

COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

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

SUPERIOR COURT
NO. A-090435 1987
OCT 35 1987

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY
HONORABLE LAURENCE J. RITTENBAND, JUDGE PRESIDING
REPORTERS' TRANSCRIPT ON APPEAL

APPEARANCES:

FOR PLAINTIFF-RESPONDENT: JOHN K. VAN DE KAMP
STATE ATTORNEY GENERAL
3580 WILSHIRE BOULEVARD
ROOM 800
LOS ANGELES, CALIFORNIA 90010

FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 1² OF 101
(PAGES 1536 TO 1616, INCLUSIVE)

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

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WEST C

HON. LAURENCE J. RITTENBAND, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

PLAINTIFF,)

VS.)

NO. A-090435)

JOSEPH HUNT,)

DEFENDANT.)

REPORTERS' DAILY TRANSCRIPT

TUESDAY, NOVEMBER 25, 1986

VOLUME 12

(PAGES 1536 - 1616, INCLUSIVE)

APPEARANCES:

FOR THE PEOPLE:

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

FOR THE DEFENDANT:

ARTHUR H. BARENS, ESQ.
10209 SANTA MONICA BOULEVARD
LOS ANGELES, CALIFORNIA 90067

AND

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

PAULINE BUCHANAN, CSR NO. 3100
SALLY YERGER, CSR NO. 2008
OFFICIAL REPORTERS

COPY

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1 SANTA MONICA, CALIFORNIA; TUESDAY, NOVEMBER 25, 1986; 1:30 P.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)
4

5 (IN CAMERA PROCEEDINGS REPORTED BUT
6 NOT TRANSCRIBED AT THE ORDER OF THE
7 COURT. NOTES SEALED.)

8 (THE FOLLOWING PROCEEDINGS WERE HELD IN
9 OPEN COURT:)

10 THE COURT: THE COURT WILL INDICATE THE PRESENCE OF THE
11 DEFENDANT AND COUNSEL. FOR THE RECORD, THERE HAS BEEN A
12 CONFERENCE HELD IN CHAMBERS AT WHICH THE DEFENDANT AND BOTH
13 COUNSEL FOR THE DEFENDANT AND THE DISTRICT ATTORNEY WERE
14 PRESENT. CERTAIN THINGS WERE STATED BY THE DISTRICT ATTORNEY
15 AT THAT PARTICULAR CONFERENCE AND DISCUSSION HAD WITH RESPECT
16 TO THE SUBJECTS BROUGHT BY THE DISTRICT ATTORNEY.

17 IN VIEW OF THE FACT THAT THOSE MATTERS ARE
18 EXTREMELY CONFIDENTIAL, THE COURT IS DIRECTING COUNSEL AND
19 THE DEFENDANT AND ANYBODY ELSE ASSOCIATED WITH THEM, UNDER
20 NO CIRCUMSTANCES TO REVEAL ANYTHING AS TO WHAT WAS DISCUSSED
21 AT THIS PARTICULAR MEETING.

22 THEREFORE, THAT INCLUDES ANY STATEMENTS TO BE MADE
23 TO THE PRESS OR ANY OTHER THIRD PARTIES. ALL RIGHT?

24 MR. WAPNER: YES, YOUR HONOR, AND THAT WOULD INCLUDE --

25 THE COURT: AND THAT IS WITH THE CONSENTS AND APPROVAL
26 OF THE DEFENDANT AND ALL COUNSEL. IS THAT CORRECT?

27 MR. BARENS: SO STIPULATED, YOUR HONOR.

28 THE COURT: RIGHT?

1 SANTA MONICA, CALIFORNIA; TUESDAY, NOVEMBER 25, 1986; 1:32 P.M.
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE
3 (APPEARANCES AS NOTED ON TITLE PAGE.)

