

5

13110428

COURT OF APPEAL

2nd Appellate District

IN RE

JOSAPH HUNT

ON

H-C

FILE COPY

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 HUNTER  
Z. NEBALDEZ  
Clerk  
Deputy Clerk

REPORTERS' DAILY TRANSCRIPT

VOLUME 4

MONDAY, APRIL 29, 1996

PAGE 439 THROUGH 664, INCL.

APPEARANCES:

FOR THE PETITIONER  
JOSEPH HUNT:

ROWAN KLEIN  
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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

INDEX FOR VOLUME 4 PAGE 439 - 664, INCL.  
DAY DATE SESSION PAGE

MONDAY APRIL 29, 1996 A.M. 439  
MONDAY APRIL 29, 1996 P.M. 541

-----  
PROCEEDINGS PAGE

TRIAL 439



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

M A S T E R I N D E X

CHRONOLOGICAL INDEX OF WITNESSES

HEARING:

PETITIONER'S WITNESSES                      DIRECT CROSS REDIRECT RECROSS DIRE VOL                      VOIR

GHALEB, NADIA (OUT OF ORDER)	442					4
(CONTINUED)	471	472	513	517		4
ROBINSON, ROBERT A. (RECALLED)		519				4
(RESUMED)		542				4
(RESUMED)		566	577	592		4
(FURTHER)				595		
4						
WERNER, IVAN	601					4
(REOPENED)	618	619	651	653		4

RESPONDENT'S WITNESSES                      DIRECT CROSS REDIRECT RECROSS DIRE VOL                      VOIR

(NONE)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ALPHABETICAL INDEX OF WITNESSES

PETITIONER'S  
WITNESSES                      DIRECT CROSS REDIRECT RECROSS DIRE VOL                      VOIR

GHALEB, NADIA (OUT OF ORDER) (CONTINUED)	442 471	472	513	517	4 4
ROBINSON, ROBERT A. (RECALLED) (RESUMED) (RESUMED) (THE COURT) (THE COURT) (FURTHER)	519 565 589	542 564	575	590	4 4 4 4 4 4
WERNER, IVAN (REOPENED) (THE COURT)	599 617 648	618	650	653	4 4 4

RESPONDENT'S  
WITNESSES                      DIRECT CROSS REDIRECT RECROSS DIRE VOL                      VOIR

(NONE)

M A S T E R I N D E X

EXHIBITS

PETITIONER'S EXHIBITS	FOR IDENTIFICATION VOL.	PG.	IN EVIDENCE VOL. PG.	WITHDRAWN OR REJECTED VOL. PG.
--------------------------	-------------------------------	-----	----------------------------	---

2 - DOCUMENT	4	457		
3 - DOCUMENT	4	457		

RESPONDENT'S EXHIBITS	FOR IDENTIFICATION VOL.	PG.	IN EVIDENCE VOL. PG.	WITHDRAWN OR REJECTED VOL. PG.
--------------------------	-------------------------------	-----	----------------------------	---

MM - PHOTOGRAPH	4	484		
H - DOCUMENT	4	509		

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 LOS ANGELES, CALIFORNIA; MONDAY, APRIL 29, 1996

2 9:15 A. M.

3 DEPARTMENT NO. 101

HON. J. STEPHEN CZULEGER, JUDGE

4  
5 APPEARANCES:

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

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

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

18 THE COURT: WHERE IS MR. KLEIN?

19 MR. KLEIN: RIGHT HERE, YOUR HONOR.

20 THE COURT: SORRY. I DIDN'T HEAR YOU BACK THERE.

21 IN THE CASE OF IN RE JOSEPH HUNT, THE RECORD  
22 WILL REFLECT ALL COUNSEL AND PETITIONER ARE PRESENT.

23 MR. CRAIN, I ASSUME YOU WERE STUCK IN TRAFFIC  
24 SOMEWHERE?

25 MR. CRAIN: YES, YOUR HONOR, I APOLOGIZE. IT WAS  
26 UNREAL.

27 THE COURT: I BELIEVE WE ARE GOING TO CALL A  
28 WITNESS OUT OF ORDER.



1 MR. CRAIN: I CALL NADIA GHALEB AT THIS TIME.

2 MR. MC MULLEN: I HAVE ONE MATTER I WOULD LIKE TO  
3 ADDRESS THE COURT ON, IF I MAY, AT THIS TIME.

4 THE PEOPLE WOULD MOVE TO ADD A POTENTIAL  
5 WITNESS TO OUR WITNESS LIST. THE WITNESS'S NAME IS GLENN,  
6 G-L-E-N-N, ONISHI, O-N-I-S-H-I.

7 MR. ONISHI WOULD BE TESTIFYING WITH RESPECT  
8 TO MR. WERNER'S -- OR HAS THE POTENTIAL OF TESTIFYING WITH  
9 RESPECT TO MR. WERNER'S ANTICIPATED TESTIMONY. THE REASON  
10 WE HAD NOT INCLUDED HIS NAME PREVIOUS TO THIS POINT IN  
11 TIME IS HIS PRESENCE AS A POTENTIAL WITNESS JUST CAME TO  
12 OUR ATTENTION LAST WEEK. MR. ONISHI WAS INTERVIEWED BY  
13 OUR INVESTIGATOR.

14 THE COURT: LET ME GET TO THE CHASE SCENE REAL  
15 QUICK.

16 MR. KLEIN: FIRST OF ALL, IT RELATES TO IVAN  
17 WERNER, I THINK IT IS GOING TO BE IRRELEVANT.

18 THE COURT: IT IS GOING TO BE IRRELEVANT OR  
19 RELEVANT?

20 MR. KLEIN: IRRELEVANT.

21 MR. CRAIN: I DON'T CARE IF WE ADD IT TO THE  
22 WITNESS LIST, THEN WE CAN TAKE UP WHETHER HIS TESTIMONY IS  
23 ADMISSIBLE.

24 MR. MC MULLEN: IF IT IS IRRELEVANT WE PROBABLY  
25 WON'T EVEN CALL HIM.

26 MR. KLEIN: AS LONG AS WE GET THE SAME COURTESY.

27 THE COURT: I WAS GOING TO TELL THEM, IF YOU GUYS  
28 OBJECTED, IF YOU WANTED TO SEE THEIR APPLICATION IN

1 WRITING, THAT'S WHY I WAS ASKING. SO IF YOU GUYS WORK  
2 THINGS OUT ALL THE BETTER.

3 ALL RIGHT.

4 BRING YOUR WITNESS IN.

5 MR. CRAIN: SHE IS RIGHT HERE.

6 COME FORWARD, PLEASE.

7

8 NADIA GHALEB, +

9 CALLED OUT OF ORDER AS A WITNESS BY THE PETITIONER, WAS  
10 SWORN AND TESTIFIED AS FOLLOWS:

11

12 THE CLERK: STEP BEHIND THE COURT REPORTER, PLEASE.

13 STAND RIGHT THERE, PLEASE, FACE ME AND RAISE  
14 YOUR RIGHT HAND.

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

19 THE WITNESS: I DO.

20 THE CLERK: PLEASE TAKE THE WITNESS STAND.

21 WOULD YOU PULL DOWN THE MICROPHONE?

22 THE WITNESS: PULL IT TOWARDS ME.

23 THE COURT: PULL IT RIGHT UNDERNEATH THE CHIN, IF  
24 YOU WOULD.

25 ALL RIGHT.

26 STATE AND SPELL YOUR NAME.

27 THE WITNESS: NADIA GHALEB. N-A-D-I-A,  
28 G-H-A-L-E-B.

1 THE COURT: YOU MAY INQUIRE, MR. CRAIN.

2

3

DIRECT EXAMINATION +

4

5 BY MR. CRAIN:

6

Q MS. GHALEB, ARE YOU CURRENTLY A RESIDENT OF  
7 ANOTHER STATE?

8

A I AM.

9

Q WHAT STATE IS THAT?

10

A NEW YORK.

11

Q CAN YOU PULL THE MICROPHONE RIGHT UP, AND  
12 THEN YOU CAN SIT BACK IN YOUR CHAIR. IT IS PROBABLY MORE  
13 COMFORTABLE. PUT IT JUST RIGHT BEING IT TOWARDS YOU.  
14 THERE YOU GO.

15

THANK YOU.

16

DID YOU PREVIOUSLY LIVE IN LOS ANGELES?

17

A YES.

18

Q OKAY.

19

DID YOU EVER MEET A MAN BY THE NAME OF RON  
20 LEVIN?

21

A YES.

22

Q AND CAN YOU TELL US APPROXIMATELY WHEN YOU  
23 MET RON LEVIN AND WHERE IT WAS?

24

A IT WAS IN THEODORE'S BOUTIQUE ON RODEO DRIVE  
25 SOMEWHERE IN THE EARLY 70'S. I WAS A SALESGIRL IN '70,  
26 '71, SOMETHING LIKE THAT.

27

MR. CRAIN: MAY I APPROACH THE WITNESS, YOUR HONOR?

28

THE COURT: YES.

1 BY MR. CRAIN:

2 Q SHOWING YOU WHAT'S BEEN MARKED PETITIONER'S  
3 1. DO YOU RECOGNIZE THE PERSON IN THAT PHOTOGRAPH?

4 A YES.

5 Q WHO IS THAT?

6 A RON LEVIN.

7 Q IS THAT RON LEVIN YOU FIRST MET IN THE EARLY  
8 70'S?

9 A YES.

10 Q AND YOU WERE WORKING AT THIS BOUTIQUE,  
11 THEODORE'S BOUTIQUE?

12 A YES.

13 Q AND IN WHAT CONNECTION DID YOU FIRST  
14 ENCOUNTER HIM THERE?

15 A THEODORE'S BOUTIQUE WAS THE FIRST KIND OF  
16 FRENCH FASHION STORE OF ITS KIND THAT OPENED IN BEVERLY  
17 HILLS, AND IT WAS A HANG OUT FOR, YOU KNOW, MOVIE  
18 PRODUCERS, ALL THE MOVIE STARS, EVERYONE AROUND TOWN, ALL  
19 THE FASHION PEOPLE, AND HE WAS JUST SOMEBODY THAT WAS  
20 THERE. HE WAS ONE OF THE PEOPLE THAT WOULD JUST COME IN  
21 ON SATURDAYS OR, YOU KNOW, POP IN TO CHECK OUT THE JEWELRY  
22 OR THE CLOTHES OR, YOU KNOW. IT WAS A HANG OUT THAT  
23 ALMOST EVERYBODY IN THE CITY WENT TO REGULARLY SO --

24 Q AND WOULD YOU SPEAK WITH HIM WHEN HE WOULD  
25 COME INTO THE BOUTIQUE?

26 A YEAH, SOMETIMES. PROBABLY IF I WAS BUSY WITH  
27 A CUSTOMER I WOULDN'T. IF HE WALKED UP I WOULD SAY, "HI,  
28 RON." IT WAS PRETTY INFORMAL.

1 Q WHEN YOU SAY, "HI, RON," DID, YOU KNOW, HIM  
2 BY NAME?

3 A YES.

4 Q AND --

5 A BUT KIND OF LIKE I KNEW ALL MY CUSTOMERS BY  
6 NAME, ALL THE PEOPLE. YOU KNOW, AFTER A LITTLE WHILE YOU  
7 KIND OF WOULD. THAT WAS MY JOB TO LOOK AFTER PEOPLE.

8 Q THIS WAS A JOB WHAT, SHORTLY AFTER HIGH  
9 SCHOOL?

10 A UH-HUH.

11 Q OR WHILE YOU WERE IN HIGH SCHOOL?

12 A JUST AFTER HIGH SCHOOL.

13 Q WHAT -- JUST GENERALLY SPEAKING, SO THE COURT  
14 HAS SOME BACKGROUND HERE, CAN YOU TELL US WHAT SORT OF  
15 WORK YOU HAVE DONE SINCE THAT TIME BEFORE WE PROCEED BACK  
16 TO MR. LEVIN?

17 A THAT WAS MY FIRST JOB WORKING WITH THE PUBLIC  
18 IN LOS ANGELES AND I CONTINUED TO DO THAT UNTIL I STOPPED  
19 WORKING IN 19- -- WELL, IN THE PUBLIC I STOPPED WORKING IN  
20 1988, IN SEPTEMBER.

21 THEN I WENT INTO A DIFFERENT BUSINESS, SO IT  
22 WAS FROM, YOU KNOW, 1971 OR '72 TILL '78 AND -- I MEAN  
23 UNTIL '88. I WAS -- I RAN RESTAURANTS. I WAS A  
24 RESTAURANT CONSULTANT. I WAS IN PUBLIC RELATIONS. I WAS  
25 A PUBLIC RELATIONS MANAGER AT, DIRECTOR AT A HOTEL.

26 Q WHAT HOTEL WAS THAT?

27 A HOLLYWOOD ROOSEVELT.

28 Q HERE IN LOS ANGELES?

1 A YES.

2 Q ON HOLLYWOOD BOULEVARD?

3 A UH-HUH.

4 THE COURT: IS THAT "YES"?

5 THE WITNESS: YES.

6 BY MR. CRAIN:

7 Q YOU HAVE TO SAY "YES" OR "NO" SO THE COURT  
8 REPORTER CAN TAKE DOWN THE WORDS?

9 A SORRY.

10 Q SO THEN YOUR WORK WAS ESSENTIALLY IN THE  
11 RESTAURANT AND HOTEL BUSINESS; IS THAT RIGHT?

12 A YES.

13 Q AND DID YOUR WORK BASICALLY INVOLVE SITTING  
14 IN A BACK ROOM SOMEWHERE BY YOURSELF, OR DID IT HAVE TO DO  
15 WITH MEETING PEOPLE AND DEALING WITH PEOPLE?

16 A I WAS ALWAYS THE FRONT.

17 Q WHAT DOES THAT MEAN?

18 A IN THE RESTAURANT I WAS THE ONE THAT BOOKED  
19 THE RESERVATIONS AND SAT PEOPLE AND THEY NEEDED TO COME TO  
20 ME FOR A TABLE. I WAS, YOU KNOW, I SUPERVISED THE DINING  
21 ROOM. IN PUBLIC RELATIONS -- I HAVE ALWAYS BEEN DEALING  
22 WITH THE PUBLIC. LET'S SAY THAT I AM THE LIAISON THAT  
23 LINKS WITH THE PUBLIC.

24 Q DID YOU EVER WORK AT A RESTAURANT CALLED  
25 MR. CHOW'S?

26 A YES. THAT WAS THE FIRST RESTAURANT THAT I  
27 WORKED IN.

28 Q WHERE WAS MR. CHOW'S LOCATED? WHAT PART OF

1 TOWN?

2 A CAMDEN DRIVE IN BEVERLY HILLS.

3 Q WHAT DID YOU DO THERE?

4 A I WAS THE FAMILY REPRESENTATIVE. THE OWNERS  
5 LIVED IN LONDON AND NEW YORK. I RAN THE FRONT. I WAS THE  
6 MAITRE D'. I OVERSAW THE MANAGER, TECHNICAL MANAGER IN  
7 HIS POSITION. MAINLY THE BULK OF THE BUSINESS HOURS  
8 THROUGH LUNCH AND DINNER EVERY DAY I WAS ON THE FLOOR. I  
9 THINK I HAD LIKE FIVE SPLIT SHIFTS A WEEK OR SOMETHING  
10 SO --

11 Q AND DURING THE TIME THAT YOU WORKED THERE --  
12 LET ME ASK YOU THIS: WHAT APPROXIMATE TIME PERIOD DID YOU  
13 HAVE THIS POSITION AT MR. CHOW'S?

14 A I THINK IT WAS '78 TO '82.

15 Q AND DURING THAT PERIOD OF TIME DID YOU  
16 ENCOUNTER RON LEVIN?

17 A I DID.

18 Q AND COULD YOU TELL THE COURT HOW YOU WOULD DO  
19 THAT?

20 A WELL, IN THOSE DAYS MR. CHOW'S WAS KIND OF  
21 LIKE THEODORE'S BOUTIQUE, IT WAS A VERY HOT RESTAURANT IN  
22 LOS ANGELES AND HAD, I WOULD SAY, THE FASHIONABLE PEOPLE  
23 OF THE CITY. THEY WERE EITHER IN THE FILM BUSINESS, THE  
24 MUSIC BUSINESS, THEY CAME FROM EUROPE, THEY WERE IN THE  
25 FILM BUSINESS OR FASHION PEOPLE OF LOS ANGELES.

26 Q THIS IS MR. CHOW'S?

27 A YEAH.

28 Q OKAY.

1           A           SO IT WAS ALWAYS KIND OF LIKE A PARTY EVERY  
2 NIGHT.   THERE WERE RESERVATIONS, THERE WAS A GROUP OF  
3 PEOPLE THAT WOULD JUST KIND OF FALL IN WHENEVER THEY FELT  
4 LIKE, IT WAS KIND OF REGULAR SO YOU LOOKED AFTER THEM.  
5 RON LEVIN WAS KIND OF ONE OF THOSE PERIPHERY REGULARS, HE  
6 WOULD NEVER BOOK RESERVATIONS, HE WOULD JUST COME INTO THE  
7 RESTAURANT, YOU KNOW, AND ALL OF A SUDDEN I TURNED AROUND  
8 AND THERE WOULD BE TEN PEOPLE AT THE BAR OR SOMETHING  
9 BACKED UP WAITING FOR TABLES AND HE WOULD KIND OF SLINK IN  
10 AND GIVE YOU A LOOK THAT YOU KNEW HE WAS THERE AND, YOU  
11 KNOW, FIT HIM IN AS YOU COULD.   HE WAS USUALLY THAT WAY.  
12 I DON'T RECALL HIM BEING CONCERNED ABOUT WHICH TABLE HE  
13 SAT AT OR, YOU KNOW, HE WAS COMFORTABLE BEING IN THE BAR  
14 BOOTHS.   HE JUST -- HE ALWAYS KIND OF SLIDE IN.

15           Q           DID YOU HAVE ANY CONVERSATIONS WITH RON LEVIN  
16 DURING THIS PERIOD OF TIME?

17           A           YEAH.   THE SAME KIND THAT I HAD WITH  
18 EVERYONE.   YOU KNOW, I MADE SMALL TALK WITH PEOPLE.   I  
19 WOULD SAY HELLO.   I WOULD GREET THEM.   MOST PEOPLE I  
20 DIDN'T KNOW IN DEPTH OR I DIDN'T KNOW A TREMENDOUS AMOUNT  
21 ABOUT WHERE THEY CAME FROM.   YOU JUST KIND OF  
22 INSTINCTIVELY -- YOU KNOW, I HAD SOME PRETTY SUPERFICIAL  
23 CONVERSATIONS, WHATEVER THEY WERE, I GUESS, IS WHAT I AM  
24 SAYING.

25           Q           COULD YOU DESCRIBE RON LEVIN?   HOW DID HE  
26 APPEAR PHYSICALLY, I MEAN?

27           A           HE WAS -- WHEN I FIRST MET HIM I WAS LIKE 17  
28 YEARS OLD, I DON'T RECALL HOW OLD HE WAS, BUT HE WAS



1       PREMATURELY GRAY.   SO THAT WAS, YOU KNOW, A STRIKING  
2       FEATURE.   HE WAS ALWAYS VERY WELL DRESSED, WHICH LED ME TO  
3       THINK HE WAS IN THE FASHION BUSINESS BECAUSE A LOT OF  
4       PEOPLE THAT HUNG OUT IN THEODORE'S -- IN THOSE DAYS IT WAS  
5       HERBERT WHO OWNED IT OR WAS THE ONLY REAL FASHION ICON IN  
6       L.A. IN THOSE YEARS.   SO HE WAS QUITE WELL DRESSED.   HE  
7       WAS TRENDY, WELL DRESSED, HE WASN'T CONSERVATIVE.   HE  
8       WASN'T LIKE, YOU KNOW, IVY LEAGUE OR PREPPIE.   HE WAS ON  
9       THE TALL SIDE, ON THE THIN, YOU KNOW, TO JUST -- HE  
10      CERTAINLY WASN'T HEAVY BY ANY STRETCH.   I WOULD SAY, IF  
11      ANYTHING, HE WOULD LEAN TOWARDS THE, YOU KNOW, THINNER TO  
12      MEDIUM TO THIN SIDE.   YOU KNOW, HE HAD THAT VERY DISTINCT  
13      FACE, WHICH --

14               Q       OKAY.

15                       NOW, DID YOU TESTIFY AT MR. -- THIS IS  
16      MR. HUNT OVER HERE.   DID YOU TESTIFY AT HIS TRIAL IN SAN  
17      MATEO ABOUT FOUR YEARS AGO?

18               A       I DID.

19               Q       AND PRIOR TO THAT TIME HAD YOU EVER MET  
20      MR. HUNT?

21               A       NO.

22               Q       DO YOU HAVE ANY PERSONAL CONNECTION WITH  
23      MR. HUNT?

24               A       NONE.

25               Q       WAS THE ONLY INVOLVEMENT THAT YOU HAVE EVER  
26      HAD WITH MR. HUNT AS A WITNESS BOTH IN '92 IN SAN MATEO  
27      AND THEN AGAIN HERE TODAY?

28               A       YES.

1 Q AND IN SAN MATEO WERE YOU BASICALLY ASKED  
2 ABOUT YOUR KNOWLEDGE OF MR. LEVIN AND LATER SEEING  
3 MR. LEVIN?

4 A YES. I THINK SO.

5 Q NOW, DO YOU HAVE ANY ILL WILL TOWARDS  
6 MR. LEVIN?

7 A NO.

8 Q DID MR. LEVIN EVER DO ANYTHING TO YOU THAT  
9 CAUSED YOU TO FEEL THAT YOU HAD BEEN TAKEN ADVANTAGE OF IN  
10 SOME MANNER OR DISRESPECTED BY HIM OR ANYTHING LIKE THAT?

11 A NO.

12 Q OKAY.

13 NOW, OTHER THAN WHAT YOU HAVE TOLD US ABOUT  
14 MR. LEVIN IS THERE ANYTHING ELSE ABOUT HIM THAT YOU RECALL  
15 IN TERMS OF HIM OR HIS PERSONALITY?

16 A JUST WHAT I HAVE SAID KIND OF, YOU KNOW,  
17 ALWAYS FROM THE START. HE WAS A VERY -- HE WAS AN  
18 ODDBALL. I MEAN HE STUCK OUT, YOU KNOW, BUT HE STUCK OUT  
19 IN NOT -- HE HAD A VERY DISTINCT PERSONALITY AND SENSE OF  
20 PRESENCE WHEN HE WAS AROUND, AND HE WAS, I WOULD SAY, KIND  
21 OF -- HE WAS KIND OF A SLIPPERY GUY. I MEAN, HE ALWAYS  
22 HAD THAT.

23 MR. CRAIN: EXCUSE US, YOUR HONOR.

24

25 (A CONFERENCE WAS HELD BETWEEN COUNSEL  
26 AND THE PETITIONER, NOT REPORTED.)

27

28 MR. CRAIN: ALL RIGHT.

1 I HAVE ANOTHER DOCUMENT, YOUR HONOR. IT IS  
2 THREE PAGES. PERHAPS IT CAN BE MARKED AS PETITIONER'S  
3 NEXT IN ORDER.

4 I WOULD LIKE TO APPROACH THE WITNESS.  
5 EXCUSE ME.

6 COULD I JUST TALK TO COUNSEL?

7 THE COURT: YES.

8  
9 (PAUSE.)

10  
11 MR. CRAIN: I THINK I MAY BE IN VIOLATION OF THE  
12 COURT'S RULE. I HAVE SHOWN TO IT MR. MC MULLEN. IT MIGHT  
13 BE THAT WE DON'T HAVE A COPY FOR THE COURT AT THIS TIME.  
14 IT IS VERY BRIEF.

15 THE COURT: WHERE IS YOUR EXHIBIT LIST?

16 PETITIONER HUNT: YOUR HONOR, I RECEIVED AN  
17 EXHIBIT, THAT'S PART OF THE MATERIALS PROVIDED.

18 THE COURT: THAT'S MY QUESTION. WHERE IS YOUR  
19 EXHIBIT LIST?

20 MR. KLEIN: IT IS NOT TOGETHER YET.

21 THE COURT: WHY NOT?

22 MR. KLEIN: WE HAVEN'T BEEN ABLE TO GET IT TOGETHER  
23 YET.

24 THE COURT: HOW LONG HAS IT BEEN NOW SINCE I HAVE  
25 BEEN ASKING? I HAVE BEEN REALLY NICE ABOUT THIS, GETTING  
26 THE EXHIBIT LIST FOR BOTH SIDES. WE SPENT TIME -- I DID  
27 IT FOR A PARTICULAR REASON. I DO THESE THINGS FOR A  
28 PARTICULAR REASON. WE HAVE A LOT OF EXHIBITS. WE NEED TO

1 RUN THEM DOWN. IF YOU GUYS CHOSE TO DO WHAT YOU WANT TO  
2 DO, IT IS NOT GOING TO BE PRODUCTIVE.

3 MR. CRAIN: I HAVE WORKED ABOUT THE LAST 20 DAYS IN  
4 A ROW WITHOUT A DAY OFF. I DON'T HAVE A LAW CLERK. THE  
5 COURT WOULDN'T -- I AM DOING THE BEST I CAN.

6 THE COURT: LET ME MAKE IT REAL CLEAR. THOSE ARE  
7 YOUR PROBLEMS. DON'T MAKE YOUR PROBLEMS MY PROBLEMS. I  
8 GAVE YOU AN ORDER. I WANT AN EXHIBIT LIST. IN FACT, I  
9 ALSO TOLD YOU FOLKS TO LOOK AT THE EXHIBIT LIST ON EACH  
10 OTHER'S, GO OVER EACH EXHIBIT, MAKE SURE WE HAVE THE  
11 EXHIBITS, MAKE SURE THAT THERE WEREN'T GOING TO BE ANY  
12 SURPRISES.

13 NOW, WHAT IS IT GOING TO TAKE TO GET THE  
14 EXHIBIT LIST, WHICH I ORDERED A COUPLE OF WEEKS AGO?

15 MR. CRAIN: WITH ALL DUE RESPECT TO THE COURT, I  
16 THINK THIS IS REALLY A -- I DON'T THINK ANYONE HERE SHOULD  
17 MAKE A MOUNTAIN OUT OF A MOLEHILL.

18 WHAT IT IS -- IF I CAN JUST TELL THE COURT,  
19 MERRILL LYNCH --

20 THE COURT: I AM NOT WORRIED ABOUT THE EXHIBIT, I  
21 CAN DEAL WITH AN EXHIBIT. I AM CONCERNED ABOUT THE  
22 EXHIBIT LIST. I AM CONCERNED ABOUT THE REFERENCE.

23 MR. CRAIN: I THINK IT IS ON THE LIST. MY  
24 UNDERSTANDING IS WE DIDN'T HAVE A COPY FOR THE COURT.

25 MR. KLEIN: WHAT WE HAVE NOT BEEN ABLE TO -- WE  
26 HAVE SUBMITTED TO THE COURT A LIST OF THE EXHIBITS THAT WE  
27 INTEND TO PRESENT. WHAT I GATHER FROM WHAT HAPPENED LAST  
28 WEEK THAT THE COURT WANTS US TO ACTUALLY THEN TAKE THAT

1 AND LIST THE EXHIBITS 1 THROUGH WHATEVER IN ORDER AND HAVE  
2 A COPY FOR THE COURT.

3 THE COURT: IT IS CALLED AN EXHIBIT LIST.

4 MR. CRAIN: I THINK WE HAVE A LIST.

5 MR. KLEIN: NO. SEE, IT IS A QUESTION OF  
6 DEFINITION.

7 THE COURT: WE HAVE PREPARED SOMETHING. CORRECT ME  
8 IF I AM WRONG, MY CLERK SENT SOMETHING WEEKS, IF NOT  
9 MONTHS AGO, TO BOTH SIDES.

10 MR. KLEIN: SHE TOLD ME SHE WANTS US TO LIST THEM,  
11 AND YOU TOLD US LAST WEEK TO LIST THEM IN CHRONOLOGICAL  
12 ORDER. I MEAN, WE HAVE GIVEN THE COURT AN EXHIBIT LIST OF  
13 THE EXHIBITS THAT WE INTEND TO OFFER. I NOW DO BELIEVE I  
14 UNDERSTAND WHAT THE COURT WANTS. MR. CRAIN AND I JUST  
15 HAVEN'T HAD TIME TO TALK OR PUT IT TOGETHER.

16 I DIDN'T THINK HE NEEDED TO USE ANY EXHIBITS  
17 WITH THE WITNESSES THAT WERE GOING TO BE CALLED TODAY. I  
18 DO BELIEVE WE ARE GOING TO NEED SOME EXHIBITS WITH THE  
19 WITNESS TOMORROW, AND I DID INTEND TO HAVE IT IN THE  
20 FORMAT THAT THE COURT WANTED TOMORROW FOR THOSE WITNESSES,  
21 AND I APOLOGIZE.

22 MR. CRAIN: IT IS ON THE WITNESS LIST WE SUBMITTED.

23 THE COURT: WHAT NUMBER IS IT?

24 MR. CRAIN: ON THE EXHIBIT LIST IS PART OF 111, I  
25 BELIEVE, WHICH INCLUDES THE MASTER EXHIBIT LIST, WHICH WAS  
26 THAT COMPUTER-GENERATED DOCUMENT.

27 MR. KLEIN: WHAT PAGE?

28 MR. CRAIN: IT IS 07051 --

1 MR. KLEIN: ITS PAGE 77 THE TOP?

2 THE COURT: OKAY.

3 MR. KLEIN: THE EXHIBIT ON PAGE 77 OF OUR EXHIBIT  
4 NO. 111.

5 MR. CRAIN: I THINK WHAT YOU ARE --

6 MR. KLEIN: IS A DESCRIPTION OF IT.

7 THE COURT: ALL RIGHT.

8 IT IS NOT HELPFUL. WE ARE GOING TO REFER TO  
9 SOMETHING IN HERE IN COURT. I WANT TO MAKE SURE THAT  
10 WHATEVER WE USE IS ON THE EXHIBIT LIST, LIKE THE PEOPLE IN  
11 THEIR UNTIMELY ALSO GOT TO ME --

12 MR. KLEIN: WE HAVE NEVER SEEN WHAT THE PEOPLE GOT  
13 TO YOU.

14 MR. CRAIN: WHAT THE COURT IS SAYING --

15 THE COURT: CORRECT ME IF I AM WRONG, MAYBE I AM  
16 WRONG. LAST TUESDAY I THOUGHT I SAID BOTH SIDES GET THE  
17 EXHIBIT LIST, BOTH SIDES LOOK AT THE EXHIBIT LIST, BOTH  
18 SIDES LOOK AT EACH OTHER'S EXHIBITS AND MAKE SURE YOU HAVE  
19 SEEN YOUR EXHIBIT LIST AND YOUR EXHIBITS.

20 MR. CRAIN: I THOUGHT WE HAD BECAUSE BOTH SIDES  
21 HAVE SUBMITTED AN EXHIBIT LIST. IF WHAT THE COURT IS  
22 TALKING ABOUT -- MAYBE I AM NOT UNDERSTANDING WHAT THE  
23 COURT IS SAYING.

24 MR. KLEIN: LET ME --

25 MR CRAIN: PLEASE WILL YOU --

26 THE COURT: IF --

27 MR. CRAIN: IF WHAT THE COURT IS SAYING IS THAT I  
28 SHOULD PUT IN SOME SORT OF NUMERICAL ORDER THE EXHIBITS

1 AND MANNER IN WHICH I INTEND TO USE THEM.

2 THE COURT: I AM NOT SO CONCERNED --

3 MR. CRAIN: BECAUSE I DON'T KNOW WHICH WITNESS  
4 IS --

5 THE COURT: I AM NOT SO CONCERNED ABOUT THAT AS I  
6 AM WITH A LIST THAT WE NOW HAVE FROM THE RESPONDENT. SO  
7 WHEN YOU SAY, "WE HAVE EXHIBIT K," OR, "WE HAVE EXHIBIT  
8 23," EVERYONE KNOWS WHAT 23 IS. THE CLERK HAS A RECORD,  
9 THE CLERK CAN KEEP TRACK OF IT ON THE SAME FORMAT THAT  
10 EVERYBODY ELSE HAS, AND SO WE DON'T HAVE A PROBLEM.

11 MR. CRAIN: WE HAVEN'T DONE THAT.

12 THE COURT: I AM VERY RECORD CONSCIOUS.

13 MR. CRAIN: I APPRECIATE THAT. IT JUST SEEMS TO ME  
14 IS THERE ANY OTHER LEGAL PROCEEDING WHEREIN -- THIS  
15 WEEKEND I DECIDED I WANTED TO ASK THE WITNESS ONE OR TWO  
16 QUESTIONS, JUST HAVE HER IDENTIFY A DOCUMENT AND ASK HER  
17 IF THAT APPEARS TO BE THE NAME OF THE RESTAURANT SHE  
18 WORKED AT THAT IS ON ONE OF HER -- RON LEVIN'S MONTHLY  
19 CASH MANAGEMENT ACCOUNTS, THAT'S ALL AND, YOU KNOW, THEN  
20 TO HAVE IT MARKED FOR IDENTIFICATION AND AT THE CONCLUSION  
21 OF THE PROCEEDING WE WOULD TAKE UP WHETHER OR NOT THE  
22 OTHER SIDE HAS AN OBJECTION TO IT.

23 THE COURT: WE ARE NOT IN DISAGREEMENT ON THAT.  
24 WHAT I AM SAYING I NEED IS AN EXHIBIT LIST SO WHEN YOU  
25 SAY, "THIS IS PETITIONER'S EXHIBIT 37," EVERYONE KNOWS  
26 WHAT IT IS, AND THE CLERK CAN KEEP TRACK OF THEM. BOTTOM  
27 LINE IS THERE IS NO WAY FOR THE CLERK TO KEEP TRACK OF ALL  
28 THIS, THE COURT REPORTER TO KEEP TRACK OF ALL THIS STUFF

1 UNLESS WE ARE ALL WORKING FROM THE SAME SHEET, WHICH IS AN  
2 EXHIBIT LIST. THAT'S WHY IN AS NICE A WAY AS I CAN -- I  
3 AM NOT VERY NICE ALL THE TIME, I UNDERSTAND, I AM TRYING  
4 TO HELP YOU FOLKS OUT BY PREPARING A FORMAT SO THAT YOU  
5 GUYS CAN JUST GO IN AND FILL IT IN.

6 MR. CRAIN: I KNOW. I DON'T WANT TO BELABOR THIS  
7 ON THE COURT'S TIME. THE PROBLEM IS THIS WEEKEND AFTER WE  
8 WERE LAST IN COURT, LAST WEDNESDAY, I DECIDED, I CHOOSE TO  
9 ASK THIS WITNESS, IF THE COURT WOULD PERMIT, A COUPLE OF  
10 QUESTIONS ABOUT THIS PARTICULAR DOCUMENT.

11 THE COURT: FINE. WHAT EXHIBIT IS THIS? WHAT  
12 EXHIBIT NO. ON YOUR EXHIBIT LIST WILL IT BE?

13 MR. KLEIN: IT WILL BE NO. 2 NOW OR NO. 3. WE  
14 MARKED ONE EARLIER, SO IT WILL BE NO. 3.

15 MR. CRAIN: I BELIEVE WE MARKED MR. LEVIN'S  
16 PHOTOGRAPH, WHICH IS BEFORE THE PHOTOGRAPH.

17 THE COURT: WHAT WAS 2?

18 MR. KLEIN: NO. 2 WAS THE CROCODILE DUNDEE AD.

19 THE WITNESS: THIS IS NO. 1.

20 THE COURT: THE ONLY THING YOU HAVE MARKED SO FAR  
21 IS --

22 MR. CRAIN: WE HAVEN'T GOT INTO CROCODILE DUNDEE.  
23 WE WEREN'T ABLE TO WORK OUT A STIPULATION.

24 MR. KLEIN: WE CAN STILL SHOW IT.

25 THE COURT: YOU WANT TO MARK THIS AS 2?

26 MR. CRAIN: DID WE MARK THE CROCODILE DUNDEE MOVIE  
27 SHOWING WHEN IT WAS RELEASED OR WHEN IT WAS PLAYING IN  
28 LOS ANGELES?



1 THE COURT: IT WILL BE MARKED AS 2. AND THEN THE  
2 LATEST THING WILL BE MARKED AS 3. AND PLEASE, AGAIN, GIVE  
3 ME AN EXHIBIT LIST.

4 MR. CRAIN: OKAY.

5 THE COURT: USING THIS FORMAT.

6 MR. CRAIN: CAN WE ANTICIPATE RECEIVING THE  
7 PEOPLE'S EXHIBIT LIST THAT WE HAD --

8 MR. MC MULLEN: WE SUPPLIED THEM -- THAT TO THEM AS  
9 SOON AS WE SUPPLIED IT TO YOUR HONOR. AND WITH RESPECT TO  
10 THE TIMELINESS OF THIS, WE STROVE TO GET THIS DONE AS  
11 QUICKLY AS WE COULD WHEN WE GOT THE FORM.

12 IN THE SPIRIT OF YOUR ORDER LAST WEEK IN  
13 GOING OVER THE EXHIBITS I LOOKED AT EVERY ONE OF MY  
14 EXHIBITS, MADE SURE I WAS ON TRACK. I LOOKED FOR THEIR  
15 EXHIBIT LIST. THEY HAVE PROVIDED ME WITH AN EXHIBIT LIST  
16 THAT THEY FILED WITH THE COURT. THERE ARE APPROXIMATELY  
17 650 EXHIBITS THAT TOTAL SOMEWHERE IN BETWEEN 12 AND 15,000  
18 PAGES. I HAVE GONE THROUGH ABOUT HALF OF THOSE. BUT I  
19 HAVEN'T BEEN ABLE TO GET THROUGH ALL OF THEM.

20 THE COURT: GET ME AN EXHIBIT LIST.

21 MR. MC MULLEN: WE ARE ALSO MISSING A LOT OF THOSE  
22 WHICH WE HAVE BEEN COMMUNICATING WITH COUNSEL ABOUT FOR  
23 SEVERAL WEEKS NOW.

24 THE COURT: YOU GUYS ARE GOING TO BE SPENDING OUT  
25 OF COURT TIME RESOLVING THIS THING. GIVE ME AN EXHIBIT  
26 LIST BY TOMORROW.

27 IT WILL BE MARKED AS 3.  
28

1 (MARKED FOR ID = PETITIONER 2, DOCUMENT.)

2

3 (MARKED FOR ID = PETITIONER 3, DOCUMENT.)

4

5 MR. CRAIN: MAY I APPROACH THE WITNESS?

6 THE COURT: YES.

7 BY MR. CRAIN:

8 Q LET ME SHOW YOU --

9 MR. CRAIN: DO YOU WANT TO SEE THIS ALSO?

10 BY MR. CRAIN:

11 Q I WOULD LIKE TO SHOW YOU A DOCUMENT HERE  
12 WHICH I HAVE SHOWN TO MR. MC MULLEN AND NOW BOTH COUNSEL  
13 HAVE SEEN IT FOR THE PEOPLE.

14 DIRECTING YOUR ATTENTION -- WELL, FOR THE  
15 RECORD IS SAYS (READING): "PEARCE, FENNER AND SMITH,  
16 INC., MONTHLY STATEMENT CASH MANAGEMENT ACCOUNT." IT HAS  
17 THE NAME "R. LEVIN" ON IT. DO YOU SEE THAT?

18 A YES.

19 Q AND --

20 MR. MC MULLEN: I WOULD OBJECT AS TO THIS LINE OF  
21 QUESTIONING AS BEING IRRELEVANT AND NO REAL FOUNDATION.

22 THE COURT: LET ME SEE WHERE IT IS GOING.

23 MR. MC MULLEN: THANK YOU.

24 BY MR. CRAIN:

25 Q ON HERE DO YOU SEE THE NAME "M. CHOW"?

26 A YES.

27 Q DOES THAT APPEAR TO BE A REFERENCE TO THE  
28 RESTAURANT YOU WORKED AT?

1           A       YES.

2           Q       NOW, TURNING OUR ATTENTION TO OTHER MATTERS,  
3 WHEN WAS THE LAST TIME AT MR. CHOW'S, APPROXIMATELY, THAT  
4 YOU SAW MR. LEVIN IN THERE?

5           A       WELL, THE LAST TIME I WORKED THERE WAS '82,  
6 SO IT WAS DURING '82.

7           Q       AND DID YOU EVER SEE MR. LEVIN AGAIN AFTER  
8 THAT?

9           A       YES.

10          Q       WHERE WAS THAT?

11          A       ON SAN VICENTE IN BRENTWOOD.

12          Q       WHAT WERE YOU DOING ON SAN VICENTE? WALKING?  
13 DRIVING? STANDING STILL?

14          A       I WAS DRIVING TO WORK.

15          Q       WHERE WERE YOU WORKING AT THAT TIME?

16          A       I WAS WORKING AT THE HOLLYWOOD ROOSEVELT  
17 HOTEL IN HOLLYWOOD BOULEVARD.

18          Q       CAN YOU PULL THAT UP OR SPEAK UP A LITTLE  
19 MORE.

20                   WERE YOU WORKING THERE IN THE SAME CAPACITY  
21 THAT YOU DESCRIBED A FEW MOMENTS AGO?

22          A       MORE OR LESS. THIS WAS MORE INVOLVED WITH  
23 THE PRESS, AND IT WAS MORE INVOLVED WITH -- BUT I WAS  
24 DIRECTOR OF PUBLIC RELATIONS, SO IT WAS -- I INTERFACED  
25 WITH THE PUBLIC ALL THE TIME.

26          Q       WHERE WERE YOU COMING FROM OR WHERE WERE YOU  
27 ON YOUR WAY TO?

28          A       I LIVED IN SANTA MONICA. SO I WAS GOING FROM

1 SANTA MONICA TO THE HOLLYWOOD ROOSEVELT.

2 Q WAS THAT YOUR CUSTOMARY ROUTE TO GO TO  
3 SAN VICENTE?

4 A MY ROUTE WAS ALWAYS TO TAKE SAN VICENTE TO  
5 BUNDY, TURN LEFT TO GO UP TO SUNSET, TAKE SUNSET ACROSS TO  
6 HOLLYWOOD BOULEVARD, AND I WOULD BE AT THE HOTEL. THAT  
7 WAS NOT MY NORMAL ROUTE. THIS WAS JUST PAST BUNDY ON  
8 SAN VICENTE ON THE WAY TO WILSHIRE.

9 Q WHY DID YOU TAKE AN ABNORMAL WAY TO WORK?

10 A BECAUSE THERE WAS ROAD CONSTRUCTION FOR DAYS  
11 AT THE BRENTWOOD SCHOOL AT SUNSET RIGHT NEAR BARRINGTON,  
12 AND IT WAS JUST, YOU KNOW, CREATING TRAFFIC PROBLEMS.

13 Q OKAY.

14 NOW, YOU WERE DRIVING ALONE IN YOUR CAR; IS  
15 THAT RIGHT?

16 A YES.

17 Q ABOUT WHAT TIME OF DAY WAS IT?

18 A I AM SURE IT WAS SOMETIME AFTER 8:00 IN THE  
19 MORNING BECAUSE THAT WAS -- I GOT TO WORK BY 9:00. SO  
20 PROBABLY 8:30.

21 Q AND IN WHAT DIRECTION WERE YOU GOING ON  
22 SAN VICENTE?

23 A I WAS HEADING EAST.

24 Q WAS ANYONE IN THE CAR WITH YOU?

25 A NO.

26 Q AND WHAT YEAR WAS THIS?

27 A I GUESS 1987.

28 Q OKAY.

1                   NOW, DO YOU REMEMBER WHAT MONTH IT WAS OR  
2 WHAT PART OF THE YEAR?

3                   A        WELL, I THINK IT WAS IN THE BEGINNING OF THE  
4 YEAR OR SOMEWHERE AROUND THE BEGINNING OF THE YEAR.

5                   Q        DID SOME PARTICULAR EVENT HAPPEN IN 1987 SOME  
6 THING THAT AFFECTED YOU?

7                   A        YES. I HAD A CLOSE FRIEND WHO WAS IN THE AIR  
8 FORCE AND TOOK OFF FOR A ROUTINE FLIGHT AND CRASHED INTO  
9 THE, I GUESS IT WAS THE SAN BERNARDINO MOUNTAINS.

10                  Q        WHO WAS THAT CLOSE FRIEND?

11                  A        HIS NAME WAS DEAN PAUL MARTIN.

12                  Q        IS THAT THE DEAN PAUL MARTIN WHO WAS THE SON  
13 OF THE ENTERTAINER DEAN MARTIN, WHO JUST DIED EARLIER THIS  
14 YEAR?

15                  A        YES.

16                  Q        AND WAS HE A GOOD FRIEND OF YOURS?

17                  A        YES, HE WAS.

18                  Q        GOING BACK TO YOUR DRIVE TO WORK ON SAN  
19 VICENTE, WHAT HAPPENED? JUST TELL US WHAT YOU SAW.

20                  A        I JUST, I LOOKED OVER. I WAS KIND OF  
21 TRAVELING IN STOP AND START TRAFFIC, AND I LOOKED OVER AND  
22 I SAW RON LEVIN GETTING INTO A CAR AND REMARKED TO MYSELF  
23 THAT, "THERE IS RON LEVIN. I HAVEN'T SEEN HIM FOR A  
24 WHILE." AND IT WAS ONE OF THOSE MOMENTS THAT EVOKED AN  
25 ERA IN MY LIFE. I JUST KIND OF THOUGHT ABOUT HIM IN THAT  
26 PERIOD THROUGHOUT THE REST OF MY DRIVE TO WORK.

27                  Q        NOW, AT THIS TIME HAD YOU HEARD ANY REPORTS  
28 THAT RON LEVIN WAS MISSING, OR DID SOME PEOPLE CONSIDER

1 THAT HE WAS DEAD OR ANYTHING LIKE THAT?

2 A NO.

3 Q WERE YOU SOMEONE WHO DURING THIS PERIOD OF  
4 YOUR LIFE WAS INTERESTED IN THE NEWS AND SO FORTH?

5 A NOT REALLY.

6 Q ACCOUNTS OF NEWS STORIES?

7 A NO. I AM NOT A VERY MEDIA-ORIENTED PERSON,  
8 WHICH WAS KIND OF AN INCONGRUOUS ASPECT OF THE JOB I HAD,  
9 BUT I DIDN'T HAVE A TELEVISION. I STOPPED WATCHING T.V.  
10 WHEN I WAS ABOUT 17, AND I DIDN'T HAVE -- I OWN ONE NOW,  
11 BUT NOT UNTIL SOMEONE GAVE IT TO ME WHEN I WAS ABOUT 35.  
12 I LIKED THE "NEW YORK TIMES." I DIDN'T PAY MUCH ATTENTION  
13 TO ANYTHING LOCAL NEWS, AND I NEVER WAS VERY INTERESTED IN  
14 KIND OF SENSATIONALISM, SO IT WASN'T REALLY PART OF -- NO,  
15 I DIDN'T PAY ATTENTION. I PAID ATTENTION TO THE NEWS  
16 CLIPPINGS FROM THE HOLLYWOOD ROOSEVELT, AND I READ  
17 "VARIETY" AND THE "HOLLYWOOD REPORTER" BECAUSE I NEEDED TO  
18 FOR MY JOB.

19 Q SAY NEWS CLIPPING WAS THE SOURCE OF THOSE --

20 A WELL, IN MY JOB THERE WAS A ROOM CALLED THE  
21 CENTER GRILL AT THE HOLLYWOOD ROOSEVELT. I WAS  
22 RESPONSIBLE FOR CREATING ITS ENTERTAINMENT AND BOOKING AND  
23 LAUNCHING IT AND OPENING NIGHTS AND THINGS LIKE THAT. SO  
24 I GET REVIEWS.

25 AND ALSO MY JOB WAS ABOUT DOING THINGS LIKE I  
26 HAD DAVE HOCKNEY PAINT THE SWIMMING POOL. IT WAS IN "TIME  
27 MAGAZINE." AND I HAD, YOU KNOW, I WAS ALWAYS DOING THINGS  
28 TO ATTRACT PRESS.

1                   SO MY JOB WAS REALLY TO GET PRESS FOR THE  
2 HOTEL, PART OF IT. SO I HAD TO BE -- I HAD TO BE INFORMED  
3 OF WHAT, WHAT THE FRUITS OF MY LABOR WERE, SO TO SPEAK.  
4 SO MY ASSISTANT AND THE CLIPPING SERVICE KEPT US INFORMED  
5 ON THAT LEVEL. BUT I PERSONALLY WASN'T THE ONE THAT DID  
6 THE PURSUING OF THE INFORMATION.

7                   Q       SO IS IT FAIR TO SAY THAT THE CLIPPINGS THAT  
8 YOU WOULD GET WERE BASICALLY RELATED TO THE ENTERTAINMENT  
9 WORLD?

10                  A       YES.

11                  Q       AS OPPOSED TO OTHER TYPES OF NEWS?

12                  A       THAT'S ALL IT WAS.

13                  Q       OKAY.

14                           WHAT WAS MR. LEVIN DOING, WHEN YOU SAW HIM ON  
15 SAN VICENTE?

16                  A       HE WAS OPENING A CAR DOOR AND GETTING INTO A  
17 CAR.

18                  Q       AND YOU SAID IT WAS LIKE STOP AND START  
19 TRAFFIC MORNING?

20                  A       YEAH, WELL, IT IS THE HOUR. IT WAS STOP AND  
21 START TRAFFIC.

22                           THE COURT: WHAT TIME OF DAY WAS THIS?

23                           THE WITNESS: I WOULD SAY 8:30 IN THE MORNING. I  
24 USUALLY LEFT THE HOUSE ABOUT 8:00, 8:10. I WAS AT WORK AT  
25 9:00.

26 BY MR. CRAIN:

27                  Q       AND YOU TOLD US THAT YOU HADN'T SEEN HIM FOR  
28 SEVERAL YEARS AND YOU THOUGHT BACK TO THIS EARLIER TIME IN

1 YOUR LIFE?

2 A YEAH, BECAUSE RIGHT AFTER I LEFT MR. CHOW'S I  
3 DID A FEW RESTAURANT CONSULTING JOBS IN LOS ANGELES, BUT  
4 THEN I MOVED TO NEW YORK. THEN I WORKED FOR A FILM  
5 COMPANY FOR ABOUT A YEAR, AND I WORKED -- I MOVED TO NEW  
6 YORK FOR ANOTHER LIKE TWO-MONTH PERIOD OR SOMETHING, SO I  
7 WAS KIND OF, YOU KNOW, OUT OF CIRCULATION IN THE USUAL  
8 PLACES THAT I WOULD HAVE BEEN FROM THE TIME, YOU KNOW, UP  
9 TO THE MR. CHOW PERIOD. SOME OF THE OTHER JOBS I DID WERE  
10 SETTING UP RESTAURANTS, BUT, YOU KNOW, ONE WAS A PRIVATE  
11 CLUB, AND IT WAS JUST A LITTLE BIT DIFFERENT. I DIDN'T  
12 HAVE THE SAME -- I WASN'T ACCESSIBLE IN THE SAME WAY.

13 Q NOW, ABOUT -- WAS IT AFTER THIS THAT YOUR  
14 FRIEND, DEAN PAUL MARTIN, SUFFERED HIS FATAL AIRPLANE  
15 CRASH?

16 A YES.

17 Q CAN YOU TELL US HOW LONG OR APPROXIMATELY HOW  
18 LONG, AS BEST YOU CAN RECALL?

19 A MY SENSE WAS THAT IT WAS A FEW -- WITHIN A  
20 WEEK OR TWO WEEKS BECAUSE IT WAS WHEN I TURNED ON THE  
21 TELEVISION AT 4 O'CLOCK TO SEE THE NEWS ABOUT DEAN AND  
22 THEY FLASHED THIS PICTURE OF RON LEVIN. I WAS SO  
23 SURPRISED AND FELT LIKE IT HAD BEEN QUITE FRESH. I LOOKED  
24 AT MY ASSISTANT, I SAID, "I CAN'T BELIEVE THIS. THIS GUY  
25 IS NOT DEAD. I JUST SAW HIM." IT WAS AN IMMEDIATE  
26 INSTINCT THAT -- AND THEN I LISTENED AND FOUND OUT THAT IT  
27 WAS THE BILLIONAIRE BOYS CLUB. I WAS JUST SURPRISED AT  
28 THE WHOLE THING.



1 Q LET ME STOP YOU THERE.

2 A IT WAS A BIG SURPRISE.

3 Q YOU TURNED ON A TELEVISION. WHERE WERE YOU  
4 WHEN THIS HAPPENED?

5 A IN MY OFFICE.

6 Q YOU TOLD US YOU WEREN'T A T.V. WATCHER. WHY  
7 DID YOU TURN ON THE TELEVISION?

8 A BECAUSE MY OFFICE WAS A HOTEL ROOM, AND IT  
9 HAD A T.V. IN IT JUST NATURALLY.

10 Q DID IT HAVE ANYTHING TO DO WITH MR. MARTIN?

11 A THAT'S WHY I TURNED IT ON. I TURNED ON THE 4  
12 O'CLOCK NEWS TO SEE IF THEY FOUND DEAN'S BODY.

13 Q HAD YOU ALREADY HEARD THAT HE WAS REPORTED  
14 MISSING?

15 A OH, YEAH. HE HAD BEEN MISSING FOR AT LEAST A  
16 DAY OR TWO.

17 Q HE HAD TAKEN OFF IN A PLANE?

18 A I THINK HE WAS MISSING FROM SATURDAY AND  
19 ON -- IT WAS A WORKDAY, SO IT WOULD BE MONDAY OR TUESDAY.

20 Q SO YOU WERE TRYING TO FIND OUT IF THEY HAD  
21 FOUND THE BODY; IS THAT RIGHT?

22 A YES.

23 Q IT WAS DURING THIS BROADCAST THAT YOU HEARD  
24 SOMETHING ABOUT MR. LEVIN?

25 A THEY PUT A PICTURE ON THE T.V. AND SAID, YOU  
26 KNOW, IDENTIFIED HIM AS MURDER VICTIM. I WAS JUST  
27 SHOCKED.

28 Q AND WHAT HAPPENED?

1           A       WELL, NOTHING. I JUST I LOOKED AT JAN, AND I  
2 SAID, "I DON'T BELIEVE THIS. I JUST SAW HIM AT -- IT  
3 CAN'T BE RON LEVIN." AND WITHIN EITHER THAT EVENING OR  
4 THE NEXT DAY THEY, YOU KNOW, IT WAS DISCOVERED THAT DEAN  
5 WAS -- THEY DIDN'T FIND ANY REMAINS OR WHATEVER THEY FOUND  
6 WAS, YOU KNOW, AND SO IT WAS -- I WAS JUST PRETTY  
7 PREOCCUPIED WITH WORK AND DEAN'S DEATH. YOU KNOW, WE WERE  
8 PART OF A CROWD OF PEOPLE AND IT WAS A PRETTY SAD TRAGEDY  
9 FOR ALL OF US.

