

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT

OCT  
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THE PEOPLE OF THE STATE OF CALIFORNIA, )  
 )  
 ) PLAINTIFF-RESPONDENT, )  
 )  
 ) VS. ) SUPERIOR COURT  
 ) NO. A-090435  
 )  
 ) JOE HUNT, AKA JOSEPH HUNT, )  
 ) AKA JOSEPH HENRY GAMSKY, )  
 )  
 ) DEFENDANT-APPELLANT. )

OCT 0 8 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 97 OF 101  
(PAGES 14716 TO 14921, INCLUSIVE)

COPY

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WEST C

HON. LAURENCE J. RITTENBAND, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA, )

PLAINTIFF, )

VS. )

JOSEPH HUNT, )

DEFENDANT. )

NO. A-090435

REPORTERS' DAILY TRANSCRIPT

TUESDAY, MAY 26, 1987

VOLUME 97

PAGES 14716 TO 14921 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

1 TUESDAY, MAY 26, 1987

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1 SANTA MONICA, CALIFORNIA; TUESDAY, MAY 26, 1987; 10:33 A.M.

2 DEPARTMENT C HON. LAURENCE J. RITTENBAND, JUDGE

3 (APPEARANCES AS NOTED ON TITLE PAGE.)

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

8 MR. WAPNER: YOUR HONOR, THERE ARE A FEW MATTERS WE  
9 DISCUSSED LAST WEEK THAT I TRIED TO DO SOME RESEARCH --

10 THE COURT: YOU HAVEN'T GOT THE ATTENTION OF COUNSEL.

11 (PAUSE.)

12 THE COURT: ALL RIGHT, GO AHEAD.

13 MR. WAPNER: THAT WE DISCUSSED LAST WEEK, AS FAR AS  
14 THE JURORS NOTES ARE CONCERNED, I WAS UNSUCCESSFUL IN FINDING  
15 ANYTHING ON POINT IN PARTICULAR THAT SAID THEY EITHER CAN  
16 OR CANNOT TAKE THEM HOME.

17 THE COURT: WHAT I AM GOING TO DO IS, AT THE CONCLUSION  
18 OF THE EVIDENCE IN THE CASE, AT THE CONCLUSION OF ARGUMENT,  
19 I WILL PERMIT THEM TO TAKE THEM HOME, TAKE THE NOTES PROVIDED  
20 THEY DON'T DISCLOSE ANYTHING IN THEIR NOTES TO ANY THIRD  
21 PARTIES AND THEY RETURN WITH THE NOTES THE FOLLOWING DAY.

22 MR. WAPNER: AND THE ADMONITION SHOULD BE THAT THEY  
23 CAN REVIEW THEM BUT THEY ARE NOT TO FORM ANY OPINION ON  
24 THE CASE.

25 THE COURT: PRECISELY.

26 MR. WAPNER: ALL RIGHT, AS FAR AS --

27 MR. BARENS: THE DEFENSE WOULD OBJECT TO THAT, BASED  
28 ON THE FACT I CAN FIND NO AUTHORITY FOR THAT TYPE OF PROCEDURE.

1 THE COURT: WELL, THEN IT IS WITH THE DISCRETION OF  
2 THE COURT. I THINK THERE ARE SUFFICIENT LIMITATIONS ON  
3 WHAT THEY CAN DO WITH THEIR NOTES THAT I THINK WILL BE  
4 PROTECTED TO BOTH SIDES. ALL RIGHT, THAT IS WHAT I EXPECT  
5 I WILL DO.

6 ARE WE READY FOR THE JURY?

7 MR. BARENS: I BELIEVE MR. WAPNER HASN'T FINISHED  
8 AND WE HAD AT LEAST TWO MOTIONS IN LIMINE.

9 THE COURT: ALL RIGHT.

10 MR. WAPNER: REGARDING THE ISSUE OF LIMITING THE  
11 DEFENDANT'S TESTIMONY TO THE INCIDENTS IN ORANGE COUNTY  
12 INVOLVING MR. COKER AND MR. SWARTOUT, THE CASES THAT I FOUND  
13 SEEMED TO INDICATE THAT THEY ARE PERMITTED TO SUFFICIENTLY  
14 LIMIT THE SCOPE OF THE DIRECT EXAMINATION.

15 THE COURT: BUT -- BUT YOU HAVE THE RIGHT TO COMMENT  
16 ON THAT, OF COURSE, TO THE JURY.

17 MR. WAPNER: WELL, APPARENTLY NOT.

18 THE COURT: APPARENTLY YES.

19 GET ME THE BOOKS I HAVE ON MY DESK ON THE JURY  
20 INSTRUCTIONS, DIANE.

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1 MR. WAPNER: I WILL GIVE YOU THE CASES THAT I FOUND.  
2 I WILL GIVE THEM TO YOU. YOU CAN LOOK AT THEM.

3 THE COURT: YOU WILL GIVE ME THE CASES? THERE IS  
4 A SPECIFIC JURY INSTRUCTION IN THE SUPPLEMENT. I WILL GET  
5 IT FOR YOU. ONCE THE DEFENDANT TAKES THE STAND, HIS  
6 CONSTITUTIONAL RIGHT ABOUT NOT COMMENTING ON THE FACT THAT  
7 HE HASN'T, IS GONE. ALL YOU CAN DO IS BE LIMITED BY THE  
8 DIRECT EXAMINATION, ON YOUR CROSS-EXAMINATION.

9 HOWEVER, THERE IS AN INSTRUCTION THAT YOU HAVE  
10 A RIGHT TO COMMENT ON IT. IT IS AS FOLLOWS. THIS IS A  
11 REVISION OF CALJIC 2.62.

12 "IN THIS CASE THE DEFENDANT HAS  
13 TESTIFIED AS TO CERTAIN MATTERS. IF YOU FIND  
14 THAT HE FAILED TO EXPLAIN OR DENY ANY EVIDENCE  
15 AGAINST HIM INTRODUCED BY THE PROSECUTION WHICH  
16 HE CAN REASONABLY BE EXPECTED TO DENY OR EXPLAIN  
17 BECAUSE OF FACTS WITHIN HIS KNOWLEDGE, YOU MAY  
18 TAKE THAT FAILURE INTO CONSIDERATION AS TENDING  
19 TO INDICATE THE TRUTH OF SUCH EVIDENCE AND AS  
20 INDICATING THAT AMONG THE INFERENCES THAT MAY  
21 REASONABLY BE DRAWN THEREFROM, THOSE UNFAVORABLE  
22 TO THE DEFENDANT ARE THE MORE PROBABLE. IN THIS  
23 CONNECTION HOWEVER, IT SHOULD BE NOTED THAT IF  
24 THE DEFENDANT DOES NOT HAVE KNOWLEDGE THAT HE  
25 WOULD NEED TO DENY OR EXPLAIN EVIDENCE AGAINST  
26 HIM, IT WOULD BE UNREASONABLE TO DRAW AN INFERENCE  
27 UNFAVORABLE TO HIM BECAUSE OF HIS FAILURE TO DENY  
28 OR EXPLAIN SUCH EVIDENCE. THE FAILURE OF THE

1 DEFENDANT TO DENY OR EXPLAIN EVIDENCE AGAINST  
2 HIM DOES NOT CREATE A PRESUMPTION OF GUILT OR  
3 BY ITSELF WARRANT AN INFERENCE OF GUILT, NOR DOES  
4 IT RELIEVE THE PROSECUTION OF ITS BURDEN OF  
5 PROVING EVERY ESSENTIAL ELEMENT OF THE CRIME  
6 AND THE GUILT OF THE DEFENDANT BEYOND A REASONABLE  
7 DOUBT."

8 THAT IS THE CALJIC INSTRUCTION --

9 MR. WAPNER: I KNOW. I AM VERY AWARE OF THAT  
10 INSTRUCTION. I HAVE LOOKED AT A FEW CASES.

11 I WOULD CITE THE COURT TO PEOPLE V. TEALER,  
12 T-E-A-L-E-R-, 48 CAL.3D, 598.

13 THE COURT: LET ME TAKE THAT DOWN. 48 CAL. WHAT?

14 MR. WAPNER: 48 CAL.APP.3D, 598.

15 THE COURT: WHAT DOES THAT HOLD?

16 MR. WAPNER: THAT WAS A CASE WHERE THEY SAID YOU COULD  
17 SUFFICIENTLY LIMIT THE SCOPE OF THE DIRECT EXAMINATION SO  
18 THAT --

19 THE COURT: I SAID SO. I SAID THAT IF HE TESTIFIES  
20 ONLY AS TO THOSE TWO AGGRAVATING CIRCUMSTANCES, YOU CAN  
21 CROSS-EXAMINE HIM ONLY AS TO THOSE TWO.

22 BUT THEN, YOU HAVE A RIGHT TO COMMENT TO THE  
23 JURY THAT HE HAS NOT TESTIFIED TO OTHER MATTERS WITHIN HIS  
24 KNOWLEDGE.

25 MR. WAPNER: WELL, THIS CASE AND THE OTHER CASE I  
26 READ, BAGWELL, SEEM TO INDICATE THAT IF THE SCOPE OF THE  
27 DIRECT EXAMINATION IS LIMITED, THAT THEREFORE, THE DEFENDANT  
28 IS NOT GIVING UP HIS PRIVILEGE AGAINST SELF-INCRIMINATION

1 AS TO OTHER MATTERS. AND THEREFORE, IT WOULD BE ERROR,  
2 GRIFFIN ERROR TO COMMENT ON THAT.

3 THE COURT: WELL, THAT IS NOT RIGHT. I DOUBT VERY  
4 MUCH THAT YOU ARE READING THAT CASE PROPERLY.

5 MR. WAPNER: WELL, I MAY NOT BE BUT --

6 THE COURT: WE HAVE A SPECIFIC INSTRUCTION. I JUST  
7 GAVE YOU CALJIC WHERE THE EDITORS HAVE SAID THAT YOU CAN  
8 COMMENT ON THE FACT THAT HE HAS NOT TESTIFIED AS TO OTHER  
9 MATTERS.

10 MR. WAPNER: THE OTHER CITATION IS PEOPLE V. BAGWELL,  
11 WHICH IS 38 CAL.APP.3D, 127. AND --

12 THE COURT: GET ME BOTH OF THEM, WILL YOU PLEASE?

13 MR. WAPNER: LET ME JUST SAY THIS AS TO EACH -- WELL,  
14 WHETHER OR NOT MR. HUNT DECIDES TO TAKE THE STAND, ASSUMING  
15 THAT HE DECIDES TO TAKE THE STAND FOR THESE TWO LIMITED  
16 PURPOSES, I AM GOING TO SAY THAT REGARDLESS OF THE COURT'S  
17 RULING -- I WILL STATE FOR THE RECORD THAT IF HE TAKES THE  
18 STAND AS TO THOSE TWO, LIMITED PURPOSES, I DO NOT INTEND  
19 TO CROSS-EXAMINE HIM OR ATTEMPT TO CROSS-EXAMINE HIM ABOUT  
20 EITHER THE LEVIN MURDER OR THE ESLAMINIA.

21 THE COURT: YOU CAN'T. I SAID THAT. DON'T CROSS-  
22 EXAMINE HIM ABOUT THAT.

23 I SAID YOU ARE NOT PERMITTED TO DO THAT.

24 I SAY, HOWEVER, THAT YOU HAVE THE RIGHT TO  
25 COMMENT TO THE JURY ON THE FACT THAT HE DIDN'T TESTIFY,  
26 NOT ABOUT THE LEVIN BUT DIDN'T TESTIFY ABOUT THE OTHER MURDER.

27 MR. WAPNER: REGARDLESS OF THE COURT'S RULING ON THAT,  
28 SO THAT THE DEFENSE ATTORNEYS IN THIS CASE AND THE DEFENDANT



1 CAN MAKE AN INTELLIGENT DECISION AS TO WHETHER OR NOT HE  
2 DESIRES TO TAKE THE STAND, I WILL TELL YOU THAT ONE, IF  
3 HE DESIRES TO LIMIT THE DIRECT EXAMINATION, THAT I WILL  
4 NOT CROSS-EXAMINE OR ATTEMPT TO CROSS-EXAMINE HIM ABOUT  
5 THE OTHER TWO.

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1           AND I WILL TELL THIS COURT AND COUNSEL AND THE  
2 DEFENDANT FOR THE RECORD THAT I DO NOT INTEND AND I WILL NOT  
3 COMMENT ON HIS FAILURE TO EXPLAIN THE OTHER TWO MATTERS, NOR  
4 WILL I REQUEST THE COURT TO INSTRUCT THE JURY.

5           THE COURT: THE COURT WILL INSTRUCT THE JURY ON ITS  
6 OWN ELECTION. I WILL INSTRUCT THE JURY AS I READ IT TO YOU.

7           MR. WAPNER: WELL, THE PEOPLE ARE NOT REQUESTING THAT  
8 INSTRUCTION AND UNDER OATH, IF THE DEFENDANT DECIDES TO TAKE  
9 THE STAND, AND HE SUFFICIENTLY LIMITS IT, IF YOU READ THESE  
10 TWO CASES, I THINK IT WILL BE --

11          THE COURT: I DON'T UNDERSTAND WHY YOU ARE INSISTING  
12 UPON YOUR NOT AVAILING YOURSELF OF WHAT THE LAW GIVES YOU.  
13 YOU HAVE THE RIGHT TO COMMENT ON THE FACT THAT IF HE DOESN'T  
14 TAKE THE STAND -- YOU HAVE THE RIGHT TO COMMENT THAT HE IS  
15 ONLY TESTIFYING AS TO TWO SPECIFIC MATTERS AND NOT OTHERS  
16 WHICH ARE WITHIN HIS KNOWLEDGE.

17          MR. WAPNER: MY READING OF THESE CASES SAYS THAT I DON'T.  
18 THE COURT THEN YOU DON'T READ THEM PROPERLY.

19          MR. BARENS: COULD WE GET TO BE HEARD ON THAT?

20          THE COURT: LET ME READ THAT. IT IS AT 598. THE OTHER  
21 IS AT 38 CAL.APP.3D, 127.

22                   (PAUSE IN PROCEEDINGS.)

23          THE COURT: I AM AWARE OF THAT CASE. IT HAS BEEN  
24 COMMENTED ON. IT IS COMPLETELY IRRELEVANT TO THE POINT THAT  
25 I AM MAKING TO YOU.

26                   ALL THAT HAPPENED IN THAT CASE IS IT WAS DECIDED  
27 THAT -- ALL THE DEFENDANT DID, HE LIMITED HIS TESTIMONY TO  
28 DENIAL OF MAKING THE CONFESSION AND THEY SAID THAT IS PERFECTLY

2  
1 ALL RIGHT AND YOU CAN'T COMMENT ON ANYTHING ELSE.

2 MR. WAPNER: AND THE COURT IN THAT CASE GAVE 2.62 AND  
3 THEY SAID IT WAS ERROR.

4 THE COURT: WELL, HERE THE REASON FOR IT IS THE  
5 FINDING WAS IN EFFECT ONLY AS TO THE FACT THAT "THE  
6 DEFENDANT LATER TESTIFIED BRIEFLY LIMITING HIS TESTIMONY TO  
7 THE DENIAL OF MAKING THE CONFESSION" AND THAT IS DEEMED ONE  
8 OF THE EXCEPTION TO THE RULE I STATED TO YOU.

9 (FURTHER PAUSE IN PROCEEDINGS.)

10 THE COURT: PEOPLE VS. HAYNES, 148 CAL.APP.3D, THE  
11 DEFENDANT WAS CHARGED WITH RAPE AND OTHER OFFENSES ON A  
12 17-YEAR-OLD SCHOOLGIRL AND TESTIFIED THAT SHE HAD CONSENTED  
13 TO THE ACT. THE DEFENDANT SAID SHE HAD CONSENTED TO THE ACTS  
14 AND IN OTHER RESPECTS, GAVE A VERSION OF THE EVENTS IN  
15 CONTRADICTION TO HERS. THE TRIAL JUDGE, WITHOUT OBJECTION,  
16 GAVE CALJIC INSTRUCTION 2.62.

17 ON APPEAL, THE DEFENDANT CONTENDED THAT THE GIVING  
18 OF THE INSTRUCTION WAS PREJUDICIAL ERROR BECAUSE THERE WAS  
19 NO PROSECUTION EVIDENCE THAT THEY HAD FAILED TO EXPLAIN OR  
20 DENY AND HELD THE CONVICTION AFFIRMED.

21 THE TEXT GOES ON TO SAY:

22 "IN VIEW OF THE CRITICISM OF THIS  
23 INSTRUCTION FROM COMMENTATORS, IT IS UNWISE TO  
24 GIVE IT WITHOUT PRIOR INQUIRY OF THE PARTIES AND  
25 IT SHOULD NOT BE REQUESTED BY EITHER SIDE UNLESS  
26 THERE IS A SPECIFIC DEFENSE OMISSION THAT THE  
27 PROSECUTION WISHES TO STRESS OR THE DEFENSE  
28 WISHES TO MITIGATE."

1 MR. WAPNER: YOUR HONOR, I AM NOT REQUESTING IT. I AM  
2 SURE THE DEFENSE IS NOT GOING TO REQUEST IT.

3 AND I JUST WANT TO LET THE DEFENSE KNOW THAT I  
4 DON'T INTEND TO ARGUE ANYTHING BASED ON THAT INSTRUCTION.

5 MR. BARENS: CAN WE BE HEARD, YOUR HONOR?

6 THE COURT: LET ME READ THIS OTHER ONE.

7 (FURTHER PAUSE IN PROCEEDINGS.)

8 THE COURT: THE BAGWELL CASE SAYS THAT YOU ARE LIMITED --  
9 CROSS-EXAMINATION IS LIMITED TO WHAT IS PRODUCED OR ADDUCED  
10 ON THE DIRECT EXAMINATION, THAT IS ALL THAT CASE HOLDS.

11 MR. WAPNER: RIGHT, AND THAT IS NOT A WAIVER OF PRIVILEGE  
12 AGAINST SELF-INCRIMINATION AS TO MATTERS THAT WEREN'T BROUGHT  
13 UP ON THE DIRECT EXAMINATION. THE COROLLARY BEING THAT IT  
14 WOULD BE GRIFFIN ERROR TO COMMENT ON MATTERS THAT WEREN'T  
15 WITHIN THE SCOPE OF THE DIRECT EXAMINATION.

16 THE COURT: WELL, WILL YOU TELL ME WHY CALJIC HAS THIS  
17 INSTRUCTION THAT I READ TO YOU?

18 MR. WAPNER: I DON'T KNOW WHY THEY HAVE IT.

19 THE STATEMENT THAT THE COURT READ ABOUT THAT IS  
20 IT IS NOT A GOOD IDEA TO GIVE IT.

21 THE COURT: THE USE NOTE SAYS:

22 "THIS INSTRUCTION IS ONLY TO BE USED  
23 IF THE DEFENDANT HAS TAKEN THE STAND AND TESTIFIED  
24 IN HIS OWN BEHALF SO AS TO WAIVE THE PRIVILEGE  
25 AGAINST SELF-INCRIMINATION."

26 THAT IS WHAT THE EFFECT OF IT IS, THE WAY THE  
27 CASE STANDS, HE WAIVES HIS PRIVILEGE.

28 IF THERE IS EVIDENCE OF FACTS NOT WITHIN

1 THE PERMISSIBLE SCOPE OF CROSS-EXAMINATION,  
2 THIS INSTRUCTION MUST BE REVISED TO  
3 SPECIFICALLY TO STATE THE MATTER WITHIN THE  
4 SCOPE OF THE PROPER CROSS-EXAMINATION."  
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1 "THIS INSTRUCTION OUGHT NOT TO BE  
2 GIVEN EXCEPT WHERE THE COURT IS SATISFIED THAT THE  
3 EVIDENCE HAS ESTABLISHED THAT DEFENDANT POSSIBLY  
4 DOES HAVE KNOWLEDGE OF FACTS WHICH EQUIPPED HIM  
5 TO EXPLAIN OR DENY THE EVIDENCE AGAINST HIM."

6 MR. WAPNER: YOUR HONOR, THAT INSTRUCTION IS BASICALLY  
7 DESIGNED WHERE A PERSON TESTIFIES OR A DEFENDANT TESTIFIES  
8 AS TO A PORTION OF ONE INCIDENT AND NOT OTHERS.

9 FOR EXAMPLE, IF HE HAD TESTIFIED IN THE GUILT  
10 PHASE OF THE TRIAL AND MADE CERTAIN STATEMENTS BUT FOR  
11 EXAMPLE, DIDN'T SAY ANYTHING ABOUT THE SEVEN PAGES FOUND  
12 IN MR. LEVIN'S HOUSE, THEN I THINK THAT TYPE OF AN INSTRUCTION  
13 IS APPROPRIATE.

14 BUT IN A SITUATION WHERE HE IS SPECIFICALLY  
15 LIMITING THE DIRECT EXAMINATION --

16 THE COURT: WILL YOU LISTEN TO THE LANGUAGE?

17 MR. WAPNER: I HAVE READ THE LANGUAGE. I READ IT  
18 ON FRIDAY IN MY OFFICE. I KNOW THE LANGUAGE.

19 I AM NOT REQUESTING THAT INSTRUCTION.

20 THE COURT: I AM NOT GOING TO -- IF THIS IS WHAT YOU  
21 WANT TO DO, I AM NOT GOING TO TAKE IT UPON MYSELF TO GIVE  
22 THAT INSTRUCTION. I WILL TELL YOU THAT, NOW. BUT I THINK  
23 YOU ARE MAKING A MISTAKE.

24 YOU ARE WRONG IN YOUR INTERPRETATION OF THE  
25 LAW. HOWEVER, THIS IS YOUR THEORY OF THE CASE, THAT YOU  
26 HAVE NO RIGHT TO COMMENT. THIS INSTRUCTION GIVES YOU THE  
27 RIGHT TO DO SO, WHERE HE TESTIFIES PARTIALLY TO CERTAIN  
28 FACTS AND DOESN'T TESTIFY TO OTHER FACTS, PARTICULARLY AS

1 I UNDERSTAND, HE IS NOT GOING TO TESTIFY ABOUT THE ESLAMINIA  
2 MATTER.

3 THAT IS IN ACCORDANCE WITH YOUR OWN CAUTION  
4 THAT YOU MANIFESTED ALL THROUGHOUT THE TRIAL. I THINK YOU  
5 ARE WRONG. BUT IF THIS IS WHAT YOU WANT TO DO, GO AHEAD.

6 MR. WAPNER: THANK YOU. THEREFORE, THE DEFENDANT  
7 CAN MAKE AN INTELLIGENT DECISION AS TO WHETHER OR NOT TO  
8 DESTIFY, KNOWING WHAT THE COURT INTENDS TO DO.

9 THE COURT: ALL RIGHT. ANYTHING ELSE YOU WANT TO  
10 SAY?

11 MR. BARENS: WELL, BEFORE WE GO ONTO THE NEXT POINT,  
12 COULD I MAKE SURE I UNDERSTAND WHAT THE COURT INTENDS TO  
13 DO OR NOT?

14 THE COURT: I DON'T INTEND TO DO ANYTHING. BUT THE  
15 DISTRICT ATTORNEY SAYS THAT HE DOESN'T WANT ME TO GIVE THAT  
16 INSTRUCTION.

17 MR. BARENS: SO YOUR HONOR IS ARTICULATING THAT THE  
18 COURT WILL NOT GIVE 2.62, IF THE DEFENDANT TESTIFIES?

19 THE COURT: ONLY AT THE EXPRESS REQUEST OF THE DISTRICT  
20 ATTORNEY NOT TO GIVE IT. I THINK THAT IT IS A PROPER  
21 INSTRUCTION TO GIVE.

22 BUT IF HE DOESN'T WANT ME TO GIVE IT, THIS  
23 IS ENTIRELY UP TO HIM. HE CAN TAKE THE CONSEQUENCES.

24 MR. BARENS: YOUR HONOR WOULD NOT CHANGE HIS MIND  
25 ON ANY POINT --

26 THE COURT: AT THIS PARTICULAR STAGE, I WON'T CHANGE  
27 MY MIND.

28 MR. BARENS: WELL YOUR HONOR, TELLING ME "AT THIS

1 STAGE" DOESN'T REALLY HELP ME, SIR.

2 THE COURT: I DON'T KNOW WHAT IS GOING TO DEVELOP.

3 MR. BARENS: IF THE DEFENDANT TESTIFIED SIR, AND  
4 LIMITED HIS TESTIMONY TO THE TWO ORANGE COUNTY MATTERS  
5 GENERALLY DESCRIBED AND IF YOUR HONOR WERE TO LATER CHANGE  
6 HIS MIND ABOUT 2.62, I WOULD HAVE ACTED AT MY PERIL AND --

7 THE COURT: NO. NO, I WON'T CHANGE MY MIND WITH RESPECT  
8 TO THAT UNLESS THERE IS ANYTHING THAT YOU SAY IN YOUR  
9 SUMMATION OR ANYTHING ELSE WHERE YOU OPEN THE DOOR AND  
10 COMMENT ON THE FACT.

11 IF YOU FOR EXAMPLE, ASKED ME TO GIVE AN INSTRUCTION  
12 TO THE JURY NOT TO CONSIDER -- THAT THEY ARE NOT TO CONSIDER  
13 THE THIRD INCIDENT, WELL, I CAN'T DO THAT BECAUSE IT IS  
14 ALREADY IN EVIDENCE AND -- ALL RIGHT.

15 YOU ARE NOT GOING TO GIVE ME ANY INSTRUCTION  
16 AT ALL WITH RESPECT TO THE THIRD AGGRAVATING CIRCUMSTANCE  
17 HAVING TO DO WITH THE ESLAMINIA MATTER? IS THAT IT?

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1 MR. BARENS: WELL, THERE WILL BE INSTRUCTIONS REQUESTED,  
2 YOUR HONOR.

3 THE COURT: WHAT WOULD YOU -- WHAT INSTRUCTION DO  
4 YOU HAVE IN MIND AS TO THAT?

5 MR. BARENS: I HAVE NOT CONCLUDED MY PROPOSED --

6 THE COURT: WELL, YOU ASKED ME TO INSTRUCT THE JURY  
7 NOT TO CONSIDER THE FACT THAT THE DEFENDANT DIDN'T TAKE  
8 THE STAND OR THAT HE DID TAKE THE STAND AND DIDN'T COMMENT  
9 OR GIVE ANY EVIDENCE ON THE ESLAMINIA MATTER? THEY ARE  
10 NOT TO CONSIDER ANYTHING? I WON'T GIVE THAT TO THEM.

11 MR. BARENS: I DON'T -- WE ARE ASKING FOR A REGULAR  
12 INSTRUCTION THAT THEY CAN'T CONDEMN HIM FOR MATTERS HE DID  
13 NOT TESTIFY TO.

14 THE COURT: I WON'T DO THAT.

15 MR. BARENS: YOU ARE NOT GOING TO DO IT?

16 THE COURT: WELL, I WILL LEAVE IT THE WAY IT IS.

17 MR. BARENS: IN OTHER WORDS, THE TYPICAL INSTRUCTION  
18 ABOUT THE FACT THAT THE DEFENDANT DIDN'T TESTIFY IS NOT  
19 TO BE CONSIDERED AN INFERENCE OF GUILT AND ALL OF THAT TYPE  
20 OF DIALOGUE -- THAT DIALOGUE WHICH IS IN THE INSTRUCTION,  
21 YOU WON'T GIVE THOSE?

22 THE COURT: I WON'T GIVE IT.

23 MR. BARENS: I SEE. WELL, WE OBVIOUSLY DISAGREE.  
24 BUT WE UNDERSTAND.

25 THE COURT: YOU MEAN YOU WANT ME TO TELL THE JURY  
26 TO DISREGARD ANY TESTIMONY THAT THEY HEARD, JUST BECAUSE  
27 THE DEFENDANT DIDN'T ANSWER ANY OF THAT TESTIMONY?

28 MR. BARENS: I DIDN'T SAY THAT.

1 THE COURT: WELL, THAT IS WHAT YOU ARE TELLING ME  
2 TO DO, TO TELL THE JURY THAT BECAUSE THE DEFENDANT HAS NOT  
3 TESTIFIED ABOUT IT, THEY ARE NOT TO CONSIDER IT.

4 MR. BARENS: WE WOULD BE ASKING FOR AN INSTRUCTION  
5 THAT WAS GIVEN DURING THE PENALTY PHASE SIR, TO THE EXTENT  
6 THAT THE JURY CANNOT CONSIDER A COMMENT UPON DEFENSE'S  
7 FAILURE TO TESTIFY.

8 THE COURT: NO. BUT THE CASES ARE CLEAR, ONCE HE  
9 TAKES THE STAND, HE WAIVES HIS CONSTITUTIONAL RIGHTS .

10 MR. BARENS: ONLY AS TO WHAT HE TESTIES TO.

11 THE COURT: NO. HE WAIVES HIS CONSTITUTIONAL RIGHTS.  
12 THE ONLY THING IS HOWEVER, HE CANNOT BE CROSS-EXAMINED ON  
13 ANYTHING EXCEPT WHAT HE HAS TESTIFIED TO ON DIRECT EXAMINATION.

14 MR. BARENS: SIR, THE DEFENSE VIGOROUSLY DISAGREES  
15 WITH YOUR HONOR'S POINT OF VIEW.

16 AND IF YOU ARE TELLING ME THAT YOU WILL NOT  
17 GIVE AN INSTRUCTION CONSISTENT WITH THE INSTRUCTION GIVEN  
18 DURING THE PENALTY PHASE --

19 THE COURT: DURING THE PENALTY PHASE?

20 MR. BARENS: SORRY, DURING THE GUILT PHASE, TO THE  
21 EXTENT THAT IF THE DEFENDANT DIDN'T TESTIFY ON CERTAIN  
22 MATTERS, THE JURY CANNOT COMMENT OR DRAW ANY INFERENCE FROM  
23 THE FAILURE TO TESTIFY.

24 THE COURT: WELL, THE JURY HEARD ALL OF THAT TESTIMONY.  
25 BECAUSE THE DEFENDANT DOESN'T ELECT TO TESTIFY ABOUT IT,  
26 ARE THEY TO DISREGARD IT ALL?

27 MR. BARENS: I DIDN'T ASK YOU THAT.

28 THE COURT: WELL, THAT IS WHAT YOU ARE IN EFFECT,

1 SAYING.

2 MR. BARENS: NO. I HAVE NOT SPOKEN THOSE WORDS. THE  
3 WORDS I HAVE SPOKEN ARE THAT WE WOULD REQUEST AN INSTRUCTION  
4 THAT THE JURY WOULD NOT DRAW AN INFERENCE ON HIS FAILURE  
5 TO TESTIFY. EXCUSE ME, JUST A MOMENT.

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1 MR. WAPNER: WHAT MR. BARENS IS SAYING IS THAT THEY  
2 WANT THE COURT TO GIVE A MODIFIED VERSION OF 2.61 AND 2.62  
3 WHICH SAYS THAT THE DEFENDANT HAS A RIGHT NOT TO TESTIFY  
4 AND NO INFERENCE CAN BE DRAWN FROM HIS FAILURE TO DO SO.

5 THE COURT: BUT IF HE DOES TESTIFY, THERE IS NO NEED  
6 TO HAVE THAT KIND OF INSTRUCTION, OBVIOUSLY.

7 MR. WAPNER: I AGREE. BUT WHAT THEY ARE SAYING IS  
8 THAT THEY WANT YOU TO MODIFY THAT.

9 THE COURT: NO. I WON'T MODIFY IT.

10 MR. WAPNER: WELL, THAT IS UP TO THE COURT.

11 MR. BARENS: JUST SO THERE IS NO --

12 THE COURT: JUST SO THERE IS NO MISUNDERSTANDING,  
13 IF HE TAKES THE STAND, HE WAIVES HIS RIGHT TO BE CROSS-  
14 EXAMINED ABOUT ANY MATTER OVER WHICH HE TESTIFIES.

15 AND I WILL LIMIT THE CROSS-EXAMINATION TO THE  
16 MATTERS ABOUT WHICH HE DOES TESTIFY. BUT THAT IS NOT TO  
17 PRECLUDE THE JURY FROM ASKING THEMSELVES WHY HE HAS NOT  
18 TESTIFIED ABOUT THOSE OTHER MATTERS. HE WAS ON THE STAND  
19 AND HE HAD AN OPPORTUNITY OF DOING SO.

20 MR. CHIER: WOULD YOU GIVE --

21 THE COURT: YOU JUST KEEP OUT OF THIS, WILL YOU?

22 GO AHEAD.

23 MR. BARENS: WHAT WE WOULD BE SEEKING, SIR, WOULD  
24 BE A MODIFIED INSTRUCTION, JUST SO EVERYBODY IS CLEAR ABOUT  
25 WHAT I AM SAYING RIGHT NOW.

26 THE COURT: GO AHEAD.

27 MR. BARENS: WHAT WE ARE SEEKING WOULD BE A MODIFIED  
28 INSTRUCTION BASED ON TEALER AND BAGWELL THAT -- THAT IS

1 ALL I AM SAYING. NOW, I UNDERSTAND WHAT YOU ARE SAYING.  
2 YOU UNDERSTAND WHAT I AM SAYING.

3 I THINK I UNDERSTAND WHAT YOU ARE INTENDING NOT  
4 TO DO IN TERMS OF AN INSTRUCTION. AND THEN, WE ALL UNDER-  
5 STAND EACH OTHER.

6 THE COURT: WE DO.

7 MR. BARENS: OKAY. DID MR. WAPNER HAVE ANYTHING  
8 FURTHER BEFORE WE GO AHEAD, HERE? BECAUSE THE DEFENDANT  
9 HAS SOME STUFF --

10 MR. WAPNER: THERE WERE TWO OTHER ISSUES THE COURT  
11 RAISED. ONE WAS THE DEFENSE REQUEST FOR THE DEFENDANT TO  
12 MAKE A PERSONAL PLEA OF MERCY.

13 I COULDN'T FIND ANYTHING ON THAT, ONE WAY OR  
14 ANOTHER.

15 BUT I THINK THE COURT INDICATED THAT IT WOULD  
16 NOT ALLOW THE DEFENDANT TO DO THAT. AND IT SEEMS TO ME  
17 THAT THAT IS PROPER BECAUSE IT IS TANTAMOUNT TO ALLOWING  
18 THE DEFENDANT TO TESTIFY WITHOUT BEING CROSS-EXAMINED, IF  
19 HE IS ALLOWED TO DO THAT.

20 AND THE FOURTH POINT THAT WE RAISED LAST FRIDAY (SIC)  
21 IN CHAMBERS REGARDING HAVING TWO ATTORNEYS ARGUE THE CASE,  
22 THE PENAL CODE SECTION ON THAT, SECTION 1095 SAYS:

23 "IF THE OFFENSE CHARGED IS  
24 PUNISHABLE WITH DEATH, TWO COUNSEL ON EACH  
25 SIDE MAY ARGUE THE CAUSE OF ACTION. IN ANY  
26 OTHER CASE, THE COURT MAY IN ITS DISCRETION,  
27 RESTRICT THE ARGUMENT TO ONE COUNSEL ON EACH  
28 SIDE."

1                   THERE HAVE BEEN VERY FEW CASES DECIDED ON THIS  
2 ISSUE.

3                   THE COURT: DO YOU KNOW OF ANY, SINGLE CASE WHICH  
4 SAYS THAT ARGUMENT MAY BE BROKEN TO HAVE TWO COUNSEL ADDRESS  
5 THE JURY, DIVIDE UP THE ARGUMENT?

6                   MR. WAPNER: THERE HAS NEVER BEEN ANY CASE THAT DECIDED  
7 THAT ISSUE ONE WAY OR ANOTHER, YOUR HONOR.

8                   THE COURT: WELL, I WON'T PERMIT IT.  
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1 MR. WAPNER: I DON'T HONESTLY SEE WHAT THE HARM IS.

2 THE COURT: I WON'T PERMIT IT. LET'S NOT GO ANY FURTHER.

3 MR. WAPNER: WELL, THE STATUTE SEEMS TO BE VERY CLEAR.

4 THE COURT: I DON'T INTERPRET IT YOUR WAY.

5 MR. WAPNER: BEFORE THE COURT MAKES A FINAL RULING ON  
6 THAT, I URGE THE COURT TO TAKE A LOOK AT THE SECTION AGAIN,  
7 IT IS 1095, AND THE ANNOTATIONS.

8 THE COURT: I HAVE READ IT BEFORE AND, AS A MATTER OF  
9 FACT, DURING THE GUILT PHASE WE TALKED ABOUT IT, DIDN'T WE?

10 MR. WAPNER: I UNDERSTAND THAT.

11 THE ANNOTATIONS AREN'T MORE THAN A PAGE IN THE  
12 REGULAR VOLUME AND IN THE POCKET PART.

13 THERE AREN'T ANY CASES THAT ADDRESS THIS SPECIFIC  
14 ISSUE ONE WAY OR THE OTHER.

15 THE COURT: ALL RIGHT.

16 MR. WAPNER: SO THAT IS ALL I HAVE.

17 MR. BARENS: YOUR HONOR, MAY WE BE HEARD JUST BRIEFLY  
18 ON THIS?

19 THE COURT: GO AHEAD.

20 MR. BARENS: YOUR HONOR, THE DEFENSE DOES FEEL THAT  
21 1095 IN ITS LANGUAGE IS CLEAR AND THE DEFENSE WOULD ALSO MOST  
22 RESPECTFULLY SUBMIT THAT WHEN A DEFENDANT'S LIFE IS ON THE  
23 LINE, WE HAD ALWAYS SOMEWHAT FELT THAT THE COURT WOULD  
24 EXERCISE AS MUCH DISCRETION TO FAVOR THE DEFENDANT IN MAKING  
25 SURE THAT ALL OF THE DEFENDANT'S RIGHTS WERE SAFEGUARDED  
26 AND THAT HE MADE HIS POSITION CLEAR TO THE JURY AT ALL TIMES  
27 AND, AGAIN, I BELIEVE THAT 1095 ENCOMPASSES THAT RATHER  
28 CLEARLY. OF COURSE, YOUR HONOR WILL DECIDE WHAT YOUR HONOR

2  
1 DECIDES.

2 THE COURT: YES, YES. I AM JUST GOING TO LIMIT IT TO  
3 YOU. YOU CAN ADEQUATELY TAKE CARE OF ANY SUMMATION IN THIS  
4 CASE ON BEHALF OF THE DEFENDANT.

5 MR. BARENS: WE HEAR WHAT YOU SAY.

6 I BELIEVE WE HAVE TWO IN LIMINE MOTIONS WHICH  
7 I WOULD LIKE MR. CHIER TO ARTICULATE, SIR.

8 MR. CHIER: YOUR HONOR, THERE ARE SOME SENSITIVITY  
9 MATTERS, IF THIS COULD BE HEARD EITHER IN CHAMBERS OR AT THE  
10 SIDE BAR.

11 MR. BARENS: MAY WE APPROACH THE SIDE BAR?

12 THE COURT: DO WE HAVE TO DO IT NOW?

13 MR. CHIER: YES, YOUR HONOR.

14 MR. BARENS: YES, IT IS DETERMINATIVE ON THE WITNESSES  
15 TO BE CALLED, SIR.

16 THE COURT: ALL RIGHT.

17 (THE FOLLOWING PROCEEDINGS WERE HELD  
18 AT THE BENCH:)

19 THE DEFENDANT: ARTHUR, WOULD YOU ASK IF I COULD  
20 APPROACH, PLEASE?

21 MR. BARENS: COULD THE DEFENDANT BE HERE?

22 THE COURT: NO. WE DON'T NEED HIM UP HERE.

23 GO AHEAD.

24 MR. CHIER: OKAY, YOUR HONOR, I AM MAKING A MOTION IN  
25 LIMINE RESTRICTING THE CROSS-EXAMINATION AND SEEKING AN ORDER  
26 TO RESTRICT THE CROSS-EXAMINATION OF TWO WITNESSES THAT WE  
27 WOULD LIKE TO CALL AS DEFENSE WITNESSES DURING THIS PENALTY  
28 PHASE.



3  
1 THE CIRCUMSTANCES AND THE WITNESSES ARE AS  
2 FOLLOWS: THE FIRST WITNESS, NOT NECESSARILY IN THIS ORDER,  
3 BUT THE FIRST PROBLEM IS RESPECTING A GENTLEMAN BY THE NAME  
4 OF FRANK MINGARELLA.

5 THE COURT REPORTER: HOW DO YOU SPELL THAT?

6 MR. CHIER: M-I-N-G-A-R-E-L-L-A.

7 MR. MINGARELLA, AS I UNDERSTAND IT, STANDS  
8 CONVICTED IN THE STATE OF CALIFORNIA OF POSSESSION OF COCAINE.  
9 WE HAVE NOT BEEN ABLE TO FIND ANY CASES WHICH QUALIFY  
10 POSSESSION OF COCAINE AS A --

11 THE COURT: IS IT A FELONY?

12 MR. CHIER: YES, YOUR HONOR.  
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1 THE COURT: WHAT IS DIFFERENT ABOUT THAT FELONY THAN  
2 ANY OTHER FELONY THAT YOU WANT TO IMPEACH A WITNESS ON?

3 MR. CHIER: IT DOESN'T REALLY HAVE ANY MORAL TURPITUDE.

4 THE COURT: YOU DON'T NEED ANY MORAL TURPITUDE. THE  
5 CONVICTION OF A FELONY IS ENOUGH.

6 MR. WAPNER: I THINK YOU DO NEED MORAL TURPITUDE IN  
7 TERMS OF CASTRO AND ITS PROGENY.

8 FURTHER, IT IS MY UNDERSTANDING, AND WE CAN EXAMINE  
9 MR. MINGARELLA OUTSIDE OF THE PRESENCE OF THE JURY, THAT HE  
10 HAS ALSO BEEN CONVICTED, ALONG WITH THE DEFENDANT'S FATHER,  
11 OF AN OFFENSE THAT INVOLVED MORAL TURPITUDE, SOMETHING ALONG  
12 THE LINES OF WELFARE FRAUD. IT WAS A GRAND THEFT.

13 I CAN'T CITE THE COURT THE PRECISE STATUTE BUT IT  
14 INVOLVED SUBMITTING PHONY INSURANCE CLAIMS, MEDICAL INSURANCE  
15 CLAIMS TO GET PAID AND IT IS MY UNDERSTANDING THAT HE ENTERED  
16 A PLEA OF GUILTY TO THAT AS A FELONY AND WE CAN EXAMINE THE  
17 COURT FILE.

18 THE COURT: THAT IS THE WITNESS AND THE DEFENDANT'S  
19 FATHER?

20 MR. WAPNER: THE DEFENDANT'S FATHER AND THIS GENTLEMAN,  
21 MR. MINGARELLA, AND THAT WOULD BE AN OFFENSE INVOLVING MORAL  
22 TURPITUDE.

