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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES  
DEPARTMENT NO. 101 HON. J. STEPHEN CZULEGER, JUDGE  
IN RE )  
JOSEPH HUNT )  
ON HABEAS CORPUS. ) NO. A 090435

REPORTERS' DAILY TRANSCRIPT  
VOLUME 6  
THURSDAY, MAY 2, 1996  
PAGE 841 THROUGH 969, INCL.

COURT OF APPEAL - SECOND DIST.  
FILED  
MAY 01 1997  
JOSEPH HERNANDEZ  
Clerk  
Deputy Clerk

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  
PAUL RUNYON, CSR, #8797  
OFFICIAL COURT REPORTER





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M A S T E R I N D E X

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1 LOS ANGELES, CALIFORNIA; THURSDAY, MAY 2, 1996

2 9:00 A. M.

3 DEPARTMENT NO. 101

HON. J. STEPHEN CZULEGER, JUDGE

4  
5 APPEARANCES:

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

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

15  
16 (PAUL RUNYON, CSR #8797, OFFICIAL REPORTER.)

17  
18 THE BAILIFF: REMAIN SEATED, COME TO ORDER,  
19 DEPARTMENT NO. 101 IS NOW IN SESSION.

20 THE COURT: IN THE CASE OF JOSEPH HUNT, THE RECORD  
21 WILL REFLECT ALL COUNSEL AND PETITIONER ARE PRESENT.

22 YOU MAY CALL YOUR NEXT WITNESS.

23 MR. CRAIN: THANK YOU

24 I THINK I WILL CALL MRS. TUR FIRST.

25 MR. TUR, SHOULD PERHAPS SHOULD STEP INTO THE  
26 HALLWAY PURSUANT TO THE COURT'S EXCLUSION ORDER.

27 THE COURT: SURE.

28 THE CLERK: PLEASE RAISE YOUR RIGHT HAND TO BE

1 SWORN.

2

3

MARIKA GERRARD-TUR, +

4 CALLED AS A WITNESS BY THE PETITIONER, WAS SWORN AND

5 TESTIFIED AS FOLLOWS:

6

7

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

11

THE WITNESS: I DO.

12

THE CLERK: PLEASE BE SEATED.

13

PLEASE STATE AND SPELL YOUR NAME FOR THE  
14 RECORD.

15

THE WITNESS: MARIKA, M-A-R-I-K-A, GERRARD,  
16 G-E-R-R-A-R-D, DASH, TUR, T-U-R.

17

THE CLERK: THANK YOU.

18

THE COURT: MAY INQUIRE.

19

MR. CRAIN: THANK YOU.

20

21

DIRECT EXAMINATION +

22

23 BY MR. CRAIN:

24

Q IF YOU WOULD LIKE SIT BACK AND PULL THE  
25 MICROPHONE UP TOWARDS YOU, IT IS PROBABLY MORE COMFORTABLE  
26 THAT WAY.

27

WHAT IS THE NAME OF YOUR HUSBAND, FIRST OF  
28 ALL?

1           A       ROBERT TUR.

2           Q       IS THAT THE GENTLEMEN WHO IS DOWN HERE AT THE  
3 COURTHOUSE WITH YOU?

4           A       YES, HE IS.

5           Q       AND DID HE STEP OUT -- JUST STEP OUT A MOMENT  
6 AGO?

7           A       YES, HE DID.

8           Q       WHAT IS YOUR OCCUPATION?

9           A       I AM A JOURNALIST.

10          Q       AND WHO DO YOU WORK FOR, OR ARE YOU  
11 SELF-EMPLOYED? WHAT DO YOU DO?

12          A       WELL, WE HAVE A COMPANY CALLED LOS ANGELES  
13 NEWS SERVICE. WE ARE UNDER CONTRACT TO K.C.B.C. AND  
14 K.N.X. RADIO.

15          Q       WHEN YOU SAY "WE," WHO DO YOU MEAN?

16          A       MY HUSBAND AND MYSELF.

17          Q       AND JUST BRIEFLY WHAT DO YOU DO IN THAT  
18 REGARD?

19          A       WE PROVIDE HELICOPTER AERIAL VIDEOTAPE AND  
20 REPORTING SERVICES FOR BOTH K.N.X. AND K.C.B.C. WE ARE  
21 ON-AIR REPORTERS FOR THEM.

22          Q       IS K.N.X. A RADIO STATION OWNED BY K.C.B.C.  
23 AS CHANNEL 2 HERE IN LOS ANGELES?

24          A       THAT'S RIGHT.

25          Q       OKAY.

26                   AND WHAT ARE YOUR -- THE NAMES OF YOUR  
27 PARENTS?

28          A       CONNIE, MY MOTHER, AND JERRY OR GEORGE IS MY

1 FATHER.

2 Q AND WHAT IS THEIR LAST NAME?

3 A GERRARD.

4 Q ALL RIGHT.

5 AND DID YOU EVER MEET A MAN BY THE NAME OF  
6 RON LEVIN?

7 A YES, I DID.

8 Q AND CAN YOU TELL US APPROXIMATELY WHEN THAT  
9 WAS?

10 A THIS WOULD HAVE BEEN AROUND 1983.

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

13 THE COURT: YES.

14 BY MR. CRAIN:

15 Q SHOWING YOU PETITIONER'S 1, A PHOTOGRAPH. DO  
16 YOU RECOGNIZE THE PERSON SHOWN IN THAT PHOTO?

17 A OH, I DO.

18 Q WHO IS THAT?

19 A THAT'S RON LEVIN.

20 Q IS THAT THE RON LEVIN YOU MET BACK AROUND  
21 1983?

22 A YES, IT IS.

23 Q AND JUST IN SUMMARY FORM, IN WHAT CONTEXT DID  
24 YOU GET TO KNOW RON LEVIN?

25 A WE WERE PROVIDING VIDEOTAPE OVERNIGHT NEWS TO  
26 T.V. STATIONS ON A FREELANCE BASIS BACK THEN, AND WE HEARD  
27 THAT THERE WAS A GENTLEMAN WHO WANTED TO DO THE SAME  
28 THING. HE CALLED US UP, GOT OUR PHONE NUMBER SOMEHOW, AND

1 SAID HE WANTED TO GO INTO BUSINESS WITH US TO DO WHAT WE  
2 WERE DOING, AND THAT WAS RON LEVIN.

3 Q SO AFTER GETTING THIS INFORMATION, THAT'S  
4 WHEN YOU MET HIM IN PERSON?

5 A YES. HE INVITED US OVER TO HIS CONDO IN  
6 BEVERLY HILLS.

7 Q ON APPROXIMATELY HOW MANY OCCASIONS, IF YOU  
8 CAN APPROXIMATE AT THIS TIME, WOULD YOU SAY YOU HAD  
9 CONTACT WITH RON LEVIN FACE-TO-FACE IN PERSON?

10 A OH, WE WERE -- WE SAW HIM --

11 Q YOU HAVE TO --

12 A MYSELF I SAW HIM ON A DAILY BASIS FOR SEVERAL  
13 MONTHS BACK THEN.

14 Q AND WHEN YOU SAY YOU SAW HIM, WAS THAT  
15 SOMETHING, SOME SORT OF INTERACTION BETWEEN THE TWO OF  
16 YOU?

17 A YES, WE DID. WE WENT OUT OVERNIGHT IN A CAR  
18 WITH HIM. WE SPENT TIME AT HIS CONDO. WE GOT TO KNOW HIM  
19 PRETTY WELL.

20 Q AND, AGAIN, WHEN YOU SAY "WE" YOU ARE  
21 REFERRING TO WHO?

22 A I AM SORRY. MY HUSBAND AND MYSELF.

23 Q THAT'S MR. TUR?

24 A CORRECT.

25 Q OKAY.

26 ROBERT TUR?

27 A CORRECT.

28 Q OKAY.

1                   AND DID YOU EVER MEET A MAN WHO WORKED FOR  
2 CITY NEWS SERVICE BY THE NAME OF ROBERT OR ROBBIE  
3 ROBINSON?

4           A        I DO KNOW ROBBIE ROBINSON.

5           Q        ARE YOU A PERSONAL FRIEND OF HIS OR ANYTHING?

6           A        I AM NOT A PERSONAL FRIEND, BUT I KNEW HIM  
7 VERY WELL.

8           Q        IN WHAT CONTEXT DID YOU KNOW HIM?

9           A        ON A PROFESSIONAL LEVEL. I KNEW HIM WHEN HE  
10 WORKED FOR CITY NEWS SERVICE. I MET HIM FIRST WHEN I WAS  
11 WITH THE "L.A. TIMES" BACK IN 19-- -- I BELIEVE IT WAS '80  
12 AND HE WORKED FOR CITY NEWS SERVICE, AND THEN I MET HIM  
13 AGAIN WHEN WE WERE DOING OVERNIGHT NEWS, AND HE STILL  
14 WORKED FOR CITY NEWS SERVICE WHEN MY HUSBAND AND I WERE  
15 DOING OVERNIGHT NEWS.

16          Q        APPROXIMATELY WHAT TIME PERIOD WAS THIS?

17          A        1982 IS WHEN WE STARTED OUR OVERNIGHT NEWS  
18 SERVICE.

19          Q        AND DID YOU EVER VISIT THE PRESS ROOM AT  
20 PARKER CENTER HERE IN LOS ANGELES?

21          A        YES.

22          Q        AND DID YOU EVER SEE MR. ROBINSON THERE?

23          A        HE WAS THERE EVERY NIGHT.

24          Q        DID YOU SEE HIM THERE FROM TIME TO TIME OR  
25 BRIEFLY?

26          A        EVERY NIGHT THAT I WAS WITH MY HUSBAND ON THE  
27 OVERNIGHT SHIFT I SAW ROBBIE ROBINSON THERE.

28          Q        DID YOU EVER SEE ROBBIE ROBINSON IN THE

1 COMPANY OF RON LEVIN?

2 A YES, I DID.

3 Q AND WAS THAT BASICALLY DURING THE SAME TIME  
4 PERIOD IN THE EARLY '80'S?

5 A YES, IT WAS.

6 Q AND WAS THAT -- WHERE WAS THAT?

7 A DOWN AT THE PRESS ROOM RON AND ROBBIE, ROBBIE  
8 WOULD GIVE US TIPS ON STORIES, SO WE WOULD STOP IN THERE.  
9 WHEN I SAY "WE" I MEAN MY HUSBAND AND I. WHEN WE WERE  
10 WORKING WITH RON WE SPENT TIME BETWEEN STORIES, A LOT OF  
11 TIME HANGING OUT AT THE PRESS ROOM WHERE ROBBIE WAS, AND  
12 ROBBIE WOULD TIP US OFF WHEN HE GOT A TIP ON A STORY.

13 Q AND THE PRESS ROOM IS THE SAME PRESS ROOM AT  
14 PARKER CENTER OVER HERE JUST A COUPLE OF BLOCKS FROM THE  
15 COURTHOUSE WHERE WE ARE NOW?

16 A THAT'S CORRECT.

17 Q AND GOING BACK TO AROUND NEW YEAR'S BEGINNING  
18 OF 1988, DID YOU GO TO THE AIRPORT HERE IN LOS ANGELES TO  
19 PICK ANYBODY UP?

20 A YES. WE WENT TO THE AIRPORT, MY HUSBAND AND  
21 I WENT TO THE AIRPORT TO PICK UP MY MOTHER AND FATHER FROM  
22 A TRIP TO GREECE.

23 Q AND UPON THEIR RETURN DID YOU HAVE ANY  
24 CONVERSATION WITH THEM ABOUT ANYTHING THAT HAD TRANSPIRED  
25 IN GREECE?

26 A YES. MY MOTHER WAS TELLING ME ABOUT HOW SHE  
27 HAD SEEN RON LEVIN ON MYKONOS ON CHRISTMAS DAY.

28 THE COURT: I AM SORRY.

1                   AGAIN, WHAT YEAR WAS THIS?

2                   THE WITNESS: THIS WOULD HAVE BEEN 1988. IT WAS  
3 CHRISTMAS OF '87. I THINK WE PICKED HER UP, THOUGH, NEW  
4 YEAR'S DAY OR THE DAY AFTER.

5                   THE COURT: OKAY.

6 BY MR. CRAIN:

7                   Q           AND DID ANYBODY GIVE HER ANY RECOMMENDATION  
8 OR ADVICE ABOUT WHAT SHE SHOULD DO IN THIS REGARD?

9                   A           SHE WAS WONDERING WHAT SHE SHOULD DO, WHETHER  
10 SHE SHOULD CONTACT THE AUTHORITIES OR WHAT, AND MY HUSBAND  
11 AND I BOTH SUGGESTED THAT SHE TALK TO THE D.A. SHE DIDN'T  
12 KNOW WHO TO TALK TO. WE DIDN'T KNOW EXACTLY WHO IT WAS.  
13 SO WE ALSO SUGGESTED THAT SHE TALK TO A MUTUAL FRIEND,  
14 MICHAEL RAY, WHO AT THAT TIME WORKED ON THE ASSIGNMENT  
15 DESK AT CHANNEL 7 HERE AND WHO WAS ALWAYS DATING MY  
16 SISTER. I FELT THAT SHE WOULD BE COMFORTABLE TALKING TO  
17 HIM, AND HE MIGHT HAVE THE NAMES OF THE PEOPLE THAT SHE  
18 SHOULD CONTACT.

19                  Q           WHY DID YOU FEEL SHE'D BE COMFORTABLE TALKING  
20 TO HIM?

21                  A           MY MOTHER DOES NOT LIKE TO BE IN THE  
22 LIMELIGHT AT ALL. SHE DIDN'T WANT TO BE INTERVIEWED IN  
23 ANY WAY, SHE DIDN'T WANT HER NAME IN THE PAPERS, SHE  
24 DIDN'T WANT HER PICTURE TAKEN, SHE WORRIED THEY WOULD HAVE  
25 CONTACTED THE "L.A. TIMES" OR SOMEONE THAT WOULD TURN IT  
26 INTO A BIG STORY AND SHE WOULD BE ALL OVER THE NEWSPAPER.  
27 SHE FELT THAT IF SHE TALKED TO SOMEONE LIKE MICHAEL RAY  
28 SHE COULD TRUST HIM TO GIVE HER ADVICE AND TO NOT PLASTER

1 HER NAME EVERYWHERE.

2 Q WERE YOU PERSONALLY EVER PRESENT WHEN SHE  
3 TALKED TO MR. RAY OR NOT?

4 A ABOUT THIS?

5 Q ABOUT THIS SUBJECT?

6 A NO, I WASN'T.

7 MR. CRAIN: NOTHING FURTHER.

8 THANK YOU

9 THE COURT: CROSS EXAMINATION?

10 MR. MC MULLEN: YES, YOUR HONOR.

11

12

CROSS-EXAMINATION @

13

14 BY MR. MC MULLEN:

15 Q WHEN DID YOU FIRST GET TO KNOW RON LEVIN?

16 A IT WAS -- I THINK IT WAS ABOUT '83. I AM NOT  
17 SURE ON THE EXACT DATES.

18 Q AND THEN YOU SAY THAT FOR SEVERAL MONTHS YOU  
19 HAD DAILY CONTACT WITH HIM --

20 A WE WERE IN BUSINESS WITH HIM, AND I BELIEVE  
21 THAT IT WAS AT LEAST ONE MONTH THAT WE WERE ACTUALLY IN  
22 BUSINESS WITH HIM, BUT OUR RELATIONSHIP CONTINUED FOR A  
23 WHILE AFTER THAT, BUT THE DAILY CONTACT WOULD HAVE BEEN  
24 FOR ABOUT A MONTH.

25 Q YOU GOT TO KNOW HIM PRETTY WELL ON A CERTAIN  
26 LEVEL THEN, BASED UPON YOUR CONTACTS WITH HIM?

27 A WE GOT TO KNOW HIM ABOUT AS GOOD AS ANYONE  
28 COULD GET TO KNOW RON LEVIN. WE SPENT TIME AT THE CONDO,

1 WE MET A LOT OF HIS FRIENDS, PEOPLE THAT HE KNEW.

2 Q WOULD YOU DESCRIBE HIS MANNER OF SPEECH FOR  
3 US? WAS IT SLOW AND RELAXED? HOW WOULD YOU DESCRIBE RON  
4 LEVIN'S MANNER OF SPEECH?

5 A RON WAS A HYPER PERSON. HE TALKED FAST, AND  
6 HE WAS VERY CONFIDENT.

7 Q YOU MENTIONED THAT YOU SAW ROBBIE ROBINSON  
8 AND RON LEVIN IN EACH OTHER'S COMPANY; IS THAT CORRECT?

9 A THAT'S CORRECT.

10 Q AND ROBBIE ROBINSON PROVIDED TIPS TO  
11 MR. LEVIN AND YOUR HUSBAND AND YOURSELF REGARDING  
12 NEWSWORTHY, VISUAL NEWSWORTHY EVENTS?

13 A THAT'S CORRECT. I WAS TOLD THAT HE WAS  
14 GETTING PAID OFF BY RON LEVIN FOR THIS SERVICE, BUT I  
15 BELIEVE RON SHOWED ME A PAIR OF SHOES HE WAS GIVING ROBBIE  
16 ONCE FOR A TIP.

17 Q DID HE EVER, DO YOU KNOW IF HE WAS PAID, IF  
18 ROBBIE WAS PAID FOR TIPS?

19 A I WAS TOLD BY RON THAT HE WAS GOING TO BE  
20 PAID AND WAS PAID, BUT I NEVER PAID HIM.

21 Q DO YOU KNOW HOW MUCH HE WAS PAID?

22 MR. CRAIN: AGAIN, I WOULD OBJECT, BUT IT IS REALLY  
23 HEARSAY AND SPECULATION.

24 THE COURT: SUSTAINED.

25 MR. CRAIN: I MOVE TO STRIKE HER TESTIMONY. I DO  
26 THINK THAT THIS WOULD BE PERSONAL KNOWLEDGE, THE  
27 FOUNDATION CAN'T --

28 THE COURT: I WILL ALLOW THE ANSWER TO STAND THUS

1 FAR.

2 LAY A FOUNDATION FOR ANYTHING FURTHER.

3 MR. MC MULLEN: THANK YOU.

4 BY MR. MC MULLEN:

5 Q ARE YOU AWARE OF HOW MANY TIMES ROBBIE  
6 PROVIDED TIPS TO THE BUSINESS RELATIONSHIP OR THE BUSINESS  
7 ORGANIZATION THAT YOU HAD WITH RON LEVIN, PERSONAL  
8 KNOWLEDGE?

9 A I COULDN'T GIVE YOU A NUMBER.

10 Q YOU SAY THAT AFTER YOUR PARENTS GOT BACK FROM  
11 GREECE YOU PICKED THEM UP AT THE AIRPORT?

12 A THAT'S CORRECT.

13 Q AND HOW DID IT COME ABOUT, DID YOUR MOTHER  
14 TELL YOU ABOUT WHAT HAD HAPPENED WITH RESPECT TO HER  
15 SIGHTING OF RON LEVIN?

16 A IT WAS ABOUT THE FIRST THING THAT SHE TOLD  
17 ME. SHE WAS PRETTY EXCITED ABOUT IT.

18 Q AND WHERE DID THAT CONVERSATION OCCUR?

19 A WE PICKED THEM UP AT THE HELIPAD, AND SO IT  
20 STARTED THERE WHERE WE PICKED THEM UP. I AM NOT SURE  
21 WHERE THE REST OF IT TOOK PLACE.

22 Q AND WHAT WAS YOUR REACTION? DID YOU -- WHAT  
23 WAS REACTION WITH HER TELLING YOU THAT?

24 A I QUESTIONED HER. I WANTED TO MAKE SURE SHE  
25 WAS ABSOLUTELY CERTAIN OF WHAT SHE SAW, AND SHE SEEMED  
26 REALLY CERTAIN. AND THEN SHE ASKED ME WHAT I THOUGHT SHE  
27 SHOULD DO.

28 Q AND THEN YOU TOLD HER SHE SHOULD GO TO THE

1 AUTHORITIES; IS THAT WHAT YOU SAID?

2 A YES, I DID.

3 Q WHAT DID SHE TELL YOU ABOUT THE SIGHTING THAT  
4 YOU CAN REMEMBER NOW TODAY?

5 A SHE TOLD ME THAT -- FROM WHAT I REMEMBER, SHE  
6 SAID SHE WAS IN A RESTAURANT ON MYKONOS ISLAND, THAT SHE  
7 HAD A COLD, AND SHE HAD A HEADACHE. SHE WAS -- SHE DIDN'T  
8 WANT TO BE THERE. THERE WAS NOWHERE TO GO. IT WAS THE  
9 ONLY PLACE THAT WAS OPEN. SHE SAID SHE SAT DOWN AND SHE  
10 LOOKED OVER AT A TABLE AND THERE WAS RON LEVIN TALKING TO  
11 SOME GUY WITH A BOTTLE OF WINE OR WAS DRINKING A BOTTLE OF  
12 WINE, AND THAT SHE DID A DOUBLE TAKE, COULDN'T BELIEVE  
13 THAT IT WAS HIM, AND WATCHED HIM FOR A WHILE.

14 THEN HE GOT UP TO GO TO THE BATHROOM, CAME  
15 OUT, SAW HER, LOOKED AT HER AND LEFT THE RESTAURANT.  
16 THAT'S ONE OF THE REASONS SHE WAS ABSOLUTELY SURE IT HAD  
17 TO HAVE BEEN HIM BECAUSE HE SEEMED TO RECOGNIZE HER.

18 Q PRIOR TO COMING IN AND TESTIFYING TODAY, DID  
19 YOU TALK TO YOUR MOTHER ABOUT HER TESTIMONY?

20 A BRIEFLY.

21 Q REGARDING THE SIGHTING?

22 A BRIEFLY.

23 Q WHEN WAS THAT?

24 A PROBABLY THE DAY SHE TESTIFIED. I AM NOT  
25 SURE WHAT DAY THAT WAS.

26 Q AND WHAT DID SHE TELL YOU?

27 A SHE TOLD ME THAT SHE WAS ASKED WHAT SHE ATE  
28 AND SHE SAID SHE ATE LAMB BECAUSE SHE HAD, SHE COULDN'T

1 REMEMBER WHAT SHE ATE. I DIDN'T REMEMBER HER EVER TALKING  
2 ABOUT THAT ACTUALLY.

3 Q DID SHE TELL YOU WHAT SHE TESTIFIED ABOUT?

4 A THAT WAS THE ONLY THING SHE MENTIONED.

5 Q DID YOU TALK TO YOUR FATHER PRIOR TO COMING  
6 IN AND TESTIFYING ABOUT HIS TESTIMONY?

7 A NO, I DIDN'T.

8 Q AFTER YOU -- EXCUSE ME.

9 AFTER YOU TALKED TO YOUR MOTHER AND YOUR  
10 FATHER, AFTER THEY GOT BACK FROM GREECE, AT SOME POINT IN  
11 TIME AFTER THAT, DID YOU EVER CONTACT REPRESENTATIVES OF  
12 MR. HUNT WITH RESPECT TO THE DEFENSE OF HIS CASE UP IN  
13 SAN MATEO?

14 A I PERSONALLY HAVE NEVER HAD ANY CONTACT WITH  
15 ANYONE FROM THAT CASE, OTHER THAN TAKING A MESSAGE AT MY  
16 OFFICE.

17 Q AFTER YOUR MOTHER TOLD YOU ABOUT WHAT SHE HAD  
18 SEEN, DID YOU EVER GET BACK TO HER AND ASK IF SHE HAD GONE  
19 TO THE AUTHORITIES?

20 A I ASKED HER WHAT HAPPENED WITH MICHAEL RAY,  
21 AND SHE TOLD ME THAT HE TOLD HER NOT TO GO TO THE  
22 AUTHORITIES.

23 Q WERE YOU CONCERNED YOURSELF BASED UPON WHAT  
24 SHE HAD TOLD YOU WHAT SHE HAD SEEN ABOUT GOING TO THE  
25 AUTHORITIES YOURSELF?

26 A I THOUGHT ABOUT IT FOR A WHILE, BUT I FIGURED  
27 THAT IT WAS REALLY HER PLACE TO GO TO THE AUTHORITIES, AND  
28 I COULD HELP HER IF SHE DECIDED TO GO.

1 MR. MC MULLEN: MAY I JUST HAVE A MOMENT?

2 THE COURT: YES.

3

4 (PAUSE.)

5

6 MR. MC MULLEN: NOTHING FURTHER.

7 THE COURT: WHAT KIND OF BUSINESS WERE YOU IN WITH  
8 MR. LEVIN? WHAT KIND OF THINGS WERE YOU DOING ON A  
9 DAY-TODAY BASIS?

10 THE WITNESS: IT WAS A FREELANCE OVERNIGHT NEWS  
11 BUSINESS. WE WOULD VIDEOTAPE SPOT NEWS, ACCIDENTS, FIRES  
12 THAT OCCURRED OVERNIGHT ON OVERNIGHT HOURS BECAUSE THE  
13 T.V. STATIONS DIDN'T HAVE CREWS AND SOLD THEM ON A  
14 FREELANCE BASIS.

15 THE COURT: WHAT WAS LEVIN DOING AS PART OF THIS?

16 THE WITNESS: HE CREATED THIS COMPANY CALLED  
17 NETWORK NEWS, INC. HE HAD MANAGED TO CON SOMEONE OUT OF  
18 THE EQUIPMENT. SO HE HAS SOME INCREDIBLE EQUIPMENT, CARS  
19 AND REAL NICE EQUIPMENT, AND HE WOULD GO OUT -- HE WENT  
20 OUT WITH US AT NIGHT AND SOMETIMES HE WOULD CARRY THE  
21 CAMERAS, SOMETIMES HE WOULD CARRY THE RECORDING DECK.

22 THE COURT: DID YOU EVER INTRODUCE HIM TO YOUR  
23 MOTHER?

24 THE WITNESS: YES.

25 THE COURT: HOW MANY TIMES WOULD YOU SAY THAT YOU  
26 SAW THEM, YOUR MOTHER, IN THE COMPANY OF MR. LEVIN?

27 THE WITNESS: I REMEMBER THAT SHE -- HE WENT TO HER  
28 HOUSE, HER APARTMENT AT THAT TIME BECAUSE SHE HAD A LEGAL

1 PROBLEM OF SOME SORT. HE WAS SUPPOSEDLY AN ATTORNEY OR HE  
2 HAD BEEN AN ATTORNEY, I DON'T KNOW. AND SHE MET HIM THEN.  
3 I THINK THEY MET A FEW OTHER TIMES, BUT THAT'S THE ONE I  
4 REMEMBER.

5 THE COURT: DURING YOUR DEALINGS WITH MR. LEVIN DID  
6 HE BRING UP MR. HUNT?

7 THE WITNESS: NO. THAT WAS WAY BEFORE THEN, I  
8 BELIEVE.

9 THE COURT: ALL RIGHT.

10 ANY REDIRECT?

11 MR. CRAIN: WELL, ACTUALLY IF I CAN JUST REOPEN FOR  
12 A QUESTION OR TWO OUTSIDE THE SCOPE OF CROSS.

13 THE COURT: GO AHEAD.

14

15 DIRECT EXAMINATION REOPEN +

16

17 BY MR. CRAIN:

18 Q DID YOU EVER KNOW NEIL ANTON?

19 A OH, YES.

20 Q DID HE APPEAR TO BE SOMEONE WHO WAS AN  
21 ACQUAINTANCE OR FRIEND OF MR. LEVIN'S?

22 A I AM UNDER THE IMPRESSION THAT HE WAS A VERY  
23 CLOSE FRIEND OF MR. LEVIN.

24 Q WAS THAT BASED ON YOUR PERSONAL OBSERVATION  
25 OF THE TWO OF THEM?

26 A HE WAS THERE A LOT, AND I SAW HIM AT LEVIN'S  
27 APARTMENT A LOT.

28 MR. KLEIN: THANK YOU.

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NOTHING FURTHER.

THE COURT: ANYTHING FURTHER, MR. MC MULLEN?

MR. MC MULLEN: NO. THANK YOU, YOUR HONOR.

THE COURT: MAY THE WITNESS BE EXCUSED?

MR. CRAIN: YES, YOUR HONOR.

THE COURT: ANY OBJECTION?

MR. MC MULLEN: NO.

THE COURT: THANK YOU, MA'AM. YOU ARE EXCUSED.

CALL YOUR NEXT WITNESS.

MR. CRAIN: HE IS THE HALLWAY. MAY I GO GET HIM?

THE WITNESS: DO YOU NEED THIS BACK?

THE COURT: WHY DON'T YOU LEAVE IT UP THERE.

(PAUSE.)

ROBERT TUR, +

CALLED AS A WITNESS BY THE PEITIONER, WAS SWORN AND  
TESTIFIED AS FOLLOWS:

THE CLERK: PLEASE RAISE YOUR RIGHT HAND TO BE  
SWORN.

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

THE WITNESS: YES.

THE CLERK: PLEASE BE SEATED.

PLEASE STATE AND SPELL YOUR NAME FOR THE

1 RECORD.

2 THE WITNESS: ROBERT TUR, T-U-R.

3 THE COURT: YOU MAY INQUIRE.

4 MR. CRAIN: THANK YOU.

5

6 DIRECT EXAMINATION +

7

8 BY MR. CRAIN:

9 Q LET ME START THE SAME AS EVERYONE ELSE. IF  
10 YOU COULD PULL THE MICROPHONE BACK, YOU WOULD PROBABLY BE  
11 MORE COMFORTABLE. IF YOU WANT TO SIT BACK IN THE CHAIR  
12 -- JUST PULL IT UP TO YOU.

13 THE COURT: PULL IT RIGHT UP UNDERNEATH YOUR CHIN.

14 THE WITNESS: OKAY.

15 BY MR. CRAIN:

16 Q MR. TUR, ARE YOU MARRIED TO MARIKA TUR, THE  
17 LAST WITNESS WHO TESTIFIED HERE?

18 A YES.

19 Q OKAY.

20 AND WHAT IS YOUR OCCUPATION?

21 A I AM A REPORTER CURRENTLY THIS MONTH A PILOT  
22 FOR K.C.B.C. AND K.X.N. TELEVISION AND C.B.S.

23 Q AND AS A REPORTER DOES PART OF YOUR WORK  
24 INVOLVE BEING UP IN THE HELICOPTER AND COVERING STORIES  
25 FROM THE AIR?

