BEEN TO AND A LOT OF FRIENDS THAT I
4 KNOW OF THAT ARE FRATERNITY MEMBERS, SOME OF THEM THAT HE
5 HAS KNOWN AND SOME OF THEM, JUST THE GENERAL EXPERIENCES
6 OF USC.

7 Q DID HE TELL YOU THAT HE HAD BEEN IN A FRATERNITY
8 AT SC?

9 A NO.

10 Q DID HE TELL YOU THAT HE KNEW PEOPLE THAT WERE
11 IN FRATERNITIES?

12 A NO.

13 Q DID HE TELL YOU THAT HE HAD BEEN PRESIDENT
14 OF HIS FRATERNITY AS A FRESHMAN?

15 A NO.

16 Q WHAT DID YOU MEAN WHEN YOU SAID WHEN YOU WERE
17 ASKED ABOUT WHETHER HE TALKED ABOUT HIS FAMILY AND YOU SAID,
18 "NOT REALLY," WHAT DOES THAT MEAN?

19 A IN WHAT CONTEXT?

20 Q MR. BARENS ASKED YOU IF THE DEFENDANT TALKED
21 MUCH ABOUT HIS FAMILY AND YOU SAID, "NOT REALLY!" I WANT
22 TO KNOW WHAT "NOT REALLY" MEANS.

23 A NOT REALLY MEANS NOT REALLY.

24 HE DIDN'T TALK MUCH ABOUT HIS FAMILY.

25 Q DID HE TALK ABOUT THEM AT ALL?

26 A VERY VAGUELY. NOT REALLY MUCH THAT I CAN
27 REMEMBER.

28 Q ALL RIGHT. TELL ME WHAT YOU DO REMEMBER.

1 A I REMEMBER THAT HE SAID HE HAD A FATHER, RYAN
2 HUNT, A SISTER AND A MOTHER, KAY AND KATHY, AND THAT HE
3 HAD A BROTHER.

4 Q WHEN DID HE TELL YOU THIS?

5 A IN THE BEGINNING, WHEN I FIRST MET HIM IN LATE
6 '82, EARLY '83.

7 Q AND WHAT DID HE TELL YOU ABOUT THEM?

8 A THAT WAS REALLY ABOUT IT.

9 Q DID HE EVER SPEAK TO YOU ABOUT THEM AGAIN?

10 A NO.

11 Q WHEN DID YOU MEET HIS MOTHER FOR THE FIRST
12 TIME?

13 A I MET HIS MOTHER YESTERDAY.

14 Q FOR THE FIRST TIME?

15 A YES.

16 Q AND HIS SISTER?

17 A YES.

18 Q YESTERDAY FOR THE FIRST TIME?

19 A YESTERDAY FOR THE FIRST TIME.

20 Q WHERE DID YOU MEET THEM?

21 A I MET THEM IN WESTWOOD AT RICHARD CHIER'S OFFICE.

22 Q AND BEFORE THAT, HAD THEY EVER BEEN UP TO YOUR
23 HOUSE?

24 A NO, THEY HAVE NEVER BEEN TO MY HOME.

25 Q SO YOU MET THEM IN THE CONTEXT OF PREPARING
26 ALL OF YOU FOR PREPARING TO TESTIFY IN THIS CASE?

27 A WELL, I MET THEM HERE YESTERDAY BUT THEN I
28 SAW THEM AGAIN AND WAS ABLE TO SPEAK TO THEM AT RICHARD'S
29 OFFICE YESTERDAY.

1 Q WOULD IT BE FAIR TO SAY THAT THE CONTEXT IN WHICH
2 YOU MET THEM HAD TO DO WITH THIS CASE?

3 A YES.

4 Q AND ALL OF YOU PREPARING TO TESTIFY IN THIS CASE?

5 A UH-HUH.

6 THE COURT: DOES THAT MEAN YES?

7 THE WITNESS: YES.

8 Q BY MR. WAPNER: DID MR. HUNT EVER CHANGE HIS NAME
9 TO ROBERTS?

10 A NO.

11 Q DID YOU EVER HEAR HIM USE THE NAME OF JOE ROBERTS
12 IN YOUR PRESENCE?

13 A NO.

14 Q DID YOU EVER GO TO LIFE SPRING WITH MR. HUNT?

15 A MY ENTIRE FAMILY HAS DONE THE LIFE SPRING COURSES,
16 YES.

17 Q ALL RIGHT. DID YOU EVER HEAR HIM REFER TO HIMSELF
18 AS ROBERTS DURING ANY OF THOSE COURSES AT LIFE SPRING?

19 A NO.

20 Q DO YOU KNOW WHETHER HE EVER REGISTERED FOR THOSE
21 COURSES USING THE NAME OF ROBERTS?

22 A NO I DO NOT. TO THE BEST OF MY KNOWLEDGE, NO.

23 Q DO YOU KNOW WHETHER YOUR PARENTS PAID FOR HIS
24 ATTENDANCE AT THOSE LIFE SPRING COURSES?

25 A I REALLY DON'T KNOW.

26 Q I AM NOT EXACTLY SURE HOW RELEVANT IT IS, BUT
27 DO YOU HAVE ANY IDEA HOW EXPENSIVE IT IS TO TAKE ONE OF THOSE
28 COURSES?

A-2

1 A WELL, I DO REMEMBER BECAUSE I TOOK THE COURSES
2 AND I PAID FOR THEM MYSELF.

3 MR. BARENS: OBJECTION, RELEVANCY UNLESS WE HAVE SOME
4 SORT OF --

5 THE COURT: DO YOU WANT TO PURSUE IT ANY FURTHER?

6 MR. WAPNER: NO, THAT IS FINE.

7 THE COURT: ALL RIGHT.

8 Q BY MR. WAPNER: YOU FIRST MET MR. HUNT IN THE
9 FALL OF 1982?

10 A THAT'S CORRECT.

11 Q AND AFTER YOU FIRST MET HIM AT THE NIGHTCLUB,
12 HOW OFTEN DID YOU SEE HIM?

13 A FOR ABOUT A MONTH OR TWO -- YEAH, FOR THAT FALL
14 FOR A COUPLE OF MONTHS, I SAW HIM I WOULD PROBABLY SAY MAYBE
15 FOUR TIMES A MONTH OR MAYBE FIVE TIMES A MONTH.

16 Q AND HOW ABOUT IN EARLY 1983, HOW OFTEN DID YOU
17 SEE HIM?

18 A BY THEN, MY SISTER AND HE STARTED GOING OUT. SO
19 I SAW HIM MUCH MORE FREQUENTLY.

20 Q LET'S TALK ABOUT LIKE BETWEEN THE FIRST SIX MONTHS
21 OF 1983, HOW OFTEN DID YOU SEE HIM?

22 A I WOULD SAY AT LEAST DOUBLE THE AMOUNT THAT I
23 HAD SEEN HIM IN LATE '82, OR MORE.

24 Q SO MAYBE TEN TIMES A MONTH?

25 A VERY POSSIBLE, YES.

26 Q WHERE AS HE LIVING DURING THAT TIME?

27 A OUT IN THE VALLEY, I BELIEVE.

28 Q AND HOW ABOUT FOR THE LAST SIX MONTHS OF 1983,

A-3

1 HOW OFTEN DID YOU SEE HIM THEN?

2 A THE SAME AMOUNT.

3 Q ABOUT TEN TIMES A MONTH?

4 A OR MORE. I RECALL THAT I DIDN'T DIVIDE THE YEAR
5 UP INTO HALVES.

6 Q AS FAR AS YOU KNEW, HE WAS STILL LIVING IN THE
7 VALLEY?

8 A YES.

9 Q ALL OF THE TIME AS FAR AS YOU KNEW, HE WAS SPENDING
10 IN THE LOS ANGELES AREA?

11 A YES.

12 (MR. CHIER EXITS THE COURTROOM.)

13 Q BY MR. WAPNER: DID HE EVER TALK TO YOU ABOUT
14 ANY THEORY HE HAD FOR TRADING COMMODITIES?

15 A NO.

16 Q DID HE EVER TALK TO YOU ABOUT BUTTERFLY SPREADS?

17 A NO. WE TALKED MORE IN THE TRADITIONAL SENSE OF
18 TRADING COMMODITIES AND STOCKS.

19 Q YOU SAID THAT MR. HUNT WAS NOT AT ALL MATERIALISTIC,
20 IS THAT RIGHT?

21 A UH-HUH.

22 Q YOU HAVE TO SAY YES OR NO SO SHE CAN WRITE IT
23 DOWN.

24 A YES.

25 Q WHAT IS YOUR DEFINITION OF MATERIALISTIC?

26 A WELL, I THINK EACH INDIVIDUAL'S INTERPRETATION
27 OF THAT WORD IS DIFFERENT.

28 Q ALL RIGHT. THE EXAMPLE THAT YOU GAVE US WAS THAT

1 HE DIDN'T HAVE A ROLEX?

2 A HE REALLY DIDN'T HAVE ANY OF THE MATERIALISTIC
3 THINGS ON A SURFACE LEVEL THAT MOST OF THE OTHER BOYS HAD,
4 BMW'S, ROLEX WATCHES, CASHMERE SWEATERS, ALLEGATOR LOAFERS.

5 Q DID YOU EVER SEE MR. HUNT DRIVE ANY OF THE BMW'S
6 THAT BELONGED TO WESTCARS?

7 A NO I DIDN'T.

8 Q DID YOU KNOW THAT WESTCARS NORTH AMERICA WAS ONE
9 OF MR. HUNT'S COMPANIES?

10 A I FOUND THAT OUT, YES, AFTER HE HAD BEEN RELEASED
11 FROM JAIL.

12 Q DID YOU EVER SEE ANY OF THE OTHER PEOPLE INVOLVED
13 IN THE BBC, DRIVING ANY OF THE CARS?

14 A YES I DID.

15 Q YOU SAID THAT YOU DIDN'T LIKE MOST OF THE -- YOU
16 DIDN'T CARE FOR THE REST OF THE BBC MEMBERS. IS THAT WHAT
17 YOU SAID?

18 A NO, NOT ALL OF THEM. SOME OF THEM I CARED FOR.
19 SOME OF THEM, I DIDN'T REALLY.

20 I NEVER LIKED DEAN KARNY AT ALL, AS AN INDIVIDUAL.

21 Q WHO ARE THE OTHER ONES THAT YOU DON'T LIKE?

22 A WELL, REALLY, I COULD PUT IT THIS WAY. BEN AND
23 I ALWAYS GOT ALONG. I ALWAYS GOT ALONG WITH EVAN AND MOST
24 OF THE OTHER ONES, I COULD SEE THAT I WOULD REALLY PROBABLY
25 NOT GET ALONG WITH. SO I NEVER VENTURED INTO GETTING TO KNOW
26 THEM.

27 Q SO YOU DIDN'T KNOW THEM BUT YOU ARE JUST
28 ASSUMING THAT YOU WOULDN'T HAVE GOTTEN ALONG WITH THEM?

1 A I SAID THAT THEY WERE A LITTLE MATERIALISTIC FOR
2 ME.

3 Q DID YOU EVER SEE RYAN HUNT WITHOUT JOE?

4 A YES. HE USED TO COME IN AND SEE ME AT AT EASE.

5 Q DID YOU DEVELOP ANY KIND OF AN INDEPENDENT
6 RELATIONSHIP WITH HIM?

7 A NOTHING MORE THAN A CASUAL ACQUAINTANCE, A
8 CUSTOMER/CLIENT RELATIONSHIP.

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1 Q DURING THE TIME THAT JOE HUNT LIVED AT YOUR HOUSE,
2 DID YOU EVER TALK TO HIM ABOUT HIS FATHER?

3 A NOT REALLY, NO.

4 Q HE DIDN'T TALK ABOUT HIS FATHER TO YOU, DID HE?

5 A NO.

6 Q DO YOU KNOW WHERE HIS FATHER IS LIVING NOW?

7 A I BELIEVE HIS FATHER LIVES WAY OUT IN THE VALLEY.

8 Q IN THE SAN FERNANDO VALLEY?

9 A I BELIEVE SO.

10 (MR. CHIER RE-ENTERS THE COURTROOM.)

11 Q BY MR. WAPNER: WHAT IS THE BASIS FOR THAT
12 INFORMATION?

13 A BECAUSE I SAID TO JOE ONE DAY, "WHERE DID YOU
14 GO" AND HE SAID, "I WENT OUT TO SEE MY FATHER."

15 I SAID, "WHERE IS THAT?"

16 HE SAID, "WAY OUT IN THE VALLEY. IT IS A DRIVE."

17 Q HOW LONG AGO WAS THAT, THAT YOU SAID THAT TO HIM?

18 A I CAN'T REALLY RECOLLECT. I DON'T REMEMBER.

19 Q DO YOU REMEMBER IF IT WAS BEFORE OR AFTER HE WENT
20 INTO CUSTODY?

21 A IT WAS AFTER HE HAD GOTTEN OUT OF CUSTODY.

22 Q DID HE TELL YOU THAT THE BBC WAS AN INVESTMENT
23 COMPANY?

24 A HE TOLD ME THAT IT WAS A YOUNG GROUP OF GUYS WHO
25 WERE GETTING TOGETHER TO MAKE INVESTMENTS AND BECOME
26 ENTREPRENEURS.

27 Q THEY WERE APPROXIMATELY YOUR AGE?

28 A YES. AS I SAID, JOE AND I WERE THE TWO OLDEST

1 OUT OF THE ENTIRE GROUP.

2 Q DID HE INVITE YOU TO BECOME A MEMBER OF THIS
3 INVESTMENT GROUP?

4 A HE NEVER -- AS I SAID TO MR. BARENS HE NEVER ASKED
5 ME.

6 Q WAIT UNTIL I FINISH ASKING THE QUESTION. TALK
7 A LITTLE SLOWER.

8 DID YOU EVER ASK HIM IF YOU COULD PARTICIPATE
9 IN THIS GROUP BY INVESTING?

10 A NO.

11 Q DID YOU HAVE A FAIRLY CLOSE FRIENDSHIP WITH
12 MR. HUNT AT THAT TIME?

13 A UH-HUH.

14 Q IS THAT YES?

15 A YES.

16 Q AND BY THE NATURE OF THE FACT THAT YOU USED TO
17 BRING THE PAPER DOWN AND READ STOCK AND BOND QUOTATIONS TO
18 MR. HUNT IN THE JAIL, I ASSUME THAT YOU WERE FAIRLY INTERESTED
19 IN INVESTING?

20 A YES.

21 Q WHY WAS IT THAT YOU DECIDED NOT TO ASK HIM IF
22 YOU COULD BECOME A PART OF THIS INVESTMENT GROUP?

23 MR. BARENS: OBJECTION AS TO THE FORM OF THE QUESTION.
24 IT STATES A FACT NOT IN EVIDENCE, THAT HE MADE A DECISION
25 NOT TO DO SOMETHING.

26 THE COURT: OVERRULED.

27 THE WITNESS: WILL YOU REPEAT THE QUESTION?

28 MR. WAPNER: YES.

1 Q WHY WAS IT THAT YOU DIDN'T ASK MR. HUNT IF YOU
2 COULD BECOME A MEMBER OF THIS INVESTMENT GROUP THAT HE WAS
3 PUTTING TOGETHER?

4 A I HAVE NEVER BEEN INTERESTED IN BECOMING A STOCK
5 BROKER OR A COMMODITIES TRADER MYSELF.

6 I WOULD RATHER DO IT ON MY OWN, INDEPENDENT LEVEL
7 AS A PART OF MY OWN, PERSONAL PORTFOLIO. THERE IS A
8 DIFFERENCE.

9 Q HOW DID YOU FEEL THAT MR. HUNT WAS GOING TO GO
10 ABOUT DOING IT?

11 A I THOUGHT THAT IT WAS A PRETTY NORMAL WAY THAT
12 MOST PEOPLE WOULD HAVE DONE IT. HE WAS STARTING AN INVESTMENT
13 BUSINESS.

14 AS I SAID, WE DISCUSSED STOCKS AND WE TALKED ABOUT
15 WHAT YOU WOULD CALL THE MORE TRADITIONAL ATTITUDES OF TRADING.

16 Q THAT WOULD BE STOCKS AND BONDS, AS OPPOSED TO
17 COMMODITIES?

18 A ALL RIGHT.

19 Q DID YOU HAVE MUCH UNDERSTANDING OF WHAT WENT ON
20 IN THE BBC?

21 A I REALLY NEVER TALKED TO HIM ABOUT THE BBC.

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1 Q DURING 1984, HOW OFTEN DID YOU SEE HIM?

2 A ABOUT THE SAME AMOUNT AS I DID IN 1983.

3 Q SO WE ARE TALKING ABOUT TEN TIMES A MONTH OR
4 SEVERAL TIMES, A FEW TIMES EVERY WEEK; IS THAT RIGHT?

5 A HE WOULD COME INTO THE STORE A LOT. HE CAME
6 INTO WESTWOOD A LOT.

7 WHENEVER HE WAS IN WESTWOOD, HE WOULD COME
8 TO VISIT ME AT "AT EASE" TO SAY HELLO, MAYBE FOUR, FIVE
9 MINUTES OR WE WOULD SHOP OR MAYBE WE WOULD HAVE SOME LUNCH.

10 Q DID YOU FEEL LIKE YOU WERE PRETTY GOOD FRIENDS
11 WITH HIM AT THAT TIME?

12 A YES.

13 Q AND HE DIDN'T TALK TO YOU AT ALL ABOUT THE
14 BBC?

15 A NO.

16 Q HE TALKED TO YOU ABOUT HISTORY AND MYTHOLOGY?

17 A UH-HUH, AMERICAN LITERATURE.

18 Q IS THAT YES?

19 A YES.

20 A DID HE EVER TALK TO YOU ABOUT SOMETHING CALLED
21 THE PARADOX PHILOSOPHY?

22 A NO.

23 I HAD NEVER EVEN HEARD ABOUT THE PARADOX
24 PHILOSOPHY UNTIL I HAD READ IT IN THE TRASH IN THE NEWS.

25 THE COURT: YOU READ IT IN WHAT?

26 THE WITNESS: IN THE TRASH THAT WAS IN THE NEWS.

27 Q BY MR. WAPNER: THAT IS WHEN YOU TOOK THE NEWS-
28 PAPER OUT OF THE GARBAGE CAN OR ARE YOU CHARACTERIZING

1 SOMETHING THAT WAS IN THE NEWSPAPER?

2 A I AM CHARACTERIZING THE QUALITY OF WHAT WAS
3 WRITTEN.

4 Q ARE YOU TALKING ABOUT THE ARTICLES THAT WERE
5 WRITTEN ABOUT THE TRIAL?

6 A ARTICLES THAT WERE WRITTEN ABOUT THE TRIAL
7 AND JOE.

8 Q IN MAGAZINES?

9 A NEWSPAPERS, TELEVISION, TELEVISION PIECES.

10 Q THAT WOULD INCLUDE THE ESQUIRE MAGAZINE ARTICLE?

11 A ABSOLUTELY.

12 Q DID YOU FEEL THAT YOU KNEW MORE ABOUT THE BBC
13 AND THE ACTIVITIES OF MR. HUNT AND THE BBC THAN THE PEOPLE
14 WHO HAD WRITTEN THE ARTICLES?