23 THE CLERK: DID YOU WANT THE FILE?

24 MR. WAPNER: I DID ASK THE CLERK TO GET THE FILE ON  
25 THAT, THE SUPERIOR COURT FILE.

26 MR. CHIER: I WASN'T AWARE OF THAT.

27 THE COURT: NOW YOU ARE AWARE OF THAT. DO YOU WANT  
28 TO CALL HIM?

5  
1 MR. CHIER: IT JUST DEPENDS UPON WHAT YOUR HONOR --  
2 I AM NOT GOING TO MAKE THE DECISION IN A VACUUM.

3 MR. WAPNER DOESN'T APPEAR TO BE EXACTLY SURE OF  
4 IT AND I AM CERTAINLY NOT.

5 MR. WAPNER: WELL, IT WAS PENAL CODE SECTION 487.1,  
6 THAT IS GRAND THEFT. AND I THINK BY ANYBODY'S DEFINITION --  
7 THE COURT: THAT INVOLVES MORAL TURPITUDE.

8 MR. WAPNER: IT IS A CRIME INVOLVING MORAL TURPITUDE.

9 THE COURT: IS HE GOING TO BE A CHARACTER WITNESS,  
10 MINGARELLA?

11 MR. CHIER: HE WILL BE A PENALTY PHASE WITNESS, YOUR  
12 HONOR.

13 (PAUSE IN PROCEEDINGS.)

14 MR. WAPNER: HE PLED GUILTY AND WAS PLACED ON PROBATION  
15 UNDER PENAL CODE SECTION 72.

16 THE COURT REPORTER: 72?

17 MR. WAPNER: 72.

18 THE COURT: FRAUDULENT MISREPRESENTATION AND SO FORTH.

19 MR. CHIER: IT IS A WOBBLER.

20 THE COURT: WHAT WAS THE SENTENCE ON THAT?

21 MR. WAPNER: THE PROCEEDINGS WERE SUSPENDED. HE WAS  
22 PLACED ON PROBATION.

23 THE COURT: PROCEEDINGS SUSPENDED?

24 MR. WAPNER: YES.

25 THE COURT: THAT IS A FELONY.

26 MR. CHIER: I THOUGHT STATE PRISON SUSPENDED WAS A FELONY,  
27 YOUR HONOR.

28 THE COURT: PROCEEDINGS SUSPENDED IS A FELONY. LOOK

1 UP YOUR LAW.

2 MR. BARENS: OKAY.

3 MR. WAPNER: PRESENTING A FALSE CLAIM.

4 THE COURT: PROCEEDINGS WERE SUSPENDED, WERE THEY?

5 MR. WAPNER: I WILL LET THE COURT TAKE A LOOK AT THE  
6 FILE, BUT THAT IS THE WAY I READ IT, THE IMPOSITION OF  
7 SENTENCE BEING SUSPENDED. I WILL LET THE COURT READ IT.

8 THAT IS ANOTHER MINUTE ORDER ON THE LEFT SIDE  
9 OF THE FILE, YOUR HONOR.

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1 MR. WAPNER: THAT IS SOME KIND OF PRESENTENCE REPORT,  
2 YOUR HONOR. TAKE A LOOK AT THE MINUTE ORDER ON THE LEFT-HAND  
3 SIDE OF THE FILE. IT MIGHT BE THERE.

4 THE COURT: THIS IS 72 OF THE PENAL CODE, A FELONY.  
5 THAT IS WHAT HE PLEADED GUILTY TO. WHERE IS THE SENTENCE?

6 MR. WAPNER: I AM NOT SURE.

7 THE COURT: PROCEEDINGS SUSPENDED.

8 MR. WAPNER: IS THAT AS TO MR. MINGARELLA? THERE WERE  
9 TWO DEFENDANTS.

10 THE COURT: YES. IT IS. PROBATION IS GRANTED FOR ONE  
11 YEAR.

12 HE MADE RESTITUTION AND PROCEEDINGS WERE DISMISSED.

13 MR. CHIER: SO THAT IS A FELONY?

14 THE COURT: YES. IT SAYS SO.

15 MR. BARENS: OKAY.

16 MR. CHIER: ALL RIGHT.

17 THE COURT: WHAT IS THE OTHER MATTER YOU HAVE?

18 MR. CHIER: THE OTHER ONE IS A MOTION IN LIMINE YOUR  
19 HONOR AS TO BEN DOSTI.

20 YOUR HONOR --

21 THE COURT: IS HE HERE?

22 MR. CHIER: NO. THIS IS ANTICIPATORY, YOUR HONOR.  
23 INASMUCH AS YOUR HONOR HAS RULED THAT SINCE MR. KARNY HAS  
24 NOT BEEN CONVICTED OF THE HOLLYWOOD HOMICIDE, IT WOULD NOT  
25 BE PROPER TO EXAMINE HIM CONCERNING THAT.

26 I AM ASSUMING THAT FOR PURPOSES OF SYMMETRY,  
27 YOUR HONOR WOULD --

28 THE COURT: HE WAS CONVICTED OF --

2  
1 MR. BARENS: NOT CONVICTED, YOUR HONOR.

2 MR. CHIER: NOT CONVICTED.

3 THE COURT: WHAT HAS THAT GOT TO DO WITH KARNY?

4 MR. CHIER: WELL, MR. DOSTI IS NOT CONVICTED OF THE  
5 ESLAMINIA MATTER AND THAT FOR PURPOSES OF SYMMETRY, I WOULD  
6 IMAGINE THAT --

7 THE COURT: WELL, HE HAS BEEN CHARGED WITH IT, THOUGH.

8 MR. CHIER: YES.

9 THE COURT: ALL RIGHT.

10 MR. CHIER: YOUR RULING WAS WITH RESPECT TO KARNY AND  
11 THE HOLLYWOOD CASE THAT HE HAD NOT BEEN CONVICTED OF IT,  
12 YOUR HONOR.

13 THE COURT: KARNY WAS NOT. COME ON, THEY ARE ALTOGETHER  
14 DIFFERENT MATTERS.

15 MR. WAPNER: WHAT HE WANTS TO KNOW IS WHETHER OR NOT  
16 WE CAN ASK MR. DOSTI ABOUT HIS PARTICIPATION IN THE ESLAMINIA  
17 CASE.

18 THE COURT: ABSOLUTELY.

19 MR. WAPNER: I GUESS IT DEPENDS UPON WHAT THE DIRECT  
20 EXAMINATION IS.

21 MR. BARENS: SIR, THE DIRECT EXAMINATION SOLELY WENT  
22 TO CHARACTER TESTIMONY CONCERNING MR. HUNT AND HIS RELATIONSHIP --

23 THE COURT: YOU MEAN DOSTI IS GOING TO BE A CHARACTER  
24 WITNESS?

25 MR. BARENS: WE ARE WEIGHING THE POSSIBILITY OF THIS.  
26 WHAT WE ARE ASKING YOUR HONOR IS, IF HIS TESTIMONY WAS SOLELY  
27 LIMITED TO THAT OF A CHARACTER WITNESS, WOULD YOUR HONOR  
28 THEN KNOWING THAT HE HAS NOT BEEN CONVICTED IN THE

1 SAN FRANCISCO ESLAMINIA CASE, PERMIT CROSS-EXAMINATION?

2 THE COURT: HE MAY BE CROSS-EXAMINED ABOUT THE  
3 ESLAMINIA CASE AND ABOUT THE OTHER CASE, TOO.

4 MR. BARENS: EVEN THOUGH IT WOULD EXCEED THE SCOPE OF  
5 THE DIRECT EXAMINATION?

6 THE COURT: THIS IS -- EVEN THOUGH IT WOULD EXCEED THE  
7 SCOPE OF THE DIRECT. THIS IS TO IMPEACH HIM.

8 MR. BARENS: ALL RIGHT. WE UNDERSTAND.

9 THE COURT: THAT IS IMPEACHING TESTIMONY.

10 MR. BARENS: WE UNDERSTAND WHAT YOU ARE SAYING. WE  
11 DON'T AGREE, BUT WE UNDERSTAND IT.

12 THE COURT: OF COURSE, YOU HAVE NOT AGREED WITH ME ABOUT  
13 A LOT OF THINGS.

14 MR. BARENS: YOUR HONOR, AGAIN, YOUR HONOR DISPOSES  
15 AND WE PROPOSE.

16 MR. WAPNER: WELL, I WOULD LIKE TO KNOW WHAT IS THE  
17 PROPOSED SCOPE OF DIRECT EXAMINATION. YOU MEAN --

18 THE COURT: DO YOU MEAN OF DOSTI?

19 MR. WAPNER: THAT'S RIGHT. WHAT I WOULD LIKE TO KNOW --

20 MR. BARENS: WE WILL ASK HIM ABOUT HIS PERSONAL  
21 RELATIONSHIP WITH MR. HUNT IN TERMS OF HIS EVALUATION OF  
22 MR. HUNT AS AN INDIVIDUAL.

23 WE WILL ASK HIM ABOUT PERSONAL THINGS NOT  
24 INVOLVING SAN FRANCISCO AND NOT INVOLVING LEVIN, BUT RATHER  
25 THEIR RELATIONSHIP GOING ON A PERSONAL, SOCIAL TYPE OF SCOPE.

26 THAT IS ALL WE WOULD BE TALKING ABOUT, SIMILAR  
27 TO THE KIND OF THING THAT I TALKED TO THE ROBERTS WITNESSES  
28 ABOUT.

-4

1 THE COURT: THE DISTRICT ATTORNEY WOULD HAVE A RIGHT  
2 TO QUESTION HIM ABOUT HIS ACTIVITY IN CONNECTION WITH BOTH  
3 MATTERS AND CRIMINAL ACTIVITIES IN CONNECTION WITH --

4 MR. WAPNER: IT WOULD SEEM TO ME THAT IF YOU PUT ON  
5 A WITNESS WHO SAYS THAT I THINK THAT THIS DEFENDANT IS A PERSON  
6 OF FINE CHARACTER, THAT I THEN HAVE A RIGHT TO ASK HIM ABOUT  
7 OTHER INCIDENTS, SPECIFIC INCIDENTS OF THE DEFENDANT'S CONDUCT  
8 THAT HE IS AWARE OF, INCLUDING -- I MEAN, I THINK THAT THAT  
9 IS THE LAW.

10 THE COURT: THAT IS THE LAW.

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1 MR. WAPNER: HAVE YOU HEARD ABOUT SUCH AND SUCH --

2 THE COURT: HAVE YOU HEARD ABOUT OR DO YOU KNOW THAT --

3 MR. BARENS: WE ARE ADVISED. WELL --

4 THE COURT: YOU HAVE TO MAKE UP YOUR MIND. YOU CAN'T  
5 HAVE YOUR CAKE AND EAT IT, TOO. IF YOU PUT THE MAN ON THE  
6 STAND -- IF YOU PUT DOSTI ON THE STAND, THE DISTRICT ATTORNEY  
7 HAS A RIGHT TO CROSS-EXAMINE HIM ABOUT ANYTHING HE KNOWS IN  
8 CONNECTION WITH THE PARTICULAR MATTERS AND HIS PARTICIPATION  
9 IN IT.

10 MERELY BECAUSE HE SAYS THAT HE IS A GREAT GUY,  
11 DOESN'T MEAN THAT YOU HAVE NOT GOT THE RIGHT TO SAY TO HIM,  
12 LOOK, YOUR OPINION IS WORTH NOTHING BECAUSE OF THE FOLLOWING  
13 REASONS.

14 MR. CHIER: IT IS A DIFFERENCE HERE BETWEEN THIS  
15 SITUATION, DOSTI AND KARNY AND THE FACT THAT ONE IS CHARGED  
16 AND ONE ISN'T, YOUR HONOR?

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

18 MR. BARENS: ALL RIGHT. COULD I HAVE A MOMENT?

19 THE COURT: DOSTI WAS CHARGED WITH BOTH.

20 MR. CHIER: NO, YOUR HONOR.

21 MR. WAPNER: THERE WAS A DIFFERENT --

22 THE COURT: NO. HE HAS BEEN CHARGED IN THE OTHER CASE,  
23 UP NORTH.

24 MR. WAPNER: MR. KARNY WAS NOT CALLED AS A CHARACTER  
25 WITNESS TO TESTIFY ABOUT ANYBODY'S GOOD CHARACTER.

26 MR. BARENS: WELL, WE WISH THAT HE WOULD HAVE.

27 THE COURT: IS THAT WHAT HE IS GOING TO BE CALLED FOR,  
28 TO TESTIFY AS TO HIS GOOD CHARACTER?

1 MR. BARENS: WELL, THAT IS THE ONLY --

2 THE COURT: WELL, HIS OPINION THEREFORE, CAN BE  
3 IMPEACHED BY WHAT HE HIMSELF, HAS DONE.

4 MR. CHIER: COULD I HAVE ONE LAST REQUEST, YOUR HONOR?  
5 THAT WOULD BE IN THE NATURE OF A CHAPMAN HEARING TO DETERMINE  
6 THE GENESIS OF THE -- OR THE ORIGIN OF MR. WAPNER'S INTEREST  
7 IN MR. MINGARELLA AS A WITNESS AND SPECIFICALLY, TO DETERMINE  
8 WHETHER OR NOT THE INTEREST WAS GENERATED BY ANY INFORMATION  
9 GLEANED DURING THE BEL AIR SEARCH BACK IN JANUARY OR FEBRUARY,  
10 YOUR HONOR?

11 MR. WAPNER: WELL, FIRST OF ALL, PROBABLY YOU CAN --  
12 WE CAN FIND OUT WHEN THE REQUEST FOR THIS FILE WAS MADE. IT  
13 WAS LONG BEFORE.

14 BUT I WILL BE HAPPY TO TELL COUNSEL THAT WHEN  
15 WE WERE FIRST DISCUSSING THIS PROPOSED JURY QUESTIONNAIRE  
16 WHICH NEVER CAME TO ANYTHING, ONE OF THE NAMES ON THE  
17 QUESTIONNAIRE THAT THE DEFENSE SUBMITTED WAS FRANK MINGARELLA.

18 IT OCCURRED TO ME THAT THE ONLY REASON TO ASK  
19 JURORS ABOUT MR. MINGARELLA IS THE POSSIBILITY THAT HE WOULD  
20 TESTIFY AS A WITNESS IN THE CASE.

21 FROM SOME TIME LONG IN THE BACKGROUND OF THIS  
22 CASE, I BECAME AWARE THAT MR. MINGARELLA HAD THIS FELONY  
23 MATTER.

24 AND BECAUSE I REALIZED THAT BASED ON THE  
25 QUESTIONNAIRE, THERE WAS A POSSIBILITY THAT HE WOULD BECOME  
26 A WITNESS, I ASKED THE CLERK TO ORDER THE FILE. IT HAS  
27 NOTHING TO DO WITH ANYTHING --

28 THE COURT: YOU DON'T HAVE TO EXPLAIN IT.

1 MR. WAPNER: I AM HAPPY TO. IT HAD NOTHING TO DO WITH  
2 ANYTHING GLEANED FROM THE SEARCH.

3 THE COURT: ALL RIGHT.

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

7 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN. MY  
8 USUAL APOLOGY. WE HAD A NUMBER OF MATTERS TO DISCUSS WHICH  
9 TOOK UP QUITE A BIT OF TIME THIS MORNING.

10 ALL RIGHT. CALL YOUR NEXT WITNESS.

11  
12 KATHERINE HUNT,  
13 THE WITNESS ON THE STAND AT THE TIME OF ADJOURNMENT, HAVING  
14 BEEN PREVIOUSLY SWORN, TESTIFIED FURTHER AS FOLLOWS:

15 THE CLERK: JUST TAKE THE STAND AND STATE YOUR NAME  
16 AGAIN FOR THE RECORD.

17 THE WITNESS: KATHERINE HUNT.

18  
19 CROSS-EXAMINATION (CONTINUED)

20 BY MR. WAPNER:

21 Q YOU SAID THAT WHEN YOU WERE GROWING UP, YOUR  
22 BROTHER WAS ALWAYS THERE FOR YOU?

23 A YES.

24 Q WHAT DID YOU MEAN BY THAT?

25 A IF I NEEDED ANYTHING LIKE --

26 Q LIKE WHAT?

27 A LIKE A BASEBALL GLOVE. HE WOULD JUST BE THERE  
28 AND JUST TO TALK, YOU KNOW, SHARE THINGS. BE SUPPORTIVE.

1 AND HELP ME IN ANY WAY THAT HE COULD.

2 Q HOW LONG DID THAT CONTINUE?

3 A ALL OF THE TIME THAT I WAS -- UNTIL HE WENT TO  
4 CHICAGO THE LAST TIME.

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1 Q NOW, WHEN WAS IT THAT YOU MOVED WITH YOUR MOTHER  
2 TO VENTURA?

3 A WE WERE LIVING THERE AT THE TIME THAT I WENT  
4 TO LIVE WITH MY FATHER.

5 Q HOW LONG, AT THE TIME THAT YOU WENT TO LIVE  
6 WITH YOUR FATHER -- AND YOUR BROTHER WAS LIVING THERE AT  
7 THE SAME TIME ALSO?

8 A YES.

9 Q WITH YOUR FATHER?

10 A UH-HUH.

11 Q IS THAT YES?

12 A YES.

13 Q SO THAT MEANS THAT YOUR FATHER AND YOUR BROTHER  
14 WOULD HAVE KNOWN OF THE VENTURA ADDRESS, RIGHT?

15 A YES.

16 Q YOU ONLY LIVED AT ONE PLACE IN VENTURA?

17 A NO. WE LIVED AT TWO.

18 Q WAS THAT THE SECOND PLACE THAT YOU LIVED AT  
19 IN VENTURA?

20 A YES.

21 Q SO WHEN YOU WERE LIVING IN THE SECOND PLACE  
22 IN VENTURA, YOU LEFT THERE AND WENT TO LIVE WITH YOUR BROTHER  
23 AND YOUR FATHER?

24 A YES.

25 Q AND AFTER YOU LEFT LIVING WITH YOUR FATHER,  
26 YOU CAME BACK AND LIVED IN VENTURA?

27 A FOR A SHORT TIME AND THEN WE MOVED AGAIN.

28 Q WHERE DID YOU MOVE TO?

1 A WE MOVED TO CANOGA PARK.

2 Q WHEN WAS IT THAT YOU MOVED TO CANOGA PARK?

3 A WELL, I GUESS -- I WAS 16 WHEN I LIVED WITH  
4 MY FATHER, 15 $\frac{1}{2}$ , AND THEN I FINISHED HIGH SCHOOL AND THEN  
5 WE MOVED -- AFTER '82, I AM NOT SURE.

6 Q SOMETIME IN 1982, YOU MOVED TO CANOGA PARK?

7 A UH-HUH.

8 Q DO YOU REMEMBER WHEN IN 1982?

9 A NO.

10 Q DURING ANY OF 1981, DID YOU HEAR FROM YOUR  
11 BROTHER, FROM CHICAGO?

12 A YES, WE DID.

13 Q HOW WAS IT THAT YOU HAPPENED TO HEAR FROM HIM?

14 A WE TALKED TO HIM ON THE PHONE. HE WROTE LETTERS.

15 Q DID HE CONTINUE TO BE THERE FOR YOU?

16 A YES.

17 I WAS GOING TO VISIT UNTIL I REALLY STARTED  
18 NOT TO GET ALONG WITH MY FATHER AT ALL.

19 Q DID YOU FEEL PRETTY CLOSE TO YOUR BROTHER DURING  
20 THE TIME HE WAS IN CHICAGO?

21 A ALWAYS, UH-HUH.

22 Q AND YOU ENJOYED HAVING THIS CONTACT WITH HIM?

23 A YES.

24 Q SO IT WAS IMPORTANT TO YOU TO CONTINUE TO HAVE  
25 THE CONTACT WITH HIM?

26 A YES.

27 Q AND SO WHEN YOU MOVED FROM VENTURA TO CANOGA  
28 PARK, DID YOU LET HIM KNOW WHERE IT WAS YOU WERE MOVING TO?

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1           A           AT THAT TIME, I WASN'T GETTING ALONG WITH MY  
2 FATHER AND I WAS ONLY, YOU KNOW, I WAS A YOUNG GIRL AND,  
3 YOU KNOW, JOE HAD NEVER BEEN IN ANY TROUBLE OR ANY TROUBLE  
4 TO ME, SO I HAD NO REASON TO THINK THAT HE WOULD, YOU KNOW,  
5 NEED ME IN ANY WAY AND I KNEW THAT HE WAS VERY BUSY AND  
6 HE HAD A LOT OF THINGS AND A LOT OF PRESSURE.

7                   HE WAS 21 YEARS OLD WHEN HE WENT TO THE  
8 COMMODITIES AND HE HAD, YOU KNOW, THIS TREMENDOUS PRESSURE  
9 ON HIM. THERE WERE ALL THESE OLDER MEN THERE AND IT WAS  
10 VERY HARD FOR HIM.

11           Q           SO YOU SACRIFICED YOUR NEED FOR HIM TO HIS  
12 DESIRE TO GO TO WORK IN CHICAGO?

13           A           BECAUSE I DIDN'T GET ALONG WITH MY FATHER AND  
14 I WAS MAD AT HIM BECAUSE HE SIDED WITH MY FATHER AND, YOU  
15 KNOW, WENT WITH MY FATHER.

16                   SO IT WASN'T HIS FAULT. IT WAS BECAUSE I WAS  
17 BEING MAD AT MY --

18           Q           WHO SIDED WITH HIM?

19           A           JOE.

20                   IT WAS JUST A TRITE LITTLE THING.

21           Q           WHEN DID YOU FIRST BECOME MAD AT YOUR BROTHER  
22 BECAUSE HE SIDED WITH YOUR FATHER?

23           A           I WASN'T -- YOU KNOW, WHEN YOU ARE A YOUNG  
24 GIRL, YOU KNOW, AND I WANTED -- I JUST DIDN'T GET ALONG  
25 WITH MY FATHER AND SINCE JOE WAS LIVING THERE, YOU KNOW,  
26 I JUST PUSHED MY FATHER TOTALLY OUT OF MY LIFE.

27           Q           WAS THAT BEFORE THEY WENT TO CHICAGO OR AFTER?

28           A           AFTER.

1 Q WELL, WHEN YOU LEFT YOUR FATHER'S HOUSE AFTER  
2 HAVING LIVED THERE, THAT WAS BECAUSE YOU DIDN'T GET ALONG  
3 WITH HIM, RIGHT?

4 A NO, THAT WAS BECAUSE THEY WERE GOING TO CHICAGO.  
5 WE NEVER GOT ALONG THAT WELL BUT THAT WASN'T THE MAIN REASON.

6 Q HOW LONG AFTER YOU MOVED OUT, DID THEY ACTUALLY  
7 LEAVE TO GO TO CHICAGO?

8 A JOE LEFT ALMOST IMMEDIATELY OR WHILE I WAS  
9 LIVING THERE, I'M NOT SURE.

10 Q AND WHEN WAS IT AFTER THEY GOT TO CHICAGO THAT  
11 YOU STARTED DISLIKING YOUR FATHER?

12 A WELL, LIKE I SAY, WE WERE NEVER THAT CLOSE  
13 BUT, YOU KNOW, IT WAS JUST A DETERIORATION OF MY RELATIONSHIP  
14 AT A FASTER PACE.

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1 Q WHEN WAS IT THAT YOU GOT ANGRY WITH YOUR BROTHER  
2 BECAUSE HE SIDED WITH YOUR DAD?

3 A SOMETIME AFTER, YOU KNOW, WE STARTED -- THEY  
4 MOVED THERE -- I AM NOT SURE.

5 Q AND BASED ON THAT ANGER, DID YOU LOSE  
6 COMMUNICATION?

7 A I DON'T KNOW. SOMETIMES, YOU KNOW, SOMETIMES  
8 YOU LOSE CONTACT WITH A FRIEND OR RELATIVE AND YOU DON'T  
9 REALLY KNOW WHY WHEN YOU LOOK BACK, IT IS JUST REAL STUPID  
10 BUT IT JUST HAPPENS.

11 Q AND AFTER YOU MOVED FROM VENTURA TO CANOGA  
12 PARK, YOU MOVED A FEW TIMES AFTER THAT?

13 A YEAH, WE MOVED TO --

14 Q THAT WAS IN 1982 THAT YOU MOVED TO CANOGA PARK?

15 A AFTER '82, AFTER I GRADUATED FROM HIGH SCHOOL.

16 Q YOU GRADUATED IN JUNE OF 1982?

17 A YES.

18 Q WERE YOU IN CANOGA PARK THAT ENTIRE TIME?

19 A ACTUALLY, I GRADUATED A SEMESTER EARLY FROM  
20 HIGH SCHOOL BECAUSE I TOOK COLLEGE COURSES.

21 Q WAS THAT FEBRUARY NOW OF 1982?

22 A UH-HUH.

23 Q IS THAT YES?

24 A YES.

25 Q HOW LONG AFTER YOU GRADUATED DID YOU MOVE FROM  
26 CANOGA PARK?

27 A I AM NOT SURE.

28 Q WAS IT THAT YEAR?

1 A I ASSUME SO.

2 Q AND DID YOU CONTINUE TO LIVE IN THE VALLEY  
3 OR THE MALIBU AREA FROM THAT TIME UNTIL THE PRESENT?

4 A YES.

5 Q AND DID YOU KNOW THAT YOUR BROTHER HAD RETURNED  
6 FROM CHICAGO TOWARDS THE END OF 1982?

7 A NO.

8 Q WERE YOU STILL ANGRY WITH HIM AT THAT TIME?

9 A I WAS ANGRY WITH MY FATHER.

10 I WASN'T ANGRY WITH HIM.

11 Q FOR HOW LONG DID YOU STAY ANGRY WITH YOUR BROTHER  
12 FOR SIDING WITH YOUR FATHER?

13 A I DON'T REMEMBER. A SHORT TIME, YOU KNOW.

14 AFTER I GOT OUT OF HIGH SCHOOL, WE MADE  
15 INQUIRIES AND WE TRIED TO REESTABLISH CONTACT.

16 Q YOU MADE INQUIRIES?

17 A UH-HUH.

18 Q IS THAT YES?

19 A YES.

20 Q OF WHO?

21 A WE CALLED RELATIVES.

22 Q WHICH RELATIVES DID YOU CALL?

23 A MY FATHER'S SISTER.

24 Q WHAT IS HER NAME AND WHERE DOES SHE LIVE?

25 A SHE LIVES IN WISCONSIN AND I AM NOT SURE OF  
26 THE TOWN.

27 Q WHAT IS HER NAME?

28 A HER NAME IS -- I DON'T KNOW -- IT IS MY MOTHER

1 WHO CALLED HER.

2 AND WE CALLED MY MOTHER'S RELATIVES, SUE DERBY,  
3 PAT DERBY.

4 Q WHERE DO THEY LIVE?

5 A THEY LIVE IN WISCONSIN, THE APPLETON AREA.

6 Q THOSE ARE YOURS AND JOE'S AUNTS, RIGHT?

7 A YES.

8 Q AND DID YOU HEAR FROM ANY OF THOSE PEOPLE?

9 A HER NAME IS JEN.

10 THE COURT REPORTER: WHAT?

11 THE WITNESS: JEN, ONE OF MY AUNTS THAT WE CALLED,  
12 LARRY'S SISTER.

13 Q BY MR. WAPNER: WHO IS PAT?

14 A PAT IS MY MOTHER'S BROTHER.

15 Q AND SUE IS?

16 A MY MOTHER'S SISTER.

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- 1 Q AND DID ANY OF THEM KNOW WHERE HE WAS?
- 2 A NO. THEY WERE NOT AWARE OF WHERE HE WAS.
- 3 Q WHEN DID YOU MAKE THOSE CALLS?
- 4 A I AM NOT SURE.
- 5 Q DID YOU MAKE THEM OR DID YOUR MOTHER MAKE THEM?
- 6 A MY MOTHER MADE THEM.
- 7 Q HOW MANY TIMES DID SHE CALL?
- 8 A SHE CALLED HER RELATIVES MORE THAN -- I DON'T
- 9 KNOW.
- 10 Q HOW MANY CALLS DID YOU MAKE?
- 11 A HOW MANY CALLS DID I MAKE?
- 12 Q RIGHT.
- 13 A I WROTE LETTERS AND THEY WERE RETURNED.
- 14 Q WHO DID YOU WRITE THEM TO?
- 15 A I WROTE THEM TO THE ADDRESS I HAD FOR JOE.
- 16 Q IN CHICAGO?
- 17 A YES.
- 18 Q HOW MANY LETTERS DID YOU WRITE HIM?
- 19 A ABOUT FOUR OR FIVE AND THEY KEPT ON COMING BACK.
- 20 AND THAT IS WHEN WE CALLED OUR RELATIVES TO DETERMINE WHERE
- 21 THEY WERE.
- 22 Q WHEN WAS THAT?
- 23 A IT WAS SOMETIME AFTER WE LOST CONTACT. I STILL
- 24 WAS IN HIGH SCHOOL. I WAS NOT --
- 25 Q THE FOUR OR FIVE LETTERS THAT YOU WROTE WHILE
- 26 YOU WERE STILL IN HIGH SCHOOL --
- 27 A UH-HUH.
- 28 Q THAT WAS BEFORE FEBRUARY OF 1982?

1 A YES.

2 Q SINCE FEBRUARY OF 1982, WHAT DID YOU, YOURSELF,  
3 DO TO TRY TO GET IN TOUCH WITH YOUR BROTHER?

4 A WE -- LIKE I SAID, WE BOTH LOOKED IN THE PHONE  
5 BOOKS. WE BOTH CALLED INFORMATION.

6 Q WELL, I AM TALKING ABOUT WHAT YOU DID.

7 A I CALLED INFORMATION AND TRIED TO GET HIS PHONE  
8 NUMBER. AND WE DISCUSSED IT AND WE FOUND THIS ONE PERSON,  
9 SOMEBODY TOLD US BY CALLING THE SHERIFF IN A CITY -- HE SAID  
10 THAT YOU COULD TRACE IT THROUGH THE DMV.

11 HE GAVE MY MOTHER A CERTAIN TERM. SO SHE CALLED  
12 AND WE TRIED TO GET THE NUMBER AND THEY SAID THAT IT WAS  
13 PERSONAL INFORMATION AND THEY WOULDN'T GIVE IT OUT.

14 AND SINCE WE DIDN'T KNOW THE CITY HE WAS IN, WE  
15 TRIED TO YOU KNOW -- WE WANTED TO CALL THE SHERIFF.

16 THEN SOMETIMES THEY CAN PATCH YOU THROUGH AND  
17 YOU CALL UP THIS PERSON AND SAY THAT YOUR MOTHER IS TRYING  
18 TO GET A HOLD OF YOU. WE DIDN'T KNOW WHAT CITY THEY WERE  
19 IN SO WE COULDN'T DO THAT.

20 Q DIDN'T YOU KNOW HE WAS IN CHICAGO?

21 A THE ADDRESS I HAD WAS LAKE FOREST.

22 Q AND WHEN WAS HE IN LAKE FOREST, DO YOU KNOW?

23 A JOE LEFT BEFORE RYAN AND JEAN DID. SO, THEY BOUGHT  
24 A HOUSE OR RENTED A HOUSE THERE. I AM NOT SURE.

25 Q WHAT OTHER -- SO THIS WAS WHEN HE FIRST WENT TO  
26 CHICAGO, HE WAS LIVING IN THE LAKE FOREST AREA OF CHICAGO?

27 A I AM NOT SURE.

28 Q YOU NEVER WERE ABLE TO GET A HOLD OF ANY OF HIS

1 FRIENDS IN LAKE FOREST, WERE YOU?

2 A I DIDN'T KNOW IF HE WENT THERE BY HIMSELF.

3 Q DOES HE HAVE ANY AUNTS OR UNCLES OR COUSINS LIVING  
4 IN THE LOS ANGELES AREA?

5 A NO, NOT THAT I AM AWARE OF.

6 Q BESIDES SUE AND PAT DERBY, WHO WERE HIS RELATIVES?

7 A JEN AND ED.

8 Q WHO WERE THEY?

9 A MY FATHER'S SISTER AND BROTHER.

10 Q WHERE DO THEY LIVE?

11 A I MEAN MY FATHER'S SISTER AND HUSBAND. THEY LIVE  
12 IN THE APPLETON AREA. I GUESS YOU KNOW, THEY LIVE THERE IN --

13 Q IN WISCONSIN?

14 A YES.

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1 Q DO YOU HAVE ANY COUSINS IN THE LOS ANGELES AREA?

2 A NO, NOT THAT I AM AWARE OF.

3 Q DID ANY OF HIS RELATIVES EVER LIVE IN THE  
4 LOS ANGELES AREA?

5 A NO.

6 Q DID YOU HAVE ANY COUSINS LIVING HERE WHEN YOU  
7 WERE GROWING UP?

8 A NO. THEY CAME TO VISIT BUT THAT WAS IT.

9 Q WHEN YOU WERE LIVING WITH YOUR BROTHER AND YOUR  
10 FATHER, DID YOU MEET SOME OF JOE'S FRIENDS?

11 A NO.

12 Q DID HE HAVE FRIENDS THAT WOULD COME TO THE HOUSE?

13 A WELL, I KNEW HIS OLD FRIENDS, JAMIE HOGAN.

14 AND --

15 Q WHO WERE THOSE PEOPLE?

16 A HIS GIRLFRIEND EVE.

17 Q WHO IS JAMIE?

18 A JAMIE IS A FRIEND THAT HE HAS HAD SINCE I THINK,  
19 FIRST OR SECOND GRADE.

20 Q WAS HE STILL FRIENDS -- WAS YOUR BROTHER STILL  
21 FRIENDS WITH JAMIE AT THE TIME THAT HE LEFT FOR CHICAGO?

22 A YES. MY MOTHER GOT JAMIE A SCHOLARSHIP TO HARVARD,  
23 TOO. THEY WENT TO HARVARD TOGETHER.

24 Q DID YOUR MOTHER GET YOUR BROTHER A SCHOLARSHIP  
25 TO HARVARD?

26 A YES.

27 Q DID SHE GET BOTH BROTHERS A SCHOLARSHIP TO HARVARD?

28 A YES. ONE WAS FULL AND ONE WAS PARTIAL.

1 Q WHAT IS JAMIE'S LAST NAME?

2 A HOGAN.

3 Q WAS HE STILL FRIENDS WITH YOUR BROTHER AT THE  
4 TIME YOUR BROTHER WENT TO CHICAGO?

5 A YES.

6 Q THEY HAD GONE ALL OF THE WAY THROUGH SCHOOL  
7 TOGETHER?

8 A YES.

9 Q DID YOU CALL JAMIE AND ASK IF HE HAD HEARD FROM  
10 JOE?

11 A WE TRIED TO CONTACT JAMIE BUT WE DIDN'T KNOW WHERE  
12 HE WAS.

13 Q WHO WERE THE OTHER FRIENDS?

14 A EVE, BUT I DIDN'T KNOW WHERE SHE LIVED, EITHER.

15 Q WAS SHE JOE'S FRIEND JUST BEFORE HE WENT TO  
16 CHICAGO?

17 A NO. I THINK THEY BROKE UP A COUPLE OF YEARS --  
18 WELL, I AM NOT SURE. BUT THEY BROKE UP.

19 Q WHAT ABOUT OTHER FRIENDS OF HIS THAT YOU KNOW?

20 A THAT WAS ABOUT IT.

21 Q HAVE YOU HAD A CALIFORNIA DRIVER'S LICENSE SINCE  
22 YOU WERE 16?

23 A YES.

24 Q IT IS IN THE NAME OF KATHERINE HUNT?

25 A YES.

26 Q HAVE YOU ALWAYS HAD AN UNLISTED PHONE NUMBER?

27 A YES.

28 Q DID YOU KNOW THAT FROM THE END OF 1982 UNTIL THE



1 PRESENT, THAT YOUR BROTHER HAD BEEN LIVING IN THE LOS ANGELES  
2 AREA?

3 A NO.

4 Q DID HE EVER CALL YOU FROM THE END OF 1982 UNTIL  
5 SOMETIME AFTER YOU GOT A HOLD OF HIM WHEN YOUR BROTHER READ  
6 THE NEWSPAPER ARTICLE?

7 A I KNOW THAT FROM -- I KNOW NOW THAT HE WAS MAKING  
8 INQUIRIES.

9 Q DID HE EVER CALL YOU ON THE TELEPHONE?

10 A NO.

11 Q DID YOU OVER THE WEEKEND, HAPPEN TO FIND OUT THE  
12 NAME OF THIS PRIVATE DETECTIVE THAT WAS OUT IN THE HALLWAY  
13 LAST WEEK?

14 A NO.

15 Q DURING THE TIME THAT YOU AND YOUR BROTHER WERE  
16 LIVING AT HOME AND YOUR PARENTS WERE STILL TOGETHER, WHAT  
17 WAS THE NATURE OF YOUR BROTHER'S RELATIONSHIP WITH HIS FATHER?

18 A THEY WERE VERY CLOSE.

19 Q THERE WASN'T ANY KIND OF BEATING OR PHYSICAL ABUSE  
20 OR ANYTHING LIKE THAT?

21 A NOT THAT I WAS AWARE OF. I DON'T KNOW.

22 Q WHAT WAS THE NATURE OF HIS RELATIONSHIP WITH HIS  
23 MOTHER?

24 A THEY GOT ALONG FINE. MY MOTHER WAS YOU KNOW,  
25 IT WAS PRETTY MUCH --

26 Q THERE WASN'T ANY PHYSICAL ABUSE THERE EITHER,  
27 RIGHT?

28 A NOT THAT I WAS AWARE OF.

1 Q YOU NEVER SAW JOE WITH ANY MARKS OR ANY SIGNS  
2 OF BEATINGS?

3 A WELL, YES. I GUESS SO.

4 THERE WAS ONE TIME WHERE MY FATHER TOOK HIM TO  
5 THE DRESSING ROOM, I THINK.

6 Q AND SPANKED HIM FOR SOMETHING?

7 A WELL, HE WAS KIND OF A VIOLENT MAN. BUT I DIDN'T  
8 PAY TOO MUCH ATTENTION. I WAS FIVE YEARS YOUNGER.

9 Q THIS IS ON ONE OCCASION THAT YOU CAN REMEMBER?

10 A JOE DIDN'T, YOU KNOW -- HE ALWAYS PUT UP A BRAVE  
11 FRONT.

12 Q WHAT HAPPENED ON THIS ONE OCCASION?

13 A LIKE I SAID, HE WAS A LOT YOUNGER. JOE WAS ONLY  
14 YOU KNOW, TEN, MAYBE. I WAS FIVE YEARS OLD. I DON'T REMEMBER.

15 Q SO, YOU DON'T KNOW IF THERE WAS ANY BEATING OR  
16 VIOLENCE OR ANYTHING LIKE THAT?

17 A WELL, I KNOW THAT YES, THERE WAS VIOLENCE.

18 MY FATHER DUMPED THE TABLE OVER ON JOE WHEN WE  
19 WERE EATING DINNER. HE DID THROW A CHAIR AT THE WALL.

20 Q WHEN DID THAT HAPPEN?

21 A JOE WAS VERY YOUNG.

22 Q HOW OLD WAS JOE?

23 A HE WAS NOT VERY OLD.

24 Q HOW OLD?

25 A I REALLY DON'T REMEMBER.

26

27

28

1 Q HOW OLD WERE YOU?

2 A FIVE.

3 Q AND THE BALANCE OF THE TUITION FOR THE HARVARD  
4 SCHOOL, THAT WASN'T COVERED BY THE SCHOLARSHIP, WHO PAID FOR  
5 THAT IF YOU KNOW?

6 A I ASSUME MY FATHER.

7 Q AND DO YOU KNOW WHO PAID FOR YOUR BROTHER'S TUITION  
8 TO USC?

9 A I THINK HE DID.

10 Q WHO IS THAT?

11 A JOE PAID FOR IT HIMSELF.

12 I AM NOT SURE ABOUT THAT.

13 Q DO YOU KNOW WHETHER HE WAS ON A SCHOLARSHIP OR  
14 NOT?

15 A I KNOW NOW THAT HE WAS BUT I DIDN'T KNOW AT THE  
16 TIME.

17 Q YOU SAID THAT YOUR BROTHER ALWAYS WAS READING  
18 THE DICTIONARY AND THINGS LIKE THAT?

19 A YES, HE WAS.

20 Q WAS HE A PRETTY BRIGHT KID AS HE WAS GROWING UP?

21 A YES.

22 Q HOW DID HE FEEL ABOUT PEOPLE WHO WEREN'T AS SMART  
23 AS HE WAS?

24 A I KNOW HE FELT GREAT ABOUT ME AND I WASN'T AS  
25 SMART AS HIM.

26 Q HOW ABOUT OTHER PEOPLE THAT WEREN'T RELATED TO  
27 HIM?

28 A HE NEVER SAID ANYTHING ABOUT IT.

-2

1 I DON'T THINK OTHER PEOPLE CONCERNED HIM, YOU  
2 KNOW.

3 Q WERE YOU ABLE TO OBSERVE HIS BEHAVIOR TOWARDS  
4 PEOPLE WHO WEREN'T AS BRIGHT AS HE WAS?

5 A YES.

6 HE WAS ALWAYS VERY LIKABLE AND A VERY GOOD PERSON  
7 ALWAYS.

8 Q SINCE YOUR BROTHER GREG READ THIS ARTICLE IN THE  
9 L.A. TIMES IN NOVEMBER OF 1982 (SIC), HOW OFTEN HAVE YOU HAD  
10 CONTACT WITH YOUR BROTHER, JOE?

11 A ALMOST EVERY DAY.

12 Q TALKING TO HIM ON THE PHONE?

13 A YES.

14 Q YOU CALLING HIM OR HIM CALLING YOU?

15 A MUTUAL, BOTH WAYS.

16 Q HAVE YOU EVER GOTTEN TOGETHER WITH HIM IN PERSON?

17 A YES.

18 Q HOW OFTEN?

19 A THREE OR FOUR TIMES.

20 HE IS VERY BUSY WORKING ON THE CASE.

21 Q DID HE EVER INVITE YOU TO THE HOME WHERE HE WAS  
22 LIVING?

23 A NO.

24 Q DID HE EVER TALK TO YOU ABOUT THE PEOPLE WHO LIVED  
25 IN THE HOME WHERE HE WAS LIVING?

26 A YES.

27 Q HAVE YOU AT ANY TIME BEEN INVITED TO GO UP TO  
28 THAT HOME WHERE HE HAS BEEN LIVING?

3  
1 A NO --

2 BROOKE INVITED US.

3 Q RECENTLY? WHEN WAS THAT?

4 A A COUPLE OF DAYS AGO OR ON FRIDAY.

5 Q LAST WEEK YOU SAW HER IN COURT?

6 A UH-HUH.

7 Q IS THAT YES?

8 A YES.

9 Q BUT NEVER BEFORE THAT?

10 (THE WITNESS SHAKES HER HEAD FROM SIDE  
11 TO SIDE.)

