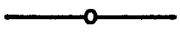


88DA0269

COURT OF APPEAL
SECOND APPELLATE DISTRICT
STATE OF CALIFORNIA

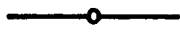


THE PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff
and Respondent/Appellant

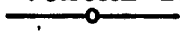
VS

No. A090435.....

T/N JOE HUNT
AKA: JOSEPH HENRY GAMSKY Defendant
and Appellant/Respondent



CLERK'S TRANSCRIPT
VOLUME II



Appearances:

Counsel for Plaintiff and Respondent:
THE ATTORNEY GENERAL

Counsel for Defendant and Appellant:

IN PROPRIA PERSONA

Appeal from the Superior Court,
County of Los Angeles

Honorable L.J. RITTENBAND Judge

Date Mailed to:

Defendant (in pro per) _____

Defendant's Trial Attorney _____

Defendant's Appellate Attorney _____

District Attorney _____

Attorney General _____

1 NOTICE TO APPELLANT:

2 In the event that a request for corrections is filed, counsel should deliver his copy of the
3 transcripts to the court clerk at the time of the hearing so that it may be conformed.

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14 CLERK'S TRANSCRIPT
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1 Q THANK YOU.

2 MS. LOPEZ: I'M HANDING THE WITNESS THE ENVELOPE
3 THAT'S BEEN MARKED TOGETHER WITH ITS CONTENTS COLLECTIVELY
4 AS PEOPLE'S EXHIBIT 28.

5 Q DO YOU RECOGNIZE THAT ENVELOPE?

6 A YEAH. I DELIVERED THIS TO THE COURT CLERK.

7 Q OKAY, AND DID YOU PLACE THE CONTENTS OF THIS
8 ENVELOPE IN THE ENVELOPE?

9 A YES, I DID.

10 Q ARE EACH OF THE ITEMS REFERED TO AS EXHIBITS IN
11 THE AFFIDAVIT ACCOMPANYING THE DOCUMENTS TRUE AND CORRECT
12 COPIES OF THE ORIGINALS?

13 A THAT'S CORRECT.

14 Q AND DID YOU MAKE EACH OF THOSE COPIES?

15 A WELL, THEY'RE TRUE COPIES ON A PHOTOGRAPH OF
16 THE ORIGINAL BECAUSE WE KEEP PHOTOGRAPHS, MICROFILMS.

17 Q AND WHEN YOU SAY PHOTOGRAPHS OF THE ORIGINALS,
18 ARE YOU REFERRING SIMPLY TO THE CHECKS, THE --

19 A I'M REFERRING TO THE CHECKS.

20 Q OKAY, AND THOSE ARE THE ITEMS THAT HAVE BEEN
21 MARKED --

22 A THESE ITEMS (INDICATING).

23 Q AND THOSE ARE THE ITEMS THAT APPEAR TO BE -- I
24 DON'T KNOW, EIGHT BY THREE INCHES? LENGTH?

25 A YES. ALL THE ONES THAT ARE DESCRIBED AS
26 CHECKS.

27 Q OKAY. NOW, REFERRING YOUR ATTENTION TO THE
28 ITEMS MARKED AS EXHIBITS 2 THROUGH 8, WHAT ARE THOSE?

1 A THOSE ARE ALSO -- THOSE ARE PHOTOGRAPHS OF
2 THE -- OF THE PHOTOGRAPHS -- WELL, IT'S A -- IT'S A
3 DEVELOPED -- THAT'S THE NEGATIVE. WE KEEP -- THESE ARE
4 STATEMENTS. THE STATEMENTS, AS YOU KNOW, ARE RETURNED TO
5 THE CUSTOMER EVERY MONTH, BUT WE KEEP A PHOTOGRAPH.

6 Q AND THESE ARE TRUE AND CORRECT COPIES THAT ARE
7 MAINTAINED?

8 A YES, YES.

9 Q AND ARE THESE STATEMENTS MAINTAINED BY THE BANK
10 THROUGH THE COURSE OF ITS BUSINESSES?

11 A YES, YES.

12 Q AND WHAT IS THE SOURCE OF THE INFORMATION?

13 A I DON'T UNDERSTAND.

14 Q THE CHECK --

15 A WELL, THIS IS ALL THE TRANSACTION WITHIN THAT
16 MONTH, WITHIN THIS PERIOD STATED HERE (INDICATING).

17 Q OKAY. THAT'S FINE.

18 A FOR EACH MONTH. THESE ARE MONTHLY.

19 Q OKAY.

20 A AND IT SHOWS DEPOSITS AND CHECKS.

21 Q AND THE ITEMS MARKED AS EXHIBITS 27 THROUGH 34,
22 THOSE ARE TRUE AND CORRECT COPIES OF THE ITEMS THAT YOU
23 BROUGHT TO COURT TODAY?

24 A THAT'S CORRECT.

25 MS. LOPEZ: I HAVE NOTHING FURTHER.

26
27 CROSS EXAMINATION

28 BY MR. YOUNG:

300

1 Q REFERRING AS TO EXHIBIT NUMBER 36, WAS THIS
2 ACCOUNT OPENED ON 6-8-84?

3 A THAT'S WHAT IT STATES HERE, YES.

4 Q OKAY. DO YOU SEE ANY SIGNATURE SPACE OR ANY
5 MENTION OF THE NAME JAMES PITTMAN OR JAMES GRAHAM ON THAT
6 SIGNATURE CARD?

7 A NO. NO.

8 Q OKAY. REFERRING TO EXHIBIT NO. 37, IS THIS
9 A -- IS THAT A NORMAL CHECK FROM AN ACCOUNT OR IS THAT MORE
10 LIKE A CASHIERS CHECK?

11 A NO. THIS IS -- FOR SWITZERLAND, THIS WOULD BE
12 A CHECK.

13 Q OKAY. SO FROM YOUR KNOWLEDGE, WOULD THIS BE
14 LIKE FROM A CHECKBOOK?

15 A FROM A CHECKBOOK, YES.

16 Q OKAY. DO YOU SEE ANY REFERENCE WHATSOEVER TO
17 THE NAME JAMES PITTMAN OR JAMES GRAHAM ON THAT?

18 A NO, NOT AT ALL.

19 Q REFERRING TO DOCUMENT NO. 38, IS THERE ANY
20 REFERENCE TO THE NAME JAMES PITTMAN OR JAMES GRAHAM?

21 A NO.

22 Q REFERRING TO DOCUMENT MARKED AS EXHIBIT 39, IS
23 THERE ANY REFERENCE TO THE NAMES JAMES PITTMAN OR JAMES
24 GRAHAM?

25 A NO.

26 Q WITH RESPECT TO DOCUMENT 40, THE SAME QUESTION.

27 A NO.

28 Q AND 41, THE SAME QUESTION.

314

1 A NO.

2 Q OKAY. COULD YOU LOOK AT THESE DOCUMENTS AND
3 TELL ME WHAT WAS THE INITIAL DEPOSIT IN THAT ACCOUNT TO OPEN
4 THE ACCOUNT?

5 A IT'S RIGHT ON THE SIGNATURE CARD.

6 Q IT'S ON THE SIGNATURE CARD?

7 A IT'S RIGHT HERE. \$25,890.

8 Q OKAY. DO YOU KNOW IF THAT WAS BY CHECK OR
9 CASH?

10 A I BELIEVE THERE WERE TWO CHECKS, IF I RECALL.
11 IF I CAN LOOK AT THE DEPOSIT SLIP.

12 THAT'S CORRECT. THAT'S ONE OF THE CHECKS, AND THIS
13 IS THE OTHER ONE.

14 Q OKAY. THESE CHECKS, THEN, THAT WERE PART OF
15 THIS ENVELOPE THAT YOU JUST PROVIDED US, MARKED HERE AS
16 EXHIBIT 10 AND 11, THEY WERE DEPOSITS; IS THAT CORRECT?

17 A THAT'S CORRECT.

18 Q OKAY. WERE THESE OTHER CHECKS DEPOSITS?

19 A SOME ARE DEPOSITS, AND YOU CAN TELL THE ONES
20 THAT DON'T HAVE THE NAME OF THE -- THAT'S A DEPOSIT.

21 Q THAT IS REFERRING TO EXHIBIT 13?

22 A THIS ONE (INDICATING).

23 Q 15 IS A DEPOSIT.

24 A THAT'S ALL I CAN SEE AS DEPOSITS.

25 Q OKAY. THOSE ARE ALL THE DEPOSITS. COULD YOU
26 TELL ME WHAT DATE THIS ACCOUNT WAS CLOSED?

27 A IT SHOULD BE ON HERE. 12-13-84.

28 Q OKAY. WHAT IS THE -- WAS THIS CLOSED AT THE

305

1 REQUEST OF SOME PERSON?

2 A IT WAS CLOSED BECAUSE IT HAD BEEN OVERDRAWN FOR
3 AWHILE AND THERE WAS NO TRANSACTION, AND SO THE ACCOUNT WAS
4 CLOSED BECAUSE WE SENT NOTICES. I GUESS NO PAYMENTS WAS
5 MADE. BUT THAT'S JUST A COURSE OF BUSINESS.

6 Q OKAY. IS IT NORMAL PROCEDURE TO -- IF A CHECK
7 IS RETURNED -- AND I'M AGAIN REFERRING TO THIS 1.5 MILLION
8 DOLLAR CHECK -- IS IT NORMAL PROCEDURE TO RETURN IT TO THE
9 PERSON THAT DEPOSITED IT?

10 A THAT'S CORRECT. YOU CALL THE DEPOSITOR AND ASK
11 THEM WHETHER THEY WANT TO PICK IT UP OR MAIL IT OR THEY --
12 OR THEY WANT IT MAILED.

13 Q OKAY. DO YOU HAVE ANY PERSONAL KNOWLEDGE OF
14 ANYONE MAKING A CALL REGARDING THIS CHECK?

15 A NO. THERE'S NOTHING IN MY RECORDS TO INDICATE
16 THAT -- WHETHER THERE WAS ANY CALLS OR WHAT.

17 Q OKAY. IF NO CALL IS RECEIVED, WOULD YOU JUST
18 NORMALLY MAIL IT TO THEM AT SOME POINT?

19 A SOMETIMES YOU WOULD MAIL IT, BUT I SUPPOSE IF
20 IT'S A LARGE CHECK LIKE THAT, YOU DON'T WANT TO MAIL IT.

21 Q YEAH. OKAY. SO YOU HAVE NO EVIDENCE THAT
22 ANYONE ATTEMPTED TO RETAKE THAT CHECK FROM THE BANK? DO YOU
23 HAVE ANY PERSONAL KNOWLEDGE THAT ANYONE ATTEMPTED TO --

24 A COME TO THE BANK --

25 Q -- TO GET --

26 A -- TO CLAIM THE CHECK?

27 Q -- TO CLAIM THE CHECK?

28 A NOT THAT I KNOW OF.

1 Q AND HOW MANY DAYS AFTER THIS CHECK WAS
2 DEPOSITED ACCORDING TO THESE DOCUMENTS DID YOU LEARN THAT IT
3 WASN'T A VALID CHECK?

4 A THE DAY OF THE TELEX.

5 Q THE TELEX, WHICH IS THAT --

6 A THIS TELEX FROM -- WHICH IS DATED JUNE 15.

7 Q JUNE 15TH?

8 A YEAH, JUNE 15TH.

9 Q OKAY, AND --

10 A SO EITHER THE 15TH OR 16TH. I DON'T KNOW.

11 Q OKAY. ON THIS TELEX, WHAT REASONS DOES IT
12 STATE --

13 A IT SAYS "INSUFFICIENT FUNDS AND SIGNATURE
14 MISSING".

15 Q OKAY. WHEN THEY SAY "SIGNATURE MISSING", WHERE
16 IS -- WHERE IS THE CHECK? HERE IT IS.

17 A YEAH.

18 Q WHEN THEY SAY "SIGNATURE MISSING", I NOTE THAT
19 THERE IS SOME TYPE OF A SIGNATURE.

20 A YEAH, THAT'S -- THEY DON'T MEAN THE
21 ENDORSEMENT. THE ENDORSEMENT IS OKAY. THEY MEAN THE
22 SIGNATURE OF THE DRAWER.

23 Q WHICH IS -- THERE'S SUPPOSED TO BE A SIGNATURE
24 ON THIS --

25 A I DON'T KNOW WHERE BECAUSE THERE'S SOMETHING
26 HERE, BUT I HAD -- I'M NOT THE SWISS CREDIT BANK, SO THEY'RE
27 STATING THAT THE SIGNATURE IS MISSING.

28 Q THE SIGNATURE IS MISSING. CAN YOU MAKE OUT

307

1 WHAT THE SIGNATURE IS HERE?

2 A WELL, I HAVE -- HERE IT SAYS "SIGNATURE
3 GUARANTEED", SIGNATURE OF JOSEPH HUNT GUARANTEED, "BANK OF
4 AMERICA, 339", SO WE KNOW IT'S JOSEPH HUNT. THE BANK OF
5 AMERICA IS GUARANTEEING IT.

6 Q THIS SIGNATURE UP HERE APPEARS TO BE JOSEPH
7 HUNT'S --

8 A YES.

9 Q -- IS THAT CORRECT?

10 A THIS IS THE -- OH, THIS IS WHOEVER IT IS, THE
11 OFFICER OF THE THE BANK OF AMERICA. I CANNOT --

12 Q YOU CANNOT --

13 A IT'S ILLEGIBLE.

14 Q OKAY. CAN YOU TELL ME BY LOOKING AT THESE
15 STATEMENTS APPROXIMATELY WHAT WAS THE TOTAL NUMBER OF
16 DEPOSITS IN THIS ACCOUNT WAS?

17 A OH, YES.

18 Q WHILE IT WAS OPEN?

19 A YOU HAVE HERE THE DEPOSITS. THESE ARE ALL THE
20 DEPOSITS.

21 Q THAT'S IT?

22 A THERE WERE ONLY FOUR DEPOSITS. ORIGINAL, AND
23 THEN THERE'S A DEPOSIT OF FORTY ONE THIRTY EIGHT, AND
24 ANOTHER ONE, EIGHT HUNDRED.

25 Q SO THAT WOULD BE APPROXIMATELY -- WELL, IT
26 WOULD BE LESS THAN \$30,000?

27 A THAT'S RIGHT.

28 Q OKAY. IS THERE ANY WAY YOU CAN TELL FROM ANY

1 OF THE DOCUMENTS THAT YOU HAVE OR YOUR COMMUNICATIONS WITH
2 THE OTHER BANK HOW SHORT THIS CHECK WAS THAT SAYS
3 "INSUFFICIENT FUNDS"? DO YOU KNOW HOW INSUFFICIENT FUNDS?

4 A YOU'LL NEVER GET THAT OUT OF A SWISS BANK, I'M
5 SURE.

6 Q OKAY.

7
8 CROSS EXMAINATION

9 BY MR. ZORNE:

10 Q WELL, LET ME ASK YOU, MR. MARINELLI, IT
11 CAME BACK FOR TWO REASONS. ONE, IT CAME BACK BECAUSE THE
12 SIGNATURE WAS MISSING; IS THAT CORRECT?

13 A THAT'S WHAT IT SAYS.

14 Q AND IT ALSO CAME BACK BECAUSE OF INSUFFICIENT
15 FUNDS; IS THAT CORRECT?

16 A THAT'S CORRECT.

17 Q ALL RIGHT. NOW, YOU HAVE NO KNOWLEDGE OF WHAT
18 THE FUNDS WERE IN THE SWISS BANK?

19 A NO.

20 Q YOU WOULDN'T KNOW --

21 A ABSOLUTELY.

22 Q SO THAT CHECK WAS MADE OUT FOR ONE MILLION AND
23 A HALF DOLLARS?

24 A CORRECT.

25 Q IF THERE WAS ONE DOLLAR LESS THAN A MILLION AND
26 A HALF DOLLARS IT WOULD COME BACK FOR INSUFFICIENT FUNDS;
27 ISN'T THAT CORRECT?

28 A TECHNICALLY YES, THE BANK COULD RETURN IT.

1 MR. ZORNE: I HAVE NO FURTHER QUESTIONS. THANK YOU.

2

3

REDIRECT EXAMINATION

4

BY MS. LOPEZ:

5

Q JUST TO CLARIFY THE RECORD, THE SIGNATURE THAT

6

YOU'RE REFERRING TO ON THE BACK OF THE CHECK WHICH IS JOE

7

HUNT'S -- AND THAT'S THE CHECK MARKED AS PEOPLE'S EXHIBIT

8

37 -- THAT IS NOT THE SIGNATURE THAT'S REFERRED TO IN THE

9

TELETYPE; IS THAT CORRECT, WHERE IT SAYS "SIGNATURE

10

MISSING"?

11

A NO. NO. THAT REFERS TO THE SIGNATURE OF THEIR

12

CUSTOMER BECAUSE THIS IS THE ENDORSEMENT ON THE BACK.

13

Q SO THEY'RE REFERRING TO A SIGNATURE THAT SHOULD

14

APPEAR ON THE FACE OF THE CHECK?

15

A RIGHT, BECAUSE OTHERWISE THEY WOULD SAY

16

"ENDORSEMENT SIGNATURE MISSING".

17

Q AND CAN YOU TELL US BASED ON THESE DOCUMENTS

18

THE DAY THAT THE CHECK WAS PREPARED -- WAS PRESENTED TO YOUR

19

BANK FOR CASHING?

20

A FOR SENDING BY THE -- FOR SENDING FOR

21

COLLECTION, BY THE DOCUMENTS AND THE OPENING OF THE ACCOUNT,

22

EVERYTHING HAPPENED ON THE 8TH.

23

Q THANK YOU.

24

MS. LOPEZ: I HAVE NOTHING FURTHER.

25

MR. YOUNG: JUST ONE MORE QUESTION.

26

27

RECROSS EXAMINATION

28

BY MR. YOUNG:

1 Q DO YOU SEE ANYWHERE ON EITHER SIDE OF THIS
2 CHECK A SIGNATURE BY RON LEVIN?

3 MS. LOPEZ: I'M GOING TO OBJECT. IT CALLS FOR
4 SPECULATION ON THE PART OF THIS WITNESS. HE DOESN'T KNOW
5 WHAT RON LEVIN'S SIGNATURE IS SUPPOSED TO BE OR --

6 THE COURT: WELL --

7 MR. YOUNG: THE --

8 MS. LOPEZ: -- THE DOCUMENT SPEAKS FOR ITSELF.

9 THE COURT: HE CAN TELL IF THERE'S A WRITING ON THE
10 CHECK THAT SAYS "RON LEVIN" --

11 MR. YOUNG: LET ME REPHRASE IT.

12 Q DID DO YOU SEE ANY WRITING ON THE CHECK THAT
13 INDICATES THE NAME RON LEVIN?

14 A WELL, THE NAME IS TYPED "RON LEVIN" AND THEN
15 THERE'S SCRIBBLED TO THE LEFT SOMETHING. I DON'T KNOW. BUT
16 THERE'S SOMETHING TO THE LEFT.

17 MR. YOUNG: I SEE. THANK YOU.

18 MR. ZORNE: COULD I JUST HAVE ONE MORE QUESTION?

19

20 RECROSS EXAMINATION

21 BY MR. ZORNE:

22 Q THE GENTLEMEN ON MY LEFT, SIR, IS JAMES
23 PITTMAN, AND ALL THE TIME THAT YOU WERE AT WORLD TRADE BANK,
24 DID YOU EVER SEE THIS GENTLEMAN? TAKE A LOOK AT HIM.

25 A NO, I'VE NEVER SEEN HIM. I'VE ONLY BEEN THERE
26 SINCE AUGUST 14TH BUT, I'VE NEVER SEEN HIM, SIR.

27 MR. ZORNE: ALL RIGHT.. THANK YOU.

28

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FURTHER REDIRECT EXAMINATION

BY MS. LOPEZ:

Q YOU MENTIONED EARLIER THAT THE DATE THAT THE CHECK WAS PRESENTED FOR COLLECTION -- WAS THAT THE 8TH? DID YOU MEAN THE 8TH OF JUNE?

A THE 8TH OF JUNE, 1984.

Q THANK YOU.

MS. LOPEZ: NOTHING FURTHER.

THE COURT: ANYTHING FURTHER?

MR. YOUNG: NO.

THE COURT: MR. ZORNE?

MR. ZORNE: NO.

THE COURT: MAY THIS WITNESS BE EXCUSED?

MS. LOPEZ: YES, BUT PRIOR TO HIM BEING EXCUSED, MAY ITEMS 36 THROUGH 41 BE RECEIVED?

THE COURT: ALL RIGHT. ITEMS 36 THROUGH 41 WILL BE RECEIVED INTO EVIDENCE AT THIS TIME.

MS. LOPEZ: THANK YOU.

THE COURT: THANK YOU VERY MUCH. YOU MAY BE EXCUSED.

MS. LOPEZ: PEOPLE CALL JEFF RAYMOND.

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

THE WITNESS: I DO.

JEFFREY RAYMOND,

CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN PREVIOUSLY

312

1 SWORN, WAS EXAMINED AND TESTIFIES AS FOLLOWS:

2 THE COURT: BEFORE YOU START AN INQUIRY OF THIS
3 WITNESS, MAY I INTERRUPT JUST A MOMENT HERE, PLEASE.

4 /////

5 (OTHER COURT PROCEEDINGS)

6 /////

7 THE COURT: ALL RIGHT. YOU MAY PROCEED.

8 THE CLERK: WOULD YOU PLEASE STATE YOUR NAME AND
9 SPELL YOUR LAST NAME FOR THE RECORD.

10 THE WITNESS: JEFFREY DAVID RAYMOND, R-A-Y-M-O-N-D.

11 THE CLERK: THANK YOU.

12 MS. LOPEZ: MAY I APPROACH THE WITNESS?

13 THE COURT: YES.

14 MS. LOPEZ: I'M HANDING THE WITNESS THE PHOTOGRAPH
15 THAT'S BEEN MARKED AS PEOPLE'S EXHIBIT 8.

16

17

DIRECT EXAMINATION

18

BY MS. LOPEZ:

19

Q DO YOU KNOW THE PERSON SHOWN IN THAT

20

PHOTOGRAPH?

21

A YES.

22

Q BY WHAT NAME DO YOU KNOW THAT PERSON?

23

A JOE HUNT.

24

Q ARE YOU FAMILIAR WITH THE BUSINESS ORGANIZATION

25

KNOWN AS THE BBC?

26

A YES, I AM.

27

Q WERE YOU EMPLOYED BY THE BBC IN SOME CAPACITY?

28

A I WORKED FOR A COMPANY CALLED MICROGENESIS,

1 WHICH WAS FORMED BY BBC.

2 Q AND DURING WHAT DATES DID YOU WORK FOR
3 MICROGENESIS?

4 A AS OF -- LET'S SEE, PROBABLY EARLY FEBRUARY,
5 JANUARY AND FEBRUARY OF '84 -- JANUARY '83, FEBRUARY OF '84
6 TO ABOUT JUNE.

7 Q AND WHAT WAS YOUR JOB TITLE AND WHAT WERE YOUR
8 JOB DUTIES WITH THAT COMPANY?

9 A I DIDN'T HAVE ANY SPECIFIC TITLE. I WAS
10 WORKING DOWN AT A WAREHOUSE IN GARDENA, AND I -- DOWN IN
11 GARDENA, WE WORKED ON A MACHINE KNOWN -- INVENTED BY GENE
12 BROWNING, AND I WAS THERE TO PURCHASE PARTS NEEDED TO BUILD
13 THIS MACHINE AND ALSO TO HELP GENE IN BUILDING THE MACHINE.

14 Q AND WHAT DID YOU UNDERSTAND JOE HUNT'S RELATION
15 TO THE BBC AND MICROGENESIS TO BE?

16 A JOE HUNT FORMED THE BBC AND HE WAS THE OWNER OF
17 MICROGENESIS AND HE FUNDED THE MONEY FOR MICROGENESIS.

18 Q I'D LIKE TO DIRECT YOUR ATTENTION TO THE
19 GENTLEMAN WHO'S SEATED AT THE END OF THE COUNSEL TABLE IN
20 THE BLUE COVERALLS. DO YOU KNOW THAT PERSON?

21 A YES, I DO.

22 Q AND BY WHAT NAME DO YOU KNOW THAT PERSON?

23 A JIM GRAHAM.

24 MS. LOPEZ: AND YOUR HONOR, FOR THE RECORD COULD IT
25 BE INDICATED THAT THE PERSON SEATED AT THE END OF THE
26 COUNSEL TABLE IN THE BLUE COVERALLS IS THE DEFENDANT JAMES
27 PITTMAN?

28 THE COURT: THE RECORD MAY SO INDICATE.

1 Q BY MS. LOPEZ: WHEN DID YOU FIRST MEET JAMES
2 PITTMAN OR JAMES GRAHAM, THE PERSON YOU KNOW TO BE JAMES
3 GRAHAM?

4 A JIM WAS INTRODUCED TO ME BY JOE HUNT PROBABLY
5 EARLY '84, JANUARY, FEBRUARY.

6 Q AND WHAT, IF ANY, RELATIONSHIP TO THE BBC DID
7 JIM HAVE?

8 A JIM WAS --

9 MR. YOUNG: I OBJECT TO THAT UNLESS HE HAS PERSONAL
10 KNOWLEDGE AS TO THAT.

11 MS. LOPEZ: YOUR HONOR, I ASKED WHAT, IF ANY, AND
12 IT'S OBVIOUS THAT HE'S SPEAKING FROM PERSONAL KNOWLEDGE.

13 THE COURT: ALL RIGHT. THE OBJECTION WILL BE
14 OVERRULED. IF HE'S SPEAKING FROM PERSONAL KNOWLEDGE.

15 THE WITNESS: THAT HE WAS TO BE EMPLOYED AS A -- TO
16 WORK FOR A COMPANY CALLED WESTCARS, WHICH WAS ALSO OWNED BY
17 THE BBC.

18 Q AND WHERE WAS WESTCARS TO BE LOCATED IN
19 RELATION TO WHERE MICROGENESIS WAS LOCATED?

20 A IT WAS IN THE SAME WAREHOUSE IN GARDENA.

21 Q AND WHAT DID YOU UNDERSTAND TO BE JIM GRAHAM'S
22 OR JIM'S DUTIES WITH WESTCARS?

23 A JIM STATED EARLIER THAT HE HAD EXPERIENCE WITH
24 THE AUTO INDUSTRY AND KNEW A LOT ABOUT CARS AND WAS TO
25 CONVERT FOREIGN IMPORTS TO MEET AMERICAN STANDARDS AND HE
26 WAS TO SUPERVISE THAT AT WESTCARS.

27 MS. LOPEZ: MAY I APPROACH THE WITNESS?

28 THE COURT: YES.

1 MS. LOPEZ: I'M HANDING THE WITNESS THE CHECK THAT'S
2 BEEN MARKED AS PEOPLE'S EXHIBIT 37.

3 Q HAVE YOU EVER SEEN THAT CHECK BEFORE?

4 A I'VE SEEN A CHECK -- I DON'T KNOW IF IT'S THE
5 EXACT SAME ONE, BUT IT WAS SIMILAR TO THIS ONE.

6 Q IN WHAT WAY WAS IT SIMILAR?

7 A I REMEMBER IT BEING FROM RON LEVIN AND IT WAS
8 FROM THE SWISS CREDIT BANK AND IT WAS FOR ONE 1.5 MILLION
9 DOLLARS.

10 Q AND WAS IT ALSO MADE PAYABLE TOO MICROGENESIS
11 OF NORTH AMERICA, INCORPORATED?

12 A YES, IT WAS.

13 Q DO YOU RECALL THE APPROXIMATE DATE WHEN YOU
14 FIRST SAW THAT CHECK?

15 A NO. I KNOW IT WAS EARLY JUNE. I DON'T KNOW
16 THE DATE.

17 Q WHERE DID YOU FIRST SEE THAT CHECK?

18 A AT THE WILSHIRE-MANNING.

19 Q AND WHAT IS THE WILSHIRE-MANNING?

20 A IT'S THE APARTMENT BUILDING WHERE JOE HUNT
21 LIVED, AND I LIVED THERE, TOO, AT THE TIME.

22 Q AND WHO SHOWED YOU THAT CHECK?

23 A JOE HUNT.

24 Q AT THE TIME HE SHOWED YOU THE CHECK, DID HE SAY
25 ANYTHING ABOUT THE CHECK?

26 A WELL, OKAY. IT WAS EARLY IN THE MORNING, ABOUT
27 7:00 IN THE MORNING. HE WOKE ME UP WITH THIS CHECK IN HIS
28 HANDS. HE SAYS "I WANT TO SHOW YOU SOMETHING." I LOOKED AT

1 THE CHECK AND I NOTICED THE EXTREMELY LARGE FIGURE, AND I GO
2 "WHAT'S THIS FOR," AND I REALIZED -- I SAW IT WAS FROM RON
3 LEVIN, AND THEN HE SHOWED ME THIS CON- -- AND I SAID "WHAT'S
4 IT FOR," AND HE SHOWED ME THIS CONTRACT FOR A --

5 MR. YOUNG: YOUR HONOR, THEIRS NO QUESTION PENDING.
6 IT'S A NARRATIVE.

7 THE COURT: ALL RIGHT.

8 MS. LOPEZ: YOUR HONOR, I DID ASK HIM WHAT WAS SAID.

9 Q AT THE TIME THAT HE SHOWED YOU THE CHECK, DID
10 HE SHOW YOU ANYTHING ELSE?

11 A YES. HE SHOWED ME A CONTRACT WHICH WAS AN
12 OPTION TO BUY THE RIGHTS TO THIS CYCLATRON FOR SILICON OR
13 SILICA.

14 Q AND DID YOU NOTICE WHETHER OR NOT THERE WERE
15 ANY SIGNATURES ON THAT CREDIT CONTRACT?

16 A THERE WAS RON'S -- RON LEVIN'S SIGNATURE.

17 MS. LOPEZ: ONE, ONE MOMENT, YOUR HONOR. I'M SORRY,
18 YOUR HONOR. I JUST NEED A MOMENT.

19 I'M HANDING THE WITNESS THE OPTION AGREEMENT ON
20 MICROGENESIS LETTERHEAD OR THE XEROX COPY THAT'S BEEN MARKED
21 AS PEOPLE'S EXHIBIT 20.

22 Q DOES THAT APPEAR TO BE THE OPTION AGREEMENT
23 THAT WAS SHOWN TO YOU BY JOE HUNT AT THE SAME TIME THAT HE
24 SHOWED YOU THE CHECK?

25 A YES.

26 Q THANK YOU.

27 Q WAS THERE EVER A MEETING OF BBC MEMBERS AT THE
28 WILSHIRE-MANNING DURING THE MONTHS OF JUNE?

317

1 A YES.

2 Q AND DO YOU KNOW APPROXIMATELY WHEN THAT MEETING
3 WAS HELD IN JUNE?

4 A IT WAS LATE IN JUNE ON A SUNDAY AFTERNOON.

5 Q WAS THAT BEFORE OR AFTER THE DAY THAT JOE HUNT
6 SHOWED YOU THE CHECK AND THE CONTRACT?

7 A IT WAS AFTERWARDS.

8 Q APPROXIMATELY HOW MANY WEEKS AFTER?

9 A TWO OR THREE WEEKS.

10 Q WHO WAS PRESENT AT THAT MEETING?

11 A OKAY. THERE WAS JOE HUNT, BEN DOSTI, DEAN
12 KARNY, TOM MAY, STEVE TAGLIANETTI, BROOKE ROBERTS, EVAN
13 DICKER, MYSELF AND JIM GRAHAM.

14 Q AND COULD YOU TELL US WHAT THE FORMAT OF THAT
15 MEETING WAS?

16 A WELL, IT WAS -- WHEN I HEARD ABOUT IT -- WHEN I
17 WAS ASKED TO COME, THEY WOULDN'T TELL ME WHAT IT WAS FOR AT
18 THAT TIME. THEY SAID "YOU'LL FIND OUT THEN ANYWAY," AND IT
19 WAS KIND OF A BIG SECRET THING. NO ONE ELSE KNEW. I ASKED
20 OTHER PEOPLE, AND THEY WOULDN'T TELL ME. WHEN THE MEETING
21 TOOK PLACE --

22 Q FIRST -- LET ME ASK YOU FIRST, WHO SPOKE AT
23 THIS MEETING?

24 A JOE HUNT.

25 Q AND WAS THIS MEETING HELD IN SEGMENTS?

26 A YES. IN A WAY.

27 Q AND HOW MANY SEGMENTS?

28 A OKAY. WELL, AT FIRST EVERYONE KIND OF SAT

1 AROUND AND TALKED UNTIL EVERYONE SHOW SHOWED UP, AND THEN
2 JOE STARTED TALKING A LITTLE BIT AND HE STOPPED THE MEETING
3 AND THEN HE WENT INTO THE ROOM WITH FOUR -- WITH JIM GRAHAM,
4 BEN DOSTI, DEAN KARNY AND THEN HE CAME BACK AND THEN
5 OFFICIALLY STARTED THE MEETING.

6 Q WHEN YOU SAY HE WENT TO THE ROOM, WHAT ROOM ARE
7 YOU REFERRING TO?

8 A JOE HUNT'S BEDROOM, THE MASTER BEDROOM.

9 Q AND OTHER THAN JIM GRAHAM, DOSTI, AND JOE HUNT,
10 DID ANYONE ELSE GO INTO THAT ROOM?

11 A DEAN KARNY.

12 Q AND HOW LONG DID THEY STAY IN THAT ROOM?

13 A FIVE OR 10 MINUTES.

14 Q AND DID THEY ALL LATER COME OUT OF THE ROOM?

15 A YES.

16 Q AT THE TIME THAT JOE HUNT RESUMED SPEAKING,
17 WERE ALL THE OTHER THREE PERSONS WHO ENTERED THE BEDROOM
18 PRESENT?

19 A YES.

20 Q WHERE WAS THE PERSON YOU KNOW AS JIM GRAHAM
21 LOCATED IN RELATIONSHIP TO WHERE JOE HUNT WAS LOCATED?

22 A HE WAS TO JOE'S LEFT, THE FIRST PERSON ON JOE'S
23 LEFT.

24 Q APPROXIMATELY HOW FAR AWAY?

25 A PROBABLY TO WHERE THIS COFFEE POT IS HERE.

26 Q I'M SORRY?

27 A IT'S LIKE TWO FEET, TO WHERE THIS COFFEE POT
28 WOULD BE TO ME.

1 Q AT THE TIME OF THIS MEETING, WHO SPOKE?

2 A JOE HUNT.

3 Q AND WHAT DID JOE HUNT SAY?

4 A OKAY. HE SAID THERE WAS TWO THINGS HE WANTED
5 TO TELL US. ONE WAS THAT THE COMMODITIES MARKET THAT HE WAS
6 TRADING -- ACTUALLY HE HADN'T -- UP TO THAT TIME WE THOUGHT
7 HE WAS TRADING IN THE COMMODITIES MARKET, AND HE SAID THAT
8 HE HADN'T BEEN TRADING FOR THE PAST FOUR MONTHS AND THAT THE
9 MONEY HAS BEEN DWINDLING AWAY AND THERE'S VERY LITTLE MONEY
10 LEFT, AND THE SECOND THING HE SAID WAS THAT HE KILLED RON
11 LEVIN.

12 Q AT THE TIME THAT HE SAID "I KILLED RON LEVIN,"
13 DO YOU RECALL WHAT HIS WORDS WERE?

14 A NOT EXACTLY. I KNOW HE SAID "JIM AND I KILLED
15 RON LEVIN," AND I DON'T KNOW IF HE USE THE "KILLED" OR NOT
16 BUT I KNOW HE SAID "JIM AND I".

17 Q AT THE TIME HE SAID THAT, WAS THE PERSON THAT
18 YOU KNOW AS JIM GRAHAM STILL STANDING APPROXIMATELY TWO FEET
19 AWAY FROM HIM?

20 A HE WAS SITTING.

21 Q WAS HE TWO FEET AWAY FROM HIM?

22 A YES.

23 Q DID HE -- DID THE PERSON YOU KNOW AS JIM GRAHAM
24 SAY ANYTHING IN RESPONSE TO JOE HUNT'S STATEMENTS?

25 A NO.

26 Q DID HE MAKE ANY ATTEMPT TO DENY THAT --

27 A NO.

28 Q -- HE AND JOE HUNT HAD HAD KILLED RON LEVIN?

1 A NO.

2 Q DID JOE HUNT GO ON TO EXPLAIN ANYTHING
3 REGARDING THE KILLING OF RON LEVIN?

4 A YES. HE WENT ON TO SAY THAT IT WAS A -- IT WAS
5 A PERFECT CRIME, THAT THE BODY WOULD NEVER BE FOUND,
6 AND.....

7 Q AT THE TIME OF THE MEETING, DID HE MAKE ANY
8 STATEMENTS WITH REFERENCE TO THE 1.5 MILLION DOLLAR CHECK
9 AND THE CONTRACT?

10 A HE DIDN'T MENTION THE CONTRACT. HE JUST
11 MENTIONED THE CHECK AND HE SAID THAT HE WAS 100 PERCENT
12 POSITIVE THAT THE CHECK WOULD CASH, AND HE STATED THAT JIM
13 KNEW SOME INFLUENTIAL PEOPLE -- AND THAT WAS THE WORD HE
14 USED, I'M SURE ABOUT THAT -- THAT WOULD MAKE SURE THIS CHECK
15 CLEARED, AND THERE WAS SOME PROBLEMS WITH RON LEVIN SIGNING
16 IT AT RON'S PLACE AND NOT TRANSFERRING THE MONEY FROM HIS
17 SAVINGS ACCOUNT INTO THE CHECKING ACCOUNT, BUT THAT WAS
18 TAKEN CARE OF, AND THE CHECK SHOULD CLEAR IN A WEEK OR TWO.

19 Q AT THAT TIME DID JIM GRAHAM, THE PERSON YOU
20 KNEW AS JIM GRAHAM, MAKE ANY STATEMENTS REGARDING HIS
21 INVOLVEMENT WITH THE CHECK?

22 A NO.

23 Q DID HE DENY THAT HE HAD CONNECTIONS AND WAS
24 GOING TO ATTEMPT TO GET THE CHECK CASHED?

25 A NO.

26 MS. LOPEZ: ONE MOMENT. I HAVE NOTHING FURTHER.

27 THE COURT: MR. YOUNG?

28 MR. YOUNG: ONE SECOND.

1 MR. ZORNE: CAN WE CONFER FOR JUST A MOMENT?

2 THE COURT: WE SHOULD TAKE A FIVE MINUTE RECESS TO
3 GIVE THE REPORTER A BREAK.

4 MR. YOUNG: YES. I'D LIKE TO GIVE HER A BREAK.

5 THE COURT: ALL RIGHT. WE'LL TAKE A BRIEF RECESS.
6 (WHEREUPON, A RECESS WAS TAKEN)

7 THE COURT: LET THE RECORD SHOW THAT THE DEFENDANT
8 MR. PITTMAN IS PRESENT WITH HIS COUNSEL, MR. YOUNG AND MR.
9 ZORNE, AND THE DISTRICT ATTORNEY IS PRESENT. WHEN WE
10 RECESSED, I BELIEVE WITNESS RAYMOND HAD FINISHED HIS DIRECT;
11 IS THAT CORRECT?

12 MS. LOPEZ: YOUR HONOR, I JUST HAVE TWO FURTHER
13 QUESTIONS.

14 THE COURT: ALL RIGHT. YOU MAY CONTINUE, THEN.

15

16

FURTHER DIRECT EXAMINATION

17 BY MS. LOPEZ:

18 Q AT THE TIME THAT JOE HUNT INDICATED THAT HE AND
19 JIM HAD KILLED RON LEVIN, DID HE MAKE ANY GESTURES?

20 A WHEN HE SAID "JIM AND I KILLED RON LEVIN," HE
21 TURNED TO JIM AND KIND OF POINTED TO HIM.

22 Q DO YOU KNOW ANYBODY ELSE CONNECTED WITH THE BBC
23 BY THE NAME OF JIM?

24 A NO.

25 Q WAS THE PERSON THAT YOU KNOW AS JAMES GRAHAM
26 THE ONLY PERSON NAMED JIM THAT WAS PRESENT AT THAT MEETING?

27 A YES.

28 Q DID -- AT THAT MEETING, DID JOE HUNT INDICATE

000

1 HOW HE GOT RON LEVIN TO SIGN THE CHECK?

2 A IT WAS BROUGHT UP -- JOE SAID HE WAS UNDER A
3 CONSIDERABLE AMOUNT OF DURESS, AND HE KIND OF CHUCKLED WHEN
4 HE SAID IT.

5 MS. LOPEZ: I HAVE NOTHING FURTHER.

6 THE COURT: MR. YOUNG?

7 MR. YOUNG: YES. I'D LIKE TO MAKE AN OBJECTION. I
8 SHOULD HAVE MADE IT EARLIER, AND I DON'T KNOW HOW YOU HANDLE
9 THAT.

10 MS. LOPEZ: WE DON'T HANDLE IT. IT'S UNTIMELY.

11 MR. YOUNG: OKAY, UNTIMELY.

12 MR. YOUNG: OKAY. LET'S TRY TO HANDLE IT IN A
13 DIFFERENT WAY. OKAY. LET ME MAKE THE OBJECTION FOR THE
14 RECORD.

15 THE COURT: I KNOW WHAT IT'S GOING TO BE, BUT GO
16 AHEAD.

17 MR. YOUNG: OKAY. MY OBJECTION IS TO THE STATEMENT
18 BY THIS WITNESS ABOUT THE STATEMENTS MADE BY JOE HUNT. IT'S
19 AN OBJECTION UNDER SECTION 1023 AS AN ADMISSION BY
20 CO-CONSPIRATOR. THIS WAS MADE AFTER THE CONSPIRACY -- THE
21 ALLEGED CONSPIRACY. IT WASN'T IN FURTHERANCE OF THE
22 CONSPIRACY. THERE ARE CASES THAT SHOW THE CONCEALMENT OF
23 THE CRIME IS NOT A CONTINUING PART OF THE CONSPIRACY, SO I
24 OBJECT TO ALL OF HIS TESTIMONY AND MOVE THAT IT BE STRICKEN
25 ON THAT BASIS.

26 THE COURT: MS. LOPEZ, FOR THE RECORD, THERE'S A
27 MOTION AT THIS TIME.

28 MS. LOPEZ: YES. WOULD YOU LIKE ME TO RESPOND?

1 THE COURT: YES, I THINK FOR THE RECORD.

2 MS. LOPEZ: AT THIS POINT THESE ARE ALL ADOPTIVE
3 ADMISSIONS ON THE PART OF THE DEFENDANT JAMES GRAHAM.
4 STATEMENTS WERE MADE THAT IMPLICATED HIM IN A MURDER AT A
5 TIME WHEN HE SHOULD HAVE OBJECTED OR DENIED IT IF, IN FACT,
6 THE STATEMENTS WERE NOT TRUE. INSTEAD, HE ACQUIESCED TO THE
7 STATEMENTS OR IN SO DOING SO ACKNOWLEDGED THE TRUTH OF THE
8 STATEMENTS AND HIS INVOLVEMENT IN THAT CRIME.

9 IN ADDITION, INSOFAR AS THE CONSPIRACY GOES, THE
10 CHECK HAD NOT YET BEEN CASHED; THEREFORE, THE CONSPIRACY
11 INSOFAR AS THE ROBBERY WAS CONCERNED WAS STILL ONGOING.

12 THE COURT: ALL RIGHT.

13 MR. YOUNG: THE TESTIMONY EARLIER WAS THAT THE CHECK
14 HAD BEEN RETURNED AS OF THE -- I THINK IT WAS AS OF THE 8TH,
15 AND THERE WAS NO ATTEMPT AFTER THAT TO REDEEM THE CHECK IN
16 ORDER TO CASH IT AGAIN, AND THERE WAS NOT --

17 THE COURT: WELL, THERE WAS TESTIMONY I BELIEVE BY
18 THIS WITNESS THAT THE CHECK WOULD GO THROUGH AGAIN AND SOME
19 INFLUENTIAL PEOPLE WOULD SEE THAT IT WENT THROUGH.

20 IS THAT CORRECT?

21 MS. LOPEZ: YES, THAT JAMES GRAHAM KNEW SOME
22 INFLUENTIAL PEOPLE THAT WOULD ASSIST IN THE CASHING OF THE
23 CHECK, AND THAT WOULD ALSO BE AN ADOPTIVE ADMISSION AS TO
24 MR. PITTMAN, WHO IS ALSO KNOWN AS JAMES GRAHAM, WHO DID NOT
25 DENY OR MAKE ANY ATTEMPT TO DENY THESE STATEMENTS. HE
26 ACKNOWLEDGED THEM, AND IN SO DOING ADOPTED THEM AS HIS OWN.

27 THE COURT: ALL RIGHT. THE MOTION TO STRIKE WOULD BE
28 DENIED AT THIS TIME. YOU MAY PROCEED WITH

1 CROSS-EXAMINATION.

2
3 CROSS EXAMINATION

4 BY MR. YOUNG:

5 Q YOU INDICATED EARLIER THAT YOU WERE EMPLOYED
6 WITH -- WAS IT MICROGENESIS?

7 A YES.

8 Q IN JANUARY OR FEBRUARY OF 1984?

9 A YES.

10 Q OKAY. WERE YOU EMPLOYED ONLY THOSE TWO MONTHS
11 OR WERE YOU --

12 A NO --

13 Q PARDON?

14 A -- I STARTED WORKING FOR THEM.

15 Q YOU STARTED WORKING. AND YOU CONTINUED UNTIL
16 WHAT TIME?

17 A UNTIL JUNE.

18 Q OKAY. HOW LONG HAD YOU KNOWN JOE HUNT BEFORE
19 YOU BEGAN WORKING WITH HIM AT MICROGENESIS?

20 A I MET HIM IN THE SUMMER OF '83.

21 Q OKAY. YOU TESTIFIED EARLIER THAT YOU WERE
22 LIVING WITH HIM AT THE WILSHIRE-MANNING APARTMENT BUILDING;
23 IS THAT CORRECT?

24 A YES.

25 Q DID YOU SHARE THE SAME BEDROOM OR DID YOU HAVE
26 SEPARATE BEDROOMS?

27 A I HAD MY OWN BEDROOM.

28 Q HOW MANY BEDROOMS WERE IN THAT APARTMENT?

1 A THERE WERE THREE.

2 Q WHO ELSE WAS LIVING THERE?

3 A DEAN KARNY.

4 Q SO YOU, DEAN KARNY AND JOE HUNT LIVED TOGETHER?

5 A BROOKE ROBERTS LIVED WITH JOE IN HIS ROOM.

6 Q OKAY. SO THERE WERE FOUR PEOPLE LIVING THERE?

7 A YES.

8 Q OKAY. YOU INDICATED THAT HE WOKE YOU UP AT
9 7:00 IN THE MORNING. ON WHAT DATE WAS THAT?

10 A I DON'T KNOW THE DATE.

11 Q DO YOU RECALL IF IT WOULD HAVE BEEN ON A
12 THURSDAY MORNING?

13 A I THINK IT WAS EARLIER IN THE WEEK, TUESDAY.

14 Q WEDNESDAY MORNING?

15 A TUESDAY OR WEDNESDAY.

16 Q TUESDAY OR WEDNESDAY MORNING. AS FAR AS PART
17 OF YOUR DUTIES IN YOUR EMPLOYMENT, DID YOU HAVE ANY REGULAR
18 WORKING HOURS?

19 A NO. I -- CORRECTION. I WASN'T PAID AS AN
20 EMPLOYEE. IT WAS A -- MORE OF INVESTMENT OPPORTUNITY. I
21 WAS TO WORK WITH MICROGENESIS. IF SOMETHING CAME OUT OF IT,
22 I WAS TO SHARE IN THE PROFITS TYPE OF THING. IT WASN'T A
23 DETERMINATION OF WHAT A PERCENTAGE WOULD BE.

24 Q OKAY. HOW MANY HOURS A WEEK WOULD YOU SPEND
25 WORKING ON THIS POSITION?

26 A ANYWHERE FROM 20 TO 40, 50 HOURS A WEEK.

27 Q OKAY. YOU JUST INDICATED THAT IT WASN'T
28 DETERMINED WHAT YOU WOULD GET FOR WORKING FOR MICROGENESIS;

1 IS THAT CORRECT?

2 A YES.

3 Q WERE YOU A SHAREHOLDER IN THE CORPORATION?

4 A NO, I WAS NOT.

5 Q WAS THERE ANY PROMISES TO MAKE YOU A
6 SHAREHOLDER IN THE CORPORATION?

7 A NO.

8 Q OKAY. WHEN HE WOKE YOU UP AT 7:00 IN THE
9 MORNING TO SHOW YOU THIS 1.5 MILLION DOLLAR CHECK, DID HE
10 WAKE ANYONE ELSE UP TO YOUR KNOWLEDGE?

11 A NO.

12 Q OKAY. HE ONLY WOKE YOU UP?

13 A I WAS THE ONLY ONE IN THE ROOM.

14 Q WHERE -- WERE OTHER PEOPLE PRESENT IN THE
15 APARTMENT AT THAT TIME?

16 A THERE WAS NO WAY FOR ME TO TELL. I WAS IN MY
17 ROOM. HE CAME IN AND WOKE ME UP.

18 Q OKAY. DID YOU HEAR HIM HAVE ANY OTHER
19 CONVERSATIONS WITH ANYONE ELSE BEFORE HE CAME INTO YOUR
20 ROOM?

21 A NO, I WAS ASLEEP.

22 Q OKAY. DID YOU HEAR HIM HAVE ANY CONVERSATIONS
23 WITH ANYONE ELSE AFTER HE WAS IN YOUR ROOM?

24 A NO. HE WENT BACK TO HIS ROOM, AND I WENT TO
25 WORK.

26 Q DID YOU GO IMMEDIATELY BACK TO SLEEP AFTER
27 THAT?

28 A I THINK I TOOK A SHOWER AND GOT DRESSED AND I

607

1 LEFT.

2 Q OKAY. SO WHERE IS YOUR -- WHERE IS THE SHOWER
3 LOCATED IN RELATIONSHIP TO YOUR ROOM?

4 A IT'S INSIDE MY ROOM.

5 Q OH, IT'S INSIDE YOUR ROOM?

6 A YES.

7 Q DOES EACH OF THE ROOMS HAVE THEIR OWN SHOWERS?

8 A YES.

9 Q SO YOU DIDN'T HAVE TO GO OUT OF YOUR ROOM
10 FOR -- OKAY. AFTER YOU TOOK YOUR SHOWER, DID YOU LEAVE?

11 A YEAH, I THINK I LEFT WITHIN A HOUR OR SO.

12 Q OKAY. WAS ANYONE ELSE UP AT THAT TIME?

13 A THE ONLY ONE I SAW THAT MORNING WAS JOE. JOE
14 WAS GETTING READY TO GO TO WORK, TOO.

15 Q OKAY. DO YOU RECALL IF DEAN KARNY WAS STILL IN
16 HIS ROOM?

17 A I DON'T THINK I SAW DEAN THAT MORNING.

18 Q DID YOU SEE BROOKE ROBERTS?

19 A NO. I ASSUMED SHE WAS STILL IN BED. I DIDN'T
20 KNOW IF SHE WAS THERE OR NOT.

21 Q DID ANY OF THESE -- DID EITHER BROOKE ROBERTS,
22 DEAN KARNY -- DID EITHER BROOKE ROBERTS OR DEAN KARNY TELL
23 YOU THAT JOE HUNT HAD ALSO SHOWN THEM THE CHECK?

24 A NO.

25 Q WAS THERE ANY DISCUSSIONS ABOUT THE CHECK WITH
26 THEM?

27 A NO.

28 MS. LOPEZ: I'M GOING TO FIRST OBJECT AS TO VAGUE AS

1 TO TIME.

2 AT WHAT POINT ARE YOU REFERRING TO? ON THAT SAME
3 DATE?

4 MR. YOUNG: ON THAT SAME DATE, YES.

5 Q ON THE SAME DATE THAT WERE YOU AWAKENED?

6 A NO.

7 Q WERE THERE ANY DISCUSSIONS BY ANY OF THESE
8 PERSONS AFTERWARDS -- BY THESE PERSONS, I MEAN DEAN KARNY OR
9 BROOKE ROBERTS -- WITH YOU ABOUT THIS CHECK?

10 A I CAN'T RECALL ANY SPECIFIC TIMES, BUT I'M SURE
11 DEAN -- I KNOW I ASKED THEM IF THE CHECK HAD CASHED
12 AFTERWARDS AND I DON'T KNOW IF I ADDRESSED IT TO DEAN OR
13 JOE, BUT EVERYONE KNEW ABOUT THIS CHECK.

14 Q WHEN YOU SAY THAT EVERYONE KNEW ABOUT THE
15 CHECK, WHEN DID YOU FIRST BECOME AWARE THAT DEAN KARNY AND
16 BROOKE ROBERTS KNEW ABOUT THE CHECK?

17 A I'D SAY PROBABLY A COUPLE WEEKS THAT FOLLOWED.
18 WHEN I WAS FOLLOWED.....

19 Q SO THERE WAS NO DISCUSSION BETWEEN EITHER DEAN
20 KARNY OR BROOKE ROBERTS AND YOU ABOUT THIS CHECK DURING THIS
21 TWO-WEEK PERIOD?

22 A NOT THAT I RECALL.

23 Q OKAY. DID YOU -- IS IT YOUR OPINION THAT YOU
24 HAD A CLOSER RELATIONSHIP WITH JOE HUNT THAN SAY DEAN KARNY
25 AND/OR BROOKE ROBERTS?

26 A OH, ABSOLUTELY NOT.

27 Q WHAT WAS JOE HUNT WEARING WHEN HE CAME INTO
28 YOUR ROOM AT 7:00 IN THE MORNING?

1 A I THINK HE -- MAYBE A SUIT. I'M NOT SURE,
2 THOUGH.

3 Q HE WAS IN A SUIT? DID HE APPEAR TO BE DIRTY OR
4 MUDDY?

5 A NO.

6 Q HE WAS CLEAN, IN OTHER WORDS?

7 A YES.

8 Q OKAY. DID HE INDICATE TO YOU WHEN HE -- HOW
9 MUCH -- STRIKE THAT. DID HE INDICATE TO YOU WHEN HE HAD
10 GOTTEN THAT CHECK?

11 A LET'S SEE. IT WAS VERY -- IT WAS VERY RECENT
12 TO WHEN IT WAS SIGNED. HE MENTIONED --

13 Q DID YOU GET THE IMPRESSION THAT HE HAD MAYBE
14 GOTTEN IT THE NIGHT BEFORE?

15 A I CAN'T SAY EXACTLY. I DON'T KNOW.

16 Q OKAY. BUT WOULD HE HAVE WOKEN YOU -- AWAKENED
17 YOU -- DID HE NORMALLY AWAKEN YOU AT 7:00 IN THE MORNING?

18 A NO.

19 Q OKAY. WAS THAT UNUSUAL FOR HIM TO WAKE YOU AT
20 7:00 IN THE MORNING?

21 A YES.

22 Q OKAY. SO, WOULD IT BE YOUR OPINION THAT HE
23 FELT THAT THAT IT WAS SOMETHING IMPORTANT THEN TO WAKE YOU
24 UP AT 7:00 IN THE MORNING.

25 A YES.

26 Q SINCE HE NORMALLY DIDN'T DO THAT?

27 A YES.

28 Q OKAY. WOULD HE -- FROM YOUR EXPERIENCE WITH

1 HIM AND YOUR KNOWLEDGE OF THE RELATIONSHIP BETWEEN HIM AND
2 DEAN KARNY AND BROOKE ROBERTS, WOULD HE HAVE SHARED THINGS
3 THAT HE FELT TO BE IMPORTANT WITH THEM ALSO?

4 A YES.

5 Q OKAY. BUT YOU HAVE NO KNOWLEDGE OF HIM SHARING
6 THIS EXPERIENCE OF THIS CHECK WITH THEM ON THE MORNING THAT
7 YOU WERE AWAKENED AT 7:00 IN THE MORNING?

8 A CORRECT.

9 Q OKAY. AFTER YOU TOOK YOUR SHOWER, YOU GOT
10 DRESSED AND THEN YOU LEFT?

11 A YES.

12 Q AND YOU SAW NO ONE ELSE ABOUT?

13 A NO.

14 Q WHERE WAS JOE HUNT AT THAT POINT?

15 A I'M NOT SURE.

16 Q HOW MUCH TIME DID HE SPEND WITH YOU IN THE ROOM
17 SHOWING YOU THIS CHECK?

18 A FIVE MINUTES, MAYBE.

19 Q OKAY.

20 MR. YOUNG: OKAY. COULD I SEE -- I THINK IT'S
21 EXHIBIT 20, THE OPTION AGREEMENT?

22 Q OKAY. YOU WERE EARLIER SHOWN THIS AGREEMENT.

23 A UM-HMM.

24 Q EXHIBIT 20. I NOTICE THAT YOU LOOKED AT IT FOR
25 A FEW MINUTES BEFORE YOU COULD -- YOU IDENTIFIED IT AS BEING
26 THE DOCUMENT THAT HE HAD SHOWN YOU THAT DAY. WHAT PARTS OF
27 THAT DOCUMENT REFRESHED YOUR MEMORY OR LET YOU IDENTIFY IT?

28 A I RECALL THE SIGNATURE DOWN AT THE END

1 (INDICATING) BECAUSE JOE POINTED IT OUT TO ME. THE -- I
2 DIDN'T READ THE COMPLETE DOCUMENT WHEN IT WAS HANDED TO ME.
3 HE TOOK IT OUT OF MY HANDS -- I MEAN WHEN JOE HANDED IT TO
4 ME, I DIDN'T READ THE WHOLE DOCUMENT. I JUST REMEMBER
5 THINGS LIKE THE 'CONSTRUCTION PLUS 25 PERCENT OVERHEAD', THE
6 RATE, AND SOME OF THESE THINGS JUST BROUGHT BACK MY
7 ATTENTION TO THE DOCUMENT.

8 MS. LOPEZ: EXCUSE ME, MR. RAYMOND, COULD YOU SPEAK
9 UP A LITTLE BIT?

10 THE WITNESS: I'M SAYING THERE'S CERTAIN PERCENTAGES
11 HERE THAT CAUGHT MY EYE.

12 Q BY MR. YOUNG: FOR INSTANCE?

13 A THE "CONSTRUCTION PLUS 25 PERCENT OF MATERIALS
14 AND DIRECT LABOR" BECAUSE THAT CONCERNED ME BECAUSE I WAS
15 INVOLVED WITH CONSTRUCTION OF THE MACHINE, SO THOSE NUMBERS
16 CONCERNED ME. I REMEMBER THAT.

17 Q OKAY. NOW, MICROGENESIS, WHAT WAS THE PURPOSE
18 OF THAT COMPANY?

19 A TO CONSTRUCT THE CYCLATRON THAT WAS INVENTED BY
20 GENE BROWNING AND TO SELL IT.

21 Q HAVE YOU SEEN RON LEVIN'S SIGNATURE BEFORE?

22 A THE FIRST TIME I EVER SAW IT WAS ON THAT
23 DOCUMENT.

24 Q OKAY. ON THIS DOCUMENT IT INDICATES A
25 SIGNATURE BY JOE HUNT. WHAT IS THE DATE THAT IS INDICATED
26 ON THAT?

27 A 6-6-84.

28 Q OKAY. WOULD HE HAVE -- I'M TRYING TO LOCATE A

1 DATE AS TO WHEN HE WOKE YOU UP IN THE MORNING. AFTER SEEING
2 THAT DATE, COULD IT HAVE BEEN THE NEXT MORNING?

3 A IT WAS VERY CLOSE TO THAT DATE. I RECALL THAT.

4 Q OKAY, AND WOULD IT HAVE BEEN BEFORE THE 8TH?

5 A I CAN'T BE ABSOLUTELY SURE.

6 Q OKAY, AND WITH RESPECT TO THE SIGNATURE OF RON
7 LEVIN, THERE'S A DATE, AND UNDER THAT -- CAN YOU MAKE THAT
8 DATE OUT?

9 A IT LOOKS LIKE 6-8-84.

10 Q WAS THERE SOME CONCERN BY JOE HUNT ABOUT THE --
11 FOR LACK OF A BETTER WORD, I'M GOING TO USE THE WORD
12 MACHINES -- THE MACHINES THAT WERE BEING DEVELOPED BY GENE
13 BROWNING? WAS THERE SOME CONCERN ABOUT THEM BEING STOLEN OR
14 TAKEN AWAY FROM HIM BY OTHER PEOPLE?

15 MS. LOPEZ: I'M GOING TO OBJECT AS BEING IRRELEVANT.

16 THE COURT: WHAT IS THE RELEVANCY?

17 MR. YOUNG: WELL, THE RELEVANCY OF THIS IS THAT WE
18 WENT THROUGH THIS EARLIER, THAT PART -- I BELIEVE PART OF
19 THE MOTIVE FOR THESE THREATS AND EVEN POSSIBLY JOE HUNT'S
20 STATEMENT THAT THERE WAS A KILLING, YOU KNOW, A KILLING OF
21 RON LEVIN, WAS TO INTIMIDATE CERTAIN PEOPLE FROM ATTEMPTING
22 TO TAKE THIS MACHINE. THERE WAS A MACHINE THAT WAS
23 DEVELOPED BY GENE BROWNING.

24 THEY -- THE -- WE BELIEVE -- AND THERE'S INFORMATION
25 THAT THERE WERE PROTOTYPES THAT WERE DEVELOPED AND THAT THEY
26 WERE STOLEN, AND THAT A LOT OF THESE THREATS AND CERTAIN
27 STATEMENTS WERE MADE IN ORDER TO INTIMIDATE THE PEOPLE TO
28 PREVENT THEM FROM TAKING THIS MACHINE. THAT'S GOING TO BE

1 PART OF OUR DEFENSE LATER AND I THINK IT'S RELEVANT.

2 MS. LOPEZ: YOUR HONOR, IT IS NOT RELEVANT, BUT
3 PERHAPS HE COULD LIMIT IT TO WHETHER OR NOT MR. RAYMOND WAS
4 INTERESTED IN STEALING THIS MACHINE.

5 THE COURT: WELL, IT'S CROSS-EXAMINATION --

6 MS. LOPEZ: HE WOULD HAVE NO PERSONAL --

7 THE COURT: -- OF THE WITNESS. IF THE WITNESS HAS
8 KNOWLEDGE OF THIS, HE MAY -- THE OBJECTION WILL BE
9 OVERRULED. HE MAY INQUIRE.

10 MS. LOPEZ: AND COULD YOU ALSO TELL US WHAT TIME
11 FRAME YOU'RE REFERRING TO, MR. YOUNG.

12 THE COURT: YES.

13 MR. YOUNG: OKAY.

14 Q THIS WOULD BE IN THE TIME FRAME SUBSEQUENT TO
15 THE VIEWING OF THIS CONTRACT AND BEFORE THIS MEETING THAT
16 TOOK PLACE WHERE JOE HUNT ALLEGEDLY STATED THAT HE HAD
17 KILLED OR WIPED OUT RON LEVIN.

18 A UM-HMM.

19 Q DURING THAT COUPLE WEEK PERIOD. DID JOE HUNT
20 EVER EXPRESS TO YOU ANY CONCERN ABOUT THESE MACHINES BEING
21 STOLEN?

22 A YES. HE WAS ALWAYS WORRIED ABOUT THE MACHINES
23 AND THE TECHNOLOGY OF THEM.

24 Q OKAY. DID HE EVER EXPRESS TO YOU ANY CONCERN
25 ABOUT WHO HE MAY HAVE FELT WAS GOING TO TAKE OR STEAL THESE
26 MACHINES?

27 A THERE WAS NOBODY SPECIFIC. HE WAS -- JUST LIKE
28 A PARANOIA. I WORKED DOWN AT THE PLANT, AND THERE WAS NO

16
1 PROBLEM. ANYBODY THAT CAME IN HE THOUGHT THEY WERE GOING TO
2 TAKE THE MACHINES.

3 Q OKAY. WAS JOE HUNT IN YOUR OPINION AND FROM
4 YOUR EXPERIENCE WITH HIM, WAS HE THE TYPE OF PERSON THAT
5 USED INTIMIDATION IN ORDER TO GET HIS WAY?

