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

DEPARTMENT NO. 101 HON. J. STEPHEN CZULEGER, JUDGE

IN RE)
JOSEPH HUNT)
ON HABEAS CORPUS.)

NO. A 090435
COURT OF APPEAL - SECOND DIST.
FILED
DEC 01 1997
JOSEPH A. LAWE
Z. HERNANDEZ Clerk
Deputy Clerk

REPORTERS' DAILY TRANSCRIPT
VOLUME 3
TUESDAY, APRIL 23, 1996
PAGE 337 THROUGH 438, INCL.

APPEARANCES:

FOR THE PETITIONER
JOSEPH HUNT:

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ATTORNEY AT LAW
3201 WILSHIRE BOULEVARD
SUITE 312
SANTA MONICA, CALIFORNIA 90403
AND
MICHAEL CRAIN
ATTORNEY AT LAW
3201 WILSHIRE BOULEVARD
SUITE 312
SANTA MONICA, CALIFORNIA 90403

FOR THE RESPONDENT
THE PEOPLE OF THE
STATE OF CALIFORNIA:

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

COPY

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

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M A S T E R I N D E X

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(NONE)

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1 LOS ANGELES, CALIFORNIA; TUESDAY, APRIL 23, 1996

2 1:30 P. M.

3 DEPARTMENT NO. 101

HON. J. STEPHEN CZULEGER, JUDGE

4
5 APPEARANCES:

6 THE DEFENDANT, 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 AGAIN IN SESSION.

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

21 WHAT'S HAPPENING?

22 MR. KLEIN: YOUR HONOR, WE INTENDED TO HAVE ROBBIE
23 ROBINSON HERE AT 1:30. WE HAD MET WITH HIM, INSTRUCTED
24 HIM THAT WE WOULD HAVE OUR INVESTIGATOR CONTACT HIM THIS
25 MORNING AND PICK HIM UP SO HE COULD BE HERE AT 1:30.

26 I JUST SPOKE TO MY INVESTIGATOR'S OFFICE, I
27 HAVE NOT TALKED DIRECTLY TO THE INVESTIGATOR, I HAVE ASKED
28 THAT HE CALL ME DIRECTLY HERE. ACCORDING TO HIS OFFICE,

1 MR. ROBINSON IS IN HIS COMPANY. THEY ARE ON THEIR WAY AND
2 EXPECT TO BE HERE AT 2:10.

3 MR. CRAIN: HE DOESN'T HAVE A CAR, THAT'S WHY WE
4 NEEDED HIM TO BE TRANSPORTED.

5 MRS. MARMOR CALLED MY OFFICE, ACCORDING TO MY
6 SECRETARY, AND EXPECTS TO BE HERE AT AROUND TWO O'CLOCK.

7 THE COURT: WHY 2:10 FOR ROBINSON?

8 MR. KLEIN: AS I SAID, YOUR HONOR, OUR INSTRUCTIONS
9 WERE HE SAID HE GETS OFF WORK AROUND 9 O'CLOCK IN THE
10 MORNING TODAY. WE TOLD OUR INVESTIGATOR TO CONTACT HIM
11 SHORTLY AFTER 9:00. WE TOLD MR. ROBINSON THAT OUR
12 INVESTIGATOR WOULD CONTACT HIM SHORTLY AFTER 9:00, AND
13 THAT HE WOULD ARRANGE TO PICK HIM UP BECAUSE HE DOESN'T
14 HAVE A CAR.

15 I JUST TALKED TO HIS OFFICE. I HAVE NOT
16 TALKED TO HIM DIRECTLY. I CAN'T EXPLAIN IT BECAUSE I
17 DON'T KNOW WHAT HAPPENED UNTIL I TALK TO THE INVESTIGATOR.
18 I HAVE ASKED HIM TO CALL HERE DIRECTLY. BUT THEY ARE
19 SUPPOSEDLY TOGETHER, ACCORDING TO THE CONVERSATION I HAD
20 WITH THE SECRETARY, AND THEY WILL BE HERE AT 2:10. HE
21 LIVES AROUND HIGHLAND AND MELROSE, MR. ROBINSON, AND THAT
22 WAS WHERE THE INVESTIGATOR WAS GOING TO PICK HIM UP
23 BECAUSE HE DOESN'T HAVE A CAR.

24 MR. CRAIN: THEY WILL BE HERE AT 2:10. THE
25 INVESTIGATOR KNOWS THAT THIS COURT WANTS TO RUN ON AN
26 EFFICIENT SCHEDULE, PROBABLY LIKE TRAIN TIME OR SOMETHING.

27 THE COURT: ANY OTHER WITNESSES THAT YOU HAVE GOT
28 OUT IN THE HALL THAT WE CAN PUT ON?

1 MR. CRAIN: I AM REALLY SORRY. IF MRS. MARMOR
2 COULD BE HERE --

3 THE COURT: WHAT'S THE LATEST E.T.A. ON HER?

4 MR. CRAIN: SHE CALLED THE OFFICE AND SAID
5 2 O'CLOCK. SHE APPARENTLY LEFT THE DENTIST. I DON'T KNOW
6 ANYTHING MORE THAN THAT. I DIDN'T TALK TO HER DIRECTLY.

7 THE COURT: WHERE IS SHE STAYING, WHILE SHE IS
8 HERE?

9 MR. CRAIN: I DON'T KNOW.

10 MR. KLEIN: SHE SAYS SHE HAS THE APARTMENT AT PECK,
11 BUT SHE WAS AT THE DENTIST THIS MORNING. I APOLOGIZE
12 THAT'S --

13 THE COURT: IF THERE IS ANY ADDITIONAL INFORMATION
14 LET ME KNOW. LET'S HAVE SOME WITNESSES LINED UP.

15 MR. KLEIN: WE UNDERSTAND THE COURT'S POSITION.

16 MR. CRAIN: COULD I ASK A QUESTION WHILE WE ARE
17 HERE? WE ARE OFF ON MAY 3RD? I NEEDED TO VERIFY THAT.

18 THE COURT: YES. MAY 3RD IS THE FRIDAY I AM IN
19 ORANGE COUNTY THE ENTIRE DAY.

20 MR. CRAIN: SO ARE WE.

21 THE COURT: SAME COURTHOUSE?

22 MR. CRAIN: WE ARE GOING TO BE IN DEPARTMENT 44.

23 THE COURT: YOU DON'T HAVE ANY OF THE ORANGE COUNTY
24 BANKRUPTCY CASES?

25 MR. CRAIN: I DON'T HANDLE WELL-HEALED CLIENTS.

26 THE COURT: WHILE YOU ARE TALKING SCHEDULING,
27 MR. KLEIN, I WAS LOOKING AT MY COMING SCHEDULING. WHAT
28 WAS YOUR NEED NEXT WEEK?

1 MR. KLEIN: I THINK IT WAS WEDNESDAY, YOUR HONOR.
2 IT IS WEDNESDAY.

3 THE COURT: WHAT IS IT THAT YOU NEED TO DO?

4 MR. KLEIN: AS THE COURT IS AWARE, PART OF MY
5 PRACTICE IS DOING POST CONVICTION MATTERS, WHICH INCLUDES
6 REPRESENTING PEOPLE AT PAROLE BOARD HEARINGS, LIVE
7 PRISONER. I HAD TWO HEARINGS SCHEDULE DURING THE
8 ALEXANDER HEARING WHICH WERE POSTPONED, AND THEY HAVE BEEN
9 RESCHEDULED BY THE BOARD OF PRISONS FOR MAY 1ST.

10 THE ONLY WAY I COULD DO -- I WOULD HAVE TO
11 LEAVE IN THE MORNING BECAUSE THE HEARINGS ARE AT SOLEDAD,
12 WHICH IS ABOUT 40 MILES SOUTH OF THE AIRPORT IN MONTEREY.
13 SO I WOULD HAVE TO FLY INTO MONTEREY AND DRIVE FROM THE
14 AIRPORT. I THINK THOSE ARE THE ONLY -- THAT'S THE ONLY --

15 THE COURT: HOW MUCH LEAD TIME WOULD YOU NEED TO
16 CONTINUE IT, IF YOU HAD TO?

17 MR. KLEIN: I CAN -- IF YOU CAN TELL ME I HAVE TO
18 BE HERE, THEY ARE GOING TO CONTINUE IT, BUT THESE HEARINGS
19 ARE SCHEDULED LIKE TWO TO THREE MONTHS IN ADVANCE.

20 THE COURT: WHAT I AM TRYING TO DO IS WORK IN
21 SOMETHING ELSE. I KNEW WE WERE NOT GOING TO BE IN SESSION
22 THIS MORNING. I MOVED A SENTENCING INTO THIS MORNING. I
23 AM LOOKING AHEAD TO WHAT I CAN MOVE IN THAT WOULD SAVE US
24 TIME DOWN THE ROAD BY --

25 MR. KLEIN: I DON'T HAVE ANYTHING ELSE. AND I
26 THINK MR. CRAIN'S CALENDAR IS CLEAR OTHER THAN THAT
27 PARTICULAR DAY.

28 THE COURT: ALL RIGHT.

1 LET ME CONTINUE TO LOOK AT THE THINGS AND SEE
2 IF THERE IS SOMETHING I CAN MOVE IN AND FILL IN THE 1ST.

3 LET ME KNOW WHEN YOU HEAR SOMETHING.

4 PEOPLE HAVE ANYTHING?

5 MR. MC MULLEN: NO. NOTHING FOR YOU, YOUR HONOR.

6
7 (RECESS.)

8
9 THE BAILIFF: REMAIN SEATED, COME TO ORDER,
10 DEPARTMENT 101 IS AGAIN IN SESSION.

11 THE COURT: IN THE MATTER OF IN RE JOSEPH HUNT, THE
12 RECORD WILL REFLECT ALL COUNSEL AND PETITIONER ARE
13 PRESENT. MS. MARMOR, THE WITNESS, IS ON THE STAND.

14 YOU ARE REMINDED THAT YOU ARE STILL UNDER
15 OATH.

16 YOU MAY FINISH YOUR CROSS-EXAMINATION.

17 MR. MC MULLEN: THANK YOU

18 BEFORE I BEGIN WITH REGARD TO THIS WITNESS,
19 YESTERDAY YOUR HONOR ALLOWED SOME EVIDENCE TO COME IN WITH
20 RESPECT TO MR. LEVIN'S BEATING HIS DOG AND YOU ACCEPTED IT
21 SUBJECT TO A MOTION TO STRIKE, AND WE WOULD HEREBY RIGHT
22 NOW MOVE TO STRIKE THAT TESTIMONY.

23 THE COURT: I WILL ALLOW THE EVIDENCE TO STAND.

24 MR. MC MULLEN: THANK YOU

25 THE COURT: IT GOES TO EXPLAIN SOME OF THE
26 CONVERSATIONS CONCERNING THE LIST AND THE SCRIPT WHICH THE
27 WITNESS DID TESTIFY ABOUT.

28 MR. MC MULLEN: I JUST HAVE A FEW FOLLOW-UP

1 QUESTIONS WITH RESPECT TO THAT.

2 MR. KLEIN: MAY I BE EXCUSED FOR JUST A MINUTE
3 BECAUSE THE OTHER WITNESS ARRIVED, AND I WILL BE BACK?

4 THE COURT: MR. CRAIN AND MR. HUNT HAVE NO
5 OBJECTION, AND HEARING NONE, YES.

6

7 (MR. KLEIN EXITS THE COURTROOM.)

8

9 MR. CRAIN: I WOULD TELL THE COURT, I HESITATE TO
10 ASK IN VIEW OF THE DELAY, I WOULD APPRECIATE IT IF I COULD
11 HAVE ABOUT THREE MINUTES TO CONFER WITH THE NEXT WITNESS
12 AFTER MRS. MARMOR CONCLUDES HER EXAMINE. I DON'T NEED ANY
13 MORE THAN THAT.

14 THE COURT: LET'S SEE WHERE WE ARE AT.

15 MR. CRAIN: OKAY.

16 MR. MC MULLEN: MAY I PROCEED?

17 THE COURT: YES.

18

19 KAREN SUE MARMOR, +
20 CALLED AS A WITNESS BY THE PETITIONER, HAVING BEEN
21 PREVIOUSLY SWORN, RESUMED THE STAND AND TESTIFIED FURTHER
22 AS FOLLOWS:

23

24 CROSS-EXAMINATION @

25

26 BY MR. MC MULLEN:

27 Q MA'AM, YOU TESTIFIED ABOUT, YESTERDAY ABOUT
28 SOME BEHAVIOR THAT MR. LEVIN ENGAGED IN WITH RESPECT TO

1 HIS DOG. DO YOU HAVE PETS?

2 A I HAVE HAD 26 CATS AND FOUR DOGS.

3 Q SO YOU DO HAVE PETS?

4 A NOT NOW BUT --

5 Q YOU DID?

6 A AS I WAS GROWING UP, YES.

7 Q ALL AT ONCE?

8 A YES. I LIVED ON A FARM.

9 Q ARE YOU AN ANIMAL RIGHT'S ADVOCATE?

10 A I LOVE ANIMALS.

11 Q YESTERDAY YOU TESTIFIED ABOUT PICKING SOME
12 THINGS UP OFF LEVIN'S DESK, IN PARTICULAR THE TO-DO LIST
13 AND THE SCRIPT. DO YOU USUALLY PICK UP THINGS OFF OF
14 PEOPLE'S DESK?

15 MR. CRAIN: HE EXPLORED THAT AREA YESTERDAY.

16 THE COURT: I WILL ALLOW HIM TO WARM UP AGAIN.

17 THE WITNESS: I ANSWERED THAT YESTERDAY. I BELIEVE
18 I SAID NO.

19 BY MR. MC MULLEN:

20 Q AND WHY DID YOU PICK UP THE LIST, THE TO-DO
21 LIST AND THE SCRIPT OFF OF LEVIN'S DESK?

22 A THEY WERE THE TWO THINGS THAT STOOD OUT.

23 Q WITH RESPECT TO MR. LEVIN, HAD YOU EVER
24 PICKED UP STUFF OFF HIS DESK BEFORE IN HIS PRESENCE THERE?

25 A YES.

26 Q YESTERDAY YOU TESTIFIED THAT THE SCRIPT WAS
27 WHAT, ABOUT -- YOU INDICATED ABOUT AN INCH THICK?

28 A YES.

1 MR. MC MULLEN: I WOULD DIRECT COUNSEL TO VOLUME 38
2 OF THE TRANSCRIPT, TRANSCRIPT OF THE PROCEEDING IN THE SAN
3 MATEO TRIAL JUNE 24, 1992, VOLUME 38.

4 MR. CRAIN: JUNE 24TH?

5 MR. MC MULLEN: JUNE 24TH.

6 MR. CRAIN: WHAT PAGE?

7 MR. MC MULLEN: PAGE 25, LINES -- EXCUSE ME. I
8 TAKE THAT BACK. I WILL COME BACK TO THAT.

9 I WILL WITHDRAW THE QUESTION. I AM SORRY.

10 THE COURT: ALL RIGHT.

11
12 (PAUSE.)

13
14 BY MR. MC MULLEN:

15 Q WHEN WERE YOU NOTIFIED APPROXIMATELY OF
16 LEVIN'S DISAPPEARANCE?

17 A I WASN'T NOTIFIED.

18 Q DIDN'T YOU TESTIFY YESTERDAY THAT AT SOME
19 POINT IN TIME YOU BECAME AWARE OF HIS DISAPPEARANCE?

20 A MY HUSBAND WAS NOTIFIED.

21 Q DID HE TELL YOU ABOUT IT?

22 A I THINK SO, YES.

23 Q DO YOU KNOW WHEN, APPROXIMATELY WHEN THAT
24 WAS?

25 A I THINK IT WAS AFTER -- I THINK IT WAS
26 SOMETIME AROUND JUNE -- I THINK IT WAS THE FIRST WEEK IN
27 JUNE, THAT'S WHAT I REMEMBER.

28 Q AND DO YOU KNOW WHO HE WAS NOTIFIED BY?

1 A I THINK, I AM NOT SURE, THE BEVERLY HILLS
2 POLICE DEPARTMENT.

3 Q WHEN YOU HEARD THAT HE WAS NOTIFIED ABOUT THE
4 DISAPPEARANCE, DID YOU TELL HIM ABOUT YOUR OBSERVATIONS
5 WITH RESPECT TO MR. LEVIN AND IN PARTICULAR THE TO-DO LIST
6 AND THE SCRIPT?

7 A NO.

8 Q WHY DIDN'T YOU?

9 A BECAUSE I DIDN'T THINK IT HAD ANYTHING TO DO
10 WITH -- BECAUSE I KNEW NOTHING ABOUT THE CASE, AND I
11 DIDN'T THINK IT HAD ANYTHING TO DO WITH ANYTHING THAT --
12 BECAUSE ALL HE SAID WAS HE FELT THAT MAYBE HE HAD BEEN
13 MURDERED AND NOT DISAPPEARED, THAT'S WHAT THE POLICE
14 THOUGHT, THAT'S ALL HE TOLD ME.

15 MR. MC MULLEN: MAY I JUST HAVE ONE MOMENT?

16 THE COURT: YES.

17

18 (PAUSE.)

19

20 THE COURT: THE RECORD WILL REFLECT MR. KLEIN IS
21 BACK IN THE COURTROOM.

22

23 (MR. KLEIN ENTERS THE COURTROOM.)

24

25 MR. KLEIN: THANK YOU

26 BY MR. MC MULLEN:

27 Q YOU TESTIFIED YESTERDAY THAT YOU WERE AWARE
28 THAT YOUR HUSBAND HAD TESTIFIED IN THE MURDER TRIAL HERE

1 IN LOS ANGELES; IS THAT CORRECT?

2 A WHAT DO YOU MEAN?

3 Q WELL, YOU TESTIFIED IN A MURDER TRIAL WHERE
4 JOE HUNT WAS CHARGED WITH THE MURDER OF RON LEVIN. YOU
5 WERE AWARE OF THAT; IS THAT CORRECT?

6 A I WAS AWARE THAT HE WAS GOING DOWN TO TESTIFY
7 IN A TRIAL CONCERNING RON LEVIN.

8 Q AND, IN FACT, YOU KNOW THAT YOUR HUSBAND
9 TESTIFIED IN THREE DIFFERENT MURDER TRIALS WITH RESPECT TO
10 THE MURDER OF RON LEVIN; IS THAT CORRECT?

11 A NO, I DON'T KNOW ANY OF THAT.

12 Q BUT YOU DID KNOW THAT HE TESTIFIED?

13 A YES. I KNOW IT ALL HAD SOMETHING TO DO WITH
14 RON LEVIN. WHAT -- HE DIDN'T DISCUSS THAT WITH ME.

15 Q AT THAT POINT DURING THE COURSE OF TIME THAT
16 HE TESTIFIED, DID YOU EXPLAIN TO YOUR HUSBAND OR -- WHAT
17 YOU HAD OBSERVED AT RON LEVIN'S?

18 A NO.

19 Q AND WHY NOT?

20 A BECAUSE I DIDN'T KNOW THAT IT PERTAINED TO,
21 ANYTHING TO DO WITH THE CASE.

22 Q IN FACT, YOU DIDN'T THINK IT WAS IMPORTANT,
23 DID YOU?

24 A NO. I DIDN'T KNOW ANYTHING ABOUT THE CASE.

25 Q DIDN'T YOU THINK THAT RON LEVIN WAS ON
26 VACATION AND THAT'S WHY YOU DIDN'T TELL YOUR HUSBAND AT
27 THAT TIME?

28 A EITHER THAT OR RON LEVIN DISAPPEARED BECAUSE

1 HE SAID THOSE THINGS PERTAINED TO A SCRIPT THAT HE WAS
2 WORKING ON, BUT YET HIS ACTIONS AND HOW HE WAS REACTING
3 AND NOT GOING BACK TO JAIL CAUSED SOME DOUBTS.

4 Q THANK YOU.

5 A I THOUGHT IT WAS A PERMANENT VACATION.

6 THE COURT: WHAT DO YOU MEAN BY THAT?

7 THE WITNESS: I MEAN, IN OTHER WORDS, HE PLANNED TO
8 NOT COME BACK LIKE HE SAID, "MAYBE, I WON'T COME BACK."

9 BY MR. MC MULLEN:

10 Q WHICH LEADS ME TO THE NEXT QUESTION. YOU
11 WERE INTERVIEWED BY A MAN WHOSE NAME IS THEODORE WOOLSEY
12 ON DECEMBER 17, 1991. DO YOU REMEMBER BEING INTERVIEWED
13 BY HIM?

14 A BRIEFLY, YES.

15 Q AND DID YOU SAY TO MR. WOOLSEY WITH RESPECT
16 TO THE TIME THAT YOU WERE IN LEVIN'S OFFICE AND YOU
17 NOTICED THE TO-DO LIST AND THE SCRIPT THAT LEVIN HAD TOLD
18 YOU, IN QUOTES, "I CAN'T GO BACK TO JAIL. I AM PLANNING
19 MY OWN DISAPPEARANCE OR MY MURDER. I AM GOING TO PLAN
20 SOMETHING SO THEY WILL NEVER FIND ME"? DO YOU REMEMBER
21 SAYING THAT?

22 MR. CRAIN: IS COUNSEL REFERRING TO A DOCUMENT? IF
23 HE IS, I WOULD ASK THAT HE IDENTIFY THE PLACE THAT HE IS
24 LOOKING AT BEFORE HE INQUIRIES OF A WITNESS.

25 THE COURT: HAVE YOU GOT A PARTICULAR DOCUMENT IN
26 MIND?

27 MR. MC MULLEN: YES, YOUR HONOR. IT IS A REPORT OF
28 AN INTERVIEW OF KAREN SUE MARMOR. IT IS DATED DECEMBER

1 19, 1991, AND IT IS ON THE SECOND PAGE AT THE THIRD, AT
2 THE FOURTH -- THE TOP OF THE PAGE THE THIRD FULL
3 PARAGRAPH. THAT'S WHAT I WAS READING FROM.

4 MR. CRAIN: CAN WE HAVE THE QUESTION AGAIN, YOUR
5 HONOR?

6 THE COURT: YOU WANT TO TRY AGAIN?

7 MR. MC MULLEN: SURE.

8 BY MR. MC MULLEN:

9 Q DO YOU REMEMBER TELLING MR. WOOLSEY WHEN YOU
10 WERE -- WITH RESPECT TO WHEN YOU WERE IN RON LEVIN'S
11 OFFICE AND TALKING -- WHEN YOU WERE THERE AND YOU NOTICED
12 THE TO-DO LIST AND THE SCRIPT, THAT RON LEVIN SAID TO YOU,
13 "I CAN'T GO BACK TO JAIL. I AM PLANNING MY OWN
14 DISAPPEARANCE OR MY MURDER. I AM GOING TO PLAN SOMETHING
15 SO THEY WILL NEVER FIND ME"? DO YOU REMEMBER SAYING THAT
16 TO THEODORE WOOLSEY?

17 A I DON'T BELIEVE SAYING IT IN THAT CONTEXT.
18 WE DISCUSSED ABOUT HIM SAYING MAYBE HE WOULDN'T COME BACK.
19 WE -- I TALKED ABOUT -- WE TALKED ABOUT THE SCRIPT AND THE
20 LIST HAVING TO DO WITH A MOVIE. AND I ASKED HIM, "WHY DID
21 I FEEL LIKE THAT WAS NOT A MOVIE, BUT REALLY SOMETHING
22 THAT YOU WERE PLANNING ON DOING," THAT WAS THE GIST OF OUR
23 CONVERSATION WITH MR. WOOLSEY.

24 Q DO YOU REMEMBER SIGNING A DECLARATION DATED
25 JANUARY 22, 1992?

26 A NO. BUT --

27 MR. MC MULLEN: YOUR HONOR, THIS IS AN EXHIBIT THAT
28 WE DON'T HAVE ON OUR LIST. I WOULD LIKE TO HAVE IT MARKED

1 AS NEXT IN ORDER, PEOPLE'S RR.

2 THE COURT: DO WE HAVE YOUR EXHIBIT LIST?

3 MR. MC MULLEN: WAIT A SECOND.

4 I TAKE THAT BACK. I AM SORRY. WE DO HAVE IT ON OUR LIST.
5 IT IS EXHIBIT N.

6 THE COURT: N?

7 MR. MC MULLEN: N.

8 THE COURT: ALL RIGHT.

9 I SEE IT. IT WILL BE SO MARKED.

10

11 (MARKED FOR ID ^ DEF. N, DOCUMENT.)