12 THE COURT REPORTER: IS THAT ANSWER NO?

13 THE WITNESS: NO.

14 Q BY MR. WAPNER: DID YOU EVER HAVE YOUR BROTHER  
15 OVER FOR DINNER DURING THE TIME BETWEEN NOVEMBER WHEN YOU  
16 FOUND OUT WHERE HE WAS AND --

17 A HE CAME OVER FOR LUNCH.

18 Q DID YOU EVER INVITE HIM TO BRING MEMBERS OF THIS  
19 FAMILY THAT HE WAS LIVING WITH?

20 A NO.

21 HE WAS WORKING. WHENEVER WE WOULD CALL HIM, HE  
22 WOULD HAVE A VERY FEW MOMENTS WHEN HE WAS FREE BECAUSE HE  
23 WAS REALLY TRYING TO DO HIS BEST FOR THE CASE.

24 IT WASN'T, YOU KNOW, A TIME WHEN HE WAS JUST REALLY  
25 LEISURELY, JUST SITTING AROUND HAVING NOTHING TO DO. HE WAS  
26 UNDER A LOT OF PRESSURE AND --

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

28

## REDIRECT EXAMINATION

BY MR. CHIER:

Q MISS HUNT, DO YOU KNOW WHETHER MR. HUNT IS STILL  
FRIENDS WITH JAMIE HOGAN?

A YES, HE IS.

1 Q DO YOU KNOW WHAT JAMIE HOGAN DOES BY WAY OF  
2 OCCUPATION?

3 A NO.

4 Q YOU HAVE NO IDEA?

5 A NO.

6 Q HAD YOU EVER SEEN JOE HELP OTHERS -- HELP HIS  
7 FRIENDS OR YOUR BROTHER WITH HOMEWORK OR SCHOLASTIC MATTERS?

8 A HE HELPED ME BECAUSE I AM DYSLECTIC AND I HAVE  
9 A HARD TIME SPELLING, SO WHEN I WAS LIVING THERE HE WOULD  
10 TAKE TIME OUT, EVEN THOUGH HE WAS VERY BUSY, AND CORRECT  
11 ALL OF MY PAPERS BEFORE I TURNED THEM IN, BECAUSE I DIDN'T  
12 WANT TO LOOK IN THE DICTIONARY. IT WOULD TAKE FOREVER,  
13 BECAUSE IT WAS A REAL MESS, MY PAPERS AND MY SPELLING AND  
14 HE WOULD GO THROUGH EACH AND EVERY THING, LIKE HOW YOU  
15 CONJUGATE SENTENCES, WHERE TO PUT PARAGRAPHS AND STUFF LIKE  
16 THAT.

17 Q WERE YOU AWARE OF WHAT EXPERIENCE YOUR MOTHER  
18 HAD AT THE GRAMMAR SCHOOL IN VAN NUYS THAT PRECIPITATED  
19 THE ATTEMPT TO MOVE JOE INTO A PRIVATE SCHOOL?

20 A YES, SHE WENT THERE AND JOE WASN'T, YOU KNOW,  
21 LEARNING ANYTHING BECAUSE HE WAS PUTTING UP THE FLAG, HE  
22 WAS TAKING CARE OF OTHER KIDS AND HE WAS CLEANING THE CHALK-  
23 BOARD. HE WAS RUNNING ERRANDS.

24 Q WHAT WAS HE DOING WITH OTHER KIDS?

25 A HE WAS TEACHING THEM, TUTORING BECAUSE THE  
26 TEACHER SAID HE HAD LEARNED ALL HE COULD AT THAT SCHOOL.  
27 HE WAS IN THE FIFTH GRADE. AND SO, YOU KNOW, HE WAS ALWAYS  
28 VERY HELPFUL. SO THEY JUST USED HIM THAT WAY.

1 MR. CHIER: I HAVE NOTHING FURTHER.

2 THE COURT: ALL RIGHT.

3 MR. WAPNER: NOTHING FURTHER.

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

6 NEXT WITNESS.

7 MR. BARENS: WE WOULD CALL LESLIE ETO.

8 WE ARE TAKING THE WITNESS OUT OF ORDER BECAUSE  
9 SHE IS AN OUT-OF-TOWN WITNESS.

10 THE COURT: YOU CAN DO IT ANY WAY YOU WANT.

11 MR. BARENS: OKAY.

12 THE CLERK: RAISE YOUR RIGHT HAND TO BE SWORN, PLEASE.

13

14 LESLIE ETO,

15 CALLED AS A WITNESS BY THE DEFENDANT, WAS SWORN AND TESTIFIED  
16 AS FOLLOWS:

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

21 THE WITNESS: YES.

22 THE CLERK: IF YOU WOULD BE SEATED THERE AT THE WITNESS  
23 SAND.

24 IF YOU WANT, YOU CAN PULL YOUR CHAIR RIGHT  
25 UP TO THE MICROPHONE.

26 NOW, WOULD YOU STATE AND SPELL YOUR NAME FOR  
27 THE RECORD, PLEASE?

28 THE WITNESS: LESLIE ANN ETO, L-E-S-L-I-E, A-N-N, E-T-O.



## 1 DIRECT EXAMINATION

2 BY MR. BARENS:

3 Q MISS ETO, YOU PRESENTLY LIVE IN CHICAGO, ILLINOIS?

4 A YES.

5 Q AND WHAT DO YOU DO FOR A LIVING?

6 A I WORK FOR A BROKERAGE FIRM ON THE CHICAGO  
7 MERCANTILE EXCHANGE FLOOR.

8 Q AND WHAT DO YOU DO IN THAT TRADE OR OCCUPATION?

9 A I AM AN OUT-TRADE CLERK.

10 THE COURT REPORTER: OUT-TRADE?

11 THE WITNESS: OUT-TRADE CLERK.

12 Q BY MR. BARENS: COULD YOU EXPLAIN TO THE JURY  
13 WHAT AN OUT-TRADE CLERK DOES?14 A I RESOLVE TRADES. THE FOLLOWING MORNING AFTER  
15 THE BROKERS MAKE THEM, IF THERE ARE ANY DISCREPANCIES OR  
16 MISTAKES, I CORRECT THEM.17 Q IN OTHER WORDS, AS I UNDERSTAND IT, THIS SYSTEM  
18 IN THE HEAT OF A MOMENT ON THE FLOOR OF THE MERCANTILE EXCHANGE,  
19 THERE CAN BE A LACK OF MUTUAL UNDERSTANDING BETWEEN TRADERS  
20 THAT PEOPLE THAT DO OUT-TRADES RESOLVE THE SUBSEQUENT DAY?

21 A YES.

22 Q OKAY. AND IN THAT WAY YOU END UP BEING ABLE  
23 TO COMPLETE THE EXECUTION OF THE TRADE?24 A YES.  
25  
26  
27  
28

1 Q AND IN THAT TRADE OR OCCUPATION, DID YOU MEET  
2 JOE HUNT?

3 A YES.

4 Q WHEN DID YOU MEET JOE HUNT?

5 A IN 1979. I WAS WORKING FOR K&S COMMODITIES  
6 AND HE OPENED AN ACCOUNT WITH THEM.

7 Q AND JOE'S RELATIONSHIP WITH K&S WAS WHAT?

8 A WELL, HE USED THEM AS A CLEARING FIRM TO CLEAR  
9 HIS TRADES, AS YOU WOULD OPEN AN ACCOUNT AT A BANK.

10 Q ALL RIGHT. YOU WERE WORKING FOR K&S AT THAT  
11 TIME?

12 A YES.

13 Q AND DID YOU LATER GO TO WORK FOR JOE HUNT?

14 A YES.

15 Q AND HOW LONG DID YOU FIRST WORK WITH JOE AT  
16 K&S, BEFORE YOU WORKED FOR JOE?

17 A I AM NOT SURE. I THINK IT WAS ABOUT SIX MONTHS.

18 Q AND DURING THAT SIX MONTHS, HOW OFTEN WOULD  
19 YOU SPEAK WITH JOE OR SEE JOE?

20 A EVERY MORNING.

21 Q OKAY. YOU WOULD ACTUALLY HAVE FACE-TO-FACE  
22 CONTACT WITH HIM ON A DAILY BASIS?

23 A YES.

24 Q AND YOU WOULD BE DOING THAT PURSUANT TO YOUR  
25 ACTIVITY TAKING CARE OF THE OUT-TRADES?

26 A BEFORE AND DURING.

27 Q DO YOU KNOW -- AND WOULD YOU SEE HIM PRETTY  
28 MUCH DURING THE DAY? YOU WERE IN A FAIRLY CLOSE PROXIMITY

1 DURING THE DAY?

2 A UH-HUH.

3 MR. WAPNER: IS THAT YES?

4 THE WITNESS: YES.

5 MR. BARENS: I NEED YOU TO SAY YES OR NO SO THE REPORTER  
6 CAN RECORD THE STATEMENTS.

7 Q WHAT WAS YOUR IMPRESSION -- STRIKE THAT. HOW  
8 OLD WAS JOE WHEN YOU MET HIM?

9 A TWENTY-ONE.

10 Q AND WHAT WAS YOUR IMPRESSION OF HIM AS A PERSON  
11 WHEN YOU MET HIM?

12 A WELL, HE WAS VERY PLEASANT AND CHARMING AND  
13 LIKEABLE.

14 Q NOW, LATER ON, YOU WENT TO WORK FOR HIM? IS  
15 THAT CORRECT?

16 A YES.

17 Q AND DID YOU WORK FOR HIM IN THE SAME CAPACITY  
18 YOU HAD DONE PREVIOUSLY FOR K&S?

19 A YES.

20 Q AND WHAT SORT OF A TRADER WAS JOE RELATIVE  
21 TO OTHER TRADERS YOU HAD WORKED WITH?

22 A WELL, HE WAS NOT A SCALPER. HE DIDN'T JUST  
23 DAY TRADE, GET IN AND OUT OF THE MARKET. HE HELD POSITIONS  
24 FOR A LONG PERIOD OF TIME.

25 Q ALL RIGHT. COULD I SLOW YOU DOWN JUST A MINUTE  
26 SO THE JURY WILL UNDERSTAND.

27 WHAT IS A SCALPER?

28 A SOMEBODY WHO HAS AN ACCOUNT AND IS FLAT AT

1 THE END OF THE DAY. IN OTHER WORDS, HE DOESN'T HAVE A  
2 POSITION. HE IS NEITHER LONG NOR SHORT.

3 Q ALL RIGHT. IS A DAY TRADER OR SCALPER MORE  
4 OF A GAMBLER?

5 A I THINK SO, YES.

6 Q WAS JOE A GAMBLER IN HIS APPROACH TO THE MARKET?

7 A NO.

8 Q WHAT WAS HIS APPROACH MORE AKIN TO?

9 A WELL, HE HAD VERY CONSERVATIVE STRATEGIES.  
10 HE WAS VERY CAREFUL AND THEY WERE THOUGHT OUT EVERY DAY.

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1 Q WAS IT A STRATEGY OR MARKET APPROACH THAT  
2 WAS MORE LONG TERM THAN SHORT?

3 A YES.

4 Q HE WAS WORKING A SERIES OF SPREADS?

5 A YES.

6 Q WERE HIS SPREADS MORE CALCULATED FOR THE LONG  
7 HAUL?

8 A YES.

9 Q ALL RIGHT. HOW DID HE SEEM TO BE DOING FOR  
10 THE ACCOUNTS THAT HE REPRESENTED, BASED ON WHAT YOU COULD  
11 OBSERVE? WERE THEY SUCCESSFUL OR NOT SUCCESSFUL?

12 A THEY WERE VERY SUCCESSFUL.

13 Q DID JOE SEEM TO KNOW WHAT HE WAS DOING?

14 A YES. HE WAS VERY COMPETENT.

15 Q WAS HE OPEN IN DISCUSSING WHAT MARKET STRATEGY  
16 HE WAS EMPLOYING?

17 A YES.

18 Q HE DISCUSSED THAT WITH YOU?

19 A UH-HUH, YES.

20 Q DO YOU RECALL WHAT HE TOLD YOU ABOUT THEM?

21 A NO, NOT THE DETAILS.

22 Q ALL RIGHT. DID IT SEEM TO BE A STRATEGY THAT  
23 WAS TYPICAL FOR SOME TRADERS IN THE MARKET?

24 A NO.

25 Q WHAT, IF ANYTHING, WAS UNIQUE ABOUT IT?

26 A WELL, THE FACT THAT HE HELD THEM FOR SUCH A  
27 LONG PERIOD OF TIME, THAT HE WAS CONFIDENT THAT HIS CALCULATIONS  
28 AND WHATEVER DATA HE USED TO DETERMINE THE STRATEGY, WAS

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1 RIGHT.

2 Q DID IT APPEAR TO YOU TO BE A CONSERVATIVE  
3 METHODOLOGY OR APPROACH?

4 A YES.

5 Q DID HE WORK HARD?

6 A VERY HARD.

7 Q HE WENT THERE EVERY DAY AND WORKED?

8 A HE WENT THERE EVERY DAY. HE SELDOM TOOK BREAKS.  
9 HE ENJOYED WHAT HE WAS DOING. IT WAS NOT AS  
10 IF HE FELT HE COULDN'T LEAVE THE PIT.

11 Q HE SEEMED TO ENJOY THAT TYPE OF WORK?

12 A UH-HUH, YES.

13 Q IT IS KIND OF A NOISY, CHAOTIC SETTING, IS  
14 IT NOT?

15 A YES, IT IS.

16 Q WOULD YOU BRIEFLY DESCRIBE WHAT -- SO THE JURY  
17 WILL UNDERSTAND -- WHAT GOES ON IN THE MERC AS OPPOSED TO  
18 WHAT WE MIGHT THINK OF IN GOING INTO A STOCK BROKER'S OFFICE?

19 A IT IS LIKE A CIRCUS. A LOT OF PEOPLE ARE YELLING  
20 AT THE TOPS OF THEIR LUNGS AND GOING THROUGH ALL KINDS OF  
21 GYRATIONS. IT IS PANDEMONIUM. IT IS VERY CROWDED IN THE  
22 S&P, STANDARD AND POOR'S 500 PIT AND THE T-BILLS WHERE JOE  
23 USUALLY TRADED.

24 Q YOU HAVE LITERALLY HUNDREDS OF PEOPLE IN A  
25 FAIRLY CONFINED SPACE AND EVERYBODY IS COMPETING TO BE HEARD?

26 A YES.

27 Q AND THEN, TRYING TO KEEP TRACK OF WHAT THEY  
28 DID, BECOMES SOMEWHAT OF A MONSTEROUS CHORE, DOES IT NOT?

1 A YES.

2 Q THAT IS WHERE THE OUT-TRADERS COME IN?

3 A THAT'S WHERE I COME IN.

4 Q AND THOSE PEOPLE THAT ARE TRADERS ON THAT TYPE  
5 OF A FLOOR SETTING, ARE USUALLY A LOT MORE MATURE THAN 21,  
6 ARE THEY NOT?

7 A YES, THEY ARE.

8 Q AND DID JOE STAND OUT AS A YOUNG PERSON THERE?

9 A YES.

10 Q AND BASED ON THE CONTACT THAT YOU HAD WITH  
11 OTHER TRADERS, WHAT DID THE TRADERS THINK OF JOE?

12 A WELL, THEY LIKED HIM A LOT. THEY RESPECTED  
13 HIM. THEY ENJOYED HIS COMPANY BEFORE AND DURING THE BUSINESS  
14 DAY AND AFTERWARDS.

15 Q NOW, DID A TIME COME WHERE JOE DEVELOPED A  
16 PROBLEM WITH THE BOARD OF GOVERNORS OF THE MERCANTILE EXCHANGE?

17 A YES. THEY REQUESTED THAT JOE STOP TRADING  
18 FOR TEN BUSINESS DAYS WHILE THEY INVESTIGATED A COMPLAINT.

19 Q NOW, COULD YOU TELL US THE BEST YOU UNDERSTOOD  
20 IT, WHAT WAS THE NATURE OF THE COMPLAINT?

21 A WELL, I DON'T KNOW THE DETAILS. BUT THE CHICAGO  
22 MERCANTILE EXCHANGE SAID THAT SOMEONE ACCUSED HIM OF TRADING  
23 AS A COMMODITY POOL OPERATOR WITHOUT A LICENSE.

24 Q OKAY. NOW, SO THAT WE CAN BE SURE AND UNDERSTAND  
25 WHAT THAT TYPE OF AN ALLEGATION MEANS, COULD YOU EXPLAIN  
26 FOR THE JURY WHAT A POOL TRADER WOULD BE, AS OPPOSED TO  
27 AND CONTRACTED WITH AN INDIVIDUAL TRADER?

28 A SOMEONE TRADING FOR A POOL OF INVESTORS

1 WOULD BE TRADING THE ACCOUNT WITH AN AGREEMENT TO -- WELL,  
2 I DON'T KNOW THE EXACT DEFINITION.

3 BUT HE HAD FORMED INDEPENDENT PARTNERSHIPS  
4 WITH EACH OF THESE PEOPLE TO AVOID THIS VERY ALLEGATION,  
5 THIS CHARGE. AND --

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1 Q LET ME TRY SO MAYBE I CAN HELP OUT HERE A BIT.

2 WOULD A POOL TRADER BE AKIN TO A PARTY REPRESENTING  
3 A MUTUAL FUND, WOULD THAT BE A PROPER ANALOGY?

4 A I THINK SO, YES.

5 Q IN OTHER WORDS, A POOL TRADER WOULD BE DESCRIBED  
6 AS A TRADER REPRESENTING MULTIPLE NUMBERS OF INVESTORS,  
7 COMBINING THEIR MONEYS INTO A SINGLE MARKET POSITION OR THEIR  
8 POSITION WOULD BE EXPRESSED IN A SINGLE UNIT EXPRESSION AS  
9 OPPOSED TO INDIVIDUAL TRADES?

10 A YES. .

11 Q AND TO YOUR KNOWLEDGE, THAT REQUIRED A PARTICULAR  
12 TYPE OF LICENSING FROM THE BOARD OF GOVERNORS?

13 A YES, IT DID.

14 Q ALL RIGHT, AS FAR AS YOU UNDERSTOOD IT, JOE HUNT  
15 HAD ESTABLISHED INDIVIDUAL PARTNERSHIPS WITH THE CLIENTELE  
16 THAT HE REPRESENTED SO AS TO AVOID THAT CIRCUMSTANCE?

17 A YES.

18 Q NOW, WHAT WAS JOE'S RESPONSE TO THE POSITION TAKEN  
19 BY THE BOARD FOR HIM TO CEASE TRADING FOR A TEN-DAY PERIOD?

20 A WELL, HE STOPPED TRADING. HE SAID HE WOULD GO  
21 BACK TO LOS ANGELES AND I COULD TAKE A VACATION AND THAT WE  
22 WOULD MEET AFTER THE TWO WEEKS.

23 Q DID HE THEN DO THAT?

24 A HE CAME BACK AND THEY HAD EXTENDED THE PERIOD  
25 AND THEN HE SAID HE WOULD GO -- RETURN TO LOS ANGELES AND  
26 HE WAS GOING TO SPEAK FOR HIMSELF, NOT HAVE A LAWYER.

27 Q ALL RIGHT. SO HE RETURNED TO LOS ANGELES A SECOND  
28 TIME THEN?

1 A YES.

2 Q NOW HE THEN CAME BACK TO CHICAGO AFTER THAT?

3 A YES.

4 Q AND WHAT WAS HIS ATTITUDE OR COMMENTARY AT THAT  
5 POINT CONCERNING THE BOARD OF GOVERNORS' SITUATION?

6 A HIS ATTITUDE?

7 Q WHAT DID HE SAY HIS INTENTIONS WERE AT THAT POINT?

8 A OH, THAT HE SHOWED ME A REPORT, A 12-PAGE KIND  
9 OF DEFENSE THAT HE HAD WRITTEN FOR HIMSELF AND HE WAS GOING  
10 TO APPEAR IN FRONT OF THEM AND LET IT GO AT THAT AND RETURN  
11 TO LOS ANGELES WHERE HE HAD BUSINESS TO TAKE CARE OF.

12 Q DID JOE TELL YOU AT THAT POINT HE HAD STARTED  
13 A NEW BUSINESS IN LOS ANGELES?

14 A YES.

15 Q WHAT WAS THE NAME OF THE BUSINESS?

16 A THE BBC.

17 Q DID HE APPEAR AT THAT POINT IN TIME MORE INTERESTED,  
18 AT LEAST BASED ON WHAT HE TOLD YOU, IN THE BBC THAN HE WAS  
19 IN RETURNING TO HIS SEAT IN CHICAGO?

20 A WELL, THE ONLY THING WE TALKED ABOUT WAS THE  
21 COMMODITIES TRADING PART OF IT AND HE SAID HE COULD TRADE  
22 JUST AS EASILY OVER THE PHONE FROM CALIFORNIA AS HE COULD  
23 IN THE PIT.

24 Q WAS HE REALLY INTERESTED IN PURSUING OR LITIGATING  
25 WITH THE BOARD OF GOVERNORS AT THAT POINT?

26 A NO.

27 Q HAD HE, TO YOUR OPINION, LOST INTEREST IN THAT  
28 FIGHT; WOULD THAT BE A FAIR STATEMENT TO SAY THAT?

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MR. WAPNER: OBJECTION. LEADING.

MR. BARENS: BEG PARDON?

MR. WAPNER: IT IS LEADING.

THE COURT: HE SAID IT IS LEADING.

MR. BARENS: WELL, NOT MISLEADING, THOUGH.

THE COURT: WELL, LEADING COULD BE MISLEADING, TOO.

IT ALL DEPENDS UPON WHAT YOU SAY.

MR. BARENS: I THINK WE HAVE BEEN LED ALL OVER CALIFORNIA, JUDGE.

THE COURT: ALL RIGHT, GO AHEAD.

Q BY MR. BARENS: ALL RIGHT, THANK YOU.

WOULD IT BE A FAIR STATEMENT TO SAY THAT JOE HUNT HAD LOST INTEREST IN LITIGATING THE POSITION WITH THE BOARD OF GOVERNORS BECAUSE HE WAS NOW PREOCCUPIED WITH PURSUING THE SITUATION WITH THE BBC IN LOS ANGELES?

A YES.

1A F

1 Q IS THAT AN ACCURATE AND TRUE STATEMENT?

2 A YES, IT IS.

3 Q ALL RIGHT. DID HE GET A LAWYER IN CHICAGO?

4 A NO.

5 Q ALL RIGHT. HE SUBMITTED, AS FAR AS YOU KNOW,  
6 A 12-PAGE STATEMENT.

7 DID HE LATER APPEAR IN FRONT OF THE BOARD OF  
8 GOVERNORS?

9 A I DON'T KNOW.

10 Q YOU DON'T KNOW?

11 A I DON'T.

12 Q DID YOU EVER HEAR WHAT THE ULTIMATE RULING OF  
13 THE BOARD OF GOVERNORS WAS?

14 A I THINK THAT THEY FINED HIM AND INVITED HIM TO  
15 COME BACK AFTER HE PAID THE FINE AND THEN I BELIEVE HE  
16 REFUSED TO PAY THE FINE AND CHOSE TO STAY IN LOS ANGELES.

17 Q ALL RIGHT. DID HE TAKE A POSITION OF PRINCIPLE  
18 THAT HE WOULDN'T PAY THE FINE?

19 A YES.

20 Q HE JUST -- DID HE GET A LITTLE BIT ADAMANT WHERE  
21 WE WERE HAVING A TEST OF WILLS BETWEEN THE BOARD OF GOVERNORS  
22 AND HIS POSITION?

23 A NOT ADAMANT.

24 I DON'T THINK HE CARED TO CONTEST IT OR, YOU KNOW,  
25 DEAL WITH THE PRIVATE CLUB OF THE MERC.

26 Q THE MERC. IS OPERATED BY THIS BOARD OF GOVERNORS  
27 WHO ARE KIND OF MAYBE AKIN TO THOSE FELLOWS THAT OWN THE  
28 TEAMS IN BASEBALL, IT IS A PRIVATE CLUB NOT SUBJECT TO

1 ANTI-TRUST REGULATIONS AND ALL THAT SORT OF STUFF?

2 A RIGHT.

3 Q AND THEY PRETTY WELL DECIDE WHO IS PERSONA GRATA  
4 AND WHO CAN OPERATE IN THE MERC?

5 A I THINK SO, YES.

6 Q THEY ARE A BODY OF LAW UNTO THEMSELVES?

7 A YES.

8 Q ALL RIGHT. JOE CAME OUT TO L.A., AS FAR AS YOU  
9 KNEW; DID YOU CONTINUE IN HIS EMPLOY AT THAT POINT IN TIME?

10 A INDIRECTLY, YES.

11 Q WHAT WAS YOUR CONTINUING RELATIONSHIP AT THAT  
12 TIME?

13 A WELL, BEN DOSTI, A FRIEND OF JOE'S, CAME TO  
14 CHICAGO TO TRADE.

15 Q THAT WAS WHILE JOE WAS IN LOS ANGELES?

16 A YES.

17 Q AND WAS MR. DOSTI A YOUNGISH PERSON SIMILAR IN  
18 AGE TO MR. HUNT?

19 A YES.

20 Q AND WHEN DOSTI WAS THERE, WAS HE TRADING ON HIS  
21 OWN?

22 A HE WAS TRADING AS A LOCAL TRADER, AS AN  
23 INDEPENDENT LOCAL TRADER, SO IT APPEARED THAT HE WAS TRADING  
24 ON HIS OWN.

25 Q HOW DID HE DO IN THE MARKET?

26 A WELL, AT FIRST PRETTY WELL AND THEN HE MADE AN  
27 ERROR. I DON'T KNOW HOW LONG HE WAS THERE, NOT TOO LONG,  
28 MAYBE ABOUT SIX MONTHS, LESS THAN A YEAR.

1 Q DID HE APPEAR AS KNOWLEDGEABLE AS JOE CONCERNING  
2 THIS TRADING ACTIVITY?

3 A NO, NOT TOO MANY PEOPLE ARE, IN MY OPINION.

4 Q NOW, DOSTI THEN MADE AN ERROR?

5 NOW, AN ERROR, PER SE, IN THAT BUSINESS CAN WIPE  
6 YOU OUT, CAN IT NOT?

7 A YES.

8 Q AND DID THE ERROR THAT MR. DOSTI EXECUTED WIPE  
9 HIM OUT?

10 A YES, IT DID.

11 Q HOW MUCH MONEY DID HE LOSE?

12 A I THINK IT WAS \$60,000.

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1 Q WAS JOE BACK IN CHICAGO AFTER THAT ERROR OCCURRED?

2 A I DON'T REMEMBER. MAYBE ONCE.

3 Q DID YOU DISCUSS THAT ERROR WITH JOE?

4 A JUST A LITTLE BIT.

5 Q WHAT WAS JOE'S ATTITUDE ABOUT THE ERROR?

6 A THAT BEN MADE AN UNFORTUNATE MISTAKE BUT IT  
7 WAS UNDERSTANDABLE, CONSIDERING HIS INEXPERIENCE.

8 Q WAS JOE ANGRY OR MAD?

9 A NO.

10 Q WHAT WAS HIS ATTITUDE TOWARD BEN?

11 A WELL, THAT THEY WOULD START ALL OVER. HE WAS  
12 ACCEPTING OF THE CIRCUMSTANCES.

13 Q WHILE JOE WAS IN CHICAGO, DID YOU EVER MEET  
14 HIS FATHER?

15 A YES.

16 Q WHAT WAS HIS NAME?

17 A RYAN.

18 Q RYAN HUNT?

19 A RYAN HUNT.

20 Q WHERE WOULD YOU MEET HIM?

21 A I MET HIM ON THE TRADING FLOOR. HE HAD A RUNNER'S  
22 JACKET. SO HE WOULD HAVE ACCESS TO THE FLOOR.

23 BUT HE DIDN'T DO ANYTHING THAT I COULD SEE.

24 Q ALL RIGHT. HE JUST KIND OF WAS THERE HANGING  
25 OUT WITH JOE?

26 A YES.

27 Q AND HOW WOULD YOU CHARACTERIZE THE RELATIONSHIP  
28 YOU OBSERVED BETWEEN FATHER AND SON?

1           A           WELL, I NEVER SPOKE DIRECTLY TO RYAN OTHER  
2 THAN GOOD MORNING AND -- YOU KNOW.

3                   HE WOULD PULL JOE ASIDE TO SPEAK TO HIM. AND  
4 I THINK THAT HE DIDN'T UNDERSTAND THE REASON JOE HIRED ME.  
5 HE DIDN'T SEE THE NECESSITY.

6                   AND SO WHENEVER I WAS AROUND, HE CHOSE NOT  
7 TO SPEAK IN MY PRESENCE. SO IT WAS ODD.

8           Q           ALL RIGHT. WHO SEEMED TO BE TAKING OF WHOM  
9 IN THAT RELATIONSHIP AS FAR AS YOU WERE ABLE TO OBSERVE?

10          A           I THINK JOE WAS TAKING CARE OF RYAN.

11          Q           DID IT APPEAR TO YOU THAT JOE WAS SUPPORTING  
12 HIS FATHER?

13          A           YES.

14          Q           AND PAYING HIS EXPENSES?

15          A           YES.

16          Q           NOW IN THE MAIN, BEFORE WE SWITCH TO A NEW  
17 TOPIC, WHILE WE ARE STILL IN CHICAGO, DID JOE OVERALL, BASED  
18 ON WHAT YOU COULD SEE, DO WELL FOR HIS CUSTOMERS?

19          A           YES, HE DID.

20          Q           WAS HE ATTENTATIVE TO HIS CLIENTS?

21          A           I DON'T KNOW.

22          Q           ALL RIGHT. DID HE SEEM TO TAKE CARE OF THEIR  
23 PHONE CALLS?

24          A           YES.

25          Q           WAS HE -- DID HE APPEAR TO BE RESPONSIVE TOWARD  
26 THEM IN THOSE PHONE CALLS?

27          A           WELL, I NEVER LISTENED TO THE ACTUAL CONVERSATIONS.  
28 BUT HE ALWAYS RETURNED THE CALLS, IF HE WAS NOT ABLE TO



1 STEP OUT OF THE TRADING PITS.

2 Q ALL RIGHT. WAS HE DEMOCRATIC IN HIS RELATIONSHIP  
3 WITH YOU?

4 A YES.

5 Q HE DIDN'T DOMINATE THE CONVERSATIONS OR DICTATE  
6 TO YOU WHAT WAS -- WAS HE FAIRLY EVEN WITH YOU?

7 A YES. HE WAS VERY FAIR AND EVEN AND RESPECTFUL.

8 Q HOW ABOUT WITH THE OTHER TRADERS OR BROKERS  
9 AROUND THERE? WAS HE EVEN WITH THEM?

10 A YES.

11 Q ALL RIGHT. COULD YOU COMPARE HOW JOE HANDLED  
12 THE OUT-TRADES WITH OTHER PEOPLE, YOU KNOW, IN TERMS OF  
13 HOW OTHER TRADERS WERE HANDLING THEM?

14 A WELL, HE WAS GENEROUS. I WOULD SAY HE WAS  
15 GENEROUS TO A FAULT.

16 HE WOULD LET PEOPLE OFF THE HOOK ON TRADES  
17 A LOT.

18 AND IF THERE WERE PRICE DISCREPANCIES, HE WOULD  
19 ALSO GIVE THE OTHER PERSON THE BENEFIT OF THE DOUBT, NO  
20 MATTER WHAT THE CIRCUMSTANCES.

21 AND I QUESTIONED HIM ON THIS A COUPLE OF TIMES.  
22 AND HE JUST FELT THAT IT WAS BETTER TO RESOLVE THE OUT-TRADE  
23 QUICKLY RATHER THAN HAVE ANY KIND OF LONG-DRAWN-OUT ARGUMENT  
24 OR FIGHT ABOUT IT.

25 Q IN OTHER WORDS, HE WOULD BE SOMEWHAT SELF-EFFACING  
26 IN THOSE SITUATIONS AND BEAR THE LOSS?

27 A YES. I THINK HE THOUGHT HE COULD AFFORD THE  
28 LOSS BETTER THAN MOST.

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1 Q WAS HE PARTICULARLY INTERESTED IN TRYING TO  
2 PLEASE PEOPLE AND GET ALONG WITH THEM?

3 A YES, HE WAS.

4 Q DID YOU HAVE AN ACCOUNT WITH A GENTLEMAN NAMED  
5 SAM CRAWFORD?

6 A AN ACCOUNT?

7 Q OR DEALINGS WITH A MAN NAMED SAM CRAWFORD?

8 A AN OUT-TRADE.

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1 Q AND WHAT HAPPENED IN THE INSTANCE? COULD YOU  
2 DESCRIBE TO THE COURT WHAT THE OUT-TRADE WITH MR. CRAWFORD  
3 INVOLVED?

4 A IT WASN'T A GENUINE OUT-TRADE. SAM CRAWFORD HAD  
5 A LOSING POSITION AND JOE HELPED OUT WITH IT.

6 Q IN HELPING MR. CRAWFORD OUT WITH THAT, DID JOE  
7 TAKE THE LOSS?

8 A YES.

9 Q DID JOE HAVE ANY OBLIGATION TO TAKE THAT LOSS?

10 A NO HE DIDN'T.

11 Q SO HE VOLUNTEERED IN THAT SITUATION? WHAT DID  
12 JOE TELL YOU WHY HE DID THAT TYPE OF ACTIVITY?

13 A HE LIKED TO RESCUE PEOPLE, TO SAVE THEM FROM YOU  
14 KNOW, WHAT THEY THOUGHT WAS A DISASTEROUS SITUATION. HE WAS  
15 VERY GENEROUS.

16 Q WHAT WAS HIS RELATIONSHIP WITH OTHER TRADERS?

17 A I DON'T KNOW.

18 Q WOULD HE GET INTO DISPUTES WITH OTHER TRADERS  
19 ABOUT OUT-TRADES?

20 A NO.

21 Q WHAT WAS HIS ATTITUDE IF A DISPUTE AROSE?

22 A HE WOULD JUST TELL THEM TO GO THEIR WAY.

23 Q WAS THAT PRETTY WELL STANDARD OPERATING PROCEDURE  
24 FOR YOU FOLKS?

25 A YOU MEAN FOR THE OUT-TRADE CLERKS?

26 Q YOU AND JOE?

27 A YES.

28 Q NOW, DID THE OTHER PEOPLE THAT YOU WORKED WITH

1 IN A SIMILAR FASHION, DO THAT?

2 A NOT AT ALL.

3 Q HOW WERE THEY DIFFERENT?

4 A THEY WOULD FIGHT FOR EVERY, LITTLE PENNY AND  
5 BICKER ABOUT IT FOR DAYS AND DAYS UNTIL THE MATTER WOULD BE  
6 TAKEN TO ARBITRATION IN FRONT OF THE MERC.

7 Q AND JOE DID NOT OPERATE LIKE THAT?

8 A NO HE DIDN'T.

9 Q WHAT WAS HIS ATTITUDE ABOUT LOSSES?

10 A THAT THEY WERE MINIMAL, THAT HE COULD AFFORD THEM  
11 AND THAT HE COULD MAKE MORE MONEY VERY EASILY. HE WAS VERY  
12 CONFIDENT.

13 Q DID JOE TRADE SPREADS, AS YOU UNDERSTAND IT?

14 A YES.

15 Q DID ANYONE ELSE TRADE SPREADS IN A SIMILAR FASHION  
16 THAT YOU WERE AWARE OF?

17 A NOT EXACTLY, NO.

18 Q WERE YOU FAMILIAR WITH DAVID TEMPKIN?

19 A YES.

20 Q HOW DID HE TRADE SPREADS?

21 THE COURT: ARE YOU GOING TO BE MUCH LONGER?

22 MR. BARENS: SORRY. SIR, YOU MEAN WITH THIS WITNESS?

23 THE COURT: YES.

24 MR. BARENS: YES. I AM GOING TO PROCEED WITH THIS WITNESS,  
25 SIR.

26 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE'LL  
27 TAKE OUR RECESS AT THIS TIME UNTIL 1:30 THIS AFTERNOON.

28 THE SAME ADMONITION THAT I GAVE YOU STILL APPLIES.  
(AT 12 NOON A RECESS WAS TAKEN UNTIL  
1:30 P.M. OF THE SAME DAY.)

3

1 SANTA MONICA, CALIFORNIA; TUESDAY, MAY 26, 1987; 1:40 P.M.  
2 DEPARTMENT C HON. LAURENCE J. RITTENBAND, JUDGE  
3 (APPEARANCES AS NOTED ON TITLE PAGE.)  
4

5 LESLIE ANN ETO,  
6 THE WITNESS ON THE STAND AT THE TIME OF THE RECESS, RESUMED  
7 THE STAND AND TESTIFIED AS FOLLOWS:

8 THE COURT: ALL RIGHT, YOU MAY CONCLUDE YOUR DIRECT.

9 MR. BARENS: WE NEED A MOMENT, SIR.

10 (PAUSE IN PROCEEDINGS.)  
11

12 DIRECT EXAMINATION (RESUMED)

13 BY MR. BARENS:

14 Q MISS ETO, WE WERE SPEAKING BEFORE THE BREAK  
15 CONCERNING A CLIENT NAMED SAM CRAWFORD THAT JOE HAD WORKED  
16 WITH.

17 WHAT CIRCUMSTANCES WERE EXISTENT IN MR. CRAWFORD'S  
18 LIFE ABOUT THE TIME HE HAD THE LOSS IN THE MARKET?

19 A I BELIEVE HE JUST HAD BABY AND HE WASN'T A  
20 CLIENT, BY THE WAY, HE WAS JUST ANOTHER TRADER, A FRIEND  
21 OF JOE'S.

22 Q AND THE LOSS THAT MR. CRAWFORD BOOKED, SO TO  
23 SPEAK, WAS THAT ANY FAULT OF JOE'S?

24 A NO.

25 Q AND HOW MUCH OF A LOSS WAS IT?

26 A ABOUT \$30,000.

27 Q AND IT IS MY UNDERSTANDING THAT JOE ABSORBED  
28 THAT LOSS SOMEHOW.

1 A YES.

2 Q HE VOLUNTEERED TO DO THAT?

3 A YES, HE DID.

4 Q DID HE EVER TELL YOU WHY?

5 A WELL, HE JUST EXPLAINED THE CIRCUMSTANCES OF  
6 SAM'S FINANCIAL SITUATION, THAT HE HAD A NEW BABY AND HE  
7 WAS NOT DOING WELL IN HIS ACCOUNT AND THAT HE WAS DOING  
8 HIM A FAVOR.

9 Q WHILE JOE WAS IN CHICAGO YOU WERE DESCRIBING  
10 BEFORE THE BREAK, THAT IS, PRETTY WELL HIS PHILOSOPHY WAS  
11 TO TRY AND ACCOMMODATE AND GET ALONG WITH PEOPLE?

12 A YES.

13 Q AND DID YOU CONSIDER JOE A MATERIALISTIC PERSON?

14 A NO.

15 Q HOW WOULD YOU DESCRIBE HIM IN THAT SENSE?

16 A WELL, HE INTENDED TO MAKE MONEY, OF COURSE,  
17 TRADING AT THE MERCANTILE EXCHANGE, BUT IT WASN'T EVERYTHING  
18 TO HIM.

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1 Q WAS HE GIVEN TO MATERIAL AGGRANDIZEMENT AS FAR  
2 AS BUYING THINGS FOR HIMSELF, AS FAR AS YOU COULD OBSERVE?

3 A NO.

4 Q AND YET, HE SEEMED TO TRULY ENJOY WHAT HE WAS  
5 DOING?

6 A YES.

7 Q NOW, ON THOSE OUT-TRADES THAT JOE WOULD ACCOMMODATE  
8 PEOPLE ON, WHAT KINDS OF MONEY WOULD YOU BE TALKING ABOUT  
9 ON THOSE TRANSACTIONS WHERE HE WOULD ABSORB THE LOSSES, AS  
10 I UNDERSTAND IT, RATHER THAN HAVE CONFRONTATIONS?

11 A YOU MEAN EVERY DAY, JUST THE DAILY OUT-TRADES?

12 Q YES.

13 A IT COULD RANGE FROM \$12.50 FROM AN OUT-TRADE TO --  
14 WELL, I THINK THE WORST WAS \$30,000.

15 Q AND HIS ATTITUDE WAS TO TRY TO AVOID CONFLICT?

16 A YES.

17 Q WHEN JOE WAS TAKEN OFF THE EXCHANGE, WAS HE ANGRY  
18 AT THE PEOPLE THAT WERE RESPONSIBLE FOR THAT?

19 A NO.

20 Q DID HE TALK ABOUT ANY SORT OF REVENGE?

21 A NO HE DIDN'T.

22 Q WHAT DID HE SAY ABOUT IT?

23 A THAT HE WOULD RATHER PLACE HIS ENERGIES ON  
24 SOMETHING MORE CONSTRUCTIVE AND CONTINUE WITH HIS BUSINESSES  
25 IN CALIFORNIA.

26 Q DID ANY OF THE TRADERS THAT YOU KNEW OF IN  
27 CHICAGO, HAVE ANY REASON TO RESENT JOE FOR HIS BEHAVIOR OR  
28 HIS BUSINESS ACTIVITY?

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1 A NO.

2 Q WHAT DID THEY ALL SEEM TO THINK OF HIM AS FAR  
3 AS YOU COULD TELL?

4 A WELL, THEY LIKED HIM. THEY LIKED BEING AROUND  
5 HIM.

6 HE WAS A VERY POSITIVE PERSON TO BE AROUND AND  
7 THEY ENJOYED HIS COMPANY.

8 Q DID HE EVER DISCUSS HIS PERSONAL PHILOSOPHY WITH  
9 YOU?

10 A NO, NOT AT LENGTH.

11 Q OR HIS IDEAS ABOUT THE WORLD IN GENERAL? WHAT  
12 DID HE EVER TALK TO YOU ABOUT IN THAT REGARD?

13 A HE DIDN'T DISCUSS IT. I COULD TELL HIS PHILOSOPHY  
14 THROUGH HIS ACTIONS, MORE THAN ANYTHING ELSE.

15 Q WHAT DID YOU CONCLUDE FROM THAT?

16 A WELL, HE WAS HONEST AND THAT HE CARED ABOUT PEOPLE.

17 Q AND HOW DID HE TEND TO LIVE HIS LIFE OUT WHILE  
18 YOU SAW HIM IN CHICAGO?

19 A WELL, I DIDN'T SEE HIM OUTSIDE OF BUSINESS HOURS  
20 IN CHICAGO. AND HE WAS JUST STRAIGHTFORWARD AND JUST FOLLOWED  
21 THE RULES.

22 Q SO HE SEEMED PRETTY CONCERNED WITH ADHERING TO  
23 THE WAY THINGS WERE SUPPOSED TO BE?

24 A YES, VERY MUCH.

25 Q OKAY. NOW, WHEN HE LEFT CHICAGO, WAS THERE ANY  
26 DISCUSSION ABOUT YOUR COMING TO WORK FOR HIM IN LOS ANGELES?

27 A NOT AT THAT TIME, NOT WHEN HE FIRST LEFT  
28 CHICAGO.



-3  
1 Q WAS THERE A TIME WHEN HE CAME TO LOS ANGELES?

