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COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT

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

OCT 0 9 1

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 98 OF 101  
(PAGES 14922 TO 15118, INCLUSIVE)

COPY

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WEST C

HON. LAURENCE J. RITTENBAND, JUDGE

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

---

NO. A-090435

REPORTERS' DAILY TRANSCRIPT  
WEDNESDAY, MAY 27, 1987

VOLUME 98

PAGES 14922 TO 15118, INCL.

APPEARANCES:

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

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

AND

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

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

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3 P.M. 14988

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1 SANTA MONICA, CALIFORNIA; WEDNESDAY, MAY 27, 1987; 10:40 A.M.  
2 DEPARTMENT C HON. LAURENCE J. RITTENBAND, JUDGE  
3 (APPEARANCES AS NOTED ON TITLE PAGE.)  
4

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

8 THE COURT: I DON'T WANT THE DEFENDANT IN HERE.

9 THE DEFENDANT: YOUR HONOR, WOULD YOU PLEASE ALLOW  
10 ME TO BE IN HERE?

11 THE COURT: IS THAT YOUR MOTION?

12 MR. BARENS: I JUST THINK HE SHOULD BE HERE.

13 THE DEFENDANT: I MAY HAVE A COUPLE OF THINGS TO SAY.

14 THE COURT: GO AHEAD.

15 THE DEFENDANT: THANK YOU, YOUR HONOR.

16 MR. BARENS: I WANTED TO SEE THE COURT IMMEDIATELY  
17 THIS MORNING TO ADVISE THE COURT THAT THERE ARE ADDITIONAL  
18 DEFENSE WITNESSES OTHER THAN WHAT I ANTICIPATED YESTERDAY  
19 AND IMMEDIATELY UPON BECOMING AWARE OF THAT, I WANTED TO  
20 ADVISE YOUR HONOR ABOUT THAT AS I MADE CERTAIN REPRESENTATIONS  
21 TO THE COURT YESTERDAY.

22 THE COURT: WHO ARE THEY?

23 MR. BARENS: ASIDE FROM MR. HUNT'S MOTHER, THERE  
24 WILL BE A WITNESS TO REBUT THE CONTENTION THAT BROOKE ROBERTS  
25 AND JOE HUNT WERE EXCLUSIVELY RELATING DURING THAT PERIOD  
26 OF TIME.

27 THE COURT: THEY WERE WHAT?

28 MR. BARENS: EXCLUSIVELY RELATING DURING THE LAST

1 YEAR AND A HALF.

2 THE COURT: WHAT DO YOU MEAN EXCLUSIVELY RELATING?

3 MR. BARENS: YOU WILL RECALL THAT THE DEFENSE HAS  
4 CONTENDED THROUGHOUT THE PENALTY PHASE AND MR. WAPNER HAS  
5 EXTENSIVELY CROSS-EXAMINED ABOUT WHETHER BROOKE ROBERTS  
6 WAS DATING THIS OTHER MAN, GRANT HESLOV, WHO WE CONTEND  
7 THAT, BOTH THROUGH THE GUILT PHASE AND THE PENALTY PHASE,  
8 WAS IN FACT A PERSON THAT SHE HAD AN ONGOING RELATIONSHIP  
9 WITH.

10 THE COURT: WHAT IS THE RELEVANCY OF THAT? THAT IS  
11 A TRIVIALITY. IT HAS NOTHING TO DO WITH THIS CASE.

12 MR. BARENS: IT IS AN EXTREMELY BRIEF WITNESS. I  
13 DO WANT TO COVER IT. THE DEFENSE FEELS IT IS INCUMBENT  
14 UPON US TO COVER THAT BASE.

15 THE COURT: I DON'T FEEL IT IS NECESSARY.

16 MR. BARENS: I HAVE TO DO SO.

17 THE COURT: YOU HAVE MADE YOUR OFFER OF PROOF AND I  
18 WILL REJECT IT.

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1 MR. BARENS: BUT SIR --

2 THE COURT: I DON'T THINK IT IS IMPORTANT. IT IS  
3 IRRELEVANT TO ANYTHING.

4 MR. BARENS: SIR, THE DEFENSE COUNSEL FEEL IT IS  
5 IMPORTANT BECAUSE MR. WAPNER THROUGHOUT THE PROSECUTION'S  
6 CASE, ON EVERY INSTANCE WHERE IT HAS BEEN AVAILABLE, HE MADE  
7 AN ISSUE OUT OF THIS. WE SEEK TO REBUT THAT ISSUE.

8 THE COURT: I DON'T THINK IT IS NECESSARY TO DO THAT.

9 THE DEFENDANT: COULD WE GET A STIPULATION, THEN?

10 THE COURT: A STIPULATION AS TO WHAT?

11 THE DEFENDANT: FROM MR. WAPNER AS TO THE FACT THAT  
12 THERE IS INDEED, A RELATIONSHIP?

13 THE COURT: YOU ARE NOT GOING TO ARGUE THAT, ARE YOU,  
14 MR. WAPNER?

15 MR. WAPNER: I MIGHT ARGUE THE TESTIMONY OF SOME OF  
16 THE WITNESSES. ONE WITNESS WAS ASKED IF SHE -- SHE SAID THAT  
17 SHE LIVED THERE FOR A YEAR AND THAT SHE HAD NOT EVEN HEARD  
18 OF THIS GUY.

19 SO, I MEAN, I HAVE NO OBJECTION IF THEY PUT THIS  
20 WITNESS --

21 THE COURT: WELL, THAT DEFENSE HAS ALREADY BEEN  
22 PRESENTED ON THE GUILT PHASE. THE GUILT PHASE TENDED TO SHOW  
23 THAT THEY WEREN'T SO CLOSE TOGETHER SO IT WOULDN'T IN ANY  
24 WAY DETRACT FROM THE TESTIMONY OF BROOKE ROBERTS THAT SHE  
25 WAS NOT THE SWEETHEART OF THE DEFENDANT BUT SHE HAD BEEN A  
26 FORMER SWEETHEART.

27 I THINK THAT THAT WAS PART OF THE DEFENSE THAT  
28 THEY PRESENTED ON THE GUILT PHASE. I DON'T THINK WE NEED

1 ANY MORE TESTIMONY..

2 THE DEFENDANT: MR. WAPNER INDICATED CLEARLY THAT HE  
3 IS GOING TO ARGUE IN THE PENALTY PHASE ABOUT THE FACT THAT  
4 THE RELATIONSHIP OBVIOUSLY WAS --

5 THE COURT: I SUGGEST THAT YOU DON'T MENTION ANYTHING  
6 AT ALL ON THIS, SO WE DON'T HAVE TO PROLONG THIS OVER  
7 SOMETHING AS TRIVIAL AS THAT COMING IN.

8 MR. WAPNER: ALL RIGHT.

9 MR. BARENS: LET ME TELL YOUR HONOR WHAT THE PROBLEM  
10 IS, I AM NOW ACUTELY AWARE OF IT AND IT HAS ME VERY FRIGHTENED.

11 I FEEL, LOOK, I AM IN A SETTING WHERE I HAVE BEEN  
12 ASKED TO DO THE DEFENSE PORTION OF A PENALTY PHASE OF A DEATH  
13 CASE WHERE I HAVE BEEN TOLD BY THE COURT, LISTEN, YOU HAVE  
14 X AMOUNT OF HOURS TO GET YOUR CASE IN OR YOU ARE OUT OF HERE  
15 AND --

16 THE COURT: I NEVER TOLD YOU ANYTHING OF THE KIND. YOU  
17 ARE THE ONE THAT TOLD ME HOW LONG IT IS THAT YOU ARE GOING  
18 TO TAKE IN CONNECTION WITH THE CASE.

19 MR. BARENS: THAT IS WHY I AM HERE, TO --

20 THE COURT: WHAT DO YOU WANT TO DO? CHANGE YOUR ESTIMATE?

21 MR. BARENS: QUITE SO. AND --

22 THE COURT: HOW IS IT YOU WANT TO CHANGE IT?

23 MR. BARENS: SIR, I AM TRYING TO ADVISE YOU OF THREE  
24 OR POSSIBLY FOUR ADDITIONAL WITNESSES.

25 THE COURT: WELL, WHO ARE THEY? YOU TOLD ME ABOUT ONE.  
26 THAT IS OUT. GIVE ME THE NEXT ONE.

27 MR. BARENS: YES. I HAVE OFFICER GIBBS FROM THE IRVINE  
28 POLICE DEPARTMENT WHO IS THE FIRST OFFICER ON THE SCENE THAT

1 SPOKE TO BRUCE SWARTOUT.

2 HE IS THE ONE THAT MADE THE INITIAL POLICE REPORT  
3 AND TOOK THE STATEMENT.

4 THE COURT: DIDN'T WE HAVE ANOTHER ONE FROM THERE?

5 MR. BARENS: I HAD OFFICER MALIK, SIR, WHO WAS ABOUT  
6 THE FOURTH GUY ON THE SCENE. IT TURNED OUT THAT -- I WANT  
7 TO BE CANDID WITH THE COURT. I MADE A MISTAKE IN MY SUBPOENA.

8 WE HAD OFFICER MALIK AND I THOUGHT HE WAS OFFICER  
9 GIBBS. I MEAN, I THOUGHT THAT THE FUNCTION HE DID --

10 THE COURT: ALL RIGHT, YOU CAN CALL HIM.

11 MR. BARENS: HE IS ABOUT A FIVE-MINUTE WITNESS, JUDGE.  
12 I THINK THAT --

13 THE COURT: GO AHEAD. ALL RIGHT.

14 MR. BARENS: HE WOULD BE A FIVE-MINUTE WITNESS, SUBJECT  
15 TO CROSS-EXAMINATION.

16 IN ADDITION TO THAT, I HAVE A GENTLEMAN NAMED  
17 STEVEN SOLOMON. STEVEN SOLOMON IS THE SOLE -- WHAT I WOULD  
18 CALL UNRELATED MALE CHARACTER WITNESS THAT WILL BE PRESENTED.

19 HE IS NOT A BROTHER OR A ROBERTS AND HE --

20 THE COURT: IS HE A LAWYER?

21 MR. BARENS: NO. ALTHOUGH I KNOW WHO YOU MEAN.

22 THE COURT: BECAUSE THERE IS A STEVEN SOLOMON --

23 MR. BARENS: I THINK I KNOW WHO YOU MEAN. NO. HE IS  
24 A GENTLEMAN OF SUBSTANCE THAT HAS KNOWN THE DEFENDANT FOR  
25 A COUPLE OF YEARS AND HAD --

26 THE COURT: HE IS GOING TO BE A CHARACTER WITNESS?  
27 YOU ARE GOING TO LIMIT IT TO JUST ASKING HIM QUESTIONS ABOUT  
28 CHARACTER?



1 MR. BARENS: YES, SIR. HE HAS NOTHING TO DO WITH THE  
2 ROBERTS OR --

3 THE COURT: LET'S NOT GO INTO AN EXTENDED THING ABOUT  
4 HOW HE KICKED CANS AROUND AND SO ON AND SO FORTH.

5 MR. BARENS: HE IS NOT A YOUTHFUL WITNESS. HE IS AN  
6 ADULT ASSOCIATE WHO --

7 THE COURT: GO AHEAD. YOU CAN HAVE ANOTHER CHARACTER  
8 WITNESS.

9 MR. BARENS: WE HAVE THE DEFENDANT'S MOTHER. AS I --

10 THE COURT: YOU TOLD US THAT.

11 MR. BARENS: JUST ONE SECOND, JUDGE. WE HAVE AS I  
12 MENTIONED TO THE JURY IN MY OPENING PENALTY PHASE STATEMENT --  
13 WE HAVE A WITNESS HERE ON THE LINGERING DOUBT ISSUE, YOUR  
14 HONOR, WHICH IS AN ISSUE THAT I BELIEVE THE WRITINGS AND THE  
15 CASES MAKE IT INCUMBENT FOR THE DEFENSE TO PRESENT DURING  
16 THE PENALTY PHASE.

17 THE COURT: WHAT LINGERING DOUBT?

18 MR. BARENS: A LINGERING DOUBT WITNESS IS A WITNESS  
19 THAT GOES TO THE LINGERING DOUBT CONCERNING LEVIN NOT BEING  
20 WITH US AT THE PRESENT.

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1 IT IS AN INCUMBENT THING FOR THE DEFENSE COUNSEL  
2 TO DO THAT.

3 THE COURT: I THOUGHT THAT IT WAS TAKEN CARE OF ON  
4 THE GUILT PHASE OF THE CASE.

5 MR. BARENS: YES, BUT WE HAVE A LINGERING DOUBT WIT-  
6 NESS.

7 THE COURT: WHO IS THIS LINGERING DOUBT WITNESS?

8 MR. BARENS: SHE IS LOUISE WALLER.

9 THE COURT: SHE IS A STENOGRAPHER OR SOMETHING?

10 MR. BARENS: SHE IS A SECRETARY, SIR.

11 SHE WAS UNKNOWN, I BELIEVE, TO EITHER THE  
12 PROSECUTION OR THE DEFENSE DURING THE TRIAL.

13 THE COURT: WHAT HAVE YOU TO SAY TO THAT?

14 MR. CHIER: CAN I SAY WHAT HAPPENED?

15 THE COURT: NO. I ASKED MR. WAPNER FOR HIS REMARKS  
16 AND YOU WILL COME NEXT.

17 MR. WAPNER: I THINK THE ISSUE OF LINGERING DOUBT  
18 IS A PROPER ISSUE FOR THE PENALTY PHASE. IF THEY WANT TO  
19 CALL THIS WITNESS, THAT IS UP TO THEM.

20 I THINK, MY SENSE OF ALL THIS IS IS THAT IT  
21 IS ALL BEING DONE SO THAT INSTEAD OF HAVING TO ARGUE  
22 TOMORROW, WE ARE GOING TO ARGUE ON FRIDAY AND I DON'T REALLY  
23 HAVE ANY OBJECTION IF WE FINISH WHATEVER TESTIMONY WE ARE  
24 GOING TO FINISH TODAY AND DISCUSS THE INSTRUCTIONS TOMORROW  
25 AND ARGUE ON FRIDAY.

26 THE DEFENDANT: CAN I COMMENT?

27 MR. BARENS: LET ME COMMENT ON THAT.

28 THE DEFENDANT: WE MAY NEED ALL DAY MONDAY.

2

1 MR. BARENS: NOTHING THAT I AM DOING AS COUNSEL --  
2 I WAS ADVISED BY THIS COURT THAT I WOULD ARGUE WHEN THE  
3 COURT DEEMED IT APPROPRIATE, BE THAT THURSDAY OR WEDNESDAY  
4 AFTERNOON OR WHENEVER THE COURT WANTED. I AM NOT DOING A  
5 SINGLE THING HERE TO CHANGE MY OBLIGATION ON WHEN I NEED  
6 TO ARGUE.

7 MY CASE PRESENTATION HAS NOTHING TO DO WITH  
8 THAT.

9 THE COURT: LET'S DO IT AS FAST AS WE CAN.

10 THE DEFENDANT: IT MAY ACTUALLY GO ALL DAY MONDAY.  
11 I THINK IT IS INCUMBENT TO KNOW THAT.

12 THE COURT: WE ARE FINISHING FRIDAY.

13 THE DEFENDANT: I HAVE A WITNESS THAT MAY TAKE ALL  
14 DAY NAMED FRANK MINGARELLA.

15 THE COURT: WE HAVE TO FINISH UP.

16 THE DEFENDANT: MAY I MAKE AN INDICATION FOR THE RECORD?

17 THE COURT: I WILL SHOW YOU THAT LETTER FROM MRS.  
18 WHITMORE.

19 I AM GOING TO HAVE IT IN THE RECORD, IT INVOLVES  
20 YOUR ASSOCIATE.

21 MR. BARENS: LET ME SEE IT BEFORE WE PROCEED.

22 THE DEFENDANT: I NEED TO MAKE A POINT ON THE RECORD.  
23 MY ATTORNEYS CAN'T MAKE THIS.

24 THE COURT: LET YOUR ATTORNEYS MAKE IT.

25 THE DEFENDANT: IT RELATES TO THE MARSDEN SETTING.

26 THE COURT: YOU TELL HIM.

27 THE DEFENDANT: I CAN'T REALLY MAKE IT FOR HIM, WHICH  
28 IS THE FACT THAT YESTERDAY I SAW PARTICULARLY WHAT I WAS

3

1 APPREHENSIVE ABOUT OCCURRING WHICH HAS OCCURRED, WHICH IS  
2 A CIRCUMSTANCE IN THE COURT WHERE IT GOT TO THE POINT WHERE  
3 MY ATTORNEYS ARE NOT MAKING MOTIONS AND I WILL SAY THIS  
4 IN TWO RESPECTS, YOUR HONOR. WHEN YOUR HONOR WAS MAKING  
5 COMMENTS ON THE NATURE OF THE DEFENSE EVIDENCE AND THE JURY'S  
6 PERCEPTION AND YOUR PERCEPTION AND DURING MR. WAPNER'S  
7 CROSS-EXAMINATION OF LESLIE ETO, YOU MADE A NUMBER OF WHAT --  
8 A NUMBER OF QUESTIONS WHICH I THOUGHT WERE INAPPROPRIATE  
9 ON THEIR FACE AND WHICH RICHARD THOUGHT WAS INAPPROPRIATE  
10 ON ITS FACE AND WHICH ARTHUR DID AND BECAUSE OF THE SETTING  
11 IN THIS COURTROOM, THEY ARE NO LONGER MAKING THESE OBJECTIONS  
12 BECAUSE OF WHAT THEY PERCEIVE YOUR STANCE IS. IT IS JUST  
13 A CHILLING EFFECT I TALKED ABOUT EARLIER.

14 THE COURT: ALL RIGHT, YOU DON'T LIKE THE CHILLING  
15 EFFECT.

16 LET'S GO ON.

17 MR. BARENS: JUDGE, IN READING THIS NOTE, I DON'T  
18 SEE ANY --

19 MR. WAPNER: COULD I SEE THAT?

20 MR. BARENS: I DON'T SEE -- ALTHOUGH I WAS GENERALLY  
21 AWARE AND AT A DISTANCE I OBSERVED WHAT I THOUGHT WAS IMPROPER  
22 CONDUCT TOWARDS MR. HUNT'S MOTHER UNDER THE CIRCUMSTANCES  
23 THAT WERE INVOLVED IN HERE BECAUSE THIS WAS, AS I RECALL,  
24 THE DAY THAT THIS HAPPENED WAS THE FIRST DAY THAT THE WOMAN  
25 HAD BEEN PRESENT HERE EVEN TO SPEAK TO DEFENSE COUNSEL AND  
26 SHE WAS EXTREMELY UPSET AND SHE COMMUNICATED TO ME SHE WAS  
27 EXTREMELY TROUBLED BY THIS CAMERA BUSINESS AND WE HAD SOME  
28 DISCUSSION IN THE COURTROOM WITH MR. QUINN TO TRY TO CURTAIL IT.

4

1 THE COURT: THAT DOESN'T JUSTIFY HIS STATEMENT TO  
2 ANYBODY WHO IS NOT REALLY CONNECTED WITH THE PRESS IN ANY  
3 WAY BUT HE HAS NO BUSINESS, SHE BEING THE SAME WOMAN WHO  
4 HAD POINTED OUT TO THE COURT THE CONDUCT ON THE PART OF  
5 HIS LAW CLERK, THAT IS THE SAME WOMAN AND HE PROBABLY RESENTED  
6 THE FACT THAT SHE HAD BROUGHT UP THE QUESTION AND THAT,  
7 THEREFORE, HE WAS UNJUSTIFIED -- HE WAS NOT JUSTIFIED IN  
8 ABUSING THIS WOMAN. I WON'T STAND FOR IT.

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1 MR. BARENS: YOUR HONOR, I DON'T IN GOOD CONSCIOUS  
2 BELIEVE --

3 MR. CHIER: THIS WOMAN WAS TAKING PHOTOGRAPHS IN THE  
4 COURTROOM. SHE IS NOT A LICENSED PRESS PERSON.

5 THE COURT: YOU PUT THAT IN THE RECORD, WILL YOU,  
6 PLEASE?

7 THE COURT REPORTER: YOUR HONOR, DO YOU WANT THAT  
8 COPIED IN THE RECORD?

9 THE COURT: YES.

10 (AS DIRECTED THE FOLLOWING IS A VERBATIM  
11 TRANSCRIPT OF THE LETTER DATED MAY 27,  
12 1987:)

13 "ON THURSDAY, MAY 14, 1987 I WAS  
14 A SPECTATOR AT THE TRIAL OF JOE HUNT. DURING  
15 THE AFTERNOON RECESS, I TOOK A SNAPSHOT OF THE  
16 DEFENDANT'S MOTHER WALKING IN THE HALLWAY OUT-  
17 SIDE THE COURTROOM. I WAS AWARE THAT I HAD  
18 MOVED THE CAMERA, SO WHEN COURT WAS ADJOURNED,  
19 WAITED ACROSS THE HALL AND FOCUSED THE CAMERA  
20 ON THE DOORWAY. THE WOMAN SAW ME AND COVERED  
21 HER FACE WITH HER HANDBAG.

22 "RICHARD CHIER WAS A FEW FEET AWAY.  
23 HE SHOUTED LOUDLY AT ME, AND THE FOLLOWING WAS  
24 YELLED BY HIM AND SAID BY ME.

25 "CHIER: YOU HAG.

26 "I: PARDON ME?

27 "CHIER: HAVE YOU NO DECENCY?

28 "I: I THINK I HAVE.

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"CHIER: YOU ARE SUCH A HAG.

MARY LOU WHITMORE

MAY 27, 1987"

MR. BARENS: I WOULD MOST RESPECTFULLY MAKE A MOTION TO STRIKE THAT ON THE BASIS THAT THE WOMAN ACTED IN A PROFESSIONALLY AND PERSONALLY INAPPROPRIATE METHOD AND MANNER TOWARDS MR. HUNT'S MOTHER AT THAT JUNCTURE AND I BELIEVE THAT MR. CHIER WAS PROVOKED INTO MAKING WHATEVER COMMENTS HE MADE.

THE COURT: HE HAD NO BUSINESS MAKING THE COMMENT AT ALL. HE IS NOT HERE TO BE A POLICEMAN, TO POLICE WHOEVER COMES TO THIS COURTROOM AND TO POLICE THE CONDUCT OF ANYBODY HERE. HE HAS NO BUSINESS MAKING ANY REMARKS OF THAT KIND TO A LADY WHO HAS BEEN HERE THROUGHOUT THE TRIAL AND HAS BEEN INSTRUMENTAL IN GETTING HIS SO-CALLED LAW CLERK BOOTED OUT OF THE COURT AND NOT PERMITTED TO COME INTO THE COURT BECAUSE OF CONDUCT ON HIS PART WHICH WAS COMPLETELY IRRESPONSIBLE.

MR. BARENS: YOUR HONOR, AGAIN --

MR. CHIER: THE LAW CLERK WAS WORKING ON MATTERS YESTERDAY INVOLVING A --

THE COURT: I TOLD HIM THAT HE IS NOT TO BE IN THIS COURTROOM. IT WAS AN ORDER OF THE COURT.

MR. CHIER: HE WAS HELPING US WITH JURY INSTRUCTIONS.

THE COURT: I DON'T CARE WHAT HE WAS DOING. HE CAN DO IT OUT IN THE HALLWAY.

MR. CHIER: I CANNOT MEET WITH HIM?

1 THE COURT: COME ON, YOU DON'T NEED A LAW CLERK TO  
2 TELL YOU WHAT TO DO. I FEEL SORRY FOR HIM AND FOR YOU.

3 MR. BARENS: YOUR HONOR, I JUST DON'T SEE A CONSTRUCTIVE  
4 PURPOSE TO BE SERVED.

5 THE COURT: I WANT THIS WHOLE RECORD TO SHOW THAT NOTE.  
6 THERE WILL BE A TIME WHEN THIS MIGHT BECOME IMPORTANT.

7 MR. BARENS: ALL RIGHT, YOUR HONOR, WHAT I AM SEEKING  
8 HERE IS TO HAVE SOME SENSE AS TO WHERE I AM, SIR, AND WHERE  
9 I AM GOING.

10 THE COURT: I TOLD YOU YOU CAN BRING IN THESE WITNESSES,  
11 YOU CAN HAVE THEM TESTIFY. WE ARE GOING TO COMPLETE THIS  
12 TRIAL BY FRIDAY AFTERNOON.

13 MR. BARENS: BUT THE PROBLEM, YOUR HONOR, IS WHAT  
14 DO I DO IF A WITNESS APPEARS TO BE TAKING LONGER THAN YOUR  
15 HONOR FEELS IS GOING TO SUIT THE CALENDAR?

16 THE COURT: WE WILL SEE HOW LONG IT IS GOING TO TAKE.  
17 WHO ARE YOU TALKING ABOUT?

18 MR. BARENS: ANY OF THEM. I JUST CAN'T ASSURE THE  
19 COURT --

20 THE COURT: LET'S PROCEED AND LET'S SEE HOW LONG THEY  
21 ARE GOING TO TAKE.

22 MR. BARENS: YOUR HONOR, WHAT I HAVE HERE IS, I AM  
23 NOT TRYING TO SEEK YOUR HONOR'S IRE ON THIS CASE.

24 THE COURT: IT IS NOT A QUESTION OF IRE. YOU ARE  
25 THE ONE WHO TOLD ME CATEGORICALLY HOW LONG IT IS GOING TO  
26 TAKE.

27 MR. BARENS: SIR, I MADE A MISTAKE, AS A PERSON IN  
28 THIS WORLD CAN.



1 THE COURT: ALL RIGHT, LET'S GO ON AND TRY AND DO  
2 THE BEST WE CAN.

3 MR. BARENS: I CAN'T HOIST THE DEFENDANT ON THE MISTAKE  
4 I MADE.

5 THE COURT: DID YOU HEAR WHAT I SAID? LET'S GO AHEAD  
6 AND DO THE BEST WE CAN AND SEE HOW LONG IT IS GOING TO TAKE.  
7 WE ARE GOING TO FINISH FRIDAY AND I WOULD EXPECT THAT OF  
8 BOTH SIDES AND THAT GOES FOR THE D.A. ALSO.

9 MR. BARENS: I AM DOING EVERYTHING I CAN, SIR.

10 THE COURT: ALL RIGHT, LET'S GET STARTED.

11 (RECESS.)  
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A-1

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

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

6 CALL YOUR NEXT WITNESS, WILL YOU PLEASE?

7 MR. BARENS: WE CALL OFFICER GIBBS.

8

9

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

13

THE CLERK: RAISE YOUR RIGHT HAND.

14

15

16

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

21

22 THE WITNESS: I DO.

23

24 THE CLERK: PLEASE BE SEATED.

25

26 STATE AND SPELL YOUR NAME FOR THE RECORD.

27

28 THE WITNESS: GREGORY CHARLES GIBBS, G-I-B-B-S.

29

30

DIRECT EXAMINATION

31

BY MR. BARENS:

32

33 Q OFFICER GIBBS, BY WHOM ARE YOU EMPLOYED?

34

35 A THE CITY OF IRVINE.

36

37

38 Q ARE YOU A MEMBER OF THE POLICE DEPARTMENT THERE,  
39 SIR?

40

41 A YES, SIR. I AM.

-2  
1 Q HOW LONG HAVE YOU BEEN EMPLOYED THERE?

2 A NINE YEARS, SIR.

3 Q IN WHAT CAPACITY ARE YOU EMPLOYED?

4 A PRESENTLY A POLICE OFFICER.

5 Q AND YOU WORK IN THE FIELD, SIR?

6 A YES, SIR. I DO.

7 Q WERE YOU ENGAGED IN THAT SAME EMPLOYMENT ON ABOUT  
8 APRIL 13, 1984?

9 A YES, SIR. I WAS.

10 Q DID YOU ON THAT OCCASION, ON THAT DATE, HAVE  
11 OCCASION TO GO TO A LOCATION AT 1372 MC GAW?

12 A YES, SIR. I DID.

13 Q AND HOW DID YOU HAPPEN TO BE SUMMONED TO THAT  
14 LOCATION, SIR?

15 A I RESPONDED THERE ON A REPORT OF AN ASSAULT WITH  
16 A DEADLY WEAPON, WHICH HAD JUST OCCURRED.

17 Q WHEN YOU ARRIVED AT THAT LOCATION, DID YOU NOTE  
18 THE ALLEGED VICTIM?

19 A YES, SIR. I DID.

20 Q DO YOU RECALL HIS NAME, SIR?

21 A HIS LAST NAME IS SWARTOUT. I BELIEVE IT IS  
22 S-W-A-R-T-O-U-T.

23 Q WAS THAT A BRUCE SWARTOUT?

24 A YES, SIR. IT WAS.

25 Q NOW, WHEN YOU ORIGINALLY OBSERVED HIM, DID HE  
26 APPEAR RELAXED AND NONCHALANT?

27 A NO, SIR. MR. SWARTOUT WAS EXTREMELY AGITATED.

28 Q ALL RIGHT. AND DID HE APPEAR EXCITED ABOUT WHAT

1 HAD OCCURRED TO HIM?

2 A YES, SIR.

3 Q NOW, WERE YOU THE FIRST PERSON TO TAKE A WRITTEN  
4 STATEMENT FROM HIM?

5 A YES, SIR.

6 Q DID YOU OBSERVE ANY PHYSICAL INJURY TO THAT  
7 GENTLEMAN?

8 A NO, SIR.

9 Q DID YOU OBSERVE ANY MAJOR OR MINOR INJURY OF ANY  
10 DESCRIPTION?

11 A I BELIEVE MR. SWARTOUT WAS COMPLAINING OF PAIN  
12 OR DISCOMFORT TO HIS SHOULDER AND ARM. THE PRECISE AREA,  
13 THOUGH, I DON'T REMEMBER.

14 Q ALL RIGHT. DID HE REQUIRE MEDICAL ATTENTION?

15 A NO, SIR.

16 Q DID YOU FORM AN OPINION OR A JUDGMENT THAT IT  
17 WAS NECESSARY TO SUMMON EITHER PARAMEDICS OR ANY OTHER MEDICAL  
18 ASSISTANCE?

19 A I DON'T BELIEVE THERE WAS ANY MEDICAL ATTENTION  
20 AT THE SCENE, NO, SIR.

21 Q ALL RIGHT. DID YOU RECEIVE OR REMOVE ANY ITEM  
22 OF MR. SWARTOUT'S CLOTHING, FOR INSTANCE, A SHIRT?

23 A I REMEMBER THERE BEING A SHIRT SEIZED AT THE SCENE.  
24 HOWEVER, I DON'T REMEMBER IF I DID IT OR IF THE  
25 C.S.I. OFFICER DID, OFFICER MALIK, M-A-L-I-K.

26 Q DID YOU HAVE ANYTHING TO DO OR ANY RELATIONSHIP  
27 TO ANY PROPERTY THAT WAS SEIZED AT THAT TIME?

28 A TO MY RECOLLECTION, NO, SIR.

-4

1 Q DID MR. SWARTOUT DISCUSS HIS RELATIONSHIP WITH  
2 THE BUSINESS THERE THAT WAS LOCATED ON THOSE PREMISES?

3 A YES, SIR.

4 Q DID HE TELL YOU THAT HE HAD BEEN REMOVED BY THE  
5 BOARD OF DIRECTORS FROM HIS EMPLOYMENT?

6 A TO THE BEST OF MY MEMORY, HE TOLD ME THAT HE HAD  
7 BEEN REMOVED FROM THE BOARD OF DIRECTORS OF ANOTHER COMPANY  
8 AND I AM OF THE IMPRESSION THAT THAT WAS A COMPANY THAT WAS  
9 BASED IN SANTA ANA AND THE COMPANY THAT WE WERE DEALING WITH,  
10 I THOUGHT HE WAS STILL EMPLOYED AT.

11 HOWEVER, I MAY BE MISTAKEN.

12 Q WHILE YOU WERE THERE, DID YOU SEE ANYBODY RENDER  
13 ANY PHYSICAL AID OF ANY KIND OR DESCRIPTION TO MR. SWARTOUT?

14 A NOT THAT I CAN REMEMBER, SIR.  
15  
16  
17  
18  
19  
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1 Q DO YOU REMEMBER IF HE WAS FULLY CLOTHED AND DRESSED  
2 WHEN YOU MET HIM?

3 A NO, SIR. I DON'T REMEMBER.

4 Q WERE YOU FELLOWS OUTSIDE IN THE PARKING LOT OR  
5 INSIDE THE BUILDING AT THAT PARTICULAR TIME?

6 A I BELIEVE THE INITIAL CONTACT OCCURRED INSIDE  
7 OF THE BUSINESS. HOWEVER, WE DID SPEND A PORTION OF THE TIME  
8 OF THE INVESTIGATION OUTSIDE.

9 Q DID HE HAVE A SHIRT ON WHEN YOU SPOKE TO HIM?

10 A IT SEEMS TO ME THAT HE DID, SIR, BUT I DON'T RECALL  
11 PRECISELY.

12 Q DID HE EVER DEMONSTRATE OR DISPLAY ANY INJURY  
13 OF ANY KIND TO YOU?

14 A JUST COMPLAINT OF PAIN OR STIFFNESS I BELIEVE,  
15 TO AN ARM OR SHOULDER.

16 MR. BARENS: THANK YOU, SIR.

17  
18 CROSS-EXAMINATION

19 BY MR. WAPNER:

20 Q OFFICER GIBBS, WHEN YOU WENT THERE, DID YOU ATTEMPT  
21 TO INTERVIEW MR. SWARTOUT TO DETERMINE WHO THE POSSIBLE  
22 SUSPECTS IN THAT ATTACK MIGHT BE?

23 A YES, SIR. I DID.

24 Q DID YOU ASK HIM WHO HE FELT WERE POSSIBLE SUSPECTS  
25 IN THE CASE?

26 A YES, SIR. I DID.

27 Q DID HE GIVE YOU THE NAMES OF SOME PEOPLE?

28 A YES, SIR. HE DID.

-6

1 Q WHAT NAMES DID HE GIVE YOU?

2 MR. BARENS: OBJECTION, HEARSAY.

3 THE COURT: OVERRULED.

4 THE WITNESS: I BELIEVE THAT THERE WERE FOUR NAMES  
5 MENTIONED. I WOULD HAVE TO REFER TO MY REPORT, SIR.

6 MR. BARENS: I HAVE HIS REPORT.

7 THE COURT: HE HAS IT RIGHT THERE.

8 Q BY MR. WAPNER: DOES THAT APPEAR TO BE A COPY  
9 OF YOUR REPORT THAT YOU WROTE?

10 A YES IT IS.

11 Q WOULD YOU TAKE A LOOK AND TELL ME IF IT REFRESHES  
12 YOUR MEMORY AS TO THE NAMES OF THE PEOPLE THAT HE GAVE YOU?

13 A YES, SIR. THANK YOU.

14 Q DOES IT REFRESH YOUR MEMORY?

15 A YES, SIR. IT DID.

16 Q WHAT ARE THEIR NAMES?

17 A THE NAMES GIVEN WERE BEN DOSTI, DEAN KARNY AND  
18 JOSEPH HUNT.

19 Q DID MR. SWARTOUT RELATE TO YOU PROBLEMS THAT HE  
20 HAD BEEN HAVING BETWEEN A BUSINESS THAT HE USED TO OWN AND  
21 THE BUSINESS THAT MR. HUNT, MR. DOSTI AND MR. KARNY WERE  
22 INVOLVED WITH?

23 A YES, SIR. HE DID.

24 MR. WAPNER: THANK YOU. NOTHING FURTHER.

25 THE COURT: ALL RIGHT. THANK YOU. YOU MAY STEP DOWN.

26 CALL YOUR NEXT WITNESS.

27

28

1 LOUISE WALLER,  
2 CALLED AS A WITNESS BY THE DEFENDANT, WAS SWORN AND TESTIFIED  
3 AS FOLLOWS:

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

8 THE WITNESS: I DO.

9 THE CLERK: PLEASE BE SEATED.

10 STATE AND SPELL YOUR NAME FOR THE RECORD.

11 THE WITNESS: LOUISE WALLER.

12

13 DIRECT EXAMINATION

14 BY MR. CHIER:

15 Q GOOD MORNING, MS. WALLER. IS IT MS. WALLER?

16 A (NODS HEAD UP AND DOWN.)

17 MR. CHIER: PLEASE PULL YOUR CHAIR A LITTLE CLOSER.  
18 GET CLOSER TO THE MICROPHONE. DID IT MOVE?

19 THE WITNESS: IT MOVED.

20 Q BY MR. CHIER: NOW AS MR. WAPNER SAYS, IF YOU  
21 WILL JUST KEEP YOUR VOICE UP AS THOUGH YOU ARE TALKING TO  
22 THE WOMAN IN THE FAR CORNER IN THE JURY BOX, SO THE ENTIRE  
23 JURY CAN HEAR YOU, IT WOULD BE HELPFUL. YOU HAVE KIND OF  
24 A SOFT VOICE.

25 WHAT IS YOUR BUSINESS OR OCCUPATION, MS. WALLER?

26 A LEGAL SECRETARY.

27 Q HOW LONG HAVE YOU BEEN EMPLOYED AS A LEGAL SECRETARY?

28 A SINCE 1971.



1 Q AND IN THE LOS ANGELES AREA?

2 A YES.

3 Q HOW LONG HAVE YOU LIVED IN THE LOS ANGELES AREA?

4 A SINCE 1964.

5 Q AND AROUND THE MIDDLE SEVENTIES, WERE YOU WORKING  
6 IN BEVERLY HILLS?

7 A THAT'S CORRECT.

8 Q AND WHERE WERE YOU WORKING?

9 A FITZGERALD, HORN AND MORGANSTERN, 9401 WILSHIRE  
10 BOULEVARD.

11 Q ARE THEY ATTORNEYS?

12 A YES.

13 Q 9401 WILSHIRE IS LOCATED AT THE INTERSECTION OF  
14 CANON DRIVE AND WILSHIRE?

15 A THAT'S CORRECT.

16 Q AND WHAT FLOOR WERE YOU ON?

17 A TENTH FLOOR.

18 Q DID THEY HAVE -- WERE THEY THE ONLY TENANTS ON  
19 THE TENTH FLOOR OR WAS THERE SOME OTHER TYPE OF ARRANGEMENT  
20 UP THERE?

21 A NO. IT IS A FEGEN SUITE.

22 Q A FEGEN SUITE, SPELLED F-E-G-E-N?

23 A CORRECT.

24 Q A FEGEN SUITE IS A PARTICULAR TYPE OF OFFICE  
25 ACCOMMODATION?

26 A YEAH. IT IS A SETUP MAINLY FOR SOLE PRACTITIONERS  
27 OR SMALL OFFICES.

28 Q WHAT IS IT ABOUT A FEGEN SUITE THAT IS DIFFERENT

1 FROM OTHER OFFICES?

2 A WELL, HE SUPPLIES LIBRARIES, CENTRAL TELEPHONE  
3 ANSWERING, MAIL SLOTS, COMMON AREAS CONDUCIVE TO A LOT OF  
4 DIFFERENT PEOPLE, I SUPPOSE.

5 Q ALL RIGHT.

6 A AND A RECEPTIONIST.

7 Q JUST SO THE JURY CAN UNDERSTAND IT, SOLE  
8 PRACTITIONERS ARE PEOPLE ENGAGED IN PRACTICE WITHOUT PARTNERS  
9 OR ASSOCIATES, JUST PEOPLE BY THEMSELVES?

10 A USUALLY, YES.

11 Q AND USUALLY FOR SOLE PRACTITIONERS, IT IS DIFFICULT  
12 TO HAVE THE ACCOUTREMENTS AND ACCOMMODATIONS OF A LARGE LAW  
13 FIRM, RIGHT?

14 A THAT'S CORRECT.

15 Q SO THE FEGEN SUITES THEN PROVIDE THE SAME TYPES  
16 OF SERVICES THAT A LARGE LAW FIRM MIGHT HAVE WITH A LARGE,  
17 IMPRESSIVE RECEPTION AREA?