12

13 MR. MC MULLEN: MAY I APPROACH THE WITNESS WITH
14 EXHIBIT N?

15 ACTUALLY, IT IS A COPY OF EXHIBIT N. I WILL
16 REPLACE IT WHEN THE CLERK RETRIEVES THE OFFICIAL COPY.

17 BY MR. MC MULLEN:

18 Q WOULD YOU TAKE A LOOK AT THAT, MA'AM.

19 A YES. I REMEMBER, THOUGH, BEFORE I SIGNED IT
20 TELLING MR. WOOLSEY THERE WAS SOME INCORRECT THINGS IN THE
21 REPORT.

22 Q WHEN DID YOU TELL MR. WOOLSEY THAT?

23 A OVER THE TELEPHONE BEFORE I SIGNED IT.

24 Q BUT DIRECTING YOUR ATTENTION TO PARAGRAPH 3,
25 YOU SAID YOU READ THE ATTACHED REPORT AND FOUND IT TO BE
26 TRUE AND ACCURATE?

27 A YES. BUT I TOLD HIM OVER THE PHONE THERE
28 WERE SOME THINGS IN HERE THAT WERE INCORRECT. SOME OF

1 THEM I MARKED THROUGH.

2 THE COURT: ARE THOSE THE DATES THAT ARE VISIBLE ON
3 THAT EXHIBIT, PAGE TWO OF THAT EXHIBIT?

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

5 THE WITNESS: YES.

6 I ALSO EXPLAINED TO THEM AS PART OF THE
7 CONVERSATION HOW HE HAD DONE IT AND HOW I HAD SAID IT.

8 BY MR. MC MULLEN:

9 Q OKAY.

10 BUT DIRECTING YOUR ATTENTION TO THE THIRD
11 FULL PARAGRAPH WHERE IT STARTS OUT SAYING, "KAREN SUE
12 ASKED LEVIN," DO YOU HAVE THAT PARAGRAPH? "WHY DO I THINK
13 THIS," IN PARENS, "(THE LIST) PERTAINS TO YOU THERE?"

14 A WHAT PAGE ARE YOU ON?

15 Q PAGE TWO OF THE REPORT.

16 A THIRD PARAGRAPH?

17 Q THE THIRD FULL PARAGRAPH MIGHT APPEAR THAT IT
18 IS FOUR DOWN, BUT IT IS THE THIRD FULL PARAGRAPH.

19 THE COURT: WHAT WORDS DOES IT BEGIN WITH?

20 MR. MC MULLEN: "KAREN SUE ASKED LEVIN, "WHY DO I
21 THINK THIS," IN PARENTHESIS, "(THE LIST)" --

22 THE COURT: I THINK IT IS ON PAGE THREE.

23 MR. MC MULLEN: IS THAT PAGE THREE?

24 THE COURT: YES.

25 THE WITNESS: THANK YOU.

26 THE COURT: IT DEPENDS ON WHICH NUMBER YOU LOOK AT.
27 THERE ARE TWO DIFFERENT NUMBERS. THE EXHIBIT I HAVE ON
28 THE TOP RIGHT CORNER HAS 3. IN THE TEXT IT SAYS PAGE TWO.

1 MR. MC MULLEN: OKAY. THANK YOU. IT IS A LITTLE
2 CONFUSING THERE.

3 BY MR. MC MULLEN:

4 Q DO YOU HAVE THAT?

5 A YES.

6 Q RIGHT ABOVE THAT PARAGRAPH I SEE THERE IS A
7 STRIKE OF THE WORD "MINUTES" AND THEN SOMETHING IS WRITTEN
8 IN. ARE THOSE YOUR --

9 A YES. SECONDS.

10 Q BUT THERE IS NO MARKINGS ON THAT PARAGRAPH I
11 HAVE REFERRED YOU TO; IS THAT CORRECT?

12 A NOT THAT I CAN SEE.

13 Q BUT YOU ARE CLAIMING TODAY THAT YOU TOLD
14 MR. WOOLSEY SOMETHING ABOUT THAT PARAGRAPH?

15 A WELL --

16 MR. KLEIN: THAT'S ARGUMENTATIVE "CLAIMING."

17 THE COURT: OVERRULED.

18 YOU MAY ANSWER.

19 THE WITNESS: I EXPLAINED TO HIM THAT THEY WEREN'T
20 EXACTLY IN MY WORDS OR EXACTLY IN THE CONTEXT OF HOW I
21 SAID IT. I EXPLAINED ALL THAT TO HIM BEFORE THE INTERVIEW
22 ALSO.

23 BY MR. MC MULLEN:

24 Q WHAT ARE YOU SAYING NOW THAT YOU TOLD
25 MR. WOOLSEY WITH RESPECT TO THE SUBJECT OF THAT PARAGRAPH?

26 A I AM NOT SAYING IT IS PARTICULARLY THAT
27 PARAGRAPH. I AM SAYING THE WHOLE INTERVIEW I WAS
28 CORRECTING IT.

1 Q I UNDERSTAND. BUT THAT PARTICULAR PARAGRAPH
2 I AM ZONING IN ON, WHAT IS DIFFERENT THAT OCCURRED?

3 A I MIGHT HAVE ASKED HIM. INSTEAD OF HIM
4 SAYING, "I AM PLANNING MY OWN DISAPPEARANCE," I MIGHT HAVE
5 ASKED, "ARE YOU PLANNING ON NOT COMING BACK?"

6 HE MIGHT HAVE SAID RIGHT BEFORE THAT, "I AM
7 NOT COMING BACK."

8 THE COURT: WHY WOULD YOU ASK HIM IF HE WAS
9 PLANNING ON NOT COMING BACK?

10 THE WITNESS: BECAUSE OF THE MOVIE SCRIPT AND HIS
11 BEING NERVOUS AND STATING THAT HE WAS THREATENED AND
12 STATING THAT HE WAS ADAMANT ABOUT NOT GOING TO JAIL.

13 THE COURT: WHAT ABOUT THE MOVIE SCRIPT CAUSED YOU
14 TO BELIEVE THAT HE WOULD NOT COME BACK?

15 THE WITNESS: THE MOVIE SCRIPT, SOMETHING IN THE
16 MOVIE SCRIPT ABOUT SOMEBODY DISAPPEARING AND NOT COMING
17 BACK. AND SOME OF THE PEOPLE WHO IN THE SCRIPT PERTAINED
18 TO THE PEOPLE THAT, LIKE I WOULD RECOGNIZE, LIKE MY
19 HUSBAND'S MIDDLE NAME, EDWARD. AT THAT TIME I THINK HE
20 HAD SOMETHING TO DO WITH VIDEO EQUIPMENT, AT THAT TIME I
21 THINK IT WAS STOLEN AND SOMEHOW IN HIS POSSESSION.

22 THE COURT: SO FROM THAT YOU THOUGHT HE WASN'T
23 GOING TO COME BACK?

24 THE WITNESS: BECAUSE THE SCRIPT STATED THAT THE
25 PERSON WAS NOT COMING BACK. THE SCRIPT STATED -- SOMEHOW
26 THE SCRIPT WAS ABOUT SOMEBODY DISAPPEARING, PLANNING THEIR
27 OWN MURDER.

28 MR. MC MULLEN: THANK YOU.

1 BY MR. MC MULLEN:

2 Q MA'AM, IF YOU WILL TURN TO THE LAST PAGE, IT
3 IS EITHER PAGE FOUR OR PAGE FIVE. IS THAT YOUR SIGNATURE?

4 A YES.

5 Q SO BY YOUR SIGNATURE READING THE SENTENCE
6 ABOVE IT YOU ARE DECLARING THAT THE PROCEEDING PAGES ARE
7 TRUE AND CORRECT; IS THAT A FAIR STATEMENT?

8 A TRUE.

9 Q WHY DID YOU BOTH SIGN THE DECLARATION ON THE
10 FIRST PART OF THIS EXHIBIT N AND THE -- YOUR SIGNATURE?
11 WHY DID YOU SIGN THE END OF THE REPORT, IF THERE WERE
12 INACCURACIES?

13 A BECAUSE I WAS TOLD IT WAS OKAY TO.

14 Q I AM SORRY?

15 A I WAS TOLD IT WAS OKAY TO.

16 Q WHO TOLD YOU THAT?

17 A MR. WOOLSEY.

18 Q HE SAID IT WAS OKAY TO SIGN THE DECLARATION?

19 A UH-HUH.

20 Q EVEN THOUGH THERE WERE MISREPRESENTATIONS
21 CONTAINED IN THE DECLARATION?

22 A EXCUSE ME. I DON'T KNOW -- HE JUST SAID I
23 COULD SIGN IT.

24 MR. CRAIN: I AM OBJECTING TO THE TERM
25 MISREPRESENTATIONS. THAT'S A LOADED WORD THAT HAS MANY
26 CONNOTATIONS. I THINK IT MISREPRESENTS THE TESTIMONY OF
27 THE WITNESS.

28 THE COURT: OVERRULED.

1 BY MR. MC MULLEN:

2 Q THAT'S WHAT HE TOLD YOU IN ESSENCE?

3 A HE TOLD ME I COULD SIGN IT. I TOLD HIM THAT
4 THERE ARE THINGS IN HERE THAT I FOUND TO BE INCORRECT
5 AND --

6 Q NOW, IN LOOKING OVER THE REST OF THE EXHIBIT,
7 FOR EXAMPLE, PAGE TWO, WHICH IS THE FIRST PAGE AFTER YOUR
8 DECLARATION, YOU MADE SOME CORRECTIONS THERE, MADE SOME
9 CHANGES?

10 A UH-HUH.

11 Q AND THEN ON PAGE THREE YOU MADE SOME CHANGES
12 OR ONE CHANGE, BUT YOU MADE NO OTHER CHANGES?

13 A I JUST WENT OVER IT, YOU KNOW, AS GOOD AS I
14 COULD AS BRIEFLY AND DID IT BRIEFLY AND MARKED OUT WHAT I
15 THOUGHT THAT I SAW THAT STUCK OUT AND TALKED TO HIM ABOUT
16 THE CONVERSATION PART OF IT, AND THAT WAS IT. IF I HAD
17 KNOWN I WAS SUPPOSED TO SCRUTINIZE I WOULD HAVE DONE A
18 BETTER JOB.

19 Q SO JUST SO I UNDERSTAND WHAT YOU ARE SAYING
20 TODAY, IT IS YOUR IMPRESSION OR YOU ASKED LEVIN, "ARE YOU
21 PLANNING TO LEAVE FOREVER?" I AM SORRY. I DON'T MEAN TO
22 MIS- --

23 A EXCUSE ME. YOU DON'T MEAN --

24 Q I DON'T MEAN TO MISSTATE WHAT YOU JUST
25 TESTIFIED TO, BUT ARE YOU SAYING THAT YOU ASKED RON LEVIN,
26 "ARE YOU PLANNING TO LEAVE FOREVER?"

27 A I ASKED HIM, "WHY DO I GET THE FEELING YOU
28 ARE NOT COMING BACK," SOMETHING LIKE THAT.

1 Q WHAT DID HE SAY?

2 A HE JUST LAUGHED SAID, "MAYBE I WON'T."

3 Q AND YET YOU KNEW YOUR HUSBAND WAS TESTIFYING
4 AT ONE POINT IN A TRIAL IN LOS ANGELES WHERE IT WAS
5 ALLEGED THAT RON LEVIN WAS MURDERED, AND YOU DIDN'T THINK
6 THAT WAS IMPORTANT INFORMATION TO CONVEY TO SOMEBODY?

7 A MY HUSBAND IS A VERY STRONG AND OPINIONATED
8 PERSON. WHEN HE FELT THAT RON LEVIN WAS MURDERED, ANY
9 FEELINGS OR THOUGHTS I HAD I JUST DISMISSED.

10 Q WERE YOU AWARE THAT AT SOME POINT PRIOR TO
11 THE TRIAL YOUR HUSBAND WAS INTERVIEWED BY THE POLICE,
12 BEVERLY HILLS POLICE DEPARTMENT IN PARTICULAR?

13 A YES.

14 Q AND YOU DIDN'T MENTION THESE OBSERVATIONS,
15 YOU ARE TESTIFYING TO, TO EITHER HIM OR THE POLICE AT THAT
16 TIME?

17 A I DON'T BELIEVE I WAS WITH MY HUSBAND THE
18 FIRST TIME HE WAS INTERVIEWED.

19 Q DID IT EVER EVEN CROSS YOUR MIND TO SAY ANY
20 OF THESE THINGS TO THE POLICE OR YOUR HUSBAND?

21 A NO. BECAUSE I FIGURED THE PROSECUTION HAD
22 REASONS AND FACTS THAT I DIDN'T EVEN BOTHER TO THINK THAT
23 ANYTHING I HAD OR SAW HAD ANYTHING THAT WOULD BE IMPORTANT
24 TO THE CASE.

25 Q YOU DIDN'T THINK THAT WAS IMPORTANT THAT HE
26 SAID HE MIGHT BE LEAVING FOR IN -- BASICALLY THE ESSENCE
27 OF THE CONVERSATION WAS THAT HE MIGHT NOT COME BACK?

28 A NO. MY HUSBAND WAS ADAMANT ABOUT THE FACT

1 THAT HE WAS MURDERED OR THE POLICE WERE ADAMANT, WHICH
2 CAUSED MY HUSBAND TO BELIEVE.

3 Q IT IS MY UNDERSTANDING THAT AFTER YOUR
4 HUSBAND CAME BACK FROM SAN MATEO FROM TESTIFYING UP THERE
5 WITH RESPECT TO MR. HUNT'S TRIAL THAT YOU STARTED HAVING
6 SOME KIND OF FLASHBACKS AND YOU STARTED DREAMING OR
7 REMEMBERING SOME OF THESE THINGS?

8 MR. CRAIN: MR. MC MULLEN IS NOT A WITNESS HERE FOR
9 HIM TO MAKE THAT STATEMENT.

10 THE COURT: STATE THE GROUNDS FOR THE OBJECTION.

11 MR. CRAIN: OBJECTION. ASSUMES FACTS NOT IN
12 EVIDENCE.

13 THE COURT: REFRAME THE QUESTION.

14 BY MR. MC MULLEN:

15 Q AT SOME POINT IN TIME DID -- -- EXCUSE ME.

16 AFTER YOUR HUSBAND CAME BACK FROM SAN MATEO
17 DID THE THINGS THAT YOU HAD OBSERVED IN RON LEVIN'S OFFICE
18 WITH RESPECT TO THE TO-DO LIST AND THE SCRIPT, DID THAT
19 COME TO YOUR MIND, OR DID YOU SAY SOMETHING TO YOUR
20 HUSBAND?

21 A WHEN IT CAME TO MY MIND IS AFTER I THINK
22 MR. WOOLSEY OR SOMEBODY INFORMED MY HUSBAND THAT THERE WAS
23 NEW EVIDENCE, THAT'S WHEN THEN MY HUSBAND STARTED HAVING
24 SOME DOUBT THAT MAYBE HE WASN'T MURDERED. THAT'S WHEN IT
25 STARTED BRINGING BACK THOUGHTS IN MY MIND ABOUT SOME OF
26 THE THINGS THAT I HAD HEARD AND SEEN AT MR. LEVIN'S'
27 OFFICE.

28 Q WHAT INFORMATION WERE YOU AWARE OF THAT --

1 WHAT WAS THE INFORMATION THAT YOU WERE AWARE OF THAT WAS
2 RELATED TO YOUR HUSBAND?

3 MR. CRAIN: ASSUMES FACTS NOT IN EVIDENCE.

4 THE COURT: OVERRULED.

5 THE WITNESS: EXCUSE ME. I DON'T UNDERSTAND.

6 BY MR. MC MULLEN:

7 Q YOU HAVE TESTIFIED THAT YOUR HUSBAND OBTAINED
8 SOME KIND OF INFORMATION FROM WOOLSEY OR SOMEBODY FROM THE
9 HUNT DEFENSE TEAM AND -- WHICH CAUSED YOU TO THEN START
10 THINKING OF THESE THINGS THAT YOU HAD OBSERVED. I AM JUST
11 TRYING TO GAIN AN UNDERSTANDING OF WHAT INFORMATION THAT
12 YOU HAD.

13 A YOU MEAN WHAT DID MY HUSBAND TELL ME?

14 Q YES.

15 A I THINK HE TOLD ME SOMETHING TO THE AFFECT
16 THAT THERE WAS SOME SIGHTINGS, THAT PEOPLE HAD SEEN RON
17 LEVIN.

18 Q AND WHAT HAPPENED AFTER THAT? WHAT WENT
19 THROUGH YOUR MIND?

20 A THEN I STARTED THINKING THAT MAYBE I WAS
21 RIGHT ALL ALONG IN MY FEELINGS, THAT HE WASN'T DEAD AND
22 THAT HE WAS ALIVE.

23 Q HOW DID THESE THOUGHTS COME TO YOU?

24 A HOW DO THEY COME TO ME?

25 Q YES.

26 A I DON'T KNOW. HOW DO THOUGHTS COME TO
27 ANYONE? YOU JUST ALL OF A SUDDEN START, YOU MIGHT BE
28 DOING SOMETHING AND YOU REMEMBER A CERTAIN SITUATION.

1 Q DO YOU REMEMBER TESTIFYING IN SAN MATEO THAT
2 YOU HAD FLASHBACKS REGARDING THIS INCIDENT?

3 A FLASHBACKS WAS A POOR WORD TO USE. THAT'S
4 JUST THE WORD I USED TO TRY TO DESCRIBE MEMORY RECALL OR,
5 YOU KNOW.

6 Q DO YOU REMEMBER TESTIFYING THAT YOU BEGAN
7 DREAMING AND REMEMBERING THINGS ABOUT RON LEVIN WITH
8 RESPECT TO THIS PARTICULAR ISSUE, THE TO-DO LIST AND THE
9 SCRIPT?

10 A EXCUSE ME. COULD YOU GIVE ME THE QUESTION
11 AGAIN?

12 MR. CRAIN: IS COUNSEL REFERRING TO A PAGE, BECAUSE
13 IF HE IS I WOULD LIKE THE COURTESY OF HAVING IT CALLED TO
14 MY ATTENTION, YOUR HONOR.

15 THE COURT: RIGHT NOW IT JUST SOUNDS LIKE A
16 QUESTION.

17 MR. MC MULLEN: I AM NOT IMPEACHING HER YET. I AM
18 ASKING HER.

19 THE COURT: GO AHEAD. PUT A QUESTION.

20 MR. MC MULLEN: THANK YOU.

21 BY MR. MC MULLEN:

22 Q DO YOU REMEMBER TESTIFYING IN SAN MATEO THAT
23 YOU HAD DREAMS, YOU DREAMED ABOUT THESE THINGS THAT
24 HAPPENED WITH RESPECT TO RON LEVIN?

25 A YES. BUT I HAVE VERY VIVID DREAMS.

26 Q AND WHAT -- JUST GOING BACK, WHAT TRIGGERED
27 THESE DREAMS OR FLASHBACKS OR RECURRENCES OF MEMORY?

28 A WHEN MY HUSBAND MADE THE STATEMENT, I

1 BELIEVE, THAT WHEN WOOLSEY CALLED HIM THERE WERE SOME NEW
2 SIGHTINGS THAT RON LEVIN -- CONCERNING RON LEVIN.

3 Q I KNOW YOU USED THE TERM "FLASHBACK" EVEN
4 THOUGH YOU ARE SAYING IT IS A POOR CHOICE OF WORDS. HAD
5 YOU EVER HAD SUCH A RECOLLECTION BEFORE, A FLASH OF MEMORY
6 COMING BACK SUCH AS HAPPENED IN THIS PARTICULAR CASE AT
7 THIS PARTICULAR TIME?

8 A I DON'T UNDERSTAND WHAT YOU ARE ASKING ME.

9 Q YOU SAID THAT YOUR HUSBAND'S STATEMENTS TO
10 YOU ABOUT INFORMATION THAT HE HAD GAINED FROM THE HUNT
11 DEFENSE TEAM TRIGGERED SOMETHING IN YOUR MIND, A MEMORY TO
12 COME BACK TO YOU; IS THAT CORRECT?

13 A YES.

14 Q HAS THERE EVER BEEN OCCASION -- HAS THERE
15 EVER BEEN TIMES WITH OTHER SITUATIONS WHERE YOUR MEMORY
16 WAS TRIGGERED LIKE THAT?

17 A THERE IS A LOT OF THINGS THAT HAPPEN IN YOUR
18 LIFE YOU FORGET ABOUT IT OR YOU FLUSH IT OR WHATEVER TERM
19 YOU WANT TO USE, AND THEN YOUR RECALL. MY HUSBAND MIGHT
20 SAY, "DO YOU REMEMBER WHEN WE DID THIS, DO YOU REMEMBER
21 WHEN WE DID THAT." YOU HAVE TO THINK ABOUT IT AND TRY TO
22 RECALL AND PULL IT BACK.

23 Q HOW LONG DID YOU GO THROUGH THIS PROCESS OF
24 THINKING ABOUT THE INCIDENT WITH RON LEVIN IN HIS OFFICE?
25 HOW MUCH TIME WENT BY BEFORE YOU MADE THE DECISION TO DO
26 SOMETHING?

27 MR. KLEIN: ARE WE TALKING ABOUT THE TO-DO LIST?

28 MR. MC MULLEN: YES. THE TO-DO LIST AND THE

1 SCRIPT. I AM FOCUSING ON THAT.

2 THE WITNESS: HOW LONG DID IT TAKE ME?

3 BY MR. MC MULLEN:

4 Q YES.

5 YOUR HUSBAND GIVES YOU THE INFORMATION AND
6 THEN YOU BEGIN TO HAVE THESE MEMORY RECURRENCES?

7 A I DON'T KNOW. I WOULD THINK IT IS AROUND THE
8 SAME TIME.

9 Q SO IF I UNDERSTAND YOU CORRECTLY, THEN, PRIOR
10 TO THAT POINT IN TIME WHEN YOUR HUSBAND RELAYED THIS
11 INFORMATION ALL OF THESE OBSERVATIONS YOU MADE WITH
12 RESPECT TO LEVIN AND THE TO-DO LIST AND THE SCRIPT WEREN'T
13 EVEN IN YOUR MIND?

14 A NO. I DISMISSED IT FOR VARIOUS REASONS.
15 NUMBER ONE, LIKE I TOLD YOU, MY HUSBAND IS VERY STRONG AND
16 OPINIONATED, HE FELT HE WAS MURDERED.

17 AND, NUMBER TWO, RON ALWAYS WHEN HE MADE A
18 STATEMENT ALWAYS TOOK IT BACK. SO I NEVER KNEW HALF THE
19 TIME WHEN RON IS SERIOUS OR NONSERIOUS.

20 Q JUST GOING BACK TO THE MOVIE SCRIPT.

21 MR. MC MULLEN: YOUR HONOR, REFERRING TO VOLUME 38
22 PAGE 322 OF THE TRANSCRIPT OF THE SAN MATEO PROCEEDINGS
23 JUNE 24, 1992, STARTING AT LINES --

24 MR. CRAIN: WHAT PAGE?

25 MR. MC MULLEN: 322. I AM SORRY.

26 MR. CRAIN: I THINK IT ONLY -- IT ONLY GOES 319.

27 MR. MC MULLEN: I AM SORRY. I WILL WITHDRAW THAT.

28

1 BY MR. MC MULLEN:

2 Q YESTERDAY YOU TESTIFIED THAT YOU HAD JUST
3 GLANCED AT THIS MOVIE SCRIPT; IS THAT CORRECT --

4 A YES.

5 Q -- WHEN YOU WERE IN LEVIN'S OFFICE?

6 A UH-HUH.

7 THE COURT: IS THAT "YES"?

8 THE WITNESS: YES: SORRY.

9 BY MR. MC MULLEN:

10 Q OKAY.

11 WHAT IS IT THAT CAUSED YOU TO DETERMINE THAT
12 HE WAS PLANNING TO DISAPPEAR BASED UPON YOUR GLANCING AT
13 THAT SCRIPT?