26 A YES.

27 Q SUCH AS THE LOS ANGELES RIOTS AND FIRES AND  
28 THINGS OF THAT NATURE?

1           A        YEAH.  THE REGINALD DENNY BEATING, FIRES,  
2  EVERYTHING.

3           Q        OKAY.

4                    AND DID YOU EVER BECOME ACQUAINTED WITH A  
5  PERSON BY THE NAME OF RON LEVIN?

6           A        YES.

7           Q        AND APPROXIMATELY WHAT TIME PERIOD WAS IT  
8  THAT YOU FIRST MET RON LEVIN?

9           A        THE EARLY '80'S.

10          Q        AND, IN FACT, DO YOU SEE A PICTURE IN FRONT  
11  OF YOU, I THINK THAT IS --

12                    THE COURT:  IT IS STILL UP THERE.  I BELIEVE  
13  EXHIBIT 1.

14                    THE WITNESS:  YES.  I SEE IT.

15                    MR. CRAIN:  OKAY.  THANK YOU.

16  BY MR. CRAIN:

17          Q        REFERRING TO PETITIONER'S 1, DO YOU RECOGNIZE  
18  THE PERSON DEPICTED IN THAT PHOTOGRAPH?

19          A        YES.

20          Q        WHO WAS THAT?

21          A        RON LEVIN.

22          Q        THAT'S THE RON LEVIN YOU MET BACK IN THE  
23  EARLY '80'S?

24          A        YES.

25          Q        AND IN WHAT CONTEXT DID YOU GET TO KNOW RON  
26  LEVIN?  COULD YOU JUST TELL US IN YOUR OWN WORDS?

27          A        HE WORKED WITH US DOING OVERNIGHT NEWS,  
28  SHOOTING NEWS STORIES AT NIGHT.

1 Q WHEN SAY "US," WHO ARE YOU REFERRING TO?

2 A MY WIFE AND I.

3 Q AND WHAT WAS YOUR BUSINESS THEN?

4 A WE RAN A SMALL LITTLE NEWS OPERATION CALLED  
5 LOS ANGELES NEWS SERVICE, AND IT WAS OUR JOB TO COVER NEWS  
6 OVERNIGHT, A MINI CAMERA CREW WORKING FOR, I GUESS WE HAD  
7 SEVEN STATIONS WE WORKED FOR.

8 Q AND WHAT WAS YOUR RELATIONSHIP WITH MR. LEVIN  
9 JUST GENERALLY SPEAKING?

10 A RON LEVIN WANTED TO WORK WITH US IN DOING  
11 OVERNIGHT NEWS, WANTED TO INVEST MONEY IN THE COMPANY.

12 Q AND APPROXIMATELY HOW MANY OCCASIONS DID YOU  
13 HAVE FACE-TO-FACE CONTACT OR INTERACTION WITH RON LEVIN,  
14 IF YOU CAN TELL US TO SOME DEGREE OF APPROXIMATION?

15 A OH, ABOUT MAYBE 100 TIMES.

16 Q AND IS YOUR MOTHER-IN-LAW CONNIE GERRARD?

17 A YES.

18 Q AND JERRY GERRARD IS YOUR FARTHER-IN-LAW?

19 A YES.

20 Q AND DID YOU EVER HAVE ANY OCCASION OR  
21 OCCASIONS WHEN MR. LEVIN WAS PRESENT IN THE COMPANY OF  
22 CONNIE GERRARD BACK IN THE EARLY '80'S?

23 A YES.

24 Q AND ABOUT HOW MANY DIFFERENT TIMES WOULD YOU  
25 SAY?

26 A IT HAS BEEN A LONG TIME. MAYBE TWO TIMES.  
27 MAYBE MORE.

28 Q TWO OR MORE?

1 A YEAH.

2 Q OKAY.

3 AND DID YOU EVER KNOW A MAN BY THE NAME OF  
4 ROBERT OR ROBBIE ROBINSON WHO WORKED FOR CITY NEWS SERVICE  
5 HERE IN LOS ANGELES?

6 A YES.

7 Q IN WHAT CONTEXT DID YOU KNOW MR. ROBINSON?

8 A HE WAS THE OVERNIGHT BEAT REPORTER FOR CITY  
9 NEWS SERVICE.

10 Q AND DID YOU EVER MEET THEM OR HAVE ANY  
11 CONTACT WITH HIM AT THE PRESS ROOM AT PARKER CENTER DURING  
12 THAT TIME PERIOD?

13 A FREQUENTLY.

14 Q WHEN YOU SAY "FREQUENTLY," WHAT DO YOU MEAN?

15 A WELL, IT IS OUR JOB TO COVER OVERNIGHT NEWS,  
16 AND ONE OF THE PLACES WE STOP IN AND CHECK IN AT WAS  
17 PARKER CENTER AND AT THE PRESS ROOM, AND ROBBIE ROBINSON  
18 MANNED THE PRESS ROOM DURING THE OVERNIGHT HOURS, AND SO I  
19 HAD -- I SAW ROBBIE ROBINSON HUNDREDS OF TIMES.

20 Q AND DID YOU EVER SEE RON LEVIN, THE PERSON IN  
21 THE PHOTOGRAPH WHO YOU TOLD US ABOUT, IN THE COMPANY OF  
22 MR. ROBINSON DURING THAT TIME PERIOD?

23 A YES.

24 Q AND WAS THAT AT THE PRESS ROOM?

25 A YES.

26 Q ANY OTHER PLACES THAT YOU RECALL WHERE YOU  
27 SAW THE TWO OF THEM TOGETHER?

28 A NO. I THINK IT WAS JUST PRIMARILY AT THE

1 PRESS ROOM. I CAN'T RECALL INSTANCES WHERE I SAW ROBBIE  
2 ROBINSON OUTSIDE THE PRESS ROOM.

3 Q OKAY.

4 AROUND THE BEGINNING OF 1988 DID YOU PICK UP  
5 YOUR MOTHER-IN-LAW AND FATHER-IN-LAW AT AN AIRPORT?

6 A YES.

7 Q AND WAS YOUR WIFE, MRS. TUR, THE LAST  
8 WITNESS, WITH YOU AT THAT TIME?

9 A YES.

10 Q AND AFTER YOU PICKED THEM UP, DID YOUR  
11 MOTHER-IN-LAW, MRS. GERRARD, RELATE ANYTHING ABOUT SEEING  
12 ANYBODY WHILE SHE WAS ON HER TRIP OUT OF THE COUNTRY?

13 A SHE WAS EXCITED THAT SHE SAW RON LEVIN.

14 Q WHERE DID SHE SAY SHE SAW HIM?

15 A SMALL ISLAND SOMEWHERE IN GREECE ON CHRISTMAS  
16 DAY.

17 Q AND WERE YOU PRESENT WHEN, AFTER GIVING THIS  
18 INFORMATION, YOUR WIFE GAVE SOME ADVICE TO MRS. GERRARD  
19 ABOUT WHAT SHE SHOULD DO?

20 A YES.

21 Q AND DO YOU RECALL AT THIS TIME WHAT ADVICE  
22 WAS GIVEN?

23 A SHE SHOULD CONTACT THE DISTRICT ATTORNEY'S  
24 OFFICE AND, YOU KNOW, MAKE A REPORT. I DON'T KNOW WHAT  
25 THE PROCEDURE IS, BUT TO CONTACT THE D.A.'S OFFICE, THEN  
26 WE ALSO THOUGHT SHE SHOULD CONTACT A.B.C. NEWS.

27 Q DID YOU KNOW ANYBODY AT A.B.C. NEWS AT THAT  
28 TIME?

1 A YES.

2 Q WHO WAS THAT?

3 A MICHAEL RAY.

4 Q AND WAS MICHAEL RAY DATING OR GOING OUT WITH  
5 OR ENGAGED TO YOUR WIFE'S SISTER?

6 A YES.

7 Q ONE OF HER SISTERS?

8 A YES.

9 Q AT THAT TIME?

10 A YES.

11 Q AND WERE YOU EVER PRESENT AT ANY TIME WHEN  
12 MRS. GERRARD DISCUSSED THIS WITH MR. RAY?

13 A NO.

14 Q AND WAS THERE EVER A FINANCIAL DISPUTE  
15 BETWEEN, INVOLVING YOURSELF AND MR. RAY WHERE HE WAS  
16 ACCUSED OF SOME MISDEED?

17 MR. MC MULLEN: OBJECTION. IRRELEVANT.

18 THE COURT: LET ME SEE WHERE IT IS GOING, SUBJECT  
19 TO A MOTION TO STRIKE.

20 THE WITNESS: A.B.C. NEWS AND MICHAEL RAY, YES,  
21 ABSOLUTELY. WE FILED SUIT AGAINST A.B.C. AND MICHAEL RAY.  
22 BY MR. CRAIN:

23 Q WHO DID?

24 A I DID.

25 Q APPROXIMATELY WHEN WAS THAT?

26 A IT WAS THE MONTHS FOLLOWING THE L.A. RIOTS.

27 Q WHEN YOU SAY "THE L.A. RIOTS," SINCE THERE  
28 HAVE BEEN SEVERAL RIOTS, UNFORTUNATELY, OVER THE LAST FEW

1 DECADES, ARE YOU REFERRING THE LAST GO-AROUND, 1992 AND  
2 19- --

3 A THE SPRING FESTIVAL '92.

4 Q OKAY.

5 SO AFTER THE SPRING FESTIVAL IN '92 YOU FILED  
6 A SUIT THAT NAMED MICHAEL RAY AS A DEFENDANT?

7 A RIGHT.

8 Q AND DID THAT ACCUSE HIM OF SOME SORT OF --

9 A MICHAEL RAY IS A LIAR. HE SIGNED A LICENSING  
10 AGREEMENT FOR NEWS MATERIAL AND THEN CLAIMED -- HE CLAIMED  
11 THAT HE DIDN'T. WE HAD IT ON AUDIOTAPE, WE HAD A  
12 LICENSING FORM. HE DENIED IT. AND FINALLY AFTER YEARS OF  
13 LITIGATING IN FEDERAL COURT --

14 MR. MC MULLEN: YOUR HONOR, AT THIS POINT I WOULD  
15 OBJECT AS NONRESPONSIVE. IRRELEVANT.

16 THE COURT: WHERE IS IT GOING?

17 MR. CRAIN: MICHAEL RAY IS A PROPOSED WITNESS FOR  
18 THE DISTRICT ATTORNEY, AND HE IS GOING TO COME IN HERE,  
19 AND ACCORDING TO HIS DECLARATION TO A DEGREE, ALTHOUGH IT  
20 IS SORT OF AN AMBIGUOUS DECLARATION, HE HAS A SLIGHTLY  
21 DIFFERENT ACCOUNT OF THE ADVICE THAT HE GAVE TO  
22 MRS. GERRARD, THAT THEY DID HAVE THIS CONVERSATION.

23 THE COURT: THIS IS PRETTY IRRELEVANT THEN, A CIVIL  
24 LAWSUIT BETWEEN MR. TUR AND MR. RAY; RIGHT?

25 MR. CRAIN: I AM SORRY. DID YOU SAY "RELEVANT" OR  
26 "IRRELEVANT"?

27 THE COURT: WELL --

28 MR. CRAIN: I THINK IT HAS SOME RELEVANCE TO SHOW

1 WHETHER OR NOT MR. RAY HAS SOME SORT OF BIAS AGAINST THIS  
2 WITNESS OR MEMBERS OF HIS FAMILY. HE WAS ACCUSED OF  
3 BASICALLY, I BELIEVE, SOME SORT OF FRAUDULENT ACTIVITY,  
4 AND IT MAY BE THAT HIS STATEMENT TO THE DISTRICT ATTORNEY,  
5 EVEN THOUGH IT IS SOMEWHAT AMBIGUOUS, THEY ARE GOING TO  
6 THE CONTENT THAT IT IN SOME WAY REBUTS THE ACCOUNT THAT  
7 MRS. GERRARD GAVE TO THE COURT ABOUT THE ADVICE THAT  
8 MR. RAY GAVE HER AND SO --

9 THE COURT: I WILL SUSTAIN THE OBJECTION. IT IS  
10 IRRELEVANT.

11 MR. CRAIN: TO THAT EXTENT, I JUST WANTED -- NOT TO  
12 BEAT A DEAD HORSE, I JUST WANTED TO COMPLETE MY THOUGHT,  
13 IF I COULD.

14 THE COURT: IT IS REALLY IRRELEVANT. IF AS A  
15 RESULT OF YOUR CROSS-EXAMINATION SOMEHOW IT IS DEEMED  
16 RELEVANT, I WILL REVISIT IT. BUT I DON'T SEE IT. WE ARE  
17 REALLY GETTING TO A COLLATERAL MATTER HERE.

18 MR. MC MULLEN: I WOULD MOVE TO STRIKE ALL THE  
19 TESTIMONY WITH REGARDS TO THE SUBJECT.

20 MR. CRAIN: I WAS TRYING TO SHOW THAT MR. RAY MAY  
21 HAVE A MOTIVE TO COLOR HIS TESTIMONY ARISING FROM HIS  
22 BEING A DEFENDANT IN THIS CIVIL LAWSUIT WHERE HE WAS  
23 ACCUSED OF MISDEEDS.

24 THE COURT: WELL, YOU GOT IT OUT.

25 I WILL ALLOW THE TESTIMONY TO STAND AT THIS  
26 POINT.

27 MR. CRAIN: ALL RIGHT.  
28

1 BY MR. CRAIN:

2 Q DID YOU EVER KNOW A MAN BY THE NAME OF NEIL  
3 ANTON?

4 A YES.

5 Q AND TO YOUR KNOWLEDGE WAS HE AN ACQUAINTANCE  
6 OR A FRIEND OF MR. LEVIN'S?

7 A HE WORKED WITH RON LEVIN.

8 MR. CRAIN: OKAY.

9 I DON'T HAVE ANY OTHER QUESTIONS OF THE  
10 WITNESS.

11 THE COURT: CROSS-EXAMINATION?

12

13 CROSS-EXAMINATION @

14

15 BY MR. MC MULLEN:

16 Q SIR, WHEN WAS IT THAT YOU HAD THIS BUSINESS  
17 AND CONTACT WITH RON LEVIN, WHAT PERIOD OF TIME?

18 A I BELIEVE LATE '83, EARLY '84 OR THEREABOUTS.

19 Q AND DURING YOUR BUSINESS RELATIONSHIP WITH  
20 MR. LEVIN DID YOU HAVE CONTACT WITH ROBBIE ROBINSON?

21 A THE CITY NEWS SERVICE GUY?

22 Q YES.

23 A YES.

24 Q AND DID HE PROVIDE TIPS TO YOU AND MR. LEVIN  
25 REGARDING VISUAL NEWSWORTHY EVENTS?

26 A NOT REALLY.

27 Q WAS HE EVER PAID FOR ANY TIPS THAT HE GAVE --

28 MR. CRAIN: I THINK, I THINK HE HAS TO LAY A

1 FOUNDATION, PERSONAL KNOWLEDGE.

2 THE COURT: SUSTAINED.

3 MR. CRAIN: THANK YOU.

4 BY MR. MC MULLEN:

5 Q WAS THERE SOME KIND OF AGREEMENT BETWEEN YOUR  
6 ORGANIZATION, THAT IS, THE BUSINESS YOU HAD WITH MR. LEVIN  
7 YOUR WIFE AND YOURSELF?

8 A NOT WITH MY ORGANIZATION. HE HAD AN  
9 AGREEMENT WITH RON LEVIN. RON LEVIN BOUGHT HIM A PAIR OF  
10 SHOES, AS I RECALL.

11 Q FOR SOME KIND OF A TIP OR SOMETHING?

12 A HE BOUGHT HIM A PAIR OF SHOES FOR A TIP OF  
13 SOME SORT.

14 Q I TAKE IT FROM YOUR TESTIMONY YOU HAD QUITE A  
15 FEW CONVERSATIONS WITH RON LEVIN DURING THE TIME THAT YOU  
16 WERE IN BUSINESS WITH HIM?

17 A YES.

18 Q HOW WOULD YOU DESCRIBE HIS MANNER OF SPEECH?  
19 WAS IT SLOW AND RELAXED? OR HOW WOULD YOU DESCRIBE IT?

20 A FAST AS NEW YORK MINUTE.

21 Q VERY HYPER GUY; RIGHT?

22 A YES.

23 Q YOU TESTIFIED THAT YOU PICKED UP YOUR  
24 MOTHER-IN-LAW AND YOUR FATHER-IN-LAW AFTER WHEN THEY  
25 RETURNED FROM A TRIP TO GREECE?

26 A YES.

27 Q AND YOU TESTIFIED THAT YOUR MOTHER-IN-LAW  
28 RELATED A STORY TO YOU AND YOUR WIFE ABOUT SOMETHING SHE

1 HAD SEEN IN GREECE; IS THAT CORRECT?

2 A YES, SIR.

3 Q WHAT IS IT THAT YOU CAN REMEMBER NOW THAT SHE  
4 SAID AT THAT TIME?

5 A SHE WAS EXCITED THAT SHE SAW RON LEVIN, AND I  
6 WAS -- I MEAN, I WAS PRETTY SURPRISED. SHE SAID THAT SHE  
7 SAW HIM IN -- SHE WAS ON -- SHE WAS ON A SMALL ISLAND, AND  
8 I RECALL THAT IT WAS COLD AND THEY WERE LOOKING FOR A  
9 PLACE TO EAT AND EVERYTHING WAS CLOSED, AND THEY WOUND UP  
10 GOING INTO A SMALL CAFE, SOME SORT OF SMALL RESTAURANT,  
11 AND THEY SAT DOWN.

12 AND THEY WERE GETTING READY TO ORDER WHEN TWO  
13 GUYS CAME IN AND SAT DOWN, AND I BELIEVE THAT SHE  
14 RECOGNIZED ONE OF THEM TO BE RON LEVIN. AND THEN THIS  
15 PERSON THAT SHE BELIEVED TO BE RON LEVIN GOT UP, WENT TO  
16 THE BATHROOM, CAME BACK AND SAID SOMETHING TO HIS FRIEND  
17 AND LEFT.

18 AND AT THAT POINT I ASKED HER, "DESCRIBE THIS  
19 GUY."

20 AND SHE SAID, "WELL, THEY SEEMED LIKE TWO GAY  
21 GUYS."

22 AND I SAID, "WELL, THAT IS A PRETTY GOOD  
23 DESCRIPTION OF RON LEVIN," BECAUSE HE WAS VERY EFFEMINATE  
24 IN HIS MANNERISMS.

25 SHE SAID, "HE WAS TALL," AND, YOU KNOW, JUST  
26 DESCRIBED RON LEVIN. SHE HAD MET THE GUY TOO.

27 Q WHEN DID THIS OCCUR, THIS CONVERSATION WHERE  
28 SHE RELATED THIS STORY TO YOU?

1           A           PART OF IT WAS -- IT WAS PARTIALLY IN THE  
2 HELICOPTER, AND THEN IT CONTINUED ON FOR MONTHS.

3           Q           LET'S BACK UP. WHAT PERIOD OF TIME WAS THIS?  
4 WHAT WAS THE DATE, APPROXIMATELY, THAT SHE TOLD YOU THE  
5 STORY?

6           A           IT WAS -- OKAY. THIS WAS LIKE LATE, LATE '87  
7 OR EARLY '88, POSSIBLY LIKE RIGHT AFTER -- AROUND NEW  
8 YEAR'S, RIGHT ON THE EDGE OF THE DATE CHANGE.

9           Q           WHEN YOU SAY THE CONVERSATION STARTED INSIDE  
10 THE HELICOPTER --

11          A           ACTUALLY, BEFORE THE HELICOPTER BECAUSE --  
12 PARTIALLY BEFORE THE HELICOPTER, IN THE HELICOPTER AND YOU  
13 HAVE TO TALK TO AIR TRAFFIC CONTROL AND THERE IS A LOT OF  
14 RADIOS GOING, AND THEN WHEN WE GOT BACK TO THE SANTA  
15 MONICA AIRPORT SHE TOLD ME THE REST OF THE STORY. I  
16 BELIEVE WE HAD DINNER WITH THEM THAT NIGHT.

17          Q           AND WERE YOU AWARE AT THE TIME THAT MR. HUNT  
18 HAD BEEN CONVICTED FOR THE MURDER OF RON LEVIN?

19          A           YES.

20          MR. KLEIN: OBJECTION. THAT MISSTATES THE RECORD.

21          THE COURT: OVERRULED.

22          BY MR. MC MULLEN:

23          Q           WHAT WAS YOUR REACTION WHEN YOU HEARD THIS  
24 STORY THAT SHE HAD SEEN WHAT MAYBE YOU THOUGHT WAS A DEAD  
25 MAN?

26          A           YOU KNOW, I GUESS NOTHING SURPRISES ME  
27 ANYMORE. HAVING WORKED IN THIS CITY FOR 20 YEARS.

28          Q           SO IT DIDN'T REALLY AFFECT YOU AT ALL?

1           A       NO. IT DIDN'T. I MEAN, I CAN'T SAY I WAS  
2 SHOCKED. IT SOUNDED LIKE SOMETHING RON LEVIN WOULD DO.  
3 HE WAS THAT SELFISH. HE WOULD LEAVE A GUY IN JAIL, YOU  
4 KNOW. IT IS THE KIND OF GUY HE WAS.

5           Q       DID YOU SUGGEST -- I THINK YOU TESTIFIED  
6 THAT, CORRECT ME IF I AM WRONG, YOU SUGGESTED THAT YOUR  
7 MOTHER-IN-LAW GO TO THE AUTHORITIES, THE DISTRICT  
8 ATTORNEY'S OFFICE?

9           A       ABSOLUTELY, YES.

10          Q       YOU SAY AS THE MONTHS PASSED. AND THAT POINT  
11 IN TIME WHEN SHE FIRST TOLD YOU THE STORY THERE WERE  
12 CONTINUED DISCUSSIONS ABOUT IT WITH HER FROM TIME TO TIME?

13          A       YES.

14          Q       DID YOU EVER ASK HER, "GEE, HAVE YOU GONE TO  
15 THE D.A.," OR ANYTHING LIKE THAT?

16          A       I AM SURE I DID.

17          Q       DID YOU EVER AT SOME POINT IN TIME -- WELL,  
18 LET ME WITHDRAW THAT QUESTION.

19                   DID SHE EVER TELL YOU SHE'D GONE TO THE  
20 AUTHORITIES OVER THIS PERIOD OF MONTHS?

21          A       I BELIEVE THAT SHE SOMEHOW -- GOSH, SOMEHOW,  
22 AND I DON'T KNOW THE EXACT DATE, SHE GOT IN TOUCH WITH OR  
23 WAS PUT IN CONTACT WITH MEMBERS OF JOE HUNT'S LEGAL TEAM,  
24 AND IT WAS KIND OF -- I DON'T KNOW THE EXACT SPECIFICS OF  
25 HOW SHE GOT INTO CONTACT WITH THEM, SOMETHING CONVOLUTED,  
26 BUT SHE DID. AND I GUESS THAT'S, YOU KNOW, THAT'S PRETTY  
27 CLOSE TO GETTING TO THE AUTHORITIES, I SUPPOSE. I AM SURE  
28 THE DISTRICT ATTORNEY KNEW AT THAT TIME.

1 Q SO I BELIEVE YOU HAVE TESTIFIED, AGAIN  
2 CORRECT ME IF I AM WRONG, YOU ARE A REPORTER; RIGHT?

3 A YES.

4 Q DID YOU THINK THIS WAS A NEWSWORTHY THING?

5 A OH, ABSOLUTELY.

6 Q AND WHAT DID YOU DO?

7 A WELL, I COULDN'T DO THE STORY MYSELF BECAUSE  
8 I AM RELATED TO THE WOMAN, I MEAN, THAT'S, YOU KNOW, A  
9 PRETTY BIASED PERSON. I TEND TO BELIEVE MY MOTHER-IN-LAW.  
10 I BETTER BELIEVE HER.

11 THEN WITH RESPECT TO GOING TO -- AT THAT TIME  
12 I WORKED FOR K.N.X. NEWS RADIO, AND K.N.X. SUGGESTED THE  
13 SAME THING, I DON'T EVEN REMEMBER WHO I TALKED TO,  
14 SUGGESTED THAT SHE CONTACT THE AUTHORITIES.

15 K.X.N. THINKS OF THEMSELVES AS THE STATION OF  
16 RECORD. THEY DON'T -- THEY WOULD DO A STORY ON IT IF THE  
17 DISTRICT ATTORNEY WOULD REOPEN AN INVESTIGATION, AND THAT  
18 WAS THE ONLY STATION I WORKED FOR, THAT WAS MY ONLY OUTLET  
19 TO THE PUBLIC. I WASN'T WORKING FOR A T.V. STATION BACK  
20 THEN.

21 AND I HAD NO WAY OF PHYSICALLY PUTTING THE  
22 STORY, DOING IT AND PUTTING IT ON THE AIR ANYWHERE.  
23 THAT'S ALL I COULD DO AT THAT POINT, SINCE MY AREA, MY  
24 FORTE WAS COVERING BREAKING NEWS FROM A HELICOPTER, DOING  
25 RADIO REPORTS AND THEN VIDEOTAPING BREAKING NEWS.

26 Q WHY DIDN'T YOU GO TO THE DISTRICT ATTORNEY'S  
27 OFFICE OR THE POLICE?

28 A AND TELL THEM WHAT?

1 Q ABOUT WHAT SHE HAD TOLD YOU?

2 A WELL, SHE -- I BELIEVE SHE WAS DOING THAT.

3 Q DID SHE TELL YOU SHE HAD DONE THAT?

4 A YOU KNOW, I DON'T THINK SHE EVER TOLD ME SHE  
5 WENT TO THE D.A.'S OFFICE. I GAVE HER MICHAEL RAY'S  
6 NUMBER, TOLD HER TO CALL THE D.A.'S OFFICE, AND SOMEHOW  
7 GOT IN CONTACT WITH JOE HUNT'S LEGAL TEAM.

8 MR. MC MULLEN: IF I MAY HAVE A MOMENT, YOUR HONOR?

9

10 (PAUSE.)

11

12 MR. MC MULLEN: NOTHING FURTHER.

13 THE COURT: DID YOU EVER PAY ROBBIE ROBINSON FOR  
14 TIPS?

15 THE WITNESS: NO.

16 THE COURT: REDIRECT.

17 MR. CRAIN: JUST A COUPLE OF QUESTIONS.

18

19 REDIRECT EXAMINATION +

20

21 BY MR. CRAIN:

22 Q YOUR KNOWLEDGE WAS NEIL ANTON CLOSELY WORKING  
23 WITH RON LEVIN IN HIS BUSINESS BACK WHEN YOU KNEW THE TWO  
24 OF THEM TOGETHER, ENGAGED IN BUSINESS TOGETHER?

25 A YES.

26 Q AND HOW LONG HAVE YOU KNOWN MICHAEL RAY,  
27 APPROXIMATELY?

28 A OH, YEARS.

1 Q AND YOU WORK IN THE SAME FIELD TOGETHER, THAT  
2 IS, THE MEDIA FIELD; IS THAT RIGHT?

3 A HE IS ASSIGNMENT EDITOR FOR A.B.C. NEWS, AND  
4 I AM A NEWS GATHERER OUT IN THE FIELD, BASICALLY IN THE  
5 NEWS INDUSTRY.

6 Q AND IN YOUR OPINION WHAT'S HIS REPUTATION FOR  
7 HONESTY AND VERACITY?

8 A HE IS A LIAR.

9 MR. MC MULLEN: AGAIN, YOUR HONOR, I WOULD OBJECT  
10 AS IRRELEVANT.

11 THE COURT: SUSTAINED. THE LAST ANSWER WILL GO  
12 OUT.

13 MR. CRAIN: I AM PUTTING ON CHARACTER EVIDENCE  
14 ABOUT THE PROPOSED WITNESS TO BE CALLED BY MR. MC MULLEN.

15 THE COURT: I UNDERSTAND.

16 THE OBJECTION IS SUSTAINED.

17 MR. CRAIN: ALL RIGHT.

18 I HAVE NOTHING FURTHER.

19 THE COURT: ANYTHING FURTHER?

20 MR. MC MULLEN: NOTHING.

21 THE COURT: MAY THE WITNESS BE EXCUSED?

22 MR. MC MULLEN: YES, YOUR HONOR.

23 THE COURT: ANY OBJECTION?

24 MR. MC MULLEN: JUST FOR IMPEACHMENT PURPOSES HE  
25 SHOULD REMAIN ON CALL.

26 THE COURT: UPON SUFFICIENT SHOWING.

27 HAVE YOU GOT THE ABILITY TO REACH HIM? DOES  
28 SOMEBODY HAVE THE ABILITY TO REACH HIM?

1 MR. KLEIN: YES, WE DO, YOUR HONOR.

2 THE COURT: ALL RIGHT.

3 YOU ARE EXCUSED.

4 THE WITNESS: THANK YOU, YOUR HONOR.

5 THE COURT: CALL YOUR NEXT WITNESS.

6 MR. CRAIN: THE NEXT WITNESS WE HAVE HERE IS JUDGE  
7 WAPNER. AND MR. KLEIN SPOKE WITH HIM. HE IS DUE HERE AT  
8 11:00. THAT WAS THE BEST HE COULD DO BECAUSE OF HIS  
9 COURT, HIS OWN COURT'S CALENDAR. I DIDN'T KNOW HOW LONG  
10 THESE TWO WITNESSES WOULD TAKE. I THOUGHT THEY WOULD TAKE  
11 LONGER THAN THEY DID.

12 THE COURT: DON'T YOU HAVE ANYBODY ELSE TO PUT ON?  
13 WE STARTED LATE THIS MORNING.

14 MR. CRAIN: I KNOW. I THINK MR. KLEIN WORKED OUT  
15 SOME SORT OF UNDERSTANDING WITH MR. MC MULLEN. HE WAS  
16 GOING TO TAKE SOME WITNESSES OUT OF ORDER THIS AFTERNOON.