6 A HE NEVER INTIMIDATED ME, NO.

7 Q DID YOU EVER HEAR OR SEE HIM INTIMIDATE ANYONE
8 ELSE?

9 A NO.

10 Q DID YOU EVER HEAR OR SEE HIM MAKE THREATS TO
11 ANYONE ELSE?

12 A PHYSICAL THREATS?

13 Q YES.

14 A NO.

15 Q OKAY. DID HE HAVE SOME UNUSUAL CONTROL OVER
16 PEOPLE?

17 MS. LOPEZ: I'M GOING TO OBJECT AS VAGUE. WHAT DOES
18 HE MEAN BY UNUSUAL CONTROL?

19 THE COURT: YES. YOU CAN REPHRASE THAT. I DON'T
20 KNOW WHAT YOU MEAN BY "UNUSUAL CONTROL".

21 MR. YOUNG: YES. LET ME REPHRASE THAT.

22 Q DID HE SEEM TO HAVE INFLUENCE UPON PEOPLE TO
23 THE EXTENT THAT HE COULD GET THEM TO DO WHAT HE WISHED THEM
24 TO DO?

25 A HE WAS VERY PERSUASIVE, AND SOME PEOPLE
26 LISTENED TO HIM MORE THAN OTHERS.

27 Q OKAY. WAS HE VERY PERSUASIVE TO YOU?

28 A I LIKE NOT TO THINK SO.

1 Q WOULD YOU CONSIDER IT PERSUASIVE TO HAVE -- I
2 MEAN A CERTAIN AMOUNT OF PERSUASION ON HIS PART TO HAVE
3 CONVINCED YOU TO WORK ON A PROJECT FOR BASICALLY
4 SPECULATION?

5 A WELL, NO. I WAS WILLING AT THE TIME.

6 Q HOW DID HE CONVINCED YOU TO WORK ON THAT BASIS?

7 A IT WAS MORE OF MY FRIENDS DAVE AND TOM MAY HAVE
8 KNOWN HIM FOR THREE OR FOUR YEARS. THAT CONVINCED ME
9 BECAUSE THEY WERE DOING IT, AND AFTER SEEING THE PROJECT
10 WITH GENE BROWNING, THAT'S WHEN I DECIDED TO DO IT.

11 Q OKAY. DO YOU HAVE ANY PERSONAL KNOWLEDGE OF
12 THESE MACHINES THAT WERE DEVELOPED BY GENE BROWNING BEING
13 TAKEN FROM, I GUESS, THE WAREHOUSE?

14 A THEY WERE NOT -- THEY WERE PUT OUT IN THE
15 DESERT IN BAKER, OUT IN THE CALIFORNIA DESERT. A PLACE
16 CALLED BAKER, UNDER -- JOE PAID FOR THEM TO BE PUT OUT
17 THERE. DEAN GOT THE TRUCKS TO TAKE THEM OUT THERE AND DAVE,
18 TOM AND I TOOK TOOK THEM OUT THERE.

19 Q TOOK THEM OUT THERE FOR WHAT REASON?

20 A TO GRIND GOLD ORE.

21 Q TO GRIND GOLD ORE. OKAY.

22 A I MIGHT ADD THAT THE LEASE ON THE WAREHOUSE WAS
23 UP, AND JOE DIDN'T HAVE ANY MONEY TO PAY FOR IT, SO THEY
24 COULDN'T BE KEPT IN THE WAREHOUSE.

25 Q DO YOU KNOW WHERE YOU TOOK THEM IN THE DESERT?

26 A I SAID ABOUT 20 MILES OUT OF BAKER ON THE
27 PROPERTY OF BILL NALAN.

28 Q OKAY. DO YOU HAVE ANY PERSONAL KNOWLEDGE IF

1 THEY WERE EVER REMOVED FROM THAT PROPERTY?

2 A JOE HUNT TOLD ME THEY WERE. I HAVE NO --
3 BESIDES THAT, I DON'T KNOW.

4 Q OKAY. DID HE TELL YOU WHO TOOK THEM?

5 MS. LOPEZ: I'M GOING TO OBJECT AS HEARSAY. IT'S
6 IRRELEVANT WHO TOOK THEM. THIS WITNESS HAS NO PERSONAL
7 KNOWLEDGE. THERE'S NO FOUNDATION THAT THEY WERE EVEN TAKEN.

8 MR. YOUNG: WELL, HE JUST SAID THAT THEY WERE TAKEN.

9 MS. LOPEZ: IT'S HEARSAY.

10 THE WITNESS: I SAID JOE SAID THEY WERE TAKEN.

11 MS. LOPEZ: IT'S HEARSAY.

12 THE COURT: ARE YOU REFERRING TO SOMETHING THAT
13 SOMEBODY TOLD SOMEBODY ELSE OR IS THIS OF YOUR OWN
14 KNOWLEDGE?

15 MR. YOUNG: THIS IS --

16 THE WITNESS: WELL, JOE CALLED ME UP ON THE PHONE AND
17 HE SAID "THE MACHINES ARE NO LONGER OUT THERE AND I THINK I
18 KNOW" -- YOU KNOW, HE WAS TRYING TO GET INFORMATION OUT OF
19 ME, AND I KNEW NOTHING ABOUT IT.

20 THE COURT: DOES THAT ANSWER YOUR QUESTION?

21 MR. YOUNG: YEAH, IT DOES.

22 Q WAS THERE A BELIEF BY JOE HUNT AND YOU AND
23 OTHER PERSONS INVOLVED THAT THESE MACHINES WERE VERY
24 VALUABLE?

25 A YES.

26 Q DID ANYONE EVER PLACE A MONETARY VALUE UPON
27 THEM?

28 A LET'S SEE. THERE WAS A -- AN ENGINEER HAD AN

1 ESTIMATE ON IT. IT WAS LIKE A HUNDRED AND SOME MILLION
2 DOLLARS. I DON'T RECALL EXACTLY WHAT IT WAS. BUT THAT WAS
3 THE TECHNOLOGY, NOT THE MACHINES PER SE. THE GENE BROWNING
4 TECHNOLOGY WAS WORTH THAT. THE MACHINES AS THEY WERE, EVEN
5 OPERATIVE, THEY WERE NOT WORTH ANYTHING.

6 Q DO YOU KNOW HOW MUCH MONEY WAS DEVELOPED INTO
7 THESE MACHINES? DO YOU HAVE ANY PERSONAL KNOWLEDGE AS
8 TO --

9 A YEAH. I SIGNED THE CHECKS TO PURCHASE THINGS,
10 AND WE SPENT ABOUT \$50,000.

11 Q APPROXIMATELY \$50,000 IN DEVELOPING THEM?

12 A IN BUILDING THEM, IN MATERIALS.

13 Q AND WERE THERE THREE OF THESE PROTOTYPES?

14 A THERE WAS ONE THAT ACTUALLY WORKED, AND THE
15 OTHER TWO WERE ABOUT 70 PERCENT DONE.

16 Q OKAY. DID JOE, FROM YOUR PERSONAL EXPERIENCE
17 WITH HIM AND DEALINGS WITH HIM, DID HE HAVE A TENDENCY TO
18 EXAGGERATE THINGS?

19 MS. LOPEZ: I'M GOING TO OBJECT AS BEING IRRELEVANT.

20 THE COURT: I CAN'T HEAR YOU. WHAT WAS THE
21 OBJECTION?

22 MS. LOPEZ: THE OBJECTION IS IRRELEVANT, CALLING FOR
23 AN OPINION THAT'S IRRELEVANT AND PUTTING ONE OF THE
24 DEFENDANTS' CHARACTER AT ISSUE.

25 MR. YOUNG: WELL, I COULD STATE THE RELEVANCY, IF YOU
26 WISH.

27 THE COURT: THE OBJECTION WILL BE OVERRULED. THE
28 WITNESS CAN -- YOU KNOW, IF A PARTY KNOWS A PARTY, HE CAN

1 GIVE HIS OPINION AS TO WHETHER THE PARTY IS INCLINED TO
2 EXAGGERATE A LITTLE. ALL RIGHT. THE OBJECTION WILL BE
3 OVERRULED. IF HE CAN ANSWER THAT.

4 Q BY MR. YOUNG: FROM YOUR EXPERIENCE WITH JOE,
5 DID HE HAVE A TENDENCY TO EXAGGERATE?

6 A I'D SAY MORE LIE, JUST OUTRIGHT LIE, RATHER
7 THAN EXAGGERATE.

8 Q THAT WAS GOING TO BE MY SECOND QUESTION.

9 A OKAY.

10 Q DID HE HAVE A TENDENCY TO LIE?

11 A WELL, AS I LOOK BACK IN RETROSPECT, EVERYTHING
12 SAID WAS A COMPLETE LIE, MOST OF THE THINGS HE SAID WERE
13 LIES.

14 Q SO REFERRING TO THIS MEETING ON THE LATTER PART
15 OF JUNE WHERE WE HAD ALL THESE PEOPLE PRESENT, WE HAD BEN
16 DOSTI, DEAN KARNY, TOM MAY, BROOKE ROBERTS, ET CETERA,
17 PRESENT, WHEN JOE HUNT MADE THIS STATEMENT THAT HE HAD
18 KILLED RON LEVIN, DID YOU BELIEVE THAT?

19 A YES.

20 Q WHY?

21 A WELL, BECAUSE EVERYONE ELSE THERE -- BECAUSE OF
22 JIM SITTING THERE LOOKING LIKE IT HAPPENED; DEAN CONFIRMED
23 IT LATER ON. ALSO THE FACT THAT HE TALKED A LOT ABOUT IT
24 BEFORE, MEANING HE WAS TALKING ABOUT DEATH AND SO FORTH, AND
25 KNOWING JOE'S PERSONALITY, I CAN SEE WHERE HE WOULD KILL
26 SOMEONE.

27 Q OKAY. AT THE TIME OF THIS MEETING -- I'D LIKE
28 YOU TO SHOW ME IF YOU COULD -- FIRST, SHOW ME WITH A --

1 WE'LL NUMBER THESE PEOPLE. PUT A NUMBER ONE WHERE JOE HUNT
2 WAS.

3 MS. LOPEZ: I'D LIKE THE RECORD TO REFLECT THAT
4 MR. YOUNG HAS JUST HANDED THE WITNESS A PIECE OF YELLOW
5 LEGAL PAD PAPER AND A PEN. AND COULD WE HAVE THIS MARKED AS
6 AN EXHIBIT --

7 MR. YOUNG: YEAH.

8 MS. LOPEZ: -- YOUR HONOR, FOR THE RECORD?.

9 THE COURT: ALL RIGHT. DO YOU WANT THIS AS
10 DEFENDANT'S B?

11 MR. YOUNG: IS THAT AS FAR AS WE HAVE GOTTEN?

12 MS. LOPEZ: WHAT WAS DEFENDANT'S A.

13 THE COURT: WASN'T THERE SOMETHING --

14 MS. LOPEZ: THAT WAS IN THE MASSEY CASE.

15 THE COURT: ALL RIGHT. IT WILL BE DEFENDANT'S A.

16 Q BY MR. YOUNG: OKAY, AND THEN -- I HAVE A LIST
17 OF THE NAMES THAT YOU STATED. WE HAVE JOE HUNT, BEN DOSTI,
18 DEAN KARNY, TOM MAY, BROOKE ROBERTS, EVAN DICKER AND JIM
19 GRAHAM. IF YOU COULD KIND OF POSITION THEM AT THE TIME THIS
20 STATEMENT WAS MADE ABOUT THE KILLING OF LEVIN.

21 A OKAY. (INDICATING).

22 Q I NOTICE YOU WROTE THE NAME "JOHN ALDEN"?

23 A YES.

24 Q HE WAS PREVIOUSLY OMMITTED FROM THE LIST. I
25 GUESS THAT WAS AN OVERSIGHT.

26 A OKAY. JOHN ALDEN.

27 A I DON'T RECALL WHERE BROOKE WAS SITTING. SHE
28 MIGHT HAVE BEEN WALKING AROUND OR IN THE KITCHEN.

1 Q OKAY. WAS JOE HUNT SITTING IN A CHAIR?

2 A YES.

3 Q WAS IT A STOOL OR A CHAIR?

4 A IT WAS A -- I THINK IT WAS A CHAIR.

5 Q A CHAIR. AND -- AND YOU HAVE HERE --

6 A OKAY. I'M NOT EXACTLY SURE ON THESE. JUST JOE
7 WAS THE FOCAL POINT. EVERYONE WAS LOOKING AT JOE.

8 Q I UNDERSTAND. IS THIS SUPPOSED TO BE A COUCH
9 OR A BENCH --

10 A YEAH. THE WHOLE THING WAS LIKE A LIVING ROOM
11 SETTING.

12 Q OKAY. THIS WAS A CHAIR (INDICATING)?

13 A UM-HMM.

14 Q REFERRING TO "A". I'M GOING TO MARK AN "A"
15 HERE. OKAY. THAT IS A CHAIR. "B" (INDICATING) WAS A
16 COUCH?

17 A YEAH. IT WAS THE END OF THE COUCH.

18 Q OKAY. "C" (INDICATING). THIS SQUARE YOU HAVE
19 HERE.

20 A ANOTHER LITTLE COUCH.

21 Q OKAY. ANOTHER LITTLE COUCH, AND "D"
22 (INDICATING) IS A CHAIR?

23 A UM-HMM.

24 Q OKAY. SO WE HAVE TWO COUCHES AND TWO CHAIRS?

25 A UM-HMM.

26 Q AND BROOKE ROBERTS WAS FLOATING AROUND
27 SOMEWHERE?

28 A YEAH.

1 Q YOU INDICATED EARLIER IN YOUR TESTIMONY THAT
2 JIM WAS APPROXIMATELY THE SAME DISTANCE THAT YOU ARE FROM
3 THIS --

4 A UM-HMM.

5 Q -- WATER CONTAINER?

6 A UM-HMM.

7 Q OKAY. WAS THIS CHAIR AND THIS COUCH ALMOST
8 TOUCHING?

9 A YEAH, THE CORNERS WERE, LIKE THIS.

10 Q OKAY, AND THEN JIM WAS SEATED THERE
11 (INDICATING)?

12 A YES.

13 Q ALL RIGHT. BEFORE COMING IN HERE TODAY --
14 WHAT DID WE MARK THIS, A OR B?

15 THE COURT: IT'S A.

16 MR. YOUNG: WE HAVE A LOT OF --

17 THE COURT: YOU DON'T WANT IT TO GO TO THE MASSEY
18 CASE.

19 MR. YOUNG: WOULD YOU LIKE TO LOOK AT THIS?

20 Q OKAY. BEFORE COMING IN HERE TO TESTIFY TODAY,
21 DID YOU HAVE ANY DISCUSSIONS WITH THE DISTRICT ATTORNEY
22 REGARDING YOUR TESTIMONY?

23 A WHAT DO YOU MEAN BY "REGARDING TESTIMONY"?

24 Q WELL, WHAT YOU WERE GOING TO SAY TODAY.

25 A SHE -- I MET WITH HER AND SHE INTERVIEWED --
26 SHE SAID -- I ASKED HER QUESTIONS ABOUT, YOU KNOW, WHAT I
27 HAVE TO DO TO TESTIFY, AND SHE JUST BASICALLY ASKED ME
28 QUESTIONS.

1 Q OKAY. HOW SOON BEFORE YOU CAME IN HERE DID
2 THAT OCCUR?

3 A THIS HAPPENED WHEN I WAS FIRST SUBPOENAED
4 AROUND THE 10TH OF DECEMBER OR SOMETHING LIKE THAT, WAY
5 BACK.

6 Q OKAY. DID YOU HAVE ANY DISCUSSIONS WITH HER IN
7 THIS ROOM OUTSIDE HERE BEFORE YOU CAME IN HERE TODAY?

8 A YES, I DID.

9 Q AND YOU DISCUSSED THE TESTIMONY YOU WERE GOING
10 TO GIVE?

11 A SHE JUST AGAIN ASKED ME QUESTIONS.

12 Q WERE THEY MORE OR LESS THE SAME QUESTIONS THAT
13 SHE ASKED YOU HERE DURING HER DIRECT EXAMINATION?

14 A THEY WEREN'T THE EXACT SAME QUESTIONS. THEY
15 WERE THE SAME TOPIC.

16 Q OKAY. WHEN YOU -- WHEN SHE FIRST PUT THE
17 QUESTION TO YOU ABOUT THE STATEMENT MADE BY JOE, YOUR FIRST
18 ANSWER -- IF I'M CORRECT -- WAS THAT HE KILLED RON LEVIN; IS
19 THAT NOT TRUE?

20 A MY STATEMENT WAS THAT --

21 Q TODAY. EARLIER IN COURT.

22 A OKAY. THE WAY I RECALL THE MEETING WAS THAT
23 --

24 Q OKAY. WAIT. COULD YOU JUST ANSWER THE
25 QUESTION. EARLIER TODAY THE FIRST TIME THAT SHE ASKED YOU
26 THE QUESTION, DIDN'T YOU TESTIFY THAT HE KILLED RON LEVIN?

27 A I DON'T KNOW.

28 MR. YOUNG: COULD IT -- I DON'T KNOW IF --

1 THE COURT: FIRST OF ALL, DO YOU RECALL WHAT THE
2 ANSWER TO THAT ONE WAS?

3 MS. LOPEZ: DO YOU RECALL WHAT THE ANSWER TO THE
4 QUESTION INITIALLY WAS?

5 THE WITNESS: WHEN HE SAID -- JOE SAID THAT HE DID IT
6 ONE TIME, AND HE SAID "JIM AND I DID IT." HE DID IT AND
7 "JIM AND I DID IT."

8 MR. YOUNG: OKAY. THAT WASN'T YOUR TESTIMONY
9 EARLIER?

10 A HE SAILED "I KILLED" AND THEN HE STOPPED AND
11 THEN HE SAID "JIM AND I KILLED."

12 Q BUT HE FIRST SAID THAT "I", REFERRING TO HIM,
13 "KILLED RON LEVIN"; IS THAT CORRECT?

14 A YES.

15 Q AND THEN NOW YOU'RE SAYING THAT AT A SECOND
16 POINT HE REPEATED IT?

17 A IT WAS IN THE SAME SENTENCE.

18 Q IT WAS IN THE SAME SENTENCE?

19 A YES.

20 Q OKAY, AND HE ACTUALLY SAID -- HE ACTUALLY
21 SAID -- HE ACTUALLY SAID JAMES' NAME?

22 A HE SAID "JIM".

23 Q "JIM". ARE YOU TOTALLY POSITIVE OF THAT?

24 A YES.

25 Q WOULD YOU BE TOTALLY POSITIVE IF I TOLD YOU
26 THAT JOHN ALDEN AND OTHER WITNESSES THAT WILL BE BROUGHT
27 BEFORE THIS COURT WERE NOT AS SURE AS YOU ARE ABOUT WHAT WAS
28 SAID?

1 MS. LOPEZ: I'M GOING TO OBJECT AS ASSUMING FACTS NOT
2 IN EVIDENCE, AND IT IS ARGUING WITH THE WITNESS.

3 MR. YOUNG: YOUR HONOR, I'M TRYING TO --

4 MS. LOPEZ: IF HE WOULD LIKE TO KNOW WHAT THE
5 WITNESS' STATE OF MIND IS, LET HIM ASK WHAT THE WITNESS'
6 STATE OF MIND IS. HE'S ATTEMPTING TO TRICK THE WITNESS BY
7 FACTS NOT IN EVIDENCE WHERE THERE'S NO FOUNDATION.

8 MR. YOUNG: YOUR HONOR, THIS IS A CREDIBILITY ISSUE,
9 AND I THINK THAT WHETHER HE IS SURE OR NOT --

10 MS. LOPEZ: DOES NOT DEPEND ON WHAT OTHER WITNESSES
11 HAVE TO SAY.

12 THE COURT: WELL, HE'S ALREADY STATED THAT HE IS
13 SURE. YOU'RE ASKING HIM NOW IF SOMEBODY SAID SOMETHING ELSE
14 WOULD HE STILL BE SURE?

15 MR. YOUNG: YES.

16 THE COURT: ALL RIGHT.

17 MS. LOPEZ: THAT'S IRRELEVANT. I MEAN IT'S ARGUING
18 WITH THE WITNESS. IT'S ASSUMING FACTS NOT IN EVIDENCE AND
19 IT'S ATTEMPTING TO SIMPLY TRICK --

20 THE COURT: IT GOES TO HIS CERTAINTY. HE SAID HE'S
21 CERTAIN. HE MAY ANSWER THAT. THE OBJECTION WILL BE
22 OVERRULED.

23 THE WITNESS: THAT'S THE WAY I REMEMBER IT. HE SAID
24 "JIM AND I".

25 Q BY MR. YOUNG: THAT'S THE WAY YOU REMEMBER IT.
26 HOW MANY TIMES HAVE YOU DISCUSSED THIS WITH THE DISTRICT
27 ATTORNEY?

28 A JUST THE TIMES YOU MENTIONED. ONCE IN THE

015

1 D.A.'S OFFICE HERE AND THAT'S THE ONLY TIME I TALKED TO HER.

2 Q DID YOU HAVE DISCUSSIONS WITH DETECTIVE ZOELLER
3 ABOUT THIS?

4 A WHEN I MADE THE REPORT, THAT'S THE DETECTIVE --
5 HE'S THE DETECTIVE I FIRST TALKED TO.

6 Q DID YOU GIVE A WRITTEN REPORT ON THAT?

7 A NO. IT WAS VERBAL.

8 Q DO YOU RECALL IF DETECTIVE ZOELLER TOOK ANY
9 NOTES?

10 A I THINK HE DID TAKE NOTES, YES. I'M PRETTY
11 SURE -- I'M POSITIVE HE DID.

12 Q HE DID TAKE NOTES?

13 A YES.

14 Q HAVE YOU SEEN THOSE NOTES SINCE THE DAY HE TOOK
15 THEM?

16 A NO.

17 Q OKAY. AT THE TIME THAT YOU HAD THIS DISCUSSION
18 WITH DETECTIVE ZOELLER, DID YOU MAKE ANY MENTION WHATSOEVER
19 ABOUT THIS GESTURE THAT YOU SAY THAT JOE HUNT MADE TOWARDS
20 JAMES PITTMAN?

21 A I DON'T RECALL.

22 Q OKAY. DO YOU RECALL IF YOU MADE ANY MENTION
23 ABOUT THIS GESTURE THAT JOE HUNT MADE TOWARDS JAMES PITTMAN
24 IN YOUR FIRST DISCUSSION WITH THE DISTRICT ATTORNEY?

25 A I MAY HAVE THEN. I'M NOT POSITIVE, THOUGH.

26 Q DID YOU DISCUSS THIS GESTURE WITH HER IN THIS
27 ROOM RIGHT BEFORE YOU CAME IN HERE?

28 A NO.

1 Q SHE DIDN'T ASK YOU ABOUT THE GESTURE BEFORE YOU
2 CAME IN THIS ROOM?

3 A SHE -- AFTER -- IN THE RECESS SHE ASKED ME IF
4 THERE WAS ANYTHING I MISSED, AND I SAID WELL -- AND THAT'S
5 WHEN I REMEMBERED THE GESTURE AND I TOLD HER THEN. THAT'S
6 WHY SHE BROUGHT IT UP.

7 Q OKAY. WHEN YOU INITIALLY DISCUSSED IT BEFORE
8 THE RECESS, YOU MADE NO MENTION OF THE GESTURE; IS THAT
9 CORRECT?

10 A NO.

11 Q AND YOU DON'T RECALL IF YOU MADE ANY MENTION OF
12 THE GESTURE TO DETECTIVE ZOELLER?

13 A THAT'S CORRECT.

14 Q OKAY. WHEN JOE WAS MAKING THESE STATEMENTS,
15 COULD YOU DESCRIBE THE LEVEL OF THE TONE OF HIS VOICE? THE
16 LEVEL -- LET'S JUST SAY -- WAS IT LOUD, SOFT OR IN A NORMAL
17 VOICE?

18 A HIS NORMAL SPEAKING VOICE --

19 Q NORMAL --

20 A -- WHEN HE ADDRESSES A CROWD THAT SIZE.

21 Q OKAY. WAS IT SUFFICIENT THAT EVERYONE IN THE
22 ROOM COULD HEAR WHAT HE SAID?

23 A MOST DEFINITELY, YES.

24 Q OKAY. YOU INDICATED EARLIER THAT JAMES
25 PITTMAN'S POSITION WAS ONE INVOLVED WITH WESTCARS?

26 A YES.

27 Q OKAY. DO YOU -- WERE YOU AWARE THAT HE HAD ANY
28 OTHER POSITIONS WITH THE COMPANY?

317

1 A HE WAS -- PERSONALLY HE TAUGHT JOE AND DEAN
2 KARATE OR SOME FORM OF MARTIAL ART, AND HE WAS ALSO -- JOE
3 SAID HE WAS IN CHARGE OF SECURITY, AND HE KIND OF -- HE
4 INSTALLED AN ALARM SYSTEM FOR THE WAREHOUSE AND HE WAS
5 SUPPOSED TO DO SOME SECURITY CHECKS, WHICH I DIDN'T KNOW
6 WHAT ENTAILED.

7 Q OKAY. BUT HE WAS EMPLOYED BY JOE; IS THAT
8 CORRECT?

9 A YES.

10 Q OKAY. WERE YOU EVER AT ANY OTHER MEETINGS
11 WHERE JAMES PITTMAN WAS PRESENT AND JOE?

12 A YES.

13 Q OKAY. DID THIS -- DID THE COMPANY, THE BBC OR
14 MICROGENESIS, DID THEY HAVE FREQUENT MEETINGS?

15 A WHAT DO YOU MEAN BY "FREQUENT MEETINGS"?

16 Q WELL, HOW OFTEN DID THEY HAVE MEETINGS? LET ME
17 PUT IT THAT WAY.

18 A OKAY. WELL, ACTUALLY, NOT MANY MEETINGS AT
19 ALL, NOT VERY MANY FORMAL MEETINGS.

20 Q OKAY. APPROXIMATELY HOW MANY TIMES WERE THERE
21 MEETINGS WHERE JOE HUNT AND JIM PITTMAN OR JAMES GRAHAM WERE
22 PRESENT THAT YOU WERE PRESENT?

23 A I SAW -- VERY FEW BECAUSE I WORKED DOWN IN THE
24 WAREHOUSE AND I DIDN'T SEE MUCH OF JOE. THE ONLY TIME I SAW
25 THEM TOGETHER OR MOST OF THE TIME IS AT THE MANNING. JIM
26 CAME OVER THERE QUITE FREQUENTLY.

27 Q OKAY. BUT WERE YOU EVER AT ANY OTHER MEETINGS
28 BESIDES THIS ONE IN LATE JUNE WHERE JIM AND JOE WERE

1 PRESENT?

2 A I DON'T THINK I SAW JIM AFTER THAT MEETING.

3 Q NO. BEFORE THAT.

4 A BEFORE THAT. YES.

5 Q APPROXIMATELY HOW MANY?

6 A IT'S HARD TO SAY. 10, 15, 20. I DON'T KNOW.

7 Q 10, 15, 20?

8 A YEAH.

9 Q AT THOSE MEETINGS DID JOE DO MOST OF THE
10 SPEAKING?

11 A YES. JOE USUALLY.....

12 Q AND ISN'T IT TRUE THAT JIM VERY SELDOM SAID
13 ANYTHING AT THESE MEETINGS?

14 A THE -- HARDLY ANYBODY SAID ANYTHING. JOE
15 ALWAYS SPOKE.

16 Q OKAY. OKAY. SO BASICALLY YOUR TESTIMONY IS
17 THAT -- PUTTING IT IN MY OWN WORDS, AND IF I'M INCORRECT,
18 STATE SO -- THAT WHEN -- THAT WHEN THERE WERE MEETINGS, JOE
19 BASICALLY DOMINATED THE CONVERSATIONS; IS THAT CORRECT?

20 A MOST OF THE TIMES.

21 Q AND THAT MOST OF THE TIME PEOPLE JUST LISTENED;
22 IS THAT CORRECT?

23 A PEOPLE WOULD -- IF THEY HAD INPUT, THEY'D PUT
24 IT IN. IF JIM HAD SOMETHING TO SAY, HE SAID IT. HE WAS NOT
25 HELD BACK BY IT.

26 Q OKAY, BUT AS A GENERAL RULE, MOST OF THE TIME
27 JOE WAS THE ONE THAT WAS SPEAKING AND THERE WAS VERY LITTLE
28 INPUT BY THE OTHER PEOPLE. AS A GENERAL RULE?

310

1 A AT MEETINGS OR AT --

2 Q AT MEETINGS.

3 A YEAH. MOST OF THE TIME JOE SPOKE.

4 Q OKAY; WERE YOU EVER AT ANY MEETING WHERE JOE
5 HUNT MADE ANY STATEMENTS THAT JIM'S -- JAMES PITTMAN
6 DISPUTED OR OBJECTED TO?

7 A YES.

8 Q IN THESE 10 OR 15 MEETINGS?

9 A YES.

10 Q WHEN WAS THAT?

11 A I CAN'T RECALL. THERE WAS -- WE HAD
12 DIFFERENCES OF OPINION ON WHAT TO DO WITH THE MACHINE, WHEN
13 TO TAKE IT OUT TO THE DESERT AND HOW TO DO IT, SO HE ALWAYS
14 HAD INPUTS WHEN IT CAME TO THAT.

15 Q BUT WOULD HE -- WOULD HE -- IF JOE WAS MAKING A
16 DEFINITE STATEMENT, WOULD HE DISAGREE WITH HIM?

17 A IF HE FELT IT WAS WRONG, HE WOULD.

18 Q OKAY. ISN'T IT TRUE THAT -- ON THE DISCUSSIONS
19 REGARDING THE MACHINE WHEN JIM WOULD SAY SOMETHING, IT WOULD
20 BE -- IT WAS BECAUSE HE WAS IN CHARGE OF SECURITY WITH
21 REGARD TO THE MACHINES THAT HE WAS MAKING SUGGESTIONS WITH
22 REGARD TO THE SECURITY?

23 A HE WOULD MAKE SUGGESTIONS BESIDES SECURITY,
24 TOO. IT JUST WASN'T SECURITY PER SE. IT WAS JUST WHATEVER
25 HE FELT THAT HE COULD CONTRIBUTE.

26 Q DID ANYONE IN THAT ROOM MAKE ANY STATEMENT
27 AFTER JOE HUNT SAID THAT HE HAD KILLED LEVIN?

28 A AFTER JOE FINISHED TALKING HE SAID "ARE THERE

1 ANY QUESTIONS," AND HE -- WHAT HE SAID BEFORE HE STARTED HE
2 WANTED TO SAY WHAT HE HAD TO SAY, AND WHEN HE WAS DONE HE
3 WOULD ASK FOR QUESTIONS, AND AT THAT TIME THERE MIGHT HAVE
4 BEEN A FEW QUESTIONS. I DON'T RECALL.

5 Q OKAY.

6 THE COURT: MR. YOUNG, DO YOU KNOW APPROXIMATELY HOW
7 MUCH MORE CROSS-EXAMINATION YOU HAVE? IT'S 5:15. IF IT'S
8 WITHIN A REASONABLE TIME WE CAN GO AHEAD. OTHERWISE --

9 MR. YOUNG: WELL, I DO HAVE A NUMBER OF MORE
10 QUESTIONS. I'D JUST AS SOON -- I'D LIKE TO CALL HIM BACK.
11 IT MAY BE ANOTHER 15 OR 20 MINUTES.

12 MS. LOPEZ: YOUR HONOR, MR. RAYMOND HAS BEEN HERE AT
13 LEAST TWICE AND HE HAS BEEN ASKED TO GO HOME TO ORANGE
14 COUNTY BECAUSE MR. YOUNG ON ONE OCCASION CALLED FROM A
15 DIFFERENT COURTROOM SAYING THAT HE'S SORRY, BUT HE COULD NOT
16 MAKE IT, THIS APPEARANCE, WAS INCONVENIENT FOR HIM.

17 THE COURT: I UNDERSTAND THAT. WE TRY TO MAKE IT
18 CONVENIENT FOR THE WITNESSES, BUT ON THE OTHER HAND IF
19 THERE'S FURTHER CROSS-EXAMINATION, I CAN'T --

20 MS. LOPEZ: I UNDERSTAND THAT. I'D JUST ASK THAT WE
21 CONTINUE UNTIL MR. RAYMOND CAN FINISH. HE HAS COME FROM
22 ORANGE COUNTY SEVERAL TIMES.

23 THE COURT: WELL, IF IT'S A QUESTION OF 15 MINUTES, A
24 HALF A HOUR OR SO. IF IT'S A QUESTION OF TWO OR THREE
25 HOURS, I DON'T SEE ANY REASON FOR US TO STAY HERE UNTIL 7:00
26 OR 7:30.

27 MR. YOUNG: I DON'T THINK IT WILL BE TWO OR THREE
28 HOURS. I DON'T KNOW. IT DEPENDS ON WHAT HE SAYS.

1 THE COURT: WE CAN CONTINUE FOR A LITTLE LONGER AND
2 SEE IF IT CONCLUDES. WE WON'T CONTINUE MORE THAN A HALF A
3 HOUR ANYWAY.

4 MR. YOUNG: OKAY. I'M NOT --

5 THE COURT: I'M NOT RESTRICTING YOU TO A HALF A HOUR,
6 BUT I'M --

7 MR. YOUNG: I FEEL LIKE I'M BEING RESTRICTED, YOUR
8 HONOR -- I'M JUST KIDDING.

9 THE COURT: WELL, YOU NOTICE THE AIR CONDITIONING HAS
10 BEEN TURNED OFF. THAT'S WHY IT'S SO QUIET IN HERE NOW. THE
11 BUILDING SLOWLY STARTS TO CLOSE AFTER 5:00 O'CLOCK, SO WE
12 ARE NOT ADAPTED TO A NIGHT COURT. WELL, LET'S GO ON A
13 LITTLE FURTHER AND SEE, BUT I'M NOT RESTRICTING YOUR
14 CROSS-EXAMINATION. IF NECESSARY --

15 MR. YOUNG: I AM GOING TO -- YOU KNOW, IF I MAY SAY
16 SOMETHING. I AM GOING TO WANT TO RECALL THIS WITNESS
17 BECAUSE I INTEND TO SUBPOENA ALL THE REST OF THESE PEOPLE AT
18 THIS MEETING AND I AM GOING TO WANT TO RECALL HIM, IF THAT
19 MAKES ANY DIFFERENCE AS TO WHETHER YOU WISH TO CONTINUE OR
20 NOT.

21 MS. LOPEZ: WELL, HE'S CERTAINLY NOT GOING TO RECALL
22 HIM ON THE SAME DAY THAT HE'S GOING TO CALL ALL OF THESE
23 OTHER WITNESSES, SO IF HE INTENDS TO RECALL THIS WITNESS IT
24 ONLY MEANS THAT THIS WITNESS WILL HAVE TO COME BACK IF WE
25 CONTINUE THE CROSS-EXAMINATION ON ANOTHER DAY, AND AFTER
26 THAT, AFTER MR. YOUNG HAS SUBPOENAED ALL THESE WITNESSES,
27 HE'S GOING TO HAVE TO COME BACK AGAIN.

28 THE COURT: ALL RIGHT. LET'S CROSS EACH BRIDGE AS WE

352

1 COME TO IT. THE QUESTION WE HAVE RIGHT NOW IS WHETHER TO
2 CONTINUE ON. CAN WE REACH A REASONABLE EXPECTATION OF
3 COMPLETING THE PRESENT CROSS-EXAMINATION? AS I SAY, I'M NOT
4 RESTRICTING YOU, NOW.

5 MR. YOUNG: YEAH, I UNDERSTAND.

6 THE COURT: IF YOU SAY NO, THEN WE'LL CONTINUE THIS
7 TO THE NEXT SESSION OF THIS COURT WHICH WILL BE MONDAY
8 BECAUSE TOMORROW THIS IS A CIVIL COURT, THIS PARTICULAR
9 COURT. OR IT CAN BE CONTINUED AT YOUR REQUEST BEYOND THAT,
10 IF NECESSARY.

11 MR. YOUNG: IF WE COULD TAKE ABOUT A TWO MINUTE
12 BREAK, I WOULD DISCUSS IT WITH MR. ZORNE AND MAYBE I'LL
13 RESERVE THE REMAINDER OF MY QUESTIONS UNTIL AFTER I'VE
14 GOTTEN THE OTHER PEOPLE, AND THEN THAT WAY WE DON'T HAVE TO
15 HAVE HIM KEEP COMING BACK.

16 THE COURT: ALL RIGHT.

17 MR. YOUNG: LET ME JUST TAKE A COUPLE OF MINUTES TO
18 DISCUSS IT WITH HIM.

19 THE COURT: ALL RIGHT. WE'LL TAKE NOT MORE THAN A
20 FIVE MINUTE BREAK, THEN.

21 (WHEREUPON, A RECESS WAS TAKEN)

22 THE COURT: ALL RIGHT. LET THE RECORD SHOW THAT MR.
23 PITTMAN IS PRESENT WITH BOTH OF HIS COUNSEL, MR. YOUNG AND
24 MR. ZORNE, AND THE DISTRICT ATTORNEY IS PRESENT. THE
25 WITNESS RAYMOND IS STILL ON THE WITNESS STAND. HAVE YOU
26 COME TO ANY AGREEMENT, FIRST OF ALL, AS TO HOW MUCH TIME YOU
27 WANT TO PUT ON THIS RIGHT NOW?

28 MR. YOUNG: WELL, AFTER DISCUSSING IT WITH MR. ZORNE,

1 WE FELT THAT RATHER THAN CONTINUE AT THIS POINT, APPARENTLY
2 NOW SHE WANTS TO ASK MORE QUESTIONS. I THOUGHT IT WOULD BE
3 MORE BENEFICIAL AFTER I 'VE HAD THESE OTHER WITNESSES UP HERE
4 TO CALL HIM BACK RATHER THAN CONTINUE IT BECAUSE OF THE
5 HOUR. I DON'T KNOW HOW MUCH SHE WANTS TO ASK. DEPENDING
6 UPON WHAT SHE ASKS, I MAY HAVE MORE QUESTIONS, BUT PROBABLY
7 NOT.

8 THE COURT: ALL RIGHT: FOR THE RECORD, THEN, ARE YOU
9 REQUESTING THAT THERE BE FURTHER CROSS-EXAMINATION? ARE YOU
10 RESERVING FURTHER CROSS-EXAMINATION?

11 MR. YOUNG: YEAH, I 'M RESERVING THE RIGHT -- SHE SAID
12 SHE WANTS TO ASK MORE QUESTIONS, I GUESS TO REHABILITATE
13 SOME OF HIS TESTIMONY.

14 MS. LOPEZ: I DON'T THINK HIS TESTIMONY NEEDS
15 REHABILITATION, MR. YOUNG.

16 THE COURT: ALL RIGHT. THAT LAST REMARK MAY BE
17 STRICKEN. ALL RIGHT. IS THERE ANY REDIRECT?

18 MS. LOPEZ: YES.

19
20 REDIRECT EXAMINATION

21 BY MS. LOPEZ:

22 Q AT THE TIME OF THE MEETING AT THE
23 WILSHIRE-MANNING, WERE ANY THREATS MADE BY JOE HUNT?

24 A YES.

25 Q AND WHAT WAS THE SUBSTANCE OF THOSE
26 THREATS?

27 A HE ASKED ANYBODY -- SAID "WHEN YOU CROSS A
28 LINE, YOU CAN'T GO BACK, THERE ARE CERTAIN THINGS YOU CAN'T

1 AHEAD.

2 THE COURT: THE OBJECTION WILL BE OVERRULED. YOU MAY
3 CONTINUE.

4 Q BY MS. LOPEZ: WAS THAT ALL THAT WAS SAID?

5 A THOSE WERE THE ONLY TIMES I WAS EVER
6 THREATENED.

7 Q WAS ANYBODY EVER PROHIBITED FROM SPEAKING AT
8 ANY OF THE MEETINGS WHERE JOE HUNT WAS PRESENT?

9 A NO.

10 Q AND YOU INDICATED THAT AT MEETINGS WHERE JAMES
11 GRAHAM WAS PRESENT YOU DID OBSERVE JAMES GRAHAM SPEAKING
12 WHERE HE FELT HE HAD SOMETHING TO SAY?

13 A YES.

14 Q AND DID JOE HUNT EVER TELL HIM TO SHUT UP OR
15 NOT TO SPEAK AT THOSE TIMES?

16 A NO.

17 Q HOW MANY MACHINES WERE ACTUALLY BUILT TO
18 COMPLETION DURING THE TIME THAT YOU WORKED FOR MICROGENESIS?

19 A ONE.

20 Q AND YOU INDICATED THAT TWO OTHERS WERE BEING
21 WORKED ON?

22 A YES.

23 Q AND THOSE OTHER -- THOSE TWO OTHERS, WERE THEY
24 OPERATIVE?

25 A NO.

26 Q THE ONE THAT WAS ACTUALLY COMPLETED, WAS IT
27 FULLY TESTED?

28 A NO.

1 WHERE HE FELT HE HAD SOMETHING TO SAY?

2 A YES.

3 Q AND DID JOE HUNT EVER TELL HIM TO SHUT UP OR
4 NOT TO SPEAK AT THOSE TIMES?

5 A NO.

6 Q HOW MANY MACHINES WERE ACTUALLY BUILT TO
7 COMPLETION DURING THE TIME THAT YOU WORKED FOR MICROGENESIS?

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10 WORKED ON?

11 A YES.

12 Q AND THOSE OTHER -- THOSE TWO OTHERS, WERE THEY
13 OPERATIVE?

14 A NO.

15 Q THE ONE THAT WAS ACTUALLY COMPLETED, WAS IT
16 FULLY TESTED?

17 A NO.

18 MS. LOPEZ: I HAVE NOTHING FURTHER.

19 MR. YOUNG: YOUR HONOR, I'M JUST GOING TO WAIT UNTIL
20 AFTER I HAVE THE OTHER TESTIMONIES.

21 THE COURT: ALL RIGHT. WE'LL RECESS NOW. DO YOU
22 WANT TO RESUME -- THE NEXT SESSION WOULD BE ON MONDAY
23 MORNING OR DO YOU -- IS THERE ANY PROBLEM --

24 MR. YOUNG: LET ME SEE.

25 MS. LOPEZ: YOUR HONOR, AT THIS POINT I'D LIKE
26 MR. YOUNG TO BE ADVISED THAT HE'S IN THE MIDDLE OF A MURDER
27 PRELIMINARY AND HE HAS NO RIGHT TO ENGAGE HIMSELF IN TRIALS
28 OR ANY OTHER PROCEEDINGS IN OTHER COURTS.

1 MR. YOUNG: I HAVE A -- THIS IS ONE OF THOSE COURTS.
2 IT'S COMPTON. I DOUBT THAT IT WILL GO OUT, BUT I AM SET FOR
3 A TRAIL THERE AND THEY HAVE TOLD ME NO FURTHER --

4 MS. LOPEZ: WELL, YOUR HONOR. HE IS NOT AVAILABLE
5 FOR TRIAL. HE'S IN THE MIDDLE OF A MURDER PRELIMINARY AND
6 HE SHOULD ARRANGE FOR EITHER ANOTHER ATTORNEY TO TAKE THAT
7 CASE OR FOR THAT COURT TO CALL THIS COURT TO CLARIFY THAT HE
8 IS IN THE MIDDLE OF A MURDER PRELIMINARY.

9 THE COURT: THAT'S RIGHT.

10 MR. YOUNG: YOUR HONOR, AS I EXPLAINED, IT PROBABLY
11 WON'T GO THAT DAY.

12 THE COURT: WELL, WE CAN'T DEAL ON PROBABILITIES.
13 WHAT IS IT, FIRST OF ALL? IS IT A PRELIMINARY HEARING?

14 MR. YOUNG: IT'S A TRIAL.

15 THE COURT: IN WHOSE COURT?

16 MR. YOUNG: JUDGE ROSS, IF YOU'RE FAMILIAR WITH HIM.
17 IF YOU CAN CALL HIM, I WOULD APPRECIATE IT BECAUSE I DON'T
18 REALLY WANT TO GO ON IT MONDAY ANYWAY.

19 MS. LOPEZ: WELL, ON THE DATE OF TRIAL HE SHOULD
20 ANNOUNCE THAT HE IS NOT READY, HE IS CURRENTLY ENGAGED IN
21 THE MIDDLE OF A MURDER PRELIMINARY, AND I THINK THAT HE
22 SHOULD HAVE AN ATTORNEY MAKE THE APPEARANCE FOR HIM. IS
23 THAT PARTICULAR COURT MISDEMEANOR COURT?

24 THE COURT: NO. JUDGE ROSS IS IN A FELONY COURT.

25 MR. YOUNG: HE'S A FELONY COURT, AND THIS IS AN
26 ATTEMPTED MURDER CASE.

27 MS. LOPEZ: IT DOESN'T MATTER. HE IS CURRENTLY
28 ENGAGED. HE CANNOT GO INTO ANOTHER COURT AND ANNOUNCE

1 THE COURT: WELL, WE CAN'T DEAL ON PROBABILITIES.
2 WHAT IS IT, FIRST OF ALL? IS IT A PRELIMINARY HEARING?

3 MR. YOUNG: IT'S A TRIAL.

4 THE COURT: IN WHOSE COURT?

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10 THE MIDDLE OF A MURDER PRELIMINARY, AND I THINK THAT HE
11 SHOULD HAVE AN ATTORNEY MAKE THE APPEARANCE FOR HIM. IS
12 THAT PARTICULAR COURT MISDEMEANOR COURT?

13 THE COURT: NO. JUDGE ROSS IS IN A FELONY COURT.

14 MR. YOUNG: HE'S A FELONY COURT, AND THIS IS AN
15 ATTEMPTED MURDER CASE.

16 MS. LOPEZ: IT DOESN'T MATTER. HE IS CURRENTLY
17 ENGAGED. HE CANNOT GO INTO ANOTHER COURT AND ANNOUNCE
18 READY.

19 MR. YOUNG: IF I'M ORDERED HERE, THEN YOU CAN --

20 THE COURT: LET'S DO IT THIS WAY. IF YOU'RE GOING TO
21 MAKE AN APPEARANCE THERE, I WISH YOU WOULD TELL JUDGE ROSS
22 WHAT THE SITUATION IS HERE AND THAT YOU'VE BEEN ORDERED TO
23 COME BACK HERE. IF HE WANTS --

24 MR. YOUNG: CAN I --

25 THE COURT: YES. IF HE WANTS TO COMMUNICATE WITH US,
26 WE'LL TRY TO WORK IT OUT ONE WAY OR ANOTHER, BUT YOU CAN
27 TELL HIM THIS HAS BEEN A MUCH CONTINUED PRELIMINARY HEARING
28 IN WHICH YOU ARE APPROXIMATELY IN THE MIDDLE OF IT RIGHT

1 NOW.

2 MR. YOUNG: RIGHT.

3 THE COURT: AND THAT THERE ARE WITNESSES BEING CALLED
4 AND THAT YOU FEEL THAT IT'S VERY URGENT THAT YOU COME BACK
5 HERE.

6 MR. YOUNG: CAN WE SET IT FOR 10:00 O'CLOCK AND THEN
7 I WILL -- IF THERE'S A PROBLEM, I WILL ASK JUDGE ROSS TO
8 CALL YOU BECAUSE I HAVE HAD A LOT OF DIFFICULTY WITH THAT
9 PARTICULAR COURT.

10 THE COURT: ALL RIGHT

11 MR. YOUNG: THIS 1050 RULE WITH THEM IS
12 SOMETHING.....

13 THE COURT: ALL RIGHT. WE'LL RECESS AT THIS TIME TO
14 THE NEXT SESSION OF THIS COURT WHICH WOULD BE AT 10:00 A.M,
15 THEN, ON NEXT MONDAY MORNING BACK HERE IN DIVISION I. THIS
16 WITNESS WILL BE EXCUSED?

17 MS. LOPEZ: YES. FOR NOW, YES.

18 MR. YOUNG: SUBJECT TO RECALL.

19 THE COURT: SUBJECT TO RECALL. ALL RIGHT.

20 MR. YOUNG: DO I NEED TO SUBPOENA HIM TO HAVE HIM
21 RECALLED?

22 THE COURT: WELL, YOU CAN MAKE HIM AVAILABLE OR DOES
23 HE HAVE TO BE RESUBPOENAED? I IMAGINE IT WON'T BE ON
24 MONDAY, IN ANY EVENT.

25 MR. YOUNG: NO. IT WOULDN'T BE.

26 MS. LOPEZ: IN THAT CASE, I WOULD ASK MR. YOUNG TO
27 SUBPOENA HIM RATHER THAN MAKING HIM -- OR MAKING THE PEOPLE
28 RESPONSIBLE FOR BRINGING HIM IN ON A DAY THAT WE DON'T KNOW

1 ANYTHING ABOUT. WE DON'T -- IT APPEARS THAT MR. YOUNG IS
2 GOING TO NOW CALL EVERY SINGLE WITNESS INVOLVED IN THE CASE
3 AND HANDLE THIS PRELIMINARY HEARING AS IF IT WERE A TRIAL,
4 AND I DON'T THINK THAT WE CAN BE RESPONSIBLE FOR A WITNESS
5 COMING IN AT SOME INDEFINITE DATE IN THE FUTURE. THAT WOULD
6 PUT AN ONUS ON THE PEOPLE.

7 MR. YOUNG: ALL RIGHT. I WILL HAVE TO THEN TRACK HIM
8 DOWN AND SUBPOENA HIM. ONE OTHER QUESTION. I JUST LEARNED
9 OF MORE EVIDENCE HERE THAT I HAVE NOT GOTTEN.

10 MS. LOPEZ: AND WHAT EVIDENCE IS THAT?

11 MR. YOUNG: APPARENTLY THERE WERE NOTES TAKEN BY MR.
12 ZOELLER WITH HIS ORIGINAL DISCUSSIONS.

13 MS. LOPEZ: ARE WE GOING TO ENGAGE IN DISCOVERY
14 AGAIN? MR. ZOELLER PREPARED A POLICE REPORT WHICH REFERS TO
15 THE DISCUSSION HE HAD WITH MR. RAYMOND. THAT POLICE REPORT
16 WAS EXCHANGED. THAT POLICE REPORT ALSO NAMES ALL OF THE
17 WITNESSES WHO ARE PRESENT AT THE MEETING, AND APPARENTLY
18 MR. YOUNG HAS NOT READ THAT POLICE REPORT BECAUSE HE CAME TO
19 US AND SAID "WHO ARE ALL THESE PEOPLE".

20 MR. YOUNG: I DIDN'T SAY "WHO ARE ALL THE PEOPLE". I
21 WANTED TO MAKE SURE I HAD ALL THE ADDRESSES. YOUR HONOR --

22 THE COURT: DOES HE HAVE ALL OF THE NECESSARY --

23 MS. LOPEZ: HE HAS ALL OF THE POLICE REPORTS
24 PREPARED.

25 MR. YOUNG: I DON'T HAVE HIS NOTES.

26 MS. LOPEZ: THAT IS NOT REQUIRED DISCOVERY AND IT HAS
27 NEVER BEEN ORDERED.

28 MR. YOUNG: YOUR HONOR --

360

1 THE COURT: WELL, YOU HAVE A DIGEST OF HIS NOTES; IS
2 THAT CORRECT?

3 MR. YOUNG: I DON'T HAVE A DIGEST.

4 MS. LOPEZ: HE HAS A SUMMARY OF THE NOTES WHICH WAS
5 PREPARED AS A POLICE REPORT.

6 THE COURT: THERE'S NO NECESSITY OF HAVING HIS ACTUAL
7 NOTES, THEN.

8 MR. YOUNG: I HAVE THE REPORT THAT HE GAVE, YES.

9 MS. LOPEZ: AT THIS POINT, THERE IS NO NECESSITY,
10 YOUR HONOR. HE IS JUST ENGAGING IN ANOTHER DELAY TACTIC.

11 MR. YOUNG: YOU CAN BRING THEM MONDAY.

12 THE COURT: I'M NOT CONSIDERING THIS AS A DELAY
13 TACTIC, BUT I DON'T SEE THE NECESSITY OF HAVING THE ACTUAL
14 NOTES UNLESS YOU FEEL THAT THERE'S SOME DISCREPANCY BETWEEN
15 THE NOTES AND THE DIGEST OF THE NOTES. FOR WHOSE PURPOSE
16 WAS THE DIGEST MADE? THE PROSECUTION?

17 MS. LOPEZ: YOUR HONOR, IT'S JUST THEIR PRACTICE TO
18 PREPARE A REPORT ANY TIME THEY INTERVIEW ANY WITNESSES AND
19 THE NOTES ARE USED IN ORDER TO PREPARE THE REPORT. IT'S
20 PART OF THEIR REGULAR PRACTICE AND PROCEDURE TO PREPARE A
21 REPORT.

22 MR. YOUNG: MAY I MAKE ONE STATEMENT? I DON'T RECALL
23 ANYTHING ABOUT A GESTURE THAT THEY'RE TALKING ABOUT NOW IN
24 THE REPORT. I DON'T RECALL CERTAIN THINGS THAT THEY HAVE IN
25 THERE, IF THEY'RE IN THERE.

26 MS. LOPEZ: THE WITNESS HAS ALREADY SAID HE DOES NOT
27 RECALL WHETHER HE SAID IT TO THE POLICE OFFICER OR WHETHER
28 OR NOT HE SAID IT TO ME AT A PRIOR TIME AND --

1 THE COURT: I'M NOT CONSIDERING THIS AS A DELAY
2 TACTIC, BUT I DON'T SEE THE NECESSITY OF HAVING THE ACTUAL
3 NOTES UNLESS YOU FEEL THAT THERE'S SOME DISCREPANCY BETWEEN
4 THE NOTES AND THE DIGEST OF THE NOTES. FOR WHOSE PURPOSE
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14 THERE, IF THEY'RE IN THERE.

15 MS. LOPEZ: THE WITNESS HAS ALREADY SAID HE DOES NOT
16 RECALL WHETHER HE SAID IT TO THE POLICE OFFICER OR WHETHER
17 OR NOT HE SAID IT TO ME AT A PRIOR TIME AND --

18 THE COURT: THAT'S RIGHT.

19 MS. LOPEZ: -- AND WHICH WOULD MAKE IT IRRELEVANT FOR
20 THE PURPOSES OF THIS WITNESS.

21 THE COURT: THIS IS TRUE, MR. YOUNG. EVERYTHING THAT
22 A WITNESS IS GOING TO TESTIFY ABOUT IS NOT ALWAYS IN A
23 REPORT. I MEAN, I'M SURE YOU KNOW THAT--

24 MR. YOUNG: WELL, I UNDERSTAND THAT.

25 THE COURT: -- FROM YOUR TRIAL EXPERIENCE. SO THAT
26 THE FACT THAT A WITNESS COMES ON THE STAND NOW AND SAYS SOME
27 THINGS WHICH ARE NOT IN THE REPORT, UNLESS THEY'RE
28 CONTRADICTORY TO SOMETHING THAT HE SAID PREVIOUSLY, WOULD

1 NOT HAVE ANY BEARING UPON THE CREDIBILITY OF THAT WITNESS.
2 SO I FEEL AT THIS PARTICULAR TIME THAT THERE ISN'T A
3 SUFFICIENT SHOWING. YOU HAVE A DIGEST. I THINK THE ACTUAL
4 NOTES THEMSELVES ARE NOT NECESSARY AT THIS TIME. UNLESS YOU
5 CAN POINT OUT THAT THERE IS SOME DISCREPANCIES.

6 MR. YOUNG: I GUESS I'LL HAVE TO GO AND DO IT MONDAY,
7 THEN.

8 THE COURT: YOU'LL HAVE THE WEEKEND TO FIND THEM.
9 ALL RIGHT. WE'LL RESUME AT 10:00 A.M. ON MONDAY, THEN.

10 MR. YOUNG: THANK YOU, YOUR HONOR.

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IN THE MUNICIPAL COURT OF BEVERLY HILLS JUDICIAL DISTRICT
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
HON. DAVID A. KIDNEY, JUDGE PRO TEM DIVISION I

THE PEOPLE OF THE STATE OF CALIFORNIA,)
Plaintiff,)
vs.) No. A 090435
JOE HUNT)
aka: JOSEPH HENRY GAMSKY)
and)
JAMES PITTMAN)
aka: JAMES GRAHAM, Defendants.)

I hereby certify that on the 26th day of December, 1984,
and the 7th & 10th days of January, 1985,
ANN CLARK, Official Reporter of the above entitled court, was
assigned as shorthand reporter to report the testimony and
proceedings contained herein; and did act as such reporter, and
was by me directed to reduce the said shorthand notes to
typewriting.

David A. Kidney

Judge of the Municipal Court of Beverly Hills
Judicial District, County of Los Angeles,
State of California, Division I.

I hereby certify that I am an Official Shorthand Reporter
of the above entitled court. Pursuant to the Judge's Certificate
above, I was assigned to report and did so correctly report the
testimony and proceedings contained herein; that the foregoing
is a true and correct transcription of my said notes, and a full,
true and correct statement of said testimony and proceedings.

Ann Clark, CSR #5058

Official Reporter

IN THE MUNICIPAL COURT OF BEVERLY HILLS JUDICIAL DISTRICT
 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
 HONORABLE DAVID A. KIDNEY, JUDGE DIVISION NO. I

THE PEOPLE OF THE STATE OF
 CALIFORNIA,

Plaintiff,

vs.

JOE HUNT and JAMES PITTMAN,

Defendants.

No. A 090435

SECTIONS VIOLATED:

187 P.C.

211 P.C.

VOLUME IV

FILED

JAN 29 1985

FRANK S. ZORN, County Clerk

Rita Tucker

BY RITA TUCKER, CLERK

REPORTER'S TRANSCRIPT
 PRELIMINARY EXAMINATION
 MONDAY, JANUARY 14, 1985

APPEARANCES:

FOR THE PEOPLE:

ANA LOPEZ,
 Deputy District Attorney *9.5.85*

FOR DEFENDANT
 PITTMAN:

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 Penthouse Suite
 Los Angeles, California 90036

FOR DEFENDANT
 HUNT:

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BARBARA GROFF
 Official Reporter

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<u>PEOPLE'S WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>
BROWNING, Gene D.	4	14	43
KARNY, Dean	51		

E X H I B I T S

<u>DEFENDANT'S EXHIBITS:</u>	<u>IDENTIFICATION</u>	<u>EVIDENCE</u>
B - Microgenesis document purporting to be an agreement between Dr. Browning and Joe Hunt	22	49
C - Financial statement and attachments.	37	49

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BEVERLY HILLS, CALIFORNIA; MONDAY, JANUARY 14, 1985

SESSION: A.M.

* * *

THE COURT: In the matter of James Pittman, let the record show that Mr. Pittman is present with both counsel Mr. Young and Mr. Zorn.

The Deputy District Attorney, Ms. Lopez, is present. Are you ready to proceed at this time?

MS. LOPEZ: Yes, your Honor.

Prior to calling our next witness, I believe Mr. Wapner would like to make a statement for the record.

MR. WAPNER: Your Honor, in the companion matter People vs. James Hunt, there is some discovery that counsel requested, having to do with some discovery of the murder of Mr. Eslaminia. We have that discovery. And I just wanted to state on the record that I am turning it over at this time.

These are the same materials that Mr. Young was provided with last Thursday.

THE COURT: You don't need any more discovery, Mr. Young.

MR. YOUNG: I don't know. They have been hiding a lot of evidence.

THE COURT: You may proceed.

MS. LOPEZ: People call Gene Browning.

THE COURT: Come forward, sir, raise your right hand and the clerk will swear you in.

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GENE D. BROWNING,

called as a witness by and on behalf of the People, having been first duly sworn, was examined and testified as follows:

THE CLERK: Please be seated. Please state your full name and spell your last name.

THE WITNESS: My name is Gene D. Browning, B-r-o-w-n-i-n-g.

DIRECT EXAMINATION

BY MS. LOPEZ:

Q. Dr. Browning, will you describe for the record your educational background?

A. I'm a graduate of the University of Utah, 1962. I did my graduate work at the University of Utah.

I did a second Master degree at the University of Illinois, 1962.

Q. In what fields were these degrees obtained?

A. First in clinical biochemistry, the second one was electronics.

MS. LOPEZ: May I approach the witness, your Honor?

THE COURT: Yes.

BY MS. LOPEZ:

Q. I am handing the witness a photograph which has been marked as People's 8; do you recognize the person shown in that photograph?

1 A. Yes.

2 Q. And by what name do you know that person?

3 A. Joe Hunt.

4 Q. Are you familiar with a business organization
5 known as Microgenesis of North America, Incorporated?

6 A. Yes, I am.

7 Q. What, if anything, was Joe Hunt's relationship
8 to this business?

9 A. Joe Hunt was a director and officer of that
10 corporation.

11 Q. And what was your connection with that
12 organization?

13 A. I was to be a stockholder in that corporation.

14 Q. And could you tell us what the purpose of that
15 corporation was?

16 A. To develop some machinery that I had designed
17 and developed over some number of years.

18 Q. Who owned the technology relating to the
19 machinery that you had designed?

20 A. I do.

21 Q. Had you ever given up your ownership rights to
22 that technology?

23 A. No.

24 Q. And is this technology or this machine otherwise
25 known as a pulverizer?

26 A. Yes.

27 Q. Does it have any other name?

28 A. It's a nutrition mill.

1 Q Thank you. Where was the plant for Microgenesis
2 of North America, Incorporated located?

3 A Gardena.

4 Q Who else worked at that plant?

5 A There were a number of people who were in and
6 out of there. In our particular facility there was myself,
7 there was David May and Jeff Raymond and Aurel Sorvi,
8 S-o-r-v-i.

9 Q I would like to direct your attention to the
10 defendant James Pittman who is seated at the end of counsel
11 table in the navy blue jumpsuit; do you know that person?

12 A Yes, I do.

13 Q By what name do you know that person?

14 A James Graham.

15 Q And what, if anything, was the defendant's
16 connection to the BBC or Microgenesis of North America?

17 A He was represented to me to be an employee of
18 BBC as a security officer for us.

19 Q And did Mr. Pittman, also known to you as
20 Mr. Graham, work at the Gardena location, the same Gardena
21 location?

22 A Yes, he was primarily associated with the
23 division called West Cars.

24 Q What were your responsibilities as far as
25 Microgenesis of North America, Incorporated was concerned?

26 A I was to build the machines that I had designed
27 and developed earlier.

28 Q And would that be the pulverizer that we are

1 speaking of?

2 A. Yes.

3 Q. What progress had been made since your first
4 association with Joe Hunt and Microgenesis of North America,
5 Incorporated on this machine?

6 A. The machine had been developed to a point of
7 assembly and test. It had not been tested. It was not
8 completed.

9 Q. When did you begin your relationship with
10 BBC and Microgenesis of North America?

11 A. Approximately 27 months ago.

12 Q. Do you have an approximate date?

13 A. November of 1982.

14 Q. Of 1982?

15 A. Two.

16 Q. From November of 1982 to June 7th of 1983 --
17 I'm sorry, June 7th of 1984, how many machines had been
18 actually built to completion?

19 A. None. One had been built to a point that we
20 were able to start the testing on it.

21 Q. Had that machine been actually tested?

22 A. No.

23 Q. Would you regard that machine still in the
24 developmental stages?

25 A. Yes.

26 Q. And what particular application did that
27 machine have to do with?

28 A. That machine was specifically designed and

1 built to pulverize coal.

2 Q Had you developed a machine for the specific
3 application of silicone ceramic at that time?

4 A No.

5 Q At any time between November of 1982 and
6 June 7th of 1984, had you had any plans for the development
7 of a machine with the specific application of silicone
8 ceramic?

9 A No.

10 Q Prior to that time, prior to June 7th of
11 1984, did Joe Hunt ever discuss the sale of an option to
12 Ron Levin regarding this particular machine as applied to
13 silicone ceramics?

14 A No.

15 Q Had you developed a plan for that particular
16 type of machine?

17 A Not really, no.

18 Q Was Ron Levin ever taken to the Gardena plant
19 where the machines that you were building were being built?

20 A Not to my knowledge.

21 Q Had you ever met Ron Levin?

22 A No.

23 Q After June 7th of 1984, did Joe Hunt --

24 MR. YOUNG: Excuse me, I didn't hear the
25 answer to the last question.

26 THE WITNESS: No.

27 BY MS. LOPEZ:

28 Q After June 7th, 1984, were you told that an

1 option agreement was signed with Ron Levin regarding the
2 pulverizer and a specific application to silicone ceramics?