15 A YES.

16 I DIDN'T KNOW MUCH ABOUT THE BBC, BUT I KNOW
17 JOSEPH HUNT.

18 Q YOU SAID THAT YOU SAW MR. HUNT IN THE PRESENCE
19 OF REZA ESLAMINIA, WHEN WAS THAT?

20 A I SAW REZA ESLAMINIA PROBABLY THREE OR FOUR
21 TIMES.

22 Q WHEN?

23 A AT THE HARD ROCK CAFE OR AT "AT SUNSET."

24 Q YES, BUT IN POINT OF TIME WHEN?

25 A 1983, 1984 MAYBE.

26 Q WAS IT '83 OR WAS IT '84, LET'S GET THE YEAR
27 STRAIGHT.

28 A MAYBE THREE TIMES IN '83 AND TWICE IN '84.

1 Q WHEN IN 1983 DID YOU SEE HIM?

2 A I REALLY DON'T REMEMBER.

3 Q WAS THAT YOU AT THE HARD ROCK CAFE WITH MR.
4 HUNT, AND MR. ESLAMINIA WAS THERE?

5 A AS I SAID BEFORE TO MR. BARENS, WE WOULD GO
6 IN DIFFERENT CARS AND GROUPS AND WE WOULD ALL CONGREGATE
7 THERE. MY SISTER AND I LIVED IN BELLAGIO TOGETHER WITH
8 MY FAMILY, SO SHE AND I WOULD DRIVE IN THE SAME CAR.

9 Q WHEN IS IT THAT YOU HAVE YOUR FIRST
10 RECOLLECTION OF MR. HUNT BEING WITH MR. REZA ESLAMINIA?

11 A IN THE EARLIER PART OF 1983.

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1 Q EARLY 1983?

2 A LIKE I SAID, I DON'T REALLY REMEMBER.

3 HE WAS THERE WITH THE GROUP OF OTHER GUYS.

4 HE REALLY WASN'T WITH JOE.

5 MAYBE IT WAS 1984. AS I SAID, I DON'T REALLY
6 REMEMBER.

7 REZA AND I MET LIKE TWICE.

8 Q BOTH OF THOSE TIMES WERE IN THE PRESENCE OF
9 MR. HUNT?

10 A YES.

A 11 Q HOW MANY DAYS WERE YOU HERE, DO YOU THINK,
12 DURING THE TRIAL TO ACTUALLY HEAR TESTIMONY?

13 A I WAS HERE AT LEAST 75 PERCENT OF THE TRIAL.

14 Q YOU SAID THAT MR. HUNT DIDN'T COME FROM MONEY;
15 IS THAT RIGHT?

16 A UH-HUH, YES.

17 Q THAT WAS YOUR UNDERSTANDING?

18 A YES, LOWER MIDDLE CLASS, THAT IS WEALTH-WISE.

19 Q THAT HIS UPBRINGING WAS FAIRLY MODERATE?

20 A YES.

21 Q HOW WOULD YOU CHARACTERIZE YOUR UPBRINGING
22 AND YOUR FAMILY IN THAT SAME SPECTRUM?

23 A MUCH MORE COMFORTABLE AND --

24 Q AND YOU ARE CHARACTERIZING HIS AS LOWER MIDDLE
25 CLASS?

26 A UPPER MIDDLE CLASS WEALTH-WISE.

27 I AM NOT TALKING ABOUT THE CHARACTER OF THE
28 PEOPLE. I AM TALKING ABOUT THE WEALTH.

1 Q I UNDERSTAND THAT.

2 AND WOULD YOU PUT YOUR FAMILY IN THAT SAME
3 UPPER MIDDLE CLASS CATEGORY AS OF THE TIME MR. HUNT WAS
4 LIVING WITH YOU AND YOUR FAMILY?

5 A UH-HUH.

6 THE COURT: DOES THAT MEAN YES?

7 Q BY MR. WAPNER: IS THAT YES?

8 A YES.

9 Q WHEN MR. HUNT LIVED WITH YOUR FAMILY, DID HE
10 APPEAR TO ENJOY THAT TYPE OF LIFE, AN UPPER MIDDLE CLASS
11 LIFESTYLE?

12 A I REALLY NEVER THOUGHT OF IT IN THAT CONTEXT.

13 I SAW JOE ENJOY LIVING WITH THE FAMILY, THAT
14 IS MINE, WHICH MANY OF MY FRIENDS HAVE ALWAYS COMMENTED
15 ON, MY FAMILY, MY MOTHER AND MY FATHER, HOW WARM AND
16 GREGARIOUS WE ARE AS A FAMILY AND LOVING AND SUPPORTIVE.
17 HE ENJOYED THAT PART OF IT.

18 I NEVER REALLY THOUGHT ABOUT THE OTHER PART
19 OF IT.

20 Q DID YOU EVER GO TO THE CONDOMINIUM AT THE WILSHIRE
21 MANNING?

22 A I WENT THERE ONCE.

23 Q HOW WOULD YOU CHARACTERIZE THAT IN TERMS OF
24 LOWER MIDDLE CLASS, UPPER MIDDLE CLASS, MIDDLE CLASS?

25 A IT IS A VERY NICE CONDOMINIUM, AS ARE ALL OF
26 THE VERY NICE CONDOMINIUMS ON WILSHIRE BOULEVARD.

27 Q YOU DON'T HAVE ANY IDEA HOW MUCH THEY SELL
28 FOR IF ONE WAS GOING TO BUY ONE, DO YOU?

1 A NO.

2 MR. CHIER: I HAVE ONE FOR SALE IF HE WANTS TO BUY
3 ONE.

4 Q BY MR. WAPNER: DID HE SEEM TO REALLY BELIEVE
5 THAT PEOPLE WILL REAP WHAT THEY SOW?

6 A UH-HUH, VERY MUCH SO.

7 IT IS KIND OF A THEME IN MY FAMILY, WE TALK
8 ABOUT IT A LOT.

9 Q DID MR. HUNT SEEM TO ADOPT THAT?

10 A HE DIDN'T REALLY HAVE TO ADOPT IT.

11 HE BELIEVED IN IT BEFORE HE BECAME A PART OF
12 MY FAMILY.

13 Q I ASSUME THAT THE FAMILY HAS TAKEN GREAT
14 STRIDES TO TRY AND GET DARRON AS MUCH HELP FOR HIS
15 DYSLEXIA AS THEY CAN?

16 A VERY, VERY MUCH.

17 Q AND IT HAS GOTTEN, I ASSUME, A LOT BETTER FROM
18 WHEN HE WAS YOUNGER UNTIL NOW?

19 A ABSOLUTELY. HE HAS PROGRESSED A LOT MORE THAN
20 A LOT OF PEOPLE THOUGHT HE WOULD HAVE.

21 BUT AS I SAID, HE PROGRESSED EVEN MORE SO THAN
22 HE HAD FOR THE LITTLE BIT OF A TIME, ONCE JOE HAD MOVED
23 INTO THE HOME.

24 MR. WAPNER: THANKS. I HAVE NOTHING FURTHER.

25 THE COURT: ANYTHING FURTHER?

26 MR. BARENS: YES.

27

28

4A-1

1 THE COURT: DO YOU HAVE SOMETHING?

2

3

REDIRECT EXAMINATION

4

BY MR. BARENS:

5

Q DID YOU KNOW WHAT KIND OF A CAR JOE HUNT DROVE?

6

A REALLY, THE ONLY TIME I EVER SAW HIM DRIVING A
7 CAR, HE WAS DRIVING A JEEP.

8

Q AND HE WAS NOT DRIVING THE BMW?

9

A NO. IN FACT, I NEVER SAW JOE DRIVE A BMW.

10

MR. BARENS: YOUR HONOR, THERE IS A QUESTION THAT I WANT
11 TO ASK THAT I FORGOT TO ON MY DIRECT. I WOULD LIKE TO REOPEN.

12

THE COURT: YOU MAY REOPEN.

13

14

DIRECT EXAMINATION (REOPENED)

15

BY MR. BARENS:

16

Q DID AN OCCASION TAKE PLACE WHERE A TREE FELL AT
17 YOUR HOUSE?

18

A YES. IT USED TO BE THIS BIG, BIG SAPLING THAT
19 WAS IN FRONT OF THE HOME WHICH WAS ON THE CORNER OF THE HOUSE,
20 ON THE CORNER OF THE STREET.

21

IT FELL OVER ONE NIGHT AFTER BEING TOO TOP HEAVY
22 AND BEING EXTREMELY OLD. IT HAD BEEN PLANTED WHEN I WAS
23 AROUND FIVE YEARS OLD, WHEN WE FIRST MOVED INTO THE HOME.

24

IT FELL OVER AND BLOCKED THE DRIVEWAY AND TORE
25 UP HALF OF THE FENCE THAT IS THERE AT THE HOUSE. AND IT
26 ALWAYS HAS BEEN KIND OF A JOKE IN MY FAMILY THAT THEY REFER
27 TO ME AS A LUMBERJACK BECAUSE I OWN AN AXE.

28

I USED TO GO DOWN THERE AND CHOP UP ANY TREE THAT

1 WOULD EVER HAPPEN TO FALL IN MY FAMILY.

2 WHEN THIS HAPPENED -- JOE -- I WAS WOKEN UP THAT
3 MORNING BY JOE CHOPPING UP THIS TREE, ABOUT 8 O'CLOCK IN THE
4 MORNING.

5 I DIDN'T BELIEVE THAT SOMEONE WAS OUT THERE. I
6 WENT OUT THERE AND THERE WAS JOE WITH MY AXE, CHOPPING. I
7 WAS A LITTLE BIT TEASING WITH HIM, INDIGNANT ABOUT THE FACT
8 THAT HE HAD TAKEN MY AXE AND TO GIVE IT BACK AND TO LET ME
9 HAVE THIS PLEASURE.

10 HE PROCEEDED TO GO BACK UP TO THE HOUSE, GET IN
11 HIS CAR AND HE DROVE AWAY. AND ABOUT TWO HOURS LATER, HE
12 SHOWED UP WITH AN AXE, HIS OWN, WHICH HE HAD PAID FOR AND
13 HIS OWN SHEATH TO GO WITH IT AND SOME GLOVES WHICH I TEASED
14 HIM ABOUT.

15 SO, WE SAT THERE AND CHOPPED THIS TREE UP FOR
16 ABOUT TWO DAYS. IT GREW IN THE 20 YEARS THAT IT HAD BEEN
17 THERE, IT HAD GROWN AT LEAST TO 50 FEET HIGH AND TO 30 FEET
18 IN CIRCUMFERENCE. IT WAS A GIGANTIC, TREE AS BIG AROUND AS
19 THE DESK. IT TOOK US A LONG TIME.

20 MY BROTHER, CURTIS, KEPT COMING DOWN WITH A POWER
21 SAW. WE WOULDN'T LET HIM USE IT BECAUSE WE SAT THERE AND
22 DID THIS.

23 Q WELL, I HAD ALWAYS BEEN CLOSER WITH CURTIS. IN
24 ANY EVENT, WHILE YOU GENTLEMAN WERE CHOPPING UP THIS TREE
25 WITH THE AXES, DID A NEIGHBOR GET INVOLVED?

26 A THE WHOLE FAMILY KIND OF GOT INVOLVED. THEY USED
27 TO COME DOWN AND LAUGH AT US.

28 BUT THERE WAS A LITTLE, NINE-YEAR-OLD WHO WAS

1 THEN NINE. HE IS NOW ABOUT TEN AND A HALF OR ELEVEN. HIS
2 NAME IS SAM BRETZFIELD (PHONETIC) AND HE LIVES ACROSS THE
3 STREET. HE LIVES THERE WITH HIS MOTHER. THEY HAVE BEEN LIVING
4 THERE WITH A HOUSEWOMAN THERE.

5 HE REALLY HAS NO MALE FIGURE IN THE HOME. HE
6 USED TO COME OVER AND PLAY WITH JOE A LOT. AND I KNOW IT
7 SOUNDS STRANGE, BUT HE WOULD COME OVER AND THEY WOULD WATCH
8 TELEVISION TOGETHER OR LISTEN TO MUSIC TOGETHER AND JUST KID
9 AROUND.

10 AND HE ALWAYS WANTED TO DO ANY OF THE OTHER THINGS
11 THAT WE WERE DOING. FOR INSTANCE, IF ONE OF US WAS WORKING
12 ON OUR CAR, HE WOULD ALWAYS WANT TO GET UNDER THE CAR WITH
13 US.

14 WELL, THE NEXT THING I KNOW, I COME DOWN THERE
15 AND THERE IS SAM WITH MY AXE, WHICH IS TALLER THAN HE IS.

16 JOE IS SITTING THERE AND TRYING TO TEACH HIM HOW
17 TO USE IT. AND HIS MOTHER, WHO IS EXTREMELY OVER PROTECTIVE
18 OF HIM, WOULD COME OUT TO THE TOP OF THE DRIVEWAY AND YELL
19 AT HIM TO COME BACK INSIDE YOU KNOW, INTO THE HOUSE BECAUSE
20 HE DIDN'T HAVE GOGGLES AND CHIPS ARE FLYING -- MIGHT FLY IN
21 YOUR EYES AND ALL OF THE REST OF IT.

22 SO JOE THEN THE NEXT DAY, I WENT OUT AND WE WERE
23 WORKING ON IT AND SAM COMES MARCHING OVER WITH JOE. AND SAM
24 HAD GOT A PAIR OF GOGGLES AND GLOVES WHICH JOE BOUGHT HIM.

25 HE SAT THERE DIRECTING THE TRAFFIC BETWEEN THE
26 TWO OF US.

27 Q OKAY. SO JOE HAD GONE OUT AND BOUGHT THIS FOR
28 THE YOUNG FELLOW?

1 A YES. HE BOUGHT HIM THESE GLOVES AND A PAIR OF
2 GOGGLES AND HE HAD TWO CHOICES, EITHER GETTING SIMPLY PULLED
3 INSIDE CRYING BECAUSE HE COULDN'T HANG OUT WITH THE BIG BOYS
4 OR JOE BEING ABLE TO TAKE THE RESPONSIBILITY AND GOING OUT
5 AND BUYING THESE GOGGLES FOR THIS KID. --

6 HE BECAME SAM'S OLDER BROTHER ALMOST A FATHER
7 FIGURE FOR HIM.

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1 Q NOW EARLIER ON, YOU HAD MADE SOME CRITICISM
2 CONCERNING THINGS YOU HAD READ IN PUBLICATIONS. AND MY
3 QUESTION FOR YOU IS, RATHER THAN BASING YOUR IMPRESSION ON
4 WHAT YOU READ IN THE NEWSPAPER, ISN'T YOUR OPINION OF JOE
5 HUNT BASED ON YOUR PERSONAL CONTACT AND KNOWLEDGE OF HIM?

6 A THAT IS ALL OF MY PERSONAL OPINION BASED ON JOE
7 HUNT, IS MY PERSONAL EXPERIENCES OF HIM.

8 MR. BARENS: THANK YOU, SIR.

9

10

CROSS-EXAMINATION

11 BY MR. WAPNER:

12 Q YOU SAID MR. HUNT GOT IN HIS CAR AND WENT AND
13 BOUGHT THE AXE. WHAT KIND OF A CAR WAS IT?

14 A IT WASN'T REALLY HIS CAR. IT WAS HIS FATHER'S
15 CAR. HE BORROWED IT. IT WAS A THUNDERBIRD.

16 Q DURING THE TIME THAT HE LIVED AT THE HOUSE FOR
17 A YEAR, DID HE HAVE A CERTAIN CAR THAT HE DROVE?

18 A THERE WAS A BEAT UP OLD BMW WHICH WAS A MEMBER
19 OF SOUTHWEST LEASING OR NORTHWESTERN LEASING COMPANY OR
20 WHATEVER IT WAS, WHICH WAS CONSTANTLY BEING FIXED. SO REALLY,
21 HE NEVER REALLY DROVE IT THAT MUCH.

22 Q WASN'T THAT ONE OF THE WESTCARS' CARS?

23 A WESTCARS OR NORTH CARS OR WHATEVER THE NAME OF
24 IT IS. AS I SAID, I DON'T REMEMBER.

25 I NEVER KNEW ABOUT THE COMPANY UNTIL I READ ABOUT
26 IT IN THE PAPER.

27 Q BUT THAT WAS IN FACT, A BMW THAT HAD BEEN A PART
28 OF MR. HUNT'S COMPANY?

1 A I BELIEVE SO.

2 Q ALL RIGHT. AND SO, WHEN YOU SAID BEFORE THAT
3 YOU NEVER SAW HIM DRIVE A BMW, WAS THAT ENTIRELY ACCURATE?

4 A I MEAN, IN DAYS WHEN THE BBC WAS ON AND HE WAS
5 HANGING OUT WITH THE WHOLE CROWD. I WAS SPEAKING OF THAT
6 TIME.

7 Q ALL RIGHT.

8 A SINCE THEN HE HAS MOVED BACK INTO THE HOME AND
9 I SAW HIM DRIVING THIS BMW OCCASIONALLY TO THE SHOP TO GET
10 IT FIXED AND SO FORTH.

11 FOR A TIME, THAT CAR WAS NOT EVEN AT THE HOME.
12 IT WAS AT A BODY SHOP AND A MECHANIC SHOP FOR APPROXIMATELY
13 I THINK, CLOSE TO SIX MONTHS.

14 AND HE BORROWED HIS FATHER'S CAR OCCASIONALLY,
15 A WHITE, 1984 T-BIRD WHICH HE LET ME BORROW A COUPLE OF TIMES.

16 MR. WAPNER: NOTHING FURTHER.

17 THE COURT: I DIDN'T GET IT? WHAT BUSINESS DO YOU SAY
18 YOU ARE IN?

19 THE WITNESS: I AM A LIFE INSURANCE AGENT, YOUR HONOR.

20 THE COURT: ALL RIGHT. THANK YOU. YOU MAY STEP DOWN.

21 LADIES AND GENTLEMEN OF THE JURY, WE'LL TAKE A
22 15-MINUTE RECESS AT THIS TIME. PLEASE REMEMBER THE ADMONITION
23 THAT I PREVIOUSLY GAVE YOU STILL APPLIES.

24 (RECESS.)

25

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1 THE COURT: ALL RIGHT, NEXT WITNESS.

2 MR. BARENS: CURTIS ROBERTS, YOUR HONOR.

3 THE CLERK: RAISE YOUR RIGHT HAND, PLEASE, TO BE SWORN.

4

5 CURTIS MATTHEW ROBERTS,

6 CALLED AS A WITNESS BY THE DEFENSE, WAS SWORN AND TESTIFIED

7 AS FOLLOWS:

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

12 THE WITNESS: I DO.

13 THE CLERK: BE SEATED, PLEASE.

14 TELL US YOUR FULL NAME AND SPELL YOUR LAST
15 NAME.

16 THE WITNESS: CURTIS MATTHEW ROBERTS, R-O-B-E-R-T-S.

17 THE COURT: IS THIS GOING TO BE CUMULATIVE OR BE
18 SOMETHING NEW?

19 MR. BARENS: WE WILL TRY TO BE NEW AND INTERESTING
20 AT ALL TIMES, YOUR HONOR.

21 THE COURT: NOT NEW AND INTERESTING.

22 I SAID CUMULATIVE.

23 MR. BARENS: WILL BE NEW AND NOT INTERESTING.

24 THE COURT: ALL RIGHT.

25 MR. BARENS: DEPENDING UPON WHERE YOU ARE SITTING
26 IN THE COURTROOM.

27

28

1 DIRECT EXAMINATION

2 BY MR. BARENS:

3 Q HOW OLD ARE YOU, CURTIS?

4 A I'M 33.

5 Q IT WASN'T CUMULATIVE, OKAY.

6 CURTIS, YOU ARE THE BROTHER OF TODD ROBERTS
7 AND YOUR SISTER IS BROOKE ROBERTS?

8 A YES, I AM.

9 Q AND CURTIS, WHEN DID YOU MEET JOE HUNT?

10 A INITIALLY, THE FALL OF 1982, I WENT OUT WITH
11 MY TWO BROTHERS AND SISTER TO A CLUB "AT SUNSET" AND I MET
12 JOE HUNT THERE.