17 THE COURT: HAVE YOU GOT A WITNESS TO PUT --

18 MR. CRAIN: EXCEPT FOR MR. BARENS. THAT'S PART OF  
19 THE PROBLEM. WE REALLY NEED TO PUT --

20 THE COURT: WHO DO WE HAVE BEFORE JUDGE WAPNER,  
21 BESIDES JUDGE WAPNER?

22 MR. MC MULLEN: ONE.

23 WE HAVE TWO WITNESSES COMING IN FOR 1:30 THIS  
24 AFTERNOON THAT WE HAVE MANAGED --

25 THE COURT: WHO IS THAT?

26 THE COURT: ROBERT LAWFORD AND A MAN BY THE NAME OF  
27 MIKE FELDMAN. I HAVE BEEN IN CONTACT WITH MR. WAPNER.

28 THE COURT: JUDGE WAPNER.

1 MR. MC MULLEN: JUDGE WAPNER.

2 HE IS -- HE SAID HE WAS GOING TO TRY TO BE  
3 HERE AT 10:45. HE SAID HE WOULD TRY TO BE HERE A LITTLE  
4 EARLIER.

5 THERE IS AN ISSUE, I BELIEVE, WITH RESPECT TO  
6 JUDGE WAPNER THAT WE ARE CONCERNED ABOUT, AND WOULD LIKE  
7 TO BRING UP TO THE COURT. MAYBE THIS WOULD BE A  
8 CONVENIENT TIME SINCE WE ARE WAITING TO BRING IT UP. AND  
9 THAT IS -- IT IS OUR POSITION -- WELL, WE WOULD LIKE AN  
10 OFFER OF PROOF AS TO WHAT THEY INTEND TO ELICIT FROM JUDGE  
11 WAPNER, AND MAYBE WE COULD GO FROM THERE.

12 MR. KLEIN: YOU WANT TO HEAR FROM US, YOUR HONOR?

13 THE COURT: YES. BUT GIVE ME ONE SECOND.

14

15 (PAUSE.)

16

17 THE COURT: ALL RIGHT.

18 MR. KLEIN?

19 MR. KLEIN: ONE HOUSEKEEPING MATTER. YESTERDAY  
20 THERE WERE TWO, TWO LICENSING AGREEMENTS THAT WERE  
21 REFERRED TO IN EXHIBIT 6, PETITIONER'S 6, AND THEY ARE  
22 DIFFERENT.

23 THE COURT: RIGHT.

24 MR. KLEIN: SO THE ONE THAT IS NOW MARKED AS  
25 PETITIONER'S 6 COULD THAT BE MARKED AS 6-A?

26 THE COURT: NO. WE HAD TWO MARKED, ONE WAS 6  
27 AND --

28 MR. MC MULLEN: ONE WAS 7.

1 THE COURT: HOLD ON. ONE WAS 5 AND ONE WAS 7. YOU  
2 HAD TWO DIFFERENT LICENSING AGREEMENTS.

3 MR. CRAIN: I THINK ONE, TWO DIFFERENT VERSIONS,  
4 ONE HAD MORE HANDWRITING ON IT.

5 MR. MC MULLEN: THAT WAS 7.

6 THE COURT: CORRECT.

7 MR. KLEIN: CAN I LOOK AT 7 FOR A MINUTE?

8 MR. CRAIN: WHILE HE IS DOING THAT CAN WE TAKE A  
9 BRIEF MATTER.

10 THERE IS A PENDING MOTION TO STRIKE --

11 THE COURT: LET'S NOT CHANGE SUBJECTS. WE WERE  
12 TALKING ABOUT JUDGE WAPNER. WHAT IS HE GOING TO TESTIFY?

13 MR. KLEIN: I WILL GET TO THAT IN ONE SECOND.

14 MR. CRAIN: HE WILL ADDRESS THE COURT ON THAT, IF  
15 THAT'S ALL RIGHT.

16

17 (PAUSE.)

18

19 THE COURT: LOOK IT, YOU CAN LOOK AT THE EXHIBITS  
20 AT THE BREAK. LET'S DO WHAT WE CAN WHILE WE ARE ON THE  
21 RECORD HERE. IF YOU ARE ASKING ME TO CHANGE EXHIBIT  
22 NO. --

23 MR. KLEIN: I THINK WE ARE GOING TO HAVE TO ADD AN  
24 EXHIBIT ON -- BECAUSE I BELIEVE THAT THESE ARE DIFFERENT  
25 DOCUMENTS.

26 THE COURT: WELL, I CAN'T CHANGE A RECORD THAT IS  
27 ALREADY IN.

28 MR. KLEIN: THEY HAVE TO BE CORRECTLY MARKED, IS

1 THE PROBLEM.

2 THE COURT: WELL, THEY SHOULD HAVE BEEN CORRECTLY  
3 MARKED BY THE CLERK.

4 MR. KLEIN: I DON'T WANT TO PUT BLAME ON ANYBODY,  
5 BUT IT DIDN'T HAPPEN.

6 THE COURT: WELL, YOU CAN TAKE THAT UP AT THE  
7 RECESS. TALK TO THE CLERK. BUT I WOULD ASSUME THE STAFF  
8 PROPERLY IDENTIFIED THE EXHIBITS WITH EXHIBIT TAGS.

9 MR. KLEIN: THIS EXHIBIT IS ANOTHER LICENSING  
10 AGREEMENT. IT WAS SHOWN TO MR. ADELMAN. IT HAS ON THE  
11 BACK THAT IT IS 6. THERE IS ANOTHER EXHIBIT 6 THAT'S BEEN  
12 MARKED AS EXHIBIT 6.

13 THE COURT: I DON'T KNOW ABOUT 6. THERE WAS -- 6  
14 IS A LETTER FROM MICRO DATED JULY 25, 1984. WHATEVER WAS  
15 SHOWN TO THE WITNESS WAS PROPERLY MARKED.

16 MR. KLEIN: THERE WERE TWO LICENSING AGREEMENTS  
17 SHOWN TO HIM.

18 THE COURT: RIGHT.

19 MR. KLEIN: ONE GOT MARKED CORRECTLY, ANOTHER ONE  
20 HAS PETITIONER'S 6 ON IT. IT OBVIOUSLY ISN'T PETITIONER'S  
21 6, AND IT NEEDS TO BE GIVEN A NUMBER. THAT'S ALL I AM  
22 SAYING.

23 THE COURT: WELL, TAKE IT UP WITH THE CLERK AT THE  
24 RECESS.

25 MR. KLEIN: SHE WOULDN'T KNOW ANY MORE ABOUT IT  
26 THAN WHAT I AM TELLING YOU.

27 JUDGE WAPNER, WE ARE GOING TO CALL HIM WITH  
28 RESPECT TO DISCOVERY RELATING TO IVAN WERNER. THAT WILL

1 BE VERY, VERY BRIEF.

2 THE COURT: WHICH SUBSECTION OF THE O.S.C. IS THAT?

3 MR. CRAIN: IT IS GOING TO GO TO ISSUE 1 AND IT  
4 CORROBORATES -- THERE ALSO MAY BE CORROBORATIVE --

5 MR. KLEIN: STATEMENTS BY MR. WERNER TO THE COURT.

6 MR. CRAIN: -- WERNER'S TESTIMONY.

7 IT ALSO RELATES TO INCOMPETENCE OF COUNSEL  
8 ISSUE.

9 MR. KLEIN: IN THE GENERAL SENSE OF HOW THE  
10 SIGHTING WITNESSES WERE SIGHTED. BUT IN PARTICULAR GOES  
11 TO CORROBORATION OF WHAT MR. WERNER SAID HE DID WHEN HE  
12 SAW THE PICTURE OF MR. LEVIN IN THE NEWSPAPER.

13 WE HAVE A LETTER FROM MR. WERNER TO  
14 MR. BARENS AND SOME NOTES RELATIVE TO SOMETHING RELATING  
15 TO MR. WERNER. AND WE WANT TO ASK HIM JUST SOME BRIEF  
16 QUESTIONS ABOUT THAT.

17 THE COURT: ALL RIGHT.

18 MR. KLEIN: THE OTHER AREA THAT I WOULD LIKE TO GO  
19 INTO, AND I NEED TO TALK TO MR. WAPNER BRIEFLY ABOUT THAT.

20 THE COURT: JUDGE WAPNER.

21 MR. KLEIN: JUDGE WAPNER. EXCUSE ME.

22 WOULD RELATE TO INCOMPETENCE OF COUNSEL  
23 RELATIVE TO THE PROGRESSIVE MATTER. THE COURT RECALLS  
24 THERE IS ISSUE 5 THAT THE COURT HAS NOT ALLOWED US TO TAKE  
25 ANY EVIDENCE ON, WHICH IS THE BRADY QUESTION ON  
26 PROGRESSIVE AND THE F.B.I., AND IT REMAINS AS AN O.S.C  
27 ISSUE.

28 AND THERE IS JUST SOME PARTICULAR ASPECTS OF

1 THE DISCOVERY, IF THERE WAS ANY, THE PAPERWORK, IT HAS  
2 SOME NOTATIONS THAT ONLY MR. WAPNER CAN EXPLAIN.

3 THIS HAS BEEN SUBMITTED BY THE PEOPLE'S  
4 DECLARATIONS BY MR. ZOELLER, SPECIAL AGENT NANCY UNDERWOD  
5 AND BY JUDGE WAPNER ON THIS SUBJECT.

6 MR. MC MULLEN: YOUR HONOR, OUR CONCERN, THE  
7 PEOPLE'S CONCERN AT THIS JUNCTURE WITH RESPECT TO  
8 JUDGE WAPNER TESTIFYING IS THAT THE RECORD REMAINS VERY  
9 CLEAR AS TO WHO HE IS TESTIFYING FOR WITH RESPECT TO ISSUE  
10 1-A, THE SIGHTING WITNESSES.

11 IT IS OUR -- IT IS THE PEOPLE'S POSITION THAT  
12 WITH RESPECT TO ANY COMMUNICATION BETWEEN JUDGE WAPNER AND  
13 ARTHUR BARENS AT THE TIME THAT JUDGE WAPNER RECEIVED  
14 INFORMATION FROM IVAN WERNER, THAT THAT TYPE OF EVIDENCE  
15 IS REALLY EVIDENCE THAT WE WOULD PRESENT TO DEMONSTRATE  
16 THAT THE SIGHTING IS NOT NEW EVIDENCE THAT WAS KNOWN TO  
17 ARTHUR BARENS AT THE TIME.

18 THE COURT: WHAT DIFFERENCE DOES IT MAKE WHO PUTS  
19 IT ON?

20 MR. MC MULLEN: PARDON?

21 THE COURT: WHAT DIFFERENCE DOES IT MAKE WHO PUTS  
22 IT ON?

23 MR. MC MULLEN: WHAT I AM CONCERNED ABOUT, IF I MAY  
24 GO ON, WHAT WE ARE CONCERNED ABOUT, IF I MAY GO ON, IS  
25 THAT THEY HAVE MAKE AN OFFER OF PROOF THAT HIS TESTIMONY  
26 WILL GO FOR, FOR EXAMPLE, TO INEFFECTIVE ASSISTANCE OF  
27 COUNSEL.

28 NOW, AS YOUR HONOR WELL KNOWS, THAT ON MARCH

1 29TH PETITIONER HAS FILED WHAT IS IN OUR OPINION A  
2 SUCCESSIVE PETITION FOR HABEAS CORPUS WHERE AMONG OTHER  
3 ISSUES THE ISSUE OF INEFFECTIVE ASSISTANCE OF COUNSEL BY  
4 VIRTUE OF FAILURE TO CALL CERTAIN SIGHTING WITNESSES TO  
5 TESTIFY IS ENUMERATED, AND OUR CONCERN IS THAT BY CALLING  
6 JUDGE WAPNER THEY ARE OPENING THAT UP IN THIS HEARING,  
7 THIS EVIDENTIARY HEARING THAT HAS BEEN LIMITED BY, YOUR  
8 HONOR. THIS ALSO -- WELL --

9 THE COURT: DO YOU HAVE ANY OBJECTION TO JUDGE  
10 WAPNER TESTIFYING AS TO THE WERNER CONVERSATION?

11 MR. MC MULLEN: AS LONG -- WELL, OUR MAIN CONCERN  
12 IS THAT, REALLY THAT IS OUR WITNESS. WE DON'T MIND  
13 CALLING HIM OUT OF ORDER WITH LEAVE OF COURT.

14 THE COURT: SO WHAT DOES IT MATTERS WHO CALLS HIM?  
15 I WILL LET YOU EXAMINE HIM.

16 MR. MC MULLEN: WE HAVE NO OBJECTION TO HIM  
17 TESTIFYING TO HIS COMMUNICATIONS WITH ARTHUR BARENS WITH  
18 RESPECT TO THE IVAN WERNER SIGHTING.

19 THE COURT: HOW ABOUT HIS COMMUNICATIONS WITH  
20 MR. WERNER?

21 MR. MC MULLEN: NO.

22 THE COURT: OKAY.

23 WHAT ELSE?

24 MR. MC MULLEN: THE OTHER OFFER OF PROOF THEY MADE  
25 WITH RESPECT TO THE PROGRESSIVE SAVINGS & LOAN ISSUE IS  
26 INEFFECTIVE ASSISTANCE OF COUNSEL --

27 THE COURT: WHAT NUMBER IS THAT?

28 MR. MC MULLEN: THAT WOULD BE ISSUE --

1 MR. CRAIN: THAT'S 2-E.

2 MR. MC MULLEN: YES, IT WOULD E.

3 OUR UNDERSTANDING IS THAT YOU WERE GOING TO  
4 TAKE SOME LIMITED EVIDENCE ON THAT, AND OUR UNDERSTANDING  
5 WAS THAT THAT EVIDENCE WOULD REALLY BE COMING FROM  
6 MR. BARENS.

7 MR. CRAIN: I THINK WE ARE ENTITLED TO PRESENT  
8 EVIDENCE ON THE ISSUE LIMITED BY THE COURT FROM ANY  
9 SOURCE.

10 THE COURT: WHAT IS IT THAT JUDGE WAPNER DOES ON  
11 2-E?

12 MR. KLEIN: HE HAS A VERY POOR MEMORY, ACCORDING TO  
13 HIS DECLARATION, HE HAS A POOR MEMORY OF TURNING OVER  
14 DISCOVERY ON THIS SUBJECT, BUT HIS CUSTOM WAS TO TURN  
15 EVERYTHING OVER TO THE DEFENSE.

16 WE HAVE FOUND PIECES OF PAPER THAT WE THINK  
17 WILL REFRESH HIS MEMORY OR MAYBE PUT EVENTS INTO BETTER  
18 PERSPECTIVE, AND I BELIEVE WE SHOULD BE PERMITTED TO ASK  
19 HIM QUESTIONS ABOUT IT.

20 THESE ARE DOCUMENTS THAT WE FOUND EITHER IN  
21 THE DISTRICT ATTORNEY'S FILE OR IN APPELLATE COUNSEL'S  
22 FILE THAT FORM THE BASIS FOR THE ISSUANCE OF THE ORDER TO  
23 SHOW CAUSE ON THIS PARTICULAR ISSUE.

24 THE COURT: I WILL ALLOW HIM TO TESTIFY SUBJECT TO  
25 OBJECTION TO THE INDIVIDUAL QUESTIONS.

26 MR. CRAIN: THANK YOU

27 THERE WERE A COUPLE OF OTHER LOOSE ENDS HERE.  
28 ONE VERY SMALL MATTER. YOU TOOK THE TESTIMONY OF

1 MR. WERNER ABOUT THE D.M.V. MATTER, IF THE COURT RECALLS,  
2 SUBJECT TO A MOTION TO STRIKE. AND I WOULD MAKE THE  
3 MOTION TO STRIKE AT THIS TIME, AND JUST ASK THE COURT TO  
4 MAKE A RULING. IT WAS STILL HANGING.

5 THE COURT: THERE -- LET'S LET IT HANG UNTIL I HAVE  
6 HEARD ALL THE TESTIMONY THAT DEALS WITH MR. WERNER.

7 MR. CRAIN: OKAY.

8 IF I COULD HAVE JUST A MOMENT.

9 THE COURT: YES.

10 I HAVE TO TELL YOU, THOUGH, IT IS NOT GOING  
11 TO MAKE A WHOLE LOT OF DIFFERENCE.

12 MR. CRAIN: I KNOW THAT.

13 THE COURT: IN FACT, I HAD FORGOTTEN ABOUT IT UNTIL  
14 YOU BROUGHT IT UP AGAIN.

15 MR. CRAIN: WELL --

16 MR. KLEIN: KEEP BRINGING IT UP, MR. CRAIN.

17 MR. CRAIN: YOU WARNED ME NOT TO PUT ON THE RECORD  
18 THAT THE D.A. WAS GOING TO SANTA MONICA TO TRY TO AMBUSH  
19 THE DEFENDANT ON THE BAIL. FORTUNATELY SHE ARRIVED LATE,  
20 SO SHE WAS UNABLE TO DO IT. MAYBE IT IS NOT GOOD TO PUT  
21 IDEAS ON THE RECORD.

22 MR. MC MULLEN: I HAVE JUST BEEN INFORMED, YOUR  
23 HONOR, THAT JUDGE WAPNER IS IN THE HALLWAY.

24 THE COURT: TELL YOU WHAT, I DON'T WANT TO KEEP  
25 JUDGE WAPNER WAITING. HE MAY HAVE A CALENDAR. I WILL  
26 TAKE A 15-MINUTE RECESS NOW, IF YOU FOLKS WANT TO TAKE A  
27 FEW MINUTES TO GET HIM READY. I WILL TAKE THE BENCH AT  
28 QUARTER TO 11:00, AND PUT JUDGE WAPNER ON.

1                   HOW LONG IS HE GOING TO BE ON DIRECT?

2           MR. KLEIN:   JUST A SHORT PERIOD OF TIME.

3           MR. CRAIN:   10 OR 15 MINUTES.

4           THE COURT:  A COUPLE OF OTHER THINGS.  YOU WANT TO  
5 DO THEM NOW OR LATER?

6           THE COURT:  I DON'T WANT TO KEEP JUDGE WAPNER  
7 WAITING.

8           MR. MC MULLEN:  WE HAVE A FEW QUESTIONS FOR HIM  
9 TOO.  WE CALL HIM AS OUR WITNESS.  WE --

10          THE COURT:  YOU CAN DO IT.  I DO NOT WANT TO BRING  
11 HIM BACK.  SO LET'S EXHAUST HIS STAY HERE.

12          MR. MC MULLEN:  THAT'S OUR DESIRE AS WELL.

13

14                   (RECESS.)

15

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

18          THE COURT:  IN THE CASE OF JOSEPH HUNT, THE RECORD  
19 WILL REFLECT ALL COUNSEL AND PETITIONER ARE PRESENT.

20                   YOU MAY CALL YOUR NEXT WITNESSES.

21          MR. KLEIN:  JUDGE FRED WAPNER, YOUR HONOR.

22          THE COURT:  ALL RIGHT.

23          MR. KLEIN:  I HAVE TWO DOCUMENTS.

24

25                   FREDERICK NATHAN WAPNER, +  
26 CALLED AS A WITNESS BY THE PETITIONER, WAS SWORN AND  
27 TESTIFIED AS FOLLOWS:

28

1 THE CLERK: RAISE YOUR RIGHT HAND TO BE SWORN.

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

6 THE WITNESS: I DO.

7 THE CLERK: PLEASE BE SEATED.

8 PLEASE STATE AND SPELL YOUR FULL NAME  
9 FOR THE RECORD.

10 THE WITNESS: FREDERICK NATHAN WAPNER,  
11 F-R-E-D-E-R-I-C-K, N-A-T-H-A-N, W-A-P-N-E-R.

12 THE COURT: THANK YOU.

13 JUDGE WAPNER, PULL THE MICROPHONE UP CLOSE SO  
14 WE CAN CATCH ALL OF IT.

15 MR. KLEIN?

16 THE WITNESS: THE CHAIRS IN THE CIVIL COURT MOVE UP  
17 TO THE MICROPHONE, I TRIED TO MOVE THIS AND I WASN'T ABLE  
18 TO MOVE IT.

19 THE COURT: WE HAVE A LOT MORE SLIPPERY WITNESSES  
20 IN HERE.

21 THE WITNESS: PRESENT COMPANY EXCEPTED, I HOPE.

22 THE COURT: WE WILL HEAR THE TESTIMONY FIRST.

23 MR. KLEIN: I HAVE TWO DOCUMENTS THE FIRST ONE  
24 DATED MAY 4TH, 1987.

25 CAN THAT BE MARKED PEOPLE'S 13?

26 THE COURT: DO YOU HAVE YOUR EXHIBIT LIST?

27 MR. KLEIN: I THINK YOU SHOULD HAVE A COPY.

28 MR. MC MULLEN: DID YOU MEAN PETITIONER'S?

1 MR. KLEIN: PETITIONER'S.

2 MR. CRAIN: YOU SAID PEOPLE'S.

3 MR. KLEIN: PETITIONER'S 13.

4 AND THE NEXT ONE IS A COVER LETTER TO ME  
5 DATED APRIL 11TH WITH A ONE-PAGE ATTACHMENT. MAY THAT BE  
6 MARKED PETITIONER'S 14?

7 THE COURT: I AM SORRY. GIVE IT TO ME AGAIN. WHAT  
8 WAS IT?

9 MR. KLEIN: THEY ARE DESCRIBED ON THAT.

10 THE COURT: BUT YOUR FORMAT IS NOT THE FORMAT THAT  
11 I ORDERED.

12 MR. KLEIN: HERE IS A COPY FOR THE COURT.

13 THE COURT: WHICH IS WHICH?

14 MR. KLEIN: MAY 4TH, '87, IS PEOPLE'S 13.

15 MR. CRAIN: PETITIONER'S 13.

16 MR. KLEIN: PEOPLE'S 13 -- PETITIONER'S 13.

17

18 (MARKED FOR ID = PETITIONER'S 13, DOCUMENT.)

19

20 (MARKED FOR ID = PETITIONER'S 14, DOCUMENT.)

21

22 DIRECT EXAMINATION +

23

24 BY MR. KLEIN:

25 Q SIR, WHAT IS YOUR OCCUPATION?

26 A A JUDGE OF THE MUNICIPAL COURT, LOS ANGELES  
27 JUDICIAL DISTRICT.

28 Q RECENTLY ELECTED TO A JUDGE OF THE SUPERIOR

1 COURT?

2 A CORRECT.

3 Q AND PRIOR TO THAT WHAT WAS YOUR OCCUPATION?

4 A I WAS A DEPUTY DISTRICT ATTORNEY.

5 Q FOR HOW LONG WERE YOU A DEPUTY DISTRICT  
6 ATTORNEY?

7 A ABOUT 13 AND A HALF YEARS.

8 Q DID YOU HAVE SOMETHING TO DO WITH THE  
9 PROSECUTION OF JOSEPH HUNT?

10 A YES, I DID.

11 Q WHAT DO YOU HAVE TO DO WITH THAT?

12 A I WAS HANDLING THE CASE FROM BEFORE HIS  
13 PRELIMINARY HEARING THROUGH ALL THREE TRIALS, TWO OF  
14 PITTMAN, ONE OF MR. HUNT.

15 Q AND --

16 THE COURT: MR. KLEIN, DO YOU HAVE EXHIBITS? WHY  
17 DON'T YOU LEAVE THEM AND RETURN BACK TO THE LECTERN, IF  
18 YOU WOULD.

19 BY MR. KLEIN:

20 Q ABOUT WHEN WERE YOU ASSIGNED THE CASE?

21 A I CAN ONLY MAKE REFERENCE TO REFER YOU TO THE  
22 TRANSCRIPT BECAUSE IT WAS IN THE MIDDLE OF THE PRELIMINARY  
23 HEARING OF MR. PITTMAN, BECAUSE WHEN I FIRST GOT THE CASE  
24 I WENT TO BEVERLY HILLS TO WATCH THAT PRELIM IN PROGRESS.

25 Q THE DATE THAT MR. LEVIN SUPPOSEDLY  
26 DISAPPEARED WOULD REFRESH YOUR MEMORY AS TO APPROXIMATELY  
27 WHEN YOU WERE ASSIGNED THE CASE?

28 A WELL, THE DATE THAT MR. LEVIN WAS SUPPOSED TO

1 GO TO NEW YORK AND DIDN'T WAS JUNE THE 6TH OF 1984. MY  
2 RECOLLECTION IS THAT MR. PITTMAN'S PRELIMINARY HEARING  
3 WASN'T UNTIL AT LEAST THE FALL, PERHAPS OCTOBER OF THAT  
4 YEAR, NOVEMBER, SOMETHING LIKE THAT. MAYBE EVEN DECEMBER.

5 Q WHO WAS MR. HUNT'S ATTORNEY WITH RESPECT TO  
6 THIS CASE?

7 A ARTHUR BARENS WAS HIS LEAD COUNSEL AND  
8 RICHARD CHIER WAS CO-COUNSEL.

9 Q WAS THERE ANOTHER ATTORNEY INVOLVED IN THE  
10 CASE EARLY ON?

11 A YES.

12 HOLD.

13 Q WHAT WAS HIS NAME? LEWIS TITUS?

14 A LEWIS TITUS. THANK YOU VERY MUCH.

15 Q SOMETHING HAPPENED WITH RESPECT TO MR. TITUS  
16 DURING THE COURSE OF THE TRIAL THAT WE DON'T NEED TO GO  
17 INTO HERE, BUT DO YOU REMEMBER THAT?

18 MR. MC MULLEN: OBJECTION. IRRELEVANT.

19 THE COURT: SUSTAINED. LET'S MOVE TO THE CHASE  
20 SCENE.

21 BY MR. KLEIN:

22 Q DID YOU HAVE A PARTICULAR POLICY OF HANDLING  
23 DISCOVERY WITH RESPECT TO MR. BARENS?

24 MR. MC MULLEN: OBJECTION.

25 I WILL WITHDRAW THE OBJECTION.

26 THE WITNESS: THE SAME ONE I HAD WITH EVERY DEFENSE  
27 LAWYER FROM THE TIME THAT I STARTED IN THE D.A.'S OFFICE  
28 UNTIL THE TIME THAT I FINISHED, WHICH IF I GOT SOMETHING

1 IN DISCOVERY, I GAVE IT TO THEM. GENERALLY SPEAKING I  
2 WOULD JUST INVITE HIM TO COME TO THE OFFICE AND LOOK AT  
3 THE FILE, WHICH WASN'T AS EASY IN THIS CASE BECAUSE IT WAS  
4 AS, YOU KNOW, SOMEWHAT LARGER THAN MOST CASES.

5 BY MR. KLEIN:

6 Q DID YOU KEEP A RECORD OF WHAT YOU TURNED OVER  
7 TO DEFENSE COUNSEL IN THIS CASE WITH RESPECT TO DISCOVERY?

8 A I KEPT -- THE ANSWER IS: I DID NOT HAVE AN  
9 ORGANIZED RECORDKEEPING SYSTEM TO WHERE I HAD A CHART AND  
10 I WOULD WRITE A DATE AND A TIME AND "X" DOCUMENT TURNED  
11 OVER ON A CERTAIN DATE. THERE WERE CERTAIN THINGS THAT  
12 WERE MEMORIALIZED, ONE OF WHICH IS A LETTER THAT YOU HAVE  
13 ABOUT CERTAIN THINGS THAT WERE TURNED OVER.

14 Q OKAY.

15 SHOWING YOU PETITIONER'S 13, ARE YOU FAMILIAR  
16 WITH THIS DOCUMENT?

17 A I AM NOW BECAUSE I HAVE REVIEWED IT A FEW  
18 TIMES IN THE LAST FEW WEEKS.

19 Q BUT PRIOR TO REVIEWING IT IN THE LAST FEW  
20 WEEKS DO YOU HAVE AN INDEPENDENT RECOLLECTION OF THE  
21 LETTER?

22 A NO.

23 Q DO YOU HAVE AN INDEPENDENT RECOLLECTION OF  
24 THE NAME IVAN WERNER?

25 A NO.

26 Q HOW DO YOU KNOW THAT THE LETTER DATED MAY 4,  
27 1987, WAS RECEIVED BY MR. BARENS?

28 A HOW DO I KNOW IT WAS RECEIVED BY HIM?

1 Q YES.

2 A I DON'T.

3 Q YOU NOTICE THE LETTER IS NOT SIGNED?

4 A I NOTICE THAT THIS XEROX COPY OF IT THAT I  
5 HAVE IS NOT SIGNED, YES.

6 Q DO YOU HAVE AN INDEPENDENT RECOLLECTION OF  
7 SIGNING THE LETTER?

8 A NO.

9 Q IF YOU HAD SIGNED THE LETTER, WOULD IT HAVE  
10 BEEN YOUR CUSTOM TO MAKE A COPY OF THE SIGNED COPY AND  
11 KEEP IT IN YOUR FILE?

12 A NO. I DID IT BOTH WAYS. I XEROXED LETTERS  
13 BEFORE I SIGNED THEM AND AFTER.

14 Q SHOWING YOU PETITIONER'S 14, WHICH HAS AN  
15 ATTACHMENT TO IT WITH SOME HANDWRITING. WHOSE HANDWRITING  
16 IS THAT?

17 A THAT'S MINE.

18 Q DO YOU KNOW WHEN THAT HANDWRITING WAS MADE?

19 A NO.

20 THE COURT: HOLD ON. ONE SECOND, MR. KLEIN.

21

22 (PAUSE.)

23

24 THE COURT: I AM SORRY, GO AHEAD.

25 BY MR. KLEIN:

26 Q YOU DON'T KNOW WHEN YOU WROTE THIS NOTE; IS  
27 THAT CORRECT?

28 A I DON'T KNOW THE DATE ON WHICH I WROTE IT. I

1 CAN ONLY REFER TO THE LETTER THAT YOU HAVE GIVEN ME, WHICH  
2 IS DATED MAY THE 4TH, IN WHICH I MAKE REFERENCE TO THE  
3 LETTER, AND BY REFERRING TO THAT LETTER I HAVE TO INFER  
4 THAT THE INFORMATION ON THIS PAPER WAS WRITTEN DOWN  
5 SOMETIME BEFORE MAY THE 4TH, 1987.

6 Q YOU DON'T KNOW HOW LONG BEFORE MAY 4, 1987,  
7 THAT YOU RECEIVED THE INFORMATION FROM SOMEBODY?

8 A THAT IS CORRECT, I DON'T.

9 Q AND YOU DON'T KNOW FROM WHOM YOU RECEIVED THE  
10 INFORMATION?

11 A CORRECT.

12 Q FOR EXAMPLE, YOU REMEMBER THAT ON APRIL 17TH  
13 YOU RECEIVED CERTAIN INFORMATION FROM A PERSON NAMED  
14 ROBBIE ROBINSON; CORRECT?

15 A I REMEMBER RECEIVING THE INFORMATION FROM  
16 ROBBIE ROBINSON. I HAVE HAD MY RECOLLECTION REFRESHED TO  
17 THE PARTICULAR DATE BY REFERENCE TO SOME OF THE, OR ONE OF  
18 THE TRANSCRIPTS OF SUBSEQUENT PROCEEDINGS IN THE TRIAL.

19 Q AND IT WAS IN FACT APRIL 17, 1987?

20 A YES.

21 Q DO YOU KNOW WHO PROVIDED YOU THE INFORMATION  
22 THAT'S CONTAINED IN YOUR NOTE THAT IS ATTACHED TO  
23 PETITIONER'S 14?

