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

DEPARTMENT NO. 101

HON. J. STEPHEN CHOLEWICKI, JUDGE  
COURT OF APPEALS, SECOND DIST.

FILED

DEC 01 1997

JOSEPH A. LANE Clerk  
Z. HERRERA Deputy Clerk  
NO. A 090435

IN RE

JOSEPH HUNT

ON HABEAS CORPUS.

REPORTERS' DAILY TRANSCRIPT

VOLUME 2

MONDAY, APRIL 22, 1996

PAGE 87 THROUGH 335, INCL.

APPEARANCES:

FOR THE PETITIONER  
JOSEPH HUNT:

ROWAN KLEIN  
ATTORNEY AT LAW  
AND  
MICHAEL CRAIN  
ATTORNEY AT LAW

FOR THE RESPONDENT  
THE PEOPLE OF THE  
STATE OF CALIFORNIA:

GIL GARCETTI  
DISTRICT ATTORNEY  
BY: ANDREW MC MULLEN, DEPUTY  
BY: IMOGENE KATAYANA, DEPUTY  
18000 CRIMINAL COURTS BUILDING  
210 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012

M. HELEN THEISS, CSR, #2264  
OFFICIAL COURT REPORTER

BY

FILE COPY

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FOR THE COUNTY OF LOS ANGELES

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IN RE JOE HUNT ON HABEAS CORPUS, B059613  
IN RE JOE HUNT ON HABEAS CORPUS, B059615  
LASC CASE NO. A090435

**2. HUNT EVIDENTIARY HEARING FILE**

**e. TRANSCRIPTS**

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2	Reporter's Transcript of Proceedings, 04/23/96, Vol. 3, Evidentiary Hearing, Testimony of Marmor, Robinson	Rcv'd 04-29-96



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(NONE)

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M A S T E R I N D E X

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1 LOS ANGELES, CALIFORNIA; MONDAY, APRIL 22, 1996

2 9:10 A. M.

3 DEPARTMENT NO. 101

HON. J. STEPHEN CZULEGER, JUDGE

4  
5 APPEARANCES:

6 THE PETITIONER, JOSEPH HUNT, WITH HIS COUNSEL,  
7 ROWAN KLEIN, BAR PANEL APPOINTMENT; AND MICHAEL  
8 CRAIN, BAR PANEL APPOINTMENT; ANDREW MC MULLEN,  
9 DEPUTY DISTRICT ATTORNEY OF LOS ANGELES COUNTY;  
10 AND IMOGENE KATAYAMA, DEPUTY DISTRICT ATTORNEY OF  
11 LOS ANGELES COUNTY, REPRESENTING THE PEOPLE OF THE  
12 STATE OF CALIFORNIA.

13  
14 (M. HELEN THEISS, CSR #2264, OFFICIAL REPORTER.)

15  
16 THE BAILIFF: REMAIN SEATED, COME TO ORDER,  
17 DEPARTMENT 101 IS NOW IN SESSION.

18 THE COURT: IN THE CASE OF IN RE JOSEPH HUNT ON  
19 HABEAS CORPUS.

20 COUNSEL, PLEASE MAKE YOUR APPEARANCES FOR THE  
21 RECORD.

22 MR. CRAIN: MICHAEL CRAIN, C-R-A-I-N, HERE FOR  
23 MR. HUNT.

24 MR. KLEIN: ROWAN KLEIN FOR MR. HUNT.

25 MR. MC MULLEN: ANDREW MC MULLEN FOR THE PEOPLE.

26 MS. KATAYAMA: IMOGENE KATAYAMA FOR THE PEOPLE.

27 THE COURT: THIS MATTER IS ON FOR A CONTINUATION OF  
28 A HABEAS CORPUS HEARING WHICH HAS ALREADY BEGUN. THERE

1 ARE A COUPLE OF MOTIONS THAT HAVE BEEN FILED THAT I HAVE  
2 NOT YET RULED ON. ONE IS THE MOTION FILED BY THE PEOPLE  
3 TO QUASH THE SUBPOENA DUCES TECUM ON THE DISTRICT  
4 ATTORNEY'S OFFICE.

5 DO YOU WISH TO BE HEARD ON THAT,  
6 MR. MC MULLEN?

7 MR. MC MULLEN: I WOULD JUST LIKE TO ADD ONE THING  
8 TO MY DECLARATION. I THOUGHT ABOUT IT LATER. DURING THE  
9 CONVERSATION I HAD WITH MR. KLEIN AND MR. CRAIN AT ONE  
10 POINT IN TIME I MADE A PHONE CALL TO SPECIAL AGENT  
11 UNDERWOOD AND HAD HER GO THROUGH HER PROGRESSIVE SAVINGS  
12 AND LOAN FILE AND LOOK FOR YOUR NAME.

13 SHE LOOKED THROUGH EVERY DOCUMENT OVER THE  
14 PHONE WITH ME AND INDICATED THAT YOUR NAME WAS NOWHERE TO  
15 BE FOUND. I NEGLECTED TO PUT THAT IN MY DECLARATION.

16 I -- OTHER THAN THAT I WOULD SUBMIT ON THE  
17 PAPERS.

18 THE COURT: MR. KLEIN, MR. CRAIN, DO YOU WISH TO BE  
19 HEARD ON THIS MOTION?

20 MR. KLEIN: I THINK THAT THE COURT IS DISCUSSING  
21 ISSUES THAT I THINK ARE WAY BEYOND WHAT ISSUES SHOULD BE  
22 ADDRESSED FIRST. I THINK THERE ARE OTHER ISSUES THAT NEED  
23 TO BE ADDRESSED BY THE COURT FIRST BEFORE WE CAN GET TO  
24 ANY --

25 THE COURT: I AM TALKING ABOUT THIS MOTION. DO YOU  
26 HAVE A RESPONSE TO THIS MOTION?

27 MR. KLEIN: I DO. BUT I HAVE A RESPONSE TO THE  
28 COURT RULING ON ANY MOTION WHICH I THINK JURISDICTIONALLY

1 THE COURT SHOULD TAKE UP FIRST.

2 THE COURT: DO YOU HAVE ANYTHING TO ADD TO THE  
3 MOTION TO QUASH THAT MR. MC MULLEN HAS JUST MADE?

4 MR. KLEIN: IT RELATES TO THE COURT'S JURISDICTION  
5 FIRST. MAY I BE HEARD ABOUT THAT?

6 THE COURT: YOU MAY BE HEARD ON THE MOTION TO  
7 QUASH. I WILL HEAR ANYTHING ABOUT JURISDICTION IN A  
8 MOMENT.

9 MR. KLEIN: WELL, ON THE MOTION TO QUASH, YOUR  
10 HONOR, WE HAVE SET FORTH IN A DECLARATION THAT THERE  
11 EXISTS A DOCUMENT THAT HAS YOUR NAME ON IT THAT RELATES TO  
12 PROGRESSIVE SAVINGS AND LOAN. WE ARE REASONABLY CERTAIN  
13 UNDER PENALTY OF PERJURY THAT THAT DOCUMENT EXISTS IN THE  
14 24 BOXES THAT MR. CRAIN AND I EXAMINED. I KNOW NOTHING  
15 ABOUT ANY SEPARATE FILE THAT MS. UNDERWOOD MAY HAVE  
16 BECAUSE WE HAVE NEVER BEEN PROVIDED ACCESS TO THAT FILE.

17 ALL WE ARE DOING IS ASKING TO FIND THE  
18 DOCUMENT THAT WE ARE REASONABLY CERTAIN EXISTS THAT  
19 PERTAINS TO YOUR NAME AND YOUR INVOLVEMENT IN PROGRESSIVE  
20 SAVINGS AND LOAN IN ORDER TO REBUT YOUR STATEMENT IN YOUR  
21 VERIFIED ANSWER THAT YOU DON'T HAVE ANY MEMORY OF ANY  
22 INVOLVEMENT IN PROGRESSIVE SAVINGS AND LOAN.

23 THE COURT: THIS IS THE 24 BOX OF DOCUMENTS THAT  
24 YOU SPENT MOST OF LAST YEAR GOING THROUGH?

25 MR. KLEIN: NO, YOUR HONOR. IT IS THE 24 BOXES  
26 THAT MR. CRAIN AND I SPENT THREE TO FOUR DAYS LOOKING AT.

27 THE COURT: BUT YOU HAD ACCESS TO THAT ALL OF LAST  
28 YEAR; CORRECT?

1           MR. KLEIN: NO, YOUR HONOR, WE DIDN'T HAVE -- GO  
2 AHEAD.

3           MR. CRAIN: WE WENT TO THE DISTRICT ATTORNEY'S  
4 OFFICE, WE MADE AN APPOINTMENT, WE SAT THERE WITH ONE OF  
5 THEIR LAW CLERKS, WE WATCHED THE PROCEEDINGS, WE WENT  
6 THROUGH A NUMBER OF BOXES ON SEVERAL OCCASIONS, AS STATED  
7 IN MY DECLARATION. THESE BOXES WERE -- THEN COPIES OF  
8 DOCUMENTS THAT WE WANTED FROM THESE BOXES WERE DELIVERED  
9 TO OUR OFFICE, AND MY SECRETARY WAS IN THE PROCESS OF  
10 CATALOGING THESE BOXES AND ALLEGED TO ME THAT SHE SAW THIS  
11 DOCUMENT THAT I NOTIFIED THE COURT ABOUT IN FEBRUARY. IN  
12 MY LETTER TO THE COURT FOR WHICH I, BY THE WAY, I NEVER  
13 GOT ANY RESPONSE.

14           THE COURT: COUNSEL, I SAID IF THERE WAS ANY ISSUE  
15 I WOULD RESPOND. THERE WAS NO ISSUE.

16           MR. CRAIN: BE THAT AS IT MAY, THERE WAS NO  
17 RESPONSE. SO AFTER WE THEN LEARNED FROM HER THAT SHE HAD  
18 SEEN SUCH A DOCUMENT WE WERE UNABLE TO FIND THE DOCUMENTS.  
19 I HAVE NEVER BEEN ABLE TO FIND THE DOCUMENT.

20           BUT I KNOW THIS PERSON. SHE HAS WORKED FOR  
21 US FOR SOME TIME, AND I BELIEVE THAT SHE SAW THE DOCUMENT  
22 OR SAW SOME DOCUMENT PERTAINING TO THESE MATTERS WITH YOUR  
23 NAME ON THEM.

24           NOW, I NOTIFIED MR. MC MULLEN. I TOLD  
25 MR. MC MULLEN THE PROBLEM THAT WE WERE HAVING. I ASKED  
26 MR. MC MULLEN IF EITHER, ONE, HE COULD SEE IF HE COULD  
27 TURN UP THE DOCUMENT OR KNEW ABOUT IT.

28           HE SAID THAT HE DIDN'T KNOW ABOUT IT.

1 OR EVENTUALLY, IF WE COULD LOOK THROUGH THE  
2 BOXES AGAIN OURSELVES.

3 MR. MC MULLEN SAID, I AM SUMMARIZING THESE  
4 BECAUSE THERE WERE A NUMBER OF CONVERSATIONS ABOUT THIS,  
5 "HE WOULD LOOK OR HAVE SOMEONE LOOK FOR THE DOCUMENT AS  
6 TIME PERMITTED."

7 MY UNDERSTANDING OF THE INFORMATION THAT I  
8 GOT BACK FROM HIM OVER A PERIOD OF TIME WAS THAT THEY WERE  
9 LOOKING FOR IT AS TIME PERMITTED, BUT THEY DIDN'T REALLY  
10 HAVE THE TIME TO DEVOTE TO IT FULLY BECAUSE OF THEIR NEED  
11 TO PREPARE FOR THE REST OF THE MATTERS INVOLVING THIS  
12 CASE.

13 SO AFTER SOME PERIOD OF TIME HAD PASSED AND  
14 THE RESPONDENT HAD SAID THAT THEY HAD NEVER BEEN ABLE TO  
15 LOCATE THE DOCUMENT DURING THE LIMITED SEARCH TIME THAT  
16 THEY WERE ABLE TO GIVE TO IT, I ASKED MR. MC MULLEN, I  
17 SAID, "LOOK, I WILL COME DOWN THERE MYSELF AND SIT THERE  
18 WITH YOUR LAW CLERK AND LOOK FOR THE DOCUMENT MYSELF. IS  
19 THAT ALL RIGHT WITH YOU? BECAUSE IT IS AN IMPORTANT  
20 MATTER, IT GOES TO WHETHER OR NOT THIS COURT SHOULD BE  
21 LEGALLY DISQUALIFIED FROM SITTING ON THE CASE."

22 AND MR. MC MULLEN'S RESPONSE TO ME, AND IN SO  
23 MANY WORDS, WAS "NO, YOU HAD A CHANCE TO LOOK FOR IT. WE  
24 ARE NOT GOING TO LET YOU DO THAT."

25 SO THAT'S WHERE THINGS STAND WITH REGARD TO  
26 THAT. SO WE FILED A SUBPOENA DUCES TECUM IN ORDER TO GET  
27 THE BOXES BEFORE THE COURT SO THAT THE MATTER, THE  
28 DOCUMENT, THE SEARCH FOR THE DOCUMENT CAN BE DONE BECAUSE

1 THE PEOPLE WON'T LET US SEARCH FOR THE DOCUMENT.

2 THIS IS NOT SOME TRIVIAL THING. THIS GOES TO  
3 THE VERY MATTER OF WHETHER OR NOT THE COURT, BEYOND THE  
4 REASONS THAT WE STATED IN THE DECLARATION INVOLVING THE  
5 PROSECUTION OF RON LEVIN IN 1979, SHOULD BE DISQUALIFIED  
6 FOR OTHER REASONS BECAUSE OF YOUR INVOLVEMENT IN THE CASE  
7 AS THE U.S. ATTORNEY AND YOUR KNOWLEDGE OF THE PEOPLE THAT  
8 WE THINK ARE WITNESSES WHO SHOULD BE CALLED IN THE CASE.

9 I THINK THAT'S WHY MR. KLEIN IS SAYING WE  
10 HAVE A VERY FUNDAMENTAL JURISDICTIONAL MATTER HERE. IF  
11 THE COURT CHOOSES TO PROCEED IN A DIFFERENT COURSE, THEN  
12 WE THINK IT SHOULD BE DONE IN TERMS OF WHAT'S MORE  
13 SIGNIFICANT HERE, THAT'S THE COURT'S PREROGATIVE, BUT  
14 THAT'S WHY WE SUBPOENAED THE DOCUMENTS.

15 NOW, WITH REGARDS TO THE OTHER PART OF THE  
16 SUBPOENA, WHICH THE PEOPLE MOVE TO QUASH WITH REGARD TO  
17 BILLING RECORDS, AND OF THE DISTRICT ATTORNEY'S OFFICE, IT  
18 IS ALLEGED, FIRST, THE MOTION TO DISQUALIFY THIS COURT FOR  
19 ACTUAL BIAS THERE. THIS COURT HAS EXPRESSED A BIAS  
20 AGAINST AMONG OTHER DEFENSE COUNSEL AND WE SET FORTH THE  
21 REASONS IN THE DECLARATION, AND I WON'T REPEAT THAT HERE.

22 WE BELIEVE THAT IN ORDER TO FULLY FLESH THIS  
23 OUT, IF ANY NEED TO DO THAT IS NECESSARY, ALTHOUGH I DON'T  
24 THINK IT IS THAT -- PARTICULARLY IN VIEW OF MR. KLEIN'S  
25 AND MY ATTEMPT TO MAKE SURE THAT THE PENAL CODE IS  
26 COMPLIED WITH AND THAT THE COURT IS CONCERNED ABOUT  
27 FUNDING FOR THIS CASE IS PAID FOR BY THE STATE AS THE  
28 LEGISLATURE HAS PROVIDED. WE HAVE SOUGHT TO SEE WHAT

1 THESE RECORDS ARE THAT THE DISTRICT ATTORNEY -- HOW MUCH  
2 MONEY THEY HAVE SPENT ON THE CASE IN ORDER TO COMPARE IT  
3 TO WHAT WE THINK IS A VERY LIMITED AND NIGGARDLY AMOUNT  
4 THAT THE COURT HAS ALLOWED.

5 THE COURT: A QUARTER OF A MILLION DOLLARS? OVER A  
6 QUARTER OF A MILLION DOLLARS? THAT'S WHAT THIS CASE HAS  
7 COST SO FAR JUST FOR THE HABEAS.

8 MR. CRAIN: I AM SAYING IT IS AN ONGOING STRUGGLE  
9 IN THIS COURT TO GET PROPER FUNDING IN THIS CASE, AND IT  
10 HAS BEEN GOING ON EVER SINCE WE ARRIVED IN THIS  
11 DEPARTMENT. SO WE ARE ATTEMPTING TO SHOW BY WAY OF  
12 S.D.T., THE DISTRICTS ATTORNEY'S RECORDS, WITH REGARDS TO  
13 FUNDING HOW THIS IS TRUE.

14 OF COURSE, THE COURT ONCE MADE THE COMMENT,  
15 WHICH I THINK WAS ON THE RECORD, PERHAPS IT WAS OFF THE  
16 RECORD WHEN WE WERE DISCUSSING THE GREAT DISPARITY BETWEEN  
17 THE AMOUNT OF MONEY THAT THE PROSECUTION HAS HAD, WHICH IS  
18 IN NO WAY CONTROLLED BY THE COURT. THEY CAN SPEND  
19 WHATEVER THEY WANT. LOOK AT THE LINE UP THEY HAVE GOT  
20 HERE. THEY HAVE GOT TWO INVESTIGATORS, TWO ATTORNEYS, LAW  
21 CLERKS, AND UNLIMITED AMOUNT OF MONEY. THE COURT'S  
22 COMMENT WAS SOMETHING LIKE, "LIFE IS NOT FAIR." SO THAT'S  
23 WHY WE SUBPOENAED THESE TWO ITEMS.

24 THE COURT: MR. MC MULLEN?

25 MR. KLEIN: TWO LAST COMMENTS, YOUR HONOR.

26 THE COURT: VERY QUICKLY.

27 MR. KLEIN: WITH RESPECT TO THE DOCUMENT THAT WE  
28 BELIEVE EXISTS IN THE DISTRICT ATTORNEY'S FILES, IT IS OUR

1 POSITION, BECAUSE WE DON'T BELIEVE YOUR HONOR HAS  
2 JURISDICTION, THAT THOSE FILES SHOULD BE EXAMINED BY  
3 ANOTHER JUDGE TO FIND THE DOCUMENT SO THAT IT WOULD PROVE  
4 OUR ALLEGATIONS IN OUR DECLARATION.

5 IN THE ALTERNATIVE MR. KLEIN -- MR. CRAIN AND  
6 I HAVE BEEN WILLING TO GO LOOK AT THE FILES, FIND THE  
7 DOCUMENT AND PRESENT IT TO THE COURT.

8 THE COURT'S COMMENT ABOUT THE AMOUNT OF MONEY  
9 THAT WE HAVE RECEIVED FOR THIS CASE, THE COURT HAS NO IDEA  
10 HOW MUCH MONEY WE HAVE HAD TO SPENT, WHICH IS  
11 EXTRAORDINARY, THOSE EXPENSES ARE OUT OF OUR OWN POCKET,  
12 BUT THE COURT SIMPLY SAYS THOSE ARE REASONABLE OVERHEAD,  
13 AND THE COURT HAS NO IDEA WHAT REASONABLE OVERHEAD IS.

14 THE COURT: I DISAGREE WITH THAT LAST POINT.

15 MR. MC MULLEN.

16 MR. MC MULLEN: JUST VERY BRIEFLY. FIRST OF ALL,  
17 THE PEOPLE HAVE NOT UNLIMITED FUNDS IN THIS CASE, AND I  
18 REPRESENT THAT TO, YOUR HONOR.

19 SECONDLY, WITH RESPECT TO THE SEARCH FOR THE  
20 DOCUMENT, I LOOKED FOR THE DOCUMENT, MS. KATAYAMA LOOKED  
21 FOR THE DOCUMENT, ANOTHER LAW CLERK LOOKED FOR THE  
22 DOCUMENT. IN FACT, THE OTHER LAW CLERK CAME UP WITH A  
23 MINUTE ORDER WITH RESPECT TO THE MAIL FRAUD CASE WHERE YOU  
24 MADE APPEARANCES BEFORE MR. LEVIN WAS BROUGHT INTO THE  
25 CASE WITH A SUPERSEDING INDICTMENT.

26 THE COURT: IS THAT THE REFERENCE THAT THERE IS IN  
27 SOME PAPERWORK ABOUT I APPEARED IN SOME CASE WITH SOME  
28 CO-DEFENDANTS?



1           MR. MC MULLEN:   AND MR. LEVIN WAS -- HE WASN'T  
2 ASSOCIATED WITH THAT CASE AT THAT TIME.

3                   WE LOOKED THROUGH --

4           THE COURT:   WHAT KIND OF APPEARANCE WAS IT?

5           MR. MC MULLEN:   I THINK IT WAS SOME KIND OF A  
6 CONTINUANCE, BUT I DON'T HAVE THE MINUTE ORDER IN FRONT OF  
7 ME.   WE PROVIDED THAT TO COUNSEL.

8                   WE -- WHEN WE PROVIDED THE DOCUMENTS TO  
9 MR. KLEIN AND MR. CRAIN, FOR WHICH THEY WENT TO LOOK  
10 THROUGH AGAIN, WE PREPARED A VERY DETAILED INDEX. WE  
11 DIDN'T GO THROUGH EVERY SINGLE DOCUMENT IN THOSE FILE  
12 BOXES, BUT WE DID A SPOT CHECK.

13           MR. KLEIN:   WE TRIED TO IDENTIFY THROUGH DENISE  
14 GARY WHAT TYPE OF DOCUMENT IT WAS, WHERE IT MIGHT BE. WE  
15 LOOKED VERY CAREFULLY. WE WERE UNABLE TO FIND IT. IT  
16 JUST SEEMED TO ME THAT WE NEEDED TO PROCEED WITH OUR  
17 PREPARATION RATHER THAN DIVERGE INTO THIS SEARCH.

18                   AND WE SUBMIT ON IT THAT.

19           THE COURT:   ALL RIGHT.

20                   THE MOTION TO QUASH IS GRANTED. THERE HAS  
21 BEEN PLENTY OF TIME TO CONDUCT DISCOVERY IN THIS CASE.  
22 COUNSEL HAS BEEN GIVEN AN OPPORTUNITY TO GO THROUGH THESE  
23 DOCUMENTS FOR SUBSTANTIAL PERIODS OF TIME, AT LEAST FOUR  
24 LAWYERS HAVE NOW GONE THROUGH THEM.

25                   THE LAW CLERK, ACCORDING TO THE DISTRICT  
26 ATTORNEY'S OFFICE, SOMEONE SAID THAT SOMEBODY SAW MY NAME  
27 SOMEWHERE. EVEN IF THAT WERE TRUE THERE IS SIMPLY NO  
28 RELEVANCE INVOLVED.

1 THE MOTION TO QUASH IS GRANTED.

2 LET'S GO TO --

3 MR. KLEIN: DID THE COURT HEAR WHAT MR. MC MULLEN  
4 SAID? HE SAID THEY DIDN'T GO THROUGH FILE DOCUMENTS.

5 THE COURT: COUNSEL, I HEAR WHAT EVERYONE SAYS.  
6 TRUST ME.

7 LET'S GO TO THE MOTION THAT HAS BEEN BROUGHT  
8 BY THE STATE BAR TO QUASH.

9 DO WE HAVE AN APPEARANCE BY STATE BAR  
10 COUNSEL?

11 MS. SCOTLAND: GOOD MORNING. PATRICIA SCOTLAND,  
12 AND I AM APPEARING ON BEHALF OF THE STATE BAR.

13 THE COURT: ALL RIGHT.

14 YOUR MOTION.

15 MS. SCOTLAND: OUR MOTION --

16 MR. KLEIN: EXCUSE ME.

17 JUST SO THE COURT KNOWS, MR. BRODEY INDICATED  
18 THAT HE WANTED TO BE HERE FOR THIS MOTION.

19 THE COURT: HE SAID HE COULDN'T BE HERE UNTIL 1:30,  
20 I TOLD HIM TO CALL BACK LATER.

21 MR. KLEIN: HE TOLD ME HE WOULD BE HERE AT 9:30.

22 THE COURT: HE SAID THAT -- I THINK THE LAST  
23 COMMUNICATION WAS THAT HE HAD NOBODY IN MALIBU.

24 MR. KLEIN: OKAY.

25 THE COURT: I TALKED TO HIM ON FRIDAY.

26 MS. SCOTLAND: OKAY.

27 OUR MOTION -- WE ARE ASKING THE COURT TO  
28 QUASH THE SUBPOENA EITHER COMPLETELY OR BY DRASTICALLY

1       LIMITING ITS SCOPE.   THE SUBPOENA REQUESTS INFORMATION  
2       THAT IS GENERALLY NOT AVAILABLE TO THE PUBLIC AND IS  
3       SUBJECT TO THE PROTECTION OF EVIDENCE CODE 1740 (B)  
4       SUBSECTION (2), THAT IS A CONDITIONAL PRIVILEGE AND  
5       REQUIRES THAT THE COURT BALANCE THE INTEREST OF THE PUBLIC  
6       IN NOT DISCLOSING THAT INFORMATION VERSUS THE INTEREST OF  
7       THE PETITIONER WHO IS REQUESTING THAT INFORMATION.

8                       THE INFORMATION THAT'S BEING REQUESTED ARE  
9       ITEMS LIKE INFORMATION SUCH AS ANY COMPLAINTS THAT HAVE  
10      BEEN FILED AGAINST AN ATTORNEY, ARTHUR BARENS; MATERIALS  
11      PROVIDED TO THE STATE BAR BY THOSE COMPLAINT PARTIES; THE  
12      NAMES AND ADDRESSES OF THOSE COMPLAINING PARTIES.

13                    THE COURT:   WHEN WERE YOU SERVED WITH A SUBPOENA?

14                    MS. SCOTLAND:   WE WERE SERVED WITH THE SUBPOENA  
15      APRIL 15TH.

16                    THE COURT:   MR. KLEIN, MR. CRAIN, ISN'T THIS  
17      UNTIMELY?

18                    MR. KLEIN:   WHY IS THAT?   IS THIS HEARING GOING TO  
19      END TODAY, YOUR HONOR?

20                    THE COURT:   WELL, I ORDERED YOU BACK IN OCTOBER OF  
21      '95 TO FILE A COMPREHENSIVE EXHIBIT LIST LISTING ALL  
22      EXHIBITS THAT YOU INTENDED TO OFFER.   I ASSUME THIS  
23      MATERIAL WAS NOT ON IT.   HAVE YOU MADE ANY TYPE OF A  
24      SHOWING THAT THERE HAS BEEN A CHANGE IN CIRCUMSTANCES  
25      REQUIRING THIS OR IS THIS PRETTY MUCH A FISHING  
26      EXPEDITION?

27                    MR. KLEIN:   BEFORE I START I WANT THE RECORD TO BE  
28      CLEAR THAT WE HAVE A MOTION TO DISQUALIFY --

1 THE COURT: I UNDERSTAND THAT.

2 MR. KLEIN: -- PENDING BEFORE THE COURT.

3 WE ARE NOT WAIVING ANY RIGHTS THAT WE MAY  
4 HAVE ON THAT BY BEING FORCED TO ARGUE MATTERS WHICH WERE,  
5 WHICH WE BELIEVE THE COURT HAS NO JURISDICTION.

6 THE COURT: I UNDERSTAND.

7 MR. KLEIN: BUT I WILL ADDRESS THE COURT'S  
8 QUESTIONS BECAUSE THE COURT IS ASKING.

9 WHEN THE COURT -- AND THE PROBLEM WITH THIS,  
10 YOUR HONOR, IS THIS ALSO GOES TO THE HEART OF THE SECOND  
11 MOTION TO DISQUALIFY. YOU ARE ADDRESSING EVERYTHING  
12 AGAINST THE DEFENSE OR THE PETITIONER IN THIS CASE. YOU  
13 HAVE MADE NO STATEMENTS AGAINST THE PROSECUTION, WHO HAS  
14 CONTINUED TO CONDUCT DISCOVERY, WHO HAS CONTINUED TO ISSUE  
15 S.T.D.'S, WHO HAS CONTINUED TO PUT NEW NAMES --

16 THE COURT: BRING A MOTION. I RULE ON MOTIONS.

17 MR. KLEIN: I DON'T HAVE TO BRING A MOTION, YOUR  
18 HONOR. BECAUSE WHEN YOUR HONOR TOLD US IN OCTOBER THAT WE  
19 SHOULD PUT DOWN A COMPREHENSIVE WITNESS LIST IN DECEMBER,  
20 BOTH SIDES SAID THAT'S SUBJECT TO MAKING A SHOWING THAT IF  
21 WE FIND ADDITIONAL EVIDENCE THEN THE COURT WILL RULE ON  
22 IT.

23 THE COURT: DO YOU REMEMBER WHAT MY COMMENT ON THAT  
24 WAS?

25 MR. KLEIN: NO, YOUR HONOR.

26 THE COURT: MY COMMENT WAS THAT YOU ARE GOING TO  
27 FOLLOW MY ORDER OF OCTOBER, THAT I AM NOT GOING TO LET  
28 EITHER SIDE DECIDE WHAT WILL AND WILL NOT HAPPEN. THAT'S

1 WHY THAT HEARING WAS PUT OVER. I WAS COMPLETELY AND  
2 TOTALLY DISSATISFIED WITH BOTH SIDES STATUS CONFERENCE  
3 ORDER. I TOLD YOU AT THE TIME.

4 MR. KLEIN: THAT WAS BECAUSE THERE WAS NO  
5 COOPERATION FROM THE RESPONDENT AT THAT TIME IN TRYING TO  
6 RESOLVE ANY ISSUES, BUT THAT HAD NOTHING TO DO WITH THE  
7 COURT STATING THAT THIS EVIDENTIARY HEARING WAS GOING TO  
8 BE SET IN ROCK BY THE FILING OF EXHIBITS LISTS IN DECEMBER  
9 OF 1995.

10 THE COURT: LET ME QUOTE FROM MY ORDER PARAGRAPH 5  
11 (READING):

12 "ABSENT A SHOWING OF  
13 SUBSTANTIAL GOOD CAUSE ANY WITNESS  
14 OR EXHIBIT NOT INCLUDED IN THE LIST  
15 OF, DESCRIBED IN PARAGRAPHS 1 AND 2  
16 SHOULD NOT BE PROVED AT THE  
17 EVIDENTIARY HEARING IN THIS MATTER."

18 MR. KLEIN: OKAY.

19 THE COURT: I COULDN'T MAKE IT ANY CLEARER.

20 MR. KLEIN: WE BELIEVE THAT SERVING A SUBPOENA ON  
21 THE STATE BAR TO OBTAIN INFORMATION THAT WILL IMPEACH  
22 ARTHUR BARENS' CREDIBILITY AND IF SUCH INFORMATION --

23 THE COURT: WHAT INFORMATION IS THAT.

24 MR. KLEIN: YOUR HONOR, IS GOING TO HAVE TO LOOK AT  
25 MATERIAL IN CAMERA PURSUANT TO EVIDENCE CODE SECTION 10.

26 THE COURT: SO YOU WOULD AGREE THAT IT IS A FISHING  
27 EXPEDITION?

28 MR. KLEIN: NO. NO, YOUR HONOR. IT IS NOT A

1 FISHING EXPEDITION. NO MORE THAN IT WAS A FISHING  
2 EXPEDITION WHEN THE SAME SUBPOENA WAS SERVED AGAINST OTHER  
3 ATTORNEYS WHO ARE WITNESSES IN THIS CASE AND THE COURT  
4 CONDUCTED THE SAME IN CAMERA REVIEW, AND THE COURT FOUND  
5 THAT THERE WERE CERTAIN MATERIALS THAT WERE PERTINENT TO  
6 THIS CASE.

7 CAN I HAVE ONE MINUTE WITH, MR. HUNT?

8 THE COURT: VERY QUICKLY.

9  
10 (A CONFERENCE WAS HELD BETWEEN COUNSEL  
11 AND THE PETITIONER, NOT REPORTED.)  
12

13 MR. KLEIN: WELL, AS PART OF OUR INVESTIGATION  
14 RELATING TO ARTHUR BARENS, SINCE THE COURT ISSUED ITS  
15 ORDER IN OCTOBER WE HAVE DETERMINED THAT ARTHUR BARENS HAS  
16 BEEN SUED FOR LEGAL MALPRACTICE ON 15 OCCASIONS. SO WE  
17 ARE NOT MAKING A FISHING EXPEDITION. WE HAVE SOLID  
18 INFORMATION BASED UPON THE FILING OF CIVIL COMPLAINTS THAT  
19 THERE MAY EXIST IN THOSE FILES MATERIAL THAT WOULD BE  
20 IMPEACHMENT TO HIS CREDIBILITY WHEN HE TESTIFIES.

21 THE COURT: OVER OBJECTION FROM THE RESPONDENT AND  
22 MR. BARENS ATTORNEY I ALLOWED YOU TO TAKE HIS DEPOSITION.  
23 WHAT INQUIRY DID YOU MAKE OF MR. BARENS CONCERNING THIS  
24 STATE BAR ACTIVITY?

25 MR. CRAIN: THE COURT ALLOTTED, PUT A FINITE PERIOD  
26 OF TIME ON THE AMOUNT OF TIME THAT PETITIONER'S COUNSEL  
27 COULD QUESTION MR. BARENS AND HIS ATTORNEY, MR. BRODEY  
28 COINCIDENTALLY ALSO IS THE ATTORNEY FOR MR. PITTMAN. HIS

1 ATTORNEY SAW TO IT THAT MR. KLEIN AND I DID NOT GET MORE  
2 THAN, NOT ONE SECOND MORE, I SHOULD SAY, THEN THE ALLOTTED  
3 TIME THAT THIS COURT PERMITTED. SO WE HAD A CLOCK RUNNING  
4 ON WHAT WE COULD ASK MR. BARENS, HOW LONG WE HAD TO ASK  
5 MR. BARENS QUESTIONS AND HAD TO DETERMINE WHAT AREAS WE  
6 WERE GOING TO BE ABLE TO GO INTO IN THAT VERY LIMITED  
7 AMOUNT OF TIME.

8 MR. KLEIN: WE TACTICALLY CHOSE TO FOCUS SOLELY ON  
9 THE MATERIAL THAT WAS SET FORTH IN THE ORDER TO SHOW CAUSE  
10 TO MAKE CERTAIN THAT WE COVERED ALL OF THAT MATERIAL.

11 IF WE HAD HAD ADDITIONAL TIME, WE WOULD HAVE  
12 COVERED MATERIAL LIKE THIS, WHICH IS NOT AS DIRECT IN  
13 TERMS OF IMPEACHING MR. BARENS, BUT WOULD CERTAINLY GO TO  
14 HIS CREDIBILITY AND TO THE PRESUMPTION THAT AN ATTORNEY  
15 DOES WHAT HE IS SUPPOSED TO DO UNDER STRICKLAND.

16 THE COURT: RESPONDENT WISH TO BE HEARD?

17 MR. MC MULLEN: SUBMITTED, YOUR HONOR.

18 THE COURT: THE MOTION TO QUASH IS GRANTED. IT IS  
19 AN UNTIMELY SUBPOENA. THE MATTER SHOULD HAVE BEEN  
20 RESOLVED MUCH EARLIER THAN THIS. WE ARE IN HEARING AT  
21 THIS TIME. THERE DOESN'T APPEAR TO BE ANY SUBSTANTIAL  
22 SHOWING WHATSOEVER ON THIS.

23 MS. SCOTT: THANK YOU VERY MUCH, YOUR HONOR.

24 THE COURT: ALL RIGHT.

25 MOTION FOR WITNESSES EXPENSES.

26 MR. KLEIN: I HAVE SPOKEN TO -- THAT IS AN EX PARTE  
27 MATTER.

28 THE COURT: WHY? THE WITNESS IS ON THE WITNESS

1 LIST.

2 MR. KLEIN: OUR GETTING EXPENSES HAS GOT NOTHING TO  
3 DO WITH THE PEOPLE THEN --

4 THE COURT: WHAT'S THE EXPARTE?

5 MR. CRAIN: WHAT STANDING DO THE PEOPLE HAVE TO  
6 PARTICIPATE IN THIS.

7 THE COURT: THERE IS NO REASON TO MAKE AN EXPARTE.  
8 THE PEOPLE --

9 MR. KLEIN: I HAVE SPOKEN TO MRS. GHALEB, SHE HAS  
10 BEEN ABLE TO MAKE ARRANGEMENTS FOR HER CHILD, SO IT IS  
11 SIMPLY HER PLANE FARE, HER HOTEL EXPENSES, HER EATING  
12 EXPENSES AND HER TRANSPORTATION EXPENSES.

13 THE COURT: ALL RIGHT.

14 GIVE ME AN ESTIMATE AND FILE THAT.

15 MR. KLEIN: I HAVE SPOKEN TO HER. I DON'T KNOW.  
16 MY UNDERSTANDING IS THIS, THAT THE COURT'S SCHEDULE THIS  
17 WEEK IS -- WE ARE GOING TO BE IN SESSION TODAY AND PART OF  
18 TOMORROW AND NOT IN SESSION THE REST OF THE WEEK?

19 THE COURT: I DON'T KNOW YET. I HAVE A REQUEST TO  
20 ATTEND A JUDICIAL COUNCIL MEETING AT THE JUDICIAL COUNCIL  
21 ON WEDNESDAY. I WENT TO A MEETING ON SATURDAY REGARDING  
22 THAT AND MADE IT MORE LIKELY THAT I WAS GOING TO HAVE TO  
23 GO. I HAVE TO MAKE SOME INQUIRY AGAIN TO SEE. IF THAT IS  
24 THE CASE, THEN YOU ARE RIGHT WE WILL NOT BE IN SESSION.

25 MR. KLEIN: I TALKED TO HER LATE YESTERDAY, AND SHE  
26 COULD MAKE ARRANGEMENTS TO FLY IN OVER THE WEEKEND AND BE  
27 AVAILABLE MONDAY TO TESTIFY.

28 THE COURT: ALL RIGHT.



1 MR. KLEIN: SO I WILL HAVE TO FIND OUT THE COST.

2 THE COURT: GIVE ME THAT AS A SUBMISSION. WE  
3 SHOULD BE ABLE TO WORK THAT OUT.

4 THE PEOPLE HAVE AN AMENDED APPLICATION AND  
5 AFFIDAVIT FOR A WRIT AD TESTIFICANDUM FOR A WITNESS BY THE  
6 NAME OF WILLIAM KILPATRICK. I BELIEVE I ASKED YOU TO MAKE  
7 A SHOWING ON THAT EARLY.

8 MR. KLEIN: I NEVER SAW THAT, YOUR HONOR.

9 MR. CRAIN: I DON'T BELIEVE THAT WAS --

10 MR. MC MULLEN: JUST FOR COUNSELS' EDIFICATION,  
11 WHAT IT IS IS TO HAVE MR. KILPATRICK BROUGHT OUT FROM THE  
12 FEDERAL PENITENTIARY. HIS NAME IS MENTIONED IN THAT  
13 PARTICULAR ISSUE WITH RESPECT TO THE MOTION OF MR. NEIL  
14 ADELMAN AND MR. KILPATRICK FOR THE PURCHASE OF \$200  
15 MILLION DOLLARS WORTH OF CYCLOTRON.

16 WE HAVE SOME UNCERTAINTY HOW FAR THE COURT  
17 WANTS TO GO IN THE INQUIRY ON THAT ISSUE, BUT SINCE HE WAS  
18 MENTIONED IN THAT PARTICULAR ISSUE, AN ORDER TO SHOW CAUSE  
19 AS A PARTICIPANT, WE ARE -- THEREFORE, WE WILL BRING HIM  
20 IN, IF THE COURT WOULD LIKE TO HEAR FROM HIM.

21 THE COURT: ALL RIGHT.

22 I WILL SIGN ON THAT. IT IS NOT MY DECISION  
23 TO -- WHETHER I WOULD LIKE TO HEAR FROM HIM. THE QUESTION  
24 IS GOING TO BE ANY RELEVANT ISSUE THAT HE CAN TESTIFY TO.

25 OUT OF AN ABUNDANCE OF CAUTION I WILL SIGN  
26 THE ORDER.

27 MR. MC MULLEN: YOU SIGNED IT ONCE BEFORE, THEIR  
28 AMENDED ONE, BECAUSE I PUT THE IMPROPER --

1 THE COURT: I BELIEVE THE LAST TIME I ASKED THE  
2 CLERK ALSO TO MAKE INQUIRY OF YOU AS TO GOOD CAUSE FOR  
3 THAT.

4 ALL RIGHT.

5 ARE THERE ANY OTHER PRETRIAL MOTIONS? AND  
6 THEN I WILL PUT ON RECORD ANYTHING YOU WANT ABOUT THE  
7 170.1.

8 THE PETITIONER: CAN WE HAVE A MINUTE, YOUR HONOR?

9 THE COURT: YES.

10  
11 (A CONFERENCE WAS HELD BETWEEN COUNSEL  
12 AND THE PETITIONER, NOT REPORTED.)

13  
14 THE COURT: ANY MORE PRETRIAL --

15 MR. KLEIN: YES. YES. YES.

16 THE COURT: WHAT?

17 MR. KLEIN: I WILL EXPLAIN IT, YOUR HONOR.

18 THE COURT: THIS IS THE OPPORTUNITY.

19 MR. KLEIN: HERE IS APPENDIX A, B AND C TO THE  
20 SUPPLEMENTAL WRIT. I GAVE A COPY FOR THE PEOPLE, AND HERE  
21 IS --

22 THE COURT: I DON'T KNOW WHAT YOU ARE TALKING  
23 ABOUT. WHAT SUPPLEMENTAL WRIT?

24 MR. KLEIN: THE DOCUMENT THAT WE FILED CALLED  
25 SUPPLEMENT TO OR SUPPLEMENTAL WRIT OF HABEAS CORPS THAT  
26 WAS FILED MARCH 29, 1996. THESE ARE THE APPENDICES THAT  
27 ARE REFERRED TO IN IT.

28 THIS IS A DOCUMENT THAT RELATES TO FURTHER

1 ASPECTS OF OUR HEARING MEMORANDUM CONCERNING THIS HEARING  
2 RELATING TO THE STANDARD THAT SHOULD BE APPLIED WITH  
3 RESPECT TO MR. BARENS. I GAVE THE PEOPLE A COPY TO --

4 THE COURT: IT IS NOT TIMELY. IS IT --

5 MR. KLEIN: I HAVE ALREADY FILED A HEARING  
6 MEMORANDUM THAT SET FORTH THESE ARGUMENTS. THESE ARE  
7 FURTHER ARGUMENTS IN SUPPORT OF THE ARGUMENT THAT I FILED.

8 THE COURT: WHY ARE YOU FILING THIS ONE?

9 MR. KLEIN: IT IS A MORE DETAILED ARGUMENT THAT I  
10 THINK WILL BE HELPFUL TO THE COURT.

11 THE COURT: ALL RIGHT.

12 MR. KLEIN: YOUR HONOR, I THINK THAT BEFORE WE GET  
13 TO THE 170.1 ISSUE, AND I ALSO HAVE SOME FURTHER ARGUMENT  
14 ABOUT BEING PREPARED TO GO FORWARD TODAY, WE DO NEED TO  
15 TAKE UP THE PENDING MOTION TO ADJUDICATE THAT HAS BEEN  
16 FILED THAT THERE HAS BEEN A RESPONSE THAT HAS BEEN FILED  
17 THAT --

18 THE COURT: THAT'S ON THE WRIT, THE NEW WRIT?

19 MR. KLEIN: THE SUPPLEMENT OR THE NEW WRIT, YES,  
20 YOUR HONOR.

21 THE COURT: I WILL NOT TAKE THAT UP TODAY. I HAVE  
22 NOT FINISHED READING YOUR WRIT.

23 MR. KLEIN: I HAVE A GREAT CONCERN THAT THE COURT  
24 WOULD ISSUE AN ORDER AND FIND GOOD CAUSE UNDER RULE 260  
25 ORDER THAT AN EVIDENTIARY HEARING COMMENCED TODAY AND --

26 THE COURT: THE HEARING STARTED BACK WHEN WE --

27 MR. KLEIN: I AM GOING TO GET TO THAT WHEN WE TALK  
28 ABOUT 170.1 BECAUSE THERE IS NO QUESTION THAT THE LAW IS

1 NOT CONSISTENT WITH WHAT THE COURT SAYS.

2 THE COURT: THEN YOU NEED TO BRING THAT UP WITH THE  
3 COURT OF APPEAL.

4 MR. KLEIN: I AM GOING TO BRING IT UP WITH YOUR  
5 HONOR BECAUSE I THINK YOUR HONOR HAS A DUTY TO FOLLOW THE  
6 LAW AND THE ETHICS OF THE LAW. BECAUSE THERE IS  
7 ABSOLUTELY NO QUESTION THAT WITHIN THE MEANING OF 170.4  
8 PAREN (C) PAREN (1) OR (2) THIS HEARING NEVER STARTED  
9 UNTIL THE FIRST WITNESS IS CALLED. IT HASN'T STARTED YET.

10 THE COURT: WHAT ABOUT ALL OF THOSE SWORN WITNESS  
11 STATEMENTS THAT YOU ASKED ME TO TAKE INTO CONSIDERATION AT  
12 THAT HEARING ON THE 29TH?

13 MR. KLEIN: I DIDN'T ASK YOU TO DO THAT. BUT I  
14 WILL GET TO THAT IN A MINUTE. I DIDN'T ASK YOU TO TAKE  
15 INTO CONSIDERATION --

16 THE COURT: YOU DIDN'T WANT ME TO CONSIDER THE  
17 PETITIONER'S DOCUMENT IN SUPPORT OF THE MOTION?

18 MR. KLEIN: THE PEOPLE MADE A MOTION FOR THE COURT  
19 TO RULE ON THE PLEADINGS. LET'S TAKE -- DO YOU WANT TO  
20 DIGRESS, THEN, AND DEAL WITH 170.1 AND WHERE IT APPLIES?

21 THE COURT: I AM LETTING YOU MAKE A VERY QUICK  
22 RECORD. I HAVE ALREADY ISSUED MY RULING ON 170.1. YOU  
23 ARE WELCOME, AS YOU KNOW, TO GO TO THE COURT OF APPEAL.

24 MR. KLEIN: WE WILL DO THAT. BUT I DON'T THINK  
25 THAT'S OUR ONLY REMEDY BECAUSE WE FILED ANOTHER MOTION TO  
26 DISQUALIFY. I THINK THAT THE COURT IS GOING TO HAVE TO  
27 TAKE A LONG HARD LOOK AT ITS POSITION IN THIS CASE.

28 THE COURT: MR. KLEIN, LOOK, THIS HEARING IS GOING

1 TO GO FORWARD. YOU HAVE ATTEMPTED TO CONTINUE THIS  
2 HEARING OVER AND OVER AGAIN. WE ARE NOW TWO AND A HALF  
3 YEARS DOWN THE ROAD, THE HEARING HAS GOT TO GO FORWARDS.  
4 WE HAD THE SAME CONVERSATION A YEAR AGO WHEN I SAID I WAS  
5 TRYING TO GET THE RESPONDENT TO FILE THEIR RETURN, AND I  
6 SAID, "WHY AREN'T YOU INTERESTED IN GETTING THIS CASE  
7 GOING?" NOW, IT IS TIME TO GET THIS CASE GOING.

8 MR. KLEIN: BACK TO THE MOTION TO ADJUDICATE, MY  
9 CONCERN IS, YOUR HONOR, THAT WITH THE COURT NOT READING  
10 THE PLEADING, WITH NOT READING THE ATTACHMENT, WITH NOT  
11 READING THE DECLARATION AND SIMPLY ISSUING A BLANKET ORDER  
12 OF SUPPOSED GOOD CAUSE, WHICH CANNOT BE AN EXERCISE OF  
13 DISCRETION IF THE COURT --

14 THE COURT: I DON'T UNDERSTAND WHAT YOU MEAN "AN  
15 ORDER OF GOOD CAUSE." I HAVEN'T ISSUED ANY ORDER ON THAT  
16 OTHER THAN TO STAY THE PROCEEDINGS UNDER RULE 260.

17 MR. KLEIN: THAT'S WHAT I MEAN. YOU ISSUED AN  
18 ORDER ON MARCH 29TH WHEN THE DOCUMENT WAS FILED WITHOUT  
19 READING THE DOCUMENT. YOU ISSUED A BLANKET ORDER SAYING  
20 YOU FIND GOOD CAUSE TO CONTINUE YOUR OBLIGATION TO RULE ON  
21 THAT DOCUMENT UNDER RULE 260.

22 THE COURT: WHAT ABOUT THE GOOD CAUSE? IT IS NOT  
23 ONLY THE ISSUE OF THE FACT THAT WE ARE ENGAGED IN THIS  
24 HEARING, BUT THE 1475 ISSUE, WHICH I HAVEN'T RESOLVED YET.  
25 I NEED TO READ THE ENTIRE PETITION. I HAVE ALREADY READ  
26 ALL THE EXHIBITS. I HAVEN'T FINISHED READING THE ENTIRE  
27 SUPPLEMENTAL PETITIONS.

28 MR. KLEIN: THE PROBLEM, THERE IS A VERY STRONG

1 POSSIBILITY THAT IF YOUR HONOR'S BLANKET ORDER OF GOOD  
2 CAUSE TO EXTEND TIME FOR THE COURT TO CONSIDER THIS  
3 DOCUMENT AND THEN THE EVIDENTIARY HEARING IS CONCLUDED, IT  
4 VERY WELL MAY BE THAT THE PEOPLE'S POSITION IS CORRECT,  
5 AND THAT 1475 APPLIES AND THE WRIT SHOULD BE FILED.

6 THE COURT: I HAVE TO TELL YOU MY INITIAL READING  
7 IS THAT 1475 DOES APPLY. I AM GOING THROUGH THAT PETITION  
8 TO SEE IF THERE WOULD BE ANYTHING HELPFUL TO THIS COURT IN  
9 THE CURRENT HEARING.

10 MR. KLEIN: THE REASON THAT 1475 DOESN'T APPLY NOW  
11 IS BECAUSE THESE PROCEEDINGS HAVEN'T BEEN TERMINATED ON  
12 THE NEW WRIT. SO AS LONG AS THE PROCEEDINGS HAVEN'T BEEN  
13 TERMINATED ON THE NEW WRIT WE ARE ENTITLED TO SUPPLEMENT  
14 WHAT WE HAVE PREVIOUSLY FILED, AND WE ARE ENTITLED TO FILE  
15 A NEW WRIT IN THIS COURT.

16 BUT IT IS VERY LIKELY THAT IF YOUR HONOR  
17 CONCLUDES THIS HEARING -- WELL, IF I MISSPOKE, PROCEEDINGS  
18 HAVE NOT BEEN CONCLUDED ON THE PREVIOUS PETITION, ON THE  
19 ORIGINAL PETITION, AND UNTIL THE PROCEEDINGS ARE CONCLUDED  
20 ON THE PREVIOUS PETITION, 1475 DOESN'T APPLY BECAUSE THERE  
21 HAS BEEN NO CONCLUSION AS TO THOSE ORIGINAL WRITS.

22 THE COURT: I HAVE READ YOUR OPPOSITION PAPERS.

23 MR. KLEIN: SO IF THE COURT JUST SITS ON IT, THEN  
24 THE COURT IS, IN ESSENCE, EFFECTIVELY PRECLUDING MR. HUNT  
25 FROM LITIGATING THIS DOCUMENT IN THIS COURT AND FORCING IT  
26 PROBABLY TO HAVE TO GO TO THE COURT OF APPEAL. AND THIS  
27 COURT HAS A DUTY UNDER 3260 TO EXERCISE DISCRETION. IT  
28 CANNOT JUST BLANKET SAY, "FOR GOOD CAUSE BECAUSE THERE IS

1 A HEARING PENDING I AM NOT GOING TO CONSIDER THIS DOCUMENT  
2 BECAUSE THIS DOCUMENT HAS TO BE CONSIDERED IN CONJUNCTION  
3 WITH EVERYTHING ELSE THAT IS BEFORE THIS COURT CONCERNING  
4 THE TWO PETITIONS THAT WERE SENT BACK FROM THE COURT OF  
5 APPEAL."

6 SO I MEAN, IF THE COURT DOESN'T DO ANYTHING  
7 NOW, FORCES THIS HEARING TO GO FORWARD, THEN YOU ARE  
8 EFFECTIVELY ABDICATING YOUR LEGAL RESPONSIBILITY UNDER THE  
9 CONSTITUTION, UNDER THE LAW TO CONSIDER THAT DOCUMENT THAT  
10 WAS PROPERLY FILED IN THIS COURT UNDER MARCH -- ON MARCH  
11 29TH, AND THIS COURT AT THIS PRESENT TIME DOES HAVE  
12 JURISDICTION TO CONSIDER IT, HEAR IT, MAKE RULINGS UNTIL  
13 AND AT THAT TIME THAT THE PROCEEDINGS HAVE CONCLUDED ON  
14 THE PENDING MATTERS THAT WERE SENT DOWN FROM THE COURT OF  
15 APPEAL.

16 THE COURT: MR. MC MULLEN?

17 MR. MC MULLEN: WOULD YOU LIKE TO HEAR ME ON THE  
18 1475 ISSUE? FROM WHAT I HEARD FROM YOU -- OKAY. OUR MAIN  
19 POSITION IS STATED IN THE PEOPLE'S LETTER BRIEF TO YOUR  
20 HONOR IS THAT 1475 APPLIES BECAUSE THE COURT OF APPEAL  
21 ISSUED AN ORDER TO SHOW CAUSE RETURNABLE TO THIS COURT.  
22 THAT'S OUR REASONING WHY 1475 APPLIES. BUT I UNDERSTAND  
23 YOUR HONOR IS STILL CONSIDERING THAT ISSUE.

24 THE COURT: AND I WOULD STILL NOTE PARENTHETICALLY  
25 WITHIN THE 30-DAY PERIOD THAT IS SET FORTH IN RULE 226  
26 I -- EVEN THOUGH I WILL STAY IT, I ALSO NOTE  
27 PARENTHETICALLY THAT BOTH SIDES ARE AWARE PETITIONER HAS  
28 FILED A BLIZZARD OF PAPERWORK OVER THE LAST WEEK WHICH HAS

1 CAUSED ME TO STOP DOING WHAT I WAS WORKING ON AND WORK ON  
2 OTHER THINGS.

3 ANYTHING ELSE?

4 MR. CRAIN: IS THE COURT SAYING IT WAS IN THE  
5 PROCESS OF REVIEWING THE ENTIRE NEW PETITION?

6 THE COURT: I THINK I SAID I HAD NOT FINISHED  
7 READING IT. I HAD READ ALL THE EXHIBITS, BUT I HAD NOT  
8 FINISHED READING IT.

9 MR. CRAIN: THE COURT IS SAYING, FOR THE RECORD, IT  
10 HADN'T PUT IT ON THE SHELF, IT WAS IN THE PROCESS OF  
11 ATTEMPTING TO READ AND CONSIDER PRIOR TO THE COMMENTS OF  
12 TODAY'S PROCEEDINGS?

13 THE COURT: I CAN GUARANTEE YOU, COUNSEL, NOTHING  
14 GOES ON MY SHELF. I READ EVERYTHING.

15 MR. CRAIN: DID I MAKE A COURT STATEMENT OF WHAT  
16 THE COURT WAS DOING?

17 THE COURT: WHAT I SAID WAS I AM IN THE PROCESS OF  
18 READING THE PETITION, THE SUPPLEMENTAL PETITION. I HAVE  
19 READ ALL THE EXHIBITS. I HAVE NOT FINISHED READING THE  
20 SUPPLEMENTAL PETITION FOR THE --

21 MR. CRAIN: AS MR. KLEIN SAYS, THE COURT SHOULD  
22 HAVE NOT PROCEEDED WITHOUT HAVING PROCESSED THE  
23 SUPPLEMENTAL POSITION IN SPITE AND WHAT WHATEVER LEGAL  
24 IMPLEMENTS MAY STAND IN THE COURT'S WAY THAT'S SET FORTH  
25 BY THE LEGISLATURE AND CONSTITUTION.

26 THE COURT APPARENTLY INTENDS TO PROCEED NO  
27 MATTER WHAT, NO MATTER WHAT. I SUGGEST, SINCE THE COURT  
28 WAS IN THE PROCESS OF READING THIS APPROXIMATELY 100-PAGE



1 SUPPLEMENTAL PETITION THAT THE COURT HAS BEFORE IT, TO  
2 EXERCISE ANY DISCRETION, COMPLETE THE READING. IT SOUNDS  
3 LIKE YOU INTENDED TO DO SO THAT YOU COULD HAVE KNOWLEDGE  
4 OF ALL THE FACTS BEFORE IT.

5 THE COURT: AND I WILL CONTINUE TO READ, AND IN DUE  
6 COURSE.

7 ANYTHING ELSE YOU WANT TO PUT ON THE RECORD,  
8 MR. KLEIN?

9 MR. KLEIN: YES, YOUR HONOR.

10 WITH RESPECT TO THE MOTION TO DISQUALIFY, THE  
11 COURT FILED ITS RESPONSE ON FRIDAY. AS A RESULT OF THE  
12 COURT'S RESPONSE, WE FILED A SECOND MOTION TO DISQUALIFY.  
13 I DON'T KNOW IF THE COURT HAS HAD A CHANCE --

14 THE COURT: I PAGED THROUGH IT.

15 MR. KLEIN: DEALING WITH THE COURT'S POSITION THAT  
16 IT SET FORTH ON THE DOCUMENT THAT IT FILED ON FRIDAY, WITH  
17 ALL DUE RESPECT TO THE COURT, THE ALLEGATIONS CONTAINED IN  
18 THOSE PLEADINGS ARE NOT SIMPLY COMPLAINTS ABOUT THE  
19 COURT'S RULING, FOR EXAMPLE, AN ALLEGATION THAT THE COURT  
20 MADE UP ITS MIND TO MAKE A RULING BEFORE IT STARTED TO  
21 CONDUCT A HEARING CLEARLY IS NOT A STATEMENT COMPLAINING  
22 ABOUT A RULING OF FACT OR A RULING OF LAW MADE BY THE  
23 COURT.

24 SO THE COURT'S MERE STATEMENT OF STRIKING THE  
25 TWO DETAILED DECLARATIONS THAT MR. CRAIN AND I FILED I  
26 ALMOST -- WELL, IT CLEARLY DOESN'T MEET THAT TYPE OF  
27 STANDARD.

28 THE COURT HAS THE PREROGATIVE TO SAY WHATEVER

1 IT WANTS, AND OBVIOUSLY THAT ASPECT OF IT WILL BE TESTED,  
2 BUT I THINK THE COURT SHOULD HAVE SOME CONCERN WHEN IT  
3 LOOKS AT THE SECOND MOTION TO DISQUALIFY ABOUT WHETHER OR  
4 NOT THE COURT CAN MAKE THE SAME KIND OF RULING IN LIGHT OF  
5 WHAT THE COURT ITSELF HAS DONE AND SAID IN ITS VERIFIED  
6 ANSWER.

7 BECAUSE I THINK THIS, AND I WILL ADDRESS THAT  
8 IN A MOMENT, BUT AS TO GOING FORWARD ON THIS CASE, THE  
9 COURT MAKES REFERENCE IN ITS ORDER TO CODE OF CIVIL  
10 PROCEDURE SECTION 170.4 SMALL (C) SMALL (1) SMALL (2), AND  
11 THE COURT KEEPS SAYING THE HEARING HAS COMMENCED, THE  
12 HEARING HAS COMMENCED. THE COURT HAS CONSIDERED VERIFIED  
13 DECLARATIONS.

14 WELL, LET'S LOOK AT THE STATUTE VERY  
15 CAREFULLY BECAUSE ALL THE CASES SAY THAT THIS COURT AND  
16 ANY COURT WHEN FACED WITH A MOTION TO DISQUALIFY HAS TO  
17 FOLLOW THE LITERAL READING OF THE STATUTES BECAUSE THE  
18 COURT'S POSITION IS THAT THIS CAN GO FORWARD ONLY BECAUSE  
19 170.4 PAREN (C) (1) AND (2) APPLY, AND THE COURT --

20 THE COURT: I HAVE ALREADY STRICKEN THE 170.1.

21 MR. KLEIN: YES.

22 MR. CRAIN: THE COURT CANNOT JUST PUT A LABEL ON  
23 SOMETHING, YOUR HONOR. THE COURT HAS TO FOLLOW --

24 THE COURT: HOLD ON. ONE SECOND.

25 MR. CRAIN: -- THE CODE OF CIVIL PROCEDURE.

26 THE COURT: COUNSEL, I DO FOLLOW THE LAW. LET ME  
27 STATE THIS: I AM LETTING YOU PUT ON THE RECORD, BASICALLY  
28 THIS IS AN OPPORTUNITY TO OBJECT TO THESE PROCEEDINGS

1 GOING FORWARD. THEY ARE GOING TO GO FORWARD. THE  
2 ARGUMENTS YOU ARE MAKING ARE ARGUMENTS YOU NEED TO MAKE AT  
3 THE COURT OF APPEAL, NOT TO ME. I HAVE ISSUED MY ORDER.  
4 I HAVE ISSUED MY DECLARATION. DO WITH IT WHAT YOU THINK  
5 IS AND --

6 MR. CRAIN: I AM SAYING IN RESPONSE TO THE LAST  
7 STATEMENT THAT THE COURT MADE THE COURT CANNOT MERELY --  
8 THE LEGISLATURE PROVIDES THAT WHEN A MOTION FOR ACTUAL  
9 DISQUALIFICATION, APART FROM 170.6, IS MADE ON THE GROUNDS  
10 SUCH AS WE HAVE HERE, THAT THE COURT IS A WITNESS TO  
11 MATERIAL DISPUTED FACTS, THAT THE COURT PREJUDGED THE CASE  
12 BY ITS MANNER IN WHICH IT RULED OR TENTATIVELY RULED AND  
13 MADE COMMENTS AT THE HEARING ON MARCH 29TH, AND BECAUSE OF  
14 BIAS AGAINST THE PETITIONER AND HIS COUNSEL THAT SETS  
15 FORTH A CLAIM UNDER 170.1.