13 Q OKAY. WHAT DID YOU UNDERSTAND THAT HE DID?

14 A THAT HE WAS SOMEHOW INVOLVED IN STOCKS AND
15 BONDS AND COMMODITIES.16 Q DID YOU TALK MUCH TO HIM ABOUT WHAT HIS
17 PROFESSIONAL ACTIVITIES WERE?

18 A NOT REALLY THAT EVENING, NO.

19 Q DID YOU LATER SEE HIM AGAIN?

20 A YES.

21 HE WAS AT MY PARENTS' HOUSE FOR MY BIRTHDAY,
22 OCTOBER OF '82.

23 Q AND THAT IS ON THE 23RD OF OCTOBER?

24 A YES, IT IS.

25 Q AND DID YOU FOLKS ALL GO OUT THAT NIGHT?

26 A YES, WE WENT OUT FOR CHINESE FOOD, THE ENTIRE
27 FAMILY.

28 Q AND DID YOU TALK TO JOE ON THAT OCCASION?

1 A BRIEFLY, NOT AT GREAT DEPTH.

2 Q WHEN DID YOU NEXT SEE HIM AGAIN?

3 A I DIDN'T SEE HIM AGAIN UNTIL JANUARY OR FEBRUARY
4 OF 1985, WHEN I WENT TO VISIT HIM AT THE HALL OF JUSTICE.
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1 Q OKAY. BETWEEN OCTOBER AND WHEN YOU NEXT SAW
2 HIM AGAIN IN 1985, HAD YOU BEEN LIVING SOMEWHERE OTHER THAN
3 AT HOME?

4 A YES. I HAD BEEN LIVING IN DALLAS, TEXAS.

5 THE COURT: WHERE?

6 THE WITNESS: DALLAS, TEXAS.

7 THE COURT: UH-HUH.

8 Q BY MR. BARENS: AND AFTER YOU HAD MET JOE HUNT,
9 DID YOU FORM AN OPINION ABOUT THE TYPE OF PERSON HE WAS?

10 A YES. HE SEEMED TO BE CHARMING, VERY INTELLIGENT,
11 VERY LIKABLE.

12 Q ALL RIGHT. CURTIS, BEFORE YOU WENT TO JAIL
13 TO SEE JOE HUNT, DID YOU TALK TO ANY MEMBERS OF YOUR FAMILY
14 ABOUT WHY HE WAS THERE?

15 A YES, I HAD. I HAD SPOKEN TO MY FATHER MANY
16 TIMES OVER THE PHONE FROM DALLAS.

17 Q DID YOU UNDERSTAND WHY JOE WAS IN JAIL?

18 A WELL, I WAS TOLD THAT HE WAS ACCUSED OF A MURDER.

19 Q HOW DID YOU FEEL ABOUT YOUR SISTER BEING
20 INVOLVED WITH THE GENTLEMAN AT THAT POINT IN TIME?

21 A WELL, I WAS VERY APPREHENSIVE. I FELT AS THOUGH
22 IT COULD BE VERY PAINFUL, VERY DAMAGING AND PERHAPS WAS
23 NOT SUCH A GOOD IDEA.

24 Q AND DID YOUR FEELINGS ABOUT THAT COME TO CHANGE?

25 A YES, THEY DID.

26 Q WHY DID YOUR FEELINGS CHANGE?

27 A WELL, MY FATHER HAD EXPRESSED TO ME THAT HE
28 FELT CONVINCED THAT JOE WAS INNOCENT AND THAT SOMEBODY SHOULD

1 STAND BY HIM, THAT HE HAD BEEN ABANDONED.

2 AND I THEREFORE, SUPPORTED MY FATHER IN HIS
3 CHOICE.

4 Q DID YOU DEVELOP A RELATIONSHIP WITH JOE AFTER
5 YOU SAW HIM IN JAIL?

6 A WELL, I DID VISIT HIM ON A NUMBER OF OCCASIONS
7 IN JAIL.

8 Q WHEN YOU WOULD VISIT HIM, WOULD YOU GO BY YOUR-
9 SELF OR DID PEOPLE GO WITH YOU?

10 A NO. I WOULD USUALLY GO -- EITHER MY MOTHER
11 OR MY FATHER OR MY SISTER AND I WOULD GO.

12 Q DID YOUR MOM AND DAD SEEM TO BE SEEING A LOT
13 OF HIM AT THE JAIL?

14 A I THOUGHT SO, YES.

15 Q DO YOU KNOW HOW OFTEN THEY WERE GOING?

16 A ONCE A WEEK, MAYBE. MAYBE TWICE A WEEK.

17 Q ALL RIGHT. DID YOU MOVE BACK TO YOUR HOME
18 AT A POINT IN TIME?

19 A YES, IN APRIL OF LAST YEAR.

20 Q OF 1986?

21 A YES.

22 Q NOW, PRIOR TO THAT, JOE HAD BEEN RELEASED ON
23 BAIL, HAD HE NOT?

24 A YES.

25 Q AND DID YOU SEE HIM WHEN HE GOT OUT OF JAIL?

26 A YES, I DID.

27 Q AND WHEN WAS THE FIRST TIME YOU SAW HIM WHEN
28 HE GOT OUT OF JAIL?

1 A WELL, AT THAT TIME, I WAS LIVING DOWN IN NEWPORT
2 BEACH. AND I REMEMBER CALLING TO FIND OUT, BECAUSE WE WERE
3 EXPECTING AT ANY TIME THAT HE WOULD BE RELEASED.

4 I DROVE UP TO HAVE DINNER WITH THE ENTIRE FAMILY.
5 WE HAD AN EARLY THANKSGIVING DINNER.

6 Q DID YOU TALK WITH JOE HUNT THEN?

7 A YES, I DID. I ASKED HIM -- I REMEMBER ASKING
8 HIM A LOT ABOUT WHAT IT WAS LIKE IN JAIL AND HIS EXPERIENCES.

9 Q AND WHAT WAS JOE'S ATTITUDE TOWARD THE FAMILY
10 WHEN YOU SAW HIM AT THAT TIME?

11 A VERY GRATEFUL, VERY APPRECIATIVE, VERY WARM.

12 Q DID YOU SEE MUCH OF JOE AFTER THAT, YOU KNOW,
13 AFTER HE GOT OUT OF JAIL?

14 A I REALLY STARTED SEEING MUCH MORE OF JOE IN
15 APRIL OF LAST YEAR WHEN I MOVED HOME. WE SPEND MORE TIME
16 TOGETHER.

17 Q NOW, WHAT WAS THE LIVING ARRANGEMENTS AT THE
18 HOME WHEN YOU MOVED BACK IN THE HOUSE?

19 A JOE AND I SHARED TWO UPSTAIRS BEDROOMS THAT
20 ARE CONNECTING.

21

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0 Q AND DID YOU SHARE A BATHROOM?

1 A YES.

2 A ALL RIGHT. WHERE WAS YOUR SISTER LOCATED AT THAT
3 POINT IN TIME?

4 A SHE WAS LIVING IN THE GUEST HOUSE.

5 Q DID YOU BECOME AWARE THAT YOUR SISTER WAS DATING
6 SOMEONE ELSE?

7 A YES, I DID.

8 Q WHO WAS THAT, IF YOU KNOW?

9 A GRANT -- I CAN'T REMEMBER HIS LAST NAME.

10 I MET HIM ON TWO OCCASIONS.

11 Q DO YOU KNOW HOW LONG A PERIOD OF TIME BROOKE WAS
12 DATING GRANT?

13 A EIGHT, TEN MONTHS, SOMETHING ALONG THOSE LINES.
14 THE ENTIRE TIME THAT I WAS LIVING AT HOME, SHE
15 WAS DATING GRANT.

16 Q THIS WOULD BE SUBSEQUENT TO APRIL OF 1986?

17 A YES.

18 Q AND DID YOU DISCUSS THAT WITH JOE?

19 A NO, NOT REALLY.

20 I -- I DID NOT QUESTION JOE ABOUT HIS ROMANTIC
21 RELATIONSHIP WITH MY SISTER.

22 Q WHEN YOU GENTLEMEN WERE SHARING TWO BEDROOMS,
23 WAS THE BATHROOM KIND OF A COMMON PLACE FOR YOU THERE?

24 A YES, IT WAS.

25 Q ALL RIGHT. HOW MUCH CONTACT DID YOU HAVE WITH
26 JOE AT THAT TIME?

27 A WELL, I SAW HIM ON A DAILY BASIS AND WE WOULD --
28 WE WOULD USUALLY TALK INFORMALLY, USUALLY AFTER EVERYONE IN

-2

1 THE HOUSEHOLD HAD GONE OFF TO BED, WE WOULD STAY UP AND VISIT
2 A WHILE ABOUT IT.

3 WE MOSTLY DISCUSSED WHAT HAPPENED THAT DAY, WHAT
4 WAS GOING ON.

5 Q DID YOU GUYS HAVE A RITUAL OF FINISHING THE DAY
6 TOGETHER UP IN YOUR RESPECTIVE BEDROOMS?

7 A YES, PRETTY MUCH.

8 WE WERE THE LAST TO SAY GOOD NIGHT TO EACH OTHER.

9 Q AND YOU WOULD TALK ON THOSE OCCASIONS?

10 A YES, WE WOULD.

11 Q WHAT WOULD YOU TALK ABOUT?

12 A WE TALKED A LOT ABOUT THE TRIAL, HOW IT WAS GOING,
13 BECAUSE THIS WAS AT THAT POINT.

14 WE TALKED ABOUT MOVIES, BOOKS. I TRIED TO KEEP
15 THE CONVERSATION LIGHT. I FELT AS THOUGH THAT THIS EXPERIENCE
16 WAS SO OVERWHELMING FOR EVERYONE, ESPECIALLY HIM, THAT TO
17 GET A BREAK FROM ALL OF THIS WOULD BE NICE, SO I WOULD TRY
18 AND KEEP THE CONVERSATION SOMEWHAT LIGHT.

19 Q DID JOE SEEM INTERESTED IN WHAT WAS GOING ON IN
20 YOUR LIFE?

21 A ALWAYS. ALWAYS, HE SHOWED A LOT OF CARING.

22 Q WAS HE HELPFUL IN YOUR LIFE?

23 A YES, VERY MUCH SO.

24 ONE OF THE THINGS THAT HE WAS VERY HELPFUL WITH,
25 WAS MY YOUNGER BROTHER, DARRON.

26 Q WE HAVE HAD SOME TESTIMONY, AND I DON'T WANT TO
27 BE CUMULATIVE HERE, BUT COULD YOU JUST BRIEFLY SUMMARIZE FOR
28 ME HOW YOU FELT JOE HELPED YOUR BROTHER?

1 A WELL, DARRON IS A DYSLECTIC AND HAS A LEARNING
2 HANDICAP AND DARRON JUST CAN USE AND NEEDS A LOT OF GUIDANCE
3 AND A BIG BROTHER AND BEING HIS OLDEST BROTHER, THAT WAS
4 ALWAYS MY RESPONSIBILITY AND I WAS VERY APPRECIATIVE THAT
5 JOE WOULD SHARE THAT WITH ME.

6 Q WITHIN THE FAMILY, DID DARRON AND JOE DEVELOP
7 A SPECIAL RELATIONSHIP?

8 A YES.

9 Q AND HOW DID DARRON SEEM TO RESPOND TO JOE?

10 A HE RESPONDED VERY WELL. HE LIKED JOE VERY MUCH.

11 Q NOW, DID YOU CONSIDER JOE A GENEROUS GUY?

12 A YES.

13 HE WAS ALWAYS AVAILABLE WHENEVER YOU NEEDED A
14 FAVOR DONE. HE WAS ALWAYS VERY GENEROUS WITH HIS TIME.

15 Q HOW DID HE GET ALONG WITH EVERYBODY LIVING IN
16 THE HOUSE THERE?

17 A VERY WELL, I MEAN AMAZINGLY WELL.

18 Q WERE YOU THE FIRST MEMBER OF THE FAMILY TO GET
19 INVOLVED WITH LIFE SPRING?

20 A YES, I WAS.

21 Q OKAY. DID YOU TALK TO THE REST OF THE FAMILY
22 ABOUT YOUR EXPERIENCE AND PARTICIPATION IN THAT PROGRAM?

23 A YES, I DID. I SHARED MY EXPERIENCE WITH THEM.

24 AND AS A MATTER OF FACT, I ENCOURAGED MY MOTHER
25 TO TAKE THE COURSE AND THEN IT WAS KIND OF A DOMINO EFFECT,
26 EVERYONE ELSE IN THE FAMILY FOLLOWED, INCLUDING JOE.

27 Q OKAY, SO COULD YOU JUST, AS THE FORERUNNER OF
28 THIS GROUP THAT DID THIS, SUMMARIZE FOR US WHAT LIFE SPRING

1 IS ALL ABOUT.

2 A WELL, IT IS A SELF-AWARENESS COURSE THAT IS ABOUT
3 CREATING VALUE IN YOUR LIFE, ABOUT GROWTH AND ABOUT MAKING
4 CONTRIBUTION AND COMING FROM SERVICE AND GIVING TO OTHERS.

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1 Q AND DOES THAT PROGRAM HAVE TO DO WITH GETTING
2 IN TOUCH WITH YOUR FEELINGS, AS WELL?

3 A YES. THAT IS A RESULT OF COMING FROM YOUR
4 FEELINGS. IT IS VERY HELPFUL IF YOU ARE GOING TO BE MAKING
5 A CONTRIBUTION TO OTHER PEOPLE.

6 DID YOU TALK TO JOE HUNT ABOUT GOING TO THAT
7 CLASS?

8 A YES, I DID.

9 Q ALL RIGHT. I AM CALLING IT A CLASS.

10 A THAT IS A GOOD REFERENCE, YES.

11 Q DID JOE SEEM INTERESTED IN THAT?

12 A YES, HE DID.

13 Q OKAY. DID YOU HAVE SOME DISCUSSION WITH JOE
14 ABOUT HOW HE SHOULD REGISTER AT THAT CLASS?

15 A YES, I DID.

16 Q WOULD YOU TELL US WHAT THAT DISCUSSION WAS
17 ABOUT?

18 A WELL, IT WAS SUGGESTED THAT HE REGISTER AS
19 JOSEPH ROBERTS BECAUSE THERE WAS AN AMAZING AMOUNT OF
20 NEGATIVE OPINION AT THAT TIME IN THE PRESS CONCERNING HIS
21 CASE.

22 Q AND WAS THE SUGGESTION THAT YOU MADE ABOUT
23 HOW HE SHOULD REGISTER -- WHY DID YOU DO THAT? SO THAT
24 HE WOULD HAVE A BETTER PARTICIPATION IN THE PROGRAM?

25 A YES, ABSOLUTELY. I THOUGHT IT WOULD INTERFERE
26 WITH THE VALUE OF THE COURSE.

27 Q AND HE DID THAT?

28 A BEING THE CENTER OF ATTENTION, I THOUGHT WOULD

1 HINDER IT.

2 Q ALL RIGHT. SO YOU FELT THAT HAVING THAT LEVEL
3 OF ANONYMITY WOULD KEEP THE CLASS AT A PURE LEVEL FOR HIM?

4 A ABSOLUTELY.

5 Q DID JOE EVER DISCUSS WITH YOU HOW HE FELT ABOUT
6 THE SITUATION HE WAS IN, VIS A VIS YOUR FAMILY?

7 A WELL, HE ALWAYS EXPRESSED THAT HE WAS EXTREMELY
8 GRATEFUL TO ALL OF US AND THAT HE REALLY APPRECIATED WHAT
9 WE HAD DONE.

10 Q DID HE EVER DISCUSS WITH YOU ABOUT HOW HE FELT
11 ABOUT THE SIGNIFICANT PROBLEM THAT HE HAD INTRODUCED INTO
12 YOUR HOUSEHOLD?

13 A WELL, HE FELT BADLY THAT WE WERE ALL CAUGHT
14 UP IN THIS TURMOIL.

15 IT HAS BEEN A HORRENDOUS EXPERIENCE, ESPECIALLY
16 FOR MY MOTHER AND FATHER AND MY SISTER.

17 Q DID YOU LEARN FROM JOE HUNT?

18 A YES. HE IS A WEALTH OF INFORMATION AND KNOW-
19 LEDGE. HE REALLY IS.

20 Q AND DID HE SEEM AS GOOD A LISTENER AS A SPEAKER,
21 TO YOU?

22 A YES. I WOULD SAY A BETTER LISTENER.

23 Q WAS HE INTERESTED IN REALLY HEARING ABOUT WHAT
24 WAS GOING ON IN YOUR LIFE, CURTIS?

25 A ALWAYS.

26 Q WAS HE SUPPORTIVE OF YOU?

27 A VERY MUCH SO.

28 Q DID YOU EVER SEE HIM EXHIBIT ANY ANGER OR TEMPER?

1 A NEVER ANY ANGER AT ALL.

2 Q EVER ANY ARGUMENTS, ANYTHING LIKE THAT?

3 A YES. THERE WERE ARGUMENTS.

4 THERE WERE A FEW OCCASIONS WHEN HE AND MY SISTER
5 BROOKE WOULD ARGUE, LOVER'S QUARRELS, I ASSUME.

6 Q OKAY. CURTIS, YOU KNOW THAT WE ARE IN THIS
7 SETTING WHERE JOE IS CONVICTED BY THE JURY OF FIRST DEGREE
8 MURDER?

9 A YES.

10 Q HOW DO YOU FEEL ABOUT JOE HUNT AS HE SITS HERE
11 TODAY, HAVING BEEN CONVICTED OF MURDER?

12 A WELL, I FEEL VERY BADLY FOR JOE. I FEEL THAT
13 THIS IS JUST A TERRIBLE THING THAT HAS HAPPENED AND I CAN'T
14 IMAGINE THAT IT HAS COME TO THIS.

15 THE WAY I HAVE COME TO KNOW JOE HUNT, I HAVE
16 NEVER DOUBTED HIS INNOCENCE. I JUST DON'T FEEL THAT THE
17 WAY I KNOW HIM -- I JUST DON'T FEEL THAT HE COULD POSSIBLY
18 HAVE DONE WHAT HE HAS BEEN ACCUSED OF.

19 Q AS I HAVE ASKED THE OTHER WITNESSES, I WILL
20 ASK YOU IF YOU COULD SUMMARIZE FOR ME, IF I WERE TO ASK
21 YOU TO DESCRIBE FOR ME WHO IS JOE HUNT AND WHAT HE IS ALL
22 ABOUT AS FAR AS YOU ARE CONCERNED CURTIS, HOW WOULD YOU
23 ANSWER THAT?

24 A I WOULD SAY THAT HE IS VERY BRIGHT, VERY
25 CARING, VERY UNDERSTANDING. HE IS A GENEROUS PERSON WHO
26 HAS ALWAYS TAKEN AN INTEREST IN THE PEOPLE AROUND HIM, VERY
27 HELPFUL.