24 A NO. I WOULD SAY THAT PROBABLY HAD TO BE ONE  
25 OF TWO PEOPLE. IT EITHER HAD TO BE MR. WERNER OR  
26 DETECTIVE ZOELLER.

27 Q BUT YOU DON'T REMEMBER WHICH ONE IT WAS?

28 A CORRECT.

1 Q DO YOU HAVE ANY RECOLLECTION WHETHER OR NOT  
2 YOUR OFFICE CONDUCTED ANY INVESTIGATION REGARDING IVAN  
3 WERNER IN THE NOTE THAT'S CONTAINED ON PETITIONER'S 14?

4 A NO, I DON'T.

5 Q NOW, AFTER YOU TOOK OVER SUPERVISION OF THE  
6 HUNT AND THE PITTMAN PROSECUTION, DID YOU BECOME AWARE AT  
7 SOME POINT THAT THE F.B.I., IN PARTICULAR SPECIAL AGENT  
8 NANCY UNDERWOOD, HAD BEEN CONDUCTING THE FEDERAL  
9 INVESTIGATION INTO RON LEVIN AND PROGRESSIVE SAVINGS &  
10 LOAN?

11 A YES.

12 Q DO YOU KNOW HOW YOU FIRST BECAME AWARE OF  
13 THAT?

14 MR. MC MULLEN: AT THIS TIME I AM GOING TO OBJECT  
15 AS IRRELEVANT.

16 THE COURT: I WILL ALLOW IT AT THIS POINT. SEE  
17 WHERE IT IS GOING TO GO.

18 THE WITNESS: I DON'T HAVE A SPECIFIC INDEPENDENT  
19 RECOLLECTION AT THIS POINT, BUT I RECALL THAT THERE WERE  
20 POLICE REPORTS THAT MENTIONED THAT. AND I IMAGINE IN  
21 READING THE POLICE REPORTS THAT THAT'S HOW I FOUND OUT  
22 ABOUT IT.

23 BY MR. KLEIN:

24 Q I SHOWED YOU IN THE HALL A POLICE REPORT FROM  
25 DETECTIVE ZOELLER THAT REFLECTED THAT HE HAD A  
26 CONVERSATION WITH NANCY UNDERWOOD ABOUT THE FACT THAT RON  
27 LEVIN WAS BEING INVESTIGATED BY THE F.B.I. CONCERNING  
28 PROGRESSIVE SAVINGS & LOAN, AND THAT CONVERSATION OCCURRED

1 JULY 6, 1984 --

2 MR. MC MULLEN: OBJECTION. LEADING.

3 THE COURT: OVERRULED.

4 YOU MAY ANSWER.

5 BY MR. KLEIN:

6 Q I SHOWED YOU THAT; CORRECT?

7 A YES, YOU DID.

8 Q DOES THAT REFRESH YOUR RECOLLECTION AS TO  
9 WHEN YOU MIGHT HAVE BECOME AWARE OF THIS INVESTIGATION?

10 A NOT SPECIFICALLY, NO, BUT IF I GOT INVOLVED  
11 IN THE CASE IN THE FALL OF '84 THAT WAS ALREADY IN THE  
12 POLICE REPORTS, AS I PREVIOUSLY TESTIFIED, IT WAS PROBABLY  
13 ON ONE OF MY FIRST READINGS THROUGH THE POLICE REPORTS IN  
14 THE CASE. SO IT WAS PROBABLY THAT FALL OF 1984.

15 Q AND YOUR CUSTOM AND HABIT WOULD HAVE BEEN TO  
16 REVIEW THE BEVERLY HILLS POLICE REPORT ABOUT THE INITIAL  
17 INVESTIGATION IN THE CASE?

18 A CORRECT.

19 Q AND THEN I GATHER IT WAS YOUR CUSTOM AND  
20 HABIT THAT THOSE ARE THE KIND OF REPORTS THAT YOU WOULD  
21 HAVE TURNED OVER TO THE DEFENSE?

22 A YES. ALTHOUGH, I THINK AT THAT POINT THEY  
23 PROBABLY WOULD HAVE HAD THEM ALL. THERE WAS DISCOVERY  
24 THAT I AM SURE WAS CONDUCTED IN THE CASE BEFORE I GOT IT,  
25 BUT CERTAINLY IF IT HADN'T BEEN ALREADY, I WOULD HAVE AT  
26 THAT POINT.

27 Q NOW, DID YOU EVER HAVE ANY CONVERSATIONS WITH  
28 NANCY UNDERWOOD CONCERNING HER INVESTIGATION INTO

1 MR. LEVIN AND PROGRESSIVE SAVINGS & LOAN?

2 MR. MC MULLEN: OBJECTION. IRRELEVANT.

3 THE COURT: OVERRULED.

4 THE WITNESS: I DON'T HAVE ANY INDEPENDENT  
5 RECOLLECTION OF TALKING TO NANCY UNDERWOOD.

6 MR. KLEIN: YOUR HONOR, I AM SHOWING MR. WAPNER A  
7 SERIES OF DOCUMENTS THAT ARE PRESENTLY MARKED AS EXHIBIT  
8 19-C TO THE PETITION. I HAVEN'T MADE A COPY AS AN EXHIBIT  
9 SINCE THE COURT --

10 THE COURT: IF YOU ARE GOING TO SHOW SOMETHING TO  
11 THE WITNESS IN A HEARING, IT HAS GOT TO BE AN EXHIBIT TO  
12 THE HEARING.

13 MR. KLEIN: OKAY. THEN I WILL JUST MARK MY COPY.

14 MR. MC MULLEN: MAY I APPROACH JUST SO I CAN SEE  
15 WHAT HE IS REFERRING TO?

16 THE COURT: YES.

17 MR. MC MULLEN: THANK YOU.

18 MR. KLEIN: I MARKED MY COPY OF 19-C, AND I GUESS I  
19 WILL HAVE TO MAKE IT AT THE BOTTOM OF MY LIST.

20 THE COURT: YOU WANT TO KNOW WHAT THE LAST NUMBER  
21 IS?

22 MR. KLEIN: YES, YOUR HONOR.

23 THE COURT: THE LAST NUMBER IS 264.

24

25 (MARKED FOR ID = PETITIONER'S 264,  
26 26-PAGE DOCUMENT.)

27

28 MR. KLEIN: LET ME COUNT THE NUMBER OF PAGES FOR

1 THE RECORD, YOUR HONOR. ONE, TWO, THREE, FOUR, FIVE, SIX,  
2 SEVEN, EIGHT -- IF I HAVE COUNTED RIGHT THERE ARE 26  
3 PAGES, YOUR HONOR.

4 BY MR. KLEIN:

5 Q REFERRING YOU TO A HANDWRITTEN NOTE THAT HAS  
6 THE DATE --

7 THE COURT: WHAT IS THIS? WE HAVE TO PUT SOMETHING  
8 DOWN IN THE EXHIBIT LIST. WHAT IS THIS PACKAGE?

9 MR. KLEIN: THIS IS, ACCORDING TO THE PETITION, IT  
10 IS A DOCUMENT THAT MR. DOBRINS OBTAINED WHEN HE REVIEWED  
11 THE DISTRICT ATTORNEY'S FILE RELATING TO DOCUMENTS THAT  
12 WERE IN IT ABOUT PROGRESSIVE SAVINGS & LOAN.

13 THE COURT: SO THESE ARE DISTRICT ATTORNEY'S  
14 DOCUMENTS?

15 MR. KLEIN: FROM THE DISTRICT ATTORNEY'S FILE WHEN  
16 MR. DOBRINS REVIEWED THEM, I BELIEVE, IN 1990.

17 BY MR. KLEIN:

18 Q THERE IS A HANDWRITTEN NOTE, AND IT HAS IN  
19 THE UPPER RIGHT-HAND CORNER 711, IT HAS THE NAME FRED AND  
20 THE INITIALS "NU." YOU LOOKED AT THAT A LITTLE BIT  
21 EARLIER; CORRECT?

22 A YOU SHOWED IT TO ME IN THE HALLWAY.

23 Q DO YOU RECALL RECEIVING THIS NOTE?

24 A NO, I DON'T.

25 Q DO YOU KNOW WHAT THIS NOTE PERTAINS TO?

26 A OTHER THAN WHAT IT ACTUALLY SAYS ON THERE?

27 Q YES.

28 A NO.

1 Q OKAY.

2 THE COURT: IT IS DIFFICULT FOR THE RECORD TO  
3 REFLECT ANYTHING IF THERE IS A SHORT NOTE.

4 WHY DON'T YOU READ --

5 MR. KLEIN: I WAS JUST GOING TO DO THAT, YOUR  
6 HONOR.

7 THE COURT: THANK YOU.

8 MR. KLEIN: THE NOTE SAID, "FRED, I TOLD EACH OF  
9 THESE PEOPLE THAT YOU WOULD CALL ONE WAY OR OTHER. THEY  
10 SAID THEY WOULD HOLD THE DOCUMENTS UNTIL THEY HEARD FROM  
11 YOU." AND IT HAS GOT THE INITIALS "NU".

12 BY MR. KLEIN:

13 Q DOES "NU" STAND FOR SOMEBODY THAT YOU KNEW AT  
14 THAT TIME?

15 MR. MC MULLEN: OBJECTION. IRRELEVANT. CALLS FOR  
16 SPECULATION.

17 THE COURT: OVERRULED.

18 IF YOU HAVE A RECOLLECTION OF IT.

19 THE WITNESS: WELL, I KNEW OF A PERSON NAMED NANCY  
20 UNDERWOOD. I DON'T KNOW WHETHER SHE WROTE THAT NOTE, AND  
21 LIKE I SAID, I DON'T REMEMBER IF I TALKED TO HER OR NOT.

22 BY MR. KLEIN:

23 Q AND THEN YOU LOOKED AT THE DOCUMENTS, AND  
24 THESE ARE DOCUMENTS RELATING TO THE F.B.I. INVESTIGATION  
25 OF PROGRESSIVE SAVINGS & LOAN?

26 A THEY APPEARED TO BE. YOU AND I HAD A BRIEF  
27 CONVERSATION IN THE HALLWAY, AND I LOOKED AT THEM ABOUT AS  
28 QUICKLY AS I DID NOW, WHICH IS TO SAY THAT AS YOU FLIPPED

1 THROUGH THE PAGES I SKIMMED THROUGH THEM AND IN ABOUT  
2 MAYBE 15 SECONDS.

3 MR. KLEIN: OKAY.

4 I HAVE ANOTHER DOCUMENT. IT HAS GOT EXHIBIT  
5 19-B ON IT, WHICH I BELIEVE IS FROM THE PETITION. IT IS  
6 TWO PAGES. MAY THAT BE MARKED PEOPLE'S 265?

7 THE COURT: IT WILL BE MARKED AS 265.

8 MR. MC MULLEN: YOUR HONOR, FOR THE POINT, FOR A  
9 POINT OF CLARIFICATION. WOULD IT BE 26- -- BECAUSE THE  
10 LAST EXHIBIT I --

11 THE COURT: I AM SORRY. THE LAST EXHIBIT IS 265.  
12 THIS ONE IS 266. AND WE WILL SOLVE THIS EXHIBIT PROBLEM  
13 TODAY.

14 MR. KLEIN: I WILL CHANGE THE 64 TO 65 AND 65 TO  
15 66.

16  
17 (WITHDRAWN = PETITIONER'S 264, 26-PAGE  
18 DOCUMENT.)

19  
20 (MARKED FOR ID = PETITIONER'S 265,  
21 26-PAGE DOCUMENT.)

22  
23 (MARKED FOR ID = PETITIONER'S 266,  
24 DOCUMENT.)

25  
26 BY MR. KLEIN:

27 Q THIS IS A RECORD OF INFORMATION FURNISHED  
28 OTHER AGENCIES. IT IS DATED 7-9-86, WRITTEN

1 COMMUNICATIONS 7-10-86. AND IT HAD GOT THE NAME OF NANCY  
2 UNDERWOOD ON IT, AND FURNISHED TO DEPUTY DISTRICT ATTORNEY  
3 FRED WAPNER.

4 DO YOU HAVE ANY MEMORY OF RECEIVING THIS  
5 COMMUNICATION?

6 A NO, I DON'T.

7 Q OKAY.

8 MR. KLEIN: FOR THE RECORD, YOUR HONOR, AGAIN, THIS  
9 WAS SOMETHING THAT MR. DOBRINS OBTAINED FROM THE DISTRICT  
10 ATTORNEY'S FILES.

11 BY MR. KLEIN:

12 Q DO YOU HAVE ANY MEMORY OF PROVIDING --

13 THE COURT: LET'S MAKE SURE THAT EXHIBITS GOES TO  
14 THE CLERK.

15 MR. KLEIN: THAT IT WHERE IT IS GOING TO GO NEXT,  
16 YOUR HONOR.

17 BY MR. KLEIN:

18 Q -- THIS DOCUMENTATION, THAT'S PEOPLE'S 265  
19 AND 266, PETITIONER'S EXHIBITS 265 AND 266, IF THEY WERE  
20 IN YOUR FILE, TO MR. BARENS DURING THE COURSE OF THE  
21 TRIAL?

22 A I AM SURE WE DID. BUT I DON'T HAVE THE  
23 SPECIFIC RECOLLECTION AS TO THOSE TWO PARTICULAR EXHIBITS,  
24 NO.

25 Q WHEN LEVIN'S RESIDENCE WAS SEARCHED SOMETIME  
26 AFTER JUNE 6, 1984, ARE YOU AWARE THAT CERTAIN TAPE  
27 RECORDINGS HAVING MR. LEVIN'S VOICE ON IT WERE SEIZED BY  
28 THE BEVERLY HILLS POLICE DEPARTMENT?

1           A       NOT SPECIFICALLY, NO. I AM SURE THEY  
2 PROBABLY WERE.

3           Q       DO YOU HAVE ANY MEMORY THAT ONE OF THOSE TAPE  
4 RECORDINGS THERE WAS A STATEMENT BY MR. LEVIN, "HAVE  
5 DONALD STEIER GET A LETTER OFF TO THE F.B.I. SPECIAL AGENT  
6 UNDERWOOD WORKING ON AN ARRANGEMENT THAT IF THEY DECIDE TO  
7 INDICT ME OR AND WANT TO ARREST ME, THAT I WILL SURRENDER  
8 TO THE COURT, AND THAT THEY WILL ASK FOR REASONABLE BAIL."

9           MR. MC MULLEN: OBJECTION. IRRELEVANT.  
10 BY MR. KLEIN:

11          Q       DO YOU HAVE ANY MEMORY OF LISTENING IN TO  
12 SUCH A TAPE RECORDING?

13          MR. MC MULLEN: OBJECTION. IRRELEVANT.

14          THE COURT: SUSTAINED.

15          MR. KLEIN: I WOULD LIKE TO MAKE AN OFFER OF PROOF.

16          THE COURT: AFTER WE FINISH THE WITNESS.

17          MR. KLEIN: WELL, THAT'S FINE BECAUSE IT RELATES TO  
18 THE RECORD IN THE CASE.

19                 I HAVE NOTHING FURTHER.

20          MR. MC MULLEN: THANK YOU.

21          THE COURT: CROSS EXAMINATION.

22          MR. MC MULLEN: YOUR HONOR, AT THIS POINT IN TIME I  
23 DON'T BELIEVE WE HAVE ANY CROSS EXAMINATION, BUT MAY WE  
24 TAKE THE WITNESS ON DIRECT EXAMINATION?

25          THE COURT: YES.

26          MR. MC MULLEN: MAYBE THERE IS SOME  
27 CROSS-EXAMINATION. I APOLOGIZE.

28

## CROSS-EXAMINATION @

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BY MR. MC MULLEN:

Q WITH RESPECT TO PETITIONER'S 13, WHICH IS THIS LETTER ADDRESSED TO ARTHUR BARENS AND WITH YOUR NAME ON THE END OF IT, TO YOUR KNOWLEDGE, WAS THIS LETTER SENT TO MR. BARENS?

A I AM SURE IT WAS.

Q YOU TESTIFIED ON DIRECT EXAMINATION THAT ON APRIL 17, 1987, ROBBIE ROBINSON CAME FORWARD TO YOU AND TOLD YOU SOME INFORMATION ABOUT AN OBSERVATION HE MADE IN WESTWOOD?

A YES.

Q PRIOR TO COMING TO COURT DID YOU REVIEW A TRANSCRIPT OF THE PROCEEDINGS FROM THE TRIAL YOU PROSECUTED WITH RESPECT TO MR. HUNT CONCERNING AN IN CAMERA HEARING THAT OCCURRED IN CHAMBERS -- HEARING THAT OCCURRED ON MONDAY APRIL 20, 1987?

A YES, I DID.

Q DURING THAT IN CHAMBERS PROCEEDING DID YOU DISCLOSE TO JUDGE RITTENBAND AND ARTHUR BARENS WHAT, AND WHOEVER ELSE WAS PRESENT DURING THOSE PROCEEDINGS, WHAT ROBBIE ROBINSON HAD DISCLOSED TO YOU?

MR. KLEIN: OBJECTION. THE RECORD SPEAKS FOR ITSELF, YOUR HONOR.

THE COURT: WHERE ARE YOU GOING?

MR. MC MULLEN: WELL, THERE WERE CERTAIN REPRESENTATIONS THAT WERE MADE DURING THESE PROCEEDINGS.

1 THE COURT: WHICH PROCEEDINGS ARE "THESE  
2 PROCEEDINGS"?

3 MR. MC MULLEN: THE PROCEEDING OF APRIL 27, 1987,  
4 THERE WERE CERTAIN REPRESENTATIONS MADE BY JUDGE WAPNER  
5 DURING THOSE PROCEEDINGS. I JUST WANT TO ESTABLISH FOR  
6 THIS RECORD THAT THEY WERE ACCURATE, AND THEY WERE  
7 ACCURATE REPRESENTATIONS MADE TO THE COURT AND TO COUNSEL,  
8 AND THERE ARE SOME REPRESENTATIONS THAT WERE MADE BY JUDGE  
9 WAPNER AT THAT TIME THAT ARE INCONSISTENT WITH SOME OF THE  
10 TESTIMONY OF ROBBIE ROBINSON WHEN HE WAS HERE IN COURT.

11 THE COURT: DID YOU TELL THE TRUTH ON THAT DATE,  
12 JUDGE WAPNER?

13 THE WITNESS: YES, I DID.

14 THE COURT: I HAVE ALREADY RULED.

15 MR. CRAIN: IF COUNSEL IS OBJECTING -- YOU WANT TO  
16 HEAR IT AFTER THE QUESTION, IS THAT IT?

17 THE COURT: I WANT TO HEAR THE QUESTION.

18 MR. CRAIN: ALL RIGHT.

19 BY MR. MC MULLEN:

20 Q WHEN YOU PROSECUTED THE CASE AGAINST MR. HUNT  
21 WAS IT FOLLOWED BY THE NEWS MEDIA?

22 A YES, IT WAS.

23 Q AND DURING THE TRIAL WAS THERE A TELEVISION  
24 CAMERA IN THE COURTROOM?

25 A EVERY DAY.

26 Q AND DID ANY TELEVISION STATIONS PROVIDE GAVEL  
27 TO GAVEL COVERAGE?

28 A NO, THEY DID NOT.

1 Q HOW WAS THE TELEVISION COVERAGE UTILIZED, AS  
2 YOU REMEMBER RIGHT NOW?

3 A IT WAS A POOL CAMERA FOR ALL OF THE NEWS  
4 STATIONS, AND THEY TOOK WHATEVER FOOTAGE THEY WANTED FOR  
5 USE DURING THE NEWS.

6 Q WERE THEIR NEWSPAPER AND WIRE SERVICE  
7 REPORTERS IN ATTENDANCE DURING THE TRIAL?

8 A YES, THERE WERE.

9 Q AND WERE THERE NEWSPAPER ARTICLES PUBLISHED  
10 DURING THE COURSE OF THE TRIAL?

11 A YES, THERE WERE.

12 Q HOW OFTEN TO THE BEST OF YOUR RECOLLECTION?

13 A I WOULD SAY AT A MINIMUM ONCE A WEEK AND  
14 SOMETIMES EVERY DAY, DEPENDING ON WHAT WAS GOING ON.

15 Q HOW DID THE NEWS COVERAGE WITH RESPECT TO  
16 BOTH TELEVISION AND NEWS COVERAGE OF THE TRIAL, THE  
17 PROSECUTION OF JOE HUNT COMPARE TO OTHER CRIMINAL TRIALS  
18 THAT WERE BEING PROSECUTED IN LOS ANGELES COUNTY DURING  
19 1987?

20 MR. KLEIN: OBJECTION. IRRELEVANT.

21 MR. CRAIN: THAT CALLS FOR CONCLUSION ALSO.

22 THE COURT: SUSTAINED ON CONCLUSION BASIS.

23 BY MR. MC MULLEN:

24 Q SIR, JUDGE, IF DURING THE COURSE OF THE  
25 TRIAL, AND ESPECIALLY DURING THE DEFENSE, IF MR. BARENS OR  
26 MR. HUNT'S LAWYERS WOULD HAVE PRESENTED EVIDENCE THAT DEAN  
27 KARNY LIED DURING A DEPOSITION WITH RESPECT TO A CIVIL  
28 LAWSUIT INVOLVING CANTOR-FITZGERALD WOULD YOU HAVE

1 PRESENTED REBUTTAL EVIDENCE?

2 A YES.

3 Q WHAT REBUTTAL EVIDENCE WOULD HAVE BEEN  
4 PRESENTED?

5 A MY RECOLLECTION OF THAT LAWSUIT IS THAT  
6 MR. KARNY'S, CONTENTS OF MR. KARNY'S TESTIMONY WAS LARGELY  
7 DIRECTED BY MR. HUNT. HE WOULD HAVE SAID THAT WHAT HE  
8 SAID THEN HE WAS TOLD TO SAY BY MR. HUNT.

9 MR. KLEIN: I OBJECT AND MOVE TO STRIKE BECAUSE IT  
10 IS MR. BARENS' STATE OF MIND THAT'S RELEVANT TO THIS ISSUE  
11 BEFORE THE COURT, AND ALSO IF MR. BARENS DIDN'T HAVE ANY  
12 OF THIS KNOWLEDGE IT WOULD BE IRRELEVANT.

13 THE COURT: OVERRULED.

14 MR. MC MULLEN: THANK YOU

15 BY MR. MC MULLEN:

16 Q IF MR. HUNT'S LAWYERS DURING THE COURSE OF  
17 THE TRIAL THAT YOU PROSECUTED WOULD HAVE PRESENTED  
18 EVIDENCE THAT DURING THE SUMMER MONTHS OF 1984 PRIOR TO  
19 JUNE 6, 1984, THAT THE B.B.C. WAS NEGOTIATING WITH A  
20 MR. WILLIAM KILPATRICK FOR THE SALE OF 200 MILLION DOLLARS  
21 WORTH OF CYCLOTRON ATTRITION MILLS, WOULD YOU HAVE  
22 PRESENTED REBUTTAL EVIDENCE TO THAT?

23 A YES.

24 MR. CRAIN: SAME OBJECTION.

25 THE COURT: OVERRULED.

26 BY MR. MC MULLEN:

27 Q WHAT KIND EVIDENCE, EVIDENCE WOULD YOU HAVE  
28 PRESENTED?

1           A       WELL, I THINK A LOT OF IT ACTUALLY CAME OUT  
2 DURING THE COURSE OF THE TRIAL, BUT IF IT DIDN'T COME OUT  
3 DURING THE TRIAL, I THINK IT DID -- IT WAS OBVIOUS TO ME,  
4 AND IF WE HAD PRESENTED SUBSTANTIAL EVIDENCE ON IT IT  
5 WOULD BE OBVIOUS TO ANYBODY THAT THE MACHINE NEVER WORKED.  
6 NOBODY WAS GOING TO PAY 200 MILLION OR TWO MILLION OR  
7 \$200,000 OR \$2000 FOR THAT MACHINE.

8           Q       YOU ARE REFERRING WHEN YOU SAY "MACHINE" TO  
9 THE CYCLOTRON ATTRITION MILL?

10          A       YES.

11          MR. MC MULLEN:   MAY I HAVE A MOMENT?

12          THE COURT:   YES.

13

14                   (PAUSE.)

15

16          MR. CRAIN:   I WILL MOVE TO STRIKE THAT AS THE  
17 WITNESS CANDIDLY STATED HE THOUGHT IT WAS PUT ON.  IN  
18 FACT, IT WAS PUT ON AND, THEREFORE, HIS SPECULATION ABOUT  
19 WHAT MIGHT HAVE BEEN PUT ON IN REBUTTAL I DOUBT VERY  
20 SERIOUSLY IF THE COURT WOULD HAVE PERMITTED IT IN REBUTTAL  
21 WHAT HAS ALREADY BEEN PUT ON IN THE PEOPLE'S CASE IN  
22 CHIEF.

23          THE COURT:   MOTION TO STRIKE IS DENIED.

24          MR. MC MULLEN:   NOTHING FURTHER.

25          THE COURT:   ANY CROSS-EXAMINATION OR REDIRECT?

26          MR. KLEIN:   NO, YOUR HONOR.

27          THE COURT:   MAY THE WITNESS BE EXCUSED?

28          MR. MC MULLEN:   YES.

1 THE COURT: ANY OBJECTION?

2 MR. MC MULLEN: NO OBJECTION.

3 THE COURT: THANK YOU, JUDGE WAPNER. YOU ARE  
4 EXCUSED.

5 THE WITNESS: THANK YOU

6 THE COURT: YOU DON'T HAVE ANY OTHER WITNESSES?

7 MR. CRAIN: BECAUSE WE DIDN'T KNOW HOW LONG JUDGE  
8 WAPNER'S TESTIMONY WOULD TAKE WE DON'T

9 THE COURT: FROM THE VERY FIRST I SAID, "GET YOUR  
10 WITNESSES LINED UP IN THE HALLWAY." HOW MANY TIMES NOW  
11 HAVE WE RUN OUT OF WITNESSES?

12 MR. KLEIN: THE NEXT WITNESS THAT WE ARE GOING TO  
13 CALL IS ARTHUR BARENS.

14 THE COURT: WHAT OTHER WITNESSES DO YOU HAVE HERE?

15 MR. CRAIN: WE HAVE BARENS, WE HAVE BRODEY, WE HAVE  
16 CHIER, I BELIEVE.

17 MR. KLEIN: AND DOBRINS AND MR. HUNT AND THE  
18 JENSENS.

19 THE COURT: WHO ARE THE JENSENS?

20 MR. KLEIN: INVESTIGATORS ON THE CASE, AND  
21 POTENTIALLY MR. BRODEY'S INVESTIGATORS.

22 THE COURT: WHY DON'T -- WE WILL HAVE THESE FOLKS  
23 DOWN HERE TODAY. I KNOW BARENS AND BRODEY ARE SET FOR  
24 MONDAY. WHAT ABOUT EVERYBODY ELSE?

25 MR. KLEIN: THEY ALL FOLLOW BARENS' TESTIMONY. THE  
26 COURT RULED THAT CASEY COHEN'S TESTIMONY MIGHT COME IN AS  
27 REBUTTAL TO MR. BARENS' TESTIMONY SO --

28 THE COURT: I AM JUST TALKING ABOUT YOUR WITNESSES.

1 MR. CRAIN: JENSENS ARE OUT OF STATE. I HESITATED  
2 TO BRING THEM OUT UNTIL THE COURT HAD HEARD THE BARENS  
3 TESTIMONY FOR FEAR THAT THERE MIGHT BE THE POSSIBILITY  
4 THAT THE COURT MIGHT, AS YOU DID THE CASEY COHEN'S  
5 PROPOSED TESTIMONY.

6 THE COURT: HOW ABOUT MR. HUNT?

7 MR. KLEIN: MR. HUNT IS GOING TO TESTIFY AFTER  
8 MR. BARENS.

9 THE COURT: WELL, I HAVE THE DISCRETION TO ORDER  
10 THE PROOF.

11 MR. CRAIN: MR. HUNT'S TESTIMONY WILL BE SUBJECT TO  
12 THE TESTIMONY OF MR. BARENS. IF MR. BARENS IS CANDID ON  
13 THE STAND, THERE WOULD BE NO NEED FOR MR. HUNT TO TESTIFY.  
14 IT IS HARD TO KNOW WHAT MR. -- LET ME STAND AND ADDRESS  
15 THE COURT. IT IS HARD TO KNOW WHAT MR. BARENS WILL STATE  
16 IN VIEW OF THE DIRECT RECORD AND OF GIVING MATERIALLY  
17 INCONSISTENT STATEMENTS DEPENDING ON WHAT MONTH IT IS THAT  
18 HE IS BEING ASKED ABOUT A SUBJECT.

19 THE COURT: THAT MIGHT BE MORE PERSUASIVE IF HE  
20 HADN'T AN OPPORTUNITY TO TAKE A DEPOSITION, BUT BOTTOM  
21 LINE IS I CAN'T HAVE DOWNTIME.

22 MR. CRAIN: I DON'T THINK I UNDERSTAND YOUR -- I  
23 APPRECIATE THE COURT'S CONCERN. I THINK AFTER TODAY THERE  
24 WILL BE NO DOWNTIME ON BEHALF OF THE PETITIONER'S  
25 PRESENTATION OF THE EVIDENCE.

26 THE COURT: HOW LONG IS IT GOING TO TAKE TO PUT ON  
27 THE REST OF YOUR CASE?

28 MR. KLEIN: DEPENDS ON THE LENGTH OF BARENS'

1 TESTIMONY. I EXPECT THAT TO BE A DAY, DAY AND A HALF.  
2 BRODEY WILL BE SHORT. THE ONLY OTHER POTENTIAL WITNESS  
3 THAT MAY TAKE ANY TIME IS MR. HUNT. I WOULD ANTICIPATE  
4 THAT WE WOULD COMPLETE OUR CASE --

5 MR. CRAIN: OF COURSE, THEY HAVE KARNY COMING IN  
6 NEXT WEEK; IS THAT RIGHT, AND KILPATRICK, THEY WANTED TO  
7 TAKE THEM --

8 MR. MC MULLEN: JUST TO INFORM YOUR HONOR, OUTSIDE  
9 OF THE TWO WITNESSES THAT WE ARE REQUESTING TO CALL OUT OF  
10 ORDER THIS AFTERNOON WE ARE SCHEDULING IN SUCH A WAY THAT  
11 WE WOULD BEGIN ON WEDNESDAY AND BE DONE AT THE LATEST ON  
12 FRIDAY, MAYBE A LITTLE BEFORE THEN DEPENDING HOW IT  
13 HAPPENS. JUST TO INFORM THE COURT.