18 A THAT'S CORRECT.

19 Q TELEPHONE ANSWERING SERVICES?

20 A RIGHT.

21 Q MAIL SORTING?

22 A RIGHT.

23

24

25

26

27

28

1 Q REPRODUCTION OR A XEROX ROOM?

2 A CORRECT.

3 Q THINGS OF THAT SORT?

4 SO THAT FOR ONE PACKAGE OR ONE SUM, A SOLE  
5 PRACTITIONER GETS THE BENEFIT OF ALL OF THESE?

6 A ALL OF THE AMENITIES, RIGHT.

7 Q NOW, DID FITZGERALD, HORN & MORGANSTERN HAVE SPACE  
8 WITHIN THE FEGEN SUITE?

9 A YES.

10 Q AND WERE THEY MAINLY LAWYERS UP THERE OR LEGALLY  
11 RELATED TYPE TENANTS?

12 A IT IS MOSTLY LAWYERS USUALLY.

13 Q ALL RIGHT. DID YOU KNOW OR KNOW OF AT THAT  
14 TIME A PERSON NAMED RON LEVIN?

15 A YES, I DID.

16 Q DID MR. LEVIN HAVE AN OFFICE AT 9401 WILSHIRE  
17 BOULEVARD?

18 A YES, HE DID.

19 Q DID MR. LEVIN HAVE AN OFFICE AT THE FEGEN SUITE?

20 A YES.

21 Q AND DID MR. LEVIN HAVE -- DO YOU KNOW WHAT  
22 KIND OF BUSINESS HE WAS IN?

23 A NOT REALLY.

24 Q OKAY. HOW LONG DID YOU WORK IN THAT FEGEN  
25 SUITE AT 9401 WILSHIRE BOULEVARD?

26 A BETWEEN A YEAR AND A HALF AND TWO YEARS.

27 Q DURING THE TIME THAT YOU WORKED THERE, WAS  
28 MR. LEVIN THERE AS A TENANT IN THAT SUITE?

2

1 A YES.

2 Q AND COULD YOU DESCRIBE MR. LEVIN FOR THE LADIES  
3 AND GENTLEMEN OF THE JURY?

4 LET'S START WITH HIS HEIGHT, I WILL TAKE YOU  
5 THROUGH THIS, OKAY?

6 A OKAY, HE IS ABOUT SIX OR SIX-TWO. HE WAS ON  
7 THE SLIM SIDE.

8 THE COURT: HE WAS WHAT?

9 THE WITNESS: ON THE SLIM SIDE, PERHAPS, YOU KNOW,  
10 MAYBE 175, 180.

11 Q BY MR. CHIER: OKAY.

12 A PREMATURELY -- SOME PREMATURELY GRAY HAIR.  
13 HE MAKES A VERY NICE APPEARANCE.

14 Q WAS HE DISTINCTIVE LOOKING?

15 A HE WAS RATHER ON THE GOOD LOOKING SIDE.

16 Q AND WAS THERE ANYTHING DISTINCTIVE ABOUT THE  
17 WAY HE DRESSED, ANYTHING NOTICEABLE?

18 A HE DRESSED NICELY.

19 Q DID YOU SEE HIM IN BUSINESS CLOTHES OR CASUAL  
20 CLOTHES OR --

21 A WELL, I HAVE SEEN HIM IN BOTH.

22 MR. CHIER: I HAVE HERE A PEOPLE'S EXHIBIT NUMBER  
23 6, YOUR HONOR, AND I WANT TO APPROACH THE WITNESS IF I MIGHT.

24 THE COURT: YOU CAN EXHIBIT IT TO HER. SHE CAN SEE  
25 IT FROM THERE. SHOW IT TO HER.

26 Q BY MR. CHIER: DO YOU SEE THIS PERSON?

27 A YES.

28 Q WHO IS THAT?

1 A THAT IS RON LEVIN.

2 Q WHERE WOULD YOU SEE MR. LEVIN AT 9401 WILSHIRE  
3 BOULEVARD?

4 A USUALLY COMING THROUGH THE RECEPTION AREA TO  
5 THE PHONE, THE PHONE AREA TO PICK UP HIS MESSAGES, MAIL,  
6 ET CETERA.

7 SOMETIMES I WOULD SEE HIM EITHER LEAVING OR  
8 ENTERING THE GARAGE.

9 Q DID YOU EVER SEE HIM DRIVING A DISTINCTIVE  
10 TYPE OF AUTOMOBILE?

11 A YES. I HAVE SEEN HIM DRIVING A WHITE ROLLS  
12 ROYCE.  
13  
14  
15  
16  
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18  
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1 Q AT THE PARKING GARAGE FOR THE OFFICE?

2 A YES.

3 Q AND ARE THERE COMMON AREAS IN THE SO-CALLED  
4 FEGEN SUITES WHERE THE TENANTS COME TO EITHER FETCH THEIR  
5 MAIL OR THEIR MESSAGES OR SOMETHING LIKE THAT?

6 A YES, CORRECT.

7 Q AND DO THEY SOMETIMES TAKE THE PLACE OF THE  
8 OFFICE WATER COOLERS, SORT OF GOSSIP STATIONS AND WHAT HAVE  
9 YOU?

10 A IF YOU MEAN DO TENANTS AND SECRETARIES OFTEN  
11 VISIT IN THAT AREA, YES.

12 Q OKAY. AND WHAT FREQUENCY, OR ARE YOU ABLE  
13 TO SAY, ON WHAT AVERAGE YOU WOULD SEE MR. LEVIN IN THE OFFICE,  
14 ONCE A DAY OR TWICE A DAY?

15 A WELL, I DON'T KNOW THAT I SAW HIM EVERY DAY  
16 BUT YOU SEE SOMEONE ON THE AVERAGE OF EVERY DAY--

17 Q OKAY.

18 A - YES.

19 Q AT LEAST ONCE A DAY, SOMETIMES MORE?

20 A MORE THAN THAT, YES.

21 Q AND DID YOU EVER TALK TO MR. LEVIN ACTUALLY?

22 A NO, I NEVER ACTUALLY TALKED TO HIM.

23 HE IS ON THE QUIET, RESERVED SIDE.

24 Q WERE YOU EVER INTRODUCED TO HIM?

25 A NO.

26 BUT I HAVE BEEN IN THE PRESENCE OF THE PHONE  
27 GIRLS TALKING TO HIM AND, YOU KNOW, I JUST -- MAYBE I WAS  
28 IN THAT LOCATION WHEN THEY HAVE TALKED TO HIM.

1 Q AFTER A PERIOD OF TIME IN THE SAME OFFICE, YOU  
2 JUST BECAME AWARE OF WHO SOME OF THE OTHER TENANTS WERE  
3 WITHOUT ACTUALLY HAVING MET THEM OR BEING INTRODUCED?

4 A SURE, I KNEW EVERYONE.

5 Q HOW MANY TENANTS WERE THERE IN THAT SUITE?

6 A THAT IS HARD FOR ME TO SAY BECAUSE IT IS A  
7 WHOLE FLOOR.

8 Q OKAY, I MEAN BETWEEN 50 AND 75 OR BETWEEN 25  
9 AND 50?

10 A I WOULD SAY MORE LIKE MAYBE 30 TO 40.

11 Q NOW, THEY ALSO HAVE A LAW LIBRARY UP THERE  
12 IN THAT SUITE?

13 A YES.

14 Q AND WAS THAT ONE OF THE BIG ATTRACTIONS OF  
15 ONE OF THE FEGEN TYPE SUITES?

16 A YES.

17 Q WOULD YOU SAY THAT MR. LEVIN WAS ORDINARY LOOKING  
18 OR RATHER DISTINCTIVE LOOKING OVERALL?

19 A NO, HE IS VERY STRIKING IN APPEARANCE.

20 Q AND NOW LET ME ASK YOU THIS, MRS. WALLER, DO  
21 YOU SUBSCRIBE TO THE LOS ANGELES TIMES?

22 A NO.

23 Q HAVE YOU EVER RECEIVED THE LOS ANGELES TIMES  
24 IN THE LAST FIVE YEARS ON A REGULAR SUBSCRIPTION BASIS?

25 A NO.

26 Q DO YOU BUY THE LOS ANGELES TIMES ON ANY REGULAR  
27 BASIS?

28 A NO.

1 Q AND MAY I ASK WITH RESPECT TO THE HERALD EXAMINER?

2 A YES, I BOUGHT THE HERALD EXAMINER THROUGH FOOTBALL--  
3 SOMETIMES I PLAY THE PIGSKIN PICK'EM.

4 Q OTHER THAN THAT?

5 A NO.

6 Q DID YOU WIN?

7 A ONCE.

8 Q HOW ABOUT THE VALLEY PAPER, THE DAILY ENQUIRER?

9 A NO.

10 Q DO YOU RECEIVE ANY PERIODICALS?

11 A THE BUSINESS NEWSPAPER.

12 Q THE BUSINESS NEWSPAPER?

13 A THE INVESTOR'S DAILY.

14 Q THE INVESTOR'S DAILY?

15 A RIGHT.

16 Q IS THAT THE ONLY PAPER YOU RECEIVE ON A REGULAR  
17 SUBSCRIPTION BASIS?

18 A YES.

19 Q IS THAT THE ONLY PAPER YOU READ ON A REGULAR  
20 BASIS?

21 A THAT AND THE WALL STREET JOURNAL.

22 THE COURT: HOW ABOUT THE SANTA MONICA OUTLOOK, DO  
23 YOU EVER BUY THAT?

24 THE WITNESS: NO, SIR. I DON'T HAVE ACCESS TO THAT  
25 ONE.

26

27

28



1 Q THEY HAVE BEEN AT 9401 WILSHIRE FOR SOME PERIOD  
2 OF TIME?

3 A MANY YEARS.

4 Q PRIOR TO THE TIME THAT THIS FEGEN SUITE WAS  
5 OPERATIVE AT THAT PLACE -- RIGHT?

6 A CORRECT.

7 Q DID THEY ULTIMATELY EXPAND AND TAKE OVER THIS  
8 FEGEN SUITE AT SOME POINT IN TIME?

9 A YES THEY DID.

10 Q AND IS THAT WHERE KATHY HALL WAS EMPLOYED IN  
11 JANUARY OF THIS YEAR?

12 A NO. BROWN & WOODS IS LOCATED AT 4501 NORTH  
13 ROXBURY.

14 Q SORRY. THIS IS A SPIN-OFF OF A SMALLER --

15 A THAT'S CORRECT, OF ERVIN, COHEN, JESSOP.

16 Q SOME GROUP OF YOUNGER PARTNERS BOLTED AND FORMED  
17 THEIR OWN FIRM?

18 A YES, TWO YEARS AGO.

19 Q KATHY HALL WENT WITH THEM FROM THE BIG FIRM?

20 A RIGHT.

21 Q SHE BECAME THEIR OFFICE MANAGER IN THEIR LITTLE,  
22 SPIN-OFF FIRM?

23 A RIGHT.

24 Q DID YOU KNOW KATHY HALL?

25 A YES. I WORKED THERE.

26 Q ALL RIGHT. AND HOW LONG HAVE YOU KNOWN KATHY  
27 HALL?

28 A ONLY FOR THE PERIOD OF TIME THAT I WORKED THERE,

- 1

1 Q BY MR. CHIER: DO YOU EITHER BUY OR SUBSCRIBE  
2 TO ESQUIRE MAGAZINE?

3 A NO I DON'T.

4 Q NOW, DO YOU EVER WATCH TELEVISION?

5 A SURE.

6 Q WHAT PRIMARILY, DO YOU WATCH ON TELEVISION?

7 A BUSINESS-RELATED PROGRAMS, CHURCH PROGRAMS, A  
8 COUPLE OF SOAP OPERAS, SPECIAL MOVIES.

9 Q WHICH SOAP OPERAS DO YOU WATCH?

10 A DYNASTY, DALLAS, COLBYS.

11 Q OKAY. DO YOU WATCH THE STOCK MARKET REPORTS IN  
12 THE MORNING, EARLY?

13 A YES.

14 Q OKAY. NOW, DO YOU WATCH THE NEWS?

15 A I LIKE THE 7 O'CLOCK NEWS.

16 Q OKAY. NOW, LET'S CUT IF WE CAN FROM THE MIDDLE  
17 SEVENTIES WHEN YOU WERE WORKING AT THAT FEGEN SUITE AT  
18 9401 WILSHIRE BOULEVARD AND MOVE INTO 1987, AROUND THE MONTH  
19 OF JANUARY OR SO.

20 DO YOU HAVE A FRIEND WHOSE NAME IS KATHY HALL?

21 A SHE WAS THE OFFICE MANAGER, SECRETARY IN AN OFFICE  
22 WHERE I WAS WORKING.

23 Q AND THAT OFFICE WAS WHAT?

24 A BROWN & WOODS. THEY ARE A BREAK OFF OF ERVIN,  
25 COHEN & JESSOP, A LAW FIRM WHICH IS LOCATED AT 9401 WILSHIRE.

26 Q THERE IS A LAW FIRM CALLED ERVIN, E-R-V-I-N,  
27 COHEN & JESSOP?

28 A CORRECT.

1 WHICH WAS SEVEN OR EIGHT MONTHS.

2 Q AND IN THE EARLY PART OF THIS YEAR, DO YOU HAVE  
3 ANY WAY OF PLACING THE DATE THAT YOU HAD A CONVERSATION WITH  
4 KATHY HALL WHERE YOU WERE CHATTING WITH HER?

5 A I THINK IT WAS APPROXIMATELY IN JANUARY, AROUND  
6 THAT TIME. SHE AND I WERE TALKING ABOUT WHEN WE WORKED AT  
7 9401, EVEN THOUGH I DIDN'T KNOW HER.

8 BUT WE WERE TALKING ABOUT THE FACT THAT THEY TOOK  
9 OVER THE FEGEN SUITE. SHE ASKED ME IF I KNEW RON LEVIN. SHE  
10 SAID, "REMEMBER RON LEVIN?"

11 I SAID, "WELL, THE NAME RINGS A BELL. I CAN'T  
12 PLACE THE FACE AT THE MOMENT."

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1 THE COURT: YOU CAN'T PLACE WHAT?

2 THE WITNESS: "THE FACE AT THE MOMENT."

3 AND SHE SAID, "WELL, YOU KNOW HE IS MISSING AND  
4 THEY THINK HE WAS MURDERED."

5 AND I SAID, "NO. I DIDN'T KNOW THAT."

6 THAT WAS THE END OF THE CONVERSATION.

7 Q BY MR. CHIER: AND THEN STARTING AROUND FEBRUARY  
8 16 OF THIS YEAR, WERE YOU WORKING FOR A LAWYER AS A LEGAL  
9 SECRETARY?

10 A YES. I LEFT BROWN & WOOD ON FEBRUARY 16 AND I  
11 STARTED WORKING IN THE 10100 SANTA MONICA BUILDING, THE LAW  
12 OFFICES OF TOD HINDIN.

13 Q 10100 SANTA MONICA BUILDING IS -- THIS IS A  
14 26-STORY HIGHRISE IN CENTURY CITY?

15 A YES. I BELIEVE IT IS THE DEAUVILLE BUILDING.

16 Q THE DEAUVILLE BUILDING?

17 A YES.

18 Q IT FRONTS ON SANTA MONICA BOULEVARD?

19 A LITTLE SANTA MONICA, YES.

20 Q LOWER SANTA MONICA?

21 A LITTLE SANTA MONICA, YES.

22 Q AND THE 26TH FLOOR, IS THAT THE OFFICES OF AN  
23 ATTORNEY OR IS THIS ANOTHER FEGEN-TYPE SUITE?

24 A IT IS A FEGEN SUITE.

25 Q AND YOU WORKED FOR AN ATTORNEY FOR A SHORT PERIOD  
26 OF TIME THAT HAD OFFICES IN THAT FEGEN SUITE ON THE TOP FLOOR?

27 A THAT'S CORRECT.

28 Q AND IN THE PERIOD OF TIME THAT YOU WORKED IN THAT

1 SUITE FOR THAT ATTORNEY IN THE 10100 BUILDING, DID YOU EVER  
2 SEE RON LEVIN?

3 A YES I DID.

4 Q ARE YOU ABLE TO PLACE A DATE?

5 A I DON'T REMEMBER THE SPECIFIC DATE.

6 Q WAS IT 1987?

7 A YES BECAUSE I WORKED FOR MR. HINDIN BETWEEN  
8 FEBRUARY 16 AND MARCH 18.

9 Q AND WHERE DID YOU SEE MR. LEVIN?

10 A IN THE LOBBY OF THE BUILDING, NEAR THE SECURITY  
11 DESK.

12 Q AND WHAT WERE YOU DOING AND WHAT WAS HE DOING  
13 WHEN YOU SAW HIM?

14 A I WAS LEAVING THE OFFICE. HE WAS COMING IN FROM  
15 THE OUTSIDE AND HE WAS NEAR THE SECURITY DESK. HE WAS WALKING,  
16 FACING ME.

17 Q AND HOW LONG A TIME WERE YOU ABLE TO LOOK AT HIM?

18 A WELL, THE DISTANCE IS PROBABLY FROM ME TO YOU  
19 OR MAYBE A LITTLE MORE.

20 Q DID HE APPEAR TO BE --

21 MR. WAPNER: INDICATING ABOUT 12 FEET?

22 MR. CHIER: FIFTEEN FEET.

23 THE COURT: AT LEAST 20 FEET.

24 THE WITNESS: YEAH.

25 Q BY MR. CHIER: WAS HE ALONE OR DID HE APPEAR TO  
26 BE WITH OTHER PEOPLE?

27 A THERE WERE TWO YOUNGER GUYS WALKING -- I DON'T  
28 KNOW IF THEY WERE WITH HIM PER SE. BUT THEY WERE --

1 Q NEAR HIM?

2 A YES.

3 Q ALL RIGHT. WERE THEY CONSIDERABLY YOUNGER OR  
4 WERE THEY ADULT PEOPLE OR YOUNG ADULTS?

5 A YES. THEY WERE ADULTS.

6 Q ALL RIGHT. AND DID MR. LEVIN LOOK THE SAME AS  
7 HE HAD WHEN YOU HAD LAST SEEN HIM IN 9401 WILSHIRE?

8 A WITH THE EXCEPTION OF HE PUT ON MAYBE A FEW POUNDS,  
9 NOT A LOT.

10 Q HE PUT ON SOME WEIGHT?

11 A A LITTLE BIT, YES.

12 Q DID HE HAVE A BEARD OR --

13 A NO.

14 Q WAS HE CLEAN SHAVEN?

15 A HE WAS CLEAN SHAVEEN.

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1 Q AND WHEN YOU USED TO SEE HIM AT 9401 WILSHIRE,  
2 WAS HE BEARDED OR CLEAN-SHAVEN?

3 A HE WAS CLEAN-SHAVEN.

4 THE COURT: YOU MEAN WHEN YOU SAW HIM HE WAS CLEAN-  
5 SHAVEN AT THE BUILDING YOU USED TO WORK IN?

6 THE WITNESS: YES.

7 THE COURT: ALL RIGHT.

8 Q BY MR. CHIER: WHEN YOU SAW MR. LEVIN IN THE  
9 DEAUVILLE BUILDING IN THE SPRING OF THIS YEAR, DID YOU  
10 RECOGNIZE HIM IMMEDIATELY?

11 A THE FACE, YES.

12 Q ALL RIGHT. DID YOU RECOGNIZE THE FACE AND  
13 PUT IT TOGETHER WITH A NAME IMMEDIATELY?

14 A NOT AT THAT PRECISE MOMENT.

15 Q WHAT HAPPENED WHEN YOU SAW THIS FACE, WHAT  
16 WERE THE MENTAL PROCESSES THAT, YOU KNOW, TOOK PLACE IN  
17 YOUR MIND?

18 A I WAS TRYING TO FIGURE --

19 THE COURT: WHAT?

20 THE WITNESS: I WAS TRYING TO THINK, YOU KNOW, "I  
21 KNOW THIS PERSON, BUT FROM WHERE DO I KNOW HIM?"

22 AND THEN AS I WAS DRIVING HOME, IT ALL CAME  
23 TOGETHER.

24 Q BY MR. CHIER: SO WHEN YOU SAW THE PERSON  
25 YOU RECOGNIZED --

26 A OH, YES.

27 Q -- THE FACE?

28 A YES.

1 Q THE PERSON, BUT YOU COULDN'T PLACE THE NAME,  
2 RIGHT?

3 A RIGHT.

4 Q NOW WAS THIS OBSERVATION BEFORE OR AFTER YOU  
5 HAD THIS CONVERSATION WITH KATHY HALL?

6 A OH, THIS WAS AFTER.

7 Q OKAY, SO KATHY HALL HAD MENTIONED THIS TO YOU  
8 PRIOR TO THIS TIME?

9 A UH-HUH.

10 THE COURT REPORTER: IS THAT ANSWER YES?

11 THE WITNESS: YES.

12 Q BY MR. CHIER: THEN YOU SEE THIS PERSON AND  
13 WHILE DRIVING AWAY FROM THE BUILDING, IT ALL CAME TOGETHER  
14 FOR YOU?

15 A YES.

16 Q THAT THE PERSON YOU HAD JUST SEEN WAS RON LEVIN?

17 A THAT'S CORRECT.

18 Q WAS THERE ANY DOUBT IN YOUR MIND THAT IT WAS  
19 THE SAME PERSON THAT YOU HAD KNOWN FOR A YEAR AND A HALF  
20 OR A YEAR AT 9401 WILSHIRE BOULEVARD?

21 A NO.

22 Q NOW, YOU HAD JUST SEEN A PERSON WHO IS  
23 PURPORTEDLY DEAD, WHAT DID YOU DO? I ASSUME YOU DID SOMETHING  
24 OR AT LEAST THOUGHT ABOUT DOING SOMETHING.

25 A NO, I WAS THINKING "HE IS NOT DEAD. HE IS  
26 VERY MUCH ALIVE."

27 Q ALL RIGHT. DID YOU KNOW AT THE TIME THAT YOU  
28 SAW THIS PERSON THAT THERE WAS A TRIAL OF ANY KIND TAKING



3

1 PLACE ANYWHERE --

2 A NO, I DIDN'T.

3 Q -- IN THE WORLD, WHERE SOMEBODY WAS ACCUSED  
4 OF MURDERING RON LEVIN?

5 A NO, I DIDN'T.

6 Q AND DID SOMETHING OCCUR AFTER THIS OBSERVATION  
7 BY YOU WHICH GAVE YOU NOTICE OR KNOWLEDGE ABOUT THE EXISTENCE  
8 OF A TRIAL, AN ONGOING TRIAL?

9 A YES.

10 IT WAS A FEW DAYS LATER, TWO OR THREE OR FOUR  
11 DAYS LATER THAT I CAUGHT A BIT OF THE 6:30 NEWS AND THEY  
12 MENTIONED THE BILLIONAIRE BOYS CLUB TRIAL. THEY MENTIONED  
13 MR. HUNT'S NAME. THEY MENTIONED THAT HE WAS ACCUSED OF  
14 THE MURDER OF RON LEVIN AND THEY SHOWED A PICTURE OF RON  
15 LEVIN ON THE SCREEN, WHICH WAS A CLEAN-SHAVEN PICTURE OF  
16 HIM.

17 IT MENTIONED YOUR NAME AND I THOUGHT ABOUT  
18 IT FOR A FEW DAYS AS TO WHETHER OR NOT I WANTED TO CALL  
19 AND SAY I HAD SEEN HIM, AND I DID.

20 Q WHEN YOU SAY YOU THOUGHT ABOUT IT FOR A FEW  
21 DAYS, WERE YOU ATTEMPTING TO MAKE A DECISION ABOUT WHETHER  
22 TO GET INVOLVED OR NOT GET INVOLVED?

23 A EXACTLY.

24 Q AND DID YOU TALK TO ANY OTHER PEOPLE THAT YOU  
25 MIGHT HAVE KNOWN BY WAY OF SEEKING THEIR COUNSEL OR ADVICE AS TO  
26 WHAT TO DO IN A SITUATION LIKE THIS?

27 A I CALLED MY GIRLFRIEND AND I SAID, "YOU KNOW,  
28 CAROL, HERE IS WHAT HAPPENED, WHAT WOULD YOU DO?"

4

1                   AND SHE SAID, "WELL, I THINK YOU HAD BETTER  
2 MAKE THAT DECISION FOR YOURSELF, WHAT YOU ARE COMFORTABLE  
3 WITH."

4           Q           AND SO YOU ARE NOT SURE ON THE AMOUNT OF TIME  
5 LATER THAT YOU DID PICK UP THE PHONE AND TELEPHONE -- WAS  
6 IT MY OFFICE?

7           A           YES.

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1 THE WITNESS: YES.

2 Q BY MR. CHIER: AND YOU TOLD HIM, I ASSUME,  
3 ESSENTIALLY WHAT YOU TOLD US HERE TODAY?

4 A WHAT I TOLD YOU, YES.

5 Q MAY I HAVE JUST A MOMENT, PLEASE, YOUR HONOR?  
6 NOW AT THE TIME YOU WERE INTERVIEWED, WERE  
7 YOU TOLD THAT IT MAY HAVE BEEN A LITTLE LATE BECAUSE THE  
8 JURY WAS IN DELIBERATION?

9 A WELL, WHAT HE TOLD ME IS THAT THEY WERE IN  
10 THE FINAL STAGES OF THE ARGUMENT, I BELIEVE.

11 Q OKAY. SO THAT THE EVIDENCE HAD ALREADY --

12 A YES.

13 Q -- THE EVIDENCE WAS ALREADY IN IN THE CASE?

14 A THAT'S CORRECT.

15 Q ONE LAST QUESTION: YOU HAVE NEVER BEEN CONVICTED  
16 OF A FELONY, HAVE YOU, MRS. WALLER?

17 A NO, SIR.

18 Q EVER BEEN ARRESTED FOR ANYTHING?

19 A NO, SIR.

20 Q EVER TESTIFIED IN COURT BEFORE, OTHER THAN  
21 MAYBE IN YOUR OWN DOMESTIC MATTER?

22 A NO.

23 MR. CHIER: ALL RIGHT, I HAVE NO FURTHER QUESTIONS.

24 THE COURT: ALL RIGHT, MR. WAPNER.

25 MR. WAPNER: THANK YOU.  
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CROSS-EXAMINATION

BY MR. WAPNER:

Q HAVE YOU SEEN SOMEONE YOU THOUGHT WAS ONE PERSON  
AND IT TURNED OUT TO BE SOMEBODY ELSE?

A NOT THAT I RECALL.

Q HAVE YOU EVER MADE A MISTAKE IN IDENTIFYING  
SOMEONE?

A NO.

1 Q DID YOU EVER GO TO A RESTAURANT AND HAVE -- STRIKE  
2 THAT.

3 THE LAST DAY THAT YOU WERE EMPLOYED BY MR. HINDIN  
4 WAS MARCH THE 18TH?

5 A THAT'S CORRECT.

6 Q HOW LONG BEFORE MARCH THE 18TH WAS IT THAT YOU  
7 SAW THIS PERSON YOU BELIEVED TO BE MR. LEVIN IN THE LOBBY  
8 OF THE BUILDING WHERE YOU WERE WORKING?

9 A SIR, I CAN'T GIVE YOU AN EXACT DATE.

10 Q JUST TELL ME IN DAYS, WEEKS OR MONTHS.

11 A I CAN'T REALLY EVEN TELL YOU THAT. I WILL TELL  
12 YOU WHY. I WAS WORKING -- I HAD ONLY TWO DAYS OFF DURING  
13 THAT MONTH. I WAS WORKING VERY LONG HOURS. YOU GET A LITTLE --  
14 I MEAN, ALL OF THE DAYS RUN TOGETHER.

15 Q WHAT TIME -- WHEN YOU SAY THAT YOU WERE WORKING  
16 LONG HOURS, WHAT WERE THE HOURS THAT YOU WERE WORKING?

17 A USUALLY WEEKDAYS, MAYBE TEN-HOUR DAYS, SOMETIMES  
18 12-HOUR DAYS.

19 Q WAS IT AT THE END OF ONE OF THOSE DAYS THAT YOU  
20 SAW THIS PERSON THAT YOU BELIEVED TO BE RON LEVIN?

21 A NO. IT WAS A WEEKEND DAY.

22 Q IT WAS A WEEKEND DAY?

23 A THAT'S CORRECT.

24 Q WERE YOU LEAVING THE BUILDING TO GO HOME?

25 A THAT'S CORRECT.

26 Q WHAT TIME OF THE DAY OR NIGHT WAS IT?

27 A LATE AFTERNOON. BY THAT, APPROXIMATELY 4:00 TO  
28 6:00, SOMETHING IN BETWEEN.

2  
1 Q CAN ANYONE GO INTO THE BUILDING ON WEEKENDS?

2 A ONLY IF YOU SHOW IDENTIFICATION AND SIGN IN.

3 Q SO THAT IF THIS PERSON -- DOES THAT INCLUDE PEOPLE  
4 WHO WORK THERE?

5 A YES.

6 Q AND THIS PERSON YOU SAW, WAS HE ENTERING THE  
7 BUILDING?

8 A YES.

9 Q DID HE IN FACT, ENTER THE BUILDING AS FAR AS YOU  
10 KNOW?

11 A WELL, HE WAS ALREADY IN THE BUILDING. I MEAN,  
12 HE WAS IN THE LOBBY OF THE BUILDING.

13 Q HE WAS TALKING TO THE SECURITY GUARD?

14 A HE WAS NOT TALKING TO HIM, YET.

15 Q WAS HE STANDING AT THE DESK?

16 A NO. HE WAS WALKING AWAY FROM THE DESK.

17 Q DID YOU SAY BEFORE THAT YOU SAW HIM AT THE  
18 SECURITY GUARD'S DESK?

19 A DID I SAY I SAW HIM AT THE DESK?

20 Q YES.

21 A HE WAS IN THAT VICINITY, YES.

22 Q WHEN HE WAS WALKING, HE WAS WALKING AWAY FROM  
23 THE DESK TOWARDS --

24 A YES.

25 Q TOWARD GOING INTO THE BUILDING?

26 A YES, TOWARD THE ELEVATOR BANKS OR THE ESCALATORS.

27 Q WOULD THAT LEAD YOU TO BELIEVE THAT HE HAD THEN  
28 SIGNED INTO THE BUILDING?

3  
1 A I WOULD CERTAINLY THINK SO.

2 Q AND DID HE APPEAR TO BE DISGUIISING HIMSELF IN  
3 ANY WAY?

4 A NO.

5 Q DID HE APPEAR TO BE TRYING TO CONCEAL HIS IDENTITY?

6 A SIR, HE WAS ONLY WALKING TOWARD ME. I CAN'T GIVE  
7 YOU A YES OR NO ON THAT.

8 Q HE DIDN'T HAVE ANYTHING PULLED UP OVER HIS FACE,  
9 DID HE?

10 A NO.

11 Q WHEN YOU SAW HIM WALKING BESIDE THOSE OTHER TWO  
12 PEOPLE, HOW MANY OTHER PEOPLE WERE IN THE AREA?

13 A NO ONE BUT THE SECURITY GUARD.  
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1 Q AT THE TIME THAT HE WAS WALKING, YOU WERE WALKING  
2 TOWARD EACH OTHER?

3 A YES.

4 Q SO WHEN YOU FIRST NOTICED HIM, HE WAS 20 FEET  
5 AWAY FROM YOU?

6 A APPROXIMATELY, YES.

7 Q AND WERE YOU WALKING AT THE PACE THAT YOU NORMALLY  
8 WALKED AT?

9 A SURE.

10 Q DID HE APPEAR TO BE WALKING IN A NORMAL, WALKING  
11 PACE?

12 A YES.

13 Q AND DID YOU CONTINUE TO WALK TOWARD EACH OTHER  
14 AND THEN PASS EACH OTHER?

15 A YES.

16 Q WOULD IT BE FAIR TO SAY THAT FROM THIS DISTANCE  
17 OF 20 FEET AWAY, THAT YOU WALKED APPROXIMATELY TEN FEET AND  
18 HE WALKED APPROXIMATELY TEN FEET UNTIL YOU PASSED?

19 A I GUESS. MAYBE HE WALKS FASTER THAN I DO.

20 Q ALL RIGHT. BUT THE IDEA IS THAT YOU PASSED EACH  
21 OTHER SOMEWHERE AROUND THE MIDPOINT?

22 A RIGHT, THAT'S CORRECT.

23 Q HOW MUCH TIME DO YOU THINK IT WAS THAT PASSED  
24 FROM THE TIME THAT YOU FIRST SAW HIM 20 FEET AWAY UNTIL YOU  
25 PASSED HIM SOMEWHERE IN THE MIDDLE OF THE 20-FOOT SPAN?

26 A I DON'T KNOW. A FEW SECONDS, PERHAPS. SEVERAL  
27 SECONDS.

28 Q TWO, THREE, FOUR?



1           A       NO, MORE THAN THAT.

2           Q       ALL RIGHT.  HOW LONG DO YOU THINK IT WOULD TAKE  
3 YOU TO WALK TEN FEET?

4           A       I DON'T KNOW, SIR.

5           Q       BUT IT WOULD BE A FACT, WHAT YOU SAID BEFORE,  
6 WAS THAT YOU USED THE STANDARD OF WHERE MR. CHIER WAS STANDING  
7 AND WHERE YOU WERE SITTING, CORRECT?

8           A       THAT'S CORRECT.

9           Q       THAT WAS THE DISTANCE THAT SEPARATED THE TWO OF  
10 YOU WHEN YOU SAW HIM, THIS PERSON, CORRECT?

11          A       THAT'S RIGHT.

12          Q       ALL RIGHT.  SO THEN IF YOU WALKED AT A NORMAL  
13 PACE, YOU WOULD PASS HIM SOMEWHERE AT THE MIDPOINT BETWEEN  
14 WHERE MR. CHIER WAS AND WHERE YOU WERE, RIGHT?

15          A       YES.

16          Q       DID THE PACE THAT I JUST WALKED AT, APPROXIMATE  
17 GENERALLY SPEAKING, THE PACE THAT YOU WERE WALKING AT?

18          A       I THINK SO.

19          Q       SO, IT WOULD BE FAIR TO SAY THAT IT WAS MAYBE  
20 A FEW SECONDS THAT YOU HAD THE OPPORTUNITY TO SEE THIS PERSON?

21          A       THAT'S RIGHT.

22          Q       NOW, LET'S TALK ABOUT THE OPPORTUNITIES THAT YOU  
23 HAD TO SEE THIS PERSON DURING THE TIME THAT YOU WORKED AT  
24 THE LAW FIRM.

25                   FIRST OF ALL, YOU DIDN'T WORK FOR MR. LEVIN, DID  
26 YOU?

27          A       NO, SIR.

28          Q       WERE YOU WORKING FOR THE FEGEN SUITE OR FOR THIS

1 LAW FIRM OF FITZGERALD, HORN AND MORGANSTERN?

2 A I WORKED FOR FITZGERALD, HORN AND MORGANSTERN,  
3 FOR GERSON HORN.

4 Q DID YOU WORK IN THE COMMON AREAS OR ROOMS OR OFFICES  
5 RENTED BY THE LAW FIRM?

6 A IN SECRETARIAL SPACES.

7 Q AND DID MR. LEVIN EMPLOY A SECRETARY, TO YOUR  
8 KNOWLEDGE?

9 A I DON'T THINK SO.

10 Q YOU NEVER ACTUALLY SPOKE TO HIM?

11 A I DON'T RECALL EVER TALKING TO HIM, NO.

12 Q THE REASON FOR THAT WAS WHAT?

13 A WELL, I DON'T KNOW THE REASON FOR IT, PERHAPS.  
14 BUT, HE IS A BIT SHY AND RESERVED. HE WAS NOT  
15 THAT OUTGOING.

16 Q BUT HE TALKED TO ALL THE RECEPTIONISTS AND PHONE  
17 PEOPLE, DIDN'T HE?

18 A WELL, WHEN HE WOULD COME IN FOR MESSAGES AND THE  
19 MAIL, HE WOULD SAY GOOD MORNING OR WHATEVER,

20 Q DID YOU EVER SEE HIM LINGER IN THAT AREA?

21 A NO, NOT REALLY.

22 Q WHAT IS THE LONGEST PERIOD OF TIME IN ANY ONE  
23 SPAN THAT YOU THINK YOU SAW THIS PERSON OR HIS FACE DURING  
24 THE TIME THAT YOU WORKED IN THIS BUILDING?

25 A I DON'T KNOW. HE WOULD JUST WALK THROUGH THE  
26 LOBBY, YOU KNOW, COMING AND GOING.

27 Q DID ANYBODY MENTION HIM TO YOU AT THIS PARTICULAR  
28 TIME, DURING THE TIME YOU WERE WORKING THERE?

1           A       NO.

2           Q       HOW DID YOU KNOW HIS NAME?

3           A       HOW DID I KNOW HIS NAME? YOU GET TO KNOW EVERYONE'S  
4 NAME BY THE PROCESS OF SEEING THEM ALL OF THE TIME AND OTHER  
5 PEOPLE TALKING TO THEM.

6           Q       DO YOU KNOW HOW YOU FOUND OUT HIS NAME?

7           A       NO, SIR. I DON'T REMEMBER.

8           Q       WHEN DID YOU DISCUSS -- DID YOU DISCUSS THIS CASE  
9 WITH MR. CHIER AND MR. BARENS BEFORE YOU CAME TO COURT TODAY?

10          A       I SPOKE TO MR. CHIER LAST NIGHT, BRIEFLY.

11          Q       DURING THE TIME THAT YOU WERE READING THE HERALD  
12 EXAMINER, IT WAS THE ENTIRE FOOTBALL SEASON?

13          A       THIS PAST SEASON, I DID NOT PLAY AT ALL. I ONLY  
14 PLAYED IT A FEW TIMES. THE YEAR BEFORE, I PLAYED IT EVERY  
15 WEEK.

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1 Q THIS PAST FOOTBALL SEASON, OR THE FOOTBALL  
2 SEASON GOES GENERALLY THROUGH THE FALL AND PAST THE FIRST  
3 OF THE YEAR?

4 A USUALLY AUGUST TO THE END OF THE YEAR.

5 Q WERE YOU READING THE HERALD EXAMINER DURING  
6 THAT TIME?

7 A OH, SIR, I DIDN'T READ THE PAPER.

8 I JUST TOOK THE SPORTS SECTION OUT OF IT.

9 Q AND WHAT 7:00 O'CLOCK NEWS IS IT THAT YOU NORMALLY  
10 WATCH? IS THAT 7:00 O'CLOCK IN THE EVENING, FIRST OF  
11 ALL?

12 A THAT IS WORLD NEWS, YES.

13 Q WHICH WORLD NEWS IS IT?

14 A ABC.

15 Q DO YOU WATCH THAT FAIRLY REGULARLY?

16 A I TRY TO EVERY DAY.

17 Q AND HOW LONG HAVE YOU BEEN WATCHING THE ABC  
18 WORLD NEWS FAIRLY REGULARLY OR EVERY DAY?

19 A FOR QUITE A WHILE.

20 Q WHAT 6:30 NEWS BROADCAST WAS IT THAT YOU HAPPENED  
21 TO SEE THIS CASE MENTIONED ON?

22 A JERRY DUNPHY.

23 Q HOW OFTEN DO YOU WATCH THAT?

24 A NOT VERY OFTEN BECAUSE I WORK UNTIL 6:00. I  
25 DON'T GET HOME IN TIME.

26 Q WHERE IS IT THAT YOU WORK NOW?

27 A I AM WORKING AT SIDLEY & AUSTIN.

28 Q WHERE IS IT LOCATED, THOUGH?

2

1           A           IT IS AT 2049 CENTURY PARK EAST.

2           Q           WHAT PART OF TOWN DO YOU LIVE IN?

3           A           I LIVE NEAR THE HOLLYWOOD BOWL IN THE HILLS.

4           Q           WHAT WAS THE NATURE OF THE CONVERSATION THAT  
5 YOU HAD WITH THIS FORMER OFFICE MANAGER AT THE LAW FIRM,  
6 WITH KATHY HALL, WHAT WAS THE CONVERSATION YOU HAD WITH  
7 HER?

8           A           I CAN'T REMEMBER WHAT WE WERE TALKING ABOUT.  
9 JUST GENERAL CONVERSATION. AND SHE HAPPENED TO MENTION  
10 THE FACT, THAT IS WHAT I TOLD YOU BEFORE.

11          Q           WHAT DID SHE SAY?

12          A           WELL, SHE SAID THAT ERVIN, COHEN & JESSOP TOOK  
13 OVER THE TENTH FLOOR AND THEN I SAID, "WELL, GEE, THE FEGEN  
14 SUITE, THAT IS WHERE WE WERE."