10           Q       WHAT'S YOUR ASSISTANT'S FULL NAME?

11           A       JANICE WALNER. I DON'T REMEMBER HER MIDDLE  
12 NAME.

13           Q       AND SHE WAS THERE WITH YOU WHEN THE T.V.  
14 BROADCAST CAME ON?

15           A       IT WAS MY RECOLLECTION THAT SHE WAS. I  
16 TURNED TO HER AND SAID THAT. I HAVE ALWAYS FELT STRONGLY  
17 THAT THAT'S WHAT HAPPENED SO --

18           Q       NOW, AFTER THIS YOU SAID THAT HIS BODY WAS  
19 FOUND, REFERRING TO MR. MARTIN'S?

20           A       RIGHT.

21           Q       AND WHAT?

22           A       OR NONBODY.

23           Q       WELL, WHATEVER, THE REMAINS?

24           A       WHATEVER.

25           Q       THE REMAINS OF THE AIRPLANE CRASH; RIGHT?

26           A       RIGHT.

27           Q       AND WHAT OVER ALL AFFECT DID HIS DEATH,  
28 MR. MARTIN'S DEATH HAVE ON YOU?

1           A        LIKE I JUST SAID, WE WERE VERY -- THIS GROUP  
2 OF FRIENDS THAT I HAD WE WERE ALL VERY UPSET, SO IN THAT  
3 KIND OF SHOCK MOURNING MOMENT OF GETTING ORGANIZED TO GO  
4 TO A FUNERAL AND DEALING, SUPPORTING EACH OTHER BECAUSE WE  
5 WERE ALL CLOSE AND VERY SAD.

6           Q        AT SOME POINT AFTER THAT DID YOU DESCRIBE OR  
7 RELATE TO ANYONE THAT YOU HAD SEEN RON LEVIN ON  
8 SAN VICENTE THAT MORNING?

9           A        YES. A FEW -- I COMPLETELY FORGOT ABOUT THE  
10 RON LEVIN STORY, AND I WENT TO A BABY SHOWER FOR A FRIEND  
11 SOMEWHERE WITHIN A FEW WEEKS, THREE WEEKS, SOMETHING, I  
12 DON'T KNOW. I DON'T RECALL THAT TIME FRAME ANYMORE. AND  
13 I WAS SPEAKING TO ONE OF MY SISTER'S FRIENDS, A GIRL NAMED  
14 JEWEL, AND SHE ASKED ME WHAT I DID, AND I TOLD HER.

15                    I ASKED WHAT SHE DID. SHE SAID SHE WAS  
16 WORKING ON -- SHE WAS A LEGAL ASSISTANT OR SOMETHING. SHE  
17 WAS WORKING ON A KIND OF FAMOUS CASE.

18                    AND I SAID, "YEAH, WHICH ONE?"

19                    SHE SAID, "IT IS CALLED THE BILLIONAIRES BOYS  
20 CLUB."

21                    I SAID -- "MY GOD, I HAVE VERY STRANGE STORY  
22 TO TELL YOU." SO I TOLD HER THE STORY THAT I WAS DRIVING  
23 DOWN THE STREET AND I SAW HIM. I TURNED ON THE T.V. AND  
24 THEN I JUST SAID, "I AM POSITIVE HE IS NOT DEAD."

25                    SO SHE KIND OF GOT A LITTLE, YOU KNOW,  
26 UNSETTLED AND SAID, "DO YOU MIND IF I TELL THE ATTORNEY I  
27 AM WORKING FOR AND" --

28           Q        DID SHE TELL WHO THE ATTORNEY WAS SHE WAS

1 WORKING FOR?

2 A OF COURSE, I AM SURE SHE DID. I MEAN BUT --

3 Q IF I WERE TO TELL YOU A NAME WOULD THAT  
4 REFRESH YOUR RECOLLECTION?

5 A WELL, NOW I KNOW THE NAME, BUT AT THAT TIME I  
6 WOULDN'T HAVE KNOWN HIM FROM THE MAN IN THE MOON.

7 Q WELL, WHAT NAME?

8 A I THINK IT WAS MR. BRODEY.

9 Q JEFFREY BRODEY?

10 A YEAH.

11 Q SO JEWEL, HER NAME WAS JEWEL; IS THAT RIGHT?

12 A YEAH, JEWEL.

13 Q SHE SAID SHE WAS WORKING FOR MR. BRODEY, THE  
14 ATTORNEY?

15 A RIGHT.

16 Q THAT HE WAS CONNECTED WITH THIS CASE?

17 A WITH THIS CASE, YES. SHE -- I DON'T EVEN --  
18 I DIDN'T EVEN KNOW A NAME FROM THE CASE.

19 BUT ANYWAY SHE SAID, "DO YOU -- DO YOU MIND  
20 IF I TELL HIM?"

21 I SAID, "I GUESS NOT. OKAY."

22 SO SHE DID. AND HE CONTACTED ME, AND I WENT  
23 IN AND SAW HIM, AND I PROBABLY SPOKE WITH HIM FOR AN HOUR,  
24 AT LEAST AN HOUR, HOUR AND HALF OR SOMETHING. THEN WITHIN  
25 THE NEXT WEEK A PRIVATE DETECTIVE CAME OUT.

26 MR. MC MULLEN: AT THIS POINT I AM GOING TO OBJECT  
27 AS A NARRATIVE RESPONSE. IT SEEMS TO BE GOING --

28 THE COURT: PUT A QUESTION.

1 MR. CRAIN: THANK YOU

2 BY MR. CRAIN:

3 Q AFTER THAT DID YOU TALK TO ANYONE ELSE ABOUT  
4 SEEING MR. LEVIN ON SAN VICENTE?

5 A YES. I TALKED TO THIS DETECTIVE THAT CAME  
6 OUT, AND WE WENT TO THE SITE AND WE MAPPED IT OUT, OR WE  
7 LOOKED AT IT OR, YOU KNOW, I DON'T KNOW IF I HAD ONE OR  
8 TWO INTERVIEWS WITH THAT DETECTIVE OR WHOEVER THAT PERSON  
9 WAS. I ACTUALLY -- I DON'T REMEMBER WHO THAT PERSON WAS.

10 Q DO YOU KNOW IF IT WAS SOMEONE WORKING FOR  
11 MR. BRODEY OR NOT?

12 A I AM SORRY, I DON'T REMEMBER.

13 Q DO YOU KNOW IF HIS NAME WAS MR. ROHMAN? DOES  
14 THAT RING A BELL.

15 MR. KLEIN: R-O-H-M-A-N, FOR THE REPORTER.

16 THE WITNESS: I DON'T REMEMBER ANYMORE. I COULDN'T  
17 SAY TRUTHFULLY THAT WAS THE NAME. BUT I AM SURE IT IS IN  
18 THE RECORD SOMEWHERE --

19 BY MR. CRAIN:

20 Q FIRST, YOU HAD A CONVERSATION WITH MR.  
21 BRODEY, YOU TOLD HIM ABOUT SEEING MR. LEVIN; IS THAT  
22 RIGHT?

23 A YES.

24 Q THEN THEREAFTER SOME INVESTIGATOR OR  
25 DETECTIVE, AS YOU PUT IT, INTERVIEWED YOU AND EVEN WENT TO  
26 THE LOCATION ON SAN VICENTE; IS THAT RIGHT?

27 A YES.

28 Q AND PRIOR TO BEING SUMMONED AS A WITNESS IN

1 1992 IN SAN MATEO WERE YOU CALLED IN FURTHER TO GIVE AN  
2 ACCOUNT OF THIS BY ANYONE CONNECTED WITH THIS CASE, OR DID  
3 YOU TESTIFY, EITHER ONE?

4 A NOT TO MY RECOLLECTION.

5 Q ALL RIGHT.

6 ONE LAST THING HERE. WHEN YOU WERE WORKING  
7 AT THE HOLLYWOOD ROOSEVELT THERE IN THE FIRST PART OF 1987  
8 WHAT SORT OF HOURS OR HOW HARD WERE YOU WORKING?

9 A WELL, I GOT TO WORK AT 9:00 AND DEPENDING  
10 ON -- I WAS KIND OF RESPONSIBLE FOR OVERSEEING THE DINING  
11 ROOM TOO, AND I HAD TO OPEN THESE ACTS AT NIGHT, SO MY JOB  
12 WOULD GO ANYWHERE FROM 9:00 IN THE MORNING TO 9:00 AT  
13 NIGHT OR SOMETIMES 2:00 TO 3:00 IN THE MORNING. IT WOULD  
14 DEPEND ON IF WE WERE OPENING AN ACT, IF I HAD TO BE THERE  
15 FOR THE OPENING NIGHT, IF I HAD TO WATCH THE SHOW EVERY  
16 NIGHT OR BE THERE FOR THE PERFORMER, WHATEVER IT WAS.  
17 MOST PEOPLE THAT I BROUGHT IN WERE FROM NEW YORK. THEY  
18 WERE CABARET PERFORMERS.

19 Q WOULD YOU SAY YOU WERE WORKING PRETTY HARD?

20 A I WAS WORKING VERY HARD. I DIDN'T HAVE MUCH  
21 TIME TO DO ANYTHING ELSE BUT WORK.

22 Q DO YOU HAVE ANYTHING WRONG WITH YOUR VISION  
23 IN 1987?

24 A NO. I HAVE ALWAYS HAD 20/20 VISION. I DON'T  
25 KNOW, MAYBE NOW IT IS NOT BUT --

26 Q BUT IN 1987?

27 A YEAH, IT WAS.

28 Q OKAY.

1 MR. CRAIN: COULD I HAVE JUST A MOMENT, YOUR HONOR?

2 THE COURT: YES.

3

4 (PAUSE.)

5

6 MR. CRAIN: THANK YOU, YOUR HONOR.

7 I HAVE NO FURTHER QUESTIONS.

8 THE COURT: I WANT TO CLARIFY ONE THING. WHEN WAS  
9 IT THAT YOU ACTUALLY HAD THIS CONVERSATION WITH JEWEL?

10 THE WITNESS: IT WAS A FEW WEEKS, PROBABLY A FEW  
11 WEEKS AFTER DEAN HAD DIED, SOMETIME -- IT WAS IN, MAY HAVE  
12 BEEN IN THE SPRING. IT WAS ALL IN THAT PERIOD FROM LIKE  
13 THE BEGINNING OF THE YEAR UNTIL -- I THINK I LEFT THE  
14 HOLLYWOOD ROOSEVELT IN JUNE OF THAT YEAR.

15 THE COURT: YOU ARE TALKING '87?

16 THE WITNESS: YES. IT WAS ALL IN THAT TIME FRAME.

17 THE COURT: HOW LONG BETWEEN SPEAKING TO JEWEL AND  
18 SPEAKING TO MR. BRODEY?

19 THE WITNESS: PROBABLY THAT WAS ON A SATURDAY THAT  
20 I WENT TO THE BABY SHOWER. I PROBABLY SPOKE TO HIM ON  
21 MONDAY OR TUESDAY OR SOMETHING. IT WAS SHORT. I GUESS HE  
22 WAS IN THE MIDDLE OF PREPARING FOR TRIAL, OR HE WAS IN  
23 TRIAL OR SOMETHING.

24 THE COURT: HOW LONG BETWEEN SPEAKING TO MR. BRODEY  
25 AND SPEAKING TO THE PRIVATE INVESTIGATOR?

26 THE WITNESS: IT WAS ALL QUITE QUICKLY. I MEAN,  
27 AFTER THE TIME THAT IT CAME TO MR. BRODEY'S ATTENTION,  
28 THEY SAW ME, YOU KNOW, THEY TOOK ALL THAT STUFF WITHIN,

1 YOU KNOW, I WOULD SAY WITHIN A WEEK OR TEN DAYS,  
2 SOMETHING, IT WAS ALL -- IT HAPPENED SIMULTANEOUSLY.

3 THE COURT: CROSS EXAMINATION?

4 MR. CRAIN: CAN I ASK ONE FURTHER QUESTION?

5 THE COURT: GO AHEAD.

6

7 DIRECT EXAMINATION CONTINUED +

8

9 BY MR. CRAIN:

10 Q TODAY DID YOU LOOK AT ANY COPIES OF ANY  
11 ARTICLES THAT REFRESH YOUR RECOLLECTION IN ANY WAY ABOUT  
12 WHEN MR. MARTIN DIED IN 1987?

13 A JUST THAT ONE THAT YOU SHOWED ME THAT WAS,  
14 YOU KNOW, OF DEAN, AND I JUST KIND OF LOOKED AT THE  
15 PICTURE.

16 Q DID THAT IN ANY WAY -- DO YOU KNOW WHAT DAY  
17 HE DIED?

18 A I THINK THAT SAID MARCH 21ST.

19 Q 1987?

20 A YES.

21 Q DID THAT SEEM TO FIT YOUR RECOLLECTION OF THE  
22 TIME FRAME?

23 A YES. THAT WOULD FIT PERFECTLY.

24 MR. CRAIN: OKAY.

25 NOTHING FURTHER.

26 THE COURT: MR. MC MULLEN?

27 MR. MC MULLEN: THANK YOU

28



## CROSS-EXAMINATION @

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

BY MR. MC MULLEN:

Q MA'AM, DURING YOUR TESTIMONY YOU MENTIONED THE BILLIONAIRES BOYS CLUB CASE. WHEN DID YOU FIRST BECOME AWARE OF THAT CASE?

A I DON'T KNOW.

Q HAD YOU EVER HEARD OF -- WELL, PRIOR TO THE SIGHTING YOU TESTIFIED TO DID YOU HAVE ANY KNOWLEDGE OF THE B.B.C. OR BILLIONAIRE BOYS CLUB, EVER HEARD ANYTHING ABOUT IT?

A I AM SURE I HEARD OF THE BILLIONAIRES BOYS CLUB. IT WASN'T A TOTALLY UNFAMILIAR NAME. WHEN IT CAME ON THE SCREEN IT WAS RON LEVIN THAT WAS IDENTIFIED. I WAS JUST SURPRISED THAT HE WAS IDENTIFIED IN RELATION TO THEM.

Q WHERE HAD YOU RECEIVED INFORMATION ABOUT THE B.B.C. OR BILLIONAIRE BOYS CLUB PRIOR TO THE TIME OF THAT, THE SIGHTING THAT YOU HAVE TESTIFIED TO?

A THAT WOULD JUST BE THROUGH GENERAL INFORMATION BEING TALKED ABOUT AT DINNER TABLES OR JUST GENERAL INFORMATION ABOUT A PERIOD OF TIME LIKE A LOT OF NEWS WHEN YOU ARE IN PUBLIC BUSINESS YOU OFTEN GET A LOT OF INFORMATION JUST, YOU KNOW, YOU JUST TALK TO PEOPLE ALL DAY. THEY SAY, "DID YOU SEE THAT MOVIE? DID YOU HEAR WHAT HAPPENED TO SO AND SO? CAN YOU BELIEVE WHAT THEY JUST DID? DID YOU BELIEVE THAT ABOUT JACKIE O?" YOU DIDN'T HAVE TO READ ABOUT JACKIE O TO KNOW THAT. YOU GET IN A CAB AND THE CAB DRIVER ASKED YOU IN NEW YORK. IT IS

1 JUST COMMON KNOWLEDGE.

2 Q THE BILLIONAIRES BOYS CLUB CASE WAS A REAL  
3 BIG CASE BACK AT THE TIME OF YOUR SIGHTINGS?

4 A I AM SURE IT WAS. SO I AM SURE THAT'S WHERE  
5 I GOT THE INFORMATION FROM. IT WASN'T BECAUSE I WAS  
6 READING OR WATCHING IT ON THE NEWS.

7 Q IT IS POSSIBLE YOU COULD HAVE SEEN IT ON THE  
8 NEWS, YOU REALLY DON'T KNOW?

9 A I DIDN'T WATCH THE NEWS. THE ONLY TIME I  
10 EVER WATCHED THE NEWS IN THAT WHOLE PERIOD WAS JUST TO SEE  
11 ABOUT DEAN, OTHERWISE I NEVER GOT NEAR A T.V..

12 Q WHAT WAS THE DAY OF THE WEEK THAT THE  
13 SIGHTING OCCURRED?

14 A LIKE I SAID, IT WAS EITHER ON MONDAY OR A  
15 TUESDAY BECAUSE DEAN WAS MISSING ON A SATURDAY, AND IT WAS  
16 A WORKDAY BECAUSE I WAS -- THE SIGHTING? THE SIGHTING?

17 Q YES.

18 A I DON'T KNOW. IT WAS MONDAY THROUGH FRIDAY.  
19 IT WAS DURING RUSH-HOUR TRAFFIC. THAT I DON'T REMEMBER.

20 Q AND YOU TESTIFIED, I THINK, 1970, '71 YOU  
21 CAME IN CONTACT WITH MR. RON LEVIN AT THIS BOUTIQUE?

22 A RIGHT.

23 Q ABOUT HOW MANY TIMES DID YOU SEE HIM AT THAT  
24 BOUTIQUE?

25 A YOU SEE, THAT'S WHAT I WAS TRYING TO EXPLAIN  
26 ABOUT. WHEN A PLACE IS A HANG OUT AND PEOPLE JUST,  
27 CLIQUES OF PEOPLE GO THERE AND THEY TOUCH BASE. SATURDAY  
28 AFTERNOONS WAS A BIG TIME, EVERYBODY IN BEVERLY HILLS USED

1 TO COME TO THEODORE'S ON SATURDAY. I DON'T KNOW. YOU  
2 KNOW, HE WAS JUST AROUND. IT WAS LIKE MAYBE YOU WOULD SEE  
3 HIM ONCE A WEEK, MAYBE YOU WOULD SEE HIM THREE TIMES IN A  
4 DAY, MAYBE ONCE, NOT SEE HIM FOR A MONTH. I MEAN, HE WAS  
5 JUST KIND OF A CHARACTER AROUND IN YOUR ENVIRONMENT, YOU  
6 KNOW.

7 IT WAS A STREET ENVIRONMENT. NEXT DOOR THERE  
8 WAS VIDAL SASSOON'S SALON, JEAN KACHO WAS THE HAIRDRESSER  
9 UPSTAIRS AND THE CANDY STORE WAS A HOT LITTLE CLUB. IT  
10 WAS ALL THIS LITTLE -- IT WAS JUST A LITTLE AREA OF STREET  
11 LIFE IN L.A., WHICH WAS KIND OF DIFFICULT TO SAY THAT IT  
12 WAS STREET LIFE, BUT IT WAS.

13 Q DID YOU EVER SEE HIM EARLY IN THE MORNING IN  
14 THE BOUTIQUE?

15 A WELL, THE BOUTIQUE PROBABLY DIDN'T OPEN UNTIL  
16 10:00, I DON'T THINK. SO EARLY IN THE MORNING, NO, I  
17 DON'T FEEL LIKE HE WOULD -- I DON'T KNOW. I MEAN, THE  
18 BOUTIQUE DIDN'T USUALLY GET BUSY WITH MEN UNLESS IT WAS ON  
19 THE WEEKEND OR IN THE AFTERNOONS, AND IF THEY WERE MEN IN  
20 THE FASHION INDUSTRY THEY WOULD START TO COME MAYBE AROUND  
21 IN THE AFTERNOON.

22 USUALLY IN BOUTIQUES WOMEN COME IN THE  
23 MORNING TO TRY ON CLOTHES, THEY PUT THEIR KIDS TO SCHOOL  
24 AND THEY COME IN. IT IS USUALLY WOMAN IN THE MORNING. I  
25 WOULDN'T SAY THAT I SAW THAT MANY MEN AROUND IN THE  
26 MORNING, BUT THAT'S JUST --

27 Q I TAKE IT WHEN HE WOULD COME INTO THE  
28 BOUTIQUE HE WOULD HAVE SOME CASUAL CONVERSATION WITH YOU?

1           A           WHOEVER WAS AROUND. HE MIGHT TALK TO  
2 HERBERT. I DON'T KNOW. HE MIGHT HAVE TALKED TO, YOU  
3 KNOW, THE MANAGER OF THE STORE, ONE OF THE THREE OR FOUR  
4 SALES GIRLS, THE JEWELRY CONCESSION.

5           Q           ON A CERTAIN LEVEL YOU GOT TO KNOW HIM A  
6 LITTLE BIT IN TERMS OF THE CONTACT THAT YOU HAD WITH HIM  
7 AT THE BOUTIQUE.

8           A           JUST BY INSTINCT AND OBSERVATION OTHER THAN  
9 THE MOST SUPERFICIAL CONVERSATION, NOT THROUGH, YOU KNOW,  
10 NOTHING ABOUT HIS FAMILY OR WHERE HE LIVED OR WHAT HE DID  
11 FOR THE A LIVING, OR WE DIDN'T REALLY, NOT TO MY  
12 RECOLLECTION, HAVE ANY IN-DEPTH KIND OF CONVERSATION.

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

14           MR. MC MULLEN: YES.

15

16                       (PAUSE.)

17

18           THE COURT: MR. CRAIN, YOUR SECRETARY CALLED.  
19 DIVISION 60 THAT HAS BEEN CALLING. THEY NEED YOU OR  
20 SOMEONE FROM YOUR OFFICE.

21           MR. CRAIN: I LEFT HER A NOTE. DO I NEED TO GET ON  
22 THE PHONE?

23           THE COURT: NO. NO. THEY SAID THAT THEY WANT A  
24 LIVE HUMAN BEING TO SHOW UP IN DIVISION 60.

25                       YOU WANT TO KICK MR. KLEIN FREE TO GO DOWN  
26 AND SEE IF HE CAN GET YOU OUT OF TROUBLE?

27           MR. CRAIN: COULD I HAVE A MOMENT WITH MR. KLEIN?

28           THE COURT: SURE.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

(PAUSE.)

MR. KLEIN: CAN I MAKE A QUICK PHONE CALL, YOUR HONOR?

THE COURT: SURE.

GO AHEAD, MR. MC MULLEN.

MR. CRAIN: THANK YOU  
BY MR. MC MULLEN:

Q LET ME BACK UP. YOU DIDN'T REMEMBER THE DATE OF THE SIGHTING, THE ACTUAL DAY WAS A WEEKEND OR WEEKDAY?

A IT WAS DEFINITELY A WEEK DAY. I WAS ON MY WAY TO WORK.

Q WITH RESPECT TO YOUR KNOWLEDGE ABOUT THE B.B.C. OR BILLIONAIRE BOYS CLUB CASE, DID YOU EVER LISTEN TO NEWS OR RADIO NEWS AT THAT TIME?

A I LISTENED TO --

MR. CRAIN: AT WHAT TIME? OBJECTION -- EXCUSE ME.

THE WITNESS: I LISTEN TO RADIO.

THE COURT: FOCUS AS TO WHAT TIME THAT TIME IS.

BY MR. MC MULLEN:

Q AROUND THE TIME OF THE SIGHTING OR PRIOR TO THE SIGHTING ESPECIALLY.

A IT WOULD BE FAIR TO SAY THAT I LISTENED TO THE RADIO OR TO MUSIC IN MY CAR EVERY DAY.

Q SO IS IT POSSIBLE YOU COULD HAVE HEARD SOME NEWS OVER THE RADIO?

A I PROBABLY LISTENED TO AN OLDIES STATION OR CLASSICAL MUSIC STATION. AND I WOULD LISTEN TO TAPES

1 BECAUSE I HAD TO LISTEN TO TAPES FOR PEOPLE SO THAT THOSE  
2 WOULD HAVE BEEN MY INFORMATION SOURCES. THEY WOULD  
3 HAVE -- I DON'T BELIEVE -- IT WOULDN'T BE LIKE K.C.R.W.  
4 THAT'S A LOT OF NEWS THAT I DO LISTEN TO TODAY.

5 Q WHAT ABOUT MAGAZINES, NEWSPAPERS, NEWS  
6 MAGAZINES, "NEWS WEEK"?

7 A THE THING WAS -- WELL, I READ THE "NEW YORK  
8 TIMES," I THINK. IT IS HARD TO REMEMBER EXACTLY. I  
9 DIDN'T HAVE A LOT OF TIME TO DO ANYTHING EXCEPT WORK AND  
10 READING WAS, LIKE I SAID, THE INFORMATION THAT I GOT WAS  
11 THROUGH NEWS CLIPPINGS OR -- IT WAS JUST A REALLY BUSY  
12 PERIOD. I DIDN'T HAVE A LOT OF TIME TO READ.

13 MR. MC MULLEN: EXCUSE ME, YOUR HONOR.

14 THE WITNESS: I DON'T KNOW IF I SUBSCRIBED TO  
15 MAGAZINES THEN OR NOT. I DON'T REMEMBER.

16 BY MR. MC MULLEN:

17 Q GETTING BACK TO WHERE WE LEFT OFF BEFORE WE  
18 WERE INTERRUPTED. YOU GOT TO KNOW RON ON A CERTAIN LEVEL  
19 FROM YOUR CASUAL CONTACT WITH HIM AT THE BOUTIQUE?

20 A YES.

21 Q YOU SAID SOMETHING, SOMETHING ABOUT DISTINCT  
22 AND YOUR OBSERVATIONS OF HIM; IS THAT CORRECT?

23 A YES.

24 Q DID RON LEVIN STRIKE YOU AS A REAL EARLY  
25 MORNING KIND OF PEOPLE?

26 MR. CRAIN: OBJECTION. I DON'T KNOW WHAT THAT  
27 MEANS.

28 THE COURT: SUSTAINED.

1 ME NEITHER.

2 BY MR. MC MULLEN:

3 Q HOW DID HE DRESS BACK THEN AT THE BOUTIQUE  
4 WHEN YOU SAW HIM THEN?

5 A WELL, HE WAS VERY WELL DRESSED, ON THE TRENDY  
6 SIDE. HE WAS NOT A CONSERVATIVE. LIKE I SAID BEFORE, HE  
7 WAS NOT -- IF IT WERE TODAY HE WOULD HAVE PROBABLY BEEN  
8 WEARING ARMAMI, VERROCCHIO -- MAYBE EVEN A LITTLE  
9 VERROCCHIO. HE WAS KIND OF HIP, NOT PREPPIE OR  
10 CONSERVATIVE, LET'S SAY THAT. HE COULD BE IN CASUAL  
11 CLOTHES, BUT HE WOULD BE VERY WELL DRESSED.

12 Q YOU TESTIFIED ON DIRECT THAT YOU THOUGHT THAT  
13 RON LEVIN WAS AN ODDBALL. WHAT DO YOU MEAN BY THAT? WHY  
14 DID YOU THINK HE WAS AN ODDBALL?

15 A HE WAS. HE SLINKED AROUND, HE ALWAYS KIND OF  
16 A LITTLE BIT -- HE ALWAYS HAD A SLIGHTLY SUSPICIOUS AURA  
17 ABOUT HIM. HE WASN'T SOMEBODY THAT YOU WOULD EMBRACE AND  
18 TRUST AND GIVE LIKE -- HE JUST WASN'T A REAL TRUSTWORTHY  
19 LOOKING CHARACTER IN LIFE. HE ALWAYS HAD THAT BIT OF A  
20 WILD CARD ABOUT HIM. YOU WOULD EXPECT THE GUY COULD DO  
21 ALMOST ANYTHING.

22 Q YOU WERE SUSPICIOUS OF HIM?

23 A WELL, YEAH. SUSPICIOUS? I DIDN'T HAVE ANY  
24 REASON TO BE SUSPICIOUS OF HIM. I WASN'T CULTIVATING HIM  
25 AS A FRIEND THAT I WOULD HAVE FELT SAFE AND PROTECTED  
26 WITH IN LIFE. I MEAN, HE JUST WASN'T DEAN PAUL. HE  
27 WASN'T ONE OF MY FRIENDS. HE WAS A PERSON THAT I KNEW  
28 JUST THROUGH HAPPENSTANCE.

1 Q YOU ALSO TESTIFIED THAT HE WAS A DISTINCTIVE  
2 PERSON. I THINK THOSE ARE THE WORDS YOU USED. I AM NOT  
3 SURE. HOW WAS IT THAT HE WAS DISTINGUISHED OR  
4 DISTINCTIVE?

5 A IT WAS IN HIS BEARING, IT WAS IN HIS LOOK, IT  
6 WAS IN HIS ATTITUDE. HE JUST HAD A CERTAIN KIND OF -- YOU  
7 KNOW, PEOPLE EXUDE DIFFERENT KINDS OF -- WE ALL HAVE  
8 DIFFERENT KINDS OF PRESENCE. HIS PARTICULAR PRESENCE WAS  
9 A LITTLE BIT OFF. HE WAS A LONER. HE WAS IN HIS OWN --  
10 HE WAS APART FROM THE CROWD. HE WASN'T PART OF ANY  
11 PARTICULAR CLIQUE. HE WOULD SOMETIMES BE WITH ONE OR TWO  
12 PEOPLE, BUT HE WOULD OFTEN BE ALONE. HE WAS JUST NOT --  
13 HE WASN'T LIKE THAT SOCIALIZED. HE WAS KIND OF A LITTLE,  
14 I DON'T KNOW HOW TO SAY IT -- HE WAS AN ODDBALL.

15 Q YOU ALSO TESTIFIED THAT HE WAS A SLIPPERY  
16 GUY. WHY DO YOU SAY HE AS A SLIPPERY GUY?

17 A BECAUSE EVERY TIME YOU THINK OF RON LEVIN  
18 WALK INTO A ROOM OR COMING INTO THE RESTAURANT OR  
19 SOMETHING HE IS ALWAYS KIND OF LIKE THIS MOTION  
20 (INDICATING). IT IS KIND OF LIKE A SNAKE THING. HE WOULD  
21 JUST SLINK IN. HE WAS ALWAYS JUST LIKE A SLIPPERY KIND OF  
22 GUY. I DON'T KNOW. HE HAD SOMETHING A LITTLE BIT, YOU  
23 KNOW, LIKE THAT ABOUT HIM, LIKE A CON MAN. SOMETHING  
24 JUST --

25 Q WAS THERE SOMETHING HE SAID TO YOU THAT LED  
26 YOU TO BELIEVE THIS?

27 A NO. JUST THE WAY HE LOOKED AND HE BEHAVED.  
28 HE JUST HAD THAT VIBE. I DON'T KNOW HOW ELSE TO EXPLAIN.



1 I HATE TO SAY VIBE. HIS PRESENCE KIND OF JUST EXUDED IT.

2 Q ON THE DAY YOU WERE DRIVING TO WORK AND ABOUT  
3 WHICH YOU HAVE TESTIFIED, THE SIGHTING YOU HAD, WHAT WAS  
4 THE WEATHER LIKE?

5 A I RECALL IT BEING A SUNNY DAY, BUT, YOU KNOW,  
6 THAT'S KIND OF A JOKE IN LOS ANGELES SO --

7 Q WERE YOU WEARING DARK GLASSES?

8 A CHANCES ARE I WAS. I USUALLY ALWAYS WEAR  
9 SUNGLASSES.

10 Q IN FACT, YOU WERE DRIVING INTO THE SUN, WERE  
11 YOU NOT?

12 A DEPENDS ON WHERE THE SUN WAS. I DON'T  
13 REMEMBER THE SUN LIKE BEING GLARING IN MY EYE. I WAS  
14 DRIVING, YOU KNOW, AT ONE POINT ON SAN VICENTE. I DON'T  
15 KNOW EXACTLY WHERE THE SUN WAS. I KNOW I LOOKED OVER AND  
16 I CLEARLY SAW RON LEVIN, AND I LOOKED BACK AND I KEPT  
17 DRIVING. I DON'T REMEMBER A GLARE GOING LIKE SEEING  
18 SOMEBODY THROUGH A HAZE OR CLEAR.

19 THE COURT: THE RECORD WILL REFLECT SHE LOOKED  
20 OVER, SHE LOOKED OVER TOWARDS HER RIGHT.

21 THE WITNESS: THANK YOU.

22 I DID OVER TO MY RIGHT.

23 BY MR. MC MULLEN:

24 Q YOU WERE DRIVING TOWARDS THE EAST; RIGHT?

25 A I WAS HEADING IN THAT DIRECTION.

26 Q IT WAS ABOUT 8:30 IN THE MORNING?

27 A RIGHT.

28 Q YOU SAY -- DID YOU ACTUALLY LOOK OVER TO YOUR

1 RIGHT WHEN YOU SAW THIS MAN?

2 A YEAH, BECAUSE I AM SURE I WAS LIKE DRIVING  
3 AND I WAS PROBABLY SLOWED DOWN, AND I JUST LOOKED OVER  
4 LIKE I AM LOOKING AT THE JUDGE AND I JUST GLANCED OVER  
5 AND, YOU KNOW, HOW YOU KIND OF TURN YOUR HEAD AND YOU LOOK  
6 OUT THE WINDOW AND THERE HE WAS. SO I SAID, "OH, MY GOD,  
7 THERE'S RON LEVIN. I HAVEN'T SEEN THAT GUY FOR A LONG  
8 TIME." I TURNED ROUND AND BACK, AND I KEPT DRIVING. IT  
9 WAS A PRETTY SIMPLE. THAT'S ALL I DID.

10 Q SO DID YOU HONK YOUR HORN RIGHT THEN?

11 A NO.

12 Q WHAT WAS THIS MAN WEARING?

13 A I DON'T REMEMBER ANYMORE.

14 Q DID HE SEEM TO HAVE A SUIT ON OR --

15 A I DON'T THINK SO, NOT A SUIT. I REMEMBER  
16 HIM -- MY SENSE IT WAS THAT IT WAS A CASUAL SOMETHING,  
17 BUT, YOU KNOW, MAYBE EVEN A LITTLE CASUAL SHIRT, BUT I  
18 CAN'T SAY THAT I KNOW THAT. FIRST OF ALL, HE WAS WALKING  
19 TOWARDS THE CAR AND LIKE OPENING THE CAR DOOR. I  
20 BASICALLY SAW HIM FROM HERE UP LIKE HIS HEAD (INDICATING).

21 THE COURT: INDICATING SHOULDERS UP.

22 THE WITNESS: THAT'S ALL THAT I SAW, SO I DIDN'T  
23 REALLY --.

24 MR. CRAIN: COULD SHE INDICATE AGAIN? WITHOUT  
25 WANTING TO NITPICK WITH THE COURT I THINK IT WAS SOMEWHAT  
26 BELOW THE SHOULDERS.

27 THE WITNESS: WHATEVER. BUT MY RECOLLECTION --

28 THE COURT: HOLD ON.

1 MR. CRAIN: DID -- COULD SHE INDICATE AGAIN?

2 THE COURT: SHOW ME THE AREA OF HIS BODY THAT YOU  
3 SAW.

4

5 (WITNESS COMPLIES.)

6

7 THE WITNESS: WELL, YOU KNOW, LIKE I AM THINKING IT  
8 IS -- I HAVE HERE -- IT IS LIKE HERE (INDICATING).  
9 SHOULDERS, HEAD (INDICATING).

10 THE COURT: OKAY.

11 SHOULDERS, HEAD UP.

12 THE WITNESS: OKAY. YOU KNOW --

13 MR. MC MULLEN: THANK YOU.

14 BY MR. MC MULLEN:

15 Q SO HE WAS GETTING INTO HIS CAR, WHEN YOU SAW  
16 HIM?

17 A YES. A CAR. I WOULDN'T KNOW IF IT WAS HIS.

18 Q GETTING INTO A CAR.

19 WHAT KIND OF CAR WAS IT?

20 A MY RECOLLECTION WAS IT WAS ONE OF THOSE  
21 CLASSIC BROWN MERCEDES CONVERTIBLES --

22 Q WAS THE TOP --

23 A -- OR SOMETHING, BUT THE BIG SEDAN ONE.  
24 THE TOP WAS UP.

25 Q I AM SURE THE REPORTER WOULD REALLY  
26 APPRECIATE IT IF YOU WOULD WAIT FOR ME TO FINISH MY  
27 QUESTION.

28 A SORRY.

1 Q THANK YOU.

2 SO YOU WERE ACTUALLY LOOKING AT HIM FROM THE  
3 SIDE, WEREN'T YOU? AS HE WAS GETTING INTO HIS CAR YOU SAW  
4 HIS PROFILE?

5 A YEAH. I AM SURE I SAW HIS PROFILE, BUT I AM  
6 MOVING TOO, YOU KNOW, THE CAR IS MOVING. I THINK I SAW  
7 ALL OF HIM, HIS FACE MIGHT HAVE STARTED AT THE PROFILE,  
8 BUT I JUST REMEMBER SEEING HIS FACE. IF I WAS LOOKING AT  
9 THE JUDGE RIGHT NOW, YOU KNOW, MAYBE I WOULD COME IN  
10 SEEING THE SIDE OF HIS FACE, BUT I SAW HIS FACE.

11 Q SO YOU ARE MOVING --

12 MR. CRAIN: I DIDN'T GET ALL OF THE ANSWER. COULD  
13 WE HAVE --

14 THE COURT: I THINK SHE DROPPED OFF.

15 THE WITNESS: WELL, I AM JUST IN TRYING TO  
16 ASCERTAIN WHETHER IT IS A PROFILE OR THREE-QUARTERS OR  
17 FRONT FACE MY SENSE WAS THAT I REALLY SAW HIS FACE, SO I  
18 DON'T -- IT WAS ALSO A LONG TIME AGO, SO TODAY TO SIT HERE  
19 AND TELL YOU THAT IT WAS PROFILE WOULD BE KIND OF  
20 DISHONEST. I DON'T -- I -- JUST MY RECOLLECTION IS THAT I  
21 SAW RON LEVIN VERY CLEARLY, AND I JUST DROVE ON.

22 BY MR. MC MULLEN:

23 Q WAS THE CAR DOOR OPEN?

24 A YEAH. YES, IT WAS, LIKE HE JUST LIKE OPENED  
25 THE DOOR AND WAS GETTING IN. IT WAS THAT MOMENT WHEN YOU  
26 PULL OPEN YOUR DOOR AND YOU GO TO GET IN (INDICATING).

27 Q SO YOU WERE MOVING, YOU ARE DRIVING AND HE  
28 WAS MOVING GETTING INTO THE CAR; CORRECT?

1           A        YEAH. YOU UNLOCK THE DOOR, YOU OPEN THE DOOR  
2 AND THEN YOU GET IN. YEAH. I MEAN, HE COULD HAVE BEEN IN  
3 SOME FORM OF MOTION. I WOULD PRESUME HE IS, SINCE WHEN  
4 YOU ARE GETTING INTO A CAR YOU ARE USUALLY DOING ONE STEP  
5 AFTER THE OTHER.

6           Q        THE CAR DOOR THAT WAS, THAT WAS OPENING THAT  
7 HE WAS GETTING INTO, WAS THAT WINDOW OPENED OR CLOSED?

8           A        I DON'T REMEMBER.

9           Q        WHERE WAS THE CAR PARKED IN RELATION TO YOUR  
10 VEHICLE?

11          A        IT WAS FACING THE STREET. IT WAS PARKED IN A  
12 PARKING SLOT. THERE WAS LIKE A LITTLE LOW HEDGE, I THINK  
13 A LITTLE LOW HEDGE, MAYBE A LITTLE GRASS ON THE SIDEWALK  
14 OR SOMETHING. IT WAS THAT CAR THAT FACES THE STREET WHEN  
15 YOU PARK.

16          MR. MC MULLEN: AND, YOUR HONOR, MAY I APPROACH THE  
17 WITNESS?

18          THE COURT: YES.

19          MR. MC MULLEN: I HAVE HERE EXHIBIT MM, WHICH IS A  
20 PHOTOGRAPH.

21          THE COURT: DOUBLE M YOU SAID?

22          MR. MC MULLEN: YES, DOUBLE M. I HAVE SHOWN IT TO  
23 COUNSEL.

24

25                   (MARKED FOR ID = RESPONDENT'S MM,  
26 PHOTOGRAPH.)

27

28          MR. CRAIN: YOUR HONOR, COULD WE HAVE SOMETHING FOR

1 THE RECORD ABOUT WHEN THIS PHOTOGRAPH WAS TAKEN? I  
2 BELIEVE IT WAS TAKEN ONLY RECENTLY, SO I AM NOT REALLY  
3 SURE IT HAS ANY --

4 THE COURT: LET ME HEAR THE QUESTION.

5 MR. CRAIN: I DON'T THINK IT REALLY CAN BE USED IN  
6 QUESTIONING A WITNESS ABOUT AN EVENT THAT HAPPENED NINE  
7 YEARS AGO.

8 THE COURT: LET ME HEAR THE QUESTION. IF ITS GOING  
9 TO SHOW WHERE SAN -- WE KNOW SAN VICENTE EXISTS.  
10 BY MR. MC MULLEN:

11 Q DO YOU RECOGNIZE WHAT'S DEPICTED IN DOUBLE M,  
12 RESPONDENT'S DOUBLE M?

13 THE COURT: I TAKE IT I DO NOT HAVE A COPY OF MM?

14 MR. MC MULLEN: NOT AN EXACT COPY, YOUR HONOR. I  
15 DO HAVE ONE THAT IS VERY CLOSE.

16 THE COURT: WELL, I AM THE TRIER OF FACT. IT MIGHT  
17 BE HELPFUL IF YOU FOLKS GAVE ME EXHIBITS. I DO NOT WANT  
18 TO SEE ANYTHING DIFFERENT THAN, OTHER THAN WHAT THE  
19 WITNESS IS SEEING.

20 THE WITNESS: YOU WANT TO SEE --

21 THE COURT: YES. LET ME SEE WHAT YOU HAVE.

22 THE WITNESS: PLEASE.

23 YOU TELL ME. EVERYTHING ON IT LOOKS FAMILIAR  
24 BUT --

25 THE COURT: IT IS AN AERIAL VIEW OF A STREET.

26 THE WITNESS: YEAH. BUT I GUESS I AM NOT USED TO  
27 LOOKING AT IT FROM THIS POINT OF VIEW. SO I AM NOT QUITE  
28 SURE.

1 BY MR. MC MULLEN:

2 Q OKAY.

3 DO YOU SEE SORT OF --

4 A THIS IS SAN VICENTE. I AM PRESUMING THIS IS  
5 SAN VICENTE.

6 Q DOES THAT APPEAR TO BE SAN VICENTE TO YOU?

7 A WELL, THIS IS HOW SAN VICENTE IS USUALLY  
8 PLANTED WITH THESE TREES IN THE MIDDLE.

9 Q OKAY.

10 A BUT I AM JUST TRYING TO FIGURE OUT --

11 MR. CRAIN: MAY I APPROACH THE WITNESS WHILE SHE IS  
12 IDENTIFYING THE PHOTO?

13 THE COURT: YES.

14 BY MR. MC MULLEN:

15 Q DIRECTING YOUR ATTENTION TO SORT OF THE  
16 MIDDLE LEFT OF THE PHOTOGRAPH. DO YOU SEE WHAT APPEARS TO  
17 BE A PARKING LOT THERE?

18 A OH, THIS IS THE PARKING LOT WHERE I SAW RON.  
19 MAYBE THIS IS WHERE YOU MAKE THAT TURN. ALL RIGHT. SO AM  
20 I LOOKING AT THIS -- TUSCANO'S IS NOW THERE, THAT SHOPPING  
21 CENTER IS HERE NOW (INDICATING).

22 THE COURT: YOU ARE THE WITNESS. YOU NEED TO TELL  
23 US. IF YOU DON'T HAVE ANY RECOLLECTION --

24 THE WITNESS: I MEAN, IF I AM COMING UP SAN VICENTE  
25 THIS IS -- IF THIS IS SAN VICENTE I AM COMING UP THIS WAY  
26 (INDICATING).

27 THE COURT: INDICATING FROM THE TOP TOWARDS THE  
28 MIDDLE OF EXHIBIT MM.

1 THE WITNESS: AND THIS IS THE SHOPPING CENTER  
2 (INDICATING).

3 MR. CRAIN: INDICATING THE BUILDING. YOU ARE  
4 POINTING TO THAT SORT OF A REDDISH ROOF TO THE LEFT OF --

5 THE WITNESS: OKAY. I GUESS.

6 THE COURT: -- LEFT CENTER.

7 YES.

8 MR. CRAIN: THANK YOU.

9 THE WITNESS: OKAY. SO THAT -- ALL RIGHT. I CAN  
10 LOOK AT THAT FROM THAT POINT OF VIEW. I WAS LOOKING --  
11 THIS IS WHAT WAS THROWING ME OFF. I AM USED TO LOOKING AT  
12 SAN VICENTE. I WAS COMING THIS WAY, RIGHT THIS WAY I WAS  
13 GOING, AND I SAW HIM HERE SOMEWHERE (INDICATING).

14 MR. MC MULLEN: SHE IS TAKING HER FINGER --

15 MR. CRAIN: CAN WE HAVE SOMETHING FOR THE RECORD?

16 THE COURT: YES.

17 WHY DON'T YOU PUT A "L" WHERE YOU SAY YOU SAW  
18 MR. LEVIN.

19

20 (WITNESS COMPLIES.)

21

22 THE WITNESS: OKAY. I GUESS IT WAS SOMEWHERE  
23 AROUND HERE WHERE THAT WHITE THING IS, SOMEWHERE IN HERE,  
24 ANYWHERE ALONG THIS, ANYWHERE ALONG HERE (INDICATING).

25 THE COURT: WHY DON'T YOU DRAW AN "L" AND PUT A  
26 CIRCLE AROUND IT SO IT STANDS OUT.

27 THE WITNESS: SEEMS TO ME --

28 MR. CRAIN: IS THAT GOING TO REMAIN ON THE PHOTO,



1 IS THAT ONE OF THOSE POINTS?

2 THE COURT: IT IS A BALLPOINT, IT SHOULD DIG IN.

3 MR. CRAIN: OKAY.

4 THE WITNESS: OKAY. SO I WOULD SAY IT WAS ON THIS  
5 SIDE (INDICATING).

6 THE COURT: LET ME MAKE SURE WE GOT A MARK.

7 THE WITNESS: DOES THAT LOOK --

8 THE COURT: THERE IS A MARK ON THAT WITH A "L" IN A  
9 CIRCLE.

10 MR. MC MULLEN: MAY I JUST HAVE A MOMENT, YOUR  
11 HONOR?

12

13 (PAUSE.)

14

15 BY MR. MC MULLEN:

16 Q SO YOU HAVE INDICATED BY PLACING A CIRCLE  
17 AROUND THE "L" THAT'S WHERE THE CAR IS WHERE YOU SAW THIS  
18 MAN?

19 A SOMEWHERE, YEAH, SOMEWHERE. IF THIS IS THAT  
20 SHOPPING CENTER WHERE -- ACROSS FROM TUSCANO'S NOW, THIS  
21 THE CURB THAT TAKES YOU AROUND AND GETS ON WILSHIRE, IF  
22 THAT'S WHERE THAT IS, THEN THAT'S THE SHOPPING CENTER.

23 MR. CRAIN: THE WITNESS IS POINTING TO THE LEFT AS  
24 SHE SAID TOWARDS WILSHIRE, YOUR HONOR, FOR THE RECORD.

25 THE COURT: YES.

26 THE WITNESS: I WAS IN THE RIGHT LANE. I LOOKED  
27 OVER ACROSS THIS SIDEWALK IN THAT PARKING LOT THEN. THE  
28 SLOTS ARE FACING THE STREET, SO HE WAS IN ONE OF THOSE

1 SLOTS FACING THE STREET.

2 MR. CRAIN: SHE SAID "THAT PARK." I BELIEVE SHE IS  
3 INDICATING THE PARKING LOT WHERE SHE DREW THE "L".

4 THE COURT: YES.

5 BY MR. MC MULLEN:

6 Q WHEN YOU SAW THE MAN WHAT WAS HIS HAIR LIKE?  
7 WHAT WAS THE STYLE OF HIS HAIR?

8 A YOU KNOW, HE HAD PREMATURE GRAY HAIR, ALWAYS  
9 KIND OF LIKE THIS.

10 THE COURT: INDICATING EXHIBIT 1.

11 BY MR. MC MULLEN:

12 Q THE WAY HIS HAIR --

13 A IT WAS, YOU KNOW, HE SLICKED BACK HIS HAIR A  
14 BIT. HE DIDN'T HAVE BANGS OR WHATEVER, (INDICATING),  
15 THINGS LIKE THAT. IT WAS OFF HIS FACE.

16 Q AND THE COLOR WAS -- WHAT COLOR WAS THE HAIR?

17 A HE WAS PREMATURELY GRAY. IT WAS MAINLY, YOU  
18 KNOW, WITH SOME DARK SPOTS IN IT AT SOME POINTS, BUT IT  
19 WAS BASICALLY THIS WHITE GRAY HAIR.

20 Q HOW ABOUT FACIAL HAIR. DID YOU NOTICE ANY  
21 FACIAL HAIR?

22 A YOU KNOW, I KNEW RON LEVIN WITH A BEARD AND  
23 WITHOUT A BEARD, AND I DON'T -- I THINK MY SENSE IS THAT  
24 IT WAS A, WITH A BEARD, BUT SINCE I KNEW HIM BOTH WAYS I  
25 WOULD NOT BE ABLE TO SAY WITHOUT A SHADOW OF A DOUBT THAT  
26 HE HAD A BEARD THAT DAY OR NOT.

27 Q SO YOU ARE SAYING YOU ARE JUST NOT SURE  
28 WHETHER HE HAD A BEARD OR NOT?

1           A           RIGHT. MY SENSE IS THAT HE DID, BUT IT WOULD  
2 HAVE BEEN POSSIBLE --

3           Q           IN TERMS OF YOUR MEMORY OF RON LEVIN FROM  
4 YOUR PAST EXPERIENCE WITH HIM IN THE BOUTIQUE AND THE  
5 RESTAURANT WHEN YOU SAW HIM IN THAT PARKING LOT, DID HE  
6 LOOK BASICALLY LIKE THE SAME OLD RON IN TERMS OF HIS STYLE  
7 AND HIS APPEARANCE, STYLE OF DRESS AND APPEARANCE?

8           A           THE SAME OLD RON. HE LOOKED LIKE RON.

9           Q           DID HE APPEAR ANY DIFFERENT IN TERMS OF HIS  
10 HAIRSTYLE?

11          A           NO. HE LOOKED LIKE RON. HE DIDN'T LOOK  
12 LIKE -- HE DID HAVE AN ORANGE WIG OR ALTER HIMSELF. HE  
13 JUST LOOKED LIKE RON LEVIN TO ME WHEN I LOOKED OVER.

14          Q           HOW WAS TRAFFIC ON THAT MORNING THAT YOU WERE  
15 DRIVING TO WORK?

16          A           HIDEOUS BECAUSE SUNSET WAS UNDER CONSTRUCTION  
17 AND SO -- WHICH WAS BUMPER TO BUMPER, SO THE ONLY WAY TO  
18 FOR PEOPLE TO USE SAN VICENTE WAS SUNSET OR SANTA MONICA  
19 FREEWAY OR ALL THE STREETS, ALL THE MAIN ARTERIES GOING  
20 EAST, OLYMPIC, THEY ARE ALL JAMMED AT THAT HOUR. SO IT IS  
21 STOP AND GO, BUMPER-TO-BUMPER KIND OF TRAFFIC.

22          Q           HOW FAST WERE YOU DRIVING?

23          A           I COULD HAVE BEEN DRIVING 15 MILES AN HOUR.  
24 I COULD HAVE BEEN DRIVING 20 MILES AN HOUR. I DOUBT I WAS  
25 DRIVING 30 MILES AN HOUR. I DON'T THINK THAT'S POSSIBLE.  
26 I MEAN, I JUST DID IT THIS MORNING. IT WAS LIKE YOU CAN'T  
27 GO VERY FAST.

28          Q           HOW LONG DID YOU ACTUALLY SEE THE MAN IN THE

1 PARKING LOT?

2 A I WOULD SAY IT WAS, YOU KNOW, THREE SECONDS.  
3 I DON'T KNOW. YOU LOOK OVER YOUR -- JUST LOOKING THERE IS  
4 NO -- I HAD NO -- THERE WAS NOTHING I WAS DOING EXCEPT  
5 DRIVING TO WORK AND LOOKING OVER AND THEN LOOKING BACK.  
6 IT WASN'T A MIND BOGGLING EXPERIENCE. SO I DON'T -- HOW  
7 LONG DOES IT TAKE TO JUST DRIVE AND YOU JUST GLANCE THIS  
8 WAY AND YOU SEE SOMETHING AND THEN YOU TURN AROUND AND GO  
9 BACK, TWO MAYBE THREE SECONDS. IT COULD BE FOUR SECONDS.  
10 IT COULD BE TWO.

11 Q DID YOU ACTUALLY SEE HIM GET IN THE CAR?

12 A YES. I SAW HIM FROM THE STANDING POSITION TO  
13 GETTING INTO THE CAR. I THINK, YEAH.

14 Q WHAT WAS THE DISTANCE BETWEEN YOU AND THE CAR  
15 AND THE MAN WHEN YOU FIRST SAW THEM?

16 A WELL --

17 Q YOU CAN POINT TO SOMEWHERE IN THE COURTROOM,  
18 IF THAT'S HELPFUL?

19 A YOU KNOW, IT WAS PROBABLY LIKE FROM WHERE I  
20 AM HERE, I DON'T THINK HE COULD HAVE BEEN FURTHER THAN THE  
21 BACK OF THE ROOM. OR I MEAN, I WAS IN THE RIGHT LANE AND  
22 THERE IS A CURB AND THERE IS A SIDEWALK, AND THEN THERE IS  
23 THAT LITTLE HEDGE AND THERE IS THAT THING, SO HOW MANY  
24 FEET WAS IT FROM THIS WALL TO THAT WALL?

25 THE COURT: 38 FEET?

26 THE WITNESS: 38 FEET.

27 SO I WOULD SAY IT WAS IN THE PROXIMITY OF 38  
28 TO 40 FEET TOPS. HOW MUCH MORE COULD IT HAVE BEEN, TWO

1 FEET LONGER THAN THIS ROOM? COULD IT? I MEAN, WE COULD  
2 MEASURE IT. I DON'T KNOW. BUT THERE ISN'T THAT MANY  
3 THINGS BETWEEN A CURB AND A SIDEWALK AND A PARKING LOT.  
4 BY MR. MC MULLEN:

5 Q NOW, YOU WERE TALKING -- YOU TESTIFIED THAT  
6 YOU WERE WATCHING A TELEVISION NEWS SHOW AND YOU  
7 LEARNED -- DURING WHICH TIME YOU LEARNED THAT RON LEVIN  
8 WAS THE MURDER VICTIM IN THE BILLIONAIRE BOYS CLUB CASE?

9 A YES.

10 Q YOU TESTIFIED THAT YOUR PRIMARY CONCERN ABOUT  
11 WATCHING THE NEWS AT THAT TIME WAS WITH RESPECT TO YOUR  
12 FRIEND DEAN PAUL MARTIN?

13 A YES.

14 Q HOW SOON AFTER THE SIGHTING DID YOU ACTUALLY  
15 TUNE TO THIS TELEVISION NEWS SHOW?

16 A I WOULD SAY WITHIN A COUPLE OF WEEKS. IT WAS  
17 FRESH, BUT I COULDN'T -- I WOULD NEVER BE ABLE TO TELL YOU  
18 IF IT WAS A MONTH OR THREE WEEKS OR THREE DAYS AT THIS  
19 MOMENT. BUT IT WAS WITHIN A CERTAIN TIME FRAME. IT WAS  
20 ALL SOMEWHERE AROUND FEBRUARY, MARCH, APRIL THAT ALL OF  
21 THESE THINGS TOOK PLACE. SO I WOULD CALL THAT WHAT,  
22 THAT'S THE BEGINNING OF THE YEAR INTO THE SPRING. IT WAS  
23 LIKE, YOU KNOW --

24 Q AND AGAIN, WITH RELATIONSHIP TO THE ACTUAL  
25 SIGHTING, WHEN DID THIS CIRCUMSTANCE HAPPEN WITH YOUR  
26 FRIEND DEAN PAUL MARTIN?

27 A WELL, AS THE ARTICLE SAID IT WAS MARCH 21ST.  
28 SO IF I SAW RON LEVIN TWO WEEKS BEFORE THAT, I SAW HIM IN

1 THE FIRST WEEK OF MARCH OR THE LAST WEEK OF FEBRUARY, YOU  
2 KNOW, IT COULD BE HAVE ANYWHERE. THAT'S WHAT I AM SAYING.  
3 THE SPAN. I MIGHT HAVE SEEN JEWEL IN -- I PROBABLY SAW  
4 JEWEL IN APRIL BECAUSE IT SEEMS LIKE THERE WAS A LOT GOING  
5 ON AROUND DEAN FOR A FEW WEEKS AFTER THE FUNERAL. SO IT  
6 WOULD HAVE PROBABLY GOTTEN US INTO EARLY APRIL. I DON'T  
7 KNOW EXACTLY WHEN THAT BABY SHOWER WAS, THOUGH. I COULD  
8 FIND OUT. I MEAN THAT'S NOT SOMETHING THAT IS HARD TO  
9 FIND OUT.