14 AND ALSO TO INFORM THE COURT, SOME OF THESE  
15 WITNESSES THAT THEY HAVE STATED THEY INTEND TO CALL WE  
16 WILL HAVE OBJECTIONS TO.

17 THE COURT: WELL, I HAVE GOT DOWNTIME. I WANT TO  
18 FILL IT. LET'S TALK ABOUT IT.

19 MR. MC MULLEN: BASICALLY, WE WOULD -- DEPENDING ON  
20 WHAT THE OFFER OF PROOF IS, WE WOULD BE ASKING FOR AN  
21 OFFER OF PROOF WITH RESPECT TO MR. BRODEY, THE JENSENS.

22 THE COURT: I WILL ALLOW MR. BRODEY TO TESTIFY.

23 MR. MC MULLEN: THE JENSENS --

24 THE COURT: I DON'T KNOW WHO THE JENSENS ARE AGAIN.

25 MR. KLEIN: THEY WERE INVESTIGATORS ON THE CASE  
26 THAT QUIT.

27 THE COURT: IN THE SANTA MONICA CASE?

28 MR. KLEIN: ON THE SANTA MONICA CASE THAT QUIT.

1 THE COURT: WHAT WILL THEY TESTIFY TO?

2 MR. KLEIN: ABOUT WHAT THEY DID, AND WHAT THEY  
3 WOULD HAVE DONE IF THEY STAYED ON THE CASE GETTING PROPER  
4 DIRECTION FROM MR. BARENS. IT IS A LITTLE BIT SIMILAR TO  
5 CASEY COHEN'S. I HESITATE TO CALL THEM UNTIL THE COURT  
6 HEARS MR. BARENS' TESTIMONY AND FINDS IT TO BE, YOU KNOW,  
7 IN CONFLICT WITH MR. BARENS' TESTIMONY. THAT WAS WHAT THE  
8 COURT SAID YESTERDAY.

9 THE COURT: SO IT DOESN'T RELATE SPECIFICALLY TO  
10 ANY OF THE SUBPARAGRAPHS OF THE O.S.C. GENERALLY RELATES  
11 TO INCOMPETENCE OF COUNSEL.

12 MR. KLEIN: I AM SORRY.

13 WELL, ANOTHER INVESTIGATOR ON THE CASE WAS --  
14 HAPPILY EACH OF THEM WAS GIVEN SOME DIRECTION, BUT IT WAS  
15 NEVER FOLLOWED THROUGH IN TERMS OF THE DIRECTION FROM THE  
16 ATTORNEY TO FIND SOME OF THE EVIDENCE THAT RELATES TO THE  
17 O.S.C. ISSUE THAT REMAIN UNDER ISSUE 2, SUCH AS FINDING,  
18 YOU KNOW, ADELMAN.

19 I MEAN, THERE IS SOME TESTIMONY ABOUT THAT.  
20 AND THE COURT HEARD SOME LIMITED TESTIMONY OF THE CONTACT  
21 BETWEEN MR. HUNT AND MR. ADELMAN, SO I AM SURE THE COURT  
22 IS GOING TO WANT TO HEAR MORE ABOUT THAT, WHY HE WASN'T  
23 ACTUALLY FOUND. SO SOME OF IT IS DIRECT, SOME OF IT IS  
24 MORE GENERAL IN THE SENSE THAT IT WILL BE IN CONFLICT OF  
25 WHAT BARENS SAID.

26 THE COURT: ALL RIGHT.

27 WELL, AGAIN, YOU UNDERSTAND MY VIEW ON -- I  
28 AM NOT GOING TO TAKE GENERAL EVIDENCE. IT IS GOING TO

1 HAVE TO SPECIFICALLY RELATE TO ONE OF THE SUBPARAGRAPHS OF  
2 THE O.S.C..

3 MR. KLEIN: ONCE AGAIN, IF MR. BARENS TESTIFIES IN  
4 SUCH A MANNER THAT IS IN TOTAL CONFLICT WITH WHAT MR.  
5 COHEN SAID MR. BARENS SAID, I THINK IT IS THEN GOING TO BE  
6 RELEVANT TO THE GENERAL COMPETENCE QUESTION OF MR. BARENS.

7 WE -- ALSO, WE MAY PUT TWO WITNESSES ON TO  
8 TESTIFY ABOUT MR. BARENS' REPUTATION IN THE COMMUNITY.  
9 MS. ABRAMSON AND MR. ROGER ROSEN, THEY WOULD BE TWO-MINUTE  
10 WITNESSES.

11 MR. MC MULLEN: WE WOULD OBJECT TO THOSE TWO  
12 WITNESSES AS WELL AS MR. DOBRINS.

13 THE COURT: I DON'T SEE ANY REAL REASON AS TO  
14 REPUTATION EVIDENCE.

15 LET'S TALK ABOUT THE EXHIBIT LIST. I HAVE  
16 BEEN TRYING TO GET YOU TO DO AN EXHIBIT LIST --

17 MR. KLEIN: I WILL TAKE IT UP NEXT.

18 THE COURT: -- ON THE FORMAT THAT WE PREPARED ON  
19 THIS CASE.

20 MR. KLEIN: EXCUSE ME FOR JUST ONE SECOND.

21 THE COURT: I KEEP HOLDING UP THIS FORMAT THAT WE  
22 PREPARED FOR THIS CASE. I ASSUME YOU ARE TRYING TO MAKE  
23 THE CLERKS'S JOB MUCH HARDER.

24 MR. KLEIN: NO.

25 THE COURT: YOU FILED IT AS A PLEADING RATHER THAN  
26 USING THE FORMAT.

27 MR. KLEIN: IF THE COURT WANTS MY SECRETARY TO TYPE  
28 IT INTO THE BOXES ON THE FORM I WILL HAVE HER DO THAT.

1 THE COURT: THAT'S WHAT WE HAVE BEEN TRYING TO GET  
2 YOU TO DO FOR A COUPLE OF MONTHS NOW. THE PROBLEM IS VERY  
3 OBVIOUS. IF YOU WANT TO ADD EXHIBITS WE HAVE TO START  
4 ADDING PIECES OF PAPER. IF WE HAVE A FORMAT WE CAN USE  
5 THIS. THIS MAKES IT VERY HARD FOR THE CLERK AND FOR THE  
6 COURT REPORTER.

7 MR. KLEIN: I JUST TELL THE COURT IT TOOK 16 HOURS  
8 TO GET IT TO THAT FORM YESTERDAY SO --

9 THE COURT: SHOULDN'T HAVE TAKEN THAT LONG.

10 MR. KLEIN: AS WE REDUCED SUBSTANTIALLY THE NUMBER  
11 OF EXHIBITS FROM THE PREVIOUS EXHIBIT LIST, BUT I WILL  
12 HAVE MY SECRETARY TYPE IT ONTO A FORM LIKE THAT.

13 THE COURT: NO. NOT LIKE THAT, THIS FORM. THE  
14 CLERK SENT YOU SOME.

15 MR. KLEIN: SHE HAS SUCH A FORM. SHE WILL TYPE OUT  
16 THAT FORM.

17 THE COURT: THIS ONE. THIS IS THE ONE. I ASKED  
18 THE CLERK TO PREPARE IT. I SAID, "WHAT WILL MAKE IT BEST  
19 FOR YOU, SINCE WE HAVE A NUMBER OF EXHIBITS?" THIS IS  
20 WHAT SHE SPENT HER TIME PREPARING.

21 MR. KLEIN: SHE WILL DO THAT, YOUR HONOR.

22 MR. CRAIN: CAN WE TAKE UP A COUPLE OF BRIEF  
23 MATTERS?

24 MR. KLEIN: JUST ONE SECOND.

25

26 (PAUSE.)

27

28 (A CONFERENCE WAS HELD BETWEEN COUNSEL

1 AND THE PETITIONER, NOT REPORTED.)

2

3 MR. CRAIN: COULD I ADDRESS THE COURT WITH REGARDS  
4 TO THREE TYPES OF EVIDENCE HERE. THE ONE THAT WAS JUST  
5 MENTIONED A MOMENT AGO. I BELIEVE, YOUR HONOR, THAT IF I  
6 CAN BE HEARD JUST BRIEFLY ON THIS SUBJECT THAT THE LAW AND  
7 THE EVIDENCE CODE AND SPECIFIC TERMS DOES PERMIT THE  
8 IMPEACHMENT OF ANY WITNESS IN A CIVIL OR CRIMINAL  
9 PROCEEDING BY CHARACTER EVIDENCE.

10 AND MS. ABRAMSON AND MR. ROSEN WILL BE ABLE  
11 TO LAY THE PROPER FOUNDATION OF THEIR KNOWLEDGE OF  
12 MR. BARENS AND OF HIS REPUTATION IN THE COMMUNITY. SO --

13 THE COURT: I WOULD ASSUME THEY ARE GOING TO  
14 TESTIFY HE HAS A BAD REPUTATION FOR PROFESSIONALISM WITHIN  
15 THE DEFENSE COMMUNITY; RIGHT?

16 MR. CRAIN: YES, YOUR HONOR.

17 THE COURT: IT IS NOT GOING TO BE HELPFUL. I WILL  
18 STAND BY THE EARLIER RECORD.

19 MR. CRAIN: I AM GOING TO IN THAT REGARD --

20 THE COURT: I AM THE TRIER OF FACT. IT WILL NOT BE  
21 HELPFUL.

22 COUNSEL, I HAVE RULED. I AM NOT GOING TO  
23 HEAR FURTHER ARGUMENT ON THIS. I HAVE RULED TWICE NOW.

24 ALL RIGHT.

25 ANYTHING ELSE?

26 MR. CRAIN: ON THE SUBJECT OF MR. MELCZER, DURING  
27 HIS TESTIMONY THE OTHER DAY THE DISTRICT ATTORNEY  
28 SUCCESSFULLY OBJECTED TO THE BEGINNING OF HIS TESTIMONY,

1 HIS TESTIMONY COVERED OR WOULD HAVE COVERED THREE AREAS,  
2 ONE HAD TO DO WITH THE OPTION. I JUST WANTED TO MAKE A  
3 PROFFER, OFFER OF PROOF AS I COULD SO THE RECORD REFLECTS  
4 WHERE WE WERE ATTEMPTING TO GO WITH THE TESTIMONY OF  
5 MR. MELCZER WITH REGARD TO HIS REPRESENTATION OF MR. LEVIN  
6 INsofar AS THE ATTEMPT TO SETTLE OWNERSHIP OF THE OPTION  
7 AGREEMENT.

8 AND JUST IN VERY BRIEF SUMMARY FORM, YOUR  
9 HONOR, THE EVIDENCE THAT WOULD HAVE BEEN PRESENTED THROUGH  
10 MR. MELCZER ON THIS POINT, AND THE COURT DID HEAR HIS  
11 TESTIMONY ON TWO OTHER ISSUES RELATING TO HIS CONVERSATION  
12 WITH MARTIN LEVIN ABOUT THE SEVEN-PAGE LIST AND THE  
13 EVIDENCE REGARDING PROGRESSIVE SAVINGS, BUT WITH REGARD TO  
14 THE OPTION, IN ESSENCE, WHAT TRANSPIRED WAS MR. LEVIN  
15 TRICKED LILLIAN WARNER INTO ACCEPTING A CHECK ON WHICH  
16 MR. LEVIN HAD TYPED THAT ACCEPTANCE OF THIS CHECK, GAVE  
17 MR. LEVIN AN OPTION TO PURCHASE THIS VERY VALUABLE PIECE  
18 OF PROPERTY FOR, IN ESSENCE, A PITTANCE, AND THEN  
19 MR. LEVIN SUBSEQUENTLY ATTEMPTED TO TAKE ADVANTAGE OF IT  
20 THROUGH LEGAL PROCEEDINGS, AND MR. MELCZER WAS  
21 REPRESENTING HIM IN CONNECTION WITH THAT.

22 SO THE COURT HEARD A VERY BRIEF PART ABOUT  
23 THAT, AND WE WANTED TO ESTABLISH THAT MR. LEVIN IN FACT  
24 HAD SOLD OFF THIS OPTION AND DEFRAUDED OTHER PEOPLE,  
25 INCLUDING HIS OWN FATHER, MARTIN LEVIN, PRIOR TO THE  
26 COMMENCEMENT OF THIS LAWSUIT.

27 AND DURING THE COMMENCEMENT OF THE LAWSUIT  
28 MR. LEVIN MADE FALSE CLAIMS UNDER OATH AS TO HIS HAVING

1 LEGAL OWNERSHIP OF THE OPTION, AND SO FORTH THAT'S -- SO  
2 THAT'S WHAT HE ATTEMPTED TO GET THROUGH THE TESTIMONY OF  
3 MR. MELCZER, AND I WANTED THE RECORD TO REFLECT THAT.

4 THE COURT: ALL RIGHT.

5 MR. CRAIN: AND, FINALLY, I WOULD LIKE THE COURT TO  
6 KNOW THAT I AM NOT SURE THIS HAS EVER BEEN PREVIOUSLY  
7 FINALLY SETTLED. WE WOULD BE WILLING TO CALL AS WITNESSES  
8 CERTAIN JURORS WHOSE DECLARATION ACCOMPANIED THE ORIGINAL  
9 HABEAS CORPUS PETITION WHO SAT ON MR. HUNT'S JURY IN SAN  
10 MATEO WHO HAD THE OPPORTUNITY TO VIEW, OBSERVE AND  
11 DELIBERATE ON THE TESTIMONY OF THE SIGHTING WITNESSES THAT  
12 WERE PRESENTED IN THE CASE, WHO THE COURT IDENTIFIED THEM  
13 IN THIS COURTROOM AS HAVING TESTIFIED IN SAN MATEO, SUCH  
14 AS MR. GERRARD, FOR EXAMPLE.

15 AND WITH REGARD TO THAT ISSUE 1 IN THE O.S.C.  
16 IT HAS TO DO WITH WHETHER OR NOT THERE IS EVIDENCE WHICH  
17 CAST A FUNDAMENTAL DOUBT ON THE ACCURACY AND CREDIBILITY  
18 OF THE JURORS' VERDICTS THAT MR. HUNT MURDERED MR. LEVIN.

19 AND, FIRST OF ALL, I THINK PROPOSITION 8  
20 SINCE 1982 HAS ALLOWED IN ALL CRIMINAL PROCEEDINGS, IN  
21 WHICH THIS IS DESIGNATED AS A QUASI CRIMINAL PROCEEDING,  
22 ALL RELEVANT EVIDENCE, AND I BELIEVE THIS IS RELEVANT  
23 EVIDENCE.

24 SECONDLY, THE PROSECUTOR IN THE CASE OF  
25 PEOPLE VERSUS LOAGUMOL, L-O-A-G-U-M-O-L --

26 THE COURT: WHAT DOES THE PROSECUTION WANT, TO CALL  
27 THE FOUR JURORS WHO VOTED FOR GUILT?

28 MR. CRAIN: THEY MIGHT BE ENTITLED TO DO THAT, BUT

1 IN REBUTTAL IF THIS IS ADMISSIBLE TESTIMONY BUT --

2 THE COURT: WE BOTH KNOW IT IS NOT ADMISSIBLE  
3 TESTIMONY.

4 MR. CRAIN: I THINK IT IS. I WOULD LIKE TO BRIEFLY  
5 CONCLUDE MY ARGUMENT. IN THE LOAGUMOL CASE THAT WAS THE  
6 CASE WHERE THE COURT WAS ABLE TO COMPARE TWO PROSECUTIONS  
7 OF THE SAME DEFENDANT, ONE WHERE IN THE FIRST TRIAL THE  
8 TRIAL COURT, THE SUPREME COURT LATER SAID ERRONEOUSLY  
9 ADMITTED EVIDENCE OF PRIOR ACTS OF CRIMINAL NATURE ON THE  
10 PART OF THE DEFENDANT, THIS WOULD BE RULED TO BE  
11 INADMISSIBLE, DURING THE RETRIAL THEY ADMITTED IT AND THE  
12 DEFENDANT WAS ACQUITTED.

13 DO I HAVE THAT BACKWARDS? I AM STARTING TO  
14 LOSE MY MIND HERE. I MAY BE A LITTLE MUDDLED MENTALLY  
15 HERE. WHAT I AM SAYING, THE COURT WAS ABLE TO COMPARE TWO  
16 TRIALS, AND SAID THIS IS THE WAY YOU CAN COMPARE THE  
17 EXTENT OF THE PREJUDICE IN THE CASE.

18 THIS IS A VERY SIMILAR KIND OF THING BECAUSE  
19 THE COURT HEARING AS PROP 8 MAKES IT ADMISSIBLE. IT IS  
20 RELEVANT. THE JURY CAN COME IN AND SAY, "WE WERE  
21 IMPRESSED AND WE VOTED TO ACQUIT MR. HUNT ON THE BASIS OF  
22 HAVING HEARD THESE SIGHTING WITNESSES."

23 I THINK IT IS ADMISSIBLE EVIDENCE. WE WOULD  
24 CALL THEM. AND I WOULD ASK THE COURT FOR PERMISSION TO  
25 BRING THEM IN HERE TO TESTIFY.

26 THE COURT: I AM NOT GOING TO ALLOW IT.

27 MR. CRAIN: I THINK THAT'S ALL I HAD. I AM SORRY  
28 MR. -- I WOULD LIKE TO -- IF I COULD JUST MAKE BRIEFLY,

1 YOUR HONOR, A FINAL OFFER OF PROOF WITH REGARD TO ROSEN  
2 AND ABRAMSON, SO THE RECORD --

3 THE COURT: I REALLY HAVE. I HAVE RULED ON THIS.  
4 I AM NOT GOING TO REVISIT IT.

5 MR. KLEIN: THERE IS ONE OTHER MATTER THAT WE HAVE  
6 TALKED ABOUT THAT THE COURT HASN'T RULED ON, WHICH IS  
7 OTHER EVIDENCE TO SHOW THAT MR. LEVIN HAD A MOTIVE TO FLEE  
8 OR OTHER EVIDENCE TO DISPROVE ASPECTS OF THE PROSECUTION'S  
9 CASE, SUCH AS EVIDENCE THAT MR. LEVIN USED HIS CREDIT CARD  
10 WITH AMERICAN EXPRESS AFTER THE DATE THAT HE ALLEGEDLY WAS  
11 KILLED.

12 UNDER IN RE HALL IT MAKES IT VERY CLEAR THAT  
13 AFTER YOU MAKE A PRIMA FACIE SHOWING THAT THE EVIDENCE MAY  
14 MEET THE LEGAL STANDARDS THAT YOU ARE ALLOWED TO PRESENT  
15 OTHER EVIDENCE TO DEMONSTRATE HOLES IN THE PROSECUTION'S  
16 CASE, AND WE DID FILE A WITNESS LIST WITH THE COURT WITH A  
17 SHORT SUMMARY OF WHAT THESE MANY WITNESSES WOULD TESTIFY  
18 ABOUT.

19 MR. LEVIN'S MOTIVE TO FLEE AND THE FACT THAT  
20 OTHER EVIDENCE INDICATES THAT HE WAS ALIVE AFTER JUNE 6,  
21 1984, BUT THESE, OF COURSE, ARE NOT LISTED UNDER THE  
22 O.S.C., BUT WE BELIEVE THAT A CLEAR READING OF IN RE HALL  
23 NOW WOULD PERMIT US TO BRING IN SUCH EVIDENCE.

24 THE COURT: ALL RIGHT.

25 IT IS OUTSIDE THE SCOPE OF THE O.S.C. I WILL  
26 NOT ALLOW IT.

27 ANYTHING ELSE WE CAN TAKE CARE OF TO FILL IN  
28 MY MORNING?

1 MR. CRAIN: YOUR HONOR, ON THE ONE QUESTION WITH  
2 REGARD TO THE CHARACTER EVIDENCE WOULD THE COURT ALLOW ME  
3 TO FILE A DOCUMENT STATING WHAT THEIR TESTIMONY WOULD BE  
4 CONCERNING MR. BARENS THAT OPINION ABOUT --

5 THE COURT: YOU CAN FILE --

6 MR. CRAIN: -- REPUTATION IN THE LEGAL COMMUNITY  
7 AND REPUTATION FOR DISHONESTY?

8 THE COURT: YOU CAN FILE WHATEVER YOU WANT ON THAT  
9 SUBJECT.

10 MR. CRAIN: ALL RIGHT.

11 THE COURT: DOES THE RESPONDENT HAVE ANYTHING?

12 MR. MC MULLEN: NOT AT THIS TIME.

13 THE COURT: ALL RIGHT.

14 WHAT WITNESSES DO YOU HAVE THIS AFTERNOON?

15 MR. MC MULLEN: MR. LAUFFER AND MR. FELDMAN.

16 THE COURT: HOW LONG ARE THEY?

17 MR. MC MULLEN: NOT REAL LONG. I CAN'T IMAGINE  
18 THAT TWO OF THEM WOULD TAKE MORE THAN ABOUT AN HOUR, BUT  
19 THAT'S MY BEST GUESS.

20 THE PETITIONER: PROBABLY HALF HOUR, YOUR HONOR.

21 THE COURT: YOU HAVE NOBODY ELSE YOU CAN PUT ON  
22 THIS AFTERNOON?

23 MR. KLEIN: WE TOLD THEM WE DIDN'T HAVE ANYBODY  
24 ELSE THIS AFTERNOON BECAUSE BARENS IS OUR NEXT WITNESS AND  
25 THEN EVERYBODY FOLLOWS FROM BARENS THAT'S LEFT.

26 THE COURT: WELL, ALL RIGHT.

27 WE WILL BREAK UNTIL 1:30. SOMEONE WAS ASKING  
28 ME ON TUESDAY WHAT OUR SCHEDULE IS FOR NEXT WEEK. I

1 DIDN'T CHECK BOTH CALENDARS. ON TUESDAY WE NEED TO BREAK  
2 A LITTLE BIT EARLY, PROBABLY BY 3:00.

3 ON THURSDAY I NEED TO BREAK ABOUT THE SAME  
4 TIME, MAYBE A LITTLE BIT EARLIER. I DON'T KNOW YET.

5 WHAT I MAY DO ON THOSE DAYS IS GO TO MY  
6 MODIFIED SCHEDULE, WHICH MEANS WE START AT 8:30, AND GO  
7 STRAIGHT THROUGH LUNCH WITH A COUPLE OF BREAKS.

8 MR. KLEIN: I NEED TO TELL THE COURT, LIKE I TOLD  
9 THE COURT THE OTHER DAY, THAT MY WIFE HAS A BROKEN FOOT  
10 AND SHE CAN'T DRIVE, AND I AM GETTING UP VERY EARLY AS IT  
11 IS TO GET HERE CLOSE TO 9 O'CLOCK, TO GET HERE AT 8:30  
12 WOULD BE NEXT TO IMPOSSIBLE. I MEAN, I WOULD HAVE TO GET  
13 UP -- BECAUSE I HAVE TO GO TO INGLEWOOD FROM MY HOUSE AND  
14 THEN COME DOWN HERE.

15 THE COURT: WE WILL VISIT THE ISSUE ON MONDAY.

16 MR. KLEIN: I JUST HAVE ONE OTHER MATTER TO BRING  
17 UP WITH THE COURT. ANOTHER WITNESS IS JANICE WALNER WHO  
18 WOULD BE CORROBORATIVE OF NADIA GHALEB. SHE WAS THE ONE  
19 THAT WAS WORKING WITH HER.

20 THE COURT: WHAT'S HER NAME?

21 MR. KLEIN: JANICE WALNER, W-A-L-N-E-R. I THINK IT  
22 IS IN THERE. IT COULD BE.

23 MR. MC MULLEN: IT IS WALNER, W-A-L-N-E-R.

24 THE COURT: I DON'T REMEMBER SEEING THE NAME.

25 MR. KLEIN: SHE IS NOT BECAUSE WE GOT THE DISCOVERY  
26 ON IT BY FAX AT THE LAST MINUTE.

27 MY INVESTIGATOR HAS BEEN TRYING TO REACH HER.  
28 I ASSUME HE WILL BE ABLE TO REACH HER. SHE IS

1 CORROBORATIVE OF NADIA GHALEB IN THE SENSE THAT WHEN SHE  
2 SAW THE T.V. SHOW THERE WAS THE DISCUSSION ABOUT COMING  
3 FORWARD. SHE WAS THE PERSON THAT WAS PRESENT WHEN THAT  
4 OCCURRED. SHE IS FROM TEXAS. AND SO I WOULD NEED  
5 AUTHORIZATION FROM THE COURT TO PAY HER EXPENSES.

6 THE COURT: WHAT EXACTLY WOULD SHE SAY?

7 MR. KLEIN: THAT SHE WAS WATCHING THE T.V. PROGRAM  
8 ABOUT DEAN PAUL MARTIN AND ALSO ABOUT THE BILLIONAIRE BOYS  
9 CLUB, AND THAT NADIA GHALEB SAID, "I JUST SAW RON LEVIN  
10 ALIVE BACK IN BRENTWOOD AS I WAS DRIVING IN HERE FROM  
11 WORK."

12 THE COURT: HAVE YOU HAD CONTACT WITH HER?

13 MR. KLEIN: ALL WE HAVE IS THEIR INTERVIEW OF HER,  
14 AND IT SAYS THAT, AND MY INVESTIGATOR --

15 THE COURT: HAVE YOU HAD CONTACT WITH HER?

16 MR. MC MULLEN: WELL, YOUR HONOR, YES, WE HAVE, BUT  
17 TELEPHONICALLY AND, THEREFORE, THAT'S WHY WE PROVIDED --

18 THE COURT: HAVE YOU GOT THE PHONE NUMBER?

19 MR. KLEIN: MY INVESTIGATOR IS TRYING TO REACH HER.  
20 WHAT I AM ASKING IS THAT I WOULD NEED TO BRING HER OUT,  
21 AND I WOULD NEED PERMISSION OF THE COURT TO PAY FOR HER  
22 PLANE FARE, AND IF SHE STAYS OVER A PER DIEM, AND I WOULD  
23 WANT TO TRY TO GET HER ON ANOTHER, PROBABLY WEDNESDAY NEXT  
24 WEEK, WHICH IS A LONGER DAY TO MAKE SURE THAT SHE  
25 TESTIFIES.

26 THE COURT: TALK TO HER AND SEE IF SHE IS AGREEABLE  
27 TO COMING AND EXACTLY WHAT SHE SAID, AND THEN MAKE THE  
28 APPLICATION.

1 MR. KLEIN: YES.

2 AND THE OTHER, THE JENSENS ALSO LIVE IN  
3 TEXAS. THEY NEED TO MAKE PLANS IF THEY ARE GOING TO COME  
4 OUT HERE.

5 THE COURT: THEY ARE THE INVESTIGATORS?

6 MR. KLEIN: THEY ARE THE INVESTIGATORS THAT QUIT ON  
7 THE CASE.

8 THE COURT: SOUNDS UNLIKELY THAT THEY WOULD  
9 TESTIFY.

10 MR. KLEIN: THEY HAVE SPECIFIC INFORMATION ABOUT  
11 BEING TOLD TO FIND ADELMAN THAT, YOU KNOW, IF THEY HAD A  
12 CHANCE TO FOLLOW UP ON THEIR INVESTIGATION THEY WOULD HAVE  
13 FOUND ADELMAN, BUT THEN BECAUSE OF THE LACK OF DIRECTION  
14 THEY QUIT, AND SAME THING WITH FINDING OLIVER WENDELL  
15 HOLMES, YOUR HONOR, WHICH IS ANOTHER PERSON ON THE O.S.C..

16 THE COURT: DO THE PEOPLE HAVE CONTACT WITH THEM?

17 MR. MC MULLEN: WITH THE JENSENS? APPARENTLY WE  
18 CONTACTED THEM, AND THEY WERE UNCOOPERATIVE.

19 MR. KLEIN: THEY JUST NEED TO MAKE PLANS. THEY  
20 WANTED TO SPEND MOTHER'S DAY WEEKEND WITH THEIR CHILDREN  
21 IN DENVER. THEY ARE IN TEXAS. SO TO GET THEM OUT HERE I  
22 WOULD BE ABLE TO GET THEM OUT HERE, SAY, WEDNESDAY, OR IT  
23 WOULD HAVE TO BE THE FOLLOWING MONDAY. THEY WOULD HAVE TO  
24 FLY IN FROM DENVER.

25 THE COURT: WHY CAN'T THEY COME ON THURSDAY?

26 MR. KLEIN: IF THAT'S A SHORT DAY, I MEAN, I WOULD  
27 PREFER TO HAVE A WITNESS HERE ON A DATE WE KNOW WE CAN GET  
28 THEM ON AND OFF FOR CERTAIN.

1 THE COURT: MAKE YOUR APPLICATIONS.

2 MR. KLEIN: WHAT DOES THE COURT WANT TO KNOW THE  
3 COST OF THE TICKET?

4 THE COURT: YES.

5 MR. KLEIN: I MEAN, OBVIOUSLY WE WILL TRY TO GET  
6 THE CHEAPEST TICKET.

7 MR. MC MULLEN: JUST FOR CLARIFICATION, THEN, WE  
8 SHOULD ASSUME THAT ON TUESDAY AND THURSDAY THIS MODIFIED  
9 SCHEDULE THAT YOU ARE SUGGESTING WILL BE IN PLACE IN TERMS  
10 OF --

11 THE COURT: I CAN TELL YOU RIGHT NOW I KNOW ON  
12 TUESDAY THAT I WOULD HAVE TO BREAK BY 3:00 OR SO. WHAT I  
13 MAY DO THEN IS START AT 1 O'CLOCK, IF WE CAN'T START AT  
14 8:30, BUT WE WILL PROBABLY HAVE TO BREAK BY 3:00 THURSDAY  
15 BUT I AM NOT CERTAIN ABOUT THAT. I HAVE GOT TO FOLLOW-UP  
16 ON SOMETHING ELSE. IT MAY BE ABOUT THE SAME TIME OR A  
17 LITTLE EARLIER.

18 MR. CRAIN: COULD I BRING UP ONE THING?

19 THE COURT: GIVE ME THE WITNESS, AND WE CAN MAKE UP  
20 FOR IT.

21 MR. CRAIN: CAN I BRING UP ONE THING ABOUT TUESDAY  
22 MORNING --

23 THE COURT: YES.

24 MR. CRAIN: -- SO I CAN TELL THE JUDGE I BROUGHT  
25 IT TO YOUR ATTENTION. I WAS -- I THINK THAT'S NEXT WEEK.  
26 I AM OKAY AS FAR AS TUESDAY IS CONCERNED.