15                    AND SHE SAID, "YES, AND I DON'T KNOW WHEN THEY  
16 TOOK IT OVER."

17                    SHE SAID, "BUT REMEMBER RON LEVIN?"

18                    AND I SAID, "THE NAME RINGS A BELL. I CAN'T  
19 PLACE THE FACE RIGHT OFF."

20           THE COURT: YOU CAN'T PLACE THE FACE, IS THAT WHAT  
21 YOU SAID?

22           THE WITNESS: YES.

23           MR. WAPNER: YOU DIDN'T HAVE A FACE THEN TO ASSOCIATE  
24 WITH THAT NAME AT THAT TIME?

25           THE WITNESS: WELL, NOT AT THAT PARTICULAR MOMENT,  
26 THAT IS CORRECT.

27           Q           BY MR. WAPNER: WHAT WAS YOUR RECOLLECTION  
28 OF -- WHEN SHE SAID, "REMEMBER RON LEVIN," WHAT WAS YOUR

1 RECOLLECTION OF HIM, IF ANY?

2 A AT THAT MOMENT?

3 Q AT THAT MOMENT.

4 A NOTHING MORE THAN THE NAME RINGS A BELL.

5 Q WHAT DID SHE SAY AFTER THAT?

6 A SHE SAID, "WELL, YOU KNOW, HE IS MISSING AND  
7 THEY THINK HE WAS MURDERED."

8 Q AND WHAT DID YOU SAY?

9 A I SAID, "OH."

10 Q DID SHE SAY HOW THEY THOUGHT HE WAS MURDERED?

11 A NO, WE DID NOT DISCUSS IT ANY FURTHER.

12 Q YOU JUST SAID, "OH."

13 A THAT'S RIGHT.

14 Q THIS WAS SOMEBODY SHE TOLD YOU ABOUT THAT YOU  
15 KNEW, OR AT LEAST HAD SOME ACQUAINTANCE WITH THAT SHE SAID  
16 WAS MURDERED AND YOUR REACTION WAS "OH"?

17 MR. CHIER: OBJECTION. ARGUMENTATIVE AND ASKED AND  
18 ANSWERED.

19 THE COURT: YOU MAY PROCEED.

20 Q BY MR. WAPNER: WEREN'T YOU THE LEAST BIT  
21 UPSET --

22 A NO.

23 Q -- BY THAT?

24 A NO.

25 I WOULD FEEL BADLY THAT SOMEONE I KNEW HAD  
26 BEEN MURDERED BUT AT THAT TIME, WE DIDN'T SAY ANYTHING MORE  
27 ABOUT IT.

28 WE WENT ON TO DISCUSS SOMETHING ELSE.

1 Q AFTER SHE TOLD YOU THAT, DID YOU EVER READ  
2 ANYTHING ABOUT IT IN THE NEWSPAPERS?

3 A NO, I DIDN'T.

4 Q WHEN YOU READ THE WALL STREET JOURNAL, DO YOU  
5 READ IT COVER TO COVER?

6 A USUALLY.

7 Q DO YOU MAKE A PRACTICE OF DOING THAT ON A DAILY  
8 BASIS?

9 A I TRY TO. I DON'T ALWAYS GET TO READ IT EVERY  
10 DAY.

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1 Q DID YOU SEE ANYTHING IN THE WALL STREET JOURNAL  
2 ABOUT THIS CASE?

3 A NO, SIR.

4 Q DID YOU EVER SEE ANYTHING ON THE ABC 7:00  
5 O'CLOCK NATIONAL NEWS ABOUT THIS CASE?

6 A NO, I DIDN'T.

7 Q AND THE DATE THAT YOU HAPPENED TO SEE THE 6:30  
8 NEWS, HOW WAS IT THAT YOU HAPPENED TO GET HOME IN TIME TO  
9 SEE THE NEWS ON THAT PARTICULAR DAY?

10 A I THINK THAT IS AN EVENING THAT I GOT OUT OF  
11 THE OFFICE A BIT EARLY.

12 THE COURT: YOU GOT WHAT?

13 THE WITNESS: I GOT OUT OF THE OFFICE A LITTLE EARLIER.

14 Q BY MR. WAPNER: HOW MUCH IS A LITTLE EARLIER?

15 A WELL, IF YOU WERE CONSIDERING THAT I WAS WORKING  
16 7:30 TO 8:30, SOMETIMES 9:00 O'CLOCK, AS I RECALL, THIS  
17 DAY I GOT OUT ABOUT 6:00 OR MAYBE EARLIER.

18 Q HOW OFTEN DID YOU GET OUT ABOUT 6:00?

19 A AS I REMEMBER, ONCE OR TWICE.

20 Q SO YOU NORMALLY WORKED UNTIL 8:30 AT NIGHT?

21 A THIS WAS DURING THE TIME I WAS WORKING FOR  
22 MR. HINDIN, YES, AND EVEN LATER THAN THAT SOMETIMES.

23 Q BUT IT WAS AFTER YOU WORKED FOR MR. HINDIN  
24 THAT YOU SAW THIS BROADCAST, RIGHT?

25 A NO, SIR. IT WAS DURING THAT TIME.

26 Q HOW LONG BEFORE YOU LEFT MR. HINDIN'S EMPLOY  
27 DID YOU SEE THE NEWS BROADCAST?

28 A HOW LONG BEFORE?



1 Q RIGHT.

2 A SIR, I DON'T RECALL EXACTLY.

3 I ONLY WORKED FOR HIM FOR A MONTH.

4 Q AND YOU FINISHED YOUR EMPLOY FOR HIM ON MARCH  
5 18TH?

6 A THAT'S CORRECT.

7 Q WERE YOU STILL IN HIS EMPLOY AT THE TIME YOU  
8 MADE THE DECISION TO TALK TO SOMEBODY ABOUT THIS?

9 A NO.

10 AS A MATTER OF FACT, WHEN I CALLED MR. CHIER'S  
11 OFFICE, I WAS WORKING AT SIDLEY & AUSTIN.

12 Q HOW LONG HAD YOU BEEN WORKING AT SIDLEY & AUSTIN?

13 A JUST A SHORT TIME.

14 Q WHEN DID YOU START WORKING THERE?

15 A I STARTED THERE THE NEXT WORKING DAY FOLLOWING  
16 MARCH 18TH -- NO, THAT IS NOT CORRECT.

17 I LEFT MR. HINDIN'S OFFICE ON, I THINK, A WEDNESDAY  
18 AND I STARTED AT SIDLEY & AUSTIN THE MONDAY.

19 Q WHAT WAS THE REASON YOU LEFT MR. HINDIN'S OFFICE?

20 A THE PRESSURE AND THE HOURS.

21 Q WHAT IS HIS FULL NAME?

22 A TOD HINDIN.

23 Q WHEN YOU LEFT HIS OFFICE WHERE YOU WERE WORKING,  
24 YOU STARTING WORKING WHERE?

25 A AT SIDLEY & AUSTIN.

26 Q WHAT WERE YOUR HOURS THERE?

27 A MY HOURS THERE ARE 9:00 TO 5:00.

28 Q WHAT IS THE NAME OF THAT BUILDING THAT YOU

1 WERE WORKING AT WHERE YOU SUPPOSEDLY SAW SOMEONE THAT LOOKED  
2 LIKE MR. LEVIN?

3 A THE DEAUVILLE.

4 I THINK IT WAS ORIGINALLY THE TICOR BUILDING.  
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1 Q AND DO YOU RECALL WHAT DAY THAT WAS?

2 A I DON'T RECALL WHAT DAY I CALLED YOUR OFFICE.

3 Q WOULD IT REFRESH YOUR RECOLLECTION IF I TOLD  
4 YOU IT WAS A FRIDAY?

5 A IT COULD HAVE BEEN.

6 Q OKAY. WERE YOU CONTACTED BY AN INVESTIGATOR --

7 A YES.

8 Q -- AFTER THAT?

9 A YES.

10 Q WERE YOU TELEPHONED BY AN INVESTIGATOR?

11 A THAT'S RIGHT.

12 Q DID THE INVESTIGATOR MAKE AN APPOINTMENT TO  
13 INTERVIEW YOU?

14 A YES.

15 Q AND DID THE INVESTIGATOR, WHO INITIALLY CALLED  
16 YOU, ACTUALLY SHOW UP?

17 A NO. MR. LEE PHONED ME FIRST AND WE MADE AN  
18 APPOINTMENT AND THEN A COUPLE OF DAYS BEFORE THE APPOINTMENT,  
19 SOMEONE ELSE CALLED ME AND SAID THAT HE WANTED TO INTERVIEW  
20 ME THE NEXT DAY AND I SAID, "BUT I HAVE AN APPOINTMENT,"  
21 BUT IN ESSENCE, I MET WITH HIM.

22 Q WERE YOU TOLD THERE WAS SOME URGENCY TO THE  
23 MATTER AND THE THING COULDN'T WAIT?

24 A HE SAID, "I THINK THEY WANT ME TO TALK TO YOU  
25 RIGHT AWAY" SO I MET WITH HIM.

26 Q THEN I TAKE IT, YOU MET WITH THIS INVESTIGATOR?

27 A UH-HUH.

28 THE COURT REPORTER: IS THAT ANSWER YES?

Δ-1  
1 Q WHAT IS THE ADDRESS?

2 A 10100 SANTA MONICA BOULEVARD.

3 Q DO YOU KNOW WHETHER YOU SAW THIS PERSON RESEMBLING  
4 MR. LEVIN EITHER AT THE BEGINNING OR THE END OF YOUR TENURE --

5 MR. CHIER: OBJECTION. THE WITNESS TESTIFIED THAT SHE  
6 SAW MR. LEVIN, NOT --

7 THE COURT: OVERRULED. THIS IS CROSS-EXAMINATION. GIVE  
8 HIM AN OPPORTUNITY TO --

9 THE WITNESS: SORRY.

10 Q BY MR. WAPNER: YOU WORKED FOR MR. HINDIN FOR  
11 ONE MONTH?

12 A THAT'S CORRECT.

13 Q THEN THIS PERSON THAT YOU SAW IN THE LOBBY, DID  
14 YOU SEE HIM AT THE BEGINNING OF THAT MONTH, THE MIDDLE OF  
15 THAT MONTH OR THE END OF THAT MONTH?

16 A IT WOULD HAVE TO BE SOMEWHERE BETWEEN THE MIDDLE  
17 AND THE END, I THINK. I CANNOT PINPOINT THE DATE.

18 Q SO, SOMEWHERE BETWEEN THE BEGINNING OF MARCH AND  
19 MARCH 18, WOULD THAT BE FAIR TO SAY?

20 A APPROXIMATELY, YES.

21 Q ALL RIGHT. DO YOU HAVE ANY IDEA HOW LONG IT WAS  
22 THAT YOU WAITED BEFORE TELEPHONING SOMEBODY ABOUT THIS?

23 A I THOUGHT ABOUT IT FOR PROBABLY THREE OR FOUR  
24 DAYS.

25 Q AND THEN YOU CALLED MR. CHIER'S OFFICE?

26 A YES I DID.

27 Q NOW, YOU WERE PRETTY CLEAR IN YOUR MIND AT THAT  
28 TIME, THAT KATHY HALL HAD SAID THAT THIS PERSON THAT YOU SAW

4-2  
1 HAD BEEN MURDERED, RIGHT?

2 A SHE HAD TOLD ME THAT, CORRECT.

3 Q DID YOU THINK TO CALL THE POLICE?

4 A NO.

5 Q WHY NOT?

6 A I DON'T KNOW. I JUST WOULDN'T.

7 Q WHY WOULDN'T YOU?

8 A BECAUSE -- I DON'T KNOW WHY NOT.

9 Q CAN YOU THINK OF ANY REASON NOT TO CALL THE POLICE?

10 MR. CHIER: OBJECTION, ARGUMENTATIVE.

11 THE WITNESS: I CAN'T THINK WHY I WOULD CALL THE POLICE.

12 Q BY MR. WAPNER: DID YOU AFTER YOU TALKED TO --  
13 WELL, HAVE YOU EVER TALKED TO OR MET ME BEFORE YOU CAME INTO  
14 COURT TODAY?

15 A NO.

16 Q DO YOU KNOW DETECTIVE ZOELLER, SITTING TO MY FAR  
17 RIGHT AT THE COUNSEL TABLE IN THE BEIGE JACKET, FROM THE BEVERLY  
18 HILLS POLICE DEPARTMENT?

19 A NO.

20 Q HAVE YOU EVER TALKED TO HIM ABOUT THIS CASE?

21 A NO.

22 Q HAVE YOU EVER TALKED TO ANYONE FROM THE BEVERLY  
23 HILLS POLICE DEPARTMENT ABOUT THIS CASE?

24 A NO.

25 Q DID YOU TALK TO AN INVESTIGATOR FROM MR. BARENS'  
26 OR MR. CHIER'S OFFICE?

27 A CORRECT.

28 Q AND DID THEY SUGGEST THAT AFTER, YOU TALK

A-3

1 TO THE POLICE?

2 A NO.

3 Q DID THEY TELL YOU NOT TO?

4 A NO.

5 Q DID MR. CHIER OR MR. BARENS TELL YOU NOT TO GO  
6 TO THE POLICE?

7 A NO.

8 Q AND EVEN AFTER TALKING TO THEM, AFTER YOU TALKED  
9 TO THEM, DID YOU REALIZE THAT SOMEONE WAS BEING PROSECUTED  
10 FOR MR. LEVIN'S MURDER?

11 A SIR, I KNEW THAT WHEN I SAW THE BIT ON THE 6:30  
12 NEWS.

13 Q WAS THAT BEFORE OR AFTER YOU CALLED MR. CHIER'S  
14 OFFICE?

15 A IT WAS BEFORE I CALLED MR. CHIER'S OFFICE.  
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1 Q AND WAS THAT WITHIN THIS SAME THREE OR FOUR DAYS  
2 AFTER SEEING THE PERSON?

3 A FROM THE TIME THAT I SAW HIM, IT WAS A FEW DAYS  
4 UNTIL I SAW THE NEWSCAST AND THEN I THOUGHT ABOUT IT FOR THREE  
5 OR FOUR DAYS AND THEN I RANG MR. CHIER'S OFFICE.

6 Q SO, WOULD IT BE FAIR TO SAY THAT THERE WAS ABOUT  
7 A WEEK THAT PASSED BETWEEN THE TIME THAT YOU SAW THIS PERSON  
8 AND THE TIME THAT YOU FINALLY TALKED TO MR. CHIER'S OFFICE?

9 A APPROXIMATELY, YES.

10 Q ONCE YOU TALKED TO MR. CHIER'S OFFICE, DID YOU  
11 REALIZE THAT THERE WAS A PROSECUTION IN PROGRESS FOR SOMEONE  
12 WHO WAS CHARGED WITH MURDERING MR. LEVIN?

13 A THAT IS WHY I PHONED MR. CHIER'S OFFICE.

14 Q YOU REALIZED THEN, AS SOON AS YOU SAW THE BROADCAST  
15 ON THE TELEVISION?

16 A THAT'S CORRECT.

17 Q YOU NEVER DID CALL THE POLICE?

18 A NO I DIDN'T.

19 Q WHAT ARE YOUR SOURCES OF NEWS INFORMATION OTHER  
20 THAN THE 7 O'CLOCK NEWS AND THE WALL STREET JOURNAL?

21 A AND THE INVESTOR'S DAILY AND I WATCH BUSINESS  
22 WORLD ON TV. I WATCH WALL STREET JOURNAL REPORT. I WATCH  
23 MR. KERAULT ON SUNDAY MORNINGS. ASIDE FROM THAT, NONE.

24 Q WERE YOU EVER ASKED BY MR. BARENS OR MR. CHIER  
25 OR THEIR INVESTIGATORS, TO GET IN TOUCH WITH THE POLICE  
26 DEPARTMENT?

27 A NO.

28 Q WERE YOU EVER ASKED BY THEM TO GET IN TOUCH WITH

1 THE DISTRICT ATTORNEY'S OFFICE?

2 A NO.

3 Q DID YOU EVER READ USA TODAY?

4 A NO.

5 Q HOW LONG DID YOU REMAIN AT THE LAW FIRM IN THE  
6 FEGEN SUITE WHERE YOU HAD WORKED WITH MR. LEVIN?

7 A BETWEEN A YEAR AND A HALF AND TWO YEARS.

8 Q WHAT YEAR WAS IT THAT YOU LEFT THERE?

9 A I DON'T REMEMBER EXACTLY.

10 Q CAN YOU GIVE US AN APPROXIMATE YEAR?

11 A IT WAS THE MID-SEVENTIES.

12 THE COURT: LET ME UNDERSTAND. BETWEEN THE MID-SEVENTIES  
13 WAS THE LAST TIME YOU SAW MR. LEVIN UNTIL 1987, IS THAT IT?

14 THE WITNESS: THAT'S CORRECT.

15 Q BY MR. WAPNER: AND HAVE YOU BEEN WORKING IN  
16 BEVERLY HILLS AND THE CENTURY CITY AREA ALL THAT TIME FROM  
17 THE MID-SEVENTIES UNTIL THE PRESENT?

18 A YES I HAVE.

19 Q THE GIRLFRIEND WHOSE NAME -- WHO YOU TALKED TO,  
20 WHAT WAS HER NAME? THE GIRLFRIEND THAT YOU TALKED TO ABOUT  
21 WHETHER YOU SHOULD COME FORWARD, WAS WHO?

22 THE COURT: KATHERINE HALL. SHE ALREADY TOLD US TWICE.

23 MR. WAPNER: NO. NOT KATHERINE HALL.

24 THE WITNESS: RIGHT. MY GIRLFRIEND IS CAROL EDISON.

25 Q BY MR. WAPNER: CAROL EDISON?

26 A THAT'S CORRECT.

27 Q IS SHE EMPLOYED?

28 A YES.



1 Q WHERE DOES SHE WORK?

2 MR. CHIER: OBJECTION, YOUR HONOR. IRRELEVANT.

3 THE COURT: OVERRULED.

4 MR. CHIER: PEOPLE ARE ENTITLED TO SOME PRIVACY.

5 Q BY MR. WAPNER: WHERE DOES SHE WORK?

6 A JOHN WOLCOTT & COMPANY.

7 Q WHERE IS THAT LOCATED?

8 A I DON'T KNOW, SIR. SHE JUST STARTED WORKING FOR  
9 THEM. IT IS AN INTERIOR DECORATING COMPANY.

10 Q BEFORE YOU LEAVE HERE TODAY, ARE YOU WILLING TO  
11 PROVIDE ME OR MY INVESTIGATOR WITH SOME MEANS SO THAT WE CAN  
12 GET IN TOUCH WITH MISS EDISON?

13 A I CAN GIVE YOU HER HOME NUMBER.

14 Q THANK YOU. DO YOU EVER WATCH NEWS MAGAZINE  
15 PROGRAMS SUCH AS 60 MINUTES OR 20/20?

16 A OCCASIONALLY.

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1 Q HOW OFTEN WOULD YOU SAY THAT YOU WATCHED 20/20?

2 A MAYBE ONCE A YEAR.

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

4 THE COURT: ALL RIGHT, ANYTHING FURTHER?

5

6 REDIRECT EXAMINATION

7 BY MR. CHIER:

8 Q NOW, MRS. WALLER, GOING BACK TO THE FEGEN SUITE  
9 AT 94010 WILSHIRE BOULEVARD, WAS THE ATTORNEY THAT YOU WORKED  
10 FOR A TRIAL ATTORNEY?

11 A YES.

12 THE COURT: I DON'T THINK -- THIS IS NOT REDIRECT  
13 EXAMINATION. LET'S GET ON TO SOMETHING ELSE, WILL YOU,  
14 PLEASE?

15 MR. CHIER: THIS IS FOUNDATIONAL.

16 THE COURT: I DON'T WANT ANY FOUNDATION. LET'S GET  
17 TO SOMETHING IMPORTANT.

18 THE DEFENDANT: IS YOUR HONOR IMPLYING THIS ISN'T  
19 IMPORTANT?

20 THE COURT: WILL YOU BE QUIET? YOU HAVE GOT TWO  
21 MOUTHPIECES. WE DON'T NEED A THIRD.

22 GO AHEAD.

23 MR. BARENS: ACTUALLY A LAWYER, JUDGE.

24 Q BY MR. CHIER: NOW, YOU WORKED FOR MR. HORN?

25 A THAT'S CORRECT.

26 Q AND MR. HORN WAS NOT IN THE OFFICE A LOT OF  
27 TIMES DURING --

28 A MOST OF THE TIME HE WAS NOT.

1 Q HE WAS IN COURT, RIGHT?

2 A THAT'S RIGHT.

3 Q SO YOU SOMETIMES HAD A LITTLE MORE TIME TO  
4 SOCIALIZE AT THAT TIME?

5 A I HAD A LOT OF FREE TIME ON MY HANDS, YES.

6 Q OKAY. AND SO WERE THERE OCCASIONS WHEN YOU  
7 WOULD BE STANDING AT EITHER THE TELEPHONE MESSAGE DESK OR  
8 THE MAIL DESK OR OTHER SOCIALIZING POINTS?

9 A IT IS ONE AND THE SAME, YES, AND I WOULD VISIT  
10 WITH THE GIRLS.

11 Q AND WERE THERE TIMES WHEN THE CONVERSATIONS --  
12 WHEN YOU OVERHEARD CONVERSATIONS BETWEEN LEVIN AND OTHER  
13 PEOPLE OVER A PERIOD OF TIME?

14 A WELL, I HAD BEEN THERE WHEN HE WOULD COME IN  
15 TO PICK UP HIS MAIL OR HIS PHONE MESSAGES, AS WELL AS EVERYONE  
16 ELSE.

17 Q ALL RIGHT. SO THE INTERIOR OF THE SO-CALLED  
18 FEGEN SUITES, ARE THE ATTORNEYS' OFFICES ON THE OUTSIDE  
19 PERIMETER WHERE THEY HAVE THE WINDOWS AND THE SECRETARIES  
20 HAVE THE SECRETARIAL BAYS WITH NO WINDOWS?

21 A THAT'S RIGHT.

22 Q THEY HAVE A LITTLE WALL LIKE A MODESTY PANEL  
23 SO YOU CAN SEE OVER?

24 A NO. IT IS FULLY ENCLOSED.

25 Q WAS YOUR OFFICE SUCH A PLACE THAT MR. LEVIN  
26 PASSED BY YOUR STATION WHILE GOING TO AND FROM THE RECEPTION  
27 AREA?

28 A NO.

1 Q OKAY. WAS THERE MORE THAN ONE WAY OF ACCESSING  
2 THE INTERIOR OFFICE SUITES?

3 A THAT IS CORRECT.

4 Q DID YOU HAVE TO PASS BY HIS OFFICE TO ACCESS  
5 THE RECEPTION AREA OR THE MAIL AREA?

6 A NO.

7 Q NOW, WHEN IS THE FIRST TIME BEFORE TODAY, IF  
8 EVER BEFORE TODAY, THAT YOU KNEW THAT THE BEVERLY HILLS  
9 POLICE DEPARTMENT WAS INVOLVED IN THIS CASE?

10 A THIS MOMENT IS MY FIRST KNOWLEDGE.

11 Q NOW, IS THERE ANY DOUBT IN YOUR MIND THAT THE  
12 PERSON THAT YOU SAW IN THE SPRING OF THIS YEAR WAS THE SAME  
13 PERSON THAT YOU KNEW TO BE RON LEVIN AND WORKED AT -- SHARED  
14 OFFICE SPACE IN THE 1970'S?

15 A THERE IS NO DOUBT AT ALL.

16 Q YOU ARE ABSOLUTELY SURE?

17 A I'M POSITIVE.

18 MR. CHIER: I HAVE NO FURTHER QUESTIONS.

19 MR. WAPNER: I HAVE NOTHING FURTHER.

20 THE COURT: ALL RIGHT. WHEN YOU SAW THIS PERSON 20  
21 FEET AWAY YOU INSTANTLY RECOGNIZED HIM, DID YOU?

22 THE WITNESS: YES, SIR.

23 THE COURT: INSTANTLY?

24 THE WITNESS: YES.

25 THE COURT: AND IT IS A FACT THAT YOU HAD BEEN TOLD  
26 BY YOUR FRIEND ABOUT RON LEVIN HAVING SUPPOSEDLY BEEN --

27 THE WITNESS: MURDERED.

28 THE COURT: -- MURDERED AND SO FORTH?

1 THE WITNESS: YES.

2 THE COURT: THAT LINGERED IN YOUR MIND, DID IT, BEFORE  
3 YOU SAW THIS PERSON?

4 THE WITNESS: I HADN'T -- I HAD NOT THOUGHT OF IT  
5 SINCE THE TIME THAT SHE AND I HAD TALKED.

6 THE COURT: WHEN HE WAS 20 FEET AWAY, YOU INSTANTLY  
7 RECOGNIZED HIM; IS THAT RIGHT?

8 THE WITNESS: YES, I DID.

9 THE COURT: ALL RIGHT, THANK YOU. YOU MAY STEP DOWN.

10 THE WITNESS: THANK YOU.

11 THE COURT: I THINK WE WILL TAKE OUR RECESS AT THIS  
12 TIME.

13 MR. BARENS: THANK YOU, YOUR HONOR.

14 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE WILL  
15 TAKE A RECESS AT THIS TIME UNTIL 1:30 THIS AFTERNOON.

16 THE SAME ADMONITION I GAVE YOU WILL STILL APPLY.

17 (AT 11:55 A.M. AN ADJOURNMENT WAS TAKEN  
18 UNTIL 1:30 P.M. OF THE SAME DAY.)

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1 SANTA MONICA, CALIFORNIA; WEDNESDAY, MAY 27, 1987; 1:40 P.M.  
2 DEPARTMENT C HON. LAURENCE J. RITTENBAND, JUDGE  
3 (APPEARANCES AS NOTED ON TITLE PAGE.)

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

8 THE COURT: WHERE IS THE JURY?

9 THE CLERK: OH.

10 (PAUSE.)

11 (THE FOLLOWING PROCEEDINGS WERE HELD  
12 IN OPEN COURT IN THE PRESENCE AND  
13 HEARING OF THE JURY:)

14 THE COURT: GOOD AFTERNOON, LADIES AND GENTLEMEN.  
15 CALL YOUR NEXT WITNESS, PLEASE.

16 MR. BARENS: WE CALL STEVE SOLOMON IF YOU WOULD,  
17 YOUR HONOR.

18  
19 STEVE SOLOMON,  
20 CALLED AS A WITNESS BY THE DEFENDANT, WAS SWORN AND TESTIFIED  
21 AS FOLLOWS:

22 THE CLERK: RAISE YOUR RIGHT HAND.

23 THE WITNESS: RIGHT NOW OR SHOULD I SIT DOWN?

24 THE CLERK: RIGHT NOW.

25 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU  
26 MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL  
27 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,  
28 SO HELP YOU GOD.

1 THE WITNESS: YES.

2 THE CLERK: STATE AND SPELL YOUR NAME FOR THE RECORD.

3 THE WITNESS: STEVE SOLOMON.

4 THE CLERK: S-O-L-O --

5 THE WITNESS: YES, ALL OF THOSE. DO YOU WANT MY MIDDLE  
6 INITIAL OR WHAT?

7 THE CLERK: SPELL YOUR NAME.

8 THE WITNESS: S-O-L-O-M-O-N.

9 THE COURT: DO YOU HAVE ANY DEGREES YOU WANT TO GIVE  
10 US?

11 THE WITNESS: NONE EARNED YET, BUT I AM WORKING ON  
12 IT.

13 MR. BARENS: I KNEW I WOULD GET SOLOMON INTO THIS  
14 EVENTUALLY, YOUR HONOR.

15 (LAUGHTER IN THE COURTROOM.)

16 MR. BARENS: THAT IS AS GOOD AS IT GETS.

17

18 DIRECT EXAMINATION

19 BY MR. BARENS:

20 Q MR. SOLOMON, HOW ARE YOU EMPLOYED?

21 A I HAVE A COUPLE OF THINGS GOING. I AM PART  
22 OWNER OF THE SUNSHINE HEALTH BAR, WHICH IS A RESTAURANT  
23 INSIDE THE CENTURY WEST HEALTH CLUB. I ALSO DO PRIVATE  
24 PHYSICAL FITNESS CONSULTING.

25 Q ALL RIGHT. AND A GOOD PART OF YOUR TIME, YOU  
26 WORK PERSONALLY AT THE CENTURY WEST CLUB IN CENTURY CITY?

27 A RIGHT.

28 Q DID YOU EVER MEET JOE HUNT?

1           A           RIGHT. THAT IS WHERE WE MET.

2           Q           AND WHEN DID YOU MEET JOE HUNT?

3           A           IT WAS ABOUT A YEAR AND A HALF AGO, APPROXI-  
4 MATELY.

5           Q           AND DID YOU MEET HIM AT THE CLUB, THERE?

6           A           RIGHT. HE HAD JUST FINISHED WORKING OUT. HE  
7 WAS WITH BOBBY ROBERTS AND THE REST OF THE FAMILY.

8                       THEY CAME OVER AND CAME INTO THE RESTAURANT.  
9 EVERYBODY HAD A PROTEIN DRINK.

10                      I MAKE IT A POINT OF MEETING ALL THE CUSTOMERS  
11 AND WE JUST MET AND BECAME GOOD FRIENDS AND WENT FROM THERE.

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1 Q MR. SOLOMON, HOW OLD ARE YOU?

2 A 26.

3 Q THE CENTURY WEST CLUB, IT IS A FAIR STATEMENT  
4 TO SAY IS PRIMARILY LIKE A GYM WITH RELATED ACTIVITIES FOR  
5 MEN AND WOMEN?

6 A RIGHT.

7 IT IS A SEPARATED FACILITY. IT IS NOT A COED  
8 CLUB AND IT IS A LOT OF THE CENTURY CITY CROWD IS IN THERE,  
9 SO TO SPEAK. IT IS A LOCAL CLUB.

10 Q NOW YOU BECAME FRIENDS IN AN INDIVIDUAL SENSE  
11 WITH JOE HUNT?

12 A RIGHT. I --

13 THE COURT: YOU HAVE ANSWERED THE QUESTION. HE WILL  
14 ASK YOU ANOTHER ONE.

15 Q BY MR. BARENS: YES, OKAY. PERHAPS AS MUCH AS  
16 WE CAN, LET ME JUST ASK YOU QUESTIONS, SIR, AND WE WILL TRY  
17 TO GET YOU THROUGH, OKAY?

18 A OKAY.

19 Q MR. SOLOMON, DID YOU START SPENDING SOME TIME  
20 IN THE CENTURY WEST CLUB ITSELF WITH MR. HUNT?

21 A YES.

22 Q WHAT WOULD YOU GUYS DO?

23 A WELL, I WAS INITIALLY DRAWN TO HIM BECAUSE I AM  
24 A VERY MORAL PERSON. I STUDY THE BIBLE A LOT. AND THE MAJORITY  
25 OF THE PEOPLE THAT I COME IN CONTACT WITH, THEY WOULD SWEAR  
26 A LOT, TALK ABOUT DRUGS A LOT, TALK ABOUT WOMEN A LOT AND  
27 JOE DIDN'T SEEM TO HAVE ANY OF THESE TYPICAL MALE  
28 CHARACTERISTICS, SO WE STARTED COMMUNICATING.

1                   AND HE HAD HAPPENED TO LIKE PAC MAN AN AWFUL LOT  
2 AND THERE WAS A PAC MAN MACHINE IN THERE AND I PLAY PAC MAN  
3 AND WE WERE THE TWO BEST GUYS IN THE CLUB AT IT SO WE STARTED  
4 A LITTLE KINSHIP. WHEN HE WOULD COME IN, WE WOULD WORK OUT  
5 AND HAVE A LITTLE PRACTICE, HAVE A PROTEIN SHAKE AND PLAY  
6 SOME PAC MAN. YOU KNOW, FUN STUFF.

7           Q           DID YOU TALK TO HIM A LOT WHEN YOU HAD THESE  
8 OCCASIONS WHERE YOU WOULD EITHER PLAY PAC MAN OR SEE HIM AFTER  
9 WORKOUTS?

10          A           SURE.

11          Q           ASIDE FROM YOUR ACTIVITY WORKING IN THE GYM, IS  
12 THERE SOMETHING ELSE THAT TAKES UP A LOT OF YOUR TIME?

13          A           WELL, YES.

14                    I MENTIONED A MINUTE AGO I STUDY THE BIBLE A LOT,  
15 FOUR OR FIVE TIMES A WEEK.

16          Q           YOU ARE IN AN ORGANIZED BIBLE CLASS?

17          A           I AM A JEHOVAH'S WITNESS.

18          Q           DID YOU AND JOE HAVE OCCASION WHERE YOU TALKED  
19 ABOUT YOUR BIBLE STUDY?

20          A           SURE, A LOT OF TIMES, A LOT OF TIMES.

21          Q           DID JOE HUNT SHOW AN INTEREST IN THAT?

22          A           YEAH, HE WAS INTERESTED IN A LOT OF ASPECTS OF  
23 PROPHECY AND THE SCIENTIFIC AND HISTORICAL DATA THAT BACKED  
24 UP THE VALIDITY OF THE BIBLE AND, YOU KNOW, EVOLUTION VERSUS  
25 CREATION, WHICH ONE IS TRUE, YOU KNOW, THOSE KINDS OF THINGS.

26          Q           DID YOU AND JOE EVER HAVE OCCASIONS WHERE YOU  
27 ACTUALLY LOOKED AT THE BIBLE TOGETHER?

28          A           SURE, SURE.

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1 Q AND ON HOW MANY TIMES DID THIS OCCUR?

2 A WELL, PROBABLY ONE-FOURTH OF THE TOTAL TIMES THAT  
3 WE SPOKE ABOUT THE TOPIC.

4 Q HOW OFTEN AFTER YOU STARTED TO BECOME FRIENDLY  
5 WITH JOE HUNT DID YOU ACTUALLY SEE HIM?

6 A WELL, LET'S SAY, I WOULD SEE HIM ON AN AVERAGE  
7 OF TWICE A WEEK, ONE WEEKEND DAY AND ONE WEEKDAY.

8 Q AND THAT PERSISTED FROM EARLY 1986 THROUGH THE  
9 PRESENT, OR AT LEAST UNTIL HE WAS NO LONGER AVAILABLE?

10 A YES, THAT IS PRETTY CLOSE. THAT IS PRETTY CLOSE.

11 Q NOW, ASIDE FROM SEEING HIM IN THE GYM, DID YOU  
12 DEVELOP OTHER ACTIVITIES WHERE YOU SAW HIM OUTSIDE OF THE  
13 GYM?

14 A YEAH. WE BECAME --

15 THERE IS A CERTAIN PLACE IN WESTWOOD WHERE WE  
16 PLAYED VIDEO GAMES AT LEAST ONCE A WEEK. THERE IS A LITTLE  
17 GAME "NIGHTSTALKER" WE LIKED TO PLAY A LOT AND WE BOTH GOT  
18 QUITE GOOD AT IT AND WE STARTED --

19 WELL, WHEN A BOXING MATCH CAME ALONG, HIM AND  
20 BOBBY ROBERTS WOULD COME OVER TO MY HOUSE AND WATCH IT.

21 AS A MATTER OF FACT, HE WAS ONE OF THE VERY FEW  
22 PEOPLE THAT I WANTED MY PARENTS TO MEET WHEN I HAD THEM OUT  
23 FOR LAST MEMORIAL DAY WEEKEND. I FLEW THEM OUT AND I WANTED  
24 THEM TO JUST MEET THE NICE PEOPLE IN MY LIFE.

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1 Q WAS HE THE KIND OF GUY YOU WANTED YOUR PARENTS  
2 TO MEET?

3 A YES, JUST BECAUSE HE WAS CLEAN AND MORAL AND  
4 MY PARENTS ARE VERY, VERY CLEAN PEOPLE.

5 AND YOU KNOW, THERE IS A LOT OF UNCLEANLINESS,  
6 SO TO SPEAK IN L.A. I WANTED THEM TO HAVE THE RIGHT IMPRESSION  
7 THAT THEIR SON WAS NOT ABOUT TO FALL OFF THE DEEP END.

8 Q OKAY. YOU ARE ORIGINALLY FROM THE MIDWEST,  
9 ARE YOU?

10 A YEAH, TOLEDO, OHIO.

11 Q THAT IS WHERE YOUR FOLKS ARE FROM?

12 A UH-HUH.

13 Q DID YOU SPEND A LOT OF TIME WITH JOE GOING  
14 TO WESTWOOD?

15 A YES. IT WAS SORT OF OUR COMMON, LITTLE PLACE.  
16 IT WAS JUST A FUN CENTER, A LOT OF WALKING AROUND AND MOVIES  
17 AND VIDEO GAMES AND MEALS AND WORKOUTS WERE OUR MAIN THINGS  
18 WE DID THE MOST OF.

19 Q DID YOU EVER GO TO THE ROBERTS' HOME?

20 A A COUPLE OF TIMES. USUALLY, TO PICK HIM UP,  
21 YOU KNOW, TO GO TO WESTWOOD.

22 Q YOU KNEW OTHER MEMBERS OF THE ROBERTS' FAMILY?

23 A SURE. THEY CAME IN THE CLUB. I DID SOME PRIVATE  
24 PHYSICAL FITNESS TRAINING WITH MOST OF THEM.

25 Q ALL RIGHT. DID JOE EVER TELL YOU WHAT HE DID  
26 FOR A LIVING?

27 A NO. HE MENTIONED SOME THINGS HE HAD DONE,  
28 JUST BUSINESS THINGS. ACTUALLY, IT WAS VAGUE.

1 Q DID YOU USUALLY TALK TO THE PEOPLE THAT YOU  
2 KNOW AT THE CLUB THERE ABOUT WHAT THEY DO FOR A LIVING?

3 A YOU SEE, THAT IS THE INTERESTING POINT. IN  
4 CENTURY CITY, THERE ARE A LOT OF PEOPLE WHO ARE HIGHLY VISIBLE,  
5 A LOT OF TV PEOPLE IN THE CLUB. AND SO --

6 MR. WAPNER: OBJECTION, NON-RESPONSIVE. IT COULD  
7 HAVE BEEN ANSWERED YES OR NO.

8 THE COURT: SO COULD A LOT OF OTHER ANSWERS. BUT,  
9 I LET HIM RAMBLE ON. GO AHEAD.

10 MR. BARENS: THANK YOU, SIR. YOU MAY PROCEED WITH  
11 YOUR ANSWER.

12 THE WITNESS: I ALWAYS FOUND IT BEST TO NOT PRY INTO  
13 PEOPLE'S LIVES.

14 THE COURT: YOU UNDERSTAND THAT THIS IS TO BE A  
15 CHARACTER WITNESS, IS THAT CORRECT? YOU ARE GOING AROUND  
16 THE WRONG WAY, THEN.

17 MR. BARENS: SIR, ONE LIVES TO BE EDUCATED HERE, ON  
18 A DAILY BASIS.

19 THE COURT: ALL RIGHT. I JUST WONDERED WHEN YOU ARE  
20 GOING TO CATCH ON.

21 MR. BARENS: IT HAS BEEN 20 YEARS, SIR.

22 THE COURT: GO AHEAD.

23 Q BY MR. BARENS: IN ANY EVENT, MR. SOLOMON, TO  
24 TRY TO CONTINUE TOGETHER SOMEHOW -- MR. SOLOMON, AS I  
25 BELIEVE YOU WERE TELLING ME, IT WAS NOT YOUR PRACTICE TO  
26 ASK PEOPLE THAT YOU WORKED WITH IN THE GYM, WHO WERE CLIENTS  
27 OF THE CLUB, WHAT THEY DID FOR A LIVING.

28 A YEAH. I WOULD EVEN STRONGLY AVOID IT.

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1 Q OKAY. WHEN YOU WOULD GO OUT WITH JOE AND YOU  
2 WOULD BE PRIMARILY IN THE WESTWOOD AREA, DID YOU EVER SEE  
3 HIM LOSE HIS TEMPER?