3 A. Yes.

4 Q. By whom?

5 A. Joe Hunt.

6 Q. At that point were you shown a contract?

7 A. Yes.

8 MS. LOPEZ: May I approach the witness?

9 THE COURT: Yes.

10 BY MS. LOPEZ:

11 Q. I am handing the witness the option agreement
12 that has been marked as People's 20; will you examine that?

13 A. I have read this agreement, yes.

14 Q. And do you remember when you were shown this
15 agreement by Joe Hunt?

16 A. I believe it was June 11th or 12th.

17 Q. Was that the first time that you were aware that
18 an option agreement or an option was sold to an individual
19 for the pulverizer with the specific application for silicone
20 ceramics?

21 A. Yes.

22 Q. And what was your reaction to the contract?

23 A. Rather violent.

24 Q. Be specific.

25 A. I objected to the agreement.

26 Q. And why was that?

27 A. Because it was so far out of line. It was
28 nothing that we had planned on doing. It was not even on

1 the priority list. And the material itself, the marketing
2 for the material were totally inadequate. I objected to
3 it rather violently.

4 Q What was Joe Hunt's response to your statement
5 or your opposition to the option agreement?

6 A He said, "Don't worry about it, we don't have
7 to contend with this anyway."

8 Q Did he say why you did not have to contend
9 with it?

10 A He only mentioned to me that Ron Levin was
11 missing.

12 Q And at that point did he indicate whether or
13 not there would be any objection to that contract?

14 A He said that he had discussed it with
15 Mr. Levin's mother and father, and they would have no
16 objection to it.

17 Q Given the developmental stage of the machines
18 that you had been working on, specifically the plans with
19 regard to silicone ceramic application, what in your
20 estimate is the value of this option agreement?

21 A It has no value.

22 Q Did you later go to Arizona?

23 A Yes.

24 Q And do you know what is the approximate date
25 that you were in Arizona after June 7th, 1984?

26 A It was within the following week or two weeks.
27 I don't know the exact date.

28 Q Did you later see the defendant James Pittman

1 whom you know as James Graham in Arizona?

2 A. Yes, a number of times.

3 Q. During the month of July did you see the
4 defendant in Arizona?

5 A. I saw him once.

6 Q. And did you have any conversations with
7 Mr. Pittman wherein Ron Levin's name was mentioned?

8 A. Only one.

9 Q. And do you recall approximately what date that
10 was?

11 A. July 1st.

12 Q. And will you tell us what was said with regard
13 to Ron Levin.

14 MR. YOUNG: Your Honor, I am going to object.
15 Well, let him answer, and I will object and move it to be
16 stricken.

17 THE WITNESS: Would you repeat the question.

18 BY MS. LOPEZ:

19 Q. Will you tell us what was said in regard to
20 Ron Levin at that time by Mr. Pittman?

21 A. The discussion with James Graham was at dinner,
22 and it had really nothing to do with Mr. Levin. The
23 conversation had to do with the closing of escrow on a
24 home that we were to buy in Orange County. And I had been
25 out the week before to confirm with Joe that this escrow
26 was going to close. It was to close on the 6th of July, I
27 believe.

28 And I was coming back to Orange County on

1 July 2nd. On July 1st, that evening Jim and I had dinner,
2 and I asked Jim to contact Joe and tell him that I was
3 coming back.

4 A number of us there had tried to contact Joe
5 on that day and had been unable to do so. But Jim had
6 talked to him apparently one or more times during the
7 course of the day.

8 So, I told him to contact Joe Hunt and tell
9 him that I was coming, that it was imperative that the
10 escrow on the house was closed. It was to close on the 6th.

11 And he had been through this ritual on a
12 couple of times before. I said, "It's critically important
13 to do so. The Levin affair should be straightened out by
14 now."

15 Q When you said, "the Levin affair should be
16 straightened out by now," what were you referring to?

17 A To the check that Joe had shown me, the copy
18 of the check for \$1.5 million, that he felt we would have
19 no problems in negotiating.

20 Q Then what did Mr. Pittman, also known to you
21 as Graham, respond to this?

22 A During the conversation and rather as much as
23 a side he just mentioned to me, "Levin was dead."

24 MR. YOUNG: I object and move that that be
25 stricken. I suppose it's been introduced as a declaration
26 against interest.

27 Pursuant to Section 1230 of the Evidence Code,
28 "It cannot be considered as a declaration against interest

1 because it must be so far contrary to the declarant's
2 pecuniary or proprietary interest, or so far subjected him
3 to the risk of civil or criminal liability, or so far
4 tended to render invalid a claim by him against another,
5 or created such a risk of making him an object of hatred,
6 ridicule, or social disgrace in the community, that a
7 reasonable man in his position would not have made the
8 statement unless he believed it to be true."

9 His statement was that all he made was the
10 statement that he's dead. I think that should be stricken
11 for the reasons stated. That would not subject my client
12 to hatred. There is no admission of any liability
13 whatsoever.

14 There is a statement. The statement was made.
15 He said according to the witness on July 1st, and this is
16 after this meeting which was in late June where Joe Hunt
17 had announced at a meeting that he had killed Ron Levin.
18 I don't think this has anything to do with any interest
19 against my defendant. I think it should be stricken.

20 THE COURT: Ms. Lopez?

21 MS. LOPEZ: Your Honor, it's offered as a
22 defendant admission, what is a separate exception to the
23 hearsay rule.

24 In addition, it's also offered to show his
25 state of mind.

26 MR. YOUNG: There is no admission whatsoever.
27 The only statement that he said is he is dead. How is that
28 an admission?

1 MS. LOPEZ: I think counsel confuses confession
2 with admission. Anything that defendant says is an
3 admission.

4 THE COURT: It's certainly not a confession.
5 An admission is something that would be of some significance
6 as to the ultimate issue that is involved here. It could
7 certainly be the whereabouts of Mr. Levin.

8 It could come in in the nature of an admission
9 that he, Mr. Pittman knew that Ron Levin was dead. Although
10 it would not mean that a murder took place.

11 For purposes of the objection, it will be
12 overruled.

13 MS. LOPEZ: Nothing further.

14

15

CROSS-EXAMINATION

16 BY MR. YOUNG:

17 Q With respect to this pulverizer did you ever
18 obtain any estimates as to the value of this pulverizer?

19 A Yes, there had been a number of documents
20 prepared in that regard.

21 Q What is the highest estimate that you were
22 aware of?

23 A Just the mill itself? Just the equipment?

24 Q Yes.

25 A Two hundred to two hundred fifty dollars.

26 Q Okay. There was a witness the other day that
27 mentioned some kind of an estimate of \$100 million; would
28 that be -- what would that relate to?

1 A. That relates to an appraisal of the
2 technology and related technology as applied to its
3 application in preparing coal fuel.

4 Q. Okay. Do you know, or do you have any
5 personal knowledge as to the amount of money that was
6 invested into the development of these prototypes by
7 Microgenesis?

8 A. No.

9 Q. Are you aware of any fears by Joe Hunt that
10 this pulverizer would be stolen?

11 A. Yes.

12 Q. Did he ever express those fears to you?

13 A. Yes, that's why Mr. Graham was assigned to us
14 as a security officer.

15 Q. Okay. Are you aware of these machines being
16 taken out to the desert at one point?

17 A. I found out that they were taken out, yes.

18 Q. Would that be for security reasons?

19 A. Not at the time, no.

20 Q. It would not have been?

21 A. No.

22 Q. How many of these prototypes were developed?

23 A. At what time?

24 Q. At any point up until today.

25 A. There was a research prototype that was
26 developed prior to November of 1983.

27 There has been one machine that has been taken
28 through development to assembly.

1 Q. That one that was taken through development to
2 assembly, was it functional?

3 A. Not in my estimation.

4 Q. There were never three prototypes developed?

5 A. We ordered parts and pieces for three
6 machines.

7 Q. I'm sorry, I didn't year you.

8 A. We had ordered parts and pieces for three
9 machines. One had gotten to the point of assembly, and
10 the other two had not.

11 Q. Are you aware that one of these machines was
12 sold to a Phil Martin?

13 A. Yes.

14 Q. And do you know when that occurred?

15 A. That was in -- to my knowledge, when the
16 contracts were signed for that machine, I do not know.
17 The delivery time for that machine was sometime in the last
18 two weeks of June.

19 Q. Would the contracts have been signed in May?

20 A. I don't know.

21 Q. To your knowledge, was this let's call it a
22 prototype sold as a finished product?

23 A. It was represented to Mr. Morton as being a
24 finished product.

25 Q. Is it Morton or Martin?

26 A. Morton.

27 Q. And did you participate in that representation
28 at all?

1 A. No.

2 Q. Do you know who made those representations?

3 A. Mr. Hunt.

4 Q. Do you know if Mr. Morton made any payments
5 for this machine?

6 A. Yes.

7 Q. Do you know in what amount?

8 A. He had made two payments of \$25,000 each.

9 Q. Do you know if he continued to make payments
10 after that?

11 A. I do not know. I would doubt it seriously.

12 Q. Do you have any knowledge that the machine was
13 repossessed?

14 MS. LOPEZ: Objection, there are no facts in
15 evidence.

16 MR. YOUNG: Pardon me?

17 MS. LOPEZ: There are no facts in evidence that
18 it was in fact repossessed.

19 MR. YOUNG: I am just asking him. That's
20 what I am asking him.

21 MS. LOPEZ: He's making the statement as if it
22 was in fact repossessed.

23 MR. YOUNG: I asked him if he has any knowledge
24 of the machine being repossessed.

25 THE COURT: The objection is overruled.

26 MS. LOPEZ: If it has been repossessed?

27 MR. YOUNG: Yes, that's the question.

28 Q. Do you have any knowledge of the machine being

1 repossessed?

2 A. The machine was being returned from Arizona
3 to Gardena.

4 Q. Do you have any personal knowledge as to how
5 it was returned?

6 A. It was returned by truck.

7 Q. Was it voluntarily returned by Mr. Morton?

8 A. Absolutely not.

9 Q. So, it was repossessed?

10 A. I can't define that for you.

11 Q. Well, do you know who brought it back from
12 Arizona?

13 A. I do not know who was there specifically to
14 bring it back, no.

15 Q. But you know that it was brought back by a
16 truck and that it was not voluntarily returned by
17 Mr. Morton?

18 A. Yes.

19 Q. Do you have any personal knowledge that the
20 reason that it was taken from Mr. Morton on a nonvoluntary
21 basis was because he had not continued to make the payments?

22 A. I do not know that to be true.

23 Q. Have you ever been accused by Joe Hunt of
24 attempting to take these machines?

25 A. No, not to me personally.

26 Q. Has anyone on his behalf accused you of taking
27 them?

28 A. No.

2

1 Q You have testified earlier that you never gave
2 up any rights to these machines; is that correct?

3 A That's right.

4 Q Is it then your testimony that you never
5 entered into a contract with Joe Hunt with regard to the
6 development of these machines?

7 A I entered into an agreement with Joe Hunt on
8 the 15th of January, 1983.

9 Q Okay. And is it your testimony that you gave
10 up no rights into these machines?

11 A Absolutely.

12 Q You didn't?

13 A I did not give up the rights to that machine.

14 Q In essence what was that contract for?

15 A The contract covered a number of events, and
16 the bulk of the contract was to put -- cover events preceding
17 that date in relationships with another gentleman.

18 Part of the agreement, as stated by Mr. Hunt,
19 was that they would acquire or provide \$250,000 to develop
20 those machines. I think that was the essence of it.

21 Q Okay. In other words, Joe Hunt was to provide
22 \$250,000 to develop the machines?

23 A To me, yes.

24 Q And what did he get in return for that?

25 A When that was done, had that agreement been
26 completed and things were to proceed as agreed, we would
27 have developed that machine for the market.

28 Q Okay. But you did not give up any rights

1 whatsoever for this \$250,000 that you received?

2 A. I did not receive the \$250,000, not did I give
3 up any rights.

4 Q. Excuse me, that he was agreeing to put into
5 the development. You did not give up any rights?

6 A. No.

7 Q. Isn't it true that this agreement basically
8 dealt with any knowledge that you had acquired regarding
9 this machine or any knowledge that you were to acquire in
10 the future regarding this technology, that you were not
11 supposed to disclose that knowledge to any other persons?

12 A. The machine had already been disclosed.

13 Q. But isn't it true that the agreement dealt
14 with the knowledge that you had acquired with regard to the
15 technology?

16 A. Subject to the completion of the other parts
17 of the contract.

18 Q. And that it was structured in the form of an
19 employment agreement?

20 A. No.

21 Q. Would you happen to have a copy of that
22 agreement with you today?

23 A. No.

24 Q. Were you getting paid for working for
25 Microgenesis?

26 A. Yes.

27 Q. How much were you being paid?

28 A. \$2,500 a month.

1 Q This \$2,500 a month, was that provided for in
2 this agreement that I'm referring to of January 15th, 1983?

3 A The agreement was to provide for \$5,000.

4 Q Didn't I just ask you earlier if this agreement
5 provided for some type of employment?

6 A There were two separate agreements. That
7 agreement, and there was an employment contract subsequently.

8 Q Oh.

9 A Therefore they were not the same.

10 Q We are talking about two different agreements?

11 A That's right.

12 Q But there was an employment agreement?

13 A Yes.

14 Q And under that employment agreement do you
15 recall what the terms were?

16 A It was an agreement which primarily provided
17 for hiring me as an inventor.

18 Q Okay.

19 A It also called for a salary compensation. It
20 had the standard agreement phrase which was prepared by
21 Mr. Eisenberg.

22 Q And under that agreement were you to be paid
23 \$5,000 a month?

24 A \$3,500.

25 Q Were you to be provided with a car?

26 A No.

27 Q From your discussion with Joe Hunt and your
28 personal knowledge, did you believe that this machine was

1 of a great value?

2 A. I believe so.

3 Q. Okay. Referring back to his fears that it
4 was going to be stolen or taken from him, did he ever
5 express these fears to you?

6 A. No, not as such, no.

7 Q. Okay. How do you know that he had these
8 fears?

9 A. Because of the amount of money that was spent
10 in security devices on the building.

11 Q. Do you have any personal knowledge as to how
12 much money was being spent on it?

13 A. No.

14 Q. What type of security devices were being
15 employed to protect these machines?

16 A. Infrared motion detectors, sound detectors,
17 coded entry devices.

18 MR. YOUNG: One second, please. I would like
19 this document, at the top of the page it is entitled
20 "Microgenesis," marked as Defendant's B.

21 THE COURT: It will be so marked.

22 MR. YOUNG: It's Microgenesis, an agreement
23 between Dr. Browning and, I suppose, Joe Hunt. I think I
24 may be missing a page. Here is the rest of it.

25 THE COURT: It will be designated as
26 Defendant's B for identification.

27 BY MR. YOUNG:

28 Q. I'd like you to look at that agreement.

1 A. Yes, I have read it.

2 Q. Are you familiar with that agreement?

3 A. Yes.

4 Q. Have you seen that agreement before?

5 A. Yes.

6 Q. Do you know what date that agreement was
7 entered into?

8 A. The terms of the agreement were discussed.

9 Q. The question was, do you recall what date that
10 agreement was entered into?

11 A. I think July 23rd and 24th.

12 Q. That is correct. Okay. In that agreement it
13 says --

14 Do you recall in that agreement that there was
15 a reference to supplying you with a BMW automobile as part
16 of the agreement?

17 A. Yes.

18 Q. Isn't it true that you just testified earlier
19 that there was no agreement that you got an automobile?

20 A. You asked specifically whether it was part of
21 an employment agreement or the agreement of January 15th.
22 It was not. This is a separate agreement.

23 Q. Okay. Could you in essence from your
24 recollection state to me basically what this agreement was?

25 A. It was an agreement which we had made pertaining
26 to the events that would have followed if I were to die.
27 At that particular time Mr. Hunt had owed me on salary owing
28 about \$30,000.

1 I had that automobile from April prior to that
2 agreement. And to transfer that he said that he would make
3 that as a consideration; one, for the money owed and for
4 the option that that agreement covered.

5 Q Are you familiar with Joe Hunt's signature?

6 A Reasonably. I have seen it before.

7 Q Would you look at this document. Does that
8 look like his signature to you?

9 A Yes.

10 Q Do you have any knowledge of this being a
11 forgery?

12 A Absolutely not.

13 Q Were you there when he signed this document?

14 A No.

15 Q Okay. There are signatures on this document
16 by Claire Browning, Gene Browning and Joseph Hunt; is that
17 correct?

18 A Yes.

19 Q They were not all signed at the same time and
20 at the same place, then?

21 A No. My wife and I signed it entirely separate.

22 Q Was this document mailed to you?

23 A No, delivered to me by one of the people in
24 the group.

25 Q At that time there was a signature by Joseph
26 Hunt on that agreement?

27 A Yes.

28 Q And then you and your wife signed this

1 agreement?

2 A. Yes, I believe the following day.

3 Q. Then you returned it to Microgenesis or to
4 Joe Hunt?

5 A. Yes, I returned it to the office on the 4th of
6 July.

7 Q. Did you mail it or deliver it?

8 A. I delivered it. I delivered it to the office.
9 I gave it to Laurie, the secretary.

10 Q. Referring to your meeting in Arizona with
11 Jim Graham on July 1st, 1984, is that the date you testified
12 to?

13 A. Yes.

14 Q. Are you positive it was July 1st, 1984?

15 A. Yes.

16 Q. And how are you so sure of that date?

17 A. Well, Jim came out there. I was anticipating
18 returning the 4th of July. It was three days hence. The
19 closing of the house, the documents that were to be prepared,
20 and for the closing of the house I was quite aware of it.

21 MR. YOUNG: Okay. Your Honor, I want to ask
22 questions about this alleged admission although I have
23 objected to it. And I'm objecting to it now not only as
24 a declaration but also as an admission.

25 THE COURT: The record may show that you have
26 made the objection. The objection is sustained. You may
27 inquire.

28 ///

///

1 BY MR. YOUNG:

2 Q During your discussions with Mr. Graham how
3 did the name of Mr. Levin come up?

4 A It had to do with the funds available for the
5 house closing.

6 Q Okay.

7 A That was very casual.

8 Q And in what respect did the funds available
9 for the closing on the house come up?

10 A The conversation preceded that I was very
11 anxious about the house. As I had mentioned before, I had
12 been out to Los Angeles the week before. I had flown out
13 specifically to make sure that the closing was going to take
14 place.

15 The house that we were in was being sold. I
16 was obligated to move. For my benefit and my wife's
17 benefit I wanted to make sure that it closed on schedule.

18 Q And then who was the first person to bring up
19 Levin's name, as you recall?

20 A I think I was.

21 Q Okay. And what did you say about Mr. Levin?

22 A I said, "The Levin affair should be closed by
23 now so that there would be no restrictions on being able
24 to close the escrow on the house."

25 Q Again, as I understand what you've testified
26 to earlier, but for my recollection, what do you mean by
27 the Levin affair?

28 A The representation that Mr. Hunt had made to

1 me pertaining to having \$1.5 million, that those funds would
2 be available.

3 Q. What did Mr. Pittman say?

4 A. Passing remark, that Levin was dead. It was
5 not a significant statement as far as I was concerned.

6 Q. Did he make any mention to you about that he
7 was in any way participating in attempting to cash this
8 check?

9 A. Absolutely not.

10 Q. Did he make any statements to you that he had
11 anything to do at all with this check?

12 A. No.

13 Q. Did he make any statements to you that in any
14 way would lead you to believe that he had anything to do
15 with the killing of Ron Levin?

16 A. No.

17 Q. When he made this statement to you, did you
18 develop any hatred toward Mr. Pittman?

19 A. Of course not.

20 Q. Did you in any way feel that that subjected
21 him to any criminal liability?

22 A. No.

23 MR. YOUNG: Your Honor, I would like to again
24 move that this be stricken. I don't believe that it's even
25 an admission. I'd like to argue that part of it.

26 I know we have argued that there was a
27 declaration against interest. But I would like to argue
28 further that it's not an admission.

1 Apparently it is introduced as an admission
2 against a -- by my client as a conspirator and it's
3 alleged murder.

4 Under Section 1223 it cannot be admitted unless
5 it's made during the course of the conspiracy.

6 This was apparently made on July 1st, which
7 is well after the check apparently had been already returned
8 as nonsufficient funds. It was well after. There had been
9 no attempt to cash this check.

10 And there are cases that -- I'll just cite
11 the general law without defining it.

12 There are cases that say that concealment of
13 a crime has been rejected as a continuing basis for a
14 conspiracy. It cannot be admitted as an admission by a
15 co-conspirator. It was not prior to or during the time of
16 the participation in the conspiracy. This is well after
17 this alleged conspiracy would have already been consummated.

18 A statement is highly prejudicial, the fact
19 that he knew or made the statement that Ron Levin was dead.
20 That doesn't mean that he knew personally that he was dead.
21 This was after a meeting at the end of July where Joe Hunt
22 announced that he had killed Ron Levin. I think it should
23 be stricken on both bases as not being a declaration
24 against interest and it not being an admission. It was not
25 made during a conspiracy. It should be rejected under
26 Section 1223.

27 THE COURT: Do you want to respond?

28 MS. LOPEZ: Your Honor, it's not offered under

1 1223. There is a separate exception for party admission,
2 and it's being offered under that.

3 THE COURT: The admission is anything which
4 may tend to prove the guilt of a party to the charge but
5 not the element of confession.

6 Here obviously, if it's 187, there has to be
7 somebody that is "dead" as the statement was made here.

8 That may be, I would say it would not be a
9 confession, but it's a fact under 187 that he has knowledge
10 that a person is "dead." Therefore that would tend to show
11 that there may be guilt on the part of the party who made
12 it. It may not. It may tend to also show that, which would
13 be making it an admission.

14 As far as a declaration is concerned, I think
15 that is more remote. The Court has previously ruled on that,
16 the statement may stay in. The objection to have it stricken
17 at this time would be overruled.

18 MR. YOUNG: I have one more comment, she says
19 that she's introducing it under another section as an
20 admission.

21 Well, there are cases -- and I will cite the
22 case -- Robinson vs. U.S., 33 U.S. 22248, it says, "If a
23 conspiracy in fact exists, rules of evidence are the same
24 as where conspiracy is charged."

25 Here they are charging a conspiracy, or they
26 are not charging a conspiracy, but it's the same evidence.
27 They cannot --

28 This is a conspiracy that they are charging.

1 They must comply by the rules of conspiracy. This is an
2 alleged admission by co-conspirator. I don't think they
3 can get it in under any other section.

4 If there is a conspiracy in fact, whether it's
5 actually charged or not, they are governed by the same
6 rule, and Section 1223 would apply.

7 MS. LOPEZ: Your Honor, I believe the People
8 only have to meet one exception to the hearsay rule. There
9 are several exceptions. 1223 is but one exception. I
10 believe we have met the party admission exception to the
11 hearsay rule. We don't even have to discuss 1223.

12 THE COURT: Motion to strike will be denied at
13 this time.

14 Any further cross-examination?

15 MR. YOUNG: Can I take a couple of seconds.

16 (Short pause.)

17 BY MR. YOUNG:

18 Q You've testified earlier that Mr. Pittman was
19 employed as a security guard for the purpose of these
20 machines; is that correct?

21 A That's how he was introduced to me, yes.

22 Q At how many meetings were you present where
23 Joe Hunt and James Pittman were present?

24 A I have not the slightest idea.

25 Q Was it more than five?

26 A I would say yes.

27 Q More than 10?

28 A Yes.

1 Q More than 15?

2 A I don't know.

3 Q Between 10 and 15?

4 A There were events where I was either at the
5 office on -- in Los Angeles, or at the plant in Gardena,
6 and routine type of business.

7 They were -- Joe would come down to the plant
8 on several occasions on which Jim was there. I had gone
9 to the office on several occasions on which Jim was there.
10 So, I don't know.

11 Q Were you ever at any formal meetings that were
12 called by Joe Hunt where James Pittman was present?

13 A No.

14 Q Were you ever at any formal meetings with
15 Joe Hunt and other members of BBC or Microgenesis?

16 A Yes.

17 Q And what was the purpose of this meeting?

18 A The singular meeting that we had was a board
19 of directors meeting.

20 Q And do you recall when that occurred?

21 A No.

22 Q Do you recall who was present there?

23 A Joe Hunt, Dean Karney, Evan Dicker, Mr. Phil
24 Stein, Mr. Kenneth Ogen (phonetically) and myself. And I
25 think Jeff Raymond was there also. I'm not sure.

26 Q James Pittman was not there?

27 A No.

28 Q Did you have any knowledge of him having --

1 "him" referring to James Pittman -- having any personal
2 interest in Microgenesis?

3 A. A corporate interest?

4 Q. Yes.

5 A. No.

6 Q. Okay. What was the purpose of this meeting
7 where all these people were at?

8 A. Mr. Hunt was providing four additional members
9 to the board of directors of the company.

10 Q. Okay. Did he dominate in terms of speaking
11 at that meeting?

12 A. Yes.

13 Q. Did anyone else make any comments?

14 A. Not that I can remember the body who commented.

15 Q. Okay. At these other meetings which apparently
16 were informal meetings where Joe Hunt and you and James
17 Pittman met, who dominated the conversations at those
18 informal meetings?

19 A. It's a very difficult question to say who
20 dominated them, because there was not a -- that sort of
21 dialogue which was going on in which dominance was noted.

22 Q. Okay. Let me see if I can rephrase that
23 question; at any of these meetings did Joe -- I mean James
24 Pittman make any statements that you can recall?

25 A. Probably when asked a question which dealt with
26 his particular area, yes.

27 Q. But unless, to your recollection, unless he
28 was asked a question that dealt with his particular area did

1 he make any statements?

2 A. Not that I remember.

3 Q. Would it be correct, then, to state that
4 Mr. Pittman did not just offer statements on his own?

5 A. If there was something that fell into
6 Mr. Pittman's or Mr. Graham's area of involvement and
7 expertise, I think that he would volunteer a statement
8 which would have been accepted as such.

9 Q. Were you ever present in meetings where anyone
10 contradicted any statements that Joe Hunt made?

11 A. Oh, yeah.

12 Q. When would that have been?

13 A. I cannot put a finger on a particular time.

14 Q. Well, who was present at that meeting?

15 A. There would have been other members there,
16 probably Joe and myself.

17 Q. Other members of the -- of Microgenesis?

18 A. Yes, of the BBC group.

19 Q. Do you ever recall James Pittman contradicting
20 any statements made by Joe Hunt?

21 A. No.

22 Q. You've indicated that there was only one
23 meeting basically of Microgenesis that you were present at;
24 is that correct?

25 A. There was a meeting in Los Angeles, which had
26 to do with the stockholder meeting.

27 There were other meetings in which Microgenesis
28 or the predecessor company was involved, but it really didn't

1 have anything to do with me.

2 Q Okay. At this stockholder meeting, or this
3 meeting where they were adding additional members to the
4 board of directors, did anyone object to or contradict any
5 statements made by Joe Hunt?

6 A No, because primarily the statements made by
7 Hunt were questions.

8 Q The statements made by Hunt were questions?

9 A Yes.

10 Q He was asking questions?

11 A Yes.

12 Q From your knowledge and experience with Joe
13 Hunt, did he tend to exaggerate things?

14 A Yes.

15 Q From your knowledge and experience with Joe
16 Hunt, was he a liar?

17 A Does that call for an opinion?

18 Q Well, there has not been an objection.

19 A Yes.

20 Q He was?

21 A Yes.

22 MR. YOUNG: Can I have one moment, please.

23 (Short pause.)

24 BY MR. YOUNG:

25 Q Did you ever enter into any agreements with
26 anyone for the transfer or sale of these pulverizers that
27 were being developed by Microgenesis?

28 MS. LOPEZ: What time frame?

3

1 MR. YOUNG: After the agreement he entered into
2 with Joe Hunt.

3 THE WITNESS: No.

4 MR. YOUNG: I'd like this marked as Exhibit C
5 for the defense. This is a financial statement by Gene
6 Browning.

7 MS. LOPEZ: May I ask where the original of
8 these documents are?

9 MR. YOUNG: I just have copies.

10 MS. LOPEZ: Where did you get the copies from?

11 MR. YOUNG: I just got it from Mr. Titus.

12 MS. LOPEZ: May I inquire of Mr. Titus, where
13 are the originals of all these documents that you've just
14 handed to Mr. Young?

15 MR. TITUS: You have handed several documents
16 to Mr. Young, including what appears to be an option
17 agreement which involves a car. Where are the originals
18 of these documents? Where did you get the copies from?

19 MR. TITUS: They're in Mr. Barends' office.

20 MS. LOPEZ: Did you serve the copies?

21 MR. TITUS: Yes.

22 MS. LOPEZ: So, you know for a fact that the
23 originals are in Mr. Barends' office?

24 MR. TITUS: They were when I served them.

25 MS. LOPEZ: Could Mr. Titus be ordered to
26 bring the originals of these documents into court?

27 THE COURT: Is there any question as to the
28 authenticity?

1 MR. YOUNG: I could question the witness.

2 THE COURT: Why don't we let Mr. Young cross-
3 examine the witness as to this.

4 MS. LOPEZ: I have not reviewed the documents
5 itself.

6 MR. YOUNG: Okay. Do you want to continue this
7 until lunch?

8 THE COURT: I think this probably would be a
9 good time to take a break, then.

10 You apparently have some more redirect,
11 Ms. Lopez?

12 MS. LOPEZ: Yes.

13 THE COURT: It's 2 minutes to 12:00. Let's
14 take the noon break. We will take a recess until 2:00 o'clock
15 this afternoon.

16 (Noon recess.)

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1 BEVERLY HILLS, CALIFORNIA; MONDAY, JANUARY 14, 1985

2 SESSION: P.M.

3 * * *

4 THE COURT: In the matter of James Pittman,
5 let the record show that Mr. Pittman is present with his
6 counsel Mr. Young and Mr. Zorn.

7 Ms. Lopez, the Deputy District Attorney is
8 present.

9 Are you ready to proceed?

10 MS. LOPEZ: Yes, your Honor.

11 THE COURT: All right. I believe at the time
12 of the noon recess you were cross-examining Mr. Browning.

13 MR. YOUNG: Yes, I was.

14 THE COURT: Please proceed.

15
16 CROSS-EXAMINATION CONTINUED

17 MR. YOUNG: I may have asked this question,
18 but I don't recall, may I have this marked as Defendant's
19 Exhibit C? It's a financial statement with various
20 contracts attached to it.

21 Q. I would like to show it to Mr. Browning and
22 ask, do you recognize that document?

23 A. Yes.

24 Q. Could you look through it to see if those are
25 all the documents that were attached to it?

26 A. It appears to be.

27 Q. Did you prepare this document?

28 A. Yes.

1 Q Do you recall testifying earlier that there
2 had been no transfer of any of the rights to this
3 pulverizer?

4 A I don't remember if it was put in terms if I
5 transferred rights. You asked me if that agreement
6 transferred rights, and I said, "No."

7 Q Then I asked if you were aware at one point if
8 you were aware of any sales or transfer of rights relating
9 to the pulverizer up until this date; do you recall that
10 question?

11 A True.

12 Q Okay. I'd like to refer you to, I guess, it's
13 the -- 1, 2, 3 -- Page 4 of this agreement called a license
14 agreement.

15 A Uh-huh.

16 Q Okay. In that does that not refer to a
17 transfer of licensing rights that were previously agreed to
18 with Microgenesis to UFOI?

19 A This is a licensing agreement. It does not
20 transfer the rights to the machine, nor does the prior
21 agreement with Microgenesis which was canceled by Mr. Hunt.
22 This agreement I had before I ever met Mr. Hunt.

23 Q This licensing agreement?

24 A That's right, and the marketing agreement.

25 Q You say that you had this licensing agreement
26 here before you ever met Mr. Hunt?

27 A That's right.

28 Q Okay. Was there an organization or a company

1 that you knew of before you met Mr. Hunt called Microgenesis?

2 A. No, it was Gene Browning, though.

3 Q. How could you have reference to Microgenesis
4 in this document having never met Mr. Hunt?

5 A. I did not write that document. That was
6 prepared by an attorney. This is a replacement document
7 for the agreements that were initiated -- not initiated, but
8 were concluded with Mr. Hunt, and which Mr. Hunt had tried
9 subsequently to extort \$6 million from the company, and
10 Microgenesis agreement was canceled.

11 Q. This licensing agreement, this document
12 refers to an agreement with Microgenesis of North America;
13 is that correct?

14 A. The one that I had given him, yes.

15 Q. You have just stated that this agreement was
16 prepared before you ever met Mr. Hunt; is that correct?

17 A. The prior copy for that, the agreement, the
18 essence of that agreement with Mr. Kilpatrick and UFOI was
19 completed before I ever met Mr. Hunt. Then Mr. Hunt --

20 I passed the agreement on to Mr. Hunt. He
21 canceled the agreement. We resurrected this one. This is
22 a resurrection.

23 Q. At the time that this agreement was made,
24 you are still stating that you never met Mr. Hunt?

25 A. At the time the original of this agreement
26 was made I had never met Mr. Hunt. It was three years ago.

27 Q. Who was the representative of Microgenesis?

28 A. There was no Microgenesis at that time.

1 Q To get this straight, you had to have met
2 Mr. Hunt or known something about Microgenesis at the time
3 this agreement was made because there is a reference.

4 A This agreement was written by the attorneys
5 for UFOI. They were the ones that were wiping out the
6 relationship with Microgenesis, not me. I had the agreement,
7 the exact wording of this agreement three years ago.

8 Q You've mentioned a Mr. Kilpatrick; who is
9 Mr. Kilpatrick?

10 A President of UFOI.

11 Q And UFOI stands for what?

12 A United Financial Organization Incorporated.

13 Q Was that the gentleman they had on "60 Minutes"
14 last night?

15 A Yes.

16 MR. YOUNG: Your Honor, could I move that
17 Exhibits B and C be moved into evidence, or do I have to
18 wait until the conclusion?

19 THE COURT: Very well, you have referred to
20 B and C?

21 MR. YOUNG: Right.

22 MS. LOPEZ: Your Honor, at this point I don't
23 believe there has been sufficient foundation for the bulk
24 of Defense C, and may I be allowed to examine the witness
25 before it's received?

26 THE COURT: All right. Let Ms. Lopez take a
27 look at it.

28 MS. LOPEZ: Are you finished?

1 MR. YOUNG: No, I'm not finished.

2 MS. LOPEZ: I'd rather you finish before I

3 start my cross-examination or my redirect.

4 MR. YOUNG: I do have a few more questions.

5 THE COURT: Go ahead.

6 BY MR. YOUNG:

7 Q. You have testified that you entered into an

8 agreement with Joe Hunt in January of 1983?

9 A. Yes.

10 Q. Okay. And did you later enter into an agreement

11 with Joe Hunt or Microgenesis?

12 A. An employment agreement, yes.

13 Q. Do you recall what date that was entered into?

14 A. No. Several months later, a year later.

15 Q. You have testified earlier that there were

16 three different attrition mills that were in the process

17 of being completed; is that correct?

18 A. Yes, one near completion, and two were just

19 parts.

20 Q. Okay. So, then they were not completed; is that

21 correct?

22 A. That's right.

23 Q. Would you say that the others were nearly

24 completed?

25 A. They can be assembled in the exact form of

26 the one that is assembled.

27 Q. How near completion were the other two?

28 A. Just a matter of putting them together. The

1 parts are there. It's an assembly, like an automobile.

2 Q So, all you had was the parts, then?

3 A That's right.

4 Q Do you recall making a statement on January 2nd,
5 1985, as part of this financial statement, stating that
6 there were three Browning nutrition mills that are completed
7 or near completion?

8 A Probably. Oh, yeah, uh-huh. I don't remember
9 the date. Yeah.

10 Q Okay. Earlier I asked you for an approximate
11 value of the machines, and I believe you've testified
12 50,000; is that correct?

13 A No, I didn't.

14 Q What did you say?

15 A The machines are evaluated at 200,000.

16 Q \$200,000, okay.

17 And there was another estimate as to the worth
18 of the machines. There was \$100 million.

19 A That was not of the machines, no. That is the
20 whole technology and the application machines using other
21 technology as a package to do a particular job. But it was
22 not the machine by itself.

23 Q Did you have an estimate that was more than
24 \$100 million for that package of the technology and the
25 use of the machines?

26 A The evaluation done by Dr. Chung, I think he
27 placed a value of about \$114 million, if I'm not mistaken.

28 Q Prior to the meeting with Mr. Pittman on

1 July 1st of last year, did you have any reason to believe
2 that Mr. Levin was dead?

3 A. Not specifically, other than he was missing.

4 Q. What made you believe he was missing?

5 A. Because Mr. Hunt told me he was missing.

6 Q. But Mr. Hunt didn't tell you that he was dead?

7 A. No.

8 MR. YOUNG: No further questions.

9 THE COURT: Ms. Lopez?

10

11 REDIRECT EXAMINATION

12 BY MS. LOPEZ:

13 Q. When was it that Mr. Hunt told you that
14 Mr. Levin was missing?

15 A. June 11th or 12th.

16 Q. Of 1984?

17 A. Yes.

18 Q. And was that at the same time that he showed
19 you the contract with Mr. Levin?

20 A. Yes.

21 Q. And at the same time he showed you the check?

22 A. A copy of it.

23 Q. Thank you. You have discussed the prototypes
24 earlier regarding this machine, this pulverizer; what do
25 you mean by prototype?

26 A. A prototype is a product of research in which
27 you build a device to test it. From that particular point
28 on you modify the machine, then you go to a production

1 prototype, then to the production of the device.

2 Q Had any of these machines that you had
3 developed -- in this case, the one machine that you had
4 near completion while you were working with Microgenesis,
5 was that beyond the developmental stage?

6 A No.

7 Q You have indicated that these machines that
8 you were developing while you were working with Microgenesis
9 were valued at somewhere between \$200,000?

10 A I did not make that evaluation.

11 Q Who made that evaluation?

12 A Mr. Hunt.

13 Q Okay. And what specific application was
14 involved in regard to that machine that was evaluated
15 at approximately \$200,000?

16 A That machine was designed and built to
17 pulverize coal. It was being used as a test device to
18 separate precious metals from the ores.

19 Q And did that have anything to do with the
20 application in regards to silicone ceramics?

21 A No.

22 Q Was there ever a value placed on the machine
23 or prototype of one of those machines for the specific
24 application of silicone ceramics?

25 A No.

26 Q In your estimate, what would be the value of a
27 particular machine with that specific application?

28 A The machines are -- would be generally the same.

1 There is other modifications in the machine to do a
2 particular job. How one would evaluate those, I don't
3 know. It would not be more or probably not less than the
4 machine that was used to grind coke.

5 Q With a machine with a specific application as
6 to silicone ceramics, would that be marketable in the same
7 regard as a machine with an application for coal would be?

8 A No.

9 Q And why not?

10 A Because the coal project is an immense project.
11 Ceramics is itself insignificant. The cost of the machine,
12 to build the machine would not warrant doing it in my
13 estimation.

14 Q Are you saying the cost of building the machine
15 with a specific application for silicone ceramics would not
16 be warranted?

17 A Not in my estimation.

18 Q You've indicated that the value of the
19 technology was valued in the millions of dollars; was
20 there a particular application that that was in reference
21 to?

22 A One.

23 Q What application was that?

24 A Coal, fuel.

25 Q And that has nothing to do with silicone
26 ceramics?

27 A Absolutely not.

28 Q You've indicated earlier that you knew Joe Hunt,

1 and from your knowledge and dealings with him it was your
2 impression that he tended to exaggerate a bit; is that
3 correct?

4 A. Immensely.

5 Q. Would you feel just based upon your knowledge
6 of Joe Hunt, your dealings with him that he was capable of
7 murder?

8 MR. YOUNG: Your Honor, that calls for
9 speculation.

10 MS. LOPEZ: Mr. Young went into it, and I
11 believe the People are entitled to go into it.

12 MR. YOUNG: I didn't ask him if he was capable
13 of murder.

14 MS. LOPEZ: That goes as to his character,
15 this defendant's impressions of Mr. Hunt, as those whether
16 or not this defendant believes that Joe Hunt exaggerates.

17 MR. YOUNG: That's hearsay, speculation.

18 THE COURT: To ask a person whether they think
19 a person would be capable of murdering someone is calling
20 for a speculation. Are you asking what his personality
21 was?

22 MS. LOPEZ: Yes.

23 THE COURT: I will sustain the objection to
24 the phraseology of it right now.

25 BY MS. LOPEZ:

26 Q. Do you have any facts that might lead you to
27 believe that Joe Hunt was capable of murder?

28 A. Joe Hunt had told me specifically that he had

1 killed two people.

2 Q. In regards to Pittman, or the person that you
3 know as Graham, do you have any facts that would lead you
4 to believe that Mr. Pittman is capable of murder?

5 A. No.

6 Q. Are you familiar with an incident in Orange
7 County involving James Pittman?

8 MR. YOUNG: Your Honor, I object on the
9 grounds of relevancy.

10 THE COURT: He has already said Joe Hunt told
11 him that he killed two people.

12 What was the objection?

13 MS. LOPEZ: I'll withdraw the question.

14 THE COURT: As to Pittman?

15 MR. YOUNG: Yes.

16 THE COURT: The objection will be sustained.

17 BY MS. LOPEZ:

18 Q. You have indicated earlier that you have been
19 at business meetings with Joe Hunt; is that correct?

20 A. Yes.

21 Q. During those meetings was anybody prohibited
22 from speaking?

23 A. Yes.

24 Q. Under what circumstances?

25 A. Joe had asked someone a particular question to
26 which they were preparing an answer, and Joe would shut
27 them up, "That's enough, I don't want to hear anything about
28 it."

1 Q. Were people told at the outset that nobody
2 can speak?

3 A. Not to my knowledge.

4 Q. Did you ever know Joe Hunt to tell James,
5 the person that you know as James Graham, that he was not
6 to speak at a meeting?

7 A. No.

8 MS. LOPEZ: I have nothing further.

9 THE COURT: Any further cross-examination?

10 MS. LOPEZ: Let me ask one further question.

11 Q. The documents that you have looked at and
12 identified, were those all attached to this financial
13 statement in its original?

14 A. I don't remember them being specifically
15 attached. They may or may not have been.

16 There were a number of documents and a number
17 of copies of each of those documents, and I don't remember
18 if they were all clipped together or not.

19 Q. Where were these documents when you last saw
20 them?

21 A. In the back of my automobile.

22 Q. And where was your automobile when you last
23 saw your automobile?

24 A. Parked down in the parking lot under this
25 building.

26 Q. Have you since seen the original of this
27 document?

28 A. I have it in my possession now. I got it at

1 noon.

2 Q. And from whom did you get that document?

3 A. From Mr. Titus.

4 MS. LOPEZ: I have nothing further.

5 THE COURT: Mr. Young?

6 MR. YOUNG: Can I just take a minute, your
7 Honor. There is a delicate situation here. I have to
8 evaluate it with Mr. Zorn.

9 (Brief pause.)

10 MR. YOUNG: I have no further questions.

11 THE COURT: Anything further?

12 MS. LOPEZ: Nothing further.

13 THE COURT: Defendant's B and C will be
14 admitted at this time.

15 MS. LOPEZ: May the witness be excused?

16 THE COURT: Yes, you may be excused. Thank
17 you, Doctor.

18 MS. LOPEZ: Your Honor, we need a break at
19 this time. Our next witness is in route. He will be here
20 shortly.

21 MR. YOUNG: That is fine with me.

22 THE COURT: We will take a brief recess now.

23 (Recess.)

24 THE COURT: Back on the record in the matter
25 of James Pittman. Let the record show that Mr. Pittman is
26 present with both of his counsel, Mr. Young and Mr. Zorn.

27 The Deputy District Attorney, Ms. Lopez is
28 present.

1 Are you ready to proceed?

2 MR. WAPNER: For the record, Fred Wapner,
3 Deputy District Attorney for the People.

4 I would like to file with the Court a grant
5 of formal immunity signed by Judge Leslie Light of the
6 Superior Court. I've provided a copy to Mr. Young. I am
7 handing the original to the clerk now.

8 May the record reflect that I am also serving
9 a copy on Mr. Hunt's counsel, Mr. Titus.

10 MR. YOUNG: A couple of preliminary issues
11 before Mr. Karny is called.

12 THE COURT: This is as to Witness Karny?

13 MR. YOUNG: Yes. I believe Mr. Karny was also
14 a co-conspirator in this particular matter. For that
15 reason there may be certain evidentiary issues with respect
16 to his testimony that would preclude certain statements
17 from being introduced.

18 I would like before the starting of the
19 testimony they admit that he was a co-conspirator, that we
20 inquire into that issue before they go into anything else.

21 MS. LOPEZ: I don't know what the relevance of
22 this is.

23 MR. YOUNG: Well, the relevance is that if he
24 is a co-conspirator, there are certain things that he
25 cannot make statements as to --

26 MS. LOPEZ: Specifically what?

27 MR. YOUNG: Well, he could not make statements
28 as to what Mr. Pittman said to him.

1 MS. LOPEZ: I don't think that is a correct
2 statement of the law.

3 THE COURT: Are you familiar with this also,
4 Mr. Wapner?

5 MR. WAPNER: With the immunity papers, your
6 Honor?

7 THE COURT: Yes.

8 MR. WAPNER: Yes, I've prepared them. I was
9 present when they were signed. I signed one of them myself.

10 MS. LOPEZ: Your Honor, may we simply proceed
11 and allow Mr. Young to object whenever he feels?

12 THE COURT: Yes. I am reading the petition
13 as to what the testimony will be.

14 All right. I don't see -- initially, since
15 we don't know what he is going to testify to specifically,
16 Mr. Young --

17 MR. YOUNG: Okay, let's do it that way.

18 THE COURT: We'll proceed and, then, you can
19 make your objections.

20 MR. YOUNG: All right.

21 MS. LOPEZ: People call Dean Karny.

22 THE COURT: Mr. Karny, raise your right hand,
23 and the clerk will swear you in as a witness.

24

25

DEAN KARNY,

26 called as a witness by and on behalf of the People, having
27 been first duly sworn, was examined and testified as
28 follows:

1 THE CLERK: Please be seated. Please state
2 your full name and spell your last name.

3 THE WITNESS: My full name is Dean L. Karny,
4 K-a-r-n-y.

5 THE CLERK: Thank you.

6 THE COURT: Proceed.

7 MS. LOPEZ: May I approach the witness?

8 THE COURT: Yes, you may approach.

9

10 DIRECT EXAMINATION

11 BY MS. LOPEZ:

12 Q. I am handing the witness a photograph that has
13 been marked as People's 8; do you recognize the person shown
14 in that photograph?

15 A. Yes, I do.

16 Q. And by what name do you know that person?

17 A. Joseph Hunt.

18 Q. When did you first meet Joseph Hunt?

19 A. I met him in the 8th grade, oh, 1972. He was
20 then Joe Gamsky.

21 Q. I would like to direct your attention to the
22 defendant James Pittman who is seated at the end of counsel
23 table in the navy blue jumpsuit; do you know the defendant?

24 A. Yes, I do.

25 Q. By what name do you know the defendant?

26 A. I was introduced to him as James Graham, and
27 I was later told that his true name was Pittman.

28 Q. When did you first meet the defendant James

1 Pittman?

2 A. I met him about a year and a half ago. He was
3 working as a security guard in a building where I lived.

4 Q. And was that the Wilshire Manning?

5 A. Yes.

6 Q. Are you familiar with a business organization
7 known as the BBC?

8 A. Yes, I am.

9 Q. Did that organization have a main office?

10 A. Its main offices were located at 8425 West
11 3rd Street on the third floor.

12 Q. Were there corporations founded or forged
13 under the auspices of BBC?

14 A. There were a number of corporations that worked
15 out of that office, and the group of them was known as the
16 BBC. However, the corporations had various names.

17 Q. Was Microgenesis of North America, Incorporated
18 one of those corporations?

19 A. Yes, it was.

20 Q. And was there also a corporation known as
21 West Cars?

22 A. The full name was West Cars, Inc. of North
23 America.

24 Q. What was Joe Hunt's relationship with the BBC
25 and its corporations?

26 A. Joe Hunt basically was the leader of the BBC
27 as a group, and he ran all the businesses.

28 Q. What was your relationship with the BBC and its

1 corporations?

2 A. I'd have to say that I was one of the leaders
3 alongside of Joe Hunt, or directly underneath him.

4 Q. Did you maintain a particular office, you
5 personally?

6 A. Yes, I had an office.

7 Q. Where was that office located?

8 A. In the 3rd Street office that was rented.

9 Q. And what is the address?

10 A. 8425 West 3rd Street, Suite 301.

11 Q. Did Joe Hunt also maintain an office in that
12 same building?

13 A. Yes, he did.

14 Q. Was it on the same floor or the same suite
15 where your office was located?

16 A. Yes, it was.

17 Q. What did you understand James Pittman's
18 relationship to the BBC to be?

19 A. James was employed by the BBC.

20 Q. In what capacity?

21 A. I'd say in a general capacity to do whatever
22 he could do and whatever he wanted to do that fit some of
23 the projects that we were working on.

24 Q. Was there any connection between James Pittman
25 and West Cars?

26 A. Yes.

27 Q. And what was that connection?

28 A. West Cars concerned itself with the importing

1 of European automobiles and converting them into American
2 specifications. Then we would sell them. To that end,
3 we maintained a shop in Gardena, where this work was
4 performed. And among other things Jim oversaw that work
5 for West Cars.

6 Q Were there any other organizations that were
7 operating out of that same Gardena plant?

8 A Yes, two other organizations.

9 Q And what were those organizations?

10 A First is Microgenesis of North America that
11 you've referred to before.

12 The Gardena facility there was used for
13 assembling the prototypes that were originally built of
14 the machine that that company manufactured.

15 And the second business was Fire Safety
16 Association of North America, which was a corporation whose
17 purpose was the distribution and manufacture of a flame
18 retardant chemical.

19 Q Based upon your observations would you say
20 that James Pittman had more than a business relationship
21 with Joe Hunt?

22 A Yes.

23 Q How would you describe that relationship?

24 A He was a close friend as well.

25 MS. LOPEZ: May I approach the witness?

26 THE COURT: You may approach the witness.

27 BY MS. LOPEZ:

28 Q I am handing the witness Xerox copies of the

1 yellow lists that had been marked for identification and
2 received as People's 2. I would like you to look at those
3 sheets.

4 Do the 7 pages that have been marked as
5 People's 2 look familiar?

6 A. Yes, they do.

7 Q. And where did you first see --

8 First of all, are these the originals or
9 copies of what you have seen previously?

10 A. I originally saw sheets that looked exactly
11 like this, but they were on yellow legal paper.

12 Q. Where did you first see those sheets?

13 A. I first saw those sheets in the office of BBC
14 on 3rd Street in Joe Hunt's office.

15 Q. And could you tell us when you first saw those
16 sheets?

17 A. Just about the beginning of June.

18 Q. And who was present at the time that you first
19 saw those sheets?

20 A. Just Joe and myself.

21 Q. Were you in Joe's office at that time?

22 A. Yes, we were.

23 Q. Did Joe make any statements in regard to these
24 sheets?

25 A. Yes, he did.

26 Q. What, if anything, did he say?

27 A. He said that this was the list comprising the
28 most critical elements to his plan to kill Ron Levin.

1 Q Did he say when he planned to kill Ron Levin?

2 A He said "soon" at the time, because Ron was
3 planning to leave for New York. He planned to use that
4 time that they don't think that Ron would be missing in order
5 to kill him.

6 Q Did he explain how he planned to kill Ron
7 Levin at that time?

8 A Generally yes.

9 Q What, if anything, did he say?

10 A He said that he would -- that he and Jim
11 Pittman --

12 MR. YOUNG: Objection, your Honor, that is
13 hearsay with respect to Pittman. It's obvious hearsay as
14 to what Joe Hunt said.

15 MS. LOPEZ: Again, your Honor, these are
16 statements that will be admissible under 1250 of the Evidence
17 Code.

18 In addition, they are circumstantial evidence
19 that Ron Levin is not missing but rather dead, which goes
20 to the corpus of this particular crime.

21 And finally, these are statements made while
22 there was a conspiracy in progress. And I believe it's
23 already been established that there was a conspiracy to
24 kill Ron Levin, and the conspiracy involved James Pittman
25 and Joe Hunt.

26 MR. YOUNG: Your Honor, they cannot use
27 evidence, hearsay evidence or other extrajudicial statements
28 to prove the corpus delicti until after the corpus delicti

1 has been established.

2 There has been no evidence whatsoever that
3 my client participated in any killing.

4 There is circumstantial evidence to a certain
5 extent that there is evidence that he was in New York post
6 Levin.

7 There is evidence on the sheet that says James
8 Dick Pitt.

???

9 There is no evidence whatsoever that my client
10 participated in any murder to this point. And until there
11 is some evidence establishing a corpus delicti, they cannot
12 use any other evidence, especially hearsay evidence to
13 attempt to establish it.

14 Now they are attempting to use statements by
15 Joe Hunt that will show that my client participated in this
16 alleged murder. I don't think that is permissible by law.

17 MS. LOPEZ: First of all, there's already been
18 some statements connecting James Pittman to the murder, and
19 that testimony was offered -- or that was the testimony
20 given by Jeff Raymond.

21 Again, these are legally operative facts. They
22 go towards the corpus. And although you cannot use
23 extrajudicial statements by the defendant to show the
24 corpus unless you've already shown the corpus.

25 Again, these are statements not by the
26 defendant but statements by a co-conspirator.

27 THE COURT: The corpus can be established by
28 circumstantial evidence, as you are aware, Mr. Young. The

1 evidence will indicate here that the body -- the party is
2 missing, rather, and that there is a circumstantial
3 situation that would indicate that he might have been
4 killed or murdered. Then certainly the statements made
5 going to that corpus are not proof of the corpus but are
6 merely part of the corpus.

7 MR. YOUNG: My point is, yes, you can use
8 circumstantial evidence to prove the corpus, but you cannot
9 use hearsay evidence to prove the corpus.

10 Here they are attempting to use hearsay
11 evidence. They are attempting to use the statements of
12 Joe Hunt to establish that my client was involved. That is
13 hearsay. That is not circumstantial evidence.

14 Circumstantial evidence is evidence such as
15 the statement in the paper on those notes, James Dick Pitt,
16 which we'll later show that there are other Jameses
17 involved in this case.

18 Circumstantial evidence such as my client was
19 back in New York, as Levin, that is circumstantial evidence.
20 But you cannot use hearsay evidence to establish it.

21 Here they are attempting to use hearsay
22 evidence. I don't think that should be permitted.

23 MS. LOPEZ: Your Honor, it is not hearsay by
24 the virtue of the fact that it is a legally operative fact.
25 It tends to show that Ron Levin is missing. And in that
26 regard it would not be hearsay.

27 In addition, it's admissible under 1250 of the
28 Evidence Code.

1 THE COURT: The objection will be overruled.

2 BY MS. LOPEZ:

3 Q You may continue. Do you remember what the
4 question was?

5 A Repeat it, please.

6 MS. LOPEZ: Will you read the question for him.

7 (The record was read as follows:

8 "Q. What, if anything, did he say?

9 "A. He said that he would -- that
10 he and Jim Pittman --")

11 BY MS. LOPEZ:

12 Q What, if anything, did he say regarding the
13 plan to kill Ron Levin at the time that you were reviewing
14 these lists?

15 A He said that, I think, as I've mentioned
16 before, that he was going to use the opportunity provided
17 by the fact that Mr. Levin was planning to leave for New York
18 in order to kill him.

19 And when I was in his office with him, he was
20 working on the original of the list that I'm holding, and
21 he said that he and Jim were planning to force Mr. Levin
22 at gunpoint to sign certain papers, including a check for
23 a large sum of money, if possible, and anything else that
24 they thought would work at the time in order to get him to
25 transfer as much money as possible to the BBC group or
26 to Joe or to whomever he would designate it at the time.
27 And that after that that they were going to kill him.

28 Q Did he say anything to you regarding the killing

1 of Ron Levin after that date?

2 A. Yes, he did.

3 Q. And when was that?

4 A. The next morning.

5 Q. What, if anything, did he say at that time?

6 A. Well, he came into my bedroom. He showed me
7 a check for a million and a half dollars drawn on
8 Mr. Levin's Swiss bank account. He told me that he had
9 killed Ron Levin.

10 Q. Did he show you anything else in addition to
11 the check at that time?

12 A. Yes, he took me to his briefcase. He showed
13 me a copy of a contract on Microgenesis of North American
14 letterhead. It was an option agreement for which this
15 million and a half dollar check had supposedly been written.
16 And the agreement was signed by Ron Levin apparently. And
17 some of the portions had been filled in by Mr. Levin as
18 well.

19 MS. LOPEZ: May I approach?

20 THE COURT: You may approach.

21 BY MS. LOPEZ:

22 Q. I am handing the witness the \$1.5 million check
23 marked as People's Exhibit 37; do you recognize that check?

24 A. Yes, I do.

25 Q. And --

26 A. That is the check that Joe Hunt showed me on
27 the morning of the 7th.

28 Q. I am handing the witness the option agreement

1 that has been marked as People's 20; do you recognize that?
2 Does that appear to be the option agreement that was shown
3 to you on the morning of the 7th, along with the check?

4 A. Yes, it appears to be the same agreement.

5 Q. Thank you. I am handing the witness the
6 minutes of the meeting of the board of directors,
7 Microgenesis of North America, marked as People's Exhibit 18;
8 have you ever seen that document before?

9 A. Yes, I have seen this document before.

10 Q. I would like to direct your attention to the
11 beginning of the document wherein it states "A special
12 meeting of the board of directors of the corporation was
13 held on 2, May, 1984 at Los Angeles, California."

14 And under the portion where it says "There were
15 present representing the board named Dean Karny, Jim
16 Graham, Joe Allen," was there in fact such a meeting?

17 A. No, there was not.

18 Q. Were there any -- let me withdraw that.

19 Were you present at any time when Joe Hunt
20 attempted to cash the check that is marked as People's 37?

21 A. Yes, I was.

22 Q. Will you tell us what happened in that regard?

23 A. Yes. The day of the 7th, when we went to the
24 office together, of course the first thing in Joe's mind
25 was to get the check cashed as quickly as possible. So,
26 he made some inquiry, I believe, by phone to the bank that
27 we -- we had traditionally been using, which was the Bank
28 of America, La Brea and Rosecrans branch, how long it would

1 take to cash a check from a Swiss bank account. They said
2 it would take as long as four weeks.

3 Then on the suggestion of an attorney whom we
4 had newly hired, named Neill Edelman, we went to, I believe,
5 the World Trade Bank on Little Santa Monica Boulevard in
6 Beverly Hills, and Neill said that this bank had good
7 connections with the overseas banks and might be able to
8 expedite the cashing process.

9 So, Joe and I and Neill Edelman went to that
10 bank, and we met with a fellow who, I believe, is the
11 president or vice president, a man named Nubile, something
12 or other. First name is Nubile.

13 And at that time we made arrangements that he
14 would use his bank's contact to cash that check in an
15 expeditious fashion. He said it ought to take about five
16 days from the time that we opened the account and submitted
17 the check.

18 So, we took the signature cards back to the
19 office and filled them out. And I believe the next day
20 the check was submitted for cashing.

21 Q I am handing the witness the yellow signature
22 card marked as People's 36; do you recognize this?

23 A Yes, I do.

24 Q Is that the signature card that you signed in
25 order to open an account with the World Trade Bank?

26 A Yes, it is.

27 Q And it's dated 6-8-84; is that the date that
28 the account was opened?

1 A. That's right, that's the day after we went to
2 the bank.

3 Q. Directing your attention to the signature
4 next to Dean Karny, is that your signature?

5 A. Yes.

6 Q. Are you familiar with Joe Hunt's signature?

7 A. Yes, I am.

8 Q. Is the signature of Joe Hunt on the card the
9 signature that you recognize to be Joe Hunt's?

10 A. Yes, we signed this card together. I watched
11 him sign it.

12 Q. Thank you. I am handing the witness the check
13 that has been marked as People's Exhibit 37. Directing
14 your attention to the signature of Joseph Hunt on the back
15 of the check, do you recognize that to be the signature of
16 Joe Hunt?

17 A. Yes, Joe endorsed this check.

18 Q. Was it endorsed in your presence?

19 A. I don't recall.

20 Q. But you do recognize that as Joe Hunt's
21 signature?

22 A. I recognize it as his signature, and it's his
23 handwriting above it.

24 Q. Thank you. On the date of the 7th of June,
25 the date that Joe Hunt showed you the check, did you see
26 James Pittman on that day?

27 A. No, I didn't.

28 Q. When was the next time you heard from James

1 Pittman?

2 A. I heard from Jim on about the 11th of June.
3 It was a number of days later. He called the office from
4 New York.

5 Q. And how were you able to tell it was Jim?

6 A. He called on a separate phone line that we had
7 installed at the office. We had a phone system with about
8 six numbers on it and, then, Joe had installed a separate
9 single-line phone that went directly to his office that
10 wouldn't go through the secretary.

11 Sometime thereafter when Jim called on that
12 phone, I believe, I answered the phone, and he called
13 because at the time Joe didn't want to pick up the phone
14 because he was expecting a call from somebody he didn't
15 want to talk to. It was Jim calling collect from New York,
16 and he asked to talk to Joe. So, I gave Joe the phone.

17 Q. After Joe Hunt talked to James Pittman what,
18 if anything did Joe Hunt do?

19 A. Well, he told me what Jim had said by phone.
20 And he then made readied plans to go to New York.

21 Q. When did he leave for New York?

22 A. I think the following day. Either that day
23 or the following day. Very soon.

24 Q. Were you later present at a conversation with
25 James Pittman, where he explained what happened in New York?

26 A. Yes, I was.

27 Q. What, if anything, did James say at that time?

28 A. It was the day that he came back from New York,

1 I guess, about two days later, about the 13th or so, Joe
2 had already gone on to London.

3 So, because Joe went straight to London after
4 they left New York, Jim came back and explained that he had
5 been arrested in the Plaza Hotel.

6 He said that he had paid his bill at the hotel.
7 The hotel official for some reason wanted him to pay it
8 twice. And that when he went to get the luggage out of
9 the room it was locked. And in the process of getting
10 his luggage, he was arrested.

11 He said since he was carrying Levin's
12 identification on him, that he allowed himself to be
13 arrested under the name of Ron Levin. And he said that he
14 had been able to hide his own identification in his shoes,
15 a trick that Joe had taught him, with the exception of a
16 membership card to a sports club which bore his name,
17 James Graham.

18 He said when asked about that that he told
19 them that James Graham was a friend of his, and they didn't
20 ask anything further about it.

21 Q Did anybody ever indicate what James Pittman
22 was doing in New York?

23 MR. YOUNG: Object, your Honor, vague as to
24 anyone. She should ask specifically.

25 THE COURT: All right, the objection will be
26 sustained, "anyone."

27 BY MS. LOPEZ:

28 Q Did either Joe or James indicate what James

1 Pittman was doing in New York?

2 A. They both did.

3 Q. And what was that?

4 A. Jim was in New York in order to make it look
5 like Ron Levin himself had flown to New York, as was his
6 plan. And he was supposed to stay at the Plaza Hotel as
7 Ron Levin.

8 MR. YOUNG: May I object further as to which
9 one of the Joe or Jim has told the defendant -- I mean the
10 witness what he's now testifying to. He said Joe or Jim,
11 and I don't know which one supposedly made these
12 statements.

13 MS. LOPEZ: He said both.

14 MR. YOUNG: Both made the exact same statement?

15 MS. LOPEZ: Obviously he is not quoting anybody.

16 THE COURT: Is there an objection?

17 MR. YOUNG: There is an objection.

18 THE COURT: The objection will be sustained.

19 BY MS. LOPEZ:

20 Q. What, if anything, did James Pittman say
21 regarding what he was going to do in New York?

22 A. He told me when he got back that he had gone
23 there to make it look like Levin had himself gone there,
24 and that he was going to go to --

25 He went there with his identification in order
26 to leave it in a bar somewhere, or something like that,
27 so that if it was found later and foul play was suspected,
28 that it would look like Mr. Levin met with foul play in

1 New York rather than here in Los Angeles.

2 Q. While Joe Hunt was in London, did you or
3 anybody else at BBC receive notification from the World
4 Trade Bank regarding the check, the \$1.5 million check that
5 was attempted to be cashed at that bank?

6 A. Yes, Ben Dosti received that notification.

7 Q. Was it in writing?

8 A. No, I think it was by phone.

9 Q. Did he tell you about whether or not the check
10 was cashed?

11 A. The notification that he received was that the
12 check had not been cashed.

13 Q. Where was Joe Hunt at the time the notification
14 was received?

15 A. He was in England.

16 Q. When did you first tell Joe Hunt about the
17 notification?

18 A. Right when he returned, I believe, the following
19 day.

20 Q. That was the day after you had received the
21 notification from the bank?

22 A. Right.

23 Q. Did you later have a conversation with Joe Hunt
24 and James Pittman regarding the cashing of the check?

25 A. Yes, I did.

26 Q. Where did that conversation take place?

27 A. It took place on a park bench in the park
28 located on Wilshire Boulevard, directly where it intersects

1 with Santa Monica Boulevard, across the street from Trader
2 Vic's restaurant.