16 THE CODE REQUIRES THAT THE COURT EITHER NOT  
17 FILE ANYTHING, IN WHICH CASE YOU ARE DISQUALIFIED; FILE A  
18 DENIAL, WHICH THE COURT DID; OR STRIKE IT FOR REASONS THAT  
19 ARE SET FORTH IN THE CODE OF CIVIL PROCEDURE.

20 YOU CAN'T JUST SIMPLY SAY, "WELL, I AM  
21 STRIKING IT." YOU HAVE NO AUTHORITY TO DO THAT.

22 WITH ALL DUE RESPECT TO THE COURT, CITING  
23 WHAT THE LEGISLATURE HAS SET FORTH, YOU MUST DO THE ONLY  
24 THING THAT THE COURT DID THAT WAS LAWFUL, WAS TO SET FORTH  
25 ITS DENIAL OF DISQUALIFICATION.

26 WHAT MR. KLEIN WAS ABOUT TO SAY, WHAT THE  
27 COURT HAS ATTEMPTED TO DO IS TO PUT THIS IN A POSTURE OF A  
28 SITUATION WHERE THE HEARING IS ALREADY UNDERWAY AND,

1 THEREFORE, THE DISQUALIFICATION CAN BE FILED AND DECIDED  
2 BY SOME OTHER JUDGE. BUT IN THE MEANTIME THE HEARING CAN  
3 GO ON AND THE REMEDY UNDER THE CODE OF CIVIL PROCEDURE IS  
4 THAT IN THE EVENT YOU ARE LATER FOUND TO BE DISQUALIFIED  
5 ALL OF YOUR RULINGS ARE VOIDED.

6 NOW, I THINK THAT WOULD BE A RATHER FOOLISH  
7 AND INEFFICIENT OUTCOME, IF THAT WERE TO BE THE CASE, BUT  
8 THE FACT IS THE LEGISLATURE HAS SET FORTH THE REASON.

9 MR. KLEIN WILL NOW ADDRESS THAT, THE HEARING,  
10 ALTHOUGH THE COURT HAS ATTEMPTED TO SAY THAT THIS  
11 EVIDENTIARY HEARING WAS UNDERWAY ON MARCH 29TH --

12 THE COURT: THAT'S WHAT THE MINUTE ORDER SAYS.

13 MR. KLEIN: THE MINUTE ORDER CAN SAY ANYTHING.

14 LOOK AT THE COURT'S OWN WORDS WITH RESPONSE  
15 TO MR. MC MULLEN'S QUESTION AT PAGE 14.

16 THE COURT: LET'S HEAR --

17 MR. KLEIN: LET ME POINT OUT --

18 THE COURT: NO, COUNSEL, I WILL TELL YOU WHAT I  
19 WILL HEAR, AND WHAT I WILL NOT HEAR. YOU WILL NOT DICTATE  
20 TO ME WHAT WILL BE HEARD. LET'S MAKE IT CLEAR. I HAVE  
21 GIVEN YOU AN OPPORTUNITY. IF YOU WANT THE OPPORTUNITY, I  
22 WILL GIVE IT TO YOU AGAIN, TO OBJECT TO THESE HEARINGS  
23 GOING FORWARD. I AM NOT GOING TO GO THROUGH ON THE RECORD  
24 EVERYTHING THAT IS ALREADY ON THE RECORD.

25 MR. KLEIN: OKAY.

26 NOW --

27 THE COURT: NOW, PLEASE, YOU KNOW, I AM TELLING YOU  
28 FOR THE RECORD AGAIN YOUR REMEDY IS TO GO TO THE COURT OF

1 APPEAL, TO TELL THE COURT OF APPEAL THAT I AM PREJUDICED  
2 BECAUSE I RULED A CERTAIN WAY, AND THEN AFTER THAT RULING  
3 YOU PUT MY NAME ON THE WITNESS LIST.

4 TO TELL THE COURT OF APPEAL THAT I AM  
5 PREJUDICED BECAUSE YOU DON'T LIKE THE RULING THAT I GAVE  
6 YOU ON MARCH 29TH.

7 TO TELL THE COURT OF APPEAL THAT YOU HAVEN'T  
8 BEEN PAID ENOUGH MONEY.

9 TO TELL THE COURT OF APPEAL I AM TOO TIGHT  
10 WITH THE MONEY, THEN I AM PREJUDICED.

11 GO MAKE THAT ARGUMENT TO THEM, PLEASE. IT  
12 DOESN'T DO YOU ANY GOOD HERE. I HAVE RESPONDED.

13 IF THE COURT OF APPEALS TELLS ME I AM WRONG,  
14 THEN I WILL FOLLOW THAT DICTATE.

15 NOW, MR. CRAIN, ARE YOU SAYING THAT YOU WANT  
16 TO OBJECT TO THESE HEARINGS GOING ON?

17 MR. KLEIN: YES.

18 THE COURT: YOU HAVE DONE SO.

19 LET'S GO FORWARD NOW.

20 MR. KLEIN: LET ME POINT OUT TO THE COURT WHAT THE  
21 CODE OF CIVIL PROCEDURE SAYS ABOUT WHEN A HEARING  
22 STARTS --

23 THE COURT: NO, MR. KLEIN. I WILL NOT HEAR YOU ON  
24 THAT.

25 MR. KLEIN: WHY IS THAT, YOUR HONOR?

26 THE COURT: COUNSEL, I HAVE ISSUED MY ORDER.

27 MR. KLEIN: YOU HAVE MADE UP YOUR MIND. WHAT THE  
28 COURT SAID IS CONTRARY --

1 THE COURT: COUNSEL, I HAVE ISSUED MY ORDER --

2 MR. KLEIN: WHAT IT SAID --

3 THE COURT: COUNSEL, I HAVE ISSUED MY ORDER.

4 COUNSEL. I HAVE ISSUED MY ORDER, NOW LET'S MOVE ON.

5 ARE THERE ANY OTHER PRE-HEARING ISSUES WE  
6 NEED TO RESOLVE?

7 MR. KLEIN: TWO MORE, YOUR HONOR.

8 THE COURT: WHAT ARE THOSE?

9 MR. KLEIN: THE FIRST IS THE NEW MOTION TO  
10 DISQUALIFY THAT'S BEEN FILED IN THIS COURT. IT IS BASED  
11 UPON THE COURT'S VERIFIED DECLARATION. THE COURT STATES  
12 IN IT, THREE THINGS THAT I ALLEGE INDICATE THAT THE COURT  
13 IS EITHER BIASED AGAINST ME, BIASED AGAINST MR. HUNT AND  
14 HAS PREJUDGED THE CASE.

15 THE COURT: I WILL DEAL WITH THE MOTION IN DUE  
16 COURSE. THIS PROCEEDING HAS STARTED.

17 ANYTHING ELSE?

18 MR. KLEIN: YES, YOUR HONOR. YOU CAN'T JUST SAY --

19 THE COURT: MR. KLEIN, I WILL RESPOND IN DUE  
20 COURSE. MOVE ON.

21 MR. KLEIN: OKAY.

22 I WANT THE COURT TO --

23 THE COURT: MR. KLEIN, MOVE ONTO ANOTHER SUBJECT.

24 MR. KLEIN: I WANT THE COURT TO UNDERSTAND --

25 THE COURT: I UNDERSTAND, MR. KLEIN.

26 MR. KLEIN: I DON'T THINK --

27 THE COURT: SIR, I COMPLETELY UNDERSTAND WHAT'S  
28 GOING ON.

1 MR. KLEIN: HAVE YOU HEARD OUR EXPLANATION WHY THIS  
2 HEARING HASN'T STARTED?

3 THE COURT: COUNSEL, I SUGGEST YOU MAKE THAT  
4 ARGUMENT TO THE COURT OF APPEAL.

5 MR. KLEIN: LET ME ASK YOU THIS, YOUR HONOR: DON'T  
6 YOU HAVE A LEGAL AND ETHICAL OBLIGATION TO FOLLOW WHAT THE  
7 CODE OF CIVIL PROCEDURE SAYS? AND DON'T YOU HAVE A LEGAL  
8 AND ETHICAL OBLIGATION TO HEAR WHAT I BELIEVE TO BE AN  
9 EXPLANATION OF THIS RECORD AND THE CODE OF CIVIL PROCEDURE  
10 TO SHOW YOU THAT YOU ARE PATENTLY WRONG WHEN YOU SAY THE  
11 HEARING HAS COMMENCED?

12 THE COURT: COUNSEL, IF THAT IS TRUE, THEN THE CODE  
13 OF CIVIL PROCEDURE, WHICH YOU CITE TO ME WHAT I AM  
14 FAMILIAR WITH, SAYS THAT YOUR REMEDY IS WITH THE COURT OF  
15 APPEALS, SO PLEASE FOLLOW THAT REMEDY, MR. KLEIN. MOVE  
16 ONTO ANOTHER SUBJECT.

17 MR. CRAIN: LET ME JUST ADDRESS ANOTHER SUBJECT,  
18 ALTHOUGH IT IS RELATED WITH REGARDS TO THE SECOND MOTION  
19 FOR --

20 THE COURT: I WILL NOT HEAR YOU.

21 ANYTHING FURTHER ON 170.1 ISSUE? MOVE ONTO  
22 ANOTHER SUBJECT, IF YOU HAVE ANY. IF NOT, LET'S BEGIN  
23 THIS HEARING.

24 MR. CRAIN: YOUR HONOR, I THINK I HAVE A RIGHT  
25 UNDER THE COOPER CASE THAT THE SUPREME COURT DECIDED IN 55  
26 CAL. 2D TO MAKE A RECORD. ALL I AM TRYING TO DO --

27 THE COURT: I LOOK FORWARD TO YOUR PAPER. I LOOK  
28 FORWARD TO YOUR PAPER IN WRITING. I LOOK FORWARD TO

1 WRITING -- I WILL GIVE YOU THAT OPPORTUNITY. PLEASE FILE  
2 IT AS SOON AS YOU CAN.

3 ANYTHING ELSE, OR SHOULD WE BEGIN THE  
4 HEARING?

5 MR. KLEIN: YES, YOUR HONOR.

6 THE COURT: WHAT?

7 MR. KLEIN: WHEN THE COURT ORDERED ON MARCH 29TH  
8 THAT THE EVIDENTIARY HEARING COMMENCE ON APRIL 22ND, OUR  
9 INVESTIGATOR HAS SPENT ALL OF HIS TIME TRYING TO GET  
10 WITNESSES TO BE PRESENT AT THE HEARING. SO, NUMBER ONE,  
11 HE IS OUT OF MONEY. HE NEEDS MORE MONEY. HE HAD 100  
12 HOURS OVER THE LAST SEVERAL MONTHS.

13 THE COURT: YOU KNOW WHAT THE REMEDY IS.

14 MR. KLEIN: I JUST TALKED TO HIM LATE LAST NIGHT.  
15 I HAVEN'T PUT ANYTHING IN WRITING. DOES THE COURT WANT ME  
16 TO PUT IT IN WRITING?

17 THE COURT: ABSOLUTELY. FOLLOWING MY ORDER THAT I  
18 ISSUED EARLIER IN TERMS OF SETTING FORTH --

19 MR. KLEIN: IF THE COURT IS GOING TO KEEP ME IN  
20 COURT. IT IS A LITTLE DIFFICULT TO DO THAT.

21 THE COURT: THERE IS TWO OF YOU.

22 MR. KLEIN: THERE IS SIX OR EIGHT OF THEM.

23 THE COURT: OH, COUNSEL, PLEASE.

24 MR. KLEIN: OKAY.

25 IN OUR REVIEW OF WHAT'S TRANSPIRED, THE  
26 WITNESS THAT WE INTEND TO CALL IN THE NEXT COUPLE OF DAYS  
27 ARE SIGHTING WITNESSES AND I NOTE THAT --

28 THE COURT: WHO IS YOUR FIRST WITNESS?



1 MR. KLEIN: WELL, THE FIRST WITNESS THAT WE ARE  
2 GOING TO CALL IS MR. HOLMES. AFTER I FILED THE MOTION TO  
3 GET THE ASSISTANCE OF THE COURT BECAUSE WE WERE HAVING  
4 TROUBLE SERVING MR. HOLMES, OUR INVESTIGATOR SERVED HIM  
5 THAT NIGHT. HE NOTIFIED HIM BY TELEPHONE ON HIS ANSWERING  
6 MACHINE TO HAVE HIM PRESENT IN COURT TODAY. HE NEVER  
7 RETURNED THE CALL.

8 THE COURT: DO YOU HAVE PROOF OF SERVICE ON  
9 MR. HOLMES?

10 MR. KLEIN: WE DO. AND SO DO THE PEOPLE. HE WOULD  
11 BE THE FIRST WITNESS. BUT WITH RESPECT TO --

12 THE COURT: YOU DON'T HAVE MR. HOLMES HERE. WHO IS  
13 YOUR SECOND WITNESS?

14 MR. KLEIN: ANYWAY, COULD I JUST CONTINUE ABOUT --

15 THE COURT: WHO IS YOUR SECOND WITNESS? I NEED TO  
16 KNOW. WE ARE MOVING FORWARD.

17 MR. CRAIN: WE ARE GOING TO CALL MRS. MARMOR THIS  
18 AFTERNOON. I HAVE TO REACH HER. I HAVE TO TAKE A BREAK  
19 TO REACH HER.

20 THE COURT: WHO ARE WE GOING TO PUT ON THIS  
21 MORNING.

22 MR. CRAIN: ALSO, CONNIE GERRARD IS GOING TO BE  
23 HERE THIS AFTERNOON. WE HAVE TO MAKE -- MRS. MARMOR LIVES  
24 OUT OF TOWN. MRS. GERRARD HAS TO ARRANGE TRANSPORTATION  
25 DUE TO A CAR WRECK THAT TOTALED HER CAR.

26 THE COURT: WHO DO YOU HAVE ON THIS MORNING?

27 MR. CRAIN: WE HAVE MR. HOLMES.

28 MR. KLEIN: WHY DON'T YOU CALL MS. GERRARD NOW AND

1 SEE --

2 MR. CRAIN: I WOULD LIKE TO TAKE A SHORT BREAK.

3 MR. KLEIN: I HAVE SOME OTHER MATTERS THAT I CAN  
4 ADDRESS THE COURT ABOUT DISCOVERY WHILE HE MAKES A PHONE  
5 CALL TO GET WITNESSES HERE.

6 THE COURT: ARE THESE MATTERS THAT YOU BROUGHT UP  
7 WITH THE OTHER SIDE?

8 MR. KLEIN: YES.

9 MR. CRAIN: CAN I DO THAT?

10 THE COURT: YES. GET YOUR WITNESS DOWN HERE.

11 MR. CRAIN: THANK YOU

12 MR. KLEIN: JUST SO THE RECORD IS CLEAR, WE GOT  
13 DISCOVERY LAST WEEK, SO THAT THE COURT UNDERSTANDS WHY WE  
14 AREN'T PREPARED, JUST AS AN EXAMPLE. WE GOT DISCOVERY BY  
15 FAX ON APRIL 17TH IN RESPONSE TO A LETTER THAT I FAXED TO  
16 MR. MC MULLEN WHERE HE SAID THE ONLY THING THAT WE DIDN'T  
17 HAVE WAS SOME THINGS THAT HE FAXED TO US, WHICH WAS A  
18 MARCH 1ST INVESTIGATION BY THEIR INVESTIGATOR,  
19 MR. SIMPSON, CONCERNING MRS. GHALEB. SO WE HAVEN'T HAD A  
20 CHANCE TO DEAL WITH THEIR INVESTIGATION OF HER.

21 AND I WOULD NOTE THAT THEIR REPORT IS DATED  
22 MARCH 1ST, AND I GOT IT ON APRIL 17TH ONLY IN RESPONSE TO  
23 A REQUEST BY ME.

24 WHEN I SPOKE TO MRS. GHALEB SHE SAID THAT  
25 MR. SIMPSON SPOKE WITH HER. I HAVE NO REPORT OF ANY  
26 INTERVIEW BY THE DISTRICT ATTORNEY'S OFFICE OF MS. GHALEB,  
27 WHO IS A WITNESS THAT WE INTEND TO CALL NEXT WEEK.

28 THE COURT: HAVE YOU TALKED TO THEM ABOUT THIS?

1 MR. KLEIN: I AM SORRY.

2 THE COURT: HAVE YOU TALKED TO THEM ABOUT THIS?

3 MR. KLEIN: I TOLD THEM ABOUT IT.

4 THE COURT: WHAT WAS THEIR RESPONSE?

5 MR. KLEIN: NOTHING.

6 THE COURT: WHY ARE THEY GETTING THINGS LATE?

7 MR. KLEIN: CAN I JUST FINISH ABOUT THE REST OF THE  
8 DISCOVERY?

9 THE COURT: I WANT TO FIND OUT.

10 MR. KLEIN: THERE IS MORE PROBLEMS. YOU WANT TO A  
11 TAKE THEM ONE AT TIME?

12 THE COURT: SURE. WHY NOT?

13 MR. MC MULLEN: WITH RESPECT TO THE REPORT THAT WE  
14 FAXED TO MR. KLEIN, IT WAS AN INVESTIGATION OF THE SCENE  
15 OF THE SIGHTING THAT MRS. GHALEB CLAIMS TO HAVE MADE HER  
16 SIGHTING. IT WAS SOMETHING THAT WAS AVAILABLE TO THEM.  
17 WHEN THE HEARING GOT FOCUSED AND NARROWED, WE THEN FELT  
18 OBLIGED TO FORWARD THAT REPORT.

19 OUR INVESTIGATOR DID CONTACT MS. GHALEB, BUT  
20 ABOUT -- NOT TALK TO HER ABOUT ANYTHING SUBSTANTIVE ABOUT  
21 WHAT SHE HAD SAID. WE JUST WANTED TO SEE WHERE SHE LAST  
22 SEEN, IF THIS WAS AVAILABLE. THAT WAS THE END. NO REPORT  
23 WAS GENERATED WITH RESPECT TO ANY CONVERSATION WITH HER.  
24 THERE WASN'T REALLY ANYTHING COVERED.

25 THE COURT: MR. KLEIN, THERE WASN'T ANY REPORT.

26 MR. KLEIN: THAT'S NOT WHAT MS. GHALEB SAYS.

27 THE COURT: DO YOU HAVE A REPORT?

28 MR. MC MULLEN: NO. WE DIDN'T FURNISH ONE FOR HER

1 EITHER.

2 THE COURT: DO YOU THINK HE IS LYING?

3 MR. KLEIN: I DON'T KNOW, YOUR HONOR. I DIDN'T  
4 TALK TO MS. GHALEB. I HAVEN'T TALKED TO THEM. BUT THE  
5 POINT BEING THAT THEY HAD A REPORT DATED MARCH 1ST OF THE  
6 AREA OF THE SIGHTING THAT THEIR INVESTIGATOR CONDUCTED,  
7 AND THEY DIDN'T TURN IT OVER UNTIL I ASKED ON APRIL 16TH,  
8 SO THEN THEY TURNED IT OVER ON APRIL 17TH. WE HAVEN'T HAD  
9 A CHANCE TO DEAL WITH IT. WE HAVEN'T HAD A CHANCE TO TALK  
10 TO MS. GHALEB ABOUT IT. I JUST POINT THAT OUT TO THE  
11 COURT AS DEMONSTRATING WHY WE ARE NOT PREPARED TO GO  
12 FORWARD WITH HER.

13 THE OTHER DISCOVERY THAT WE GOT WAS BY WAY OF  
14 A LETTER DATED APRIL 15TH, AND IT CONCERNS A FEBRUARY  
15 15TH, 1996, REPORT CONCERNING CAROL LEVIN. SO THAT'S TWO  
16 AND A HALF MONTHS EARLIER.

17 A FEBRUARY 12TH REPORT CONCERNING BILL  
18 PEARCE, HE RELATES TO IVAN WERNER, THAT'S A SIGHTING  
19 WITNESS THAT WE INTEND TO CALL. THAT'S TWO MONTHS  
20 EARLIER.

21 AND A MARCH 1ST, 1996, REPORT CONCERNING  
22 JANICE WALNER. SHE RELATES TO NADIA GHALEB. THAT'S A  
23 MONTH AND A HALF EARLIER. WE DIDN'T GET IT UNTIL AFTER  
24 APRIL 15TH.

25 SO THAT SHOWS WHY WE ARE NOT PREPARED TO GO  
26 FORWARD WITH RESPECT TO WHAT'S CONTAINED IN THAT AND OUR  
27 WITNESSES. IT IS UNFAIR TO FORCE US TO GO FORWARD WHEN WE  
28 GET DISCOVERY FROM THE PEOPLE ON THE EVE OF THE HEARING.

1 THEY HAVE HAD THIS DISCOVERY FOR TWO MONTHS.

2 THE COURT: MR. MC MULLEN?

3 MR. MC MULLEN: WITH RESPECT TO MR. PEARCE'S  
4 REPORT, HAVING TALKED TO MR. PEARCE LAST WEEK, IT JUST SO  
5 HAPPENS THAT THE DEFENSE IS WELL AWARE OF MR. PEARCE, AND  
6 HAS INTERVIEWED HIM EVEN PRIOR TO THE TIME THAT WE  
7 INTERVIEWED HIM.

8 THE COURT: ARE YOU GOING TO CALL HIM AS A WITNESS?

9 MR. MC MULLEN: WE PUT HIM ON THE WITNESS LIST.

10 THE COURT: WHY DIDN'T YOU TURN OVER THE REPORT  
11 EARLIER?

12 MR. MC MULLEN: WELL, MY RECOLLECTION OF THE WAY,  
13 WITHOUT SEEING IT RIGHT IN FRONT OF ME, AS SOON AS WE PUT  
14 HIS NAME ON THE WITNESS LIST WE THEN FORWARDED THE REPORT.

15 THE COURT: WAS HE ON THE DECEMBER WITNESS LIST?

16 MR. MC MULLEN: I AM SORRY.

17 THE COURT: WAS HE ON THE DECEMBER WITNESS LIST?

18 MR. MC MULLEN: THAT I DON'T RECALL.

19 MR. KLEIN: THAT'S NOT --

20 THE COURT: SO YOU PUT HIM ON YOUR WITNESS LIST AS  
21 OF -- AFTER THE MARCH 29TH RULING?

22 MR. KLEIN: APRIL. THEY PUT HIM ON THE WITNESS  
23 LIST APRIL 15TH THAT'S WHEN THEY MAILED ON OUR REPORT.

24 MR. MC MULLEN: THAT SOUNDS LIKE IT WAS AN ACCURATE  
25 REPRESENTATION.

26 THE COURT: ALL RIGHT.

27 MR. MC MULLEN: WITH RESPECT TO THE CAROL LEVIN  
28 THING, I WOULD HAVE TO LOOK AT THE REPORT, BUT WE

1 FORWARDED THE REPORT TO THEM, AND IT REALLY HAS NOTHING TO  
2 WITH THE HEARING. QUITE FRANKLY, WE FELT OBLIGED BECAUSE  
3 IT WAS A COMMUNICATION THAT SHE SENT TO US, THAT LETTER  
4 THAT HER SON HAS WRITTEN TO HER. WE FELT OBLIGED TO BRING  
5 THAT TO THEM. WE PUT A COVER REPORT AND FURNISHED THAT TO  
6 THEM. IT REALLY HAS NOTHING TO DO WITH THIS HEARING, BUT  
7 WE HANDED IT OVER TO THEM.

8 GOING BACK TO THE GHALEB REPORT, IT IS A  
9 REPORT CONCERNING AN INVESTIGATION OF THE SIGHTING. IT IS  
10 SOMETHING THAT THEY HAD AVAILABLE TO THEM. IT IS NOT --

11 THE COURT: HOW DID THEY HAVE IT AVAILABLE TO THEM?

12 MR. MC MULLEN: THEY KNEW WHERE THE SIGHTING  
13 LOCATION WAS. THEY COULD GO OUT AND TAKE A LOOK.

14 THE COURT: WHOSE REPORT IS THIS?

15 MR. MC MULLEN: OUR INVESTIGATOR, TOM SIMPSON'S  
16 REPORT.

17 THE COURT: DO YOU SEEK TO HAVE HIM TESTIFY?

18 MR. MC MULLEN: YES.

19 THE COURT: WAS HE ON YOUR DECEMBER WITNESS LIST?

20 MR. MC MULLEN: YES, HE WAS.

21 MR. KLEIN: HE WAS ON THE LIST, BUT THERE WAS NO  
22 DISCOVERY RELATING TO THE INVESTIGATION THAT WAS DONE ON  
23 MARCH 1ST, TURNED OVER ON APRIL 17TH?

24 THE COURT: WHEN WAS THE DISCOVERY CREATED?

25 MR. MC MULLEN: YOU MEAN THE ACTUAL REPORT  
26 INVESTIGATION?

27 MR. MC MULLEN: SOMETIME AGO EARLY ON IN THE CASE  
28 WHEN DOING GENERAL INVESTIGATIONS ABOUT THE ISSUE.

1 THE COURT: DEFINE "EARLY ON" BECAUSE THIS GOES,  
2 THIS CASE GOES BACK TO 1983.

3 MR. MC MULLEN: I HAVE TO LOOK.

4 MR. KLEIN: THE REPORT IS DATED MARCH 1, 1996, THAT  
5 THEY TURNED OVER TO US. IF THERE IS SOME OTHER REPORT  
6 MUCH EARLIER, WE NEVER GOT IT.

7 MR. MC MULLEN: I BELIEVE THE REPORT IS EARLIER  
8 THAN THAT, YOUR HONOR.

9 MR. KLEIN: MARCH 1, 1996. I HAVE IT RIGHT HERE,  
10 IF THE COURT WANTS TO SEE IT.

11 THE COURT: WHAT'S THE SUBJECT OF --

12 MR. KLEIN: IT IS THE REVIEW OF THE AREA WHERE --

13 MR. MC MULLEN: BASICALLY IT WAS A --

14 MR. KLEIN: WHERE MRS. GHALEB SAW RON LEVIN AT THE  
15 BRENTWOOD MART AT SAN VICENTE.

16 MR. MC MULLEN: IT IS A TWO-STORY BUILDING.

17 BASICALLY, YOUR HONOR, WE DROVE BY THE  
18 BRENTWOOD TOWNE AND COUNTRY CENTER AND AT THE SPEED THAT  
19 MS. GHALEB CLAIMED TO HAVE DRIVEN BY IT, WE JUST MADE  
20 OBSERVATIONS ABOUT WHAT KIND OF OBSERVATIONS SHE COULD  
21 HAVE MADE ABOUT THAT TIME. AND INVESTIGATOR SIMPSON  
22 GENERATED A REPORT WITH RESPECT TO THE OBSERVATIONS THAT  
23 WERE MADE DURING THAT VIEWING OF THE SIGHTING.

24 THE COURT: SO YOU WANT AN OPPORTUNITY TO DRIVE  
25 DOWN THE STREET AND DO THE SAME THING, MR. KLEIN?

26 MR. KLEIN: I JUST WANT TO HAVE AN OPPORTUNITY TO  
27 PREPARE IN RESPONSE TO WHATEVER THEY DID, AND I POINT OUT  
28 TO THE COURT --

1 THE COURT: I WON'T LET THEM CALL THAT WITNESS  
2 UNTIL NEXT WEEK.

3 MR. KLEIN: AND THERE WAS NO RESPONSE ABOUT THE  
4 LACK OF DISCOVERY OF THE JANICE WALNER REPORT, WHICH IS  
5 DATED MARCH 1, '96, THAT RELATES TO GHALEB TOO.

6 THE COURT: WHAT'S THAT REPORT?

7 MR. MC MULLEN: OKAY. THAT REPORT NADIA GHALEB  
8 EARLY ON, WAY BACK WHEN HER SIGHTING FIRST CAME TO BEAR,  
9 AND I BELIEVE SHE TESTIFIED TO THIS IN SAN MATEO, SHE SAID  
10 THAT SHE WENT AND TALKED TO JANICE WALNER ABOUT WHAT SHE  
11 HAD SEEN.

12 WE ALWAYS WANTED TO GO OUT AND TALK TO JANICE  
13 WALNER, AND FINALLY WE DID, WHEN THE HEARING GOT MORE  
14 FOCUSED, THEN WE PUT HER ON THE WITNESS LIST. AS IT TURNS  
15 OUT, WE ARE NOT GOING TO, BUT BECAUSE SHE WAS PUT ON THE  
16 WITNESS LIST, WE TURNED THE REPORT OVER TO THE OTHER SIDE.  
17 IT IS SOMETHING THAT THEY WERE AWARE OF. THEY COULD HAVE  
18 TALKED TO --

19 THE COURT: MR. KLEIN?

20 MR. KLEIN: YOU KNOW A REPORT --

21 THE COURT: HE IS NOT GOING TO CALL -- ONE OF THE  
22 REMEDIES IS I WILL NOT ALLOW THEM TO CALL THESE WITNESSES  
23 THAT YOU GOT LATE DISCOVERY ON?

24 MR. KLEIN: OKAY.

25 IN REVIEWING AND PREPARING FOR THE HEARING  
26 MR. AND MRS. GERRARD INFORMED US THAT AN INTERVIEW WAS  
27 CONDUCTED OF THEM BY THE DISTRICT ATTORNEY. WE HAVE NO  
28 SUCH INTERVIEW. IVAN WERNER --



1 THE COURT: ARE THESE WITNESSES YOU ARE GOING TO  
2 CALL?

3 MR. KLEIN: YES, YOUR HONOR.

4 THE COURT: DO YOU HAVE A REPORT ABOUT THAT  
5 INTERVIEW.

6 MR. MC MULLEN: OUR UNDERSTANDING OF YOUR DISCOVERY  
7 ORDER, IF WE WOULD FURNISH REPORTS OF WITNESSES THAT WE  
8 ARE GOING TO CALL. WE HAVE NOT TURNED OVER REPORTS OF  
9 THEIR WITNESSES, WITNESSES THAT ARE NOT ON OUR WITNESS  
10 LIST. WE HAVE NOT DONE THAT. AND IT IS OUR BELIEF THAT  
11 THAT'S IN ACCORDANCE WITH YOUR DISCOVERY ORDER.

12 THE COURT: MR. KLEIN?

13 MR. KLEIN: YOUR HONOR, IF THEY HAVE CONDUCTED  
14 INTERVIEWS OF WITNESSES THAT ARE GOING TO BE CALLED IN  
15 THIS HEARING, I THINK ANY INTERPRETATION OF THE COURT'S  
16 INTENT CONCERNING DISCOVERY IS THAT IT IS SUPPOSED TO  
17 BE --

18 THE COURT: THESE ARE THE KIND OF MOTIONS YOU  
19 SHOULD BE FILING IN WRITING RATHER THAN ALL THESE MOTIONS  
20 TO CONTINUE.

21 MR. KLEIN: WELL, YOUR HONOR, IF WE FIND THIS OUT,  
22 IF WE FIND THIS OUT, AND WE DON'T HAVE TIME TO PUT IT IN  
23 WRITING --

24 THE COURT: MR. KLEIN, YOU SPEND AN AWFUL LOT OF  
25 TIME FILING AN AWFUL LOT OF PAPER. THIS IS SOMETHING THAT  
26 HAS MORE TO DO WITH THIS CASE.

27 MR. KLEIN: THERE IS AN INTERVIEW OF THE GERRARDS',  
28 AN INTERVIEW OF IVAN WERNER. WE INTEND TO CALL THEM TODAY

1 AND TOMORROW. I WOULD LIKE TO HAVE THEIR INTERVIEWS.

2 THE COURT: ALL RIGHT.

3 MR. MC MULLEN, YOUR POSITION?

4 MR. MC MULLEN: WELL, YOUR HONOR --

5 THE COURT: I TOLD YOU GUYS TO TREAT THIS LIKE  
6 CIVIL LITIGATION. I TOLD YOU GUYS TO WORK THIS OUT, GET  
7 YOUR MATERIAL. I ASSUME YOU GOT SOME IMPEACHING MATERIAL.

8 MR. MC MULLEN: WELL, WE DO IN THE FORM OF  
9 MR. MICHAEL RAY, WHICH THEY HAVE RECEIVED A REPORT OF, AND  
10 HE IS NOT --

11 MR. KLEIN: I AM NOT CONCERNED ABOUT THAT. I WANT  
12 TO SEE THEIR INTERVIEWS OF THE SIGHTING WITNESSES, GERRARD  
13 AND WERNER.

14 THE COURT: WHAT ABOUT THEIR POSITION THAT THE  
15 DISCOVERY ORDER DID NOT CALL FOR TURNING OVER STATEMENTS  
16 OF WITNESSES THAT THE PARTY DID NOT INTEND TO CALL  
17 THEMSELVES.

18 MR. KLEIN: WELL, I NEVER INTERPRETED THE COURT'S  
19 RULING THAT THEY COULD GO OUT AND INTERVIEW A WITNESS THAT  
20 WE ARE GOING TO CALL AND HOLD THAT INTERVIEW BACK. I  
21 MEAN, THAT'S NOT --

22 THE COURT: THAT'S NOT AN UNUSUAL INTERPRETATION IN  
23 GENERAL TERMS. I MEAN, YOU GOT A WHOLE LOT OF ORDERS I  
24 HAVE ISSUED. IT SEEMS TO ME THAT YOU SHOULD HAVE FOLLOWED  
25 THROUGH ON THAT.

26 MR. KLEIN: WE DID FOLLOW THROUGH IN TERMS OF  
27 DISCOVERY.

28 THE COURT: I WILL ORDER THE STATEMENTS BE TURNED

1 OVER, BUT IT IS NOT GOOD CAUSE FOR A CONTINUANCE.

2 MR. MC MULLEN: JUST SO WE ARE CLEAR, WHICH  
3 STATEMENTS ARE YOU REFERRING TO?

4 THE COURT: I BELIEVE HE IS CONCERNED ABOUT THE  
5 WERNER STATEMENT.

6 MR. KLEIN: AND GERRARD. I THINK THERE IS A TAPE  
7 RECORDED INTERVIEW OF LEN MARMOR, WHO MIGHT BE A REBUTTAL  
8 WITNESS.

9 THE COURT: WHOSE REBUTTAL?

10 MR. KLEIN: OUR REBUTTAL.

11 WE HAVE A REPORT OF AN INTERVIEW WITH LEN  
12 MARMOR, IT SAYS IT WAS SURREPTITIOUSLY TAPE RECORDED. HE  
13 HAS KNOWLEDGE ABOUT WHAT KAREN MARMOR IS GOING TO TALK  
14 ABOUT. DEPENDING ON HOW THE EXAMINATION GOES, HE MAY BE A  
15 REBUTTAL WITNESS BY EITHER THEM OR BY US.

16 THE COURT: YOU KNOW, THIS IS AMAZING THAT WE ARE  
17 AT THIS POINT IN THIS HEARING AND YOU FOLKS ARE STILL  
18 PLAYING AROUND WITH DISCOVERY AFTER TWO AND A HALF YEARS.  
19 I FIND THAT REALLY AMAZING.

20 MR. MC MULLEN: JUST SO IT IS CLEAR, I TOLD COUNSEL  
21 LONG AGO WHEN WE FIRST HANDED OVER THE REPORT, EVERY  
22 REPORT THAT THERE WAS A TAPE RECORDING INVOLVED, I  
23 INSTRUCTED HIM TO GO TO OUR SOUND LAB, THAT THOSE TAPES  
24 COULD BE COPIED PURSUANT TO OUR REGULAR CUSTOMARY  
25 DISCOVERY PROCEDURE. WE WEREN'T HOLDING BACK ON THEM. WE  
26 JUST NEED TO FOLLOW THOSE PROCEDURES. TO THE EXTENT THAT  
27 HE HAS ANY REPORT THAT REFERS TO TAPE RECORDINGS, THEY  
28 HAVE BEEN AVAILABLE.

1 THE COURT: I ASSUME SO.

2 MR. KLEIN: I DO WANT THE REPORTS OF GERRARD AND  
3 WERNER.

4 THE COURT: OKAY.

5 ANYTHING ELSE?

6 THE PETITIONER: COULD I HAVE A MOMENT, YOUR HONOR,  
7 WITH COUNSEL?

8 THE COURT: YES.

9 MR. MC MULLEN: YOUR HONOR --

10 HOLD ON. GIVE THEM A CHANCE TO TALK.

11 MR. MC MULLEN: OKAY.

12

13 (A CONFERENCE WAS HELD BETWEEN COUNSEL  
14 AND THE PETITIONER, NOT REPORTED.)

15

16 THE COURT: ALL RIGHT.

17 MR. MC MULLEN?

18 MR. MC MULLEN: WITH RESPECT TO DISCOVERY, I KNOW  
19 WE HAVE PROVIDED THE COURT WITH COPIES OF LETTERS WE HAVE  
20 FORWARDED TO MR. KLEIN. WITH RESPECT TO THE DISCOVERY  
21 PROBLEMS WE HAVE HAD OVER A COURSE OF MONTHS, BASICALLY  
22 THE RESPONSE FROM THE OTHER SIDE IS, "WE HAVE GOT  
23 EVERYTHING."

24 IT IS QUITE CLEAR, IF YOU LOOK AT THE  
25 LETTERS, THEY HAVEN'T, BUT ONE THING IN PARTICULAR IT --  
26 RIGHT HERE TODAY WE HAVE BEEN ASKING FOR A PHOTOGRAPH OF  
27 RON LEVIN THAT APPEARS IN THE "DAILY NEWS" ARTICLE WITH  
28 RESPECT TO THE TESTIMONY OF IVAN WERNER. WE HAVE ASKED

1 FOR THAT FOR A LONG PERIOD OF TIME. WE STILL HAVEN'T  
2 RECEIVED IT.

3 MR. KLEIN: IF I MIGHT INQUIRE, DOES THE COURT HAVE  
4 A RETURN ON THE S.D.T. FROM THE "DAILY NEWS"? WE DID ASK  
5 THEM TO SEND IT IN. IF NOT, I WILL CONTACT THEM AGAIN.

6 MR. MC MULLEN: "DAILY NEWS."

7 MR. KLEIN: HERE IS A COPY OF WHAT WE HAVE. BUT  
8 THIS IS THE ONLY COPY I HAVE RIGHT NOW, BUT YOU ARE  
9 WELCOME TO LOOK AT IT.

10 MR. MC MULLEN: WE WILL PHOTOCOPY IT, IF YOU LIKE.

11 THE COURT: NOTHING FROM THE NEWS.

12 MR. KLEIN: I WILL GET IN TOUCH WITH THE "DAILY  
13 NEWS" AND MAKE SURE THEY RESPOND TO THE SUBPOENA.

14 THE COURT: OKAY.

15 MR. KLEIN: I GUESS THE OTHER ISSUE PERTAINING TO  
16 ISSUE NO. 1, WHICH RELATES TO WHETHER OR NOT RON LEVIN IS  
17 ALIVE, AGAIN, MY CONCERN IS THAT THE COURT CAREFULLY  
18 REVIEW THE SECOND MOTION TO DISQUALIFY, AND THE COURT'S  
19 STATEMENT.

20 THE COURT: I UNDERSTAND THAT YOU REFER TO IT AS  
21 THE MURDER OF LEVIN." I ALSO REFER TO THE FACT THAT THE  
22 100-PAGE OPINION FROM THE COURT OF APPEAL SAYING THAT THE  
23 CLIENT, YOUR CLIENT, THE PETITIONER IN THIS CASE, MURDERED  
24 MR. LEVIN, IN FACT STATING OVERWHELMINGLY. LET'S NOT PLAY  
25 LAWYER GAMES.

26 MR. KLEIN: I DON'T PLAY LAWYER'S GAMES. WHEN THE  
27 COURT SAYS THAT THE ALLEGED COMPLEXITY OF THE CASE, THE  
28 COURT KNOWS HOW TO USE WORDS OF ART, AND THE COURT SAID

1 "ALLEGED ILLNESS" OF ME.

2 THE COURT: I AM NOT A DOCTOR, MR. KLEIN.

3 MR. KLEIN: OUT OF A DOCTOR YOU GOT A STATEMENT.

4 THE COURT: I GET A LOT OF STATEMENTS.

5 MR. KLEIN: UNDER PENALTY OF PERJURY?

6 THE COURT: I UNDERSTAND, COUNSEL, AND I GAVE YOU  
7 MY RESPONSE RIGHT NOW.

8 MR. KLEIN: YOU DON'T BELIEVE ME.

9 THE COURT: RIGHT NOW HE IS CONVICTED OF MURDER.  
10 WHAT DO YOU WANT ME TO SAY, "COUNSEL, THE ALLEGED  
11 CONVICTED MURDER"?

12 MR. KLEIN: THE ISSUE IS IS HE ALIVE. ACCORDING TO  
13 THE PEOPLE --

14 THE COURT: IF HE IS ALIVE THEN THIS MAN IS NOT  
15 GUILTY. AS IT STANDS RIGHT NOW, THE RECORD AS IT STANDS,  
16 HE IS CONVICTED OF MURDER.

17 MR. KLEIN: YOU ARE SUPPOSED TO HAVE AN OPEN MIND,  
18 NOT SAY THAT HE IS MURDERED.

19 THE COURT: ANYWAY, LIKE I SAID, LET'S NOT PLAY  
20 LAWYER GAMES.

21 MR. KLEIN: IT IS NOT A LAWYER GAME. IN THE FIRST  
22 ISSUE IN THE HEARING MEMORANDUM THAT WE SUBMITTED, WE TAKE  
23 THE POSITION THAT WE SHOULD BE PERMITTED TO CALL MORE THAN  
24 JUST THE SIGHTING WITNESSES THAT THE COURT STATED ON MARCH  
25 29TH. I REFER TO THE LANGUAGE OF THE ORDER TO SHOW CAUSE  
26 WHERE IT SAYS (READING): "AND OTHER IMPEACHMENT  
27 EVIDENCE."

28 AND THEN IN MY HEARING MEMORANDUM I POINTED

1 OUT TO THE COURT THE LANGUAGE IN IN RE HALL, WHICH GIVES  
2 THE COURT DIRECTION ABOUT WHAT IT MUST DO AFTER A  
3 PETITIONER HAS MADE A CERTAIN SHOWING REGARDING HIS  
4 INNOCENCE.

5 AND OUR POSITION IS THAT WE SHOULD NOT BE  
6 LIMITED SOLELY TO SIGHTING WITNESSES UNDER THE COURT OF  
7 APPEALS ORDER TO SHOW CAUSE AND UNDER IN RE HALL. AFTER  
8 WE HAD PUT ON SIGHTING WITNESSES, WE SHOULD BE PERMITTED  
9 TO PUT ON OTHER EVIDENCE TO SHOW THAT THERE ARE OTHER  
10 PROBLEMS WITH THIS SUPPOSED OVERWHELMING CASE THAT THE  
11 COURT OF APPEALS SIGHTED. SO THAT WHEN THE COURT MAKES  
12 ITS EVALUATION, AND THAT IT IS REQUIRED TO DO UNDER THE  
13 TEST THAT BOTH SIDES AGREE IN THEIR HEARING MEMORANDUM,  
14 SUCH AS THE LANGUAGE FROM THE COURT OF APPEAL ORDER TO  
15 SHOW CAUSE, WHICH COMES FROM PEOPLE VERSUS GONZALES, THAT  
16 WE ARE ABLE TO MEET THIS BURDEN BY A PREPONDERANCE OF  
17 EVIDENCE TO SHOW THAT RON LEVIN IS ALIVE.

18 THE COURT: I WILL LOOK -- HOW ARE YOU GOING TO PUT  
19 ON ANY DIRECT EVIDENCE THAT RON LEVIN IS ALIVE?

20 MR. KLEIN: HOW ABOUT ADDITIONAL IMPEACHMENT  
21 EVIDENCE?

22 THE COURT: WHAT DOES THAT MEAN.

23 MR. KLEIN: IT MAY MEAN --

24 THE COURT: NOT WHAT IT MAY MEAN.

25 MR. KLEIN: WE ARE IN THE HEARING --

26 THE COURT: EXCUSE ME. DO NOT SPEAK OVER ME.

27 TELL ME EXACTLY WHAT IT IS THAT YOU WANT TO  
28 OFFER.

1 MR. KLEIN: EVIDENCE THAT HE HAS A MOTIVE TO FLEE.

2 THE COURT: GIVE ME A NAME OF A WITNESS AND WHAT  
3 THE WITNESS WOULD SAY.

4 THE PETITIONER: I CAN GIVE YOU A LIST OFF THE TOP  
5 OF MY HEAD.

6 THE COURT: MR. KLEIN IS YOUR LAWYER, AND THE  
7 HEARING IS STARTING. I AM LOOKING FOR DIRECTION HERE.

8  
9 (A CONFERENCE WAS HELD BETWEEN COUNSEL  
10 AND THE PETITIONER, NOT REPORTED.)

11  
12 THE PETITIONER: THIS MIGHT BE AN APPROPRIATE POINT  
13 FOR ME TO ADDRESS THE COURT ABOUT THE DISARRAY OF THE  
14 DEFENSE CAMP, WHICH HAS TO BE OBVIOUS, THE COURT HAS  
15 REMARKED UPON IT A NUMBER OF TIMES. I THINK THERE IS SOME  
16 ADDITIONAL FACTORS THE COURT SHOULD CONSIDER BEFORE IT  
17 DECIDES THAT I HAVE -- I AM GOING TO HAVE EFFECTIVE  
18 REPRESENTATION IN THIS HEARING.

19 I THINK MY COUNSEL NEEDS A COUPLE OF MONTHS,  
20 AND I AM PREPARED TO DESCRIBE IN A LITTLE MORE DETAIL WHY  
21 THEY NEED THAT COUPLE OF MONTHS THAT MY COUNSEL --

22 THE COURT: IF YOU ARE ASKING FOR A CONTINUANCE IT  
23 IS DENIED. I HAVE RULED ON CONTINUANCE MOTION AFTER  
24 CONTINUANCE MOTION. EVEN YOU, MR. HUNT, WOULD AGREE THIS  
25 CASE HAS GONE ON A LONG TIME?

26 THE PETITIONER: I AM CONCERNED THAT THE COURT WILL  
27 ELEVATE EXPEDITION OVER DUE PROCESS.

28 THE COURT: TWO AND A HALF YEARS?



1 THE PETITIONER: I GAVE THE COURT AN OPPORTUNITY A  
2 LONG TIME AGO TO PUT AN INDIVIDUAL, MYSELF, IN THE ROLE OF  
3 COUNSEL WHO WOULD NOT BE ABLE TO CLAIM THE FACT THAT HE  
4 WASN'T PREPARED TO PROCEED.

5 THE COURT: YOU HAVE HAD PRO PER STATUS IN THE  
6 COUNTY JAIL; RIGHT?

7 THE PETITIONER: CORRECT, YOUR HONOR.

8 THE COURT: SO YOU HAD ACCESS. YOU HAVE BEEN  
9 WORKING WITH YOUR ATTORNEYS. I HAVE PAID A LOT OF BILLS  
10 WHERE MR. KLEIN AND MR. CRAIN HAVE MET WITH YOU OVER THE  
11 YEARS. I MEAN, WE ARE TALKING ABOUT \$20,000 WORTH OF  
12 MEETINGS.

13 THE PETITIONER: EXACTLY. SINCE THE COURT RAISED  
14 THAT, THAT ISSUE, LET ME COMMENT UPON THAT TO REFLECT ON  
15 THE PRESUMPTION THAT THAT COURT IS GOING TO PUT INTO THE  
16 RECORD HERE.

17 IT IS SIMPLY THIS: MY COUNSEL AND I HAVE HAD  
18 OPPORTUNITIES TO MEET AND HAVE TALKED. BUT IN NO WAY,  
19 SHAPE OR FORM THAT HAS THE VOLUME OF INFORMATION IN MY  
20 COMMAND BEEN TRANSFERRED TO MR. KLEIN AND MR. CRAIN. THEY  
21 HAVE A NUMBER OF OTHER CONCERNS. MR. KLEIN WAS ILL FOR  
22 MOST OF 1995 EITHER WITH HIS CATARACT PROBLEM, AND NOW  
23 WITH ELEVATED BLOOD PRESSURE, HE ALSO HAS BEEN FIGHTING A  
24 DEATH PENALTY CASE. I HAVE SENT THEM VOLUMINOUS MEMOS,  
25 WHICH I HAVE KEPT.

26 THE COURT: DO YOU REMEMBER WHEN THIS HEARING WAS  
27 SUPPOSED TO START?

28 THE PETITIONER: I DO.

1 THE COURT: HOLD ON.

2 WE WERE SUPPOSED TO START IT LAST FALL. I  
3 WANTED TO PUT IT ON LAST FALL. THEN I LET IT SLIP INTO  
4 EARLY WINTER, AND THEN I SAID, "MR. KLEIN, I WANT THIS  
5 CASE TO GO BEFORE YOUR DEATH PENALTY CASE GOES. I WANT TO  
6 GET IT GOING BEFORE, WELL BEFORE DECEMBER," AND I WENT  
7 ALONG WITH MORE CONTINUANCES THEN.

8 THEN MR. KLEIN GOT INVOLVED WITH THE DEATH  
9 PENALTY CASE AND THAT WAS STOPPED MIDSTREAM BECAUSE OF A  
10 WHEELER MOTION. AND THEN I PROMISED MR. KLEIN I WOULD  
11 GIVE HIM A COUPLE OF WEEKS AFTER THAT TRIAL WAS OVER  
12 BEFORE WE CONTINUED WITH THIS MATTER. NOW HERE WE ARE AT  
13 IN APRIL --

14 THE PETITIONER: AT THIS POINT IN TIME I AM NOT IN  
15 THE STATEMENT DISPUTING OR EVEN TAKING UP THE ISSUE OF  
16 WHETHER THE COURT HAS BEEN FAIR TO MR. KLEIN. I AM ASKING  
17 TO COURT TO BE FAIR TO ME, TO ALLOW ME TO HAVE ENOUGH TIME  
18 SO MY COUNSEL, SINCE THE COURT WISHES THAT COUNSEL  
19 REPRESENT ME, BE PREPARED AT THE POINT THE WITNESSES ARE  
20 ON THE STAND.

21 AND I WOULD TELL THE COURT THAT WHATEVER  
22 DETERMINATION IT MAKES IN REFERENCE, MAKES FROM THE NATURE  
23 OF MR. ROWAN, MR. KLEIN'S BIT TO BE PREPARED, INVESTIGATE  
24 THE INFORMATION I MIGHT HAVE, SORT THROUGH THE FACTS, THAT  
25 THEY SPENT CERTAIN TIME WITH ME IN MEETINGS IS INCORRECT.

26 THE FACT OF THE MATTER IS THAT, FOR EXAMPLE,  
27 ON THE PEOPLE'S WITNESS LIST MR. KLEIN AND MR. CRAIN HAVE  
28 NEVER REVIEWED THE FILES ON ALLEN, BRODER, DICKER,

1 EISENBERG, FACTOR, FELDMAN, FOULKS, HOLMES, KILPATRICK,  
2 KARNY, HUNT, JOE HUNT, MY STATEMENTS THAT BEAR UPON THIS  
3 HEARING. THEY HAVE SEEN THE SAN MATEO TRANSCRIPT. THERE  
4 ARE ON A NUMBER OF OTHER TRANSCRIPTS THAT BEAR UPON THINGS  
5 THAT WILL COME UP WHEN I AM ON THE STAND THAT THEY HAVEN'T  
6 LOOKED AT AND OTHER DECLARATIONS.

7 THE COURT: EXCUSE ME.

8 THE PETITIONER: LEVIN, CAROL LEVIN, MARTIN MAY,  
9 TOM MAY, STURKEY, TAGLIANETTI AND LESLIE ZOELLER.

10 THEY HAVE THE LOS ANGELES 1987 TRANSCRIPT,  
11 THEY HAVE THE SAN MATEO TRANSCRIPT OF THOSE INDIVIDUALS,  
12 BUT THEY DO NOT HAVE THE OTHER TRANSCRIPTS AVAILABLE TO  
13 THEM. THEY HAVE REMAINED IN STORAGE THIS ENTIRE TIME. IT  
14 IS NOT THAT THEY HAVEN'T BEEN OFFERED TO THEM. I DON'T  
15 THINK THAT THEY DON'T WANT TO REVIEW THEM EITHER, I THINK  
16 THAT MY COUNSEL ARE QUITE MOTIVATED ON THIS CASE, HOWEVER,  
17 THEY HAVE CONFLICTS, BUSY LIVES WITH A LOT OF INTERSECTING  
18 ISSUES.

19 THEY HAVE TRIED TO BE, YOU KNOW, AGGRESSIVE  
20 ABOUT THIS THING. BUT AS THE COURT HAS OBSERVED, THEY  
21 HAVEN'T HAD ON MANY OCCASIONS THE OPPORTUNITY TO ADDRESS  
22 THEIR ENERGY PAST THE PERIPHERY OF THE CASE TO SUBSTANTIVE  
23 ISSUES.

24 THE COURT: BUT SEE I CAN'T DEAL WITH THAT. I HAVE  
25 TRIED TO DEAL --

26 THE PETITIONER: I CAN'T --

27 THE COURT: -- WITH IT OVER AND OVER AGAIN, ABOUT  
28 WHAT IS IMPORTANT IN THIS CASE, WHAT IS NOT.

1 IF THEY WANT TO PURSUE IT, THEY ARE COUNSEL,  
2 THEY HAVE TOLD YOU HOW THEY WANT TO -- ALTHOUGH YOU MAY  
3 HAVE DISAGREEMENTS I WILL LEAVE IT TO YOU FOLKS TO WORK IT  
4 OUT. WHAT I CAN DO IS RULE ON WHAT'S BEFORE ME.

5 THE PETITIONER: YOU HAVE THE ENABLING POWER TO  
6 ALLOW THIS TEAM TO GO TO A HEARING PREPARED AS OPPOSED TO  
7 UNPREPARED.

8 THE COURT: I HAVE BEEN CONTINUING THIS HEARING FOR  
9 MONTHS NOW.

10 THE PETITIONER: NO ONE EXCEPT MY WIFE PERHAPS IS  
11 MORE DISTRESSED BY THE AMOUNT OF TIME THAT THESE  
12 PROCEEDINGS TAKE. IT IS EXTREMELY DIFFICULT TO TRY TO  
13 UNDERTAKE EVEN SUPPORTING MY ATTORNEYS EFFORTS FROM A  
14 COUNTY JAIL, IT IS JUST AN EXTRA DEMAND. IT HAS BEEN  
15 EXTREMELY DIFFICULT TO ACT AS MY OWN ATTORNEY IN  
16 REPRESENTING MYSELF IN THESE PROCEEDINGS, AS IT WAS IN SAN  
17 MATEO. I DON'T WANT TO DO THESE THINGS, BUT I DON'T HAVE  
18 NO OTHER CHOICE.

19 I SENT MR. KLEIN AND MR. CRAIN WITNESS LISTS,  
20 COMPREHENSIVE WITNESS LISTS, WHICH I RETAINED COPIES OF  
21 THEM ALL THE WAY BACK TO 1994. I HAVE ALSO FROM A LONG  
22 TIME AGO HAVE MEMORANDUMS MOST IN APRIL AND JULY OF 1995  
23 ALERTING THEM TO WHAT I FELT WAS GOING TO BE A LOGISTICAL  
24 NIGHTMARE IF WE DIDN'T START LOCATING WITNESSES AND DOING  
25 THE THINGS NECESSARY TO PUT WITNESSES ON. THE RECORD IN  
26 SAN MATEO WILL DISCLOSE THE DEFENSE, WHICH INVOLVES 107  
27 WITNESSES, IN SAN MATEO MOVED WITH MACHINE LIKE PRECISION.  
28 WE ALWAYS HAD WITNESSES EVERY DAY.

1 THE COURT: IF YOU ARE TELLING ME THERE IS A LOT TO  
2 THIS CASE, I UNDERSTAND THERE IS A LOT TO THIS CASE. IF  
3 YOU ARE SAYING THAT I AM SOMEHOW BEING UNFAIR, I FIND THAT  
4 DIFFICULT -- WHEN I WITH INTENT, WITH REAL INTENT IN  
5 OCTOBER ISSUED MY STATUS ORDER THAT WITNESS LISTS AND  
6 EXHIBIT LISTS BE FILED, AND I GAVE ADDITIONAL TIME FOR  
7 THAT, ULTIMATELY IT WAS FILED IN DECEMBER, THAT WAS TO  
8 FOCUS BOTH SIDES.

9 AND YOU HEARD WHAT MY LACK OF UNDERSTANDING,  
10 SHOULD WE SAY, BOTH SIDES CAME WITH A STATUS ORDER THAT  
11 WAS LESS THAN COMPREHENSIVE. I THOUGHT THAT NEITHER SIDE  
12 HAD DONE THE WORK THAT WAS NECESSARY.

13 BE THAT AS IT MAY, I CAN ONLY DO SO MUCH. I  
14 CAN'T HOLD THEIR HANDS. NOW, WE ARE TALKING FOUR MONTHS  
15 LATER.

16 THE PETITIONER: WELL, ONCE GENE --

17 MR. CRAIN: MAY THE RECORD REFLECT THAT I HAVE  
18 RE-ENTERED THE COURTROOM?

19 THE COURT: YOU HAVE BEEN HERE FOR THE LAST SEVERAL  
20 MINUTES, AND YOU HAVE A SMILE ON YOUR FACE --

21 THE PETITIONER: ONCE AGAIN --

22 THE COURT: -- I AM SURE.

23 MR. CRAIN: I HAD ONE THIS MORNING.

24 THE PETITIONER: ONCE AGAIN, I THINK THE CENTRAL  
25 ISSUE, YOUR HONOR, IS NOT TO GIVE ME THE APPEARANCE OF  
26 JUSTICE BECAUSE YOU CLAIM TWO YEARS WAS AN OPPORTUNITY,  
27 BUT ACTUAL JUSTICE IN THE FACT, SINCE WE ARE NOT PREPARED,  
28 THESE INDIVIDUALS SHOULD BE GIVEN A COUPLE OF MONTHS IN

1 ORDER TO GET THEIR WITNESSES TOGETHER.

2 NOW, ON SOMETHING LIKE ARTHUR BARENS, FOR  
3 EXAMPLE, I WAS ISSUING MEMORANDUMS TO MY ATTORNEYS --

4 THE COURT: I REALLY FEEL UNCOMFORTABLE GETTING  
5 INTO WHAT WAS GOING ON.

6 MR. CRAIN: THIS SOUNDS LIKE A MARSDEN MATTER.

7 THE PETITIONER: IT IS NOT A MARSDEN MATTER.

8 THE COURT: I DON'T -- I REALLY DON'T WANT TO GET  
9 INTO THIS. I UNDERSTAND MR. HUNT IS MAKING A PITCH ON  
10 YOUR BEHALF IN ADDITION TO YOUR REQUEST FOR ADDITIONAL  
11 TIME THERE HAS BEEN NOTHING NEW PRESENTED. THIS MATTER IS  
12 GOING TO GO FORWARD. THE ADDITIONAL REQUEST FOR  
13 CONTINUANCE IS DENIED.

14 LET'S GO BACK TO WHAT MY QUESTION WAS: WHAT  
15 SPECIFIC WITNESSES DO YOU HAVE AS TO WHETHER MR. LEVIN IS  
16 ALIVE?

17 MR. CRAIN: ONE OF THE WITNESSES THAT THE COURT  
18 PERMITTED US TO PRESENT EVIDENCE FROM IS MR. OLIVER  
19 WENDELL HOLMES, WHO WAS AT ONE TIME AN ACQUAINTANCE AND  
20 LEGAL ADVISOR, HAVING ONCE BEEN AN ATTORNEY, TO RON LEVIN.

21 AND MR. HOLMES IS, ACCORDING TO THE COURT  
22 APPOINTED INVESTIGATOR, HAS BEEN PERSONALLY SERVED, WAS  
23 SERVED TO BE HERE. I INTENDED TO TAKE MR. HOLMES'  
24 TESTIMONY FIRST. AND I EXPECTED MR. HOLMES, AS ONE WHO AT  
25 LEAST HAS BEEN A MEMBER OF THE STATE BAR, TO UNDERSTAND  
26 THE SIGNIFICANCE OF A SUBPOENA AND TO BE HERE TO START OFF  
27 AS THE FIRST WITNESS.