10 Q THERE WAS A SPAN OF TIME WHERE DEAN PAUL  
11 MARTIN WAS REALLY MISSING; IS THAT RIGHT?

12 A RIGHT.

13 Q SO I TAKE IT THAT YOU WERE WATCHING THE NEWS  
14 KEEPING UP WITH THE LATEST DEVELOPMENTS?

15 A ONLY THAT ONE TIME OR, YOU KNOW, WITHIN THAT  
16 ONE DAY BECAUSE IT WAS, HE WAS FOUND TO BE DEAD, YOU KNOW,  
17 SHORTLY THEREAFTER. I MEAN, THE PLANE CRASH HAPPENED ON A  
18 SATURDAY, SO MY WATCHING THE NEWS WAS ON A MONDAY OR A  
19 TUESDAY. SO IT WASN'T, YOU KNOW, IT KIND OF IT JUST  
20 HAPPENED, AND THEN IT WAS OVER. IT WASN'T LIKE I KEPT  
21 WATCHING THE NEWS AFTER WE FOUND OUT HE WAS DEAD.

22 Q WHEN YOU LEARNED THAT ON THE NEWS SHOW ABOUT  
23 RON LEVIN BEING DEAD DID YOU -- WHY DIDN'T YOU GO TO THE  
24 AUTHORITIES, THE POLICE OR DISTRICT ATTORNEY?

25 A FIRST OF ALL, I WAS JUST -- I WAS JUST SO  
26 SHOCKED, BUT THEN I WAS EVEN MORE UPSET ABOUT DEAN. AND  
27 QUITE FRANKLY, I NEVER THOUGHT ABOUT IT AGAIN. IT WASN'T  
28 UNTIL JEWEL MENTIONED THE BILLIONAIRE BOYS CLUB AND I MADE

1 A CONNECTION.

2 NEITHER THE BILLIONAIRE BOYS CLUB NOR RON  
3 LEVIN MEANT ANYTHING TO ME EMOTIONAL ON ANY LEVEL. I WAS  
4 REALLY BUSY. SO BETWEEN MY JOB AND MY BUSINESS AND BEING  
5 REALLY SAD ABOUT MY REAL CLOSE FRIEND IT JUST WASN'T A  
6 PRIORITY. AND I REALLY WASN'T -- I WAS LIVING IN ANOTHER  
7 ZONE. I MEAN, THESE -- PROBABLY AS A GOOD CITIZEN I  
8 SHOULD HAVE GONE TO THE POLICE, BUT I DIDN'T DO THAT. I  
9 HAD A FRIEND THAT WAS REAL UPSET WITH ME BECAUSE I DIDN'T.  
10 RIGHT. SO I KNOW THAT THAT'S SOMETHING THAT --

11 THE COURT: THAT YOU DIDN'T WANT?

12 THE WITNESS: WELL, THAT I DIDN'T CONTACT ANYBODY  
13 ABOUT IT, THAT I JUST LET IT GO. BUT LIKE I SAID, I JUST,  
14 IT WASN'T A PRIORITY SO IT JUST WASN'T -- I DIDN'T, AND I  
15 FORGOT.

16 MR. MC MULLEN: DRAWING COUNSEL'S ATTENTION TO --  
17 WELL, LET ME ASK A QUESTION.

18 BY MR. MC MULLEN:

19 Q YOU TESTIFIED IN SAN MATEO REGARDING THIS  
20 SIGHTING, DID YOU NOT?

21 A YES, I DID.

22 MR. MC MULLEN: DRAWING COUNSEL'S ATTENTION TO THE  
23 TRANSCRIPT OF THE PROCEEDINGS OF THE SAN MATEO TRIAL DATED  
24 JUNE 25, 1992, AT PAGE 6969, LINES 10 THROUGH 16.

25 BY MR. MC MULLEN:

26 Q (READING):

27 "Q OKAY. NOW, MA'AM WITH  
28 RESPECT TO THE SENTENCING

1 CIRCUMSTANCES THAT MR. HUNT TALKED  
2 WITH YOU ABOUT, YOU SAID THAT PART  
3 OF THE REASON YOU DIDN'T GO FORWARD  
4 WITH THE AUTHORITIES AT THAT TIME,  
5 AGAIN, AND I BELIEVE YOUR OWN  
6 PHRASE, YOU WERE QUITE CONFUSED; IS  
7 THAT RIGHT?

8 A YES."

9 MR. CRAIN: WELL --

10 THE WITNESS: I DON'T RECALL.

11 MR. CRAIN: I THINK THAT'S KIND OF TAKING SOMETHING  
12 OUT OF CONTEXT.

13 THE COURT: YOU CAN REVISIT IT ON DIRECT.

14 REDIRECT.

15 BY MR. MC MULLEN:

16 Q EXCUSE ME. I GAVE YOU THE WRONG PAGE. IT IS  
17 6969, LINE 22, STARTING AT LINE 22. AND THIS STARTS WITH  
18 AN ANSWER. (READING):

19 "A I AM SORRY. YOU WEREN'T  
20 CONFUSED ANYMORE?"

21 I THINK THAT'S A QUESTION, ACTUALLY.

22 LINE 23 (READING):

23 "A WELL, NO. ONCE I HAD ALREADY  
24 SPOKEN TO SOMEBODY IT WAS KIND OF --  
25 OH, THE TIME I SAID I WAS CONFUSED  
26 IS WHEN I HEARD IT ON THE RADIO. I  
27 AM SORRY."

28 MR. KLEIN: EXCUSE ME, YOUR HONOR.



1                   THERE IS NO WAY TO HAVE, HAVE ANY CONTEXT  
2 UNLESS YOU READ THE PREVIOUS QUESTION, WHICH IS AT LINE --  
3 THE COURT: YOU CAN REVISIT IT ON REDIRECT.

4 MR. MC MULLEN: I AM SORRY.

5 MR. KLEIN: IT IS NOT IN --

6 MR. MC MULLEN: I WILL START AT LINE 22.

7 THE COURT: I WANT TO HEAR A QUESTION.

8 MR. MC MULLEN: I AM SORRY.

9 BY MR. MC MULLEN:

10 Q (READING):

11 "Q OKAY. NOW, IMAGINE, I WANT  
12 TO BE CLEAR ON THIS. YOU HAD TALKED  
13 WITH BRODEY BY THAT TIME, YOU TALKED  
14 WITH A DEFENSE INVESTIGATOR BY THAT  
15 TIME.

16 A AND BY THAT TIME I WASN'T  
17 CONFUSED."

18 NEXT LINE:

19 "Q I AM SORRY. YOU WEREN'T  
20 CONFUSED ANYMORE?

21 A WELL, NO. ONCE I HAD ALREADY  
22 SPOKEN TO SOMEBODY IT WAS KIND OF --  
23 OH, THE TIME I SAID I WAS CONFUSED  
24 IS WHEN I HEARD IT ON THE RADIO. I  
25 AM SORRY.

26 TURNING OVER TO 6970. (READING):

27 "Q YES, MA'AM, THAT WAS MY  
28 RECOLLECTION TOO."

1                   OKAY. DRAWING YOUR ATTENTION TO THAT PAGE  
2 6970, LINE 22 (READING):

3                   "Q       WELL, MY QUESTION TO YOU,  
4 MA'AM, IS THIS: WERE YOU CONFUSED  
5 ABOUT YOU WHETHER OUGHT TO GO TO THE  
6 AUTHORITIES OR WERE YOU CONFUSED BY  
7 WHETHER YOU WERE GOING TO BE A  
8 WITNESS?"

9                   GOING TO PAGE 6971 LINE 1 (READING):

10                   "I WAS CONFUSED MORALLY ABOUT  
11 WHAT ONE DOES IN A SITUATION LIKE  
12 THIS.

13                   Q       YOU WERE CONFUSED MORALLY  
14 ABOUT ONE SHOULD PERHAPS --

15                   A       BE AGGRESSIVE, RIGHT.

16                   Q       AND THE DECISION MADE WAS NOT  
17 TO BE AGGRESSIVE?

18                   A       THAT'S RIGHT."

19                   DO YOU REMEMBER TESTIFYING TO THAT IN SAN  
20 MATEO?

21                   A       YOU KNOW WHAT, I DON'T. BUT IN SAN MATEO --

22                   Q       YES.

23                   A       IT MAKES MORE SENSE IN THAT CONTEXT. IT DOES  
24 NOT MAKE SENSE IN THE VERY BEGINNING. BUT IN THAT CONTEXT  
25 AFTER I HAD, AFTER I HAD GONE THROUGH THE PROCESS IT DID  
26 BECOME A MORE MORAL ISSUE FOR ME. I DID THINK ABOUT IT ON  
27 A PHILOSOPHICAL LEVEL A LOT, BECAUSE -- BUT I HAD ALREADY  
28 HAD SOME TIME TO DO SO FROM SAN MATEO TO THE TIME THAT I

1 SAW RON LEVIN AND THE WHOLE -- I BECAME INVOLVED IN THE  
2 SITUATION.

3 WHAT I AM TRYING TO SAY IS THAT MY FIRST --  
4 WE WERE TALKING ABOUT ORIGINALLY MY FIRST INSTINCT ON WHY  
5 I DID NOT COME FORWARD, AND WHY I DID NOT COME FORWARD WAS  
6 BECAUSE IT WAS A STRANGE TIME FOR ME. THAT WAS THE FIRST  
7 OPPORTUNITY THAT LENT ITSELF. OBVIOUSLY I DID COME  
8 FORWARD IN SOME WAY BECAUSE I TOLD SOMEBODY THAT IT  
9 DIRECTLY AFFECTED ABOUT IT.

10 HOWEVER, AFTER THAT I HAD A FRIEND THAT HAD  
11 SAID TO ME, "WHY DIDN'T YOU GO TO THE POLICE WHEN YOU  
12 FIRST THOUGHT YOU SAW SOMEBODY?" AND I AM JUST SAYING  
13 THAT MY -- IT WASN'T A PRIORITY AT THAT TIME. BY THE TIME  
14 I GOT TO SAN MATEO MANY YEARS LATER IS IT FOUR YEARS I HAD  
15 THE TIME TO THINK ABOUT THINGS ON ANOTHER LEVEL ALREADY,  
16 IT BECAME A DIFFERENT PROCESS.

17 Q SO YOU HAD A CONVERSATION WITH A FRIEND AND  
18 THEY ASKED YOU WHY YOU DIDN'T GO TO THE AUTHORITIES?

19 A YEAH. I TOLD THE STORY TO A FRIEND OF MINE  
20 SHELDON POLLACK --

21 Q WHEN DID THAT CONVERSATION --

22 A I DON'T KNOW, SOMETIME DURING --

23 Q WAS IT BEFORE YOU TALKED TO JEWEL BISHOP?

24 A NO, IT WAS AFTER I TALKED TO JEWEL BISHOP.

25 THE STORY DIDN'T COME TOGETHER UNTIL AFTER JEWEL BISHOP --  
26 I BECAME INVOLVED IN SOME WAY, BUT THAT WAS A NON STORY  
27 FOR ME.

28 Q SO WHEN YOU HEARD ABOUT RON LEVIN'S SITUATION

1 ON THE NEWS ABOUT BEING A MURDER VICTIM AND THE  
2 BILLIONAIRES BOYS CLUB CASE YOU HAD THAT INFORMATION IN  
3 MIND WHEN YOU THEN SAW JEWEL BISHOP AT THIS SOCIAL?

4 A YES. THAT'S EXACTLY WHAT I SAID. "OH, I  
5 HAVE A STRANGE STORY FOR YOU. I DON'T BELIEVE THAT GUY IS  
6 DEAD. I JUST SAW HIM." THAT WAS BASICALLY THE STRANGE  
7 STORY.

8 Q OKAY.

9 WHEN DID THAT SOCIAL FUNCTION HAPPEN, A  
10 SHOWER I BELIEVE YOU TESTIFIED TO?

11 A WE JUST WENT OVER THAT. I THINK IT WAS IN  
12 APRIL OR IT WAS IN MARCH THE -- IF THIS -- IF I DISCOVERED  
13 THAT RON LEVIN WAS A MURDER VICTIM SOMEWHERE AROUND  
14 MARCH 22ND OR MARCH 23RD IT WAS WITHIN WEEKS AFTER THAT,  
15 YOU KNOW, I WOULD SAY TWO WEEKS TO A MONTH AFTER THAT,  
16 THAT I WOULD HAVE SEEN JEWEL. IT WAS STILL FRESH ENOUGH,  
17 IT WASN'T LIKE IMMEDIATELY THE NEXT DAY. I WOULDN'T HAVE  
18 BEEN GOING ANYWHERE, I WAS KIND OF IN MOURNING. I WAS  
19 VERY UPSET.

20 Q DID YOU KNOW JEWEL? OBVIOUSLY YOU DID.

21 A NO, I DIDN'T. MY SISTER DID. I WAS AT A  
22 BABY SHOWER FOR MY SISTER'S BEST FRIEND'S SISTER.  
23 SOMEBODY THAT WE GREW UP WITH. AND --

24 Q HOW DID YOU MEET JEWEL THERE?

25 A SHE WAS JUST AT THE PARTY, AND WE WERE  
26 TALKING, YOU KNOW. SHE SAT DOWN NEXT TO ME, SHE ASKED ME  
27 MY NAME. SHE KNEW MY SISTER, SHE KNEW MY BROTHER, AND SO  
28 WE STARTED CHATTING.

1 Q HOW DID THE CONVERSATION FIND ITSELF ABOUT  
2 YOU TALKING ABOUT --

3 A SHE ASKED ME WHAT I DID FOR A LIVING, AND I  
4 TOLD HER AND WE TALKED. AND I SAID, "WHAT DO YOU FOR A  
5 LIVING?" AND SHE SAID SHE WORKED FOR AN ATTORNEY, SHE IS  
6 WORKING ON THE BILLIONAIRES BOYS CLUB CASE.

7 AND I SAID, "OH, MY GOSH, I HAVE A STRANGE  
8 STORY TO TELL YOU." AND THAT'S WHEN I TOLD HER THE STORY.

9 Q DID SHE SAY --

10 A SHE WAS SHOCKED TOO. WE WERE BOTH SHOCKED.  
11 IT WAS KIND OF LIKE WOW.

12 Q WAS THIS FIRST TIME THAT YOU SHOCKED -- I  
13 MEAN YOU TELLING HER?

14 A I WAS SHOCKED I SAW HIM ON T.V., BUT LIKE I  
15 SAID, I FOUND OUT DEAN WAS DEAD RELATIVELY SHORTLY  
16 THEREAFTER. I NEVER THOUGHT ABOUT RON LEVIN AGAIN. I WAS  
17 IN SHOCK -- I WAS IN A PUBLIC BUSINESS, I WAS USED TO  
18 GETTING ALL SORTS OF WEIRD INFORMATION ABOUT PEOPLE. IT  
19 WASN'T A PRIORITY FOR ME. RON LEVIN DEAD OR ALIVE  
20 DIDN'T -- I MEAN, I DON'T KNOW HOW TO SAY THIS IN A KIND  
21 WAY, BUT HE -- I DIDN'T KNOW ANY BILLIONAIRE BOYS CLUB  
22 MEMBERS, I DIDN'T KNOW WHAT THEY WERE ABOUT TOO MUCH,  
23 ANYTHING, ANY KIND OF LITTLE THING THAT I HAD HEARD I HAD  
24 NO EMOTIONAL CONNECTION TO THEM. I HAD NO VESTED INTEREST  
25 IN RON LEVIN. HE JUST WASN'T MY PRIORITY. THERE WERE  
26 TONS OF THINGS I WAS WORKING ON.

27 Q SHORTLY AFTER YOU HAD THIS CONVERSATION WITH  
28 JEWEL BISHOP YOU WERE INTERVIEWED BY MR. BRODEY?

1           A        YES.  THEN SHE SAID, "DO YOU MIND IF I TELL  
2 THE ATTORNEY I AM WORKING WITH ABOUT THIS?"

3                    AND I SAID, "NO."

4                    SO SHE SET UP A MEETING VERY SHORTLY  
5 THEREAFTER WITH THE ATTORNEY.  MIGHT HAVE EVEN BEEN ON A  
6 SATURDAY OR SUNDAY.  I REMEMBER GOING TO AN OFFICE.  IT  
7 WAS SHORTLY THEREAFTER.

8           Q        AND VERY SHORTLY AFTER THAT YOU WERE  
9 INTERVIEWED BY ONE OF HIS INVESTIGATORS?

10          A        NOW THAT IS SOMETHING THAT I DON'T -- I WAS  
11 INTERVIEWED BY AN INVESTIGATOR.  I REALLY DON'T KNOW WHOSE  
12 SIDE THE INVESTIGATOR CAME FROM.

13          Q        WHEN YOU WERE INTERVIEWED BY THE INVESTIGATOR  
14 DO YOU REMEMBER TELLING THE INVESTIGATOR THAT YOU THOUGHT  
15 IT WAS POSSIBLE THAT YOU WERE MISTAKEN IN YOUR  
16 IDENTIFICATION OF THE MAN?

17          A        I THINK THAT, YOU KNOW, IT IS THE SAME THING.  
18 I THINK I HAVE ALWAYS THOUGHT WHEN I LOOKED OVER AND SAW  
19 RON LEVIN HE WAS ALIVE TO ME, SO I SAW RON LEVIN.  THAT'S  
20 ALL I CAN GO BY.  IS THERE A POSSIBILITY?  OF COURSE,  
21 THERE IS A POSSIBILITY.  I MEAN, I DON'T KNOW WHO --

22                    THE COURT:  POSSIBILITY OF WHAT?

23                    THE WITNESS:  WELL, THE QUESTION IS WHEN I  
24 LOOKED -- MY TESTIMONY.

25                    THE COURT:  FIRST, EXPLAIN.  YOU USED THE TERM  
26 POSSIBILITY.  WHAT POSSIBILITY?

27                    THE WITNESS:  POSSIBILITY.  THERE IS SOME  
28 POSSIBILITY OF EVERY KIND OF THING.  ALL I KNOW FROM MY --

1 WHAT HAPPENED TO ME WAS THAT I LOOKED OVER AND I SAW  
2 SOMEBODY THAT I ASSUMED WAS ALIVE, AND I SAW HIM TO BE  
3 ALIVE. SO TO ME THAT'S WHO I SAW.

4 THE COURT: ANSWER MY QUESTION, THOUGH. YOU USED  
5 THE TERM "THERE IS A POSSIBILITY." I DON'T UNDERSTAND  
6 WHAT YOU MEAN BY POSSIBILITY?

7 THE WITNESS: WHAT WAS YOUR QUESTION TO ME?

8 THE COURT: WELL, FIRST ANSWER MY QUESTION.

9 THE WITNESS: NOW I AM TRYING TO REMEMBER WHAT  
10 EXACTLY HIS QUESTION WAS TO ME.

11 THE COURT: WELL, MY QUESTION TO YOU -- EXCUSE ME.

12 MY QUESTION TO YOU IS: YOU USED THE TERM "IS  
13 THERE A POSSIBILITY," AND YOU DIDN'T FINISH. I AM TRYING  
14 TO FIND OUT WHAT YOU MEANT BY "THERE IS A POSSIBILITY."

15 THE WITNESS: I MEANT THERE IS A POSSIBILITY THAT  
16 THIS WASN'T RON LEVIN. THAT'S ALWAYS THE QUESTION ISN'T  
17 IT? WAS IT RON LEVIN OR WASN'T IT. ALL I CAN GO BY, WHEN  
18 I SAW HIM, I ASSUMED HE WAS STILL ALIVE. I HAD NO REASON  
19 TO THINK HE WASN'T ALIVE. SO TO ME I SAW HIM. THAT'S  
20 WHAT I MEAN THERE IS A POSSIBILITY.

21 I MEAN, IS THERE A POSSIBILITY FOR, IF I WANT  
22 TO BE SO, SO, SO, SO, SO, SO TRUTHFUL MY TRUTH IS ONLY MY  
23 TRUTH, THEN OUTSIDE OF MY TRUTH THERE IS REALM OF  
24 POSSIBILITY. BUT -- AND AFTER THE WHOLE THING, OF COURSE,  
25 IT OPENS UP ANOTHER AREA OF POSSIBILITY. BUT I CAN ONLY  
26 GO BY WHAT HAPPENED TO ME AT THAT MOMENT. THAT'S ALL I AM  
27 TRYING TO SAY. MINE WAS JUST BASED ON MY EXPERIENCE.

28 MR. MC MULLEN: THANK YOU

1 BY MR. MC MULLEN:

2 Q HAVE YOU EVER HAD THE PHENOMENA OCCUR TO YOU  
3 WHERE YOU THOUGHT YOU SAW SOMEBODY YOU RECOGNIZED AND THEN  
4 ON CLOSER INSPECTION YOU REALIZED THAT IT ISN'T WHO YOU  
5 THOUGHT IT WAS?

6 A I HAVE DEFINITELY SEEN PEOPLE THAT LOOK  
7 SIMILAR TO OTHER PEOPLE IN MY LIFE. I HAVE. AND I HAVE  
8 ALSO LOOKED VERY CAREFULLY SINCE THIS RON LEVIN STORY AT  
9 THE WORLD THAT WAY. BECAUSE I HAVE ALWAYS BEEN  
10 FASCINATED. NOW I HAVE BECOME FASCINATED, BUT TO ME RON  
11 LEVIN STILL IS A VERY DISTINCTIVE LOOKING PERSON, AND I  
12 HAVEN'T SEEN ANYTHING ELSE TO ME THAT LOOKS LIKE RON LEVIN  
13 SINCE RON LEVIN.

14 Q I TAKE IT YOU HAVE CERTAIN EXPERIENCES HAPPEN  
15 WHERE YOU HAVE SEEN SOMEONE, LET'S SAY, WALKING DOWN THE  
16 STREET OR SOMEWHERE IN THE PUBLIC YOU THINK, "THAT LOOKS  
17 LIKE SOMEBODY I KNOW," AND THEN YOU APPROACH THEM AND YOU  
18 REALIZE IT IS NOT THEM?

19 A SURE, WITHIN A NORMAL REALM. THERE ARE  
20 PEOPLE THAT RESEMBLE EACH OTHER THROUGH LIFE, OF COURSE.  
21 I AM SURE I HAVE EXPERIENCED SEEING SOMEBODY THAT LOOKS  
22 LIKE SOMEBODY ELSE OR REMINDS ME OF SOMEBODY ELSE, BUT  
23 THAT DOESN'T MEAN THAT I AM GOING TO WALK UP TO THEM AND  
24 SAY, "HI, SO AND SO."

25 Q YOU NEVER TESTIFIED FOR MR. BRODEY, DID YOU?

26 A NO, I DID NOT.

27 MR. MC MULLEN: MAY I APPROACH THE WITNESS?

28 THE COURT: YES.



1 BY MR. MC MULLEN:

2 Q LOOKING AT DOUBLE M, RESPONDENT'S DOUBLE M,  
3 COULD YOU MARK WITH A PEN, USE MY BALLPOINT PEN, WITH AN  
4 "X" WHERE YOUR CAR WAS WHEN YOU FIRST SAW THE PERSON YOU  
5 HAVE DESCRIBED HERE?

6 A YOU KNOW, I THINK THERE IS A DIAGRAM THAT THE  
7 INVESTIGATOR DID WITH ME ON ALL THIS AT THE TIME, WHICH  
8 WOULD BE MUCH MORE FRESH, BECAUSE WHEN THIS HAPPENED WE  
9 WENT OUT TO THE SCENE AND WE MARKED IT OFF. WE PARKED A  
10 CAR. I DROVE HERE. WE WENT THROUGH THE WHOLE PROCESS.  
11 AND I CAN'T IMAGINE THAT IT IS NOT ON THE RECORD  
12 SOMEWHERE.

13 THE COURT: LOOK IT, THIS IS THE EXHIBIT NOW.  
14 PLEASE FOLLOW HIS DIRECTIONS.

15 MR. KLEIN: IF SHE CAN DO IT.

16 THE WITNESS: THAT'S WHAT I AM TRYING TO SAY. IF  
17 THE HONESTY OF --

18 THE COURT: IF YOU CAN'T DO IT, YOU CAN'T DO IT.  
19 NOW, IF YOU CAN DO IT, PLEASE DO IT.

20 THE WITNESS: I MEAN, IT IS GOING TO BE CLOSE. IT  
21 IS GOING TO BE, YOU KNOW -- LOOK. AS HONESTLY AS I CAN DO  
22 IT IT IS GOING TO BE ACROSS FROM THE "L".

23 MR. CRAIN: SHE PUT AN "X" ON THE PHOTOGRAPH.

24 THE COURT: IS IT VISIBLE? I CAN'T SEE IT.

25 MR. CRAIN: I CAN'T SEE.

26 THE COURT: DRAW A CIRCLE AROUND THAT "X", PLEASE.

27

28

(WITNESS COMPLIES.)

1 THE COURT: ALL RIGHT.

2 SHE HAS PLACED A BLUE "X" ON EXHIBIT MM.

3 LET'S MOVE ON.

4 BY MR. MC MULLEN:

5 Q MA'AM, AT SOME POINT DO YOU REMEMBER HEARING  
6 A RADIO BROADCAST WITH RESPECT TO THE SENTENCING OF  
7 MR. HUNT IN THE MURDER CASE?

8 A I DO.

9 Q AND --

10 A I REMEMBER HEARING THAT IT WAS --

11 THE COURT: HOLD ON. HOLD ON. WAIT FOR THE NEXT  
12 QUESTION.

13 THE WITNESS: OKAY.

14 BY MR. MC MULLEN:

15 Q WHEN DID YOU HEAR THAT RADIO BROADCAST?

16 A I DON'T KNOW. BUT I DO REMEMBER DRIVING TO  
17 WORK AGAIN AND HEARING THAT IT WAS IN TRIAL OR SOMEBODY  
18 HAD BEEN SENTENCED. I DON'T KNOW IF I KNEW THAT IT WAS  
19 JOE HUNT, THOUGH, BY THE WAY, BUT I DO REMEMBER IT.

20 Q BUT SOMEONE WAS BEING SENTENCED?

21 A SOMEBODY IS SENTENCED.

22 Q FOR THE MURDER OF RON LEVIN?

23 A I DON'T EVEN KNOW IF I -- IF IT WAS FOR THE  
24 MURDER OF RON LEVIN. I JUST REMEMBER THAT I WAS AWARE IT  
25 HAD GONE TO TRIAL, SOMEBODY HAS BEEN SENTENCED. THAT'S  
26 THE WAY I REMEMBER IT THEN. THEN I WAS PROBABLY MORE  
27 SPECIFICALLY TUNED INTO IT THAN I AM NOW.

28 MR. MC MULLEN: REFERRING COUNSEL TO THE TRANSCRIPT

1 OF THE PROCEEDING IN SAN MATEO, WHICH WOULD BE ON JUNE 25,  
2 1992, PAGE 6943 STARTING AT LINE 15.

3 BY MR. MC MULLEN:

4 Q (READING):

5 "Q WAS THERE A TIME THAT YOU  
6 HEARD THAT SOMEONE HAD BEEN  
7 SENTENCED FOR THE MURDER OF RON  
8 LEVIN?

9 A ON THE RADIO SOME MONTHS  
10 AFTER I HAD BEEN, MAYBE IT COULD  
11 HAVE BEEN UP TO SIX MONTHS OR EIGHT  
12 MONTHS AFTER. I DON'T REMEMBER. I  
13 MEAN, IT WAS A PERIOD OF TIME" --  
14 THEN IT TRAILS OFF.  
15 AT THAT POINT IN TIME DO YOU REMEMBER  
16 TESTIFYING TO THAT?

17 A IN SAN MATEO?

18 Q YES.

19 A WHATEVER -- I DON'T REMEMBER -- WHEN I LEAVE  
20 THIS ROOM TODAY I AM NOT GOING TO REMEMBER EVERY QUESTION  
21 YOU ASKED ME. I REMEMBER THE TONE TO A DEGREE OF WHAT  
22 HAPPENED IN SAN MATEO. IF I SAID IT AND THE COURT  
23 REPORTER WROTE IT THEN IT WAS WHAT WAS SAID.

24 Q WHEN YOU HEARD THAT RADIO BROADCAST YOU  
25 DIDN'T GO TO THE AUTHORITIES AT THAT TIME?

26 A I HAD ALREADY GONE TO THE --

27 THE COURT: YOU HAVE TO WAIT UNTIL HE FINISHES THE  
28 QUESTION. OKAY?

1 FINISH THE QUESTION.

2 BY MR. MC MULLEN:

3 Q YOU DIDN'T GO TO THE AUTHORITIES WITH THE  
4 INFORMATION THAT YOU HAD?

5 A RIGHT. NO, I DIDN'T.

6 Q WHY?

7 A I HAD ALREADY SPOKEN TO BRODEY. THEY  
8 OBVIOUSLY DIDN'T THINK THAT THEY WANTED -- FOR WHATEVER  
9 REASON THEY DIDN'T USE ME IN THE TRIAL AND I --

10 MR. KLEIN: OBJECT TO WHAT SHE THINKS.

11 THE WITNESS: I DON'T KNOW.

12 MR. KLEIN: ABOUT THE PART ABOUT BOTH SPEAKING TO  
13 BRODEY. I THINK IS ALL THAT IS.

14 THE COURT: OVERRULED. THE REASON SHE DIDN'T GO TO  
15 THE POLICE.

16 YOU CAN FINISH YOUR ANSWER.

17 THE WITNESS: IT WASN'T IN MY FRAMEWORK TO THINK  
18 THAT MUCH ABOUT IT ANYWAY. I DIDN'T THINK ABOUT GOING TO  
19 THE POLICE. I DON'T KNOW. I MEAN, TODAY I MIGHT BE  
20 DIFFERENT, BUT -- I THINK PROBABLY WOULD BE DIFFERENT  
21 TODAY.

22 BY MR. MC MULLEN:

23 Q WHEN YOU TALKED TO JEWEL BISHOP WHAT WAS  
24 JEWEL'S BISHOP'S REACTION WHEN YOU TOLD HER WHAT YOU HAD  
25 SEEN?

26 A SURPRISE. AND SHE TOOK IT SERIOUSLY.

27 MR. MC MULLEN: MAY I JUST HAVE A MOMENT, YOUR  
28 HONOR?

1 THE COURT: YES.

2 BY MR. MC MULLEN:

3 Q YOU TESTIFIED A LITTLE BIT AGO THAT WHEN YOU  
4 DROVE BY YOU NOTICED HIM, YOU DIDN'T HONK YOUR HORN AT  
5 ALL.

6 A (NO AUDIBLE RESPONSE.)

7 Q YOU HAVE TO ANSWER ALOUD.

8 A (NO AUDIBLE RESPONSE.)

9 MR. CRAIN: SHE IS SHAKING HER HEAD, YOUR HONOR.

10 THE WITNESS: NO. I DID NOT HONK MY HORN.

11 BY MR. MC MULLEN:

12 Q DID YOU YELL OR MAKE ANY KIND OF GESTURE  
13 TOWARDS HIM?

14 A NO.

15 Q WHY NOT?

16 A I HAD NO DESIRE TO. AND I WAS ON MY WAY TO  
17 WORK THERE WOULDN'T BE ANY REASON TO HAVE. I WOULDN'T  
18 HAVE DONE IT UNLESS IT WAS A REALLY CLOSE FRIEND, AND I  
19 HAD TIME TO LIKE -- I JUST -- IT WAS JUST LOOKING OVER AND  
20 NOTICING SOMEONE. IT COULD HAVE -- LIKE IF YOU WOULD LOOK  
21 OVER AND SEE A MOVIE STAR DRIVING DOWN THE STREET. IF  
22 JACK NICHOLSON WAS GETTING INTO A CAR, FOR INSTANCE, AND  
23 LOOKED OVER, YOU GO, "THERE IS JACK NICHOLSON," AND YOU  
24 KEEP GOING. I MEAN, MAYBE YOU DIDN'T KNOW HIM SO IT IS A  
25 LITTLE DIFFERENT, BUT IT WASN'T MORE THAN JUST AN  
26 ACKNOWLEDGEMENT OF A PERSON THAT THERE IS A FAMILIAR FACE  
27 THAT YOU KNEW. THAT WAS ALL IT WAS. I DIDN'T HAVE ANY  
28 INTEREST IN TALKING TO HIM.

1 Q DID YOU REVIEW ANY MATERIALS BEFORE YOU  
2 TESTIFIED TODAY? OTHER THAN THE ARTICLE THAT COUNSEL  
3 REFERRED TO.

4 A I GLANCED AT MY ORIGINAL STATEMENT FROM, I  
5 THINK IT WAS FEBRUARY 25TH, SOMETHING, I DON'T EVEN  
6 REMEMBER WHAT YEAR, IN MR. CRAIN'S OFFICE ON SATURDAY.  
7 AND I READ IT KIND OF -- I SCANNED IT.

8 MR. MC MULLEN: YOUR HONOR, THE RESPONDENT WOULD  
9 LIKE TO HAVE MARKED FOR IDENTIFICATION H, WHICH WAS ON THE  
10 EXHIBIT LIST.

11 THE COURT: H.

12 MR. MC MULLEN: YES. H.

13

14 (MARKED FOR ID = RESPONDENT'S H, DOCUMENT.)

15

16 MR. MC MULLEN: MAY I APPROACH THE WITNESS?

17 THE COURT: YES.

18 BY MR. MC MULLEN:

19 Q PLEASE LOOK AT H.

20 MR. CRAIN: CAN I INQUIRY AS TO WHEN WE ARE GOING  
21 TO GET A COPY OF THIS EXHIBIT LIST. I DON'T HAVE IT.

22 MR. KLEIN SAYS HE DOESN'T HAVE IT.

23 THE WITNESS: THIS IS WHAT I SAW.

24 MR. MC MULLEN: I WILL GIVE THEM AN ADDITIONAL COPY  
25 RIGHT NOW.

26 MR. CRAIN: I DON'T KNOW WHAT "ADDITIONAL" MEANS  
27 SINCE WE NEVER GOT ONE, BUT THANK YOU.

28 THE COURT: HOW MUCH MORE DO YOU HAVE ON CROSS?

1 MR. MC MULLEN: I AM JUST ABOUT DONE.

2 THE COURT: GO AHEAD.

3 BY MR. MC MULLEN:

4 Q DOES THAT DOCUMENT LOOK FAMILIAR?

5 A YES. THIS IS WHAT I LOOKED AT. THIS IS WHAT  
6 I REMEMBER SIGNING YEARS AGO.

7 Q DID YOU LOOK AT ANY OTHER MATERIALS PRIOR TO  
8 THAT?

9 A NO, I DIDN'T. JUST THAT ARTICLE ON DEAN.

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

11 THE COURT: YES.

12

13

(PAUSE.)

14

15 MR. MC MULLEN: NOTHING FURTHER.

16 THE COURT: BETWEEN 1982 WHEN YOU LEFT WORK AT  
17 MR. CHOW'S AND 1987 WHEN YOU SAW MR. LEVIN HAD YOU EVER  
18 SEEN MR. LEVIN DURING THAT PERIOD?

19 THE WITNESS: FROM '82 TO '87?

20 THE COURT: YES.

21 THE WITNESS: I DON'T REMEMBER SEEING HIM, BUT LIKE  
22 I SAID, I CHANGED, I KIND OF SLIGHTLY SWITCHED AROUND  
23 THINGS. I WENT TO WORK IN AN OFFICE INSTEAD OF OUT IN THE  
24 PUBLIC, AND THEN I WENT TO NEW YORK. SO THERE WAS, YOU  
25 KNOW, I WOULD SAY THERE WAS A FAIR AMOUNT OF THAT TIME  
26 THAT I WAS NOT IN THE PUBLIC THE SAME WAY.

27 THE COURT: WERE YOU FREQUENTING THE BEVERLY HILLS  
28 AREA AT ALL DURING THAT PERIOD '82 TO '87?

1           A           I WAS PROBABLY IN AND OUT OF RESTAURANTS. I  
2 WAS IN AND OUT OF RESTAURANTS SOMETIMES. IT DEPENDS  
3 BECAUSE I WAS ALSO IN SANTA MONICA, LIVING IN SANTA  
4 MONICA. I WAS NOT ENJOYING BEING IN MY LOCAL ENVIRONMENT  
5 WHEN I WAS -- I WAS KIND OF TIRED OF BEVERLY HILLS AND  
6 BEVERLY HILLS RESTAURANTS, THAT SORT OF GROUP OF FOLKS, AT  
7 THEODORE'S AND MR. CHOW'S, ETC.,

8           THE COURT: DID YOU EVER SEE ANY OF THESE OTHER  
9 ASSOCIATES, PEOPLE THAT YOU SAW WITH MR. LEVIN?

10           THE WITNESS: ON AND OFF THROUGHOUT THE YEARS, BUT  
11 YOU KNOW, IT IS KIND OF CURIOUS THE WAY CROWDS CHANGE ON  
12 YOU. PEOPLE'S AVAILABILITY LASTS A CERTAIN AMOUNT OF THE  
13 TIME, THEY TEND TO DISPERSE AND THEY REGROUP SOMETIMES.  
14 SO IT IS NOT UNUSUAL TO SEE GROUPS OF PEOPLE THAT ARE  
15 REALLY CLOSE FOR A THREE- OR FOUR-YEAR PERIOD AND THEN ONE  
16 GETS A JOB HERE, ONE GETS BUSY, THEY GET MARRIED, THINGS.  
17 WE WERE ALL KIND OF YOUNG, SO PEOPLE STARTED CHANGING.  
18 SO, YES, AND, NO BUT SOMETIMES. I DON'T SEE SOMEONE FOR  
19 FIVE YEARS I COULD STILL WALK DOWN ANY STREET AND BUMP  
20 INTO SOMEBODY THAT I HAVEN'T SEEN FOR FIVE OR SIX YEARS,  
21 AND THEY HAVE BEEN HERE, AND I HAVE BEEN THERE, YOU KNOW.

22           THE COURT: YOU USED THE TERM TO DESCRIBE MR. LEVIN  
23 AS A "CON MAN." WHY DID YOU USE THAT TERM?

24           THE WITNESS: BECAUSE HE ALWAYS HAD THAT KIND OF  
25 SENSE OF A CON ABOUT HIM. HE DIDN'T -- YOU NEVER FELT  
26 THAT HE WAS A REAL STRAIGHT SHOOTER.

27           THE COURT: HAVE YOU EVER USED THAT TERM BEFORE TO  
28 THIS TRIAL?



1 THE WITNESS: I AM SURE I HAVE, YES, BECAUSE I  
2 THINK HE WAS KIND OF A CON MAN.

3 THE COURT: UNDER WHAT CIRCUMSTANCES WOULD YOU HAVE  
4 USED THAT TERM?

5 THE WITNESS: I PROBABLY WOULD HAVE USED IT  
6 DESCRIBING HIM. SINCE THIS PROCESS, I DON'T THINK --

7 THE COURT: TO WHOM?

8 THE WITNESS: TO PROBABLY WHOEVER I TALKED TO.  
9 LIKE I AM NOW, LIKE TO THE ATTORNEYS, TO JEFF BRODEY OR TO  
10 THE DETECTIVE, IF A DETECTIVE, YOU KNOW -- IT IS POSSIBLE  
11 THAT I USED CON OR, YOU KNOW, I ALWAYS SAW HIM AS KIND  
12 OF -- HE JUST HAD THAT KIND OF BACK STREET KIND OF FEELING  
13 ABOUT HIM (INDICATING). HE WASN'T --

14 MR. KLEIN: SHE IS MAKING MOTIONS LIKE A SNAKE.

15 THE COURT: THE WITNESS IS MOVING HER HANDS.

16 LET ME ASK: YOU SAID YOU WEREN'T REGULARLY  
17 WATCHING OR YOU WEREN'T WATCHING AT ALL, THE T.V. NEWS  
18 DURING THIS PERIOD?

19 A NO.

20 Q WHY DID YOU KNOW THE NEWS WOULD BE ON AT 4  
21 O'CLOCK?

22 A I MEAN, OF COURSE, I GREW UP AT -- AND I GREW  
23 UP IN A T.V. WORLD, BUT I JUST CHOSE NOT TO WATCH T.V. FOR  
24 MANY YEARS.

25 THE COURT: HOW DID YOU KNOW THERE WOULD BE NEWS ON  
26 4 O'CLOCK?

27 THE WITNESS: WELL, I MEAN --

28 THE COURT: IF YOU HADN'T WATCHED THE NEWS IN MANY

1 YEARS; RIGHT?

2 THE WITNESS: I THINK PEOPLE KNOW THAT THERE IS A 6  
3 O'CLOCK NEWS OR A 4 O'CLOCK NEWS, MAYBE EVEN JAN TOLD ME,  
4 YOU KNOW. WE MIGHT HAVE JUST TURNED IT ON. SHE WAS VERY  
5 PLUGGED INTO TELEVISION. SHE WOULD WATCH IT EVERY NIGHT.  
6 MOST PEOPLE DID. I JUST DIDN'T PARTICULARLY CARE FOR  
7 T.V..

8 THE COURT: MR. CRAIN?

9

10 REDIRECT EXAMINATION +

11

12 BY MR. CRAIN:

13 Q YOUR PURPOSE IN WATCHING T.V. YOU KNEW THAT A  
14 GOOD FRIEND, MR. MARTIN'S PLANE HAS CRASHED AND NOT FOUND;  
15 IS THAT RIGHT?

16 A THAT'S IT.

17 Q CRASHED ON A SATURDAY?

18 A YES.

19 Q OR LAST BEEN HEARD FROM A SATURDAY?

20 A YES.

21 Q AND IN YOUR OWN WORDS, WHAT WAS YOUR -- HOW  
22 DO YOU FEEL ABOUT MR. MARTIN?

23 A I WAS VERY CLOSE TO HIM. HIS LITTLE BROTHER  
24 RICKY WAS A VERY CLOSE FRIEND, YOU KNOW. THERE WERE  
25 OTHERS JIMMY WOODS, JOHN BURNHAM, THAT WERE MY FRIENDS,  
26 GUY WEBSTER, THEY WERE REALLY CLOSE FRIENDS OF DEAN'S AND  
27 MINE. WE WERE ALL GRIEF STRICKEN. HE WAS ONE OF OUR --  
28 IT WAS LIKE LOSING -- AT ANYTIME WHEN YOU LOSE SOMEONE,

1 ESPECIALLY WHEN YOU ARE YOUNGER THE LESS PEOPLE YOU HAVE  
2 LOST SO FAR, SO IT IS A REAL SHOCK. HE WAS LIKE IN HIS  
3 PRIME, HE WAS A HANDSOME YOUNG MAN --

4 Q ABOUT HOW OLD WAS HE AT THAT TIME?

5 THE COURT: WHAT'S THE RELEVANCE?

6 THE WITNESS: HE IS MY AGE. I AM 44.

7 THE COURT: HOLD ON. HOLD ON.

8 MR. CRAIN: TO FOLLOW-UP TO THE COURT'S INQUIRY  
9 ABOUT WHY SHE WOULD BE TRYING TO FIND OUT ABOUT THE DEATH  
10 OF A YOUNG MAN WHO WENT DOWN.

11 THE COURT: I WILL SUSTAIN MY OBJECTION. THE  
12 OBJECTION IS THAT IT IS IRRELEVANT.

13 LET'S MOVE ON.

14 BY MR. CRAIN:

15 Q SO WHAT YOU HAVE STATED, THEN, THAT YOUR  
16 PURPOSE IN ATTEMPTING TO GET NEWS ABOUT DEAN PAUL MARTIN  
17 WAS TO FIND OUT JUST WHAT HAD HAPPENED TO HIM, AND IF THAT  
18 HAD BEEN DETERMINED YET?

19 A EXACTLY. THAT'S IT.

20 Q WAS THERE ANY OTHER REASON WHY YOU WERE  
21 WATCHING TELEVISION THAT DAY?

22 A NO. ABSOLUTELY NOT. AND I AM SURE IT WENT  
23 OFF RIGHT AFTER THAT.

24 Q NOW, IN THE WORK THAT YOU DID OVER THESE  
25 YEARS IN THE RESTAURANT BUSINESS, THE HOTEL BUSINESS WAS  
26 IT -- I THINK YOU TOLD US THIS EARLIER -- WAS IT PART OF  
27 YOUR JOB TO GET ACQUAINTED WITH A LOT OF PEOPLE IN THE  
28 COURSE OF YOUR WORK?

1           A        YEAH.  A LOT.

2           Q        AND WAS IT PART OF EITHER YOUR WORK OR JUST  
3 THE WAY YOU ARE AS YOUR UNIQUE SELF TO SIZE UP PEOPLE AND  
4 FORM OPINIONS ABOUT THEM?

5           A        WELL, WHEN YOU RUN THE FRONT -- WHEN -- IN  
6 THE RESTAURANT BUSINESS WHEN YOU RUN THE FRONT OF A VERY  
7 HOT HOLLYWOOD OR STAR-STUDED KIND OF A RESTAURANT LIKE  
8 THE EQUIVALENT OF WHAT SPAGO'S WAS A FEW YEARS AGO IN  
9 LOS ANGELES AND STUFF, YOU DEVELOP A REAL INSTINCT FOR  
10 KNOWING WHOSE GLOBALLY HAPPENING AS YOUR CLIENTELE.

11                    I MEAN, IT IS REAL -- IT IS WHAT IT IS.  SO  
12 YOU GET USED TO LOOKING AT PEOPLE AND SEEING THROUGH THE  
13 KIND OF CLOTHES THEY WEAR, WHAT THEY DO.  LIKE SOMETIMES  
14 BILLIONAIRES WILL WALK IN LOOKING LIKE BUMS AND YOU KNOW  
15 THEY JUST GOT IN OFF OF THE PLANE FROM LONDON AND THEY  
16 NEED TO BE LOOKED AFTER.

17                    MR. CHOW'S, BECAUSE IT WAS LONDON BASED AND IT  
18 WAS IMPORTANT TO MR. CHOW HIMSELF THAT I BE VERY GOOD AT  
19 READING PEOPLE AND I HAPPENED TO HAVE NATURALLY BEEN VERY  
20 GOOD AT DOING THAT, SO THAT WAS ONE OF REASONS I WAS A  
21 VERY SOUGHT AFTER PERSON IN THE RESTAURANT BUSINESS FOR  
22 THOSE YEARS.  AND AFTER MR. CHOW'S, BECAUSE I HAD AN  
23 INSTINCT FOR KNOWING HOW TO TAKE CARE OF CLIENTELE WHO  
24 THEY WERE AND SIZING THEM UP.  SO --

25           Q        IF A CUSTOMER GAVE VIBES, AS YOU SAY, OF  
26 BEING A POSSIBLY DISHONEST PERSON, WOULD THAT BE SOMETHING  
27 THAT YOU WOULD WANT TO HAVE SOME IMPRESSION ABOUT THEM  
28 RELATIVE TO YOUR WORK IN THE RESTAURANT BUSINESS?  WOULD

1 THAT BE SOMETHING OF IMPORTANCE TO THE RESTAURANT  
2 BUSINESS?

3 THE COURT: WHAT'S THE RELEVANCE OF THIS?

4 MR. CRAIN: WELL, I THOUGHT THE COURT WAS  
5 INTERESTED IN WHY SHE FORMED THE CONCLUSION THAT MR. LEVIN  
6 GAVE OFF THE IMPRESSIONS IN SOME WAY OF BEING A CON MAN?

7 THE COURT: SHE GAVE HER ANSWER. I INQUIRED WHY  
8 DID SHE USE THE TERM, AND SHE GAVE HER ANSWER AND --

9 MR. CRAIN: I AM ATTEMPTING TO FOLLOW-UP ON THAT.

10 THE COURT: LET'S MOVE ON.

11 MR. CRAIN: NOW, I WOULD JUST LIKE TO SAY IN  
12 RESPONSE TO THAT, I DON'T WANT THE COURT PUTTING SOME --  
13 AS AN OFFER OF PROOF, IF CAN, I CAN MAKE --

14 THE COURT: SHE USED A TERM. I SIMPLY WANTED TO  
15 KNOW WHY SHE USED THAT TERM. SHE GAVE ME HER ANSWER.  
16 WHETHER OR NOT SHE IS A WONDERFUL JUDGE OF CHARACTER BASED  
17 ON HER EXPERIENCES OVER THE YEARS IS REALLY IRRELEVANT. I  
18 AM SIMPLY ASKING HER TO EXPLAIN THE TERM SHE USED. THAT'S  
19 ALL.

20 MR. CRAIN: I AM NOT USING THIS TO ATTEMPT TO PROVE  
21 THAT MR. LEVIN IS A CON MAN. I THINK THAT'S ALREADY BEEN  
22 ESTABLISHED THROUGH OTHER MEANS. BUT WHAT I AM ATTEMPTING  
23 TO DO IS TO SHOW WHY HER IMPRESSIONS OF MR. LEVIN, BOTH  
24 HIS APPEARANCE AND HIS Demeanor AND OVERALL AURA THAT HE  
25 PROJECTED WERE OF SIGNIFICANCE TO HER, BECAUSE IT IS PART  
26 OF THE UNDERLYING FOUNDATION AS TO HOW WELL SHE IN FACT  
27 KNOWS MR. LEVIN.

28 THE COURT: LET'S MOVE ON. YOU HAVE COVERED THAT.

1 MR. CRAIN: I DON'T HAVE ANYTHING FURTHER.

2 THE COURT: ANYTHING FURTHER?

3 MR. MC MULLEN: JUST A COUPLE OF FOLLOW-UPS.

4 THE COURT: REAL BRIEFLY.

5

6

REXCROSS-EXAMINATION @

7

8 BY MR. MC MULLEN:

9 Q SO THE REASON YOU WERE FOLLOWING THE NEWS  
10 WHEN YOU SAW THAT TELEVISION NEWS PROGRAM WAS BECAUSE A  
11 FRIEND OF YOURS WAS BELIEVED TO BE KILLED?

12 A YES.

13 Q AND PRIOR TO THE TIME THAT YOU WITNESSED THIS  
14 SIGHTING THAT YOU HAVE TESTIFIED TO YOU WERE FAMILIAR WITH  
15 THE BILLIONAIRE BOYS CLUB CASE, WERE YOU NOT?

16 A I HAD HEARD OF IT, FAMILIAR I WOULDN'T SAY.  
17 I MEAN, I DON'T KNOW WHAT "FAMILIAR" MEANS IN THAT  
18 CONTEXT.

19 Q YOU HAD HEARD OF IT?

20 A I HAD HEARD OF IT.

21 Q DID YOU EVER REFUSE SERVICE TO MR. LEVIN AT  
22 THE RESTAURANTS?

23 A NO, NEVER.

24 MR. MC MULLEN: NOTHING FURTHER.

25 THE COURT: ANYTHING FURTHER?

26 MR. CRAIN: NOTHING.

27 THE COURT: MAY THE WITNESS BE EXCUSED?

28 MR. CRAIN: YES.

1 THE COURT: ANY OBJECTION?

2 MR. MC MULLEN: JUST IF SHE COULD REMAIN ON CALL  
3 FOR IMPEACHMENT PURPOSES.

4 THE COURT: SUBJECT TO A SHOWING.

5 YOU MAY STEP DOWN AT THIS POINT. THANK YOU

6 THE WITNESS: CAN I ASK A QUESTION?

7 THE COURT: NO. YOU MAY SPEAK TO THE ATTORNEYS AS  
8 YOU LEAVE. WE ARE GOING TO TAKE OUR RECESS AT THIS TIME.

9 DO WE HAVE THAT WITNESS COMING IN AT 11:00?

10 MR. KLEIN: HE IS SUPPOSED TO BE HERE.

11 THE COURT: I WILL TAKE A RECESS FOR 15 MINUTES.

12

13 (RECESS.)

14

15 THE BAILIFF: REMAIN SEATED, COME TO ORDER, THIS  
16 COURT IS AGAIN IN SESSION.

17 THE COURT: IN THE MATTER OF JOSEPH HUNT, THE  
18 RECORD WILL REFLECT ALL COUNSEL WITH THE EXCEPTION OF  
19 MR. KLEIN ARE PRESENT, PETITIONER IS PRESENT, MR. ROBINSON  
20 HAS ARRIVED.

21 YOU ARE LATE, MR. ROBINSON.

22 THE WITNESS: YES, SIR. I HAD OVERTIME.

23 THE COURT: SIR, YOU WERE ORDERED TO BE HERE IN  
24 COURT AT A REGULAR TIME. YOU MAY WANT TO THINK ABOUT  
25 THAT. THAT OVERTIME COULD GO AWAY IN THE SANCTIONS  
26 HEARING.

27 MR. KLEIN IS NOT HERE?

28 MR. CRAIN: YOUR HONOR --

1 THE COURT: IS HE STILL DOWN IN DIVISION 60?

2 MR. CRAIN: HE LEFT TO GO THERE. HE WILL BE BACK  
3 AT 1:30, IF IT IS ALL RIGHT WITH THE COURT.

4 THE COURT: YEAH. HE HAD ASKED -- I ASKED HIM TO  
5 BE BACK BY 11:30.

6 BUT YOU HAVE NO PROBLEM PROCEEDING IN HIS  
7 ABSENCE?

8 MR. CRAIN: NO, YOUR HONOR. BECAUSE BASICALLY  
9 MR. ROBINSON IS MY RESPONSIBILITY AT THIS POINT.

10

11 ROBERT A. ROBINSON, +  
12 RECALLED AS A WITNESS BY THE PETITIONER, HAVING BEEN  
13 PREVIOUSLY DULY SWORN WAS EXAMINED AND TESTIFIED AS  
14 FOLLOWS:

15

16 THE COURT: ALL RIGHT.

17 MR. ROBINSON, YOU ARE REMINDED THAT YOU ARE  
18 STILL UNDER OATH.

19 THE WITNESS: YES, SIR.

20 THE COURT: YOU MAY CONCLUDE YOUR CROSS  
21 EXAMINATION, MR. MC MULLEN.

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

23

24 CROSS-EXAMINATION RESUMED @

25

26 BY MR. MC MULLEN:

27 Q SO, MR. ROBINSON, I KNOW LAST TIME YOU WERE  
28 HERE YOU TESTIFIED ABOUT THE WAY THE MAN YOU SAW IN



1 WESTWOOD THE STYLE OF HIS HAIR WAS --

2 A YES.

3 Q AND HOW ABOUT THE COLOR OF HIS HAIR?

4 A IT WAS LIGHT IRON GRAY, MAYBE EVEN LIGHTER.

5 Q AND --

6 A LIGHTER THAN MINE IS RIGHT NOW.

7 Q WAS IT CONSISTENT -- DO YOU REMEMBER SEEING  
8 THE PHOTOGRAPH OF RON LEVIN THAT YOU IDENTIFIED?

9 A THAT WAS VERY MUCH, VERY MUCH THE SAME COLOR  
10 THROUGHOUT.

11 Q SO THE HAIR WAS THE SAME COLOR IN THE  
12 PHOTOGRAPH, PETITIONER'S EXHIBIT 1, AS WHAT YOU REMEMBER?

13 A OF THE SAME CONSISTENCY. I THINK IT WAS  
14 PROBABLY A LITTLE LIGHTER THAN THAT.

15 Q HOW ABOUT THE MAN'S BEARD THAT YOU SAW IN  
16 WESTWOOD?

17 A THEY LOOKED VERY MUCH ALIKE. MAY HAVE BEEN  
18 DIFFERENT BY A LITTLE BIT, BUT ESSENTIALLY SLENDER CHEEKS,  
19 HAIR AND THEN A LITTLE GOATEE MUSTACHE.