28 MR. BARENS: THANK YOU, CURTIS.

1 CROSS-EXAMINATION

2 BY MR. WAPNER:

3 Q MR. ROBERTS, YOU DON'T KNOW ANYTHING ABOUT
4 THE PARTICULAR FACTS OF THIS CASE, DO YOU?

5 A NO.

6 Q SO YOUR OPINION ABOUT MR. HUNT'S GUILT OR
7 INNOCENCE IS ESSENTIALLY, BASED ON WHAT YOUR FATHER HAS
8 TOLD YOU HIS OPINION WAS, IS THAT RIGHT?

9 A NO. IT IS BASED ON HOW I FEEL ABOUT JOE.

10 Q BUT IT IS NOT BASED ON ANY FACTS THAT YOU KNOW
11 ABOUT THE CASE?

12 A IT IS BASED ON HOW I FEEL ABOUT HIM.

13 Q DURING THE TIME THAT YOU HAVE GOTTEN TO KNOW
14 MR. HUNT, WHAT HAS HE TOLD YOU ABOUT HIS MOTHER?15 A WE NEVER REALLY DISCUSSED HIS MOTHER, JUST
16 THAT HE LOVES HIS MOTHER.

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1 Q WHEN DID HE TELL YOU THAT?

2 A OH, WHEN -- PROBABLY LAST YEAR SOMETIME WHEN I
3 ASKED HIM ABOUT HIS FAMILY.

4 Q WHEN DO YOU REMEMBER ASKING HIM ABOUT HIS FAMILY?

5 A IN CASUAL CONVERSATION AT SOME POINT ON ONE OF
6 THOSE EVENINGS WHEN WE WERE UP LATE.

7 Q WHAT DO YOU REMEMBER ASKING HIM?

8 A JUST HOW IS IT, HOW IS EVERYBODY IN YOUR FAMILY.

9 Q WHEN WAS THE FIRST TIME BEFORE THAT THAT HE HAD
10 EVER MENTIONED HIS FAMILY TO YOU?

11 A I DON'T RECALL.

12 Q DID HE EVER IN FACT MENTION HIS FAMILY TO YOU?

13 A I DON'T RECALL.

14 Q WHAT IS YOUR RECOLLECTION OF WHAT HE SAID TO YOU
15 THAT NIGHT WHEN YOU SAID "HOW IS YOUR FAMILY?"

16 A HE SAID, "EVERYONE IS DOING FINE AS FAR AS HE KNEW.

17 Q WHAT ELSE DID HE SAY?

18 A NOTHING.

19 I DID NOT PROBE HIM.

20 Q DID YOU EVER MEET HIS MOTHER?

21 A NO, I DID NOT.

22 Q DID YOU EVER MEET HIS BROTHERS OR SISTERS?

23 A NO.

24 Q HOW MANY BROTHERS AND SISTERS DOES HE HAVE?

25 A HE HAS ONE BROTHER AND ONE SISTER, I BELIEVE.

26 Q AND YOU HAVEN'T MET THIM TO THIS DAY?

27 A YES, I HAVE MET KAY.

28 Q THAT IS HIS SISTER?

1 A YES.

2 Q WHEN DID YOU MEET HER?

3 A THIS WEEK.

4 THE COURT: THAT IS AT THE LAWYER'S OFFICE?

5 THE WITNESS: YES.

6 Q BY MR. WAPNER: AND DURING THE TIME THAT YOU HAVE
7 GOTTEN TO KNOW MR. HUNT, WHAT HAS HE TOLD YOU ABOUT HIS
8 EDUCATIONAL BACKGROUND?

9 A THAT HE WENT TO HARVARD MILITARY SCHOOL, WHICH
10 WAS INTERESTING. AS I WENT TO BUCKLEY, WHICH WAS RIGHT DOWN
11 THE STREET PRACTICALLY.

12 Q DID HE TELL YOU THAT HARVARD WAS A MILITARY
13 SCHOOL?

14 A NO, I DON'T KNOW IF HE TOLD ME.
15 I ASSUMED THAT.

16 Q WAS BUCKLEY A MILITARY SCHOOL?

17 A NO.

18 Q WHAT ELSE DID HE TELL YOU ABOUT HIS EDUCATION?

19 A JUST THAT HE HAD ATTENDED HARVARD SCHOOL.

20 Q DID HE TELL YOU IF HE HAD GONE TO COLLEGE?

21 A YES, HE SAID THAT HE HAD STUDIED AT USC, I BELIEVE.

22 Q DID HE TELL YOU HOW LONG HE WENT TO USC?

23 A NO.

24 WELL, IF HE DID, I DON'T RECALL.

25 Q WHAT DID HE TELL YOU ABOUT THE KIND OF WORK THAT
26 HE DID AT ANY POINT IN HIS LIFE?

27 A THAT HE HAD BEEN PRIMARILY EMPLOYED IN SOME ASPECT
28 OF STOCKS AND COMMODITIES.

1 Q DID HE TELL YOU SPECIFICALLY?

2 A THAT HE HAD WORKED IN CHICAGO AT SOME POINT.

3 Q DID HE TELL YOU WHAT HE DID IN CHICAGO?

4 A THAT HE HAD WORKED ON THE EXCHANGE.

5 Q DID HE TELL YOU WHAT HE DID ON THE EXCHANGE?

6 A NO.

7 Q OTHER THAN WORKING IN CHICAGO ON THE EXCHANGE,

8 WHAT ELSE DID HE TELL YOU?

9 A NOTHING REALLY.

10 Q DID HE TELL YOU ABOUT HIS HOBBIES?

11 A WELL, I KNOW THAT WE ENJOYED GOING TO SEE SOME
12 FILMS AND I KNOW HE READ BOOKS EXTENSIVELY.

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1 Q DID HE TELL YOU ANYTHING ELSE ABOUT THAT?

2 A NO.

3 Q YOU KNOW THAT HE READ EXTENSIVELY FROM WHAT YOU
4 WERE ABLE TO OBSERVE HIM DO?

5 A YES, HE SEEMED TO BE CONSTANTLY READING.

6 Q YOU KNEW HE LIKED MOVIES BECAUSE YOU WENT TO MOVIES
7 WITH HIM?

8 A YES.

9 Q OTHER THAN THAT, DID HE TELL YOU ANYTHING ABOUT
10 HIS HOBBIES, HIS INTERESTS, ANYTHING ABOUT HIM LIKE THAT?

11 A NOT THAT I CAN -- NOT THAT I RECALL, NO.

12 Q DID HE EVER TALK TO YOU ABOUT THE BBC?

13 A NO.

14 Q DID HE EVER TALK TO YOU ABOUT WESTCARS OF
15 NORTH AMERICA?

16 A NO.

17 I KNEW THEY EXISTED BUT I NEVER QUESTIONED HIM
18 ABOUT THEM.

19 Q NO, I UNDERSTAND.

20 I AM TRYING TO FIGURE OUT WHAT INFORMATION YOU
21 WERE ABLE TO GET FROM HIM ACTUALLY.

22 DID HE, INCIDENTALLY, DRIVE A BMW DURING THE TIME
23 HE WAS LIVING AT YOUR PARENTS' HOUSE?

24 A YES, HE DID.

25 Q DID YOU TALK TO JOE MUCH ABOUT HIS PERSONAL LIFE,
26 HIS FRIENDS?

27 A NOT IN GREAT DETAIL, NO.

28 Q DID YOU TALK TO HIM AT ALL ABOUT GIRLFRIENDS THAT

1 HE MIGHT HAVE HAD?

2 A NOT PRIOR TO MY SISTER, NO.

3 Q DID YOU TALK TO HIM ABOUT GIRLFRIENDS THAT HE
4 HAD DURING THE TIME THAT YOUR SISTER WAS GOING OUT WITH THIS
5 OTHER PERSON, GRANT?

6 A NO.

7 AS FAR AS I KNEW, HE DIDN'T DATE ANYONE ELSE.

8 Q HAVE YOU BEEN LIVING AT YOUR PARENTS
9 FROM APRIL OF 1986 UNTIL THE PRESENT TIME?

10 A NO.

11 Q YOU MOVED BACK IN APRIL OF 1986?

12 A YES.

13 Q WHEN DID YOU MOVE OUT?

14 A DECEMBER OF 1986.

15 Q YOU SAID THAT YOU TALKED TO MR. HUNT ABOUT THE
16 TRIAL IN THE EVENING; AT WHAT PERIOD OF TIME MIGHT THAT HAVE
17 BEEN?

18 A I BELIEVE WHEN THE TRIAL BEGAN, WHICH WAS OCTOBER-
19 NOVEMBER.

20 Q THAT WOULD HAVE BEEN AROUND THE BEGINNING OF
21 NOVEMBER OF 1986.

22 A (THE WITNESS NODS HIS HEAD UP AND DOWN.)

23 Q IS THAT YES?

24 A YES.

25 Q DURING THE TIME BETWEEN APRIL AND NOVEMBER, DID
26 HE TALK ABOUT HIS CASE AT ALL?

27 A WELL, HE WAS COMPLETELY IMMersed IN THE CASE.

28 NO, I ONLY DISCUSSED IT ONCE THE TRIAL BEGAN.

1 Q I AM NOT TALKING ABOUT WHAT YOU OBSERVED HIM DOING.
2 I AM TALKING TO YOU ABOUT WHAT HE TALKED TO YOU
3 ABOUT; DID HE EVER TALK TO YOU ABOUT THE TRIAL DURING THAT
4 TIME?

5 A NO.

6 Q DID YOU ATTEND LIFE SPRING WITH HIM?

7 A NO, I DID NOT.

8 I HAD DONE IT PREVIOUS TO THAT.

9 Q IS PART OF THIS LIFE SPRING PROGRAM DESIGNED TO
10 HAVE PEOPLE REVEAL THINGS ABOUT THEMSELVES?

11 A REVEAL, WHAT DO YOU MEAN BY THAT?

12 Q WELL, WHEN YOU GO INTO THIS PROGRAM, DO THEY ASK
13 YOU TO TELL DETAILS ABOUT YOUR LIFE TO OTHER PEOPLE IN THE
14 GROUP?

15 A NO, NOT NECESSARILY, NO.

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1 Q ARE YOU ASKED TO OPEN YOURSELF UP TO OTHER
2 PEOPLE?

3 A YES.

4 Q AND WHEN YOU DO THAT, IS IT MORE TALKING ABOUT
5 FEELINGS AND THINGS LIKE THAT?

6 A YES. THERE ARE PROCESSES THAT YOU DO.

7 Q DO ANY OF THESE PROCESSES HAVE TO DO WITH TALKING
8 ABOUT WHERE A PERSON CAME FROM OR WHAT HIS BACKGROUND IS?

9 A NO.

10 Q SO, YOU JUST GO TO THIS LIFE SPRING AND YOU
11 START FROM DAY 1 FORWARD?

12 A PRIMARILY, YEAH.

13 Q AND DID YOU ENCOURAGE MR. HUNT NOT ONLY TO
14 REGISTER IN THE NAME OF JOE ROBERTS, BUT NOT TO TELL ANYBODY
15 AT LIFE SPRING WHAT HIS BACKGROUND WAS?

16 A YES. I THOUGHT IT WOULD INTERFERE.

17 Q DID HE EVER USE THE NAME OF JOE ROBERTS AT
18 ANY TIME BESIDES LIFE SPRING THAT YOU KNOW OF?

19 A NOT THAT I KNOW OF.

20 Q DURING THE TIME THAT YOU HAVE BEEN LIVING AT
21 HOME OR YOU LIVED AT HOME STARTING FROM APRIL OF 1986, WHAT
22 TYPE OF WORK WERE YOU DOING?

23 A APRIL OF '86?

24 Q APRIL OF '86.

25 A YES. I WAS INVOLVED IN A RECORD PROMOTION
26 COMPANY.

27 Q WERE YOU WORKING WITH YOUR FATHER?

28 A NO.

1 Q DID YOU TALK TO MR. HUNT ABOUT PEOPLE THAT
2 YOU WENT OUT WITH, PEOPLE THAT YOU DATED?

3 A YES.

4 Q DID YOU TALK TO MR. HUNT ABOUT WORK THAT YOU
5 DID?

6 A YES.

7 Q DID HE SEEM TO BE INTERESTED IN ALL THAT STUFF?

8 A YES, ALWAYS.

9 Q YOU SAID THAT YOU NEVER SAW MR. HUNT ANGRY.
10 DURING THE TIME THAT YOU KNEW HE WAS LIVING THERE, DID YOU
11 EVER SEE HIM REALLY HAPPY OR EXCITED?

12 A YES.

13 Q ON HOW MANY OCCASIONS, IF YOU KNOW?

14 A I NEVER COUNTED THE NUMBER OF OCCASIONS.
15 BUT WE ARE A HOUSEHOLD THAT REALLY ENJOYS A SENSE OF HUMOR.
16 WE ENJOY ONE ANOTHER'S COMPANY. WE GET ALONG VERY WELL.
17 IT IS A HAPPY HOUSE MOST OF THE TIME.

18 Q DID MR. HUNT SEEM TO BE ON A FAIRLY EVEN
19 EMOTIONAL KEEL MOST OF THE TIME?

20 A YES.

21 MR. WAPNER: THANK YOU VERY MUCH. NOTHING FURTHER.

22 THE COURT: REDIRECT?

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REDIRECT EXAMINATION

25

BY MR. BARENS:

26

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Q CURTIS, YOU HAD READ THE ESQUIRE MAGAZINE ARTICLE
ABOUT JOE HUNT, HAD YOU NOT?

28

A YES, I HAD.

1 Q DID YOU READ OTHER PUBLICATIONS OR NEWSPAPER
2 ARTICLES THAT CAME OUT?

3 A YES, OCCASIONALLY FROM THE LOS ANGELES TIMES
4 I DID.

5 Q DID ANY OF THAT IMPACT OR CHANGE THE WAY YOU
6 FELT ABOUT JOE?

7 A NO, IT DID NOT CHANGE THE WAY I FELT ABOUT
8 JOE.

9 Q WERE YOUR FEELINGS BASED ENTIRELY AS A RESULT
10 OF YOUR PERSONAL CONTACT, LIVING WITH JOE?

11 A YES, MY PERSONAL EXPERIENCE OF JOE HUNT.
12 THAT IS WHAT THEY WERE BASED ON.

13 MR. BARENS: THANK YOU.

14 THE COURT: ANYTHING FURTHER?

15 MR. WAPNER: NOTHING FURTHER.

16 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU
17 MAY STEP DOWN. YOU ARE EXCUSED.

18 MR. BARENS: KATHERINE GAMSKY. I MEAN, KATHERINE
19 HUNT NEXT.

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22 KATHERINE HUNT,
23 CALLED AS A WITNESS BY THE DEFENSE, BEING SWORN, TESTIFIED
24 AS FOLLOWS:

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

THE WITNESS: I DO.

1 THE CLERK: PLEASE STATE AND SPELL YOUR NAME FOR THE
2 RECORD.

3 THE WITNESS: MY NAME IS KATHERINE HUNT. THE LAST
4 NAME IS H-U-N-T.

5 THE CLERK: HOW IS THE KATHERINE SPELLED?

6 THE WITNESS: WITH A K.

7
8 DIRECT EXAMINATION

9 BY MR. BARENS:

10 Q MISS HUNT, HOW OLD ARE YOU?

11 A TWENTY-TWO YEARS OLD.

12 Q WAS YOUR NAME ALWAYS HUNT?

13 A NO, IT WAS NOT.

14 Q WHAT WAS IT ORIGINALLY?

15 A IT WAS GAMSKY.

16 Q AND DID YOU CHANGE YOUR NAME AT SOME TIME?

17 A YES, I DID WHEN I WAS LIVING WITH JOE AND MY
18 FATHER.

19 Q ARE YOU RELATED TO JOE HUNT?

20 A YES. HE IS MY BROTHER.

21 Q AND HE IS HOW MUCH OLDER THAN YOU ARE?

22 A FIVE YEARS OLDER.

23 Q AND WHEN YOUR FATHER CHANGED HIS NAME, DID
24 YOU CHANGE YOUR NAME TO GO ALONG, FOR WHATEVER REASON?

25 A YES. I WANTED THE SAME NAME AS MY FATHER.
26 SINCE IT WAS HIS IDEA, WE BOTH WENT ALONG WITH IT.

27 Q ARE THERE OTHER CHILDREN BESIDES YOU AND JOE?

28 A YES. I HAVE AN OLDER BROTHER WHO IS SEVEN

1 YEARS OLDER THAN I AM.

2 Q HE IS OLDER THAN YOU?

3 A YES.

4 Q JOE WOULD BE THE MIDDLE CHILD AND YOU WOULD
5 BE THE YOUNGEST CHILD?

6 A YES.

7 Q AND WHAT IS YOUR MOTHER'S NAME?

8 A MY MOTHER'S NAME IS KATHY GAMSKY.

9 Q IS KATHY SHORT FOR KATHLEEN?

10 A YES.

11 Q AND WHERE DO YOU LIVE? IS IT ALL RIGHT TO
12 CALL YOU KAY?

13 A YES. WE LIVE IN THE SAN FERNANDO VALLEY.

14 Q YOU LIVE IN THE SAN FERNANDO VALLEY AREA?

15 A YES.

16 Q WITH WHOM DO YOU LIVE?

17 A I LIVE WITH MY MOTHER.

18 Q HOW LONG HAVE YOU LIVED WITH YOUR MOTHER?

19 A I HAVE LIVED WITH HER ALL MY LIFE EXCEPT FOR
20 TWO SEMESTERS WHEN I LIVED WITH MY FATHER AND JOE.

21 Q AND JOE?

22 A UH-HUH.

23 Q AND ARE YOU SINGLE OR MARRIED?

24 A I AM SINGLE.

25 Q AND WHAT DO YOU DO? DO YOU WORK?

26 A WELL, I WAS -- I HAVE TWO YEARS OF COLLEGE.

27 I WAS GOING TO COLLEGE AND WORKING PART TIME.

28 BUT SINCE THIS HAPPENED, I QUIT MY JOB AND

1 I AM WORKING FULL TIME RIGHT NOW.

2 Q NOW, WHAT KIND OF WORK DO YOU DO?

3 A RIGHT NOW I AM JUST DOING SALES.

4 Q WHAT TYPE OF --

5 A FOR LIGHTING AND FURNITURE.

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1 Q WHAT IS YOUR FATHER'S NAME?

2 A HIS NAME NOW IS RYAN HUNT.

3 Q AND HOW DO YOU REFER TO HIM, WHAT DO YOU CALL
4 HIM?

5 A I USUALLY CALL HIM LARRY BECAUSE -- BUT, YOU KNOW,
6 I DIDN'T USUALLY CALL HIM FATHER.

7 Q ALL RIGHT. IS THERE A REASON WHY YOU CALL HIM
8 LARRY?

9 A IT WAS FROM THE TIME I WAS BORN, HE NEVER WANTED
10 TO BE CALLED FATHER OR DAD.

11 Q THAT WAS AT WHOSE REQUEST?

12 A THAT WAS HIS REQUEST.

13 HE EVEN WANTED US TO CALL MY MOTHER KATHY BUT
14 SHE DIDN'T GO ALONG WITH IT.

15 Q WOULD IT BE CORRECT TO ASSUME THAT YOUR MOTHER
16 HAS MORE TRADITIONAL VALUES THAN YOUR FATHER IN A LOT OF
17 RESPECTS?