2 A YES.

3 Q AND WHEN WAS THAT?

4 A I THINK IT WAS JANUARY, 1984.

5 Q 1984?

6 A YES.

7 Q DID YOU COME TO LOS ANGELES AT THAT PARTICULAR  
8 TIME?

9 A WELL, I WAS TAKING A VACATION. HE INVITED ME  
10 TO COME AND SEE WHAT HE WAS DOING WITH THE BBC AND HIS  
11 BUSINESSES.

12 Q AND WHEN YOU FIRST CAME OUT HERE, DID HE ASK YOU  
13 TO UNDERTAKE ANY ACTIVITY RELATIVE TO THE BBC?

14 A WELL, HE ASKED ME TO MAKE A CASH FLOW CHART AND  
15 I WORKED ON THAT FOR A DAY AND A HALF.

16 THAT IS ALL.  
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1 Q YOU MADE A CASH FLOW CHART OF WHAT PART OF  
2 THE BUSINESS?

3 A OF VARIOUS BBC INTERESTS, TO SEE WHERE THE  
4 PETTY CASH OR THE EXPENSES WERE GOING.

5 Q DID JOE SEEM TO BE AWARE OF WHAT WAS HAPPENING  
6 IN TERMS OF THE CASH FLOW OF BUSINESS?

7 A GENERALLY.

8 Q BUT NOT SPECIFICALLY?

9 A NO.

10 HE DIDN'T HAVE TIME.

11 Q AND YOU PREPARED --

12 DID YOUR CASH FLOW RECAPITULATION INCLUDE THE  
13 COMMODITIES ACTIVITIES?

14 A YEAH, YES.

15 Q DID YOU DRAW ANY CONCLUSIONS FROM ANY OF THOSE  
16 ACTIVITIES?

17 A ABOUT THE COMMODITIES TRADING?

18 Q YES.

19 A NO.

20 Q DID EVERYTHING SEEM FAIRLY TYPICAL TO YOU?

21 A YES.

22 Q WAS TRADING IN FACT GOING ON AT THAT POINT  
23 IN TIME AS FAR AS YOU COULD DETERMINE?

24 A YES.

25 Q DID YOU PRESENT YOUR PRODUCT TO JOE AS FAR  
26 AS THE RECAP AND SUMMARY YOU PROVIDED?

27 A YES.

28 Q AND DO YOU KNOW WHAT HE HAD TO SAY? DID HE

-2

1 COMMENT ON THAT AT ALL?

2 A HE MADE A FEW CORRECTIONS BECAUSE I TOOK RECEIPTS  
3 AND I REALLY DIDN'T KNOW WHAT "THE CHARHOUSE" WAS, FOR  
4 INSTANCE, AND I THOUGHT IT WAS A CHARTING SYSTEM FOR  
5 COMMODITIES TRADING AND I FOUND OUT LATER IT WAS A RESTAURANT  
6 AND HE MADE LITTLE CORRECTIONS LIKE THAT.

7 Q OKAY. DID YOU HAVE SOME DISCUSSIONS WITH JOE  
8 AT THAT POINT IN TIME ABOUT COMING TO WORK FOR HIM?

9 A YES.

10 Q AND WHAT DID YOU DISCUSS?

11 A WELL, I WAS WORKING IN CHICAGO AT MERC AND  
12 HE SAID THERE WAS A POSSIBILITY THAT WE COULD JUST WORK  
13 TOGETHER AGAIN, ONCE HE HAD EVERYTHING BALANCED.

14 AND I PLANNED ON COMING BACK JUST BEFORE I  
15 FOUND OUT HE WAS ARRESTED.

16 Q AND YOU WERE GOING TO COME BACK AND WORK FOR  
17 HIM ON A FULL TIME BASIS?

18 A YES.

19 Q DID YOU TRUST HIM TO, YOU KNOW, KIND OF UPROOT  
20 YOURSELF FROM CHICAGO TO COME TO L.A.?

21 A YES, I DID.

22 Q DID YOU HAVE A SENSE OF WHAT YOUR JOB WAS GOING  
23 TO BE IF YOU WENT TO WORK FOR THE BBC?

24 A PRETTY MUCH. I WANTED TO AVOID ANY SECRETARIAL  
25 DUTIES. I -- I AM NOT HIS SECRETARY AND I NEVER WAS. I  
26 WAS AN OUT-TRADE CLERK. I WAS MORE INTERESTED IN OUT-TRADE  
27 MARKETS THAN IN ANSWERING PHONES AND WRITING LETTERS, ALTHOUGH  
28 I DID WRITE ONE LETTER ONE TIME, A THANK YOU LETTER FOR

-3  
1 A CHRISTMAS GIFT.

2 Q AND IT WAS YOUR SENSE THAT YOU WERE GOING TO  
3 HANDLE PRIMARILY THE COMMODITIES ACTIVITIES OUT HERE?

4 A NO.

5 BEN DOSTI WAS DOING THAT.

6 HE WANTED ME TO ACT AS A BUFFER BETWEEN HIM  
7 AND ALL OF THE OTHER PEOPLE, ALL OF THE VARIOUS INTERESTS.

8 Q COULD YOU ELABORATE A BIT ON WHAT YOU MEAN  
9 BY ACTING AS A BUFFER?

10 A WELL, TAKE CARE OF ANY LOOSE ENDS THAT HE DIDN'T  
11 HAVE TIME TO TAKE CARE OF HIMSELF.

12 Q DID YOU MEET ANY OF JOE'S FRIENDS WHILE YOU  
13 WERE IN LOS ANGELES IN JANUARY OF '84?

14 A YES.

15 Q WHOM DID YOU MEET?

16 A I MET DEAN KARNY AND TOM AND DAVID MAY AND  
17 BROOKE ROBERTS AND GENE BROWING AND SOMEBODY NAMED EVAN.

18 Q OKAY. WHEN YOU MET BROOKE ROBERTS, WHO DID  
19 YOU UNDERSTAND HER TO BE?

20 A JOE'S GIRLFRIEND.

21 Q AND DID HE TELL YOU WHAT HIS RELATIONSHIP WAS  
22 WITH HER?

23 A WELL, YEAH, HE DID.

24 Q WHAT DID HE TELL YOU?

25 A HE SAID THAT SHE WAS HIS GIRLFRIEND AND THEY  
26 WERE -- HE WAS LIVING IN THE ROBERTS' HOUSE AND THAT THEY  
27 WOULD PROBABLY GET MARRIED. THAT IS ABOUT IT.

28 Q HOW LONG WERE YOU IN LOS ANGELES THAT TIME?

1           A           I THINK IT WAS ONE WEEK. IT MAY HAVE BEEN  
2 TEN DAYS.

3           Q           DID YOU COME BACK TO LOS ANGELES AGAIN IN 1986?

4           A           YES, IN APRIL.

5           Q           WHY DID YOU HAPPEN TO COME HERE ON THAT OCCASION?

6           A           I WAS ON VACATION.

7           Q           AND DID YOU SEE JOE ON THAT OCCASION?

8           A           YES.

9           Q           AND DID YOU DO ANY WORK FOR HIM AT THAT TIME  
10 OR WAS IT PURELY SOCIAL?

11          A           I DID NOT DO ANY WORK AT ALL.

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1 Q WHAT DID YOU AND JOE DO WHILE YOU WERE HERE ON  
2 THAT OCCASION?

3 A WE TALKED ABOUT WHAT WAS GOING ON IN MY LIFE.  
4 HE INTRODUCED ME TO AN ORGANIZATION CALLED LIFE SPRING.

5 I WENT TO A SEMINAR, A GUEST EVENT WITH HIM.

6 Q DID HE SEEM TO BE INTERESTED IN THAT PROGRAM AT  
7 LIFE SPRING?

8 A YES.

9 Q DID HE TELL YOU THAT HE HAD TAKEN THAT CLASS?

10 A YES.

11 Q SUCH AS IT BE. AND WAS HE GENUINELY CONCERNED  
12 ABOUT YOUR LIFE AT THAT TIME?

13 A YES. HE WAS.

14 Q DID YOU MEET HIS FATHER ON THAT OCCASION?

15 A NO. I MET RYAN IN CHICAGO.

16 Q DID YOU SEE HIM AT ALL IN LOS ANGELES ON THAT  
17 OCCASION?

18 A ONCE.

19 Q WHEN WAS THAT?

20 A IT WAS IN THE AFTERNOON BEFORE I WENT TO LIFE  
21 SPRING, TO THE GUEST EVENT WITH JOE.

22 HE NEEDED TO PICK UP SOME PAPERS OR SOMETHING  
23 AND I JUST TAGGED ALONG.

24 Q OKAY. HE SEEMED TO BE STILL HAVING A RELATIONSHIP  
25 WITH HIS FATHER AT THAT TIME?

26 A YES.

27 Q ASIDE FROM LIFE SPRING, DID HE DISCUSS WITH YOU  
28 THE STATUS OF THE BBC ACTIVITIES?

-2  
1 A NO.

2 Q WERE YOU AWARE THAT HE HAD BEEN ARRESTED PRIOR  
3 TO YOUR COMING TO LOS ANGELES IN 1986?

4 A YES I WAS.

5 Q DID HE DISCUSS HIS CASE WITH YOU AT ALL AT THAT  
6 TIME?

7 A NO.

8 Q NOW, THERE WAS NO FURTHER DISCUSSION ABOUT YOUR  
9 WORKING AT THAT PARTICULAR TIME?

10 A RIGHT.

11 Q OKAY. DID HE HAVE ANY INTEREST IN ANY OTHER TOPICS  
12 AT THAT POINT IN TIME?

13 A WELL, OF COURSE. YOU MEAN -- WHAT DO YOU MEAN  
14 "ANY OTHER TOPICS"?

15 Q WHAT WERE YOU FOLKS DISCUSSING AT THAT TIME?

16 A MUSIC.

17 Q HAD MUSIC BEEN A TOPIC THAT YOU HAD LONG DISCUSSED  
18 WITH JOE?

19 A YES.

20 Q WHEN DID THAT START?

21 A FROM THE FIRST FEW DAYS WHEN I MET HIM.

22 BECAUSE I AM A MUSICIAN AND HE EXPRESSED AN  
23 INTEREST IN LEARNING TO PLAY THE VIOLIN. I SAID HE WAS TOO  
24 OLD.

25 HE WAS JUST 21. I SAID HE WOULD PROBABLY BECOME  
26 PROFICIENT WITH A PIANO IN THE AMOUNT OF TIME THAT HE WANTED  
27 TO DEVOTE TO PRACTICING. SO WE TALKED ABOUT PIANO MUSIC.

28 Q NOW, LATER ON, AFTER YOU WERE IN LOS ANGELES IN

1 APRIL -- STRIKE THAT.

2 PRIOR TO APRIL OF 1986, HAD YOU HAD ANY CONTACT  
3 WITH JOE SUBSEQUENT TO THE TIME YOU WERE IN LOS ANGELES DURING  
4 JANUARY OF 1984?

5 A YES.

6 Q WHEN WAS THAT?

7 A PHONE CONVERSATIONS. HE CALLED ME FROM THE  
8 LOS ANGELES COUNTY JAIL.

9 Q AND DID YOU SPEAK TO HIM OFTEN WHILE HE WAS IN  
10 JAIL?

11 A IN THE SUMMER WHEN HE FIRST CALLED, I BELIEVE  
12 HE CALLED EVERY DAY FOR A COUPLE OF WEEKS.

13

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1 Q WHAT DID HE TALK ABOUT DURING THOSE CONVERSATIONS?

2 A WE TALKED ABOUT WHAT THE MARKETS WERE DOING AND  
3 I TOLD HIM ABOUT MY FAMILY AND TALKED ABOUT A LOT OF THINGS,  
4 EVERYTHING BUT THE CASE.

5 Q DID HE SAY ANYTHING AT ALL TO YOU ABOUT WHY --  
6 WHAT HE HAD BEEN ARRESTED FOR OR WHAT ROLE HE HAD HAD IN THAT  
7 SITUATION?

8 A NO. AND I DIDN'T ASK OR PRESS AND THE ONE THING  
9 THAT HE TOLD ME WAS THAT HE DID NOTHING DISHONORABLE.  
10 I BELIEVED HIM.

11 THE COURT: WELL NOW, YOU ARE LOOKING TO HAVE HIM  
12 TESTIFY THROUGH HER. LET'S AVOID ANY CONVERSATIONS THEY HAD  
13 ABOUT HIS GUILT OR INNOCENCE IN THIS PARTICULAR MATTER, IF  
14 YOU DON'T MIND.

15 MR. BARENS: JUST FOR THE RECORD, I WOULD LIKE TO  
16 DECLARE THAT WE HAVE HAD EVERY WITNESS KNOWN TO MAN WHO  
17 TESTIFIED ABOUT WHAT HE SAID ABOUT HIS GUILT AND --

18 THE COURT: WELL, I DON'T WANT TO HAVE HER TESTIFY AS  
19 TO WHAT HE TOLD HER ABOUT HIS GUILT OR --

20 MR. BARENS: EVERY WITNESS KNOWN TO --

21 THE COURT: OR HIS INNOCENCE AND --

22 MR. BARENS: I WOULD LIKE TO SAY THAT EVERY WITNESS  
23 POSSIBLE TESTIFIED ABOUT --

24 THE COURT: LET'S HAVE NOTHING FURTHER. I HAVE MADE  
25 MY RULING.

26 MR. BARENS: BUT WE HAVE HAD EVERY WITNESS THAT --

27 THE COURT: DON'T ARGUE WITH ME.

28 MR. BARENS: I AM NOT ARGUING WITH YOU --

1 THE COURT: YOU CAN MAKE A RECORD THEN AT THE BENCH  
2 IF YOU WISH TO SOMETIME.

3 GO AHEAD.

4 MR. BARENS: ALL RIGHT.

5 Q SO YOU TALKED TO HIM SEVERAL TIMES DURING THAT  
6 SUMMER FROM JAIL AND HE SEEMED TO HAVE A CONTINUING INTEREST  
7 IN THE COMMODITIES MARKET?

8 A YES.

9 Q AND HE HAD AN INTEREST IN WHAT WAS DOING IN  
10 YOUR LIFE?

11 A YES.

12 Q DID HE COMPLAIN AT ALL ABOUT THE SITUATION HE  
13 WAS IN?

14 A NO, NEVER. I COMPLAINED MORE ABOUT IT.

15 Q OKAY. AND THEN --

16 A HE WOULD REASSURE ME THAT HE WAS OKAY. AND HE  
17 WAS MORE CONCERNED ABOUT MY FEELINGS FOR HIM IN JAIL THAN  
18 HE WAS ABOUT HIS OWN.

19 Q IF I WERE TO ASK YOU TO SUMMARIZE YOUR IMPRESSION  
20 OF JOE HUNT OR IMPRESSIONS OF JOE HUNT, HOW WOULD YOU SUMMARIZE  
21 HIM AS A PERSON THAT YOU KNEW?

22 A WELL, HE IS ONE OF THE SMARTEST PEOPLE I HAVE  
23 EVER MET IN MY LIFE, MOST HONEST AND RESPECTFUL.

24 THE RARE ACTION IS IN VIRTUE THAN IN VENGEANCE.  
25 I THINK THAT HE HAS ALWAYS LIVED BY HIGHER IDEALS.

26  
27  
28

1 Q THE IMPRESSION YOU HAVE OF JOE IS BASED ON  
2 YOUR ACTUAL FEELING, YOUR ACTUAL CONTACTS AND OBSERVATIONS  
3 OF HIM?

4 A YES.

5 MR. BARENS: THANK YOU.

6 MR. WAPNER: MAY I HAVE JUST A MOMENT?  
7

8 CROSS-EXAMINATION

9 BY MR. WAPNER:

10 Q MS. ETO, WHEN YOU FIRST MET THE DEFENDANT,  
11 WERE YOU WORKING FOR ANOTHER FIRM IN CHICAGO?

12 A I WAS WORKING FOR A COMMODITIES FIRM CALLED K&S.

13 Q AND YOU WERE AN OUT-TRADE CLERK FOR THEM ALSO?

14 A YES.

15 Q WHEN YOU FIRST MET THE DEFENDANT, WAS HIS NAME  
16 HUNT?

17 A NO.

18 IT WAS GAMSKY.

19 Q AND DID YOU FIND OUT HOW IT WAS THAT HE CAME  
20 TO CHANGE HIS NAME?

21 A NO, I DIDN'T.

22 Q WHEN YOU FIRST MET HIM, TELL US THE CIRCUMSTANCES  
23 SURROUNDING YOUR FIRST MEETING HIM.

24 A I WAS DOING THE MORNING OUT-TRADES AND CURRENCIES  
25 AND THERE WERE A LOT OF TRADES COMING IN TO US, A LOT OF  
26 BROKERS HAD OUT-TRADES WITH US AND WE DIDN'T HAVE ANYBODY  
27 TO VERIFY THAT THESE TRADES WERE GOOD AND IT WAS THE FAULT  
28 OF THE MANAGEMENT, OF K&S. THEY DIDN'T IDENTIFY THE NEW

1 TRADERS WHEN THEY CAME IN SO I WAS FIELDING ALL OF THESE  
2 CLERKS, TRADE CHECKERS ABOUT THE TRADES THAT I HAD NO HOME  
3 FOR AND THEN JOE APPEARED.

4 Q WAS HE A TRADER OR A CLERK OR WHAT WAS HE DOING  
5 AT THAT TIME?

6 A HE WAS A BROKER, A FLOOR BROKER AND HE ANSWERED  
7 ALL OF MY QUESTIONS.

8 Q DID HE INTRODUCE HIMSELF TO YOU OR DID YOU  
9 INTRODUCE YOURSELF TO HIM?

10 A HE INTRODUCED HIMSELF TO ME.

11 Q WHAT NAME DID HE USE AT THAT TIME?

12 A WELL, HE USED HIS SYMBOL, J.H., HIS BROKER'S  
13 SYMBOL. HE SAID, "THESE ARE MY TRADES".

14 Q WHAT I AM FIRST TRYING TO GET AT IS, HOW DID  
15 YOU FIND OUT HIS NAME WAS GAMSKY AND IT WAS LATER CHANGED?

16 A I FORGET RIGHT NOW. I THINK THE OTHER PEOPLE  
17 WHO WORKED FOR K&S WERE JUST TALKING ABOUT IT AND I HEARD  
18 FROM THEM.

19 Q DID YOU KNOW HIM AS GAMSKY?

20 A YES.

21 Q HOW LONG DID YOU KNOW HIM AS GAMSKY BEFORE  
22 YOU CAME TO KNOW HIM AS HUNT?

23 A JUST A FEW WEEKS.

24 Q TO YOUR KNOWLEDGE, WAS HIS NAME CHANGED WHILE  
25 HE WAS IN CHICAGO?

26 A I THINK SO, YES.

27 Q AND WHAT IS YOUR RECOLLECTION OF SPECIFICALLY  
28 WHEN IT WAS THAT YOU MET HIM?

1 A TIME-WISE, WHAT DATE?

2 Q RIGHT.

3 I DON'T NEED TO KNOW PRECISELY THE DAY BUT  
4 IF YOU HAVE A MONTH AND A YEAR, IT WOULD CERTAINLY BE  
5 HELPFUL.

6 A I DON'T REMEMBER. IT WAS IN 1979.

7 Q HOW DO YOU PLACE IT IN 1979 AS OPPOSED TO ANY  
8 OTHER YEAR?

9 A BECAUSE I WORKED FOR K&S FOR TWO YEARS AND  
10 IT WAS TOWARDS THE END.

11 Q DID YOU WORK FOR K&S AT ALL IN 1980?

12 A FOR A FEW MONTHS OR MAYBE JUST ONE OR TWO MONTHS.

13 Q AND AFTER YOU LEFT K&S, DID YOU BEGIN WORKING  
14 FOR MR. HUNT?

15 A YES.

16 Q AT THE TIME THAT YOU WORKED FOR MR. HUNT, DID  
17 YOU WORK FOR HIM EXCLUSIVELY?

18 A YES.

19 Q HOW MANY OTHER PEOPLE DID HE HAVE IN HIS EMPLOY  
20 AT THAT TIME?

21 A NONE.

22 Q HOW MUCH WAS HE PAYING YOU?

23 MR. BARENS: RELEVANCY, YOUR HONOR.

24 THE COURT: SUSTAINED.

25 MR. BARENS: THANK YOU.

26 Q BY MR. WAPNER: THE MONEY THAT HE HAD, DID  
27 YOU HAVE ANY IDEA WHAT THE SOURCE OF THAT WAS?

28 A NO.

1 Q YOU SAID THAT HE WAS ACCUSED OF RUNNING COMMODITY  
2 POOLS BY THE MERC; IS THAT RIGHT?

3 A BY A CLIENT.

4 Q WHAT WAS HER NAME OR HIS NAME?

5 A I DON'T KNOW.

6 Q DOES THE NAME ELEANOR STEITZLEIN MEAN ANYTHING  
7 TO YOU?

8 A I HEARD IT A COUPLE OF TIMES. I THINK SHE  
9 CALLED THE EXCHANGE AND I ANSWERED A PAGE ONCE.

10 Q DID MR. HUNT HAVE AN OFFICE IN CHICAGO?

11 A NO.

12 Q HE WORKED EXCLUSIVELY OFF OF THE FLOOR?

13 A RIGHT.

14 Q DID YOU HAVE AN OFFICE WHILE YOU WERE IN HIS  
15 EMPLOY?

16 A NO.

17 Q SO YOU WORKED ON THE FLOOR ALSO?

18 A YES.

19 Q DID HE HAVE OUT-TRADES EVERY DAY?

20 A YES.

21 Q AND YOU WERE RESPONSIBLE FOR RESOLVING ANY  
22 DISCREPANCIES BETWEEN MR. HUNT AND PEOPLE WHO WERE CLAIMING  
23 THAT THE TRADES WERE NOT ACCURATE?

24 A YES.

25 Q WHAT KIND OF RECORD-KEEPING DID YOU DO OF THOSE  
26 OUT-TRADES?

27 A I SAVED THEM FOR ABOUT A WEEK AND THEN THREW  
28 THEM OUT.

1 Q WHAT IS IT THAT YOU ACTUALLY SAVED?

2 A THE OUT-TRADE SHEET.

3 Q AT THAT TIME, DID YOU KNOW WHO IT WAS, WHO  
4 MR. HUNT WAS TRADING FOR?

5 A NO.

6 Q DID THESE VARIOUS OUT-TRADES -- DID YOU ASK  
7 MR. HUNT IN WHOSE ACCOUNTS THEY WERE SUPPOSED TO GO?

8 A NO.

9 Q YOU SAID THAT HE HAD VARIOUS LIMITED PARTNERSHIPS  
10 WITH VARIOUS DIFFERENT PEOPLE; IS THAT RIGHT?

11 A HE TOLD ME --

12 MR. BARENS: OBJECTION. MISSTATES THE EVIDENCE IN  
13 TERMS OF THE WORD --

14 THE COURT: HE IS JUST ASKING THE QUESTION, SHE CAN  
15 ANSWER YES OR NO, IF IT ISN'T SO.

16 MR. BARENS: SIR, THE WORD "LIMITED PARTNERSHIP" WERE  
17 NOT USED.

18 THE COURT: OVERRULED.

19 Q BY MR. WAPNER: DID HE HAVE VARIOUS LIMITED  
20 PARTNERSHIPS WITH VARIOUS DIFFERENT PEOPLE?

21 A I THINK SO.

22 Q AND WHEN THESE OUT-TRADES CAME THROUGH, DID  
23 YOU ASK MR. HUNT TO WHOSE ACCOUNT THESE VARIOUS TRADES WERE  
24 SUPPOSED TO BE ASSIGNED?

25 A NO.

26

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28

A-1 1 Q WHY NOT?

2 A IT WASN'T MY BUSINESS.

3 Q WAS THERE AS FAR AS YOU COULD TELL, ANY  
4 SEPARATION BETWEEN THE FUNDS OF THESE VARIOUS DIFFERENT  
5 INVESTORS?

6 A WAS THERE ANY SEPARATION BETWEEN THE FUNDS?

7 Q IN OTHER WORDS, IT WAS YOUR UNDERSTANDING THAT  
8 HE WAS TRADING FOR SEVERAL DIFFERENT PEOPLE, IS THAT RIGHT?

9 A RIGHT.

10 Q AND HE HAD INDIVIDUAL AGREEMENTS WITH EACH ONE  
11 OF THEM, RIGHT?

12 A RIGHT.

13 Q AND IF HE WAS POOLING ALL THEIR MONEY TOGETHER  
14 AND TRADING IT IN A BLOCK, HE WAS GOING TO HAVE TO BE -- WOULD  
15 BE REQUIRED TO REGISTER AS A COMMODITY POOL OPERATOR, RIGHT?

16 A I DON'T KNOW THAT HE WAS POOLING ALL THEIR MONEY  
17 TOGETHER. I DID NOT FOLLOW THAT CLOSELY.

18 I DON'T KNOW THE DETAILS OF THE ACCOUNTS. ALL  
19 I DID WAS HANDLE THE OUT-TRADES.

20 Q WHEN YOU HANDLE AN OUT-TRADE, THAT IS ONE,  
21 PARTICULAR TRADE THAT HE MAKES, RIGHT?

22 A YES.

23 Q AND IF THAT IS NOT GOING INTO A POOL, THEN IT  
24 HAS TO BE ASSIGNED TO ONE PARTICULAR INDIVIDUAL FOR WHOM THAT  
25 TRADE IS BEING MADE, RIGHT?

26 A I DON'T KNOW.

27 THE COURT: YOU SAY THAT YOU DON'T KNOW?

28 THE WITNESS: I DON'T UNDERSTAND WHAT HE IS TALKING ABOUT



A-2

1 Q BY MR. WAPNER: WELL, THE TRADING THAT -- WAS  
2 IT YOUR UNDERSTANDING THAT MR. HUNT WAS TRADING HIS OWN MONEY  
3 OR TRADING MONEY THAT BELONGED TO OTHER PEOPLE?

4 A WELL, I THOUGHT HE WAS TRADING WITH HIS OWN MONEY.

5 Q WHAT LED YOU TO BELIEVE THAT?

6 A HE TOLD ME THAT HE WAS, IN THE BEGINNING.

7 Q YOU ALSO SAID THAT THE COMPLAINT THAT WAS MADE  
8 AGAINST HIM WAS MADE BY ONE OF THE INVESTORS.

9 HOW DID YOU UNDERSTAND THAT -- WHEN DID YOU COME  
10 TO UNDERSTAND THAT HE HAD INVESTORS?

11 A SEVERAL MONTHS AFTER WE STARTED -- I STARTED  
12 WORKING FOR HIM EXCLUSIVELY.

13 Q WHAT DID HE TELL YOU ABOUT THE MONEY THAT HE WAS  
14 TRADING IN THE BEGINNING, SAYING IT WAS HIS OWN MONEY?

15 A JUST THAT. IT WAS HIS OWN.

16 Q WOULD IT CHANGE YOUR OPINION OF HIM IN ANY WAY  
17 IF YOU KNEW THAT IN FACT, NONE OF THAT WAS HIS OWN MONEY?

18 A NO.

19 Q DO YOU KNOW HOW MUCH MONEY THAT HE HAD IN THE  
20 BEGINNING WHEN HE WENT TO CHICAGO?

21 A NO. I DON'T.

22 Q AFTER A FEW MONTHS, YOU SAY THAT YOU BECAME AWARE  
23 THAT HE WAS TRADING MONEY FOR OTHER PEOPLE?

24 A WELL, HE SAID THAT HE WAS.

25 Q WHAT DID HE SAY ABOUT THAT?

26 A THAT HIS FATHER, RYAN, HAD SOME PEOPLE IN OHIO  
27 THAT WANTED TO INVEST MONEY WITH HIM.

28 Q AND DID YOU -- DID HE SAY THAT HE IN FACT, HAD

A-3  
1 INVESTED MONEY FOR THEM?

2 A NO. HE NEVER ACTUALLY SAID THAT.

3 BUT HE SAID THAT THEY WERE PERSISTENT AND THEY  
4 WANTED HIM TO TRADE THEIR MONEY AND HE WAS RESISTING DOING  
5 THAT BECAUSE IT WAS MORE TROUBLE THAN IT WAS WORTH.

6 Q DID HE EVER SAY THAT HE IN FACT, DID IT?

7 A NOT TO ME, NO.

8 Q SO AS FAR AS YOU KNOW, HE NEVER DID TRADE FOR  
9 PEOPLE IN OHIO?

10 A I DON'T KNOW.

11 Q WHO WERE THE PEOPLE THAT COMPLAINED ABOUT HIM?

12 A THE GROUP FROM OHIO.

13 Q DID HE -- IF HE WAS INVESTING FOR THEM, WHY WOULD  
14 THEY BE COMPLAINING ABOUT HIM, IF YOU KNOW?

15 A I DON'T KNOW.

16 Q DID THEY MAKE A FORMAL COMPLAINT WITH THE MERC?

17 A YES.

18 Q WAS IT YOUR UNDERSTANDING THAT IT WAS THAT  
19 COMPLAINT THAT THEY ACTED ON?

20 A YES.

21 Q DO YOU KNOW MUCH ABOUT THEIR DISCIPLINARY  
22 PROCEDURES?

23 A THE MERC'S?

24 Q YES.

25 A NO I DON'T.

26 Q SO YOU DON'T KNOW WHETHER THEY WOULD HAVE ACTED  
27 ON A COMPLAINT FOR SOME PEOPLE THAT DIDN'T ACTUALLY INVEST  
28 WITH HIM OR NOT?

1 A NO.

2 Q DID YOU IN RESOLVING THOSE OUT-TRADES, EVER KNOW  
3 ON WHOSE BEHALF THOSE TRADES WERE MADE?

4 A NO.

5 Q BESIDES THE PEOPLE IN OHIO THAT YOU SAY YOU THOUGHT  
6 WERE TRYING TO GET HIM TO DO THIS INVESTING, WAS THERE ANYBODY  
7 ELSE YOU UNDERSTOOD HE WAS INVESTING FOR?

8 A NO.

9 Q SO, DID YOU EVER CHANGE YOUR OPINION THAT ALL  
10 OF THE MONEY THAT HE WAS INVESTING WAS IN FACT, HIS OWN MONEY?

11 A I REALLY DIDN'T HAVE THE FACTS. I HAD NO IDEA  
12 WHERE THE MONEY WAS COMING FROM, WHOSE IT REALLY WAS.

13 Q WOULD IT CHANGE YOUR OPINION OF HIS GENEROSITY  
14 IF YOU KNEW THAT NONE OF THE MONEY HE WAS DEALING WITH, WAS  
15 IN FACT, HIS OWN MONEY?

16 A NO.

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1 Q WHY NOT?

2 MR. BARENS: OBJECTION, ASSUMING FACTS NOT IN EVIDENCE.  
3 THE COURT: OVERRULED.

4 Q BY MR. WAPNER: WHY NOT?

5 A FOR THE SAME -- WELL, I JUST HAVE NO KNOWLEDGE  
6 OF ANYBODY ELSE OPENING AN ACCOUNT WITH HIM. I HAVE NO  
7 KNOWLEDGE OF HIS USING ANYBODY ELSE'S MONEY.

8 THE COURT: HE ASKED YOU, ASSUMING IT WAS SOMEBODY  
9 ELSE'S MONEY, WHAT WOULD YOUR OPINION BE THEN?

10 THE WITNESS: OF HIS GENEROSITY?

11 THE COURT: YES.

12 THE WITNESS: WELL, THE SAME BECAUSE MY EXPERIENCE OF  
13 HIS GENEROSITY WAS JUST BASED ON OUR RELATIONSHIP, NOT ANYTHING  
14 OUTSIDE IT.

15 Q BY MR. WAPNER: GIVE ME SOME EXAMPLES OF HIS  
16 GENEROSITY AS FAR AS YOUR RELATIONSHIP WAS CONCERNED.

17 A WELL, HE PAID ME WELL AND IT WAS ALWAYS ON TIME.

18 Q ONE OF THE THINGS THAT YOU SAID BEFORE ABOUT HIS  
19 GENEROSITY WAS THAT WHEN HE WAS RESOLVING THE OUT-TRADES,  
20 IF THERE WAS A DISPUTE OVER MONEY, THAT HE WOULD ERR ON THE  
21 SIDE OF GIVING IN TO THE OTHER PERSON, RIGHT?

22 A UH-HUH.

23 Q YOU HAVE TO SAY YES OR NO.

24 A YES.

25 Q AND ASSUMING THAT HE WAS GIVING IN TO OTHER PEOPLE  
26 AND BEING GENEROUS WITH OTHER PEOPLE'S MONEY AS OPPOSED TO  
27 HIS OWN, WOULD THAT AFFECT YOUR OPINION AS TO HIS GENEROSITY?

28 A WELL, NO BECAUSE ALL I CAN SPEAK FROM IS MY

1 EXPERIENCE OF HIM.

2 Q YOU SAID THAT HE WAS NOT A GAMBLER. ISN'T IT  
3 TRUE THAT ALL OF THIS TRADING THAT GOES ON IN THE COMMODITIES  
4 EXCHANGE IS IN A SENSE, LEGALIZED GAMBLING?

5 MR. BARENS: OBJECTION, ARGUMENTATIVE.

6 THE COURT: OVERRULED.

7 THE WITNESS: I DON'T KNOW.

8 THE COURT: SHE HAS EXPERTISE IN THAT FIELD. HE IS  
9 INQUIRING ABOUT IT.

10 Q BY MR. WAPNER: THE COMMODITIES MARKET FLUCTUATES  
11 ON AN ALMOST MINUTE-BY-MINUTE BASIS, IS THAT A FAIR STATEMENT?

12 A YES.

13 Q SO PEOPLE CAN MAKE OR LOSE GREAT SUMS OF MONEY,  
14 ALL IN ONE DAY?

15 A YES.

16 Q DID YOU KNOW HOW MUCH MONEY MR. HUNT HAD WHEN  
17 YOU FIRST MET HIM IN CHICAGO?

18 A NO.

19 Q DID YOU KNOW -- YOU SAID THAT YOU THOUGHT THAT  
20 HE WAS SUCCESSFUL IN TRADING?

21 A YES.

22 Q WHAT DID YOU MEAN BY THAT?

23 A WELL, HE WAS ALWAYS ON THE RIGHT SIDE OF THE  
24 MARKET. HE CHOSE STRATEGIES. HE CHOSE SPREADS THAT MADE  
25 MONEY.

26 AND HE ADVISED OTHER PEOPLE WHO WERE ON THE FLOOR.  
27 AND THEY TOOK HIS ADVICE AND THEY IN TURN, WERE VERY  
28 SUCCESSFUL.

1 Q OTHER THAN DOING THE OUT-TRADES, DID YOU KEEP  
2 ANY RECORDS OF WHETHER HE WAS MAKING OR LOSING MONEY?

3 A NO. HE HAD ALL THOSE RECORDS.

4 Q HOW DID YOU KNOW HE WAS MAKING MONEY, THEN?

5 A WELL, FROM THE POSITIONS, I COULD TELL FROM THE  
6 DAILY CARDS, WHAT HE WAS DOING AND WHETHER IT WAS MAKING MONEY  
7 OR NOT.

8 I MEAN, I WATCHED THE QUOTATION BOARD. I DIDN'T  
9 JUST IGNORE WHAT WAS GOING ON IN THE MARKET.

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1 Q HOW MUCH DID HE MAKE DURING THE TIME THAT YOU  
2 KNEW HIM?

3 A I DON'T KNOW.

4 Q WELL, YOU SAID YOU WATCHED THE BOARDS AND YOU  
5 SAID HE WAS SUCCESSFUL.

6 DO YOU HAVE SOME BALLPARK FIGURE OF HOW MUCH  
7 MONEY HE MADE?

8 A NO, I DON'T.

9 Q HOW DO YOU KNOW HE MADE MONEY AT ALL?

10 A WELL, I DIDN'T COLLECT DATA ON HIS FINANCIAL  
11 STATUS.

12 I JUST KNOW THAT WHEN HE TALKED ABOUT THE  
13 TREASURY BILLS AND THE DIRECTION OF THE MARKET OR ANY FOREIGN  
14 CURRENCY THAT HE WAS RIGHT, GENERALLY RIGHT.

15 Q BUT DID HE TELL YOU THAT HE WAS MAKING MONEY?

16 A YES.

17 Q OTHER THAN THE FACT THAT HE TOLD YOU THAT HE  
18 WAS MAKING MONEY, HOW DO YOU KNOW THAT HE IN FACT HAD MADE  
19 THE MONEY?

20 A WELL, WHEN I WAS WORKING AT K&S, I HAD ACCESS  
21 TO THE EQUITY RUNS.

22 Q BUT THAT WAS ONLY FOR THE FIRST COUPLE OF MONTHS  
23 THAT YOU KNEW HIM?

24 A THE FIRST SIX MONTHS.

25 Q AFTER THAT --

26 DID HE MAKE MONEY IN THE FIRST SIX MONTHS?

27 A YES.

28 Q HOW MUCH DID HE MAKE DURING THAT TIME?

1 A I DON'T KNOW, AGAIN.

2 Q DOES THAT MEAN THAT EVEN THOUGH YOU HAD ACCESS  
3 TO THE EQUITY RUNS, YOU DIDN'T CHECK THEM?

4 A NOT ON A DAILY BASIS AND I DIDN'T TALLY THE  
5 FIGURES.

6 Q DO YOU HAVE ANY ESTIMATE OF HOW MUCH HE MADE  
7 DURING THAT TIME?

8 A WELL, I COULD GUESS, HUNDREDS OF THOUSANDS  
9 OF DOLLARS.

10 Q WHAT IS THAT GUESS BASED ON?

11 A JUST ON THE TYPE OF TRADING THAT HE DID AND  
12 THE VOLUME OF CONTRACTS THAT HE HELD.

13 Q AND DO YOU KNOW WHATEVER HAPPENED TO THAT  
14 HUNDREDS OF THOUSANDS OF DOLLARS?

15 A NO.

16 Q DID YOU KNOW THAT WHEN HE RETURNED TO LOS ANGELES  
17 FROM CHICAGO HE ONLY HAD FOUR DOLLARS IN HIS POCKET?

18 MR. BARENS: OBJECTION AS ARGUMENTATIVE AND ASSUMES  
19 FACTS NOT IN EVIDENCE.

20 THE COURT: OVERRULED.

21 MR. WAPNER: SINCE THE EVIDENCE, TO RESPOND TO THIS  
22 OBJECTION AND THE LAST ONE ABOUT ASSUMING FACTS NOT IN  
23 EVIDENCE, THE JURY CAN CONSIDER IN EVIDENCE EVERYTHING THAT  
24 HAS COME IN ON THE GUILT PHASE AS WELL AS THE PENALTY PHASE  
25 AND THOSE FACTS ARE BOTH IN EVIDENCE.

26 MR. BARENS: NOT NECESSARILY CONCEDED.

27 THE COURT: THAT IS WHY I OVERRULED THE OBJECTION.  
28 GO AHEAD.



1 MR. BARENS: IT IS NOT NECESSARILY CONCEDED BY THE  
2 DEFENSE, SIR.

3 THE COURT: THERE WAS TESTIMONY TO THE EFFECT THAT  
4 IS WHAT HE HAD WHEN HE CAME BACK HERE.

5 MR. BARENS: PERHAPS IT SHOULD BE TOLD TO THE WITNESS  
6 LIKE THAT, THAT THERE WAS TESTIMONY TO THAT EFFECT, SIR,  
7 RATHER THAN AN AGREED STIPULATION, THE WAY IT SOUNDS LIKE.

8 Q BY MR. WAPNER: DID YOU KNOW THAT WHEN HE CAME  
9 BACK TO LOS ANGELES, HE HAD FOUR DOLLARS IN HIS POCKET?

10 A NO.

11 Q DID HE TALK TO YOU ABOUT HOW MUCH MONEY HE  
12 HAD WITH HIM WHEN HE RETURNED TO LOS ANGELES?

13 A NO.

14 Q DO YOU KNOW HOW MUCH THE FINE WAS THAT THE  
15 MERC LEVIED ON HIM?

16 A I DON'T REMEMBER.

17 Q DO YOU KNOW APPROXIMATELY?

18 A SOMEWHERE AROUND \$30,000, I BELIEVE.  
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1 Q COULD IT BE, RATHER THAN A MATTER OF PRINCIPLE,  
2 THAT HE DIDN'T PAY THE FINE BECAUSE HE DIDN'T HAVE THE MONEY?

3 A I DON'T --

4 MR. BARENS: OBJECTION. CALLS FOR TOTAL SPECULATION.

5 THE COURT: SHE HAS ANSWERED. SHE SAYS SHE DOESN'T  
6 KNOW.

7 MR. BARENS: ALL RIGHT.

8 Q BY MR. WAPNER: YOU SAID THAT NO ONE ELSE ON  
9 THE MERC TRADED SPREADS; IS THAT RIGHT?

10 A NO, I DIDN'T SAY THAT.

11 Q ALL RIGHT. DID OTHER PEOPLE TRADE SPREADS?

12 A YES.

13 Q AND SO HIS TRADING PHILOSOPHY WAS NOT NECESSARILY  
14 UNIQUE?

15 A THE WAY HE TRADED THE SPREADS WAS DIFFERENT  
16 FROM ANYBODY ELSE.

17 Q HOW DO YOU KNOW THAT?

18 A WELL, BECAUSE OF THE WAY PEOPLE DISCUSS THEIR  
19 STRATEGIES EVERY DAY AND THEY REALLY DIDN'T HAVE A HANDLE  
20 ON THE SIMPLE SPREADS AND HE WAS GOING FAR BEYOND THAT.

21 Q DID HE TRADE WHAT WERE CALLED BUTTERFLY SPREADS?

22 A YEAH.

23 Q DID HE EVER TALK TO YOU ABOUT INVERTED BUTTERFLIES?

24 A A LITTLE BIT.

25 Q AND THAT IS TRADING ONE BUTTERFLY SPREAD AGAINST  
26 ANOTHER ONE?

27 A YES.

28 Q DID YOU UNDERSTAND MUCH OF THAT?

1           A           WELL, TECHNICALLY, YEAH, BUT I DIDN'T FOLLOW  
2 THE ACTUAL BUTTERFLY SPREAD MARKET.

3                       IT WAS A LITTLE BIT INVOLVED.

4           Q           DID ANYONE ELSE THAT YOU KNEW OF TRADE SPREADS  
5 AGAINST SPREADS?

6           A           I THINK DAVID TEMPKIN MAY HAVE, I REALLY DON'T  
7 KNOW THAT HE DID.

8           Q           WHO WAS DAVID TEMPKIN?

9           A           HE WAS A TRADER IN THE T-BILL PIT, A FRIEND  
10 OF JOE'S.

11          Q           DO YOU KNOW WHERE HE IS TODAY?

12          A           I HAVE SEEN HIM ON THE TRADING FLOOR. HE IS  
13 IN CHICAGO.

14          Q           HOW GOOD OF A FRIEND WAS HE OF MR. HUNT'S AT  
15 THE TIME?

16          A           WELL, THEY LIKED EACH OTHER A LOT AND THEY  
17 DISCUSSED THE MARKET AND THEY SPENT SOME TIME TOGETHER AND  
18 AFTER THE MARKET DAY.