20 Q BASICALLY THE SAME COLOR?

21 A I WOULD SAY SO. PRETTY MUCH SO.

22 Q THE LAST TIME YOU TESTIFIED WE FINISHED UP  
23 WITH A QUESTION WITH RESPECT TO YOU PROVIDING RON LEVIN  
24 WITH SOME TIPS OF NEWSWORTHY EVENTS; IS THAT CORRECT?

25 A THAT'S CORRECT.

26 Q ALL RIGHT.

27 A WELL, I HAD DONE THAT IN 1983 AND 1984.

28 Q HOW WOULD THAT WORK? HE WOULD PAY YOU FOR

1 THOSE?

2 A YES.

3 Q HOW MUCH DID HE PAY YOU FOR THOSE TIPS?

4 A \$30.

5 Q DID -- WAS YOUR EMPLOYER AWARE OF THAT?

6 MR. CRAIN: THAT CALLS FOR CONCLUSION AND IS  
7 IRRELEVANT.

8 THE WITNESS: ACTUALLY, I DOUBT IT.

9 MR. CRAIN: JUST A MINUTE.

10 THE COURT: HOLD ON.

11 I WILL SUSTAIN THE OBJECTION.

12 YOU CAN REFRAME IT.

13 MR. MC MULLEN: THANK YOU.

14 BY MR. MC MULLEN:

15 Q DID YOU TELL YOUR EMPLOYER ABOUT THIS  
16 ARRANGEMENT YOU HAD WITH MR. LEVIN?

17 MR. CRAIN: THAT'S TOTALLY IRRELEVANT.

18 THE COURT: OVERRULED.

19 BY THE WITNESS: NO.

20 MR. MC MULLEN:

21 Q DO YOU THINK THERE WAS ANY KIND OF AN ETHICAL  
22 PROBLEM WITH MAKING MONEY, SO TO SPEAK, ON THE SIDE VERSUS  
23 THE FACT THAT YOU WERE EMPLOYED BY THE CITY NEWS SERVICE.

24 MR. CRAIN: OBJECTION. IRRELEVANT. IT IS SOME  
25 SORT OF, YOU KNOW, CHARACTER ASSASSINATION. IT HAS  
26 NOTHING TO DO WITH THE PROCEEDINGS HERE.

27 THE COURT: OVERRULED. YOU BROUGHT IT UP ON DIRECT  
28 EXAMINATION.

1 THE WITNESS: NO. THERE WAS NO CONFLICT BECAUSE I  
2 ALWAYS MADE SURE THAT I TOLD MY EMPLOYER THE STORIES  
3 BEFORE I EVER GAVE THEM A TIP. IT WOULD NEVER HAVE  
4 CONFLICTED WITH ONE OF OUR STORIES.

5 BY MR. MC MULLEN:

6 Q YOU TESTIFIED LAST TIME YOU WERE HERE THAT  
7 GARY ARNOT TOLD YOU THAT HE WAS GOING TO GO TO THE  
8 \*\*POLICE RELATIONS?

9 A YES. RIGHT.

10 Q AND WHEN DID HE SAY HE WAS GOING TO DO THAT?

11 A WELL, ON THE DAY THAT I WENT DOWN TO --  
12 EARLIER IN THE MORNING OF THE SAME DAY THAT I WENT DOWN  
13 AND TALKED TO THE ATTORNEY, WAPNER.

14 Q HAD YOU EVER BEEN TO THE NATIONAL THEATER  
15 BEFORE THE DATE THAT YOU --

16 A CERTAINLY.

17 Q -- THAT YOU CLAIM TO HAVE SEEN LEVIN?

18 A YES, I HAVE.

19 Q HOW MANY TIMES?

20 A THAT I DON'T KNOW. I HAVE GONE TO MOST OF  
21 THE THEATERS IN WESTWOOD AT ONE TIME OR ANOTHER. I  
22 COULDN'T GIVE YOU AN EXACT NUMBER.

23 Q BUT DESPITE THE FACT THAT YOU HAD BEEN THERE  
24 BEFORE YOU MANAGED TO FIND YOURSELF IN THE WRONG LINE?

25 A YES. IT WAS BEFORE -- I HAD NEVER HAD TO BE  
26 IN LINE BEFORE. I JUST WALKED UP TO THE BOX OFFICE AND  
27 BOUGHT A TICKET.

28 Q HAD YOU HEARD ABOUT THE B.B.C. OR THE BOMBAY

1 BICYCLE CLUB OR BILLIONAIRE BOYS CLUB BETWEEN THE DATES OF  
2 1984 AN 1986?

3 A YES.

4 Q IN WHAT CONTEXT HAD YOU HEARD ABOUT THAT?

5 A IT HAD BEEN ON THE NEWS. THE NAME HAD BEEN  
6 IN THE NEWS AND ALSO BEEN IN THE NEWSPAPER.

7 Q THE FIRST THING YOU SAID IN THE NEWS, WHAT  
8 WERE YOU REFERRING TO?

9 A LIKE ON TELEVISION NEWS.

10 Q AND ALSO IN THE NEWSPAPER?

11 A CORRECT.

12 Q AND THAT'S HOW YOU HAD READ ABOUT THE  
13 ORGANIZATION?

14 A THAT'S HOW I KNEW ABOUT IT, YES.

15 Q OR HEARD ABOUT IT?

16 A YES.

17 Q AND, OF COURSE, DURING THAT TIME BETWEEN 1984  
18 AN 1986 YOU READ NEWSPAPERS?

19 A OF COURSE.

20 Q WHAT KIND OF NEWSPAPER DID YOU READ?

21 A I TYPICALLY READ THE LOS ANGELES TIMES.

22 Q HOW OFTEN?

23 A I DON'T READ COVER TO COVER, BUT I WILL READ  
24 STORIES IN THE LOS ANGELES TIMES.

25 Q DURING THAT TIME DID YOU SUBSCRIBE TO ANY  
26 MAGAZINES?

27 A SOME SCIENTIFIC MAGAZINES AS WELL AS SPORTS  
28 ILLUSTRATED AND NEWSWEEK.

1 Q DID YOU HAVE A RADIO AT WORK?

2 A WE HAVE SCANNERS. WE DIDN'T LISTEN TO THE  
3 RADIO, NOT A COMMERCIAL RADIO.

4 Q YOU NEVER LISTENED TO LIKE NEWS RADIO  
5 STATIONS?

6 A AT HOME. I DON'T KNOW IF WE HAD A STATION --  
7 ANY KIND OF RADIO THAT WAS AT WORK.

8 MR. MC MULLEN: I WOULD REFER COUNSEL TO THE  
9 TRANSCRIPT OF THE PROCEEDINGS IN SAN MATEO JUNE 25, 1992,  
10 PAGE 7027 STARTING AT LINE 20, ACTUALLY STARTING AT LINE  
11 16.

12 BY MR. MC MULLEN:

13 Q (READING):

14 "Q WERE THERE RADIOS IN THE  
15 PARKER CENTER IN THE PRESS ROOM?

16 A YES.

17 Q OTHER THAN THE SCANNERS?

18 A YES. BOTH THE UNITED PRESS  
19 REPORTER AND MYSELF ALWAYS HAD A  
20 RADIO, OUR OWN PERSONAL RADIO ON THE  
21 DESK. I USUALLY -- "

22 A YES. THAT'S --

23 THE COURT: HOLD ON.

24 THE WITNESS: YES.

25 THE COURT: WAIT.

26 BY MR. MULLEN:

27 (READING):

28 "A I USUALLY TUNE IT TO

1 K.F.W.B..

2 Q WHAT'S K.F.W.B.?

3 A THAT IS ALL NEWS ALL THE TIME  
4 STATION. THE ONLY ONE IN LOS  
5 ANGELES THAT DOESN'T HAVE OTHER  
6 PROGRAMS.

7 Q WHEN YOU SAY ALL NEWS --

8 A NEWS, WEATHER, ART, SPORTS,  
9 24 HOURS, 24 HOURS A DAY."

10 Q DO YOU REMEMBER TESTIFYING TO THAT?

11 A THAT HAD SLIPPED MY MIND. I AM SORRY. YES,  
12 WE DID HAVE THAT.

13 THE COURT: WAIT UNTIL THE QUESTION IS ALL THE WAY  
14 OUT BEFORE YOU BEGIN YOUR ANSWER.

15 THE WITNESS: YES, SIR.

16 THE COURT: OKAY.

17 THE WITNESS: THANK YOU.

18 BY MR. MC MULLEN:

19 Q YOU DID LISTEN TO K.F.W.B.?

20 A YES, SIR.

21 Q WHILE YOU WERE AT WORK?

22 A YES, SIR.

23 Q DID YOU ALSO TUNE TO THAT STATION, WHEN YOU  
24 WERE AT HOME?

25 A THAT'S THE ONE I TURNED TO WHEN I WANTED  
26 NEWS, YES.

27 Q HOW DID YOU LEARN ABOUT THE TRIAL THAT  
28 INVOLVED THE B.B.C, THE BILLIONAIRE BOYS CLUB?

1           A           THAT HAD BEEN ON THE NEWS, BUT I ONLY  
2 FOLLOWED IT SPORADICALLY.

3           Q           WHEN DID YOU FIRST HEAR ABOUT IT?

4           A           PROBABLY LATE 1986.

5           MR. MC MULLEN:   REFERRING COUNSEL TO THE TRANSCRIPT  
6 OF THE PROCEEDINGS JUNE 25, 1992, FROM THE SAN MATEO TRIAL  
7 PAGE 6969 STARTING AT LINE 13.

8 BY MR. MC MULLEN:

9                       (READING):

10           "Q           NOW, YOU HAVE INDICATED THAT  
11 YOU HAD A VAGUE AWARENESS THAT THERE  
12 WAS A B.B.C. AND THAT IT WAS A GROUP  
13 OF WEALTHY MEN THAT WERE INVOLVED IN  
14 SHADING DEALINGS.

15           A           THAT WAS -- THAT'S WHAT THE  
16 POLICE SAID, YES.   THAT -- I MEAN, I  
17 KNEW THERE WAS A TRIAL THAT OCCURRED  
18 ALSO OR THAT WAS GOING ON, STARTING  
19 IN PROBABLY FALL OF '86, I AM NOT  
20 SURE, I THINK IT WAS THEN.

21                       DO YOU REMEMBER TESTIFYING TO THAT IN  
22 SAN MATEO?

23           A           THAT JUST CONFIRMED WHAT I HAVE JUST SAID.

24           Q           SO YOU LEARNED ABOUT THE TRIAL IN THE FALL OF  
25 '86.

26           A           YES, ITS FALL.

27           Q           WHEN YOU LEARNED ABOUT THE TRIAL DID YOU KNOW  
28 THAT JOE HUNT WAS THE ACCUSED?

1           A           THE NEWS STORY SAID HE WAS ONE OF THE PERSONS  
2 WHO WAS ACCUSED IN THIS.

3           Q           AND DID YOU ALSO LEARN THAT THE CHARGES WERE  
4 MURDER AND THAT THE VICTIM WAS RON LEVIN.

5           MR. CRAIN:   AT WHICH POINT?   OBJECTION.   VAGUE.

6           THE COURT:   ARE YOU TALKING FALL OF '86?

7           MR. MC MULLEN:   YES.

8           THE WITNESS:   I HEARD ABOUT THAT IN THE FALL OF  
9 '86.

10          BY MR. MC MULLEN:

11          Q           DID SOMEONE FROM THE CITY NEWS SERVICE COVER  
12 THE HUNT TRIAL BACK IN 1986?

13          MR. CRAIN:   I THINK THAT WOULD CALL FOR A  
14 CONCLUSION.

15          MR. MC MULLEN:   IF YOU KNOW.

16          THE COURT:   HOLD ON.

17                       IF HE KNEW.   SHE SAID HE HAD WORKED THE CRIME  
18 DESK DOWN AT PARKER CENTER.

19                       YOU MAY ANSWER.

20          THE WITNESS:   I AM SURE WE HAD SOMEBODY FROM OUR  
21 COURT BEAT COVERING IT.

22          BY MR. MC MULLEN:

23          Q           DID CITY NEWS SERVICE MAINTAIN CRIME FILES?

24          A           I DON'T KNOW WHAT THEY WOULD DO.   IN THE  
25 OFFICE THEY MAINTAINED STORY FILES, SO I AM SURE THEY DID  
26 DIVIDE THEM INTO DIFFERENT CATEGORIES.

27          Q           GOING BACK TO WESTWOOD WHEN YOU WERE WAITING  
28 IN LINE FOR THE MOVIE.



1           A        RIGHT.

2           Q        AFTER THE PERSON WHO YOU CLAIM IS RON LEVIN  
3 APPROACHED YOU DID THAT -- DID YOU FIND THAT, ANYTHING  
4 STRANGE ABOUT THAT CIRCUMSTANCE?

5           A        IT WAS UNUSUAL IN THAT I HADN'T SEEN HIM AND  
6 THAT I KNEW HE WAS SUPPOSED TO BE MISSING. I DIDN'T KNOW  
7 THAT HE WAS SUPPOSED TO BE DEAD AT THE TIME.

8           Q        SO YOU IN YOUR MIND YOU KNEW THAT HE WAS  
9 MISSING OR DISAPPEARED?

10          A        I KNEW THAT HE HADN'T BEEN SEEN SINCE EARLIER  
11 IN TIME. IN FACT, UNTIL I TALKED TO GARY ARNOT THE NEXT  
12 DAY I DIDN'T REMEMBER THAT IT HAD BEEN SINCE 1984. I KNEW  
13 THAT HE HADN'T BEEN AROUND FOR A WHILE.

14          Q        DID YOU ASK HIM ANYTHING ABOUT THAT, THAT IS  
15 RON LEVIN, THE PERSON YOU CLAIM IS RON LEVIN?

16          A        NO.

17          Q        WHY NOT?

18          A        I DIDN'T WANT TO CARRY ON A LONG CONVERSATION  
19 WITH HIM. WE WEREN'T FRIENDS. WE HAD DONE SOME BUSINESS  
20 TOGETHER AND HE DISAPPEARED. I WASN'T TRYING TO, YOU  
21 KNOW, STRIKE UP AN ASSOCIATION, RELATIONSHIP.

22          Q        FOCUSING ON THE TIME THAT PARTICULAR DAY IN  
23 WESTWOOD HOW SURE ARE YOU THAT IT WAS TWO YEARS SINCE YOU  
24 HAD SEEN RON LEVIN AT THAT PARTICULAR TIME?

25          A        AT THAT TIME I DIDN'T. IT WAS AFTER I TALKED  
26 TO ARNOT, IT WAS LATER BECAUSE I PERSONALLY HADN'T SEEN  
27 HIM SINCE EARLY 1984 BUT I DIDN'T KNOW WHEN HE HAD BEEN  
28 MISSING.

1 Q YOU TESTIFIED THAT A DAY OR TWO AFTER YOUR  
2 EXPERIENCE IN WESTWOOD YOU TOLD ANOTHER REPORTER ABOUT  
3 WHAT YOU HAD SEEN; IS THAT CORRECT?

4 A I TOLD MR. ARNOT, GARY ARNOT.

5 Q HOW DID THAT SUBJECT COME UP IN CONVERSATION?

6 A I SIMPLY SAID, "GUESS WHO I SAW THIS  
7 WEEKEND?" AND I TOLD HIM AND HE WAS SURPRISED.

8 Q WHY DID YOU SAY THAT TO HIM?

9 A WE ALWAYS JUST, YOU KNOW, JUST CONVERSATION.  
10 I MEAN, I KNEW THAT HE WAS SUPPOSED TO BE MISSING, AND  
11 ONCE AGAIN I DIDN'T KNOW HE WAS SUPPOSED TO BE DEAD. I  
12 BROKE THIS NEWS THAT I HAD SEEN HIM TO HIM JUST IN  
13 CONVERSATION.

14 Q WHAT DID GARY ARNOT SAY?

15 A WELL, NOT EXACT WORDS BUT IN AFFECT HE SAID,  
16 "DIDN'T YOU KNOW THAT HE WAS SUPPOSED TO BE DEAD?"

17 Q ALL RIGHT.

18 A AND I DIDN'T.

19 Q AND THEN WHAT WAS SAID AFTER THAT?

20 A WELL, I MEAN HE DID TELL ME THAT, YOU KNOW,  
21 HE WAS SUPPOSED TO BE DEAD AND I DIDN'T -- I HADN'T  
22 REALIZED THAT AT THE TIME. THAT WAS NEWS TO ME. I KNEW  
23 HE WAS MISSING AND HE JUST GOT INTO MORE DETAIL ABOUT THE  
24 CASE.

25 Q WHAT DID YOU DO, AFTER GARY ARNOT TOLD YOU  
26 THIS, THAT LEVIN WAS DEAD?

27 A NOTHING.

28 Q WHY?

1           A           I DIDN'T WANT TO GET INVOLVED.

2           Q           AT THAT POINT IN TIME, THAT IS WHEN YOU  
3 TALKED TO GARY ARNOT, HOW LONG HAD YOU BEEN A POLICE BEAT  
4 REPORTER?

5           A           1972.

6           Q           AND DURING THAT PARTICULAR TIME WHEN YOU  
7 TALKED TO GARY ARNOT HAD YOU COVERED A LOT OF CRIME  
8 STORIES?

9           A           PLENTY. I DON'T KNOW HOW MUCH, BUT A LOT.

10          Q           CAN YOU GIVE AN APPROXIMATION?

11          A           WE HAD MANY DIFFERENT TYPES OF STORIES, IT  
12 WOULD HAVE BEEN LITERALLY IN THE THOUSANDS.

13          Q           DURING THE TIME -- DURING THE PERIOD OF TIME  
14 THAT YOU HAD CONTACT WITH LEVIN WHEN YOU WORKED AT PARKER  
15 CENTER AND YOU WERE PROVIDING HIM WITH TIPS OF NEWSWORTHY  
16 EVENTS DID YOU HAVE TO MAKE A DETERMINATION, FIRST OF ALL,  
17 OF WHAT EVENTS MIGHT BE NEWSWORTHY THAT HE WOULD BE  
18 INTERESTED IN? DID YOU HAVE TO DO THAT?

19          A           THAT WOULD HAVE BEEN HARD. HE TOLD ME THAT  
20 HE WANTED STORIES JUST LIKE ARNOT ALSO TOLD ME HE WANTED  
21 STORIES THAT WERE VERY VISUAL.

22          Q           AND SO YOU WOULD HAVE TO MAKE SOME SORT OF A  
23 DETERMINATION WHEN YOU LEARNED ABOUT A STORY WHETHER IT  
24 WAS OF VISUAL IMPACT; IS THAT CORRECT?

25          A           ONCE I GOT THE STORY AND WROTE THE STORY I  
26 WOULD KNOW IF IT HAD VISUAL IMPACT. I ALWAYS SENT IT TO  
27 THE OFFICE FIRST.

28          Q           WOULD YOU LEARN ABOUT THESE STORIES FROM THE

1 POLICE RADIO SCANNERS THAT YOU TESTIFIED TO EARLIER?

2 A SOMETIMES.

3 Q AND WHAT OTHER SOURCES?

4 A WELL, MOSTLY THROUGH -- SOMETIMES THROUGH  
5 SCANNERS AND SOMETIMES JUST THROUGH MY REGULAR BEAT, WHICH  
6 WOULD BE TO CALL THE POLICE STATIONS EVERY NIGHT JUST TO  
7 FIND OUT WHAT WAS GOING ON.

8 Q DID YOU WRITE A STORY ON EVERYTHING THAT YOU  
9 HEARD OVER THE POLICE SCANNER?

10 A THAT WOULD BE IMPOSSIBLE.

11 Q SO OVER THE YEARS OF WORKING THE POLICE BEAT  
12 WOULD YOU DEVELOP SOME KIND OF ABILITY THAT WOULD ALLOW  
13 YOU TO DISTINGUISH BETWEEN WHAT WAS A NEWSWORTHY STORY AND  
14 WHAT WAS NOT NEWSWORTHY?

15 A CERTAINLY. ANY REPORTER KNOWS THAT.

16 Q SO YOU HAVE TESTIFIED THAT ONE DAY AFTER WORK  
17 YOU GO TO THE MOVIES AND YOU SEE RON LEVIN; IS THAT  
18 CORRECT?

19 A CORRECT.

20 Q THEN A COUPLE OF DAYS LATER YOU TALKED TO  
21 GARY ARNOT AND HE TELLS YOU BASICALLY THAT THE GUY THAT  
22 YOU SAW A DAY OR TWO BEFORE WAS SUPPOSED TO BE MURDERED;  
23 RIGHT?

24 A RIGHT.

25 Q DID YOU CONSIDER THAT TO BE NEWSWORTHY THAT  
26 YOU HAD SEEN A DEAD MAN?

27 A WELL, OBVIOUSLY HE WASN'T DEAD, SO I  
28 DIDN'T -- FIRST OF ALL I DIDN'T WANT TO GET INTO A CASE

1 WHICH AT THAT TIME HE TOLD ME WHAT THIS WAS ABOUT I DIDN'T  
2 WANT TO INJECT MYSELF INTO A CASE, AS I HAVE TOLD THE  
3 POLICE AND AS I HAVE TOLD ATTORNEYS.

4 Q OKAY.

5 LISTEN CLOSELY TO MY QUESTION.

6 DID YOU THINK IT WAS NEWSWORTHY THAT YOU HAD  
7 SEEN WHAT GARY ARNOT TOLD YOU WAS A MURDERED MAN?

8 A IT WAS -- OBVIOUSLY, IT COULD BE REGARDED AS  
9 NEWSWORTHY, BUT I COULDN'T HAVE FOLLOWED IT UP.

10 Q I WOULD DIRECT COUNSEL TO THE TRANSCRIPT OF  
11 THE SAN MATEO PROCEEDINGS ON JUNE 25, 1992, PAGE 7045  
12 STARTING AT LINE.

13 BY MR. MC MULLEN:

14 Q (READING):

15 "Q DID YOU CONSIDER IT  
16 NEWSWORTHY THAT YOU HAD SEEN A DEAD  
17 MAN?

18 A WELL, SINCE I KNEW HE WASN'T  
19 DEAD, NO."

20 DO YOU REMEMBER TESTIFYING TO THAT?

21 A I RECALL THE EXACT TESTIMONY, BUT WHAT --

22 MR. CRAIN: COULD THE BALANCE OF TESTIMONY BE READ?

23 THE COURT: YOU CAN DO IT ON REDIRECT.

24 MR. CRAIN: ALL RIGHT.

25 YOU CAN PUT IT IN CONTEXT THEN.

26 MR. CRAIN: ALL RIGHT.

27 BY MR. MC MULLEN:

28 Q DO YOU REMEMBER TESTIFYING TO THAT?

1           A        I AM SURE I MUST HAVE SAID SOMETHING ON THAT  
2 ORDER, BUT I AM SAYING IN THE CONTEXT OF KNOWING HE WASN'T  
3 DEAD RATHER THAN JUST BEING MISSING I KNEW THAT I COULDN'T  
4 HAVE VERY WELL VERIFIED THAT HE -- I COULDN'T HAVE MADE A  
5 STORY OUT OF IT IT EVEN THOUGH IT WOULD BE A STORY IF I  
6 COULD HAVE PROVED IT.

7           Q        DID ARNOT SAY -- EXCUSE ME.

8                    LET ME WITHDRAW THAT AND START OVER AGAIN.

9                    ARNOT TOLD YOU AT THAT TIME WHEN YOU HAD THIS  
10 CONVERSATION ABOUT WHAT YOU HAD SEEN THAT IT WAS  
11 NEWSWORTHY THAT YOU HAD SEEN IT; WASN'T THAT HIS OPINION?

12           A        IT WAS HIS OPINION THAT IF I COULD PROFIT IT  
13 WOULD DEFINITELY BE NEWSWORTHY.

14           Q        WAS THERE ANY DOUBT IN YOUR MIND AT THE TIME  
15 THAT YOU HAD THIS CONVERSATION WITH GARY ARNOT THAT HE  
16 BELIEVED THAT LEVIN HAD BEEN MURDERED?

17           A        I AM SURE HE DID BELIEVE IT.

18           Q        NOW, YOU HAVE HAD A LOT OF EXPERIENCE ON THE  
19 CRIME BEAT THERE AT PARKER CENTER; IS THAT CORRECT?

20           A        YES.

21           Q        AND DURING THAT PERIOD OF TIME THAT YOU  
22 WORKED THERE DID YOU BECOME FAMILIAR WITH PEOPLE WHO ARE  
23 IDENTIFIED BY POLICE THAT YOU REFERRED TO AS WITNESSES?

24           A        OF COURSE.

25           Q        AND THESE ARE PEOPLE THAT SEE THINGS?

26           A        YEAH.

27           Q        AND THEN THE POLICE INTERVIEW THESE PEOPLE  
28 AND TRY TO DETERMINE WHAT HAPPENED IN A GIVEN SITUATION;

1 IS THAT A FAIR STATEMENT?

2 A TRUE.

3 Q IN FACT NEWS REPORTER DO THE SAME THING; IS  
4 THAT RIGHT?

5 A THAT WE INTERVIEW PEOPLE, YES, OF COURSE.

6 Q AND THEN BASED UPON THE INFORMATION THAT THE  
7 REPORTER GETS FROM WITNESSES THEY WRITE A STORY ON WHAT  
8 THEY HAVE LEARNED FROM TALKING TO THE WITNESSES; IS THAT  
9 CORRECT?

10 A CORRECT.

11 Q PRIOR TO GOING TO THE D.A.'S OFFICE WAS THERE  
12 A VIDEOTAPE MADE OF A STATEMENT THAT YOU MADE?

13 A THERE WAS A VIDEOTAPE MADE OF ME, BUT I DON'T  
14 KNOW WHAT WAS RECORDED. I KEPT TELLING ARNOT THAT I  
15 COULDN'T TELL HIM ANYTHING ABOUT WHAT I HAD ALREADY SEEN  
16 OTHER THAN WHAT HE ALREADY KNEW IN THE FIRST PLACE.

17 Q WHEN WAS THE VIDEOTAPE MADE?

18 A THAT WAS HAZY. IT IS EITHER ON THE DAY THAT  
19 I DETERMINED TO GO TO THE ATTORNEY OR THE FOLLOWING DAY,  
20 AND I FRANKLY DON'T RECALL WHETHER IT WAS THAT FRIDAY OR  
21 THE FOLLOWING DAY, WHICH WAS A SATURDAY.

22 Q DID YOU EVER DISCUSS WITH GARY ARNOT HOW YOU  
23 WOULD BE FINANCIALLY COMPENSATED, IF YOUR STORY WAS USED?

24 A HE SAID HE WOULD PAY ME FOR IT. I KNEW THAT  
25 HE GOT MONEY FOR HIS TAPES, BUT I SAID, "I WON'T GIVE YOU  
26 A STORY UNTIL AFTER THE TRIAL." I DIDN'T WANT TO  
27 PREJUDICE THE TRIAL.

28 THE COURT: THE RECORD WILL REFLECT MR. KLEIN HAS

1       RETURNED TO THE COURTROOM.

2       BY MR. MC MULLEN:

3               Q       DID YOU TELL FRED WAPNER ABOUT YOUR  
4       ARRANGEMENT, THIS FINANCIAL ARRANGEMENT YOU HAD WITH GARY  
5       ARNOT WHEN YOU TALKED TO FRED?

6               MR. CRAIN: I THINK THAT ASSUMES FACTS NOT IN  
7       EVIDENCE. I THINK HE REALLY SAID THERE WAS NO FINANCIAL  
8       ARRANGEMENT.

9               THE COURT: OVERRULED.

10              YOU MAY ANSWER.

11              THE WITNESS: I BELIEVE THAT GARY TALKED TO ME  
12       ABOUT ANY FINANCIAL ARRANGEMENT AFTER I TALKED WITH  
13       ATTORNEY WAPNER.

14       BY MR. MC MULLEN:

15              Q       WHAT WAS THE STORY YOU INTENDED TO RELEASE  
16       WITH RESPECT TO YOUR EXPERIENCE IN WESTWOOD?

17              A       I WANTED TO MAKE SURE THAT EVERYTHING WAS  
18       VERIFIED, OF COURSE, BUT AFTER THE TRIAL. I COULD NOT  
19       TALK, GIVE A STORY, MAKE THE STORY BEFORE THE TRIAL AND IN  
20       FACT THERE WAS A HEARING OF SOME SORT, I CAN'T REMEMBER IF  
21       IT WAS IN A JUDGE'S CHAMBER OR LIKE IN A COURTROOM LIKE  
22       THIS WITH A JUDGE HIMSELF TALKING TO EVERYBODY IN THE  
23       COURTROOM SAID, "DO NOT BE TALKING ABOUT THE STORY, NOT  
24       MAKING THE STORY, NOT RELEASING IT TO THE PUBLIC BEFORE  
25       THE CASE WAS OVER." THAT'S BEFORE THE JURY CAME BACK WITH  
26       THEIR DECISION, SO I FELT AS THOUGH I HAD TO, YOU KNOW,  
27       JUST HOLD OUT ON THAT.

28              Q       SO THEN AFTER YOUR -- I AM TRYING TO GAIN AN



1 UNDERSTANDING OF WHAT WAS GOING THROUGH YOUR MIND AFTER  
2 YOU WERE GOING TO TESTIFY OR PARTICIPATE IN THE TRIAL  
3 SOMEHOW, THEN YOU ARE GOING TO WATCH A STORY?

4 A THEN I COULD HAVE WRITTEN A STORY, BUT THEY  
5 DIDN'T CALL ME.

6 Q WHAT WERE THE CIRCUMSTANCES THAT LED YOU TO  
7 GO TO THE D.A.'S OFFICE ON APRIL 17, 1987?

8 A OKAY. I GOT TWO THINGS. ONE, WAS ARNOT'S  
9 SAYING THAT HE WOULD TALK TO THE PRESS RELATIONS OFFICER.  
10 I DON'T THINK THAT WOULD HAVE MADE THAT MUCH OF AN  
11 IMPRESSION. AND, SECOND, IS THE FACT THAT I READ IN THE  
12 TIMES THAT THE CASE WAS GOING TO TRIAL THAT DAY AND THERE  
13 HAD BEEN PEOPLE WHO HAD TESTIFIED THAT THEY HAD SEEN  
14 MR. LEVIN, AND I FELT MAYBE I SHOULD COME FORWARD, I AM  
15 NOT THE ONLY ONE, THERE IS A BETTER CHANCE THAT IT WILL  
16 ACTUALLY HAVE AN IMPACT. IF THEY SAID IT IS ONLY ONE  
17 PERSON WHO SAW HIM THEY COULD JUST BRUSH IT ASIDE AS  
18 IMAGINING OR SOMETHING.

19 Q DID YOU -- PRIOR TO GOING TO TALK TO THE  
20 DISTRICT ATTORNEY YOU MENTIONED THAT YOU READ AN ARTICLE  
21 IN THE L.A. TIMES?

22 A YES. ON THE MORNING OF APRIL 17TH.

23 Q WHEN WAS YOUR CONVERSATIONS WITH GARY ARNOT  
24 WITH RESPECT TO HIM GOING TO THE PRESS RELATIONS PEOPLE?

25 A HE HAD SAID THAT ALSO THAT MORNING.

26 Q WAS IT BEFORE OR AFTER YOU READ THE NEWSPAPER  
27 ARTICLE?

28 A BEFORE.

1 Q HOW DID THIS SUBJECT COME UP WITH GARY ARNOT  
2 ABOUT HIM GOING TO THE PRESS RELATIONS PEOPLE?

3 A HE KNEW THAT THE CASE -- ACTUALLY, HE HAD  
4 KEPT UP WITH THE CASE MORE THAN I DID, SO HE KNEW WHAT WAS  
5 GOING TO THE JURY. HE SAID, YOU KNOW, "IF YOU TELL ME  
6 ABOUT THE THING NOW, YOU KNOW, BEFORE I GO TO, YOU KNOW,  
7 BEFORE I GO TO ANYBODY HE WANTED AN EXCLUSIVE STORY, I  
8 TOLD HIM I COULDN'T DO THAT.

9 Q BETWEEN THE TIME OF THE SIGHTING --

10 A THAT WAS MONTHS.

11 Q -- WHICH WAS SEVERAL MONTHS HAD PASSED BEFORE  
12 THIS CONVERSATION WITH GARY ARNOT; ISN'T THAT CORRECT?

13 A CORRECT.

14 Q ALMOST SIX MONTHS OR APPROXIMATELY SIX  
15 MONTHS.

16 A PROBABLY SOMETHING LIKE THAT, YES.

17 Q YOU SAID GARY ARNOT WAS KEEPING UP WITH THE  
18 TRIAL IN TERMS OF NEWS?

19 A I AM MAKING THAT INFERENCE JUST BECAUSE HE  
20 WAS FAR MORE INTERESTED IN IT THEN I WAS.

21 Q PRIOR TO APRIL 17TH DID YOU HAVE ANY  
22 CONVERSATIONS WITH GARY ARNOT ABOUT WHAT YOU HAD SEEN IN  
23 WESTWOOD?

24 A YES. I SAID THAT. I SAID IT ON THE DAY  
25 AFTER I HAD ACTUALLY SEEN LEVIN THAT I ACTUALLY TOLD HIM  
26 THAT.

27 Q AFTER THAT POINT IN TIME BETWEEN THE FIRST  
28 CONVERSATION YOU HAD WITH HIM AFTER YOU WERE IN WESTWOOD

1 TO APRIL 17TH, DID YOU TALK ABOUT YOUR SIGHTING AT ALL?

2 A HE WOULD BRING IT UP OCCASIONALLY, RARELY BUT  
3 HE DID BRING IT UP A FEW TIMES, AND I TOLD HIM THE SAME  
4 THING I TOLD HIM THE FIRST TIME, I DIDN'T HAVE ANY NEW  
5 INFORMATION.

6 Q WELL, THE FIRST TIME YOU BROUGHT IT UP AFTER  
7 THE WESTWOOD INCIDENT?

8 A RIGHT.

9 Q WHEN APPROXIMATELY DID THAT OCCUR?

10 A WHAT DO YOU MEAN? I SAID THE NEXT DAY THAT I  
11 WAS ON DUTY. IT WOULD HAVE BEEN EITHER THE VERY FOLLOWING  
12 DAY OR THE DAY AFTER.

13 Q AFTER THAT INITIAL CONVERSATION WHAT WAS THE  
14 NEXT TIME?

15 A THAT I DON'T RECALL. IT HAPPENED A FEW TIMES  
16 BETWEEN THAT FIRST TIME AND APRIL 17TH.

17 Q WOULD MR. ARNOT TELL YOU ABOUT THE TRIAL, THE  
18 PROGRESS OF THE TRIAL IN THOSE CONVERSATIONS YOU HAD WITH  
19 HIM?

20 A NO. NOT REALLY. HE JUST ASKED IF I SEEN --  
21 IF I HAD SEEN LEVIN AGAIN OR IF I HAD GOTTEN ANY NEW  
22 INFORMATION, AND I TOLD HIM NO.

23 Q ALL RIGHT.

24 A I DON'T RECALL IF HE GAVE ANY DETAILS. HE  
25 WAS TRYING TO GET A STORY OUT OF ME.

26 Q SO AFTER YOU TALKED TO GARY ARNOT ON THE 17TH  
27 OF APRIL 1987 YOU READ AN ARTICLE IN THE LOS ANGELES TIMES  
28 ABOUT THE TRIAL; CORRECT?

1           A       CORRECT.  THAT MORNING.

2           Q       AND IT MENTIONS IN THE ARTICLE THAT THE CASE  
3 IS GOING TO THE JURY AND THAT DURING THE COURSE OF THE  
4 TRIAL SOME PEOPLE CAME FORWARD AND TESTIFIED THAT THEY HAD  
5 SEEN RON LEVIN?

6           A       CORRECT.

7           Q       AND AT THAT POINT IN TIME YOU MAKE THE  
8 DECISION -- YOU MADE THE DECISION TO GO AND TALK TO THE  
9 DISTRICT ATTORNEY; IS THAT CORRECT?

10          A       I DECIDED, YOU KNOW, ABOUT THAT TIME -- ABOUT  
11 THE TIME I STARTED GOING TO WORK I WAS GOING HOME AND I  
12 DIDN'T -- I WASN'T REAL HAPPY ABOUT THE DECISION EVEN  
13 THEN, BUT I DECIDED TO DO IT.

14          THE COURT:  WHY WEREN'T YOU HAPPY ABOUT THE  
15 DECISION THEN?

16          THE WITNESS:  BECAUSE I KNEW IT WAS GOING TO CAUSE  
17 ME LOTS OF PROBLEMS AT WORK, RATHER WITH MY EMPLOYER, AND  
18 I KNEW THAT IF I WAS CALLED AS A WITNESS THAT WOULD TAKE A  
19 LOT OF TIME OUT AND --

20          THE COURT:  WHY DID YOU THINK IT WAS GOING TO CAUSE  
21 A BIG PROBLEM WITH YOUR EMPLOYER.

22          THE WITNESS:  THEY WERE VERY ANXIOUS TO GET A  
23 STORY, ANY KIND OF STORY AS FAST AS I COULD, AND I DIDN'T  
24 THINK I COULD DO THAT.

25          THE COURT:  WHY DIDN'T YOU THINK THAT?

26          THE WITNESS:  BECAUSE I THOUGHT IT WOULD PREJUDICE  
27 THE TRIAL.

28          THE COURT:  I THOUGHT THE CASE HAD JUST GONE OUT TO

1 THE JURY?

2 THE WITNESS: THAT WAS THAT DAY THAT I FOUND IT  
3 WENT TO THE JURY. ANY TIME BEFORE THEN THE TRIAL WAS  
4 GOING ON IT HADN'T GOTTEN TO THE JURY.

5 THE COURT: WHY DID YOU THINK IT WAS GOING TO  
6 PREJUDICE THE TRIAL?

7 THE WITNESS: JUST TELLING WHAT I SAW I THOUGHT  
8 THAT IT WOULD BE. I MAY HAVE BEEN WRONG, BUT I THOUGHT IT  
9 WOULD. I DIDN'T WANT TO GET INTO IT, AND I JUST SAID, "I  
10 DON'T WANT TO, YOU KNOW, GIVE YOU TESTIMONY ON SOMETHING  
11 LIKE THIS WHERE UP UNTIL THE 17TH I DIDN'T KNOW THAT OTHER  
12 PEOPLE HAD ALSO SEEN HIM, SO I THOUGHT WHO IS GOING TO PAY  
13 ANY ATTENTION TO THIS, BUT IF THEY DO IT MIGHT PREJUDICE  
14 THE TRIAL BY DOING IT. I DIDN'T KNOW HOW ACCURATE THEY  
15 WOULD THINK I WOULD BE.

16 THE COURT: DID YOU THINK AN INNOCENT MAN MIGHT BE  
17 CONVICTED BECAUSE YOU DIDN'T COME FORWARD?

18 THE WITNESS: IT HAD OCCURRED TO ME, BUT I WAS  
19 HOPING THAT THE POLICE WOULD FIND OUT THE FACTS. I MEAN I  
20 HAD SEEN THE GUY AND I THOUGHT, "WELL, CERTAINLY OTHER  
21 PEOPLE HAVE SEEN HIM." AS IT TURNED OUT THEY DID AND IT  
22 STILL DIDN'T MAKE ANY DIFFERENCE.

23 THE COURT: LET'S TAKE OUR NOONTIME RECESS.

24 SEE EVERYONE BACK AT 1:30.

25 THE WITNESS IS ORDERED TO RETURN AT 1:30 AS  
26 WELL.

27 (AT 12:00 P.M. A RECESS WAS TAKEN  
28 UNTIL 1:30 P.M. OF THE SAME DAY.)

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

2 1:30 P. M.

3 DEPARTMENT NO. 101

HON. J. STEPHEN CZULEGER, JUDGE

4  
5 APPEARANCES:

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

13  
14 (PAUL RUNYON, OFFICIAL REPORTER, CSR #8797.)

15  
16 THE COURT: IN THE CASE OF IN RE JOSEPH HUNT, THE  
17 RECORD WILL REFLECT THAT ALL COUNSEL AND PETITIONER ARE  
18 PRESENT, THE WITNESS IS ON THE STAND.

19 YOU MAY CONCLUDE YOUR CROSS EXAMINATION.

20  
21 ROBERT A. ROBINSON, +  
22 CALLED AS A WITNESS BY THE PETITIONER, HAVING BEEN  
23 PREVIOUSLY SWORN, RESUMED THE STAND AND TESTIFIED FURTHER  
24 AS FOLLOWS:

25  
26  
27  
28

1 CROSS-EXAMINATION RESUMED @

2

3 BY MR. MC MULLEN:

4 Q WHEN WAS THE FIRST TIME THAT YOU HEARD ABOUT  
5 MR. HUNT BEING ASSOCIATED WITH A CRIMINAL CASE INVOLVING  
6 MURDER?

7 A COULD YOU REPEAT THAT?

8 Q WHEN WAS THE FIRST TIME THAT YOU HEARD ABOUT  
9 MR. HUNT BEING ASSOCIATED -- BEING A DEFENDANT IN A  
10 CRIMINAL CASE INVOLVING MURDER?

11 A I'M PRETTY SURE IT WAS FALL OF 1986.

12 THE COURT: WHY DON'T YOU TURN THAT MICROPHONE  
13 AROUND SO IT FACES YOU A LITTLE BETTER.

14 IS IT ON?

15 MR. MC MULLEN: CAN YOU HEAR?

16 IS THAT BETTER?

17 THE COURT: THAT'S BETTER.

18 MR. MC MULLEN: NOW, REFERRING COURT AND COUNSEL TO  
19 THE REPORTER'S DAILY TRANSCRIPT OF THESE PROCEEDINGS,  
20 VOLUME 3, TUESDAY, APRIL 23RD, 1996, PAGE 407, LINES 11  
21 THROUGH 22.

22 BY MR. MC MULLEN:

23 Q (READING.)

24 "BY THE WAY" --

25 MR. CRAIN: IF I COULD JUST HAVE ONE MOMENT.

26 THE COURT: YEAH.

27 MR. CRAIN: WHAT PAGE?

28 MR. MC MULLEN: 407.

1 MR. CRAIN: LINE?

2 MR. MC MULLEN: 407, 11 TO 22.

3 MR. CRAIN: OKAY.

4 BY MR. MC MULLEN:

5 Q (READING).

6

7 "Q BY THE WAY, DO YOU KNOW  
8 MR. HUNT HERE ON A PERSONAL BASIS?

9 A I ONLY MET HIM WHEN HE WAS ON  
10 TRIAL UP IN NORTHERN CALIFORNIA.

11 Q DID YOU TESTIFY AS A WITNESS  
12 BEFORE THE JURY IN THAT CASE?

13 A YES.

14 Q AND THAT IS THE FIRST TIME  
15 THAT YOU MET HIM BEFORE YOU  
16 TESTIFIED?

17 A THAT IS THE FIRST TIME I EVER  
18 MET HIM. I OBVIOUSLY SAW HIM WHEN  
19 HE WAS ON NEWS TAPE ON TELEVISION  
20 WHEN HE WAS ARRESTED."

21

22 DO YOU REMEMBER TESTIFYING TO THAT?

23 A YES. I'M SAYING -- IT MAY HAVE WELL BEEN  
24 AFTER ARREST. I SAW HIM ON NEWS PROGRAMS IN 1986, IN THE  
25 FALL OF 1986.

26 Q RIGHT BEFORE WE TOOK A RECESS YOU TALKED --  
27 YOU TESTIFIED ABOUT BEING CONCERNED ABOUT PREJUDICING THE  
28 CASE AND THAT PREVENTED YOU OR HAD SOME INFLUENCE ON YOU



1 NOT COMING FORWARD.

2 WHO WERE YOU CONCERNED ABOUT BEING  
3 PREJUDICED?

4 A I WOULDN'T KNOW ABOUT ANYBODY IN PARTICULAR.  
5 THE CASE ITSELF.

6 Q DID YOU THINK YOU'D BE PREJUDICING THE  
7 PEOPLE'S CASE OR MR. HUNT'S SIDE OF THE CASE?

8 A I HADN'T THOUGHT ABOUT IT THAT DEEPLY. I  
9 JUST THOUGHT IT WOULD PREJUDICE THE CASE TO SUDDENLY  
10 INTERJECT MYSELF INTO IT BECAUSE I COULDN'T PROVE WHAT I  
11 SAID. I STILL CAN'T LITERALLY PROVE WHAT I HAVE SAID.

12 Q BUT YOU WERE AWARE THAT A MAN WAS ON TRIAL  
13 FOR MURDER OF A MAN WHO YOU CLAIMED TO HAVE SEEN; IS THAT  
14 CORRECT?

15 A RIGHT. ONCE AGAIN, IN THE FALL, YES. NOT  
16 BEFORE THAT -- NOT BEFORE THE FALL OF '86.

17 Q WHY DIDN'T YOU GO FORWARD AND TELL THE  
18 AUTHORITIES?

19 A I KEEP REPEATING MYSELF. I DIDN'T WANT TO  
20 GET INVOLVED WITH THIS.

21 Q WHY DIDN'T YOU WANT TO GET INVOLVED?

22 A IT'S A MAJOR HASSLE. I MEAN, YOU COULD  
23 PREJUDICE THE CASE, BUT IT'S ALSO A MAJOR HASSLE HAVING TO  
24 TAKE TIME OFF FROM WORK, GO DOWN TO THE COURT, GO TO TRIAL  
25 IF YOU ARE WITNESS. IF YOU ARE A WITNESS IT'S PROBABLY  
26 GOING TO BE SEVERAL TIMES, AS IT TURNED OUT IT WAS.

27 Q BUT YOU DID --

28 A I FINALLY DID.

1 Q YOU DID COME FORWARD?

2 A FINALLY, YES.

3 Q PRIOR TO -- PRIOR TO THE TIME OF THE WESTWOOD  
4 INCIDENT, YOU WERE AWARE THAT RON LEVIN WAS MISSING OR HAD  
5 DISAPPEARED?

6 A I KNEW HE WAS MISSING.

7 Q WHERE DID YOU -- WHEN DID YOU FIRST HEAR THAT  
8 INFORMATION?

9 MR. CRAIN: YOUR HONOR, I KNOW IT'S CROSS  
10 EXAMINATION. HOWEVER, I DO BELIEVE MR. MC MULLEN HAS GONE  
11 OVER THIS AREA ABOUT AT LEAST FOUR TIMES. SO --

12 THE COURT: I'LL ALLOW IT.

13 GO AHEAD.

14 THE WITNESS: I WOULDN'T -- I DON'T ACTUALLY  
15 REMEMBER THE FIRST TIME I HEARD IT. I MEAN, I HEARD IT.  
16 IT WAS JUST LIKE NOT -- WITH -- WITH SO MANY NAMES. JUST  
17 THE WAY REPORTERS TALK TO EACH OTHER IN THE PRESS ROOM,  
18 AND, YOU KNOW, "SO AND SO IS MISSING. HAVE YOU SEEN HIM?  
19 I HAVEN'T SEEN HIM." THINGS LIKE THAT. I PERSONALLY  
20 HADN'T SEEN HIM SINCE THE SPRING OF '84. SO, I MEAN, I  
21 KNEW -- I KNEW THAT I HADN'T SEEN HIM.

22 BY MR. MC MULLEN:

23 Q YOU PREVIOUSLY TESTIFIED THAT THAT -- THAT  
24 TALKING AROUND THE PRESS ROOM WAS GOING ON MORE THAN A  
25 YEAR BEFORE THE WESTWOOD INCIDENT?

26 A RIGHT. BUT I DIDN'T -- I WASN'T GETTING INTO  
27 IT SAYING -- "IS THIS GUY DEAD?" I HEAR HE IS MISSING."  
28 OKAY. HE IS MISSING, SO WHAT?

1 Q HOW MANY TIMES OVER THE COURSE OF THAT YEAR  
2 DID THE SUBJECT COME UP IN THE PRESS ROOM? WAS IT MORE  
3 THAN ONCE?

4 A PROBABLY, BUT I DON'T RECALL. I DIDN'T TAKE  
5 NOTES OR ANYTHING LIKE THAT, SO I DON'T HOW MANY TIMES.  
6 I'M SURE IT HAPPENED EVERY ONCE IN A WHILE.

7 Q WHO WAS TALKING ABOUT IT?

8 A ALL THE REPORTERS SINCE IT WAS ONE OF THEM  
9 THAT BROUGHT IT UP.

10 Q A DAY OR TWO AFTER THE WESTWOOD INCIDENT WHEN  
11 YOU TALKED TO GARY ARNOT DID YOU CONSIDER GOING TO THE  
12 POLICE AT THAT PARTICULAR POINT IN TIME AFTER HE TOLD YOU  
13 ABOUT THE MURDER?

14 A NO, ACTUALLY I DIDN'T. I DIDN'T WANT TO GET  
15 INVOLVED IN IT.

16 Q YOU UNDERSTAND WITH YOUR EXPERIENCE ON THE --  
17 ON THE CRIME BEAT THAT POLICE DEPARTMENTS, ONE OF THEIR  
18 BIG FUNCTIONS IS TO WORK WITH WITNESSES WHO KNOW ABOUT  
19 CRIMES THAT OCCUR; IS THAT CORRECT?

20 A OF COURSE.

21 Q AND ONE OF THE JOBS OF THE POLICE DEPARTMENT  
22 OR POLICE DEPARTMENTS IN GENERAL IS TO ASCERTAIN THE FACTS  
23 THAT SURROUND A CRIME THAT'S OCCURRED; ISN'T THAT CORRECT?

24 A CERTAINLY.

25 Q AND YOU MUST KNOW ALSO FROM YOUR EXPERIENCE  
26 WORKING ON THE CRIME BEAT FOR YEARS THAT THE POLICE WOULD  
27 NOT BE INTERESTED IN PURSUING A MURDER INVESTIGATION OF  
28 SOMEONE WHO IS NOT DEAD; IS THAT CORRECT?

1           A           OBVIOUSLY NOT. BUT THEY DIDN'T NECESSARILY  
2 BELIEVE EVERYBODY THAT TELLS THEM THAT SO AND SO IS NOT  
3 DEAD. THEY DIDN'T BELIEVE IT.

4           Q           BUT RIGHT AFTER GARY ARNOT TOLD YOU ABOUT THE  
5 MURDER, WITH THAT IN MIND, WHAT YOU HAVE JUST SAID, YOU  
6 DIDN'T GO TO THE POLICE; IS THAT CORRECT?

7           A           NO.

8           Q           DID YOU THINK THAT -- DID YOU DISAGREE WITH  
9 GARY ARNOT WHEN HE TOLD YOU THAT RON LEVIN WAS SUPPOSED TO  
10 HAVE BEEN MURDERED?

11          A           WELL, I TOLD HIM I SAW HIM, SO IT WAS  
12 SELF-EVIDENT THAT HE HADN'T BEEN MURDERED.

13          Q           YOU HAVE TESTIFIED ON DIRECT THAT YOU  
14 DIDN'T -- ONE OF THE REASONS YOU DIDN'T GO TO THE POLICE  
15 IS YOU FELT THERE WAS SOME KIND OF A JOURNALISTIC ETHIC  
16 THAT PREVENTED YOU FROM INJECTING YOURSELF IN THE STORY?

17          A           YES, I HAVE STATED THIS ON MORE THAN ONE  
18 OCCASION.

19          Q           WHAT IS THAT? WHAT IS THE ETHIC THAT YOU ARE  
20 TALKING ABOUT?

21          A           I DON'T KNOW IF IT'S IN A BOOK SOMEWHERE, BUT  
22 WHEN I WAS TAUGHT JOURNALISM AT LOS ANGELES CITY COLLEGE  
23 ONE OF THE THINGS THE INSTRUCTOR EMPHASIZED WAS THAT A  
24 REPORTER REPORTS THE STORY, THE REPORTER DOESN'T BECOME  
25 THE STORY.

26          Q           HOW ARE YOU INJECTING YOURSELF IN A STORY IF  
27 YOU REPORT THAT YOU HAVE SEEN RON LEVIN?

28          A           BY THAT FACT, THAT I SAW HIM OR SAID I SAW

1 HIM, THEN I SUDDENLY BECOME THE FOCUS OF THE ATTENTION AND  
2 AUTOMATICALLY BECOME PART OF THE STORY. IN FACT, THAT IS  
3 EXACTLY WHAT HAS HAPPENED.

4 Q NOW, REPORTERS WITNESS ALL KINDS OF  
5 NEWSWORTHY EVENTS AND REPORT ABOUT THEM, DON'T THEY?

6 A WHEN THEY -- WHEN THEY'RE REPORTING  
7 INDIRECTLY. OKAY.

8 THEY SAY THERE WAS A FIRE HERE, TRAFFIC  
9 ACCIDENT, WHATEVER, LIKE THAT.

10 Q AND IT'S NOT UNUSUAL BY COINCIDENCE THAT  
11 THEY'RE COVERING SOMETHING AND MAYBE A CRIME HAPPENS AND  
12 THEY'RE ACTUALLY WITNESSING IT AND DESCRIBING IT AS IT'S  
13 UNFOLDING?

14 A THEY MAY WELL DO THAT. IF IT'S IN THE MIDST  
15 OF ACTION, YOU KNOW, IT'S ALREADY BEING TAPED AND  
16 EVERYTHING. THAT IS NOT THE SAME THING AS COMING FORTH  
17 AND SAYING, "I SAW SOMEBODY WHO WAS A CRIME VICTIM OR  
18 SUPPOSEDLY A CRIME VICTIM."

19 Q DURING THE COURSE OF THIS HEARING THERE HAVE  
20 BEEN REPORTERS THAT HAVE BEEN COVERING THIS HEARING?

21 A I EXPECT SO.

22 Q THEY ARE LISTENING TO THE WITNESSES SUCH AS  
23 YOURSELF AND REPORTING ABOUT THAT IN STORIES THAT ARE  
24 PUBLISHED IN NEWSPAPERS. IF ONE OF THOSE --  
25 HYPOTHETICALLY SPEAKING, TAKE THIS HYPOTHETICAL, IF A  
26 REPORTER IS COVERING THIS STORY AND, LET'S SAY, LISTENING  
27 TO WHAT YOU ARE SAYING AND REPORTING ON THAT AND DURING A  
28 RECESS GOES OUT INTO THE HALLWAY AND LO AND BEHOLD SEES

1       RON LEVIN, IS THERE SOME ETHICAL PROBLEM WITH THEM  
2       REPORTING THAT AS PART OF THE STORY THAT THEY'RE WRITING?

3               A       IF THEY WANT TO DO IT. I MEAN, I THINK  
4       THAT -- THAT THEY HAVE SUDDENLY BECOME PART OF THE STORY.  
5       THEN THEY HAVE GOT TO KEEP THAT IN MIND.

6               Q       LET ME GIVE YOU ANOTHER HYPOTHETICAL. LET'S  
7       SAY A REPORTER AFTER -- DURING ONE OF THE RECESSES COMES  
8       UP TO ME, WHO'S BEEN LISTENING TO YOUR TESTIMONY, FOR  
9       EXAMPLE, AND SAYS TO ME, "I KNOW ROBBIE ROBINSON AND I  
10      HAVE SOME INFORMATION ABOUT HIS CHARACTER." WOULD YOU SAY  
11      THAT THAT BECOMES AN ETHICAL VIOLATION AT THAT POINT IN  
12      TIME BECAUSE THEY ARE INJECTING THEMSELVES IN THE STORY.  
13      THEY COULD BE A WITNESS BECAUSE THEY'RE COMMENTING TO ME  
14      ABOUT SOMEONE WHO IS ON THE WITNESS STAND?

15              A       ACTUALLY, IT WOULD BE HEARSAY, BUT -- I WOULD  
16      THINK THAT THEY WERE -- THEY WERE VERY QUESTIONABLE ABOUT  
17      THEIR ETHICS WHEN THEY INJECT THEMSELVES INTO A STORY LIKE  
18      THAT.