4 A NO, NOT AT ALL. HE WAS -- HE REMINDED ME  
5 OF MYSELF, USUALLY UP, FRIENDLY, FUN, NOTHING BOTHERING  
6 HIM.

7 Q HOW WERE HIS MANNERS OR Demeanor MOST OF THE  
8 TIME?

9 A VERY, VERY ARTICULATE. HE WAS VERY WELL MANNERED,  
10 VERY COMPOSED. THAT IS PROBABLY A GOOD WORD.

11 Q DID JOE EVER TELL YOU HOW HE SUPPORTED HIMSELF  
12 FINANCIALLY?

13 A IT NEVER -- WE NEVER DID ANYTHING ELABORATE,  
14 FINANCIALLY.

15 I MEAN, HE ALWAYS HAD A FIVE IN HIS POCKET,  
16 JUST LIKE ANYBODY WOULD. IT NEVER REALLY CAME UP.

17 WELL, I IMAGINE THAT HE GOT SOME HELP FROM  
18 THE ROBERTS.

19 Q DID THE TIME EVER COME WHERE JOE TOLD YOU THAT  
20 HE WAS INVOLVED IN SOME LEGAL PROBLEMS?

21 A YES. IT WAS MAYBE SIX OR SEVEN MONTHS INTO  
22 OUR RELATIONSHIP AND WE WERE ALREADY VERY GOOD FRIENDS.

23 HE SAID, "STEVE, YOU ARE THE LAST ONE OF MY  
24 FRIENDS TO KNOW ABOUT THIS. I HAVE TO TELL YOU SOMETHING.  
25 I AM ON TRIAL FOR MURDER."

26 I GUESS HE HAD TRIED TO TELL ME BEFORE BUT  
27 YOU KNOW, YEAH, I HAVE GOT TO DO A MURDER CASE AND I AM  
28 ON TRIAL? SURE, GOD, WE BELIEVE YOU.

1 Q OKAY. AFTER HE TOLD YOU THAT, OBVIOUSLY --  
2 STRIKE THAT.

3 DID YOU COME TO UNDERSTAND THAT IN FACT AND  
4 TRUTH, HE WAS ON TRIAL FOR MURDER?

5 A YEAH, YEAH.

6 Q DID THAT AFFECT YOUR RELATIONSHIP?

7 A NO. IT WENT ON YOU KNOW, BUSINESS AS USUAL,  
8 AS FAR AS I WAS CONCERNED ON MY SIDE.

9 I WAS FRIENDLY WITH HIM BEFORE I KNEW IT. THERE  
10 WAS NO REASON NOT TO BE FRIENDS AFTERWARDS.

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1 Q DID AN OCCASION EVER OCCUR OR OCCASIONS OCCUR  
2 IN WESTWOOD WHERE YOU FOUND SOMETHING?

3 A YEAH. AS A MATTER OF FACT, THERE WERE TWO  
4 INSTANCES, TWO SEPARATE INSTANCES WHERE WE FOUND SOMEONE  
5 ELSE'S POSSESSION.

6 ONE WAS A WALLET THAT HAD NO MONEY IN IT --

7 MR. WAPNER: YOUR HONOR, MAY I APPROACH THE BENCH?

8 THE COURT: I WILL SUSTAIN THE OBJECTION, IF YOU WANT  
9 TO MAKE ONE.

10 MR. WAPNER: WELL, THE OBJECTION IS --

11 MR. BARENS: MAYBE YOU OUGHT TO LET HIM MAKE IT, FIRST.

12 MR. WAPNER: OBJECTION AS TO RELEVANCY.

13 THE COURT: I WILL SUSTAIN IT.

14 MR. BARENS: IT WOULD GO TO CHARACTER.

15 THE COURT: I SUSTAIN THE OBJECTION.

16 MR. BARENS: HOW WILL I GO TO CHARACTER?

17 THE COURT: ASK HIM QUESTIONS ABOUT WHETHER HE KNOWS  
18 ANYBODY IN THE COMMUNITY. ASK HIM WHAT HIS REPUTATION IS.

19 MR. BARENS: ALL RIGHT.

20 Q WHAT WAS YOUR FEELING ABOUT JOE HUNT IN TERMS  
21 OF HIS BENT OR LACK THEREOF FOR HONESTY?

22 A WELL, HE ALWAYS MADE A REAL STRONG POINT ABOUT  
23 THE REWARD OF DOING GOOD TO PEOPLE. IN OTHER WORDS, IF --

24 THE COURT: WAS IT GOOD OR BAD, HIS REPUTATION FOR  
25 HONESTY? WAS IT GOOD?

26 THE WITNESS: WITH ME, IT WAS GREAT.

27 THE COURT: ALL RIGHT.

28 MR. BARENS: TO DO MY NEXT QUESTION, I HAVE TO APPROACH



-6  
1 AND ASK IT.

2 THE COURT: NO. I DON'T THINK IT IS NECESSARY. YOU  
3 HAVE ASKED THE PROPER QUESTIONS ABOUT HIS REPUTATION FOR  
4 HONESTY.

5 MR. BARENS: WELL, THEY HAVE DIFFERENT RULES AS I  
6 UNDERSTAND IT IN THE PENALTY PHASE ABOUT SPECIFIC ACTS OF  
7 GOOD CHARACTER, SIR.

8 THE COURT: YOU WANT TO FIND OUT ABOUT THIS AREA ABOUT  
9 FINDING THE WALLET, YOU MEAN?

10 MR. BARENS: YES, SIR.

11 THE COURT: GO AHEAD.

12 MR. BARENS: THANK YOU, SIR.

13 Q MR. SOLOMON, WERE THERE ANY INSTANCES WHERE  
14 YOU FOUND THE PROPERTY OF OTHERS ALONG WITH JOE HUNT IN  
15 WESTWOOD?

16 A YES.

17 Q COULD YOU PLEASE DESCRIBE TO THE COURT WHAT  
18 OCCURRED ON THOSE OCCASIONS?

19 A OKAY. TWO SEPARATE INSTANCES, ONE WAS A WALLET  
20 AND ONE WAS A DAILY PLANNER FROM A COLLEGE STUDENT WITH  
21 EVERYTHING IN IT.

22 AND RATHER THAN JUST TURNING IT IN TO SOMEONE  
23 AND SAY, "HEY, YOU FIND THIS PERSON," JOE MADE A BIG POINT  
24 OUT OF GOING WAY OUT OF HIS WAY AND MAKING A LOT OF PHONE  
25 CALLS, YOU KNOW, TO GET THIS BACK TO THE RIGHT PERSON.

26 THE THINKING BEHIND IT WAS YOU KNOW, DOING  
27 GOOD THINGS FOR PEOPLE BRINGS GOOD THINGS IN RETURN. THAT  
28 WAS SOMETHING THAT, YOU KNOW, HE HAD SORT OF STATED THAT

1 TYPE OF THINKING ON A REGULAR BASIS, WHICH I AGREE WITH  
2 STRONGLY.  
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1 Q DO YOU CONSIDER JOE AN INTELLECTUAL FELLOW?

2 A SURE, SURE.

3 Q WHEN YOU SPOKE WITH HIM, WAS HE INTERESTED IN  
4 WHAT WAS GOING ON IN YOUR LIFE?

5 A YES.

6 AS A MATTER OF FACT, THE LAST BOOK HE GAVE ME  
7 RIGHT BEFORE HE GOT TAKEN AWAY WAS A BOOK CALLED "WORD POWER,"  
8 YOU KNOW, TO HELP ME INCREASE MY VOCABULARY BECAUSE HE  
9 HARDLY SAID A PARAGRAPH THAT THERE WASN'T AT LEAST ONE WORD  
10 I DIDN'T UNDERSTAND. I WOULD HAVE TO GET A TIME-OUT AND SAY  
11 "WHAT DOES THAT MEAN? HOW DO YOU SPELL IT?"

12 Q MR. SOLOMON, WE ARE HERE WITH YOU TODAY AS JOE  
13 HUNT STANDS CONVICTED BY A JURY OF HIS PEERS OF FIRST DEGREE  
14 MURDER.

15 IN LIGHT OF THAT, HOW DO YOU FEEL ABOUT JOE HUNT,  
16 WHAT IS YOUR SENSE OF HIM?

17 A WELL, FROM MY EXPOSURE TO HIM, I DON'T SEE ANY  
18 WAY POSSIBLE THAT HE COULD HAVE DONE THE THINGS THAT HE IS  
19 CONVICTED OF.

20 Q WHAT I AM ASKING YOU --

21 THE COURT: HE DIDN'T ASK YOU THAT.

22 THE WITNESS: OH, I AM SORRY.

23 WHAT DID YOU ASK?

24 Q BY MR. BARENS: COULD YOU PLEASE -- PERHAPS I  
25 HAD BETTER FOCUS THE QUESTION BY ASKING YOU: IN LIGHT OF  
26 WHAT YOU KNOW ABOUT JOE'S CIRCUMSTANCES TODAY, HOW WOULD YOU  
27 SUMMARIZE JOE HUNT AS YOU KNOW HIM FOR THIS JURY, WHAT IS  
28 YOUR IMPRESSION OF JOE HUNT?

1 A DEFINITELY MORAL, COMPOSED, SENSITIVE, ARTICULATE.

2 MR. BARENS: THANK YOU, SIR.

3 THE COURT: ANY QUESTIONS?

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5 CROSS-EXAMINATION

6 BY MR. WAPNER:

7 Q MR. SOLOMON, SINCE YOUR OPINION IS THAT THERE  
8 IS NO WAY BASED ON WHAT YOU KNOW OF HIM THAT HE COULD HAVE  
9 DONE THESE THINGS, SINCE IT HAS BEEN PROVED TO THIS JURY BEYOND  
10 A REASONABLE DOUBT THAT IN FACT HE DID, DOES THAT CHANGE YOUR  
11 OPINION AT ALL ABOUT HIM?

12 MR. BARENS: OBJECTION. IT IS BASICALLY A COMPOUND  
13 QUESTION, SIR.

14 THE COURT: DO YOU UNDERSTAND THE QUESTION?

15 THE WITNESS: YEAH, I CAN ANSWER THAT.

16 THE COURT: ALL RIGHT, GO AHEAD.

17 THE WITNESS: WELL, AS I MENTIONED EARLIER TO SOMEONE  
18 ELSE, IF IT DOESN'T SHOW UP IN THE SPORTS SECTION, I DON'T  
19 READ IT SO I HAVEN'T READ ANYTHING OR ANY OF THE MAGAZINE  
20 ARTICLES OR ANYTHING RELATING TO THIS TRIAL.

21 I AM JUST GOING ON MY FIRSTHAND IMPRESSION OF  
22 A YEAR AND A HALF OF --

23 THE COURT: YOU SEE, YOU ARE NOT ANSWERING THE QUESTION.

24 THE WITNESS: OKAY, SAY IT AGAIN.

25 Q BY MR. WAPNER: I AM NOT TALKING ABOUT WHETHER  
26 YOU READ ANYTHING ABOUT IT OR NOT.

27 A OKAY.

28 Q IF I TELL YOU NOW THAT MR. HUNT HAS BEEN CONVICTED

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1 BEYOND A REASONABLE DOUBT OF A DELIBERATE AND PREMEDITATED  
2 MURDER, DOES THAT KNOWLEDGE AFFECT YOUR OPINION ABOUT HIS  
3 MORAL CHARACTER?

4 A NO, NO.

5 Q WHY NOT?

6 A I THINK THAT THERE ARE SEVERAL PEOPLE THAT HAVE  
7 MADE A MISTAKE.

8 Q INCLUDING EVERYONE IN THE COURTROOM?

9 MR. BARENS: NOT EVERYONE, SIR.

10 THE WITNESS: IN MY VIEW --

11 THE COURT: EXCEPTING YOU AND YOUR COLLEAGUE.

12 MR. BARENS: THANK YOU. AND MR. CHIER.

13 THE COURT: AND THE DEFENDANT.  
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1 MR. BARENS: WELL, I DON'T THINK WE SPEAK FOR EVERYONE  
2 IN THE COURTROOM.

3 I AM SURE YOU DON'T HAVE AN OPINION.

4 (LAUGHTER IN COURTROOM.)

5 THE COURT: WELL, I HAVE AN OPINION, AS COUNSEL POINTED  
6 OUT, HE HAS BEEN CONVICTED OF A CRIME AND THAT HAPPENED IN  
7 THIS COURTROOM AND I HAVE TO TAKE JUDICIAL NOTICE OF IT.

8 ALL RIGHT, YOU MAY PROCEED, MR. WAPNER.

9 Q BY MR. WAPNER: HAVE YOU EVER ENTERED INTO ANY  
10 BUSINESS ARRANGEMENTS WITH MR. HUNT?

11 A NO.

12 BUT HE DID ADVISE ME ONCE ON BUSINESS.

13 Q WHAT TYPE OF A BUSINESS WAS THAT?

14 A I WAS CONTEMPLATING ENDING MY BUSINESS RELATIONSHIP.  
15 I AM A 50-50 PARTNER IN THE RESTAURANT, OKAY, AND I WAS  
16 CONTEMPLATING ENDING THAT RELATIONSHIP AND GOING INTO ANOTHER  
17 BUSINESS BECAUSE I WAS OFFERED MORE MONEY.

18 JOE'S ADVICE WAS TO STICK WITH THE MAN WHO BOOKED  
19 YOU RIGHT OFF THE BAT, YOU KNOW, CARRY THE BOAT INTO THE BEACH,  
20 YOU KNOW, PROVE YOURSELF TO THE GUY WHO HAS BACKED YOU THE  
21 FIRST TIME. DON'T BAIL OUT FOR MORE CASH. DO WHAT WOULD  
22 STRENGTHEN YOUR BUSINESS RELATIONSHIP WITH HIM. DON'T BACK  
23 OUT.

24 Q WHAT WAS THE BUSINESS THAT YOU WERE CONTEMPLATING  
25 ENTERING?

26 A SINCE I HAVE DONE PRIVATE PHYSICAL FITNESS TRAINING  
27 AND IT IS VERY LUCRATIVE AND YOU WORK FOR YOURSELF AND YOU  
28 DON'T HAVE TO WORRY ABOUT ALL OF THE RESTAURANT DETAILS.

5=5  
1 I DON'T KNOW IF YOU HAVE EVER WORKED IN A  
2 RESTAURANT BUSINESS BUT THERE IS A LOT OF DETAILS.

3 Q LET ME JUST ASK YOU THIS QUESTION AGAIN.

4 A OKAY.

5 Q WHAT WAS THE BUSINESS YOU WERE CONTEMPLATING  
6 ENTERING?

7 A PRIVATE FITNESS TRAINING EXCLUSIVELY.

8 Q YOU DECIDED NOT TO DO THAT?

9 A RIGHT.

10 Q DID YOU TELL US THAT YOU DO THAT PART-TIME?

11 A RIGHT, PART-TIME AS COMPARED TO FULL TIME. I  
12 MEAN I DO TWO OR THREE OF THEM IN THE MORNING, AS COMPARED  
13 TO DOING IT ALL DAY.

14 THE RESTAURANT IS A LUNCH BUSINESS AND IT IS FROM  
15 11:00 TO 3:00, TYPE OF BUSINESS.

16 Q YOU NEVER INVESTED MONEY WITH MR. HUNT OR WITH  
17 MR. ROBERTS?

18 A NOT A PENNY.

19 I NEVER WAS ASKED TO.

20 Q DID YOU EVER TELL ANYBODY THAT YOU HAD IN FACT  
21 INVESTED WITH MR. HUNT OR WITH MR. ROBERTS?

22 A NO.

23 Q YOU HAVE NEVER MADE THAT STATEMENT TO ANYBODY?

24 A NO, I WOULD HAVE NO REASON TO. I ABSOLUTELY NEVER  
25 HAVE.

26 Q YOU MADE IT A BUSINESS NOT TO PRY INTO THE LIVES  
27 OF THE PEOPLE AT THE CLUB, RIGHT?

28 A RIGHT.

-6  
1 Q WOULD THAT INCLUDE JOE HUNT?

2 A AFTER WE BECAME FRIENDS, I DID WHAT NORMAL  
3 FRIENDS DO.

4 PRIOR TO THAT, WHEN HE WAS JUST A CLIENT I HAD  
5 NO INTEREST IN WHAT DO YOU DRIVE, WHAT DO YOU DO, HOW MUCH  
6 MONEY DO YOU HAVE?

7 Q TELL US WHAT YOU THINK IT IS THAT YOU KNOW ABOUT  
8 JOE HUNT'S LIFE.

9 A WELL, AFTER BEING WITH SOMEONE THAT I WOULD  
10 CONSIDER A BUDDY FOR A YEAR AND A HALF, I THINK I KNOW HIS  
11 CHARACTER, HIS --

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1 THE COURT: HE WANTS TO KNOW WHAT YOU KNOW ABOUT HIS  
2 PAST LIFE.

3 THE WITNESS: OH, BEFORE, BEFORE I MET HIM?

4 Q BY MR. WAPNER: RIGHT.

5 A SIMPLE UPBRINGING. CAME UP IN SORT OF A -- AN  
6 EDUCATED BACKGROUND BUT NOT A FINANCIALLY SUCCESSFUL  
7 BACKGROUND, AND WENT ON A SCHOLARSHIP TO A NICE COLLEGE PREP  
8 SCHOOL AND THEN WENT TO TWO DIFFERENT COLLEGES, I THINK ONE  
9 OF THEM WAS USC, AND THEN SOMEHOW ENDED UP IN CHICAGO AND  
10 GOT INTO FLOOR TRADING.

11 AND THEN AFTER THAT, ENDED UP IN L.A. AND DID  
12 SEVERAL DIFFERENT BUSINESSES.

13 Q NOW, THIS PERIOD IN L.A. WHERE HE DID SEVERAL  
14 DIFFERENT BUSINESSES, DID HE EVER TELL YOU ABOUT THAT?

15 A NOTHING VERY DETAILED.

16 MOST OF OUR CONVERSATIONS WERE PRETTY MUCH ABOUT  
17 LIGHT JOKING AROUND KIND OF STUFF. WE DID NOT HAVE A, YOU  
18 KNOW -- IT WASN'T A FACT-FINDING KIND OF THING LIKE, WHAT  
19 HAVE YOU DONE AND WHAT HAVE I DONE?

20 YOU KNOW, IT WAS VERY LIGHT. WE PLAYED A LOT  
21 OF VIDEO GAMES AND WATCHED A LOT OF MOVIES.

22 Q DID YOU EVER HEAR THE NAME BBC FROM JOE HUNT?

23 A NOT FROM JOE HUNT, NO.

24 BUT FROM THE MEMBERS OF THE HEALTH CLUB AFTER  
25 ALL OF THAT CAME OUT.

26 Q DID YOU EVER HEAR THE TERM PARADOX PHILOSOPHY  
27 FROM JOE HUNT?

28 A NO, NEVER HEARD THAT ONE.

1 Q DID YOU HEAR THE NAME RON LEVIN FROM JOE HUNT?

2 A NO, NEVER HEARD THAT ONE EITHER.

3 Q DID YOU EVER HEAR THE NAME HADAYET ESLAMINIA FROM  
4 JOE HUNT?

5 A NO, NOT THAT ONE EITHER.

6 Q WHEN HE TOLD YOU THAT HE WAS ON TRIAL FOR MURDER,  
7 WEREN'T YOU THE LEAST BIT CURIOUS ABOUT IT?

8 A AT FIRST, I THOUGHT HE WAS JOKING. AT FIRST I  
9 THOUGHT HE WASN'T EVEN SERIOUS ABOUT IT AND WHEN HE HAD SAID --

10 Q WHEN YOU FOUND OUT HE WAS SERIOUS, WERE YOU  
11 CURIOUS?

12 A WELL, HIS EXPLANATION OF IT WAS VERY LIGHT AND  
13 BASIC AND HE SAID HE REALLY CAN'T TALK ABOUT IT AND I SAID  
14 "GOOD, BECAUSE I AM NOT INTERESTED IN HEARING ABOUT IT."

15 I KIND OF DIDN'T WANT THINGS TO CHANGE FROM THE  
16 WAY THEY WERE, WHICH DIDN'T AFFECT THE WAY I FELT ABOUT HIM.  
17 I DIDN'T WANT HIM TO GET AFFECTED BY IT AND "LET'S JUST GET  
18 ON WITH LIFE. LET'S GET DONE WITH THIS THING SO WE CAN HAVE  
19 MORE FUN."

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

21 THE COURT: ALL RIGHT, THANK YOU. YOU MAY STEP DOWN.

22 THE WITNESS: ALL RIGHT, THANK YOU.

23 THE COURT: ANYTHING ELSE?

24 MR. BARENS: JUST A MOMENT, MR. SOLOMON, A MOMENT, PLEASE.

25 THE WITNESS: OH, OKAY.

26 MR. BARENS: LET ME JUST CONFER.

27 (UNREPORTED COLLOQUY BETWEEN DEFENSE  
28 COUNSEL.)

1 (PAUSE.)

2 MR. BARENS: THANK YOU, MR. SOLOMON.

3 THE COURT: ALL RIGHT. YOU ARE EXCUSED, MR. SOLOMON.

4 MR. WAPNER: MAY THIS WITNESS REMAIN ON CALL? I THINK  
5 THAT IT IS VERY UNLIKELY, BUT I MAY HAVE TO CALL HIM.

6 THE WITNESS: I HAVE A LITTLE BIT OF A TIME THING  
7 THAT I HAVE TO DEAL WITH. HOW MUCH TIME --

8 MR. WAPNER: NOT FOR TODAY.

9 MR. BARENS: I WILL MAKE MR. WAPNER AWARE OF HIS PHONE  
10 NUMBERS AND ADDRESS, SIR.

11 THE COURT: ALL RIGHT. THANK YOU.

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KATHLEEN GAMSKY,

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

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

20 THE WITNESS: I DO.

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

23 THE WITNESS: KATHLEEN GAMSKY.

24 THE CLERK: SPELL YOUR FIRST NAME.

25 THE WITNESS: K-A-T-H-L-E-E-N GAMSKY.

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## 1 DIRECT EXAMINATION

2 BY MR. CHIER:

3 Q MRS. GAMSKY, YOU ARE RELATED TO JOE HUNT?

4 A YES. I AM HIS MOTHER.

5 Q AND YOU ARE THE MOTHER OF KAY HUNT AND GREG  
6 GAMSKY, ALSO?

7 A I AM.

8 Q WHAT IS YOUR MARITAL STATUS NOW?

9 A I AM DIVORCED.

10 Q WERE YOU PREVIOUSLY MARRIED TO LARRY GAMSKY?

11 A YES, I WAS.

12 Q AND DID THAT MARRIAGE TERMINATE IN DIVORCE?

13 A IN MAY OF 1977.

14 Q AND JUST TO YOU KNOW -- TO GO INTO THE BACKGROUND,  
15 THE -- THESE QUESTIONS ARE FOUNDATIONAL, YOUR HONOR -- WHERE  
16 DID YOU AND -- DID YOU AND LARRY GAMSKY -- IS LARRY GAMSKY  
17 YOUR EX-HUSBAND, ALSO KNOWN AS RYAN HUNT?

18 A YES. HE IS.

19 Q YOU MET IN --

20 A WISCONSIN.

21 Q WISCONSIN?

22 A UH-HUH.

23 Q AND WERE YOU FROM A WEALTHY FAMILY?

24 A NO.

25 Q WHAT WERE YOUR UNDERPINNINGS?

26 A BOTH OF MY PARENTS HAD BEEN RAISED ON FARMS

27 AND --

28 THE COURT: RAISED ON WHAT?

1 THE WITNESS: RAISED ON FARMS IN WISCONSIN. THEY  
2 HAVE A FARM BACKGROUND AND MY FATHER DIDN'T LIKE FARMING.

3 SO HE CHOSE TO LIVE IN TOWN AND TO HAVE A JOB  
4 AND WORK. WE WERE SEVEN CHILDREN IN THE FAMILY. IT WAS  
5 A HARD-WORKING FAMILY.

6 Q BY MR. CHIER: ARE YOU OF IRISH EXTRACTION?

7 A IRISH AND GERMAN, UH-HUH.

8 Q AND LARRY GAMSKY WAS FROM -- WAS HE FROM A  
9 WELL TO DO FAMILY?

10 A YES.

11 Q WHEN YOU MET HIM, HOW OLD WAS HE?

12 A TWENTY-SIX.

13 Q AND --

14 A WELL, ORIGINALLY, I HAD SEEN HIM BEFORE. WHEN  
15 WE MARRIED, HE WAS 26.

16 Q ALL RIGHT. AND HAD HE -- HAD HIS FAMILY AT  
17 ONE TIME, HAD A LOT OF MONEY?

18 A YES.

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1 Q HAD HIS PARENTS DIED AT AN EARLY AGE?

2 A YES.

3 Q HE BECAME A WARD OF HIS RELATIVES?

4 A WELL, THEY HAD AN ESTATE. HIS ESTATE WAS IN  
5 TRUST. HE HAD A GRANDMOTHER WHO WAS LIVING, WHO RAISED  
6 HIM IN THE ESTATE HOME WITH A MAID.

7 HE HAD A NICE LIFE, EXCEPT THAT HE DIDN'T HAVE  
8 ANY PARENTS.

9 Q AND YOU WERE 26 WHEN YOU WERE MARRIED?

10 A NO. I WASN'T. HE WAS.

11 Q SORRY. HE WAS 26. HOW MUCH OLDER WAS HE?

12 A THREE YEARS.

13 Q OKAY. AND WHEN YOU MARRIED HIM, DID HE HAVE  
14 A JOB?

15 A HE HAD JUST GRADUATED FROM THE UNIVERSITY.  
16 HE WAS JUST BEGINNING HIS CAREER.

17 Q AS WHAT?

18 A HE GOT A JOB IN CHICAGO WORKING AS AN ADVERTISING  
19 MANAGER FOR A FARM MACHINERY COMPANY.

20 Q SO, THE TWO OF YOU MOVED FROM THE MIDWESTERN  
21 TOWN TO CHICAGO?

22 A YES.

23 Q AND IN CHICAGO, DID YOU HAVE CHILDREN?

24 A YES.

25 Q AND WHO WAS BORN IN CHICAGO?

26 A GREG AND THEN JOE.

27 Q AND THEY ARE HOW MANY YEARS APART?

28 A TWO.

1 Q AND DID LARRY GAMSKY CONTINUE WORKING FOR THIS  
2 ADVERTISING AGENCY?

3 A NO. HE DIDN'T.

4 Q HOW LONG DID HE WORK FOR THE AGENCY?

5 A I BELIEVE HE WAS THERE APPROXIMATELY A YEAR.

6 Q AND THEN DID HE CHANGE JOBS?

7 A YES.

8 Q WAS THERE A BETTER JOB THAT CAME ALONG?

9 A YES. WELL, IT WAS ONE THAT HE PREFERRED.

10 Q AND WHAT KIND OF WORK DID HE DO?

11 A HE GOT A JOB WITH A PHARMACEUTICAL COMPANY.  
12 HE WAS A DETAIL MAN WHICH REQUIRED YOU KNOW, HIM LEARNING  
13 ABOUT PHARMACEUTICALS.

14 HE LEARNED QUICKLY. HE WAS A GOOD SALESMAN.  
15 HE WOULD GO AROUND TO SEE THE VARIOUS DOCTORS AND TELL THEM  
16 ABOUT THE AVAILABLE DRUGS.

17 Q AND WERE YOU HAPPY WITH THIS EMPLOYMENT OF  
18 HIS?

19 A YES. IT WAS VERY NICE.

20 Q HOW WERE YOU AND THE BOYS AND MR. GAMSKY LIVING  
21 THEN, IN CHICAGO?

22 A WELL, THE JOB PAID WELL, BACK THEN. IT WAS  
23 \$20,000 A YEAR, AS I REMEMBER. ALSO, HE HAD A NEW CAR.

24 THERE WAS TRAVEL AND IT WAS A GREAT OPPORTUNITY  
25 FOR HIM AS A YOUNG MAN.

26 Q WHAT YEAR WAS THIS, MRS. GAMSKY?

27 A 1950 -- NO, IT WAS ABOUT '59, I GUESS. NO,  
28 NOT THAT LATE. LET'S SEE --

1 Q IN ANY EVENT, WERE JOE AND HIS BROTHER GREG,  
2 BORN NATURALLY, WITHOUT ANY PROBLEMS OR COMPLICATIONS?

3 A YES, WITHOUT ANY.

4 Q JOE WAS BORN AT HOME?

5 A YES, HE WAS.

6 Q WAS THERE A PHYSICIAN IN ATTENDANCE?

7 A AND A NURSE.

8 Q HIS BROTHER, GREG HAD BEEN PREVIOUSLY BORN  
9 IN THE HOSPITAL?

10 A RIGHT.

11 Q KAY WAS BORN AT HOME, LATER, IN CALIFORNIA?

12 A YES.

13 Q AND HOW LONG DID MR. GAMSKY AND YOU CONTINUE  
14 TO LIVE IN CHICAGO AFTER HE GOT THIS MEDICAL, PHARMACEUTICAL  
15 DETAIL JOB?

16 A WELL, THAT JOB, HE WAS TRANSFERRED. AND WE  
17 LIVED IN SEVERAL LOCATIONS WHILE HE HAD THAT JOB UNTIL WE  
18 MOVED TO LOS ANGELES IN 1962 OR '61.

19 Q DID YOU GO TO A PLACE CALLED CALUMET CITY,  
20 INDIANA?

21 A YES. HE WAS TRANSFERRED TO CALUMET CITY.

22 Q WAS THAT ACROSS THE RIVER OR ACROSS THE LAKE  
23 FROM CHICAGO?

24 A IT WAS VERY CLOSE TO CHICAGO, ABOUT 20 MILES.

25 Q WAS IT A LESS DESIRABLE COMMUNITY TO LIVE IN?

26 A YES. IT WAS A STEEL TOWN, MAINLY STEEL WORKERS.

27 Q NOW, PRIOR TO THIS TIME WHEN YOU WERE LIVING  
28 IN CALUMET, INDIANA AND AT THE TIME WHEN HE WAS A SINGLE



1 PERSON, HAD LARRY GAMSKY BEEN TO CALIFORNIA?

2 A YES. HE CAME OUT HERE ON VACATIONS AS A YOUNG  
3 MAN.

4 Q AND WERE THERE YEARNINGS TO RETURN HERE THAT  
5 WERE STIRRING IN HIM THEN, AT THIS TIME?

6 A HE HATED THE CHICAGO WEATHER AND THAT AREA.  
7 AND HE LOVED CALIFORNIA WHEN HE WAS HERE.

8 Q AND AS THINGS WENT IN THOSE DAYS, DID YOU HAVE  
9 MUCH TO SAY IN TERMS OF THE IMPORTANT DECISIONS THAT WERE  
10 MADE ABOUT THE FAMILY?

11 A NO.

12 Q SO, I TAKE IT THAT LARGELY AS A RESULT OF HIS  
13 WANTING TO, THE FOUR OF YOU MOVED TO CALIFORNIA?

14 A YES.

15 Q SPECIFICALLY, WHEN HE GOT TO CALIFORNIA, WHERE  
16 DID YOU GO AND WHAT DID YOU DO?

17 A WELL, WHEN WE ARRIVED HERE, OF COURSE HE NO  
18 LONGER HAD THE COMPANY CAR. SO WE PURCHASED A CAR.

19 AND GREG AND JOE WERE VERY SMALL, TWO AND FOUR  
20 YEARS. JOE WAS TWO AND GREG WAS FOUR. WE TRAVELED ACROSS  
21 COUNTRY.

22 AND OF COURSE, I HAD NEVER BEEN ANY FURTHER  
23 THAN ILLINOIS. SO IT WAS INTERESTING, SEEING THE COUNTRY.  
24 THERE WEREN'T ANY PROBLEMS GETTING HERE.

25 THEN WE STAYED IN WEST LOS ANGELES FIRST. WE  
26 STAYED AT MOTELS YOU KNOW, BEFORE WE FOUND A PLACE TO STAY.  
27 AND LARRY HAD STARTED A BUSINESS ON HIS OWN IN CALUMET CITY,  
28 IN CONJUNCTION WITH HIS PERMANENT POSITION.

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1 Q IN CONJUNCTION WITH OR IN ADDITION TO?

2 A IN ADDITION TO. I MEAN IT WAS A COOKWARE BUSINESS,  
3 WHICH HE HAD A FRANCHISE FOR, AND THAT IS WHAT HE INTENDED  
4 TO CONTINUE WITH WHEN WE REACHED CALIFORNIA.

5 THE MAIN OFFICE WAS OUT HERE FOR THE COOKWARE.

6 Q SO THERE WAS A MOONLIGHT BUSINESS INVOLVING WHAT,  
7 DIRECT SALES --

8 A DIRECT SALES.

9 Q -- OF ALUMINUM COOKWARE OR SOMETHING?

10 A STAINLESS STEEL.

11 Q STAINLESS STEEL?

12 DID HE ACTUALLY WORK AT THAT BUSINESS?

13 A HE DID IN THE BEGINNING, HE GOT SALESMEN AND HE  
14 TRAINED ME. HE WANTED ME TO HELP HIM WITH THIS AND I DID.

15 AND I WAS SUCCESSFUL AT SALES AND I MADE SOME.  
16 AND WE MADE QUITE A BIT OF MONEY BECAUSE IT WAS HIS FRANCHISE.

17 Q FROM THE COOKWARE --

18 A UH-HUH.

19 Q SALES?

20 A AND HE WISHED ME TO CONTINUE IN THIS.

21 AND I ACTUALLY PREFERRED STAYING HOME WITH THE  
22 CHILDREN BUT THAT WAS HIS PLAN, THAT WHEN WE GOT HERE, THAT  
23 IS WHAT WE WOULD DO.

24 Q SO WHEN YOU ARRIVED HERE, HE HAD NO JOB AND HE  
25 WANTED YOU TO CONTINUE IN THE COOKWARE BUSINESS AND HE WOULD  
26 MANAGE YOU, SO TO SPEAK?

27 A YES, AND HIRE OTHER SALESPEOPLE.

28 Q AND WOULD YOU DO THE DOOR-TO-DOOR WORK AND THE

1 LEG WORK?

2 A UH-HUH.

3 THE COURT REPORTER: IS THAT ANSWER YES?

4 THE WITNESS: YES.

5 Q BY MR. CHIER: WOULD YOU SAY YES AND NO FOR THE  
6 REPORTER?

7 A YES.

8 Q SHE DOESN'T ALWAYS LOOK UP AND SHE IS NOT SURE  
9 WHICH DIRECTION YOU ARE NODDING, OKAY?

10 A OKAY.

11 Q DID HE SEEK EMPLOYMENT HERE IN THE BEGINNING?

12 A NO, HE DIDN'T.

13 Q AND WHAT WAS THE FAMILY DOING FOR FINANCES?

14 A WELL, WE HAD OUR SAVINGS.

15 THE COURT: YOU HAD WHAT?

16 THE WITNESS: WE HAD SAVINGS.

17 THE COURT: OH.

18 THE WITNESS: THAT WE WERE USING TO LIVE ON.

19 Q BY MR. CHIER: DID YOU HAVE ANY CONTROL OVER THE  
20 SAVINGS OR WERE THEY ENTIRELY UNDER HIS DOMINION AND CONTROL?

21 A IT WAS ENTIRELY UNDER HIS DOMINION.

22 Q DID YOU HAVE TO ASK FOR MONEY WHEN YOU NEEDED  
23 IT?

24 A ALWAYS.

25 Q DID YOU ALWAYS GET IT WHEN YOU ASKED FOR IT?

26 A WELL, IT DEPENDED ON WHAT IT WAS FOR, YOU KNOW.

27 Q ALL RIGHT. NOW I UNDERSTAND THAT YOU ULTIMATELY  
28 SETTLED DOWN IN THE LOS FELIZ AREA?

29 A YES.

- 3

1 Q AND DID YOU BUY A HOUSE THERE?

2 A NO, WE DIDN'T.

3 WE WERE RENTING.

4 Q WHERE DID YOU LIVE?

5 A WHERE DID WE LIVE IN THE LOS FELIZ AREA?

6 Q NO, NOT THE ADDRESS.

7 DID YOU LIVE IN A HOUSE OR AN APARTMENT?

8 A FIRST WE LIVED IN AN APARTMENT AND THEN WE RENTED  
9 A SMALL HOUSE.

10 Q AND YOU HAD, AS OF THIS TIME, BEEN MARRIED EIGHT  
11 OR NINE YEARS TO MR. GAMSKY?

12 A YES.

13 Q AND HAD YOU BEEN BUGGING HIM, SO TO SPEAK, TO  
14 GET A HOUSE DURING THE MARRIAGE?

15 A YES.

16 AFTER KAY WAS BORN, I WAS ADAMANT ABOUT PURCHASING  
17 OUR OWN HOME.

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1 Q AND HOW WOULD YOU CHARACTERIZE HIS ATTITUDE TOWARDS  
2 BUYING A HOUSE AND FURNITURE?

3 A HE DIDN'T WANT TO PURCHASE A HOME OR HAVE A HOME  
4 SO IT WAS -- I HAD TO CONVINCHE HIM THAT, YOU KNOW, IT WOULD  
5 BE THE BEST THING.

6 Q NOW, WHILE YOU WERE LIVING IN THE LOS FELIZ AREA,  
7 JOE WAS WHAT, THREE OR FOUR YEARS OLD NOW?

8 A LET'S SEE, JOE WAS STARTING NURSERY SCHOOL WHEN  
9 WE WERE THERE SO HE WAS -- I THINK HE WENT TO NURSERY SCHOOL  
10 WHEN HE WAS FIVE.

11 Q HOW FAR AWAY WAS THE NURSERY SCHOOL FROM YOUR  
12 HOME?

13 A OH, ABOUT A LONG BLOCK AND A HALF.

14 Q WERE THERE A NUMBER OF STREETS TO CROSS, BUSY  
15 STREETS TO CROSS TO GET THERE?

16 A NO, NOT FOR THE NURSERY SCHOOL.

17 Q DID YOU NOW HAVE AN INFANT CHILD, KAY, THAT WAS?

18 A NO. THAT WAS A LITTLE LATER ON.

19 Q IT WAS A LITTLE LATER?

20 A UH-HUH, AFTER WE HAD MOVED, YOU KNOW. I THINK  
21 WHAT YOU ARE THINKING ABOUT -- THIS WAS A NURSERY SCHOOL IN  
22 THE LOS FELIZ AREA.

23 Q HOW DID JOE GET TO NURSERY SCHOOL?

24 A HE AND GREG WALKED.

25 Q HOW OLD WAS HE AT THIS TIME?

26 A FIVE.

27 Q AND DID YOUR HUSBAND TAKE TIME TO MAKE SURE IT  
28 WAS SAFE FOR HIM?

7-5

1           A        YES, BECAUSE AT THAT TIME I WAS WORKING. THAT  
2 WAS BEFORE KAY WAS BORN.

3           Q        AND THEN KAY WAS BORN?

4           A        UH-HUH.

5           Q        WAS JOE A GOOD BOY WHEN HE WAS FOUR OR FIVE YEARS  
6 OLD?

7           A        HE WAS ALWAYS A WONDERFUL LITTLE GUY.

8           Q        FROM THE VERY BEGINNING?

9           A        (WITNESS NODS HER HEAD UP AND DOWN.)

10          Q        WAS HE ONE OF THOSE BABIES THAT DIDN'T CRY?

11          A        HE WAS.

12          Q        AND WAS THERE A PROBLEM WEANING HIM?

13          A        NO.

14          Q        DID HE TEACH HIMSELF TO BE TOILET TRAINED?

15          A        HE DID.

16          Q        WAS HE ALWAYS THATTYPE OF SELF-STARTER?

17          A        HE WOULD WAKE UP IN THE MORNING SMILING AND HE  
18 WOULD GO TO BED SMILING WHEN HE WAS A BABY AND ALL OF THE  
19 TIME HE WAS LITTLE.

20          Q        WAS HE DEMANDING IN TERMS OF EITHER TOYS OR  
21 YOUR ATTENTION OR --

22          A        NO.

23          Q        -- ANYTHING ELSE?

24          A        NO.

25          Q        YOU COULD GIVE HIM A TOY AND HE WOULD PLAY, HE  
26 WOULD ENTERTAIN HIMSELF WITH IT.

27          A        YOU COULD GIVE HIM JUST A BUNCH OF LITTLE BLOCKS  
28 AND HE WAS HAPPY.

1 Q DO YOU KNOW THE EXPRESSION AUTODIDACTIC SELF-TEACHING  
2 OR SELF-TAUGHT, DOES THAT CHARACTERIZE JOE TO A GREAT EXTENT?