3 Q Do you recall approximately what date that
4 conversation took place?

5 A I believe it was the day after Joe returned
6 home. I think it was a Sunday.

7 I think Joe came back from England on a
8 Saturday, and I think the conversation took place Sunday
9 afternoon.

10 Q At that time was there any mention of Ron
11 Levin?

12 A Yes.

13 Q By whom?

14 A By all three of us.

15 Q What, if anything, did you say regarding Ron
16 Levin?

17 A Well, the reason for the conversation was to
18 decide what to do now that the check had not been cashed.
19 I think it was at that time that Jim was first informed
20 that the check had not been cashed.

21 MR. YOUNG: Your Honor, I would like to make
22 an objection at this point to quite a bit of this testimony.
23 We have a whole transcript which is supposed to have covered
24 Mr. Karny's testimony. A number of the things that he's
25 already testified to were never referred to in this
26 transcript. It's approximately two, three hundred pages.
27 Never before in the transcript had he mentioned that before
28 or during the conversation the planning of this conspiracy,

1 that he was told by Joe Hunt that my client was to be
2 involved in this murder.

3 Never before he made any statements that there
4 was any discussions on a park bench. He's coming up with
5 completely --

6 THE COURT: Unless there are contradictory
7 statements, you can cross-examine him on any inconsistencies.

8 Your objection as to he is testifying to facts
9 that are within his knowledge at this time, it would be
10 proper cross-examination impeachment.

11 MR. YOUNG: I'm objecting basically on grounds
12 of surprise.

13 THE COURT: The objection will be overruled.

14 MS. LOPEZ: I am sorry, what was the last
15 question?

16 (The record was read as follows:

17 "Q. What, if anything, did you
18 say regarding Ron levin?

19 "A. Well, the reason for the
20 conversation was to decide what to
21 do now that the check had not been
22 cashed. I think that it was at that
23 time that Jim was first informed that
24 the check had not been cashed.")

25 BY MS. LOPEZ:

26 Q. Who informed Jim that the check had not been
27 cashed?

28 A. We were all three together. I think that Joe

1 specifically told him that the check had not been cashed.

2 Q After that did you make any statements
3 regarding the killing of Ron Levin?

4 A Well, I said something, I said "that it looked
5 like Levin had been killed for nothing."

6 Q What was the response?

7 A Well, Joe said that it was not for nothing
8 because there was still a number of things that could be
9 done in order to effectuate the cashing of the check.

10 And Jim suggested that he new a fellow in
11 Washington, D.C., I believe, who had what he said were
12 excellent contacts with the Swiss banks.

13 He said that either for a percentage of the
14 proceeds of the check or possibly just some money that this
15 fellow could probably arrange for the check to be cashed.

16 Q Now, at the time that you said isn't it a
17 shame that Levin was killed for nothing, did Jim ever make
18 any -- give any indications that he didn't know that Ron
19 Levin was killed?

20 A No, we all knew Ron Levin had been killed.

21 MR. YOUNG: I object to the last part of the
22 answer. It calls for a yes or no.

23 THE COURT: Yes, "we all knew that Ron Levin
24 was killed."

25 MR. YOUNG: I ask that it be stricken.

26 MS. LOPEZ: Your Honor, that is responsive.
27 It may not be in the manner that Mr. Young would like the
28 question answered. Nonetheless, it's responsive.

1 THE COURT: What is your objection?

2 MR. YOUNG: My objection is that it was not
3 responsive. It calls for a yes or no answer. He added
4 additional information. That "we all knew" was not
5 responsive. I object and move that it be stricken.

6 THE COURT: May I have it read back.

7 (The record was read as follows:

8 "Q. Now, at the time that you said
9 isn't it a shame that Levin was killed
10 for nothing, did Jim ever make any --
11 give any indications that he didn't
12 know that Ron Levin was killed?

13 "A. No, we all knew Ron Levin had
14 been killed.)

15 THE COURT: "We all knew that Ron Levin had
16 been killed" will be stricken.

17 The answer was "No" apparently as a response.

18 BY MS. LOPEZ:

19 Q. Had you all known at that point that Ron Levin
20 had been killed?

21 A. Yes, we did.

22 MR. YOUNG: I object to that one as an
23 assumption that everyone else knew.

24 BY MS. LOPEZ:

25 Q. How do you know that James Pittman knew that
26 Ron Levin had been killed?

27 THE COURT: First of all, the objection will
28 be sustained. "We all knew that Ron Levin was killed," the

1 "we all knew" can be clarified on that particular point.

2 The objection will be sustained on that basis.

3 BY MS. LOPEZ:

4 Q Who knew that Ron Levin had been killed, to
5 your knowledge?

6 A To my knowledge I knew, Joe knew, Jim knew
7 and Ben Dosti. And at that point Brook Roberts knew also.

8 Q Was any action taken in regard to the cashing
9 of the check after that meeting on the park bench?

10 A Yes.

11 Q What action was taken and by whom?

12 A The first thing was that Jim went to Washington,
13 D.C. with a good deal of cash in order to speak to his
14 acquaintance that he said he had there about getting the
15 check cashed or, at least, getting as much information as
16 possible about the account of Ron Levin in Switzerland.

17 And what he said he had done is, to get his
18 friend to call up and order more checks from Ron Levin's
19 account to be sent to Levin's P.O. box here in Beverly Hills.

20 And we were, either Jim or Joe or myself was
21 going to intercept those checks when they arrived at the
22 post office box, because we had Mr. Levin's post office box
23 key.

24 Q And will you tell us how you each acted in
25 order to attempt to intercept these alleged checks that were
26 to be ordered?

27 A Once Jim came back from Washington and said
28 that the call had been made, that the checks were on the

1 way, either Jim or Joe or myself went to the post office
2 box a few times a day to see that the checks had arrived.

3 MR. YOUNG: I object to it unless he has
4 personal knowledge to establish that he knew that my client
5 went to the post office box. I object for lack of
6 foundation.

7 THE COURT: The objection will be sustained
8 as the answer now stands.

9 MS. LOPEZ: Which portion of the answer are
10 you striking?

11 THE COURT: The part that he mentioned that
12 he believes other persons went to the box.

13 BY MS. LOPEZ:

14 Q. Do you have any personal knowledge as to
15 whether or not James Pittman went to check on the box? Did
16 he tell you anything in that regard?

17 A. Yes, he said --

18 MR. YOUNG: You have got two questions pending.

19 THE COURT: The first one is, do you have any
20 personal knowledge?

21 THE WITNESS: Yes, I do.

22 BY MS. LOPEZ:

23 Q. What did he tell you in that regard, if
24 anything?

25 A. He told me on a few occasions that he was on
26 his way to check the box.

27 Then on other occasions he told me "I checked
28 the box, and there was nothing there today."

1 Q How many keys were there to Ron Levin's box
2 that you know of?

3 A Only one.

4 Q How did that key get to James Pittman or to
5 you?

6 A Either Joe Hunt gave it to him or I gave it
7 to him, whoever checked the box last.

8 Q Did you ever receive the key from James Pittman?

9 A Yes, I did.

10 Q Did James Pittman ever tell you anything
11 regarding a package that had arrived for Ron Levin?

12 A He told me that one time when we went to check
13 the box, there was a slip in the box designating that there
14 was a package too large to fit in the box, and that that
15 package was waiting at the desk, or whatever it is, that
16 they have there.

17 Q Did he state whether or not he had made any
18 attempt to retrieve that package or to obtain that package?

19 A He said that he made an attempt, and that since
20 he couldn't identify himself as Ron Levin, that they didn't
21 give him the package.

22 Q When he said he couldn't identify himself as
23 Ron Levin, what was he referring to?

24 A He said that the postal worker had asked him
25 for identification when he went and said he was Ron Levin
26 and asked for the package. And he didn't have an
27 identification saying he was Ron Levin.

28 THE COURT: So, he was refused.

1 BY MS. LOPEZ:

2 Q During the month of June, was there ever any
3 conversation at the BBC office on 3rd Street, where Ron
4 Levin was discussed and James Pittman was present?

5 A Yes.

6 Q When was that conversation?

7 A It was near the end of June.

8 Q What precipitated that conversation, if
9 anything?

10 A Well, what precipitated the conversation was
11 my feeling that there is a general malaise in the BBC
12 group. It was something that was very important to me,
13 because there was not enough money around, at least not
14 nearly as much as Joe had led everyone to believe.

15 I knew that sooner or later the fact would
16 come into a strong clash with the reality of the demand for
17 the money. I saw potential problems within the workings
18 of the group and the morale of the young men who were
19 working with us.

20 MR. YOUNG: Your Honor, I would object. This
21 is a narrative.

22 MS. LOPEZ: Your Honor, he is describing what
23 precipitated the conversation.

24 THE COURT: All right. What he has testified
25 to so far may remain. You may ask the next question now.

26 BY MS. LOPEZ:

27 Q Who was present at that discussion?

28 A At the discussion was myself, Ben Dosti, Jim.

1 I think Joe was there also. And possibly Tom May. I think
2 Tom May was there.

3 Q. Was James Pittman also there?

4 A. Yes, Jim was there.

5 Q. What was discussed in regard to Ron Levin's
6 killing at that time?

7 A. Discussed was the possibility of disclosing to
8 a number of the other members of the BBC that the killing
9 had taken place and what efforts were being made to cash
10 the check, and what other plans we should make for the
11 future because it didn't seem to be working out, having a
12 number of people know and a number of people not know what
13 had gone on.

14 Q. What, if anything, did James Pittman say in
15 this regard?

6
16 A. He said that he understand that -- we all had
17 been friends for a while, I'm referring to the rest of the
18 guys --

19 But he said that he never knew anyone that
20 could be trusted with information like that, like telling
21 them that you committed a murder. And he was not really
22 in favor of telling anyone else other than those who already
23 knew that the killing had taken place.

24 Q. Was there later a meeting where this disclosure
25 took place?

26 A. Yes, ultimately there was a meeting where a
27 disclosure was made to a number of the other employees.

28 Q. How long after the meeting in the office with

1 James Pittman?

2 A. About two weeks.

3 Q. And where did that meeting take place?

4 A. That meeting took place at the Wilshire Manning
5 building, in the condominium that Joe Hunt and I shared.

6 Q. Who was present at that time?

7 A. There were 10 people there. There was Joe,
8 myself, Jim, Ben, Evan Dicker, Brook Robers, John Allen,
9 Tom May, Jeff Raymond and Steve Taglinetti.

10 Q. Do you recall what date of the week the
11 meeting was on?

12 A. I think it was a Sunday.

13 Q. Prior to the disclosure being made did you,
14 Joe and James and Dosti meet secretly?

15 A. Yes, we did.

16 Q. Where did you meet?

17 A. We met in a bedroom adjacent to the living
18 room where the larger meeting was held.

19 Q. How long did that separate meeting last?

20 A. About 10 minutes.

21 Q. Where were the other members of BBC while you
22 were engaged in the separate meeting?

23 A. Outside of those who were in the meeting that
24 we were just talking about, they were in the living room
25 waiting for us to come out.

26 Q. What was said during that separate meeting?

27 A. Well, what was said was, it was just a last-
28 minute discussion of whether or not the disclosure to the

1 other employees ought to be made.

2 MR. YOUNG: I object to that. We don't know
3 who is saying this.

4 THE COURT: All right.

5 MR. YOUNG: I object on relevancy.

6 THE COURT: The objection will be sustained.
7 Perhaps you can rephrase the question.

8 BY MS. LOPEZ:

9 Q Will you tell us what each person said, to the
10 best of your recollection, and who was saying it.

11 I'd rather ask this way: Would you tell us
12 what each person said and who said what, to the best of
13 your recollection.

14 MR. YOUNG: I object to it on the grounds it's
15 a compound question.

16 THE COURT: He can answer so-and-so said such-
17 and-such. They are asking compound questions, but if he
18 remembers what they said --

19 Do you remember?

20 THE WITNESS: Yes, I do. I think I can answer.

21 Joe pretty much led the conversation, and he
22 said, he explained to us that it was a serious step to
23 tell all these other employees.

24 And I said that I thought it was really
25 important for the group if we were going to live up to our
26 high ideology in the sense of what we are doing, to include
27 these other people whom I felt we could trust in these
28 facts, so that we could continue to work towards the goals

1 that we had set for ourselves.

2 And Jim reiterated his position, that he
3 didn't know anybody that you could trust with a secret like
4 that; from all of his experience, he said, "that there is
5 always someone that talks."

6 And Joe then reassured Jim that if Jim was
7 against telling about the Levin murder, that they -- that
8 he wouldn't say anything.

9 And at that point Jim said, "Well, whatever
10 you think, Joe, if you think we can trust these guys, then
11 you go ahead and do it."

12 And then Joe went back and said, "Are you sure,
13 Jim, because you have some say in this."

14 And Jim said, "No, it's all right, you go
15 ahead."

16 And that's what was said.

17 BY MS. LOPEZ:

18 Q At that point was the meeting between the four
19 of you concluded?

20 A Ben and I left the room to join the others.
21 And Jim and Joe remained there for another couple of minutes.

22 Q Did Jim and Joe later come out of the room?

23 A Yes, they did.

24 Q At that time were the other individuals who
25 you've previously named still there?

26 A Yes, they were.

27 Q And what happened?

28 A Joe pretty much led the discussion, saying

1 that --

2 Q Let me interrupt you. Where was Jim at the
3 time that Joe began speaking?

4 A He was sitting on the couch next to Joe.

5 Q To his left or to his right?

6 A To his left.

7 Q And where was Joe?

8 A Joe was sitting on an ottoman which was not
9 attached to the couch, kind of centrally so that everyone
10 around could see.

11 Q What if anything was said at that point?

12 A The first thing Joe said, "There is going to
13 be some sensitive things discussed which would bring the
14 people present there to a higher level of knowledge as to
15 things that had been going on."

16 And he said that "anyone that wanted to leave
17 then and there could leave because there was a certain
18 responsibility that went along with hearing these things."

19 No one left.

20 And then Joe said that he and Jim had knocked
21 off Ron Levin.

22 Q Where was Jim seated at that point?

23 A Same place, on Joe's left.

24 Q Was there anybody else present named Jim?

25 A No, there was not.

26 Q Do you know anybody else connected with the
27 BBC named Jim?

28 A I can't think of anybody offhand.

1 Q At the time he made this statement, how did
2 you know he was speaking of James Pittman?

3 A I knew that because I had been in all of the
4 previous discussions where Joe and Jim and I talked about
5 just that meeting that eventually occurred. So, it was
6 clear to me.

7 Q At the time that he made the statement that
8 he and Jim knocked off Ron Levin, did James Pittman say
9 anything?

10 A No, he didn't.

11 Q Did he ever make an attempt to deny it?

12 A No, he didn't.

13 Q Did he appear to be surprised?

14 A No, he didn't.

15 Q Did you later go to Soledad Canyon area with
16 Detective Zoeller?

17 A Yes, I did.

18 Q Had you previously been through that same
19 location with somebody else?

20 A Yes, I had been there on two prior occasions.

21 Q With whom?

22 A First time I went there with Joe Hunt and
23 James Pittman.

24 Q And what did you do at that location that first
25 time?

26 A We shot guns at bottles and cans.

27 Q And the second time with whom did you go?

28 A I went with Lieutenant Bob Holder, formerly of

1 the Los Angeles Police Department.

2 MR. YOUNG: Excuse me, what was that name?

3 THE WITNESS: Bob Holder.

4 BY MS. LOPEZ:

5 Q And for what purpose?

6 A For the purpose of showing him where --

7 MR. YOUNG: Your Honor, I would like to object
8 at this point. We are getting into the issue of modus
9 operandi.

10 MS. LOPEZ: I believe the Court has already made
11 a ruling.

12 MR. YOUNG: No, I don't think it has made a
13 ruling. We have not even gone into similarity or
14 dissimilarity. I objected on other grounds, and you ruled
15 on other grounds.

16 I think there was a major issue as to whether
17 or not that the two crimes involved are substantially
18 similar. We have not gone into that.

19 MS. LOPEZ: Your Honor, the only way to get
20 into that is by hearing the testimony.

21 THE COURT: First of all, we didn't go into the
22 issue of modus operandi. The basic principles of whether
23 or not one crime could be brought in to show an intent, or
24 whatever specific purposes it's being brought in to show
25 the commission of another crime, which we did actually go
26 into, the court did rule it was permissible.

27 The point now, of course, and the cases do hold
28 that it's within the discretion of the Court, on the points

1 of similarity that might be there involved in a particular
2 crime.

3 However, as Ms. Lopez has said, until such time
4 as the evidence is presented, the Court can't prejudge what
5 the points of similarity are because I don't know what he
6 is going to testify to. Nor do I know what testimony
7 there would be concerning a similar crime or a similar
8 offense that would substantiate the modus operandi.

9 MR. YOUNG: I would like the opportunity to
10 point out about 10 differences between the two crimes. And
11 I would like her to make an offer of proof rather than
12 going through the testimony which would be quite lengthy.
13 And if she is allowed to go into that testimony, then I am
14 going to have to go into extensive cross-examination on it
15 and, then, you are going to have to make your ruling.

16 I think that we can save a lot of time if I
17 first point out the reasons why it's different, and let her
18 make an offer of proof as to why they are similar.
19 Otherwise we can have two or three or four extra hours of
20 time here based on these issues. And time can be saved
21 under Section 352, and I think that would be warranted.

22 THE COURT: What is the position of the People
23 on this?

24 MS. LOPEZ: Your Honor, the People are only
25 going to inquire as to what he did in Soledad Canyon,
26 specifically with Joe Hunt. And we believe that that
27 evidence will tend to show that the map attached to the list
28 was in fact a map showing where the body was to be disposed

1 of.

2 And it would also corroborate the
3 Detective Zoeller's testimony regarding his personal
4 knowledge of the area, as well as the Xerox copy of the
5 map that is similar to this road map.

6 In addition, as the Court recalls, there was a
7 photograph submitted which shows the jeep in the Soledad
8 Canyon area where Detective Zoeller previously testified
9 that he had been to, which corresponds to the handwritten
10 map.

11 THE COURT: All right. On that
12 representation, Mr. Young, we can proceed with this
13 gentleman's testimony. If we face the other issue, when
14 it comes up, you can bring it up on cross-examination.

15 MR. YOUNG: I will.

16 BY MS. LOPEZ:

17 Q. You have indicated that you went to that same
18 Soledad Canyon area with a Los Angeles Police detective?

19 A. I guess he was a former Los Angeles Police
20 detective.

21 Q. Prior to that did you go? When was the last
22 time you were in that area?

23 A. Oh, then. I went to that area with Joe Hunt
24 towards the very end of July.

25 Q. What did you and Joe Hunt do in that area?

26 A. We disposed of the body of --

27 MR. YOUNG: Your Honor, now we are in the area
28 that I'm talking about. She did not represent that this is

1 what we are going to get into.

2 MS. LOPEZ: Your Honor, this is exactly what
3 I represented.

4 MR. YOUNG: The disposal of the body is the
5 body allegedly of Eslaminia, not of Ron Levin.

6 MS. LOPEZ: That is precisely what I went into.
7 The Court was well aware of that.

8 MR. YOUNG: Were you aware that it was going
9 to be the Eslaminia body?

10 THE COURT: I have no knowledge of what you
11 were going to proceed with.

12 You are now testifying there was a disposal
13 of another body?

14 MS. LOPEZ: Of another body, what I've
15 previously represented to the Court was, I was going to
16 elicit testimony regarding Dean Karny's visits to Soledad
17 Canyon specifically with Joe Hunt.

18 THE COURT: All right. Mr. Young, I will
19 permit to go through this part here subject to motion to
20 strike. As much as he's been testifying right now, and he
21 was testifying as to this, I'll let it go in conditionally
22 at this time. I don't know what the actual evidence is
23 going to be concerning the defendant or rather the alleged
24 victim here, Ron Levin. I don't know where the modus
25 operandi starts or finishes.

26 MR. YOUNG: That's the reason I would like to
27 in a different manner, otherwise I'm going to have to
28 cross-examine him, and she'd have to show that probably it

1 occurred. That means that I have to show that it probably
2 didn't occur. So, we go into a whole proof on the other
3 case which is --

4 I don't know if you have seen this, the
5 police report on the other case. It's this thick
6 (indicating). To show whether that crime probably
7 occurred, we are going to be trying two cases here.

8 MS. LOPEZ: Your Honor, when a percipient
9 witness says that he went there to dispose a body, it
10 probably occurred.

11 THE COURT: All right. The objection will be
12 sustained.

13 Now, I am going to permit him to finish his
14 testimony today subject to a motion to strike if it is not
15 tied in properly as an MO.

16 MS. LOPEZ: Subject to what showing, your
17 Honor?

18 It is the People's position that the testimony
19 regarding the disposal of the body between Dean Karny and
20 Joe Hunt would be evidence, would tend to show the intent
21 of the handwritten map that was found with Levin's body.

22 As you recall, Detective Zoeller testified
23 that he has been in an area that corresponded to the
24 handwritten map. He has identified, and we have admitted
25 a document which is a Xerox copy of a map of Soledad Canyon.

26 And the detective has also identified a
27 photograph found in James Pittman's home, which is the
28 precise area where Detective Zoeller has been in the past.

1 And on one occasion Detective Zoeller did
2 testify that he was taken to that same location by Dean
3 Karny, where he did find skeletal remains.

4 It's our position that that is circumstantial
5 evidence of the intent regarding the map.

6 THE COURT: All right. I am permitting you to
7 go ahead at this particular time. Of course, I don't know
8 what he is going to now testify. I don't have the arrest
9 reports. I am going to permit him to testify.

10 You know, for another offense or another crime
11 to come in there there have to be points of similarity
12 other than a dead body.

13 MS. LOPEZ: Your Honor, the point of similarity
14 is what we contend to be the disposal site, which would
15 tend to show that these particular individuals --

16 THE COURT: This is a burial ground?

17 MS. LOPEZ: Yes, as far as Joe Hunt is
18 concerned.

19 MR. YOUNG: Your Honor, one point on that, this
20 whole map may be irrelevant. This may have very well been
21 the map for planning the killing of Eslaminia.

22 MS. LOPEZ: It was found in Ron Levin's
23 apartment along with a list of things to do at Ron Levin's
24 home, which included --

25 THE COURT: All right, he may go ahead and
26 testify at this particular point -- at this particular
27 time, rather, and we'll rule on that point later.

28 ///

///

1 BY MS. LOPEZ:

2 Q. What did you and Joe Hunt do in that area?

3 A. We disposed of the body of Eslaminia.

4 Q. At the time that you disposed of this body,
5 was this person dead or alive?

6 A. He was dead.

7 Q. Who took you to that location where the body
8 was disposed? Who drove?

9 A. Joe drove.

10 MS. LOPEZ: I have nothing further.

11 THE COURT: Do you want to start cross-
12 examination now at this time?

13 MR. YOUNG: Do you think I can finish in 15
14 minutes?

15 THE COURT: I doubt it very much. I would be
16 surprised if you could for many reasons.

17 All right. Perhaps we'd better take our
18 recess at this time. At what time can we start tomorrow
19 morning?

20 MR. YOUNG: Could we start at 10:00? I worked
21 out a thing in Compton. They ordered me back. There's
22 a different judge, and I'm afraid he'd take it personally.
23 I could be here by 10:00.

24 MS. LOPEZ: Your Honor, Mr. Young was informed
25 last Thursday that he could not legally announce ready in
26 another court while this preliminary hearing is in session.
27 He is currently engaged. He cannot announce ready. This
28 case has presedence over the case in Compton, and he is not

1 entitled legally to announce ready in any case.

2 MR. YOUNG: Your Honor, I've worked it out with
3 them. I'm trading it for two or three more days.

4 THE COURT: I take it that you would tell them
5 that you are in the midst of this preliminary hearing?

6 MR. YOUNG: I have already told them that last
7 Friday. I went in specifically for that purpose.

8 THE COURT: We will recess until 10:00 a.m.
9 tomorrow morning.

10 (Proceedings concluded for January 14,
11 1985.)

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IN THE MUNICIPAL COURT OF BEVERLY HILLS JUDICIAL DISTRICT
 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
 HON. DAVID A. KIDNEY, PRESIDING JUDGE DIVISION NO. I

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
 Plaintiff,)
)
 -vs-) No. A 090435
)
)
 Defendant)

I HEREBY CERTIFY that on the 14th day of January, 1985, Barbara Groff, an Official Reporter of the above entitled Court, was assigned as shorthand reporter to report the testimony and proceedings contained herein; and did act as such reporter and was by me directed to reduce the said shorthand notes to typewriting.

David A. Kidney
 Judge of the Municipal Court of Beverly Hills
 Judicial District, County of Los Angeles,
 State of California, Division I

I HEREBY CERTIFY that I am an Official Shorthand Reporter of the above entitled Court. Pursuant to the Judge's certificate above, I was assigned to report, and did correctly report, the testimony and proceedings contained herein; that the foregoing is a true and correct transcription of my said notes, and a full, true and correct statement of said testimony and proceedings.

Barbara Groff
 Official Reporter

IN THE MUNICIPAL COURT OF BEVERLY HILLS JUDICIAL DISTRICT
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

HON. DAVID A. KIDNEY, JUDGE PRO TEM

DIVISION I

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

JOE HUNT
aka: JOSEPH HENRY GAMSKY
and
JAMES PITTMAN
aka: JAMES GRAHAM,

Defendants

No. A 090435

VOLUME V

Violation Section:

Ct. I - 187 PC

Ct. II - 211 PC

FILED

FEB 28 1985

REPORTER'S TRANSCRIPT
PRELIMINARY HEARING
TUESDAY, JANUARY 15, 1985
WEDNESDAY, JANUARY 16, 1985
THURSDAY, JANUARY 17, 1985
AND
TUESDAY, JANUARY 22, 1985

FRANK S. ZOLIN, County Clerk

Rita Tucker
BY RITA TUCKER, DEPUTY

+ J

2-5-85

APPEARANCES:

FOR THE PEOPLE:

ANA LOPEZ
DEPUTY DISTRICT ATTORNEY

FOR DEFENDANT PITTMAN:

DOUGLAS L. YOUNG
8570 HOLLOWAY DRIVE
LOS ANGELES, CALIFORNIA 90069

LEE ZORNE
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I N D E X

<u>PEOPLE'S WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
DEAN KARNY	(Further)3	--	--	--
BY MR. YOUNG:	--	4	--	--
BY MR. ZORNE:	--	143	--	--
DENNIS DE CUIR	158	--	--	--
BY MR. YOUNG:	--	160	--	--

E X H I B I T S

<u>PEOPLE'S EXHIBITS</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>
42 - RECORDS FROM U.S. TRUST COMPANY OF NEW YORK IN THE NAME OF RONALD LEVIN.	163	--

1 BEVERLY HILLS, CALIFORNIA, TUESDAY, JANUARY 15, 1985 11:00AM

2 --000--

3
4 THE COURT: IN THE MATTER OF JAMES PITTMAN, MAY THE
5 RECORD SHOW THAT MR. PITTMAN IS PRESENT WITH HIS COUNSEL,
6 MR. YOUNG AND MR. ZORNE, THAT MS. LOPEZ, THE DISTRICT
7 ATTORNEY IS PRESENT. WHEN WE RECESSED YESTERDAY, I BELIEVE
8 WITNESS KARNY WAS -- WE HAD FINISHED DIRECT; IS THAT
9 CORRECT?

10 MS. LOPEZ: YOUR HONOR, I HAVE TWO MORE QUESTIONS TO
11 ASK.

12 MR. YOUNG: YOUR HONOR, SHE HAD FINISHED DIRECT AT
13 THAT TIME.

14 MS. LOPEZ: I WOULD LIKE TO ASK TWO FURTHER
15 QUESTIONS, YOUR HONOR.

16 THE COURT: WOULD YOU COME FORWARD, SIR. YOU'VE
17 ALREADY BEEN SWORN, MR. KARNY, SO PLEASE JUST BE SEATED.

18 ALL RIGHT. YOU MAY PROCEED.

19
20 FURTHER DIRECT EXAMINATION

21 BY MS. LOPEZ:

22 Q YESTERDAY, YOU TESTIFIED THAT YOU WENT TO A
23 PARTICULAR AREA IN SOLEDAD CANYON WITH HUNT AND AT THAT TIME
24 YOU DISPOSED OF THE BODY OF ESLAMINIA. DID YOU LATER TAKE
25 DETECTIVE ZOELLER TO THAT SAME AREA?

26 A YES, I DID.

27 Q AND DID YOU AND DETECTIVE ZOELLER FIND ANYTHING
28 IN THAT AREA?

1 A WE FOUND THE BODY OF MR. ESLAMINIA WHERE IT HAD
2 BEEN DISPOSED OF BEFORE.

3 MS. LOPEZ: I HAVE NOTHING FURTHER.

4

5

CROSS EXAMINATION

6 BY MR. YOUNG:

7 Q YOU WERE GIVEN A GRANT OF IMMUNITY; IS THAT
8 CORRECT?

9 A THAT 'S CORRECT.

10 Q WHAT WERE YOUR UNDERSTANDING OF THE TERMS OF
11 THAT IMMUNITY?

12 A MY UNDERSTANDING OF THE TERMS OF THE IMMUNITY
13 IS THAT IT WOULD BE COMPLETE FOR, I THINK THEY CALL IT
14 TRANSACTIONAL IMMUNITY.

15 Q DO YOU KNOW IF THEY INCLUDED USE IMMUNITY ALSO?

16 A I THINK THAT CATEGORY IS INCLUDED.

17 Q SO WOULD IT BE FOR USE AND TRANSACTIONAL
18 IMMUNITY?

19 A TO THE BEST OF MY KNOWLEDGE.

20 Q AND WHAT DOES THAT MEAN TO YOU?

21 A THAT MEANS THAT SO LONG AS I TESTIFY TRUTHFULLY
22 AND COMPLETELY WHEN REQUIRED TO DO SO THAT I WILL NOT BE
23 PROSECUTED FOR EITHER THE THINGS THAT I TESTIFIED TO OR THE
24 THINGS THAT I 'VE DONE IN CONNECTION WITH THOSE MATTERS.

25 Q YOU TESTIFIED THAT YOU MET DEFENDANT JOE HUNT
26 IN THE 8TH GRADE; IS THAT CORRECT?

27 A THAT 'S CORRECT.

28 Q IN 1972?

1 A THEREABOUTS.

2 Q WERE YOU IN THE SAME GRADE?

3 A YES, WE WERE.

4 Q WERE YOU IN THE SAME CLASSES?

5 A A NUMBER OF THEM, YES.

6 Q DID YOU BECOME CLOSE FRIENDS AT THAT TIME?

7 A NO. WE DIDN'T BECOME CLOSE FRIENDS UNTIL ABOUT
8 1981.

9 Q OKAY. HOW OFTEN DID YOU SEE JOE HUNT FROM
10 PRIOR TO 1981?

11 A I SAW HIM JUST ABOUT EVERY DAY IN SCHOOL AND
12 SOMETIMES AFTER SCHOOL AT DEBATE TOURNAMENTS.

13 Q WERE YOU ON THE DEBATE TEAM?

14 A YES, I WAS.

15 Q AND WAS HE ON THE DEBATE TEAM?

16 A YES, HE WAS.

17 Q OKAY. YOU INDICATED THAT YOU DIDN'T BECOME
18 CLOSE FRIENDS UNTIL 1981. WHAT DO YOU MEAN BY CLOSE FRIENDS
19 AT THAT POINT?

20 A WELL, WHEN BEN DOSTI AND I WERE IN UCLA -- I
21 GUESS IT WAS ACTUALLY 1980 RATHER THAN '81. IN OUR FINAL
22 SEMESTERS THERE WE RAN INTO JOE, WHO WAS THEN JOE GAMSKY, IN
23 WESTWOOD AND KIND OF REACQUAINTED OURSELVES. HE WAS AT THAT
24 TIME HE SAID TRADING IN COMMODITIES SUCCESSFULLY, AND WE
25 SPENT A FEW NIGHTS TOGETHER JUST DISCUSSING PHILOSOPHY AND A
26 FEW OTHER MATTERS ABOUT WHAT WE HAD BEEN DOING, AND WE
27 STRUCK UP A RENEWED FRIENDSHIP AND WE BEGAN SPENDING A LOT
28 OF TIME TOGETHER.

1 Q OKAY. WERE YOU GOING TO UCLA IN 1980?

2 A YES. I GRADUATED IN DECEMBER, 1980.

3 Q WHAT YEAR DID YOU START UCLA?

4 A 1977.

5 Q WHAT YEAR DID YOU GRADUATE FROM HIGH SCHOOL?

6 A 1977.

7 Q OKAY. SO FROM 1972 UNTIL 1977, CAN IT BE SAID
8 FAIRLY ACCURATELY THAT YOU SAW JOE ALMOST EVERY DAY IN
9 SCHOOL?

10 A YES.

11 Q AND THEN FROM 1977 UNTIL 1980 YOU DIDN'T SEE
12 HIM AT ALL?

13 A YEAH, THAT'S TRUE I, BUT I RAN INTO HIM ONCE
14 DURING THAT PERIOD.

15 Q AND THEN IN 1980 YOU AND BEN DOSTI RAN INTO HIM
16 IN WESTWOOD?

17 A RIGHT.

18 Q SO YOU WERE ALREADY ASSOCIATED WITH BEN DOSTI
19 AT THE TIME THAT YOU RAN INTO JOE AGAIN IN WESTWOOD IN 1980?

20 A THAT'S CORRECT.

21 Q OKAY. DID BEN DOSTI GO TO UCLA?

22 A YES, HE DID.

23 Q WERE YOU IN CLASSES WITH HIM?

24 A I HAD ONE CLASS WITH HIM. ACTUALLY I HAD A
25 COUPLE CLASSES WITH HIM, YES.

26 Q OKAY. AT WHAT POINT DID YOU BECOME INVOLVED IN
27 BUSINESS WITH JOE HUNT?

28 A I'D SAY THE FIRST POINT AT WHICH I BECAME

1 INVOLVED IN BUSINESS WITH HIM WAS WHEN I GAVE HIM SOME --
2 SOME MONEY TO INVEST FOR ME SOMETIME IN 1981.

3 Q HOW MUCH MONEY WAS THAT?

4 A ABOUT \$4,000.

5 Q AND WHAT WAS THAT TO BE INVESTED IN?

6 A THE COMMODITIES MARKET.

7 Q OKAY. SO BETWEEN 1980 AND 1981 BEFORE YOU
8 INVESTED THIS \$4,000, DID YOU SEE JOE FREQUENTLY?

9 A YES, I DID.

10 Q WOULD YOU SAY ON A DAILY BASIS?

11 A JUST ABOUT, YEAH.

12 Q OKAY. WHERE WOULD YOU SEE HIM? WOULD YOU SEE
13 HIM AT SCHOOL, AT YOUR HOME? WHERE?

14 A OCCASIONALLY AT SCHOOL. ALTHOUGH HE WASN'T
15 ATTENDING SCHOOL, HE WOULD OCCASIONALLY MEET US THERE. OR
16 WE WOULD ARRANGE TO MEET FOR DINNER OR A MOVIE IN WESTWOOD.
17 OCCASIONALLY HE'D COME TO MY HOME AS WELL.

18 Q OKAY. SO WOULD IT BE AN ACCURATE STATEMENT TO
19 SAY THAT FROM 1980 AFTER YOU RENEWED YOUR ACQUAINTANCESHIP
20 WITH JOE HUNT UNTIL 1981 WHEN YOU INVESTED THIS FOUR
21 THOUSAND THAT YOU MAINTAINED A VERY CLOSE RELATIONSHIP?

22 A YES.

23 Q WOULD YOU CONSIDER HIM YOUR BEST FRIEND?

24 A AT THE TIME?

25 Q YEAH.

26 A WELL, I DIDN'T REALLY USE THAT KIND OF A
27 CATEGORY. I HAD A NUMBER OF VERY CLOSE FRIENDS AND I
28 WOULDN'T CONSIDER ANY ONE OF THEM MY BEST FRIEND AT THAT

1 TIME.

2 Q OKAY. AFTER 1981 WHAT WAS YOUR NEXT BUSINESS
3 VENTURE WITH JOE?

4 A WELL, DURING THAT TIME JOE MADE ARRANGEMENTS
5 TO -- TO LEASE, I BELIEVE, A SEAT ON THE FLOOR OF THE
6 CHICAGO MERCANTILE EXCHANGE AND HE MOVED TO CHICAGO. HE
7 RAISED SOME MONEY, AND I DID MY BEST TO RAISE WHATEVER MONEY
8 THAT I COULD. I GOT SOME MONEY FROM MY PARENTS, AND BEN GOT
9 SOME OF HIS MONEY FROM PEOPLE HE KNEW, AND WE SENT IT OVER
10 TO JOE TO INVEST IN THE COMMODITIES MARKET.

11 Q OKAY, AND WHAT YEAR WAS THAT?

12 A 1981.

13 Q THE SAME YEAR THAT YOU INVESTED THE FOUR
14 THOUSAND?

15 A RIGHT.

16 Q OKAY. HOW MUCH WAS YOUR INVESTMENT IN THIS
17 SEAT ON THE CHICAGO MERCANTILE EXCHANGE?

18 A I DIDN'T GET THE SEAT ON THE CHICAGO MERCANTILE
19 EXCHANGE.

20 Q I UNDERSTAND HE DID, BUT HOW MUCH WAS YOUR
21 INVESTMENT? APPARENTLY PEOPLE POOLED TOGETHER TO INVEST
22 MONEY WITH JOE. HOW MUCH DID YOU INVEST?

23 A I TOLD YOU I HAD ABOUT \$4,000 PERSONALLY.

24 Q OH, THIS FOUR THOUSAND THAT YOU'RE REFERRING TO
25 IS PART OF THE MONEY THAT WAS INVESTED BY NUMEROUS PEOPLE IN
26 HIS STOCK VENTURE AT THE CHICAGO MERCANTILE EXCHANGE?

27 A CORRECT.

28 Q OKAY. HOW MUCH DID THE OTHER PEOPLE INVEST, IF

1 YOU KNOW?

2 A TO THE BEST OF MY KNOWLEDGE I KNOW OF ABOUT
3 ALMOST \$500,000.

4 Q OVER HOW LONG OF A PERIOD WOULD YOU ESTIMATE?

5 A ABOUT FOUR MONTHS.

6 Q OKAY. OF THOSE INVESTORS YOU INDICATED THAT
7 BEN DOSTI WAS ONE OF THEM?

8 A YES.

9 Q AND WHAT WERE THE OTHER NAMES YOU MENTIONED?

10 A I DON'T THINK I MENTIONED ANY OTHER NAMES.

11 Q OKAY. COULD YOU TELL ME ANY OTHER NAMES YOU
12 KNOW ABOUT?

13 A MY PARENTS AND A DOCTOR STANLEY BRICKER FROM
14 CANADA.

15 Q OKAY. WAS ANYONE ELSE THAT WAS LATER INVOLVED
16 WITH THE BBC OR MICROGENESIS AN INVESTOR AT THAT TIME?

17 A YES.

18 Q WHO?

19 A RONALD PARDOVITCH.

20 Q I'M SORRY?

21 A RONALD PARDOVITCH, P-A-R-D-O-V-I-T-C-H.

22 Q ANYONE ELSE?

23 A THERE'S A GENTLEMAN NAMED DOCTOR MILTON RUBINI
24 WHO HAD INVESTED MONEY AT THAT TIME.

25 Q OKAY. HOW MUCH DID YOUR PARENTS INVEST?

26 A I THINK SOMETHING OVER A HUNDRED FIFTY THOUSAND
27 DOLLARS.

28 Q DO YOU HAVE ANY PERSONAL KNOWLEDGE AS TO WHAT

413

1 BEN DOSTI INVESTED?

2 A I THINK ABOUT \$8,000.

3 Q AND WHAT ABOUT RONALD --

4 A ABOUT FIVE THOUSAND.

5 Q AND DOCTOR MILTON RUBINI?

6 A I DON'T KNOW. I THINK IT WAS SOMEWHERE IN THE
7 ONE OR TWO HUNDRED THOUSAND DOLLAR RANGE. I DIDN'T KNOW HIM
8 AT THE TIME.

9 Q OKAY. DID YOU EVER RECEIVE A RETURN ON YOUR
10 INVESTMENT?

11 A NO, I DIDN'T.

12 Q SO THE \$4,000 WAS A COMPLETE LOSS?

13 A YES, IT WAS.

14 Q DID YOUR PARENTS EVER RECEIVE A RETURN ON THEIR
15 INVESTMENT?

16 A NO, THEY DIDN'T.

17 Q SO DID THEY LOSE THEIR WHOLE HUNDRED FIFTY
18 THOUSAND?

19 A YES, THEY DID.

20 Q AND DO YOU HAVE ANY KNOWLEDGE OF ANYONE THAT
21 MADE ANY INVESTMENTS GOT ANY OF THE MONEY BACK?

22 A NO, I DON'T.

23 Q OKAY. WHEN DID YOU FIRST LEARN THAT THERE WAS
24 GOING TO BE NO RETURN ON YOUR INVESTMENT?

25 A I LEARNED THAT IN I THINK JULY, 1981.

26 Q THEN YOU CONTINUED TO ASSOCIATE WITH JOE?

27 A YES, I DID.

28 Q OKAY. DID YOU MAKE ANY OTHER INVESTMENTS WITH

1 HIM?

2 A NO.

3 Q DID YOUR PARENTS MAKE ANY OTHER INVESTMENTS?

4 A I BELIEVE THEY LATER INVESTED ABOUT \$25,000 IN
5 THE COMMODITIES MARKET.

6 Q WHEN YOU SAY "LATER", DO YOU KNOW ABOUT WHAT
7 DATE THAT WAS?

8 A I THINK IT WAS 1983, SUMMERTIME.

9 Q OKAY. DID YOU CONVINCe YOUR PARENTS TO INVEST
10 THIS ONE HUNDRED FIFTY THOUSAND?

11 A JOE AND I DID. I WASN'T REALLY THAT WELL
12 VERSED IN THE WORKINGS OF THE COMMODITIES MARKET, NOR WAS I
13 IN JOE'S THEORY OF TRADING COMMODITIES, SO I -- I TOLD THEM
14 THAT JOE WAS DOING THIS AND JOE TOLD ME THAT HE WAS DOING
15 WELL AT IT, AND IT WAS MAINLY JOE WHO CONVINCED THEM TO
16 ACTUALLY GO THROUGH WITH A INVESTMENT.

17 Q OKAY. IS A HUNDRED FIFTY THOUSAND DOLLARS A
18 GREAT DEAL OF MONEY TO YOUR PARENTS?

19 A YES, IT IS.

20 Q SO WAS THAT CONSIDERED A BIG INVESTMENT FOR
21 THEM?

22 A AN ENORMOUS ONE.

23 Q SO WOULD IT BE CORRECT THAT -- TO STATE THAT
24 WHEN THEY INVESTED THIS HUNDRED FIFTY THOUSAND DOLLARS THEY
25 WERE TAKING A BIG CHANCE?

26 A IT CERTAINLY IS CORRECT TO SAY THAT.

27 Q ARE YOUR PARENTS EASILY CONVINCED TO TAKE BIG
28 CHANCES?

1 A NO THEY ARE NOT.

2 Q WHAT TYPE OF PROMISES OR REPRESENTATIONS TO
3 YOUR KNOWLEDGE DID JOE MAKE TO GET YOUR PARENTS TO INVEST
4 THIS HUNDRED FIFTY THOUSAND.

5 MS. LOPEZ: YOUR HONOR, AT THIS POINT I'M GOING TO
6 OBJECT ON RELEVANCY. THESE WERE INVESTMENTS THAT WERE MADE
7 IN 1981 WHICH ARE PRETTY REMOTE FROM THE FORMATION OF
8 MICROGENESIS, AND THE PROMISES MADE TO THE PARENTS IN ORDER
9 TO INVEST ARE NOT ONLY HEARSAY, BUT IRRELEVANT.

10 MR. YOUNG: THEY GO TO SEVERAL THINGS. THEY GO TO
11 THE CONTROL THAT JOE HUNT HAD OVER PEOPLE, I THINK WHICH HAS
12 BEEN REFERRED TO SEVERAL TIMES THROUGHOUT THIS PROCEEDING,
13 AND IT GOES TO THE EXTENT OF THE CONTROL THAT JOE HAD OVER
14 THIS WITNESS -- THAT JOE HUNT HAD OVER THIS WITNESS HERE.
15 THAT HAS SOME BEARING ON HIS CREDIBILITY. I THINK IT'S
16 RELEVANT.

17 THE COURT: THE OBJECTION WILL BE OVERRULED.

18 THE WITNESS: CAN YOU REPEAT THE QUESTION?

19 MR. YOUNG: CAN YOU READ BACK THE QUESTION PLEASE.

20 (WHEREUPON, THE QUESTION WAS READ BY THE REPORTER)

21 THE WITNESS: WELL, THE FIRST REPRESENTATION THAT HE
22 MADE WAS THAT HE WAS SUCCESSFUL ON HIS OWN ACCOUNT IN SUCH
23 INVESTMENTS AND THAT HE WAS MAKING A GREAT DEAL OF MONEY FOR
24 HIMSELF AND FOR OTHER INVESTORS, AND THEN HE WENT INTO
25 SLIGHTLY GREATER DETAIL AS TO A METHOD THAT HE USED FOR
26 TRADING WHICH RELATED TO SOME KIND OF RELATIONSHIP BETWEEN
27 THE FURTHER OUT MONTHS AND THE CLOSER MONTHS AS THEY
28 CONNECTED WITH THE YIELD CURVES IN THE T-BILL MARKETS, AND

1 IT SOUNDED VERY INTERESTING AND VERY SCIENTIFIC AND VERY¹⁶⁷
2 CONVINCING. ASIDE FROM THE FACT THAT MY PARENTS LIKED HIM
3 VERY MUCH. IT WAS IN THE NATURE OF THAT TYPE OF
4 REPRESENTATION.

5 THE COURT: YOU'VE ANSWERED THE QUESTION.

6 MR. YOUNG: THAT'S GOOD ENOUGH. THANK YOU.

7 MR. ZORNE: YOUR HONOR, I CAN'T SEE THE WITNESS VERY
8 CLEARLY. WOULD YOU BE KIND ENOUGH TO MOVE YOUR --

9 THE COURT: SURELY.

10 Q BY MR. YOUNG: OKAY. TO YOUR KNOWLEDGE WAS IT
11 TRUE THAT JOE HUNT AT THAT TIME WAS SUCCESSFUL IN THE
12 COMMODITIES MARKET?

13 A YES, IT WAS TRUE TO MY KNOWLEDGE.

14 Q OKAY. DID YOU HAVE ANY KNOWLEDGE THAT HE WAS
15 MAKING MONEY FOR OTHER PEOPLE?

16 A I HAD HEARD FROM HIM THAT HE WAS DOING THAT.

17 Q OKAY. HAD YOU HEARD FROM ANYONE ELSE BESIDES
18 JOE HUNT THAT --

19 A NO.

20 Q -- HE WAS SUCCESSFUL IN THE COMMODITIES MARKET?

21 A NO, I HADN'T.

22 Q OKAY. HAVE YOU EVER HEARD FROM ANYONE OTHER
23 THAN JOE HUNT THAT HE'S BEEN SUCCESSFUL IN THE COMMODITIES
24 MARKET?

25 A I HAVE HEARD THAT FROM DOCTOR RUBINI.

26 Q AND WHEN DID YOU HEAR THAT FROM HIM?

27 A WITHIN THE LAST YEAR. HE REFERRED TO THAT
28 PARTICULAR TIME PERIOD WHEN HE HAD BEEN AN INVESTOR AND HE

1 SAID THAT HE HAD MADE SOME MONEY.

2 Q OKAY. REFERRING TO THAT PARTICULAR TIME
3 PERIOD, ARE YOU REFERRING TO THE PERIOD WHEN YOUR PARENTS
4 HAD INVESTED THE ONE HUNDRED FIFTY THOUSAND AND YOU HAD
5 INVESTED THE FOUR THOUSAND --

6 A YES.

7 Q -- AND BEN DOSTI HAD INVESTED THE EIGHT
8 THOUSAND. SO APPARENTLY MR. RUBINI MADE MONEY WHILE THE
9 REST OF THE PEOPLE DIDN'T, IS THAT -- WOULD THAT BE AN
10 ACCURATE STATEMENT?

11 MS. LOPEZ: I'M GOING TO OBJECT AS NO PERSONAL
12 KNOWLEDGE ON THE PART OF THIS WITNESS AND ALSO IRRELEVANT.
13 IT DOESN'T GO TO ANY CONTROL OR ANYTHING OTHER RELEVANT TO
14 THESE PROCEEDINGS WHETHER OR NOT DR. RUBINI MADE MONEY.

15 MR. YOUNG: I'M TRYING TO ESTABLISH THE CHARACTER OF
16 JOE. HE MAY HAVE DONE -- HE'S GOING IN AND REPRESENTING
17 THAT HE'S SUCCESSFUL. THE ONLY PERSON THIS GUY'S EVER HEARD
18 IT FROM IS HIM, AND THEN NOW I LEARN THAT HE HEARD IT FROM
19 SOMEONE ELSE, AND I WANT TO FIND OUT THAT MAYBE JOE JUST
20 TOLD THAT GUY THE SAME THING.

21 MS. LOPEZ: WELL, THIS WITNESS WOULD HAVE NO WAY OF
22 KNOWING. THIS WITNESS HAS TESTIFIED TO THE STATEMENTS MADE
23 TO MINIMUM HIM BY MR. RUBINI. HE WOULD HAVE NO PERSONAL
24 KNOWLEDGE AS TO WHETHER DR. RUBINI, IN FACT, MADE MONEY.

25 MR. YOUNG: IF DR. RUBINI TOLD THIS PERSON HE MADE
26 MONEY, THAT WOULD BE INDEPENDENT EVIDENCE OTHER THAN JOE'S
27 STATEMENTS.

28 THE COURT: IT'S CROSS-EXAMINATION. THE OBJECTION

1 WILL BE OVERRULED. HE MAY ANSWER, IF HE KNOWS. 100

2 Q BY MR. YOUNG: THE QUESTION, IF I CAN RECALL IT
3 OR REPHRASE IT, WAS TO YOUR KNOWLEDGE AMONG THE PEOPLE THAT
4 WE HAVE LISTED AS THIS GROUP OF INVESTORS THAT INCLUDED YOUR
5 PARENTS AND BEN DOSTI AND YOURSELF, DR. MILTON RUBINI IS THE
6 ONLY ONE THAT YOU KNOW OF THAT STATES THAT HE MADE ANY
7 MONEY?

8 A THAT'S CORRECT.

9 Q OKAY. DO YOU KNOW IF IT WAS TRUE AT THE TIME
10 THAT JOE INDUCED YOUR PARENTS AND THESE OTHER PEOPLE TO
11 INVEST THIS MONEY IF HE WAS MAKING LOTS OF MONEY AS HE
12 REPRESENTED TO YOUR PARENTS?

13 A IF WHAT WAS TRUE AT THE TIME?

14 Q IF IT WAS TRUE THAT JOE WAS MAKING LOTS OF
15 MONEY AT THAT TIME HIMSELF?

16 A I DON'T KNOW FOR A FACT THAT THAT WAS TRUE.

17 Q OKAY. YOU STATED THAT IN CONVINCING YOUR
18 PARENTS TO TAKE THIS OR MAKE THIS INVESTMENT THAT JOE HAD A
19 VERY SCIENTIFIC SOUNDING APPROACH TO HIS METHOD OF
20 INVESTMENT; IS THAT CORRECT?

21 A YES.

22 Q OKAY. DID JOE AS JUST A GENERAL COURSE OF HIS
23 PERSONALITY, TO YOUR KNOWLEDGE, HAVE A VERY SCIENTIFIC
24 APPROACH TO MOST THINGS?

25 A WHAT DO YOU MEAN BY "SCIENTIFIC"?

26 Q WELL, VERY METHODICAL, VERY ELABORATE,
27 COMPLICATED?

28 A YES, ELABORATE, METHODICAL, COMPLICATED.

170

1 Q AND WOULD IT BE AN ACCURATE STATEMENT THAT JOE
2 WOULD USE ELABORATE, COMPLICATED, METHODICAL LOGIC IN OTHER
3 SITUATIONS TO CONVINCING PEOPLE TO DO THINGS THAT MAYBE THEY
4 NORMALLY WOULDN'T DO?

5 A HE WAS ELABORATE, METHODICAL AND COMPLICATED IN
6 MANY OF THE THINGS HE DID, INCLUDING HOW HE PERSUADED
7 PEOPLE, WHETHER HE WAS PERSUADING THEM TO DO SOMETHING THAT
8 THEY WOULD ORDINARILY DO OR NOT DO. THAT WAS THE WAY HE
9 WAS.

10 Q OKAY. AFTER -- REFERRING BACK TO THE
11 INVESTMENT YOUR PARENTS MADE IN 1983 OF \$25,000, THIS WOULD
12 BE AFTER THEY HAD LEARNED THAT THEY HAD LOST THEIR HUNDRED
13 FIFTY THOUSAND DOLLARS?

14 A CONSIDERABLY AFTER.

15 Q YEAH, CONSIDERABLY AFTER. DID JOE AGAIN
16 CONVINCING THEM TO INVEST \$25,000?

17 A SPECIFICALLY, WHAT HAPPENED IS THAT JOE TOLD ME
18 THAT THERE WAS A TERRIFIC TRADE IN THE MAKING AND THAT IT
19 WOULD BE A GOOD CHANCE FOR ANYONE TO GET IN ON IT, AND I
20 WENT RUNNING BACK TO MY PARENTS AND TOLD THEM ABOUT THIS
21 GREAT OPPORTUNITY, AND THEY DECIDED TO PUT \$25,000 IN.

22 Q OKAY. WHEN YOU TOLD THEM ABOUT THIS
23 OPPORTUNITY, DID YOU TELL THEM THAT IT WAS THROUGH JOE HUNT?

24 A YES.

25 Q OKAY. HAD THEY BEEN FRIENDLY WITH JOE HUNT
26 AFTER THE LOSS OF THEIR HUNDRED FIFTY THOUSAND?

27 A YES, THEY HAD.

28 Q AND CONTINUED A NORMAL RELATIONSHIP AS BEFORE

1 THEY HAD LOST THEIR MONEY?

2 A A VERY SUPPORTIVE RELATIONSHIP.

3 Q WERE THERE ANY OTHER INVESTMENTS BY YOU AND
4 YOUR PARENTS AFTER 1983?

5 A NOT THAT I KNOW OF.

6 Q OKAY. DID JOE HUNT GIVE ANY REASON OR
7 EXPLANATION FOR THE LOSS OF THE MONEY BY YOU AND YOUR
8 PARENTS?

9 A YES, HE DID.

10 Q AND WHAT WAS THAT EXPLANATION?

11 A HIS EXPLANATION -- FIRST OF ALL, WHICH LOSS ARE
12 YOU REFERRING TO?

13 Q THE HUNDRED FIFTY THOUSAND DOLLAR AND THE FOUR
14 THOUSAND DOLLAR, THE ONE YOU WERE INVOLVED IN INITIALLY.

15 A OKAY. HIS EXPLANATION THEN WAS, "WELL, ON THE
16 FLOOR OF THE MERCANTILE EXCHANGE, HE SAID HE'D BEEN MAKING A
17 GREAT DEAL OF MONEY AND THE WAY THE DYNAMIC WORK DOWN THERE,
18 WHEN YOU MADE MONEY SOMEONE ELSE LOSS MONEY, AND IT WAS
19 USUALLY ANOTHER FLOOR TRADER," SO HE SAID THAT THE NUMBER OF
20 PEOPLE WERE GROWING HOSTILE TOWARDS HIM THERE AND THAT A
21 LARGE BROKERAGE HOUSE HAD DECIDED TO SQUEEZE HIM OUT OF HIS
22 POSITION AND DID SO, AND HE SAID THAT IT WAS NO -- IT WAS NO
23 BAD IMPLICATION ABOUT HIS TRADING METHOD, BUT HE HAD JUST
24 BEEN SQUEEZED OUT OF THE POSITION AND IT WAS VERY
25 UNFORTUNATE.

26 Q AND WAS THAT AN ACCEPTABLE EXPLANATION? TO
27 YOUR PARENTS AND TO YOU?

28 A WELL, WE THOUGHT IT WAS KIND OF FISHY, BUT WE

1 HAD A LOT OF CONFIDENCE IN JOE AND HIS ABILITY AND HIS
2 INTELLIGENCE, AND HE SAID THAT HE COULD MAKE A GO OF IT
3 AGAIN AND THAT HE WOULD DO HIS BEST TO PAY EVERYONE BACK WHO
4 HAD LOST MONEY, AND SO WE WENT BEHIND HIM.

5 Q OKAY. SO WOULD IT BE A CORRECT STATEMENT TO
6 STATE THAT ALTHOUGH YOUR PARENTS HAD TAKEN A BIG CHANCE AND
7 HAD A GREAT LOSS, THAT BASED ON JOE'S PERSONALITY, HIS
8 INTELLIGENCE, HIS EXPLANATION, THAT YOU AND YOUR PARENTS
9 REMAINED VERY SUPPORTIVE OF JOE?

10 A YES. THAT'S A CORRECT STATEMENT.

11 Q OKAY. DID YOUR PARENTS ALSO LOSE THE \$25,000?

12 A YES, THEY DID.

13 Q AND WHEN DID THEY LEARN THAT THEY HAD LOST
14 THAT?

15 A I THINK IT WAS IN LATE 1983.

16 Q OKAY, AFTER THAT DID THEY STILL HAVE CONFIDENCE
17 IN JOE?

18 A LESS CONFIDENCE, BUT, YES, THEY STILL HAD
19 CONFIDENCE IN HIM.

20 Q OKAY. DID HE GIVE AN EXPLANATION FOR THAT
21 LOSS?

22 A YES, HE DID.

23 Q AND WHAT WAS THAT?

24 A HE EXPLAINED TO ME THAT HE HAD -- HE HAD
25 DEVIATED FROM HIS APPROACH SOMEWHAT BECAUSE OF EXPEDIENCY,
26 AND THAT THE MONEY HAD BEEN LOST BASICALLY BECAUSE HE -- HE
27 GAMBLER MORE THAN HIS APPROACH TELLS HIM TO AND HE JUST
28 CHALKED IT UP TO THAT.

1 Q AND WAS THAT AN ACCEPTABLE EXPLANATION TO YOU
2 AND YOUR PARENTS?

3 A WHAT DO YOU MEAN BY "ACCEPTABLE"?

4 Q WELL, DID YOU -- DID THEY OBJECT TO THE
5 EXPLANATION AND REQUEST THEIR MONEY BACK? LET ME PUT IT
6 ONE -- THAT'S A COMPOUND QUESTION. I'M SORRY. DID THEY ASK
7 FOR THEIR MONEY BACK?

8 A THEY DIDN'T HAVE TO ASK FOR THEIR MONEY BACK.
9 JOE PROMISED THAT HE WOULD GET THEIR MONEY BACK TO THEM AS
10 WELL AS THE MONEY THAT HAD BEEN LOST BEFORE.

11 Q OKAY. SO HE CONTINUED TO CONVINCING THEM AND YOU
12 THAT HE WOULD EVENTUALLY REPAY ALL OF THE MONEY THAT HE HAD
13 LOST?

14 A THAT HE WOULD DO HIS BEST TO DO SO, YES.

15 Q OKAY, AND HE EXPLAINED HOW HE DEVIATED FROM HIS
16 APPROACH AND THAT HE GAMBLED MORE THAN HIS APPROACH
17 REQUIRED. WAS THAT A FAIRLY ELABORATE EXPLANATION?

18 A NO. IT WASN'T REALLY AN ELABORATE EXPLANATION.
19 IT RELATED MORE TO THE AMOUNT OF MONEY THAT HE SAID HE
20 NEEDED TO HAVE IN RESERVE TO MAINTAIN THE MARGIN ON HIS
21 POSITION, AND BASICALLY WHAT HE HAD SAID, I THINK, WAS THAT
22 HE TOOK ON TOO BIG OF A POSITION CONSIDERING THE AMOUNT THAT
23 HE HAD IN RESERVE, AND WHEN THE MARGIN CALL CAME HE WASN'T
24 ABLE TO MAINTAIN THE POSITION. SO IT WASN'T THE QUESTION OF
25 A FAILURE IN HIS APPROACH AGAIN. HE WAS VERY ADAMANT ABOUT
26 THAT. IT WAS JUST THE WAY HE HAD EXECUTED THE TRADE, SO
27 THAT HE COULDN'T REALLY PROCEED WITH HIS APPROACH.

28 Q TO ME THAT SOUNDS ELABORATE. THAT'S NOT

1 ELABORATE TO YOU?

2 A CONSIDERING SOME OF THE THINGS HE SAID, THAT
3 WAS PRETTY SIMPLE.

4 Q OKAY. YOU WERE STILL CONVINCED AND CONFIDENT
5 IN JOE AFTER ALL OF THESE LOSSES, BOTH YOU AND YOUR PARENTS?

6 A I HAD A CERTAIN TYPE OF CONFIDENCE IN HIM, YES.

7 Q OKAY. YOU CONTINUED TO WORK WITH JOE AFTER --
8 STRIKE THAT.

9 DID YOU EVER BECOME EMPLOYED BY JOE?

10 A YOU MEAN AS FAR AS A SPECIFIC EMPLOYMENT
11 AGREEMENT OR.....

12 Q WELL -- YES.

13 A THERE WAS NO SPECIFIC EMPLOYMENT AGREEMENT.

14 Q OKAY. DID YOU EVER PERFORM FUNCTIONS FOR HIM?

15 A WHAT TYPE OF FUNCTIONS?

16 Q DO ANYTHING FOR HIM THAT YOU DIDN'T RECEIVE
17 PAYMENT FOR?

18 MS. LOPEZ: I'M GOING TO OBJECT AS THE QUESTION IS
19 VAGUE AND SOMEWHAT BROAD.

20 MR. YOUNG: WELL, HE SAID HE HAD NO SPECIFIC
21 EMPLOYMENT AGREEMENT. I'M TRYING TO ESTABLISH IF IT
22 WORKED -- WELL, I CAN REPHRASE THE QUESTION.

23 THE COURT: ALL RIGHT. THE OBJECTION WILL BE
24 SUSTAINED. "DID YOU EVER DO FUNCTIONS FOR HIM" IS RATHER A
25 BROAD QUESTION TO ASK HIM.

26 Q BY MR. YOUNG: DID YOU WORK FOR JOE HUNT?

27 A I WORKED WITH JOE HUNT, AND IN A PRACTICAL
28 SENSE I WAS WORKING FOR JOE HUNT.

1 Q OKAY. WHEN YOU SAY YOU WORKED WITH JOE HUNT,
2 WHEN DID YOU BEGIN WORKING WITH HIM?

3 A OH, A FEW MONTHS AFTER HE CAME BACK FROM
4 CHICAGO, WHICH SHOULD HAVE BEEN -- I'M TRYING TO THINK OF
5 THE YEAR, NOW. IT SHOULD HAVE BEEN IN 1982, I THINK.

6 Q AND WHEN YOU SAY WORKED WITH JOE HUNT, WHAT DO
7 YOU MEAN BY WORKED WITH HIM?

8 A WELL, HE HAD A NUMBER OF IDEAS FOR STARTING
9 SOME BUSINESSES, AND I HELPED HIM IN DEVELOPING THESE IDEAS
10 AND PROJECTS THAT GREW OUT OF THEM.

11 Q OKAY. WAS ONE OF THESE PROJECTS THE BBC?

12 A YES, IT WAS.

13 Q AND WHEN DID THAT START?

14 A WELL, THE IDEA OF THE BBC STARTED WHILE JOE WAS
15 STILL IN CHICAGO. IT WASN'T STARTED SO MUCH AS A BUSINESS
16 IDEA AS JUST WAY WE -- THE NAME WE WOULD GIVE TO THE GROUP
17 OF BOYS THAT WERE TRYING TO WORK IT OUT TOGETHER.