19                       DAVID TEMPKIN PLAYED THE PIANO AND THEY SHARED  
20 THAT.

21          Q           INCIDENTALLY, AT ANY TIME WHILE YOU WORKED  
22 FOR MR. HUNT, WAS THERE ANYONE ELSE IN HIS EMPLOY BESIDES  
23 YOU?

24          A           NO.

25          Q           YOU DID NOT KEEP THE RECORDS OF THE MONEY THAT  
26 WAS OWED TO INVESTORS, IF THERE WERE ANY, DID YOU?

27          A           NO.

28          Q           SO IF THERE WERE ANY RECORDS KEPT BY ANYONE,

1 IT WOULD HAVE BEEN MR. HUNT?

2 A YES.

3 Q HAD YOU HEARD OF ANYONE NAMED SHALOM OR DANIELLE  
4 KARNY AT THAT TIME?

5 A DANIELLE KARNY, NO.

6 Q YOU MET DEAN KARNY AT SOME POINT AFTER YOU  
7 CAME TO LOS ANGELES?

8 A YES.

9 Q HAVE YOU EVER HEARD OF A MAN NAMED BLICKER,  
10 A DR. BLICKER FROM CANADA?

11 A NO.

12 Q HAVE YOU EVER HEARD OF A MAN NAMED MILTON  
13 RUBINI?

14 A DR. RUBINI?

15 Q YES.

16 A YES.

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1. Q DID YOU KNOW HE HAD INVESTED A FEW THOUSAND  
2 DOLLARS WITH MR. HUNT?

3 A NO.

4 MR. BARENS: OBJECTION. ASSUMES FACTS NOT IN EVIDENCE.

5 THE COURT: OVERRULED.

6 HE IS ASKING IF SHE KNOWS AND SHE SAYS SHE  
7 DOESN'T KNOW.

8 MR. BARENS: THE RELEVANCY OF THAT ONE, SIR?

9 THE COURT: THERE ARE LOTS OF IRRELEVANCIES.

10 LET'S GET ON, WILL YOU?

11 MR. BARENS: WITH MORE RELEVANCIES, IT IS A GOOD THING.

12 THE COURT: MOST OF THE DIRECT WAS IRRELEVANCIES.

13 MR. BARENS: I SEE. THE DEFENSE WAS IRRELEVANT, SIR?

14 THE COURT: NOT THE DEFENSE.

15 I AM TALKING NOW ABOUT MOST OF THE QUESTIONS  
16 YOU WERE ASKING HAD NOTHING TO DO WITH THIS CASE. THAT  
17 IS "LIKE THE FLOWERS THAT BLOOM IN THE SPRING, TRA LA, TRA  
18 LA."

19 THAT IS FROM GILBERT AND SULLIVAN, IF YOU REMEMBER.

20 MR. BARENS: THE DEFENSE APPRECIATES THE CHARACTERIZATION,  
21 SIR.

22 THE COURT: OH, THAT IS ALL RIGHT.

23 Q BY MR. WAPNER: WHEN THE CHICAGO MERCANTILE  
24 EXCHANGE ASKED MR. HUNT OR ORDERED HIM TO STOP TRADING FOR  
25 THE TEN DAYS, DO YOU KNOW WHAT THE POSITION OF HIS ACCOUNTS  
26 WAS AT THAT TIME?

27 A NO, I DON'T.

28 Q WAS IT AFTER HE WAS SUSPENDED BY THE BOARD

1 THAT MR. DOSTI CAME TO CHICAGO?

2 A YES.

3 Q WERE YOU STILL BEING PAID BY MR. HUNT AT THAT  
4 TIME?

5 A NO.

6 Q DID MR. DOSTI HAVE A SEAT ON THE EXCHANGE?

7 A HE LEASED A SEAT.

8 Q FROM WHOM?

9 A I DON'T KNOW.

10 Q AND DID HE HAVE ANYONE WORKING FOR HIM AT THAT  
11 TIME?

12 A NO.

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1 WELL, I VOLUNTEERED TO DO THE OUT-TRADES IN THE  
2 MORNING.

3 Q YOU SAID THAT WHEN MR. DOSTI WAS DOING THE TRADING,  
4 IT APPEARED THAT HE WAS TRADING ON HIS OWN. WHY WAS THAT?

5 A BECAUSE HE WASN'T AFFILIATED WITH ANY WIRE HOUSE  
6 OR CUSTOMER HOUSE.

7 Q WAS HE IN FACT, TRADING FOR MR. HUNT?

8 A I THINK SO.

9 Q DO YOU KNOW WHETHER THAT WAS IN ACCORD OR NOT  
10 WITH THE ORDER THAT MR. HUNT BE SUSPENDED FROM THE EXCHANGE?

11 A I DON'T KNOW.

12 Q WAS THERE ANY DISCUSSION BETWEEN YOU AND MR. HUNT  
13 OF THE FACT THAT MR. DOSTI -- THAT YOU SHOULDN'T SAY ANYTHING  
14 ABOUT THE FACT THAT HE KNEW MR. DOSTI OR THAT HE WAS  
15 AFFILIATED WITH MR. DOSTI?

16 A THAT I SHOULDN'T SAY ANYTHING?

17 Q RIGHT. TO ANYBODY FROM THE BOARD OF THE MERC  
18 WHO MIGHT INQUIRE?

19 A NO.

20 Q DO YOU KNOW WHERE MR. DOSTI GOT THE MONEY THAT  
21 HE USED FOR TRADING?

22 A NO I DON'T.

23 Q DID EITHER MR. DOSTI OR MR. HUNT TALK TO YOU ABOUT  
24 WHERE THAT MONEY CAME FROM?

25 A NO.

26 Q AND SO, IF THAT MONEY DIDN'T COME FROM MR. HUNT,  
27 HE WOULD HAVE NO REASON TO BE UPSET IF IT WAS LOST, RIGHT?

28 MR. BARENS: OBJECTION, ARGUMENTATIVE.

1 THE COURT: SUSTAINED.

2 Q BY MR. WAPNER: MR. HUNT DID NOT APPEAR YOU SAID,  
3 TO BE UPSET WHEN THAT MONEY WAS LOST?

4 A NO.

5 Q WHAT WAS MR. HUNT'S RELATION TO SAM CRAWFORD BEFORE  
6 THIS \$30,000 INCIDENT?

7 A THEY WERE TRADERS IN THE PIT TOGETHER. JOE WAS  
8 FRIENDS WITH ALL OF THE CRAWFORDS. THERE WERE THREE BROTHERS  
9 ON THE EXCHANGE FLOOR.

10 Q THEY ALL TRADED ON THE FLOOR?

11 A YES.

12 Q AND WAS MR. CRAWFORD TRADING FOR HIMSELF OR FOR  
13 OTHER PEOPLE, IF YOU KNOW?

14 A I DON'T KNOW.

15 Q WHAT IF ANYTHING, DID MR. HUNT STAND TO GAIN FROM  
16 ABSORBING THIS \$30,000 LOSS?

17 A I THINK HE FELT GOOD ABOUT HELPING SAM OUT IN  
18 A BIND.

19 Q DO YOU KNOW WHERE MR. HUNT GOT THE \$30,000?

20 A NO.

21 Q IS THIS A \$30,000 THAT IS ON PAPER THAT MR. HUNT  
22 HAD TO TAKE OUT OF HIS POCKET AND ACTUALLY PAY TO SOMEONE  
23 AT THE EXCHANGE?

24 A I DON'T KNOW.

25 Q AT THE END OF THE DAY -- WELL, AFTER ALL OF THE  
26 TRADES ARE RESOLVED, DOES THE MERCANTILE EXCHANGE TAKE MONEY  
27 OUT OF ONE PERSON'S ACCOUNT AND CREDIT IT TO THE ACCOUNT OF  
28 SOMEONE ELSE?



A-3  
1 A YES.

2 Q SO THAT IF MR. CRAWFORD HAD LOST \$30,000 IN ONE  
3 DAY, THE MERC WOULD THEN TAKE IT OUT OF HIS ACCOUNT AND  
4 CREDIT SOMEONE ELSE'S ACCOUNT, RIGHT?

5 A WOULD YOU REPEAT THAT?

6 Q MR. CRAWFORD LOST THIS \$30,000, I ASSUME AT ONE  
7 TIME, AS OPPOSED TO OVER A PERIOD OF TIME?

8 A WELL, IT WASN'T AN ESTABLISHED LOSS. HE HAD A  
9 POSITION, A LOSING POSITION, WITH THAT AMOUNT AT STAKE.

10 AND JOE -- I THINK JOE HAD A POSITION THAT HE  
11 COULD JUST TAKE THE TRADE HIMSELF. I REALLY DON'T KNOW.

12 BUT I DON'T THINK ANY CASH EXCHANGED HANDS.

13 Q DID MR. HUNT LOSE \$30,000 AS A RESULT OF THIS?

14 A YES, OUT OF HIS TRADING ACCOUNT. IT WAS ON PAPER.

15 Q OKAY. SO YOU DON'T KNOW WHETHER HE MADE IT BACK  
16 OR WHAT HAPPENED?

17 A NO I DON'T.

18 Q YOU SAID THAT OVERALL, MR. HUNT'S LOSSES WERE  
19 MINIMAL? DID YOU MAKE THAT STATEMENT?

20 A YES. I THINK SO. I AM TALKING ABOUT THE OUT-  
21 TRADES.

22 Q SO, YOU ARE NOT TALKING ABOUT HIS LOSSES IN  
23 GENERAL?

24 A YES, TRADING LOSSES WERE MINIMAL.

25 Q HOW DO YOU KNOW THAT?

26 A FROM WHAT HE TOLD ME.

27 Q BESIDES WHAT HE TOLD YOU, HOW DO YOU KNOW?

28 A WELL, HE WAS ON THE TRADING FLOOR FOR A LONG TIME.

DA-4

1 HE HAD -- I DIDN'T ALWAYS HAVE ACCESS TO HIS EQUITY RUN, HIS  
2 PERSONAL STATEMENT BUT --

3 Q DID YOU EVER HAVE ACCESS TO HIS PERSONAL  
4 STATEMENT?

5 A FROM TIME TO TIME, I DID IF THERE WAS ANY KIND  
6 OF DISCREPANCY IN THE OPEN TRADE EQUITY, THE AMOUNT, THE  
7 BOTTOM LINE OF THE ACCOUNT.

8 THEN HE WOULD HAVE ME AUDIT THE TRADES FOR A  
9 CERTAIN PERIOD OF TIME, TO CHECK IT OUT, TO SEE IF ANYTHING  
10 WAS MISSING OR IF ANYTHING WAS PROCESSED INCORRECTLY AT THE  
11 EXCHANGE.

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1 Q AND AT THE TIMES WHEN YOU HAD ACCESS TO HIS  
2 ACCOUNTS, WAS HE MAKING OR LOSING MONEY?

3 A HE WAS MAKING MONEY.

4 Q DID YOU SEE HIS ACCOUNTS AT THE END, JUST BEFORE  
5 HE WAS SUSPENDED FROM TRADING?

6 A NO.

7 Q HOW IS IT THAT YOU KNOW -- SO, YOU DON'T KNOW  
8 WHAT THE POSITION OF HIS ACCOUNTS WAS AT THE END?

9 A NO.

10 Q HOW IS IT THAT YOU KNOW THAT HE WAS IN FACT, TOLD  
11 THAT HE COULD COME BACK TO THE EXCHANGE IF HE JUST PAID THE  
12 FINE?

13 A I THINK IT WAS POSTED ON THE MERC FLOOR. WHENEVER  
14 THEY HAD DISCIPLINARY ACTION, THEY WOULD HAVE SOME KIND OF  
15 A STATEMENT TYPED OUT ABOUT THE INFRACTION OF THE RULE AND  
16 WHAT FINE WAS EXACTED.

17 Q DO YOU KNOW WHETHER OR NOT THERE WERE TWO  
18 DIFFERENT POSTINGS FOR DISCIPLINE REGARDING MR. HUNT?

19 A I DON'T KNOW.

20 Q DO YOU RECALL SEEING THE POSTINGS?

21 A ONE TIME.

22 Q AND IN FACT, DIDN'T THE SECOND POSTING -- STRIKE  
23 THAT.

24 DID YOU READ A POSTING THAT INDICATED THAT IN  
25 FACT, HE WAS SUSPENDED FOR TEN YEARS?

26 A YES.

27 Q DID IT SAY ANYTHING ABOUT PAYING THE FINE AND  
28 HE COULD COME BACK?

2  
1 A I DON'T REMEMBER.

2 Q DO YOU REMEMBER READING WHY IT WAS THAT HE WAS  
3 SUSPENDED FOR TEN YEARS?

4 A I THINK IT WAS BECAUSE THEY FOUND THAT -- THEY  
5 SAID THAT HE WAS TRADING AS A COMMODITY POOL OPERATOR WITHOUT  
6 A LICENSE.

7 Q WHEN THEY MAKE THOSE POSTINGS, IT IS A FINDING  
8 AFTER A DISCIPLINARY ACTION AND A HEARING HAS BEEN HELD,  
9 CORRECT? AREN'T THE POSTINGS MADE TO GIVE PEOPLE ON THE FLOOR  
10 INFORMATION ABOUT THE RESULTS OF THE DISCIPLINARY HEARINGS  
11 THAT HAVE TAKEN PLACE?

12 A YES.  
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1 Q AS FAR AS YOU KNOW, CAN THE MERCANTILE EXCHANGE  
2 JUST ISSUE THESE TEN-YEAR SUSPENSION BASED ON HEARSAY "WELL,  
3 WE SAY IT HAPPENED SO THEREFORE, YOU ARE SUSPENDED"?

4 MR. BARENS: OBJECTION. THAT CALLS FOR BOTH LEGAL  
5 KNOWLEDGE AND A LEGAL CONCLUSION.

6 THE COURT: WELL, IF SHE KNOWS.

7 DO YOU KNOW HOW --

8 THE WITNESS: NO.

9 THE COURT: DO YOU KNOW HOW THE SYSTEM WORKS?

10 THE WITNESS: NO, I DON'T.

11 Q BY MR. WAPNER: YOU SAID THAT MR. HUNT WAS  
12 AN HONEST MAN.

13 HAVE YOU HEARD THAT ONE OF THE THINGS THAT  
14 HAPPENED AS A RESULT OF THIS DISCIPLINARY HEARING IS THAT  
15 THEY FOUND HIM TO HAVE LIED TO THE BOARD?

16 A NO.

17 Q WOULD THAT CHANGE -- IF YOU KNEW THAT, WOULD  
18 THAT CHANGE YOUR OPINION --

19 A NO.

20 Q -- OF WHETHER HE IS AN HONEST PERSON?

21 A NO.

22 BASED ON THE BOARD'S FINDINGS?

23 Q RIGHT.

24 A NO.

25 Q HAD YOU HEARD THAT HE HAD TOLD A GROUP OF  
26 INVESTORS IN LOS ANGELES THAT THEY WERE IN FACT MAKING  
27 APPROXIMATELY 50 PERCENT RETURN A QUARTER ON THEIR MONEY  
28 WHEN IN FACT THEY WERE LOSING MONEY?

1 A DID I HEAR ABOUT THAT?

2 Q YES.

3 A NO.

4 Q IF YOU KNEW THAT, WOULD IT CHANGE YOUR OPINION  
5 AS TO WHETHER HE WAS AN HONEST MAN?

6 A IF I KNEW THAT HE WAS ACCUSED BY THESE PEOPLE,  
7 WOULD THAT CHANGE MY MIND?

8 Q IF YOU HEARD THAT IN FACT, HE HAD TOLD THESE  
9 PEOPLE THAT THEY WERE MAKING MONEY WHEN THEY WERE IN FACT  
10 LOSING MONEY, WOULD THAT CHANGE YOUR OPINION AS TO WHETHER  
11 HE WAS AN HONEST MAN?

12 A NO.

13 Q DID YOU HAVE ANY IDEA WHERE THE MONEY WAS COMING  
14 FROM THAT MR. HUNT USED TO DO HIS TRADING IN CHICAGO?

15 MR. BARENS: ASKED AND ANSWERED TWICE.

16 THE COURT: I THINK SHE SAID SHE DIDN'T KNOW.

17 THE WITNESS: YES.

18 Q BY MR. WAPNER: DID MR. HUNT EVER TELL YOU  
19 THAT THE REASON THAT HE LEFT CHICAGO AND WAS SUSPENDED BY  
20 THE MERCANTILE EXCHANGE WAS THAT HE WAS FORCED OUT BY A  
21 GROUP -- GROUPS OF PEOPLE WHO DIDN'T LIKE HIS SYSTEM AND  
22 WERE JEALOUS OF HIM?

23 A NO.

24 Q DID THAT HAPPEN, TO YOUR KNOWLEDGE?

25 A NO.

26 Q DID HE EVER TALK TO YOU AT ANY TIME ABOUT SOME-  
27 THING CALLED PARADOX PHILOSOPHY?

28 A NO.

1 Q HOW LONG DID YOU KNOW HIM IN CHICAGO?

2 A THREE YEARS.

3 Q DURING THAT TIME, YOU SAW HIM FIVE DAYS A WEEK?

4 A YES.

5 Q DID YOU EVER SEE HIM AT ANY TIME OTHER THAN  
6 ON THE FLOOR OF THE CHICAGO MERCANTILE EXCHANGE?

7 A NO, NOT OTHER THAN LEAVING THE EXCHANGE, NOT  
8 DURING THE PERIOD WHEN I WAS WORKING FOR HIM.

9 Q INCIDENTALLY, CAN YOU TELL ME IF YOU KNOW WHERE  
10 IT WAS THAT MR. HUNT LIVED AT THE VARIOUS PLACES WHEN HE  
11 WAS IN CHICAGO, IF YOU KNOW?

12 A HE LIVED DOWNTOWN.

13 Q WAS THAT THE ONLY PLACE HE LIVED, TO YOUR KNOW-  
14 LEDGE?

15 A I THINK HE LIVED IN LAKE FOREST, TOO.

16 Q DO YOU KNOW EITHER ONE OF THE ADDRESSES?

17 A NO, I DON'T.

18 Q WERE YOU LIVING ALL IN THE SAME PLACE DURING  
19 THE TIME THAT YOU WERE WORKING FOR HIM IN CHICAGO?

20 A YES -- NO, NO.

21 I LIVED IN OAK PARK THE FIRST YEAR THAT I WORKED  
22 FOR K&S AND THEN I MET HIM AND THEN I MOVED TO THE TRANS-  
23 PORTATION BUILDING IN CHICAGO.

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1 Q AND DURING THE ENTIRE THREE YEARS OR SO THAT  
2 YOU KNEW HIM WHILE HE WAS IN CHICAGO, DID YOU EVER HAVE  
3 DINNER WITH HIM?

4 A NO.

5 Q DID YOU DO ANY SOCIALIZING WHATEVER WITH HIM?

6 A NO, NOT WHILE I WAS WORKING FOR HIM.

7 Q AT SOME POINT AFTER YOU WORKED FOR HIM, DID  
8 YOU EVER SOCIALIZE WITH HIM?

9 MR. BARENS: OBJECTION AS TO RELEVANCY, YOUR HONOR.

10 THE COURT: SUSTAINED.

11 Q BY MR. WAPNER: BEFORE YOU CAME TO LOS ANGELES  
12 THE FIRST TIME TO SEE HIM, HAD YOU BEEN TALKING WITH HIM  
13 ON THE PHONE?

14 A YES.

15 Q AND HAD YOU BEEN WRITING TO HIM?

16 A NO.

17 Q BEFORE YOU GOT TO LOS ANGELES, DID YOU KNOW  
18 ANYTHING ABOUT BROOKE ROBERTS?

19 A AH, I THINK HE MENTIONED HER A COUPLE OF TIMES.

20 Q WHEN YOU CAME HERE TO LOS ANGELES, DID YOU  
21 HAVE ANY INTEREST IN PERHAPS DEVELOPING A PERSONAL RELATION-  
22 SHIP WITH MR. HUNT, THAT IS, OF MORE OF A ROMANTIC NATURE  
23 AS OPPOSED TO THE BUSINESS ONE YOU HAD BEFORE?

24 MR. BARENS: OBJECTION AS TO RELEVANCY.

25 MR. WAPNER: GOES TO BIAS.

26 MR. BARENS: AS TO WHAT HER INTEREST MIGHT HAVE BEEN?

27 THE COURT: OVERRULED.

28 THE WITNESS: NO.



1 Q BY MR. WAPNER: DID YOU AT ANY TIME WHILE YOU  
2 WERE IN CHICAGO?

3 A NO.

4 Q DID YOU KNOW WHERE MR. DOSTI LIVED WHILE HE  
5 WAS IN CHICAGO?

6 MR. BARENS: OBJECTION AS TO RELEVANCY, SIR.

7 THE COURT: OVERRULED.

8 THE WITNESS: HE LIVED DOWNTOWN.

9 Q BY MR. WAPNER: YOU DON'T KNOW WHERE EXACTLY?

10 A I CAN'T REMEMBER THE NAME OF THE BUILDING.  
11 IT WAS ON DEARBORN AND -- NORTH DEARBORN, SIR.

12 Q DID YOU EVER SOCIALIZE WITH HIM AT ALL OUTSIDE  
13 OF WORK?

14 A NO.

15 I WENT TO LUNCH ONCE WITH HIM WHEN JOE CAME  
16 TO TOWN.

17 Q WHEN YOU CAME TO VISIT MR. HUNT IN LOS ANGELES  
18 THE FIRST TIME, DO YOU REMEMBER WHERE YOU STAYED?

19 A I THINK THE NAME OF THE BUILDING WAS THE WILSHIRE  
20 MANNING.

21 Q SO YOU STAYED IN THE -- THAT WAS THE CONDOMINIUM  
22 BUILDING?

23 A YES.

24 Q AND DID MR. HUNT HAVE A CONDOMINIUM UNIT IN  
25 THAT BUILDING?

26 A YES.

27 Q DID YOU STAY IN THAT UNIT?

28 A I STAYED IN ANOTHER ONE.

1           .Q           IN A DIFFERENT CONDO IN THAT SAME UNIT, IN THAT  
2 SAME BUILDING?

3           A           YEAH, YES.  
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1 Q AND WHO WAS LIVING IN THE ONE THAT YOU STAYED  
2 IN, IF YOU KNOW?

3 A I DON'T KNOW.

4 Q AND IT WAS YOUR UNDERSTANDING THAT AT THAT TIME,  
5 MR. HUNT WAS LIVING WHERE?

6 A HE WAS LIVING THERE.

7 Q ALL RIGHT. AT SOME POINT, YOU SAID THAT YOU CAME  
8 HERE IN JANUARY OF 1984?

9 A YES.

10 Q ALL RIGHT. THAT WAS THE TIME YOU STAYED AT THE  
11 WILSHIRE MANNING?

12 A YES.

13 Q I THINK THAT YOU TOLD US THAT YOUR UNDERSTANDING  
14 WAS THAT JOE WAS LIVING AT THE ROBERTS' HOUSE, AT BROOKE  
15 ROBERTS' HOUSE?

16 A YES. HE EVENTUALLY MOVED THERE.

17 I REALLY DON'T KNOW WHAT HIS LIVING ARRANGEMENTS  
18 WERE.

19 Q WHAT WAS YOUR UNDERSTANDING AS TO WHEN IT WAS  
20 THAT HE MOVED THERE?

21 A I DON'T KNOW. I JUST KNOW BY THE TIME THAT I  
22 CAME BACK IN '86, HE HAD BEEN LIVING WITH THE ROBERTS.

23 Q WHEN YOU WERE HERE IN '84, WHAT WAS YOUR  
24 UNDERSTANDING AS TO WHERE HE WAS LIVING?

25 MR. BARENS: OBJECTION, ASKED AND ANSWERED.

26 THE COURT: WE WILL LET HER ANSWER IT AGAIN.

27 THE WITNESS: IN THE CONDO.

28 Q BY MR. WAPNER: AT THE TIME WHEN YOU SAW

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1 MR. RYAN HUNT IN LOS ANGELES, WHERE WAS THAT?

2 A IT WAS IN THE VALLEY SOMEWHERE. I REALLY DON'T  
3 KNOW THE EXACT LOCATION.

4 Q WAS IT YOUR UNDERSTANDING THAT THAT WAS RYAN  
5 HUNT'S HOUSE?

6 A YES.

7 Q AND WAS HE REMARRIED AT THAT PARTICULAR TIME,  
8 AS FAR AS YOU KNEW?

9 A YES.

10 Q DO YOU KNOW WHO IT WAS HE WAS MARRIED TO?

11 A WELL, I DON'T KNOW HER NAME. I MET HER.

12 Q WHEN YOU WENT THERE, IT WAS JUST YOU AND JOE HUNT?

13 A YES.

14 Q AND WHEN YOU GOT THERE, WAS ANYONE ELSE THERE  
15 BESIDES RYAN HUNT?

16 A YES, HIS WIFE.

17 Q AND WHAT HAPPENED WHEN YOU GOT THERE?

18 A WELL, I TALKED TO RYAN FOR A MINUTE. AND I LOOKED  
19 AT THE COMPUTERS AND JOE WAS PICKING UP SOME PAPERS.

20 Q WHAT INTERPLAY, IF ANY, WERE YOU ABLE TO OBSERVE  
21 BETWEEN JOE HUNT AND RYAN HUNT?

22 A NONE BECAUSE I WAS GIVEN A TOUR OF THE GARDEN  
23 BY RYAN'S NEW WIFE.

24 Q HOW LONG WERE YOU THERE ALTOGETHER?

25 A PROBABLY HALF AN HOUR.

26 Q AND DURING THAT TIME, YOU SPENT MOST OF THE TIME  
27 WITH MR. HUNT, RYAN'S NEW WIFE?

28 A WELL, WITH BOTH OF THEM. JOE WAS BUSY WITH SOME

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1 PAPERS WITH BUSINESS.

2 Q DID YOU SEE JOE HUNT AND HIS FATHER INTERACTING,  
3 DOING THIS BUSINESS WITH THE PAPERS?

4 A NO.

5 Q AND WHAT WAS THE NATURE OF JOE HUNT'S RELATIONSHIP  
6 TO HIS FATHER IN CHICAGO THAT YOU OBSERVED ON THE TRADING  
7 FLOOR?

8 A WELL, RYAN HAD ACCESS TO THE FLOOR THROUGH A BADGE  
9 THAT JOE GOT FOR HIM THAT SAID THAT HE WAS AN EMPLOYEE OF  
10 J.H., TRADER.

11 AND HE WOULD JUST FOLLOW HIM AROUND, STAND AROUND  
12 AND LOOK AT THE BOARDS AND JUST WAIT FOR JOE AND THEN THEY  
13 WOULD LEAVE TOGETHER.

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1 Q DO PEOPLE ON THE FLOOR EMPLOY OTHERS AS RUNNERS?

2 A YES.

3 Q AND THERE WAS THAT KIND OF A JACKET THAT JOE'S  
4 FATHER HAD?

5 A YES.

6 Q DID HE ACTUALLY USE HIS FATHER FOR THAT PURPOSE?

7 A NO.

8 Q WHAT DOES RUNNER DO?

9 A A RUNNER BRINGS ORDERS FROM PHONE CLERKS, FROM  
10 THE CUSTOMERS TO THE PIT FOR THE BROKERS TO EXECUTE THE TRADES.

11 Q KIND OF A GOFER?

12 A YES.

13 Q DID JOE HUNT EVER TALK TO YOU DURING THE TIME  
14 THAT YOU KNEW HIM IN CHICAGO ABOUT HIS FATHER?

15 A NO, NOT MORE THAN INTRODUCING ME TO HIM AND TELLING  
16 ME THAT HE WAS A RETIRED PSYCHOLOGIST. THAT'S ALL.

17 Q OTHER THAN INTRODUCING YOU AND SAYING THAT HE  
18 WAS A RETIRED PSYCHOLOGIST, HE DIDN'T SAY ANYTHING IN THE  
19 THREE YEARS ABOUT HIS FATHER?

20 A NOT TOO MUCH BECAUSE RYAN KEPT HIS DISTANCE.  
21 I REALLY DIDN'T HAVE ANY INTEREST IN SPEAKING TO HIM.

22 Q WHAT DID JOE HUNT TELL YOU ABOUT HIS SISTER DURING  
23 THE TIME THAT HE WAS IN CHICAGO?

24 A NOTHING.

25 Q DID YOU KNOW THAT HE HAD A SISTER?

26 A YES.

27 Q HOW DID YOU KNOW THAT?

28 A SOMEONE ELSE ON THE TRADING FLOOR TOLD ME.

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1 Q AND DID YOU KNOW THAT HE HAD A BROTHER?

2 A YES. BUT I THINK HE TOLD ME ABOUT TWO BROTHERS,  
3 THOUGH.

4 Q WHO TOLD YOU ABOUT TWO BROTHERS?

5 A JOE.

6 Q WHAT DID HE TELL YOU ABOUT THEM?

7 A JUST THAT THEY WERE HIS BROTHERS, THAT HE HAD  
8 AN OLDER BROTHER -- I CAN'T REMEMBER IF HE SAID HE HAD AN  
9 OLDER BROTHER AND A YOUNGER BROTHER, JUST TWO BROTHERS.

10 Q OTHER THAN TELLING YOU THAT HE HAD TWO BROTHERS,  
11 DID HE TELL YOU ANYTHING ABOUT THEM?

12 A NO.

13 Q WHAT DID HE TELL YOU ABOUT HIS MOTHER?

14 A NOTHING.

15 Q DID HE EVER MENTION HER AT ALL?

16 A ONE TIME.

17 Q DO YOU REMEMBER WHAT HE SAID?

18 A WELL, HE JUST TOLD ME WHEN HIS PARENTS HAD DIVORCED.

19 Q WHAT DID HE SAY ABOUT IT?

20 A THAT HE JUST -- YOU KNOW, HOW OLD HE WAS. I CAN'T  
21 REMEMBER THAT. THAT'S ABOUT IT.

22 Q DID HE TELL YOU ABOUT ANY OF THE FRIENDS THAT  
23 HE HAD IN CHICAGO?

24 A NOT OUTSIDE OF THE MERCANTILE CROWD.

25 Q DID HE TALK TO YOU ABOUT GIRLFRIENDS THAT HE HAD  
26 IN CHICAGO?

27 A NO.

28 Q GIRLFRIENDS IN LOS ANGELES?

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1 A NO.

2 Q FRIENDS IN LOS ANGELES?

3 A HE TOLD ME ABOUT BEN. I THINK JUST ABOUT BEN.

4 Q ANYBODY ELSE THAT YOU CAN THINK OF THAT HE TOLD  
5 YOU ABOUT IN LOS ANGELES?

6 A NO.

7 Q HAVE YOU HEARD OF A PLACE CALLED THE BOMBAY  
8 BICYCLE CLUB?

9 A NO.

10 Q YOU NEVER HEARD OF THAT?

11 A NO.

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1 THE COURT: ANYTHING FURTHER?

2 MR. WAPNER: THANK YOU. NOTHING FURTHER.

3 THE COURT: ALL RIGHT, ANY REDIRECT?

4 MR. BARENS: YES.

5

6 REDIRECT EXAMINATION

7 BY MR. BARENS:

8 Q WOULD IT BE UNUSUAL, WHETHER YOU ARE WORKING  
9 FOR JOE HUNT OR ANY OTHER TRADER, TO HAVE OUT-TAKES (SIC)  
10 ON A DAILY BASIS -- OUT-TRADES ON A DAILY BASIS?

11 A WOULD IT BE UNUSUAL FOR THEM?

12 Q YES.

13 A NO.

14 Q THAT WOULD BE A FAIRLY TYPICAL CIRCUMSTANCE OF  
15 JUST BEING A TRADER ON THE FLOOR?

16 A YES, IT IS ROUTINE.

17 Q AND THAT WOULD HAPPEN JUST, YOU KNOW, WITH  
18 EVERYBODY?

19 A YES.

20 Q THAT WAS JUST RESULTANT FROM THE INHERENT NATURE  
21 OF THE BUSINESS?

22 A YES.

23 Q WAS IT A USUAL CUSTOM AND PRACTICE FOR A PERSON  
24 IN YOUR EMPLOY TO THROW AWAY RECORDS OF THOSE OUT-TRADES AFTER  
25 ABOUT A WEEK?

26 A YES.

27 Q SO THERE IS NOTHING UNUSUAL ABOUT THAT?

28 A NO.

1 Q WOULD IT BE UNUSUAL FOR A PERSON IN YOUR JOB  
2 FUNCTION, OR ANYONE ELSE IN AN ANALOGOUS JOB FUNCTION, NOT  
3 TO KNOW ON BEHALF OF WHOSE TRADES -- THE PERSON ON BEHALF  
4 WHOSE TRADES WERE EXECUTED?

5 A NO.

6 Q SO IT WOULDN'T BE TYPICAL FOR A PERSON LIKE IN  
7 YOUR JOB OR ANYBODY ELSE DOING YOUR JOB THAT YOU WOULD HAVE  
8 THAT KIND OF INPUT?

9 A RIGHT.

10 Q WHEN YOU WOULD SEE THE POSITIONS THAT JOE HAD  
11 EITHER BEFORE YOU WORKED FOR HIM OR DURING THE PERIOD OF TIME  
12 THAT YOU WORKED FOR HIM, WERE MOST OF THOSE POSITIONS USUALLY  
13 SUCCESSFUL IN THEIR APPEARANCE?

14 A YES.

15 Q AND YOUR CONCEPT THAT HE WAS A SUCCESSFUL TRADER  
16 IS BASED ON WHAT YOU OBSERVED THE TRADING POSITIONS TO BE?

17 A YES.

18 Q WAS THERE EVER A TIME WHEN HE HAD A BIG BLITZING  
19 OR A BIG LOSS?

20 A I THINK THERE WAS ONE TIME AT K&S BEFORE HE  
21 SWITCHED FIRMS THAT HE HAD A POSITION IN THE T-BILLS AND THE  
22 OWNER OF THE FIRM MISTAKENLY -- WELL, HE WANTED TO JUST GET  
23 RID OF THE POSITION BECAUSE HE -- I DON'T KNOW, HE PANICKED,  
24 SOMETHING HAPPENED IN THE MARKET, SOMEBODY WAS FORCING THE  
25 MARKET DOWN OR SOMETHING AND MORRIS KRUMHORN PANICKED AND  
26 STARTED GETTING OUT OF THE POSITION, PUTTING ORDERS IN THAT  
27 WOULD CHANGE JOE'S POSITION AND LATER ON WHEN HE FOUND OUT  
28 THAT HE HAD NO RIGHT TO DO THAT, THAT IT WASN'T WHAT HE THOUGHT

1 IT WAS GOING TO BE, HE APOLOGIZED AND --

2 Q AND JOE KEPT TRADING AFTER THAT BUT AT A NEW HOUSE?

3 A YES.

4 Q DID HE LOSE ABOUT A HALF A MILLION DOLLARS AS  
5 A RESULT OF THAT TRANSACTION?

6 A I DON'T KNOW HOW MUCH WAS INVOLVED.

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1 Q DID K&S KEEP RECORDS OF THE VARIOUS TRADES AND  
2 THE PROFIT AND THE LOSSES ON THOSE DEALS?

3 A YES.

4 Q SO THAT WOULD BE THE BROKERAGE HOUSE'S FUNCTION  
5 RATHER THAN YOURS AS AN OUT-TRADE CLERK?

6 A YES.

7 Q SO RECORDS WERE KEPT BY SOMEBODY?

8 A YEAH.

9 Q IN TERMS OF WHAT JOE WAS SUSPENDED FOR ULTIMATELY  
10 BY THE MERC, WAS HE SUSPENDED FOR TAKING ANYBODY'S MONEY?

11 A NO.

12 MR. BARENS: THANK YOU.

13 THE COURT: ANYTHING FURTHER?

14  
15 RECROSS-EXAMINATION

16 BY MR. WAPNER:

17 Q AS FAR AS THE SUSPENSION GOES, YOU ONLY KNOW WHAT  
18 YOU READ ON THE POSTINGS, RIGHT?

19 A WELL, I KNOW WHAT JOE TOLD ME AND --

20 Q WAS YOUR ANSWER TO MR. BARENS' LAST QUESTION ABOUT  
21 NOT BEING SUSPENDED FOR TAKING MONEY, BASED ON WHAT JOE TOLD  
22 YOU?

23 A IT WAS BASED ON WHAT JOE TOLD ME AND WHAT  
24 EVERYBODY ELSE UNDERSTOOD THE SITUATION TO BE, BY THE OTHER  
25 TRADES.

26 Q PEOPLE YOU HAD TALKED TO ON THE FLOOR?

27 A STEVE SUKENIC WAS MANAGER OR PRESIDENT OF JACK  
28 CARL & ASSOCIATES. IT WAS THE FIRM THAT JOE SWITCHED TO AND

A-2  
1 HE WAS IN SUPPORT OF JOE THROUGHOUT THAT ENTIRE ORDEAL.

2 Q IS HE STILL?

3 A IS HE STILL WHAT?

4 Q WHEN YOU SAY HE WAS "THROUGHOUT," WHAT ABOUT WHEN  
5 IT WAS ALL OVER?

6 A WELL, I THINK HE IS STILL IN SUPPORT OF JOE.

7 I MEAN THERE IS NO REASON FOR HIM TO BE INVOLVED  
8 IN ANYTHING ELSE. HE HAS NO KNOWLEDGE OF THE TRIAL.

9 Q DO YOU KNOW HOW TO SPELL SUKENIC?

10 A I THINK IT IS S-U-K-E-N-I-C.

11 Q AND HE WORKS FOR JACK CARL & ASSOCIATES?

12 A YES.

13 THE COURT: ANYTHING FURTHER?

14 MR. WAPNER: NO, I HAVE NOTHING FURTHER.

15 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU WILL  
16 BE EXCUSED.

17 NEXT WITNESS.

18 MR. BARENS: IF I MIGHT HAVE A MOMENT, YOUR HONOR.

19 (PAUSE IN PROCEEDINGS.)  
20

21 GREG GAMSKY,

22 CALLED AS A WITNESS BY THE DEFENDANT, WAS SWORN AND TESTIFIED  
23 AS FOLLOWS:

24 THE CLERK: IF YOU WOULD RAISE YOUR RIGHT HAND TO BE  
25 SWORN, SIR, PLEASE.

26 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU MAY  
27 GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE  
28 TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP

1 YOU GOD?

2 THE WITNESS: YES, I DO.

3 THE CLERK: IF YOU WILL BE SEATED THERE AT THE WITNESS  
4 STAND.

5 NOW IF YOU WOULD STATE AND SPELL YOUR NAME FOR  
6 THE RECORD, PLEASE.

7 THE WITNESS: MY NAME IS GREG, G-R-E-G, GAMSKY,  
8 G-A-M-S-K-Y.

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10 DIRECT EXAMINATION

11 BY MR. CHIER:

12 Q GOOD AFTERNOON, MR. GAMSKY.

13 A GOOD AFTERNOON.

14 Q COULD YOU IDENTIFY YOURSELF, FIRST OF ALL, IN  
15 TERMS OF YOUR RELATIONSHIP, IF ANY, TO THE DEFENDANT JOE HUNT.

16 A I AM JOE'S BROTHER.

17 Q ARE YOU HIS YOUNGER OR OLDER BROTHER?

18 A I AM HIS OLDER BROTHER.

19 Q DOES HE HAVE ANY OTHER BROTHERS OR JUST YOU?

20 A JUST ME.

21 Q AND A SISTER?

22 A ONE SISTER.

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1 Q AND THE SISTER IS KAY HUNT?

2 A YES, KAY HUNT.

3 Q AND WHAT IS YOUR BUSINESS OR OCCUPATION?

4 A I AM AN INFORMATION SYSTEMS ANALYST/PROGRAMMER  
5 ANALYST.

6 Q BOARD --

7 A IT IS COMPUTER WORK.

8 Q FOR WHAT TYPE OF COMPANY?

9 A FOR A UTILITY.

10 Q AND WHAT IS YOUR EDUCATIONAL BACKGROUND, MR.  
11 GAMSKY?

12 A I GRADUATED FROM USC IN 1980 WITH A BACHELOR'S.

13 Q IN WHAT?

14 A PUBLIC ADMINISTRATION WITH A MINOR IN BUSINESS  
15 ADMINISTRATION.

16 MR. WAPNER: MAY WE APPROACH THE BENCH, BRIEFLY?

17 THE COURT: YES.

18 (THE FOLLOWING PROCEEDINGS WERE HELD  
19 AT THE BENCH OUTSIDE THE HEARING OF THE  
20 JURY:)

21 MR. WAPNER: MY CONCERN IS WHAT UTILITY COMPANY THIS  
22 MAN WORKS FOR AND WHETHER OR NOT THIS POSES ANY POTENTIAL  
23 CONFLICT WITH ANY OF THE JURORS, SINCE WE HAVE AT LEAST  
24 ONE JUROR --

25 MR. BARENS: MAY I RESPOND?

26 MR. CHIER: THIS MAN HAS A RIGHT OF PRIVACY.

27 MR. BARENS: YOUR HONOR --

28 THE COURT: RIGHT TO PRIVACY?

1 MR. BARENS: WELL, WE INTENTIONALLY WITH MR. GAMSKY --  
2 WE HAVE BEEN SENSITIVE ABOUT THIS WITNESS BEING COMPROMISED  
3 AT HIS JOB BECAUSE OF RELATIONSHIPS THERE.

4 AND I WILL --

5 THE COURT: IS HE ASHAMED OF HIS BROTHER?

6 MR. BARENS: I THINK PROPERLY THAT MAY BE A CONCERN  
7 FOR HIM, SIR, AS IT MIGHT BE FOR ME IF I WAS IN AN  
8 ANALOGOUS POSITION.

9 IN ANY EVENT, BROTHERS TEND TO DO THINGS WE  
10 MIGHT NOT ALWAYS APPRECIATE. I HAVE AN OLDER BROTHER, MYSELF,  
11 MY DUMBER OLDER BROTHER.

12 IN ANY EVENT, HE WORKS -- I WILL MAKE AN OFFER  
13 OF PROOF THAT HE WORKS FOR THE EDISON COMPANY.

14 I DON'T BELIEVE WE HAVE ANY EDISON EMPLOYEES  
15 ON THE JURY. BUT I DON'T THINK THAT HE NEEDS TO SAY THAT  
16 HE WORKS FOR THE EDISON COMPANY.

17 REPORTERS WILL PUT IT IN THE NEWSPAPERS AND  
18 IT WILL GET BACK TO HIS JOB. HE WON'T GET PROMOTED THERE  
19 AND THAT IS MY CONCERN.