14 A BECAUSE -- EXCUSE ME.

15 WHAT ARE YOU ASKING ME? WHAT --

16 Q YOU SAID YOU JUST GLANCED AT THE SCRIPT YOU
17 SAW ON HIS DESK.

18 A I LEAFED THROUGH IT, IS WHAT I SAID, DIDN'T
19 I?

20 Q YES. YOU LEAFED THROUGH IT.

21 WHAT DID YOU SEE WHEN YOU LEAFED THROUGH IT,
22 I MEAN, THAT LED YOU TO BELIEVE THAT HE WAS PLANNING TO
23 DISAPPEAR?

24 A THERE WAS -- BECAUSE SOME OF THINGS THAT
25 STUCK OUT THERE WERE THINGS THAT PERTAINED TO WHAT WAS
26 GOING ON IN HIS LIFE AT THAT TIME.

27 Q LIKE WHAT, FOR INSTANCE?

28 A LIKE VIDEO EQUIPMENT WHICH AT THAT TIME THERE

1 WAS STOLEN VIDEO EQUIPMENT INVOLVED, THE NAME EDWARD, THE
2 NAME SHERRY, GOING ON A TRIP TO NEW YORK, AND I BELIEVE
3 NOT COMING BACK. IT HAD SOMETHING TO DO WITH WHAT WAS
4 HAPPENING IN HIS LIFE AT THAT TIME.

5 Q LET'S TAKE THEM ONE A TIME.

6 WHAT WAS IT ABOUT THE VIDEO EQUIPMENT THAT
7 LED YOU TO BELIEVE THAT HE WAS GOING TO DISAPPEAR?

8 A BECAUSE THERE WAS SOMETHING GOING ON IN HIS
9 LIFE AT THAT TIME THAT HAD SOMETHING TO DO WITH VIDEO
10 EQUIPMENT. I THINK IT HAD BEEN STOLEN. ALL THE FACTS I
11 DON'T KNOW ABOUT IT.

12 Q RIGHT. WAS WHAT THE NEXT THING? THE NAME
13 EDWARD WAS MENTIONED. WHAT WAS IT ABOUT THE NAME EDWARD
14 THAT LED YOU TO BELIEVE THAT YOU THOUGHT HE WAS GOING TO
15 DISAPPEAR?

16 A EDWARD IS MY HUSBAND'S MIDDLE NAME.

17 Q AND WHY WOULD THAT LEAD YOU TO BELIEVE --

18 A I AM NOT STATING THAT THE NAME EDWARD WAS
19 RIGHT NEXT TO THE WORD DISAPPEARANCE. I AM STATING I JUST
20 LEAFED THROUGH IT, SO THERE ARE SECTIONS THAT I PICKED
21 OUT. I PULLED OUT THINGS. LIKE THE NAME EDWARD I PULLED
22 OUT. I DON'T KNOW WHAT WAS WRITTEN ABOUT EDWARD OR WHAT
23 WAS WRITTEN ABOUT SHERRY, WHICH IS MY HUSBAND'S EX-WIFE'S
24 NAME. I JUST PULLED OUT THOSE TWO NAMES WHEN I WAS
25 LEAFING THROUGH, AND I READ A SENTENCE SOMEWHERE WHEN I
26 WAS LEAFING THROUGH THAT HAD TO DO WITH VIDEO EQUIPMENT.

27 Q YOU ALSO READ SOMETHING ABOUT A TRIP TO NEW
28 YORK?

1 A YES.

2 Q AND FOR SOME REASON YOU THOUGHT THAT
3 MENTIONING OF A TRIP TO NEW YORK IN A MOVIE SCRIPT MEANT
4 THAT HE WAS GOING TO DISAPPEAR IN YOUR MIND?

5 A YES. THAT'S IF, OF COURSE, THAT WAS A MOVIE
6 SCRIPT THAT I WAS LOOKING AT. IT LOOKS LIKE TO ME IT WAS
7 TYPEWRITTEN LIKE IT WAS BUT --

8 Q YOU DESCRIBED AT ONE POINT IN TIME YOU WENT
9 INTO MR. LEVIN'S APARTMENT AND HE SHOWED YOU ALL KINDS OF
10 NEW STYLE CLOTHING THAT HE HAD PURCHASED?

11 A YES.

12 Q AND IF I REMEMBER CORRECTLY, CORRECT ME IF I
13 AM WRONG, THE NEW STYLE TYPE CLOTHING HE HAD WAS IN HIS
14 CLOSET; IS THAT CORRECT?

15 A ALONG WITH HIS SUITCASE THAT IS -- HE WAS
16 GETTING READY TO PACK.

17 THE COURT: HOLD ON.

18 HOW DID YOU KNOW HE WAS GETTING READY TO PACK
19 A SUITCASE THAT WAS IN THE CLOSET?

20 THE WITNESS: BECAUSE HE TOLD ME HE WAS GETTING
21 READY TO PACK, THAT HE WAS GOING ON A TRIP. BECAUSE I
22 INVITED HIM TO A DINNER ENGAGEMENT.

23 THE COURT: HOW DO YOU KNOW HE HAD SUITCASES?

24 THE WITNESS: THEY WERE RIGHT ON THE FLOOR NEXT TO
25 HIS CLOTHES THAT HUNG UP ABOVE IT.

26 THE COURT: HE POINTED OUT TO YOU THE SUITCASES?

27 THE WITNESS: NO. WHEN I WAS LOOKING AT HIS
28 CLOTHES I SAW THE LUGGAGE.

1 THE COURT: HOW DO YOU KNOW HE WAS USING THAT TO
2 PACK?

3 THE WITNESS: IT WAS BRAND-NEW LUGGAGE HE HAD JUST
4 GOTTEN? HE TOLD ME HE BOUGHT IT TO GO ON THIS TRIP.

5 BY MR. MC MULLEN:

6 Q WHAT TRIP WAS THAT?

7 A I ASSUME IT IS THE TRIP TO NEW YORK.

8 Q WITH RESPECT TO HIS NEW CLOTHES THAT WERE IN
9 HIS CLOSET, HOW FULL WAS THAT CLOSET WITH THE NEW CLOTHES?
10 WAS IT PACKED OR WERE THERE JUST A FEW THINGS IN THERE?

11 A IT WASN'T PACKED. NO, IT WAS.

12 Q FULL? HALF FULL?

13 A HE JUST -- I DON'T KNOW. I COULDN'T ANSWER
14 THAT BECAUSE I WOULD ONLY BE GUESSING. I KNOW IT WASN'T
15 AS FULL AS WHEN HIS OTHER CLOTHES WAS IN THE CLOSET, BUT
16 HE WAS JUST IN THE PROCESS OF BUYING ALL THIS NEW CLOTHES.

17 Q SO ALL HIS OLDER STYLE, MORE-TAILORED CLOTHES
18 WERE ON HIS BED, I THINK?

19 A THEY WERE ALL LAID OUT NEAT IN THE ROOM,
20 BOXES STACKED UP, SHOES, HIS SUITS WERE LAID OUT NEATLY ON
21 THE BED.

22 Q WERE -- WITH RESPECT TO THE SUITS OR GARMENTS
23 THAT WERE ON THE BED, WAS THERE A LOT OF CLOTHES ON THE
24 BED?

25 A THERE WAS A LOT OF CLOTHES IN THE ROOM, YES.
26 ON THE FLOOR, ON THE CHAIR, SOME BOXES STACKED ON TOP OF
27 THE T.V., THE BED WAS FULL.

28 Q SO HE HAD AN OLDER TYPE OF STYLE OF SHOE THAT

1 HE WAS GOING TO GET RID OF?

2 A I WOULDN'T CALL IT OLDER TYPE.

3 Q DIFFERENT -- I AM SORRY. DIFFERENT TYPE
4 STYLE OF SHOE THAT HE WAS GETTING RID OF?

5 A YES.

6 Q AND WERE THERE LOTS OF PAIRS OF THOSE SHOES
7 THAT HE WAS GETTING RID OF?

8 A YES.

9 Q AND WHERE WERE THEY LOCATED, THE ONES HE WAS
10 GETTING RID OF?

11 A THEY WERE STACKED UP NICE AND NEAT ON THE
12 FLOOR.

13 Q WHAT WOULD YOU DESCRIBE THE STYLE OF THOSE
14 SHOES TO BE?

15 A GEES, MY HUSBAND IS THE FASHION EXPERT. I
16 THINK, I BELIEVE I SAID YESTERDAY BROOKS BROTHERS, YOU
17 KNOW, THE TRADITIONAL WING TIPS, OR THE ONES -- THE SHOES
18 WITH THE PERFORATED HOLES. THEY LOOKED VERY BUSINESS
19 LIKE. I THINK THEY LOOKED LIKE --

20 Q AND THE NEW TYPE OF SHOES THAT HE HAD THEY
21 WERE IT IN THE CLOSET?

22 A YES.

23 Q AND HOW WOULD YOU DESCRIBE THE STYLE OF SHOES
24 THAT HE HAD IN THE CLOSET?

25 A LIKE COLHANE LOAFERS. JUST VERY CASUAL, THEY
26 LOOKED LIKE.

27 MR. MC MULLEN: I JUST HAVE THREE PHOTOGRAPHS I
28 WOULD LIKE TO HAVE MARKED, YOUR HONOR.

1 THE COURT: ARE THEY ON YOUR EXHIBIT LIST?

2 MR. MC MULLEN: NO, THEY ARE -- WE HAD ANTICIPATED
3 THEY WOULD BE COMING UP WITH THE TRIAL EXHIBITS, AND I
4 JUST HAVE THEM HERE.

5 THE COURT: THEY STILL SHOULD BE ON YOUR EXHIBIT
6 LIST IF YOU PLAN ON MARKING THEM. WE HAVE GOT TO SOLVE
7 THIS PROBLEM. I WANT EVERYTHING ON THE EXHIBIT LIST. WE
8 ARE GOING TO HAVE A GOOD RECORD, COUNSEL.

9 MR. MC MULLEN: IT WOULD BE EXHIBIT R, ACTUALLY.

10 MR. KLEIN: WE OBJECT. THAT'S IN VIOLATION OF THE
11 COURT'S ORDER, AND WE HAVE HAD NO OPPORTUNITY TO PREPARE
12 WITH RESPECT TO THESE PHOTOGRAPHS.

13 THE COURT: THIS IS -- I AM GIVEN TO BELIEVE THIS
14 IS ON THE EXHIBIT LIST.

15 MR. MC MULLEN: IT IS DESCRIBED ON THE EXHIBIT LIST
16 AS EXHIBIT R, A PHOTOGRAPH OF LEVIN'S CLOSET. THERE ARE
17 THREE PHOTOGRAPHS ACTUALLY. IT IS IN THE EVIDENTIARY
18 HEARING MEMO REFERRED TO AS WELL.

19 THE COURT: ALL RIGHT.

20 MR. CRAIN: I HAVE SEEN THEM.

21 MR. KLEIN: OKAY.

22 THE COURT: OKAY.

23 MR. MC MULLEN: MAYBE --

24 THE COURT: YOU GUYS ARE GOING TO IN THE NEXT
25 COUPLE OF DAYS GET TOGETHER ON THE EXHIBIT LIST, GO
26 THROUGH IT, LOOK AT EVERY EXHIBIT. I WANT EVERYONE TO
27 KNOW EXACTLY WHAT IS EACH EXHIBIT NO. THAT IS MARKED. NO
28 SURPRISES. EVERYTHING IS ON THE EXHIBIT LIST.

1 NOW, YOU HAVE THREE THERE?

2 MR. MC MULLEN: YES.

3 THE COURT: SO THAT'S GOING TO HAVE TO BE EXHIBIT
4 R-1, -2 AND -3.

5 MR. MC MULLEN: YES.

6

7 (MARKED FOR ID ^ DEF. R-1 THROUGH R-3,
8 PHOTOGRAPHS.)

9

10 MR. MC MULLEN: R-1 FOR THE RECORD IS A PHOTOGRAPH
11 OF A CLOSET WITH TOWELS ON THE LEFT-HAND SIDE OF THE
12 PHOTOGRAPH.

13 THE COURT: IF YOU HAVE GOT ONE R-1, -2 AND -3 OF
14 THEM, THAT'S ALL WE NEED. THEY SPEAK FOR THEMSELVES.

15 MR. MC MULLEN: ALL RIGHT.

16 MAY I APPROACH THE WITNESS?

17 THE COURT: YES.

18 BY MR. MC MULLEN:

19 Q I AM SHOWING YOU WHAT'S BEEN MARKED AS R-1
20 RIGHT IN FRONT OF YOU, MA'AM. DO YOU RECOGNIZE THE
21 PICTURE OF THAT CLOSET? DO YOU RECOGNIZE THAT CLOSET?

22 A IT IS BEEN SO LONG. IT LOOKS LIKE IT.

23 Q LOOKS LIKE WHAT?

24 A SEE, I REMEMBER ENTERING THE CLOSET FROM THE
25 BEDROOM.

26 Q LET ME SHOW YOU R-3. DOES THIS LOOK FAMILIAR
27 TO YOU, THAT PHOTOGRAPH?

28 A SEE, IT IS HARD FOR ME TO TELL BECAUSE WHEN I

1 ENTERED THE BEDROOM I ENTERED THE CLOSET THAT WAS -- AS
2 YOU ENTER THE BEDROOM THAT WAS ON THE RIGHT.

3 Q SHOWING YOU WHAT'S BEEN MARKED AS R-2, DO YOU
4 RECOGNIZE WHAT'S SHOWN IN THAT PHOTOGRAPH?

5 A THAT LOOKS LIKE A CLOSET.

6 Q DOES IT LOOK LIKE A CLOSET THAT YOU
7 RECOGNIZE?

8 A THIS ONE, NO. THIS ONE (INDICATING) --
9 MR. MC MULLEN: REFERRING TO R-2, FOR THE RECORD.

10 THE COURT: R-2 YOU DON'T RECOGNIZE, R-3 YOU DO?

11 THE WITNESS: THIS LOOKS MORE FAMILIAR TO WHAT --

12 THE COURT: INDICATING R-3.

13 BY MR. MC MULLEN:

14 Q LOOKS FAMILIAR AS BEING RON LEVIN'S CLOSET?

15 A YES.

16 Q ARE THERE ANY --

17 A BUT IT IS NOT A VERY GOOD PICTURE.

18 PERSONALLY.

19 Q OKAY.

20 THE COURT: WELL, IT IS WHAT IT IS.

21 PUT A QUESTION.

22 MR. MC MULLEN: YES.

23 BY MR. MC MULLEN:

24 Q ARE THERE ANY CLOTHES IN HERE THAT YOU
25 RECOGNIZE AS BEING THE NEW STYLE OF CLOTHES THAT YOU
26 REMEMBER RON LEVIN SHOWING YOU AT THAT TIME?

27 A NO.

28 MR. CRAIN: THIS IS IRRELEVANT, YOUR HONOR. THE

1 PICTURES.

2 THE COURT: OVERRULED.

3 MR. CRAIN: WELL, IS THERE A FOUNDATION FOR WHEN
4 THIS PICTURE WAS TAKEN?

5 THE COURT: I ASSUME IT WILL BE TIED UP AT SOME
6 POINT.

7 MR. CRAIN: I DOUBT THAT.

8 MR. MC MULLEN: YES, YOUR HONOR.

9 THE COURT: COUNSEL, JUST STATE THE GROUNDS FOR THE
10 OBJECTION. IF I NEED ANY HELP, I WILL LET YOU KNOW.

11 GO.

12 BY MR. MC MULLEN:

13 Q DO YOU RECOGNIZE ANY OF THE CLOTHES AS BEING
14 THE NEW STYLE OF CLOTHING THAT RON LEVIN SHOWED YOU?

15 A NOT THAT I CAN SEE IN THIS PICTURE.

16 Q WHICH ONE ARE YOU REFERRING TO?

17 THAT WOULD BE R-3. HOW ABOUT --

18 A BUT YOU CAN'T SEE THEM VERY WELL EITHER.

19 Q I UNDERSTAND.

20 R-1 -- ARE ANY OF THE CLOTHES IN THERE OR DO
21 THEY LOOK LIKE THE NEW STYLE OF CLOTHING THAT RON LEVIN
22 SHOWED YOU?

23 A IT DOESN'T -- I AM NOT SURE, BUT IT DOESN'T
24 APPEAR IN THIS ONE EITHER.

25 Q HOW ABOUT HIS OLDER STYLE OF DRESS. DO ANY
26 OF THE CLOTHES IN EITHER -- WELL, LET'S START WITH R-3.
27 DO ANY OF CLOTHES IN R-3 LOOK LIKE THE OLDER STYLE
28 CLOTHING THAT HE HAD LAID OUT IN HIS BED AND OTHER AREAS

1 OF HIS ROOM?

2 A YES.

3 Q WHICH ONE IN PARTICULAR OR ONES, IF YOU COULD
4 POINT THEM OUT?

5 A THE DARK BLUE SUITS, THE GRAY. HE LOVED
6 GRAY. THE TRADITIONAL --

7 THE COURT: IS THAT R-1?

8 MR. MC MULLEN: R-3.

9 THE WITNESS: AND THIS RIGHT HERE LOOKS FAMILIAR
10 (INDICATING).

11 THE COURT: INDICATING EITHER -- THEY APPEAR TO BE
12 EITHER SUITS OR JACKETS ON THE BOTTOM ROW OF --

13 THE WITNESS: IT LOOKS LIKE A HOUNDSTOOTH. IT
14 LOOKS LIKE.

15 BY MR. MC MULLEN:

16 Q HOW ABOUT IN R-1, WHICH IS THE ONE RIGHT
17 THERE?

18 A THESE LOOK LIKE SOME OF THE CASUAL PLAY
19 CLOTHES THAT HE WORE.

20 THE COURT: INDICATING ON THE BOTTOM RACK.

21 BY MR. MC MULLEN:

22 Q WOULD THAT BE THE OLDER STYLE OR THE NEWER
23 STYLE?

24 A THE OLDER STYLE.

25 Q SHOWING R-2. DO ANY OF THOSE SHOES LOOK LIKE
26 THE KIND OF SHOES THAT RON LEVIN SHOWED YOU ON THAT DAY
27 WITH RESPECT TO THE NEWER STYLE CLOTHING THAT HE WORE,
28 NEWER STYLE SHOES?

1 A NO.

2 Q DO ANY OF THEM APPEAR TO BE THE OLDER STYLE
3 THAT HE HAD LAYING AROUND HIS ROOM OR STACKED UP IN BOXES?

4 A YES.

5 Q WHICH ONES?

6 A MANY. THE TENNIS SHOES HE WORE A LOT OF. I
7 CAN'T SEE -- OVER HERE IS A BUNCH OF SHOES YOU CAN'T EVEN
8 SEE. IN FACT, SOME OF THESE LOOK LIKE DRESS SHOES, BUT I
9 CAN'T SEE THEM.

10 Q THANK YOU.

11 MA'AM, DID YOU EVER SEE RON LEVIN DRESS IN
12 ANY OF THE NEW STYLE CLOTHING THAT HE SHOWED ON YOU THAT
13 DAY?

14 A NO.

15 Q DO YOU REMEMBER BEING --

16 MR. MC MULLEN: AND I AM GOING TO REFER NOW FOR
17 COUNSEL'S REFERENCE TO A REPORT OF AN INTERVIEW BY
18 DETECTIVE LES ZOELLER DATED APRIL 20TH, 1992.
19 BY MR. MC MULLEN:

20 Q MA'AM, DO YOU REMEMBER BEING INTERVIEWED BY
21 LES ZOELLER ON APRIL 20TH, 1992?

22 A I THINK HE BASICALLY INTERVIEWED MY HUSBAND.

23 Q DO YOU REMEMBER TALKING TO HIM AT THAT TIME
24 AT ALL?

25 A IF I DID, IT WAS BRIEF.

26 Q DO YOU REMEMBER TELLING HIM WITH RESPECT TO
27 YOUR OBSERVATIONS OF THE TO-DO LIST THAT RON LEVIN'S
28 HOUSE, THAT IT WAS APPROXIMATELY THREE TO SIX OR MAYBE

1 EVEN UP TO EIGHT WEEKS BEFORE LEVIN'S DISAPPEARANCE THAT
2 YOU SAW THAT LIST IN HIS OFFICE?

3 A I REMEMBER TELLING HIM I WASN'T SURE.

4 Q DO YOU REMEMBER TELLING HIM THOSE WORDS THAT
5 I HAVE JUST SAID TO YOU?

6 A I REMEMBER HIM TRYING TO PINPOINT ME FOR A
7 TIME, AND I REMEMBER TELLING HIM I WASN'T SURE. WHAT
8 STICKS OUT IN MY MIND ABOUT THAT INTERVIEW WAS THE FACT
9 THAT HE WANTED TO TIE A ROBBERY IN WITH THE INCIDENT THAT
10 I WAS TRYING TO EXPLAIN TO HIM ABOUT THE BEATING THAT RON
11 HAD TAKEN.

12 MR. MC MULLEN: I WOULD MOVE TO STRIKE THAT LAST
13 PART AS BEING NONRESPONSIVE.

14 MR. CRAIN: I THINK IT IS PART OF HER ANSWER.

15 THE COURT: IT WILL GO OUT. IT WAS NONRESPONSIVE.

16 BY MR. MC MULLEN:

17 Q YOU ARE --

18 THE COURT: THE LAST PART ABOUT "WHAT I THOUGHT HE
19 WAS TRYING TO INVESTIGATE WITH THE ROBBERY."

20 MR. MC MULLEN: THANK YOU

21 BY MR. MC MULLEN:

22 Q YOU ARE ACTUALLY UNCERTAIN ABOUT WHEN YOU SAW
23 THE TO-DO LIST AT LEVIN'S, ARE YOU NOT?

24 A I AM SORRY.

25 WHAT ARE YOU ASKING ME?

26 Q YOU ARE ACTUALLY UNCERTAIN AS TO WHEN IT IS
27 THAT YOU CLAIM TO HAVE SEEN THE TO-DO LIST AT RON LEVIN'S?

28 A YOU MEAN AS TO DATE?

1 Q WHEN -- AS TO WHEN IT HAPPENED WITH REFERENCE
2 TO HIS DISAPPEARANCE.

3 A NO, I AM NOT NOW.

4 Q WHAT IS YOUR RECOLLECTION NOW?

5 A I BELIEVE, I SAID STATED YESTERDAY, THAT MY
6 CHILD'S BIRTHDAY, HE WAS BORN IN 1983, THAT HE TURNED ONE
7 YEAR OLD ON MARCH 31ST OF '84, AND IT WAS AFTER THAT TIME
8 THAT THESE INCIDENTS TOOK PLACE.

9 Q RIGHT.

10 BUT INCLUDING THE TO-DO LIST AND THE BRUISED
11 FACE OF LEVIN; CORRECT?

12 A YES. THERE WAS LIKE FOUR INCIDENTS.

13 Q DO YOU REMEMBER TESTIFYING IN SAN MATEO THAT
14 THAT IT MIGHT HAVE BEEN A COUPLE OF DAYS, A COUPLE OF
15 WEEKS OR A COUPLE OF MONTHS BEFORE HIS DISAPPEARANCE?

16 MR. KLEIN: CAN WE HAVE A PAGE.

17 THE COURT: DO YOU HAVE A CITATION?

18 MR. MC MULLEN: YES.

19 VOLUME 37 TRANSCRIPT OF SAN MATEO PROCEEDINGS
20 THAT OCCURRED ON JUNE 23, 1992, PAGE 88, LINES 19 THROUGH
21 25.

22 BY MR. MC MULLEN:

23 Q DO YOU REMEMBER TESTIFYING TO THAT?

24 A I VIVIDLY RECALL --

25 MR. MC MULLEN: THE 23TH.

26 DO YOU HAVE THE 23TH?

27 I AM SORRY. IT SHOULD BE VOLUME 37. IS THAT
28 VOLUME 37? THAT'S WHAT MINE SHOWS.

1 MR. CRAIN: WELL --

2 BY MR. MC MULLEN:

3 Q I AM SORRY.

4 DO YOU REMEMBER TESTIFYING TO THAT?

5 A I REMEMBER TRYING TO EXPLAIN TO THEM THAT I
6 COULDN'T GIVE THEM AN ACCURATE DATE, AND THEY KEPT TRYING
7 TO WANT ME TO ESTIMATE. THAT'S WHAT I REMEMBER ABOUT THE
8 TRIAL. THAT IS WHAT STICKS OUT IN MY MIND, THAT HE KEPT
9 TRYING TO GET ME, TO PINPOINT ME TO AN EXACT TIME AND
10 DATE.