28 HAVING NOT SEEN MR. HOLMES IN THE COURTROOM,

1 I WOULD RECOGNIZE MR. HOLMES BECAUSE I REMEMBER MR. HOLMES  
2 FROM YEARS AGO WHEN I WAS AT THE PUBLIC DEFENDER'S OFFICE,  
3 HE WAS A FREQUENT VISITOR TO THE SANTA MONICA COURT, WHICH  
4 IS WHERE I WAS ASSIGNED, I DON'T SEE MR. HOLMES. I  
5 DON'T --

6 THE COURT: HAVE YOU GOT ANOTHER WITNESS TO GO  
7 FORWARD ON?

8 MR. CRAIN: LET ME FINISH WITH MR. HOLMES.

9 I CALLED MR. HOLMES' RESIDENCE, WHO SPOKE TO  
10 HIS MOTHER, WHO STATED THAT HE HAD LEFT ME A MESSAGE THAT  
11 HE IS RETURNING, ACCORDING TO HER, THIS MORNING FROM SAN  
12 DIEGO ON THE TRAIN. SHE IS UNAWARE OF THE CASE, HIS  
13 RESPONSIBILITY TO BE A WITNESS AND SO FORTH.

14 I HAD INTENDED TO CALL MRS. GERRARD AT 1:30  
15 THIS AFTERNOON AND MADE ARRANGEMENTS FOR HER TO APPEAR  
16 HERE. SHE HAD TO MAKE TRANSPORTATION ARRANGEMENTS. SHE  
17 IS GOING TO TAKE A CAB. I WAS ABLE TO REACH HER. SHE  
18 LIVES IN THE MARINA. SHE SAID SHE WOULD LEAVE A MESSAGE  
19 WITHIN THE NEXT FEW MINUTES IN MY OFFICE. I CALLED THE  
20 OFFICE, AND SHE DID CALL. SHE SAID SHE HAS MADE  
21 ARRANGEMENTS TO GET DOWN HERE THIS MORNING BY TAXICAB.  
22 SHE IS ON HER WAY.

23 THE COURT: SHE IS IN ROUTE?

24 MR. CRAIN: THAT'S THE BEST WE CAN DO. I APOLOGIZE  
25 TO THE COURT FOR THIS. I KNOW THE COURT NO MATTER WHAT  
26 OUR OTHER DIFFERENCES ARE WANTS TO PROCEED IN AN  
27 EXPEDITIOUS MANNER, BUT IT IS SOMEWHAT DIFFICULT FOR US.  
28 I WILL SAY THIS FOR MR. HOLMES, I DON'T KNOW WHY HE IS NOT

1       HERE.

2               THE COURT:  IF YOU HAVE GOT PROOF OF SERVICE I WILL  
3       ISSUE A BODY ATTACHMENT.

4               MR. CRAIN:  I DON'T HAVE IT ON ME.  I WILL HAVE IT  
5       HERE EITHER THIS AFTERNOON OR TOMORROW, IF THE COURT WILL  
6       ACCEPT THE FAX.

7               THE COURT:  HAVE YOU HAD ANY CONTACT WITH  
8       MR. HOLMES?

9               MR. MC MULLEN:  WE HAVE INTERVIEWED MR. HOLMES LAST  
10       WEEK SOMETIME.  I CAN'T REMEMBER THE EXACT --

11              MR. CRAIN:  I THINK MR. MC MULLEN SAYS THE PEOPLE  
12       HAD HIM UNDER SUBPOENA AS WELL.

13              MR. MC MULLEN:  YES.  WE HAVE HIM UNDER SUBPOENA ON  
14       CALL.

15              MR. CRAIN:  I DON'T THINK MR. HOLMES, AS SOME OTHER  
16       PEOPLE CONNECTED WITH THIS CASE ARE PARTICULARLY WILLING  
17       PARTICIPANTS, SOME ARE, SOME AREN'T.  HE PERHAPS IS NOT  
18       ONE.

19              THE COURT:  I SUGGEST BOTH SIDES CONVINCING THEIR  
20       WITNESSES THEY SHOULD BE HERE.

21                      VERY WELL.  I HAVE NO PROBLEM ISSUING A BODY  
22       ATTACHMENT.

23                      I WILL SAY TO YOU, AS I SAY TO THE DISTRICT  
24       ATTORNEY'S OFFICE, SINCE MOST OF THE TIME THEY ARE THE  
25       PLAINTIFFS IN THE CASES, HAVE YOUR WITNESSES LINED UP IN  
26       THE HALLWAY.  IF YOU RUN OUT OF WITNESSES, YOU REST.  AS I  
27       HAVE TOLD THE DISTRICT ATTORNEY'S OFFICE ON A NUMBER OF  
28       TIMES, I HAVE TOLD THEM IF THEY DON'T HAVE WITNESSES THEIR



1 CASE IS DONE.

2 MR. CRAIN: I UNDERSTAND THAT, YOUR HONOR. I  
3 APPRECIATE THAT. I REALLY DO. I THINK ONE OF THE  
4 PROBLEMS WITH MR. HOLMES PERHAPS IS THAT IN THE PAST HE  
5 HAS HAD HIS OWN SET OF LEGAL DISAGREEMENTS AND MAY HAVE  
6 SOME SORT OF AVERSION TO APPEARING IN COURT.

7 THE COURT: DO WE HAVE AN E.T.A. ON THE WITNESS  
8 FROM MARINA DEL REY.

9 MR. CRAIN: WELL, I GATHER SHE WAS EXPECTING -- SHE  
10 CALLED FOR A CAB, AND WAS TOLD ONE WAS ON THE WAY. THAT  
11 WAS -- I CALLED HER IMMEDIATELY.

12 THE COURT: WHAT TIME DID SHE LEAVE THE MESSAGE AT  
13 YOUR OFFICE?

14 MR. CRAIN: WHAT TIME DID I LEAVE THE COURTROOM  
15 10:00 OR TEN OF OR --

16 THE COURT: I THINK IT WAS ABOUT 10 O'CLOCK.

17 MR. CRAIN: I CALLED HER FIRST. AND BECAUSE AFTER  
18 MR. HOLMES DIDN'T APPEAR, I SUSPECTED THAT PERHAPS MY  
19 FEARS HAD, ABOUT MR. HOLMES, HAD OCCURRED. I CALLED HIS  
20 RESIDENCE SECOND. SO I WOULD SAY THAT SHE CALLED MY  
21 OFFICE ABOUT FIVE OR TEN AFTER 10 O'CLOCK.

22 THE COURT: ALL RIGHT.

23 MR. CRAIN: I AM SORRY.

24 MR. KLEIN: QUARTER OF MAYBE.

25 THE COURT: PROBABLY ABOUT QUARTER OF.

26 ANYTHING ELSE WE SHOULD TAKE UP?

27 MR. KLEIN: WE WILL GIVE YOU A LIST OF THE OTHER  
28 WITNESSES IN A FEW MINUTES.

1 THE COURT: ALL RIGHT.

2 THAT WAS GOING TO BE MY ORDER BEFORE WE TOOK  
3 A BREAK WAS TO ALERT OPPOSING SIDES OF THE NEXT FIVE  
4 WITNESSES.

5 MR. KLEIN: WE TOLD THEM FRIDAY THE PEOPLE THAT WE  
6 INTENDED TO CALL TODAY AND TOMORROW.

7 MR. MC MULLEN: THAT RAISES A POINT. THEY DID.  
8 THEY SAID THEY WOULD BE CALLING SIGHTING WITNESSES. SO WE  
9 PREPARED.

10 THE COURT: GIVE THEM NAMES.

11 MR. KLEIN: KAREN SUE MARMOR.

12 MR. MC MULLEN: BUT IF SHE IS COMING THIS AFTERNOON  
13 I CAN PREPARE.

14 MR. KLEIN: I DON'T KNOW.

15 THE COURT: YOU GUYS CAN TALK DURING THE RECESS.

16 MR. MC MULLEN: THERE ARE THREE MATTERS,  
17 PRE-HEARING MATTERS THAT WE WOULD LIKE TO BRING UP WITH  
18 YOUR HONOR.

19 FIRST OF ALL, IN OUR HEARING MEMORANDUM WE  
20 HAVE ASKED YOU TO TAKE JUDICIAL NOTICE WITH RESPECT TO  
21 CERTAIN MATTERS RELATED TO MR. DEAN KARNY. WE WOULD ASK  
22 FOR A RULING ON THAT NOW BECAUSE MR. KARNY --

23 THE COURT: I WILL TELL YOU WHAT. MY SUGGESTION IS  
24 RATHER THAN TAKING JUDICIAL NOTICE, I WILL ASK COUNSEL TO  
25 ATTEMPT TO ENTER INTO STIPULATIONS.

26 HAVE YOU SPOKEN TO OPPOSING COUNSEL ABOUT  
27 THAT?

28 MR. MC MULLEN: NO. IF YOU ARE WILLING TO

1 STIPULATE TO WHAT WE HAVE ASKED YOU TO TAKE JUDICIAL  
2 NOTICE --

3 THE COURT: WHY DON'T YOU DURING THE BREAK TALK  
4 ABOUT THAT. I PREFER COUNSEL ENTER INTO STIPULATIONS.

5 MR. MC MULLEN: THE SECOND MATTER -- THEN WE WILL  
6 DISCUSS THAT.

7 WE WOULD LIKE TO BRING A MOTION TO EXCLUDE  
8 WITNESSES DURING THE HEARING. AND PART AND PARCEL TO THAT  
9 MOTION TO EXCLUDE WITNESSES WOULD BE THE EXCEPTION THAT  
10 MR. TOM SIMPSON AND BARRY CHARTIER WE WOULD LIKE TO  
11 DESIGNATE AS OUR INVESTIGATORS. WE WOULD LIKE TO INFORM  
12 THE COURT THAT MR. JEFF BRODEY WILL BE A WITNESS AND WILL  
13 BE A WITNESS IN OUR MATTER.

14 THE COURT: OKAY.

15 YOU HAVE TO LET OPPOSING COUNSEL KNOW THAT.

16 MR. MC MULLEN: JUST RIGHT NOW.

17 MR. KLEIN: HE JUST DID.

18 THE COURT: YOUR INVESTIGATOR CAN REMAIN, IF YOU  
19 WANT TO HAVE --

20 MR. CRAIN: CAN I BE HEARD ON THE INVESTIGATOR. I  
21 HAVE AN OBJECTION TO THAT. THESE ARE WITNESSES, I THINK,  
22 THAT THE RESPONDENT INTENDS TO CALL TO ATTEMPT TO IMPEACH  
23 SOME OF PETITIONER'S WITNESSES. I KNOW THE CODE ALLOWS  
24 FOR AN INVESTIGATING OFFICER DURING THE TRIAL, OF  
25 COURSE --

26 MR. CRAIN: THAT'S A CRIMINAL CASE. I DON'T THINK  
27 THEY HAVE ANY LEGAL AUTHORITY FOR IT BECAUSE THEY ARE  
28 REALLY OUR WITNESSES. I DON'T THINK IT IS FAIR FOR THE

1 PETITIONER IN THIS CASE FOR THEM TO SIT HERE AND VIEW THE  
2 TESTIMONY OF WITNESSES TO HELP THEM PREPARE THEIR OWN  
3 TESTIMONY.

4 THE COURT: I AM INTERESTED IN EXPEDITION. ONE OF  
5 THE THINGS I AM GOING TO DO I AM ORDERING DAILIES FOR  
6 THIS. YOU ARE GOING TO HAVE TRANSCRIPTS. WELL, IT  
7 STARTED WITH THE LAST HEARING. I THINK YOU HAVE ALREADY  
8 GOT THAT TRANSCRIPT.

9 MR. KLEIN: MARCH 29TH. I THINK THAT'S PART OF OUR  
10 WRIT.

11 THE COURT: THAT'S RIGHT. SO YOU ARE GOING TO HAVE  
12 DAILIES. AND I ASSUME COUNSEL ARE GOING TO BE TALKING  
13 ABOUT AMONG THEMSELVES WITH THEIR WITNESSES CONCERNING  
14 THAT.

15 MR. KLEIN: MAYBE BY -- WE OBJECT TO THEM BEING  
16 PRESENT WHEN THEY HAVE INTERVIEWED A WITNESS. THAT'S ALL.

17 THE COURT: MR. MC MULLEN?

18 MR. MC MULLEN: WELL, THEIR PRESENCE IS VERY  
19 HELPFUL FOR A NUMBER OF REASONS. IF THINGS NEED TO BE  
20 DONE DURING THE COURSE OF THE HEARING WE CAN BE IN CLOSE  
21 CONTACT WITH THEM. THEY HAVE INTERVIEWED SOME WITNESSES.  
22 WHAT THEY HAVE, EVEN THOUGH WE HAVE REVIEWED ALL THEIR  
23 REPORTS, CAN BE HELPFUL. THEIR OPINION CAN EXPEDITE MY  
24 CROSS EXAMINATION OF THESE WITNESSES. AND SO THAT'S WHY  
25 WE WOULD LIKE TO DESIGNATE THEM AS INVESTIGATING OFFICERS  
26 TO ASSIST IN THE DEFENSE OF THIS CASE.

27 THE COURT: I AM GOING THE ALLOW THEM TO REMAIN.

28 ALL RIGHT.

1 ANYTHING ELSE?

2 DO YOU HAVE A THIRD THING, MR. CRAIN?

3 MR. CRAIN: PERHAPS THE COURT COULD REACH A  
4 COMPROMISE ON THAT. I KNOW YOU JUST RULED BUT --

5 THE COURT: TO STEP OUT WHILE THAT WITNESS IS ON  
6 THE STAND?

7 MR. CRAIN: IF MR. SIMPSON INTERVIEWED A PARTICULAR  
8 WITNESS THAT MR. CHARTIER BE PRESENT AND INVESTIGATOR,  
9 MR. SIMPSON, NOT BE HERE AT THAT TIME.

10 MR. MC MULLEN: WELL, MANY OF THE INSTANCES THEY  
11 BOTH WERE PRESENT DURING THE INTERVIEWS, MOST THEM THEY  
12 WERE. BUT THAT --

13 THE COURT: HAVE THEY REDUCED THESE TO REPORTS?

14 MR. MC MULLEN: HAVE THEY REDUCED THESE INTERVIEWS  
15 TO REPORTS, YES, I WOULD SAY.

16 THE COURT: SO IF THEY COLOR THEIR TESTIMONY OR  
17 CHANGE IT BASED ON TESTIMONY THAT THEY HEARD IN THE COURT,  
18 I ASSUME THAT THEY WILL BE SLAMMED UP AGAINST THE SIDE BY  
19 VICIOUS CROSS-EXAMINATION BY --

20 MR. MC MULLEN: I AM SURE THEY ARE AFRAID OF THAT  
21 TOO, YOUR HONOR.

22 THE COURT: I WILL ALLOW THEM TO STAY.

23 WAS THERE A THIRD THING?

24 MR. MC MULLEN: JUST A THIRD THING WHICH YOUR HONOR  
25 ALREADY ADDRESSED. THEY WILL NOTIFY US OF WITNESSES  
26 COMING IN THE FUTURE SO WE CAN PREPARE, EXPEDITE THIS  
27 HEARING.

28 THE COURT: GIVE THEM AT LEAST -- I DON'T KNOW HOW

1 LONG THIS HEARING IS EXACTLY GOING TO GO, BUT KEEP THEM  
2 ADVISED WHO IS COMING.

3 ALL RIGHT.

4 AND THE SAME FOR RESPONDENTS.

5 ALL RIGHT.

6 ANYTHING ELSE? I WILL TAKE A RECESS UNTIL  
7 QUARTER TO 11:00, HOPEFULLY THE WITNESS WILL BE HERE.

8 MR. KLEIN: YOUR HONOR, A BOOK JUST CAME OUT ABOUT  
9 ALL OF THIS. I DON'T KNOW --

10 THE COURT: SOMEBODY CALLED AND ASKED ABOUT THAT.

11 MR. CRAIN: IT WAS REVIEWED --

12 MR. KLEIN: H-10 OF THE BOOK SECTION.

13 THE COURT: THAT WAS IT, IT WAS IN THE "L.A. TIMES"  
14 THING YESTERDAY.

15 MR. KLEIN: MR. HUNT WANTS TO READ A COPY OF IT.  
16 HIS WIFE HAS TAKEN THE ENTIRE BINDING OFF.

17 THE COURT: SEE WHAT YOU CAN WORK OUT WITH THE  
18 SHERIFF. I DON'T KNOW WHAT THE SITUATION IS WITH THE  
19 COUNTY JAIL IN TERMS OF BOUND BOOKS.

20 THE PETITIONER: IT IS NOT BOUND. IT IS JUST  
21 PAPER. IT'S HAS NO BINDING ON THIS. THE REASON I WANT TO  
22 LOOK AT IT --

23 THE COURT: LET ME SHORT CHANGE IT. RUN IT BY  
24 DEPUTY BROWNING AND SEE.

25 THE BAILIFF: THEY SLIPPED IT UP ON HERE ON THIS  
26 BOX FOR ONE THING, AND HE TELLS ME THERE IS FIVE MOTIONS,  
27 TAKE THEM OUT. AND I FIND THE BOOK, AND SOME OTHER STUFF  
28 IN THE FOLDER. I AM NOT GOING TO GIVE THEM ANY OF THAT

1 STUFF. YOU TOOK THE FIVE MOTIONS AND OTHER STUFF AND  
2 TRIED TO GET SOMETHING BY ME. IT IS NOT GOING TO HAPPEN.

3 THE COURT: ALL RIGHT.

4 THE PETITIONER: HOLD ON, YOUR HONOR.

5 I NEED THESE MOTIONS. THAT'S WHAT I ASKED  
6 FOR FROM THE THINGS I SAID THAT WERE IN THAT FOLDER.  
7 THERE WAS NO ATTEMPT TO SLIP ANYTHING BY THE BAILIFF  
8 BECAUSE THERE MIGHT HAVE BEEN SOMETHING ELSE IN THAT  
9 FOLDER.

10 IN ADDITION, I NEED THIS MOTION. I GAVE IT  
11 TO MY ATTORNEY, AND HE PROCEEDED TO FILES THOSE THINGS.  
12 THAT'S WHY I DID THAT. I WANTED THE COURT TO KNOW THAT.

13 THE COURT: IT IS COMMON EXPERIENCE, I AM NOT  
14 SAYING THIS WAS HAPPENING HERE, FOR CONTRABAND TO BE  
15 SMUGGLED ALONG WITH LEGAL PLEADINGS. I WILL DEFER TO THE  
16 COUNTY SHERIFF. YOU CAN TRY TO BOOK IT THROUGH THE JAIL  
17 FACILITIES.

18 THE PETITIONER: THE PROBLEM IS I AM NOT GOING TO  
19 BE IN, AVAILABLE IN JAIL HOURS THE ENTIRE WEEK.

20 THE COURT: YEAH, YOU WILL.

21 THE PETITIONER: AND THIS IS A 700 PAGE BOOK. MY  
22 COUNSEL IS NOT GOING TO HAVE TIME TO REVIEW IT. THERE IS  
23 WITNESSES, TOM MAY, DAVE MAY --

24 THE COURT: YOU WILL HAVE TIME TO GET IT THIS WEEK.

25 THE PETITIONER: ACTUALLY, I WON'T, YOUR HONOR.

26 MR. CRAIN: MR. HOLMES IS IN ALTADENA, HE JUST GOT  
27 BACK IN TOWN. HE SOMEHOW THOUGHT HE WOULD BE ON CALL.  
28 BUT IN ANY EVENT, HE SAID HE WOULD LEAVE. BUT IN VIEW OF

1           MR. CRAIN: CAN I MAKE ONE COMMENT ON BEHALF OF,  
2 RELATIVE TO THIS BOOK? I HAVEN'T READ THE BOOK. I DID  
3 REVIEW THE REVIEW YESTERDAY MORNING IN THE L.A. TIMES.  
4 AND I THINK IT IS OF INTEREST. I KNOW THIS IS NOT  
5 EVIDENCE OR REALLY ANYTHING OF ANY LEGAL FORCE, BUT IT IS  
6 OF INTEREST THAT THE REVIEW STATED THAT THIS AUTHOR SPENT  
7 WORKING ON THE CASE APPROXIMATELY 10 YEARS AND PUBLISHED A  
8 BOOK OF ALMOST 800 PAGES IN LENGTH.

9           AND IN VIEW OF SOME OF THE VIEWS THAT I  
10 THOUGHT WERE EXPRESSED BY THIS COURT AS TO WHETHER THIS IS  
11 A COMPLEX CASE, I THINK THAT IN SOME WAY CORROBORATES OUR  
12 REPEATED REPRESENTATION AND MR. HUNT'S REPEATED  
13 REPRESENTATION SOME OF WHICH YOU JUST HEARD ABOUT THE  
14 COMPLEXITY OF THIS CASE AND THE CONCERN THAT MR. HUNT AND  
15 HIS COUNSEL HAVE THAT THE COURT'S LIMITATION OF THE  
16 EVIDENTIARY HEARING AS IT DID ON MARCH 29TH, THE DATE WHEN  
17 I HAD TOLD THE COURT I WOULD NOT BE PRESENT IS REALLY, IS  
18 REALLY --

19           THE COURT: YOU SHOULD KNOW THAT I DID OFFER TO  
20 CONTINUE THIS MATTER TO A DIFFERENT DATE.

21           MR. KLEIN: WHEN DID YOU DO THAT?

22           THE COURT: THE CLERK CALLED UP AND OFFERED TO  
23 CONTINUE ON THE 29TH DATE TO OTHER DATES. NO ONE --

24           MR. KLEIN: MARCH 29TH.

25           THE COURT: SO IT HAS NOTHING TO DO WITH THE FACT  
26 THAT YOU WEREN'T THERE.

27           MR. CRAIN: I AM NOT AWARE OF THAT.

28           THE COURT: IT IS TRUE. IN FACT, I GAVE TWO OR



1 THE FACT THAT MRS. GERRARD IS ALREADY DOWN HERE, SHOULD  
2 MR. HOLMES BE TOLD TO BE HERE AT 1:30?

3 THE COURT: YES.

4 THE PETITIONER: I WON'T, YOUR HONOR. THE ATTORNEY  
5 ROOM IS ONLY OPEN DURING CERTAIN HOURS OVER IN THE JAIL.  
6 THAT'S THE ONLY WAY THAT I CAN RECEIVE IT DURING THIS  
7 WEEK. I AM JUST ASKING THE COURT GENERALLY TO TAKE A  
8 LITTLE BIT MORE OF A LATITUDE IN EMPOWERING THE DEFENSE TO  
9 BE PREPARED. TOM AND DAVE MAY, THESE PEOPLE ARE QUOTED IN  
10 THE TEXT IN THIS BOOK. AND FROM THINGS THAT MY WIFE HAS  
11 BEEN READING TO ME OVER THE PHONE LAST NIGHT --

12 THE COURT: BUT THAT IS NOT GOING TO BE COMING INTO  
13 EVIDENCE.

14 THE PETITIONER: THE FACT OF THE MATTER --

15 THE COURT: I AM NOT GOING TO READ IT.

16 THE PETITIONER: THESE WITNESSES ARE PEOPLE, THEY  
17 MADE STATEMENTS IN THERE. I BELIEVE IF WE ARE ABLE TO  
18 ESTABLISH THAT TO BE UNTRUE IT WILL DEMONSTRATE A  
19 PROCLIVITY FOR MANUFACTURING WHOPPERS ABOUT JOE HUNT. I  
20 THINK THAT'S RELEVANT WHEN WE TRY TO DEFEND ON AN O.S.C.  
21 ISSUE ONE BY RE-ESTABLISHING LEVIN'S TESTIMONY THAT IS  
22 GIVEN IN 1985.

23 THIS IS JUST PAPER, YOUR HONOR, IT IS JUST  
24 PAPER, IF THE COURT WOULD PLEASE TAKE A LITTLE BIT OF ITS  
25 DISCRETION AND PUT IT ON THE WAY OF EMPOWERING US TO DO  
26 SIMPLE THINGS.

27 THE COURT: LET ME TRY. LET ME ASK YOU TO TRY TO  
28 WORK IT OUT ON YOUR OWN FIRST.

1 THREE DATES. I THINK I GAVE TWO TO THREE DIFFERENT DATES.  
2 MY RECOLLECTION IS THAT NO ONE COULD SEEM TO WORK IT ALL  
3 OUT.

4 MR. CRAIN: I DON'T KNOW.

5 MR. MC MULLEN: WE WERE ALWAYS READY, WILLING AND  
6 ABLE TO SERVE THE COURT.

7 MR. CRAIN: THE FACT IS THAT IF THIS COURT DOES GO  
8 AHEAD AND PROCEED, ALTHOUGH WE ARE GOING TO FILE SOMETHING  
9 IN THE COURT OF APPEAL IN REGARD TO THE JURISDICTIONAL  
10 ISSUE, I AM REALLY JUST AS CONCERNED AS MR. HUNT IS, YOUR  
11 HONOR, I TELL YOU THIS FROM THE BOTTOM OF MY HEART, THAT  
12 THE COURT IS REALLY -- WHATEVER THE COURT'S INTENTIONS MAY  
13 BE, IS REALLY NOT GOING TO GIVE THIS CASE FULL JUSTICE BY  
14 THE LIMITATION THAT THE COURT HAS PLACED ON IT. THE  
15 COURT, I AM VERY, VERY DEEPLY TROUBLED BY WHAT HAPPENED ON  
16 MARCH 29TH IN THAT THE COURT OF APPEAL HAVING ISSUED AN  
17 EXTENSIVE O.S.C. --

18 THE COURT: PLEASE LET'S NOT REVISIT THAT.

19 MR. CRAIN: IT JUST BOTHERS ME BECAUSE I THINK THE  
20 COURT IS GOING TO BE -- BY ITS OWN RULING, WHICH I THINK  
21 IS IN SOME WAYS IN THE DARK IS, WITHOUT INTENDING TO DO  
22 SO, PUTTING BLINDERS ON THE COURT AS TO WHETHER OR NOT  
23 MR. HUNT IS ENTITLED TO A NEW TRIAL. OF COURSE, ALL WE  
24 ARE LOOKING FOR HERE IS NOT A REPEAT TO JAILHOUSE WARD,  
25 BUT MERELY A RETRIAL AND FAIR TRIAL FOR MR. HUNT. THAT'S  
26 ALL WE ARE GOING TO ASK OF FROM THIS COURT.

27 THE COURT: I COMPLETELY UNDERSTAND.

28 OKAY.

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QUARTER TO 11:00.

(RECESS.)

THE BAILIFF: REMAIN SEATED, COME TO ORDER,  
DEPARTMENT 101 IS AGAIN IN SESSION.

THE COURT: IN THE MATTER OF JOSEPH HUNT, THE  
RECORD WILL REFLECT ALL COUNSEL ARE PRESENT, PETITIONER IS  
PRESENT.

YOUR WITNESS HAS ARRIVED, I UNDERSTAND,  
MR. KLEIN?

MR. KLEIN: YES, YOUR HONOR.

MR. CRAIN: YES, YOUR HONOR.

THE COURT: YOU MAY CALL YOUR FIRST WITNESS.

LET ME ASK YOU, AS YOU CALL EACH WITNESS, TO  
IDENTIFY FOR THE RECORD WHICH OF THE PARAGRAPHS FROM THE  
O.S.C. THE WITNESS'S TESTIMONY RELATES TO.

MR. CRAIN: THIS WILL BE 1-A, YOUR HONOR.

THE COURT: ALL RIGHT.

MR. CRAIN: THE WITNESS IS CONNIE GERRARD, WHO IS  
PRESENT.

WILL YOU COME UP TO THE WITNESS STAND,  
PLEASE?

CONNIE GERRARD, +  
CALLED AS A WITNESS BY THE PETITIONER, WAS SWORN AND  
TESTIFIED AS FOLLOWS:

1 THE CLERK: WOULD YOU STEP BEHIND THE COURT  
2 REPORTER, PLEASE.

3 STAND RIGHT THERE PLEASE. FACE ME AND RAISE  
4 YOUR RIGHT HAND.

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

9 THE WITNESS: I DO.

10 THE CLERK: PLEASE TAKE THE WITNESS STAND.

11 WOULD YOU PULL THE MICROPHONE TOWARDS YOU.

12 STATE AND SPELL YOUR NAME.

13 THE WITNESS: CONNIE GERRARD, C-O-N-N-I-E.

14 MR. CRAIN: COULD I APPROACH THE WITNESS JUST TO  
15 HELP HER WITH THE MICROPHONE?

16 THE COURT: YES.

17 THE WITNESS: CONNIE, C-O-N-N-I-E. GERRARD,  
18 G-E-R-R-A-R-D.

19 THE COURT: YOU ARE TAKING THIS WITNESS, MR. CRAIN?  
20

21 MR. CRAIN: YES, YOUR HONOR.

22 THE COURT: GOOD.

23 YOU MAY CONTINUE.  
24

25 DIRECT EXAMINATION +  
26

27 BY MR. CRAIN:

28 Q GOOD MORNING, MRS. GERRARD.

1 A GOOD MORNING.

2 Q I WOULD LIKE TO ASK YOU ABOUT A PERSON BY THE  
3 NAME OF RON LEVIN. DID YOU KNOW SUCH A PERSON AT ONE  
4 TIME?

5 A YES, I DID.

6 Q HAD YOU MET HIM PERSONALLY?

7 A YES.

8 Q AND BEFORE WE GET BACK TO MR. LEVIN, WERE YOU  
9 CALLED AS A WITNESS IN MR. HUNT'S TRIAL IN SAN MATEO IN  
10 1992?

11 A YES.

12 Q DID YOU GIVE TESTIMONY ABOUT YOUR KNOWLEDGE  
13 OF MR. LEVIN AT THAT TIME?

14 A YES.

15 Q AND THE PERSON NAMED RON LEVIN APPROXIMATELY  
16 WHAT TIME PERIOD WAS IT WHEN YOU FIRST MET HIM?

17 A I MET HIM DURING THE ELECTIONS IN, I AM NOT  
18 SURE WHAT YEAR IT WAS, BUT IT WAS IN THE 80'S.

19 Q IN THE 1980'S?

20 A YES.

21 Q OKAY.

22 AND APPROXIMATELY HOW MANY TIMES DID YOU  
23 ENCOUNTER MR. LEVIN PERSONALLY?

24 A ALMOST TEN TIMES. I WOULD SAY ABOUT TEN  
25 TIMES.

26 Q AND JUST GENERALLY SPEAKING IN WHAT  
27 CONNECTION DID YOU HAVE MEETINGS OR ENCOUNTERS WITH HIM?

28 A I WAS HELPING OUT MY DAUGHTER AND SON-IN-LAW

1 IN THE NEWS BUSINESS, AND I WOULD OFTEN GO WITH THEM AND  
2 THE DIFFERENT NEWS -- WHENEVER THERE WAS NEWS ESPECIALLY  
3 ON THE ELECTION THAT YEAR, AND ALSO I DELIVERED TAPES FOR  
4 THEM AND VARIOUS THINGS.

5 THE COURT: DELIVERED TAPES TO WHOM -- FOR WHOM, I  
6 MEAN?

7 THE WITNESS: FOR L.A. NEWS SERVICE.

8 BY MR. CRAIN:

9 Q WAS THAT -- DID YOUR SON-IN-LAW HAVE SOME  
10 CONNECTION WITH THAT SERVICE?

11 A YES. THEY OWNED L.A. NEWS SERVICE, MY  
12 SON-IN-LAW AND MY DAUGHTER.

13 Q AT SOME POINT YOU WERE INTRODUCED TO RON  
14 LEVIN BY SOMEONE?

15 A YES. I MET HIM, I BELIEVE IT WAS THE BEVERLY  
16 HILTON HOTEL AT ONE OF THE PRE-CONVENTIONS OR CONVENTION  
17 THINGS WHERE ALL THE NEWS MEDIA WAS THERE.

18 Q AND OF THE TIMES THAT YOU MET MR. LEVIN IN  
19 THE '80'S WHAT WOULD YOU SAY THE LONGEST PERIOD OF TIME  
20 WAS THAT MR. LEVIN WAS IN YOUR COMPANY OR IN YOUR PRESENCE  
21 WHERE YOU ACTUALLY COULD SEE HIM, SEE WHAT HE LOOKS LIKE?

22 A HE WAS IN MY HOME FOR ABOUT AN HOUR, AND THEN  
23 ALSO I MET HIM AT HIS APARTMENT FOR ABOUT 45 MINUTES TO AN  
24 HOUR.

25 Q NOW, DID MR. LEVIN EVER IDENTIFY HIMSELF AS  
26 AN ATTORNEY?

27 A YES.

28 Q AND WAS THAT IN CONNECTION WITH ANYTHING IN

1 PARTICULAR THAT INVOLVED YOU OR A MEMBER OF YOUR FAMILY?

2 A MY YOUNGER DAUGHTER HAD BEEN HURT ON A MOVIE  
3 SET, AND I WAS TALKING TO HIM IN PASSING ONE TIME ABOUT  
4 IT, AND HE TOLD ME HE WAS A LAWYER AND HE WOULD COME AND  
5 LOOK AT HER INJURY.

6 Q AND WHEN YOU SAY HE TOLD YOU HE WAS A  
7 LAWYER --

8 A HE TOLD ME HE WAS A LAWYER.

9 Q -- YOU ARE REFERRING TO --

10 A I AM SORRY. TO MR. LEVIN, RON LEVIN.

11 AND HE SAID HE WOULD COME OVER AND TAKE A  
12 LOOK AT MY DAUGHTER'S INJURY.

13 Q DID HE DO SO?

14 A YES, HE DID.

15 Q AND WOULD YOU BE ABLE TO RECOGNIZE A  
16 PHOTOGRAPH OF MR. LEVIN, IF YOU SAW ONE?

17 A YES. YES.

18 MR. CRAIN: MAY WE MARK THIS AS PETITIONER'S A?  
19 BY MR. CRAIN:

20 Q BY THE WAY, WHAT DID MR. LEVIN LOOK LIKE?

21 THE COURT: DO WE HAVE AN EXHIBIT LIST PREPARED? I  
22 THINK WE PREPARED A FORM THAT WAS SENT OUT TO BOTH SIDES.

23 MR. KLEIN: WE DON'T HAVE IT WITH US, YOUR HONOR.  
24 WE HAVE ANOTHER ONE, AND I WILL WRITE IT ON THERE.

25 THE COURT: WE PREPARED THAT EXHIBIT LIST FOR THIS  
26 CASE.

27 MR. CRAIN: I KNOW. THIS MAY BE ACTUALLY OUTSIDE  
28 THE EXHIBIT LIST, BUT IT IS PROBABLY SOMETHING THAT BOTH

1 OF -- IT IS SO BASIC WE SHOULD HAVE PUT IT ON THE LIST. I  
2 AM NOT SURE THAT IT IS THERE. IT MAY BE ON ONE OF THE  
3 LISTS.

4 THE COURT: SO YOU HAVEN'T PREPARED YOUR LIST YET?

5 MR. KLEIN: NO.

6 THE COURT: IT WILL BE MARKED AS PETITIONER'S 1.  
7 YOU ARE THE PLAINTIFF IN THIS CASE.

8 MR. CRAIN: OKAY.

9

10 (MARKED FOR ID = PETITIONER 1, PHOTOGRAPH.)

11

12 MR. CRAIN: LET ME ASK A FEW MORE PRELIMINARY  
13 QUESTIONS.

14 THANK YOU

15 MR. CRAIN:

16 Q MRS. GERRARD, COULD YOU DESCRIBE WHAT  
17 MR. LEVIN LOOKED LIKE DURING THOSE YEARS BACK IN THE  
18 1980'S?

19 A HE WAS TALL, SLIM, DISTINGUISHED LOOKING. HE  
20 HAD A BEARD, GRAY BEARD, WELL TRIMMED, GRAY HAIR, NOT  
21 SHORT, NOT LONG BUT FULL. AND HE WAS JUST, I THOUGHT, A  
22 GOOD LOOKING, DISTINGUISHED GENTLEMEN.

23 Q AND HOW DID HE DRESS?

24 A HE DRESSED IMMACULATELY ALWAYS. WELL  
25 TAILORED, BEST CLOTHES.

26 Q AND DID HE ALSO APPEAR TO BE IMMACULATE IN  
27 THE WAY HE TOOK CARE OF HIMSELF?

28 A COMPLETELY. HE WAS ALWAYS SPOTLESS.



1 Q DID HE ALSO TELL YOU OTHER THINGS ABOUT HIS  
2 BACKGROUND, SUCH AS HIS PARENTAGE, WHETHER OR NOT HE CAME  
3 FROM A WEALTHY FAMILY, ANYTHING LIKE THAT?

4 A YES. HE TOLD ME HE WAS FROM A VERY WEALTHY  
5 FAMILY. RON LEVIN SAID HE WAS A LAWYER AND HE HAD ONE  
6 SON, AND JUST -- HE SAID HIS FAMILY WAS VERY WEALTHY. HE  
7 CAME FROM NEW YORK.

8 Q DID HE ALSO GIVE ANY INDICATION TO YOU THAT  
9 LED YOU TO BELIEVE THAT HE MIGHT BE GAY OR HOMOSEXUAL?

10 MR. MC MULLEN: OBJECTION. IRRELEVANT.

11 THE COURT: LAY A FOUNDATION.

12 MR. CRAIN: IT HAS TO DO WITH THE WITNESS'S  
13 ABILITY --

14 THE COURT: I KNOW. BUT LAY A FOUNDATION. WAS  
15 THERE ANY REASON TO BELIEVE THAT HE WAS HOMOSEXUAL?

16 MR. CRAIN: I THOUGHT THAT'S WHAT I DID.

17 MR. MC MULLEN: CALLS FOR SPECULATION AS WELL.

18 MR. CRAIN: I WILL WITHDRAW AT THIS POINT.

19 BY MR. CRAIN:

20 Q LET ME SHOW YOU THIS PHOTOGRAPH. DO YOU  
21 RECOGNIZED PETITIONER'S 1, I THINK WE AGREED ON --

22 THE COURT: YES.

23 BY MR. CRAIN:

24 Q DO YOU RECOGNIZE THE PERSON IN THIS  
25 PHOTOGRAPH?

26 A YES.

27 Q WHO IS THAT?

28 A THAT'S RON LEVIN.

1 Q IS THERE ANY QUESTION IN YOUR MIND ABOUT  
2 THAT?

3 A NO. NONE AT ALL.

4 Q YOUR SON-IN-LAW -- EXCUSE ME.

5 MR. CRAIN: MAY I HAVE JUST A MINUTE.

6 THE COURT: YES.

7

8 (PAUSE.)

9

10 BY MR. CRAIN:

11 Q AND YOUR SON-IN-LAW, WHAT'S HIS NAME, THE ONE  
12 THAT YOU IDENTIFIED AS BEING IN THE NEWS BUSINESS WHEN YOU  
13 HAD MET MR. LEVIN?

14 A BOB TUR.

15 Q AND SO JUST TO ELABORATE JUST A BIT, WHAT  
16 EXACTLY WAS MR. LEVIN'S CONNECTION ON THESE OCCASIONS WHEN  
17 YOU MET HIM? WHAT WAS HIS CONNECTION WITH THE NEWS  
18 BUSINESS, AS FAR AS YOU ARE ABLE TO TELL?

19 A HE WANTED TO GET INTO THE NEWS BUSINESS, AND  
20 FROM THAT HE WANTED TO GET INTO THE MOVIES OR PRODUCING  
21 PICTURES, AND HE FELT THAT THIS WOULD BE A GOOD ENTRE INTO  
22 THAT.

23 Q THESE WERE THINGS THAT HE PERSONALLY TOLD YOU  
24 OR TOLD SOMEBODY WHILE YOU WERE THERE?

25 MR. MC MULLEN: OBJECTION. IRRELEVANT. HEARSAY.

26 THE COURT: I WILL ALLOW SOME LATITUDE GOING TO THE  
27 ABILITY OF THE WITNESS TO HAVE PERSONAL CONTACTS AND THE  
28 NATURE OF THAT CONTACT WITH THE VICTIM, MR. LEVIN.

1 MR. CRAIN: THANK YOU

2 BY MR. CRAIN:

3 Q DID YOU GET THE QUESTION?

4 A YES. I KNEW THAT HE WAS INTERESTED IN THE  
5 NEWS BECAUSE I TALKED TO HIM MANY TIMES ON THE PHONE ABOUT  
6 IT. HE WANTED TO PICK UP DIFFERENT NEWS TAPES, AND ALSO  
7 HE HAD TAPES THAT HE HAD TAKEN AT DIFFERENT NEWS EVENTS.  
8 SO I TALKED TO HIM IN PASSING.

9 Q WHAT ABOUT THE NEWS. DID HE PERSONALLY TELL  
10 YOU OR SOMEBODY IN YOUR PRESENCE ABOUT HIS INTERESTS IN  
11 THE MOVIES?

12 A YES.

13 Q NOW, DID YOU EVER VISIT AT MR. LEVIN'S  
14 RESIDENCE?

15 A YES.

16 Q WHAT CITY WAS THAT IN?

17 A BEVERLY HILLS.

18 Q CAN YOU TELL US WHAT STREET IT WAS ON OR  
19 WHERE IT WAS NEAR?

20 A IT WAS NEAR SAKS. I THINK IT WAS PECK DRIVE.

21 Q THAT'S SAKS, IS THAT THE DEPARTMENT STORE?

22 A SAKS 5TH AVENUE.

23 Q THAT'S WILSHIRE BOULEVARD?

24 A THAT'S WILSHIRE.

25 Q HOW MANY TIMES DID YOU VISIT AT MR. LEVIN'S  
26 RESIDENCE WHERE YOU ACTUALLY WENT INSIDE?

27 A TWO TO THREE TIMES.

28 Q WAS HE PRESENT DURING THOSE TIMES?

1           A        YES.  MAYBE ONCE I STAYED IN THE CAR, BUT  
2 TWICE I WENT IN FOR QUITE A LONG TIME.

3           Q        AND HE WAS PRESENT, WAS HE, DURING THOSE  
4 TIMES?

5           A        YES.

6           Q        NOW, WAS MR. LEVIN, IN YOUR MIND WAS HE IN  
7 ANY WAY A MEMORABLE PERSON AS FAR AS YOU WERE CONCERNED OR  
8 NOT?

9           A        YES.  I WAS QUITE IMPRESSED BY HIM.

10          Q        WHY WAS THAT?

11          A        WELL, HE CAME OFF -- I MEAN HE WAS  
12 BELIEVABLE, AND I AM A SKEPTIC.  I FRANKLY DON'T BELIEVE  
13 ANYTHING, BUT WHATEVER HE PASSED FOR I BELIEVED HIM.

14          Q        SO WHEN HE TOLD YOU HE WAS AN ATTORNEY YOU  
15 BELIEVED THAT?

16          A        ABSOLUTELY.

17          Q        WHEN HE TOLD YOU HE WAS INTERESTED IN THE  
18 NEWS BUSINESS YOU BELIEVED THAT?

19          A        YES, THAT I KNEW.

20          Q        AND WHAT ABOUT ANYTHING ELSE ABOUT HIM, HIS  
21 BACKGROUND, HIS FAMILY, HAVING A SON, DID YOU BELIEVE  
22 THOSE THINGS?

23          A        WELL, HE HAD A ROLLS ROYCE.  IF HE ASKED YOU  
24 FOR DINNER, HE WOULD HAVE THE FOOD DELIVERED TO HIS HOME.  
25 HE PARTICULARLY LIKED LA SCALA.  HE GAVE MY DAUGHTER -- MY  
26 DAUGHTER JUST HAD A BABY, HE GAVE HER ELABORATE GIFTS,  
27 WHICH I RECEIVED IN THE HOME.  THEY WERE SENT SPECIAL  
28 DELIVERY.  SO I REALLY BELIEVED HE WAS VERY WEALTHY, THAT

1 HE WANTED TO GET INTO THE MOVIE BUSINESS, HE WANTED TO  
2 PRODUCE PICTURES AND HE FIGURED HE WOULD GET IN THIS WAY.

3 Q WHEN YOU SAY YOU ARE A SKEPTIC, WHAT DO YOU  
4 MEAN BY THAT?

5 A I DON'T BELIEVE MOST PEOPLE ON --

6 MR. MC MULLEN: OBJECTION. IRRELEVANT.

7 THE COURT: HOLD ON.

8 SUSTAINED.

9 MR. CRAIN: MAY I BE HEARD ON THAT BRIEFLY, YOUR  
10 HONOR?

11 THE COURT: NO. IT IS NOT RELEVANT.

12 BY MR. CRAIN:

13 Q NOW, AT SOME POINT DID YOU LEARN THAT  
14 MR. LEVIN HAD DISAPPEARED?

15 A OH, YES, FROM THE NEWSPAPER.

16 Q DID YOU FOLLOW ACCOUNTS OF MR. LEVIN'S  
17 DISAPPEARANCE FROM TIME TO TIME IN THE MEDIA, IN THE  
18 NEWSPAPER, THE OTHER FORMS OF MEDIA?

19 A I REMEMBER FIRST SEEING IT ON T.V. THE  
20 BEVERLY HILLS POLICE WERE SHOWING HIS YARD AND SPEAKING  
21 ABOUT IT, ABOUT MR. LEVIN HAVING DISAPPEARED.

22 Q ALL RIGHT.

23 A AND I READ IT IN THE NEWSPAPER MANY TIMES.

24 Q DID YOU LEARN LATER THAT SOMEONE HAD BEEN PUT  
25 ON TRIAL FOR ALLEGEDLY MURDERING MR. LEVIN?

26 A YES. I READ -- I READ THE NEWSPAPER EVERY  
27 DAY.

28 Q COULD YOU SPEAK UP JUST A LITTLE MORE IN THE

1 MICROPHONE? I WANT TO MAKE SURE THAT WE GET EVERYTHING  
2 THAT YOU SAY.

3 A I READ IT IN THE NEWSPAPER. I READ THE  
4 NEWSPAPER THOROUGHLY EVERY DAY.

5 Q OKAY.

6 NOW, YOU TRAVELED TO GREECE IN THE PAST?

7 A YES.

8 Q AND YOU HAVE BEEN THERE MORE THAN ONCE?

9 A YES. ABOUT 20 TIMES.

10 Q ARE YOU AND YOUR HUSBAND OF GREEK DESCENT?

11 A YES.

12 Q DO YOU SPEAK GREEK?

13 A YES.

14 Q DOES YOUR HUSBAND SPEAK GREEK?

15 A YES.

16 Q WERE YOU RAISED SPEAKING GREEK IN THE HOME?

17 A YES.

18 Q AND HE WAS ALSO; IS THAT RIGHT?

19 A YES.

20 Q AND IN THE LATE 1987 DID YOU GO TO GREECE?

21 A YES.

22 Q AND DID YOU GO THERE FROM CALIFORNIA?

23 A YES.

24 Q AND DID YOU FLY INTO SOME PLACE IN GREECE  
25 FIRST?

26 A YEAH. THE AIRPORT, ATHENS.

27 Q THAT'S THE AIRPORT OF ATHENS?

28 A YES.

1 Q AND AT SOME POINT DID YOU GO TO THE ISLANDS  
2 OF MYKONOS?

3 A YES.

4 Q NOW, IS MYKONOS A GREEK ISLAND THAT'S PART OF  
5 THE COUNTRY OF GREECE?

6 A YES.

7 Q AND ITS OFF THE COAST OF THE AEGEAN SEA;  
8 RIGHT?

9 A YES.

10 THE COURT: WHEN DID YOU SAY THIS FLIGHT WAS AGAIN?

11 THE WITNESS: IT WAS AROUND CHRISTMAS.

12 THE COURT: WHAT YEAR?

13 THE WITNESS: '87.

14 THE COURT: '87?

15 THE PETITIONER: I BELIEVE 1987.

16 THE COURT: ALL RIGHT.

17 BY MR. CRAIN:

18 Q AND YOU PREVIOUSLY TESTIFIED IN SAN MATEO  
19 THIS WAS CHRISTMAS OF 1987; IS THAT RIGHT?

20 A YES.

21 Q AND TO GO BACK TO CHRISTMAS DAY, DID YOU GO  
22 TO MYKONOS?

23 A YES.

24 Q AND WHAT WAS YOUR PURPOSE IN GOING TO  
25 MYKONOS?

26 A EVERY YEAR WHEN WE GO TO GREECE WE ALWAYS GO  
27 TO GREECE AND ANOTHER ISLAND OR UP TO SALONIKA OR A SIDE  
28 TRIP, WE GO DOWN TO -- WE GO TO KARFU OR RHODES AS PART OF

1 OUR TRIP.

2 Q SALONIKA IS IN THE NORTH OF GREECE?

3 A YES.

4 Q AND HAD YOU BEEN TO MYKONOS BEFORE 1987?

5 A NEVER.

6 Q AND WAS THERE ANYTHING IN PARTICULAR OTHER  
7 THAN BEING A TOURIST THAT LED YOU TO MYKONOS?

8 A I JUST HEARD SO MUCH WHAT A BEAUTIFUL ISLAND  
9 IT WAS.

10 Q SO WHEN YOU WENT THERE DID YOU FLY OR TAKE A  
11 BOAT, OR HOW DID YOU GET THERE?

12 A WE FLEW.

13 Q WAS THAT FROM ATHENS?

14 A WE FLEW FROM ATHENS, YES.

15 Q DIRECTLY TO MYKONOS?

16 A YES.

17 Q AND YOU LANDED AT THE AIRPORT; RIGHT?

18 A YES.

19 Q WHAT WAS THE WEATHER LIKE, WHEN YOU ARRIVED?

20 A IT WAS OVERCAST, RAINY.

21 Q ALL RIGHT.

22 A COLD.

23 Q I TAKE IT THAT WASN'T THE WEATHER YOU WERE  
24 HOPING TO SEE ON MYKONOS?

25 A NO, IT WAS VERY WINDY, VERY COLD, AND I HAD A  
26 COLD.

27 Q NOW, IS THERE A TOWN ON MYKONOS?

28 A MYKONOS IS JUST, THE ISLAND IS THE TOWN.



1 Q IT IS A SMALL ISLAND?

2 A SMALL ISLAND, SMALL TOWN.

3 Q AND DID YOU -- WERE YOU IN THE TOWN WHILE YOU  
4 WERE THERE?

5 A YEAH. I WAS RIGHT IN THE CENTER OF TOWN.  
6 THE AIRPORT OFFICE.

7 Q TELL THE COURT WHAT HAPPENED, WHEN YOU  
8 ARRIVED IN THE CENTER OF TOWN.

9 A WELL --

10 MR. MC MULLEN: CALLS FOR A NARRATIVE, YOUR HONOR.  
11 OBJECTION ON THAT GROUND.

12 THE COURT: I WILL ALLOW IT.

13 GO AHEAD.

14 THE WITNESS: WELL, WHEN WE ARRIVED WE WANTED TO  
15 GET BREAKFAST BECAUSE WE HAD GONE WITHOUT BREAKFAST. WE  
16 DIDN'T REALIZE THAT CHRISTMAS DAY EVERYTHING WAS CLOSED.  
17 EVERYTHING. SO WE KIND OF WALKED AROUND AND LOOKED  
18 AROUND, LOOKED FOR A PLACE. FINALLY WE SAW A MAN WALKING  
19 STRAIGHT. WE SAID, "IS THERE ANY RESTAURANTS OPEN."

20 BY MR. CRAIN:

21 Q LET ME INTERRUPT FOR ONE SECOND.

22 THIS WAS YOU AND YOUR HUSBAND?

23 A MY HUSBAND AND I, YES.

24 Q OKAY.

25 A AND HE SAID, "YES, THERE IS ONE. IF YOU COME  
26 TO MY SHOP AND BUY SOMETHING I WILL TELL YOU WHERE IT IS."  
27 SO WE WENT INTO THE SHOP AND BOUGHT A MYKONOS T-SHIRT.  
28 AND HE TOLD US, DIRECTED US RIGHT TO WHERE THIS LITTLE --

1 IT WAS JUST A HOLE-IN-THE-WALL, TINY RESTAURANT. THERE  
2 WAS A LADY IN THERE, AND WE SPOKE TO HER IN GREEK, AND SHE  
3 EXPLAINED THAT EVERYTHING WAS CLOSED ON THE ISLAND BECAUSE  
4 EVERYBODY STAYS HOME ON THE HOLIDAYS IN MYKONOS.

5 Q WHAT DID YOU BUY IN THIS MAN'S SHOP?

6 A I BOUGHT A T-SHIRT THAT SAID MYKONOS ON IT.

7 Q AFTER YOU BOUGHT THE T-SHIRT, HE TOLD YOU  
8 ABOUT THE RESTAURANT?

9 A YES. HE LED US THERE. IT WAS UP THE STREET.  
10 YOU WENT UP A LITTLE TINY CROOKED STREET.

11 AND SO THE LADY SAID -- WELL, SHE HAD SOME  
12 FOOD THAT SHE HAD COOKED FOR HER FAMILY, AND SHE WOULD  
13 GIVE US SOME. BY THEN WE WERE VERY HUNGRY. WE ORDERED  
14 THE FOOD AND WE SAT THERE.

15 Q LET ME ASK YOU -- I AM OCCASIONALLY GOING TO  
16 ASK TO INTERRUPT SOMETHING HERE.

17 I WOULD LIKE YOU TO DESCRIBE THE SIZE OF THE  
18 RESTAURANT APPROXIMATELY. WAS IT LARGE? SMALL? WHAT  
19 DID --

20 A VERY SMALL. STORE FRONT. VERY NARROW. IT  
21 HAD ON ONE SIDE WAS LIKE A BAR WHERE SHE HAD SERVED THE  
22 BEER, AND THEN YOU JUST WENT UP AND ORDERED THERE AND THEN  
23 THEY BROUGHT IT TO YOUR TABLE. IT WAS THIS ONE LADY. WE  
24 WERE SPEAKING TO HER IN GREEK ABOUT ALL THESE THINGS, AND  
25 WE SAID, "WE DON'T KNOW WHAT TO DO UNTIL THE PLANE  
26 LEAVES," I THINK ABOUT 7 OR 8 O'CLOCK IN THE EVENING. AND  
27 WE WERE JUST TALKING, AND MY HUSBAND AND I WERE SITTING  
28 THERE WAITING FOR OUR FOOD TO COME.

1 DO YOU WANT ME TO GO ON?

2 Q AND THEN WHAT HAPPENED?

3 A AND THE DOOR OPENED AND THERE WAS MORE LIGHT  
4 OUTSIDE THAN IT WAS INSIDE. IT WASN'T A WELL-LIT PLACE.  
5 SO I LOOKED AND I SEE TWO PEOPLE STANDING IN THE DOORWAY  
6 AND I LOOKED --

7 MR. MC MULLEN: YOUR HONOR, AT THIS POINT I AM  
8 GOING TO OBJECT AS NONRESPONSIVE. I BELIEVE SHE WAS ASKED  
9 TO DESCRIBE THE RESTAURANT.

10 THE COURT: HOLD ON.

11 PUT A QUESTION.

12 MR. CRAIN: SURE.

13 BY MR. CRAIN:

14 Q ALL RIGHT.

15 SO YOU ARE IN THIS SMALL RESTAURANT, IT WAS  
16 STILL RAINING OUTSIDE?

17 A IT IS RAINING. THERE IS ONE DOOR TO THE  
18 RESTAURANT, IT IS VERY NARROW, IT IS NARROW LIKE THAT, AND  
19 THE BAR IS THERE (INDICATING).

20 THE COURT: SHOW ME.

21 THE WITNESS: IT IS VERY NARROW, LIKE THIS DOOR  
22 HERE AND A BAR HERE WHERE THE LADY WAS STANDING.

23 MR. CRAIN: INDICATING, YOUR HONOR, A DOOR TO THE  
24 WITNESS'S RIGHT AS SHE IS DEMONSTRATING WITH A BAR TO HER  
25 LEFT.

26 THE COURT: YES.

27 MR. MC MULLEN: VERY SMALL RESTAURANT.

28 THE WITNESS: VERY SMALL. ABOUT FOUR SMALL TABLES

1 RIGHT HERE, VERY SMALL, SAY ABOUT THAT SIZE (INDICATING).

2 THE COURT: I TAKE IT SHE IS DEMONSTRATING THE  
3 RELATIVE DISTANCE AS OPPOSED TO THE FACT THAT THE  
4 RESTAURANT WAS THREE FEET WIDE.

5 MR. MC MULLEN: THANK YOU, YOUR HONOR.

6 THE WITNESS: EXCUSE ME.

7 I DIDN'T SAY THREE FEET.

8 THE COURT: THAT'S RIGHT.

9 MR. CRAIN: UP TO THAT POINT I WAS CERTAIN.

10 ALL RIGHT.

11 BY MR. CRAIN:

12 Q SO ABOUT HOW MANY TABLES DID THIS LITTLE  
13 RESTAURANT HAVE?

14 A ABOUT FOUR.

15 Q ALL RIGHT.

16 SO YOU AND YOUR HUSBAND WERE ALREADY SEATED  
17 AT ONE TABLE; IS THAT RIGHT?

18 A YES.

19 Q AND YOU WERE EATING LUNCH OR GETTING READY TO  
20 HAVE LUNCH?

21 A YES.

22 Q AND WAS THERE A -- FROM THE DOOR WHAT TABLE  
23 WOULD YOU HAVE BEEN IN, OR WAS THERE ANOTHER TABLE BETWEEN  
24 YOU AND THE DOOR?

25 A THERE WAS ANOTHER BETWEEN ME AND THE DOOR.  
26 THERE MAY HAVE BEEN TWO, BUT I WAS SITTING THERE AND THEN  
27 THE TABLE AND THE DOOR.

28 Q SO YOU WERE TELLING US BEFORE THE

1 INTERRUPTION THAT THE DOOR OPENED; IS THAT RIGHT?

2 A YES.

3 Q AND WHAT HAPPENED THEN?

4 A WELL, I TURNED AROUND BECAUSE THE WIND CAME  
5 IN AND I SAW TWO SILHOUETTES, ONE TALL AND ONE SHORTER.  
6 AND AS I LOOKED, THE LIGHT WAS ON THEM. I COULD SEE, AND  
7 I THOUGHT TO MYSELF, "MY GOD, I KNOW THIS PERSON."

8 Q WHO DID YOU THINK -- WHO DID YOU SEE?

9 A I KNOW THAT I SAW RON LEVIN.

10 Q IS THERE ANY DOUBT IN YOUR MIND ABOUT THAT?

11 A NO DOUBT AT ALL. AS HE WALKED IN AND I  
12 WHISPERED THIS TO MY HUSBAND IN GREEK. I TURNED AROUND,  
13 WHEN THE DOOR WAS OPEN AND MY BACK WAS TO THEM.

14 Q YOUR BACK WAS TO THE DOOR?

15 A I TURNED AROUND AND SAID, "THAT'S RON LEVIN."

16 Q WAS THE REASON YOU TURNED AROUND BECAUSE OF  
17 THE DOOR OPENING -- LET ME FINISH SO THE REPORTER --  
18 BECAUSE OF THE GUST OF WINDS AND SO FORTH?

19 A YEAH.

20 Q OKAY.

21 SO YOU SAID THIS TO YOUR HUSBAND, AND WHAT  
22 HAPPENED THEN?

23 A THEN THEY SAT DOWN, AND I SAID TO HIM IN  
24 GREEK, AND THEY SAT DOWN AT THE BACK, BACK TO BACK, AND I  
25 AM LISTENING TO THE CONVERSATION.

26 THE COURT: WAS HE WITH ANOTHER MAN?

27 THE WITNESS: YES.

28

1 BY MR. CRAIN:

2 Q ALL RIGHT.

3 FIRST OF ALL, WHAT DID RON LEVIN LOOK LIKE?

4 A HE LOOKED TALL, SLIM, THE SAME IMMACULATELY  
5 DRESSED. NO HAT. JUST THE JACKET AND CHINOS  
6 WELL-PRESSED.

7 Q AND THIS PERSON THAT HE WAS WITH COULD YOU  
8 DESCRIBE HIM?

9 A HE WAS SMALLER, KIND OF EFFEMINATE, AND HE  
10 WAS NOT -- HE WAS WELL-DRESSED, BUT NOTHING LIKE RON,  
11 MR. LEVIN.