4
5 (THE PRIOR GAG ORDER HAVING BEEN RESCINDED
6 THE FOLLOWING PROCEEDINGS ARE NOW INCLUDED
7 IN THE RECORD:)

8 (THE FOLLOWING PROCEEDINGS WERE HELD IN
9 CHAMBERS:)

10 THE COURT: LET THE RECORD INDICATE THAT WE ARE IN
11 CHAMBERS AT THE PRESENT TIME WITH THE DEFENDANT BEING PRESENT.

12 MR. WAPNER: YOUR HONOR, TWO THINGS HAVE COME UP SINCE
13 LAST FRIDAY. FIRST OF ALL, ON FRIDAY I RECEIVED A CALL FROM
14 THE TUCSON POLICE DEPARTMENT.

15 THE COURT: TUCSON?

16 MR. WAPNER: TUCSON, ARIZONA POLICE DEPARTMENT; THEY
17 WERE CONTACTED BY A WITNESS WHO SAYS THAT SHE READ THE
18 ESQUIRE MAGAZINE ARTICLE ABOUT THE CASE, AND CLAIMS TO HAVE
19 SEEN A PERSON RESEMBLING RON LEVIN AT A GAS STATION IN
20 TUCSON, ARIZONA SIX TO EIGHT WEEKS AGO.

21 SHE SAYS SHE WAS WITH HER BOYFRIEND, AND I WENT
22 WITH AN INVESTIGATOR; I TALKED TO THIS WOMAN. I TALKED TO
23 THE BOYFRIEND.

24 THE STATEMENTS THAT SHE MADE AND THAT HE MADE

25 WERE TAPE RECORDED. THOSE STATEMENTS, COPIES OF THOSE TAPES,
26 HAVE BEEN MADE, ARE AVAILABLE TO THE DEFENSE AT THE
27 DISTRICT ATTORNEY'S SOUND LAB.

28 AS IN ANY OTHER CASE, THE PROCEDURE IS THAT WHEN

1 THE DEFENSE PROVIDES US WITH COPIES OF CASSETTES, WHICH IN
2 THIS CASE WE WILL KEEP BECAUSE THE COPIES HAVE ALREADY BEEN
3 MADE, AND PAYS FOR THE TAPES, THEY ARE AVAILABLE. SO THEY
4 ARE AVAILABLE AS SOON AS THIS AFTERNOON IF THAT PROCEDURE
5 IS FOLLOWED.

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1 THAT THE SECOND THING THAT HAPPENED ON FRIDAY,
2 WAS THAT I WAS CONTACTED, CALLED BY AN ATTORNEY NAMED LEWIS
3 TITUS, WHO --

4 THE COURT: WHO?

5 MR. WAPNER: TITUS, T-I-T-U-S. MR. TITUS WAS MR. BARENS'
6 CO-COUNSEL AT THE PRELIMINARY HEARING IN THIS CASE.

7 MR. TITUS INFORMED ME THAT HE HAD A CONVERSATION
8 WITH MR. BARENS ABOUT PROCURING A WITNESS TO TESTIFY THAT
9 HE HAD SEEN RON LEVIN.

10 THE COURT: THE WITNESS HAD SEEN RON LEVIN?

11 MR. WAPNER: PROCURING A WITNESS WHO WOULD SAY THAT
12 HE --

13 THE COURT: WHAT DO YOU MEAN "PROCURING"?

14 MR. WAPNER: IN OTHER WORDS, NOT A WITNESS WHO HAD
15 ACTUALLY SEEN HIM BUT TO FIND SOMEONE TO SAY THAT.

16 SUBSEQUENT TO THAT CONVERSATION ON THE TELEPHONE,
17 I HAD A CONVERSATION WITH MR. TITUS AND OUR DISTRICT ATTORNEY
18 INVESTIGATOR, THAT WAS IN MORE DETAIL. THE CONVERSATION ON
19 THE TELEPHONE WAS VERY BRIEF.

20 AND THE CONVERSATION WHICH HE HAD IN PERSON WITH
21 HIM, WAS IN MORE DETAIL. IT WAS NOT TAPE RECORDED, AT HIS
22 REQUEST.