11 Q AND YOU COULDN'T REMEMBER EXACTLY?

12 A NO. AND I BELIEVE I SAID THAT, DIDN'T I?

13 Q AGAIN, YOU JUST STATED THAT BETWEEN THE TIME
14 OF YOUR SON'S BIRTHDAY ON MARCH 13, 1985, ABOUT THE TIME
15 THAT YOU BECAME KNOWN, BECAME AWARE OF LEVIN'S
16 DISAPPEARANCE, YOU CLAIM THAT YOU SAW RON LEVIN AT HIS
17 APARTMENT, HIS FACE HAD BEEN BRUISED AND HE HAD BEEN BEAT
18 UP AND HE RELATED THAT TO YOU; IS THAT CORRECT?

19 A HE SHOWED ME.

20 MR. MC MULLEN: MAY I REFER COUNSEL TO VOLUME 38
21 PROCEEDINGS IN SAN MATEO JUNE 24TH, AT PAGE 12, LINES 19
22 THROUGH -- STARTING AT LINE 19. ACTUALLY, STARTING AT
23 LINE 17.

24 BY MR. MC MULLEN:

25 Q QUESTION (READING):

26 "Q NOW, FIRST LET THE JURY KNOW
27 WHAT THIS INCIDENT IS THAT YOU ARE
28 REFERRING TO.

1 A OKAY. THE INCIDENT I AM
2 REFERRING TO IS ABOUT SIX TO EIGHT
3 MONTHS PRIOR TO RON'S DISAPPEARANCE.
4 HE WAS VERY UPSET, AND HE CALLED ME
5 IN AND HE TOLD ME -- HE SAID HE
6 WANTED TO TELL ME SOMETHING AND HE
7 WAS BEING VERY GRAPHIC. HIS FACE
8 WAS ALL SWOLLEN ON ONE SIDE, HIS
9 LOOK -- LOOKS LIKE IT WAS BLACK AND
10 BLUE" -- EXCUSE ME -- "BLUE AND
11 BLACK. HIS LIP WAS CUT AND HIS
12 BACK -- HE SAID HIS BACK WAS
13 HURTING."

14 CONTINUING ON PAGE 22. (READING):

15 "HE SAID THAT A BLACK MAN HAD
16 COME TO THE DOOR, RANG THE DOORBELL,
17 HE WENT TO ANSWER IT, WHICH RON HAS
18 A DEADBOLT ON IT LIKE A METAL DOOR,
19 AND THE BLACK MAN SAID HE HAD
20 SOMETHING FOR HIM TO SIGN. WHEN
21 RONNIE WENT TO OPEN THE DOOR, THE
22 MAN PUSHED HIS WAY THROUGH AND
23 STARTED BEATING ON HIM."

24 DO YOU REMEMBER TESTIFYING TO THAT, MA'AM?

25 A NOT REALLY BUT, YES.

26 THE COURT: WELL, DO YOU OR NOT?

27 THE WITNESS: I DON'T REMEMBER VIVIDLY LIKE THE WAY
28 HE READ IT, BUT I REMEMBER STATING SOMETHING ABOUT THE

1 BEATING, YES.

2 BY MR. MC MULLEN:

3 Q WITH RESPECT TO THE TO-DO LIST THAT YOU SAW
4 IN RON LEVIN'S OFFICE, YOU ASKED -- I REMEMBER YOU
5 TESTIFYING YESTERDAY THAT YOU ASKED ABOUT KILLING THE DOG.
6 DID YOU ASK HIM ABOUT ANYTHING ELSE THAT YOU OBSERVED ON
7 THE TO-DO LIST LIKE -- YOU MENTIONED SOMETHING ABOUT HANDS
8 OR CUFFS OR HANDCUFFS? DID YOU ASK HIM ABOUT THAT?

9 A NO.

10 Q WHY NOT?

11 A BECAUSE WHETHER HE IS DOING A MOVIE, WHETHER
12 IT WAS REAL OR NOT MY CONCERN WAS WHY IN ANY WAY WOULD HE
13 HAVE TO KILL A DOG.

14 Q YOU ALSO TESTIFIED YESTERDAY THAT AT THAT
15 POINT IN TIME IN YOUR CONVERSATION HE HAD GOTTEN OFF THE
16 TELEPHONE AND HE HAD CALMED DOWN A LITTLE BIT; IS THAT
17 CORRECT?

18 A YES.

19 MR. MC MULLEN: REFERRING COUNSEL TO VOLUME 38
20 TRANSCRIPT OF THE SAN MATEO PROCEEDINGS THAT OCCURRED ON
21 THE 24TH OF JUNE, 1992, PAGE 95, LINES 1 THROUGH 8
22 STARTING AT LINE 1.

23 BY MR. MC MULLEN:

24 Q (READING):

25 "Q DID YOU TALK WITH HIM ABOUT
26 THE HANDCUFFS?

27 A NO."

28 Q DID YOU TALK WITH HIM ABOUT

1 ANYTHING ELSE THAT YOU SAW ON THE
2 TO-DO LIST?

3 A NO. BECAUSE THAT'S WHEN HE
4 GOT UPSET AND WENT INTO, "I AM NOT
5 GOING BACK TO JAIL." THAT'S WHEN HE
6 FLIPPED OUT AND WENT INTO THAT, AND
7 WE SPENT THAT TIME ON THAT BEFORE I
8 LEFT."

9 DO YOU REMEMBER TESTIFYING TO THAT IN
10 SAN MATEO?

11 A NO. BUT I DID.

12 Q SO HE DID GET UPSET?

13 A IT HAS BEEN A LONG TIME SINCE THAT TRIAL, AND
14 I HAVE HAD OTHER THINGS ON MY MIND TO DEAL WITH OTHER THAN
15 THINKING ABOUT THAT. SO YOU WILL HAVE TO EXCUSE ME. I AM
16 SURE I SAID IT. DO I REMEMBER IT?

17 Q SO HE WAS --

18 THE COURT: WHAT'S THE ANSWER. DO YOU REMEMBER IT
19 OR DON'T YOU REMEMBER IT?

20 THE WITNESS: YES.

21 BY MR. MC MULLEN:

22 Q SO HE WAS UPSET AFTER HE GOT OFF THE
23 TELEPHONE, WHEN YOU MENTIONED THAT TO HIM ABOUT WHAT YOU
24 SAW ON THE TO-DO LIST?

25 A HE WAS UPSET ENOUGH TO YANK IT AWAY FROM ME.

26 Q BUT WHEN YOU TALKED WITH HIM LATER, BECAUSE
27 HE WAS STILL ON THE PHONE WHEN HE YANKED IT AWAY FROM YOU;
28 IS THAT CORRECT?

1 A YES. THAT'S WHEN I PICKED UP THE SCRIPT, I
2 BELIEVE, OR WHAT LOOKED TO BE A SCRIPT.

3 MR. MC MULLEN: REFERRING COUNSEL TO -- AND THIS
4 HAS TO DO WITH THE SIZE OF THE SCRIPT THAT MS. MARMOR
5 OBSERVED.

6 REFERRING YOU TO TRANSCRIPT OF THE
7 PROCEEDINGS JUNE 24, 1992, WHICH WOULD BE VOLUME 38, PAGE
8 85, STARTING AT LINE 3.

9 BY MR. MC MULLEN:

10 Q (READING):

11 "Q WHEN YOU SAY YOU PICKED UP
12 THE SCRIPT, HOW MANY PIECES OF PAPER
13 WAS IT?

14 A IT LOOKED LIKE IT WAS ABOUT
15 10 TO 12 PIECES OF PAPER."

16 MA'AM, DO YOU REMEMBER TESTIFYING TO THAT?

17 MR. KLEIN: I AM GOING TO OBJECT. THIS IS IMPROPER
18 IMPEACHMENT. THERE HAS NOT BEEN AN INCONSISTENT STATEMENT
19 OR CONSISTENT STATEMENT.

20 THE COURT: OVERRULED.

21 THE WITNESS: AT THAT TIME IN THE TRIAL --

22 THE COURT: I THINK THE QUESTION IS: DO YOU
23 REMEMBER SAYING THAT?

24 THE WITNESS: NO. BUT --

25 THE COURT: PUT A QUESTION.

26 BY MR. MC MULLEN:

27 Q MA'AM, BEFORE YOU CAME INTO COURT AND
28 TESTIFIED YESTERDAY DID YOU REVIEW ANY MATERIALS?

1 A NO.

2 Q NOTHING WAS PROVIDED TO YOU TO REVIEW, YOUR
3 TRANSCRIPT OR REPORTS OR ANYTHING?

4 A I WAS PROVIDED WITH IT. I DIDN'T HAVE TIME.

5 Q WHAT WAS PROVIDED TO YOU, IF YOU KNOW?

6 A I GUESS MY TRANSCRIPT FROM THE OTHER TRIAL.

7 Q WHO PROVIDED THOSE TO YOU?

8 A THE ATTORNEY.

9 Q HOW LONG AGO WAS THAT PROVIDED TO YOU?

10 A IT WAS LATE FRIDAY, I THINK.

11 Q HAVE YOU TALKED TO ANYBODY PRIOR TO
12 TESTIFYING?

13 A NO.

14 Q YOU HAVE NOT TALKED --

15 MR. CRAIN: OBJECTION. THAT'S AN INCOMPREHENSIVE
16 QUESTION. SHE TALKED ABOUT WHAT OR WHEN.

17 THE COURT: REFRAME THE QUESTION.

18 BY MR. MC MULLEN:

19 Q HAVE YOU TALKED TO ANYBODY FROM THE HUNT
20 TEAM, SO TO SPEAK, ABOUT YOUR TESTIMONY BEFORE YOU CAME IN
21 TODAY?

22 MR. CRAIN: THE HUNT TEAM?

23 THE COURT: SUSTAINED.

24 MR. CRAIN: THANK YOU

25 BY MR. MC MULLEN:

26 Q HAVE YOU TALKED TO ANY OF THE HUNT
27 INVESTIGATORS, PRIVATE INVESTIGATORS THAT ARE WORKING FOR
28 MR. HUNT?

1 MR. CRAIN: AT WHAT POINT IN TIME, YOUR HONOR? THE
2 CASE GOES BACK TO THE WITNESSES'S OBSERVATIONS --

3 THE COURT: I THINK --

4 MR. CRAIN: -- 12 YEARS AGO.

5 THE COURT: I THINK THREE QUESTIONS EARLIER HE GOT
6 THAT PART IN, MESSED UP THE BACK END. I THINK HE IS
7 TALKING SINCE FRIDAY.

8 BY MR. MC MULLEN:

9 Q I AM JUST TRYING TO -- YOU COMING IN TO
10 TESTIFY YESTERDAY, WITHIN THE LAST FEW WEEKS OR A COUPLE
11 OF MONTHS, HAVE YOU TALKED TO ANY DEFENSE PRIVATE
12 INVESTIGATORS EMPLOYED BY MR. HUNT ABOUT YOUR TESTIMONY?

13 A PRIVATE INVESTIGATOR?

14 Q YES.

15 A NO.

16 Q HAVE YOU TALKED TO ANY OF THE HUNT LAWYERS
17 WITHIN THE LAST COUPLE OF WEEKS, COUPLE OF MONTHS ABOUT
18 YOUR TESTIMONY YESTERDAY AND TODAY?

19 A I TALKED TO SOMEONE FRIDAY.

20 Q DO YOU REMEMBER WHO THAT WAS?

21 A YES.

22 Q WHO WAS THAT?

23 A MR. CRAIN.

24 Q YOU TALKED ABOUT YOUR TESTIMONY?

25 A BRIEFLY.

26 Q YOU ARE SYMPATHETIC TO MR. HUNT, ARE YOU NOT?

27 A I DON'T KNOW MR. HUNT.

28 Q BUT ARE YOU SYMPATHETIC TO HIM?

1 A NO.

2 Q YOU REFUSED TO TALK TO THE PEOPLE'S
3 INVESTIGATORS, DIDN'T YOU?

4 A YES.

5 Q WHY IS THAT?

6 A BECAUSE THE WAY THEY TREATED ME AT THE TRIAL.

7 Q WHICH TRIAL WAS THAT?

8 A IN REDWOOD CITY.

9 Q DO YOU REMEMBER THE NAMES OF THOSE
10 INVESTIGATORS?

11 A NO.

12 Q BUT YOU REFUSED TO TALK TO THE INVESTIGATORS
13 FROM THE OFFICE OF THE DISTRICT ATTORNEY'S IN LOS ANGELES
14 COUNTY ABOUT YOUR TESTIMONY?

15 A I WAS SICK AND THEY WEREN'T VERY NICE.

16 Q BASICALLY THEN, YOU HAVE BEEN COOPERATIVE
17 WITH MR. HUNT AND HIS LAWYERS, BUT YOU HAVE NOT BEEN
18 COOPERATIVE --

19 A I HAVEN'T BEEN COOPERATIVE WITH MR. HUNT. I
20 PREFER NOT TO BE HERE, PERIOD.

21 MR. MC MULLEN: MAY I HAVE JUST ONE MOMENT, YOUR
22 HONOR?

23 THE COURT: YES.

24

25 (PAUSE)

26

27 BY MR. MC MULLEN:

28 Q DID YOU TALK TO TAMMY GONGOLFO PRIOR TO

1 TESTIFYING WITHIN THE LAST COUPLE OF WEEKS, LAST COUPLE OF
2 MONTHS BEFORE TESTIFYING?

3 A NO.

4 Q DO YOU REMEMBER TAMMY GONGOLFO?

5 A I BELIEVE SHE WAS THE ATTORNEY IN REDWOOD
6 CITY. I AM NOT SURE.

7 Q HAVE YOU TALKED TO HER -- DID YOU TALK TO HER
8 PRIOR TO TESTIFYING IN REDWOOD CITY?

9 A NO.

10 Q HOW DID YOU COME TO KNOW TAMMY GONGOLFO?

11 A IN REDWOOD CITY.

12 Q WHAT WERE THE CIRCUMSTANCES AROUND YOU
13 MEETING HER?

14 A I JUST MET HER BRIEFLY. I DON'T KNOW WHO SHE
15 IS.

16 THE COURT: DO YOU SEE HER IN THE COURTROOM?

17 THE WITNESS: YES.

18 THE COURT: DO YOU KNOW THAT SHE IS MARRIED TO
19 MR. HUNT?

20 THE WITNESS: NO, I DIDN'T.

21 THE COURT: HAVE YOU TALKED TO HER ABOUT THIS CASE
22 IN THE LAST WEEK?

23 THE WITNESS: NO, I HAVEN'T.

24 MR. CRAIN: ALSO, I WOULD BE WILLING TO STIPULATE
25 THAT IN MR. HUNT'S TRIAL IN SAN MATEO SHE WAS APPOINTED BY
26 THE COURT AS A PARALEGAL FOR THE DEFENSE.

27 THE COURT: I THINK YOU GET STIPULATIONS FROM
28 COUNSEL NOT FROM THE COURT.

1 MR. CRAIN: YES, YOUR HONOR.

2 THE COURT: DON'T OFFER -- ASK TO SPEAK TO OPPOSING
3 COUNSEL BEFORE YOU STIPULATE.

4 MR. MC MULLEN: I WAS DISTRACTED.

5 THE COURT: YOU GUYS CAN TALK ABOUT IT ELSEWHERE.
6 WORK OUT STIPULATIONS OUTSIDE THE COURT.

7 MR. MC MULLEN: THANK YOU.

8 YOUR HONOR, WE HAVE NO FURTHER QUESTIONS.

9 THE COURT: I HAVE A COUPLE OF QUESTIONS.

10 YOUR FIRST CONTACT WITH MR. LEVIN WAS PRETTY
11 UNPLEASANT FROM WHAT YOU DESCRIBED?

12 THE WITNESS: YES.

13 THE COURT: HE CAME IN THE BANK. HE WAS PRETTY
14 RUDE, PRETTY OBNOXIOUS?

15 THE WITNESS: YES.

16 THE COURT: YOU DIDN'T LIKE HIM?

17 THE WITNESS: I JUST SAW WHAT TYPE OF PERSON HE
18 WAS. THAT STUFF DOESN'T BOTHER ME, DOESN'T COME INTO ME,
19 THAT'S WHAT HE IS, DOESN'T MAKE ME. I DON'T TAKE IT
20 PERSONALLY. I JUST WOULDN'T OPEN THE ACCOUNTS. I STAYED
21 WITHIN WHAT I WAS SUPPOSED TO DO, MY LEGAL RIGHTS, NOT TO
22 OPEN THE ACCOUNTS. I REFERRED HIM TO THE BRANCH MANAGER,
23 LET THE BRANCH MANAGER TAKE OVER.

24 THE COURT: DID HE COMPLAIN TO THE BRANCH MANAGER
25 ABOUT YOU?

26 THE WITNESS: YES, HE DID.

27 THE COURT: DID THAT CAUSE YOU ANY PROBLEMS?

28 THE WITNESS: NOT AT ALL.

1 THE COURT: DID THIS CAUSE YOU TO MAKE SOME KIND OF
2 JUDGMENT ABOUT MR. LEVIN?

3 THE WITNESS: WELL, WE ALL -- WHEN WE SEE PEOPLE
4 LIKE THAT, YOU KNOW, WE KNOW THAT'S NOT A NICE PERSON, NOT
5 SUCH A NICE PERSON. WE KIND OF KEEP -- I WOULDN'T WANT TO
6 BE IN BUSINESS WITH HIM.

7 THE COURT: THAT'S WHAT I AM ASKING. YOU MADE A
8 COUPLE OF REFERENCES DURING YOUR TESTIMONY, "HE IS THAT
9 KIND OF A PERSON." WHAT KIND OF A PERSON?

10 THE WITNESS: NOT AN HONEST PERSON. HE TAKES
11 ADVANTAGE OF PEOPLE.

12 THE COURT: SO YOU DIDN'T LIKE HIM.

13 THE WITNESS: I DIDN'T LIKE HIM OR DISLIKE HIM. I
14 JUST WOULDN'T GO INTO BUSINESS WITH HIM.

15 THE COURT: THAT'S WHAT I AM TRYING TO UNDERSTAND.
16 YOU HAD THIS VERY NEGATIVE CONTACT WITH HIM AT THE
17 BEGINNING, YET YOU WERE NEIGHBORS WITH HIM?

18 THE WITNESS: YES.

19 THE COURT: YOU SAW HIM ON A REGULAR BASIS?

20 THE WITNESS: YES.

21 THE COURT: HE CALLED YOU INTO HIS APARTMENT AND
22 EXPRESSED SOME THOUGHTS TO YOU OF A PERSONAL NATURE?

23 THE WITNESS: YES.

24 THE COURT: YOU DIDN'T THINK THAT WAS UNUSUAL?

25 THE WITNESS: NO. BECAUSE HE WAS VERY FRIENDLY
26 WITH MY HUSBAND. HE DIDN'T DO TO ME WHAT HE DID TO OTHER
27 PEOPLE BECAUSE OF THE FACT WHO I WAS MARRIED TO, SO I
28 DIDN'T GET THE BRUNT OR THE EXTENT FROM THAT POINT AFTER

1 MY HUSBAND INTRODUCED ME TO HIM LIKE WHAT I SAW AT THE
2 BANK.

3 THE COURT: BUT YOU ARE WILLING TO STILL SOCIALIZE
4 WITH HIM?

5 THE WITNESS: I WOULDN'T CALL IT SOCIALIZING.

6 THE COURT: YOU WERE IN HIS APARTMENT HOW MANY
7 TIMES?

8 THE WITNESS: I DON'T KNOW. WHENEVER MY HUSBAND
9 WOULD GO OVER I WOULD GO OVER WITH HIM, AND SOMETIMES IF I
10 WAS GOING SHOPPING OR GOING OUT AND HE CALLED ME IN, I
11 WOULD GO IN AND LISTEN. I WASN'T IN THERE FOR LONG, LONG
12 PERIODS OF TIME BUT --

13 THE COURT: HOW MANY TIMES WOULD YOU SAY THAT YOU
14 WERE IN MR. LEVIN'S APARTMENT?

15 THE WITNESS: IN THE TIME THAT I KNEW HIM?

16 THE COURT: YES.

17 THE WITNESS: 10 MAYBE 20 TIMES. I COULDN'T EVEN
18 BEGIN TO COUNT OR TELL YOU. WE MIGHT GO OVER AND HAVE
19 DINNER. I MEAN, HE MIGHT STOP OVER AND TELL MY HUSBAND
20 SOMETHING, WHAT'S HAPPENING WITH HIM DURING THE DAY.

21 THE COURT: I DIDN'T UNDERSTAND THIS, YOU SAID YOU
22 KNEW YOUR HUSBAND WAS GOING TO TESTIFY BUT YOU DIDN'T KNOW
23 ABOUT WHAT.

24 THE WITNESS: I KNEW IT WAS CONCERNING RON LEVIN.
25 THE PARTICULARS OF MY HUSBAND AND I -- HE NEVER DISCUSSED
26 IT WITH ME. I NEVER ASKED. HE NEVER DISCUSSED IT WITH
27 ME.

28 THE COURT: BUT YOU KNEW IT WAS A MURDER CASE,

1 WASN'T IT?

2 THE WITNESS: I KNEW IT WAS RON LEVIN.

3 THE COURT: YOU DIDN'T KNOW IT WAS ABOUT A MURDER
4 CASE?

5 THE WITNESS: DOWN THE ROAD I SUPPOSE MY HUSBAND
6 SAID HE WAS MURDERED BECAUSE ONCE MY HUSBAND BELIEVED THAT
7 I HAD NO REASON TO THINK THAT ANYTHING -- I DIDN'T KNOW
8 THAT ANYTHING I KNEW WAS RELEVANT TO THE CASE.

9 THE COURT: WHY DO YOU SAY THAT? YOU SAY THAT YOU
10 THOUGHT HE HAD FLED, WAS GONE?

11 THE WITNESS: WELL, BUT MY HUSBAND WAS VERY STRONG.
12 HE WAS ADAMANT ABOUT THE FACT THAT HE WAS MURDERED.

13 THE COURT: SO THAT LEAD YOU TO BELIEVE THAT
14 MR. LEVIN HAD BEEN MURDERED?

15 THE WITNESS: I FIGURED THAT IF THEY GOT SOMEBODY
16 IN JAIL AND THE MAN HAS BEEN MURDERED THEY HAVE GOT GOOD
17 CAUSE AND GOOD REASON TO BELIEVE, SO ANYTHING I THOUGHT
18 AND FELT I JUST DISMISSED.

19 THE COURT: BUT YOU HAD MENTIONED DURING YOUR
20 TESTIMONY THAT YOU THOUGHT MR. LEVIN HAD GONE ON PERMANENT
21 VACATION?

22 THE WITNESS: IN THE BACK OF MY MIND I ALWAYS FELT
23 THAT. EVEN THOUGH I DISMISSED THE STRONG URGES OR
24 FEELINGS ABOUT HIM, IN THE BACK OF MY MIND MAYBE HE IS
25 MISSING. MY HUSBAND SAID, "NO. HE WAS MURDERED." SO I
26 JUST DISMISSED THE STUFF IN MY MIND UNTIL THE INVESTIGATOR
27 SAID THERE WAS SIGHTINGS, THAT CAUSED ME TO REALLY START
28 THINKING ABOUT MAYBE I WAS RIGHT, MAYBE HE IS MISSING.

1 THE COURT: YOU HAD DREAMS ABOUT THIS?

2 THE WITNESS: THAT'S WHEN I STARTED TALKING TO MY
3 HUSBAND ABOUT MY DREAMS. I MAY GO TO SLEEP AND THEN START
4 THINKING ABOUT OR IN MY DREAMS ABOUT SOME OF THE
5 SITUATIONS AND HOW RONNIE WAS ACTING, ALL THOSE THINGS,
6 AND THEY WEREN'T JUST DREAMS. I MEAN, I COULD BE IN THE
7 KITCHEN DOING SOMETHING AND SOME OF THESE THINGS WOULD
8 COME BACK. I WOULD START THINKING ABOUT IT.