12 Q THEY WERE SEATED AT A TABLE BEHIND YOU; IS  
13 THAT RIGHT?

14 A YES. RON LEVIN'S BACK WAS TO ME. THE OTHER  
15 MAN WAS FACING MY BACK, BUT RON LEVIN, WE WERE BACK TO  
16 BACK.

17 Q SO YOU AND LEVIN WERE BACK TO BACK?

18 A YES.

19 Q AND YOUR HUSBAND WAS FACING YOU; IS THAT  
20 RIGHT?

21 A YES.

22 Q AND THEN YOU MADE THE COMMENT TO YOUR HUSBAND  
23 IN GREEK; RIGHT?

24 A YES.

25 Q AND DID YOU CONTINUE TO SIT THERE AT YOUR  
26 TABLE DURING THIS TIME?

27 A YES. I WAS LISTENING TO THE CONVERSATION  
28 THAT THEY WERE HAVING.

1 Q THE CONVERSATION THAT RON LEVIN AND THE OTHER  
2 MAN WAS HAVING?

3 A RON LEVIN AND WHOEVER HE WAS WITH WAS HAVING.

4 Q WERE THEY SPEAKING IN ENGLISH?

5 A YES.

6 Q WHAT WERE THEY SAYING?

7 A THEY WERE TALKING ABOUT HOW LUCKY THEY WERE  
8 TO GET A CAIKUE. THEY GOT THIS LITTLE GREEK WORKING BOAT.

9 Q OKAY.

10 CAIKUE IS --

11 THE COURT: DO YOU KNOW HOW TO SPELL THAT FOR THE  
12 REPORTER IN ENGLISH?

13 THE WITNESS: C-A-I-K-U-E. BUT I ONLY KNOW IT IN  
14 GREEK. BUT IT IS LIKE A SMALL WORKING FISHING BOAT.

15 BY MR. CRAIN:

16 Q SO LEVIN AND THIS MAN WERE TALKING ABOUT A  
17 BOAT THEY WERE LUCKY TO GET ONE BECAUSE OF WHAT?

18 A THE WEATHER WAS SO BAD THAT THERE WERE NO  
19 BOATS GOING OVER THERE. THEY WERE LUCKY THEY GOT THIS ONE  
20 BOAT AND THIS BOTTLE OF WINE. AND THEY WERE SO HAPPY TO  
21 BE THERE. THEY WERE GOING TO SPEND THE WHOLE DAY AND  
22 DRINK THIS WINE, THIS WONDERFUL WINE THAT THEY HAD.

23 Q AND DID SOMETHING HAPPEN AFTER THAT?

24 A YES. AND THEN MR. LEVIN GOT UP TO GO TO THE  
25 RESTROOM, PAST, YOU KNOW, BEHIND THE TABLE OVER TO THE  
26 RESTROOM (INDICATING).

27 MR. KLEIN: SHE WAS MAKING A MOTION WITH HER HANDS  
28 WALKING BY HER.

1 THE COURT: I AM SORRY.

2 THE WITNESS: HE JUST WALKED BEHIND.

3 THE COURT: ALL RIGHT.

4 MR. CRAIN: MOTION GOING FORWARDS AS IF SOMEONE WAS  
5 PROCEEDING TOWARDS SOME --

6 THE WITNESS: HE HAD TO PASS MY TABLE TO GO TO THE  
7 RESTROOM.

8 THE COURT: SO HE WALKED PAST YOUR TABLE.

9 THE WITNESS: YES.

10 BY MR. CRAIN:

11 Q OKAY.

12 DID YOU SPEAK TO, OR DID YOU SPEAK TO HIM TO  
13 WALK PAST THE TABLE?

14 A IN THE FIRST PLACE, HE DIDN'T SEE ME.

15 Q HE WHAT?

16 A HE DIDN'T SEE ME. BECAUSE OF MY BACK HE  
17 DIDN'T SEE MY FACE.

18 Q WHERE DID HE APPEAR TO BE GOING?

19 A TO THE RESTROOM.

20 Q WAS HE GONE TO THE RESTROOM FOR SOME PERIOD  
21 OF TIME?

22 A I HAVE NO IDEA. I DIDN'T LOOK AT THE TIME IT  
23 WENT, WENT TO THE RESTROOM.

24 Q DID HE GO OUT OFF YOUR SIGHT?

25 A I THINK HE WENT OUT OF MY SIGHT.

26 Q DID HE COME BACK INTO YOUR SIGHT AT SOME  
27 POINT?

28 A YES. AND THEN MY HUSBAND HAD TURNED AROUND.



1 HE WAS -- WE WERE SITTING THERE AND I WAS THERE  
2 (INDICATING), AND HE TURNED AROUND AND HE SAW HIM. AND  
3 THEN, OF COURSE, WHEN MR. LEVIN SAW ME HIS FACE APPEARANCE  
4 CHANGED.

5 Q LET ME JUST STOP YOU RIGHT THERE.

6 MR. LEVIN WENT PAST YOUR TABLE OUT OF YOUR  
7 SIGHT AND THEN CAME BACK?

8 A CAME BACK AND HE --

9 Q DID HE APPEAR TO BE WALKING BACK TO HIS  
10 TABLE?

11 A YES.

12 Q ALL RIGHT.

13 AND IN SOME WAY DID HE -- WHAT HAPPENED AS HE  
14 WAS WALKING BACK TO HIS TABLE? WHY DON'T YOU TELL US.

15 A HE GLANCED UP AND HE SAW ME.

16 Q HOW DO YOU KNOW THAT?

17 A BECAUSE I SAW HOW HIS FACE CHANGED. MY  
18 HUSBAND SAW HOW HIS FACE CHANGED.

19 Q JUST TELL US WHAT YOU SAW.

20 A HIS FACE GOT KIND OF WHITISH LOOKING.

21 MR. KLEIN: HER HANDS ARE UP ON THE SIDE OF HER  
22 FACE, YOUR HONOR.

23 THE COURT: I THINK THAT'S JUST THE WAY YOU ARE  
24 TALKING.

25 BY MR. CRAIN:

26 Q GO AHEAD AND DEMONSTRATE ANYWAY YOU WANT.

27 A I FELT HE LOOKED AT ME AND KIND OF STOPPED,  
28 AND I SAW THE RECOGNITION ON HIS FACE, AND JUST KIND OF

1 PALE, AND THEN SHOULD I GO ON? RIGHT TO THE TABLE.

2 Q HIS TABLE?

3 A HIS TABLE. AND HE SAID, "WE ARE LEAVING," TO  
4 HIS FRIEND. AND HE PAID THE BILL, WENT UP AND PAID THE  
5 BILL AND GOT OUT.

6 Q DID YOU SEE HIM AGAIN AFTER THAT?

7 A NEVER.

8 Q ARE YOU ABSOLUTELY CERTAIN THAT THIS MAN WAS  
9 RON LEVIN?

10 A I AM SURE AS I AM SURE I AM SITTING HERE. I  
11 KNOW THAT'S RON LEVIN. I KNOW HIM VERY WELL.

12 MR. CRAIN: MR. KLEIN HAS WHISPERED SOMETHING I  
13 COULDN'T HEAR WHAT HE WAS SAYING?

14

15 (PAUSE.)

16

17 BY MR. CRAIN:

18 Q YOU TOLD US THIS WAS CHRISTMAS OF 1987.

19 A YES.

20 Q NOW -- AND YOU TOLD US YOU HAD FOLLOWED THE  
21 TRIAL; CORRECT?

22 A YES.

23 Q NOW, DID YOU SPEAK TO MR. LEVIN THERE IN THE  
24 RESTAURANT OR ATTEMPT TO SPEAK TO HIM?

25 A NO.

26 Q WAS THERE ANY REASON FOR THAT?

27 A WELL, I AM ON THIS ISLAND -- THANK YOU --  
28 NOBODY KNEW WE WERE THERE. I DIDN'T KNOW WHAT COULD

1 HAPPEN, YOU KNOW, IF MR. LEVIN WAS ON -- SAY, ON THE LAMB  
2 I FIGURED HE WOULDN'T WANT ANYBODY TO KNOW WHO HE WAS OR  
3 WHERE HE WAS. I DIDN'T THINK. I WOULD NOT HAVE SPOKEN TO  
4 HIM.

5 Q AT SOME POINT DID YOU LEAVE MYKONOS AND GO  
6 BACK TO THE MAIN LAND?

7 A YES. THE PLANE, I THINK, LEFT ABOUT 7:00 OR  
8 8:00 AT NIGHT. WE HAD TO WAIT AROUND.

9 Q DID YOU RETURN TO ATHENS?

10 A YES.

11 Q AND AT SOME POINT AFTERWARDS DID YOU RETURN  
12 TO YOUR HOME IN CALIFORNIA?

13 A AFTER NEW YEAR'S.

14 Q AND WHEN YOU RETURNED, DID YOU DISCUSS WITH  
15 ANYONE THAT YOU HAD SEEN RON LEVIN IN MYKONOS IN THAT  
16 RESTAURANT?

17 A WELL, WHEN YOU RETURN FROM TRIPS YOU USUALLY  
18 TELL YOUR HIGHLIGHTS, THAT TO ME WAS, YOU KNOW, SOMETHING,  
19 A HIGHLIGHT, AND I TOLD MY DAUGHTER AND MY OTHER DAUGHTER.  
20 MY YOUNGER DAUGHTER WAS ENGAGED TO SOMEONE FROM ABC. AND  
21 SO BOB, I THINK, SUGGESTED, "WHY DON'T YOU CALL HIM AND  
22 TELL HIM. HE IS WORKING IN NEWS, AND TELL HIM WHAT YOU  
23 SAW AND GO FROM THERE."

24 Q WHAT WAS THAT PERSON'S NAME WHO WAS ENGAGED  
25 TO YOUR OTHER DAUGHTER?

26 A MICHAEL RAY.

27 Q HE WAS WITH "ABC NEWS"?

28 A YES.

1 Q LET ME JUST BACK UP A MINUTE.

2 YOU SAID A MINUTE AGO THAT YOU DIDN'T SPEAK  
3 TO LEVIN. YOU THOUGHT HE MIGHT BE ON THE LAMB. WHAT DID  
4 YOU MEAN BY THAT?

5 A WELL, I KNEW THAT THE BEVERLY HILLS POLICE --  
6 WERE GOING INTO DIFFERENT NEWS PLACES. THEY WERE ALWAYS  
7 SAYING THAT THE BEVERLY HILLS POLICE WANTED HIM TO BE DEAD  
8 BECAUSE THEY WANTED TO CLOSE THE CASE. AND I JUST KNEW  
9 THAT SOMEBODY LIKE RON LEVIN WAS AN ULTIMATE CON MAN.  
10 NOBODY FOUND THE BODY. I KNEW THAT HE WOULD BE THE TYPE  
11 OF PERSON THAT WOULD HAVE A GOOD CHANCE TO GET AWAY.

12 Q HAD YOU READ NEWS ACCOUNT WHERE LEVIN WAS  
13 COMMONLY DEPICTED AS A CON MAN WHEN YOU WERE READING ABOUT  
14 THE TRIAL?

15 A I THINK I JUST KNEW IT. WE WERE ALL TAKING,  
16 EVERYBODY IN THE NEWS BUSINESS BY THEN KNEW THAT HE WAS,  
17 TOLD A LOT OF LIES, AND THAT HE WAS INVOLVED IN DIFFERENT  
18 THINGS.

19 Q DO YOU KNOW MR. HUNT PERSONALLY? DID YOU  
20 EVER MEET HIM BEFORE YOU TESTIFIED AS A WITNESS IN SAN  
21 MATEO?

22 A NO. I SEEN HIS PICTURES IN THE PAPER, AND I  
23 MET HIM IN SAN MATEO BEFORE THE TRIAL.

24 Q GOING BACK TO YOUR BEING TOLD TO GET THE  
25 ADVICE OF MR. RAY, YOUR OTHER DAUGHTER'S FIANCE, DID YOU  
26 TALK TO MR. RAY, MICHAEL RAY, ABOUT WHAT YOU HAD SEEN IN  
27 MYKONOS?

28 A NO. I NEVER SPOKE TO HIM ABOUT THAT. BY THE

1 WAY, THEY BROKE UP AFTERWARDS, A COUPLE OF MONTHS  
2 AFTERWARDS.

3 Q DID YOU EVER ASK HIM WHETHER OR NOT YOU  
4 SHOULD GO TO THE POLICE OR ANYBODY WITH THAT INFORMATION?

5 A WHEN I FIRST CALLED, THE ONE TIME I CALLED  
6 HIM I TOLD HIM THE STORY. HE SAID, "IF I WERE YOU, FORGET  
7 ABOUT IT. YOU DON'T WANT TO GET INVOLVED." AND THAT  
8 ENDED IT WITH HIM. I NEVER SAID ANYTHING MORE TO HIM.

9 Q WHAT EXACTLY DID YOU TELL HIM?

10 A I JUST TOLD HIM THE SAME STORY, YOU KNOW,  
11 THAT I SAW THIS MAN, I KNOW IT WAS RON LEVIN, AND I THINK  
12 MAYBE SOMEBODY WOULD GO FURTHER AND INVESTIGATE IT.

13 Q AND HE TOLD YOU WHAT?

14 A HE SAID, "DON'T GET INVOLVED."

15 Q AND --

16 A HE WAS RIGHT.

17 Q UP UNTIL THE TIME THAT YOU WERE SUMMONED TO  
18 BE A WITNESS IN SAN MATEO DID YOU DO ANYTHING FURTHER  
19 ABOUT YOUR OBSERVATION OF MR. LEVIN IN THIS RESTAURANT IN  
20 GREECE?

21 A I ONLY TOLD MY DAUGHTER-IN-LAW -- I TOLD HER  
22 AND I TOLD DIFFERENT PEOPLE, "HEY," YOU KNOW, IT IS A  
23 HIGHLIGHT OF THE TRIP, "I SAW RON LEVIN," JUST IN PASSING.

24 Q IS THERE SOME REASON YOU DIDN'T WANT TO GET  
25 INVOLVED?

26 A YES. NOW THAT I THINK ABOUT IT.

27 Q WHAT'S THAT?

28 A I AM SORRY I GOT INVOLVED.

1 Q DO YOU ENJOY COMING TO DIFFERENT COURTHOUSES  
2 TO TESTIFY ABOUT HAVING SEEN MR. LEVIN?

3 MR. MC MULLEN: OBJECTION. IRRELEVANT.

4 THE COURT: OVERRULED.

5 I AM SORRY. I COULDN'T HEAR YOUR ANSWER.

6 THE WITNESS: NO. NO WAY. I DON'T MIND WATCHING  
7 IT ON T.V., BUT I DON'T WANT TO BE ANY PART OF IT.

8 MR. CRAIN: I DON'T BELIEVE I HAVE ANY FURTHER  
9 QUESTIONS, YOUR HONOR.

10 THE COURT: ANY CROSS-EXAMINATION?

11 MR. MC MULLEN: THANK YOU  
12

13 CROSS-EXAMINATION @  
14

15 BY MR. MC MULLEN:

16 Q GOOD MORNING, MA'AM.

17 PRIOR TO TODAY, PRIOR TO TODAY WE HAVE NOT  
18 MET; IS THAT CORRECT?

19 A NO. I DON'T EVEN KNOW YOUR NAME.

20 Q I DIDN'T INTRODUCE MYSELF BEFORE YOU TOOK THE  
21 WITNESS STAND. MY NAME IS ANDREW MC MULLEN.

22 THIS EVENT THAT OCCURRED IN GREECE OCCURRED  
23 IN DECEMBER OF 1987; IS THAT CORRECT?

24 A I KNOW IT WAS CHRISTMAS DAY, YOU KNOW.

25 Q AND THAT WAS A LONG TIME AGO, WASN'T IT?

26 A YES.

27 Q AND WOULD YOU SAY THAT YOUR MEMORY IS BETTER  
28 TODAY ABOUT WHAT HAPPENED ON CHRISTMAS DAY OF 1987 OR WAS

1 IT BETTER SIX, SEVEN YEARS AGO?

2 A IT WAS SUCH AN EVENT, AND I THINK THAT I  
3 REMEMBER IT VERY WELL, THEN AND NOW. MAYBE A FEW LITTLE  
4 ODDS AND ENDS I DON'T REMEMBER EXACTLY, BUT THE MAIN PART  
5 I REMEMBER.

6 Q NOW, YOU TESTIFIED THAT YOU LEARNED ABOUT  
7 LEVIN'S DISAPPEARANCE BY THE NEWSPAPER, AND YOU MENTIONED  
8 SOMETHING ABOUT TELEVISION NEWS COVERAGE?

9 A I THINK THE TELEVISION WAS -- I SAW IT ON THE  
10 NEWS, AND I SAW IT IN -- THE BEVERLY HILLS COPS WERE  
11 OUTSIDE HIS HOME, AND I DON'T KNOW, THEY HAD DIFFERENT  
12 EQUIPMENT, AND THEY WERE TALKING ABOUT HIS DISAPPEARANCE.

13 Q WHEN WAS THAT THAT YOU LEARNED ABOUT THAT?

14 A YOU KNOW, I AM NOT GOOD ON DATES. IT WAS  
15 AFTER THE JOE HUNT, YOU KNOW, AFTER --

16 Q AFTER THE TRIAL?

17 A OH, NO. NO. AFTER THEY WERE TALKING ABOUT  
18 JOE HUNT. BECAUSE I READ ABOUT THEM A LOT. THEY HAD ALL  
19 KINDS OF ARTICLES IN DIFFERENT NEWSPAPER AND MAGAZINES  
20 ABOUT THE BILLIONAIRE BOYS CLUB.

21 Q SO YOU WERE AWARE OF THE BILLIONAIRE BOYS  
22 CLUB TRIAL, THE MURDER TRIAL?

23 A NO. I WAS AWARE OF THE BILLIONAIRE BOYS  
24 CLUB. I DON'T KNOW. I FOLLOWED THE TRIAL, BUT I CANNOT  
25 TELL YOU THE EXACT DATES.

26 Q WAS IT -- IT WAS PRIOR TO YOUR TRIP TO GREECE  
27 IN CHRISTMAS OF 1987 THAT YOU WERE AWARE OF IT, WERE YOU  
28 NOT?

1 A YES. YES.

2 Q YOU WERE AWARE THAT RON LEVIN WAS PART OF THE  
3 BILLIONAIRE BOYS' CLUB CASE PRIOR TO YOUR TRIP?

4 A YES.

5 Q AND FOLLOWING THE NEWS COVERAGE YOU WERE  
6 AWARE THAT RON LEVIN WAS A MURDER VICTIM WITH RESPECT TO  
7 THAT BILLIONAIRE BOYS' CLUB CASE?

8 A YES. AND I KNEW THEY HADN'T FOUND HIS BODY.

9 Q YOUR INTEREST IS UNDERSTANDABLE BECAUSE YOU  
10 HAD MET RON LEVIN A NUMBER OF TIMES?

11 A YES.

12 Q WHEN YOU SAY YOUR SON-IN-LAW IS THAT BOB TUR,  
13 T-U-R?

14 A T-U-R, YES.

15 Q AND MR. TUR AND YOUR DAUGHTER WERE INVOLVED  
16 IN SOME BUSINESS RELATIONS WITH MR. LEVIN; IS THAT  
17 CORRECT?

18 A NO. THEY WERE JUST IN PASSING. HE WANTED TO  
19 LATCH ONTO SOMEBODY IN THE NEWS SERVICE.

20 Q WHEN YOU SAY "HE," ARE YOU REFERRING TO --

21 A TO MR. LEVIN, WANTED TO GET INVOLVED WITH THE  
22 NEWS SERVICE. HE WAS LATCHING ONTO ANYBODY HE COULD.

23 Q AND SO HE -- IF I UNDERSTAND YOU CORRECTLY,  
24 THEN HE LATCHED ONTO YOUR SON-IN-LAW, MR. TUR?

25 A YES. YES.

26 Q AND YOU SAY YOU WENT OVER TO RON LEVIN'S  
27 HOUSE TWICE?

28 A YES.



1 Q FOR WHAT PURPOSE?

2 A WE WERE DELIVERING, HE WANTED TO LOOK AT SOME  
3 TAPES BECAUSE HE SAID HE WAS GETTING A MOVIE TOGETHER, AND  
4 HE WANTED TO GO TO LAS VEGAS AND SHOW IT TO INVESTORS.

5 Q WHEN YOU SAY "WE" WHO DID YOU --

6 A MY DAUGHTER, MAKITA TUR.

7 Q AND THAT'S BOB TUR'S WIFE?

8 A YES. THAT'S MY OLDER DAUGHTER.

9 Q NOW, YOU FLEW INTO AN AIRPORT IN MYKONOS, AND  
10 YOU HAVE DESCRIBED THE WEATHER AS BEING RAINY AND COLD?

11 A YES.

12 Q WAS IT A STEADY KIND OF RAIN? OR IF YOU  
13 COULD DESCRIBE A LITTLE BIT MORE IN DETAIL WHAT THE  
14 WEATHER WAS LIKE.

15 A IT WAS MORE OF A TYPICAL NEW YORK DAY WHERE  
16 YOU GET RAIN ALL DAY, NOT HARD BUT STEADY AND GRAY SKIES  
17 AND WIND, AND MAYBE YOU GET A LITTLE SHOWER, BUT MOSTLY IT  
18 WAS JUST A STEADY RAIN.

19 Q DID YOU IN YOUR SEARCH FOR A RESTAURANT ON  
20 THAT DAY DID YOU GET WET? DID YOU HAVE UMBRELLA? OR WHAT  
21 DID YOU DO TO PROTECT YOURSELF?

22 A I HAD A LEATHER COAT AND I HAD A HAT ON, AND  
23 I THINK MY HUSBAND HAD AN UMBRELLA. HE ALWAYS CARRIES  
24 ONE.

25 Q DID YOU GET WET DURING YOUR SEARCH FOR A  
26 RESTAURANT?

27 A MY COAT WAS LIKE A RAIN COAT, SO WE GOT WET.  
28 THAT'S WHY WE WANTED TO GET UNDER COVER.

1 Q SO ABOUT WHAT TIME OF DAY WAS IT THAT YOU  
2 ARRIVED THERE IN THE AIRPORT IN MYKONOS?

3 A IT WAS -- WE TOOK A DAY TRIP, SO I THINK I  
4 WOULD SAY AROUND 10:00 OR 11:00.

5 Q AND YOU WERE LOOKING FOR A PLACE TO EAT  
6 BREAKFAST?

7 A YES.

8 Q AND YOU HAVE TESTIFIED THAT YOU CAME ACROSS A  
9 MAN WHO WOULD TELL YOU WHERE A RESTAURANT WAS IF YOU  
10 BOUGHT SOMETHING FROM HIS SHOP?

11 A THAT'S WHAT HE SAID. WE ASKED HIM WHERE A  
12 RESTAURANT WAS.

13 Q HE --

14 A HE TOLD ME IF I BOUGHT SOMETHING FROM HIS  
15 STORE HE WOULD TELL US.

16 Q SO YOU BOUGHT A T-SHIRT?

17 A YES.

18 Q AND HE DIRECTED YOU TO A RESTAURANT?

19 A HE WALKED UP THE STREET. HE SAID THAT IT WAS  
20 THE ONLY ONE THAT WAS OPEN ON THAT DAY.

21 Q IF YOU RECALL, WHAT WAS THE NAME OF THE  
22 RESTAURANT?

23 A I HAVE NO IDEA.

24 Q SO YOUR HUSBAND AND YOURSELF WALKED INTO THIS  
25 RESTAURANT?

26 A YES.

27 Q YOU DESCRIBED IT AS SMALL. I KNOW YOU HAVE  
28 TRIED TO APPROXIMATE WHAT THE SIZE OF IT WAS. BUT CAN YOU

1 GIVE US AN ESTIMATE AS TO THE DIMENSIONS, PHYSICAL  
2 DIMENSIONS OF THE RESTAURANT, 20 FEET BY 10, OR WHATEVER  
3 IT WAS?

4 A LET'S SEE. I WOULD SAY IT WAS ABOUT --  
5 THE COURT: MAYBE YOU CAN USE THE COURTROOM. COULD  
6 YOU LOOK SOMEWHERE IN THE COURTROOM AND DESCRIBE THE  
7 LENGTH OF THE RESTAURANT FROM THE FRONT DOOR TO THE BACK?

8 THE WITNESS: MAYBE IT WAS FROM THAT DOOR  
9 (INDICATING) --

10 THE COURT: FROM YOUR SEAT RIGHT NOW GIVE ME AN  
11 ESTIMATE. ASSUME YOU ARE STANDING AT THE FRONT DOOR POINT  
12 TO SOMETHING IN THE COURTROOM THAT WOULD SHOW HOW LONG THE  
13 RESTAURANT WAS.

14 MR. MC MULLEN: THANK YOU

15 THE WITNESS: FROM WHERE I AM TO THE END.

16 THE COURT: THE BACK WALL.

17 THE WITNESS: I WOULD SAY THE BACK WALL.

18 THE COURT: INDICATING APPROXIMATELY 36 FEET.

19 BY MR. MC MULLEN:

20 Q THE WIDTH IS THAT WALL, THE FAR WALL. FROM  
21 WHERE THE JURY BOX HOW WIDE WOULD THE JURY BOX BE?

22 A MAYBE 20 FEET. IT WAS NARROWER. IT WAS  
23 VERY, VERY SMALL. IT WAS LIKE A HOLE-IN-THE-WALL.

24 Q NOW, SO THE FRONT PART WAS ABOUT 20 FEET  
25 WIDE, AND THERE IS A DOOR THERE.

26 ARE THERE ANY WINDOWS IN THE FRONT WHERE THE  
27 DOOR IS?

28 A NO.

1 Q AND WHEN YOU WALK IN, YOU SAID ON ONE SIDE  
2 THERE WAS A BAR.

3 WAS THE BAR -- WHEN YOU WERE WALKING IN WOULD  
4 THE BAR BE ON YOUR LEFT OR YOUR RIGHT?

5 A IN THE BACK.

6 Q IN THE BACK OF THE RESTAURANT?

7 A YES.

8 Q WERE THERE ANY WINDOWS IN THE RESTAURANT?

9 A NO.

10 Q WHAT WAS THE LIGHTING LIKE IN THE RESTAURANT?  
11 WAS IT A BRIGHT RESTAURANT? DARK?

12 A IT WAS -- IT WAS NOT AS LIGHT AS THIS BUT --  
13 IT WAS LIGHT ENOUGH YOU COULD SEE THE FOOD. YOU COULD SEE  
14 THE PEOPLE. IT WASN'T DAYLIGHT BRIGHT.

15 Q DO YOU RECALL WHAT THE INSIDE OF THE  
16 RESTAURANT, WHAT COLOR THE WALLS WERE? WERE THEY DARK?

17 A I THINK THEY WHITEWASH EVERYTHING ON THE  
18 ISLAND.

19 Q I JUST WANT YOUR RECOLLECTION AS TO WHAT  
20 THIS, THE INSIDE OF THIS RESTAURANT LOOKED LIKE, NOT IF  
21 EVERYBODY DID THIS. IF YOU DON'T REMEMBER, THAT'S FINE.

22 A I JUST HAD A TERRIBLE COLD. I WAS MISERABLE,  
23 AND I WAS JUST THERE HUNGRY.

24 Q YOU MENTIONED THAT YOU HAD A COLD. WERE YOU  
25 TAKING ANY KIND OF MEDICATION OR ANYTHING?

26 A NO.

27 Q WHAT WERE THE SYMPTOMS OF YOUR COLD?

28 A MY NOSE WAS RUNNING, AND JUST MISERABLE.

1 Q WERE YOU FEVERISH AT ALL?

2 A NO.

3 Q AT THE TIME DID YOU WEAR ANY KIND OF  
4 CORRECTIVE GLASSES FOR YOUR VISION, ANYTHING LIKE THAT?

5 A I JUST HAVE READING GLASSES THAT I GET FROM  
6 THE DRUGSTORE.

7 Q WHAT KIND OF -- YOU SAY THERE WERE NO WINDOWS  
8 IN THE RESTAURANT. WHAT KIND OF LIGHTING DID THEY HAVE,  
9 IF YOU REMEMBER? DID IT HAVE NEON LIGHTS?

10 A FROM THE CEILING. THEY HAD NO LIGHTS ON THE  
11 TABLE. THEY JUST HAD FROM THE CEILING. KIND OF PRIMITIVE  
12 LIGHTS. IT WAS JUST LIKE A STOREFRONT.

13 Q AS I RECOLLECT YOUR DIRECT TESTIMONY, YOU  
14 SAID THAT, CORRECT ME IF I AM WRONG, THAT THE INTERIOR OF  
15 THE RESTAURANT WAS QUITE A BIT DARKER THAN THE OUTSIDE?

16 A YES.

17 Q SO WAS IT ONE OF THESE RESTAURANTS WHERE YOU  
18 WALK IN AND YOU HAVE TROUBLE SEEING AT FIRST BECAUSE IT IS  
19 SO DARK --

20 A YES.

21 Q -- AND THEN YOUR EYES ADJUST?

22 A BECAUSE YOU HAVE TO ADJUST.

23 Q SO YOUR --

24 MR. MC MULLEN: EXCUSE ME. CAN I HAVE A MOMENT?

25 THE COURT: YES.

26

27 (PAUSE.)

28

1 BY MR. MC MULLEN:

2 Q BY ANY CHANCE, IF YOU CAN REMEMBER, WAS THE  
3 RESTAURANT ACTUALLY SOMEBODY'S HOME THAT HAD BEEN  
4 CONVERTED?

5 A NO.

6 MR. CRAIN: YOUR HONOR, NOT TO NITPICK. I THINK I  
7 AM GOING TO MOVE TO STRIKE THAT. IN FACT, IT DOES CALL  
8 FOR A CONCLUSION.

9 THE COURT: OVERRULED. IT IS DESCRIPTIVE DATA.

10 MR. CRAIN: ALL RIGHT.

11 THE WITNESS: IF -- YOU WANTED TO KNOW WHAT IT LOOK  
12 LIKE?

13 BY MR. MC MULLEN:

14 Q SURE. TELL ME WHAT IT LOOKED LIKE.

15 A IT LOOKED LIKE A MAKESHIFT KIND OF A PLACE  
16 THAT, YOU KNOW, WASN'T ONE OF THESE FANCY THINGS THAT YOU  
17 SEE HERE IN LOS ANGELES. IT WAS JUST A VERY SMALL PLACE  
18 THAT SOMEBODY HAD MADE INTO A SMALL RESTAURANT WITH THE  
19 BAR ON ONE SIDE. I SUPPOSE MOSTLY IT WAS TO HAVE BEER AND  
20 WINE.

21 Q SO YOUR HUSBAND AND YOURSELF WALKED INTO THE  
22 RESTAURANT. DID YOU GO FIRST OR DID YOUR HUSBAND, DO YOU  
23 REMEMBER?

24 A NO, I DON'T REMEMBER. USUALLY HE LETS ME GO  
25 FIRST. I DON'T REMEMBER. IT WAS A WIDE DOOR. I REALLY  
26 DON'T REMEMBER.

27 Q AND YOU SAT -- I CAN'T REMEMBER FROM -- YOU  
28 SAID THERE WERE FOUR TABLES OR SO INSIDE OF THE

1 RESTAURANT?

2 A YES.

3 Q AND THEY WENT, I TAKE IT, FROM THE FRONT OF  
4 THE RESTAURANT TOWARDS THE BACK OF THE RESTAURANT?

5 A YES. WE WALKED TO THE LADY TO ASK HER IF SHE  
6 HAD THE FOOD, SO WE WALKED TO THE BAR WHEN WE CAME IN  
7 TALKED TO HER, AND THEN WE SAT DOWN.

8 Q OKAY.

9 AND YOU SAT DOWN. WHAT TABLE IN RELATIONSHIP  
10 TO THE DOOR, ASSUMING THERE IS FOUR TABLES FROM FRONT TO  
11 BACK?

12 A I SAT AT THE FIRST ONE, THE NEAREST TO THE  
13 BAR WHERE SHE WAS STANDING.

14 Q AND YOU SAT WITH YOUR BACK TO THE FRONT DOOR  
15 OF THE RESTAURANT; IS THAT CORRECT?

16 A YES.

17 Q NOW, PRIOR TO SITTING DOWN, THOUGH, YOU WENT  
18 AND HAD A CONVERSATION WITH THE WOMAN WHO WAS RUNNING THE  
19 RESTAURANT; CORRECT?

20 A YES. CORRECT.

21 WE WERE JUST ASKING HER WHY THERE WAS NOBODY  
22 AROUND AND WHY, YOU KNOW, SHE WAS GOING TO GIVE US SOME OF  
23 THE FOOD THAT SHE PREPARED. AND HER DAUGHTER WAS GOING TO  
24 COME FROM ATHENS OR HAD COME FROM ATHENS OR SOMEBODY. I  
25 KNOW SHE HAD PREPARED FOOD. SHE SAID WE COULDN'T GET ANY  
26 FOOD ANYWHERE ELSE ON THE ISLAND.

27 Q AND SO YOU MENTIONED ON YOUR DIRECT  
28 EXAMINATION THAT IT WAS THE TYPE OF RESTAURANT WHERE YOU

1 PLACE THE ORDER WITH A WOMAN AT THE BAR, AND YOU WOULD  
2 BRING WHATEVER YOU WOULD ORDER TO THE TABLE?

3 A YES.

4 Q NOW, THIS HAS BEEN A BURNING QUESTION FOR ME  
5 FOR SOME TIME. I HAVE READ A LOT, ALL YOUR TESTIMONY IN  
6 PRIOR DECLARATIONS. WHAT, IF ANYTHING, DID YOU ORDER AT  
7 THE RESTAURANT?

8 A WHATEVER SHE HAD. AND TO TELL YOU THE TRUTH  
9 I DON'T REMEMBER WHAT IT WAS, BUT SOME LAMB DISH. AND I  
10 DON'T LIKE LAMB. I REMEMBER IT WAS SOME LAMB DISH. IT  
11 WASN'T GOURMET COOKING, IT WAS JUST WHAT SHE HAD FOR HER  
12 OWN FAMILY. THEY CAME TO THE RESTAURANT OR WHERE THEY  
13 LIVED UPSTAIRS, I DON'T KNOW, BUT THEY DIDN'T COME WHEN I  
14 WAS THERE.

15 Q SHE --

16 A SHE SAID FAMILY FOOD, AND THAT'S ALL SHE HAD.

17 Q SO THERE WASN'T A GREAT SELECTION, I TAKE IT?

18 A NO. JUST WHATEVER SHE HAD, SOME LAMB DISH  
19 AND SOME BREAD. THE BREAD I LIKED, BREAD AND CHEESE.

20 Q AND SO WHEN YOU FIRST WENT AND TALKED TO HER  
21 IS THAT WHEN YOU PLACED, YOU AND YOUR HUSBAND PLACED AN  
22 ORDER?

23 A YES.

24 Q DID YOU ORDER SOMETHING TO DRINK?

25 A I THINK I JUST HAD WATER OR PROBABLY A BOTTLE  
26 OF WATER. I ALWAYS DRINK A BOTTLE OF WATER.

27 Q SO THEN, YOUR HUSBAND AND YOU SAT DOWN AND  
28 DID THE FOOD COME?



1           A       THE FOOD CAME LATER. I CAN'T REMEMBER  
2 EXACTLY WHEN THE FOOD CAME. I THINK THE FOOD CAME  
3 ABOUT -- IT DIDN'T COME RIGHT AWAY. SHE HAD TO WARM IT  
4 UP.

5           Q       PREPARE IT OR WHATEVER SHE NEEDED TO DO?

6           A       YEAH.

7           Q       DID THE FOOD COME BEFORE OR AFTER THE TWO MEN  
8 ENTERED INTO THE RESTAURANT?

9           A       I REALLY DON'T REMEMBER.

10          Q       WHEN YOU WALKED INTO THE RESTAURANT OTHER  
11 THAN THE WOMAN THAT WAS RUNNING THE RESTAURANT WAS THERE  
12 ANYBODY ELSE THERE THAT YOU COULD SEE?

13          A       NO.

14          Q       SOMETHING DREW YOUR ATTENTION TO THE FRONT  
15 DOOR AT SOME POINT IN TIME, I UNDERSTAND?

16          A       YES. BECAUSE WHEN THE DOOR OPENED LIGHT CAME  
17 AND THEN THE WINDS BLEW. YOU COULD HEAR THE DOOR, THE  
18 WIND BLOW.

19          Q       ALL RIGHT.

20                   AND I AM NOT SURE IF I REMEMBER YOU  
21 TESTIFYING TO THIS, BUT YOUR BACK WAS TO THE DOOR AND SO  
22 YOU TURNED TO LOOK?

23          A       YES.

24          Q       HOW LONG HAD YOU BEEN SITTING THERE IN THE  
25 RESTAURANT BEFORE YOUR ATTENTION WAS DRAWN TO THE FRONT  
26 DOOR BEHIND YOU?

27          A       I CAN'T SAY FOR SURE, BUT IT WAS 10, 15  
28 MINUTES. I REALLY DON'T KNOW. WE WERE JUST WAITING FOR

1 THE FOOD, EATING BREAD, WAITING FOR HER TO HEAT IT UP. I  
2 DON'T KNOW. I AM JUST BEYOND --

3 Q SO AS I UNDERSTAND, YOUR ATTENTION WAS DRAWN  
4 TO THE FRONT DOOR, YOU TURNED AROUND TO SEE WHAT THE --  
5 WHAT IT WAS THAT WAS DRAWING YOUR ATTENTION, AND YOU SAW  
6 TWO PEOPLE COME IN?

7 A YES.

8 Q AND THEY, AS THE TWO PEOPLE CAME IN, THE  
9 LIGHT WAS BEHIND THEM; IS THAT CORRECT?

10 A YES.

11 Q HOW LONG DID YOU LOOK BACK TOWARDS THEM?

12 A I DON'T KNOW, BUT I KNEW THEY WEREN'T NATIVES  
13 BECAUSE THEY WERE DRESSED -- THAT'S WHAT I SAW FIRST, THE  
14 WAY THEY WERE DRESSED, AND THEN I REALIZED THAT I COULD  
15 SEE WHO THEY WERE.

16 Q IF YOU REMEMBER, IF YOU LOOKED OVER YOUR LEFT  
17 OR YOUR RIGHT SHOULDER?

18 A I DON'T REMEMBER RIGHT NOW. I WAS SITTING  
19 WHERE IT WAS MORE CONVENIENT.

20 Q WHEN YOU FIRST LOOKED AROUND BEHIND YOU, DID  
21 THE LIGHT FROM THE DOOR CAUSE YOU SOME DIFFICULTY IN  
22 SEEING THE DIFFERENCE BETWEEN THE DARKNESS OF THE ROOM AND  
23 THAT LIGHT OUTSIDE WHEN THE DOOR WAS OPEN?

24 A NO. I COULD SEE THEM. I COULD SEE. I KNEW  
25 RIGHT AWAY. I SAW THAT THEY WEREN'T NATIVE PEOPLE.

26 Q AND THEN AS YOU SIT HERE AND TESTIFY TODAY  
27 YOU ARE UNCERTAIN HOW LONG YOU LOOKED BACK; IS THAT A  
28 CORRECT STATEMENT?

1           A        I HAVE NO IDEA HOW LONG WHETHER IT WAS TWO  
2 SECONDS, TWO MINUTES. I HAVE NO IDEA.

3           Q        WHAT DID THESE TWO PEOPLE DO WHEN THEY WALKED  
4 INTO THE RESTAURANT?

5           A        THEY SAT DOWN, AND THEY REALIZED THEY HAD TO  
6 GO TO THE BAR TO ORDER. THEY NEEDED A SETUP BECAUSE THEY  
7 HAD THEIR OWN BOTTLE OF WINE.

8           THE COURT: HOLD ON.

9                    ONE SECOND, MR. MC MULLEN.

10                   LET'S ALLOW THE STUDENTS TO GET OUT.

11           MR. MC MULLEN: THANK YOU.

12

13                   (PAUSE.)

14

15           THE COURT: ALL RIGHT.

16                    HOW MUCH DO YOU HAVE ON CROSS?

17           MR. MC MULLEN: I DON'T KNOW. A FAIR AMOUNT. I  
18 CAN'T --

19           THE COURT: DEFINE "FAIR AMOUNT."

20           MR. MC MULLEN: 30, 40 MINUTES.

21           THE COURT: 30, 40 MINUTES.

22           MR. MC MULLEN: I AM TRYING TO --

23           THE COURT: TELL YOU WHAT, THIS IS  
24 CROSS-EXAMINATION YOU ARE NOT TAKING A DEPOSITION. LET'S  
25 TAKE OUR NOONTIME RECESS AT THIS TIME. STREAMLINE IT.  
26 AND LET'S GET TO THE CHASE SCENE.

27           MR. MC MULLEN: YES, YOUR HONOR.

28           THE COURT: ALL RIGHT.

1 COUNSEL AND PETITIONER AND WITNESS ARE  
2 ORDERED TO RETURN AT 1:30.

3 MR. MC MULLEN: THANK YOU.  
4

5  
6 (AT 12:00 P.M. A RECESS WAS TAKEN  
7 UNTIL 1:30 P.M. OF THE SAME DAY.)  
8  
9  
10  
11  
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28

1 LOS ANGELES, CALIFORNIA; MONDAY, APRIL 22, 1996

2 1:30 P.M.

3 DEPARTMENT NO. 101

HON. J. STEPHEN CZULEGER, JUDGE

4  
5 (APPEARANCES AS HERETOFORE NOTED.)

6  
7 THE BAILIFF: REMAIN SEATED, COME TO ORDER,  
8 DEPARTMENT 101 IS AGAIN IN SESSION.

9 THE COURT: MRS. GERRARD, WHY DON'T YOU GO AHEAD  
10 AND GET BACK ON THE STAND.

11  
12 (PAUSE.)

13  
14 THE COURT: ALL RIGHT.

15 IN THE CASE OF IN RE JOSEPH HUNT, THE RECORD  
16 WILL REFLECT ALL COUNSEL AND PETITIONER ARE PRESENT.

17 MR. CRAIN: BEFORE WE CONTINUE I JUST WANTED TO  
18 INFORM THE COURT THAT MR. HOLMES IS HERE. HE IS IN THE  
19 HALLWAY. I WAS JUST TELLING HIM HE SHOULD WAIT OUTSIDE,  
20 SO WE WILL BE READY TO PROCEED WITH ANOTHER WITNESS.

21 THE COURT: GREAT.

22 THERE HAS BEEN A REQUEST FROM ONE OF THE T.V.  
23 STATIONS FOR FILMING. IT IS MY POLICY TO INQUIRE OF THE  
24 PARTIES IN ANY LITIGATION THEIR POSITION ON FILM COVERAGE.

25 MR. KLEIN: OUR POSITION IS IT IS UP TO YOU.

26 THE WITNESS: CAN I OPPOSE?

27 MR. MC MULLEN: THAT RAISES A VERY INTERESTING  
28 POINT.

1 WE DO OPPOSE.

2 MR. KLEIN: IF SHE DOESN'T WANT IT --

3 THE COURT: IT SOUNDS LIKE BOTH SIDES ARE OPPOSING.

4 MR. MC MULLEN: WE ARE OPPOSING FOR THOSE KINDS OF  
5 WITNESSES. I THINK THERE ARE A LOT OF WITNESSES BASED ON  
6 SOME COVERAGE THAT HAS OCCURRED OVER THIS COURTHOUSE FOR  
7 AN EXTENDED PERIOD OF TIME, IT HAS A CHILLING AFFECT.

8 YOU MIGHT REMEMBER THERE WERE SOME --

9 THE COURT: THERE WERE SOME OTHER CASES.

10 MR. MC MULLEN: ANYWAY, A LOT OF THE WITNESSES, I  
11 THINK, IT MIGHT HAVE A CHILLING AFFECT ON THEIR TESTIMONY.

12 THE COURT: MY POSITION IS WHEN BOTH SIDES OPPOSE  
13 AND THERE IS NO STRONG COMPELLING ARGUMENT TO THE CONTRARY  
14 IS TO FORECLOSE THE FILM COVERAGE.

15 I WILL NOT --

16 MR. CRAIN: I WILL ONLY SAY THIS: OUR POSITION IS  
17 WITH REGARD TO THIS WITNESS WE OPPOSE. IN REGARDS TO  
18 OTHER WITNESSES WHO DON'T CARE, I HAVE NO OPPOSITION.

19 THE COURT: IF THE MEDIA COMES BACK I WILL HAVE  
20 THEM, COUNSEL FOR BOTH SIDES, AND YOU GUYS CAN TALK.

21 THE RECORD WILL REFLECT MRS. GERRARD IS BACK  
22 ON THE STAND.

23 MR. MC MULLEN, YOU MAY FINISH YOUR CROSS  
24 EXAMINATION.

25 MR. MC MULLEN: THANK YOU.

26 AND I WILL TRY TO STREAMLINE IT, YOUR HONOR.

27 THE COURT: GOOD.

28 I AM NOT SURE STREAMLINE IS A WORD THAT CAN

1 BE USED IN THIS CASE BUT --

2 MR. MC MULLEN: WE HAVE BEEN TRYING.

3

4

CONNIE GERRARD, +

5

CALLED AS A WITNESS BY THE PETITIONER, HAVING BEEN

6

PREVIOUSLY SWORN, RESUMED THE STAND AND TESTIFIED FURTHER

7

AS FOLLOWS:

8

9

CROSS-EXAMINATION RESUMED @

10

11

BY MR. MC MULLEN:

12

Q DO YOU REMEMBER, MA'AM, PRIOR TO YOUR TRIP TO

13

GREECE ON THAT CHRISTMAS DAY IN PARTICULAR WHEN WAS THE

14

LAST TIME PRIOR TO THAT THAT YOU HAD SEEN MR. LEVIN?

15

A I DON'T KNOW ANY DATES, BUT I CAN TELL YOU

16

THE OCCASION.

17

Q DO YOU HAVE ANY TIME, AND I MIGHT BE

18

INTERESTED IN THAT, DO YOU HAVE ANY IDEA ON THIS OCCASION

19

THAT YOU ARE REFERRING TO HOW MUCH TIME BEFORE THIS TRIP

20

YOU MIGHT HAVE SEEN HIM IN TERMS OF WEEKS, MONTHS?

21

A MONTHS. IT COULD HAVE BEEN YEARS.

22

Q AND WHAT WAS THE OCCASION?

23

A I WENT TO HIS HOME WITH MY DAUGHTER. SHE

24

WANTED TO DELIVER SOME TAPES THAT HE WANTED, AND SHE

25

WANTED TO SHOW ME HOW HE HAS REDONE HIS APARTMENT. AND I

26

WENT IN AND HE SHOWED ME AROUND.

27

Q MA'AM, YOU MENTIONED ON DIRECT EXAMINATION

28

THAT LEVIN LOOKED THE SAME TO YOU. COULD YOU TELL US

1 PRIOR TO YOUR TRIP TO GREECE WHAT -- GIVE US A DESCRIPTION  
2 OF MR. LEVIN?

3 A HE WAS TALL AND SLIM, IMMACULATELY DRESSED.  
4 HAD A BEARD, HAD SOME GRAY AND HIS HAIR WAS NEAT. HE  
5 SEEMED TO HAVE A FULL HEAD OF HAIR.

6 THE COURT: LET ME STOP YOU.

7 YOUR QUESTION WAS WHEN SHE SAW HIM IN  
8 MYKONOS.

9 MR. MC MULLEN: NO.

10 BY MR. MC MULLEN:

11 Q PRIOR TO THAT TIME, PRIOR TO THE TIME IN  
12 GREECE, IN CASE I AM UNCLEAR, DO YOU UNDERSTAND IT THAT  
13 WAY, MA'AM?

14 A YES. THAT'S THE WAY HE LOOKED.

15 Q THE TIME PERIOD WOULD BE PRIOR TO THE TIME  
16 THAT YOU WERE IN GREECE?

17 A YES. I UNDERSTOOD THAT.

18 Q NOW, HIS HAIR COLORING HOW WOULD YOU DESCRIBE  
19 HIS HAIR COLORING PRIOR TO THE TIME IN GREECE?

20 A I WOULD SAY IT WAS GRAY, HAD SOME DARK, BUT  
21 GRAY.

22 Q AND WAS HIS BEARD OF A SIMILAR COLOR?

23 A YES. IT HAD GRAY IN IT.

24 Q I THINK STILL BEFORE YOU THERE IS  
25 PETITIONER'S EXHIBIT 1 FOR IDENTIFICATION, WHICH YOU HAVE  
26 IDENTIFIED AS A PHOTOGRAPH OF RON LEVIN?

27 A YES.

28 Q WITH RESPECT TO HIS HAIR COLORING, HIS HAIR



1 NOW IS THAT THE WAY YOU REMEMBER IT PRIOR TO GOING TO  
2 GREECE?

3 A YES.

4 Q HOW ABOUT THE STYLE OF THE WAY HIS HAIR IS  
5 COMBED THERE AND KEPT?

6 A WELL, IN GREECE IT SEEMED TO BE A LITTLE  
7 HEAVIER, BUT THIS IS WHAT HE LOOKED LIKE. THIS IS  
8 BEFORE -- THIS IS WHAT HE LOOKED LIKE TO ME.

9 Q WITH RESPECT TO HIS HAIR COLOR AND HIS  
10 HAIRSTYLE?

11 A THIS IS A POSED PICTURE ON --

12 MR. MC MULLEN: YOUR HONOR --

13 THE COURT: INDICATING EXHIBIT 1.

14 MR. MC MULLEN: THANK YOU.

15 BY MR. MC MULLEN:

16 Q NOW, WITH RESPECT TO HIS BEARD IS THAT THE  
17 WAY YOU REMEMBER IT PRIOR TO GOING TO GREECE IN TERMS OF  
18 THE STYLE, OF THE WAY HE WORE HIS BEARD?

19 A YEAH. HE HAD A BEARD.

20 Q AND HOW ABOUT THE COLORING OF THE BEARD PRIOR  
21 TO WHEN YOU WENT TO GREECE?

22 A IT HAD GRAY, WHITE, AND IT HAD SOME DARK IN  
23 IT.

24 Q SO WOULD YOU SAY --

25 A KIND OF GRIZZLY COLOR.

26 Q PARDON?

27 A GRIZZLY COLOR IS THE WAY I WOULD DESCRIBE IT.

28 Q IS THAT PHOTOGRAPH AS YOU REMEMBER THE WAY HE

1 LOOKED PRIOR TO YOU GOING TO GREECE?

2 A EXCEPT HE NEVER HAD SUCH A SWEET LOOK ON HIS  
3 FACE, WHEN I KNEW HIM.

4 Q OKAY.

5 MA'AM, THE MAN YOU SAW IN GREECE, DID THE  
6 STYLE OF HIS HAIR WAS IT DIFFERENT THAN WHAT YOU SEE IN  
7 PETITIONER'S 1 THERE?

8 A MAY HAVE BEEN JUST A TAD LONGER, BUT  
9 EVERYTHING ELSE WAS THE SAME.

10 Q WAS IT COMBED THE SAME WAY?

11 A YES.

12 Q AND HOW ABOUT THE COLORATION OF THE HAIR OF  
13 THE MAN YOU SAW IN GREECE, WHOM YOU CLAIM IS RON LEVIN?

14 A IT WAS EXACTLY LIKE THIS. NO DIFFERENT, NO  
15 MORE, NO LESS.

16 THE COURT: YOU SAY EXACTLY LIKE THIS --

17 THE WITNESS: THIS PICTURE.

18 THE COURT: WHEN YOU SAW HIM IN GREECE HE LOOKED  
19 LIKE EXHIBIT 1 THERE?

20 THE WITNESS: YES. EXCEPT THE --  
21 BY MR. MC MULLEN:

22 Q SO HIS HAIR, BEARD AND COLOR AND STYLE LOOKED  
23 THE SAME?

24 A YES. HIS HAIR WAS A LITTLE BIT LONGER.

25 Q ALL RIGHT.

26 NOW, LET'S GO BACK TO PRIOR TO THE TIME YOU  
27 WENT TO GREECE, HIS MANNER OF DRESS, HIS STYLE OF DRESS  
28 HOW WOULD YOU DESCRIBE THAT?

1           A           HE ALWAYS DRESSED SPORTY, IMMACULATE. WHEN I  
2 SAW HIM HE ALWAYS HAD SILK SHIRTS, HE WAS PRESSED, HE WAS  
3 BAND BOX LOOKING, ALWAYS NEAT, CLEAN SHAVED. EVERYTHING  
4 WAS -- I MEAN YOU WOULD NOTICE THAT ABOUT HIM.

5           Q           NOW, THE MAN YOU SAW IN GREECE HOW WOULD YOU  
6 DESCRIBE HIS MANNER OF DRESS?

7           A           HE WAS DRESSED THE SAME WAY, IMMACULATELY.

8           Q           WAS THERE ANY DIFFERENCE IN THE STYLE OF  
9 DRESS BETWEEN THE MAN YOU SAW IN GREECE AND THE MAN YOU  
10 KNOW AS RON LEVIN BEFORE YOU WENT TO GREECE?

11          A           I WOULD SAY IN GREECE IT WAS MORE OF A SAFARI  
12 STYLE THAT HE WAS WEARING, BUT THEN HE DID WEAR THAT TYPE  
13 OF CLOTHES.

14          Q           WHEN YOU SAY HE DID WEAR THAT TYPE OF  
15 CLOTHING --

16          A           IN OTHER WORDS, SPORTY BUT EXPENSIVE SPORTY  
17 CLOTHES.

18          Q           ON DIRECT EXAMINATION YOU TALKED ABOUT HOW  
19 YOU DIDN'T SAY ANYTHING TO RON LEVIN, THIS MAN YOU HAVE  
20 IDENTIFIED OR CLAIM TO BE RON LEVIN IN THE RESTAURANT IN  
21 MYKONOS. WHY IS THAT?

22          A           I DIDN'T BECAUSE KNOWING THAT HE WAS WANTED  
23 HE WOULDN'T WANT ANYBODY TO KNOW THAT IT WAS HE THAT WAS  
24 ON THIS ISLAND. NOBODY ELSE IS THERE, NO ONE IS AWARE  
25 EXCEPT THOSE TWO. NOBODY KNEW WE WERE THERE. I JUST  
26 DIDN'T WANT TO DO IT. I WAS AFRAID TO DO IT.

27          Q           YOU KNEW AT THAT POINT IN TIME THAT HE WAS  
28 THE MURDER VICTIM; IS THAT CORRECT?

1           A        SUPPOSEDLY, YES.

2           Q        AND YOU SAY YOU WERE AFRAID OF HIM AT THAT  
3 TIME?

4           A        YES. THE SITUATION WAS SUCH THAT I WAS  
5 AFRAID TO SAY ANYTHING.

6           Q        PRIOR TO THE TIME OF GOING TO GREECE HAD HE  
7 EVER DONE ANYTHING OR SAID ANYTHING TO LEAD YOU TO BELIEVE  
8 THAT HE WAS VIOLENT OR SOMEBODY TO BE AFRAID OF?

9           A        NO. NO, NOTHING.

10          Q        SO WHEN YOU CAME BACK TO THE UNITED STATES  
11 AFTER YOUR TRIP TO GREECE YOU THEN TELL A NUMBER OF  
12 DIFFERENT PEOPLE ABOUT WHAT YOU HAD SEEN; IS THAT CORRECT?

13          A        THAT'S RIGHT.

14          Q        AND SO YOU HAD NO MORE FEAR OF HIM AT THAT  
15 POINT IN TIME?

16          A        NO. HE WASN'T WHERE I WAS. I HAD NO FEAR  
17 WHEN I CAME BACK TO THE UNITED STATES.

18          Q        AFTER YOU WENT -- AFTER THE TWO MEN LEFT THE  
19 RESTAURANT, DID YOU GO AND TALK TO THE WOMAN AT THE  
20 RESTAURANT?

21          A        YES, I DID.

22          Q        DID YOU TELL HER THAT YOU JUST SAW RON LEVIN,  
23 A MAN WHO HAD BEEN MURDERED?

24          A        I TOLD HER THE WHOLE STORY, AS MUCH AS I KNEW  
25 AND WHAT I READ IN THE PAPER ABOUT WHAT HAD HAPPENED WITH  
26 THE JOE HUNT CASE. AND I TOLD HER THAT I HAD PICTURES, I  
27 WOULD SENT THE NEWSPAPER PICTURES OR I WOULD FIND THEM AND  
28 SEND THEM TO HER.

1 Q ALL RIGHT

2 A I GOT HER ADDRESS.

3 MR. MC MULLEN: YOUR HONOR, WE HAVE IN OUR EXHIBIT  
4 LIST EXHIBIT J, A COPY OF WHICH WE HAD PREVIOUSLY GIVEN TO  
5 COUNSEL, BUT WHICH I JUST HANDED TO HIM AN ADDITIONAL  
6 COPY. IT IS A DECLARATION OF CONNIE GERRARD, WE ARE IN  
7 THE PROCESS OF PROVIDING THE COURT WITH THE OFFICIAL  
8 WITNESS LIST. THERE MIGHT BE A FEW TYPOS AND  
9 ADDITIONAL --

10 THE COURT: YOU MEAN EXHIBIT LIST. YOU SAID  
11 WITNESS LIST.

12 MR. MC MULLEN: I AM SORRY. EXHIBIT LIST. I  
13 MISSPOKE.

14 THE COURT: LET'S GET THAT IN RIGHT AWAY.

15 MR. MC MULLEN: IT IS IN THE PROCESS.

16 THE COURT: IF YOU WANT THAT MARKED AS J IT WILL BE  
17 MARKED AS J AT THIS TIME.

18 MR. MC MULLEN: THANK YOU, YOUR HONOR.

19 MAY I APPROACH THE WITNESS?  
20

21 (MARKED FOR ID = RESPONDENT'S J, DOCUMENT.)  
22

23 THE COURT: YES.

24 BY MR. MC MULLEN:

25 Q MA'AM, I AM SHOWING YOU WHAT HAS BEEN MARKED  
26 AS RESPONDENT'S EXHIBIT J. DO YOU RECOGNIZE THIS  
27 DOCUMENT? YOU MIGHT FLIP THIS. THIS IS A THREE-PAGE  
28 DOCUMENT. ON THE BACK OF THE DOCUMENT IS THIS YOUR

1 SIGNATURE?

2 A (NO AUDIBLE RESPONSE.)

3 Q IS THAT YOUR SIGNATURE?

4 A YES.

5 Q MA'AM, DIRECTING YOUR ATTENTION TO PAGE TWO  
6 OF THAT EXHIBIT AND THE MIDWAY AROUND, MIDWAY AROUND THAT  
7 PAGE, THE PARAGRAPH THAT STARTS OFF WITH "AROUND TEN  
8 MINUTES." COULD YOU READ THAT PLEASE?

9 A TO MYSELF OR OUT LOUD?

10 Q TO YOURSELF.

11 A OKAY.

12 THE COURT: DO YOU HAVE A COPY FOR THE COURT?  
13 LET ME ASK YOU TO ALWAYS HAVE A WORKING COPY FOR THE  
14 COURT.

15 I UNDERSTAND SOME OF THESE ARE WITHIN THE  
16 ORIGINAL PETITION BUT THAT'S UNWIELDING.

17 MR. MC MULLEN: THAT'S WHAT WE ARE TRYING TO DO.

18 THE WITNESS: YEAH.

19 BY MR. MC MULLEN:

20 Q HAVE YOU READ THAT, MA'AM?

21 A YES.

22 Q NOW, PRIOR TO SIGNING THIS DECLARATION, IF  
23 YOU WILL TURN BACK TO PAGE THREE, THAT'S DATED JUNE 8,  
24 1990; IS THAT CORRECT?

25 A YES.

26 Q WHEN YOU SIGNED THIS DECLARATION WAS THIS,  
27 WHAT'S NOTED IN THIS DECLARATION, WAS THAT YOUR BEST  
28 RECOLLECTION OF WHAT HAD HAPPENED?

1 A YES.

2 Q OKAY.

3 NOW, WITH RESPECT TO THE PARAGRAPH ON PAGE  
4 TWO THAT I HAVE POINTED OUT, THAT'S A LITTLE DIFFERENT  
5 THAN WHAT YOU HAVE TESTIFIED TODAY; IS IT NOT?

6 A WELL, YES AND NO. BECAUSE I TOLD THE BEST OF  
7 MY ABILITY THAT I COULD REMEMBER THEN, AND I REMEMBERED  
8 THE SIGHTING OF HIM AND WHETHER I WAS SITTING OR STANDING  
9 I REALLY DON'T KNOW, BUT I KNOW THAT I SAW HIM, BUT THAT'S  
10 ALL. THIS SAYS THAT I WAS WALKING TOWARDS THE RESTROOM.

11 Q AND THEN YOU HAVE TESTIFIED RATHER THAN --  
12 MR. CRAIN: I DON'T THINK --

13 THE WITNESS: I WAS EITHER WALKING TOWARDS THE  
14 RESTROOM AND SITTING DOWN, BUT HE WAS GOING TO THE  
15 RESTROOM AND COMING BACK. HE RECOGNIZED ME, BUT I SAW  
16 HIM. I KNEW WHO HE WAS, BUT THEN I KNEW THAT HE KNEW WHO  
17 I WAS WHEN HE WAS COMING BACK, AND THAT'S AS MUCH AS I  
18 KNOW. I DON'T KNOW MINUTE TO MINUTE.

19 THE COURT: DID HE LOOK AT YOU WHILE HE WAS ON THE  
20 WAY TO THE RESTROOM, OR DID HE LOOK AT YOU ON THE WAY  
21 BACK?