19              Q       WHAT IS THE DIFFERENCE BETWEEN SOMEONE -- A  
20      REPORTER WHO IS COVERING A STORY AND HAPPENS TO SEE RON  
21      LEVIN IN THE HALLWAY HERE AND MAYBE WITNESSING IN THE  
22      HALLWAY SOME KIND OF A CRIME, A PURSE SNATCH, FOR EXAMPLE?  
23      IS THERE SOMETHING PREVENTING THEM FROM REPORTING ABOUT  
24      THE CRIME THEY SAW IN THE HALLWAY FROM AN ETHICAL  
25      STANDPOINT IN YOUR MIND?

26              A       THEY COULD REPORT IT. THEY SHOULD NOT BECOME  
27      LIKE A CENTRAL FOCUS OF IT, WHICH IS EXACTLY WHAT WOULD  
28      HAPPEN IF A PERSON BECOMES A WITNESS TO SOMETHING THAT

1 SUPPOSEDLY HAPPENED YEARS BEFORE, AND THEY SAID, "I HAVE  
2 SEEN SOMEBODY OR SOMEBODY CAME UP TO ME AND SAID SUCH AND  
3 SUCH." THEN THEY ARE INJECTING THINGS. IF THEY'RE SIMPLY  
4 REPORTING WHAT THEY HAVE JUST THEMSELVES SEEN, THAT IS  
5 DIFFERENT.

6 Q YOU HAVE TESTIFIED THAT IN THE FALL OF '86  
7 YOU BECAME AWARE OF PRETRIAL PROCEEDINGS WITH RESPECT TO  
8 MR. HUNT AND THAT HE WAS CHARGED WITH THE MURDER OF RON  
9 LEVIN; IS THAT CORRECT?

10 A I KNEW THERE WAS PROCEEDINGS. I DIDN'T  
11 REALLY FOLLOW IT VERY CAREFUL. SINCE, OF COURSE, FROM THE  
12 DAY AFTER I HAD SEEN HIM IN WESTWOOD AND TALKED TO ARNOT I  
13 KNEW FROM ARNOT'S STATEMENTS THAT LEVIN WAS SUPPOSED TO BE  
14 DEAD.

15 Q AT THAT POINT IN TIME WHEN YOU LEARNED ABOUT  
16 THESE PRETRIAL PROCEEDINGS DID YOU THINK THAT THE POLICE  
17 STILL BELIEVED THAT RON LEVIN WAS DEAD?

18 A OF COURSE THEY BELIEVED IT.

19 Q AND SO WHY DIDN'T YOU STEP FORWARD AT THAT  
20 POINT IN TIME?

21 A I DIDN'T WANT TO GET INVOLVED. I HAVE  
22 REPEATEDLY SAID I DIDN'T WANT TO GET INVOLVED IN IT, AND I  
23 DIDN'T. ALL THE PEOPLE WHO DID GET INVOLVED, THEY WERE  
24 PAINTED AS -- PORTRAYED AS PEOPLE WHO DIDN'T KNOW WHAT  
25 THEY WERE TALKING ABOUT. PORTRAYED AS PEOPLE WHO WERE  
26 LYING.

27 Q SINCE YOU SAW RON LEVIN WAS ALIVE IN WESTWOOD  
28 IN OCTOBER OF '86 AND THEN SHORTLY THEREAFTER YOU KNEW

1 THAT SOMEONE WAS CHARGED WITH HIS MURDER AND THAT THE CASE  
2 WAS PROCEEDING ALONG, DID YOU FOLLOW THE CASE TO SEE IF  
3 THE POLICE WOULD DISCOVER THAT RON LEVIN WAS ALIVE?

4 A ACTUALLY, I DIDN'T FOLLOW IT VERY MUCH.

5 Q WHY NOT?

6 A I JUST DIDN'T. THERE WAS LOTS OF STORIES I  
7 DIDN'T FOLLOW VERY CAREFULLY OTHER THAN WHAT I DID MYSELF.

8 Q WITH RESPECT TO THE JOURNALISTIC ETHICS, WHAT  
9 SHOULD A REPORTER DO WHO BECOMES APART OF A STORY, IN YOUR  
10 MIND?

11 A I REALLY DON'T -- I HAVEN'T THOUGHT OF  
12 EXACTLY WHAT HE SHOULD DO. WHAT HE SHOULDN'T DO IS BECOME  
13 PART OF THE STORY IN THE FIRST PLACE. HE HAS TO AVOID IT  
14 IF AT ALL POSSIBLE. IF HE BECOMES PART, THEN HE IS PART  
15 OF IT AND OTHER REPORTERS ARE REPORTING ON HIM.

16 Q I'M ASKING YOU NOW WHAT SHOULD THAT REPORTER  
17 DO, DO YOU THINK? MAYBE THEY SHOULD GO -- REPORT IT TO  
18 THEIR SUPERVISOR?

19 A THAT WOULD DEPEND IF THEY TRUSTED THEIR  
20 SUPERVISOR IN BEING SUFFICIENTLY DISCRETE TO HOLD THE  
21 STORY IF IT WASN'T COMPLETE. I MEAN, IF THE STORY IS  
22 RELEASED PREMATURELY IT CAN BE FALSE, IT CAN BE  
23 MISLEADING, WHICH IS EXACTLY WHAT HAPPENED WHEN THE  
24 MANAGING NEWS EDITOR AND THE NEWS SERVICE RELEASED THE  
25 STORY REGARDING MY SIGHTING LEVIN.

26 Q DID YOU GO TO YOUR SUPERVISOR AFTER THIS  
27 HAPPENED?

28 A NO, I DIDN'T.



1 Q WHO WAS YOUR SUPERVISOR? WAS IT ROBERT  
2 LAUFFER?

3 A I DON'T KNOW IF HE WAS THERE IN OCTOBER OF  
4 '86 OR NOT. HE MIGHT HAVE BEEN. I KNOW HE WAS EVENTUALLY  
5 THE MANAGING EDITOR FOR SOMETIME.

6 Q DID YOU DISTRUST ROBERT LAUFFER?

7 A YEAH.

8 Q WHY IS THAT?

9 A BECAUSE HE HAD RELEASED OTHER STORIES  
10 PREMATURELY BEFORE ALL THE FACTS WERE TOGETHER, AND IT  
11 JUST DID NOT MAKE THE REPORTER LOOK -- MADE A REPORTER  
12 LOOK FOOLISH WHEN A STORY WOULD COME OUT THAT WAS NOT  
13 ACCURATE.

14 Q SO BETWEEN OCTOBER OF '86 AND APRIL 17TH OF  
15 '87, APPROXIMATELY SIX MONTHS, YOU WERE WORKING ON TRYING  
16 TO DEVELOP THE STORY?

17 A NO, I -- I WAS NOT TRYING TO DEVELOP IT. I  
18 WAS TRYING TO AVOID IT. TRYING TO KEEP OUT OF IT, AND IT  
19 WAS -- IT JUST PRESSED ITSELF ON ME.

20 Q BUT YET YOU HAD CONVERSATIONS WITH GARY ARNOT  
21 ABOUT PUTTING TOGETHER A STORY; IS THAT CORRECT?

22 A NO, NO, WE JUST TALKED ABOUT IT. CASUAL  
23 CONVERSATION. HE, I'M SURE, DID WANT TO PUT TOGETHER A  
24 STORY. I DIDN'T.

25 Q WELL, WERE YOU WAITING FOR THE STORY TO  
26 DEVELOP BEFORE YOU WERE GOING TO TELL MR. LAUFFER ABOUT  
27 IT?

28 A I WAS TRYING TO AVOID MAKING A STORY OUT OF

5  
1 IT. I DIDN'T WANT TO GET IN TO IT. ONCE IT DEVELOPED  
2 THAT I'D GONE TO THE PROSECUTING ATTORNEY, THEN OBVIOUSLY  
3 I HAD TO TELL HIM, BUT I COULDN'T DO IT RIGHT THEN, NOT  
4 UNTIL AFTER -- YOU KNOW, BECAUSE THE JUDGE HAD SAID,  
5 "DON'T -- DON'T WRITE A STORY ON IT AT THIS TIME."

6 Q YOUR REASON FOR NOT GOING TO MR. LAUFFER  
7 WAS --

8 A NOT BECAUSE HE WAS GOING TO RELEASE THE STORY  
9 PREMATURELY, BUT THAT HE WAS GOING TO RELEASE IT AT ALL.

10 Q YOU WANTED TO KEEP IT UNDERCOVER; IS THAT  
11 CORRECT?

12 A I DIDN'T THINK THAT I SHOULD HAVE A STORY  
13 BECAUSE THAT WOULD HAVE INVOLVED ME INTO THE STORY AT THAT  
14 TIME. I WAS TRYING TO AVOID IT ALL TOGETHER. I ALSO KNEW  
15 THAT HE WOULD RELEASE THE STORY PREMATURELY. HE HAD DONE  
16 IT BEFORE.

17 Q IS IT JUST BECAUSE OF THE NEWS STORY AND YOUR  
18 CONVERSATION WITH GARY ARNOT THAT YOU WENT TO THE D.A.  
19 APPROXIMATELY SIX MONTHS AFTER YOU HAD THE WESTWOOD  
20 EXPERIENCE? ARE THOSE THE TWO REASONS?

21 A THOSE ARE THE REASONS THAT FINALLY COMPELLED  
22 ME TO DO IT, YEAH. I BASICALLY ARGUED WITH MYSELF ALL  
23 THAT MORNING ABOUT WHETHER TO DO IT OR NOT EVEN WHILE I  
24 WAS DRIVING OUT TO SANTA MONICA.

25 Q YOU SAY THAT MR. LAUFFER GOT YOUR STORY  
26 WRONG; IS THAT CORRECT?

27 A HE DIDN'T GET IT RIGHT.

28 Q HOW DID HE GET IT WRONG?

5  
1 A OKAY.

2 I DON'T KNOW THE DETAILS. IN FACT, I DIDN'T  
3 SEE IT, BUT I HAD HEARD ABOUT IT AND -- I MEAN, I DIDN'T  
4 SEE IT UNTIL LATER, AND WHAT HAPPENED IS THAT WHEN I WAS  
5 OUT AT THE -- IN SANTA MONICA APPARENTLY A REPORTER FROM  
6 THE "SANTA MONICA EVENING OUTLOOK" SAW ME THERE AND THEY  
7 MUST HAVE QUESTIONED EITHER THE SECRETARY OF -- OF WAPNER  
8 OR HIMSELF AND THEN CALLED IN A STORY TO LALLER.

9 Q LAUFFER YOU MEAN?

10 A LAUFFER.

11 MR. MC MULLEN: L-A-U-F-F-E-R, FOR THE RECORD.

12 THE WITNESS: HE USED TO BE HER -- IT WAS THE OTHER  
13 REPORTER'S MANAGING EDITOR, I THINK. HE WAS A BOSS OF  
14 HERS OF SOME SORT. SHE CALLED UP AFTER I HAD BEEN AT THE  
15 SANTA MONICA COURTHOUSE OR COURT BUILDING, WHATEVER IT'S  
16 CALLED.

17 BY MR. MC MULLEN:

18 Q THAT WAS THE DAY YOU TALKED TO FRED WAPNER?

19 A RIGHT. ON THAT FRIDAY.

20 Q WHAT WAS THE NAME OF THE REPORTER FROM THE  
21 "SANTA MONICA OUTLOOK"?

22 A I DON'T KNOW. I HEARD IT WAS A REPORTER. I  
23 HEARD IT WAS A WOMAN, BUT I DIDN'T ASK WHO IT WAS.

24 Q YOU HAD HEARD THAT THIS REPORTER HAD GONE TO  
25 ROBERT LAUFFER AND TOLD --

26 A TELEPHONED HIM.

27 Q WHERE DID YOU HEAR THAT FROM?

28 A ANOTHER REPORTER. I DON'T REALLY RECALL --

1 FROM WHOM I HEARD IT, BUT I DID HEAR IT. AND WHEN I SAW  
2 THE STORY LATER, IT WAS NOT ACCURATE. IT WAS  
3 SEMIACCURATE.

4 Q WHERE DID YOU SEE THE STORY LATER?

5 A WHEN IT HAD -- WHEN IT WAS PRINTED OUT, YOU  
6 KNOW -- THE CITY NEWS SERVICE HAD TELETYPES WHERE COPY  
7 WOULD PRINT HERE AS WELL AS SENDING IT OUT TO OTHER -- YOU  
8 KNOW, TO OUR CLIENTS. SO I SAW THE STORY LATER ON THE  
9 NEXT DAY WHEN I CAME IN HERE.

10 Q YOU SAW THE ACTUAL NEWS STORY THAT WENT OUT  
11 ON THE CITY NEWS SERVICE WIRE?

12 A YEAH, BECAUSE I WENT OVER TO THE OFFICE.

13 Q WHAT WAS WRONG WITH IT? WHAT WAS INACCURATE?

14 A AFTER ALL THIS TIME I CAN'T RECALL HOW IT WAS  
15 INACCURATE, BUT I SAW IT AND SAID, "THAT IS NOT ACCURATE."  
16 THERE WERE FACTUAL ERRORS IN THE STORY, WHICH I HAD  
17 REMARKED TO THE DESK EDITOR WHO WAS THERE AT THE TIME.

18 Q HOW MUCH TIME ELAPSED FROM THE TIME THAT YOU  
19 WENT TO TALK TO MR. WAPNER THAT THIS STORY WAS PUT OUT ON  
20 THE CITY NEWS SERVICE WIRE?

21 A I WOULDN'T KNOW EXACT TIME. I TALKED TO  
22 WAPNER ON FRIDAY. I CAME INTO THE OFFICE ON SATURDAY AND  
23 SAW THE STORY ON THE WIRE THERE. AND I'M SURE IT MUST  
24 HAVE BEEN LIKE A REPEAT BECAUSE THEY DO REPEATS ON  
25 STORIES.

26 Q AND THIS WAS A STORY THAT WAS PUT ON THE WIRE  
27 BY MR. LAUFFER?

28 A WELL, UNDER HIS DIRECTION. I'M SURE HE

1 DIDN'T PERSONALLY PUT IT OUT THERE.

2 Q PRIOR TO GOING TO MR. WAPNER DID YOU TALK TO  
3 ANYBODY ABOUT DOING THAT?

4 A NOT THAT I RECALL. I MIGHT HAVE DISCUSSED IT  
5 WITH ARNOT, BUT I DIDN'T SAY DEFINITELY I'M GOING TO DO  
6 IT.

7 Q WHEN YOU TALKED TO MR. WAPNER, DID YOU TRY TO  
8 BE AS ACCURATE AS YOU COULD RECOUNTING WHAT YOU HAD SEEN?

9 A AS FAR AS SEEING LEVIN, EXCEPT I -- I TOLD  
10 HIM THAT, I ADMITTED TO HIM LATER WHICH WAS A LIE, THAT I  
11 HAD JUST LEARNED IT, THAT I WAS CONCERNED THAT AS A  
12 WITNESS -- I SHOULD HAVE COME FORWARD IMMEDIATELY, AND  
13 THEN I SAID, "NO, YOU KNOW, I ACTUALLY DID SEE IT EARLIER.  
14 I HADN'T JUST COVERED IT THAT MORNING."

15 Q SO YOU WERE UNTRUTHFUL TO MR. WAPNER?

16 A JUST AS FAR AS THE DETAILS, WHICH I THEN  
17 ADMITTED TO HIM.

18 Q LATER; RIGHT?

19 A RIGHT.

20 Q AFTER YOU TALKED TO HIM?

21 A LATER IN THE SAME CONVERSATION.

22 Q OKAY.

23 LET ME -- SO I'M CLEAR ON WHAT YOU ARE  
24 TESTIFYING TO, YOU ARE CLAIMING THAT YOU WERE UNTRUTHFUL  
25 TO MR. WAPNER --

26 A IN THE --

27 THE COURT: WAIT TILL HE FINISHES THE QUESTION.

28 THE WITNESS: YES, SIR.

1 BY MR. MC MULLEN:

2 Q YOU WERE UNTRUTHFUL TO MR. WAPNER IN THAT YOU  
3 TOLD HIM THAT YOU HAD JUST LEARNED ABOUT THE BILLIONAIRES  
4 BOYS CLUB TRIAL THAT MORNING?

5 A RIGHT.

6 Q WHEN IN FACT YOU HAD LEARNED ABOUT IT AT  
7 LEAST SIX MONTHS BEFORE?

8 A RIGHT.

9 Q AND YOU ARE TELLING US RIGHT HERE NOW TODAY  
10 THAT LATER ON IN THAT CONVERSATION WITH MR. WAPNER YOU  
11 ADMITTED TO HIM --

12 A THAT I -- YOU KNOW, BECAUSE IN OUR  
13 CONVERSATIONS I ASKED HIM, "WELL, IF A PERSON -- HAD, YOU  
14 KNOW, A -- HAD BEEN A WITNESS TO SOMETHING AND DIDN'T COME  
15 FORWARD AND TELL THE POLICE ABOUT IT, WAS THAT SOME KIND  
16 OF A CRIME?" AND HE TOLD ME IT WASN'T.

17 AT WHICH TIME THEN -- I -- AND I TOLD HIM  
18 ACTUALLY I HAD SEEN LEVIN SEVERAL MONTHS PREVIOUS. AND,  
19 OF COURSE, HAD SEEN BITS AND PIECES OF NEWS STORIES  
20 CONCERNING THE -- YOU KNOW, THE KILLING OR THE ALLEGED  
21 KILLING AND THE ARREST OF HUNT AND THE TRIAL.

22 Q WHY WERE YOU UNTRUTHFUL WITH MR. WAPNER?

23 A THE FIRST TIME? WHEN I THOUGHT THAT I WOULD  
24 GET IN TROUBLE BECAUSE I HAD NOT COME FORTH IMMEDIATELY  
25 WITH THE INFORMATION, THAT I HAD HELD OUT ON THAT  
26 INFORMATION FOR SEVERAL MONTHS.

27 Q YOU WERE PLANNING TO COME OUT WITH A STORY  
28 EVENTUALLY ANYWAY, WEREN'T YOU?

5  
1 A NO, I WASN'T PLANING TO COME OUT WITH A  
2 STORY. I WAS TRYING TO -- TO AVOID COMING OUT WITH A  
3 STORY. I HAVE STATED THIS TO YOU REPEATEDLY.

4 Q RIGHT BEFORE LUNCH YOU TESTIFIED THAT YOU  
5 WERE WAITING TILL AFTER THE TRIAL --

6 A AND --

7 Q LET ME FINISH, PLEASE.

8 -- AND THEN YOU WERE GOING TO WORK ON SOME  
9 KIND OF STORY WITH GARY ARNOT?

10 A THIS WAS AFTER I HAD GONE TO WAPNER. HAD I  
11 NEVER GONE TO WAPNER IN THE FIRST PLACE I WOULDN'T HAVE  
12 DONE A STORY.

13 Q DID YOU END UP DOING A STORY WITH MR. ARNOT?

14 A NO.

15 Q YOU ALSO WERE UNTRUTHFUL TO MR. WAPNER IN  
16 THAT YOU DIDN'T TELL HIM THAT YOU KNEW LEVIN HAD BEEN  
17 MISSING, AND YOU KNEW THAT OVER A YEAR BEFORE YOU CLAIMED  
18 TO HAVE SEEN HIM IN OCTOBER OF '86; IS THAT CORRECT?

19 A TRUTHFULLY I DON'T KNOW IF I EVER SAID THAT  
20 OR NOT.

21 Q WHY -- WHY DO YOU THINK THE DELAY IN GOING TO  
22 MR. WAPNER, WHY DO YOU THINK THAT WOULD CAUSE YOU SOME  
23 KIND OF A LEGAL PROBLEM?

24 A I THOUGHT IT WOULD. I THOUGHT IF A PERSON  
25 SAW SOMETHING THAT RELATED TO A CRIME OR TO A TRIAL THAT  
26 THEY WERE SUPPOSED TO COME FORWARD RIGHT AWAY. I WAS  
27 MISTAKEN ABOUT THAT.

28 Q WHAT MADE YOU THINK THAT THEY WOULD GET IN

1 TROUBLE?

2 A I JUST THOUGHT THAT THAT WAS SOMETHING A  
3 PERSON HAD TO DO OR LEGALLY WAS SUPPOSED TO DO. YOU KNOW,  
4 I MISUNDERSTOOD IT. I THOUGHT THAT THAT WAS THE CASE.

5 Q WAS THERE BASE -- YOUR THOUGHT, WAS THIS  
6 BASED ON SOMETHING THAT SOMEONE HAD TOLD YOU?

7 A I GUESS JUST INFERENTIAL. I OBVIOUSLY  
8 MISUNDERSTOOD THE WAY THE LAW WAS.

9 Q HOW MUCH OF A DELAY DO YOU THINK WOULD --  
10 WOULD IT TAKE BEFORE YOU WOULD GET IN TROUBLE?

11 A THAT I WOULDN'T KNOW. I WOULD THINK THAT  
12 CERTAINLY MONTHS WOULD HAVE ACCOUNTED FOR A DELAY, NOT A  
13 DAY.

14 Q DID YOU KNOW THAT YOUR INFORMATION WITH  
15 RESPECT TO WHAT YOU HAD SEEN IN WESTWOOD WAS IMPORTANT?

16 A WELL, I CAME TO THE -- I CAME TO THE ATTORNEY  
17 WITH THE INFORMATION, SO I CLEARLY REALIZED -- OKAY.

18 I DIDN'T WANT TO DO IT, BUT I HAD TO -- I  
19 FELT THIS IS GOING TO BE IMPORTANT IN THIS TRIAL. I  
20 BETTER COME FORTH WITH IT, BUT I DIDN'T WANT TO DO IT.

21 Q WHEN DID YOU DETERMINE THAT IT WAS IMPORTANT  
22 FOR YOU TO COME FORWARD?

23 A I KEPT GETTING, YOU KNOW, TOLD, "YOU  
24 SHOULD" -- BY ARNOT FOR ONE THING, "YOU SHOULD BE TELLING  
25 THE POLICE ABOUT THIS. TELL THE AUTHORITIES ABOUT IT." I  
26 DIDN'T WANT TO DO IT.

27 I READ THE STORY, FINALLY DECIDED THAT THIS  
28 CASE WAS GOING IN SUCH A WAY THAT IT LOOKED LIKE THE GUY



1 WHO WAS BEING -- I WON'T SAY CONVICTED, BUT THE GUY WHO  
2 WAS BEING TRIED FOR THE CRIME, WHICH IN MY MIND HE  
3 COULDN'T HAVE COMMITTED, SO I FINALLY DECIDED, "OKAY, THE  
4 POLICE CLEARLY DIDN'T REALIZE THIS. THEY HADN'T SOLVED  
5 IT. THEY WERE GOING ON THE SAME ASSUMPTIONS THAT THEY HAD  
6 FOR I DON'T KNOW HOW LONG, AND SO I BETTER COME OUT."

7 Q SO OVER THE COURSE OF THIS SIX-MONTH PERIOD  
8 OF TIME BETWEEN OCTOBER OF '86 AND APRIL 17TH OF '87 GARY  
9 ARNOT TRIED TO PERSUADE YOU TO GO FORWARD TO THE  
10 AUTHORITIES?

11 A ON MORE THAN ONE OCCASION.

12 Q IS -- WHAT WAS GARY ARNOT'S FUNCTION THERE IN  
13 THE PRESS ROOM IN PARKER CENTER?

14 A HE WAS THE OWNER OF A VIDEOTAPE -- YOU KNOW,  
15 A FREE LANCE VIDEOTAPE COMPANY. NETWORK NEWS SERVICE OR  
16 SOMETHING LIKE THAT. NETWORK VIDEO, VIDEO SERVICE, I  
17 THINK IT WAS.

18 Q SO HE WAS INVOLVED IN THE NEWS GATHERING  
19 BUSINESS?

20 A CORRECT.

21 Q AND YOU TOLD HIM ABOUT WHAT YOU HAD SEEN?

22 A RIGHT. TELLING HIM COULD NOT MAKE A VISUAL  
23 STORY. HE WANTED A VISUAL STORY.

24 Q DID YOU THINK THAT BEING A NEWS-GATHERING  
25 PERSON HE WOULDN'T COME FORWARD WITH YOUR STORY, SO TO  
26 SPEAK?

27 A HE COULDN'T. HE DIDN'T HAVE EVIDENCE. HE  
28 MERELY HAD WHAT I HAVE SAID.

1 Q YOU TESTIFIED THAT A REPORTER WILL GO OUT AND  
2 TALK TO WITNESSES AND WRITE A STORY BASED UPON WHAT THEY  
3 ARE TOLD; ISN'T THAT CORRECT?

4 A VERIFYING IT, THOUGH. CHECKING AND CROSS  
5 CHECKING. NOT JUST ONE PERSON.

6 Q YOU MEAN EVERY NEWSPAPER ARTICLE THAT IS EVER  
7 WRITTEN HAS GOT SOME SORT OF CORROBORATION ABOUT WHAT A  
8 WITNESS CLAIMS TO HAVE HAPPENED?

9 MR. KLEIN: OBJECTION, THE QUESTION IS WAY TOO  
10 BROAD.

11 THE COURT: SUSTAINED.

12 THE WITNESS: IT SHOULD.

13 THE COURT: HOW MUCH MORE DO YOU HAVE ON CROSS?

14 MR. MC MULLEN: NOT VERY MUCH. I'M GETTING CLOSE.

15 THE COURT: I HAVE -- AS SOON AS YOU ARE DONE I  
16 HAVE TO TAKE A BREAK DOWN THE HALL.

17 MR. MC MULLEN: THANK YOU.

18

19 (PAUSE.)

20

21 BY MR. MC MULLEN:

22 Q THE DAY AFTER YOU WENT TO TALK TO MR. WAPNER  
23 YOU WENT TO THE BEVERLY HILLS POLICE DEPARTMENT; IS THAT  
24 CORRECT?

25 A YEAH, I WAS TOLD TO DO THAT.

26 Q AND THERE YOU -- YOU BASICALLY TOLD THE  
27 INTERVIEWING OFFICER THAT YOU HAD LIED TO MR. WAPNER; IS  
28 THAT CORRECT?

1           A        I ANSWERED THAT RIGHT AWAY, EXPLAINED ALSO  
2 WHY AND HE LIKewise SAID, "NO, THAT WAS NO CRIME." THAT  
3 WAS THE SAME THING THAT WAPNER HAD TOLD ME.

4           Q        WHY DID YOU FEEL IT NECESSARY TO TELL THE  
5 OFFICER THAT --

6           THE COURT: MR. KLEIN, I DON'T ALLOW DRINKS IN MY  
7 COURTROOM.

8 BY MR. MC MULLEN:

9           Q        AFTER YOU -- LET ME START OVER AGAIN.  
10                    WHY IS IT THAT YOU WENT TO -- LET ME WITHDRAW  
11 THAT AGAIN.

12                    WHY DID YOU FEEL COMPELLED TO TELL THE  
13 INTERVIEWING OFFICER THAT YOU HAD LIED TO WAPNER WHEN YOU  
14 TESTIFIED THAT YOU ADMITTED TO WAPNER THE DAY BEFORE THAT  
15 YOU HAD LIED TO HIM?

16           A        I MEAN, I THOUGHT IT WAS PRETTY OBVIOUS. I  
17 HAD WANTED TO LET THEM KNOW, "YES, I HAD DONE THIS. I  
18 SHOULDN'T HAVE DONE IT." I WANTED TO BE PERFECTLY UP  
19 FRONT AND CANDID WITH THEM.

20           Q        YOU WERE TERMINATED FROM CITY NEWS SERVICE  
21 SHORTLY AFTER YOU CAME FORWARD AND TALKED TO MR. WAPNER;  
22 ISN'T THAT CORRECT?

23           A        CORRECT.

24           Q        AND YOU WERE TERMINATED FROM CITY NEWS  
25 SERVICE BECAUSE YOU GAVE THE STORY OF YOUR EXPERIENCE IN  
26 WESTWOOD TO A COMPETITOR; IS THAT CORRECT?

27           A        WELL, ACTUALLY IT'S NOT CORRECT. THAT'S WHAT  
28 THEY ALLEGED. THAT WAS NOT THE CASE.

1 Q WHO WAS IT YOU GAVE THE STORY TO?

2 A I TALKED TO A REPORTER FROM ASSOCIATED PRESS  
3 ON THAT -- ON THE SATURDAY AFTER I HAD TALKED TO WAPNER.  
4 I WAS HALF ASLEEP WHEN THE REPORTER CALLED ME UP, AND I  
5 WAS TALKING TO HER. SHE USED TO WORK FOR CITY NEWS  
6 SERVICE AND I DON'T REMEMBER HER NAME ANYMORE, BUT IN ANY  
7 CASE, ASSOCIATED PRESS WAS NOT A COMPETITOR OF CITY NEWS  
8 SERVICE.

9 Q SO I UNDERSTAND THIS CORRECTLY, ON THE  
10 SATURDAY AFTER YOU TALKED TO MR. WAPNER YOU GOT A  
11 TELEPHONE CALL AT HOME FROM AN ASSOCIATED PRESS REPORTER?

12 A REPORTER.

13 Q AND YOU RELAYED TO THAT REPORTER WHAT YOUR  
14 EXPERIENCE WAS IN WESTWOOD IN OCTOBER OF '86, AND THAT  
15 STORY IN TURN GOT PUT OUT ON THE WIRE FROM ASSOCIATED  
16 PRESS; IS THAT CORRECT?

17 A THE INFORMATION I GAVE WAS PUT OUT IN THE  
18 STORY, BUT IN POINT OF FACT IT DIDN'T GO OUT UNTIL AFTER  
19 THE CITY NEWS SERVICE WIRE SERVICE STORY WENT OUT.

20 Q CITY NEWS SERVICE IS A WIRE SERVICE; CORRECT?

21 A CORRECT.

22 Q ASSOCIATED PRESS IS A WIRE SERVICE; CORRECT?

23 A CORRECT, BUT THEY HAVE A BARTER AGREEMENT --

24 MR. CRAIN: LET HIM FINISH HIS ANSWER.

25 BY MR. MC MULLEN:

26 Q I'M SORRY.

27 A THEY HAVE A BARTER AGREEMENT. THEY ARE NOT  
28 COMPETITORS. ASSOCIATED PRESS WOULD AUTOMATICALLY GET FOR

1 FREE ALL OF THE LOCAL STORIES, L.A. AND ORANGE COUNTY THAT  
2 CITY NEWS SERVICE MAKES IN TURN FOR THE USE OF ASSOCIATED  
3 PRESSES MAIN FRAME COMPUTER.

4 MR. KLEIN: EXCUSE ME, YOUR HONOR. I ASSUME WE ARE  
5 TALKING ABOUT HIS KNOWLEDGE IN APRIL OF 1987.

6 THE COURT: I WOULD ASSUME SO.

7 MR. MC MULLEN: YES.

8 BY MR. MC MULLEN:

9 Q BACK AT THAT TIME IN APRIL OF '87 ASSOCIATED  
10 PRESS WAS A SUBSCRIBER OF CITY NEWS SERVICE, WERE THEY  
11 NOT?

12 A THEY WERE A SUBSCRIBER, BUT IT WAS A BARTER  
13 AGREEMENT. THEY WEREN'T COMPETITORS.

14 Q WHEN REPORTERS FROM ASSOCIATED PRESS AND  
15 REPORTERS FROM THE CITY NEWS SERVICE GOT OUT TO -- AND  
16 FIND A STORY, YOU SAY THERE IS NO COMPETITION BETWEEN THE  
17 TWO OF THEM AS TO WHO GETS THE STORY FIRST AND WHO PUTS IT  
18 ON THEIR WIRE FIRST?

19 A ASSOCIATED PRESS COVERED POLITICAL STORIES  
20 MOSTLY. THEY GOT THE VAST MAJORITY OF THEIR LOCAL CRIME  
21 BEAT STORIES OR POLICE BEAT STORIES IS WHAT IT ACTUALLY IS  
22 OR COURT STORIES FROM CITY NEWS SERVICE. THEY REALLY  
23 DIDN'T HAVE A LOT OF -- OF REPORTERS COVERING OTHER  
24 STORIES BECAUSE OF THE BARTER AGREEMENT.

25 Q BUT THEY DID PUT YOUR STORY OUT TO THEIR  
26 PRESS, THAT IS ASSOCIATED PRESS DID?

27 A RIGHT AFTER IT APPEARED ON CITY NEWS SERVICE  
28 WIRE.

1 Q YOU ARE NO LONGER IN THE JOURNALISM BUSINESS,  
2 ARE YOU?

3 A UNFORTUNATELY, NO.

4 Q WHY IS THAT?

5 A MY OWN OPINION?

6 Q YES.

7 A MY OWN OPINION IS THAT CITY NEWS SERVICE  
8 BLACKBALLED ME BECAUSE I SENT OUT RESUMES UP AND DOWN THE  
9 STATE AS FAR AS WASHINGTON STATE. OF THE FOUR LOCAL  
10 RESPONSES THREE OF THEM TOLD ME TO MY FACE THAT ONCE THEY  
11 DISCOVERED -- YOU KNOW, HOW I HAD LEFT CITY NEWS SERVICE  
12 THEY COULDN'T HIRE ME. THEY WERE AFRAID THAT CITY NEWS  
13 WOULD CUT THEM OFF.

14 MR. MC MULLEN: MAY I JUST HAVE A MOMENT?

15 THE COURT: LET'S TAKE THE AFTERNOON RECESS.

16 I APOLOGIZE TO COUNSEL. I HAVE TO TAKE A  
17 VERDICT DOWN THE HALL. THE LAWYERS ARE ALL GATHERED AND  
18 ARE SITTING THERE. PROBABLY BEEN ABOUT 10 MINUTES.

19

20 (RECESS.)

21

22

23

24

25

26

27

28

1 THE COURT: IN THE MATTER OF JOSEPH HUNT, THE  
2 RECORD WILL REFLECT ALL COUNSEL AND PETITIONER ARE  
3 PRESENT, WITH A WITNESS ON THE STAND.

4 APOLOGIZE FOR THE DELAY, COUNSEL.

5 GO AHEAD.

6 MR. MC MULLEN: JUST A COUPLE OF ADDITIONAL  
7 QUESTIONS.

8  
9 ROBERT A. ROBINSON, +  
10 CALLED AS A WITNESS BY THE PETITIONER, HAVING BEEN  
11 PREVIOUSLY SWORN, RESUMED THE STAND AND TESTIFIED FURTHER  
12 AS FOLLOWS:

13  
14 CROSS-EXAMINATION RESUMED @

15  
16 BY MR. MC MULLEN:

17 Q SIR, AFTER YOU TALKED TO MR. WAPNER, THE  
18 FOLLOWING DAY YOU WENT TO THE BEVERLY HILLS POLICE  
19 DEPARTMENT AND YOU WERE INTERVIEWED?

20 A HE TOLD ME THAT'S WHAT I HAD TO DO, AND I  
21 DID.

22 Q YOUR TESTIMONY IS, RIGHT AT THE VERY  
23 BEGINNING OF THE INTERVIEW YOU TOLD THE INTERVIEWING  
24 OFFICER THAT YOU WERE NOT ALTOGETHER HONEST WITH  
25 MR. WAPNER THE DAY BEFORE; IS THAT CORRECT?

26 A RIGHT. I WANTED TO SET THAT RIGHT OUT FRONT.

27 Q AND YOU KNEW WHEN YOU WENT THERE THAT YOU  
28 WOULD BE TAKING A LIE DETECTOR TEST?

1 MR. CRAIN: EXCUSE ME, YOUR HONOR, OBJECTION. I  
2 THINK THAT'S MISCONDUCT. HE SHOULD KNOW BETTER THAN THAT.  
3 UNDER 351.1 ANYTHING ABOUT LIE DETECTOR --

4 THE COURT: THE QUESTION WAS WHETHER HE KNEW IT.

5 MR. CRAIN: IT'S AN ATTEMPT TO BACKDOOR, TO  
6 PREJUDICE THE TRIER OF FACT.

7 THE COURT: OVERRULED.

8 IT'S NOT GOING TO PREJUDICE ME UNLESS IT'S  
9 RELEVANT AND ADMISSIBLE.

10 BY MR. MC MULLEN:

11 Q WERE YOU AWARE THAT YOU WERE GOING TO BE  
12 TAKING A LIE DETECTOR TEST IN FRONT OF THIS OFFICER?

13 A I BELIEVE I WAS.

14 Q JUST ONE MOMENT.

15

16 (PAUSE.)

17

18 MR. MC MULLEN: NOTHING FURTHER.

19 THE COURT: DID YOU EVER DURING YOUR WORK AS A  
20 REPORTER COVER THE HUNT CASE?

21 THE WITNESS: NO.

22 THE COURT: DID YOU EVER FILE ANY REPORTS  
23 CONCERNING THE HUNT CASE?

24 THE WITNESS: NO, I DIDN'T.

25 THE COURT: DID YOU EVER READ ANY REPORTS WHILE  
26 WORKING ON THE POLICE BEAT, POLICE BEAT ABOUT HUNT?

27 THE WITNESS: SOME VERY LITTLE PIECES OF STORIES IN  
28 THE "TIMES." I MEAN, I REALLY DIDN'T FOLLOW IT. THE HUNT



1 CASE WAS LARGELY A -- A COURT BEAT STORY BY THE TIME I  
2 BECAME AWARE OF IT.

3 THE COURT: THERE WERE QUITE A FEW PIECES ON IT,  
4 THOUGH, RUNNING; RIGHT? LOTS OF COVERAGE?

5 THE WITNESS: I'M SURE THERE WERE. I REALLY DIDN'T  
6 FOLLOW IT THAT MUCH.

7 THE COURT: BUT YOU KNEW IT WAS A CASE BEING  
8 COVERED PRETTY HEAVILY BY THE MEDIA?

9 THE WITNESS: I KNEW IT WAS ON T.V. OCCASIONALLY.  
10 SO CLEARLY THE MEDIA WAS COVERING IT.

11 THE COURT: IF YOU KNEW IT WAS ON T.V., YOU KNEW  
12 THAT THE PRINT MEDIA WOULD COVER IT AS WELL?

13 THE WITNESS: CERTAINLY.

14 THE COURT: YOU KNEW THAT CITY NEWS SERVICE WOULD  
15 BE COVERING IT?

16 THE WITNESS: OUR COURT BEAT WOULD HAVE, YES.

17 THE COURT: DO YOU KNOW WHO THE PERSON WAS FROM  
18 CITY NEWS SERVICE WHO WAS COVERING IT?

19 THE WITNESS: NO, I DON'T RECALL WHO THE COURT  
20 REPORTER WAS FOR THEM THAT --

21 THE COURT: HOW LONG HAD YOU BEEN A JOURNALIST AT  
22 THAT POINT?

23 THE WITNESS: I HAD BEEN A REPORTER SINCE 1972.

24 THE COURT: YOU KNEW THE PROSECUTION IN THAT CASE  
25 WAS SEEKING THE DEATH PENALTY, DIDN'T YOU?

26 THE WITNESS: AFTER I READ THE STORY IN THE "TIMES"  
27 RIGHT BEFORE THE CASE I KNEW FOR SURE. I MEAN, I WASN'T  
28 CERTAIN UNTIL THEN.

1 THE COURT: YOU KNEW IT WAS A MURDER CASE?

2 THE WITNESS: I KNEW IT WAS A MURDER CASE.

3 THE COURT: AND YOU KNEW THAT THE DEATH PENALTY WAS  
4 POSSIBLE IN THE CASE?

5 THE WITNESS: CLEARLY IT WAS POSSIBLE, BUT I MEAN  
6 I -- I'M REPEATING. I REALLY DIDN'T FOLLOW THE CASE AND  
7 ONLY OCCASIONALLY WOULD I READ ANYTHING OF IT. ON THE DAY  
8 THAT I WENT TO JUDGE WAPNER I READ AN ENTIRE STORY THAT  
9 WAS IN THE "TIMES" SO -- THAT BROUGHT ME PROBABLY UP TO  
10 DATE ON IT.

11 THE COURT: WITHOUT KNOWING THE DETAILS, YOU KNEW  
12 IT WAS A MURDER CASE; RIGHT?

13 THE WITNESS: I KNEW IT WAS A MURDER CASE.

14 THE COURT: YOU KNEW THAT MR. LEVIN WAS SUPPOSEDLY  
15 THE VICTIM?

16 THE WITNESS: BY OCTOBER OF '86, YES.

17 THE COURT: AND YOU KNEW THERE WAS A POSSIBILITY OF  
18 THE DEATH PENALTY?

19 THE WITNESS: OBVIOUSLY I KNEW THAT IN A MURDER  
20 CASE THERE IS A POSSIBILITY OF THE DEATH PENALTY.

21 THE COURT: AND YOU DID NOT THINK IT INCUMBENT UPON  
22 YOU TO TELL SOMEONE THAT THE VICTIM WAS ALIVE AND THEY  
23 SHOULDN'T KILL MR. HUNT?

24 THE WITNESS: I'M NOT PERFECT. I PROBABLY SHOULD  
25 HAVE. I DIDN'T WANT TO GET INVOLVED. THAT IS THE SIMPLE  
26 FACT.

27 THE COURT: I DON'T UNDERSTAND, AGAIN, WHY IT IS  
28 THAT YOU SAID YOU GOT FIRED. YOU MENTIONED ON LAST

1 TUESDAY AFTERNOON THAT -- YOU GOT FIRED OVER THIS WHOLE  
2 INCIDENT.

3 THE WITNESS: INDIRECTLY, YES --

4 THE COURT: TELL ME.

5 THE WITNESS: OKAY.

6 WHAT -- THE MANAGEMENT OF CITY NEWS ALLEGED  
7 WAS I HAD TOLD A STORY TO COMPETITORS BEFORE I HAD TOLD --  
8 YOU KNOW, BROUGHT THE STORY OUT WITH CITY NEWS SERVICE,  
9 AND THAT SIMPLY WASN'T THE CASE.

10 THE COURT: WHO DID YOU TELL IT TO?

11 THE WITNESS: I TOLD THE INFORMATION WHICH WAS IN  
12 THE STORY TO THE REPORTER WHO WAS FROM ASSOCIATED PRESS.

13 THE COURT: WHO?

14 THE WITNESS: WHO -- SHE CALLED ME UP. I REALLY  
15 DON'T REMEMBER HER NAME. SIMPLY DON'T REMEMBER HER NAME.

16 THE COURT: DID YOU KNOW HER PREVIOUSLY?

17 THE WITNESS: YEAH. SHE USED TO WORK FOR CITY NEWS  
18 SERVICE.

19 THE COURT: WHY DID YOU CONTACT HER?

20 THE WITNESS: SHE CALLED ME. I WAS ASLEEP. SHE  
21 WOKE ME UP. I WAS HALF ASLEEP WHEN I WAS TALKING TO HER,  
22 SO I'M SURE I TOLD HER MORE THAN IF I HAD BEEN COMPLETELY  
23 AWAKE AND TALKING TO HER REGULARLY.

24 THE COURT: WHAT DID YOU TELL HER?

25 THE WITNESS: BASICALLY WHAT I'D TOLD JUDGE --  
26 ATTORNEY WAPNER, THAT I HAD GONE OUT, SAW HIM, TALKED TO  
27 HIM. TOLD HIM THAT I HAD SEEN LEVIN THE PREVIOUS FALL.

28 THE COURT: YOU MENTIONED EARLIER TODAY THAT YOU

1 WERE VIDEOTAPED BY SOMEONE.

2 THE WITNESS: WITHOUT MY CONSENT.

3 THE COURT: WHO VIDEOTAPED YOU?

4 THE WITNESS: GARY ARNOT. HE DIDN'T PERSONALLY,  
5 BUT HE HAD AN ASSOCIATE, AN EMPLOYEE OF HIS WHO TAPED IT.  
6 THE GUY TURNED OUT THE RED LIGHT ON THE VIDEO CAMERA. I  
7 DIDN'T EVEN REALIZE IT WAS RUNNING.

8 THE COURT: WHERE WAS THIS?

9 THE WITNESS: IN THE PRESS ROOM AT PARKER CENTER.

10 THE COURT: WHAT WAS TAPED?

11 THE WITNESS: BASICALLY -- I MEAN, I DON'T KNOW  
12 EXACTLY BECAUSE I NEVER SAW IT. I MEAN, I DID NOT SEE THE  
13 WHOLE TAPE. HE PROVED TO ME THAT HE HAD IN FACT TAPED IT,  
14 SO I SAW A LITTLE BIT OF IT. BASICALLY HE, REFERRING TO  
15 GARY ARNOT, CONTINUING TO ASK ME TO GIVE DETAILS ON THE  
16 STORY, AND MY CONTINUING TO SAY, "NO, I WOULDN'T DO IT."

17 THE COURT: WHY DID YOU SEE THAT VIDEOTAPE?

18 THE WITNESS: WELL, HE SHOWED IT TO ME BECAUSE HE  
19 WANTED TO PROVE TO ME THAT HE HAD IN FACT VIDEOTAPED ME  
20 BECAUSE I VOICED MY DOUBT THAT HE HAD. I SAID, "I NEVER  
21 SAW THE LIGHT ON." I ALWAYS HAD THOUGHT -- I WAS  
22 MISTAKEN --

23 THE COURT: WHY DID HE ATTEMPT TO PROVE IT TO YOU?

24 THE WITNESS: BECAUSE HE WANTED A WHOLE STORY AND  
25 ALL HE HAD WAS MY CONTINUED REFUSAL TO GIVE HIM THE STORY.

26 THE COURT: WELL, YOU HAD TOLD HIM THAT YOU'D SEEN  
27 LEVIN IN WESTWOOD.

28 THE WITNESS: THAT WAS NOT ON TAPE.

1 THE COURT: WHAT MORE WAS THERE TO THE STORY THAN  
2 THAT?

3 THE WITNESS: BY THAT TIME I HAD SEEN THE ATTORNEY  
4 WAPNER, AND THE FACT IS HE WANTED IT ON TAPE. HE HAD NOT  
5 HAD IT ON TAPE.

6 THE COURT: WHAT WAS THE ARRANGEMENT THAT YOU HAD  
7 WITH ARNOT?

8 THE WITNESS: UP UNTIL THEN I HAD NO ARRANGEMENT.  
9 I GOT EXASPERATED WITH HIM AND SAID -- "OKAY. AFTER THE  
10 TRIAL I'LL GIVE YOU A STORY. YOU ARE GOING TO HAVE TO PAY  
11 ME FOR IT."

12 HE SAID SOMETHING TO THE EFFECT, "WELL, WOULD  
13 \$75 DO?"

14 AND I SAID, "SURE. FINE."

15 THE COURT: DID YOU SELL HIM THE STORY FOR \$75?

16 THE WITNESS: IT NEVER CAME TO IT.

17 THE COURT: WHY?

18 THE WITNESS: I WAS NEVER CALLED AS A WITNESS IN  
19 THE TRIAL AND --

20 THE COURT: IT WAS ONLY GOING TO BE IF YOU  
21 TESTIFIED IN THE TRIAL THAT YOU WOULD BE ABLE TO SELL YOUR  
22 STORY?

23 THE WITNESS: RIGHT. THEN IT WOULD BE A STORY. I  
24 DIDN'T WANT TO DO ANYTHING BEFORE THEN. I DIDN'T WANT TO  
25 HAVE A STORY IN THE FIRST PLACE. HE KEPT GOING AT ME FOR  
26 QUITE A WHILE THAT NIGHT, AND I GOT JUST FED UP WITH IT.  
27 YOU KNOW, KEPT SAYING NO. I SAID, "OKAY, IF YOU WANT IT  
28 YOU CAN HAVE IT AFTER THE TRIAL. YOU GOT TO PAY FOR IT."

1 THE COURT: YOU SAID YOU GOT MAD BECAUSE THE STORY  
2 RAN BEFORE IT WAS PREPARED OR COMPLETE.

3 THE WITNESS: BEFORE -- I HAD -- I WAS  
4 KNOWLEDGEABLE THAT THE MANAGING EDITOR HAD RELEASED OTHER  
5 STORIES PREMATURELY BEFORE THEY WERE COMPLETELY DEVELOPED,  
6 AND I DIDN'T WANT TO DO IT WITH MINE ONCE I DECIDED I HAD  
7 TO HAVE A STORY AFTER I TALKED TO WAPNER. I WAS NOT  
8 OTHERWISE GOING TO DO A STORY, AND THE REPORTER FROM THE  
9 "EVENING OUTLOOK" CALLED HIM. HE PUT A STORY TOGETHER OR  
10 HAD SOMEBODY PUT A STORY TOGETHER AND IT WENT OUT. IT WAS  
11 PARTLY CORRECT AND PARTLY INCORRECT.

12 THE COURT: WHAT PART WAS INCORRECT?

13 THE WITNESS: I DON'T RECALL ANYMORE AFTER ALL THIS  
14 TIME. IT WAS TEN YEARS AGO. WHEN I SAW IT -- WHEN I CAME  
15 IN THE NEXT DAY ON SATURDAY I SAW THAT -- I READ THE STORY  
16 THAT HAD GONE OVER THE WIRE, AND I TOLD THE DESK EDITOR  
17 THERE AT THE TIME, "THIS IS WRONG, THERE IS" --

18 THE COURT: DID IT HAVE IN THE FACT THAT YOU HAD  
19 SEEN MR. LEVIN ALIVE?

20 THE WITNESS: I DON'T KNOW IF -- MUST HAVE HAD  
21 SOMETHING TO THAT EFFECT. I DON'T RECALL THE SPECIFIC  
22 DETAILS. THERE WERE FACTUAL DETAILS THAT WEREN'T CORRECT.

23 THE COURT: THE ONLY STORY WAS THAT MR. LEVIN WAS  
24 ALIVE; RIGHT?

25 THE WITNESS: THERE WAS MORE TO THE STORY.

26 THE COURT: WHAT WAS -- WHAT MORE TO THE STORY WAS  
27 THERE?

28 THE WITNESS: THERE WAS MORE TO THE STORY WHICH I

1 DIDN'T RECALL IN DETAIL. THE DETAILS IN MY GOING TO THE  
2 ATTORNEYS, MY HAVING TALKED TO THE POLICE. THAT WAS ALL  
3 PART OF THE STORY, AND THEY HAD PART OF IT RIGHT AND PART  
4 OF IT NOT RIGHT.

5 THE COURT: HAD YOU EVER SOLD A STORY TO ANYONE  
6 ELSE?

7 THE WITNESS: AS I STATED TO THE ATTORNEY THERE,  
8 THAT I SOLD NEWS TIPS, NOT STORIES, TO -- ACTUALLY BOTH TO  
9 ARNOT AND TO LEVIN IN '83 AND '84.

10 THE COURT: HOW MANY TIMES TO MR. ARNOT?

11 THE WITNESS: I REALLY DON'T RECALL. IT WAS  
12 SEVERAL. BOTH OF THEM -- HIM MORE BECAUSE I KNEW HIM  
13 LONGER, AND --

14 THE COURT: HOW MANY APPROXIMATELY? MORE THAN 10  
15 TIMES?

16 THE WITNESS: PROBABLY MORE THAN THAT, YEAH.

17 THE COURT: MORE THAN 20 TIMES?

18 THE WITNESS: I DON'T KNOW IF IT WAS MORE THAN  
19 THAT. YOU CAN SIMPLY SAY BETWEEN 10 AND 20 TIMES. THEY  
20 WEREN'T STORIES.

21 THE COURT: HOW MANY TIMES TO MR. LEVIN?

22 THE WITNESS: ACTUALLY VERY FEW BECAUSE HE STOPPED  
23 CONTACTING ME AFTER A LITTLE WHILE BECAUSE HE AND HIS  
24 PARTNER BROKE UP, AND I REALLY DIDN'T -- DIDN'T MAKE --

25 THE COURT: MORE OR LESS THAN 10 TIMES?

26 THE WITNESS: DEFINITELY LESS.

27 THE COURT: HOW MUCH DID MR. LEVIN PAY YOU FOR  
28 TIPS?

1 THE WITNESS: \$30.00. I AGREED TO THE SAME AMOUNT  
2 FOR ARNOT. I DID NOT -- DIDN'T ALWAYS GET THAT BECAUSE  
3 THEY'D SAY, "OH, WELL WE'RE SHORT."

4 THE COURT: ARE THESE TIPS ON STORIES THAT YOU WERE  
5 ALSO WORKING ON?

6 THE WITNESS: I WOULD GIVE A TIP ON WHAT WOULD BE A  
7 VISUAL STORY. FOR EXAMPLE, A TRAFFIC ACCIDENT, AFTER I  
8 HAD SENT A STORY INTO THE OFFICE FROM THE POLICE BEAT, NOT  
9 BEFORE.

10 THE COURT: YOU MENTIONED AT ONE POINT IN YOUR  
11 TESTIMONY TODAY THAT YOU WERE CONCERNED BECAUSE OTHER  
12 PEOPLE THAT HAD COME FORWARD WERE PAINTED AS LYING OR NOT  
13 KNOWING WHAT THEY'RE TALKING ABOUT. WHAT DID YOU MEAN BY  
14 THAT?

15 THE WITNESS: I'M TALKING ABOUT THE STORY THAT  
16 APPEARED IN THE PAPER, PEOPLE HAD COME FORWARD, A WOMAN  
17 WHO WORKED IN A BUILDING THAT LEVIN HAD AN OFFICE IN. SHE  
18 HAD MADE A STATEMENT TO THE POLICE, AND WHAT I HAD HEARD  
19 IS THAT THEY TRIED TO DISPARAGE THE STORY.

20 THE COURT: WHO?

21 THE WITNESS: WHO? BEVERLY HILLS POLICE. AND I  
22 HAD HEARD, ONCE AGAIN I DIDN'T HAVE ABSOLUTE PROOF, BUT I  
23 HAD HEARD THE SAME THING HAD HAPPENED LATER ON WHEN A  
24 COUPLE WHO DIDN'T KNOW LEVIN BUT HAD SEEN A MAN WHO THEY  
25 DESCRIBED PERFECTLY, YOU KNOW, PHYSICALLY MATCHING LEVIN  
26 FROM AN ENCOUNTER THAT THEY HAD WITH HIM AT A GAS STATION  
27 IN ARIZONA. THAT WAS BASICALLY JUST BRUSHED ASIDE AS --  
28 "OH, THEY WERE JUST WRONG, MISTAKEN IDENTITY."



1 THE COURT: THIS IS BY THE POLICE; RIGHT?

2 THE WITNESS: POLICE DISREGARDED IT.

3 THE COURT: I THOUGHT YOU READ THIS IN A STORY --

4 THE WITNESS: I HAD HEARD --

5 THE COURT: HOLD ON.

6 -- THAT YOU HAD READ THIS IN A STORY, READ --

7 THE WITNESS: I READ IT IN THE "TIMES," BUT I ALSO  
8 HEARD FROM ALL THE REPORTERS THAT THE POLICE HAD  
9 DISREGARDED THESE STATEMENTS.

10 THE COURT: SO YOU HAD TALKED TO OTHER REPORTERS  
11 ABOUT OTHER SIGHTINGS?

12 THE WITNESS: ON THAT DAY. I TALKED TO LEVIN --  
13 EXCUSE ME, I TALKED TO ARNOT AND HE SAID THE SAME THING,  
14 THAT THE POLICE HAD BRUSHED ASIDE THESE OTHER STATEMENTS,  
15 THAT I SHOULD COME FORWARD. I WAS RELUCTANT TO DO IT.

16 THE COURT: WHY WERE YOU CONCERNED THAT OTHERS HAD  
17 BEEN PAINTED AS LIARS OR DIDN'T KNOW WHAT THEY WERE  
18 TALKING ABOUT?