27 THE COURT: ALL RIGHT.

28 PETITIONER AND COUNSEL WILL BE BACK AT 1:30.

1 MR. CRAIN: THANKS.

2

3

(AT 11:40 P.M. A RECESS WAS TAKEN

4

UNTIL 1:30 P.M. OF THE SAME DAY.)

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1 LOS ANGELES, CALIFORNIA; THURSDAY, MAY 2, 1996

2 1:31 P.M.

3 DEPARTMENT NO. 101

HON. J. STEPHEN CZULEGER, JUDGE

4  
5 (APPEARANCES AS HERETOFORE NOTED.)

6  
7 THE COURT: IN THE MATTER OF JOSEPH HUNT, THE  
8 RECORD WILL REFLECT ALL COUNSEL AND PETITIONER ARE  
9 PRESENT.

10 THIS IS GOING TO BE A RESPONDENT'S WITNESS  
11 OUT OF ORDER?

12 MR. MC MULLEN: AT OUR REQUEST, YOUR HONOR, YES.

13 THE COURT: YOU MAY CALL THAT WITNESS AT THIS TIME.

14 MR. MC MULLEN: THE PEOPLE AT THIS TIME WOULD CALL  
15 MR. ROBERT LAUFFER TO THE STAND.

16 IF YOU WOULD STEP RIGHT OVER HERE, SIR. IF  
17 YOU WOULD.

18  
19 (PAUSE.)

20  
21 MR. MC MULLEN: RIGHT BEHIND THE COURT REPORTER  
22 HERE, AND LOOK AT THE CLERK OVER THERE. I'M SURE SHE'LL  
23 WANT TO ADMINISTER AN OATH.

24 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

25 YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU  
26 MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL  
27 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,  
28 SO HELP YOU GOD?

1 THE WITNESS: YES.

2 THE CLERK: PLEASE BE SEATED.

3 STATE YOUR NAME FOR THE RECORD AND SPELL YOUR  
4 FIRST AND LAST NAME, PLEASE.

5

6

RESPONDENT

7

8

ROBERT LAUFFER, @

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

11

12

MR. MC MULLEN: MAY I APPROACH TO ADJUST THE  
13 MICROPHONE?

14

IF YOU WILL SIT BACK, MR. LAUFFER. YOU'LL  
15 USE THAT AND TALK INTO THE MICROPHONE.

16

THE COURT: STATE AND SPELL YOUR FULL NAME.

17

THE WITNESS: ROBERT LAUFFER, L-A-U-F-F-E-R.

18

THE COURT: YOU MAY INQUIRE.

19

MR. MC MULLEN: THANK YOU, YOUR HONOR.

20

21

DIRECT EXAMINATION @

22

23

BY MR. MC MULLEN:

24

Q SIR, WHAT IS YOUR CURRENT OCCUPATION?

25

A I'M ASSOCIATE EDITOR OF THE "HIGH DESERT  
26 STAR" NEWSPAPER IN YUCCA VALLEY, CALIFORNIA.

27

Q HAVE YOU EVER BEEN EMPLOYED BY THE CITY NEWS

28

SERVICE?

1 A YES, SIR, I WAS.

2 Q IN WHAT CAPACITY WERE YOU EMPLOYED WITH THE  
3 CITY NEWS SERVICE?

4 A MANAGING EDITOR.

5 Q AND WHEN DID YOU WORK AS THE MANAGING EDITOR  
6 FOR CITY NEWS SERVICE?

7 A '85 TO '87.

8 MR. KLEIN: MAY THE RECORD REFLECT HE LOOKED AT  
9 SOMETHING, AND COULD HE IDENTIFY IT FOR THE RECORD?

10 THE COURT: DO YOU HAVE SOME NOTES IN FRONT OF YOU?

11 THE WITNESS: I HAVE A NOTE OF VARIOUS PLACES WHERE  
12 I WORKED AND WHEN.

13 MR. CRAIN: COULD I SEE THAT, YOUR HONOR, SINCE HE  
14 USED IT TO REFRESH HIS RECOLLECTION?

15 THE COURT: YOU MAY LOOK AT IT.

16 I'M SORRY, WHAT YEARS DID YOU SAY?

17 MR. CRAIN: '85 TO '87.

18 MR. CRAIN: YOU ARE LOOKING AT THIS PAGE HERE?

19 THE WITNESS: YEAH. YES, CITY NEWS SERVICE '85 TO  
20 '87, HEARST NEWSPAPERS '82 TO '85.

21 MR. CRAIN: THANK YOU, YOUR HONOR.

22 THE COURT: ALL RIGHT.

23 MR. MC MULLEN: THANK YOU.

24 BY MR. MC MULLEN:

25 Q WOULD YOU PLEASE TELL US BRIEFLY WHAT KIND OF  
26 BUSINESS CITY NEWS SERVICE WAS INVOLVED IN WHEN YOU WERE  
27 WORKING AS MANAGING EDITOR?

28 A CITY NEWS SERVICE IS A LOCAL WIRE SERVICE.

1 THE EASIEST WAY WE USED TO EXPLAIN IT, IT WAS SIMILAR TO  
2 THE ASSOCIATED PRESS. INSTEAD OF -- EXCEPT COVERING THE  
3 WORLD WE COVERED ORANGE AND LOS ANGELES COUNTIES.

4 Q WHO WERE YOUR CUSTOMERS?

5 A OUR CUSTOMERS WERE VIRTUALLY ALL OF THE RADIO  
6 STATIONS IN TOWN THAT HAVE NEWS, ALL OF THE TELEVISION  
7 STATIONS, ALL THE NEWSPAPERS. ALMOST ANYBODY IN THE  
8 GENERAL NEWS BUSINESS IN LOS ANGELES COUNTY.

9 Q AND WHAT IS IT ACTUALLY THAT YOU WOULD  
10 PROVIDE THOSE CLIENTS OR CUSTOMERS?

11 A WE WOULD PROVIDE STORIES BY WIRE JUST LIKE  
12 THE ASSOCIATED PRESS FROM OUR COMPUTER TO THEIR COMPUTER.

13 Q WAS ASSOCIATED PRESS A CLIENT OR SUBSCRIBER  
14 TO THE CITY NEWS SERVICE?

15 A YES, SIR.

16 Q AT THAT TIME?

17 A YES, SIR.

18 Q AND ARE THERE DIFFERENCES BETWEEN CITY NEWS  
19 SERVICE AND ASSOCIATED PRESS?

20 A AGAIN, THE LOCAL ANGLE, WE COVER LOCAL NEWS  
21 WITH MUCH MORE IN-DEPTH AND WITH -- WELL, DEPTH IS THE  
22 WORD.

23 Q WITH MUCH MORE DEPTH THAN THE ASSOCIATED  
24 PRESS?

25 A WE COVERED A LOT OF NEWS THAT THE ASSOCIATED  
26 PRESS TOTALLY IGNORES.

27 Q WAS ASSOCIATED PRESS A COMPETITOR OF CITY  
28 NEWS SERVICE?

1 A YES, SIR.

2 Q AND WHY IS IT THAT THEY WERE A COMPETITOR?

3 A BECAUSE OUR CLIENTS SUBSCRIBE TO THE  
4 ASSOCIATED PRESS AND TO US, MANY OF THEM, AND IF THEY GET  
5 ALL THE NEWS THEY NEED FROM THE ASSOCIATED PRESS, THEY  
6 DON'T NEED CITY NEWS SERVICE.

7 Q WHAT WERE YOUR DUTIES AS MANAGING EDITOR FOR  
8 CITY NEWS SERVICE?

9 A I WAS IN CHARGE OF THE NEWS PRODUCT.

10 Q WHAT DID THAT MEAN? WHAT DOES THAT MEAN?

11 A THAT MEANT HIRING AND FIRING PEOPLE AND  
12 MAKING NEWS DECISIONS. WE COVER THIS, WE DON'T COVER  
13 THAT. NORMALLY IT WAS WE DO COVER.

14 Q DURING THE TIME THAT YOU WERE MANAGING EDITOR  
15 THERE DID YOU SUPERVISE AN EMPLOYEE BY THE NAME OF ROBERT  
16 ROBINSON?

17 A YES, SIR.

18 Q WAS HE ALSO KNOWN AS ROBBIE ROBINSON?

19 A YES, SIR.

20 Q AND DO YOU REMEMBER AN EVENT THAT OCCURRED  
21 AROUND APRIL OF 1987 WITH RESPECT TO ROBBIE ROBINSON?

22 A YES, SIR.

23 Q AND WHAT -- WHAT HAPPENED AROUND APRIL OF  
24 1987?

25 A I VIRTUALLY -- MY EXPRESSION IS GOING TO BE  
26 LOST MY BREAKFAST ONE MORNING WHEN I FOUND OUT THAT ROBBIE  
27 WAS IN THE NEWS AND WE DIDN'T KNOW IT.

28 Q AND WHAT --

1 MR. CRAIN: WELL, EXCUSE ME, YOUR HONOR, "WE DID  
2 NOT KNOW," IT IS A CONCLUSION ON HIS PART. I MOVE TO  
3 STRIKE THAT. HE CAN TESTIFY ABOUT WHAT HE KNEW OR DIDN'T  
4 KNOW.

5 THE COURT: WHAT DID YOU MEAN BY "WE" --

6 THE WITNESS: I WAS THE EDITOR, AND I DIDN'T KNOW.

7 THE COURT: I'LL ALLOW THE ANSWER TO STAND.

8 BY MR. MC MULLEN:

9 Q WHAT HAPPENED AFTER YOU LEARNED OF THIS EVENT  
10 CONCERNING ROBBIE ROBINSON THAT YOU -- BEFORE THAT POINT  
11 IN TIME WERE UNAWARE OF?

12 A I HAD A CALL INTO ROBBIE TO COME INTO THE  
13 OFFICE. HE USUALLY WAS AT PARKER CENTER. HE WOULD GO  
14 DAYS AND DAYS BY ARRANGEMENT WITHOUT EVER COMING INTO THE  
15 OFFICE IN HOLLYWOOD. I CALLED AND TOLD HIM TO COME IN, I  
16 WANTED TO TALK TO HIM.

17 Q TO THE EXTENT THAT YOU CAN REMEMBER, WHAT DID  
18 YOU READ IN THE NEWSPAPER ABOUT ROBBIE ROBINSON THAT  
19 CAUSED YOU SURPRISE?

20 A THAT HE WAS REPORTING THAT HE HAD SEEN RON  
21 LEVIN IN A THEATER LINE IN WESTWOOD.

22 Q AND THIS WAS BEING REPORTED BY SOME OTHER  
23 NEWS SERVICE OTHER THAN CITY NEWS SERVICE?

24 A YES, SIR. YES, SIR. I WAS EMBARRASSED.

25 Q YOU WERE EMBARRASSED?

26 A YES.

27 Q YOU SAY YOU CALLED ROBBIE ROBINSON IN. TO  
28 THE EXTENT THAT YOU CAN REMEMBER, HOW SOON AFTER THE TIME

1 THAT YOU READ ABOUT THIS IN THE NEWSPAPER DID YOU CALL HIM  
2 IN?

3 A I STARTED 30 MINUTES LATER WHEN I GOT TO THE  
4 OFFICE, AND KEPT UP -- I DON'T REMEMBER WHEN THAT MORNING  
5 I GOT AHOLD OF HIM, AND IN THE MEANTIME I CALLED THE  
6 PRESIDENT OF CITY NEWS SERVICE, GENTLEMAN BY THE NAME OF  
7 DOUG FAGGIN, WHO WAS IN SOUTH AFRICA VISITING HIS  
8 SISTER-IN-LAW, AND SAID, "WHAT DO WE DO NOW, COUCH?"

9 Q I TAKE IT, THEN, JUST SO IT'S ABSOLUTELY  
10 CLEAR, THAT PRIOR TO READING ABOUT THIS INCIDENT  
11 CONCERNING ROBBIE ROBINSON CITY NEWS SERVICE HAD NOT  
12 RELEASED ANY KIND OF WIRE STORY ABOUT THIS INCIDENT?

13 A NO, SIR.

14 Q DID YOU EVER HEAR ABOUT THE TIME THAT THIS  
15 HAPPENED WHERE YOU LEARNED ABOUT ROBBIE ROBINSON, HAD  
16 ANYBODY FROM THE "SANTA MONICA OUTLOOK" NEWSPAPER TOLD YOU  
17 ABOUT ROBBIE ROBINSON'S SIGHTING?

18 A NO, SIR. AND I WOULD BE REALLY SURPRISED IF  
19 I HAD FORGOTTEN IT BECAUSE I WAS EDITOR OF THE "SANTA  
20 MONICA OUTLOOK" JUST A COUPLE OF YEARS BEFORE I WENT TO  
21 CITY NEWS. I WAS AT SANTA MONICA FOR THREE YEARS. I KNEW  
22 VIRTUALLY EVERYBODY THERE, AND EVERYBODY KNEW ME.

23 IF THAT CALL OCCURRED, IT WOULD BE A VERY  
24 FRIENDLY THING, AND I -- I CAN'T IMAGINE IT BEING  
25 SIGNIFICANT IF SOMEBODY FROM THE "OUTLOOK" HAD SEEN ROBBIE  
26 IN THE COURTHOUSE IN SANTA MONICA. IT WOULDN'T BE  
27 SIGNIFICANT BECAUSE ROBBIE MIGHT BE THERE.

28 MR. KLEIN: I MOVE TO STRIKE THAT AS PURE

1 SPECULATION ON HIS PART.

2 THE COURT: I'LL LET THE ANSWER STAND.

3 OVERRULED.

4 BY MR. MC MULLEN:

5 Q YOU SAID WHEN YOU READ THE NEWSPAPER YOU  
6 MENTIONED THAT YOU WERE EMBARRASSED. WHY WERE YOU  
7 EMBARRASSED?

8 A BECAUSE I WAS EXPECTING AND DID RECEIVE  
9 SEVERAL NEEDLES FROM CLIENTS ABOUT THIS, HAVING TO READ  
10 SOMEWHERE ELSE ABOUT A CITY NEWS SERVICE EMPLOYEE.

11 Q AND WHAT WAS THE NEWS SERVICE THAT CARRIED  
12 THE STORY THAT YOU READ, IF YOU CAN REMEMBER?

13 A I THINK IT WAS THE A.P., AND I THINK IT WAS  
14 K.N.X.. I DIDN'T READ IT. I HEARD IT.

15 THE COURT: WHERE DID YOU ACTUALLY READ IT --

16 THE WITNESS: THE "TIMES", I BELIEVE.

17 BY MR. MC MULLEN:

18 Q IS THERE AN ETHICAL POLICY THAT JOURNALISTS  
19 DO NOT INTERJECT THEMSELVES INTO A STORY IN WHICH THEY ARE  
20 REPORTING?

21 A ABSOLUTELY. I HAVE BEEN A NEWSMAN FOR OVER  
22 44 YEARS AND THIS IS THE FIRST TIME I HAVE EVER SAT IN A  
23 COURTROOM AS A WITNESS RATHER THAN AS A REPORTER.

24 Q IS --

25 A IF BY CIRCUMSTANCES WE GET INVOLVED, THEN WE  
26 HANDLE IT VERY CAREFULLY. FOR EXAMPLE, IF ROBBIE WAS  
27 INVOLVED IN A NEWS STORY THAT HE SAW RON LEVIN, WE WOULD  
28 HAVE ANOTHER REPORTER INTERVIEW HIM AND SO FORTH ABOUT THE

1 NEWS STORY. WE CERTAINLY WOULDN'T HAVE HIM WRITE A STORY  
2 ABOUT HIMSELF OR ANY OTHER --

3 Q LET ME JUST BACK UP A LITTLE BIT. WOULD YOU  
4 EXPLAIN WHAT THIS ETHICAL POLICY IS FOR US?

5 A WELL, IT IS THAT WHILE WE'RE NEWS PEOPLE WE  
6 SHOULD REMEMBER WHAT SIDE OF THE FOOTLIGHTS WE'RE ON, BUT  
7 IF WE END UP ON THE WRONG SIDE OF THE FOOTLIGHTS, THEN WE  
8 HAVE TO BE VERY CAREFUL HOW WE HANDLE IT. FOR ONE THING,  
9 NEWS PEOPLE DON'T WANT TO BE REGARDED AS DETECTIVES  
10 BECAUSE PEOPLE ARE LESS INCLINED TO TALK TO THEM IF THEY  
11 THINK IT'S THE SAME AS TALKING TO A POLICEMAN.

12 Q IF -- FOR AN EXAMPLE, WHEN YOU WERE WORKING  
13 AT CITY NEWS SERVICE IF ONE OF YOUR EMPLOYEES, A REPORTER,  
14 HAS SOME ETHICAL PROBLEM WITH RESPECT TO INJECTING  
15 THEMSELVES INTO A STORY, WHAT WOULD BE THE PROCEDURE THAT  
16 THEY WOULD FOLLOW?

17 A THE PROCEDURE AT CITY NEWS SERVICE OR ANY  
18 OTHER NEWSPAPER I HAVE EVER BEEN AT OR OTHER NEWSPAPERS,  
19 REGARDLESS OF ME, THE POLICIES ARE NOT UNIQUE TO ME. THEY  
20 WOULD COME TO THEIR EDITOR AND SAY, "I HAVE GOT THIS  
21 PROBLEM," AND WE WOULD DECIDE HOW WE WOULD HANDLE IT.

22 Q DID ROBBIE ROBINSON COME TO YOU WITH RESPECT  
23 TO ANY ETHICAL PROBLEM HE HAD REGARDING THIS STORY --

24 A NOT --

25 Q -- IN SEEING RON LEVIN?

26 A NOT UNTIL I BROUGHT IT TO HIM.

27 Q THAT WAS AFTER YOU HAD HEARD ABOUT IT IN THE  
28 NEWS?

1 A YES.

2 Q WAS ROBBIE ROBINSON TERMINATED FROM  
3 EMPLOYMENT AT THE CITY NEWS SERVICE WHILE YOU WORKED  
4 THERE?

5 A YES, SIR.

6 Q AND DO YOU HAVE PERSONAL KNOWLEDGE ABOUT HIS  
7 TERMINATION WITH CITY NEWS?

8 A I TERMINATED HIM.

9 Q WHY IS IT THAT YOU TERMINATED HIM?

10 A THE -- THE CLICHE IS THAT IT WAS THE STRAW  
11 THAT BROKE THE CAMEL'S BACK.

12 Q WHAT DO YOU MEAN BY THAT?

13 A HE HAD BEEN A MARGINAL EMPLOYEE --  
14 MR. KLEIN: THAT'S ALL IRRELEVANT TO THIS, YOUR  
15 HONOR.

16 MR. CRAIN: MOTION TO STRIKE, YOUR HONOR.

17 THE COURT: OVERRULED.

18 IT'S RESPONSIVE TO MR. ROBINSON'S TESTIMONY  
19 ON DIRECT. I'LL ALLOW IT.

20 THE WITNESS: HE WAS A MARGINAL EMPLOYEE.  
21 SOMETIMES HE DID NOT SHOW UP. HE WAS DIFFICULT TO  
22 SUPERVISE. HE HAD BEEN AT PARKER CENTER FOR A NUMBER OF  
23 YEARS. I WAS THE NEW KID ON THE BLOCK WITH MANAGEMENT'S  
24 AGREEMENT TO DO SOME THINGS A LITTLE DIFFERENTLY, AND  
25 ROBBIE WAS NOT ONE, IN MY OPINION, TO HAVE THINGS DONE  
26 DIFFERENTLY.

27 BY MR. MC MULLEN:

28 Q SO WHEN YOU SAY "THE STRAW THAT BROKE THE

1 CAMEL'S BACK," WHAT WAS IT THAT HE ACTUALLY DID THAT  
2 CAUSED THAT STRAW TO BREAK?

3 A HE TALKED ABOUT HIS NEWS STORY, ONE OF THE  
4 BIGGEST NEWS STORIES HE EVER HAD, TO SOMEBODY ELSE.

5 Q SIR, WHILE YOU WERE AT CITY NEWS SERVICE  
6 WOULD YOU HAVE THOUGHT IT TO BE ETHICAL WHILE YOU WERE  
7 MANAGING EDITOR THERE FOR ONE OF YOUR REPORTERS TO SELL A  
8 STORY THAT THEY HAD UNCOVERED OR LEARNED ABOUT AS A TIP TO  
9 AN INDEPENDENT VIDEO NEWS SERVICE AFTER THAT REPORTER HAD  
10 GIVEN THE STORY --

11 A IF I KNEW THAT --

12 THE COURT: WAIT TILL HE FINISHES THE QUESTION.

13 HOLD ON.

14 BY MR. MC MULLEN:

15 Q -- AFTER THAT REPORTER HAD GIVEN THE STORY TO  
16 CITY NEWS SERVICE?

17 A IF I KNEW THAT WAS HAPPENING, HE WOULDN'T  
18 HAVE BEEN FIRED WHEN HE WAS, HE WOULD HAVE BEEN DISCHARGED  
19 SOONER.

20 Q I'M TALKING ABOUT JUST AN EMPLOYEE IN  
21 GENERAL?

22 A ANY EMPLOYEE.

23 Q DID YOU KNOW THAT ROBBIE ROBINSON WAS  
24 SELLING -- WHILE HE WORKED AT CITY NEWS SERVICE, SELLING  
25 TIPS, LIKE I HAVE JUST SUGGESTED, TO AN INDEPENDENT VIDEO  
26 SERVICE?

27 A NOT UNTIL AFTER --

28 MR. KLEIN: OBJECTION. IRRELEVANT.

1 THE COURT: OVERRULED.

2 MR. MC MULLEN: I'M SORRY.

3 THE COURT: YOU MAY ANSWER.

4 THE WITNESS: NOT UNTIL AFTERWARDS.

5 BY MR. MC MULLEN:

6 Q YOU SAID YOU TALKED TO ROBBIE ROBINSON ABOUT  
7 THE INCIDENT?

8 A (NO AUDIBLE RESPONSE.)

9 Q YOU HAVE TO ANSWER OUT LOUD, PLEASE.

10 A EXCUSE ME. YES, SIR.

11 Q DID YOU TALK TO HIM ONCE OR MORE THAN ONCE?

12 A AT LEAST TWICE.

13 Q AND DURING THE FIRST TIME YOU TALKED TO  
14 HIM --

15 A HE SAID THAT HE DID NOT FEEL THAT HE HAD DONE  
16 ANYTHING WRONG.

17 Q AND WHEN -- WHEN HE SAID HE DIDN'T THINK HE  
18 DID ANYTHING WRONG, WHAT WAS HE -- WAS HE RESPONDING TO  
19 SOMETHING THAT YOU HAD SAID?

20 A NO. I HAD SAID, "WHY DID YOU DO THIS?" I  
21 DON'T KNOW WHETHER THOSE WERE THE WORDS, BUT THAT'S --

22 Q PRIOR TO OCTOBER OF '87 DID YOU EVER HAVE ANY  
23 SERIOUS CONFLICTS WITH RESPECT TO EMPLOYMENT WITH REGARD  
24 TO ROBBIE ROBINSON?

25 A NO, SIR.

26 MR. CRAIN: OBJECTION -- WELL, HE ANSWERED THE  
27 QUESTION.

28

1 BY MR. MC MULLEN:

2 Q DID YOU LIKE OR DISLIKE ROBBIE ROBINSON?

3 A ROBBIE ROBINSON WAS LIKE THE REPORTERS YOU  
4 USED TO SEE IN MOVIES, LIKE FRONT PAGE. THERE WERE A LOT  
5 OF REPORTERS THAT HAD A BOTTLE IN THEIR DESK AND SO ON AND  
6 SO FORTH.

7 MR. CRAIN: I MOVE TO STRIKE. THIS MAN CAME DOWN  
8 HERE TO DO SOME SORT OF CHARACTER ASSASSINATION --

9 THE COURT: COUNSEL STATE THE GROUND FOR THE  
10 OBJECTION.

11 MR. CRAIN: IT'S NONRESPONSIVE.

12 THE COURT: STRICKEN.

13 MR. CRAIN: MOTION TO STRIKE.

14 THE COURT: STRICKEN.

15 BY MR. MC MULLEN:

16 Q DID YOU LIKE OR DISLIKE ROBBIE ROBINSON?

17 A NO, SIR.

18 MR. MC MULLEN: MAY I JUST HAVE A MOMENT?

19

20 (PAUSE.)

21

22 BY MR. MC MULLEN:

23 Q DO YOU KNOW IF ROBBIE ROBINSON WAS EVER  
24 BLACKBALLED IN THE JOURNALISM FIELD?

25 A NO, SIR.

26 Q THERE WAS NO ATTEMPT OR --

27 MR. CRAIN: OBJECTION. LEADING THE WITNESS. IT  
28 ALSO CALLS FOR A CONCLUSION. HE CAN TESTIFY TO WHAT HE

1 KNOWS IN A NONLEADING WAY.

2 THE COURT: LET ME HEAR THE QUESTION.

3 MR. MC MULLEN: I'LL RESTATE THE QUESTION.

4 THE COURT: ALL RIGHT.

5 BY MR. MC MULLEN:

6 Q WAS THERE ANY INTENTIONAL ACT DONE BY  
7 YOURSELF OR CITY NEWS SERVICE TO SPREAD THE WORD TO  
8 BLACKBALL ROBBIE ROBINSON?

9 MR. CRAIN: OBJECTION. HE CAN'T TESTIFY AS TO WHAT  
10 OTHERS DID. CONCLUSION.

11 THE COURT: SUSTAINED.

12 BY MR. MC MULLEN:

13 Q IS THERE ANYTHING YOU DID PERSONALLY, SIR, AS  
14 TO --

15 A NO, I THINK IT WOULD PROBABLY OPEN YOU UP TO  
16 A LAWSUIT.

17 MR. MC MULLEN: MAY I JUST HAVE A MOMENT?

18

19 (PAUSE.)

20

21 MR. MC MULLEN: NOTHING FURTHER.

22 THE COURT: CROSS-EXAMINATION.

23 MR. CRAIN: THANK YOU, YOUR HONOR.

24

25 CROSS-EXAMINATION +

26

27 BY MR. CRAIN:

28 Q MR. LAUFFER, IS THERE ANY KIND OF WORKING

1 RELATIONSHIP BACK DURING THIS TIME PERIOD IN THE EARLY  
2 '80'S, DURING THE '80'S, I SHOULD SAY, WHILE YOU WERE  
3 CONNECTED WITH CITY NEWS, BETWEEN CITY NEWS AND THE  
4 ASSOCIATED PRESS?

5 A THEY WERE A CLIENT.

6 Q WELL, THEY WERE A CLIENT OF CITY NEWS; IS  
7 THAT RIGHT?

8 A YES, SIR. AND WE WERE A SUBSCRIBER OF THE  
9 ASSOCIATED PRESS.

10 Q WELL, FIRST OF ALL, WHEN YOU SAY ASSOCIATED  
11 PRESS WAS A CLIENT OF CITY NEWS, WHAT DO YOU MEAN?

12 A THEY PAID US "X" NUMBER OF DOLLARS TO RECEIVE  
13 OUR NEWS SERVICE.

14 Q AND -- ALL RIGHT.

15 SO THEY WOULD BUY INFORMATION FROM YOU; IS  
16 THAT RIGHT?

17 A YES, SIR.

18 Q "YOU" MEANING CITY NEWS SERVICE?

19 A YES, SIR.

20 Q AND THEN IN TURN -- WAS THIS A MUTUAL SORT OF  
21 ARRANGEMENT WHERE CITY NEWS MIGHT BUY SOMETHING FROM  
22 ASSOCIATED PRESS AND ASSOCIATED PRESS IN TURN MIGHT BUY  
23 SOMETHING FROM CITY NEWS?

24 A WE TOOK THE REGULAR 24 HOUR A DAY ASSOCIATED  
25 PRESS NEWS SERVICE FOR SUCH THINGS AS IF AN AIRPLANE  
26 CRASHED IN DETROIT AND THERE WERE 20 PASSENGERS ON IT FROM  
27 L.A., WE SET OUT TO GET INFORMATION ABOUT THE 20  
28 PASSENGERS FROM LOS ANGELES.

1 Q SO, IN OTHER WORDS, CITY NEWS AND ASSOCIATED  
2 PRESS HAD A CLOSE WORKING RELATIONSHIP?

3 A YES, SIR.

4 Q AND THE REPORTERS FROM ONE -- FROM CITY NEWS  
5 GENERALLY WOULD BE ACQUAINTED AND WORK CLOSELY WITH  
6 REPORTERS FROM ASSOCIATED PRESS?

7 A NO, SIR.

8 Q PARDON ME?

9 A NO.

10 Q IT WOULD BE DONE THROUGH THE EDITORS?

11 A NO. THEY WERE ACQUAINTANCES, BUT THEY DIDN'T  
12 WORK TOGETHER.

13 Q OKAY.

14 SO THEY'D KNOW ONE ANOTHER AND BE ON FRIENDLY  
15 TERMS GENERALLY SPEAKING?

16 A OH, YES.

17 Q AS MOST REPORTERS USUALLY ARE, AREN'T THEY?

18 A AND MOST ATTORNEYS.

19 Q I DON'T KNOW ABOUT THAT. WE'LL DISCUSS THAT  
20 ANOTHER TIME.

21 YOUR EXPERIENCE DURING THE '80'S, MOST  
22 REPORTERS WERE FRIENDLY WITH ONE ANOTHER?

23 MR. MC MULLEN: I'D OBJECT AS CALLING FOR  
24 SPECULATION.

25 THE COURT: OVERRULED.

26 BY MR. CRAIN:

27 Q IS THAT RIGHT? HAD A CONGENIAL WORKING  
28 RELATIONSHIP?

1 A YES.

2 Q REPORTERS BETWEEN CITY NEWS AND ASSOCIATED  
3 PRESS, FOR EXAMPLE?

4 A YES.

5 Q AND APART FROM BUYING EACH OTHER'S STORIES  
6 WERE THERE OTHER ASPECTS OF THIS RELATIONSHIP THAT THE TWO  
7 COMPANIES HAD?

8 A I DON'T KNOW. NOT OFFICIALLY.

9 MR. CRAIN: EXCUSE ME, YOUR HONOR.

10 THE COURT: GO AHEAD.

11

12 (A CONFERENCE WAS HELD BETWEEN COUNSEL  
13 AND THE DEFENDANT, NOT REPORTED.)

14

15 BY MR. CRAIN:

16 Q OKAY.

17 NOW, YOU WERE INTERVIEWED ABOUT THIS CASE AND  
18 THINGS YOU HAVE BEEN TELLING US ABOUT ON MARCH 14, 1995;  
19 IS THAT RIGHT?