9 THE COURT: WHY?

10 THE WITNESS: BECAUSE WHEN THEY SAW SIGHTINGS OF
11 RON LEVIN IT BOTHERS ME BECAUSE MY HUSBAND WAS ADAMANT
12 ABOUT HIM BEING MURDERED. AND THEN I STARTED THINKING
13 MAYBE HE REALLY ISN'T, MAYBE THEN WHAT I DID SEE AND HEARD
14 WAS MAYBE FOR REAL AND MAYBE I SHOULD HAVE SAID SOMETHING.
15 THAT'S WHAT STARTED IT ALL, THAT'S WHEN I STARTED THINKING
16 AFTER -- THAT IS WHEN I STARTED DISCUSSING IT WITH MY
17 HUSBAND.

18 THE COURT: YOU KNEW YOUR HUSBAND WAS GOING TO BE
19 TESTIFYING ABOUT LEVIN. YOU NEVER MENTIONED IT TO HIM
20 THAT YOU THOUGHT HE WAS STILL ALIVE?

21 THE WITNESS: I AM MIGHT HAVE MENTIONED IT ONCE OR
22 TWICE. I THINK THAT HE JUST TOOK -- MY HUSBAND SAID, "NO,
23 HE WOULDN'T DO THAT. HE WOULDN'T DO THAT WITHOUT TELLING
24 ME."

25 THE COURT: WERE YOU EVER PRESENT WHEN YOUR HUSBAND
26 WAS INTERVIEWED BY THE POLICE?

27 THE WITNESS: NO. THE FIRST TIME I DON'T KNOW
28 WHERE THAT WAS. I THINK MY HUSBAND WENT DOWN THERE. I AM

1 NOT SURE. AND THE SECOND TIME THAT, I THINK THE POLICE
2 CAME, I THINK IT WAS AT THE APARTMENT. AND LIKE I TOLD
3 YOU, HE INTERVIEWED MY HUSBAND MORE THAN HE DID ME. I
4 JUST REMEMBER STATING SOMETHING ABOUT A BEATING, BUT HE
5 DIDN'T ASK ME. HE WAS ASKING MY HUSBAND QUESTIONS.

6 THE COURT: SO THE POLICE DID NOT TALK TO YOU?

7 THE WITNESS: EVEN THOUGH I WAS THERE I DON'T FEEL
8 THAT HE WAS TALKING TO ME. HE WAS TALKING TO MY HUSBAND.
9 I BELIEVE I LEFT, TOO, BEFORE IT WAS OVER WITH.

10 THE COURT: HOW ABOUT EARLIER WHEN YOUR HUSBAND WAS
11 TESTIFYING IN THE TRIAL AS -- PRIOR TO HIS TESTIMONY WERE
12 YOU EVER PRESENT WHEN THE POLICE TALKED TO YOUR HUSBAND?

13 THE WITNESS: NO.

14 THE COURT: WERE YOU EVER PRESENT WHEN ANYBODY
15 TALKED TO YOUR HUSBAND ABOUT THE CASE?

16 THE WITNESS: NO.

17 THE COURT: YOU HAVE REFERRED TO RON OR RONNIE IN
18 THE PRESENT TERM, PRESENT TENSE, I SHOULD SAY. WHY IS
19 THAT?

20 THE WITNESS: WHY DO I REFER --

21 THE COURT: IN THE PRESENCE TENSE.

22 THE WITNESS: I DON'T KNOW.

23 THE COURT: MR. CRAIN?

24 MR. CRAIN: CAN I HAVE JUST A MOMENT?

25 THE COURT: YES.

26

27

(PAUSE.)

28

REDIRECT EXAMINATION +

1

2

3 BY MR. CRAIN:

4 Q MS. MARMOR, I HATE TO GET INTO YOUR PERSONAL
5 AFFAIRS TOO MUCH, BUT LET ME ASK YOU JUST A COUPLE OF
6 THINGS ABOUT THE RELATIONSHIP YOU HAVE WITH YOUR HUSBAND.

7 YOU HAVE TOLD US HE IS A STRONG-WILLED
8 INDIVIDUAL; IS THAT RIGHT?

9 A YES.

10 Q AND ON A SCALE OF ONE TO TEN, TEN BEING THE
11 MOST STRONG-WILLED, WHERE WOULD YOU PLACE MR. MARMOR?

12 A A 20.

13 Q AND IS HE THE TYPE OF PERSON THAT SHARES ALL
14 OF HIS BUSINESS WITH YOU?

15 A NONE.

16 Q AND IS HE THE TYPE OF PERSON THAT TAKES
17 ORDERS FROM YOU?

18 A NO, HE DOES NOT.

19 Q IS IT SUCH THAT --

20 A HE GIVES ORDERS; HE DOESN'T TAKE THEM.

21 Q IS IT SUCH THAT IF HE WERE INVOLVED AS A
22 WITNESS THAT HE WOULD BE -- IS IT HIS NATURE TO EXPLAIN TO
23 YOU IN ANY KIND OF DETAIL WHAT IT WAS HE WAS BEING CALLED
24 AS A WITNESS TO TESTIFY ABOUT OR NOT?

25 A MY HUSBAND'S NATURE IS NOT TO EXPLAIN
26 ANYTHING TO ME IN DETAIL.

27 Q AND HAS IT ALWAYS BEEN THAT WAY THROUGH YOUR
28 MARRIAGE?

1 A YES, IT HAS.

2 Q NOW, YOU TOLD US THAT WHILE THE CASE WAS
3 GOING ON, AT LEAST DURING THAT PERIOD OF TIME THAT YOU
4 KNEW THAT YOUR HUSBAND WAS BEING CALLED TO TESTIFY AS A
5 WITNESS, YOU NEVER KNEW WHAT THE EVIDENCE WAS IN THE CASE
6 THAT WAS BEING PRESENTED AT THE COURTHOUSE; IS THAT RIGHT?

7 A THAT'S CORRECT.

8 Q AND DO YOU HAVE ANY INTEREST IN THE OUTCOME
9 OF THE PROCEEDINGS IN THIS COURTROOM OR MR. HUNT'S LEGAL
10 FUTURE? DO YOU HAVE ANY INTEREST IN THAT ONE WAY OR THE
11 OTHER?

12 A NO, I DON'T.

13 Q DO YOU HAVE ANY INTEREST IN GETTING PUBLICITY
14 FOR YOURSELF BY BEING A WITNESS IN THIS CASE?

15 A NO, I DON'T. I DIDN'T WISH TO BE HERE.

16 Q WOULD YOU RATHER YOU NOT BE TESTIFYING AND
17 NOT GET ANY PUBLICITY?

18 A CORRECT.

19 Q NOW, YOU SAID THAT MANY, MANY YEARS AGO, OVER
20 YOU -- APPROXIMATELY 20 YEARS AGO YOU MET MR. LEVIN AT
21 THE BANK, AND HE WAS OBNOXIOUS; RIGHT?

22 A CORRECT.

23 Q AND THEREAFTER BY COINCIDENCE YOU MET HIM AND
24 BECAME MORE ACQUAINTED WITH HIM BECAUSE OF YOUR HUSBAND;
25 RIGHT?

26 A CORRECT.

27 Q AND DO YOU HAVE ANY -- BECAUSE OF ANY
28 FEELINGS THAT YOU HAVE ABOUT MR. LEVIN DO YOU HAVE ANY

1 INTEREST IN OR IS YOUR TESTIMONY EFFECTED IN ANY WAY BY
2 ANY VIEWS YOU MIGHT HAVE ABOUT MR. LEVIN, EITHER FAVORABLE
3 OR UNFAVORABLE?

4 A I HAVE NONE. LIKE I SAID, ONCE MY HUSBAND
5 INTRODUCED ME TO MR. LEVIN, I DIDN'T -- I DIDN'T CATCH THE
6 UGLY SIDE OF RON LEVIN. HE WAS RESPECTFUL.

7 Q YOU KNEW OF HIS REPUTATION AS A CON MAN; IS
8 THAT RIGHT OR NOT?

9 A NOT REALLY. THAT WASN'T DISCUSSED WITH ME
10 EITHER, BUT I COULD TELL. I MEAN, FROM THE BANK SOMEBODY
11 THAT IS COMING UP TO OPEN UP FOUR CORPORATE ACCOUNTS
12 WITHOUT ANY IDENTIFICATION IS NOT A VERY HONEST PERSON.

13 Q YOU ALSO TOLD US TODAY THAT HALF THE TIME YOU
14 NEVER KNEW IF HE WAS SERIOUS, REFERRING TO MR. LEVIN, YOU
15 NEVER KNEW HALF THE TIME IF HE WAS SERIOUS OR NOT SERIOUS.
16 WHAT DO YOU MEAN BY THAT?

17 A HE WOULD MAKE STATEMENTS AND THEN HE WOULD
18 TAKE IT BACK. SO YOU COULDN'T TELL WHETHER THE STATEMENT
19 HE MADE WAS ACTUALLY FACT OR WHETHER HE WAS JUST -- HE'LL
20 SAY, "I AM KIDDING," OR, "I AM JOKING." HE WOULD NEVER
21 LET YOU KNOW WHERE HE STOOD.

22 Q WAS HE SOMEONE WHO TRIED TO, AT LEAST IN YOUR
23 EXPERIENCE, KEEP THE OTHER PERSON OFF GUARD AS TO --

24 A OFF BALANCE.

25 Q -- OFF BALANCE, I SHOULD SAY, AS TO -- THAT'S
26 PROBABLY A BETTER WAY TO DESCRIBE IT -- AS TO WHAT HE WAS
27 THINKING OR WHAT HIS TRUE PLANS OR INTENTIONS REALLY WERE?

28 A CORRECT.

1 Q WAS HE ALWAYS THAT WAY DURING THE TIME THAT
2 YOU KNEW HIM AFTER YOU MOVED INTO THE RESIDENCE ON PECK?

3 A YES.

4 Q NOW, YOU SAID THAT MR. WOOLSEY -- DURING 1991
5 YOU LEARNED FROM YOUR HUSBAND ABOUT SOME NEW EVIDENCE IN
6 THE CASE THAT THERE HAD BEEN SOME PEOPLE THAT HAD SEEN
7 MR. LEVIN; IS THAT RIGHT?

8 A CORRECT.

9 Q YOU GAVE AN INTERVIEW TO MR. WOOLSEY; IS THAT
10 RIGHT?

11 A CORRECT.

12 Q NOW, THE OTHER DAY -- I INTERVIEWED YOU
13 FRIDAY EVENING?

14 A YES.

15 Q AND I OFFERED YOU TO TAKE THE TRANSCRIPTS OF
16 YOUR TESTIMONY IN SAN MATEO AND TO READ THEM, IF YOU
17 WANTED TO READ THEM, OR NOT READ THEM, IF YOU DIDN'T THINK
18 IT WAS NECESSARY; IS THAT RIGHT?

19 A CORRECT.

20 Q AND YOUR TESTIMONY HERE IS THAT YOU TOOK
21 THEM, BUT YOU DIDN'T READ THEM; RIGHT?

22 A CORRECT.

23 Q YOU HAVEN'T READ ANY REPORTS OR ANYTHING OF
24 YOUR TESTIMONY IN 1992; IS THAT CORRECT?

25 A THAT'S CORRECT.

26 Q AND YOU GAVE THE SAME -- WITHOUT GETTING INTO
27 QUESTION BY QUESTION -- THINGS YOU TESTIFIED ABOUT HERE
28 TODAY AND YESTERDAY WERE THE SAME THINGS THAT YOU

1 TESTIFIED ABOUT BEFORE THE JURY IN SAN MATEO; IS THAT
2 RIGHT?

3 A I THINK SO, YES.

4 Q AND IN YOUR TALKING TO MR. WOOLSEY YOU TOLD
5 HIM ABOUT, IF YOU RECALL -- IF YOU NEED TO LOOK AT HIS
6 REPORT, THAT'S FINE. IF YOU REMEMBER IT, DID YOU TELL HIM
7 ABOUT LEVIN SAYING HE WAS CONCERNED ABOUT GOING BACK TO
8 JAIL, THAT HE HAD BEEN BEATEN UP, VIDEO EQUIPMENT,
9 WARDROBE CHANGE, SEEING THE TO-DO LIST AND ALL OF THAT?

10 A YES.

11 Q NOW, WAS IT ABOUT -- WASN'T IT SOMETHING LIKE
12 AUGUST OF 1984 WHEN THE POLICE, TO YOUR KNOWLEDGE, FIRST
13 INTERVIEWED YOUR HUSBAND? DOES THAT SOUND ABOUT RIGHT, OR
14 DO YOU KNOW?

15 A I CAN'T SAY FOR SURE. I KNOW IT WAS
16 SOMEWHERE AROUND THAT TIME.

17 Q SO IT WAS SOME SIX OR EIGHT WEEKS AFTER
18 LEVIN'S DISAPPEARANCE; IS THAT RIGHT?

19 A YES.

20 Q NOW, YOU STARTED TO SAY SOMETHING TO
21 MR. MC MULLEN, HE DIDN'T LIKE YOUR ANSWER SO HE HAD IT
22 STRICKEN --

23 THE COURT: PLEASE DON'T EDITORIALIZE.

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

25 BY MR. CRAIN:

26 Q -- ABOUT YOU HAD A CONVERSATION WITH
27 DETECTIVE ZOELLER ABOUT THE LIST; IS THAT RIGHT?

28 A YES.

1 Q WHAT WAS THAT ALL -- WHAT WERE YOU TRYING TO
2 TELL US ABOUT THAT?

3 A HE WAS TRYING TO GET ME TO EXACTLY PINPOINT
4 OR DATE, AND I TRIED TO EXPLAIN TO HIM THAT I COULDN'T DO
5 THAT. AND ONE OF THE THINGS THAT HE WANTED TO PUT
6 TOGETHER WAS A ROBBERY CONNECTED TO THE SAME TIME THAT
7 THERE WAS THAT BEATING I WAS TALKING ABOUT, AND I TRIED TO
8 EXPLAIN TO HIM THERE WASN'T A ROBBERY. THAT I DIDN'T KNOW
9 ANYTHING ABOUT A ROBBERY.

10 Q SO WHEN HE WAS TALKING ABOUT WHEN THINGS
11 HAPPENED WERE YOU PUTTING IT IN RELATION TO SOME ROBBERY,
12 OR JUST WHAT -- OR IF YOU RECALL AFTER ALL THIS TIME?

13 A IT'S BEEN A LONG TIME, AND I CAN'T RECALL. I
14 JUST RECALL THAT THERE WAS SOMETHING THAT HE WAS PUTTING
15 IN WITH IT THAT WASN'T WHAT I WAS SAYING, AND I DIDN'T
16 KNOW ANYTHING ABOUT. AND I TRIED TO EXPLAIN TO HIM THAT I
17 DON'T KNOW. IT IS A LONG TIME. IT IS HARD FOR ME TO
18 REMEMBER.

19 Q NOW, THE DAY THAT YOU SAW THE TO-DO LIST IS
20 THIS THE LAST TIME THAT YOU SAW LEVIN?

21 A YES, IT IS.

22 Q ARE YOU CERTAIN OF THAT?

23 A YES.

24 Q HAVE YOU ALWAYS BEEN CERTAIN OF THAT IN THE
25 TESTIMONY THAT YOU HAVE GIVEN BOTH HERE AND IN SAN MATEO?

26 A YES.

27 Q AND IS IT YOUR TESTIMONY STILL THAT ON THE
28 DATE THAT YOU SAW THE TO-DO LIST LEVIN WAS TALKING ABOUT

1 LEAVING FOR NEW YORK?

2 A YES.

3 Q AND YOU ARE CERTAIN OF THAT; IS THAT RIGHT?

4 A HE TALKED ABOUT IT MORE THAN ONE TIME.

5 Q BUT ON THAT DAY?

6 A BUT ON THAT DAY, YES.

7 Q AND IT WAS AFTER THAT THAT YOU SAW THE TO-DO
8 LIST THAT YOU LEARNED THAT LEVIN HAD DISAPPEARED AND WAS
9 NOT SEEN AGAIN; IS THAT RIGHT?

10 A YES.

11 Q NOW, WHEN YOU SAW THIS SCRIPT AND IT REFERRED
12 TO SHERRY AND EDWARD YOU SAID SHERRY WAS AN EX-WIFE, WAS
13 YOUR HUSBAND'S EX-WIFE, I SHOULD SAY?

14 A YES.

15 Q EDWARD IS HIS MIDDLE NAME?

16 A YES.

17 Q WHAT DID THAT HAVE TO DO WITH YOUR THINKING
18 THAT THIS MIGHT BE SOMETHING RELATED TO REAL LIFE AND
19 LEVIN ACTUALLY DISAPPEARING AS OPPOSED TO SOME MOVIE
20 CHARACTER, IF THAT'S WHAT I UNDERSTAND YOUR TESTIMONY TO
21 HAVE BEEN?

22 A YES. BECAUSE THE PEOPLE AND PLACES WERE
23 REAL, AND THEY WERE THINGS THAT WERE HAPPENING, SO IT MADE
24 ME WONDER, YOU KNOW, "IS IT REALLY A MOVIE SCRIPT, OR IS
25 IT REALLY SOMETHING ELSE?"

26 Q AND DID YOU EVER GET A STRAIGHT ANSWER FROM
27 LEVIN THAT DAY, THE LAST DAY THAT YOU SAW HIM?

28 A NO.

1 MR. CRAIN: IF I MAY HAVE A MOMENT, I WOULD LIKE TO
2 LOOK AT MY NOTES, HERE.

3
4 (PAUSE.)

5
6 MR. CRAIN: MAY I HAVE JUST A MOMENT OR TWO TO SEE
7 IF I HAVE ANY MORE QUESTIONS?

8 THE COURT: YES.

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

12
13 MR. CRAIN: AT THIS TIME WE DON'T HAVE ANY FURTHER
14 QUESTIONS.

15 THE COURT: ANYTHING FURTHER, MR. MC MULLEN?

16 MR. MC MULLEN: YES, YOUR HONOR, JUST A FEW
17 QUESTIONS.

18
19 RE-CROSS-EXAMINATION @

20
21 BY MR. MC MULLEN:

22 Q HAVE YOU EVER EXPRESSED AN OPINION TO YOUR
23 HUSBAND?

24 A WHAT DO YOU MEAN?

25 Q AN OPINION THAT YOU HAVE, THAT YOU HAVE --
26 HAVE YOU EVER EXPRESSED AN OPINION TO YOUR HUSBAND?

27 A IN THE BEGINNING WHEN --

28 MR. CRAIN: YOU MEAN ABOUT THE CASE OR IN GENERAL?

1 THAT'S SO BROAD IT IS IRRELEVANT.

2 BY MR. MC MULLEN:

3 Q JUST IN GENERAL, AN OPINION YOU MIGHT HAVE,
4 SOMETHING YOU FEEL STRONGLY ABOUT?

5 A IN LIFE IN GENERAL?

6 Q YES.

7 A YES.

8 Q HAVE YOU EVER EXPRESSED AN OPINION TO YOUR
9 HUSBAND THAT HE HAS NOT AGREED WITH?

10 A YES.

11 Q AND WHAT TYPICALLY IS HIS REACTION TO AN
12 OPINION THAT YOU EXPRESSED TO HIM?

13 A HIS OPINION WOULD ALWAYS BEEN STRONGER THAN
14 MINE. HE WOULD OVERRIDE WHAT I HAD TO SAY AND TELL ME WHY
15 I WAS WRONG.

16 Q ARE YOU SYMPATHETIC TO MR. HUNT'S CAUSE?

17 A NO.

18 Q ARE YOU SYMPATHETIC TO MR. HUNT'S CAUSE
19 INSOFAR AS IT RELATES TO THE CIRCUMSTANCES SURROUNDING HIM
20 AND MR. LEVIN, THE PREDICAMENT HE IS IN NOW?

21 MR. CRAIN: THAT'S AMBIGUOUS.

22 THE COURT: I AM NOT SURE WHAT IT MEANS EITHER.

23 BY MR. MC MULLEN:

24 Q WELL, YOU HAVE HAD A NUMBER OF EXPERIENCES
25 WITH RON LEVIN THAT ARE NEGATIVE; IS THAT CORRECT, THAT'S
26 WHAT YOU HAVE TESTIFIED TO?

27 A I HAD ONE NEGATIVE EXPERIENCE WITH RON LEVIN.

28 I TOLD YOU AFTER I WAS INTRODUCED BY MY HUSBAND, HE WAS

1 WHAT -- BECAUSE OF MY HUSBAND'S VERY STRONG NATURE I NEVER
2 HAD ANY PROBLEMS WITH RON LEVIN FROM THEN ON. HE WAS
3 ALWAYS VERY RESPECTFUL TO ME.

4 Q I GET THE IMPRESSION THROUGHOUT YOUR
5 TESTIMONY THAT YOU THINK MR. LEVIN DISAPPEARED, LEFT FOR A
6 PERMANENT VACATION. IS THAT WHAT YOU ARE BASICALLY SAYING
7 TO US BASED ON WHAT YOU OBSERVED THE LAST TIME YOU SAW
8 HIM?

9 A WHEN I -- THE LAST TIME I TALKED TO HIM IN
10 HIS OFFICE I FIRST THOUGHT THAT HE HAD DISAPPEARED. WHEN
11 MY HUSBAND ADAMANTLY TOLD ME, "NO, HE WAS MURDER," THEN I
12 JUST DISMISSED ANY FEELINGS WHATSOEVER ABOUT RON LEVIN.

13 Q BUT YOU CAME BACK TO YOUR FIRST OPINION?

14 A EXACTLY.

15 Q BASED UPON THAT ARE YOU SYMPATHETIC TO
16 MR. HUNT BECAUSE HE WAS CONVICTED OF THE MURDER OF RON
17 LEVIN?

18 A I DON'T -- HOPE THIS DOESN'T SOUND CRUEL,
19 BUT, NO. I HAVE OTHER THINGS IN MY LIFE THAT I AM
20 CONCERNED ABOUT THAT I HAVE TO THINK ABOUT.

21 Q YOU TESTIFIED THAT YOU JUST GLANCED OR LEAFED
22 THROUGH THIS SCRIPT, BUT YOU WERE ABLE TO GAIN INFORMATION
23 ABOUT THINGS THAT WERE GOING ON TO VARIOUS PEOPLE AND RON
24 LEVIN, RELATING TO RON LEVIN'S LIFE; IS THAT CORRECT?

25 A I DON'T UNDERSTAND.

26 Q YOU JUST HAD A VERY BRIEF PERIOD OF TIME,
27 SECONDS MAYBE TO LOOK AT THIS SCRIPT THAT YOU HAVE
28 TESTIFIED TO, YET YOU WERE ABLE TO GAIN --

1 A I HAD A LITTLE BIT MORE TIME TO LOOK AT THE
2 SCRIPT THAN I DID AT THE PIECE OF PAPER.

3 Q BUT HE PULLED IT OUT OF YOUR HANDS FAIRLY
4 QUICKLY?

5 A THE YELLOW PIECE OF PAPER?

6 Q NO, THE SCRIPT.

7 A THE SCRIPT I WAS LOOKING AT WHILE HIS BACK
8 WAS TO ME. HE WAS ON THE PHONE. WHEN HE TURNED AROUND,
9 WHEN HE WAS OFF THE PHONE, THAT'S WHEN HE TOOK THE SCRIPT
10 AWAY FROM ME.

11 Q BUT THE BRIEF TIME THAT YOU LOOKED AT IT YOU
12 WERE ABLE TO GAIN INFORMATION ABOUT A LOT OF THINGS?

13 A NOT A LOT, WHOLE LOT OF INFORMATION. LIKE I
14 SAID, I PICKED UP TWO NAMES THAT STUCK OUT IN MY MIND
15 BECAUSE OF THE FACT OF WHO THEY WERE. IN MY MIND WHO THEY
16 WERE, EDWARD WOULD BE MY HUSBAND'S MIDDLE NAME, AND SHERRY
17 WOULD BE MY HUSBAND'S EX-WIFE.