19 THE WITNESS: CLEARLY, I DIDN'T WANT TO HAVE THE  
20 SAME THING HAPPEN, AND THAT'S EXACTLY WHAT DID HAPPEN.

21 THE COURT: WHY WERE YOU CONCERNED ABOUT THAT? IF  
22 YOU SAID YOU SAW MR. LEVIN, WHY WERE YOU CONCERNED ABOUT  
23 THAT.

24 THE WITNESS: WHY WOULD ANYBODY BE CONCERNED ABOUT  
25 HAVING THEIR CHARACTER BLEMISHED, ANYBODY? AS A REPORTER  
26 MY COIN AND TRADE WAS MY TRUTHFULNESS.

27 THE COURT: BUT YOU KNEW MR. HUNT WAS ON TRIAL FOR  
28 HIS LIFE?

1 THE WITNESS: I ALSO KNEW THAT I COULD BECOME A  
2 VICTIM OF A SMEAR CAMPAIGN --

3 THE COURT: SO YOU WERE CONCERNED ABOUT YOUR  
4 CHARACTER?

5 THE WITNESS: I WAS CONCERNED ABOUT THAT, TOO. I  
6 HAD TO BE.

7 THE COURT: YOU WEREN'T CONCERNED ABOUT MR. HUNT'S  
8 LIFE?

9 THE WITNESS: I WAS CONCERNED ABOUT IT, BUT UNTIL I  
10 WENT FORWARD I KEPT HOPING THAT THE POLICE WOULD FIND  
11 EXONERATING EVIDENCE. CLEARLY WHEN IT WENT TO TRIAL OR  
12 WENT TO THE JURY THEY HADN'T OR CERTAINLY THEY HADN'T  
13 ANSWERED IT.

14 THE COURT: MR. CRAIN?

15 MR. CRAIN: THANK YOU.

16

17

REDIRECT EXAMINATION +

18

19 BY MR. CRAIN:

20 Q MR. ROBINSON, EARLIER WHEN HE WAS QUESTIONING  
21 YOU THE PROSECUTOR KEPT USING THE WORD "CRIME BEAT." I  
22 BELIEVE YOU TOLD US ORIGINALLY THAT THERE WAS A POLICE  
23 BEAT AND A COURT BEAT --

24 A CORRECT.

25 Q -- AT CITY NEWS.

26 WAS THERE SOMETHING ACTUALLY CALLED A CRIME  
27 BEAT?

28 A NO, BUT A LOT OF PEOPLE REFER TO THE POLICE

5  
1 BEAT AS THE CRIME BEAT. MOST OF THE STORIES THAT COME OUT  
2 OF IT ARE IN FACT CRIME STORIES.

3 Q I THINK YOU TOLD US THE OTHER DAY WHEN YOU  
4 FIRST BEGAN YOUR TESTIMONY IN HERE, LAST WEEK ACTUALLY,  
5 THAT THE POLICE BEAT AND THE COURT BEAT WERE TWO SEPARATE  
6 PARTS OF CITY NEWS SERVICE; IS THAT RIGHT?

7 A YES.

8 Q AND SO THE POLICE BEAT AND YOUR JOB IN  
9 PARTICULAR WAS TO FOLLOW POLICE ACTIVITIES, ARRESTS, OTHER  
10 THINGS THAT THE POLICE DO; RIGHT?

11 A IT WAS TO FOLLOW THE STORIES THAT CAME TO MY  
12 NOTICE CERTAINLY OR ANY REPORTER WOULD FOLLOW THE STORIES  
13 THAT CAME TO THEIR NOTICE, WHETHER THEY WERE CRIMES OR  
14 OTHER INCIDENTS. FOR EXAMPLE, FIRES, ACCIDENTS, FLOODS,  
15 WHATEVER.

16 Q OKAY.

17 AND THEN IF A CASE WOUND UP GOING THROUGH THE  
18 COURT SYSTEM THAT WAS NOT PART OF YOUR BAILIWICK, THAT WAS  
19 SOMEONE ELSE'S WORK; CORRECT? CONNECTED WITH THE COURT  
20 BEAT PART OF CITY NEWS; IS THAT RIGHT?

21 A RIGHT.

22 Q AND DURING THIS PERIOD OF TIME IN 1986 AND  
23 1987 YOU WERE WORKING MORE OR LESS THE GRAVEYARD SHIFT; IS  
24 THAT RIGHT?

25 A I HAD ALWAYS DONE THAT AT CITY NEWS.

26 Q SO DURING THE TIME AT CITY NEWS YOUR HOURS  
27 WERE WHAT?

28 A MY SHIFT WOULD START AT 10:00 P.M. AND GET

5  
1 OFF AT 6:30 A.M..

2 Q AND SO THE BULK OF YOUR TIME WOULD BE  
3 SPENDING THE NIGHTTIME HOURS LISTENING TO THE POLICE  
4 SCANNER; IS THAT RIGHT?

5 A AMONG OTHER THINGS. ACTUALLY, I WOULD BE  
6 DOING A LOT OF CALLS. EASILY OVER 100 CALLS ANY GIVEN  
7 NIGHT.

8 Q TO POLICE DEPARTMENTS, FIRE DEPARTMENTS,  
9 THINGS LIKE THAT?

10 A CORRECT.

11 Q TRYING TO GET INFORMATION ABOUT POLICE WORK  
12 AND FIRES AND SO FORTH?

13 A WHATEVER WAS HAPPENING IN THE AREA, IN THE  
14 COUNTY.

15 Q AND DURING THE DAY YOU'D GET YOUR SLEEP; IS  
16 THAT RIGHT?

17 A EVENTUALLY, YES.

18 Q OKAY.

19 NOW, YOU HAD KNOWN MR. ARNOT FOR SOME PERIOD  
20 OF TIME; RIGHT?

21 A YEAH, I MET GARY EITHER IN -- I THINK IT WAS  
22 '79, MAYBE '80.

23 Q AND --

24 A NOT EARLIER.

25 Q YOU SAID -- YOU SAID ARNOT WAS NOT AN  
26 EMPLOYEE OF CITY NEWS; RIGHT?

27 A NO.

28 Q HOW FREQUENTLY WOULD HE BE AROUND THE POLICE

1 DESK OR THE POLICE AREA THERE WHERE YOU WORKED?

2 A THE PRESS ROOM?

3 Q THE PRESS ROOM AT PARKER CENTER.

4 A AS FAR AS I KNEW, EVERY NIGHT. I MEAN, I  
5 DON'T KNOW -- EVERY NIGHT I WAS THERE HE WOULD DROP BY.  
6 SOMETIMES FOR A LITTLE WHILE. SOMETIMES FOR LONGER  
7 PERIODS.

8 Q AND HE WAS ONE WHO WAS SEEKING TO GET --  
9 WELL, FROM TIME TO TIME, TIPS ABOUT NEWS EVENTS SO THAT HE  
10 COULD GO OUT TAKE PICTURES OF IT. IS THAT BASICALLY IT?

11 A RIGHT. THIS WAS MAINLY IN THE FIRST FEW  
12 YEARS BECAUSE EVENTUALLY HE BOUGHT ENOUGH SCANNING  
13 EQUIPMENT, SCANNERS, THAT HE COULD FOLLOW THE SAME  
14 INFORMATION THAT I DID.

15 Q OKAY.

16 NOW, YOU SAID THIS MORNING TO MR. MC MULLEN,  
17 THE GENTLEMAN OVER HERE WITH THE GRAY SUIT, HE ASKED YOU A  
18 QUESTION OR TWO ABOUT THIS, AND I BELIEVE YOUR TESTIMONY  
19 WAS THAT BEFORE YOU'D SELL ONE OF THESE TIPS TO MR. ARNOT  
20 FOR \$30.00 OR ANYBODY ELSE YOU'D FIRST GIVE THE STORY TO  
21 YOUR EMPLOYER; IS THAT RIGHT?

22 A OF COURSE.

23 Q WHY WAS THAT?

24 A WELL, I MEAN, IT JUST MADE SENSE. I WORKED  
25 FOR CITY NEWS SERVICE. THEY HAD A RIGHT TO THE STORIES.  
26 ANY STORY THAT ARNOT DEVELOPED WAS BASED SIMPLY ON A TIP  
27 AND NOTHING MORE. I DIDN'T GIVE HIM DETAILS AS FAR AS,  
28 YOU KNOW, THE SPECIFICS OF A STORY OTHER THAN MAYBE --

5  
1 MAYBE THERE WAS A TRAFFIC ACCIDENT AT SUCH AND SUCH A  
2 LOCATION.

3 Q SO --

4 A HE'D GO OUT ON IT. IF A STORY DEVELOPED IT  
5 WAS BECAUSE OF WORK HE DID.

6 Q OKAY.

7 WAS IT OKAY, SO AS FAR AS YOU WERE CONCERNED,  
8 AS FAR AS JOURNALISTIC ETHICS WENT, THAT ONCE YOU'D GIVEN  
9 THE STORY TO YOUR EMPLOYER TO GIVE INFORMATION TO SOMEONE  
10 LIKE ARNOT BECAUSE THE STORY HAD ALREADY BEEN GIVEN OUT?

11 A RIGHT. CITY NEWS SERVICE DIDN'T HAVE A  
12 PICTURE SERVICE AS PART OF THEIR SERVICE. IT WAS NOT PART  
13 OF THEIR SERVICE TO GIVE PICTURES. WE DIDN'T COME INTO  
14 DIRECT COMPETITION. GARY ARNOT DID VIDEO TAPE, WHICH, OF  
15 COURSE, HE SOLD TO TELEVISION STATIONS. CITY NEWS SERVICE  
16 WAS A WIRE SERVICE. WE SOLD TO RADIO STATIONS, T.V.  
17 STATIONS, OTHER PRINT MEDIA.

18 Q I THINK YOU HAVE TOLD OVER THE COURSE OF YOUR  
19 TESTIMONY TODAY AND LAST WEEK -- WELL, FIRST OF ALL,  
20 THAT -- CORRECT ME IF I'M WRONG, THAT WHEN YOU SAW LEVIN  
21 IT WAS SHORTLY AFTER CROCODILE DUNDEE HAD OPENED IN  
22 WESTWOOD; CORRECT?

23 A THAT'S THE REASON I WENT OUT THERE. I THINK  
24 CROCODILE DUNDEE HAD OPENED ABOUT A WEEK OR SO BECAUSE I'D  
25 SEEN THE REVIEW IN THE PAPER, IN THE "TIMES," AND IT -- I  
26 WAS REASONABLY INTRIGUED ENOUGH THAT I WENT OUT TO SEE IT.

27 Q OKAY.

28 IT WAS THAT SAME FALL, I THINK YOU TOLD US,

1 THAT YOU STARTED BECOMING AWARE THAT THERE WAS SOME  
2 PRETRIAL MATTERS TAKING PLACE IN CONNECTION WITH A CASE --

3 A THERE WAS STORIES THAT HAD APPEARED EVERY  
4 ONCE IN A WHILE ON T.V.. I DIDN'T FOLLOW THEM VERY  
5 CLOSELY.

6 Q IT WAS THAT SAME GENERAL TIME PERIOD, FALL OF  
7 '86?

8 A RIGHT.

9 Q YOU TOLD US THAT RIGHT AFTER OR THE NEXT DAY  
10 AFTER YOU SAW LEVIN YOU REPORTED IT TO ARNOT; RIGHT?

11 A I PASSED THE INFORMATION ON. I DIDN'T --  
12 UNTIL HE TOLD ME IN RESPONSE TO MY STATEMENT THAT LEVIN  
13 WAS SUPPOSED TO BE DEAD, I ACTUALLY HADN'T BEEN AWARE OF  
14 THAT. I MEAN -- ENDLESSLY NOW, IT SEEMS I HAVE TOLD THE  
15 POLICE THE VERY SAME THING.

16 Q NOW, IT IS YOUR UNDERSTANDING, OR WHAT YOU  
17 ARE TELLING US IS THAT DURING THE COURSE OF THE NEXT  
18 NUMBER OF MONTHS ARNOT FROM TIME TO TIME WOULD TELL YOU,  
19 "YOU SHOULD GO TELL SOMEBODY ABOUT THIS"?

20 A YES. BASICALLY BECAUSE HE WANTED A VISUAL  
21 STORY. IT DID HIM NO GOOD JUST TO HAVE STATEMENTS -- YOU  
22 KNOW, OFF THE CUFF.

23 Q AND SO IT WAS YOUR IMPRESSION THAT ARNOT  
24 WANTED TO GET A STORY OUT OF YOUR HAVING SEEN LEVIN; IS  
25 THAT RIGHT?

26 A RIGHT, OF COURSE.

27 Q WHAT WAS YOUR REACTION TO THESE EFFORTS ON  
28 HIS PART?

1           A       KEPT BRUSHING HIM OFF.

2           Q       AND WHEN THE VIDEO TAPING OR THE ABORTED  
3 VIDEO TAPE WAS DONE THAT WAS AFTER YOU WENT TO SEE  
4 MR. WAPNER; IS THAT RIGHT?

5           A       YEAH, YES.

6           Q       WHAT WAS HAPPENING, JUST JUMPING AHEAD HERE  
7 FOR A MINUTE, WHAT WAS HAPPENING WAS YOU WERE TALKING TO  
8 MR. ARNOT AT THE PRESS ROOM; IS THAT WHERE IT WAS?

9           A       HE CAME TO THE PRESS ROOM AS HE DID MANY,  
10 MANY TIMES BEFORE, HUNDREDS AND HUNDREDS.

11          Q       AND YOU WERE DISCUSSING WITH HIM ABOUT WHAT  
12 HAD HAPPENED ABOUT WHAT YOU HAD DONE WITH MR. WAPNER, THAT  
13 YOU HAD WENT --

14          A       I KEPT ANY DISCUSSION AS LIMITED AS POSSIBLE.  
15 JUST SAYING -- PRACTICALLY NO MORE THAN WHAT I'D ALREADY  
16 TOLD GARY ON OTHER OCCASIONS. I DIDN'T WANT TO GO INTO  
17 DETAILS. I KEPT TELLING HIM THAT.

18          Q       DID YOU DETERMINE AT SOME POINT DURING THIS  
19 CONVERSATION THAT HE WAS VIDEO TAPING THE CONVERSATION?

20          A       I SAW HIS ASSOCIATE HOLDING THE VIDEO CAMERA,  
21 BUT I DIDN'T SEE A RED LIGHT ON IT, SO I DIDN'T KNOW IT  
22 WAS RUNNING. I ASKED HIM ABOUT IT, AND HE SAID HE'S JUST  
23 FOCUSING OR SIGHTING OR WHATEVER. HE GAVE ME AN EXCUSE.

24          Q       AND WHAT -- WHAT WAS YOUR UNDERSTANDING AFTER  
25 THIS AS TO WHAT ARNOT WAS ATTEMPTING TO ACCOMPLISH OR WHAT  
26 DID YOU BELIEVE WAS GOING ON?

27          A       OKAY.

28                   HE EVENTUALLY SAID THAT, YES, HE HAD IN FACT



1 TAPED ME. I DISPUTED -- I MEAN, I VOICED MY DOUBT THAT HE  
2 HAD -- AND HE PROVED IT BY SHOWING ME IN FACT THAT HE HAD  
3 TAPED IT, BUT THERE WAS NO SOUND ON IT.

4 Q WHAT ELSE DID YOU SAY AT THE TIME?

5 A HE WANTED A STORY. OBVIOUSLY HE WOULD MAKE  
6 MONEY SELLING A VIDEOTAPE STORY.

7 Q DID YOU GO TO WAPNER BECAUSE YOU WERE TRYING  
8 TO SELL IT OR MAKE SOME MONEY ON IT?

9 A NO --

10 Q IF YOU DON'T MIND, LET ME FINISH MY QUESTION  
11 AND THEN GET YOUR ANSWER.

12 THE GENTLEMAN OVER HERE, THE COURT REPORTER,  
13 HAS TO TAKE IT DOWN. IF WE'RE OVERLAPPING HE CAN'T DO IT.

14 A OKAY.

15 Q WERE YOU TRYING TO MAKE ANY MONEY OFF THIS BY  
16 GOING DOWN AND SEEING THE DISTRICT ATTORNEY, WHO WAS  
17 PROSECUTING MR. HUNT?

18 A NO.

19 Q YOU SAID SOMETHING ABOUT ARNOT AND \$75. TELL  
20 US WHAT THAT WAS?

21 A HE KEPT ON BADGERING ME ABOUT DOING A STORY  
22 AND I SAID FINALLY -- I FINALLY GOT FED UP AND SAID,  
23 "OKAY, AFTER THE TRIAL I'LL GIVE YOU THE STORY." I DIDN'T  
24 ASK FOR THE \$75 IN THE FIRST PLACE. I ASKED HIM, "WHAT  
25 WOULD YOU BE WILLING TO PAY FOR IT?" HE SAID THE \$75  
26 WHICH IS WHAT HE WOULD GET FOR ONE TAPE.

27 Q DID YOU REALLY HAVE ANY INTEREST IN GETTING  
28 THE MAGNIFICENT SUM OF \$75 FROM MR. ARNOT?

1           A       NO, NOT REALLY. JUST A -- TO TAKE CARE OF A  
2 LITTLE OF THE ANNOYANCE OF KEEPING BEING ASKED ALL THE  
3 TIME.

4           Q       NOW, WAS IT YOUR BELIEF THAT AFTER YOU HAD IN  
5 FACT TESTIFIED, HAD YOU TESTIFIED -- STRIKE THAT.  
6 YOU DIDN'T TESTIFY; IS THAT RIGHT?

7           A       I WAS NEVER CALLED.

8           Q       YOU TESTIFIED IN 1992 BEFORE THE JURY IN SAN  
9 MATEO; RIGHT?

10          A       CORRECT.

11          Q       NOW, WAS IT YOUR UNDERSTANDING THAT ONCE YOU  
12 HAD TESTIFIED IT WOULD HAVE BEEN ALL RIGHT TO HAVE TAKEN  
13 THE \$75 FROM MR. ARNOT HAD YOU CHOSEN TO DO SO ONCE YOU  
14 HAD GIVEN YOUR TESTIMONY AND THE CASE WAS OVER?

15          A       IT WAS PUBLIC INFORMATION.

16          Q       SO IT WOULD HAVE BEEN ALL RIGHT?

17          A       SURE.

18          Q       NOW, YOU TOLD THE COURT THAT YOU WERE  
19 CONCERNED ON THE DAY THAT YOU DID DECIDE ON GOING TO THE  
20 DISTRICT ATTORNEY IN SANTA MONICA TO TELL HIM ABOUT HAVING  
21 SEEN MR. LEVIN IN WESTWOOD, THAT YOU WERE CONCERNED ABOUT  
22 SEVERAL THINGS.

23                   NOW, HAD YOU EVER HEARD OF THE CRIME OF  
24 OBSTRUCTION OF JUSTICE?

25          A       YES.

26          Q       DID YOU THINK, IN ANY WAY THINK THAT YOU  
27 MIGHT BE ACCUSED OF THAT IF YOU TOLD MR. WAPNER THAT YOU  
28 HAD BEEN HOLDING THIS INFORMATION FOR SEVERAL MONTHS?

1           A       HONESTLY I DID NOT KNOW IF THAT WOULD  
2           TECHNICALLY HAVE FALLEN UNDER THAT STATUTE. I MEAN,  
3           OBVIOUSLY IT COULD HAVE ENTERED MY MIND THAT IT COULD  
4           HAVE, BUT I MEAN, I REALLY DIDN'T KNOW.

5           Q       WELL, I THINK EARLIER, THOUGH, YOU TOLD US  
6           THAT --

7           A       IT COULD HAVE.

8           Q       IN RESPONSE TO MR. MC MULLEN'S QUESTIONS YOU  
9           SAID THAT, FIRST OF ALL, YOU DIDN'T -- FIRST OF ALL, LET  
10          ME BACK UP.

11                    YOU HAD THIS CONVERSATION WITH MR. WAPNER,  
12          THE PROSECUTOR; RIGHT?

13          A       CORRECT.

14          Q       AND YOU TOLD HIM THAT YOU HAD SEEN RON LEVIN  
15          IN WESTWOOD; CORRECT?

16          A       YES.

17          Q       AND YOU --

18          A       EVENTUALLY I TOLD HIM THAT, YES.

19          Q       AFTER YOU MET HIM AND INITIAL PLEASANTRIES HE  
20          ASKED YOU WHY YOU WERE THERE, AND YOU TOLD HIM ABOUT  
21          SEEING LEVIN, RIGHT?

22          A       RIGHT.

23          Q       INITIALLY, THOUGH, YOU DIDN'T GIVE HIM AN  
24          ACCURATE ACCOUNT OF HOW LONG YOU HAD HAD CERTAIN  
25          INFORMATION; IS THAT RIGHT?

26          A       CORRECT.

27          Q       AND IS IT YOUR TESTIMONY THAT YOU WERE  
28          CONCERNED THAT IN SOME WAY NOT HAVING COME FORWARD

7  
1 IMMEDIATELY MIGHT CAUSE YOU SOME LEGAL PROBLEM, WHETHER IT  
2 WAS OBSTRUCTION OF JUSTICE OR SOMETHING ELSE?

3 A RIGHT. I DIDN'T KNOW WHAT IT WOULD BE  
4 CALLED. I FELT THAT IT WAS SOME KIND OF -- YOU KNOW, IT  
5 WOULD HAVE BEEN SOME KIND OF LEGAL PROBLEM.

6 Q RIGHT. SO IN YOUR MIND WHEN YOU CAME FORWARD  
7 AND YOU WENT TO SEE MR. WAPNER AND TOLD HIM THAT YOU HAD  
8 SEEN MR. LEVIN ON A STREET IN WESTWOOD, YOU HAD THIS  
9 CONCERN THAT YOU MIGHT BE PUTTING YOURSELF IN SOME SORT OF  
10 LEGAL DIFFICULTY; CORRECT?

11 A YES.

12 Q AND YOU ALSO TOLD US THAT YOU WERE AFRAID OF  
13 LOSING YOUR JOB; RIGHT?

14 A I DIDN'T SAY THAT -- AS FAR AS I KNOW I  
15 DIDN'T SAY THAT TO -- TO ATTORNEY WAPNER, BUT IT CERTAINLY  
16 HAD ENTERED MY MIND.

17 Q RIGHT. YOU TOLD US THAT YOU HAD CERTAIN  
18 CONCERNS ABOUT YOUR FUTURE IN THE BUSINESS?

19 A RIGHT.

20 Q BY GOING AHEAD AND TALKING TO THE DISTRICT  
21 ATTORNEY WITHOUT -- AT THE VERY LEAST THE APPROVAL OF YOUR  
22 EDITOR; IS THAT RIGHT?

23 A WITHOUT HAVING TOLD HER.

24 Q AND YOU HADN'T TOLD HER?

25 A I HADN'T TOLD HER, NO.

26 Q DID YOU TELL US THAT ONE OF THE REASONS WAS  
27 THAT YOU DIDN'T FIND YOUR EDITOR TO BE SOMEONE WHO WAS  
28 TRUSTWORTHY WITH CERTAIN STORIES?

1 A IN MY EXPERIENCE.

2 Q DESPITE THESE TWO CONCERNS, THAT YOU MIGHT  
3 HAVE LEGAL DIFFICULTIES AND THE CONCERN THAT YOUR JOB  
4 MIGHT BE IN JEOPARDY, YOU NEVERTHELESS WENT TO SEE  
5 MR. WAPNER AND TOLD HIM THAT YOU HAD SEEN MR. LEVIN;  
6 RIGHT?

7 A YES.

8 Q DID YOU EVER TRY TO SELL YOUR ACCOUNT TO  
9 ANYBODY FOR MONEY?

10 A NO.

11 Q DID YOU EVER GET ANY MONEY FOR HAVING COME  
12 FORWARD?

13 A NO.

14 Q YOU DID GET, THOUGH, A TERMINATION NOTICE  
15 FROM CITY NEWS; RIGHT?

16 A YEAH, ABOUT TWO WEEKS LATER.

17 Q AND YOU DID GET -- AS YOU PUT IT, THE  
18 CONCLUSION OF BEING BLACKBALLED IN THE NEWS BUSINESS;  
19 RIGHT?

20 A THAT WAS THE CONCLUSION I DREW, YES.

21 Q SO THAT -- OTHER THAN A VERY SHORT PERIOD OF  
22 TIME WITH, I BELIEVE, IT WAS "DAILY VARIETY; IS THAT  
23 RIGHT?

24 A YES.

25 Q -- YOU HAVE NOT BEEN ABLE DO GET A JOB IN  
26 YOUR CHOSEN FIELD OF THE NEWS BUSINESS; IS THAT RIGHT?

27 A YES.

28 Q AND NOW YOU WORK AS A SECURITY GUARD AT

7  
1 COUNTY HOSPITAL?

2 A SECURITY OFFICER, RIGHT.

3 Q SECURITY OFFICER AT COUNTY HOSPITAL; IS THAT  
4 RIGHT?

5 A YES.

6 Q NOW, IN YOUR WORK AS A REPORTER IN THE PAST  
7 DID YOU EVER HAVE THE OCCASION TO COME IN CONTACT WITH  
8 WITNESSES WHO WERE RELUCTANT TO GET INVOLVED FOR ONE  
9 REASON OR ANOTHER?

10 A I'M TRYING TO THINK.

11 Q IN YOUR OWN EXPERIENCE?

12 A MOST OF THE PEOPLE I TALKED TO CONCERNING  
13 CRIMES WERE ACTUALLY THE POLICE OR SHERIFF'S. BASICALLY  
14 OFFICIAL PEOPLE. ONLY OCCASIONALLY DID I TALK TO PEOPLE  
15 WHO WERE -- YOU MIGHT SAY, WITNESSES OR -- THAT WAS VERY  
16 RARE.

17 Q MOST OF YOUR CONTACTS WERE WITH ACTUAL POLICE  
18 AND FIRE OFFICERS, SHERIFF'S?

19 A THAT'S CORRECT.

20 Q THINGS LIKE THAT?

21 A THAT'S CORRECT.

22 Q DID YOU EVER HEAR OF THE INFAMOUS KITTY  
23 GENOVESE CASE IN NEW YORK WHERE 30 OR SO WITNESSES SAW A  
24 MURDER AND NONE OF THEM REPORTED IT TO THE POLICE? DID  
25 YOU EVER HEAR ABOUT THAT CASE?

26 MR. MC MULLEN: OBJECTION. IRRELEVANT.

27 MR. CRAIN: IT MAY GO TO HIS STATE OF MIND.

28 THE COURT: OVERRULED.

8

1 YOU MAY ANSWER.

2 MR. CRAIN: THANK YOU.

3 THE WITNESS: YES, I HAD HEARD OF IT.

4 MR. CRAIN: PARDON ME JUST A MINUTE, YOUR HONOR, IF  
5 YOU WOULD.

6 THE COURT: YES.

7

8 (PAUSE.)

9

10 BY MR. CRAIN:

11 Q NOW, YOU USED A TERM THAT -- PERHAPS WE HAVE  
12 COVERED THIS AD NAUSEAM, BUT YOU USED THE TERM THAT,  
13 ARNOT, YOU THOUGHT, "WAS TRYING TO GET A STORY OUT OF ME."  
14 WHAT DID YOU MEAN BY THAT?

15 A THAT HE WANTED A STORY BASED ON WHAT I'D TOLD  
16 HIM. HE NEEDED -- REMEMBER I SAID THAT HE HAD A -- A  
17 VIDEOTAPE BUSINESS. HE HAD TO HAVE A STORY WHICH WAS  
18 VISUAL AND THE ONLY TYPE OF VISUAL STORY HE WOULD HAVE  
19 FROM ME IS FROM ME TALKING TO HIM WITH HIM STANDING NEXT  
20 TO THE VIDEO CAMERA. IN OTHER WORDS, HE AND I IN AN ON  
21 TAPE INTERVIEW, WHICH I WAS RELUCTANT TO GIVE.

22 Q SO BASICALLY HE KEPT AFTER YOU, BUT HE  
23 WOULDN'T HAVE ANY KIND OF A STORY UNLESS HE COULD GET SOME  
24 CORROBORATING EVIDENCE LIKE ON A VIDEOTAPE; RIGHT?

25 A HE'D CERTAINLY HAVE TO HAVE A VISUAL BECAUSE  
26 THAT'S WHAT HE SOLD.

27 Q AND YOUR POSITION WAS ALWAYS, "I'M NOT  
28 GIVING -- I'M NOT SELLING THE STORY HERE"?

1           A           I FINALLY GAVE INTO HIM ON THAT POINT, BUT I  
2 SAID ONLY AFTER I WAS A WITNESS IN A TRIAL. UP TO THEN I  
3 KEPT SAYING, "NO, I'M NOT GOING TO GIVE YOU A STORY."

4           Q           AFTER YOU TOLD HIM THAT AFTER THE TRIAL, JUST  
5 TO BRUSH HIM OFF, YOU'D CONSIDER TAKING \$75 BECAUSE AT  
6 THAT MOMENT YOUR HAVING SEEN LEVIN WOULD HAVE BEEN A  
7 MATTER OF PUBLIC RECORD ANYWAY BECAUSE YOU WOULD HAVE  
8 ALREADY TESTIFIED AS A WITNESS?

9           A           YES, OF COURSE IT WOULD HAVE BEEN A PUBLIC  
10 RECORD.

11           MR. CRAIN: I HAVE NOTHING FURTHER.

12           THE COURT: HAVE YOU EVER TALKED TO MR. HUNT  
13 OUTSIDE OF COURT?

14           THE WITNESS: NOT BEFORE I MET HIM. HERE I HAVE  
15 NODDED. WE HAVEN'T DISCUSSED ANYTHING OUTSIDE OF WHEN I  
16 MET HIM UP AT THAT JAIL UP THERE.

17           THE COURT: YOU WENT AND SAW HIM AT JAIL?

18           THE WITNESS: WELL, I ENCOUNTERED HIM THERE. I SAW  
19 HIM THERE, YES.

20           THE COURT: HOW DID YOU SEE HIM IN JAIL?

21           THE WITNESS: I WAS TOLD FIRST OFF -- I BELIEVE IT  
22 WAS BY AN ATTORNEY OR SOMEBODY OF HIS TO COME UP THERE,  
23 AND HE SAID, "OKAY, YOU ARE GOING TO BE TALKING TO JOE  
24 HUNT. AND WE ARE GOING OVER TO THAT -- TO THAT JAIL," AND  
25 THERE WAS A ROOM AND I WAS THERE AND HUNT WAS THERE AND  
26 THE ATTORNEY WAS THERE, YOU KNOW. THAT'S HOW. I MEAN, I  
27 DIDN'T -- "CAN I SEE JOE HUNT?"

28           THE COURT: HAVE YOU EVER TALKED TO HIM OUTSIDE OF



8

1 COURT IN ANY OTHER SITUATION?

2 THE WITNESS: NO.

3 THE COURT: EVER TALKED TO HIM ON THE PHONE?

4 THE WITNESS: NO, NOT AS FAR AS I KNOW. HE'S NEVER  
5 CALLED ME AND I NEVER CALLED HIM.

6 THE COURT: HAVE YOU EVER SPOKEN TO HIS WIFE?

7 THE WITNESS: I DIDN'T EVEN KNOW HE HAD A WIFE.

8 THE COURT: OKAY.

9 MR. MC MULLEN: COUPLE OF QUESTIONS, YOUR HONOR.

10

11 RE-CROSS-EXAMINATION @

12

13 BY MR. MC MULLEN:

14 Q DOES THE NAME JUDY FARAH, F-A-R-A-H, IS THAT  
15 THE NAME --

16 A YES, THAT IS THE REPORTER FOR THE ASSOCIATED  
17 PRESS.

18 Q THAT IS THE ONE YOU TOLD --

19 A YEAH, THE ONE WHO I COULDN'T REMEMBER HER  
20 NAME. SHE HAD A DIFFERENT NAME BEFORE THAT, BEFORE SHE  
21 GOT MARRIED; SPLAGOL.

22 Q CAN YOU SPELL THAT FOR THE REPORTER, PLEASE?

23 A NO.

24 Q YEAH. DID YOU TELL THE ASSOCIATED PRESS  
25 REPORTER ABOUT YOUR -- THE WESTWOOD INCIDENT BEFORE  
26 TELLING CITY NEWS SERVICE?

27 A SHE CAUGHT ME OFF GUARD. SHE WOKE ME UP.

28 Q DO YOU REMEMBER TALKING TO OUR INVESTIGATOR

8

1 TOM SIMPSON IN THIS CASE?

2 A I'LL HAVE TO TAKE YOUR WORD FOR IT THAT WAS  
3 THE NAME. YOU MEAN THE GENTLEMEN BACK THERE IN THE BLUE  
4 SUIT?

5 Q THERE WAS ANOTHER GENTLEMEN -- THAT IS  
6 ANOTHER INVESTIGATOR?

7 A OKAY.

8 WELL, YOU SAY I TALKED TO HIM. OKAY.

9 Q DO YOU REMEMBER TELLING THE INVESTIGATOR, OUR  
10 INVESTIGATOR IN THIS CASE, THAT WHEN YOU TALKED TO JUDY  
11 FARAH YOU PROBABLY TOLD HER MORE THAN YOU SHOULD HAVE?

12 A YES, BECAUSE, LIKE I SAID, SHE WOKE ME UP.  
13 SHE CAUGHT ME OFF GUARD, AND -- I HAVE NO DOUBT THAT I  
14 TOLD HER MORE THAN I REALLY WOULD HAVE HAD I BEEN FULLY  
15 AWAKE.

16 Q THERE HAVE BEEN A LOT OF REFERENCES FROM THE  
17 COURT'S QUESTIONING AND FROM COUNSEL'S QUESTIONING MOST  
18 RECENTLY TO YOUR MANAGING EDITOR. IS THE PERSON YOUR  
19 REFERRING TO AS YOUR MANAGING EDITOR AT THAT PARTICULAR  
20 TIME THAT WE ARE FOCUSING ON, AROUND APRIL OF '86, ROBERT  
21 LAUFFER?

22 A YOU MEAN '87?

23 Q '87, I'M SORRY.

24 A YES.

25 Q SO YOUR JOB -- YOUR JOB WASN'T TO PROVIDE  
26 TIPS TO CITY NEWS SERVICE, WAS IT, WHEN YOU WERE ON THIS  
27 POLICE BEAT?

28 A NO. I PROVIDED WHOLE STORIES. I WROTE

9

9  
1 STORIES THAT WENT OUT. SOMETIMES SEVERAL HUNDRED WORDS.

2 Q SO THESE TIPS YOU WERE PROVIDING TO GARY  
3 ARNOT AND RON LEVIN WERE JUST ON THE SIDE, A LITTLE EXTRA  
4 MONEY ON THE SIDE?

5 A RIGHT.

6 Q YOU SAY THAT YOU HAVE TESTIFIED -- YOU HAVE  
7 TESTIFIED THAT YOU FELT -- YOU WERE CONCERNED THAT THERE  
8 MIGHT BE SOME LEGAL DIFFICULTY IN COMING FORWARD IN APRIL  
9 OF '87 AND TELLING THE AUTHORITIES THAT YOU HAD KNOWN  
10 ABOUT THIS CASE FOR SEVERAL MONTHS; IS THAT CORRECT?

11 A RIGHT.

12 Q THEN WHY DIDN'T YOU JUST COME FORWARD IN  
13 OCTOBER OF '86 AFTER THE INCIDENT OCCURRED IF YOU HAD THAT  
14 CONCERN?

15 A I DIDN'T WANT TO GET INVOLVED IN IT. I HAVE  
16 REPEATEDLY ANSWERED THE SAME QUESTION NOW, THAT I DIDN'T  
17 WANT TO GET INVOLVED IN IT. I WAS FINALLY PRESSURED TO  
18 GET INVOLVED IN TO IT, SO I DID.

19 Q BUT IN NOT -- IN THE -- THE THOUGHT PROCESS  
20 YOU WENT THROUGH IN NOT WANTING TO GET INVOLVED, WEREN'T  
21 YOU CONCERNED THAT YOU MIGHT HAVE SOME LEGAL DIFFICULTY BY  
22 NOT GOING FORWARD?

23 A THE FIRST PART, I MEAN I SIMPLY DIDN'T WANT  
24 TO GET INVOLVED. WHEN I FINALLY CAME FORWARD, I DID HAVE  
25 A CONCERN THAT I MIGHT HAVE LEGAL DIFFICULTY. I  
26 THOUGHT -- HADN'T REALLY THOUGHT OF IT THAT MUCH. I  
27 HADN'T THOUGHT OF IT AT ALL BACK IN OCTOBER. I SIMPLY  
28 DIDN'T WANT TO GET INVOLVED IN IT.

9 1 MR. MC MULLEN: MAY I JUST HAVE A MOMENT?

2 THE COURT: YES.

3  
4 (PAUSE.)

5  
6 MR. MC MULLEN: NOTHING ELSE.

7 THE COURT: ANYTHING FURTHER, MR. CRAIN?

8 MR. CRAIN: JUST ON THIS THING THAT MR. MC MULLEN  
9 WAS INTERESTED IN. I GUESS IT REALLY DOESN'T HAVE  
10 ANYTHING TO DO WITH THE CASE.

11  
12 FURTHER REDIRECT EXAMINATION +

13  
14 BY MR. CRAIN:

15 Q HE ASKED YOU ABOUT THE CONVERSATION THAT YOU  
16 HAD WITH THE LADY NAMED JUDY FARAH A MOMENT AGO?

17 A YES, RIGHT.

18 Q DID YOU TELL THE D.A. INVESTIGATOR THAT YOU  
19 THOUGHT SHE HAD ALREADY READ THE CITY NEWS REPORT AND SHE  
20 SAID SHE'D HOLD THE NEWS STORY UNTIL THE CITY NEWS STORY  
21 CAME OUT?

22 A EXCUSE ME?

23 Q DID YOU TELL THE D.A. INVESTIGATOR --

24 A NO. HOW COULD I. SHE CALLED ME ON SATURDAY.  
25 I TALKED TO THE D.A. ON FRIDAY.

26 Q NO, NO, NO. WHEN --

27 A I MEAN, LATER ON.

28 Q LATER ON WHEN YOU TALKED TO MR. SIMPSON OR

9 1 THE -- HE IS BACK IN THE COURTROOM.

2 DO YOU SEE THE GENTLEMAN SEATED HERE, THE  
3 OTHER GENTLEMAN IN THE GRAY SUIT?

4 A OKAY.

5 Q DID YOU TELL HIM WHEN YOU WERE ASKED ABOUT  
6 JUDY FARAH THAT SHE SAID SHE'D HOLD THE STORY UNTIL THE  
7 CITY NEWS SERVICE CAME OUT, AND THAT SHE DID SO?

8 A YES.

9 MR. CRAIN: I DON'T HAVE ANYTHING FURTHER.

10 THE COURT: MAY THE WITNESS BE EXCUSED?

11 MR. CRAIN: NO OBJECTION.

12 THE COURT: ANY OBJECTION?

13 MR. MC MULLEN: JUST TO REMAIN ON CALL FOR  
14 IMPEACHMENT PURPOSES.

15 THE COURT: SUBJECT TO SUFFICIENT SHOWING.

16 YOU MAY STEP DOWN.

17 CALL YOUR NEXT WITNESS.

18 MR. CRAIN: I HAVE TO GO OUT IN THE HALLWAY.

19 MR. KLEIN: WE HAVE A MATTER WE'D LIKE TO APPROACH  
20 ON BEFORE THE WITNESS COMES IN.

21 THE COURT: DO YOU NEED TO APPROACH? THERE IS  
22 NOBODY ELSE IN THE COURTROOM.

23 MR. KLEIN: JUST FOR THE SAKE --

24 THE COURT: COME TO SIDE BAR WITH REPORTER.

25  
26 (THE FOLLOWING PROCEEDINGS WERE HELD  
27 AT THE BENCH:)  
28

9 1 MR. KLEIN: THE NEXT WITNESS IS IVAN WERNER. HE'S  
2 NEVER TESTIFIED BEFORE ON THIS CASE. HE IS ABOUT 60 YEARS  
3 OLD. HE'S BEEN INTERVIEWED BY THE DISTRICT ATTORNEY. HE  
4 TOLD THE DISTRICT ATTORNEY'S INVESTIGATOR THAT IN 1952,  
5 SOME 44 YEARS AGO, THAT HE WAS CONVICTED OF A FELONY OF  
6 ROBBERY, AND THEY DON'T HAVE ANY DOCUMENTATION TO PROVE  
7 IT, BUT APPARENTLY MR. WERNER ADMITTED IT.

8 MR. WERNER DOES NOT WANT THIS TO BECOME  
9 PUBLIC INFORMATION BECAUSE IT WILL RUIN HIS CAREER AS AN  
10 EMBALMER. HE HAS A REPUTATION IN THE COMMUNITY.

11 THE COURT: AS AN EMBALMER?

12 MR. KLEIN: YES, YOUR HONOR. THAT HE'S DEVELOPED  
13 OVER MANY YEARS.

14 THE COURT: SOUNDS LIKE HE'S GOT A STRIKE NOW.

15 MR. KLEIN: I UNDERSTAND.

16 WHAT I AM ASKING THE COURT TO DO, SINCE THEY  
17 DON'T HAVE ANY PROOF OF IT, THAT THE COURT EXCLUDE IT.

18 IN THE ALTERNATIVE, UNDER 352 I ASK THE COURT  
19 TO EXERCISE IT'S DISCRETION AND EXCLUDE IT. WE ARE  
20 TALKING ABOUT SOMETHING THAT HAPPENED 44 YEARS AGO.

21 THE COURT: HAVE YOU ASKED HIM IF THEY'RE GOING TO  
22 ATTEMPT TO IMPEACH HIM WITH IT?

23 MR. KLEIN: YES, YOUR HONOR.

24 THE COURT: WHAT DID THEY SAY?

25 MR. KLEIN: THEY WANT TO BRING IT OUT.

26 THE COURT: WHY?

27 MR. MC MULLEN: DO I WANT TO BRING IT --

28 THE COURT: IT IS RATHER OLD, 44 YEARS.

10 1 MR. MC MULLEN: HE ALSO TOLD THE INVESTIGATOR THAT  
2 HE CHANGED A LOT. BUT FAIRLY RECENTLY HE GOT IN A TRAFFIC  
3 ACCIDENT. IT DIDN'T GET REPORTED TO THE DMV, AND HE GOT  
4 HIS DRIVER'S LICENSE SUSPENDED AND THEN WENT INTO THE  
5 DEPARTMENT OF MOTOR VEHICLES AND BASICALLY LIED ON AN  
6 APPLICATION AND GOT ANOTHER DRIVER'S LICENSE IN A NAME  
7 SIMILAR TO HIS, DIFFERENT FIRST NAME, AND SO IT JUST SEEMS  
8 TO ME IT GOES TOWARDS HIS CREDIBILITY, THE TWO EVENTS.

9 THE COURT: 40 YEARS APART?

10 MR. KLEIN: THE EVENTS ARE 35 YEARS APART.

11 WE ARE NOT OBJECTING TO THE COURT -- I MEAN  
12 TO THE DISTRICT ATTORNEY IMPEACHING HIM WITH THE EVENT  
13 THAT HAPPENED IN 1987. THEY DO HAVE SOME PROOF ON IT.  
14 BUT THE 1952 --

15 THE COURT: I DON'T THINK THERE'S ANY RELEVANCE TO  
16 THE '52.

17 MR. KLEIN: THANK YOU.

18 MR. CRAIN: ONE FURTHER THING ON THIS PARTICULAR  
19 SUBJECT. I WONDER IF THE COURT WOULD SEAL THE -- THE  
20 PAGES OF THE REPORTER'S TRANSCRIPT OF THIS DISCUSSION  
21 BECAUSE HE'S CONCERNED THAT IT IS NEVERTHELESS GOING TO  
22 WORK IT'S WAY INTO THE NEWS MEDIA. AND THAT WILL BE THE  
23 END OF HIS CAREER THAT HE'S WORKED SO --

24 THE COURT: I CAN'T. THERE IS NO GOOD CAUSE. WE  
25 ARE AT SIDE BAR. I HAVE SERIOUS DOUBTS IF THE PRESS IS  
26 GOING TO GET A COPY OF THIS AND READ THESE THREE OR FOUR  
27 PAGES AND TRY TO DIG IT OUT.

28 I'LL NOTE FOR THE RECORD, I'LL MAKE DECISION

10 1 ON HOW THIS MAN APPEARS IN COURT AND THE NATURE OF HIS  
2 TESTIMONY, AND THE FACT HE THAT HE HAS A CONVICTION 40  
3 YEARS AGO IS OF NO CONSEQUENCE WHATSOEVER.  
4

5 (THE FOLLOWING PROCEEDINGS WERE  
6 HELD IN OPEN COURT:)  
7

8 THE COURT: LET'S BRING THE WITNESS IN.

9 MR. CRAIN: COULD WE APPROACH THE BENCH JUST  
10 BRIEFLY?

11 THE COURT: ON THE RECORD?

12 MR. CRAIN: YES.

13 THE COURT: COME TO SIDE BAR.  
14

15 (THE FOLLOWING PROCEEDINGS WERE HELD  
16 AT THE BENCH:)  
17

18 MR. CRAIN: VERY BRIEFLY, YOUR HONOR.

19 I WAS REFLECTING ON MR. KLEIN'S STATEMENT A  
20 MOMENT AGO. IT SOUNDS TO ME THAT THIS 1987 EPISODE  
21 INVOLVING THE DMV, IT WAS NOT PROSECUTED; IS THAT CORRECT,  
22 MR. MC MULLEN?

23 MR. MC MULLEN: YES.

24 THE COURT: LET ME TELL YOU, I MEAN THERE'S NO  
25 JURY. LET ME HEAR IT, AND SUBJECT TO A MOTION TO STRIKE.

26 MR. CRAIN: WELL, I WAS JUST GOING TO SAY THAT  
27 SINCE MR. MC MULLEN FROM TIME TO TIME CLAIMS THAT THIS IS  
28 A CIVIL PROCEEDING, IT WOULD SEEM TO ME THAT IT'S



10 1 INADMISSIBLE. I MEAN, WHEELER AND HARRIS AND THOSE CASES  
2 THAT TRASH THE EVIDENCE CODE AND SUBJECT TO 352 LET IN ALL  
3 SORTS OF MISDEEDS THAT WEREN'T EVEN CONVICTIONS DOES NOT  
4 APPLY IF THIS IS A CIVIL CASE. THE COURT, I THINK, HAS  
5 EVEN OCCASIONALLY REFERRED TO IT AS THAT.

6 SO I WOULD OBJECT TO ANY MENTION OF IT, AND I  
7 WOULD ALSO ASK THAT IT BE EXCLUDED UNDER 352. IT'S 1101  
8 AND 352 ARE THE OBJECTIONS.

9 MR. MC MULLEN: WE NEVER CLAIMED THIS WAS A CIVIL  
10 PROCEEDING, YOUR HONOR.

11 MR. CRAIN: OKAY.

12 MAYBE THE COURT HAS. I MAY BE CONFUSING THE  
13 TWO OF YOU.

14 THE COURT: IT'S QUASI CRIMINAL, QUASI CIVIL,  
15 SOMEWHERE IN BETWEEN. I'LL ALLOW IT SUBJECT TO MOTION TO  
16 STRIKE.

17 MR. KLEIN: I WITHDRAW -- THE LACK OF MY OBJECTION  
18 SINCE MR. CRAIN IS NOW MAKING THE OBJECTION FOR THE  
19 RECORD.

20 MR. CRAIN: IT ISN'T A COUP HERE, YOUR HONOR.

21 THE COURT: THE RECORD STATES WHAT IT STATES.

22 BRING THE WITNESS IN.

23  
24 (THE FOLLOWING PROCEEDINGS WERE  
25 HELD IN OPEN COURT:)

26  
27 THE CLERK: WOULD YOU STEP BEHIND THE COURT  
28 REPORTER, PLEASE.

1 RIGHT THERE, PLEASE.

2 PLEASE RAISE YOUR RIGHT HAND.

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

7 THE WITNESS: YES.

8 THE CLERK: PLEASE BE SEATED.

9 STATE YOUR NAME FOR THE RECORD AND SPELL YOUR  
10 FIRST AND LAST NAME, PLEASE.

11

12

IVAN WERNER, +

13

CALLED AS A WITNESS BY THE PETITIONER, WAS SWORN AND

14

TESTIFIED AS FOLLOWS:

15

16

THE WITNESS: IVAN, I-V-A-N, WERNER, W-E-R-N-E-R.

17

18

THE COURT: WHY DON'T YOU PULL THAT MICROPHONE  
RIGHT UP UNDERNEATH YOUR CHIN, IF YOU WOULD, SIR.

19

YOU MAY INQUIRE, MR. CRAIN.

20

MR. CRAIN: THANK YOU, YOUR HONOR.

21

22

DIRECT EXAMINATION +

23

24

BY MR. CRAIN:

25

Q MR. WERNER, WHAT IS YOUR OCCUPATION, SIR?

26

A I'M A FUNERAL DIRECTOR LICENSED TO PRACTICE

27

IN THE STATE OF CALIFORNIA.

28

Q APPROXIMATELY HOW LONG HAVE YOU BEEN IN THAT

1 BUSINESS?

2 A 31 YEARS.

3 Q AND ARE YOU EMPLOYED BY ANYONE NOW, OR DO YOU  
4 FREELANCE, OR WHAT DO YOU DO?

5 A I'M AN INDEPENDENT CONTRACTOR.

6 Q AND IN THE PAST HAVE YOU WORKED FOR  
7 FUNERAL -- I AM NOT GOOD ON THE LINGO, FUNERAL HOMES? IS  
8 THAT THE CORRECT WAY TO SAY IT?

9 A THAT'S CORRECT, SIR.

10 Q FUNERAL DIRECTORS?

11 A NO, INDIVIDUAL MORTUARIES.

12 Q MORTUARIES, ALL RIGHT.

13 I'M TRYING TO AVOID THOSE KIND OF PLACES FOR  
14 A WHILE.

15 THE COURT: HOPEFULLY FOR A LONG WHILE.

16 MR. CRAIN: THIS CASE MAY PUT ME THERE SOONER.

17 THE WITNESS: YOUR HONOR, I HAVE A HEARING  
18 IMPAIRMENT IN MY LEFT EAR.

19 THE COURT: PULL THAT MICROPHONE UP.

20 BY MR. CRAIN:

21 Q HEAR ME BETTER NOW?

22 A YES.

23 Q NOW, WERE YOU ABLE TO HEAR ALL THE QUESTIONS  
24 I JUST ASKED YOU OVER THE LAST COUPLE OF MINUTES?

25 A YES.

26 Q OKAY.

27 NOW, IN THE PAST DID YOU WORK FOR ANY  
28 MORTUARIES?

1 A YES.

2 Q AND DID YOU WORK FOR PIERCE BROTHERS?

3 A YES, I DID.

4 Q DID YOU WORK FOR ANOTHER MORTUARY CALLED  
5 GUERRA AND GUTIERREZ?

6 A YES. YES, I DID.

7 Q DO YOU -- NOW, ARE YOU PERSONALLY ACQUAINTED  
8 WITH MR. HUNT OVER HERE, THE GENTLEMAN AT THE END OF THE  
9 TABLE WEARING THE BLUE JUMP SUIT?

10 A NO, SIR, I'M NOT.

11 Q NOW, DURING THE YEAR 1985 DID YOU TAKE ANY  
12 TRIPS OUT OF THE COUNTRY?

13 A YES, I DID.

14 Q AND WHERE DID YOU GO?

15 A TO SOUTH AMERICAN, SPECIFICALLY BRAZIL.

16 Q AND DID YOU BRING A PASSPORT TO COURT TODAY  
17 THAT REFLECTS THAT TRIP TO BRAZIL?

18 A YES, I DID.

19 MR. CRAIN: YOUR HONOR, IT'S AVAILABLE.

20 UNFORTUNATELY, THE COURT MAY NOT BE TOO SURPRISED TO  
21 LEARN, IT'S NOT BEEN IDENTIFIED AS AN EXHIBIT BECAUSE I  
22 DIDN'T KNOW ABOUT IT. HOWEVER, I DO KNOW ABOUT IT NOW.  
23 IF THERE'S ANY ISSUE ABOUT THIS PARTICULAR POINT, I'LL BE  
24 HAPPY TO --

25 THE COURT: MY SUGGESTION -- I ASSUME MR. WERNER IS  
26 NOT GOING TO WANT TO GIVE UP THE PASSPORT.

27 MR. CRAIN: NOT THE ORIGINAL.

28 THE COURT: AT THE BREAK WE HAVE A XEROX MACHINE

1 AVAILABLE IN THE LAW CLERK'S OFFICE. MY SUGGESTION WOULD  
2 BE THAT YOU MAKE A COPY AND MARK IT AS AN EXHIBIT. I  
3 ASSUME MR. MC MULLEN WOULD HAVE NO OBJECTION TO A COPY  
4 BEING PREPARED.

5 MR. MC MULLEN: I DON'T THINK WE WOULD, YOUR HONOR.

6 THE COURT: ALL RIGHT.

7 MR. CRAIN: THANK YOU.

8 BY MR. CRAIN:

9 Q NOW, MR. WERNER, YOU WENT TO BRAZIL AND DID  
10 YOU GO THERE WITH ANYONE?

11 A YES, MY WIFE, IRENE.

12 Q AND DO YOU REMEMBER AT THIS POINT WITHOUT  
13 LOOKING AT YOUR PASSPORT APPROXIMATELY WHEN YOU WERE IN  
14 BRAZIL?

15 A MARCH, 1985.

16 Q AND FOR ABOUT HOW LONG WERE YOU VISITING  
17 THERE?

18 A WE WERE THERE ABOUT -- A LITTLE BETTER THAN  
19 TWO WEEKS.

20 Q IS THIS A VACATION -- WERE YOU THERE AS A  
21 TOURIST?

22 A VACATION.

23 Q AND THEN DID YOU RETURN TO LOS ANGELES?

24 A THE LATER PART OF MARCH, EARLY APRIL OF THE  
25 SAME YEAR, 1985.

26 Q AND LOS ANGELES WAS YOUR HOME THEN?

27 A YES, SIR.

28 Q AND IT IS NOW?

1           A       YES, SIR.

2           Q       AND AFTER YOU RETURNED TO LOS ANGELES FROM  
3 YOUR VACATION IN BRAZIL AT SOME POINT AFTER THAT, THAT  
4 SPRING, DID YOU WORK AT ANY FUNERALS WHERE YOU SAW -- I  
5 DON'T KNOW HOW TO ASK THIS WITHOUT APPEARING TO BE -- LET  
6 ME SHOW YOU A PHOTOGRAPH AND ASK YOU IF YOU EVER SEEN THIS  
7 PERSON BEFORE.

8

9                   (PAUSE.)

10

11           MR. CRAIN: APPROACH THE WITNESS, YOUR HONOR?

12           THE COURT: YES.

13 BY MR. CRAIN:

14           Q       MR. WERNER, SHOWING YOU WHAT'S BEEN MARKED AS  
15 PETITIONER'S EXHIBIT 1. DO YOU SEE THE MAN IN THAT  
16 PHOTOGRAPH?

17           A       YES, I DID.

18           Q       HAVE YOU EVER SEEN THAT MAN BEFORE?

19           A       NO, SIR, I HAVE NOT.

20           Q       PARDON ME?

21           A       I SAW HIM ONCE.

22           THE COURT: I THINK HE HAS MISUNDERSTOOD YOUR  
23 QUESTION.

24           MR. CRAIN: COULD PERHAPS THE RECORD REFLECT THAT I  
25 WAS WALKING AWAY FROM THE WITNESS.

26           THE COURT: YEAH.

27

28

1 BY MR. CRAIN:

2 Q ALL RIGHT.

3 HAVE YOU SEEN THAT MAN BEFORE, ONCE OR AT ANY  
4 OTHER TIME?

5 A I SAW HIM ONE TIME, SIR.

6 Q AND WHERE WAS THAT?

7 A IT WAS AT A FUNERAL SERVICE AT SOME TIME IN  
8 1985 AFTER WE RETURNED FROM BRAZIL.

9 Q OKAY.

10 NOW, DO YOU REMEMBER THE NAME OF THE PERSON  
11 FOR WHOM THE SERVICE WAS BEING HELD? DO YOU REMEMBER THAT  
12 AT THIS TIME?