20 A YES.

21 Q SORRY?

22 A THAT'S ABOUT RIGHT.

23 Q ARE YOU LOOKING AT SOMETHING TO REFRESH YOUR  
24 MEMORY?

25 A YES, SIR.

26 Q WHAT IS THAT?

27 A THE STATEMENT THAT I SIGNED AT THAT TIME.

28 MR. CRAIN: COULD I APPROACH THE WITNESS?

1 THE COURT: YES.

2 THE WITNESS: I'M NOT SURE OF THE DATE.

3 BY MR. CRAIN:

4 Q COULD YOU SHOW ME WHAT YOU ARE REFERRING TO?

5 A YES, SIR.

6 Q YOU HAVE A NUMBER OF PAPERS IN FRONT OF YOU.

7 WHILE YOU ARE LOOKING AT THEM, ARE THESE ALL DOCUMENTS

8 THAT YOU HAVE USED TO REFRESH YOUR RECOLLECTION BEFORE

9 TESTIFYING TODAY?

10 A ONE OF THEM OF IS A PIECE OF PAPER FROM MY  
11 WIFE WITH HER PHONE NUMBER AT WORK AND A MEETING SHE'LL BE  
12 AT THIS AFTERNOON.

13 Q I SEE A NUMBER OF OTHER PAPERS INCLUDING A  
14 REPRINT OF A NEWS ARTICLE. ARE THESE ARTICLES THAT YOU  
15 REVIEWED?

16 A NO, SIR. I HAVE READ IT.

17 Q CAN I -- DO YOU MIND IF I LOOK AT THIS?

18 A NO, SIR.

19 Q I HAVE AN ARTICLE HERE ABOUT (READING),  
20 "BILLIONAIRE BOYS CLUB LEADER SEEKS NEW TRIAL IN LOS  
21 ANGELES." "DAILY NEWS."

22 DID YOU REVIEW THAT TO REFRESH YOUR  
23 RECOLLECTION TODAY?

24 A NO, SIR. I READ IT. I DIDN'T REVIEW IT. I  
25 READ IT. I READ FOUR NEWSPAPERS EVERY DAY.

26 MR. CRAIN: HERE'S ANOTHER ARTICLE HERE. IT  
27 APPEARS TO BE DISPATCHED BY THE ASSOCIATED PRESS.

28

1 BY MR. CRAIN:

2 Q DID YOU READ THIS PRIOR TO TESTIFYING TODAY?

3 A IT WAS IN MY COMPUTER YESTERDAY AFTERNOON,  
4 AND I PRINTED IT OUT AND TOOK IT HOME AND SHOWED IT TO MY  
5 WIFE SO SHE KNEW WHY I WAS COMING TO L.A. TODAY.

6 Q YOU READ IT?

7 A I READ IT.

8 Q IT'S AN ACCOUNT OF SOME OF THE PROCEEDINGS  
9 THAT HAVE TAKEN PLACE IN THIS COURTROOM IN CONNECTION WITH  
10 THIS CASE?

11 A YES, SIR.

12 Q NOW, GOING BACK FOR NOW TO JUNE OF 1995, DID  
13 YOU HAVE A TELEPHONE CONVERSATION WITH AN INVESTIGATOR IN  
14 THE DISTRICT ATTORNEY'S OFFICE IN CONNECTION WITH THIS  
15 CASE?

16 A YES, I DID.

17 Q AND MARCH 13TH, 19-- MARCH 14, 1995; IS  
18 THAT RIGHT?

19 A I DON'T KNOW. THE DECLARATION THAT I SIGNED  
20 WAS DATED JUNE 16TH, AND THAT IS THE ONLY DATE I'M  
21 ABSOLUTELY FIRM ON. I TALKED ON THE TELEPHONE A TIME OR  
22 TWO, BUT I DON'T HAVE ANY IDEA WHAT THE DATE WAS.

23 THE COURT: JUNE 16TH WHAT YEAR?

24 THE WITNESS: '95.

25 BY MR. CRAIN:

26 Q SO BEFORE YOU SIGNED THE DECLARATION THAT YOU  
27 ARE REFERRING TO THAT'S IN FRONT OF YOU, YOU HAD ONE OR  
28 MORE CONVERSATIONS WITH A DISTRICT ATTORNEY INVESTIGATOR

1 ABOUT THE CASE; IS THAT RIGHT?

2 A YES, SIR.

3 Q AND HAVE YOU READ AN ACCOUNT OF THAT?

4 A I WOULDN'T HAVE SIGNED IT --

5 Q I'M REFERRING NOW TO -- HAVE YOU READ ANY  
6 DISTRICT ATTORNEY INVESTIGATOR REPORTS RELATING TO A  
7 TELEPHONE CONVERSATION WITH YOU ON SOME DATE BEFORE YOU  
8 SIGNED THAT DECLARATION?

9 A NO.

10 Q DID YOU TELL THE DISTRICT ATTORNEY  
11 INVESTIGATOR DURING A TELEPHONE CONVERSATION THAT YOU DID  
12 NOT REMEMBER ROBINSON OR THE OVERALL LEVIN INCIDENT VERY  
13 CLEARLY? DID YOU MAKE THAT STATEMENT?

14 A NOT THAT I RECALL.

15

16 (A CONFERENCE WAS HELD BETWEEN COUNSEL  
17 AND THE DEFENDANT, NOT REPORTED.)

18

19 BY MR. CRAIN:

20 Q YOU DON'T RECALL TELLING -- YOU KNOW  
21 MR. CHARTIER HERE?

22 A YES, SIR.

23 Q HE IS THE DISTRICT ATTORNEY INVESTIGATOR?

24 A I NEVER MET HIM UNTIL THIS AFTERNOON.

25 Q YOU NOW KNOW WHO HE IS; RIGHT? I'M POINTING  
26 TO HIM. HE IS THE GENTLEMAN SITING HERE ON THE LEFT IN  
27 THE FRONT ROW.

28 A THAT'S HIM. AT LEAST THAT'S WHO HE SAID HE

1 WAS.

2 MR. CRAIN: YOUR HONOR, MAYBE I SHOULD STAND OVER  
3 HERE. I HAVE TO SHOW HIM THIS.

4 THE COURT: IF YOU HAVE SOME PURPOSE FOR BEING AT  
5 THE WITNESS STAND, YOU CAN STAY THERE.

6 MR. CRAIN: LET ME STAND HERE FOR NOW.

7 BY MR. CRAIN:

8 Q DID YOU TELL MR. CHARTIER IN A TELEPHONE  
9 CONVERSATION IN 1995 THAT YOU DID NOT REMEMBER ROBINSON OR  
10 THE LEVIN INCIDENT VERY CLEARLY?

11 A I NEVER COULD SAY I DID NOT REMEMBER ROBBIE.

12 Q SO IF HIS REPORT OF YOUR CONVERSATION WITH  
13 HIM STATES THAT, IT WOULD BE INACCURATE; IS THAT WHAT YOU  
14 ARE TELLING THE COURT?

15 A THAT I DIDN'T REMEMBER ROBBIE?

16 Q THE QUESTION WAS THAT -- I JUST ASKED YOU,  
17 "DID YOU TELL INVESTIGATOR CHARTIER YOU DID NOT REMEMBER  
18 ROBBIE ROBINSON OR THE OVERALL LEVIN INCIDENT VERY  
19 CLEARLY --"

20 A NO. THAT'S A MISINTERPRETATION.

21 Q OKAY.

22 DID YOU ALSO TELL HIM THAT YOU RECALLED  
23 CALLING ROBINSON IN AND TALKING ABOUT THE INCIDENT ABOUT  
24 SEEING LEVIN, BUT YOU DIDN'T RECALL SPECIFIC DETAILS OF  
25 THE TALK? DID YOU TELL INVESTIGATOR CHARTIER THAT?

26 A I DON'T RECALL SPECIFIC DETAILS EXCEPT THE  
27 BOTTOM LINE.

28 Q SO YOU DID TELL HIM THAT; IS THAT RIGHT?

1           A       YES.

2           Q       YOU TOLD US YOU FIRED MR. ROBINSON?

3           A       YES, SIR.

4           Q       DID YOU TELL INVESTIGATOR CHARTIER THAT IN  
5 FACT IT WAS TOM QUINN WHO DID THAT?

6           A       NO, I DID NOT. TOM QUINN WASN'T INVOLVED. I  
7 TALKED TO DOUG FAGGIN ON THE TELEPHONE IN SOUTH AFRICA.

8           Q       SO YOU ARE THE ONE WHO MADE THE DECISION TO  
9 FIRE MR. ROBINSON; IS THAT RIGHT?

10          A       IN CONSULTATION WITH FAGGIN.

11          Q       BUT MR. QUINN WAS IN NO WAY INVOLVED IN THE  
12 DISCUSSION OR THE DETERMINATION TO FIRE MR. ROBINSON. IS  
13 THAT WHAT YOU ARE NOW TELLING THE COURT?

14          A       I DON'T REMEMBER. I HONESTLY DON'T.

15          Q       IN MARCH OF 1995 DID YOU TELL INVESTIGATOR  
16 CHARTIER THAT TOM QUINN MADE THE DECISION TO TERMINATE  
17 ROBINSON, THAT TOM QUINN WOULD NOT TALK ABOUT PERSONNEL  
18 MATTERS AND WOULD NOT CONFIRM OR DENY THE REASON ROBINSON  
19 LEFT? DID YOU SAY THAT OR ANY OF THAT?

20          A       TOM QUINN -- I CAN'T REMEMBER AT THAT TIME,  
21 BUT TOM QUINN WAS CHAIRMAN OF THE BRADLEY ELECTION  
22 CAMPAIGN AND THOUSANDS OF OTHER THINGS. WE ONLY RAN  
23 THINGS BY ON THE SURFACE WITH TOM. HE DIDN'T INVOLVE  
24 HIMSELF IN THE NUTS AND BOLTS OF THE DAILY OPERATION OF  
25 THE CITY NEWS SERVICE.

26          Q       IS IT YOUR TESTIMONY THAT TOM QUINN DIDN'T  
27 PLAY ANY PART IN THE FIRING OF MR. ROBINSON?

28          A       I DIDN'T SAY HE DIDN'T PLAY ANY PART. I DID

1 SAY HE DIDN'T OBJECT.

2 Q SO YOU ARE SAYING HE DID PLAY A PART?

3 MR. MC MULLEN: OBJECTION. ARGUMENTATIVE.

4 THE COURT: OVERRULED.

5 YOU CAN EXPLAIN YOUR ANSWER.

6 BY MR. CRAIN:

7 Q WHAT IS YOUR ANSWER?

8 A THE MANAGING EDITOR OF A NEWSPAPER,  
9 TELEVISION STATION OR WHATEVER DOESN'T DO SOMETHING OF  
10 REASONABLE IMPORTANCE WITHOUT TELLING THE OWNER HE IS  
11 GOING TO DO IT.

12 Q DID TOM QUINN PLAY A ROLE OR NOT IN THE  
13 FIRING OF MR. ROBINSON?

14 A HE PLAYED A PASSIVE ROLE.

15 Q DID YOU TELL INVESTIGATOR CHARTIER DURING  
16 YOUR TELEPHONE CONVERSATION IN THE SPRING OF 1995 THAT TOM  
17 QUINN MADE THE DECISION TO TERMINATE ROBINSON?

18 MR. MC MULLEN: IF I MIGHT JUST INTERPOSE A  
19 CONCERN, COUNSEL, WHAT PAGE ARE YOU REFERRING TO ON THE  
20 REPORT?

21 MR. CRAIN: PAGE 2.

22 MR. MC MULLEN: THANK YOU. I'M SORRY.

23 MR. CRAIN: IT RELATES TO A TELEPHONE CONVERSATION  
24 BY MR. CHARTIER ON MARCH 14, 1995, WITH THIS WITNESS.

25 MR. MC MULLEN: THANK YOU.

26 THE COURT: DO YOU HAVE THE QUESTION IN MIND?

27 THE WITNESS: NO.

28 THE COURT: WHY DON'T YOU ASK THE QUESTION?

1 MR. CRAIN: I'M SORRY, YOUR HONOR?

2 THE COURT: ASK THE QUESTION AGAIN?

3 MR. CRAIN: COULD I HAVE IT READ BACK?

4 THE COURT: I BELIEVE THE QUESTION WAS: DID YOU  
5 TELL INVESTIGATOR CHARTIER THAT TOM QUINN WAS INVOLVED IN  
6 THE FIRING OF ROBBIE ROBINSON?

7 THE QUESTION IS: DID YOU TELL THE  
8 INVESTIGATOR THAT?

9 MR. CRAIN: LET ME REPEAT THAT.

10 BY MR. CRAIN:

11 Q DID YOU STATE TO THE DISTRICT ATTORNEY  
12 INVESTIGATOR THAT TOM QUINN MADE THE DECISION TO TERMINATE  
13 ROBINSON?

14 A I -- I'M SURE I SAID THAT HE WAS  
15 KNOWLEDGEABLE OF THE DECISION. I DON'T KNOW THAT I SAID  
16 OR MEANT THAT HE WAS --

17 Q THAT WHAT?

18 A THAT HE WAS IN -- THAT HE MADE THE DECISION.  
19 IF HE HAD MADE THE DECISION NOT TO, FOR EXAMPLE -- WE  
20 WOULD HAVE HAD A VERY SERIOUS DISCUSSION ABOUT WHY NOT.

21 Q YOU ARE TELLING THIS COURT YOU DID IT, AND  
22 YOU DID IT BECAUSE ROBINSON GAVE THE STORY TO SOMEBODY  
23 ELSE, A DIFFERENT OPERATION; IS THAT RIGHT?

24 A AND --

25 Q IS THAT CORRECT?

26 A AND HE HAD BEEN A MARGINAL EMPLOYEE.

27 Q DID YOU TELL INVESTIGATOR CHARTIER OF THE  
28 DISTRICT ATTORNEY'S OFFICE THAT TOM QUINN WOULD NOT TALK

1 ABOUT PERSONNEL MATTERS AND WOULD NOT CONFIRM OR DENY THE  
2 REASON THAT ROBINSON LEFT? DID YOU SAY THAT OR NOT?

3 A I DON'T RECALL THAT.

4 Q IN THIS SAME TELEPHONE CONVERSATION DID YOU  
5 TELL THE DISTRICT ATTORNEY INVESTIGATOR THAT YOU HAD A  
6 LIMITED MEMORY OF ROBINSON'S WORK PRODUCT AND HABITS? DID  
7 YOU SAY THAT TO HIM?

8 A NO, I DON'T RECALL IT.

9 Q NOW --

10 A IF I AGREED -- I AGREED TO THE FIVE POINTS  
11 THAT WERE IN THE DECLARATION THAT I SIGNED --

12 MR. CRAIN: CAN I BORROW THAT FOR JUST A MINUTE?

13 MR. MC MULLEN: SURE. ABSOLUTELY. THIS IS THE  
14 OFFICIAL ONE.

15 MR. CRAIN: I KNOW HE PLACED IT --

16 MR. MC MULLEN: IT'S THE CLERK'S.

17 MR. CRAIN: YEAH.

18 BY MR. CRAIN:

19 Q NOW, YOU HAVE TOLD THE COURT THAT NEWS PEOPLE  
20 DON'T WANT TO BE DETECTIVES; CORRECT?

21 A YES, SIR.

22 Q YOU USED THOSE WORDS; RIGHT?

23 A I BELIEVE SO.

24 Q AND YOU AGREED THAT THIS WAS THE FIRST TIME  
25 THAT YOU HAVE EVER BEEN INVOLVED IN A CASE OTHER THAN AS A  
26 REPORTER WHERE YOU HAD PERSONAL KNOWLEDGE OF SOMETHING  
27 INVOLVING THE CASE; IS THAT RIGHT?

28 A NO. I SAID THIS IS THE FIRST TIME I HAVE

1 EVER BEEN A WITNESS.

2 Q OKAY.

3 AND YOU AGREE THAT IT'S NOT APPROPRIATE FOR  
4 JOURNALISTS TO GET INVOLVED IN A CASE AS WITNESSES; RIGHT?

5 A UNLESS THEY ARE -- NEVER ON A SECONDHAND  
6 BASIS. IF I'M SITTING HERE AND THE BAILIFF OVER THERE  
7 PULLS A GUN OUT AND SHOTS YOU AND I SEE IT, THEN I'M A  
8 CITIZEN AND I THINK I MIGHT TESTIFY AT THE TRIAL OF THE  
9 BAILIFF.

10 THE COURT: DON'T GIVE HER ANY IDEAS.

11 THE WITNESS: I'M SORRY.

12 MR. CRAIN: SHE MIGHT HAND THE GUN TO THE COURT  
13 FIRST.

14 THE COURT: THEY DON'T GIVE ME BULLETS.

15 THE WITNESS: I DON'T MEAN TO BE FUNNY, BUT --  
16 BY MR. CRAIN:

17 Q MR. LAUFFER, YOU FOUND OUT THAT MR. ROBINSON  
18 HAD GONE TO THE DISTRICT ATTORNEY'S OFFICE AND TOLD THE  
19 PROSECUTOR PROSECUTING MR. HUNT THAT MR. ROBINSON HAD SEEN  
20 MR. LEVIN IN A MOVIE LINE IN WESTWOOD; CORRECT?

21 A REPEAT THE QUESTION.

22 Q YOU LEARNED THAT MR. ROBINSON HAD GONE TO THE  
23 DISTRICT ATTORNEY AND TOLD HIM THAT HE HAD SEEN MR. LEVIN  
24 IN A MOVIE LINE IN WESTWOOD; CORRECT?

25 A YES, SIR.

26 Q AND THIS TO YOU WAS THE MAKING OF A BIG NEWS  
27 STORY, WASN'T IT?

28 A YES.

1 Q YOU KNEW THAT MR. LEVIN WAS SUPPOSEDLY,  
2 ACCORDING TO THE PROSECUTION, A MURDER VICTIM AND HAD BEEN  
3 ALLEGEDLY MURDERED BY MR. HUNT; CORRECT?

4 A AND A JURY.

5 Q YOU KNEW THE TRIAL WAS IN PROGRESS WHEN YOU  
6 LEARNED THAT MR. ROBINSON --

7 A NO, I DON'T REMEMBER.

8 Q YOU DON'T REMEMBER THE SEQUENCE OF EVENTS?

9 A NO, I DON'T.

10 Q THAT'S BECAUSE OF THE PASSAGE OF TIME; IS  
11 THAT RIGHT?

12 A YES.

13 Q AT ANY EVENT, YOU KNEW THE OUTLINE OF A CASE  
14 THAT MR. HUNT OVER HERE WAS THE DEFENDANT? A CASE WHERE  
15 HE WAS ACCUSED OF MURDERING RON LEVIN?

16 A YES, SIR.

17 Q AND SOMEONE WHO WORKED FOR CITY NEWS SERVICE  
18 HAD GONE TO THE DISTRICT ATTORNEY AND REPORTED THAT HE HAD  
19 SEEN MR. LEVIN ALIVE AND WELL ON THE STREETS OF WESTWOOD;  
20 RIGHT?

21 A I DON'T RECALL THE SEQUENCE OF EVENTS. I  
22 DON'T RECALL WHETHER ROBBIE HAD GONE TO THE DISTRICT  
23 ATTORNEY BEFORE THE STORY OR NOT. I JUST DON'T RECALL.

24 Q WELL, AT ONE POINT YOU DID KNOW; RIGHT? YOU  
25 JUST DON'T REMEMBER NOW.

26 A YEAH, I SUPPOSE I DID, BUT I DON'T --

27 Q NOW, GOING BACK TO YOUR REALIZATION THAT THIS  
28 WAS A BIG STORY OR HAD THE MAKINGS OF A BIG NEWS STORY,

1 YOU ARE SAYING IT WOULD BE A BIG NEWS STORY IF A DEAD MAN  
2 WERE IN FACT ALIVE AND SOMEBODY WERE ACCUSED OF HIS  
3 MURDER; RIGHT?

4 A YES, SIR. ABSOLUTELY.

5 Q THAT'S LIKE FRONT PAGE NEWS, ISN'T IT, AS FAR  
6 AS YOU ARE CONCERNED?

7 A WELL, NOT IN THE "L.A. TIMES" BUT MOST  
8 ANYWHERE ELSE.

9 Q YOU CAN VISUALIZE THAT AS A BANNER HEADLINE  
10 IN MOST NEWSPAPERS, CAN'T YOU?

11 A PROBABLY.

12 Q AND IN FACT, YOU ARE TELLING THE COURT THAT  
13 CITY NEWS SERVICE DIDN'T PUT OUT THE STORY FIRST. SOMEONE  
14 ELSE DID; RIGHT?

15 A ABSOLUTELY.

16 Q AND THAT WAS SOMEBODY FROM ASSOCIATED PRESS;  
17 IS THAT RIGHT?

18 A THEY REPORTED IT FIRST. THEY DIDN'T -- AS A  
19 JOURNALIST I HAVE A PROBLEM WITH "WHAT THEY PUT OUT."  
20 THEY PUT OUT INFORMATION THAT THEY RECEIVED FROM ROBBIE.

21 Q OKAY.

22 ISN'T IT YOUR UNDERSTANDING THAT SOMEBODY  
23 FROM THE MEDIA SAW MR. ROBINSON AT THE SANTA MONICA  
24 COURTHOUSE?

25 A NO, SIR, I DON'T KNOW THAT.

26 Q YOU DON'T KNOW THAT. YOU DON'T HAVE ANY  
27 INFORMATION ABOUT THAT?

28 A NO.

1 Q OKAY.

2 BUT IN ANY EVENT, YOU FOUND OUT WHAT WOULD  
3 HAVE BEEN A BIG SCOOP FOR CITY NEWS SERVICE WAS SCOOPED BY  
4 SOME -- SOMEBODY ELSE, THE ASSOCIATED PRESS?

5 A YES.

6 Q RIGHT?

7 A YES.

8 Q AND BECAUSE OF THAT AND BECAUSE YOU DIDN'T  
9 LIKE MR. ROBINSON'S WORK HABITS, YOU FIRED HIM; IS WHAT  
10 YOU ARE TELLING THE COURT?

11 A I NEVER SAID I DIDN'T LIKE MR. ROBINSON.

12 Q THE QUESTION WAS: YOU ARE TELLING THE COURT  
13 THAT BECAUSE YOU DIDN'T GET THE STORY AND YOU DIDN'T LIKE  
14 SOME OF HIS WORK HABITS HE WAS FIRED; RIGHT?

15 A YES, SIR.

16 Q NOW, IN YOUR VIEW DID MR. ROBINSON HAVE A  
17 HIGHER RESPONSIBILITY TO COME TO YOU AND TO CITY NEWS  
18 SERVICE WITH THE STORY OR TO GO TO THE DISTRICT ATTORNEY'S  
19 OFFICE WITH THE STORY?

20 A I THINK IT WAS EQUAL.

21 Q WELL, HIS FIRING WASN'T BECAUSE HE WENT TO  
22 THE DISTRICT ATTORNEY?

23 A NO, NO, NO.

24 Q IT WAS BECAUSE ASSOCIATED PRESS FOUND OUT  
25 ABOUT IT AND BEAT YOU TO THE PUNCH?

26 A IT WAS MY UNDERSTANDING THAT THE OTHER MEDIA  
27 FOUND OUT FROM ROBBIE. I DON'T -- I NEVER UNDERSTOOD THAT  
28 THEY SAW ROBBIE IN THE DISTRICT ATTORNEY'S OFFICE.

1 Q WELL, DID YOU WITNESS SOME EVENT WHERE  
2 MR. ROBINSON CONVEYED THIS TO SOME OTHER NEWS OPERATION?

3 A NO, SIR.

4 Q THAT WAS YOUR SUPPOSITION, IN OTHER WORDS;  
5 RIGHT?

6 A I SAID I DIDN'T KNOW THE SEQUENCE.

7 Q ALL YOU KNEW IS THAT FROM SOME SOURCE YOU  
8 FORMED THE BELIEF THAT SOMEHOW HE WENT TO SOMEBODY ELSE  
9 BEFORE HE CAME TO YOU?

10 A HE DIDN'T DENY IT.

11 Q DID YOU TAKE ANY NOTES OF ANY CONVERSATIONS  
12 THAT YOU HAD WITH MR. ROBINSON DURING THAT PERIOD OF TIME?

13 A I -- I CAN'T IMAGINE THAT WE DISCHARGED HIM  
14 WITHOUT ANY PAPERWORK, BUT I DON'T REMEMBER, AND I HAVE NO  
15 ACCESS. I DOUBT IF THEY EVEN HAVE IT.

16 Q OKAY.

17 BUT IN ANY EVENT, SHORTLY AFTER MR. ROBINSON  
18 REPORTED HAVING SEEN MR. LEVIN TO THE DISTRICT ATTORNEY  
19 CITY NEWS SERVICE FIRED HIM; ISN'T THAT RIGHT? IS THAT  
20 RIGHT OR NOT?

21 A NOT BECAUSE HE REPORTED IT TO THE DISTRICT  
22 ATTORNEY. THE ANSWER TO YOUR QUESTION IS NO.

23 Q THE QUESTION IS: SHORTLY AFTER HIS REPORT TO  
24 THE DISTRICT ATTORNEY'S OFFICE CITY NEWS SERVICE FIRED  
25 HIM; ISN'T THAT RIGHT?

26 A NO, SIR.

27 Q WELL, HOW LONG AFTER THIS REPORT TO  
28 MR. WAPNER WHERE MR. ROBINSON REPORTED THE TRIAL -- TO THE

1 TRIAL PROSECUTOR SEEING LEVIN DID CITY NEWS FIRE HIM?

2 A SEVERAL DAYS AFTER IT BECOMING PUBLIC.

3 Q THAT WAS WITHIN SEVERAL DAYS AFTER SEEING  
4 MR. WAPNER?

5 A I DON'T KNOW WHO MR. WAPNER IS EXCEPT ON  
6 TELEVISION.

7 Q YOU KNEW HE WAS PROSECUTOR FOR THE HUNT CASE,  
8 DIDN'T YOU?

9 A NO.

10 Q HOW LONG AFTER THE STORY BROKE ABOUT  
11 MR. ROBINSON SEEING MR. LEVIN DID MR. ROBINSON GET FIRED?

12 A SEVERAL DAYS.

13 MR. CRAIN: THANK YOU. NOTHING FURTHER.

14 THE COURT: ANYTHING FURTHER?

15 MR. MC MULLEN: JUST A MOMENT.

16

17 (PAUSE.)

18

19 THE COURT: DID ROBINSON ADMIT TO YOU THAT HE HAD  
20 GIVEN THE STORY TO A.P.?

21 MR. MC MULLEN: YOU READ OUR MINDS, YOUR HONOR.

22 MR. KLEIN: IF HE REMEMBERS.

23 THE WITNESS: HE -- HE ADMITTED THAT THEY HAD IT,  
24 THAT OTHER MEDIA HAD THE STORY, WHICH WAS OBVIOUS.

25 THE COURT: COUNSEL, I CAN'T HEAR THE WITNESS.

26 MR. CRAIN: I'M SORRY, YOUR HONOR.

27 THE COURT: READ BACK THE LAST ANSWER.

28

1 (THE RECORD WAS READ.)

2

3 THE COURT: ALL RIGHT.

4 ANYTHING FURTHER, MR. MC MULLEN?

5 MR. MC MULLEN: NO. NO, THANK YOU.

6 MR. CRAIN: I MAY HAVE ONE MORE QUESTION.

7

8 RE-CROSS-EXAMINATION @

9

10 BY MR. CRAIN:

11 Q IF MR. ROBINSON HAD COME TO YOU, MR. LAUFFER,  
12 AND SAID THAT HE HAD SEEN LEVIN ON THE STREETS OF WESTWOOD  
13 ALIVE AND WELL, WOULD YOU HAVE PUT THAT OUT IMMEDIATELY AS  
14 A NEWS STORY?

15 A NOT UNTIL HE WENT TO THE DISTRICT ATTORNEY OR  
16 WHOEVER THE APPROPRIATE AUTHORITY WAS.

17 Q SO YOU WOULD HAVE SENT HIM TO THE DISTRICT  
18 ATTORNEY; IS THAT RIGHT?

19 A FOR A COUPLE OF REASONS. ONE, IT'S HIS DUTY.  
20 AND, TWO, IF WE GOT THAT NEWS STORY FROM A  
21 LAW ENFORCEMENT AGENCY THEY'RE PRIVILEGED AND THERE IS NOT  
22 THE LIABILITY PROBLEM THAT THERE IS IF YOU JUST TAKE IT  
23 FROM ANY TOM, DICK OR HARRY.

24 Q SO YOU ARE TELLING THE COURT NOW THAT IF  
25 MR. ROBINSON HAD COME TO YOU, YOU WOULD HAVE SAID,  
26 "ROBBIE, I WANT YOU TO GO OVER AND REPORT THIS INFORMATION  
27 TO THE DISTRICT ATTORNEY"; RIGHT?

28 A YES, SIR.

1 Q AND AS -- IN FACT, THAT'S EXACTLY WHAT  
2 MR. ROBINSON DID, ISN'T IT, HE WENT DIRECTLY TO THE  
3 DISTRICT ATTORNEY?

4 A EXCEPT HE DIDN'T TELL US ABOUT IT.

5 MR. CRAIN: NOTHING FURTHER.

6 THE COURT: ANYTHING FURTHER?

7 MR. MC MULLEN: NOTHING FURTHER.

8 THE COURT: MAY THE WITNESS BE EXCUSED?

9 MR. MC MULLEN: YES.

10 THE COURT: ANY OBJECTION?

11 MR. CRAIN: NO OBJECTION.

12 THE COURT: THANK YOU, SIR. YOU ARE EXCUSED.

13 MR. CRAIN: I AM GOING TO CALL MR. CHARTIER TO  
14 IMPEACH THE WITNESS, SO TO THAT EXTENT HE SHOULD REMAIN ON  
15 CALL SUBJECT TO 770 OF THE EVIDENCE CODE.

16 THE COURT: SUBJECT TO SUFFICIENT SHOWING.

17 YOU MAY STEP DOWN.

18 THE WITNESS: WHAT IS THAT --

19 THE COURT: DON'T WORRY ABOUT IT. IT'S LEGAL  
20 STUFF. NOT IMPORTANT.

21 THE WITNESS: I'M THREE HOURS AWAY.

22 THE COURT: I DON'T THINK WE'LL BE SEEING YOU, SIR.

23 MR. MC MULLEN: WE WOULD CALL -- PEOPLE WOULD CALL  
24 MIKE FELDMAN TO THE WITNESS STAND. HE'LL BE ENTERING THE  
25 COURTROOM SHORTLY.