18 A I WOULD SAY YES, I WOULD THINK SO.

19 Q ALL RIGHT. WHERE WERE YOU BORN?

20 A I WAS BORN ON RODNEY DRIVE IN L.A.

21 Q AND THAT IS IN THE LOS FELIZ AREA?

22 A YES.

23 Q HOW LONG DID YOU LIVE IN THAT AREA?

24 A UNTIL I WAS TWO YEARS OLD.

25 Q AND THEN WHEN YOU WERE TWO, DID YOU MOVE TO SOME
26 OTHER AREA?

27 A YES, WE MOVED TO VAN NUYS.

28 Q AND WAS THE FAMILY INTACT IN VAN NUYS?

1 A YES.

2 Q AND THIS WAS YOUR FATHER AND YOUR MOTHER AND --

3 A AND MY OLDER BROTHER, JOE AND I.

4 Q WHEN YOU WERE ABOUT 12 YEARS OLD, DID SOMETHING
5 HAPPEN TO THE FAMILY?

6 A YES. MY PARENTS DECIDED TO GET A DIVORCE.

7 Q OKAY. AND DID THEY?

8 A YES, THEY DID.

9 Q AND DID THEY LIVE SEPARATELY?

10 A YES.

11 Q AND DID YOU LIVE WITH ONE OR ANOTHER PARENT?

12 A YES, I LIVED WITH MY MOTHER.

13 Q HOW ABOUT YOUR BROTHER GREG, WHAT HAPPENED TO
14 HIM AT THAT POINT?

15 A WELL, HE WAS ALREADY IN COLLEGE AT UCLA AND SO
16 HE WAS PRETTY MUCH, YOU KNOW, LIVING THERE AND INTO SCHOOL
17 AND STUFF, SO HE WAS HOME ON VACATION AND CHRISTMAS.

18 Q WHERE DID JOE GO?

19 A WELL, HE DIDN'T GO TO LIVE WITH MY FATHER RIGHT
20 AWAY BUT AFTER ABOUT, I DON'T KNOW, A COUPLE OF MONTHS, SIX
21 MONTHS, I DON'T REMEMBER, HE WENT TO LIVE WITH MY FATHER.

22 Q NOW, JOE WOULD HAVE BEEN WHAT, ABOUT 16 OR 17
23 WHEN YOUR PARENTS DIVORCED?

24 A YES.

25 Q AND YOU WERE ABOUT 12?

26 A 11, 12, YES.

27 Q AND UP TO THE TIME THAT YOUR PARENTS SEPARATED
28 AND YOU AND JOE SEPARATED, WHAT KIND OF AN OLDER BROTHER WAS

1 HE?

2 A HE WAS THE BEST, HE REALLY WAS. I MEAN YOU
3 COULDN'T ASK FOR A BETTER BROTHER.

4 Q WAS HE KIND?

5 A ALWAYS.

6 (WITNESS CRYING.)

7 Q WHAT TYPES OF THINGS DID YOU DO TOGETHER?

8 A HE TOOK ME EVERYWHERE.

9 THE COURT: DO YOU WANT SOME WATER?

10 THE WITNESS: NO. I AM FINE.

11 HE WOULD PLAY WITH ME. HE WOULD PLAY BLOCKS,
12 JUST DO EVERYTHING.

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1 Q BY MR. CHIER: DID YOU PLAY GAMES TOGETHER?

2 A YES.

3 Q KICK THE CAN?

4 A KICK THE CAN.

5 HE TOOK ME TO THE DAM, THERE WAS LIKE A PARK AND
6 WE USED TO PLAY HIDE-AND-GO-SEEK IN THE CORN FIELD AND HE --
7 HE WAS JUST ALWAYS THERE FOR ME IF I NEEDED HIM FOR ANYTHING.

8 Q DID HE EVER LEAVE YOU OUT OF ANYTHING THAT HE
9 WAS DOING, THAT HE THOUGHT YOU MIGHT LIKE TO DO?

10 A NO.

11 (WITNESS CRYING.)

12 Q WAS HE EVER MEAN TO YOU?

13 A NO.

14 HE WAS -- HE WAS JOE, ALWAYS JOE. HE DIDN'T SAY
15 MUCH OR, YOU KNOW, OR WHATEVER, BUT HE JUST WAS ALWAYS THERE
16 FOR ME.

17 Q DID HE EVER TEASE YOU OR THINGS THAT A LOT OF
18 OTHER OLDER BROTHERS DO TO THEIR SISTERS?

19 A WELL, YOU KNOW, HE WASN'T PERFECT BUT THERE IS
20 NOTHING THAT I REMEMBER.

21 Q HOW WOULD YOU DESCRIBE YOUR FAMILY'S ECONOMIC
22 SITUATION?

23 A WE DIDN'T HAVE MUCH MONEY AT ALL, YOU KNOW. WE
24 DIDN'T HAVE ENOUGH. WE ALWAYS SEEMED --

25 Q DID YOUR FATHER WORK?

26 A YEAH, HE DID.

27 Q AND WOULD YOU SAY THAT HE WAS A GOOD PROVIDER?

28 A NO.

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1 Q WHAT KIND OF AN EXAMPLE DID HE SET IN TERMS OF
2 PROVIDING FOR THE FAMILY, WOULD YOU SAY HE WAS ON THE SELFISH
3 OR SELF-CENTERED SIDE?

4 A YES, VERY MUCH SO.

5 Q DID YOUR MOTHER WORK?

6 A NO, SHE DID NOT.

7 Q DID SHE STAY HOME AND TAKE CARE OF THE KIDS?

8 A YES.

9 Q WOULD YOU SAY THAT THE FAMILY FINANCES WERE
10 SOMEWHAT UNEVEN DURING THOSE YEARS?

11 A YES.

12 Q NOW, WAS JOE AN INDUSTRIOUS CHILD?

13 A VERY MUCH SO, VERY MUCH SO.

14 HE WOULD ALWAYS TAKE THE INITIATIVE, LIKE HE TOOK
15 A PAPER ROUTE AND HE DIDN'T EVEN CONSULT MY FATHER OR MOTHER.
16 HE JUST GOT THIS DOUBLE PAPER ROUTE.

17 Q DID HE DO THINGS ON HIS OWN WITHOUT HAVING TO
18 BE ENCOURAGED?

19 A YES.

20 Q OR HAVING TO BE TUTORED?

21 A YES.

22 Q DID HE HAVE A PAPER ROUTE THAT YOU RECALL?

23 A YES.

24 I HELPED HIM. HE WOULD GET UP AT 4:00 IN THE
25 MORNING TO TAKE THESE PAPERS OUT AND IT WAS RAINING REALLY
26 HARD AND THERE WAS SO MANY PAPERS HE COULDN'T GET HIS BIKE
27 TO STAND UP, BUT YOU KNOW, HE DID IT AND HE GOT IT ALL DONE.

28 (WITNESS CRYING.)

1 Q DID HE HAVE TWO PAPER ROUTES AT THE SAME TIME?

2 A YEAH.

3 Q AND WHAT HAPPENED TO THE MONEY THAT HE USED TO
4 MAKE FROM THE PAPER ROUTE?

5 A MY FATHER TOOK IT ALL.

6 THE COURT REPORTER: "YOUR FATHER"?

7 THE WITNESS: MY FATHER TOOK IT.

8 Q BY MR. CHIER: DID HE TAKE IT AND HOLD IT IN TRUST
9 FOR JOE OR USE IT?

10 A NO.

11 HE JUST TOOK IT BECAUSE HE NEEDED THE MONEY OR
12 WAS OUT OF A JOB AT THE TIME OR SOMETHING, I DON'T KNOW.

13 Q AFTER THAT HAPPENED A COUPLE OF TIMES, DID JOE
14 DO ANYTHING WITH YOU WITH RESPECT TO THAT?

15 A WELL, WHEN HE KNEW HE WAS GOING TO GET PAID OR --
16 I AM NOT SURE -- HE DECIDED TO TAKE ME TO TOYS R US AND
17 AND SPEND THE MONEY AND THEN WE WENT TO FARRELLS AND WE HAD
18 TO WALK LIKE FOUR OR FIVE MILES TO GET THERE BUT WE HAD A
19 BIG DAY, WHICH HE HAD ALL PLANNED, AND HE SPENT IT PRACTICALLY
20 ALL OF IT ON ME.

21 Q WHEN YOU SAY "PRACTICALLY ALL OF IT," HOW MUCH
22 MONEY ARE YOU TALKING ABOUT?

23 A IT SEEMED LIKE A LOT TO ME, BECAUSE I WAS YOUNG.
24 IT SEEMED LIKE A TREMENDOUS AMOUNT BECAUSE WE HAD A TREMENDOUS
25 AMOUNT OF THINGS TO CARRY HOME. I AM NOT SURE, MAYBE \$40.

26 Q AND HE SPENT THE ENTIRE PAYROLL AT TOYS R US
27 AND FARRELLS ICE CREAM PARLOR?

28 A YES.

1 Q WAS JOE HAPPY TO DO THAT?

2 A YEAH.

3 HE DIDN'T REALLY, YOU KNOW -- HE NEVER REALLY
4 WANTED THAT MUCH FOR HIMSELF BUT HE WOULD ALWAYS GIVE TO
5 OTHERS. IT MADE HIM -- YOU KNOW, BECAUSE PEOPLE ALWAYS SEEMED
6 TO WANT MONEY MORE THAN HE AND HE WAS, YOU KNOW, ALWAYS KIND
7 OF AMBIVALENT. HE ALWAYS FIGURED HE COULD MAKE MORE LATER
8 IF HE NEEDED IT.

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1 Q AFTER YOUR PARENTS SEPARATED, WAS THERE A
2 PERIOD THAT YOU ACTUALLY WENT TO LIVE WITH YOUR FATHER AND
3 JOE?

4 A YES, THERE WAS. I LIVED THERE FOR A SEMESTER.

5 Q DID YOU MISS JOE WHEN YOU WEREN'T WITH HIM?

6 A YES. WELL, I SAW HIM ON WEEKENDS WHEN I WOULD
7 VISIT MY FATHER.

8 Q ALL RIGHT. FOR A PERIOD OF TIME AFTER THE
9 SEPARATION, THERE WAS THE NORMAL KIND OF VISITATION THAT
10 YOU WOULD NORMALLY VISIT WITH YOUR FATHER?

11 A YES.

12 Q HE WOULD COME AND FETCH YOU AND TAKE YOU ON
13 OUTINGS?

14 A YES, MAGIC MOUNTAIN AND THOSE KINDS OF THINGS
15 THAT DIVORCED FATHERS TAKE THEIR DAUGHTERS TO, MOVIES --

16 Q AND DID YOU MAINTAIN A LOVING RELATIONSHIP
17 WITH YOUR BROTHER, JOE?

18 A YES, ALWAYS.

19 Q AND WHEN YOU ACTUALLY LIVED WITH HIM, WAS THERE
20 AN INCIDENT INVOLVING A BASEBALL GLOVE?

21 A YEAH.

22 Q WOULD YOU TELL US ABOUT THAT?

23 A I NEEDED A BASEBALL GLOVE AND LARRY YOU KNOW,
24 I KEPT TELLING HIM THAT I NEEDED ONE. HE JUST KEPT ON
25 IGNORING IT. SO --

26 Q COULD YOU TELL US WHY YOU NEEDED ONE? WHAT
27 WERE YOU DOING?

28 A I WAS ON A SOFTBALL TEAM AT THE SCHOOL I WAS

1 AT, YOU KNOW. WE HAD UNIFORMS AND EVERYTHING BUT I JUST
2 DIDN'T HAVE A GLOVE.

3 Q AND YOUR FATHER WAS INDIFFERENT TO YOUR
4 SUPPLICATIONS FOR A GLOVE?

5 A YES. YOU KNOW, I DIDN'T -- WHEN JOE AND I
6 WENT TO THE STORE AND YOU KNOW, I WAS SHOWING HIM WHAT KIND
7 OF GLOVES I NEEDED AND STUFF AND I DIDN'T EVEN KNOW HE WAS
8 GOING TO BUY IT AND THEN HE BOUGHT IT FOR ME.

9 Q AGAIN, WAS THIS A VOLUNTARY BEHAVIOR ON HIS
10 PART, NOT SOLICITED BY YOURSELF?

11 A NO. I THOUGHT WE WERE JUST GOING TO LOOK AT
12 THEM.

13 Q ALL OF THE TIME THAT YOU HAVE KNOWN JOE, HAVE
14 YOU EVER KNOWN HIM AS A RESULT OF YOUR OWN PERSONAL
15 OBSERVATIONS TO BE MEAN TO ANYBODY?

16 A IF HE DIDN'T LIKE SOMEONE, HE JUST FIGURED
17 YOU KNOW, WELL, THAT IS THE WAY THEY ARE RIGHT NOW. HE
18 WOULD JUST KIND OF AVOID THEM.

19 Q HAVE YOU EVER KNOWN HIM TO BE VIOLENT IN ANY
20 RESPECT?

21 A NO.

22 Q HOW DID HE REACT TO SITUATIONS WHICH HE FOUND
23 NEGATIVE? BY DOING WHAT?

24 A HE WOULD ALWAYS JUST LEAVE. LIKE IF MY PARENTS
25 GOT INTO A FIGHT OR SOMETHING, HE WOULD JUST TAKE HIS BIKE
26 AND BE GONE. HE WAS JUST VERY EASYGOING, YOU KNOW.

27 HE DIDN'T REALLY GET UPSET. HE WOULD JUST
28 LEAVE.

1 Q HOW ABOUT MATERIAL THINGS SUCH AS CLOTHES,
2 WERE THEY IMPORTANT TO JOE?

3 A WELL, NOT AT ALL, REALLY. I MEAN, SOMETIMES
4 PEOPLE WOULD SAY WELL, JOE, YOUR PANTS ARE LIKE SIX INCHES
5 TOO SHORT BECAUSE HE GREW SO MUCH.

6 HE WOULD SAY YEAH, YEAH, I HAVE GOT TO TAKE
7 CARE OF THAT BUT IT DIDN'T CONCERN HIM UNTIL SOMEBODY REALLY
8 GOT HIM AND SAID, "WELL, WE ARE REALLY GOING TO GO OUT AND
9 GET SOME PANTS."

10 THEN HE WOULD GO ALONG TO GET THEM. BUT IT
11 WAS SECONDARY TO HIM OR THIRD. IT JUST DIDN'T MATTER.

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1 Q HOW ABOUT AFTER HE WENT TO HARVARD SCHOOL?
2 DO YOU REMEMBER WHEN HE STARTED HARVARD SCHOOL?

3 A HE NEVER -- WELL, YOU KNOW, HE DIDN'T MENTION
4 IT. BUT I GUESS IT WAS PRETTY PAINFUL FOR THEM BECAUSE
5 THEY DIDN'T HAVE CLOTHES THAT ALL THOSE RICH KIDS -- THEY
6 WERE ALL DRESSED UP YOU KNOW, AND HAD ALL THOSE NICE SWEATERS
7 AND TRENDY STUFF AND THEY DIDN'T HAVE ANYTHING LIKE THAT.

8 Q WAS HARVARD SCHOOL NEAR YOUR HOUSE, KAY?

9 A NO. IT WAS LIKE I SAY, FOUR MILES TO GET THERE
10 AND FOUR MILES TO GET BACK, SOMETHING LIKE THAT.

11 Q HOW DID JOE GET THERE?

12 A HE HAD TO RIDE HIS BIKE. IT WAS HEAVY TRAFFIC.
13 HE WAS ONLY, YOU KNOW, LIKE IN THE SIXTH GRADE OR THE SEVENTH
14 GRADE WHEN HE STARTED THERE.

15 HE HAD TO RIDE THE BIKE ALL OF THE WAY THERE.
16 IT WAS A VERY HAIR-RAISING TRIP. THEN HE HAD TO STUDY WHEN
17 THEY GOT HOME.

18 AND HE WAS ON THE DIVING TEAM FOR A WHILE.
19 HE WAS DOING ALL OF THIS STUFF AND IT WAS, YOU KNOW, VERY
20 HARD.

21 Q UP UNTIL THE AGE THAT JOE WAS ABOUT 15, COULD
22 YOU TELL US SOME OF THE THINGS THAT WERE IMPORTANT TO JOE
23 IN HIS LIFE?

24 A I DON'T UNDERSTAND.

25 Q WELL, LIKE, DID YOU HAVE A DOG?

26 A YES, HE HAD A DOG NAMED BLUE WITH ONE BLUE
27 EYE AND ONE BROWN EYE.

28 Q WAS THAT IMPORTANT TO HIM?

1 A VERY. HE TOOK THE DOG WITH HIM EVERYWHERE.

2 Q HOW ABOUT SPORTS?

3 A YES. HE WAS ALWAYS INTERESTED IN SPORTS, SWIMMING,
4 DIVING AND YOU KNOW, JUST BIKING, ANYTHING. HE WAS ALWAYS
5 VERY ACTIVE.

6 Q HILL-CLIMBING?

7 A CLIMBING, LIKE HE MOUNTAIN-CLIMBED.

8 Q NOW, DID HIS INTEREST SHIFT TO OTHER MATTERS
9 BETWEEN THE AGES OF LIKE SAY, 15 AND 17?

10 A YES. HE STARTED PREPARING FOR THE SAT'S SO
11 HE WOULD READ THE DICTIONARY, STUDY A LOT MORE ON TOP OF
12 THE REGULAR STUDYING THAT HE HAD TO DO.

13 Q SO HE GOT INTO MORE ACADEMIC KINDS OF PURSUITS?

14 A YES.

15 Q WAS HE ENCOURAGED TO DO THIS OR WAS THIS SELF --

16 A HE WAS BEING ENCOURAGED. ONCE HE DECIDED TO
17 DO SOMETHING, HE WOULD DO IT. HE WOULD STICK TO IT.

18 Q IN THE BEGINNING, ARE YOU SAYING HE WAS
19 ENCOURAGED TO DO THOSE THINGS?

20 A YES.

21 Q THEN ONCE HE TOOK ON THOSE RESPONSIBILITIES,
22 HE DIDN'T NEED ANY KIND OF --

23 A NO.

24 Q STOKING?

25 A NOT THAT I WAS AWARE OF. I DON'T KNOW.

26 Q WAS HE INTO VOCABULARY BUILDING?

27 A YES, TEN WORDS A DAY HE USED TO STUDY.

28 Q SPEED READING?

1 A YES, SPEED READING.

2 Q MEMORY BUILDING?

3 A MEMORY BUILDING.

4 Q DID HE ALWAYS GO TO PRIVATE SCHOOLS?

5 A NO. HE WENT TO PUBLIC SCHOOL UP UNTIL THE
6 SEVENTH GRADE. THE ONLY REASON THAT HE WENT TO THIS SCHOOL
7 ON A SCHOLARSHIP -- IT WAS A PARTIAL SCHOLARSHIP WAS THAT,
8 YOU KNOW, MY OLDEST BROTHER HAD ALREADY GOTTEN A FULL
9 SCHOLARSHIP. SO YOU KNOW, THEY SAID THAT THEY WOULD LET
10 JOE IN, TOO.

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1 Q AND WAS HIS BEING ADMITTED TO HARVARD SCHOOL
2 THE RESULT OF ANYTHING THAT JOE DID HIMSELF OR YOUR FATHER
3 DID?

4 A JUST MY MOTHER. SHE SAW AN AD IN THE NEWSPAPER
5 OR BULLETIN BOARD OR SOMETHING THAT THEY WERE GIVING SCHOLAR-
6 SHIPS.

7 SO YOU KNOW, GREG HAD APPLIED BECAUSE HE WAS
8 GOING TO VAN NUYS JUNIOR HIGH AND IT WAS, YOU KNOW, VERY
9 ROUGH FOR HIM BECAUSE SOMEBODY THREW AN APPLE AT HIM OR
10 SOMETHING.

11 SO, SHE THOUGHT THAT SHE ALWAYS WANTED THEM
12 TO HAVE THE BEST EDUCATION. SO, SHE PUT GREG IN AND THEN
13 JOE WENT AFTER THAT.