23 AND A REPORT IS BEING TYPED AND COPIES, AS WE
24 SPEAK, THAT WILL BE PRESENTED TO THE DEFENSE.

25 THE COURT: LET ME SEE IF I CAN GET IT CLEAR. YOU SAY
26 THAT AN ASSOCIATE OF MR. BARENS HAD TOLD YOU AFTER THE
27 PRELIMINARY HEARING IN THIS CASE, THAT THERE WAS A PERSON
28 WHO PURPORTED TO BE -- WHO HAD PURPORTED TO HAVE SEEN

1 RON LEVIN, ALTHOUGH HE HAD NOT ACTUALLY SEEN HIM. BUT HE
2 WOULD PRODUCE THIS PERSON SO HE WOULD TESTIFY TO THAT EFFECT.
3 IS THAT WHAT YOU ARE TELLING US?

4 MR. WAPNER: THAT WAS THE ESSENCE OF THE CONVERSATION.
5 THIS INFORMATION WAS GIVEN TO ME FRIDAY. THAT IS THE --

6 THE COURT: FRIDAY WHEN?

7 MR. WAPNER: LAST WEEK.

8 THE COURT: YOU ARE TALKING ABOUT AN ASSOCIATE, YOU
9 MEAN?

10 MR. WAPNER: THE ASSOCIATE CALLED ME FRIDAY, NOVEMBER
11 21ST.

12 THE COURT: THAT WAS TITUS?

13 MR. WAPNER: CORRECT, TO GIVE ME THIS INFORMATION.

14 THE COURT: WHAT IS THE IMPLICATION? I DON'T UNDERSTAND
15 IT. I REALLY DON'T UNDERSTAND IT.

16 IS IT THAT THEY WERE CONCOCTING SOME KIND OF AN
17 ALIBI TO PRODUCE A WITNESS WHO NEVER ACTUALLY SAW HIM BUT
18 SAID HE WOULD?

19 MR. WAPNER: THAT IS THE GIST OF WHAT HE IS SAYING.

20 THE COURT: MR. TITUS?

21 MR. WAPNER: CORRECT, THAT HE HAD A CONVERSATION WITH
22 MR. BARENS IN WHICH MR. BARENS SUGGESTED THAT THAT WAS --

23 THE COURT: WHAT HE SHOULD DO?

24 MR. WAPNER: NOT WHAT TITUS SHOULD DO, BUT THAT IS WHAT
25 COULD BE DONE OR SHOULD BE DONE.

26 IT IS NOT MY INTENTION TO GO INTO THE DETAILS
27 NOW.

28 THE COURT: BUT THEN HE HAD A SUBSEQUENT CONFERENCE

1 WITH HIM, YOU AND THE INVESTIGATOR?

2 MR. WAPNER: RIGHT. THE INVESTIGATOR MADE A REPORT
3 OF THAT, WHICH I WILL HAVE COPIES OF TO THE DEFENSE BY THIS
4 AFTERNOON.

5 THE COURT: WHAT WAS THE SUBSTANCE OF THAT CONVERSATION?

6 MR. WAPNER: THE SUBSTANCE OF THE CONFERENCE WITH THE --

7 THE COURT: TITUS AND YOU AND THE INVESTIGATOR?

8 MR. WAPNER: WELL, THE SUBSTANCE OF IT IS THAT MR. TITUS
9 AND MR. BARENS HAD A CONVERSATION WHERE MR. BARENS LAID OUT
10 THIS SCENARIO ABOUT THE POSSIBILITY -- ABOUT PROCURING A
11 WITNESS TO TESTIFY THAT HE OR SHE HAD SEEN RON LEVIN IN RIO.
12 THAT WAS THE SUBSTANCE OF IT.

13 MR. CHIER: WHEN WAS THIS CONVERSATION ALLEGED TO HAVE TAKEN
14 PLACE?

15 MR. WAPNER: HE DID NOT GIVE ME THE PRECISE DATE OF
16 IT.

17 MR. CHIER: WHAT YEAR?

18 MR. WAPNER: -- OF THE CONVERSATION, BUT HE SUGGESTED
19 THAT IT WAS IMMEDIATELY -- THAT THE CONVERSATION TOOK PLACE
20 IN MR. BARENS' VEHICLE OUTSIDE OF THE HALL OF JUSTICE AFTER
21 A VISIT BY MR. BARENS TO MR. HUNT AT THE HALL OF JUSTICE JAIL.