20 THE COURT: HE HAS BEEN INSTRUCTED BY YOUR ASSOCIATE  
21 NOT TO MENTION THE NAME OF THE COMPANY, JUST SAY THAT IT  
22 IS A UTILITY? IS THAT CORRECT?

23 MR. BARENS: THAT'S CORRECT.

24 MR. WAPNER: I AM SATISFIED.

25 THE COURT: I AM SATISFIED.

26 MR. BARENS: THANK YOU, GENTLEMEN.

27 (THE FOLLOWING PROCEEDINGS WERE HELD  
28 IN OPEN COURT IN THE PRESENCE AND



1 HEARING OF THE JURY:)

2 Q BY MR. CHIER: MR. GAMSKY, WHERE WERE YOU BORN?

3 A I WAS BORN IN CHICAGO.

4 Q WHO ARE YOUR PARENTS?

5 A MY FATHER IS RYAN HUNT. MY MOTHER IS KATHY  
6 GAMSKY.

7 Q IS YOUR FATHER ALSO KNOWN AS LARRY GAMSKY?

8 A YES.

9 Q AND AT SOME POINT, DID HE CHANGE HIS NAME?

10 A YES, HE DID.

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1 Q AND I TAKE IT THAT YOU DID NOT CHANGE YOUR  
2 NAME?

3 A NO, I DID NOT.

4 Q YOU HAVE NO INTENTION OF DOING SO?

5 A NO, I DO NOT.

6 Q NOW, DID YOU HAVE ANY SIBLINGS BEFORE YOU LEFT  
7 CHICAGO? I AM ASSUMING THAT YOU LEFT CHICAGO AND CAME TO  
8 CALIFORNIA?

9 A I DON'T UNDERSTAND THE QUESTION.

10 Q WAS JOE BORN BEFORE YOU LEFT CHICAGO?

11 A YES.

12 Q AND HOW OLD WERE YOU AND HOW OLD WAS JOE WHEN  
13 THE FAMILY LEFT CHICAGO?

14 A I WAS FOUR AND JOE WAS TWO.

15 Q AND DID YOU COME DIRECTLY FROM CHICAGO TO  
16 CALIFORNIA?

17 A YES, WE DID.

18 Q AND WHERE DID YOU SETTLE DOWN?

19 A IN THE LOS FELIZ AREA OF LOS ANGELES.

20 Q AND DID YOU GO TO SCHOOL WHILE IN THE LOS FELIZ  
21 AREA?

22 A YES, I DID.

23 Q WHERE DID YOU GO?

24 A WE WENT TO MIDTOWN FOR A WHILE AND THEN TO  
25 FRANKLIN AVENUE ELEMENTARY SCHOOL.

26 Q WAS MIDTOWN A PRIVATE SCHOOL?

27 A YES, IT WAS.

28 Q AND DID YOU GO THERE ON A SCHOLARSHIP OR --

1           A           NO, MY MOTHER HAD A JOB AT THAT TIME AND PAID  
2 FOR IT WITH HER SALARY.

3           Q           AND COULD YOU TELL THE LADIES AND GENTLEMEN  
4 OF THE JURY, WHAT TYPE OF EMPLOYMENT YOUR FATHER, LARRY  
5 GAMSKY HAD AT THAT PARTICULAR TIME WHEN THE FAMILY WAS LIVING  
6 IN LOS FELIZ?

7           A           THROUGH THE AMERICAN INSTITUTE OF HYPNOSIS,  
8 HE WAS EMPLOYED BY THAT FIRM.

9           Q           AND IN A WORD OR TWO, WHAT IS THE AMERICAN  
10 INSTITUTE OF HYPNOSIS?

11          A           THE USE OF PSYCHOTHERAPY TO HELP PEOPLE WITH  
12 VARIOUS DIFFERENT PROBLEMS.

13          Q           WHAT WAS YOUR FATHER'S CONNECTION TO THAT  
14 INSTITUTE?

15          A           IN THE BEGINNING, IT WAS BUSINESS MANAGER.  
16 LATER, HE BECAME MORE INVOLVED IN THE PSYCHOTHERAPY.

17          Q           NOW, DO YOU REMEMBER GROWING UP WITH JOE AS  
18 YOUR YOUNGER BROTHER?

19          A           YES.

20          Q           HOW WOULD YOU CHARACTERIZE, FIRST, THE RELATION-  
21 SHIP OF THE OLDER BROTHER/YOUNGER BROTHER RELATIONSHIP BETWEEN  
22 THE TWO OF YOU?

23          A           JOE AND I LOVE EACH OTHER VERY MUCH. I AM  
24 VERY HURT TO SEE HE IS IN THIS SITUATION.

25           THE COURT: I DON'T THINK HE ASKED YOU THAT.

26           MR. CHIER: I WILL, IF YOUR HONOR PLEASES.

27           THE COURT: JUST ANSWER THE QUESTION.

28           THE WITNESS: I AM DOING THE BEST I CAN.

1 THE COURT: I AM SURE YOU ARE.

2 Q BY MR. CHIER: HAVE YOU ALWAYS LOVED JOE?

3 A VERY MUCH SO.

4 Q HAS THERE EVER BEEN A PERIOD OF TIME WHEN THE  
5 TWO OF YOU WERE EITHER ALIENATED OR HAD BAD FEELINGS TOWARD  
6 ONE ANOTHER?

7 A NO. WE HAVE NEVER HAD BAD FEELINGS TOWARD  
8 ONE ANOTHER, NEVER BEEN ALIENATED TOWARD ONE ANOTHER.

9 HOWEVER, WE HAVE A DIFFERENCE OF OPINION WHERE  
10 IT COMES TO MY FATHER. AND THAT HAS KEPT US APART. BUT  
11 NO OTHER ASPECT OF OUR RELATIONSHIP HAS.

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1 Q WAS THERE AN ALIGNMENT OF SOME TYPE WHICH YOU  
2 AND YOUR BROTHER JOE ELECTED AT SOME POINT DURING YOUR  
3 GROWING UP?

4 A YES, THERE WAS.

5 Q COULD YOU DESCRIBE THAT FOR US, PLEASE?

6 A MY BROTHER DECIDED TO GO WITH MY FATHER IN  
7 THE DIVORCE. MY SISTER AND MYSELF STAYED WITH MY MOTHER.

8 Q HAS THAT ALIGNMENT, IF YOU WILL, HAD THE EFFECT  
9 OF KEEPING YOU APART BECAUSE OF THE EXISTENCE OF FEELINGS  
10 THAT YOU AND YOUR MOTHER AND SISTER HAD REGARDING YOUR FATHER?

11 A YES. LET ME GIVE YOU AN EXAMPLE IN TERMS OF  
12 YOUR PREVIOUS QUESTION ABOUT FEELINGS TOWARD EACH OTHER.

13 I CONTACTED JOE IN A LETTER WHEN I WAS IN  
14 CHICAGO ABOUT BONDING, WHICH IS A NEW PROCESS TO WHITEN  
15 YOUR TEETH BECAUSE WHEN HE WAS A YOUNGSTER, A DENTAL  
16 ASSISTANT USED TOO MUCH FLUORIDE.

17 I RECEIVED A LETTER BACK FROM MY FATHER AND  
18 LATER ON WHEN MY FATHER RETURNED HERE, HE SHOWED UP AT MY  
19 DOORSTEP. SO THE REASON THAT WE WEREN'T SEEING EACH OTHER  
20 WAS NOT BECAUSE I DISLIKED JOE OR HAVE ANYTHING AGAINST  
21 JOE.

22 IT IS JUST THAT THERE WAS A CONNECTION BETWEEN  
23 JOE AND MY FATHER. I DID NOT WISH TO SEE MY FATHER.

24 Q HAS THIS PREDICAMENT OR TROUBLE THAT JOE IS  
25 IN, SERVED TO COALESCE THE FAMILY AND BRIDGE ANY PREVIOUS  
26 TROUBLED WATERS IN THAT REGARD?

27 A VERY DEFINITELY. THE REASON FOR THAT IS THAT  
28 MY FATHER IS NO LONGER IN THE PICTURE. AND WE CAN THEREFORE,

1 FEEL FREE TO ESTABLISH THAT KIND OF CONTACT WHICH WAS LACKING  
2 BEFORE.

3 THAT IS ALWAYS -- OUR BOND HAS ALWAYS EXISTED.  
4 IT IS JUST THAT WE HAD A DIFFERENCE WHEN IT CAME TO HIM.

5 Q BUT WOULD YOU SAY THAT YOU WERE OUT OF TOUCH  
6 FOR A WHILE BUT NOT OUT OF FEELINGS?

7 A VERY DEFINITELY.

8 Q WHEN THE LETTER CAME FROM CHICAGO IN RESPONSE  
9 TO THE ONE YOU HAD WRITTEN TO YOUR BROTHER, JOE, WERE THERE  
10 INDICATIONS THAT THE LETTER HAD BEEN INTERCEPTED AND NOT  
11 FORWARDED TO JOE?

12 A THE RETURN ADDRESS WAS RYAN HUNT. I DON'T  
13 READ ANYTHING FROM HIM. I THROW IT AWAY.

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1 Q AND HAD YOU WANTED YOUR FATHER TO HAVE YOUR ADDRESS  
2 AT THAT TIME?

3 A NO, I DID NOT BUT YET, I WAS WILLING -- I THOUGHT  
4 THAT THIS MIGHT OCCUR BUT YET, I WAS STILL WILLING TO CONTACT  
5 HIM AND TO TRY TO REACH OUT.

6 I DON'T THINK THAT HE EVER RECEIVED THAT LETTER.

7 Q HOW WOULD YOU DESCRIBE JOE AS A YOUNGSTER GROWING  
8 UP, WAS HE --

9 A HE IS ABSOLUTELY MARVELOUS. I WISH I WAS ONE-TENTH  
10 OF THE PERSON HE IS, ONE-TENTH. HE IS VERY GIVING. HE IS  
11 VERY GENEROUS. HE IS VERY PERSONABLE. HE WAS VERY HAPPY  
12 AT HOME. HE GOT ALONG WITH EVERYONE VERY WELL. PEOPLE LIKED  
13 HIM TREMENDOUSLY.

14 Q WAS HE ACQUISITIVE IN A MATERIAL SENSE?

15 A NO.

16 TO GIVE YOU A CONCRETE EXAMPLE, I HAD A LEVI JACKET  
17 THAT I HAD WORN FOR QUITE A LONG TIME, I DON'T RECALL HOW  
18 LONG, BUT IT WAS AN OLD JACKET AND HE LIKED IT VERY MUCH AND  
19 I GAVE IT TO HIM.

20 AND HE IS BIGGER THAN I AM, HE IS SIX-FOUR AND  
21 I AM SIX-TWO AND HE HAS LONGER ARMS BUT HE LIKED IT SO MUCH,  
22 HE HAD TO ROLL IT UP AND WEAR IT JUST LIKE THAT AND HE WASN'T  
23 CONCERNED ABOUT FIT, ABOUT STYLE, ABOUT ANY OF THOSE THINGS.

24 Q WAS HE APPRECIATIVE?

25 A WHAT WAS IMPORTANT TO HIM IS IT WAS FROM ME.

26 Q NOW, DID THE TWO OF YOU PLAY TOGETHER WHEN YOU  
27 WERE YOUNG?

28 A YES, CONSTANTLY. WE SPENT OUR ENTIRE SUMMER

-2  
1 PLAYING, WE HAD A POOL IN THE BACK.

2 Q THIS IS WHERE, IN LOS FELIZ?

3 A NO, THIS IS ON ALBERS IN VAN NUYS.

4 Q I TAKE IT AT SOME POINT, YOU MOVED TO THE VAN  
5 NUYS AREA?

6 A YES, THAT IS WHEN WE GOT THAT HOME, YES.

7 Q WAS THIS AN ESTATE OF SOME KIND?

8 A IT WAS A FORECLOSURE PROPERTY. THE HOUSE AND  
9 THE PROPERTY ITSELF WAS COMPLETELY DESTROYED.

10 FOR EXAMPLE, THE POOL HAD A CESSPOOL AT THE DEEP  
11 END, THERE WERE FROGS IN THERE.

12 Q IT HAD A CESSPOOL?

13 A AND BRICKS --

14 Q IT HAD A CESSPOOL, IT HAD BEEN ALLOWED TO  
15 DETERIORATE?

16 A YES.

17 IT WAS IN FORECLOSURE AND THE PEOPLE WERE VERY  
18 UPSET, AND RIGHTLY SO, AT BEING FORCED OUT, AND THEY DID  
19 DESTROY THE PROPERTY. IT WAS FILLED WITH TRASH. UNDER AN  
20 AWNING WHERE THE FILTER FOR THE POOL EXISTS, THERE WAS TRASH  
21 FROM THE CONCRETE FLOOR ALL THE WAY UP TO THE AWNING AND  
22 CACTUSES GREW SO LARGE THAT YOU COULD BARELY GET BY, IN OTHER  
23 WORDS, THERE WAS JUST ENOUGH ROOM TO GET BY TO GET TO THE  
24 DIVING BOARD.

25 THERE WAS AN ENORMOUS AMOUNT OF WORK THAT WE HAD  
26 TO DO.

27 Q WAS THERE A RENOVATION PROJECT OF SOME SORT  
28 UNDERTAKEN BY YOU?



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1           A           YES, MY FATHER, MY BROTHER AND I SPENT -- WELL,  
2           IT TOOK YEARS IN THE PROCESS AND GETTING THE MAJOR PROJECT,  
3           WE WORKED VERY, VERY EXTENSIVELY TO GET THAT DONE, ALL OF  
4           THE CLEANUP WORK.

5                       WE HAD TO RENT A PUMP TO DRAIN THAT POOL. WE  
6           HAD TO SANDBLAST THE POOL TO GET IT READY. WE HAD TO FILL  
7           IT WITH WATER. IT TOOK A LONG TIME. WE HAD TO GET ALL OF  
8           THE CACTUSES OUT.

9                       WE HAD SOME MONKEY TREES AND THE DROPPINGS FROM  
10          THE MONKEY TREES ARE PRICKLY.

11                      THE COURT: THAT IS ALL VERY INTERESTING BUT WE ARE  
12          NOT INTERESTED IN ALL OF THESE DETAILS, ALL RIGHT.

13                      THE WITNESS: WELL, I AM SORRY, YOUR HONOR.

14                      THE COURT: WE WOULD LIKE TO GET ON.

15                      THE WITNESS: I AM TRYING TO SHOW THAT WE WORKED TOGETHER  
16          AS A FAMILY.

17                      THE COURT: YES, YOU CAN SAY THAT. ALL RIGHT, FINE.

18                      THE WITNESS: WELL, I WANTED TO DEMONSTRATE THAT. I  
19          AM SORRY.

20                      THE COURT: GO AHEAD.

21                      MR. CHIER: I WAS INTERESTED IN THAT. I TAKE IT YOUR HONOR  
22          IS NOT INTERESTED?

23                      THE COURT: PARDON ME? I AM NOT INTERESTED IN ALL OF  
24          THE DETAILS NOR IS THE JURY, I IMAGINE.

25                      Q           BY MR. CHIER: NOW, GREG, I GUESS DURING THE TIME  
26          OF THIS RENOVATION AND AFTER, YOU PLAYED TOGETHER WITH JOE?

27                      A           YEAH, WE WOULD SPEND THE SUMMER SWIMMING AND  
28          PLAYING MARCO POLO, WHICH IS A GAME THAT ONE PERSON HAS TO

1 KEEP THEIR EYES CLOSED AND THE OTHER PEOPLE HID IN THE POOL  
2 SOMEPLACE AND THE PERSON WHO IS IT HAS TO CALL "MARCO" AND  
3 THE PEOPLE THAT ARE TRYING TO ESCAPE HAVE TO SAY "POLO" AND  
4 THEN YOU TRY TO TRACK THEM DOWN. WE WOULD SPEND LOTS AND  
5 LOTS OF TIME DOING THAT.

6 IT WAS WONDERFUL.

7 AND WE ALSO HAD A BIG INNER TUBE, A TRUCK  
8 INNER TUBE THAT YOU COULD GET INTO AND THEN FROM THE SIDES  
9 OF THE POOL, YOU WOULD JUMP FROM THE SIDES OF THE POOL AND  
10 TRY TO KNOCK THE PERSON OFF.

11 WE HAD A MARVELOUS TIME.

12 THE COURT: I AM SORRY TO INTERRUPT YOU BUT WE WOULD  
13 LIKE TO TAKE A 15-MINUTE RECESS FOR THE JURY.

14 LADIES AND GENTLEMEN, WE WILL TAKE A 15-MINUTE  
15 RECESS AT THIS TIME.

16 THE SAME ADMONITION I GAVE YOU WOULD STILL APPLY.

17 (RECESS.)  
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1 THE COURT: ALL RIGHT. YOU MAY CONTINUE.

2 Q BY MR. CHIER: WOULD YOU DESCRIBE TO THE LADIES  
3 AND GENTLEMEN OF THE JURY, THE HOUSE THAT YOU LIVED IN OVER  
4 ON ALBERTSON STREET IN VAN NUYS.

5 A WELL, IT WAS FURNISHED WITH SECONDHAND FURNITURE.  
6 A LOT OF THE FURNITURE WAS MADE BY MY FATHER. WE HAD A  
7 DESK IN OUR ROOM WHICH STRETCHED PRETTY MUCH THE LENGTH  
8 OF ONE WALL. IT WAS JUST A PIECE OF PLYWOOD WITH FOUR BY  
9 FOUR'S FOR LEGS, SIX OF THEM. THAT IS WHAT HE USED.

10 MY MOTHER'S BED WAS MADE IN THE GARAGE, TOO  
11 OF SIMILAR CONSTRUCTION.

12 Q WHEN YOU SAY THAT IT WAS MADE BY YOUR FATHER,  
13 I TAKE IT THAT THERE WAS NO PARTICULAR ART FORM TO THIS?

14 A NO, JUST TWO BY FOUR'S OR WHATEVER PIECES OF  
15 PLYWOOD, SLAPPED TOGETHER.

16 Q DID THE GARAGE OF YOUR HOME DIFFER IN DECOR  
17 IN AN APPRECIABLE WAY?

18 A MY FATHER REGARDED THAT AS HIS PROPERTY AND  
19 ENORMOUS SUMS OF MONEY RELATIVE TO THE HOUSE, WERE SPENT  
20 ON THAT.

21 THE GARAGE WAS IMMACULATE AND HAD THE LATEST  
22 TOOLS AND MOTORCYCLES AND PEG BOARDS AND ALL WERE COLOR  
23 COORDINATED.

24 THE FLOOR WAS PAINTED, THE WALLS WERE PAINTED.  
25 EVERYTHING WAS PAINTED.

26 HE HAD SHELFING IN THERE YOU KNOW, ALL BRAND  
27 NEW STUFF. IT WAS REALLY INCREDIBLE.

28 THE HOUSE THOUGH, MY MOTHER DID -- THE HOUSE

1     THOUGH, MY MOTHER DID -- THE HOUSE WAS VERY CLEAN. WE WERE  
 2     ALWAYS TAKEN CARE OF. WE WERE ALWAYS LOVED. WE HAD NUTRITIOUS  
 3     MEALS.

4                     AND WE HAD A LOT OF CARE AND A LOT OF ATTENTION  
 5     WAS DEVOTED TO US BY MY MOTHER.

6             Q           HOW WOULD YOU PEG YOUR FAMILY'S STATUS, SOCIO-  
 7     ECONOMIC STATUS, MIDDLE CLASS?

8             A           AT TIMES WHEN MY FATHER HAD WORK. BUT, IT  
 9     WAS VERY TENUOUS AT OTHER TIMES. WE WERE JUST HANGING ONTO  
 10    THAT HOUSE AND THAT PROPERTY.

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1 Q WHILE IN VAN NUYS, DID YOU AND JOE ATTEND THE  
2 SAME GRAMMAR SCHOOL?

3 A YES, WE WENT TO KESTER AVENUE ELEMENTARY SCHOOL.

4 Q AND WERE THE THREE OF YOU, YOU AND JOE AND YOUR  
5 SISTER IDENTIFIED AS GIFTED CHILDREN?

6 A YEAH, BUT SOME OF US ARE MORE GIFTED, LIKE MY  
7 BROTHER IS MUCH MORE GIFTED.

8 IT IS -- IT IS KIND OF LIKE SHERLOCK HOLMES YOUNGER,  
9 SMARTER BROTHER.

10 Q AND WAS YOUR MOTHER HELPFUL AND AGGRESSIVE IN  
11 THE SENSE OF TRYING TO GET YOU THE BEST POSSIBLE EDUCATION?

12 A MY MOTHER HAS ALWAYS BEEN DEEPLY CONCERNED ABOUT  
13 US. SHE IS RESPONSIBLE FOR EVERY SUCCESS THAT WE HAVE HAD  
14 BECAUSE SHE HAS GIVEN US THE OPPORTUNITY. SHE SEARCHED OUT  
15 THE MID-TOWN SCHOOL, FINDING OUT IT WAS A GOOD SCHOOL AND  
16 ONE THAT WOULD GIVE US AN OPPORTUNITY TO LEARN THINGS WE  
17 WOULDN'T IN A PUBLIC SCHOOL.

18 AND THEN BECAUSE OF CIRCUMSTANCES, WE COULDN'T  
19 GO THERE ANY LONGER.

20 LATER ON, SHE FOUND HARVARD. SHE FOUND THE GIFTED  
21 CHILDRENS ASSOCIATION AND HAD US TESTED FOR THAT SO WE WOULD  
22 BE INVOLVED IN SOME OF THOSE ACTIVITIES. THEN SHE FOUND  
23 HARVARD SCHOOL FOR US. SHE FOUND THAT SCHOLARSHIPS WERE  
24 AVAILABLE.

25 SO SHE REALLY FOUND A LOT OF POSITIVE THINGS FOR  
26 US.

27 Q AND DID SHE ENCOURAGE THE FAMILY AS A UNIT TO  
28 ENGAGE IN RECREATIONAL ACTIVITY?

1 A YES.

2 Q WHAT TYPE OF THINGS WOULD YOU DO?

3 A WELL, AN EXAMPLE IS THE WAY WE WOULD TAKE A  
4 VACATION, WAS CAMPING AND WE SPENT FIVE, SIX, SEVEN YEARS  
5 CAMPING. WE HAD TENTS AND SLEEPING BAGS. WE WOULD GO AS  
6 A FAMILY. WE WOULD HAVE A BLAST. WE HAD AN ENORMOUSLY GOOD  
7 TIME.

8 MY BROTHER AND I WOULD SPEND ALL OF THE TIME --  
9 WE WOULD HIKE AND ONE PARTICULAR ONE I REMEMBER, JOE AND I,  
10 WE WOULD GO UP TO IDYLLWILD OR TO CARPENTERIA, THE BEACH.  
11 THE ONE I LIKED BEST WAS IDYLLWILD. YOU COULD TRAVEL DOWN  
12 THIS LONG WINDY DIRT ROAD, WHICH WAS TO GET DOWN TO THE BOTTOM  
13 OF THE CANYON, AND THAT WAS A LOT OF FUN AND YOU HAD TO BE  
14 VERY CAREFUL HIKING DOWN. WHEN YOU ARE AT THE BOTTOM OF  
15 THE CANYON, IT IS LIKE YOU ARE TOTALLY ALONE. YOU ARE  
16 COMPLETELY OUT OF THE CITY. IT IS BEAUTIFUL THERE. THERE  
17 WERE TALL TREES AND LIKE A BEAUTIFUL PARK AND YOU COULD SEE  
18 ALL OF THE STARS.

19 WE WOULD SPEND THE DAY CLIMBING AND HIKING UP  
20 THE RIVER, FOLLOWING THE RIVER, AND PLAYING DIFFERENT GAMES.  
21 WE REALLY HAD A LOT OF FUN.

22 Q WAS JOE ALWAYS A GOOD PARTICIPANT IN THESE  
23 ACTIVITIES?

24 A YES, YES. HE ALWAYS MADE IT A LOT OF FUN.

25 Q IN THE HOUSE, DID YOU AND JOE SHARE A BEDROOM  
26 AND YOUR SISTER HAVE HER OWN ROOM?

27 A YES, JOE AND I SHARED BUNK BEDS.

28 Q WERE THERE ANY PROBLEMS BETWEEN YOU AND JOE OVER

1 TERRITORY OR PROBLEMS OF ANY KIND THAT SOMETIMES HAPPENS BETWEEN  
2 BROTHERS?

3 A JOE WAS SOMEONE WHO ALWAYS GETS ALONG WITH PEOPLE.  
4 IF ANYTHING, I AM THE ONE THAT IS A LITTLE BIT  
5 SHORTER TEMPERED, QUICKER TEMPERED, QUICKER TO ANGER.

6 HE ALWAYS TRIES TO UNDERSTAND PEOPLE, TRIES TO  
7 GET ALONG WITH THEM. HE TRIES TO SMOOTH THINGS OVER.

8 IN FACT, WHEN MY MOTHER AND FATHER WERE HAVING  
9 TROUBLE WITH THEIR MARRIAGE, HE WAS THE PEACEMAKER. HE WOULD  
10 TAKE TIME TO TALK TO EACH ONE OF THEM SEPARATELY AND TRY TO  
11 KEEP THEM TOGETHER, WHERE I TOOK A DIFFERENT ATTITUDE BECAUSE  
12 I WAS SO UPSET WITH ONE OF THE PARTIES.

13 Q AT WHAT AGE DID JOE BEGIN TO EMERGE AS THIS  
14 PEACEMAKER-TYPE OF PERSONALITY?

15 A OH, FROM THE BEGINNING. HE HAS ALWAYS BEEN  
16 ENORMOUSLY SENSITIVE. HE IS VERY TUNED INTO PEOPLE. HE REALLY  
17 CARES AND WANTS TO UNDERSTAND PEOPLE AND WANTS TO HELP PEOPLE  
18 AND THAT IS WHY HE HAS MET WITH, IN MY OPINION, UP UNTIL THIS  
19 SITUATION, HE HAS MET WITH ENORMOUS SUCCESS, CONSIDERING HIS --  
20 CONSIDERING HIS SURROUNDINGS WHERE HE STARTED FROM, HE IS  
21 ENORMOUSLY SUCCESSFUL.

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1 Q WAS YOUR MOTHER INSTRUMENTAL IN GETTING YOU  
2 INTO HARVARD SCHOOL, HARVARD PREPARATORY SCHOOL ON SCHOLARSHIP?

3 A YES. AND SHE WAS INSTRUMENTAL IN KEEPING US  
4 IN THAT SCHOOL UNTIL WE GRADUATED BECAUSE MY FATHER WISHED  
5 TO TAKE US OUT SEVERAL TIMES.

6 Q FOR WHAT REASON?

7 A BECAUSE HE WISHED TO GO TO COLORADO. ONE EXAMPLE  
8 IS THAT HE WISHED TO GO TO COLORADO AND PURSUE A BUSINESS  
9 OPPORTUNITY WITH A DOCTOR THAT HE WAS ASSOCIATED WITH.

10 HE WAS ALWAYS -- HE ALWAYS WANTED TO MOVE  
11 AND CHANGE THINGS WHERE MY MOTHER WANTED TO PROVIDE STABILITY  
12 AND AT LEAST GET US THROUGH THINGS TO GRADUATE FROM THINGS  
13 AND FINISH THINGS.

14 Q DID YOU AND JOE ATTEND HARVARD PREPARATORY  
15 SCHOOL AT THE SAME TIME?

16 A HE WAS FORTUNATE. HE GOT TO START IN THE SEVENTH  
17 GRADE. I STARTED IN THE EIGHTH GRADE.

18 Q ARE THERE SOME ADJUSTMENT DIFFICULTIES FROM  
19 CHANGING FROM PUBLIC SCHOOL TO A --

20 A LIKE GOING FROM THIS PLANET AND LANDING ON  
21 THE MOON. IT IS CULTURALLY DIFFERENT. YOU ARE DEALING  
22 WITH PEOPLE THAT ARE ENORMOUSLY PRIVILEGED, ECONOMICALLY.

23 THE CULTURE IS VERY DEMANDING AND ACADEMICALLY  
24 AND ATHLETICALLY IT IS VERY COMPETITIVE.

25 YOU CAN BE EXTREMELY SUCCESSFUL IN THE PUBLIC  
26 SCHOOL AND IT IS LIKE YOU CAN BE THE TOP OF YOUR CLASS IN  
27 THE PUBLIC SCHOOL AND YOU GO DOWN TO A C LEVEL AT HARVARD.  
28 IT IS A SHOCK.



1                   YOU HAVE PEOPLE DRIVING STUTZ BEARCATS AT 16,  
2 AS SOON AS THEY CAN GET THEIR FATHER'S CAR. THERE ARE  
3 MERCEDES AND ROLLS ROYCES AND THEY DRIVE THEM IN THE SENIOR  
4 PARKING LOT.

5                   IT IS MIND-BLOWING, THE EXPERIENCE. IT IS  
6 VERY HARD TO ADJUST TO AT SCHOOL.

7           Q           WERE YOU AND JOE SOMEWHAT DEPRIVED ECONOMICALLY?

8           A           SURE. MY FATHER WOULDN'T EVEN SPRING FOR HAIRCUTS.  
9 SO WE HAD VERY LONG HAIR. WE HAD TO WEAR LEVI'S. THOSE  
10 WERE OUR ONLY PANTS THAT WE HAD.

11                   WE HAD TO GO TO THRIFT SHOPS TO GET CLOTHING  
12 TO -- WHEN WE STARTED TO DEBATE. WE HAD TO GO TO THRIFT SHOPS  
13 BECAUSE MY FATHER WOULDN'T PROVIDE MONEY.

14           Q           WHEN THERE WERE FUNDS AVAILABLE TO YOUR FATHER,  
15 WAS HE DEMOCRATIC ABOUT --

16           A           NO. HE SPENT EVERYTHING EXCLUSIVELY ON HIMSELF.  
17 HE MUST HAVE GONE THROUGH HALF A DOZEN MOTORCYCLES PLUS  
18 BECAUSE HE WOULD LOSE THEM BECAUSE HE WOULDN'T PAY THE BILLS.  
19 HE WAS VERY SELFISH.

20           Q           NOW, WAS THERE A PERIOD WHEN THE FAMILY FINANCES  
21 WERE NOT SO GOOD AND SOME OF THE CHILDREN WENT OUT AND TRIED  
22 TO GET EMPLOYMENT TO TRY TO HELP THE FAMILY OUT?

23           A           YES. JOE STARTED AT A VERY EARLY AGE. IN  
24 FACT, HE WENT OVERBOARD.

25                   HE JUST DIDN'T GO OUT AND GET ONE PAPER ROUTE,  
26 HE GOT TWO. I DON'T KNOW HOW HE DROVE THAT BIKE AROUND.

27                   HE HAD TWO SACKS THAT GO OVER THE BIKE THAT  
28 YOU CAN PUT PAPERS IN. HE HAD TWO OF THEM.

1                   ONE WAS IN THE FRONT OF THE BIKE AND ONE WAS  
2                   IN THE BACK OF THE BIKE. IT WAS AN EFFORT JUST TO LOAD  
3                   THE BIKE. YOU HAD TO HOLD THE BIKE UP AND THEN PUT THE  
4                   BIKE DOWN AND LOAD ONE SIDE AND TURN IT OVER AND LOAD THE  
5                   OTHER SIDE. THEN YOU HAD TO TRY TO GET UP ON IT AND GO  
6                   OUT ON THE ROUTE.

7                   HOW OLD WAS HE AT THAT TIME, GREG?

8                   A           HE HAD TO BE 11 OR 12, VERY YOUNG.

9                   Q           HOW TALL WAS HE THEN?

10                  A           THAT WAS BEFORE HE REALLY STARTED GROWING.

11                  SO I WOULD IMAGINE IN THE --

12                  Q           ABOUT FIVE FEET TALL?

13                  A           MAYBE FIVE-FIVE OR MAYBE FIVE-SIX, SOMETHING  
14                  LIKE THAT.

15                  Q           DO YOU KNOW WHAT HAPPENED TO THE MONEYS JOE  
16                  MADE ON HIS PAPER ROUTE?

17                  A           MY FATHER WOULD TAKE IT.

18                  Q           BY AGREEMENT OR JUST CONFISCATE THEM?

19                  A           CONFISCATION.

20                  Q           AND DID THIS AUGUR A PATTERN THAT WAS TO EMERGE  
21                  IN LATER YEARS WITH RESPECT TO YOUR FATHER AND JOE?

22                  A           YES. MY FATHER IS LIKE A FAGIN IN THE STORY  
23                  OLIVER TWIST. HE USES CHILDREN.

24                               HE STARTED WITH MY BROTHER AT AN EARLY AGE  
25                  TO START UP A PATTERN THAT MY BROTHER WOULD DO FOR HIM AND  
26                  PROVIDE.

27                               BECAUSE MY BROTHER WAS DIFFERENT THAN I WAS.  
28                  I STARTED TO WORK AT 16 AND I WENT TO WORK IN A DEPARTMENT

1 STORE. THEN I WENT TO WORK AS A BOX BOY FOR DIFFERENT MARKETS.

2 Q WERE YOU CUT OFF BY YOUR FATHER?

3 A YES. HE CUT ME OFF.

4 Q AT AGE WHAT?

5 A AT AGE 16, APPROXIMATELY.

6 Q AND HAVE YOU BEEN FOR THE MOST PART, EMANCIPATED  
7 AND SELF-SUPPORTING SINCE THE AGE OF 16?

8 A YES. BUT MY MOTHER HAS PROVIDED ME AT DIFFERENT  
9 POINTS WITH MONEY WHEN I NEEDED IT.

10 SHE ATTEMPTED TO PROVIDE ME WITH A CAR. I  
11 HAD A BROWN DODGE WHICH WAS A BOMB.

12 BUT IT HELPED A LOT BECAUSE SHE LIVED IN VENTURA  
13 AND I LIVED AT USC.

14 IT WAS AN ENORMOUS DISTANCE AND I WOULDN'T  
15 GET TO SEE HER. SO SHE PROVIDED AS LONG AS SHE COULD.

16 EVENTUALLY, SHE WAS NOT ABLE TO PROVIDE IT.  
17 I WOULD TAKE THE AMTRAK OR THE GREYHOUND BUS, THINGS LIKE  
18 THAT.

19 Q WHEREAS AT AGE 16, YOU ACTUALLY LEFT, MOVED  
20 OUT OF THE HOME OR --

21 A NO. I WAS IN THE HOME. BUT MY FATHER DECIDED  
22 THAT I WAS NOT WORTH THE EFFORT ANYMORE.

23 Q SO --

24 A I JUST WASN'T GOING TO PAN OUT FOR HIM. I WAS  
25 NOT GOING TO BE A PART OF THE PROGRAM.

26 Q WHEN DID YOU ULTIMATELY LEAVE THE HOME?

27 A EIGHTEEN, WHEN I WENT TO UCLA.

28 Q JOE WOULD HAVE BEEN 16 AT THAT TIME?

1           A           YES. HE IS TWO YEARS YOUNGER.

2           Q           UP UNTIL THAT TIME, HAD YOUR PARENTS DIVORCED  
3 BY THE TIME THAT YOU LEFT THE HOME?

4           A           NO. THEY DIVORCED WHILE I WAS AT UCLA.

5           Q           AND WITH RESPECT TO THE PERIOD OF TIME THAT  
6 YOU LIVED TOGETHER WITH YOUR BROTHER, UP UNTIL HIS AGE OF  
7 16 AND YOUR AGE OF 18, HOW WOULD YOU CHARACTERIZE HIM  
8 GENERALLY IN TERMS OF HIS QUALITIES AND CHARACTERISTICS  
9 IN TERMS OF HIS --

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1           A           HE WAS A VERY LOVING PERSON. WE HAD A DOG  
2 NAMED BEAUTY, A COLLIE, A BEAUTIFUL COLLIE.

3                   AND HE AND I WOULD TAKE THAT DOG -- THERE WAS  
4 THE SEPULVEDA DAM NEARBY, THE VAN NUYS RECREATIONAL AREA.

5                   WE WOULD TAKE THE DOG TO PLAY THERE. WE WOULD  
6 PLAY AT DIFFERENT NEIGHBORS WITH THE DOG.

7                   WE JUST REALLY HAD A LOT OF FUN TOGETHER. HE  
8 WAS VERY KIND TO THE DOG UP UNTIL MY FATHER TOOK THE DOG  
9 AND THREW THE DOG IN THE POOL AND DESTROYED THAT DOG'S  
10 PERSONALITY.

11                   WE HAD A GOOD TIME WITH THAT DOG.

12           Q           DID JOE HAVE ANY KIND OF ATTITUDE OR DISTAIN  
13 TOWARD PEOPLE WHO HAD LESS INTELLIGENCE THAN HE DID?

14           A           NO. THERE WERE MANY PEOPLE AT SCHOOL THAT  
15 NEEDED HIS HELP ACADEMICALLY. HE WOULD HELP THEM WITH  
16 FRENCH AND WITH MATHEMATICS AND WITH SCIENCE. AND THAT  
17 IS FROM AN ACADEMIC STANDPOINT. AND ALSO FROM AN INTELLIGENCE  
18 STANDPOINT.

19                   THEN, IN OUR NEIGHBORHOOD IN TERMS OF ECONOMICS,  
20 WE HAD MORE MONEY THAN A FAMILY NAMED LARGY.

21                   BUT HE WAS VERY CLOSE FRIENDS WITH THEM. JOE  
22 IS VERY EGALITARIAN. HE DOES NOT RECOGNIZE DIFFERENT CLASSES  
23 BASED ON INTELLIGENCE OR MONEY. HE IS FRIENDS WITH EVERYONE.  
24 HE GETS ALONG WITH EVERYONE.

25           Q           NOW, WERE YOU INVOLVED IN THE DEBATE TEAM AT  
26 HARVARD SCHOOL?

27           A           YES, I WAS.

28           Q           AFTER JOE CAME OVER TO HARVARD SCHOOL FROM THE

1 ELEMENTARY SCHOOL DID YOU INTEREST HIM IN THE DEBATE TEAM?

2 A WELL, THE DEBATE STARTED LATER. I GUESS MAYBE  
3 IN THE NINTH GRADE, I THINK, FOR ME.

4 JOE VOLUNTEERED TO HELP ME. DEBATE INVOLVES --  
5 WELL, YOU ARE IN THE LEGAL PROFESSION SO YOU KNOW EVEN MORE  
6 WORK THAN WE DID.

7 DEBATE TOOK UP ENORMOUS AMOUNTS OF TIME, ENORMOUS  
8 AMOUNTS OF TIME.

9 THERE WAS A LOT OF TEDIOUS WORK, LIBRARY RESEARCH  
10 AND A LOT OF JUST EVIDENCE THAT YOU WOULD BUY IN THE BEGINNING  
11 WHEN YOU WERE STARTING OUT.

12 YOU WOULD BUY THESE EVIDENCE PACKAGES AND YOU  
13 WOULD HAVE ALL THIS WORK AND -- THE PEOPLE WOULD SELL IT  
14 TO YOU.

15 YOU HAD TO CUT IT ALL UP WITH SCISSORS AND  
16 THEN PASTE IT ONTO CARDS SO THAT YOU COULD CREATE A FILE  
17 SO YOU WOULD HAVE IT ALL SORTED OUT.

18 YOU COULD PICK UP THE PIECES OF EVIDENCE AND  
19 READ IT WHEN YOU NEEDED IT. THIS WAS HOURS AND HOURS AND  
20 DAYS AND DAYS OF WORK. AND JOE WOULD HELP ME WITH THAT.  
21 HE VOLUNTEERED TO HELP ME WITH IT. I DIDN'T ASK HIM TO  
22 BUT HE VOLUNTEERED TO.

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1 Q WERE THERE OTHER ACTIVITIES THAT JOE WAS INVOLVED  
2 IN IN THE NEIGHBORHOOD?

3 A YES.

4 WE PLAYED -- WE PLAYED KICK THE CAN, FOR INSTANCE,  
5 WITH THE LARGY CHILDREN.

6 THE COURT REPORTER: HOW DO YOU SPELL THAT?

7 THE WITNESS: I DON'T KNOW. L-A-R-G-Y, I GUESS.

8 WHICH IS, YOU JUST PUT A CAN IN THE MIDDLE OF  
9 THE STREET, AND AGAIN THE SAME TYPE OF THING AS MARCO POLO,  
10 SOMEBODY WHO IS IT CLOSES THEIR EYES, COUNTS, EVERYBODY HIDES  
11 AND THEN THAT PERSON WHO IS IT HAS TO GO AND FIND PEOPLE.

12 THE COURT: WHAT HAS THAT GOT TO DO WITH ANY ISSUE IN  
13 THIS CASE? LET'S GET ON, WILL YOU, PLEASE? ASK SOME  
14 PERTINENT QUESTIONS. GET SOME PERTINENT ANSWERS.

15 I AM NOT INTERESTED IN KICKING A CAN. I PLAYED  
16 THAT MYSELF WHEN I WAS A KID. WHAT DOES THAT HAVE TO DO WITH  
17 THIS TRIAL?

18 MR. BARENS: AVOIDING IT, SIR.

19 THE COURT: LET'S GET ON.

20 Q BY MR. CHIER: MR. GAMSKY, DID YOU ATTEND USC?

21 A YES.

22 I SPENT ONE YEAR AT UCLA AND THEN I TOOK ONE YEAR  
23 OFF WHERE I WORKED AND I WENT TO SCHOOL PART-TIME FOR ABOUT  
24 THE LAST HALF OF THAT YEAR AND THEN I FINISHED MY LAST THREE  
25 YEARS AT USC.

26 Q DID JOE ATTEND USC, GREG --

27 A YES, HE DID.

28 Q -- AT THE SAME TIME AS YOU?

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1 A I BELIEVE FOR ABOUT A YEAR AND A HALF.

2 Q I AM SORRY?

3 A YES, THERE WAS AN OVERLAPPING PERIOD WHEN HE WAS  
4 THERE AND WHEN I WAS THERE, YES.

5 Q WHAT WERE HIS ACHIEVEMENTS WHILE AT USC?

6 A WELL, WE WERE BOTH MEMBERS OF FRATERNITIES,  
7 DIFFERENT FRATERNITIES.

8 AND THE FRATERNITY STRUCTURE IS LIKE ANY  
9 ORGANIZATION, ESSENTIALLY, YOU COME IN AND YOU LEARN ABOUT  
10 THE FRATERNITIES AND YOU ARE LOW MAN ON THE TOTEM POLE.  
11 TRADITIONALLY, YOU WOULD BE IN A PLEDGE CLASS FOR A SEMESTER  
12 AND YOU WOULD GET OUT AND YOU MIGHT HOPE FOR SOME TYPE OF  
13 LEADERSHIP POSITION. MAYBE THIS WOULD BE THE FRESHMAN YEAR  
14 AND YOU WOULD HOPE FOR SOME TYPE OF LEADERSHIP POSITION MAYBE  
15 IN YOUR JUNIOR YEAR AND THEN PERHAPS YOU MIGHT BECOME  
16 PRESIDENT IN YOUR SENIOR YEAR.