14 Q SO AS A RESULT OF YOUR MOTHER'S AGGRESSIVENESS
15 IN THAT REGARD, SHE WAS ABLE TO GET JOE A PARTIAL SCHOLARSHIP
16 IN THAT SCHOOL?

17 A OR IT WAS -- I DON'T KNOW IF IT WAS A PARTIAL
18 RIGHT AWAY. BUT IT WAS LIKE THE FIRST YEAR, MIGHT HAVE
19 BEEN FULL AND THEN AFTER THAT, PARTIAL. I DON'T KNOW HOW
20 THAT WORKED.

21 Q IN ANY EVENT, I TAKE IT THAT IT WAS A MORE
22 COMPETITIVE ACADEMIC SETTING FOR JOE?

23 A VERY MUCH SO.

24 Q THAN HE WAS PREVIOUSLY USED TO?

25 A UH-HUH.

26 Q AND DID HE SPEND A LOT OF TIME AT HOME STUDYING
27 AND APPLYING HIMSELF?

28 A YES. HE WOULD STUDY EVERY DAY, I THINK. YOU

1 KNOW, I WAS YOUNGER.

2 Q DID JOE HAVE FRIENDS DURING THAT --

3 A YEAH. HE WAS ALWAYS VERY POPULAR EVEN IN GRADE
4 SCHOOL. WHEN HE WOULD HAVE A PARTY, TONS OF PEOPLE WOULD
5 SHOW UP, OF COURSE.

6 Q YOU MEAN A BIRTHDAY PARTY?

7 A A BIRTHDAY PARTY AT THE HOME.

8 Q AND WAS IT BECAUSE HE GAVE AWAY MONEY OR ANY-
9 THING OR WAS IT BECAUSE --

10 A HE WAS VERY LIKABLE. IT WAS JUST MORE FUN
11 TO BE AROUND HIM THAN MOST PEOPLE BECAUSE HE WAS ALWAYS
12 VERY ACCEPTING OF PEOPLE.

13 Q AND WHOEVER THE PEOPLE WERE?

14 A YES.

15 Q NON-JUDGMENTAL?

16 A VERY MUCH SO.

17 Q AND DID JOE INCLUDE YOU IN WITH HIS FRIENDS?

18 A YES, HE DID, WHICH I THOUGHT WAS UNUSUAL FOR
19 AN OLDER BROTHER BECAUSE MY OLDEST BROTHER DIDN'T. BUT
20 JOE ALWAYS DID.

21 Q WAS HE -- HOW WAS HE TOWARD YOUR MOTHER? WAS
22 HE KIND OR --

23 A YES, VERY KIND. RESPECTFUL AND VERY KIND.
24 ALWAYS RESPECTFUL.

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1 Q WOULD YOU SAY THAT IN ADDITION TO BEING A GOOD
2 BROTHER, HE WAS A GOOD CHILD, A GOOD SON?

3 A DEFINITELY.

4 HE WAS ALWAYS A LOT LESS TROUBLE THAN GREG AND
5 I WERE. WE WERE ALWAYS COMPLAINING OR SOMETHING. HE WOULD
6 ALWAYS SAY "IT IS OKAY, I CAN DEAL WITH IT. I CAN DO IT."

7 Q WAS THERE A PERIOD OF TIME, KAY, WHERE YOU
8 KIND OF LOST CONTACT WITH JOE?

9 A YEAH, BECAUSE --

10 Q CAN YOU TELL US HOW THAT HAPPENED?

11 A WELL, THEY WENT TO CHICAGO.

12 Q WHEN YOU SAY "THEY," WHO DO YOU MEAN?

13 A LARRY, WELL, MY FATHER, AND JOE. WHEN THEY LEFT,
14 YOU KNOW, I WAS MAYBE GOING TO VISIT OR SOMETHING BUT THEN
15 I DIDN'T REALLY GET ALONG VERY WELL WITH MY FATHER, YOU KNOW.
16 OUR PERSONALITIES DIDN'T GO TOGETHER VERY WELL AND SO WHEN
17 HE WAS IN CHICAGO, YOU KNOW, THEY MOVED AROUND LIKE FOUR OR
18 FIVE TIMES AND WE MOVED AROUND, MY MOTHER AND I, BECAUSE SHE
19 HAS TEMPORARY JOBS AND SO WE JUST SOMEHOW MISSED ADDRESSES,
20 YOU KNOW.

21 WE WOULD -- I WOULD WRITE OR MY MOTHER WOULD WRITE
22 HIM AND THE LETTERS WOULD COME BACK AFTER I DIDN'T TALK TO
23 MY FATHER ANY MORE, SO WE DIDN'T KNOW WHERE JOE WAS.

24 Q AND IN CHICAGO, WAS THERE ANY KIND OF POINT OF
25 REFERENCE OR A LANDMARK THAT YOU COULD REFER TO GET TO FIND
26 JOE?

27 A NO, WE DIDN'T KNOW AT ALL.

28 WE JUST HAD THE PREVIOUS ADDRESS THAT THEY HAD,

1 THAT IS ALL.

2 Q FOR HOW LONG A PERIOD WOULD YOU SAY THAT YOU AND
3 YOUR MOM WERE OUT OF TOUCH WITH JOE?

4 A ABOUT SIX YEARS.

5 Q DID YOU HEAR AT SOME POINT THAT JOE HAD HIRED
6 AN INVESTIGATOR TO TRY TO FIND YOU?

7 A YES.

8 AND THEN HE ALWAYS SAID THAT HE HAD COME OUT
9 TO VENTURA, WHERE WE WERE WHEN HE GOT BACK HERE, AND COULDN'T
10 FIND US.

11 Q WHEN HE CAME BACK FROM CHICAGO, YOU MEAN?

12 A WE WERE LIVING IN VENTURA AND HE WENT BACK THERE
13 AND HE SAID "DO YOU KNOW WHERE THEY ARE" AND HE WAS REAL
14 CONCERNED BUT HE DID NOT KNOW WHERE WE LEFT TO.

15 Q SO FOR THESE YEARS, THE THREE OF YOU WERE LOOKING
16 FOR ONE ANOTHER WITHOUT BEING ABLE TO FIND EACH OTHER?

17 A YES, BECAUSE WE DIDN'T KNOW WHAT HE WAS DOING
18 AND I DIDN'T TELL HIM, YOU KNOW, WELL ENOUGH WHERE WE WERE
19 GOING OR ANYTHING, BECAUSE I DIDN'T GIVE HIM AN ADDRESS WHERE
20 WE WOULD BE OR ANYTHING SO, YOU KNOW, HE COULDN'T FIND US.

21 Q HOW MANY TIMES WOULD YOU SAY THAT YOU AND YOUR
22 MOM MOVED AROUND DURING THAT PERIOD?

23 A FOUR OR FIVE TIMES.

24 Q NOW AT SOME POINT IN THE RECENT PAST, DID YOU
25 BECOME AWARE THAT JOE HAD SOME PROBLEMS?

26 A YES.

27 Q CAN YOU TELL US HOW YOU BECAME AWARE OF JOE'S
28 PREDICAMENT?

1 A MY BROTHER READ AN ARTICLE.

2 Q YOUR BROTHER, GREG?

3 A GREG.

4 Q HE READ AN ARTICLE?

5 A IN HIS PAPER, THE LOS ANGELES TIMES.

6 Q ALL RIGHT. DID YOU SUBSCRIBE TO ANY MAGAZINES
7 OR NEWSPAPERS DURING THIS TIME?

8 A NO.

9 IT WASN'T IN OUR PAPER. IT WAS ONLY IN THE
10 LOS ANGELES TIMES, L.A. EDITION. THERE IS A VALLEY EDITION
11 THAT IS DIFFERENT SO WE DIDN'T SEE IT.

12 Q DO YOU REMEMBER WHEN THIS WAS THAT YOU GOT A CALL
13 FROM YOUR BROTHER, GREG?

14 A IT WAS NOVEMBER OF '86.

15 Q AND DID YOU GO OUT AND GET A COPY OF THE PAPER?

16 A YEAH.

17 WE DROVE TO MALIBU, BECAUSE THAT WAS THE CLOSEST
18 PLACE, AND GOT A PAPER.

19 Q AND YOU READ THE PAPER?

20 A YES.

21 Q AND THERE WAS A STORY ABOUT JOE?

22 A YES.

23 Q AND THE SITUATION HE WAS INVOLVED IN?

24 A YES.

25 Q WAS THERE ANYTHING IN THE ARTICLE THAT WAS
26 HELPFUL FOR YOU AND YOUR MOTHER IN LOCATING JOE?

27 A YES.

28 IT SAID MR. BARENS NAME AND SO MY BROTHER CALLED

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1 AND FOUND OUT HIS NUMBER AND CALLED MR. BARENS AND TOLD HIM
2 THAT WE WERE LOOKING FOR JOE, AND JOE CALLED US BACK
3 IMMEDIATELY AND HE WAS --

4 AS ALWAYS, YOU KNOW, IT WAS JUST REAL GOOD TO
5 HEAR FROM US AND YOU KNOW, WE WERE REALLY GLAD TO HEAR FROM
6 HIM.

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3A-1 1 Q WERE YOU GLAD TO HEAR FROM JOE AT THIS TIME?

2 A IMMEDIATELY. IMMEDIATELY. IT WAS MY FAULT,
3 SINCE I DIDN'T GET ALONG WITH MY FATHER, I KIND OF CUT LARRY
4 OUT OF MY LIFE, MY FATHER, SO, YOU KNOW, I DIDN'T SEE JOE.

5 Q WERE YOU A LITTLE ANGRY AT JOE FOR LEAVING THE
6 HOUSE AND GOING WITH HIS FATHER, DO YOU THINK?

7 A MAYBE A LITTLE BIT BUT, YOU KNOW, AND --

8 Q DID YOU MEET WITH JOE AFTER CALLING BY PHONE AFTER
9 THE ARTICLE APPEARED?

10 A YES.

11 HE DROVE OVER TO OUR PLACE AND, YOU KNOW, HE SAW
12 MY MOM AND I WAS WORKING, SO HE CAME OVER TO WHERE I WAS
13 WORKING AND TALKED.

14 Q HE WENT FIRST TO YOUR MOM'S AND THEN OVER TO YOUR
15 PLACE?

16 A YES.

17 Q AND HOW DID HE ACT TOWARD YOU?

18 A IT WAS JUST GREAT SEEING HIM AND HE WAS JUST THE
19 SAME AS HE ALWAYS WAS.

20 Q WAS HE CONCERNED ABOUT HOW YOU WERE AFFECTED BY
21 THIS?

22 A YES, VERY MUCH. HE WAS REAL WORRIED THAT WE WOULD
23 BE UPSET BY ALL THAT WAS HAPPENING.

24 Q WHAT DID HE SAY TO YOU TO ALLAY YOUR CONCERNS?

25 A HE SAID THAT IT WAS REAL SERIOUS BUT THEY GOT
26 THE BEST ATTORNEY HE COULD AND HE WAS TRYING TO WORK ON THE
27 CASE AND, YOU KNOW -- YOU KNOW, GOD WILLING, IT WOULD TU
28 OUT OKAY.

A-2

1 (WITNESS CRYING.)

2 Q DID YOU EVER DISCUSS ANY DETAILS OF THE CASE WITH
3 HIM OR JUST HOW IS IT GOING, THAT TYPE OF SUPERFICIAL
4 CONVERSATION?

5 A YEAH, PRETTY MUCH.

6 MY MOTHER ASKED HIM, YOU KNOW, YOU KNOW, "HOW
7 ARE YOU DOING?"

8 AND HE SAID, "WELL, I AM REALLY UPSET BUT, YOU
9 KNOW, SOMEHOW I AM GOING TO GET THROUGH THIS. I HAVE JUST
10 GOT TO, YOU KNOW, KEEP MYSELF TOGETHER AND BE STRONG."

11 (WITNESS CRYING.)

12 Q HAVE YOU BEEN COMING TO THE TRIAL EACH DAY?

13 A NO.

14 HE THOUGHT IT WOULD UPSET US BECAUSE -- AND SO,
15 YOU KNOW, HE THOUGHT HE COULD, YOU KNOW, SAVE US FROM COMING
16 HERE SO HE THOUGHT -- WELL, YOU KNOW, HE THOUGHT HE WOULD
17 WAIT UNTIL, YOU KNOW, UNTIL YOU KNOW, TO SEE WHAT HAPPENED.
18 YOU KNOW, HE KNEW HE WAS INNOCENT, AND TO WAIT UNTIL IT WAS
19 OVER AND, YOU KNOW, START UP HIS NORMAL LIFE AGAIN.

20 Q YOU AND YOUR MOTHER STAYED AWAY ESSENTIALLY?

21 A AT HIS REQUEST.

22 Q HAD YOU HAD REGULAR CONTACT WITH JOE --

23 A YES.

24 Q -- SINCE THIS REUNION --

25 A DEFINITELY.

26 Q -- IN NOVEMBER?

27 A WE CALLED HIM ALMOST EVERY DAY WHEN HE WAS OUT
28 ON BAIL AND THEN WE WRITE HIM EVERY DAY.

A-3

1 Q AND YOU EACH WRITE YOUR OWN LETTER TO JOE EVERY
2 DAY?

3 A YES.

4 Q AND DOES HE WRITE BACK?

5 A YES.

6 Q IS THERE ANY TIME IN YOUR LIFE THAT YOU HAVE NEVER
7 NOT LOVED JOE?

8 A NO.

9 Q HAVE YOU READ SOME OF THE THINGS THAT HAVE BEEN
10 PRINTED IN THE PAPER ABOUT JOE?

11 A YES.

12 Q AND HOW HAVE YOU BEEN AFFECTED BY THOSE THINGS?

13 A WELL, IT IS AMAZING HOW INACCURATE THEY ARE. I
14 MEAN EVEN FROM SIMPLE LITTLE THINGS LIKE WHERE HE GREW UP.
15 THEY LIKE THEY CALLED HIM A NERD, AND HE WAS NEVER A NERD.
16 HE WAS ALWAYS A VERY LIKABLE PERSON, WITH A LOT OF FRIENDS.

17 YOU KNOW, THEY SAID IT WAS HIS IDEA TO CHANGE
18 HIS NAME TO HUNT. IT WAS MY FATHER'S IDEA, I WAS THERE.
19 I CHANGED MY NAME, TOO.

20 YOU KNOW, JUST SIMPLE LITTLE THINGS. I MEAN THE
21 THINGS THAT -- LITTLE THINGS, YOU KNOW.

22 I MEAN I AM SURE THEY ARE WRONG ABOUT MAJOR THINGS,
23 TOO.

24 Q ALL RIGHT, BASED UPON YOUR PERSONAL EXPERIENCE
25 WITH JOE AND THE HISTORY THAT YOU TWO HAVE SHARED TOGETHER,
26 CAN YOU CONCEIVE OF ANY CIRCUMSTANCES THAT WOULD EVER CAUSE
27 JOE TO ACT THE WAY THEY HAVE DESCRIBED?

28 A NO, NOT AT ALL.

3-4

1 I MEAN HE WAS THE LEAST VIOLENT PERSON YOU EVER
2 KNEW. HE JUST -- HE WAS JUST ALWAYS SO EASYGOING. I MEAN
3 HE WOULD NEVER GET REALLY ANGRY OR ANYTHING. HE WOULD JUST
4 SAY "WELL, I CAN UNDERSTAND THAT PERSON'S POINT OF VIEW."
5 AND HE WOULD JUST, YOU KNOW, SAY "THAT IS FINE," YOU KNOW
6 AND HE JUST WOULDN'T GET UPSET.

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1 Q WAS HE EVER IN TROUBLE AS A CHILD THAT YOU KNOW
2 OF?

3 A NOT THAT I KNOW OF. HE WAS ALWAYS VERY WELL LIKED
4 BY HIS TEACHERS.

5 THEY PUT HIM IN CHARGE OF THINGS. HE ALWAYS DID
6 REALLY WELL AND GOT ALONG WITH PEOPLE GREAT.

7 Q WAS HE EVER A DISCIPLINARY PROBLEM THAT YOU ARE
8 AWARE OF?

9 A NEVER, NEVER.

10 Q AS I UNDERSTAND IT, KAY, THAT WHEN YOU HEAR ABOUT
11 THIS SITUATION, YOU QUIT SCHOOL AND GOT A JOB?

12 A YEAH, A FULL-TIME JOB. I WAS REALLY UPSET. I
13 MEAN, IT WAS TOTALLY OUT OF THE BLUE.

14 I JUST COULDN'T BELIEVE IT. I STILL CAN'T BELIEVE
15 IT. JOE IS JUST NOT LIKE THAT. HE WAS NEVER LIKE THAT.

16 Q YOU THINK THAT IT WOULD BE A WASTE OF A GOOD HUMAN
17 BEING IF JOE WERE EXECUTED, KAY?

18 A HE IS ONE OF THE FINEST PEOPLE THAT I HAVE EVER
19 KNOWN. HE HAS ALWAYS BEEN THERE FOR OTHER PEOPLE.

20 MR. CHIER: NOTHING FURTHER AT THIS TIME.

21
22 CROSS-EXAMINATION

23 BY MR. WAPNER:

24 Q MISS HUNT, LET ME SEE IF -- I WANT TO ASK YOU
25 SOME QUESTIONS ABOUT THE WHOLE SEQUENCE OF TIME AND EVENTS
26 AS YOU WERE GROWING UP.

27 YOU ARE 22 YEARS OLD NOW?

28 A YES.

-A2

1 Q SO YOU WERE BORN IN 1965?

2 A '64.

3 Q AND YOUR PARENTS WERE DIVORCED AND THAT WOULD
4 BE ABOUT 1976 THEN?

5 A OR '77. I AM NOT QUITE SURE.

6 Q AND DID JOE GRADUATE FROM HIGH SCHOOL IN 1977?

7 A I AM NOT SURE. I WOULD HAVE TO ADD IT UP.

8 Q IF YOU THINK ABOUT IT, REALLY BRIEFLY, DO YOU
9 THINK YOU COULD ADD IT UP OR FIGURE IT OUT IN TERMS OF
10 SOMETHING THAT WAS GOING ON IN YOUR LIFE?

11 A WELL, HE GRADUATED HIGH SCHOOL -- I DON'T KNOW.
12 IT WAS EARLY. OR HE WAS GOING TO COLLEGE. I AM NOT SURE
13 REALLY, YOU KNOW.

14 Q WAS HE AT HOME LIVING WITH YOUR PARENTS AND THEY
15 WERE TOGETHER DURING MOST OF THE TIME HE WAS IN HIGH SCHOOL?

16 A MOST OF THE TIME. BUT BEFORE HE GRADUATED --
17 WHEN HE GRADUATED, HE WAS LIVING WITH MY FATHER.

18 Q HOW LONG AFTER YOUR PARENTS SEPARATED AND EVENTUALLY
19 GOT DIVORCED, WAS IT THAT YOUR BROTHER GRADUATED FROM HIGH
20 SCHOOL?