22 MR. BARENS: COULD I RESPOND TO THIS, YOUR HONOR?

23 THE COURT: WELL, I WANT TO SEE WHAT THE PURPOSE OF
24 ALL OF THIS IS.

25 MR. BARENS: BUT I WOULD LIKE TO BE HEARD.

26 THE COURT: OF COURSE, YOU WILL BE HEARD.

27 MR. WAPNER: THE PURPOSE OF IT IS TO GIVE THE DEFENSE
28 THIS INFORMATION THAT I WAS GIVEN, BOTH OF THESE THINGS THAT

1 I WAS GIVEN OVER THE WEEKEND.

2 MR. CHIER: THESE CAME IN TANDEM?

3 THE COURT: WELL, LET MR. BARENS DO THE TALKING. HE
4 IS THE ONE THAT IS INVOLVED.

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1 MR. BARENS: I WOULD LIKE TO ADDRESS THAT SPECIFIC ISSUE
2 AND MAKE A STATEMENT.

3 THE COURT: SURE.

4 MR. BARENS: DURING THE PRELIMINARY HEARING LOU TITUS
5 WAS EMPLOYED BY MY OFFICE TO ASSIST ME AT THE PRELIMINARY
6 HEARING SOME TWO YEARS AGO, APPROXIMATELY ALMOST TWO YEARS
7 AGO. SHORTLY THEREAFTER HE WAS FIRED BY MY OFFICE.

8 SUBSEQUENT TO THAT I BELIEVE MR. TITUS WAS
9 DECLARED MENTALLY INCOMPETENT AND WAS INCARCERATED OR RETAINED
10 IN A MENTAL HOSPITAL WHEREIN HE WAS PLACED BY HIS FAMILY.
11 HE HAD BECOME -- WE TERMINATED MR. TITUS AS THE RESULT OF
12 IRRATIONAL BEHAVIOR ON HIS PART WHEREIN HE HAD BEEN ARRESTED
13 FOR HAVING BEATEN ONE OF THE SECRETARIES IN MY OFFICE.

14 HE HAD PROBLEMS WHICH I WAS LATER TO FIND OUT
15 WERE LONG-STANDING MENTAL PROBLEMS. I UNDERSTOOD -- THE LAST
16 TIME I HEARD ABOUT MR. TITUS, WHICH I WANT TO CONVEY TO THE
17 COURT, MY OLDER BROTHER WHOSE NAME IS LEE IS PRESENTLY IN
18 A RECOVERY HOME FOR DRUG ADDICTION.

19 MY BROTHER TOLD ME HE IS STAYING AT A PLACE CALLED
20 BISHOP GOODIN, I BELIEVE, IN THE GLENDALE AREA. LAST WEEK
21 MY BROTHER TOLD ME HE HAD SEEN LOU TITUS, IS ALSO A RESIDENT
22 IN THE BISHOP GOODIN FACILITY.

23 MR. TITUS WAS TELLING MY BROTHER HE WAS AN EMPLOYEE
24 AT O'MELVENY & MYERS, AND MY BROTHER THOUGHT THAT WAS SOMEWHAT
25 INCREDULOUS BECAUSE HOW COULD HE BE IN A HALFWAY HOUSE AND
26 SAYING HE WAS AN EMPLOYEE AT O'MELVENY & MYERS.

27 HE INDICATED TO ME THAT MR. TITUS BORE A LOT OF
28 RESENTMENT TOWARD ME BECAUSE HE HAD BEEN TERMINATED, AND MADE

1 A LOT OF STATEMENTS TO PEOPLE THERE TO THE EFFECT THAT HE
2 WAS "GOING TO GET ME" AND THAT I "HAD A BIG EGO" AND THAT
3 "SOMEBODY SHOULD BRING ME DOWN A LITTLE."