22 THE WITNESS: ON THE WAY BACK.

23 BY MR. MC MULLEN:

24 Q BUT YOU ARE NOT SURE NOW TODAY AS YOU TESTIFY  
25 WHETHER OR NOT YOU WERE SITTING AT THE TIME --

26 A WHEN I FIRST SAW HIM I WAS SITTING IN MY  
27 CHAIR. HE USED THE RESTROOM I DON'T KNOW EXACTLY WHAT  
28 TIME, BUT HE WAS COMING BACK WHEN MY HUSBAND SAW HIM, AND

1 THEN I SAW HIM TOO AND WE COLLABORATED.

2 Q MA'AM, IF YOU COULD JUST LOOK OVER THIS  
3 EXHIBIT J THAT YOU HAVE BEFORE YOU. IF YOU COULD JUST  
4 LOOK THROUGH IT FOR YOURSELF AND SEE IF YOU CAN POINT OUT  
5 ANYTHING ON THE DECLARATION THAT INDICATES THAT YOU  
6 NOTICED THE MAN YOU HAVE IDENTIFIED AS RON LEVIN COMING  
7 INTO THE RESTAURANT WHEN THEY FIRST CAME IN?

8 A WHERE IS THAT?

9 Q JUST READ THE WHOLE DECLARATION TO YOURSELF  
10 PLEASE.

11 A YES.

12

13 (PAUSE.)

14

15 A WELL, THAT'S WHAT I TOLD THEM.

16 Q YOU DIDN'T NOTICE ANYTHING?

17 A I CAN'T SEE THAT THERE IS MUCH OF ANYTHING  
18 DIFFERENT, MAYBE A LITTLE BIT IN THE TIMING, BUT --

19 Q THANKS.

20 MA'AM, YOUR HUSBAND IS IN THE BUSINESS OF OR  
21 WAS IN THE BUSINESS OF CONSTRUCTING POOLS?

22 A HE IS. HE STILL IS.

23 Q AND HE CONSTRUCTED A POOL FOR BOBBY ROBERTS;  
24 IS THAT CORRECT?

25 MR. KLEIN: OBJECTION. CALLS FOR HEARSAY.

26 THE COURT: LET'S SEE WHERE IT IS GOING.

27 THE WITNESS: HE DID.

28 THE COURT: I WILL ALLOW IT.



1 MR. KLEIN: SHE IS NOT THE ONE THAT DID THE  
2 BUSINESS. THE HUSBAND SHOULD BE CALLED IN.

3 THE COURT: LET ME SEE WHERE IT IS GOING.

4 BY MR. MC MULLEN:

5 Q DO YOU KNOW IF YOUR HUSBAND CONSTRUCTED A  
6 POOL ONCE UPON A TIME FOR MR. BOBBY ROBERTS?

7 A YES.

8 Q WERE YOU AWARE THAT MR. ROBERTS PROVIDED BAIL  
9 FOR MR. HUNT DURING THE TRIAL?

10 A I KNEW THAT HE WAS CONNECTED WITH IT, BUT I  
11 DIDN'T KNOW ABOUT THE BAIL. I KNEW THAT, READING IN THE  
12 PAPER I KNEW THAT HIS DAUGHTER WAS CONNECTED WITH JOE.  
13 THAT WAS FROM THE PAPER.

14 MR. MC MULLEN: MAY I JUST HAVE A MOMENT?

15 THE COURT: I WILL OVERRULE THE OBJECTION. IT GOES  
16 TO POSSIBLE BIAS.

17 MR. MC MULLEN: THANK YOU, YOUR HONOR.

18  
19 (PAUSE.)

20  
21 MR. MC MULLEN: NOTHING FURTHER, YOUR HONOR.

22 THE COURT: ALL RIGHT.

23 ANY REDIRECT, MR. CRAIN?

24 MR. CRAIN: YES.

25 THE COURT: JUST GIVE ME ONE SECOND.

26 MR. CRAIN: SURE.

27 THE COURT: THE SET OF EXHIBITS THAT WE GOT FROM  
28 PETITIONER ARE THESE THE OFFICIAL EXHIBITS FOR THE CLERK

1 OR FOR THE COURT?

2 MR. MC MULLEN: WELL, I AM JUST LEARNING NOW YOU  
3 WOULD LIKE A SEPARATE COPY FOR YOURSELF AND AN ORIGINAL  
4 FOR THE COURT.

5 THE COURT: WHAT I DO IS I MAKE NOTES ON EXHIBITS.

6 MR. MC MULLEN: WHATEVER IS MOST CONVENIENT FOR  
7 YOUR HONOR. WE HAVE NOT DONE THAT, BUT WE WILL MAKE AN  
8 ADDITIONAL COPY.

9 THE COURT: I WILL RETURN THESE, OR I WILL MAKE  
10 SURE THAT THE CLERK KEEPS THEM. I AM NOT MARKING ON ANY  
11 OF THESE, BUT I DO NEED A WORKING COPY.

12 MR. MC MULLEN: WE WILL PROVIDE THAT FOR YOU  
13 TOMORROW.

14 THE COURT: ALL RIGHT.

15 MR. MC MULLEN: I DON'T KNOW IF WE CAN GET IT TO  
16 YOU TODAY.

17 THE COURT: I WON'T MAKE ANY NOTES TODAY, BUT I  
18 WILL LOOK AT THE EXHIBITS.

19 ALL RIGHT.

20 MR. CRAIN?

21 MR. CRAIN: THANK YOU.

22

23

REDIRECT EXAMINATION +

24

25 BY MR. CRAIN:

26 Q MRS. GERRARD, WHAT YEAR WERE YOU BORN? SORRY  
27 FOR BRINGING IT UP, BUT --

28

MR. MC MULLEN: OBJECTION. RELEVANCY.

1 THE COURT: OVERRULED.

2 MR. MC MULLEN: THANK YOU.

3 THE WITNESS: 1932.

4 BY MR. CRAIN:

5 Q 1932?

6 A YES.

7 Q OKAY.

8 WHAT IS YOUR EDUCATIONAL BACKGROUND?

9 A I WENT TO THE UNIVERSITY OF MIAMI, AND I HAD  
10 SOME COURSES AT COLUMBIA, AND I TRAINED AT -- I TOOK  
11 GRADUATE WORK AT THE UNIVERSITY OF MIAMI, MEDICAL  
12 TECHNICIAN.

13 Q COULD YOU PULL THE MICROPHONE UP THAT WAY.  
14 YOU CAN SIT BACK AND RELAX.

15 A A MEDICAL TECHNICIAN. I DID MY SPECIALITY IN  
16 BLOOD BANK WORK.

17 Q OKAY.

18 THIS MAN IN HERE ASKED YOU A FEW QUESTIONS  
19 ABOUT BOBBY ROBERTS. DO YOU KNOW BOBBY ROBERTS  
20 PERSONALLY?

21 A NO. I KNOW MY HUSBAND BUILT HIS POOL BECAUSE  
22 I WORK WITH MY HUSBAND SOMETIMES. I DO SOME OF THE BOOK  
23 WORK.

24 Q DID THAT TAKE PLACE IN THE EARLY 1970'S WHEN  
25 THIS POOL WAS BUILT, DO YOU KNOW?

26 A I DON'T KNOW THE EXACT DATE.

27 Q DO YOU HAVE ANY PERSONAL FRIENDSHIP OR  
28 ACQUAINTANCE WITH EITHER BOBBY ROBERTS OR ANY MEMBER OF

1 HIS FAMILY?

2 A I ONLY TALKED TO HIM ON THE PHONE WHEN HE  
3 WOULD HAVE SOME QUESTIONS ABOUT THE POOL OR WHEN HE WAS  
4 TRYING TO REACH JERRY, MY HUSBAND.

5 Q ALL RIGHT.

6 NOW, IN MYKONOS IN THIS SMALL RESTAURANT WHEN  
7 YOU WERE THERE DINING WERE YOU DRINKING ANY ALCOHOL?

8 A NO. I DON'T DRINK AT ALL.

9 THE COURT: "NO, I DON'T DRINK"?

10 THE WITNESS: I DON'T DRINK AT ALL.

11 BY MR. CRAIN:

12 Q HOW ABOUT 1987 AT CHRISTMAS?

13 A I DON'T DRINK AT ALL.

14 Q THAT MEANS YOU DON'T --

15 A EVER.

16 Q OKAY.

17 AND YOU SAID YOUR EYES WERE SUCH THAT YOU HAD  
18 A PAIR OF DIME STORE GLASSES THAT YOU USE?

19 A THEY ARE JUST FOR READING. AS YOU SEE, I  
20 COULD READ THIS, SO SOMETIMES WITH A SMALL PRINT I USE  
21 READING GLASSES.

22 Q SO YOU WERE ABLE TO READ THE DOCUMENT THAT  
23 THE PROSECUTOR SHOWED TO YOU?

24 A YES.

25 Q WITHOUT ANY GLASSES?

26 A SURE.

27 Q OKAY.

28 SO DO YOU HAVE ANY DIFFICULTY SEEING WHAT YOU

1 WERE DESCRIBING IN THE RESTAURANT?

2 A NO. I HAD NO TROUBLE.

3 Q ALL RIGHT.

4 NOW, JUST TO GO BACK OVER A COUPLE OF THINGS  
5 HERE. YOU HAVE TOLD US THAT YOU KNEW RON LEVIN; RIGHT?

6 A YES.

7 Q AND AT SOME POINT YOU HEARD THROUGH THE NEWS  
8 THAT RON LEVIN WAS REPORTED AS HAVING DISAPPEARED; RIGHT?

9 A YES.

10 Q AND THEN TO JUMP AHEAD, AT SOME POINT IN 1987  
11 YOU SAW RON LEVIN IN MYKONOS; RIGHT?

12 A THAT'S RIGHT.

13 Q NOW, AFTER -- WAS THAT THE FIRST TIME THAT  
14 YOU SAW RON LEVIN AFTER HE WAS REPORTED AS HAVING  
15 DISAPPEARED?

16 A YES.

17 MR. CRAIN: PERHAPS COUNSEL WILL STIPULATE THAT THE  
18 DATE OF HIS ALLEGED, THE ALLEGED CRIME IN THIS MATTER AND  
19 DISAPPEARANCE OF MR. LEVIN IN FACT IS JUNE 6, 1984.

20 MR. MC MULLEN: WELL, YOUR HONOR, I AM NOT -- WE  
21 ARE NOT WILLING TO STIPULATE TO THAT. I THINK WHAT'S  
22 IMPORTANT IS WHAT -- WHEN THIS WITNESS BECAME AWARE OF THE  
23 DISAPPEARANCE. I THINK THAT'S WHAT'S IMPORTANT WITH  
24 RESPECT TO THIS WITNESS.

25 THE COURT: THERE IS AN 188-PAGE OPINION --

26 MR. MC MULLEN: I THINK THAT --

27 THE COURT: -- THAT CONFIRMED THE CONVICTION FOR A  
28 CRIME OCCURRING ON OR ABOUT JUNE 6, 1984.

1 MR. CRAIN: YES, YOUR HONOR.

2 THE COURT: SO IS THAT REALLY AN AREA OF CONCERN?

3 MR. MC MULLEN: NO, IT IS NOT OF CONCERN.

4 THE COURT: SO YOU ARE WILLING TO STIPULATE TO THAT  
5 FACT?

6 MR. MC MULLEN: SURE.

7 THE COURT: THANK YOU.

8 BY MR. CRAIN:

9 Q IS IT CORRECT THAT WHAT YOU ARE TELLING THE  
10 COURT IS THAT YOU LEARNED OF THE DISAPPEARANCE OF RON  
11 LEVIN THROUGH THE NEWSPAPER AND -- LET ME ASK YOU THIS:  
12 WERE THE REPORTS MAKING IT SOUND LIKE THIS WAS SOMETHING  
13 THAT HAD JUST HAPPENED, WHEN YOU STARTED READING THEM? DO  
14 YOU UNDERSTAND MY QUESTION?

15 A THE FIRST TIME I SAW IT WAS ON TELEVISION  
16 WHEN THE POLICE WERE SHOWING STUFF THAT THEY GOT OUT OF  
17 HIS HOUSE WHEN HE WAS MISSING. THEY HAD IT ON THE LAWN  
18 AND THEY WERE SHOWING IT. IT WAS ON T.V., PROBABLY  
19 CHANNEL 2 OR 4.

20 Q SO THAT WAS WHAT APPEARED TO BE AN  
21 INVESTIGATION BY THE POLICE INTO LEVIN'S DISAPPEARANCE; IS  
22 THAT RIGHT?

23 A YES.

24 Q AND BEFORE THAT DATE, AS YOU TOLD US, YOU HAD  
25 SEEN AND MET WITH MR. LEVIN ON A NUMBER OF OCCASIONS;  
26 RIGHT?

27 A MANY TIMES. AT LEAST TEN TIMES.

28 Q THE NEXT TIME THEN THAT YOU SAW MR. LEVIN WAS

1 IN MYKONOS IN 1987; IS THAT RIGHT?

2 A THAT'S RIGHT.

3 MR. CRAIN: MAY I HAVE JUST A MOMENT? I MIGHT NEED  
4 TO ASK ONE MORE QUESTION.

5 THE COURT: SURE.

6

7 (A CONFERENCE WAS HELD BETWEEN COUNSEL  
8 AND THE PETITIONER, NOT REPORTED.)

9

10 BY MR. CRAIN:

11 Q YOU WERE INTERVIEWED BACK IN -- LET ME JUST  
12 ASK YOU A COUPLE OF OTHER THINGS.

13 WHEN YOU WERE IN THE RESTAURANT YOU HAVE TOLD  
14 US THAT THE MAN YOU SAW WAS RON LEVIN; CORRECT?

15 A YES.

16 Q AND YOU TOLD US THAT AT SOME POINT HE PASSED  
17 BY YOU; IS THAT RIGHT?

18 A THAT'S RIGHT.

19 Q AND DO YOU HAVE ANY DOUBT ABOUT THAT  
20 WHATSOEVER?

21 A ABSOLUTELY NOT.

22 Q NOW, WERE YOU INTERVIEWED IN 1992 BY A  
23 DETECTIVE FROM THE BEVERLY HILLS POLICE DEPARTMENT IN  
24 WHICH HE ASKED YOU ABOUT CERTAIN DATES. DO YOU REMEMBER?

25 A YES.

26 Q ALL RIGHT.

27 A I REMEMBER BEING -- I DON'T REMEMBER WHAT  
28 EXACTLY WHAT HE ASKED ME, BUT I REMEMBER BEING

1 INTERVIEWED.

2 MR. MC MULLEN: AT THIS POINT I WOULD OBJECT AS  
3 BEING BEYOND THE SCOPE OF CROSS.

4 THE COURT: IT IS. I WILL ALLOW SOME LATITUDE.

5 MR. MC MULLEN: THANK YOU.

6 MR. CRAIN: LET ME KNOW IF YOU NEED TO SEE A  
7 REPORT.

8 BY MR. CRAIN:

9 Q DID YOU MAKE A STATEMENT TO DETECTIVE ZOELLER  
10 THAT THE LAST TIME THAT YOU HAD SEEN RON LEVIN WAS THE  
11 LATTER PORTION OF 1983, OR DO YOU NEED TO SEE HIS REPORT?

12 A I DON'T REMEMBER TELLING HIM ABOUT THE LAST  
13 TIME I HAD SEEN HIM.

14 Q YOU GAVE AN HONEST STATEMENT TO THE BEST OF  
15 YOUR RECOLLECTION WHEN YOU WERE INTERVIEWED BY THE POLICE;  
16 IS THAT RIGHT?

17 A YES.

18 Q AND DID YOU TELL DETECTIVE ZOELLER ALSO IN  
19 THAT INTERVIEW 4-27-1992 THAT THE DATE WHEN YOU SAW RON  
20 LEVIN IN MYKONOS WAS CHRISTMAS 1987?

21 MR. MC MULLEN: AT THIS POINT I AM GOING TO ASK --  
22 IT IS LEADING AND CALLING FOR HEARSAY.

23 THE COURT: ARE YOU OFFERING A PRIOR CONSISTENT  
24 STATEMENT?

25 MR. CRAIN: YES. PRIOR CONSISTENT STATEMENT.

26 THE COURT: OVERRULED.

27 MR. MC MULLEN: THANK YOU.

28



1 BY MR. CRAIN:

2 Q DO YOU REMEMBER TELLING HIM --

3 A YOU WANT TO KNOW WHAT DATE DID I TELL HIM  
4 THIS.

5 Q I AM LOOKING AT A REPORT DATED APRIL 27,  
6 1992, BY DETECTIVE ZOELLER.

7 A ALL RIGHT.

8 WHAT ARE YOU SAYING NEXT?

9 Q YOU TOLD US HERE IT WAS CHRISTMAS 1987 WHEN  
10 YOU SAW LEVIN?

11 A NO. I KNOW IT WAS CHRISTMAS. I LOOKED AT  
12 THE REPORT AND IT SAID '87.

13 Q ALL RIGHT.

14 SO DID YOU TELL DETECTIVE ZOELLER IT WAS 1987  
15 WHEN YOU WERE INTERVIEWED -- IN

16 A I MUST HAVE. IT MUST HAVE BEEN.

17 Q -- 1992?

18 DO YOU NEED TO LOOK AT HIS REPORT TO REFRESH  
19 YOUR MEMORY?

20 A NO. I THINK I SAW HIM EARLIER THAN '92.

21 Q OKAY.

22 A BECAUSE I WAS LIVING IN THE OTHER PART OF THE  
23 MARINA THEN.

24 Q WHEN YOU TALKED TO DETECTIVE ZOELLER, DID YOU  
25 TELL HIM ANYTHING DIFFERENT ABOUT THE DATE THAT YOU SAW  
26 MR. LEVIN, OR DID YOU TELL HIM THE SAME THING THAT YOU  
27 HAVE TOLD THE JUDGE HERE, THAT IT WAS CHRISTMAS 1987?

28 A AS FAR AS I KNOW, I TOLD HIM EXACTLY WHAT I

1 TOLD THEM HERE ABOUT THE DATE. I KNOW IT WAS CHRISTMAS,  
2 BUT AS FAR AS THE YEAR I READ IN THERE IT SAID '87, SO I  
3 MUST HAVE TOLD HIM '87.

4 Q SO IS IT YOUR TESTIMONY THAT WHEN YOU SAW  
5 MR. LEVIN ON MYKONOS YOU HAD ALREADY READ IN THE PAPER  
6 THAT MR. HUNT'S TRIAL HAD BEEN ENDED?

7 A YES.

8 MR. CRAIN: THANK YOU.

9 NOTHING FURTHER.

10 THE COURT: MS. GERRARD, DID YOU LIKE RON LEVIN?

11 THE WITNESS: AT FIRST.

12 THE COURT: WHAT CHANGED YOUR IMPRESSION?

13 THE WITNESS: WELL, I BELIEVED THAT HE WAS A  
14 LAWYER. I BELIEVED THE STORIES THAT HE WAS TELLING. I  
15 BELIEVED THAT HE WANTED TO GET A T.V. PROGRAM TOGETHER,  
16 AND HE WAS SO GENEROUS.

17 THE COURT: WHEN DID YOU LEARN THESE THINGS WERE  
18 NOT TRUE?

19 THE WITNESS: AS WE WENT WORKING TOGETHER MY  
20 SON-IN-LAW WOULD TELL ME, YOU KNOW, "I AM FINDING OUT THAT  
21 THIS MAN IS A PHONY," AND I REALIZED THAT.

22 THE COURT: WAS THIS BEFORE OR AFTER MR. LEVIN'S  
23 DISAPPEARANCE IN JUNE OF '84?

24 THE WITNESS: IT WAS JUST BEFORE ALL OF THESE  
25 THINGS WERE HAPPENING. BEFORE THE DISAPPEARANCE.

26 THE COURT: YOU SAID IN YOUR TESTIMONY THAT YOU  
27 THOUGHT MR. LEVIN WAS WANTED WHEN YOU SAW HIM IN MYKONOS.  
28 WHY DID YOU SAY THAT?

1 THE WITNESS: WELL, OF COURSE, THEY WOULD LIKE TO  
2 HAVE FOUND HIM IF HE WERE ALIVE. I FELT LIKE THE BEVERLY  
3 HILLS POLICE WANTED HIM TO BE DEAD.

4 THE COURT: WHY DO YOU SAY THAT?

5 THE WITNESS: BECAUSE MY SON-IN-LAW AND DAUGHTER  
6 AND I, WE WERE ALWAYS SAYING RON IS THE ULTIMATE CON  
7 ARTIST, HE DISAPPEARED. IT WAS SOMETHING ABOUT THE MONEY  
8 THAT HE HAD, AND THEY SAID HE HAD MONEY.

9 THE COURT: WHERE DID YOU LEARN THAT INFORMATION?

10 THE WITNESS: I GUESS READING THE PAPER THAT HE WAS  
11 INVOLVED WITH A BANK, SOMETHING ABOUT THE MONEY IN  
12 SWITZERLAND. ALL THERE --

13 THE COURT: THE NEWSPAPER?

14 THE WITNESS: THE NEWSPAPER HAD EVERYTHING THAT  
15 EVER HAPPENED IN THIS JOE HUNT CASE.

16 THE COURT: YOU FOLLOWED THAT PRETTY CLOSELY?

17 THE WITNESS: YES.

18 THE COURT: WHY DID YOU FOLLOW IT SO CLOSELY?

19 THE WITNESS: BECAUSE I ALWAYS READ THE NEWSPAPER.

20 THE COURT: DID YOU FOLLOW THIS MORE CLOSELY THAN  
21 OTHER CASES?

22 THE WITNESS: I FOLLOWED EVERY BIT OF THE O.J.  
23 CASE, AND I FOLLOWED THE MENDENEZ CASE, AND I THINK  
24 EVERYBODY FOLLOWED THOSE.

25 THE COURT: DID YOU -- YOU SAID THAT YOU CUT OUT  
26 CLIPPINGS AND SENT THEM TO OTHER PEOPLE.

27 THE WITNESS: NO. I HAD CUT OUT A COUPLE -- I WAS  
28 GOING TO SEND THIS LADY -- I THOUGHT I HAD SOME AT HOME.

1 I THOUGHT I COULD GET THEM, CALL THE NEWSPAPER AND GET  
2 THEM. I WAS GOING TO SEND THEM, BUT AFTER I WAS TOLD, YOU  
3 KNOW, TO KIND OF BUTT OUT, I JUST DIDN'T DO ANYTHING ABOUT  
4 IT. I NEVER WROTE TO HER.

5 THE COURT: ALL RIGHT.

6 MR. MC MULLEN, ANYTHING FURTHER?

7 MR. MC MULLEN: NOTHING FURTHER.

8 THE COURT: MR. CRAIN, DO YOU HAVE ANYTHING  
9 FURTHER?

10 MR. CRAIN: I DON'T THINK WE HAVE ANY FURTHER  
11 QUESTIONS OF THE WITNESS.

12 THE COURT: MAY THE WITNESS BE EXCUSED?

13 MR. CRAIN: YES.

14 THE COURT: ANY OBJECTION?

15 MR. MC MULLEN: YES. I THINK SHE SHOULD BE ON  
16 CALL.

17 THE COURT: SUBJECT TO SUFFICIENT SHOWING.

18 MR. MC MULLEN: YES.

19 THE COURT: THIS SHOULD BE YOUR ONE AND ONLY SHOT,  
20 UNLESS YOU HAVE GOT SUBSTANTIAL SHOWING WHY THE WITNESS  
21 SHOULD COME BACK.

22 MR. MC MULLEN: I THINK THERE IS PROVISIONS IN THE  
23 EVIDENCE CODE, IF WE PRESENT SOME IMPEACHING EVIDENCE,  
24 THAT'S WHY I ASKED THAT.

25 THE COURT: MR. KLEIN, DON'T COME AND GO. THE  
26 RECORD REFLECTS ALL COUNSEL ARE HERE. I NEED TO HAVE A  
27 RECORD THAT REFLECTS YOU ARE HERE.

28 MR. KLEIN: I APOLOGIZE, YOUR HONOR.

1 THE COURT: IF YOU NEED TO LEAVE THAT'S FINE, BUT  
2 LET ME KNOW.

3 YOU CAN STEP DOWN AT THIS TIME.

4 DO WE HAVE THE ABILITY TO REACH  
5 MS. GERRARD?

6 MR. KLEIN: YES.

7 THE COURT: ALL RIGHT.

8 CALL YOUR NEXT WITNESS.

9 MR. CRAIN: MAY I GO IN THE HALLWAY, YOUR HONOR,  
10 AND GET THE NEXT WITNESS?

11 THE COURT: YES.

12  
13 (PAUSE.)

14  
15 THE COURT: LET ME ASK COUNSEL IF YOU WOULD  
16 RETRIEVE ANY EXHIBITS THAT ARE UP ON THE WITNESS STAND  
17 AFTER EACH WITNESS FINISHES. I DON'T WANT TO LOSE  
18 ANYTHING.

19 MR. KLEIN: HAS THE DECLARATION BEEN MARKED AS AN  
20 EXHIBIT?

21 THE COURT: I BELIEVE MR. CRAIN MARKED IT AS J.

22 THE PETITIONER: CORRECT.

23 THE COURT: I AM SORRY.

24 MR. MC MULLEN, MARKED IT AS J.

25 MR. MC MULLEN: YES.

26 THE COURT: MR. CRAIN MARKED AN EXHIBIT 1.

27 MR. MC MULLEN: JUST FOR FUTURE REFERENCE, YOUR  
28 HONOR, WE WILL PROVIDE ADDITIONAL COPIES OF THE EXHIBIT TO

1 THE CLERK. WHEN YOU HAVE ONE AND THE CLERK HAS ONE, WHEN  
2 WE GO TO MARK EXHIBITS, THEN CAN WE JUST PULL OURS OUT  
3 OF --

4 THE COURT: WHY DON'T YOU USE THE ORIGINAL --

5 MR. MC MULLEN: USE THE CLERK'S EXHIBIT --

6 THE COURT: -- TO PUT BEFORE THE WITNESS UNLESS --

7 MR. CRAIN: SORRY, YOUR HONOR.

8 WE ARE NOW READY --

9 THE COURT: OKAY.

10 MR. CRAIN: -- TO PROCEED.

11 THE COURT: ALL RIGHT.

12 MR. CRAIN: AND WE CALL MR. HOLMES, WHO IS PRESENT.

13

14

15 OLIVER HOLMES, +  
16 CALLED AS A WITNESS BY THE PETITIONER, WAS SWORN AND  
17 TESTIFIED AS FOLLOWS:

18

19 THE CLERK: WOULD YOU STEP BEHIND THE COURT  
20 REPORTER, PLEASE.

21 STAND RIGHT THERE, PLEASE. FACE ME AND RAISE  
22 YOUR RIGHT HAND.

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

27 THE WITNESS: I DO.

28 THE CLERK: PLEASE TAKE THE WITNESS STAND.

WOULD YOU STATE AND SPELL YOUR NAME PLEASE.

1 THE WITNESS: OLIVER HOLMES, H-O-L-M-E-S.

2 THE COURT: YOU MAY INQUIRE.

3 MR. CRAIN: THANK YOU, YOUR HONOR.

4  
5 DIRECT EXAMINATION +

6  
7 BY MR. CRAIN:

8 Q MR. HOLMES, WHAT IS YOUR OCCUPATION, SIR?

9 A I HAVE A LITIGATION SUPPORT SERVICE.

10 Q AND IS THAT HERE IN LOS ANGELES?

11 A THAT'S IN LOS ANGELES.

12 Q CAN YOU PULL THE MICROPHONE UP CLOSER TO YOU,  
13 THEN I THINK WE CAN HEAR YOU BETTER OUT HERE.

14 A YES.

15 Q THANK YOU.

16 IN 1984 WHAT WAS YOUR OCCUPATION?

17 A I HAD THE SAME OCCUPATION IN 1984.

18 Q OKAY.

19 AND HAVE YOU BEEN AN ATTORNEY?

20 A I WAS AN ATTORNEY UNTIL 1983.

21 Q OKAY.

22 AND YOU WERE A PRACTICING ATTORNEY HERE IN  
23 THE LOS ANGELES AREA UNTIL THAT YEAR?

24 A YES.

25 Q AND NOW YOU HAVE EMBARKED ON THIS OTHER  
26 SOMEWHAT RELATED FIELD THAT YOU ARE IN NOW?

27 A THAT'S RIGHT.

28 Q NOW, GOING BACK TO 1984 DID YOU KNOW A PERSON

1 BY THE NAME OF RON LEVIN?

2 A YES.

3 Q AND DID YOU KNOW HIM VERY WELL?

4 A FAIRLY WELL.

5 Q AND DO YOU REMEMBER APPROXIMATELY WHEN YOU  
6 FIRST MET MR. LEVIN, WHAT YEAR OR TIME PERIOD?

7 A I BELIEVE IT WAS AROUND 1978.

8 Q AND WAS YOUR RELATIONSHIP WITH MR. LEVIN,  
9 FIRST, ONE OF FRIENDSHIP OR ACQUAINTANCE OR PROFESSIONAL,  
10 OR HOW WOULD YOU DESCRIBE IT?

11 A INITIALLY I REPRESENTED HIM AS A CLIENT IN  
12 1978, AND AFTER THAT WE STAYED IN TOUCH WITH EACH OTHER.

13 Q WAS THAT IN CONNECTION WITH A CIVIL OR  
14 CRIMINAL MATTER?

15 A THAT WAS A CIVIL MATTER.

16 Q WAS HE THE DEFENDANT IN THAT MATTER?

17 A HE WAS THE PLAINTIFF.

18 Q AND SO YOU BECOME WHAT, ACQUAINTANCES OR  
19 FRIENDS AFTER THAT?

20 A I WOULD CHARACTERIZE IT AS ACQUAINTANCES.  
21 MAYBE I AM BEING A LITTLE TOO NARROW. FRIENDS. FRIENDS  
22 IS FINE.

23 Q WHAT DID RON LEVIN LOOK LIKE?

24 THE COURT: AT WHAT POINT ARE YOU ASKING?

25 MR. CRAIN: IN 1984.

26 THE WITNESS: MY LAST RECOLLECTION OF HIM IS THAT  
27 HE WAS PERHAPS AN INCH OR SO LESS THAN SIX FEET TALL.  
28 WELL, LET ME SAY THAT HE WAS WITHIN AN INCH OR SO OF SIX



1 FEET TALL. AVERAGE PHYSIQUE, NEITHER PARTICULARLY STOCKY  
2 NOR PARTICULARLY THIN. HE HAD GRAY HAIR AND FROM TIME TO  
3 TIME A GRAY BEARD.

4 BY MR. CRAIN:

5 Q WAS HE A PRETTY GOOD DRESSER?

6 A HE WAS -- YEAH. NATTY DRESSER, YEAH.

7 Q AND SHOWING YOU PLAINTIFF'S, PETITIONER'S --  
8 EXCUSE ME -- EXHIBIT 1. DO YOU RECOGNIZE THE MAN IN THAT  
9 PICTURE?

10 A I BELIEVE THAT'S RON LEVIN.

11 Q DO YOU HAVE ANY DOUBT ABOUT IT?

12 A NO. NO. I HAVE NO DOUBT ABOUT IT.

13 Q DURING YOUR ACQUAINTANCE WITH RON LEVIN OVER  
14 THE PERIOD OF 1978 TO 1984 COULD YOU TELL THE COURT  
15 APPROXIMATELY HOW OFTEN WOULD YOU COME IN CONTACT WITH  
16 MR. LEVIN?

17 A FROM 1978 TO 1984? IN 1978 I WOULD COME IN  
18 CONTACT WITH HIM PERHAPS THREE TO FOUR TIMES PER WEEK FOR  
19 AN HOUR OR SO EACH TIME, THAT'S UNTIL THE CIVIL CASE CAME  
20 TO TRIAL AND WAS OVER, WHICH WOULD HAVE BEEN IN EARLY  
21 1979, I BELIEVE.

22 AFTER THAT I SAW HIM ON THE AVERAGE OF THREE  
23 TIMES A MONTH, YOU MIGHT SAY, ROUGHLY UNTIL 1983. THE  
24 LATTER PART OF 1983 HE CONTACTED ME AND SAID THAT HE HAD  
25 SOME DIFFICULTIES WITH THE LAW, AND COULD I PERHAPS COME  
26 OVER AND TALK TO HIM ABOUT IT.

27 AFTER THAT I SAW HIM AGAIN AROUND THREE TIMES  
28 PER WEEK UNTIL THE LAST TIME I SAW HIM IN JUNE OF 1984.

1 Q WHAT CITY DID MR. LEVIN LIVE IN?

2 A BEVERLY HILLS.

3 Q AND DID HE LIVE ON A STREET CALLED PECK?

4 A PECK ROAD, YES.

5 Q IS THAT NEAR WILSHIRE BOULEVARD?

6 A YES.

7 Q IS IT ANYWHERE NEAR SAKS 5TH AVENUE?

8 A YES.

9 Q IS IT MORE OR LESS AROUND THE CORNER OF SAKS  
10 5TH AVENUE?

11 A YES. YOU COULD SEE SAKS 5TH AVENUE FROM HIS  
12 HOUSE.

13 Q AND APPROXIMATELY HOW MANY TIMES HAVE YOU  
14 VISITED INSIDE MR. LEVIN'S APARTMENT ON PECK?

15 A 50 OR MORE TIMES.

16 Q NOW, DURING YOUR ACQUAINTANCE WITH MR. LEVIN,  
17 DID HE EVER PASS HIMSELF OFF AS A LAWYER?

18 A YES.

19 Q TO OTHER PEOPLE?

20 A NO. TO ME. I DON'T RECALL HIM PASSING  
21 HIMSELF OFF AS A LAWYER TO OTHER PEOPLE, ALTHOUGH HE MAY  
22 HAVE.

23 Q AND TO YOUR KNOWLEDGE, DID HE REPRESENT THAT  
24 HE WAS ALSO A PHYSICIAN OR MEDICAL DOCTOR AT SOME POINT?

25 MR. MC MULLEN: AT THIS POINT I AM GOING TO OBJECT  
26 AS IRRELEVANT, YOUR HONOR.

27 MR. CRAIN: NOT VERY FAR. I WOULD JUST LIKE THE  
28 WITNESS TO ANSWER THIS QUESTION. I THINK THE COURT IS

1 ENTITLED TO KNOW FROM THE PERSON WHO KNEW THE WITNESS VERY  
2 WELL, SOMETHING ABOUT THE VICTIM, MR. LEVIN. THE COURT  
3 SHOULD KNOW SOMETHING ABOUT MR. LEVIN.

4 THE COURT: I WILL SUSTAIN THE OBJECTION. I READ  
5 THE TRANSCRIPT, I KNOW AN AWFUL LOT ABOUT THIN.

6 MR. CRAIN: YOU KNOW -- YOU DO NOW KNOW FROM  
7 READING IN THE TRANSCRIPTS HE IS AN EXTREME CON MAN, A MAN  
8 OF MANY FACES AND SO FORTH, BUT WE ARE REQUIRED HERE TO  
9 PUT IT ON BY EVIDENCE. HERE IS SOMEONE THAT KNOWS HIM  
10 VERY WELL.

11 THE COURT: I WILL SUSTAIN THE OBJECTION.  
12 BY MR. CRAIN:

13 Q IN ANY EVENT, HE REPRESENTED HIMSELF TO YOU  
14 TO BE AN ATTORNEY?

15 A YES.

16 Q DID HE ALSO HAVE LAW BOOKS, A LAW LIBRARY?

17 A YES. AT HIS HOME.

18 Q AND WHEN YOU WOULD VISIT HIM THERE, WAS THAT  
19 IN PART TO DO ANY LEGAL RESEARCH AT HIS RESIDENCE?

20 A WELL, NO. HE HAD A VOLUMINOUS FILE RELATING  
21 TO THE DIFFICULTIES THAT HE WAS IN AT THAT TIME, AND WHAT  
22 I DID PRIMARILY WAS TO GO THROUGH THAT FILE.

23 Q NOW, THIS WAS -- EXCUSE ME.

24 THIS WAS A CRIMINAL CASE THAT WAS PENDING  
25 AGAINST HIM?

26 A THAT'S RIGHT.

27 Q AND WAS THERE A CRIMINAL CASE THAT INVOLVED  
28 HIM BEING ACCUSED OF FRAUD IN OBTAINING SOME CAMERAS AND

1 OTHER EQUIPMENT ILLEGALLY?

2 A AND OTHER EQUIPMENT, YES. VARIOUS KINDS OF  
3 EQUIPMENT.

4 Q AND HE SOUGHT OUT YOUR LEGAL OPINIONS WITH  
5 REGARD TO THE MERITS OF THAT CASE; IS THAT RIGHT?

6 A WELL, HE ASKED ME TO LOOK AT THOSE PAPERS AND  
7 TO LET HIM KNOW WHETHER I THOUGHT HE WAS IN SERIOUS  
8 TROUBLE.

9 Q AS A MATTER OF FACT, YOU TOLD HIM THAT HE  
10 WAS; DIDN'T YOU?

11 A YES.

12 Q AND BY SERIOUS TROUBLE YOU MEANT  
13 INCARCERATION IN SOME SORT OF PRISON OR OTHER JAIL TYPE  
14 FACILITY; IS THAT RIGHT?

15 A WELL, I AM NOT SURE THAT I MENTIONED ANYTHING  
16 TO HIM ABOUT WHAT HIS POSSIBLE SENTENCE MIGHT BE, BUT I  
17 FELT THAT HE WAS IN DANGER, SERIOUS DANGER OF BEING  
18 CONVICTED OF THESE CHARGES. AND AS I RECALL, THERE WERE  
19 MULTIPLE COUNTS AND HE ALSO HAD PRIOR CONVICTIONS.

20 Q IN YOUR EXPERIENCE AS AN ATTORNEY UP TO SOME  
21 POINT IN 1983 HAD YOU HAD EXPERIENCE PRACTICING CRIMINAL  
22 LAW?

23 A YES.

24 Q AND WHAT PART OF YOUR PRACTICE OVER THE YEARS  
25 THAT YOU WERE A PRACTICING ATTORNEY WOULD YOU SAY WAS  
26 DEVOTED TO CRIMINAL MATTERS?

27 MR. MC MULLEN: AT THIS POINT I WOULD OBJECT AS  
28 IRRELEVANT.

1 THE COURT: SUSTAINED.

2 BY MR. CRAIN:

3 Q SO ANYWAY, YOU LOOKED AT THE CASE, YOU KNEW  
4 MR. LEVIN'S CRIMINAL HISTORY BEFORE THAT TIME?

5 A I KNEW SOME OF IT.

6 Q YOU TOLD MR. LEVIN HE WAS IN TROUBLE; RIGHT?

7 A I THOUGHT THAT HE HAD REASON TO BE CONCERNED  
8 ABOUT WHAT WAS GOING TO HAPPEN TO HIM IN THIS CASE.

9 Q OKAY.

10 CAN YOU PIN DOWN IN ANY WAY WHEN THIS  
11 DISCUSSION OR DISCUSSIONS ON THIS SUBJECT WERE HELD WITH  
12 MR. LEVIN?

13 A I THINK IT WAS PROBABLY IN LATE DECEMBER OF  
14 '83 AND EARLY JANUARY OF '94.

15 Q HOW ABOUT AFTER THAT, DO YOU RECALL OR NOT?

16 A FROM TIME TO TIME HE WOULD INQUIRE. I  
17 SUPPOSE THESE WERE ADDITIONAL DISCOVERY MATERIALS, BUT IN  
18 ANY EVENT HE WOULD ACQUIRE ADDITIONAL POLICE REPORTS. I  
19 BELIEVE AT THAT TIME HE HAD HIRED AN ATTORNEY, AND HE  
20 WOULD ACQUIRE VARIOUS THINGS FROM HIS ATTORNEY, AND I  
21 WOULD LOOK AT THEM AND DISCUSS THEM WITH HIM.

22 Q OKAY.

23 AND IN YOUR OPINION INSOFAR AS YOU EXPRESSED  
24 TO MR. LEVIN ABOUT HIS PREDICAMENT IT REMAINED THE SAME AS  
25 TIME WENT ON?

26 MR. MC MULLEN: AGAIN, YOUR HONOR, WE WOULD OBJECT  
27 AS BEING IRRELEVANT AND BEYOND THE SCOPE OF THIS COURT'S  
28 DIRECTIVE AND THE COURT OF APPEAL.

1 THE COURT: I WILL ALLOW THAT QUESTION.

2 MR. CRAIN: THANK YOU.

3 THE COURT: DID YOU TELL HIM THAT?

4 THE WITNESS: DID I -- I TOLD HIM THAT NOTHING --  
5 WELL, NOTHING THAT HE SHOWED ME AFTER JANUARY OF 1994  
6 CHANGED MY ORIGINAL OPINION.

7 BY MR. CRAIN:

8 Q AND YOU TOLD HIM THAT, YES?

9 A AND I TOLD HIM THAT, YES.

10 Q DID YOU HAVE A KEY TO HIS RESIDENCE AT ANY  
11 TIME?

12 A YES.

13 Q WAS THERE SOME PURPOSE OF YOU HAVING A KEY TO  
14 MR. LEVIN'S RESIDENCE ON PECK?

15 A YES. IN ORDER FOR ME TO GO THROUGH THE  
16 PAPERWORK.

17 MR. MC MULLEN: EXCUSE ME.

18 I WOULD OBJECT AS IRRELEVANT, WHETHER HE HAD  
19 A KEY OR NOT.

20 THE COURT: OVERRULED. IT GOES TO HIS KNOWLEDGE  
21 AND FAMILIARITY WITH MR. LEVIN.

22 MR. MC MULLEN: THANK YOU.

23 THE COURT: YOU MAY ANSWER.

24 THE WITNESS: BEFORE I HAD A KEY TO HIS RESIDENCE I  
25 WOULD HAVE TO ARRANGE TIMES TO GO THROUGH THE PAPERS THAT  
26 HE HAD PERTAINING TO THESE CHARGES. AT TIMES WHEN HE WAS  
27 AT HOME, WHICH DIDN'T ALWAYS COINCIDE WITH THE TIMES WHEN  
28 I HAD TIME TO DO THAT. HE PROPOSED A SOLUTION TO THAT BY

1 GIVING ME A KEY AND TELLING ME HIS SECURITY CODE NUMBER,  
2 SO THAT I COULD ENTER HIS APARTMENT ANYTIME THAT I HAD  
3 TIME TO LOOK AT THE STUFF.

4 BY MR. CRAIN:

5 Q JUST TO JUMP OFF THE TRACK MOMENTARY.

6 IN 1984, '85, '86 AND '87 WERE YOU IN LOS  
7 ANGELES?

8 A YES.

9 Q AND WERE YOU LIVING AT THE SAME RESIDENCE YOU  
10 HAD LIVED IT AT FOR SOME PERIOD OF TIME?

11 A YES.

12 Q HOW LONG HAD YOU LIVED AT THAT RESIDENCE?

13 A I MOVED TO THAT RESIDENCE, I BELIEVE, IN  
14 1981.

15 Q AND HOLDING YOURSELF OUT UNDER YOUR TRUE NAME  
16 AS OLIVER WENDELL HOLMES?

17 A YES. I WAS AT THAT ADDRESS. MY DRIVER'S  
18 LICENSE AND ANY OTHER PUBLIC RECORDS RELATING TO ME SHOWED  
19 THAT AS MY ADDRESS, YES.

20 Q YOU PAID UTILITY BILLS UNDER THAT NAME?

21 A PAID UTILITY BILLS, TELEPHONE BILLS.

22 Q OKAY.

23 NOW, DESCRIBE MR. LEVIN, IS THERE ANYTHING  
24 ELSE ABOUT MR. LEVIN'S PHYSICAL APPEARANCE OR PERSONALITY  
25 OR ANYTHING THAT WAS PARTICULARLY OUTSTANDING?

26 MR. MC MULLEN: OBJECTION. IRRELEVANT.

27 THE COURT: CALLS FOR SPECULATION. I AM NOT SURE  
28 WHAT YOU MEAN BY THAT.

1 BY MR. CRAIN:

2 Q IS HE A MEMORABLE PERSON AS FAR AS YOU WERE  
3 CONCERNED?

4 A I THINK HE WAS EASILY RECOGNIZABLE, YES.

5 Q AND AT SOME POINT DID MR. LEVIN CONSULT WITH  
6 YOU ON ANOTHER LEGAL TOPIC INVOLVING EXTRADITION?

7 A WE HAD A CONVERSATION ABOUT EXTRADITION.

8 Q HOW DID THAT COME ABOUT, MR. HOLMES?

9 A I BELIEVE -- MY RECOLLECTION NOW IS THAT HE  
10 HAD READ OR HEARD OF A SPECTACULAR BANK THEFT IN LAS  
11 VEGAS, WHICH HAD SOME, HE THOUGHT, JOURNALISTIC  
12 POSSIBILITIES. AT THAT TIME HE HAD SOME SORT OF NEWS  
13 SERVICE AND HE WAS INTERESTED IN PRODUCING FEATURE  
14 ARTICLES FOR MAGAZINES AND THE LIKE. THIS INCIDENT IN  
15 LAS VEGAS HE THOUGHT HAD SOME JOURNALISTIC POSSIBILITIES  
16 AND HE SORT OF FOLLOWED THE STORY.

17 AND AT SOME POINT I BELIEVE THE NEWS REPORTS  
18 WERE THAT IT WAS BELIEVED THAT THE PEOPLE WHO HAD DONE  
19 THIS CRIME HAD GONE TO BRAZIL, HAD LEFT THE UNITED STATES  
20 AND THEY WERE BEING LOOKED FOR IN BRAZIL. I THINK THAT'S  
21 THE WAY IT HAPPENED. AND HE SPECULATED ABOUT THE PROSPECT  
22 FOR THEIR BEING EXTRADITED FROM BRAZIL WHETHER OR NOT  
23 THERE WAS, INDEED, AN EXTRADITION TREATY WITH BRAZIL.

24 Q HE ASKED YOU IF THERE WAS AN EXTRADITION  
25 TREATY WITH BRAZIL?

26 A I BELIEVE IT WAS MORE ALONG THE LINES, "I  
27 WONDER IF THERE IS AN EXTRADITION TREATY WITH BRAZIL?"

28 Q WERE YOU --



1           A           I DIDN'T KNOW WHETHER THERE WAS OR NOT. I  
2 BELIEVE I TOLD HIM I THOUGHT THERE WAS.

3           Q           SO YOU GAVE HIM AN OPINION AS BEST YOU COULD  
4 BASED ON YOUR VIEW AS AN ATTORNEY OR FORMER ATTORNEY THAT  
5 YOU THOUGHT --

6           A           NOT REALLY. MY VIEW OF WHETHER OR NOT THERE  
7 WAS AN EXTRADITION TREATY WITH BRAZIL WAS BASED MORE ON  
8 WHAT I THOUGHT I RECALL HAVING READ IN THE NEWSPAPER AT  
9 ONE POINT.

10          Q           SO YOU TOLD LEVIN YOU THOUGHT THERE WAS SUCH  
11 AN EXTRADITION TREATY; IS THAT RIGHT?

12          A           YES, I TOLD HIM THAT.

13          Q           AND DID HE TELL YOU THAT HE HAD BEEN DOING  
14 SOME RESEARCH INTO THE SUBJECT OF EXTRADITION?

15          A           THE FIRST CONVERSATION HE TOLD ME THAT I  
16 BELIEVE, AS I RECALL, HE TOLD ME THAT HE WAS GOING TO DO  
17 FURTHER RESEARCH INTO THAT SUBJECT, AND LATER HE TOLD ME  
18 THAT HE HAD DONE SO.

19          Q           AND THE SUBJECT BEING WHETHER OR NOT A U.S.  
20 CITIZEN COULD BE EXTRADITED FROM A FOREIGN COUNTRY?

21          A           FROM BRAZIL PARTICULARLY.

22          Q           FROM BRAZIL?

23          A           YES.

24          Q           AND HE THEN TOLD YOU ABOUT THIS CASE THAT HE  
25 HAD READ WHERE SOME PEOPLE HAD STOLEN A LOT OF MONEY; IS  
26 THAT RIGHT?

27          A           I AM NOT SURE WHAT THE RELEVANCE, WHAT THE  
28 SEQUENCE WAS, BUT THE ACTUAL SEQUENCE WAS FIRST HE TOLD ME

1 ABOUT THE STORY THAT HE HAD HEARD ABOUT WHERE THESE PEOPLE  
2 HAD GONE TO BRAZIL AFTER COMMITTING A CRIME IN NEVADA.  
3 THEN WE HAD A DISCUSSION ABOUT WHETHER OR NOT THERE WAS A  
4 EXTRADITION TREATY WITH BRAZIL.

5 THEN HE DID SOME RESEARCH ON WHETHER OR NOT  
6 THERE WAS IN FACT AN EXTRADITION TREATY WITH BRAZIL. AND  
7 AFTER THAT HE HAD SOME FURTHER INFORMATION IN WHICH HE  
8 INFORMED ME THAT HE FOUND OUT THAT THERE WAS, INDEED, AN  
9 EXTRADITION TREATY WITH THE UNITED STATES AND BRAZIL.

10 Q IN YOUR DISCUSSIONS WITH MR. LEVIN ABOUT  
11 EXTRADITION DID HE DISCUSS THE SUBJECT OF MONEY AND WHAT  
12 SOMEONE GOING TO A FOREIGN COUNTRY COULD DO TO AVOID BEING  
13 EXTRADITED IF THEY HAD MONEY?

14 A HE -- PART OF OUR CONVERSATION WAS HIS  
15 SPECULATION AS TO WHETHER OR NOT AN AMERICAN WITH A LOT OF  
16 CASH COULD AVOID EXTRADITION FROM BRAZIL EVEN IF THERE  
17 WERE A TREATY OF EXTRADITION BETWEEN THE UNITED STATES AND  
18 BRAZIL.

19 Q SO HE DISCUSSED WITH YOU WHETHER OR NOT  
20 SOMEBODY WHO WENT TO BRAZIL WAS BEING SOUGHT BY THE LAW  
21 BUT YOU HAD A LOT OF MONEY MIGHT BE ABLE TO AVOID BEING  
22 BROUGHT BACK TO THIS COUNTRY; RIGHT?

23 A THAT'S RIGHT.

24 Q AND DID HE SUGGEST TO YOU IN SOME WAY THAT  
25 ONE OF THE THINGS SOMEONE WITH A LOT OF MONEY COULD DO  
26 WOULD BE TO PAYOFF THE LOCAL AUTHORITIES? DID THAT COME  
27 UP DURING YOUR CONVERSATION?

28 A I DON'T RECALL THAT SPECIFICALLY BEING SAID,

1 BUT MY IMPRESSION OF THE CONVERSATION WAS THAT THAT WAS  
2 WHAT WAS IMPLIED.

3 Q NOW, GOING BACK TO THE SUBJECT OF THE KEY.  
4 YOU SAID YOU HAD A KEY FOR A PERIOD OF TIME TO --

5 A THAT'S CORRECT.

6 Q -- TO HIS RESIDENCE; RIGHT?

7 A YES.

8 Q WAS THERE A TIME WHEN YOU RETURNED THE KEY TO  
9 MR. LEVIN?

10 A YES.

11 Q WHEN DID YOU RETURN THE KEY TO MR. LEVIN?

12 A I DON'T RECALL THE DATE, BUT I BELIEVE IT WAS  
13 THE LAST DATE THAT HE WAS SEEN IN BEVERLY HILLS. HE  
14 CALLED ME, LEFT MESSAGES FOR ME AT MY OFFICE TO PLEASE  
15 CONTACT HIM ABOUT AN URGENT MATTER. AND I AGREED TO MEET  
16 HIM AT HIS HOME. WHEN I DID SO, WHEN I APPEARED THERE, HE  
17 ASKED IF HE COULD HAVE HIS KEY BACK, AND I CERTAINLY  
18 COMPLIED.

19 Q AND DID HE SEEM RATHER INSISTENT ABOUT THAT  
20 SUBJECT, SIR?

21 A WELL, HE DIDN'T HAVE TO PRESS IT. HE SAID HE  
22 NEEDED HIS KEY BACK, AND I SAID, "HERE IT IS."

23 Q HOW LONG HAD YOU HAD THE KEY AT THIS POINT?

24 A I WOULD SAY TWO MONTHS.

25 Q THE WHOLE TIME, YOU HAD IT THE WHOLE TIME?

26 A I HAD IT FOR THE ENTIRE PERIOD OF TWO MONTHS  
27 AT LEAST.

28 Q DID HE TELL YOU HE WAS GOING SOMEWHERE?

1           A           HE TOLD ME HE WAS GOING TO NEW YORK THE NEXT  
2 MORNING. HIS PLAN WAS TO GO TO NEW YORK THE NEXT MORNING,  
3 BUT THAT PLAN MIGHT CHANGE AND HE MIGHT LEAVE THAT  
4 EVENING.

5           Q           TO GO TO NEW YORK?

6           A           TO GO TO NEW YORK.

7           Q           HOW LONG WERE YOU IN HIS PRESENCE AT THAT  
8 TIME?

9           A           45 MINUTES.

10          Q           AND DURING THAT VISIT -- STRIKE THAT.

11                    DID YOU AT SOME POINT LEARN THAT MR. LEVIN  
12 HAD DISAPPEARED?

13          A           YES.

14          Q           AND WAS THAT SHORTLY AFTER THE DATE OF HIS  
15 DISAPPEARANCE AS IT WAS ALLEGED TO YOU THAT IT HAPPENED ON  
16 A CERTAIN DAY? THAT'S PROBABLY AN AWKWARD QUESTION.

17          A           IT WAS THE NEXT MORNING AFTER I SAW HIM AND  
18 RETURNED HIS KEY TO HIM.

19          Q           SOMEBODY REPORTED TO YOU THAT LEVIN HAS  
20 DISAPPEARED?

21          A           WELL, YEAH, THAT HE WASN'T WHERE HE WAS  
22 EXPECTED TO BE AND THERE WAS NO CLEAR EXPLANATION AS TO  
23 WHY HE WASN'T THERE.

24          Q           SO IN ORDER FOR YOU TO TELL US ABOUT THE DATE  
25 THAT YOU GOT THE KEY BACK IS IT, DO YOU KEEP IN MIND -- DO  
26 YOU RELATE IT TO GETTING THIS INFORMATION ABOUT HIS  
27 DISAPPEARANCE?

28          A           YES. I GOT THE INFORMATION ABOUT HIS

1 DISAPPEARANCE THE NEXT DAY.

2 Q OKAY.

3 NOW, DURING THAT DISCUSSION WITH YOU ON THAT  
4 DATE, THE DATE THAT HE ASKED YOU TO GIVE THE KEY BACK TO  
5 HIM TO HIS RESIDENCE, DID THE SUBJECT OF A MR. ANTON COME  
6 UP?

7 A YES.

8 Q WAS THAT SOMEBODY WHOSE NAME YOU KNEW?

9 A YES.

10 Q AND IS THAT SOMEBODY WHO YOU BELIEVE KNEW  
11 MR. LEVIN.

12 A YES.

13 Q AND DID HE REPORT TO YOU WITH SOME DISGUST  
14 THAT MR. ANTON HAD GIVEN SOME INCRIMINATING INFORMATION  
15 AGAINST MR. LEVIN TO THE AUTHORITIES?

16 A YES.

17 Q THAT WAS SAID THE VERY TIME THAT HE ASKED FOR  
18 THE KEY; RIGHT?

19 A YES.

20 Q AND HE SAID THAT HE HAD JUST LEARNED IT THAT  
21 DAY; IS THAT RIGHT?

22 A THAT'S WHAT HE SAID, YES.

23 Q AND HE SEEMED TO BE DISPLEASED WITH THAT, DID  
24 HE?

25 A YES.

26 MR. CRAIN: YOUR HONOR, MAY I HAVE JUST A MOMENT  
27 HERE?

28 THE COURT: YES.

1 (PAUSE.)

2

3 BY MR. CRAIN:

4 Q DID LEVIN HAVE A SCAR ON HIS FOREHEAD?

5 A YES.

6 Q YOU SAY THAT FROM HAVING VIEWED IT WITH YOUR  
7 OWN EYES?

8 A I HAD SEEN THE SCAR, AND I HAD THE SCAR  
9 POINTED OUT TO ME BY -- I DON'T REMEMBER WHETHER IT WAS  
10 THE PROSECUTION OR DEFENSE COUNSEL, BUT I HAVE BEEN SHOWN  
11 PICTURES AND ASKED TO POINT TO APPROXIMATELY WHERE THE  
12 SCAR WAS.

13 Q IN 1984 THROUGH 1987 WERE YOU ABLE TO BE  
14 LOCATED AT THE LAW FIRM OF TOLBERT AND WOODEN IN LOS  
15 ANGELES?

16 A 1984 AND 1987?

17 Q NO. 1984, -'85, '86, AND '87?

18 A PROBABLY I COULD HAVE BEEN LOCATED THERE,  
19 YES, ALTHOUGH THAT WAS NOT AN ADDRESS OF MINE.

20 Q AS FAR AS YOU KNEW, THEY KNEW WHERE YOU WERE?

21 A YES. AND I OFTEN GOT MESSAGES AND I WAS IN  
22 TOUCH WITH BOTH MR. TOLBERT AND MR. WOODEN FREQUENTLY  
23 DURING THAT TIME.

24 Q AND THEY ARE CRIMINAL DEFENSE ATTORNEYS OR  
25 PROMINENT --

26 A WELL, ONE OF THE PARTNERS WAS A CRIMINAL  
27 DEFENSE ATTORNEY, AND THE OTHER PARTNER WAS PRIMARILY  
28 ENGAGED IN THE ENTERTAINMENT FIELD.

1 MR. CRAIN: / I DON'T HAVE, I THINK, ANY FURTHER  
2 QUESTIONS.

3 THANK YOU

4 THE COURT: CROSS-EXAMINATION?

5 MR. MC MULLEN: THANK YOU.

6  
7 CROSS-EXAMINATION @

8  
9 BY MR. MC MULLEN:

10 Q GOOD AFTERNOON, SIR.

11 A GOOD AFTERNOON.

12 Q WOULD YOU CONSIDER MR. LEVIN TO HAVE BEEN A  
13 CLOSE PERSONAL FRIEND?

14 A WELL, NO, I WOULDN'T CONSIDER HIM TO BE A  
15 CLOSE PERSONAL FRIEND, BUT HE WAS A FRIEND. HE WAS MORE  
16 THAN A MERE BUSINESS ACQUAINTANCE BECAUSE I DID FROM TIME  
17 TO TIME SPEAK TO HIM ABOUT MATTERS THAT DIDN'T HAVE  
18 ANYTHING TO DO WITH EITHER HIS OR MY BUSINESS.

19 Q DID YOU KNOW MR. LEVIN WHEN HE SPENT SOMETIME  
20 IN CUSTODY REGARDING SOME FEDERAL PROSECUTION?

21 A NO. I DIDN'T KNOW HIM AT THAT TIME.

22 Q DID MR. LEVIN EVER EXPRESS TO YOU HIS FEAR OR  
23 CONCERNS ABOUT BEING INCARCERATED OR GOING TO JAIL?

24 MR. CRAIN: I THINK THAT WOULD CALL FOR HEARSAY, SO  
25 I WOULD HAVE TO OBJECT.

26 THE COURT: OVERRULED. IT IS IN RELATION TO SOME  
27 OF THE QUESTIONS ASKED ON DIRECT. WE WILL ASK -- HAVE THE  
28 QUESTION?

1 THE WITNESS: HE NEVER TOLD ME HE WAS AFRAID OF  
2 GOING TO JAIL, NO.

3 BY MR. MC MULLEN:

4 Q DID HE EVER TALK ABOUT ANY EXPERIENCES HE HAD  
5 IN JAIL?

6 A HE HAD TALKED FROM TIME TO TIME ABOUT HAVING  
7 BEEN IN JAIL, YES.

8 Q DO YOU HAVE AN OPINION AS TO WHETHER OR NOT  
9 HE WAS AFRAID OF GOING BACK TO JAIL?

10 MR. CRAIN: I THINK THAT'S SPECULATION.

11 THE COURT: SUSTAINED.

12 BY MR. MC MULLEN:

13 Q YOU TALK ABOUT THE CONVERSATION --  
14 CONVERSATIONS, I SHOULD SAY, YOU HAD WITH MR. LEVIN WITH  
15 RESPECT TO THIS CRIME THAT OCCURRED IN LAS VEGAS AND THE  
16 DISCUSSIONS ABOUT BRAZIL AND EXTRADITION?

17 A YES.

18 Q AND THE WAY I UNDERSTAND IT YOU BREAK IT DOWN  
19 INTO ALMOST THREE SEPARATE CONVERSATIONS.

20 A I AM NOT SURE IT WAS, SURE IT WAS THREE  
21 SEPARATE CONVERSATIONS, BUT THAT WAS THE SEQUENCE OF THE  
22 SUBJECT MATTER THAT MIGHT HAVE BEEN OVER TWO  
23 CONVERSATIONS. IT WAS MORE THAN ONE. BUT IT MAY HAVE  
24 EVEN BEEN MORE THAN THREE. BUT THE SEQUENCE WAS AS I  
25 DESCRIBED IT EARLIER.