3 A WELL, HE LEARNED A LOT FROM HIS OLDER BROTHER,  
4 TOO, HAVING A BROTHER TWO YEARS OLDER.

5 Q HOW DID HE INTERRELATE WITH HIS OLDER BROTHER?

6 A THEY WERE GREAT FRIENDS.

7 GREG LOOKED AFTER HIM AND THEN AS JOE GOT OLDER,  
8 THEY BECAME GOOD BUDDIES. THEY WERE GREAT FRIENDS.

9 Q WOULD YOU CHARACTERIZE THE RELATIONSHIP AS CLOSE  
10 OR EXTREMELY CLOSE OR --

11 A THEY WERE CLOSE, THEY WERE -- THOUGH THERE WAS  
12 AN AGE DIFFERENCE AND, YOU KNOW, WHEN THEY WERE LITTLE THEY  
13 WERE ALWAYS CLOSE. THEY WALKED TO SCHOOL TOGETHER. THEY  
14 CAME HOME TOGETHER. THEY PLAYED TOGETHER ALL SUMMER. THEY  
15 HAD GAMES THAT THEY PLAYED.

16 Q DID JOE RELATE WELL WITH THE OTHER CHILDREN, HIS  
17 FRIENDS AND CHILDREN IN THE NEIGHBORHOOD?

18 A JOE WAS ALWAYS VERY POPULAR, WELL LIKED AND HAD  
19 A LOT OF FRIENDS AND HE HAD LOYAL FRIENDS AND FRIENDS FOR  
20 YEARS.

21 Q DID YOU BRING ANY PHOTOGRAPHS OF JOE AS A CHILD?

22 A YES, I DID.

23 I THINK I GAVE THEM TO YOU, UH-HUH.  
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1 MR. CHIER: DEFENDANT'S B-2, YOUR HONOR? MAY I HAVE  
2 THAT MARKED?

3 THE COURT: IT IS P-B, ISN'T IT?

4 MR. CHIER: I THOUGHT THERE WAS A B.

5 THE COURT: IT IS P-B. WE HAVE AN A.

6 MR. CHIER: I MEANT P-B.

7 Q ARE THESE THE PHOTOGRAPHS?

8 A YES.

9 Q THE BLACK AND WHITE PHOTOGRAPH IS TAKEN IN  
10 1968, AT AGE 9?

11 A RIGHT.

12 Q AND DO YOU KNOW WHAT THESE OTHER PHOTOGRAPHS  
13 ARE -- ARE THE DATES ON THEM?

14 A SOME OF THEM.

15 Q IN THE MARGIN THERE?

16 A YES, EXCEPT FOR THIS ONE.

17 Q NOW, DID YOU AS A RESULT OF YOUR BADGERING  
18 MR. GAMSKY ABOUT ACQUIRING A HOUSE, DID SOMETHING COME UP  
19 IN THAT REGARD?

20 A YES. I GOT A PHONE CALL ONE TIME AT LUNCH.  
21 AND HE SAID THAT THERE WAS A HOUSE AVAILABLE AND I SHOULD  
22 GO OUT AND LOOK AT IT.

23 IT WAS IN THE SAN FERNANDO VALLEY. I WENT  
24 OUT THERE AND I LOOKED AT IT.

25 AND THEN HE SAID, "THIS IS IT. IF YOU WANT  
26 A HOUSE, THIS IS THE ONE. THIS IS AVAILABLE TO US."

27 IT WAS AVAILABLE UNDER A LAND CONTRACT, SO  
28 WE COULD GET INTO IT.



1 "IF YOU WANT A HOUSE, THIS IS IT."

2 Q IT WAS TAKE IT OR LEAVE IT?

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

4 Q WAS THIS HOUSE YOUR DREAM HOUSE?

5 A NO.

6 Q WHAT WAS IT?

7 A IT WAS IN FORECLOSURE. IT NEEDED A LOT OF  
8 WORK.

9 BUT IT DID HAVE A SWIMMING POOL THAT WAS NICE.  
10 THE POOL WAS EMPTY, WITH A FROG IN IT AND HUGE CACTUS GROWING  
11 AROUND THE SWIMMING POOL.

12 THERE WAS TONS OF TRASH LEFT. THERE WERE 20  
13 LOADS OF TRASH TO BE TAKEN OUT OF THE BACK YARD.

14 Q TRUCKLOADS OR CARLOADS OR WHAT?

15 A TRAILERLOADS.

16 Q TRAILERLOADS?

17 A UH-HUH. BUT GREG AND JOE HELPED A LOT.

18 Q DID THEY?

19 A UH-HUH.

20 Q AND DID THE HOUSE EVENTUALLY GET --

21 A MR. GAMSKY WAS VERY HANDY AND HE COULD FIX  
22 ANYTHING.

23 SO HE FIXED THE POOL. AND HE FIXED THE FILTER.  
24 AND HE FIXED THE COOLER ON TOP OF THE HOUSE.

25 THAT COOLER WAS ABOUT 20 YEARS OLD AND CONSTANTLY  
26 NEEDED REPAIR. HE JUST KEPT FIXING IT.

27 Q NOW, JOE WOULD HAVE BEEN ABOUT WHAT, SIX OR  
28 SEVEN, KINDERGARTEN AGE AT THIS TIME?

1           A           JOE WAS -- LET'S SEE. KAY WAS TWO WHEN WE  
2 MOVED INTO THE HOUSE. SO JOE WAS FIVE YEARS OLDER. HE  
3 WAS SEVEN.

4           Q           YOUR SON, GREG, CHARACTERIZED THE FURNITURE  
5 IN YOUR HOUSE AS HAVING BEEN CONSTRUCTED IN THE GARAGE.  
6 IS THAT A FAIR CHARACTERIZATION?

7           A           WELL, WHEN WE MOVED INTO THE HOUSE, WE HAD  
8 SOME HOMEMADE FURNITURE THAT LARRY HAD MADE. I AM SURE  
9 HE REMEMBERS THAT.

10                    THAT WAS ALL REPLACED EVENTUALLY. BUT WE STARTED  
11 WITH VERY LITTLE.

12           Q           AND WAS THAT -- WHEN YOU SAY "WE" YOU ARE TALKING  
13 ABOUT THE ENTIRE FAMILY? DID THAT INCLUDE LARRY GAMSKY?

14           A           YES.

15           Q           DID HE ALWAYS TREAT HIMSELF DIFFERENTLY FROM  
16 THE REST OF THE FAMILY?

17           A           WELL, NOT AT FIRST. BUT LATER ON HE DID.

18           Q           LATER ON?

19           A           IT BECAME APPARENT THAT -- BUT, HE ALWAYS HAD  
20 REASONS FOR WHAT HE HAD TO -- HOW HE HAD TO APPEAR FOR WORK  
21 AND SO FORTH.

22           Q           APPEARANCES?

23           A           (WITNESS NODS HEAD UP AND DOWN.)

24           Q           WHEN YOU WERE NOW LIVING IN THIS HOME IN VAN  
25 NUYS, GREG IS IN GRAMMAR SCHOOL?

26           A           RIGHT.

27           Q           AND --

28           A           GREG WAS IN SECOND GRADE AND JOE WAS STARTING

1 FIRST.

2 Q ALL RIGHT. AND WHAT WAS MR. GAMSKY DOING FOR  
3 AN INCOME AT THIS PARTICULAR TIME?

4 A AT THAT TIME, HE WAS A MEDICAL ADMINISTRATOR.

5 Q FOR WHAT KIND OF COMPANY OR ORGANIZATION WAS  
6 HE A MEDICAL ADMINISTRATOR?

7 A FOR A DOCTOR IN HOLLYWOOD ON THE SUNSET STRIP.

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1 Q WHAT KIND OF A DOCTOR?

2 A HE WAS A MEDICAL HYPNOTIST.

3 Q WAS IT A MEDICAL DOCTOR?

4 A YES.

5 Q AND THE DOCTOR SPECIALIZED IN HYPNOTHERAPY?

6 A RIGHT.

7 Q AND WAS IT A PLACE THAT DID A LOT OF ADVERTISING?

8 A I AM NOT AWARE OF THAT. THEY HAD THE AMERICAN  
9 INSTITUTE OF HYPNOSIS JOURNALS AND THAT TYPE OF THING.

10 Q YOUR HUSBAND BECAME AN ADMINISTRATOR FOR THEM?

11 A YES.

12 Q WAS THAT LIKE A NICE TITLE FOR AN OFFICE MANAGER  
13 OR DID HE HAVE A FUNCTION BEYOND THAT?

14 A WELL, HE SET UP DIFFERENT PROGRAMS FOR THE  
15 INSTITUTE TO BRING IN PEOPLE TO LEARN UNDER THE DOCTOR THAT  
16 WAS THERE.

17 AND HE HANDLED THE FEE-SETTING AND THAT TYPE  
18 OF THING. HE MANAGED THE OFFICE, THE HIRING AND HE DID  
19 EVERYTHING THAT WAS NOT MEDICAL.

20 Q ALL RIGHT. NOW, WAS HE BRINGING HOME A REGULAR  
21 INCOME?

22 A AT THAT TIME?

23 Q FROM THAT COMPANY OR ORGANIZATION?

24 A AT THAT TIME, IT WAS A SMALL INCOME --

25 Q DID YOU SUBSEQUENTLY DISCOVER THAT HE HAD USED  
26 WHATEVER SAVINGS OR INHERITANCE THAT HE MAY HAVE HAD FROM  
27 WISCONSIN FOR HIS OWN, PERSONAL THERAPY AT THAT PLACE?

28 A YES.

1 Q DO YOU KNOW HOW MUCH THAT AMOUNTED TO?

2 A \$5,000.

3 Q AND DID YOU KNOW THAT THIS MONEY EXISTED BEFORE  
4 HE EXPENDED IT FOR HIMSELF?

5 A NO, I DIDN'T.

6 Q AND WAS THE CONDITION THAT HE SOUGHT TO CURE --  
7 WHAT WAS THE CONDITION THAT HE SOUGHT TO CURE?

8 A WELL, WHEN WE MOVED OUT HERE, IT WAS AS IF  
9 HE SUDDENLY COULDN'T FUNCTION. HE JUST COULDN'T GO AND  
10 DO A NORMAL DAY'S WORK. HE WAS UNABLE TO FUNCTION.

11 SO, HE FELT HE NEEDED HELP. HE HAD BEEN YOU  
12 KNOW, WORKING AND FUNCTIONING AND HAD HAD A CAREER. AND  
13 THEN HE JUST WAS LIKE HE WAS OVERWHELMED. HE DIDN'T KNOW  
14 WHERE TO START AND WHAT TO DO.

15 Q SO THAT IN A WORD OR TWO, THE CONDITION THAT  
16 HE SUFFERED FROM, WAS INABILITY TO FUNCTION IN A NORMAL  
17 EMPLOYMENT SENSE?

18 A YES.

19 Q NOW, DID YOU CONTINUE TO WORK WHEN YOU WERE  
20 LIVING ON ALBERS STREET IN VAN NUYS?

21 A NO. I ONLY WORKED WHEN WE ORIGINALLY CAME  
22 OUT HERE.

23 Q YOU HAD JOE ENTERED IN THE GRAMMAR SCHOOL?

24 A YES.

25 Q AND KESTER AVENUE SCHOOL, WAS IT?

26 A UH-HUH.

27 Q AND WHERE WAS THAT IN RELATION TO YOUR HOUSE?

28 A IT WAS ABOUT FOUR AND A HALF BLOCKS FROM WHERE  
29 WE LIVED.

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1 Q AND YOU NOW HAD AN INFANT CHILD, KAY, OR A TODDLER,  
2 I SHOULD SAY?

3 A A TODDLER AT THAT TIME, UH-HUH.

4 Q AND YOU DIDN'T HAVE DOMESTIC HELP, I ASSUME?

5 A NO.

6 Q AND HOW DID JOE GET TO THIS SCHOOL, KESTER AVENUE  
7 SCHOOL?

8 A HE AND GREG WALKED TOGETHER.

9 Q WAS THIS AGAINST YOUR WISHES THAT HE WOULD HAVE  
10 TO WALK TO SCHOOL?

11 A NO, NOT FROM KESTER.

12 Q AND WAS THERE EVER A TIME WHEN MR. GAMSKY INSISTED  
13 THAT JOE WALK HIMSELF TO SCHOOL WITHOUT BENEFIT OF A PARENT  
14 OR A CROSSING GUARD?

15 A YES.

16 WHEN HE STARTED KINDERGARTEN AND KAY WAS AN INFANT  
17 AND, YOU KNOW, KAY WAS LIKE ONE MONTH OLD AND I DIDN'T WANT  
18 TO LEAVE HER AT HOME ALONE AND I WAS CONCERNED.

19 (WITNESS CRYING.)

20 Q WHAT WAS HIS REASON FOR INSISTING THAT JOE PROCEED  
21 ON HIS OWN WITHOUT ANYBODY?

22 A HE SAID THAT JOE WAS VERY CAPABLE AND HE COULD  
23 LEARN EASILY TO WALK TO SCHOOL AND THAT I WAS OVER-MOTHERING  
24 AND THAT I HAD SPOILED GREG AND THAT JOE -- IF I WANTED JOE  
25 TO GROW UP TO BE ANY KIND OF A MAN, HE COULD WALK TO  
26 KINDERGARTEN ALONE.

27 Q HOW OLD OF A CHILD ARE WE TALKING ABOUT,  
28 MRS. GAMSKY?

1 A FIVE YEARS OLD.

2 Q I TAKE IT, AS IN OTHER MATTERS, YOU HAD NOTHING  
3 TO SAY ABOUT THIS AS WELL?

4 A WELL, I REALLY, YOU KNOW, IT WAS LIKE WHAT COULD  
5 I DO ABOUT IT? THAT WAS IT. I COULDN'T -- I COULDN'T TAKE  
6 KAY OUT, YOU KNOW. SHE WAS TOO LITTLE AND I WAS CONCERNED  
7 THAT AN INFANT BEING ILL OR SOMETHING AND EVERY TIME I COULD  
8 OR I COULD GET A NEIGHBOR TO WATCH KAY, I WOULD RUN DOWN AND  
9 MEET JOE.

10 AND AFTER ABOUT, I THINK IT WAS THREE MONTHS OF  
11 THIS, THEN MR. GAMSKY GOT ME A SMALL CAR AND I WAS ABLE TO  
12 TAKE JOE AND PICK HIM UP AND SO FORTH.

13 Q NOW, EITHER AS A --

14 DID JOE HAVE FRIENDS IN THE NEIGHBORHOOD OVER  
15 IN VAN NUYS?

16 A YES, JOE ALWAYS HAD A LOT OF FRIENDS.

17 Q AND AS FAR AS YOU KNOW, DID HE HAVE FRIENDS THEN  
18 THAT HE HAS CONTINUED TO HAVE UNTIL THE PRESENT TIME?

19 A YES.

20 Q AND THAT WOULD BE MORE THAN ONE PERSON?

21 A YES.

22 Q AND WAS JOE A CONFRONTATIONAL TYPE PERSON, HE  
23 LIKED CONFRONTATIONS?

24 A NO.

25 HE WAS ALWAYS A PEACEMAKER. HE ALWAYS -- HE COULD  
26 GET ALONG. HE COULD BRING A WHOLE GROUP OF SMALL CHILDREN  
27 TO DO SOMETHING AND THEY WOULD ALL BE HAPPY PLAYING IN THE  
28 POOL AND WHATEVER.

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1 Q WAS HE ALWAYS THE KIND OF A DE FACTO LEADER AMONG  
2 CHILDREN?

3 A WELL, HE WAS A GOOD LEADER-TYPE BECAUSE HE WAS  
4 THE TYPE THAT PEOPLE ENJOYED HAVING FOR A LEADER AND HE DID  
5 IT VERY SUBTLY.

6 Q COULD YOU THINK OF ANY INSTANCES?

7 A HE WAS NEVER AUTOCRATIC.

8 Q HE WAS WHAT?

9 A HE WAS NEVER AN AUTOCRATIC TYPE OF LEADER.

10 Q WAS THERE ANYBODY IN YOUR FAMILY WHO WOULD FIT  
11 THAT DESCRIPTION?

12 A AUTOCRATIC LEADER?

13 Q NO.

14 MR. GAMSKY, WAS HE AN AUTOCRATIC OR DICTATORIAL  
15 PERSON?

16 A I WOULD SAY SO.

17 Q CAN YOU THINK OF ANY INSTANCES WHEN JOE WAS EITHER  
18 A CHILD OR A TEEN-AGER AND ANY TIME IN BETWEEN THAT JOE  
19 ENGAGED IN ACTS OF MALICIOUS MISCHIEF OF ANY KIND?

20 A NO, I CAN'T.

21 Q OR DELINQUENT BEHAVIOR?

22 A NEVER.

23 Q TRUANT FROM SCHOOL?

24 A NEVER.

25 HE WAS NEVER -- JOE WAS NEVER A PROBLEM.

26 HIS OLDER BROTHER WAS A LOT MORE DIFFICULT.

27 Q TEMPERMENTAL?

28 A FUSSY, HE AND KAY ARE BOTH FUSSY TYPES, YOU KNOW,



3-4  
1 WHERE THINGS HAVE TO BE A CERTAIN WAY. THEY DON'T LIKE THIS  
2 AND THEY DON'T LIKE THAT AND CERTAIN FOODS.

3 JOE WOULD EAT ANY FOOD. HE JUST --

4 Q HE WOULD EAT ANY FOOD, WEAR ANY CLOTHES?

5 A YES.

6 Q AND PLAY WITH ANY TOYS?

7 A HE WOULD ALWAYS SAY "EVERYTHING IS OKAY. IT IS  
8 FINE. I CAN TAKE CARE OF THIS. DON'T WORRY. I CAN HANDLE  
9 IT. IT DOESN'T MATTER. IT IS ALL RIGHT."

10 THAT WAS JOE.

11 Q AND AS FAR BACK AS YOU CAN REMEMBER, HE ALWAYS  
12 DEMONSTRATED A SELF-SUFFICIENCY, HE WAS ALWAYS SELF-CONTAINED?

13 A WELL, JOE WAS QUIET WHEN HE WAS REAL LITTLE AND  
14 KIND OF SHY, ACTUALLY BUT HE WAS RESPONSIBLE ALWAYS AND  
15 CAPABLE.

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1 Q I AM SORRY, MRS. GAMSKY?

2 A I AM SORRY. EXCUSE ME.

3 Q WITH SPECIFIC REFERENCE TO THIS SHYNESS, DO YOU  
4 RECALL AN INCIDENT WHERE JOE BALKED AT GOING TO SCHOOL ONE  
5 DAY AND CAN YOU TELL US ABOUT THAT?

6 A WELL, JOE ALWAYS WENT TO SCHOOL EAGERLY AND  
7 HAPPILY AND THIS MORNING, HE GOT UP AND HE SAID "DO YOU THINK  
8 I COULD STAY HOME TODAY FROM SCHOOL, MOM?"

9 AND I SAID, "WELL, WHAT IS WRONG? ARE YOU SICK  
10 OR WHAT IS THE MATTER?"

11 AND HE SAID, "WELL, I HAVE TO GET UP IN FRONT  
12 OF THE WHOLE CLASS AND GIVE A BOOK REPORT."

13 AND HE SAID, "YOU KNOW, I AM JUST NOT COMFORTABLE  
14 DOING THAT. IT MAKES -- I JUST -- I JUST WOULD -- I DON'T  
15 WANT TO DO IT. I WANT TO STAY HOME."

16 AND SO I SAID, "WELL, I WISH YOU HAD TOLD ME ABOUT  
17 IT EARLIER AND YOU COULD HAVE PRACTICED." BUT IT WOULD BE  
18 BEST FOR HIM TO GO TO SCHOOL AND FACE IT BECAUSE IF HE DIDN'T,  
19 IT COULD WIND UP TO BE A THING WHERE ALL OF HIS LIFE, IT WOULD  
20 BUILD AND GROW AND HE WOULD BE AFRAID TO DO THAT.

21 SO WE TOOK A LITTLE TIME THAT WE HAD AND QUICKLY  
22 WENT THROUGH IT AND HE SAID, "OKAY, I WILL GO." AND OFF HE  
23 WENT AND THAT IS USUALLY ALL IT TOOK WITH JOE. HE WAS  
24 REASONABLE.

25 Q NOW YOU HAVE SAID THAT JOE WAS A PEACEMAKER AND  
26 FROM AN EARLY AGE, YOU REMEMBER HIM MANIFESTING THESE  
27 TENDENCIES?

28 A HE TRIED TO TAKE CARE OF HIS LITTLE SISTER.

1           I REMEMBER ONE DAY WE WENT ON A CAMPING TRIP WHEN  
2 KAY WAS ONLY A YEAR OLD AND SHE WAS REAL FUSSY. SHE WAS A  
3 FUSSY BABY AND KIND OF FUSSY. AND SHE HAD A SHRIEK WHEN SHE  
4 CRIED AND JOE WOULD ALWAYS, AS SOON AS SHE STARTING FUSSING,  
5 HE WOULD TAKE THE TIME AS A REAL SMALL BOY AND SIT WITH HER  
6 AND PLAY WITH HER AND GET HER SOMETHING TO EAT OR DRINK WHEN  
7 WE WERE BUSY PACKING UP TO LEAVE. AND WHEN SHE WAS SCREAMING  
8 AND HE SAT ON A BLANKET AND PLAYED WITH HER AND GAVE HER  
9 SOMETHING TO EAT AND HE JUST PATTED HER AND COMFORTED HER.  
10 THAT IS WHAT, YOU KNOW --

11           Q       LATER ON, DID HE ATTEMPT TO TRY -- DID HE ATTEMPT  
12 TO TRY TO MAKE PEACE WITH OTHER MEMBERS OF THE FAMILY IF THERE  
13 WERE PROBLEMS AND IN WHAT KINDS OF SITUATIONS OR PROBLEMS  
14 WOULD THAT ARISE THAT HE ATTEMPTED TO RESOLVE OR SOLVE?

15           A       WELL, WHEN HIS FATHER AND I WERE HAVING PROBLEMS,  
16 FOR INSTANCE, HE WOULD ALWAYS SAY, "DAD IS THIS WAY OR THAT  
17 WAY, MOM. YOU KNOW HE IS A GOOD GUY AND EVERYTHING IS GOING  
18 TO WORK OUT." THAT TYPE OF THING.

19                   "AND YOU HAVE TO MAKE ALLOWANCES FOR HIM AND HE  
20 IS TRYING TO DO HIS BEST." THAT KIND OF THING.

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1 Q SO HE HAD A REAL POSITIVE OUTLOOK?

2 A HE ALWAYS TOOK THE POSITIVE VIEW AND HE ALWAYS  
3 TRIED TO FIND POSITIVE SOLUTIONS.

4 Q NOW, A YEAR OR SO BEFORE JOE WAS TESTED, HIS  
5 BROTHER, GREG WAS IDENTIFIED AS GIFTED?

6 A YES.

7 Q AND BY "IDENTIFIED BY GIFTED," DID YOU MEAN  
8 THERE WAS A SPECIFIC, STATE-SPONSORED TEST THAT IS GIVEN  
9 AND DEPENDING UPON YOUR SCORE, YOU ARE IDENTIFIED AS GIFTED  
10 OR NOT GIFTED?

11 A THAT'S CORRECT.

12 Q AND IS THIS A TEST THAT WAS GIVEN TO EVERYBODY  
13 IN THE ORDINARY COURSE OF EVENTS OR WAS IT A TEST THAT YOU  
14 SOUGHT OUT BASED UPON SOME SUSPICION THAT YOU MAY HAVE HAD  
15 A GIFTED CHILD?

16 A USUALLY WHAT HAPPENED IS THAT THE TEACHER WOULD  
17 APPROACH THE PARENTS AND SAY THAT SHE THOUGHT THIS PARTICULAR  
18 CHILD WAS GIFTED AND WOULD THE PARENTS ALLOW THEM TO BE  
19 TESTED.

20 THAT IS WHAT HAPPENED IN GREG'S AND JOE'S CASE.

21 Q AND THAT HAPPENED IN THE CASE OF GREG AND THEN  
22 LATER ON WITH JOE?

23 A THAT'S RIGHT.

24 Q WERE YOU APPROACHED BY A DIFFERENT TEACHER  
25 IN EACH CASE?

26 A THAT'S RIGHT.

27 Q AND AFTER GREG HAD BEEN IDENTIFIED AS GIFTED,  
28 DID YOU THEN SEE DIFFERENTLY YOUR RESPONSIBILITY AS A PARENT?

1           A           WELL, I BEGAN TO REALIZE ACTUALLY THAT I HAD  
2 A HOUSE OF PRESIDENTS AND TO DEAL WITH ALL OF THIS, THERE  
3 IS AN ORGANIZATION CALLED THE "GIFTED CHILDREN'S ASSOCIATION"  
4 IN THE VALLEY.

3 5           Q           HOW DID YOU FIND OUT ABOUT THAT?

6           A           I DON'T RECALL IF IT WAS ONE OF THE PTA MEETINGS  
7 OR SOMETHING, WHERE IT WAS MENTIONED. SO --

8           Q           SOMEHOW, YOU FOUND OUT. AND YOU SOUGHT THEIR  
9 AUSPICES TO AID YOU IN THE REARING OF THESE CHILDREN?

10          A           YES, I DID. I WENT AND I JOINED THEIR ORGANIZATION.  
11 AND YOU KNOW, I AVAILED MYSELF OF THE LITERATURE THAT WAS  
12 AVAILABLE REGARDING GIFTED CHILDREN.

13                    AND FROM THE MAIN THRUST OF THE LITERATURE --  
14 IT IS THAT NO MATTER IF A CHILD IS GIFTED, THEY STILL HAVE  
15 THEIR EMOTIONAL NEEDS AND THEIR PHYSICAL GROWTH ARE ALSO  
16 VERY IMPORTANT.

17                    I JUST DETERMINED THAT THE BEST THING TO DO  
18 WOULD BE TO RAISE THEM IN AS CLOSE TO AN ORDINARY WAY AS  
19 POSSIBLE, SO THEY HAD AN OPPORTUNITY TO USE THEIR TALENTS  
20 BUT ALSO TO GROW AND DEVELOP IN OTHER AREAS.

21          Q           SO EVEN THOUGH AS I UNDERSTAND IT, THEY WERE  
22 DIFFERENT IN AN INTELLECTUAL SENSE --

23          A           THOUGH GREG WAS THE MORE BOOKISH. JOE WAS  
24 NEVER BOOKISH OR INTELLECTUAL.

25                    JOE LOVES SPORTS AND FUN AND HIS FRIENDS. HE  
26 LIKED TO PLAY.

27          Q           ACTIVITIES --

28          A           UIH-HUH. BUT THEY DID THINGS LIKE, THEY PLAYED

1 GAMES ALL AFTERNOON, LIKE WHISK OR MONOPOLY, THINGS LIKE  
2 THAT, THINGS THAT THEY WOULD DO TOGETHER.

3 JOE LOVED ANIMALS. WE ALWAYS HAD A DOG. AND  
4 I COULD ALWAYS GET JOE TO WALK THE DOG. HE WOULD BE HAPPY  
5 TO DO THAT.

6 Q NOW, DID YOU MAKE A SURPRISE VISIT TO JOE'S  
7 SCHOOL AT THE KESTER ELEMENTARY SCHOOL ONE DAY?

8 A I DID.

9 Q WHAT GRADE WAS HE IN?

10 A FIFTH GRADE.

11 Q AND HAD HE BEEN IDENTIFIED AS GIFTED AT THAT  
12 TIME OR NOT?

13 A WELL, IT WAS THE SIXTH GRADE THAT I WENT TO.

14 Q SIXTH GRADE?

15 A I BELIEVE IT WAS THE SIXTH.

16 Q AND WHAT WAS YOUR PURPOSE OF GOING OVER THERE?

17 A I JUST WANTED TO STOP BY. I DID THAT OFTEN,  
18 TO SEE WHAT WAS HAPPENING AT THE SCHOOL.

19 Q AND WHAT DID YOU FIND?

20 A I FOUND JOE IN THE OFFICE. EVIDENTLY, HE WAS  
21 OFFICE MONITOR. AND I FOUND OUT THAT HE WAS ALSO IN CHARGE  
22 OF RAISING AND LOWERING THE FLAG, THAT HE WAS TEACHING FIRST  
23 GRADERS PART-TIME.

24 PART OF HIS TIME WAS BEING USED TEACHING FIRST  
25 GRADERS TO READ AND THAT ESSENTIALLY, HIS WHOLE DAY WAS  
26 TAKEN UP WITH THINGS OTHER THAN LEARNING AND STUDYING BECAUSE  
27 THEY SAID THAT THE SIXTH GRADE WAS A REVIEW IN A PUBLIC  
28 SCHOOL. JOE ALREADY UNDERSTOOD AND KNEW WHAT HE NEEDED

1 TO KNOW FOR JUNIOR HIGH AND THE REVIEW WAS FOR THE JUNIOR  
2 HIGH ENTRANCE.

3 AND JOE WAS VERY PATIENT AND A VERY GOOD TEACHER  
4 AND THEY WERE USING HIM TO TEACH THE SMALLER CHILDREN AND  
5 DO THE ERRANDS AND THINGS THAT NEEDED TO BE DONE.

6 Q DID YOU FEEL THAT THAT WAS A WASTE OF HIS TIME  
7 AND TALENTS?

8 A WELL, IT CONCERNED ME BECAUSE I FELT THAT WHILE  
9 YOU WERE IN SCHOOL, YOU SHOULD BE LEARNING, EVEN IF YOU  
10 ALREADY KNEW THE CURRICULUM.

11 YOU SHOULD BE SPENDING THAT TIME, YOU KNOW,  
12 LEARNING MORE IN SOME WAY. TEACHING SMALL CHILDREN WAS  
13 HELPFUL BUT RUNNING ALL THE ERRANDS ALL DAY, I OBJECTED  
14 TO.

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1 Q AT THE TIME THAT THIS HAPPENED, WHERE WAS GREG  
2 GOING TO SCHOOL?

3 A GREG WAS AT HARVARD HIGH SCHOOL.

4 Q AND THIS HAD COME ABOUT AS A RESULT OF SOME  
5 SCHOLARSHIP THAT YOU HAD SOUGHT OUT OR FOUND OUT ABOUT?

6 A YES. GREG ATTENDED THE VAN NUYS JUNIOR HIGH  
7 SCHOOL FOR A YEAR. AND I COULD SEE IT WAS GOING TO BE A  
8 PROBLEM FOR GREG BECAUSE A LOT OF THE TIME THERE, WAS SPENT  
9 DISCIPLINING OTHER KIDS.

10 THEY WEREN'T REALLY LEARNING WHAT YOU KNOW,  
11 THEY WOULD HAVE -- WHAT WOULD HAVE BEEN NECESSARY FOR GREG,  
12 TO HELP HIM WITH HIS LIFE. AND SO, I JUST HAPPENED TO SEE  
13 A LITTLE BLURB IN THE DAILY NEWS ABOUT SCHOLARSHIPS AT  
14 HARVARD HIGH SCHOOL.

15 I DIDN'T EVEN KNOW WHAT HARVARD HIGH SCHOOL  
16 WAS OR WHERE IT WAS. I ASKED GREG IF HE WOULD BE INTERESTED  
17 IN APPLYING. BECAUSE IF IT WAS A HELMS SCHOLARSHIP WHICH  
18 WAS SCHOLASTIC AND ATHLETIC, GREG WAS A GOOD ATHLETE AND  
19 ALSO A GOOD STUDENT. SO HE APPLIED AND HE WON THE  
20 SCHOLARSHIP.

21 Q NOW, YOU HAD A SIMILAR SITUATION WITH JOE ON  
22 YOUR HANDS?

23 A WELL, WHEN I REALIZED WHAT WAS HAPPENING WITH  
24 JOE, I MADE AN INQUIRY AT HARVARD IF THERE MIGHT POSSIBLY  
25 BE A SCHOLARSHIP FOR JOE.

26 I WAS TOLD THAT SINCE HE WAS A BROTHER OF GREG,  
27 THEY WOULD CONSIDER HIM AND GIVE HIM AN OPPORTUNITY TO TAKE  
28 THE TEST FOR THE SCHOLARSHIP.



1 Q . AND ULTIMATELY, THEY APPROVED SOME FORM OF  
2 A SCHOLARSHIP?

3 A YES, THEY DID.

4 Q THAT WAS NOT A FULL SCHOLARSHIP, AS I UNDERSTAND  
5 IT?

6 A WELL, HIS FATHER HAD A DEGREE IN BUSINESS,  
7 SO HE HANDLED ALL OF THE BILLS. AS I RECALL, THE FIRST  
8 COUPLE OF YEARS WERE FULL SCHOLARSHIPS AND THEN IT BECAME  
9 A PARTIAL SCHOLARSHIP BECAUSE HARVARD GOT MORE WELL-KNOWN  
10 AND INFORMATION ABOUT SCHOLARSHIPS GOT OUT AND THEY WANTED  
11 MORE PEOPLE TO AVAIL THEMSELVES OF SCHOLARSHIP MONEY THAT  
12 WAS AVAILABLE.

13 OF COURSE, AT ALL TIMES, WE PAID FOR JOE'S  
14 BOOKS AND FOR THINGS THAT HE NEEDED.

15 Q SO TO YOUR KNOWLEDGE, DID MR. GAMSKY IN THE  
16 EXERCISE OF HIS BUSINESS ACUMEN, WORK OUT A SCHOLARSHIP  
17 ARRANGEMENT FOR JOE AT HARVARD?

18 A YES.

19 Q AND THERE WAS SOME MONEY TO BE PAID BY THE  
20 FAMILY?

21 A YES.

22 Q AND WHAT WAS MR. GAMSKY'S ATTITUDE TOWARD KEEPING  
23 UP YOUR END OF THE DEAL?

24 A WELL, HE --

25 Q DID HE RESIST PAYMENT?

26 A HE ALWAYS PUT IT OFF UNTIL THE LAST. IT WAS  
27 NOT THE MOST IMPORTANT THING. IT WAS NOT HIGH ON HIS  
28 PRIORITY LIST.

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1 (PAUSE IN PROCEEDINGS.)

2 MR. CHIER: I HAVE A LETTER FROM HARVARD SCHOOL DATED  
3 JANUARY 7, 1977, YOUR HONOR. I WOULD LIKE IT MARKED P-C,  
4 I GUESS.

5 THE COURT: P-C.

6 Q BY MR. CHIER: I HAVE PUT A LETTER IN FRONT OF  
7 YOU. I ASSUME YOU KNOW WHAT IT IS, SINCE YOU GAVE IT TO ME,  
8 MRS. GAMSKY.

9 A UH-HUH.

10 Q WHAT IS THAT, FOR THE BENEFIT OF THE JURY.

11 A IT IS A LETTER FROM HARVARD SAYING THAT A PAYMENT  
12 HAD TO BE MADE IN A CERTAIN TIME OR JOE COULDN'T CONTINUE  
13 AT HARVARD UNLESS THE ACCOUNT WAS BROUGHT UP TO DATE BY A  
14 CERTAIN DATE.

15 Q AND IS IT MY UNDERSTANDING THAT THE LETTERS OF  
16 THIS TYPE WERE RECEIVED ON A FAIRLY REGULAR BASIS FROM THE  
17 SCHOOL?

18 A I WAS ONLY AWARE OF THIS BECAUSE WE WERE GETTING  
19 A DIVORCE.

20 PRIOR TO THAT, I HAD NO INFORMATION OR NO IDEA  
21 THAT THE BILLS WERE NOT BEING PAID.

22 Q WHAT WAS THE ATTITUDE OF JOE'S FATHER TOWARDS  
23 HIS GOING TO THIS SCHOOL?

24 A WELL, AT THIS TIME, YOU KNOW, HE WANTED ME TO  
25 PAY WHATEVER.

26 Q HE WANTED YOU TO PAY AT THIS TIME?

27 A (WITNESS NODS HER HEAD UP AND DOWN.)

28 Q WERE YOU WORKING AT THIS TIME?

29 MR. WAPNER: IS THAT NO?

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1 THE COURT REPORTER: WOULD YOU ANSWER OUT LOUD?

2 THE WITNESS: NO, I WAS NOT.

3 Q BY MR. CHIER: NOW, WAS JOE DEMANDING IN A MATERIAL  
4 SENSE OR IN THE SENSE IN TERMS OF TOYS OR CLOTHES OR THINGS  
5 OF THAT SORT?

6 A NO.

7 HE WAS ALWAYS -- WAS ALWAYS CONTENT WITH WHATEVER  
8 HE HAD AND HE NEVER COMPLAINED ABOUT ANY -- HE NEVER EVEN  
9 SAID THAT HE NEEDED MORE CLOTHES.

10 Q AT A TIME WHEN JOE WAS ABOUT FIVE FEET TALL,  
11 WAS THE FAMILY IN STRAITENED FINANCIAL CIRCUMSTANCES?

12 A YES, IT WAS A REAL DIFFICULT PERIOD.

13 Q AND WHAT SPECIFICALLY, IF ANYTHING, DID JOE OFFER  
14 TO DO AND TRY TO DO TO HELP ALLEVIATE THE FAMILY'S FINANCIAL  
15 BURDENS?

16 A WELL, WHEN HE WAS ONLY ABOUT, I THINK HE WAS ABOUT  
17 EIGHT YEARS OLD, HE CAME HOME FROM SCHOOL ONE DAY AND HE  
18 SAID, "I HAVE A GREAT IDEA. I AM GOING TO GO DOWN TO THE  
19 CORNER BY THE JUNIOR HIGH, TAKE KAY'S LITTLE WAGON AND I AM  
20 GOING TO BUY ALL OF THESE CANDY BARS AND THEN WHEN THE KIDS  
21 COME OUT OF JUNIOR HIGH SCHOOL, I AM GOING TO SELL THEM CANDY  
22 BARS FOR A LITTLE MORE THAN WHAT I PAID AND I AM GOING TO  
23 MAKE A LOT OF MONEY."

24 SO I SAID, "OKAY, JOE."

25 SO OFF HE WENT DOWN THE STREET WITH THE WAGON  
26 AND I WOULD SAY ABOUT 45 MINUTES LATER, HE CAME BACK AND HE  
27 WAS CRYING. AND I SAID, "WELL, JOE, WHAT HAPPENED?"

28 AND HE SAID, "THE JUNIOR HIGH SCHOOL BOYS BEAT

3  
1 ME UP, TOOK ALL MY MONEY AND ALL OF THE CANDY."

2 AND THEN, YOU KNOW, WE COMFORTED HIM AND HE JUST  
3 SAID, "WELL, I WILL FORGET ABOUT THAT." AND THAT WAS THE  
4 WAY JOE WAS.

5 Q DID YOU EVER OBSERVE JOE PLOTTING TO OBTAIN ANY  
6 KIND OF REVENGE AGAINST THESE BOYS OR BE ACTING VENGEFUL?

7 A NO.

8 HE JUST PROMPTLY FORGOT ABOUT IT AND DECIDED THAT  
9 WAS A BAD IDEA SO --

10 Q THEN DID HE TAKE SOME OTHER OBLIGATION TO TRY  
11 TO HELP THE FAMILY OUT?

12 A YES, HE TOOK A PAPER ROUTE.

13 EVERYTHING HE WOULD DO, HE WOULD JUST DO HIMSELF. HE  
14 WAS, I THINK, IN THE SIXTH GRADE THEN AND ALL OF A SUDDEN,  
15 HE HAD A PAPER ROUTE.

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1 Q HOW DID YOU FIND OUT THAT HE HAD A PAPER ROUTE?

2 A HE JUST STARTED GETTING UP AT 4:00 IN THE MORNING  
3 WHEN THE PAPERS WERE DELIVERED AND HE WAS A PAPERBOY AND DID  
4 IT ALL ON HIS OWN.

5 Q DID YOU FIND OUT SOME SPECIFIC DETAILS ABOUT THAT?

6 A WELL, IN THOSE DAYS, IT SEEMED LIKE IT RAINED  
7 A LOT MORE IN THE VALLEY AND WHEN IT STARTED RAINING, THE  
8 RAINY SEASON, KAY AND I GOT UP TO HELP JOE WITH THE PAPERS  
9 BECAUSE IT WAS RAINING REALLY HARD AND I GOT OUT THERE AND  
10 HERE WAS JOE ON HIS BIKE, IT WAS MAYBE, YOU KNOW, THIS HIGH  
11 AND JOE WAS ABOUT THIS MUCH BIGGER THAN HIS BIKE AND HE HAD  
12 TWO LOADS OF PAPERS. HE HAD THEM ALL IN THESE TWO BAGS AND  
13 HE WAS TRYING TO LOAD THE -- HE TRIED TO LOAD THE BIKE AND  
14 THE BIKE WOULD KEEP FALLING OVER BECAUSE HE HAD A DOUBLE PAPER  
15 ROUTE.