13 A NO, SIR, I DO NOT.

14 Q AND DO YOU RECALL WHERE THE SERVICE WAS?

15 A YES, SIR, I DO.

16 Q WHERE WAS THAT, MR. WERNER?

17 A WESTWOOD VILLAGE MORTUARY AND MEMORIAL PARK  
18 IN LOS ANGELES.

19 Q AND AT THAT TIME FOR WHOM WERE YOU EMPLOYED,  
20 BY WHOM WERE YOU EMPLOYED?

21 A WESTWOOD VILLAGE MORTUARY AND MEMORIAL PARK.

22 Q NOW, DID THE PIERCE MORTUARY HAVE ANYTHING TO  
23 DO WITH WESTWOOD MORTUARY AT THAT TIME?

24 A NOT AT THAT TIME, NO.

25 Q SO YOU HAVE -- OKAY.

26 YOU ARE -- YOU WERE THERE AT THIS FUNERAL IN  
27 WHAT CAPACITY?

28 A I WAS THERE AS THE FULL-SERVICE, LICENSED

1 EMBALMER/FUNERAL DIRECTOR.

2 Q IN A FEW WORDS WHAT WOULD YOU BE CALLED UPON  
3 TO DO AT A SERVICE SUCH AS THAT? WHAT WOULD YOUR ROLE BE?

4 A IN THE 15 YEARS THAT I WAS THERE I MADE  
5 FUNERAL ARRANGEMENTS, I PREPARED DEAD HUMAN REMAINS FOR  
6 BURIAL, SHIPMENT ALL OVER THE UNITED STATES, THROUGHOUT  
7 THE WORLD, WORKED FUNERALS, DIRECTED FUNERALS, MADE  
8 REMOVALS OF DECEASED PEOPLE, FILED DEATH CERTIFICATES,  
9 WORKED AS A HEALTH PARTICIPANT IN THE HEALTH DEPARTMENT,  
10 LIAISON BETWEEN THE LOS ANGELES COUNTY CORONER AND THE  
11 MORTUARY. IT WAS MORE THAN ONE FIRM THAT WE HAVE.

12 Q NOW, ON THIS PARTICULAR OCCASION WAS THIS IN  
13 THE MORNING OR THE AFTERNOON OR IN THE EVENING?

14 A IT WAS IN THE EARLY AFTERNOON.

15 Q AND ABOUT HOW MANY PEOPLE WOULD YOU SAY  
16 ATTENDED THAT PARTICULAR --

17 A NO LESS THAN 50.

18 Q AND DURING THE COURSE OF THE TIME THAT YOU  
19 WERE THERE, WHICH WOULD HAVE BEEN OVER WHAT PERIOD OF  
20 TIME, WOULD YOU SAY, THAT YOU WERE ACTUALLY AT THE  
21 MORTUARY -- CAN YOU HEAR ME OKAY?

22 A REPEAT THE QUESTION AGAIN.

23 Q OKAY.

24 HOW LONG WERE YOU THERE AT THE MORTUARY THAT  
25 AFTERNOON? I MEAN, AT THE PLACE WHERE THE SERVICE WAS.

26 A OTHER THAN THINGS THAT I HAD TO DO WITH OTHER  
27 FUNERALS I WAS THERE PROBABLY 95 PERCENT OF THE DAY.

28 Q OKAY.



1                   NOW, SOMETIME, WAS IT DURING THE SERVICE THAT  
2 YOU SAW THE MAN WHO IS SHOWN IN THAT PICTURE UP THERE?

3                   A       IT WAS PRIOR TO THE SERVICE, SIR.

4                   Q       OKAY.

5                   COULD YOU TELL THE COURT WHAT YOU SAW?

6                   A       WE HAD A STANDING RULE THAT IF YOU ARE GOING  
7 TO WORK A FUNERAL SERVICE OR YOU WERE THE DIRECTOR,  
8 ARRANGER ON THAT SERVICE YOU HAD TO BE OUTSIDE AT THE  
9 CHAPEL AT LEAST 30 MINUTES PRIOR TO THE SERVICE TIME, AND  
10 MY JOB SPECIFICALLY THAT AFTERNOON WAS TO PARK VEHICLES  
11 AND TO ASSIST THE DIRECTOR THAT MADE THE FUNERAL  
12 ARRANGEMENTS AND TO USHER IN ANY PEOPLE THAT CAME IN  
13 THROUGH THE FRONT DOOR. THERE IS ONLY ONE ENTRANCE TO THE  
14 CHAPEL. AND HAVE THEM SIGN THE REGISTER BOOK.

15                  Q       NOW, THIS MAN THAT IS SHOWN IN THE PHOTOGRAPH  
16 THERE, DID HE SIGN THE REGISTER BOOK?

17                  A       I BELIEVE HE DID, SIR. HE WAS ONE OF THE  
18 FIRST PEOPLE THERE.

19                  Q       DID YOU SEE THE NAME THAT HE SIGNED OR NOT?

20                  A       NO, SIR, I DID NOT.

21                  Q       WHEN YOU SAY HE SIGNED IT, WHAT DID HE APPEAR  
22 TO BE DOING THAT LET YOU TO BELIEVE THAT HE WAS SIGNING  
23 IT?

24                  A       BECAUSE I WAS STANDING RIGHT THERE BEHIND  
25 THE -- THE PODIUM. IT'S JUST A LECTERN AND THE BOOK WAS  
26 FACING HIM, AND I WAS FACING HIM AS HE SIGNED.

27                  Q       WHAT DID THIS PERSON LOOK LIKE THAT YOU SAW,  
28 THE MAN SHOWN IN THAT PHOTO RIGHT THERE? JUST DESCRIBE

1 HIM, HIS BUILD, HIS HEIGHT, ANYTHING ELSE YOU NOTICED  
2 ABOUT HIM.

3 A ALMOST IDENTICAL TO THIS PHOTOGRAPH. ALMOST  
4 IDENTICAL. HE WAS -- HE WAS MORE THAN DISTINGUISHED  
5 LOOKING. HE WAS IMPECCABLY DRESSED. I TALKED TO HIM TWO  
6 OR THREE DIFFERENT TIMES BECAUSE THERE WERE ONLY MYSELF,  
7 ANOTHER PERSON FROM THE MORTUARY AND TWO OR THREE OTHERS  
8 THAT HAD ARRIVED EARLIER BECAUSE I WAS OUTSIDE FROM  
9 ABOUT -- 20 MINUTES ALL THE WAY UP TO SERVICE TIME TILL I  
10 CLOSED THE DOOR.

11 Q SO HE WAS ONE OF THE EARLY ARRIVALS; IS THAT  
12 RIGHT?

13 A YES, HE WAS.

14 Q CAN YOU TELL US WHETHER OR NOT HE STAYED  
15 THROUGH THE SERVICE OR NOT? DO YOU KNOW? DO YOU  
16 REMEMBER?

17 A I BELIEVE HE DID, BUT I COULD BE MISTAKEN.

18 Q ALL RIGHT.

19 SO YOU TALKED TO HIM TWO OR THREE TIMES; IS  
20 THAT RIGHT?

21 A YEAH, JUST GENERAL CONVERSATION ABOUT THE  
22 WEATHER OR WHATEVER I COULD REMEMBER, BUT -- THERE WERE  
23 THINGS ABOUT THIS MAN THAT -- HE LOOKED LIKE A CORPORATE  
24 OFFICER. I MEAN, HE WAS JUST IMMACULATELY, IMPECCABLY  
25 DRESSED. I'M A BARBER, HAIRDRESSER BY PROFESSION. HIS  
26 BEARD WAS IMMACULATE. HIS HAIR JUST -- JUST THE WAY HIS  
27 DEMEANOR WAS.

28 Q AND WHAT DID HIS PHYSIQUE LOOK LIKE, HIS

1 HEIGHT, HIS BUILD? COULD YOU TELL US THAT?

2 A ABOUT MEDIUM BUILD. TALLER THAN I WAS.

3 Q HOW TALL ARE YOU?

4 A SIX FOOT.

5 Q SO HE WAS TALLER THAN YOU WERE; RIGHT?

6 A I BELIEVE HE WAS.

7 Q OKAY.

8 AND WAS THERE ANYTHING ELSE ABOUT THE PERSON  
9 THAT STOOD OUT IN YOUR MIND?

10 A THE THING THAT I REMEMBER IS JUST A LOT OF  
11 GOLD JEWELRY.

12 Q DID YOU NOTICE ANYTHING ABOUT HIS TEETH AT  
13 ALL OR NOT?

14 A NO, SIR, I DID NOT.

15 Q NOW, AT SOME POINT -- DO YOU REMEMBER  
16 ANYTHING ELSE ABOUT THE PERSON WHOSE FUNERAL IT WAS?

17 A I -- I COULD ELABORATE A LITTLE BIT ON THAT  
18 BECAUSE ONE OF THE DIRECTORS CAME OUT WHILE THE SERVICE  
19 WAS IN PROGRESS, OUR MORTUARY MANAGER, AND ASKED ME  
20 SOMETHING PERTAINING TO ANOTHER DEATH, BUT WHAT I HEARD IN  
21 THE OFFICE WAS THAT THE GENTLEMAN -- THE MEMORIAL SERVICE,  
22 THERE WAS NO BODY PRESENT, BUT I BELIEVE HIS BODY WAS IN A  
23 REFRIGERATOR UNIT IN THE PARK AT THAT TIME.

24 IN OTHER WORDS, THE BODY HADN'T BEEN CREMATED  
25 YET. THAT THIS PERSON SUPPOSEDLY HAD BILKED A LOT OF  
26 PEOPLE IN SOME TYPE OF A SCHEME INVOLVING GOLD COINS OR  
27 SOMETHING OR GOLD BULLION OR SOMETHING, AND HE COMMITTED  
28 SUICIDE, BUT HE COMMITTED SUICIDE IN SUCH A WAY THAT IT

1 WAS A VERY UNUSUAL DEATH IN THAT HE HOOKED HIS CAR EXHAUST  
2 UP IN TO SOME KIND OF SAUNA AND ASPHYXIATED HIMSELF. THAT  
3 I DO REMEMBER.

4 I DO REMEMBER THAT HE WAS OF THE JEWISH FAITH  
5 AND HE'S INTERRED IN THAT PARK, WESTWOOD MEMORIAL PARK,  
6 AND RELATIVELY HE WAS A FAIRLY YOUNG MAN. IN HIS LATE  
7 40'S OR EARLY 50'S.

8 Q THIS IS INFORMATION YOU GATHERED ABOUT THE  
9 DECEASED WHOSE SERVICE IT WAS THAT --

10 A THIS IS WHAT I KNEW ABOUT THE DECEASED MAN  
11 BECAUSE THEY WERE TALKING IN THE OFFICE A DAY OR SO  
12 BEFORE.

13 Q OKAY.

14 GOING BACK TO THE MAN WHOSE PICTURE YOU SEE  
15 UP THERE, DID HE WEAR JEWELRY THAT YOU NOTICED?

16 A YES, SIR.

17 Q WHAT DID YOU NOTICE ABOUT THAT, MR. WERNER?

18 A IT'S A FETISH OF MINE, WITH JEWELRY. I HAVE  
19 DONE A LOT OF INVESTING IN GOLD JEWELRY AND SUCH OVER THE  
20 YEARS, AND IT -- IN FACT, I COMMENTED ABOUT A RING THAT HE  
21 WAS WEARING.

22 THE COURT: I'M SORRY?

23 THE WITNESS: HE HAD AN I.D. BRACELET.

24 THE COURT: YOU ARE TALKING ABOUT THE GENTLEMAN IN  
25 EXHIBIT 1?

26 THE WITNESS: YES, SIR. YES, SIR.

27 THE COURT: ALL RIGHT.

28 THE WITNESS: IT JUST -- THINGS THAT I -- THINGS

1 THAT I JUST RECALL.

2 BY MR. CRAIN:

3 Q NOW, YOU ARE WEARING GLASSES TODAY?

4 A YES.

5 Q AND BACK IN 1986 DID YOU WEAR GLASSES ALSO?

6 A YES, SIR, I HAVE WORN GLASSES SINCE I WAS  
7 FIVE YEARS OLD.

8 Q AND WITH YOUR GLASSES DO YOU HAVE TROUBLE  
9 SEEING PEOPLE FROM -- AT ANY DISTANCE?

10 A BY FARSIGHTED -- I'M FAR-SIGHTED, BUT THIS  
11 MAN WAS SO CLOSE TO ME. HE COULDN'T -- HE COULDN'T HAVE  
12 BEEN MORE THAN AT ANY GIVEN TIME, NO MORE THAN SIX FEET  
13 AWAY FROM ME.

14 Q SO DURING THE TWO OR THREE TIMES THAT YOU HAD  
15 CONVERSATIONS WITH HIM IS WHAT YOU ARE SAYING IS THAT HE  
16 WAS ABOUT SIX FEET AWAY?

17 A THE FIRST TIME I MET HIM HE WAS NO MORE THAN  
18 A FOOT AWAY FROM ME. HE WAS BETWEEN ME AND A LECTERN.

19 Q THAT AFTERNOON DURING ALL OF THIS TIME WERE  
20 YOU WEARING YOUR GLASSES?

21 A YES, SIR.

22 Q YOU WERE WEARING THEM WHILE YOU WERE SEEING  
23 THE MAN WHOSE PICTURE IS UP THERE, BUT YOU --

24 A YES, SIR.

25 Q DID YOU HAVE ANY TROUBLE SEEING HIM OR MAKING  
26 OUT WHAT HE LOOKED LIKE?

27 A NO, SIR.

28 Q AND AT SOME POINT AFTER THAT DID YOU SEE

1 ANYTHING ABOUT THIS MAN IN THE NEWSPAPER?

2 A YES, I DID.

3 Q DO YOU KNOW WHEN THAT WAS, APPROXIMATELY? I  
4 KNOW IT'S BEEN SOME TIME NOW.

5 A 1987, PROBABLY EARLY '88.

6 Q AND JUST IN GENERAL WHAT DID YOU SEE IN THE  
7 NEWSPAPER?

8 A I SAW A PICTURE THAT WAS ALMOST IDENTICAL TO  
9 THIS ONE.

10 Q YOU ARE HOLDING UP --

11 MR. CRAIN: FOR THE RECORD, YOUR HONOR,  
12 PETITIONER'S 1.

13 THE COURT: EXHIBIT 1.

14 THE WITNESS: IT DIDN'T LOOK ANY DIFFERENT IN THE  
15 NEWSPAPER THAN IT DID HERE. IT WAS THE SAME.

16 BY MR. CRAIN:

17 Q AND WAS THERE -- WAS THERE SOME NEWS STORY  
18 THAT WENT ALONG WITH THAT PICTURE OF THAT MAN?

19 A I BELIEVE THERE WAS.

20 Q AND WHAT WAS IT ABOUT, AS BEST YOU RECALL AT  
21 THIS TIME, YEARS LATER?

22 A SOMETHING ABOUT A MAN HAD BEEN MURDERED AND,  
23 SUPPOSEDLY THE GENTLEMAN THAT WAS IN THIS PICTURE, AND  
24 THAT SOMEBODY EITHER WAS ON TRIAL OR HAD BEEN CONVICTED OF  
25 IT. AND I REMEMBER IT WAS DURING A QUIET PERIOD AT THE  
26 MORTUARY BECAUSE I REALLY DIDN'T HAVE TIME TO READ A  
27 NEWSPAPER. AND I WENT BACK TO IT AND I LOOKED AT IT, AND  
28 I LOOKED AT THE PICTURE TWO OR THREE DIFFERENT TIMES, AND

1 I SAID, "I HAVE SEEN THAT PERSON," AND THEN I REMEMBERED  
2 WHERE I HAD SEEN HIM.

3 Q WERE YOU SURE IN YOUR OWN MIND THAT THIS WAS  
4 THE SAME MAN?

5 A POSITIVE, POSITIVE.

6 Q YOU FEEL THAT WAY TODAY?

7 A EITHER THE MAN I SAW WAS THERE IN PERSON OR  
8 HIS TWIN BROTHER. THAT'S ALL I CAN TELL YOU. IT WAS --  
9 150 PERCENT.

10 Q OKAY.

11 NOW, AFTER YOU SAW THIS ARTICLE IN THE  
12 NEWSPAPER DID YOU DO ANYTHING ABOUT IT?

13 A I CALLED THE BEVERLY HILLS POLICE DEPARTMENT.

14 Q AND WAS THAT RIGHT AWAY OR LATER OR WHAT?

15 A PROBABLY -- I WOULD SAY IT WAS A VERY SHORT  
16 TIME THEREAFTER.

17 Q AND DO YOU RECALL -- I AM SORRY, I DIDN'T --

18 MR. CRAIN: COULD I HAVE THE LAST ANSWER AGAIN?

19 THE COURT: EITHER THAT DAY OR SHORTLY THEREAFTER.

20 MR. CRAIN: THANK YOU.

21 BY MR. CRAIN:

22 Q NOW, IT WAS -- IF IT WAS NOT THAT DAY OR  
23 SHORTLY THEREAFTER, WHAT WOULD BE THE HOUR TIME LIMIT THAT  
24 YOU WOULD SAY IT WAS BETWEEN THE TIME YOU SAW THE ARTICLE  
25 AND THE TIME YOU CALLED THE BEVERLY HILLS POLICE?

26 A I BELIEVE IT WAS THE SAME DAY I SAW THE  
27 PHOTOGRAPH, SIR.

28 Q OKAY.

13 1                    YOU TALKED TO SOMEONE THERE, DID YOU, AT THE  
2 POLICE STATION, POLICE DEPARTMENT?

3                    A            I LEFT A MESSAGE, AND THEY CALLED ME BACK A  
4 WEEK, TEN DAYS LATER.

5                    Q            DO YOU KNOW THE NAME OF THE PERSON THAT YOU  
6 SPOKE WITH --

7                    A            NO, SIR, I DON'T.

8                    Q            -- ON THE FIRST CALL?

9                    A            NO, SIR, I DON'T.

10                   Q            OKAY.

11                                BUT AT ANY EVENT, SOMEBODY CALLED YOU BACK,  
12 AND DID THAT PERSON IDENTIFY HIMSELF OR HERSELF AS A  
13 POLICE OFFICER WITH THE BEVERLY HILLS --

14                    A            I BELIEVE THEY DID.

15                    THE COURT:    HOLD ON.    WAIT UNTIL HE FINISHES HIS  
16 QUESTION SO WE CAN GET THE QUESTION AND ANSWER.

17                                GO.

18                    MR. CRAIN:    THANK YOU.

19 BY MR. CRAIN:

20                    Q            DID YOU TALK TO SOMEBODY THAT YOU THOUGHT WAS  
21 A POLICE OFFICER AND TOLD HIM THAT YOU HAD SEEN THIS MAN A  
22 COUPLE OF YEARS AGO?

23                    A            I DID.

24                    Q            WHERE WERE YOU WHEN YOU HAD THIS CONVERSATION  
25 AFTER THEY CALLED YOU BACK?    WERE YOU AT WORK?

26                    A            YES, SIR, I WAS.

27                    Q            WHERE WERE YOU WORKING AT THAT TIME?

28                    A            GUERRA AND GUTIERREZ MORTUARY IN MONTEBELLO.



1 Q DID YOU TELL THEM ABOUT THE FUNERAL AND --  
2 WHERE YOU HAD SEEN THE MAN?

3 A YES, SIR, I DID.

4 Q DO YOU REMEMBER HOW LONG THIS CONVERSATION  
5 LASTED?

6 A COUPLE OF MINUTES.

7 Q OKAY.

8 AND HOW WAS IT LEFT? WERE YOU TOLD TO  
9 STANDBY, OR DID SOMEBODY CONTACT YOU AGAIN, OR HOW WAS IT  
10 LEFT?

11 A NO. THE POLICE OFFICER TOLD ME, HE SAID THAT  
12 THEY FELT THEY HAD THE RIGHT PERSON, BUT THEY'D LOOK INTO  
13 IT, AND THAT WAS THE LAST I'D HEARD.

14 Q NOW, IN 1994 DID YOU CONTACT ANYONE ELSE  
15 CONNECTED WITH THIS CASE THAT YOU READ ABOUT?

16 THE COURT: I'M SORRY, WHAT YEAR?

17

18 (PAUSE.)

19

20 BY MR. CRAIN:

21 Q IN 1994 DID YOU CALL MY OFFICE, DO YOU  
22 RECALL?

23 A YES, SIR, I DID.

24 Q AND WHAT LED YOU TO DO THAT?

25 A I SAW SOMETHING IN THE PAPER, AND I HAD  
26 CALLED YOUR OFFICE TO LET YOU KNOW THAT I HAD CALLED THE  
27 BEVERLY HILLS POLICE DEPARTMENT SOME YEARS BEFORE.

28 Q AND DID YOU PROVIDE THE INFORMATION AT THAT

1 TIME TO SOMEONE IN MY OFFICE THAT YOU HAD SEEN THE PERSON  
2 SHOWN IN THE PHOTOGRAPH?

3 A YES, I DID.

4 Q AND THAT YOU HAD CALLED THE POLICE?

5 A YES, I DID.

6 Q OKAY.

7 DO YOU REMEMBER APPROXIMATELY WHEN YOU  
8 STARTED WORK AT THE GUERRA AND GUTIERREZ MORTUARY?

9 A YEAH. FEBRUARY -- THE FIRST WEEK OF  
10 FEBRUARY, 1987.

11 Q AND ABOUT HOW LONG AFTER YOU BEGAN WORKING AT  
12 THAT MORTUARY WAS IT THAT YOU FIRST CONTACTED THE BEVERLY  
13 HILLS POLICE ABOUT HAVING SEEN THE MAN AT THE EARLIER  
14 FUNERAL?

15 A I CAN'T RECALL THAT, SIR.

16 Q WAS IT WITHIN A COUPLE OF MONTHS, OR DO YOU  
17 HAVE ANY RECOLLECTION AT ALL?

18 A IT'S POSSIBLE. IT COULD HAVE EVEN BEEN  
19 LONGER.

20 MR. CRAIN: OKAY.

21 I DON'T HAVE ANY OTHER QUESTIONS.

22 THANK YOU.

23 THE COURT: LET'S TAKE OUR AFTERNOON RECESS NOW AND  
24 GIVE THE REPORTER A BREAK. SEE EVERYONE BACK IN A FEW  
25 MINUTES.

26  
27 (RECESS.)  
28

2  
1 THE COURT: IN THE MATTER OF JOSEPH HUNT, THE  
2 RECORD WILL REFLECT ALL COUNSEL AND PETITIONER ARE  
3 PRESENT. THE WITNESS IS ON THE STAND.

4 MR. CRAIN: MAY I REOPEN FOR JUST A SECOND?

5 THE COURT: GO AHEAD.

6 MR. CRAIN: THANK YOU.  
7

8 IVAN WERNER, +  
9 CALLED AS A WITNESS BY THE PETITIONER, HAVING BEEN  
10 PREVIOUSLY SWORN, RESUMED THE STAND AND TESTIFIED FURTHER  
11 AS FOLLOWS:  
12

13 DIRECT EXAMINATION REOPENED +  
14

15 BY MR. CRAIN:

16 Q MR. WERNER, I BELIEVE YOU TOLD US YOU ARE  
17 SOMEWHAT HARD OF HEARING; IS THAT CORRECT?

18 A YES, SIR.

19 Q WHEN YOU WERE ON THE STAND WHERE YOU ARE NOW  
20 BEFORE THE BREAK DID YOU HEAR ME ASK YOU A QUESTION ABOUT  
21 TEETH OR NOT?

22 A I THOUGHT IT WAS PERTAINING TO JEWELRY, SIR.

23 Q ALL RIGHT.

24 NOW, LET ME ASK YOU THIS AGAIN.

25 THE MAN THAT YOU SAW AT THE FUNERAL SERVICE  
26 IN 1985, DID YOU NOTICE ANYTHING UNUSUAL ABOUT HIS MOUTH  
27 OR HIS TEETH OR ANYTHING INSIDE HIS MOUTH AS YOU TALKED TO  
28 HIM?

1           A        YEAH, I THOUGHT I NOTICED THAT HE HAD GOLD --  
2 YELLOW METAL IN THE LOWER PART OF HIS -- IT WOULD BE THE  
3 LEFT JAW (INDICATING).

4           THE COURT:   POINTING TO THE LEFT JAW AREA.

5 BY MR. CRAIN:

6           Q        IN OTHER WORDS, LIKE GOLD, GOLD FILLINGS?

7           A        I BELIEVE THEY WERE, SIR.

8           MR. CRAIN:   THANK YOU.

9                    NOTHING FURTHER.

10          THE COURT:   CROSS EXAMINATION?

11          MR. MC MULLEN:  MAY I PROCEED, YOUR HONOR?

12          THE COURT:   YES.

13  
14                            CROSS-EXAMINATION @

15  
16 BY MR. MC MULLEN:

17          Q        SIR, HOW LONG DID YOU WORK AT THAT PARTICULAR  
18 MORTUARY WHERE YOU -- REGARDING THIS INCIDENT YOU  
19 DESCRIBED WHERE YOU IDENTIFIED A MAN?

20          A        15 YEARS PLUS, SIR.

21          THE COURT:   HOLD ON.

22                    YOU ARE TALKING ABOUT THE WESTWOOD MORTUARY?

23          MR. MC MULLEN:  YEAH, WESTWOOD MORTUARY.

24          THE WITNESS:  15 YEARS PLUS.

25 BY MR. MC MULLEN:

26          Q        IT WAS ALWAYS THE WESTWOOD MORTUARY OR WAS  
27 THE OWNERSHIP INVOLVED WITH SOMEONE ELSE?

28          A        THE OWNERSHIP CHANGE DIDN'T TAKE PLACE UNTIL

1 JULY 16TH, 1986.

2 Q AND THERE WAS A CHANGE IN OWNERSHIP AT THAT  
3 TIME?

4 A YES. IT WENT TO A MAJOR CORPORATION.

5 Q WHO OWNED THE MORTUARY BEFORE THAT TIME?

6 A JIM AND CLARANCE PIERCE MORTUARIES.

7 Q DO YOU REMEMBER A MAN BY THE NAME OF BILL  
8 PIERCE?

9 A YES.

10 Q WHO WAS THAT?

11 A THAT WAS JIM PIERCE'S SON.

12 Q WAS HE ASSOCIATED WITH THIS WESTWOOD  
13 MORTUARY?

14 A YES, SIR, HE WAS.

15 Q AND IN WHAT CAPACITY WAS HE ASSOCIATED THERE?

16 A GENERAL MANAGER.

17 Q WAS HE GENERAL MANAGER THE WHOLE TIME YOU  
18 WORKED THERE, THE 15 YEARS YOU WERE THERE?

19 A OFF AND ON, YES, SIR.

20 Q SO EVEN WHEN THE OWNERSHIP CHANGED HE  
21 CONTINUED TO BE GENERAL MANAGER?

22 A NO, SIR. HE WAS -- HE STAYED ON A SHORT  
23 WHILE AND THEN THEY SENT HIM SOMEPLACE ELSE. WITHIN THE  
24 SAME COMPANY BUT A DIFFERENT LOCATION.

25 Q ALL RIGHT.

26 ARE YOU -- WELL, LET ME BACK THAT UP A LITTLE  
27 BIT.

28 ARE RECORDS KEPT WITH REGARD TO FUNERAL

1 SERVICES THAT OCCURRED AT THAT MORTUARY WHERE YOU WORKED?

2 A IMPECCABLE RECORDS, SIR.

3 Q SO EACH -- EACH PERSON THAT WOULD -- FOR  
4 WHICH THERE WOULD BE A SERVICE AT THAT WESTWOOD MORTUARY  
5 THERE WOULD BE SOME SORT OF FILE OR RECORD KEPT OF THAT?

6 A YES, SIR, THERE WOULD BE.

7 Q WOULD THEY DESCRIBE THINGS SUCH AS CAUSE OF  
8 DEATH OR IF THERE WERE A CORONER'S INQUIRY INTO THE CAUSE  
9 OF DEATH?

10 A IF IT WERE A CORONER'S CASE, YES, SIR, IT  
11 WOULD BE.

12 MR. KLEIN: EXCUSE ME, YOUR HONOR. COULD I MAKE A  
13 PHONE CALL WHILE THIS IS GOING ON? IT WILL BE VERY QUIET.

14 MR. CRAIN: IT HAS TO DO WITH A PARTICULAR WITNESS.

15 THE COURT: ALL RIGHT.

16 MR. KLEIN: THANK YOU.

17 BY MR. MC MULLEN:

18 Q IN YOUR EXPERIENCE IN THIS FIELD WOULD A  
19 SUICIDE BE SOMETHING THAT THE CORONER WOULD TYPICALLY  
20 BECOME INVOLVED IN?

21 A ABSOLUTELY.

22 Q ARE YOU ABSOLUTELY CERTAIN AS YOU SIT HERE  
23 TODAY THAT YOU OBSERVED THIS MAN AFTER YOU CAME BACK FROM  
24 BRAZIL IN 1985?

25 A YES, SIR.

26 Q IS IT POSSIBLE YOU COULD BE MISTAKEN AND THAT  
27 THAT EVENT OCCURRED PRIOR TO 1985?

28 A I COULD HAVE BEEN MISTAKEN, BUT IN THIS

1 PERSPECTIVE: IT WAS -- IT COULD HAVE BEEN AFTER 1985.  
2 COULD HAVE BEEN AFTER THE TIME WE CAME BACK. IT COULD  
3 HAVE BEEN 1986, BUT IT DEFINITELY WAS NOT PRIOR TO 1985.

4 Q BUT YOUR BEST RECOLLECTION IS THAT THE  
5 FUNERAL THAT YOU ARE TALKING ABOUT OCCURRED RIGHT AFTER  
6 YOU GOT BACK FROM -- OR SOMETIME AFTER -- SHORTLY  
7 THEREAFTER?

8 A COULD HAVE BEEN WITHIN THREE OR FOUR MONTHS  
9 AFTER.

10 Q AND WHEN DID YOU GET BACK?

11 A WE -- THE END OF MARCH, EARLY APRIL, '85.

12 MR. CRAIN: I NEGLECTED TO GET THE PASSPORT COPIED  
13 DURING THE RECESS. COULD I JUST GET IT FROM THE WITNESS  
14 AND MAYBE -- WHILE HE IS QUESTIONING HIM?

15 THE COURT: IF YOU WANT, I'LL HAVE THE LAW CLERK  
16 RUN IT OFF FOR YOU.

17 MR. CRAIN: APPRECIATE IT.

18 DO YOU HAVE THE PASSPORT?

19 THE WITNESS: YES, I DO.

20 MR. CRAIN: OKAY.

21 THANK YOU.

22 BY MR. MC MULLEN:

23 Q DURING 1985 HOW MANY FUNERAL SERVICES DID YOU  
24 PARTICIPATE IN, APPROXIMATELY?

25 A I PARTICIPATED PROBABLY IN 85 PERCENT OF ALL  
26 THE FUNERALS IN THAT MORTUARY. I WAS KEY STAFF.

27 THE COURT: MR. CRAIN, LET'S GO AHEAD AND HAVE HIM  
28 MAKE COPIES OF THE ENTIRE PASSPORT IN CASE SOME ISSUE

1       ARISES.  EVERY PAGE OF THE PASSPORT.

2               MR. CRAIN:  ALL RIGHT.

3       BY MR. MC MULLEN:

4               Q       YOU PARTICIPATED IN 85 PERCENT OF THE FUNERAL  
5       SERVICES THAT OCCURRED IN 1985 AT THAT MORTUARY.  DO YOU  
6       HAVE ANY IDEA IN TERMS OF NUMBERS HOW MANY THAT MIGHT BE?

7               A       WE DID AT THAT TIME APPROXIMATELY 1,000  
8       FUNERALS A YEAR.

9               Q       SO APPROXIMATELY 850 FUNERALS YOU  
10       PARTICIPATED IN IN 1985?

11              A       LET ME PUT IT TO YOU IN ANOTHER WAY.  I  
12       PARTICIPATED PROBABLY NOT BEING ACTIVE AT EVERY SERVICE,  
13       BUT AS FAR AS PREPARATION OF THE DECEASED AND MAKING THE  
14       REMOVAL I WAS IT.  BILL PIERCE WAS THE OTHER ONE.  THERE  
15       WERE ONLY TWO OF US.  WE WERE WAY BELOW STAFF.

16              Q       WHAT I AM INTERESTED IN IS HOW MANY ACTUAL  
17       SERVICES WHERE YOU HAVE PEOPLE COMING AND ATTENDING AND  
18       YOU ARE DOING THE THINGS LIKE YOU DID AT THIS PARTICULAR  
19       FUNERAL THAT YOU HAVE TESTIFIED TO.  HOW MANY OF THOSE?

20              A       SOMETIMES TWO OR THREE A DAY.

21              Q       AND YOU SAID -- YOU TESTIFIED THAT IN THIS  
22       PARTICULAR FUNERAL YOU WERE TALKING ABOUT THERE WERE NO  
23       LESS THAN 50 PEOPLE THERE?

24              A       45 TO 50 PEOPLE, SIR.

25              Q       AND IF YOU CAN GIVE US AN AVERAGE, AND I CAN  
26       UNDERSTAND HOW IT MIGHT BE DIFFICULT, BUT HOW MANY PEOPLE  
27       TYPICALLY WOULD ATTEND THESE SERVICES?  AND I'M REFERRING  
28       TO 1985 IN PARTICULAR WITH -- YOU KNOW, WHAT IS THE



1 SMALLEST NUMBER OF PEOPLE YOU'D SEE AT THESE SERVICES, AND  
2 WHAT IS THE LARGEST NUMBER YOU'D SEE AT THESE SERVICES?

3 A WE HAVE HAD AS LITTLE AS PROBABLY 10 TO 20 AT  
4 A FUNERAL AND WE HAVE HAD AS MANY AS 5- TO 600.

5 Q NOW, BETWEEN 1985, THE TIME OF THIS  
6 PARTICULAR FUNERAL YOU HAVE TESTIFIED ABOUT, AND THEN IN  
7 1988 WHEN YOU SAY YOU SAW THIS NEWSPAPER ARTICLE WITH THE  
8 PHOTOGRAPH OF THE MAN YOU CLAIMED TO HAVE SEEN AT THE  
9 FUNERAL, HOW MANY FUNERALS -- SERVICES CAN YOU TELL US  
10 THAT YOU PARTICIPATED IN BETWEEN THOSE TWO PERIODS OF  
11 TIME? IT IS APPROXIMATELY A THREE-YEAR PERIOD OF TIME.

12 A A THREE-YEAR PERIOD OF TIME? PROBABLY IN  
13 EXCESS OF 300 TO 400 SERVICES.

14 Q IS THERE SOME REASON WHY IT DROPPED OFF SO  
15 MUCH? YOU SAID IN 1985 YOU MIGHT --

16 A BECAUSE I WENT TO A DIFFERENT MORTUARY THAT  
17 DID A LESSER VOLUME.

18 Q AND WHEN DID YOU LEAVE THIS PARTICULAR  
19 WESTWOOD MORTUARY?

20 A FEBRUARY THE 5TH -- LET'S SEE, JANUARY THE  
21 15TH, 1987.

22 Q SO UP UNTIL JANUARY 15TH, 1987, DID YOU  
23 CONTINUE TO HAVE THE SAME VOLUME OF FUNERAL SERVICES,  
24 APPROXIMATELY 1,000 A YEAR, AS YOU DID IN 1985?

25 A WELL, I THINK AFTER THE MAJOR CORPORATION  
26 TOOK OVER THEY DROPPED OFF CONSIDERABLY.

27 Q YOU HAVE LOOKED AT PETITIONER'S EXHIBIT 1,  
28 WHICH IS RIGHT THERE IN FRONT OF YOU.

1           A       YES, SIR.

2           Q       YOU SAY THAT WAS THE EXACT PHOTOGRAPH THAT  
3 YOU SAW IN THE NEWSPAPER IN 1988?

4           A       VERY SIMILAR, SIR.

5           Q       THAT PARTICULAR PHOTOGRAPH HAS A UNIQUE  
6 QUALITY TO IT IN THE WAY THAT THE MAN IS DEPICTED IN THE  
7 PHOTOGRAPH. IT'S AT A TILT. WAS THAT THE WAY IT WAS  
8 DEPICTED IN THE NEWSPAPER?

9           A       IT LOOKED -- THE ONE FROM THE NEWSPAPER I  
10 THINK WAS STRAIGHT UP AND DOWN. HE WASN'T -- IT WASN'T A  
11 POSED PICTURE AS THIS ONE IS.

12          Q       NOW, IN 1988 YOU HAVE TESTIFIED THAT YOU SAW  
13 HIS PICTURE IN A NEWSPAPER --

14          MR. KLEIN: EXCUSE ME, YOUR HONOR. OBJECT. THAT  
15 MISSTATES THE EVIDENCE. HE SAID '87 OR '88.

16          THE COURT: REPHRASE IT.

17          BY MR. MC MULLEN:

18          Q       IN 1987 OR 1988 YOU TESTIFIED THAT YOU SAW A  
19 PHOTOGRAPH OF THAT MAN THAT IS DEPICTED IN PETITIONER'S  
20 EXHIBIT 1.

21          A       YES, I DID.

22          Q       WHAT NEWSPAPER WAS THAT?

23          A       IT COULD HAVE BEEN ANY ONE THAT WAS IN THE  
24 OFFICE AT THE TIME. I THOUGHT IT MIGHT HAVE BEEN THE  
25 "TIMES." IT COULD HAVE BEEN -- IT COULD HAVE BEEN ANY  
26 PAPER.

27          Q       HOW WOULD NEWSPAPERS COME TO BE THERE AT THE  
28 OFFICE AT THAT PARTICULAR TIME? I'M TALKING ABOUT 1987,

1 1988. WOULD THE COMPANY SUBSCRIBE TO THE NEWSPAPERS?

2 A YES, SIR. YES, SIR.

3 Q AND DO YOU HAVE A RECOLLECTION NOW WHICH  
4 NEWSPAPERS THEY SUBSCRIBED TO AT THAT PARTICULAR TIME?

5 A THE "TIMES," THE "LA OPINION," THE SPANISH  
6 PAPER. THERE WERE SOME PEOPLE WORKING THERE THAT CAME IN  
7 FROM THE VALLEY. THEY MAY HAVE BROUGHT PAPERS IN. BUT  
8 THERE WAS ALWAYS TWO OR THREE NEWSPAPERS AROUND.

9 Q THE PHOTOGRAPH THAT YOU SAW IN THE NEWSPAPER,  
10 WHAT PARTS OF THE BODY OF THE MAN DID IT SHOW IN THE  
11 PHOTOGRAPH?

12 A THE UPPER PART, SIR (INDICATING).

13 MR. MC MULLEN: HE WAS POINTING TO MID CHEST.

14 THE COURT: SHOW ME.

15 THE WITNESS: FROM ABOUT MID CHEST (INDICATING).

16 THE COURT: ALL RIGHT.

17 BY MR. MC MULLEN:

18 Q YOU SAID THAT YOU RETURNED FROM BRAZIL IN  
19 LATE MARCH OF 1985; IS THAT CORRECT?

20 A LATE MARCH OR EARLY APRIL, SIR.

21 Q AND THEN HOW MUCH TIME AFTER THAT POINT IN  
22 TIME WHEN YOU GOT BACK FROM BRAZIL DID THIS FUNERAL YOU  
23 HAVE TESTIFIED ABOUT OCCUR?

24 A IT COULD HAVE BEEN SOMETIME THE LATE SUMMER,  
25 EARLY FALL.

26 Q DID YOU MAKE THE ARRANGEMENTS FOR THIS  
27 PARTICULAR FUNERAL?

28 A NO, SIR, I DID NOT. I WAS JUST ASSIGNED TO

1 WORK THAT SERVICE, THAT'S ALL.

2 Q WHO WOULD HAVE MADE THE ARRANGEMENTS?

3 A IT COULD BE BILL PIERCE. IT COULD HAVE BEEN  
4 EDMUND CHALLINOR, OUR MORTUARY MANAGER, OR IT COULD HAVE  
5 BEEN MYSELF. I REMEMBER I DIDN'T MAKE THE ARRANGEMENTS.

6 Q NOW, YOU -- HOW DID IT COME TO BE THAT YOU,  
7 FROM WHAT I UNDERSTAND FROM YOUR DESCRIPTION, REALLY RAN  
8 THE FUNERAL SERVICE THAT DAY?

9 A I DIDN'T RUN THE FUNERAL SERVICE, SIR. I DID  
10 ACCORDINGLY WHAT I DO AT EVERY SERVICE. WHATEVER THEY  
11 ASSIGNED ME. AT THAT TIME I WAS ASSIGNED FOR THE DOORS  
12 AND PARKING.

13 Q WAS THERE ANYBODY ELSE HELPING YOU ON THAT  
14 DAY?

15 A THERE WAS ANOTHER DIRECTOR ON THE SERVICE,  
16 BUT I CAN'T HE RECALL WHO IT WAS. BUT I DO REMEMBER THE  
17 MORTUARY MANAGER WHILE THE SERVICE WAS IN PROGRESS CAME  
18 OUT ONCE OR TWICE TO ASK ME ABOUT SOMETHING ELSE  
19 PERTAINING TO ANOTHER DEATH. I ALSO REMEMBER A FLORIST  
20 COMING IN AND ASKING ME WHERE TO PUT THE FLOWERS FOR  
21 ANOTHER SERVICE. BUT WE HAD MORE THAN ONE SERVICE THAT  
22 DAY.

23 Q AT THAT PARTICULAR TIME OF THIS FUNERAL WAS  
24 THERE ANY OTHER -- WERE THERE ANY OTHER SERVICES?

25 A NO. WE WORKED THEM TWO, TWO AND A HALF,  
26 THREE HOURS APART.

27 Q IN THIS PARTICULAR FUNERAL SERVICE THAT YOU  
28 TESTIFIED ABOUT WHAT WAS THE FIRST THING THAT YOU DID WITH

1 RESPECT TO MAKING PREPARATIONS FOR THE PEOPLE TO ATTEND OR  
2 ARRIVE AT THE SCENE?

3 A I OPENED THE DOORS FIFTEEN MINUTES BEFORE  
4 SERVICE TIME. I PLAYED MUSIC. I HAD THE REGISTER BOOK  
5 OUT ON THE LECTERN, AND I WAS STANDING OUT IN FRONT OF THE  
6 CHAPEL WAITING FOR CARS TO COME IN AND PARK AND GREET  
7 PEOPLE.

8 Q DID YOU DIRECT PEOPLE WHERE THEY MIGHT PARK?

9 A YES, SIR.

10 Q AND YOU ARE SAYING THIS MAN YOU HAVE  
11 IDENTIFIED AS THE PERSON DEPICTED IN PETITIONER'S 1, THAT  
12 PHOTOGRAPH IN FRONT OF YOU --

13 A YES, SIR.

14 Q -- YOU SAID HE WAS ONE OF THE FIRST PEOPLE TO  
15 ARRIVE?

16 A HE WAS, YES.

17 Q DID YOU SEE HIM DRIVE UP?

18 A I PROBABLY DID.

19 Q DO YOU RECALL WHAT KIND OF AUTOMOBILE HE WAS  
20 DRIVING?

21 A NO, SIR, I DON'T.

22 Q WHAT DO YOU REMEMBER ABOUT THE FIRST THING --  
23 LET ME WITHDRAW THAT.

24 WHEN WAS -- DESCRIBE THE FIRST TIME THAT YOU  
25 SAW THIS MAN?

26 A HE CAME -- HE CAME INTO THE PARK, AND IT'S A  
27 LONG DRIVE IN. IT'S 3-, 400 FEET FROM THE -- FROM THE  
28 GATES TO THE MAIN CHAPEL, MAYBE EVEN A LITTLE BIT MORE.

1 PARKED THE VEHICLE AND CAME WALKING TOWARD THE CHAPEL, AND  
2 I BELIEVE HE ASKED ME IF THIS IS FOR THE SERVICE FOR SUCH  
3 AND SUCH A PERSON, AND I SAID, "YES, SIR."

4 Q WAS HE WITH ANYBODY?

5 A NO, SIR, HE WAS NOT.

6 Q WHEN HE ASKED YOU THESE QUESTIONS WHERE WERE  
7 YOU?

8 A DIRECTLY IN -- I WAS ON THE PATIO AREA IN  
9 FRONT OF THE CHAPEL DOORS.

10 Q AND WHEN HE ASKED YOU THAT QUESTION, HOW FAR  
11 AWAY WAS HE FROM YOU, TO THE EXTENT YOU CAN REMEMBER?

12 A A VERY SHORT DISTANCE, SIR, LESS THAN 10  
13 FEET.

14 Q AT THAT PARTICULAR POINT IN TIME WERE THERE  
15 OTHER PEOPLE PULLING IN FOR THE SERVICE, IF YOU REMEMBER?

16 A A FEW MINUTES AFTER, YES.

17 Q BUT AT THE TIME YOU FIRST MADE CONTACT WITH  
18 HIM THERE WAS NO ONE ELSE PULLING IN?

19 A NO, SIR, JUST THE GARDENER OUT THERE  
20 ATTENDING TO THE ROSE GARDEN.

21 Q WAS HE THE FIRST ONE TO ARRIVE, OR WERE THERE  
22 OTHER PEOPLE BEFORE HIM?

23 A THERE MAY HAVE BEEN ONE OR TWO OTHERS, BUT  
24 THE PATIO WAS WIDE OPEN.

25 Q AND AFTER YOU -- INFORMED HIM OF WHAT THE --  
26 OF WHO THE SERVICE WAS FOR, WHAT HAPPENED AFTER THAT?  
27 WHERE DID THE MAN GO?

28 A I ASKED HIM IF HE WOULD SIGN THE REGISTER

1 BOOK JUST LIKE I ASKED EVERYBODY ELSE.

2 Q SO DID YOU WALK -- WHERE IS THE REGISTER BOOK  
3 LOCATED?

4 A REGISTER BOOK IS TO -- WOULD HAVE BEEN TO THE  
5 LEFT OF THE FRONT ENTRANCE JUST A FEW FEET OUTSIDE OF THE  
6 FRONT ENTRANCE.

7 THE COURT: AS YOU ARE FACING THE FRONT ENTRANCE OR  
8 LOOKING OUT OF THE FRONT ENTRANCE?

9 THE WITNESS: LOOKING OUT. IT WAS OUTSIDE ON THE  
10 PATIO ITSELF, SIR.

11 THE COURT: SO IF YOU WERE LOOKING OUT OF THE FRONT  
12 ENTRANCE IT WOULD BE ON YOUR LEFT?

13 THE WITNESS: YES, SIR.

14 BY MR. MC MULLEN:

15 Q SO HE WALKS OVER AND HE SIGNS INTO THE BOOK?

16 A YES, HE DID.

17 Q WHERE DID HE GO AFTER THAT?

18 A HE JUST STAYED RIGHT THERE. JUST WALKED  
19 AROUND. HE DIDN'T DO ANYTHING UNUSUAL.

20 Q HE DIDN'T GO --

21 A THAT I CAN RECALL.

22 Q HE DIDN'T GO INTO THE CHAPEL?

23 A NO, SIR.

24 Q DID YOU HAVE ANY OTHER CONVERSATION WITH HIM  
25 OTHER THAN THAT WITH RESPECT TO HIM SIGNING THE GUEST  
26 BOOK?

27 A IF IT WAS, IT WAS SMALL CONVERSATION, SIR.

28 Q YOU -- YOU HAVE DESCRIBED HIM AS BEING TALLER

1 THAN YOU AND YOU ARE SIX FEET TALL?

2 A PRETTY CLOSE TO IT, SIR.

3 Q HOW MUCH TALLER WAS HE THAN YOU?

4 A MAYBE AN INCH OR TWO.

5 Q AND HOW DID YOU DESCRIBE HIS BUILT? HOW  
6 WOULD YOU DESCRIBE HIS BUILD?

7 A 175, 180 POUNDS.

8 Q AND HIS -- HIS HAIR COLORING, DESCRIBE THE  
9 COLOR OF HIS HAIR?

10 A SILVER GRAY.

11 Q AND HOW DID HE -- WHAT WAS THE STYLE OF HIS  
12 HAIR, LIKE IN TERMS OF HOW HE COMBED IT?

13 A ALMOST IDENTICAL TO THIS PICTURE, SIR.

14 THE COURT: INDICATING EXHIBIT 1.

15 BY MR. MC MULLEN:

16 Q AND YOU SAY THAT --

17 A ALMOST IDENTICAL.

18 Q AND HOW ABOUT THE COLORING AS IT'S DEPICTED  
19 IN PETITIONER'S 1. WAS IT THE SAME COLORING OR DIFFERENT?

20 A SILVER WHITE.

21 Q BUT HOW DOES IT COMPARE WITH WHAT'S SHOWN IN  
22 PETITIONER'S 1, THAT PHOTOGRAPH?

23 A HERE IT'S SALT AND PEPPER.

24 Q WHEN YOU SAW IT IT WAS PURE WHITE?

25 A ALMOST, SIR. ALMOST.

26 Q SO IT WAS LIGHTER IN COLOR THAN WHAT IS SHOWN  
27 THERE IN THAT PHOTOGRAPH?

28 A LET'S JUST SAY IT WAS GRAY, SILVER, WITH NO



1 YELLOW IN IT BECAUSE HE HAD NO YELLOW IN THAT HAIR.

2 Q NOW, THE BEARD -- YOU DESCRIBED HE HAD A  
3 BEARD WHEN YOU SAW THIS PERSON?

4 A YES, SIR, HE DID.

5 Q AND WHAT WAS THE STYLE -- WHAT WAS THE STYLE  
6 OF HIS BEARD?

7 A BEARD WAS CLOSE-CROPPED, SHORT, VERY SIMILAR  
8 TO THIS.

9 Q AND WERE THERE -- WERE THERE ANY NOTICEABLE  
10 DIFFERENCES BETWEEN THE STYLE THAT IS SHOWN IN  
11 PETITIONER'S 1 AND WHAT YOU OBSERVED OF THIS PERSON?

12 A BEARD MIGHT HAVE BEEN A LITTLE BIT FULLER IN  
13 THE CHECK AREA.

14 MR. KLEIN: CAN THE RECORD REFLECT THAT HE'S  
15 LOOKING AND STUDYING EXHIBIT 1, YOUR HONOR?

16 THE COURT: YES.

17 BY MR. MC MULLEN:

18 Q ANYTHING ELSE?

19 A NO, HE JUST -- IMPECCABLY, WELL-GARMENTED  
20 PERSON.

21 Q AND THE COLOR OF HIS BEARD? WAS IT ANY  
22 DIFFERENT THAN WHAT IS SHOWN IN PETITIONER'S 1 THERE?

23 A SILVER GRAY. IT MIGHT HAVE HAD SOME FLECKS  
24 OF SALT AND PEPPER. THIS IS SALT AND PEPPER.

25 THE COURT: REFERRING TO EXHIBIT 1.

26 BY MR. MC MULLEN:

27 Q SO IT LOOKED PRETTY MUCH THE SAME AS WHAT IS  
28 SHOWN IN PETITIONER'S 1 IN TERMS OF COLOR?

5  
1 A CAN'T RECALL, SIR.

2 Q WHEN YOU SAY HE WAS DISTINGUISHED LOOKING,  
3 DESCRIBE WHAT YOU MEAN BY THAT?

4 A HE LOOKED LIKE A DIPLOMAT.

5 Q WHAT MADE YOU THINK THAT HE LOOKED LIKE A  
6 DIPLOMAT?

7 A WESTWOOD VILLAGE MORTUARY, WE DEALT WITH  
8 PROBABLY THE ELITE OF THE CITY OF BEVERLY HILLS, LOS  
9 ANGELES. WE DID ALL OF THE T.V. PEOPLE, MOTION PICTURE  
10 INDUSTRY, PRODUCERS, PERFORMERS. IT WAS AN EVERYDAY,  
11 COMMON OCCURRENCE TO HAVE THIS TYPE OF PERSON THERE.

12 Q SO A DISTINGUISHED LOOKING PERSON, AND IN  
13 PARTICULAR A DISTINGUISHED LOOKING MAN, WAS NOT AN UNUSUAL  
14 THING FOR YOU TO OBSERVE DURING A FUNERAL SERVICE AT THAT  
15 WESTWOOD MORTUARY?

16 A NOT REALLY. THERE WERE JUST THINGS ABOUT  
17 HIM. JUST THINGS -- THE MAN LOOKED LIKE HE -- HE LOOKED  
18 MONEY. HE LOOKED LIKE WEALTH. HIS FINGER NAILS, THEY  
19 WERE WELL MANICURED. I LOOKED AT HIS HANDS. I SAW HIS  
20 HANDS.

21 Q WHEN DID YOU SEE HIS HANDS?

22 A WHEN HE WAS SIGNING THE REGISTER. I WAS  
23 RIGHT BEHIND -- RIGHT IN FRONT OF HIM. HE WAS FACING ME.  
24 I HANDED HIM THE PEN. THAT WAS OUR PROCEDURE OUT THERE.

25 Q WAS IT UNUSUAL FOR YOU TO SEE A MAN WITH  
26 MANICURED HANDS AT --

27 A NOT UNUSUAL, NO.

28 THE COURT: WAIT UNTIL HE FINISHES THE QUESTION.

1 THE WITNESS: WHAT, SIR?

2 THE COURT: COULD YOU WAIT UNTIL HE FINISHES HIS  
3 QUESTION BEFORE YOU BEGIN ANSWERING?

4 THE WITNESS: YES.

5 BY MR. MC MULLEN:

6 Q SO IT WAS NOT UNUSUAL FOR YOU TO SEE A MAN  
7 WITH A MANICURE AT A FUNERAL SERVICE AT WESTWOOD MORTUARY?

8 A NOT UNUSUAL, NO.

9 Q DID HIS CLOTHES ADD TO THAT DISTINGUISHED  
10 LOOK?

11 A YES.

12 Q DESCRIBE HIS CLOTHING, PLEASE.

13 A HE HAD ON A GRAY SUIT, A GRAY SILK TIE, GRAY  
14 POCKET HANDKERCHIEF, GRAY SHOES, GRAY SOCKS. I THINK HE  
15 WORE SUSPENDERS.

16 Q WHAT COLOR WERE THE SUSPENDERS?

17 A I'M SURE I SAW -- I WEAR SUSPENDERS, AND I  
18 THINK HIS COAT WAS OPEN. I CAN'T TELL YOU THE COLOR OF  
19 THE SUSPENDERS.

20 Q COULD YOU TELL WHAT -- I MEAN, THE QUALITY OF  
21 THE SUIT, WAS IT SOMETHING UNUSUAL?

22 A YEAH.

23 Q YOU DESCRIBED THE COLOR. WHAT WAS THE  
24 QUALITY OF THE SUIT?

25 A THE QUALITY -- THE QUALITY AS IN 750, 800  
26 BUCKS FOR THE SUIT.

27 Q YOU --

28 A A VERY EXPENSIVE SUIT.

1 Q YOU SAID HE LOOKED LIKE A CORPORATE OFFICER.  
2 WHAT DID YOU MEAN BY THAT?

3 A I HAVE MET NUMEROUS CORPORATE OFFICERS THAT  
4 WERE JUST AS IMPECCABLE, BUT THIS MAN -- HE GENERATED  
5 SOMEBODY IMPORTANT.