21 A HE WAS 16. SO I AM GUESSING IT WAS ONE OR TWO
22 YEARS, PROBABLY.

23 Q HE WAS 16 WHEN?

24 A WHEN HE WENT TO LIVE WITH MY FATHER.

25 Q AND WHEN WAS IT THAT YOU WENT TO LIVE WITH YOUR
26 MOTHER?

27 A WHEN I WAS 15 $\frac{1}{2}$.

28 Q AND JOE WOULD HAVE THEN BEEN LIKE 20 $\frac{1}{2}$ AT THAT

-A-3

1 PARTICULAR TIME?

2 A YES.

3 Q WHERE WAS YOUR FATHER LIVING THEN?

4 A GRANADA HILLS.

5 Q AND JOE WAS LIVING WITH YOUR FATHER AT THAT TIME?

6 A YES.

7 Q AND WHAT WAS JOE DOING AT THAT TIME?

8 A HE WAS WORKING AT AN ACCOUNTING FIRM.

9 Q DO YOU REMEMBER THE NAME OF IT?

10 A EITHER FORBES OR PEAT, MARWICK, MITCHELL.

11 Q HOW LONG DID JOE GO TO COLLEGE, DO YOU KNOW?

12 A IT WAS I THINK TWO YEARS.

13 Q WHERE DID HE GO?

14 A USC.

15 Q WAS THAT A SCHOLARSHIP?

16 A HE NEVER SPOKE ABOUT THAT. HE NEVER SAID.

17 I DON'T KNOW. I MEAN --

18 Q DO YOU KNOW IF HE EVER GRADUATED?

19 A NOT THAT I AM AWARE OF.

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1 Q DID HE EVER TAKE THE CPA EXAM, TO YOUR KNOWLEDGE?

2 A YES.

3 Q DID HE PASS IT?

4 A YES.

5 Q AND HOW OLD WAS JOE WHEN HE DID THAT?

6 A HE WAS ABOUT 18 OR 19. I KNOW THAT HE WAS THE
7 YOUNGEST PERSON EVER TO PASS THE CPA EXAM.

8 Q DID YOU SEE THE RESULTS OF THAT OR DID HE TELL
9 YOU THAT?

10 A I KNOW THAT HE WAS. HE GOT THE PAPER IN THE MAIL.
11 AND HE CALLED MY MOTHER. BUT MY MOTHER WAS NOT
12 HOME BECAUSE HE WANTED TO TELL HER. HE WANTED TO TELL MY
13 FATHER BUT MY FATHER WAS NOT HOME.

14 HE FINALLY GOT A HOLD OF ME. HE WAS LIKE, REALLY
15 EXCITED. I DON'T BELIEVE IT, ALL OF THIS STUDYING AND THIS
16 WORK AND EFFORT FINALLY PAID OFF.

17 Q WAS HE USING THE NAME HUNT OR GAMSKY AT THAT TIME?

18 A GAMSKY.

19 Q WHEN WAS IT THAT YOU BEGAN TO HAVE DIFFICULTIES
20 WITH YOUR FATHER?

21 A WHEN I LIVED WITH HIM.

22 Q HAD YOU GOTTEN ALONG WITH HIM OKAY UP UNTIL THAT
23 POINT?

24 A WE WERE NEVER VERY CLOSE. BUT I GOT ALONG WITH
25 HIM.

26 Q HOW LONG AFTER YOU BEGAN TO LIVE WITH HIM DID
27 YOU HAVE TROUBLE WITH HIM?

28 A ALMOST IMMEDIATELY.

1 Q AND HOW LONG AFTER YOU MOVED IN WITH HIM, DID
2 YOU DECIDE TO CHANGE YOUR NAME TO HIS?

3 A WELL, I NEVER REALLY LIKED THE NAME GAMSKY.
4 I DIDN'T LIKE SPELLING IT ALL OF THE TIME.

5 SO I THINK I WAS 16 OR 15½. I AM NOT REALLY SURE
6 WHEN I CHANGED IT.

7 Q DO YOU KNOW WHY IT WAS THAT YOUR FATHER CHANGED
8 HIS NAME TO HUNT, WHY HE PICKED THAT NAME?

9 A HE JUST WAS DECIDING ON DIFFERENT NAMES. AT FIRST
10 IT WAS GOING TO BE SOMETHING ELSE. BUT THEN HE WANTED A
11 SHORTER NAME.

12 I DON'T KNOW. HE HAD, LIKE A LIST THAT HE MADE
13 UP JUST RANDOMLY OF WHAT SOUNDED BEST.

14 Q AND DID YOUR BROTHER PARTICIPATE IN THE SELECTION
15 OF THE NAME?

16 A NO, NOT THAT I AM AWARE OF. IT WAS MORE MY
17 FATHER AND HIS GIRLFRIEND AT THAT TIME DECIDED.

18 Q DID YOU MOVE BACK WITH YOUR MOTHER AFTER THAT
19 ONE SEMESTER OF LIVING WITH YOUR FATHER?

20 A YES. THEY WENT TO CHICAGO.

21 Q YOUR FATHER AND JOE WENT TO CHICAGO?

22 A UH-HUH.

23 Q IS THAT YES?

24 A YES.

25 Q DID THEY GO TOGETHER TO CHICAGO?

26 A JOE WENT FIRST AND THEN LARRY HAD PACKED UP THE
27 HOUSE AND STUFF. HE WENT LATER.

28 Q NOW, LET'S GET BACK TO BEFORE THEY WENT TO

1 CHICAGO. WHAT WAS THE NATURE OF YOUR RELATIONSHIP WITH YOUR
2 BROTHER?

3 A IT WAS GREAT. I MEAN HE WAS -- YOU KNOW, WE DID
4 THINGS TOGETHER.

5 Q ALL RIGHT. HOW OLD WERE YOU AT THE TIME THAT
6 HE WENT TO CHICAGO?

7 A IT WAS I THINK IN AUGUST OR SEPTEMBER, WHEN I
8 WAS 15½ OR 16, PROBABLY CLOSER TO 16.

9 Q AND IT WAS AT THE TIME THAT HE WENT TO CHICAGO,
10 FROM THAT POINT ON, THAT YOU LOST TOUCH WITH HIM?

11 A NOT RIGHT AWAY.

12 Q OKAY.

13 A AFTER THEY MOVED A COUPLE OF TIMES. THEY GOT
14 A NEW HOUSE BUT I DIDN'T HAVE THE ADDRESS.

15 AFTER I STOPPED TALKING TO LARRY -- I GUESS JOE
16 WAS VERY BUSY. HE THOUGHT I HAD HIS ADDRESS BUT I DIDN'T.

17 Q OKAY. WELL, LET ME SEE IF WE CAN GET THAT A LITTLE
18 BIT STRAIGHT.

19 ALL RIGHT. BEFORE HE LEFT TO GO TO CHICAGO, HE
20 HAD BEEN LIVING WITH YOUR FATHER?

21 A YES.

22 Q FOR HOW LONG?

23 A FROM THE TIME HE WAS AROUND 16 UNTIL 20½ OR 21.

24 Q HAD THEY ALWAYS LIVED IN THE SAME PLACE?

25 A NO. THEY MOVED.

26 Q HOW MANY DIFFERENT PLACES DID HE LIVE?

27 A THREE.

28

1 Q WERE THEY ALL IN THE SAN FERNANDO VALLEY AREA?

2 A NO.

3 Q WHERE WERE THEY?

4 A ONE WAS -- I GUESS ENCINO IS SAN FERNANDO --
5 AND GRANADA HILLS AND THEN THEY HAD A SMALL PLACE IN MALIBU.

6 Q DID YOU MANAGE TO KEEP IN TOUCH WITH YOUR
7 BROTHER AND FATHER DURING ALL THREE MOVES?

8 A YES, BECAUSE MY FATHER AND I WERE STILL ON
9 FRIENDLY TERMS.

10 Q DURING THAT TIME, DID YOU AND YOUR MOTHER MOVE
11 TO DIFFERENT PLACES OR DID YOU ALWAYS LIVE IN THE SAME PLACE?

12 A WE MOVED TWICE.

13 Q DURING YOUR TWO MOVES AND THE THREE MOVES,
14 WHILE YOU WERE IN THE SAN FERNANDO VALLEY, YOU KNEW WHERE
15 YOUR FATHER WAS?

16 A YES, HE WAS ALWAYS PAYING MY MOTHER'S SPOUSAL
17 ALLOWANCE AND PAYING ME AN ALLOWANCE, MY FATHER, SO I ALWAYS
18 KNEW WHERE HE WAS.

19 Q SO THEN THEY WENT -- YOUR BROTHER AND YOUR
20 FATHER WENT TO CHICAGO, RIGHT?

21 A YES.

22 Q I AM SORRY, LET ME BACK UP AGAIN.

23 DURING THE TIME THAT YOUR BROTHER WAS LIVING
24 WITH YOUR FATHER AND YOU WERE LIVING WITH YOUR MOTHER, HOW
25 OFTEN WOULD YOU SEE YOUR BROTHER?

26 A EVERY OTHER WEEKEND.

27 Q EVERY OTHER WEEKEND?

28 A YES.

1 Q FOR HOW LONG A PERIOD OF TIME WOULD YOU SEE
2 HIM?

3 A WELL, HE WAS THERE WITH MY FATHER AND I SPENT
4 PROBABLY MORE TIME WITH JOE THAN I DID WITH LARRY.

5 Q SO THAT WAS JUST PART OF THE NORMAL VISITATION?

6 A YES.

7 Q YOU WOULD GO OVER AND SPEND TIME WITH THEM?

8 A UH-HUH.

9 Q DURING THE WEEK, OR THOSE TWO-WEEK PERIODS
10 IN BETWEEN THE TIME WHEN YOU WOULD GO THERE FOR YOUR VISITATION,
11 DID YOU TALK TO YOUR BROTHER?

12 A YES.

13 Q ON THE TELEPHONE?

14 A YES.

15 Q AND DURING THAT PERIOD OF TIME, HOW WOULD YOU
16 CHARACTERIZE YOUR RELATIONSHIP WITH YOUR BROTHER?

17 A VERY GOOD.

18 Q DID HE TALK TO YOU ABOUT THINGS THAT HE WAS
19 DOING AND THINGS THAT HE WAS INTERESTED IN?

20 A NO, NOT -- I MEAN, YOU KNOW, IF I ASKED HIM
21 A QUESTION, HE WAS ALWAYS WILLING TO ANSWER IT, YOU KNOW.
22 HE WOULD SAY STUFF LIKE, "I AM WORKING REAL
23 HARD."

24 HE WOULD TELL ME WHAT HE IS CONCENTRATING ON,
25 YOU KNOW, THE CPA EXAM, OR WHATEVER IT WAS HE WAS DOING,
26 IF HE WAS STARTING A NEW JOB OR GETTING HIS NEW CAR OR WHATEVER
27 THINGS THAT YOU TRADE BACK AND FORTH.

28 Q DID YOU TELL HIM ABOUT THINGS YOU WERE DOING?

1 A NO, NOT REALLY.

2 YOU KNOW, SOMETIMES MOM WOULD HEAR THINGS BUT
3 THAT IS ABOUT IT, YOU KNOW.

4 Q IN TERMS OF YOUR FEELINGS FOR HIM, DID YOU
5 FEEL YOU WERE PRETTY CLOSE TO HIM?

6 A YES.

7 Q AND WHEN HE FIRST WENT TO CHICAGO, DID YOU
8 TRY AND TALK TO HIM?

9 A WE HAD -- I MOSTLY--WELL, I WAS FIGHTING WITH
10 MY FATHER A LOT, YOU KNOW, AND I WAS MAD AT JOE FOR GOING
11 WITH LARRY BECAUSE I DIDN'T LIKE LARRY.

12 I DON'T LIKE LARRY AND HE WAS LOYAL TO HIS
13 FATHER AND HIS MOTHER AND I WAS KIND OF -- I DIDN'T LIKE
14 MY FATHER AND STUFF, SO I WAS HAVING ARGUMENTS WITH LARRY.
15 AND HE WAS REAL BUSY.

16 Q WHEN HE LEFT FOR CHICAGO, DID YOU GIVE YOUR
17 BROTHER YOUR ADDRESS?

18 A NO, BECAUSE I GAVE IT TO LARRY AND LARRY WAS
19 SUPPOSED TO GIVE IT TO HIM BUT LARRY DIDN'T USUALLY FOLLOW
20 THROUGH ON THINGS LIKE THAT. IF I DIDN'T GET ALONG WITH
21 HIM, SO THEN HE WASN'T GOING TO LET JOE TALK TO ME OR HE
22 WASN'T GOING TO MAKE IT EASY FOR JOE TO SEE ME OR TALK TO
23 ME.

24 Q DID YOU ASK JOE, DID YOU ASK HIM FOR HIS ADDRESS
25 IN CHICAGO?

26 A I HAD LARRY'S.

27 Q DID YOU WRITE TO YOUR BROTHER DURING THAT TIME?

28 A MOSTLY, I HAD PHONE CALLS.

1 Q HOW OFTEN WOULD YOU TALK TO HIM OVER THE
2 TELEPHONE?

3 A LIKE I SAID, HE WAS 21 YEARS OLD AND HE WAS
4 IN THE COMMODITIES MARKET AND HE WAS VERY BUSY. HE HAD
5 A LOT OF WORK, A LOT OF THINGS HE HAD TO PREPARE FOR AND
6 I MOSTLY TALKED TO LARRY.

7 Q DURING THAT TIME, HOW OFTEN WOULD YOU TALK
8 TO YOUR BROTHER?

9 A WHEN HE FIRST MOVED THERE, I -- I DON'T KNOW.
10 I AM NOT SURE.

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1 Q DO YOU HAVE ANY WAY TO ESTIMATE WHETHER IT
2 WAS LIKE ONCE A WEEK, ONCE A MONTH, ONCE EVERY SIX MONTHS?

3 A WELL, IT WAS SEVEN OR SIX YEARS AGO.
4 IT WAS PROBABLY ABOUT THREE OR FOUR TIMES A
5 MONTH.

6 Q AND THAT IS WHEN YOUR BROTHER FIRST MOVED THERE?
7 (THE WITNESS NODS HER HEAD UP AND DOWN.)

8 Q BY MR. WAPNER: YOU HAVE TO SAY YES OR NO SO
9 SHE CAN WRITE IT DOWN.

10 A YES.

11 Q AND AT SOME POINT, DID YOU START TO TALK TO
12 HIM LESS FREQUENTLY?

13 A WELL, WHEN I STARTED HAVING ARGUMENTS WITH
14 MY FATHER.

15 Q AND WHEN YOU HAD ARGUMENTS WITH YOUR FATHER,
16 DID JOE CONTINUE TO CALL YOU?

17 A HE WOULD WRITE ME NOTES BUT, LIKE MY FATHER
18 WOULD WRITE ME A LETTER AND JOE WOULD WRITE SOMETHING ON
19 THE LETTER.

20 Q HOW LONG WERE THEY IN CHICAGO BEFORE YOU LOST
21 TOUCH WITH THEM?

22 A MAYBE SIX MONTHS.

23 Q CAN YOU EXPLAIN TO ME HOW IT WAS THAT YOU CAME
24 TO LOSE TOUCH WITH THEM AND THEY WITH YOU?

25 A IT WAS MY FAULT BECAUSE, YOU KNOW, I WAS ALL
26 UPSET WITH MY FATHER AND I, YOU KNOW, GAVE LARRY MY ADDRESS
27 BUT I GUESS HE DIDN'T GIVE IT TO JOE.

28 Q DID YOU TRY TO COMMUNICATE WITH YOUR BROTHER

1 IN SOME WAY TO MAKE SURE THAT HE HAD YOUR ADDRESS?

2 A I JUST ASSUMED THAT MY FATHER WOULD GIVE IT
3 TO HIM BUT HE DIDN'T.

4 Q WHAT WAS THE NATURE OF YOUR RELATIONSHIP WITH
5 YOUR BROTHER AT THAT TIME IN TERMS OF HOW CLOSE YOU WERE
6 TO HIM?

7 A WELL, LIKE I SAID, HE WAS IN A VERY HIGH STRESS,
8 YOU KNOW, POSITION AND HE HAD A LOT OF WORK AND SOMETIMES,
9 YOU KNOW, RELATIONS FLUCTUATE, YOU KNOW, WHEN SOMEBODY IS
10 REAL BUSY.

11 Q WHAT WAS THE NATURE OF YOUR RELATIONSHIP WITH
12 HIM, THOUGH, HOW CLOSE DID YOU FEEL TO HIM AT THAT TIME?

13 A I ALWAYS FELT REAL CLOSE. I MEAN WE WERE
14 VERY CLOSE AS WE WERE GROWING UP AND THAT NEVER ENDS OR
15 STOPS. IT IS ALWAYS WITH YOU.

16 Q DURING THAT SIX-YEAR PERIOD, WHAT DID YOU DO
17 TO TRY AND GET IN TOUCH WITH YOUR BROTHER?

18 A WE LOOKED IN THE PHONE BOOKS. WE CALLED
19 RELATIVES. WE WROTE, YOU KNOW, LETTERS THAT WERE RETURNED
20 BECAUSE WE DIDN'T HAVE THE RIGHT ADDRESS. WE JUST DID EVERY-
21 THING WE COULD THINK OF (WITNESS CRYING).

22 Q DID YOU KNOW YOUR BROTHER WAS WORKING ON THE
23 COMMODITIES EXCHANGE?

24 A YES, I DID.

25 Q DID IT EVER OCCUR TO YOU TO WRITE TO THEM TO
26 SEE IF YOU COULD FIND OUT WHERE HE WAS?

27 A NO, IT DIDN'T.

28 Q SO YOU NEVER DID THAT?

-7

1 A NO.

2 THAT WOULD HAVE BEEN A GOOD IDEA, THOUGH.

3 Q AFTER THIS, DID YOU EVER HEAR THAT HE HAD
4 RETURNED TO LOS ANGELES?

5 A NO, I DID NOT.

6 Q NOW DURING THAT TIME, WHEN HE LEFT, WHERE WERE
7 YOU AND YOUR MOTHER LIVING?

8 A IN VENTURA.

9 Q AND DID YOU GIVE THAT ADDRESS TO YOUR FATHER
10 AND YOUR BROTHER AT THE TIME THAT HE LEFT?

11 A I ASSUME THAT JOE KNEW OUR ADDRESS.

12 WE DIDN'T GIVE IT TO HIM BECAUSE THAT IS WHERE
13 WE HAD BEEN LIVING.

14 Q DID HE WRITE YOU LETTERS DURING THE TIME YOU
15 WERE LIVING THERE?

16 A LIKE I SAID, HE WROTE A NOTE ON THE BOTTOM
17 OF WHATEVER MY FATHER WOULD SEND.

18 Q HOW MANY TIMES DID YOU --

19 HOW LONG DID YOU CONTINUE TO LIVE IN VENTURA
20 AT THAT SAME ADDRESS?

21 A WELL, NOT LONG AFTER THAT. AS SOON AS I
22 GRADUATED FROM HIGH SCHOOL, I GUESS, '82.

23 Q DID YOU AND YOUR MOTHER MOVE OR DID YOU LEAVE
24 THE HOUSE?

25 A MY MOTHER AND I MOVED.

26 Q WHERE DID YOU MOVE TO?

27 A WE MOVED TO THE VALLEY.

28 Q AND DID YOU PUT IN A FORWARDING ADDRESS WITH

8

1 THE POST OFFICE?

2 A NO.

3 Q YOU DIDN'T GIVE THE POST OFFICE A FORWARDING
4 ADDRESS FROM VENTURA TO THE VALLEY?

5 A NO.

6 Q WAS THERE SOME REASON FOR THAT?

7 A I DIDN'T WANT ANY CONTACT WITH MY FATHER.

8 Q HOW DID YOU FEEL -- DID YOU KNOW THAT BY NOT
9 HAVING CONTACT WITH YOUR FATHER, THAT YOU WERE GOING TO
10 SOMEHOW CUT OFF CONTACT WITH YOUR BROTHER ALSO?