17 WELL, JOE BECAME PRESIDENT OF THE FRATERNITY AFTER  
18 GETTING OUT OF THE PLEDGE CLASS, WHICH IS ABSOLUTELY AMAZING.  
19 IT IS UNHEARD OF. IT IS SUCH AN ACCELERATED PACE. YOU HAVE  
20 TO BE VERY PATIENT, USUALLY, IN ORGANIZATIONS TO ACHIEVE THAT  
21 POSITION.

22 Q TO YOUR KNOWLEDGE, DID JOE DO ANYTHING IN TERMS  
23 OF IMPROVING THE STANDING OF THIS FRATERNITY AND IMPROVING  
24 THEIR RECRUITMENT POLICY?

25 A YES.

26 CHI PHI WAS A SECOND TIER FRATERNITY. IT WAS  
27 A FRATERNITY THAT DESPERATELY NEEDED HELP, NEEDED SOMEONE  
28 WITH ORGANIZATIONAL SKILLS, SOMEONE WHO COULD BRING THE MEN



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1 TOGETHER IN THAT GROUP AND WHO COULD ESTABLISH RELATIONSHIPS  
2 WITH SORORITIES SO YOU COULD HAVE RUSH FUNCTIONS SO THAT OTHERS  
3 WOULD BE INTERESTED. THAT WAS A VERY IMPORTANT ASPECT AND  
4 HE MENDED THE FENCES WITH DIFFERENT SORORITIES SO THEY COULD  
5 HAVE PARTIES. HE GOT THEM ORGANIZED TOGETHER SO THEY COULD  
6 PUT THEM TOGETHER, PARTIES ON IN THE FRATERNITY HOUSE BECAUSE  
7 IT TAKES A LOT OF WORK TO PURCHASE EVERYTHING THAT IS NEEDED,  
8 TO INVITE THE GIRLS, TO BRING THE GIRLS OVER, TO ENTERTAIN  
9 THEM WHILE THEY ARE THERE AND MAKE SURE THEY HAVE A GOOD TIME.

10 HE STARTED A NEWSPAPER. WE HAD A NEWSPAPER ON  
11 THE ROW AND IT PROBABLY STILL EXISTS, WHICH IS THE EQUIVALENT  
12 OF "A NATIONAL INQUIRER." ALL IT WOULD PRINT IS TRASH  
13 "B.J. AND S.K. DID SUCH AND SUCH." IT WAS AN ABYSMAL PAPER.  
14 JUST FOR OTHER PEOPLE'S DELIGHT AND OTHER PEOPLE'S MISFORTUNE.

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1           JOE DECIDED IT WAS TIME TO HAVE A PAPER THAT DEALT  
2 WITH HARD NEWS, IMPORTANT INFORMATION THAT HAD SOME KIND OF  
3 JOURNALISTIC ETHICS. HE STARTED A PAPER ALONG WITH A MEMBER  
4 OF THE FRATERNITY, WHO WAS PRESIDENT AT THE TIME AND THEY  
5 STARTED THE PAPER TOGETHER AND THEY WENT TO LOCAL BUSINESSES  
6 AND THEY GOT LOCAL BUSINESSES TO PURCHASE ADS FOR THAT PAPER  
7 AND HE PUT IT TOGETHER AND IT WAS A MARVELOUS PIECE OF WORK.  
8 IT REALLY WAS VERY, VERY IMPRESSIVE, ESPECIALLY, AGAIN, THESE  
9 THINGS WERE HAPPENING AT A VERY, VERY RAPID RATE.

10           YOU KNOW, TO COME INTO A COLLEGE LIKE SC AND TO  
11 BECOME PRESIDENT OF A FRATERNITY, TO BECOME ACTIVE AT  
12 INTER-FRATERNITY LEADERSHIP AFFAIRS, TO START A PAPER, IS  
13 TREMENDOUS. PEOPLE DON'T DO THIS UNTIL THEY ARE MUCH OLDER,  
14 UNTIL THEY ARE SENIORS USUALLY, UNTIL THEY GET THEIR FEET  
15 WET ENOUGH AND THEY ARE EDUCATED ENOUGH AND THEY ARE  
16 COMPETENT ENOUGH.

17           Q       DO YOU KNOW WHETHER JOE EVER WAS GRADUATED BY  
18 USC?

19           A       I DON'T BELIEVE HE DID, NO.

20           Q       PRIOR TO ENTERING USC, WAS HE ON A THREE-THREE  
21 PROGRAM OF SOME KIND WHERE HE WAS DOING COLLEGE AT THE SAME  
22 TIME HE WAS FINISHING HIGH SCHOOL?

23           A       OH, YES.

24                    IN HIGH SCHOOL --

25           MR. WAPNER: OBJECTION. NONRESPONSIVE. HE HAS JUST  
26 ANSWERED THE QUESTION, IT WAS YES.

27           THE COURT: SUSTAINED.

28           THE WITNESS: I AM SORRY.

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1 Q BY MR. CHIER: COULD YOU TELL US WHAT THE PROGRAM  
2 WAS THAT GREG WAS IN AND WAS ABLE TO DO?

3 A YES, IN HIGH SCHOOL, MY FATHER HAD HIM IN A PROGRAM  
4 WHERE HE WOULD ATTEND UCLA EXTENSION, TAKING ACCOUNTING  
5 COURSES. THE REASON FOR THAT IS SO THAT HE CAN ACCELERATE  
6 THE PROCESS OF BECOMING A CPA, RATHER THAN WAIT UNTIL YOU  
7 GET INTO COLLEGE AND COMPLETE THE ACCOUNTING CLASSES AND TAKE  
8 FOUR YEARS TO DO THAT AND TAKE THE CPA EXAM.

9 ALL OF THE THINGS PEOPLE NORMALLY DO, MY FATHER  
10 WANTED IT DONE VERY, VERY RAPIDLY, SO HE HAD JOE START WHILE  
11 HE WAS IN HIGH SCHOOL AT UCLA EXTENSION, TAKING THOSE  
12 ACCOUNTING COURSES.

13 WHILE HE WAS AT USC, HE WAS STILL TAKING  
14 ACCOUNTING COURSES AND THEN HE COMPLETED THOSE AND THEN HE  
15 TOOK THE BECKER CPA REVIEW COURSE AND THEN HE TOOK THE  
16 EXAMINATION AND PASSED THE FIRST TIME.

17 HE WAS THE YOUNGEST PERSON WHO HAD TAKEN THE BECKER  
18 CLASS TO PASS THE FIRST TIME AND DO IT SO WELL AND IN FACT,  
19 THE OWNER, STAN BECKER, HAD HIS PICTURE TAKEN WITH JOE IN  
20 THE PAPER AS GOOD ADVERTISING FOR HIS FIRM.

21 SO JOE WAS THEN GOING TO COLLEGE COURSES EVEN  
22 IN HIGH SCHOOL.

23 Q SO YOU KNOW OF YOUR OWN PERSONAL KNOWLEDGE THAT  
24 JOE TOOK AND PASSED THE CPA EXAM?

25 A YES.

26 Q DID HE GO ON AND COMPLETE THE CPA?

27 A NO, HE DID NOT COMPLETE THE WORK EXPERIENCE.

28 Q DO YOU KNOW WHY HE DIDN'T COMPLETE THE WORK

1 EXPERIENCE?

2 A I DON'T THINK IT WAS ENOUGH MONEY FOR MY FATHER,  
3 FAST ENOUGH.

4 Q DID HE WORK FOR AN ACCOUNTING FIRM, TO YOUR  
5 KNOWLEDGE?

6 A HE WORKED FOR TWO, TO MY KNOWLEDGE, IN DOWNTOWN  
7 L.A.

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1 Q AND IS THERE A PERIOD OF TIME THAT IS REQUIRED  
2 TO BE SPENT IN THE EMPLOY OF AN ACCOUNTING FIRM?

3 A YOU MUST WORK FOR TWO YEARS TO BECOME A CPA BECAUSE  
4 THERE IS A WORK REQUIREMENT.

5 THE COURT: BEFORE YOU TAKE THE EXAMINATION?

6 THE WITNESS: NO, YOU --

7 THE COURT: BEFORE YOU HAVE ANY EXPERIENCE IN  
8 ACCOUNTING, IS THAT WHAT YOU ARE TELLING US?

9 THE WITNESS: NO, SIR.

10 YOU CAN COMPLETE THE EXAM AND THEN AFTER YOU HAVE  
11 COMPLETED THE TWO YEARS OF WORK EXPERIENCE, YOU BECOME A  
12 CERTIFIED PUBLIC ACCOUNTANT.

13 THE COURT: YOU CAN'T BE A CPA UNTIL AFTER YOU HAD THE  
14 TWO YEARS; ISN'T THAT RIGHT?

15 THE WITNESS: OH, TECHNICALLY SPEAKING, YES, SIR.

16 Q BY MR. CHIER: WHEN YOU SAY TECHNICALLY SPEAKING,  
17 YOU ARE TALKING ABOUT OBTAINING A STATE LICENSE --

18 A YES, SIR --

19 Q -- TO BE CERTIFIED BY THE STATE AS A PUBLIC ACCOUNTANT.

20 A RIGHT.

21 Q BUT YOU MAY HAVE PASSED THE TEST PRIOR TO THAT  
22 TIME; IS THAT CORRECT?

23 A YES.

24 Q WHILE JOE WAS WORKING AT THIS -- WAS THIS A LARGE  
25 ACCOUNTING FIRM HE WORKED FOR?

26 A YEAH, TWO VERY LARGE ACCOUNTING FIRMS.

27 Q AND THE LAST ONE WAS WHAT?

28 A I DON'T KNOW THEIR NAMES.

1 Q DO YOU KNOW WHETHER OR NOT JOE BEGAN TO EXPERIMENT  
2 IN COMMODITY TRADING WHILE HE WAS WORKING AT ONE OF THESE  
3 ACCOUNTING FIRMS?

4 A YES, I DO.

5 Q AS A RESULT OF THAT, DID YOUR FATHER GET SOME  
6 NOTION CONCERNING WHAT HIS UTILITY MIGHT BE IN ANOTHER AREA?

7 A YES.

8 MY FATHER IS INTERESTED IN LOTS OF MONEY VERY  
9 QUICKLY BECAUSE HE HAS ENORMOUS SPENDING REQUIREMENTS SO AS  
10 TO ENTERTAIN HIMSELF.

11 SO WHEN HE FOUND THAT THE ACCOUNTING JOB SIMPLY  
12 WASN'T PROCEEDING FAST ENOUGH INCOME-WISE, WHEN YOU FIRST  
13 START OUT, YOU ARE PAID VERY POORLY, YOU KNOW, YOU ARE PAID  
14 IN THE TWENTY'S AND THAT IS JUST NOT ENOUGH MONEY SO WHAT  
15 MY FATHER LIKES IS A BIG KILL REAL FAST SO HE FOUND OUT ABOUT  
16 THE COMMODITIES AND ENCOURAGED JOE TO FOLLOW THE COMMODITIES  
17 SO YOU COULD MAKE FORTUNES OVERNIGHT.

18 BUT THEN, OF COURSE, YOU CAN LOSE THEM OVERNIGHT,  
19 EVEN IN MINUTES OR HOURS, YOU CAN LOSE THEM.

20 HE WANTED A FASTER BASED ACTION.

21 Q WAS JOE THEN, IN EFFECT, TAKEN OUT OF SCHOOL AND  
22 TAKEN BACK TO CHICAGO?

23 A YES.

24 JOE WAS NOT ALLOWED TO COMPLETE ANYTHING IN A  
25 TRADITIONAL SENSE. JOE WAS ON SOME KIND OF AN EXTREMELY  
26 ACCELERATED PROGRAM WHICH IS, YOU KNOW, HE WAS ALLOWED TO  
27 FINISH HIGH SCHOOL, EVEN THAT SOMEWHAT RELUCTANTLY BECAUSE  
28 MY FATHER, HE WOULDN'T PAY ALL OF THE BILLS UNTIL THEY GAVE

1 HIM AN ULTIMATUM "YOU EITHER PAY OR JOE DOESN'T GRADUATE."

2 BECAUSE I WAS ON A FULL SCHOLARSHIP AND JOE WAS  
3 ON A FULL SCHOLARSHIP FOR A TIME AND THEN IT BECAME A PARTIAL  
4 SCHOLARSHIP.

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1 Q WHY WAS THAT, BY THE WAY?

2 A BECAUSE OF THE KNOWLEDGE OF HARVARD SCHOOL  
3 AND THE KNOWLEDGE THAT SCHOLARSHIPS WERE AVAILABLE BECAME  
4 MORE GENERALLY KNOWN. SO PEOPLE STARTED APPLYING.

5 SO IN ORDER TO BE MORE EQUITABLE, HARVARD SCHOOL  
6 SPLIT UP THE PIE. SO HIS SCHOLARSHIP SHRANK IN LATER YEARS.

7 AGAIN, I LUCKED OUT. I WAS GIVEN A FULL SCHOLAR-  
8 SHIP AND WENT THROUGH.

9 BUT THEN WITH ME, MY FATHER WOULDN'T PAY THE  
10 BILL FOR THE BOOKS OR FOR MEALS. AND THAT BILL WAS STILL  
11 THERE AFTER I GRADUATED.

12 Q NOW, DID THE REMOVAL OF JOE TO CHICAGO AT --  
13 HE WAS AGE 21, AT THAT TIME?

14 A YEAH. I WOULD SAY THAT, YES.

15 Q DID THAT PULL THE FAMILY APART IN ANY RESPECT  
16 AT THAT TIME?

17 A NO. IT HAPPENED EARLIER THAN THAT.

18 Q AND WAS THERE ANY DISAGREEMENT -- WHEN DID  
19 YOU FIND OUT JOE WENT TO CHICAGO?

20 A THROUGH MY MOTHER, I BELIVE. SHE MENTIONED  
21 THAT HE HAD LEFT TO GO TO CHICAGO.

22 Q AND WAS THERE A PERIOD OF TIME WHEN YOU DIDN'T  
23 SEE JOE AT ALL?

24 A YES. I DIDN'T SEE JOE FROM THE TIME THAT HE  
25 LEFT USC UP UNTIL RECENTLY.

26 Q AND HOW DID YOU LEARN HIS WHEREABOUTS?

27 A FROM READING A STORY IN THE L.A. TIMES.

28 Q AS A RESULT OF READING THAT STORY, DID YOU



1 DO ANYTHING?

2 A I CONTACTED MR. BARENS.

3 Q WERE YOU ABLE TO THEN REUNITE WITH JOE AT THAT  
4 PARTICULAR TIME?

5 A YES. HOWEVER, THE PROBLEM WITH JOE --  
6 MR. WAPNER: OBJECTION, NON-RESPONSIVE.

7 THE COURT: WAIT UNTIL THE QUESTION IS ASKED.

8 THE WITNESS: SORRY, YOUR HONOR.

9 Q BY MR. CHIER: DID YOU ATTEND THE TRIAL DURING  
10 THE --

11 A JOE ASKED US NOT TO.

12 Q DID HE SAY WHY HE WISHED YOU NOT TO BE HERE?

13 A HE DIDN'T WISH FOR ME TO JEOPARDIZE MY MARRIAGE  
14 OR MY JOB OR MY FRIENDS OR ANYTHING. HE WISHED TO DO THIS  
15 BY HIMSELF, TO SHOULDER THE BURDEN HIMSELF. THAT IS WHY  
16 HE DIDN'T CONTACT US.

17 Q AND HAVE YOU COME FORWARD NOW DESPITE THE RISKS  
18 THAT MIGHT BE INVOLVED IN --

19 A YES, I HAVE.

20 Q IN SPITE OF HIS WISHES THAT YOU NOT COME  
21 FORWARD?

22 A YES.

23 Q DO YOU UNDERSTAND THAT THIS IS A PENALTY PHASE  
24 AND THAT JOE HAS BEEN FOUND BY THE JURY, GUILTY OF FIRST  
25 DEGREE MURDER OF RON LEVIN, MR. GAMSKY?

26 A I UNDERSTAND THAT, YES.

27 Q AND THIS JURY IS BEING ASKED BY THE DISTRICT  
28 ATTORNEY, YOU UNDERSTAND, TO RETURN THE VERDICT OF DEATH

1 FOR MR. HUNT, YOUR BROTHER?

2 A I UNDERSTAND THAT, YES.

3 Q DEALING FOR THE MOMENT WITH THE -- NOT DEALING  
4 WITH YOUR BELIEVE AS TO HIS GUILT OR INNOCENCE, BUT DEALING  
5 ONLY WITH THE ISSUE OF DEATH VERSUS LIFE, DO YOU HAVE ANY  
6 FEELING CONCERNING WHAT KIND OF A STATEMENT IT WOULD MAKE  
7 IF YOUR BROTHER WERE TO BE EXECUTED?

8 THE COURT: YOU DON'T HAVE TO ANSWER THAT QUESTION.  
9 THE COURT SUSTAINS THE OBJECTION ON ITS OWN MERIT.

10 GO ON. ASK ANOTHER QUESTION. CLEARLY, THAT  
11 IS AN IMPROPER QUESTION.

12 Q BY MR. CHIER: WOULD YOU LOSE IN YOUR JUDGMENT,  
13 A VALUABLE FAMILY MEMBER?

14 A IT WOULD BE AN ENORMOUS SADNESS FOR ME TO LOSE  
15 MY BROTHER. IT WOULD BE AN ENORMOUS LOSS AND --

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1 THE COURT: THAT IS A SILLY QUESTION. YOU ASK A BROTHER  
2 WHO IS ENORMOUSLY FOND. YOU DON'T ASK QUESTIONS LIKE THAT.

3 THE WITNESS: DEEPLY --

4 MR. CHIER: BUT THAT IS A CONSIDERATION.

5 THE COURT: LET'S GET ONTO SOMETHING ELSE, WILL YOU  
6 PLEASE?

7 MR. CHIER: THAT IS THE POINT, YOUR HONOR.

8 THE COURT: PROCEED WITH ANOTHER QUESTION.

9 MR. CHIER: I DON'T HAVE ANY QUESTIONSS MORE IMPORTANT  
10 THAN THAT ONE.

11 THE COURT: ALL RIGHT. THEN SIT DOWN.

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CROSS-EXAMINATION

15 BY MR. WAPNER:

16 Q MR. GAMSKY, WHEN YOU WERE GROWING UP IN THE  
17 HOUSE IN VAN NUYS AND YOUR FATHER WAS ACQUIRING ALL THESE  
18 THINGS FOR THE GARAGE, HOW DID YOUR BROTHER FEEL ABOUT IT?

19 A MY BROTHER UNDERSTOOD MY FATHER. HE TRIED  
20 TO UNDERSTAND.

21 IT WAS HARDER FOR MY MOTHER AND MYSELF AND  
22 MY SISTER AND OTHERS.

23 Q LET'S JUST TRY TO STICK TO THE --

24 A HE IS VERY NON-JUDGMENTAL. HE DOESN'T JUDGE.

25 Q WHAT I WANT TO KNOW IS, DID HE APPEAR TO LIKE  
26 THE FACT THAT YOUR FATHER WAS DOING THIS? DID YOUR BROTHER  
27 GO TO THE GARAGE FOR EXAMPLE AND SPEND TIME WITH YOUR DAD  
28 BUILDING THINGS OR DRIVING THE MOTORCYCLES AND STUFF LIKE

1 THAT?

2 A NO. THOSE WERE HIS POSSESSIONS. IN FACT,  
3 HE WOULD MARK THEM WITH AN ELECTRIC ENGRAVING PENCIL, MANY  
4 THINGS.

5 Q WOULD IT BE FAIR TO SAY THAT AT THIS POINT,  
6 YOU HAVE A FAIRLY STRONG DISLIKE OR DISTASTE FOR YOUR FATHER?

7 A YES, SIR. IT WOULD BE FAIR TO SAY.

8 Q WOULD IT BE FAIR TO SAY THAT YOU HATE HIM,  
9 NOT PUTTING WORDS IN YOUR MOUTH?

10 A NO, IT WOULD NOT.

11 Q OKAY. AT WHAT AGE IF YOU KNOW, DID YOUR FEELINGS  
12 FOR -- DID YOU START FEELING THIS WAY TOWARD YOUR FATHER?

13 A APPROXIMATELY TEN YEARS OLD.

14 Q AND THAT WAS ABOUT THE TIME YOUR PARENTS WERE --  
15 A FEW YEARS BEFORE THEY WERE GETTING DIVORCED?

16 A IT WAS ABOUT THE YEAR THAT WE HAD A LOT OF  
17 ECONOMIC TROUBLE.

18 Q THEY GOT DIVORCED ABOUT THE TIME JOE WAS 12?

19 A NO. I WAS 19. JOE WOULD BE ABOUT 17.

20 Q ALL RIGHT. AND AS FAR AS YOUR FATHER TAKING  
21 THE NAME HUNT, DO YOU KNOW WHETHER HE WAS IN LOS ANGELES  
22 OR CHICAGO WHEN HE DID THAT?

23 A NO, SIR. I DON'T.

24 Q AND DO YOU KNOW WHEN IT WAS THAT YOUR BROTHER  
25 TOOK THE NAME HUNT?

26 A PRECISELY, NO.

27 Q DO YOU KNOW WHY?

28 A I THINK IT WAS BECAUSE THE HUNT BROTHERS IN

1 TEXAS WERE ENORMOUSLY POWERFUL FAMILY -- ENORMOUSLY SUCCESSFUL.  
2 HE WISHED TO HAVE THAT NAME.

3 Q WHEN YOU SAY "HE" WHO ARE YOU TALKING ABOUT?

4 A MY BROTHER.

5 Q AND DO YOU KNOW WHETHER HE DID THAT AT THE  
6 TIME THAT HE WAS ACTUALLY IN CHICAGO WHEN HE WAS TRADING  
7 ON THE CHICAGO MERCANTILE EXCHANGE?

8 A WELL, IF I HAVE TO MAKE A GUESS, I WOULD SAY  
9 YES. BUT I AM NOT PRECISELY CERTAIN.

10 Q AT THE TIME THAT YOUR PARENTS GOT DIVORCED,  
11 YOUR BROTHER WAS 17?

12 A YES, SIR.

13 Q YOU SAID THAT HE DECIDED TO GO WITH YOUR FATHER.  
14 WAS THERE SOME COURT RULING OR SOMETHING MADE WHERE A JUDGE  
15 DECIDED WHO WAS GOING WITH WHOM?

16 A NO. IT WAS FREE WILL. EVERYONE DECIDED FOR  
17 THEMSELVES. THERE WAS NO COURT ORDER.

18 Q AND DURING THE TIME WHEN YOU WERE 10 AND THE  
19 FAMILY WAS UNDERGOING ECONOMIC PROBLEMS AND YOU STARTED  
20 TO DEVELOP THIS FEELING ABOUT YOUR FATHER, WHAT WAS JOE'S  
21 RELATIONSHIP WITH HIS FATHER?

22 A JOE HAS BEEN CLOSE TO HIS FATHER. HE HAS TRIED TO  
23 HELP HIS FATHER.

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1 Q LET'S START WITH THE TIME WHEN YOU WERE TEN SO  
2 HE WOULD BE ABOUT EIGHT, IS THAT ABOUT RIGHT?

3 A YES, SIR.

4 Q WHAT HAPPENED DURING THAT TIME? WHAT DID YOUR  
5 BROTHER DO TO MANIFEST HIS FEELINGS OF CLOSENESS TOWARDS HIS  
6 FATHER AT THAT TIME, AT THAT AGE?

7 A WELL, HE WOULD -- MY FATHER HAD -- ONE OF THE  
8 REASONS HE GOT INVOLVED WITH THAT HYPNOSIS INSTITUTE WAS --  
9 IN FACT, HE SPENT HIS INHERITANCE ON THOSE TYPES OF THERAPIES --  
10 HE FELT HE HAD A LOT OF PROBLEMS THAT HE NEEDED TO WORK  
11 THROUGH.

12 Q CAN I STOP YOU FOR ONE SECOND?

13 WHAT INHERITANCE?

14 A OH, MY FATHER HAD AN INHERITANCE FROM HIS FAMILY.

15 Q HOW MUCH WAS IT?

16 A I DON'T KNOW, SIR.

17 Q AND WHEN DID YOU FIRST BECOME AWARE THAT HE HAD  
18 THIS INHERITANCE?

19 A OH, I DON'T RECALL.

20 I DO KNOW THAT HE HAD -- HE SPENT IT ON THERAPY  
21 FOR HIMSELF. THAT IS HOW HE GOT INVOLVED AT THAT INSTITUTE.

22 Q AND DURING THAT TIME, THIS WAS ABOUT WHEN YOUR  
23 BROTHER IS EIGHT NOW WHEN HE STARTED TO GET INVOLVED WITH  
24 THIS INSTITUTE?

25 A OH, NO.

26 HE GOT INVOLVED WITH THAT WHEN WE CAME HERE WHEN  
27 I WAS VERY YOUNG. WE CAME HERE WHEN I WAS FOUR.

28 Q AS YOU STARTED TO DEVELOP THIS RELATIONSHIP OF

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1 ANIMOSITY, IF THAT IS FAIR TO SAY, TOWARDS YOUR FATHER, THIS  
2 WAS ABOUT WHEN YOUR BROTHER WAS EIGHT YEARS OLD AND YOU SAID  
3 THAT HE WAS CLOSE TO YOUR FATHER, HOW DID THAT MANIFEST ITSELF  
4 IN THE BEGINNING AT THAT TIME?

5 A WELL, MY FATHER WOULD ALWAYS WANT TO DISCUSS HIS  
6 PROBLEMS AND HE WOULD BE TEARFUL, HE WOULD BE ANGRY AT TIMES  
7 AND MY FATHER, IF HE WAS TEARFUL, JOE WOULD TRY TO COMFORT  
8 HIM. IF HE WAS ANGRY, HE WOULD TRY TO CALM HIM DOWN.

9 Q THIS IS WHEN YOUR BROTHER WAS EIGHT?

10 A YES, IT STARTED AT THAT POINT BECAUSE THAT IS --  
11 THAT IS WHEN WE STARTED TO HAVE ECONOMIC DIFFICULTY AND FATHER  
12 WAS -- IT BECAME MUCH MORE INTENSIFIED.

13 HE EXHIBITED A LOT OF UNDERSTANDING AT A VERY  
14 EARLY AGE.

15 Q AND AS JOE GREW UP, HOW DID HE GET ALONG WITH  
16 YOUR FATHER DURING THE PERIOD BETWEEN THE TIME HE WAS EIGHT  
17 AND THE TIME THAT YOUR FOLKS GOT DIVORCED?

18 A HE GOT ALONG WITH ALL OF US. HE GOT ALONG WITH  
19 MY FATHER AND MY MOTHER.

20 Q LET'S STICK TO THE FATHER FOR THE MOMENT.

21 A HE GOT ALONG WITH MY FATHER. HE TRIED TO HELP  
22 HIM. HE TRIED TO BE THE SON THAT MY FATHER WANTED. HE TRIED  
23 TO DO WHAT MY FATHER WANTED OF HIM.

24 IT WAS VERY IMPORTANT TO HIM TO SUCCEED IN MY  
25 FATHER'S EYES.

26 Q DID HE EVER DO THINGS WITH YOUR FATHER, JUST THE  
27 TWO OF THEM?

28 A NO.

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1 WE DID THINGS AS A FAMILY.

2 Q DID YOUR FATHER EVER -- WAS HE EVER VIOLENT IN  
3 THE HOME?

4 A HE SMASHED FURNITURE BUT HE NEVER PHYSICALLY HARMED  
5 ANY OF US. HE FRIGHTENED US BUT HE NEVER --

6 Q DID HE DO ANY ACTS OF VIOLENCE TOWARD YOUR BROTHER --

7 A NO.

8 Q -- AT ANY TIME THAT YOU WERE ABLE TO OBSERVE?

9 A OH, NO. PARDON ME. I AM SORRY.

10 YES, ON AT LEAST ONE OCCASION HE OVERTURNED A  
11 TABLE. WHAT HE WOULD LIKE TO DO IS AT THE DINNER TABLE,  
12 HE WOULD LIKE TO CREATE THESE SCENES, SO WHAT HE WOULD DO,  
13 OCCASIONALLY, HE WOULD OVERTURN THE TABLE AFTER WE WERE ALL  
14 SEATED, WE WERE ALL SITTING THERE EATING THE FOOD THAT IS  
15 SERVED, HE WOULD OVERTURN THE TABLE AND ONE TIME HE TURNED  
16 IT ON MY BROTHER AND MY BROTHER WOULD SIT THERE AND MY BROTHER  
17 WOULD -- HE JUST THREW THE TABLE ON HIM. IT WAS A MAPLE  
18 TABLE, A VERY HEAVY TABLE.

19 Q WHAT KINDS OF INJURIES DID YOUR BROTHER RECEIVE  
20 AS A RESULT OF THAT?

21 A NONE.

22 Q IT WAS A HEAVY TABLE THAT FELL ON HIM BUT HE DIDN'T  
23 GET ANY INJURIES AT ALL OR BRUISES OR ANYTHING LIKE THAT?

24 A WELL, NOTHING SERIOUS.

25 IF HE DID GET BRUISES ON HIM, THAT IS THE ONLY  
26 THING.

27 Q THAT IS THE ONLY ACT OF VIOLENCE THAT YOU CAN  
28 THINK OF THAT HAPPENED DURING THAT TIME?



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1           A           YES, OTHER THAN HE WOULD OCCASIONALLY GET DRUNK  
2 AND HE WOULD SMASH SOME FURNITURE, YES.

3           Q           WHEN WAS IT THAT YOUR BROTHER WAS FIRST TESTED  
4 AT THE GIFTED CHILDREN'S ASSOCIATION?

5           A           OH, THAT WAS PROBABLY EARLY TEEN'S.

6           Q           WHAT IS THE GIFTED CHILDREN'S ASSOCIATION?

7           A           IT IS AN ASSOCIATION TO PROVIDE CLASSES FOR PEOPLE  
8 THAT ARE MAYBE NOT GETTING EVERYTHING THAT THEY NEED. IT  
9 IS ENRICHMENT PROGRAMS FOR PEOPLE.

10                   IF YOU ARE INTERESTED IN MATHEMATICS, THEY WILL  
11 ALLOW YOU TO PURSUE MATHEMATICS. IF YOU ARE INTERESTED IN  
12 SCIENCE, THEY HAVE SPECIAL PROGRAMS WHERE THEY WILL BRING  
13 COLLEGE LEVEL PROFESSORS AND THINGS LIKE THAT TO SHOW YOU  
14 DIFFERENT THINGS, EXPERIMENTS AND THINGS.

15                   IT IS AN ENRICHMENT PROGRAM THAT YOU CAN HAVE  
16 AN OPPORTUNITY TO SEE SOME THINGS THAT YOU MIGHT NOT NORMALLY  
17 SEE IN PUBLIC SCHOOL.  
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1 Q DID YOUR BROTHER TAKE THESE CLASSES?

2 A YES.

3 Q WHAT DID HE TAKE?

4 A WE TOOK SCIENCE CLASSES, THAT IS WHAT I RECALL.

5 Q AT THE TIME THAT YOUR PARENTS WERE DIVORCED, YOUR  
6 BROTHER WAS 17; HOW DID YOU FEEL WHEN HE DECIDED TO GO WITH  
7 YOUR FATHER?

8 A IT WAS A GREAT SADNESS FOR ME.

9 MY BROTHER AND I WERE VERY CLOSE.

10 Q AS A RESULT OF HIS GOING TO LIVE WITH YOUR FATHER,  
11 WHAT HAPPENED TO YOUR RELATIONSHIP WITH YOUR BROTHER?

12 A IT HAS NEVER CHANGED. IT IS JUST THAT I DO NOT  
13 WANT TO ASSOCIATE WITH MY DAD.

14 AND BECAUSE, FOR INSTANCE, I MENTIONED THAT LETTER,  
15 THERE WAS A CONNECTION BETWEEN THEM AND I COULDN'T ASSOCIATE  
16 WITH JOE JUST BY HIMSELF, BECAUSE MY FATHER WOULD INTERCEPT  
17 THE MAIL, HE WOULD GET INVOLVED. HE WOULD SHOW UP AT MY  
18 APARTMENT.

19 WHEN I WROTE THAT LETTER TO HIM ABOUT THE BONDING  
20 OF THE TEETH, YOU KNOW, I GET A LETTER BACK FROM MY DAD AND  
21 THEN MY DAD SHOWS UP AT MY DOOR. THEY WERE JUST CONNECTED  
22 SO I DIDN'T HAVE A RELATIONSHIP WITH MY BROTHER.

23 Q HOW DID YOU KNOW THAT YOUR BROTHER NEVER GOT THE  
24 LETTER THAT YOU SENT?

25 A WELL, BECAUSE THE RETURN ADDRESS ON THE ENVELOPE  
26 SAID "RYAN HUNT."

27 Q WELL, BUT YOU DON'T KNOW WHETHER THAT LETTER WAS  
28 CONNECTED TO THE LETTER YOU SENT OR NOT, RIGHT? ALL YOU KNOW

1 IS THAT YOUR FATHER DIDN'T HAVE THE ADDRESS BEFORE THAT, RIGHT?

2 A HE DID NOT HAVE THE ADDRESS BEFORE THAT.

3 Q OKAY. BUT YOU DON'T KNOW WHETHER YOUR BROTHER  
4 GOT THE LETTER YOU SENT OR NOT?

5 A OH, I WOULD -- NO, I DON'T -- DO I KNOW THAT AS  
6 AN ABSOLUTE FACT?

7 Q RIGHT.

8 A NO, I DO NOT KNOW THAT AS AN ABSOLUTE FACT.

9 Q YOUR BROTHER AND YOUR FATHER WERE LIVING AT THE  
10 SAME PLACE AT THAT TIME?

11 A YES, THEY WERE.

12 Q SO IN FACT, IF THE LETTER HAD GOTTEN THERE AND  
13 YOUR BROTHER HAD READ IT AND THE LETTER WAS STILL THERE WITH  
14 YOUR ADDRESS ON IT, YOUR FATHER COULD HAVE EASILY GOTTEN THE  
15 ADDRESS FROM THE LETTER ITSELF?

16 A THAT IS WHAT HAPPENED, IF IN FACT HE WROTE ME  
17 BACK.

18 Q LET ME ASK YOU THIS --

19 A WELL --

20 Q LET ME FINISH THE QUESTION. THIS LADY CAN'T TAKE  
21 US BOTH AT THE SAME TIME.

22 A OH.

23 Q YOU IN FACT NEVER DID HEAR FROM YOUR BROTHER IN  
24 TERMS OF A RESPONSE?

25 A I HEARD FROM MY BROTHER DIRECTLY THROUGH USC.

26 Q THAT WAS BEFORE?

27 A THAT WAS AFTERWARDS. THAT WAS A PERIOD OF TIME  
28 AFTERWARDS.

1 Q WAIT A SECOND.

2 WAS HE IN CHICAGO FIRST AND THEN HE WENT TO USC?

3 A NO, SIR.

4 HE DID NOT HAVE MY ADDRESS SO HE ATTEMPTED TO  
5 CONTACT ME THROUGH USC AND USC FORWARDED THE FACT THAT MY  
6 BROTHER WAS TRYING TO CONTACT ME IN A LETTER.

7 Q WHO DID YOU GET THE LETTER FROM, SC OR YOUR  
8 BROTHER?

9 A FROM USC, BECAUSE USC DOES NOT DIVULGE THAT  
10 INFORMATION WITHOUT THE PERMISSION OF THE STUDENTS.

11 Q WHAT DID YOU DO WHEN YOU GOT THAT LETTER FROM  
12 USC?

13 A WELL, AGAIN, I WAS CONCERNED ABOUT HIS RELATIONSHIP  
14 WITH HIS DAD AND THE FACT THAT THEY WERE CONNECTED SO I DIDN'T  
15 WANT TO START UP.

16 Q YOU SAID WHEN YOUR BROTHER MOVED IN WITH YOUR  
17 DAD, THAT YOUR RELATIONSHIP DIDN'T CHANGE AT ALL.

18 WHAT WAS THE RELATIONSHIP BEFORE HE MOVED IN WITH  
19 YOUR FATHER?

20 A HIS AND MY RELATIONSHIP?

21 Q RIGHT.

22 A WE PLAYED TOGETHER CONSTANTLY IN GAMES AND WHEN  
23 WE WERE IN SCHOOL, HE HELPED ME WITH THE DEBATE. I HELPED  
24 HIM STUDY FOR THE DIFFERENT CLASSES BECAUSE THERE WAS A PERIOD  
25 OF TIME WHEN HE WASN'T DOING ACADEMICALLY WELL WHEN HE FIRST  
26 CAME TO HARVARD BECAUSE IT IS QUITE AN EXPERIENCE FROM GOING  
27 TO A PUBLIC SCHOOL TO HARVARD AND I HELPED HIM WITH THAT.

28 AND IT WAS JUST WHAT KIDS DO. WE WOULD RIDE

1 BIKES. WE WOULD PLAY WITH THE NEIGHBORHOOD CHILDREN. WE  
2 WOULD PLAY IN THE POOL, THOSE TYPES OF THINGS.  
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1 Q OKAY. LET'S TRY TO PIN IT DOWN A LITTLE BIT.  
2 WHEN HE LEFT TO GO WITH YOUR FATHER, HE WAS 17 AND YOU WERE  
3 19, RIGHT?

4 A YES. WELL, TO GO WITH MY FATHER?

5 Q YES.

6 A THAT WOULD BE TRUE, YES.

7 Q NOW, WHEN YOU WERE 19, WERE YOU IN UCLA AT  
8 THAT TIME OR WERE YOU WORKING OR WERE YOU AT USC?

9 A WELL, I WAS -- LET'S SEE. I BECAME 18 THE  
10 SUMMER WHEN I STARTED UCLA.

11 SO AFTER ONE YEAR, THEN I WOULD BE ABOUT 19.  
12 IN AUGUST -- YOU GET OUT IN JUNE. THAT AUGUST I WOULD BE  
13 19.

14 Q WHAT I AM TRYING TO PIN DOWN IS WHEN YOUR PARENTS  
15 SPLIT UP AND JOE WENT WITH YOUR FATHER AND YOU AND YOUR  
16 SISTER AND MOTHER STAYED TOGETHER, WHAT WAS GOING ON IN  
17 YOUR LIFE?

18 A OH. WELL, THE PRIMARY THING WAS GETTING USED  
19 TO GOING TO COLLEGE. THAT WAS -- THERE WERE JUST A LOT  
20 OF THINGS TO GET USED TO, A LOT OF NEW THINGS. I WAS TRYING  
21 TO GET USED TO THAT.

22 Q YOUR BROTHER WAS IN HIGH SCHOOL?

23 A YES, HE WAS.

24 Q DID YOU LIVE WITH YOUR MOTHER AND SISTER WHEN  
25 YOU FIRST STARTED COLLEGE?

26 A YES.

27 Q SO WHEN YOU WERE GETTING USED TO GOING TO COLLEGE,  
28 YOUR BROTHER WAS LIVING WITH YOUR FATHER AND HOW OFTEN DID

-2

1 YOU SEE HIM?

2 A I WOULD COME HOME ON WEEKENDS. HE WOULD COME  
3 TO VISIT ME AT THE DORM AT UCLA.

4 Q WHEN YOU SAW YOUR BROTHER ON THE WEEKENDS,  
5 DID HE TELL YOU ABOUT WHAT HE WAS DOING AND THAT KIND OF  
6 THING?

7 A YES. WE WOULD HAVE DISCUSSIONS, YES, ABOUT  
8 WHAT HE WAS DOING IN HIGH SCHOOL AND ABOUT WHAT I WAS DOING  
9 IN COLLEGE.

10 Q WHEN YOU WENT TO -- WELL, STRIKE THAT.  
11 OTHER THAN SEEING HIM ON WEEKENDS, WAS IT EVERY  
12 WEEKEND OR EVERY OTHER WEEKEND THAT YOU WOULD SEE HIM WHEN  
13 HE MOVED IN WITH YOUR FATHER AND YOU WERE LIVING WITH YOUR  
14 MOTHER?

15 A WELL, FOR A WHILE WHEN I FIRST WENT THERE,  
16 BEING AWAY FROM HOME THE FIRST TIME, I WOULD GO HOME FREQUENTLY.

17 BUT, AS I GOT MORE ACQUAINTED WITH COLLEGE,  
18 I STARTED TO DEVELOP FRIENDSHIPS THERE AND WE WOULD DO THINGS  
19 ON WEEKENDS TOGETHER.

20 SO VERY FREQUENTLY IN THE BEGINNING, YOU KNOW  
21 YOU GO HOME TO RESTORE YOUR BATTERIES, RECHARGE YOUR  
22 BATTERIES AND THEN LESS SO IN THE LATTER PART OF THE YEAR.

23 Q DID YOU TALK TO HIM ABOUT YOUR FATHER?

24 A NO, I DIDN'T. I THINK I UNDERSTAND HIS POSITION  
25 SOMEWHAT. I THINK HE UNDERSTANDS MINE BETTER.

26 Q I AM TALKING ABOUT WHAT WAS GOING ON AT THAT  
27 TIME.

28 A NO. WE STAYED AWAY FROM IT. TOO MUCH EMOTION,

1 TOO MUCH PAIN, TOO MUCH SUFFERING. WE JUST TALKED ABOUT  
2 WHAT HE WAS DOING AT HIGH SCHOOL AND MY COLLEGE CLASSES  
3 AND WHAT COLLEGE WAS LIKE AND THE EXPERIENCE OF LIVING AWAY  
4 FROM HOME.

5 Q AND DURING THE TIME AFTER YOU LEFT UCLA AND  
6 YOU WERE OUT ON YOUR OWN, WERE YOU LIVING AT HOME?

7 A AT UCLA? AT UCLA, I SPENT THE ENTIRE YEAR  
8 IN THE DORM.

9 Q AFTER YOU FINISHED A YEAR AT UCLA, YOU HAD  
10 ONE YEAR OFF BEFORE YOU STARTED SC?

11 A YES. I STAYED WITH MY MOTHER. WE WERE AT  
12 THE VAN NUYS HOME FOR A PERIOD OF TIME. THEN WE WENT TO  
13 GRANADA HILLS AND THEN I WENT TO SC AND SHE MOVED OUT TO  
14 VENTURA.

15 I CAME OUT TO VENTURA A COUPLE OF SUMMERS.  
16 MY SENIOR YEAR, I STAYED AT SCHOOL.

17 Q ONE STEP AT A TIME. DURING THE YEAR BETWEEN  
18 UCLA AND USC, WHERE WERE YOU LIVING, WITH YOUR MOTHER AND  
19 SISTER?

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1 A YES.