16 AND THAT WAS THE FIRST TIME I WAS AWARE THAT HE  
17 HAD A DOUBLE PAPER ROUTE.

18 HE COULD BARELY HOLD THE BIKE UP.

19 Q AND DO YOU KNOW WHAT HAPPENED TO JOE'S EARNINGS  
20 FROM THIS PAPER ROUTE?

21 HOW LONG DID HE HAVE THIS PAPER ROUTE?

22 A HE HAD THAT FOR, I BELIEVE, THE WHOLE OF THE SIXTH  
23 GRADE.

24 Q AND WITH THE POSSIBLE EXCEPTION OF ONE OR TWO  
25 PAYROLLS, DO YOU KNOW WHAT HAPPENED TO JOE'S EARNINGS FROM  
26 THAT PAPER ROUTE?

27 A WELL, HIS FATHER TOOK ALL OF HIS MONEY.

28 Q WHEN YOU SAY HE TOOK IT, WAS IT VOLUNTARILY GIVEN

A-2

1 OVER BY JOE OR WAS IT JUST CONFISCATED BY MR. GAMSKY?

2 A WELL, HE -- I DIDN'T HEAR ABOUT IT UNTIL AFTER  
3 IT WAS DONE, BUT HE WOULD -- HE TALKED TO JOE ABOUT THE FACT  
4 THAT HE NEEDED THIS MONEY AND JOE SAID "WELL, OKAY THEN, YOU  
5 CAN HAVE IT."

6 AND I WAS VERY UPSET BUT IT WAS ALREADY DONE.

7 AND HE NEVER REPAID IT. HE PROMISED TO REPAY  
8 IT BUT HE NEVER DID.

9 Q DID THAT AUGER A PATTERN WHICH YOU WERE TO SEE  
10 EMERGE LATER WHEN JOE WENT OFF TO CHICAGO?

11 A JOE WAS ALWAYS VERY GENEROUS AND HE NEVER -- HE  
12 NEVER HAD A LOT OF MATERIAL NEEDS FOR HIMSELF.

13 I REMEMBER WHEN HE GRADUATED FROM HARVARD, ONE  
14 OF MY FATHER'S FRIENDS GAVE HIM A CALCULATOR. HE WAS JUST  
15 THRILLED AND DELIGHTED WITH IT. IT WAS THE FIRST REALLY NICE  
16 GIFT THAT HE HAD EVER RECEIVED, I THINK FROM THE TIME WHEN  
17 WE DID HAVE A FEW GOOD YEARS WHEN HE WAS REAL LITTLE ONE TIME,  
18 YOU KNOW, AND THEY ALWAYS HAD A BICYCLE AND THAT TYPE OF THING,  
19 BUT ALL THROUGH HIS TEEN-AGE YEARS, THERE WAS VERY LITTLE  
20 MONEY.

21 Q WELL, I WILL GET BACK TO THAT QUESTION IN A MOMENT,  
22 MRS. GAMSKY.

23 WHEN JOE TRANSFERRED FROM PUBLIC SCHOOL TO PRIVATE  
24 SCHOOL, WAS THERE A PERIOD OF ADJUSTMENT?

25 A THE FIRST YEAR AT HARVARD HIGH SCHOOL WAS VERY  
26 DIFFICULT FOR JOE.

27 HE WAS USED TO BEING THE CLASSROOM MONITOR BY  
28 THIS TIME AND THE SCHOOL WAS REAL EASY FOR HIM AT KESTER FOR

A-3  
1 MANY YEARS.

2 SO WHEN HE REACHED HARVARD, THERE WAS A MUCH  
3 HIGHER LEVEL OF ACADEMIC EXCELLENCE EXPECTED, PLUS THE FACT  
4 THAT TO MAINTAIN A SCHOLARSHIP AT HARVARD, YOU HAD TO HAVE  
5 A B-PLUS AVERAGE, YOU HAD TO BE ACTIVE IN A SPORT AND YOU  
6 HAD TO TAKE PART IN AN EXTRACURRICULAR ACTIVITY.

7 ALSO, THEY RODE THEIR BIKES TO SCHOOL, SO IT WAS  
8 A DEMANDING DAY FOR JOE AND HE WAS -- HE WAS STILL HAVING --  
9 HE STILL HADN'T STARTED TO GROW SO MUCH. HE WAS STILL VERY  
10 SMALL.

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1 Q AND ONE OF THE REQUIREMENTS WAS THAT YOU BE  
2 ACTIVE IN SPORTS?

3 A YES.

4 Q DID JOE GET ACTIVE IN ATHLETICS?

5 A YES, HE DID.

6 Q DID HE GET ACTIVE IN COMPETITIVE DIVING?

7 A YES.

8 MR. CHIER: I HAVE A PHOTOGRAPH ENCLOSED IN A GLASSINE  
9 HOLDER, YOUR HONOR. I WOULD LIKE TO MARK IT AS DEFENDANT'S  
10 P-D.

11 THE COURT: SO MARKED.

12 Q BY MR. CHIER: DO YOU SEE THIS, MRS. GAMSKY?

13 A YES.

14 Q COULD YOU TELL US WHAT THAT IS?

15 A JOE WAS IN A WATER CARNIVAL AT THE VAN NUYS/  
16 SHERMAN OAKS PARK.

17 AND HE HAD GONE THERE TO LEARN DIVING ONE SUMMER  
18 BECAUSE HE WAS STILL QUITE SMALL. HE DIDN'T -- HE WAS NOT  
19 WORKING OR ANYTHING. AND HE HAD A LOT OF TIME ON HIS HANDS.

20 WE WENT OVER THERE TO SIGN HE AND KAY UP FOR  
21 SWIMMING. AND WHEN WE GOT THERE, WE FOUND OUT THAT THERE  
22 WAS A DIVING CLASS. SO HE SIGNED UP FOR THAT. AND KAY  
23 TOOK SWIMMING.

24 BUT IT TURNED OUT THAT HE WAS THE ONLY ONE  
25 WHO SIGNED UP FOR DIVING. SO THE INSTRUCTOR HAPPENED TO  
26 BE A YOUNG MAN WHO HAD BEEN IN THE OLYMPICS AND WAS SPENDING  
27 HIS SUMMER AWAY FROM COLLEGE TEACHING DIVING.

28 SO HE WORKED FOR ABOUT SIX WEEKS WITH JOE IN



1 DIVING AND THAT IS HOW JOE LEARNED TO DIVE. HE BECAME A  
2 HIGH DIVER, WHICH WAS VERY RISKY, TO ME AND VERY SCARY TO  
3 SEE HIM DOING IT.

4 SO THAT WAS THE SPORT THAT HE THEN HAD WHEN  
5 HE WENT TO HARVARD.

6 Q WAS HE ON THE DIVING TEAM AT HARVARD?

7 A YES.

8 Q AND BOTH OF THE BOYS RODE THEIR BIKES ALL THE  
9 WAY TO SCHOOL, AS I UNDERSTAND IT?

10 A YES, THEY DID.

11 Q WAS THAT -- DID THE OTHER STUDENTS FROM THE  
12 MORE AFFLUENT FAMILIES RIDE THEIR BIKES THERE?

13 A NO.

14 Q THEY WERE DROPPED OFF THERE IN LUXURY CARS  
15 OR ONE THING AND ANOTHER?

16 A YES, THEY WERE.

17 Q DID JOE EVER COMPLAIN OR MAKE DEMANDS TO THE  
18 FAMILY TO HAVE EITHER CLOTHING OR OTHER TYPES OF MISCELLANEOUS  
19 ACCOUTREMENTS TO KIND OF KEEP UP WITH THE MORE AFFLUENT  
20 PEOPLE AT THE SCHOOL?

21 A HE NEVER DID.

22 Q EVER?

23 A NEVER. IN FACT, I WOULD HAVE TO SAY TO HIM,  
24 YOU KNOW, DON'T YOU THINK YOU NEED A NEW SHIRT OR DON'T  
25 YOU THINK WE SHOULD TRY TO GET YOU SOMETHING? BECAUSE JOE  
26 WAS THE TYPE OF A PERSON THAT HAS FAVORITE CLOTHES. AND  
27 HE HAS SENTIMENTAL VALUE -- THEY HAVE VALUE TO HIM, OR  
28 SOMETHING.

1 HE HAD THIS ONE YELLOW SHIRT HE USED TO LOVE.  
2 HE WOULD WEAR IT, YOU KNOW, WORKING AT THE DESK AND THE  
3 CUFFS WOULD GET ALL DIRTY.

4 HE HATED TO GIVE THAT SHIRT UP BUT HE FINALLY  
5 HAD TO. HE LIKED THAT SHIRT. HE LIKED THE YELLOW.

6 Q NOW, I TAKE IT THAT -- I UNDERSTAND THAT GREG  
7 WAS INVOLVED WITH HIS DEBATE TEAM AT HARVARD?

8 A THAT'S RIGHT. HE WAS.

9 Q AS A RESULT OF HIS BEING INTERESTED IN IT,  
10 JOE DEVELOPED AN INTEREST IN IT?

11 A YES, HE DID.

12 Q AND THEN THEY HELPED ONE ANOTHER?

13 A THEY WORKED TOGETHER. IN THE MIDDLE OF THE  
14 SUMMER, THEY WOULD GET THEIR DEBATE TOPIC FOR THE YEAR AND  
15 THEY WOULD RUSH GLEEFULLY OFF TO THE LIBRARY TO START THEIR  
16 RESEARCH.

17 THEY USED TO WORK ON IT DAY AND NIGHT, TO PREPARE  
18 FOR IT. THEY PREPARED FOR THEIR DEBATE SEASON.

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1 Q NOW, WHEN THIS WAS GOING ON, WHERE WAS MR.  
2 GAMSKY WORKING NOW? WAS HE WORKING AT SOME OTHER TYPE OF  
3 A COMPANY, SOME PHARMACEUTICAL COMPANY?

4 A YES, PART OF THE TIME.

5 Q AND WAS JOE ABLE TO HAVE LIKE, A NORMAL SUMMER  
6 DURING THOSE SUMMERS?

7 A WHEN JOE WAS 16, HE STARTED WORKING FULL TIME  
8 WITH HIS FATHER AT THIS PHARMACEUTICAL COMPANY.

9 Q AND --

10 A THEY WOULD LEAVE EARLY IN THE MORNING BECAUSE  
11 HE WOULD RIDE WITH HIS FATHER. HIS FATHER WAS THE  
12 ADMINISTRATOR.

13 SO, HE WOULD HAVE TO BE THERE REALLY EARLY.  
14 THEY WOULD LEAVE ABOUT 7:00 AND GET HOME ABOUT 9:00 AT NIGHT.

15 Q AND DID JOE EVER REALIZE ANY PAYMENT FROM THIS  
16 TOIL?

17 A I WAS ASKING GREG YESTERDAY BECAUSE I DIDN'T  
18 RECALL EITHER OF THEM EVER GETTING PAID. AND THERE WAS  
19 NEVER ANY MENTION OF MONEY.

20 Q OKAY. DO YOU HAVE ANY UNDERSTANDING AS TO  
21 WHAT HAPPENED TO THE MONEY THAT WAS -- WAS THERE A PAYROLL  
22 DO YOU KNOW THAT WAS ACTUALLY PAID OUT FOR JOE THAT EVER  
23 REACHED HIM?

24 A I DON'T KNOW. I SEEM TO RECALL HEARING THAT  
25 HIS FATHER WOULD SAY, WELL, YOU KNOW, THE MONEY THEN WILL  
26 HELP PAY FOR HARVARD NEXT YEAR OR FOR THIS AND THAT AND  
27 THE THINGS YOU NEED. I DON'T RECALL JOE GETTING ANY MONEY.

28 Q WHILE A TEEN-AGER AT HARVARD, DID JOE HAVE

1 A CAR AT ANY TIME?

2 A NO, HE DID NOT.

3 Q DID THE OTHER BOYS HIS AGE HAVE CARS?

4 A WHEN THEY REACHED 16 AND GOT THEIR DRIVER'S  
5 LICENSE.

6 Q AND WHEN JOE REACHED THE AGE OF 16, DID HE  
7 EVEN KNOW HOW TO DRIVE?

8 A HE LEARNED.

9 Q BUT WAS THERE EVER A CAR AVAILABLE FOR HIM?

10 A WELL, SHORTLY AFTER THAT, YOU KNOW, WE STARTED  
11 HAVING SEPARATION. AND HE WAS WITH HIS FATHER MORE THAN  
12 WITH ME.

13 AND OCCASIONALLY, HE USED HIS FATHER'S CAR  
14 FOR GETTING TO DEBATE OR SOMETHING.

15 Q DID HE EVER HAVE HIS OWN CAR?

16 A NO.

17 Q DURING THOSE DAYS?

18 A NO, HE DID NOT.

19 Q NOW, WAS JOE DISTINGUISHING HIMSELF AS A STUDENT  
20 AT HARVARD?

21 A YES. AFTER THE FIRST YEAR, JOE BECAME A VERY  
22 GOOD STUDENT AND GOT VERY GOOD GRADES AND BEGAN TO EXCEL  
23 IN VARIOUS SUBJECTS.

24 HE WAS ALSO STUDYING AND LEARNING AND WORKING.  
25 AND HE WAS VERY AMBITIOUS, VERY STUDIOUS, VERY COMMITTED.

26 Q WAS HE INTO RELATING WITH HIS PEERS IN A NORMAL  
27 WAY?

28 A HE HAD HIS FRIENDS. HE WAS.

1 HE HAD FRIENDS FROM HARVARD HE WOULD VISIT  
2 THAT WOULD INVITE HIM TO THEIR HOMES FOR THE WEEKEND.

3 Q WAS HE ABLE TO RECIPROCATE IN ANY WAY, BRING  
4 THE FRIENDS TO HIS HOME?

5 A ONLY SOMEONE ELSE WHO WAS ON A SCHOLARSHIP.  
6 HE NEVER --

7 Q SOME OTHER PERSON FROM A LESS AFFLUENT FAMILY?

8 A OCCASIONALLY, THEY WOULD COME BY FOR A LITTLE  
9 BIT AND PICK HIM UP OR SOMETHING.

10 Q HOW MANY BEDROOMS DID YOU HAVE IN THE HOME?

11 A WE HAD THREE BEDROOMS.

12 Q KAY HAD ONE OF THEM?

13 A UH-HUH.

14 Q AND YOU AND MR. GAMSKY HAD ONE?

15 A RIGHT. AND JOE AND GREG HAD ONE.

16 Q THE BOYS SHARED ONE?

17 A YES. THEY DID HAVE A HOMEMADE DESK, WHICH  
18 I WAS REMEMBERING.

19 THEIR FATHER BUILT IT. I SAID THAT THEY NEEDED  
20 DESKS. THEY WERE AT HARVARD AND THEY NEEDED TO HAVE SOME  
21 PLACE TO STUDY WITH ALL THESE BOOKS. AND SO, HE BUILT  
22 THEM A DESK. IT WAS A LARGE DESK.

23 Q UP UNTIL THIS PERIOD OF TIME, HAD YOUR HUSBAND  
24 EVINCED ANY PARTICULAR INTEREST IN JOE AS A PERSON?

25 A IN THE EARLY YEARS OF OUR MARRIAGE, HE WOULD  
26 GO CAMPING WITH US AND HE WOULD PLAY WITH THE BOYS AND HE  
27 WOULD SPEND TIME WITH THEM.

28 BUT THERE WAS A LONG PERIOD WHERE HE NEVER --

1 HE WOULDN'T DO THINGS LIKE PLAY BALL WITH THEM OR WOULDN'T  
2 TEACH THEM ALL OF THE THINGS HE KNEW ABOUT TOOLS AND THINGS  
3 LIKE THAT. HE SPENT NO TIME WITH THEM UNTIL ABOUT 16.

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1 Q NOW THAT JOE WAS DISTINGUISHING HIMSELF AT SCHOOL  
2 AND SHOWING APTITUDE FOR ACADEMICS AND SOME LEADERSHIP  
3 QUALITIES, DID YOUR HUSBAND BEGIN TO EVINCE A STRONG INTEREST  
4 IN JOE AS A COMMODITY?

5 A ALL OF US AND HE DID, TOO. HE SEEMED TO SUDDENLY  
6 REALIZE HOW BRIGHT JOE WAS AND HOW MOTIVATED HE WAS AND WHAT  
7 A STRONG --

8 YOU KNOW, AT 16, I SAW IT HAPPEN WITH GREG, TOO,  
9 THEY SUDDENLY -- ANY YOUNG MAN SUDDENLY WANTS TO KNOW WHAT  
10 HIS FATHER KNOWS AND THE FATHER BECOMES A HERO AND, SUDDENLY,  
11 THE MOTHER IS KIND OF IN THE BACKGROUND AND OUT OF THE PICTURE,  
12 ESPECIALLY IF SHE DOESN'T HAVE A CAREER, AND THE CHILD FEELS  
13 THAT, YOU KNOW, HE CAN LEARN A LOT MORE FROM HIS FATHER.

14 SO JOE WAS VERY EAGER TO LEARN AND VERY EAGER  
15 TO BE WITH HIS FATHER.

16 Q WAS THERE SOME PUSHING OR SOME PRESSURE EXERTED  
17 ON JOE TO GET HIM INVOLVED IN CERTAIN THINGS BY MR. GAMSKY?

18 A WELL, I -- I OBJECTED TO JOE BEING PRESSURED SO  
19 GREATLY AND HAVING SUCH LONG HOURS AND THINGS BEGAN TO BE  
20 KIND OF SECRET BETWEEN HE AND HIS FATHER.

21 AND WHAT WAS HAPPENING TO JOE, BECAUSE JOE WANTED  
22 TO LEARN AND DO AS MUCH AS HE COULD, WHICH I UNDERSTOOD, AND  
23 I WOULD JUST FIND OUT THAT, WELL, JOE IS IN THE ACCELERATED  
24 HONORS PROGRAM NOW OR THE HONORS PROGRAM FOR HIGH SCHOOL  
25 STUDENTS TO LEARN -- HE WAS GOING TO BE GOING TO UCLA PLUS  
26 THE HARVARD CURRICULUM.

27 Q ALL RIGHT. WHY DON'T WE JUST STOP RIGHT HERE?

28 THE COURT: WE WILL TAKE OUR RECESS AT THIS TIME, PLEASE.

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LADIES AND GENTLEMEN OF THE JURY, WE WILL TAKE  
A 15-MINUTE RECESS AT THIS TIME.

THE SAME ADMONITION I GAVE YOU WOULD STILL APPLY.  
(RECESS.)



1 THE COURT: ALL RIGHT.

2 Q BY MR. CHIER: MRS. GAMSKY, JUST BEFORE THE RECESS,  
3 I BELIEVE YOU WERE TALKING ABOUT SOME PRESSURE THAT MR. GAMSKY  
4 WAS STARTING TO PUT ON JOE TO ACHIEVE AND TO ACCOMPLISH THINGS  
5 THAT HE WAS SUGGESTING. JOE WAS NOW IN HARVARD SCHOOL IN  
6 HIS THIRD OR FOURTH YEAR?

7 A YES.

8 Q AND WHILE HE WAS A SENIOR AT HARVARD SCHOOL, DID  
9 MR. --

10 A NO. THIS STARTED WHEN JOE WAS 16.

11 Q WHEN HE WAS 16? AND DID MR. GAMSKY THEN PRESSURE  
12 JOE TO THEN TAKE ON OR ASSUME OTHER CLASSES AT OTHER LEARNING  
13 INSTITUTIONS?

14 A WELL, JOE IS NOT THE TYPE OF A PERSON THAT YOU  
15 PRESSURE. JOE DOES SOMETHING BECAUSE HE WANTS TO. FROM MY  
16 POINT OF VIEW, I CONSIDERED IT PRESSURE.

17 I DON'T REALLY THINK JOE DID. JOE WANTED TO  
18 ACHIEVE. HE WANTED TO DO THE BEST THAT HE COULD. HE HONORED  
19 HIS FATHER. JOE LOVED HIS FATHER VERY MUCH.

20 Q AROUND THIS TIME, DID YOU EVER HEAR MR. GAMSKY  
21 SPEAKING TO THE BOYS OR AT LEAST TO JOE ABOUT THEIR FILIAL  
22 OR THEIR RESPONSIBILITY AS A SON TO SUPPORT HIM?

23 A HE STARTED SAYING WHAT I CONSIDERED VERY STRANGE  
24 THINGS. THE FATHER WAS IN HIS EARLY FORTIES.

25 AND IT SEEMED TO ME THAT THERE WAS GREAT CHANGES  
26 IN HIM AS HE YOU KNOW, BECAME A MIDDLE-AGED MAN.

27 AND HE WOULD SAY THINGS LIKE, WELL, I HAVE DONE  
28 ALL OF THIS FOR YOU AND WHEN I GET OLD, YOU ARE GOING TO --

1 HE EXPECTED THEM TO SUPPORT HIM AND TAKE CARE OF HIM. AND  
2 HE WAS LIKE -- IT WAS A STRANGE THING TO ME THAT HE WOULD  
3 EVEN BE THINKING ABOUT THAT WHEN THEY WERE 16 AND 18 YEARS  
4 OLD, YOU KNOW. THEY HAD NOT EVEN STARTED THEIR CAREERS.

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1 Q DID GREG BECOME ESSENTIALLY SELF-SUPPORTING AT  
2 AGE 16?

3 A AT AGE 16.

4 Q NOW, WHEN JOE WAS 16, HE HAD A FULL LOAD AT  
5 HARVARD SCHOOL?

6 A YES.

7 Q WHAT WERE HIS -- ACTUALLY HIS RESPONSIBILITIES  
8 AT HARVARD SCHOOL ALONE AT THAT TIME?

9 A I DON'T RECALL THE CURRICULUM.

10 Q I MEAN BUT HE HAD CLASSES?

11 A AND HE WAS ALSO AT UCLA IN THE HONORS PROGRAM  
12 AT THAT POINT.

13 Q AT THE SAME TIME HE WENT OVER TO UCLA -- AS AN  
14 HONORS STUDENT AT HARVARD SCHOOL, HE WAS ELIGIBLE FOR SOME  
15 SORT OF COLLATERAL COURSES AT UCLA?

16 A RIGHT, SOME COURSES, UH-HUH.

17 Q THESE WERE COLLEGE LEVEL COURSES?

18 A YES, THEY WERE.

19 Q AND WAS THERE JUST ONE OR WAS IT LIKE FAIRLY  
20 INTENSIVE?

21 A WELL, THIS WAS THE BEGINNING OF WHERE I WAS BEING  
22 SHUT OUT BY THE FATHER AND JOE WOULD --

23 I JUST REALLY DIDN'T EVEN KNOW, YOU KNOW, HOW  
24 MANY CLASSES WERE INVOLVED, HOW HE GOT THERE OR ANYTHING.

25 Q WERE YOU LIVING IN THE SAME HOUSE?

26 A I BELIEVE HE STARTED THAT AFTER HE WENT TO LIVE  
27 WITH HIS FATHER.

28 Q OKAY. THIS WAS AFTER THE SEPARATION?

1 A YES.

2 Q AND WHEN -- BEFORE THE SEPARATION, WAS MR. GAMSKY  
3 ENCOURAGING JOE TO GO INTO THIS ACCOUNTANCY PROGRAM?

4 A YES.

5 Q AND WERE THE CLASSES AT UCLA RELATED TO  
6 ACCOUNTANCY --

7 A YES, THEY WERE.

8 Q -- OF SOME KIND?

9 AND WHEN --

10 A HE, JOE WAS ALSO WORKING ON SATURDAYS AT THAT  
11 BIO-MED LABS WHILE ALL THIS WAS GOING ON, AS FAR AS I KNOW.

12 Q HE WAS WORKING?

13 A UH-HUH, ON SATURDAYS.

14 Q DID YOU SEE JOE ON THE WEEKENDS, ON SUNDAYS?

15 A WE SAW JOE OFTEN, YES, AND ON SUNDAYS AND ON  
16 WEEKENDS OR HE WOULD COME AND STAY FOR THE WEEKEND AND DURING  
17 THAT TIME, HE WOULD JUST, YOU KNOW, RELAX.

18 Q DID YOU UNDERSTAND THAT HE HAD COURSES AT UCLA  
19 AND AT HARVARD SCHOOL THEN?

20 A YES.

21 Q AND THAT HE DID DEBATE AT HARVARD SCHOOL?

22 A UH-HUH.

23 Q THAT HE WAS ALSO INVOLVED IN ATHLETICS AT HARVARD  
24 SCHOOL?

25 A THAT'S RIGHT.

26 Q IN ORDER TO MAINTAIN THE SCHOLARSHIP HE HAD TO  
27 KEEP A CERTAIN GRADE POINT AVERAGE AT HARVARD SCHOOL?

28 A HE HAD TO MAINTAIN AT LEAST A B-PLUS AVERAGE.

5-3

1 Q AND AFTER JOE WAS GRADUATED BY HARVARD SCHOOL,  
2 DID YOU SEE HIM OR WERE YOU BEGINNING TO BE KIND OF ESTRANGED  
3 FROM HIM -- NOT ESTRANGED FROM HIM -- BUT SEPARATED FROM HIM  
4 AT THAT POINT?

5 A WELL, JOE WAS VERY BUSY. BUT WE WERE NEVER  
6 ESTRANGED. WE ALWAYS HAD A GOOD RELATIONSHIP.

7 HE CALLED, YOU KNOW, AND WE WOULD SEE EACH OTHER  
8 AND WE WOULD MEET.

9 JOE DIDN'T HAVE A LOT OF TIME TO HIMSELF.

10 Q DID YOU SEE HIM FROM TIME TO TIME WHEN HE WAS  
11 IN COLLEGE?

12 A YES.

13 I WENT DOWN TO THE COLLEGE FOR A MOTHER AND SON  
14 INTRODUCTION TO USC AND SPENT A REAL NICE AFTERNOON AND JOE  
15 SHOWED ME AROUND.

16 I GOT FAMILIAR WITH WHAT HE WAS GOING TO BE DOING  
17 AND THAT TYPE OF THING.

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1 Q AND WAS JOE TAKING ACCOUNTANCY TYPE COURSES THERE  
2 AT USC?

3 A FINANCE AND ACCOUNTING, UH-HUH.

4 Q DID YOU KNOW ABOUT HIS FRATERNITY ACTIVITIES  
5 THERE?

6 A YES. HE WAS ALSO PRESIDENT OF HIS FRATERNITY  
7 AND HE STARTED A NEWSPAPER, A NEW NEWSPAPER. HE SHOWED IT  
8 TO ME.

9 Q WAS HE EDITOR IN CHIEF AND MAIN WRITER?

10 A OF A NEW NEWSPAPER FOR THE ROW, YES.

11 Q DID YOU EVER SEE ISSUES OR EDITIONS OF THAT?

12 A YES I DID. I SAW ONE ISSUE OF IT.

13 Q AND DO YOU KNOW WHETHER JOE GRADUATED FROM USC?

14 A WELL, I KNOW THAT HE WAS -- I KNOW THAT HE WAS  
15 STUDYING AND HE STUDIED COMMODITIES AND ALSO HE WAS FAMILIAR  
16 WITH COMPUTERS AND --

17 THE COURT: HE WANTS TO KNOW WHETHER OR NOT YOU KNOW  
18 WHETHER OR NOT HE GRADUATED FROM USC?

19 THE WITNESS: AS FAR AS I KNEW, HE DID.

20 THE COURT: DID HE TELL YOU THAT?

21 THE WITNESS: I DON'T KNOW WHO TOLD ME, EXACTLY. I  
22 DON'T REMEMBER.

23 Q BY MR. CHIER: WELL, WAS JOE --

24 A BUT SEE, HE STARTED AT UCLA. SO HE HAD HAD TWO  
25 YEARS OF UCLA.

26 SO THEN HE HAD AN ACCELERATED PROGRAM AT SC.  
27 AND AT THE TIME HE LEFT, I THOUGHT HE HAD A DEGREE.

28 Q ALL RIGHT. IF HE DIDN'T HAVE A DEGREE, HE WOULD

-2  
1 HAVE BEEN ELIGIBLE FOR A DEGREE, IN ANY EVENT, WOULD YOU SAY?

2 A YES. BUT THE ONLY PROBLEM --

3 THE COURT: HOW WOULD SHE KNOW? HOW WOULD THIS LADY  
4 KNOW WHETHER OR NOT HE WAS ELIGIBLE.

5 THE WITNESS: BECAUSE I KNOW THE NUMBER OF YEARS HE  
6 WAS IN SCHOOL AND --

7 THE COURT: PARDON ME. DID HE TELL YOU THAT HE WAS  
8 ELIGIBLE FOR A DEGREE?

9 THE WITNESS: YOU KNOW, JOE AND I ALWAYS TALK ABOUT  
10 MOTHER/SON THINGS. BUT I ASSUME THAT HE HAD ENOUGH UNITS,  
11 IN FACT.

12 I AM SURE THAT HE WAS ELIGIBLE FOR A DEGREE, YES.

13 THE COURT: ALL RIGHT. GO AHEAD.

14 Q BY MR. CHIER: THAT IS NOT REALLY THE POINT THAT  
15 I AM TRYING TO MAKE AND --

16 THE COURT: GO AHEAD.

17 Q BY MR. CHIER: MRS. GAMSKY, DURING THIS TIME THAT  
18 JOE WAS AT USC, DO YOU KNOW IF HE WAS WORKING FOR AN ACCOUNTING  
19 FIRM?

20 A AFTER HE GRADUATED, HE GOT A JOB FOR PEAT,  
21 MARWICK & MITCHELL AS AN ACCOUNTANT, YES.

22 Q ALL RIGHT. DID YOU KNOW WHETHER OR NOT HE WAS  
23 EVER PERMITTED TO COMPLETE THE TWO YEAR APPRENTICESHIP  
24 NECESSARY TO GET THE CERTIFICATION AS AN ACCOUNTANT?

25 A HE DID NOT GET THE TWO YEARS. HE DID PASS THE  
26 CPA EXAM, AS FAR AS I KNOW.

27 Q ARE YOU AWARE OF THE FACT THAT WHILE JOE WAS WORKING  
28 IN THE ACCOUNTING FIRM, THAT HE BEGAN TO TRADE IN A SMALL

1 WAY IN THE COMMODITY MARKET?

2 A YES.

3 Q AND DID YOU UNDERSTAND THAT HE HAD SOME SUCCESSES  
4 IN THAT REGARD?

5 A YES.

6 Q AND WAS THERE TALK AT THIS TIME -- WAS KAY LIVING  
7 WITH JOE AND HIS FATHER AT THIS TIME?

8 A YES. SHE DID LIVE WITH THEM DURING THAT PERIOD  
9 OF TIME.

10 Q AND SHE RETURNED TO YOUR HOME AFTER ONE SEMESTER  
11 OR SO?

12 A YES.

13 Q WAS THERE TALK ABOUT JOE MOVING TO CHICAGO AT  
14 THAT TIME?

15 A YES.

16 Q DID YOU TALK TO JOE ABOUT IT?

17 A YES I DID.

18 Q AND WAS IT HIS IDEA TO MOVE TO CHICAGO?

19 A HE SAID HE WAS GOING TO MOVE TO CHICAGO AND THAT  
20 THERE WERE MANY PEOPLE THAT WANTED TO INVEST, TO BUY HIM A  
21 SEAT ON THE COMMODITIES EXCHANGE.

22 Q WHEN YOU SAY "MANY PEOPLE" WERE THESE PEOPLE THAT  
23 WERE GATHERED TOGETHER BY LARRY GAMSKY, HIS FATHER, AS FAR  
24 AS YOU KNEW?

25 A AS FAR AS I KNEW, YES.

26 Q ALL RIGHT. AND WAS LARRY GAMSKY AS FAR AS YOU  
27 KNEW, ENCOURAGING THIS MOVE TO CHICAGO?

28 A VERY DEFINITELY.



1 Q AND WAS LARRY GAMSKY ENCOURAGING JOE TO BUY THIS  
2 SEAT ON THE MERCANTILE EXCHANGE?

3 A YES. IN FACT, I THINK IT WAS -- HE REALLY WANTED  
4 TO SEE THIS HAPPEN.

5 Q DO YOU BELIEVE THAT LARRY GAMSKY ENGINEERED THIS  
6 SHIFT FROM L.A. TO CHICAGO?

7 A YES I DO.

8 Q AND WHILE IN CHICAGO, DID YOU RECEIVE ANY  
9 CORRESPONDENCE FROM JOE?

10 A YES. JOE CALLED ME AND SENT LETTERS.  
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1 Q DID YOU RECEIVE ANY CORRESPONDENCE FROM LARRY  
2 GAMSKY?

3 A YES.

4 Q AND DID HE REPORT TO YOU HOW THINGS WERE GOING  
5 FOR HIM, LARRY GAMSKY, IN CHICAGO?

6 A YES, HE DID.

7 Q AND WHAT TYPE OF THINGS DID HE REPORT TO YOU  
8 WERE HAPPENING TO HIM?

9 A WELL, HE WANTED KAY TO COME AND SPEND TIME  
10 WITH HIM THERE BECAUSE HE HAD A FIVE BEDROOM HOUSE THAT  
11 HE SAID WAS VERY BEAUTIFUL AND THE BACK YARD WAS A FOREST  
12 AND IT WAS VERY NICE THERE AND HE WANTED HER TO COME AND  
13 ENJOY THESE THINGS THAT HE HAD.

14 Q THIS WAS A HOUSE THAT HE HAD?

15 A THAT IS WHAT HE SAID. HE SAID HE BOUGHT IT.  
16 I HAVE A LETTER TO THAT EFFECT.

17 Q WAS IT A HOUSE IN EITHER LAKE FOREST OR --

18 A YES.

19 Q DID HE TALK ABOUT HAVING ANY TYPE OF OTHER  
20 ACQUISITIONS SUCH AS BOATS OR PLANES OR FANCY CARS?

21 A HE SAID HE HAD A BOAT.

22 Q DID HE DESCRIBE IT?

23 A NO, HE DID NOT.

24 Q TO YOUR KNOWLEDGE, WAS LARRY GAMSKY EMPLOYED  
25 AT THAT TIME?

26 A HE WAS NOT, TO MY KNOWLEDGE, EMPLOYED.

27 Q DID YOU PERMIT KAY TO GO BACK TO CHICAGO AND  
28 VISIT?

1 A NO, I DID NOT..

2 Q WAS THERE A PERIOD OF TIME OR WAS THERE A POINT  
3 IN TIME WHERE THE COMMUNICATION BETWEEN YOU AND JOE KIND  
4 OF WAS INTERRUPTED?

5 A YES.

6 Q AND WAS THAT, AS FAR AS YOU KNEW, WHILE JOE  
7 WAS IN CHICAGO?

8 A IT WAS WHILE JOE WAS IN CHICAGO.

9 Q HOW DID THIS INTERRUPTION IN CONTACT FIRST  
10 BECOME KNOWN BY YOU?

11 A WELL, I WOULD WRITE TO JOE AND NEVER GET A  
12 RESPONSE AND THEN I WOULD TRY TO CALL THERE AND THEY HAD  
13 MOVED.

14 SO I CALLED SOME OF MR. GAMSKY'S RELATIVES  
15 AND ASKED THEM IF THEY KNEW WHERE JOE WAS, BECAUSE I WAS  
16 VERY CONCERNED ABOUT HIM, AND THEY TOLD ME THEY DIDN'T KNOW  
17 WHERE HE WAS.

18 (WITNESS CRYING.)

19 THE WITNESS: AND NOBODY WOULD TELL ME WHERE HE WAS.

20 Q BY MR. CHIER: HOW LONG HAD IT BEEN SINCE YOU  
21 HAD HEARD FROM JOE WHEN YOU ATTEMPTED TO MAKE CONTACT WITH  
22 HIM?

23 A OH, IT WAS ABOUT THREE MONTHS AND EVEN WHEN  
24 I WAS TRYING -- WHEN I BECAME ALARMED, I KNEW THAT JOE WAS  
25 VERY BUSY, AND WHEN MY LETTERS CAME BACK, I KNEW THAT THEY  
26 HAD MOVED OR SOMETHING.

27 AND I ALSO HAD A SISTER IN THE SAME HOME TOWN  
28 AS HIS, AND MY EX-IN-LAWS, SO I CALLED HER AND I ASKED HER

1 TO PLEASE GO AND TALK TO THEM AND ASK THEM IF THEY KNEW  
2 WHERE JOE WAS.

3 Q NOBODY HAD ANY INFORMATION FOR YOU.  
4 (WITNESS SHAKES HER HEAD FROM SIDE TO  
5 SIDE.)

6 THE WITNESS: AND THEN I -- I CALLED VARIOUS PEOPLE  
7 THAT I KNEW THAT WERE JOE'S FRIENDS AND SOME OF THEM HE  
8 WAS IN TOUCH WITH AND THAT PHONE WAS DISCONNECTED.

9 I PRAYED A LOT AND I CALLED THE SHERIFF'S  
10 DEPARTMENT AT ONE POINT AND I ASKED THEM WHAT I COULD DO  
11 AND THERE WAS A NICE SHERIFF -- (WITNESS CRYING) -- AND  
12 HE STATED THE DMV WOULD GIVE ME THE INFORMATION BY USING  
13 A CERTAIN PHRASE, THAT I SHOULD GO THERE OR CALL THEM AND  
14 TELL THEM, USING THIS CERTAIN PHRASE FOR SOMETHING, IF I  
15 KNEW JUST JOE'S BIRTHDAY, THEY WOULD LOCATE HIM FOR ME.

16 SO I PHONED THEM BEFORE I WENT THERE AND THEY  
17 SAID THAT THEY ABSOLUTELY DID NOT DO THAT AND THERE WAS  
18 NO WAY THAT I COULD FIND THAT OUT.

19 THEN ALSO I HEARD THAT RYAN HUNT WAS BACK IN  
20 THE L.A. AREA AND I DECIDED THAT I WOULD TRY TO GET SOME  
21 BACK CHILD SUPPORT FROM HIM, SO I WENT THROUGH THE VENTURA  
22 COUNTY CHILD SUPPORT DISTRICT ATTORNEY'S OFFICE. THEY LOCATED  
23 MR. HUNT.

24 MR. HUNT TALKED TO THEM AND TOLD THEM THAT  
25 HE NEEDED MORE TIME BECAUSE HE NEEDED TO GET A LAWYER AND  
26 HE HAD ABSOLUTELY NO MONEY. AND THEY WERE VERY, VERY KIND  
27 TO MR. HUNT. HE IS A VERY CHARMING MAN, THEY SAID. AND  
28 THEY DIDN'T TREAT ME TOO WELL.

1                   SO I DECIDED WHEN I GOT -- SAW THIS INFORMATION  
2 AND HOW THIS WAS BEING CONDUCTED AGAIN, IT WAS A STANDARD  
3 OPERATING PROCEDURE, SO I JUST COPIED SOME INFORMATION AND  
4 GOT THE POST OFFICE BOX OF WHERE MR. HUNT WAS AND THEN I  
5 DROVE IN AFTER WORK, WHICH I COMMUTED TWO HOURS A DAY FROM  
6 MY JOB -- (WITNESS CRYING).

7                   THIS IS VERY PAINFUL FOR ME BECAUSE I LOVE  
8 JOE A LOT AND I MISS HIM A LOT AND I FEEL VERY BADLY ABOUT  
9 EVER LETTING HIM GO TO CHICAGO.

10                  BUT ANYHOW, SO I DROVE IN AFTER WORK, WHICH  
11 IS ANOTHER HOUR DRIVE, TO THE SAN FERNANDO VALLEY TO THE  
12 LOCATION OF WHERE THIS POST OFFICE BOX WAS AND MY PLAN WAS  
13 I WOULD JUST WAIT AROUND THERE UNTIL HE SHOWED UP, IF IT  
14 WAS A GOVERNMENT POST OFFICE. BUT IT TURNED OUT TO BE A  
15 PRIVATELY OWNED ONE AND IT WAS IN THE VAN NUYS AREA AND  
16 IT WAS, OF COURSE, CLOSED AND LOCKED AT 5:00 O'CLOCK SO  
17 I KIND OF GAVE UP ON THAT ONE AND I JUST --

18                  I KEPT TRYING VARIOUS THINGS. AND IN FACT,  
19 MY DAUGHTER THOUGHT I WAS GETTING A LITTLE STRANGE BECAUSE  
20 FROM THAT POINT ON, I WOULD LOOK FOR JOE IN THE VALLEY.

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1 Q JUST DRIVE AROUND AND LOOK FOR HIM?