18 Q OKAY, AND DID THAT BBC STAND FOR BILLIONAIRE
19 BOYS CLUB?

20 A IT DIDN'T REALLY STAND FOR ANYTHING. AT TIMES
21 WE JOKED ABOUT IT, REFERRED TO IT AS BILLIONAIRE BOYS CLUB;
22 AT OTHER TIMES THE BRASS BALLS CLUB, AND WE ORIGINALLY GOT
23 THE LETTERS OF A BAR IN CHICAGO THAT JOE USED TO GO TO
24 CALLED THE BOMBAY BICYCLE CLUB. IT DIDN'T REALLY REFER TO
25 ANYTHING IN PARTICULAR, THOUGH.

26 Q OKAY, AND WHAT WAS THE CONCEPT BEHIND -- TO
27 YOUR KNOWLEDGE, THE CONCEPT BEHIND THE BBC?

28 A THE CONCEPT BEHIND THE BBC WAS THAT AN

1 ORGANIZATION SHOULD BE STARTED THROUGH WHICH INDIVIDUALS
2 COULD CHANNEL WHAT RESOURCES THEY HAD AVAILABLE TO THEM,
3 BOTH FINANCIAL RESOURCES AND PERSONAL RESOURCES, SO THAT
4 THROUGH THE EFFECTIVE USE OF THOSE RESOURCES, BUSINESS
5 SUCCESS COULD BE ATTAINED AS WELL AS PERSONAL FULFILLMENT
6 THROUGH INVOLVEMENT IN AN ORGANIZATION THAT WASN'T BOUND BY
7 SOME OF THE RULES AND REGULATIONS THAT LIMIT MORE
8 CONVENTIONAL ORGANIZATIONS.

9 MS. LOPEZ: IF I COULD JUST INTERRUPT FOR A MOMENT,
10 WE PREVIOUSLY -- THE PEOPLE PREVIOUSLY ASKED THAT THE
11 DEFENDANT'S WITNESSES OR POTENTIAL WITNESSES BE EXCLUDED.
12 MRS. PITTMAN WAS PREVIOUSLY EXCLUDED. SHE IS NOW IN THE
13 COURTROOM. CAN WE JUST ASK THAT SHE BE EXCLUDED?

14 MR. YOUNG: YOUR HONOR, SHE IS NOT GOING TO BE A
15 WITNESS. I WAS THINKING OF CALLING HER AS A CHARACTER
16 WITNESS LATER, BUT I'M NOT GOING TO.

17 MS. LOPEZ: THAT'S FINE.

18 MR. YOUNG: I WAS GOING TO PUT ON AN AFFIRMATIVE
19 DEFENSE.

20 THE COURT: IS THE OBJECTION WITHDRAWN THEN?

21 MS. LOPEZ: IS SHE GOING TO BE A POTENTIAL WITNESS AT
22 TRIAL?

23 MR. YOUNG: I DON'T SEE OTHER THAN AS A CHARACTER
24 WITNESS.

25 MS. LOPEZ: IN THAT CASE, I AGAIN WOULD ASK THAT SHE
26 BE EXCLUDED IF SHE'S GOING TO BE CALLED.

27 MR. YOUNG: THEN I WON'T NEED TO USE HER AT TRIAL.
28 SHE WOULD LIKE TO SIT IN AND SEE WHAT'S HAPPENING TO HER

1 HUSBAND.

2 DEFENDANT PITTMAN: SHE'S GOT RIGHTS, TOO.

3 MS. LOPEZ: NOT IF SHE'S A WITNESS.

4 MR. YOUNG: I DON'T PLAN TO CALL HER.

5 THE COURT: ALL RIGHT. DO YOU STILL HAVE YOUR
6 OBJECTION?

7 MS. LOPEZ: WELL, DUE TO MR. YOUNG'S HESITANCY. ON
8 THE ONE HAND, HE SAYS HE WAS PLANNING TO CALL HER AT TRIAL
9 AS A CHARACTER WITNESS, BUT HE WOULD LIKE HER TO SIT IN FOR
10 THESE PROCEEDINGS. I WOULD NOT LIKE TO BE FACED WITH THE
11 POSITION THAT AT TRIAL HE THEN WOULD REQUEST TO CALL HER IN
12 ORDER TO PUT ON A DEFENSE FOR HIS CLIENT, AND JUST IN AN
13 ABUNDANCE OF CAUTION WE'D ASK THAT SHE BE EXCLUDED.

14 THE COURT: WELL, ON ONE HAND, IT'S NOT UNCOMMON THAT
15 A SPOUSE WOULD WANT TO BE PRESENT IN THE COURTROOM WHERE HER
16 HUSBAND IS CHARGED WITH SOMETHING. ON THE OTHER HAND, IF
17 SHE'S GOING TO BE A WITNESS -- IT DEPENDS ON -- ARE YOU --
18 AS THE STATEMENT WAS MADE NOW, SHE'S NOT GOING TO BE A
19 WITNESS; IS THAT --

20 MR. YOUNG: I'M NOT PLANNING TO CALL HER AS A
21 WITNESS. SHE HAS NO KNOWLEDGE -- ANY PERSONAL KNOWLEDGE OF
22 THE FACTS OF THIS CASE.

23 THE COURT: ALL RIGHT. NOW, IS THERE STILL AN
24 OBJECTION?

25 MS. LOPEZ: YES, YOUR HONOR, ONLY BECAUSE I DON'T
26 BELIEVE AT TRIAL IF MR. YOUNG WOULD LIKE TO CALL HER AS A
27 WITNESS, AS A CHARACTER WITNESS, THE PEOPLE WOULD BE ABLE TO
28 EXCLUDE HER. AND MR. YOUNG HAS ALREADY STATED THAT HE HAD

175

1 INTENDED TO CALL HER AS A CHARACTER WITNESS AT TRIAL.

2 IN ADDITION SHE WAS ALSO PRESENT DURING SERVICE --

3 THE COURT: PERHAPS IT WOULD BE BETTER, MRS. PITTMAN,
4 IF YOU DID STEP OUT, THEN. I REALIZE YOU WANT TO BE HERE,
5 BUT IN VIEW OF THE FACT THAT YOU MAY BE A POTENTIAL WITNESS
6 IT MIGHT BE BETTER THAT YOU STEP OUTSIDE.

7 Q BY MR. YOUNG: OKAY. COULD YOU READ BACK THE
8 LAST COUPLE OF FEW LINES OR SOMETHING.

9 (WHEREUPON, THE LAST ANSWER WAS READ)

10 Q BY MR. YOUNG: OKAY. DIRECTING YOUR ATTENTION
11 TO THE PORTION OF THE CONCEPT WHERE YOU SAID THAT THEY WOULD
12 NOT BE BOUND BY SOME OF THE RULES WHICH LIMIT CONVENTIONAL
13 ORGANIZATIONS, WHAT WAS MEANT BY THAT PORTION?

14 A BY THAT PORTION, I WAS REFERRING TO THE NOTION
15 THAT WITHIN THE BBC PEOPLE'S PROGRESS AND THE THINGS THAT
16 PEOPLE COULD ACHIEVE ARE NOT SUPPOSED TO BE LIMITED BY
17 THINGS LIKE HOW MUCH MONEY THEY HAD, THE TIME THAT THEY
18 ENTERED INTO THE ORGANIZATION, WHETHER SOMEONE ELSE HAD BEEN
19 THERE FIRST, THAT THERE SHOULDN'T BE ANY SET HIERARCHY SUCH
20 AS THERE ARE IN NORMAL CORPORATIONS, THAT IT BE MORE OF A
21 MERITOCRACY WHERE PEOPLE COULD PROGRESS ACCORDING TO WHAT
22 THEY PRODUCED RATHER THAN ACCORDING TO SOME MORE ARBITRARY
23 STANDARD.

24 Q WAS THERE ANY DISCUSSION BETWEEN YOU AND JOE
25 HUNT WITH RESPECT TO WHETHER THIS LACK OF LIMIT ON THE
26 BOUNDS OF THE ORGANIZATION WOULD HAVE INVOLVED CRIMINAL
27 RESTRICTIONS? IN OTHER WORDS, WOULD YOUR CONCEPT PERMIT YOU
28 TO COMMIT CRIMINAL ACTS?

479

1 A YES, IT WOULD.

2 Q AND THAT WAS FOR THE INITIAL FORMATION OF THIS
3 ORGANIZATION?

4 A NO, IT WASN'T. OKAY.

5 Q OKAY. WAS THIS LACK OF LIMITATION OR THIS
6 PERMISSION TO COMMIT CRIMINAL ACTS AND UNDER THIS CONCEPT,
7 DID IT DEVELOP THEN SOMETIME AFTER THE CONCEPT OF THE BBC
8 WAS INITIALLY ESTABLISHED?

9 A SPEAKING STRICTLY AS TO MY OWN UNDERSTANDING OF
10 THE CONCEPT OF THE BBC AND WHAT WE WERE TRYING TO
11 ACCOMPLISH, YES.

12 Q OKAY. I BELIEVE YOU INDICATED THAT THE BBC
13 STARTED SOMETIME IN 1982; IS THAT CORRECT?

14 A YES.

15 Q AFTER JOE HAD RETURNED FROM CHICAGO?

16 A NO. WHAT I SAID WAS THAT THE IDEA ACTUALLY
17 STARTED WHILE HE WAS IN CHICAGO.

18 Q YEAH.

19 A BECAUSE THE BOMBAY BICYCLE CLUB WAS A BAR THAT
20 HE WENT TO SOMETIMES WHILE IN CHICAGO.

21 Q RIGHT.

22 A AND WE COMMUNICATED BY PHONE AT THAT TIME, AND
23 I GUESS THE IDEA WAS STARTED THEN. WE STARTED ACTIVELY
24 DOING THINGS IN TERMS OF BUILDING A GROUP LATER ON IN '82.

25 Q 1982. OKAY. SO THE ORGANIZATION ITSELF -- YOU
26 AND JOE, THEN, WERE THE ORIGINAL FORMULATORS OF THE
27 ORGANIZATION?

28 A WELL, IT HAD BEEN JOE'S IDEA TO DO SOMETHING

1 LIKE THAT EVEN BEFORE HE BECAME REACQUAINTED WITH BEN AND
2 I --

3 Q OKAY.

4 A -- IN WESTWOOD IN 1981, AND I GUESS WITH BEN
5 AND I HE CRYSTALLIZED HIS IDEAS.

6 Q WERE YOU THE FIRST ONE THAT ENTERED INTO THE
7 ORGANIZATION WITH JOE, THEN, OR ENTERED INTO -- BECAME A
8 FOLLOWER OF THE CONCEPT? LET'S PUT IT THAT WAY.

9 A BEN AND I DID SIMULTANEOUSLY, I'D SAY.

10 Q OKAY. DID BEN KEEP IN CONTACT WITH JOE DURING
11 THIS PERIOD WHILE HE WAS IN CHICAGO, TO YOUR KNOWLEDGE?

12 A YES, HE DID.

13 Q AND DID YOU HAVE COMMUNICATIONS WITH BEN
14 REGARDING THIS CONCEPT?

15 A YES, I DID.

16 Q OKAY. WHO WAS THE NEXT MEMBER OF THE GROUP?

17 A I BELIEVE IT WAS RONALD PARDOVITCH.

18 Q AND WASN'T HE ONE OF THOSE INVESTORS?

19 A YES.

20 Q OF THE ORIGINAL INVESTORS. DO YOU KNOW IF HE
21 WENT TO SCHOOL WITH JOE ALSO?

22 A HE DID NOT GO TO SCHOOL WITH JOE. HE CAME FROM
23 HOLLAND. HE ATTENDED UCLA WITH BEN AND MYSELF FOR AWHILE.

24 Q AND HOW DID HE BECOME INVOLVED IN THE
25 ORGANIZATION?

26 A HE WAS A FRIEND OF OURSELVES, AND ANYONE WHO
27 SPENT ANY TIME AROUND US EITHER BECAME -- AROUND JOE MORE
28 SPECIFICALLY, EITHER BECAME INVOLVED OR KIND OF SPUN OFF AND

1 DID SOMETHING ELSE. AT THE TIME, JOE WAS LOOKING FOR PEOPLE
2 TO INCORPORATE INTO HIS ORGANIZATION AND HIS MEETINGS WITH
3 PEOPLE WERE ALWAYS GEARED TOWARDS THAT, I THINK, FROM HIS
4 PERSONAL POINT OF VIEW.

5 Q WOULD IT BE AN ACCURATE STATEMENT TO SAY THAT
6 THIS CONCEPT OF THE BBC WAS PRETTY MUCH -- WAS CONSUMPTIVE
7 OF MOST OF YOUR TIME?

8 A DURING WHICH PERIOD?

9 Q DURING THE PERIOD OF ITS INITIAL FORMATION?

10 A NO, THAT WOULD NOT BE ACCURATE.

11 Q OKAY.

12 Q DO YOU RECALL WHEN RONALD PARDOVITCH -- IS THAT
13 THE CORRECT PRONUNCIATION -- WHEN HE BECAME INVOLVED WITH
14 THE BBC?

15 A JUST SHORTLY -- SHORTLY AFTER BEN AND I DID.

16 Q OKAY, AND WHO WAS THE NEXT MEMBER?

17 A WE INTRODUCED ANOTHER -- OR I ACTUALLY
18 INTRODUCED ANOTHER FRIEND OF MINE TO JOE. HIS NAME IS
19 MICKEY FINE.

20 Q AND DID HE GET INVOLVED IN THE PHILOSOPHY OF
21 THE BBC?

22 A YES, HE DID.

23 Q AND WHO WAS THE NEXT MEMBER?

24 A IT'S DIFFICULT TO REMEMBER THE ORDER.

25 Q YEAH.

26 A BUT OVER THE NEXT PERIOD OF TIME --

27 Q IF YOU COULD JUST SAY THE NEXT --

28 A A NUMBER OF FRIENDS OF MINE GREW INTERESTED IN

1 WHAT I WAS DOING, AND I WAS VERY ANXIOUS TO INTRODUCE THEM
2 TO JOE WHOM I THOUGHT WAS A VERY INTERESTING MAN AND COULD
3 DO A LOT OF GOOD TO ANYONE THAT HE MET. SO OVER THE TIME I
4 INTRODUCED NEARLY ALL OF MY FRIENDS TO HIM.

5 Q OKAY. DID THESE FRIENDS INVEST TIME INTO THE
6 BBC?

7 A SOME OF THEM INVESTED TIME; SOME OF THEM PUT A
8 LITTLE MONEY INTO THE COMMODITIES MARKET. OTHERS WERE JUST
9 VERY HAPPY TO BE ASSOCIATED WITH US AT WHATEVER FUNCTIONS --
10 THERE WERE PARTIES, THINGS LIKE THAT, OUTINGS.

11 Q WHAT KIND OF THINGS WOULD YOU DO TOGETHER? YOU
12 MENTIONED PARTIES, OUTINGS?

13 A WE WOULD FREQUENTLY GO OUT AS GROUPS OF FRIENDS
14 DO TO RESTAURANTS, DINNERS, MOVIES, PARTIES, THAT SORT OF
15 THING.

16 Q OKAY. DID THE BBC, LET'S SAY DURING 1982, DID
17 IT HAVE ANY PARTICULAR BUSINESS FUNCTION?

18 A NOT REALLY.

19 Q OKAY. COULD WE SAY IT WAS MORE OF A SOCIAL
20 ORIENTED GROUP OF PERSONS AT THAT POINT?

21 A YES, BUT THE FACT THAT -- THAT JOE WAS TRADING
22 COMMODITIES AND THAT WE HAD PLANS TO SOME DAY START
23 BUSINESSES WAS ALWAYS IN OUR MINDS.

24 Q AND WHEN YOU WOULD GO TO THESE DIFFERENT
25 PARTIES AND FUNCTIONS, WOULD YOU DISCUSS THE CONCEPTS OF THE
26 BBC FAIRLY FREQUENTLY?

27 A YES.

28 Q WOULD IT BE ONE OF THE DOMINANT THEMES OF

1 CONVERSATION AT MOST OF THESE OUTINGS?

2 A NO.

3 Q WAS JOHN ALDEN A MEMBER OF THE BBC?

4 A YES, HE WAS.

5 Q AND DO YOU RECALL WHEN HE BECAME PART OF THE
6 ORGANIZATION?

7 A OH, ABOUT THE END OF 1983, I THINK.

8 Q OKAY, AND WAS --

9 A EXCUSE ME. EXCUSE ME. IT WAS MORE TOWARDS MAY
10 1983, I THINK.

11 Q BETTER AT DATES THAN ME. OKAY. DID TOM MAY
12 BECOME A MEMBER OF THE BBC?

13 A YES.

14 Q AND WHEN DID HE BECOME A MEMBER?

15 A SOMETIME DURING 1982, I THINK.

16 Q SO HE WAS ONE OF THE EARLIER MEMBERS, THEN?
17 TOM?

18 A YES.

19 Q OKAY. WHAT ABOUT DAVE MAY?

20 A SAME TIME AS TOM.

21 Q AND DID THEY AGREE AND ACCEPT THE PHILOSOPHIES
22 OF THE BBC AS YOU'VE SET FORTH?

23 A I'M NOT SURE EXACTLY WHAT IT WAS THAT I SET
24 FORTH.

25 Q OH, ABOUT THE CONCEPT OF CHANNELING YOUR
26 RESOURCES, PERSONAL AND FINANCIAL, SO THAT YOU COULD HAVE
27 EFFECTIVE UTILIZATION, PERSONAL AND BUSINESS FULFILLMENT,
28 NOT BOUND BY SOME OF THE NORMAL RULES?

1 A YES, THEY AGREED.

2 Q OKAY. WHAT ABOUT STEVE TAGLIANETTI? AM I --

3 A YOU'RE PRONOUNCING IT CORRECTLY. WHAT ARE YOU
4 ASKING ME?

5 Q DID HE BECOME A MEMBER OF THE BBC?

6 A YES, HE DID.

7 Q AND WHEN DID HE BECOME A MEMBER?

8 A ABOUT FOUR MONTHS AFTER TOM AND DAVE DID.

9 Q SO THAT WOULD HAVE BEEN SOMETIME IN THE LATTER
10 PART OF 1982?

11 A I THINK SO.

12 Q HOW MANY MEMBERS DID THE BBC HAVE LET'S SAY IN
13 JUNE OF 1984?

14 A I'D SAY ABOUT 17, I THINK. MAYBE A LITTLE
15 LESS.

16 Q 17. OKAY. INITIALLY, THIS WAS JUST -- THE BBC
17 WAS JUST AN INFORMAL ASSOCIATION; IS THAT CORRECT?

18 A RIGHT.

19 Q OKAY. DID IT AT SOME POINT INCORPORATE?

20 A THE BBC ITSELF IS NOT THE KIND OF THING THAT
21 INCORPORATES, BUT A CORPORATION WAS FORMED CALLED BBC
22 CONSOLIDATED OF NORTH AMERICA.

23 Q OKAY. DO YOU KNOW WHEN THAT WAS FORMED?

24 A NOT EXACTLY.

25 Q AND DO YOU HAVE ANY PERSONAL KNOWLEDGE AS TO
26 THE PURPOSE OF THAT CORPORATION?

27 A NO, I DON'T.

28 Q OKAY. YOU INDICATED THAT AT SOME POINT DURING

1 THE DEVELOPMENT OF THE BBC, THAT PART OF THE PHILOSOPHY 185
2 PERMITTED THE MEMBERS TO COMMIT CRIMINAL ACTS. CAN YOU
3 RECALL ABOUT WHEN THAT PART OF THE PHILOSOPHY BEGAN TO
4 DEVELOP OPENLY?

5 A WELL, I THINK THAT -- THAT TRAIN OF THOUGHT
6 ALWAYS EXISTED IN JOE HUNT'S MIND BECAUSE HE ALWAYS LOOKED
7 UPON -- UPON THAT AS THE LOGICAL EXTENSION OF CIRCUMSTANCES
8 THAT THAT COULD ARISE, THAT AT SOME POINT YOU COULD
9 RECONCILE YOURSELF TO COMMITTING AN ACT WHICH SOCIETY
10 LABELED CRIMINAL, AND I THINK HE ALWAYS LIVED THAT WAY.
11 ALTHOUGH HE WASN'T ANXIOUS TO COMMIT CRIMINAL ACTS, HE COULD
12 RECONCILE THEM TO HIMSELF WITHIN THE STRUCTURE OF THIS
13 PHILOSOPHY.

14 Q OKAY. BUT HE DIDN'T INITIALLY ANNOUNCE THAT OR
15 MAKE MOST OF THE OTHER MEMBERS AWARE?

16 A NO, HE DID NOT.

17 Q OKAY. DID HE EVER AT SOME POINT START MAKING
18 EVERYONE AWARE THAT THIS -- THAT -- OF HIS THEORY OF -- THAT
19 IT WAS PERMISSIBLE TO COMMIT CRIMINAL ACTS?

20 A AT VARIOUS TIMES HE WOULD -- HE WOULD DISCUSS
21 MORALITY WITH ONE OR A NUMBER OF THE PEOPLE IN THE GROUP,
22 AND HIS PHILOSOPHY WAS I GUESS YOU COULD SAY AMORAL. SO TO
23 THE EXTENT THAT THOSE DISCUSSIONS BOARDED UPON THOSE
24 SUBJECTS, I GUESS YOU COULD SAY HE WAS TALKING ABOUT THE
25 POSSIBILITY OF COMMITTING CRIMINAL ACTS.

26 YOU'RE NOT REALLY BEING SPECIFIC. I CAN'T GIVE YOU A
27 SPECIFIC CONVERSATION WHEN HE BROUGHT IT UP TO EVERYONE, BUT
28 GRADUALLY THE IDEA --

1 Q IT WAS GRADUALLY -- WOULD IT BE AN ACCURATE
2 STATEMENT TO SAY THAT GRADUALLY THROUGH THESE PHILOSOPHIES
3 OF NOT BEING LIMITED AND HAVING THE NORMAL BOUNDS OF A
4 BUSINESS ASSOCIATION AND HIS PHILOSOPHY OF MORALITY, THAT
5 GRADUALLY EVERYONE BEGAN TO ACCEPT THAT CRIMINAL ACTS WERE
6 PERMISSIBLE?

7 A NOT EVERYONE BEGAN TO ACCEPT THAT.

8 Q OKAY. DID A NUMBER OF MEMBERS OF THE BBC BEGIN
9 TO ACCEPT THAT?

10 A I SUPPOSE YOU'D HAVE TO SAY THAT -- THAT A
11 NUMBER OF PEOPLE -- AND I'M USING THE TERM -- BECAME
12 RECONCILED TO THAT POSSIBILITY BECAUSE THAT WAS THE TERM
13 THAT WAS USED IN THE EXPLANATIONS TO US BY JOE.

14 Q OKAY. YOU 'VE ANSWERED MY QUESTION.

15 A YEAH.

16 Q DID YOU, AS A RESULT OF THESE PHILOSOPHIES BY
17 JOE AND THE BBC, BECOME WITHIN YOURSELF RECONCILED TO BECOME
18 CAPABLE OF COMMITTING CRIMINAL ACTS?

19 A I GUESS I DID.

20 THE COURT: MR. YOUNG, WOULD THIS BE A GOOD TIME TO
21 BREAK? I DON'T WANT TO INTERRUPT YOUR TRAIN OF THOUGHT,
22 BUT --

23 MR. YOUNG: NO. THIS WOULD BE FINE.

24 THE COURT: ALL RIGHT. IT'S FIVE MINUTES AFTER
25 12:00. LET'S TAKE OUR NOON RECESS AT THIS TIME. WE'LL
26 RECESS UNTIL 2:00 O'CLOCK THIS AFTERNOON.

27 (WHEREUPON, THE NOON RECESS WAS TAKEN)

28 THE COURT: ALL RIGHT. IN THE MATTER OF PEOPLE

1 VERSUS JAMES PITTMAN, LET THE RECORD SHOW THAT HE IS PRESENT
2 WITH HIS COUNSEL, MR. YOUNG, AND MR. ZORNE; THE DISTRICT
3 ATTORNEY MS. LOPEZ IS PRESENT. ARE YOU READY TO PROCEED AT
4 THIS TIME?

5 MS. LOPEZ: NO. THE PEOPLE ASK THAT THE CASE BE
6 TRAILED UNTIL TOMORROW.

7 THE COURT: ALL RIGHT. IS THERE ANY OBJECTION ON THE
8 PART OF THE DEFENSE?

9 MR. YOUNG: NO, I DON'T OBJECT. THEY'VE BEEN SO NICE
10 TO ME.

11 THE COURT: ALL RIGHT. WHAT TIME WILL IT BE TOMORROW
12 MORNING, MR. YOUNG? HOW MANY OTHER APPEARANCES DO YOU HAVE
13 FIRST?

14 MR. YOUNG: SUPPOSEDLY THREE, BUT I THINK I CAN
15 HANDLE TWO BY PHONE, SO --

16 THE COURT: 10:00 O'CLOCK AGAIN?

17 MR. YOUNG: I WOULD SAY 10:30. I THINK I CAN BE HERE
18 BY 10:00.

19 THE COURT: ALL RIGHT. LET'S SET IT FOR 10:00, AND
20 IF YOU CAN BE HERE BY 10:30 WE'LL START IT THEN. IF
21 ANYTHING HAPPENS, LET US KNOW.

22 MR. YOUNG: I WILL. COULD WE DO ONE THING?

23 THE COURT: YES.

24 MR. YOUNG: EXHIBIT A, WHICH WAS THE HANDWRITTEN
25 YELLOW SHEET OF PAPER BY THE -- I FORGOT THE NAME OF THE
26 WITNESS, COULD WE ADMIT THAT AT THIS TIME?

27 MS. LOPEZ: JEFF RAYMOND. NO OBJECTION.

28 THE COURT: ALL RIGHT. WE'LL RECESS UNTIL TOMORROW

1 MORNING AT 10:00 O'CLOCK.

2 MS. LOPEZ: YOUR HONOR, DO WE NEED A WAIVER FROM
3 MR. PITTMAN AS TO A CONTINUOUS HEARING?

4 THE COURT: NO. BECAUSE THE COURT IS GOING TO RECESS
5 NOW AND THERE WILL BE NOTHING IN BETWEEN NOW AND TOMORROW
6 MORNING.

7 MS. LOPEZ: OKAY.

8 THE COURT: IT WILL BE ONE CONTINUOUS SESSION.

9 MS. LOPEZ: COULD WE GET A WAIVER JUST OUT OF THE
10 ABUNDANCE OF CAUTION.

11 THE COURT: COUNSEL, DO YOU WAIVE CONTINUITY UNDER
12 861?

13 MR. YOUNG: YES, WE DO.

14 MS. LOPEZ: MR. PITTMAN, DO YOU ALSO WAIVE.

15 DEFENDANT PITTMAN: I DON'T HAVE ANY CHOICE, DO I?

16 MS. LOPEZ: NO. YOU DO HAVE A CHOICE. DO YOU WAIVE
17 A CONTINUOUS PRELIMINARY HEARING?

18 DEFENDANT PITTMAN: WELL, IF THE OTHER GUY IS HERE
19 AND WE CAN GO, SURE, LET'S GO AHEAD WITH IT.

20 MS. LOPEZ: OKAY. DO YOU WAIVE -- MR. YOUNG, HAVE
21 YOU SPOKEN TO YOUR CLIENT?

22 MS. LOPEZ: SO WAIVED?

23 DEFENDANT PITTMAN: I HAVE NO CHOICE.

24 MS. LOPEZ: YOU'VE GOT TO SAY "YES" OR "NO".

25 DEFENDANT PITTMAN: YEAH.

26 MS. LOPEZ: THANK YOU.

27

28

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189

1 BEVERLY HILLS, CALIFORNIA, WEDNESDAY, JANUARY 16, 1985

2 11:30 A.M.

3 --000--

4
5 THE COURT: ALL RIGHT. IN THE MATTER OF JAMES
6 PITTMAN, LET THE RECORD REFLECT THAT THE DEFENDANT IS
7 PRESENT WITH HIS COUNSEL, MR. YOUNG AND MR. ZORNE, AND THAT
8 THE DISTRICT ATTORNEY IS PRESENT. ARE WE READY TO RESUME?

9 MS. LOPEZ: YES, YOUR HONOR.

10 THE COURT: MR. KARNY, COME FORWARD.

11 I BELIEVE WHEN WE RECESSED YESTERDAY YOU WERE IN THE
12 PROCESS OF CROSS-EXAMINATION.

13 MR. YOUNG: YES, YOUR HONOR.

14
15 CROSS EXAMINATION (CONT'D)

16 BY MR. YOUNG:

17 Q JOE AND THE BBC HAD A PHILOSOPHY OF PARADOX
18 PHILOSOPHY; IS THAT CORRECT?

19 A THAT WAS THE NAME THAT HE GAVE IT.

20 Q COULD YOU EXPLAIN THAT PHILOSOPHY?

21 A I'LL TRY TO. PARADOX PHILOSOPHY WAS HELD AS
22 ITS FUNDAMENTAL PRECEPT THAT RELATIONSHIPS IN THE WORLD ARE
23 PRODUCABLE TO PARADOXES, THAT REALITY IS CIRCUMSTANTIAL AND
24 SITUATIONAL, AND THAT THROUGH A REORIENTATION OF YOUR
25 PERSPECTIVE YOU COULD SEE THINGS WHICH MIGHT BE BLACK IN ONE
26 WAY AS BEING WHITE; THAT BEING A PARADOX. AND THE PURPOSE
27 OF SUCH A PHILOSOPHY IS TO BE ABLE TO RECONCILE YOURSELF TO
28 ANYTHING AS A COURSE OF ACTION WITHOUT ANY CONCERN FOR

1 WHETHER IT'S RIGHT OR WRONG BECAUSE YOU CAN RECONCILE IT.

2 Q OKAY. IN THIS PARADOX PHILOSOPHY, WAS THAT
3 PART OF THE BASIC PHILOSOPHY OF THE BBC AS IT WAS INITIALLY
4 FORMED?

5 A YES, IT WAS.

6 Q AND DID YOU HAVE DISCUSSIONS WITH JOE DURING
7 THE INITIAL FORMATION OF THE BBC ABOUT RECONCILING YOURSELF
8 TO DOING ANYTHING?

9 A NO, NOT DURING THE INITIAL STAGES.

10 Q OKAY.

11 A DURING THAT TIME IT WAS MORE A WAY OF
12 DESCRIBING THINGS AS THEY WERE, SO THAT AS JOE WAS HELPING
13 ME UNDERSTAND THE WORLD. HE DESCRIBED THINGS IN TERMS OF
14 THESE PARADOXES.

15 Q OKAY. AT WHAT POINT DID YOU BEGIN DISCUSSIONS
16 WITH RECONCILING YOURSELF TO DOING ANYTHING?

17 A WE DIDN'T ACTUALLY DISCUSS RECONCILING
18 OURSELVES TO DOING ANYTHING. THE POINT THAT I WAS MAKING IS
19 THAT YOU COULD USE SUCH A PHILOSOPHY IN SUCH A WAY OF
20 RHETORICALLY POSTURING YOURSELF TO RECONCILING ANYTHING, AND
21 ONE THING AT A TIME YOU WORK THROUGH THE PHILOSOPHICAL
22 TRANSPOSITIONS, AND INDIVIDUALLY ANYTHING COULD BE
23 RECONCILED DEPENDING UPON YOUR PERSPECTIVE AND YOUR
24 ORIENTATION.

25 Q WAS THIS JUST YOUR UNDERSTANDING OF THE
26 PHILOSOPHY AND OR WAS THIS EVER STATED?

27 A WELL, IT WAS STATED TO ME AND IT WAS STATED IN
28 DISCUSSIONS WITH OTHER PEOPLE.

1 Q OKAY. I'M SPEAKING MORE DIRECTLY OF THE
2 RECONCILING YOURSELF TO DOING ANYTHING PORTION OF THE
3 PHILOSOPHY. WERE THERE DISCUSSIONS ABOUT THAT?

4 A THERE WERE DISCUSSIONS ABOUT THAT BETWEEN JOE
5 AND MYSELF AND BEN, BUT AS I SAY, NOT IN A FORM OF WELL,
6 LET'S DISCUSS RECONCILING OURSELVES TO ANYTHING, BUT IN THE
7 FORM OF SPECIFIC -- SPECIFIC THINGS THAT WE WOULD RECONCILE
8 OURSELVES TO.

9 Q OKAY. YOU INDICATED YESTERDAY THAT AT SOME
10 POINT DURING THE DEVELOPMENT OF THE BBC THAT THE MEMBERS
11 RECONCILED THEMSELVES TO COMMITTING CRIMINAL ACTS; IS THAT
12 CORRECT?

13 A SOME OF THE MEMBERS, YES.

14 Q OKAY. WHICH MEMBERS RECONCILED THEMSELVES TO
15 COMMITTING CRIMINAL ACTS?

16 A WELL, JOE CERTAINLY DID. I SUPPOSE I DID. JIM
17 DID AND BEN DID. AND BROOKE ROBERTS.

18 Q OKAY. DID YOU HAVE IN THIS GROUP WHAT WAS
19 CONSIDERED AS AN INNER CIRCLE?

20 A YES, I SUPPOSE YOU COULD CONSIDER IT THAT.

21 Q OKAY. BY INNER CIRCLE, WOULD IT BE A CORRECT
22 STATEMENT TO STATE THAT THE INNER CIRCLE WOULD BE THOSE WHO
23 FOLLOWED AND BELIEVED IN THIS PARADOX PHILOSOPHY?

24 A WELL, THERE WERE OTHERS OUTSIDE OF THIS INNER
25 CIRCLE WHO BELIEVED IN PARADOX PHILOSOPHY. THE SO-CALLED
26 INNER CIRCLE WOULD HAVE BEEN THE PEOPLE WHO -- WHO WERE BEST
27 ABLE TO MANIPULATE THE PRINCIPLES OF PARADOX PHILOSOPHY AND
28 AS A RESULT BECAME -- BECAME PRIVY TO A HIGHER LEVEL OF

1 INFORMATION IN THE GROUP.

2 Q OKAY. ISN'T IT TRUE THAT JAMES PITTMAN WAS NOT
3 CONSIDERED ONE OF THE INNER CIRCLE?

4 A HE WAS CONSIDERED ONE OF THE INNER CIRCLE, BUT
5 FOR A DIFFERENT REASON; NOT BECAUSE HE WAS WELL-VERSED OR
6 EVEN TERRIBLY INTERESTED IN THE PHILOSOPHY, BUT BECAUSE AS
7 FAR AS JOE WAS CONCERNED -- AND BY THE WAY --

8 Q THAT'S FINE. YOU'VE ANSWERED.

9 A OKAY.

10 Q DID JOE EVER COACH YOU AS TO HOW TO MANIPULATE
11 OTHER PEOPLE?

12 A I LEARNED MORE BY EXAMPLE THAN BY COACHING.

13 Q OKAY. HAVE YOU EVER MADE ANY STATEMENTS THAT
14 JOE HAD COACHED YOU AS TO HOW TO MANIPULATE PEOPLE?

15 A I DON'T RECALL IF I MADE A STATEMENT AS TO
16 THAT, BUT I CERTAINLY WOULD SAY NOW THAT I LEARNED THROUGH
17 HIM BOTH AS HE DESCRIBED HOW HE WAS MANIPULATING OTHERS AND
18 AS I WATCHED HIM. IF YOU WANT TO CALL THAT COACHING, THEN
19 IT COULD BE COACHING BECAUSE HE WAS CERTAINLY TRYING TO
20 BRING ME UP TO WHAT HE CALLED A CERTAIN SPEED SO THAT I
21 WOULD BE ABLE TO HELP HIM WITH WHAT HE WAS DOING.

22 Q OKAY. DO YOU RECALL AN INTERVIEW ON 11-29-84
23 IN YOUR ATTORNEY'S OFFICE WHERE DETECTIVE ZOELLER AND
24 ANA LOPEZ AND OTHERS WERE PRESENT?

25 A YES, I DO.

26 Q AND DID YOU GIVE A LENGTHY STATEMENT?

27 A YES, I DID.

28 Q AND YOU DON'T RECALL IN THAT STATEMENT MAKING A

1 STATEMENT THAT "JOE HAD COACHED US AND HELPED US IN
2 MANIPULATING OTHER PEOPLE"?

3 A IF THAT WAS THE SPECIFIC WORD THAT I USED, IT'S
4 POSSIBLE. I DON'T DENY THAT THAT'S WHAT HAPPENED BECAUSE HE
5 WAS COACHING US.

6 Q OKAY.

7 A BUT IT'S NOT LIKE YOU WENT INTO A TEAM MEETING
8 AND HAD COACHING SESSIONS. IT WAS LESS FORMAL THAN THAT.

9 Q OKAY, SO --

10 A BUT WHAT IT AMOUNTED TO WAS COACHING.

11 Q OKAY. SO YOUR TESTIMONY NOW IS THAT HE DID
12 COACH YOU?

13 MS. LOPEZ: I'M GOING TO OBJECT AS MISSTATING THE
14 RECORD. I DON'T THINK THAT IT CAN BE EASILY COUCHED JUST IN
15 TERMS OF COACHING. I THINK THE WITNESS HAS GIVEN A LENGTHY
16 EXPLANATION OF WHAT HE MEANS.

17 THE COURT: I DON'T THINK YOU CAN PUT IT IN TERMS OF
18 COACHING --

19 THE WITNESS: ACCORDING TO THAT TERM, IT'S FINE.

20 Q BY MR. YOUNG: OKAY. USING THAT WORD
21 "COACHED", WHAT TYPE OF THINGS WOULD HE TELL YOU IN TERMS OF
22 HOW TO MANIPULATE PEOPLE?

23 A WELL, AS I DESCRIBED TO YOU BEFORE, THE
24 PHILOSOPHY HAD AS ITS BASIS THAT ONE ORIENTATION COULD BE
25 TRANSPOSED INTO ANOTHER BY VIRTUE OF MANIPULATING
26 PERSPECTIVE. SO HE ALWAYS SAID IT WAS VERY IMPORTANT TO
27 ESTABLISH WHAT SOMEONE'S PERSPECTIVE IS SO THAT YOU CAN BE
28 TO THAT PERSON WHAT THEY NEED, WHAT THEY DESIRE YOU TO BE,

1 IN SUCH A WAY YOU WILL BECOME IMPORTANT TO THEM AND WHAT YOU
2 SAY WILL BECOME IMPORTANT.

3 Q OKAY. WERE THERE ANY OTHER ELEMENTS TO THIS
4 TECHNIQUE OF MANIPULATING BESIDES, AS I UNDERSTAND IT, THESE
5 TWO ELEMENTS THAT YOU BECOME IMPORTANT IN TERMS OF THE OTHER
6 PERSON'S PERSPECTIVE?

7 A YOU'RE REFERRING TO IT AS A TECHNIQUE OF
8 MANIPULATION THAT WAS TAUGHT TO ME, AND IT'S NOT QUITE LIKE
9 THAT. SEE, THE WAY THAT IT -- THAT IT HAPPENED IS THAT JOE
10 HIMSELF BECAME VERY IMPORTANT TO ME IN THE SAME WAY THAT WE
11 ARE DESCRIBING HERE --

12 Q RIGHT.

13 A -- AND IN THAT FASHION I GREW TO WANT TO
14 EMULATE HIM AND THE THINGS THAT I SAW HIM DOING IS WHAT I
15 WOULD DESCRIBE AS MANIPULATION TECHNIQUE, BUT IT'S NOT
16 SOMETHING THAT HE TAUGHT ME IN THAT WAY, AND I CAN'T REALLY
17 LIST TO YOU THE COMPONENTS OF THE MANIPULATION TECHNIQUE,
18 BUT WHAT I CAN DO IS I CAN DESCRIBE, IF NECESSARY, THE WAY
19 PEOPLE WERE MANIPULATED, THE WAY I WAS MANIPULATED.

20 Q WOULD YOU DO THAT?

21 A TO CONTINUE, OKAY. FIRST OF ALL, HE WOULD
22 BECOME IMPORTANT TO THE PERSON, TRY TO IDENTIFY THE CENTRAL
23 ASPECTS OF THEIR PERSONALITY, THE THINGS THAT WERE IMPORTANT
24 TO THEM, AND AGAIN, AS I SAID, TO GIVE THEM WHAT THEY NEEDED
25 IN TERMS OF WHETHER IT WAS SUPPORT IN A SQUABBLE THEY WERE
26 HAVING WITH THEIR PARENTS OR WHETHER IT WAS AID IN DEALING
27 WITH A GIRL FRIEND THEY WERE HAVING TROUBLE WITH. JOE WAS
28 ALWAYS THERE TO BACK YOU UP. IN HELPING YOU IN THE

1 BEGINNING TO ACCOMPLISH WHAT YOU WANTED TO ACCOMPLISH SO YOU
2 WOULD IDENTIFY HIM WITH SUCCEEDING AT WHAT YOU WERE TRYING
3 TO SUCCEED AT. AND IN THIS FASHION HE BECAME A VERY CENTRAL
4 ELEMENT TO THE PEOPLE'S LIVES AROUND HIM BECAUSE HE WAS
5 PROVIDING THE SOLUTIONS TO THEIR PROBLEMS, MAKING THEM
6 HAPPY, AND THE PROCESS CONTINUED IN THAT FASHION.

7 Q AFTER JOE CAME BACK FROM CHICAGO, DID HE USED
8 TO TAKE YOU OUT TO DINNER AND YOUR GIRL FRIENDS OUT TO
9 DINNER?

10 A AFTER HE CAME BACK FROM CHICAGO?

11 Q RIGHT.

12 A FOR THE LAST TIME?

13 Q WHEN YOU ORIGINALLY STARTED FORMING THE BBC.

14 A WELL --

15 Q I THINK IT WAS IN '82 OR '83?

16 A WELL, THERE ARE TWO PERIODS, THE TIME THAT JOE
17 WAS TRADING IN CHICAGO AND HE WAS SUPPOSEDLY MAKING A LOT OF
18 MONEY AND HE WOULD MAKE FREQUENT TRIPS INTO LOS ANGELES FOR
19 WEEKENDS. DURING THOSE TIMES HE WOULD COME IN WITH A LOT OF
20 MONEY AND YES, TAKE US OUT TO DINNER AND THE LIKE. BUT WHEN
21 HE CAME BACK FROM CHICAGO THE FINAL TIME AFTER HAVING LOST
22 EVERYTHING HE HAD ABOUT FOUR DOLLARS IN HIS POCKET, AND I
23 TOOK HIM OUT TO DINNER AND I LET HIM LIVE WITH ME AFTER THAT
24 AND TOOK CARE OF HIM.

25 Q OKAY. HOW LONG DID YOU TAKE CARE OF HIM?

26 A I SUPPOSE ABOUT A YEAR AND A HALF.

27 Q AND THAT WOULD HAVE BEEN STARTING WHEN?

28 A STARTING ABOUT THE END OF 1981, I THINK. MAYBE

1 A LITTLE BEFORE THAT.

2 Q I MAY BE INCORRECT, BUT DIDN'T YOU TESTIFY
3 YESTERDAY THAT HE WENT TO CHICAGO AROUND 1983 AND CAME BACK
4 IN '82 OR '83?

5 A DIDN'T I TESTIFY --

6 Q YEAH.

7 A -- THAT JOE WENT TO CHICAGO IN '83 AND CAME
8 BACK IN '82 OR '83?

9 Q THAT HE RETURNED FROM CHICAGO IN EITHER 19 --
10 HOLD ON A SECOND. LET ME FIND MY NOTES.

11 IN THE LATTER PART OF 1983?

12 A NO. I NEVER TESTIFIED THAT HE RETURNED FROM
13 CHICAGO IN THE LATTER TIME OF 1983. HE'D BEEN LIVING HERE
14 FOR QUITE SOME TIME BY THE LATTER END OF 1983.

15 Q OKAY. WELL, LET ME GET THIS STRAIGHT, THEN.
16 HE WAS IN CHICAGO FOR TWO DIFFERENT PERIODS OF TIME?

17 A HE WAS IN CHICAGO FOR ONE GENERAL PERIOD OF
18 TIME. WHEN HE WAS TRADING ON THE FLOOR OF THE MERCANTILE
19 EXCHANGE, AND THOSE DATES ARE AVAILABLE I'M SURE IN CHICAGO.
20 I DON'T KNOW EXACTLY WHEN THEY WERE.

21 Q OKAY. TO YOUR RECOLLECTION, WHEN DID HE RETURN
22 FROM CHICAGO AFTER TRADING ON THE CHICAGO MERCANTILE
23 EXCHANGE?

24 A AS I TOLD YOU, I THINK IT WAS TOWARDS THE END
25 OF 1981.

26 Q OKAY, AND IS THAT WHEN HE BEGAN LIVING WITH
27 YOU?

28 A YES.

1 Q AND HE LIVED WITH YOU FOR A YEAR AND A HALF?

2 A OH, HE LIVED WITH ME AT MY EXPENSE FOR ABOUT A
3 YEAR AND A HALF, BUT UNTIL AS RECENTLY AS LAST SEPTEMBER WE
4 WERE LIVING TOGETHER.

5 Q WHEN DID YOUR PARENTS INVEST THIS HUNDRED FIFTY
6 THOUSAND DOLLARS?

7 A DURING THE PERIOD OF TIME WHILE JOE WAS IN
8 CHICAGO TRADING ON THE MERCANTILE EXCHANGE.

9 Q OKAY. SO IS THAT -- THAT WOULD HAVE BEEN IN
10 1981 OR BEFORE?

11 A I THINK SO.

12 Q OKAY. DID JOE EVER GO BACK TO CHICAGO AFTER
13 1981 AND AFTER LIVING WITH YOU FOR APPROXIMATELY A YEAR AND
14 A HALF?

15 A HE MAY HAVE FOR A VISIT, BUT HE -- NOT -- I
16 DON'T NO OF ANY EXTENDED STAY.

17 Q ARE YOU PRESENTLY IN LAW SCHOOL?

18 A NO, I'M NOT.

19 Q DID YOU EVER ATTEND LAW SCHOOL?

20 A YES, I DID.

21 Q FOR HOW LONG?

22 A THREE AND A HALF YEARS.

23 Q AND WHERE DID YOU GO?

24 A WHITTIER LAW SCHOOL.

25 Q AND WHEN DID YOU START GOING THERE?

26 A I STARTED GOING THERE IN AUGUST 1981.

27 Q AND YOU DISCONTINUED WHEN?

28 A DECEMBER 1984.

1 Q HAVE YOU COMPLETED LAW SCHOOL?

2 A I 'M NOT SURE. I DON'T HAVE ALL MY GRADES YET.
3 I EXPECT THAT I HAVE.

4 Q OKAY. DID YOU TAKE CRIMINAL LAW COURSES WHEN
5 YOU WERE ATTENDING LAW SCHOOL?

6 A IN THE FIRST YEAR.

7 Q DID YOU TAKE EVIDENCE?

8 A YES, I DID.

9 Q WHAT YEAR DID YOU TAKE THAT?

10 A FIRST SEMESTER OF MY SECOND YEAR.

11 Q WOULD THAT HAVE BEEN IN 1982?

12 A I THINK SO, POSSIBLY MIGHT HAVE CONTINUED OVER
13 INTO EARLY '83.

14 Q OKAY. YOU UNDERSTAND WHAT RELEVANT EVIDENCE IS
15 THEN, DON'T YOU?

16 MS. LOPEZ: YOUR HONOR, THIS IS IRRELEVANT.

17 MR. YOUNG: I 'LL SHOW HOW --

18 MS. LOPEZ: NOW THAT WE ARE ON THE ISSUE OF RELEVANT
19 EVIDENCE.

20 THE COURT: YES, THE ISSUE OF RELEVANCY. WHY ARE YOU
21 ASKING THAT?

22 MR. YOUNG: WELL, COULD I APPROACH THE BENCH OUTSIDE
23 OF HIS PRESENCE?

24 THE COURT: ALL RIGHT.

25 MR. YOUNG: BECAUSE THERE 'S A CERTAIN ELEMENT.

26 THE COURT: ALL RIGHT. MS. LOPEZ, WOULD YOU APPROACH
27 THE BENCH?

28 (WHEREUPON, A DISCUSSION WAS HELD AT BENCH OFF THE

1 RECORD)

2 THE COURT: THE OBJECTION AS TO THE RELEVANCY WILL BE
3 SUSTAINED.

4 Q BY MR. YOUNG: BEFORE YOU CAME IN HERE TODAY,
5 DID YOU HAVE AN OPPORTUNITY TO REVIEW THE TRANSCRIPT OF THE
6 INTERVIEW YOU GAVE ON 11-29-84 AT THE OFFICES OF RON MORROW?

7 A YES, I DID.

8 Q WHEN DID YOU REVIEW IT?

9 A ABOUT THREE DAYS AGO.

10 Q HAVE YOU REVIEWED IT SINCE THEN?

11 A NO, I HAVEN'T.

12 Q DID YOU READ IN IT'S ENTIRETY?

13 A NO. I JUST SKIMMED IT.

14 Q DID YOU REVIEW IT AT ANY TIME PRIOR TO THAT?

15 A NO, I DIDN'T.

16 Q OKAY. DO YOU RECALL DURING DIRECT EXAMINATION
17 THAT YOU TESTIFIED THAT YOU WERE AT -- YOU OBSERVED JOE HUNT
18 MAKING CERTAIN NOTES?

19 A YES, I RECALL.

20 MR. YOUNG: COULD I SEE EXHIBIT 2?

21 MS. LOPEZ: THE CLERK HAS IT.

22 THE CLERK: I HAVE TO GO GET THEM.

23 Q BY MR. YOUNG: COULD YOU LOOK AT THESE -- THIS
24 IS PEOPLE'S EXHIBIT 2. IT'S THE NOTES THAT THE DISTRICT
25 ATTORNEY SHOWED YOU ON CROSS-EXAMINATION.

26 MS. LOPEZ: ON DIRECT EXAMINATION?

27 Q BY MR. YOUNG: DIRECT. DIRECT EXAMINATION.
28 AND YOU INDICATED THAT YOU WERE PRESENT WHEN THOSE NOTES

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1 WERE MADE?

2 A WHAT I SAID WAS I WAS PRESENT -- WELL, THESE
3 NOTES OR SOMETHING JUST LIKE THESE NOTES ON YELLOW LINED
4 PAPER.

5 Q YOU WERE PRESENT WHEN WHAT APPEARED TO BE THESE
6 NOTES WERE MADE?

7 A THAT'S A GOOD WAY OF SAYING IT, YES.

8 Q OR COULD WE STATE THAT THESE APPEAR TO BE THE
9 NOTES THAT WERE MADE WHEN YOU WERE PRESENT?

10 A YES.

11 Q OKAY. OKAY. LET'S TAKE IT PAGE BY PAGE.
12 FIRST LET ME ASK YOU THIS. WERE ALL THESE NOTES MADE THE
13 SAME DAY?

14 A I DON'T KNOW.

15 Q WERE YOU PRESENT WHILE ALL OF THESE NOTES WERE
16 MADE?

17 A NO, I WAS NOT PRESENT WHILE ALL OF THE NOTES
18 WERE MADE.

19 Q OKAY. WITH RESPECT TO THE FIRST PAGE, WERE YOU
20 PRESENT WHEN THOSE NOTES WERE MADE?

21 A ARE YOU ASKING ME WAS I PRESENT WHILE THE
22 ENTIRE PAGE WAS WRITTEN OR WAS I PRESENT WHILE SOME THINGS
23 WERE WRITTEN ON THE PAGE THAT I SAW?

24 Q LET'S BREAK IT DOWN BOTH WAYS. WERE YOU
25 PRESENT WHILE THE ENTIRE PAGE WAS WRITTEN?

26 A NO, I WASN'T.

27 Q OKAY. WERE YOU PRESENT WHEN PORTIONS OF THIS
28 WAS WRITTEN?

1 A YES.

2 Q OKAY. WHICH PORTIONS WERE YOU PRESENT WHILE
3 THEY WERE WRITTEN?

4 A I DON'T RECALL.

5 Q OKAY.

6 A WHILE I WAS PRESENT JOE WAS WORKING ON THE
7 LIST.

8 Q OKAY. WERE YOU PAYING ANY ATTENTION TO WHAT HE
9 WAS WRITING?

10 A YEAH, I WAS PAYING SOME ATTENTION.

11 Q OKAY. DID YOU KNEW -- DID YOU HAVE ANY
12 PERSONAL KNOWLEDGE AS TO WHAT HE WAS WRITING ABOUT BEFORE
13 YOU SAW WHAT HE WAS WRITING?

14 MS. LOPEZ: I'M GOING TO OBJECT AS BEING --

15 THE WITNESS: I DON'T UNDERSTAND THAT QUESTION.

16 MS. LOPEZ: -- VAGUE.

17 THE COURT: HE SAYS HE DOESN'T UNDERSTAND THE
18 QUESTION.

19 MR. YOUNG: OKAY. I'LL REPHRASE IT.

20 Q WHAT WERE THE PURPOSE OF THESE NOTES, IN YOUR
21 OPINION?

22 A IN MY OPINION, THOSE NOTES COMPRISED A PLAN TO
23 KILL RON LEVIN.

24 Q OKAY. WERE YOU AWARE THAT JOE WAS MAKING NOTES
25 ON A PLAN TO KILL RON LEVIN BEFORE YOU SAW THE NOTES?

26 A BEFORE I SAW THE NOTES WAS I AWARE THAT HE WAS
27 WRITING SUCH NOTES.

28 Q WERE YOU AWARE THAT HE WAS PLANNING TO KILL RON

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1 LEVIN?

2 A WAS I AWARE -- I JUST HAVE TO GET THIS
3 STRAIGHT. WAS I AWARE THAT JOE WAS PLANNING TO KILL RON
4 LEVIN BEFORE I SAW HIM WRITING THE NOTES?

5 Q RIGHT.

6 A YES.

7 Q OKAY. HE HAD DISCUSSED IT WITH YOU?

8 A VAGUELY, YES.

9 Q OKAY. WHEN YOU SAY THAT YOU WEREN'T PRESENT
10 WHILE HE WROTE THE ENTIRE PAGE OF THESE NOTES, COULD YOU SAY
11 YOU WERE PRESENT DURING THE FIRST HALF OF THE NOTES?

12 A NO, I COULDN'T SAY IT THAT WAY. SEE, MOST OF
13 THE PAGES HAD BEEN WRITTEN OR HAD SOME WRITING ON THEM, AND
14 WHEN I CAME IN HE WAS GOING THROUGH THEM MAKING ADDITIONS
15 AND MAKING CHANGES, ET CETERA.

16 Q OKAY. CAN YOU RECALL ANY ADDITIONS OR CHANGES
17 HE MADE TO THIS FIRST PAGE OF NOTES WHILE YOU WERE THERE?

18 A I THINK THAT ONE THING I DO RECALL IS THE
19 NUMBERS ON THE SIDE HERE --

20 Q UM-HMM.

21 A -- WERE TO DESIGNATE I BELIEVE THE ORDER IN
22 WHICH THINGS WERE TO BE DONE --

23 Q UM-HMM.

24 A -- AND HE HAD DONE -- HE WAS DOING SOME
25 REPRIORITIZATION OF THE ITEMS THAT HE WAS SUPPOSED TO DO
26 DURING THE COMMISSION OF HIS PLAN. I THINK SOME OF THAT WAS
27 DONE WHILE I WAS PRESENT.

28 Q WHAT ABOUT THE ADDITIONS TO THE LIST? DO YOU

1 REMEMBER HIM MAKING ANY ADDITIONS TO THE LIST?

2 A NO. I DON'T REMEMBER ANY ADDITIONS TO THE LIST
3 BEING MADE IN THE WRITTEN PART (INDICATING). JUST SOME
4 EXPLANATION TO ME.

5 Q OKAY. YOU SPECIFICALLY REMEMBER THIS
6 PARTICULAR PAGE, THEN? PAGE ONE OF EXHIBIT 2?

7 A WELL, WHAT I REMEMBER IS SOMETHING THAT APPEARS
8 TO BE THAT PAGE.

9 Q OKAY.

10 A SEE, WHAT JOE DID IS HE FREQUENTLY MADE A
11 NUMBER OF LISTS AS HE WAS PLANNING ANYTHING, AND SOMETIMES
12 THERE WOULD BE AN EARLIER VERSION OF THE LIST OR A LATER
13 VERSION OF THE LIST.

14 Q OH, I SEE. SO YOU CAN'T SAY FOR CERTAIN THAT
15 THIS IS A COPY OF A LIST THAT YOU SAW JOE MAKING, THEN?

16 A NO. I CAN'T SAY THAT FOR CERTAIN.

17 Q OKAY. BECAUSE AS YOU STATED --

18 A ALTHOUGH THERE ARE CERTAIN ASPECTS OF THINGS ON
19 THIS LIST THAT I DO REMEMBER SPECIFICALLY --

20 Q SUCH AS?

21 A SUCH AS WHERE HE WROTE "KILL DOG", IN
22 PARENTHESES "(EMPHASIS)". THAT I REMEMBER SEEING. WHETHER
23 HE RECOPIED THIS ONTO ANOTHER LIST LATER OF WHICH THIS IS A
24 COPY, I'M NOT EXACTLY SURE. I DIDN'T MEMORIZE THE LIST.

25 Q OKAY. DO YOU RECALL -- THERE'S A DARK SPOT
26 HERE AROUND LINE 6. DO YOU RECALL WHEN YOU SAW THESE NOTES
27 THAT THIS BLACK SPOT WAS THERE?

28 A I DON'T RECALL.

504

1 Q OKAY. DO YOU RECALL THIS -- I GUESS IT'S
2 LINE -- DOWN AROUND LINE 14 OR 16 -- DO YOU RECALL THIS PART
3 THAT IS SCRATCHED OUT?

4 A I DON'T RECALL ONE WAY OR THE OTHER.

5 Q OKAY. DO YOU RECALL AT THE TOP HERE WHERE IT
6 SAYS "AT LEVINS TO DO"?

7 A YES, I DO RECALL THAT.

8 Q OKAY. IS THERE ANYTHING ELSE YOU RECALL ON
9 THESE NOTES?

10 A I RECALL WHERE IT SAYS "CLOSE BLINDS". I
11 RECALL WHERE IT SAYS "SCAN FOR TAPE RECORDER". I RECALL
12 WHERE IT SAYS "TAPE MOUTH". I RECALL WHERE IT SAYS
13 "HANDCUFFS". I RECALL WHERE IT SAYS "EXPLAIN SITUATION,"
14 BECAUSE I ASKED JOE ABOUT THAT. I RECALL WHERE IT SAYS
15 "PUT ANSWERING SERVICE ON," AND "GET THE ALARM ACCESS CODE".
16 I RECALL WHERE IT SAYS "DATE STAMP DOCUMENTS".

17 Q SO YOU DON'T RECALL -- DID WE MISS A LINE
18 THERE?

19 MS. LOPEZ: HE HASN'T FINISHED WITH HIS ANSWER YET.

20 THE WITNESS: NO. I HAVEN'T MISSED A LINE YET.

21 Q BY MR. YOUNG: OKAY.

22 A I RECALL WHERE IT SAYS "DATE STAMP LETTERS". I
23 RECALL WHERE IT SAYS "MAIL FILE LETTERS". "TAKE HOLES WITH
24 YOU", ALSO, AND I RECALL, AS I SAID, WHERE IT SAYS "KILL DOG
25 (EMPHASIS)". I RECALL -- I RECALL WHERE IT SAYS "XEROX
26 AUTHORIZATION". ACTUALLY, I'M NOT SURE IF I RECALL THAT.
27 THAT DOESN'T STICK OUT IN MY MIND. WHERE IT SAYS "HAVE
28 LEVIN SIGN AGREEMENTS", WHERE IT SAYS "USE CORPORATE SEALS".

505

1 "FILL IN BLANKS" I RECALL, AND "XEROX EVERYTHING SO HE HAS A
2 COPY" I ALSO RECALL.

3 Q SO YOU RECALL EVERYTHING ON THE LIST EXCEPT
4 YOU'RE NOT SURE WHETHER "XEROX AUTHORIZATION" WAS ON THE
5 LIST?

6 A RIGHT. YOU SEE, BECAUSE AS I WAS LOOKING OVER
7 HIS SHOULDER AT THE LIST, I READ IT AND THEN I WOULD ASK HIM
8 ABOUT A FEW THINGS ON THE LIST AND I GUESS I NEVER ASKED HIM
9 ABOUT WHERE IT SAYS "XEROX AUTHORIZATION" BECAUSE IT WAS
10 PROBABLY OBVIOUS WHAT THAT MEANT.

11 Q OKAY. SO YOU WOULD ASK HIM ABOUT EVERY ITEM ON
12 THIS DOCUMENT EXCEPT FOR THE "XEROX AUTHORIZATION"?

13 A SUBSTANTIALLY, EXCEPT THE THINGS THAT WERE
14 OBVIOUS, AS I SAY.

15 Q OKAY. SO YOU WENT OVER THIS LIST WITH HIM IN
16 PRETTY GREAT DETAIL, THEN?

17 A YEAH. YEAH, I DID.

18 Q OKAY. DID YOU HAVE ANY DISCUSSIONS OR COMMENTS
19 WITH HIM ABOUT THE ORDER IN WHICH THESE THINGS WERE
20 ALLEGEDLY TO BE DONE?

21 A NO. IT WAS HIS PLAN.

22 Q WHAT DOES "TAKE HOLES WITH YOU" MEAN?

23 A WELL, THAT REFERRED TO PART OF HIS PLAN WHICH
24 WAS TO LEAVE IN RON LEVIN'S HOUSE A FILE WITH THE DOCUMENTS
25 THAT JOE HAD PREPARED SO THAT IT WOULD LOOK LIKE THERE WAS A
26 BUSINESS TRANSACTION THAT HAD TAKEN PLACE. AND TO MAKE A
27 FILE IN LEVIN'S OWN FORMAT WOULD INVOLVE USING A HOLE
28 PUNCHER AND LEAVING THE HOLES, LEAVING THE ITEMS IN THE

1 FILE. HE DIDN'T WANT THE HOLES FROM THE HOLE PUNCHER TO BE
2 LEFT THERE BECAUSE THAT WOULD GIVE IT AWAY.

3 Q OKAY.

4 Q TURNING TO PAGE TWO OF THIS DOCUMENT, DO YOU
5 RECALL THESE NOTES?

6 A I RECALL -- I DON'T RECALL THAT SPECIFIC NOTE,
7 BUT WHAT I RECALL IS THAT THERE WAS A WHOLE SERIES OF LISTS
8 AND PAGES SUCH AS THE ONE THAT I DID RECALL A NUMBER OF
9 THINGS FROM. I DON'T REMEMBER LOOKING AT THAT ONE VERY
10 CAREFULLY.

11 Q OKAY. THEN COULD WE STATE THAT YOU DON'T
12 RECALL THE SECOND PAGE?

13 A WHAT DO YOU MEAN BY "RECALL"?

14 Q WELL, RECALL ANY OF THE ITEMS ON -- OR RECALL
15 SEEING A PAGE THAT THIS RESEMBLES WITH FOUR ITEMS
16 ON IT?

17 A I RECALL SEEING A PAGE THAT THAT RESEMBLES --

18 Q OKAY. DO YOU --

19 A -- BECAUSE THE ITEMS ON IT ARE ITEMS THAT I
20 RECALL SEEING ON ONE OF THE PAGES THAT I SAW?

21 Q OKAY?

22 A I DIDN'T HAVE ANY DISCUSSION WITH HIM ON THAT
23 PAGE.

24 Q COULD YOU READ THESE ITEMS?

25 A THE FIRST ITEM IS "RESERVATION". THE SECOND
26 ITEM IS "SCHEDULE WITH LEVIN". THE THIRD ITEM IS "SCENARIO
27 PAPERS SIGN", I THINK. AND THE FOURTH ITEM SAYS I THINK
28 "SCENARIO LIST".

507

1 Q SO DOES THAT REFRESH YOUR RECOLLECTION? HAD
2 YOU EVER READ THOSE ITEMS BEFORE?

3 A I HAD DISCUSSED THOSE ITEMS WITH JOE INSOFAR AS
4 THEY CORRESPONDED TO SOME OF THE THINGS ON THIS PAGE
5 (INDICATING), AND ALSO INSOFAR AS THEY CORRESPONDED TO HIS
6 PLAN IN GENERAL. SO I COULD TELL YOU WHAT THEY WERE
7 REFERRING TO. I DON'T KNOW IF I'VE READ THAT PAGE BEFORE OR
8 NOT, THOUGH.