2 Q OKAY. AND DURING THAT TIME, JOE WAS STILL  
3 LIVING WITH HIS FATHER?

4 A PART OF THAT TIME HE WAS LIVING WITH US.

5 Q HE MOVED BACK FROM THE FATHER TO LIVE WITH  
6 YOU?

7 A NO, HE DIDN'T. HE DIDN'T LEAVE PHYSICALLY,  
8 THE HOUSE UNTIL THERE WAS A GENERIC VITAMIN -- A GENERIC  
9 VITAMIN DISTRIBUTOR THAT MY FATHER WAS INVOLVED WITH AND  
10 JOE AND I WORKED FOR, FOR A TIME.

11 WHEN THAT SITUATION BROKE DOWN, I WAS FIRED  
12 FROM THAT COMPANY BECAUSE I WAS NOT DOING WHAT I WAS EXPECTED  
13 TO BY MY DAD.

14 BUT AT THAT POINT, JOE LEFT THE HOUSE, THE ALBERS  
15 ADDRESS AND STAYED WITH HIS DAD FROM THERE ON.

16 Q AT THE TIME THAT THEY WERE DIVORCED, YOUR PARENTS  
17 WERE DIVORCED, DID YOUR BROTHER MAKE A DECISION TO GO LIVE  
18 WITH HIS FATHER?

19 A YES. HE MADE A DECISION TO GO LIVE WITH HIS  
20 FATHER.

21 Q AS SOON AS YOUR PARENTS GOT DIVORCED, YOUR  
22 BROTHER WENT AND LIVED WITH THE FATHER?

23 A NO. I THINK THERE MAY BE SOME OVERLAPPING  
24 TIME, A FEW MONTHS THAT WERE INVOLVED THERE. YES.

25 Q WHERE YOUR BROTHER WAS STAYING, LIVING AT HOME  
26 WITH YOU AND YOUR MOTHER?

27 A YES. I DON'T REMEMBER THE EXACT DATE WHEN  
28 THE DIVORCE OCCURRED, IF THAT IS WHAT YOU ARE TRYING TO

1 GET.

2 Q NO. I AM NOT ASKING FOR A DATE. I WANT TO  
3 KNOW IF WHEN THEY GOT DIVORCED, YOUR BROTHER LEFT THE HOUSE?

4 A YOU MEAN IMMEDIATELY? HE DID NOT LEAVE  
5 IMMEDIATELY. THERE WAS A TIME PERIOD WHEN HE STILL STAYED  
6 WITH US, YES.

7 Q WHEN HE WENT TO USC AND YOU WENT TO USC, HOW  
8 OFTEN DID YOU SEE HIM?

9 A I WOULD SAY MAYBE TWICE A MONTH.

10 Q AND WHEN YOU SAW HIM ON THESE TWO OCCASIONS  
11 A MONTH, WHAT KINDS OF THINGS DID YOU DO TOGETHER?

12 A WELL, I WOULD COME OVER TO HIS FRATERNITY.

13 Q HOW LONG WOULD YOU SPEND THERE?

14 A PROBABLY A COUPLE OF HOURS.

15 Q WOULD HE EVER COME OVER TO YOUR FRATERNITY?

16 A YES. HE CAME OVER TO MY FRATERNITY.

17 Q WHAT WAS THE NAME OF HIS FRATERNITY?

18 A CHI PHI.

19 Q IS IT STILL A FRATERNITY AT SC?

20 A I DON'T KNOW. PROBABLY. YOU SEE, WHEN YOU  
21 ASKED FOR AN EXAMPLE OF WHAT WAS OCCURRING --

22 Q WAIT. YOU HAVE GOT TO WAIT UNTIL I ASK YOU  
23 THE QUESTIONS. THEN YOU HAVE TO ANSWER. OKAY?

24 A I WOULD BE GLAD TO.

25 Q DURING THE TIME THAT HE WAS AT SC, DO YOU KNOW  
26 WHO WOULD MAKE THE DECISION AS TO WHAT CLASSES HE WOULD  
27 TAKE?

28 A MY FATHER MADE THOSE DECISIONS.

1 Q HOW DO YOU KNOW THAT?

2 A BECAUSE MY FATHER ATTEMPTED TO HAVE ME DO THE  
3 SAME THING, TO TAKE UCLA EXTENSION COURSES AND TO GET  
4 INVOLVED WITH ACCOUNTING.

5 HE TALKED TO US BOTH AT THE SAME TIME TO DO  
6 THAT. SO THAT I KNOW THAT IT CAME FROM MY DAD.

7 Q AND SO YOU WERE THERE WHEN YOUR FATHER WAS  
8 TALKING TO YOUR BROTHER ABOUT IT?

9 A YES. HE TALKED TO US BOTH TOGETHER.

10 Q AND WHAT WAS YOUR BROTHER'S RESPONSE TO THIS?

11 A MY BROTHER WAS WILLING TO TAKE THOSE COURSES.  
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1 Q DID HE SEEM TO RESENT IT?

2 A NO.

3 Q DID HE SEEM TO BE EXCITED ABOUT IT?

4 A YES.

5 Q DID YOU TALK TO YOUR BROTHER WHILE HE WAS TAKING  
6 ACCOUNTING CLASSES?

7 A YES.

8 Q DID HE SEEM TO LIKE IT?

9 A NO. WHAT HE LIKES TO DO IS SCIENCE. THAT'S  
10 WHAT HE LIKES TO DO.

11 MY MOTHER WAS CONCERNED ABOUT WHAT HE WANTED  
12 TO DO, WHAT HE LIKED TO DO. MY FATHER WANTED HIM TO DO  
13 CERTAIN THINGS BECAUSE THAT IS WHAT MY FATHER THOUGHT WOULD  
14 BE BEST FOR MY DAD.

15 IT WAS NOT ABOUT WHAT JOE WANTED TO DO OR WHAT  
16 JOE WAS INTERESTED IN.

17 Q WHEN YOUR BROTHER WOULD TAKE THOSE ACCOUNTING  
18 CLASSES, DID HE LIKE IT?

19 A HE IS GOOD AT IT.

20 Q DID HE APPEAR TO YOU TO LIKE IT?

21 A DID HE LIKE IT? WELL, INTELLECTUALLY, HE COULD  
22 UNDERSTAND IT. BUT DID HE LIKE IT IN TERMS OF A CAREER?  
23 I DON'T BELIVE SO, NO.

24 Q ON WHAT DO YOU BASE THAT?

25 A BECAUSE WHEN WE WERE GROWING UP, HE WAS  
26 FASCINATED WITH INSECTS AND DIFFERENT PLANTS AND SCIENCE  
27 COURSES AND THAT IS WHAT HE WOULD TALK ABOUT. THAT IS WHAT  
28 BROUGHT JOY TO HIM. THAT IS WHAT HE WAS EXCITED ABOUT.

3-1  
1 Q YOU ASSUME THAT EVERYTHING THAT BRINGS HAPPINESS  
2 TO LITTLE KIDS, ALL LITTLE KIDS WHO LIKE INSECTS GROW UP TO  
3 BE BOTANISTS OR THE LIKE OR GROW UP TO BE BIOLOGISTS, DO YOU  
4 BELIEVE THAT?

5 A NO, SIR, I DON'T.

6 WHAT I BASE THAT ON IS THE DISCUSSION MY FATHER  
7 HAD WITH BOTH OF US SAYING, "YOU WILL TAKE THESE ACCOUNTING  
8 COURSES AND YOU WILL TAKE THIS REVIEW COURSE AND YOU WILL  
9 GET THE CPA AND THAT IS WHAT YOU WILL DO."

10 NOT JOE, WHAT DO YOU WANT TO DO? GREG, WHAT DO  
11 YOU WANT TO DO?

12 THE COURT: GET ON TO SOME OTHER SUBJECT, WILL YOU,  
13 PLEASE, MR. WAPNER?

14 Q BY MR. WAPNER: WERE YOU AT HOME WHEN YOUR BROTHER  
15 CAME HOME WITH THE CPA EXAM, THE FACT THAT HE PASSED THE CPA  
16 EXAM?

17 A THAT WAS AT SC THAT HE PASSED THAT EXAM.

18 Q AND WERE YOU AROUND -- YOUR BROTHER WAS LIVING  
19 AT SC AT THAT TIME?

20 A I BELIEVE SO, YES.

21 Q AND DID HE SEEM TO BE EXCITED ABOUT THE FACT THAT  
22 HE PASSED THE CPA EXAM?

23 A YES.

24 IT WAS AN ENORMOUS ACHIEVEMENT, AT SUCH A YOUNG  
25 AGE AND TO PASS IT THE FIRST TIME -- PEOPLE TAKE THAT THREE  
26 OR FOUR TIMES LIKE THE BAR EXAM -- AND TO DO SO WELL IN EACH  
27 OF THE CATEGORIES.

28 Q HE PASSED THE WHOLE THING, RIGHT?

3-2

1 A YES.

2 Q DID YOU EVER TAKE ANY CLASSES WITH YOUR BROTHER  
3 AT SC?

4 A NO, I DID NOT.

5 Q HOW DID YOU LEARN THAT HE HAD LEFT SCHOOL?

6 A HE TOLD ME.

7 Q DID HE TELL YOU WHY?

8 A HE DROPPED BY, YES.

9 HE TOLD ME HE WAS INTERESTED IN COMMODITIES AND  
10 THAT THE ACCOUNTING FIRMS WEREN'T PROVIDING THE CHALLENGE  
11 THAT HE WANTED AND HE WAS GOING TO PURSUE THAT IN CHICAGO,  
12 AND THEN HE LEFT.

13 Q THAT IS WHAT HE WANTED TO DO?

14 A I DON'T BELIEVE THAT IS WHAT HE WANTED TO DO.  
15 I DON'T BELIEVE ANY OF THIS IS WHAT HE WANTED  
16 TO DO.

17 I BELIEVE IT IS MY FATHER.

18 Q DID HE TELL YOU THAT IS WHAT HE WANTED TO DO?

19 A DID HE PHRASE IT THAT WAY? NO.

20 HE SAID HE WAS GOING TO DO IT, THAT IS WHAT HE  
21 SAID.

22 Q DID HE APPEAR TO BE UNHAPPY?

23 A JOE WAS NEVER UNHAPPY.

24 EVEN IN THIS SITUATION, HE HAS NOTHING BUT GOOD  
25 THINGS TO SAY ABOUT EVERYBODY INVOLVED WITH THIS TRIAL, EVEN  
26 ABOUT THE JURY. HE SAYS THAT THEY ARE GOOD PEOPLE, THEY JUST  
27 DON'T HAVE THE FACTS.

28 THE COURT: I AM NOT INTERESTED IN THAT NOR IS THE JURY.

1 DON'T MAKE ANY OF THESE GRATUITOUS REMARKS OF YOURS.

2 THE WITNESS: I AM SORRY, JUDGE.

3 THE COURT: JUST ANSWER THE QUESTIONS, ALL RIGHT?

4 THE WITNESS: I WILL DO MY BEST.

5 THE COURT: YOU HAVE COMPETENT COUNSEL THERE, THEY WILL  
6 MAKE ALL OF THE REMARKS TO THE JURY WHICH ARE FAVORABLE TO  
7 YOUR BROTHER. YOU DON'T NEED TO DO IT.

8 THE WITNESS: WELL, IT IS VERY IMPORTANT TO ME, JUDGE,  
9 THAT I DO THE BEST I CAN.

10 THE COURT: I UNDERSTAND.

11 JUST ANSWER THE QUESTIONS, WILL YOU?

12 THE WITNESS: YES, SIR.

13 Q BY MR. WAPNER: WHEN HE SAID HE WAS GOING TO PURSUE  
14 THE COMMODITIES MARKET, DID HE SEEM TO BE EXCITED ABOUT IT?

15 A EXCITED IN THE SENSE IT IS A NEW STEP IN LIFE.

16 Q DID HE EVER SEEM TO GET BORED WITH SC?

17 A HE HAD SO MANY THINGS GOING IN SUCH A SHORT PERIOD  
18 OF TIME, YOU KNOW.

19 HE WAS, I GUESS, EXPERIMENTING WITH WHAT HE COULD  
20 DO. HE DID THINGS IN VERY -- SINCE HE IS SUCH A CONCENTRATED,  
21 STUDIOUS, SUCCESSFUL PERSON, HE DID THINGS VERY QUICKLY.

22 Q DID HE SEEM TO GET BORED WITH SC IS THE QUESTION.

23 A COULD YOU NARROW IT DOWN? BORED IN WHAT SENSE,  
24 IN WHAT AREA?

25 Q IN ANY SENSE, TO YOU, WITH BEING IN COLLEGE.

26 A NO, I THOUGHT HE ENJOYED HIMSELF SOCIALLY.  
27 I THOUGHT HE WAS HAVING A VERY GOOD TIME WITH THE FRATERNITY  
28 AND I SAW THE PEOPLE WOULD DROP BY WHEN I CAME TO VISIT

1 HIM, IT WAS GRAND CENTRAL STATION, PEOPLE WOULD DROP BY  
2 CONSTANTLY. YOU COULDN'T GET MUCH TIME WITH HIM.

3 ONLY WHEN HE CAME TO MY FRATERNITY WOULD YOU GET  
4 ANY TIME WITH HIM.

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1 Q SPEAKING OF SOCIALLY, WHEN HE WAS IN HIGH SCHOOL,  
2 HE WASN'T A NERD OR ANYTHING LIKE THAT?

3 A IF YOU MEAN WE HAD TO WEAR BLUE JEANS AND HAVE  
4 LONG HAIR BECAUSE WE DIDN'T GET ANY MONEY TO GET HAIRCUTS  
5 AND JEANS, YES.

6 IF YOU MEAN HE WASN'T LIKED, NO. HE IS VERY WELL  
7 LIKED. HE HAS ALWAYS BEEN LIKED.

8 Q HE WAS ALWAYS VERY POPULAR WHEN HE WAS IN HIGH  
9 SCHOOL?

10 A YES.

11 IN FACT, WE HAD -- WE WOULD HAVE PARTIES AT THE  
12 HOUSE WHEN WE WERE IN ELEMENTARY SCHOOL, THE CHILDREN WOULD  
13 COME BY AND WE HAD POOL PARTIES AND ALL OF OUR FRIENDS WOULD  
14 COME AND WE WOULD HAVE VERY LARGE PARTIES IN THE BACK AND  
15 HE WAS VERY POPULAR.

16 YOU DON'T BECOME PRESIDENT OF THINGS IF YOU ARE  
17 NOT POPULAR AND WELL LIKED. PEOPLE DON'T MAKE YOU -- MAKE  
18 YOU THE LEADER UNLESS YOU HAVE SOMETHING TO CONTRIBUTE.

19 Q DID YOU EVER GO HIKING WITH YOUR BROTHER TO  
20 SOLEDAD CANYON WHEN YOU WERE GROWING UP?

21 A NO, SIR.

22 Q DID HE EVER GO THERE WITH YOUR FATHER, TO YOUR  
23 KNOWLEDGE?

24 A NO, SIR, HE NEVER WENT THERE TO MY KNOWLEDGE.

25 Q AS FAR AS YOUR BROTHER NOT COMPLETING THE WORK  
26 EXPERIENCE FOR THE CPA EXAM, DID HE TALK TO YOU ABOUT THAT?

27 A HE SAID THAT -- YES, THAT IT WASN'T -- IT WASN'T --  
28 IT WASN'T PROCEEDING AT A FAST ENOUGH PACE BECAUSE YOU GO

1 THROUGH AN APPRENTICESHIP.

2 Q WHO SAID IT WASN'T PROCEEDING AT A FAST ENOUGH  
3 PACE?

4 A WELL, MY FATHER SAID THAT IT WASN'T PROCEEDING  
5 FAST ENOUGH.

6 Q WHAT DID YOUR BROTHER SAY?

7 A MY BROTHER DIDN'T SAY ONE THING ONE WAY OR THE  
8 OTHER ABOUT IT.

9 HE WAS JUST WILLING TO DO WHAT HE WAS TOLD. HE  
10 WAS A GOOD SOLDIER.

11 Q HOW DO YOU KNOW HE WORKED FOR TWO ACCOUNTING FIRMS?

12 A HE MENTIONED IT TO ME.

13 IN FACT, HE SHOWED UP AND HE HAD PURCHASED A NEW  
14 CAR WITH SOME OF THE EARNINGS FROM ONE OF THE FIRMS AND WE  
15 TALKED ABOUT IT AT THAT POINT AND AT OTHER TIMES, TOO.

16 Q WHAT KIND OF A CAR WAS IT?

17 A I THINK IT WAS A BUICK, MIDSIZED CAR.

18 BEAUTIFUL IN COMPARISON TO MY BROWN DODGE.

19 Q DURING THE TIME, BETWEEN THE TIME WHEN YOUR BROTHER  
20 WENT TO CHICAGO AND WHEN YOU READ THIS NEWSPAPER ARTICLE,  
21 WAS YOUR NAME ALWAYS GREG GAMSKY?

22 A MY NAME HAS ALWAYS BEEN GREG GAMSKY.

23 Q DURING THAT TIME, DID YOU HAVE A LISTED OR UNLISTED  
24 TELEPHONE NUMBER?

25 A I HAVE ALWAYS HAD AN UNLISTED TELEPHONE NUMBER,  
26 EVER SINCE -- EVEN IN COLLEGE, I HAD AN UNLISTED TELEPHONE  
27 NUMBER.

28 Q AND WHEN YOU MOVED FROM ONE PLACE TO ANOTHER,

1 DID YOU PUT FORWARDING ADDRESSES IN AT THE POST OFFICE?

2 A NO, NOT ALWAYS.

3 Q WHY NOT?

4 A OKAY. WHEN I SENT MY BROTHER THAT LETTER ABOUT  
5 BONDING, I GOT THE LETTER BACK FROM MY FATHER AND THEN LATER  
6 WHEN THEY CAME BACK, MY FATHER SHOWED UP AT MY DOOR SO AT  
7 THAT POINT, I MOVED AND I DID NOT LEAVE A FORWARDING ADDRESS.

8 Q AND DID YOU HAVE ALWAYS A CALIFORNIA DRIVER'S  
9 LICENSE?

10 A YES, SIR.

11 Q AND FROM THE TIME THAT YOUR BROTHER WENT TO  
12 CHICAGO UNTIL YOU READ THIS ARTICLE IN NOVEMBER OF 1986, YOUR  
13 BROTHER DIDN'T CONTACT YOU AT ALL; IS THAT RIGHT?

14 A YES. OH, HE TOLD ME WHEN I DID CONTACT HIM THAT  
15 WAS BECAUSE HE WANTED TO SPARE ME ANY PERSONAL HARDSHIP.

16 Q DID HE SAY WHAT PERSONAL HARDSHIP IT WAS THAT  
17 HE WANTED TO SPARE YOU DURING THE TIME THAT HE WAS IN CHICAGO?

18 A DURING THE TIME THAT HE WAS IN CHICAGO?

19 Q YOU SAID THAT HE TOLD YOU HE DIDN'T CONTACT YOU  
20 BECAUSE HE WANTED TO SPARE YOU PERSONAL HARDSHIP; IS THAT  
21 RIGHT?

22 A I WAS REFERRING TO THE COURT CASE.

23 Q OKAY. BUT AT THE TIME WHEN HE WENT TO CHICAGO,  
24 THERE WAS NO COURT CASE GOING ON, WAS THERE?

25 A NO, NOT TO MY KNOWLEDGE.

26 Q WHAT PERSONAL HARDSHIP WAS IT THAT HE WAS TRYING  
27 TO SPARE YOU THEN?

28 A THERE WASN'T ANY HARDSHIP HE WAS TRYING TO SPARE

1 ME FROM.

2 I DON'T UNDERSTAND THE QUESTION.

3 Q DID YOU KNOW HE CAME BACK TO LOS ANGELES AT THE  
4 END OF 1982?

5 A NO, I DID NOT.

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1 Q AND WAS THERE SOME PERSONAL HARDSHIP THAT HE  
2 WAS TRYING TO SPARE YOU AT THAT POINT?

3 A NOT TO MY KNOWLEDGE.

4 Q AND THAT HE LIVED IN THE LOS ANGELES AREA FROM  
5 1982 UNTIL HE WAS ARRESTED AT THE END OF 1984 AND THEN AGAIN,  
6 AFTER HE GOT OUT OF CUSTODY SOMETIME IN 1985 UNTIL 1986,  
7 DID YOU KNOW HE LIVED IN LOS ANGELES DURING THAT PERIOD  
8 OF TIME?

9 A I DID NOT KNOW HIS WHEREABOUTS UNTIL I READ  
10 THAT LOS ANGELES TIMES ARTICLE THAT HE WAS HERE. AND I  
11 CONTACTED MR. BARENS.

12 Q WOULD IT BE FAIR TO SAY THAT IN YOUR VIEW,  
13 THE REASON THAT YOUR BROTHER IS HERE TODAY IN THE SITUATION  
14 THAT HE IS IN, ALL IS AS A RESULT OF YOUR FATHER?

15 A AS A RESULT OF WISHING TO PLEASE HIM, YES.

16 MR. WAPNER: THANK YOU. NOTHING FURTHER.

17 THE COURT: ANY REDIRECT?

18 MR. CHIER: YES.

19

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REDIRECT EXAMINATION

21 BY MR. CHIER:

22 Q IN ALL OF THE TIME THAT YOU HAVE KNOWN YOUR  
23 BROTHER, MR. GAMSKY, HAVE YOU EVER SEEN HIM ANGRY?

24 A NO. I GET ANGRY. HE DOES NOT.

25 Q HAVE YOU EVER SEEN VENGEFUL?

26 A NO. HE WAS THE MOST -- TO DO WHAT HE DID IN  
27 THE FAMILY WHEN MY FATHER AND MOTHER WERE GOING AT IT CATS  
28 AND DOGS, TOOK ENORMOUS COMPOSURE, ENORMOUS COMPASSION,

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1 ENORMOUS EMPATHY.

2 BECAUSE CERTAINLY, I DID NOT. AFTER A PERIOD  
3 OF TIME WHEN MY FATHER WOULD DO THESE THINGS, I GAVE UP  
4 ON IT.

5 Q HAVE YOU EVER HEARD THE EXPRESSION OR THE WORD  
6 "INTERNALIZE"?

7 A YES. HE IS VERY INTERNALIZED. HE DOES NOT  
8 ASK ANYTHING FOR HIMSELF.

9 IN FACT, IN THE CONVERSATIONS THAT I HAVE HAD  
10 WITH HIM, HE NEVER ASKS ME FOR ANYTHING.

11 I ASK HIM WHAT I CAN DO FOR HIM. HE WILL ASK  
12 ME, CAN YOU DO THIS FOR BROOKE. HE DOES NOT ASK FOR HIMSELF.

13 HE DIDN'T ASK ME TO TESTIFY. HE IS VERY --

14 Q DID YOU DO IT VOLUNTARILY?

15 A I DID IT MYSELF. IT IS TOO MUCH THAT HE DOES --

16 Q AND DID YOU HAVE TO IN A SENSE, FORCE YOURSELF  
17 UPON HIS ATTORNEYS TO TESTIFY IN THIS CASE?

18 A I ASKED TO.

19 Q YES. HAVE YOU EVER KNOWN JOE TO HAVE MONEY  
20 OR MATERIAL INTERESTS AT ALL OR -- WHICH OVERRODE HIS OTHER  
21 INTERESTS, HIS MORE SECONDARY INTERESTS?

22 A NO. FOR INSTANCE, THE MONEY THAT I EARNED,  
23 I WOULD NOT PART WITH TO MY DAD. I WOULD SPEND IT ON THINGS  
24 FOR MYSELF.

25 HE SPENT IT ON HIS SISTER AND MY FATHER.

26 HE SAID, "FINE. YOU CAN TAKE IT," TO MY DAD.  
27 HE DIDN'T FIGHT HIM.

28 BECAUSE MY DAD, HE WOULD JUST HAVE AN INCREDIBLE

1 NUMBER OF DIFFERENT JOBS AND PERIODS OF UNEMPLOYMENT AND  
2 HE JUST TOOK MONEY.

3 AND MY BROTHER ACCEPTED THAT, AS WELL. HE  
4 SAID THAT HE NEEDED IT AND HE WOULD USE IT FOR THE FAMILY.

5 Q SO AS A RESULT OF THE EXPERIENCE OF GROWING  
6 UP WITH YOUR FATHER, WOULD YOU SAY THERE WAS ANY PARTICULAR  
7 TYPE OF PERSON THAT JOE GATHERED AROUND HIMSELF IN LATER  
8 LIFE?

9 A I THINK HE GATHERED AROUND HIMSELF PEOPLE THAT  
10 NEEDED SOMEONE TO TAKE CARE OF THEM, PEOPLE THAT WERE NOT  
11 CAPABLE OF DOING THINGS ON THEIR OWN, OF SUCCESSFULLY  
12 COMPLETING THINGS, BEING IMPORTANT AND DOING WORK ON THEIR  
13 OWN, PEOPLE THAT JUST WANTED TO HAVE A GOOD TIME AND BLOW  
14 A LOT OF MONEY AND NOT WORK FOR THINGS.

15 JOE WAS THE ONE THAT HAD TO DO THE WORK. ALL  
16 THEY WANTED TO DO WAS GO TO THOSE RESTAURANTS, ACCORDING  
17 TO THE NEWSPAPER, GO TO THE RESTAURANTS OR MY FATHER WOULD  
18 BUY BOATS OR MOTORCYCLES, ANYTHING TO ENTERTAIN HIMSELF,  
19 ELECTRONIC DEVICES.

20 SO, HE WAS THERE PRIMARILY TO PROVIDE FOR EVERY-  
21 BODY ELSE. THAT IS MY VIEW OF IT. THAT IS HOW IT WAS  
22 WHEN HE WAS GROWING UP.

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1 Q HAVE YOU MANAGED TO SEE YOUR BROTHER SINCE  
2 YOUR RECONNECTION WITH HIM?

3 A YES. WE HAVE SEEN EACH OTHER AND TALKED ON  
4 THE PHONE.

5 Q AND DO YOU WRITE TO EACH OTHER?

6 A YES, WE DO.

7 Q AND IS YOUR RELATIONSHIP NOW, THE SAME AS IT  
8 ALWAYS WAS BEFORE IT RUPTURED?

9 A IT NEVER RUPTURED -- I DON'T KNOW HOW TO EXPLAIN  
10 IT OTHER THAN TO SAY --

11 Q BEFORE YOU DISCONNECTED?

12 A WE WERE DISCONNECTED. BECAUSE I DIDN'T WANT  
13 TO HAVE A RELATIONSHIP WITH MY DAD, NOT BECAUSE I DIDN'T  
14 WANT TO HAVE A RELATIONSHIP WITH MY BROTHER.

15 IN FACT, I WAS REACHING OUT. BUT I TOOK A  
16 CHANCE. I KNEW IT WOULD HAPPEN.

17 THEN I GOT MY FATHER AT MY DOOR. THAT IS  
18 WHAT IT WAS ABOUT, NOT ABOUT ANY BREAKDOWN IN OUR RELATIONSHIP  
19 AT ALL.

20 MR. CHIER: NO FURTHER QUESTIONS.

21 MR. WAPNER: NOTHING FURTHER.

22 THE COURT: THANK YOU VERY MUCH. YOU WILL BE EXCUSED.

23 MR. BARENS: MAY WE APPROACH BRIEFLY, YOUR HONOR?

24 THE COURT: YES.

25 (THE FOLLOWING PROCEEDINGS WERE HELD  
26 AT THE BENCH OUTSIDE THE HEARING OF  
27 THE JURY:)

28 MR. BARENS: YOUR HONOR, IN WHAT COULD BE OUR LAST



1 WITNESS --

2 THE COURT: THE MOTHER?

3 MR. BARENS: YES. BEFORE SHE TESTIFIES, WE WOULD  
4 LIKE TO SPEAK TO THE DEFENDANT FOR A FEW MINUTES. I WILL  
5 TELL YOU WHY. OBVIOUSLY, YOU ARE GOING TO ASK WHY WE HAVE  
6 NOT. DURING THE LUNCH HOUR TODAY, WE DID EVERYTHING WE  
7 COULD FROM 12:15 UNTIL 1:30 AS WE WERE COMING UP THE STAIRS  
8 HERE, TO ACCESS THE DEFENDANT.

9 I DON'T KNOW WHAT THEY HAD GOING ON DOWNSTAIRS  
10 TODAY. BUT BY THE TIME --

11 THE COURT: YOU HAD NO CHANCE TO TALK TO HIM?

12 MR. BARENS: WE KEPT TRYING AND --

13 THE COURT: SUPPOSE WE TAKE THE REST OF THE AFTERNOON?

14 MR. BARENS: COULD I JUST HAVE TEN MINUTES? I WANT  
15 TO MAKE SOME --

16 THE COURT: WE WILL TAKE THE RECESS.

17 MR. BARENS: IF YOU COULD, SIR.

18 MR. WAPNER: YOUR HONOR, WHILE WE ARE HERE, I THINK  
19 THAT WE ARE GOING TO NEED SOME TIME TO DISCUSS THE  
20 INSTRUCTIONS.

21 SINCE THE MOTHER IS GOING TO TESTIFY TOMORROW  
22 MORNING, I ASSUME BETWEEN DIRECT AND CROSS-EXAMINATION,  
23 IT WILL TAKE UNTIL NOON. AND I THINK THAT --

24 MR. BARENS: THAT IS SAFE.

25 MR. WAPNER: SO, I WOULD ASSUME THAT WHATEVER TIME  
26 WE HAVE LEFT TOMORROW AFTERNOON, WE WOULD DISCUSS INSTRUCTIONS  
27 AND --

28 THE COURT: SURE.

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

2 THE COURT: HAVE YOU GOTTEN YOUR INSTRUCTIONS?

3 MR. WAPNER: NO. BUT I CAN HAVE THEM FOR YOU BY THAT  
4 TIME.

5 THE COURT: ALL RIGHT. DO YOU HAVE ANY INSTRUCTIONS  
6 THAT YOU HAVE?

7 MR. BARENS: WE ARE GOING TO WORK ON THEM. YOUR HONOR,  
8 IF WE WERE ABLE TO CONCLUDE TOMORROW, COULD WE THEN HAVE  
9 THURSDAY TO PREPARE AND THEN ARGUE ON FRIDAY?

10 THAT WAY, YOU COULD WORK ON YOUR JURY ON THURSDAY.  
11 I UNDERSTAND THAT YOU HAVE A LOT OF FOLKS COMING IN ON  
12 THURSDAY. YOU COULD DO THAT AND WE WILL --

13 THE COURT: HOW ARE YOU GOING TO DO IT?

14 MR. BARENS: SIR, IF WE FINISH TOMORROW, THAT IS  
15 WEDNESDAY AND --

16 THE COURT: YOU MEAN BOTH OF YOU ARE GOING TO FINISH  
17 YOUR ARGUMENTS ON THURSDAY?

18 MR. WAPNER: FRIDAY.

19 MR. BARENS: YES. I WOULD LIKE TO ARGUE. MY ARGUMENT  
20 IS NOT GOING TO BE -- WHAT I AM GOING TO SAY?

21 THE COURT: WELL, WHAT ARE YOU GOING TO SAY?

22 MR. BARENS: DON'T KILL HIM, YOUR HONOR.

23 THE COURT: DON'T KILL HIM? HOW LONG ARE YOU EXPECTING  
24 TO ARGUE?

25 MR. WAPNER: I DON'T EXPECT TO TAKE LONG. I DON'T  
26 KNOW WHAT THAT MEANS.

27 THE COURT: THAT IS A VERY, VERY PRECISE ANSWER.

28 MR. WAPNER: IT IS THE BEST I CAN GIVE YOU. I AM

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1 VERY -- I TOLD YOU BEFORE THAT I AM VERY BAD AT ESTIMATING  
2 AT HOW LONG IT TAKES TO DO THESE THINGS. I MAY BE TWO HOURS  
3 BUT I MAY BE LESS THAN THAT.

4 THE COURT: ALL RIGHT.

5 MR. BARENS: I AM NOT EXPECTING MORE THAN AN HOUR.

6 THE COURT: WELL THEN --

7 MR. WAPNER: WELL, IN ANY EVENT, THE JURY HAS TO COME  
8 BACK TOMORROW.

9 MR. BARENS: OUR --

10 THE COURT: WHAT ARE WE GOING TO DO TOMORROW AFTERNOON?

11 MR. BARENS: I MIGHT HAVE ONE MORE WITNESS. IT WOULD  
12 BE LIKE 20 MINUTES WITH BOTH SIDES.

13 THE COURT: LET'S FINISH THE TESTIMONY TOMORROW MORNING  
14 OR AFTERNOON AND --

15 MR. WAPNER: WE WILL SEE WHERE WE ARE.

16 MR. BARENS: I NEED -- I HAVE NOT HAD ANY TIME TO  
17 PREPARE MY ARGUMENT.

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1 THE COURT: THEN ON THURSDAY MORNING WE CAN GO OVER THE JURY  
2 INSTRUCTIONS, ALL RIGHT? YOU WILL FINISH WITH YOUR TWO  
3 WITNESSES TOMORROW SOMETIME?

4 MR. BARENS: THAT IS MY PRESUMPTION, SIR.

5 THE COURT: THEN WE WILL TAKE A RECESS AND THEN ON  
6 THURSDAY MORNING WE WILL GO OVER THE INSTRUCTIONS AND THURSDAY  
7 AFTERNOON, YOU START TO ARGUE AND YOU FINISH UP.

8 AND YOU ONLY HAVE TWO ARGUMENTS, THAT IS RIGHT.

9 MR. WAPNER: WE ONLY HAVE TWO.

10 THE COURT: JUST TWO ARGUMENTS.

11 THEN YOU FINISH UP AND THEN WE WILL INSTRUCT THE  
12 JURY.

13 MR. BARENS: COULD I HAVE LEAVE NOT TO ARGUE UNTIL  
14 FRIDAY? BECAUSE I HAVE PREPARATION.

15 THE COURT: WHAT ARE WE GOING TO DO THAT WEDNESDAY  
16 AFTERNOON?

17 MR. BARENS: WELL --

18 MR. WAPNER: I DON'T LIKE THIS IDEA, THOUGH. I DON'T  
19 LIKE THE IDEA OF BREAKING UP THE ARGUMENTS SO THAT THEY HAVE  
20 OVERNIGHT TO GO OVER WHAT I HAVE ARGUED AND THEY GET TO REBUT  
21 IT ANYWAY.

22 MR. BARENS: I AM NOT LOOKING FOR THAT.

23 THE COURT: WELL, WE WILL FINISH THE TESTIMONY AND GO  
24 OVER THE INSTRUCTIONS ON WEDNESDAY.

25 MR. BARENS: YES.

26 THE COURT: ON THURSDAY, WE START THE ARGUMENT.

27 MR. BARENS: I JUST DON'T KNOW WHEN I WILL GET THE CHANCE  
28 TO PREPARE IT.

1 THE COURT: WELL, YOU CAN PREPARE AFTER HIS PRESENTATION.

2 MR. BARENS: CAN I HAVE TIME TO DO THIS -- I NEED LIKE  
3 A DAY OR TWO-THIRDS OF A DAY TO DO THAT, YOUR HONOR.

4 THE COURT: YOU DO?

5 MR. BARENS: YES.

6 MR. CHIER: HE NEEDS A WHOLE DAY TO PREPARE ARGUMENT,  
7 YOUR HONOR.

8 MR. BARENS: YES, JUDGE.

9 THE COURT: I DON'T CARE, MAKE ANY ARRANGEMENTS YOU  
10 WANT TO. I WANT TO INSTRUCT THE JURY NO LATER THAN FRIDAY  
11 AFTERNOON.

12 MR. BARENS: YOUR HONOR, I DON'T HAVE ANY PROBLEM WITH  
13 THAT. I JUST NEED A LITTLE TIME BETWEEN NOW AND THEN, WHICH  
14 I AM GOING TO ARRANGE THINGS TO ALLOW FOR ME TO DO THAT.

15 THE COURT: TELL ME WHAT THE SCHEDULE IS. WHAT DO YOU  
16 WANT?

17 MR. BARENS: THE SCHEDULE IS IF WE CAN FINISH TESTIMONY  
18 TOMORROW.

19 THE COURT: TOMORROW MORNING.

20 MR. BARENS: NO. SOMETIME TOMORROW.

21 YOU WILL STILL HAVE PLENTY OF TIME TO WORK WITH  
22 US ON INSTRUCTIONS, THE JURY INSTRUCTIONS TOMORROW.

23 THE COURT: THERE AREN'T MANY INSTRUCTIONS.

24 MR. BARENS: I HAVE TO BE HONEST, JUDGE, I HAVE TO  
25 DEFER TO YOUR JUDGMENT, SIR, BECAUSE I HAVE NEVER BEEN HERE  
26 BEFORE ON A PENALTY PHASE ON THIS TYPE OF DEAL.

27 THE COURT: THERE AREN'T MANY.

28 MR. WAPNER: YOU HAVE TO GIVE INSTRUCTIONS ON ALL OF

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1 THE UNDERLYING CRIMES. YOU HAVE TO GIVE THE MURDER  
2 INSTRUCTIONS. YOU HAVE TO GIVE 246.

3 THE COURT: MURDER INSTRUCTIONS? THEY HAVE ALREADY  
4 RECEIVED THE INSTRUCTIONS.

5 MR. WAPNER: YOU HAVE TO GIVE IT AGAIN. I WILL GIVE  
6 YOU THE PACKET TOMORROW.

7 THE COURT: ALL RIGHT, BRING THEM IN TOMORROW.

8 MR. BARENS: I THOUGHT BOTH SIDES WOULD HAVE THURSDAY  
9 OFF.

10 THE COURT: YOU MEAN HAVE THURSDAY OFF AND THEN ARGUE  
11 AND INSTRUCT THE JURY? NO, WE WOULDN'T HAVE TIME TO DO THAT.

12 MR. BARENS: WELL, MR. WAPNER WOULD DO HIS ARGUMENT  
13 ON THURSDAY MORNING AND I COULD ARGUE FRIDAY AFTER THAT AND  
14 YOU COULD INSTRUCT MAYBE COME 4:00.

15 THE COURT: NO, THAT GIVES US THE ENTIRE THURSDAY  
16 AFTERNOON OFF. I DON'T WANT TO DO THAT.

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1 MR. BARENS: WELL, IF YOU COULD JUST MAKE AN  
2 EXCEPTION. IF HE ARGUES THURSDAY AND I GOT UNTIL FRIDAY,  
3 I COULD FINISH MY ARGUMENT FRIDAY AND SO YOU CAN HAVE ALL  
4 AFTERNOON TO INSTRUCT. I AM NOT GOING TO USE THURSDAY TO  
5 REBUT.

6 MR. WAPNER: I WOULD JUST AS SOON HAVE ALL ARGUMENT  
7 ON ONE DAY.

8 THE COURT: LET'S HAVE ALL OF THE ARGUMENTS ON THURSDAY.

9 MR. BARENS: I DON'T KNOW IF I CAN DO THAT ON THURSDAY.

10 THE COURT: WHAT DO YOU MEAN?

11 MR. BARENS: I DON'T SEE WHERE THE COURT IS REALLY  
12 OFFENDED OR HURT IF I AM GIVEN AN OPPORTUNITY TO ARGUE FRIDAY.

13 THE COURT: LET'S SEE IF WE GET THROUGH WITH THE  
14 TESTIMONY ON WEDNESDAY MORNING.

15 MR. BARENS: OR SOMETIME WEDNESDAY.

16 MR. WAPNER: LET'S SEE WHERE WE STAND.

17 THE COURT: YOU WILL HAVE THE REST OF THE AFTERNOON,  
18 WEDNESDAY AFTERNOON.

19 MR. BARENS: I THOUGHT WE WERE GOING TO GO OVER THE  
20 INSTRUCTIONS.

21 MR. WAPNER: LET'S SEE WHERE WE ARE TOMORROW.

22 THE COURT: WE CAN DO THE INSTRUCTIONS ON THURSDAY  
23 MORNING.

24 MR. CHIER: THEY HAVE TO BE DICTATED, PROOFED. THEY  
25 HAVE TO BE PROOFREAD AND RESEARCHED.

26 MR. BARENS: WE HAVE MECHANICAL PROBLEMS WITH PUTTING  
27 EVERYTHING TOGETHER AT THAT POINT.

28 THE COURT: WHAT DO YOU MEAN? IT IS JUST THE JURY

1 INSTRUCTIONS. JUST GIVE ME THE NUMBERS.

2 MR. BARENS: I HAVE TO GIVE YOU OUR SPECIALS AND THEY  
3 HAVE TO BE PREPARED.

4 THE COURT: ALL RIGHT, I WILL SEE.

5 MR. BARENS: WELL, WE WILL DO THE BEST THAT WE CAN,  
6 AS USUAL.

7 THE COURT: ALL RIGHT, I WILL TELL THE JURY UNTIL  
8 TOMORROW MORNING, MAKE IT 10:30.

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

12 THE COURT: ALL RIGHT, I AM SORRY FOR THE DELAY. WE  
13 WERE TRYING TO PROGRAM THE REST OF THE WEEK.

14 THE CASE WILL GO TO THE JURY NO LATER THAN  
15 FRIDAY SO YOU CAN EXPECT -- YOU WILL EXPECT TO BE INSTRUCTED  
16 ON FRIDAY.

17 AND THEN I KNOW THAT ONE OR MORE OF YOU HAVE BEEN  
18 CONCERNED ABOUT THE NOTES THAT YOU HAD. AFTER I HAVE  
19 INSTRUCTED YOU, YOU WILL BE EXCUSED FOR THE WEEKEND AND YOU  
20 MAY TAKE YOUR NOTEBOOKS, THE NOTES THAT YOU HAVE. YOU CAN  
21 TAKE YOUR NOTEBOOKS WITH YOU AND YOU CAN REVIEW YOUR NOTES  
22 WITH THE UNDERSTANDING, OF COURSE, THAT YOU WON'T DISCUSS  
23 THAT WITH ANYBODY AT ALL. YOU WILL NOT DISCUSS ANYTHING AT  
24 ALL THAT YOU HAVE IN YOUR NOTEBOOKS, THAT IS TO BE  
25 SACROSANCT AND WE EXPECT THAT TO BE SO.

26 AND THEN YOU COME BACK ON MONDAY MORNING AND BEGIN  
27 YOUR DELIBERATIONS.

28 IS THAT AGREEABLE TO ALL OF YOU? WE WILL FINISH,



1 AS I SAY, I WILL INSTRUCT YOU ON FRIDAY AND IN THE MEANTIME,  
2 WE WILL HAVE TESTIMONY OF TWO MORE WITNESSES.

3 YOU COME BACK TOMORROW MORNING AT 10:30.

4 AND THE SAME ADMONITION I GAVE YOU WILL STILL  
5 APPLY. SEE YOU ALL HERE TOMORROW AND GOOD NIGHT.

6 (AT 4:30 P.M. AN ADJOURNMENT WAS TAKEN  
7 UNTIL WEDNESDAY, MAY 27, 1987, AT 10:30 A.M.)

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