4 MY BROTHER DID NOT MENTION TO ME ANYTHING ABOUT
5 THIS TYPE OF ALLEGATION THAT MR. WAPNER HAS ARTICULATED.

6 DURING THE PERIOD OF TIME AFTER MR. TITUS WAS
7 TERMINATED BY MY OFFICE, WE ATTEMPTED TO BE OF SOME ASSISTANCE
8 TO HIM AND HIS FAMILY IN GETTING HIM THE MEDICAL CARE HE
9 EVIDENTLY REQUIRED AT THAT TIME.

10 FOR A LONG TIME AFTER THAT WE HAD CONSTANT CALLS
11 INCLUDING FROM THE STATE BAR, INQUIRING AS TO HIS WHEREABOUTS,
12 BECAUSE OF CASES HE HAD BEEN INTERESTED IN IN OUR OFFICE THAT
13 WERE NOT BEING SERVICED.

14 THE LAST WE WERE ADVISED BY, I BELIEVE, HIS OLDER
15 SISTER IN -- IF I AM NOT MISTAKEN. I HAVE NEVER MET THE
16 PERSON -- THAT HE HAD BEEN PLACED IN A FACILITY AT THAT POINT
17 IN TIME. WE NEVER HEARD FROM HIM AGAIN ON A DIRECT LEVEL.

18 I WOULD ALSO LIKE TO STATE THAT ON TWO OR THREE
19 OCCASIONS SUBSEQUENT TO HIS TERMINATION, MR. TITUS CALLED
20 MY HOME AND THREATENED MY LIFE, SAID HE WAS GOING TO SHOOT
21 ME, ET CETERA, ET CETERA; AND HE HAD SHOWN UP AT ONE OF MY
22 SECRETARY'S HOMES, DRESSED AS A SHERIFF WITH A GUN, AND
23 INTIMIDATED THIS YOUNG LADY IN A VERY BIZARRE FASHION.

24 AT THAT TIME I WARNED HIM THAT IF THIS CONTINUES,
25 SOMETHING --

26 THE COURT: AT THAT TIME WHEN HE WAS DRESSED UP?

27 MR. BARENS: I SPOKE TO HIM BY TELEPHONE. HE WAS AT
28 THIS GIRL'S HOUSE, AND I SPOKE TO HIM BY PHONE AND SAID THAT,

1 YOU KNOW, THIS WAS PRETTY BIZARRE STUFF TO BE GOING ON, AND
2 THAT HE SHOULD DESIST FROM THAT KIND OF STUFF.

3 I BELIEVE THAT THERE WAS A POLICE REPORT MADE
4 ABOUT THAT INCIDENT. I BELIEVE HE WAS ARRESTED AS A RESULT
5 OF THAT INCIDENT. I DO RECALL AFTER THAT THAT HE HAD CALLED
6 ME.

7 I DID NOT TAKE ACTION ON IT. HE THEN THREATENED
8 MY LIFE ON CERTAIN OCCASIONS.

9 I SAY ALL OF THIS BECAUSE IT WOULD BE INCREDIBLE
10 TO ME THAT THE DISTRICT ATTORNEY WOULD NOT BE AWARE OF ANY
11 OF THIS INFORMATION. IT WOULD BE INCREDIBLE TO ME THAT THE
12 DISTRICT ATTORNEY WOULD NOT BE AWARE THAT MR. TITUS IS IN
13 A HALFWAY HOUSE OR A FACILITY.

14 THE COURT: WELL, HOW WOULD THEY BE CHARGED WITH KNOWLEDGE
15 OF THAT?

16 MR. BARENS: I WOULD ASSUME THAT IN CONVERSATION, IF
17 THEY HAD A MEETING WITH MR. TITUS, THAT THEY WOULD ASK HIM,
18 "WHERE DO YOU LIVE?", OR "WHAT DO YOU DO FOR A LIVING?", OR
19 THINGS OF THAT EFFECT, OR "WHAT HAVE YOU BEEN DOING FOR THE
20 LAST FEW YEARS?"

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