18 VIDEO EQUIPMENT STUCK OUT WHEN I SAW THAT, SO
19 I READ A LITTLE BIT FURTHER AND SOMETHING IN THERE SAID
20 STOLEN. I COULDN'T GIVE YOU THE CONTEXT OF WHAT THE
21 SCRIPT WAS WRITTEN ABOUT.

22 IT IS JUST THAT NEW YORK, I SAW SOMETHING ON
23 ONE PAGE ABOUT NEW YORK, LEAVING FOR NEW YORK, YOU KNOW,
24 THINGS LIKE THAT THAT I PULLED OUT OF WHAT WAS
25 TYPEWRITTEN.

26 Q WERE YOU EVER IN AN OFFICE IN ANY OF RON
27 LEVIN'S CORPORATIONS?

28 A NO.

1 THE COURT: ANYTHING ELSE?

2 MR. MC MULLEN: NOTHING FURTHER.

3 THE COURT: ANYTHING FURTHER, MR. CRAIN?

4 MR. CRAIN: JUST BRIEFLY. IF I FORGOT SOMETHING --
5 IT IS ACTUALLY IN RESPONSE TO HIS LAST SERIES OF
6 QUESTIONS.

7

8 FURTHER REDIRECT EXAMINATION +

9

10 BY MR. CRAIN:

11 Q DID YOU DREAM ALL THIS UP, SOME DREAM, OR IS
12 THIS SOME LSD FLASHBACK, TO USE MR. MC MULLEN'S TERMS?

13 THE COURT: THAT'S COMPOUND AND --

14 MR. CRAIN: THAT WAS THE INSINUATION, YOUR HONOR,
15 AND --

16 THE COURT: JUST PUT A QUESTION.

17 MR. CRAIN: WELL, IT IS REALLY UNFAIR TO THE
18 QUESTION --

19 THE COURT: HOLD ON. SAVE IT FOR THE ARGUMENT.

20 PUT A QUESTION.

21 THE WITNESS: I WOULD LIKE TO THINK --

22 THE COURT: PUT A QUESTION.

23 BY MR. CRAIN:

24 Q YOUR TESTIMONY IS THAT BASED ON YOUR
25 RECOLLECTION OF THE EVENTS THAT HAPPENED IN 1984?

26 A MY TESTIMONY IS BASED ON WHAT I SAW AND WHAT
27 I HEARD. AND AS FOR MY MIND, IT IS SOUND. I WOULD BE
28 WILLING TO TAKE A PSYCHOLOGICAL TEST.

1 MR. CRAIN: I DON'T HAVE ANY FURTHER QUESTIONS.

2 THE COURT: ANYTHING FURTHER, MR. MC MULLEN?

3 MR. MC MULLEN: NO, YOUR HONOR.

4 THE COURT: MAY THE WITNESS BE EXCUSED?

5 THE WITNESS: THANK YOU, YOUR HONOR.

6 MR. KLEIN: SUBJECT TO BEING RECALLED.

7 THE COURT: SUBJECT TO SUFFICIENT SHOWING BY EITHER
8 SIDE SHE MAY BE RECALLED.

9 YOU MAY STEP DOWN.

10 DO YOU HAVE THE ABILITY TO REACH THE WITNESS?

11 MR. CRAIN: YES.

12 THE COURT: ALL RIGHT.

13 LET'S TAKE OUR AFTERNOON RECESS. I WILL GIVE
14 YOU 15 MINUTES, MR. CRAIN.

15 MR. CRAIN: HOW LONG?

16 THE COURT: 15 MINUTES SO YOU CAN TALK TO YOUR
17 WITNESS.

18 THE NEXT WITNESS IS MR. ROBINSON?

19 MR. KLEIN: ROBBIE ROBINSON.

20 MR. CRAIN: ROBERT ROBINSON.

21 THE COURT: OKAY.

22

23 (RECESS.)

24

25 THE BAILIFF: REMAIN SEATED, COME TO ORDER,
26 DEPARTMENT NO. 101 IS AGAIN IN SESSION.

27 THE COURT: IN THE MATTER OF JOSEPH HUNT, THE
28 RECORD WILL REFLECT ALL COUNSEL AND PETITIONER ARE

1 PRESENT.

2 YOU MAY CALL YOUR NEXT WITNESS.

3 MR. CRAIN: YES, YOUR HONOR.

4 MR. ROBINSON. ROBERT ROBINSON

5

6 ROBERT A. ROBINSON, +

7 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED
8 AS FOLLOWS:

9

10 THE CLERK: STAND RIGHT THERE, SIR, FACE ME AND
11 RAISE YOUR RIGHT HAND.

12 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU
13 MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL
14 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
15 SO HELP YOU GOD?

16 THE WITNESS: YES.

17 THE CLERK: PLEASE TAKE THE WITNESS STAND.

18 WOULD YOU STATE AND SPELL YOUR NAME, PLEASE.

19 THE WITNESS: MY NAME IS ROBERT A. ROBINSON,
20 R-O-B-I-N-S-O-N.

21 THE COURT: YOU MAY INQUIRE.

22 MR. CRAIN: THANK YOU

23

24 DIRECT EXAMINATION +

25

26 BY MR. CRAIN:

27 Q MR. ROBINSON, WHAT DO YOU DO FOR A LIVING AT
28 THE PRESENT TIME, SIR?

1 A I AM A SECURITY OFFICER FOR ARDEN BRIGHT
2 SECURITY.

3 Q I AM GOING TO ASK YOU, LIKE EVERYBODY ELSE,
4 TO SOMEHOW PULL THE MICROPHONE --

5 MR. CRAIN: MAY I APPROACH THE WITNESS AND HELP
6 HIM, YOUR HONOR?

7 THE COURT: YES.

8 BY MR. CRAIN:

9 Q LET ME PULL THE MICROPHONE, I KNOW IT IS ALL
10 IN YOUR FACE, THAT WAY WE ALL HEAR YOU.

11 YOU WORK AS A SECURITY GUARD WHERE?

12 A I WORK FOR ARDEN BRIGHT SECURITY. I WORK AT
13 OLIVE VIEW MEDICAL CENTER.

14 Q OKAY.

15 PRIOR TO THAT WHAT WAS YOUR OCCUPATION?

16 A WELL, FOR 15 YEARS I WAS A REPORTER.

17 Q AND BY WHOM WERE YOU EMPLOYED INITIALLY?

18 A FOR "HAROLD EXAMINER NEWS" AND THEN FOR CITY
19 NEWS SERVICE, WIRE SERVICE.

20 Q THE "HAROLD EXAMINER" THAT WAS THE
21 "LOS ANGELES HAROLD EXAMINER"?

22 A THAT'S CORRECT.

23 Q IT IS NO LONGER IN BUSINESS?

24 A RIGHT.

25 Q THEN YOU BEGAN TO WORK FOR WHO?

26 A LOS ANGELES CITY NEWS SERVICE. THEY ARE A
27 WIRE SERVICE, WHICH USES THE SAME COPY STYLE AS ASSOCIATED
28 PRESS.

1 Q AND DURING WHAT YEARS DID YOU WORK FOR THAT
2 BUSINESS, THE CITY NEWS?

3 A FROM 1978 TO 1987.

4 Q NOW, WHAT WAS YOUR ROLE THERE? WHAT KIND OF
5 WORK DID YOU DO?

6 A WELL, MOST OF THE TIME I WAS A REPORTER,
7 MOSTLY THE POLICE SPECIAL REPORTER. FOR A COUPLE OF YEARS
8 I WAS ALSO AN EDITOR, NIGHT SIDE EDITOR.

9 Q AFTER ALL THESE YEARS, DO YOU REMEMBER WHAT
10 YEARS YOU WERE NIGHT SIDE EDITOR?

11 A THE FIRST TWO YEARS. I ASKED TO GO BACK OVER
12 AT THE POLICE BEAT BECAUSE IT WAS MORE EXCITING.

13 Q AND WHERE DID YOU WORK? WAS IT AT ONE
14 LOCATION OR AROUND THE CITY, DIFFERENT PLACES, OR WHAT?

15 A THAT'S MORE -- THE MAJORITY OF THE TIME I WAS
16 WORKING OUT OF THE PRESS ROOM AT PARKER CENTER.

17 Q PARKER CENTER LOCATED A SHORT DISTANCE FROM
18 THIS COURTHOUSE?

19 A I BELIEVE IT IS 150 NORTH LOS ANGELES STREET.

20 Q SO THEY HAVE A PRESS ROOM, THAT'S WHERE YOU
21 WORKED; RIGHT?

22 A THAT'S CORRECT.

23 Q NOW, BACK AT SOME POINT YEARS AGO DID YOU
24 EVER MEET A PERSON BY THE NAME OF RON LEVIN?

25 A YES.

26 Q AND WHERE IS EXHIBIT 1?

27 WHAT DID MR. LEVIN LOOK LIKE GENERALLY
28 SPEAKING, HIS PHYSICAL DESCRIPTION?

1 A OKAY. HE WAS A BIT TALLER THAN AVERAGE. I
2 WOULD SAY ABOUT SIX FOOT OR SO. HE WAS SLENDER. KIND OF
3 ELEGANT, YOU KNOW, HANDSOME, YOU KNOW. HE HAD SILVERY
4 HAIR, SLIGHT BEARD, AND THEN SORT OF A GOATEE. GOOD
5 DRESSER. HE HAD PALE EYES.

6 Q SHOWING YOU EXHIBIT NO. 1, PETITIONER'S 1 --
7 MR. CRAIN: YOUR HONOR, FOR THE RECORD IT'S NOW
8 BEEN PLACED BEFORE THE WITNESS.

9 BY MR. CRAIN:

10 Q DO YOU RECOGNIZE THAT INDIVIDUAL?

11 A OH, YEAH, THAT WAS LEVIN.

12 Q THAT'S RON LEVIN, THE PERSON THAT YOU HAVE
13 BEEN TALKING ABOUT?

14 A CORRECT.

15 Q ABOUT HOW MANY TIMES WOULD YOU SAY THAT YOU
16 CAME IN CONTACT OR HAD SOME CONTACT WITH RON LEVIN?

17 A OKAY. IN THE PRESS ROOM ABOUT HALF A DOZEN
18 TIMES OR SO.

19 Q LET ME JUST STOP YOU RIGHT THERE.

20 WAS THE FIRST TIME THAT YOU MET RON LEVIN IN
21 THE PRESS ROOM AT PARKER CENTER?

22 A CORRECT.

23 Q JUST IN GENERAL, WHAT DID THAT HAVE TO DO
24 WITH?

25 A WELL, HE CAME IN ONE NIGHT, INTRODUCED
26 HIMSELF TO ME. FIRST OFF HE SAID HE WAS TRAINED AS A
27 LAWYER BUT WAS WORKING, DOING, HAD CREATED A VIDEO CAMERA
28 BUSINESS THAT HE AND HIS PARTNER WOULD GO OUT AND GET

1 VIDEOTAPES OF CERTAIN NEWS SCENES LIKE A FIRE, A TRAFFIC
2 ACCIDENT, AND THAT THEY WOULD SELL THIS TO THE TELEVISION
3 STATIONS.

4 Q WHAT DID HE SAY -- WHAT DID HE SAY ABOUT
5 BEING A LAWYER, HAVING TRAINING AS A LAWYER?

6 A HE SAID HE WAS A LAWYER. I MEAN, HE SAID HE
7 HAD A LAW DEGREE. I NEVER HAD ANY REASON TO DISPUTE IT.
8 IT DIDN'T MATTER.

9 Q SO HE EXPRESSED TO YOU THAT HE HAD AN
10 INTEREST IN PART OF THE NEWS GATHERING BUSINESS?

11 A THAT'S RIGHT.

12 Q AND WHAT WAS YOUR INVOLVEMENT IN THIS
13 SUPPOSED TO BE, OR WHAT DID IT BECOME?

14 A OKAY. BACK AT THAT TIME LEVIN AND HIS
15 SHORT-TIME PARTNER WERE IN COMPETITION WITH ANOTHER
16 COMPANY THAT ALSO WENT OUT AS FREELANCE VIDEOTAPE PEOPLE
17 GETTING PICTURES OF ACTION, FIRES, ETC., AND SO WHAT EACH
18 OF THEM WANTED WAS TIPS ON INCIDENTS THAT WOULD MAKE GOOD
19 VIDEO.

20 Q LET ME ASK YOU RIGHT NOW WHAT WAS THE NAME OF
21 THE PARTNER OF MR. LEVIN AT THAT TIME?

22 A THAT WAS BOB TUR.

23 Q IS BOB TUR THE PERSON WHO IS A LOCAL NEWS
24 REPORTER FOR KNX RADIO?

25 A ACTUALLY, HE IS A PILOT, HELICOPTER PILOT.
26 HE DOES LIKE CAMERA WORK. I DON'T THINK HE DOES REPORTING
27 PER SE.

28 Q AND HE FLIES THE KNX CHOPPER AS IT IS KNOWN

1 ON THE RADIO, DO YOU KNOW?

2 A YEAH, I KNOW HE HAS. I DON'T KNOW IF HE
3 STILL IS DOING THAT.

4 Q BUT THAT'S THE SAME PERSON WE ARE TALKING
5 ABOUT?

6 A RIGHT.

7 Q THAT WAS THE BOB TUR BACK THEN?

8 A YES.

9 Q THAT WAS WITH LEVIN; RIGHT?

10 A CORRECT.

11 Q BY THE WAY, DO YOU KNOW MR. HUNT HERE ON A
12 PERSONAL BASIS?

13 A I ONLY MET HIM WHEN HE WAS ON TRIAL UP IN
14 NORTHERN CALIFORNIA.

15 Q DID YOU TESTIFY AS A WITNESS BEFORE THE JURY
16 IN THAT CASE?

17 A YES.

18 Q AND THAT'S THE FIRST TIME THAT YOU MET HIM
19 JUST BEFORE YOU TESTIFIED?

20 A THAT'S THE FIRST TIME I EVER MET HIM. I
21 OBVIOUSLY SAW HIM WHEN HE WAS ON NEWS TAPE ON TELEVISION
22 WHEN HE WAS ARRESTED.

23 Q NOW THEN, CAN YOU TELL US ABOUT WHAT YEAR IT
24 WAS THAT YOU FIRST MET LEVIN WHEN HE CAME TO THE PRESS
25 ROOM AT PARKER CENTER AND INQUIRED ABOUT THE NEWS BUSINESS
26 AND -- AS YOU TOLD US?

27 A OKAY. I THINK IT WAS 1983, IT COULD HAVE
28 BEEN EARLIER, BUT 1983 COMES TO MIND, AND THESE VARIOUS

1 TIMES HE CAME IN WAS '83 AND '84.

2 Q ABOUT HOW MANY TIMES WAS IT THAT YOU MET HIM
3 THERE?

4 A ABOUT A HALF DOZEN TIMES. IT COULD HAVE BEEN
5 MORE.

6 Q WHAT DID YOU SAY -- I AM SORRY. DID I CUT
7 YOU OFF?

8 A THAT'S OKAY.

9 Q WHAT WAS THE LONGEST THAT HE WAS IN YOUR
10 PRESENCE DURING ANY OF THESE VISITS AT THE PRESS ROOM?

11 A OH, HOUR OR SO.

12 Q NOW, DO YOU HAVE ANY MEMORY AT THIS TIME AS
13 TO WHEN THE LAST TIME YOU SAW HIM AT THE PRESS ROOM WAS?

14 A SPRING OF '84.

15 Q HOW DO YOU RECALL THAT?

16 A WELL, HE HAD HAD, I DON'T KNOW WHY IT
17 HAPPENED, BUT HIS PRESS CREDENTIALS LIFTED, AND HE CAME TO
18 ME, ASKED IF I COULD GET HIS PRESS CREDENTIALS REINSTATED.
19 I TOLD HIM, NO, I COULDN'T, WHICH WAS TRUE, I COULDN'T.

20 Q DID HE EXPRESS SOME REASON TO YOU WHY HE
21 WANTED HIS PRESS CREDENTIALS RESTORED?

22 A OF COURSE, HE WANTED TO COVER THE OLYMPICS
23 SINCE THAT WAS THE MAJOR VISUAL STORY THAT WOULD BE IN
24 L.A. THAT YEAR.

25 Q SO THAT WOULD HAVE BEEN IN THE SUMMER
26 OLYMPICS IN LOS ANGELES?

27 A YES. YES, OF COURSE.

28 Q AND IT WAS THAT SPRING, THEN?

1 A RIGHT.

2 Q AND AFTER THAT TIME DID YOU EVER SEE
3 MR. LEVIN AGAIN?

4 A WELL, MUCH TO MY SURPRISE, YES, 1986.

5 Q WHEN WAS THAT? WHEN IN 1986?

6 A FALL. EVEN THOUGH I DIDN'T RECALL
7 IMMEDIATELY I LATER REALIZED IT WAS IN OCTOBER.

8 Q ALL RIGHT.

9 A I THOUGHT IT WAS EARLIER THEN THAT WHEN I
10 FIRST CAME TO THE AUTHORITIES ABOUT IT.

11 Q EARLIER IN WHAT YEAR?

12 A EARLIER IN 1986.

13 Q ALL RIGHT.

14 LET ME, FIRST OF ALL, ASK YOU ABOUT WESTWOOD.
15 WHAT TIME OF DAY APPROXIMATELY WAS IT WHEN THIS INCIDENT
16 TOOK PLACE?

17 A OKAY. IT WAS IN THE AFTERNOON. IT WOULD
18 HAVE BEEN EITHER A FRIDAY AFTERNOON OR A SATURDAY, I AM
19 NOT SURE. IT WAS MY HABIT TO GO TO WESTWOOD AFTER I
20 PICKED UP MY CHECK.

21 Q AND WHAT WERE YOU DOING IN WESTWOOD?

22 A I WAS WAITING IN LINE TO SEE A MOTION
23 PICTURE.

24 Q WHAT WAS THAT MOTION PICTURE?

25 A THAT WAS CROCODILE DUNDEE.

26 Q AND?

27 A IT HAD JUST COME OUT ABOUT A WEEK OR SO
28 EARLIER.

1 MR. CRAIN: COULD I INQUIRY WITH MR. MC MULLEN
2 ABOUT A STIPULATION?

3 THE COURT: SURE.

4 MR. MC MULLEN: YOU WANT US TO DO THAT OUT OF
5 COURT? I THOUGHT IT MIGHT SAVE TIME.

6 THE COURT: IF YOU THINK YOU MIGHT AGREE TO IT, DO
7 IT.

8

9 (PAUSE.)

10

11 MR. CRAIN: YOUR HONOR, THEY ARE JUST ABOUT TO SAY
12 "YES" OR "NO".

13 THE COURT: I WILL ENCOURAGE THEM TO REACH
14 REASONABLE STIPULATIONS.

15 MR. MC MULLEN: I DON'T HAVE PERSONAL KNOWLEDGE OF
16 THE STIPULATION.

17 MR. CRAIN: HOLD IT FOR ANOTHER TIME, JUST HAS TO
18 DO WITH WHEN THE MOVIE OPENED. THERE WAS A STIPULATION AT
19 THE SAN MATEO TRIAL.

20 THE COURT: AS LONG AS IT IS NOT A STIPULATION THAT
21 I HAVE TO WATCH THE MOVIE.

22 GO AHEAD.

23 MR. CRAIN: ALL RIGHT.

24 BY MR. CRAIN:

25 Q WHERE WERE YOU IN WESTWOOD? WHERE WAS THE
26 MOVIE, I SHOULD SAY?

27 A THERE IS A THEATER, I THINK IT IS CALLED THE
28 NATIONAL. IT WAS AT DAILY, AND I DON'T KNOW WHAT THE

1 OTHER STREET IS, ABOUT A BLOCK NORTH OF WILSHIRE.

2 Q RIGHT THERE IN WESTWOOD VILLAGE, IS IT?

3 A YES. AT THAT TIME IT WAS A LARGE BROWN
4 STRUCTURE.

5 Q AND YOU WERE DOING WHAT?

6 A WELL, I WAS IN LINE, WHAT I THOUGHT WAS THE
7 LINE TO BUY A TICKET TO THE MOVIE.

8 Q DID SOMETHING, AS THE PROSECUTION ALWAYS
9 ASKS, DID SOMETHING UNUSUAL HAPPEN?

10 A WELL, I WAS THERE MINDING MY OWN BUSINESS
11 WHEN A PERSON WALKS UP AND SAYS, "HI, ROBBIE." AND I
12 TURNED AND LOOKED AND HERE IS LEVIN. THAT WAS SURPRISING,
13 OF COURSE, SINCE I HADN'T SEEN HIM FOR TWO AND A HALF
14 YEARS, MORE OR LESS AND HAD HEARD THAT HE WAS MISSING.

15 Q HE CAME UP TO YOU AND SAID, "HI, ROBBIE"?

16 A YES.

17 Q YOUR HIS NAME IS ROBERT ROBINSON?

18 A YES.

19 Q WHAT NAME DO PEOPLE CALL YOU BY, FRIENDS AND
20 ACQUAINTANCES?

21 A FRIENDS AND ACQUAINTANCES ALWAYS CALLED ME
22 ROBBIE.

23 Q OKAY.

24 IS THIS THE SAME RON LEVIN THAT YOU HAVE BEEN
25 TELLING US ABOUT AND YOU IDENTIFIED?

26 A LOOKED EXACTLY LIKE HIM TOO. I HAVE TO
27 ASSUME IT WAS. THE SAME MANNERISMS, AND HE KNEW ME. I
28 DIDN'T COME UP TO HIM. I COULDN'T IMAGINE A STRANGER

1 DOING THAT.

2 Q DID HE LOOK ANY DIFFERENT IN ANY WAY OR SOUND
3 ANY DIFFERENT THAN THE LEVIN THAT YOU KNEW?

4 A ESSENTIALLY THE SAME. I MEAN, TWO YEARS
5 OLDER, BUT THAT'S NOT MUCH.

6 Q SO IS IT YOUR TESTIMONY THAT OTHER THAN
7 APPEARING TWO YEARS OLDER THAN THE LAST TIME THAT YOU HAD
8 SEEN HIM THERE WERE NO OTHER DIFFERENCES IN THE PERSON
9 THAT YOU HAD LAST SEEN IN 1984 IN THE SPRING?

10 A I HAVE EVERY REASON TO BELIEVE IT WAS THE
11 SAME PERSON. 100 PERCENT.

12 Q AND HE CALLED YOU BY THE NAME YOU GO BY?

13 A RIGHT.

14 Q THEN WHAT HAPPENED?

15 A WELL, WE HAD NEVER BEEN FRIENDS. WE HAD SOME
16 BUSINESS DEALINGS, BUT -- AND I DIDN'T REALLY TRUST HIM.
17 I JUST WANTED TO BRUSH HIM OFF AND --

18 Q WHY DIDN'T YOU TRUST HIM?

19 A WELL, I MEAN, I HAD HEARD AFTER I FIRST MET
20 HIM THAT HE WAS A CON MAN AND THAT HE HAD BASICALLY
21 SWINDLED SOME PEOPLE OUT OF MONEY, SO I DIDN'T --

22 Q HAD HE EVER SWINDLED YOU?

23 A NO.

24 Q DID YOU EVER --

25 A I DIDN'T HAVE ANYTHING TO SWINDLE.

26 Q SO DID HE EVER TAKE ANYTHING FROM YOU THAT
27 CAUSED YOU TO HOLD SOME ILL WILL TOWARDS HIM?

28 A NO. NO. I JUST DIDN'T WANT TO HAVE A SOCIAL

1 RELATIONSHIP.

2 Q SO WHAT HAPPENED THEN?

3 A WELL, AS IT TURNED OUT THE LINE STARTED
4 MOVING, SO I JUST WAVED HIM OFF, AND HE WENT ON HIS WAY.
5 AND WE WERE ONLY TALKING LESS THAN A MINUTE.

6 Q WHEN YOU SAY HE WENT ON HIS WAY, WHERE DID HE
7 GO? DID HE GO OUT OF YOUR SIGHT.

8 A I WAS BASICALLY FACING IN A SOUTHERLY
9 DIRECTION AT THE CORNER THERE, AND I WOULD HAVE TO ASSUME
10 HE WENT NORTH, HE WENT PASSED ME. I DIDN'T -- I KNOW I
11 DIDN'T TURN AROUND TO WATCH HIM GOING DOWN THE STREET, SO
12 I DON'T KNOW WHAT HE DID AFTER THAT.