26 Q IN YOUR MIND DID THEY ALL RELATE BACK TO THAT  
27 LAS VEGAS INCIDENT THAT HE HAD DESCRIBED?

28 A YES. THEY ALL WERE TIED TO THAT.



1 Q DO YOU KNOW WHAT PERIOD OF TIME THOSE  
2 CONVERSATIONS OCCURRED APPROXIMATELY?

3 A I WOULD SAY THE FIRST ONE WAS PROBABLY IN  
4 LATE FEBRUARY OR EARLY MARCH.

5 MR. KLEIN: CAN WE HAVE A YEAR, YOUR HONOR?

6 THE WITNESS: 1984.

7 BY MR. MC MULLEN:

8 Q DID HE EVER SAY THAT WITH RESPECT TO THE  
9 LAS VEGAS STORY OR THE JOURNALISTIC INTEREST THAT HE HAD  
10 IN THE LAS VEGAS STORY THAT HE WAS WORKING WITH ANYBODY ON  
11 SOME KIND OF WRITTEN STORY ABOUT THAT?

12 A YES. HE HAD A COLLABORATOR THAT HE HAD  
13 WORKED WITH ON OTHER JOURNALISTIC ENTERPRISES THAT HE WAS  
14 INVOLVED IN, AND I DON'T REMEMBER THIS PERSON'S NAME. I  
15 REMEMBER THAT HE WAS CONNECTED WITH THE SCHOOL OF  
16 JOURNALISM AT U.S.C..

17 Q AND DID HE EVER SAY TO YOU OR SUGGEST TO YOU  
18 THAT HE WAS INTERESTED IN FLEEING THE JURISDICTION TO GO  
19 TO BRAZIL HIMSELF PERSONALLY?

20 A NO.

21 Q DID -- YOU TALKED ABOUT -- APPARENTLY YOU  
22 WENT OVER HIS FILE WITH RESPECT TO THE CRIME THAT HE WAS  
23 CHARGED WITH THAT EMANATED FROM THE BEVERLY HILLS POLICE  
24 DEPARTMENT; IS THAT CORRECT?

25 A YES. CRIMES.

26 Q CRIMES?

27 A PLURAL.

28 Q CRIMES.

1 DURING DISCUSSIONS WITH RESPECT TO THOSE  
2 FILES THAT YOU LOOKED OVER WITH MR. LEVIN, DID HE EVER  
3 EXPRESS A FEAR OF GOING TO JAIL WITH RESPECT TO THAT  
4 PARTICULAR CASE?

5 A NOT FEAR, NO. HE EXPRESSED TO ME A DESIRE TO  
6 AVOID JAIL, AND HE WAS INTERESTED IN CONSIDERING WAYS OF  
7 AVOIDING GOING TO JAIL. IN OTHER WORDS, TO AVOID  
8 CONVICTION OF THOSE CHARGES.

9 Q IN OTHER WORDS, DEFENDING HIMSELF?

10 A YES.

11 Q IN A COURT OF LAW?

12 A YES.

13 Q AND IF I CAN REFRESH YOUR RECOLLECTION, THE  
14 LAST TIME THAT YOU TALKED TO MR. LEVIN DOES THE DATE JUNE  
15 6, 1984 --

16 A THAT SOUNDS ABOUT RIGHT.

17 Q -- SOUNDS ABOUT RIGHT?

18 A IF I HAD TO GUESS, I WOULD SAY IT WAS JUNE  
19 4TH, BUT IT WAS EARLY JUNE.

20 Q YOU SAID THAT HE WAS GOING TO NEW YORK THE  
21 NEXT DAY?

22 A THAT'S RIGHT.

23 Q DID HE SAY HE WAS GOING TO NEW YORK TO FLEE  
24 THE JURISDICTION THE NEXT DAY?

25 A NO, IT WAS -- HE CHARACTERIZED IT TO ME AS  
26 STRICTLY A PLEASURE TRIP.

27 Q DID HE MENTION IF HE WAS GOING BY HIMSELF OR  
28 WITH SOMEBODY ELSE?

1           A       NO. HE SAID THAT HE WAS GOING WITH A  
2 COMPANION.

3           Q       WITH RESPECT TO HIS MENTIONING THAT HE MIGHT  
4 LEAVE EARLY, WAS THAT SORT OF, "BY THE WAY, I MIGHT BE  
5 LEAVING A LITTLE EARLY"? WHAT WAS THE CONTEXT OF HIM  
6 SAYING THAT?

7           A       HE SAID, "I AM GOING TO NEW YORK TOMORROW,  
8 BUT I MIGHT LEAVE AS EARLY AS TONIGHT."

9           Q       YOU SAID THAT THE FOLLOWING DAY AFTER YOUR  
10 CONVERSATION SOMEONE ADVISED YOU THAT THERE WAS SOMETHING  
11 UNUSUAL WITH RESPECT TO MR. LEVIN'S WHEREABOUTS?

12          A       YES.

13          Q       WHO WAS IT THAT CONTACTED YOU?

14          A       THAT WAS HIS MAID, A BLANCHE -- I FORGOTTEN  
15 HER LAST NAME.

16          Q       DOES STURKEY REFRESH YOUR RECOLLECTION?

17          A       YES. YES, THAT'S HER. THAT'S HER NAME.

18          Q       DID SHE WANT SOME INFORMATION FROM YOU, OR  
19 WHY DID SHE CALL?

20          A       SHE CALLED AND ASKED IF I HAD HEARD FROM  
21 LEVIN. I THINK SHE MIGHT HAVE BEEN PRESENT THE EVENING  
22 BEFORE WHEN I HAD TALKED TO HIM. AND I SAID, "NO."

23                   AND SHE SAID, "WELL, THERE IS SOMETHING VERY  
24 WRONG BECAUSE THE PERSONS WITH WHOM HE WAS GOING TO NEW  
25 YORK ARE HERE AND HAVE BEEN HERE SINCE EARLY THIS MORNING  
26 WAITING FOR HIM, AND HE IS NOT HERE."

27           MR. KLEIN: OBJECTION AS TO WHAT SHE SAID AS TO THE  
28 TRUTH AS HEARSAY.

1 THE COURT: SUSTAINED. THE LAST PORTION AS TO  
2 OTHER PERSONS, WHAT OTHER THINGS THAT HE WAS TOLD BY THE  
3 MAID AS TO WHO WOULD HAVE BEEN PRESENT WOULD GO OUT.

4 MR. MC MULLEN: THANK YOU.

5 MAY I HAVE A MOMENT, YOUR HONOR?

6 THE COURT: YES.

7  
8 (PAUSE.)

9  
10 BY MR. MC MULLEN:

11 Q YOU WERE ASKED ON DIRECT ABOUT A SCAR ON  
12 LEVIN'S FACE. COULD YOU DESCRIBE THE SCAR, THE PLACEMENT  
13 OF IT AND THE SIZE OF IT?

14 A I CAN'T REALLY VISUALIZE IT ANYMORE. BUT MY  
15 BEST RECOLLECTION IS THAT IT WAS A TRIANGULAR SCAR RIGHT  
16 IN THE CENTER OF HIS FOREHEAD. IT WAS MAYBE AN INCH TO AN  
17 INCH AND A QUARTER AT ITS WIDEST ASPECT AND MAYBE HALF AN  
18 INCH IN THE OTHER DIMENSION.

19 Q IN LOOKING AT MR. LEVIN, WAS THAT SOMETHING  
20 THAT WAS VERY PROMINENT, OR WAS IT --

21 A NO, IT WAS SOMETHING THAT HAD, I HAD NOTICED  
22 ONLY VERY GRADUALLY AFTER KNOWING HIM FOR SOME TIME. THE  
23 SCAR WAS NOT PROMINENT AT ALL. IT WAS NOT DISCOLORED, AND  
24 IT DIDN'T REALLY LOOK LIKE SCAR TISSUE, AS I RECALL. IT  
25 WAS NOT SOMETHING THAT WAS REALLY AWARE.

26 Q WITH RESPECT TO YOUR DISCUSSION WITH  
27 MR. LEVIN REGARDING THE EXTRADITION TREATIES OR LAWS  
28 PERTAINING TO BRAZIL, WAS THAT STRICTLY IN THE CONTEXT OF

1 RESEARCH, HIS RESEARCH REGARDING THE LAWS IN THAT AREA?

2 MR. KLEIN: OBJECTION. CALLS FOR SPECULATION.

3 THE COURT: SUSTAINED.

4 REFRAME THE QUESTION.

5 BY MR. MC MULLEN:

6 Q WHAT WAS THE CONTEXT OF YOUR CONVERSATION  
7 WITH MR. LEVIN WITH RESPECT TO THE EXTRADITION TREATIES  
8 OR LAWS THAT THE UNITED STATES HAD WITH BRAZIL?

9 A WELL, MY RECOLLECTION IS THAT THE FIRST  
10 CONCERN WAS WHETHER OR NOT THESE PEOPLE WHO HAD COMMITTED  
11 THIS CRIME IN NEVADA WERE GOING TO BE EXTRADITED. ONCE IT  
12 CAME OUT THAT THEY WERE BELIEVED TO BE IN BRAZIL WERE THEY  
13 GOING TO BE BROUGHT BACK FROM BRAZIL AND HOW LIKELY WAS  
14 THAT. AND THEY APPARENTLY HAD GOTTEN AWAY WITH A LOT OF  
15 CASH, SO WHAT ROLE WOULD THAT PLAY IN HOW LONG THEY WOULD  
16 BE ABLE TO REMAIN AT LARGE AND WHETHER THEY WOULD BE  
17 EXTRADITED. IT WAS IN THAT CONTEXT.

18 Q NOW, THE LAST DAY THAT YOU SAW MR. LEVIN YOU  
19 WENT OVER TO HIS APARTMENT AND YOU GAVE HIM BACK YOUR KEY  
20 TO HIS APARTMENT?

21 A YES.

22 Q AND HE SEEMED TO MENTION SOMETHING ABOUT  
23 MR. NEIL ANTON; IS THAT CORRECT?

24 A YES.

25 Q DESCRIBE HIS STATE OF MIND, MR. LEVIN'S THAT  
26 IS. WAS HE CALM OR -- WHEN HE TALKED ABOUT NEIL ANTON WAS  
27 HE UPSET, OR WHAT WAS HIS Demeanor?

28 A HE WAS AGITATED. HE BELIEVED THAT HIS

1 PROSPECT -- AS A MATTER OF FACT HIS PENDING CRIMINAL  
2 CHARGES WERE CONCERNED, HAD BEEN HARMED BY ANTON'S  
3 STATEMENT TO THE BEVERLY HILLS POLICE DEPARTMENT.

4 Q DID MR. LEVIN -- DID IT SEEM TO YOU THAT HE  
5 HAD A SENSE OF BETRAYAL WITH RESPECT TO WHAT MR. ANTON HAD  
6 DONE?

7 A YES. YES, HE DID.

8 Q AND WHAT POINT IN YOUR CONVERSATION WITH  
9 MR. LEVIN -- WITH RESPECT TO NEIL ANTON, AT WHAT POINT IN  
10 TIME DID HE ASK FOR HIS KEY?

11 A THE FIRST THING HE DID WHEN I ARRIVED WAS TO  
12 ASK FOR HIS KEY, SO THAT WAS THE FIRST ORDER OF BUSINESS.  
13 AFTER I GAVE HIM HIS KEY, HE SHOWED ME AN, I GUESS, AN  
14 INCIDENT REPORT FROM THE BEVERLY HILLS DEPARTMENT OR A  
15 CONTINUATION SHEET FROM THE POLICE REPORT, WHICH CONTAINED  
16 A REPORT OF A STATEMENT MADE BY NEIL ANTON.

17 Q THAT WAS RIGHT AFTER HE ASKED FOR THE KEY?

18 A RIGHT.

19 MR. MC MULLEN: MAY I HAVE A MOMENT, YOUR HONOR?

20 THE COURT: YES.

21

22 (PAUSE.)

23

24 MR. MC MULLEN: NO FURTHER QUESTIONS, YOUR HONOR.

25 THE COURT: JUST ONE SECOND, MR. CRAIN.

26 WHY WERE YOU DOING THIS WORK FOR MR. LEVIN,  
27 COMING OVER TO THE HOUSE ALL THE TIME GOING THROUGH THE  
28 PAPERWORK?

1 MR. KLEIN: CAN WE HAVE THE YEAR?

2 THE COURT: DURING THIS ENTIRE PERIOD.

3 MR. KLEIN: PART OF THE TIME HE WAS A LAWYER, PART  
4 OF THE TIME HE WASN'T.

5 THE WITNESS: IN 1984?

6 THE COURT: YES.

7 THE WITNESS: YES. WELL, HE ASKED ME TO, AND I  
8 OBLIGED.

9 THE COURT: WHY?

10 THE WITNESS: I HAD NO REASON NOT TO.

11 THE COURT: I AM TRYING TO FIGURE OUT WAS THERE A  
12 CLOSE FRIEND? WAS HE SENDING YOU BUSINESS? WAS HE PAYING  
13 YOU SOMETHING?

14 THE WITNESS: NO. I HADN'T SEEN HIM IN SOME TIME.  
15 HE SAID, "WOULD YOU COME AND LOOK AT THESE."

16 AND I SAID, "YES."

17 THE COURT: AND HOW OFTEN WOULD YOU SAY YOU WENT  
18 OVER AFTER HE GAVE YOU THE KEY?

19 THE WITNESS: TWICE, MAYBE THREE TIMES A WEEK.

20 THE COURT: WHO TOLD YOU -- STRIKE THAT.

21 IT WAS THE MAID, MRS. STURKEY.

22 MR. CRAIN: STURKEY?

23 THE WITNESS: STURKEY, YES.

24 THE COURT: DID SHE CALL YOU ON THE PHONE? DID SHE  
25 COME OVER AND SEE YOU? HOW DID YOU FIND OUT?

26 THE WITNESS: SHE CALLED ME ON THE PHONE.

27 THE COURT: YOU SAY SHE MAY HAVE BEEN PRESENT WHEN  
28 YOU RETURNED THE KEY TO MR. LEVIN THE NIGHT BEFORE?

1 THE WITNESS: YES, SHE MAY HAVE BEEN. I DON'T  
2 RECALL, BUT SHE MAY HAVE BEEN. IT WOULD HAVE BEEN, AS I  
3 RECALL, IT WOULD HAVE BEEN DURING THE HOURS THAT SHE WOULD  
4 HAVE BEEN THERE.

5 THE COURT: WAS SHE EVER PRESENT WHEN YOU HAD THESE  
6 CONVERSATIONS WITH MR. LEVIN ABOUT THIS LAS VEGAS CASE?

7 THE WITNESS: SHE MAY HAVE BEEN PRESENT IN THE  
8 HOUSE. BUT I DON'T RECALL HER EVER BEING PRESENT AS PART  
9 OF THE CONVERSATION OR IN A PLACE WHERE SHE COULD HAVE  
10 HEARD THE CONVERSATIONS.

11 THE COURT: WAS SHE EVER PRESENT WHEN THERE WAS ANY  
12 DISCUSSION ABOUT AN EXTRADITION HEARING?

13 THE WITNESS: NOT THAT I RECALL, NO.

14 THE COURT: ALL RIGHT.

15 MR. CRAIN?

16 THE COURT: MR. KLEIN, YOU ARE WANDERING ALL OVER  
17 THE COURTROOM. WHAT'S THE PROBLEM?

18 MR. KLEIN: I JUST NEED TO RELAX, YOUR HONOR.

19 THE COURT: IT IS KIND OF DISTRACTING. I THINK IT  
20 IS RUDE TO OPPOSING COUNSEL TO HAVE ONE OF THE LAWYERS  
21 WALK AROUND THE COURTROOM. I WILL ASK YOU TO SIT IN YOUR  
22 CHAIR THERE.

23

24 REDIRECT EXAMINATION +

25

26 BY MR. CRAIN:

27 Q I HAVE A FEW QUESTIONS IN A FEW DIFFERENT  
28 AREAS.



1 MR. HOLMES, YOU TOLD US ABOUT NEIL ANTON.  
2 WAS HE A GOOD PERSONAL FRIEND OF MR. LEVIN'S, TO YOUR  
3 KNOWLEDGE?

4 A AS FAR AS I COULD DETERMINE, YES. HE WAS A  
5 CLOSE PERSONAL FRIEND OF MR. LEVIN'S.

6 Q WERE THEY LOVERS, DO YOU KNOW?

7 MR. MC MULLEN: OBJECTION. IRRELEVANT.

8 THE COURT: SUSTAINED.

9 MR. CRAIN: MAY I BE HEARD ON THAT?

10 THE COURT: ALL RIGHT.

11 MR. CRAIN: I THINK IT GOES TO THE KNOWLEDGE OF  
12 ANTON. THE SIGNIFICANCE OF THE FACT THAT MR. ANTON  
13 BETRAYED HIM AND WENT TO THE POLICE WITH INCRIMINATING  
14 INFORMATION, ETC., FACT FOR THE COURT TO CONSIDER IN TERMS  
15 OF WHAT AFFECT THAT WOULD HAVE ON MR. LEVIN WANTING TO  
16 LEAVE TOWN AT THE SAME TIME HE MAY HAVE BETRAYED HIM TO  
17 THE POLICE, MAY BE OF SOME POSSIBLE RELEVANCE. WHETHER  
18 THEY WERE LOVERS OR NOT IS IRRELEVANT.

19 I WILL SUSTAIN THE OBJECTION.

20 BY MR. CRAIN:

21 Q YOU SAID HE WAS VERY AGITATED, THE FACT THAT  
22 ANTON'S INFORMATION MADE THE CRIMINAL CASE PENDING AGAINST  
23 LEVIN WORSE; RIGHT?

24 A YES.

25 MR. KLEIN: CAN I JUST HAVE A MINUTE WITH HIM?

26 THE COURT: YES.

27

28 (PAUSE.)

1 BY MR. CRAIN:

2 Q TO YOUR KNOWLEDGE WAS LEVIN INVOLVED IN AN  
3 OPERATION THAT MR. LEVIN HAD CALLED "NETWORK NEWS," SOME  
4 SORT OF BUSINESS PARTNERS?

5 A YES. HE HAD A BUSINESS CALLED "NETWORK  
6 NEWS," YES.

7 THE COURT: I AM SORRY. "HE," YOU MEAN MR. LEVIN?

8 THE WITNESS: MR. LEVIN HAD A BUSINESS CALLED  
9 "NETWORK NEWS."

10 BY MR. CRAIN:

11 Q AND ANTON WAS AN ASSOCIATE?

12 A HE WAS.

13 Q BUT IN TRUTH THAT WAS SOME SORT OF FRAUDULENT  
14 OR SCAM OPERATION THAT LEVIN WAS RUNNING?

15 A NO.

16 MR. MC MULLEN: OBJECTION. IRRELEVANT.

17 THE COURT: LAY A FOUNDATION.

18 BY MR. CRAIN:

19 Q DID YOU HAVE CONVERSATION WITH LEVIN ABOUT  
20 THE NATURE OF THIS BUSINESS?

21 A YES.

22 Q AND DID HE CONFESS TO YOU THAT IT WAS  
23 BASICALLY FRAUDULENT OR A SEMI-FRAUDULENT OPERATION?

24 MR. MC MULLEN: AGAIN, YOUR HONOR --

25 THE WITNESS: NO.

26 MR. MC MULLEN: AGAIN, YOUR HONOR, IT SEEMS --

27 THE WITNESS: NO.

28 MR. MC MULLEN: I WILL WITHDRAW THE QUESTION -- I

1 WILL WITHDRAW THE OBJECTION.

2 THE COURT: SUSTAINED.

3 BY MR. CRAIN:

4 Q AND IN READING ALL THESE REPORTS THAT YOU  
5 REVIEWED ABOUT THE PENDING CASE AGAINST MR. LEVIN WAS  
6 "NETWORK NEWS" IMPLICATED IN SOME WAY? OR ANOTHER WAY TO  
7 PUT IT, DID IT APPEAR THAT MR. LEVIN WAS USING "NETWORK  
8 NEWS" IN SOME WAY IN ORDER TO COMMIT THE CRIME THAT WAS  
9 ALLEGED AGAINST HIM?

10 MR. MC MULLEN: AGAIN, YOUR HONOR, I OBJECT AS  
11 IRRELEVANT.

12 THE COURT: I WANT TO SEE WHERE IT IS GOING TO GO.  
13 I WILL ALLOW LIMITED INQUIRY.

14 MR. CRAIN: THANK YOU.

15 THE WITNESS: THAT QUESTION REFRESHES MY  
16 RECOLLECTION TO SOME EXTENT. AND I BELIEVE THAT THE ITEMS  
17 THAT WERE SUPPOSED TO HAVE BEEN STOLEN THAT LED TO THE  
18 THEN PENDING CHARGES WERE ITEMS THAT WERE USED IN THE  
19 OPERATION OF "NETWORK NEWS." AND POSSIBLY THEY MAY HAVE  
20 EVEN BEEN PURCHASED ON THE CREDIT OF "NETWORK NEWS," AND  
21 THEN DEFAULTED ON THEM. I DON'T RECALL THAT.

22 THE COURT: WERE THESE LIGHTS OR CAMERAS THAT  
23 WEREN'T RETURNED?

24 THE WITNESS: LIGHTS, CAMERAS, COMPUTERS, THINGS  
25 THAT WOULD HAVE BEEN USEFUL IN A TELEVISION NEWS  
26 OPERATION.

27 BY MR. CRAIN:

28 Q THINGS WORTH A SUBSTANTIAL AMOUNT OF MONEY;

1 RIGHT?

2 A OVER \$100,000, I BELIEVE.

3 Q THAT MR. LEVIN HAD STOLEN OR WAS NOW ACCUSED  
4 OF HAVING STOLEN OR RIPPED OFF --

5 A HE WAS ACCUSED OF HAVING OBTAINED THESE.

6 Q MR. LEVIN IN THE TIME THAT YOU KNEW HIM DID  
7 HE STRIKE YOU AS AN INTELLIGENT PERSON?

8 A VERY MUCH SO.

9 Q DID HE STRIKE YOU AS A SOPHISTICATED PERSON?

10 A YES.

11 Q AT SOME POINT DID YOU LEARN THAT HE WASN'T  
12 REALLY A LAWYER AND NEVER HAD BEEN?

13 A YES.

14 MR. MC MULLEN: OBJECTION. IRRELEVANT.

15 THE COURT: OVERRULED.

16 BY MR. CRAIN:

17 Q AND NOW -- AND THE ADVICE THAT YOU WOULD GIVE  
18 TO MR. LEVIN ABOUT LEGAL MATTERS INCLUDING EXTRADITION IS  
19 IT FAIR TO SAY THAT YOU WOULD NOT HAVE ADVISED HIM TO  
20 VIOLATE THE LAW?

21 A YES. THAT'S FAIR TO STATE, YES.

22 Q DID YOU BELIEVE THAT YOUR RELATIONSHIP WAS  
23 SUCH WITH MR. LEVIN THAT HE COULD NOT COUNT ON YOU AS  
24 SOMEONE TO GIVE ADVICE AS TO -- DIRECT ADVICE TO BREAK THE  
25 LAW?

26 MR. MC MULLEN: OBJECTION. CALLS FOR SPECULATION.

27 THE COURT: SUSTAINED.

28

1 BY MR. CRAIN:

2 Q IN OTHER WORDS, YOU WOULDN'T HAVE TOLD  
3 MR. LEVIN, "WELL, HERE IS A WAY YOU CAN COMMIT A CRIME,  
4 FLEE TO A FOREIGN COUNTRY AND BE EXTRADITED"?

5 A NO.

6 Q YOU WOULDN'T DO THAT; RIGHT?

7 A NO.

8 Q AND IN YOUR RELATIONSHIP AND FRIENDSHIP WITH  
9 HIM HE WOULD NOT EXPECT YOU TO GIVE THAT ADVICE; RIGHT?

10 MR. MC MULLEN: OBJECTION. CALLS FOR SPECULATION.

11 THE COURT: SUSTAINED.

12 MR. CRAIN: YOUR HONOR, WHAT I AM TRYING TO GET --

13 THE COURT: I UNDERSTAND WHERE YOU ARE GOING, BUT  
14 IT IS STILL SPECULATION. YOU ARE ASKING TO WHAT MR. LEVIN  
15 WOULD ASSUME ABOUT THE ADVICE THAT HE WOULD HAVE GIVEN TO  
16 MR. LEVIN.

17 MR. CRAIN: AS LONG AS THE COURT HAS THE DIRECTION  
18 HERE.

19 THE COURT: I DO.

20 MR. CRAIN: ALL RIGHT.

21 BY MR. CRAIN:

22 Q NOW, WHEN YOU RETURNED THE KEY TO MR. LEVIN,  
23 DID HE TELL YOU WHY HE WANTED IT BACK?

24 A YES.

25 Q WAS THAT IN CONNECTION WITH THE FACT THAT HE  
26 SAID HE WAS GOING OUT OF TOWN?

27 A NO. HE SAID THAT HE NEEDED THE KEY BACK  
28 BECAUSE HIS MAID HAD RETURNED A CAR THAT HE HAD BEEN

1 RENTING, AND WHEN SHE DID SO, SHE HAD LEFT HIS KEYS,  
2 INCLUDING HIS HOUSE KEYS, IN THE CAR AT THE RENTAL AGENCY,  
3 AND THAT HE, THEREFORE, DIDN'T HAVE A KEY TO GET IN AND  
4 OUT OF THE HOUSE. I HAD ONE, AND HE NEEDED THE ONE THAT I  
5 HAD.

6 Q DID YOU LATER DETERMINE THAT WAS FALSE?

7 A YES. WELL, THE TRUTH OF IT IT WAS CALLED TO  
8 MY ATTENTION LATER, AND I HAVE NO REASON TO DOUBT THE  
9 VERSION THAT WAS GIVEN TO ME LATER.

10 Q AND YOU WOULD AGREE WITH THOSE WHO SAY  
11 MR. LEVIN WAS A SOPHISTICATED CON MAN, WOULDN'T YOU?

12 MR. MC MULLEN: OBJECTION. IRRELEVANT.

13 THE COURT: I THINK YOU ALREADY GOT IT IN ONCE.  
14 BY MR. CRAIN:

15 Q NOW, GOING BACK TO THE SCAR THAT  
16 MR. MC MULLEN ASKED YOU ABOUT. HOW DID IT COMPARE TO THE  
17 SURROUNDING PIGMENTATION OF THE SKIN ON HIS FOREHEAD?

18 A IT WAS INDISTINGUISHABLE FROM THE SURROUNDING  
19 SKIN ON HIS FOREHEAD.

20 Q IS THAT STATEMENT TRUE WHETHER OR NOT  
21 MR. LEVIN'S SKIN WAS SUN TANNED?

22 A I DON'T RECALL.

23 Q YOU CAN'T RECALL THAT; IS THAT RIGHT?

24 A NO. I CAN'T ANSWER THAT.

25 Q BUT YOU WERE AWARE OF THE SCAR HAVING SEEN IT  
26 WITH YOUR OWN EYES?

27 A YES.

28 Q AND HAD HEARD PEOPLE TALK ABOUT IT?

1           A           I NEVER HEARD ANYBODY TALK ABOUT IT.  
2 SOMETHING THAT YOU ARE SITTING ON THE OTHER SIDE OF THE  
3 DESK FROM SOMEONE AFTER A FEW MEETINGS YOU BEGIN TO NOTICE  
4 PECULIARITIES AND INDIVIDUAL CHARACTERISTICS ABOUT THEIR  
5 APPEARANCE. THERE WAS ONE OF THEM IN HIS CASE.

6           Q           THAT HE HAD A DISTINCTIVE SCAR ON HIS  
7 FOREHEAD?

8           A           HE HAD A SCAR ON HIS FOREHEAD THAT WAS  
9 DISTINCTIVE ONLY BECAUSE IT WAS SO UNOBTVIOUS ON A FIRST  
10 MEETING. THAT WAS THE DISTINCTIVE THING ABOUT IT. IT WAS  
11 AN ORDINARY LOOKING SCAR EXCEPT FOR THE FACT THAT YOU ONLY  
12 REALIZED THAT IT WAS THERE AFTER HAVING BEEN IN  
13 MR. LEVIN'S PRESENCE FOR A FEW TIMES.

14          Q           I AM GOING TO ASK YOU SOMETHING BRIEFLY HERE  
15 ON THE SUBJECT OF DISCUSSIONS YOU HAD WITH MR. LEVIN  
16 CONCERNING EXTRADITION.

17                   DID MR. LEVIN TELL YOU THAT IN THE RESEARCH  
18 THAT HE DID CONCERNING EXTRADITION THAT AT THE PRESENT  
19 TIME THE LAW, EXTRADITION LAW DID NOT REQUIRE THE  
20 EXTRADITION OF PERSONS FROM BRAZIL BACK TO THE UNITED  
21 STATES, AND THAT SUCH RETURN OR OBLIGATION TO RETURN  
22 FLEEING CRIMINALS WOULD TAKE PLACE IN THE FUTURE? DID HE  
23 TELL YOU THAT?

24          A           YEAH. YOU HAVE REFRESHED MY RECOLLECTION,  
25 AND I RECALL THAT WHAT HE TOLD ME WAS THAT THE STATE OF  
26 THE LAW WAS THAT THERE WAS AT THAT TIME A TREATY BETWEEN  
27 THE UNITED STATES AND BRAZIL WITH RESPECT TO EXTRADITION  
28 BUT THERE WAS A MORATORIUM WITH RESPECT TO THE

1 IMPLEMENTATION OF THE TREATY AND THAT IT WOULD BE  
2 IMPLEMENTED IN BOTH COUNTRIES ONLY AT SOME TIME IN THE  
3 FUTURE.

4 Q DID HE TELL YOU THAT IT COULD HAVE BEEN IN  
5 THE DISTANT FUTURE?

6 A THAT I DON'T RECALL.

7 Q BUT IN ANY EVENT, BUT THAT WAS NOT THEN IN  
8 OPERATION?

9 A THAT'S RIGHT.

10 Q SOMEBODY WHO COMMITTED A CRIME COULD FLEE TO  
11 BRAZIL AND NOT BE BROUGHT BACK TO THE UNITED STATES UNDER  
12 AN EXTRADITION TREATY?

13 A THAT WAS MY UNDERSTANDING OF THE  
14 RELATIONSHIPS BETWEEN THE UNITED STATES AND BRAZIL AT THAT  
15 TIME.

16 Q BASED ON WHAT MR. LEVIN TOLD YOU THAT HIS  
17 RESEARCH WAS INTO THE MATTER?

18 A THAT'S CORRECT.

19 Q AND YOU TOLD US HE TOLD YOU HE HAD STUDIED  
20 ABOUT PEOPLE WHO HAD SUCCESSFULLY GONE TO BRAZIL AFTER  
21 STEALING A LOT OF MONEY AND NOT BEING EXTRADITED; RIGHT?

22 A I BELIEVE THERE WAS ONE INSTANCE THAT HE  
23 MENTIONED TO ME THAT HAD TO DO WITH A HIGH PROFILE  
24 FUGITIVE FROM THE UNITED STATES WHO HAD GONE TO BRAZIL AND  
25 LIVED QUITE OPENLY WITHOUT BEING EXTRADITED, BUT THAT HAD  
26 BEEN, I BELIEVE, SOME YEARS BEFORE.

27 Q JUST A COUPLE OF OTHER QUICK MATTERS HERE.  
28 THE CASE THAT YOU HAD GIVEN HIM LEGAL ADVICE ABOUT WHEN --



1 WHERE YOU TOLD HIM HE WAS IN TROUBLE, YOUR UNDERSTANDING  
2 IS THAT CASE WAS STILL PENDING AGAINST MR. LEVIN ON THE  
3 DATE THAT HE DISAPPEARED; RIGHT?

4 A YES, I BELIEVE SO.

5 Q OKAY.

6 AND DID YOU ALWAYS BELIEVE EVERYTHING THAT  
7 MR. LEVIN TOLD YOU?

8 A NO.

9 Q WHY IS THAT?

10 A WELL, MR. LEVIN OFTEN SAID THINGS TO ME AND  
11 IN MY PRESENCE THAT I KNEW TO BE UNTRUE.

12 Q YOU KNEW FROM YOUR OWN PERSONAL KNOWLEDGE  
13 WERE UNTRUE?

14 A YES.

15 Q AND HE TOLD THAT YOU THE NEWS STORY HE WAS  
16 INVESTIGATING HAD TO DO WITH A THEFT OF MILLION OF DOLLARS  
17 IN LAS VEGAS; RIGHT?

18 A YES.

19 Q DID YOU EVER CHECK THAT OUT TO SEE WHETHER  
20 THAT WAS TRUE?

21 A I DID SEE A NEWSPAPER ARTICLE TO THAT EFFECT.

22 Q DID YOU EVER -- WHEN MR. LEVIN WOULD SAY SUCH  
23 THINGS AS HE WAS WORKING ON A NEW STORY HE WAS IN AN  
24 ATTORNEY OR THINGS OF THAT NATURE, THESE THINGS THAT BASED  
25 ON YOUR KNOWLEDGE OF HIM YOU WOULD NOT ACCEPT WITHOUT SOME  
26 FURTHER CORROBORATION BASED ON HIS GIVING YOU FALSE  
27 STORIES IN THE PAST --

28 MR. MC MULLEN: AT THIS POINT YOUR HONOR, I WOULD

1 OBJECT AS VAGUE.

2 THE COURT: SUSTAINED.

3 MR. CRAIN: LET ME TRY TO CONCLUDE THIS IN A  
4 DIFFERENT WAY.

5 THE COURT: GO AHEAD.

6 BY MR. CRAIN:

7 Q LET ME TRY TO CONCLUDE THIS IN A DIFFERENT  
8 WAY.

9 IS IT YOUR TESTIMONY THAT RON LEVIN WOULD  
10 TELL YOU SOMETHING, YOU WOULD TAKE IT AS FACE VALUE BASED  
11 ON YOUR EXPERIENCE WITH THE MAN; RIGHT?

12 A THAT'S CORRECT.

13 Q SO IF HE TOLD YOU THAT HE WAS WORKING ON A  
14 NEWS STORY OF SOME KIND, THAT'S THE SORT OF THING YOU  
15 WOULDN'T TAKE AS BEING TRUE JUST BECAUSE RON LEVIN TOLD  
16 YOU THAT; RIGHT?

17 A THAT'S CORRECT.

18 Q KNOWING RON LEVIN FOR ALL YOU COULD FIGURE  
19 OUT THAT WAS JUST ANOTHER ONE OF RON LEVIN'S PHONY  
20 STORIES, JUST LIKE HIS BEING A LAWYER; RIGHT?

21 A WELL, YEAH. MY EXPERIENCE WITH HIM WAS SUCH  
22 THAT I WOULD HAVE NEEDED CORROBORATION OF ANYTHING HE SAID  
23 THAT WAS THE TRUTH OR FALSITY OF WHICH WAS IMPORTANT TO  
24 ME.

25 MR. CRAIN: NOTHING FURTHER.

26 THE COURT: ANYTHING FURTHER, MR. MC MULLEN?

27 MR. MC MULLEN: JUST A FEW THINGS, YOUR HONOR.

28 THE COURT: GO AHEAD.

## RE-CROSS-EXAMINATION @

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BY MR. MC MULLEN:

Q DID YOU DISBELIEVE EVERYTHING THAT RON LEVIN SAID?

A NO.

Q YOU SAID THAT THERE WAS CERTAIN THINGS THAT HE WOULD TELL YOU THAT YOU KNEW THROUGH PERSONAL KNOWLEDGE WERE UNTRUE. DO YOU HAVE SOME EXAMPLES?

A WELL, ONE EXAMPLE WOULD BE HIS CLAIM TO BE A GRADUATE FROM HARVARD LAW SCHOOL. I LEARNED THAT THAT WAS UNTRUE. I HEARD PEOPLE ADDRESS HIM IN MY PRESENCE AS DR. LEVIN. AND TO TALK TO HIM AS IF THEY BELIEVED HIM TO BE A DOCTOR, MEDICAL DOCTOR. AND ON AT LEAST ONE OCCASION THAT HE REPLIED IN A WAY TO ENCOURAGE THAT BELIEF. THOSE ARE TWO EXAMPLES. THERE ARE MANY.

Q I UNDERSTAND.

WITH RESPECT TO THE KEY, AND THAT HE GAVE YOU SOME KIND OF EXPLANATION WHY HE WANTED THE KEY BACK, THAT BLANCHE STURKEY RETURNED A CAR THAT HE HAD BEEN RENTING AND DID NOT GET THE KEYS BACK. I UNDERSTAND THAT YOU GOT -- MY UNDERSTANDING FROM YOUR TESTIMONY IS THAT YOU GOT AN INCONSISTENT STORY FROM BLANCHE STURKEY WITH RESPECT TO THAT.

DID YOU EVER CONFRONT LEVIN WITH THAT INFORMATION?

A NO. I BELIEVE BY THE TIME I FOUND THAT OUT MR. LEVIN HAD DISAPPEARED.

1 Q SO YOU DON'T KNOW IF BLANCHE STURKEY, IF THEY  
2 COMMUNICATED WITH RESPECT TO THE KEY?

3 A AS BETWEEN THE TWO OF THEM, I BELIEVED  
4 BLANCHE STURKEY.

5 Q BUT YOU DON'T KNOW IF BLANCHE AND RON LEVIN  
6 HAD A CONVERSATION WITH RESPECT TO THE KEY OR THE MISSING  
7 KEY?

8 A NO, I DON'T.

9 Q JUST ONE ADDITIONAL INQUIRY.

10 WHAT THINGS DID RON LEVIN TELL YOU THAT YOU  
11 DID BELIEVE? DO YOU HAVE ANY EXAMPLES OF THOSE THINGS?

12 MR. CRAIN: WELL, THAT'S KIND OF A BROAD QUESTION,  
13 YOUR HONOR.

14 THE COURT: I AGREE.

15 MR. CRAIN: I AM SURE WHAT THE PROPER --

16 THE COURT: LET ME TELL YOU ON THIS RON LEVIN  
17 THING, AGAIN I READ THE TRANSCRIPT. ANYONE THAT READS THE  
18 TRANSCRIPT WILL REALIZE RON LEVIN WAS A SLICK PERSON, THAT  
19 PEOPLE THAT HAD CONTACT WITH HIM --

20 MR. CRAIN: TO SAY THE LEAST.

21 THE COURT: I AM BEING AS DIPLOMATIC AS I CAN.

22 ANYTHING FURTHER, MR. CRAIN?

23 MR. CRAIN: ONLY THAT THE WITNESS IN RESPONSE TO  
24 MR. MC MULLEN'S QUESTIONS SAID THAT HE HAD MANY OTHER  
25 EXAMPLES OF TYPES OF FABRICATIONS AND FALSEHOODS. I  
26 SUPPOSE I WOULD LEAVE THIS UP TO THE COURT AS TO WHETHER  
27 THE COURT WOULD LIKE ME TO PROCEED WITH THOSE WITH THE  
28 WITNESS.

1 THE COURT: NO.

2 MR. CRAIN: WHETHER THE COURT HAS A PICTURE --

3 THE COURT: ANYONE READING THE TRANSCRIPT OF THE  
4 SANTA MONICA TRIAL WOULD HAVE A GOOD INDICATION OR THERE  
5 IS SOME ADDITIONAL STUFF IN THE PETITION AS WELL.

6 MR. CRAIN: I WON'T ASK THOSE QUESTIONS.

7 THE COURT: MAY THE WITNESS BE EXCUSED?

8 MR. CRAIN: YES.

9 THE COURT: ANY OBJECTION?

10 MR. MC MULLEN: NO.

11 THE COURT: ALL RIGHT.

12 THANK YOU, SIR. YOU ARE EXCUSED.

13 WHO IS YOUR NEXT WITNESS.

14 MR. CRAIN: IT IS KAREN MARMOR. I NEED A FEW  
15 MINUTES TO TALK TO HER.

16 THE COURT: LET'S TALK OUR AFTERNOON RECESS. I  
17 WILL SEE YOU ALL BACK IN 15 MINUTES:

18 OH, ANOTHER POINT, MR. KLEIN. WHAT IS YOUR  
19 SITUATION VIS-A-VIS JUDGE HORAN TOMORROW?

20 MR. KLEIN: I AM SUPPOSED TO BE THERE IN THE  
21 MORNING.

22 THE COURT: WHAT TIME?

23 MR. KLEIN: I GUESS EITHER 8:30 OR 9:00.

24 THE COURT: HOW LONG IS IT SUPPOSED TO GO?

25 MR. KLEIN: I DON'T KNOW. IT COULD GO AT LEAST ALL  
26 MORNING. IT JUST DEPENDS. HE EXPECTS TO SENTENCE. I AM  
27 GOING TO OBJECT.

28 THE COURT: IS THERE GOING TO BE WITNESSES?

1 MR. KLEIN: HE HAS GOT A HEARING SCHEDULE ON  
2 WIRETAPPING CONVERSATIONS OF THE DEFENSE.

3 MR. CRAIN: I HAD TENTATIVELY SCHEDULED A WITNESS  
4 WHO WAS UNABLE TO BE HERE IN THE MORNING TO BE HERE AT  
5 1:30, AND I REALLY HADN'T ANTICIPATED ON WHAT I HEARD IN  
6 THE MATTER IN JUDGE HORAN'S COURT THAT WE WOULD BE ABLE TO  
7 HEAR ANY TESTIMONY IN THE COURT.

8 THE COURT: LET ME CALL JUDGE HORAN. I NEED TO  
9 WORK OUT THE REST OF THIS WEEK.

10 MR. MC MULLEN: YOU HAD MENTIONED IN A PRIOR ORDER  
11 THAT YOU MIGHT BE SHORTENING THE COURT DAY. I AM JUST  
12 CURIOUS.

13 THE COURT: WE WILL GO THROUGH THE END OF THE DAY.  
14 THAT'S WHAT I AM TRYING TO FIGURE OUT NOW.

15 MR. KLEIN: I NEED SOME TIME SO I CAN GET TODAY FOR  
16 TOMORROW.

17 THE COURT: I NEED TO TALK TO JUDGE HORAN TO FIGURE  
18 OUT WHAT HE HAS IN MIND.

19  
20 (RECESS.)

21  
22 THE BAILIFF: REMAIN SEATED, COME TO ORDER,  
23 DEPARTMENT 101 IS AGAIN IN SESSION.

24 THE COURT: IN THE MATTER OF IN RE JOSEPH HUNT, THE  
25 RECORD WILL REFLECT ALL COUNSEL AND PETITIONER ARE  
26 PRESENT.

27 CALL YOUR NEXT WITNESS.

28 MR. KLEIN: MAY WE TALK ABOUT SCHEDULING FIRST?

1 THE COURT: SURE.

2 MR. KLEIN: WHAT DOES THE COURT HAVE IN MIND?

3 THE COURT: I JUST TALKED TO JUDGE HORAN. HE IS OF  
4 THE MIND THAT YOUR HEARING MAY GO INTO THE AFTERNOON  
5 TOMORROW.

6 DO YOU THINK THAT'S THE CASE?

7 MR. KLEIN: NO.

8 THE COURT: YOU THINK YOU ARE GOING TO BE DONE BY  
9 NOON?

10 MR. KLEIN: I DO.

11 THE COURT: ALL RIGHT.

12 BECAUSE SHE THOUGHT IT WOULD BE POSSIBLE THAT  
13 YOU WOULD BE DOING SOME KIND OF MOTION ABOUT SOME WIRETAPS  
14 MOST OF THE MORNING AND THE SENTENCING WOULD BE INTO THE  
15 AFTERNOON. BUT YOU THINK IT WILL BE DONE BY NOON?

16 MR. KLEIN: YES.

17 THE COURT: THEN 1:30 WE WILL BE PICKING UP AGAIN.

18 MR. KLEIN: WHAT'S THE SCHEDULE ABOUT WEDNESDAY?

19 THE COURT: I AM DEBATING OF NOT GOING TO THIS  
20 MEETING ON WEDNESDAY, BUT I DON'T THINK I AM GETTING OUT  
21 OF IT. I AM WAITING FOR A FAX TO COME IN.

22 MR. KLEIN: TRUTHFULLY I THINK WE CAN PUT ON --  
23 MS. MARMOR IS HERE. WE HAVE MR. ROBINSON FOR TOMORROW  
24 AFTERNOON. MR. WERNER IS -- HE HAS GIVEN US A HARD TIME.  
25 WE CAN GET HIM TOGETHER, BUT HE IS BEING VERY DIFFICULT.  
26 AND THEN AFTER THAT WOULD BE -- NEXT WEEK WOULD BE MR.  
27 BARENS.

28 THE COURT: SO YOU COULD USE THE TIME WEDNESDAY,

1 THURSDAY, FRIDAY?

2 MR. KLEIN: YES.

3 THE COURT: ALL RIGHT.

4 LET'S START UP AGAIN AT 1:30 TOMORROW THEN,  
5 AND I WILL GIVE YOU WEDNESDAY, THURSDAY AND FRIDAY OFF, SO  
6 THAT YOU CAN DEAL WITH THESE OTHER ISSUES.

7 MR. KLEIN: NEXT WEEK YOU HAD ALREADY TOLD US NO  
8 THURSDAY AND FRIDAY. THAT WHAT IT WAS?

9 THE COURT: NO.

10 MR. MC MULLEN: I THINK.

11 THE COURT: NO, NO. FRIDAY, THE 3RD. I HAVE TO BE  
12 IN ORANGE COUNTY ON THE 3RD.

13 LET ME SEE WHAT ELSE I HAVE GOT.

14

15 (PAUSE.)

16

17 THE COURT: THERE MAY BE A COUPLE OF DAYS WE MAY  
18 NOT START RIGHT AT 9:00. WE MAY BE LITTLE BIT LATER. I  
19 HAVE A COUPLE OF THINGS COMING IN.

20 MR. KLEIN: THAT IS WHAT YOU TOLD US. IT WAS JUST  
21 NOT FRIDAY?

22 THE COURT: YEAH.

23 MR. KLEIN: YES.

24 THE COURT: I AM WAITING FOR SOMETHING TO BE FILED  
25 REGARDING THAT FRIDAY RIGHT NOW.

26 MR. KLEIN: I DO WANT TO TELL THE COURT THAT I DO  
27 HAVE TWO HEARINGS SCHEDULED ON WEDNESDAY THAT ARE OUT OF  
28 TOWN THAT I HAD SCHEDULED.



1 THE COURT: THIS COMING WEDNESDAY?

2 MR. KLEIN: NEXT WEDNESDAY.

3 THAT I HAD SCHEDULED DURING THE ALEXANDER  
4 TRIAL. THEY GOT POSTPONED, AND THEY ARE SCHEDULED AGAIN.  
5 AND THEY ARE PAROLE HEARINGS, PEOPLE WOULD GO CRAZY, BUT  
6 IT IS UP TO THE COURT.

7 THE COURT: LET ME TAKE A LOOK AT WHAT I HAVE ON  
8 WEDNESDAY. I HAVE A SIX DEFENDANT DEATH PENALTY ON THAT  
9 DAY. YOURS ARE IN THE AFTERNOON ON WEDNESDAY, MAY 1ST.

10 MR. KLEIN: I HAVE TWO HEARINGS UP AT SOLEDAD. WE  
11 CAN TAKE THAT UP NEXT WEEK.

12 THE COURT: LET ME SEE WHAT IT LOOKS LIKE.

13 MR. MC MULLEN: YOUR HONOR, AS LONG AS WE ARE  
14 TALKING ABOUT SCHEDULING AND WITNESS SCHEDULING, TO  
15 REVISIT WHAT I ASKED YOU THIS MORNING WE HAVE ASKED FOR  
16 THE COURT TO TAKE JUDICIAL NOTICE WITH RESPECT TO SOME  
17 MATTERS RELATING TO DEAN KARNY.

18 MR. KLEIN: CAN WE HAVE A CHANCE TO TALK? YOU  
19 ASKED US TO TALK ABOUT IT. WE HAVEN'T HAD A CHANCE TO  
20 TALK.

21 MR. MC MULLEN: THEY TOLD ME THEY WOULDN'T  
22 STIPULATE.

23 THE COURT: TALK. TALK.

24 MR. KLEIN: WE WILL TALK. MR. CRAIN AND I HAVEN'T  
25 EVEN HAD A CHANCE TO --

26 THE COURT: ONE OF THE REASONS I AM THINKING ABOUT  
27 GOING TO THAT MEETING ON WEDNESDAY IS TO GIVE YOU INITIAL  
28 TIME.

1 THE PETITIONER: HERE. HERE.

2 THE COURT: WHAT I WAS PLANNING, MR. HUNT CONVINCED  
3 ME. WHAT I WAS PLANNING ON DOING ON THURSDAY WAS GOING  
4 FROM 8:30 TO 1 O'CLOCK. BUT IF YOU GUYS CAN USE THE TIME,  
5 I WOULD RATHER YOU USE THE TIME.

6 MR. KLEIN: WE CAN USE THE TIME, AS YOU CAN SEE.

7 THE COURT: ALL RIGHT.

8 CALL YOUR NEXT WITNESS.

9 MR. KLEIN: WHILE HE CALLS THE WITNESS, CAN I MAKE  
10 A PHONE CALL? I WILL BE LISTENING.

11 THE COURT: YES.

12 MR. CRAIN: THIS YOUR EXHIBIT LIST?

13 MS. KATAYAMA: YES, EXHIBIT LIST.

14 MR. CRAIN: CAN I LOOK AT IT, PLEASE?

15 MS. KATAYAMA: YES.

16 MR. CRAIN: IT IS M.

17 THE CLERK: YOU WANT ME TO TAKE IT FROM THE COURT  
18 COPY?

19 THE COURT: ARE YOU TALKING ABOUT KAREN SUE MARMOR?

20 MR. CRAIN: I AM CALLING HER NEXT.

21 THE COURT: PERHAPS SHE CAN STEP FORWARD, AND WE  
22 WILL SWEAR HER IN.

23 IT IS THE PEOPLE'S M, WHICH WAS PEOPLE'S  
24 EXHIBIT 55?

25 MR. MC MULLEN: HERE IS YOUR COPY OF M, YOUR HONOR.

26 THE COURT: STAND RIGHT THERE AND RAISE YOUR RIGHT  
27 HAND.

28

1 KAREN SUE MARMOR, +  
2 CALLED AS A WITNESS BY THE PETITIONER, WAS SWORN AND  
3 TESTIFIED AS FOLLOWS:  
4

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

9 THE WITNESS: I DO.

10 THE CLERK: PLEASE HAVE A SEAT.

11 WOULD YOU STATE AND SPELL YOUR NAME FOR THE  
12 RECORD.

13 THE WITNESS: KAREN SUE MARMOR. YOU WANT ME TO  
14 SPELL THE FIRST NAME?

15 THE COURT: PLEASE.

16 THE WITNESS: K-A-R-E-N, S-U-E, M-A-R-M-O-R.

17 THE COURT: YOU MAY INQUIRE.

18 MR. CRAIN: THANK YOU  
19

20 DIRECT EXAMINATION +  
21

22 BY MR. CRAIN:

23 Q MS. MARMOR, ARE YOU MARRIED?

24 A YES, I AM.

25 Q AND COULD YOU PULL THE MICROPHONE UP AND  
26 JUST -- THAT WAY YOU CAN SIT BACK IF YOU WANT TO AND IT IS  
27 PROBABLY MORE COMFORTABLE.

28 WHAT'S YOUR HUSBAND'S NAME?

1 A LEN MARMOR.

2 Q TO YOUR KNOWLEDGE WAS HE A PROSECUTION  
3 WITNESS IN THE LOS ANGELES TRIAL OF MR. HUNT HERE?

4 A YES.

5 Q AND DID YOU KNOW A GENTLEMAN BY THE NAME  
6 OF -- I USE THE TERM LOOSELY -- RON LEVIN?

7 A YES.

8 Q AND APPROXIMATELY WHEN DID YOU MEET RON  
9 LEVIN?

10 A WHEN I WORKED FOR UNITED CALIFORNIA BANK.

11 Q WHAT WAS YOUR JOB THERE AT UNITED CALIFORNIA  
12 BANK?

13 A I WAS OPERATIONS OFFICER FILLING IN IN NEW  
14 ACCOUNTS.

15 Q AND WERE YOU IN THE BANKING BUSINESS FOR SOME  
16 PERIOD OF TIME?

17 A YES.

18 Q WAS THIS BEFORE YOU MARRIED MR. MARMOR?

19 A YES.

20 Q AND IN WHAT GENERAL AREA OF THE CITY WAS THIS  
21 PARTICULAR BANK BRANCH LOCATED?

22 A BEVERLY HILLS.

23 Q AND YOU TELL US HOW IT WAS THAT YOU CAME TO  
24 MEET MR. LEVIN IN THE BANKING BUSINESS?

25 A HE CAME IN TO OPEN UP FOUR CORPORATE ACCOUNTS  
26 WITHOUT ANY I.D..

27 Q WHAT HAPPENED THEN?

28 A WHEN I REFUSED TO OPEN THE ACCOUNTS, HE THREW

1 A HUGE FIT SCREAMING, CALLING ME NAMES, SAID HE WAS GOING  
2 TO GET ME FIRED.

3 Q INCIDENTALLY, DO YOU BEAR ANY GRUDGE OR ILL  
4 WILL THAT'S -- BECAUSE YOU HAD TO COME IN HERE AND GIVE  
5 ANY PARTICULAR TESTIMONY?

6 A NO.

7 Q WERE YOU CALLED AS A WITNESS AT MR. HUNT'S  
8 1992 TRIAL IN SAN MATEO?

9 A YES.

10 Q DID YOU GIVE TESTIMONY THERE?

11 A YES.

12 Q AND AFTER MR. LEVIN HAD THIS, DISPLAYED THIS  
13 UNCOUTH BEHAVIOR WHAT HAPPENED?

14 A I REFERRED IT TO THE MANAGER OF THE BRANCH AT  
15 THAT TIME.

16 Q AND DID YOU THEREAFTER MEET MR. LEVIN AGAIN?

17 A YES.

18 Q IN THE MEANTIME HAD YOU AND MR. MARMOR  
19 MARRIED?

20 A I HAD JUST MET MR. MARMOR SHORTLY AFTER I HAD  
21 THAT INCIDENT WITH MR. LEVIN.

22 Q OKAY.

23 SO WHEN DID YOU NEXT SEE MR. LEVIN -- STRIKE  
24 THAT.

25 WHEN DID YOU GET MARRIED TO MR. MARMOR?

26 A I MARRIED MR. MARMOR IN '78. DECEMBER THE  
27 8TH, 1978.

28 Q AND WAS THE NEXT TIME YOU SAW LEVIN AFTER YOU

1 WERE MARRIED OR BEFORE YOUR MARRIAGE? DO YOU RECALL AT  
2 THIS TIME AFTER ALL THESE YEARS?

3 A I MET MR. MARMOR IN JUNE OF '76. WE WERE  
4 MARRIED IN '78. I MET MR. LEVIN JUST RIGHT BEFORE I MET  
5 MR. MARMOR.

6 Q OKAY.

7 A THEN AFTER --

8 Q GO AHEAD.

9 A THEN AFTER I MET MY HUSBAND, MY HUSBAND NOW,  
10 MY HUSBAND SAID HE HAD SOMEBODY HE WANTED ME TO MEET. IT  
11 WAS A FRIEND OF HIS. SO HE TOOK ME OVER TO THE PLACE THAT  
12 MR. LEVIN LIVED ACROSS FROM US AND INTRODUCED ME TO THIS  
13 GUY, MR. LEVIN, AND I WAS IN SHOCK BECAUSE I COULDN'T  
14 BELIEVE THAT MY HUSBAND KNEW THIS GUY BECAUSE I KNEW THAT  
15 THIS GUY WASN'T ANY GOOD.

16 THE COURT: THAT WAS BASED ON YOUR EXPERIENCE WITH  
17 THE MAN AT THE BANK?

18 THE WITNESS: YES. WHEN WANTING TO OPEN UP  
19 ACCOUNTS.

20 BY MR. CRAIN:

21 Q WHERE WERE YOU LIVING WHEN YOU MET MR. LEVIN  
22 THE SECOND TIME?

23 A 148 SOUTH PECK.

24 Q WAS THAT IN THE CITY OF BEVERLY HILLS?

25 A YES.

26 Q IT WAS RIGHT AROUND THE CORNER FROM SAKS 5TH  
27 AVENUE?

28 A YES, IT IS.

1 Q AND HOW LONG DID YOU LIVE AT THAT LOCATION ON  
2 PECK IN BEVERLY HILLS?

3 A WE STILL HAVE THAT LOCATION. WE STILL HAVE  
4 THAT PLACE.

5 Q IS THIS A RENTAL PROPERTY THAT YOU RENT FROM  
6 SOMEBODY ELSE?

7 A YES, IT IS.

8 Q AND SO YOU STILL HAVE IT AS A TENANT, BUT IS  
9 IT CORRECT TO STATE IT IS NOT YOUR PRIMARY RESIDENCE  
10 ANYMORE?

11 A NO, IT IS NOT.

12 Q HOW LONG DID YOU LIVE THERE WHERE IT WAS YOUR  
13 MAIN RESIDENCE?

14 A TILL 1983.

15 Q AND DID YOU --

16 THE COURT: WHAT YEAR WERE YOU ACTUALLY RESIDING AT  
17 THAT PECK STREET ADDRESS?

18 THE WITNESS: UP TO ABOUT '88.

19 THE COURT: BEGINNING WHAT DATE, THOUGH.

20 THE WITNESS: WELL, I STILL USE THE PLACE LIKE WHEN  
21 I GO SHOPPING. NO MATTER WHERE WE LIVE I COME, YOU KNOW,  
22 TO GO SHOPPING. I WOULD USE THE APARTMENT TO GO IN AND  
23 OUT OF TO CHANGE CLOTHES, MAKE CALLS, MAYBE FRIENDS VISIT,  
24 BEFORE I GO TO LUNCH, THINGS LIKE THAT.

25 THE COURT: WHAT YEARS WERE YOU ACTUALLY LIVING  
26 THERE. YOU SAID YOU LEFT IN '83. WHEN DID YOU ACTUALLY  
27 MOVE IN?

28 THE WITNESS: MOVE INTO --

1 THE COURT: PECK DRIVE.

2 THE WITNESS: -- PECK DRIVE?

3 THE COURT: YES.

4 THE WITNESS: 1976.

5 THE COURT: ALL RIGHT.

6 BY MR. CRAIN:

7 Q AND SO IN '83 YOU MOVED SOMEWHERE ELSE;  
8 RIGHT?

9 A (NO AUDIBLE RESPONSE.)

10 Q YOU HAVE TO ANSWER OUT LOUD.

11 A I AM SORRY.

12 Q SO THE REPORTER CAN GET IT ALL DOWN.

13 A I AM SORRY. I AM A LITTLE NERVOUS.

14 IN 1983 I WAS PREGNANT FOR THE SECOND TIME,  
15 SO WE HAD TO GET A BIGGER PLACE.

16 Q SO YOU MOVED TO A HOUSE SOMEWHERE?

17 A YES.

18 Q OKAY.

19 BUT YOU CONTINUED TO MAINTAIN THE PECK STREET  
20 LOCATION AS A PLACE YOU WERE RENTING; RIGHT?

21 A YES.

22 Q AND HAVE CONTINUED TO DO SO SINCE 1983; IS  
23 THAT RIGHT?

24 A SINCE 1976.

25 Q BUT AFTER YOU MOVED OUT IN '83 YOU CONTINUED  
26 TO MAINTAIN IT?

27 A YES.

28 Q AND YOU USE IT FROM TIME TO TIME?



1           A       YES.  IF FAMILY COMES THEY STAY THERE.  WE  
2 USE IT, FRIENDS USE IT.

3           Q       OKAY.

4                    SO IN 1984 WERE YOU GOING BACK TO THE PECK  
5 STREET ADDRESS AND STAYING THERE FROM TIME TO TIME?

6           A       YES.

7           Q       OKAY.

8                    NOW, DID YOU EVER DURING THE TIME THAT YOU --

9           A       CAN I INTERJECT SOMETHING, PLEASE?

10          Q       IF YOU LIKE, PLEASE.

11          A       WE GOT A HOME UP ON MULHOLLAND.  OUR OLDEST  
12 SON WENT TO A SCHOOL ON COLDWATER, WHICH IS DOWN AT THE  
13 BOTTOM OF THE HILL.  I DIDN'T LIKE TO MAKE THAT TREK UP  
14 AND DOWN THE HILL.  WHAT I WOULD DO IS DROP OUR OLDEST SON  
15 OFF AT PRESCHOOL, I WOULD GO ON OVER TO THE APARTMENT  
16 UNTIL 1:30 WHEN THE SCHOOL WAS FINISHED.

17          Q       AND GO PICK UP YOUR SON?

18          A       PICK UP MY SON UP AND GO BACK UP THE HILL.

19          Q       AND DURING THE TIME THAT BOTH -- THAT YOU  
20 WERE LIVING ON PECK STREET AND AFTER YOU MOVED OUT, DURING  
21 THE FIRST PART OF 1984, DID YOU GET TO KNOW RON LEVIN?