2 A NO. IF I SAW SOMEONE I THOUGHT WAS HIM --

3 THE COURT: WHY ARE YOU ASKING ABOUT THESE UNFORTUNATE  
4 INCIDENTS? CAN WE GO ON TO SOMETHING ELSE?

5 THE WITNESS: WELL, ANYWAY, I TRIED TO FIND JOE.

6 MR. CHIER: SHE IS THE MOTHER AND SHE IS NOT ALLOWED  
7 TO CRY, YOUR HONOR?

8 THE COURT: ALL RIGHT. LET'S DON'T PROVOKE IT. YOU  
9 DELIBERATELY ARE.

10 THE WITNESS: I DON'T THINK HE IS PROVOKING IT. I HAVE  
11 A LOT OF TEARS OVER THIS. THIS IS MY SON THAT I DEARLY LOVE.

12 THE COURT: THERE IS NO QUESTION ABOUT IT. I RESPECT  
13 YOU FOR IT.

14 THE WITNESS: HE IS THE KIND OF PERSON THAT SHOULD NOT  
15 BE INVOLVED IN ANY OF THIS TYPE OF THING.

16 THE COURT: YES, I UNDERSTAND THAT.

17 THE WITNESS: I THINK YOU HAVE GOT THE WRONG MAN.

18 THE COURT: LET'S GET ON, PLEASE.

19 Q BY MR. CHIER: NOW, DID YOU CONTINUE YOUR EFFORTS  
20 TO LOCATE JOE OVER THE MONTHS UNTIL YOU FINALLY HEARD FROM  
21 YOUR --

22 A YES. IN FACT, RIGHT BEFORE WE FOUND JOE, I SAW  
23 THIS FELLOW AT A PHONE BOOTH. I ACTUALLY WENT UP TO HIM --

24 (THE WITNESS BEGINS TO CRY.)

25 THE WITNESS: AND I WAS BEGINNING TO THINK THAT I WAS --  
26 I DESPERATELY MISSED JOE. JOE WAS A GREAT PERSON. HE IS  
27 A VERY LIKABLE PERSON.

28 HE WAS VERY KIND AND THIS PIN HE GAVE ME WHEN

1 HE WAS A LITTLE BOY. HE EARNED THE MONEY HIMSELF.

2 HE WAS SO PROUD OF IT. HE BROUGHT IT HOME. HE  
3 WAS ALWAYS LIKE THAT.

4 HE WOULD ALWAYS FIND OUT WHAT YOU LIKED OR WHAT  
5 YOU WANTED TO DO. THEN HE WOULD ALWAYS MAKE TIME TO DO THAT  
6 PARTICULAR THING WITH YOU OR TO LEARN ABOUT IT OR TO SHARE  
7 IT WITH YOU.

8 I USED TO GO JOGGING. AND A LOT OF THE TIME,  
9 BY THE TIME I GOT FINISHED WITH EVERYTHING, IT WOULD BE DARK.

10 NO MATTER HOW BUSY JOE'S SCHEDULE WAS, HE WOULD  
11 SAY THAT HE WOULD GO WITH ME AND WE WOULD GO OUT RUNNING  
12 BECAUSE IT WAS DARK. HE DIDN'T WANT ME OUT THERE BY MYSELF.

13 Q BY MR. CHIER: NOW, WHEN YOU WERE ABLE TO CONNECT  
14 WITH JOE, MS. GAMSKY --

15 A I GOT A PHONE CALL ONE SUNDAY MORNING, NOVEMBER  
16 2ND, 1986 FROM MY OLDEST SON.

17 IN THE LOS ANGELES TIMES IN HIS NEIGHBORHOOD,  
18 THE SAN GABRIEL VALLEY, THERE WAS AN ARTICLE SHOWING JOE,  
19 THAT JOE WAS IN PRISON AND THIS WHOLE THING ABOUT THE BBC  
20 OR THE BICYCLE CLUB OR WHATEVER IT IS.

21 AND IT WAS NOT IN OUR EDITION. WE HAD TO -- WE  
22 HAD AT THAT POINT, NO IDEA THAT JOE WAS IN ANY KIND OF A  
23 SITUATION AND THAT HE HAD BEEN IN PRISON AND HE WAS THERE  
24 ALL BY HIMSELF AND NOBODY VISITED HIM FROM OUR FAMILY.

25 WE WERE NEVER TOLD. AND MR. GAMSKY'S RELATIVES  
26 KNOW ME AND WE WERE CLOSE FOR 20 YEARS. NOBODY EVER NOTIFIED  
27 US.

28 Q AND FOR HOW LONG A PERIOD OF TIME WERE YOU

1 PHYSICALLY SEPARATED FROM CONTACT WITH JOE?

2 A SIX YEARS.

3 Q AND WHEN WAS IT THAT YOU WERE ABLE TO RECONNECT  
4 WITH JOE?

5 A IMMEDIATELY. SINCE GREG IS MORE IN COMMAND OF  
6 HIMSELF AT THIS POINT AFTER WE FOUND THIS ARTICLE, HE CALLED  
7 MR. BARENS' OFFICE AND MR. BARENS CONTACTED JOE AND JOE CALLED  
8 US IMMEDIATELY.

9 Q HAVE YOU SEEN AND TALKED TO AND BEEN WITH JOE  
10 ON A REGULAR BASIS SINCE THEN?

11 A YES. IN FACT, I TALK WITH HIM EVERY DAY -- I  
12 DID WHEN HE WAS STAYING WITH THE ROBERTS' FAMILY.

13 I TOLD HIM THAT I HAD THIS FEELING LIKE I WANTED  
14 TO PUT HIM IN MY POCKET AND NEVER LET HIM OUT OF MY SIGHT  
15 AGAIN.

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1 Q WHERE WERE YOU LIVING AT THE TIME JOE WAS INVOLVED  
2 IN THIS TRIAL, WHILE HE WAS LIVING AT THE ROBERTS' HOUSE?

3 A WHERE WERE WE LIVING?

4 Q WHAT AREA? YOU DON'T HAVE TO GIVE THE ADDRESS.

5 A THE SAN FERNANDO VALLEY.

6 Q AND WHAT KIND OF ACCOMMODATIONS DID YOU HAVE THERE?  
7 DID YOU HAVE A LARGE HOUSE OR AN APARTMENT OR WHAT?

8 A KAY AND I?

9 Q YES.

10 A WE HAVE AN APARTMENT.

11 Q ONE BEDROOM?

12 A ONE BEDROOM.

13 Q WAS THERE ROOM FOR JOE TO STAY THERE IF HE WANTED  
14 TO?

15 A WELL, I TOLD HIM THAT HE COULD COME IF HE WANTED  
16 TO AND WE WOULD ARRANGE SOMEPLACE FOR HIM TO STAY.

17 Q IS IT CONSIDERABLY FARTHER AWAY FROM THE  
18 COURTHOUSE?

19 A IT IS A LONG DRIVE. WE ARE AT THE FAR END OF  
20 THE VALLEY, THE WEST END. IT WOULD TAKE HIM LIKE AN HOUR  
21 AND A HALF, IN TRAFFIC. ONE WAY.

22 Q NOW, IS THERE ANYTHING DIFFERENT ABOUT JOE NOW  
23 FROM THE SON THAT YOU KNEW PRIOR TO THE SIX-YEAR DISCONNECTION?

24 A I DON'T THINK SO. IN FACT, YOU KNOW, HE IS  
25 EVERYTHING I HAD EVER HOPED HE WOULD BE. HE SAID ABOUT THE  
26 JURY THAT THEY WERE --

27 (THE WITNESS BEGINS TO CRY.)

28 THE WITNESS: THEY WERE ALL GOOD PEOPLE. THEY WERE

1 DOING THEIR VERY BEST. THEY JUST HAVE NOT BEEN GIVEN SUFFICIENT  
2 INFORMATION REGARDING HIM.

3 Q BY MR. CHIER: NOW, KNOWING JOE AS YOU DO,  
4 MRS. GAMSKY AND AS LONG AS YOU HAVE KNOWN HIM, PROBABLY BEING  
5 MORE FAMILIAR WITH HIM AS A PERSON THAN ANYBODY, CAN YOU  
6 CONCEIVE OF ANY CIRCUMSTANCES IN THE WORLD THAT WOULD CAUSE  
7 HIM TO COMMIT THE THINGS THAT HE HAS BEEN --

8 THE COURT: IS THERE AN OBJECTION TO THAT?

9 MR. WAPNER: BASICALLY, AS TO RELEVANCE, YOUR HONOR.

10 THE COURT: SUSTAINED. YOU ARE ASKING HER WHETHER OR  
11 NOT THERE WAS ANY REASON FOR HIM BEING IN THE POSITION THAT  
12 HE IS IN. HOW CAN YOU ASK HER THAT? SHE HAS NOT SEEN HIM  
13 FOR SIX YEARS.

14 MR. CHIER: I HAVE NOT --

15 THE WITNESS: WELL, I HAVE SEEN HIM IN THE PAST SIX  
16 MONTHS NOW.

17 THE COURT: WHILE HE WAS IN TRIAL?

18 THE WITNESS: I DON'T BELIEVE THAT THAT WAS THE QUESTION.

19 THE COURT: ANYTHING FURTHER?

20 MR. CHIER: OBVIOUSLY NOT.

21 THE COURT: ANY QUESTIONS?

22 MR. WAPNER: YES. I DO HAVE A FEW.

23

24

CROSS-EXAMINATION

25

BY MR. WAPNER:

26

27

Q YOU SAID THAT YOUR HUSBAND WAS FROM A WEALTHY  
FAMILY?

28

A YES.

1 Q CAN YOU TELL ME -- ELABORATE ON THAT A LITTLE  
2 BIT IN TERMS OF WHAT HIS BACKGROUND WAS.

3 A HIS FATHER OWNED A LOT OF PROPERTY IN THE TOWN  
4 WHERE HE WAS RAISED. AND HE OWNED A DRYCLEANING COMPANY AND  
5 HAD A LOT OF INVESTMENTS AND REAL ESTATE.

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1 Q DO YOU KNOW WHAT THE EXTENT OF YOUR HUSBAND'S  
2 INHERITANCE WAS?

3 A I KNOW THAT HIS INHERITANCE GOT HIM ALL THE  
4 WAY THROUGH UNIVERSITY, PAID FOR HIM, HIS TOTAL, YOU KNOW,  
5 FROM AGE NINE THROUGH COLLEGE.

6 IT WAS IN TRUST. BUT THEY HAD A BIG HOME AND  
7 THEY HAD A MAID AND THAT HIS FAMILY WAS GIVEN MANY OPPORTUNITIES  
8 FOR EDUCATION AND SO FORTH.

9 HE HAD A CREDIT CARD WHEN HE WAS NINE YEARS  
10 OLD. HE HAD A BOAT WHEN HE WAS NINE YEARS OLD. HE BUILT  
11 A CAR FROM SCRATCH BECAUSE HE HAD A KIT -- A CAR THAT HE  
12 PUT TOGETHER.

13 HE HAD UNLIMITED FUNDS AS A CHILD TO PURSUE  
14 WHATEVER INTERESTS HE WANTED AND TO ME THAT, YOU KNOW, IS  
15 WEALTH. IT WAS AVAILABLE.

16 Q DID IT SEEM TO CARRY OVER INTO YOUR HUSBAND'S  
17 ADULT LIFE, DID HE SEEM TO ENJOY THOSE THINGS?

18 A YES.

19 Q AND DID YOU EVER SEE ANY INDICATION THAT HE  
20 PASSED ALONG THAT APPARENT ENJOYMENT OF THOSE TYPES OF THINGS  
21 TO YOUR SON, JOE?

22 A THEY NEVER HAD AN OPPORTUNITY. HE SPENT WHAT  
23 HE WANTED FOR HIMSELF ON HIS CURRENT INTEREST. HE DIDN'T  
24 INCLUDE THE BOYS.

25 Q WHEN YOU CAME TO LOS ANGELES, THERE IS A PERIOD  
26 THAT I DIDN'T QUITE UNDERSTAND. WHEN YOU FIRST GOT HERE,  
27 HE HAD A FRANCHISE FOR A BUSINESS THAT SOLD STAINLESS STEEL  
28 COOKWARE.

1           A           THAT IS RIGHT.  AND THE MAIN OFFICE WAS HERE  
2           IN SOUTHERN CALIFORNIA AND THE FRANCHISE WAS ORIGINALLY  
3           PURCHASED FOR ILLINOIS.

4           Q           BUT THE TWO OF YOU WERE WORKING AT THAT BUSINESS  
5           TOGETHER WHEN YOU GOT HERE?

6           A           YES.

7           Q           AND WAS IT WHEN YOU AND MR. GAMSKY WERE HERE  
8           WORKING AT THAT TIME --

9           A           I WAS WORKING AND HE WAS INCAPACITATED.  HE  
10          COULDN'T FUNCTION.

11          Q           THIS WAS A FRANCHISE AND YOU WERE ACTUALLY  
12          WORKING, DOING THE SALES?

13          A           I WAS THE SALESPERSON.

14          Q           I TAKE IT THAT WAS FAMILY INCOME?

15          A           YES.

16          Q           AND YOU WERE DOING PRETTY WELL TOGETHER?

17          A           IN ILLINOIS, I DID WELL.

18                        OUT HERE, IT WAS DIFFICULT BECAUSE I DIDN'T  
19          KNOW THE AREA.  I DIDN'T KNOW WHERE THE MARKET WAS, YOU  
20          KNOW, FOR THE TYPE OF THING WE HAD.

21          Q           DID YOU EVENTUALLY DO WELL AT DOING THAT OUT  
22          HERE?

23          A           EVENTUALLY WE RAN OUT OF MONEY AND I WENT TO  
24          LIVE WITH A FRIEND IN TEXAS AND THEN MY MOTHER DIED, AND  
25          THEN I WENT BACK TO WISCONSIN AND I STAYED THERE UNTIL MR.  
26          GAMSKY WAS ESTABLISHED HERE WITH THE AMERICAN INSTITUTE  
27          OF HYPNOSIS.

28          Q           OKAY.  NOW THERE IS A PERIOD OF TIME WHERE

-3

1 THE FAMILY WAS NOT ALL TOGETHER --

2 A THAT'S RIGHT.

3 Q -- AS A UNIT.

4 WHEN WAS THAT AND HOW LONG WAS THAT?

5 A THAT WAS 1960 -- NO -- WHEN WE FIRST CAME OUT  
6 IN 1961, I BELIEVE IT WAS, AND I STAYED WITH MY FRIEND WHEN  
7 JOE AND GREG WERE TWO AND FOUR AND WE STAYED THERE UNTIL  
8 MY MOTHER DIED, WHICH WAS IN MARCH, I BELIEVE OF '61.

9 Q WHO STAYED WITH A FRIEND?

10 A GREG, JOE AND I.

11 Q FOR HOW LONG?

12 A I DON'T KNOW. IT IS ALL KIND OF FUZZY. IT  
13 WAS SO LONG AGO, I DON'T REMEMBER.

14 Q WHEN YOU WENT TO TEXAS AND WISCONSIN, DID YOU  
15 TAKE THE TWO BOYS WITH YOU?

16 A YES.

17 Q HOW LONG A PERIOD OF TIME WAS THAT?

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1           A           I REALLY DON'T RECALL EXACTLY.

2                       IT WAS ANOTHER TRAUMATIC TIME, YOU KNOW. MY  
3 MOTHER DIED AND ALL OF A SUDDEN, WE WERE OFF TO WISCONSIN.

4           Q           WHEN YOU GOT BACK WAS YOUR HUSBAND ESTABLISHED  
5 IN SOME KIND OF A BUSINESS?

6           A           HE WAS THEN ESTABLISHED WORKING WITH THE AMERICAN  
7 INSTITUTE OF HYPNOSIS.

8           Q           AND THAT IS WHEN HE WAS THE OFFICE MANAGER  
9 THERE?

10          A           THAT'S RIGHT.

11                       HE WAS A MEDICAL ADMINISTRATOR, ACTUALLY.

12          Q           WAS HE MAKING A REGULAR SALARY?

13          A           YES.

14          Q           AND WAS THAT ENOUGH TO APPARENTLY SUPPORT THE  
15 FAMILY?

16          A           NO.

17          Q           DID YOU WORK?

18          A           THEN, I WORKED.

19          Q           IN ADDITION TO HIS WORKING?

20          A           YES.

21                       I WORKED FOR DOUGLAS AIRCRAFT. I WAS A TECHNICAL  
22 ILLUSTRATOR.

23                       I PUT THE BOYS IN NURSERY SCHOOL AND THEN I  
24 FIGURED OUT I WAS GETTING PAID \$2.50 AN HOUR AS AN ILLUSTRATOR  
25 BACK THEN AND I FIGURED OUT, I FIGURED ALL OF MY EXPENSES  
26 AND THE NURSERY SCHOOL AND I HAD \$8 AFTER TAXES, SO I LEFT.  
27 I QUIT THE JOB.

28                       AND I SAID TO MY HUSBAND, "I AM GOING TO STAY

1 HOME AND RAISE MY CHILDREN. AND YOU HAVE A DEGREE IN BUSINESS,  
2 YOU CAN EARN A LIVING."

3 Q AND DID HE?

4 A "AND I WILL LIVE ON WHAT YOU MAKE."

5 Q AND DID HE?

6 A HE DID FOR A PERIOD OF TIME.

7 Q AND THAT IS WHEN YOU LIVED IN VAN NUYS?

8 A IT WAS, YOU KNOW, HE WAS GETTING \$60 A WEEK,  
9 I REMEMBER.

10 I WAS APPALLED WHEN I CAME BACK AND THAT IS  
11 WHAT HE WAS MAKING.

12 Q THAT WAS AT THE AMERICAN INSTITUTE OF HYPNOSIS?

13 A YES.

14 AND HE PAID THIS \$5,000 THERE FOR HIS TREATMENT  
15 AND HE GOT TWO DAYS OF TREATMENT.

16 WELL, I WAS A YOUNG WOMAN AND I THOUGHT "WELL, I  
17 AM GOING TO STAY AND GET THROUGH THIS."

18 Q THIS WAS FAIRLY EARLY ON IN THE MARRIAGE?

19 A YES.

20 Q SO I TAKE IT THINGS WERE ALREADY PRETTY STRAINED  
21 BETWEEN YOU AND YOUR HUSBAND AT THAT POINT?

22 A NO, THEY WEREN'T.

23 YOU KNOW, I ACCEPTED THAT HE WAS A YOUNG MAN.  
24 HE WAS JUST OUT OF COLLEGE, THAT HE WASN'T ESTABLISHED,  
25 AND YOU KNOW, WE HAD A CHILD ONE YEAR AFTER WE WERE MARRIED,  
26 GREG WAS BORN.

27 AND HE REALLY, YOU KNOW -- MEN NEED TIME TO  
28 GET ESTABLISHED, EVERYBODY DOES, AND I SAID I WAS WILLING



1 AND THERE WERE NO PROBLEMS REGARDING THAT. I FIGURED HE  
2 HAD A GOOD FUTURE. HE WAS INTELLIGENT.

9A 3 Q HOW LONG DID HE STAY AT THE AMERICAN INSTITUTE  
4 OF HYPNOSIS?

5 A EIGHTEEN YEARS.

6 Q DID HIS SALARY REMAIN AT \$60 A WEEK?

7 A NO.

8 Q OKAY --

9 A FORTUNATELY.

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1 Q DID HE CONTINUE TO GET PROMOTIONS AND RAISES  
2 AS HE WAS THERE?

3 A YES, HE DID.

4 AND THE INSTITUTE GREW AND HE DEVELOPED NEW  
5 PROGRAMS AND, YOU KNOW, I WAS IN THE SAN FERNANDO VALLEY  
6 AND HE WAS ON THE SUNSET STRIP, IT WAS TWO DIFFERENT WORLDS  
7 AND SINCE WE GREW UP IN A SMALL TOWN, WE SHARED, YOU KNOW,  
8 JUST THAT ASPECT.

9 I REALLY WASN'T ALL THAT AWARE OF WHAT HE DID  
10 AND I USED TO ASK HIM. I USED TO SAY, YOU KNOW, "JUST  
11 EXACTLY WHAT IS IT YOU DO DO?" AND HE USED TO LAUGH AND  
12 THAT IS WHY IT BECAME A FAMILY JOKE.

13 Q DID HE STAY THERE UNTIL HE WENT TO CHICAGO?

14 A AT THE INSTITUTE?

15 Q YES.

16 A NO.

17 THERE WERE PERIODS -- HE WOULD HAVE PERIODS  
18 WHERE HE AND THE DOCTOR WOULDN'T GET ALONG AND THERE WOULD  
19 BE NO INCOME FOR A SHORT PERIOD AND THEY WOULD GET BACK  
20 TOGETHER OR THERE --

21 HE WOULD DO OTHER THINGS, YOU KNOW.

22 IT WAS A PERIOD OF 18 YEARS BUT THERE WERE  
23 TIMES WHEN HE WOULD, YOU KNOW, BE DOING OTHER THINGS AND  
24 THEN --

25 Q AND DURING THAT TIME YOUR PRIMARY RESPONSIBILITY  
26 WAS FOR RAISING THE CHILDREN?

27 A THAT'S RIGHT.

28 AND I ALSO ENTERTAINED FOR BUSINESS AND DID

1 ALL OF THE OTHER THINGS THAT WIVES DO.

2 Q OKAY. WHILE HE WAS AT WORK AND THE CHILDREN  
3 WERE GROWING UP, DID YOU FEEL THAT YOU WERE CLOSER TO THE  
4 CHILDREN THAN HE WAS PROBABLY?

5 A DEFINITELY.

6 Q AND AS FAR AS YOUR SON, JOE, WAS CONCERNED,  
7 DID THAT FEELING, YOUR PERCEPTION YOU WERE CLOSER TO YOUR  
8 SON THAN YOUR HUSBAND WAS CONTINUE UP UNTIL JOE WAS A CERTAIN  
9 AGE?

10 A WELL, I WOULD -- JOE DID NOT HAVE A LACK OF  
11 AFFECTION FOR HIS FATHER. HE WAS CLOSE AND AFFECTIONATE  
12 IN THE SENSE HE LOVED HIS FATHER AND HE CARED ABOUT HIS  
13 FATHER.

14 MR. GAMSKY WAS JUST NOT INVOLVED AS MUCH AS  
15 I WAS IN THE CARING FOR THEM BECAUSE HE WASN'T AT HOME.  
16  
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A-1 1 Q ALL RIGHT. YOU DID THINGS LIKE ARRANGING FOR  
2 TESTING AT THE SPECIAL INSTITUTE FOR GIFTED CHILDREN, RIGHT?

3 A THE TESTING WAS DONE BY THE KESTER AVENUE PUBLIC  
4 SCHOOL THROUGH HOWEVER THEY DO THAT -- THROUGH THE STATE.

5 Q DID YOU EVER DO THINGS WITH THE KIDS LIKE CUB  
6 SCOUTS OR BOY SCOUTS OR WERE YOU EVER A DEN MOTHER OR ANYTHING  
7 LIKE THAT?

8 A JOE WAS IN THE BOY SCOUTS AND THEN THE WOODCRAFT  
9 RANGERS. BUT HE WOULD ALWAYS BE AUTONOMOUS.

10 HE ALWAYS DID THESE THINGS ON HIS OWN. I DID  
11 WHATEVER I COULD, YOU KNOW.

12 Q WAS HIS FATHER INVOLVED IN THAT?

13 A NO.

14 Q AND UP UNTIL -- LET'S TALK ABOUT THE PERIOD UP  
15 UNTIL THE TIME THAT JOE WAS 16. WHAT KINDS OF THINGS WOULD  
16 YOU DO WITH HIM?

17 A WELL, I WOULD TAKE HIM TO THE LIBRARY OR TAKE  
18 THEM TO THE SWIMMING POOL OR HAVE THEIR FRIENDS OVER TO GO  
19 SWIMMING OR YOU KNOW, WATCH THEM.

20 I MEAN, MOST OF THE CHILDREN THAT CAME OVER  
21 COULDN'T SWIM WITHOUT A PARENT BEING THERE. I WOULD ALWAYS  
22 BE THERE.

23 I WOULD HAVE JOE DO CERTAIN THINGS AROUND THE  
24 HOUSE. HE WOULD TAKE CARE OF THE DOG AND THOSE KINDS OF THINGS.

25 WE WOULD GO SOMETIMES TO THE PARK. THEY WOULD  
26 GO OUT TO PIERCE COLLEGE TO SEE THE ANIMALS OR WE WOULD GO  
27 TO CHATSWORTH PARK AND CLIMB.

28 JOE LIKED TO CLIMB ON THE HILLS IN CHATSWORTH.

A-2

1 WE WOULD GO TO VAN NUYS PARK FOR VARIOUS THINGS AND GO DOWN  
2 TO HARVARD FOR DIFFERENT FUNCTIONS.

3 WE WOULD GO TO KESTER AVENUE FOR FUNCTIONS.

4 I ALWAYS MET THE TEACHERS. I JOINED THE PTA.  
5 I WAS YOU KNOW, INVOLVED IN THOSE THINGS AND IN THE HARVARD  
6 MOTHER'S CLUB.

7 BUT A LOT OF THE THINGS JOE DID, YOU KNOW, WERE --  
8 HE WOULD ALWAYS SAY, "DON'T. IT IS OKAY, MOM. I CAN DO IT.  
9 YOU DON'T HAVE TO BOTHER." HE WOULD DO IT.

10 Q OKAY. I AM RIGHT NOW INTERESTED IN THE THINGS  
11 THAT YOU DID WITH HIM.

12 NOW, DURING THAT TIME UP UNTIL THE TIME HE WAS  
13 16, WHAT KINDS OF THINGS DID HIS FATHER DO WITH HIM?

14 A WELL, THEY WOULD PLAY IN THE POOL. THEY WOULD  
15 HAVE GAMES IN THE POOL OR THAT TYPE OF THING.

16 Q WHAT ELSE?

17 A NOTHING.

18 Q NOTHING THAT --

19 A THAT I CAN THINK OF. THEY WOULD TALK.

20 Q WHEN THEY WERE TALKING, WERE YOU THERE TO OBSERVE  
21 IT? DO YOU KNOW WHAT THEY WERE TALKING ABOUT?

22 A SOMETIMES.

23 Q WHAT KINDS OF THINGS? DO YOU REMEMBER ANYTHING  
24 SPECIFIC OR --

25 A AT WHAT AGE?

26 Q ANY TIME BEFORE HE WAS 16? IS THERE ANY --

27 A BEFORE HE WAS 16? I REALLY DON'T RECALL ANYTHING  
28 IN PARTICULAR.

A-3

1 Q ALL RIGHT. AND WAS IT AT THE TIME -- HOW OLD  
2 WAS JOE WHEN YOU AND MR. GAMSKY SEPARATED, WENT TO LIVE  
3 SEPARATELY?

4 A 16.

5 Q AND AT THAT TIME, YOUR SON, JOE, WENT TO LIVE  
6 WITH HIS FATHER, RIGHT?

7 A YES.

8 Q AND WAS THAT HIS CHOICE?

9 A WELL, I BELIEVE IT WAS.

10 Q UP UNTIL THAT TIME THAT YOU AND MR. GAMSKY  
11 SEPARATED, WAS IT STILL YOUR PERCEPTION THAT YOU AND -- YOU  
12 WERE CLOSER TO JOE THAN YOUR HUSBAND WAS?

13 A IN WHAT WAY?

14 Q ANY WAY.

15 A IT ISN'T -- CLOSE IS JUST NOT THE RIGHT WORD.  
16 INVOLVED, MAYBE YOU KNOW, IN SPENDING MORE TIME, CARING.

17 JOE LOVES HIS FATHER.

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A-4

1 Q DO YOU KNOW WHY IT WAS THAT JOE WENT TO LIVE WITH  
2 THE FATHER INSTEAD OF WITH YOU?

3 A WELL, JOE IS A VERY COMPASSIONATE PERSON. AND  
4 HE FELT THAT IT WOULD BE LESS OF A BURDEN ON ME IF HE LIVED  
5 WITH HIS FATHER. THAT WAS THE BOTTOM LINE I THINK, IN JOE'S  
6 THINKING.

7 Q DID HE TELL YOU THAT?

8 A BECAUSE I WAS NOT WORKING --

9 Q DID HE TELL YOU THAT?

10 A NOT IN SO MANY WORDS. BUT HE SAID YOU KNOW, HE  
11 HAD A LOT OF EXPENSES. HE WAS DOING MANY THINGS. AND I WAS  
12 NOT WORKING.

13 AND IF I WAS GOING TO TAKE CARE OF GREG AND KAY,  
14 THEN HE WOULD STAY WITH LARRY AND THAT WAY, HE COULD AT A  
15 LATER POINT, BE ABLE TO HELP ME.

16 Q DID HE EVER HELP YOU AT A LATER POINT?

17 A HOW DO YOU MEAN?

18 Q IN ANY WAY? EITHER EMOTIONALLY OR FINANCIALLY?

19 A EMOTIONALLY, HE WAS ALWAYS SUPPORTATIVE.

20 Q DURING WHAT PERIOD OF TIME WAS THAT, AFTER HE  
21 LEFT THE HOUSE?

22 A FROM THE TIME HE LEFT THE HOUSE AND LIVED WITH  
23 HIS FATHER UNTIL HE LEFT FOR CHICAGO. AND AFTER, WHEN HE  
24 WROTE.

25 Q HOW ABOUT FINANCIALLY? DID HE EVER HELP YOU OUT  
26 FINANCIALLY?

27 A NOT DIRECTLY. BUT YOU KNOW, FROM WHAT I CAN  
28 FIGURE OUT, I THINK THAT THIS CHILD SUPPORT THAT I DID GET,

A-5

1 WAS PROBABLY PAID BY JOE.

2 Q HOW DO YOU KNOW THAT?

3 A BECAUSE I KNOW THAT HIS FATHER WAS NOT WORKING  
4 AND THIS MONEY WAS COMING FROM CHICAGO ON HIS FATHER'S AND  
5 HIS CHECKS WITH A COMBINED CHECKING ACCOUNT.

6 Q AND WAS THAT COURT-ORDERED CHILD SUPPORT?

7 A YES.

8 Q DURING THE PERIOD OF TIME FROM LATE 1984 OR EARLY  
9 1983, THROUGH OCTOBER OF 1984, DID YOU EVER RECEIVE ANY MONEY  
10 FROM YOUR SON?

11 A NO I DID NOT.

12 Q DID YOU KNOW THAT HE WAS LIVING IN LOS ANGELES  
13 DURING THAT PERIOD OF TIME?

14 A NO I DID NOT.

15 Q DID YOU KNOW ANYTHING ABOUT THE ORGANIZATION CALLED  
16 THE BBC?

17 A NO. I HAVE NEVER HEARD OF IT.

18 Q DID YOU KNOW THAT AT VARIOUS TIMES, YOUR SON HAD  
19 CONTROL OVER QUITE A LOT OF MONEY?

20 A NO I DIDN'T.

21 Q WHAT DID YOU MEAN WHEN YOU TOLD US BEFORE THAT  
22 MR. GAMSKY BECAME A HERO TO YOUR SON?

23 A WELL, WITH GREG THE SAME THING HAPPENED WHEN HE  
24 BECAME 16. IT IS JUST SOMETHING THAT HAPPENS WITH ALL YOUNG  
25 MEN.

26 SUDDENLY, THEIR FATHER IS REALLY IMPORTANT. THEY  
27 WANT TO GET AS CLOSE AS POSSIBLE AND KNOW ABOUT THIS DAD WHO  
28 HAS BEEN THERE FOR ALL THESE YEARS BUT HAS BEEN GONE FROM



A-6  
1 HOME, WHO HAS BEEN OUT IN THE WORLD, NOW COULD MAYBE HELP  
2 THEM GET ESTABLISHED AND LEARN ABOUT THE WORLD. THIS WAS  
3 JUST A NATURAL THING THAT HAPPENS.

4 Q THAT HAPPENS TO ALL 16-YEAR-OLD BOYS?

5 A YOUNG MEN WHOSE FATHERS HAVE BEEN GONE FROM HOME  
6 WORKING ALL THE TIME, YEAH.

7 Q DID HIS FATHER COME BACK TO THE HOUSE AT THAT  
8 TIME OR WAS THAT WHEN HE MOVED IN WITH HIS FATHER?

9 A I AM TALKING ABOUT A NATURAL PHENOMENON, A THING  
10 THAT HAPPENS, A PROGRESSION IN PEOPLE'S LIVES, YOUNG MEN.

11 Q WELL, DID SOMETHING CHANGE BESIDES JOE'S AGE THAT  
12 CAUSED THIS TO HAPPEN?

13 A NO. I THINK THAT IT HAPPENS -- IF YOU READ ANY  
14 TEXTBOOK ABOUT IT, IT HAPPENS TO MOST YOUNG MEN.

15 Q AT AGE 16?

16 A IT ALSO HAPPENED TO JOE.

17 Q IS THAT AT AGE 16 WHEN THEY JUST NATURALLY BECOME  
18 CLOSER TO THEIR FATHERS?

19 A YES. THEY WANT TO BE -- IF THEY HAVE A FATHER  
20 THAT THEY CAN ESTABLISH THIS TYPE OF CONTACT WITH, THEY WANT  
21 IT.

22  
23  
24  
25  
26  
27  
28

1 Q BESIDES YOUR BELIEF THAT THAT IS JUST WHAT  
2 HAPPENS TO PEOPLE, IS THERE ANYTHING SPECIFIC THAT YOU COULD  
3 POINT TO IN YOUR SON'S LIFE OR YOUR HUSBAND'S --

4 A WELL, IT HAPPENS.

5 Q LET ME JUST FINISH THE QUESTION, OKAY.  
6 YOU WILL HAVE PLENTY OF TIME TO ANSWER THIS.

7 IS THERE ANYTHING SPECIFIC YOU CAN POINT TO  
8 IN YOUR SON'S LIFE OR YOUR HUSBAND'S LIFE THAT HAPPENED  
9 AT THAT TIME THAT WOULD CAUSE THEM TO EITHER GET CLOSER  
10 OR CAUSE JOE TO TREAT HIM LIKE A HERO?

11 A JOE THOUGHT HIS DAD WAS GREAT.

12 I DON'T KNOW --

13 Q WHEN DID HE START THINKING THAT?

14 A HE ALWAYS DID THINK HIS DAD WAS GREAT.

15 Q DO YOU KNOW WHY?

16 A JOE LOOKS FOR INTRINSIC VALUES IN EVERY PERSON  
17 AND YOU DON'T HAVE TO DO ANYTHING SPECTACULAR. YOU JUST  
18 HAVE TO BE YOURSELF AND HE WILL LOOK FOR THE GOOD OR WHATEVER  
19 POSITIVE CHARACTERISTICS YOU HAVE AND THAT IS WHAT HE  
20 CONCENTRATES ON.

21 Q I ASSUME HE FELT THE SAME WAY ABOUT YOU.

22 A THERE WAS NO QUESTION BECAUSE WE ALWAYS HAD  
23 A CLOSE RELATIONSHIP.

24 Q AND WHEN YOU SEPARATED FROM YOUR HUSBAND, DID  
25 HE GO TO LIVE SOMEWHERE IN THE SAN FERNANDO VALLEY?

26 A YES.

27 Q DID YOU REMAIN AT THE SAME HOUSE THAT THE KIDS  
28 HAD BEEN BROUGHT UP IN IN THE VALLEY?

1 A NO, WE DID NOT.

2 Q WHERE DID YOU GO?

3 A WE MOVED TO GRANADA HILLS.

4 Q THAT IS YOU AND KAY?

5 A UH-HUH, YES, GREG, KAY AND I ACTUALLY.

6 Q AND JOE WAS STILL LIVING WITH HIS FATHER AT  
7 THAT TIME?

8 A YES.

9 Q AND WERE YOU KEEPING IN TOUCH WITH BOTH THE  
10 FATHER AND WITH JOE AT THAT TIME WHILE YOU WERE --

11 A YES.

12 Q -- WHILE YOU WERE LIVING IN GRANADA HILLS?

13 A YES.

14 Q HOW LONG DID THAT CONTINUE WHERE YOU KEPT IN  
15 TOUCH WITH BOTH THE FATHER AND WITH JOE?

16 A UNTIL THEY LEFT FOR CHICAGO.

17 Q WHAT PERIOD OF TIME WAS THAT APPROXIMATELY?

18 A I BELIEVE THAT WAS 1981, JOE WAS 21 YEARS OLD.  
19 THAT IS ALL I REMEMBER.

20 Q SO YOU HAD SEPARATED FROM YOUR HUSBAND WHEN  
21 JOE WAS 16?

22 A YES.

23 Q SO WE ARE TALKING ABOUT FIVE YEARS?

24 A UH-HUH.

25 Q IS THAT YES?

26 A WELL, LET'S SEE, JOE WAS 21 AND WHEN WE GOT  
27 DIVORCED, HE WAS 16 SO THAT IS FOUR OR FIVE YEARS.

28 Q AND DURING THAT TIME, DID YOU MOVE AROUND A

1 LOT?

2 A YES, WE DID MOVE A LOT.

3 Q AT THE TIME THAT JOE LEFT FOR CHICAGO, WHERE  
4 WERE YOU AND KAY LIVING?

5 A VENTURA.

6 Q AND DID JOE HAVE YOUR ADDRESS?

7 A YES, HE DID.

8 Q YOU WROTE HIM LETTERS WHILE HE WAS IN CHICAGO?

9 A YES.

10 Q WAS HE LIVING WITH HIS FATHER?

11 A YES.

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1 Q DID JOE RESPOND TO THOSE LETTERS?

2 A YES, HE DID.

3 Q AND DID YOU MOVE FROM VENTURA -- WELL, STRIKE  
4 THAT.

5 FOR WHAT PERIOD OF TIME AFTER HE INITIALLY  
6 WENT TO CHICAGO DID YOU WRITE HIM LETTERS?

7 A I DON'T RECALL EXACTLY HOW LONG THAT WAS.

8 Q AND HE WOULD WRITE YOU BACK LETTERS WHILE YOU  
9 WERE LIVING IN VENTURA; IS THAT RIGHT?

10 A RIGHT.

11 Q AT SOME POINT YOU MOVED FROM VENTURA?

12 A YES, WE MOVED BACK TO THE SAN FERNANDO VALLEY.

13 Q DID YOU EVER GET ANY LETTERS FROM JOE WHILE  
14 YOU WERE BACK IN THE SAN FERNANDO VALLEY?

15 A NO, WE DID NOT.

16 Q DID YOU LEAVE A FORWARDING ADDRESS AT THE POST  
17 OFFICE?

18 A NO, I DID NOT.

19 Q WHY NOT?

20 A BECAUSE I DID NOT WANT ANY FURTHER CONTACT  
21 WITH MR. HUNT, RYAN HUNT.

22 Q ALL RIGHT. THERE ARE TWO THINGS I WANT TO  
23 ASK YOU ABOUT THAT.

24 FIRST OF ALL, UP UNTIL THIS POINT, YOUR HUSBAND  
25 WAS GOING BY THE NAME OF LARRY GAMSKY: IS THAT RIGHT?

26 A THAT'S RIGHT.

27 Q DO YOU KNOW WHERE THE NAME HUNT CAME FROM?

28 A NO.

1 Q DO YOU KNOW WHO CHOSE IT?

2 A YES.

3 Q WHO WAS THAT?

4 A RYAN.

5 Q WHEN WAS THAT?

6 A RIGHT BEFORE THEY LEFT FOR CHICAGO.

7 Q HOW LONG BEFORE THEY LEFT FOR CHICAGO?

8 A IF I HAD KNOWN YOU WERE GOING TO ASK, I WOULD  
9 HAVE BROUGHT THE PAPERS BUT I HAVE THE PAPER WITH THE NAME  
10 CHANGE AND THE DATE IT WAS DONE.

11 Q DID JOE CHANGE HIS NAME AT THAT TIME?

12 A YES.

13 Q AT THE SAME TIME?

14 A YES, HE DID.

15 Q JOE CHANGED HIS NAME WHILE HE WAS IN CALIFORNIA?

16 A YES.

17 Q AND DID KAY CHANGE HER NAME AT THAT TIME?

18 A YES.

19 Q WAS SHE LIVING WITH THE FATHER?

20 A SHE WAS LIVING WITH HIM AT THAT TIME.

21 Q IN ANY EVENT, YOU HAVE THOSE PAPERS AT HOME?

22 A YES, I DID.

23 Q IF YOU COME BACK TOMORROW, CAN YOU BRING THOSE  
24 WITH YOU?

25 A CERTAINLY.

26 THE COURT: THERE WON'T BE ANY OCCASION FOR IT. YOU  
27 ARE GOING TO COMPLETE HER EXAMINATION TODAY.

28 MR. WAPNER: WELL, IN ANY EVENT --

1 THE COURT: WE HAVE OTHER THINGS TO DO. WE HAVE TO  
2 COMPLETE THIS CASE, YOU KNOW, AND I AM GOING TO INSTRUCT  
3 THE JURY BY FRIDAY.