13 Q OKAY.

14 AND HAVE YOU SEEN HIM SINCE THAT TIME?

15 A NO.

16 Q NOW --

17 THE COURT: I AM SORRY. I DIDN'T HEAR THE ANSWER.

18 THE WITNESS: I SAID, NO, SIR.

19 BY MR. CRAIN:

20 Q NOW, YOU TOLD US THAT YOUR WORK FOR CITY NEWS
21 HAD TO DO WITH THE POLICE BEAT?

22 A THAT'S CORRECT.

23 Q AND JUST IN A NUTSHELL OR CAPSULE FORM WHAT
24 DOES THAT INVOLVE?

25 A WELL, AS I SAID, I WORKED OUT OF THE POLICE
26 HEADQUARTERS DOWNTOWN, AND WE COVERED THE SAME TYPE OF
27 STORIES YOU MIGHT SEE IN THE MORNING NEWS OR EVENING NEWS,
28 CRIMES, FIRES, ACCIDENTS, FLOODS. GENERAL RUN OF THINGS.

1 WE CALL THE POLICE, CALL THE SHERIFFS, FIRE DEPARTMENTS,
2 THINGS OF THAT SORT. IT WASN'T POLITICAL.

3 Q DOES YOUR WORK AS A POLICE BEAT REPORTER HAVE
4 ANYTHING TO DO WITH THE COURT SYSTEM?

5 A ONLY AFTER THEY PASSED THROUGH THERE. I
6 DIDN'T FOLLOW THE COURT BEAT.

7 Q SO WAS THE COURT BEAT SOMETHING THAT OTHER
8 REPORTERS FOLLOWED?

9 A WELL, I AM SURE SOME DO. I MEAN, THEY HAVE
10 REPORTERS WHO ARE COURT REPORTERS WHO FOLLOW THE TRIALS.
11 I DIDN'T DO THAT. I COULD HAVE CHOSEN TO DO THAT, AND I
12 SAID, NO, I WOULD RATHER GET THE STORIES WHEN THEY ARE
13 HOT.

14 Q THAT WAS SOMEBODY ELSE'S BAILIWICK, SO TO
15 SPEAK?

16 A THAT'S CORRECT.

17 Q OKAY.

18 NOW, BETWEEN THE TIME THAT YOU LAST SAW LEVIN
19 WHEN HE CAME IN TO TRY TO GET YOUR ASSISTANCE IN REGAINING
20 HIS PRESS PASS AND THE INTERESTS OF THE OLYMPICS AND THE
21 TIME YOU SAW HIM IN WESTWOOD IN 1986, HAD YOU HEARD
22 ANYTHING ABOUT WHETHER OR NOT LEVIN WAS AROUND TOWN OR
23 ANYTHING ABOUT LEVIN?

24 A WELL, AS I SAID, I HEARD HE WAS MISSING
25 WHEN -- I DIDN'T REALIZED THAT HE WAS ALSO SUPPOSEDLY
26 DEAD. I FOUND THAT OUT THE SAME, YOU KNOW, A COUPLE OF
27 DAYS LATER WHEN I TALKED TO A FRIEND OF MINE, AND HE TOLD
28 ME THAT, "DON'T YOU KNOW HE IS THE GUY WHO IS SUPPOSED TO

1 BE DEAD."

2 Q A FEW DAYS LATER YOU TALKED TO THIS FRIEND, A
3 FEW DAYS LATER FROM WHAT EVENT?

4 A OKAY. AFTER I HAD SEEN LEVIN IN WESTWOOD AND
5 THE NEXT TIME THAT I CAME BACK TO WORK, WHICH WAS ON
6 SUNDAY, THAT I ENCOUNTERED GARY ARNOT, WHO WAS THE OWNER
7 OF THE RIVAL VIDEO NEWS COMPANY. THAT'S, A-R-N-O-T, FOR
8 THE REPORTER.

9 THE COURT: ALL RIGHT.

10 BY MR. CRAIN:

11 Q AND HOW LONG HAD YOU KNOWN MR. ARNOT?

12 A I AM TRYING TO THINK. PROBABLY ABOUT SINCE
13 '79 OR '80, FOR SURE 1980.

14 Q DID YOU SEE, TELL MR. ARNOT ABOUT SEEING
15 MR. LEVIN ON THE STREETS OF WESTWOOD OUTSIDE THE MOVIE
16 THEATER?

17 A CORRECT.

18 Q AND DID MR. ARNOT SAY ANYTHING BACK TO YOU?

19 A THAT'S WHEN HE SAID, "DIDN'T I KNOW THAT
20 LEVIN WAS SUPPOSED TO BE DEAD."

21 AND I SAID, "NO, I DIDN'T KNOW THAT. I KNEW
22 HE WAS MISSING. I HADN'T REALIZED HE WAS SUPPOSED TO BE
23 DEAD."

24 Q AND DID THE CONVERSATION GO BEYOND THAT
25 POINT, TO THE BEST OF YOUR RECOLLECTION?

26 A I MEAN, WE TALKED MORE ABOUT LEVIN. WE
27 TALKED BACK AND FORTH ABOUT HIM, BUT I DIDN'T KNOW THAT
28 MUCH MORE THAN I JUST DISCLOSED.

1 Q SO WAS THAT BASICALLY --

2 A HE TOLD ME MORE ABOUT HIM THAN I KNEW
3 PERSONALLY.

4 Q WAS HE TELLING YOU THINGS ABOUT LEVIN'S
5 BACKGROUND OR RIPPING PEOPLE OFF OR THINGS OF THAT NATURE,
6 OR WHAT?

7 A HE GOT INTO THAT MORE. HE TOLD ME THAT LEVIN
8 HAD -- I DON'T KNOW HOW YOU SAY IT, CHEATED OR HE SWINDLED
9 SOME VIDEO COMPANY PEOPLE OUT OF SEVERAL THOUSAND DOLLARS
10 WORTH OF EQUIPMENT.

11 Q ARNOT WAS TELLING YOU THAT DURING THIS
12 CONVERSATION?

13 A RIGHT.

14 Q OKAY.

15 NOW, DURING THE FALL OF THAT YEAR, 1986, DID
16 YOU LEARN ANYTHING ABOUT WHETHER OR NOT THERE WAS SOME
17 CRIMINAL CASE GOING ON INVOLVING LEVIN?

18 A RIGHT. THAT BROKE INTO THE NEWS, IN THE
19 EVENING NEWS WHEN IT WAS ON -- IT WAS, YOU KNOW, A MATTER
20 OF WHAT, A MINUTE, MINUTE OR SO MENTION. I HAD AND STILL
21 HAVE A HABIT OF READING WHILE THE NEWS IS ON, SO I ONLY
22 CATCH BITS AND PIECES OF IT.

23 Q AND DID YOU LEARN THAT A TRIAL WAS GOING TO
24 GET STARTED AT SOME POINT?

25 A YES. ONCE AGAIN, I DIDN'T FOLLOW IT. IT WAS
26 ONLY A PASSING INTEREST.

27 Q AT SOME POINT DID YOU GO TO THE AUTHORITIES
28 AND GIVE THEM THE INFORMATION THAT YOU HAD ABOUT SEEING

1 MR. LEVIN IN WESTWOOD?

2 A YES. THAT WAS IN APRIL OF 1987.

3 Q WHAT CAUSED YOU TO DO THAT?

4 A OKAY. A COUPLE OF THINGS. ONE IS THAT
5 ARNOT, WHO HAD BEEN VERY EAGER TO GET A STORY ON THIS,
6 KEPT TELLING ME, "YOU GOT TO GO TO THE AUTHORITIES ABOUT
7 THIS." AND ALSO ON THAT PARTICULAR MORNING, IT WAS A
8 FRIDAY MORNING, I READ A STORY ABOUT THE TRIAL IN THE
9 "L.A. TIMES" AND THAT STORY SAID THAT THE TRIAL WAS GOING
10 TO THE JURY THAT WEEKEND. AND THAT STORY ALSO RELATED
11 THAT OTHER PEOPLE HAD SEEN THE MAN THAT LOOKED LIKE LEVIN,
12 DESCRIBED THE PERSON, AND SO I THOUGHT, "OKAY, I SHOULD
13 COME FORTH TOO."

14 Q WHY DIDN'T YOU GO DOWN ANY SOONER AND TELL
15 THE AUTHORITIES THAT YOU HAD SEEN LEVIN?

16 A ONE THING I DIDN'T LIKE TO GET INVOLVED IN
17 IT.

18 Q WHY?

19 A JUST PERSON DON'T LIKE TO GET INVOLVED IN
20 SOMETHING LIKE THAT. AND ALSO AS A REPORTER I DIDN'T WANT
21 TO INTERJECT MYSELF INTO A STORY. I WAS TOLD WHEN I WAS
22 GOING TO LOS ANGELES COMMUNITY COLLEGE REPORTERS REPORT,
23 THEY DON'T BECOME PART OF THE STORY. I TRIED TO FOLLOW
24 THAT ALL THE TIME I WAS A REPORTER.

25 Q LET ME BACK UP THERE.

26 YOU STUDIED JOURNALISM AT LOS ANGELES CITY
27 COLLEGE?

28 A THAT'S CORRECT.

1 Q AS PART OF YOUR COURSE IN JOURNALISM THEY
2 TEACH YOU HOW TO GET A STORY, HOW TO INTERVIEW PEOPLE,
3 THINGS LIKE THAT?

4 A YES.

5 Q AND THEY ALSO TEACH YOU ABOUT JOURNALISTIC
6 ETHICS?

7 A I DON'T KNOW IF THERE IS ANY SPECIFIC BOOKS,
8 BUT GENERAL ETHICS IS THAT YOU DON'T BECOME PART OF THE
9 STORY, THAT YOU TRY NOT TO, ANYWAY.

10 Q DOES THAT HAVE ANYTHING TO DO WITH A
11 REPORTER'S SUPPOSED OBJECTIVITY, OR WHAT?

12 A YOU ARE SUPPOSED TO MAINTAIN AS MUCH
13 OBJECTIVITY AS HUMANLY POSSIBLE, WHICH YOU CAN'T DO IF YOU
14 BECOME PART OF STORY.

15 Q DOES THAT MEAN -- CORRECT ME IF I AM WRONG,
16 DOES THAT MEAN THAT A REPORTER, ONE WHO OBSERVES AND
17 REPORTS EVENTS BUT DOESN'T BECOME A PARTICIPANT IN THE
18 EVENTS ITSELF?

19 A IF YOU CAN AT ALL AVOID IT. YOU SHOULD NOT
20 GET INVOLVED IN THE ACTIONS. YOU ARE SUPPOSED TO SEE AND
21 REPORT.

22 Q ALL RIGHT.

23 MR. CRAIN: WAS YOUR HONOR ABLE TO HEAR? I DIDN'T
24 WANT TO KEEP GOING THROUGH THIS, BUT I NOTICED YOU HAD
25 SOME -- YOU WERE LOOKING AT SOME DOCUMENT.

26 THE COURT: I AM ALWAYS LISTENING.

27 MR. CRAIN: YOU APPEARED -- I WANT TO MAKE SURE
28 THAT THE COURT HEARD THE WITNESS' TESTIMONY ABOUT WHY HE

1 DIDN'T GO SOONER BECAUSE IT --

2 THE COURT: I DID.

3 MR. CRAIN: OKAY.

4 THE COURT: I CHECK DATES.

5 MR. CRAIN: THANK YOU.

6 BY MR. CRAIN:

7 Q SO YOU SAID YOU DIDN'T WANT TO GET INVOLVED?

8 A CORRECT.

9 Q AND IN YOUR VIEW REPORTERS SHOULDN'T GET
10 INVOLVED IN A STORY. IN ANY EVENT, THOSE FACTORS WERE
11 THERE.

12 ANY OTHER FACTORS THAT CAUSED YOU NOT TO
13 REPORT TO THE POLICE, THE DISTRICT ATTORNEY PRIOR TO APRIL
14 OF 1987 THAT YOU HAD SEEN MR. LEVIN IN WESTWOOD?

15 A WELL, BEFORE THEN, AS I SAID, I DIDN'T WANT
16 TO GET INVOLVED WITH IT, BUT I ALSO KNEW THAT IF I GOT
17 INVOLVED, YOU KNOW, I WOULD HAVE TO BE WITHHOLDING
18 INFORMATION FROM MY OWN EDITOR UNTIL I GOT A STORY
19 ACTUALLY PUT TOGETHER, AND AS I FEARED THIS THING ENDED UP
20 COSTING MY JOB BECAUSE THE MANAGING EDITOR HAD A BAD HABIT
21 OF LETTING STORIES OUT BEFORE THEY WERE COMPLETELY PUT
22 TOGETHER, WHICH IS EXACTLY WHAT HAPPENED ON THIS CASE.

23 Q BEFORE YOU -- WELL, WHERE DID YOU GO TO
24 REPORT YOUR SEEING MR. LEVIN IN WESTWOOD?

25 A OH, THE COURTHOUSE IN SANTA MONICA.

26 Q SO YOU READ AN ARTICLE IN THE PAPER THAT DAY?

27 A RIGHT.

28 Q WHAT WAS THE ESSENCE OF THAT ARTICLE?

1 A WELL, THE TRIAL WAS GOING TO JURY THAT
2 WEEKEND, AND IN THE STORY IT DIDN'T SAY WHERE, SAID
3 SOMETHING ABOUT SANTA MONICA COURTHOUSE, THAT'S WHERE THE
4 PROSECUTING ATTORNEY WAS, WORKED OUT OF.

5 Q WHY DID YOU CHANGE YOUR APPROACH TO THE CASE
6 AND TELL US THAT YOU DID COME FORWARD, YOU DID -- WENT TO
7 THE COURTHOUSE; IS THAT RIGHT?

8 A RIGHT.

9 Q LET ME -- JUST BEFORE YOU -- ASK YOU WHY AND
10 WHAT DID YOU DO WHEN YOU GOT THERE?

11 A WELL, I ASKED WHERE THE OFFICE OF THE
12 ATTORNEY WAPNER WAS. I FORGET HIS FIRST NAME.

13 Q HAD HIS NAME BEEN REPORTED IN THE PAPER?

14 A OF COURSE. IT WAS PART OF THE STORY.

15 Q YOU WENT TO THE COURT FIRST?

16 A I WENT TO THAT COURTHOUSE, SIR, IN SANTA
17 MONICA.

18 Q OKAY.

19 A AND I ENCOUNTERED A GUARD THERE AND ASKED HIM
20 WHERE HIS OFFICE WAS. AND HE POINTED IT OUT, WENT OVER
21 THERE, THERE WAS A RECEPTIONIST OR SECRETARY OR SOMETHING,
22 AND SHE LET ME INTO HIS OFFICE.

23 Q AND DID YOU TELL MR. WAPNER -- YOUR
24 IMPRESSION WAS THAT -- WHO WAS HE IN CONNECTION WITH THE
25 CASE?

26 A AS FAR AS I KNEW THAT HE WAS LIKE THE
27 PROSECUTING ATTORNEY OR SOMETHING OF THAT SORT.

28 Q DID MR. WAPNER TAKE YOU INTO HIS OFFICE?

1 A HE LET ME IN, YES.

2 Q AND DID THE TWO OF YOU SIT THERE AND TALK?

3 A THAT'S CORRECT.

4 Q DID YOU TELL MR. WAPNER WHO YOU WERE?

5 A YES.

6 Q DID YOU TELL HIM WHAT YOU TOLD US ABOUT
7 SEEING MR. LEVIN IN WESTWOOD?

8 A RIGHT.

9 Q NOW, WHAT WAS IT THAT CAUSED YOU AT THIS TIME
10 TO GO TO SANTA MONICA AND GIVE THIS INFORMATION TO THE
11 AUTHORITIES WHEN YOU HADN'T DURING THE PREVIOUS PERIOD OF
12 TIME? WHAT CHANGED YOU IN THIS REGARD?

13 A OKAY. A COUPLE OF THINGS. ONE IS THAT
14 MR. ARNOT SAID THAT IF I DIDN'T LET THE AUTHORITIES KNOW
15 HE WAS GOING TO TELL THE POLICE PRESS RELATIONS WHAT I HAD
16 TOLD HIM. AND ALSO, MORE IMPORTANT, AS FAR AS I WAS
17 CONCERNED, BECAUSE I DIDN'T THINK THAT WOULD REALLY HAVE
18 MUCH AFFECT, I SEE THIS GUY GOING TO TRIAL, GOING TO THE
19 JURY AND PEOPLE HAVE ALREADY COME FORWARD SAYING THAT THEY
20 HAD SEEN LEVIN AFTER THE TIME OF THE ALLEGED MURDER AND
21 DIDN'T SEEM TO HAVE ANY IMPRESSION ON THE AUTHORITIES. SO
22 I SAID, "WELL, THIS ISN'T RIGHT," YOU KNOW, "A GUY HERE
23 THAT IS GOING TO TRIAL AND THEY DON'T SEEM TO HAVE A GOOD
24 CASE BUT THEY ARE STILL DOING IT." SO I WANTED TO SEE IF
25 I COULD DO ANYTHING TO HELP.

26 Q WERE YOU CONCERNED BEFORE YOU GAVE THIS
27 INFORMATION TO MR. WAPNER THAT IT MIGHT HAVE SOME AFFECT
28 ON YOUR JOB?

1 A OH, YES.

2 Q WHAT WAS THAT, MR. ROBINSON?

3 A WELL, I WAS AFRAID THAT IT WOULD COME BACK AT
4 ME AND COULD, YOU KNOW, COST ME MY JOB IF I TOLD THE
5 AUTHORITIES ABOUT THIS WITHOUT HAVING TOLD MY EDITORS
6 ABOUT IT. THEY WANT -- THEIR POINT OF VIEW WAS TO GET THE
7 STORY OUT. AND I KNEW THAT THE MANAGING EDITOR OF CITY
8 NEWS AT THAT TIME JUST DIDN'T HOLD THE STORY UNTIL IT WAS
9 READY TO BE RELEASED. AS SOON AS HE GOT IT OUT IT WENT,
10 EVEN IF IT WASN'T READY.

11 Q SO YOU THOUGHT, CORRECT ME IF I AM WRONG,
12 THAT YOU MAY WELL BE JEOPARDIZING YOUR JOB BY GIVING THIS
13 INFORMATION TO THE DISTRICT ATTORNEY'S OFFICE?

14 A WITHOUT FIRST ALREADY TELLING MY EDITOR, YES.

15 Q BUT YOU DID SO ANYWAY?

16 A I DID SO ANYWAY. I DIDN'T FEEL REAL HAPPY
17 ABOUT IT, BUT I DID IT.

18 Q DID YOU LOSE YOUR JOB?

19 A WELL, YEAH, THAT WAS, YOU KNOW, A COUPLE OF
20 WEEKS LATER, YES. MY -- THE EDITOR ALLEGED THAT I HAD
21 GIVEN THE STORY TO THEIR COMPETITORS, WHICH SIMPLY WASN'T
22 THE CASE.

23 Q SINCE THAT TIME HAVE YOU BEEN BLACKBALLED IN
24 THE NEWS BUSINESS AND UNABLE TO GET A JOB IN THE NEWS
25 BUSINESS?

26 A I WOULD SAY THAT. I DID GET A JOB FOR A
27 WHILE AT THE "DAILY VARIETY," BUT THEY HAVE NO CONNECTION
28 WITH CITY NEWS SERVICE.

1 Q NOW, YOU WORK AS A SECURITY GUARD?

2 A CORRECT.

3 Q YOU HAVE NO CONNECTION WITH THE NEWS
4 BUSINESS; IS THAT RIGHT?

5 A UNFORTUNATELY, NO.

6 Q AND DURING THE YEARS THAT YOU WORKED AS A
7 REPORTER, JUST TO GO BACK INTO THIS FOR JUST A MOMENT, YOU
8 WOULD GATHER INFORMATION; IS THAT RIGHT?

9 A THAT'S RIGHT.

10 Q FROM DIFFERENT SOURCES?

11 A MOSTLY BY TELEPHONE.

12 Q DID YOU ATTEMPT TO BE FACTUAL IN YOUR FACT
13 GATHERING?

14 A OF COURSE.

15 Q AND THEN WOULD YOU WRITE UP A STORY FOR THE
16 NEWS SERVICE?

17 A YES.

18 Q AND WOULD YOU ATTEMPT TO BE COMPLETELY
19 FACTUAL AND OBJECTIVE IN YOUR PREPARATION OF THE NEWS
20 STORY?

21 A YES. ANY REPORTER WORTH HIS SALT WILL TRY TO
22 FIND AS MANY WAYS OF VERIFYING THE STORY BEFORE HE
23 ACTUALLY SENDS IT OUT. HE WANTS THE FACTS TO TELL THE
24 STORY, NOT TO INVENT ANYTHING.

25 Q THEN WOULD YOU SUBMIT THE STORY TO AN EDITOR
26 WHO WOULD --

27 A OH, YES, EVERY REPORTER DOES THAT.

28 Q THE EDITOR CHECKS IT OUT FOR ACCURACY?

1 A I HOPE SO.

2 Q THAT'S HIS JOB?

3 A HE IS SUPPOSED TO.

4 Q THAT'S HIS JOB; RIGHT? OR PART OF HIS JOB?

5 A YES.

6 Q AND THEN OVER THE YEARS YOU HAD MANY STORIES
7 THAT WERE REPORTED IN THE NEWS MEDIA?

8 A THOUSANDS.

9 Q BASED ON INFORMATION THAT YOU HAD GATHERED;
10 IS THAT RIGHT?

11 A THAT'S CORRECT.

12 Q DID YOU EVER, AFTER YOU WERE INTERVIEWED BY
13 MR. WAPNER -- WERE YOU EVER INTERVIEWED BY ANY OF
14 MR. HUNT'S ATTORNEYS BACK IN 1987 OR NOT?

15 A NO, I DON'T THINK SO, NOT -- I WASN'T
16 INTERVIEWED UNTIL MUCH -- UNTIL LATER. I CAN'T REMEMBER
17 THE FIRST TIME THE PERSON REPRESENTING HIM, THAT WAS
18 ASSOCIATED WITH MR. HUNT INTERVIEWED ME.

19 Q WAS IT A NUMBER OF YEARS LATER?

20 A AS FAR AS I KNOW. I CAN'T RECALL IF IT WAS
21 ONE IN '87 OR NOT. THERE WAS ONE BEFORE '92, BUT I DON'T
22 REMEMBER THE ACTUAL YEAR.

23 Q DOES IT SEEM LIKE IT WAS CLOSE TO '92 THAT
24 YOU FIRST WERE INTERVIEWED BY ANYBODY CONNECTED WITH
25 MR. HUNT?

26 A COULD HAVE BEEN EARLIER THEN THAT. I DON'T
27 RECALL THE ACTUAL YEAR.

28 MR. CRAIN: I DON'T THINK I HAVE ANY FURTHER

1 PRESS ROOM?

2 A WE DID. WE TALKED ABOUT THE STORIES THAT
3 WERE BEING REPORTED. WE ALWAYS TRY TO BE THE FIRST TO GET
4 THE STORY OUT.

5 Q IN THE PRESS ROOM WOULD THERE BE NEWSPAPERS
6 THERE IN THE PRESS ROOM AVAILABLE TO LOOK AT FROM THE
7 VARIOUS NEWSPAPERS AND --

8 A MOSTLY THE "TIMES" AND THE "HAROLD," OF
9 COURSE.

10 Q AND I TAKE IT YOU WOULD KEEP UP ON NEWS
11 EVENTS WHILE YOU WORKED THERE?

12 A TO SOME EXTENT, YES. THERE IS ONLY SO MUCH
13 YOU CAN FOLLOW.

14 Q WOULD YOU FOLLOW STORIES THAT YOU WOULD PUT
15 OUT ON THE WIRE IF THEY TURNED INTO STORIES THAT WOULD GO
16 OUT AND BE PUBLISHED? WOULD YOU FOLLOW THOSE?