9 Q OKAY. THIS THE THE THIRD PAGE. DO YOU RECALL
10 THAT?

11 A NO, I DON'T.

12 Q DO YOU RECALL EVER SEEING IT?

13 A I SAW THAT IN A COPY OF THE POLICE REPORT THAT
14 I READ.

15 Q OKAY. GOOD. YOU DIDN'T SEE JOE MAKE THIS OR
16 YOU DIDN'T SEE IT IN JOE'S PRESENCE, THEN?

17 A I DIDN'T SEE HIM MAKE IT AND I DON'T RECALL
18 SEEING IT IN HIS PRESENCE, ALTHOUGH IT MIGHT HAVE BEEN IN
19 THE LIST PACKET THAT HE HAD WITH HIM WHEN I WAS THERE. SEE,
20 I WAS LOOKING OVER HIS SHOULDER AT WHATEVER PAGE HE WAS
21 LOOKING AT, I WOULD READ.

22 Q OKAY. BUT THIS THIRD PAGE WHICH IS SOME TYPE
23 OF A MAP, YOU NEVER SAW?

24 A NO, NOT AT THAT TIME.

25 Q OKAY. LOOKING AT THE FOURTH PAGE, HAVE YOU
26 SEEN THAT PAGE BEFORE?

27 A YES, I'VE SEEN THAT PAGE BEFORE.

28 Q OKAY. IT HAS A NUMBER OF ITEMS ON IT. DID YOU

508

1 DISCUSS EACH OF THOSE ITEMS WITH JOE?

2 A I DISCUSSED SOME OF THEM WITH HIM, NOT ALL OF
3 THEM. MAINLY I REMEMBER READING A LIST THAT LOOKED LIKE
4 THAT ONE WITH THOSE ITEMS.

5 Q OKAY. HERE IT SAYS DOWN NEAR THE BOTTOM OF THE
6 PAGE AS NUMBER EIGHT, AND IT SAYS "SWISS CASHIERS CHECK,
7 \$900,000". WHAT WAS THAT TO MEAN?

8 A WELL, IT'S PART OF JOE'S PLAN. HE WAS GOING TO
9 FORCE RON LEVIN TO SIGN ONE OR A NUMBER OF CHECKS OR DEEDS
10 OR SOMEHOW SIGN OVER PROPERTY TO JOE OR TO A CORPORATION OR
11 CORPORATION THAT JOE DESIGNATED, AND ONE OF HIS IDEAS WAS TO
12 HAVE HIM SIGN OVER A SWISS CASHIER'S CHECK.

13 Q AND IT SAYS "OPTION ON THE HOUSE" --

14 A YES.

15 Q -- "30,000". WHAT DOES THAT MEAN?

16 A TO THE BEST OF MY KNOWLEDGE, RON LEVIN HAD
17 ACQUIRED THE RIGHT TO LIVE IN HIS HOUSE ON PECK DRIVE BY
18 PURCHASING AN OPTION AT A VERY LOW PRICE, AND ONE OF THE
19 THINGS THAT JOE WANTED TO FORCE RON TO SIGN OVER TO HIM WAS
20 THIS OPTION RIGHT SO THAT LATER ON JOE WOULD BE ABLE TO ALSO
21 TAKE TITLE TO THE HOUSE AS WELL AS TO ANY MONEY THAT HE
22 COULD GET FROM RON.

23 Q OKAY. WITH RESPECT TO THIS ITEM NUMBER EIGHT,
24 THIS NINE HUNDRED THOUSAND DOLLARS CASHIER CHECK, DID YOU
25 EVER SEE A SWISS CASHIER'S CHECK FOR NINE HUNDRED THOUSAND
26 DOLLARS?

27 A NO, I DIDN'T.

28 Q TO YOUR KNOWLEDGE WAS THAT PART OF THE PLAN

1 EVER EXECUTED?

2 A WELL, YES, BECAUSE THE NINE HUNDRED THOUSAND
3 DOLLARS WAS JUST JOE'S IDEA BEFORE HE ACTUALLY COMMITTED HIS
4 ACTS.

5 Q LET ME ASK YOU THE QUESTION AGAIN. TO YOUR
6 KNOWLEDGE, WAS THERE EVER A SWISS CASHIER'S CHECK FOR NINE
7 HUNDRED THOUSAND DOLLARS ISSUED, FORGED OR MADE?

8 A FOR NINE HUNDRED THOUSAND DOLLARS, NO, NOT TO
9 MY KNOWLEDGE.

10 Q OKAY. TO YOUR KNOWLEDGE, WAS THERE EVER AN
11 OPTION ON HIS HOUSE FOR \$30,000?

12 A AN OPTION OBTAINED BY SOMEONE OR --

13 Q WELL, HERE IT REFERS TO OPTION ON HIS HOUSE AND
14 YOU SAID THAT WAS REFERRING TO RON LEVIN'S HOUSE.

15 A YES. YOU SEE, JOE -- JOE DIDN'T KNOW EXACTLY
16 WHAT IT WAS THAT HE WOULD WANT TO EXACT FROM MR. LEVIN AT
17 THE TIME --

18 Q OKAY.

19 A -- SO HE JUST HAD A LIST OF THE NUMBER OF
20 THINGS THAT HE THOUGHT OF THAT MAYBE HE COULD GET --

21 Q OKAY. TO YOUR KNOWLEDGE, WAS THERE EVER AN
22 OPTION ON HIS HOUSE FOR \$30,000?

23 A I'M STILL NOT SURE WHETHER YOU'RE REFERRING TO
24 AN OPTION THAT MR. LEVIN HAD OR AN OPTION --

25 Q WELL, IT HAS -- IT HAS HERE AS PART OF THIS
26 PLAN, OPTION ON HIS HOUSE, AND DIDN'T YOU STATE THAT THAT
27 WAS AN OPTION ON -- OKAY. LET ME ASK IT AGAIN. WHOSE HOUSE
28 WAS THAT TO BE AN OPTION ON?

1 A OKAY. WHAT I EXPLAINED BEFORE WAS THAT LEVIN
2 HAD SAID THAT HE HAD ACQUIRED HIS HOUSE BY PURCHASING AN
3 OPTION FOR IT --

4 Q UM-HMM.

5 A -- AND HE INTENDED -- AND JOE INTENDED TO HAVE
6 LEVIN TRANSFER THIS OPTION TO HIM --

7 Q OKAY.

8 A -- AS PART OF THE PLAN, IF POSSIBLE.

9 Q OKAY.

10 A TO MY KNOWLEDGE, THAT OPTION WAS NEVER
11 TRANSFERRED TO JOE.

12 Q OKAY.

13 THE COURT: MR. YOUNG, ARE WE GETTING NEAR A LOGICAL
14 BREAK?

15 MR. YOUNG: WELL, YEAH. WE CAN STOP NOW.

16 THE COURT: ALL RIGHT. IS IT A LOGICAL TIME TO
17 BREAK?

18 MR. YOUNG: YEAH, THAT'S FINE. YOU KNOW, THERE'S A
19 NUMBER OF PAGES HERE. WE CAN GO ON.....

20 THE COURT: ALL RIGHT. IN THE MATTER OF PEOPLE
21 VERSUS JAMES PITTMAN, WE'LL TAKE OUR NOON BREAK AT THIS TIME
22 AND WE'LL RESUME AT 2:00 O'CLOCK ON THE PITTMAN MATTER.

23 (WHEREUPON, THE NOON RECESS WAS TAKEN AND PROCEEDINGS
24 RESUMED AT 2:25 P.M.)

25 THE COURT: ALL RIGHT. IN THE MATTER OF JAMES
26 PITTMAN, LET THE RECORD SHOW THAT MR. PITTMAN IS PRESENT
27 WITH HIS COUNSEL, MR. YOUNG AND MR. ZORNE; MS. LOPEZ, THE
28 DISTRICT ATTORNEY IS PRESENT.

1 AT THE NOON BREAK I BELIEVE YOU WERE STILL
2 CROSS-EXAMINING MR. KARNY; IS THAT CORRECT?

3 MR. YOUNG: YES.

4 THE COURT: MR. KARNY, WOULD YOU COME FORWARD AGAIN?

5 MR. YOUNG: WE NEED EXHIBIT 2 AGAIN.

6 Q BY MR. YOUNG: OKAY, REFERRING TO PAGE FOUR OF
7 EXHIBIT 2, AT THE TOP OF THE PAGE THERE'S A NAME INDICATED.
8 COULD YOU READ THAT.

9 THE COURT: "L. RAYMOND & ASSOCIATES", AND THEN IT
10 SAYS "BBC" UNDERNEATH.

11 Q YES. AND WHO IS L. RAYMOND & ASSOCIATES?

12 A THAT IS THE ENGINEERING CONSULTING FIRM WHICH
13 IS RUN OR OWNED BY DR. LEWIS RAYMOND.

14 Q OKAY. WHAT PART IN THE PLAN TO MURDER LEVIN
15 DID RAYMOND & ASSOCIATES HAVE?

16 A NO PART AT ALL, TO THE BEST OF MY KNOWLEDGE.

17 Q OKAY. SO ARE THERE PARTS ON THESE NOTES THAT
18 DO NOT RELATE TO THE PLAN TO KILL LEVIN?

19 A WELL, THAT PART DOESN'T.

20 Q OKAY. ARE THERE ANY OTHER PARTS IN THESE NOTES
21 THAT DO NOT RELATE TO THE PLAN? I'LL LET YOU LOOK THROUGH
22 THEM.

23 A THAT'S THE ONLY ITEM THAT I'M SURE DOESN'T
24 RELATE TO IT.

25 Q OKAY, AND THIS TELEPHONE NUMBER THAT'S LISTED
26 BESIDE THAT, IS THAT THE TELEPHONE NUMBER FOR L. RAYMOND &
27 ASSOCIATES?

28 A I DON'T KNOW.

1 Q DO YOU RECOGNIZE THAT TELEPHONE NUMBER?

2 A NO, I DON'T.

3 Q OKAY. REFERRING TO THE NEXT PAGE, WHICH I
4 BELIEVE IS PAGE FIVE, COULD YOU LOOK AT THAT PAGE AND TELL
5 ME IF YOU WERE PRESENT WHEN EITHER JOE HUNT WROTE ANY OF THE
6 STATEMENTS ON THERE OR WERE PRESENT WHILE HE HAD THESE IN
7 HIS POSSESSION?

8 A I DON'T RECALL BEING PRESENT WHEN JOE HUNT
9 WROTE THIS, AND AS I SAY, HE WAS IN POSSESSION OF A WHOLE
10 PACK OF PAPERS WHEN I DID SEE THEM, AND THIS MIGHT HAVE BEEN
11 ONE OF THEM.

12 Q OKAY. IT INDICATES NUMBER ONE ITEM, "DEBTOR
13 RON LEVIN". DO YOU HAVE ANY KNOWLEDGE THAT RON LEVIN OWED
14 JOE HUNT ANY MONEY?

15 A IT WAS PART OF THE PLAN TO HAVE RON LEVIN SIGN
16 ALONG WITH THE OTHER THINGS POSSIBLY A NOTE OWING MONEY TO
17 ONE OF THE COMPANIES OR TO JOE OR SOMETHING LIKE THAT, AND I
18 BELIEVE THIS NOTATION REFERS TO THAT POSSIBILITY.

19 Q OKAY. DIDN'T -- WASN'T THERE SOME CONTENTION
20 BY JOE PRIOR TO THIS DATE THAT HE HAD TRADED IN THE
21 COMMODITIES MARKET FOR RON LEVIN AND HAD MADE A GREAT DEAL
22 OF MONEY AND WAS OWED MONEY BY RON LEVIN?

23 A YES, THERE WAS SUCH A CONTENTION.

24 Q OKAY. DID YOU DISCUSS THIS NUMBER ONE POINT ON
25 THIS PAGE FIVE WITH JOE HUNT?

26 A NO, I DIDN'T.

27 Q OKAY. SO THEN ARE YOU JUST ASSUMING THAT THAT
28 WAS PART OF THE PLAN --

1 A NO. I DISCUSSED THAT PART OF THE PLAN WITH
2 HIM. HE MENTIONED TO ME THAT THAT WAS ONE OF THE THINGS
3 THAT HE MIGHT DO. THE THINGS HERE WERE CONTINGENCY; SOME OF
4 THE THINGS THAT MIGHT BE DONE. I DISCUSSED WITH HIM AT ONE
5 TIME THAT THAT MIGHT BE ONE OF THE THINGS THAT HE MIGHT DO,
6 BUT WE WEREN'T LOOKING AT THIS LINE AT THE TIME.

7 Q DO YOU KNOW HOW MUCH MONEY JOE HUNT BELIEVED
8 THAT RON LEVIN OWED HIM?

9 A SOMETHING OVER FIVE MILLION DOLLARS, I THINK.

10 Q AND TO YOUR KNOWLEDGE, WHAT WAS THAT OWED FOR?

11 A IT WAS SUPPOSED TO BE JOE'S PORTION OF PROFITS
12 THAT HAD BEEN MADE BY RON LEVIN. IN THE COMMODITIES MARKET.

13 Q OKAY. THE NEXT ITEM HERE, IT HAS NUMBER -- IT
14 GOES FROM 1 TO NUMBER 4 AND IT HAS THE NAME "MICROGENESIS OF
15 NORTH AMERICA" AND AN ADDRESS. IS THAT THE ADDRESS OF
16 MICROGENESIS?

17 A ROUGHLY, YES. THE ZIP CODE I THINK IS WRONG
18 BUT

19 Q OKAY.

20 A MICROGENESIS MAINTAINED ITS CORPORATE OFFICES
21 AT THAT ADDRESS.

22 Q OKAY. DID YOU DISCUSS THIS PART OF THE NOTES
23 WITH JOE?

24 A NO, I DIDN'T.

25 Q OKAY. THE NEXT ITEM THAT SAYS 7A, IT SAYS
26 "CHECK". DID YOU DISCUSS THAT ITEM WITH HIM?

27 A NOT WITH RESPECT TO THIS NOTATION ON THE PAGE.

28 Q OKAY. OKAY. THEN THE NEXT ITEM IS NUMBERED 9.

1 IT SAYS "UNDER MY SIGNATURE TYPE 'MICROGENESIS OF NORTH
2 AMERICA'". DID YOU DISCUSS THAT WITH JOE?

3 A WHAT I DISCUSSED WITH HIM WAS THAT IT WAS HIS
4 PLAN TO HAVE RON LEVIN SUPPOSEDLY SIGN AN AGREEMENT WITH
5 MICROGENESIS OF NORTH AMERICA AND TO REMIT A CHECK TO
6 MICROGENESIS OF NORTH AMERICA, AND HE WANTED TO MAKE SURE
7 THAT HE REMEMBERED THAT WHEN HE SIGNED THIS CONTRACT WITH
8 LEVIN THAT IT BE AS AN OFFICER OF MICROGENESIS RATHER THAN
9 AS SIMPLY JOE HUNT.

10 Q OKAY.

11 A JUST A FORMALITY HE DIDN'T WANT TO FORGET.

12 Q OKAY. ON THIS PARTICULAR ITEM, DOES IT MAKE
13 ANY REFERENCE TO OFFICER?

14 A I DON'T SEE THE WORD "OFFICER" THERE.

15 Q OKAY. THEN THE NEXT ITEM IS NUMBERED 11, AND
16 IT SAYS "TYPE MICRO'S ADDRESS". DID YOU DISCUSS THAT WITH
17 JOE?

18 A NO, I DIDN'T.

19 Q DO YOU HAVE ANY IDEA FROM YOUR PERSONAL
20 KNOWLEDGE WHAT THAT WAS TO MEAN?

21 A FROM MY PERSONAL KNOWLEDGE. WELL, FROM MY
22 PERSONAL KNOWLEDGE, I KNOW THAT JOE AS PART OF HIS PLAN
23 WANTED TO HAVE -- TO LEAVE IN MR. LEVIN'S HOUSE AFTER HE
24 KILLED HIM A COMPLETE FILE WITH SUPPORTING DOCUMENTATION FOR
25 THE SCENARIO WHICH HE WAS LATER GOING TO SAY HAD TAKEN
26 PLACE, AND THAT MIGHT HAVE REFERRED TO TYPING MICROGENESIS
27 IN THE FILE SOMEWHERE AND LEAVING IT IN MR. LEVIN'S HOUSE.

28 Q OKAY. WITH RESPECT TO THIS PAGE, THEN, YOU

1 DIDN'T SPECIFICALLY DISCUSS ANY OF THESE ITEMS AS AS THEY
2 APPEAR ON THIS PAPER WITH JOE HUNT?

3 MS. LOPEZ: I'M GOING TO OBJECT AS BEING VAGUE. THE
4 WITNESS HAS ALREADY EXPLAINED THAT HE DISCUSSED AT VARIOUS
5 TIMES THE SUBSTANCE OF THOSE ITEMS.

6 DO YOU MEAN --

7 MR. YOUNG: THESE ITEMS SPECIFICALLY. AS ON THIS
8 FIRST PAGE HE HAD SAID THEY WENT DOWN CERTAIN ITEMS AND HE'D
9 ASK QUESTIONS ABOUT THEM.

10 Q OKAY. HERE. DID YOU GO DOWN THESE ITEMS AND
11 ASK QUESTIONS ABOUT THEM?

12 A NO, I DIDN'T.

13 Q OKAY. REFERRING TO THE -- I GUESS IT'S THE
14 SIXTH PAGE, THERE'S A LIST OF ITEMS. IT SAYS NUMBER ONE,
15 "AUTHORIZATION". DO YOU KNOW WHAT THAT MEANS?

16 A YES. THAT REFERS TO THE PART OF JOE'S PLAN
17 WHICH INCLUDED HAVING AN AUTHORIZATION BY THE CORPORATION
18 FOR HIM TO NEGOTIATE WITH RON LEVIN FOR THE RIGHTS WHICH
19 WERE SUPPOSEDLY CONVEYED IN THE CONTRACT.

20 Q OKAY. TO YOUR PERSONAL KNOWLEDGE AS AN OFFICER
21 OF THE CORPORATION, WAS THIS AUTHORIZATION TO NEGOTIATE WITH
22 RON LEVIN EVER MADE?

23 A FROM MY PERSONAL KNOWLEDGE AS AN OFFICER OF THE
24 CORPORATION?

25 Q YEAH.

26 A I DON'T KNOW IF I WAS AN OFFICER OF THE
27 CORPORATION.

28 Q OKAY. THEN JUST FROM YOUR PERSONAL KNOWLEDGE.

516

1 A FROM MY PERSONAL KNOWLEDGE, A BACKDATED
2 AUTHORIZATION WAS TYPED UP UPON JOE'S DIRECTION.

3 Q AND WHEN WAS THAT? WHEN WAS THAT DONE?

4 A I BELIEVE IT WAS DONE -- LET'S SEE. I DON'T
5 KNOW WHEN IT WAS DONE EXACTLY.

6 Q WAS IT -- WAS IT AFTER JUNE 6TH, 1984?

7 A I'M NOT SURE.

8 Q WAS IT AFTER THE ALLEGED KILLING OF RON LEVIN?

9 A THAT'S WHAT I'M SAYING. I'M NOT SURE.

10 Q OKAY.

11 A BUT HE DID -- HE DID, I BELIEVE, DIRECT ONE OF
12 THE PEOPLE IN THE OFFICE TO TYPE UP A BOGUS MINUTES OF A
13 CORPORATE MEETING WHICH SUPPOSEDLY WOULD HAVE AUTHORIZED HIM
14 TO ACT IN THAT CAPACITY SO THAT IT WOULD ALL FIT.

15 Q OKAY. DO YOU RECALL THIS PAGE, SPECIFICALLY
16 SEEING IT BEFORE?

17 A NO, I DON'T.

18 Q OKAY. WITH RESPECT TO ITEM NUMBER TWO,
19 "CORPORATE SEAL", DID YOU EVER DISCUSS THAT WITH JOE?

20 A JUST TO THE EXTENT THAT HE WANTED TO MAKE SURE
21 THAT HE TOOK IT WITH HIM WHEN HE WENT TO MR. LEVIN'S HOUSE
22 ON THE NIGHT THAT HE PLANNED TO KILL HIM SO IF HE WANTED
23 WANTED TO MAKE UP ANY PAPERS ON THE SPOT HE COULD AFFIX THE
24 SEAL TO IT AND MAKE IT LOOK OFFICIAL.

25 Q OKAY. DO YOU HAVE ANY PERSONAL KNOWLEDGE THAT
26 JOE HUNT TOOK THAT CORPORATE SEAL WITH HIM?

27 A NO, I DON'T.

28 Q OKAY. DO YOU HAVE ANY PERSONAL KNOWLEDGE AS TO

1 WHERE THAT CORPORATE SEAL IS NORMALLY KEPT?

2 A HE KEPT THEM IN A DRAWER IN HIS OFFICE. LATER
3 ON THEY WERE MOVED AND KEPT IN THE CORPORATE BOXES IN A FILE
4 SOMEWHERE ELSE, BUT AT THAT TIME HE WAS KEEPING THEM IN HIS
5 OFFICE.

6 Q OKAY. NUMBER THREE SAYS "INITIAL EACH PAGE".
7 DID YOU EVER DISCUSS THAT WITH JOE?

8 A NO, I DIDN'T.

9 Q NUMBER FOUR SAYS "WITNESSES" AND IN PARENTHESES
10 AFTER THAT IT HAS "2". DID YOU EVER DISCUSS THAT WITH JOE?

11 A WELL, JOE WAS CONCERNED THAT THE FORMALITIES OF
12 CONTRACTS BE FULFILLED WITH RESPECT TO THE PAPERS THAT HE
13 WAS FORCING MR. LEVIN TO SIGN SO AS FAR AS INITIALING PAGES
14 AND HAVING WITNESSES THERE, ET CETERA. HE JUST WANTED IT
15 ALL TO LOOK ABOVEBOARD.

16 Q OKAY.

17 A SO THAT'S ALL I CAN TELL YOU ABOUT THAT.

18 Q YOU DIDN'T ADVISE HIM THAT HE DIDN'T NEED TWO
19 WITNESSES?

20 A NO. I DIDN'T ADVISE HIM AT ALL.

21 Q OKAY. ALSO THERE'S AN ITEM THAT SAYS NUMBER 6
22 AND IT'S GOT -- IT LOOKS LIKE SOME ITEMS THAT ARE CROSSED
23 OUT. IT LOOKS LIKE A 230-DOLLAR FIGURE, AN \$859-FIGURE --
24 AND CAN YOU READ THAT? YOU'RE MORE FAMILIAR WITH HIS
25 WRITING.

26 A I CAN'T READ THAT (INDICATING). IT SAYS
27 SOMETHING LIKE "THROUGH BEFORE JUNE 7TH."

28 Q OKAY. DID YOU DISCUSS WHAT THESE FIGURES MEANT

1 WITH JOE?

2 A THOSE SPECIFIC FIGURES, NO.

3 Q OKAY. ALSO HERE IT STATES "TWA NO. 840". DID
4 YOU DISCUSS THAT WITH JOE?

5 A NOT THAT SPECIFIC FIGURE, EITHER.

6 Q OKAY. FROM MY READING OF IT, I'M ASSUMING THAT
7 THAT'S A FLIGHT NUMBER SINCE IT SAYS "TWA NO. 840". DID YOU
8 EVER HAVE ANY DISCUSSIONS ABOUT A PARTICULAR PLANE FLIGHT
9 INVOLVED IN THIS CONSPIRACY?

10 A ABOUT A PARTICULAR PLANE FLIGHT?

11 Q RIGHT.

12 A NOT A PARTICULAR ONE, NO.

13 Q DID YOU EVER DISCUSS TWA?

14 A NO.

15 Q OKAY. HERE AT THE BOTTOM OF THE LIST, IT LOOKS
16 LIKE NO. 5, IT SAYS "JEFF LIST". IS THAT CORRECT?

17 A I CAN RECOGNIZE THE "J" AND THE TWO "F'S". I
18 DON'T KNOW WHAT THAT IS IN BETWEEN. IT MIGHT BE AN "E".

19 Q OKAY. DID JEFF RAYMOND HAVE ANYTHING TO DO
20 WITH THIS PLAN TO KILL RON LEVIN?

21 A NOT TO MY KNOWLEDGE.

22 Q DID JOE EVER DISCUSS ANYONE BY THE NAME OF JEFF
23 AS BEING INVOLVED IN THIS PLAN?

24 A NO, HE DIDN'T.

25 Q OKAY. REFERRING TO THE NEXT PAGE WHICH IS -- I
26 THINK IT'S PAGE NUMBER 6 ON EXHIBIT 2, THERE'S A NAME HERE
27 IN THE CORNER WITH AN ARROW POINTED TOWARD IT. IT LOOKS
28 LIKE "MICHAEL WEATHERBEE"?

1 A I BELIEVE IT SAYS "R. MICHAEL WEATHERBEE".

2 Q RIGHT. DO YOU KNOW WHO THAT IS?

3 A TO THE BEST OF MY KNOWLEDGE, R. MICHAEL
4 WEATHERBEE IS A NAME USED BY RON LEVIN AS A SORT OF A ALIAS
5 WHEN HE USED TO UNDERTAKE LEGAL PROCEEDINGS IN HIS OWN
6 BEHALF, AND IT WAS THE NAME OF THE -- THE ATTORNEY'S NAME
7 THAT HE USED.

8 Q OKAY. DID JOE EVER DISCUSS WITH YOU HOW THIS
9 WOULD RELATE TO HIS ALLEGED PLAN TO KILL RON LEVIN?

10 A NO, HE DIDN'T.

11 Q OKAY. ON THIS PAGE, LET'S START FROM THE
12 BOTTOM. LET'S START WITH THIS PAGE. DO YOU RECALL SEEING
13 THIS PAGE BEFORE?

14 A YES, I DO.

15 Q OKAY. WHEN YOU SAW IT DID IT HAVE THAT NAME R.
16 MICHAEL WEATHERBEE ON IT?

17 A I DON'T RECALL.

18 Q OKAY. WHAT MAKES YOU RECALL THAT YOU'VE SEEN
19 THIS PAGE BEFORE?

20 A ITEM NUMBER ONE.

21 MS. LOPEZ: IS THAT "JIM DIGS PIT"?

22 Q BY MR. YOUNG: WHAT ELSE?

23 A WHERE IT SAYS "LEVIN HIS SITUATION".

24 Q ANYTHING ELSE?

25 A WHERE IT SAYS "CUFFS", "TAPES".

26 Q ANYTHING ELSE?

27 A "DETERMINATION OF CONSIDERATION FROM SWISS BANK
28 CHECKS". I'VE SEEN THE PAGE. IT ALL LOOKS PRETTY FAMILIAR

500

1 TO ME. AS FAR AS THAT (INDICATING) IS CONCERNED, I DON'T
2 RECALL.

3 Q OKAY. DID JOE HUNT HAVE A FRIEND BY THE NAME
4 OF JAMES OR JIM THAT WAS IN TOWN DURING JUNE OF 1984?

5 A NOT THAT I KNOW OF.

6 MR. YOUNG: ONE SECOND.

7 Q BY MR. YOUNG: DO YOU RECALL A FRIEND OF JOE'S
8 THAT WAS IN THE NAVY THAT WAS VISITING DURING THAT PERIOD OF
9 TIME?

10 A I DON'T THINK HE WAS VISITING DURING THAT
11 PERIOD OF TIME. HE HAS A FRIEND NAMED JIMMY HOGAN WHO --
12 WHO'S IN THE NAVY. I THINK HE'S A LIEUTENANT ON A
13 SUBMARINE.

14 Q UM-HMM.

15 A JIMMY HOGAN. HIS NAVAL RECORDS WOULD BE ABLE
16 TO TELL YOU WHEN HE WAS THERE.

17 Q WHEN TO YOUR RECOLLECTION WAS JIMMY HOGAN HERE?

18 A IT WAS SOMETIME JUST AFTER JOE BOUGHT A BUNCH
19 OF MOTORCYCLES BECAUSE I KNOW HE WENT MOTORCYCLE RIDING WITH
20 HIM AND -- LET'S SEE. I THINK IT WAS IN SEPTEMBER.

21 Q SEPTEMBER OF '84?

22 A YEAH, I THINK SO. I'M NOT POSITIVE, BUT I CAN
23 FIND OUT.

24 Q OKAY. OKAY. WITH RESPECT TO THIS ITEM NUMBER
25 6, IT'S CIRCLED. IT SAYS "DETERMINATION OF CONSIDERATION
26 SWISS BANK CHECKS". DO YOU KNOW WHAT THAT MEANS?

27 A YES.

28 Q WHAT?

1 A WHAT IT MEANT WAS THAT WHILE THE PLAN WAS IN
2 PROGRESS, MR. LEVIN WAS GOING TO BE FORCED AT GUNPOINT TO
3 BE -- TO DISCLOSE HOW MUCH MONEY WAS IN HIS SWISS BANK
4 ACCOUNT THAT WOULD CLEAR SO THAT HE COULD BE FORCED TO WRITE
5 A CHECK OVER IN THAT AMOUNT.

6 Q OKAY. THIS ITEM NO. 5. "LEVIN HIS SITUATION".
7 DO YOU KNOW WHAT THAT MEANS?

8 A YES, I DO.

9 Q WHAT?

10 A THAT REFERRED TO THE PART OF THE PLAN WHERE JOE
11 WAS GOING TO CONVINCe RON LEVIN THAT HE WAS GOING TO SURVIVE
12 THE ORDEAL THAT HE WAS GOING TO BE PUT THROUGH AND REFERRED
13 TO EXPLAINING THAT SITUATION TO LEVIN SO THAT HE WOULD
14 BELIEVE THAT HE WAS GOING TO LIVE AND COOPERATE, AND THERE
15 WAS A CERTAIN SCENARIO WHICH JOE WAS GOING TO TELL HIM.

16 Q OKAY. FROM YOUR INFORMATION, THEN, FROM THE
17 BEGINNING OF THIS PLAN, JOE INTENDED TO KILL RON LEVIN?

18 A YES.

19 Q DO YOU KNOW IF HE INTENDED TO KILL RON LEVIN AT
20 HIS APARTMENT?

21 A NO. I DON'T KNOW WHERE HE ULTIMATELY INTENDED
22 TO KILL HIM. I THINK THAT WAS LEFT OPEN. HIS PLAN WAS ONE
23 OF CONTINGENCIES, AS I TOLD YOU. IT KIND OF UNFOLDED AS IT
24 WENT ALONG.

25 Q OKAY. GOING TO ITEM NUMBER FOUR. "CUFFS,
26 TAPES". DID YOU DISCUSS THAT WITH JOE?

27 A HE JUST TOLD ME THAT HE WAS GOING TO HANDCUFF
28 LEVIN AND TAPE HIS MOUTH WHILE JOE WAS TYPING UP WHATEVER

1 DOCUMENTS HE WAS GOING TO CREATE.

2 Q OKAY. WAS HE INTENDING TO TYPE THOSE
3 AGREEMENTS AT RON LEVIN'S APARTMENT?

4 A IF NECESSARY, IF IT WORKED OUT THAT WAY. IT
5 ALL DEPENDED.

6 Q OKAY. ITEM NUMBER THREE SAYS "JOE ARRIVES 9:00
7 O'CLOCK, SEE LIST". DID HE HAVE A SPECIFIC TIME THAT HE WAS
8 SUPPOSED TO ARRIVE AT RON LEVIN'S?

9 A HE WAS GOING TO HAVE DINNER WITH HIM THAT
10 NIGHT. I BELIEVE HE HAD MADE PLANS WITH HIM AND --

11 Q WHEN YOU SAY YOU BELIEVE HE HAD MADE PLANS WITH
12 HIM FOR DINNER, DID JOE TELL YOU THAT HE HAD MADE PLANS TO
13 HAVE DINNER WITH HIM?

14 A YES, HE DID.

15 Q DID JOE EVER USE DIFFERENT NAMES AS CODE NAMES?

16 A YES, HE DID.

17 Q OKAY. CAN YOU GIVE ME AN EXAMPLE OF WHEN HE
18 USED A NAME AS A CODE NAME?

19 A WHEN HE REFERRED TO RON LEVIN AND THE PLAN TO
20 KILL HIM, HE REFERRED TO RON LEVIN AS "MAC" IN ALL
21 DISCUSSIONS THAT TOOK PLACE ABOUT IT. HE USED THE WORD
22 "MAC" IN ALL DISCUSSIONS SO THAT NO ONE WHO WOULD BE
23 LISTENING WOULD OVERHEAR PEOPLE TALKING ABOUT RON LEVIN.

24 Q OKAY. DID YOU EVER USE -- KNOW HIM TO USE CODE
25 NAMES IN ANY OTHER INSTANCES?

26 A YES.

27 Q COULD YOU GIVE ME ANOTHER ONE?

28 A WITH RESPECT TO THE PLAN TO ABDUCT AND KILL

1 HEDAYAT ESLAMINIA, HE WAS CALLED "SAM" AND THAT NAME WAS
2 USED IN THE SAME WAY.

3 Q OKAY. DO YOU HAVE ANY OTHER KNOWLEDGE OF HIM
4 USING CODE NAMES?

5 A NOT THAT I CAN THINK OF, BUT I THINK THAT THERE
6 WERE A FEW OTHERS.

7 Q OKAY. DID HE EVER USE CODE NAMES FOR MEMBERS
8 OF THE BBC?

9 A NOT THAT I CAN RECALL.

10 Q OKAY. I KNOW YOU CAN'T RECALL EXACTLY WHAT
11 DATE YOU SAW THESE NOTES AND JOE WORKING ON THEM, BUT COULD
12 YOU TELL ME WHERE YOU WERE WHEN YOU SAW THEM?

13 A I WAS AT THE OFFICE, IN JOE'S OFFICE, LOOKING
14 OVER HIS SHOULDER. HE WAS AT HIS DESK.

15 Q OKAY. HOW MANY TIMES DID YOU SEE HIM IN HIS
16 OFFICE WITH THESE NOTES?

17 A TWICE.

18 Q AND DURING BOTH THOSE TIMES YOU HAD DISCUSSIONS
19 WITH HIM REGARDING THESE NOTES?

20 A YES.

21 Q AND DID IT APPEAR -- STRIKE THAT.

22 HOW FAR BEFORE THE 6TH OR HOW MANY DAYS BEFORE THE
23 6TH DID YOU FIRST SEE THESE NOTES? THE 6TH IS THE DATE THAT
24 LEVIN WAS ALLEGEDLY KILLED, AND I BELIEVE YOU WENT TO A
25 MOVIE?

26 A I THINK IT WAS -- I THINK I SAW THEM ON THAT
27 DAY AND PROBABLY THE DAY OR A COUPLE DAYS BEFORE THAT.
28 HE WAS REFINING HIS PLAN DURING THOSE FINAL DAYS, MAKING A

1 NUMBER OF LISTS.

2 Q OKAY. DID YOU ASSIST IN ANY WAY TO SECURE ANY
3 OF THE ITEMS OR INFORMATION NECESSARY TO CARRY OUT THIS
4 PLAN?

5 A I DID ONE THING.

6 Q WHAT'S THAT?

7 A AS PART OF THE PLAN -- PART OF THE PLAN
8 INCLUDED LEAVING A COMPLETED FILE AT MR. LEVIN'S HOUSE
9 COMPLETE WITH SIGNED CONTRACTS AND XEROXED COPIES AND
10 CORRESPONDENCE AS WELL. WHAT JOE HAD DONE IS HE HAD
11 DIRECTED THE SECRETARY TO TYPE ONE OR MORE LETTERS TO
12 MR. LEVIN SEVERAL DAYS BEFORE AND MADE AS IF TO SEND THEM,
13 PUT THEM IN THE MAIL PILE AT THE OFFICE, SO THAT HE COULD
14 LATER CLAIM THAT HE HAD AN ONGOING CORRESPONDENCE WITH
15 MR. LEVIN.

16 Q UM-HMM.

17 A AND THEN HE ASKED ME TO TELL THE SECRETARY THAT
18 I WOULD BE TAKING THE MAIL DOWN TO THE MAILBOX MYSELF, AND
19 ON THAT DAY I PICKED UP THE MAIL BEFORE IT WAS SENT OUT AND
20 IT INCLUDED ONE OF THE LETTERS THAT JOE LATER WAS GOING TO
21 CLAIM HE HAD SENT TO MR. LEVIN.

22 Q SO IN OTHER WORDS, YOU PREVENTED THE LETTER
23 FROM BEING MAILED?

24 A CORRECT.

25 Q OKAY. DID YOU DO ANYTHING ELSE?

26 A NO.

27 Q DO YOU HAVE ANY PERSONAL KNOWLEDGE OF JOE HUNT
28 OR ANYONE ELSE PURCHASING ANY HANDCUFFS?

525

1 A YES, I DO.

2 Q OKAY.

3 A JOE HUNT TOLD ME THAT HE HAD PURCHASED SOME
4 HANDCUFFS THAT HE HAD PLANNED TO USE. I DON'T KNOW IF HE
5 ACTUALLY USED THEM OR NOT IN -- IN KILLING RON LEVIN AT A
6 PLACE CALLED THE INTERNATIONAL LOVE BOUTIQUE ON HOLLYWOOD
7 BOULEVARD.

8 Q OKAY. WHAT ABOUT THE TAPE?

9 A I DON'T KNOW ANYTHING ABOUT IT.

10 Q LET ME REFER BACK TO PAGE FOUR HERE AGAIN.
11 ITEM NUMBER 5 SAYS "KEYS". WHAT DID THAT MEAN?

12 A THAT MEANT THAT JOE WANTED TO GET KEYS TO RON
13 LEVIN'S HOUSE, IF POSSIBLE HIS CAR AND HIS POST OFFICE BOX
14 SO THAT HE COULD USE THEM LATER IF NECESSARY.

15 Q OKAY. WAS HE PLANNING TO GET THESE KEYS PRIOR
16 TO THIS ALLEGED MURDER OR DURING IT?

17 A DURING IT.

18 Q OKAY. HERE'S ANOTHER PART. IT SAYS "ASK JOE
19 FOR EXTENSION OF OPTION PERIOD". DO YOU KNOW WHAT THAT
20 MEANS?

21 A YES.

22 Q WHAT?

23 A WHAT JOE WANTED TO DO IN ADDITION TO HAVING
24 CORRESPONDENCE GOING FROM HIM TO MR. LEVIN, HE WANTED SOME
25 CORRESPONDENCE COMING BACK AS WELL SO IT LOOKED LIKE LEVIN
26 HAD ACTUALLY PARTICIPATED IN NEGOTIATIONS AND THINGS LIKE
27 THAT. SO THIS REFERRED TO A LETTER WHICH HE WAS GOING TO
28 HAVE LEVIN WRITE OR WHICH HE WAS GOING TO TYPE ON LEVIN'S

520

1 MACHINE IN LEVIN'S HOUSE DURING THE PROCESS OF THE MURDER
2 ASKING JOE FOR AN EXTENSION ON THE OPTION PERIOD OR
3 SOMETHING LIKE THAT.

4 Q OKAY. BELOW THAT IT SAYS "IN" --

5 A "IN LEV'S WRITING".

6 Q "IN LEV'S WRITING," AND THAT WOULD BE AN
7 EXPLANATION FOR WHAT YOU JUST GAVE ME THEN?

8 A RIGHT. ALL THAT BUSINESS OF INITIALING COPIES
9 AND THINGS LIKE THAT JUST SO IT WOULD LOOK LIKE SOMETHING
10 HAD GONE ON IN A VERY DETAILED PROCESS.

11 Q OKAY. DO YOU HAVE ANY PERSONAL KNOWLEDGE OF
12 WHETHER OR NOT THIS PART OF THIS PLAN WAS CARRIED OUT?

13 A NO, I DON'T.

14 Q OKAY. WITH RESPECT TO ITEM NUMBER 4, IT SAYS
15 "PACK SUITCASE". WHAT DOES THAT MEAN?

16 A ONE OF THE POSSIBLE THINGS THAT JOE WAS GOING
17 TO DO IN ORDER TO MAKE IT LOOK LIKE MR. LEVIN HAD LEFT OF
18 HIS OWN ACCORD WAS TO PACK A SUITCASE AND TAKE IT WITH HIM.

19 Q DID YOU DISCUSS THIS ITEM WITH JOE?

20 A YES, I DID.

21 Q OKAY. I NOTICE THAT THERE'S VARIOUS ITEMS,
22 "SOCKS, SHOES, SHIRTS", ET CETERA?

23 A ALL OF THE THINGS THAT A MAN WOULD TAKE WITH
24 HIM IF HE WERE GOING AWAY.

25 Q DID YOU DISCUSS THOSE ITEMS WITH HIM?

26 A I LOOKED OVER THIS PORTION OF THE LIST AND
27 THOUGHT THAT IT SEEMED COMPLETE AND I DIDN'T REALLY HAVE ANY
28 DISCUSSION. I LATER DISCUSSED IT WITH HIM. AFTER THE

527

1 MURDER TOOK PLACE.

2 Q I NOTICE THAT THEY DON'T HAVE A TOOTHBRUSH
3 DOWN. DID YOU MAKE ANY SUGGESTIONS AS TO THE ITEMS THAT ARE
4 HERE?

5 A I DON'T THINK SO.

6 Q OKAY. YOU SAID THAT HE USED "MAC" AS A CODE
7 NAME WHEN REFERRING TO IT IN SPEAKING. DID YOU EVER SEE HIM
8 USE "MAC" AS A CODE NAME IN ANY OF THESE WRITTEN DOCUMENTS?

9 A I DON'T RECALL. I THINK THAT THE -- THAT USING
10 THE WORD "MAC" STARTED AFTER THE MURDER TOOK PLACE SO THAT
11 IT COULD BE DISCUSSED FREELY ONCE -- YOU KNOW, ONCE IT HAD
12 HAPPENED, AND THAT'S WHY HE DIDN'T USE IT. THAT'S WHY HE
13 DIDN'T USE IT EARLIER IN THE WRITTEN DOCUMENTS BECAUSE HE
14 HADN'T THOUGHT OF IT YET.

15 Q ON THIS LAST PAGE HERE OF THIS THING TOWARDS
16 THE BOTTOM OF THE PAGE, THERE'S A CIRCLE WITH SOMETHING LIKE
17 A SQUARE JOTTED IN. DOES THAT HAVE ANY SIGNIFICANCE TO THE
18 PLAN?

19 A NOT AS FAR AS I KNOW.

20 Q OKAY.

21 Q DID YOU SEE JOE HUNT ON THE NIGHT OF JUNE 6TH?

22 A YES, I DID.

23 Q AT WHAT TIME?

24 A IN THE EARLY EVENING.

25 Q WHERE?

26 A AT THE WILSHIRE-MANNING WHERE WE LIVED.

27 Q OKAY. AND DID YOU HAVE ANY DISCUSSIONS WITH
28 HIM AT THAT POINT?

1 A YES, I DID.

2 Q WITH RESPECT TO THE MURDER OF RON LEVIN?

3 A YES.

4 Q DID HE TELL YOU HE WAS PLANNING THIS MURDER
5 THAT NIGHT?

6 A YES, HE DID.

7 Q WERE YOU AT THE WILSHIRE-MANNING WHEN HE LEFT
8 TO GO TO RON LEVIN'S?

9 A NO, I WASN'T.

10 Q DO YOU KNOW IF JOE HAD THE HANDCUFFS AT HIS
11 APARTMENT AT WILSHIRE-MANNING AT THAT TIME?

12 A NO. I DON'T KNOW.

13 Q YOU TESTIFIED ON DIRECT EXAMINATION THAT DURING
14 ONE OF THESE SESSIONS WHERE YOU WERE DISCUSSING THE ALLEGED
15 PLAN TO KILL RON LEVIN AND WERE LOOKING OVER JOE'S SHOULDER
16 AT THESE NOTES, THAT JOE MADE A STATEMENT TO YOU THAT HE AND
17 JIM WERE GOING TO KILL RON LEVIN; IS THAT CORRECT?

18 A YES.

19 Q OKAY. DID HE JUST MAKE THIS STATEMENT ONE TIME
20 OR DID HE MAKE IT MORE THAN ONCE?

21 A THE WAY -- THE WAY WE HAD BEEN DISCUSSING HIS
22 PLAN, IT WAS CLEAR THAT JIM WAS GOING TO PARTICIPATE IN IT.

23 Q WHEN YOU SAY THAT "IT WAS CLEAR", WHAT DO YOU
24 MEAN BY "IT WAS CLEAR"?

25 A WELL, IN THE COURSE OF THE DISCUSSIONS HE TOLD
26 ME THAT JIM WAS DIGGING A PIT IN THE HILLS ONE DAY IN ORDER
27 TO PLAN FOR THIS AND HE TOLD ME WHAT JIM'S ROLE WAS SUPPOSED
28 TO BE IN THE CARRYING OUT OF THE PLAN.

529

1 Q OKAY. BUT THE ACTUAL STATEMENT ITSELF WAS ONLY
2 MADE ONE TIME?

3 MS. LOPEZ: I'M GOING TO OBJECT AS VAGUE.
4 WHICH STATEMENT ARE YOU REFERRING TO?

5 MR. YOUNG: THE ACTUAL STATEMENT THAT JOE MADE TO HIM
6 THAT HE AND JIM WERE GOING TO KILL RON LEVIN.

7 MS. LOPEZ: LIMITED TO THAT PRECISE STATEMENT?

8 THE WITNESS: IF YOU LIMIT IT TO THAT PRECISE
9 WORDING, I NEVER HEARD THAT STATEMENT ON THAT DAY.

10 Q BY MR. YOUNG: OH, OKAY. WHAT WAS IT TO YOUR
11 RECOLLECTION -- STRIKE THAT.

12 TO YOUR RECOLLECTION, WHAT STATEMENT WAS MADE ABOUT
13 JIM'S PARTICIPATION IN THIS PLAN?

14 A ARE YOU ASKING ME WHAT STATEMENT BEFORE THE
15 MURDER TOOK PLACE OR WHAT STATEMENTS DID JOE MAKE PERIOD
16 CONCERNING JIM'S PARTICIPATION?

17 Q BASICALLY, I'M REFERRING TO THE DIRECT
18 EXAMINATION WHERE THE DISTRICT ATTORNEY HAD ASKED YOU A
19 QUESTION IN WHICH YOU RESPONDED THAT JOE AND JIM -- THAT JOE
20 HAD TOLD YOU THAT HE AND JIM WERE GOING TO KILL LEVIN. I'M
21 REFERRING TO THAT STATEMENT?

22 A OKAY. HE TOLD ME THAT -- THAT JIM WAS UP IN
23 THE MOUNTAINS DIGGING A PIT, AND I THINK HE TOLD ME THAT HE
24 EVEN WENT AND HELPED HIM --

25 Q EXCUSE ME. YOU'RE NOT ANSWERING THE QUESTION.
26 I'M REFERRING TO THE STATEMENT --

27 MS. LOPEZ: YOUR HONOR, HE IS ATTEMPTING TO ANSWER
28 THE QUESTION BY INDICATING WHAT HE MEANT BY THE STATEMENT

1 THAT HE MADE ON DIRECT EXAMINATION, AND MAY THE WITNESS BE
2 ALLOWED TO ANSWER THE QUESTION?

3 MR. YOUNG: I'D PREFER HIM TO ANSWER MY QUESTION.

4 MS. LOPEZ: THAT WAS THE QUESTION.

5 THE COURT: ALL RIGHT. WHAT WAS THE QUESTION AGAIN?

6 MR. YOUNG: THE QUESTION WAS I'M TRYING TO FIND OUT
7 HOW MANY TIMES HE MADE THE STATEMENT THAT HE AND JIM --

8 THE COURT: WERE GOING TO KILL --

9 MR. YOUNG: -- WERE GOING TO KILL LEVIN. HE
10 TESTIFIED UNDER DIRECT EXAMINATION THAT THE STATEMENT WAS
11 MADE.

12 THE COURT: ALL RIGHT. DO YOU KNOW HOW MANY TIMES
13 THE STATEMENT WAS MADE?

14 THE WITNESS: AS I JUST EXPRESSED, THE SPECIFIC
15 STATEMENT THAT "JIM AND I ARE GOING TO KILL LEVIN" I DO NOT
16 BELIEVE WAS EVER MADE TO ME.

17 Q BY MR. YOUNG: OKAY. OKAY. SO WAS IT
18 BASICALLY JUST FROM YOUR UNDERSTANDING OF THE PLAN AND THE
19 NOTES THAT YOU WERE SEEING AND THE DISCUSSIONS ABOUT JIM
20 DIGGING THE PIT THAT YOU ASSUMED THAT JIM WAS SUPPOSED TO
21 TAKE PART IN THE MURDER?

22 A JUST FROM THE DISCUSSIONS, THE PLAN AND THE
23 NOTES, YEAH, I ASSUMED THAT JIM WAS GOING TO TAKE PART IN
24 THE MURDER.

25 Q OKAY. BUT DID JOE EVER SPECIFICALLY STATE TO
26 YOU THAT JIM WAS TO TAKE PART IN THE MURDER?

27 A HE TOLD ME WHAT JIM WAS SUPPOSED TO DO.

28 Q COULD YOU JUST ANSWER THE QUESTION. DID JOE

1 EVER SPECIFICALLY STATE TO YOU THAT JIM WAS GOING TO
2 PARTICIPATE IN THE MURDER?

3 A WITH THOSE WORDS --

4 MS. LOPEZ: I'M GOING TO OBJECT AS VAGUE.

5 ARE YOU SAYING QUOTE UNQUOTE USING THESE EXACT WORDS
6 OR IN SUBSTANCE?

7 MR. YOUNG: IN SUBSTANCE.

8 THE WITNESS: IN SUBSTANCE, HE SPECIFICALLY SAID IT.

9 Q BY MR. YOUNG: AND WHEN DID HE SAY THIS?

10 A IN THE FEW DAYS DIRECTLY PRECEDING THE 6TH.

11 Q OKAY. HOW MANY TIMES DID HE SAY THAT?

12 A WHENEVER HE DESCRIBED A PART OF THE PLAN THAT
13 JIM WAS GOING TO PARTICIPATE IN OR SOMETHING THAT JIM HAD
14 DONE. I TOOK THAT TO BE A STATEMENT GENERALLY SUBSTANTIVELY
15 MEANING THAT JIM WAS GOING TO PARTICIPATE.

16 Q OKAY. WHEN YOU STATE THAT JIM WAS SUPPOSED TO
17 TAKE PART IN THE MURDER, COULD YOU EXPLAIN WHAT YOU MEAN BY
18 THAT?

19 A YES. HE EXPLAINED TO ME WHAT JIM'S PART HAD
20 BEEN AND WHAT IT WAS GOING TO BE. DO YOU WANT ME TO GO INTO
21 THAT SPECIFICALLY?

22 Q WELL, YOU CAN EXPLAIN WHAT HE SAID IT WAS
23 SUPPOSED TO BE, YES, NOT WHAT IT HAD BEEN IN THE PAST. I
24 DON'T KNOW WHAT YOU MEAN BY THAT, BUT WHAT HE SAID HIS PART
25 WAS SUPPOSED TO BE?

26 A OKAY. WELL, WHAT JIM'S PART WAS SUPPOSED TO BE
27 WAS, FIRST OF ALL, TO HELP PREPARE TO GET THE PIT READY
28 WHERE THEY WERE LATER GOING TO PUT MR. LEVIN'S BODY. AND

532

1 THEN ON THE NIGHT OF THE 6TH, WHEN JOE WENT -- WAS SUPPOSED
2 TO GO OVER TO MR. LEVIN'S HOUSE, HE HAD A PREARRANGED PLAN
3 AND HE WAS SUPPOSED TO CALL -- CALL JIM OR JIM WAS SUPPOSED
4 TO CALL HIM AT MR. LEVIN'S HOUSE AND HE WAS SUPPOSED TO THEN
5 INVITE JIM OVER AND JIM WAS SUPPOSED TO COME OVER TO
6 MR. LEVIN'S HOUSE, AND THAT WAS THE WAY THAT JIM WAS TO BE
7 LET INTO THE HOUSE WITHOUT ANY FUSS OF ANY KIND BECAUSE HE
8 WOULD BE A FRIEND OF JOE'S COMING OVER.

9 THEN THE PLAN WAS FOR -- FOR JIM TO PULL A GUN ON RON
10 LEVIN, AND JOE WAS THEN GOING TO EXPLAIN MR. LEVIN'S
11 PREDICAMENT TO HIM, TO TELL HIM THAT JIM WAS WORKING FOR THE
12 MAFIA OR SOMETHING LIKE THAT, THAT JOE OWED MONEY TO SOME
13 SORT OF ORGANIZED CRIME GROUP, AND THAT JIM WAS TO PLAY --
14 TO PLAY A MUSCLE MAN OF SORTS, AND JOE WAS THEN GOING TO
15 EXPLAIN TO RON THAT JOE OWED MONEY TO THEM AND HE HAD
16 PROMISED THEM THAT LEVIN WAS GOING TO PAY HIM THAT MONEY
17 THAT WE REFERRED TO THAT JOE CLAIMED RON OWED HIM. AND IT
18 WAS SORT OF A GOOD GUY-BAD GUY GAME, AND THEN RON WAS GOING
19 TO BE MADE TO SIGN OVER THE CHECKS WITH JIM HOLDING A GUN
20 ESSENTIALLY ON JOE AND RON, SUPPOSEDLY.

21 Q OKAY. THAT'S GOOD ENOUGH.

22 I REFER YOU BACK TO EXHIBIT 2 THAT WE WENT OVER IN
23 QUITE DETAIL HERE. CAN YOU SHOW ME ANYWHERE ON THAT PIECE
24 OF PAPER OR ANY OF THESE PIECES OF PAPER WHERE THERE IS ANY
25 REFERENCE TO JIM COMING IN ACTING LIKE HE'S A PERSON FROM
26 THE MAFIA?

27 A WHERE IT SAYS "EXPLAIN SITUATION". THAT WAS --
28 THAT WHOLE SCENARIO ABOUT THIS IS MY FRIEND FROM THE MAFIA

530

1 AND HE SAYS THAT I HAVE TO PAY HIM AND I PROMISED HIM THAT
2 HE WOULD GIVE ME MONEY. THAT PART REFERS TO JIM'S ROLE.

3 Q OKAY.

4 A I DON'T THINK THAT ANY OF THIS WAS SUPPOSED TO
5 TAKE PLACE UNTIL JIM GOT THERE, THE HANDCUFFING OR TAPING OF
6 THE MOUTH OR ANY OF THAT. UNTIL THEN, IT WAS JUST SUPPOSED
7 TO BE AN INNOCUOUS DINNER.

8 Q OKAY. IS THERE ANYTHING ELSE IN THESE
9 DOCUMENTS THAT REFER TO THAT? I'LL GIVE YOU A SECOND TO
10 LOOK AT IT.

11 A WELL, TO THE EXTENT OF ANY OF THE THINGS THAT
12 RON WAS GOING TO BE FORCED TO DO, HE WASN'T GOING TO BE
13 FORCED TO DO THEM UNTIL JIM GOT THERE WITH HIS GUN BECAUSE
14 JOE DIDN'T GO OVER THERE WITH A GUN.

15 Q OKAY. DO YOU HAVE ANY PERSONAL KNOWLEDGE
16 YOURSELF THAT JAMES PITTMAN DUG A PIT?

17 A NO PERSONAL KNOWLEDGE.

18 Q DO YOU HAVE ANY PERSONAL KNOWLEDGE YOURSELF
19 THAT JAMES PITTMAN WENT OVER TO RON LEVIN'S ON THE NIGHT OF
20 THIS ALLEGED MURDER?

21 A OTHER THAN WHAT JOE TOLD ME, NO.

22 Q OKAY. THEN YOUR ANSWER --

23 MR. YOUNG: I'D LIKE TO MOVE TO STRIKE "OTHER THAN
24 WHAT JOE TOLD ME".

25 THE COURT: ALL RIGHT.

26 MS. LOPEZ: I DON'T UNDERSTAND WHAT MR. YOUNG IS
27 ASKING.

28 THE COURT: WELL, HE CAN ANSWER THE QUESTION. YOU

1 ASKED HIM IF HE HAD ANY --

2 MR. YOUNG: PERSONAL KNOWLEDGE.

3 THE COURT: PERSONAL KNOWLEDGE. HE CAN ANSWER THAT
4 YES OR NO.

5 MR. YOUNG: RIGHT, SO I WOULD LIKE THE PART STRICKEN
6 WHERE HE SAID "OTHER THAN" --

7 THE COURT: ALL RIGHT. THAT CAN BE STRICKEN. THERE
8 IS INFORMATION TO THAT EXTENT IN THE RECORD ANYWAY.

9 THE WITNESS: PERSONAL KNOWLEDGE MEANS EXACTLY WHAT?

10 Q BY MR. YOUNG: DID YOU FROM YOUR OWN SIGHT,
11 SOUNDS, HEARING, PERSONAL EXPERIENCE ACTUALLY OBSERVE --

12 A NO, I GUESS I DIDN'T HAVE ANY PERSONAL
13 KNOWLEDGE.

14 Q OKAY. DO YOU HAVE ANY PERSONAL KNOWLEDGE THAT
15 ANY OF THE EVENTS SET FORTH IN THIS ALLEGED PLAN ACTUALLY
16 TOOK PLACE OTHER THAN THE MAILING OF THE LETTER THAT YOU
17 RETRIEVED FROM THE MAIL?

18 A PERSONAL KNOWLEDGE MEANING SOMETHING THAT I
19 SAW?

20 Q UM-HMM.

21 A I SAW A SIGNED SWISS BANK CHECK SIGNED BY RON
22 LEVIN. WOULD THAT BE PERSONAL KNOWLEDGE THAT HE --

23 Q AFTER -- AFTER -- THAT WOULD BE PERSONAL
24 KNOWLEDGE OF -- THAT WOULD BE PERSONAL KNOWLEDGE, YES.

25 A OKAY. WELL, I SAW THE SIGNED CHECK AND THE
26 SIGNED CONTRACT THE NEXT MORNING.

27 Q OKAY. ANYTHING ELSE?

28 A AND THIS IS EXCLUSIVE OF WHAT JOE HUNT MAY HAVE

1 TOLD ME.

2 Q WELL, YOU KNOW, I'M NOT

3 A I SAW RON LEVIN'S POST OFFICE BOX KEY AND THE
4 KEY TO HIS -- I THINK THE KEY TO HIS HOUSE AFTERWARDS.
5 OTHER THAN THOSE THINGS, NO PERSONAL KNOWLEDGE.

6 Q OKAY. DIRECTING YOUR ATTENTION TO THE MORNING
7 OF THE 7TH WHEN JOE AWOKED YOU WITH THIS WITHIN 1.5
8 MILLION-DOLLAR CHECK AND AN OPTION AGREEMENT --

9 A UM-HMM.

10 Q -- DO YOU RECALL APPROXIMATELY WHAT TIME THAT
11 WAS?

12 A ABOUT 8:30 IN THE MORNING.

13 Q IS THERE ANY WAY THAT YOU RECALL THE TIME? I
14 MEAN, WAS IT -- DID YOU SEE A CLOCK?

15 A I KEEP A CLOCK BY MY BED.

16 Q AND DID YOU LOOK AT THE CLOCK AND NOTICE IT WAS
17 8:30?

18 A EITHER THAT OR I LOOKED AT MY WATCH. THAT'S
19 THE TIME THAT COMES TO MY MIND.

20 Q OKAY. AND WHEN YOU SAW JOE, WHAT WAS HE
21 WEARING?

22 A HE WAS WEARING A SUIT.

23 Q WAS HE CLEAN? DID HE HAVE MUD OR DIRT OR
24 ANYTHING LIKE THAT ON HIM?

25 A NO. HE HAD JUST TAKEN A SHOWER. WET HAIR AND
26 A SUIT.

27 Q OKAY. DID YOU SEE HIM BEFORE HE WENT IN THE
28 SHOWER?

1 A NO, I DIDN'T.

2 Q OKAY. WHO ELSE WAS PRESENT AT THE APARTMENT AT
3 THAT TIME?

4 A JEFF RAYMOND WAS THERE; BROOKE ROBERTS WAS
5 THERE, AND JOE, MYSELF AND THE GIRL I WAS GOING OUT WITH
6 NAMED LISA MARIE.

7 Q OKAY. DID YOU SEE JEFF RAYMOND?

8 A THAT MORNING?

9 Q THAT MORNING.

10 A YES, I DID.

11 Q AND WHERE DID YOU SEE HIM?

12 A JOE AND I WENT AND WOKE HIM UP SHORTLY
13 THEREAFTER AND SHOWED HIM THE CHECK.

14 Q SO YOU WERE PRESENT WHEN YOU WOKE UP JEFF
15 RAYMOND -- WHEN JOE AND --

16 A YES.

17 Q OKAY. SO WAS BROOKE ROBERTS UP AT THAT POINT?

18 A I DON'T THINK SO.

19 Q OKAY. SO SHE WAS STILL IN BED. WERE YOU THE
20 FIRST ONE THAT JOE AWAKENED TO TELL ABOUT THIS OR SHOW THESE
21 CHECKS?

22 A I EXPECT SO. I WAS THE FIRST PERSON -- I DON'T
23 KNOW WHAT HAPPENED BEFORE I WAS AWAKENED. I WAS THE FIRST
24 PERSON AWAKENED WHEN I WAS AWAKENED.

25 Q OKAY. SO YOU AND JOE WENT AND THE TWO OF YOU
26 AWAKENED JEFF RAYMOND; IS THAT CORRECT?

27 A EITHER JOE WENT IN AND WOKE HIM UP AND THEN
28 JEFF CAME OUT OF HIS ROOM, OR WE BOTH WENT INTO HIS ROOM AND

1 JUMPED ON HIS BED AND SAID "HEY, LOOK". I DON'T REMEMBER
2 EXACTLY, BUT WE WERE BOTH THERE.

3 Q IS THERE ANY WAY THAT JEFF RAYMOND WOULD NOT
4 HAVE SEEN YOU?

5 MS. LOPEZ: OBJECTION. CALLS FOR SPECULATION.

6 MR. YOUNG: WELL, IF THEY WERE IN THE SAME ROOM -- I
7 MEAN, WAS THERE ANYTHING BLOCKING YOUR VISION?

8 THE WITNESS: WELL, WHAT I SAID WAS I MIGHT HAVE BEEN
9 OUT IN THE LIVING ROOM WHEN JOE WENT IN AND WOKE JEFF UP. I
10 CAN'T REMEMBER IF I WENT INTO JEFF'S ROOM WITH JOE OR NOT.

11 Q BY MR. YOUNG: BUT AT SOME POINT JEFF CAME OUT
12 INTO THE LIVING ROOM?

13 A I SPOKE WITH JEFF THAT MORNING ABOUT THE CHECK.

14 Q RIGHT.

15 A JOE AND I WERE BOTH VERY, YOU KNOW, MAKING LIKE
16 WE WERE VERY HAPPY THAT THIS AGREEMENT HAD FINALLY BEEN
17 SIGNED. WHETHER IT WAS IN HIS ROOM OR IN THE LIVING ROOM,
18 I'M NOT SURE.

19 Q YEAH. BUT YOU SPECIFICALLY RECALL SPEAKING
20 WITH JEFF RAYMOND REGARDING THIS CHECK THAT MORNING?

21 A YEAH, I THINK I DO.

22 Q IN THE MORNING WHEN YOU WERE HAVING THE
23 CONVERSATIONS WITH JOE WITH RESPECT TO THIS CHECK, DID HE
24 TELL YOU THAT RON LEVIN WAS DEAD?

25 A YES, HE DID.

26 Q OKAY. DID HE SAY ANYTHING ELSE OTHER THAN
27 THAT?

28 A HE SAID THAT JIM WAS ON HIS WAY TO NEW YORK AND

535

1 HE SAID THAT HE WAS DISAPPOINTED THAT HE HADN'T GOTTEN MORE
2 THAN JUST THE CHECK.

3 Q IS THAT ALL THAT HE SAID?

4 A AT THAT TIME, PRETTY MUCH. HE JUST SAID THAT,
5 YOU KNOW, NOW IT WAS TIME TO GO AND TELL EVERYONE AT THE
6 OFFICE THAT THIS QUOTE DEAL HAD FINALLY COME OFF AND, YOU
7 KNOW, IT WAS TIME TO PLAY THE ROLE THAT HE HAD BEEN
8 PLANNING.

9 Q OKAY. DID -- THEN I TAKE IT FROM WHAT YOU'VE
10 SAID THAT AT THAT POINT HE DID NOT SPECIFICALLY STATE TO YOU
11 THAT JIM HAD PARTICIPATED IN THE ALLEGED MURDER THE NIGHT
12 BEFORE?