22          A       YES.

23          Q       AND DID HE EVER COME OVER TO YOUR RESIDENCE?

24          A       ALL THE TIME.

25          Q       AND DID YOU EVER VISIT HIS RESIDENCE?

26          A       YES.

27          Q       WAS HE LIKE A NEXT DOOR NEIGHBOR KIND OF?

28          A       YES.

1 Q AND WOULD YOU BE ABLE TO IDENTIFY RON LEVIN  
2 IF YOU SAW A PICTURE OF HIM OR NOT?

3 A YES.

4 Q WHAT DID HE LOOK LIKE? CAN YOU DESCRIBE HIM?  
5 THE COURT: EXHIBIT 1 IS UP BEFORE THE WITNESS.

6 BY MR. CRAIN:

7 Q WELL, IF THE WITNESS IS NOW LOOKING AT -- DO  
8 YOU RECOGNIZE THE MAN IN PHOTOGRAPH?

9 A YES.

10 Q WHO IS THAT?

11 A THAT'S RON LEVIN.

12 Q IS THAT THE RON LEVIN YOU KNEW IN BEVERLY  
13 HILLS?

14 A YES, IT IS.

15 Q WHAT DID THIS MAN LOOK LIKE JUST IN TERMS OF  
16 PHYSICAL APPEARANCE?

17 A TALL, LEAN, WILLOW LIKE. THE WAY HE WALKED,  
18 ALWAYS CLEAN, METICULOUS IN THE WAY HE LOOKED AND DRESSED.  
19 HAD -- HE HAD BEAUTIFUL SILVER HAIR, BEARD.

20 Q DID HE WEAR EXPENSIVE CLOTHES?

21 A VERY. VERY.

22 Q DID HE --

23 A HE WOULD ONLY HAVE THE BEST. AND HE WOULD  
24 TELL YOU ONLY THE BEST. IF IT WASN'T THE BEST, IT WASN'T  
25 FOR HIM.

26 Q DID HE SEEM LIKE AN INTELLIGENT PERSON?

27 A VERY.

28 Q SOPHISTICATED?

1           A       VERY.

2           MR. KLEIN:   PERHAPS THE COURT ISN'T INTERESTED IN  
3 HEARING MORE IN THIS AREA BUT --

4           THE COURT:   I HAVE A FAIR IDEA.

5 BY MR. CRAIN:

6           Q       WAS HE GENERALLY AN HONEST PERSON OR NOT?

7           MR. MC MULLEN:   OBJECTION.   IRRELEVANT.

8           THE COURT:   SUSTAINED.

9           MR. CRAIN:   ALL RIGHT.

10                    I THINK THE COURT HAS A GOOD FRAME.

11 BY MR. CRAIN:

12           Q       NOW, DID HE HAVE A DOG?

13           A       YES, HE DID.

14           Q       AND DID YOU EVER SEE HIM MISTREAT THE DOG?

15           MR. MC MULLEN:   OBJECTION.   IRRELEVANT.

16           THE COURT:   WHAT'S THE RELEVANCE?

17           MR. CRAIN:   I AM DRAWING A MENTAL BLANK.   I HAVE --  
18 PARDON ME ONE MINUTE.

19           MR. KLEIN:   THIS WOULD BE ONE EXAMPLE, YOUR HONOR,  
20 OF OTHER IMPEACHMENT EVIDENCE UNDER 1-A OF THE O.S.C.

21           MR. CRAIN:   NO.   IT IS FOUNDATIONAL, YOUR HONOR.   I  
22 AM SORRY.   IT RELATES TO THE TO-DO, THE SEVEN-PAGE LIST,  
23 THE SIGNIFICANCE OF THE SEVEN-PAGE LIST.   THE QUESTIONS  
24 THAT WERE ASKED ABOUT THE SEVEN-PAGE LIST.

25                    I GUESS MOST OF ALL OF US SUFFER FROM THIS  
26 FROM TIME TO TIME.

27           THE COURT:   YOU ARE TALKING ABOUT THE REFERENCE ON  
28 THE SEVEN-PAGE LIST ABOUT "KILL THE DOG"?

1 MR. CRAIN: YES, YOUR HONOR. THERE WILL BE SOME  
2 FURTHER QUESTIONING ABOUT LEVIN'S COMMENTS TO HER ABOUT  
3 THE LIST AND DOG SO. I WILL TIE IT ALTOGETHER. I THINK  
4 THE COURT WILL SEE.

5 MR. MC MULLEN: THE ONLY POINT I WOULD LIKE TO MAKE  
6 IS THAT YOUR HONOR EXCLUDED THAT PARTICULAR ISSUE ON THE  
7 MARCH 29TH HEARING.

8 MR. CRAIN: DOESN'T GO TO THAT ISSUE SPECIFICALLY.

9 THE COURT: HOLD ON. HOLD ON. LET HIM FINISH.

10 MR. CRAIN: I AM SORRY.

11 MR. MC MULLEN: THAT'S ALL RIGHT, MR. CRAIN.

12 THAT'S ABOUT AS FAR AS I WAS GOING TO SAY.  
13 YOUR HONOR SAID THAT YOU DIDN'T WANT TO TALK ANY EVIDENCE  
14 WITH RESPECT TO KICKING THE DOG AND --

15 THE COURT: YES. IF IT GOES TO THAT ISSUE, I AM  
16 NOT GOING TO ALLOW IT. I WILL ALLOW SOME LIMITED INQUIRY  
17 SUBJECT TO A MOTION TO STRIKE.

18 MR. CRAIN: THANK YOU.

19 THE COURT: IF IT GOES TO SOMETHING ABOUT HER  
20 KNOWLEDGE CONCERNING THE LIST.

21 MR. CRAIN: OKAY.

22 I THINK WE WILL TIE IT UP SHORTLY.

23 BY MR. CRAIN:

24 Q SO YOU SAY HE HAD A DOG; RIGHT?

25 A YES.

26 Q DID YOU EVER SEE HIM MISTREAT THE DOG?

27 A YES, I HAVE.

28 Q IN WHAT WAY?

1           A           HE WOULD KICK IT. SCREAM AT IT. SMACK IT.  
2 ALL BECAUSE OF THE DOG URINATED ON THE FLOOR. THE DOG WAS  
3 VERY SKITTISH.

4           Q           HOW OFTEN WOULD YOU SAY DURING THE PERIOD OF  
5 TIME THAT YOU LIVED THERE ON PECK -- STRIKE THAT.

6                       DID MR. LEVIN LIVE THERE THE WHOLE PERIOD OF  
7 TIME?

8           A           YES.

9           Q           SO HE WAS ALREADY THERE WHEN YOU MOVED IN?

10          A           YES.

11          Q           HOW OFTEN WOULD YOU COME IN CONTACT WITH HIM  
12 DURING THAT PERIOD OF TIME, JUST GENERALLY SPEAKING?

13          A           ANYWHERE FROM -- TO TWO TO THREE TIMES A  
14 WEEK. MAYBE MORE ON SOME WEEKS.

15          Q           OKAY.

16          A           HE WOULD COME OVER THERE.

17          Q           OKAY.

18                       NOW, WERE YOU PERSONALLY ACQUAINTED WITH  
19 MR. HUNT HERE APART FROM HAVING APPEARED AS A WITNESS IN  
20 HIS 1992 TRIAL?

21          A           BEFORE THE TRIAL I NEVER KNEW THIS MAN.

22          Q           SO DID YOU MEET HIM UP THERE AT THE  
23 COURTHOUSE SHORTLY BEFORE YOU TESTIFIED UP THERE?

24          A           FIRST TIME I EVER MET HIM WAS WHEN I WAS  
25 COMING UP TO TESTIFY.

26                       THE COURT: "COMING UP TO TESTIFY," YOU MEAN TO SAN  
27 MATEO?

28                       THE WITNESS: I WAS SITTING IN THE COURTROOM,

1 THAT'S FIRST TIME I EVER MET HIM.

2 THE COURT: OKAY.

3 THE WITNESS: WHEN I WAS COMING UP ON THE STAND AND  
4 TAKING --

5 THE COURT: ARE YOU TALKING ABOUT THE SAN MATEO  
6 HEARING?

7 THE WITNESS: YES.

8 BY MR. CRAIN:

9 Q YOU DON'T HAVE ANY CONNECTION TO MR. HUNT  
10 HERE AT ALL?

11 A NO.

12 Q OKAY.

13 GOING BACK TO YOUR CONVERSATION, WAS  
14 MR. LEVIN -- DID MR. LEVIN EVER DISCUSS -- YOU SAID HE HAD  
15 A BEARD; RIGHT?

16 A UH-HUH. YES.

17 THE COURT: IS THAT "YES"?

18 THE WITNESS: YES.

19 BY MR. CRAIN:

20 Q DID HE EVER DISCUSS WITH YOU DOING ANYTHING  
21 WITH THAT BEARD?

22 A YES.

23 Q WHAT WAS THAT?

24 MR. MC MULLEN: OBJECTION. IRRELEVANT.

25 THE COURT: WHAT'S THE RELEVANCE?

26 MR. CRAIN: FOUNDATIONAL TO HER KNOWLEDGE ABOUT THE  
27 DISCUSSION, ABOUT THE SEVEN-PAGE LIST IN CONTEXT.

28 THE COURT: I DON'T SEE --

1 MR. CRAIN: I KNOW THE PEOPLE DON'T WANT THIS COURT  
2 TO HEAR THIS.

3 THE COURT: IT IS NOT REALLY RELEVANT TO ANY ISSUE.

4 MR. CRAIN: IT GOES TO THE ISSUE IN 1-A AS TO  
5 WHETHER THE MAN IS ALIVE OR NOT.

6 MR. KLEIN: YOUR HONOR, ALSO, AS I SAID BEFORE,  
7 UNDER 1-A IT SAYS "AND OTHER IMPEACHMENT EVIDENCE," AND I  
8 ALSO ARGUED IN OUR BRIEF THAT WE ARE ENTITLED TO PUT ON  
9 OTHER EVIDENCE ONCE WE MAKE A PRELIMINARY HEARING SHOWING  
10 UNDER IN RE HALL TO ATTACK OTHER ASPECTS OF THE  
11 PROSECUTION'S CASE. THIS WOULD ALSO BE RELEVANT  
12 UNDERSTAND THAT THEORY.

13 THE COURT: I UNDERSTAND.

14 I WILL SUSTAIN THE OBJECTION.

15 MR. MC MULLEN: THANK YOU

16 BY MR. CRAIN:

17 Q NOW, YOU SAID HE HAD EXPENSIVE APPEARING  
18 CLOTHES; IS THAT RIGHT?

19 A YES.

20 Q WAS THERE EVER A TIME WHEN HE --

21 MR. CRAIN: BY THE WAY, I KNOW THE COURT IS ALSO  
22 INTERESTED IN EXPEDITING MATTERS. I WILL TELL THE COURT  
23 THERE AREN'T LOADS OF QUESTIONS ON THESE AREAS. THERE IS  
24 JUST A COUPLE OF EACH ONE. SO WE ARE NOT --

25 THE COURT: WHEN YOU SLOW --

26 MR. CRAIN: THE COURT DOESN'T HAVE TO FEAR BEING  
27 HERE ON MARGINAL AREAS, WHICH I DON'T THINK THEY ARE.

28 THE COURT: WHEN YOU SLOW DOWN I WILL LET, YOU

1 KNOW.

2 MR. CRAIN: OKAY.

3 BY MR. CRAIN:

4 Q WAS THERE EVER A TIME WHEN THERE WAS SOME  
5 DISCUSSION WITH MR. LEVIN REGARDING A CHANGE OF CLOTHING?

6 A YES. ONE DAY I WAS GOING SHOPPING. HE CAME  
7 OUT AND OFFERED ME TO COME INTO THE APARTMENT. HE WANTED  
8 TO SHOW ME SOMETHING. WHEN I CAME IN, HE ASKED ME TO  
9 FOLLOW HIM BACK TO THE BEDROOM. AND BACK IN BEDROOM HE  
10 HAD ALL THESE CLOTHES LAYING OUT ON THE BED, A BOX OF  
11 SHOES, STACKS ALL ALONG ONE SIDE OF THE WALL. AND HE  
12 ASKED ME WHAT -- THEN HE TOOK ME TO THE CLOSET, SHOWED ME  
13 WHAT WAS HANGING ON THE RACK. HE ASKED ME WHAT I THOUGHT.

14 AND I SAID, "WELL, I DON'T UNDERSTAND BECAUSE  
15 THE CLOTHES THAT WERE ON THE BED AND THE CLOTHES THAT WERE  
16 IN THE CLOSETS WERE COMPLETELY DIFFERENT THAN THE RON  
17 LEVIN, HOW HE DRESSED AND WHAT HE WORE.

18 WHILE HE WAS SHOWING ME THE CLOTHES IN THE  
19 CLOSET, HE ASKED ME ABOUT WHAT I THOUGHT ABOUT HIM CUTTING  
20 HIS BEARD AND OF DYING HIS HAIR.

21 MR. MC MULLEN: I WOULD OBJECT AGAIN THIS WHOLE  
22 ANSWER IS IRRELEVANT. I MOVE TO STRIKE IT.

23 THE COURT: I WILL SEE WHERE IT IS GOING. I ASSUME  
24 THIS IS GOING TO THE ISSUE OF POTENTIAL PLANS MR. LEVIN  
25 HAD TO FLEE.

26 MR. CRAIN: YES, YOUR HONOR.

27 MR. MC MULLEN: I WOULD ALSO OBJECT. VAGUE AS TO  
28 TIME.



1 THE COURT: LAY A FOUNDATION.

2 YOU MAY PROCEED.

3 BY MR. CRAIN:

4 Q DID YOU AT SOME POINT HEAR THAT MR. LEVIN HAD  
5 DISAPPEARED?

6 MR. MC MULLEN: OBJECTION. VAGUE AS TO TIME.

7 MR. CRAIN: I WILL -- I AM TRYING TO LAY A  
8 FOUNDATION IF COUNSEL WOULD JUST --

9 THE COURT: SUSTAINED.

10 WHAT I WANT YOU TO DO IS GO BACK A LITTLE  
11 BIT. YOU INTRODUCED A COMMENT ABOUT SEEING SOME CLOTHING  
12 IN A BEDROOM.

13 MR. CRAIN: RIGHT.

14 THE COURT: IF YOU GO BACK TO THAT, LAY A  
15 FOUNDATION FOR THAT.

16 MR. CRAIN: OKAY.

17 BY MR. CRAIN:

18 Q CAN YOU TELL US WHEN THAT WAS?

19 A IT WAS RIGHT AROUND THE TIME HE WAS PLANNING  
20 HIS TRIP FOR NEW YORK.

21 Q YOU SAY HE WAS PLANNING A TRIP TO NEW YORK.  
22 DID HE EVER TELL YOU HE WAS GOING TO NEW YORK, PLANNING A  
23 TRIP TO NEW YORK?

24 A YES, HE DID.

25 Q AND WHERE DID THAT CONVERSATION TAKE PLACE?

26 A IN HIS APARTMENT.

27 Q AND WHAT TIME OF DAY WAS THAT, IF YOU CAN  
28 RECALL AFTER ALL THIS TIME?

1 A EARLY AFTERNOON.

2 Q IN THE EARLY AFTERNOON IN HIS APARTMENT;  
3 RIGHT?

4 A YES.

5 Q WAS THERE ANYTHING ELSE?

6 A IT WAS -- IT WAS A MATTER OF THE CLOTHES, A  
7 COUPLE OF WEEKS BEFORE HIS DISAPPEARANCE. HIS  
8 SUPPOSEDLY --

9 THE COURT: SPRING OR EARLY SUMMER 1984?

10 THE WITNESS: YES.

11 THE COURT: THAT'S WHAT I NEED TO KNOW.

12 GOOD.

13 BY MR. CRAIN:

14 Q DO YOU HAVE A CHILD THAT WAS BORN IN 1983?

15 A YES, I DID.

16 Q AND THE CHILD THEN, I GATHER, TURNED ONE YEAR  
17 OLD IN 1984?

18 A YES.

19 Q WHAT WAS THE BIRTHDAY OF YOUR CHILD, FIRST  
20 BIRTHDAY, 1984?

21 A MARCH THE 31ST.

22 Q DOES THE BIRTHDAY OF YOUR CHILD IN ANY WAY  
23 HELP YOU TO PUT THESE EVENTS IN SOME SORT OF CONTEXT WITH  
24 REGARD TO WHEN THEY OCCURRED?

25 A YES.

26 Q AND DID YOU HEAR FROM ANYONE THAT LEVIN HAD  
27 DISAPPEARED? CAN YOU TELL US WHEN EXACTLY YOU HEARD THAT?

28 A I THINK IT WAS JUNE, FIRST PART OF JUNE. I

1 THINK THE POLICE OR SOMEBODY CALLED MY HUSBAND, SOMETHING  
2 ABOUT RON DISAPPEARING. IN MY MIND I NEVER SEE RON BEING  
3 DEAD.

4 Q JUST A MINUTE. LET ME JUST ASK YOU THE  
5 QUESTIONS; OKAY?

6 I DIDN'T MEAN TO CUT YOU OFF. WERE YOU  
7 ANSWERING MY QUESTION OR -- WELL, LET ME GO.

8 THE COURT: LET ME CUT -- YOU SAID FIRST PART OF  
9 JUNE, 1984?

10 THE WITNESS: YES.

11 THE COURT: OKAY.

12 BY MR. CRAIN:

13 Q OKAY.

14 SO WERE YOU PRESENT WHEN THE POLICE NOTIFIED  
15 YOUR HUSBAND ABOUT THE DISAPPEARANCE?

16 A NO.

17 Q DID YOUR HUSBAND TELL YOU THAT LEVIN HAD  
18 DISAPPEARED?

19 A YES.

20 Q AND SO IT WAS WHEN THAT IT WAS -- STRIKE  
21 THAT.

22 WHEN WAS IT RELATIVE TO THAT TIME PERIOD THAT  
23 YOU HAD THIS DISCUSSION WITH LEVIN ABOUT THE CLOTHES AND  
24 THE HAIR DYE AND SO FORTH?

25 A MAY.

26 Q SOMETIME IN MAY YOU WOULD SAY?

27 A UH-HUH. I WOULD SAY ANYWHERE FROM TWO TO  
28 THREE DAYS PRIOR TO WHENEVER THE POLICE HAD CALLED MY

1 HUSBAND.

2 Q NOW, AFTER THAT DID YOU GO OVER TO LEVIN'S  
3 HOUSE AT SOME TIME AGAIN AND HAVE ANY FURTHER DISCUSSIONS  
4 WITH HIM ABOUT ANY PLANS THAT HE HAD?

5 A ONE DAY HE CALLED ME OVER. HE WAS REAL  
6 AGITATED, TENSE, SEEMED TO BE UPSET ABOUT SOMETHING. TOLD  
7 ME THAT HE WASN'T GOING BACK TO JAIL, AND HE WAS VERY  
8 ADAMANT ABOUT IT. HE TOLD ME, "YOU HAVE NO IDEA WHAT THEY  
9 DO TO YOU IN THERE."

10 Q HE CALLED YOU OVER IN WHAT WAY, ON THE PHONE  
11 OR DID HE SIGNAL TO YOU?

12 A HIS OFFICE AND HIS BEDROOM FACES OUR LIVING  
13 ROOM AND OUR BEDROOM. AND IT IS JUST -- YOU COULD HEAR  
14 HIM SCREAM, AND HE SAW ME COME OUT THE DOOR. I WAS GOING  
15 TO HAVE LUNCH WITH SOMEONE, HE SAW ME COME OUT THE DOOR,  
16 AND HE SCREAMED "KAREN, COME OVER HERE. COME HERE."

17 Q FROM HIS WINDOW OR HIS DOOR?

18 A FROM HIS DOOR.

19 Q DID YOU GO OVER?

20 A YES.

21 Q AND DID YOU GO INSIDE?

22 A YES.

23 Q AND --

24 THE COURT: CAN WE GET A TIME.

25 MR. CRAIN: OF DAY?

26 THE COURT: DATE. AND ROUGHLY WHEN WAS THIS.

27 BY MR. CRAIN:

28 Q WHEN WAS THIS?

1 A TOWARDS THE END OF MAY.

2 Q OF '84?

3 A OF '84.

4 Q AND WHAT DID HE TELL YOU AT THAT TIME?

5 A WELL, HE WAS VERY UPSET. HE WAS SCREAMING  
6 AND SAYING, "I AM NOT GOING BACK TO JAIL. I AM NOT GOING  
7 BACK TO JAIL. YOU DON'T KNOW WHAT THEY DID."

8 WHEN HE GETS UPSETS HE TALKS REAL FAST. HE  
9 IS LIKE WALKING WITH HIS BACK TO YOU, HIS HANDS ARE  
10 MOVING, AND HE SAID FOR ME TO FOLLOW HIM. SO I FOLLOWED  
11 HIM. WELL, THE PHONE RANG AS HE WAS SAYING ALL THESE  
12 THINGS.

13 Q JUST A MINUTE.

14 SO HE APPEARED TO BE AGITATED?

15 A VERY AGITATED. VERY UPSET.

16 Q HE SAID, "YOU HAVE NO IDEA THE THINGS THEY DO  
17 IN JAIL." DID HE TELL YOU ABOUT ANYTHING OF THOSE THINGS?

18 A NO. HE JUST SAID IT IS HORRIBLE.

19 Q SO YOU FOLLOWED HIM IN; IS THAT RIGHT?

20 A UH-HUH.

21 THE COURT: IS THAT "YES"?

22 THE WITNESS: YES. I AM SORRY.

23 BY MR. CRAIN:

24 Q OVER THESE YEARS HAD YOU HAD CONVERSATIONS  
25 WITH HIM ON A VARIETY OF SUBJECTS WHERE HE WOULD TELL YOU  
26 ABOUT DIFFERENT THINGS IN HIS LIFE?

27 A NOT REALLY. NOT REALLY. HE IS NOT REALLY --  
28 HE DID WITH MY HUSBAND, BUT BASICALLY I JUST PUSHED THOSE

1 THINGS IN ONE EAR AND OUT THE OTHER WITH RON. BUT THAT  
2 TIME HE WAS REALLY -- NORMALLY RON MAKES LIGHT OF WHAT HE  
3 SAID. HE WILL SAY SOMETHING, AND HE WILL TAKE IT BACK.  
4 HE LIKES YOU WONDERING WHICH IS IT. BUT THIS TIME HE  
5 WASN'T DOING THAT. THAT'S WHY I KNEW THAT HE WAS SERIOUS  
6 BECAUSE HE WAS REALLY, REALLY UPSET, AND HE WASN'T TRYING  
7 TO HIDE IT OR COULDN'T HIDE IT.

8 Q WHY DID YOU GO IN AND LISTEN TO WHAT HE HAD  
9 TO SAY?

10 A WELL, BECAUSE IT SHOCKED ME BECAUSE IT IS A  
11 SIDE OF HIM I HAD NEVER SEEN BEFORE. HE WAS QUITE UPSET.  
12 AND WHY DID I GO IN? I DON'T KNOW. I WOULD HAVE TO THINK  
13 ABOUT THAT.

14 Q IN ANY EVENT, YOU DID AND THE PHONE RANG;  
15 RIGHT?

16 A YES.

17 Q THE PHONE RANG.  
18 WHO ANSWERED THE PHONE?

19 A HE DID.

20 Q AND WHERE WAS THE PHONE LOCATED?

21 A LIKE IF HIS DESK WAS HERE AND I WAS HERE,  
22 THERE WAS A LONG TABLE RIGHT BEHIND THE CAR THAT HAD  
23 MACHINES ON IT AND THE PHONE.

24 Q AND WAS HE SEATED AT HIS DESK WHILE HE IS  
25 TALKING ON THE PHONE?

26 A PICKED UP THE PHONE, SAT DOWN IN A SWIVEL  
27 CHAIR, AND -- YES, HE WAS SEATED IN HIS CHAIR.

28 Q AND DID HE -- DID YOU OVERHEAR ANYTHING THAT

1 WAS BEING SAID ON THE PHONE?

2 A YES. HE WAS TALKING TO SOMEBODY ABOUT  
3 TRANSFERRING MONEY. AND IT WASN'T -- I THINK IT WAS AN  
4 OVERSEAS CALL, OUT OF THE COUNTRY CALL, BECAUSE HE WAS  
5 TALKING ABOUT, I DON'T KNOW, STOCKS, MONEY, BANK ACCOUNTS.  
6 HE WAS TALKING ABOUT ALL THAT, TRANSFERRING MONEY, FUNDS.

7 Q WHAT WERE YOU DOING WHILE HE WAS TALKING ON  
8 THE PHONE?

9 A LOOKING AROUND THE ROOM AND THEN LOOKING ON  
10 HIS DESK.

11 Q AND WAS THERE ANYTHING ON HIS DESK?

12 A YES.

13 Q AND WHAT DID HE HAVE ON HIS DESK?

14 A WELL, HE HAD -- ON ONE SIDE OF HIS DESK HE  
15 HAD WHAT LOOKED LIKE SOME KIND OF LEGAL PAD, A YELLOW PAD,  
16 AND THEN ON THE OTHER SIDE OF THE DESK TO MY RIGHT WAS  
17 WHAT LOOKED LIKE A MOVIE SCRIPT.

18 Q AND CAN -- DID YOU LOOK AT ANY OF THESE ITEMS  
19 ON THE TWO SIDES OF THE DESK OR EITHER OF THEM?

20 A YES. FIRST I PICKED UP THE YELLOW THING ON  
21 THIS SIDE BECAUSE AT THE TOP OF IT IT HAD "TO-DO" ON IT.  
22 AND I FOUND IT INTERESTING BECAUSE I THOUGHT ONLY WOMAN  
23 DID TO-DO LISTS. SO I PICKED IT UP.

24 Q DID YOU HAVE A CHANCE TO LOOK AT ANYTHING OF  
25 IT?

26 A NOT FOR VERY LONG. WHEN HE ROLLED AROUND, HE  
27 YANKED IT OUT OF MY HANDS.

28 Q DID HE SAY ANYTHING WHEN HE DID THAT?

1           A       YES. HE PROBABLY SAID SOMETHING LIKE, "DON'T  
2 BE SO NOSY.

3           THE COURT: NOT WHAT HE PROBABLY SAID, WHAT DID HE  
4 SAY?

5           THE WITNESS: SOMETHING, I THINK ABOUT BEING NOSY.  
6 BY MR. CRAIN:

7           Q       YOU CAN'T TELL US THE EXACT WORDS, BUT IT HAD  
8 TO DO WITH THAT SUBJECT?

9           A       IT IS SO LONG AGO.

10          Q       I KNOW.

11                    BUT IS IT CORRECT YOU DON'T REMEMBER THE  
12 EXACT WORDS, BUT HE PULLED IT AWAY FROM YOU?

13          A       I DON'T KNOW THE EXACT WORDS, BUT HE PULLED  
14 IT WAY FROM ME.

15          Q       DID YOU GET THE FEELING IT WAS SOMETHING HE  
16 DIDN'T WANT YOU TO SEE?

17          A       CORRECT.

18          Q       DID YOU SEE ANYTHING ON IT OTHER THAN IT SAID  
19 "TO-DO"?

20          A       I SAW SOMETHING ON IT "KILL DOG" OR "KILL THE  
21 DOG," SOMETHING LIKE THAT, AND SOMETHING TO DO WITH HANDS  
22 OR HANDCUFFS.

23          Q       OKAY.

24                    DID YOU SEE ANYTHING ELSE THAT YOU REMEMBER  
25 OR NOT?

26          A       THAT I CAN REMEMBER AT THIS TIME?

27          Q       DID YOU DISCUSS THE WORDS "KILL DOG" WITH  
28 LEVIN, ASK HIM WHAT THAT MEANT AT ANY TIME DURING THIS



1 INCIDENT?

2 A WELL, HE WAS STILL ON THE PHONE WHEN HE  
3 YANKED IT OUT OF MY HANDS, SO I JUST WENT OVER HERE ON THE  
4 OTHER SIDE, PICKED UP WHAT WAS LAYING ON THIS SIDE AND  
5 STARTED --

6 Q WHAT WAS THAT?

7 A THE MOVIE SCRIPT.

8 Q WHY DO YOU SAY IT WAS A MOVIE SCRIPT?

9 A BECAUSE IT WAS WRITTEN LIKE ONE, TYPEWRITTEN.

10 Q IT WAS TYPEWRITTEN?

11 A YES.

12 Q DID YOU GET A CHANCE TO SEE ANY OF THE  
13 CONTENTS OF THAT?

14 A YES, I DID.

15 Q WHAT DID IT SAY OR SHOW?

16 A IT CONTAINED A STORY ABOUT SOMEBODY GOING TO  
17 NEW YORK, DISAPPEARING, VIDEO STOLEN, VIDEO EQUIPMENT AND  
18 SOMETHING TO DO WITH A MAN NAMED EDWARD. AND SOMETHING TO  
19 DO WITH A FEMALE NAMED SHERRY. AND THE REASON IT STOOD  
20 OUT IN MY MIND IS MY HUSBAND'S MIDDLE NAME IS EDWARD, HIS  
21 FIRST WIFE WAS SHERRY, AND RON WAS GOING TO NEW YORK ON A  
22 TRIP.

23 Q DID YOU READ THIS THING WORD FOR WORD OR JUST  
24 KIND OF AT A GLANCE?

25 A NO. I WAS GLANCING THROUGH IT BECAUSE AT  
26 THAT TIME THAT I WAS GLANCING AT IT HE GOT OFF THE PHONE  
27 AND HE PULLED THAT OUT OF MY HAND.

28 Q DID HE HAVE ANY FURTHER DISCUSSION WITH YOU

1 ABOUT WHAT THIS "KILL DOG" MEANT OR ANY OF THESE OTHER  
2 THINGS? DID YOU ASK HIM, "WHAT DOES THIS MEAN RON, 'KILL  
3 DOG' "?

4 A I ASKED HIM -- FIRST, THIS WAS OVER HERE, THE  
5 YELLOW PAPER WITH THAT ON THERE, AND HE SAID IT PERTAINS  
6 TO THE MOVIE SCRIPT HE WAS WORKING ON.

7 AND I SAID, "WELL, WHY KILL THE DOG?"

8 AND HE SAID, "BECAUSE THE DOG IS NEUROTIC."

9 AND I ASKED HIM --

10 Q DID YOU KNOW WHETHER HE WAS TALKING ABOUT HIS  
11 DOG OR DOG IN THE MOVIE? DID HE EVER MAKE THAT CLEAR, OR  
12 WHAT?

13 A HE DIDN'T MAKE IT CLEAR. THE ONLY THING HE  
14 SAID TO ME, SOMETIME IN THE CONVERSATION DOWN THE ROAD I  
15 SAID, "WHY DO I FEEL THAT MOVIE SCRIPT PERTAINS TO YOU AND  
16 NOT JUST A MOVIE SCRIPT YOU ARE WRITING?"

17 AND HE SAID, "MAYBE I JUST WON'T COME BACK."

18 I SAID, "WHAT?"

19 HE SAID, "MAYBE I JUST WON'T COME BACK."

20 Q DID HE SEEM AS AGITATED DURING THIS WHOLE  
21 EPISODE AS HE DID AT THE BEGINNING WHEN HE ASKED YOU TO  
22 COME IN?

23 A HE WAS A LITTLE BIT CALMER, BUT THERE WAS  
24 SOMETHING BOTHERING HIM. HE SAID, "YOU HAVE NO IDEA. I  
25 AM NOT GOING BACK TO JAIL, KAREN. I AM NOT GOING BACK."  
26 HE WAS ADAMANT.

27 Q AND DID YOU THEN GO ON ABOUT YOUR BUSINESS,  
28 OR DID YOU STAY THERE LONGER, OR DID ANYTHING ELSE HAPPEN?

1           A       WE MIGHT HAVE HAD A LITTLE BIT MORE  
2 CONVERSATION, THEN I LEFT.

3           Q       DID YOU EVER SEE LEVIN AGAIN AFTER THAT?

4           A       NO.

5           THE COURT: I AM SORRY. I DIDN'T HEAR YOU.

6           THE WITNESS: NO.

7 BY MR. CRAIN:

8           Q       AFTER THAT YOU LEARNED FROM YOUR HUSBAND THAT  
9 THE POLICE WERE INVESTIGATING HIS DISAPPEARANCE?

10          A       YES.

11          Q       AND THE POLICE HAD BEEN OVER THERE LOOKING  
12 AROUND HIS PLACE?

13          A       I DON'T KNOW IF MY HUSBAND TOLD ME THAT, THAT  
14 THE POLICE SAID HE DISAPPEARED.

15          Q       NOW, LET ME --

16          MR. CRAIN: YOUR HONOR, I HAVE HERE WHAT I THINK  
17 HAS BEEN MARKED PEOPLE'S EXHIBIT LIST FOR THIS PROCEEDING  
18 AS M. AND IT IS A SERIES OF PAGES.

19          THE COURT: WE HAVEN'T MARKED ANYTHING ON THE  
20 RECORD BECAUSE WE DON'T HAVE THEIR EXHIBIT LIST. SO WOULD  
21 YOU LIKE --

22          MR. CRAIN: I WOULD LIKE IT MARKED IN SOME MANNER.  
23 THIS MAY BE SOMETHING THAT YOU ARE GOING TO BE USING.

24          THE COURT: YES. WHY DON'T WE MARK IT AS M.

25

26                   (MARKED FOR ID = RESPONDENT'S M-1, THROUGH  
27 M-9, DOCUMENTS.)

28

1 MR. MC MULLEN: JUST FOR YOUR HONOR'S INFORMATION,  
2 WE HAVE ASKED THE CLERK TO BRING UP SOME EXHIBITS FROM THE  
3 TRIAL AND THE ORIGINAL LIST IS AMONG THOSE THAT WE HAVE  
4 REQUESTED TO COME UP THAT WAS USED DURING THE TRIAL. JUST  
5 FOR YOUR INFORMATION IT MIGHT --

6 THE COURT: WE HAVE SOME EXHIBITS UP. BUT IF WE  
7 HAVE GOT A COPY READY TO GO, AND BOTH SIDES HAVE NO  
8 OBJECTION, WE WILL GO AHEAD AND MARK THAT AS EXHIBIT M.

9 MR. KLEIN: MAY WE HAVE A STIPULATION THAT THE  
10 ORIGINAL OF THIS EXHIBIT IS ON YELLOW PAPER?

11 MR. MC MULLEN: YES. I BELIEVE THAT'S CORRECT. IT  
12 WAS EXHIBIT 55 IN THE TRIAL.

13 THE COURT: ALL RIGHT.

14 MR. KLEIN: SO STIPULATED.

15 MR. CRAIN: THAT IS THE STIPULATION, THE ORIGINAL  
16 WAS ON YELLOW LINED PAPER.

17 MR. KLEIN: AND IT WAS EXHIBIT 55 FOR THE TRIAL.

18 THE COURT: ALL RIGHT.

19 MR. CRAIN: MAY I APPROACH THE WITNESS?

20 THE COURT: YES.

21 BY MR. CRAIN:

22 Q LET ME SHOW YOU A PAGE HERE THAT SAYS "AT  
23 LEVIN'S TO-DO." DOES THAT RESEMBLE --

24 A MAY I GET MY GLASSES?

25 THE COURT: SURE.

26

27

(PAUSE.)

28

1 THE WITNESS: YES. THAT LOOKS EXACTLY LIKE THE ONE  
2 I SAW EXCEPT IT WAS YELLOW.

3 MR. MC MULLEN: JUST SO I AM CLEAR --

4 MR. CRAIN: FOR THE RECORD, THE WITNESS HAS LOOKED  
5 AT, YOUR HONOR, PEOPLE'S -- OR WHATEVER THEY ARE CALLED  
6 HERE, RESPONDENT'S EXHIBIT M, AND IT IS THE SECOND PAGE,  
7 THE FIRST PAGE SHOWS THE CLERK'S EXHIBIT STICKERS FROM  
8 1985. THE PITTMAN TRIAL.

9 AND THEN THE WITNESS HAS JUST LOOKED AT THE  
10 SECOND PAGE THAT SAYS AT "LEVIN'S TO-DO" AND LISTS A  
11 NUMBER OF THINGS INCLUDING "KILL DOG" AND "HANDCUFF."

12 THE COURT: ALL RIGHT.

13 BY MR. CRAIN:

14 Q IS THAT WHAT YOU ARE LOOKING, WHAT I AM NOW  
15 HOLDING UP AND JUST ASKED --

16 A YES.

17 THE COURT: JUST FOR THE RECORD ON RESPONDENT'S M,  
18 I HAVE NUMBERED M PAGES 1 THROUGH 9, AND YOU ARE REFERRING  
19 TO WHAT HAS BEEN IDENTIFIED AS PAGE TWO OF EXHIBIT M.

20 THE WITNESS: THE ONE I SAW WAS YELLOW.

21 BY MR. CRAIN:

22 Q RIGHT. THAT'S A COPY.

23 OTHER THAN THAT IT APPEARS TO BE THE SAME?

24 A YES.

25 Q OKAY.

26 NOW, ARE YOU A REGULAR TELEVISION WATCHER?

27 A NO. I DO NOT WATCH T.V. I WAS -- I COME  
28 FROM A FARM. I WAS RAISED IF YOU GOT CAUGHT WATCHING T.V.

1 YOU WEREN'T WORKING, YOU GOT A SPANKING AND THAT STILL  
2 STICKS WITH ME TODAY.

3 Q PROBABLY MORE PEOPLE SHOULD GROW UP ON FARMS.  
4 THAT'S AN EDITORIAL COMMENT.

5 HOW ABOUT EVENTS IN THE NEWS CONCERNING LEGAL  
6 MATTERS AND CRIMINAL CASES AND STUFF LIKE THAT. ARE YOU  
7 SOMEONE WHO GENERALLY FOLLOWS THOSE THINGS IN THE  
8 NEWSPAPER?

9 A NO, I DON'T.

10 MR. MC MULLEN: I WOULD OBJECT AS VAGUE AS TO TIME.

11 THE COURT: I WILL ALLOW IT AS A GENERAL CHARACTER.

12 THE WITNESS: I DON'T WATCH T.V.. I DON'T READ  
13 NEWSPAPERS.

14 BY MR. CRAIN:

15 Q HOW ABOUT BACK IN THE 1980'S, ANY DIFFERENCE  
16 IN THOSE REGARDS THEN?

17 A NO.

18 Q DID YOU AT SOME POINT LEARN THAT SOMEONE HAD  
19 BEEN PUT ON TRIAL FOR THE ALLEGED MURDER OF MR. LEVIN?

20 A I NEVER KNEW ANYTHING ABOUT ANY OF THAT UNTIL  
21 MY HUSBAND CAME HOME AND THE TRIAL WAS OVER, AND HE TOLD  
22 ME THAT SOMEBODY WAS FOUND GUILTY. AND MY HUSBAND AND I  
23 HAD A VERY BRIEF CONVERSATION ABOUT IT.

24 HE FELT AT THAT TIME RON LEVIN WAS DEAD. I  
25 FELT THAT HE WASN'T, THAT IN MY MIND FROM EVERYTHING THAT  
26 I SAW AND HEARD RON SAY PRIOR TO THE DISAPPEARANCE THAT  
27 RON JUST LEFT. HE JUST PULLED ANOTHER ONE AND LEFT.

28 SO WHEN MY HUSBAND, WHO IS VERY OPINIONATED,

1 VERY STRONG-MINDED, TOLD ME, "NO, HE WOULDN'T LEAVE  
2 WITHOUT CALLING ME, HE COULDN'T DO THAT," I DISMISSED IT  
3 FROM MY MIND.

4 Q YOU HAVE BEEN MARRIED FOR ALMOST 20 YEARS TO  
5 MR. MARMOR?

6 A YES.

7 Q YOU KNOW HIM PRETTY WELL; RIGHT?

8 A YES.

9 Q WOULD YOU SAY HE IS A MORE STRONG-WILLED  
10 PERSON THAN YOU ARE?

11 A OH, YES.

12 Q AND DID YOU LEARN ANYTHING DURING THIS TIME  
13 PERIOD ABOUT THE -- BACK IN THE 80'S OR AT ANY OTHER --  
14 LET ME JUMP AHEAD.

15 AT SOME POINT WERE YOU CONTACTED BY AN  
16 INVESTIGATOR FOR MR. HUNT CONCERNING INFORMATION WHICH LED  
17 TO YOUR GOING TO SAN MATEO TO GIVE TESTIMONY?

18 A WHAT HAPPENED WAS --

19 Q I AM JUST TRYING TO GET SOME TIME PARAMETERS  
20 HERE TO DO IT.

21 A OKAY.

22 Q BEAR WITH ME.

23 AT SOME POINT DID AN INVESTIGATOR CONTACT  
24 YOU?

25 A YES.

26 Q DID HE INTERVIEW YOU?

27 A YES.

28 Q AND LATER ON YOU BECAME A WITNESS AT THE

1 TRIAL IN SAN MATEO; RIGHT?

2 A YES. YES.

3 Q OKAY.

4 AND THAT WAS IN 1992; RIGHT?

5 A CORRECT.

6 Q OKAY.

7 DO YOU KNOW WHEN THE INVESTIGATOR TALKED TO  
8 YOU WAS IT '92, '91, '90, SOMEWHERE IN THERE?

9 A I THINK IT IS '91, SOMEWHERE IN THAT TIME  
10 FRAME.

11 Q OKAY.

12 LET'S PUT IT BETWEEN THE TIME THAT YOU HEARD  
13 FROM YOUR HUSBAND THAT LEVIN HAD DISAPPEARED, THE TIME  
14 THAT YOU TALKED WITH THIS INVESTIGATOR AROUND '91 OR SO?

15 A UH-HUH. YES.

16 Q WERE YOU AWARE OF THE EVIDENCE THAT WAS  
17 PRESENTED AT MR. HUNT'S TRIAL IN LOS ANGELES?

18 A NO.

19 Q DID YOU KNOW ANYTHING ABOUT A LIST HAVING  
20 BEEN OFFERED IN EVIDENCE AT THAT CASE?

21 A NO.

22 Q DID YOU KNOW ABOUT ANYTHING OF THE OTHER  
23 EVIDENCE THAT WAS PRESENTED BY THE PROSECUTION AGAINST HIM  
24 OR BY HIM ON HIS BEHAVE?

25 A NO.

26 Q DO YOU HAVE ANY INTEREST IN THAT TRIAL?

27 A NO.

28 Q AND CAN YOU TELL US WHY YOU DIDN'T HAVE ANY



1 INTEREST IN THAT TRIAL?

2 A OR ANY OTHERS. MY INTEREST -- I HAVE MUCH  
3 MORE -- I HAVE OTHER INTERESTS THAT I AM INTERESTED, MY  
4 HOME, MY FAMILY, MY HUSBAND. IT IS NOT THESE TYPE OF  
5 THINGS. I DIDN'T CARE. I DON'T KNOW. I JUST WASN'T  
6 INTERESTED.

7 Q DID YOU LEARN FROM THE INVESTIGATOR OR FROM  
8 SOMEONE ELSE THAT THE INVESTIGATOR WANTED TO QUESTION YOU  
9 ABOUT MR. LEVIN?

10 A I AM SORRY. COULD YOU REPEAT THAT?

11 Q YOU SAID AROUND '91 AN INVESTIGATOR CONTACTED  
12 YOU AND DID AN INTERVIEW. DID THAT COME ABOUT BECAUSE THE  
13 INVESTIGATOR CONTACTED YOU OR SOMEBODY ELSE TOLD YOU ABOUT  
14 IT, IF YOU REMEMBER?

15 A I DON'T KNOW HOW -- YOU KNOW WHAT I THINK, I  
16 AM NOT QUITE SURE, THAT THE INVESTIGATOR CONTACTED MY  
17 HUSBAND, SOMETHING ABOUT NEW EVIDENCE AND THINGS LIKE  
18 THAT, THAT'S WHEN THE DISCUSSION CAME UP. MY HUSBAND  
19 SAID, "NOW, THEY DON'T KNOW IF HE IS DEAD OR NOT." THAT  
20 STARTED ME TO THINKING THAT MAYBE ALL THOSE THINGS THAT I  
21 FELT AND SAW AND THOUGHT WERE TRUE. BECAUSE I HAD  
22 DISMISSED IT AFTER MY HUSBAND CAME BACK FROM THE -- WHEN  
23 THE TRIAL WAS OVER, SO WHEN HE SAID THAT RON LEVIN IS DEAD  
24 I JUST DISMISSED ANYTHING THAT I HAD THOUGHT. I JUST  
25 THREW IT OUT OF MY MIND.

26 Q AND THEN YEARS LATER THE INVESTIGATOR ASKED  
27 YOU QUESTIONS ABOUT LEVIN?

28 A YES. THEN THE INVESTIGATOR WANTED TO TALK TO

1 ME. BECAUSE I SAID TO MY HUSBAND, "WELL, YOU KNOW, HOW  
2 ABOUT I HEARD THIS AND I SAW THAT."

3 AND MY HUSBAND SAID, "MAYBE YOU HAD BETTER  
4 TALK TO THE INVESTIGATOR."

5 Q AND AS A RESULT OF THAT, YOU WERE CALLED AS A  
6 WITNESS AND TESTIFIED IN FRONT OF THE JURY IN SAN MATEO?

7 A YES. CORRECT.

8 Q BASICALLY YOU ARE ASKED THE SAME KIND OF  
9 QUESTIONS YOU HAVE BEEN ASKED TODAY AND GAVE THE SAME  
10 TESTIMONY?

11 A YES.

12 MR. CRAIN: NOTHING FURTHER.

13 THANK YOU, YOUR HONOR.

14 THE COURT: CROSS-EXAMINATION?

15 MR. MC MULLEN: YES, YOUR HONOR.

16  
17 CROSS-EXAMINATION @

18  
19 BY MR. MC MULLEN:

20 Q MA'AM, I GET THE IMPRESSION THAT YOU DID NOT  
21 LIKE RON LEVIN?

22 A IT IS NOT A MATTER OF NOT LIKING. YOU KNOW,  
23 IN LIFE PEOPLE SAY THEY HAVE A LOT OF FRIENDS. WELL, I  
24 DON'T HAVE A LOT OF FRIENDS. I MEAN I TAKE VERY STRONG  
25 VIEWS IN WHAT I LIKE OR DON'T LIKE. I COULD CARE LESS ONE  
26 WAY OR THE OTHER ABOUT RON LEVIN.

27 Q BUT FROM THE -- YOUR VERY FIRST CONTACT WITH  
28 HIM WHEN YOU WERE AT UNITED CALIFORNIA BANK THAT WASN'T, I

1 TAKE IT FROM YOUR TESTIMONY, THAT WAS NOT A PLEASANT  
2 EXPERIENCE FROM YOUR POINT OF VIEW?

3 A WELL, IT WOULDN'T BE PLEASANT FOR ANYONE, BUT  
4 I DON'T TAKE IT PERSONAL.

5 Q YOU SAID THEN LATER AFTER YOU MET YOUR  
6 HUSBAND AT SOME POINT IN TIME YOU LEARNED THAT LEVIN WAS  
7 VERY CLOSE FRIENDS OF HIS, AND YOU TESTIFIED ON DIRECT  
8 THAT YOU WERE SURPRISED OR SHOCKED TO HEAR THAT. AND WHY  
9 IS THAT?

10 A BECAUSE THE TYPE OF PERSON MY HUSBAND IS  
11 VERSUS THE TYPE OF PERSON MR. LEVIN IS.

12 Q WERE YOU DISPLEASED THAT YOUR HUSBAND WAS A  
13 VERY CLOSE FRIEND OF RON LEVIN WHEN YOU FIRST LEARNED OF  
14 IT?

15 A MY HUSBAND IS A BIG BOY. HE CAN TAKE CARE OF  
16 HIMSELF.

17 Q AFTER -- WHEN WAS IT THAT YOU FIRST MET RON  
18 LEVIN AFTER YOUR EXPERIENCE WITH HIM AT THE UNITED  
19 CALIFORNIA BANK? DO YOU REMEMBER THE TIME FRAME ON THAT?

20 A OKAY. IT WAS PRIOR TO MEETING MY HUSBAND. I  
21 MET MY HUSBAND, I THINK, IN JUNE OF '76, SO I MET  
22 MR. LEVIN RIGHT BEFORE THAT. YOU WANT THE NEXT TIME AFTER  
23 THAT I MET MR. LEVIN, IS THAT WHAT YOU ARE ASKING ME?

24 Q YES. AFTER. I AM SORRY, MAYBE I MISHEARD  
25 YOU.

26 AFTER THE UNITED CALIFORNIA BANK EXPERIENCE,  
27 WHEN WAS THE FIRST TIME THAT YOU MET HIM?

28 A RIGHT AFTER I MET MY HUSBAND.

1 Q DO YOU KNOW WHEN THAT WAS APPROXIMATELY?  
2 A BETWEEN JUNE AND DECEMBER OF '76. MAYBE  
3 EARLY '77, RIGHT IN THAT TIME FRAME.

4 Q NOW, MA'AM, YOU TESTIFIED EARLIER THAT YOU  
5 TESTIFIED IN THE SAN MATEO TRIAL OF MR. HUNT'S; IS THAT  
6 CORRECT?

7 A CORRECT.

8 Q AND YOU REMEMBER TESTIFYING ON JUNE 24, 1992?

9 A YES.

10 MR. MC MULLEN: MAY I JUST HAVE A MOMENT, YOUR  
11 HONOR?

12 THE COURT: YES.

13

14 (PAUSE.)

15

16 MR. MC MULLEN: DRAWING THE COURT'S AND COUNSEL'S  
17 ATTENTION TO THE REPORTERS TRANSCRIPT OF THE PROCEEDINGS  
18 IN SAN MATEO ON JUNE 24, 1992, PAGE 57, LINES 3 THROUGH 9.  
19 BY MR. MC MULLEN:

20 Q DO YOU REMEMBER TESTIFYING IN SAN MATEO WHEN  
21 ASKED ABOUT RON LEVIN, AND THE QUESTION IS (READING):

22 "Q NOW, MA'AM, YOU HAD INDICATED  
23 THAT YOU DIDN'T PARTICULARLY LIKE  
24 RON LEVIN; IS THAT CORRECT?

25 A I DON'T LIKE THE THINGS HE  
26 DID.

27 Q AND YOU TRIED TO LIMIT THE  
28 CONTACT THAT YOU HAD WITH HIM?

1           A           YES, I STAYED EMOTIONALLY  
2           DETACHED BECAUSE I SAW THAT HE WAS A  
3           VERY ABUSIVE PERSON."

4           DO YOU REMEMBER TESTIFYING TO THAT?

5           A           CORRECT, YES.

6           Q           SO YOU DIDN'T LIKE RON LEVIN; IS THAT  
7           CORRECT?

8           A           I DIDN'T DISLIKE HIM EITHER. IN OTHER WORDS,  
9           I DIDN'T HATE HIM. I JUST UNDERSTOOD WHAT RON LEVIN WAS  
10          THAT BELONGED ON HIM, AND I DIDN'T LET IT ENTER ME. I  
11          KNOW WHAT TYPE OF PERSON I AM. I KNOW WHAT TYPE OF PERSON  
12          HE IS. SO, THEREFORE, THERE IS NO DEEP RELATIONSHIP GOING  
13          ON BETWEEN PEOPLE IF THEY UNDERSTAND THAT IN LIFE.

14          Q           AND AFTER YOU MET RON LEVIN INsofar AS HE WAS  
15          ASSOCIATED WITH YOUR HUSBAND, YOU TESTIFIED ON DIRECT THAT  
16          FROM TIME TO TIME YOU WOULD GO OVER TO HIS APARTMENT?

17          A           YES.

18          Q           WOULD YOU GO WITH YOUR HUSBAND OR --

19          A           LOTS OF TIME WITH MY HUSBAND, YES.

20          Q           WAS IT ALWAYS WITH YOUR HUSBAND, OR WOULD  
21          THERE BE TIMES WHEN YOU WOULD GO OVER BY YOURSELF?

22          A           THERE WERE TIMES WHEN MY HUSBAND WASN'T  
23          AROUND, AND HE WOULD CALL ME TO COME OVER.

24          Q           AND THERE WERE TIMES WHEN MR. LEVIN WOULD  
25          COME OVER TO YOUR PLACE ON PECK DRIVE?

26          A           YES.

27          Q           YOU INDICATED AT ONE POINT IN TIME YOU WENT  
28          OVER TO RON LEVIN'S APARTMENT AND YOU SAW A CHANGE OF

1 CLOTHES OR SOMETHING. WHEN DID THAT HAPPEN?

2 A ANYWHERE FROM -- IT WAS IN THE TIME FRAME  
3 AFTER -- I REMEMBER MY YOUNGEST SON'S BIRTHDAY. IT WAS  
4 THE TIME FRAME -- AS A MATTER OF FACT, HE WAS DISCUSSING  
5 THE TRIP TO NEW YORK. IT WAS RIGHT AROUND THAT TIME.

6 Q RIGHT AROUND WHAT TIME?

7 A MAYBE THREE WEEKS PRIOR TO HIS TRIP. HE WAS  
8 PLANNING HIS TRIP.

9 Q HAD YOU EVER KNOWN RON LEVIN TO GO TO NEW  
10 YORK MORE THAN ONE TIME OR --

11 MR. KLEIN: AMBIGUOUS.

12 THE COURT: OVERRULED.

13 BY MR. MC MULLEN:

14 Q -- OVER THE TIME THAT YOU KNEW HIM?

15 A YES.

16 Q SO HE WENT SEVERAL TIMES TO NEW YORK DURING  
17 THE TIME THAT YOU KNEW HIM?

18 A YOU ARE ASKING ME HAS HE BEEN TO NEW YORK  
19 BEFORE?

20 Q YES.

21 A THIS WASN'T HIS FIRST TRIP TO NEW YORK.

22 Q ALL RIGHT.

23 SO WHEN YOU SAY IT WAS PRIOR TO SOMETIME  
24 AFTER YOUR SON'S FIRST BIRTHDAY THAT THIS SITUATION  
25 OCCURRED WHERE YOU WENT OVER TO HIS HOUSE AND SAW A CHANGE  
26 IN CLOTHES OR SOMETHING --

27 A THERE IS MORE THAN ONE INSTANCE THAT I WAS  
28 OVER TO RON LEVIN'S, AND THESE INCIDENTS ARE IN THE TIME

1 FRAME OF AFTER MY SON'S FIRST BIRTHDAY.

2 Q THE ONE I AM ASKING YOU ABOUT IS WHEN YOU SAW  
3 SOME CLOTHES ALL OVER HIS BED AND SEEMED TO BE TALKING  
4 ABOUT A CHANGE OF CLOTHES. WHEN DID THAT OCCUR?

5 A RIGHT BEFORE THE INCIDENT OF WHEN I WAS THERE  
6 AND SAW THE PAPER ON HIS DESK.

7 Q OKAY.

8 CAN YOU RELATE IT TO WHEN YOUR SON'S FIRST  
9 BIRTHDAY WAS?

10 A MY SON'S FIRST BIRTHDAY WAS MARCH THE 31ST,  
11 1984.

12 Q CORRECT.

13 SO IT WAS SOMETIME AFTER THAT BUT PRIOR TO  
14 JUNE 6TH THAT YOU WENT OVER THERE AND SAW THIS CLOTHING  
15 CHANGE?

16 A THERE WAS THREE OR FOUR INCIDENTS THAT I WAS  
17 AT HIS PLACE. AND THE THREE OR FOUR INCIDENTS ARE FROM MY  
18 SON'S BIRTHDAY UP TO WHEN HE SUPPOSEDLY DISAPPEARED.

19 Q LET'S START WITH THE FIRST INCIDENT AFTER  
20 YOUR SON'S FIRST BIRTHDAY ON MARCH 31, 1984. WHAT WAS THE  
21 FIRST INCIDENT THAT YOU REMEMBER ABOUT WITH RESPECT TO RON  
22 LEVIN?

23 A WHERE HE WAS BEATEN.

24 Q AND DO YOU KNOW WHEN IN TIME WITH RELATION TO  
25 YOUR SON'S FIRST BIRTHDAY THAT THAT OCCURRED?

26 A SEE THAT'S WHY THEY WANTED ME TO PIN -- I  
27 WOULD ONLY BE GUESSING. I KNOW THESE INCIDENTS WERE AFTER  
28 MY SON'S BIRTHDAY BEFORE HIS DISAPPEARANCE. THE PAPERWORK

1 THAT I SAW WAS RIGHT PRIOR, ANYWHERE FROM TWO DAYS, MAYBE  
2 A WEEK BEFORE HIS DISAPPEARANCE. BEFORE THAT THE PAPER I  
3 SAW ON HIS DESK WAS THE CLOTHING INCIDENT.

4 Q LET'S START WITH THE BEATING INCIDENT. WHAT  
5 HAPPENED? YOU SAID THAT HE WAS BEATEN OR SOMETHING?

6 A HE WAS BEATEN.

7 Q DESCRIBE HOW IS IT THAT YOU CAME TO BE IN RON  
8 LEVIN'S HOUSE AT THAT PARTICULAR POINT IN TIME?

9 A BECAUSE I WAS LEAVING THE APARTMENT TO GO  
10 SHOPPING. HE CAME OUT, HIS FACE WAS ALL SWOLLEN AND  
11 BLOODY. HIS BACK HAD A GASH OR SOMETHING ON IT.

12 Q AND WHAT HAPPENED AFTER YOU SAW MR. LEVIN  
13 WITH HIS FACE THE WAY YOU HAVE JUST DESCRIBED IT?

14 A WHAT HAPPENED?

15 Q YES.

16 WHAT HAPPENED AFTER YOU SAW HIS FACE AS YOU  
17 JUST DESCRIBED IT?

18 A I LISTENED TO HIM TALK ABOUT IT, AND THEN  
19 TOLD HIM HE OUGHT TO SEE A DOCTOR, AND I LEFT.

20 Q YOU DIDN'T GO INTO THE APARTMENT AT THAT  
21 PARTICULAR TIME?

22 A I STOOD BY THE DOOR.

23 Q BY HIS DOOR?

24 A BY HIS FRONT DOOR.

25 Q WAS -- YOU SAY THERE WAS ANOTHER INCIDENT  
26 AFTER THAT POINT IN TIME.

27 WHAT WAS THE SECOND INCIDENT AFTER THE --  
28 WHAT YOU DESCRIBED AS HIS FACE BEING BEATEN UP?



1           A        I DON'T RECALL AT THIS TIME.  THEN THERE WAS  
2 THE CLOTHING INCIDENT, THEN THERE WAS THE PAPERS.

3           Q        OKAY.

4                    THE CLOTHING INCIDENT WAS AFTER THE BEATING  
5 INCIDENT.  HOW MUCH TIME ELAPSED FROM THE BEATING, WHAT  
6 YOU DESCRIBED AS HIS FACE BEING BEATEN UP, TO WHERE YOU  
7 SAW THE CLOTHING APPROXIMATELY?

8           A        I JUST REMEMBER THE CLOTHING INCIDENT WAS  
9 RIGHT BEFORE I SAW ALL THIS STUFF ON HIS DESK.

10          Q        BUT YOU DON'T KNOW HOW THAT RELATES TO THE  
11 BEATING INCIDENT IN POINT IN TIME?  HOW MUCH TIME?

12          A        I THINK AFTER THE BEATING INCIDENT WAS AN  
13 INCIDENT OF THE DOG WHERE I HEARD THE DOG YELLING.  HE WAS  
14 KICKING THE DOG.

15          Q        AND WHERE DID YOU SEE HIM KICKING THE DOG?

16          A        I HEARD THE DOG YELLING.  I HEARD HIM  
17 SCREAMING.  I WAS LEAVING THE APARTMENT BECAUSE YOU COULD  
18 HEAR EVERYTHING.  I KNOCKED ON THE DOOR.  HE OPENED THE  
19 DOOR, AND I ASKED HIM WHY THE DOG WAS YELLING.  HE SAID  
20 BECAUSE THE DOG URINATED ALL OVER THE FLOOR.  I ASKED HIM,  
21 "PLEASE, DO NOT DO THAT TO THE DOG."  THAT I WILL GLADLY  
22 CLEAN IT UP.

23          Q        YOU ACTUALLY HAD GONE AND KNOCKED ON THE DOOR  
24 AT THAT POINT?

25          A        RANG THE DOORBELL.

26          Q        BECAUSE YOU HEARD THE DOG MAKING NOISE?

27          A        YES.  YELLING, YES.

28          Q        AND THEN YOU NOTICED THAT HIS FACE WAS BEATEN

1 UP?

2 A NO. THE DOG INCIDENT WAS RIGHT AFTER THE  
3 BEATING INCIDENT.

4 Q HOW MUCH TIME BETWEEN THE BEATING INCIDENT  
5 TRANSPIRED, ELAPSED BEFORE THE DOG INCIDENT, DO YOU  
6 REMEMBER?

7 A JUST WITHIN THAT -- IT ALL HAPPENED ALL  
8 WITHIN THAT TIME FRAME.

9 Q THE SECOND TIME WHERE YOU KNOCKED ON THE DOOR  
10 WITH RESPECT TO THE DOG, THE BEATING, DID YOU KNOW  
11 ANYTHING ABOUT HIS FACE AT THAT PARTICULAR TIME, WITH  
12 RESPECT TO THE INJURIES THAT YOU HAVE DESCRIBED?