26

27 (PAUSE.)

28

1 MR. CRAIN: YOUR HONOR, I HAVE -- BEFORE THE  
2 WITNESS COMES IN, COULD I BRIEFLY ADDRESS THE COURT  
3 REGARDING HIS TESTIMONY? HE COULD JUST WAIT OUTSIDE FOR A  
4 MOMENT.

5 THE COURT: I'M SORRY?

6 MR. CRAIN: COULD THE WITNESS JUST WAIT OUTSIDE FOR  
7 A MINUTE?

8 THE COURT: ASK THE WITNESS TO JUST WAIT OUTSIDE  
9 THE DOOR FOR A SECOND.

10 MR. CRAIN: I WOULD ASK THAT THE -- THAT THE  
11 DISTRICT ATTORNEY MAKE AN OFFER OF PROOF AS TO THE  
12 RELEVANCY OF HIS TESTIMONY. I HAVE READ THE INTERVIEW OF  
13 THIS WITNESS, AND QUITE FRANKLY I DON'T THINK HE CAN ADD  
14 ANY ADMISSIBLE TESTIMONY TO THE CASE.

15 THE COURT: WHO IS THIS PERSON?

16 MR. MC MULLEN: YOUR HONOR, WE WOULD REFER YOU TO  
17 OUR EXHIBIT WHERE THERE IS A DECLARATION OF MR. FELDMAN.

18 MR. FELDMAN WAS CPA THAT IN LATE 1983 AND  
19 DURING 1984 SHARED SOME OFFICE SPACE AT THE BBC  
20 HEADQUARTERS. HE HAS TESTIMONY RELATING TO THE FINANCIAL  
21 CONDITION OF THE BBC AND PETITIONER'S BUSINESS AT THAT  
22 TIME. THE FINANCIAL CONDITION OF THE OPERATION DURING  
23 1984, AND IN PARTICULAR JUNE OF '84. THIS IS -- GOES TO  
24 REBUT THE EVIDENCE THAT --

25 THE COURT: ON THE CYCLOTRON?

26 MR. MC MULLEN: YES.

27 THE COURT: HOW DO YOU LAY THE FOUNDATION?

28 HOW DOES HE HAVE KNOWLEDGE --

1 MR. MC MULLEN: HE WAS A CERTIFIED PUBLIC  
2 ACCOUNTANT AND A CPA WHO ACTUALLY DEALT WITH SOME OF THE  
3 ACCOUNTS AND WAS FAMILIAR WITH THE FINANCIAL -- FINANCIAL  
4 PAPERWORK OF THE ORGANIZATION.

5 MR. KLEIN: OUR POSITION IS THAT UNLESS HE CAN  
6 TESTIFY RELATING TO THE ATTRITION MILLS OR THE CYCLOTRON,  
7 THEN IT'S JUST GENERAL EVIDENCE ABOUT THE BUSINESS AFFAIRS  
8 OF THE BBC, AND THE COURT HAS ALREADY RULED ON THE DEFENSE  
9 STANDPOINT THAT WE CAN'T BRING IN GENERAL EVIDENCE TO  
10 CONTROVERT EVIDENCE THAT THE PEOPLE HAVE PUT FORWARD.

11 UNLESS THIS PERSON CAN CLEAN UP SOME OF THE  
12 TESTIMONY THAT CAME IN RELATED TO NEIL ADELMAN, THEN IT'S  
13 IRRELEVANT. THE COURT WAS VERY STRICT ABOUT IT'S RULING  
14 ON THIS.

15 THE COURT: THE PEOPLE --

16 MR. MC MULLEN: THIS ISN'T GENERAL EVIDENCE. IT'S  
17 SPECIFIC EVIDENCE ABOUT THE FACT THAT -- THE ORGANIZATION,  
18 THE BBC ORGANIZATION AND ALL THE ORGANIZATIONS AFFILIATED  
19 WITH THAT NAME WERE HAVING FINANCIAL DIFFICULTIES AT THE  
20 TIME. THAT IS -- AND THE -- THERE WAS NO MONEY FROM THE  
21 CYCLOTRON DEAL OR THE NEGOTIATIONS THAT WERE FORTHCOMING  
22 AND THERE WAS DESPERATION. IT'S A VERY SPECIFIC ISSUE.

23 THE COURT: IT'S MORE ALSO GENERAL IN THE SENSE  
24 THAT IT'S THE MOTIVE IN ONE SENSE FOR MR. HUNT TO CARRY ON  
25 AN ALLEGED MURDER OF MR. LEVIN. IT'S IN GENERAL  
26 RESPONSIVE TO THE GENERAL FINANCIAL CONDITIONS, BUT I HAVE  
27 SAID I'D ONLY TAKE EVIDENCE OF THE CYCLOTRON ISSUE.

28 WHICH PARAGRAPH IS THAT?

1 MR. MC MULLEN: THAT IS PARAGRAPH 2-C. BUT THAT  
2 TESTIMONY -- THEY'RE SAYING MR. BARENS WAS INEFFECTIVE  
3 BECAUSE HE DIDN'T PUT ON TESTIMONY THAT THERE WAS ALL THIS  
4 MONEY COMING IN AT THE TIME.

5 MR. KLEIN: ABOUT THE CYCLOTRON ONLY. THE COURT  
6 HAS NOT ALLOWED TESTIMONY ABOUT OTHER ASPECTS OF THE BBC  
7 BUSINESS AFFAIRS, AND THIS PERSON'S DECLARATION HAS  
8 NOTHING IN IT ABOUT HIS KNOWLEDGE RELATING TO THE  
9 CYCLOTRON BUSINESS.

10 THE COURT: GIVE ME A SECOND.

11 MR. KLEIN: SURE, YOUR HONOR.

12

13 (COURT REVIEWING DOCUMENT.)

14

15 THE COURT: SOUNDS LIKE GENERAL FINANCIAL CONDITION  
16 EVIDENCE TO ME.

17 MR. MC MULLEN: SUBMIT IT, YOUR HONOR.

18 THE COURT: OBJECTION SUSTAINED.

19 LET'S EXCUSE THE WITNESS SO HE IS NOT  
20 STANDING AROUND ANY LONGER.

21 MR. MC MULLEN: YEAH.

22 MR. CRAIN: YOUR HONOR, CAN WE --

23 THE COURT: LET'S WAIT A SECOND.

24

25 (PAUSE.)

26

27 MR. MC MULLEN: YES, YOUR HONOR.

28 THIS IS MR. FELDMAN.

1 THE COURT: ALL RIGHT.

2 MR. FELDMAN, YOU ARE EXCUSED. YOUR TESTIMONY  
3 WILL NOT BE NEEDED.

4 MR. MC MULLEN: THANK YOU, SIR.

5 THE COURT: DO YOU HAVE ANYTHING FURTHER,  
6 MR. MC MULLEN? ANY OUT OF ORDER WITNESSES?

7 MR. MC MULLEN: NO, THAT'S ALL WE HAVE.

8 MR. CRAIN: YOUR HONOR, I'D BE WILLING AT THIS TIME  
9 WITH THE COURT'S PERMISSION -- I HAVE BEEN MISPRONOUNCING  
10 HIS NAME. CHARTIER. IS THAT CLOSE ENOUGH?

11 IF THE COURT WOULD ALLOW ME TO IMPEACH THE  
12 LAST WITNESS, MR. LAUFFER. SEEMS LIKE A LOGICAL TIME TO  
13 DO IT.

14 MR. MC MULLEN: FIRST OF ALL, A COUPLE OF THINGS  
15 BEFORE WE DEAL WITH THEIR WITNESS. WE WOULD LIKE TO HAVE  
16 MARKED AS RESPONDENT'S EXHIBIT D FOR IDENTIFICATION --

17 THE COURT: D?

18 MR. MC MULLEN: D AS IN DAVID.

19 THE DECLARATION OF MR. LAUFFER. IT WAS  
20 REFERRED TO DURING HIS TESTIMONY.

21 THE COURT: IT WILL BE MARKED. GIVE ME A SECOND.  
22 I HAVE GOT TO MARK MY EXHIBITS.

23 MR. MC MULLEN: THANK YOU.

24

25 (MARKED FOR ID = RESPONDENT'S D,  
26 DOCUMENT.)

27

28 THE COURT: GO.

1 MR. MC MULLEN: WITH RESPECT TO MR. CHARTIER'S  
2 TESTIMONY, WE DO ANTICIPATE THAT HE WILL BE TESTIFYING.  
3 IF YOUR HONOR WANTS HIM TO TESTIFY -- WE ARE NOT READY TO  
4 CALL HIM AS OUR WITNESS RIGHT NOW. FOR THE SAKE OF  
5 ECONOMY IF WE COULD CALL HIM AT ONE TIME LATER ON WHEN WE  
6 ARE READY FOR HIM.

7 THE COURT: THE ECONOMY PROBLEM I HAVE GOT IS YOU  
8 GUYS AREN'T GOING TO TAKE UP ENOUGH OF MY TIME. SOUNDS  
9 LIKE THIS IS THE LAST WITNESS YOU ARE GOING TO HAVE TODAY.  
10 YOU ARE GOING TO HAVE OF FILL UP MY TIME. IF YOU CAN DO A  
11 BETTER JOB OF FILLING MY TIME BY CALLING HIM NOW, LET'S DO  
12 IT.

13 MR. CRAIN: ALL RIGHT.

14 THE CLERK: PLEASE RAISE 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: YES.

20 THE CLERK: PLEASE BE SEATED.

21 STATE YOUR NAME FOR THE RECORD AND SPELL YOUR  
22 FIRST AND LAST NAME, PLEASE.

23  
24 PETITIONER REBUTTAL

25  
26 BARRY CHARTIER, +  
27 CALLED AS A WITNESS BY THE PETITIONER, WAS SWORN AND  
28 TESTIFIED AS FOLLOWS:

1 THE WITNESS: BARRY CHARTIER, B-A-R-R-Y,  
2 C-H-A-R-T-I-E-R.

3 THE COURT: THE RECORD SHOULD REFLECT, THEN, THAT  
4 THIS WOULD ACTUALLY BE A PETITIONER'S REBUTTAL WITNESS;  
5 RIGHT?

6 MR. CRAIN: YES.

7 MR. MC MULLEN: THANK YOU.

8 THE COURT: GO AHEAD.

9

10 DIRECT EXAMINATION +

11

12 BY MR. CRAIN:

13 Q MR. CHARTIER, WHAT IS YOUR OCCUPATION, SIR?

14 A I'M CURRENTLY A PRIVATE DETECTIVE, BUT UNTIL  
15 THE 1ST OF APRIL I WAS A DETECTIVE FOR THE L.A. COUNTY  
16 DISTRICT ATTORNEY'S OFFICE.

17 Q WELL, CONGRATULATIONS ON GETTING ON THE RIGHT  
18 SIDE OF THINGS.

19 NOW, HOW LONG WERE YOU AN INVESTIGATOR --

20 THE COURT: IF HE GETS PAID, HE'LL PROBABLY FEEL  
21 MORE SANGUINE ABOUT THAT.

22 THE WITNESS: I WAS IN THE DISTRICT ATTORNEY'S  
23 OFFICE FOR 16 MONTHS AND WITH THE WHITTIER POLICE  
24 DEPARTMENT FOR 30 YEARS.

25 MR. CRAIN: HE SHOULD HAVE --

26 THE COURT: AS LONG AS I DON'T APPOINT HIM OR ORDER  
27 HIS FEES, HE'LL PROBABLY DO QUITE WELL.

28 MR. KLEIN: MR. CRAIN AND I ARE NOT MAKING ANY

1 COMMENTS.

2 BY MR. CRAIN:

3 Q ANYWAY, HOW LONG WERE YOU WITH THE DISTRICT  
4 ATTORNEY'S OFFICE, SIR?

5 A 16 MONTHS.

6 Q YOU WERE A POLICE OFFICER FOR HOW LONG, 30  
7 YEARS?

8 A 30 YEARS, SIR.

9 Q THAT WAS WITH THE WHITTIER POLICE DEPARTMENT?

10 A YES, SIR.

11 Q OKAY.

12 AND DURING THE COURSE OF -- WHAT WAS YOUR  
13 RANK WITH THE WHITTIER POLICE DEPARTMENT?

14 A WHEN I LEFT THEM I WAS A SERGEANT.

15 Q NOW, DURING THE COURSE OF YOUR YEARS AS A LAW  
16 ENFORCEMENT OFFICER DID YOU INTERVIEW A NUMBER OF  
17 WITNESSES?

18 A YES, SIR.

19 Q AND ALONG THE WAY DID YOU RECEIVE TRAINING IN  
20 HOW TO INTERVIEW WITNESSES?

21 A YES, SIR.

22 Q AND HOW TO MAKE OUT ACCURATE REPORTS OF YOUR  
23 INTERVIEWS WITH WITNESSES?

24 A YES, SIR.

25 Q AND THE REASON FOR HAVING ACCURATE REPORTS IS  
26 SO THAT THERE WOULD BE A TRUE AND CORRECT ACCOUNTING OF  
27 WHAT THE WITNESS TOLD YOU FOR USE ON LATER OCCASIONS IN  
28 COURT, FOR EXAMPLE?

1 A THAT IS CORRECT.

2 Q AND TO REFRESH YOUR MEMORY ABOUT WHAT THE  
3 WITNESS HAD SAID OR REFRESH THE WITNESS' RECOLLECTION, IF  
4 THAT BECAME NECESSARY?

5 A THAT'S CORRECT.

6 Q AND ALSO TO HAVE AN ACCURATE ACCOUNT OF A  
7 WITNESS' STATEMENT TO ASSIST IN THE INVESTIGATION OF A  
8 CASE ON BEHALF OF LAW ENFORCEMENT?

9 A YES, SIR.

10 Q AND DID YOU INTERVIEW THE LAST WITNESS WHO  
11 WAS CALLED TO THE STAND, ROBERT LAUFFER, BY TELEPHONE ON  
12 MARCH 14, 1995?

13 A YES, SIR, I DID.

14 Q WAS THAT IN CONNECTION WITH YOUR WORK AS AN  
15 INVESTIGATOR IN THIS CASE?

16 A YES, SIR, IT WAS.

17 Q AND WAS THE BASIS OF THE CONVERSATION  
18 MR. LAUFFER'S RELATIONSHIP AND KNOWLEDGE OF MR. ROBERT  
19 ROBINSON WHO HAD WORKED FOR CITY NEWS SERVICE?

20 A YES, SIR.

21 Q JUST GENERALLY SPEAKING?

22 A YES, SIR.

23 Q AND DID YOU PREPARE A -- A REPORT OF YOUR  
24 INTERVIEW WITH MR. LAUFFER ON THAT DATE OVER THE  
25 TELEPHONE?

26 A YES, SIR.

27 Q AND HAVE YOU HAD A CHANCE TO READ IT OVER?

28 A YES, SIR.

1 Q AT THE TIME YOU PREPARED IT, DID YOU BELIEVE  
2 IT TO BE AN ACCURATE ACCOUNT OF WHAT MR. LAUFFER TOLD YOU  
3 DURING THAT CONVERSATION?

4 A YES, SIR.

5 Q HAVE YOU HAD ANY REASON TO THINK DIFFERENTLY  
6 IN YOUR REVIEW OF THE DOCUMENTS SINCE THEN?

7 A NO, SIR.

8 Q DO YOU NEED TO LOOK AT THE DOCUMENT TO  
9 REFRESH YOUR RECOLLECTION? I HAVE FOUR OR FIVE QUESTIONS  
10 TO REFRESH YOUR RECOLLECTION?

11 A IT MIGHT HELP.

12 THE COURT: MAYBE I COULD HELP. IS IT D?

13 MR. MC MULLEN: I DON'T THINK WE HAVE HIS REPORT AS  
14 AN EXHIBIT. WE NEVER INCLUDED ANY INVESTIGATOR REPORTS AS  
15 PART OF THE EXHIBITS.

16 THE COURT: WHY DON'T YOU PUT A COPY IN FRONT OF  
17 HIM.

18 BY MR. CRAIN:

19 Q I WANT TO PUT A COPY OF THE REPORT OF THAT  
20 INTERVIEW IN FRONT OF YOU. IT INDICATES YOU INTERVIEWED  
21 ROBERT LAUFFER BY TELEPHONE ON MARCH 14, 1995. DO YOU SEE  
22 THAT?

23 A YES, SIR, I DO.

24 Q DID MR. LAUFFER STATE THAT, DURING THAT  
25 TELEPHONE CONVERSATION THAT HE DID NOT REMEMBER ROBBIE  
26 ROBINSON OR THE OVERALL LEVIN INCIDENT VERY CLEARLY?

27 A YES, SIR, HE DID.

28 Q DID YOU PLACE THAT IN YOUR REPORT?

1 A YES, I DID.

2 Q DID HE STATE TO YOU THAT THE CITY NEWS  
3 SERVICE OWNER, TOM QUINN, MADE THE DECISION TO TERMINATE  
4 ROBINSON?

5 A YES, SIR.

6 Q DID HE SAY THAT TOM QUINN WOULD NOT TALK  
7 ABOUT ANY PERSONNEL MATTERS, AND THAT QUINN WOULD NOT  
8 CONFIRM OR DENY THE REASON ROBINSON LEFT?

9 A NO, SIR.

10 Q HE DID NOT?

11 A NO, HE DID NOT.

12 Q WELL, PERHAPS I'M ASKING AN AMBIGUOUS  
13 QUESTION. THE RELATIONSHIP -- STRIKE THAT.

14 DO YOU SEE THE NEXT TO LAST SENTENCE THERE  
15 WHERE IT SAYS, "TOM QUINN WOULD NOT TALK ABOUT ANY  
16 PERSONNEL MATTERS"?

17 A YES, SIR.

18 Q IS THAT A STATEMENT FROM THE WITNESS,  
19 MR. LAUFFER, OR A STATEMENT FROM AN INTERVIEW YOU HAD WITH  
20 MR. TOM QUINN?

21 A IT'S FROM MR. TOM QUINN.

22 Q ALTHOUGH IT DOES NOT CLEARLY STATE THAT YOU  
23 AT ANY POINT INTERVIEWED TOM QUINN, YOU ARE SAYING THAT'S  
24 WHAT TOM QUINN TOLD YOU?

25 A THAT IS CORRECT. THAT IS AN ERROR ON THAT  
26 REPORT ON MY PART. THAT SHOULD HAVE BEEN A SEPARATE  
27 PARAGRAPH IDENTIFYING THAT.

28 Q DO YOU REMEMBER WHEN YOU HAD THAT

1 CONVERSATION WITH QUINN?

2 A YES. IT WAS THE SAME DAY, I BELIEVE, MARCH  
3 14TH, THAT I INTERVIEWED MR. LAUFFER LATER ON.

4 Q BUT THE ESSENCE OF IT WAS THAT LAUFFER TOLD  
5 YOU THAT IT WAS QUINN'S DOING THAT ROBINSON GOT FIRED;  
6 RIGHT?

7 A YES, FROM THE SENTENCE ABOVE, THAT IS  
8 CORRECT.

9 Q AND DID LAUFFER ALSO MAKE THE STATEMENT TO  
10 YOU, IF YOU WILL DIRECT YOUR ATTENTION NOW TO PAGE 3, THE  
11 THIRD PARAGRAPH, THAT HE, LAUFFER, HAD A LIMITED MEMORY OF  
12 MR. ROBINSON'S WORK PRODUCT OR HABITS?

13 A YES, SIR, HE DID.

14 MR. CRAIN: NOTHING FURTHER.

15 THE COURT: ANY CROSS-EXAMINATION ON THIS ISSUE?

16 MR. MC MULLEN: YES, COUPLE OF QUESTIONS.

17

18 CROSS-EXAMINATION @

19

20 BY MR. MC MULLEN:

21 Q WAS THIS YOUR FIRST CONTACT WITH MR. LAUFFER,  
22 THAT IS MARCH 14, 1995?

23 A YES, SIR.

24 Q AND AS YOU TALKED TO MR. LAUFFER ABOUT THE  
25 EVENTS THAT HAVE BEEN TESTIFIED TO HERE TODAY, DID HIS  
26 MEMORY SEEM TO IMPROVE AS YOU TALKED TO HIM?

27 MR. KLEIN: OBJECTION. CALLS FOR A CONCLUSION.

28 THE COURT: SUSTAINED.

1 BY MR. MC MULLEN:

2 Q WHEN YOU FIRST TALKED TO MR. LAUFFER DID --  
3 WAS HE ABLE TO RECOLLECT THE EVENTS THAT YOU WERE ASKING  
4 HIM ABOUT VERY WELL?

5 A VERY BROADLY --

6 MR. KLEIN: OBJECTION. SAME OBJECTION.  
7 CONCLUSION.

8 THE COURT: NO. I'LL ALLOW IT.

9 THE WITNESS: VERY BROADLY HE DID, YES.

10 BY MR. MC MULLEN:

11 Q AND DID -- AS YOU TALKED TO HIM, DID HE SEEM  
12 TO BE MORE RESPONSIVE TO YOUR QUESTIONS?

13 A YES. HE WOULD SAY THINGS LIKE, "OH, YES, NOW  
14 I REMEMBER THIS," OR, "I REMEMBER THAT."

15 Q AS IF HE WAS DRAWING INTO HIS MEMORY?

16 A THE MORE HE TALKED THE MORE HE SEEMED TO  
17 REMEMBER.

18 MR. MC MULLEN: NOTHING FURTHER.

19 THE COURT: ANYTHING FURTHER ON THIS ISSUE,  
20 MR. CRAIN?

21 MR. CRAIN: NO, YOUR HONOR.

22 THE COURT: ALL RIGHT.

23 MR. MC MULLEN, YOU ARE GOING TO BE CALLING  
24 THIS PERSON AS A WITNESS?

25 MR. MC MULLEN: YEAH, BUT I'M NOT READY FOR HIM  
26 TODAY.

27 THE COURT: WE WILL NOT BE EXCUSING HIM, IN OTHER  
28 WORDS?

1 MR. MC MULLEN: NO. MR. CHARTIER IS VERY  
2 COOPERATIVE.

3 THE COURT: HE IS A PRIVATE CITIZEN, SO WE DON'T  
4 HAVE THE SAME HOOKS IN TO HIM.

5 MR. KLEIN: I'M SURE HE IS BEING PAID THROUGH THE  
6 DISTRICT ATTORNEY FOR HIS BEING HERE.

7 THE COURT: MY ONLY CONCERN IS THAT WE ARE ABLE TO  
8 REEL HIM BACK IN WHEN NECESSARY.

9 MR. CRAIN: MY ONLY CONCERN --

10 MR. MC MULLEN: I DON'T THINK HE IS BEING PAID.

11 THE COURT: I DON'T CARE WHETHER HE IS BEING PAID.  
12 I'M SURE HE DOES. BUT I JUST WANT TO MAKE SURE THAT HE'S  
13 AVAILABLE.

14 MR. MC MULLEN: HE'LL BE AVAILABLE.

15 THE COURT: DOES ANYBODY ELSE HAVE ANYTHING ELSE?

16 MR. KLEIN: COULD WE ASK THAT THE DISTRICT ATTORNEY  
17 MAKE NANCY UNDERWOOD AND LES ZOLAR AVAILABLE AS WITNESSES  
18 FOR US NEXT WEEK. WE DON'T HAVE THEM UNDER SUBPOENA. BUT  
19 IF WE COULD ASK THEM FOR THEIR HELP.

20 THE COURT: EITHER ONE OF THEM AVAILABLE?

21 MR. MC MULLEN: LES ZOLAR IS AVAILABLE AND WE'RE  
22 PLANNING TO HAVE HIM AVAILABLE DURING THE WEEK AS A  
23 WITNESS FOR US.

24 THE COURT: SOUNDS LIKE THE ANSWER IS YES.

25 MR. MC MULLEN: SPECIAL AGENT UNDERWOOD WE WEREN'T  
26 INTENDING TO CALL. IN FACT, THERE ARE SOME PROCEDURAL  
27 IMPEDIMENTS OR PROCEDURAL THINGS THAT NEED TO BE DONE TO  
28 GET HER IN HERE.

1 I DON'T KNOW -- SHE SENT US SOME INFORMATION  
2 ABOUT THAT. SINCE WE WEREN'T REALLY -- SINCE WE WERE  
3 BACKING OFF FROM USING HER AS A WITNESS, I DON'T KNOW  
4 ABOUT HER AVAILABILITY, QUITE FRANKLY, WITH RESPECT TO US.

5 THE COURT: SOUNDS LIKE THE ANSWER TO THAT QUESTION  
6 IS NO.

7 MR. KLEIN: WELL, THEN --

8 THE COURT: I ASSUME WE ARE TALKING ABOUT 28 CFR  
9 REGULATIONS DEALING WITH SUBPOENAING FEDERAL AGENTS.

10 MR. MC MULLEN: I HAVEN'T LOOKED AT IT, BUT I  
11 BELIEVE THAT'S CORRECT.

12 THE COURT: IT WOULD PUT YOU TO SLEEP.

13 MR. MC MULLEN: I BELIEVE.

14 MR. KLEIN: I ASSUME IT IS EASIER FOR THEM THAN  
15 US --

16 THE COURT: ACTUALLY NOT. IF THEY SENT THEM THE  
17 REGULATIONS DEALING WITH 28 CFR, IT MAKES NO DISTINCTION  
18 BETWEEN THE PROSECUTOR OR DEFENSE.

19 MR. KLEIN: I'LL CONTACT HER IMMEDIATELY AND TRY TO  
20 COMPLY.

21 WE MAY ALSO CALL MR. LEVIN'S DENTIST TO SHOW  
22 PROOF ABOUT HIS TEETH. DR. JAMES FAVE.

23 THE COURT: SOMETHING YOU GUYS CAN STIPULATE TO?

24 MR. KLEIN: MAYBE.

25 THE COURT: WHY DON'T YOU GUYS TALK?

26 MR. MC MULLEN: WE'LL TALK.

27 MR. KLEIN: CAN WE GET A LIST OF THEIR WITNESSES,  
28 TOO? THEY KNOW WHO WE WERE CALLING.

1 MR. MC MULLEN: I DON'T HAVE ONE HERE, BUT I'LL  
2 ADVISE COUNSEL --

3 THE COURT: YOU GUYS TALK.

4 WE HAVE MR. BRODEY FIRST THING MONDAY  
5 MORNING?

6 MR. KLEIN: WE HAVE MR. BARENS.

7 THE COURT: I THOUGHT WE HAD MR. BRODEY BACK FIRST  
8 THING.

9 MR. KLEIN: HE ADVISED ME THAT HE WANTED TO BE HERE  
10 TO ADVISE MR. BARENS. I THINK MY PREFERENCE WOULD BE TO  
11 PUT MR. BARENS ON.

12 THE COURT: BRODEY WILL BE REAL SHORT?

13 MR. KLEIN: RIGHT.

14 MR. CRAIN: IN WHAT MANNER OF SPEAKING?

15 THE COURT: HIS TESTIMONY WILL BE BRIEF.

16 MR. KLEIN: HE'LL BE BRIEF. THEY WILL BOTH BE HERE  
17 AT 9 O'CLOCK.

18 THE COURT: WILL YOU CONFIRM THAT?

19 MR. KLEIN: I DID THAT YESTERDAY.

20 THE COURT: I WANT TO HAVE MY DAY FILLED. YOU HAVE  
21 MR. BRODEY, MR. BARENS, MR. HUNT. MAYBE THIS DENTIST.

22 MR. KLEIN: MR. CHIER, MR. DOBRIN.

23 THE COURT: WHICH IS MR. CHIER? I FORGOT ABOUT  
24 HIM.

25 MR. KLEIN: IT WOULD BE AFTER MR. BARENS TESTIMONY,  
26 AND WE HAVE THE TWO INVESTIGATORS, MR. LEE AND MR. AND  
27 MRS. JENSEN, AND POTENTIALLY JANICE WALNEER, AND THEN  
28 REVISITING CASEY COHEN DEPENDING ON WHAT MR. BARENS

1 TESTIFIES TO.

2 THE COURT: LINE THEM ALL UP.

3 WHO DO YOU GOT?

4 MR. MC MULLEN: IF I COULD CONSULT.

5

6 (PAUSE.)

7

8 MR. MC MULLEN: ON WEDNESDAY WE HAD ANTICIPATED  
9 BRINGING IN MR. BILL PIERCE, MR. MICHAEL RAY GAMMON,  
10 MR. CHARTIER ON A FLEXIBLE BASIS. MR. WILLIAM KILPATRICK,  
11 DONALD STEIER, LES ZOLAR, TOM SIMPSON, PERHAPS BLANCHE  
12 STURKEY ON WEDNESDAY.

13 THE COURT: REFRESH MY RECOLLECTION. BLANCHE  
14 STURKEY?

15 MR. CRAIN: LEVIN'S HOUSEKEEPER.

16 I WOULD LIKE TO INQUIRE AS TO WHAT AREAS  
17 MR. SIMPSON WILL BE QUESTIONED ABOUT.

18 THE COURT: I'LL TELL YOU WHAT. THIS IS -- I DID  
19 THIS INTENTIONALLY SO YOU WOULD KNOW WHO IS COMING, SO  
20 YOU'LL NOW WALK OVER, WHEN I GET OFF THE BENCH, AND ASK  
21 THEM WHAT ARE THEY GOING TO SAY AND HOPEFULLY RESOLVE ANY  
22 ISSUES.

23 ANYTHING ELSE WE CAN DO?

24 I WILL BE OUT OF COUNTY, AS YOU KNOW, DOWN IN  
25 ANAHEIM, SANTA ANA, SO YOU ARE GOING TO HAVE A THREE-DAY  
26 WEEKEND.

27 MR. KLEIN: WE CAN COME VISIT YOU.

28 THE COURT: YOU DON'T WANT TO. TRUST ME.

1 MR. CRAIN: MAYBE WE CAN ALL RIDE DOWN TOGETHER AND  
2 SAVE TAXPAYERS GAS MONEY.

3 THAT'S NOT A TAXPAYER'S CASE FOR US.

4 THE COURT: I'LL BE DOWN THERE ALL DAY LONG.

5 EVERYONE HAVE A GOOD WEEKEND.

6 MONDAY, 9:00 A.M.. COUNSEL AND PETITIONER  
7 ARE ORDERED TO RETURN.

8  
9 (AT 2:33 P.M. AN ADJOURNMENT WAS  
10 TAKEN UNTIL MONDAY,  
11 MAY 6, 1996 AT 9:00 A.M.)  
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