13 A NOT AT THAT TIME.

14 Q OKAY. OKAY. ON THE NIGHT OF JUNE 6TH, DID YOU
15 GO TO THE MOVIES?

16 A I THINK I DID.

17 Q AND WHO DID YOU GO WITH?

18 A I THINK I WENT WITH BROOKE ROBERTS AND JEFF
19 RAYMOND. POSSIBLY JEFF'S GIRL FRIEND RENEE WAS THERE, TOO.
20 I'M NOT SURE.

21 Q WHERE DID YOU GO TO THE MOVIE?

22 A IN WESTWOOD.

23 Q DO YOU RECALL WHAT THEATER?

24 A NO, I DON'T, AND I DON'T REMEMBER WHICH MOVIE
25 IT WAS, EITHER.

26 Q SO YOUR TESTIMONY IS YOU DON'T RECALL WHAT
27 THEATER OR WHAT MOVIE YOU WENT TO SEE IN WESTWOOD?

28 A NO.

1 Q DO YOU RECALL WHAT THE MOVIE WAS ABOUT?

2 A NO, I DON'T BECAUSE WE USED TO GO TO MOVIES ALL
3 THE TIME. WE WENT TO SEE AT LEAST FOUR MOVIES A WEEK. IT
4 WAS WHAT WE DID IN OUR SPARE TIME, AND I SAW SO MANY MOVIES
5 IN THAT PERIOD OF TIME, I REALLY DON'T REMEMBER WHICH ONE IT
6 WAS.

7 Q AND DO YOU RECALL WHAT TIME YOU RETURNED HOME
8 FROM THE MOVIES?

9 A I THINK ABOUT 11:00 O'CLOCK.

10 Q WAS JOE AT THE HOUSE THEN?

11 A I DON'T THINK SO. I DIDN'T GO IN HIS ROOM TO
12 CHECK, THOUGH.

13 Q OKAY. DO YOU KNOW IF BROOKE ROBERTS WENT IN
14 HIS ROOM?

15 A YEAH. IT WAS HER ROOM ALSO, SO SHE WENT IN
16 THERE.

17 Q BUT TO YOUR PERSONAL KNOWLEDGE JOE HUNT WASN'T
18 IN THE APARTMENT BUILDING WHEN YOU RETURNED FROM THE MOVIES?

19 A TO MY PERSONAL KNOWLEDGE WHAT?

20 Q HE WAS NOT AT THE APARTMENT WHEN YOU RETURNED
21 TO THE -- FROM THE MOVIES?

22 A FROM WHAT HE LATER TOLD ME, HE WAS NOT AT THE
23 APARTMENT.

24 Q THAT'S NOT THE QUESTION. FROM YOUR PERSONAL
25 KNOWLEDGE, WAS HE THERE WHEN YOU RETURNED FROM THE MOVIES?

26 MS. LOPEZ: ARE YOU ASKING WHETHER OR NOT HE SAW JOE?

27 Q BY MR. YOUNG: DID YOU SEE JOE HUNT?

28 A I DID NOT SEE JOE HUNT WHEN I CAME HOME FROM

1 THE MOVIES.

2 Q DID YOU SEE JAMES PITTMAN ON JUNE 5TH?

3 A I DON'T THINK SO.

4 Q DID YOU SEE JAMES PITTMAN ON JUNE 6TH?

5 A I DON'T THINK SO.

6 Q DID YOU SEE JAMES PITTMAN ON JUNE 7TH?

7 A I DON'T THINK SO.

8 Q DID YOU SEE JAMES PITTMAN ON JUNE 8TH?

9 A NO, I DIDN'T.

10 Q DID YOU SEE -- WHEN WAS THE NEXT TIME YOU SAW
11 JAMES PITTMAN AFTER YOU SAW THIS CHECK AND THESE OPTION
12 AGREEMENTS?

13 A IT WAS I THINK THE DAY HE CAME BACK FROM NEW
14 YORK, SOMETHING LIKE --

15 Q APPROXIMATELY.

16 A SOMETHING LIKE THE 13TH.

17 Q WOULD THAT HAVE BEEN ON A WEDNESDAY OR A
18 THURSDAY?

19 A I THINK IT WAS IN THE MIDDLE OF THE WEEK
20 SOMETIME. I'M NOT POSITIVE.

21 Q AND WHERE DID YOU SEE HIM?

22 A I THINK HE CAME BACK TO THE OFFICE. AT THE
23 OFFICE.

24 Q YESTERDAY ON DIRECT EXAMINATION, YOU STATED
25 THAT THERE WAS A MEETING WITH TOM MAY, BEN DOSTI, JOE,
26 YOURSELF AND JIM AT THE OFFICE SUBSEQUENT TO THIS ALLEGED
27 MURDER; IS THAT CORRECT?

28 A YES.

1 Q OKAY. WOULD THAT MEETING HAVE BEEN ON THE
2 13TH?

3 A NO.

4 Q OKAY. HOW LONG AFTER JIM RETURNED FROM NEW
5 YORK DID THIS MEETING TAKE PLACE?

6 A AT LEAST A FEW WEEKS.

7 Q OKAY. ARE YOU SURE IT'S A FEW WEEKS?

8 A THE MEETING THAT I'M THINKING ABOUT TOOK PLACE
9 A FEW WEEKS AFTERWARDS.

10 Q OKAY. DID THIS MEETING TAKE PLACE BEFORE THE
11 MEETING AT THE END OF JUNE AT THE WILSHIRE-MANNING WHICH HAD
12 ABOUT 10 PERSONS PRESENT?

13 A I DON'T THINK THAT MEETING TOOK PLACE AT THE
14 END OF JUNE. I THINK IT TOOK PLACE SOMEWHERE TOWARDS THE
15 SECOND WEEK OF JULY, BUT IT DID TAKE -- THE MEETING THAT
16 YOU'RE ASKING ME ABOUT WITH JIM AND BEN AND MYSELF AND JOE
17 AND TOM MAY DID TAKE PLACE BEFORE THE MEETING AT THE
18 MANNING.

19 Q AND WAS THIS MEETING CALLED BY JOE?

20 A NO. IT WASN'T REALLY CALLED BY ANYONE. WE
21 JUST SORT OF GRAVITATED INTO THAT OFFICE WHERE WE WERE
22 MEETING AND EVERYBODY JUST STARTED TALKING.

23 Q OKAY. WHOSE OFFICE DID THIS MEETING TAKE PLACE
24 IN?

25 A IT TOOK PLACE IN I THINK BEN'S OFFICE OR THE
26 ONE RIGHT NEXT TO IT WHICH I WAS USING.

27 THE COURT: MR. YOUNG, LET'S GIVE THE REPORTER A
28 BREAK. LET'S MAKE IT A SHORT BREAK, THOUGH. FIVE MINUTES.

512

1 NOT MORE THAN 10 MINUTES AT THE MOST. ALL RIGHT. WE'LL
2 TAKE A RECESS.

3 (WHEREUPON, A RECESS WAS TAKEN)

4 /////
5

6 (OTHER COURT PROCEEDINGS)

7 /////
8

9 COURT: ALL RIGHT. LET THE RECORD SHOW THAT MR.
10 PITTMAN IS HERE WITH HIS COUNSEL, MR. YOUNG AND MR. ZORNE,
11 AND THAT THE DISTRICT ATTORNEY, MS. LOPEZ, IS PRESENT.

12 ALL RIGHT. YOU MAY RESUME YOUR CROSS-EXAMINATION.

13 Q BY MR. YOUNG: OKAY. DIRECTING YOUR ATTENTION
14 TO THE MEETING AT THE OFFICE OF THE BBC WHERE TOM MAY, YOU,
15 JOE HUNT, BEN DOSTI AND JIM WERE PRESENT. AGAIN, DO YOU
16 RECALL THAT MEETING?

17 A YES, I DO.

18 Q AND THAT WAS JUST AN INFORMAL MEETING?

19 A YES, IT WAS INFORMAL.

20 Q OKAY. WHAT WAS DISCUSSED AT THAT MEETING?

21 A THE SUBJECT OF THAT MEETING WAS WHETHER OR NOT,
22 AND IF SO, TO WHOM, ANYTHING ABOUT THE MURDER OF RON LEVIN
23 SHOULD BE DISCLOSED. AS FAR AS THE OTHER PEOPLE IN THE BBC
24 GROUP WERE CONCERNED

25 Q OKAY. WAS THE WORD "MURDER" ACTUALLY USED?

26 A "MURDER" OR "KILLING". THE POINT WAS THAT IN
27 SUCH A MEETING AS THAT ONE WE WOULD SAY WHETHER WE SHOULD --
28 THE QUESTION WAS WHETHER WE OUGHT TO TELL THE OTHER BOYS
29 ABOUT "MAC", AND THAT MEANT ABOUT THE FACT THAT MR. LEVIN
30 HAD BEEN KILLED.

1 Q OKAY. AT WHAT POINT DID JOE DECIDE TO USE THE
2 NAME "MAC" AS THE CODE NAME FOR LEVIN? WAS IT AT THAT
3 MEETING?

4 A NO. NO. IT WAS -- IT WAS EITHER RIGHT BEFORE
5 THE KILLING OR RIGHT AFTER. JUST AROUND THE 6TH OF JUNE,
6 THOUGH.

7 Q OKAY. DID -- FROM YOUR PERSONAL KNOWLEDGE, DID
8 TOM MAY KNOW ABOUT THIS ALLEGED MURDER BEFORE THIS MEETING?

9 MS. LOPEZ: OBJECTION, VAGUE.

10 WHICH MEETING ARE YOU REFERRING TO?

11 MR. YOUNG: WELL, THE ONE I DIRECTED HIS ATTENTION
12 TO, THE MEETING AT THE OFFICE WHERE EACH OF THESE PERSONS
13 WERE PRESENT.

14 Q DURING THE NEXT FEW QUESTIONS WHEN I SAY "THE
15 MEETING," I'LL BE REFERRING TO THAT MEETING.

16 A I UNDERSTAND. YES. HE KNEW ABOUT IT BEFORE.

17 Q AND HOW DO YOU KNOW THAT?

18 A BECAUSE HE AND JOE AND I WERE IN A ROOM
19 TOGETHER -- I BELIEVE IT WAS JOE'S OFFICE -- WHEN JOE TOLD
20 ME WITH TOM SITTING THERE THAT TOM HAD PRETTY MUCH FIGURED
21 OUT ABOUT "MAC" AND SO JOE HAD GONE AHEAD AND TOLD HIM THAT
22 THEY HAD DONE IT.

23 Q OKAY. DID BEN DOSTI KNOW ABOUT THIS, FROM YOUR
24 KNOWLEDGE, BEFORE THIS MEETING?

25 A YES, HE DID.

26 Q AND HOW DID HE LEARN, TO YOUR KNOWLEDGE?

27 A HE WAS TOLD BY JOE.

28 Q WERE YOU PRESENT WHEN JOE TOLD HIM?

1 A I DON'T KNOW IF I WAS PRESENT THE FIRST TIME
2 JOE TOLD HIM, BUT BEN AND I AND JOE KNEW ABOUT IT --
3 OBVIOUSLY, JOE KNEW ABOUT IT, BUT FROM A VERY EARLY STAGE WE
4 KNEW ABOUT IT. WE DISCUSSED -- YOU KNOW, WE TALKED ABOUT IT
5 AMONG OURSELVES AT TIMES.

6 Q OKAY. DID YOU CONSIDER THIS MEETING
7 SIGNIFICANT IN TERMS OF WHETHER OR NOT THE ALLEGED MURDER OF
8 RON LEVIN SHOULD BE REVEALED TO THE OTHER MEMBERS?

9 A I CONSIDERED IT SIGNIFICANT BECAUSE IT WAS
10 MOSTLY ON MY URGING THAT WE DISCUSSED IT.

11 Q OKAY. WOULD IT BE AN INCORRECT STATEMENT,
12 THEN, TO SAY THAT BASED UPON YOUR URGING THAT THIS MATTER BE
13 DISCUSSED THAT THIS MEETING WAS CALLED OR THIS MEETING CAME
14 ABOUT?

15 A WELL, SEE, THE WAY IT WAS OVER AT THE OFFICE,
16 WE USED TO ALWAYS KIND OF GRAVITATE INTO ONE PERSONS'S
17 OFFICE OR ANOTHER PERSONS'S OFFICE AND WE'D SIT AROUND AND
18 SHOOT THE BREEZE. AND ON THAT DAY WE WERE SITTING AROUND
19 TOGETHER, TOM HAVING RECENTLY FOUND OUT ABOUT MR. LEVIN
20 HAVING BEEN KILLED, AND I BROUGHT UP -- I DON'T KNOW IF IT
21 WAS I WHO BROUGHT UP THE SUBJECT OR SOMEONE ELSE -- BUT THE
22 SUBJECT OF TELLING THE OTHER BOYS BECAME MORE IMPORTANT
23 BECAUSE THE EXTERNAL CIRCUMSTANCES IN THE GROUP WERE
24 DETERIORATING, AND IT SEEMED TO ME LIKE WE COULDN'T HAVE A
25 GOOD COHESIVE GROUP BASED ON THE IDEOLOGY THAT I BELIEVED IN
26 UNLESS WE HAD A LITTLE MORE UNDERSTANDING AMONG OURSELVES.

27 Q OKAY. DID YOU BRING IT UP AT THE MEETING?

28 A I THINK I DID. I'M NOT SURE, BUT -- BUT I

1 CERTAINLY SPOKE ABOUT IT A GREAT DEAL.

2 Q OKAY. DID ANYONE ELSE, TO YOUR PERSONAL
3 KNOWLEDGE, KNOW ABOUT THIS ALLEGED CONSPIRACY TO KILL RON
4 LEVIN BEFORE IT OCCURRED BESIDES YOU AND JOE? TO YOU
5 PERSONAL KNOWLEDGE?

6 A TO MY PERSONAL KNOWLEDGE. TO MY PERSONAL
7 KNOWLEDGE, I THINK BROOKE ROBERTS HAD AN IDEA, BUT OTHER
8 THAN THAT, I DON'T HAVE PERSONAL KNOWLEDGE.

9 Q IF YOU WERE JUST GIVING THE NARRATION AS TO THE
10 FACTS THAT LEAD TO THE ALLEGED MURDER OF RON LEVIN AND THE
11 PLANNING OF THAT MURDER AND THE EVENTS AFTERWARDS, WOULD
12 THIS MEETING BE SOMETHING THAT YOU WOULD INCLUDE IN THAT
13 NARRATION?

14 MS. LOPEZ: I'M GOING TO OBJECT AS VAGUE AND CALLS
15 FOR SPECULATION.

16 MR. YOUNG: I'M ASKING HIM IF HE'S --

17 MS. LOPEZ: IT'S A HYPOTHETICAL QUESTION CALLING FOR
18 SPECULATION AND IT'S NOT SPECIFIC ENOUGH. THE QUESTION IS
19 REALLY VAGUE.

20 MR. YOUNG: I'LL REPHRASE IT.

21 THE COURT: DO YOU UNDERSTAND THE QUESTION?

22 THE WITNESS: I THINK I UNDERSTAND THE QUESTION.

23 MR. YOUNG: OKAY.

24 THE COURT: ALL RIGHT. HE UNDERSTANDS IT. HE MAY
25 ANSWER IT.

26 THE WITNESS: THE SPECIFIC MEETING WOULDN'T
27 NECESSARILY BE SOMETHING THAT I WOULD BRING UP IN A
28 NARRATION. THE FACT THAT I WAS CONCERNED THAT SOME OTHERS

1 IN THE GROUP, THE BBC, OUGHT TO BE TOLD, THAT I WOULD BRING⁵¹⁶
2 UP IN A NARRATION BECAUSE THAT WAS IMPORTANT TO ME. THAT
3 PARTICULAR MEETING WAS JUST INCIDENT TO MY FEELINGS, THOUGH.

4 Q BY MR. YOUNG: OKAY. BUT DIDN'T YOU JUST
5 INDICATE EARLIER THAT THIS WAS A SIGNIFICANT MEETING AND AN
6 IMPORTANT MEETING IN TERMS OF THE DISCLOSURE OF WHAT
7 ALLEGEDLY OCCURRED TO RON LEVIN?

8 MS. LOPEZ: I'M GOING TO OBJECT AS MISSTATING THE
9 EVIDENCE. THE FACT TO DISCLOSE -- I BELIEVE THE WITNESS
10 STATED THAT THE FACT TO DISCLOSE WAS SIGNIFICANT, BUT THE
11 MEETING ITSELF WAS NEVER CHARACTERIZED AS SIGNIFICANT.

12 THE COURT: ALL RIGHT. WHAT IS YOUR QUESTION NOW?

13 MR. YOUNG: WELL -- COULD YOU READ IT BACK?

14 (WHEREUPON, THE QUESTION WAS READ BY THE REPORTER)

15 THE COURT: IS THERE AN OBJECTION?

16 MS. LOPEZ: YES.

17 THE COURT: WHAT GROUNDS IS THE OBJECTION?

18 MS. LOPEZ: IT MISSTATES THE RECORD.

19 THE COURT: PARDON?

20 MS. LOPEZ: MISS CHARACTERIZES THE WITNESS'
21 TESTIMONY. MISSTATES THE RECORD.

22 THE COURT: THE OBJECTION WILL BE OVERRULED. YOU MAY
23 ANSWER IT.

24 THE WITNESS: OKAY. I THINK I DID PREVIOUSLY REFER
25 TO THAT MEETING AS BEING A SIGNIFICANT ONE, AND THE
26 SIGNIFICANCE -- NOT IN THE STATEMENT JUST PREVIOUS, BUT IN
27 THE PREVIOUS STATEMENT, AND THE REASON I FELT IT WAS
28 SIGNIFICANT IS BECAUSE TO ME THE WHOLE ISSUE OF WHETHER THE

1 FACT OF THE MURDER OUGHT TO BE DISCLOSED TO ANYONE WAS VERY
2 SIGNIFICANT.

3 I BELIEVED VERY STRONGLY IN THE PRECEPTS BEHIND WHICH
4 THIS GROUP WAS FOUNDED AND I SAW THE WHOLE GROUP FALLING
5 APART BECAUSE CERTAIN PEOPLE KNEW CERTAIN THINGS AND CERTAIN
6 PEOPLE COULDN'T KNOW THEM. AND THE IRRECONCILIBILITY OF
7 THOSE TWO FACTS JUST MADE IT INCREASINGLY DIFFICULT FOR ME
8 TO PARTICIPATE, SO I THOUGHT THAT WE HAD TO PULL IT TOGETHER
9 FOR THE SAKE OF THE GROUP, AND THAT'S WHY IT WAS
10 SIGNIFICANT. THE DAY AND TIME AREN'T THE IMPORTANT FACTOR.

11 Q BY MR. YOUNG: OH, I UNDERSTAND THAT.

12 A OKAY.

13 Q OKAY. DURING THIS MEETING, WAS THERE ANY
14 SPECIFIC STATEMENT BY ANYONE THAT JAMES PITTMAN HAD BEEN
15 INVOLVED IN THE KILLING OF RON LEVIN?

16 A I DON'T THINK THERE WAS A SPECIFIC STATEMENT TO
17 THAT AFFECT.

18 Q SO WOULD IT BE AN INCORRECT STATEMENT TO STATE
19 THAT THE MURDER OF RON LEVIN WAS JUST DISCUSSED IN GENERAL
20 TERMS?

21 A WELL, AS I TOLD YOU BEFORE, THE WHOLE
22 CONSPIRACY AND PLAN AND ULTIMATE KILLING OF RON LEVIN BY --
23 BY JIM AND JOE WAS REFERRED TO AS "MAC". "SHALL WE TELL
24 THEM ABOUT 'MAC'", "SHALL WE NOT TELL THEM ABOUT
25 'MAC'" --

26 Q SO IN THIS MEETING --

27 A SO WE USED THE TERM "MAC", WHATEVER THAT WAS
28 TAKEN TO MEAN.

518

1 Q SO SUBSEQUENT TO THAT TIME WAS THE TERM "MAC"
2 GENERALLY USED ANY TIME YOU WOULD REFER TO THIS ALLEGED
3 MURDER?

4 A YES. IT WAS USED TO REFER TO LEVIN
5 SPECIFICALLY AND TO THE WHOLE SITUATION IN GENERAL.

6 Q OKAY. SO YOU WOULDN'T MAKE REFERENCE TO JIM
7 AND JOE KILLING RON LEVIN; YOU WOULD JUST SAY "MAC"?

8 A EXACTLY.

9 Q OKAY. OKAY. DIRECTING YOUR ATTENTION TO THE
10 MEETING WHICH YOU REFERRED TO ON DIRECT EXAMINATION AT THE
11 PARK BENCH BETWEEN YOU AND JOE AND JIM ACROSS FROM TRADER
12 VIC 'S?

13 A UM-HMM.

14 Q DO YOU RECALL WHETHER THAT MEETING WAS BEFORE
15 OR AFTER THE PREVIOUS MEETING WE WERE JUST DISCUSSING?

16 A IT WAS BEFORE.

17 Q IT WAS BEFORE THAT MEETING. DO YOU RECALL WHAT
18 TIME OF THE DAY THAT OCCURRED?

19 A I THINK THE LATE AFTERNOON, MAYBE ABOUT 3:00
20 O'CLOCK.

21 Q DO YOU RECALL A DATE?

22 A I DON'T RECALL A SPECIFIC DATE, BUT I THINK IT
23 WAS -- LET'S SEE. GIVE ME A MINUTE TO THINK. IS IT VERY
24 IMPORTANT?

25 Q WELL, I WOULD LIKE TO TRY TO PIN IT DOWN. IF
26 YOU CAN RECALL MAYBE SOMETHING THAT YOU DID THAT DAY OR
27 SOMEPLACE THAT YOU WENT THAT WOULD HELP YOU FIX IN THE DATE.
28 IT MAY BE HELPFUL.

519

1 A I THINK IT WAS THE DAY AFTER -- THE DAY AFTER
2 JOE CAME BACK FROM ENGLAND, WHICH WAS SOMETHING LIKE, I
3 DON'T KNOW, THE 18TH OR ROUGHLY THEREABOUTS. YOU CAN VERIFY
4 THAT DATE ON YOUR OWN. I THINK IT WAS A SUNDAY. I BELIEVE
5 JOE CAME BACK ON SATURDAY NIGHT.

6 Q OKAY. FROM THE INFORMATION YOU HAD AVAILABLE,
7 AFTER JOE HAD RECEIVED A CALL FROM JIM WHO WAS IN NEW YORK,
8 APPARENTLY ARRESTED, JOE WENT TO NEW YORK; IS THAT CORRECT?

9 A YES.

10 Q OKAY, AND THEN FROM THERE, YOU'RE INFORMED THAT
11 HE WENT TO LONDON?

12 A YEAH.

13 Q OKAY, AND THEN A DAY OR SO AFTER HE RETURNED
14 FROM LONDON IS WHEN THIS MEETING ON THE PARK BENCH NEAR
15 TRADER VIC'S OCCURRED; IS THAT CORRECT?

16 A YES.

17 Q OKAY. THEN TO YOUR KNOWLEDGE THAT WOULD BE THE
18 FIRST TIME THAT YOU AND JIM AND JOE WERE ALL PRESENT AFTER
19 THIS ALLEGED MURDER; IS THAT CORRECT?

20 A YEAH, I THINK SO.

21 Q OKAY, AND THAT WOULD BE THE FIRST TIME THAT THE
22 THREE OF YOU WOULD HAVE DISCUSSED THIS MATTER; IS THAT
23 CORRECT?

24 A RIGHT.

25 Q OKAY. HOW DID YOU COME TO GO TO THE PARK BENCH
26 NEAR TRADER VIC'S?

27 A WELL, WE SOMETIMES USED TO EAT AT SHAPIRO'S, I
28 THINK IT WAS CALLED, DELICATESSEN RIGHT ACROSS THE STREET IN

550

1 THE HOTEL, AND I BELIEVE WE WENT FOR MILKSHAKES THAT
2 AFTERNOON AND THEN WALKED ACROSS THE STREET TO TALK
3 PRIVATELY ON THE BENCH.

4 Q OKAY. DID YOU CONSIDER THAT MEETING
5 SIGNIFICANT IN TERMS OF THE OVERALL SEQUENCE OF EVENTS AND
6 FACTS THAT OCCURRED AFTER THE ALLEGED KILLING OF RON LEVIN?

7 A WHAT DO YOU MEAN BY SIGNIFICANT?

8 Q WELL, DID YOU FEEL THAT THAT -- IN RETROSPECT,
9 NOW, WAS THAT A SIGNIFICANT MEETING? WAS THAT AN IMPORTANT
10 MEETING?

11 A IT WAS FAIRLY IMPORTANT BECAUSE THE FRIDAY
12 PREVIOUSLY WHILE JOE WAS STILL IN ENGLAND, BEN AND I HAD
13 FOUND OUT THAT THE -- THE CHECK THAT RON LEVIN HAD BEEN
14 FORCED TO SIGN HAD NOT BEEN CASHED BY THE BANK IN
15 SWITZERLAND. WHEN JOE CAME HOME FROM ENGLAND ON SATURDAY,
16 HE CAME HOME NOT KNOWING THAT THE CHECK HADN'T BEEN CASHED.
17 HE WAS VERY SURPRISED, IN FACT, TO COME HOME AND FIND OUT
18 THAT THE CHECK WASN'T CASHED, AND I BELIEVE IT WAS THAT
19 SUNDAY THAT JOE AND I TOLD JIM THE NEWS.

20 Q OKAY. DID YOU TELL HIM AT THIS MEETING AT THE
21 PARK BENCH?

22 A JOE MIGHT HAVE TOLD HIM BEFORE, BUT I'M NOT
23 SURE IF IT WAS THE FIRST TIME JIM HEARD, BUT IT WAS RIGHT
24 AROUND THERE AND IT WAS THE TIME THAT THE THREE OF US SAT
25 DOWN TO DECIDE WHAT COULD BE DONE NOW.

26 Q OKAY. OKAY. DIRECTING YOUR ATTENTION STILL TO
27 THAT SAME MEETING ON THE PARK BENCH, WAS THERE ANY
28 DISCUSSION OF THE ALLEGED MURDER OF RON LEVIN?

1 A SORRY. COULD YOU REPEAT THE QUESTION?

2 Q AT THAT MEETING ON THE PARK BENCH AT TRADER
3 VIC 'S, WAS THERE ANY DISCUSSION OF THE ALLEGED MURDER OF RON
4 LEVIN AT THAT -- AT THAT TIME?

5 A WELL, THAT WAS WHAT THE MEETING WAS ABOUT.

6 Q OKAY. OKAY. WAS THE MEETING ABOUT THE FACT
7 THAT THE CHECK HAD BEEN RETURNED? WAS THAT THE PRIMARY
8 THRUST OF THE MEETING?

9 A THAT WAS THE PRIMARY THRUST OF THE MEETING.

10 Q WAS THERE ANY NECESSITY AT THAT POINT FOR THE
11 DISCUSSION OF THE FACT THAT RON LEVIN WAS ALLEGEDLY DEAD?

12 A WELL, I FELT -- I GUESS I FELT THERE WAS
13 BECAUSE I SAID SOMETHING AT THAT MEETING ABOUT IT. I SAID,
14 I THINK, "SO IT LOOKS LIKE RON LEVIN WAS KILLED FOR
15 NOTHING." AND THE REST OF THE MEETING WAS -- WAS -- WAS
16 FOCUSED UPON COMING UP WITH SOME KIND OF A PLAN SO THAT THE
17 WHOLE THING HADN'T BEEN FOR NOTHING SO THAT THERE COULD BE
18 SOME WAY TO GET THE CHECK CASHED.

19 Q OKAY. DID JIM SAY ANYTHING WHEN YOU SAID THE
20 KILLING OF RON LEVIN HAD BEEN FOR NOTHING?

21 A WELL, HE WAS OPTOMISTIC THAT WE COULD STILL GET
22 THE CHECK CASHED.

23 Q OKAY. BUT DID HE MAKE ANY STATEMENT?

24 A HE SAID THAT HE KNEW SOMEONE IN WASHINGTON WHO
25 HAD GOOD CONNECTIONS WITH THE SWISS BANKS AND THAT HE COULD
26 PROBABLY GET THE GUY TO CASH -- TO GET THE CHECK CASHED.

27 Q OKAY. DID JAMES PITTMAN AT EITHER THAT MEETING
28 OR THE MEETING AT THE OFFICE PRIOR TO THAT, DID HE EVER

1 ADMIT TO ANYONE THAT HE PARTICIPATED IN THE KILLING OF RON
2 LEVIN?

3 A I DIDN'T HEAR HIM SPECIFICALLY SAY "I KILLED
4 RON LEVIN"; NO.

5 Q OKAY, AND AT EITHER OF THESE TWO MEETINGS, FROM
6 THE INFORMATION I HAVE SO FAR, THERE WAS NO STATEMENT MADE
7 SPECIFICALLY THAT JIM WAS INVOLVED IN THE KILLING OF RON
8 LEVIN; IS THAT CORRECT? THAT WOULD BE AT THE MEETING AT THE
9 OFFICE OR AT THE MEETING ON AT THE PARK BENCH?

10 A I DON'T RECALL THE SPECIFIC STATEMENT, NO.

11 Q OKAY. NOW, DIRECTING YOUR ATTENTION TO THE
12 MEETING AT THE WILSHIRE-MANNING WHERE I THINK THEY HAD ABOUT
13 10 PEOPLE PRESENT. DO YOU RECALL THAT MEETING?

14 A YES, I DO.

15 MR. YOUNG: I THINK I'M AT E ON MY DEFENSE EXHIBITS.
16 IS THAT CORRECT?

17 MS. LOPEZ: I THINK IT'S C, ISN'T IT?

18 THE COURT: WHICH EXHIBIT DO YOU WANT?

19 MR. YOUNG: THIS IS GOING TO BE E.

20 THE CLERK: C WAS THE LAST ONE.

21 THE COURT: I THOUGHT YOU WERE ASKING FOR ONE OF THE
22 OTHER ONES.

23 MR. YOUNG: NO.

24 THE COURT: ALL RIGHT.

25 MR. YOUNG: OKAY. I'M HANDING THE WITNESS A PLAIN
26 WHITE -- A PLAIN YELLOW SHEET OF PAPER, AND I'D LIKE TO --

27 Q IF THE BEST YOU CAN, IF YOU COULD KIND OF GIVE
28 A LAYOUT AS TO THE POSITIONS OF THE PARTIES AND THE

553

1 FURNITURE IN THE ROOM AT THE TIME OF THE MEETING WHEN
2 EVERYONE WAS THERE. YOU MAY START FIRST WITH JOE HUNT.

3 A OKAY. (INDICATING)

4 Q OKAY, AND IS THIS A CHAIR (INDICATING)?

5 A THIS IS A OTTOMAN. SORRY. THIS IS OTTOMAN
6 (INDICATING). IT'S PART OF A -- ONE OF THOSE PLAYPEN
7 COUCHES WITH LOTS OF PIECES THAT YOU CAN MOVE AROUND ANY
8 DIFFERENT WAY.

9 Q OKAY. CAN WE PUT AN ONE THERE FOR JOE HUNT?

10 A OKAY. (INDICATING).

11 Q AND THEN THERE WAS A COUCH SOMEWHERE?

12 A THAT'S RIGHT. WELL, IT WAS THREE MORE PIECES
13 OF THIS PLAYPEN.

14 Q OKAY. COULD YOU --

15 A IT WAS HERE (INDICATING), HERE (INDICATING) AND
16 IT WAS HERE (INDICATING). THEY'RE EQUAL SIZE.

17 Q RIGHT.

18 A AND I THINK THAT -- DO YOU WANT ME TO TELL YOU
19 WHERE EVERYONE WAS SITTING?

20 Q YEAH?

21 A I THINK THAT JIM WAS SITTING HERE (INDICATING),
22 RIGHT NEXT TO JOE ON THE SIDE THERE.

23 Q TO THE BEST OF YOUR RECOLLECTION. IF YOU DON'T
24 KNOW, DON'T GUESS.

25 A LET'S SEE. WE HAD A NUMBER OF MEETINGS IN THIS
26 SAME SETTING AND IT'S TOUGH TO TELL WHICH WAS WHICH.

27 Q NOW, THIS WAS THE ONE --

28 A I KNOW WHICH MEETING WE ARE TALKING ABOUT.

1 Q MAYBE IF I GOT THE LIST OF PEOPLE?

2 A NO. I KNOW WHO ALL OF THE PEOPLE ARE. I JUST
3 DON'T KNOW WHERE ALL OF THEM WERE SITTING. I THINK
4 THAT

5 MS. LOPEZ: MAYBE IF YOU CAN JUST PUT THE PEOPLE THAT
6 YOU REMEMBER.

7 Q BY MR. YOUNG: YEAH, THE ONES THAT YOU
8 REMEMBER, AND IF I DON'T REMEMBER WHERE THEY ARE.....

9 A I REALLY DON'T REMEMBER WHERE EVERYONE WAS
10 SITTING. I JUST REMEMBER JOE WAS SET OFF BY HIMSELF, AND
11 JIM WAS IN ONE OF THESE -- (INDICATING) ONE OF THESE CORNER
12 UNITS, I THINK. BEN CAME LATE. I DON'T REMEMBER WHERE HE
13 SAT. I DON'T REMEMBER WHERE I WAS SITTING.

14 Q OKAY. YOU HAVE "JIM" INDICATED, AND YOU HAVE
15 "TOM" WHICH IS DIRECTLY OPPOSITE OF JOE HUNT, AND THIS --
16 THIS PART OF AN OTTOMAN, ALSO, OR (INDICATING) --

17 A ALL THESE ARE INDIVIDUALS PIECES HERE OF THE
18 COUCH (INDICATING). THAT'S HOW THE COUCH WAS SET UP IN THE
19 ROOM.

20 Q AND THIS WOULD HAVE BEEN JEFF RAYMOND
21 (INDICATING)?

22 A I THINK SO. I HAVE TO SAY THAT I'M NOT SURE.

23 Q OKAY. WHERE WERE YOU?

24 A I REALLY DON'T REMEMBER.

25 Q OKAY.

26 A I THINK I WAS NEXT TO JIM.

27 Q SITTING NEXT TO JIM?

28 A YEAH. I'LL PUT MYSELF THERE. (INDICATING).

1 Q ALL RIGHT. OKAY.

2 A EVAN MIGHT HAVE BEEN SITTING WITH -- OH, NO,
3 NO, NO. BROOKE WAS SITTING HERE (INDICATING).

4 Q YOU CAN TAKE YOUR TIME AND THINK FOR A SECOND.
5 WE HAVE BEEN GOING THROUGH THIS FOR WEEKS.

6 MS. LOPEZ: I'D LIKE THE RECORD TO INDICATE THAT THE
7 WITNESS HAS PLACED A NAME WHERE HE'S PREVIOUSLY TESTIFIED AS
8 "HERE" TO INDICATE THE PERSON THAT WAS IN THAT POSITION.

9 THE COURT: WHICH PERSON ARE YOU TALKING ABOUT?

10 MS. LOPEZ: THE WITNESS PREVIOUSLY STATED I BELIEVE
11 "BROOKE WAS HERE", AND I'D LIKE THE RECORD TO REFLECT THAT
12 HE PLACED BROOKE'S NAME IN THE PLACE WHERE HE THINKS THAT
13 SHE WAS SEATED.

14 THE COURT: ALL RIGHT. THE RECORD MAY SO SHOW.

15 MS. LOPEZ: AS HE HAS DONE --

16 THE COURT: I PRESUME HE'S GOING TO INTRODUCE THIS AS
17 AN EXHIBIT ANYWAY. THE NAMES ARE WRITTEN ON THERE -- ALL
18 RIGHT.

19 Q BY MR. YOUNG: OKAY. WELL, OBVIOUSLY, YOUR
20 RECOLLECTION ISN'T REAL STRONG AT THIS TIME ON THAT?

21 A NO. IT'S NOT REAL STRONG. I CAN TELL YOU WHO
22 WAS THERE, BUT I CAN'T TELL YOU WHERE EVERYONE WAS SITTING.

23 Q ALL RIGHT. APPROXIMATELY HOW FAR FROM THE
24 OTTOMAN THAT JOE WAS SITTING IN TO THE PART OF THE OTTOMAN
25 THAT JIM WAS SITTING, APPROXIMATELY HOW FAR WAS THAT?

26 A I DON'T THINK ANY MORE THAN THREE FEET.

27 Q OKAY. THERE WAS A POINT WHERE YOU, BEN DOSTI,
28 JOE AND JIM WENT INTO ANOTHER ROOM; IS THAT CORRECT?

556

1 A THAT 'S CORRECT.

2 Q AND YOU DISCUSSED THIS -- THIS MATTER OF
3 REVEALING TO THE OTHERS ABOUT THE ALLEGED MURDER OF LEVIN;
4 IS THAT CORRECT?

5 A RIGHT.

6 Q OKAY. AT THE TIME THAT YOU WENT INTO THE OTHER
7 ROOM, WERE YOU STILL USING "MAC" AS THE TERM?

8 A INTERMITTENTLY, YES.

9 Q OKAY. WHEN YOU WENT INTO THE OTHER ROOM AND
10 YOU DISCUSSED THIS MATTER, WERE YOU STILL TALKING -- YOU DID
11 USE "MAC"?

12 A AS I SAY, SOMETIMES. OCCASIONALLY "LEVIN"
13 WOULD SLIP OUT, BUT BASICALLY WE REFERRED TO THE WHOLE THING
14 AS "MAC".

15 Q AND WHEN YOU REFERRED TO IT, IF YOU USED
16 "LEVIN", DID YOU SAY "THE MURDER OF LEVIN"?

17 A NO.

18 Q DID YOU --

19 A "TELL THEM ABOUT LEVIN", FOR EXAMPLE, WAS
20 ENOUGH TO TELL EVERY ONE WHAT WE WERE TALKING ABOUT.

21 Q SO IN THIS MEETING WHEN THE FOUR OF YOU WERE IN
22 THE OTHER ROOM, YOU WERE BASICALLY SPEAKING IN GENERAL
23 TERMS; IS THAT A CORRECT STATEMENT? RATHER THAN SPEAKING
24 ABOUT THAT JIM AND JOE MURDERED LEVIN. YOU SPOKE MORE --

25 A RIGHT. THAT WOULD HAVE SEEMED SILLY AT THE
26 TIME.

27 Q BECAUSE EVERY ONE --

28 A EVERYONE --

557

1 Q -- SUPPOSEDLY ALREADY KNEW, SO THERE WAS NO
2 REASON TO DISCUSS IT SPECIFICALLY; IS THAT CORRECT?

3 A RIGHT.

4 Q OKAY. WHEN YOU WERE IN THIS OTHER ROOM, WAS
5 THERE ANY SPECIFIC STATEMENT BY ANYONE THAT JAMES PITTMAN
6 HAD PARTICIPATED IN THE MURDER OF RON LEVIN?

7 MS. LOPEZ: AGAIN, ARE YOU LOOKING FOR A QUOTED
8 STATEMENT OR IN SUBSTANCE?

9 MR. YOUNG: IN SUBSTANCE.

10 Q REFERRING SPECIFICALLY TO JAMES PITTMAN,
11 THOUGH.

12 A YES, THERE WAS.

13 Q AND WHO MADE THAT STATEMENT?

14 A JOE HUNT.

15 Q AND WHAT DID HE SAY?

16 A HE SAID "LOOK JIM, YOU KNOW, THIS IS AS MUCH
17 YOUR DECISION AS IT IS MY DECISION BECAUSE THIS IS SOMETHING
18 WE DID TOGETHER. IF YOU DON'T WANT ME TO TELL THEM, I WON'T
19 TELL THEM."

20 Q OKAY, AND WAS THAT THE EXTENT OF THE STATEMENT?

21 A WELL, HE REPEATED IT OVER AND OVER AGAIN
22 BECAUSE JIM HAD HAD SOME RESERVATIONS ABOUT TRUSTING YET --
23 YET OTHER PEOPLE WITH THAT KIND OF INFORMATION.

24 Q OKAY. HE SAID "THIS IS SOMETHING WE DID
25 TOGETHER"?

26 A YEAH, HE SAID "THIS IS YOUR DECISION AS MUCH AS
27 IT IS MINE," AND I THINK HE SAYS "BECAUSE IT'S SOMETHING
28 WE" -- "BECAUSE THIS IS SOMETHING WE DID TOGETHER."

558

1 Q BUT YOU'RE NOT POSITIVE ABOUT THAT PART?

2 A WELL, YOU ASKED ME SUBSTANTIVELY WHAT HE SAID,
3 AND MY RECOLLECTION, SOMETHING TO THAT EFFECT WAS SAID.

4 Q WELL, WHEN HE SAYS "BECAUSE THIS IS SOMETHING
5 WE DID TOGETHER," DID HE EVER SPECIFICALLY REFER TO THE
6 KILLING OF RON LEVIN?

7 A THAT'S WHAT WE WERE TALKING ABOUT.

8 Q BUT YOU WERE -- JUST -- COULD YOU ANSWER THE
9 QUESTION. DID HE EVER REFER SPECIFICALLY TO THE KILLING OF
10 RON LEVIN?

11 MS. LOPEZ: AGAIN, IS THIS IN SUBSTANCE OR ARE YOU
12 LOOKING FOR SPECIFIC QUOTED STATEMENTS?

13 MR. YOUNG: WELL, IN SUBSTANCE. EITHER WAY.

14 Q DID HE EVER REFER TO THE KILLING OF HIM? YOU
15 SAID HE JUST -- YOUR TESTIMONY IS THAT "THIS IS SOMETHING WE
16 DID TOGETHER." "SOMETHING WE DID". DID HE EVER REFER
17 SPECIFICALLY TO JAMES PITTMAN PARTICIPATING IN THE ACTUAL
18 KILLING? LET ME PHRASE IT THAT WAY.

19 MS. LOPEZ: DO YOU MEAN OTHER THAN WHAT THE WITNESS
20 HAS ALREADY TESTIFIED TO?

21 MR. YOUNG: DIGGING THE PIT OR, YOU KNOW, GOING TO
22 NEW YORK.

23 MS. LOPEZ: OTHER THAN WHAT THE WITNESS HAS ALREADY
24 TESTIFIED TO?

25 MR. YOUNG: YEAH.

26 THE WITNESS: I'LL HAVE TO SAY NO.

27 Q BY MR. YOUNG: OKAY. SO THERE WAS NO DISPUTE
28 BY JAMES THAT HE DID GO TO NEW YORK AND POSE AS RON LEVIN,

559

1 WAS THERE?

2 MS. LOPEZ: EVER OR AT WHAT POINT?

3 MR. YOUNG: EVER.

4 THE WITNESS: NO, THERE WASN'T.

5 Q BY MR. YOUNG: OKAY. OKAY. THEN AT SOME POINT
6 THE FOUR OF YOU RETURNED FROM THE ROOM AND JOINED THE
7 GENERAL MEETING; IS THAT CORRECT?

8 A WELL, FIRST BEN AND I EXITED AND WENT BACK TO
9 THE LIVING ROOM, AND JIM AND JOE STAYED IN FOR ANOTHER
10 MINUTE OR TWO TOGETHER.

11 Q OKAY.

12 A THEN THEY CAME OUT.

13 Q OKAY, AND THEN AT SOME POINT JOE MADE A
14 STATEMENT THAT ACCORDING TO YOUR TESTIMONY ON DIRECT
15 EXAMINATION BY THE DISTRICT ATTORNEY THAT "HE AND JIM HAD
16 KNOCKED OFF LEVIN"; IS THAT CORRECT?

17 A I THINK HE SAID "JIM AND I KNOCKED OFF RON
18 LEVIN."

19 Q OKAY. DID HE MAKE THAT STATEMENT ONCE OR
20 TWICE?

21 A I THINK JUST ONCE.

22 Q OKAY. DID HE EVER MAKE THE STATEMENT EXCLUDING
23 THE MENTION OF JIM THAT HE HAD KNOCKED OFF RON LEVIN?

24 MS. LOPEZ: DO YOU MEAN IN ADDITION TO THE STATEMENT
25 THAT HE AND JIM KNOCKED OFF RON LEVIN?

26 MR. YOUNG: RIGHT.

27 THE WITNESS: I DON'T RECALL. I CAN'T SAY THAT HE
28 DIDN'T, BUT I DON'T RECALL IF HE DID.

560

1 Q BY MR. YOUNG: ARE YOU ABSOLUTELY POSITIVE THAT
2 HE SAID "HE" AND THEN USED THE NAME "JIM" "KNOCKED OFF RON
3 LEVIN", OR COULD IT HAVE BEEN HE AND SOME OTHER PERSON
4 KNOCKED OFF RON LEVIN?

5 A HE SAID "JIM AND I."

6 Q "JIM AND I"?

7 A YES.

8 Q OKAY. NOW, YESTERDAY YOU TESTIFIED THAT IT WAS
9 "HE AND JIM". WAS IT "JIM AND HE" NOW? IS THAT WHAT YOU'RE
10 SAYING?

11 MS. LOPEZ: DO YOU MEAN "JIM AND I"?

12 MR. YOUNG: YESTERDAY HE TESTIFIED "HE AND JIM", "HE"
13 REFERRING TO JOE HUNT, "KNOCKED OFF RON LEVIN".

14 Q NOW YOU'RE SAYING "JIM AND I"; IS THAT CORRECT?

15 MS. LOPEZ: I BELIEVE -- I BELIEVE RIGHT NOW IT'S A
16 DIRECT QUOTATION. YESTERDAY IT WAS A --

17 MR. YOUNG: THIS IS -- I'M QUOTING WHAT HE SAID
18 YESTERDAY.

19 MS. LOPEZ: YES, BUT IT'S A MISQUOTE. TODAY HE'S
20 GIVING A DIRECT QUOTE OF WHAT --

21 THE COURT: ALL RIGHT. JUST A MINUTE. IS THERE AN
22 OBJECTION?

23 MS. LOPEZ: YES.

24 THE COURT: WHAT IS THE OBJECTION?

25 MS. LOPEZ: MISSTATING THE RECORD, AND IT'S
26 MISCHARACTERIZING THE TESTIMONY, AND IT'S ALSO VERY VAGUE.
27 I'M HAVING DIFFICULTY UNDERSTANDING WHAT MR. --

28 THE COURT: THE OBJECTION IS SUSTAINED.

1 MR. YOUNG: I 'LL REPHRASE IT.

2 THE COURT: LET'S GET AWAY FROM A PURELY GRAMMATICAL
3 PROBLEM.

4 MR. YOUNG: BUT THE WORDING IS IMPORTANT ON THIS
5 STATEMENT TO ME.

6 Q SO FROM YOUR RECOLLECTION, HE MENTIONED JIM'S
7 NAME FIRST?

8 A YES.

9 Q AND THEN HE USED HIS NAME? "JIM AND I"?

10 A JUST LIKE I SAID. HE SAID -- JOE SAID THIS:
11 "JIM AND I KNOCKED OFF RON LEVIN."

12 Q AND YOU'RE SURE OF THAT TODAY?

13 A YES, I AM.

14 Q WASN'T IT CUSTOMARY FOR JIM -- EXCUSE ME,
15 STRIKE THAT.

16 WASN'T IT CUSTOMARY FOR JOE TO GENERALLY REFER TO
17 HIMSELF FIRST?

18 A NOT THAT I KNOW OF.

19 Q IN THOSE STATEMENTS?

20 A NOT THAT I KNOW OF.

21 Q ISN'T IT CUSTOMARY, IN THE STATEMENTS THAT I
22 HAVE READ, THAT YOU HAVE GIVEN IN THIS MATTER THAT -- FOR
23 YOU TO USE "HE", REFERRING TO JOE, BEFORE YOU USE OTHER
24 PERSONS'S NAMES?

25 MS. LOPEZ: I'M GOING TO OBJECT AS ASSUMING FACTS NOT
26 INTO EVIDENCE. IT'S ALSO MISCHARACTERIZING THE TESTIMONY
27 AND IS ARGUMENTATIVE. IF THE WITNESS IN THE PAST SAID THAT
28 A PERSON SAID THAT "HE AND JIM", AND WAS NOT GIVEN A DIRECT

1 QUOTE, OBVIOUSLY HE 'S SPEAKING IN THE THIRD PERSON AND IT 'S
2 NOT INTENDED AS A DIRECT QUOTE. MR. YOUNG IS BEING
3 ARGUMENTATIVE AT THIS POINT --

4 MR. YOUNG: NO, I 'M NOT.

5 MS. LOPEZ: -- AND IT 'S ALSO ASSUMING FACTS NOT IN
6 EVIDENCE.

7 THE COURT: ARE THERE ANY OTHER PERSONS INVOLVED IN
8 THIS OTHER THAN JIM AND JOE --

9 MR. YOUNG: NO.

10 THE COURT: WHAT IS IT?

11 MR. YOUNG: THIS IS AN IMPEACHMENT FACTOR. HE 'S BEEN
12 SURE OF SAYING "JIM AND I". THROUGH EVERYTHING I 'VE READ,
13 EVERY TIME WE REFER TO "HE", ALWAYS USE "HE AND JOE", "HE
14 KILLED" AND "JIM KILLED", AND NOW HE 'S VERY SPECIFIC -- HE 'S
15 VERY SPECIFIC THAT IT 'S "JIM AND I", AND NOW IT 'S VERY
16 IMPORTANT BECAUSE THERE 'S A CERTAIN CREDIBILITY THERE.

17 MS. LOPEZ: IT 'S OBVIOUS BY THE CONTEXT THAT THE
18 STATEMENTS GIVEN WERE NOT INTENDED AS A DIRECT QUOTE, BUT
19 RATHER, SAYING THAT "HE", REFERRING TO THE THIRD PERSON JOE.
20 IT WOULD BE SILLY FOR JOE TO CALL HIMSELF "HE", AND IT 'S
21 CLEAR THAT THIS IS NOT A CONTRADICTORY STATEMENT. IT 'S
22 NOT -- IT DOESN 'T GO TOWARDS IMPEACHMENT, AND MR. YOUNG IS
23 CONFUSING MATTERS AND MISCHARACTERIZING THE TESTIMONY. HE 'S
24 ALSO BEING ARGUMENTATIVE ON THIS POINT.

25 MR. YOUNG: I THINK I 'VE MADE THE POINT. THAT 'S
26 SUFFICIENT.

27 THE COURT: ALL RIGHT. LET 'S PROCEED TO SOMETHING
28 ELSE THEN.

563

1 MR. YOUNG, THERE WAS A REQUEST FOR US TO TERMINATE
2 THIS AFTERNOON'S SESSION AROUND 4:30 BY ONE OF THE COUNSEL;
3 NOT MS. LOPEZ, SO IF YOU HAVE JUST A FEW MINUTES MORE OR --

4 MR. YOUNG: WELL, WE CAN STOP NOW OR WE CAN -- YOU
5 KNOW, HE WANTED TO LEAVE AT 4:30.

6 THE COURT: WELL, I DIDN'T NAME ANYBODY SPECIFICALLY.

7 MR. ZORNE: HE AND I WANT TO LEAVE AT 4:30. I AND
8 HE. HE AND I.

9 MR. YOUNG: I DO HAVE A FEW MORE QUESTIONS.

10 THE COURT: I IMAGINE THERE WILL BE SOME REDIRECT
11 ANYWAY, SO WE ARE GOING TO HAVE TO GO INTO TOMORROW. ALL
12 RIGHT. LET'S -- WHAT TIME ARE WE RESUMING TOMORROW? 10:00
13 O'CLOCK?

14 MR. YOUNG: 10:00 O'CLOCK. I'M --

15 THE COURT: ALL RIGHT. WE'LL RECESS AT THIS TIME
16 UNTIL 10:00 O'CLOCK TOMORROW MORNING.

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18 --000--
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1 BEVERLY HILLS, CALIFORNIA, THURSDAY, JANUARY 17, 1985

2 10:45 A.M.

3 --000--

4
5 THE COURT: IN THE MATTER OF JAMES PITTMAN, LET THE
6 RECORD SHOW THAT MR. PITTMAN IS PRESENT WITH HIS COUNSEL,
7 MR. YOUNG AND MR. ZORNE; THAT THE DISTRICT ATTORNEY, MS.
8 LOPEZ, IS PRESENT. I BELIEVE WHEN WE RECESSED YESTERDAY,
9 THE CROSS-EXAMINATION OF MR. KARNY WAS STILL ON, OR DID YOU
10 FINISH THE CROSS-EXAMINATION?

11 MR. YOUNG: NO, I DIDN'T.

12 THE COURT: ALL RIGHT. MR. KARNY, WOULD YOU COME
13 BACK UP, PLEASE.

14
15 CROSS EXAMINATION (CONT'D)

16 BY MR. YOUNG:

17 Q IN YOUR DISCUSSIONS WITH JOE REGARDING THIS
18 PARADOX PHILOSOPHY AND THE PHILOSOPHIES OF THE BBC IN
19 GENERAL, DID YOU HAVE DISCUSSIONS REGARDING TERRORIST
20 ACTIVITY?

21 MS. LOPEZ: I'M GOING TO OBJECT FOR VAGUE AS TO WHAT
22 YOU MEAN BY TERRORIST ACTIVITY.

23 MR. YOUNG: ACTIVITY BY TERRORISTS.

24 THE WITNESS: DO YOU MEAN THE DOING OF TERRORIST
25 ACTIVITY?

26 Q MR. YOUNG: YES.

27 A OR THE JUSTIFICATION OF IT OR WHAT?

28 Q YES.

505

1 A WE DIDN'T HAVE DISCUSSIONS CONCERNING DOING IT.
2 IT WAS MORE -- THE DISCUSSIONS RELATING TO TERRORIST
3 ACTIVITY CONCERNED JOE'S CONTENTION THAT PEOPLE WHO COMMIT
4 CRIMES USUALLY FOILED THEMSELVES OUT OF SOME FEELING OF
5 SOCIAL GUILT, AND HE USED AN EXAMPLE OF TERRORISM, CITING
6 THAT MANY PEOPLE WHO CLAIM TO BE TERRORISTS AND WHO CLAIM
7 THAT THAT IS THEIR PURPOSE NEVER WIND UP SUCCESSFULLY
8 COMPLETING TERRORIST ACTS SIMPLY BECAUSE THEY FIND
9 THEMSELVES INCAPABLE, AND THEY -- THEY BLOW IT, SO TO SPEAK.

10 Q OKAY. ISN'T IT TRUE THAT HE BELIEVED THAT
11 CRIMINALS MAKE MISTAKES BECAUSE OF INTERNAL GUILT AND THAT
12 TERRORISTS DIDN'T?

13 MS. LOPEZ: I'M GOING TO OBJECT. CALLING FOR
14 SPECULATION, NO PERSONAL KNOWLEDGE ON THE PART OF THIS
15 VICTIM AS TO WHAT JOE HUNT ACTUALLY BELIEVED --

16 MR. YOUNG: THIS IS THE PHILOSOPHY AND THERE'S
17 STATEMENTS IN HIS STATEMENT THAT HE GAVE.

18 MS. LOPEZ: IN ADDITION, AT THIS POINT IT'S HEARSAY
19 AND IRRELEVANT UNLESS MR. YOUNG CAN MAKE AN OFFER OF PROOF.

20 MR. YOUNG: I'M NOT ASKING FOR THE PHILOSOPHY OF THE
21 BBC, JUST HIS PERSONAL PART OF IT.

22 MS. LOPEZ: I DON'T THINK WHAT TERRORIST ACTIVITY
23 RELATES TO THE PHILOSOPHY OF THE BBC --

24 THE COURT: WELL, I DON'T SEE HOW ANY TERRORIST
25 ACTIVITY WOULD HAVE ANY RELEVANCY AS FAR AS THIS CASE IS
26 CONCERNED.

27 MR. YOUNG: WELL, IT'S RECONCILING ONESELF TO KILL AS
28 FAR AS CRIMINAL ACTS. YOU KNOW, THEY HAD A PHILOSOPHY ABOUT

1 TERRORISM AND A PHILOSOPHY ABOUT CRIMINALS.

2 THE COURT: ALL RIGHT. IN VIEW OF THAT, THE
3 OBJECTION WILL BE OVERRULED. IF HE KNOWS, HE MAY ANSWER.
4 WHAT WAS YOUR QUESTION AGAIN? WE'VE LOST THE QUESTION.

5 MR. YOUNG: LET ME RESTATE IT. DO.

6 Q YOU KNOW WHAT THE QUESTION WAS?

7 A WELL, IT WASN'T FRAMED.....

8 Q LET ME PUT IT THIS WAY: DID YOU PREVIOUSLY
9 MAKE A STATEMENT IN THE OFFICE OF RON MORROW ON 11-29 THAT
10 "TERRORISTS DON'T USUALLY" -- "TERRORISTS USUALLY WIND UP
11 KILLING THOUSANDS OF INNOCENT PEOPLE IS BECAUSE THEY'RE
12 INGRAINED WITH SOME KIND OF INTERNAL GUILT THAT MAKES THEM
13 FAIL. THEY" -- "THAT CRIMINALS" -- "THAT THAT MAKES
14 CRIMINALS MAKE MISTAKES, YOU KNOW."

15 MS. LOPEZ: I'M GOING TO OBJECT ON THE QUESTION ON
16 GROUNDS OF RELEVANCY. IT'S NOT OFFERED FOR IMPEACHMENT
17 BECAUSE IT DOESN'T CONTRADICT ANYTHING THE WITNESS HAS
18 ALREADY SAID, AND IT'S ALSO TAKEN OUT OF CONTEXT OF THE
19 STATEMENT THAT WAS GIVEN.

20 THE COURT: THE QUESTION WAS DID HE MAKE THAT
21 STATEMENT. IS THAT WHAT YOU'RE ASKING?

22 MR. YOUNG: YES. YEAH.

23 THE COURT: THE OBJECTION WILL BE OVERRULED.

24 DO YOU REMEMBER WHETHER YOU MADE THAT STATEMENT?

25 THE WITNESS: I MADE A STATEMENT ABOUT TERRORISM IN
26 ORDER TO ILLUMINATE A POINT THAT JOE HAD MADE, AND I WAS
27 DESCRIBING AN EXAMPLE THAT HE USED TO USE IN MAKING HIS
28 POINT.

507

1 Q BY MR. YOUNG: OKAY. WHAT WAS THAT POINT?

2 A THE POINT WAS THAT PEOPLE WHO RECON- --
3 GENERALLY, PEOPLE WHO RECONCILE THEMSELVES TO COMMITTING
4 CRIMES, PEOPLE WHO AREN'T PERSUADED BY PARADOX PHILOSOPHY
5 AND THEREFORE CAPABLE OF BEING PURELY RECONCILED TO THAT,
6 WILL MAKE MISTAKES BECAUSE HE FELT THAT THERE WAS A SORT OF
7 SOCIETAL GUILT WHICH WOULD CAUSE SOMEONE, FOR EXAMPLE, A
8 TERRORIST, TO FAIL. AND WHAT HE MEANT -- OR ACTUALLY THE
9 EXAMPLE CONTINUES THAT IF A TERRORIST WANTS TO KILL
10 THOUSANDS OF INNOCENT PEOPLE, IT WOULD BE VERY EASY TO DO SO
11 BY POISONING THE WATER SUPPLY OR SOMETHING LIKE THAT, BUT IN
12 FACT, HE USED TO SAY THAT TERRORISTS DO THESE RIDICULOUS
13 THINGS, THEY HIJACK PLANES AND THEY LET BOMBS OFF IN
14 SUPERMARKETS AND THEY DON'T WIND UP KILLING AS MANY PEOPLE
15 AS THEY SAY THAT THEY'RE GOING TO, AND HE ATTRIBUTED THIS AT
16 TIMES TO SOME SORT OF SOCIETAL GUILT THAT CAUSES TERRORISTS
17 TO BE LAME AND INEFFICIENT AT WHAT THEY'RE DOING.

18 Q OKAY. WAS THERE ANY PLANS BY THE BBC TO BECOME
19 A TERRORIST GROUP IN THE FUTURE?

20 A NOT TO MY KNOWLEDGE.

21 Q OKAY. WAS THERE PLANS BY THE BBC TO HAVE A
22 EFFECT UPON SOCIETY?

23 MS. LOPEZ: OBJECTION. VAGUE.

24 IN WHAT SENSE?

25 THE COURT: THE OBJECTION IS SUSTAINED.

26 Q BY MR. YOUNG: WAS THERE PLANS BY THE BBC TO
27 HAVE AN IMPACT ON SOCIETY THROUGH ITS ACTIVITIES?

28 MS. LOPEZ: OBJECTION. SAME OBJECTION, VAGUE AS TO

1 WHAT HE MEANS BY "IMPACT".

2 IN WHAT RESPECT? IT'S VERY BROAD.

3 THE COURT: I THINK THE OBJECTION SHOULD BE
4 SUSTAINED. WHAT YOU MEAN BY IMPACT UPON SOCIETY MIGHT BE
5 SUBJECT TO VAGUENESS.

6 Q BY MR. YOUNG: WERE THERE ANY PLANS BY THE BBC
7 TO EVENTUALLY TAKE OVER THE WORLD?

8 A THAT MIGHT HAVE BEEN ONE OF JOE'S ASPIRATIONS,
9 BUT IT WASN'T NECESSARILY A PLAN. THE IDEA BEHIND THE BBC
10 TO THE EXTENT THAT IT COULD HAVE HAD AN IMPACT ON SOCIETY
11 WAS THAT WHATEVER IMPACT IT HAS, IT HAS, AND WHEREVER IT
12 ENDS, IT ENDS.

13 Q OKAY. SO, DID YOU HAVE DISCUSSIONS WITH JOE
14 ABOUT TAKING OVER THE WORLD?

15 A NO, I DIDN'T HAVE ANY DISCUSSIONS ABOUT TAKING
16 OVER THE WORLD.

17 Q WELL, YOU SAID THAT MAY HAVE BEEN ONE OF HIS
18 ASPIRATIONS. HOW DO YOU -- DID YOU ARRIVE AT THAT
19 CONCLUSION?

20 A JUST MY IMPRESSION FROM HIS PERSONALITY, FROM
21 KNOWING HIM WELL.

22 Q DID JOE EVER TELL YOU THAT HE HAD KILLED TWO
23 OTHER PEOPLE?

24 A TWO OTHER PEOPLE BESIDES.....

25 MS. LOPEZ: I'M GOING TO OBJECT AS CALLING FOR
26 HEARSAY AND ALSO IRRELEVANT TO THESE PROCEEDINGS AS TO
27 WHETHER --

28 MR. YOUNG: WELL, I'LL STATE THE RELEVANCY, IF I CAN

1 APPROACH THE BENCH.

2 THE COURT: ALL RIGHT. YOU MAY APPROACH THE BENCH.

3 (WHEREUPON, A DISCUSSION WAS HELD AT THE BENCH OFF
4 THE RECORD)

5 THE COURT: ALL RIGHT. THE OBJECTION WILL BE
6 OVERRULED. LET'S TAKE THIS OTHER MATTER QUICKLY HERE.

7 /////

8 (OTHER COURT PROCEEDINGS)

9 /////

10 THE COURT: ALL RIGHT. MR. YOUNG?

11 Q BY MR. YOUNG: DID JOE HUNT EVER TELL YOU ABOUT
12 COMMITTING OTHER MURDER?

13 A YES, HE DID.

14 Q OKAY. DID HE TELL YOU ABOUT COMMITTING A
15 MURDER WHEN HE WAS THE AGE OF APPROXIMATELY 16?

16 A NO, HE DIDN'T.

17 Q DID HE TELL YOU ABOUT COMMITTING A MURDER THAT
18 WAS MADE TO APPEAR TO BE A HUNTING ACCIDENT?

19 A NO, HE DIDN'T.

20 Q OKAY. WHAT OTHER MURDER DID HE TELL YOU ABOUT
21 COMMITTING OTHER THAN ESLAMINIA AND RON LEVIN?

22 A HE TOLD ME AT ONE TIME THAT HE HAD KILLED TWO
23 MEN IN A VAN OUTSIDE OF JIM PITTMAN'S HOUSE BECAUSE HE
24 THOUGHT THEY WERE TRYING TO KILL JIM.

25 Q AND DID HE DO THIS BY HIMSELF?

26 A HE SAID THAT HE HAD.

27 Q AND WHEN WAS THIS SUPPOSED TO HAVE OCCURRED?

28 A SOMETIME OVER THE SUMMER.

570

1 Q OKAY. DO YOU RECALL WHEN HE TOLD YOU THIS?

2 A TOWARDS THE END OF THE SUMMER.

3 Q OKAY. DID HE EVER TELL YOU ABOUT ANY OTHER
4 MURDER BESIDES THE ONE OF ESLAMINIA OR LEVIN OR THESE TWO
5 THAT YOU 'VE JUST MENTIONED?