6 Q DID YOU NOTICE HIS SHOES?

7 A YES, THEY WERE GREAT.

8 Q WHAT WERE THEY --

9 A LACE.

10 Q YOU SAY YOU TALKED TO HIM TWO OR THREE TIMES.

11 A YES, SIR, I DID.

12 Q YOU HAVE TESTIFIED ABOUT -- I THINK ONE TIME  
13 YOU HAVE TALKED TO HIM, MAYBE TWO. WHAT WAS THE NEXT  
14 TIME -- WHEN WAS THE NEXT TIME YOU TALKED TO HIM AFTER  
15 THE -- HE SIGNED IN THE REGISTER?

16 A WITHIN A MINUTE OR TWO.

17 Q AND WHERE DID THAT CONVERSATION OCCUR?

18 A ALMOST NEAR THE FRONT DOOR OF THE CHAPEL.

19 Q WAS THERE -- WERE THERE ANY OTHER OF THE  
20 OTHER GUESTS THERE AT THAT TIME?

21 A THERE WERE A FEW.

22 Q AND WHAT WAS SAID DURING THAT CONVERSATION  
23 WITH HIM?

24 A I COMMENTED ON -- ON A LINK BRACELET, AN  
25 IDENTIFICATION BRACELET THAT HE HAD BECAUSE I HAD ONE  
26 VERY, VERY SIMILAR IN DESIGN, AND I SAID, "IT'S -- IT IS A  
27 BEAUTIFUL BRACELET," AND I THINK THAT'S WHAT THE  
28 CONVERSATION WAS ABOUT, THE JEWELRY. AND THEN THEY

1 STARTED COMING AND IN AND IT WAS GETTING BUSY AND I WAS  
2 RUNNING BACK AND FORTH PARKING CARS.

3 Q HOW WOULD YOU DESCRIBE HIS VOICE, HIS MANNER  
4 OF SPEECH?

5 A EFFEMINATE.

6 Q AND HOW -- HOW WAS IT EFFEMINATE?  
7 DESCRIBE -- WHAT LEAD YOU TO BELIEVE IT WAS EFFEMINATE?

8 A JUST -- JUST THE WAY THAT HE -- I JUST FELT  
9 IT WAS EFFEMINATE.

10 Q DID HE TALK SLOWLY, OR DID HE SPEAK RAPIDLY?

11 A SLOWLY, SLOWLY.

12 Q SLOW --

13 A SLOWLY.

14 Q WHEN YOU TALKED TO HIM DID HE SEEM TO BE  
15 CONSERVATIVE WITH THE AMOUNT OF WORDS HE WOULD USE OR WAS  
16 HE VERY EXPRESSIVE AND TRIED TO CONVEY A LOT OF  
17 INFORMATION?

18 A JUST VERY RELAXED. JUST A RELAXED DEMEANOR.

19 THE COURT: MR. KLEIN, COULD WE DO THAT LATER?

20 MR. KLEIN: YES, YOUR HONOR. SORRY.

21 BY MR. MC MULLEN:

22 Q DID YOU TALK TO HIM AGAIN AFTER THAT  
23 PARTICULAR TIME WHEN YOU NOTICED HIS IDENTIFICATION  
24 BRACELET?

25 A NO, SIR. I DON'T BELIEVE I DID.

26 Q HOW LONG DID THE CONVERSATION LAST WHEN YOU  
27 WERE TALKING ABOUT THE IDENTIFICATION BRACELET AND HIS  
28 JEWELRY?

1 A VERY SHORT.

2 Q ABOUT HOW FAR AWAY WERE YOU FROM HIM WHEN  
3 THAT CONVERSATION OCCURRED?

4 A ONE OR TWO FEET.

5 Q WHAT OTHER ITEMS OF JEWELRY DID YOU NOTICE  
6 THAT HE WAS WEARING?

7 A I SAW A COIN RING, A GOLD WATCH AND AN I.D.  
8 BRACELET.

9 Q WHERE -- WHAT HAND DID YOU SEE THE COIN RING  
10 ON?

11 A RIGHT HAND.

12 Q AND WHAT FINGER, DO YOU REMEMBER?

13 A YEAH, NEXT TO THE PINKIE FINGER.

14 THE COURT: INDICATING THE RING FINGER OF THE RIGHT  
15 HAND.

16 BY MR. MC MULLEN:

17 Q AND WHAT -- WHAT WAS IT ABOUT THE COIN  
18 RING -- WHAT KIND OF COIN WAS IT? DO YOU REMEMBER?

19 A IT WAS IN EXCESS OF 18 CARAT GOLD.

20 THE COURT: YOU SAID IT WAS IN EXCESS OF 18 CARAT  
21 GOLD. WHAT DO YOU MEAN?

22 THE WITNESS: GOLD JEWELRY COMES IN DIFFERENT  
23 CLASSIFICATIONS, YOUR HONOR.

24 THE COURT: RIGHT.

25 THE WITNESS: 10 CARET, 14 CARAT.

26 THE COURT: I UNDERSTAND THAT.

27 WHAT DO YOU MEAN BY IN EXCESS OF 18 CARAT?

28 THE WITNESS: IT HAD A GLITTER AND A HIGH YELLOW

1 FINISH. THAT IS THE DIFFERENCE, OKAY.

2 22 CARET GOLD IS ALMOST PURE GOLD, AS 24  
3 CARAT GOLD AT TROY OUNCE. I BELIEVE IT WAS IN EXCESS OF  
4 18 CARAT GOLD BECAUSE OF THE COLOR.

5 BY MR. MC MULLEN:

6 Q YOU SAID IT WAS A COIN RING. WAS THERE A  
7 COIN IN THE RING?

8 A YES, SIR.

9 Q DO YOU REMEMBER WHAT KIND OF COIN IT WAS?

10 A NO, SIR.

11 Q YOU DESCRIBED -- YOU DESCRIBE A WATCH HE WAS  
12 WEARING AS A GOLD WATCH. WHERE WAS HE WEARING HIS GOLD  
13 WATCH?

14 A THERE. LEFT WRIST (INDICATING).

15 THE COURT: I AM SORRY. I DIDN'T SEE YOU. SHOW ME  
16 AGAIN. I DIDN'T SEE WHAT YOU DID WITH YOUR ARM.

17 THE WITNESS: LEFT WRIST (INDICATING).

18 THE COURT: OKAY.

19 BY MR. MC MULLEN:

20 Q DO YOU REMEMBER WHAT KIND OF WATCH IT WAS?

21 A IT LOOKED LIKE A ROLEX, SIR.

22 Q A GOLD ROLEX?

23 A YES, SIR.

24 Q WAS THE BAND GOLD AS WELL?

25 A NO. THERE WAS -- DOWN THE CENTER WAS LIKE A  
26 WHITE GOLD. DOWN THE CENTER.

27 Q AFTER YOU HAD THAT CONVERSATION ABOUT HIS  
28 JEWELRY, WHAT HAPPENED THEN WITH RESPECT TO THIS MAN?

7  
1           A       PEOPLE STARTED COMING AND I STARTED GETTING  
2       BUSIER AND I NOTICED HE WAS TALKING WITH SOME OTHER  
3       PEOPLE.

4           Q       AND DID YOU OVERHEAR ANY CONVERSATION?

5           A       NO, SIR. NOT THAT I RECALL.

6           Q       WERE THERE ANY OTHER DISTINGUISHED LOOKING  
7       PEOPLE AT THAT FUNERAL?

8           A       YES, THERE WAS.

9           Q       CAN YOU DESCRIBE ANY OF THEM?

10          A       NOBODY THAT -- COULD COMPARE WITH THIS  
11       FELLOW. WE HAD ONE FELLOW THERE I CAN REMEMBER AT THAT  
12       FUNERAL SERVICE THAT HAD ON A SUIT AND SHOES WITH NO  
13       SOCKS.

14          Q       YOU SAID AT ONE POINT IN TIME THAT ONE OF THE  
15       OTHER DIRECTORS CAME OUT AND ASKED YOU A QUESTION?

16          A       YES.

17          Q       WHEN DID THAT HAPPEN AND -- IN SPAN OF TIME  
18       THAT YOU HAVE DESCRIBED RIGHT NOW?

19          A       SERVICE WAS ALREADY IN PROGRESS.

20          Q       WERE YOU INSIDE THE CHAPEL WHEN THIS  
21       HAPPENED?

22          A       OUTSIDE.

23          Q       SO EVERYBODY THAT WAS ATTENDING THE SERVICE  
24       WAS INSIDE AT THAT TIME?

25          A       YES, SIR.

26          Q       OKAY.

27                   WHO WAS THAT DIRECTOR?

28          A       THE DIRECTOR THAT CAME FROM THE OFFICE AND



7  
1 TALKED TO ME?

2 Q YES, YES.

3 A EDMUND CHALLINOR.

4 THE COURT: I DIDN'T HEAR THE NAME.

5 THE WITNESS: EDMUND CHALLINOR, C-H-A-L-L-I-N-O-R.

6 BY MR. MC MULLEN:

7 Q YOU SAID THAT YOU HAD SOME INFORMATION ABOUT  
8 THE DECEDENT IN THIS PARTICULAR FUNERAL. WHERE DID YOU  
9 GET THIS INFORMATION?

10 A IT WAS IN THE OFFICE.

11 Q HOW DID YOU OBTAIN THIS INFORMATION IN THE  
12 OFFICE?

13 A I JUST OVER HEARD IT. I COULD LOOK AT ANY  
14 FILE I WANTED TO. I DON'T REMEMBER LOOKING AT THE FILE,  
15 THOUGH. I JUST HEARD IT IN THE OFFICE, JUST GENERAL  
16 CONVERSATION.

17 Q WHO -- DID YOU HEAR IT FROM?

18 A IT COULD HAVE BEEN A NUMBER OF PEOPLE.

19 Q WHO WERE THE POSSIBILITIES?

20 A SECRETARY.

21 Q WHO IS THAT? WHO WAS THAT?

22 A AT THAT TIME I THINK IT WAS CLARE MC CARTHY.

23 Q I'M SORRY?

24 A CLARE MC CARTHY. I THINK SHE WAS OUR  
25 SECRETARY AT THAT TIME.

26 Q AND WHO ELSE MIGHT HAVE YOU HEARD THIS FROM?

27 A COULD HAVE BEEN THE PERSON THAT BROUGHT IN  
28 THE REMAINS FROM THE CORONER'S OFFICE.

1 Q AN EMPLOYEE OF THE CORONER'S OFFICE?

2 A OH, NO, NO. COULD HAVE BEEN SOMEBODY -- IT  
3 MIGHT HAVE BEEN THE REMOVAL SERVICE, A MORTUARY  
4 ACCOMMODATION SERVICE. OR IT MIGHT HAVE BEEN ONE OF OUR  
5 OWN PEOPLE. I DIDN'T MAKE THE REMOVAL.

6 Q WHEN DID THIS CONVERSATION OCCUR IN  
7 RELATIONSHIP TO WHEN THE FUNERAL OCCURRED?

8 A MAYBE A DAY OR SO BEFORE.

9 Q AND WHO ELSE MIGHT YOU HAVE HEARD THIS  
10 INFORMATION FROM?

11 A I CAN'T RECALL, SIR.

12 Q DO YOU KNOW WHO ARRANGED THE FUNERAL?

13 A IF I KNEW THAT, SIR, WE'D HAVE THE KEY TO  
14 THIS WHOLE THING. I DON'T KNOW. I DON'T REMEMBER.

15 Q WHAT WAS THE INFORMATION YOU HEARD WITH  
16 RESPECT TO THE DECEDENT IN THIS PARTICULAR FUNERAL?

17 A THE WAY HE DIED.

18 Q AND THE FACT THAT HE WAS JEWISH?

19 A SOMEBODY HAD MENTIONED SOMETHING THAT HE WAS  
20 INVOLVED IN SOME TYPE OF A FRAUD, AND THAT'S WHY HE KILLED  
21 HIMSELF. THAT'S ALL I CAN REMEMBER.

22 Q BUT DIDN'T YOU TESTIFY THAT THE MAN WAS  
23 JEWISH, THAT YOU HAD HEARD --

24 A HAD A JEWISH SOUNDING NAME.

25 Q DID YOU FIND IT UNUSUAL THAT A JEWISH PERSON  
26 WOULD BE CREMATED?

27 A HAPPENS ALL THE TIME. IT DID AT WESTWOOD.  
28 75 PERCENT OF OUR BUSINESS WAS CREMATION.

7  
1 Q IN ONE OF YOUR INTERVIEWS WITH THE  
2 INVESTIGATOR YOU MENTIONED THAT THE ASHES WERE INTERNED IN  
3 THE NEW AREA OF THE CEMETERY. DO YOU RECALL?

4 A IT'S IN ONE OF TWO AREAS, SIR, THAT THEY  
5 OPENED UP IN 1984 OR EARLY 1985.

6 Q IS THERE SOME OTHER WAY YOU DESCRIBE THAT NEW  
7 AREA, BY LOCATION OR NAME?

8 A THE PARK IS VERY, VERY SMALL. THEY HAVE TWO  
9 SECTIONS, A AND B. THE MAIN SECTION IS SECTION A. THE  
10 PARK IS, I BELIEVE, NO MORE THAN TWO AND A HALF ACRES.  
11 BECAUSE THEY WERE RUNNING OUT OF SPACE THEY WERE BURYING  
12 ALONG SIDE BETWEEN THE GRATES. ONE AREA FILLED UP, AND  
13 THEY WERE GOING TO TWO AREAS. IT BRINGS INTO MIND TWO  
14 AREAS.

15 I WAS OUT THERE, OUT THERE YESTERDAY LOOKING  
16 FOR THIS PARTICULAR GRAVE. I DIDN'T HAVE ENOUGH TIME. I  
17 THINK IF I WALKED IT LONG ENOUGH I THINK I COULD HAVE  
18 SPOTTED IT.

19 Q SO YOU ARE SAYING THAT THE ASHES WERE  
20 ACTUALLY BURIED AS OPPOSED TO BEING PUT IN ONE OF THOSE --

21 A NOT IN A NICHE, IT'S IN THE GROUND.

22 Q HOW DID YOU COME TO FIND OUT THAT THE ASHES  
23 WERE BURIED IN THE GROUND?

24 A I KNOW IT IS A GROUND BURIAL, SIR. I KNOW IT  
25 IS. I CAN'T TELL YOU HOW. I KNOW IT'S A GROUND BURIAL.

26 Q YOU TESTIFIED THAT AT THE TIME OF THE FUNERAL  
27 SERVICE THAT THE CREMATION HAD NOT YET OCCURRED.

28 A IT HAD NOT OCCURRED. THE BODY WAS STILL IN

1 OUR REFRIGERATED UNIT.

2 Q THAT WOULD BE KEPT SOME WHERE ON THE PREMISES  
3 THERE?

4 A YEAH.

5 Q WHEN DID THE CREMATION OCCUR AFTER THE  
6 FUNERAL?

7 A MAY HAVE BEEN TWO OR THREE DAYS AFTER THE  
8 SERVICE, SIR.

9 Q WAS THERE ANY KIND OF A GRAVE-SIDE SERVICE  
10 WHEN THE ASHES WERE ACTUALLY BURIED?

11 A THERE COULD HAVE BEEN. THERE COULD HAVE BEEN  
12 A COMMITTAL SERVICE. THAT I'M NOT AWARE OF.

13 Q BUT YOU DON'T REMEMBER ATTENDING THAT OR  
14 ANYTHING?

15 A NO, NO. BUT LET ME SPECIFY ONE THING. ONCE  
16 A PERSON IS CREMATED AND THE CREMATE OR REMAINS ARE PICKED  
17 UP BY THE MORTUARY THEY'RE PLACED IN STORAGE UNTIL A  
18 BURIAL MARKER HAS BEEN ORDERED. SOMETIMES IT WOULD TAKE  
19 ANYWHERE FROM THREE TO MAYBE FOUR OR FIVE WEEKS BEFORE THE  
20 MARKER CAME IN.

21 MR. MC MULLEN: IF I MIGHT JUST HAVE A MOMENT, YOUR  
22 HONOR.

23

24 (PAUSE.)

25

26 BY MR. MC MULLEN:

27 Q SO YOU HEARD PRIOR TO THE FUNERAL, A DAY OR  
28 TWO THAT THE DECEDENT WAS A MAN WHO COMMITTED SUICIDE BY

3  
1 HOOKING THE TAIL PIPE OF HIS CAR TO A SAUNA?

2 A YES, SIR.

3 Q ANYTHING ELSE ABOUT THAT MAN OR THE WAY HE  
4 DIED OR ANYTHING ABOUT HIM?

5 A ONLY THAT HE HAD BEEN INVOLVED IN SOME TYPE  
6 OF A FRAUD.

7 Q DO YOU REMEMBER SOMEBODY TELLING YOU THAT THE  
8 PERSON, THE DECEDENT WORKED AT THE SUPERIOR STAMP AND COIN  
9 ON OLYMPIC IN LOS ANGELES?

10 A NO.

11 Q DO YOU REMEMBER BEING INTERVIEWED BY AN  
12 INVESTIGATOR IN THIS CASE, FRANK MACKIE?

13 A YES.

14 Q YOU DON'T REMEMBER TELLING HIM THAT?

15 A I SAID IT WAS A POSSIBILITY THAT HE WAS IN  
16 THAT TYPE OF A BUSINESS, AND I SAID HE MAY HAVE WORKED  
17 THERE OR HE MAY HAVE BEEN AFFILIATED WITH ANY OTHER PLACE.

18 Q WHY DID THAT PARTICULAR BUSINESS COME TO YOUR  
19 MIND?

20 A WHY? BECAUSE THAT IS THE TYPE OF BUSINESS  
21 THAT I UNDERSTOOD THAT THIS MAN WAS IN.

22 Q AND WHAT BUSINESS HAD YOU HEARD HE WAS IN?

23 A SOMETHING TO DO WITH GOLD STOCKS OR GOLD  
24 BULLION OR GOLD COINS.

25 MR. MC MULLEN: IF I MIGHT JUST HAVE A MOMENT, YOUR  
26 HONOR.

27 THE COURT: YES.

28

1 (PAUSE.)

2  
3 BY MR. MC MULLEN:

4 Q DO YOU REMEMBER TELLING MR. MACKIE THAT YOU  
5 OVERHEARD PEOPLE AT THE FUNERAL TALKING AND THAT'S WHERE  
6 YOU LEARNED THAT THE DECEDENT HAD COMMITTED SUICIDE BY  
7 ASPHYXIATING HIMSELF?

8 A I DON'T REMEMBER TELLING HIM THAT, BUT I CAN  
9 TELL YOU THAT I DID HEAR IT IN OUR OFFICE.

10 Q BUT YOU ARE SAYING THAT YOU DIDN'T OVERHEAR  
11 ANY KIND OF CONVERSATIONS DURING THE FUNERAL --

12 A NOT THAT I RECALL.

13 Q -- PRIOR TO THE FUNERAL SERVICE OR DURING IT?  
14 PLEASE LET ME FINISH THE QUESTION. IT'S  
15 IMPORTANT.

16 YOU DON'T REMEMBER OVERHEARING ANY  
17 CONVERSATIONS PRIOR TO OR DURING THE FUNERAL SERVICE?

18 A NO, SIR, I DO NOT.

19 Q YOU HAVE TESTIFIED TODAY THAT YOU HAVE SOME  
20 KIND OF A HEARING PROBLEM IN ONE OF YOUR EARS --

21 A THE LEFT EAR IS GONE.

22 Q DID YOU HAVE A HEARING PROBLEM BACK THEN WHEN  
23 YOU WERE AT THE FUNERAL?

24 A THAT'S WHEN IT STARTED.

25 Q THIS PASSPORT YOU HAVE BROUGHT TO COURT  
26 TODAY --

27 THE COURT: I DON'T THINK WE HAVE ACTUALLY MARKED  
28 IT YET AS AN EXHIBIT.

1 MR. CRAIN: YOUR HONOR, I THINK -- I DON'T MEAN TO  
2 INTERRUPT. I THINK HE GAVE ME HIS WIFE'S PASSPORT, AND  
3 THAT'S WHAT WAS COPIED.

4 MR. MC MULLEN: IF HE DIDN'T, SOMETHING IS --

5 MR. CRAIN: HAVING MET HIS WIFE THAT'S WHO I  
6 BELIEVE THIS PICTURE IS OF.

7 THE COURT: DOESN'T LOOK LIKE HIM.

8 MR. CRAIN: I DISCOVERED THAT IN THE MIDDLE OF THE  
9 CROSS EXAMINATION. SO CAN I JUST -- DOES THE COURT WANT  
10 TO SEE THE ORIGINAL?

11 THE COURT: YOU GUYS CAN WORK IT OUT.

12 MR. MC MULLEN: IF I CAN -- MAY I APPROACH THE  
13 WITNESS WITH THIS PASSPORT?

14 THE COURT: YES.

15 MR. CRAIN: I BELIEVE HE TESTIFIED HE TRAVELLED  
16 WITH HIS WIFE ON THAT TRIP.

17 BY MR. MC MULLEN:

18 Q COULD YOU LOOK AT THAT PASSPORT, SIR. IS  
19 THAT YOUR WIFE'S PASSPORT?

20

21 (WITNESS COMPLIES.)

22

23 A IT IS.

24 Q SIR, WHO IS IRWIN WERNER, I-R-W-I-N?

25 A THAT'S MYSELF.

26 Q OKAY.

27 IS THAT AN IDENTITY YOU USED AS OPPOSED TO  
28 IVAN WERNER?

1           A       USE BOTH.

2           Q       SO AT TWO DIFFERENT TIMES YOU APPLIED FOR A  
3 CALIFORNIA DRIVER'S LICENSE WITH TWO DIFFERENT NAMES?

4           A       YES, SIR.

5           Q       TWO DIFFERENT DATES OF BIRTH?

6           A       YES, SIR.

7           Q       WHY DID YOU DO THAT?

8           A       UP UNTIL 1977 MY LICENSE WAS UNDER MY OWN  
9 NAME. IN 1977 I HAD AN ACCIDENT WHERE I MADE A RIGHT TURN  
10 IN TO ONCOMING TRAFFIC AND I DID NOT SEE A VEHICLE COMING  
11 AT A HIGH RATE OF SPEED AND I HAD A COLLISION AND IT WAS A  
12 YOUNG GIRL, AND HER FATHER WAS AN ATTORNEY.

13                   THE FIRST THING HE DID WAS WHEN HE GOT ON THE  
14 SCENE IS HE IDENTIFIED HIMSELF AS SUCH. HE WAS VERY  
15 ABRUPT IN HIS MANNER.

16                   BUT ANYWAY, THEY HAVE A LAW ON THE BOOKS THAT  
17 IF YOU HAVE AN ACCIDENT OVER A SET AMOUNT OF MONEY YOU  
18 HAVE TO REPORT TO DMV, THAT'S TO INSURANCE. I DID NOT. I  
19 DON'T KNOW WHY I DIDN'T, BUT I DIDN'T, AND THEY SENT A  
20 NOTICE OF SUSPENSION. I PANICKED. I WENT DOWN AND I GOT  
21 ANOTHER LICENSE UNDER IRWIN WERNER, AND I HAVE KEPT THAT  
22 LICENSE ALL THE WAY UP UNTIL NOW.

23           Q       WERE TWO PEOPLE KILLED IN THAT AUTOMOBILE  
24 ACCIDENT?

25           A       NO.

26           Q       WAS ANYBODY HURT IN THE AUTOMOBILE ACCIDENT?

27           A       NO.

28           Q       SO YOU MISREPRESENTED YOUR IDENTITY TO THE



1 DEPARTMENT OF MOTOR VEHICLES TO AVOID THE SUSPENSION UNDER  
2 YOUR TRUE NAME?

3 A I BELIEVE THEY DID SUSPEND. I WAS INSURED AT  
4 THE TIME. I JUST DID NOT FOR SOME REASON SEND IN A FORM  
5 TO D.M.V..

6 Q I UNDERSTAND. SO TO CIRCUMVENT THAT  
7 SUSPENSION YOU MISREPRESENTED YOUR IDENTITY TO THE  
8 DEPARTMENT OF MOTOR VEHICLES?

9 A I BELIEVE THE SUSPENSION WENT INTO EFFECT,  
10 AND I BELIEVE AFTER THE SUSPENSION I GOT THE LICENSE UNDER  
11 A DIFFERENT NAME.

12 MR. MC MULLEN: MAY I JUST HAVE A MOMENT?

13 THE COURT: YES.

14

15 (PAUSE.)

16

17 BY MR. MC MULLEN:

18 Q JUST SO I'M CLEAR. YOU GOT THE SECOND  
19 LICENSE BECAUSE YOUR FIRST LICENSE HAD BEEN SUSPENDED; IS  
20 THAT CORRECT?

21 A I BELIEVE IT WAS.

22 Q SO THAT'S WHY YOU GOT THE SECOND LICENSE?

23 A YEAH.

24 MR. MC MULLEN: NOTHING FURTHER.

25 THE COURT: YOU SAID YOU SAW THIS MAN ARRIVE PRIOR  
26 TO THE SERVICE BEGINNING?

27 THE WITNESS: WHAT WAS THAT, SIR?

28 THE COURT: DID YOU SAY YOU SAW THIS MAN ARRIVE

1 PRIOR TO THE SERVICE ACTUALLY BEGINNING?

2 THE WITNESS: YES, SIR. YES, SIR.

3 THE COURT: YOU SAW HIM DRIVE UP AND PARK HIS CAR?

4 THE WITNESS: I BELIEVE I DID.

5 THE COURT: WHAT KIND OF CAR WAS HE DRIVING?

6 THE WITNESS: I COULDN'T TELL YOU, SIR.

7 THE COURT: BIG, SMALL, ANY IDEA? YOU GAVE SUCH  
8 GREAT DETAIL ABOUT WHAT HE WAS DRESSED IN AND HOW HE WAS  
9 HE DRESSED. DO YOU HAVE ANY RECOLLECTION OF WHAT HE WAS  
10 DRIVING?

11 THE WITNESS: I HAVE THOUGHT ABOUT IT. I CAN'T  
12 RECALL. I CAN TELL YOU IT WAS AN EXPENSIVE CAR TO DRIVE.

13 THE COURT: YEAH. DO YOU SAY THAT -- WHY DO YOU  
14 HAVE THAT IMPRESSION.

15 THE WITNESS: IT -- IT JUST WAS. I DIDN'T SEE  
16 ANYTHING AT THAT SERVICE THAT WASN'T. SOME TYPE OF A  
17 FOREIGN MAKE -- THEY WERE JUST -- THEY WERE VERY EXPENSIVE  
18 AUTOMOBILES AT THAT SERVICE.

19 THE COURT: ANY RECOLLECTION AS TO COLOR OF THE  
20 CAR?

21 THE WITNESS: NO, SIR. COULD HAVE BEEN A DARK  
22 COLOR. I MAY BE MISTAKEN.

23 THE COURT: DID YOU SEE HIM ARRIVE WITH ANYONE?

24 THE WITNESS: NO, SIR.

25 THE COURT: DID YOU SEE HIM TALK TO ANY OF THE  
26 OTHER GUESTS?

27 THE WITNESS: YES, SIR, I DID.

28 THE COURT: WHO DID YOU SEE HIM TALK TO?

1 THE WITNESS: DIFFERENT PEOPLE. THEY WERE WALKING  
2 AROUND. AFTER THE SERVICE THEY ALL HUNG AROUND FOR 15 OR  
3 20 MINUTES. SOME OF THEM STAYED LONGER.

4 THE COURT: I ASSUME SOME OF THESE PEOPLE AT THE  
5 SERVICE WERE RELATIVES OF THE DECEDENT OR WORKED WITH THE  
6 DECEDENT. I ASSUME THAT WAS PART OF YOUR RESPONSIBILITY  
7 TO IDENTIFY PEOPLE?

8 THE WITNESS: I WOULD THINK SO.

9 THE COURT: DID YOU SEE WHAT CLASS OF GUESTS THIS  
10 FELLOW HAD CONTACT WITH, THE FAMILY VERSUS FRIENDS --

11 THE WITNESS: I DIDN'T PAY ANY ATTENTION TO IT,  
12 SIR. THE ONLY REASON I CAME IN CONTACT WITH HIM IN THE  
13 FIRST PLACE IS THAT HE WAS ONE OF THE FIRST PEOPLE THERE.  
14 I JUST MADE SMALL CONVERSATION WITH HIM.

15 THE COURT: DID YOU SEE HIM LEAVE?

16 THE WITNESS: NO.

17 THE COURT: YOU SAID THERE WAS A PARTICULAR  
18 BRACELET THAT HE HAD AND THAT YOU MADE COMMENTS ABOUT  
19 BECAUSE YOU HAD ONE VERY SIMILAR TO IT.

20 THE WITNESS: VERY SIMILAR, SIR.

21 THE COURT: DESCRIBE IT, PLEASE.

22 THE WITNESS: HEAVY GOLD LINKS, A CENTER GOLD BAR,  
23 MAYBE AN INCH AND A HALF TO TWO INCHES WITH SOME WRITING  
24 ON IT.

25 THE COURT: WORN WHERE?

26 THE WITNESS: WORN ON THIS WRIST (INDICATING).

27 THE COURT: INDICATING THE RIGHT WRIST.

28 YOU SAID YOU WERE OUT LOOKING FOR THE GRAVE

9  
1 YESTERDAY?

2 THE WITNESS: YES, SIR.

3 THE COURT: WHY?

4 THE WITNESS: BECAUSE THE ATTORNEYS FOR MR. HUNT  
5 HAD ASKED ME TO DO SO, AND THEY FELT IT WAS THE RIGHT  
6 THING TO DO. I -- I DID IT BECAUSE -- I WANTED TO DO IT A  
7 LONG TIME AGO. I JUST DON'T HAVE THE TIME, YOUR HONOR.

8 THE COURT: HAVE YOU SPOKEN PERSONALLY TO MR. HUNT?

9 THE WITNESS: NEVER.

10 THE COURT: EVER SPOKEN TO MR. HUNT'S WIFE?

11 THE WITNESS: I WASN'T EVEN AWARE THAT HE WAS  
12 MARRIED, SIR.

13 THE COURT: ALL RIGHT.

14 ANY REDIRECT?

15  
16 REDIRECT EXAMINATION +  
17

18 BY MR. CRAIN:

19 Q DID YOU SEE ANY BROWN MERCEDES CONVERTIBLE IN  
20 THE AREA OF THIS FUNERAL SERVICE?

21 A I COULD HAVE, BUT I CAN'T RECALL.

22 Q ARE YOU ABLE TO TELL US WHETHER OR NOT THE  
23 MAN THAT WAS SHOWN IN THE PHOTOGRAPH THAT'S STILL UP  
24 THERE --

25 A IT IS.

26 Q -- GOT OUT OF A BROWN MERCEDES CONVERTIBLE?  
27 CAN YOU TELL US THAT?

28 A I COULDN'T TELL YOU THAT.

10

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Q        COULDN'T TELL ONE WAY OR THE OTHER; IS THAT  
RIGHT?

A        NO, MR. CRAIN, I CAN'T.

MR. CRAIN:  THANK YOU, SIR.

          NOTHING FURTHER.

THE COURT:  ANYTHING FURTHER?

MR. MC MULLEN:  IF I COULD JUST HAVE A MOMENT.

          (PAUSE.)

MR. MC MULLEN:  NOTHING FURTHER.

THE COURT:  MAY THE WITNESS BE EXCUSED?

MR. CRAIN:  YES -- I'M SORRY, YOUR HONOR, COULD WE  
HAVE JUST A MOMENT?

          (A CONFERENCE WAS HELD BETWEEN COUNSEL  
          AND THE DEFENDANT, NOT REPORTED.)

MR. CRAIN:  JUST ANOTHER QUESTION OR TWO.

BY MR. CRAIN:

Q        MR. WERNER, YOU WERE TELLING THE JUDGE ABOUT  
THE DIFFERENT TYPES OF GOLD, THE DIFFERENT CARATS AND YOUR  
FAMILIARITY WITH THAT.  JUST IN A FEW WORDS, DO YOU HAVE A  
PARTICULAR INTEREST IN JEWELRY?

A        MYSELF?

Q        YES.

A        OH, YEAH, SURE.

Q        WHAT IS THAT?  JUST IN SUMMARY FORM.  IN A

10

1 NUTSHELL, IN OTHER WORDS.

2 A I'M AN INVESTOR.

3 Q HOW DOES THAT RELATE TO JEWELRY AND  
4 RECOGNITION OF JEWELRY?

5 A IT MEANS SIMPLY I'M VERY, VERY OBSERVANT WHEN  
6 I SEE SOMETHING. IF -- I'M JUST VERY GOOD AT ESTIMATING A  
7 VALUE OF SOMETHING.

8 Q WHEN YOU SAY "SOMETHING," DO YOU MEAN JEWELRY  
9 OR OTHER THINGS?

10 A JEWELRY, CLOTHING, THINGS SIMILAR TO THAT.

11 Q HOW OLD ARE YOU NOW?

12 A WHAT WAS THAT?

13 Q WHAT IS YOUR AGE AT THE PRESENT TIME?

14 A AT THAT TIME?

15 Q NO. NOW.

16 A 60.

17 MR. CRAIN: THANK YOU.

18 NOTHING FURTHER.

19 THE COURT: ANYTHING FURTHER, MR. MC MULLEN.

20 MR. MC MULLEN: YES, BRIEFLY, YOUR HONOR.

21

22 RE-CROSS-EXAMINATION @

23

24 BY MR. MC MULLEN:

25 Q YOU SAID YOU WERE AN INVESTOR. WHAT KIND OF  
26 THINGS DO YOU INVEST IN?

27 A I INVEST IN GOLD, GOLD COINS, GOLD JEWELRY,  
28 PRECIOUS STONES.

10 1 Q WHEN YOU SAY "GOLD JEWELRY," DO YOU INVEST IN  
2 MEN'S GOLD JEWELRY?

3 A MOSTLY.

4 Q WHAT KIND OF GOLD JEWELRY, MEN'S GOLD JEWELRY  
5 DO YOU INVEST IN?

6 A RINGS, WATCHES, BRACELETS, ANYTHING THAT I  
7 FEEL THAT WILL HOLD A VALUE, AND I CAN BUY IT BELOW COST.

8 MR. MC MULLEN: COULD I JUST HAVE A MOMENT?  
9

10 (PAUSE.)  
11

12 MR. MC MULLEN: THANK YOU.

13 NOTHING FURTHER.

14 MR. CRAIN: NOTHING FURTHER.

15 THE COURT: MAY THE WITNESS BE EXCUSED?

16 MR. CRAIN: YES.

17 MR. MC MULLEN: SUBJECT TO IMPEACHMENT.

18 THE COURT: SUBJECT TO SOME SHOWING.

19 THANK YOU, SIR. YOU MAY STEP DOWN.

20 WHO IS YOUR NEXT WITNESS?

21 MR. CRAIN: WELL, THERE ISN'T ONE AT THIS MOMENT.

22 THE COURT: WHAT DO WE HAVE ON FOR TOMORROW, THEN.

23 MR. KLEIN: WE SHOULD HAVE WITNESSES TO TAKE UP THE  
24 DAY. I JUST DON'T KNOW THE ORDER YET.

25 MR. CRAIN: I KNOW MR. ADELMAN HAS STATED HE'LL BE  
26 HERE AT 10:00. THAT WAS THE BEST HE COULD DO. I HAD  
27 ASKED HIM TO GET HERE AT 8:30. HE SAID HE HAS FAMILY  
28 OBLIGATIONS, THOSE PRECLUDED HIS ARRIVAL BEFORE 10:00.

10 1 MR. KLEIN: WE'RE STILL WORKING ON WITNESSES TO  
2 HAVE TO SOMEBODY HERE AT 9 O'CLOCK.

3 THE COURT: LET OPPOSING COUNSEL KNOW, AND HAVE  
4 SOMETHING HERE AT 9:00.

5 MR. KLEIN: I GAVE HIM A LIST OF POTENTIAL  
6 WITNESSES.

7 THE COURT: PETITIONER AND COUNSEL ARE ORDERED TO  
8 APPEAR HERE AT 9 O'CLOCK.

9 MR. MC MULLEN: ONE HOUSEKEEPING MATTER THAT I'D  
10 LIKE TO TAKE UP WITH THE COURT, AND WE HAVE ADVISED  
11 COUNSEL. WE HAVE MADE ARRANGEMENTS, AND WE INTEND TO CALL  
12 AS A WITNESS NEXT WEEK A MAN BY THE NAME OF DEAN KARNY.

13 I'M NOTIFYING COUNSEL OF THAT NOW, SO THEY  
14 CAN BE PREPARED. BECAUSE OF HIS SENSITIVE SECURITY  
15 CIRCUMSTANCES I DO NOT WANT TO REVEAL EXACTLY WHEN HE WILL  
16 BE HERE.

17 AND WE ALSO HAVE AN ADDITIONAL CONCERN, AND  
18 WOULD REQUEST THAT THE ORDER -- THAT THE COURT ORDER AND  
19 MAKE SURE THAT WHEN HE TESTIFIES THAT THERE ARE NO CAMERAS  
20 OR SKETCH ARTISTS IN THE COURT ROOM WHEN HE TESTIFIES.

21 THE COURT: MAKING THAT REQUEST PROBABLY GUARANTEES  
22 THAT THEY WILL WANT TO BE HERE. WE'LL CROSS THAT BRIDGE  
23 WHEN WE GET TO IT.

24 MR. CRAIN: PERHAPS THE PEOPLE WOULD WANT TO CHANGE  
25 THEIR MINDS ON IT. I HAD THOUGHT BASED ON A PREVIOUS  
26 CONVERSATION WITH MR. MC MULLEN THAT HE WOULD BE WILLING  
27 TO HAVE THE COURT TAKE JUDICIAL NOTICE OF HIS TESTIMONY.  
28 PERHAPS I MISUNDERSTOOD.



10  
11  
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

HAVE THEY CHANGED THEIR GAME PLAN HERE?

THE COURT: WHY DON'T YOU GUYS TALK OFF THE RECORD.  
AND IF YOU NEED TO BRING IT TO MY ATTENTION, YOU CAN BRING  
IT TO MY ATTENTION.

MR. MC MULLEN: TWO OTHER ON ADDITIONAL THINGS WITH  
RESPECT TO MR. KARNY. WE WOULD BE REQUESTING THE COURT TO  
TAKE MR. KARNY OUT OF ORDER BECAUSE OF THE DIFFICULTIES IN  
AND THE PEOPLE THAT ARE REQUIRED TO MOVE HIM AROUND.

THE COURT: WHAT IS HE GOING TO TESTIFY?

MR. MC MULLEN: IT IS IN THE HEARING BRIEF.

THE COURT: I KNOW THAT --

MR. MC MULLEN: IT HAS TO DO WITH THE SEVEN-PAGE  
LIST, THE FACT THAT HE SAW PETITIONER WORKING ON THE  
SEVEN-PAGE TO-DO LIST IN THE EVENING HOURS, EARLY EVENING  
HOURS OF JUNE 6TH, AND ALSO THAT THAT LIST, THE INTENTION  
BEHIND THAT LIST WAS THAT IT WAS FOR PLANNING A MURDER.

SECONDLY, HE HAS SOME BEARING ON THE SECOND  
ISSUE REGARDING THE CANTOR-FITZGERALD DEPOSITION WHERE HE  
WILL TESTIFY THAT PETITIONER COUCHED HIM TO LIE DURING  
THAT DEPOSITION.

MR. CRAIN: YOUR HONOR, I DON'T THINK UNDER THE  
GUIDELINES THAT THIS COURT SET FORTH IN ITS RULING ON  
MARCH 29TH THAT MR. KARNY'S TESTIMONY IS ADMISSIBLE.  
BASICALLY IF MR. KARNY IS TESTIFYING, I THINK THE  
PETITIONER HAS A RIGHT TO UNDERMINE MR. KARNY'S  
CREDIBILITY. I USE THAT TERM VERY LOOSELY IN ANY WAY,  
SHAPE OR FORM.

THE EXAMINATION OF MR. KARNY WOULD BE ON A

11 1 WIDE-RANGING FIELD OF SUBJECTS. I DON'T THINK THAT HIS --  
2 HIS PREVIOUS TESTIMONY ON THESE AREAS THAT THE PEOPLE HAVE  
3 ALREADY TALKED ABOUT, I DON'T THINK IS IN ISSUE. I THINK  
4 HE WOULD REGURGITATE THAT TESTIMONY. I DON'T THINK HIS  
5 TESTIMONY IS ADMISSIBLE UNDER THE COURT GUIDELINES AND THE  
6 PARAMETERS YOU SET ON MARCH 29TH.

7 THE COURT: I HAVE NO RECOLLECTION OF TESTIMONY  
8 THUS FAR THAT I HAVE READ, AND MAYBE I HAVE FORGOTTEN, OF  
9 TESTIMONY CONCERNING KARNY WATCHING HUNT PREPARE THE LIST.  
10 AM I WRONG? IS IT SOMEWHERE IN THE --

11 MR. MC MULLEN: IT WOULD BE FROM SAN MATEO. THAT'S  
12 WHY WE ASKED YOU TO TAKE JUDICIAL NOTICE OF THE  
13 PROCEEDINGS IN SAN MATEO THAT RELATE TO THIS ISSUE.

14 HE TESTIFIED ON SOME LEVEL THERE.

15 MR. KLEIN: IF THEY'RE ASKING -- IF IT'S ADMISSIBLE  
16 ON THESE LIMITED AREAS, I WOULD CONSIDER -- IF THE COURT  
17 WERE TO RULE IT'S ADMISSIBLE IN VIEW OF IT'S RULING ON  
18 MARCH 29TH, I WOULD THINK IT COULD BE HANDLED BY SOME SORT  
19 OF CONDITIONAL NOTICE OR SIMPLY A STIPULATION AS TO WHAT  
20 HIS TESTIMONY WAS.

21 THE COURT: I CAN'T FORCE A STIPULATION, BUT I AM  
22 CONCERNED THAT WE'RE EXPANDING THIS MORE THAN WHAT I HAD  
23 ENVISIONED. I'M ALLOWING THE HEARING ON THE  
24 CANTOR-FITZGERALD MATERIAL, AND I WOULD ALLOW THE  
25 TESTIMONY FROM MR. KARNY ON THAT.

26 AND -- I DON'T HAVE A RECOLLECTION, AND  
27 OBVIOUSLY I'M INCORRECT THAT IT'S NOT BEEN REFERRED TO BUT  
28 I WOULD PREFER TO -- IF IT IS PUT IN ISSUE, IF MR. HUNT --

11 1 BY MR. HUNT OR SOMEBODY ELSE, I WOULD PREFER TO DO THAT BY  
2 DIRECT TESTIMONY.

3 MR. CRAIN: MR. KARNY'S TESTIMONY WITH REGARD TO  
4 CANTOR-FITZGERALD, HIS CREDITABILITY I DON'T THINK CAN BE  
5 LIMITED SOME HOW TO THE VERY NARROW KIND OF AREA AS THE  
6 CANTOR-FITZGERALD THING.

7 IF THE PEOPLE DO CALL HIM, I THINK IT WOULD  
8 BE BEYOND THE COURT'S RULING ON MARCH 29TH. IT WOULD TEND  
9 TO OPEN UP VERY MANY SUBJECTS THAT I AM NOT SURE THAT THE  
10 COURT HAD HE INTENDED TO GO IN TO.

11 THE COURT: I DON'T RE- --

12 MR. CRAIN: THE CANTOR-FITZGERALD THING GOES TO, TO  
13 MR. BARENS' INCOMPETENCE AS TO --

14 MR. KLEIN: IF KARNY TESTIFIES ABOUT THE TO-DO  
15 LIST, IT OPENS UP HIS CREDIBILITY ON ALL ISSUES, AND IT  
16 WOULD EXPAND THE SCOPE OF THIS HEARING.

17 THE COURT: MAYBE, MAY BE NOT. DEPENDS ON THE  
18 NATURE OF IT.

19 WHAT IS MR. HUNT GOING TO SAY ON THIS?

20 MR. KLEIN: WE DO NOT INTEND TO CALL MR. HUNT.

21 THE COURT: IN THIS HEARING?

22 MR. KLEIN: NO. CONCERNING ANYTHING THAT  
23 TRANSPIRED.

24 THE COURT: THEN THE ANSWER TO MY QUESTION IS  
25 NOTHING. HE IS NOT GOING TO SAY ANYTHING ABOUT IT  
26 NECESSARILY.

27 MR. KLEIN: HE IS GOING TO TESTIFY RELATIVE TO  
28 MR. BARENS INCOMPETENCE, ABOUT INFORMATION THAT WAS

11 1 PROVIDED TO MR. BARENS. BUT AT THIS TIME, PRESENT TIME  
2 HE -- WE DID NOT INTEND TO CALL MR. HUNT ABOUT ANY OF THE  
3 EVENTS RELATING TO WHAT TRANSPIRED. IF MR. KARNY  
4 TESTIFIES THEN IT'S OUR POSITION THAT, YOU KNOW, THIS  
5 OPENS UP ANY EVIDENCE THAT WE CAN SHOW THAT MR. HUNT IS  
6 INNOCENT OF THIS CRIME.

7 THE COURT: NO, I DISAGREE WITH THAT.

8 MR. MC MULLEN: YOUR HONOR, OUR PURPOSE FOR CALLING  
9 MR. KARNY IS TO IMPEACH WITNESSES THAT THEY HAVE CALLED TO  
10 TESTIFY WITH RESPECT TO ISSUE 1B. IN PARTICULAR KAREN SUE  
11 MARMA. THAT IS THE REASON.

12 THE COURT: I'M LOOKING FOR IT RIGHT NOW.

13 MR. KLEIN: THAT'S --

14 MR. CRAIN: YOU CAN BET THAT MR. KARNY --

15 MR. KLEIN: THAT IS THE PREPARATION.

16 THE COURT: THAT IS THE TO-DO LIST. BUT I'M  
17 LOOKING FOR -- FOR MY NOTES ON THAT.

18 MR. CRAIN: YOU CAN BET THAT MR. KARNY ON DIRECT  
19 EXAMINATION WOULD REGURGITATE HIS PRIOR TESTIMONY ABOUT  
20 WHEN HE CLAIMS HE SAW MR. HUNT DO WITH THE SO-CALLED TO-DO  
21 LIST.

22 HOWEVER, MR. KARNY'S CREDIBILITY WAS NEVER  
23 ADEQUATELY ATTACKED BY MR. BARENS. IN FACT, THE WORD  
24 "ATTACK" DOES NOT EVEN COME TO MIND WHEN DESCRIBING  
25 MR. BARENS' APPROACH TO MR. KARNY.

26 IN ORDER FOR THE -- IF THE PEOPLE WANT TO  
27 INTRODUCE MR. KARNY AND ATTEMPT TO VOUCH FOR HIS  
28 CREDIBILITY AS TO HIS ACCOUNT OF THE SEVEN-PAGE LIST AND

12 1 MR. HUNT, THEN IT SEEMS TO ME THAT MR. KARNY OUGHT TO BE,  
2 OUT OF FAIRNESS TO THE PETITIONER, MR. HUNT, FAIR GAME ALL  
3 THE WAY THROUGH HIS CREDIBILITY.

4 THE COURT KNOWS FROM THE O.S.C.. THIS IS A  
5 GUY WHO WAS GIVEN DEALS, WHO OTHER THINGS --

6 THE COURT: I UNDERSTAND.

7 MR. CRAIN: -- OTHER THINGS WERE WAITING IN THE  
8 WINGS FOR HIM. A MURDER WAS -- A MURDER WHICH HE WAS A  
9 LOGICAL SUSPECT IN WAS CONCEALED --

10 THE COURT: THOSE THINGS I'M ALL AWARE OF.

11 LOOKING AT IT, I WILL YOU ALLOW TO CALL THE  
12 WITNESS OUT OF ORDER WITH PLENTY OF NOTICE TO OPPOSING  
13 COUNSEL SO IT DOESN'T INTERRUPT THEIR PROCEEDINGS. AND I  
14 WILL RULE ON A QUESTION BY QUESTION BASIS AS TO HOW MUCH I  
15 AM GOING TO ALLOW HERE.

16 I DO HAVE A QUESTION AS TO HOW MUCH I'M GOING  
17 TO LET YOU PUT ON ABOUT KARNY'S POSITIONS ON THIS BECAUSE,  
18 AS I SAID BEFORE, I KNOW -- I HAVE READ KARNY'S TESTIMONY.  
19 I HAVE READ THE EXHIBITS THAT YOU HAVE GOT. I HAVE NOT  
20 READ THE SAN MATEO TRIAL. I'LL ALLOW YOU TO PUT ON SOME  
21 LIMITED TESTIMONY, BUT I'M NOT GOING TO ALLOW YOU TO RETRY  
22 THE WHOLE MATTER.

23 MR. CRAIN: ONE OTHER THING ABOUT SCHEDULING.

24 THE COURT: DO YOU STILL WANT WEDNESDAY OFF,  
25 MR. KLEIN?

26 MR. KLEIN: I WAS PLANNING ON THESE -- DOING THESE  
27 HEARINGS UP --

28 THE COURT: FINE. I'LL GIVE YOU WEDNESDAY OFF.

12

1 MR. KLEIN: ALL RIGHT.

2 MR. CRAIN: ON THURSDAY -- DOES THE COURT HAVE  
3 OTHER BUSINESS BESIDES THIS CASE?

4 THE COURT: NO, THAT IS THE -- I HAVE SOMEBODY  
5 SHORT IN THE MORNING. I COULD START YOU LATE, SAY 9:30.

6 MR. CRAIN: COULD WE START A LITTLE LATER? I HAVE  
7 AN ARRAIGNMENT IN THE MASTER CALENDAR IN A MALIBU MATTER.  
8 IT'S KIND OF A NOTORIOUS CASE. JUDGE ALBRACHT LOWERED THE  
9 BAIL AFTER HEARING THE PEOPLE'S EVIDENCE FROM 900,000  
10 APPROXIMATELY TO A HUNDRED THOUSAND. THE DEFENDANT BAILED  
11 OUT.

12 THE COURT MADE A SERIES OF COMMENTS ABOUT THE  
13 DEFICIENCIES IN THE PEOPLE'S CASE AND LACK OF CREDIBILITY  
14 OF SOME OF THE WITNESSES. I'M JUST CONCERNED ABOUT  
15 SENDING SOMEBODY ELSE IN THERE AND HAVING SOME AMBUSH LAID  
16 ON THE CLIENT.

17 THE COURT: SOUNDS LIKE YOU HAVE ALREADY GOT THE  
18 GROUNDWORK LAID TO SEND SOMEBODY IN THERE.

19 MR. CRAIN: I CAN READ THEIR MIND.

20 THE COURT: WHAT TIME IS IT FOR?

21 MR. CRAIN: 9:30.

22 THE COURT: I CAN TELL YOU 9:30, AND WE CAN SLIDE  
23 TILL A BIT LATER. WE CAN CALL JUDGE ALBRACHT AND GIVE YOU  
24 TIME TO --

25 MR. CRAIN: NOT JUDGE ALBRACHT, JUDGE KAMINS.  
26 MEYER DISQUALIFIED HIMSELF BECAUSE HE KNEW ALL THE  
27 PARTIES. IT WENT TO ALBRACHT. IT'S A UNIFIED COURT. HE  
28 SAT AS THE MAGISTRATE IN MALIBU. HE THREW OUT SOME

12

1 CHARGES, HELD HIM TO ANSWER ON SOME, LOWERED THE BAIL AND  
2 SENT IT TO SANTA MONICA. JUDGE KAMINS IS SITTING IN SANTA  
3 MONICA.

4 THE COURT: JUDGE KAMINS MAY START AT 8 O'CLOCK.

5 MR. CRAIN: HE MAY. HE DID WHEN HE WAS DOWN HERE.  
6 WHEN HE WAS IN THE PUBLIC DEFENDER'S OFFICE HE NEVER  
7 ARRIVED BEFORE 11:00.

8 THE COURT: WE'LL CALL JUDGE KAMINS AND ASK HE MAKE  
9 SURE YOU ARE TAKEN CARE OF.

10 MR. MC MULLEN: FOR A NUMBER OF WITNESSES THAT THEY  
11 HAVE IDENTIFIED FOR TOMORROW, I WANTED TO NOTIFY YOU, WE  
12 WOULD BE OBJECTING TO THEIR TESTIMONY.

13 THE COURT: WHAT ARE THE OBJECTIONS? I NEED TO  
14 KNOW IF YOU ARE GOING TO SUCCESSFULLY OBJECT TO ALL THEIR  
15 WITNESSES. I WANT TO MAKE SURE THAT THEY HAVE SOMEBODY IN  
16 THEIR PLACE.

17 MR. MC MULLEN: IT WAS NOT ALL OF THEIR WITNESSES.  
18 THEY'VE IDENTIFIED MR. ADELMAN, MR. TUR, MR. GERRARD'S  
19 DAUGHTER AND JEFF BRODEY. WE WILL HAVE OBJECTIONS  
20 PRIMARILY BEING THAT THEY ARE NOT RELEVANT WITNESSES TO  
21 THE PARAMETERS THAT THE COURT HAS PUT ON THIS HEARING  
22 BASED UPON THE RULING ON THE 29TH OF MARCH.

23 THE COURT: ALL RIGHT.

24 WHAT IS MR. GERRARD'S DAUGHTER GOING TO  
25 TESTIFY TO?

26 MR. CRAIN: THESE WITNESSES --

27 MR. KLEIN: CORROBORATE --

28 MR. CRAIN: THEY'RE GOING TO CORROBORATE CONNIE

12  
1 GERRARD. MR. GERRARD IS GOING TO CORROBORATE HER  
2 TESTIMONY, THAT SHE SAW MR. LEVIN ON THE ISLAND OF  
3 MYKONOS --

4 THE COURT: HE WILL RELATE THAT THE CONVERSATION --

5 MR. KLEIN: YES.

6 MR. CRAIN: THE HUSBAND WAS SITTING THERE AT THE  
7 TABLE WHEN MR. LEVIN WALKED IN.

8 THE DAUGHTER, SHE -- SHE TALKED TO HER  
9 DAUGHTER ABOUT WHAT SHE SHOULD DO.

10 THE COURT: PRIOR CONSISTENT STATEMENTS?

11 MR. KLEIN: YES, BECAUSE --

12 MR. CRAIN: YEAH.

13 MR. KLEIN: IN THIS CASE THEY INTEND TO CALL PEOPLE  
14 TO SAY THAT --

15 THE COURT: I'M GOING TO ALLOW IT. I JUST WANTED  
16 TO SEE WHAT THE THEORY WAS.

17 WHAT WAS THE THIRD WITNESS WAS?

18 MR. KLEIN: TUR IS GOING TO SAY THAT LEVIN AND TUR  
19 HAD CONTACT WITH ROBBIE ROBINSON AT CITY NEWS SERVICE.

20 THE COURT: I'LL ALLOW IT.

21 WHAT ABOUT BRODEY?

22 MR. KLEIN: BRODEY IS GOING TO CORROBORATE GHALEB  
23 ABOUT HER TESTIMONY THAT SHE CONTACTED HIS LAW CLERK, THAT  
24 BRODEY INTERVIEWED HER, THAT BRODEY'S INVESTIGATOR  
25 INTERVIEWED HER AND THAT THEY GAVE THE INFORMATION TO --

26 THE COURT: WHAT IS YOUR OBJECTION TO THAT,  
27 MR. MC MULLEN? MR. BRODEY'S NAME DID COME UP IN TESTIMONY  
28 TODAY.



13

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

MR. MC MULLEN: COULD I HAVE A MOMENT?

(PAUSE.)

MR. MC MULLEN: SAME OBJECTION.

THE COURT: I'LL ALLOW IT.

ALL RIGHT.

9 O'CLOCK TOMORROW MORNING.

(AT 4:50 P.M. AN ADJOURNMENT WAS  
TAKEN UNTIL TUESDAY,  
APRIL 30, 1996 AT 9:00 A.M.)