17 A YES. AND I WANTED TO FIND OUT IF THEY
18 CARRIED THE STORY ACCURATELY. OR HOW MUCH THEY CHANGED,
19 IF THEY DID.

20 Q YOU HAVE SAID THAT THE LAST TIME YOU SAW RON
21 LEVIN PRIOR TO WHAT YOU HAVE DESCRIBED AS OCCURRING IN
22 WESTWOOD WAS IN SPRING OF '74.

23 A THAT'S CORRECT.

24 Q DID YOU EVER THINK THAT YOU MIGHT HAVE SEEN
25 HIM IN THE SPRING OF '85?

26 MR. CRAIN: COULD I HAVE LAST QUESTION REREAD? I
27 AM NOT SURE I HEARD IT CORRECTLY.

28

1 QUESTIONS.

2 THE COURT: CROSS EXAMINATION.

3 MR. MC MULLEN: THANK YOU

4

5

CROSS-EXAMINATION @

6

7 BY MR. MC MULLEN:

8 Q GOOD AFTERNOON, MR. ARNOT -- EXCUSE ME --

9 MR. ROBINSON?

10 A I DON'T --

11 THE COURT: THAT WAS A TRICK QUESTION TO SEE IF YOU
12 WERE LISTENING.

13 THE WITNESS: I AM SURE. MR. ARNOT AND I DO NOT
14 LOOK ALIKE.

15 BY MR. MC MULLEN:

16 Q WHEN DID YOU FIRST START WORKING IN THE
17 JOURNALISM BUSINESS?

18 A FIRST AS COPY BOY IN 1969 AND A REPORTER --
19 IN 1969 AND A REPORTER IN 1972.

20 Q AND WHERE DID YOU WORK AT THAT TIME?

21 THE COURT: AT WHAT TIME?

22 BY MR. MC MULLEN:

23 Q AT THE BEGINNING OF YOUR CAREER?

24 A "LOS ANGELES HAROLD EXAMINER."

25 Q HOW LONG WERE YOU WERE AT THE "HAROLD
26 EXAMINER"?

27 A NINE YEARS.

28 Q AND -- I AM SORRY -- YOU WERE A COPY BOY TO

1 START OFF?

2 A FIRST THREE YEARS I WAS A COPY BOY, THEN THEY
3 HAD AN OPENING AND I BECAME A REPORTER. I ALREADY HAD THE
4 DEGREE SO --

5 Q SO THE NEXT SIX YEARS YOU WERE A REPORTER FOR
6 THE HAROLD?

7 A CORRECT. THEN THE NEXT NINE YEARS AFTER THAT
8 WITH THE LOS ANGELES CITY NEWS SERVICE.

9 Q NOW, THE CITY NEWS SERVICE THERE WAS A PERIOD
10 OF TIME WHERE YOU WORKED AT THE PARKER CENTER; IS THAT
11 CORRECT?

12 A MOST OF IT.

13 Q MOST OF THE TIME?

14 A YES.

15 Q WHAT KIND OF -- HOW WOULD YOU GET THE
16 INFORMATION AT THE PARKER CENTER TO PROVIDE THE BASIS FOR
17 YOUR STORIES THAT WOULD GO TO CITY NEWS SERVICE?

18 A ANY OF THE POLICE BEAT REPORTERS WOULD HAVE
19 THE SAME BASIC FORMAT AS THEY HAD WHAT IS CALLED A BEAT
20 THAT THEY CALL ALL OF THE LOS ANGELES POLICE STATIONS
21 TALKING TO WATCH SERGEANTS ON DUTY RIGHT AT THE TIME.
22 THEY WOULD TALK TO THE LOS ANGELES FIRE DEPARTMENT, THE
23 COUNTY FIRE DEPARTMENT, THE SHERIFF'S DEPARTMENT, MANY
24 DIFFERENT SOURCES OF INFORMATION THAT WERE AUTHORITATIVE.

25 Q AND DO YOU HAVE LIKE RADIOS WHERE INFORMATION
26 WOULD COME IN THERE AT PARKER CENTER?

27 A WE HAD DEVICES CALLED BEARCAT SCANNERS.
28 THESE WOULD HAVE 40 CHANNELS EACH, AND -- AT LEAST FOR

1 CITY NEWS SERVICE. I WAS THE ONE WHO PROGRAMMED THE TWO
2 SCANNERS THAT WE HAD.

3 Q YOU WOULD LISTEN TO RADIO CALLS COMING IN
4 FROM THE POLICE OR FIRE DEPARTMENT?

5 A YES, THAT'S CORRECT.

6 Q DETERMINE WHETHER IT WAS NEWSWORTHY AND
7 FOLLOW-UP AND REPORT THAT THROUGH THE WIRE SERVICE YOU
8 WORKED FOR?

9 A YES. IN ADDITION TO THE REGULAR FORMAL
10 CALLING AROUND, YES. IF I WOULD HEAR ANYTHING THAT
11 SOUNDED INTERESTING, I WOULD FOLLOW IT UP.

12 Q AND I UNDERSTAND YOU WORKED LIKE IN A PRESS
13 ROOM AT PARKER CENTER?

14 A THAT'S CORRECT.

15 Q SO THERE WERE OTHER MEMBERS OF THE PRESS WHO
16 OCCUPIED THAT ROOM ALONG WITH YOU?

17 A YES. DIAGONALLY ACROSS THE ROOM FROM ME WAS
18 THE "LOS ANGELES TIMES" DESK AND STRAIGHT ACROSS FROM ME
19 WAS THE UNITED PRESS.

20 Q AND I TAKE IT BECAUSE YOU WORKED THERE FOR SO
21 LONG YOU BECOME FRIENDS WITH SOME OF THE PEOPLE THAT
22 WORKED THERE?

23 A WE WERE FRIENDS AND RIVALS.

24 Q RIGHT.

25 COMPETITIVE RELATIONSHIP?

26 A RIGHT.

27 Q DID YOU TALK ABOUT DIFFERENT THINGS THAT WERE
28 HAPPENING, NEWS EVENTS THAT HAPPENED, COME THROUGH THE

1 (THE RECORD WAS READ.)

2
3 THE COURT: THE LAST TIME WAS SPRING OF 1984 WAS
4 THE QUESTION. AND THE NEXT QUESTION WAS: "DO YOU THINK
5 YOU COULD HAVE SEEN HIM IN THE SPRING OF 1985?"

6 MR. CRAIN: I AM SORRY. I STILL DIDN'T HEAR WHAT
7 THE COURT SAID. TELL YOU WHAT. THE QUESTION WAS --

8 THE COURT: YOU SAID YOU SAW HIM IN THE SPRING OF
9 1984. COULD IT HAVE SEEN HIM IN THE SPRING OF 1985?

10 MR. CRAIN: OKAY. IF THAT WAS THE EXTENT OF THE
11 QUESTION, FINE. I THOUGHT I READ SOMETHING MORE INTO IT.
12 I APOLOGIZE.

13 THE WITNESS: THE BEVERLY HILLS POLICE ASKED ME
14 THAT AT THE TIME. I WASN'T SURE IF I HAD OR HAD NOT, AND
15 I TOLD HIM THAT I COULD HAVE, BUT I WASN'T SURE ABOUT IT.
16 BY MR. MC MULLEN:

17 Q IN FACT, YOU TESTIFIED TO THAT MORE OR LESS
18 WHAT YOU JUST SAID IN SAN MATEO; IS THAT CORRECT?

19 A CORRECT.

20 Q YOU HAVE SAID NOW THAT YOU HAVE SEEN RON
21 LEVIN AND CLAIMED TO HAVE SEEN RON LEVIN IN WESTWOOD IN
22 NOW WHAT YOU HAVE DETERMINED TO BE SOMETIME IN OCTOBER
23 1986?

24 A '86.

25 Q AGAIN, WHERE WERE YOU RIGHT BEFORE HE CALLED
26 TO YOU?

27 A I WAS STANDING IN A LINE, WHICH AT THE TIME I
28 THOUGHT WAS TO BUY TICKETS FOR THE MOVIE. I WAS WRONG.

1 IT WAS A LINE THAT PEOPLE ALREADY HAD TICKETS.

2 Q AND DID THE VOICE -- FROM WHAT DIRECTION DID
3 THE VOICE COME THAT CALLED YOUR NAME?

4 A WHEN HE CALLED, I LOOKED UP. SINCE I WAS
5 FACING SOUTH, HE WAS COMING NORTHERLY FROM A SOUTH
6 DIRECTION. I DON'T KNOW IF HE CAME AROUND THE CORNER OR
7 CAME ACROSS THE STREET SINCE --

8 THE COURT: HE WAS COMING FROM THE DIRECTION OF
9 WILSHIRE BOULEVARD?

10 THE WITNESS: WELL, I SAW HIM, YOU KNOW, DIRECTLY
11 IN FRONT OF ME, SO IT WOULD HAVE BEEN SOUTH OF ME, YES,
12 BUT I DON'T KNOW IF HE HAD JUST CROSSED THE STREET OR COME
13 UP THE BLOCK.

14 BY MR. MC MULLEN:

15 Q WHEN YOU LOOKED UP ABOUT HOW FAR AWAY WAS HE
16 FROM YOU WHEN YOU FIRST SAW HIM?

17 A OH, A FEW STRIDES. I WOULD SAY EIGHT FEET.
18 AND THEN HE CALLED ME BY NAME, SO I KNEW HE KNEW ME.

19 Q SO THEN YOU RECOGNIZED HIM?

20 A YES.

21 Q WHAT WAS HE WEARING? DO YOU REMEMBER WHAT HE
22 WAS WEARING?

23 A THAT'S 10 YEARS AGO. I MEAN, HE WAS ALWAYS A
24 GOOD DRESSER. HE WASN'T -- DIDN'T DRESS LIKE SOME KIND OF
25 SLOB. BUT I DON'T KNOW. HE WASN'T FLASHY. IT WAS LIKE
26 GOOD TASTE, LIKE BLUE, LIGHTWEIGHT CLOTHING.

27 Q WAS IT --

28 A PROBABLY A COAT, LIKE A BLAZER OR JACKET.

1 Q WAS THE STYLE, THE MANNER OR STYLE OF HIS
2 CLOTHING CONSISTENT WITH WHAT YOU HAD SEEN WHEN YOU HAD
3 SEEN LEVIN PRIOR TO THAT TIME?

4 A YES.

5 Q AND HIS HAIRSTYLE WAS IT LIKE WHAT YOU HAVE
6 RIGHT THERE IN FRONT OF YOU --

7 A VERY MUCH LIKE THIS.

8 Q THAT'S PETITIONER'S EXHIBIT 1 THAT YOU
9 POINTED OUT JUST NOW.

10 THE HAIRSTYLE THAT RON LEVIN HAS IN THAT
11 PICTURE IS THAT CONSISTENT WITH THE WAY HIS HAIRSTYLE WAS
12 PRIOR TO THE WESTWOOD INCIDENT?

13 A I AM SORRY. I JUST LOST YOUR QUESTION.

14 MR. MC MULLEN: I AM SORRY. I WILL REPHRASE.

15 THE COURT: MY FAULT.

16 BY MR. MC MULLEN:

17 Q LOOKING AT PETITIONER'S EXHIBIT 1, THE STYLE
18 OF HAIR THAT YOU SEE RON LEVIN SPORTING IN THAT
19 PHOTOGRAPH --

20 A RIGHT.

21 Q -- IS THAT THE SAME KIND OF STYLE OF HAIR
22 THAT YOU REMEMBER HIM HAVING IN YOUR CONTACTS WITH HIM IN
23 THE NEWS ROOM AT PARKER CENTER?

24 A I BELIEVE IT WAS VERY MUCH LIKE THAT. HE
25 BRUSHED HIS HAIR BACK. I DON'T RECALL HIM HAVING A PART,
26 AND HE ALWAYS WORE, YOU KNOW, A SLIGHT, YOU KNOW, FACE
27 BEARD, NOT A HEAVY BEARD LIKE ON THE SIDES AND ON THE --
28 GOATEE TYPE BEARD.

1 Q TRIMMED, WELL TRIMMED BEARD?

2 A SURE.

3 Q AND IN THE WESTWOOD INCIDENT, THE MAN THAT
4 YOU SAW, DID HE HAVE CONSISTENT HAIRSTYLE WITH WHAT'S
5 DEPICTED IN PETITIONER'S EXHIBIT 1?

6 A I WOULD SAY, YES.

7 Q AND HOW ABOUT IN THE -- SAME WITH THE BEARD,
8 FACIAL HAIR?

9 A VERY MUCH LIKE THAT.

10 Q SO AGAIN, WHAT DID HE SAY TO YOU THAT DREW
11 YOUR ATTENTION TO HIM?

12 A THE FIRST THING HE SAID WAS, "HI, ROBBIE,"
13 AND I LOOKED UP AND, OF COURSE, AS SOON AS I LOOKED UP I
14 SAW HIM.

15 Q DID YOU SHAKE HANDS WITH HIM?

16 A NO.

17 Q DID HE HAVE A SURPRISED LOOK ON HIS FACE?

18 A DID HE HAVE A SURPRISED -- LIKE WHY WOULD HE
19 BE SURPRISED?

20 NO.

21 Q WERE YOU SURPRISED WHEN YOU SAW HIM?

22 A I ASSUMED I MUST HAVE LOOKED SURPRISE. I WAS
23 SURPRISED. I WASN'T SHOCKED. I HEARD HE HAD BEEN MISSING
24 SO -- AND I HADN'T SEEN HIM FOR TWO AND A HALF YEARS SO,
25 YES, I WAS SURPRISED.

26 Q WHERE DID YOU HEAR THAT HE WAS MISSING?

27 A IN THE PRESS ROOM, YOU KNOW, STUFF BANTERING
28 ABOUT, BUT I DON'T RECALL HAVING HEARD ANYBODY SAYING HE

1 WAS DEAD. AND I KNEW HE WAS MISSING. WHEN I SAW HIM I
2 SAID, "OKAY, THERE HE IS."

3 Q AND DO YOU RECALL IN TERMS OF THE INFORMATION
4 THAT YOU HAD GOTTEN FROM THE PRESS ROOM, WORD AROUND THE
5 PRESS ROOM THAT HE BEEN MISSING, WHAT DO YOU REMEMBER
6 ABOUT WHAT YOU WERE TOLD ABOUT HIS DISAPPEARANCE?

7 A THAT HE HAD HAD SOME, FOR WANT OF A BETTER
8 TERM, SHADY DEALINGS WITH SOME PEOPLE, AND THAT HE MIGHT
9 HAVE FLED THE AREA TO AVOID KEEPING, YOU KNOW, STAYING
10 HEALTHY.

11 Q YOU SAID THAT LEVIN DIDN'T ACT SURPRISED AT
12 ALL. DID HE SEEM --

13 A WHY HE WOULD BE SURPRISED? I WASN'T MISSING.

14 Q WAS HE EMBARRASSED AT ALL?

15 A HE DIDN'T ACT IT.

16 Q WHAT HAPPENED AFTER HE CAME TO YOU AND SAID
17 THOSE WORDS AND APPROACHED YOU?

18 A WELL, HE ASKED BASICALLY HOW I WAS, AND I
19 SAID, "FINE." I DIDN'T REALLY WANT TO HAVE A SOCIAL
20 RELATIONSHIP WITH HIM, SO I KEPT MY ANSWERS SHORT AND
21 ESSENTIALLY BRUSHED HIM OFF.

22 Q NOW, YOU HAD ACTUALLY HAD SOME BUSINESS
23 DEALINGS WITH MR. LEVIN?

24 A RIGHT.

25 Q AND WHEN DID THAT OCCUR?

26 A THAT WAS BACK IN '83 AND EARLY '84.

27 Q AND YOU SUPPLIED ACTUALLY SOME KIND OF NEWS
28 TIPS TO HIM?

1 A LIKE A TIP SERVICE, RIGHT.

2 Q WHAT WAS THE ARRANGEMENT THAT YOU HAD WITH
3 MR. LEVIN RESPECTING THAT?

4 A OKAY. HE ASKED, HE OFFERED TO PAY ME IF I
5 WOULD GIVE HIM TIPS ON STORIES THAT WOULD BE GOOD
6 VISUALLY, FOR EXAMPLE, A HOUSE FIRE OR CAR WRECK. AND SO
7 I SAID, "OKAY, I WILL DO THIS, BUT ONLY AFTER I HAVE
8 NOTIFIED, YOU KNOW, I HAVE ALREADY SENT AN ADVISORY AND
9 BEGINNING STORY TO MY OWN EMPLOYER."

10 THE COURT: HOLD ON ONE SECOND, MR. MC MULLEN.

11 MR. MC MULLEN: YES, YOUR HONOR.

12

13 (PAUSE.)

14

15 THE COURT: HOW MUCH DO YOU HAVE, MR. MC MULLEN?

16 MR. MC MULLEN: 20, 30 MINUTES IS MY BEST GUESS.

17 THE COURT: ALL RIGHT.

18 I WAS HOPING TO FINISH THIS WITNESS. WE NEED
19 TO BREAK. THE STAFF, I DON'T KNOW WHAT THEY WANT TO DO,
20 BUT THERE IS SOMETHING GOING ON.

21 MR. KLEIN: JUST ONE MATTER THAT IS UNRELATED TO
22 THE WITNESS.

23 THE COURT: YEAH. WE WILL TAKE THAT UP.

24 MR. KLEIN: OKAY.

25 THE COURT: SO WE WILL PICK UP AGAIN THEN WITH THIS
26 WITNESS ON MONDAY, MONDAY AT 9 O'CLOCK.

27 ALL RIGHT.

28 MR. --

1 THE WITNESS: SIR --

2 THE COURT: YES, SIR.

3 THE WITNESS: I DON'T HAVE A CAR, SEE, AND I GET
4 OFF WORK AT 6:30 IN THE MORNING, AND WE GOT ME BY 9
5 O'CLOCK --

6 MR. KLEIN: COULD I MENTION SOMETHING? THAT IS
7 WHAT I WAS GOING TO TALK ABOUT. NADIA GHALEB, I SPOKE
8 WITH HER ON THE TELEPHONE YESTERDAY, SHE HAS MADE
9 ARRANGEMENTS TO GET A \$300 TICKET FROM NEW YORK TO HERE,
10 WHICH WOULD ALLOW HER TO TESTIFY FIRST THING IN THE
11 MORNING MONDAY. SO THAT HOPEFULLY SHE COULD --

12 THE COURT: PERSONALLY I LIKE SAVING MONEY --

13 MR. KLEIN: I KNEW YOU WOULD. AND THEN WE COULD
14 HAVE HIM AFTER SHE TESTIFIES AND THAT --

15 THE COURT: HOW LONG IS SHE GOING TO BE?

16 MR. KLEIN: SHE IS LIKE MR. ROBINSON, SO I AM
17 PRETTY SURE WE CAN FINISH HER HALF DAY AT THE MAXIMUM.

18 THE COURT: SHOULD BE LESS THAN THAT.

19 COULD WE HAVE ANOTHER WITNESS STANDING BY FOR
20 LATE MONDAY MORNING?

21 MR. KLEIN: WE SHOULD BE ABLE TO ARRANGE THAT.

22 THE COURT: OKAY.

23 WHY DON'T WE DO THAT.

24 HOW ABOUT 1:30, MR. ROBINSON?

25 THE WITNESS: OBVIOUSLY YOU RUN THE COURT. I WAS
26 HOPING TO GET HERE ON A TUESDAY BECAUSE I STILL HAVE TO GO
27 TO WORK MONDAY NIGHT, WHICH MEANS I HAVE TO GET SOME REST
28 SOMETIME.

1 THE COURT: YOU ARE NOT GETTING ENOUGH REST IN
2 HERE?

3 THE WITNESS: I HOPE NOT.

4 THE COURT: I AM OPEN TO SUGGESTIONS. I HAVE NO
5 PROBLEM TO GOING TO TUESDAY, BUT I DON'T WANT TO INTERFERE
6 WITH MR. MC MULLEN'S CROSS, AND I DON'T WANT TO INTERFERE
7 WITH YOUR ABILITY TO LINE UP SOME PEOPLE. YOU KNOW WHAT,
8 I CAN GIVE YOU -- I CAN PROBABLY GIVE YOU WEDNESDAY OFF.

9 MR. KLEIN: THE ORDER THAT WE WERE PLANNING WAS
10 GHALEB, WERNER AND ROBINSON, AND THEN IF WE HAVE TO START
11 ANOTHER WITNESS WE WOULD START WITH MR. BARENS.

12 THE COURT: WHY DON'T WE DO THIS: YOU COME IN,
13 THERE IS NOT -- IT IS GOING TO PROBABLY BE ABOUT ANOTHER
14 HOUR AT THE MOST ON MONDAY.

15 THE WITNESS: MAY IT BE AS EARLY AS 11:00?

16 THE COURT: CAN YOU GET HERE THAT EARLY?

17 THE WITNESS: OH, YEAH.

18 MR. KLEIN: THAT WOULD PROBABLY WORK OUT THAT WE
19 WOULD HAVE MR. WERNER IN THE AFTERNOON WHILE --

20 THE WITNESS: AND ESPECIALLY LIKE THIS TIME
21 SOMEBODY ACTUALLY PICKED ME UP. BECAUSE I AM SURE YOU
22 KNOW THE BUSES AREN'T THE MOST RELIABLE.

23 MR. KLEIN: OUR INVESTIGATOR CAN PICK HIM UP. LET
24 ME CHECK.

25 THE PETITIONER'S INVESTIGATOR: FINE.

26 MR. KLEIN: HE'LL PICK HIM UP.

27 THE COURT: WHY DON'T YOU TAKE SOME TIME TO TALK TO
28 MR. KLEIN AND MR. CRAIN BEFORE YOU LEAVE. WORK THAT OUT.

1 I WILL ORDER YOU TO RETURN 11 O'CLOCK ON NEXT
2 MONDAY, WHICH IS THE 29TH; ALL RIGHT?

3 NEXT MONDAY THE 29TH AT 11:0 A.M.

4 THE WITNESS: YES, SIR.

5 THE COURT: IF -- YOU WILL HAVE NADIA GHALEB MONDAY
6 THE 29TH AT 9 O'CLOCK?

7 MR. KLEIN: WE'LL BE ABLE TO REIMBURSE HER FOR THE
8 \$300.

9 THE COURT: I LIKE \$300. THAT'S GOOD. THAT'S GOOD
10 WORK. YOU GET CREDIT FOR THAT.

11 ALL RIGHT.

12 ANYTHING ELSE WE NEED TO TAKE CARE OF AT THIS
13 TIME?

14 HEARING NONE, EVERYONE HAVE A GOOD WEEKEND.
15 AND WE WILL SEE YOU ALL AT MONDAY AT 9 O'CLOCK UNLESS THE
16 COURT OF APPEALS SPEAKS OTHERWISE.

17 MR. MC MULLEN: FOR WITNESS SCHEDULING PURPOSES, SO
18 WEDNESDAY YOU WILL BE DARK. I AM JUST -- IF YOU CAN TELL
19 US.

20 THE COURT: I CAN GIVE MR. KLEIN THAT TIME BECAUSE
21 I CAN MOVE SOMETHING ELSE IN ON THAT SLOT.

22 MR. KLEIN: THE WITNESS AFTER THIS WITNESS IS,
23 PROBABLY WILL BE MR. BARENS, ALTHOUGH THERE IS A
24 POSSIBILITY OF IT BEING MR. MELTZER, AND THEN MR. BARENS.

25 THE PETITIONER: MELZER -- EXCUSE ME.

26 HE IS AN ATTORNEY THAT USED TO REPRESENT RON
27 LEVIN IN A CIVIL ACTION, AND HE ALSO REPRESENTED ME IN
28 SOME ACTION.

1 MR. CRAIN: HE WILL HAVE SOME RELEVANT AND
2 ADMISSIBLE TESTIMONY.

3 THE COURT: RELEVANT AND ADMISSIBLE IS IMPORTANT.

4 MR. KLEIN: WHICH HAS ALREADY BEEN TESTIFIED TO,
5 AND ADDITIONAL EVIDENCE.

6 THE COURT: ALL RIGHT.

7 MONDAY AT 9:00 A.M., EVERYONE IS ORDERED
8 BACK.

9 MR. MC MULLEN: THANK YOU.

10
11 (AT 4:35 P.M. AN ADJOURNMENT WAS
12 TAKEN UNTIL MONDAY,
13 APRIL 29, 1996 AT 9:00 A.M.)
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