6 A THAT HE HAD COMMITTED?

7 Q YEAH.

8 A NO.

9 Q OKAY. DO YOU KNOW IF THIS ALLEGED KILLING OF
10 THESE TWO MEN OUTSIDE OF PITTMAN'S HOUSE OCCURRED BEFORE OR
11 AFTER THIS LEVIN MATTER?

12 MS. LOPEZ: I'M GOING TO OBJECT AS CALLING FOR FACTS
13 NOT IN EVIDENCE OR ASSUMING FACTS NOT IN EVIDENCE, MAINLY
14 THAT IT DID, IN FACT, OCCUR. HE CAN ASK WHETHER OR NOT JIM
15 TOLD HIM BEFORE OR AFTER THE LEVIN INCIDENT OR WHETHER OR
16 NOT JOE MADE MENTION OF WHEN IT WAS SUPPOSED TO HAVE
17 OCCURRED.

18 THE COURT: THAT'S RIGHT, BUT WHETHER THEY OCCURRED
19 OR NOT WOULD BE. THE OBJECTION WILL BE SUSTAINED.

20 Q BY MR. YOUNG: DID JOE TELL YOU THAT THEY HAD
21 OCCURRED BEFORE THE LEVIN -- OR THE ALLEGED LEVIN MURDER?

22 A I'M TRYING TO REMEMBER NOW WHEN IT WAS. I
23 THINK IT WAS AFTER.

24 Q OKAY. DURING MY CROSS-EXAMINATION WE 'VE
25 DISCUSSED THE BBC AND JOE AND THE OTHER MEMBERS OR AT LEAST
26 SOME OF THE OTHER MEMBERS BECOMING RECONCILED TO COMMIT
27 CRIMINAL ACTS. CAN YOU TELL ME FROM YOUR EXPERIENCE WITH
28 JOE IF HE WAS RECONCILED TO COMMIT MURDER AT THE TIME THAT

571

1 THE BBC WAS FORMED?

2 MS. LOPEZ: I'M GOING TO OBJECT. THIS CALLS FOR AN
3 OPINION I DON'T THINK THAT THIS WITNESS IS CAPABLE OF
4 GIVING.

5 MR. YOUNG: IN TERMS OF THE PHILOSOPHY OF THE BBC.

6 MS. LOPEZ: THERE'S NO PERSONAL KNOWLEDGE ON THE PART
7 OF THIS WITNESS AS TO WHAT WAS GOING ON IN JOE HUNT'S MIND.

8 THE COURT: AT THE TIME OF THE FORMATION OF THE BBC.
9 THE OBJECTION WILL BE SUSTAINED.

10 MR. YOUNG: YOU MAY ANSWER.

11 MS. LOPEZ: IT'S SUSTAINED.

12 THE COURT: IT'S SUSTAINED.

13 MR. YOUNG: OH.

14 Q OKAY. IN YOUR DIRECT -- IN YOUR TESTIMONY ON
15 DIRECT EXAMINATION BY THE DISTRICT ATTORNEY, YOU MADE FOR
16 THE FIRST TIME, TO MY KNOWLEDGE, A STATEMENT THAT BEFORE --
17 THIS WAS WHEN YOU WERE LOOKING OVER JOE'S SHOULDER READING
18 THE NOTES THAT JOE TOLD YOU THAT JIM AND HE HAD KILLED OR
19 WERE PLANNING TO KILL RON LEVIN; IS THAT CORRECT?

20 A YES.

21 Q OKAY. DO YOU RECALL ON 11-29-84, THE FAIRLY
22 LENGTHY STATEMENT THAT YOU GAVE AT YOUR ATTORNEY'S OFFICE?

23 A YES, I RECALL THAT STATEMENT.

24 Q DO YOU RECALL IN THAT STATEMENT EVER MENTIONING
25 THE FACT THAT JOE HAD TOLD YOU THAT JIM AND HE INTENDED TO
26 KILL RON LEVIN?

27 A I DON'T RECALL WHETHER I SAID THAT IN THAT
28 STATEMENT.

570

1 Q OKAY. DOES THAT TO YOU AT THIS POINT SEEM LIKE
2 A SIGNIFICANT POINT IN THE SCENARIO OF THIS -- OF THE EVENTS
3 LEADING UP TO THIS CASE?

4 MS. LOPEZ: I'M GOING TO OBJECT AS VAGUE AS TO WHAT
5 MR. YOUNG MEANS BY "SIGNIFICANT".

6 MR. YOUNG: WE'VE USED "SIGNIFICANT" IN DESCRIBING
7 THE MEETINGS AND DIFFERENT THINGS THAT WERE SIGNIFICANT,
8 IMPORTANT --

9 MS. LOPEZ: MR. YOUNG MAY VIEW A VARIETY OF THINGS
10 SIGNIFICANT THAT I DON'T VIEW AS SIGNIFICANT AND VICE VERSA,
11 AND WHETHER OR NOT THIS PARTICULAR WITNESS VIEWS SOMETHING
12 AS SIGNIFICANT I THINK IS VAGUE. SIGNIFICANT IN WHAT
13 CONTEXT?

14 MR. YOUNG: SIGNIFICANT IN WHAT CONTEXT.

15 THE COURT: ALL RIGHT. THE OBJECTION WILL BE
16 OVERRULED. HE MAY ANSWER. THERE HAS BEEN SOME DISCUSSION
17 AS TO WHAT WAS SIGNIFICANT AND WHAT WAS NOT SIGNIFICANT.

18 Q BY MR. YOUNG: OKAY. THE QUESTION AGAIN IS DID
19 YOU THINK THAT THE STATEMENT BY JOE THAT HE AND JIM WERE
20 INTENDING TO KILL RON LEVIN WAS SIGNIFICANT IN THE OVERALL
21 SCENARIO OF EVENTS THAT HAVE LEAD UP TO THIS CASE?

22 MS. LOPEZ: AT WHAT TIME, MR. YOUNG? AT THE TIME
23 THAT HE MADE THE STATEMENT OR TODAY OR YESTERDAY?

24 MR. YOUNG: TODAY.

25 MS. LOPEZ: WHETHER OR NOT HE NOW VIEWS IT
26 SIGNIFICANT?

27 MR. YOUNG: RIGHT.

28 THE WITNESS: YES. IT NOW SEEMS VERY SIGNIFICANT.

570

1 Q BY MR. YOUNG: OKAY. WHEN YOU GAVE YOUR
2 STATEMENT AT MR. MORROW'S OFFICE, THEY DIDN'T QUESTION YOU
3 LIKE I'M QUESTIONING YOU NOW, ONE QUESTION AT A TIME, DID
4 THEY?

5 A NO, THEY DIDN'T.

6 Q THEY GAVE -- THEY MORE OR LESS LET YOU JUST
7 KIND OF -- FOR LACK OF A BETTER WORD -- RAMBLE ON AND, YOU
8 KNOW, TELL WHAT HAD OCCURRED AND THE PHILOSOPHIES OF THE BBC
9 AND THE EVENTS THAT WERE INVOLVED IN THIS THING AS YOU WERE
10 AWARE OF THEM; IS THAT CORRECT?

11 A YES, THAT'S CORRECT.

12 Q OKAY. IS THERE ANY REASON WHY THAT YOU DID NOT
13 MENTION AT THAT TIME THAT JOE HAD STATED THAT HE AND JIM
14 WERE INTENDING TO KILL RON LEVIN?

15 MS. LOPEZ: I'M GOING TO OBJECT AS ASSUMING FACTS NOT
16 IN EVIDENCE. THE WITNESS HAS TESTIFIED THAT HE DOESN'T
17 RECALL WHETHER OR NOT HE SAID IT IN HIS STATEMENT.

18 MR. YOUNG: TO REFRESH HIS RECOLLECTION, I CAN LET
19 HIM LOOK AT THIS.

20 THE COURT: ALL RIGHT. THE OBJECTION WILL BE
21 OVERRULED. YOU MAY REFRESH HIS RECOLLECTION.

22 MR. YOUNG: WELL, THERE'S NOTHING IN THERE. I'VE
23 READ THIS -- COULD YOU READ BACK MY --

24 THE COURT: IS THAT --

25 MR. YOUNG: IT'S NOT IN HERE. IS THAT --

26 MS. LOPEZ: IS MR. YOUNG NOW TESTIFYING?

27 THE COURT: ALL RIGHT.

28 MR. YOUNG: I DON'T -- COULD SHE READ BACK MY LAST

571

1 QUESTION.

2 THE COURT: ALL RIGHT. LET'S HAVE THE LAST QUESTION.
3 (WHEREUPON, THE QUESTION IS READ BY THE REPORTER)

4 Q BY MR. YOUNG: IS THERE ANY REASON WHY AT THE
5 TIME THAT YOU GAVE THIS STATEMENT THAT YOU DID NOT MENTION
6 THAT FACT?

7 MS. LOPEZ: I'M GOING TO OBJECT AGAIN. ASSUMES FACTS
8 NOT IN EVIDENCE THAT IT IS NOT MENTIONED IN THE STATEMENT.
9 THE WITNESS HAS TESTIFIED HE DOESN'T RECALL WHETHER OR NOT
10 HE MENTIONED IT.

11 THE COURT: WELL, ALL RIGHT. WE HAVE AN ISSUE HERE
12 NOW WHETHER --

13 DID YOU SAY YOU DON'T RECALL WHETHER YOU MENTIONED IT
14 OR --

15 THE WITNESS: THAT'S WHAT I SAID.

16 MR. YOUNG: OKAY. COULD I LET HIM -- DO YOU HAVE
17 A -- DO WE HAVE ANOTHER COPY OF THIS STATEMENT THAT DOESN'T
18 HAVE MY NOTES ALL OVER IT?

19 MR. ZORNE: I HAVE A COPY.

20 MR. YOUNG: COULD I SEE THAT? THIS IS GOING TO BE
21 KIND OF LENGTHY.

22 THE COURT: WHAT ARE YOU REFRESHING HIS RECOLLECTION
23 ON NOW? I DON'T KNOW --

24 MR. YOUNG: I WANT HIM TO LOOK AT THIS AND SEE IF HE
25 CAN REFRESH HIS MEMORY THAT HE DID NOT MAKE IT. I'M
26 REPRESENTING TO THE COURT AS AN OFFICER OF THE COURT -- AND
27 I'VE READ THIS VERY THOROUGHLY -- THAT THAT STATEMENT DID
28 NOT COME UP. I THINK THE D.A. KNOWS THAT IT'S NOT IN HERE.

575

1 IF SHE WISHES TO SAVE SOME TIME, YOU KNOW, SHE CAN STIPULATE
2 THAT IT'S NOT IN HERE. HE DOESN'T RECALL MAKING IT. IF I
3 LET HIM REVIEW THE DOCUMENTS ITSELF, HE MAY RECALL THAT HE
4 DIDN'T MAKE IT. THIS IS THE TRANSCRIPTION OF THE HEARING ON
5 11-29. I THINK THE DISTRICT ATTORNEY IS VERY WELL AWARE --

6 THE COURT: ARE YOU SAYING THAT HE DID MAKE IT OR DID
7 HE DID NOT MAKE IT?

8 MR. YOUNG: MY POINT IS THAT HE DID NOT MAKE IT
9 PREVIOUSLY AND --

10 THE COURT: ALL RIGHT. AND NOW YOU'RE ASKING HIM IF
11 HE MADE IT, AND HE SAYS HE DOESN'T RECALL.

12 MR. YOUNG: HE DOESN'T RECALL, RIGHT.

13 THE COURT: NOW, WHAT WOULD HE FIND --

14 MR. YOUNG: AND I ASKED WHY HE DIDN'T MAKE IT, AND
15 THE D.A. IS OBJECTING BECAUSE THERE'S NO -- HE DOESN'T
16 RECALL IF HE MADE IT OR NOT, SO NOW I WANT TO REFRESH HIS
17 RECOLLECTION. SHE KNOWS THAT HE DIDN'T MAKE IT, BUT I WOULD
18 LIKE TO REFRESH HIS --

19 MS. LOPEZ: YOUR HONOR, I DON'T -- I HAVE NOT READ
20 THE STATEMENT RECENTLY AND JUST BASED ON THE THINGS THAT
21 MR. YOUNG HAS SAID IN CONTEXT OF THE STATEMENT, THERE'S A
22 BIG POSSIBILITY THAT HE'S MISREAD THE STATEMENT OR
23 MISINTERPRETED THE STATEMENT, AND I THINK THAT IF MR. YOUNG
24 WOULD LIKE TO ASK "IF YOU DID NOT MAKE THE STATEMENT, IS
25 THERE SOME REASON WHY YOU DIDN'T MAKE THE STATEMENT", THAT
26 WOULD BE A PROPER QUESTION.

27 THE COURT: I THINK THAT WOULD BE MORE PROPER --

28 MR. YOUNG: LET'S DO IT THAT WAY.

576

1 THE COURT: HAVING HIM READ THROUGH THIS LENGTHY
2 STATEMENT IS NOT GOING TO PRODUCE ANYTHING --

3 Q BY MR. YOUNG: ALL RIGHT. IF YOU DID NOT MAKE
4 THE STATEMENT, IS THERE SOME REASON THAT YOU DIDN'T MAKE
5 THAT STATEMENT?

6 A NO PARTICULAR REASON. I'D BEEN TALKING FOR A
7 FEW HOURS AND I WAS GENERALLY TRYING TO PROVIDE AS MUCH
8 INFORMATION ON THE ENTIRE SITUATION AS I COULD, AND TO ME,
9 FROM MY KNOWLEDGE, JOE AND JIM HAD DONE THAT TOGETHER. AND
10 AS TO THE SPECIFIC STATEMENT WHERE JOE SAID THAT HE AND JIM
11 WERE GOING TO KILL RON LEVIN, IF I DIDN'T SAY IT, IT WAS --
12 IF I DIDN'T SAY IT IN THAT STATEMENT, THERE WASN'T ANY
13 PARTICULAR REASON WHY. IT'S MY IMPRESSION THAT THEY BOTH
14 HAD DONE IT.

15 Q BY MR. YOUNG: OKAY. ALSO, DO YOU RECALL IN
16 YOUR STATEMENT OF 11-29-84 AT YOUR ATTORNEY'S OFFICE, DO YOU
17 RECALL RELATING ANYTHING ABOUT THE MEETING AT THE BENCH
18 OUTSIDE OF TRADER VIC'S BETWEEN YOU AND JIM?

19 A TO THE BEST OF MY RECOLLECTION, I DIDN'T
20 MENTION ANYTHING ABOUT IT.

21 Q YOU DIDN'T?

22 A AS FAR AS I REMEMBER.

23 Q OKAY. YESTERDAY YOU INDICATED THAT THAT WAS A
24 SIGNIFICANT MEETING BECAUSE THAT WAS THE FIRST TIME THAT THE
25 THREE OF YOU HAD BEEN TOGETHER AFTER THIS ALLEGED MURDER; IS
26 THAT CORRECT?

27 A I DIDN'T SAY THAT THAT WAS WHY IT WAS
28 SIGNIFICANT, BUT I SAID THAT IT WAS THE FIRST MEETING AND

577

1 THAT IT WAS SIGNIFICANT.

2 Q RIGHT. OKAY. IS THERE ANY REASON WHY YOU DID
3 NOT TELL IN THIS STATEMENT OF 11-29-84, ANY REASON WHY YOU
4 DIDN'T MENTION THAT FACT?

5 A I DIDN'T REMEMBER IT AT THE TIME. I THOUGHT OF
6 IT LATER.

7 Q OKAY. ALSO, YOU TESTIFIED AS TO A MEETING AT
8 THE OFFICES OF THE BBC WHERE YOU, JOE HUNT, BEN DOSTI AND I
9 BELIEVE TOM MAY WERE PRESENT; IS THAT CORRECT?

10 A YES.

11 Q IN OUR DISCUSSIONS REGARDING THAT MEETING
12 YESTERDAY, I BELIEVE YOU FELT THAT THAT WAS SIGNIFICANT
13 BECAUSE THAT WAS THE FIRST TIME THAT OTHER MEMBERS OF THE
14 BBC HAD DISCUSSED THIS MATTER OPENLY; IS THAT CORRECT?

15 A NO, THAT'S NOT.

16 Q OKAY. HOW WOULD YOU PHRASE IT?

17 A I THOUGHT IT WAS SIGNIFICANT BECAUSE IT WAS THE
18 FIRST DISCUSSION THAT I RECALL CONCERNING WHETHER OR NOT THE
19 INFORMATION ABOUT THE MURDER OUGHT TO BE DISCLOSED TO OTHER
20 MEMBERS.

21 Q RIGHT. THAT'S CORRECT. OKAY. SO YOU FELT
22 THAT THAT WAS SIGNIFICANT; ISN'T THAT CORRECT?

23 A IT WAS TO ME.

24 Q OKAY. IS THERE ANY REASON WHY IN YOUR
25 STATEMENT OF 11-29-84 YOU NEVER MENTIONED THAT FACT?

26 MS. LOPEZ: I'M GOING TO OBJECT. ASSUMES FACTS NOT
27 IN EVIDENCE.

28 MR. YOUNG: OKAY. LET ME REPHRASE IT.

578

1 THE COURT: ALL RIGHT.

2 Q BY MR YOUNG: DO YOU RECALL MAKING THAT
3 STATEMENT AT THE INTERVIEW OR YOUR STATEMENT ON 11-29-84?

4 A I DON'T RECALL MAKING THAT STATEMENT.

5 Q OKAY. DO YOU RECALL THAT YOU DIDN'T MAKE IT?

6 A NOT FOR SURE.

7 Q OKAY. IS THERE ANY REASON WHY YOU DID NOT MAKE
8 THAT STATEMENT?

9 MS. LOPEZ: AGAIN, OBJECTION. ASSUMES FACTS NOT IN
10 EVIDENCE THAT IT DIDN'T --

11 Q BY MR. YOUNG: OKAY. IF YOU DID NOT MAKE THAT
12 STATEMENT, IS THERE ANY REASON WHY YOU DID NOT MAKE THAT
13 STATEMENT?

14 A AT THE TIME I WAS NOT THINKING IN TERMS OF
15 DESCRIBING SPECIFIC CONVERSATIONS. IT'S APPARENT THAT
16 THAT'S THE WAY EVIDENCE COMES OUT IN THESE TRIALS. AND I
17 WAS JUST GIVING A BROAD STATEMENT AS TO WHAT HAD HAPPENED
18 AND I WASN'T GOING THROUGH WELL, THIS MEANING, THAT MEANING,
19 THE OTHER MEANING --

20 Q IN THIS STATEMENT YOU DID DISCUSS THE MEETING
21 AT THE WILSHIRE-MANNING; ISN'T THAT TRUE?

22 A YES, TRUE.

23 Q AND YOU DID DISCUSS OTHER MEETINGS THAT YOU HAD
24 IN DISCUSSIONS REGARDING THIS THING, DIDN'T YOU?

25 A OTHER DISCUSSIONS, YES.

26 Q YES. AND YOU 'VE ADMITTED THAT YOU FELT THAT
27 THESE THINGS WERE SIGNIFICANT IN TERMS OF THE OVERALL
28 SCENARIO, AT LEAST AS YOU SIT HERE TODAY AND YESTERDAY,

1 RIGHT? 579

2 A RIGHT.

3 Q OKAY. SO IS THERE ANY REASON WHY YOU DIDN'T
4 MENTION THEM?

5 MS. LOPEZ: I'M GOING TO AGAIN OBJECT. WHICH
6 MEETINGS IS HE SPEAKING OF, AND THE WITNESS HAS ALREADY
7 STATED HE DOESN'T REMEMBER WHETHER OR NOT HE'S --

8 THE COURT: I THINK HE'S REFERRING TO THE MEETING
9 ACROSS FROM TRADER VIC'S.

10 IS THAT WHAT YOU'RE TALKING ABOUT HERE?

11 HOWEVER, IF THE WITNESS MENTIONS -- AND IS TALKING
12 ABOUT -- LET'S SAY THERE ARE 10 MEETINGS AND HE HAS
13 ENUMERATED SEVEN OR EIGHT MEETINGS. ARE YOU ASKING HIM WHY
14 HE DIDN'T MENTION THE TWO MEETINGS THAT WERE NOT MENTIONED?
15 IS THAT, IN EFFECT, WHAT YOU'RE DOING?

16 MR. YOUNG: HERE WE HAVE ABOUT FOUR OR FIVE
17 SIGNIFICANT FACTORS OR MEETINGS OR THINGS THAT OCCURRED THAT
18 LEAD UP TO THIS ALLEGED MURDER AND THAT OCCURRED
19 AFTERWARDS THAT WERE NEVER MENTIONED IN THE STATEMENT.
20 SO --

21 THE COURT: UNLESS HE WAS -- UNLESS THERE'S SOME
22 INDICATION THAT HE WAS DELIBERATELY OMITTING MENTIONING
23 THINGS --

24 MR. YOUNG: THAT'S WHAT I'M TRYING TO FIND OUT.

25 THE COURT: WHY DON'T YOU ASK HIM THAT --

26 Q BY MR. YOUNG: WERE YOU DELIBERATELY OMITTING
27 THESE REFERENCE TO THESE DIFFERENT MEETINGS AND THESE
28 DIFFERENT STATEMENTS?

1 A NO, I WAS NOT.

2 Q ARE YOU STILL UNDER THE INFLUENCE OF THIS
3 PARADOX PHILOSOPHY?

4 A I HOPE NOT.

5 Q HAVE YOU HAD ANY TREATMENTS BY PHYSICIANS OR
6 CONSULTED ANY DOCTORS OR ANYTHING TO, AS THEY SAY,
7 DE-PROGRAM YOU?

8 MS. LOPEZ: I'M GOING TO OBJECT. IT ASSUMES THAT
9 THIS WITNESS HAS BEEN PROGRAMMED. IT'S ALSO ARGUMENTATIVE;
10 ASSUMES FACTS NOT IN EVIDENCE. IT'S HARASSING THE WITNESS.

11 THE COURT: THE OBJECTION WILL BE SUSTAINED.

12 Q BY MR. YOUNG: YOU HAD BELIEVED THAT -- STRIKE
13 THAT --

14 HOW LONG HAVE YOU BELIEVED IN THIS PARADOX
15 PHILOSOPHY?

16 A IT'S NOT REALLY A QUESTION OF TIME THAT I
17 BELIEVED IN SOMETHING. I WAS -- I WAS PERSUADED THAT
18 CERTAIN PRINCIPLES ACTUALLY GOVERNED REALITY, AND IT WAS A
19 GRADUAL BUILDUP TO A PERSUASION. IT WAS NOT A SUDDEN
20 BELIEF, AND LIKEWISE, THAT SENSE OF BEING CONVINCED
21 DIMINISHED GRADUALLY TOWARDS THE END.

22 Q WHEN DID YOU FIRST BECOME AWARE THAT YOU WERE A
23 POSSIBLE SUSPECT IN THE ALLEGED MURDER OF RON LEVIN?

24 MS. LOPEZ: I'M GOING TO OBJECT THAT IT ASSUMES THAT
25 HE WAS, IN FACT, A POSSIBLE SUSPECT.

26 MR. YOUNG: HE WAS GIVEN IMMUNITY.

27 MS. LOPEZ: THAT DOESN'T MAKE HIM A POSSIBLE SUSPECT.

28 THE COURT: THE OBJECTION WILL BE SUSTAINED.

1 Q BY MR. YOUNG: WHEN DID YOU BECOME AWARE THAT
2 LAW ENFORCEMENT OFFICIALS WOULD LIKE TO GET INFORMATION FROM
3 YOU REGARDING THE ALLEGED MURDER OF RON LEVIN?

4 A I BELIEVE THE DAY OR THE DAY AFTER JIM AND JOE
5 WERE ARRESTED I BELIEVE FOR THE SECOND TIME.

6 Q WHEN THEY WERE ARRESTED FOR THE SECOND TIME?

7 A I THINK SO.

8 Q OKAY, AND DID SOMEONE CONTACT YOU?

9 A I HAD HEARD THAT DETECTIVE ZOELLER HAD COME TO
10 THE BBC OFFICES ASKING FOR ME. I WASN'T THERE, SO I ASSUMED
11 THAT HE WAS INTERESTED IN OBTAINING INFORMATION FROM ME AT
12 THAT TIME.

13 Q OKAY. WHEN WAS THE FIRST TIME THAT YOU HAD
14 CONTACT WITH ANYONE -- WELL, LET'S SAY DETECTIVE ZOELLER?

15 A SOMETIME IN NOVEMBER, LATE NOVEMBER, 1984.

16 Q OKAY, AND DID YOU HAVE DISCUSSIONS WITH HIM?

17 A THE FIRST TIME?

18 Q YEAH.

19 A NO, I DIDN'T.

20 Q OKAY, AND WHEN WAS YOUR NEXT CONTACT WITH
21 MR. ZOELLER?

22 A THE DAY I GAVE THAT STATEMENT THAT YOU HAVE
23 THERE.

24 Q OKAY. DID YOU SPEAK WITH ANYONE ELSE FROM ANY
25 LAW ENFORCEMENT AGENCY OTHER THAN DETECTIVE ZOELLER
26 REGARDING THIS MATTER?

27 A I SPOKE WITH OSCAR BRIELING OF THE CALIFORNIA
28 DEPARTMENT OF JUSTICE.

1 Q AND YOU GAVE THEM A STATEMENT. I BELIEVE IT
2 WAS ON NOVEMBER 28, 1984; IS THAT CORRECT?

3 A THAT 'S CORRECT.

4 Q OKAY. DID YOU HAVE ANY CONVERSATIONS WITH
5 OFFICER BRIELING PRIOR TO YOUR STATEMENT OF 11-28-84?

6 A NO, I DIDN'T.

7 Q OKAY. DID YOU MAKE ANY STATEMENTS OUTSIDE THE
8 PRESENCE OF YOUR ATTORNEY TO ANY LAW ENFORCEMENT OFFICIALS
9 OTHER THAN THESE STATEMENTS THAT YOU MADE ON 11-28 AND
10 11-29?

11 A ARE YOU ASKING ME IF I'VE EVER MADE ANY
12 STATEMENTS --

13 Q LET ME REPHRASE THAT. DID YOU MAKE ANY
14 STATEMENTS TO ANY LAW ENFORCEMENT OFFICIALS OTHER THAN THE
15 STATEMENTS THAT YOU GAVE ON 11-28 AND 11-29 TO THE -- THE
16 ONE ON THE 28TH WAS TO BRIELING, AND THE ONE ON THE 29TH WAS
17 TO ZOELLER AND LOPEZ.

18 MS. LOPEZ: I'M GOING TO OBJECT AS TO VAGUE AS TO
19 WHAT MR. YOUNG MEANS BY STATEMENTS.

20 DO YOU MEAN STATEMENTS THAT WERE RECORDED,
21 TRANSCRIBED --

22 MR. YOUNG: VERBAL STATEMENTS. ANY TYPE OF
23 STATEMENTS.

24 MS. LOPEZ: ARE YOU ASKING WHETHER OR NOT HE WAS --
25 HE SPOKE TO MR. ZOELLER OR DETECTIVE ZOELLER AFTER THAT
26 TIME?

27 MR. YOUNG: YEAH.

28 THE WITNESS: YES.

1 Q BY MR. YOUNG: OKAY. WHO WAS THAT WITH AND ⁵⁸⁸
2 WHEN?

3 A BETWEEN THE TIME OF THOSE ORIGINAL STATEMENTS
4 AND THE PRESENT, I 'VE HAD NUMEROUS CONVERSATIONS WITH
5 DETECTIVE ZOELLER. ONE ADDITIONAL CONVERSATION WITH OSCAR
6 BRIELING.

7 Q OKAY. BUT PRIOR TO MAKING THESE STATEMENTS,
8 DID YOU HAVE ANY CONVERSATIONS WITH THEM?

9 A PRIOR TO THOSE TRANSCRIBED STATEMENTS?

10 Q RIGHT.

11 A NO.

12 Q OKAY. WHEN DID YOU FIRST TELL DETECTIVE
13 ZOELLER THAT JOE HAD TOLD YOU THAT HE AND JIM HAD INTENDED
14 TO KILL RON LEVIN, THAT THERE WAS A VERBAL STATEMENT TO THAT
15 EFFECT BY JOE?

16 A WELL, I THOUGHT THAT I SUBSTANTIVELY SAID IT IN
17 THAT WRITTEN STATEMENT THAT YOU HAVE THERE.

18 Q OKAY. DO YOU RECALL NOW THAT YOU DID MAKE THAT
19 STATEMENT? IS THAT WHAT YOU 'RE SAYING?

20 A NO. WHAT I'M SAYING IS THAT IN MY -- IN ALL OF
21 MY STATEMENTS TO DETECTIVE ZOELLER, I MADE IT -- I MADE IT
22 CLEAR, I FELT, THAT IT WAS JIM AND JOE WHO HAD KILLED RON
23 LEVIN.

24 Q OKAY. BUT I'M SPEAKING ABOUT THE SPECIFIC
25 STATEMENT THAT JOE TOLD YOU THAT HE AND JIM INTENDED TO DO
26 IT. WHEN WAS THE FIRST TIME YOU TOLD EITHER DETECTIVE
27 ZOELLER OR ANA LOPEZ THAT THAT STATEMENT HAD OCCURRED?

28 A I DON'T RECALL WHEN IT WAS.

581

1 Q OKAY. WAS IT SUBSEQUENT TO 11-29-84?

2 A IF I DIDN'T SAY IT IN THE STATEMENT OF 11-29,
3 1984, THEN IT WAS SUBSEQUENT --

4 Q RIGHT.

5 A -- BECAUSE I MADE NO STATEMENTS BEFORE THEN.

6 Q RIGHT. OKAY. DO YOU RECALL DISCUSSING IT
7 PRIOR TO TESTIFYING ON DIRECT EXAMINATION WITH ANA LOPEZ?

8 A YES, I DO.

9 Q HOW MUCH PRIOR TO THE STARTING OF YOUR
10 TESTIMONY DID YOU TELL HER THAT?

11 A OH, MAYBE A FEW WEEKS. MAYBE MORE. I'M NOT
12 SURE.

13 Q OKAY. DO YOU RECALL WHEN YOU FOR THE FIRST
14 TIME TOLD ANA LOPEZ OR DETECTIVE ZOELLER THAT THERE WAS A
15 MEETING ON A PARK BENCH OUTSIDE TRADER VIC'S?

16 A I DON'T RECALL EXACTLY WHEN IT WAS, BUT I THINK
17 THAT I WAS IN DETECTIVE ZOELLER'S CAR.

18 Q OKAY. DO YOU KNOW HOW LONG AGO THAT WAS?

19 A A FEW WEEKS AGO.

20 Q OKAY. WITH RESPECT TO THE STATEMENT THAT THERE
21 WAS A MEETING AT THE BBC BETWEEN YOU, JOE HUNT, JAMES
22 PITTMAN AND TOM MAY TO DISCUSS WHETHER OR NOT THIS ALLEGED
23 LEVIN MURDER SHOULD BE REVEALED TO THE OTHER MEMBERS, DO YOU
24 RECALL WHEN YOU FIRST TOLD EITHER ANA LOPEZ OR DETECTIVE
25 ZOELLER THAT THAT FACT HAD OCCURRED?

26 A THIS IS THE MEETING IN THE OFFICE?

27 Q RIGHT.

28 A I'M NOT SURE WHEN THAT WAS.

555

1 Q OKAY. HAS IT BEEN SOME PERIOD OF TIME?

2 A IT'S BEEN SOME PERIOD OF TIME.

3 Q OKAY. HAS IT BEEN OVER A WEEK?

4 A YES.

5 Q HAS IT BEEN OVER TWO WEEKS?

6 A YES, I THINK SO.

7 Q SO, THEY 'VE KNOWN ABOUT THAT STATEMENT FOR TWO
8 OR THREE WEEKS?

9 A I THINK SO.

10 Q OKAY. CAN YOU SPECIFICALLY RECALL TELLING THEM
11 ABOUT THIS?

12 A I DO RECALL TELLING THEM, BUT AS I SAY, WE HAD
13 A NUMBER OF DISCUSSIONS AND I'M NOT SURE AT WHICH ONE I
14 ACTUALLY SAID THAT, THAT I DID SAY IT.

15 Q DID YOU EVER TELL ANA LOPEZ OR DETECTIVE
16 ZOELLER THAT "MAC" WAS THE CODE NAME FOR THE ALLEGED LEVIN
17 MURDER?

18 A YES, I DID.

19 Q DID YOU EVER TELL THEM PRIOR TO YOUR TESTIMONY
20 ON DIRECT EXAMINATION THAT AT THE MEETING AT THE
21 WILSHIRE-MANNING WHEN YOU WENT OUT OF THE ROOM, THE FOUR OF
22 YOU WENT OUT OF THE ROOM, THAT THE WORD -- OR THAT YOU USED
23 THE TERM "MAC" WHEN REFERRING TO THE ALLEGED LEVIN MURDER?

24 A I DON'T THINK I TOLD THEM THAT.

25 Q OKAY. OKAY. AGAIN, REFERRING TO YOUR
26 STATEMENT OF 11-29-84, DO YOU RECALL MAKING REFERENCE IN
27 THAT STATEMENT TO THE FACT THAT "MAC" WAS USED AS A CODE
28 NAME FOR THE LEVIN MURDER?

586

1 A I DON'T RECALL SAYING THAT IN THAT STATEMENT.

2 Q DID JIM EVER PERSONALLY TELL YOU PRIOR TO THE
3 ALLEGED MURDER OF LEVIN THAT HE WAS INTENDING TO KILL RON
4 LEVIN WITH JOE HUNT?

5 A NO, HE DID NOT.

6 Q OKAY. WAS JAMES PITTMAN EVER AT ANY MEETINGS
7 PRIOR TO THE ALLEGED KILLING OF RON LEVIN WHERE YOU AND JOE
8 HUNT WERE DISCUSSING THE PLANS FOR THE KILLING?

9 A NO, IT WAS NOT.

10 Q OKAY. DO YOU HAVE ANY PERSONAL KNOWLEDGE
11 WHATSOEVER THAT PRIOR TO THE ALLEGED KILLING OF RON LEVIN
12 JAMES PITTMAN HAD ANY KNOWLEDGE THAT THERE WAS EVEN A PLAN
13 TO KILL RON LEVIN?

14 A BY PERSONAL KNOWLEDGE, EXACTLY WHAT DO YOU
15 MEAN?

16 Q WELL, PERSONAL KNOWLEDGE MEANS THINGS YOU SAW
17 OR HEARD.

18 A WELL, IN MY DISCUSSIONS WITH JOE, HE INDICATED
19 TO ME, AS I TOLD YOU, THAT JIM WAS INCLUDED IN THE PLAN.

20 Q OKAY. BUT OTHER THAN THE STATEMENTS BY JOE, IS
21 THERE ANY -- ANYTHING THAT WOULD LEAD YOU TO BELIEVE FROM
22 YOUR PERSONAL KNOWLEDGE THAT MR. PITTMAN WAS AWARE OF THIS
23 PLAN TO KILL RON LEVIN?

24 A NO.

25 Q OKAY. OTHER THAN YOURSELF AND JOE, ARE YOU
26 AWARE OF ANYONE ELSE WHO HAD KNOWLEDGE OF THIS PLAN?

27 A AT WHAT POINT?

28 Q PRIOR TO THE ALLEGED KILLING OF RON LEVIN.

587

1 A I THINK BEN DOSTI HAD AN IDEA.

2 Q OKAY. WHEN YOU SAY YOU THINK HE HAD AN IDEA,
3 WHAT IS THE BASIS FOR THAT STATEMENT?

4 A JOE'S STATEMENT THAT HE HAD TOLD BEN.

5 Q OKAY. SUBSEQUENT TO THE ALLEGED MURDER OF RON
6 LEVIN, DID JAMES PITTMAN EVER SPECIFICALLY TELL YOU THAT HE
7 WAS INVOLVED IN THE KILLING OF RON LEVIN?

8 A IN THOSE WORDS?

9 Q DID HE EVER TELL YOU VERBALLY HIMSELF.

10 MS. LOPEZ: I'M GOING TO OBJECT AS WHAT MR. YOUNG
11 MEANS.

12 DO YOU MEAN IN SUBSTANCE DID HE SAY OR DID HE
13 INDICATE THAT --

14 MR. YOUNG: DID HE SAY -- DID HE SAY "I HELPED JOE
15 KILL RON LEVIN" OR WORDS TO THAT EFFECT?

16 MS. LOPEZ: ARE YOU SAYING VERBATIM, DID HE SAY THIS
17 OR --

18 MR. YOUNG: YES.

19 MS. LOPEZ: -- DO YOU MEAN IN SUBSTANCE DID HE SAY?

20 MR. YOUNG: IN SUBSTANCE.

21 THE WITNESS: WELL, I DESCRIBED TO YOU ALREADY THE
22 CONVERSATIONS THAT I DID HAVE WITH JIM CONCERNING THE
23 KILLING OF RON LEVIN OR THE AFTERMATH OF IT. BEYOND THAT, I
24 DON'T KNOW WHAT TO TELL YOU.

25 Q BY MR. YOUNG: OKAY. I'M JUST TRYING TO MAKE
26 CLEAR THAT JIM NEVER TOLD YOU -- FROM THE TESTIMONY, AS I
27 UNDERSTAND IT, BASICALLY, YOU HAVE SPOKEN -- JOE AND YOU
28 GUYS SPOKE IN TERMS OF THIS ALLEGED MURDER OF LEVIN IN TERMS

588

1 OF JUST LEVIN OR YOU CALLED IT "MAC" AND YOU REALLY NEVER
2 SPECIFICALLY DISCUSSED WHAT ANYONE'S PARTICIPATION WAS, AT
3 LEAST NOT IN THE PRESENCE OF MY CLIENT; IS THAT CORRECT?

4 A AS FAR AS THE ACTUAL TIME SPENT IN RON LEVIN'S
5 HOUSE?

6 Q NO. AS FAR AS -- I'M -- I'M REFERRING TO ANY
7 STATEMENTS REGARDING THIS MURDER BETWEEN YOU AND JOE
8 AFTERWARDS.

9 MS. LOPEZ: DO YOU MEAN ANY PART OF THE PLAN?

10 MR. YOUNG: LET ME START OVER.

11 Q AS I UNDERSTAND IT, DURING ALL THESE MEETINGS
12 AND DIFFERENT THINGS, AFTER THE ALLEGED MURDER HAD OCCURRED,
13 IT WAS BASICALLY JUST YOUR ASSUMPTION BASED OF THE FACT THAT
14 JOE HAD TOLD YOU JIM WAS TO BE PARTY TO THIS MURDER THAT
15 JAMES HAD ACTUALLY TAKEN PART IN IT. IS THAT A CORRECT
16 STATEMENT?

17 A THERE ARE --

18 Q THAT BASICALLY BECAUSE -- LET ME REPHRASE IT
19 AGAIN.

20 BASICALLY, BECAUSE JOE HAD TOLD YOU JIM WAS TO BE
21 PART OF THIS MURDER AND BECAUSE JIM HAD GONE BACK TO NEW
22 YORK AS RON LEVIN, YOU ASSUMED THAT -- AND EVERYONE ELSE
23 ASSUMED THAT -- JAMES PITTMAN HAD ACTUALLY PARTICIPATED IN
24 THE MURDER. IS THAT CORRECT?

25 A I CAN'T SPEAK FOR WHAT EVERYONE ELSE ASSUMED.

26 Q RIGHT, BUT WITH RESPECT TO YOU.

27 A BUT -- IN RESPECT TO ME, FROM THE AGGREGATE OF
28 THE CONVERSATIONS THAT I HAD HAD WITH JOE AND WITH JIM

5812

1 REGARDING NEW YORK AND WHAT HE HAD DONE IN NEW YORK --

2 Q RIGHT.

3 A -- IF YOU WANT TO SAY I ASSUMED THAT HE HAD
4 TAKEN PART, THEN FINE.

5 Q OKAY. I WOULD LIKE TO SAY THAT. SO CAN WE SAY
6 THAT FROM THE AGGREGATE OF THE FACTS THAT YOU ASSUMED THAT
7 HE HAD TAKEN PART IN THE MURDER?

8 A YES.

9 Q OKAY.

10 Q BECAUSE THERE WAS NEVER ANY ADMISSION TO YOU OR
11 DISCUSSION WITH JIM AS TO HIS ACTUALLY PARTICIPATING IN THE
12 KILLING, WAS THERE?

13 MS. LOPEZ: I'M GOING TO OBJECT AS TO VAGUE AS TO
14 WHAT HE MEANS BY ADMISSION. DOES HE ALSO INCLUDE THE
15 STATEMENT AT THE WILSHIRE-MANNING WHERE JIM ADOPTED THE
16 ADMISSION AND AUTHORIZED JOE HUNT TO --

17 MR. YOUNG: EXCLUDING THAT STATEMENT.

18 THE COURT: WELL, I THINK IT'S -- THE QUESTION IS
19 CLEAR ENOUGH. WHAT HE'S --

20 DO YOU UNDERSTAND THE QUESTION?

21 MR. YOUNG: WE'LL HAVE TO READ IT BACK PROBABLY.

22 THE WITNESS: NO. I THINK I UNDERSTAND THE QUESTION.

23 THE COURT: ALL RIGHT. LET'S HAVE THE QUESTION AGAIN
24 TO BE SURE.

25 (WHEREUPON, THE QUESTION WAS READ BY THE REPORTER)

26 THE COURT: THAT CAN BE ANSWERED.

27 DID JIM EVER -- WHAT HE SAYS THERE IN THE QUESTION --
28 ADMIT ANYTHING CONCERNING THE KILLING?

590

1 THE WITNESS: THE PARTICULARS OF THE KILLING I NEVER
2 DISCUSSED WITH JIM.

3 Q BY MR. YOUNG: OKAY. DID HE EVER ADMIT TO YOU
4 THAT HE HAD ASSISTED JOE OR HELPED JOE TO KILL RON LEVIN?

5 MS. LOPEZ: DO YOU MEAN IN SUBSTANCE?

6 MR. YOUNG: YEAH. ACTUAL -- KILLING, IN SUBSTANCE.

7 THE WITNESS: NO.

8 Q BY MR. YOUNG: OKAY, AND FROM THE SCENARIO OF
9 FACTS AND EVIDENCE, AS I UNDERSTAND IT SO FAR, THE ONLY TIME
10 THAT JIM WAS ACCUSED -- JIM PITTMAN WAS ACCUSED OPENLY BY
11 JOE OF PARTICIPATING IN THE MURDER -- WHEN I SAY "OPENLY", I
12 MEAN OTHER THAN USING JUST REFERRING TO THE LEVIN MATTER OR
13 TO "MAC" -- THE ONLY TIME THAT THERE WAS A STATEMENT
14 ACCUSING HIM OF THAT WAS AT THIS MEETING AT THE
15 WILSHIRE-MANNING; IS THAT CORRECT?

16 A THE ONLY TIME THERE WAS A STATEMENT BY JOE?

17 Q YEAH, THAT HE OPENLY STATED THAT JIM HELPED
18 KILL OR KNOCK OFF RON LEVIN?

19 A NO, THAT'S NOT TRUE.

20 Q OKAY. WHEN ELSE DID -- DID HE SAY IT IN THE
21 PRESENCE OF DEFENDANT PITTMAN?

22 A OH, IN THE PRESENCE OF DEFENDANT PITTMAN.

23 Q YEAH.

24 A YOU'RE REFERRING TO -- WHEN YOU REFER TO THE
25 MEETING AT THE MANNING, YOU'RE REFERRING TO THE SMALL
26 MEETING AND THE BIG MEETING?

27 Q THERE WAS THE -- THE BIG MEETING WITH ALL 10 OF
28 THEM, AND JOE CAME OUT AND HE ANNOUNCED THAT "HE AND JIM" OR

1 "JIM AND I HAD KNOCKED OFF" OR "KILLED RON LEVIN". THAT'S
2 WHAT I'M REFERRING TO.

3 A WELL, THE OTHER DISCUSSION THAT THERE WAS WAS
4 JUST PRIOR TO THAT.

5 Q WELL, YEAH, BUT IN THAT DISCUSSION AS WE WENT
6 OVER YOUR TESTIMONY YESTERDAY, YOU SAID BASICALLY THEY WERE
7 STILL REFERRING TO IT AS JUST THE LEVIN MATTER OR "MAC"
8 OR --

9 A OKAY, YOU MEAN --

10 Q -- THERE WASN'T ANY SPECIFIC STATEMENT THAT
11 "JIM HAD KILLED" OR "I KILLED" BECAUSE THAT WAS NEVER REALLY
12 DISCUSSED. THEY WERE JUST TALKING ABOUT WHETHER TO DISCLOSE
13 "MAC" OR JUST DISCLOSE THE LEVIN MATTER; ISN'T THAT CORRECT?

14 A ASIDE FROM HIS STATEMENT THAT "WE DID IT
15 TOGETHER" AND "IT'S YOUR DECISION AS MUCH AS MINE."

16 Q YEAH. RIGHT. IS THAT THE ONLY OTHER STATEMENT
17 BEFORE THIS WENT OUT IN FRONT OF THE 10 PEOPLE?

18 A THE ONLY OTHER ONE THAT I RECALL RIGHT NOW.

19 Q JUST STATED THAT IN -- WHEN YOU WENT OUTSIDE IN
20 THE OTHER ROOM AT THIS MEETING AT THE WILSHIRE-MANNING THAT
21 JOE MADE A STATEMENT TO THE EFFECT THAT "WE DID IT TOGETHER.
22 IT'S YOUR DECISION AS MUCH AS MINE", DID HE SAY "KILL LEVIN
23 TOGETHER'?

24 A NO. I TOLD YOU THAT HE DIDN'T SAY THAT.

25 Q OKAY, AND HAD HE SAID "DID IT TOGETHER", YOU
26 WERE JUST ASSUMING THAT IT WAS REFERRING TO THE ACTUAL
27 KILLING; IS THAT CORRECT?

28 A I GUESS I WAS JUST ASSUMING THAT.

1 Q OKAY. JOE HAD A FAIRLY DOMINATING PERSONALITY;
2 IS THAT CORRECT?

3 A FROM MY POINT OF VIEW IT APPEARED SO.

4 Q AND HE RAN THE BUSINESS OF THE BBC OR HE WAS
5 THE LEADER OF THE GROUP; IS THAT CORRECT?

6 A YES, I THINK THAT'S CORRECT.

7 Q OKAY. JIM WAS AN EMPLOYEE; IS THAT CORRECT?

8 A THAT WOULD BE AN OVERSIMPLIFICATION.

9 Q OKAY. WELL, HE -- HE WAS NOT THE LEADER OF THE
10 ORGANIZATION, WAS HE?

11 A NO, HE WASN'T.

12 Q AND HE WOULDN'T HAVE BEEN ONE OF THE LET'S SAY
13 THREE TOP PEOPLE IN THE ORGANIZATION, WOULD HE?

14 A DEPENDS FROM WHAT POINT OF VIEW.

15 Q WELL, WOULDN'T --

16 A IT DEPENDS FROM WHAT POINT OF VIEW. YOU MEAN
17 AND --

18 Q WOULDN'T YOU AND JOE AND BEN DOSTI BE
19 CONSIDERED THE TOP THREE PEOPLE IN THAT ORGANIZATION?

20 A FROM THE VIEW OF THE PHILOSOPHY AND THE
21 PHILOSOPHICAL HIERARCHY THAT THERE SORT OF WAS, YES.

22 Q WHEN JOE HAD MEETINGS OR GATHERINGS OF VARIOUS
23 MEMBERS IN THE BBC, DID HE MORE OR LESS DOMINATE THE
24 MEETINGS AS FAR AS CONVERSATION AND STATEMENTS?

25 A YES, HE DID.

26 Q OKAY. DID HE KEEP SOME SORT OF CONTROL OVER
27 THE MEETINGS AND BASICALLY WHAT THE SUBJECTS THAT WERE
28 DISCUSSED? THAT TYPE OF THING?

1 A ANYONE COULD RAISE ANYTHING THEY WANTED AT THE
2 MEETINGS.

3 Q OKAY. BUT HE WAS THE DOMINANT SPEAKER?

4 A YES.

5 Q OKAY. OTHER THAN THE MEETING ON THE PARK
6 BENCH, THE MEETING IN THE OFFICE OF THE BBC, AND THE MEETING
7 AT THE WILSHIRE-MANNING, WAS JAMES PITTMAN PRESENT AT OTHER
8 MEETINGS WITH JOE HUNT AND OTHER MEMBERS OF THE BBC?

9 A YES, HE WAS.

10 Q OKAY. AT ANY OF THESE -- STRIKE THAT.

11 AT ANY OF THE MEETINGS THAT YOU WERE AT, WAS ANYONE
12 EVER TOLD BY JOE TO -- TO KEEP QUIET OR TO SHUT UP OR TO --
13 YOU KNOW, THAT HIS DECISION WAS FINAL? ANYTHING LIKE THAT?

14 A NO. THAT WOULD NOT HAVE COMPORTED WELL WITH
15 THE RHETORICAL POSTURE THAT JOE LIKED TO MAINTAIN.

16 Q SO HE ALLOWED PEOPLE TO INTERJECT WHATEVER THEY
17 WOULD LIKE TO AT THE MEETINGS?

18 A YES.

19 Q IF HE MADE A DECISION, WAS THAT DECISION FINAL?

20 A THAT WASN'T CONSISTENT WITH THE PHILOSOPHY.
21 EVERYTHING WAS ALWAYS SUBJECT TO QUESTION, SUBJECT TO
22 REEVALUATION, SUBJECT TO FURTHER SUGGESTIONS AND EVERYONE'S
23 INPUT WAS ENCOURAGED.

24 Q OKAY. FROM YOUR EXPERIENCE WITH JAMES PITTMAN,
25 WOULD YOU CONSIDER HIM A PERSON THAT TALKED A LOT OR A
26 PERSON THAT WOULD BE BASICALLY A QUIET TYPE PERSON?

27 A IT ALL DEPENDED ON THE ENVIRONMENT THAT YOU
28 WERE IN WITH HIM.

1 Q OKAY. IF HE WAS AT A MEETING WITH A BUNCH OF
2 OTHER PEOPLE, WOULD HE BE ONE THAT WOULD SPEAK UP AND
3 INTERJECT OPINIONS IF IT WASN'T RELATING NECESSARY TO HIS
4 AREA, WHICH WAS SECURITY AS I UNDERSTAND IT? WOULD HE
5 INTERJECT PHILOSOPHIES AND THINGS LIKE THAT IN DISCUSSIONS
6 AT THESE MEETINGS?

7 MS. LOPEZ: I'M GOING TO OBJECT AS VAGUE. WE ARE
8 TALKING ABOUT A VARIETY OF DIFFERENT MEETINGS. MR. YOUNG IS
9 ALSO ASSUMING THAT MR. PITTMAN'S ONLY ROLE WAS RELATED TO
10 SECURITY.

11 THE COURT: ALL RIGHT. THE OBJECTION WILL BE
12 SUSTAINED.

13 MR. YOUNG: THAT'S FINE.

14 THE COURT: SOME OF THIS MATTER I THINK HAS BEEN
15 COVERED PREVIOUSLY AS WELL. YOU MAY GO AHEAD.

16 Q BY MR. YOUNG: WAS JAMES PITTMAN IN YOUR
17 OPINION AN OUTSPOKEN PERSON?

18 A WHEN HE HAD SOMETHING TO SAY, HE VOICED HIS
19 OPINION CLEARLY AND INTELLIGENTLY.

20 MR. YOUNG: EXCUSE ME JUST A SECOND.

21 YOUR HONOR, I HAVE A COUPLE MORE AREAS TO GET INTO
22 NOW. DO YOU WANT TO BREAK?

23 THE COURT: I DON'T WANT TO CURTAIL YOUR
24 CROSS-EXAMINATION, BUT CAN YOU GIVE US AN ESTIMATE OF WHAT
25 ELSE YOU HAVE?

26 MR. YOUNG: ABOUT 30 MINUTES AT THE MOST.

27 THE COURT: YOU ESTIMATE 30 MINUTES MORE?

28 MR. YOUNG: RIGHT.

1 THE COURT: ALL RIGHT. WHY DON'T WE BREAK FOR LUNCH
2 NOW. IT'S NOW APPROXIMATELY 12:00 O'CLOCK. WE'LL TAKE OUR
3 NOON RECESS AT THIS TIME AND WE'LL RESUME AT 2:00 O'CLOCK.

4 (WHEREUPON, THE NOON RECESS WAS TAKEN AND PROCEEDINGS
5 RESUMED AT 2:45 P.M.)

6 THE COURT: ALL RIGHT. IN THE MATTER OF JAMES
7 PITTMAN, LET THE RECORD SHOW THAT MR. PITTMAN IS PRESENT
8 WITH BOTH OF HIS COUNSEL, MR. YOUNG AND MR. ZORNE; THE
9 DISTRICT ATTORNEY IS PRESENT IN THE PERSON OF MS. LOPEZ.

10 I BELIEVE YOU WERE STILL CROSS-EXAMINING. YOU SAID A
11 YOU HAD A HALF HOUR MORE.

12 MR. YOUNG: MAYBE LESS.

13 THE COURT: ALL RIGHT.

14 Q BY MR. YOUNG: WHEN WAS THE LAST TIME YOU SAW
15 RON LEVIN?

16 A THE LAST TIME I SAW RON LEVIN WAS I BELIEVE
17 THE -- EITHER THE 4TH OR THE 5TH OF JUNE.

18 Q OKAY. WHERE DID YOU SEE HIM?

19 A AT THE BBC OFFICES.

20 Q AND DO YOU HAVE ANY PERSONAL KNOWLEDGE AS TO
21 THE PURPOSE FOR WHICH HE WAS THERE?

22 A YES, I DO.

23 Q AND WHAT IS THAT?

24 A IT WAS PART OF JOE'S PLAN TO HAVE RON SEEN AT
25 THE OFFICES UNDER WHAT APPEARED TO BE FRIENDLY
26 CIRCUMSTANCES, SO HE INVITED HIM TO STOP BY THE OFFICE, AND
27 THAT'S WHY LEVIN WAS THERE.

28 Q OKAY. WHO ELSE WAS THERE AT THE TIME LEVIN WAS

1 AT THE OFFICE?

2 A I THINK BEN DOSTI WAS THERE AND I THINK -- I
3 THINK JOHN ALDEN WAS THERE AND JOE HUNT WAS THERE.

4 Q WAS JAMES PITTMAN THERE?

5 A I DON'T THINK SO.

6 Q DO YOU HAVE ANY PERSONAL KNOWLEDGE AS TO
7 WHETHER JAMES PITTMAN EVER MET RON LEVIN?

8 A NO, I DON'T.

9 Q TO YOUR KNOWLEDGE, HAD RON LEVIN INVESTED ANY
10 MONEY INTO THE BBC OR MICROGENESIS?

11 A NOT TO MY KNOWLEDGE.

12 Q TO YOUR KNOWLEDGE, WERE THERE ANY NEGOTIATIONS
13 BETWEEN HE AND JOE AS TO HIM INVESTING?

14 A NO, THERE WERE NO REAL NEGOTIATIONS.

15 Q WERE THERE DISCUSSIONS BETWEEN HIM AND JOE
16 ABOUT HIM INVESTING?

17 A TO MR. LEVIN THE THOUGHT OF INVESTING WITH JOE
18 WAS RIDICULOUS.

19 Q DID YOU CONSIDER YOURSELF LOYAL TO JOE DURING
20 YOUR RELATIONSHIP WITH HIM PRIOR TO HIS ARREST?

21 A I DON'T KNOW WHAT YOU MEAN BY "LOYAL".

22 Q WELL, COULD HE TRUST YOU? DID YOU TRUST HIM?

23 A HE COULD TRUST ME, AND I TRUSTED HIM.

24 Q OKAY, AND WOULD YOU DO -- STRIKE THAT.

25 WOULD YOU LIE FOR HIM?

26 A YOU'RE ASKING ME NOW OR DURING THE COURSE OF
27 OUR RELATIONSHIP?

28 Q DURING THE COURSE OF THAT RELATIONSHIP.

1 A I DID, AND I SUPPOSE THAT MEANS THAT I WOULD.

2 Q OKAY. WOULD YOU STILL LIE FOR HIM?

3 A NO.

4 Q WHEN'S THE LAST TIME THAT YOU WERE IN CONTACT
5 WITH JOE?

6 A HE CALLED ME FROM PRISON I THINK A COUPLE DAYS
7 AFTER HE WAS ARRESTED FOR THE SECOND TIME.

8 Q OKAY. HAVE YOU SPOKEN WITH HIM SINCE THEN?

9 A NO, I HAVEN'T.

10 MR. YOUNG: NO FURTHER QUESTIONS.

11 MS. LOPEZ: I HAVE NOTHING FURTHER.

12 MR. ZORNE: I WOULD LIKE TO ASK HIM A FEW QUESTIONS.

13 THE COURT: VERY WELL.

14 MR. ZORNE: YOU 'LL GET YOUR CHANCE LATER.

15 MS. LOPEZ: I DON'T WANT A CHANCE.

16 MR. ZORNE: YOU DON'T WANT A CHANCE? THAT'S ALL
17 RIGHT.

18

19 CROSS EXAMINATION

20 BY MR. ZORNE:

21 Q I JUST HAVE A FEW QUESTIONS, MR. KARNY. YOU
22 INDICATED UNDER DIRECT EXAMINATION BY MS. LOPEZ THAT JOE WAS
23 THE KIND OF PERSON WHO COULD INFLUENCE AND DOMINATE AND
24 DIRECT THE ACTIVITIES OF OTHER PEOPLE. IS THAT A CORRECT
25 STATEMENT?

26 A I DON'T KNOW IF I INDICATED THAT, BUT I THINK
27 THAT THAT'S THE CASE.

28 Q I MEAN IN SUBSTANCE. NOT EXACTLY THE WORDS I

595

1 USED, BUT I THINK YOU USED THE SPECIFIC WORD THAT HE COULD
2 INFLUENCE OTHER PEOPLE?

3 A I THINK THAT'S A FAIR STATEMENT.

4 Q NOW, WHEN YOU FIRST ORGANIZED THIS BBC
5 ENTERPRISE, DID YOU ALREADY FORMULATE YOUR PLANS OF YOUR
6 PARADOX CONCEPT AT THAT PARTICULAR TIME, OR WAS IT A PERIOD
7 OF TIME SUBSEQUENT TO THE FORMATION OF THE ORGANIZATION THAT
8 YOU ALL CAME TO THIS CONCLUSION?

9 A I'M GOING TO HAVE TO ASK YOU TO DIVIDE THAT
10 QUESTION UP A LITTLE BIT FOR ME.

11 Q ALL RIGHT. LET ME REPHRASE IT. IF I ASK YOU A
12 QUESTION AND YOU DON'T UNDERSTAND, OF COURSE, ASK ME AND
13 I'LL REPHRASE IT SO THAT YOU DO UNDERSTAND IT.

14 A I WILL.

15 Q BUT WHAT I'M TRYING TO DISCUSS WITH MORE
16 PARTICULARITY IS THE INFLUENCE THAT MR. HUNT HAD ON THE
17 PEOPLE THAT WERE IN THE BBC, AND WHAT I'M ASKING YOU SO THAT
18 YOU KNOW THE BACKGROUND OF MY QUESTION IS THE -- WAS THE
19 FACT THAT THE CONCEPTS WERE FORMULATED BY MR. HUNT PRIOR TO
20 YOU AND BEN AND THESE OTHER PEOPLE ORGANIZING THE BBC?

21 MS. LOPEZ: I'M GOING TO OBJECT AS NO PERSONAL
22 KNOWLEDGE AS TO WHEN JOE HUNT FORMULATED THESE CONCEPTS.
23 THIS WITNESS HAS NO WAY OF KNOWING WHEN JOE HUNT FORMULATED
24 THESE CONCEPTS.

25 MR. ZORNE: THEN LET ME REPHRASE IT.

26 THE COURT: ALL RIGHT. THE OBJECTION WILL BE
27 SUSTAINED.

28 MR. ZORNE: ALL RIGHT. LET ME REPHRASE IT.

1 Q THE CONCEPTS THAT WERE PROPOUNDED BY
2 MR. HUNT -- THE CONCEPTS THAT WERE PROPOUNDED BY MR. HUNT
3 PRECEDED THE ORGANIZATION OF BBC; IS THAT CORRECT?

4 MS. LOPEZ: AGAIN, NO PERSONAL KNOWLEDGE.

5 THE COURT: WELL, HE CAN ANSWER IT IF HE DOES HAVE
6 PERSONAL KNOWLEDGE. THERE MAY HAVE BEEN DISCUSSIONS OR
7 SOMETHING.

8 THE WITNESS: ARE YOU --

9 Q BY MR. ZORNE: WHAT I'M TRYING TO ASK YOU, DOES
10 THE CONCEPTS OF BBC, ALL THESE DIFFERENT CONCEPTS, THEY
11 WEREN'T ORIGINATED BY YOU AND BEN AND THESE OTHER PEOPLE;
12 THEY WERE ORIGINATED BY JOE; IS THAT CORRECT?

13 A NOT ENTIRELY. MAYBE I CAN --

14 Q ALL RIGHT. EXPLAIN IT, IF YOU CAN.

15 A I'LL TRY TO. THE PHILOSOPHY, THE PARADOX
16 PHILOSOPHY, WHICH UNDERLAID THIS WHOLE SITUATION WAS -- I
17 DON'T KNOW IF IT WAS FORMULATED BY JOE OR NOT, BUT IT WAS
18 CERTAINLY -- IT WAS CERTAINLY HIS BEFORE THIS SITUATION EVER
19 AROSE WITH RESPECT TO THE BBC PER SE. AS FAR AS THE
20 STRUCTURE AND THE ORGANIZATION OF THE BBC TO THE EXTENT THAT
21 IT WAS THE IDEA FOR A GROUP BASED UPON THOSE PRINCIPLES,
22 WELL, THAT WAS JOE'S IDEA.

23 THE WAY THE THE ACTUAL PEOPLE GOT TOGETHER AND FORMED
24 BUSINESS ORGANIZATIONS AND THE WAY WE SOCIALIZED AND THINGS
25 LIKE THAT, THAT WAS MORE OF A DEVELOPMENT THAT INVOLVED
26 OTHER PEOPLE MORE THAN JUST JOE.

27 Q ALL RIGHT. JUST TO PINPOINT IN TIME, WHEN WAS
28 BBC ACTUALLY -- WHEN DID THE CULMINATION OF THIS GROUP OF

600

1 AMORPHOUS MEN GET TOGETHER AND ACTUALLY FORM A BBC? CAN YOU
2 GIVE ME A TIME FRAME?

3 MS. LOPEZ: I'M GOING TO OBJECT AS VAGUE. DO YOU
4 MEAN THE CORPORATION ITSELF? WHEN WAS THE CORPORATION
5 FORMED OR ARE YOU TALKING ABOUT SOMETHING DIFFERENT? ARE
6 YOU TALKING ABOUT WHEN THEY BEGAN SOCIALIZING TOGETHER?

7 MR. ZORNE: NO. ARE YOU ASKING ME WHAT I THINK?

8 MS. LOPEZ: I'M ASKING WHAT YOU'RE ASKING. CLARIFY
9 YOUR QUESTION --

10 MR. ZORNE: LET ME ASK THE WITNESS AND THEN --

11 MS. LOPEZ: -- I'M OBJECTING AS VAGUE --

12 THE COURT: JUST A MOMENT. JUST A MOMENT. IS THERE
13 AN OBJECTION?

14 MS. LOPEZ: THERE'S AN OBJECTION AS TO VAGUE. I WANT
15 TO KNOW WHETHER OR NOT MR. ZORNE IS REFERRING TO THE BBC,
16 WHEN IT WAS FIRST INCORPORATED OR ARE YOU ASKING WHEN THEY
17 BEGAN SOCIALIZING TOGETHER AS A GROUP? I'M NOT CERTAIN WHAT
18 YOU'RE ASKING.

19 THE COURT: WELL, THAT'S NOT A VALID OBJECTION. WHAT
20 IS THE OBJECTION?

21 MS. LOPEZ: VAGUE. VAGUE ON THOSE GROUNDS.

22 THE COURT: ALL RIGHT. THE OBJECTION IS SUSTAINED AS
23 TO VAGUENESS. YOU MAY REPHRASE IT.

24 MR. ZORNE: ALL RIGHT. LET ME REPHRASE IT.

25 THE COURT: IF YOU'RE GOING TO MAKE AN OBJECTION, IT
26 SHOULD BE MADE TO THE COURT; NOT TO THE COUNSEL. DO YOU
27 UNDERSTAND?

28 MS. LOPEZ: THANK YOU. YES.

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