13 A IT WAS BASICALLY ALL HEALED.

14 Q IT WAS ALL HEALED?

15 A YES.

16 THE COURT: IS THAT "YES"?

17 THE WITNESS: YES. BASICALLY, YES.

18 BY MR. MC MULLEN:

19 Q AND THEN YOU ARE UNSURE OF THE TIME THAT  
20 ELAPSED BETWEEN WHAT YOU HAVE DESCRIBED AS THE DOG BEATING  
21 INCIDENT TO WHEN YOU WENT AND SAW THESE CLOTHES?

22 A IT COULD BE TWO DAYS, IT COULD BE A WEEK. IT  
23 IS ALL WITHIN THAT TIME FRAME.

24 Q WHAT HAPPENS WHEN YOU WENT OVER THERE WITH  
25 RESPECT TO THE CLOTHES. HOW DID THAT COME ABOUT?

26 A HE WAS ALL EXCITED. AND HE CALLED TO ME. HE  
27 SAID HE WAS -- HE HAD TO SHOW ME WHAT HE BOUGHT, ASKED ME  
28 WHAT I THOUGHT ABOUT IT. THAT'S WHAT HE ASKED ME, HOW I

1 FELT ABOUT HIS CUTTING HIS BEARD OFF AND DYING HIS HAIR  
2 DARK, AND WHAT I THOUGHT ABOUT THESE DIFFERENT TYPES OF  
3 CLOTHES AND --

4 Q HOW IS IT THAT YOU ARE GOING TO HIS APARTMENT  
5 AT THAT PARTICULAR TIME? DID YOU GO TO THE DOOR. DID HE  
6 INVITE YOU OVER? HOW DID THAT HAPPEN?

7 A USUALLY WHAT HE DOES, HE SEES ME LEAVING, HE  
8 SEES EVERYTHING THAT GOES ON AROUND THERE. HE YELLS,  
9 "COME ON IN."

10 Q ON THAT PARTICULAR INCIDENT WHAT DID HE DO?  
11 IS THAT WHAT HE DID, OR DID HE DO SOMETHING ELSE?

12 A HE YELLED, "KAREN, COME ON UP. I WANT TO  
13 SHOW YOU SOMETHING."

14 Q SO HE SAID, "COME ON IN. I WANT TO SHOW YOU  
15 SOMETHING"? THAT'S WHAT HE DID.

16 A YES.

17 Q WHAT DID YOU DO AFTER HE SAID THAT?

18 EXCUSE ME, LET ME WITHDRAW THAT.

19 WHEN HE SAID THAT TO YOU, "KAREN, I WANT YOU  
20 TO COME ON IN, I WANT TO SHOW YOU SOMETHING," WHERE WERE  
21 YOU AT THAT PARTICULAR TIME WHEN HE SAID THAT?

22 A LEAVING THE APARTMENT ON, YOU KNOW, ON THE  
23 SIDEWALK, BECAUSE WHEN HIS DOOR IS OPEN TO THE OFFICE THE  
24 SIDEWALK -- YOU CAN SEE EVERYBODY THAT WALKS BY.

25 Q AND SO THEN BASED UPON HIS REQUEST YOU WENT  
26 INTO HIS APARTMENT?

27 A UH-HUH. YES.

28 Q WHAT HAPPENED AFTER YOU GOT INTO HIS

1 APARTMENT?

2 A WELL, HE TOLD ME TO FOLLOW HIM BACK TO THE  
3 BEDROOM. THAT'S WHEN HE SHOWED ME ALL THE THINGS THAT HE  
4 BOUGHT AND ASKED ME WHAT I FELT ABOUT HIM CUTTING OFF HIS  
5 BEARD AND DYING HIS HAIR.

6 Q WHERE WERE THESE CLOTHES THAT YOU DESCRIBED  
7 THAT HE WAS SHOWING YOU?

8 A HE TOOK THE OLD ONE OUT OF HIS CLOSET, SAID  
9 HE WAS GOING TO GIVE THEM AWAY AND NEW ONES WERE HANGING  
10 IN THE CLOSET.

11 Q WHAT WERE THE -- WOULD YOU PLEASE, IF YOU CAN  
12 DESCRIBE WHAT THE OLD CLOTHES WERE THAT WERE ON HIS BED?

13 A I WILL GIVE YOU AN EXAMPLE. LIKE HE DRESSED  
14 VERY TRADITIONAL, LIKE BROOKS BROTHERS, AND THESE CLOTHES  
15 THAT WERE IN THE CLOSET WERE LIKE THESE BIG BAGGIE, I  
16 GUESS, THEY DON'T LOOK SO BAD TODAY COMPARED -- BUT JUST  
17 SOMETHING THAT IT WAS UNKEPT. IT LOOKED LIKE YOU NEEDED  
18 TO IRON YOUR CLOTHES. IT WAS COMPLETELY DIFFERENT THAN  
19 THE WAY HE DRESSED.

20 Q ALL OF THOSE CLOTHES WERE IN HIS CLOSET AND  
21 THE CONSERVATIVE, TRADITIONAL CLOTHES WERE ON HIS BED?

22 A YES.

23 Q AND HE SAID HE WAS GOING TO GET RID OF THOSE  
24 CLOTHES?

25 A YES.

26 Q WITH RESPECT TO THE CHANGE OF CLOTHES  
27 INCIDENT, WHEN DO YOU THINK THAT HAPPENED IN TERMS OF TIME  
28 OF DAY?

1           A       YOU MEAN WHAT TIME OF DAY DID HE SHOW THOSE  
2 TO ME?

3           Q       YES.

4           A       IT WOULD BE EARLY AFTERNOON. NO ONE SAW ME  
5 BEFORE NOON. SO ANYTIME HE HAD TO SEE ME IT WOULD BE  
6 EARLY AFTERNOON.

7           Q       OKAY.

8                    AND THEN DID YOU KNOW -- THE NEXT INCIDENT I  
9 UNDERSTAND IS THEN THIS THING WHERE YOU SEE THIS MOVIE  
10 SCRIPT AND THE LIST. DO YOU KNOW HOW MUCH TIME ELAPSED  
11 BETWEEN THE CLOTHING INCIDENT AND THIS LAST INCIDENT?

12          A       NOT REALLY TO ME THEY ALL RAN TOGETHER.

13          Q       SO I UNDERSTAND YOUR TESTIMONY WITH RESPECT  
14 TO THE LAST BUT -- WELL, I WILL WITHDRAW THAT QUESTION.

15                    YOU SAID THEY ALL RAN TOGETHER. ARE YOU  
16 CONFUSED AS TO SEQUENCE OF THEM. WHEN I SAY THAT, I MEAN  
17 DO YOU HAVE A FIRM MEMORY OR RECOLLECTION OF THE ORDER IN  
18 WHICH THESE EVENTS OCCURRED, OR ARE THEY RUNNING TOGETHER  
19 IN YOUR MIND AS YOU TESTIFIED TODAY?

20          A       NO. TIME WISE NOT ANY ORDER FORM, BUT TIME  
21 WISE LIKE ONE DAY COULD BE TWO DAYS. IT WAS -- ALL I KNOW  
22 IT WAS IN THAT FRAME OF TIME.

23          Q       YOU FEEL CONFIDENT IN THE SEQUENCE OF EVENTS  
24 AS TO ONE PARTICULAR INCIDENT HAPPENED FIRST AND NEXT  
25 INCIDENT SO ON AND SO FORTH AS TO THE ORDER IN WHICH THEY  
26 OCCURRED? DO YOU FEEL CONFIDENT?

27          A       WELL, I THINK SO. I MEAN --

28          Q       IN OTHER WORDS, THE DOG BEATING INCIDENT

1 PRECEDED THE CLOTHING INCIDENT?

2 A HE BEAT THE DOG ON MORE THAN ONE OCCASION.

3 Q WELL, THEN -- BUT THEN THE CLOTHING INCIDENT  
4 YOU FEEL CONVINCED THAT IT PRECEDED THE INCIDENT WHERE YOU  
5 WENT IN AND SAW THESE?

6 A I REMEMBER THE CLOTHING INCIDENT BEING RIGHT  
7 BEFORE THE LIST WHEN HE WAS REALLY IRRITATED, AGITATED AND  
8 UPSET.

9 Q WITH RESPECT TO THAT PARTICULAR POINT IN  
10 TIME, WHERE HE WAS VERY AGITATED AND HE WAS UPSET, DO YOU  
11 KNOW HOW SOON, HOW CLOSE IN TIME THAT WAS TO WHEN HE --  
12 YOU LEARNED OF HIS DISAPPEARANCE?

13 A COULD YOU REPEAT THAT, PLEASE?

14 Q WELL, LET ME PUT IT THIS WAY. DO YOU  
15 REMEMBER WHEN YOU WERE FIRST INTERVIEWED ABOUT THIS BY A  
16 DEFENSE INVESTIGATOR? DO YOU HAVE A RECOLLECTION OF THAT?

17 A THAT WAS LONG AGO.

18 Q DO YOU REMEMBER, DOES THE NAME THEODORE  
19 WOOLSEY OR INVESTIGATOR WOOLSEY RING A BELL AS THE  
20 INVESTIGATOR WHO TALKED TO YOU? DOES THAT NAME SOUND  
21 FAMILIAR?

22 A YES, IT DOES.

23 Q DO YOU REMEMBER TELLING THEODORE WOOLSEY WITH  
24 RESPECT TO THE TIME THAT YOU SAW THIS LIST THAT YOU  
25 TESTIFIED TODAY THAT MANY --

26 MR. MC MULLEN: CAN I JUST HAVE A MOMENT, YOUR  
27 HONOR?

28 THE COURT: YES.

1 (PAUSE.)

2

3 BY MR. MC MULLEN:

4 Q THAT EVENT OCCURRED IN YOUR MIND --

5 MR. MC MULLEN: I AM SORRY, YOUR HONOR. I AM  
6 HAVING TROUBLE FINDING THIS.

7 BY MR. MC MULLEN:

8 Q DO YOU REMEMBER TELLING HIM THAT IT HAPPENED  
9 BETWEEN THREE AND SIX WEEKS BEFORE THE -- WHEN YOU BECAME  
10 INFORMED THAT HE HAD DISAPPEARED?

11 MR. CRAIN: I DON'T KNOW WHAT REPORT HE IS LOOKING  
12 AT. HE HASN'T IDENTIFIED IT FOR THE RECORD. AND THE  
13 REPORT I AM LOOKING AT WHEN MR. WOOLSEY SAID SHE TOLD HIM  
14 IT WAS JUST ONE DAY OR JUST ONE DAY JUST BEFORE HE  
15 DISAPPEARED SO --

16 THE COURT: YOU CAN BRING IT BACK UP ON REDIRECT.  
17 I WILL ALLOW HIM TO CROSS-EXAMINE.

18 MR. CRAIN: MAYBE HE COULD SHOW ME WHAT HE IS  
19 LOOKING AT.

20 THE COURT: IDENTIFY THE DOCUMENT THAT YOU ARE  
21 REFERRING TO, MR. MC MULLEN.

22 MR. MC MULLEN: THE DOCUMENT IS AN INTERVIEW DATED  
23 DECEMBER 19, 1991.

24 MR. CRAIN: CAN YOU TELL ME WHERE PLEASE, SO I  
25 CAN --

26 MR. MC MULLEN: I WILL WITHDRAW THE QUESTION.

27 MR. CRAIN: IF THERE WAS AN ANSWER, COULD IT BE  
28 STRICKEN?

1 MR. KLEIN: I DON'T THINK THERE WAS AN ANSWER.

2 THE COURT: THERE WASN'T.

3 BY MR. MC MULLEN:

4 Q DO YOU REMEMBER WHAT YOU TOLD MR. WOOLSEY IN  
5 TERMS OF THE TIME THAT YOU SAW THESE LISTS, THE TIME THAT  
6 YOU SAW THAT WITH REFERENCE TO WHEN YOU LATER LEARNED  
7 ABOUT HIS DISAPPEARANCE?

8 A I TOLD MR. WOOLSEY DURING THE INTERVIEW AND  
9 BEFORE THE INTERVIEW THAT I COULDN'T BE EXACT, IF THEY  
10 WANTED EXACT DATES, BECAUSE SOME TIME HAD PAST.

11 Q DO YOU REMEMBER TESTIFYING IN SAN MATEO WHEN  
12 ASKED ABOUT THIS PARTICULAR TIMING WITH RESPECT TO WHEN IT  
13 IS THAT YOU SAW THE LIST? DO YOU REMEMBER YOUR TESTIMONY  
14 IN THAT RESPECT, WITH REGARD TO THAT?

15 A YES.

16 Q WHAT IS YOUR RECOLLECTION WHAT YOU TESTIFIED  
17 TO --

18 A I REMEMBER THEM KEEPING ME, ASKING THE SAME  
19 QUESTION EIGHT DIFFERENT WAYS TO PINPOINT. I KEPT TELLING  
20 THEM I WOULD ONLY BE GUESSING. THEY WANTED ME TO GIVE AN  
21 EXACT DATE, AN EXACT TIME. I TOLD THEM I WOULD BE  
22 GUESSING. THEY DIDN'T WANT ME TO DO THAT, DID THEY?

23 Q YOU DIDN'T KNOW WHETHER IT WAS A COUPLE OF  
24 DAYS OR COUPLE OF WEEKS OR EVEN A COUPLE OF MONTHS?

25 A I KNEW IT WAS RIGHT BEFORE.

26 Q BUT YOU DON'T KNOW EXACTLY WHAT RIGHT BEFORE  
27 IS; RIGHT?

28 MR. CRAIN: THAT'S AN UNINTELLIGIBLE QUESTION.



1     AMBIGUOUS.

2             THE COURT:   REFRAME THE QUESTION.

3     BY MR. MC MULLEN:

4             Q           CAN YOU DEFINE "RIGHT BEFORE"?   WAS THAT A  
5     COUPLE OF DAYS, COUPLE OF WEEKS, A COUPLE OF MONTHS?

6             A           IT WAS NOT A COUPLE OF MONTHS.   TO ME RIGHT  
7     BEFORE IS ANYWHERE FROM TWO DAYS TO A WEEK.

8             Q           I REMEMBER YOU TESTIFYING, AND IT WAS GOING  
9     RATHER QUICKLY ON DIRECT, THAT ON THAT PARTICULAR DAY WHEN  
10    RON LEVIN WAS VERY UPSET YOU WERE COMING OUT OF YOUR  
11    APARTMENT, YOU WERE GOING TO LUNCH, YOU WERE WITH  
12    SOMEBODY.   WERE YOU WITH SOMEBODY ON THAT DAY?

13            MR. CRAIN:   I DON'T THINK THAT WAS --

14            MR. MC MULLEN:   THAT CHARACTERIZES HER TESTIMONY.  
15    I THINK SHE WAS GOING TO MEET SOMEONE FOR LUNCH.

16    BY MR. MC MULLEN:

17            Q           YOU WERE GOING TO MEET SOMEONE?

18            A           YES.

19            Q           I MISHEARD IT THEN.

20                         AND DID HE TELL YOU WHEN YOU CAME OUT, "I  
21    WANT TO SHOW YOU SOMETHING," ON THAT DAY WITH RESPECT TO  
22    THE LIST THAT YOU TESTIFIED ABOUT.

23            MR. KLEIN:   OBJECTION.   THAT'S AMBIGUOUS.

24            THE COURT:   OVERRULED.

25                         DO YOU UNDERSTAND THE QUESTION?

26            THE WITNESS:   COULD YOU REPHRASE IT OR --

27    BY MR. MC MULLEN:

28            Q           THAT PARTICULAR DAY WHEN YOU CAME IN AND YOU

1 SAW THESE LISTS AND THIS MOVIE SCRIPT, YOU SAY YOU WERE ON  
2 THE WAY TO MEET SOMEONE FOR LUNCH?

3 A UH-HUH.

4 Q WHEN YOU CAME OUT OF YOUR APARTMENT, DID RON  
5 LEVIN SAY TO YOU, "COME HERE, KAREN, I WANT" -- SOMETHING  
6 TO THE EFFECT, "COME HERE, KAREN, I WANT TO SHOW YOU  
7 SOMETHING"?

8 A HE WAS UPSET ABOUT SOMETHING. HE JUST SAID,  
9 "KAREN, COME HERE, PLEASE." HE WAS VERY AGITATED, UPSET.  
10 WHEN HE GETS UPSET HE RAMBLES. AND AT THAT TIME HE WAS  
11 RAMBLING ABOUT SOMETHING, I THINK, ABOUT SOMEBODY  
12 THREATENING HIM. I AM NOT QUITE SURE BECAUSE I COULDN'T  
13 QUITE -- HE IS WALKING WITH HIS BACK TO YOU AND HIS HANDS  
14 ARE MOVING, AND HE IS TALKING FAST.

15 Q DID HE SAY ANYTHING AT THAT PARTICULAR -- I  
16 TAKE IT WHEN YOU ARE TALKING ABOUT WHAT YOU JUST SAID NOW  
17 THAT HAPPENED OUTSIDE OF HIS APARTMENT OR YOUR APARTMENT,  
18 THAT WAS A CONVERSATION THAT OCCURRED OUTSIDE?

19 A IN HIS ENTRYWAY AS WE ENTER, WERE ENTERING,  
20 AS I WAS ENTERING, FOLLOWING HIM.

21 Q DID HE SAY HE WANTED TO SHOW YOU ANYTHING AT  
22 THAT PARTICULAR TIME?

23 A NO. HE JUST TOLD ME TO FOLLOW HIM. HE  
24 WANTED TO TALK TO ME.

25 Q AND WHERE DID YOU GO AT THAT POINT IN TIME?

26 A INTO HIS OFFICE.

27 MR. MC MULLEN: YOUR HONOR, I KNOW WE HAVE ASKED  
28 FOR SOME EXHIBITS. AND I HAVE A PHOTOGRAPH HERE THAT'S

1 NOT ON OUR EXHIBIT LIST BECAUSE I WAS ANTICIPATING USING  
2 SOME OF THE COURT'S EXHIBITS. BUT WITH THE COURT'S  
3 PERMISSION, I WOULD LIKE TO GO AHEAD AND MARK THIS  
4 PHOTOGRAPH AS RESPONDENT'S NEXT IN ORDER, WHICH WOULD BE.

5 THE COURT: QQ.

6 MR. MC MULLEN: QQ. 8-BY-10 COLOR PHOTOGRAPH.

7

8 (MARKED FOR ID = RESPONDENT'S QQ,  
9 PHOTOGRAPH.)

10

11 MR. MC MULLEN: I WILL PUT QQ ON THE BACK, WITH THE  
12 COURT'S PERMISSION.

13

MAY I APPROACH THE WITNESS?

14

THE COURT: YES.

15

BY MR. MC MULLEN:

16

Q SHOWING YOU WHAT'S BEEN MARKED AS

17

RESPONDENT'S QQ FOR IDENTIFICATION. WOULD YOU LOOK AT

18

THAT PHOTOGRAPH? DOES THAT LOOK FAMILIAR TO YOU?

19

A YES.

20

Q IS THAT THE OFFICE WHERE MR. LEVIN, WHERE YOU

21

WENT INTO WITH MR. LEVIN ON THE DAY WE ARE TALKING ABOUT

22

THAT YOU SAW THESE LISTS?

23

A WELL, IT WAS IN BETTER SHAPE THAN THIS BUT,

24

YES, THIS LOOKS LIKE HIS OFFICE.

25

Q WHEN YOU SAY IT IS, YOU ARE SAYING THAT THE

26

PHOTOGRAPH DEPICTS HIS OFFICE AS BEING IN BETTER SHAPE

27

THAN THE DAY THAT YOU WERE THERE?

28

A HIS OFFICE IS KEPT IN BETTER SHAPE THAN THIS

1 PHOTOGRAPH.

2 Q OKAY.

3 AND AS TO THE DAY THAT YOU WERE THERE, HOW  
4 DOES HIS OFFICE APPEAR DIFFERENT, IF YOU CAN DESCRIBE?

5 A HE HAD A PICTURE HANGING HERE (INDICATING).

6 MR. KLEIN: EXCUSE ME. THE RECORD IS CLEAR, THE  
7 DAY THAT SHE SAW THE LIST?

8 THE COURT: THAT'S HOW I UNDERSTOOD THE QUESTION.

9 BY MR. MC MULLEN:

10 Q IS THE DAY THAT YOU SAW THE LIST HOW DOES THE  
11 OFFICE LOOK DIFFERENT THAN WHAT IT DOES IN THE PICTURE?

12 A THERE WASN'T ALL THIS OVER HERE (INDICATING).

13 Q YOU ARE POINTING TO THESE BOOKS RIGHTS HERE,  
14 IS THAT WHAT YOU ARE POINTING AT?

15 A UH-HUH.

16 THE COURT: INDICATING THE CENTER OF THE  
17 PHOTOGRAPH.

18 BY MR. MC MULLEN:

19 Q ANY OTHER DIFFERENCES?

20 A RON WAS VERY ORGANIZED AND VERY NEAT, AND  
21 THAT'S NOT VERY ORGANIZED AND NEAT.

22 Q OKAY.

23 HOW ABOUT WITH RESPECT TO --

24 MR. CRAIN: IT IS ALL RIGHT IF I STAND HERE?

25 THE COURT: YES.

26 BY MR. MC MULLEN:

27 Q HOW ABOUT WITH RESPECT TO HIS DESK. HOW DOES  
28 THAT COMPARE TO WHAT IT LOOKED LIKE ON AT THAT PARTICULAR

1 DAY THAT YOU SAW THE LIST AND MOVIE SCRIPT?

2 A WHEN I SAW IT IT DIDN'T HAVE THIS STUFF HERE  
3 (INDICATING).

4 MR. MC MULLEN: BOOKS ON THE LEFT-HAND SIDE OF THE  
5 DESK, YOUR HONOR.

6 THE COURT: YES.

7 THE WITNESS: HE HAD STUFF HERE, AND HE HAD STUFF  
8 OVER HERE (INDICATING).

9 THE COURT: INDICATING THE FAR LEFT, THE FAR RIGHT.  
10 BY MR. MC MULLEN:

11 Q WHEN YOU SAY STUFF ON THE FAR LEFT, WHAT KIND  
12 OF STUFF?

13 A LIKE THESE TYPE OF FOLDERS WHERE HE IS DOING  
14 SOME TYPE OF BUSINESS, SOME KIND OF WORK WHO MIGHT HAVE  
15 BOOKS STACKED HERE, TWO TO THREE BOOKS, LAW BOOKS, AND HE  
16 HAD THE FOLDERS HERE. THIS WAS BASICALLY IN THE CENTER.  
17 WHERE THIS CHAIR SITS WAS BASICALLY OPEN TO WHERE YOU  
18 COULD SEE HIM (INDICATING).

19 THE COURT: INDICATING THE CENTER OF THE DESK.  
20 BY MR. MC MULLEN:

21 Q OKAY.

22 SO NOW YOU WALKED INTO THE OFFICE. DID YOU  
23 FOLLOW MR. LEVIN INTO THE OFFICE ON THAT PARTICULAR DAY?

24 A YES.

25 Q I AM TALKING ABOUT THE DAY YOU SAW THE LIST.

26 A YES.

27 Q WHERE DID MR. LEVIN GO WHEN HE WENT INTO THE  
28 ON HIS --

1           A       THE PHONE WAS RINGING. HE WENT TO HIS CHAIR,  
2 SAT ON HIS DESK.

3           Q       I REMEMBER YOUR TESTIMONY. HE ANSWERED THE  
4 PHONE, AND HE SAT IN THAT CHAIR; IS THAT CORRECT?

5           A       YES.

6           Q       WHERE DID YOU GO, IF YOU COULD IDENTIFY IN  
7 THAT PHOTOGRAPH, PLEASE?

8           A       AT THAT PARTICULAR POINT THE TIME I WALKED  
9 THROUGH HERE, THROUGH THIS CHAIR, STANDING.

10          Q       SO YOU ARE STANDING?

11                    WHEN YOU SAY YOU WALKED THROUGH HERE --

12          A       THERE IS A WAY TO WALK BEHIND THIS CHAIR.  
13 YOU COME THROUGH HERE.

14                    MR. MC MULLEN: INDICATING THE DOOR AND WALKING TO  
15 THE SMALLER LIGHT, LIKE A SMALLER CHAIR IN FRONT OF THE  
16 DESK.

17 BY MR. MC MULLEN:

18          Q       SO YOU STOOD WHERE THAT CHAIR IS. IS THAT  
19 WHAT YOUR TESTIMONY IS?

20          A       UH-HUH?

21                    THE COURT: HOLD ON. WAS THAT "YES"?

22                    THE WITNESS: YES.

23                    MR. MC MULLEN: I AM SORRY.

24 BY MR. MC MULLEN:

25          Q       OKAY.

26                    AND SO HE IS ON THE TELEPHONE AND YOU STARTED  
27 LOOKING AROUND. WHAT IS IT THAT CAUGHT YOUR EYE?

28          A       FIRST, I LOOKED AROUND THE ROOM, THEN I

1 STARTED LOOKING AT HIS DESK. I SAW A YELLOW, BECAUSE IT  
2 IS EASY TO SEE IT, SOME KIND YELLOW PAPER OR YELLOW PAD,  
3 BUT IT WAS YELLOW, ON THIS SIDE HERE (INDICATING).

4 THE COURT: INDICATING THE LEFT SIDE OF THE DESK.

5 THE WITNESS: YES. MY LEFT SIDE.

6 THE COURT: HOLD ON.

7 POINTING TO THAT DESK, WHICH SIDE WAS IT ON?

8 THE WITNESS: RON'S RIGHT.

9 THE COURT: POINT TO THE DESK AND SHOW ME WHICH  
10 SIDE.

11  
12 (WITNESS COMPLIES.)

13  
14 THE COURT: INDICATING THE RIGHT SIDE OF THE DESK.

15 BY MR. MC MULLEN:

16 Q SO YOU SAW IT OVER HERE, WHICH WOULD HAVE  
17 BEEN LEVIN'S RIGHT, YOUR LEFT, AND WAS IT TOWARDS HIS SIDE  
18 OF THE DESK OR TOWARDS YOURS?

19 A IT WAS LIKE IN THE CENTER.

20 Q WAS IT TO THE EXTENT THAT YOU ARE NOT ABLE TO  
21 SEE IT? WHEN YOU FIRST SAW IT WAS UPSIDE DOWN OR RIGHT  
22 SIDE UP TO YOUR VIEW?

23 A IT WAS TURNED FACING WHERE HE COULD READ IT.

24 Q SO IT WAS RIGHT SIDE UP FOR LEVIN'S VIEW, BUT  
25 UPSIDE DOWN FOR YOU?

26 A UH-HUH.

27 THE COURT: IS THAT "YES"?

28 THE WITNESS: YES. SORRY.

1 BY MR. MC MULLEN:

2 Q AND MY RECOLLECTION, CORRECT ME IF I AM  
3 WRONG, BUT ON DIRECT EXAMINATION YOU SAID YOU SAW A LEGAL  
4 TABLET?

5 A I AM NOT SURE IF IT WAS A LEGAL TABLET OR  
6 JUST A YELLOW PIECE OF PAPER THAT LOOKED LIKE IT BELONGS  
7 ON A LEGAL TABLET.

8 Q YOU ARE UNSURE NOW WHETHER IT WAS A LEGAL  
9 TABLET OR SINGLE SHEET OF PAPER?

10 A I THOUGHT IT WAS A SINGLE SHEET OF PAPER.  
11 BUT I AM NOT SURE.

12 Q SO WHAT --

13 MR. MC MULLEN: I AM SORRY.

14 THE COURT: HOLD ON JUST A MOMENT.

15 MR. MC MULLEN: YES, YOUR HONOR.

16

17 (PAUSE.)

18

19 THE COURT: I AM SORRY. GO AHEAD.

20 BY MR. MC MULLEN:

21 Q SO MR. LEVIN IS ON THE PHONE, YOU ARE IN  
22 FRONT OF THE DESK, AND WHAT HAPPENED, SOMETHING CATCHES  
23 YOUR EYE?

24 A YES. I SEE YELLOW, THE COLOR YELLOW, AND I  
25 SEE "TO-DO."

26 Q AND THEN YOU PICKED UP THAT LIST; IS THAT  
27 CORRECT?

28 A I START, YES.



1 Q IS THAT SOMETHING THAT YOU WOULD DO IN RON  
2 LEVIN'S OFFICE, PICK UP SOMETHING OFF HIS DESK?

3 A YES.

4 Q IS THAT SOMETHING YOU DO IN PEOPLE'S OFFICE  
5 IN GENERAL, YOU JUST PICK UP THINGS THAT YOU SEE THAT SEEM  
6 INTERESTING?

7 A NO.

8 Q AND MR. LEVIN WAS ON THE TELEPHONE AT THAT  
9 TIME. WHAT HAPPENED AFTER YOU PICKED UP THE LIST?

10 A I BARELY HAD CHANCE TO GLANCE AT IT WHEN HE  
11 ROLLED AROUND IN HIS CHAIR AND YANKED IT AWAY FROM ME.

12 Q WAS THERE ANYTHING UNDER THE LIST WHEN YOU  
13 PICKED IT UP?

14 A I AM SORRY. WHAT DID YOU SAY?

15 Q DO YOU REMEMBER IF THERE WAS ANYTHING UNDER  
16 THE LIST WHEN YOU PICKED IT UP?

17 MR. KLEIN: DOES THAT MEAN UNDER THE PIECE OF  
18 PAPER, THE PIECE OF PAPER?

19 THE COURT: YOU MEAN ON THE DESK?

20 MR. MC MULLEN: YES, ON THE DESK.

21 BY MR. MC MULLEN:

22 Q YOU PICKED UP, MY UNDERSTANDING IS, NOW YOU  
23 ARE SAYING YOU PICKED UP A SINGLE SHEET OF PAPER OFF THE  
24 DESK. WAS THERE ANYTHING --

25 MR. KLEIN: I THINK THAT MISSTATES THE TESTIMONY.  
26 SHE SAID SHE WASN'T SURE.

27 THE COURT: OVERRULED.

28 SHE THOUGHT IT WAS A PIECE OF PAPER.

1 BY MR. MC MULLEN:

2 Q YOUR BEST RECOLLECTION IS A SINGLE PIECE OF  
3 PAPER. YOU ARE NOT SURE, IT COULD BE A TABLET?

4 A I AM NOT SURE IT WAS ATTACHED TO THE TABLET  
5 OR NOT. I THINK IT WAS A SINGLE PIECE OF PAPER.

6 Q WHATEVER IT IS YOU PICKED UP, WHETHER A  
7 TABLET OR SINGLE SHEET OF PAPER, WAS THERE ANYTHING ON THE  
8 DESK THAT WAS UNDER THAT, THIS THING THAT YOU PICKED UP?

9 A YOU ARE ASKING ME WAS IT LAYING ON TOP OF  
10 THINGS?

11 Q YES.

12 DO YOU REMEMBER WHAT IT WAS LAYING ON TOP OF?

13 A NO.

14 Q SO YOU BARELY HAD TIME TO LOOK AT THE LIST  
15 AND RON LEVIN PULLED IT AWAY?

16 A YES.

17 Q WHAT DID HE SAY, IF ANYTHING?

18 A IF ANYTHING, I THINK HE SAID, "DON'T BE  
19 NOSY," BUT HE WAS STILL ON THE PHONE.

20 Q HE WAS GOING TO ASK YOU, HE WAS STILL ON THE  
21 PHONE. DID HE BREAK HIS CONVERSATION TO GRAB THIS AWAY  
22 FROM YOU AND SAY SOME WORDS?

23 A HE FINISHED TALKING, AND I GUESS THE OTHER  
24 PERSON WAS TALKING WHEN HE SAID, "DON'T BE SO NOSY."

25 Q SO HE TOOK THE LIST AWAY FROM YOU. WHAT DID  
26 HE DO WITH IT?

27 A LAID IT, I THOUGHT HE LAID IT BEHIND HIM, BUT  
28 I AM NOT SURE.

1 Q PERHAPS OUT OF YOUR REACH?

2 A DEFINITELY.

3 Q AND THEN WHAT DID YOU DO AFTER THAT?

4 A I WENT TO THE ANOTHER SIDE OF THE DESK.

5 Q WHY DID YOU DO THAT?

6 A JUST OUT OF BOREDOM, MAYBE JUST LOOKING AT  
7 THINGS WHILE WE WAS BUSY TALKING ON THE PHONE.

8 Q HOW LONG DID THIS TELEPHONE CONVERSATION SEEM  
9 TO LAST WITH MR. LEVIN?

10 A I COULD ONLY SPECULATE.

11 THE COURT: DON'T SPECULATE. GIVE US YOUR BEST  
12 RECOLLECTION.

13 THE WITNESS: ENOUGH TIME FOR HIM TO TALK STOCKS,  
14 TRANSFERRING MONEY AND THAT. I DON'T KNOW WHAT THAT WOULD  
15 TAKE.

16 THE COURT: WHAT'S YOUR BEST RECOLLECTION.

17 THE WITNESS: I WOULDN'T -- I WOULD ONLY BE  
18 GUESSING. FIVE MINUTES. I DON'T WANT TO GUESS.

19 BY MR. MC MULLEN:

20 Q ON THE DAY THAT THIS HAPPENED WHERE YOU SAW  
21 THE LIST -- LET'S GO BACK TO WHERE YOU PICK UP THE LIST.  
22 WERE YOU WEARING YOUR GLASSES AT THAT PARTICULAR TIME?

23 A I DIDN'T HAVE TO WEAR GLASSES THEN.

24 Q WHEN DID YOU START WEARING GLASSES?

25 A ABOUT A YEAR AGO.

26 Q ARE THOSE READING GLASSES?

27 A UH-HUH, YES.

28 Q AND YOU ARE GETTING USED TO QUESTIONS.

1 OKAY.

2 SO HE IS ON -- WELL, I TAKE IT HE WAS ON THE  
3 PHONE. WAS HE ON THE PHONE LONG ENOUGH WHERE YOU WERE  
4 GETTING BOARD WITH WAITING THERE TO TALK TO HIM, AND  
5 THAT'S WHY YOU WERE LOOKING ON THE DESK FOR HIM?

6 A ANYTHING OVER TWO SECONDS I GET BORED.

7 Q SO YOU NOTICE SOMETHING ON THE OTHER SIDE OF  
8 THE DESK. WHAT IS IT THAT YOU NOTICED? DESCRIBE WHAT IT  
9 IS YOU NOTICED?

10 A IT IS LIKE A TYPEWRITTEN MOVIE SCRIPT. IT  
11 HAS A TITLE, SO I JUST PICKED IT UP.

12 Q ARE YOU FAMILIAR WITH MOVIE SCRIPTS, HAVE YOU  
13 EVER LOOKED AT THEM BEFORE?

14 A YES.

15 Q WAS THERE A SCRIPT? IN OTHER WORDS, THAT  
16 WOULD HAVE DIALOGUE OF PEOPLE, IT WOULD HAVE YOUR VARIOUS  
17 CHARACTERS SPEAKING DIALOGUE?

18 A YES.

19 Q HOW THICK WAS THE SCRIPT? HOW MANY PAGES, TO  
20 THE BEST YOU CAN ESTIMATE?

21 A I COULDN'T. BUT LOOKING AT IT IT IS ABOUT  
22 THAT THICK WHATEVER THAT WOULD BE (INDICATING).

23 THE COURT: SHOW ME.

24 MR. CRAIN: INDICATING ABOUT AN INCH AND A HALF.

25 THE COURT: INDICATING ABOUT AN INCH.

26 BY MR. MC MULLEN:

27 Q HOW MUCH OF THE SCRIPT DID YOU LOOK AT?

28 A NOT MUCH. I JUST LIKE LEAFED THROUGH IT.

1 Q AND HOW LONG WERE YOU ABLE TO LEAF THROUGH IT  
2 IN TERMS OF TIME?

3 A JUST ENOUGH TO SEE STOLEN VIDEO EQUIPMENT,  
4 THE NAME EDWARD, THE NAME SHERRY. I COULDN'T READ THE  
5 DIALOGUE. JUST ENOUGH TO SEE THE NAME NEW YORK, A TRIP TO  
6 NEW YORK. JUST BRIEFLY.

7 Q WERE YOU ABLE TO -- THOSE ITEMS THAT YOU HAVE  
8 JUST MENTIONED, WERE THEY IN REFERENCE TO A PARTICULAR  
9 PEOPLE'S DIALOGUE, OR COULD YOU TELL WHAT THOSE WORDS WERE  
10 THAT -- WHERE THEY WERE COMING FROM OTHER THAN THE MAIN  
11 BODY OF THIS THING?

12 A JUST LIKE EDWARD, WHATEVER EDWARD WOULD SAY.  
13 SHERRY, WHATEVER SHERRY WOULD SAY. ALL I PICKED UP WAS  
14 THE NAME, THE NAMES.

15 Q AND HOW LONG WERE YOU ABLE TO LOOK AT THAT  
16 SCRIPT?

17 A VERY BRIEF.

18 Q AND WHY BRIEF? WHAT HAPPENED? DID SOMETHING  
19 HAPPEN?

20 A BECAUSE HE ROLLED BACK AROUND THE CHAIR AND  
21 HE SAW ME LOOKING AT THAT, AND HE PULLED THAT AWAY FROM  
22 ME.

23 Q WAS HE STILL ON THE PHONE AT THAT POINT IN  
24 TIME?

25 A YES.

26 Q AND WHAT HAPPENED AFTER HE TOOK THIS SCRIPT  
27 AWAY FROM YOU?

28 A HE JUST LAID BACK DOWN ON THE DESK. HE

1 FINISHED HIS CONVERSATION ON THE -- HUNG THE PHONE UP, AND  
2 THEN TURNED BACK AROUND, AND I STARTED ASKING HIM  
3 QUESTIONS.

4 Q WHAT DID YOU ASK HIM?

5 A ABOUT THE LIST, WHY KILL THE DOG. I ASKED  
6 HIM WHAT THAT WAS ABOUT.

7 Q AT THAT POINT IN TIME WHEN HE GOT OFF THE  
8 PHONE WAS HE AGITATED? YOU DESCRIBED HIM AS BEING VERY  
9 AGITATED, UPSET. DID HE SEEM TO BE THAT WAY AT THAT POINT  
10 IN TIME?

11 A HE HAD CALMED DOWN SOME.

12 Q SO HE DIDN'T -- I GET THE IMPRESSION FROM RON  
13 LEVIN IF HE WAS VERY UPSET AND AGITATED HE WOULD  
14 MONOPOLIZE THE CONVERSATION, HE WOULD TELL YOU WHAT WAS ON  
15 HIS MIND. IS THAT CONSISTENT WITH RON LEVIN?

16 A THAT'S THE WAY HE IS.

17 Q BUT AT THAT POINT IN TIME HE HAD CALMED DOWN  
18 ENOUGH TO KNOW WHERE YOU COULD TAKE OVER THE CONVERSATION  
19 AND ASK HIM QUESTIONS ABOUT WHAT YOU HAD LOOKED AT?

20 A YES. IF HE ALLOWS, IF HE SO ELECTS TO ALLOW  
21 YOU TO.

22 Q DID YOU ASK HIM WHY HE WAS SO AGITATED OR  
23 UPSET?

24 A YES.

25 Q WHEN DID YOU ASK HIM THAT?

26 A WHEN WE WERE WALKING INTO THE APARTMENT. I  
27 ASKED HIM WHAT THE PROBLEM WAS, WHY HE WAS NERVOUS, WHY HE  
28 WAS IRRITATED, WHY HE WAS UPSET.

1 Q WHAT DID HE SAY?

2 A SOME PHONE CALL ABOUT SOMEBODY THREATENING  
3 HIM.

4 Q DID HE SAY WHAT THE NATURE OF THE THREAT WAS?

5 A NO.

6 Q WHO THE PHONE CALL WAS FROM?

7 A NO.

8 Q DID YOU KNOW THAT RON LEVIN -- YOU KNEW RON  
9 LEVIN OVER A PERIOD OF TIME. HAD YOU EVER KNOWN PEOPLE TO  
10 BE UPSET WITH HIM OR THREATEN HIM?

11 A YES.

12 Q SO IT DIDN'T STRIKE YOU?

13 A I DON'T KNOW THE THREATENING PART. I HAVE  
14 KNOWN PEOPLE TO BE UPSET WITH HIM.

15 Q I TAKE IT IT WOULD COME AS NO SURPRISE THAT  
16 HE WAS UPSET THAT SOMEONE MIGHT HAVE THREATENED HIM?

17 A I DON'T KNOW IF HE HAD EVER BEEN THREATENED  
18 BEFORE.

19 Q YOU TESTIFIED THAT PRIOR TO THIS PARTICULAR  
20 OCCASION HE WENT OVER THERE ONCE AND HIS FACE WAS ALL BEAT  
21 UP LIKE HE HAD BEEN BEATEN UP.

22 MR. CRAIN: OBJECTION. THAT'S SPECULATION.

23 THE COURT: SUSTAINED.

24 BY MR. MC MULLEN:

25 Q WHEN YOU WENT OVER THERE AND HE TALKED, HIS  
26 FACE WAS ALL BEAT UP, DID HE SAY ANYTHING ABOUT HIS FACE  
27 HOW THAT HAD HAPPENED?

28 A EXCUSE ME. HE JUST SAID SOMEBODY RANG THE

1 DOORBELL, HE WENT TO ANSWER THE DOORBELL, IT WAS A BLACK  
2 GUY, A COURIER TO DROP SOMETHING OFF. I TAKE IT HE OPENED  
3 THE DOORS AND THE GUY CAME IN AND BEAT HIM. HE SAID HE  
4 DIDN'T KNOW WHO THE GUY WAS. RIGHT AFTER THAT HE PUT IN  
5 SOME KIND OF, I THINK, ALARM.

6 MR. CRAIN: REALLY THAT OUGHT TO BE STRICKEN. IT  
7 IS HEARSAY.

8 THE COURT: THE LAST -- WELL, THE LAST PORTION I  
9 THINK, "SOMETIME AFTER THAT HE PUT THE ALARM SYSTEM," THAT  
10 WILL GO OUT, THE REST OF IT WILL STAY IN.

11 MR. MC MULLEN: THANK YOU, YOUR HONOR.

12 BY MR. MC MULLEN:

13 Q SO IT CAME AS NO SURPRISE TO YOU, OR DID IT  
14 SURPRISE YOU THAT SOMEONE WOULD BE THREATENING HIM EVEN  
15 THOUGH YOU HAD SEEN HIS FACE ALL BEAT UP?

16 A I WAS QUITE SHOCKED TO SEE HIS FACE BEAT UP  
17 BECAUSE I NEVER SEEN THAT BEFORE.

18 Q SO WERE YOU ALSO SHOCKED WHEN HE WAS UPSET  
19 THAT SOMEONE WAS THREATENING HIM?

20 A RON IS ALWAYS UPSET.

21 Q SO HIM BEING UPSET IS NOT UNUSUAL?

22 A NO.

23 Q AT THE SAME TOKEN, THOUGH --

24 A HE WAS A VERY HIGH-STRUNG PERSON.

25 Q AS FAR AS IF HE BECOMES UPSET QUICKLY AS  
26 QUICKLY DOES HE CALM DOWN?

27 A NOT LIKE YOU AND I. HE STAYS HIGH STRUNG.  
28 HE STAYS LIKE THAT.



1 Q BUT THEN AFTER HE GOT OFF THE PHONE CALL HE  
2 SEEMED CALM ENOUGH?

3 A BECAUSE HE WAS DISCUSSING MONEY.

4 Q SO THAT YOU THEN COULD ASK HIM QUESTIONS AND  
5 HE WOULD ANSWER THEM.

6 AND WHAT DID YOU ASK HIM -- EXCUSE ME -- I  
7 DIDN'T GET AN ANSWER TO THAT QUESTION. I THINK THAT WAS A  
8 STATEMENT.

9 THE COURT: IT WAS.

10 MR. MC MULLEN: I AM SORRY, YOUR HONOR.

11 THE COURT: LET'S MOVE ON. HOW MUCH MORE DO YOU  
12 HAVE ON CROSS?

13 MR. MC MULLEN: IT IS HARD FOR ME TO TELL.

14 THE COURT: TELL ME, GIVE ME YOUR ESTIMATE.

15 MR. MC MULLEN: 15 MINUTES. 20 MINUTES. 15  
16 MINUTES, HALF HOUR.

17 THE COURT: WELL, DOING 15 MINUTES OR A HALF AN  
18 HOUR -- WHY DON'T WE TAKE OUR EVENING RECESS AT THIS TIME.

19 MR. CRAIN: WOULD THERE BE ANYWAY TO FOCUS AS WE GO  
20 ALONG. I DON'T, AT THIS POINT, HAVE ANY REDIRECT, AND THE  
21 WITNESS LIVES SEVERAL HOURS OUT OF TOWN. SO I KNOW THE  
22 COURT'S STAFF AND EVERYBODY WOULD LIKE TO END IT, BUT  
23 PERHAPS MR. MC MULLEN CAN FOCUS HERE.

24 THE COURT: WHY DON'T YOU THINK MR. MC MULLEN WHAT  
25 HAVE YOU GOT?

26 MR. MC MULLEN: MY PREFERENCE WOULD BE TO COME BACK  
27 TOMORROW, AND I COULD PROBABLY BE MORE FOCUSED.

28 THE COURT: LET'S GO ON.

1 THE CLERK'S HUSBAND HAS MADE ARRANGEMENTS TO  
2 PICK HER UP IN THE NEXT TEN MINUTES. SO SHE IS GOING TO  
3 TRY TO REACH HIM ON THE CAR PHONE. WE WILL SEE.

4 LET'S GET DONE WHAT WE CAN.

5 MR. MC MULLEN: OKAY.

6 BY MR. MC MULLEN:

7 Q I AM -- OR I -- WE WERE AT THE DESK, HE WAS  
8 ON THE TELEPHONE, HE HAD TAKEN THE SCRIPT FROM YOU. AND  
9 WHAT HAPPENED AFTER HE TOOK THE SCRIPT FROM YOU?

10 A HE FINISHED UP HIS CONVERSATION ON THE  
11 TELEPHONE.

12 Q RIGHT.

13 AND DID YOU -- WHAT HAPPENED AFTER HE  
14 FINISHED UP THE CONVERSATION ON THE TELEPHONE?

15 A THEN HE IMMEDIATELY -- I ASKED, "WHY KILL THE  
16 DOG, RONNIE," AND I ASKED HIM WHAT THAT IS ALL ABOUT.

17 HE SAID, "IT PERTAINS TO THE SCRIPT.

18 Q NOW, WHEN YOU ASKED HIM THAT, "WHY KILL THE  
19 DOG," DID YOU MAKE REFERENCE TO WHAT IT IS, TO THE LIST  
20 THAT YOU HAD SEEN?

21 A I AM SORRY, WHAT?

22 Q IN OTHER WORDS, DID YOU JUST MAKE A BLANKET  
23 STATEMENT, "WHY KILL THE DOG," OR DID YOU INDICATE TO RON  
24 LEVIN WHAT IT IS YOU WERE TALKING ABOUT?

25 A I THINK I POINTED IN THE DIRECTION OF WHERE  
26 THE LIST WAS. "WHY KILL THE DOG?" HE KNEW WHAT I MEANT.

27 Q AND THEN WHAT LED YOU TO BELIEVE THAT HE KNEW  
28 WHAT YOU WERE --

1           A           BECAUSE HE PULLED IT OUT OF MY HANDS.

2           Q           WELL, HE SAID -- WHAT WAS HIS RESPONSE WHEN  
3 YOU SAID, "WHY KILL THE DOG"?

4           A           "THE DOG IS NEUROTIC."

5                        I SAID, "WHAT DOES THAT HAVE TO DO WITH IT?"  
6 I TRIED TO UNDERSTAND WHAT THAT LIST HAD TO DO WITH  
7 ANYTHING.

8                        HE SAID IT HAD DO WITH A MOVIE SCRIPT HE WAS  
9 WORKING ON.

10          Q           DID HE EXPLAIN HOW THAT WAS -- SO HOW IT CAME  
11 TO BE THAT IT WAS RELATED TO A MOVIE SCRIPT?

12          A           I ASKED HIM WHAT THAT LIST PERTAINED TO, WHAT  
13 IT HAD TO DO WITH. HE SAID IT HAD TO DO SOMETHING WITH A  
14 MOVIE SCRIPT, WHICH HE ALSO PULLED OUT OF MY HANDS.

15          Q           WHAT HAPPENED AFTER THAT?

16          A           WHAT DO YOU MEAN?

17          Q           I MEAN, HE EXPLAINS TO YOU WHY KILL THE DOG  
18 BECAUSE THE DOG IS NEUROTIC. IT IS ASSOCIATED WITH A  
19 MOVIE SCRIPT. THEN WHAT HAPPENED IN THE OFFICE THERE?

20          A           WE HAD BRIEF, SOME MORE CONVERSATION.

21          Q           WHAT DID YOU TALK ABOUT?

22          A           TALKED ABOUT HIS TRIP, GOING AWAY. HE MADE A  
23 COMMENT ABOUT MAYBE HE COULDN'T COME BACK.

24          Q           OKAY.

25                        WHERE -- WHEN HE SAID TALKING ABOUT HIS TRIP,  
26 WHAT DID HE SAY? DID HE SAY WHERE HE WAS GOING?

27          A           NEW YORK.

28          Q           AND YOU SUGGESTED, I AM SORRY, HE SAID HE

1 MIGHT NOT COME BACK?

2 A YES.

3 Q WAS WHAT YOUR RESPONSE TO THAT?

4 A I LAUGHED, SAID A COMMENT LIKE, "SURE, YOU  
5 CAN'T LIVE WITHOUT TALKING TO MY HUSBAND EVERY DAY OR  
6 SEEING YOUR MOM."

7 Q HE AGREED WITH THAT, DIDN'T HE?

8 A HE SAID, "MAYBE."

9 Q AND THEN WHAT HAPPENED AFTER THAT?

10 A MAYBE WE HAD A LITTLE MORE CONVERSATION, AND  
11 I LEFT.

12 Q DID HE EVER, WITH THE EXCEPTION OF WHEN YOU  
13 WALKED INTO HIS PLACE AND IN TOWARDS HIS OFFICE, DID HE  
14 EVER TELL YOU ANYMORE ABOUT WHY HE WAS SO UPSET AND WHY HE  
15 WAS THREATENED? DID HE EVER GO OVER THAT WITH YOU ANY  
16 MORE THAN WHAT HE SAID GOING IN?

17 A I DON'T RECALL AT THIS TIME WHETHER HE KNEW  
18 THE PERSON THAT WAS THREATENING HIM. I THINK IT WAS OVER  
19 THE PHONE. SOMEBODY THREATENING HIM OVER THE PHONE CALL.

20 Q DID HE SAY THAT?

21 A I DON'T REMEMBER AT THIS TIME, TO BE HONEST.  
22 IT WASN'T A FACE-TO-FACE THREAT. I THINK -- I BELIEVE IT  
23 WAS OVER THE PHONE THAT SOMEBODY THREATENED HIM.

24 Q WELL, IT SEEMED THAT HE ASKED YOU TO COME  
25 INTO HIS APARTMENT FOR A VERY URGENT AND SPECIFIC REASON;  
26 IS THAT A FAIR STATEMENT?

27 A YES.

28 Q AND DID YOU FEEL SATISFIED THAT FOR WHATEVER

1 PURPOSE HE CALLED YOU IN THERE THAT THAT HAD BEEN, THAT  
2 YOU HAD GONE OVER THAT WITH HIM? DID YOU FEEL SATISFIED  
3 THAT WHATEVER IT IS YOU HAD TO GO IN THERE FOR HAD BEEN  
4 RESOLVED?

5 A WHAT DO YOU MEAN?

6 Q I MEAN, THAT HE TOLD YOU OR WHATEVER IT WAS  
7 HE WANTED TO TELL YOU?

8 MR. KLEIN: OBJECTION AS TO WHAT, WHETHER SHE IS  
9 SATISFIED OR NOT. THAT'S IRRELEVANT.

10 THE COURT: SUSTAINED.

11 MR. MC MULLEN: THANK YOU.

12 BY MR. MC MULLEN:

13 Q AT SOME POINT THEN AFTER THAT POINT IN TIME  
14 YOU LEFT, YOU LEFT HIS APARTMENT?

15 A YES.

16 Q NOW, OVER A LONG PERIOD OF -- LATER ON THEN  
17 YOU LEARNED THAT MR. LEVIN DISAPPEARED?

18 A YES.

19 Q AND WHO DID YOU LEARN THAT FROM?

20 A FROM MY HUSBAND.

21 Q AND HE WAS SO INFORMED BY THE BEVERLY HILLS  
22 POLICE DEPARTMENT; IS THAT CORRECT?

23 A YES, I BELIEVE SO.

24 Q NOW, YOU UNDERSTAND THAT -- YOU ARE AWARE  
25 THAT YOUR HUSBAND TESTIFIED IN A MURDER TRIAL IN LOS  
26 ANGELES WITH RESPECT TO MR. LEVIN'S DEMISE. DID YOU KNOW  
27 THAT?

28 A YES.

1 Q DID YOU REALIZE HE WENT TO SANTA MONICA  
2 COURTHOUSE AND TESTIFIED OVER A PERIOD OF TIME?

3 A YES.

4 Q DID YOU EVER TALK TO HIM ABOUT HIS TESTIMONY?

5 A NO.

6 Q BUT YOU WERE AWARE THAT THERE WAS A MURDER  
7 TRIAL.

8 THE COURT: I MISSED THE LAST QUESTION AND ANSWER.  
9 WOULD YOU READ IT BACK.

10

11 (THE RECORD WAS READ.)

12

13 BY MR. MC MULLEN:

14 Q BUT YOU WERE AWARE THAT HE TESTIFIED IN A  
15 TRIAL WHERE IT WAS -- THE ALLEGATION WAS RON LEVIN WAS THE  
16 MURDER VICTIM?

17 MR. KLEIN: ASKED AND ANSWERED.

18 THE COURT: I WILL ALLOW IT.

19 YOU MAY ANSWER.

20 THE WITNESS: REPEAT THAT, PLEASE.

21 BY MR. MC MULLEN:

22 Q YOU WERE AWARE THAT RON LEVIN WAS ALLEGED TO  
23 HAVE BEEN A MURDER VICTIM IN THAT MURDER CASE THAT YOUR  
24 HUSBAND WAS TESTIFYING IN?

25 A I NEVER THOUGHT RON LEVIN WAS MURDERED.

26 Q I UNDERSTAND THAT.

27 THAT LEADS ME TO THE NEXT QUESTION. YOU  
28 NEVER KNEW OR IN YOUR OWN MIND WHAT YOU TESTIFIED HERE

1 TODAY YOU -- IT WAS YOUR OPINION THAT RON LEVIN WASN'T  
2 MURDERED?

3 A YES.

4 Q AND DID YOU EVER THINK OF GOING FORWARD TO  
5 THE POLICE AND TELL THEM ABOUT WHAT YOU KNEW?

6 A I DIDN'T KNOW I KNEW ANYTHING.

7 THE COURT: ALL RIGHT.

8 TELL YOU WHAT, WE NEED TO TAKE OUR AFTERNOON  
9 RECESS AT THIS TIME, AND WE WILL HAVE TO HAVE THE WITNESS  
10 COME BACK. LET'S PICK UP AGAIN TOMORROW.

11 YOU THINK YOU ARE GOING TO BE DONE BY NOON  
12 THEN, MR. KLEIN?

13 MR. KLEIN: I DO.

14 THE COURT: 1:30. COUNSEL, PETITIONER AND WITNESS  
15 ARE ORDERED BACK AT 1:30 TOMORROW.

16 AT THE END OF EACH DAY MAKE SURE WE HAVE ALL  
17 OF THE EXHIBITS AND THEY ARE CHECKED BACK IN WITH THE  
18 CLERK BEFORE COUNSEL LEAVES THE COURTROOM.

19 MR. CRAIN: I MAY HAVE MISSED SOMETHING ABOUT  
20 WEDNESDAY'S SCHEDULING. HAVE YOU DECIDED THAT WE ARE OFF  
21 WEDNESDAY?

22 THE COURT: YEAH.

23 DID A FAX COME IN, HELEN?

24 LET ME JUST CHECK. I AM WAITING FOR  
25 SOMETHING ELSE.

26

27

(PAUSE.)

28

1 THE COURT: ALL RIGHT.

2 YEAH. I WILL GIVE YOU WEDNESDAY OFF THEN.

3 MR. CRAIN: THURSDAY AND FRIDAY?

4 THE COURT: I WILL GIVE YOU WEDNESDAY, THURSDAY AND  
5 FRIDAY SO YOU GUYS --

6 MR. CRAIN: WHAT ABOUT MONDAY, WHAT TIME SHOULD WE  
7 HAVE THE WITNESS IN, 9 O'CLOCK?

8 THE COURT: I HAVEN'T LOOKED AT MONDAY'S CALENDAR  
9 YET.

10 WHAT'S ON MONDAY, MONDAY THE 29TH?

11

12 (PAUSE.)

13

14 THE COURT: WE ARE CLEAR. 9 O'CLOCK.

15 MR. MC MULLEN: JUST FOR YOUR INFORMATION, YOUR  
16 HONOR, THIS -- AND I SUBMITTED TO YET A SECOND AMENDED  
17 REQUEST FOR AN ORDER TO BRING OUT MR. KILPATRICK FROM THE  
18 PENITENTIARY. I HAVE HAD SOME COMMUNICATION PROBLEMS WITH  
19 THE SHERIFF. I HAVE HAD TO ALTER THE ORDERS. SO I AM  
20 RESUBMITTING YOU ANOTHER ONE.

21 THE COURT: JUST TO COMPLY WITH THE SHERIFF'S  
22 REQUIREMENT I WILL SIGN IT.

23 MR. MC MULLEN: THANK YOU.

24 THE COURT: SEE YOU GUYS BACK 1:30 TOMORROW.

25 MR. KLEIN: YOUR HONOR, CAN MR. HUNT HAVE  
26 PERMISSION TO GET THAT BOOK AT THE JAIL?

27 THE COURT: I AM TOLD HE SHOULD BE ABLE TO GO  
28 THROUGH THE JAIL PROCEDURES. THE PROBLEMS ARE THERE HAS



1 BEEN A TREMENDOUS SMUGGLING PROBLEM, AND I DO NOT OVERSEE  
2 THE SHERIFF'S IN TERMS OF WHAT THEIR CONCERNS ARE.

3 MR. KLEIN: CAN WE HAVE AN ORDER THAT HE BE ALLOWED  
4 TO BE GIVEN IT SUBJECT TO IT BEING SEARCHED BY THE JAIL  
5 PERSONNEL?

6 THE COURT: IF IT MEETS THE SHERIFF'S REQUIREMENTS,  
7 HE SHOULD HAVE NO PROBLEM.

8 MR. KLEIN: SOMETIMES BOOKS HAVE TO COME FROM THE  
9 PUBLISHER. THAT'S THE REQUIREMENT. THIS IS A HARD BOUND  
10 BOOK. SO IT WOULD NEVER GET IN. SO THE HARD BOUND PART  
11 HAS BEEN TAKEN OFF.

12 THE COURT: TRY TO WORK IT OUT WITH THE SHERIFF'S  
13 DEPARTMENT.

14 MR. CRAIN: YOUR HONOR, I AM SORRY, REGARDING THE  
15 WITNESS' SCHEDULE FOR TOMORROW. I DIDN'T REALIZE THIS.  
16 SHE SAID FOR THE LAST SEVERAL MONTHS SHE HAD A LONG  
17 STANDING DENTAL APPOINTMENT. IT IS HERE IN LOS ANGELES.  
18 IT IS IN HOLLYWOOD. HOWEVER, SHE EXPECTS IT IS GOING TO  
19 TAKE FROM 11:30 TO 1:30, NOT JUST A TEETH CLEANING. I  
20 DIDN'T GET INTO THE DETAILS OF IT. I THOUGHT THAT WAS  
21 PERSONAL. I WONDER --

22 MR. KLEIN: COULD WE START WITH MR. ROBINSON AND  
23 THEN PUT HER ON AT SOME POINT AFTER THAT?

24 THE COURT: I HAVE NO PROBLEM WITH THAT.

25 MR. MC MULLEN: SO MR. ROBINSON IS YOUR NEXT  
26 INTENDED WITNESS?

27 MR. KLEIN: YES.

28 THE COURT: MAKE SURE YOU GUYS TALK AT THE END OF

1 DAY.

2 MR. CRAIN: SHE CAN BE HERE AT 2:30.

3 THE COURT: IF SHE CAN GET HERE BY 1:30 FINE, IF  
4 SHE GETS DONE, THE DENTIST LEAVES EARLY, WHATEVER. I  
5 PREFER TO HAVE HER HERE AT 1:30, BUT IF NOT 2:30 IS FINE.

6

7 (AT 4:40 P.M. AN ADJOURNMENT WAS  
8 TAKEN UNTIL TUESDAY,  
9 APRIL 23, 1996 AT 1:30 P.M.)

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