11 A I HAD NO IDEA AT THE TIME THAT THAT IS WHAT
12 WOULD HAPPEN BECAUSE I JUST ASSUMED, YOU KNOW, THAT JOE
13 KNEW MY FRIENDS OR COULD CALL SOMEBODY OR SOMETHING.

14 BUT I GUESS HE NEVER REALLY KNEW MY FRIENDS
15 THAT WELL.

16 I DIDN'T -- I DIDN'T THINK ABOUT IT.

17 I WAS JUST MAD AT LARRY.
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A-1

1 Q AND DID YOU THINK ABOUT TRYING TO GET IN TOUCH
2 WITH YOUR BROTHER SOMETIME DURING THAT SIX-YEAR PERIOD?

3 A YES.

4 Q DID YOU MOVE ONCE MORE FROM THE VALLEY TO SOME
5 OTHER LOCATION?

6 A YEAH. WE MOVED TO MALIBU FOR A SHORT TIME.

7 Q AND FROM MALIBU, DID YOU STAY IN MALIBU OR DID
8 YOU MOVE?

9 A NO. WE MOVED TO ANOTHER PLACE.

10 Q. AND DURING ANY OF THESE MOVES, DID YOU LEAVE
11 FORWARDING ADDRESSES WITH THE POST OFFICE?

12 A YES.

13 Q DID YOU START HAVING BETTER RELATIONS WITH YOUR
14 FATHER, WHICH IS WHY YOU LEFT FORWARDING ADDRESSES?

15 A NO. I HAVE NOT TALKED TO MY FATHER IN SIX OR SEVEN
16 YEARS.

17 Q DO YOU KNOW WHERE HE IS LIVING NOW?

18 A YES.

19 Q WHERE IS THAT?

20 A IT IS UP NORTH.

21 Q IS THAT NORTHERN CALIFORNIA?

22 A YES.

23 Q WOULD THAT BE SOMEWHERE NEAR THE CARMEL AREA,
24 PERHAPS?

25 A I THINK SO. I AM NOT REALLY SURE.

26 Q DID YOU KNOW THAT YOUR FATHER WAS WORKING FOR
27 YOUR BROTHER AT SOME TIME DURING 1984?

28 A NO.

A-2

1 Q DID JOE EVER TELL YOU THAT DURING THE TIME THAT
2 YOU HAVE BECOME REACQUAINTED WITH HIM?

3 A NO.

4 Q DID YOU TALK TO YOUR BROTHER DURING THE TIME THAT
5 YOU HAVE BECOME REACQUAINTED WITH HIM, ABOUT WHY HE DIDN'T
6 CALL YOU OR TRY TO GET IN TOUCH WITH YOU?

7 A HE DID CALL. HE HIRED A PRIVATE INVESTIGATOR
8 TO FIND US. BUT HE WAS UNSUCCESSFUL.

9 Q DO YOU HAPPEN TO KNOW WHAT THAT PERSON'S NAME
10 IS, THAT PRIVATE INVESTIGATOR'S NAME?

11 A NO I DON'T. BUT HE IS OUTSIDE THE COURTROOM
12 SOMETIMES.

13 Q DO YOU KNOW WHEN IT WAS THAT HE HIRED THAT PRIVATE
14 INVESTIGATOR TO FIND YOU?

15 A I AM NOT SURE EXACTLY. WE WERE JUST SO GLAD TO
16 HAVE JOE BACK, YOU KNOW, TO SEE HIM AGAIN. YOU KNOW, I MIGHT
17 HAVE SAID -- BUT I DON'T REMEMBER.

18 Q THIS INVESTIGATOR IS SOMETIMES OUTSIDE THE
19 COURTROOM DURING THE TRIAL?

20 A YES.

21 Q DO YOU ASSUME THAT THAT IS SOMEONE EMPLOYED BY
22 THE LAWYERS IN THIS CASE, ALSO?

23 A I DON'T KNOW.

24 Q EXCEPT FOR THE MOVE FROM VENTURA, DID YOU ALWAYS
25 LEAVE A FORWARDING ADDRESS ALL OF THE OTHER TIMES THAT YOU
26 MOVED?

27 A YES.

28 Q DID YOUR MOTHER EVER REMARRY?

A-3

- 1 A NO.
- 2 Q DID SHE CHANGE HER NAME?
- 3 A NO.
- 4 Q WHAT IS YOUR MOTHER'S FULL NAME?
- 5 A KATHLEEN A. GAMSKY.
- 6 Q WHEN YOU MOVED TO THOSE VARIOUS PLACES, DID YOU
7 HAVE TELEPHONES?
- 8 A YES BUT WE WERE NEVER LISTED.
- 9 Q WAS THERE A REASON FOR NOT BEING LISTED?
- 10 A WE JUST IN MY FAMILY -- WE JUST NEVER LISTED OUR
11 PHONE, EVEN WHEN WE WERE LIVING IN VAN NUYS. WE DIDN'T LIST
12 IT.
- 13 Q DURING THE TIME THAT YOU WERE LIVING THERE, DID
14 YOU EVER HAVE A TELEPHONE IN YOUR HOME?
- 15 A NO.
- 16 Q ARE YOU STILL LIVING WITH YOUR MOTHER?
- 17 A YES.
- 18 Q YOUR OLDER BROTHER'S NAME IS GREG?
- 19 A YES.
- 20 Q WHERE IS HE LIVING NOW?
- 21 A HE IS LIVING IN WEST COVINA.
- 22 Q DO YOU KNOW WHAT HE DOES FOR A LIVING?
- 23 A COMPUTER PROGRAMMER.
- 24 Q IS HIS NAME STILL GAMSKY?
- 25 A YES.
- 26 Q DID YOU HAVE YOUR NAME LEGALLY CHANGED?
- 27 A YES.
- 28 Q WAS THAT HERE, IN LOS ANGELES?

1 A YES.

2 Q DID YOUR BROTHER EVER TAKE YOU MOUNTAIN CLIMBING
3 WITH HIM ?

4 A HE TOOK ME UP TO CHATSWORTH PARK.

5 Q DID HE EVER TAKE YOU ANYWHERE ELSE TO GO HIKING
6 OR MOUNTAIN CLIMBING?

7 A NO. THAT WAS IT.

8 Q DID YOU EVER GO TO ANY PLACES WITH HIM AND YOUR
9 FATHER IN THE ANGELES NATIONAL FORREST?

10 A WHERE IS THAT? NO.

11 Q DID HE DRIVE UP THE SAN DIEGO FREEWAY UNTIL IT
12 BECOMES HIGHWAY 5 AND THEN OFF TOWARD THE ANTELOPE VALLEY?

13 A NO.

14 THE COURT: WILL YOU BE MUCH LONGER?

15 MR. WAPNER: PERHAPS A LITTLE BIT. IF IT IS NOT TOO
16 MUCH OF AN INCONVENIENCE, IF WE COULD HAVE HER RETURN TOMORROW.
17 I DON'T KNOW EXACTLY.

18 THE COURT: NOT TOMORROW.

19 MR. WAPNER: TUESDAY?

20 THE COURT: ALL RIGHT.

21 MR. WAPNER: YOUR HONOR, BEFORE YOU DISMISS THE JURY,
22 CAN WE APPROACH THE BENCH ABOUT SCHEDULING?

23 THE COURT: YES.

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3-1

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

4 MR. WAPNER: SINCE THE POSSIBILITY EXISTS THAT THE JURORS
5 MIGHT HAVE TO BE HERE FRIDAY OF NEXT WEEK, DO YOU THINK IT
6 IS A GOOD IDEA TO TELL THEM THAT THAT IS A POSSIBILITY SO
7 THEY MIGHT ADJUST THEIR SCHEDULES?

8 THE COURT: YES. I THINK THAT IS A GOOD IDEA, TOO.
9 ALL RIGHT, FINE.

10 I WILL TELL THE JURORS I AM CHECKING OUT THE USE
11 OF THE NOTEBOOKS, TAKING THE NOTEBOOKS OUT OF THE COURTROOM.
12 UNTIL THAT IS RESOLVED, THAT THEY BETTER NOT TAKE THEM.
13 ALL RIGHT?

14 MR. BARENS: WE WOULD LIKE TO SEE YOUR HONOR FOR ABOUT
15 A MINUTE WHEN THE JURY HAS BEEN RELEASED, SIR.

16 THANK YOU, SIR.

17 THE COURT: ALL RIGHT.

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

21 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE'LL
22 TAKE OUR ADJOURNMENT AT THIS TIME UNTIL TUESDAY MORNING. AS
23 YOU KNOW, MONDAY IS A HOLIDAY. THAT WILL BE AT 10:30.

24 AND WE MIGHT AS WELL INDICATE THAT SINCE THE CASE
25 WILL BE COMPLETED NEXT WEEK, WE WANT TO BE SURE -- BECAUSE
26 THE COURT HAS ANOTHER, VERY IMPORTANT CASE TO TRY THE WEEK
27 FOLLOWING -- WE'LL TRY TO FINISH THIS CASE BY HOPEFULLY, THE
28 END OF THE WEEK.

1 IF IT IS NECESSARY FOR US TO STAY ON FRIDAY, WE
2 WILL HAVE COURT ON FRIDAY. SO PLEASE MAKE YOUR PLANS
3 ACCORDINGLY. PLEASE DON'T MAKE ANY PLANS FOR FRIDAY.

4 BE SURE THAT YOU ARE FREE ON FRIDAY, JUST IN CASE
5 WE HAVE COURT THAT DAY. THEN YOU WILL KNOW YOU WILL HAVE
6 TO COME DOWN.

7 NOW, A QUESTION HAS ARISEN AS TO WHAT IS TO BE
8 DONE WITH THE NOTEBOOKS. THE COURT IS CHECKING THE RULES
9 RESPECTING THAT. I WILL DISCUSS THAT NEXT WEEK.

10 BUT AT LEAST FOR THE WEEKEND, YOU LEAVE YOUR
11 NOTEBOOKS WHERE THEY ARE. WE WILL LET YOU KNOW WHAT YOU CAN
12 DO ABOUT TAKING THE BOOKS HOME WITH YOU TO REFRESH YOUR
13 RECOLLECTION ABOUT ANY EVIDENCE IN THE PARTICULAR CASE. I
14 WILL LET YOU KNOW. ALL RIGHT. GOOD NIGHT.

15 (THE JURY EXITS THE COURTROOM.)
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1 (THE FOLLOWING PROCEEDINGS WERE HELD
2 AT THE BENCH OUTSIDE THE PRESENCE AND
3 HEARING OF THE JURY:)

4 THE COURT: INCIDENTALLY, I AM CHECKING THE LAW ABOUT
5 OPENING THE DOORS OF THE GATES, AS THEY CALL IT, AND CHECKING
6 WHAT THE RULE IS WITH RESPECT TO THE DEFENDANT JUST
7 TESTIFYING ABOUT THE LIMITED ASPECTS OF THE CASE AND WHETHER
8 OR NOT THE D.A. HAS A RIGHT TO CROSS-EXAMINE ON OTHER ASPECTS.

9 MR. BARENS: YOUR HONOR, I APPROACH WITH A SINGLE
10 QUESTION.

11 MY UNDERSTANDING IS THAT A DEFENDANT DURING
12 CLOSING ARGUMENT ON A CAPITAL CASE, PENALTY PHASE, MAY ASK
13 FOR MERCY IN HIS PERSONAL CAPACITY FROM THE JURY.

14 THE COURT: HE ASKING?

15 MR. BARENS: YES, YOUR HONOR.

16 THE COURT: NO, I WON'T PERMIT HIM TO ADDRESS THE
17 JURY.

18 IS THAT WHAT YOU WANT TO DO?

19 MR. BARENS: YOUR HONOR, I WISH YOU WOULD -- I WANT
20 TO MAKE SURE I UNDERSTAND. YOUR HONOR IS SAYING --

21 THE COURT: YOU WANT HIM TO MAKE A PERSONAL PLEA TO
22 THE JURY?

23 MR. BARENS: FOR MERCY, YES, YOUR HONOR.

24 THE COURT: NO, I WILL NOT PERMIT THAT, UNLESS YOU
25 SHOW ME A CASE WHICH SAYS SPECIFICALLY HE HAS THE RIGHT
26 TO DO THAT WHEN HE IS REPRESENTED BY COUNSEL.

27 MR. BARENS: WELL, WE SHALL DO SO IF THERE IS PRECEDENT
28 ON THAT, YOUR HONOR.

1 THE COURT: SHOW IT TO ME.

2 MR. BARENS: ALL RIGHT, WE WILL MAKE AN ATTEMPT TO
3 DO THAT.

4 THE COURT: ALL RIGHT. DO YOU KNOW OF ANY CASE WHERE
5 THAT HAS EVER BEEN PERMITTED?

6 MR. WAPNER: NO, I DON'T BUT I WILL TRY AND CHECK
7 THE LAW ON IT OVER THE WEEKEND.

8 THE COURT: THAT IS ALL. SEE YOU NEXT TUESDAY.

9 MR. BARENS: ONE MOMENT, YOUR HONOR. ON THIS SUBJECT
10 OF CLOSING ARGUMENT, WOULD YOUR HONOR, SO LONG AS THERE
11 IS NO CUMULATION OR OVERLAP, WOULD YOUR HONOR BE OPPOSED
12 TO BOTH COUNSEL BEING ABLE TO ADDRESS THE JURY?

13 THE COURT: NO. I WANT YOU ALONE TO ADDRESS THE JURY.

14 MR. BARENS: YOUR HONOR, I BELIEVE AGAIN, THE DEFENDANT
15 HAS SOME STATUTORY RIGHT.

16 THE COURT: I TOLD YOU THAT I WILL PERMIT YOU ALONE
17 TO ADDRESS THE JURY.

18 MR. BARENS: YOUR HONOR --

19 THE COURT: THERE WILL BE NO APPEAL FROM THAT, ALL
20 RIGHT?

21 MR. BARENS: YOUR HONOR, I AM NOT SEEKING TO OFFEND
22 THE COURT.

23 THE COURT: I AM NOT GOING TO DIVIDE THE ARGUMENT AND
24 PERMIT HIM AND YOU TO ARGUE THE SAME CASE.

25 MR. BARENS: AGAIN, I WILL HAVE TO BE BOUND BY YOUR
26 HONOR'S INTERPRETATION OF THE LAW.

27 THE COURT: I DON'T WANT YOU DIVIDING UP THE ARGUMENT.
28 AND TALKING ABOUT ARGUMENT, SINCE YOU ARE

1 THE ONE WHO OPENED, ON CLOSING ARGUMENT, YOU WILL ARGUE
2 AND THEN HE WILL ARGUE.

3 MR. WAPNER: YES, YOUR HONOR.

4 MR. BARENS: YES, YOUR HONOR.

5 THE COURT: THEN I WON'T PERMIT ANY OTHER ARGUMENT.

6 MR. WAPNER: THAT IS CORRECT.

7 THE COURT: I DON'T WANT THE DEFENDANT ARGUING IN
8 THIS PARTICULAR CASE.

9 MR. BARENS: MR. WAPNER -- AGAIN, YOUR HONOR, I DON'T
10 WANT THE RECORD TO BE LESS THAN CLEAR ON WHAT MY REQUEST
11 IS.

12 THE COURT: IT IS VERY CLEAR, I WILL NOT PERMIT THE
13 DEFENDANT AT ANY STAGE OF THE PROCEEDINGS TO MAKE A PERSONAL
14 PLEA TO THE JURY OR ARGUE TO THEM FOR MERCY.

15 MR. BARENS: I NEVER ASKED YOUR HONOR TO PERMIT THE
16 DEFENDANT TO ARGUE.

17 ONLY TO MAKE A PERSONAL PLEA FOR MERCY, THAT
18 IS ALL.

19 THE COURT: THAT IS ARGUING IT TO THEM.

20 (SHORT RECESS.)
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1 (THE FOLLOWING PROCEEDINGS WERE HELD IN
2 OPEN COURT WITH ALL COUNSEL, THE DEFENDANT
3 AND JUROR LINDA CAMPBELL-CABLE PRESENT:)

4 THE COURT: ALL RIGHT. FOR THE RECORD, PLEASE STATE
5 YOUR NAME.

6 JUROR CAMPBELL-CABLE: LYNDA CAMPBELL-CABLE.

7 THE COURT: MISS CAMPBELL, I UNDERSTAND FROM THE BAILIFF
8 THAT YOU DESIRE TO BE EXCUSED FROM THIS JURY BECAUSE YOU ARE
9 TAKING A VACATION?

10 JUROR CAMPBELL-CABLE: THAT'S CORRECT.

11 THE COURT: DON'T YOU REMEMBER WHEN WE STARTED THIS
12 TRIAL, WE ASKED ABOUT WHO WAS GOING TO BE TAKING VACATIONS
13 AND SO FORTH? WE MENTIONED TO YOU?

14 JUROR CAMPBELL-CABLE: AT THE START OF THE TRIAL IT
15 WAS ALSO MENTIONED THAT IT WAS PROBABLY ONLY GOING TO BE TWO
16 MONTHS. IF IT IS A LARGE PROBLEM -- IF THERE IS JUST AN
17 OUTSIDE CHANCE THAT THINGS ARE WINDING DOWN AND I AM ONLY
18 AN ALTERNATE, POSSIBLY IF I COULD BE GET OUT OF IT.

19 IF IT IS GOING TO BE A PROBLEM, FORGET I SAID
20 ANYTHING.

21 THE COURT: WELL, THIS IS THE DIFFICULTY, MS. CAMPBELL.
22 WE DON'T KNOW HOW LONG THE JURORS ARE GOING TO BE DELIBERATING.
23 AND IF WE WERE TO EXCUSE YOU AND SOMETHING HAPPENED TO SOME
24 OTHER JUROR, THEN WE WON'T HAVE 12 JURORS ULTIMATELY REACHING
25 A DECISION.

26 IF ONE IS EXCUSED, THEN OF COURSE WE WILL HAVE
27 TO START ALL OVER AGAIN. YOU KNOW WHAT THAT MEANS.

28 WE WOULD HAVE TO START THE ENTIRE TRIAL BECAUSE

1 THE NEW JURY WOULD HAVE TO HEAR THE EVIDENCE, THE SAME AS
2 YOU HEARD IT.

3 JUROR CAMPBELL-CABLE: I UNDERSTAND.

4 THE COURT: WOULD IT BE TOO MUCH OF AN IMPOSITION IF
5 I ASKED YOU TO POSTPONE YOUR VACATION?

6 JUROR CAMPBELL-CABLE: SIR, WELL, I CAN'T POSTPONE THE
7 VACATION. BUT I WILL COME IN.

8 THE COURT: WOULD YOU PLEASE DO THAT?

9 JUROR CAMPBELL-CABLE: YEAH.

10 THE COURT: YOU KNOW HOW IMPORTANT THIS MATTER IS.

11 JUROR CAMPBELL-CABLE: I UNDERSTAND HOW IMPORTANT.

12 THE COURT: THEN YOU WITHDRAW YOUR REQUEST TO BE
13 EXCUSED?

14 JUROR CAMPBELL-CABLE: YES, I WITHDRAW MY REQUEST.

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

16 JUROR CAMPBELL-CABLE: THANK YOU FOR CONSIDERING IT.

17 THE COURT: ALL RIGHT. DELIGHTED TO HAVE YOU. THANK
18 YOU.

19 (AT 4:45 P.M. AN ADJOURNMENT WAS TAKEN

20 UNTIL TUESDAY, MAY 25, 1987, AT 10:30 A.M.)
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