4 AND I DON'T THINK IT IS NECESSARY TO GET THOSE  
5 PAPERS IN ANY EVENT.

6 THE WITNESS: WHY IS THAT?

7 THE COURT: WE DON'T NEED THE PAPERS.

8 THE WITNESS: YOU DON'T?

9 THE COURT: NO.

10 Q BY MR. WAPNER: AND WHEN THEY LEFT FOR CHICAGO,  
11 WAS IT YOUR DESIRE AT THAT TIME NOT TO HAVE ANY FURTHER  
12 CONTACT WITH YOUR HUSBAND?

13 A NO.

14 Q WHEN WAS IT THAT YOU DECIDED YOU DIDN'T WANT  
15 TO HAVE ANY FURTHER CONTACT WITH YOUR HUSBAND?

16 A WELL, I WAS GETTING BRACES FOR KAY'S TEETH  
17 AND RYAN WAS SUPPOSED TO HELP WITH THIS AND HE DID PAY  
18 \$500 OUT OF \$2,500 BUT EVERYTHING WAS VERY DIFFICULT AND --

19 I HAD AN UNLISTED PHONE NUMBER AND HE CALLED  
20 THE ORTHODONTIST'S OFFICE FROM CHICAGO AND SAID SOME AWFUL  
21 THINGS ABOUT ME AND HERE I WAS PAYING THE BILL AND THIS  
22 WOMAN WAS TREATING ME LIKE I WAS SOME KIND OF HORRIBLE PERSON  
23 SO I DECIDED --

24 MR. GAMSKY HAS A LOT OF CHARM AND PEOPLE OFTEN  
25 THINK HE IS A VERY NICE PERSON AND THEY ALWAYS BELIEVE HIM.

26 AND SO I JUST -- HE WAS NOT -- HE WAS BEING  
27 VERY UNKIND TO MY DAUGHTER AND HURTFUL TO HER ON THE TELEPHONE  
28 AND I JUST DISCONNECTED THE PHONE, CHANGED THE PHONE NUMBER

1 AND CONTINUED TO WRITE TO JOE AND GOT NO REPOSE.

2 Q WHEN YOU WROTE TO JOE, DID YOU PUT RETURN ADDRESSES  
3 ON YOUR LETTERS?

4 A YES.

5 Q WAS HE LIVING WITH HIS FATHER AT THAT TIME?

6 A YES.

7 Q AND DID YOU TRY TO MAKE SOME ARRANGEMENT WITH  
8 YOUR SON IN TERMS OF HOW YOU WERE GOING TO KEEP IN TOUCH  
9 WITH HIM AND NOT STAY IN TOUCH WITH THE FATHER?

10 A WE SENT HIM LETTERS, SENT LETTERS.

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1 Q DID YOU HAVE YOUR SON'S PHONE NUMBER?

2 A YES.

3 Q DID YOU TRY TO CALL HIM?

4 A YES I DID.

5 Q AND WHAT HAPPENED WHEN YOU TRIED TO CALL HIM?

6 A THEY HAD CHANGED THEIR PHONE NUMBER.

7 Q WAS THERE ANY FORWARDING NUMBER?

8 A NO. THERE WAS NOT.

9 Q DID YOU KNOW WHERE YOUR SON WAS WORKING?

10 A WELL, I KNEW THAT HE WAS IN THE COMMODITIES  
11 EXCHANGE.

12 Q IN THE CHICAGO MERCANTILE EXCHANGE?

13 A YES.

14 Q DID YOU TRY TO CONTACT THEM THERE?

15 A CALL THERE?

16 Q YES.

17 A NO I DIDN'T.

18 Q WHY NOT?

19 A WELL, I HAD A LIMITED BUDGET, TO BEGIN WITH.  
20 AND THESE KINDS OF PHONE CALLS ALWAYS, YOU KNOW, YOU TALK  
21 TO 100 PEOPLE AND YOU STILL DON'T FIND THE PERSON. SO I JUST  
22 DIDN'T ATTEMPT TO, THROUGH THEM.

23 BESIDES, I DIDN'T YOU KNOW, WANT TO CREATE ANY  
24 KIND OF -- YOU KNOW, BOTHER HIM AT HIS WORK TYPE OF THING.

25 Q BUT IT WAS DURING THE TIME THAT YOU WERE DRIVING  
26 AROUND THE SAN FERNANDO VALLEY FOR EXAMPLE AND I ASSUME IT  
27 WAS QUITE IMPORTANT FOR YOU TO GET IN TOUCH WITH YOUR SON?

28 A YES. I REALLY WANTED TO BE TOUCH WITH HIM, YOU

-2  
1 KNOW, TO KNOW THAT HE WAS OKAY.

2 Q YOU DIDN'T THINK ABOUT CALLING THE CHICAGO  
3 MERCANTILE EXCHANGE AND ASKING?

4 A I DID THINK ABOUT IT.

5 Q BUT YOU DIDN'T DO IT?

6 A NO. I DID NOT DO THAT. YOU SEE, YOU HAVE TO  
7 UNDERSTAND. I WAS ALSO GET PRESSURED BY THE OTHER TWO  
8 CHILDREN, GREG AND KAY, WHO WANTED ABSOLUTELY NO CONTACT WITH  
9 THEIR FATHER. AND JOE ALWAYS CAME WITH --

10 Q WHAT DID THEY SAY ABOUT --

11 A IF YOU CONTACT JOE, YOU KNOW, RYAN HUNT WOULD  
12 SHOW UP. WE JUST DIDN'T WANT ANY PART OF THAT. SO --

13 Q WAS THERE A DECISION BETWEEN YOU, GREG AND KAY  
14 THAT IT WAS WORTH NOT BEING IN TOUCH WITH JOE TO NOT HAVE  
15 TO TALK TO RYAN?

16 A NO. THERE WAS NOT A DECISION. IT JUST HAPPENED.  
17 WE NEVER THOUGHT WE WOULD JUST LOSE CONTACT WITH  
18 JOE. WE WERE TRYING TO, YOU KNOW, JUST NOT HAVE CONTACT WITH  
19 THE FATHER.

20 BUT WE DIDN'T KNOW THAT IN DOING THAT, WE WOULD  
21 LOSE CONTACT WITH JOE. IT WAS NOT SOMETHING THOUGHT ABOUT  
22 AHEAD OF TIME AND PLANNED.

23 Q WHAT KNOWLEDGE DID YOU HAVE THAT YOUR SON HAD  
24 PASSED THE CPA EXAM?

25 A I SAW A PICTURE OF HIM IN THE VALLEY PAPER WHEN  
26 HE PASSED THE CPA EXAM AS THE YOUNGEST PERSON.

27 Q DID YOU EVER SEE HIM COME HOME AND WAVE A NOTICE  
28 AROUND AND SAY HOW PROUD HE WAS?

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1 A NO.

2 Q DID HE EVER COME AND TELL YOU PERSONALLY, "MOM,  
3 I PASSED THE CPA EXAM, AREN'T YOU PROUD OF ME?"

4 A NO.

5 Q WHERE WAS HE LIVING AT THAT TIME?

6 A WITH HIS FATHER.

7 Q AND WOULD YOU SEE HIM THEN ON WEEKENDS?

8 A UH-HUH.

9 Q AND AT ANY TIME WHILE YOU SAW HIM ON THE WEEKENDS,  
10 DID HE TELL YOU ABOUT HOW EXCITED HE WAS ABOUT PASSING THE  
11 CPA EXAM?

12 A HE NEVER MADE IT A BIG THING -- A BIG THING  
13 OUT OF ANYTHING LIKE THAT. YOU KNOW, HE WAS PLEASED BECAUSE  
14 HE PASSED ON THE FIRST ATTEMPT.

15 Q DID HE EVER TELL YOU ABOUT IT?

16 A YES. HE SAID THAT HE WAS REALLY HAPPY THAT HE  
17 PASSED THE EXAM.

18 I DON'T KNOW HOW WE SAW THE PICTURE OR GOT THE  
19 PICTURE FROM SOMEBODY ELSE. HE DIDN'T BRING THE PICTURE FROM  
20 THE PAPER.

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1 Q SO YOU DON'T KNOW IF YOU SAW THE PICTURE  
2 INDEPENDENTLY OR --

3 A I DON'T RECALL THE ORIGIN OF GETTING THE PICTURE.  
4 BUT JOE WAS NOT THE TYPE TO SAY, "LOOK HOW GREAT I DID."

5 Q BUT DID HE EVER TELL YOU SPECIFICALLY HE PASSED  
6 THE EXAM?

7 A HE SAID -- WELL, HE SAID THAT HE WAS REALLY HAPPY  
8 THAT HE PASSED THE EXAM, YES. HE SAID THAT HE PASSED IT AT  
9 THE FIRST TRY BECAUSE IT SAVED HIM A LOT OF TIME.

10 HE DIDN'T HAVE TO RESTUDY AND TAKE IT OVER.

11 Q WAS HE ALWAYS THE KIND OF PERSON TO KEEP HIS  
12 EMOTIONS UNDER CONTROL?

13 A EMOTIONS -- HOW DO YOU MEAN?

14 Q KIND OF COOL AND ON AN EVEN KEEL AND NEVER REALLY  
15 HIGH OR REALLY LOW? IN OTHER WORDS, NEVER REALLY GET EXCITED  
16 OR HAPPY ABOUT ANYTHING AND NEVER REALLY GET ANGRY OR UPSET  
17 ABOUT ANYTHING?

18 A YES. HE IS KIND OF EASYGOING, A COOL PERSON.

19 THE ONLY THING HE WOULD PROBABLY GET EXCITED ABOUT  
20 IS IF THE DOG DISAPPEARED OR SOMETHING LIKE THAT.

21 Q HOW MANY DOGS DID YOU HAVE WHEN HE WAS GROWING  
22 UP?

23 A WE HAD ONE DOG AT A TIME.

24 Q AND DID YOUR HUSBAND EVER GET VIOLENT WITH THE  
25 CHILDREN?

26 A NOT WITH THE CHILDREN, REALLY.

27 Q DID HE EVER GET VIOLENT WITH YOU IN THE PRESENCE  
28 OF THE CHILDREN?

3-2  
1 A YEAH. I MEAN YES.

2 Q HOW OFTEN DID THAT HAPPEN?

3 A HE WAS NEVER VIOLENT IN THE EARLY YEARS OF OUR  
4 MARRIAGE. THE LAST FEW YEARS, HE WAS WHEN HE WOULD DRINK.  
5 IF HE DRANK TOO MUCH, HE WOULD GET --

6 Q HOW OFTEN DID THAT HAPPEN?

7 A I NEVER KEPT TRACK.

8 Q WELL, DAILY, WEEKLY, MONTHLY?

9 A DEPENDED UPON HIS SITUATION, HOW STRESSED HE WAS.  
10 I DON'T KNOW.

11 Q WELL, WHAT DID HE EVER DO TO YOU PHYSICALLY IN  
12 THE PRESENCE OF YOUR SON, JOE?

13 A I DON'T THINK HE EVER DID ANYTHING TO ME IN FRONT  
14 OF JOE.

15 Q SO, IF THERE WAS ANY VIOLENCE BETWEEN YOU AND  
16 YOUR HUSBAND, THE CHILDREN WERE SOMEHOW SPARED FROM THAT?

17 A WELL, KAY WITNESSED SOMETHING ONCE. BUT THEY  
18 WERE ALWAYS GONE TO SCHOOL OR SOMETHING.

19 Q AS FAR AS YOU KNEW, WAS IT RYAN HUNT WHO RAISED  
20 THE MONEY FOR JOE TO USE IN TRADING IN CHICAGO?

21 A YES.

22 Q DID JOE EVER TALK TO YOU ABOUT THE PEOPLE THAT  
23 HE WAS ATTEMPTING TO GET MONEY FROM AT THAT TIME?

24 A NO.

25 Q DID JOE EVER TALK TO YOU AT THE TIME, JUST BEFORE  
26 THEY WENT TO CHICAGO, ABOUT A PERSON NAMED DEAN KARNY?

27 A NO.

28 Q DID HE EVER MENTION TO YOU A PERSON NAMED BEN

B-3

1 DOSTI?

2 A NO.

3 Q AT THE TIME THAT -- BEFORE JOE WENT TO CHICAGO,  
4 DID HE TELL YOU WHAT HE IN FACT, HAD OBTAINED -- THAT HE HAD  
5 OBTAINED ABOUT \$100,000 FROM DEAN KARNY'S PARENTS?

6 A NO.

7 Q DID JOE TELL YOU THAT HE HAD ALSO OBTAINED A FEW  
8 HUNDRED THOUSAND DOLLARS FROM A MAN NAMED DR. BLICKER AND  
9 A GROUP OF INVESTORS THAT HE REPRESENTED?

10 A NO.

11 Q WHAT MAKES YOU BELIEVE THAT YOUR HUSBAND WAS THE  
12 ONE WHO ENGINEERING THIS MOVE TO CHICAGO?

13 A JOE WAS 21 YEARS OLD. AT 21 YEARS OLD, HE  
14 WOULDN'T TAKE ON THIS TYPE OF RESPONSIBILITY FOR ALL OF THESE  
15 40- OR 50-YEAR-OLD MEN WHO WERE JUST SO EAGER FOR HIM TO  
16 INVEST THEIR MONEY.

17 Q YOU DON'T THINK YOUR SON WOULD HAVE DONE THAT?

18 A NO I DO NOT.

19 Q BASED ON THE PERSON THAT YOU KNEW, THAT YOU RAISED,  
20 YOU DON'T THINK THAT HE WOULD DO THAT?

21 A NO. HE WOULDN'T HAVE.

22 Q SO IF HE IN FACT, DID TAKE THE MONEY HIMSELF,  
23 GO TO PEOPLE AND TALK TO THEM AND PERSUADE THEM TO INVEST  
24 MONEY, IT WOULD SURPRISE YOU?

25 A IT WAS HIS FATHER WHO WAS DOING THAT.

26 Q WHAT I AM SAYING IS, IF YOU KNEW THAT IN FACT --

27 A HE WAS THE ONE GETTING THE MONEY, AS FAR AS I  
28 KNEW.

1 Q WELL, WHAT DO YOU BASE THAT ON?

2 A WELL, FIRST OF ALL I DON'T KNOW HOW JOE WOULD  
3 HAVE HAD THE TIME TO DO THAT.

4 SECONDLY, I RECALL IT FROM A CONVERSATION.

5 Q A CONVERSATION WITH WHOM?

6 A JOE NEVER DISCUSSED -- I DON'T BELIEVE HE DISCUSSED  
7 THE MONEY. I THINK THAT IT WAS WHEN KAY WAS LIVING THERE.  
8 SHE TOLD ME THAT THIS WAS HAPPENING. KAY WAS THERE RIGHT  
9 BEFORE THEY LEFT.

10 Q SO, CONVERSATIONS WITH YOUR DAUGHTER ABOUT WHAT  
11 SHE HAD OBSERVED?

12 A THAT'S RIGHT, WHAT SHE HAD OVERHEARD. AND IT  
13 WAS WHAT SHE SAW HAPPENING.

14 SHE WAS 16 YEARS OLD BY THIS TIME AND SHE IS A  
15 VERY ASTUTE GIRL.

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1 Q HAD YOU ALWAYS, DURING THIS PERIOD OF TIME  
2 THAT YOU LOST TOUCH WITH YOUR SON, JOE, HAD A DRIVER'S LICENSE  
3 IN CALIFORNIA?

4 A YES.

5 Q AFTER THIS INCIDENT WITH THE ORTHODONTIST,  
6 DID YOU HAVE A LISTED PHONE NUMBER?

7 A NO.

8 IN FACT, THE ORTHODONTIST'S SECRETARY HAD GIVEN  
9 HIM MY UNLIISTED PHONE NUMBER AND I HAD TO CHANGE IT AGAIN.

10 Q WHEN YOU DROVE AROUND THE SAN FERNANDO VALLEY,  
11 OVER WHAT PERIOD OF TIME WAS THAT?

12 A OH, ORIGINALLY I CAME IN FROM VENTURA TO CHECK  
13 ON THAT POST OFFICE BOX WHEN WE LIVED IN VENTURA.

14 Q I AM TALKING ABOUT THE PERIOD OF TIME YOU SPENT  
15 DRIVING AROUND LOOKING FOR YOUR SON.

16 A OH, THAT WAS JUST, YOU KNOW, AS IT WOULD HAPPEN.  
17 WE LIVED IN THE VALLEY AND IF I WOULD BE OUT SOMEWHERE AND  
18 I DID SPEND SOME TIME AT THAT TIME CHECKING OUT THAT AREA  
19 NEAR THIS POST OFFICE BOX BECAUSE I THOUGHT I SAW JOE'S  
20 CAR, YOU KNOW, THAT TYPE OF THING.

21 Q DID YOU EVER SEE SOMEONE YOU THOUGHT LOOKED  
22 LIKE HIM?

23 A YES.

24 Q ON HOW MANY OCCASIONS?

25 A OH, PROBABLY FOUR TIMES.

26 Q DID YOU GO UP TO THOSE PEOPLE?

27 A ONLY ONCE.

28 Q WHY DID YOU GO UP TO THAT PERSON?



1           A           BECAUSE HE WAS IN A PHONE BOOTH RIGHT NEXT  
2 TO OUR APARTMENT BUILDING, RIGHT DOWN THE STREET, AND I  
3 THOUGHT FINALLY MAYBE JOE CAME BACK AND HE WAS TRYING TO  
4 CALL ME.

5                           (WITNESS CRYING.)

6           THE COURT: IS THERE ANYTHING FURTHER YOU HAVE, MR.  
7 WAPNER?

8           MR. WAPNER: MAY I HAVE A MOMENT?

9           THE WITNESS: IT IS A FULL SECURITY BUILDING, THAT  
10 IS WHY I THOUGHT HE WAS ON THAT PHONE.

11           Q           BY MR. WAPNER: IN ANY EVENT, THE PERSON YOU  
12 WENT UP TO LOOKED LIKE YOUR SON?

13           A           YES, FROM THE BACK.

14                           AND I -- I SINCE FOUND OUT THAT IT IS A NATURAL  
15 PHENOMENON WHEN YOU LOSE SOMEONE YOU CARE A LOT ABOUT, THIS  
16 HAPPENS TO YOU.

17           Q           DID YOU EVER TAKE YOUR SON TO A MEDIUM OR ANY-  
18 THING WHEN HE WAS GROWING UP?

19           A           NO, I NEVER DID.

20                           I DON'T KNOW WHERE THE PAPERS GOT THAT. WE  
21 NEVER HAD ANY MONEY ANYHOW TO SPEND ON A MEDIUM.

22                           THAT IS STUPID.

23           Q           WHEN JOE WAS IN THE SIXTH GRADE, HOW OFTEN  
24 DID YOU GO BY THE SCHOOL?

25           A           OH, I WAS VERY INVOLVED WITH THE PTA AND A  
26 LOT OF THINGS. I KNEW THE PRINCIPAL AND TALKED --  
27 YOU KNOW, KAY WAS DYSLECTIC, HAD DYSLEXIA, SO I WAS, YOU  
28 KNOW, CHECKING ON HOW SHE WAS DOING AND VARIOUS THINGS.

1 Q AND ONE DAY YOU JUST HAPPENED TO GO THERE AND  
2 FOUND TO YOUR SURPRISE THAT HE REALLY WASN'T IN SCHOOL;  
3 IS THAT RIGHT?

4 A YES, THAT'S RIGHT.

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1 Q HOW LONG BEFORE HE WAS DUE TO END THE SIXTH  
2 GRADE WAS THAT?

3 A GOOD QUESTION.

4 I DON'T RECALL.

5 THE COURT: WE NEED SUFFICIENT TIME FOR REDIRECT,  
6 MR. WAPNER.

7 Q BY MR. WAPNER: YOU MENTIONED SOMETHING ABOUT  
8 THERE WAS SOME SECRECY THAT WAS INVOLVED BETWEEN YOUR SON  
9 AND YOUR HUSBAND ABOUT NOT LETTING YOU KNOW WHAT HE WAS  
10 DOING AT SOME POINT.

11 A WHEN HE STARTED THE HONORS PROGRAM, I DIDN'T  
12 KNOW ABOUT THAT AHEAD OF TIME.

13 NORMALLY, WE DISCUSSED ALL OF THOSE TYPES OF  
14 THINGS.

15 Q WERE YOU TOLD ABOUT IT AFTER HE WAS ENTERED  
16 INTO IT?

17 A YES, I WAS.

18 Q AND DID YOU OBJECT TO THAT IN ANY WAY?

19 A YES, I DID.

20 Q WHY?

21 A I FELT JOE ALREADY HAD ENOUGH RESPONSIBILITY  
22 AND ENOUGH TO DO AND THERE WAS PLENTY OF TIME FOR HIM TO  
23 GO TO COLLEGE.

24 Q DID YOUR SON SEEM TO BE -- DID HE SEEM TO OBJECT  
25 TO IT?

26 A NO.

27 MR. WAPNER: I HAVE NOTHING FURTHER.

28 THE COURT: ANY QUESTIONS?

## 1 REDIRECT EXAMINATION

2 BY MR. CHIER:

3 Q MRS. GAMSKY, IS IT YOUR BELIEF THAT JOE PROVIDED  
4 THE HOUSE AND THE BOAT FOR MR. GAMSKY IN CHICAGO?

5 A I AM PRETTY SURE THAT HE PROBABLY DID.

6 Q AND IS IT YOUR BELIEF THAT JOE PROVIDED THE  
7 CHILD SUPPORT PAYMENTS FOR YOU DURING THAT TIME?

8 A YES, IT IS.

9 Q WHO WERE THE CHECKS SIGNED BY?

10 A RYAN HUNT.

11 Q IT IS YOUR UNDERSTANDING HE WAS UNEMPLOYED  
12 AT THAT TIME?13 A I HAVE BEEN TOLD THAT BY HIS SISTER-IN-LAW  
14 THAT HE NEVER WORKED THAT WHOLE PERIOD.15 Q NOW, IN ADDITION TO BEING MEDICAL ADMINISTRATOR  
16 OF THIS HYPNOSIS CLINIC, WAS YOUR HUSBAND INTERESTED IN  
17 THE ART AND PRACTICE OF HYPNOSIS AND SUGGESTION?

18 A YES, HE WAS VERY INTERESTED IN THAT.

19 Q WHAT DID JOE DO ON OCCASIONS WHEN THERE WAS  
20 ANY KIND OF WIFE-BATTERING OR DOMESTIC VIOLENCE IN YOUR  
21 HOME?22 A HE WOULD ALWAYS TRY TO COMFORT ME AND SAY THAT  
23 EVERYTHING WAS ALL RIGHT AND MR. GAMSKY WOULD BE OKAY, JUST  
24 HE HAD HAD TOO MUCH PRESSURE.25 THE COURT: DID HE EVER TRY TO INTERFERE AND TELL  
26 YOUR HUSBAND NOT TO DO IT?

27 THE WITNESS: NO.

28 WE JUST ALL LEFT. WE WOULD ALL GET IN THE

1 CAR AND LEAVE.

2 Q BY MR. CHIER: DID YOU EVER HEAR MR. GAMSKY  
3 CLAIM THAT WHEN HE WAS A YOUNGSTER OR A TEEN-AGER GROWING  
4 UP IN THE MIDWEST THAT HE TOOK CARE OF THOSE PERSONS THAT  
5 WERE BULLYING HIM?

6 THE COURT: WELL, LOOK, WE ARE NOT TRYING MR. GAMSKY.  
7 I DON'T THINK THAT QUESTION IS PROPER. LET'S GET ON TO  
8 SOMETHING ELSE, WILL YOU?

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1 MR. CHIER: COULD I APPROACH?

2 THE COURT: NO YOU MAY NOT.

3 MR. CHIER: YOU CAN'T UNDERSTAND THE RELEVANCY, UNLESS  
4 I DO.

5 THE COURT: I DON'T KNOW -- THIS IS NOT A PART OF  
6 REDIRECT.

7 MR. CHIER: I REQUEST TO REOPEN.

8 THE COURT: NO.

9 Q BY MR. CHIER: DID JOE EVER DISCUSS DEAN KARNY  
10 WITH YOU?

11 A NO HE DID NOT.

12 MR. CHIER: NO FURTHER QUESTIONS.

13 THE COURT: ALL RIGHT.

14 MR. BARENS: WE NEED TO APPROACH.

15 THE COURT: ANYTHING FURTHER?

16 MR. WAPNER: NO, NOTHING FURTHER.

17 THE COURT: ALL RIGHT. MAY THIS WITNESS BE EXCUSED?

18 MR. WAPNER: AS WITH THE PREVIOUS WITNESS, I WOULD JUST  
19 ASK HER TO REMAIN ON CALL.

20 THE COURT: PARDON ME?

21 MR. WAPNER: I WOULD LIKE HER TO REMAIN ON CALL, PLEASE.

22 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL  
23 BE EXCUSED FOR THE TIME BEING.

24 ALL RIGHT. YOU MAY APPROACH.

25 (THE FOLLOWING PROCEEDINGS WERE HELD  
26 AT THE BENCH OUT OF THE PRESENCE AND  
27 HEARING OF THE JURY:)

28 MR. BARENS: I WANTED TO ADVISE THE COURT THAT I HAVE

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1 ONE MORE WITNESS THAT I WOULD PRESUME WOULD BE ABOUT -- MYSELF,  
2 SIR, I HAVE EVEN LEARNED TO TALK FAST THIS WEEK. I WOULD  
3 BE MAYBE, HALF AN HOUR WITH THIS WITNESS.

4 THE COURT: ALL RIGHT.

5 MR. BARENS: MR. WAPNER MIGHT TAKE 15 MINUTES.

6 THE COURT: ALL RIGHT. WHAT WE'LL DO, I WILL ASK THE  
7 JURY TO COME BACK TOMORROW MORNING AT 10 O'CLOCK.

8 MR. BARENS: COULDN'T WE JUST START AT 10:00?

9 THE COURT: WE WILL START AT 10:00 TOMORROW, SO WE CAN  
10 FINISH.

11 MR. BARENS: SIR, WELL, COULD I GET A FEEL FOR  
12 SEQUENCING AT THIS POINT, SIR?

13 THE COURT: WHAT?

14 MR. BARENS: SEQUENCING AT THIS TIME? I AM PRESUMING  
15 AND I WILL MAKE EVERY EFFORT TO CONCLUDE MY WITNESS BY  
16 TOMORROW MORNING AT 12 O'CLOCK.

17 THE COURT: BY 12:00? I THOUGHT YOU HAD HALF AN HOUR.

18 MR. BARENS: WELL, I AM SAYING THAT YOU KNOW, IT IS  
19 INCONCEIVABLE TO ME THAT YOU KNOW, I AM TRYING TO BE CAUTIOUS  
20 AND --

21 THE COURT: WE WILL FINISH AND GO OVER THE JURY  
22 INSTRUCTIONS BY 12 O'CLOCK.

23 MR. CHIER: WE HAVE TO PREPARE THE JURY INSTRUCTIONS.

24 THE COURT: WELL, YOU BETTER GO AHEAD AND PREPARE IT.

25 MR. CHIER: I DON'T HAVE THE TIME.

26 THE COURT: YES. YOU HAVE GOT ALL NIGHT TONIGHT.

27 MR. CHIER: I HAVE AN APPOINTMENT WITH A DOCTOR TONIGHT  
28 AND --

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1 MR. BARENS: JUST A COUPLE OF THINGS THAT ARE  
2 INCUMBENT FOR ME TO SAY.

3 THE DEFENSE HAS HAD A TIME PROBLEM, WHICH IS AS  
4 TO PREPARING THE DEFENSE PORTION OF COURSE AND AS TO PREPARING  
5 THE JURY INSTRUCTIONS. I UNDERSTAND YOUR HONOR'S POINT OF  
6 VIEW, SIR --

7 THE COURT: WE HAVE GOT A TIME TABLE. I INTEND TO ABIDE  
8 BY IT. IF YOU HAVE NOT GOT YOUR JURY INSTRUCTIONS, IT IS  
9 JUST TOO BAD.

10 MR. WAPNER: YOUR HONOR, I THINK THAT --

11 THE COURT: JUST TELL US WHAT YOUR JURY INSTRUCTIONS  
12 ARE THAT YOU HAVE. WE CAN GET IT FROM CALJIC.

13 MR. CHIER: THEY ARE NOT IN CALJIC.  
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1 THE COURT: WELL THEN, YOU BETTER LEAVE NOW AND START  
2 PREPARING THEM TONIGHT.

3 MR. WAPNER: I THINK -- LET ME MAKE A SUGGESTION AND  
4 SEE HOW THE COURT FEELS ABOUT THIS.

5 WE CAN FINISH THE TESTIMONY TOMORROW MORNING.  
6 WE WILL FINISH DISCUSSING THE JURY INSTRUCTIONS EITHER IN  
7 THE MORNING OR THE EARLY AFTERNOON.

8 IF COUNSEL CAN AGREE THAT THE ARGUMENTS WILL BE  
9 FINISHED BY FRIDAY AFTERNOON --

10 THE COURT: HOW CAN THEY DO THAT BY FRIDAY AFTERNOON?

11 MR. WAPNER: WELL, I DON'T KNOW HOW LONG HE IS GOING  
12 TO ARGUE. I AM WILLING TO TRY TO SET SOME LIMITS.

13 I DON'T THINK IT COULD BE MORE THAN A COUPLE OF  
14 HOURS. AND IF OR WHEN -- IF I START --

15 THE COURT: TOMORROW IS THURSDAY.

16 MR. WAPNER: I UNDERSTAND --

17 THE COURT: YOU HAVE MORE WITNESSES TO TESTIFY. I WANT  
18 TO BE THROUGH WITH EVERYTHING AND GO OVER THE JURY INSTRUCTIONS  
19 BY 12 O'CLOCK NOON.

20 YOU CAN START YOUR ARGUMENT AT 1:30.

21 MR. CHIER: HOW CAN --

22 THE COURT: WHENEVER YOU WANT TO START. 1:30. ALL  
23 RIGHT?

24 JUST TELL ME WHAT CALJIC JURY INSTRUCTIONS ARE  
25 AND WE WILL GET THEM OUT AND --

26 MR. BARENS: YOUR HONOR, I JUST WANT TO UNDERSTAND WHAT  
27 YOU SAID ABOUT 10 O'CLOCK.

28 THE COURT: IF WE ARE GOING TO FINISH THE TESTIMONY

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1 BY 11 O'CLOCK, THEN WE CAN START AT 10:00. YOU SAID YOURSELF  
2 THAT IT WOULD TAKE ABOUT 15 TO 20 MINUTES.

3 MR. BARENS: NO, SIR. I SAID THAT I WOULD TAKE HALF  
4 AN HOUR WITH THE WITNESS. THAT IS EXACTLY WHAT I SAID, SIR.

5 MR. WAPNER: YOUR HONOR, I THINK THAT --

6 THE COURT: WHO IS THIS WITNESS THAT YOU HAVE GOT THAT  
7 WILL TAKE HALF AN HOUR? IS IT CUMULATIVE?

8 MR. BARENS: NO, SIR. I HAVE NOT TRIED TO PUT ON  
9 CUMULATIVE WITNESSES, SIR.

10 MR. WAPNER: ALSO IT IS A LITTLE -- I ASSUME THAT I  
11 CAN ARGUE TOMORROW. BUT I WOULD PREFER TO PLAN ARGUMENT AND  
12 KNOW WHO THE WITNESS IS GOING TO BE TOMORROW AND --

13 MR. BARENS: WE ARE GOING TO HAVE MR. WAPNER ARGUE  
14 TOMORROW AT 1:30? IS THAT WHAT YOU SAID, SIR?

15 THE COURT: WELL, IF HE CAN START ARGUMENT AT 1:30  
16 TOMORROW --

17 MR. BARENS: SIR --

18 MR. WAPNER: I HAVE TWO PROBLEMS WITH THAT AND --

19 THE COURT: IF WE START AT 10 O'CLOCK ON FRIDAY MORNING  
20 WITH ARGUMENT, YOU WILL TAKE THE MORNING, WON'T YOU?

21 MR. WAPNER: RIGHT.

22 THE COURT: HOW LONG WILL YOU TAKE IN ARGUMENT?

23 MR. BARENS: SIR, MY ESTIMATE WOULD BE THAT I WOULD  
24 BE ABOUT AN HOUR AND A HALF AT THE MOST.

25 THE COURT: AT THE MOST?

26 MR. BARENS: AT THE MOST.

27 THE COURT: WELL, THEN WE CAN EASILY FINISH ON TIME.

28 MR. BARENS: THAT IS WHAT I SAID YESTERDAY. AND WE

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1 CAN FINISH UP IN THE MORNING OR AT LEAST BY 3:30 OR 4 O'CLOCK.  
2 THEN YOU CAN INSTRUCT THE JURY.

3 THE COURT: I WILL INSTRUCT THE JURY.

4 MR. WAPNER: IF WE DON'T FINISH TOMORROW MORNING, THEN  
5 WE COULD FINISH BY 2:00 --

6 THE COURT: PARDON ME?

7 MR. WAPNER: WELL, IF I START FRIDAY MORNING -- ASSUMING  
8 THAT WE DIDN'T FINISH UNTIL THEN, THEN --

9 THE COURT: IF YOU START FRIDAY MORNING AT 10 O'CLOCK,  
10 WILL YOU TAKE MORE THAN TWO HOURS?

11 MR. WAPNER: I DON'T THINK SO.  
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1 MR. BARENS: YOUR HONOR, I HAVE A QUESTION AS TO  
2 SEQUENCE NOW. I JUST WANT TO SEEK YOUR HONOR'S GUIDANCE ON  
3 SOMETHING.

4 THE DEFENDANT AND COUNSEL HAVE A DISAGREEMENT  
5 ON THE DEFENSE WITNESSES TO BE CALLED WHERE I AM INCLINED  
6 TO CALL CERTAIN DEFENSE WITNESSES AND THE DEFENDANT WOULD  
7 LIKE TO HAVE CALLED --

8 THE COURT: YOU ARE THE BOSS.

9 MR. BARENS: DOES YOUR HONOR FEEL FOR PURPOSES OF  
10 PROTECTING THE RECORD -- AND I DON'T KNOW BECAUSE I HAVE NEVER  
11 BEEN THROUGH THIS DEATH PENALTY PORTION OF THE CASE BEFORE,  
12 SIR -- SHOULD I TELL YOUR HONOR WHAT IT IS THAT -- COULD WE  
13 HAVE AN IN CAMERA HEARING ABOUT WHATEVER WITNESSES THE  
14 DEFENDANT WANTED CALLED AND --

15 THE COURT: IF YOU WANT TO DO IT, I WILL LISTEN TO YOU.

16 MR. BARENS: COULD WE THEN -- WE ARE STARTING TOMORROW  
17 MORNING AT 10:00. PERHAPS I COULD ACCESS YOUR HONOR IN THE  
18 MORNING --

19 THE COURT: I WILL INSTRUCT THEM THAT WE WILL RESUME  
20 AT 10:00.

21 MR. BARENS: I SAID PERHAPS I COULD ACCESS YOUR HONOR  
22 A FEW MINUTES BEFORE WE START IN THE COURTROOM TOMORROW AND  
23 MAKE THAT DISCLOSURE.

24 THE COURT: ALL RIGHT. ANY TIME. 9 O'CLOCK? 9:30?

25 MR. BARENS: I WILL COME IN AT 10:00.

26 THE COURT: COME IN A LITTLE EARLIER. COME IN ABOUT  
27 A QUARTER OF 10:00

28 MR. BARENS: THANK YOU.

-8 1 THE COURT: YOU CAN TELL ME THEN WHAT IT IS.

2 MR. CHIER: YOUR HONOR INDICATED THAT WE WERE GOING  
3 TO HAVE A HEARING ON EXHIBIT 37 --

4 THE COURT: NO.

5 MR. BARENS: IS THAT THE RULING?

6 THE COURT: I THINK WE TALKED ABOUT IT TIME AND TIME  
7 AGAIN JUST AD NAUSEAM. WE ARE NOT GOING TO TALK ABOUT 37.  
8 YOU MEAN SOMETHING THAT WAS SUPPOSEDLY SEIZED AT THE HOME?

9 MR. CHIER: YES. YOU SAID THAT WE WOULD --

10 THE COURT: NO. WE WON'T TALK ABOUT THAT ANY MORE.

11 MR. WAPNER: WELL YOUR HONOR --

12 MR. BARENS: JUST LET ME MAKE SURE THAT I KNOW WHERE  
13 I AM RIGHT NOW.

14 MR. WAPNER: SO WE ARE GOING TO FINISH THE TESTIMONY  
15 TOMORROW AND TALK ABOUT JURY INSTRUCTIONS TOMORROW AND BEGIN  
16 ARGUMENT PROMPTLY AT --

17 THE COURT: WE ARE GOING TO GO OVER INSTRUCTIONS TOMORROW.

18 MR. WAPNER: ALL RIGHT.

19 THE COURT: WE WILL START ARGUING AT 10 O'CLOCK ON FRIDAY.  
20 ALL RIGHT?

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

4 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE WERE  
5 GOING OVER THE TIMETABLE. THERE WILL BE ADDITIONAL TESTIMONY  
6 TOMORROW MORNING.

7 WOULD IT BE TOO MUCH OF AN IMPOSITION IF I  
8 ASKED YOU, BECAUSE OF THE SHORTNESS OF THE TIME WE HAVE  
9 LEFT, IF I ASKED YOU TO COME IN AT 10:00 O'CLOCK TOMORROW  
10 MORNING INSTEAD OF 10:30? WILL THAT BE ALL RIGHT WITH ALL  
11 OF YOU?

12 ALL RIGHT, SO YOU WILL RETURN AT 10:00 O'CLOCK  
13 TOMORROW MORNING AND HOPEFULLY WE WILL START AT 10:00 O'CLOCK  
14 TOMORROW MORNING. THERE WON'T BE ANY FURTHER DELAYS. AND  
15 COUNSEL UNDERSTAND THEY HAVE TO BE HERE PROMPTLY TO START  
16 AT 10:00 O'CLOCK.

17 SO I WILL ASK YOU TO COME TOMORROW MORNING  
18 AT 10:00 O'CLOCK. THE PROGRAM IS THAT WE WILL HAVE ADDITIONAL  
19 TESTIMONY THEN THE REST OF THE MORNING.

20 IN THE AFTERNOON, WE WILL GO OVER THE JURY  
21 INSTRUCTIONS AND THEN ON FRIDAY MORNING AT 10:00 O'CLOCK,  
22 MR. WAPNER WILL MAKE HIS CONCLUDING ARGUMENT TO YOU FOLLOWED  
23 BY DEFENSE COUNSEL, MR. BARENS' FINAL ARGUMENT TO YOU AND  
24 ON FRIDAY, THEN I WILL INSTRUCT YOU AND THEN THE CASE WILL  
25 BE SUBMITTED TO YOU AT THAT PARTICULAR TIME.

26 AS I TOLD YOU, WHEN YOU LEAVE ON FRIDAY FOR  
27 THE WEEKEND, YOU CAN TAKE YOUR NOTES WITH YOU AND GO OVER  
28 THEM AND REFRESH YOUR RECOLLECTION BUT DON'T DISCUSS IT,

1 AS I TOLD YOU, WITH ANYBODY ELSE.

2 ALL RIGHT, GOOD NIGHT. THE SAME ADMONITION  
3 I GAVE YOU WOULD STILL APPLY.

4 MR. BARENS: YOUR HONOR, COULD WE HAVE AN ORDER TO  
5 INSURE THAT WE HAVE MR. HUNT HERE TOMORROW MORNING AT 9:30?

6 THE COURT: SURE.

7 MR. BARENS: OH, OKAY. I THINK I AM OKAY.

8 (AT 4:35 P.M. AN ADJOURNMENT WAS TAKEN  
9 TO RESUME THURSDAY, MAY 28, 1987, AT  
10 10:00 A.M.)

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